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SENATE—*Wednesday, December 6, 1995*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, take charge of the control center of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance.

Take charge of our tongues so that we may speak truth with clarity, without rancor and anger. May our debates be an effort to reach agreement rather than simply to win an argument. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

May we all march to the cadences of the same Drummer. Help us to catch the drumbeat of Your guidance. Here are our lives. Invade them with Your calming spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity in our diversity. In our Lord's name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, in a few moments, I will make a motion to proceed to the consideration of calendar No. 195, Senate Joint Resolution 31, regarding a constitutional amendment prohibiting the desecration of the flag. By a previous order, at 5 o'clock today, we will resume consideration of H.R. 1833 regarding partial-birth abortions and the pending amendments thereto. I assume we will have rollcall votes throughout today's session in regard to either of these matters.

Just for the information of my colleagues, on the tentative schedule, we would like to finish the constitutional amendment on flags and complete action on the partial-birth abortions bill and consider any available appropriations conference reports between now and sometime on Friday.

Next week, the State Department reorganization bill will come to the floor, S. 1441, unless we reach some agreement prior to that time. We have been trying to reach an agreement here for several weeks, and we have had no success. I think the chairman of the Senate Foreign Relations Committee, Senator HELMS, has been very patient, and I am determined to bring the bill up again. If we cannot get the votes, we cannot get the votes. So we will start that up on Monday.

In addition, next week we will have available appropriations conference reports. We hope to have a welfare reform conference report. We also will take up H.R. 660, the fair housing exemption bill. There will be a short time agreement.

Next week, we will bring up the resolution on Bosnia, and I hope we might complete that under some time agreement. But that should come next week. We are still working on the language, as we have indicated in the last couple of days. That language has now been, I think, submitted to a number of our colleagues. We hope we can reach some agreement. We do not expect everybody to support the resolution. Some people have different views and different motives, but we hope that we can pass a resolution that indicates our strong support for United States forces, notwithstanding our strong disagreement with the President's Bosnian policy, which we have said from day one, the past 30 months, it has been bipartisan—we voted time and again to lift the arms embargo, to give the Bosnians a chance to defend themselves. Had we done that, we would not be talking about sending 20,000 American troops to Bosnia. The President has repeatedly rejected the bipartisan view of the House and the Senate, and he has indicated that troops will go notwithstanding any opposition from Congress.

I hope we can work out some resolution that would support the forces and let him proceed with his commitment, even though we may not share his view on either the agreement in Dayton or the Bosnia policy.

One thing we hope to achieve is an exit strategy. It is our view that unless we have some exit strategy, we are not certain how long American Forces and other forces might be there. We believe it is very important that the Bosnians be armed and trained so that in 6 months, 8 months, or a year, we will be able to leave that part of the world and come back and bring our forces back to America, and the Bosnians will be in a position to defend themselves. It sort of all gets back to what we have been talking about in the last couple of years. We should have lifted the arms embargo in the first place. They would be in a position today to defend themselves, and we may not be asking Americans to make these sacrifices. That will come up sometime next week.

UNANIMOUS-CONSENT REQUEST—SENATE JOINT RESOLUTION 31

Mr. DOLE. I ask unanimous consent that the Senate turn to the consideration of calendar 195, Senate Joint Resolution 31, proposing a constitutional amendment regarding the desecration of the flag of the United States.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there objection?

Mr. BINGAMAN. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I move to proceed to the consideration of Senate Joint Resolution 31.

The PRESIDING OFFICER. Is there debate on the motion?

Mr. DOLE. Mr. President, I know there will be debate on the motion. I do not know how long the Senator from

New Mexico wishes to debate. But I hope that we can go to the bill itself in the next couple of hours. This means we will have to be here longer this evening. We would like to complete action. We are going back to partial-birth abortion bill at 5 o'clock and will try to finish that tonight.

Hopefully, if there is some time or any requests for time on the amendments, we can continue that debate tonight and finish this bill by noon tomorrow.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I did object to proceeding with the debate on the flag amendment because I believe that we have neglected some other very important constitutional duties. Specifically, we have neglected to provide our advice and consent of ratification of START II and also on confirming the nomination of ambassadors to nations, which include over a third of the world's population. That has now been delayed many months.

I have been told this morning that a deal which would allow for the Foreign Relations Committee to meet tomorrow and report the treaty and these nominations, which will allow the Senate to approve them next week and deal with the State Department authorization bill, as well, may be at hand. I would be delighted if that proves to be true, and I would gladly yield the floor and allow the Senate to proceed with debate on the flag amendment as soon as we can get some kind of unanimous-consent agreement to that effect.

But, for the moment, I think that I have no choice but to talk for a period here about the constitutional obligations we have to provide advice and consent on treaties and with regard to the appointment of ambassadors.

Mr. President, before we amend the Constitution, I hope we will not amend the first amendment, as proposed in the flag amendment, for the first time in the history of this Republic. I believe we should not go on to consider that before we get about the business of carrying out our current responsibilities under the Constitution.

Article II, section 2 of the Constitution deals with the powers of the President. The second paragraph says:

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

Mr. President, I have a couple of charts which I would like to refer to here just to make the points that need to be made. This first chart deals with the chronology of events related to the START II treaty. This treaty was signed by President Bush on January 3, 1993. It was submitted to the Senate by President Bush on January 15, 1993. That was almost 3 years ago.

Until last December when the issues were resolved that allowed the START I treaty to enter into course, perhaps it was appropriate not to proceed with the ratification of START II. Once that treaty was overcome, then everyone expected that the START II treaty would be dealt with by this body early this year—early in 1995.

The last hearing of the Foreign Affairs Committee on the treaty took place on March 29 of this year.

Senator LUGAR, at a conference the next day on March 30 said,

> I chaired the final Foreign Relations subcommittee hearing in the Senate yesterday on the START II treaty. The committee will seek to mark up the treaty after the April recess. We will look to potential floor action during the middle of the month of May. It is a good treaty, but it is one thing to have reached agreements and understandings, another to have fully implemented.

Mr. President, next week we will be in mid-December, fully 7 months behind the schedule that was outlined by the senior Senator from Indiana, whom I greatly respect for his leadership on our policy toward Russia. I wish we had held to the original timetable. Obviously, we have not.

I fear the delay has only complicated the prospects for treaty ratification in the Russia Duma. We have provided an obvious excuse for inaction for 7 months now. We should not make that excuse, extend that excuse, for 8, 9, or 10 months.

As Senator LUGAR went on to point out in his March 30 speech,

> To reach the START II limits by the year 2000 or 2003 will require enormous effort and cost, particularly on the Russian side. This will be difficult in the best of times but it is particularly challenging given the political and economic revolution engulfing Russia today.

The genius of the Nunn-Lugar cooperative reduction effort has been to face the facts squarely and try to help where we can in the Russian's effort to dismantle their nuclear stockpile. Months of inaction on our part cannot have improved the prospects for ratification in the Duma.

In the elections in Russia in less than 2 weeks we are likely to see a more conservative Duma emerge, where one Start II ratification will be more difficult as a challenge for President Yeltsin.

Mr. President, I believe our delay in carrying out our constitutional duties on START II has consequences and they are potentially very bad consequences for our security and for our relations with Russia.

Similarly, I believe the delay in carrying out our constitutional duties on ambassadorial nominations has consequences.

I have a second chart here I want to go through. This is a list of the ambassadorial nominations that have been delayed. This is from the time that they were submitted to the Foreign Affairs Committee. We have the names of the ambassadors whose papers are entirely in order and who could be confirmed rapidly if the Foreign Affairs Committee were to hold a business meeting. There are 18 names on the list. We can go into them in some detail later on in the morning or later in the day.

Together, we have also listed, of course, the countries that they would be ambassadors to and the date that the nomination was sent here to the Senate.

Most of these people, 14 of them to be precise, are Foreign Service officers. Four of them, Jim Sasser, Sandra Kristoff, James Joseph, and John Gevirtz are noncareer political appointments. Many of these nominations have been ready to move since July.

Mr. President, the lives of these people and their families have been disrupted by our inaction. Our ability to carry on our diplomatic efforts with these nations and in these parts of the world have been disrupted, as well.

The signal that we send to the rest of the world when we fail to have ambassadors in key capitals is not a good signal. Look at the list of nations that we have here, Mr. President: China, Indonesia, Pakistan, Thailand, Cambodia, Malaysia, Sri Lanka, our Ambassador to the Asia Pacific Economic Cooperation Organization—APEC, which met recently, and we were not represented by an ambassador at that meeting. The Vice President attended in lieu of our President because of the difficulties here in getting agreement on a budget.

What sort of signal are we sending to Asia when we will not carry out our constitutional duties here in the Senate in a timely fashion? These nations include over a third of the world's population and some of the world's fastest growing economies. We have important and very critical interests in these nations, yet we cannot get around to confirming our ambassadors to them.

Many of the other nations listed are in Africa: South Africa, Cameroon, Rwanda, et cetera. Again, what sort of a signal are we sending? In the case of South Africa, again, the Vice President is there on a trip this week.

I am sure that our neglect of our responsibilities in the Senate is much bigger news in those nations than it is here, but what we are doing or failing to do in my view is wrong and my point this morning is that we need to get agreement in the Senate to take action on these nominations and to take action on START II before we proceed with other less pressing business.

Mr. President, the proposal that the majority leader would like to move to today is the amendment to the Constitution dealing with flag burning. Whether a particular Senator opposes that amendment or favors it, I think all of us would have to agree that it is not urgent for the Senate to act on that proposal.

We have survived as a nation now for about 206 years without that amendment being adopted. I am a fairly regular reader of the newspaper. I read the newspaper this morning. I could find nothing in there indicating that people are burning flags around this country or around the world, in fact. Of course, the proposal is primarily aimed at those burning flags in this country.

The point is very simply, Mr. President, whether you favor or oppose the amendment, it is not urgent that we deal with it. We do not need to put aside other pressing important business in order to deal with the flag amendment today and tomorrow. I think it is much more important that we do the business of the Senate, and the business of the Senate very simply as set out in the Constitution which we are now talking about amending, the business of the Senate is to approve nominations—or disapprove.

I am not saying here I expect every Senator to come to the floor and vote for each of these Presidential nominees to be ambassador. It is possible that some of our colleagues would like to vote against them. That is fine. I am not insisting on a particular outcome.

I am saying that the Senate should have the chance to vote on these ambassadorial nominations and on the START II treaty before we conclude our business this year.

I understand that Senator HATCH is on the floor and he would like to speak for a period on the flag amendment. I certainly am willing to yield to him to do that since we will still be in a period debating whether or not to proceed to consideration of the bill.

I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague. It was very gracious of him to do that, because I am concerned whether we are going to get to this amendment.

Let me, just for a moment, suggest the absence a quorum with the understanding I will be recognized as soon as we come out of the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I thank my colleague for being willing to yield me this time, because we were supposed to start on the flag amendment at 10 this morning. I do deeply regret that we are now on a filibuster against a constitutional amendment to prevent the desecration of the American flag. I think the American people should know that this is a filibuster.

We have had a filibuster on virtually every bill this year. At the height of Republican irritation at Democratic control of the Senate in the past, I cannot remember any year on which there have been filibusters on virtually everything of substance in any given year. Selected filibusters, yes—and I am the first to say that should be done. I am the first to uphold the filibuster rule. But not on everything.

To prevent us from even considering, or at least trying to prevent us from considering an amendment to protect the flag, which most Americans, at least 80 percent, favor, it seems to me is something I hope my colleagues on the other side will think through and change their ways, because this is not right. But I do appreciate my colleague allowing me this time to make a few comments about how important this amendment is.

It comes down to this. Will the Senate of the United States confuse liberty with license? Or will the Senate of the United States allow the people of the United States to have the right to protect their beloved national symbol, the American flag?

The Supreme Court, in 1989, in the first of two mistaken 5 to 4 decisions, stripped the American people of that right. This is a right the American people had for over 200 years. This is a right they had exercised in 48 States and in Congress. Seventy-three percent of my fellow Utahns favor a constitutional amendment to protect the flag.

Forty-nine State legislatures, including the Utah Legislature, have called upon Congress to pass a flag protection amendment. Here are 49 petitions—here are the voices of people reflected in their State legislatures; 49 petitions for this amendment. Three-hundred and twelve members of the other body have already voted for this constitutional amendment. This includes nearly half of the members of the other side of the aisle, including their leader, DICK GEPHARDT—a wonderful display of bipartisanship over there, one of the few we have had in this whole last 2 years. So, it does come down to the Senate, no doubt about it.

Many of the Nation's law professors and editorial boards oppose this amendment. An intemperate American Bar Association and the American Civil Liberties Union oppose the amendment. Regrettably, President Clinton opposes this amendment, and I am sure that costs us a few votes. They may be critical votes on this particular amendment. If this goes down, it will be primarily, perhaps, because the President is opposed to it. But the American people favor this amendment.

We live in a time when standards have eroded. Our sensibilities are increasingly bombarded by coarse and graphic speech and by angry and vulgar discourse. We and our children and grandchildren can routinely watch television shows that contain material we never saw or heard on movie screens not so many years ago, let alone on TV. I noticed our colleagues, Senators LIEBERMAN and NUNN, have expressed concerns about the erosion of standards in some aspects of daytime television. I need not dwell on what we and our children can watch at the movies these days. I need not dwell on the lyrics our children are listening to throughout our country, or that they can listen to.

Drugs, crime, and pornography debase our society to an extent that no one would have predicted just two generations ago. The breakdown in the family, the divisions among our citizens, threaten our progress as one people bound together by common purposes and values.

Civility and mutual respect—preconditions for the robust expression of diverse views in society—are in decline.

Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

Individual rights are cherished and constantly expanded, but responsibilities are shirked and scorned.

We seek to instill in our children a pride in our country—a pride that we hope will serve as a basis for good citizenship and for devotion to improving our country and adhering to its best interests as they can honestly see those interests; a pride in country that takes them beyond the question, "What's in it for me?" We seek to instill a pride in country that may one day be called upon as a basis for painful sacrifice in the country's interests, maybe even the ultimate sacrifice, as it was in the case of my brother, in the Second World War.

We hope our children will feel connected to the diverse people who are their fellow citizens—the people they will grow up to work with, cross paths with in daily life, and live among.

We ask our school children to pledge allegiance to the flag. But, the Supreme Court now dictates that we must tell them that the same flag is unworthy of legal protection when it is treated in the most vile, disrespectful, or contemptuous manner.

At the same time that we seek to foster pride in each rising generation, our country grows more and more diverse. Many of our people revel in their particular cultures and diverse national origins, and properly so. Others are alienated from their fellow citizens and from government altogether.

We have no monarchy, no state religion, no elite class—hereditary or otherwise—representing the Nation and its unity. We have the flag.

The American flag is the one symbol that unites a very diverse people in a way nothing else can, in peace or war. Despite our differences of party, politics, philosophy, religion, ethnic background, economic status, social status, or geographic region, the American flag forms a unique, common bond among us. Failure to protect the flag inevitably loosens this bond, no matter how much some may claim to the contrary. In my opinion, the defenders of this newly discovered, so-called right to desecrate the American flag do confuse liberty with license.

The issue really does boil down to this: isn't it ridiculous that the American people are unable to protect their flag, if they wish to do so? This one, unique symbol of our country? It might come as a shock to many, but the law does not have to be totally devoid of common sense. Of course, the amendment and implementing statutes must be carefully crafted and the lawyers consulted on this. But the underlying issue is not nearly as complicated as the legal mumbo—jumbo of the lawyers and elitists make it out to be.

Perhaps Paul Greenberg, editorial page editor of the Arkansas Democrat Gazette, summarized it best in a July 6, 1995 column:

> "But didn't our intelligentsia explain to us yokels again and again that burning the flag of the United States isn't an action, but speech, and therefore a constitutionally protected right? That's what the Supreme Court decided, too, if only in one of its confused and confusing 5-to-4 splits. But the people don't seem to have caught on. They still insist that burning the flag is burning the flag, not making a speech. Stubborn lot, the people. Powerful thing, public opinion . . .
>
> "It isn't the idea of desecrating the flag that the American people propose to ban. Any street-corner orator who takes a notion to should be able to stand on a soapbox and badmouth the American flag all day long—and apple pie and motherhood, too, if that's the way the speaker feels. It's a free country.
>
> "It's actually burning Old Glory, it's defacing the Stars and Stripes, it's the physical desecration of the flag of the United States that oughta be against the law. And the people of the United States just can't seem to be talked out of that notion—or orated out of it, or lectured out of it, or condescended and patronized out of it.
>
> "Maybe it's because the people can't shut their eyes to homely truths as easily as our Advanced Thinkers. How many legs does a dog have, Mr. Lincoln once asked, if you call its tail a leg? And he answered: still four. Calling a tail a leg doesn't make it one. Not even a symbolic leg. The people have this stubborn notion that calling something a constitutional right doesn't make it one, despite the best our theorists and pettifoggers can do.
>
> "The people keep being told that their flag is just a symbol.
>
> "Just a symbol.
>
> "We live by symbols, said a Justice of the U.S. Supreme Court (Felix Frankfurter) . . . And if a nation lives by its symbols, it also dies with them.
>
> "To turn aside when the American flag is defaced, with all that the flag means—yes, all that it symbolizes—is to ask too much of Americans. There are symbols and there are Symbols. There are some so rooted in history and custom, and in the heroic imagination of a nation, that they transcend the merely symbolic; they become presences. . . ."

I think that is a pretty profound editorial.

The amendment before us does not itself protect the flag. It empowers Congress and the States to do so. The amendment reads: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

That is a very simple statement, as constitutional amendments should be stated.

Now I wish we did not have to amend the Constitution to achieve our purpose. It should not be necessary. I believe that the Constitution permits Congress and the States to enact flag protection laws. But as our colleague Senator FEINSTEIN and others have well noted, the Supreme Court has given us no choice. Twice it has struck down statutes protecting the flag—in Texas versus Johnson in 1989, a Texas statute; and in U.S. versus Eichman in 1990, a Federal statute that we enacted in response to Johnson. This amendment would overturn both decisions.

I remember when we debated that on the floor. I said the court would strike that statute down which, of course, it has.

Now let me be clear what this debate is not about. This is not about who loves the flag more. President Clinton and other present opponents of legal protection of the flag, and opponents of this particular amendment, love the flag no less than supporters of the amendment. Patriots can disagree about this amendment.

This is also not about who believes in the first amendment more. Supporters of this amendment, no less than its opponents, believe in protecting the right of free speech. In my view, there is no clash between protecting the American flag and preserving freedom of speech. And, during all the years that flag protection statutes were on the books, freedom of speech in this country actually expanded under the law.

The amendment does not prescribe what shall be orthodox in politics, nationalism, or any matter of opinion. This amendment does not compel anyone, by word or act, to salute, honor, or respect the flag.

So what, then, is this debate really about? This debate concerns our judgment about what values are truly at stake. It is about our sense of national community. It is about whether it is important enough to ensure that the one unique symbol of all of us, under which many have fought and died, may be protected if the people feel strongly enough to do so.

This debate, then, is about letting the American people, so many of whom do respect, revere, and honor our flag, decide whether this indisputably unique symbol of our country is worthy of legal protection from those who would physically desecrate it. Right now, the Supreme Court mistakenly has mistakenly stripped the people of their 200-year-old democratic right to make this decision.

The flag is the quickest and most intense way for those with an urgent cause to seek identification with their fellow citizens and American ideals and principles. Indeed, it is not uncommon for causes seeking popular support to rely on the flag as a silent but extremely powerful part of their appeal to fellow Americans. In a wonderful book, "Star Spangled Banner, Our Nation and its Flag," by Margaret Sedeen, published by the National Geographic Society, one can see vivid reminders of this. On page 181, women suffragettes are shown in an open air car with placards proclaiming their cause and waving several American flags. Two pages later is another picture, and I will read its caption:

> Holding the flag high as a banner for his cause, a marcher makes his way along the road from Selma to Montgomery, AL, in the spring of 1965, protesting continued efforts to deny most southern blacks their rights to register and vote. Within months of the march, Congress approved the Voting Rights Act of 1965.

Now, parenthetically, I should note that in between these two pages is a picture which will make the blood boil of every Member of this body. I will read that inscription:

> On April 5, 1976, a white high school student, 1 of 200 antibusing demonstrators in Boston that day, used the flag as a lance to lunge at a black attorney who walked onto the scene.

This is a picture of the man. Mr. President, this is as vile a physical abuse of the flag as any flag burning you have ever seen. It is also a reminder to us that any amendment we adopt must be worded so as to permit legislative bodies to address the variety of disrespectful, physical mistreatments of the flag that can occur.

It is not possible to express fully all of the reasons the flag deserves such protection. As then Justice Rehnquist wrote in 1974: "The significance of the flag, and the deep emotional feelings it arouses in a large part of our citizenry, cannot be fully expressed in the two dimensions of a lawyer's brief or of a judicial opinion." [*Smith* v. *Goguen*, 415 U.S. 566 at 602 (1974)(Rehnquist, J., dissenting).] The notion that our law denies the American people the ability to protect their flag from physical desecration defies common sense.

This amendment empowers Congress and the States to protect only the American flag—and only from acts of physical desecration.

THIS CAUSE ORIGINATES WITH THE PEOPLE

The current movement for this amendment originates with the American people. It is right and proper that their elected representatives respond affirmatively.

I respect those who have a different view. But I also think that supporters of this amendment, who are Democrats and Republicans alike, deserve the same presumption of good faith in our motives.

So let me note at the outset that this has always been a bipartisan effort. On June 28, as mentioned earlier, nearly half of the Democrats in the House, including their leader, RICHARD GEPHARDT, voted for the amendment.

In the Senate, the lead cosponsor is Senator HEFLIN. The Democratic whip, Senator FORD, is a cosponsor, as are Senators FEINSTEIN, BAUCUS, ROCKEFELLER, JOHNSTON, BREAUX, HOLLINGS, EXON, REID, and NUNN.

I am troubled, therefore, that some opponents of the amendment would accuse its congressional sponsors of trying to score political points by pursuing ratification of this amendment.

So why are we here today? A grassroots coalition, the Citizens Flag Alliance, led by the American Legion, has been working for some time in support of a constitutional amendment regarding flag desecration. The Citizens Flag Alliance consists of over 100 organizations, ranging from the Knights of Columbus; Grand Lodge, Fraternal Order of Police; and the National Grange to the Congressional Medal of Honor Society of the USA and the African-American Women's Clergy Association. These organizations represent millions of Americans. Over 200,000 individuals also belong to the Citizens Flag Alliance. The American Legion, and then the Citizens Flag Alliance as well, worked to obtain support for the amendment. Citizens organizations exist in every State. The Veterans of Foreign Wars also supports this amendment.

The Citizens Flag Alliance approached Senator HEFLIN and me last year, well before the November elections, and asked us to lead a bipartisan effort in the Senate. They told us they had reasonable hopes that President Clinton would support this amendment. Senator HEFLIN and I did not initiate this current effort. We would not be here now if the Citizens Flag Alliance had not initiated it. A similar bipartisan approach was made in the House of Representatives.

So why are we here today? We are here for the reasons expressed by Rose Lee, a Gold Star Wife and past president of the Gold Star Wives of America. Her husband died on active duty 23 years ago and she brought the flag that draped her husband's coffin to the June 6 hearing on this amendment. She testified, "It's not fair and it's not right that flags like this flag, handed to me by an Honor Guard 23 years ago, can be legally burned by someone in this country * * * [It is] a dishonor to our husbands and an insult to their widows to allow this flag to be legally burned." Did she and the other Gold Star Wives who accompanied her to the hearing show up to play politics?

We are here for the reasons expressed by Joseph Pinon, assistant city manager of Miami Beach, FL, who fled Castro's Cuba, fought as a marine in Vietnam, and whose Marine unit refused to leave the flag behind at hill 695 when that unit had to withdraw under enemy pressure. Did he testify in order to play politics?

We are here for reasons which reside in the hearts and minds of the American people, reasons which are not easy to put into words. The flag itself represents no political party or ideology.

Make no mistake: the American people resurrected this amendment. They will keep it alive until it is ratified.

There is more wisdom, judgment, understanding, and common sense among the American people on this matter than on our Nation's law faculties, editorial boards, and in the Clinton administration. Let me cite some of that common sense. In the 1989 Judiciary Committee hearings, R. Jack Powell, executive director of the Paralyzed Veterans of America, said it as well as anyone:

> "The members of Paralyzed Veterans of America, all of whom have incurred catastrophic spinal cord injury or dysfunction, have shared the ultimate experience of citizenship under the flag: serving in defense of our Nation. The flag, for us, embodies that service and that sacrifice as a symbol of all the freedoms we cherish, including the First Amendment right of free speech and expression. Curiously, the Supreme Court in rendering its decision [in Texas versus Johnson] could not clearly ascertain how to determine whether the flag was a "symbol" that was "sufficiently special to warrant . . . unique status." In our opinion and from our experience, there is no question as to the unique status and singular position the flag holds as the symbol of freedom, our Constitution and our Nation. As such it must be defended and provided special protection under the law.
>
> * * * * *
>
> I am concerned that there is some impression, at least in the media and by some others that are around, that the idea of supporting the flag is some idea just of right-wing conservatives, and I have heard some Senators say, those veteran organizations, and that kind of thing.
>
> In fact, the flag is the symbol of a constitution that allows Mr. Johnson to express his opinion. So, to destroy that symbol is again a step to destroy the idea that there is one nation on earth that allows their people to express their opinions, whether they happen to be socialist opinions or neo-Nazi opinions, or democratic opinions or republican opinions.

Now listen carefully to these further words from Mr. Powell:

> Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of unlimited individual freedom so that society can be cohesive and can work. It would seem that those who want most to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with. [Testimony of R. Jack Powell, Sept. 13, 1989, at 432-437].

There is more wisdom and judgment in these few paragraphs than my colleagues will find in page after page of the Clinton administration's testimony, the arcane testimony of law professors opposed to the amendment, or the thoughtless and intemperate outbursts of the American Bar Association.

The July 24, 1995, Washington Post published a letter from Max G. Bernhardt, of Silver Spring, MD. He said:

> I'm certainly a liberal, although I've always made up my own mind on things and have never felt an obligation to accept anyone else's definition of what was and what was not the proper liberal position on any given issue. I can't for the life of me figure out why the proposed amendment to the Constitution outlawing desecration of the United States flag should evoke the furious opposition that it has.
>
> There seem to be three principal arguments against it: First, it isn't needed because this isn't what people are doing anymore; second, it will have a chilling effect on the exercise of free expression; third, it will start us down the proverbial slippery slope to various other infringements on, and restrictions of, free speech and expression.
>
> If we don't need it, then it won't matter one way or another if it's enacted, and no one has to worry about it being there as a part of the Constitution. I see no reason why desecration of our flag needs to be tolerated in the name of free speech. I cannot see how outlawing such acts adversely affects free expression—other than flag desecration itself—in any manner, shape, or form. Given the nature of the process required to enact an amendment to the Constitution, I see no reason to fear that enactment of this amendment will lead to the enactment of other constitutional amendments that might be adverse to free expression or other rights.
>
> Far from destruction of the Bill of Rights, as depicted by Herblock in the July 2 Post, the only thing this amendment does is to outlaw desecration of the flag, which only by the most expansive interpretation of the First Amendment could have been established as legally permissible in the first place. It in no way affects anything else and should be enacted forthwith.

This individual displayed more common sense and understanding on this matter than one will find in editorials, cartoons, and pundits' offerings in the Washington Post, and other illustrious journalistic pieces and publications.

RESPONSE TO CRITICISMS

Let me give a response to some of the criticisms. The committee report fully addresses the legal and other arguments against the amendment. And I urge my colleagues to review it. I am prepared to address some of them later in the debate if I had to. Let me just make a few comments now.

In my view, this amendment, granting Congress and the States power to prohibit physical desecration of the flag, does not amend the first amendment. I believe the flag protection amendment overturns two Supreme Court decisions which have misconstrued the first amendment.

The first amendment's guarantee of freedom of speech has never been deemed absolute. Libel is not protected under the first amendment. Obscenity is not protected under the first amendment. Fighting words which provoke violence or breaches of the peace are not protected under the first amendment. A person cannot blare out his or her political views at 2 o'clock in the morning in a residential neighborhood and claim first amendment protection.

The view that the first amendment does not disable Congress and the States from prohibiting physical desecration of the flag has been shared across a wide spectrum.

Chief Justice Earl Warren wrote, "I believe that the states and the Federal government do have the power to protect the flag from acts of desecration and disgrace . . ." [*Street* v. *New York*, 394 U.S. 576, 605 (dissenting)]. Justice Hugo Black—generally regarded as a first amendment absolutist—stated, "It passes my belief that anything in the Federal Constitution bars a state from making the deliberate burning of the American flag an offense." [Id. at 610 (dissenting)]. Justice Abe Fortas wrote, "[T]he States and the Federal government have the power to protect the flag from acts of desecration committed in public . . ." [Id. at 615 (dissenting)]. According to Assistant Attorney General Dellinger, President Clinton agrees with Justice Black, but still opposes any amendment.

It is not the first amendment which protects physical desecration of the American flag. The Supreme Court misinterpreted the text of the first amendment, ignored 200 years of history, and superimposed its own evolving theories of the first amendment in 1989 in Texas versus Johnson. That just 20 years earlier civil libertarians such as Earl Warren and Abe Fortas, and a first amendment absolutist such as Hugo Black, took it as elementary that flag desecration laws are constitutional is a measure of how far the Supreme Court has moved in this area.

We have had flag desecration statutes for many decades—yet the avenues available for dissent have gotten larger, not smaller, over time. And I would agree with that. Indeed, I would point out that during the time these laws were first enacted in the 19th century, freedom of speech in general has been enlarged: the first amendment has been made applicable to the states via the 14th Amendment's due process clause [*Fiske* v. *Kansas*, 274 U.S. 380 (1927)]; commercial speech has been given protection [*Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 425 U.S. 748 (1976)]; the public forum doctrine appeared in 1939 [*Hague* v. *CIO*, 370 U.S. 496 (1939)]; indeed, private shopping centers must make their property available for dissemination of literature [*Pruneyard Shopping Center* v. *Robins*, 447 U.S. 74 (1980)]; the overbreadth doctrine developed in 1940 [*Thornhill* v. *Alabama*, 310 U.S. 88 (1940)]; and the void for vagueness doctrine developed in 1972 [*Papachristou* v. *Jacksonville*, 405 U.S. 156 (1972)].

Yet, to listen to some of the critics of this amendment, one would believe ratification of the flag protection amendment would herald a new Dark Age.

NEED FOR THE AMENDMENT

Let me also address the underlying need for the amendment. The Clinton administration testified that, in light of what it refers to as "only a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals." With all due respect, I find that comment clearly wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces the flag's symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag and the American flag and burn them both to dramatize a viewpoint. The law currently treats the two acts as the same. How one can say that this legal state of affairs does not devalue the flag is beyond me.

This concern is shared by others. Justice John Paul Stevens said in his Johnson dissent:

> . . . in my considered judgment, sanctioning the public desecration of the flag will tarnish its value . . . That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression, including uttering words critical of the flag . . . be employed. [491 U.S. at 437].

Pro. Richard Parker of Harvard Law School testified:

> "If it is permissible not just to heap verbal contempt on the flag, but to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying our freedom. The flag we fly in response is no longer the same thing. We are told . . . that someone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost."

I think Professor Parker's comments are pretty apropos here.

Indeed, disrespectful physical treatment of the flag need not involve protest. Just a short time ago, I saw a newsclip about a motorist at a gas station using an American flag to wipe the car's dipstick. A veteran called it to the police's attention but, of course, the individual cannot be prosecuted today. He can keep using it as he has, or perhaps he will next use it to wash his car.

Moreover, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Further, whether the 45-plus flags which were publicly reported desecrated between 1990 and 1994, and those which have occurred this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens upon tens of millions of people, see or read or learn of these desecrations. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

One might also ask, even if espionage occurs rarely, should we have no statutes outlawing it? Arrests for treason are rare—but the crime is set out right there in the Constitution and in our statutes.

NO SLIPPERY SLOPE

Mr. President, there is absolutely no slippery slope here. The amendment is limited to authorizing States and the Federal Government to prohibit physical desecration of only the American flag. It does not suppress viewpoints, nor does it regulate any means of expression aside from physical desecration of the flag. It serves as no precedent for any other legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique.

Some critics of the amendment ask, is our flag so fragile as to require legal protection? I have tried to explain why our national symbol should be legally protected. The better question is this: is our ability to express views so fragile in this country as to be unable to withstand the withdrawal of the flag from physical desecration? Of course not.

Ideas have many avenues of expression, including the use of marches, rallies, picketing, leaflets, placards, bullhorns, and so very much more.

Even one of the opponents of the amendment testifying at the subcommittee hearing, Bruce Fein, the conservative analyst, described the amendment as "a submicroscopic encroachment on free expression . . ." in response to written questions. A submicroscopic approach.

Pro. Cass M. Sunstein of the University of Chicago Law School, a vigorous opponent of the amendment, conceded:

> There are reasons to think that as the basic symbol of nationhood the flag is sui generis and legitimately stands alone. Moreover, constitutional protection of the flag would prohibit only one, relatively unusual form of protest. Multiple other forms would remain available.

The administration's witness agreed with these remarks, in response to my written questions. Indeed, I think Professor Sunstein understated his first point—there is no doubt the flag stands alone as a national symbol.

Even if, contrary to my view, one agreed that the Johnson and Eichman cases were correctly decided under prior precedents, one could still support this amendment—if one believes protection of the flag from physical desecration is an important enough value.

CONTENT-NEUTRAL AMENDMENT IS WRONG

A few critics of the pending amendment believe that a constitutional amendment either must make illegal all physical impairments of the integrity of the flag, such as by burning or mutilating, or that no physical desecration of the flag should be illegal. This is the approach of my friend from Delaware, who will offer such an amendment. This all-or-nothing approach to our fundamental governing document flies in the face of nearly a century of legislative protection of the flag. It is also wholly impractical.

In order to be truly content neutral, such an amendment must have no exceptions, even for the respectful disposal of a worn or soiled flag. Once such an exception is allowed, the veneer of content neutrality is stripped away. The Supreme Court in Johnson acknowledged this. A content-neutral amendment would forbid an American combat veteran from taking an American flag flown in battle and having printed on it the name of his unit and location of specific battles, in honor of his unit, the service of his fellow soldiers, and the memory of the lost.

Then Assistant Attorney General for Legal Counsel William P. Barr testified before the Senate Judiciary Committee August 1, 1989 and brought a certain American flag with him. He said:

> Now let me give you an example of . . . the kind of result that we get under the [content-neutral approach]. This is the actual flag carried in San Juan Hill. It was carried by the lead unit, the 13th Regiment U.S. Infantry, and they proudly emblazon their name right across the flag . . . 1,078 Americans died following this flag up San Juan Hill . . . Under [a content-neutral approach], you can't have regiments put their name on the flag, that's defacement . . . [Testimony, Assistant Attorney General William P. Barr, August 1, 1989, at 68].

We do wish to empower Congress and the States to prohibit the contemptuous or disrespectful physical treatment of the flag. We do not wish to compel Congress and the States to penalize respectful treatment of the flag. Such a so-called content-neutral amendment would place a straitjacket on the American people and deny them the right to protect the flag in the manner they have traditionally protected it.

A constitutional amendment which, in our fundamental law, would treat the placing of the name of a military unit on a flag as the equivalent of placing the words "Down with the fascist Federal Government" or racist remarks on the flag is not what the popular movement for protecting the flag is all about. I respectfully submit that such an approach ignores distinctions well understood by tens of millions of Americans.

Moreover, never in the 204 years of the first amendment has the free speech clause been construed as totally content neutral. For example, speech criticizing official conduct of a public official may be legally penalized if it is known to be false, or made in utter, reckless disregard for the truth, and damages the official's reputation. And this is actual speech, not action or conduct as in the case of desecrating the flag. Moreover, one can express views at city hall, but if one does so obscenely, one can be arrested. This is not content neutrality. Indeed, I think it is fair to liken flag desecration to obscenity.

Of course, any law enacted pursuant to the pending amendment cannot bar physical desecration of the flag by one political party and permit it by the other, or ban its physical desecration by those in opposition to a government policy, but not by those who support the policy. As with other parts of the Constitution, the amendment will be interpreted in harmony with other provisions of the Constitution. Thus, a State cannot favor a flag desecrator who burns the flag protesting the Government's failure to topple Saddam Hussein over the flag desecrator complaining about American participation in the gulf war in the first place. The first amendment's prohibition on viewpoint discrimination will apply to statutes enacted under the pending amendment.

RIDICULOUS, OVERBLOWN ARGUMENTS

One more thing about this debate, Mr. President. I have rarely heard more overblown, ridiculous arguments made against a measure as I have heard regarding this amendment, which simply restores a power to the people they had held for 200 years, and exercised for about 100 years.

There are colleagues of mine on the Judiciary Committee who actually make the absurd suggestion that this amendment blurs the distinction between a free country and a tyranny. Tell that to the Gold Star Wives. Tell that to the Veterans of Foreign Wars. Forget about the fact that during the nearly 100 years that 48 States and Congress were adopting flag desecration statutes, we seemed, somehow, to avoid the descent into tyranny. Ironically, freedom of speech actually expanded in this country as I said. These colleagues actually make the ridiculous, nonsensical, thinly veiled suggestions that legal protection of the American flag is somehow similar to the Chinese Communist dictatorship's execution of dissidents in 1989, and that legal protection of the flag somehow makes us more like a Communist dictatorship. If you do not believe me, Mr. President, read their views in the committee report on page 74 and at footnote 11. Listening to some of these critics, one would think enactment of the pending amendment would curtail the ability of dissenters to be heard. One shudders to think about their lackadaisical attitude toward repression in America during all the years before the Supreme Court, in 1989, saved America from its decline and fall into totalitarianism. After all, notwithstanding the solemn fears they express, I am unaware that those colleagues in the Senate lifted one finger to plug this gaping hole in our freedom by trying to repeal the federal flag protection statute before 1989.

Some of my colleagues actually raise the utterly groundless, inherently unbelievable claim that the pending amendment could authorize a statute prohibiting the flying of the flag over a brothel. You do not believe me, Mr. President? You'll find that little gem on page 77 of the committee report. The things some of our colleagues worry about.

It is a good thing my colleagues expressing these views were not Members of the first Congress. Mr. President, given their concern about flags over brothels, I can only imagine the angst my colleagues would have expressed about the scope of the proposed fourth amendment's protections against unreasonable searches and seizures. I wonder how the phrase due process of law in the fifth amendment would have fared. The point is this, as we explain in the committee report: there is no cause to fear the terms of this amendment.

I urge my colleagues not to apply a higher standard to an amendment protecting the flag than the Framers themselves applied to the Bill of Rights. The words of this amendment are at least as precise, if not more so, than many terms in the Bill of Rights. And keep in mind what my colleague Senator HEFLIN has repeatedly said: This amendment does not prohibit any conduct. There will be implementing legislation. And such legislation will have to be sufficiently specific to withstand due process scrutiny. This amendment just says that the States and the Congress can determine that people cannot desecrate our flag.

Let me just end this by saying that some have wondered why we are putting forth this enormous effort to enact this amendment to protect the flag, a so-called mere symbol. The answer is simple. The nearly mystical connection between the American people and Old Glory really is that strong. That bond between our constituents and the flag is the bond on which our entire effort rests, the bond from which it draws its strength. That bond will keep this movement alive until a flag protection amendment is ratified, no mistake about it. We are fighting for the very values that the vast majority of the American people fear we are losing in this country.

This is an important amendment, as I think all constitutional amendments must and should be. It is an amendment that has been simple on its face. This is an amendment that we believe at least 66 Senators ought to vote for. In fact, I believe all 99 of us currently sitting in this body ought to vote for it.

Having said that, I am somewhat surprised that, needing only 34 votes to defeat this amendment, there would be those on the other side who would filibuster even the bringing up of this amendment on the floor. In fact, I would be surprised if they would filibuster the amendment itself once we defeat them on the motion to proceed. I cannot imagine why anybody, needing only 34 votes to defeat this, would filibuster where you need 41 votes in order to stop the debate.

I really hope, with all my heart, that my friends on the other side will realize how important this is to the people of this country and will withdraw their filibuster and their efforts to stop the motion to proceed and will not filibuster the amendment itself, and will allow it to go to a constitutional vote, where all they have to get are 34 votes to defeat it. We have to get 66 votes on a constitutional amendment, and that is as it should be. Constitutional amendments should be very difficult to enact.

Our basic document is not a piece of legislation that can be amended at will. It requires a very long, arduous, difficult process. I am hopeful that we will have 66 votes on this amendment, or more; but if we do not, everybody here is going to be put on notice right here and now that this will be brought back until we do.

Mr. President, I thank my colleague for allowing me to make this lengthy but important statement on this issue.

I yield the floor back to him.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I understand that the Senator from Alabama, who is a cosponsor of the flag burning amendment, is somewhere nearby and wants to give a statement at some point here. Obviously, I will be glad to defer to him when he wants to make that statement.

Let me just state again what I said at the beginning of this discussion. That is, my objection to proceeding with the amendment is not because I think the Senate should not be able to vote on this issue. I do not support the amendment; I did not support it when it came up before. But I do not object to us going ahead and getting a vote. But I do believe that before we move to amend the Constitution, as is proposed here, we need to tend to the business of carrying out our duties as they are set out in the Constitution. Those duties are pretty clear, and we in the Senate have some very specific duties to carry out. Article II, section 2 of the Constitution says:

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur . . .

So we have a responsibility to pass on treaties.

> . . . and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

So my position is, Mr. President, we ought to go about doing that which the Constitution requires of us before we proceed to amend the Constitution. Or we should at least get agreement as to a date when we are going to do that which the Constitution requires of us; that is, passing on the President's nomination for these ambassadorial posts.

I have this list here. It is a long list, which I referred to earlier. I think it is one that clearly deserves our attention. As I pointed out in my earlier statement, it represents the people in the countries that these ambassadors will serve in, which represent about a third of the world's population. Why should we in the Senate be able to, day after day, week after week, look the other way and say it is not our responsibility, it is not our problem? It is our responsibility under the Constitution, Mr. President; it is our problem, and we need to get about the business of dealing with it.

Mr. President, I think it is interesting that this is coming up in this context. We are constantly hearing about the respect that we all have for the Constitution. I do not doubt that respect. I think, clearly, anyone who devotes his life to public service is demonstrating a real commitment to this country.

We all swear to an oath of office when we are sworn in here in the Senate, and it is an interesting oath, which I would like to read for people, just to refresh people's memory. The question which the Presiding Officer asks each of us is:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic, that you will bear true faith and allegiance to the same, that you take this obligation freely without any mental reservation or purpose of evasion . . .

Here is the important part, I think, for purposes of this discussion, Mr. President.

> . . . and that you will well and faithfully discharge the duties of the office which you are about to enter, so help you God.

Mr. President, well and faithfully discharging the duties of the office of a U.S. Senator today includes voting on the Ambassadors that the President has nominated to serve in these countries. Well and faithfully discharging the duties of the office of a U.S. Senator today means voting on the START II treaty, which has been here languishing in the Senate now for many months. So that is the point that I am trying to make.

Since the Senator from Alabama is not here wishing to speak, let me go ahead and make a few other points about, first of all, the START II treaty. START II is the second Strategic Arms Reduction Treaty. It was signed by President Bush on January 3, 1993, shortly before he left office. It is a landmark agreement. It will reduce nuclear arsenals in both the United States and the former Soviet Union by close to two-thirds.

This is not a minor item, Mr. President. This is not some detail that we have not gotten around to dealing with. This will reduce the nuclear arsenals in both the United States and the former Soviet Union by close to two-thirds.

START II is a vital successor to the first START Treaty, which was negotiated by President Ronald Reagan. Not only does START II reduce nuclear stockpiles in both Russia and the United States to between 3,000 to 3,500 warheads each, it also eliminates multiple independent reentry vehicles, MIRV's. Policymakers and military officials in both parties agree that START II is vital to U.S. strategic interests.

Mr. President, I know we are in a very major discussion and debate, nationally, about whether the United States should be involved in the NATO activity in Bosnia. I think that is important. I think it is a very important military initiative, diplomatic initiative that this administration is involved in. But I would say that at least as important is following through and ratifying START II and then seeing that it is properly implemented.

When the history of this century is written, Mr. President, our ability to move from the cold war down to a period where there is less threat and to a situation where less nuclear threat is going to be a determining factor in whether or not we have carried out our stewardship properly. I think it is the height of folly for us to lose sight of that important need and constantly be focusing on other matters here that are not time sensitive.

As I said earlier in the discussion, whether you believe that we ought to have a flag burning amendment or whether you disagree about the flag burning amendment, everyone has to concede that this is not an urgent matter.

We have been a nation now for 206 years. We have never had a flag burning amendment to the Constitution. There is not an epidemic of flag burning going on in this country, Mr. President.

I have scoured the newspapers to try to find examples of people out there burning flags. In our history there have been some examples. Clearly, it is not something that is urgent and that needs dealing with this week here in the U.S. Senate.

These other matters in my opinion do have some urgency about them. I will get into that in more detail later in the discussion.

Let me give some quotations about the START II treaty from various leaders in this country, former leaders, present leaders. President George Bush made the statement, "The START II treaty is clearly in the interests of the United States and represents a watershed in our efforts to stabilize the nuclear balance further reduce strategic offensive arms."

Senator JESSE HELMS, chairman of the Senate Foreign Affairs Committee said, on February 3 of this year, "I am persuaded that the 3,000 to 3,500 nuclear weapons allowed Russia and the United States in this START treaty does meet reasonable standards of safety."

The Heritage Foundation has a briefing book they provide to new Members of Congress. That briefing book for this 104th Congress had in it a statement that said, "The START II treaty should serve U.S. interests and should be approved for ratification." That is the Heritage Foundation, one of the more conservative think tanks here in our Nation's Capital.

Former Chairman of the Joint Chiefs of Staff, Colin Powell, said, "With a U.S. force structure of about 3,500 nuclear weapons we have the capability to deter any actor in the other capital no matter what he has at his disposal." That was in July 1992.

The present Chairman of the Joint Chiefs of Staff who is testifying at this very moment in the Armed Services Committee, as the Presiding Officer well knows, said on May 25 of this year, "I strongly urge prompt Senate advice and consent on the ratification of START II."

Senator RICHARD LUGAR on October of 1992 said, "If new unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits."

Senator JOHN MCCAIN, who serves with us here and with great distinction on the Armed Services Committee, said on January 2, 1993, "With the conclusion of START II, the threat of nuclear war has been greatly reduced and our relationship with the former Soviet Union reestablished on a more secure basis."

Now, obviously, Senator MCCAIN was assuming we would ratify that treaty. If we fail to do so I think he may want to rethink that statement.

The former Secretary of State, Lawrence Eagleburger, made the following statement on June 17 of 1993:

> No relationship is more important to the long-term security of the United States than our strategic relationship with Russia. Despite the new spirit of cooperation between us, Russia remains the only nation on Earth with the capability to devastate the United States. Any arms control agreement, even one as sweeping at START II, represents only one element of that relationship. While arms control is only one element of our relationship it remains an important one. START II, along with the initial START treaty remains overwhelmingly in our interest as we move into the post-cold war era. It offers enhanced stability, fosters transparency and openness and sounds the death knell for the first-strike strategies of a bygone era.

That is a quotation by former Secretary of State Lawrence Eagleburger.

Finally, let me give a quotation by Lynton Brooks who was the chief negotiator of START II. He said on May 18, 1993—and I point out that was shortly after the first hearing on START II by the Senate Foreign Affairs Committee on this chronology. This is 1993 I am talking about, 2½ years ago, Mr. President. Lynton Brooks, our chief negotiator of START II said:

> START II completes the work begun by START I. Building on the 9-year effort that led to the first START treaty, START II drastically reduced strategic defensive arms and restructures the remaining forces in a stabilizing manner appropriate for the post-cold war world. Along with its predecessor companion, START II represents a codification of the new nonconfrontational relationship between the United States and the Russian federation. In short, START II is another major step toward a 21st century characterized by reduced threat and increased stability.

That is an indication, Mr. President, that there is very strong bipartisan support for the ratification of this treaty. If this was an issue that there was great division on, I would probably not be here today urging that we get a time certain to vote on START II.

Leaders on both sides of the aisle have indicated the importance of moving ahead. I can see no justification for us continuing to deal with matters that are less time sensitive such as the proposed constitutional amendment while this matter and the confirmation of these ambassadorial nominations continues to be delayed.

Let me also put a few more things in the RECORD or call them to the attention of my colleagues here, Mr. President. We have a letter here from Jenifer Weeks who is the Arms Control and International Security Program Director of the Union of Concerned Scientists. This is a letter dated November 9 of this year to Senators.

I am sure that the Presiding Officer and each Senator received a similar letter. It says:

> I am writing to bring to your attention the article by Russian Ambassador Yuri K. Nazarkin on the START II nuclear reduction treaty which is printed on the reverse side of this page. START II currently pending in the Senate Foreign Affairs Committee and the Russian Duma would reduce Russia's deployed strategic nuclear arsenal by 5,000 warheads. It also would eliminate all of Russia's 10 warhead SS–18 missiles, a longstanding U.S. policy goal.

But as Nazarkin points out, if the Senate does not act promptly to ratify START II, there is little hope that Russia will approve the treaty. START II was submitted to the Senate by President Bush. It has strong bipartisan support and the Union of Concerned Scientists strongly support START II and urges the Senate to move swiftly to ratify this crucial treaty.

I will not read the full text of that article, Mr. President, but let me just quote from Ambassador Nazarkin a couple of statements he made:

> START II represents a real opportunity to lower the nuclear danger that plagued our sense of security during the cold war. Once the agreement is ratified and enters into force, American and Russian strategic nuclear forces are to be reduced by about 70 percent from their cold war peaks. It is certain that further delay on the American side will be used in Russia as an argument to defer ratification.

Now Ambassador Nazarkin headed the Soviet delegation to the conference on disarmament in 1987 through 1989 and the nuclear and space talks including START from 1989 to 1991 and participated in the preparation of START II. He is the senior adviser to the Moscow Center of the Carnegie Endowment for International Peace.

Mr. President, let me just be a little more precise about how we get the reductions or what reductions are called for in START II. The START II treaty will eliminate, according to this information I have here—he cited a figure of 5,000. This information is that it will eliminate around 4,000 strategic nuclear weapons from the arsenal of the former Soviet Union. This includes the centerpiece of the Russian arsenal which is the SS–18. Any intercontinental ballistic missile which carries more than a single warhead will be eliminated under the treaty. The following is a list of delivery systems and their payloads, which are expected to be destroyed under the treaty. Let me go through this list very briefly so people understand what we are discussing here.

The SS–18. I think those who have followed defense issues and our arms competition with Russia over the last several decades know the importance of the SS–18 as part of the threat that we face. This treaty would eliminate 188 launchers and 1,880 warheads of that type.

The SS–19. This treaty would eliminate 170 launchers and 1,020 warheads of that type.

The SS–24, 46 launchers, 460 warheads.

SLBM's, sea-launched ballistic missiles. We would see 600 of those eliminated.

Submarine-launched ballistic missiles. As I understand it, the limit there is 1,750 submarine-launched ballistic missiles. The current Russian arsenal is estimated at about 2,350.

So, it is time, in my view, that we proceed to ratify this treaty. It is time, certainly, that we at least get a chance to vote on it. Some of my colleagues here, who are not on the floor at this moment, have spoken out recently in favor of action on START II. Let me just quote some of them, because I have been quoting a great many others who are not here in the Senate. Let me just quote some of those who are here and indicate my agreement with their statements.

Senator LUGAR, on October 31 of this year, talked about both the Chemical Weapons Convention and START II.

Senator NUNN, on October 31, said, "We must also make maximum use of arms control agreements such as START II and the international treaties and conventions such as the Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention."

Mr. President, I should clarify, for anybody who is interested, that I am not here insisting that we get a time certain to vote on the Chemical Weapons Convention. I do believe it would be advisable for us to move quickly to consider that, but there are some questions that have been raised. I understand the chairman of the Foreign Relations Committee wishes to have additional hearings and explore those questions, and I certainly wish to defer to his judgment on that and do not, at this time, believe it is essential that the Senate try to get to this issue. My concern on START II is that the hearings have concluded. They concluded 7 months ago and we still have not been able to get the issue before the Senate for a vote.

On October 31 of this year, Senator SARBANES made the following statement. He said, referring to the chairman of the Foreign Relations Committee:

> The chairman is refusing to take action on a number of other very important matters before the committee, a number of very significant treaties. We have completed hearings on the START II treaty. Agreement has been reached on all the substantive issues related to that treaty. No business meeting has been scheduled to consider it.

Senator FEINSTEIN spoke on the 1st of November this last month and said:

> The START II treaty, signed by the Bush administration and not yet ratified by the Congress, is the farthest reaching arms reduction treaty ever signed in the history of this Nation. I know of no significant opposition to the ratification of the START II treaty. Nonetheless, the committee is unable to begin consideration of it. This is wrong.

There is a group that calls themselves the U.S. START II Committee. They have sent a letter, dated November 13, to all Senators. Let me just read that letter into the RECORD in case some Senators have not had a chance to see that. It says:

> DEAR SENATOR: The United States Senate is about to adjourn without addressing the single most important issue of international affairs. Worse, a lost opportunity now may mean that the chance for nuclear arms control could be postponed for a decade.
>
> The Senate needs to ratify START II. This is why what we believe to be a distinguished group of citizens, experts in arms control, with both military and foreign policy experience, has joined together to urge Senate action yet this fall.
>
> We all know the history of START II and what it does: the single most dramatic reduction in the nuclear arsenals of both the United States and the Russian Federation. Another significant step back from the history of the relations between the two countries for the last forty-five years.
>
> Equally important, potentially, the treaty serves as an example to other countries seeking to acquire this nuclear capability that there is an alternative to ownership of weapons of mass destruction: disarmament.
>
> Our conversations with Russian leaders have made it plain that if we fail to ratify this year, there is a significant reduction in the likelihood that Russia will act on this treaty next year. Years of work that have spanned both Republican and Democratic Administrations, years of a genuinely bi-partisan effort, will be lost.
>
> The last speech that then Prime Minister Winston Churchill gave to the House of Commons foresaw this day. The Prime Minister, confronting a cold and hostile Soviet Union, with both worlds then confronting each other with missiles and bombs, stated that "someday we will be allowed to emerge from the terrible era in which we are required to reside."
>
> We urge the Senate and you, individually, to take up START II before adjournment and ratify the treaty.
>
> Sincerely,
>
> U.S. Committee for START II
>
> DAVE NAGLE,
> Chair, Freedom Support Coalition.
> LINDSAY MATTISON,
> Director, International Center

Mr. President, one of the things we always look at here in the Congress, perhaps too much in my view, is to see what the public reaction is. So we do have some indication of what the public thinks about the whole notion of START II. Mr. President, 68.4 percent of the public that was polled by a national security news service poll of over 1,000 Americans, which was conducted between April 21 and 25 of this year—68 percent thought that the U.S. Senate should ratify START II, 20.1 percent opposed ratification, another 11 percent expressed no opinion.

A similar question that was asked in that same poll showed that 82.3 percent of Americans believe that the United States and Russia should agree to negotiate deep reductions in their nuclear weapons. Only 11 percent opposed doing so, while 6 percent expressed no opinion on that subject.

So this is not just a group of academics who think we should get on with the business of reducing the nuclear arsenal in Russia as well as here. I would say, the START II treaty is very well designed to bring about major reductions on the Russian side. This is not a unilateral disarmament kind of treaty. There is nobody, Republican or Democrat, that I have heard, who argues that this treaty is unbalanced in that regard. This is a treaty that is very much in our interest and very much in the Soviet interest as well.

Mr. President, let me also just refer to some of the editorials that have been written on this subject around the country in recent weeks. There is an editorial in the Friday, November 3, edition of the Boston Globe. It is entitled "Two Treaties Held Hostage." I will just read portions of that for Members.

> During their Presidential terms, Ronald Reagan and George Bush had the good sense to negotiate two arms control treaties crucial to U.S. national security—the Strategic Arms Reduction Treaty, START II, and the Chemical Weapons Convention. Bush and Boris Yeltsin signed the treaty on chemical weapons January 3, and Bush submitted it to the Senate as one of his final acts of statesmanship. It is sad to say that ratification of these two badly needed treaties is being sabotaged by Republican Senators Jesse Helms of North Carolina and Bob Dole of Kansas. Their deliberate thwarting of the ratification process is perverse, not merely because they are undoing the wise work of Republican Commanders in Chief but because their motives seem to be petty and personal and political.

That is a statement in the editorial, Mr. President, which I do not necessarily subscribe to. But I do think it gives the flavor for the editorial comment which is out there.

The Washington Post wrote on the 16th of November "Poison Gas and Sen. Helms" is the name of their editorial. It goes on with:

> Nearly three years ago, under President Bush, the United States signed a treaty banning chemical weapons, the most powerful comprehensive arms control agreement ever negotiated. It is making no progress toward ratification by this country because the chairman of the Foreign Relations Committee does not like it. Although it was written under American and Republican leadership, there is now a real chance that it could go into operation without American participation.

They are talking about the Chemical Weapons Convention in that case.

There is a New York Times editorial dated the 8th of November entitled "Jesse Helms' Hostages."

It says:

> Because of the obstinacy of Senator Helms of North Carolina, the United States does

> not have an Ambassador in Beijing at this time.

That is an issue I want to address in a few minutes.

> * * * the United States does not have an Ambassador in Beijing at this time and relations with China have reached their most delicate and dangerous point in more than 20 years.

I will at this point go ahead and talk some about the importance of getting these ambassadors appointed, Mr. President.

I had the good fortune to travel to China, to Korea, and to Japan earlier this year. I did so on a trip under the auspices of the Armed Services Committee, and I did so at a time when relations between the United States and China were clearly strained. Some of that strain remains in that relationship, but some of it, hopefully, has been reduced. But one thing I was struck with on the trip to Beijing and to China was that this Nation, which is, of course, the most populous Nation in the world, has a very fast growing economy, has a tremendous influence over everything that happens in the Far East and, of course, much that happens in other parts of the world as well. We have no Ambassador. When you go to our Embassy there, the personnel there do their best to accommodate your needs, to keep the doors open, and to keep business going as usual. But the simple fact is we have no spokesman there representing our administration, our Government, our country, our President. That is a detriment to us. It has been a detriment to us for several months now.

I think it is particularly unfortunate myself—this is just a personal view of mine—that we are not going ahead and voting on the ambassadorship for China, because one of our former colleagues was nominated by the President to serve in that capacity. He has had hearings. I believe he has strong bipartisan support for serving in that position, as he should have because he had a very distinguished career here in the Senate. But I can tell you that the issues that we tried to address there could much better be addressed if we had a Presidential appointee representing us in our Embassy in Beijing. This is too important a job and too important a position for us to just leave vacant month after month, week after week, on the assumption that it does not really matter. It needs to matter to us. It matters very much, I believe, to the executive branch of our Government. I believe it matters a great deal to the Government officials that might be in Beijing.

I urged them to return their Ambassador. Relations in August when I was in Beijing were strained to such an extent that the Chinese Government had withdrawn their American Ambassador, asked their Ambassador to come back to China for a period of time. My urging to the Foreign Minister and to other Chinese officials I spoke to was that they return their Ambassador to Washington and that they signal to our Government as quickly as possible that they would like us to move ahead with the appointment and the confirmation of Jim Sasser as our Government's representative and Ambassador in Beijing.

I would say to their credit—I do not know; I am sure they had urgings from a great many other sources and a great many other individuals—but to their credit, in response to whatever set of circumstances, they went ahead and did exactly what I was urging them to do and what I am sure others were urging them to do; that is, they returned their Ambassador to Washington in order to improve the lines of communication, and they signaled to our administration that they would like the administration to go ahead and appoint Senator Sasser to this important position.

The administration, of course, followed through quickly indicating that Senator Sasser was their nominee. The hearings were held. We now wait. We now wait for some additional action presumably.

According to the chart which I have here, Mr. President, the nomination was sent to the Senate on the 25th of September. The reason I think it is important we raise this issue this morning is that the Congress is approaching the end of its actions in the first session of the 104th Congress. When we do adjourn that first session of the 104th Congress, it will be clearly several weeks before we begin again in the new year to transact business here in the Senate. If we do not get this matter dealt with now, if we do not get a ratification of not only Senator Sasser as the nominee to serve in China, but if we do not get a ratification of each of these, if we do not go ahead and approve the nominations for each of these important countries, it will clearly be next spring before any action will be taken by the Senate.

I think that is in derogation of our duties, Mr. President. I think we have a duty by virtue of our position as Senators to go ahead and pass judgment on the nominees that the President sends forward. If people want to vote no, I have no problem with that. Everyone gets elected to vote his or her conscience. If people want to come on the Senate floor and vote against any of these nominees, I think they should clearly do that. My only point is we need to have an opportunity to express the will of the Senate and get on with it. If these nominees are acceptable to a majority of Senators, we should approve them. If these nominees are not acceptable to a majority of Senators, we should disapprove them and allow the administration to appoint an alternative to serve in these important positions.

Let me talk a little about this trip to Asia which I did take earlier this year and which I felt was a very instructive and informative trip. We had three major themes that we were trying to learn about. One was regional security issues. There has been great concern raised about nuclear tests, about possible missile technology exports from China, about concerns about China's defense expenditures and weapons modernization and potential threats to other countries in that region.

There were this summer live ammo military tests in the Taiwan Straits. There have been some aggressive behavior in the Spratly Islands in the South China Sea.

Those were all the very real national security issues, regional security issues that we wanted to explore, and we did have a chance to do that with several governmental officials.

We also wanted to explore trade because we have an enormous problem in our trade relations with China. Anyone who has not paid attention to our trade relations with China cannot be adequately informed about our trade situation today in the world.

In 1994, the United States, according to our Government's figures, had a trade deficit with China of $29 billion. The anticipated trade deficit for this year, 1995, is $36 billion, and the expectation is that in 1996, the trade deficit could rise to as high as $50 billion.

So what we see is that China is fast replacing Japan as the No. 1 trade problem that the United States has. We had a $60 billion trade deficit last year with Japan. Everyone recognizes that that is a serious problem. We have had various initiatives to try to deal with it. Unfortunately, in the case of China, we are just now beginning to awake to the fact that trade is a serious problem. So that was another issue we wanted to look at and did get a chance to look at very seriously.

Technology development, that is another area where the policies of the Chinese Government I think are ones that we need to be aware of and concerned about. Clearly, their Government policy is to target particular technologies and develop those technologies, to trade market access for technology transfer. That is, if a United States company wants access to the Chinese market, they are required to give up technology, their rights to technology to get that access.

Obviously, electro property rights are another major part of the technology development issue.

But let me just talk a little more about the trade problem, Mr. President, because I think that perhaps highlights it as much as anything.

I have a good friend who is a co-owner of a company in my home State which produces wallets, leather wallets, and they employ about 250 people in the southern and west mesa side of

Albuquerque to make these wallets. These jobs are decent paying jobs. They are primarily jobs held by women and many of the employees, many of the employees of this company are single women who are trying to raise families at the same time that they hold these jobs.

I received a press clipping about 2 or 3 weeks ago indicating that that plant in Albuquerque employing those 250 people was about to close, that they had announced they would close the plant and those 250 people, primarily women, who work in that plant—I have visited the plant several times—would be out of work, those jobs would be gone.

So I called my friend and said, what is the problem? Why are we having to close the plant in Albuquerque and put 250 women out of work? The answer was, we are no longer cost competitive, or part of the answer at least was that we are no longer cost competitive with China. In China, they will do the work much cheaper. There is no limitation on their ability to import into this country the finished products, and from just looking at the bottom line there are great incentives provided by the Chinese Government for us to locate more and more manufacturing there, and those manufacturing jobs there are displacing United States manufacturing jobs.

That is an old story. That is a story that many people have told in one form or another around this Senate ever since I have been here over the last decade or so.

We have to find some solutions to that. Part of the solution to that is to get serious about our trade deficit with China. We need to recognize that this deficit cannot be allowed to grow from $29 to $36 to $50 billion year after year after year, indefinitely. At the rate of growth that is now involved, we are clearly by the end of this decade going to have a bigger trade deficit with China than we have with Japan. It is not a trade deficit that will go away quickly because they are manufacturing, they are displacing manufacturing that goes on today in this country. They are manufacturing and selling into this country. And we are not able to sell into that country to near the extent we should.

That is a problem that needs to be on the front burner of our U.S. Trade Representative's office, on the front burner of the Department of Commerce. It is to some extent, but I believe very strongly that it would be on the front burner to an even greater extent if we had an Ambassador in Beijing who could make the point that this issue is important to us, who could represent our Government in meetings in that capital, and clearly we do ourselves a disservice by not going ahead and approving that nomination.

Mr. President, I have not visited the other countries on this list. I believe it is fair to say I visited none of the other countries on this list. But there are some very important trading partners and very important allies that are also represented. Let me just point out some of those.

In Malaysia, we have a nominee there whose nomination was sent to the Senate on June 13. I know of no objection that has been raised to that nomination. Here it is nearly December 13, and yet no action. We have not been given a chance to vote. If there is an objection, we should hear it; we should debate it; and we should vote our conscience one way or another. I have not heard of any.

In Cambodia, we have a nominee there which was sent to the Senate for consideration again on June 13. Again, I know of no reason why that nominee is not an acceptable nominee. Everything I have heard would indicate to me that he is an acceptable nominee, but we have not been given a chance to vote.

In the case of Thailand, again on June 21, a nominee was sent to us for the Ambassador to Thailand. I know of no objection that has been raised to that nominee being appointed, but we are not doing our duty and voting on the issue.

In the case of Indonesia, there I do want to just make a very short statement about our nominee. The President's nominee is Stapleton Roy, who I am sure is well known to many Members of this Senate. He was formerly the Ambassador representing our country in Beijing. He did a superb job. He is eminently respected by everybody in diplomatic circles, and I think he is a superb appointment for that position.

Again, his nomination was sent up on June 28. No action. I have heard of no complaints about his appropriateness for the position. In fact, everything I have heard is praiseworthy. I had the good fortune to meet with Stapleton Roy before we took our trip to China. I say to colleagues, he was extremely helpful in pointing out issues that we needed to explore with Chinese officials because of his great knowledge of United States-China policy and his great experience in that regard.

In the case of Pakistan, Pakistan is a very important country in the world today. We have a great many sensitive issues that we are dealing with. We have votes here on the Senate floor. In the case when the defense bill was on the floor, I remember several votes about our policy toward Pakistan. I think everyone recognizes the importance of having an ambassador representing this Government in Pakistan.

Oman. That is another very important ally of this country in the Persian Gulf area. And clearly we need to have an ambassador there. That ambassadorial nomination, again, was sent on June 28.

Lebanon. Our country has a proud and longstanding relationship with Lebanon. Many of the outstanding people in my State, leaders in the business community, leaders in all the important communities in my State have great pride in their Lebanese heritage. We should clearly have an ambassador to Lebanon. I have heard nobody suggest that this was not the proper ambassador.

I could go on down the list. Many of these countries are in Africa. Again, I have not visited them, but I believe that it is important for us to have ambassadors there. South Africa is a clear example. It is important enough that our Vice President is there this week on a trip. I have had the good fortune, as I know many Senators have, of hearing Nelson Mandela speak to joint meetings of the Congress. I believe I have heard him now twice on trips that he has taken to this country. That relationship between the United States and South Africa is a very important relationship during these important years as that nation moves out of and renounces apartheid, moves on to an open society. Clearly we need to have someone there representing U.S. interests.

Mr. President, there are many other issues that I could go into, and I am glad to as the day proceeds, because I think these are important issues that we need to have before us. But at this point I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, today I rise to show my support for this resolution that is designed to prohibit the desecration of the American flag. It is clear that a constitutional amendment is necessary to ensure the validity of any statute banning flag desecration. Forty-nine States have passed memorializing resolutions calling on Congress to take this action and forward this issue for consideration to the States.

Earlier this session, this resolution was voted out of the Judiciary Committee by a bipartisan vote. I expect the same bipartisan support when the whole Senate votes on this resolution.

The movement for this bill has been unfairly attributed to political parties using it for political gain. This is untrue. The impetus for this amendment comes from over 85 grassroots organizations, such as the Citizens Flag Alliance and the American Legion. These groups have worked unceasingly to return to the protection of the flag by means of a constitutional amendment.

Their work has resulted in 49 State legislatures passing resolutions petitioning Congress to act and decide this issue through the ratification process.

There are those who feel that the first amendment rights ought to prevail, and they consider that this is a form of protest expression. If you look at the Constitution, the first amendment talks about freedom of speech and freedom of the press. Both are forms of expression, and they make a distinction between speech and press.

However, regardless of whether there is some distinction in regard to various forms of expression, I think we have to look to the history of staunch defenders of civil liberties and of the first amendment rights. The two names that come to mind the most are Hugo Black and Earl Warren. These Supreme Court justices were very clear in their writings that the first amendment did not apply to flag desecration. In fact, at a Judiciary Committee hearing on this issue, we had the Assistant Attorney General for Legal Counsel, the Honorable Walter Dellinger, who served as a professor of law at Duke University, testify against the amendment.

He recited, when I raised the issue about Justice Black and Chief Justice Warren, how fervently they felt that prohibiting did not violate the first amendment. Mr. Dellinger said at the time that he was the law clerk for Justice Hugo Black, "you know, law clerks always want to know what goes on in conference." So they, therefore, will get their ears close to a keyhole and listen in to hear sounds of voices from within that sometimes quietly but effectively creep out. He said he would put his ear to the keyhole and listen to what was going on in conference to try and hear what the Justices were saying in their arguments. He recited that there was no question that Hugo Black and Earl Warren were fervent in their position, very strong in their position that first amendment rights were not being violated by the fact that you had statutes which protected the flag.

They wrote in Street versus New York, a case that was not directly in point, and expressed themselves very clearly in regard to this particular issue.

Mr. Dellinger informed us at the hearing that flag desecration brought these two eminent jurists together with the opinion that "the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

The American flag is the symbol that unites us and symbolizes everything that we have fought for and died for over the years. Honoring the flag is an integral part of American life. The Pledge of Allegiance that is given is a pledge of allegiance to the flag. I think this is very important to realize, because the flag is the unifier that brings together our diverse, pluralistic views.

We sing the "Star Spangled Banner," and the "Star Spangled Banner" speaks of the fact that it flies over "the land of the free and the home of the brave." So I think our flag is a great unifier. Respect for the flag begins at an early age, and is constantly reinforced throughout our life. We sing the national anthem at special events, begin school days with the Pledge of Allegiance, and stand at attention at Veterans Day parades when our soldiers proudly march through the streets holding high the flag that they protect.

Few things stir more emotion and patriotism for us as the Iwo Jima Memorial which depicts the marines risking their lives to raise our flag. I served in the Pacific in World War II, so it is hard for me to conceive that we have reached a point in our history where there is such casual disregard for the flag that some citizens would desecrate it.

Opponents have raised several legitimate concerns over the amendment. One of these is whether the amendment would carve out an exception to the first amendment. This amendment would simply overturn two erroneous decisions of the Supreme Court which misconstrued the first amendment. In one of those cases, Justice John Paul Stevens' dissent summed up the symbol of the flag best in the case of Texas versus Johnson decision, which was handed down in 1989 and unfortunately, allowed flag desecration. Justice Stevens said:

> It is a symbol of equal opportunity, of religious tolerance, of good will for other people who share our aspirations. The symbol carries its message to dissidents both at home and abroad who may have no interest at all in our national unity or survival.

By protecting this one unique national symbol, we have not reduced our freedom of speech. The first amendment has been interpreted broadly by the courts over the years, but it has never been deemed absolute. It does not protect "fighting words" or yelling "fire" in a crowded theater. Prior to 1989, Americans' right to express their views was not curtailed by the laws of 48 States, which prohibited flag desecration. Other matters, such as obscenity, defamation, or other restrictions on freedom of speech, such as the destruction of a draft card, have been held by courts not to come within the purview of the first amendment.

Another concern which has been raised is that there is no need for an amendment. The number of times the desecration of the flag is documented is not the point. The law should not turn simply on the number of cases; it should turn on what effect there is on the flag as a symbol of the unity and freedom of our country each time it is desecrated. This flag is devalued when there exists no legal means to protect the flag from those who would desecrate it in order to express their views.

I believe this amendment will not deter flag desecration in all cases. In some cases, it may even spur a handful of people to burn flags in order to test its purpose. But by allowing the flag the protection of a constitutional amendment, we reiterate our belief that we ourselves value the flag as a symbol of what America stands for.

Our society is increasingly pluralistic, and being an American means many different things. As we highlight our differences in this changing world, we must remember what unites us. Without unity, there would be no America. The flag is a great unifier that brings together Democrats and Republicans, conservatives and liberals, and people from all walks of life and different persuasions. The flag crosses religious belief, race, cultural heritage, geography, and age. To disregard the power and the importance of our flag is to take us down a path that we would be wise not to follow.

I think we should support this constitutional amendment, and I feel that it is important that we do so. I believe that the vast majority of the American people support the amendment. In fact, a 1995 Gallup Poll was taken, which asked whether the American people thought that we should have the right to determine by vote whether or not the flag should be protected from desecration. Eighty-one percent of the people said "yes." Asked whether they thought such an amendment would jeopardize their right to freedom of speech, 76 percent answered that it would not jeopardize their freedom of speech.

So I feel that there is great support for this effort across the land, and I hope my colleagues will join us in adopting this constitutional amendment, which will give great importance to America and to the flag that unites us, because the flag that we pledge allegiance to is a pledge also to our Republic and to our belief in this great country of ours.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

DISCUSSIONS ON THE BUDGET AND BOSNIA

Mr. GRAMM. Mr. President, I see that we have no other colleagues on the floor ready to speak on this subject, so I would like to speak both about Bosnia and about the budget negotiations that are going on here in the Capitol. I would like to talk about both because I think they are very important.

Mr. President, I am opposed to sending American troops to Bosnia. I have not reached this conclusion quickly; I listened to President Bush and the Bush administration debate this issue at some length and followed that debate pretty closely. They reached the conclusion that sending ground troops to Bosnia was a mistake. My consistent position during that debate was that I also opposed sending ground troops to Bosnia.

I have now had 3 years, counting the Presidential campaign in 1992, to listen to President Clinton try to make the case that we should send American ground troops into Bosnia. I am perfectly aware—and I say it with no criticism intended—that the President is a very effective salesman. I have concluded that his failure to convince me, and his failure to convince the country, on the issue of sending ground troops to Bosnia is not the result of his lack of ability as a salesman. I think it has resulted from the fact that this position cannot credibly be sold.

I have always tried to use three tests in deciding whether to send Americans into combat or into harm's way. I have applied those tests in the past and I have applied them to sending ground troops to Bosnia:

First, do we have a vital national interest? In the Persian Gulf, we had a military dictator who was working to build chemical and nuclear weapons, and who had invaded a neighboring country. His military aggression threatened two vital allies of the United States—Israel and Saudi Arabia. And so, clearly, in the Persian Gulf we had a vital national interest.

I have been to the region that we are discussing today. I have talked to our military at some length. Like virtually every other person in the country who keeps up with what is happening in our country and around the world, I am aware of the terrible misery that has plagued all of what used to be Yugoslavia, and especially the misery in Bosnia. But I have concluded that we do not have a vital national interest in this region.

The second question that I tried to ask is: Can our intervention be decisive in promoting our vital interests? It is one thing to have a vital national interest; it is another thing to be able to be decisive in promoting that interest.

In the Persian Gulf war, we had the military capacity to promote our vital national interest.

We also had a clearly defined objective: drive Saddam Hussein out of Kuwait. We were able to put together an alliance and a plan that was as detailed about how we were going to end the war and get out of the Middle East, as it was about how we were going to intervene.

I concluded in the Persian Gulf that we did have the capacity through our intervention to promote our vital interests. Certainly history has proven that to have been the case.

I do not believe, however, that we have this capacity in Bosnia. I am very concerned about putting young Americans into the line of fire as a buffer force between two warring factions which have broken every cease-fire and have violated almost every treaty over the past 500 years.

Now we have proposals, both from the administration and from the leadership of the Senate, which say that we should not only serve as a buffer force between those warring factions, but remarkably, in my humble opinion, that at the same time we should be engaged in overtly arming and training one of the belligerents in this conflict.

I have to say, Mr. President, I respectfully disagree with that policy. I supported lifting the arms embargo against Bosnia. I thought it might make sense under some circumstances for Americans to provide training—not in Bosnia—but maybe somewhere else. It might make sense to train some of their senior officials in the United States, which is the sort of thing we have done in the past.

I believe there is a conflict between the role of arming the Bosnians and serving as a neutral buffer force. I think that many even in our own Senate, and certainly some in the administration, have not reconciled how we could serve those two functions at the same time. It is not possible to be a neutral buffer force and, at the same time, be involved in the training and arming one side.

I know, from having discussed this with some of our colleagues, there is a belief that we, in essence, took sides when we bombed the Serbs. If that is so, then this should disqualify us from serving in this intervention/peacekeeping role. I think it was a different situation. The Serbs had been issued an order by the United Nations to stop the shelling and to withdraw their heavy weapons. They refused to do it.

NATO was asked to be the military arm of the U.N. forces in that case, a terrible command structure—one I would never support under any circumstance in the future and have not supported in the past.

The point is, in no way do I see how our intervention, in a period of time of roughly 1 year as set by the President, how this is going to change anything in Bosnia. There is no reason to believe that our intervention is going to be decisive.

Finally, let me say that in representing a big State with many people serving in the military, it has been my responsibility, after both Somalia and the Persian Gulf, to console parents and spouses of young Texans who have given their lives in the service of our country.

In talking to families, it has struck me that at least in my case there ought to be one more test. That test ought to be this: I have two college age sons; if one of my sons was in the 82d Airborne Division, would I be willing to send him into battle? It seems to me that if I cannot answer this question with a yes—no ifs ands or buts about it; and in the Persian Gulf I could answer it yes, no ifs ands or buts about it—if I cannot answer this question with a yes, then I cannot feel comfortable sending someone else's son or sending someone else's daughter.

So I am opposed to sending American troops into Bosnia. I intend to vote against the President's resolution asking Congress to join him in endorsing this policy. I am concerned we are in the process of seeing a resolution put together that, quite frankly, is full of escape clauses and ejection seats so that politicians can be on both sides of the issue.

I want a clear-cut vote where we can vote "yes" we support the President's policy to send troops to Bosnia; or "no," we do not. I intend to see that we get such a clear-cut, up or down vote.

I am working with roughly a dozen of our colleagues who want to have that vote. I think it is very important that we say where we stand. I know there will be those who will try to combine the issue of supporting the troops with supporting the President. Quite frankly, I do not buy into that logic and I do not think it serves our political system well to try to combine the two. There is not a Member of the Senate, nor has there ever been a Member, who would not support the troops.

It is because I support the troops, because I am concerned about their well-being, that I am opposed to sending troops to Bosnia. I have no doubt that the Americans who serve in the Armed Forces of the United States will go where their Commander in Chief sends them. They will serve proudly. They will do their job well. That is not the issue here.

Their performance is not in doubt; it is our performance that is in doubt. Their ability to do their job is not being questioned. It is our ability in the Senate to do our job that is being questioned.

I think it is important that there be no ifs, ands or buts about it, that we ought to have a clear-cut vote as to who supports the President's policy in Bosnia, and who does not. I, for one, do not.

Let me add one other thing. This whole issue has nothing to do with politics. It has nothing to do with Bill Clinton. It has nothing to do with our distinguished majority leader, Senator DOLE, who supports the President on this issue. It has everything to do with my obligation to 18 million Texans who elected me.

I was against sending troops into Bosnia when George Bush was President. I am against sending troops into Bosnia now that Bill Clinton is President, and I am going to be against sending troops into Bosnia when someone else occupies the White House.

This is an issue that I think is vitally important and goes to the very heart of what the role of Congress is. I believe that here we should say "no."

BUDGET NEGOTIATIONS

Mr. GRAMM. Let me, Mr. President, talk about the budget negotiations. I am concerned that if we let this budget impasse go past the first of the year, that the financial markets in America are going to begin to react to the fact that no deficit reduction has occurred.

I want to remind my colleagues that the election which occurred in 1994 is one of the clearest examples that I have ever seen of how elections can have tremendous economic consequences. If I were still serving in my role as a professor of economics at Texas A&M instead of serving in the role, as I often feel, of trying to teach economics here in Washington, DC—students at Texas A&M were a little more attentive—I would use the plotting of interest rates in America as a perfect example of how elections have profound economic consequences, because I know that the people who have looked at the data are as astounded as I am at the results we would see.

Interest rates were rising steadily until the day of the 1994 elections. When we had the most decisive election since 1934, interest rates suddenly started to decline. They have declined ever since, and as a result, the average annual mortgage payment on a 30-year mortgage in America has been reduced by about $1,200. That is a dramatic change.

Now, it seems to me that the logic of this change is based on the rational expectation that the 1994 election, which brought a Republican majority in both Houses of Congress, was going to produce a dramatic change in the spending patterns of our Government. As we all know, Republicans had promised in the election that they would institute such a change, that we would balance the budget, that we would let working people keep more of what they earn, and that we would make some very modest changes to try to promote economic growth.

Now we are on the verge of going into the new year without any of those changes having occurred. We have passed a budget, but the President is going to veto it. That means we have to start the whole process over. I simply want to raise a warning and a red flag that if we do not stand our ground on the 15th of December, if we simply give President Clinton another credit card without forcing him to sit down with us—the way families sit down at their kitchen table with a pencil and piece of paper and write out a budget that everybody agrees they are going to stick with—if we simply give President Clinton another credit card 10 days before Christmas and do not exact for that, some change that begins to implement a balanced budget, I am concerned that after the first of the year the markets that had changed their investment patterns on the belief that we would see a dramatic change in the fiscal policy of the country are no doubt going to reevaluate their position and interest rates are going to start going up.

I believe that if we do not do something about this deficit before the first of the year, then we risk a rise in interest rates. I know it is very tempting to say, 10 days before Christmas, we do not want a confrontation with the President. It is also fair to say that, 10 days before Christmas, the President does not want a confrontation with us either. I do not think this is the time to fold up our tent and go home. I think this is the time to stand our ground, demand that the President sign on to a budget in order to get this new credit card, and I am committed to the principle that we do just that.

I think we have written a budget which fulfills what we promised we would do; I intend to stand with that budget. My proposal, which I have made on several occasions in the past is this: we have set out what we can spend over the next 7 years and still balance the Federal budget; we should ask President Clinton to sit down with us and to try to reach agreement as to how that money is spent. I do not believe we ought to go back and rewrite our budget and let the President spend tens of billions of dollars we do not have on programs that we cannot afford.

I think the best Christmas present we could give America is a balanced budget. Maybe my perspective is different because I am spending more time outside Washington than many of our colleagues, and I am in a mode where you tend to listen a little more intently than you might otherwise. I believe that the American people are not so concerned about the Government being disrupted as they are about the fact that a baby born in 1995, if the current trend in spending continues, is going to pay $187,000 in taxes, just to pay his or her share of the interest on the public debt. This is not just economic suicide, it is immoral, and I think we need to do something about it. I submit, that if we cannot do it now, how are we going to do it next year when we have to turn right around and write another budget?

I simply raise these alarms because I believe we need to stand firm on our commitments to the American people. After all, we did not say we were going to balance the budget only if it was easy. We did not say we were going to balance the budget only if Bill Clinton went along. We said we were going to balance the Federal budget. So I think the time has come—in fact, in my opinion, it is long past—to say to the President, if you do not sign on to a budget, then we are not going to give you another credit card. It seems to me, the last time we went through this exercise the President got the credit card and we got this vague language about how he was going to support balancing the budget in 7 years under all these circumstances and all these conditions. The President was doing a lot of nodding and winking and good gestures during the negotiations, but once he got the credit card he said we have either agreed on everything or we have agreed on nothing, and since we have not agreed on everything, we have, therefore, agreed on nothing.

I think we need to stop debating statements of policy. I think if we are going to give Bill Clinton another credit card, we need to have written into law limits on how much he can spend. Finally, we need to require that, in return for getting another credit card, the President join us in a budget which meets the spending levels we set out in the original seven year balanced budget resolution.

I see we have another colleague who is here to speak. So, to accommodate him, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1452 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be allowed to continue as if in morning business for 10 minutes.

Mr. DORGAN. Mr. President, reserving the right to object—I will not object—I wonder if the Senator will add to his request that I be allowed to speak for 10 minutes as if in morning business.

Mr. HOLLINGS. I amend the request accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

THE BUDGET

Mr. HOLLINGS. Mr. President, I was getting a bite of lunch and noting on

TV the continued hypocrisy. There is no better word for it. Some in the Senate continue to come and blame President Clinton for the deficit. They continue to say he does not want to do anything about the deficit, which is totally out of the whole cloth. It is good pollster politics to try to paint that image.

But the fact of the matter is, where I could be blamed for the deficit because I have been up here for years and others could be, President Clinton was down in Arkansas balancing the budgets for 10 years. He came to this town with a plan in 1993, and it was traumatic. It said we are going to cut spending and get rid of Federal employees. We are going to cut the deficit $500 billion. We are going to tax. We heard that word. We are going to increase taxes on beer and liquor and cigarettes and gasoline, and, yes, Mr. President, we are going to increase taxes on Social Security—one of the really sacrosanct, holy of holies. He insisted on that attempt to cut the deficit, and there was not a single vote on the other side of the aisle either in the Senate or in the House of Representatives. But that other side of the aisle, having done nothing but cause deficits, comes now with this pollster-driven message that is developed by a retinue of Senators coming to the floor, and now I have to listen to some kind of lockbox nonsense.

Who caused the deficit? I know one who balanced the budget: Lyndon Baines Johnson. President Johnson in 1968 and 1969 was very sensitive about the charge of guns and butter and not paying for the war in Vietnam and his Great Society. So he had a 10-percent surcharge on taxes, and he came with spending cuts. At that particular time, the entire budget was $178 billion—$178 billion for Medicare, for defense, for Medicaid, for welfare. All the things that everyone is talking about cutting, President Johnson paid for and ended up with a $3.2 billion surplus.

Now, where did the deficit start? Presidents Nixon, Ford, and Carter all worked at cutting spending. But it was President Ronald Reagan who came to town with a promise of balancing the budget in 1 year. The others had not made that promise. They had worked on it. But the actual promise in the campaign—and I can show you the document—was, "We are going to balance the budget in 1 year."

President Reagan, on coming to town, said, "Heavens, I didn't realize the fiscal dilemma we are in. It's going to take longer than 1 year." And he submitted and we passed in 1981 a budget to be balanced in 3 years. In 1985, with Gramm-Rudman-Hollings, we promised a balance by 1990. And in 1990, this Congress here, before President Clinton came to town, promised not only a balanced budget by 1995 but a surplus of $20.5 billion.

Now, that goes to all of this posturing about the historic effort that we are making in closing down the Government and the partisan attack that we are the only ones for a balanced budget and the other crowd is not. The fact is that for 200 years of history and 38 Presidents, Republican and Democrat, up until 1981 we had yet to come to a national debt of $1 trillion. It was less than $1 trillion. Now the deficit has grown over the 15 years of spending over $250 billion and the debt to almost $5 trillion.

The deficit for this year is considered by the Congressional Budget Office to be $311 billion. Spending goes up, up, and away, and as we look at defense, that has come from $300 billion down to $243, similar domestic discretionary spending and others. But the one that has really taken off, is interest cost on the national debt—$348 billion, or $1 billion a day. We have spending on automatic pilot.

This land has fiscal cancer, and nobody wants to talk about it.

There was an old limerick, my children, on Saturday morning, on the "Big John and Sparky" program on the radio:

> All the way through life, make this your goal: Keep your eye on the donut and not the hole.

Mr. President, we are looking right at the hole with tax cuts and avoiding and evading the donut, which are tax increases, because we know—and I am saying we in the budget process who have been working in this discipline—and they know it on the other side of the aisle, too. I can quote Senator DOMENICI, who, all the way back in 1985—the present chairman of the Budget Committee—said you cannot balance without an increase in taxes.

We tried budget freezes with then-majority leader Howard Baker of Tennessee, the Republican leader. We worked in tandem; in those days you could work together. We tried not only the freezes but the spending cuts across the board, with Gramm-Rudman-Hollings. And then, in 1986, we got on our Finance Committee friends—and I see the distinguished chairman is present—and we said, look, we might be spending in appropriations, but you folks with loopholes are spending way more than the Government.

And so, with the distinguished Finance Committee and its chair, Lloyd Bentsen of Texas, we had tax reform in 1986, and we supposedly closed the loopholes. And at that time, we had freezes, cuts, and the loophole closings. Then in 1987, a studied group within the Budget Committee, charged with the responsibility of balancing the budget, agreed that it could not be done merely with cuts and freezes and loophole closings; that we needed taxes.

In an informal vote on the Budget Committee, eight of us and two of our Republican colleagues, Senator Danforth of Missouri, Senator Boschwitz of Minnesota—he did not come up here with a lockbox gimmick. He came with a solemn vote for a 5-percent value-added tax allocated to eliminating the tax and the debt.

That was 8 years ago. Eight years ago, we were trying. But they do not try now. They come with all the pollster nonsense, running around here, getting on top of the message. That is why we are in session.

I can tell you, if people of common sense would look at the 65 percent of what has been agreed upon in both budgets, which would constitute about another $600 billion in spending cuts, which this Senator could support, we could agree on cuts in Medicare—not no $270 billion. That is out of the whole cloth. We could pare back some on Medicaid and the other particular programs. The President was asking just this time last week, on Thursday, he said, you have given me $7 billion; you force-fed me $7 billion, never even asked for by the Pentagon or by the administration, but you just heaped it on. Now, just give me $1.5 billion so I can take care of technology and children's nutrition and health care, environment, education, so we do not have to wreck the Government, we can pay for the Government.

These programs save money, as well as lives, but they would not even compromise. Every time they talk, they say, "Here's our budget. Where is yours?"

The PRESIDING OFFICER. The Chair would inform the Senator that his 10 minutes under the unanimous-consent request have expired.

Mr. HOLLINGS. Mr. President, could I have 2 more minutes? Is there objection?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator is recognized for 2 additional minutes.

Mr. HOLLINGS. I do appreciate the Chair and the indulgence of my colleagues. I simply will end by saying that we can easily get together on the 65 percent, $700 billion in savings right now. This Senator believes we need taxes. Others say, no, you need more spending cuts. I know if you could do it in spending cuts, we would have long since done it.

The entire domestic discretionary spending is $273 billion. That is for the President, the Congress, the courts, the departments, welfare, foreign aid. Just get rid of it all. But you are spending $348 billion automatically for nothing in interest costs on the debt.

You can do away entirely with Medicare. That is only $200 billion. Do away entirely with the entire Defense and Pentagon budget of $243 billion. You have still got a deficit. You cannot do it.

So you have to get together, men and women of good will, and work together to freeze, cut, close loopholes, and get some kind of a revenue measure to get on top of this fiscal cancer. It is growing faster than we can stop it. I look upon it as taxes because it cannot be avoided. The truth of the matter is that we have to increase taxes to stop increasing taxes. Spending is on automatic pilot, and nobody wants to admit it, and no plan here comes near excising this cancer.

I thank the distinguished Chair.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized for 10 minutes as in morning business.

THE RECONCILIATION BILL

Mr. DORGAN. Mr. President, I noticed some earlier discussion on the Senate floor that prompted me to come and discuss the pending veto of the reconciliation bill by President Clinton. Some wonder, because they extol the virtue of that reconciliation bill, why on Earth would the President veto it?

It occurred to me that often cartoonists are able to capture the equivalent of 1,000 words in one little picture. This cartoon out of the Times Union, I think, describes pretty well why the President feels he must veto this legislation. You look at the cartoon. He has the Republican tax cut in the carriage, and the elderly woman on Medicare with the walker pulling the carriage here. And he says, "Giddyup ol' gal." That is a cartoonists' message of poking fun. Behind that cartoon is a message.

Those who say that the tax cuts, half of which goes to those whose incomes are over $100,000 or more, will have no impact or no relationship to Medicare, that is hardly believable. That is not to me or to cartoonists or to people around the country. There is a relationship.

The discussion about all this is not to balance the budget; we ought to. The question is, how do you do two things, balance the budget and still retain the priorities that are necessary for this country?

I have said before—and I want to state again today—I give the Republican Party credit, the Republicans in the Congress credit, because I believe they sincerely want to balance this budget. I think their initiative to push to do that makes sense, and I compliment them for that. I think there are a lot of us who also want to balance the budget but want to do it with a different sense of priorities.

I hope they will accord us the same respect and say, "Yes, that makes sense." And, "We understand your priorities." And, "Let's try to find a compromise." I hope that is the way we will be able to solve this problem, to do two things, balance the Federal budget and at the same time reach the kind of compromise on priorities that protects certain things that many of us think are important.

I happen to think that we ought to have separated this job. First, balance the budget, and then, second, when the budget is balanced and the job is done, then turn to the issue of the Tax Code. But that was not the case. The case was that you had to do a tax cut within the context of this reconciliation bill. The problem is that the priorities, in my judgment, are priorities that are not square with what the country's needs are.

A previous speaker talked about being a Senate pork buster. I guess I was unaware that we have a caucus called pork busters, a rather inelegant name, but I understand what it means. A pork buster, I think, would be to look at where is the pork, where is the spending that ought not be spent? I would encourage those who are part of the pork busters caucus to take a look at the defense bill, because I have talked before about the issue of priorities in the context of balancing the budget, especially as it relates to the defense bill.

I have a list here of additions to the defense bill that no one from the Defense Department asked for, no one wanted, no one said we needed, no one requested. This is extra money stuck into the defense bill by people in the Senate who said, "By the way, Defense Department, you don't want enough trucks. You didn't order enough trucks. We insist you buy more trucks." So the Congress says, "We're going to order more trucks for you. It is true you did not ask for them, but you need to be driving more trucks. You did not ask for more B-2 bombers. We're going to order up some B-2 bombers for you. You didn't ask for amphibious ships." And the major debate is which of the ships shall we buy? There is a $900 million one or a $1.2 billion one, so the Congress says, "You didn't order either of them, so we insist you buy both of them. That's our priority. You didn't order enough F-15's. We're going to order some for you. You didn't order enough F-16's. We're going to order some of those for you. You didn't order enough Warrior helicopters, Longbow helicopters, Black Hawk helicopters. We insist you get some of those as well."

This is from people who say they are conservatives. Probably some of the pork busters are some of these people, I do not know. But if they are looking for pork to bust, boy, I tell you this is a slaughterhouse that will keep them busy for a year. I can give you chapter and verse on planes, ships, submarines, tanks, helicopters that were ordered that the Secretary of Defense said he did not want.

So, you know, I say, look, if this is a question of priorities—and I think it is—how do you balance the budget? What are the priorities? How do you strengthen our priorities and reach from zero? There was $7 billion added to the defense bill this year, $7 billion that the Secretary of Defense said he did not want. I have said before and I am going to state again, because I think it is descriptive of the priority problem, a little program called star schools is cut 40 percent and a big program called star wars is increased in funding by 100 percent. It is, I think, the script of the fundamental problem of priorities.

The priorities are wrong. That is why the President is going to veto that today. The priorities in terms of what the bill, the reconciliation bill, says to the public, are these: In the same town, going to two different addresses with two different messages. The first letter to describe how this balanced budget plan affects you, we will go to the top floor of the best office building in town. And on the 18th floor they will knock on the CEO's door of a major corporation and say, "Well, we just passed this bill, this budget balancing bill, and here is how it affects you. Your company gets some relief from what is called the 'alternative minimum tax,' so you get $7 million in tax cuts because of a little provision called the AMT in this bill. So we want you to smile here on the 18th floor with this big desk and big office, with a $7 million tax cut we give you."

And then you get back in the taxi and go to the other side of town to a little one-room apartment occupied by a low-income person in their late 70's with heart trouble and trying to struggle along and figure out how she stretches a very low income to eat and pay for more medicine and pay for rent. We say to that person, "Well, we just dropped off a $7 million tax cut downtown to the CEO of a big company, but our message for you is not quite so good. We're going to tell you that you are going to have to pay a little more for your health care and probably get a little less health care to boot. You are going to pay more and get less. You have to tighten your belt more. You understand the message. You have to tighten your belt. Yes, you are in your late seventies; I know you cannot compensate by getting a second job or first job, but you have to tighten your belt."

See the different messages? One to the biggest office in town saying, "You get a big tax cut." The other to the person struggling out there barely making it saying, "By the way, we're going to add to your burden." That priority does not make any sense.

There is another little piece in here—I hope the chairman of the Senate Finance Committee will come and we can have a discussion about this someday—a little piece in this tax cut bill, by the way, on the issue of deferral. It says, we are going to make it more generous for you than under current law. If you move your plant overseas and close your plant here we are going to make it more generous. We are going to increase the little tax loophole that says to companies, "Leave America, put your jobs elsewhere, close your plant here."

Boy, you talk about an insidious tax perversion that says we will give you a tax break if you only leave our country. That is in this bill. It is not a big thing; it is a tiny, little thing. I bet there are not two or three Senators know it is there or why it is there or who it is going to benefit. But that is the kind of thing that represents a fundamentally wrongheaded priority. And it is what the Senator from South Carolina talked about.

There is not any question, you will not get a debate in this Congress about whether you should balance the budget. We ought to do it. The question is how, how do you balance the budget and at the same time have a fair sense of priorities about what strengthens our country and what is important in our country.

I am one of those who will negotiate, a team of people sitting around a table, Republicans and Democrats on a negotiating team. I very much want this to succeed, very much want it to work. I believe the end stage of the President and the Democrats and the Republicans in Congress can agree on a goal of balancing the budget and agree on a goal of preserving priorities that make sense for this country in health care, education, the environment, agriculture and a couple of other areas, that we can get this job done. The American people expect us to get it done, and we should.

But we have a circumstance where the budget reconciliation bill or the balanced budget provisions were essentially written without any assistance from our side of the aisle. There was not a budget meeting. The Senate Finance Committee met drafting this with the majority party, which is fine, but it does not make for a process in which you get the best of what both parties have to offer. That is what I think the end stage of this process ought to be.

So, I echo many of the things said by the Senator from South Carolina. I believe the goal is very worthwhile. We ought to do it, we ought to do it the right way, the real way, and when we get it done working cooperatively with both sides of the aisle, I think the American people would have reason to rejoice that we put this country on sound footing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I hope we might be able to move ahead here. I understood maybe by 1 o'clock we would be able to proceed to the constitutional amendment on flag desecration. I do not know what the problem is. I hope I am not part of it. I have been trying every day to get ambassadors confirmed, particularly our friend Senator Sasser. I am still working on it.

But I must say, this does not encourage me very much to waste the whole morning and part of the afternoon, at a time when we are trying not only to do this but cooperate with the President on an item or two.

I hope the Senator from New Mexico will let us proceed. I can only say to him, it is my intention before we leave here this year to have the Executive Calendar cleared, START II completed, and I do not know what else may have been mentioned here this morning.

I also understand that they are very near an agreement that would permit us to do all this in 4 hours. It seems to me that is worth pursuing. That is what I have been doing on a daily basis, and as recently as yesterday, I spoke to the Democratic leader about it.

So I hope the Senator from New Mexico, with those assurances, will let us proceed to Senate Joint Resolution 31, so we might complete action on it tomorrow and that we might complete action also tomorrow on the partial-birth abortion bill and also perhaps a conference report on State, Justice, Commerce. And that might be all we can accomplish this week. But I hope we can proceed.

I do not disagree with the Senator at all. My view is every one of these nominees have families. I have made this plea on the floor many times, regardless of who was holding up ambassadorships. I think in this case it has been an effort on both sides—Senator KERRY on one side and Senator HELMS on the other—to come together with agreement, and I was told, as recently as 10 minutes ago, that they are just that far apart, which will certainly resolve all the questions that have been raised, I think, by the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, if I can respond to the majority leader's suggestion.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I certainly have no question about the majority leader's good intentions with regard to these matters. I think he has been trying to move ahead on them. But unfortunately, in order to get anything done around here, you need unanimous consent. We do not have that as yet.

In fact, the ambassadorial nominations we have been discussing are still not out of committee, and the START II treaty is still not out of committee. They are not on the Senate Calendar.

I feel if we could get a unanimous-consent agreement which provided for a vote prior to adjournment this fall of this session on the Ambassadors and also provide for a time and some limited amount of debate to get START II dealt with, I certainly would be willing to go with that. I think what we do need is an agreement that Senator HELMS and all the others who are involved in this will agree to.

I do not have any involvement in the negotiations that are taking place with the State Department reorganization or any of that. I do not have a dog in that fight, as the saying goes. I do want to see us deal with these particular matters I have identified here. I would like agreement among all Senators to do that. If we can get that unanimous-consent agreement, with Senator HELMS agreeing to it, then obviously that would resolve my concerns.

Mr. DOLE. I have the agreement in my hand. I have been trying to get it for several weeks. We have come very close, I must say. This is not just Senator HELMS. It involves the Senator on the other side. I do think we are that close.

In this agreement, it also says we will take up the START II treaty. START II is part of it, along with all the nominations. I think it takes care of those that might be pending in the committee, too, or discharged. Even though they have not been reported out, they would be covered, too, by our agreement.

We thought we might get this agreement yesterday. That is how close we are. I have not given up on getting it yet today. I asked Senator HELMS, the Senator from North Carolina—I thought it might take several days on START II. He said he did not think so. He thought there would be one or two amendments.

So, as I understand, once the logjam breaks, within 4 hours we can complete action on State Department reorganization and then all the nominees would be confirmed, and then START II—at least there would be an agreement to take up START II. I think we are getting very close to what the Senator from New Mexico would like to achieve. I just hope we can work out something so that while we are trying to achieve this, which is the agreement, that we can also proceed on Senate Joint Resolution 31.

I have just been advised that maybe one phone call away, we may be working something out on this.

Mr. BINGAMAN. Mr. President, I compliment the majority leader for the progress made. I am glad to hear all this. I was not aware of it. I do believe it is important we make that one additional phone call and get this nailed down. If I go ahead and say fine, proceed—quite frankly, I have been asking the Democratic leader, Senator DASCHLE, about these matters for about 3 weeks now, and he has consistently, and in good faith, said we are just about to agree. We are very close. I know he is in good faith; I know the majority leader is in good faith; I certainly feel I am in good faith. But I do want to see us get the agreement entered before we proceed to consider this constitutional amendment.

As I said, I have no objection to us voting on the constitutional amendment, but I would like to have that put off until we have agreement to vote on these other matters that are agreed to by all Senators.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

OPERATIONAL TEST AND EVALUATION

Mr. ROTH. Mr. President, I rise today to express my strong opposition to what I believe is a very destructive provision in H.R. 1530, the Defense authorization bill.

That provision would repeal the public laws that created and gave authority to the Director of Operational Test and Evaluation in the Office of the Secretary of Defense.

What is at stake here are the lives of our men and women in uniform.

The OT&E was created by Congress over 10 years ago with strong bipartisan support. The purpose of this office is to ensure that our servicemen receive weapons that are tested in an independent manner and in an operationally realistic environment. This office was created to guarantee that the weapons our soldiers take into the battlefield are ready for combat.

In this important way, the OT&E saves lives.

Mr. President, the OT&E is also the conscience of the acquisition process. Its work has helped to prevent waste and fraud. It is the cornerstone to Congress' and the Pentagon's fly-before-you-buy approach to new weapons platforms and other military equipment.

In this important way, the OT&E saves the taxpayer money.

I understand that the provisions eliminating the Director of the OT&E originated out of an effort to streamline the already bloated Pentagon bureaucracy. I support that larger effort. Together with Congressman KASICH, I have sponsored legislation that would streamline the Pentagon's acquisition process.

However, eliminating an effective OT&E will not eliminate the need for testing under realistic battlefield conditions. It does raise the question as to what office will be responsible for approving tests and representing the troops through independent evaluations of new weapons.

Moreover, the OT&E has already been streamlined. Last year's Federal Acquisition Streamlining Act merged live-fire testing with the operational testing function. We should also recognize that the OT&E is already one of the smallest directorates in the Pentagon.

Mr. President, the OT&E is an office that has earned the respect of others in the Pentagon and in Congress. After Operation Desert Storm, former Secretary of Defense Dick Cheney stated that the vigorous, independent testing oversight put into place by Congress "saved more lives" than perhaps any other single initiative.

Just last year, the GAO testified before Congress stating that the priority we give to independent testing and evaluation should be increased and not decreased. In its examination of operational testing, the GAO concluded that any changes to legislation for the testing and evaluation of military equipment should preserve, if not strengthen, the fly-before-buy principle.

Yes, Mr. President, the provisions in this year's Defense authorization bill would weaken that legislation.

Let me also remind my colleagues that this body, the U.S. Senate, unanimously passed a resolution just this last August expressing our belief that the authorities and office of the OT&E must be preserved. It is, thus, surprising if not shocking, that the conferees appear to have overlooked this resolution.

Above all, Mr. President, the provisions that effectively decapitate the OT&E constitute an issue of priorities. Do we care more about reducing the size of the Office of the Secretary of Defense or the safety of our troops? I firmly believe that if this provision of the Defense Authorization Act is not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

To do just that as we are sending our troops to Bosnia seems to me to be all the more dangerous. Just yesterday, I read in the New York Times that our forces deploying in the Balkans will be equipped with an array of new technologies that have never been tested in combat. Could we imagine sending our troops to battle with equipment that we have not made the fullest effort to subject to operationally realistic testing?

Mr. President, I urge the conferees of the Defense Authorization Act to remove the provisions eliminating the Office of Operational Test and Evaluation. If they are unable to remove that provision, I will encourage my colleagues in the Senate to vote against the authorization bill. The safety of our servicemen and women requires our full support.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Mr. President, I rise today to make a brief statement about Senator KASSEBAUM which I know she prefers I wouldn't, but which she will have to endure as a price of her retirement. It is, of course, a statement of tribute to her service in the U.S. Senate, and an expression of deep personal regret that she has decided to retire.

Many of my colleagues and the major papers are rightfully highlighting Senator KASSEBAUM's legislative accomplishments and her many courageous, nonpartisan positions. But I want to focus my comments on her role in United States-Africa relations. I have had the immense pleasure of working with her in the past year as the ranking member on the Subcommittee on African Affairs, of which she has been an active member since 1981, and of course now chairs. For me, Senator KASSEBAUM's deep commitment, genuine expertise, and tremendous leadership on Africa have been one of the most inspiring influences I have had while in the Senate.

In many ways, the fact that she chose Africa as one of her specializations says so much about what kind of legislator she is. As our colleague from Illinois, Senator SIMON, often reminds us, though well-known and admired in Africa, Senator KASSEBAUM surely got few votes in Kansas for advocating Africa's interests. It certainly is not glamorous to travel to many of the places in Africa she has visited. And she certainly does not get the limelight often accorded foreign policy experts as a leader on United States-Africa issues. However, she has made a commitment to the region because it is the right thing to do: because there are complex issues in Africa that call out for American attention, and there have been too few voices in Congress that have cared about the United States-Africa relationship. She has grappled with the difficult issues, such as the genocide in Rwanda, the failing transition to democracy in Nigeria, the small window of opportunity to consolidate peace in Liberia, the reconstruction of Angola, the tragedy in Sudan, and so much more. Senator KASSEBAUM can always be counted on to address these issues, and then to work persistently to shape intelligent and active U.S. policies. This commitment exemplifies the principle, integrity, and keen sense of responsibility that have characterized her entire career.

But Senator KASSEBAUM also stands out for her bipartisan—even nonpartisan—approach. While working wonderfully as a team player, she also has the strength to be independent when her principles are at stake. That is one of the reasons she has been so effective. For example, in 1986 Senator KASSEBAUM broke with a Republican

President and led the vote to impose sanctions on the racist apartheid regime of South Africa. This, of course, was the defining moment that changed United States policy from constructive engagement to isolation of the regime, which eventually brought down apartheid, and gave birth to majority rule in South Africa.

She has presided over our subcommittee in the same nonpartisan manner. While the Foreign Relations Committee may seem entangled in bitter partisan battles, the Subcommittee on African Affairs has functioned actively and smoothly under Senator KASSEBAUM's leadership, demonstrating what bipartisanship can accomplish when reason prevails and pettiness and politics are set aside. For me, it has been a wonderful opportunity to learn about Africa, and I think it has also enabled the subcommittee to do its job as a policymaker. Senator KASSEBAUM has given me faith that in spite of all the rancor and partisan bickering, it is still possible in the Senate to reach across the aisle and work together.

These are some of the attributes that have made Senator KASSEBAUM a great Senator. But she is also a joy to work with because she is such a delightful and gracious person. As much as I enjoy the subject matter, I think her kindness and dedication have helped sustain my active interest in Africa, and make it an enjoyable experience.

It will certainly be a more lonely process without her. Mr. President, I will value the next several months, working with her and learning from her. I will sorely miss her in the next session.

I yield the floor.

OPERATIONAL TEST AND EVALUATION

Mr. PRYOR. Mr. President, today, I rise in the Senate to voice my very strong opposition to the actions being considered by the House Senate conference committee on the Defense authorization bill.

Mr. President, I have been informed, with some of my colleagues, and I am very sorry I did not get to listen to all of the remarks of my good friend and colleague and partner in this issue, Senator ROTH of Delaware, we have been informed that the conference committee is now considering turning back the clock on 12 years of progress in the war against $600 hammers, $1,000 toilet seats, guns that do not shoot, bombs that do not explode, and planes that do not fly. I believe what is at stake are the lives of our men and women who serve this country in the Armed Forces.

Mr. President, I am speaking today of the very useful and most critical role of the Office of the Director of Operational Test and Evaluation in the Pentagon and the effort underway in the conference committee to totally annihilate and to eliminate this office.

As I address the Senate this afternoon, the conference committee on the DOD authorization bill is now deliberating over whether to repeal the bipartisan legislation written by myself, along in 1983 with Senator ROTH, Senator KASSEBAUM, Senator GRASSLEY, and others, that created the independent weapons testing office.

This legislation this is now known as section 139 of title X establishes the Operational Testing Office that currently Mr. President, oversees, evaluates, and reports on the results of tests conducted on our new military hardware.

This Office was designed to report directly to the Secretary of Defense with this independent assessment of the weapons being tested, procurement, and combat use. The job of this Office has been to help make good weapons better and to help keep weapons that do not work out of the hands of our soldiers and sailors.

It has saved the taxpayers billions of dollars by exposing many troubled systems before they become costly dinosaurs and disasters. The ultimate contribution, I think, of the Operational Testing Office has been the lives it has saved by helping to ensure that our Armed Forces are not sent into combat with weapons that are faulty and do not work and will fail in an operational environment.

Support for this Office, Mr. President, has always been bipartisan. For example, former Defense Secretary Dick Cheney said that the independent weapons testing "saved more lives" during Operation Desert Storm than perhaps any other single initiative. Current Defense Secretary William Perry has recently described this Office as "The conscience of the acquisition process."

Earlier this year, I was extremely shocked to learn that the House National Security Committee recommended repealing section 139 of title X, thereby eliminating this Office.

Because of what we consider to be a very irresponsible initiative in the House of Representatives, Senator ROTH and myself sponsored a bipartisan sense-of-the-Senate resolution voicing the Senate's full support for the Testing Office and our strong objection to repealing its charter. This resolution passed the Senate unanimously during consideration of the defense authorization bill in August in 1995.

We were recently notified that the conference committee apparently is disregarding the sense-of-the-Senate resolution by refusing to remove from its conference report the language that would kill operational weapons testing in the Pentagon.

This news is disheartening, indeed, Mr. President. Repealing the law that established independent weapons testing would be an irresponsible, unthinkable course, and dangerously shortsighted. If this Office's charter is revoked, countless American lives will be at risk. Furthermore, the entire system by which we acquire new weapons will be pushed back to the dark ages. We will undoubtedly be bringing back the unthinkable conflict of interest of the students grading their own exams, when it comes to evaluating the results of critical weapons testing.

Last Friday, after learning that the Testing Office was, indeed, in jeopardy and in danger of being eliminated, Senator ROTH, Senator GRASSLEY and myself sent a letter to Chairman THURMOND and to Chairman SPENCE, expressing our outrage over the apparent desire to repeal section 139 of title X. In this letter, Mr. President, we call on the conferees to maintain our legislation that created the Operational Testing Office.

Mr. President, I ask unanimous consent that a copy of this letter that we sent to Chairman THURMOND and to Chairman SPENCE be printed in the RECORD directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. I gladly join my good friends from the other side of the aisle in voting our strong bipartisan support for independent weapons testing. This Office has always enjoyed support from each side of the aisle. I hope it always will. It was created in this spirit. I certainly hope that it does not die under a cloud of partisanship.

I would like my views to be known clearly and publicly before the conferees conclude their deliberations on the Defense authorization bill. I know they will take heed of the remarks of my colleague and good friend, Senator ROTH, who just delivered his eloquent speech on the floor of the Senate with regard to this issue.

If this conference report comes to the Senate, Mr. President, with language that revokes the charter of our weapons testing office, I will strongly oppose the conference report and I will ask it be rejected by the entire U.S. Senate.

As we prepare to send American troops into Bosnia, it would be wrong—absolutely, totally wrong—to eliminate the most important checks and balances in the military procurement chain that has proven to save time, money, and most importantly, the lives of our fighting forces. The American taxpayers, the American men and women in uniform, deserve much better.

I thank the Chair for recognizing me. I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 1, 1995.

Hon. STROM THURMOND,
Chairman, Senate Armed Services Committee, SR 228, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to voice our strenuous objection to an action the defense authorization conference committee is considering that would jeopardize independent operational and live-fire weapons testing in the Department of Defense. We believe that what is at stake are the lives of our men and women who serve in the armed forces.

As you know, the conference committee is currently discussing various measures to streamline the Office of the Secretary of Defense (OSD). We are aware that the conference committee is considering repealing section 139 of Title 10. Repealing Section 139 would eliminate the authority of the Director, Operational Test and Evaluation (DOT&E) to oversee, evaluate, and report on the operational worth of weapons prior to their production and procurement by the U.S. government.

The DOT&E office was created 12 years ago with strong bipartisan support. Its existence has been critical to Congressional and Pentagon efforts to promote a "fly-before-you-buy" approach to the multi-billion dollar arena of military acquisitions.

Section 139 of Title 10 is the foundation upon which this important contribution to DOD procurement is based. Since its enactment, this provision has saved time, money, and most importantly, the lives of our soldiers and sailors who must rely on tested, proven weapons. We truly believe that any decision by the conference committee to repeal section 139 would result in many unintended consequences.

Eliminating this office would not eliminate the requirement to conduct testing under realistic operational conditions. However, it would raise the question as to who would be responsible for approving test plans and for providing independent evaluations of testing. This uncertainty would be costly indeed.

We appreciate the conferees' desire to streamline the Office of the Secretary of Defense. However, the Federal Acquisition Streamlining Act recently enacted by Congress merged live-fire testing with the operational testing function. Thus, independent testing oversight has already been streamlined. Furthermore, the DOT&E office is already one of the smallest in the Pentagon bureaucracy.

This directorate has proven itself as one of the most important checks and balances in the DOD procurement system. Its value has been lauded by our two most recent Secretaries of Defense. After Operation Desert Storm, former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place by Congress "saved more lives" than perhaps any other single initiative. Current Defense Secretary Perry recently described the DOT&E as "the conscience of the acquisition process."

In August, the U.S. Senate unanimously approved a Sense of the Senate resolution that stated clearly the Senate's opposition to repealing section 139 of Title 10. We continue to believe that repealing the law that guides independent weapons testing is wrong and dangerously shortsighted.

Clearly the question facing Congress is do we care more about reducing the size of OSD or protecting the lives of our service men and women. We firmly believe that if the provisions repealing section 139 are not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

We urge you to continue the bipartisan Congressional support for independent testing by deleting from your conference report any provisions that would repeal section 139 of Title 10.

Thank you for your consideration of this urgent matter.

Sincerely,

WILLIAM V. ROTH, Jr.
CHARLES E. GRASSLEY.
DAVID PRYOR.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. BINGAMAN. Mr. President, I wanted to just add some information for my colleagues about some of the ambassadors that I have been discussing this morning and so far today about the qualifications of these people. These are individuals that have been nominated by the President. There are 18 of them that are presently pending in the Foreign Relations Committee. They are an outstanding group of nominees.

I was just provided with more detailed information about what they have been doing in their careers and why they are considered by the President to be qualified for these important positions. So I thought I would go through some of that information so that any Senator who has a doubt about the qualifications of any nominee would hopefully have that doubt put to rest. I do not know many of these people myself, but I would like to at least put in the RECORD the information about them.

Mr. President, going down the list, the President's nominee to Sri Lanka is Mr. Peter Burleigh, who is presently the Deputy Assistant Secretary of State for Personnel. He is a career appointee in the Department of State. He has been with the Department of State now for some substantial period of time. He was a Peace Corps volunteer before that. He has a very distinguished résumé which we will include in the RECORD.

The second of these nominees is the President's nominee for APEC, Asia-Pacific Economic Cooperation. This person, Sandra Kristoff, is now the coordinator in that position, and she is being nominated by the President for the rank of Ambassador in that same position—again, a very distinguished career of involvement in foreign policy and trade related issues.

The third on this list is John Malott, who has been nominated by the President as the Ambassador to Malaysia. He is presently the senior adviser to the Under Secretary of State for Economic, Business and Agricultural Affairs. He is a career member of the Senior Foreign Service at the class of minister-counsellor, clearly a very distinguished and recognized public servant in our diplomatic corps.

Next is Mr. Kenneth Quinn, Kenneth Michael Quinn, who has been nominated by the President to the position of Ambassador to Cambodia. He is presently a special project officer for the Bureau of East Asian and Pacific Affairs in the Department of State—again, a career of foreign service, class of minister-counsellor.

I would just point out parenthetically here, Mr. President, that I can remember years in which we had great debates on the Senate floor expressing concerns about the political nature of the appointments being made by one or another President to some ambassadorial positions. In this group of 18, all but 4 of the 18 are career Foreign Service officers, have devoted their entire career to working in our diplomatic corps, and the four who are not career Foreign Service officers I think are recognized by all to be well qualified to take important positions like this.

After the Ambassador to Cambodia is Mr. William Itoh, the President's appointee as Ambassador to the Kingdom of Thailand, presently a student in the Capstone Program at the National Defense University—again, a career member of the Senior Foreign Service with the class of counsellor.

Next is a gentleman I referred to in my statement this morning, Mr. Stapleton Roy, who has been nominated by the President as Ambassador to the Republic of Indonesia. He again is a career member of the Senior Foreign Service, class of career minister. I would point out that he was born in China. He has spent much of his life in the Far East and China in particular. He is extremely well recognized as an expert on that part of the world and has served our country extremely well in important positions including Ambassador to China. He now, of course, is being considered for this other very important position for which I hope we can confirm him.

The next after Mr. Roy is Thomas Simons, Jr., who is nominated by the President as the Ambassador to Pakistan. He is presently the Coordinator of U.S. Assistance for the New Independent States. His Foreign Service grade is career member of the Senior Foreign Service, a career diplomat, as many of these nominees are, and somebody who clearly has earned the respect and confidence of the President.

Next is Frances Cook, who has been nominated by the President to be the Ambassador to Oman, presently the Deputy Assistant Secretary of State for Political Military Affairs—again, a career member of the Senior Foreign Service.

Next is Richard Henry Jones, who has been nominated by the President as Ambassador to Lebanon. And again we have a person who at the present time serves as Director of the Office of Egyptian Affairs in the Department of State, a career member of the Senior Foreign Service with a class of counsellor.

Next is James Collins. Mr. Collins has been nominated by the President as Ambassador-at-Large and Special Adviser to the Secretary of State for the New Independent States, and again a career member of the Senior Foreign Service with the class of minister-counsellor, also a very distinguished career which I think well equips him for that position.

Next is Charles Twining, who has been nominated by the President as Ambassador to the Republic of Cameroon, presently the Ambassador to Cambodia, a career member of the Senior Foreign Service with the class of minister-counsellor—again, a very distinguished public servant in our diplomatic corps.

Next is James Joseph. The President has nominated James Joseph as Ambassador to the Republic of South Africa. He presently is the president of the Council on Foundations and has a very distinguished career in a great many different areas, but obviously has the President's confidence.

Next is Joan Plaisted. Joan Plaisted is the President's nominee as Ambassador to the Republic of the Marshall Islands, now presently serving as Director of the Office of Thailand and Burma Affairs in the Department of State, another career member in the Senior Foreign Service with the class of counsellor.

Next is Don Gevirtz, who has been nominated as Ambassador to the Republic of Fiji, to the Republic of Nauru, to the Kingdom of Tonga and Tuvalu—again, a very distinguished individual whose present position is chairman of the board and chief executive officer of the Foothill Group, Inc., in California.

Next is our own former colleague, Senator Jim Sasser, who is presently an attorney here in the District of Columbia as well as in Nashville, TN, earlier this year was a fellow of Harvard University and is now, of course, the President's nominee as Ambassador to Beijing. And I think all of us who have served with him would agree that he will perform in an exemplary fashion in that position as he would in any position for which the President would nominate him.

Next is David Rawson, whom the President has nominated as Ambassador to the Republic of Mali, presently the Ambassador to the Republic of Rwanda, a career member of the Senior Foreign Service, class of counselor; again, a very distinguished career in our diplomatic service.

Next is Robert Gribbon, who has been nominated by the President as Ambassador to the Republic of Rwanda. His present position is Ambassador to the Central African Republic, another career member of the Senior Foreign Service, with the class of counselor; a very distinguished career, formerly a Peace Corps volunteer in Kenya.

Finally, Gerald Wesley Scott, who has been nominated by the President as the Ambassador to the Republic of the Gambia. He is presently the Deputy Chief of Mission in Zaire and in the American Embassy in Kinshasa, Zaire, another career member of the Senior Foreign Service with the class of counselor.

Mr. President, I have gone through this list and given a little information about each of these individuals just to make the point that this is not some kind of political effort on my part or on the President's part or anybody to get these people in these new positions.

These people have devoted their careers, their entire professional lives, to serving this country in often very difficult circumstances. They have been chosen by the President to serve in these important positions, and we owe it to them as well as to those people we represent in our home States to get on with approving their nominations so that they can continue to represent this country in those important positions.

That is the list of ambassadors that are presently being held up in the Foreign Relations Committee. I hope very much that we will be able to get an agreement here today, or very soon, to have all of those nominees reported to the Senate floor and have a vote on those nominees as well as on START II before we adjourn this session of the Congress. I think that would be a very major accomplishment and something that would allow us to feel we had done our duty under the Constitution, which I think is certainly what all of us are intending to do. So with that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Thank you, Mr. President.

UNITED STATES TROOPS IN BOSNIA

Mr. THOMAS. Mr. President, I rise to talk about an issue that all of us are concerned about and all of us are thinking about, and that is the President's policy to put United States troops on the ground in Bosnia.

First, let me make it clear that I am opposed to that idea. I had an opportunity about 5 weeks ago to go to Sarajevo along with some other of my associates here. We went to Stuttgart in Germany and visited for a day with the supreme commander there. I was impressed by the preparation, by the way, of our military, as always. I am sure they will be able to carry out whatever mission is assigned to them.

We spent some time in Croatia talking particularly to the Defense Minister there in terms of the Croatians' activities and their concerns. We spent a portion of our time in Sarajevo where we visited with the President of Bosnia, had a chance to talk with the U.N. commander there, and also spent some time coming back through Brussels in Belgium, and spent some time with the NATO commander and all 16 of the Ambassadors that were there.

Certainly, I am not an expert in the field, having been there just a few days, but I have to tell you that you do get a sense, you do get a sense from being there as to what the feelings are, a sense that, as you would imagine, those people are tired of fighting and looking for some resolution. You get a feeling, also, however, that there is not a willingness to give up some of the positions that people have taken and will maintain, antagonistic positions and conflicts that are very long lasting and have been there for hundreds of years.

So, Mr. President, I came back having not changed my opinion. I do think we need to continue to be involved. I think we have had an excellent representation there in terms of the negotiation. I congratulate the negotiators. We met yesterday with Secretary Holbrooke. But I was no more convinced of the responsibility to have 20,000 or 30,000 troops on the ground there and of our chances of coming away in the period of time, as described by the President, of 1 year, or that the solution is any better than it was before.

Let me say, however, that we are going to have differences of view here. I hope we have an extended discussion of the issue here on the floor. I think everyone who comes forward will honestly have their views—and I do not impugn anyone's motives as to why they are where they are.

Let me comment on a number of things that have concerned me. One is the process and the process of involving American citizens, through their Congress, through their elected representatives, in this decision. And I have to tell you that it is my observation that the Congress has essentially been co-opted in this decision.

It started some 2 years ago when the President, for whatever the reason, indicated that he would place 25,000 troops in Bosnia, at that time mostly to remove the U.N. forces if that was necessary. So that was the first indication why it was 25,000. Why it was not 20,000, why it was not 40,000, why it was not 10,000, I am not sure. No one has ever been able to tell us that.

So, then not much happened, and the Congress then passed resolutions saying we ought to lift the arms embargo on the Moslems. However, that was not pushed by the administration. That was not something that the administration worked hard to encourage. But shortly thereafter, I think it did cause some action. Shortly thereafter, the United States then moved to get NATO to do some airstrikes, which tended to bring together then the Croatians and the Moslems to a federation that sort of equalized, began to equalize the forces there, and so we saw a change, I think prompted, at least partially, by the action of this Congress to recommend that we lift the arms embargo.

So then we saw some effort to come to a peace agreement. When I was there, there was just recently installed a cease-fire. I think it was the 31st cease-fire, however. Nevertheless, it was an effort to do that. Then we moved toward the peace agreement and a meeting in Dayton, OH, or wherever, to do that. So the administration said, gosh, we cannot really talk to you about what is in the wind here because we are having a peace conference and it would disrupt the peace conference.

We had a number of hearings, and we did not get too much information, because they said we cannot do that. So then, for whatever commitment there is to it, there was a peace agreement initialed in Ohio. I am glad there was and I congratulate those who helped bring it about. No one is certain what it means and how much commitment there is to it. Then we are told by the administration, "Well, we have a peace arrangement now. We can't really talk to you much because we can't change that."

The next thing we knew, the President was in Europe on a peace mission talking to a number of countries, including NATO and European countries, saying, "We are willing to bring these troops in." Of course, it was received with a great deal of enthusiasm. Who would not? If we agreed to do most of the heavy lifting, you would imagine that.

So then following that comes the commitment for troops, and some preliminary troops are there now.

Mr. President—and I asked this question of the Secretary of State and the Secretary of Defense in a hearing last week—what is the role of Congress? I did not get an answer, other than provide the money. I do not think that is appropriate.

I do not want to get into the great discussions of the constitutionality of the President's authority. There is disagreement about that. I do not happen to think the President has unlimited authority because he is named Commander in Chief in the Constitution.

Nevertheless, there must be a role here for the Congress. I think it has been handled very poorly, frankly, in terms of some involvement and commitment.

It seems to me—and I am sorry for this—it seems to me the administration is more in the posture of defending their decision and winning the argument than really talking about the substance of why we should, in fact, be in Bosnia. We can talk about details, and that is what we hear, all the details of how we are going to train, how we are going to move, all these things, but the real issue is not the details, as important as they may be. The real issue is, why are we there and what is the rationale and reason and the vital American interests for us to be there.

We hear some saying, "Well, we're going to put troops in harm's way." Of course, no one wants to put troops in harm's way. On the other hand, that is what troops are for. The question is not are they in harm's way, the question is, is there a good reason and rationale for them being in harm's way?

We hear, "If they don't go, there will not be any peace." I am not sure that is true.

Until these warring parties are prepared, genuinely, to have peace, I suspect there will not be peace. We are told, and I think sincerely, that we are there to keep peace, not to make peace. There is a little different term this time, it is called enforce peace, which is a bit hard to define. But when we asked the question, what do we do when there is an organized military resistance to the U.S. forces that are there, NATO forces, the answer was, "Well, we're not there to fight a war, we're not there to fight, we are there to keep and enforce the peace." We were led to believe we probably would withdraw.

So, Mr. President, it is awfully hard to know. Some say, "Well, we have to have leadership, we're isolationists." I do not believe for 1 second that anyone can think of this country, the things we are involved in both in security and trade, that would cause anyone to suggest this country is isolationist. That is ridiculous.

Some say, "Well, NATO will dissolve without us." I do not believe that. NATO was designed, of course, to bring together the North Atlantic nations to resist the Soviet Union, and they still have a mission, certainly. Although I must tell you, having been there, I think there is some search for a mission going on. NATO will continue to exist; NATO has a legitimate purpose. I do not know whether its purpose is to quell civil wars within Europe.

So, Mr. President, we are in a sticky wicket here, and I guess the stickiest thing—and I, frankly, did not get a chance to ask the Secretary yesterday—is, what is our policy in the future, what is our position going to be with regard to our role in civil disturbances, our role in civil wars, our role in ethnic disturbances throughout the world, and there have been a number and there will continue to be.

Is our role to place troops and keep the peace, enforce the peace? I do not know the answer. But we will have to make a decision with respect to policy, so that we know where we are, what people can expect from us. We want to be a leader in the world; we will be, we should be, we are the superpower. People should have, however, a reason to anticipate that our position will be based on policy.

Mr. President, I think we find ourselves in a very difficult position, one in which honest people can disagree. I happen to believe it is a mistake for us to put U.S. troops on the ground there, a mistake in terms of policy, a mistake in terms of alternatives. There are alternatives. It is not that or nothing.

We can continue to be involved with diplomacy. We can continue to support NATO. We can give other kinds of support there. It is a question of what happens when we leave. What do we do to ensure that having spent whatever it is—I suspect even though the administration says $1.5 billion, maybe plus $600 million in nation building, a little over $2 billion, I would be willing to bet you that is not right. We spent nearly that much in Haiti, and this place will be three times as expensive.

So the question is, what is the basis, what is the rationale for that kind of commitment? I hope we have an opportunity to discuss it soon. I had hoped we would this week. Apparently, it will be next week. We ought to keep in mind the mass troop movement has not taken place. We have some folks in there, some troops in there early to prepare, but the troops are not there. We still need to make a decision. We still need to say to the President, if that is what we believe, that we think this is the wrong decision. No one here, however, will resist supporting troops once they are there. We are not talking about that at this point; we are talking about the decision to be there. It is a tough one. We should face up to it, come to the snubbing post and make decisions. I am sorry we have not made them before now. We shall. It is our responsibility.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

OPERATIONAL TESTING AND EVALUATION

Mr. GRASSLEY. Mr. President, I want to address the Senate for just maybe 3 or 4 minutes, 5 or 6 at the most, on something that Senator PRYOR and Senator ROTH have already addressed, something that we three have worked on over quite a few years. It deals with a matter of defense and an operation within defense that is going to make sure that we get the most money for our defense dollar and to make sure that a weapon system that we are producing is effective and safe.

Mr. President, I am amazed that I have to stand before you to say what I am about to say. I never thought I would have to rise to speak out to defend this program. But, then again, I continue to be astonished by the shortsighted and misguided actions of so many people in this town.

Nearly 12 years ago, there was a bipartisan effort to create the Office of Operational Test and Evaluation [OT&E] at the Department of Defense. OT&E was created in response to a very simple idea: We should not spend billions of dollars of the taxpayers money before we know that a weapons works and will be safe and effective for our men and women in uniform.

The OT&E Office has been an unqualified success. It has saved the taxpayers billions. The cancellation of that boondoggle, the Sgt. York [DIVAD] antiaircraft weapon, was due in part to the work of OT&E. Cancelling the DIVAD saved the taxpayers billions. More important, it ensured we didn't give our soldiers poor, unsafe equipment.

But far more important, OT&E has saved lives. There is no question that the modifications made to the Bradley fighting vehicle to enhance its survivability ensured that many young soldiers came home from the Persian Gulf.

Former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place with the creation of OT&E by Congress saved more lives than perhaps any other single initiative.

Now, what is our response to these accolades? To these successes? Why of course, we get rid of it. Incredibly this is actually being proposed right now by the DOD authorization conferees.

OT&E asks the tough questions on weapons effectiveness, and it looks closely at the answers. It does this independent of the services and the procurement bureaucracy at the Pentagon. So why would we want to eliminate this important check and balance?

Simply put, OT&E is a vital check in ensuring that the taxpayers get the best bang for the buck and that the safety of our troops is the top priority.

The people who are clamoring to get rid of OT&E are upset because OT&E is a roadblock to their top priority: ripping the money sacks open at both ends, and pitchforking dollars to defense contractors as quickly as possible.

These are people who must believe DOD exists merely as an expressway to pad the coffers of contractors. And they want to get rid of this small speed bump, the Office of Operational Test and Evaluation, because it slows down the flow of money.

Mr. President, I am particularly saddened that this is happening under a Republican Congress. I have been assured by Republican House leaders that Pentagon reform is around the corner, even though in the DOD authorization bill we are throwing more money at the Pentagon. But I must say, if this is their idea of reform, they'll have an unexpected battle on their flank. And I'll be leading the charge once again, just as I did in the mid-1980's. And we will win again.

House Republicans say they want to reform the Pentagon so much that it will become a triangle. This action undermines any claims by Republicans in the Congress that they are for reforming the Pentagon.

I am very fearful that this Congress has badly confused its principles. Being for a strong defense means ensuring that our troops get the safest and most effective weapons for our troops. It does not mean ensuring only a steady and increasing cash flow for defense contractors.

And let me say, while the actions of the Congress are inexcusable, the administration's actions are no better.

We have heard not a word from the administration about the elimination of OT&E. How the administration, in the middle of sending our troops into Bosnia, can sit idly by and say and do nothing while OT&E is being eliminated is beyond comprehension. What kind of signal does that send to our troops?

Mr. President, as I said at the beginning of my speech, I am astonished that I am standing on the Senate floor having to debate this issue. This is a sad day for the taxpayers and even a sadder day for our troops.

I strongly hope the conferees will reconsider this disastrous proposal and not bring the DOD authorization bill to the floor until it is resolved.

I also wish to commend my colleagues, Senator ROTH and Senator PRYOR, for their staunch support for this office, both at its creation, and especially now. Their eloquent speeches on this floor earlier today speak to their leadership on this issue. And I would like to add my support to their effort to give our troops the very best equipment for their safety.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. THURMOND. Mr. President, it is unfortunate that the Democrats will not let us get beyond the motion to proceed on Senate Joint Resolution 31, the proposed constitutional amendment to grant power to the Congress and the States, the power to prohibit the physical desecration of the flag of the United States. This is an important issue which should be submitted to the American people in the form of a proposed constitutional amendment.

Mr. President, today we begin consideration of Senate Joint Resolution 31, a proposed constitutional amendment authorizing the Congress and the States to prohibit the physical desecration of the American flag. I am pleased to be an original cosponsor of this proposal.

In June of 1989, the Supreme Court issued a ruling in Texas versus Johnson which allows the contemptuous burning of the American flag. Immediately after that ruling, I drafted and introduced a proposed constitutional amendment to overturn the unfortunate decision.

After bipartisan discussions with Members of the Senate and President Bush, the Senate voted on a similar proposal which I cosponsored. During this time, the Supreme Court ruled in United States versus Eichman that a Federal statute designed to protect the flag from physical desecration was unconstitutional. The Texas decision had involved a State statute designed to protect the flag.

On June 26, 1990, the Senate voted 58–42 for the proposed constitutional amendment, nine votes short of the two-thirds needed for congressional approval.

Opponents of this proposed amendment claimed it was an infringement on the free speech clause of the first amendment. However, the first amendment has never been construed as protecting any and all means of expressive conduct. Just as we are not allowed to falsely shout fire in a crowded theater or obscenities on a street corner as a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In Street versus New York, Chief Justice Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

In this same case, Justice Black, who described himself as a first amendment "absolutist" stated, "It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense."

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecration. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy. By adopting this proposal, we can submit this important question to the American people to decide if they believe that the flag is worthy of constitutional protection.

I yield the floor.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, first let me commend my distinguished colleague from New Mexico, Senator BINGAMAN, for objecting to the motion to proceed to the constitutional amendment on flag desecration until roughly 18 ambassadors' nominations which are being held up are released. We all, around here, do what we feel we have to do to make a point. But we have extremely important ambassadorial posts going unfilled because of a dispute over a totally different item.

I suppose it is that old saw "the wheel that squeaks the loudest gets greased," is true, and I am not criticizing the Senator from North Carolina personally. He has a right to do whatever he wants to do. All I am saying is I do not believe the country's interests are being well served when someone like our distinguished former colleague, Senator Sasser, is prohibited from taking his post in China where we so desperately need representation, at this time especially.

So, I hope the Senator from New Mexico will stand fast on it. I will do my best to help him with it. That is one logjam that needs to be broken.

Mr. President, what I came to the floor to speak about is the proposed constitutional amendment dealing with flag desecration. I have voted on that a number of times since I have been in the Senate, have steadfastly opposed it every time it has been offered, and I will oppose it again today.

When I think of the real problems of this Nation right now, and find this body dealing with this particular issue at this time, I am appalled. Motorola wants to build a big new facility and hire lots of people. They have elected to stay in this country and not go to Malaysia, and the only criterion they ask is that the applicants have a seventh grade knowledge of math, a fifth grade knowledge of English, and 50 percent of the applicants cannot meet that standard. The President of IBM says they spend $3 billion a year on remedial education. And you only need to look at the annual survey of high school seniors' heroes in this country to understand what they are learning about history, particularly the history of this country.

So what are we doing? We are doing two things. No. 1, we are cutting education dramatically. Somewhere between 500,000 and a million youngsters will not get a college education under the budget reconciliation bill as it now stands. Those programs are going to be savaged.

I saw a bumper strip yesterday. I told my wife about it last night. She said she had seen it years ago. It said,

> I will be glad when the schools of this country and our children get the money they need, and the Pentagon has to hold a bake sale to buy a bomber.

I have said many times, as I did during the debate on the space station, if you take the money you are putting in the space station and put it in education, I promise you the dividends will be 10 times greater. You take the $7 billion in the defense bill in excess of what the Pentagon asked for and put it in education, and I promise you your chances for peace are exponentially better.

So here we are, as the Atlanta Constitution said, with a resolution searching for a problem. We are not here to deal with the real or even an imagined problem. Everybody here in this body knows that this is pure, sheer politics, with four flag burnings last year, and none this year. And we are going to tinker with the first amendment, with our cherished Bill of Rights, a document which we in good common sense have not seen fit to change one letter in 206 years?

Where does this stuff come from? Why do people forever want to tinker with the most sacred document we know next to the Holy Bible? The people of the country show a great deal more common sense and respect for the Constitution than the Members of Congress do. In 206 years we have amended the Constitution only 27 times, 25 times when we consider the passage and repeal of Prohibition.

Would you like to take a guess, Mr. President, at how many resolutions have been introduced in the Congress to amend the Constitution? More than 10,000. You think of it. So, thank God for the American people in their infinite wisdom. Otherwise, we would have 10,000 changes in the Constitution of the United States. Happily, most people who offer resolutions here to amend the Constitution will issue a press release, beat themselves on the chest about how patriotic they are and how representative they are of the people back home, and that is the last you ever hear of it.

At the risk of sounding slightly arrogant, the most neglected duty that a legislator is to be an educator. If you are not capable of going before a town hall meeting and saying, yes, I voted against that bill and here is why, if you cannot stand for reelection and let the people decide if you really represent their views and the best interests of the Nation, if you are not willing to let them ask, "Does the fact that he voted against the flag amendment mean he is not patriotic?," then you shouldn't be here. Does that apply to our distinguished colleague from Nebraska, BOB KERREY, a Congressional Medal of Honor winner, who lost a leg in Vietnam, who has said the revulsion we feel for somebody who would desecrate our flag is all we need to protect the flag? As long as 99.9 percent of the people of this country are repulsed and find flag desecration repugnant, why do you want to change the first amendment?

Let me repeat, Mr. President. The Bill of Rights is the most important part of the Constitution of the United States and the first amendment is first for a reason. That is what gives us our freedom of religion, freedom of speech, and freedom of press. And, Lord knows, I have trouble with that sometimes, but I wouldn't change it.

I will tell you what the problem is. The problem is going home and facing our constituents. Who wants to go home and say, "Yes, I voted against the defense budget?," knowing his next opponent will have a 30-second spot saying he is soft on defense, or he is not patriotic? It takes a little courage around here. Courage is in very short supply.

I know of one Senator, I will not name him, who is laying his political future on the line because he comes from a very conservative State, who has taken a stand against this amendment. Is that sort of courage not, after all, what the American people want? When somebody comes up to me on the streets of the towns and cities of my State and says, "Why don't you guys screw up your nerve and do something courageous for a change?", do you know how that translates? I will tell you exactly. What they are saying is, "Why are you afraid to do something that is unpopular?" It does not take courage to always do the popular thing.

I do not denigrate the people of this country. But I know precisely how to vote, if I do not want to catch any flak when I go home. I would vote for that thing in a New York minute. But I just happen to believe in the Constitution. I consider it the document that is the glue that holds the fabric of this Nation together. And every time somebody says, well, I do not think you ought to spit on the flag, or burn the flag, or something else, I'm not ready to say, "Let us amend the Constitution." I have said hundreds of times on the floor of this body in my 21 years here that when you start tinkering with the Constitution, I belong to the Wait Just a Minute Club.

Down in Arkansas in 1919 the legislature passed a law saying you cannot do this and that and the other to the flag. Essentially, you cannot show disrespect for the flag. In 1941, 6 months before Pearl Harbor, old Joe Johnson, who lived out in Saint Joe up in the Ozark Mountains, ran afoul of that law. I guess Saint Joe has maybe 300 people. The county seat was Marshall, AR. The woman who dispensed commodities to poor people at the courthouse had heard that there were a bunch of those Jehovah's Witnesses out at Saint Joe. Not only did they not believe like most good Christians, the Bible and their religious training was more important to them than the flag of the United States. Joe had a wife and eight children. And he goes into Marshall as he does on the first day of each month to get his commodities to feed his children.

Now, you have to understand Saint Joe in that era of 1941, you have to understand the unspeakable poverty the people of the mountains lived in. So Mrs. Who Shall Remain Nameless, even though it was 1941—I am sure she is long since departed—says to Joe Johnson, "We hear you have been drawing commodities for kids you ain't got." Joe says, "That's not true. I've got eight children. You're welcome to come out and see." She accepts that, and she says, "We also understand that you belong to a sect called Jehovah's Witnesses." He said, "That's correct." "And we understand that you Jehovah's Witnesses don't respect our flag. And if you are going to draw commodities, I want you to stand up there and salute that flag." Joe says, "I ain't going to do it. The Bible tells me that I don't salute any earthly thing except the Bible. That's my religious teaching."

There were quite a few people in that office, and Joe went ahead to make a speech. And during the course of his speech somebody testified at his trial that he had touched the flag. That was enough to find him guilty of disrespecting Old Glory. So they fined Joe $50 and gave him 24 hours in jail. Then Joe took it to the Arkansas Supreme Court, and while it was on appeal, the Japanese bombed Pearl Harbor. So Joe's conviction was upheld on a vote of 6 to 1.

I remember well the Chief Justice of the Arkansas Supreme Court—his son was a very dear friend of mine—dissented. He dissented, saying you cannot have a law like this. You cannot say that Joe has to choose a flag over his religion. He cited Oliver Wendell Holmes that the country must fight every effort to check the expression of loathsome opinions, unless they so threaten the country they had to be stopped to save it.

"The fact remains," Justice Smith wrote, "that we're engaged in a war not only of men, machines and materials but in a contest wherein liberty may be lost if we succumb to the ideologies of those who enforce obedience through fear and who would write loyalty with a bayonet. If ignorance were a legal crime, this judgment would be just," he said. "The suspicions and hatreds of Salem have ceased. Neighbor no longer inveighs against neighbor through the fear of the evil eye."

And the writer of this column says, "The reasons for the misguided fears of 1942 are gone, but ignorance and intolerance are still with us."

I do not know what happened to me last night. I woke up at 2 o'clock, and I could not go back to sleep. I could see it was a futile thing to try, so I went downstairs where there were three small books I had checked out of the Library of Congress on the Salem witchcraft trials and on witchcraft in general. I read until 4:30, and I am tired right now because I did not get enough sleep last night.

I started reading through the charges that used to be leveled long before Salem, back in the Middle Ages, and one thing I had not really thought about is that witchcraft trials were sexist. It was always the woman who was the witch. And a woman who lived to be 60 are 70 years old, might develop a haggard look. As we crossword puzzle junkies would say, she was a "crone," and so the first thing you know, anybody who developed that sort of look was called a witch, riding a broom across the skies, if a child had a seizure in the community, she was very likely to be the first one accused of being a witch. In this little community of Salem Village in Massachusetts, in a 2-month period, 134 people are accused of being witches.

One of the books I was looking at last night had transcripts of the trial, believe it or not. Thirty-two were convicted, 19 either burned at the stake or hung. On what grounds? The testimony of 10-, 12-, 13-year-old children. We have not had witchcraft trials in this country since. This comes close.

I revere the flag. When I first came to the Senate, I went up in the Northeastern part of the country to one of the most prestigious universities in the country, and the rostrum was full. I guess they wanted to see what a new moderate Senator from the South looked like. The emcee got up and said, "Let's all stand and say the Pledge of Allegiance." I would say that at least half of those kids refused to stand.

I was pretty shocked, Mr. President. But I got to reflecting on how I first went off to college and how anxious I was to prove my independence. My father and mother could not tell me what to do any more. If I did not want to get up and say the Pledge of Allegiance, that was my privilege.

I was insulted by it, and I did not like it. But I did not see anybody there I wanted to send to prison. Is that a legal crime? Why, of course, it is not. But I can tell you, I was offended by that, as I would be if somebody had walked out in front and spit on the flag.

Is this desecration anyway? Desecration comes from the Latin root, I guess, which means sacred.

So what is sacred? To some people the Bible is the only thing that is sacred. It was the only thing that was sacred to Joe Johnson. So people will come in here who do not any more believe in this amendment than a goon. And I hate to say this. There are a lot of Senators who will take you aside and deplore this amendment, and they will vote "aye" because they do not want to have to go home and talk to their constituents.

That is the risk you take. When I voted for the Panama Canal treaties, I was getting 3,000 calls a day against my position, and it has cost me dearly ever since. I do not mind telling you, if I had had a tough opponent in 1980, I would have probably been defeated. It was a very volatile issue. My pollster said in 1992 I still lost 3 percent of the vote because I voted for the Panama

Canal treaties. It would have been so nice to have said no to that treaty.

I am not saying that history has vindicated that vote, but I will say this: I think Panama would be in absolute chaos right now if we had not done it. But there was also something called the Golden Rule involved in my vote on that.

So around here we vote for the flag amendment, we vote for an amendment to require prayer in school. I have noticed the Republicans, who thought term limits was the greatest thing since night baseball, they do not much like it anymore. I knew if they ever got control, term limits would die a fast death.

The line-item veto: I have never been for it; I will never be for it. We finally got it this year. What happens? Bill Clinton is in the White House, so we cannot even get the conferees appointed. Boy, if there ever was a time I might support the line-item veto, it would be right now. But I am not going to support it. I never have and I never will, because it is a bad idea. The Republicans do not like it either when Bill Clinton is in the White House.

Everybody runs on family values. Who wants to face a 30-second spot saying, "He says he's for family values, but look how he voted on prayer in school, look how he voted on this, look how he voted on that." Everybody around here jumps under their desk every time one of these controversial issues comes up. Who wants to say, "I'm not for that new star wars program"? And people come by and say, "He doesn't even want to defend the people of this country against a missile attack." Oh, would that that were all there is to the issue.

Mr. President, if this amendment were adopted and we chose for the first time in 206 years to, in my opinion, sully the Constitution of the United States and the most sacred part of the Bill of Rights, it would not increase my patriotism any. I would not get goose bumps any more than I did at the Kennedy Center Sunday night. This magnificent orchestra played "The Star Spangled Banner." I cannot stand the way I hear it sung most of the time. I am an old band man and marine, and I love the way the Marine Band plays "The Star Spangled Banner." I wish everybody would play it that way and sing it that way.

At the Kennedy Center, this orchestra played "The Star Spangled Banner," and one of the honorees was Marilyn Horne. There were a lot of other opera singers there, and they sang "The Star Spangled Banner," and it just took the roof off. I promise you, all the people there had goose bumps. It was exhilarating and thrilling and exciting.

So if you had this flag amendment, do you think people there would have gotten any more goose bumps? You know what we do when we adopt this? We take a freedom away from people and create a class of political prisoners. We will imprison people.

You know what the amendment says. The amendment says the States and Congress may prohibit desecration of the flag. They will determine what desecration is. One State will charge you with a $15 misdemeanor fine; another State will give you the death penalty; another State pins a medal on you for it. What kind of nonsense are we into here? Every State would decide for itself a constitutional issue: what constitutes desecration of the flag?

Coming back from Arkansas last weekend, I counted three people, two men and a woman, whose shirts were made out of the American flag. What are you going to do with them, Mr. President? Are you going to haul them off like Joe Johnson, put them in jail? Well, maybe one State says you put them in jail, another State says you cannot do that. You go into a bar and you get a drink and there is a swizzle stick to mix your drink with a flag on the end of it. What are you going to do with that bartender, the owner of that bar? On the Fourth of July, the entire front page of the paper is the American flag, every one of them going into the trash before sundown. What are you going to do about that, Mr. President?

How about the used-car lot that has an American flag sticking up on every antenna? Do you ever suspect for a moment, Mr. President, that these car lots with these massive displays of flags are designed to convince you that the owner of that place is a patriot? Some people would see it as the opposite: commercialization of the flag.

While we are covering desecration, why do we not also cover commercialization of the flag or using the flag for commercial purposes? And then, what is physical desecration? Does that mean you have to spit on it, tear it, burn it? What is physical desecration?

I tell you what it is, Mr. President. It is whatever each one of the 50 States say it is. You will have 50 different definitions of what used to be a precious, protected freedom of political speech in the Constitution of the United States, and then Congress will also weigh in so you will have 51.

We already have protection of the flag. The Supreme Court has already said fighting words, acts calculated to create a violence can be considered to be illegal.

Mr. President, let me ask you, what kind of company are we going to be in? I have two grandchildren. And like we did with our own children, Betty and I put them on our laps, and we go through Highlights looking for hidden pictures, all those other little games. One of the Highlights games is always, "What is out of place in this picture?" It will have 8 or 10 things. One obviously does not fit, it is out of place, out of character.

Here is a chart. And taken from Highlights magazine is "One of these things is not like the others." Look at it. I ask you, which one is not like the others? Here you have Germany which in 1932 passed a law saying:

> Whoever publicly profanes the Reich or one of the states incorporated into it, its constitution, colors or flag or the German Armed Forces, or maliciously and with premeditation exposes them to contempt, shall be punished by imprisonment. Nazi Germany. You cannot say anything about it, you cannot talk about it, you cannot desecrate the flag, the constitution or much of anything else.

The Soviet Union, 2 years in the gulag. The Soviet Union, 2 years in the gulag for desecration of the flag.

China, 3 years.

Iraq, 7 years.

And not to be outdone, Iran, 10 years.

South Africa, 5 years and a fine during apartheid.

Cuba, old Fidel is not as tough as these other guys; only 3 months and a fine in Cuba.

Syria, 6 years.

There they all are. And in the center is Old Glory. Is this the crowd we want to join? We are going to wind up giving up a lot more freedom than we are going to get.

Mr. President, I have been amazed at where a lot of conservative writers are on this issue. Charles Krauthammer—I do not read him. I do not care for his articles, and I never read him. He thinks this is pap nonsense.

George Will, Cal Thomas, and other conservatives.

Senator MITCH MCCONNELL, from Kentucky, had a column in yesterday's Post, and I thought it was absolutely superb. He quoted a veteran, a man named Jim Warner, an American patriot who fought in Vietnam and survived more than 5 years of torture and brutality as a prisoner of the North Vietnamese. Here is what he said:

> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America, and they're afraid of freedom. What better way to hurt them than with the subversive idea of freedom. Spread freedom.

When a flag in Dallas was burned to protest the nomination of Ronald Reagan, he told us how to spread the idea of freedom when he said:

> We should turn America into a city shining on the hill, a light to all nations. Don't be afraid of freedom, it is the best weapon we have.

You do not hear me quote Ronald Reagan very often, but that was beautiful.

And finally, to quote our old friend Will Rogers, and I will close with this:

> When Congress gets the Constitution all fixed up, they're going to start on the Ten Commandments, just as soon as they can find somebody in Washington that's read them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in support of Senate Joint Resolution 31. I did not come to the floor to cite case law or precedent or to dispute the predictions and the pronouncements of the constitutional scholars. I will leave that to the lawyers in this Chamber. But I came here to tell you what I believe in my heart as an average American, the son of a veteran, the kind of person who puts his hand across his chest during the national anthem and gets a lump in his throat during parades when the Stars and Stripes go by.

What is it about this multicolored piece of cloth that inspires such emotion? Perhaps it is the high price this Nation has paid for the honor of flying it.

Fifty-three thousand Americans gave their lives defending this piece of cloth in World War I; 292,000 Americans in the Second World War; 33,000 Americans in Korea; 47,000 Americans in Vietnam; most recently, 138 Americans gave their lives defending this piece of cloth in the Persian Gulf war.

And when the bodies of those defenders of freedom were returned home, it was this piece of cloth atop their caskets that caught and cradled the tears of their loved ones.

In my heart, I know that the men and women who sacrificed everything they had to give on behalf of this flag and the ideals it represents would be heartsick to see it spit upon, trampled over, burned, desecrated.

This is so much more than just another piece of cloth.

Mr. President, in a nation like ours that celebrates diversity, there is little that ties us together as a people. We come from different nationalities. We practice different religions. We belong to different races. We live in different corners of this immense Nation, speak different languages, eat different foods. There is so much that should seemingly divide us. But under this flag, we are united.

Far from being just a piece of cloth, the flag of the United States of America is a true, national treasure. Because of everything it symbolizes, we have always held our flag with the greatest esteem, with reverence. That is why we fly it so high above us. When the flag is aloft, it stands above political division, above partisanship.

Under this flag, we are united. And Americans are united in calling for a constitutional amendment allowing them to protect their flag.

When you ask them if burning the U.S. flag is an appropriate expression of freedom of speech, nearly four out of every five Americans say no, it is not. In my home State of Minnesota, nearly 70 percent of my neighbors support Senate Joint Resolution 31, and have called on Congress to pass it this year.

Mr. President, there is no Minnesotan who has been more vocal in this fight than Daniel Ludwig of Red Wing, and I am so proud of his efforts. Just this summer, Mr. Ludwig had the great honor of being elected National Commander of the American Legion during the organization's 77th annual national convention.

Mr. Ludwig knows what the flag means to the soldiers and veterans of the American Legion. He is a Vietnam-era veteran of the U.S. Navy who spent 8 years in the military, and he told me that passage of the amendment we debate today remains the American Legion's No. 1 priority.

"We are so close to victory," he said. "Protecting the American flag from desecration can be our greatest victory."

It has been too long in coming.

Since 1989, the year the U.S. Supreme Court struck down state laws banning desecration of the flag, 49 of our 50 States have passed resolutions directing Congress and their State legislators to support a flag protection amendment.

Our legislation restores to the States the right snatched away from them by the court to enact flag-protection laws. It does not force the States into action. It does not set punishments. It says simply that "the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

This amendment returns to the people the power to pass the flag-protection laws they feel are appropriate for their communities.

Of course, there are those who are opposed to this amendment, individuals who do not believe the people can be entrusted with the responsibility of amending the Constitution. They think Congress should play the role of protector, a guardian body that exists to save the people from their own foolishness.

It is not something we enter into recklessly, but it is the right of the people to amend their own Constitution. Our Founding Fathers were wise enough to understand that times and circumstances change, and a Constitution too rigid to bend with the times was likely to break. They created the amendment process for that very purpose. We amend the Constitution when circumstances tell us we must.

Mr. President, we need this amendment because the soul of our society seems to have been overtaken by the tennis-shoe theology of "just do it."

If it feels good, just do it. Forget about obligation to society. Forget about personal responsibility. Forget about duty, honor, country. "If it feels good, just do it," they say.

If it makes you feel good to burn a flag, just do it. After all, it is just a piece of cloth.

Just a piece of cloth? Tell that to the men, women, and children who each day stand before the black granite walls of the Vietnam Veterans Memorial, tearfully tracing with their finger the name of a loved one chiseled deep into the stone.

Tell that to the veterans of the Korean war, who have come by the thousands to their new memorial just across the reflecting pool. They see the statues of the soldiers, poised in a battle march, the horror of war forever frozen in the hardened steel, and they remember those who did not come back.

Tell it to the veterans of World War I and World War II, who each year don their uniforms for the annual Veteran's Day parades. Time may have slowed their march and stiffened their salute, but it has not diminished their passion for the flag.

To say that our flag is just a piece of cloth—a rag that can be defiled and trampled upon and even burnt into ashes—is to dishonor every soldier who ever fought to protect it. Every star, every stripe on this flag was bought through their sacrifice.

Mr. President, as I walked to the Capitol this morning and saw the flags on either side of the great dome flapping in a gentle breeze, I knew I could not stand here today, cold and analytical, and pretend I did not have a stake in this emotional debate.

It is average Americans like me who cannot understand why anyone would burn a flag. It is Americans like me who cannot understand why the Senate would not act decisively, overwhelmingly, to pass an amendment affording our flag the protection it deserves.

I know in my heart that this simple piece of cloth is worthy of constitutional protection, and I urge my colleagues to search their own hearts and support Senate Joint Resolution 31.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

HOUSING FOR OLDER PERSONS ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 231, H.R. 660.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing for Older Persons Act of 1995".

SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.

Section 807(b)(2)(C) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(C) is amended to read as follows:

"(C) intended and operated for occupancy by persons 55 years of age or older, and—

"(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

"(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

"(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—

"(I) provide for verification by reliable surveys and affidavits; and

"(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.".

SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE; DEFENSE AGAINST CIVIL MONEY DAMAGES.

Section 807(b) of the Fair Housing Act (42 U.S.C. 3607(b)) is amended by adding at the end the following new paragraph:

"(5)(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

"(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

"(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

"(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.".

Mr. BROWN. I further ask unanimous consent the bill be considered under the following limitation: 1 hour for debate on the bill to be equally divided between Senator BROWN and Senator BIDEN, that no amendments be in order to the bill with the exception of one amendment, and that following the expiration or yielding back of debate time, the committee amendment be agreed to, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, for clarification, I ought to note the amendment that is referenced is the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado.

Mr. BROWN. Mr. President, the Civil Rights Act of 1968 was passed specifically to prohibit discrimination on the basis of race. Title VIII of the act was the Fair Housing Act. It prohibited discrimination on the basis of "race, color, religion or national origin" for any sale of housing, rental of housing, financing of housing, or provision of brokerage services.

The housing practices in which discrimination is prohibited include the following: Sale or rental of a dwelling, provision of services or facilities in connection with a sale or rental of a dwelling, steering any person to or away from a dwelling, misrepresenting availability of dwellings, discriminatory advertisements, and charging different fees provided and different benefits.

The 1974 Fair Housing Act, or title VIII of the Civil Rights Act, was amended to prohibit discrimination on the basis of sex. In 1988, the Fair Housing Act was amended again to prohibit discrimination on the basis of being handicapped or familial status, which means living with children under 18. That is, the 1988 Fair Housing Act prohibition of discrimination on the basis of living with children under 18 included an exemption "for housing for older persons." In other words, H.R. 660, which enables housing for older persons, is not a new idea. This debate is really about refining the original one.

To meet the definition for housing for older persons under current law, the housing must be intended for occupancy by persons 55 years or older, where there are "significant facilities and services" designed to meet the physical or social needs of older persons.

Interpreting and implementing the "significant facilities and services" standard has been very troublesome. In other words, it has been a pain in the neck because it has been vague, it has been difficult, it has spawned litigation and created confusion. For the last 7 years, it has been unclear what "significant facilities and services" means. There have been so many lawsuits that the exemption Congress intended is fast being revoked in fact.

Mr. President, the way bureaucrats have administered this provision would make the people who came up with the Mississippi literacy test proud. It acts as a bar to the reasonable provisions of the law that were intended to make housing available for families with children while continuing to allow housing for older persons. The fact is, some older people do prefer not to have the noise and the trauma that go along with having children. Frankly, families with children sometimes prefer not to have the complaints about their activity as well.

H.R. 660 is intended to clear up this problem. It is intended to make the law clear and workable, and to stabilize the original exemption Congress created for senior housing.

In other words, what we are dealing with here is making the law clearer and more workable for seniors. This bill aims to protect seniors so that they can, if they wish to, move into housing where they are protected in their safety and their privacy.

H.R. 660 will clarify the law and put in place a bright line test for senior housing. The test is: First, the housing is intended and operated for seniors; second, there is an actual 80 percent occupancy rate of the occupied units; third, the intent is manifested by published policies of the housing community; and fourth, the housing community complies with HUD rules. If that is met, then senior housing is safe from lawsuit.

This revision, this clarification, passed in the House of Representatives 424 to 5. It was overwhelming. It is the least we can do to give senior citizens the help they both desire and merit. Frankly, this kind of abuse that senior citizens have been subjected to from the bureaucracy with regulations ought to end. We ought to have rules that a reasonable person can understand and deal with. What we have been subjected to in the existing regulations that have come down is flatly an effort to thwart the will of Congress, not an effort to deal reasonably with the problem.

The reality is, we would not have this bill before us today if we had not had some Federal regulators that had simply tried to thwart the original intent of Congress. We would not have this bill before us if the bureaucrats had simply tried to deal with this problem in a way that was less cumbersome and less difficult.

I should point out that not only is this bill something that passed the House by 424 to 5, but reasonable efforts have been made in this Chamber to modify the bill to further obtain consensus. We have accepted suggestions made by Senator SIMON and others which address their concerns. What comes out of committee and what is available for the Senate to consider, therefore, is a bill that I think Members will be comfortable in voting for and will feel they can report to their constituents: We have cleaned up the law, we have clarified the law, we have ended some unnecessary and unreasonable regulatory burdens and given a reasonable, clear definition to protect the interests of senior citizens.

Mr. President, at this point I yield the floor and I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call be charged equally to myself and the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask for the yeas and nays on H.R. 660.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum and ask that the time under the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, the point of this bill is to deal with a problem in seniors housing communities that is created up by the ludicrous HUD regulations which this Congress directed but which had earlier been rejected and the new ones which I think strain the imagination.

The problem that the seniors housing exemption could only be allowed for facilities that were designed for the very wealthy. So we have a circumstance where, if you followed the existing HUD regulations, the rich could enjoy the exemption but the normal seniors could not.

Let me, for those Members who find that hard to believe—and I must say I find it hard to believe—mention some of the standards that HUD put forward in regulations that they suggested seniors must have in order to qualify for the exemption:

T'ai chi classes, swim therapy, macrame classes, fashion shows, regularly offered CPR classes, and vacation house watch.

How many normal seniors do you know who have a need for that?

Pet therapy services.

Are these things that you ought to have in a program to qualify for a normal exemption?

Ping-pong, pool table, shuffleboard, horseshoe pits, golf courses.

These are things the average senior would find extravagant.

Lawyers' offices, lifeguards, swimming or water aerobic instructors, dance and exercise instructors, craft instructors.

I mention these because they are in the HUD guidelines. I mention them also to make this point: HUD designed guidelines that, for the normal seniors in this country, became exorbitantly expensive, and it was part of an effort by HUD, I believe, to simply do away with the seniors exemption that would extend this housing privilege to normal seniors in this country.

At this point, I yield 8 minutes of my time to the distinguished Senator from Arizona.

Mr. KYL. I thank the Senator.

Mr. President, I certainly have been privileged to work with the Senator from Colorado in supporting this very important piece of legislation and would like to reiterate at the very outset precisely what we do here and why. This bill, as the Senator from Colorado has noted, eliminates many of the problems that senior communities have experienced over the last decade, and I think everyone recognizes that my State of Arizona was really a pioneer in the creation of these senior communities. They know who they are, and they do not need the Department of Housing and Urban Development designing a set of criteria such that the Senator from Colorado has just provided us with to define them as a senior community.

Believe me, if you go to Arizona and you are in one of these communities, you are fully aware that that is where you are. But under current law, these communities must follow these HUD guidelines or regulations in order to qualify for the exemption. The bill repeals this so-called significant facilities requirement, simplifying the process by which legitimate seniors-only facilities will gain the exemption.

To obtain the exemption, the bill only requires that 80 percent of the households in a community have in residence at least one person over the age of 55. That is the requirement.

If the community publicly states and can prove that 80 percent of its units have one or more occupants age 55 or older, then it would pass the adults-only housing test and qualify for an exemption from the Fair Housing Act's antifamily discrimination rule even if it lacked the significant facilities as defined by HUD.

In addition, to reduce abusive litigation, the bill allows that realtors and developers may show good-faith reliance on the seniors-only exemption if such person has no actual knowledge that the facility or community is not or will not be eligible for such an exemption, and the facility or community has stated formally in writing that the facility or community complies with the requirement for such exemption.

Now, who supports this legislation? Fortunately, just about everybody. I have received literally hundreds of letters of support from seniors living in these communities. Many of the community coordinators have expressed support to us. Due to HUD's stringent "significant facilities" regulations, it is the fact that a few of these communities have actually lost their seniors exemption.

Constituents from Mesa, Tucson, Golden Valley, Green Valley, Scottsdale, Sun City, Yuma, Dreamland Villa Community, and Phoenix have all communicated with me. Groups like the Arizona Association of Manufactured Homeowners and their 25,000 homeowners, Adult Action of Arizona and their 42,000 homeowners, Fountain of the Sun Homeowners, Arizona Manufactured Housing Institute, Sun Lakes Homeowners, Yuma East Owners Association, Ellenburg Capital Corp., and Fountains Retirement Properties, these and others have contacted me in support of this.

Real estate agents—the National Association of Realtors—and housing development firms all favor this bill. AARP has written a letter to the chairman of the committee, Senator HATCH.

I ask unanimous consent that the letter of the AARP in support of this legislation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Many of these constituents argue that the rule defining "significant facilities and services" increases the costs to their housing and tells them how to live. And that is the objection I think in addition to the complexity of complying with these HUD regulations.

These individuals have complained that some senior housing complexes are being hit with unfair discrimination lawsuits because of confusion about which housing qualifies for the exemption from the antidiscrimination housing statute.

Why is this bill important?

Although the "significant facilities and services" provision was well intended—it was designed to protect families with children from discrimination in housing, which we all support, of course—the exemption has made the lives of seniors unnecessarily difficult.

Fewer regulations and restrictions would allow senior communities to operate more efficiently and freely. Is it too much to ask that the seniors of our country be allowed to live without intrusion into their lives by the Federal Government?

Most senior citizens I know are independent and highly capable. They do not want to pay extra to have somebody read to them. They do not want or need to be told by the Federal Government how often they have to have bingo made available to them in their housing complex.

By increasing the price of rent in senior facilities, these regulations in effect discriminate against low-income seniors, as the Senator from Colorado has pointed out.

There is one other thing that I would like to say because there is an argument that the Housing and Urban Development Department recognized the problems with its regulations and therefore sought to relieve some of the burden by revising and imposing a new set of regulations.

I almost did not use the word "imposing," but that is what it is. And I think the point of this legislation is to say, "Nice try, but you still have not solved the problem."

This most recent rule of HUD revising the "significant facilities and services" regulation really does not answer the problem.

One of my constituents, Susan Brenton, for the 25,000 Member Arizona Association of Manufactured Homeowners Group, stated, "The new rule is still very nebulous and leaves a lot of areas open to court decisions and each court case costs the residents of the community thousands of dollars."

The new regulations state that communities that provide at least 2 services each from 5 of 12 categories all defined by HUD qualify for the exemption. But these services are really quite frivolous, and they raise the costs to residents. This is what the Senator from Colorado was just quoting from, Mr. President.

These so-called easier regulations are really at the end of the day not much of an improvement. HUD's attempt at revising its statistics have only trivialized what qualifies as a "significant service." Clearly, HUD needs some help in fixing the problem that it fully acknowledges exists—regulatory overreach in senior housing—but we think the way to solve the problem is to eliminate the "significant facilities and services" requirement altogether, and that is what H.R. 660 does.

Mr. President, in conclusion, this legislation has received not only wide support from States like mine which have a lot of senior communities, but as you know, it has wide support around the country. It has significant support in the Senate. It passed out of our Judiciary Committee with virtual unanimity, and I am sure it will be adopted by this body in very short order, again, with virtual unanimity.

What we will be saying to the senior communities of our country is that we heard you when you let us know that these regulations were too costly, too burdensome and really in a sense too frivolous, and therefore the Congress is not incapable of acting to correct a problem like this in order to make your lives a little easier. That is what we will have done when we pass this important legislation.

Again, I commend my colleague from the State of Colorado for bringing the legislation forth and for getting it to the floor so that we can see this job through and get it done before the end of the year.

I thank the Chair very much and reserve the remainder of whatever time I did not use.

EXHIBIT 1

AARP,
Washington, DC, October 23, 1995.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, Senate Dirksen Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the American Association of Retired Persons (AARP) to express our continuing support for the Housing for Older Persons Act of 1995 (H.R. 660) and to urge its immediate consideration and passage.

AARP believes that age-specific housing should be preserved as an important service to many older persons. Congress recognized at the time the Fair Housing Amendments Act was passed that the standards established to meet the statute's exemption for housing for older persons would have to be clear, workable, and flexible enough to be applicable to the wide array of housing, residents, and abilities to pay in the elderly housing market. Unfortunately, promulgating and enforcing clear and workable standards has proven to be nearly impossible. Efforts to clarify the statute's requirement of "significant facilities and services" have been undertaken in three rulemakings under two Administrations.

While AARP applauds HUD's most recently issued rule—a significant improvement over its proposed rule of July 1994—the Association has come to the conclusion that the complex and seemingly contradictory statutory provisions defining housing for older persons have made equitable enforcement very difficult, if not impossible. Our Legal Counsel for the Elderly office was unable to find any successful defense of a claim of exemption for housing for older persons among cases receiving judicial review. When coupled with significant anecdotal evidence of rather arbitrary decisions by fair housing investigators, the conclusion is inescapable that implementation of the law has not been consistent with the flexibility intended by Congress. Indeed, widespread dissatisfaction with the statute's enforcement threatens the very viability of the important new protections provided in the Act.

AARP appreciates the leadership of your Committee and the work of Senators Gorton and Kyl in addressing this issue. If we can be of any further assistance, please do not hesitate to have your staff contact Don Redfoot of our Federal Affairs staff at 434-3800.

Sincerely,

MARTIN CORRY,
Director, Federal Affairs.

Mr. BOND. Mr. President, I rise in support of H.R. 660, the Housing for Older Persons Act of 1995. This legislation recognizes that elderly housing is special housing for seniors, that the elderly are a special population that deserve to live in housing reserved for the elderly, and that this legislation does not constitute discrimination against families.

HUD recently published regulations to clarify what constitutes elderly housing. HUD published these regulations because the Congress in the Housing and Community Development Act of 1992 required HUD to clarify what constitutes elderly housing. I remind my colleagues that HUD has failed for years to provide the proper guidance and leadership on what constitutes elderly housing, despite confusion and costly litigation over this issue. Moreover, the new HUD regulations remain sorely lacking. It is time that we provide clear guidance on what constitutes elderly housing and I urge my colleagues to support H.R. 660.

Mrs. FEINSTEIN. Mr. President, I rise today in support of H.R. 660, the Housing for Older Persons Act of 1995. The main thrust of this legislation is to remove the requirement for significant facilities at 55-and-over communities.

This has been a major issue in California, particularly in the Inland Empire area including Riverside and San Bernardino Counties, which have traditionally been retirement communities catering to all income levels of seniors—from low-income mobile home parks to lavishly planned, full service retirement communities. One only has to drive along Interstate 10, from Los Angeles to Phoenix, to see the many billboards advertising these retirement communities.

Previously, these 55-and-over communities have been known as adults only communities. However, during consideration of the Fair Housing Amendments of 1988, in an attempt to combat discrimination against families with children, adults only communities were called into question.

In turn, Congress decided to preserve adults only communities, which previously housed seniors, with the new designation of "55-and-over." One of the requirements for this designation was that communities must have "significant facilities" in order to qualify. The Department of Housing and Urban Development did not develop rules for "significant facilities," however, until 1991. Unfortunately, these rules proved to be very controversial and resulted in several expensive law suits being brought by HUD against the very communities Congress had intended to protect.

The most controversial point had to do with the definition and differing interpretations by the courts and HUD as to what constituted "significant facilities." Did it mean that there had to be a 24-hour, on-site medical facility, for example, or, could shuffleboard or other planned activities suffice?

Last year, due partially to concerns expressed by my office, former Department of Housing and Urban Development Assistant Secretary for Fair Housing and Equal Opportunity Roberta Achtenberg conducted hearings around the country, including one in San Bernardino County. From what I understand, communities were pleased with the outcomes of the hearings, and eventually, HUD developed new rules which lessened the definition of "significant facilities."

Still, cities have been anxious for Congress to adopt H.R. 660, to permanently eliminate the "significant facilities" requirement. Take for example, in my state of California, the city of Hemet.

In the city of Hemet, 50 percent of its housing is 55-and-over communities. Removing the seniors-only status and requiring these communities to absorb families with children will result in a dramatic shortage of classroom space, and the tax-base. Demographics are such that the financing of new school construction, in a city that was planned as a retirement community, would not be possible.

Adoption of H.R. 660 will preserve existing 55-and-over communities, and will clarify, once and for all, congressional intent with respect to protecting senior housing in retirement communities.

Although discrimination against families with children should not be tolerated, when a community has been planned specifically as a retirement community, and at least 80 percent of its residences house senior citizens, as this bill requires, then I believe those communities should have a right to be preserved as senior housing.

Mr. FAIRCLOTH. Mr. President, I strongly support H.R. 660. This legislation will eliminate many of the problems that senior communities have faced over the last several years, particularly from HUD's excessive rules interpreting the Fair Housing Act.

Mr. President, unfortunately, this is not the only problem that arises from interpretations of the Fair Housing Act. In August of this year, I introduced legislation, S. 1132, to address two significant problems.

First, S. 1132, would prevent HUD from investigating and even suing people who protest the establishment of group homes in their communities.

S. 1132 would also overturn a recent Supreme Court ruling in City of Edmonds versus Oxford House, by allowing localities to zone limits on the number of unrelated persons living together if the zoning scheme is designed to preserve a single family neighborhood.

In that case, a home for 10 to 12 recovering drug addicts and alcoholics was located in a single family neighborhood. The city tried to have the house removed because it violated the city's local zoning code that placed limits on the number of unrelated persons living together. The Supreme Court ruled that the Fair Housing Act was violated by this zoning law.

I think the Supreme Court ruled incorrectly in this case. The Congress clearly intended an exemption from the Fair Housing Act regarding the number of unrelated occupants living together. My bill would clarify that localities can continue to zone certain areas as single family neighborhoods, by limiting the number of unrelated occupants living together. I think families should be able to live in neighborhoods without the threat that certain types of group homes—which may be unsuitable for single family neighborhoods—can move in next door and receive the protection of the Fair Housing Act.

But the most important point is this one: Decisions about zoning should be made at the local level and not in Washington. If a locality wants to permit group homes in a certain area—it can do so without HUD interfering in the decision using the Fair Housing Act as cover.

Mr. President, my bill would also correct the abuses of the Fair Housing Act by the Clinton administration. In the past 2 years, HUD has taken to investigating people under the Fair Housing Act who have protested group homes coming into their neighborhoods. The most well known of these cases was the incident involving three residents in Berkeley, CA. HUD's actions were a blatant violation of their right to freedom of speech. HUD's abuse was so bad that they dropped the suit and promised they wouldn't do it again. HUD even issued new guidelines on the subject so it couldn't happen again.

But, not long ago, HUD has done it again. HUD is investigating five Californians who went to court to get a restraining order against a group home for the developmentally disabled that was planned for their neighborhood.

Mr. President, the issue is not whether the location for this group home is proper, that issue can be decided by the courts. The issue is freedom of speech. I believe anybody has the right to speak their mind and to take legal action against what they think is an injustice. HUD has taken the opposite view in this debate. I think this is wrong and needs to be clarified in law by amending the Fair Housing Act.

Mr. President, I offer strong support for H.R. 660, but would hope that in the near future, the Senate would consider other changes to the Fair Housing Act, particularly those in S. 1132. I hope that we can make these reforms to the Fair Housing Act because we need to preserve this act to prevent real discrimination, but we do not need to use the act to pursue a far, far left agenda that defies common sense, and silences free speech.

Mr. GORTON. Mr. President, today we passed a significant bill which will remove the burdensome bureaucracy of the Federal Housing and Urban Development Agency off the backs of American seniors. In this bill, which I originally introduced in the Senate during the 103d Congress, we take significant steps to provide fair, safe, and independent housing for Americans over the age of 55. I have received thousands of letters from concerned residents of "55 and over" communities in Washington.

Today, law provides for people over the age of 62 to be provided with special housing arrangements. The qualifications for a senior housing development are simple: A community for persons age 62 and older is required to have all residents age 62 or older. In 1988, Congress also legislated that communities with citizens 55 or older would qualify as "housing for older persons," provided those communities met three requirements: 80 percent of the housing units must be occupied by at least one person age 55 or older; a community must show in its advertising, rules, regulations and leases that it intends to serve people over the age of 55; and the community must provide "significant facilities and services" to its residents.

It's those words: "Significant facilities and services" which have proven to be so problematic. HUD tried to tell us what "Significant facilities and services" meant—it received over 15,000 comments, all expressing continued confusing and puzzlement over the Department's attempt at clarification. This is an area of law that is crying for legislative relief. I believe, as do my constituents, that the Department's rules go too far in mandating that all "55 and over" communities provide expensive facilities and services and make these services accessible to older persons. Clearly, Mr. President, privately owned and operated "55 and over" communities catering to low- and moderate-income seniors cannot be expected to have the same facilities and services as federally funded housing projects.

Seniors of all incomes deserve protection. As noted in the Senate report to H.R. 660, "poorly drafted regulations have discouraged or outright denied seniors housing." With the overwhelming passage of H.R. 660, the U.S. Senate has stopped this practice. The U.S. Senate took a stand on behalf of our seniors, and their right to fair, safe, and equitable housing.

Mr. BROWN. Mr. President, let me repeat what is at issue.

The way the HUD rules operate is that senior citizens are not allowed to have a community by themselves unless they had some facilities that were laid out by HUD, and they were things like access to swimming pools, accessible club house, private fishing pond, a hair salon, a golf course, lawyer's office, a vacation house watch, pet therapy services, tool loan services, regularly offered CPR classes, fashion shows, craft classes in making jewelry, a variety of classes including t'ai chi or swimming therapy.

What they came up with in the HUD rules was a flat rule that said if you are not rich and cannot afford these extraordinary services, we are not going to let you live together.

Mr. President, that is not right. Seniors in this country deserve an opportunity to have reasonable rules. That is what this bill does. It has reasonable regulations, and it is a reasonable guideline that repeals some very unreasonable regulations. It has the overwhelming support of seniors around this country, the overwhelming support of the House. And I strongly urge its adoption.

Mr. President, we are now at a point where the proponents of the bill have used much of their time. I suggest the absence of a quorum and ask that the time that is consumed in the quorum call be equally divided, except that at least 5 minutes remain usable at the end of the debate for the proponents of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry. I wish to speak in opposition to this bill. Is there time for me to do that? And under whose control is the time?

The PRESIDING OFFICER. The Senator controls 23 minutes in his own right.

Mr. BIDEN. I thank the Chair very much.

Mr. President, this bill, in my view, retreats from the commitment we made to families with children. In 1988, Congress said that America's housing providers should not be able to discriminate against families with children. We did this in the face of widespread evidence that such discrimination against families with children existed.

We spent a lot of time on this floor—and I participated and have for the years I have been here—talking about discrimination against minorities, talking about discrimination against the elderly, talking about all forms of discrimination, as we should, as we should. But in my view, we spent precious little time on this floor talking about what is a mounting form of discrimination, discrimination against children, because some people find them inconvenient, inconvenient to be around.

In 1988, Congress said that America's housing providers should not be able to discriminate against children as well as against blacks or Hispanics or people based on their religion or based on their gender. We took this action because we wanted to prohibit all-adult housing communities just as we had prohibited all-white housing communities in 1968 with the passage of the Fair Housing Act in the first place.

Even as we said no discriminating against families, we also carved out an exception for legitimate retirement communities which catered to the special needs—not just desires, needs—and requirements of the elderly. The distinction we made then, and which I stand by now, is this: You cannot just keep children out because you do not like them, you cannot just keep children out because you do not want tricycles around, you cannot just keep children out and families with children out because it is inconvenient and you do not like it.

If you are going to exclude children, we said, you must be an organized community providing "significant facilities and services" designed to meet the physical and social needs of the elderly. Or put another way, a lot of old folks like me—I am 53 now—get together and say, "We're tired of having kids around and we're going to have this gated community that X percent of us are over the age of 50, and we can prevent someone from moving in who has kids."

Well, I tell you what, I think that—and by the way, there was ample evidence in the hearings we held then that that is just what was being done. What we were not concerned about is a community for the elderly with special needs where they needed ramps, where they needed special dining facilities, where there was some type of extended care, where it was in fact designed for elderly persons who in fact physically needed this special circumstance or emotionally needed this special circumstance, but not just because all of a sudden we have become trendy and decided that kids are kind of in the way.

If we are going to exclude children, we said, you have to be an organized community providing significant facilities and services. This "significant facilities and service" requirement was put into law for, as I have said, a very good reason, put there to distinguish between true senior communities and those that just think children are a pain in the neck. We recognized that something other than an animus against children must set these communities apart in order to meet an exemption from the Fair Housing Act.

I understand that what constitutes significant facilities and services has been a matter of a great deal of controversy and uncertainty over the years, and I have not been satisfied, because I have not believed that we set down stringent enough requirements to exclude—exclude—families with children.

Heck, there are communities who let dogs in, let people have dogs, but will not let people have children. And so, significant facilities and services, as I indicated, have been a matter of much controversy.

Also understand, the Department of Housing and Urban Development has taken many different stabs at the definition which has led to confusion and has made it difficult for those trying to comply with the law.

Mr. President, none of that, in my view, should lead us to abandon the basic principle: If you are going to be able to discriminate against families, you should be special, you should be serving the special needs of seniors. This principle should remain our guidepost more now than ever, especially since the Department of Housing and Urban Development has just recently promulgated completely revised regulations which resolve the confusion and make it much easier and clearer for senior housing communities to take advantage of the exemption.

The Department, many now agree, has finally gotten it right. Under the new regulations, which went into effect September 18 of this year, a housing facility can self-certify. It is amazing, we do not let many other folks self-certify that it falls under the Fair Housing Act exemption by simply filling out a straightforward, easy-to-understand checklist of facilities and services designed for older folks, which, I add, I do think is too lenient, not too strong. My staff does not like me to say that, but that is what I think. I think it should be more stringent, if you are a senior community meeting the exemption.

But the checklist contains a menu of some 114 facilities and services in 11 categories. If a facility provides a mere 10 of them, like wheelchair accessibility, communal recreation facilities, periodic vision or hearing tests or fellowship meetings, it qualifies as a senior housing project and may exclude families with children.

I want to make it clear to seniors who are not happy with me about this, I do not even think that is stringent enough, but at least it attempts to make the distinction.

If a facility's status is challenged, it need only show that the certification was accurate at the time of the alleged violation. The list of facilities and services included in the new rule was drawn from amenities actually provided by a wide cross-section of senior housing developments across the country, large and small, affluent and less well off, manufactured housing communities, condominiums and single-family communities.

In testimony before Senator BROWN's subcommittee, a representative from the Department of Housing and Urban Development testified to the extreme flexibility and cost consciousness built into the new guidelines. Here is what he said, and I quote:

> The rule does not assume that people living in housing for older persons are frail, disabled or require nursing home care. It does not require congregate dining or on-site medical care. The facility and services may be provided on or off the premises of the housing.

Let me add, I think it should require those things. But they may be provided by staff, volunteers, including residents and neighbors, or by third parties, such as civic groups or existing organizations in the community.

The new regulation does not require lavish services, nor do the mandated facilities, affordable only by the well-heeled; rather, they simply embody what is already being offered by bona fide senior communities of all sorts across the map. If a facility is providing at least 10 of the 114 facilities or services on the list, it qualifies for an exemption, a self-designated exemption.

The bill's supporters say the bill will make it easier and surer for a housing community to determine whether it qualifies for a fair housing exemption, and they are absolutely right about that. It makes it a lot easier. They do not have to be a senior facility. They can just not like kids. They can just not like kids around.

What kind of message are we sending to families with children, most of whom are breaking their necks just making it? What are we saying? We want to make it easier for you to have a rationale to keep me out of that community with my 14-year-old daughter?

I think it is outrageous—I acknowledge, I am the only one who seems upset about this; no one else is here to speak against it, that I am aware of—unless they want to make it even easier and just say it is not in vogue to have kids: "If you have kids, go off and live by yourself." The other folks should go off and live by themselves, and if the kids want to follow, so be it. Think about it for a minute.

Let us say that a complex contains 100 units; that all of these are occupied by two people; and that 80 percent are occupied by at least one person over the age of 55. In this hypothetical community, it will be able to lawfully discriminate against families with children under this bill if as few as 80 residents of the 200 of them are over the age of 55, while 120 could be under the age of 55, and we could put up a sign: "No children allowed."

They probably all call themselves great Americans, too, by the way. They all talk about how they care about families, and they may even go visit their grandchildren and pat them on the head on their birthdays and Christmas. What does that say, if you can build a community where 80 out of 200 people living in the community are over 55 and you can say "no kids"? If we want population control, this may be one of the indirect ways of going at it.

To my mind, the math just does not add up to fairness for families and children. I believe this bill will open the door to the very kind of discrimination we sought to outlaw in 1988, and I think it will make it just too easy for folks to hang a sign on the door that just says, "No children allowed."

I cannot support this bill. I urge my colleagues not to support this bill. I realize that I am going to hear an awful lot from senior citizens about their rights. I do not think there is anybody on this floor who votes to protect the rights of seniors any more than I do, but no senior, unless they have a physical or emotional problem and need, has a right to tell a kid they cannot live next door. It is just too darn bad, and we are allowing it here.

I might add—well, I will not add anything else, because I will just get myself in trouble if I keep thinking about it and keep talking about it. I do not think this is the right thing to do.

I am sure to most, because we are so busy, this is just a clarification of an existing piece of legislation. That is how it is advertised. I respect my colleague from Colorado. He is joined in support for this by many of the strongest allies in the area of civil rights, many of the colleagues on this floor, my colleagues who I tried rally a little bit about this. They seem to think I am kind of off. One of them even said, "BIDEN, that's because you come from a big Catholic family, you keep talking about the size of families."

I do not like people who discriminate against kids. Period. I think it is well-intended what is being done here, but I want to tell you, if you are 55 years old, ambulatory, still working, have no problem, live at home, have a wife or have a husband, you are hanging around the house, and you are fine and you do not have any special needs, you should not be able to say a kid cannot move next door to you. Period. Period.

I just think this is wrong. I think it is dead wrong. But I am going to lose. I just want to make sure when my children and grandchildren read this, they will know their old man and their grandfather meant what he said.

The only important thing—the only important thing—in this whole outfit is kids. That is the only important thing. All the rest is insignificant. And when we allow people to say, "No kids here," it is like we say, "No dogs here," it is like we say, "No blacks here." That is just wrong, unless there is a real good and compelling reason for it. The fact you are over 55 and 80 out of 200 people in a community over 55, that "ain't" good enough for me.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. BROWN. Mr. President, I yield myself 2 minutes. I want to pay tribute to my very thoughtful colleague from Delaware. His comments are heartfelt, and I know he is very sincere. I know his concerns come from a genuine interest in seeing that the irrationality of discrimination does not pervade our society, and that we evaluate and work with each other on the basis of reasonableness, thoughtfulness and caring. I want to pay tribute to him because I have a great deal of respect for him and what brings him to his position.

I am persuaded that this is a good bill for a couple of reasons. One, I believe seniors, who have reached that stage in life where they need to be in a safe, supportive environment, should be allowed that opportunity. That is what the bill does.

Second, Mr. President, I am persuaded that the guidelines that HUD came up with are simply an attempt to make it impossible to make this exemption for seniors housing work, not reasonable attempts at regulation. After two administrations, three attempts at regulations, four Congresses, specific Federal legislation directing HUD to fix this, countless lawsuits, numerous hearings and policy decisions, a record number of constituent letters to agencies, the fact is that we ought to act and make it possible for seniors to have units by themselves, if they wish it.

Mr. President, let me make two observations. One, nobody who wants to be around kids, by this measure, is precluded from being around kids. It does not do that. It also ought to be noted, Mr. President, that when you have senior housing and seniors sell their home and move into the senior housing, it makes available additional units to families who have children. We ought to ask ourselves: where did the senior who moves into a seniors community come from? Certainly they are vacating other housing. So the process of senior housing is one that adds units for family units, not subtracts from it.

Last, Mr. President, I think any objective observer would look at the guidelines that have come out from HUD and understand they have simply not served the American people. To suggest that to have senior housing units, you have to have to have access to swimming pools or hair salons, or access to a clubhouse, or life guards, or exercise instructors, or crafts instructors, or golf courses, or a lawyer's office, or polka and ballroom dancing instructors, or fashion shows, is simply to recognize what they have done with these regulations. They have said that you have to be rich to qualify for senior housing.

Mr. President, the reality is this: The majority of Americans who retire do not have a lot of extra money and a lot of them cannot afford these things. What we have done is come up with HUD regulations that are reserved for the very rich, and that is silly and wrong, and it ought to be corrected. This bill does that. This bill is about expanding freedom, about giving seniors choices. I think it is a wise measure. It is why the House passed it by such an overwhelming margin.

A concern that has been raised about H.R. 660 is whether it requires a seniors community to be intended for 100 percent occupancy by people over the age of 55. Section 807 (b)(2)(C) states that the housing is "intended and operated for occupancy by persons 55 years of age or older." The congressional intent of this provision is simply that the main purpose behind creating the community is to provide housing for older persons. Any suggestion that this requires the community to intend that 100 percent of the units be occupied by those 55 and older is a grave misconception. the true meaning behind this general statement is evident in the bill's language, the legislative history, the subcommittee report, and current Federal regulations.

This legislation will not require all units in a seniors community to be intended for use by persons over the age of 55. The bill language makes it obvious exactly when counting occupancy is critical. The bright-line standard it creates clears up any confusion in determining what constitutes seniors housing: At least 80 percent of the occupied units are occupied by at least 1 person who is 55 years of age or older—not 100 percent and not total units—80 percent of occupied units.

But the general purpose of the community, as outlined by the section in question, is to provide housing for older persons—and the definition of what constitutes housing for older persons is that 80 percent of the occupied units are occupied by persons 55 years of age and older.

The language of the bill is clear on this point, and so is the legislative history. In 1988, Congress extended the Fair Housing Act to prohibit discrimination in housing against families with children. At the same time, however, Congress provided for the exemption of three different types of seniors housing, including the one we are examining today; that is, housing "intended or operated for occupancy by at least one person 55 years of age or older per unit."

The fact that H.R. 660 does not require 100 percent occupancy for housing of persons 55 and older becomes even more evident when one compares this category of seniors housing with another one of the three original exemptions. The second category is "housing intended for, and solely occupied by, persons 62 years of age or older." Note the striking difference, besides age, between these two categories: The one we are concerned with today no where states that housing is to be solely occupied by persons 55 years of age and older. Yet if this was the congressional intent, certainly it would have been delineated in 1988 when the three categories were first introduced.

The subcommittee report also promotes this interpretation. In the section-by-section analysis, the provision in question is interpreted so that "the housing provider can demonstrate its intent to providing housing for persons 55 years or older, even if it allows persons under age 55 to continue to occupy dwelling units or move into the housing facility and occupy dwelling units, as long as the housing facility maintains the 80 percent occupancy threshold."

The congressional intent voiced throughout the legislative history and subcommittee report is to make it easier for seniors communities to qualify as housing for older persons, thereby making seniors housing, particularly lower income seniors housing, more affordable. Requiring 100 percent of the units in a community, occupied or not, to be intended only for persons age 55 and older does not accomplish this goal—in fact, it makes qualifying as seniors housing more burdensome and would further restrict the availability of affordable seniors housing.

What Congress does intend is to create a 20-percent buffer zone for seniors communities so that they can more easily qualify, and remain qualified, as housing for older persons. It is easy to predict several situations that could arise making this buffer zone a necessary and vital protection for seniors housing.

Suppose an elderly woman owns a condominium in a seniors housing community. When this woman passes away, she wants to leave the home to her middle-aged son. Inheritance and transfer of property are an everyday occurrence in our democratic society, and the 20-percent buffer zone outlined in H.R. 660 would accommodate such a bequest.

Or consider the widow of a senior citizen who has passed away. If the surviving spouse is younger than 62 or 55, then, without H.R. 660, they face not losing a loved one, but also having to move out of their own home. This is not the role of the Federal Government. H.R. 660 corrects this.

The possible scenarios that affect seniors housing go even further—to potentially threatening the very existence of seniors communities. If a seniors apartment complex has 100 rooms available but can only find enough interested seniors to occupy 90 of them, this bill would permit the remaining 10 rooms to be occupied by families or other people under age 55. Forcing the communities to leave these 10 apartments vacant because seniors were not available could threaten the economic viability of running a seniors community. H.R. 660 protects seniors from that risk.

Current Federal regulations also support the fact that housing "intended and operated for occupancy by persons age 55 and older" does not mean 100 percent occupancy is required. Current regulations require similar intent as what is proposed in H.R. 660. In regard to housing for persons 55 and over, it states that the owner or manager of a seniors community must "publish and adhere to policies and procedures which demonstrate an intent to provide housing for persons 55 years of age or older." Not at any time has HUD interpreted this to mean 100 percent occupancy by seniors. This is a general statement requiring that the main purpose behind the housing facility is to provide housing for seniors. No specific or numerical requirements are prescribed, just that the goal of their venture is to make seniors housing available.

A specific, numerical requirement is prescribed in this bill, but you won't find it before the bright-line test in section 807(b)(2)(C)(i). This bright-line standard is the force of H.R. 660, replacing the ambiguous "significant facilities and services" requirement that currently exists. But nothing else in this language prescribes any occupancy requirements beyond the bright-line standard of 80 percent actual occupancy.

Nothing in the legislative history, congressional intent, current CFR's, or language of this bill requires seniors communities to have the intent to occupy 100 percent of their housing units with persons 55 years of age and older. There is a well-thought and intentional 20 percent buffer zone to protect seniors communities and ensure they are effective, not unduly burdened, and able to provide the best services to our most valued citizens at the most affordable cost. The bright-line standard and everything surrounding this bill make that clear. Do not be misguided by inaccurate and hasty fears. H.R. 660 does not require the intention of 100 percent occupancy, but rather the clear, understandable condition that to be considered housing for older persons, 80 percent of the occupied units must be occupied by persons age 55 and older.

Mr. President, I believe this completes all the arguments. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 590 Leg.]

YEAS—94

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—3

Biden
Chafee
Leahy

NOT VOTING—2

Bradley
Faircloth

So the bill (H.R. 660), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1833, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed the consideration of the bill.

Pending:

(1) Smith amendment No. 3080, to provide a life-of-the-mother exception.

(2) Dole amendment No. 3081 (to amendment No. 3080), of a perfecting nature.

(3) Pryor amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs.

(4) Boxer amendment No. 3083 (to amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator will suspend. The Senate will please come to order.

Mr. SMITH. Mr. President, I ask for the yeas and nays on the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3081 TO AMENDMENT NO. 3080

Mr. SMITH. Mr. President, I now call for the regular order with respect to the Dole amendment.

The PRESIDING OFFICER. The Senator has that right. The pending question is the Dole amendment No. 3081 to the Smith amendment 3080.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I want to make it clear that my hope is to offer two amendments to this bill for consideration by the Senate. One would deal with the problem of a deadbeat father having standing to bring lawsuits, and the other one would deal with the question of who is civilly or criminally liable under the bill. At the appropriate time, with the concurrence of the sponsor of the bill, I will offer those amendments.

Mr. President, at the appropriate time I will try to offer those amendments for the Senate's consideration. I will make copies available in the RECORD.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it is my intention to offer an amendment concerning deadbeat dads. The amendment would make it clear that fathers who are deadbeat and do not marry the mother do not have the right to sue under this bill and thereby gather a financial bonanza. I circulated a draft of that amendment to the parties who are leading the debate on this bill.

I ask unanimous consent that I be allowed to offer that amendment without a second-degree amendment being in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer the amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I would ask that we go into a quorum.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Will the Senator yield for a question before he begins? And I am fully supportive of his amendment, the way he is approaching it.

Mr. BROWN. I am happy to yield.

Mrs. BOXER. I just want to get on the record that it is not the Senator's intention to have his amendment voted on prior to the Boxer amendment and the Dole amendment but, rather, after the Boxer and the Dole amendments are disposed of?

Mr. BROWN. That is an accurate statement of my intention, and my hope would be that absent agreement, we would save my amendment until after the disposition of those two amendments.

The PRESIDING OFFICER. The Senator needs to make a request.

Mr. BROWN. Mr. President, I ask unanimous consent that no vote occur on the Brown amendment, which I am about to offer, until the Boxer and Dole amendments are disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank my friend, and I wish him the best of luck with his amendment, which I will support.

Mr. BROWN. I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3085

(Purpose: To limit the ability of dead beat dads and those who consent to the procedure to collect relief as provided for in this section)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 3085:
>
> On page 2, line 14, strike "(c)(1) The father," and insert the following: "(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,".

Mr. BROWN. Mr. President, as drafted, the bill now extends the right to sue a physician and others involved in the partial-birth abortion process, to the father and other parties.

It is this Senator's belief that extending the right to sue under the bill to a father, who has assumed the responsibilities of fatherhood, is appropriate, but it is also my belief that to extend the privilege of standing and the potential enrichment it could convey to someone who has not assumed the real responsibilities of fatherhood would be a tragic mistake. To allow someone a financial windfall when they have not married the mother, when they have not lived up to their responsibilities in our society, would send exactly the wrong message. It would have the effect of granting possibly substantial financial remuneration to someone who has not been willing to meet his commitment to society or to meet the commitments of fatherhood. It would reward a deadbeat dad, something I believe is simply wrong. So this amendment makes it clear that someone who has not married the mother does not have the right to be enriched.

Mr. President, I think that sums up the amendment, and I hope the Senate will favorably consider it after it has had an opportunity to consider and dispose of the Dole and Boxer amendments.

I yield the floor.

Mr. SMITH. Mr. President, I just want to say to the Senator from Colorado that we support his amendment. We think it is a good amendment and enhances the bill, and we are pleased to support it. I appreciate the fact that the Senator has offered it.

Mr. President, is the pending business the Smith-Dole amendment?

AMENDMENT NO. 3081

The PRESIDING OFFICER. It is the Dole amendment, which is a second-degree amendment to the Smith amendment, amendment 3081, I believe.

Mr. SMITH. I thank the Chair. That being the case, at this time I rise in very strong support of this pending amendment, Dole-Smith or Smith-Dole, life-of-the-mother exception amendment.

In addition, I also, in the course of my remarks, would be addressing another amendment that the Senate will be considering later this evening, which is the Boxer amendment, Senator BOXER's partial-birth abortion-on-demand amendment.

Mr. President, the underlying bill, H.R. 1833, which came to us from the House, bans what I have described as the brutal and inhumane partial-birth-abortion procedure. That is the only abortion procedure that it bans. Testimony to the contrary notwithstanding, this is the only abortion technique, the only abortion method that is banned under 1833. It includes an affirmative defense exception under which a physician would be subject to no penalty if that physician is able to demonstrate that he or she reasonably believed that the mother's life was in danger and no other medical procedure would suffice to save her life.

Obviously, Mr. President, a two-thirds majority of the House of Representatives believed that the affirmative defense provision of H.R. 1833 fully protected the life of the mother. It was an overwhelming vote in the House, and, of course, as we indicated yesterday, there were pro-choice Republicans, pro-choice Democrats, and pro-life Democrats and Republicans who supported overwhelmingly this legislation. So in spite of the fact that it has been called extremist, the truth of the matter is many people on all sides of the issue supported H.R. 1833 in the House.

In addition, as I have noted previously, the American Medical Association's Council on Legislation voted unanimously to endorse H.R. 1833 with the affirmative defense provision in it.

It is clear then, based on that decision, that the AMA Council also believed that the affirmative defense provision would fully protect any doctor who performed a partial-birth abortion if it was performed to save the mother's life when no other procedure was available to save the mother's life, even though, as we have indicated over and over in the testimony and debate in the Chamber of the Senate, we have not seen any witnesses who have come forth in the hearing who said that the mother's life was threatened. But, nevertheless, to be fair, we have put in this exception.

In spite of all that, a number of Senators have argued on the floor and have made the same point to me in private, frankly, that the affirmative defense approach may not give doctors who encounter an exceedingly life-endangering condition of the mother the sufficient latitude that they need. There is no medical evidence in the record produced as a result of the hearing on November 17 before the Judiciary Committee that the partial-birth-abortion procedure is ever necessary to save the life of the mother. As I said, there simply was no testimony. But Senators have expressed discomfort, as I said, in private to me, some wanting to vote for this but felt that they were not comfortable with the affirmative defense approach. In a good-faith effort to accommodate these concerns, last night Senator DOLE and I offered a life-of-the-mother exception amendment, and the new language which would be added immediately at the end of subsection (a) of the pending bill reads as follows:

> This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness or injury, provided that no other medical procedure would suffice for that purpose.

Now, we heard some debate here last night from some as if to say a physical disorder would not cover the complications that may arise from a pregnancy where a partial-birth abortion would be performed.

Of course, that would be covered. We are playing semantic games. The intent is to cover this if, in fact, there is a need to protect the life of the mother, which at this point we have never seen any testimony before any of our committees.

The language of this Smith-Dole life-of-the-mother exception amendment is very clear. It could not be clearer. The first part of the amendment is designed to make certain that the exception only applies to cases in which the mother's life is genuinely, physically threatened by some physical disorder, physical illness, or physical injury.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS-CONSENT AGREEMENTS

Mr. SMITH. Mr. President, I ask unanimous consent that there be 90 minutes equally divided between myself and Senator BOXER for debate on the Dole amendment No. 3081 and the Boxer amendment No. 3082, and that following the conclusion or yielding back of time, the amendments be laid aside, and the votes occur first on the Dole amendment, to be followed immediately by a vote on the Boxer amendment on Thursday, December 7, with the time to be determined.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SMITH. I also ask unanimous consent that immediately following the disposition of the State-Justice-Commerce appropriations conference report, that there be 60 minutes to be equally divided in the usual form for closing debate on the two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. I further ask unanimous consent that if the Dole amendment No. 3081 is adopted, the Smith amendment No. 3080, as amended, be deemed agreed to without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Finally, I ask unanimous consent that immediately following the two back-to-back votes tomorrow, that Senator SMITH or his designee be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. In light of this agreement, Mr. President, the leader has asked me to announce there will be no further votes this evening.

AMENDMENT NO. 3081

The second part of the Smith-Dole amendment is intended to ensure that in such dire emergency cases that we talked about, a partial-birth abortion could only be performed if it were the only medical procedure available to save the life of the mother. After all, as we all know now, the partial-birth abortion procedure is, first, brutal, and second, inhumane. It cannot possibly be justified except in a case of true self-defense when there is no other way—no other way—for a doctor to save the mother's life. In that case, self-defense is certainly legitimate and, of course, I would be supportive.

In sum, Mr. President, both Senator DOLE and I believe that this carefully drafted life-of-the-mother exception amendment is fully adequate. You will hear words to the contrary, but it is fully adequate to address the good-faith concerns of those Senators who are not satisfied with the affirmative defense provision in the underlying bill.

As I indicated, I am satisfied with it. But others are not, and I respect the fact that others are not and am willing therefore and have been willing, and Senator DOLE and others have been willing, to change it to clarify it more, to make sure there is no doubt that we support the life-of-the-mother exception.

We are satisfied that our language assures that this exception will not be abused by doctors who are not acting in good faith to save mothers' lives. We feel we have taken care of that in the amendment. Let me be very clear, Mr. President, as clear as I can be. Under the Smith-Dole amendment, no doctor could be convicted of violating the Partial-Birth Abortion Ban Act of 1995 unless the Government proved beyond a reasonable doubt that the doctor had performed a partial-birth abortion that was not covered—not covered—by this life-of-the-mother exception.

As I indicated, Mr. President, this Smith-Dole life-of-the-mother exception amendment fully satisfies—fully—any legitimate concerns that the affirmative defense provision of H.R. 1833 does not adequately protect any doctor that might act to protect the life of the mother where no other procedure is available. We have gone the extra mile by doing this, even though—even though—those of us that have put this amendment forth believe that the affirmative defense provision does, in fact, protect such doctors.

Mr. President, one of the Senators who has consistently made the argument that the affirmative defense provision does not protect doctors in lifesaving situations is my colleague on the other side of the issue, the other side of the management here this evening, Senator BOXER. Last night after Senator DOLE and I offered our life-of-the-mother exception amendment, Senator BOXER responded by saying—I want to quote from the CONGRESSIONAL RECORD. "Here we have it, an exception now for life of the mother. I think that is progress. I think that is progress, * * *."

And in the spirit of comity, c-o-m-i-t-y, as opposed to comedy, I welcome Senator BOXER's positive remarks. Senator DOLE and I acted in good faith. We were pleased when she responded in good faith. But later in that same debate there was an about-face by the Senator from California.

I say this with the utmost respect. There was an abrupt change in tune. Here is what Senator BOXER had to say about the Smith-Dole life-of-the-mother exception amendment in the same debate a few minutes after the statement that I just read:

> This so-called life-of-the-mother exception that has been offered by my friend from New Hampshire, with Senator DOLE, is not—let me repeat—is not in any way a life-of-the-mother exception.

I am going to repeat those two lines. First, early in the debate, a quote from Senator BOXER:

> Here we have it, an exception now for the life of the mother. I think that is progress. I think that is progress.

And I welcome those remarks.

Then, later in the same debate, the same evening, quoting Senator BOXER:

> This so-called life-of-the-mother exception that has been offered by my friend from New Hampshire, with Senator DOLE, is not—let me repeat—is not in any way a life-of-the-mother exception.

So, if there is confusion on the part of those who are trying to figure out what Senator BOXER's view is on this, then I certainly understand that confusion.

It is rather curious, is it not, that throughout the Senate's debate on this bill, the other side has repeatedly demanded a life-of-the-mother exception—repeatedly demanded a life-of-the-mother exception. Yet, when we offer one, we get praised for it, then the gears are switched and we are denounced.

I do not know what a flip-flop is, but if that is not one, I do not know what is.

Mr. President, after abruptly changing the position, we then get into rationalization. Then we hear the quote from Senator BOXER:

> So, yes, if a woman had diabetes or some other disease, there would be an exception. But if, in fact, the birth endangered her life, there would be no exception.

That just simply is not true. It simply is not true, and any reasonable person who looks at this amendment will see that it is not true, because it specifically provides for a life-of-the-mother exception.

This is bizarre. I mean it really is bizarre. I have been involved in a lot of debates. I have served in the Congress for 11 years—I served in the Senate for 5 and the House for 6—and I have been involved in debates on everything. You name it, I think I have debated it here somewhere. But I do not think I have ever heard a statement that was as quick a turnaround in the same debate as that.

And I guess my question is, what is the position of the Senator from California? What is the position of the spokesman on the other side of this issue? Is it that we have a life-of-the-mother exception or we do not? She said both. I am curious what the position is. Maybe we will hear it. I do not know.

I said last night if a complication resulting from a pregnancy is not a physical disorder, what is it? I am not a physician. I do not pretend to be a physician. I have never advocated being a physician. I have never said I was a physician, but if a physical disorder, a complication resulting from a pregnancy is not a physical disorder, I do not know what it is.

(Ms. SNOWE assumed the chair.)

Mr. SMITH. Let me reiterate that we can play games with words, we can play semantics and obfuscate and distort the issue, and that is exactly what is occurring here, but the truth of the matter is, this is a life-of-the-mother exception. The other side knows it, but that is not the agenda.

A perfectly normal pregnancy is not a disorder. That is what the agenda is. That is the agenda. They want the right to have an elective—elective—abortion, whether there is a life-of-the-mother exception or not. That is the agenda.

A perfectly normal pregnancy is not a disorder in the sense that some complications arise. It is not an illness, and it is not an injury. It is rather a perfectly normal and natural condition in which millions of women all over the country, all over the world, find themselves in at a given time. Sometimes, however, a woman develops a physical condition or a preexisting condition worsens as a result of the pregnancy and that physical condition poses a grave physical threat to her life.

That situation which I just described, where there is a threat to her life, clearly, in the words of the Smith-Dole amendment, is a physical disorder, and it is covered. To put it more simply, Madam President, normal pregnancy is a natural physical order. It is not a disorder, it is an order, a natural physical order, and a life-threatening pregnancy is a physical disorder.

In short, our amendment could not be clearer. This is a fully adequate, genuine life-of-the-mother exception. Period. And not only that, it is exactly what Senator BOXER repeatedly—over and over and over and over and over again—on the floor of this Senate prior to the hearing said that she wanted. "I want the life-of-the-mother exception," she said. She said it again in the debate last night. We have it. Then she said we do not have it. First she said we have it, then we do not have it.

Let me say what I think is really going on here. I think that those on the other side, the Senator from California and others, know what this amendment is. They know, in fact, that it is a fully adequate, good-faith life-of-the-mother exception. That is what it is.

What I suspect that they might be afraid of is that the Senate's adoption of the Smith-Dole amendment will make it much more difficult to achieve the real objective. Let us talk about that real objective.

Do you know what the real objective is? To gut this bill. To gut the bill. To kill this bill with a life or health exception, which opens up big doors. The keyword is "health." Everyone really knows in the abortion context what that really means. It means abortion on demand, but we are not talking, I say to my colleagues, about abortion on demand under any circumstances at all in this bill, except the partial-birth abortion. That is the only issue before us today. Nothing else.

Whether or not you support, some time between the 5th and 9th month of gestation, the opportunity for any woman to say—let us just use, for example, at 8½ months gestation, that this is a female child and "I don't want it. Therefore, because I don't want it, because it is a female, I am going to abort it in the following manner: I'm going to allow a doctor to enhance, induce the delivery of everything except the head." So all parts of the child come out of the birth canal with the exception of the head. It is then restrained by the doctor. It is held. Delivery stops because the doctor forcefully stops the child from being born, and then the child is killed by using scissors to the back of the head, with no anesthesia, and a catheter to suck out the child's brains. That is what happens. That is the type of abortion we are talking about here. It is the only type of abortion that we are talking about here. I say to my colleagues, let us not talk about these issues now, such as deformities. We will talk about those later. Let us talk about a healthy female child that somebody decides they do not want only because it is a little girl—no other reason—and they abort it in the manner that I described. That is what the agenda is for those who oppose this amendment.

The Senate will consider, later this evening, this killer amendment. It is an amendment that is designed, again, to gut the bill. You may as well call it the partial-birth abortion-upon-demand amendment. That is what it is. I know my colleagues in the House—good colleagues, who have strong views on this issue, pro-choice views, like SUSAN MOLINARI and PATRICK KENNEDY, a moderate Republican and a liberal Democrat—voted for this ban, because they were so incensed, outraged, horrified, and sickened by a process that would take the life of a child in this manner.

We have seen testimony, Madam President, of people who aborted children in this manner. This is what we are talking about. Let us not forget the manner, because that is what we are talking about—in this manner: by scissors and a catheter in the back of the neck, because they had Down's syndrome. We had testimony on that. My colleagues will recognize and I am sure many of us know that people with Down's syndrome are very productive people. It is very interesting that some of those same people who were staunch advocates for the Americans With Disabilities Act would not want to protect an innocent child who may be born with a disability. That is the height of hypocrisy. It just does not get any worse than that.

When one seriously examines the Boxer amendment, it becomes clear that the "partial-birth abortion-on-demand amendment" is what it is. It totally and completely removes all of the protections of the underlying bill from any baby who is not, in the sole judgment of the abortionist, viable. In other words, under the Boxer amendment, any abortionist who wants to use this brutal and inhumane partial-birth abortion procedure to kill an unborn child who is not yet viable—and viability occurs somewhere around 24 weeks—can do so with total impunity.

The amendment denies previable babies any protection at all. I have no doubt that Martin Haskell, the Nation's foremost partial-birth abortionist, would be very pleased, indeed, if this amendment were adopted. Do you know why he would be pleased? Because Dr. Haskell, by his own admission in statements—he refused to come and speak to the Senate—said he performed a thousand of these abortions like I just described—a thousand of them. Guess what, Madam President? Twenty percent—in other words, 200—were because the child had some medical deformity—Down's syndrome, or who knows—and 80 percent, or 800, by his testimony, were perfectly normal children, who were aborted selectively and electively by someone other than that child, that is for sure. That is what is going on in America. That is all I am trying to stop. That is all I am trying to do here.

I say to my colleagues, as I have said before, and to anybody listening, if you had a pet that you had to euthanize, put to sleep, would you do it by using scissors to insert a hole in the back of the head and suck the brains out of your puppy or your dog without anesthesia? Would you do that? You would be horrified if the local SPCA did that and that was in the paper tomorrow. You would be down there closing the place down, trying to adopt all the pets to get them away from there. That is what you would do. But this goes on. Every day a baby dies like this—in America, at least. We cannot stand here and stop it, with all of the problems we face in America today, such as balancing the budget, keeping the Government from closing down so people do not lose their jobs and are out of work for Christmas, deciding whether or not troops should go to Bosnia? We have to stand here and try to stop something as brutal as this, which should not even be happening? My God.

This amendment that the Senator from California has offered allows any partial-birth abortion on any viable baby. If you do not believe that, I would urge Senator BOXER, when she speaks, to say I will make an exception if it is a little girl, I will make an exception if it is healthy, I will make an exception if it has blue eyes, I will make an exception if it is a little boy, I will make an exception—let me hear it. You will not hear it. You will not hear it because that is not the agenda, because we use it in this cloudy term called the "right to choose."

We are going to see pictures of happy families from the Senator from California. But one picture that is not going to be in that happy family is that little baby who, yes, may have had Down's syndrome, who could be productive, or maybe a normal little girl. You will not see their picture in the happy family, because they did not get a chance to be a part of that happy family.

The post-viability language in the Senator's bill, like her pre-viability language, effectively removes all babies from the protection of this underlying bill. I want my colleagues to understand—and they all know my position on abortion. I believe life begins at conception and that life is sacred and should be protected. But that is not what we are debating today. We are debating one specific type of abortion, an abortion in which labor is induced and the child comes into the birth canal and it is executed with scissors and catheters, brutally, in late-term pregnancies. That is what we are talking about, nothing else. Do not be confused by the debate on something else because that is not what we are talking about.

So the Boxer amendment would essentially leave the judgment of whether a post-viability partial-birth abortion is necessary to protect the mother's health to the totally wide-open discretion of the abortion doctor. That, Madam President, is a prescription—to use a medical term—for abortion on demand.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes, 5 seconds.

Mr. SMITH. Madam President, to show more precisely why this amendment would gut the bill, let me focus on the legal meaning of the term "health" in the abortion context. The U.S. Supreme Court addressed that very question in the 1973 decision of Doe versus Bolton. "Whether the health of the mother requires an abortion is a judgment," the Court said, "to be made in the light of all factors—physical, emotional, psychological, the woman's age, and relevant to her well-being."

That is very clearly stated. In other words, the Court has given the broadest, most liberal terms imaginable to the term "health" in the abortion context. As U.S. Court of Appeals Judge John Noonan said, "* * * it would be a rare case where a doctor willing to perform an abortion would not be convinced that his patient's well-being required the abortion she asked for."

I am not trying to get into the debate about when a woman's health is at risk. We have had testimony, and we have called for witnesses to come before the committee of the Senate. We have heard testimony in the House. We sought to find people who would come in here, physicians, from anywhere in America, to come in and testify and tell us, the Senate or the House, where there is a case where you would need to do this type of abortion to save the life of a woman. No one testified to that effect.

No one. They could not produce one. They could not even produce somebody that had a partial-birth abortion at the hearing we had, although they asked for the hearing.

The Senate, in recent votes, has rejected this massive health loophole when it decisively defeated the Mikulski medical necessity amendment with respect to abortion coverage under the federal employees health benefit plan a few weeks ago.

The Senate was not fooled then. The Senate will not be fooled now. This Boxer amendment would preserve the status quo, under which barbaric, cruel, and partial-birth abortion procedures are available on demand, a status quo under which a partial-birth abortionist like Dr. Haskell can freely take the lives of babies, like the Down's syndrome little boy that nurse Brenda Shafer saw him destroy.

Brenda Shafer, for those that missed the debate, was a nurse who witnessed a partial-birth abortion, a little boy who had Down's syndrome. She was horrified. She called his little face an angelic face. She said, "I looked into that face and I walked out of that clinic." She was a pro-choice woman who believed in abortion, taught her daughters that, but not this type of abortion. She was horrified, as any ordinary, normal person would be.

My colleagues, all I am asking, in spite of my own personal feelings about this issue, all I am asking my colleagues to do today, all I am asking them to do is to vote to stop this single horrible, disgusting type of abortion which is unnecessary.

The only circumstance under which such a hideous and cruel procedure could possibly be justified would be in a true, absolute case of self-defense where the doctor had no other way to save the mother's life.

That situation—were it ever to happen in a most extreme case anyone can imagine—is provided for under the life-of-the-mother exception amendment that I believe the Senate will adopt.

Stabbing an innocent, tiny baby through the skull and sucking her brains out—how can you justify that, in order to safeguard some vaguely defined expansive notion of the mother's health? How does it help the mother's health to do that?

If it is hydrocephalic, you can drain off the fluid. In the 1 out of 100 that Dr. Haskell performed that was hydrocephalic—the rest were something also, 80 percent elective.

I urge my colleagues, before you vote on this amendment, look at the Supreme Court's decision of health in the context as set forth in Doe versus Bolton. Health involves all factors: physical, emotional, psychological, and the woman's age relevant to her well-being.

In light of that definition, a vote for this is a vote for partial-birth abortion on demand because there just is not any reason why you could not have one under that definition. A health exception to this bill's ban on partial-birth abortions is, quite literally, an exception that would consume the rule.

In other words, in the abortion context, the word "health" in an exception, is a legal term of art, translated into plain English means abortion on demand.

I say, if that is not the case, then I ask my colleagues on the other side, including the Senator from California, to simply stand up and say, "I would not support aborting a child by the partial-birth abortion method."

If a woman came in and said, "I am 8 months pregnant, Dr. Haskell. I have a single baby and I do not want it." I say she should not have that abortion. If the Senator from California should stand up and say that, we will have made progress. I hope she says it, but do not hold your breath. If she does not say it, we know what the real agenda is—abortion on demand, not just regular abortion.

This kind of abortion, scissors, catheter, something you would not do to your dog or your cat. You know you would not. You know you would not do it. There is no way that you would do it. Why would you do it to a child? Why would you allow it to be done to a child?

To be sure, Senator BOXER made a cosmetic attempt to narrow the definition of health by saying, "Serious adverse health consequences to the woman." But the fact remains that under Senator BOXER's amendment, whether there is a serious adverse health consequence to the mother is left solely to the judgment of the attending physician. In other words, the sole medical judgment of the abortionist, the sole medical judgment of Dr. Haskell and his fellow birth abortionists.

The interesting point, all this talk of life of the mother, if it is your daughter and she is in that situation, or your wife, would you take her to an abortion clinic if her life was threatened or would you take her to a hospital? These are performed in abortion clinics. That is interesting, is it not?

In short, Madam President, this narrowing language does not narrow her health exception one iota. The words "serious and adverse" are so clearly subjective, vague and broad as to be utterly meaningless and provides no meaning. Senator BOXER's amendment remains the partial-birth abortion on demand amendment.

In conclusion, I urge my colleagues, I plead, plead, plead with my colleagues one time, let us end this one, horrible, disgusting type of abortion. Let us have the courage to do it. These little kids cannot stand up here on the floor of the Senate. They do not have anybody. They cannot stand here. The ones that are killed never get a chance to stand here. They are not going to be the first woman President. They are not going to be the first minority President. They will not be president of anything.

Do you know what their sin is? They happen to be in the womb of somebody who does not want them. That is their sin. If they were in the womb of somebody who wanted them after 8½ months, they would be allowed to be free and be born and live under the Constitution of the United States. That is their sin. That is their sin. We can do better than that in this country. We have more important things to do than that.

I yield the floor.

Mr. HELMS. First of all, Mr. President, I think all of us who understand this issue are grateful to the Senator from New Hampshire for his courage and his tenacity in standing up for the unborn, particularly those who have been and otherwise may be destroyed in the most gruesome and horrible way—a partial-birth abortion. I personally am indebted to Senator SMITH, and I admire him very much.

Mr. President, about a month ago, the Senate decided to send H.R. 1833, the Partial-Birth Abortion Ban Act, to the Judiciary Committee with instructions that Senator HATCH and his committee hold at least one hearing and then return the bill to the Senate calendar within 19 days.

The Judiciary Committee has held that hearing and despite the rehashed charges of opponents of this bill, the U.S. Senate can no longer shirk its responsibility. Senator DOLE, by offering a life-of-the-mother exemption to H.R. 1833, has offered a provision that preserves the innocent lives of babies but also answers charges that the original bill did nothing to preserve the lives of the mothers.

Mr. President, Senators have no more excuses. Senators must decide, and should decide soon, whether they will approve a gruesome procedure that is both inhuman and heartless. Senators have heard the partial-birth abortion procedure described. They have seen the graphic depictions. It can easily and factually be said, as Senator SMITH and I discussed when the bill first came to the Senate on November 7, that these innocent, tiny babies are just 3 inches from the protection of the law, only to be mercilessly deprived of their right to live and to love and to be loved.

Senators should also decide whether they will disregard the medical facts and enlightening testimony presented to the Judiciary Committee which confirmed what proponents of the original bill have argued in the House of Representatives and in the Senate—that the voices of tiny babies are being silenced so that a woman can continue to choose to have an abortion in the third trimester.

Let me add, if Senators miss this opportunity to criminalize partial-birth abortions, they will be thumbing their noses at the American public whose outcry against partial-birth abortions is overwhelming.

Mr. President, I was pleased as the House of Representatives listened to the American people and overwhelmingly passed the Partial-Birth Abortion Ban Act by a vote of 288–139 on November 1. If the Senate now follows, as it should, the House's example—and I sincerely hope that the Senate will—the burden then will shift to President Clinton who is more than ready, he says, to use his veto pen in order to appease the pro-abortion lobby unless weighty restrictions are added to the bill.

And that is where we stand today as the Senate has heard from the chorus of Senators, many of whom have taken their marching orders from the powerful abortion lobby. Opponents of the bill have done their best to explain the medical necessity of a procedure that legally allows a doctor to partially deliver a baby, feet-first from the womb, only to have his or her brains brutally removed via the doctor's instruments.

However, Mr. President, these objections by the bill's opponents are hollow attempts to whitewash a hideous wrong. For instance, they continue to persuade Senators that partial-birth abortions are medically necessary in order to preserve the health of pregnant women.

Of course, ask NARAL and the other proabortion groups to define a "medically necessary" situation and you'll hear a variety of answers including "emotional stress," "depression," or "psychological indecision." NARAL even defined "medically necessary" abortions as "a term which generally includes the broadest range of situations for which a state will fund abortion."—"Who Decides? A Reproductive Rights Issues Manual—1990".

Mr. President, I suggest we ask the American people who are ringing the phones off the hooks of Senate offices whether they see eye to eye with NARAL and other pro-abortion groups. They are not fooled. They recognize these semantic games as a smokescreen to demand abortion at any time, for any reason.

More important, the medical evidence declares that this procedure is not needed to protect the health of the mother in a late-term crisis pregnancy. Don't take it from me. Take it from Dr. Pamela E. Smith, Director of Medical Education in the Department of Obstetrics and Gynecology at Chicago's Mount Sinai Hospital.

Dr. Smith, in her November 4 letter to me, states that assertions implying that a partial-birth abortion is needed to protect the health of a woman in a late-term complicated pregnancy is "deceptive and patently untrue." Dr. Smith even goes as far to explain in her October 28 letter to Congressman CHARLES CANADY that such a procedure, in fact, presents medical risks to the patient.

In her testimony before the Judiciary Committee on November 17, Dr. Smith asks an important question that I wish every opponent of this bill would attempt to answer, and it is this:

> Why would a procedure considered to impose a significant risk to maternal health when it is used to deliver a baby alive, suddenly become the "safe method of choice" when the goal is to kill the baby?

Mr. President, I ask unanimous consent that Dr. Smith's letter from November 4, 1995, her letter from October 28, 1995, and her November 17 testimony before the Judiciary Committee be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Even Dr. Warren Hern—author of "Abortion Practice," considered by the American Medical Association as the Nation's most widely used textbook on abortion standards and procedures—boldly disputes the safety of this late-term abortion, calling it "potentially dangerous."

Ask Dr. Hern what he thinks about partial-birth abortions as a safe option for late-term abortions. Let me repeat Dr. Hern's comments from a November 20 article in the American Medical News. He says, "You really can't defend it," referring to a partial-birth abortion. He continues, "I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

Mr. President, I ask unanimous consent that the November 20, 1995, American Medical News article titled, "Outlawing Abortion Method," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, allow me to address one more objection raised by opponents of this bill. In fact, the National Abortion Federation raised it with me in a November 3 letter, complete with pictures of severely abnormal babies. The NAF claims that it is the tragedy of deformed and abnormal babies that has produced a need for partial-birth abortions. Without this procedure, they portend, a pregnant woman's health will be threatened—Dr. Smith and other doctors have already refuted this point—and such abnormalities are "incompatible with life."

Now, Mr. President, nobody, in their right mind, would ever wish for a mother and father to face the heartbreaking experience of their newborn being delivered with a severe abnormality. Nobody would ever want a child to endure the physical and emotional scars of a physical deformity. Yet, for these reasons, they claim partial-birth abortions should remain legal.

Again, I disagree and ask opponents of the bill to consider the reasons given by Dr. Martin Haskell, a noted proponent and practitioner of partial-birth abortions, as to why this procedure is conducted. Dr. Haskell, in a 1993 interview with American Medical News, states that 20 percent are conducted for genetic reasons, and the other 80 percent are purely elective—purely to get rid of the child.

And according to materials presented to a House Judiciary subcommittee, the non-elective reasons given for a partial-birth abortion conducted by the late Dr. James McMahon included such "flaws" as a cleft palate. Are these the type of genetic reasons these babies suffer painful deaths?

Mr. President, the facts are in and I will not belabor them further. But they clearly prove that partial-birth abortions are unnecessary to preserve the health of a woman in a late-term complicated pregnancy. Simply put, a partial-birth abortion is another means for a woman to terminate her unwanted child very late in pregnancy.

I urge my colleagues, do not be deceived by the pro-abortion rhetoric which would have you believe that this cruel procedure is needed. Instead, listen to the advice of medical experts. Consider the outcry of the American people who recognize partial-birth abortions as inhuman and stand up for the most helpless and innocent human beings imaginable.

I thank the distinguished Senator from New Hampshire, and I admire him and the great work he has done. I yield the floor.

EXHIBIT 1

NOVEMBER 4, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: I am a medical doctor, board certified in the specialty of obstetrics and gynecology. I am also in the process of completing a master's in public health with enhanced analytical skills in maternal and child health at the University of Illinois at Chicago. For the past 15 years I have practiced in the inner city of Chicago and currently I am the Director of Medical Education in the Department of Obstetrics and Gynecology at Mt. Sinai Hospital; a member of the Association of Professors in Gynecology and Obstetrics; and the President Elect of the American Association of Profile Obstetricians and Gynecologists. It has recently been brought to my attention that on November 7th the Senate will consider the Partial Birth Abortion Ban. As a fellow citizen I urge you to support this legislation.

As you are probably aware the partial birth abortion procedure involves delivering a human fetus by breach extraction until only the head remains inside the birth canal. The practitioner then kills the baby by inserting a pair of scissors into the base of the skull and removing the baby's brains with a vacuum. This is the procedure the proposed bill seeks to ban.

Last week, despite a tremendous amount of medical misinformation given by the opponents of H.R. 1833, the Partial Birth Abortion Ban received strong support in its passage in the House. As this measure is now being presented for Senate consideration please be aware of the following medical facts:

1. Opponents insinuated that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptive and patently untrue. Even if the fetus is grotesquely malformed, a living intrauterine pregnancy is not a health risk to its mother unless the woman suffers from extremely rare medical problems that would preclude pregnancy under any circumstances.

2. Partial birth abortion is a surgical technique devised by secluded abortionists in the unregulated abortion industry to save them the trouble of "counting the body parts" that are produced in dismemberment procedures. It is not a "standard of care" for anything. Equally important is the fact that the risks involved in dismemberment procedures and partial birth abortion include istrogenically produced cervical incompetence and uterine rupture. Medical alternatives (like prostaglendine) do not pose these risks but have the undesirable "side effect" of sometimes producing a living child. Women who were "counseled" by abortionists that they were submitting themselves to a procedure that was "safe" and that would insure their future reproductive potential were deceived and lied to. These women actually risked losing their uterus or their lives by submitting to these dangerous intrauterine extractions.

3. In breach extractions frequently the baby's head "slips out." Since the practitioners of this procedure (who by their own reports up until 1993 had performed at least 3,000 of these procedures) have never reported a survivor you can be assured that some of these fetuses were constitutional persons who were murdered.

4. The baby is alive throughout the entire procedure until the scissors are jammed into the base of the skull.

5. There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

Additionally, given the recent attempts by the ACGME to coerce OBGYN residents into becoming abortion providers, many profile and prochoice physicians in training are concerned that they will be forced to witness and/or participate in gruesome abortion techniques. Most of these individuals support the decriminalization of abortion . . . but are extremely uncomfortable with procedures that destroy a life that is undeniably human.

I therefore urge you to consider these factors during the deliberations on this bill. The health status of women and children in this country can only be enhanced by banning partial birth abortions.

Sincerely,

PAMELA E. SMITH, M.D., FACOG.

OCTOBER 28, 1995.

Hon. CHARLES CANADY,
Chairman, Subcommittee on the Constitution, House Committee on the Judiciary, Washington, DC.

DEAR CONGRESSMAN CANADY: It has recently been brought to my attention that opponents of HR 1833 have stated that this particular abortion technique should maintain its legality because it is sometimes employed by physicians in the interest of maternal health. Such an assertion not only runs contrary to facts but ignores the reality of the risks to maternal health that are associated with this procedure which include the following:

1. Since the procedure entails 3 days of forceful dilatation of the cervix, the mother could develop cervical incompetence in subsequent pregnancies resulting in spontaneous second trimester pregnancy losses and necessitating the placement of a cerclage (stitch around the cervix) to enable her to carry a fetus to term.

2. Uterine rupture is a well known complication associated with this procedure. In fact, partial birth abortion is a "variant" of internal podalic version . . . a technique sometimes used by obstetricians in this country with the intent of delivering a live child. However, internal podalic version, in this country, has been gradually replaced by Cesarean section in the interest of maternal as well as fetal well being (see excerpts from the standard text Williams Obstetrics pages 520, 521, 865 and 866).

Furthermore, obstetrical emergencies (such as entrapment of the head of a hydrocephalic fetus or of a footling breech that has partially delivered on its own) are never handled by employing this abortion technique. Cephalocentesis, (drainage of fluid from the head of a hydrocephalic fetus) frequently results in the birth of a living child. Relaxing the uterus with anesthesia, cutting the cervix (Duhrssen's incision) and Cesarean section are the standard of care for a normal, head entrapped breech fetus.

There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother. Partial birth abortion is a technique devised by abortionists for their own convenience . . . ignoring the known health risks to the mother. The health status of women in this country will thereby only be enhanced by the banning of this procedure.

Sincerely,

PAMELA E. SMITH, M.D.,
Director of Medical Education,
Department of Obstetrics and Gynecology.

TESTIMONY OF PAMELA SMITH, M.D. ON H.R. 1833, THE PARTIAL-BIRTH ABORTION BAN ACT, U.S. SENATE JUDICIARY COMMITTEE, WASHINGTON, DC, NOVEMBER 17, 1995

Mr. Chairman, honorable members of the Judiciary Committee, my name is Pamela Eleashia Smith. I am a medical doctor, board-certified in the specialty of obstetrics and gynecology, having received my training at Cornell University, Yale University, the University of Chicago, and Mt. Sinai Hospital in Chicago.

For the past 15 years I have practiced in the inner city of Chicago. I am currently the Director of Medical Education in the Department of Obstetrics and Gynecology at Mt. Sinai Hospital; an Assistant Professor at the Finch University/Chicago Medical School; a member of the American College of Obstetrics and Gynecologists; and the President-elect of the American Association of Pro-Life Obstetricians and Gynecologists.

Honorable senators, before I testified on this legislation on June 15, before the House Judiciary Committee's Subcommittee on the Constitution, I went around and described the procedure of partial-birth abortion to a number of physicians and laypersons who I knew to be pro-choice. They were horrified to learn that such a procedure was even legal.

I believe that it is safe to say that until the recent publicity occasioned by the movement of this legislation, most physicians, including obstetrician-gynecologists, knew nothing of this technique as an abortion method. But the partial-birth abortion method is strikingly similar to the technique of internal podalic version, or fetal breech extraction. Breech extraction is a procedure that is utilized by many obstetricians with the intent of delivering a live infant in the management of twin pregnancies, or single-infant pregnancies complicated by abnormal positions of the pre-born infant.

I would invite the members of the subcommittee to review the drawings of the fetal breech extraction method that I have attached to my written testimony, reproduced from Williams Obstetrics, a standard textbook. Compare this with the partial-birth abortion procedure, as laid out step-by-step by Dr. Martin Haskell in his instructional paper, "Dilation and Extraction for Late Second Trimester Abortion." (In that paper, Dr. Haskell says that he "coined" the term "dilation and extraction." Neither that term nor the term now favored by opponents of H.R. 1833, "intact dilation and evacuation," can be found in any standard medical literature. There is nothing whatever misleading about the term utilized in the bill, "partial-birth abortion.")

In a total breech extraction, the physician—frequently with the aid of ultrasound—grasps the lower extremities of the baby. With the bag of waters serving as a buffer and cervical wedge, the physician pulls the infant towards the cervix and vagina. To facilitate the delivery of the head by flexion, care is taken to maintain the baby's spine in a position that points towards the mother's bladder.

Depending upon the size of the infant, an attempt may be made to delivery the baby without rupturing the bag of waters. In such a case, the bag of waters facilitates delivery of the head by mechanically maintaining cervical dilation. Should the bag of waters rupture and the head become entrapped, it can be released by cutting the cervix, or a Cesarean section can be performed to deliver the baby abdominally.

Partial-birth abortions, which according to the physicians who perform them have been done on babies from the ages of 19 weeks to full term, represent a perversion of the above technique. In these procedures, one basically relies on cervical entrapment of the head, along with a firm grip, to help keep the baby in place while the practitioner plunges a pair of scissors into the base of the baby's skull. The scissors also creates an opening for the insertion of a suction curette to remove the baby's brains.

If, my chance, the cervix is floppy or loose and the abortionist does not keep a good grip, he may encounter the dreadful "complication" of delivering a live baby—undoubtedly, a constitutional "person" with an inalienable right to life. Thus, the practitioner must take great care to insure that the baby does not move those additional few inches that would transform its status from one of an abortus to that of a living human child.

Another brazen attempt to mislead the American public as to the reality of the pain experienced by the victims of this procedure is the assertion that the anesthesia kills the baby. Such a statement runs contrary to published reports made by abortion practitioners, is not consistent with basic principles of the pharmacology of drug distribution in the pregnant female, and violates common sense. Twenty-five percent of all pregnancies in this country are delivered by Cesarean section and many women receive potent narcotics to relieve their pain during labor. Yet it is essentially unheard of that a human fetus in labor dies secondary to anesthesia given to its mother.

I note that the American Society of Anesthesiologists issued the following statement recently:

Recent debate in the U.S. House of Representatives and Senate regarding late-term abortions has resulted in the distribution of misleading and potentially dangerous information to the public. The procedure, described in the media and during congressional debate, was developed by the late Dr. James T. McMahon. In testimony before Congress last June, Dr. McMahon incorrectly stated that the fetus dies from the anesthesia administered to the mother.

According to the president of the American Society of Anesthesiologists (ASA), Dr. Norig Ellison, the anesthesia administered to the mother in connection with such a procedure does not kill the fetus. Very little anesthesia crosses the placenta when general anesthesia is administered to the mother, and many pregnant women are safely anesthetized every day without ill effects to the fetus.

ASA is concerned that because of publicity given to Dr. McMahon's erroneous testimony, pregnant women may delay necessary and perhaps lifesaving medical procedures due to misinformation regarding the effect of anesthetics on the fetus.

Of course, if a baby really were dead, H.R. 1833 would not apply, since the definition of "partial-birth abortion" is "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus * * *"

The cruelty of this treatment of the human fetus is quite evident to those who do not avert their gaze or close their minds. But these abortion procedures also carry with them significant risks to maternal health.

Partial-birth abortion is not a standard of care for anything. In fact, partial-birth abortion is a perversion of a well-known technique used by obstetricians to delivery breech babies when the intent is to delivery the child alive. However, as the enclosed references in Williams "Obstetrics" readily document, this technique is rarely used in this country because of the well known associated risk of maternal hemorrhage and uterine rupture. The 19th edition of Williams "Obstetrics" states the following in regards to the safety of this method of breech delivery:

"Despite numerous attempts to defend or condemn this procedure, there is presently insufficient evidence to document its safety . . . There are few, if any indications for internal podalic version other than the delivery of a second twin. The possibility of serious trauma to the fetus and the mother during internal podalic version of a cephalic presentation is apparent . . ."

Why would a procedure that is considered to impose a significant risk to maternal health when it is used to delivery a baby alive, suddenly become the "safe method of choice" when the goal is to kill the baby? And if abortion providers wanted to demonstrate that somehow this procedure would be safe in late-pregnancy abortions, even though its use has routinely been discouraged in modern obstetrics, why didn't they go before institutional review boards, obtain consent to perform what amounts to human experimentation, and conduct adequately controlled, appropriately supervised studies that would insure accurate, informed consent of patients and the production of valid scientific information for the medical community?

It is also noteworthy that even leading authorities on late-term abortion methodology have expressed the gravest reservations regarding this technique. Consider, for example, this excerpt from an article in the November 20 edition of American Medical News, the official newspaper of the American Medical Association.

"I have very serious reservations about this procedure," said Colorado physician Warren Hern, MD, the author of "Abortion Practice," the nation's most widely used textbook on abortion standards and procedures. Dr. Hern specializes in late-term procedures . . . [O]f the procedure in question he says, "You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

Dr. Hern's concerns center on claims that the procedure in late-term pregnancy can be safest for the pregnant woman and that without this procedure women would have died. "I would dispute any statement that this is the safest procedure to use," he said.

Turning the fetus to a breech position is "potentially dangerous," he added. "You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that."

Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position.

The behavior of the abortion industry in regards to this current controversy is chillingly reminiscent of the Tuskegee syphilis experiment conducted by medical and public health personnel over two decades ago. In this infamous study, poor black men were deceived and lied to and a known lifesaving treatment option was withheld so that the researchers could follow the "natural course" of the disease. Apparently some individuals in our country failed to learn a valuable lesson from this tragic chapter in our nation's recent history. Pregnant women should not be experimented upon under the guise of a deceptive rubric called "choice."

Furthermore, since the partial-birth abortion procedure requires three days of forceful dilation of the cervix, the mother could develop cervical incompetence in subsequent pregnancies, resulting in spontaneous second-trimester pregnancy losses and necessitating the placement of a cerclage (stitch around the bottom of the womb) to enable her to carry a baby to term. It is therefore a fact that this procedure represents a risk to future fertility of the patient. It does not represent the safest way for the patient to maintain her fertility, as abortion advocates proclaim.

Opponents of HR 1833 have also argued that "decreasing the size of the fetal head to allow delivery" is done to save the mother the risk of "ripping and tearing" the bottom of the womb. But in fact, the standard of care for handling a baby who is breech with an entrapped head at the cervix is not partial-birth abortion. Caphalocentesis (drainage of fluid from the head of a hydrocephalic fetus) frequently results in the birth of a living child. Relaxing the uterus with anesthesia, cutting the cervic (Duhrssen's incision), and Cesarean section are the recognized options in the medical community to deal with this obstetrical problem.

In short, there are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the life or health of the mother.

Opponents of HR 1833 have similarly erroneously declared that the partial-birth abortion method is necessary to protect the "emotional health" of the mother. Certainly, I do not lightly dismiss the accounts of women and families who have experienced the anguish of learning, late in pregnancy, that their babies have serious or even lethal disorders. In my own years of practice and training, I have taken care of many women who were carrying babies with fatal fetal anomalies. My most recent such patient was a 19-year-old female who was pregnant for the third time. Her previous two pregnancies were remarkable for severe nausea and vomiting, and she delivered two children who died before they were two months old secondary to heart abnormalities. With her current pregnancy the patient was weak, dehydrated, and emotionally torn between the desire to bear a child and the horrible prospect of attending another funeral. Our clinic staff, all of whom are pro-life, counseled her on her options, supported her medically in the hospital, and respected her initial decision to terminate her pregnancy. However, the next day, the patient's nausea and vomiting receded, she changed her mind, and now intends to carry the baby to term.

Which brings to mind another erroneous insinuation presented by opponents of HR 1833: the assertion that as soon as a patient is discovered to have a fetus with an anomaly, the pregnancy must be aborted immediately because the baby has a high chance of dying before labor begins, representing a threat to the life of the mother. Such a claim is deceptive. It is often intended to sell the patient on the abortion option.

First of all, it is not the standard of care to immediately terminate the life of a living fetus just because that baby has abnormalities. What is appropriate is to inform the patient of your clinical suspicions, discuss with her all of the options, as well as the risks associated with terminating her pregnancy prematurely, and then develop a plan of management that respects the patient's values and emotional needs. Many women opt to continue such pregnancies.

Although it is highly unlikely that the partial-birth abortion procedure would ever be needed to save a woman's life, HR 1833 specifically states that the procedure would be allowed if the doctor "reasonably believed" that it was necessary to save the mother's life, and that no other procedure would suffice. Abortion providers, however, are fully aware that a lot of other procedures would suffice—but they are primarily interested in making sure that their job of terminating human life can be done according to their own convenience. With the partial-birth method of abortion, the provider is saved the trouble of assembling "baby parts" to make sure that nothing was left inside.

Earlier this year, the late Dr. James McMahon provided to the House Judiciary subcommittee a list of a self-selected sample of 175 cases in which he utilized the partial-birth procedure for so-called "maternal indications." Of this list, one-third (33%) of the time the partial-birth procedure would be more appropriately classified as a contra-indication, because the mother already had medical problems that are associated with excessive bleeding, infection or a need to be delivered quickly. These conditions include eclampsia, abruptio placenta, amnionitis, premature rupture of membranes, incompetent cervix, and blood clotting abnormalities.

In addition, another 22% (39 cases) were for maternal "depression," and 16% for conditions consistent with the birth of a normal child (e.g., sickle cell trait, prolapsed uterus, small pelvis).

Opponents of HR 1833 have also asserted that the term "elective" means that the doctor elects to do this procedure rather than to do some other one. I would invite any individual in this country to ask their doctor what the term "elective surgery" means. Or look the word up in the dictionary. It refers to procedures that are optional. In a tape-recorded 1993 interview with American Medical News, Dr. Martin Haskell explicitly distinguished between the 20 percent of his "extraction" procedures (as he calls them) that he said involved fetuses with genetic problems, and the 80 percent that are, in his words, "purely elective."

HR 1833 has already been immensely useful in educating the American public as to the need to keep a watchful eye, in the interest of maternal well being, on the activities of the abortion industry. Enactment of this legislation is needed both to protect human offspring from being subjected to a brutal procedure, and to safeguard the health of pregnant women in America.

EXHIBIT 2

[From the American Medical News, Nov. 20, 1995]

OUTLAWING ABORTION METHOD

(By Diane M. Gianelli)

WASHINGTON.—His strategy was simple: Find an abortion procedure that almost anyone would describe as "gruesome," and force the opposition to defend it.

When Rep. Charles T. Canady (R, Fla.) learned about "partial birth" abortions, he was set.

He and other anti-abortion lawmakers launched a congressional campaign to outlaw the procedure.

Following a contentious and emotional debate, the bill passed by an overwhelming—and veto-proof—margin: 288–139. It marks the first time the House of Representatives has voted to forbid a method of abortion. And although the November elections yielded a "pro-life" infusion in both the House and the Senate, massive crossover voting occurred, with a significant number of "pro-choice" representatives voting to pass the measure.

The controversial procedure, done in second- and third-trimester pregnancies, involves an abortion in which the provider, according to the bill, "partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

"Partial birth" abortions, also called "intact D&E" (for dilation and evacuation), or "D&X" (dilation and extraction) are done by only a handful of U.S. physicians, including Martin Haskell, MD, of Dayton, Ohio, and, until his recent death, James T. McMahon, MD, of the Los Angeles area. Dr. McMahon said in a 1993 AMNews interview that he had trained about a half-dozen physicians to do the procedure.

The procedure usually involves the extraction of an intact fetus, feet first, through the birth canal, with all but the head delivered. The surgeon forces scissors into the base of the skull, spreads them to enlarge the opening, and uses suction to remove the brain.

The procedure gained notoriety two years ago, when abortion opponents started running newspaper ads that described and illustrated the method. Their goal was to defeat an abortion rights bill then before Congress on grounds it was so extreme that states would have no ability to restrict even late-term abortions on viable fetuses. The bill went nowhere, but strong reaction to the campaign prompted anti-abortion activities to use it again.

* * * * *

MIXED FEELINGS IN MEDICINE

The procedure is controversial in the medical community. On the one hand, organized medicine bristles at the notion of Congress attempting to ban or regulate any procedures or practices. On the other hand, even some in the abortion provider community find the procedure difficult to defend.

"I have very serious reservations about this procedure," said Colorado physician Warren Hern, MD. The author of *Abortion Practice*, the nation's most widely used textbook on abortion standards and procedures, Dr. Hern specializes in late-term procedures.

He opposes the bill, he said, because he thinks Congress has no business dabbling in the practice of medicine and because he thinks this signifies just the beginning of a series of legislative attempts to chip away at abortion rights. But of the procedure in question he says. "You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

Dr. Hern's concerns center on claims that the procedure in late-term pregnancy can be safest for the pregnant women, and that without this procedure women would have died. "I would dispute any statement that this is the safest procedure to use," he said.

Turning the fetus to a breech position is "potentially dangerous," he added. "You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that."

Pamela Smith, MD, director of medical education, Dept. of Ob-Gyn at Mt. Sinai Hospital in Chicago, added two more concerns: cervical incompetence in subsequent pregnancies caused by three days of forceful dilation of the cervix and uterine rupture caused by rotating the fetus within the womb.

"There are absolutely no obstetrical situations encountered in the country which require a partially delivered human fetus to be destroyed to preserve the life of the mother," Dr. Smith wrote in a letter to Canady.

The procedure also has its defenders. The procedure is a "well-recognized and safe technique by those who provide abortion care." Lewis H. Koplik, MD, an Albuquerque, N.M., abortion provider, said in a statement that appeared in the *Congressional Record*.

"The risk of severe cervical laceration and the possibility of damage to the uterine artery by a sharp fragment of calvarium is virtually eliminated. Without the release of thromboplastic material from the fetal central nervous system into the maternal circulation, the risk of coagulation problems, DIC [disseminated intravascular coagulation], does not occur. In skilled hands, uterine preformation is almost unknown," Dr. Koplik said.

Bruce Ferguson, MD, another Albuquerque abortion provider, said in a letter released to Congress that the ban could impact physicians performing late-term abortions by other techniques. He noted that there were "many abortions in which a portion of the fetus may pass into the vaginal canal and there is no clarification of what is meant by 'a living fetus.' Does the doctor have to do some kind of electrocardiogram and brain wave test to be able to prove their fetus was not living before he allows a foot or hand to pass through the cervix?"

Apart from medical and legal concerns, the bill's focus on late-term abortion also raises troubling ethical issues. In fact, the whole strategy, according to Rep. Chris Smith (R, N.J.), is to force citizens and elected officials to move beyond a philosophical discussion of "a woman's right to choose," and focus on the reality of abortion. And, he said, to expose those who support "abortion on demand" as "the real extremists."

Another point of contention is the reason the procedure is performed. During the Nov. 1 debate before the House, opponents of the bill repeatedly stated that the procedure was used only to save the life of the mother or when the fetus had serious anomalies.

Rep. Vic Fazio (D. Calif.) said, "Despite the other side's spin doctors—real doctors know that the late-term abortions this bill seeks to ban are rare and they're done only when there is no better alternative to save the woman, and, if possible, preserve her ability to have children."

Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position.

Even some physicians who specialize in this procedure do not claim the majority are performed to save the life of the pregnant woman.

In his 1993 interview with AMNews, Dr. Haskell conceded that 80% of his late-term abortions were elective. Dr. McMahon said he would not do an elective abortion after 26 weeks. But in a chart he released to the House Judiciary Committee, "depression" was listed most often as the reason for late-term nonelective abortions with maternal indications. "Cleft lip" was listed nine times under fetal indications.

The accuracy of the article was challenged, two years after publication, by Dr. Haskell and the National Abortion Federation, who told Congress the doctors were quoted "out of context." AMNews Editor Barbara Bolsen defended the article, saying AMNews "had full documentation of the interviews, including tape recordings and transcripts."

Bolsen gave the committee a transcript of the contested quotes, including the following, in which Dr. Haskell was asked if the fetus was dead before the end of the procedure.

"No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress—intrauterine stress during, you know, the two days that the cervix is being dilated. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken.

"So in my case, I would say probably about a third of those are definitely dead before I actually start to remove the fetus. And probably the other two-thirds are not," said Dr. Haskell.

In a letter to Congress before his death, Dr. McMahon stated that medications given to the mother induce "a medical coma" in the fetus, and "there is neurological fetal demise."

But Watson Bowes, MD, a maternal-fetal specialist at University of North Carolina, Chapel Hill, said in a letter to Canday that Dr. McMahon's statement "suggests a lack of understanding of maternal-fetal pharmacology. . . Having cared for pregnant women who for one reason or another required surgical procedures in the second trimester, I know they were often heavily sedated or anesthetized for the procedures, and the fetuses did not die."

NEXT MOVE IN THE SENATE

At AMNews press time, the Senate was scheduled to debate the bill. Opponents were lining up to tack on amendments, hoping to gut the measure or send it back to a committee where it could be watered down or rejected.

In a statement about the bill, President Clinton did not use the word "veto." But he said he "cannot support" a bill that did not provide an exception to protect the life and health of the mother. Senate opponents of the bill say they will focus on the fact that it does not provide such an exception.

The bill does provide an affirmative defense to a physician who provides this type of abortion if he or she reasonably believes the procedure was necessary to save the life of the mother and no other method would suffice.

But Rep. Patricia Schroeder (D, Colo.) says that's not sufficient. "This means that it is available to the doctor after the handcuffs have snapped around his or her wrists, bond has been posted, and the criminal trial is under way," she said during the House debate.

Canady disagrees. "No physician is going to be prosecuted and convicted under this law if he or she reasonably believes the procedure is necessary to save the life of the mother."

ORGANIZED MEDICINE POSITIONS VARY

The physician community is split on the bill. The California Medical Assn., which says it does not advocate elective abortions in later pregnancy, opposes it as "an unwarranted intrusion into the physician-patient relationship." The American College of Obstetricians and Gynecologists also opposes it on grounds it would "supersede the medical judgment of trained physicians and . . . would criminalize medical procedures that may be necessary to save the life of a woman," said spokeswoman Alice Kirkman.

The AMA has chosen to take no position on the bill, although its Council on Legislation unanimously recommended support. AMA Trustee Nancy W. Dickey, MD, noted that although the board considered seriously the council's recommendations, it ultimately decided to take no position, because it had concerns about some of the bill's language and about Congress legislating medical procedures.

Meanwhile, each side in the abortion debate is calling news conferences to announce how necessary or how ominous the bill is. Opponents highlight poignant stories of women who have elected to terminate wanted pregnancies because of major fetal anomalies.

Rep. Nita Lowey (D. N.Y.) told the story of Claudia Ames, a Santa Monica woman who said the procedure had saved her life and saved her family.

Ames told Lowey that six months into her pregnancy, she discovered the child suffered from severe anomalies that made its survival impossible and placed Ames' life at risk.

The bill's backers were "attempting to exploit one of the greatest tragedies any family can ever face by using graphic pictures and sensationalized language and distortions," Ames said.

Proponents focus on the procedure's cruelty. Frequently quoted is testimony of a nurse, Brenda Shafer, RN, who witnessed three of these procedures in Dr. Haskell's clinic and called it "the most horrifying experience of my life.

"The baby's body was moving. His little fingers were clasping together. He was kicking his feet." Afterwards, she said, "he threw the baby in a pan." She said she saw the baby move. "I still have nightmares about what I saw."

Dr. Hern says if the bill becomes law, he expects it to have "virtually no significance" clinically. But on a political level, "it is very, very significant."

"This bill's about politics," he said, "it's not about medicine."

Ms. MOSELEY-BRAUN. I thank the Senator from California for sharing time and I ask unanimous consent to be added as a cosponsor of her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Madam President, I continue to be astounded when I consider the extent to which a woman's constitutional right to choice has been taken away in this, the 104th Congress.

First came the Hyde amendment limiting a poor woman's reproductive choice because Government contributed to the payment of her health care. Then came the battle of parental notification, limiting very young women in their reproductive choices because of their age—not their condition. Then came the battle over military hospitals, limiting military women in their reproductive choices because they or their spouse chose to serve their country. Then came the battle over Federal health insurance, limiting Federal employees and their reproductive choices because they work for the Government.

Now, Madam President, the battle is over this legislation to fine or jail doctors who perform safe, legal, medical procedures, abortions for women who need them late in their pregnancy.

Madam President, today as it has been since the landmark 1973 Supreme Court decision of *Roe* v. *Wade*, the concept of reproductive freedom is under assault. Choice is a matter of freedom. Choice is a fundamental issue of the relationship of female citizens to their Government. Choice is a barometer of equality and a measure of fairness. Choice is central to our liberty.

While, Madam President, I do not believe in abortion personally, I do believe very strongly and fundamentally in the right to choose.

Today, the assault on reproductive choice has taken on a new ferocity. The procedure that has become the focus of this newest assault on choice is a very rare—which you have heard many times—a rare medical procedure used to terminate pregnancies late in the term when the life or health of the mother is at risk and/or when the fetus has severe—severe—abnormalities.

Only one or two doctors in the entire country perform this procedure, the procedure you have heard described. Yes; it is gruesome. But so is the circumstance. This procedure, however, although rare and even though it is gruesome, can be the most medically sound option for preserving the health and life of the woman whose life is at stake, the citizen whose life and liberty is at stake.

Madam President, H.R. 1833, the bill that this amendment relates to, is an unconstitutional, vague ban on the procedure that we have discussed here on the floor and is the vehicle for the newest assault on choice.

A doctor who performed an abortion, one of these late-term abortions, would face up to 2 years in prison and fines. The doctor and the house or the clinic where he or she worked would also be liable for civil action brought by the father of a fetus or the maternal parents of the woman, if she was under 18 years old.

As I said, this bill is vague. The definition of abortion as covered under this legislation is "partial birth," a term used for its shock value, Madam President, not for its medical accuracy. There is no such medical term as partial birth.

Because doctors cannot agree on what this legislation is intended to ban, they are going to be frightened from performing legal abortions and medically necessary abortions because of the threat of civil or criminal prosecution.

This bill further provides no exception in cases where the banned procedure is used to save the life of the mother. Instead, a doctor would be required after being criminally charged to provide affirmative defense. We flip the whole presumption of innocence on its head and make a doctor provide an affirmative defense that he or she reasonably believed that no other method would save a woman's life.

Madam President, this is foolish and dangerous for us to do. The affirmative defense will result in doctors going to court and maybe even to jail for their efforts to save a citizen's life.

Madam President, even if a true life exception is substituted, there is no exception in this bill in cases where the health of the mother is endangered. It does not allow a doctor to do everything he or she can to protect the health and fertility of his or her patient.

Madam President, this bill is also the first time, to my knowledge, that Congress has attempted to tell a doctor what specific medical procedures he or she cannot perform. By choosing to arbitrarily prohibit one type of procedure and not others—and there are other options as has been discussed—by choosing just one type of procedure regardless of the effect on the life and health and the future reproduction options of the woman involved, this Congress will be micromanaging decisions that are best made in a physician's office.

If a doctor wants to perform an abortion that is covered by this bill, it is because he or she considers the procedure to be the most medically sound for the woman who is involved. Women are going to face life and health risks as well as the loss of fertility as they are forced—forced—to undergo even more hazardous procedures when their own life may be at stake.

Madam President, a couple weeks ago the Senate sent this bill to the Judiciary Committee for a hearing. At that hearing we were able to actually see firsthand some women and talk with some women who had made the hardest choice that any woman can make. Two of the women had the procedure that is referenced in this bill and one woman actually gave birth. All the women had agonized over the decision. It is, after all, the most intimate and most personal decision.

Before I talk about the constitutional policy implications of the legislation, I would like to retell the story of one of the women, Viki, from Naperville, IL. She was at that hearing a few weeks ago but did not have a chance to tell her story. I think it is important that her story be told, because I think she is a very brave person to come in this present environment and tell the story of what was a horrendous, heart-wrenching episode in her life.

Viki and her husband were expecting their third child. At 20 weeks she went for a sonogram and was told by her doctor that she and her baby were completely healthy. She named the baby boy Anthony. At 32 weeks, Viki took her two daughters with her to watch their brother on the sonogram. The technician did not say a word during the sonogram and asked Viki to come upstairs and talk with the doctor. She thought maybe it was because the baby was breech or there was another complication. She is a diabetic and any complication could be serious.

This is a picture of Viki and her family. It is a shame she did not get a chance to testify 2 weeks ago. The doctor at the time was too busy to see her, but called at 7 o'clock in the morning to say that the femurs, the leg bones, seemed a little short, but assured her there was a 99-percent chance that nothing was seriously wrong, but asked her to come in for a level 2 ultrasound.

Viki and her husband found out after the second ultrasound was performed that their child had no brain—no brain. There were eight abnormalities in all. Viki had to make the hardest decision of her life. This is how she explained it: "I had to remove my son from life support—that was me." For Viki, the hardest thing for her as a parent, for any parent, to do is to watch a child be hurt. It is hard enough watching a child get teased at the bus station, much less make a decision such as she and her husband had to make.

The procedure that she underwent took four visits to the doctor. She received anesthesia on the first visit. Her son stopped moving on the first night. She knew at that point that he was gone. This was before the procedure to remove the actual fetus took place.

Having a D&E procedure was particularly important because Viki wanted to know if this was something she would pass to her two daughters. With a D&E an autopsy can be performed. It was an isolated situation, although tragic, and her girls will be able to have children of their own and not have the abnormalities that Viki faced with her son. Her D&E was the closest thing for her body to natural birth. She was able to preserve her fertility, and happily she is now, again, 30 weeks pregnant and the baby that she is carrying looks fine.

This procedure, Madam President, that this Congress is talking about micromanaging to make illegal, saved this woman's ability to have other children, saved this family from having a child with no brain, born only to die moments after he came into this world.

Madam President, this is a true story about a real woman and a family handling an awful, horrible situation in the best way that it can. I know we have heard other stories. I think it is important that we put a real face on these stories because this is not some matter of abstract language. We have to talk about it in constitutional terms, and we have to talk about it in legal terms. We have to talk about it in medical terms. But the reality is this Congress is moving into the territory that we have no business in. I think it is important that we put a human face on it beyond the personal and constitutional implications.

I ask the Senator from California how much longer may I have?

The PRESIDING OFFICER. The Senator from California has 34 minutes.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Under H.R. 1833 women will lose a constitutionally based right. Under Roe versus Wade and Planned Parenthood versus Casey, the Supreme Court standard is that a State may not prohibit post-viability abortions necessary to preserve the life or health of a woman. Under H.R. 1833/S. 939, the only recourse is an affirmative defense and even then, this is only for life.

In other words, if you wind up unable to have other children, if you wind up ruined for life, that is OK under this bill.

While H.R. 1833/S. 939 is focused on late-term abortions, doctors who perform early-term abortions by the loosely defined means covered by the bill are subject to the same liability. Choosing to have an abortion when the fetus is not yet viable is clearly a constitutionally protected right under Roe versus Wade. This bill changes that.

This assault on a woman's constitutional rights and this Congress' relentless attack on a woman's right to choose remind me of a famous poem by Martin Niemoller, a Protestant minister held in a German concentration camp for 7 years. I would like to again give you my own, more contemporary version of his parable. I call it "The Assault on Reproductive Rights."

First they came for poor women and I did
not speak out—because I was not a
poor woman
Then they came for the teenagers and I did
not speak out—because I was no longer
a teenager.

Then they came or women in the military and I did not speak out—because I was not in the military.
Then they came for women in the Federal Government and I did not speak out—because I did not work for the Government.
Then they came for the doctors and I did not speak out—because I was not a doctor.
Then they came for me—and there was no one left to speak out for me.

Madam President, the fight on this issue is a quintessential fight for freedom. The issue here is whether or not women who are living, breathing citizens of this United States will enjoy the constitutional protection to make the most personal of all decisions—the decision whether or not to reproduce, and whether or not to sacrifice their lives in cases such as that Viki and her family had to go through. That is what is at issue here.

I am not prepared—and I do not believe that it is appropriate—for us to substitute the judgment of the Government, the judgment of the Members of this body, for the judgment of these women, of their families, of their doctors, of their priests, of their pastors. I do not think that it is our business to get that involved in an intimate decision such as this—to tell a woman, no, you may not save your life, or protect your future fertility because some Congressman had an idea that he wanted to pass a law that restrains you in decisions about your own body and your own health. When Viki made the decision to remove her child from life support—her body, and that is what it was—she made a decision with the help of her husband and her doctor that only she could make. The Government has no right to intervene in this relationship between a woman and her body, her doctor, and her God.

It is for that reason that I oppose this legislation, and I support the Boxer amendment.

I would like to also clarify for the RECORD, to make clear that there is right now in this bill no exception, no exception for life of the mother, and that is why the Boxer amendment is so important.

Again, we have no right, I believe, to intervene in the relationship between a woman and her own body, a citizen, in behalf of the fetus that is not yet a citizen. Obviously, we would all want to see life. We all support the idea of a right to life. Of course someone has a right to life. But do not living have rights also? And is not this Constitution written for them? And if it is written for them, is it not inappropriate for this Congress to intervene in areas in which we are not expert and we do not have the capability? I mean, we have no right at all to legislate.

And with that, Madam President, I yield the floor to the Senator from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before my colleague from Illinois leaves the floor, I thank her especially for the updated version of that very famous poem that came out of the Nazi era. Of course, the point is that we need to speak up when people are losing their rights, and sometimes it is a lonely battle and sometimes we may lose it. But I believe deeply that America has a heart and soul and that men and women of goodwill, if they truly listen to this debate, recognize what it is about, and that is what we do trust each other to make tragic, personal, private decisions? Or do we want to hand it over to Senators and Congresspeople?

Ms. MOSELEY-BRAUN. That is right.

Mrs. BOXER. That is what the Senator pointed out. And I come down, and the Senator from Illinois comes down, and I know my colleague presiding tonight comes down on the side of allowing families, families like this, families like Vikki Stella's from Illinois to make those awfully difficult decisions.

I also wish to thank my colleague for really reviewing for us all of the things that have happened to women in this Congress. Many people do not realize that. When she gave us that updated version of the poem, she pointed out the poor women on Medicaid who do not have really have the right to choose anymore because they cannot afford it. This Congress will not allow them to use their Medicaid insurance to cover their right to choose; women in the District of Columbia who happen to have the misfortune of having Senators and Congressmen tell them what to do; Federal employees, women who pay for their own health insurance, a great part of it, no longer can use that insurance; and now any woman in America, any woman in America of any income level in any circumstance is being hit in her heart by the Smith-Dole bill, and it is very hurtful.

I am glad to yield to my colleague.

Ms. MOSELEY-BRAUN. Will the Senator yield?

I never cease to find it a little amusing—I know this gets on some difficult ground in these debates, but most of this debate takes place with people who themselves have never been pregnant.

Mrs. BOXER. That is correct.

Ms. MOSELEY-BRAUN. Quite frankly, having been there—and as the Senator knows, everyone in this Chamber knows, there is nothing more important in my entire life than my son Matthew, but I can tell you I gained 40 pounds, my teeth started to rot, I wound up hospitalized three times. I mean, who has not been through this, who has not been through this who has actually been through a pregnancy? So who can relate to the tragedy and to the emotion and to the physical demand of being in Viki's shoes, being here, pregnant out to here. Remember what it was like when you were pregnant out to here? I was like that in June. It was miserable. Pregnant out to here, only to discover the child that you are carrying, that you have an identification with has no brain, and this legislation would force that child to be born?

I thank the Senator from California for yielding, but I say to you that I think it is also very important that those who cannot be pregnant really should think twice before they talk about this issue.

I thank the Senator.

Mrs. BOXER. I say to my friend, she makes a very good point, because we hear men in this Chamber talk about the joys of birth and the travel through the birth canal, and, yes, we hope every pregnancy is a joyous, wonderful, problem-free moment for every single woman in this country, regardless of her status in the country.

Unfortunately, we know also that is not the case and sometimes the baby is not safe in the womb and sometimes the mother could contract a terrible disease such as cancer and is faced with a choice where, if she carries through with the pregnancy, she could lose her life. And to have people in this Chamber stand up and say they want to be in that living room, in that hospital room, in that family conversation, frankly, makes me feel sick because we were not elected to be part of this family or any other family. We have our own families. Let us take care of our own families. And let us take care of the larger American family. But do not get into the private lives of these people. You have no right to do that. Nobody voted for you to do that. And that is what this is about.

Coreen Costello, the woman I have talked about over these last couple of days, said it best. When she found out this tragic news, she fell to her knees and prayed. She is very religious, very religious. She is a conservative Republican. She does not believe in abortion. And she said the last thing I wanted at that moment was a politician telling me what to do. And yet this bill would deny the Coreen Costellos and the Viki Wilsons an option to save their life, to protect their fertility, and their health because a majority of men in this Senate decided they know better than Viki and Viki's husband and Viki's doctors. What arrogance of power. That is what this debate is all about.

Madam President, I would like to be told when I have 10 minutes remaining on my side.

I am proud to add as original cosponsors to the Boxer amendment Senator BROWN, Senator SPECTER, Senator MURRAY, Senator LAUTENBERG, and Senator SNOWE. I ask unanimous consent that that be made part of the RECORD. And of course, Senator MOSELEY-BRAUN, whom we have already added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I will open up this debate by saying I do not appreciate when my comments are taken out of context. When I heard about the so-called life-of-the-mother exception, which is absolutely not a life-of-the-mother exception, I was elated that the Senator from New Hampshire was admitting that those of us who said there was no life exception in his bill were right, he finally agreed with us.

When I looked at the amendment, it was entitled "Life-of-the-Mother Exception." I thought it was going to read like all of the life-of-the-mother exceptions which are very straightforward and simply say notwithstanding anything in this bill, there is an exception for the life of the mother. But, no, when I finally read it, I realized, if you will, it is a partial life exception. And this is what I said on the same night.

> I have now had an opportunity to read it.

Meaning the amendment.

> I want everyone to know that it is really not an exception for the life of the mother because what it says is, essentially, that this procedure will be banned except it will not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness, or injury.
>
> I say to my friend, this is not a life-of-the-mother exception. That is a pre-existing situation. So, yes, if a woman had diabetes or some other disease, there would be an exception, but if, in fact, the birth itself endangered her life there would be no exception.

That is what I said after I saw the amendment. So let us get that clear, folks. Let us argue about what the differences are here and not try to trap each other into putting a spin on what we are doing.

Now, of course, I say to my colleagues, vote for the Smith-Dole amendment because at least it will help save the life of three or four women out of the couple of hundred a year that find themselves in this circumstance. No problem—vote for it. But then vote for the Boxer-Brown-Specter-Murray-Lautenberg-Snowe-Moseley-Braun amendment because that addresses a true exception for the life of the mother and an exception when serious adverse health risks to the mother exist.

Madam President, as I have said since this debate started, "partial-birth abortion" is not a medical term. There is no such thing as a "partial-birth abortion." No medical text defines "partial-birth abortion." None of the doctors who gave testimony at the Judiciary Committee could define it. It is a made-up term. It is made up by the antichoice forces so that people will get their emotions going.

What is the picture that emerges when you say partial-birth abortion? It sounds like a baby is being born and all of a sudden the mother says, I change my mind. How ridiculous that is. The fact of the matter is, there is no such thing. It is a late-term abortion that is done in an emergency procedure in a tragic situation. And that is what they are going about banning here, a procedure that is used, that is the safest, doctors say, many doctors say, to save the life of the mother or protect her health, her future futility.

Now, another thing that has happened over the past few nights—I say to my friend from New Hampshire, he and I have done this now running, I think it is 3 nights running, plus we did it before when this first came up, plus we have been on national television debating each other on this—he uses the term "abortionist." He uses the term "abortionist."

I again want to say as we debate this emotional issue, a doctor who performs an abortion is a doctor. A doctor who performs a legal medical procedure is a doctor, not an abortionist. That doctor also delivers many, many babies. That doctor is an ob-gyn and deserves respect. If you want to make abortion illegal, that is your right. That is your right. I applaud that right. But do not do it through the backdoor like this, and do not call a doctor who performs a legal procedure an abortionist.

Then there is mention this one doctor did not come to the hearing. He was invited. That is right. I put in the RECORD a letter from his lawyer. This doctor, his life has been threatened. He has been harassed. And we stand up on this floor and call a doctor an abortionist when we are having such an emotional debate.

I applaud Chairman HATCH of the Judiciary Committee who came down and made a speech on this and said, "I endorse this bill. I support it. But I abhor violence." We have to resolve this as human beings with disagreements.

It does not help to raise emotion and attack a physician or a group of people who have chosen to be ob-gyn's who, by the way, vehemently oppose this bill, their organization, the American College of Obstetricians & Gynecologists. And, yes, we heard from one nurse who served 3 days in a clinic who was disputed by her supervisor, but who said this was a terrible procedure. And that is her right to believe that and to say that. But the American Nurses Association—and how many are in that association? Many thousands, and we will have that number tomorrow; many thousands—they absolutely oppose this legislation. These are nurses who want to help people live. They want to help people live.

Why on Earth would we ban a procedure that doctors have testified is necessary to save the life of the mother? Why would we do it? And who are we to do this? This is not a medical school. This is not an ethics panel of a medical school. This is not a board of doctors who sit around and discuss these issues and understand them. I repeat Senator KENNEDY's comment that he made in the Judiciary Committee: "Some Senators are practicing medicine without a license."

We are over our heads if we think we can sit here and because somebody got a drawing explaining the consequences of a procedure, a medical procedure. That is not our job. I do not know anyone who ran for the U.S. Senate who said, "I'm an expert in medical procedures. Vote for me."

We have heard the women's stories. We know how important this procedure was to real women and to their families. We then hear time and time again that many of these abortions were elective—elective. That is a medical term. That is a medical term. It refers to anything other than a life-saving abortion. So we bandy about words like "elective" without knowing what they mean. We talk about medical procedures as if we are physicians.

I have just learned that the American Nurses Association, they do not represent thousands of members; they represent 2.2 million nurses. So, yes, we had one nurse who served 3 days who came out against this procedure; and the American Nurses Association, who represents 2.2 million nurses, says, "Please vote down this ill-conceived bill."

This is not about sex selection or eye-color preferences. I resent the fact that the Senator from New Hampshire would attempt to make a statement that Senators who believe there ought to be a life and health exception for the mother support those kinds of abortions. I guess he does not understand the law of the land, Roe versus Wade, which says that subsequent to viability the State has an interest in protecting fetal life, and as long as it takes into consideration the life and health of the mother, the State can pass laws that certainly prohibit abortions for eye color or sex selection.

This debate is not about unwanted pregnancy. This is about wanted and loved babies, children planned and desired by their families, but something horrible happened in the end of the pregnancy, either to the woman in her health or to the fetus, anomalies incompatible with life.

I knew one woman who was diagnosed with cancer in the beginning of the last trimester of her pregnancy and was told if she carried the baby to term, she would die. She had to face that with her husband. They had other children. But she desperately wanted this child. In the end, they decided to save her life.

Who is this Senate to tell her she did the wrong thing? Who is this Senate to tell her doctor he cannot use a procedure that might save her life?

Viki Wilson has two other children. This is Viki Wilson. She is 39. Her husband is Bill. Do you know what he does? He is an emergency room physician. Do you know what she does? She is a registered nurse. These are their two children. John is 10 and Katie is 8. They happen to live in Fresno, CA. He saves lives in the emergency room. He exposes himself to great danger working there. She is a nurse. She saves lives. And Senators on this floor think they have a right to interfere with their personal decisions? What an outrage.

Their third child, Abigail—they gave her a name—was their baby. Her brain had formed two-thirds outside the head. I want to talk about her story.

The PRESIDING OFFICER (Mr. JEFFORDS). The Chair advises the Senator she has 10 minutes remaining.

Mrs. BOXER. Mr. President, it is a story that will move you. It is a story that was told to the Judiciary Committee, and while you are going to see posters of part of a woman's body drawn like a cartoon, as if a woman is simply a vessel, we are putting a face on this. We are putting a face on this.

We know that Viki's testimony moved the people who heard it.

Tammy Watt's daughter, McKenzie, had no eyes, six fingers, six toes and large kidneys which were failing. The baby had a mass growing outside of her stomach involving her bowel and bladder and affecting her heart and other major organs, and the doctor said they had to use the procedure that this bill will outlaw.

Because we are looking for Viki's story, we may tell it tomorrow. I am going to keep her face up here, and I am going to go on.

This bill criminalizes the late-term abortion procedure by placing the burden on the physician to persuade the judge or jury that "no other medical procedure would suffice to save the life of the woman."

That means a doctor using this procedure can be hauled into court, and I will tell you, the chamber of horrors begins.

Mr. President, I am going to close debate tonight, after my friend from New Hampshire has concluded his presentation, by reading Viki Wilson's story. But at this time, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I yield myself 11 minutes.

This is really an interesting debate, and I said last night, Viki Wilson's story is truly a tragedy and my heart goes out to Viki Wilson. I understand the difficulty and horrible situation that she went through.

But let me read a paragraph from Viki Wilson's testimony. Viki Wilson, before the Senate Judiciary Committee just recently:

> My daughter died with dignity inside my womb. She was not stabbed in the back of the head with scissors. No one dragged her out half alive and killed her. We would never have allowed that.

My bill, the bill that is on the floor before us, or the amendments, would not have precluded Viki Wilson from that procedure. Viki Wilson herself just admitted she would not have done that procedure.

I also want to respond to Senator BOXER on a couple of other points. She made much of the term "elective procedure," as if somebody made it up on the floor when talking about abortion.

This is Dr. Harlan Giles' testimony in court where he says as follows:

> An elective abortion is a procedure carried out for a patient for whom there is no identifiable maternal or fetal indication; that is to say, the patient feels it would be in her best interest to terminate the pregnancy either on social, emotional, financial grounds, et cetera. If there are no medical indications from either a fetal or maternal standpoint, we refer to the termination as elective.

So I think that is pretty clear that I did not make it up and that it is accepted.

I am also looking at the Standard College Dictionary, published by Harcourt Brace. I do not know whether that is acceptable to the Senator from California or not. But the definition of an abortionist is one who causes abortion. That is pretty clear. I do not know why anybody would object to the term "abortionist" when someone being called an abortionist causes an abortion. It seems to be awfully defensive to me.

I want to respond to the Senator from Illinois, and I am sorry she is not here on the floor, in regard to her remarks. The Senator from Illinois, Senator MOSELEY-BRAUN, a few minutes ago said that this bill is unconstitutional. Even in Roe versus Wade—I want to point out, she said it was unconstitutional, but even in Roe versus Wade, the decision that is thrown around here all the time by the pro-choice people, obviously, the Supreme Court said that the born child, that is the exact terminology, "the born child" is a "person" entitled to "the equal protection of the law."

Let me repeat that, because the Senator from Illinois said this bill is unconstitutional. Even in Roe versus Wade, the Supreme Court said that the born child is a person entitled to the equal protection of the law.

Now, I ask any reasonable person, if there is anybody left on the face of the Earth who is undecided—hopefully somebody may be in the Senate because we are the ones who have to vote; hopefully, I pray, there might be somebody out there listening and trying to make up their mind—how can anyone reasonably say that a child, feet, legs, toes, little soft rear end, torso, shoulders, arms, hands, part of the neck out of the birth canal, born is not a child or a person because the head still remains inside the birth canal? How can anyone say that? What is not child or not person about what the doctor is holding in his hands?

Suppose it was reversed, Mr. President, and the child's head came first and he began to breathe, is he then born? You bet he is. You bet he is, because that abortionist cannot do a thing to that child when the head comes out first and that child is breathing. He cannot do anything to it, and my colleagues know that.

So what do we do? We reverse the position in the womb, so that the feet come first, with forceps. We reverse the position in the womb. It is a deliberate act, the most horrible act against an innocent child. That is what we are talking about here. That is what we are talking about here.

That is not a "partial birth." What is that? That is a child. How can anyone say that does not deserve protection under the Constitution of the United States? With the greatest respect for the Senator from Illinois, I sure do not read that in the Constitution. I sure do not read that in Roe versus Wade. A born child. Now, if the Senator from Illinois, or any other Senator, wants to take the floor and say here and now that that is not a child, 90 percent of which is in the hands of that person—call him a doctor, an abortionist, call him what you want—and is wiggling, moving, and you can feel the heartbeat, of course, and you can feel the movement of the child—it is wiggling. That is not a child? What is it? My God, what is it? Let us be serious. Of course it is a child. And you deliberately reverse the position in the uterus to make that child come out feet first.

A "chamber of horrors," my colleague said. You bet it is. It is a chamber of horrors in the United States of America. And I have to stand here with some of my colleagues and try to stop something that should not be happening. I heard a lot about doctors and OB-GYN's. No one testified in that hearing who performed one of these, and no one—no one—including Viki Wilson and others, and including the young woman that Senator MOSELEY-BRAUN spoke about, had a partial-birth abortion, because a partial-birth abortion involves killing a child by inserting a catheter and scissors in the back of the head, in the canal. That is a partial-birth abortion. That is what I am stopping. We are not stopping anything else.

I do not know if the Senator from California knows Mary Davenport, OB-GYN, Oakland, CA. She wrote to me on December 1, 1995:

> DEAR SENATOR SMITH: I am writing to you in support of the partial-birth abortion bill. There is no medical indication for this procedure, and the performance of this operation is totally in opposition to 2,000 years of Hippocratic medical ethics. Please do your best to eliminate this procedure. It is not done in any other nation of the world.

If you think I solicited that letter, I have 250 more of them from OB-GYN's all over America who are outraged and disgusted and horrified that we would do this to our children. What kind of a country are we?

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, how much time do I have remaining on my side?

The PRESIDING OFFICER. Eight minutes 11 seconds.

Mrs. BOXER. Mr. President, I would like to retain 2 minutes of my time, if the Chair will let me know when I have used 5 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. I thank the Chair.

Mr. President, we have just heard a very loud and angry voice. I do not know who that anger is aimed at. I do not know if it is aimed at the Senators who disagree. I do not know who it is aimed at.

We live in a world where we do not know what lies ahead and down the road. We pray to God that every birth experience that we will have in our own personal families and everyone's will be a good one, and that the babies will be healthy.

I want to say that the anger that you just saw here displayed on this floor, in reality, is aimed at families like this in the picture. That is who it is aimed at. These are the families that are the losers. These are the families who will lose a mom if this bill goes forward. Why do I say that? Because doctors have testified that it is the safest procedure to use in the late term.

I am going to read you Viki Wilson's statement, and then I am going to ask you whether you believe Viki Wilson deserves that kind of anger that we just heard on this floor.

This is Viki here in the photo. She is a nurse. This is her husband, who is a doctor in an emergency room.

> At 36 weeks of pregnancy, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound at that time and detected what all my previous prenatal testing failed to detect, an encephalocele. That is a brain growing outside the head. Approximately two-thirds of my baby's brain had formed on the outside of her skull and, literally, I fell to my knees from shock because, being in pediatrics, I realized that she would not survive outside my womb.
>
> My doctor desperately tried to figure out a way to save this pregnancy. All my medical rationality went out the window. I thought there's got to be a way. Let's do a brain transplant. That is how irrational I was. I wanted this baby. My husband and I were praying that there would be a new surgical way, but all the experts concurred that Abigail could not survive outside my womb, could not survive the birthing process because of size of her anomaly. Basically, her head would have been crushed and she would have suffocated, and that would have been her demise, coming through my birth canal. Because of her anomaly, it was also feared that had she come through the birth canal, my cervix would have ruptured.
>
> The doctor explained to me that even if I had gone into spontaneous labor—

Which, by the way, my colleagues say is an alternative.

> More than likely my uterus would have ruptured, rendering me sterile, and that was not an acceptable option. It was also discovered during one of my exams. I kept crying on the examining table, saying, "How could this be? You know, there are such strong baby movements." And they said, "I am sorry, Viki, those are seizures." My immediate response was, "Do a C-section and get her out." "Viki, we do C-sections to save babies. We can't save her, and a C-section in your condition is too dangerous, and I can't justify those risks."
>
> The biggest question then became for my husband and I. A high power had already decided that my baby was going to die. The question was, how is she going to die?
>
> We wanted to help her leave this world as painlessly and peacefully as possible and in a way that protected my life and my health, to allow us to have more children. We agonized and we prayed for a miracle.
>
> During our drive to Los Angeles to see the specialist we chose our daughter's name. We named her Abigail, the name that my grandmother has always wanted for a grandchild. We decided if she were to be named Abigail, her great grandmother would be able to recognize her in Heaven. You think of those things when you are going through a crises like this.
>
> Losing Abigail was the hardest thing that ever happened to us in our lives. After we went home, I went into the nursery, held her clothes, crying and thinking I will never be able to tell her that I love her. I have often wondered why this happened to us. What did we do to deserve this pain?
>
> I am a practicing Catholic and I could not help but believe God had some reason for giving me such a burden. Then I found out about this legislation and I knew then and there that Abigail's life had special meaning.
>
> I think God knew I would be strong enough to come here and tell you my story, to stop this legislation from passing and causing incredible devastation for other families like ours because there will be other families in our situation, because prenatal testing is not infallible, and I urge you, please, do not take away the safest method known.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you.

> I told my Monsignor at my parish that I was coming here to Washington, and he supported me and he said, "Viki, what happened to you was not about choice. You did not have a choice. What you did was about preserving your life." I was grateful for his words and I agree, this is not about choice. This is a medical necessity. It is about life and health.
>
> My kids attend a Catholic school where a playground was named in Abigail's honor. I believe that God gave me the intelligence to make my own decisions, knowing that I am the one who has to live with the consequences.
>
> My husband said to me, as I was getting on the plane coming here to Washington, "Viki, please make sure this Congress realizes this would truly, truly be the Cruelty to Families Act."
>
> So, again, for us, for future families, and for more and more families. We are all sitting at home thinking, this is 1995, no way in a rational situation are they going to see the necessity of this legislation. They are going to realize that when they hear our stories.

Mr. President, why are we getting angry at women like this? Why are we getting angry at husbands like this? Why are we getting angry at families like this? What right do we have to get angry at decent, religious, family-loving people like this? To stand on this floor and wave our arms at people like this, because that is what this is about.

The Smith-Dole exception for life of the woman is not an exception. It only deals with women who come in with a preexisting condition or injury. I pray—I pray—that the Senate will be courageous—because it is very difficult to explain this in 5 minutes to my colleagues—that they will support the Boxer - Brown - Specter - Lautenberg - Moseley - Braun - Murray - Snowe amendment. It is bipartisan, it is the right thing to do.

We have come together as family, loving Members of this U.S. Senate. We have reached across the aisle that divides us, Mr. President. We are standing for these families.

I hope we will lower our voices, because there should not be room for that kind of anger, in my humble opinion. We are trying to reach a rational decision on a heart-wrenching issue here. We should not be angry at each other. We should not be angry at families like this or to the doctors these families turn to in the most difficult circumstances.

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes 18 seconds.

Mr. SMITH. I yield myself 18 seconds and the remainder of the time to the Senator from Ohio.

I say in response to the Senator from California, if the 800 children who were perfectly normal electively aborted could speak here on the floor today, they would be angry, too.

Mr. DEWINE. Mr. President, I think all the arguments have been made. That usually does not stop us. We continue to make them and will probably make some more tomorrow.

Let me try to be very, very brief in closing. I think it is important, as I said 2 days ago on this floor, we keep our eye on the ball, we keep our eye on what this debate is about, what is relevant and what is not relevant.

The horrible tragedy that the Senator from Illinois described a few minutes ago, the horrible tragedies that my friend from California continues to describe are horrible. They are tragic. Everyone was moved in the committee. I had tears in my eyes before I left the room listening to those horrible tragedies. Our heart goes out to these families. But the fact is these horrible cases are not relevant to what we are talking about. Viki Wilson did not have this procedure.

Let me repeat for my friends on the floor and my friends who may be watching this on TV that Viki Wilson did not have this procedure. I do not know how many times we have to say it. That is what the facts are. None of the three women did. It is simply not true.

Let me read from the proposed statute. "As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." That is not what happened in these particular cases, however sad they say they are.

Let us keep our eye on the ball. Let us keep our eye on the ball and have relevant debate in regard to saving the life of the mother.

The bill, as Senator SMITH introduced it, had an affirmative defense. The amendment that Senator DOLE has proposed should take any doubt away that it is covered because it puts it right in the statute itself—puts that exception, the life-of-the-mother exception. But even, in a sense, of more significance is we will not get to this situation because there has been no credible evidence at all in the hearings—none—that this procedure would ever be used to save the life of the mother. That evidence was just to the contrary. The evidence was that there were other procedures that would be used. This would not be used. You would not use the procedure. The evidence was it would take 3 days, which this procedure does.

Dr. Smith of Chicago, IL, and Mt. Sinai Hospital, a very credible witness, testified this is simply not the standard of care. Let me quote a portion of the testimony from the hearing. If anyone has the doubt about the relevancy, look at this on page 78 of the hearing by the Committee on the Judiciary.

> Now, this insinuates that this is a standard of care to take care of a trapped fetal head on a breech deliver. This is totally untrue, and I have provided for you from *Williams Obstetrics* the techniques that are used by obstetricians to deal with this problem. Those techniques include relaxing the womb with halifane or with anesthesia, cutting the cervix, in limited circumstances if you are going to do a Cesarean section to save a term baby, you can do that. And if the baby has what we call hydrocephalus, or water on the brain, you insert a needle and drain that fluid.

The testimony is very, very clear. Of the other procedures that you use, this is simply not one of them at all.

Again, Mr. President, let us keep our eye on the ball. Let us talk about this in a rationale way. Let us talk about what is relevant and what is not relevant.

Time and time again on this floor the argument has been made that if you support this bill, it is an attack on Roe versus Wade. I would submit that flies in the face of any rational discussion about what Roe versus Wade really means and a correct interpretation of it.

Pro-choice individuals in the House of Representatives, such as Representatives KENNEDY, MOLINARI, GEPHARDT, TRAFICANT, each one voted in favor of this. I do not want to put words in their mouths, but I will simply say that a person who is pro-choice could very well support this.

Mr. President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, a person who is pro-choice could very consistently support this bill as these pro-choice Representatives in the House of Representatives clearly did. A pro-choice person can support this simply by believing, by saying, by arguing that there is some limit to what we will permit; there is some limit to what a civilized people tolerate.

Again, I do not want to put words in their mouths. But I think that clearly is a consistent position with being pro-choice.

So this is not an attack on Roe versus Wade. You simplistically could argue that. But I think it is very, very incorrect.

My friend from California talked about the fact that "America does have a heart and soul." Yes, we have a heart and soul. That is why we are on the floor. That is why Senator SMITH introduced this bill. This is why people across this country—once they learned about the facts of this procedure—are simply saying, "No, it is wrong. We cannot tolerate it. We cannot permit it."

My friend talked about the arrogance of power, that we are somehow arrogant to be making this argument. It is not arrogance. I think it would be, quite frankly, not arrogance but indifference for us to turn our back on this horrible, horrible procedure.

Finally, Mr. President, my friend from California talked about the anger. Who is this directed at, this anger? This anger is not directed at anybody, not a person. It is directed at a procedure that a civilized society simply should not permit.

Mr. President, we will surely continue this debate tomorrow.

At this point, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, thank you very much.

Mr. President, this has been a very tough debate, and I have 4 minutes left. I am not going to use it. I know the majority leader is ready to say good-night to all of us for the evening. So maybe we can have some semblance of some sort of dinner.

Mr. President, this has been probably the harshest debate we have had to date on this topic. I think it is so important that when we debate each other, we do it right on the mark, that we get to our differences. I have told some heart-wrenching stories, and these stories were told before the Judiciary Committee by people like Viki Wilson, a nurse, a practicing Catholic. Her husband is an emergency room doctor.

We have here Coreen Costello, whose story I have told a number of times, a conservative Republican, who had been completely against abortion until she faced this tragedy. And she came and told her story.

Then my friends on the other side said: Wait a minute. They made a mistake, these women. They did not have the kind of procedure that we are trying to outlaw.

My friends, that is an interesting debating topic, but do not tell these people what procedure they went through. They read the definition in your bill. Viki Wilson is a nurse. Her husband is a doctor. They read the bill—the doctor that performed this, a doctor that you have attacked over and over again, Dr. James McMahon, who was summoned by Representative CANADY to testify because he performed the very procedure you wish to outlaw.

So if you want to speak out against the Boxer-Brown-Specter-Moseley-Braun-Snowe amendment, et al., you should. You should speak out against our amendment. You should say there should be no exception for the life and serious health consequences to a woman. But do not say that these women do not know what they are talking about and their families do not know what they are talking about, when, in fact, your side has named the very doctor that they used for this late-term abortion, your side has named him and paraded his name around because he used that very procedure you wish to outlaw.

So, Mr. President, this has been a tough night. We have heard raised voices. It has not been pleasant. As a matter of fact, this has been the most unpleasant week that I can remember here in a long time for me personally, because, yes, I think it is arrogant to insert a politician into this woman's life, into this man's life, and into these children's lives. I do not think that we have the wisdom to know better how they should handle a tragedy such as the tragedy they had to handle.

And I hope and I pray that the bipartisan amendment that I have offered, and which we have reached across the aisle to work together to protect families like this, passes.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I now move to proceed to Senate Joint Resolution 31 regarding the desecration of the flag.

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S.J. Res. 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States:

Bob Dole, Orrin Hatch, Conrad Burns, Ben Nighthorse Campbell, Slade Gorton, Craig Thomas, Alan Simpson, Larry Craig, Trent Lott, Connie Mack, Don Nickles, Spencer Abraham, John Ashcroft, John Warner, Chuck Grassley, and Strom Thurmond.

Mr. DOLE. Mr. President, for the information of all Senators, we have been attempting—and have wasted the whole day—to bring up the flag amendment. We were precluded from doing that by the efforts of the Senator from New Mexico, Senator BINGAMAN. He has every right to do that. I know he is not for the flag amendment, but he indicates he does not mind if we vote on it.

But I wanted to point out that tomorrow is Pearl Harbor day. Tomorrow is December 7. On a Sunday morning 54 years ago, more than 2,300 brave Americans lost their lives during the raid on the U.S. Pacific Fleet. As a testament to their valor, some of the dead are permanently entombed in the U.S.S. *Arizona*, one of the ships sunk during the attack.

As World War II raged on, thousands of other brave American soldiers followed their country's flag into battle. The great sacrifices made by our fighting men and women during this war and in subsequent conflicts—Korea, Vietnam, the Persian Gulf, Somalia—reflect the courage and strength of character of the American people.

Our flag is the unique and beloved symbol of these qualities. Representing Americans of every race, creed, and social background, the flag is also the one symbol that brings to life the phrase "E Pluribus Unum"—Out of many, one.

So it would seem to me that as we look back over the history of America, one of our most enduring national images is the famous picture of six courageous Americans—Sgt. Michael Trank, Cpl. Harlan Block, Pfc. Hamilton Hayes, Pfc. Rene Arthur Gagnon, Pfc. Franklin Runyon, and Pharmacist's Mate John Henry Bradley—who risked their lives to raise Old Glory at the top of Iwo Jima's Mount Suribachi.

These men were not constitutional scholars. They were not legal experts. They were young enlisted men, like so many of the 6,000 American soldiers who gave their lives to their country during the deadly ascent up that hill.

Because of the sacrifices of these men and countless thousands like them, I support this amendment. Because of the flag's unique status as the symbol of the American spirit and experience, I believe it deserves constitutional protection.

AMENDING THE BILL OF RIGHTS

Now, there are those who charge the supporters of the flag amendment with attempting to amend the Bill of Rights. I strongly disagree with this characterization.

It is the Supreme Court—and more precisely five Justices on the court—who amended the bill rights when they concluded in the Texas versus Johnson decision that the Act of flag-burning was constitutionally-protected speech. This misguided ruling effectively overturned 48 State statutes and a Federal law proscribing flag desecration. Most of these statutes had been on the books for decades, without threatening any of our freedoms, including our freedom of speech guaranteed by the first amendment.

And, after all, the first amendment is not absolute. One cannot use libel to convey an opinion and claim first amendment protection. Obscenity, and fighting words, and yelling fire in a crowded theater, all fall outside the first amendment's free-speech guarantee.

In fact, even some of the strongest supporters of the first amendment never imagined that the act—the act—of flag-burning would merit constitutional protection.

As Justice Hugo Black, considered by many legal experts to be a first-amendment absolutist, once put it: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." Or as former Chief Justice Earl Warren explained: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * *"

So, Mr. President, it's time for a little reality check: We can pass laws making it illegal to destroy U.S. currency, or deface your own mailbox, or even rip the warranty label off your own bedroom mattress. But, according to the Supreme Court, if you want to burn our Nation's most cherished symbol, the flag, just go right ahead.

And that is why we need a flag amendment: not to amend the Bill of Rights, not to change the first amendment, but to correct the Supreme Court's own red-white-and-blue blunder.

Let me make another point: The Framers of the Constitution intentionally made the amendment process a difficult one, requiring the assent of two-thirds of each House of Congress and three-fourths of the State legislatures before an amendment's ratification. These sensible hurdles were designed to protect the Constitution from ill-conceived and frivolous changes. But once an amendment has been ratified, clearing the high hurdles built into the amendment process itself, the American people have spoken.

OPENING A PANDORA'S BOX

Some of those who oppose the flag amendment also claim that ratifying it will open a Pandora's Box—that supporters of other national symbols, no different from the flag, will clamor for similar protection from desecration.

I reject this argument because the flag is unique.

Do we pledge allegiance to the Constitution, or to the Presidential seal, or to any other national symbol? No.

Flag Day, June 14, is a national holiday, but do we have a national holiday honoring the Constitution, or the Presidential seal, or any other national symbol? No.

The "Star Spangled Banner," our national anthem, honors the resiliency of Old Glory. But does our national anthem honor the Constitution, or the Presidential seal, or any other national symbol? No, it does not.

And 48 States and the United States have enacted statutes prohibiting the desecration of the flag. Have the States and Congress passed laws prohibiting the desecration of the Constitution, or the Presidential seal, or any other national symbol? The answer, of course, is "no."

So, as you can see, the flag stands alone. It stands alone as the unique symbol of our ideals, our hopes, our aspirations as a Nation. And that is why I am proud to join today with the citizens flag alliance, the American Legion, and 113 other civic and patriotic organizations representing millions of Americans across this country who support this amendment.

"BANNER YET WAVES"

Mr. President, I will conclude now with a few words from an article entitled, "The Banner Yet Waves," written by the editors of the Reader's Digest.

I read these words during the last debate on the flag amendment, back in 1989, and I want to share them once again with my colleagues. The words continue to ring true today. I quote:

> While Americans know that behind this rectangle of cloth there is blood and great sacrifice, there is also behind it an idea that redefined once and forever the meaning of hope and freedom. Lawyers and justices may debate the act of flag-burning as freedom of expression. But a larger point is inarguable: When someone dishonors or desecrates the banner, it deeply offends, because the flag says all that needs to be said about things worth preserving, loving defending, dying for.

Mr. President, that is what this debate is all about. It is not about making fine legal distinctions or trying to prove who is the best constitutional scholar. It is about protecting that which is sacred to us as citizens of this great country.

Amidst the rich diversity that is America, we must cherish the principles and ideals that bind us together as one people, one Nation, and for which thousands of brave Americans have given their lives. As the unique symbol of these principles and ideals, the flag must receive the constitutional protection it so richly deserves.

Mr. President, I regret that we are now in a position of having to obtain cloture before we can even consider this amendment. I hope that the Senator from New Mexico, who, as I understand, opposes the flag amendment, would find some other way to distract us from what I think is a very important amendment. I know he is concerned about ambassadors. I know he is concerned about treaties. But I can tell him, as I indicated this morning, this Senator is, too. I have tried almost every day to bring this matter to some resolution. We think we are very, very close. And I see no reason to hold up this particular constitutional amendment, Senate Joint Resolution 31, in an effort to become involved in a process that has been going on for weeks and in which the Senator from New Mexico, as far as I know, has not been involved at all. So I have no other course than to hold up other nominations. If he wants to play this game—we cannot bring up bills; we cannot determine what the legislative agenda is going to be—if any Senator can stand up and say I will determine what we will bring up to the floor, if the leaders are powerless, then we have to resort to whatever means we have. In this case, all we can do is file cloture, and we will obtain cloture on Friday morning because I know more than 60 Members will support cloture.

MORNING BUSINESS

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business until the hour of 8 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH DAKOTA CHAMPIONS

Mr. PRESSLER. Mr. President, today I rise to pay tribute to the champions of the 1995 South Dakota High School Football Playoffs. The playoffs were held at the "Dakota Dome" on the campus of the University of South Dakota in Vermillion on Friday, November 3, and Saturday, November 4.

In class 11AA, the Yankton Bucks won the championship for the second year in a row and the fourth time in school history. First year coach Jim Miner led the Bucks. Quarterback Mason Mehrman was named the game's Most Valuable Player (MVP).

The Vermillion Tanagers capped an undefeated season by claiming the class 11A crown. The Tanagers, who also won a State title for the fourth time in school history, are coached by Gary Culver. Running back Vince Roche was named the game's MVP.

The Cavaliers of Bon Homme County High School, located in Tyndall, South Dakota, won the class 11B championship for the second year in a row. The Cavaliers extended their consecutive winning streak to an impressive 21 games. The Cavaliers are coached by Russ Morrell. Running back Josh Ranek was named the game's MVP.

In class 9A, the Wakonda-Gayville-Volin Panthers won their first State title. The Panthers, who finished the season undefeated, are coached by Glen Ekeren. Quarterback Dan Freng was named the game's MVP.

The Wildcats of Grant-Deuel County High School, located in Revillo, SD, captured their first ever class 9B championship. Coach Chad Gusso led the Panthers. Running back Heath Boe was named the game's MVP.

I congratulate all the coaches, the players, and the parents of these five schools, as well as all the South Dakota schools that competed in this year's playoffs. In the spirit of competition, they have demonstrated the hard work, commitment, and teamwork that it takes to be champions. They all are to be commended for continuing such a great football tradition in South Dakota.

Mr. President, I ask unanimous consent that the rosters of each championship team be included in the Congressional RECORD at this time.

There being no objection, the rosters were ordered to be printed in the RECORD, as follows:

YANKTON "BUCKS" (11–0)

No.—Name:	Pos.	Ht.	Wt.	Yr.
12—Mason Mehrman	QB	5–11	165	12
14—Chris Reiner	QB	6–1	180	12
15—Kevin Jordahl	QB	5–11	165	12
16—Lars Anderson	QB	5–11	165	11
20—Thomas Draskovic	FB	5–9	165	12
21—Aaron Dykstra	HB	5–10	145	11
22—Matt Jensen	HB	5–9	160	12
23—Carl Tweeten	HB	5–11	165	12
27—Jason Hermanson	SE	5–10	150	11
28—Danny Grant	LB	5–7	150	12
30—Wade Buxcel	LB	5–11	160	11
31—Ryan Hanson	HB	5–9	165	11
32—Jeremy Tamislea	HB	5–8	165	12
33—Jacob Wurth	HB	5–11	185	11
34—Matt Bohn	FB	6–1	185	11
36—Scott Nedved	HB	6–0	180	10
40—Derik Budig	FB	6–2	220	12
42—Joe Merkwan	LB	5–10	170	12
43—Paul Creviston	HB	6–0	154	11
44—Joey Novak	QB	5–11	140	11
45—Rusty Williamson	HB	6–1	185	12
46—Scott Elwood	SE	5–10	165	11
51—Jon Rhode	C	6–1	252	11
52—Chris Swanstrom	C	6–1	180	12
54—Brady Muth	T	6–2	245	12
55—Chad Sherman	C	6–0	205	12
56—Daric Mortenson	C	6–0	270	12
60—James Rye	C	5–10	145	12
61—Andy Holst	G	5–11	180	12
62—Kevin Plavec	T	5–10	205	12
63—Nick Sternhagen	G	6–4	230	11
64—Ryan Swanstrom	G	5–11	180	11
65—Chauncy Lanning	T	5–10	170	11
66—Kyle Tacke	G	5–11	175	11
67—Kam Williams	T	5–10	185	12
68—Radim Miksik	K	6–1	180	11
69—Jamie James	T	5–11	245	12
70—Tony Pierce	G	5–11	175	12
71—Chad Ellers	T	5–11	240	11
72—Lance Peterson	G	6–3	250	12
73—Owen Cowles	T	6–0	215	11
74—John Bohlmann	G	5–10	215	11
75—Joey Rempp	G	6–2	225	12
76—Samuel Graham	T	5–11	245	11
77—Derek Danilko	T	6–4	190	12
78—Jason Cwach	T	6–2	265	11
79—Beau Paulson	T	5–10	250	12
80—Jeremy Fischer	SE	6–0	165	12
81—John Fischer	SE	6–2	165	12
82—Mike Rhoades	TE	6–2	165	11
85—Danny Johnson	SE	6–4	190	11
85—Jody Pinkelman	TE	6–0	170	11
86—Scott Robbins	SE	5–8	145	11
87—Matt Christensen	TE	6–3	195	11
88—Nick Meyers	K	6–1	175	12
89—Ryan Heine	TE	6–6	215	12

Head Coach: Jim Milner.

Assistant Coaches: Arlin Likness, Dan Mitchell, Bob Muth.

Student Managers: Matt Gunderson, Jerry Haas, Jake Harens.

Athletic Director: Bob Winter.

Cheerleaders: Mandy Humpal, Laurie Koupel, Michelle Olson, Erika Simonsen, Stephanie Sprecher, Natalie Tapken.

VERMILLION "TANAGERS" (11–0)

No.—Name:	Pos.	Ht.	Wt.	Yr.
2—Ryan Baedke	QB-LB	6-0	180	11
5—Marc Billings	WB-DB	5-11	145	11
6—Joe Guerue	TE-LB	5-8	195	12
7—Josh Merrigan	TE-DE	6-3	200	11
8—Brian McGuire	QB-LB	5-11	160	10
9—Matt Jordt	WB-DB	5-10	155	11
10—Dave Holoch	QB-DB	5-11	155	10
11—Andy Mechtenberg	WB-DB	6-2	160	12
12—Kevin McGuire	QB-DB	6-1	145	12
13—Josh Koller	HB-DB	5-9	150	11
14—Drake Olson	QB-DB	5-11	150	10
16—Mike Groves	HB-LB	5-8	150	11
18—Vince Roche	HB-DB	5-8	175	12
22—Jeremy Johnson	HB-DB	5-8	130	11
23—Micah Thompson	HB-DB	5-6	130	12
25—Tim Willroth	HB-DB	5-6	125	10
26—Brandon Hays	HB-LB	5-8	145	10
29—Matt Taggart	WB-DB	5-9	150	10
30—Joe Ulrich	HB-DB	5-8	145	12
32—Ben Hays	TE-LB	5-10	185	10
33—Jerrod Edelen	HB-LB	6-1	175	10
42—Shane O'Connor	WB-DB	5-7	140	10
43—Travis Gors	WB-LB	5-11	160	12
44—Ben Leber	FB-LB	6-3	205	11
50—Wade Beach	OG-LB	5-9	180	11
51—Rich Schoellerman	OG-LB	5-10	150	12
52—Troy Myron	OT-DL	6-0	170	10
54—Wade Bromwich	OC-DL	5-7	165	10
55—Stafford Larsen	OT-DL	6-2	240	12
56—Kevin Jensen	OC-DL	6-0	225	12
58—Ryan Knutson	OC-LB	5-11	180	11
61—Shawn Benzel	OG-DL	5-9	180	10

VERMILLION "TANAGERS" (11–0)—Continued

	Pos.	Ht.	Wt.	Yr.
62—Cory Moore	OG-DL	6-0	160	11
63—Josh Stewart	OT-DL	6-1	205	10
65—Dan Nelson	OG-DL	6-1	175	10
66—Casey O'Connor	OG-LB	5-9	200	12
67—Jon Leffers	OG-LB	5-8	165	12
69—Matt Sorensen	OT-DE	6-2	185	12
71—Paul Lilly	OT-DL	6-0	220	12
72—Chad Stensaas	OT-DL	5-11	235	10
73—Mike Rasmussen	OG-DL	5-10	175	11
75—Steve Powell	OT-DL	5-10	225	10
78—Chris Ross	OG-DL	5-10	185	10
79—Travis Vacek	OG-DL	5-11	270	11
81—Billy Willroth	SE-LB	6-0	170	12
82—Roland Johnson	SE-DE	6-2	170	11
85—Blaine Schoellerman	SE-DB	6-2	145	10
86—Brett Bartling	TE-DE	5-9	150	10

Head Coach & Athletic Director: Gary Culver.

Assistant Coaches: Roger Heirigs, Jim McGuire.

Student Managers: Teisha Upward, Alison Hogen, Aaron Kerkhove, Aaron Hammer, Mikal Boughton.

Cheerleader Advisor: Jennifer Huska.

Cheerleaders: Amy Johnson, Kerri Wempe, Shanna Manning, Shelley Kulkonen, Sarah White, Heidi Zimmerman.

BON HOMME "CAVALIERS" (11–0)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
1—Chip Carda	RB	5–11	155	10
2—Nick Kortan	RB	5–7	135	10
3—Kevin Morrell	QB	6–2	175	11
5—Jamie Hajek	QB	5–7	135	10
7—Jon Vavruska	RB	5–5	100	9
8—Ryan Kortan	QB	5–10	165	9
14—Kris Vollmer	RB	5–11	145	9
16—Jayson Branaugh	RB	5–9	135	10
18—John Nagel	E	5–6	125	10
21—Corey Meske	E	5–9	140	11
23—Derrik Garhart	RB	5–6	130	10
24—Josh Holland	E	6–1	155	11
27—Dalon Wynia	RB	5–10	155	11
30—Josh Ranek	RB	5–10	170	12
32—Rick Island	RB	5–6	120	9
33—John Showers	E	6–2	160	12
34—Toby Privett	RB	5–4	95	9
35—Brock Tucker	E–RB	5–10	150	10
37—Casey Berndt	RB	5–9	170	11
30—Nathan Lukkes	E	5–9	145	9
40—Nathan Lukkes	E	5–9	145	9
41—Chad Cooper	RB	5–7	140	9
44—Hannon Hisek	RB	5–4	145	10
50—Jared Caba	L	6–0	230	11
51—Dan Walkes	L	5–9	190	11
52—Todd Dvoracek	L	6–1	195	9
55—Matt Johnson	L	5–10	180	9
56—Ben Jacobs	L	6–5	290	11
58—Michael Pechous	L	6–2	175	10
60—Chad Simek	L	5–11	205	12
62—Grant McCann	L	5–9	155	9
63—Kevin Koenig	L	6–6	210	10
64—Bryan Varilek	L	6–5	200	11
66—Jim Saloum	L	6–2	225	10
67—Tony Bares	L	5–8	140	9
70—Chris Garhart	L	5–5	135	9
72—Mike Sedlacek	L	5–8	155	9
75—Travis Berndt	L	6–0	190	9
78—Matt Bierema	L	5–10	170	11
79—Clint Starwait	L	5–10	205	9
82—Chris Schieffer	E	5–6	115	9
85—John Kaida	E	5–10	160	10
87—Dustin Hoffman	E	5–9	160	10

Head Coach and Athletic Director: Russ Morrell.

Assistant Coaches: Byron Pudwill, Vince Tucker, Phil Garhart, Mike Duffek.

Student Managers: Nicole Engstrom, Lisa Humpal, Jenny Rueb, Melinda McNeely, Renee Tjeedsman, Courtney Morrell, Stacy Hellman, Darcie Walkes.

Cheerleaders: Heather Namminga, Kateens Lukkes, Lacie Peterson, Aesli Grande, Jessica Einrem.

GRANT–DEUEL "WILDCATS" (10–1)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
4—Matt Lounsbury	QB–DB	6–0	200	11
5—Josh Beutler	FL–DB	5–5	105	10
6—Jon Peschong	QB–LB	5–7	120	8
10—Heath Boe	TB–LB	6–1	175	12
11—Dan Peterson	QB–DB	5–4	115	9
12—Eric Stricherz	E–DB	5–9	160	12
15—Tommy Street	FL–DB	5–5	110	9
19—Erik Peterson	E–E	6–0	160	12
20—Brian Schafer	E–E–P	6–2	165	12
21—Josh Morton	L–L	5–7	125	8
23—Jared Engebretson	L–E	6–2	215	12
30—Kelly Kasuske	E–E	5–9	140	9
31—Cory Street	B–DB	5–5	125	10
32—Parry Toft	B–DB	5–7	135	10
34—Ricky Taylor	FL–DB	5–7	130	10
35—Mathias Lindberg	FL–DB	5–9	140	11
41—Matt Bunting	E–DB	5–8	135	10
42—David Hixon	B–DB	5–11	160	12
44—Garrett Hennings	FB–LB	5–11	185	10
45—Jamie Schafer	B–DB	5–7	130	9
52—Matt Loeschke	E–E	6–5	200	9
55—Nick Ansbach	E–E	6–1	190	10
56—Chad Johnson	L–L	6–2	215	12
58—Jed Sportz	L–L	5–11	170	8
60—Tim Karels	L–L	5–7	145	11
62—Russell Schuelke	L–L	5–10	150	8
64—Nathan Boe	B–DB	5–8	120	8
65—Harris Hixon	B–DB	5–5	120	9
70—Ben Johnson	L–L	5–9	175	8
73—Rusty Rabine	L–L	6–0	275	8
75—Garrett Novy	L–L	6–1	200	9
80—David Bunting	E–DB	5–11	130	11
83—Justin Syrstad	L	5–9	155	9
84—Jason Ebsen	L	5–4	170	9
95—Josh Anderson	L	5–8	170	9
99—Wade Novy	L	6–2	270	12

Head Coach: Chad Gusso.

Assistant Coaches: Barry Pickner, Galen Schoenfeld.

Student Managers: Brian Dallman, Jesse Street, Matt Lynde, Tyler Pickner, Shawn Erp.

Cheerleaders: Jodi Wollschlager, Jill Wollschlager, Sharona Iverson, Lindsey Swenson, Wendy Bear.

WAKONDA-GAYVILLE-VOLIN "PANTHERS" (11–0)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
7—Brent Barta	QB–LB	5–8	145	11
9—Damon Eggers	HB–DB	5–9	150	11
10—Andy McCue	HB–DB	5–8	140	10
11—Dan Freng	QB–S	6–4	215	12
12—Guy Eggers	QB–DB	5–9	145	9
17—Tim Olen	HB–LB	5–8	150	11
18—Eric McCue	HB–LB	5–10	160	12
19—John Peterson	HB–LB	5–10	130	11
20—Daniel Welman	HB–S	5–10	160	12
21—Tyler Hoxeng	HB–LB	5–11	175	9
22—Shannon Snow	HB–S	5–8	140	12
26—Mike Kool	HB–LB	5–9	165	11
32—Mark Zimmerman	G–DT	5–11	170	9
45—Sam Johnsen	HB–LB	6–1	190	12
49—Jeremy Hanisch	G–N	5–8	200	11
51—Chris Happe	G–DE	6–2	235	12
52—Josh Olen	G–DE	5–8	180	10
53—John Freeburg	E–DE	6–0	170	9
55—Don Logue	E–DE	6–5	185	12
59—Ken Girard	G–DE	5–10	165	11
64—Nick Buckman	G–LB	5–9	180	10
65—Nick Tripp	C–DE	5–10	212	11
66—William Crissey	DE–DT	5–10	185	9
68—Tom Orr	G–DE	6–0	240	11
73—J.R. Willman	G–N	5–10	205	12
80—Keith Light	E–LB	6–3	205	12
85—Justin Hazen	G–DE	5–10	185	10
87—Mike Pollman	FB–LB	6–2	220	12
88—Colter Saccento	E–DE	6–3	150	11
89—Bob Greely	G–DL	5–10	195	11

Head Coach: Glen Ekeren.

Assistant Coaches: Monte Neitzel, Tom Culver.

Student Managers: Brandon Steffen, John Ganschow, Nick Skonovd, Jesse Ekeren.

Cheerleaders: Amy Anderson, Darcy Bye, Megan Dreesan, Erica Freeburg, Mandy Klamm, Janet Lueth, Carmen Vogel, Emily Fenhaus.

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. KENNEDY. Mr. President, last week, President Clinton became the first United States President to visit Northern Ireland. The extraordinarily enthusiastic welcome he received from the people was an impressive demonstration of their desire for peace and their gratitude for President Clinton's and America's commitment to that great goal.

Large crowds of both Protestants and Catholics welcomed the President on the Peace Line in Belfast and again at the City Hall for the lighting of the Christmas tree. In addition, the President was also cheered by a large crowd in Dublin when he spoke at College Green during his visit the next day to Ireland.

Just before the President left for his trip, the Irish Prime Minister, John Bruton and the British Prime Minister, John Major, announced the launching of the twin-track process of an international commission on arms, to be led by our former colleague Senator George Mitchell, and talks leading to all-party negotiations by the end of February. The two Prime Ministers credited President Clinton with helping to bring about this significant development. President Clinton's commitment to peace in Northern Ireland has had a profound and positive impact on the efforts of all sides to achieve a lasting peace.

President Kennedy always remembered his 1963 trip to Ireland as among the happiest days of his presidency. I have no doubt that President Clinton will remember his trip with the same fondness.

President Clinton spoke eloquently throughout his visit to England, Northern Ireland, and Ireland and I congratulate him on the remarkable success of his visit. I know several of my colleagues would like to join me in placing the President's statements in the RECORD. I therefore will begin with his first speech which was given to the British Parliament in London. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO THE HOUSES OF PARLIAMENT, ROYAL GALLERY OF THE PALACE OF WESTMINSTER, LONDON, ENGLAND, NOVEMBER 29, 1995

My Lord Chancellor, Madam Speaker, Lord Privy Seal, the Lord President of the Council, Mr. Prime Minister, my lords and members of the House of Commons: To the Lord Chancellor, the longer I hear you talk the more I wish we had an institution like this in American government. I look out and see so many of your distinguished leaders in the House of Lords, and I think it might not be a bad place to be after a long and troublesome political career. (Laughter.) My wife and I are honored to be here today, and I thank you for inviting me to address you.

I have been here to Westminster many times before. As a student, I visited often, and over the last 20 years I have often returned. Always I have felt the power of this place, where the voices of free people who love liberty, believe in reason, and struggle for truth have for centuries kept your great nation a beacon of hope for all the world, and a very special model for your former colonies which became the United States of America.

Here, where the voices of Pitt and Burke, Disraeli and Gladstone rang out; here where the rights of English men and women were secured and enlarged; here where the British people's determination to stand against the tyrannies of this century were shouted to the entire world, here is a monument to liberty to which every free person owes honor and gratitude.

As one whose ancestors came from these isles, I cherish this opportunity. Since I entered public life I have often thought of the words of Prime Minister Churchill when he spoke to our Congress in 1941. He said that if his father had been American and his mother British, instead of the other way around, he might have gotten there on his own. (Laughter.) Well, for a long time I thought that if my forebears had not left this country perhaps I might have gotten here on my own—at least to the House of Commons.

But I have to tell you, now our American television carries your Question Time. And I have seen Prime Minister Major and Mr. Blair and the other members slicing each other up, face-to-face—(Laughter)—with such great wit and skill, against the din of cheers and jeers. I am now convinced my forebears did me a great favor by coming to America. (Laughter.)

Today the United States and the United Kingdom glory in an extraordinary relationship that unites us in a way never before seen in the ties between two such great nations. It is perhaps all the more remarkable because of our history.

First, the war we waged for our independence; and then barely three decades later, another war we waged in which your able forces laid siege to our Capitol. Indeed, the White House still bears the burn marks of that earlier stage in our relationship. And now, whenever we have even the most minor disagreement I walk out on the Truman Balcony and I look at those burn marks, just to remind myself that I dare not let this relationship get out of hand again. (Laughter.)

In this century we overcame the legacy of our differences. We discovered our common heritage again, and even more important, we rediscovered our shared values. This November, we are reminded of how exactly the bonds that now join us grew—of the three great trials our nations have faced together in this century.

A few weeks ago we marked the anniversary of that day in 1918 when the guns fell silent in World War I, a war we fought side by side to defend democracy against militarism and reaction. On this Veterans Day for us and Remembrance Day for you, we both paid special tribute to the British and American generation that, 50 years ago now, in the skies over the Channel, on the craggy hills of Italy, in the jungles of Burma, in the flights over the Hump did not fail or falter. In the greatest struggle for freedom in all of history, they saved the world.

Our nations emerged from that war with the resolve to prevent another like it. We bound ourselves together with other democracies in the West and with Japan, and we stood firm throughout the long twilight struggle of the Cold War—from the Berlin Airlift of 1948, to the fall of the Berlin Wall on another November day just six years ago.

In the years since, we have also stood together—fighting together for victory in the Persian Gulf, standing together against terrorism, working together to remove the nuclear cloud from our children's bright future; and together, preparing the way for peace in Bosnia, where your peacekeepers have performed heroically and saved the lives of so many innocent people. I thank the British nation for its strength and its sacrifice through all these struggles. And I am proud to stand here on behalf of the American people to salute you.

Ladies and gentlemen, in this century, democracy has not merely endured, it has prevailed. Now it falls to us to advance the cause that so many fought and sacrificed and died for. In this new era, we must rise not in a call to arms, but in a call to peace.

The great American philosopher, John Dewey, once said, "The only way to abolish war is to make peace heroic." Well, we know we will never abolish war or all the forces that cause it because we cannot abolish human nature or the certainty of human error. But we can make peace heroic. And in so doing, we can create a future even more true to our ideals than all our glorious past. To do so, we must maintain the resolve and peace we shared in war when everything was at stake.

In this new world our lives are not so very much at risk, but much of what makes life worth living is still very much at stake. We have fought our wars. Now let us wage our peace.

This time is full of possibility. The chasm of ideology has disappeared. Around the world, the ideals we defended and advanced are now shared by more people than ever before. In Europe and many other nations long-suffering peoples at last control their own destinies. And as the Cold War gives way to the global village, economic freedom is spreading alongside political freedom, bringing with it renewed hope for a better life, rooted in the honorable and healthy competition of effort and ideas.

America is determined to maintain our alliance for freedom and peace with you, and determined to seek the partnership of all like-minded nations to confront the threats still before us. We know the way. Together we have seen how we succeed when we work together.

When President Roosevelt and Prime Minister Churchill first met on the deck of the HMS Prince of Wales in 1941 at one of the loneliest moments in your nation's history , they joined in prayer, and the Prime Minister was filled with hope. Afterwards, he said, "The same language, the same hymns, more or less the same ideals. Something big may be happening, something very big."

Well, once again, he was right. Something really big happened. On the basis of those ideals, Churchill and Roosevelt and all of their successors built an enduring alliance and a genuine friendship between our nations. Other times in other places are littered with the vows of friendship sworn during battle and then abandoned in peacetime. This one stands alone, unbroken, above all the rest; a model for the ties that should bind all democracies.

To honor that alliance and the Prime Minister who worked so mightily to create it, I am pleased to announce here, in the home of British freedom, that the United States will name one of the newest and most powerful of its surface ships, a guided missile destroyer, the United States Ship Winston Churchill. (Applause.)

When that ship slips down the ways in the final year of this century, its name will ride the seas as a reminder for the coming century of an indomitable man who shaped our age, who stood always for freedom, who showed anew the glorious strength of the human spirit.

I thank the members of the Churchill family who are here today with us—Lady Soames, Nicholas Soames, Winston Churchill—and I thank the British people for their friendship and their strength over these many years.

After so much success together we know that our relationship with the United Kingdom must be at the heart of our striving in this new era. Because of the history we have lived, because of the power and prosperity we enjoy, because of the accepted truth that you and we have no dark motives in our dealings with other nations, we still bear a burden of special responsibility.

In these few years since the Cold War we have met that burden by making gains for peace and security that ordinary people feel every day. We have stepped back from the nuclear precipice with the indefinite extension of the Nuclear Non-proliferation Treaty, and we hope next year a comprehensive test ban treaty.

For the first time in a generation parents in Los Angeles and Manchester and, yes, in Moscow, can now turn out the lights at night knowing there are no nuclear weapons pointed at their children. Our nations are working together to lay the foundation for lasting prosperity. We are bringing down economic barriers between nations with the historic GATT Agreement and other actions that are creating millions of good jobs for our own people and for people throughout the world. The United States and the United Kingdom are supporting men and women who embrace freedom and democracy the world over with good results, from South Africa to Central Europe, from Haiti to the Middle East.

In the United States, we feel a special gratitude for your efforts in Northern Ireland. With every passing month, more people walk the streets and live their lives safely—people who otherwise would have been added to the toll of The Troubles.

Tomorrow I will have the privilege of being the first American President to visit Northern Ireland—a Northern Ireland where the guns are quiet and the children play without fear. I applaud the efforts of Prime Minister Major and Irish Prime Minister Bruton who announced yesterday their new twin-track initiative to advance the peace process, an initiative that provides an opportunity to begin a dialogue in which all views are represented and all views can be heard.

This is a bold step forward for peace. I applaud the Prime Minister for taking this risk for peace. It is always a hard choice, the choice for peace, for success is far from guaranteed, and even if you fail, there will be those who resent you for trying. But it is the right thing to do. And in the end, the right will win. (Applause.)

Despite all of the progress we have made in all these areas, and despite the problems clearly still out there, there are those who say at this moment of hope we can afford to relax now behind our secure borders. Now is the time, they say, to let others worry about the world's troubles. These are the siren songs of myth. They once lured the United States into isolationism after World War I. They counseled appeasement to Britain on the very brink of World War II. We have gone down that road before. We must never go down that road again. We will never go down that road again. (Applause.)

Though the Cold War is over, the forces of destruction challenge us still. Today, they are armed with a full array of threats, not just the single weapon of frontal war. We see them at work in the spread of weapons of mass destruction, from nuclear smuggling in Europe to a vial of sarin gas being broken open in the Tokyo subway, to the bombing of the World Trade Center in New York.

We see it in the growth of ethnic hatred, extreme nationalism and religious fanaticism, which most recently took the life of one of the greatest champions of peace in the entire world, the Prime Minister of Israel.

We see it in the terrorism that just in recent months has murdered innocent people from Islamabad to Paris, from Riyadh to Oklahoma City. And we see it in the international organized crime and drug trade that poisons our children and our communities.

In their variety these forces of disintegration are waging guerrilla wars against humanity. Like communism and fascism, they spread darkness over light, barbarism over civilization. And like communism and fascism, they will be defeated only because free nations join against them in common cause.

We will prevail again if, and only if, our people support the mission. We are, after all, democracies. And they are the ultimate bosses of our fate. I believe the people will support this. I believe free people, given the information, will make the decisions that will make it possible for their leaders to stand against the new threat to security and freedom, to peace and prosperity.

I believe they will see that this hopeful moment cannot be lost without grave consequences to the future. We must go out to meet the challenges before they come to threaten us. Today, for the United States and for Great Britain, that means we must make the difference between peace and war in Bosnia.

For nearly four years a terrible war has torn Bosnia apart, bringing horrors we prayed had vanished from the face of Europe forever—the mass killings, the endless columns of refugees, the campaigns of deliberate rape, the skeletal persons imprisoned in concentration camps.

These crimes did violence to the conscience of Britons and Americans. Now we have a chance to make sure they don't return. And we must seize it.

We must help peace to take hold in Bosnia because so long as that fire rages at the heart of the European Continent, so long as the emerging democracies and our allies are threatened by fighting in Bosnia there will be no stable, undivided, free Europe. There will be no realization of our greatest hopes for Europe. But most important of all, innocent people will continue to suffer and die.

America fought two world wars and stood with you in the Cold War because of our vital stake in a Europe that is stable, strong and free. With the end of the Cold War all of Europe has a chance to be stable, strong and free for the very first time since nation states appeared on the European Continent.

Now the warring parties in Bosnia have committed themselves to peace, and they have asked us to help them make it hold—not by fighting a war, but by implementing their own peace agreement. Our nations have a responsibility to answer the request of those people to secure their peace. Without our leadership and without the presence of NATO there will be no peace in Bosnia.

I thank the United Kingdom that has already sacrificed so much for its swift agreement to play a central role in the peace implementation. With this act, Britain holds true to its history and to its values. And I pledge to you that America will live up to its history and its ideals as well.

We know that if we do not participate in Bosnia our leadership will be questioned and our partnerships will be weakened—partnerships we must have if we are to help each other in the fight against the common threats we face. We can help the people of Bosnia as they seek a way back from savagery to civility. And we can build a peaceful, undivided Europe.

Today I reaffirm to you that the United States, as it did during the defense of democracy during the Cold War, will help lead in building this Europe by working for a broader and more lasting peace, and by supporting a Europe bound together in a woven fabric of vital democracies, market economies and security cooperation.

Our cooperation with you through NATO, the sword and shield of democracy, can help the nations that once lay behind the Iron Curtain to become a part of the new Europe. In the Cold War the alliance kept our nation secure, and bound the Western democracies together in common cause. It brought former adversaries together and gave them the confidence to look past ancient enmities. Now, NATO will grow and expand the circle of common purpose, first through its Partnership for Peace, which is already having a remarkable impact on the member countries; and then, as we agree, with the admissions of new democratic members. It will threaten no one. But it will give its new allies the confidence they need to consolidate their freedoms, build their economies, strengthen peace and become your partners for tomorrow.

Members of the House of Commons and Noble Lords, long before there was a United States, one of your most powerful champions of liberty and one of the greatest poets of our shared language wrote: "Peace hath her victories, no less renowned then war." In our time, at last, we can prove the truth of John Milton's words.

As this month of remembrance passes and the holidays approach, I leave you with the words Winston Churchill spoke to America during America's darkest holiday season of the century. As he lit the White House Christmas Tree in 1941, he said, "Let the children have their night of fun and laughter. Let us share to the full in their unstinted pleasure before we turn again to the stern tasks in the year that lies before us. But now, by our sacrifice and bearing, these same children shall not be robbed of their inheritance or denied their right to live in a free and decent world."

My friends, we have stood together in the darkest moments of our century. Let us now resolve to stand together for the bright and shining prospect of the next century. It can be the age of possibility and the age of peace. Our forebears won the war. Let us now win the peace.

May God bless the United Kingdom, the United States and our solemn alliance. Thank you very much. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. LEAHY. Mr. President, I join Senator KENNEDY in congratulating President Clinton on his successful trip to the United Kingdom and Ireland. Although I was not able to accept the President's invitation to accompany him on that historic visit due to other commitments I had in Vermont, like millions of Americans I followed his travels closely in the press. One of the most memorable events was the President's speech to the workers at the Mackie Metal Plant in Belfast.

Mackie's is located on the Peace Line which has historically divided Catholics from Protestants. People from both communities come together at Mackie's to an integrated work force where they work side by side. At Mackie's, President Clinton spoke of those who helped bring about the peace process—the political leaders, and more importantly, the people of Northern Ireland "who have shown the world in concrete ways that here the will for peace is now stronger than the weapons for war."

The President called for an end to punishment beatings as well as for the full participation in the democratic process of those who have renounced violence. He said that the United States will stand with those who take risks for peace. The President spoke for all of us that day and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO EMPLOYEES AND COMMUNITY OF THE MACKIE METAL PLANT

[Belfast, Northern Ireland, Nov. 30, 1995]

This is one of those occasions where I really feel that all that needs to be said has already been said. I thank Catherine and David for introducing me, for all the school children of Northern Ireland who are here today, and for all whom they represent. A big part of peace is children growing up safely, learning together and growing together.

I thank Patrick Dougan and Ronnie Lewis for their remarks, for their work here, for all the members of the Mackie team who are with us today in welcoming us to this factory. I was hoping we could have an event like this in Northern Ireland at a place where people work and reach out to the rest of the world in a positive way, because a big part of peace is working together for family and community and for the welfare of the common enterprise.

It is good to be among the people of Northern Ireland who have given so much to America and the world, and good to be here with such a large delegation of my fellow Americans, including, of course, my wife, and I see the Secretary of Commerce here and the Ambassador to Great Britain, and a number of others. But we have quite a large delegation from both parties in the United States Congress, so we've sort of got a truce of our own going on here today. (Laughter.)

And I'd like to ask the members of Congress who have come all the way from Washington, D.C. to stand up and be recognized. Would you all stand? (Applause.)

Many of you perhaps know that one in four of America's Presidents trace their roots to Ireland's shores, beginning with Andrew Jackson, the son of immigrants from Carrickfergus, to John Fitzgerald Kennedy whose forebears came from County Wexford. I know I am only the latest in this time-honored tradition, but I'm proud to be the first sitting American President to make it back to Belfast. (Applause.)

At this holiday season all around the world, the promise of peace is in the air. The barriers of the Cold War are giving way to a global village where communication and cooperation are the order of the day. From South Africa to the Middle East, and now to troubled Bosnia, conflicts long thought impossible to solve are moving along the road to resolution. Once-bitter foes are clasping hands and changing history. And long-suffering people are moving closer to normal lives.

Here in Northern Ireland, you are making a miracle—a miracle symbolized by those two children who held hands and told us what this whole thing is all about. In the land of the harp and the fiddle, the fife and the lambeg drum, two proud traditions are coming together in the harmonies of peace. The cease-fire and negotiations have sparked a powerful transformation.

Mackie's Plant is a symbol of Northern Ireland's rebirth. It has long been a symbol of world-class engineering. The textile machines you make permit people to weave disparate threads into remarkable fabrics. That is now what you must do here with the people of Northern Ireland.

Here we lie along the peace line, the wall of steel and stone separating Protestant from Catholic. But today, under the leadership of Pat Dougan, you are bridging the divide, overcoming a legacy of discrimination where fair employment and integration are the watchwords of the future.

On this shop floor men and women of both traditions are working together to achieve common goals. Peace, once a distant dream, is now making a difference in everyday life in this land. Soldiers have left the streets of Belfast; many have gone home. People can go to the pub or the store without the burden of the search or the threat of a bomb. As barriers disappear along the border, families and communities divided for decades are becoming whole once more.

This year in Armagh on St. Patrick's Day, Protestant and Catholic children led the parade together for the first time since The Troubles began. A bystander's words marked the wonder of the occasion when he said, "Even the normal is beginning to seem normal."

The economic rewards of peace are evident as well. Unemployment has fallen here to its lowest level in 14 years, while retail sales and investment are surging. Far from the gleaming city center, to the new shop fronts of Belfast, to the Enterprise Center in East Belfast, business is thriving and opportunities are expanding. With every extra day that the guns are still, business confidence grows stronger and the promise of prosperity grows as well.

As the shroud of terror melts away, Northern Ireland's beauty has been revealed again to all the world—the castles and coasts, the Giants Causeway, the lush green hills, the high white cliffs—a magical backdrop to your greatest asset which I saw all along the way from the airport here today, the warmth and good feeling of your people. Visitors are now coming in record numbers. Indeed, today, the air route between Belfast and London is the second busiest in all of Europe.

I want to honor those whose courage and vision have brought us to this point: Prime Minister Major, Prime Minister Bruton, and before him, Prime Minister Reynolds, laid the background and the basis for this era of reconciliation. From the Downing Street Declaration to the joint framework document, they altered the course of history. Now, just in the last few days, by launching the twin-track initiative, they have opened a promising new gateway to a just and lasting peace. Foreign Minister Spring, Sir Patrick Mayhew, David Trimble and John Hume all have labored to realize the promise of peace. And Gerry Adams, along with Loyalist leaders such as David Irvine and Gary McMichael, helped to silence the guns on the streets and to bring about the first peace in a generation.

But most of all, America salutes all the people of Northern Ireland who have shown the world in concrete ways that here the will for peace is now stronger than the weapons of war. With mixed sporting events encouraging competition on the playing field, not the battlefield; with women's support groups, literacy programs, job training centers that served both communities—these and countless other initiatives bolster the foundations of peace as well.

Last year's cease-fire of the Irish Republican Army, joined by the combined Loyalist Military Command, marked a turning point in the history of Northern Ireland. Now is the time to sustain that momentum and lock in the gains of peace. Neither community wants to go back to the violence of the past. The children told of that today. Both parties must do their part to move this process forward now.

Let me begin by saying that the search for common ground demands the courage of an open mind. This twin-track initiative gives the parties a chance to begin preliminary talks in ways in which all views will be represented and all voices will be heard. It also establishes an international body to address the issue of arms decommissioning. I hope the parties will seize this opportunity. Engaging in honest dialogue is not an act of surrender, it is an act of strength and common sense. (Applause.)

Moving from cease-fire to peace requires dialogue. For 25 years now the history of Northern Ireland has been written in the blood of its children and their parents. The cease-fire turned the page on that history; it must not be allowed to turn back. (Applause.)

There must also be progress away from the negotiating table. Violence has lessened, but it has not disappeared. The leaders of the four main churches recently condemned the so-called punishment beatings and called for an end to such attacks. I add my voice to theirs. (Applause.)

As the church leaders said, this is a time when the utmost efforts on all sides are needed to build a peaceful and confident community in the future. But true peace requires more than a treaty, even more than the absence of violence. Those who have suffered most in the fighting must share fairly in the fruits of renewal. The frustration that gave rise to violence must give way to faith in the future.

The United States will help to secure the tangible benefits of peace. Ours is the first American administration ever to support in the Congress the International Fund for Ireland, which has become an engine for economic development and for reconciliation. We will continue to encourage trade and investment and to help end the cycle of unemployment.

We are proud to support Northern Ireland. You have given America a very great deal. Irish Protestant and Irish Catholic together have added to America's strength. From our battle for independence down to the present day, the Irish have not only fought in our wars, they have built our nation, and we owe you a very great debt. (Applause.)

Let me say that of all the gifts we can offer in return, perhaps the most enduring and the most precious is the example of what is possible when people find unity and strength in their diversity. We know from our own experience even today how hard that is to do. After all, we fought a great Civil War over the issue of race and slavery in which hundreds of thousands of our people were killed.

Today, in one of our counties alone, in Los Angeles, there are over 150 different ethnic and racial groups represented. We know we can become stronger if we bridge our differences. But we learned in our own Civil War that that has to begin with a change of the heart.

I grew up in the American South, in one of the states that tried to break from the American Union. My forebears on my father's side were soldiers in the Confederate Army. I was reading the other day a book about our first governor after the Civil War who fought for the Union Army, and who lost members of his own family. They lived the experience so many of you have lived. When this governor took office and looked out over a sea of his fellow citizens who fought on the other side, he said these words: "We have all done wrong. No one can say his heart is altogether clean and his hands altogether pure. Thus, as we wish to be forgiven, let us forgive those who have sinned against us and ours." That was the beginning of America's reconciliation, and it must be the beginning of Northern Ireland's reconciliation. (Applause.)

It is so much easier to believe that our differences matter more than what we have in common. It is easier, but it is wrong. We all cherish family and faith, work and community. We all strive to live lives that are free and honest and responsible. We all want our children to grow up in a world where their talents are matched by their opportunities. And I believe those values are just as strong in County Londonderry as they are in Londonderry, New Hampshire; in Belfast, Northern Ireland as in Belfast, Maine.

I am proud to be of Ulster Scots stock. I am proud to be, also, of Irish stock. I share these roots with millions and millions of Americans, now over 40 million Americans. And we rejoice at things being various, as Louis MacNeice once wrote. It is one of the things that makes America special.

Because our greatness flows from the wealth of our diversity as well as the strength of the ideals we share in common, we feel bound to support others around the world who seek to bridge their own divides. This is an important part of our country's mission on the eve of the 21st century, because we know that the chain of peace that protects us grows stronger with every new link that is forged.

For the first time in half a century now, we can put our children to bed at night knowing that the nuclear weapons of the former Soviet Union are no longer pointed at those children. In South Africa, the long night of apartheid has given way to a new freedom for all peoples. In the Middle East, Arabs and Israelis are stepping beyond war to peace in an area where many believed peace would never come. In Haiti, a brutal dictatorship has given way to a fragile new democracy. In Europe, the dream of a stable, undivided free continent seems finally within reach as the people of Bosnia have the first real hope for peace since the terrible fighting began there nearly four years ago.

The United States looks forward to working with our allies here in Europe and others to help the people in Bosnia—the Muslims, the Croats, the Serbs—to move beyond their divisions and their destructions to make the peace agreement they have made a reality in the lives of their people.

Those who work for peace have got to support one another. We know that when leaders stand up for peace, they place their forces on the line, and sometimes their very lives on the line, as we learned so recently in the tragic murder of the brave Prime Minister of Israel. For, just as peace has its pioneers, peace will always have its rivals. Even when children stand up and say what these children said today, there will always be people who, deep down inside, will never be able to give up the past.

Over the last three years I have had the privilege of meeting with and closely listening to both Nationalists and Unionists from Northern Ireland, and I believe that the greatest struggle you face now is not between opposing ideas or opposing interests. The greatest struggle you face is between those who, deep down inside, are inclined to be peacemakers, and those who, deep down inside, cannot yet embrace the cause of peace. Between those who are in the ship of peace and those who are trying to sink it, old habits die hard. There will always be those who define the worth of their lives not by who they are, but by who they aren't; not by what they're for, but by what they are against. They will never escape the dead-end street of violence. But you, the vast majority, Protestant and Catholic alike, must not allow the ship of peace to sink on the rocks of old habits and hard grudges. (Applause.)

You must stand firm against terror. You must say to those who still would use violence for political objectives—you are the past; your day is over. Violence has no place at the table of democracy, and no role in the future of this land. By the same token, you must also be willing to say to those who renounce violence and who do take their own risks for peace that they are entitled to be full participants in the democratic process. Those who show the courage—(applause)—those who do show the courage to break with the past are entitled to their stake in the future.

As leaders for peace become invested in the process, as leaders make compromises and risk the backlash, people begin more and more—I have seen this all over the world—they begin more and more to develop a common interest in each other's success; in standing together rather than standing apart. They realize that the sooner they get to true peace, with all the rewards it brings, the sooner it will be easy to discredit and destroy the forces of destruction.

We will stand with those who take risks for peace, in Northern Ireland and around the world. I pledge that we will do all we can, through the International Fund for Ireland and in many other ways, to ease your load. If you walk down this path continually, you will not walk alone. We are entering an era of possibility unparalleled in all of human history. If you enter that era determined to build a new age of peace, the United States of America will proudly stand with you. (Applause.)

But at the end of the day, as with all free people, your future is for you to decide. Your destiny is for you to determine. Only you can decide between division and unity, between hard lives and high hopes. Only you can create a lasting peace. It takes courage to let go of familiar divisions. It takes faith to walk down a new road. But when we see the bright gaze of these children, we know the risk is worth the reward.

I have been so touched by the thousands of letters I have received from schoolchildren here, telling me what peace means to them. One young girl from Ballymena wrote—and I quote—"It is not easy to forgive and forget, especially for those who have lost a family member or a close friend. However, if people could look to the future with hope instead of the past with fear, we can only be moving in the right direction." I couldn't have said it nearly as well.

I believe you can summon the strength to keep moving forward. After all, you have come so far already. You have braved so many dangers, you have endured so many sacrifices. Surely, there can be no turning back. But peace must be waged with a warrior's resolve—bravely, proudly, and relentlessly—secure in the knowledge of the single, greatest difference between war and peace: In peace, everybody can win. (Applause.)

I was overcome today when I landed in my plane and I drove with Hillary up the highway to come here by the phenomenal beauty of the place and the spirit and the goodwill of the people. Northern Ireland has a chance not only to begin anew, but to be a real inspiration to the rest of the world, a model of progress through tolerance.

Let us join our efforts together as never before to make that dream a reality. Let us join our prayers in this season of peace for a future of peace in this good land.

Thank you very much. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. KERRY. Mr. President, I join in commending President Clinton for his historic visit to Ireland, Northern Ireland, and England.

Those of us who support peace in Northern Ireland watched as the President and First Lady lit the Christmas tree—sent from Tennessee with the help of the Vice President—in front of Belfast's City Hall last Thursday night. Thousands of people—Catholic and Protestant—turned out to celebrate the beginning of the Christmas season and, more importantly, the peace that Northern Ireland has known for more than 15 months.

In his remarks, the President spoke of the historic ties between the people of Northern Ireland and the United States and the bonds we continue to build. Mostly, he and the First Lady spoke of the children of Northern Ireland and their hopes and dreams for a lasting peace. I ask unanimous consent that the remarks of the President and the First Lady may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BELFAST CITY HALL, BELFAST, NORTHERN IRELAND, NOVEMBER 30, 1995

Mrs. CLINTON. Thank you very much, Lord Mayor. And thank all of you. (Applause.) Tonight is a night filled with hope and peace. And for those of us gathered here throughout Northern Ireland and around the world, often it is our children who offer us the clearest and purest reasons why peace and why this peace process is so important.

In a national competition, asking students to share their hopes for a peaceful Northern Ireland in letters to my husband, two students whom you see here tonight, Cathy Harte and Mark Lennox won the top prize. We will be privileged to have them in America at summer camp this coming summer. Tonight it is my privilege to read excerpts from their letters.

This is what Cathy said: "My name is Cathy Harte and I am a 12-year-old Catholic girl. I live in Belfast in Northern Ireland, and I love it here. It's green, it's beautiful, and, well, it's Ireland." (Applause.) "All my life, I have only known guns and bombs with people fighting. Now, it is different. There are no guns and bombs."

Cathy continues: "My dream's for the future, well, I have a lot of them. Hopefully, the peace will be permanent; that one day Catholics and Protestants will be able to walk hand-in-hand and will be able to live in the same areas." (Applause.) "Catholics, Protestants, black or white, it is the person inside that counts." (Applause.) "What I hope," said Cathy, "is that when I have my own children that there will still be peace and that Belfast will be a peaceful place from now on."

Thank you, Cathy. (Applause.)

Mark Lennox is the same age as our daughter, 15. And he explains in his letter the simple hows of achieving peace. And this is what he says: "I am a 15-year-old schoolboy from Glengormley High School. I am very pleased about the chance of permanent peace in Northern Ireland and the chances of living in a secure atmosphere.

"If Northern Ireland is to have a future, then we must all learn to live with each other in a more tolerant way. Also, we must all work hard for peace and make a real effort. We will have to change our ideas and work for change. Change must mean changing our own understanding of each other. We must learn together and know more about our different traditions.

Some people want to destroy peace and the peace process in Northern Ireland." And Mark says, "We must not allow this to happen." (Applause.)

As the Lord Mayor said, in a moment the Christmas tree will be lit as Christmas trees will be lit all over the world in the days to come. This Christmas let us remember the reason behind why we light Christmas trees. Let us remember the reason for this great holiday celebration. And let us remember that we seek peace most of all for our children. May this be one of many, many happy and peaceful Christmases in Northern Ireland this year and for many years to come. (Applause.) And may God keep you and bless you and hold all of you in the palm of His hand. Thank you and God bless you.

(Applause.)

LORD MAYOR. Now, ladies and gentlemen, we have a duty to do tonight. And that is we're going to ask the President to turn the lights on. But you and I have something to do. We have to count down, 10 down to zero. So we want the count, 10, 9—slowly please, so that when the President gets ready I'll give you the okay and then we will have the countdown.

(The Christmas tree is lit.)

The PRESIDENT. Thank you very much. (Applause.) To the Lord Mayor and Lady Mayoress, let me begin by saying to all of you, Hillary and I thank you from the bottom of our hearts for making us feel so very, very welcome in Belfast and Northern Ireland. (Applause.) We thank you, Lord Mayor, for your cooperation and your help in making this trip so successful, and we trust that, for all of you, we haven't inconvenienced you too much. But this has been a wonderful way for us to begin the Christmas holidays. (Applause.)

Let me also say I understood just what an honor it was to be able to turn on this Christmas tree when I realized the competition. (Laughter.) Now, to become President of the United States you have to undertake some considerable competition. But I have never confronted challengers with the name recognition, the understanding of the media and the ability in the martial arts of the Mighty Morphin Power Rangers. (Applause.)

To all of you whose support enabled me to join you tonight and turn the Christmas tree on, I give you my heartfelt thanks. (Applause.) I know here in Belfast you've been lighting the Christmas tree for more than 20 years. But this year must be especially joyous to you, for you are entering your second Christmas of peace. (Applause.)

As I look down these beautiful streets, I think how wonderful it will be for people to do their holiday shopping without worry of searches or bombs; to visit loved ones on the other side of the border without the burden of checkpoints or roadblocks; to enjoy these magnificent Christmas lights without any fear of violence. Peace has brought real change to your lives.

Across the ocean, the American people are rejoicing with you. We are joined to you by strong ties of community and commerce and culture. Over the years men and women of both traditions have flourished in our country and helped America to flourish.

And today, of course, we are forging new and special bonds. Belfast's sister city in the United States, Nashville, Tennessee, was proud to send this Christmas tree to friends across the Atlantic. I want to thank the most prominent present resident of Nashville, Tennessee, Vice President Al Gore, the Mayor, Phil Bredesen, and the United States Air Force for getting this big tree all the way across the Atlantic to be here with you tonight. (Applause.)

In this 50th anniversary year of the end of World War II, many Americans still remember the warmth the people of Northern Ireland showed them when the army was stationed here under General Eisenhower. The people of Belfast named General Eisenhower an honorary burgess of the city. He viewed that honor, and I quote, "as a token of our common purpose to work together for a better world." That mission endures today. We remain Americans and as people of Northern Ireland, partners for security, partners for prosperity and, most important, partners for peace. (Applause.)

Two years ago, at this very spot, tens of thousands of you took part in a day for peace, as a response to some of the worst violence Northern Ireland had known in recent years. The two morning papers, representing both traditions, sponsored a telephone poll for peace that generated almost 160,000 calls. In the United States, for my fellow Americans who are here, that would be the equivalent of 25 million calls.

The response left no doubt that all across Northern Ireland the desire for peace was becoming a demand. I am honored to announce today that those same two newspapers, the Newsletter and the Irish News, have established the President's Prize, an annual award to those at the grass-roots level who have contributed most to peace and reconciliation. The honorees will travel to the United States to exchange experiences on the issues we share, including community relations and conflict resolution. We have a lot to learn from one another. The President's Prize will underscore that Northern Ireland's two traditions have a common interest in peace.

As you know—and as the First Lady said—I have received thousands of letters from school children all over your remarkable land telling me what peace means to them. They poured in from villages and cities, from Catholic and Protestant communities, from mixed schools, primary schools, from schools for children with special needs. All the letters in their own way were truly wonderful for their honesty, their simple wisdom and their passion. Many of the children showed tremendous pride in their homeland, in its beauty and its true nature. I congratulate the winners. They were wonderful and I loved hearing their letters.

But let me tell you about another couple I received. Eleven-year-old Keith from Carrickfergus wrote: "Please tell everyone in America that we're not always fighting here, and that it's only a small number of people who make the trouble." Like many of the children, Keith did not identify himself as Protestant or Catholic, and did not distinguish between the sources of the violence.

So many children told me of loved ones they have lost, of lives disrupted and opportunities forsaken and families forced to move. Yet, they showed remarkable courage and strength and a commitment to overcome the past. As 14-year-old Sharon of County Armagh wrote: 'Both sides have been hurt. Both sides must forgive."

Despite the extraordinary hardships so many of these children have faced, their letters were full of hope and love and humor. To all of you who took the time to write me, you've brightened my holiday season with your words of faith and courage, and I thank you. To all of you who asked me to do what I could to help peace take root, I pledge you America's support. We will stand with you as you take risks for peace. (Applause.)

And to all of you who have not lost your sense of humor, I say thank you. I got a letter from 13-year-old Ryan from Belfast. Now, Ryan, if you're out in the crowd tonight, here's the answer to your question. No, as far as I know, an alien spacecraft did not crash in Roswell, New Mexico, in 1947. (Laughter.) And, Ryan, if the United States Air Force did recover alien bodies, they didn't tell me about it, either, and I want to know. (Applause.)

Ladies and gentlemen, this day that Hillary and I have had here in Belfast and in Derry and Londonderry County will long be with us—(applause)—as one of the most remarkable days of our lives. I leave you with these thoughts. May the Christmas spirit of peace and goodwill flourish and grow in you. May you remember the words of the Lord Mayor: "This is Christmas. We celebrate the world in a new way because of the birth of Emmanuel; God with us." And when God was with us, he said no words more important than these: "Blessed are the peacemakers, for they shall inherit the Earth." (Applause.)

Merry Christmas, and God bless you all. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. LAUTENBERG. Mr. President, I too would like to congratulate President Clinton on his visit to Ireland and the United Kingdom. His visit reminds us all of the important role that the United States can play, and is playing, in bringing peace around the world.

During his visit, the President visited Derry where he spoke to thousands of people who gathered at the Guild Hall. He also joined the American Ireland Fund and the family of the late Speaker of the House of Representatives in inaugurating the Thomas P. O'Neill Chair for the Study of Peace and Conflict Resolution at Ulster University.

The President also paid tribute to "Ireland's most tireless champion for civil rights and its most eloquent voice of non-violence, John Hume." And he spoke of reconciliation and hope. I am sure he was right when he said that Tip was smiling down on Derry that day.

Mr. President, I ask unanimous consent that the President's addresses in Derry may be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO THE CITIZENS OF LONDONDERRY, GUILD HALL SQUARE, LONDONDERRY, NORTHERN IRELAND, NOVEMBER 30, 1995

Thank you. (Applause.) Thank you very much. Mr. Mayor, Mrs. Kerr, Mr. and Mrs. Hume, Sir Patrick and Lady Mayhew, and to this remarkable crowd. Let me say—(applause)—there have been many Presidents of the United States who had their roots in this soil. I can see today how lucky I am to be the first President of the United States to come back to this city to say thank you very much. (Applause.)

Hillary and I are proud to be here in the home of Ireland's most tireless champion for civil rights and its most eloquent voice of non-violence, John Hume. (Applause.) I know that at least twice already I have had the honor of hosting John and Pat in Washington. And the last time I saw him I said, you can't come back to Washington one more time until you let me come to Derry. And here I am. (Applause.)

I am delighted to be joined here today by a large number of Americans, including a distinguished delegation of members of our United States Congress who have supported peace and reconciliation here and who have supported economic development through the International Fund for Ireland.

I am also joined today by members of the O'Neill family. (Applause.) Among the last great chieftains of Ireland were the O'Neills of Ulster. But in America, we still have chieftains who are the O'Neills of Boston. They came all the way over here to inaugurate the Tip O'Neill Chair and Peace Studies here at the University of Ulster. (Applause.) This chair will honor the great Irish American and late Speaker of the House of Representatives by furthering his dream of peace in Northern Ireland. And I am honored to be here with his family members today.

All of you know that this city is a very different place from what a visitor like me would have seen just a year and a half ago, before the cease-fire. Crossing the border now is as easy as crossing a speed bump. The soldiers are off the streets. The city walls are open to civilians. There are no more shakedowns as you walk into a store. Daily life has become more ordinary. But this will never be an ordinary city. (Applause.)

I came here because you are making a home for peace to flourish and endure—a local climate responsible this week for the announcement of new business operations that offer significant new opportunities to you, as well as new hope. Let me applaud also the success of the Inner City Trust and Paddy Doherty who have put people to work rebuilding bombed-out buildings, building new ones, and building up confidence and civic pride. (Applause.)

America's connections to this place go back a long, long time. One of our greatest cities, Philadelphia, was mapped out three centuries ago by a man who was inspired by the layout of the streets behind these walls. His name was William Penn. He was raised a Protestant in Ireland in a military family. He became a warrior and he fought in Ulster. But he turned away from warfare, traded in his armor, converted to the Quaker faith and became a champion of peace.

Imprisoned for his religious views, William Penn wrote one of the greatest defenses of religious tolerance in history. Released from prison, he went to America in the 1680s, a divisive decade here, and founded Pennsylvania, a colony unique in the new world because it was based on the principle of religious tolerance.

Philadelphia quickly became the main port of entry for immigrants from the north of Ireland who made the Protestant and Catholic traditions valuable parts of our treasured traditions in America. Today when he travels to the States, John Hume is fond of reminding us about the phrase that Americans established in Philadelphia as the motto of our nation, "E pluribus unum"—Out of many, one—the belief that back then Quakers and Catholics, Anglicans and Presbyterians could practice their religion, celebrate their culture, honor their traditions and live as neighbors in peace.

In the United States today in just one county, Los Angeles, there are representatives of over 150 different racial, ethnic and religious groups. We are struggling to live out William Penn's vision, and we pray that you will be able to live out that vision as well. (Applause.)

Over the last three years since I have had the privilege to be the President of the United States I have had occasion to meet with Nationalists and to meet with Unionists, and to listen to their sides of the story. I have come to the conclusion that here, as in so many other places in the world—from the Middle East to Bosnia—the divisions that are most important here are not the divisions between opposing views or opposing interests. Those divisions can be reconciled. The deep divisions, the most important ones, are those between the peacemakers and the enemies of peace—those who, deep, deep down inside want peace more than anything, and those who, deep down inside can't bring themselves to reach out for peace. Those who are in the ship of peace and those who would sink it. Those who bravely meet on the bridge of reconciliation, and those who would blow it up.

My friends, everyone in life at some point has to decide what kind of person he or she is going to be. Are you going to be someone who defines yourself in terms of what you are against, or what you are for? Will you be someone who defines yourself in terms of who you aren't, or who you are? The time has come for the peacemakers to triumph in Northern Ireland, and the United States will support them as they do. (Applause.)

The world-renowned playwright from this city, Brian Friel, wrote a play called "Philadelphia, Here I Come." And in a character who is about to immigrate from Ireland thinks back on his past life and says to himself, it's all over. But his alter ego reminds him of his future and replies, and it's about to begin. It's all over and it's about to begin. If only change were that easy.

To leave one way of life behind in search of another takes a strong amount of faith and courage. But the world has seen here over the last 15 months that people from Londonderry County to County Down, from Antrim to Armagh, have made the transition from a time of ever-present fear to a time of fragile peace. The United States applauds the efforts of Prime Minister Major and Prime Minister Bruton who have launched the new twin-track initiative and have opened a process that gives the parties to begin a dialogue in which all views are representative, and all can be heard.

Not far from this spot stands a statue of reconciliation—two figures, ten feet tall, each reaching out a hand toward the other, but neither quite making it across the divide. It is a beautiful and powerful symbol of where many people stand today in this great land. Let it now point people to the handshake of reconciliation. Life cannot be lived with the stillness of statues. Life must go on. The hands must come closer together or drift further apart.

Your great Nobel Prize winning poet, Seamus Heaney, wrote the following words—(applause)—wrote the following words that some of you must know already, but that for me capture this moment. He said: "History says don't hope on this side of the grave, but then, once in a lifetime the longed-for tidal wave of justice can rise up. And hope and history rhyme. So hope for a great sea change on the far side of revenge. Believe that a further shore is reachable from here. Believe in miracles and cures and healing wells."

Well, my friends, I believe. I believe we live in a time of hope and history rhyming. Standing here in front of the Guild Hall, looking out over these historic walls, I see a peaceful city, a safe city, a hopeful city, full of young people that should have a peaceful and prosperous future here where their roots and families are. That is what I see today with you. (Applause.)

And so I ask you to build on the opportunity you have before you; to believe that the future can be better than the past; to work together because you have so much more to gain by working together than by drifting apart. Have the patience to work for a just and lasting peace. Reach for it. The United States will reach with you. The further shore of that peace is within your reach.

Thank you, and God bless you all. (Applause.)

REMARKS BY THE PRESIDENT AT INAUGURATION OF THOMAS P. O'NEILL, CHAIR FOR THE STUDY OF PEACE AND CONFLICT RESOLUTION AT ULSTER UNIVERSITY, MAJOR HALL OF GUILD HALL, LONDONDERRY, NORTHERN IRELAND, NOVEMBER 30, 1995

Mayor and Mrs. Kerr, Sir Patrick and Lady Mayhew, Mr. and Mrs. Hume; to the community and religious leaders who are here and to my fellow Americans who are here, Congressman Walsh and the congressional delegation; Senator Dodd, Senator Mack and others. Let me thank you all for the wonderful reception you have given to Hillary and to me today and, through us, to the people of the United States. And let me thank Tom O'Neill for his incredibly generous remarks. I am honored to be here with him and with his family and with Loretta Brennan Glucksman and the other members of the American Ireland Fund to help inaugurate this Tip O'Neill Chair in Peace Studies.

And thank you, Vice Chancellor Smith, for the degree. You know, I wonder how far it is from a degree to a professorship. (Laughter.) See, I have this job without a lot of tenure, and I'm looking for one with more tenure. (Applause.)

Tip O'Neill was a model for many people he never knew. The model of public service. He proved that a person could be a national leader without losing the common touch, without ever forgetting that all these high-flown speeches we give and all these complex issues we talk about in the end have a real, tangible impact on the lives of ordinary people. And that in any free land, in the end all that really counts are the lives of ordinary people.

He said he was a man of the House, but he was far more. He was fundamentally a man of the people. A bricklayer's son who became the most powerful person in Congress and our nation's most prominent, most loyal champion of ordinary working families.

He loved politics because he loved people, but also because he knew it could make a difference in people's lives. And you have proved here that political decisions by brave people can make a difference in people's lives. Along with Senators Kennedy and Moynihan and former Governor Hugh Carey of New York, he was among the first Irish American politicians to oppose violence in Northern Ireland. And though we miss him sorely, he will long be remembered in the United States and now in Ireland with this O'Neill Chair. It is a fitting tribute to his life and legacy, for he knew that peace had to be nurtured by a deeper understanding among people and greater opportunity for all.

Tip O'Neill was old enough to remember a time when Irish Catholics were actually discriminated against in the United States, and he had the last laugh when they wound up running the place. (Laughter.) In my lifetime—(applause)—I was just thinking that in my conscious political lifetime we've had three Irish Speakers of the House of Representatives: John McCormick and Tip O'Neill of Boston and Tom Foley of Washington State; and, goodness knows how many more we're destined to have.

I am very proud to be here to inaugurate this chair in peace studies. I have been privileged to come here at an important time in your history. I have been privileged to be President at an important time in your history and to do what I could on behalf of the United States to help the peace process go forward.

But the work of peace is really the work of a lifetime. First, you have to put the violence behind you; you have done that. Then, you have to make an agreement that recognizes the differences and the commonalities among you. And this twin-tracks process, I believe is a way at least to begin that process where everyone can be heard.

Then, you have to change the spirit of the people until it is as normal as getting up in the morning and having breakfast, to feel a real affinity for the people who share this land with you without regard to their religion or their politics.

This chair of peace studies can help you to do that. It can be a symbol of the lifetime work of building a peaceful spirit and heart in every citizen of this land.

Our administration has been a strong supporter of the International Fund for Ireland. We will continue to do so because of projects like this one and because of the work still to be done. We were eager to sponsor the conference we had last May, aided by the diligent efforts of our friend, former Senator and Senate Majority Leader George Mitchell who now embarks for you on another historic mission of peace.

I hope very much that Senator Mitchell will succeed. I think the voices I have heard on this trip indicate to me that you want him to succeed, and that you want to succeed.

A lot of incredibly moving things have happened to us today, but I think to me, the most moving were the two children who stood and introduced me this morning in the Mackie Plant in Belfast. They represented all those other children, including children here from Derry who have written me about what peace means to them over the last few weeks.

One young boy said—the young boy who introduced me said that he studied with and played with people who were both Protestant and Catholic and he'd almost gotten to the point where he couldn't tell the difference. (Laughter.) The beautiful young girl who introduced me, that beautiful child, started off by saying what her Daddy did for a living, and then she said she lost her first Daddy in The Troubles. And she thought about it every day, it was the worst day of her life. And she couldn't stand another loss.

The up side and the down side. And those children joined hands to introduce me. I felt almost as if my speech were superfluous. But I know one thing: Tip O'Neill was smiling down on the whole thing today. (Applause.)

The other night I had a chance to go with Hillary to the Ford Theater in Washington, D.C., a wonderful, historic place; it's been there since before our Civil War, and where President Lincoln was assassinated. And I told the people there who come once a year to raise money for it so we can keep it going that we always thought of it as a sad and tragic place, but it was really a place where he came to laugh and escape the cares of our great Civil War. And there, I was thinking that America has always been about three great things, our country: love of liberty, belief in progress, and the struggle for unity.

And the last is in so many ways by far the most difficult. It is a continuing challenge for us to deal with the differences among us, to honestly respect our differences, to stand up where we feel differently about certain things, and still to find that core of common humanity across all the sea of differences which permit us to preserve liberty; to make progress possible and to live up to the deepest truths of our shared human nature.

In the end, that is what this chair is all about. And believe me, we need it everywhere. We need it in the streets of our toughest cities in the United States, where we are attempting to teach our children when they have conflicts, they shouldn't go home and pick up a gun or a knife and hurt each other, they should figure out a way to work through to mutual respect.

We need it in the Middle East, where the Prime Minister of Israel just gave his life to a religious fanatic of his own faith because he dared to make peace and give the children of his country a better future.

We need it in Bosnia, where the leaders have agreed to make peace, but where the people must now purge their heart of the hatred borne of four years of merciless slaughter. We need this everywhere.

So, my friends, I pray not only for your success in making peace, but I pray that through this Chair and through your example, you will become a model for the rest of the world because the world will always need models for peace.

Thank you, and God bless you all. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. DODD. Mr. President, I join my colleagues in congratulating President Clinton on his trip to Northern Ireland, Ireland, and England and I commend him for his continuing contributions to the peace process which have helped silence the guns for more than 15 months.

I was honored to travel with the President on that trip. Not since President Kennedy's visit to Ireland in 1963 have the people of that island so warmly welcomed an American President. It was also the first time that an American President visited Northern Ireland.

On a sunny day in Dublin, a huge crowd turned out to hear the President's address in front of the Bank of Ireland at College Green where he was awarded the Freedom of the City. And later that day he addressed Ireland's Parliament, the Dáil.

Among other things, the President spoke eloquently about the tragedy of the famine 150 years ago and the most bittersweet of blessings which came from it—the arrival in America of Irish immigrants who would help build our country. Today, 44 million Americans claim Irish descent. They are Protestants and Catholics. Many came during the famine and many came before. All want peace in Northern Ireland. As one of those 44 million Irish Americans, I am grateful for the leadership the President has shown in helping to bring peace to that island which means so much to so many of us.

I ask unanimous consent that the President's remarks in Dublin be printed in the RECORD following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT IN ADDRESS TO THE PEOPLE OF IRELAND, BANK OF IRELAND AT COLLEGE GREEN, DUBLIN, IRELAND, DECEMBER 1, 1995

Thank you very much. (Applause.) First, let me say to all of you Dubliners and all Ireland, Hillary and I have loved our trip to your wonderful country. (Applause.) To the Taoiseach and Mrs. Bruton; Lord Mayor Loftus and Lady Loftus; City Manager Frank Feely; to all the aldermen who conferred this great honor on me.

To the Americans in the audience, welcome to all of you. (Applause.) Are there any Irish in the audience? (Applause.) I want to say also how pleased I am to be here with a number of Irish American members of the United States Congress; and the Irish American Director of the Peace Corps, Mark Gearan; the Irish American Secretary of Education Richard Riley; and the Secretary of Commerce Ron Brown, who wishes today he were Irish American. Thank you all for being here. (Applause.)

I was on this college green once before. Yes. In 1968, when I was almost as young as some of the young students over there. (Applause.) Lord Mayor, I never dreamed I would be back here on this college green in this capacity, but I am delighted to be here. And I thank you. (Applause.)

I am told that in earlier times the honor I have just received, being awarded the Freedom of the City, meant you no longer had to pay tolls to the Vikings. I'm going to try that on the Internal Revenue Service when I get home. I hope it will work. (Laughter.) Whether it does or not, I am proud to say that I am now a free man of Dublin. (Applause.)

To look out into this wonderful sea of Irish faces on this beautiful Irish day I feel like a real "Dub" today—is that what I'm supposed to say? (Applause.) Not only that, I know we have a handy football team. (Laughter.)

Let me say that, as a lot of you know, because of events developing in Bosnia and the prospect of peace there, I had to cut short my trip. But there are a few signs out there I want to respond to. I will return to Ballybunion for my golf game. (Laughter and applause.)

I am also pleased to announce that President Robinson has accepted my invitation to come to the United States next June to continue our friendship. (Applause.)

There's another special Irish-American I want to mention today and that is our distinguished Ambassador to Ireland, Jean Kennedy Smith—(applause)—who came here with her brother, President Kennedy, 32 years ago and who has worked very hard also for the cause of peace in Northern Ireland. (Applause.)

Years ago, Americans learned about Dublin from the stories of James Joyce and Sean O'Casey. Today, America and the world still learn about Dublin and Ireland through the words of Sebastian Barry, Paula Meehan, Roddy Doyle—(applause)—through the films of Jim Sheridan, Neil Jordan; through the voices of Mary Black and the Dolores Keane—(applause)—and yes, through the Cranberries and U-2. (Applause.) I hear all about how America's global—the world's global culture is becoming more American, but I believe if you want to grasp the global culture you need to come to Ireland. (Applause.)

All of you know that I have family ties here. My mother was a Cassidy, and how I wish she were alive to be here with me today. She would have loved the small towns and she would have loved Dublin. Most of all, she would have loved the fact that in Ireland, you have nearly 300 racing days a year. (Laughter.) She loved the horses.

I understand that there are some Cassidys out in the audience today. And if they are, I want to say in my best Arkansas accent, céad míle fáilte—(applause)—béatha saol agus sláinte. (Applause.)

One hundred and fifty years ago, the crops of this gorgeous island turned black in the ground and one-fourth of your people either starved from the hunger or were lost to emigration. That famine was the greatest tragedy in Irish history. But out of that horrible curse came the most bittersweet of blessings—the arrival in my country of millions of new Americans who built the United States and climbed to the top of its best works. For every person here in Ireland today, 12 more in the United States have proud roots in Irish soil. (Applause.)

Perhaps the memory of the famine explains in part the extraordinary generosity of the Irish people, not just to needy neighbors in the local parish, but to strangers all around the globe. You do not forget those who still go hungry in the world today; who yearn simply to put food on the table and clothes on their backs. In places as far away as the Holy Land, Asia and Africa, the Irish are helping people to build a future of hope.

Your sons and daughters in the Gardai and the defense forces take part in some of the most demanding missions of goodwill, keeping the peace, helping people in war-torn lands turn from conflict to cooperation. Whenever the troubled places of the earth call out for help, from Haiti to Lebanon, the Irish are always among the very first to answer the call.

Your commitment to peace helps conquer foes that threaten us all. And on behalf of the people of the United States, I say to the people of Ireland: We thank you for that from the bottom of our hearts. (Applause.)

Ireland is helping beat back the forces of hatred and destruction all around the world—the spread of weapons of mass destruction, terrorism, ethnic hatreds, religious fanaticism, the international drug trade. Ireland is helping to beat back these forces that wage war against all humanity. You are an inspiration to people around the world. You have made peace heroic. Nowhere are the people of Ireland more important in the cause of peace today than right here at home.

Tuesday night, before I left the United States to come here, I received the happy word that the Taoiseach and Prime Minister Major had opened a gateway to a just and lasting peace, a peace that will lift the lives of your neighbors in Northern Ireland and their neighbors in the towns and counties that share the Northern border. That was the greatest welcome anyone could have asked for. I applaud the Taoiseach for his courage, but I know that the courage and the heart of the Irish people made it possible. And I thank you for what you did. (Applause.)

Waging peace is risky. It takes courage and strength that is a hard road. It is easier, as I said yesterday, to stay with the old grudges and the old habits. But the right thing to do is to reach for a new future of peace—not because peace is a document on paper, or even a handshake among leaders, but because it changes people's lives in fundamental and good ways.

Yesterday in Northern Ireland I saw that for myself. I saw it on the floor of the Mackie Plant in Belfast, with Catholics and Protestants working side by side to build a better future for their families. I heard it in the voices of the two extraordinary children you may have seen on your television, one a Catholic girl, the other a Protestant boy, who introduced me to the people of Belfast with their hands joined, telling the world of their hopes for the future, a future without bullets or bombs, in which the only barriers they face are the limits to their dreams.

As I look out on this sea of people today I tell you that the thing that moved me most in that extraordinary day in Northern Ireland yesterday was that the young people, Catholic and Protestant alike, made it clear to me not only with their words, but by the expressions on their faces that they want peace and decency among all people. (Applause.)

I know well that the immigration from your country to the shores of mine helped to make America great. But I want more than anything for the young people of Ireland, wherever they live on this island, to be able to grow up and live out their dreams close to their roots in peace and honor and freedom and equality. (Applause.)

I could not say it better than your Nobel Prize-winning poet, Seamus Heany, has said: "We are living in a moment where hope and history rhyme." In Dublin, if there is peace in Northern Ireland, it is your victory, too. And I ask all of you to think about the next steps we must take.

Stand with the Taoiseach as he takes risks for peace. Realize how difficult it is for them, having been in their patterns of opposition for so long to the north of you. And realize that those of you who have more emotional and physical space must reach out and help them to take those next hard steps. It is worth doing.

And to you, this vast, wonderful throng of people here, and all of the people of Ireland, I say: America will be with you as you walk the road of peace. We know from our own experience that making peace among people of different cultures is the work of a lifetime. It is a constant challenge to find strength amid diversity, to learn to respect differences instead of run from them. Every one of us must fight the struggle within our own spirit. We have to decide whether we will define our lives primarily based on who we are, or who we are not; based on what we are for, or what we are against. There are always things to be against in life, and we have to stand against the bad things we should stand against.

But the most important thing is that we have more in common with people who appear on the surface to be different from us than most of us know. And we have more to gain by reaching out in the spirit of brotherhood and sisterhood to those people than we can possibly know. That is the challenge the young people of this generation face. (Applause.)

When President Kennedy came here a generation ago and spoke in this city he said that he sincerely believed—and I quote—"that your future is as promising as your past is proud; that your destiny lies not as a peaceful island in a sea of troubles, but as a maker and shaper of world peace."

A generation later Ireland has claimed that destiny. Yours is a more peaceful land in a world that is ever more peaceful in significant measure because of the efforts of the citizens of Ireland. For touching the hearts and minds of peace-loving people in every corner of the world; for the risk you must now continue to take for peace; for inspiring the nations of the world by your example; and for giving so much to make America great, America says, thank you.

Thank you, Ireland, and God bless you all. (Applause.)

REMARKS BY THE PRESIDENT IN ADDRESS TO THE IRISH PARLIAMENT, DÁIL CHAMBER AT LEINSTER HOUSE, DUBLIN, IRELAND, DECEMBER 1, 1995

Mr. Speaker Comhaile, you appear to be someone who can be trusted with the budget. (Laughter and applause.) Such are the vagaries of faith which confront us all. (Laughter and applause.)

To the Taoiseach, the Tánaiste, members of the Dáil and the Seanad, head of the Senate: I'm honored to be joined here, as all of you know, by my wife, members of our Cabinet and members of the United States Congress of both parties—the congressional congregation chaired by Congressman Walsh—they are up there. They got an enormous laugh out of the comments of the Comhaile. (Laughter.) For different reasons they were laughing. (Laughter.)

I thank you for the honor of inviting me here, and I am especially pleased to be here at this moment in your history—before the elected representatives of a strong, confident, democratic Ireland; a nation today playing a greater role in world affairs than ever before.

We live in a time of immense hope and immense possibility; a time captured, I believe, in the wonderful lines of your poet, Seamus Heaney, when he talked of the "longed-for tidal wave of justice can rise up and hope and history rhyme." That is the time in which we live.

It's the world's good fortune that Ireland has become a force for fulfilling that hope and redeeming the possibilities of mankind—a force for good far beyond your numbers. And we are all the better for it.

Today I have traveled from the North where I have seen the difference Ireland's leadership has made for peace there. At the lighting of Belfast's Christmas tree for tens of thousands of people there, in the faces of two communities divided by bitter history, we saw the radiance of optimism born, especially among the young of both communities. In the voices of the Shankill and the Falls, there was a harmony of new hope which we saw. I saw that the people want peace—and they will have it.

George Bernard Shaw, with his wonderful Irish love of irony, said, "Peace is not only better than war, but infinitely more arduous." Well, today, I thank Prime Minister Bruton and former Prime Minister Reynolds and Deputy Prime Minister Spring and Britain's Prime Minister Major, and others, but especially these, for their unfailing dedication to the arduous task of peace.

From the Downing Street Declaration to the historic cease-fire that began 15 months ago, to Tuesday's announcement of the twin-track initiative which will open a dialogue in which all voices can be heard and all viewpoints can be represented, they have taken great risks without hesitation. They've chosen a harder road than the comfortable path of pleasant, present pieties. But what they have done is right. And the children and grandchildren of this generation of Irish will reap the rewards.

Today, I renew America's pledge. Your road is our road. We want to walk it together. We will continue our support—political, financial and moral—to those who take risks for peace. I am proud that our administration was the first to support in the executive budget sent to the Congress the International Fund for Ireland—because we believe that those on both sides of the border who have been denied so much for so long should see that their risks are rewarded with the tangible benefits of peace.

In another context a long time ago, Mr. Yeats reminded us that too long a sacrifice can make a stone of the heart. We must not let the hearts of the young people who yearn for peace turn to stone.

I want to thank you here, not only for the support you've given your leaders in working for peace in Northern Ireland, but for the extraordinary work you have done to wage peace over war all around the world. Almost 1,500 years ago, Ireland stood as a lone beacon of civilization to a continent shrouded in darkness.

It has been said, probably without overstatement, that the Irish, in that dark period, saved civilization. Certainly you saved the records of our civilization—our shared ideas, are shared ideals, our priceless recordings of them.

Now, in our time, when so many nations seek to overcome conflict and barbarism, the light still shines out of Ireland. Since 1958, almost 40 years now, there has never been a single, solitary day that Irish troops did not stand watch for peace on a distant shore. In Lebanon, in Cyprus, in Somalia, in so many other places, more than 41,000 Irish military and police personnel have served over the years as peacekeepers—an immense contribution for a nation whose Armed Forces today number fewer than 13,000.

I know that during your presidency of the European Union next year, Ireland will help to lead the effort to build security for a stable, strong and free Europe. For all—all you have done, and for your steadfast devotion to peace, I salute the people of Ireland.

Our Nation also has a vital stake in a Europe that is stable, strong and free—something which is now in reach for the first time since nation-states appeared on the continent of Europe so many centuries ago. But we know such a Europe can never be built as long as conflict tears at the heart of the continent in Bosnia. The fire there threatens the emerging democracies of the region and our allies nearby. And it also breaks our heart and violates our conscience.

That is why, now that the parties have committed themselves to peace, we in the United States are determined to help them find the way back from savagery to civility, to end the atrocities and heal the wounds of that terrible war. That is why we are preparing our forces to participate there, not in fighting a war, but in securing a peace rooted in the agreement they have freely made.

Standing here, thinking about the devastation in Bosnia, the long columns of hopeless refugees streaming from their homes, it is impossible not to recall the ravages that were visited on your wonderful country 150 years ago—not by war, of course, but by natural disaster when the crops rotted black in the ground.

Today, still, the Great Famine is seared in the memory of the Irish nation and all caring peoples. The memory of a million dead, nearly two million more forced into exile—these memories will remain forever vivid to all of us whose heritage is rooted here.

But as an American, I must say as I did just a few moments ago in Dublin downtown, that in that tragedy came the supreme gift of the Irish to the United States. The men, women and children who braved the coffin ships when Galway and Mayo emptied; when Kerry and Cork took flight, brought a life and a spirit that has enormously enriched the life of our country.

The regimental banner brought by President Kennedy that hangs in this house reminds us of the nearly 200,000 Irishmen who took up arms in our Civil War. Many of them barely were off the ships when they joined the Union forces. They fought and died at Fredericksburg and Chancellorsville and Gettysburg. Theirs was only the first of countless contributions to our Nation from those who fled the famine. But that contribution enabled us to remain a nation and to be here with you today in partnership for peace for your nation and for the peoples who live on this island.

The Irish have been building America ever since— our cities, our industry, our culture, our public life. I am proud that the delegation that has accompanied me here today includes the latest generation of Irish American leaders in the United States, men and women who remain devoted to increasing our strength and safeguarding our liberty.

In the last century, it was often said that the Irish who fled the great hunger were searching for casleain na n-or—castles of gold. I cannot say that they found those castles of gold in the United States, but I can tell you this— they built a lot of castles of gold for the United States in the prosperity and freedom of our Nation. We are grateful for what they did and for the deep ties to Ireland that they gave us in their sons and daughters.

Now we seek to repay that in some small way—by being a partner with you for peace. We seek somehow to communicate to every single person who lives here that we want for all of your children the right to grow up in an Ireland where this entire island gives every man and woman the right to live up to the fullest of their God-given abilities and gives people the right to live in equality and freedom and dignity.

That is the tide of history. We must make sure that the tide runs strong here, for no people deserve the brightest future more than the Irish.

God bless you and thank you. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. PELL. Mr. President, the warm reception President Clinton received last week when he visited Ireland and the United Kingdom was a fitting tribute to his commitment to peace in Northern Ireland.

President Clinton's involvement in the Northern Ireland issue helped bring about the paramilitary cease-fires of 1994 and he continues to impact positively on the efforts for peace there.

On Friday evening, the Irish Government hosted a dinner for President and Mrs. Clinton at Dublin Castle. Irish Prime Minister John Bruton spoke of the President's foreign policy successes, especially his commitment to bringing peace to Northern Ireland. Prime Minister Bruton mentioned in particular United States diplomatic efforts and economic support, including the International Fund for Ireland and the Washington Conference on Investment which the President hosted in May in Washington.

President Clinton commended the Taoiseach for work with Prime Minister Major which led to the recent announcement of the launch of the twin-track process.

I commend to my colleagues the toasts given by the President and Taoiseach and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the toasts were ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT AND PRIME MINISTER BRUTON IN AN EXCHANGE OF TOASTS, DUBLIN CASTLE, DUBLIN, IRELAND, DECEMBER 1, 1995

Mr. BRUTON. Mr. President, Finola and I heartily welcome you and your wife, Hillary Rodham Clinton, to our country. You have seen for yourselves and felt for yourselves the warmth of the affection and the admiration in which you are held throughout this island. The affection and admiration extends to you personally, to your administration, to the office that you hold, and particularly to the great country that you lead.

We welcome, too, the bipartisan congressional delegation, representing your two great political parties who have come with you to Ireland.

Tonight is for remembering; it's for celebrating and it's for looking ahead. We think of past Presidents of the United States who have visited Ireland—in June 1963, John Fitzgerald Kennedy captivated Ireland as he captivated the world. To us, he was not only a reminder of our past, but a vision of our future. We thank you for sending the late President's sister, Jean Kennedy Smith, to work with us now as your Ambassador. (Applause.)

The late President Richard Nixon visited this country in 1970. And President Ronald Reagan, who visited us in 1984, was, like you, a great friend of this country; a great man whose bravery in publicly acknowledging his illness has given courage, reassurance and consultation to millions across the globe who face the same challenge in their lives.

The ties which bind Ireland and the United States cover all human activity. The story of the Irish in America is the story of America itself. It's a tale of extraordinary success, shown in the presence here tonight of some outstanding Irish Americans. But to the spectacular achievements of the few must be added the lesser triumphs of the many—Irish farmers and builders; policemen and nurses; teachers and firemen, who from Boston to San Francisco have made America what it is today.

In celebrating success let us not forget hardship. This is the 150th anniversary of the Great Famine which drove so many Irish to seek refuge in America, where they found a welcome and an ability to remake their lives through sheer hard work.

As Ireland itself changes, so, too, does its relationship with the United States. The highly educated Irish emigrants of the 1980s and 1990s are helping make America today a stronger and a better place. They moved back and forth between the old world and the new with facility and ease. And many returned here, having worked in the United States, to become part of the young internationally-minded, well-trained work force which, combined with a good tax and investment climate, make Ireland a natural home, a natural base for great United States corporations like Intel, Motorola, Microsoft, and Abbott.

In the 74 years since the treaty of 1921, signed this week 74 years ago, this state of ours, born in fire, has transformed itself into a mature European democracy, secure in its ethos, open to the world and proud of its youth.

American political ideas of liberty, of government based on the consent of the governed and of the separation of powers, have inspired our Irish Constitution. Your Constitution also acknowledges the fact that people do not always agree. Your second President, John Adams, said that "America has been a theater of parties and feuds for nearly 200 years." Judging from your own recent experience, Mr. President, I think you might agree with him. (Laughter.)

But quarrels pass; ideas remain. The use of political power must be based on moral values. As President Jefferson said, "Our interests soundly calculated will ever be found inseparable from our moral duties." Moral duties freely followed are the best compass in personal relations, the best compass in domestic politics, and the best compass in foreign policy.

We admire the achievements of your administration in foreign policy—in Haiti, in the Middle East, and most recently and most notably, in Bosnia. Your country's moral vision has helped bring peace and stability to the world. I know that I speak for all in Ireland when I say thank you from the depth of my heart for the sustained commitment that you have shown in bringing peace to this country. (Applause.)

At the beginning of your presidency you said that you'd be there for the Irish not just on one day of the year, but every day of the year. You have lived up to that. And so, too, has Vice President Gore, Secretary Christopher, Tony Lake and his staff, and Senator George Mitchell. You and they have given your time and your energies not only to myself and to the Tánaiste, but to many political figures from every side of the divide in Northern Ireland. You've shown balance, as you saw yesterday in Belfast and Derry. You've won respect and confidence right across the divide, across which it is almost impossible to win common respect—the respect that you have won, Mr. President.

And America has backed its words with deeds, as we're seeing in the work of the International Fund for Ireland, and most notably, in the follow-through of your initiative, the Washington Conference on Investment in Ireland.

In Northern Ireland, the key to success and agreement is dialogue. And in dialogue, all must accept those on the other side as they are, not as they might wish them to be. Irish Nationalism is beginning to understand and respect Unionism. Unionists are beginning to understand and respect Nationalism. Both must coexist and must grow together.

The principle of consent is profoundly important. Consent means that the constitutional status of Northern Ireland cannot be changed without the agreement of the people there. But consent also means that the system of government in Northern Ireland must be one to which both communities can agree. In one sense, neither side has a veto. And yet, in another sense, both sides have a veto. So getting agreement isn't going to be easy.

And I believe that we will find in some words of yours, Mr. President, the inspiration that will help us find that illusive agreement. Let us think of all the good that people do on a daily basis—in schools and health care and in business in Northern Ireland. Let us think of the kindness the people there continue to show to one another every day of the week, across the religious divide even at the height of 25 years of trouble. That spirit needs to be reflected in politics.

You said in your inaugural address, "There's nothing wrong with America that cannot be cured by what is right with America." I say there's nothing wrong with Northern Ireland that cannot be cured by what is right with Northern Ireland. There is nothing wrong between North and South on this island that cannot be cured by what is right between North and South on this island. And there's nothing wrong between Britain and Ireland that cannot be cured by what is already right between Britain and Ireland.

While you were still a presidential candidate, in an interview, I believe, to The New York Times in 1992—June, I believe it was—you said, "If you live long enough you'll make mistakes. But if you learn from those, you'll be a better person. It's how you handle adversity, not how it affects you. The main thing is never quit, never quit, never quit." Do you remember saying that? (Applause.)

We will not quit. We will not quit in our search for a balanced, fair and just settlement on this island, and between this island and its neighbors to which all can give equal allegiance.

I'd like to propose a toast—to the President and the people of the United States of America. The President and the people of the United States.

(A toast is offered.) (Applause.)

THE PRESIDENT. To the Taoiseach and Mrs. Bruton, and to all of our hosts. Hillary and I are honored to be here tonight with all of you, and to be here in the company of some of America's greatest Irish Americans, including Senator George Mitchell, who has taken on such a great and difficult task; a bipartisan congressional delegation headed by Congressman Walsh; many members of the Ambassador's family, including Kathleen Kennedy Townsend, Lt. Governor of Maryland; the Mayors of Chicago and Los Angeles; Secretary Riley, the Secretary of Education; Mark Gearan, Director of the Peace Corps. And as I said, we have the Secretary of Commerce, Ron Brown, tonight, who wishes, more than ever before in his life, that he were Irish. (Laughter.) I think he is down deep inside. (Laughter.)

I thank you also for—I see the Mayor of Pittsburgh here—I know I've left out some others—my wonderful step-father, Dick Kelley, who thought it was all right when I got elected President. But when I brought him home to Ireland he knew I had finally arrived. (Laughter and applause.)

You know, the Taoiseach has been not only a good friend to me in our work for peace, but a good friend to the United States. Indeed, he and Finola actually came to Washington, D.C. to celebrate their honeymoon. I think it's fair to say that his honeymoon there lasted longer than mine did. (Laughter and applause.)

I managed to get even with at least one member of Congress—or former member of Congress—when I convinced Senator Mitchell to give into the entreaties of the Taoiseach and the Prime Minister to head this arms decommissioning group. Now, there's an easy job for you. (Laughter.) You know, in Ireland I understand there's a—our American country music is very popular—Garth Brooks said the other day he sold more records in Ireland than any other place in the world outside America. So I told Senator Mitchell today that—he was telling me what a wonderful day we had yesterday in Derry and Belfast, and what a wonderful day we had today in Dublin, and I said, "Yes, now you get to go to work." I said, this reminds me of that great country song, "I Got the Gold Mine and You Got the Shaft." (Laughter and applause.) But if anybody can bring out more gold, George Mitchell can. (Laughter.)

I want to thank the Taoiseach for the courage he showed in working with the Prime Minister of Great Britain, from the day he took office, taking up from his predecessor, Albert Reynolds, right through this remarkable breakthrough that he and Prime Minister Major made on the twin tracks that he helped to forge just two days ago. This is an astonishing development really because it is the first formulation anyone has come up with that permits all views to be heard, all voices to speak, all issues to be dealt with, without requiring people to give up the positions they have taken at the moment. We are very much in your debt.

This has been an experience like none I have ever had before. Yesterday, John Hume, who's joined us, took me home to Derry with him. And I thought to myself—all my life "Danny Boy" has been my favorite song—I never thought I'd get to go there to hear it. But thanks to John, I did.

And then we were before in Belfast. And all of you, I'm sure, were so moved by those two children who introduced me, reading excerpts from the letters. You know, I've got thousands and thousands of letters from Irish children telling me what peace means to them. One thing I am convinced of as I leave here —that there is a global hunger among young people for their parents to put down the madness of war in favor of their childhood. (Applause.)

I received this letter from a teenager right here in Dublin. I thought I would read it to you, to make the point better than I could. This is just an excerpt: "With your help, the chances given to reason and to reasonable people, so that the peace in my country becomes reality. What is lost is impossible to bring back. Children who were killed are gone forever. No one can bring them back. But for all those who survive these sufferings, there is future."

The young person from Dublin who wrote me that was Zlata Filipovic, the young teenager from Bosnia who is now living here, who wrote her wonderful diary that captured the imagination of people all over the world.

I am honored that at this moment in the history of the world the United States has had the great good fortune to stand for the future of children in Ireland, in Bosnia, in the Middle East, in Haiti and on the toughest streets of our own land. And I thank you here in Ireland for taking your stand for those children's future, as well.

Let me say in closing that in this 150th anniversary of the Great Famine, I would like everyone in the world to pay tribute to Ireland for coming out of the famine with perhaps a greater sense of compassion for the fate of people the world over than any other nation. I said today in my speech to the Parliament that there had not been a single, solitary day—not one day—since 1958, when someone representing the government of Ireland was not somewhere in the world trying to aid the cause of peace. I think there is no other nation on Earth that can make that claim.

And as I leave I feel so full of hope for the situation here in Ireland and so much gratitude for you, for what you have given to us. And I leave you with these words, which I found as I was walking out the door from the Ambassador's Residence. The Ambassador made it possible for Hillary and me to spend a few moments this evening with Seamus Heaney and his wife, since I have been running around the country quoting him for two days. (Laughter.) I might say, without his permission. (Laughter.) And he gave Hillary an inscribed copy of his book "The Cure At Troy." And as I skimmed through it, I found these words, with which I leave you:

"Now it's high water mark, and flood tide in the heart and time to go. What's left to say? Suspect too much sweet talk, but never close your mind. It was a fortunate wind that blew me here. I leave half ready to believe that a cripple's trust might walk and the half-true rhyme is love."

Thank you and God bless you. (Applause.)

I thought I had done something for a moment to offend the Taoiseach—he was forcing me on water instead of wine. (Laughter.)

Let me now, on behalf of every American here present, bathed in the generosity and the hospitality of Ireland, offer this toast to the Taoiseach and Mrs. Bruton and to the wonderful people of this great Republic.

(A toast is offered.) (Applause.)

THE TELECOMMUNICATIONS BILL CONFERENCE

Mr. LEAHY. Mr. President, the action of the House Members on the telecommunications bill conference this morning should send tremors through the Internet community and defenders of the first amendment. They agreed to a provision that would effectively ban constitutionally protected speech on the Internet.

If this amendment becomes law, no longer will Internet users be able to engage in freewheeling discussions in news groups and other areas on the Internet accessible to minors. They will have to limit all language used and topics discussed to that appropriate for kindergarteners, just in case a minor clicks onto the discussion. No literary quotes from racy parts of "Catcher in the Rye" or "Ulysses" will be allowed. Certainly, online discussions of safe sex practices, of birth control methods, and of AIDS prevention methods will be suspect. Any user who crosses the vague and undefined line of "indecency" will be subject to 2 years in jail and fines.

We have already seen the chilling effect that even the prospect of this legislation has had on online service providers. Last week, American On Line deleted the profile of a Vermonter who communicated with fellow breast cancer survivors online. Why? Because, according to AOL, she used the vulgar word "breast". AOL later apologized and indicated it would permit the use of that word where appropriate.

This is a serious misstep by the House Members of the telecommunications bill conference. I urge the full conference to consider the threat this amendment poses to the future growth of the Internet, and reject it.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that November evening in 1972 when I was first elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the Federal debt which is slightly in excess of $11 billion shy of $5 trillion—which will be exceeded later this year. Of course, Congress is responsible for creating this monstrosity for which the coming generations will have to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I wanted to make a matter of daily record the precise size of the Federal debt which, at the close of business yesterday, Tuesday, December 5, stood at $4,988,766,009,862.29 or $18,937.44 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Monday, December 4, 1995—shows an increase of $125,665,418.83. That increase, I'm told, is equivalent to the amount of money needed by 215,311 students to pay their college tuitions for 4 years.

REPORT ON ADMINISTRATION OF EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In order to take additional steps with respect to the national emergency described and declared in Executive Order No. 12924 of August 19, 1994, and continued on August 15, 1995, necessitated by the expiration of the Export Administration Act on August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) ("the Act"), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the existing procedures for processing export license applications submitted to the Department of Commerce.

The Executive order establishes two basic principles for processing export license applications submitted to the Department of Commerce under the Act and the Regulations, or under any renewal of, or successor to, the Export Administration Act and the Regulations. First, all such license applications must be resolved or referred to me for resolution no later than 90 calendar days after they are submitted to the Department of Commerce. Second, the Departments of State, Defense, and Energy, and the Arms Control and Disarmament Agency will have the authority to review any such license application. In addition, the Executive order sets forth specific procedures including intermediate time frames, for review and resolution of such license applications.

The Executive order is designed to make the licensing process more efficient and transparent for exporters while ensuring that our national security, foreign policy, and nonproliferation interests remain fully protected.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 5, 1995.*

MESSAGES FROM THE HOUSE

At 12 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building."

H.R. 308. An act to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development.

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the south-eastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building."

H.R. 653. An act to designate the United States courthouse under construction in White Plains, New York, as the Thurgood Marshall United States Courthouse."

H.R. 826. An act to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes.

H.R. 840. An act to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the "Walter B. Jones Building and United States Courthouse."

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse."

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building."

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building."

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlantic Centennial Olympic Games Commemorative Coin Act, and for other purposes.

H.R. 2614. An act to reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the United States Mint to mint and issue platinum and gold bullion coins, and for other purposes.

H.R. 2684. An act to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building"; to the Committee on the Environment and Public Works.

H.R. 308. An act to provide for the conveyance of certain lands and improvements in

Hopewell Township, Pennsylvania, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development; to the Committee on Governmental Affairs.

H.R. 653. An act to designate the United States courthouse under construction in White Plains, New York, as the "Thurgood Marshall United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 826. An act to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 840. An act to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the "Walter B. Jones Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building"; to the Committee on Environment and Public Works.

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building"; to the Committee on Environment and Public Works.

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlantic Centennial Olympic Games Commemorative Coin Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2614. An act to reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the United States Mint to mint and issue platinum and gold bullion coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2684. An act to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the south-eastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 665. A bill to control crime by mandatory victim restitution (Rept. No. 104–179).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1450. A bill to provide that certain gaming contracts shall remain in effect, notwithstanding filing for bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1451. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS (for himself, Mr. MCCAIN, and Mr. COATS):

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Con. Res. 34. A concurrent resolution to authorize the printing of "Vice Presidents of the United States, 1789–1993"; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1450. A bill to provide that certain gaming contracts shall remain in effect, notwithstanding filing for bankruptcy, and for other purposes; to the Committee on the Judiciary.

THE GAMING CONTRACTS COMPLIANCE ACT

• Mr. BREAUX. Mr. President, today I am introducing legislation that is intended to protect State and local governments from the financial crises caused when a casino declares bankruptcy and shuts down. I believe that gaming corporations should not be allowed to use Federal bankruptcy laws as leverage to gain more concessions from the city and State in which they are operating.

On November 22, 1995, Harrah's casino in New Orleans declared bankruptcy and shut its doors—laying off 2,500 workers and leaving city and State officials facing multimillion-dollar budget shortfalls. As a result, the city may have to lay off as many as 1,000 city workers and substantially curtail city services. It is also estimated that the Louisiana Legislature faces a deficit of between $88.5 and $97.5 million this fiscal year if Harrah's remains closed.

The Gaming Contracts Compliance Act would protect the city of New Orleans and the State of Louisiana, and other cities and State governments in the future, by prohibiting gambling establishments from getting out of their original contracts with city, county (parish), and State governments by declaring bankruptcy. These corporations would be obligated to fulfill the original contracts even as they undergo the reorganization afforded them by bankruptcy protection. Casinos in bankruptcy would be allowed to renegotiate their contracts only if government officials agree.

This legislation would prevent casinos like Harrah's from closing down to force a better deal from State and local governments—all at the expense of local taxpayers and casino workers. State and local officials cannot be left holding an open bag of broken promises given by international gaming operations simply because gambling revenue estimates are off the mark. The welfare of our cities and its citizens must come first.•

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1451. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARKS LEGISLATION

Mr. MCCAIN. Mr. President, today, I am pleased to join Senator KYL in introducing legislation to ensure that Grand Canyon National Park and other national park units remain open during Federal budget impasses which result in Government closures.

The bill would authorize the Secretary of the Interior to enter into agreements allowing State and local governments to operate essential park facilities when Federal personnel are furloughed.

As my colleagues are aware, during the recent budget crisis, the Clinton administration decided to shut visitors out of the Grand Canyon and other national parks. This decision hurt countless tourists, many of whom traveled great distances at enormous expense to experience the canyon. And it harmed local businesses that depend upon tourism.

I continue to believe that the decision to close the Grand Canyon was unnecessary. I was interested to note that the administration did not restrict visitation to national forests or BLM lands, nor to the Mall in Washington—an area administered by the Park Service. Such restrictions, of course, would have been unnecessary, just as shutting visitors out of the Grand Canyon, while politically expedient, was unnecessary.

Nevertheless, I appreciate the willingness of the administration to examine methods of ensuring that such park closure need not occur in the future. Enacting legislation empowering States to operate park units during temporary Federal furloughs, would help us to achieve that end.

Mr. President, my fervent hope is that in the future we can avoid Government shutdowns which penalize not only national park visitors but many others seeking Government services.

However, I trust that my colleagues and the administration will agree, we have an obligation to mitigate the impact on innocent people if and when such crises do occur. In the case of national parks, the State of Arizona and other States as well, are willing to offer their manpower and expertise to avoid the closure of these areas which are so essential to State and local economies. There is no reason the Federal Government should not take them up on that offer, even as we work to make sure that no vital Federal operation is cut off because of the failings of politicians in Washington, DC.

Mr. President, often, our constituents are far better than we at expressing the real-life impact of Government decisions. During the park shutdown I received an open letter from Susan Morely, a constituent of mine from Flagstaff, AZ who relayed a very sad and distressing story about the impact of the closure on her family. She makes the case in favor of this legislation better than anyone else.

I ask unanimous consent that a copy of Susan Morley's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To: President Clinton, Members of Congress, Governor Symington, House Speaker Mark Killian, The Media

In 1992, my husband died of cancer at age 41, his dying request was for his ashes to be distributed at Ribbon Falls in the Grand Canyon. This was done shortly after his death.

For the past three years, his brothers and sisters and I and my children have planned a memorial hike so that we could all visit this special site. Family members from Connecticut, New Jersey and California and friends from Washington, D.C. and Arizona came to join us in what was to be an important part of our emotional healing.

Instead, Congress and the President have turned this into an emotional nightmare.

My 13 year old has been crying because she was looking forward to visiting Ribbon Falls with family and friends. How do I explain to her what is happening in Washington?

Family members paid hundreds of dollars for plane tickets, car rentals and hiking gear. People have arranged time off from work. For some, this is their only vacation this year. One teacher had to get special permission from the school superintendent to be here.

We have looked forward to being together as family and friends to celebrate Michael's life in a place he loved, at the bottom of the Grand Canyon.

Instead, we are stranded at the top because the President and our elected representatives in Congress didn't do their jobs.

The Grand Canyon didn't have to close.

American workers didn't have to be furloughed.

Political agendas have brought us to this.

It's time to stop "playing politics" and start running the country.

SUSAN MORLEY,
Flagstaff, Arizona.

Mr. KYL. Mr. President, I rise today to talk about a piece of legislation introduced by Senator MCCAIN and myself. This bill is significant, not only for Arizona, but for every State. It would authorize a cooperative arrangement between the Secretary of the Interior and a State under which State employees would be able to maintain continued operation of national parks in the State during any period in which the National Park Service is unable to. The bill is intended to mitigate the effects of a Government shutdown, or any other situation which could prevent the national parks from continuing normal operations.

The recent Government shutdown affected all of us in various ways. As many of you may have heard on CNN, the administration chose to close the Grand Canyon National Park in Arizona. This was the first time this has happened since the park opened 76 years ago. The closure had very significant and widespread effects, not just for Arizona businesses but for visitors who had come a great distance—some as far as New Zealand—to see this crown jewel of our National Park System.

Governor Symington of Arizona made an offer to assist the National Park Service in keeping the park open. On behalf of the State, he offered to supply the temporary funds and make State personnel available to keep the park functioning and open to visitors. The Department of the Interior refused his offer, citing a number of legal impediments to the State's plan. The purpose of the legislation that Senator MCCAIN and I are introducing today is to overcome these impediments and provide for the legal authorization for the Department and an interested State to enter into an intergovernmental agreement that would allow a State to temporarily assume operations of a national park.

I hope that others will join Senator MCCAIN and myself in sponsoring this legislation.

By Mr. GRAMS (for himself, Mr. MCCAIN, and Mr. COATS):

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions; read the first time.

THE TAXPAYER PROTECTION LOCKBOX ACT

Mr. GRAMS. Mr. President, I rise today to introduce the Taxpayer Protection Lockbox Act. I am pleased to be joined by my good friend and colleague from Arizona, Senator MCCAIN.

Mr. President, in light of what is happening today at the White House—with President Clinton carrying out his threat to veto our plan to balance the Federal budget—this legislation could not be introduced at a more appropriate time.

The American people ought to be disgusted that the President would turn his back on their wishes and veto the Balanced Budget Act of 1995.

After all, the people have called repeatedly on the Federal Government to get its spending under control. The President says he wants to eliminate the wasteful spending, too. Our plan delivers, and yet, our bill is being vetoed.

The people want relief from a Federal tax burden that's consuming 26 percent of their family's monthly income. The President says he wants to provide tax relief too, and even says he supports the child tax credit. Our plan delivers, and yet, our bill is being vetoed.

The people have asked us to reform a welfare system that sucks up tax dollars yet offers few incentives for welfare recipients to move from dependency to independence. The President says he wants welfare reform, too, in fact, he made it a major part of his Presidential campaign. Our plan delivers, and yet, our bill is being vetoed.

Most important, the people are calling on us to balance the Federal budget by the year 2002. The President says he wants a balanced budget, too, and agrees that we can get there in 7 years. Our plan delivers, and yet again, the President is stopping it in its tracks with today's veto.

"I want a budget that includes all of that," says the President—"the spending cuts, tax relief, welfare reform, while it balances in 7 years using honest numbers. I just do not want your budget."

And somehow the President manages to say it with a straight face, even though he has bogged down the budget negotiations by refusing to offer a comprehensive, 7-year plan of his own.

Mr. President, despite all the rhetoric and all the campaign promises, this administration has no real interest in eliminating the Federal deficit and changing the status quo in Washington—they would have to curtail their spending to do it. Today's veto clearly demonstrates the President is not ready to cut spending. And that has been the pattern in Washington for a very long time—once the Government has gotten its hands on the taxpayers' dollars and squirreled them away into the Federal Treasury, Congress, and the President will spend them.

My legislation, the Taxpayer Protection Lockbox Act, will help ensure that when pork-barrel spending is trimmed from the budget, it is the taxpayers—not the big spenders on Capitol Hill—who will benefit.

For years, Members of Congress have bragged to their constituents about trying to cut the fat out of the Federal budget. Yet as time has passed, Federal spending has gone up, our annual budget deficits have gone up, and the debt we're leaving our children and grandchildren has gone all the way up to $5 trillion.

How can this be? If all of these claims of cutting the budget are right, should spending not go down, not up?

Well, if you are speaking in plain English, it should—a cut means you spend less money this year than you did last year. But in the language of Congress—"Hill-Speak" as some call it—a cut is not necessarily a cut.

For example, under our plan to balance the budget, Medicare spending will grow from $181 billion this year to $277 billion in the year 2002—a 53-percent increase over the next 7 years. But because Medicare will not grow at the uncontrolled rates of the past, those who use Hill-Speak call this increase a "cut."

It does not make much sense, does it? And yet there is more.

Every year, Congress is required to pass the 13 appropriations bills which fund the Federal Government—everything from the National Highway System and NASA to foreign aid and the Postal Service. While many of these programs are important and worthwhile, too many tax dollars are still being used for wasteful pork-barrel projects, which either benefit certain regions of the country at the expense of others, have not been previously authorized by law, or are simply not worth the tax dollars spent on them.

As a member of the Senate pork busters coalition, I have worked to eliminate this wasteful abuse of the taxpayers' hard-earned dollars. For example, during debate on the energy and water appropriations bill, I offered an amendment that would have eliminated $40 million from the Appalachian Regional Commission. I did not believe Minnesota taxpayers should be subsidizing so-called economic assistance to the 13 States, located mostly in the Southeast, which make up the ARC. But due to the program's strong support by Senators whose States benefit from ARC, this amendment was rejected by the Senate.

What is worse about our appropriations system is that even if amendments like mine had passed, these funds are not returned to the Treasury or the taxpayers. Instead, they are placed into a slush fund which can be spent on other programs.

In other words, even when we are successful in passing amendments to cut appropriations spending in these areas, these funds are not used for deficit reduction; they are used for additional spending in other areas. As I said before, only in a place like Washington dominated by Hill-Speak is a cut not necessarily a cut—and the result is a $5 trillion debt for our children and grandchildren.

In an effort to end this abuse of taxpayer dollars and to return honesty to the budget process, the Taxpayer Protection Lockbox Act changes the rules of the budget process to ensure that any funds cut in appropriations bills be dedicated back to the Treasury for the purposes of deficit reduction. By replacing the current Congressional slush fund with a taxpayers' lockbox, my legislation guarantees that when Congress cuts funding for wasteful programs, those dollars are returned to their rightful owners—the taxpayers.

In addition, my legislation creates a new revenue lockbox, which is geared toward our 7-year balanced budget plan.

As we all know, when Congress considers a long-term budget, we take into account economic projections which estimate the amount of tax revenue that will come into the Treasury over the next 7 years. We then use these revenue estimates to determine the extent to which Federal spending can grow without resulting in a budget deficit in the year 2002.

While these estimates by the Congressional Budget Office are generally on the mark, they are, of course, simply estimates. It is likely that even more dollars will come into the Treasury as a result of our balanced budget plan, given the fact that we include tax relief designed to stimulate economic growth, create new jobs and turn tax users into productive taxpayers.

These additional dollars, however, should not be used to feed Congress' appetite for spending; instead, any additional revenue that results from our growth plan should be returned to the taxpayers in the form of additional tax relief. After all, these funds were made available because of the hard work and productivity of the American people; it makes sense to give those dollars back to the taxpayers and encourage even greater productivity, rather than handing them to Washington for more pork-barrel spending.

Even now, we can see the very problem my legislation is designed to address. As part of the budget negotiations, President Clinton has already tried to seize more of the dollars we are returning to the taxpayers in the form of tax cuts, to use them for—you guessed it—more spending.

The bottom line estimates are, the President wants to spend $400 billion more than our Budget Act of 1995 called for—$400 billion more of your money.

Well, the taxpayers cannot afford for us to let him do that today, nor can they afford it in the future. We must ensure that tax dollars are returned to their rightful owners: the taxpayers, not the Government.

And that is just what my revenue lockbox does—it requires that any revenues above and beyond current estimates be used for tax cuts and/or additional deficit reduction. It ensures taxpayers that their hard-earned dollars will no longer be automatically spent by the Government. It ends the misperception that tax dollars belong to the Government, rather than the taxpayers.

Most importantly, it restores honesty to the budget process and ensures that a spending cut is truly a spending cut, even in Washington.

Mr. President, the Taxpayer Protection Lockbox Act earns its name by locking in real deficit reduction, while protecting the American taxpayers when Congress just cannot seem to say "no" on its own. I urge my colleagues to join me in standing up for the taxpayers by supporting this timely legislation.

ADDITIONAL COSPONSORS

S. 413

At the request of Mr. DASCHLE, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1146

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1146, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider.

S. 1198

At the request of Mr. COATS, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1198, a bill to amend the Federal Credit Reform Act to improve the budget accuracy of accounting for Federal costs associated with student loans, to phase out the Federal Direct Student Loan Program, to make improvements in the Federal Family Education Loan Program, and for other purposes.

S. 1219

At the request of Mr. MCCAIN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1360

At the request of Mr. BENNETT, the names of the Senator from Florida [Mr. MACK] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1364

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1364, a bill to reauthorize and amend the Endangered Species Act of 1973, and for other purposes.

S. 1365

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1365, a bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, and for other purposes.

S. 1366

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement.

AMENDMENT NO. 3083

At the request of Ms. MOSELEY-BRAUN her name was added as a cosponsor of amendment No. 3083 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

At the request of Mrs. BOXER the names of the Senator from Colorado [Mr. BROWN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of amendment No. 3083 proposed to H.R. 1833, supra.

SENATE CONCURRENT RESOLUTION 34—TO AUTHORIZE THE PRINTING OF "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993"

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 34

Whereas the United States Constitution provides that the Vice President of the United States shall serve as President of the Senate; and

Whereas the careers of the 44 Americans who held that post during the years 1789 through 1993 richly illustrate the development of the nation and its government; and

Whereas the vice presidency, traditionally the least understood and most often ignored constitutional office in the Federal Government, deserves wider attention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PRINTING OF THE "VICE PRESIDENTS OF THE UNITED STATES, 1789-1993".

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Vice Presidents of the United States, 1789–1993", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies (750 paper bound and 250 case bound) for the use of the Senate, to be allocated as determined by the Secretary of the Senate; and

(2) a number of copies that does not have a total production and printing cost of more than $11,000.

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

BROWN AMENDMENT NO. 3084

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions:

On page 2, strike lines 6 through 9, and insert the following:

"(a) Any attending physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

On page 2, line 10 strike "As" and insert "(1) As".

On page 2, between lines 13 and 14, insert the following:

"(2) As used in this section, the term 'attending physician' means, with respect to an individual, the physician whom the individual identifies as having the most significant role in the performance of a partial birth abortion on the individual.

"(3) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity.".

BROWN AMENDMENT NO. 3085

Mr. BROWN proposed an amendment to the bill, H.R. 1833, supra; as follows:

On page 2, line 14, strike "(c)(1) The father," and insert the following: "(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,".

THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

McCAIN (AND LEVIN) AMENDMENT NO. 3086

Mr. DOLE (for Mr. McCAIN, for himself and Mr. LEVIN) proposed an amendment to the bill (S. 790) to provide for the modification or elimination of Federal reporting requirements; as follows:

Section 1041(b) of the House amendment is amended by (1) striking paragraph (1), and (2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Section 1102(b)(1)(B) of the House amendment is amended in the quoted matter by (1) striking "reports" and inserting "report", and (2) striking "and section 8152 of title 5, United States Code,".

Section 1121 of the House amendment is amended by striking the matter after subsection (k) and before subsection (l).

Section 2021 of the House amendment is amended in the heading for the section by striking "**ELIMINATED**" and inserting "**MODIFIED**".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10:15 a.m. on Wednesday, December 6, 1995, in open session, to receive testimony on the Bosnian peace agreement, the North Atlantic Council military plan, and the proposed mission for United States military forces deployed with the implementation force [IFOR].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 6, 1995, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business, see attached list.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, December 6, at 9:30 a.m. for a hearing on S. 356, the Language of Government Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, December 6, 1995, to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act, P.L. 101-601. The hearing will take place at 9:30 a.m. in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a joint hearing with the Committee on Small Business on Small Business and OSHA Reform (S. 1423), during the session of the Senate on Wednesday, December 6, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for joint hearing with the Committee on Labor and Human Resources on Wednesday, December 6, 1995, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building, to conduct a hearing focusing on OSHA Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, December 6, 1995 at 2 p.m. to hold a closed hearing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE GROWING STRENGTH OF DEMOCRACY IN TAIWAN

• Mr. MURKOWSKI. Mr. President, last Saturday we saw once again proof that democracy is alive and well in Taiwan. In free and fair parliamentary elections contested by three leading parties, and with several independent candidates, with some 67 percent participation, and with no unrest or contesting of the results, the people of Taiwan chose their own legislative representatives. By that act, those people once again proved that Taiwan is becoming a mature, democratic state worthy of our admiration.

Let me review here the results of the election. The Kuominatang [KMT] or National Party, which has been ruling Taiwan for many years, won a narrow majority of seats, 85 out of a total of 164, and saw their numbers reduced from 90. The Democratic Progressive Party [DPP], which has been the major opposition group for several years, and which advocates moving toward independence, increased its seats from 50 to 54 seats. The New Party [NP], which advocates a policy of reunification with China, was probably the biggest winner in the polls, increasing its seats from 7 to 21. Finally, a total of four independents won seats in the new legislature.

As is usual following any election, the media pundits are busy analyzing the results and the trends they may or may not indicate. Some papers are saying that the reduction in the KMT's seats and the increase by the NP were the result, in part, of China's attempts to intimidate the Taiwanese over the last few months by testing missiles near Taiwan's shores and making bellicose threats against any attempt to move toward independence. Given what I know about the Taiwanese people, who can be very defiant when challenged, I wonder if this is an accurate analysis. And I certainly hope that the Chinese Government doesn't believe that its tactics of intimidation are going to work.

But no matter what the reason for the result, I think the important point that should be emphasized, as Keith Richburg did in the Washington Post, is that, "Perhaps most remarkable about the elections was that they took place at all. Just 8 years ago, Taiwan was still under martial law. But in 1988 President Lee Teng-Hui launched his quiet revolution to shift Taiwan toward multiparty democracy. Taiwan has emerged as one of Asia's liveliest democracies and the world's freest and most democratic Chinese society."

I'm sure that every analyst will agree with that statement.

So where are we now, Mr. President? In my view, as a result of the election, the KMT will have to take the steps that any Democratic Party would have to take to ensure passage of its program. There will likely be increased maneuvering on votes among the parties as alliances are formed, issue-by-issue, among the three parties. In short, the legislature will have to take into account the will of the people and their elected representatives—a situation which may cause some inefficiencies in the short term, but which will only strengthen Taiwan in the long term as democracy takes firmer hold in that society.

Mr. President, as you know, the next and equally important step in making Taiwan a fully democratized state is a free and fair, multicandidate presidential election. That will take place next march, and it, like the legislative campaign, promises to be very lively.

While President Lee Teng-Hui of the KMT party is favored to win the election at the moment, I'm sure that he and the other candidates will be campaigning very hard over the next month to seek the people's mandate. And that too is a very important matter to keep in mind.

No matter who wins the presidential election, the Taiwanese people will be able to say, next March, that their freely elected President and their freely elected legislature will, for the very first time, have a full and complete mandate.

That in turn will allow the elected leaders to feel confident that the people are behind them as they deal with Taiwan's future and, most important, as they determine their relationship with the People's Republic of China.

Then, and presuming that soon the power struggle in the PRC will be over, it is my hope that both sides will return to a period of reduced tensions and renewed contacts, both economic and political.

In the meantime, it is important for us to take note of positive steps like the Taiwan parliamentary elections which advance the democratization of the world. The people of Taiwan deserve not only our congratulations but also our support as they and their representatives map out their destiny in what we hope will be, in the future, a less volatile and a more peaceful region.•

THE BUDGET AND PUERTO RICO'S NEEDS

• Mr. BREAUX. Mr. President, as the President constructs a 7-year balanced budget plan to present to the Congress, I would like to reiterate my view that Puerto Rico's needs should not be ignored. The program developed by Governor Rosello to apply wage credit incentives to economically developed areas should be considered by the President as he fashions his plan. This would provide an excellent replacement to the termination of section 936.

If no new economic development incentive can be agreed upon this year, Congress can still communicate its intentions to the people of Puerto Rico by pledging to consider a new job creation program at the earliest possible time. As a step toward this commitment, Congress should establish a new section of the code for economic development, and include as an interim measure the 10-year wage credit phaseout passed by the Congress. This technical change, which costs the Federal Treasury nothing, would demonstrate to the American citizens of Puerto Rico that Congress remains committed to its economic development and job creation.•

PATENT PROTECTION UNDER THE GATT

• Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a letter from former Surgeon General Dr. C. Everett Koop.

The letter follows:

NOVEMBER 30, 1995.

Mr. MORTON KONDRACKE,
Executive Editor, Roll Call, Washington, DC.

In your special supplement on the FDA (October 9, 1995), an article appeared concerning patent protection under the General Agreement on Tariffs and Trade (GATT). I am of the firm belief that any action on the part of the U.S. Senate to weaken the hard-fought patent protections of the GATT would imperil the future of intellectual property rights and undermine the research activities of pioneering pharmaceutical companies.

A little-known revolution has taken place in my lifetime. When I started practicing medicine, only a fraction of the drugs that we now take for granted existed. Over the years, I have witnessed great suffering endured by patients and their families that, just a few years later, could have been eased because of the advent of the latest "miracle drug." These breakthrough treatments have brought hope and, in many cases, renewed health to thousands of patients. They are the product of an increasingly important concept: the sanctity of intellectual property.

The right to claim ideas as property allows innovators to invest their time and money bringing those ideas to fruition. It is the basis if our patent system that allowed American ingenuity to prosper throughout the Industrial Age. Today, we are at the dawn of an Information Age and now, more than ever, the rights of intellectual property holders must be protected.

Consider the enormous investment in time, money, and brain power required to bring a single new medicine to patients: 12 years and more than $350 million is the average investment. Only 20% of new compounds tested in a laboratory ever find their way onto pharmacy shelves. Only a third of those ever earns a return on the colossal investment made to discover it.

Though risky and expensive, this process works. The U.S. is the world leader in the development of innovative new medicines. Proceeds from the sales of these medicines support the work and research invested in new successful drugs, as well as the thousands of drugs that never make it out of the lab.

Patent protection makes that investment in research worthwhile—and possible. Recently, patent protection around the world was strengthened and harmonized by the GATT, which required changes that equalized intellectual property protection in all participating countries. These changes are important to encourage the risky, expensive research necessary to provide new medicines to fulfill unmet medical needs.

Now, some generic drug companies are challenging the GATT's advance in intellectual property protection. They are urging Congress to amend the 1948 Hatch-Waxman Act to give them an advantage under the GATT that no other industry enjoys.

A key provision of the Hatch-Waxman Act gives generic drug companies a jump start on marketing by allowing them to use a patented product for development and testing before the patent expires. This special exemption from patent law is not allowed for any other industry. For example, a television manufacturer who wants to market or use its own version of a patented component must wait until the patent expires; otherwise, it risks liability for patent infringement.

In return for these special benefits, the Hatch-Waxman Act requires generic drug companies to wait until the expiration of the research companies' patents before they can begin marketing their drugs. Now, the generic drug industry is asking Congress to give it a special exemption from that restriction as well.

In my opinion, that would be unwise. Treatment discovery has already slowed; we should reverse that process, not ensure it.

While the generic drug industry continues to prosper as a result of the benefits received in the 1984 Act, medical research has continued to become more complex, more costly, and more time consuming, further limiting the effective market life for patented products.

Generic drugs play an important role in helping lower the cost of medicines. But it is the pharmaceutical research industry that discovers and develops those medicines in the first place, investing billions of dollars in research and development that can span decades without any guarantee of success—an investment made possible by our system of patent protection. Preserve protection and you preserve the opportunity for the discovery of future cures and treatments for disease. Undercut that protection, and you undercut America's hope for new and better answers to our health care needs.

Sincerely yours,

C. EVERETT KOOP, M.D.•

PRIVATE SECURITIES LITIGATION REFORM

• Mr. ROTH. Mr. President, complications in my schedule prevented me from casting a vote last night on the conference report to H.R. 1058, the Private Securities Litigation Reform Act of 1995. The report passed by a margin of 65 to 30.

I rise today to indicate my full support for the conference report. This is important legislation, because it provides much-needed reform to the current rules governing private securities litigation, which have led to far too many abusive and costly strike lawsuits. Those suits hurt businesses by hampering the formation of capital and by impairing the orderly working of America's capital markets. This, in turn, hurts all Americans because it places a dangerous drag on the ability of American businesses to create jobs and prosperity. Yet in its scope and effect, the report is appropriately tailored. It addresses the harms caused by frivolous litigation without compromising the ability of plaintiffs who have meritorious claims to be made whole. Moreover, it does not alter the enforcement prerogatives of the Securities and Exchange Commission.

Mr. President, I voted earlier this year in favor of S. 240, the quite similar securities reform bill that the Senate passed in June. Had my schedule permitted, I would have cast my vote last night in favor of the conference report on H.R. 1058. I would like to make it clear today that if President Clinton sees fit to veto the report—an ill-advised step I urge him not to take—I will wholeheartedly support this legislation again in order to override such a veto.•

CAMPAIGN FINANCE REFORM

• Mrs. KASSEBAUM. Mr. President, today I am cosponsoring legislation offered by Senators McCAIN and FEINGOLD to reform our campaign finance laws. This legislation offers a sensible, bipartisan agreement on steps to change our campaign spending and fundraising laws in ways that I believe are long overdue.

I am aware that there are deep disagreements within the Senate on this issue, and I know there are legitimate concerns about spending limits. However, I have long believed that money should not be the driving force in congressional campaigns.

Mr. President, when I leave the Senate at the end of this term, Kansas will have an open Senate seat for the first time since 1978. Candidates considering this race already are being told that the campaign will cost $2 million or more. In comparison to other, larger States that may seem like a bargain, but the estimates alone impose a high price on our political process.

The simple reality is that many good potential candidates, regardless of party affiliation, take themselves out of the running rather than face the grueling task of raising such huge sums of money. In effect, money has become the first primary election.

Some may applaud that development as a way to screen out candidates who lack commitment or the ability to raise funds. I believe it too often merely screens out candidates who are unwilling to raise and spend large sums of money in order to be elected to public office. Money should not be an unwritten qualification for the Senate, but in fact it is an increasingly critical factor.

The legislation offered by Senator McCAIN and Senator FEINGOLD does not cure this problem in a perfect and permanent way. The voluntary spending limits set in the bill are just that—voluntary—and can be ignored by candidates who want to spend freely. The incentives for voluntary compliance—free broadcast time, reduced broadcast rates, and reduced mail cost—may be viewed as insufficient and ineffective.

However, Mr. President, I believe this bill offers a workable and realistic framework for changes in the way we finance our campaigns. I know the primary sponsors are open to suggestions and ready to engage in good-faith talks on modifications or changes that might be necessary. However, they believe it is time to move forward with campaign finance reform. I agree with them, and I believe they have offered an excellent starting point for this effort. I applaud their work and ask that I be added as a cosponsor of S. 1219.•

THE BICENTENNIAL ANNIVERSARY OF MARYVILLE, TN

• Mr. FRIST. Mr. President, nestled in shadows of the Great Smoky Mountains, in a setting of unusual and almost idyllic beauty, lies the great city of Maryville, TN. There among grassy hills and rolling farmland, generations of Tennesseeans have lived and worked and raised their families.

It is a place, Mr. President, where family values, community pride, and that distinctive yet intangible quality known as the American spirit still exist, nourished by long tradition and carried on by the countless, quiet everyday heros of American life—neighbors who help neighbors, parents who sacrifice so their children will have a better future, church, and community volunteers who feed the homeless, care for the needy, and nurse the sick. It is a place, Mr. President, where people are proud of their past and optimistic about their future.

In many respects, Mr. President, the citizens of Maryville are not unlike the millions of other Americans who have made our Nation special—unsung heroes who may never realize their own dreams, but are content nevertheless to reinvest those dreams in their children.

This year, Mr. President, as the city of Maryville proudly celebrates its bicentennial year, I wish to pay tribute to those dreams and to that spirit, which not only characterize Maryville's past, but distinguish its citizens up to the present day.

Maryville's early settlers had courage and common sense. They met the crises of their times and lived to see a stronger, better, and more prosperous community. With the strength of heart and mind, they built railways and lumber mills, established churches and schools—always with an eye toward richer community and a better life.

Today, Maryville continues to grow and thrive with new residents and new industry. Its schools are among the best in the land, and in many areas of city government, it is on the cutting edge, developing, and implementing programs to provide its citizens with a safe, modern, and beautiful place to live and visit.

Bernard Baruch once said America has never forgotten the nobler things that brought her into being and that light her path. Those nobler things, Mr. President, live on and prosper in Maryville, TN. Our challenge in government, as Ronald Reagan once said, is to be worthy of them, and to ensure that government helps, not hinders, our way of life.

To all the citizens of Maryville, TN, my heartfelt congratulations and very best wishes for another century of success.•

ESTABLISHMENT OF A NATIONAL BIOETHICS ADVISORY COMMISSION

• Mr. HATFIELD. Mr. President, the President recently announced the creation of a National Bioethics Advisory Commission [NBAC]. Because Congress was in recess when this announcement was made, I would like to take this opportunity to share the good news with my colleagues and to reiterate the importance of this announcement.

There has long been a need for an independent forum for the discussion of bioethical policy issues. In fact, the catalyst for the President's announcement of the creation of the NBAC was the release of a report on human radiation experiments which took place during the cold war. These federally sponsored tests included releasing radioactive substances into the atmosphere near residential populations and injecting pregnant women with radioactive iron to determine its effect on the baby. In many cases, the tests were conducted without the knowledge of the participants. The NBAC will provide a forum for the reevaluation of Federal human research standards to ensure that this never happens again.

There is no question that any experiments conducted with human subjects must be done with full disclosure and a complete examination of the ethical questions involved. But today, research scientists are experimenting with life forms on a more subtle level where the guidelines may not be as patently clear. In their quest to understand the human body and to conquer disease and disability, scientists have turned to the study of the building blocks of living organisms through genetic research and biotechnology.

Genetic research has enormous potential implications for society. For here we are dealing with the very foundations of humanity and nature. Scientists are now able to identify and manipulate gene sequences, and have even begun to create genetically altered life forms. Over the past decade, it has become increasingly apparent that these dramatic advances in biotechnology have outdistanced the legal and ethical parameters that we have in place to deal with them.

Society may reap great benefits from these advances, and other discoveries yet to be made by modern science. But history has taught us that new technologies often bring with them costs as well as benefits. Until now, there has been no mechanism through which to examine the moral and ethical implications of this new technology or to weigh the potential costs to society.

The creation of a National Bioethics Advisory Board is the culmination of many years of efforts to establish such a mechanism. In the 103d Congress, I introduced S. 1042, legislation which would have established a national Biomedical Ethics Advisory Board located within the Department of Health and Human Services. This bill and the two hearings held on this subject last session served to stimulate public dialogue on the need for such a body and established a framework on which the newly created NBAC was based. The administration, especially Dr. Jack Gibbons, worked closely with me in developing their proposal.

The NBAC will be an independent body comprised of 15 members appointed by the President and are likely to be experts from the fields of philosophy, theology, social and behavioral science, law, medicine, and biological research. They will be charged with reviewing the ethical and moral issues that arise in biomedicine including research involving human subjects, and issues in the management and use of genetic information, including human gene patenting.

The addition of specific language establishing genetic information and gene patenting issues as a priority for the commission was particularly important to me, and one which I strongly encouraged the administration to make. Each year since 1987, I have introduced legislation providing for a moratorium on the patenting of living organisms. I have done so because I firmly believe that it is the responsibility of Congress to carefully consider the broad ramifications of the technologies it encourages through patenting. I believe that this newly created National Bioethics Advisory Commission will provide a suitable structure for evaluating the ethical, environmental, and economic considerations of such patents.

Let me emphasize that no one should construe my vigorous support of this commission as a desire to dampen the drive to discover treatments and cures. I am firmly committed to the advancement of scientific and medical research and have been one of the leading proponents of Federal biomedical research funding in Congress. My desire is simply to ensure that the difficult social and ethical issues surrounding this research are raised and taken into account as public officials struggle to establish appropriate policies and practices relating to biomedicine.

The President should be commended for responding to the critical report on human radiation testing by establishing the NBAC to ensure that the rights of human research subjects are examined and protected in the future. And, by including genetic research and patenting issues, he has ensured that Congress and the administration will be equipped to deal with the profound ethical questions relating to this rapidly advancing field as they arise.

I am proud to have been a part of the effort to make the NBAC a reality and look forward to it serving as a vital link between the scientific community, the Government, and society as we face the difficult ethical questions which accompany our drive to treat and cure disease and disability through biomedical research.•

SECURITIES LITIGATION REFORM ACT

• Mr. BINGAMAN. Mr. President, I was wondering if my friend and colleague from Connecticut, Senator DODD, would yield for a question?

Mr. DODD. I would be glad to respond to a question from the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Connecticut and would ask him if it is his understanding that Section 101(3)(A) relating to sanctions for filing frivolous pleadings is intended to apply the most serious sanction of attorneys' fees and costs for the entire action only to a complaint that substantially violates Rule 11(b)?

Mr. DODD. The Senator from New Mexico is correct that the award of attorneys' fees for the entire action will only be imposed upon a finding that the complaint substantially violates Rule 11(b).

Mr. BINGAMAN. Is it therefore correct to say that for all other pleadings or motions, whether filed by the plaintiff or defendant, that violate Rule 11(b) the sanction would be an award of attorneys' fees for the costs associated with that particular pleading or motion only?

Mr. DODD. The Senator from New Mexico is correct. An award of attorneys' fees for all other pleadings or motions except for the complaint, whether filed by the plaintiff or defendant, would be only for the costs associated with that pleading or motion.

Mr. BINGAMAN. I thank the Senator from Connecticut and have just one more question. Is it the intent of H.R. 1058 that sanctions for the cost of the entire action would apply if the complaint substantially or seriously violates Rule 11(b)?

Mr. DODD. The Senator from New Mexico is correct.

Mr. BINGAMAN. I thank my friend and colleague from Connecticut.•

FEDERAL REPORTS ELIMINATION AND SUNSET ACT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 790, a bill to provide for the modification or elimination of Federal reporting requirements.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 790) entitled "An Act to provide for the modification or elimination of Federal reporting requirements", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reports Elimination and Sunset Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture
Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

Subtitle B—Department of Commerce
Sec. 1021. Reports eliminated.
Sec. 1022. Reports modified.

Subtitle C—Department of Defense
Sec. 1031. Reports eliminated.

Subtitle D—Department of Education
Sec. 1041. Reports eliminated.
Sec. 1042. Reports modified.

Subtitle E—Department of Energy
Sec. 1051. Reports eliminated.
Sec. 1052. Reports modified.

Subtitle F—Department of Health and Human Services
Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

Subtitle G—Department of Housing and Urban Development
Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

Subtitle H—Department of the Interior
Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

Subtitle I—Department of Justice
Sec. 1091. Reports eliminated.

Subtitle J—Department of Labor
Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

Subtitle K—Department of State
Sec. 1111. Reports eliminated.
Sec. 1112. International narcotics control.

Subtitle L—Department of Transportation
Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

Subtitle M—Department of the Treasury
Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.

Subtitle N—Department of Veterans Affairs
Sec. 1141. Reports eliminated.

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action
Sec. 2011. Reports eliminated.

Subtitle B—Environmental Protection Agency
Sec. 2021. Reports eliminated.

Subtitle C—Equal Employment Opportunity Commission
Sec. 2031. Reports modified.

Subtitle D—Federal Aviation Administration
Sec. 2041. Reports eliminated.

Subtitle E—Federal Communications Commission
Sec. 2051. Reports eliminated.

Subtitle F—Federal Deposit Insurance Corporation
Sec. 2061. Reports eliminated.

Subtitle G—Federal Emergency Management Agency
Sec. 2071. Reports eliminated.

Subtitle H—Federal Retirement Thrift Investment Board
Sec. 2081. Reports eliminated.

Subtitle I—General Services Administration
Sec. 2091. Reports eliminated.

Subtitle J—Interstate Commerce Commission
Sec. 2101. Reports eliminated.

Subtitle K—Legal Services Corporation
Sec. 2111. Reports modified.

Subtitle L—National Aeronautics and Space Administration

Sec. 2121. Reports eliminated.

Subtitle M—National Council on Disability

Sec. 2131. Reports eliminated.

Subtitle N—National Science Foundation

Sec. 2141. Reports eliminated.

Subtitle O—National Transportation Safety Board

Sec. 2151. Reports modified.

Subtitle P—Neighborhood Reinvestment Corporation

Sec. 2161. Reports eliminated.

Subtitle Q—Nuclear Regulatory Commission

Sec. 2171. Reports modified.

Subtitle R—Office of Personnel Management

Sec. 2181. Reports eliminated.
Sec. 2182. Reports modified.

Subtitle S—Office of Thrift Supervision

Sec. 2191. Reports modified.

Subtitle T—Panama Canal Commission

Sec. 2201. Reports eliminated.

Subtitle U—Postal Service

Sec. 2211. Reports modified.

Subtitle V—Railroad Retirement Board

Sec. 2221. Reports modified.

Subtitle W—Thrift Depositor Protection Oversight Board

Sec. 2231. Reports modified.

Subtitle X—United States Information Agency

Sec. 2241. Reports eliminated.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

Sec. 3001. Reports eliminated.
Sec. 3002. Reports modified.
Sec. 3003. Termination of reporting requirements.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

SEC. 1011. REPORTS ELIMINATED.

(a) Report on Monitoring and Evaluation.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) Report on Return on Assets.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) Improving" and all that follows through "Forecasts.—"; and

(2) by striking subsection (b).

(c) Report on Farm Value of Agricultural Products.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) Report on Origin of Exports of Peanuts.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed and sections 1559 and 1560 of such Act are redesignated as sections 1558 and 1559, respectively.

(e) Report on Reporting of Importing Fees.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) Report on Agricultural Information Exchange With Ireland.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(g) Report on Potato Inspection.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) Report on Transportation of Fertilizer and Agricultural Chemicals.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed and sections 2518 and 2519 of such Act are redesignated as sections 2517 and 2518, respectively.

(i) Report on Uniform End-Use Value Tests.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) Report on Project Areas With High Food Stamp Payment Error Rates.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) Report on Effect of EFAP Displacement on Commercial Sales.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) Report on WIC Expenditures and Participation Levels.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

(m) Report on Demonstrations Involving Innovative Housing Units.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(n) Report on Land Exchanges in Columbia River Gorge National Scenic Area.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(o) Report on Income and Expenditures of Certain Land Acquisitions.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(p) Report on Special Area Designations.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed and sections 1507, 1508, 1509, and 1511 of such Act are redesignated as sections 1506, 1507, 1508, and 1509, respectively.

(q) Report on Evaluation of Special Area Designations.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(r) Report on Agricultural Practices and Water Resources Database Development.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) Repository.—"; and

(2) by striking subsection (b).

(s) Report on Plant Genome Mapping.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(t) Report on Appraisal of Proposed Budget for Food and Agricultural Sciences.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(u) Report on Economic Impact of Animal Damage on Aquaculture Industry.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(v) Report on Awards Made by the National Research Initiative and Special Grants.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(w) Report on Payments Made Under Research Facilities Act.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(x) Report on Financial Audit Reviews of States With High Food Stamp Participation.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(y) Report on Rural Telephone Bank.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

(z) Conforming Amendments.—The table of contents appearing in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) by striking the items relating to sections 1558, 1559, and 1560 and inserting the following:

"Sec. 1558. Sense of Congress concerning rebalancing proposal of the European community.
"Sec. 1559. Sense of the Senate regarding multilateral trade negotations.";

(2) by striking the item relating to section 2513; and

(C) by striking the items relating to sections 2517, 2518, and 2519 and inserting the following:

"Sec. 2517. Establishing quality as a goal for Commodity Credit Corporation programs.
"Sec. 2518. Severability.".

SEC. 1012. REPORTS MODIFIED.

(a) Report on Animal Welfare Enforcement.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).".

(b) Report on Horse Protection Enforcement.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) Report on Agricultural Quarantine Inspection Fund.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) Report on Priorities for Research, Extension, and Teaching.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "Annual Report" and inserting "Report"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(e) 5-Year Plan for Food and Agricultural Sciences.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(f) Report on Examination of Federally Supported Agricultural Research and Extension Programs.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

(g) Report on Effects of Foreign Ownership of Agricultural Land.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

"(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of each of the following periods:

"(1) The period beginning on the date of the enactment of the Federal Reports Elimination and Sunset Act of 1995 and ending on December 31, 1995.

"(2) Each 10-year period thereafter.".

Subtitle B—Department of Commerce

SEC. 1021. REPORTS ELIMINATED.

(a) Report on Long Range Plan for Public Broadcasting.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(b) Report on Status, Activities, and Effectiveness of United States Commercial Centers in Asia, Latin America, and Africa and Program Recommendations.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(c) Report on Kuwait Reconstruction Contracts.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(d) Report on United States-Canada Free-Trade Agreement.—Section 409(a)(3) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(e) Report on Establishment of American Business Centers and on Activities of the Independent States Business and Agriculture Advisory Council.—Section 305 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(f) Report on Fisherman's Contingency Fund Report.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(g) Report on User Fees on Shippers.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) Report on Federal Trade Promotion Strategic Plan.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

"(f) Report to the Congress.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

"(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

"(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.".

(b) Report on Export Policy.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out "and" after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

"(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

"(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

"(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.".

Subtitle C—Department of Defense

SEC. 1031. REPORTS ELIMINATED.

(a) Report on Sematech.—The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) Report on Review of Documentation in Support of Waivers for People Engaged in Acquisition Activities.—

(1) In general.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) Clerical amendment to table of contents.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

Subtitle D—Department of Education

SEC. 1041. REPORTS ELIMINATED.

(a) Report on Personnel Reduction and Annual Limitations.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period.

(b) Report on Supported Employment Activities.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a(c)) is amended—

(1) in paragraph (2) by adding at the end "and";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(c) Report on the Client Assistance Program.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(d) Report on the Summary of Local Evaluations of Community Education Employment Centers.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "**AND REPORT**";

(2) in subsection (a), by striking "(a) Local Evaluation.—"; and

(3) by striking subsection (b).

(e) Report on the Administration of the Vocational Education Act of 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(f) Report by the Interdepartmental Task Force on Coordinating Vocational Education and Related Programs.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(g) Report on the Evaluation of the Gateway Grants Program.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(h) Report on the Bilingual Vocational Training Program.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(i) Report on Annual Upward Mobility Program Activity.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "and annually submit to the appropriate committees of Congress a report based on such evaluations,".

SEC. 1042. REPORTS MODIFIED.

(a) Report on the Condition of Bilingual Education in the Nation.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "**REPORT ON**" and inserting "**INFORMATION REGARDING**"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) Report To Give Notice to Congress.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(c) Annual Report on Activities Under the Rehabilitation Act of 1973.—Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(d) Report to the Congress Regarding Rehabilitation Training Programs.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (29 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(e) Annual Audit of Student Loan Insurance Fund.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) Financial Operations Responsibilities.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

Subtitle E—Department of Energy

SEC. 1051. REPORTS ELIMINATED.

(a) Reports on Performance and Disposal of Alternative Fueled Heavy Duty Vehicles.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed, and paragraph (5) of that section is redesignated as paragraph (3).

(b) Report on Wind Energy Systems.—Section 9(a) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)) is amended—

(1) by striking paragraph (3);

(2) in paragraph (1) by adding "and" after the semicolon; and

(3) in paragraph (2) by striking "; and" and inserting a period.

(c) Report on Comprehensive Program Management Plan for Ocean Thermal Energy Conversion.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) Reports on Subseabed Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) Report on Fuel Use Act.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) Report on Test Program of Storage of Refined Petroleum Products Within the Strategic Petroleum Reserve.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) Report on Naval Petroleum and Oil Shale Reserves Production.—Section 7434 of title 10, United States Code, is repealed.

(h) Report on Effects of Presidential Message Establishing a Nuclear Nonproliferation Policy on Nuclear Research and Development Cooperative Agreements.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) Report on Written Agreements Regarding Nuclear Waste Repository Sites.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed within such period, the Secretary shall report to the Congress in writing within 30 days on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) Quarterly Report on Strategic Petroleum Reserves.—Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245) is amended—

(1) by striking subsection (b); and

(2) by striking "(a)".

(k) Report on the Department of Energy.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

(l) Report on Current Status of Comprehensive Management for Nuclear Safety Research, Development, and Demonstration.—Section 8(c) of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9707(c)) is repealed.

(m) Report on Activities of the Geothermal Energy Coordination and Management Project.—Section 302(a) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1162(a)) is repealed.

(n) Report on Activities Under the Magnetic Fusion Energy Engineering Act of 1980.—Section 12 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9311) is repealed.

(o) Report on Activities Under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.—Section 14 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2513) is repealed.

(p) Report on Activities Under the Methane Transportation Research, Development, and Demonstration Act of 1980.—Section 9 of the Methane Transportation Research, Development, and Demonstration Act of 1980 (15 U.S.C. 3808) is repealed.

SEC. 1052. REPORTS MODIFIED.

(a) Reports on Process-Oriented Industrial Energy Efficiency and Industrial Insulation Audit Guidelines.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after the date of the enactment of this Act and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "the date of the enactment of this Act" and inserting "October 24, 1995"; and

(B) by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) Report on Agency Requests for Waiver From Federal Energy Management Requirements.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) Report on the Progress, Status, Activities, and Results of Programs Regarding the Procurement and Identification of Energy Efficient Products.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter," and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) Report on the Federal Government Energy Management Program.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) Report on Alternative Fuel Use by Selected Federal Vehicles.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking ", and annually thereafter".

(f) Report on the Operation of State Energy Conservation Plans.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) Report on the Department of Energy.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) Report on Cost-Effective Ways To Increase Hydropower Production at Federal Water Facilities.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) Report on Progress Meeting Fusion Energy Program Objectives.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) Report on High-Performance Computing Activities.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) Reports.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) Report on National High-Performance Computing Program.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(l) Report on Nuclear Waste Disposal Program.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) Audit by GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

Subtitle F—Department of Health and Human Services

SEC. 1061. REPORTS ELIMINATED.

(a) Report on the Effects of Toxic Substances.—Subsection (c) of section 27 of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(b) Report on Compliance With the Consumer-Patient Radiation Health and Safety Act.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) Report on Evaluation of Title VIII Programs.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) Report on Medicare Treatment of Uncompensated Care.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(e) Report on Program To Assist Homeless Individuals.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) Report of the Surgeon General.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

"BIANNUAL REPORT

"Sec. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.".

(b) Report on Health Service Research Activities.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) Report on Family Planning.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and inserting "fiscal year 1995, and each second fiscal year thereafter".

(d) Report on the Status of Health Information and Health Promotion.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out "annually" and inserting in lieu thereof "biannually".

Subtitle G—Department of Housing and Urban Development

SEC. 1071. REPORTS ELIMINATED.

(a) Reports on Public Housing Homeownership and Management Opportunities.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) Interim Report on Public Housing Mixed Income New Communities Strategy Demonstration.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) Biennial Report on Interstate Land Sales Registration Program.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) Quarterly Report on Activities Under the Fair Housing Initiatives Program.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) Collection of and Annual Report on Racial and Ethnic Data.—Section 562 of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "the Secretary of Housing and Urban Development and"; and

(ii) by striking "each", the first place it appears; and

(B) in the second sentence, by striking "involved"; and

(2) in subsection (b)—

(A) by striking "The Secretary of Housing and Urban Development and the" and inserting "The"; and

(B) by striking "each".

SEC. 1072. REPORTS MODIFIED.

(a) Report on Homeownership of Multifamily Units Program.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "**ANNUAL**"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall no later than December 31, 1995,".

(b) Triennial Audit of Transactions of National Homeownership Foundation.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) Report on Low-Income Home Energy Assistance Program.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

Subtitle H—Department of the Interior

SEC. 1081. REPORTS ELIMINATED.

(a) Report on Audits in Federal Royalty Management System.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) Report on Domestic Mining, Minerals, and Mineral Reclamation Industries.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) Report on Phase I of the High Plains States Groundwater Demonstration Project.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) Report on Reclamation Reform Act Compliance.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) Report on Geological Surveys Conducted Outside the Domain of the United States.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) Report on Recreation Use Fees.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

SEC. 1082. REPORTS MODIFIED.

(a) Report on Levels of the Ogallala Aquifer.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(b) Report on Effects of Outer Continental Shelf Leasing Activities on Human, Marine, and Coastal Environments.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

Subtitle I—Department of Justice

SEC. 1091. REPORTS ELIMINATED.

(a) Report on Drug Interdiction Task Force.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(b) Report on Equal Access to Justice.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(c) Report on Federal Offender Characteristics.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(d) Report on Costs of Death Penalty.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(e) Mineral Leasing Act.—Section 8B of the Mineral Leasing Act (30 U.S.C. 208–2) is repealed.

(f) Small Business Act.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(g) Energy Policy and Conservation Act.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6 months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

(h) Report on Forfeiture Fund.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

Subtitle J—Department of Labor

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) Report on the Activities Conducted Under the Fair Labor Standards Act of 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking "annually" and inserting "biennially"; and

(2) by striking "preceding year" and inserting "preceding two years".

(b) Annual Report of the Office of Workers' Compensation.—

(1) Report on the administration of the Longshore and Harbor Workers' Compensation Act.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8152 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) Report on the administration of the Black Lung Benefits Program.—Section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

"8152. Annual report.".

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

Subtitle K—Department of State

SEC. 1111. REPORTS ELIMINATED.

(a) REPORT ON AUDIT OF USE OF FUNDS FOR U.N. HIGH COMMISSIONER FOR REFUGEES.—Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

(b) REPORT ON MATTERS RELATING TO FOREIGN RELATIONS AND SCIENCE AND TECHNOLOGY.—Section 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656c(b)) is repealed.

SEC. 1112. INTERNATIONAL NARCOTICS CONTROL.

(a) Section 489A of the Foreign Assistance Act of 1961 (22 U.S.C. 2291l) is repealed.

(b) Section 490A of that Act (22 U.S.C. 2991k) is repealed.

(c) Section 489 of that Act (22 U.S.C. 2291h) is amended:

(1) in the section heading by striking "**FOR FISCAL YEAR 1995**"; and

(2) by striking subsection (c).

(d) Section 490 of that Act (22 U.S.C. 2291j) is amended:

(1) in the section heading by striking "**FOR FISCAL YEAR 1995**"; and

(2) by striking subsection (i).

Subtitle L—Department of Transportation

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(e) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(f) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(g) REPORT ON FEDERAL RAILROAD SAFETY.—(1) Section 20116 of title 49, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20116.

(h) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(i) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(j) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(k) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

"(2) For any species determined to be an endangered species or a threatened species under section 4(a), or proposed for listing under section 4(b), prior to the effective date of this section, and for any species for which a final recovery plan has not been published prior to January 1, 1993, the Secretary shall develop and implement a final recovery plan pursuant to the requirements of this section not later than 2 years after the effective date of this section.

"(3) The Secretary shall prepare and publish in the Federal Register a notice of availability of, and request for public comment on, a draft version of any revision of a recovery plan.

"(4) The Secretary shall hold a public hearing on the draft version of each new or revised recovery plan in each county or parish to which the version applies.

"(5) Prior to the decision to adopt a final version of each new or revised recovery plan, the Secretary shall consider all information presented during each hearing held pursuant to paragraph (4) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4). The Secretary shall publish the response of the Secretary to all information presented in such testimony or comments in the final version of the new or revised recovery plan.

"(6) Prior to implementation of a new or revised recovery plan, each affected Federal agency shall consider separately all information presented during each hearing held pursuant to paragraph (5) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4).

(l) REPORT ON PIPELINE SAFETY.—Section 60124(a) of title 49, United States Code, is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

Subtitle M—Department of the Treasury

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out "month" each place it appears and inserting in lieu thereof "calendar quarter".

Subtitle N—Department of Veterans Affairs

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of title 38, United States Code, of is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(c) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (D) as subparagraph (C);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

Subtitle B—Environmental Protection Agency

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)(8)) is amended by striking "Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation" and inserting "By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure".

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(3)) is amended by striking "The Administrator shall report annually to the Committee on Public Works and Transportation" and inserting "By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall report to the Committee on Transportation and Infrastructure".

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking "(a) MONITORING METHODS.—"; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (e) through (i) as subsections (c) through (g), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle C—Equal Employment Opportunity Commission

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

Subtitle D—Federal Aviation Administration

SEC. 2041. REPORTS ELIMINATED.

The provision that was section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Transportation Inspector General".

Subtitle E—Federal Communications Commission

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

Subtitle F—Federal Deposit Insurance Corporation

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

"(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.".

Subtitle G—Federal Emergency Management Agency

SEC. 2071. REPORTS ELIMINATED.

Section 611(i) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(i)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle H—Federal Retirement Thrift Investment Board

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.".

Subtitle I—General Services Administration

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

Subtitle J—Interstate Commerce Commission

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

Subtitle K—Legal Services Corporation

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

Subtitle L—National Aeronautics and Space Administration

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND REGIONAL TECHNOLOGY TRANSFER CENTERS.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.".

Subtitle M—National Council on Disability

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

Subtitle N—National Science Foundation

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

Subtitle O—National Transportation Safety Board

SEC. 2151. REPORTS MODIFIED.

Section 1117 of title 49, United States Code, is amended—

(1) in paragraph (2) by adding "and" after the semicolon;

(2) in paragraph (3) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

Subtitle P—Neighborhood Reinvestment Corporation

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

Subtitle Q—Nuclear Regulatory Commission

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

Subtitle R—Office of Personnel Management

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347(e) of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every three years".

Subtitle S—Office of Thrift Supervision

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

Subtitle T—Panama Canal Commission

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

Subtitle U—Postal Service

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the Mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3005 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

"(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "the Board shall transmit such report to the Congress" and inserting in lieu thereof "the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

Subtitle V—Railroad Retirement Board

SEC. 2221. REPORTS MODIFIED.

(a) COMBINATION OF REPORTS.—Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

(b) MODIFICATION OF DATES FOR PROJECTION AND REPORT—Section 22 of the Railroad Retirement Act of 1974 (45 U.S.C. 231u) is amended—

(1) by striking "February 1" and inserting "May 1"; and

(2) by striking "April 1" and inserting "July 1".

Subtitle W—Thrift Depositor Protection Oversight Board

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

Subtitle X—United States Information Agency

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(d) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(e) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(f) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(g) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(h) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101–576), including provisions enacted by the amendments made by that Act.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the 103d Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103–7).

(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

(2) section 306 of that Act (22 U.S.C. 2226);

(3) section 489 of that Act (22 U.S.C. 2291h);

(4) section 502B of that Act (22 U.S.C. 2304);

(5) section 634 of that Act (22 U.S.C. 2394);

(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

(8) section 28 of that Act (22 U.S.C. 2768);

(9) section 36 of that Act (22 U.S.C. 2776);

(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);

(12) section 508 of that Act (22 U.S.C. 5858);

(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92–412; 86 Stat. 648);

(17) section 4 of Public Law 93–121 (87 Stat. 448);

(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 104 Stat. 72);

(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);

(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);

(25) section 1504 of Public Law 103–160 (10 U.S.C. 402 note);

(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa–7);

(27) section 23 of the Act of August 1, 1956 (Chapter 841; (22 U.S.C. 2694(2));

(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));

(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(30) section 50 of Public Law 87–297 (22 U.S.C. 2590);

(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

(32) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).

AMENDMENT NO. 3086

(Purpose: To make certain technical amendments to the House amendment)

Mr. DOLE. I move that the Senate concur in the House amendment with a further amendment on behalf of Senators McCAIN and LEVIN. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. McCAIN, for himself and Mr. LEVIN, proposes an amendment numbered 3086.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 1041(b) of the House amendment is amended by (1) striking paragraph (1), and (2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Section 1102(b)(1)(B) of the House amendment is amended in the quoted matter by (1) striking "reports" and inserting "report", and (2) striking "and section 8152 of title 5, United States Code,".

Section 1121 of the House amendment is amended by striking the matter after subsection (k) and before subsection (l).

Section 2021 of the House amendment is amended in the heading for the section by striking "ELIMINATED" and inserting "MODIFIED".

Mr. LEVIN. Mr. President, with passage of this bill, today, we are ready to eliminate or modify over 200 statutorily required reports to Congress and to sunset those reports with an annual, semiannual, or other regular periodic requirement, 4 years after the enactment of the bill.

Both the Senate and the House of Representatives have passed the bill in slightly different forms, and I am hopeful that when we send the bill to the House this time, it will be promptly passed and sent to the President for signature. We passed S. 790 on September 12, 1995; the House of Representatives made some minor changes and passed S. 790 on November 14. We have now reviewed the bill and have identified four technical changes that need to be made. These changes would:

Eliminate a mistaken reference in section 1041(b).

Strike an inappropriate section reference in section 1102.

Strike irrelevant material accidentally placed in section 1121.

Change "ELIMINATED" to "MODIFIED" in the heading for section 2021.

The Congressional Budget Office estimates that the enactment of this bill could result in a savings of up to $5 to $10 million, which does not include savings from the reports subject to the sunset provision.

I also want to take this opportunity to express my sincere gratitude to Michael Rhee, formerly of my Oversight Subcommittee staff. Michael served on my staff for 1 year as a Javits Fellow, and he honored well the namesake of his fellowship. Senator Javits would have been proud to have supported a person of the caliber of Michael Rhee. Michael worked tirelessly, meticulously, and doggedly on this legislation, and I can honestly say it would not have happened without him. He was a terrific member of my staff, dedicated to the principles of public service, and we should all be thankful for his commitment and hard work.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE READ FOR FIRST TIME—S. 1452

Mr. DOLE. Mr. President, I understand that S. 1452, introduced today by Senator GRAMS, is at the desk. And I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1452) to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

Mr. DOLE. I now ask for its second reading. And I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, DECEMBER 7, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. Thursday, December 7; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 10:30 a.m., with time between the hours of 9 and 9:30 under the control of Senator MOYNIHAN, 9:30 to 9:45 under the control of Senator DASCHLE or his designee, and the time between the hours of 9:45 and 10:30 under the control of Senator DOLE or his designee; further, at the hour of 10:30 the Senate proceed to the consideration of the conference report to accompany H.R. 2076, the Commerce-State-Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, the Senate will begin debate on the Commerce-State-Justice appropriations conference report at 10:30 a.m., Thursday. There is no time agreement on the conference report. It is hoped a vote could occur on adoption of the Commerce-State-Justice appropriations conference report after a reasonable amount of debate. That is estimated to be 2 hours, 3 hours, 4 hours, or 5 hours. I do not think it goes beyond 5 hours, I hope.

But under a previous order, following the disposition of that conference report, the Senate will resume H.R. 1833, the Partial-Birth Abortion Ban Act, with votes occurring on the Dole and Boxer amendments following 60 minutes of debate.

Senators should also be aware that this evening a cloture motion was filed on the motion to proceed to the constitutional amendment regarding the desecration of the flag, and we can expect a cloture vote on that motion to proceed on Friday, unless we can reach an agreement. I hope we can. I think the bottom of all this is reaching agreement on the State Department reorganization, and three or four other matters, including a number of Ambassadors, the START II Treaty, a vote on the Chemical Weapons Treaty. I understand we are very close to an agreement. I know it has gone on and on and on and on. And I hope we can wrap that up tomorrow morning, vitiate the cloture motion, go ahead and complete action tomorrow evening on the flag amendment.

ORDER FOR ADJOURNMENT

Mr. DOLE. And, finally, Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Would the Senator from New Hampshire withhold so the Chair can make an appointment?

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–83, appoints the following individuals to the Commission for the Preservation of America's Heritage Abroad: Rabbi Chaskel Besser of New York, E. William Crotty of Florida, and Ned Bandler of New York.

The Senator from New Hampshire is recognized.

TRIBUTE TO DMITRY VOLKOGONOV

Mr. SMITH. Mr. President, earlier today in Moscow, the world lost a renowned, first-class historian with the highest of morals, Russia lost a key reformer, America lost an ally in the search for the truth about missing American servicemen, and I lost a friend and colleague.

I am speaking of retired Russian Gen. Dmitry Volkogonov who passed away earlier today at the age of 67, following a long battle with cancer.

I first met General Volkogonov in February, 1992, when Senator JOHN KERRY and I traveled to Moscow as the cochairmen of the Senate Select Committee on POW/MIA Affairs.

More than any other person in Russia at the time, General Volkogonov was eager to assist the United States in finding answers about missing American servicemen from the cold war, the Korean war, the Vietnam war, and even World War II. This was a very difficult situation for General Volkogonov because he had to deal with the archives, he had to deal with the KGB, and others who had much information that they would have preferred not to come to the surface. But General Volkogonov bravely pursued it on our behalf.

I will never forget sitting in the general's top-floor office in the Russian Duma in February, 1992, listening to the general detail his preliminary work in Soviet archives on the issue of missing Americans.

It was a cold, winter afternoon in Moscow that day, but as the meeting progressed, the Sun began to shine. In fact, the sunlight was so strong that we literally had to close the blinds in the office. The sunlight was a good sign that day, Mr. President. I knew we were on the right track to seeking answers now that we had found General Volkogonov.

I also knew it would not be long before the Sun began to shine on important information previously tucked away in the darkest corners of the Soviet archives.

Following my first trip to Moscow with Senator KERRY, then-President George Bush and President Yeltsin formally established a Joint Commission on the MIA issue between Russian and the United States. The Russian side was headed by General Volkogonov.

I was happy that Senator KERRY and I were appointed to serve on that Commission, along with Congressmen SAM JOHNSON and PETE PETERSON, both of whom were POW's in Vietnam. During the last 4 years, it was a privilege to work with General Volkogonov, and I was thankful for the opportunities I had to meet with him here in Washington, as well as in Moscow.

Because of the research conducted by General Volkogonov, the United States has received important documentary evidence concerning the fate of unaccounted-for Americans captured or lost in North Vietnam, North Korea, China, and along the borders of the former Soviet Union.

It is the kind of information, Mr. President, that never would have seen the light of day had it not been for General Volkogonov.

He has turned over documents concerning discussions between Joseph Stalin and Chinese officials in 1952 about how many American POW's would be held back during the Korean war. He has also handed over Russian translations of North Vietnamese politburo sessions where it was indicated that more American POW's were secretly being held in North Vietnam than those eventually released.

These documents are both dramatic and disturbing, and it remains for Vietnam, North Korea, and China to fully explain these documents.

I will never forget General Volkogonov sitting in my office telling me that these documents were authentic, and that he would do everything in his power to get them and to get access to them on behalf of the American people. And this is a Russian general.

When these documents were formally turned over to the United States by Russia, General Volkogonov stated—

> It's a delicate issue, but we can't be quiet about it any longer, since it's a humanitarian issue . . . we are talking about men's fates . . . there is no political spin. We want to help the families.

Those were the words of General Volkogonov.

Mr. President, this was obviously a noble cause for the general. America could not have asked for a more committed ally on this issue. He fully understood our joint quest for the truth, and the importance that Americans attached to this inquiry. He had a way of knowing how we felt, how deeply we felt about this issue, specifically our Nation's veterans and the families of our unaccounted for Americans.

When you think of the thousands, if not millions, of people lost in Soviet wars, most of them attributed to Stalin, General Volkogonov took the time to spend looking for these few—compared to the Russian losses—Americans.

General Volkogonov always stood on principle. He took action when he knew it was morally correct to do so. He was not afraid, and he was not deterred. Nothing showed those traits more clearly than when he wrote his books on Stalin and Lenin, based on his archival research, and when he admitted he had been wrong in believing that Soviet-style communism could be more "human and effective" as he put it. Can you imagine the courage of a man who would write something like that?

General Volkogonov was the first Russian general to admit the system had failed—he was the "black sheep" as he put it in an interview earlier this year.

Mr. President, history will judge General Volkogonov very kindly. And historians will owe him a great debt for years to come.

I know both the Russian people and the American people will always be grateful for his enormous contributions. I also hope both our governments understand how important General Volkogonov was in helping to build a bridge of partnership and cooperation between Russia and the United States on these humanitarian issues of missing American servicemen.

I am going to miss my friend, Dmitry Volkogonov, and I know the American people join me in sending our condolences to his wife and two daughters.

Let me conclude by expressing my heartfelt hope that President Yeltsin and the Russian Duma will find someone—it will be difficult—but will find someone to follow in the general's footsteps who is equally committed to disclosing information about unaccounted for American POW's and MIA's.

I can think of no finer tribute to this great man. And let me just say, it would be appropriate, I think, for us to remember him tonight because he is a part of history and he was a great historian. This is what we should have for the historical record for General Volkogonov.

Mr. President, I ask unanimous consent that two obituaries on General Volkogonov from newswire services be printed in the RECORD, and I also ask unanimous consent that the statement by the American chairman of the United States-Russian joint commission, Ambassador Malcolm Toon, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RUSSIAN HISTORIAN VOLKOGONOV DIES AT 67

(By Anatoly Verbin)

MOSCOW, Dec. 6 (Reuter).—General Dmitry Volkogonov, one of the best-known Russian historians of the past decade, died on Wednesday at the age of 67.

Volkogonov was both famed and hated for his revealing works on Vladimir Lenin, Leon Trotsky and Josef Stalin.

The State Duma lower house of parliament stood in silence to pay final tribute to the man who called himself the "black sheep" of the Soviet generals.

He transformed from an orthodox communist standardbearer to a writer triggering the nomenklatura's outrage with books mercilessly stripping away decades of myths about dictator Stalin and Soviet state founder Lenin.

"I was a Leninist and a Marxist for many years until I gradually realised that I and many of my colleagues had been misled," he said in a Reuters interview earlier this year.

"I was not a dissident—I thought the system could be reformed, be made more human and effective, but I was wrong. I was the first general to admit it, a black sheep."

In 1937, when Volkogonov was eight, his father was shot in Stalin's purges and his mother ended up in a labour camp. The young boy's faith in the system was not shaken and he entered the army as an orphan.

He made a perfectly orthodox career in the Soviet Red Army ending with a job as as deputy head of the department responsible for communist indoctrination of troops.

He then become head of the Institute of Military History, which gave him unparalelled access to the nation's top archives. The deeper he delved, the more disillusioned he became.

Volkogonov rose to prominence in 1988 by producing the first Soviet biography of Josef Stalin, which portrayed the dictator as an immoral power-hungry killer.

This was hardly a revelation for Western historians. But it exploded like a bombshell among a people kept in ignorance of their own history for decades.

In 1991, Volkogov and his team produced the first volume of a planned ten-tome official Soviet history of World War Two.

The book, which castigated Stalin for letting himself be outwitted by Hitler, was banned by horrified Soviet Defense Ministry officials.

Volkogonov resigned in protest.

After producing a biography of Soviet rebel-revolutionary Leon Trostky, he tackled what he described as the last bastion—Lenin.

Previous accounts had always been careful to portray the Soviet state's founder as a kindly, wise man whose ideas were subsequently perverted by Stalin.

Volkogonov's biography, based on 3,724 top secret documents, smashed the illusion by unmasking Lenin as ruthless and ready to resort to mass killings to achieve his aims. "Lenin was the anti-Christ, more like the devil . . . All Russia's great troubles stemmed from Lenin," Volkogonov once said.

Volkogonov once served as a military adviser to President Boris Yeltsin. In that capacity, at the end of 1991, he headed a commission which abolished communist party bodies in the armed forces.

Up to his death, he was a co-chairman of a joint Russian-U.S. commission looking into the fates of POWs and missing in action in world War Two, Vietnam and other wars.

DMITRY VOLKOGONOV, MILITARY HISTORIAN AND REFORMER, DEAD AT 67

(By Ntasha Alova)

MOSCOW (AP).—Dmitry Volkogonov, a military historian who helped reveal the truth about Communist Party repression and who headed the Russian-American Commission on missing POWs, has died after a long battle with cancer. He was 67.

Gen. Volkogonov died Tuesday night at a military hospital in Krasnogorsk, outside Moscow, the Interfax news agency reported.

Volkogonov, who as director of the Soviet Defense Ministry's History Museum had extensive access to Soviet military archives, was one of the first historians in Russia to make public the extent of the Communist regime's persecution.

His confirmation that the repression began when the Bolsheviks took power in 1917 and was, in fact, launched by Vladimir Lenin, the Communists' idol, made hardliners revile him and pro-reform forces lionize him.

Volkogonov wrote more than 30 books. Best known are his history works on Lenin, Josef Stalin and Leon Trotsky, written in recent years on the basis of newly opened archive materials.

Born in Siberia in 1928, Volkogonov fell victim to Stalin's repression at an early age, when his father was shot and his mother sent into exile.

Volkogonov joined the Soviet army in 1949 after working as a teacher. He finished a tank school, then made his career as a student and later professor at the Lenin Military-Political Academy for top Soviet army political-propaganda officers.

He later headed the Soviet Defense Ministry's History Museum and conducted archival research there.

Volkogonov met Boris Yeltsin in 1990 when both became members of the Russian parliament, and in 1991 he became security and defense adviser to Yeltsin, then parliamentary speaker. He remained an adviser after Yeltsin became president.

After the 1991 Soviet breakup, Volkogonov presided over a commission charged with creating a Russian defense ministry and armed forces.

When the U.S.-Russia Joint Commission on Prisoners of War and Missing in Action was formed in 1992, Volkogonov became co-chairman, along with Malcolm Toon of the United States.

The commission was charged with determining whether any American servicemen were held on Soviet territory during the Cold War. So far, they have found none.

He also headed a presidential commission charged with finding missing Russian soldiers, including those lost during the war in Chechnya.

In 1993, the retired general was elected to the first post-Soviet parliament on reformer Yegor Gaidar's ticket.

The State Duma, the lower house of parliament. today observed a moment of silence in his honor.

Volkogonov was married, with two daughters.

STATEMENT BY AMBASSADOR MALCOLM TOON, AMERICAN CO-CHAIRMAN OF THE U.S. RUSSIA JOINT COMMISSION

The U.S. side of the U.S. Russia Joint Commission was very saddened to learn of the passing of General-Colonel Antonovich Volkogonov, a fellow soldier for whom we had great respect, which only grew in the three and a half years we worked together. While serving as the Russian co-chairman of the U.S.-Russia Joint Commission on POW/MIA Affairs, General Volkogonov widened the windows of communication with the United States on POW/MIA matters, and was unswerving in his efforts to gain information which would help resolve painful questions about lost American and Soviet service members. Enduring great physical hardship, he nevertheless demonstrated a strength of character so admired by his friends and colleagues. His work will leave an enduring legacy to Russians and to the world alike, and his memory will serve as a beacon to those who continue his efforts. We will miss him.

Mr. SMITH. Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 8:01 p.m., adjourned until Thursday, December 7, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, December 6, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that with all the tasks that need to be accomplished, we will see clearly the opportunities that have been given for healing and helping, for encouraging and being made whole. With the dilemmas and perplexities that demand attention and the great needs of the Nation, we pray for a serenity of spirit that leads in the way of service to others. Remind us, O loving God, to lift our eyes to sense not only the obstacles that necessarily press from every side, but also to see the blessings that You have so graciously given and for which we are eternally thankful. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas, Mr. GENE GREEN, come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2204. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1058) "An Act to reform Federal securities litigation, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain twenty 1-minute speeches on each side.

THE SPENDING IS THE PROBLEM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President now has 10 days left to decide if he really cares about America's future. That is why I am bringing this sign back to the floor today. I used it in 1993, and it is appropriate for him again today. "It is the spending, Stupid."

I hope all of America sees through Clinton's charade. He just wants to spend more of your money, and that is why he will not sign a balanced budget with honest CBO numbers. He does not care about seniors, he does not care about education, he does not care about the future of the country. If he did, he would sign the Balanced Budget Act, which saves Medicare and actually increases spending on Medicare and education and reduces the size and scope of the Federal Government.

If the President does not sign a balanced budget plan with honest Congressional Budget Office numbers like he agreed to, we are ready to shut the Government down before we give him one more dime to spend. The President wants to spend more money. We want to save America's future. It is just that simple.

NO NEWT TAXES

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, let me quote some Republicans.

Like Abraham Lincoln, who said "malice toward none and charity for all"—an idea that today's Republicans seem to have forgotten.

And I love NEWT GINGRICH'S quotes from a few years back—when he used to talk about the ethics of the Speaker of the House.

And, how about George Bush's line about reading his lips—no new taxes?

Well, I have a new version: "Read our lips. No Newt Taxes."

That is what working families are saying as the GOP raises their out-of-pocket expenses for health care and education.

The Republicans will not admit that they are raising taxes—they will even say they are cutting them.

Well, if you are a senior, and the GOP raises your Medicare premium—that is a new tax.

If you are working 40 hours a week, and the GOP takes away your earned income tax credit—that is a new tax.

In fact that is a Newt tax.

So, Mr. Speaker, "Read our lips. No Newt Taxes."

George Bush broke his word, and NEWT GINGRICH is breaking his. But, we Democrats will stand by our word—and stand up for working families.

"Read our lips. No Newt Taxes."

Mr. Speaker, that is our Contract With America.

INSTANT REVISIONIST HISTORY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my dear friend from Illinois and his instant revisionist history, because the fact remains that the current Chief Executive, aided by the former majority, the liberals who once dominated this Chamber, gave us the largest tax increase in American history. Indeed, this same President, along with the liberal minority, in fact, proposes to raise Medicare premiums for seniors coming up following the next election. That is the bottom line. That is the truth.

Mr. Speaker, the facts are clear: The American people get kind of tired of this political one-upmanship. They want us to come to grips with realistic policy alternatives to balance this budget in 7 years, using the honest numbers of the nonpartisan Budget Office.

Once again the challenge is clear: Do we play the games of politics of the past, or instant revisionist history, or do we put our shoulder to the wheel and collectively govern, both the legislative branch working with the executive branch. Once again we reach out our hand saying help us govern. Let us get a balanced budget.

LET US BE MESSENGERS OF PEACE AND GOOD WILL

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, the holiday season offers us an opportunity to pray for peace among men and nations. We have so much to be thankful for. So different from a decade ago, the world is a much more peaceful place. In large part our Nation, its leaders, its men and women in uniform, and its people, united and proud, are responsible for this state of affairs.

As we take time to count these many blessings, we should reflect upon the efforts of the peacemakers, whether they be diplomats who have worked to overcome age-old hatreds by pushing forward a hard-fought agreement in Dayton or our soldiers protecting innocent children in Bosnia, we should pray for their safety and continued success. We should thank and pray for our President, who has been the motivating force behind this effort to bring peace behind the world.

I urge my colleagues to wear the stickers I have sent to each office. This can be a sign that we can rise above partisan wrangling to rally in support of the peacemakers, and cheer their many triumphs in Haiti, the Mideast, Northern Ireland, and Bosnia.

Mr. Speaker, let us all be messengers of peace and good will as we approach the holidays, and pray for our American soldiers in Bosnia.

PRESIDENT SHOULD SIGN BALANCED BUDGET BILL NOW

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker it has now been 18 days since the President promised in writing to sign a balanced budget bill into law by the end of this year. The Republicans have sent a balanced budget bill to the President—it is right now sitting on this desk just waiting to be signed.

The Republican balanced budget plan is good for the economy and good for the American people. Our bill will not only stimulate the economy, providing more job opportunities for all, but protects programs older Americans depend on like Medicare and Medicaid. Our bill also increases spending over 7 years in programs like student loans and the earned income tax credit, which many young people depend on.

Mr. Speaker, the President should sign the Republican balanced budget bill. If he does not like our plan then he should provide his own, using honest CBO numbers, and bring it to the bargaining table so that negotiations can begin. How much longer will we have to wait.

NORTH AMERICAN FREE-TRADE AGREEMENT COSTING JOBS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since NAFTA, America has lost 250,000 jobs in 1995 alone. Lockheed laid off 15,000; Chemical Bank, 12,000; Bell South, 11,000; AT&T, 8,500; Boeing, 12,000; CNA, 6,000; Kmart, 6,000; General Motors, 5,000; Kodak, 4,000. Even Fruit of the Loom will make the Expandos, folks, in Mexico, 3,200 jobs lost. Meanwhile, Congress keeps debating and arguing over this balanced budget.

Tell me, Mr. Speaker, whether it is a 5-year deal, a 7-year deal, a 10-year deal, whatever the deal is, how can America balance the budget without jobs? Mexican workers do not pay taxes. Mexican workers do not pay taxes. What is next, a 20-year deal?

Beam me up. I yield back the balance of these job losses.

PROCTER & GAMBLE DOING SERVICE FOR AMERICA

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, in the midst of very pressing congressional business involving the budget, Bosnia, and the like, it sometimes is easy to overlook important events outside the legislative realm. But actions that affect our social fabric, that speak to our values as a society, often have the most profound impact upon our Nation.

I rise here to applaud the recent announcement that Procter & Gamble, a fine Cincinnati-based corporation that makes just about every product that you can buy, has decided to pull its advertising from certain degrading and exploitative television talk shows. In taking this principled stance involving its quite considerable ad budget, Procter & Gamble demonstrates an admirable social commitment.

Procter & Gamble is exercising choice, not censorship. It is choosing not to underwrite the moral decadence too often engaged in by these shows.

Private individuals and private businesses can address many of our social problems far more effectively than can Big Brother Government. By making values part of its bottom line and by joining with Bill Bennett and Senator JOE LIEBERMAN in taking off this TV trash, they are doing great things for our country.

CUT AMERICAN LOSSES ON NAFTA BEFORE IT IS TOO LATE

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, in light of NAFTA's second anniversary a few weeks ago, we must take a long, hard look at the empty promises that were made and NAFTA's shameful reality.

We promised American workers that NAFTA would create jobs. Corporations descended on Congress promising 200,000 new jobs. The shameful truth is 250,000 were lost.

Mexican workers heard empty promises, too. They were assured higher wages and better working conditions. I witnessed NAFTA's reality first hand at Mexican maquiladoras. Some of the businesses that came to Congress making promises have left the United States and found their way to Mexico. They exploit cheap labor and Mexican workers still suffer.

We listened to promises that NAFTA would increase exports, balance trade, and even create a trade surplus. The reality is United States exports are down while Mexican exports soar. This year alone we face a projected $40 billion trade deficit.

Mr. Speaker, these broken promises mean one thing. The time has come to fix this bad deal. I urge my colleagues to support the NAFTA Accountability Act and cut America's losses before it is too late.

BALANCED BUDGET IN 7 YEARS IS THE RIGHT THING TO DO

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it is reported today that the President has decided to submit his third budget this year. This one is to balance in 7 years. Well, I hope three is a charm. The first two did not even come close to balancing.

But I would hope it is like the President's Medicare proposal, because, as reported yesterday in the Washington Post, if you look at expenditures in the year 2002, it is remarkably close to the Republican plan. In fact, it is less than 2 percentage points apart, less than 2 percentage points apart. Where are the cuts, Mr. President?

Well, according to this article, the President just had the wrong starting point. So if his balanced budget is as close as his Medicare plan, there is no reason for him to shut down the Government again.

Let us do the right thing for the American public, the right thing for ourselves, the right thing for our children. Let us balance the budget in 7 years.

BUDGET COMPROMISE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the President has made a fair compromise offer to our appropriations woes. President Clinton has offered to sign all of the outstanding appropriations bills if we agree to restore $6.8 billion from the $222 billion extreme cuts in those spending bills. The administration wants to restore funding for education, for veterans, and for environmental efforts.

Mr. Speaker, this is a hopeful sign. The administration has signaled their effort to compromise and get the issues of the remaining appropriations bills dealt with so the taxpayers do not have to spend another $850 million to give our Federal employees a paid vacation.

It is time to compromise. The American people have signaled they believe these Republican appropriations bills cut too much, too fast. They want to restore funding for education, veterans, housing, and environmental programs, and then get about the business of setting the priorities for a balanced budget.

With the bipartisan success we saw in the lobby reform bill, the increase in Social Security earnings limits yesterday, and the gift ban last week, I believe we can work together for the good of the American people and pass some commonsense appropriations bills that fund these important programs and cut where needed.

□ 1015

THE PRESIDENT AND CONGRESS TO ENACT LEGISLATION FOR BALANCED BUDGET IN 104TH CONGRESS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, more than 2½ weeks ago President Clinton signed the following commitment into law. This is the text, so there is no confusion. I quote. "The President and the Congress shall enact legislation in the first session of the 104th Congress," that is 1995, "to achieve a balanced budget no later than fiscal year 2002, as estimated by the Congressional Budget Office; and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth."

The Congress did this long ago. The President says he does not like the Republican balanced budget plan. That is fine, but where is the President's alternative 7-year budget plan with CBO numbers? Mr. Speaker, the President has made a commitment. The deadline is Friday. We are waiting.

VOTE TO SAVE COPS PROGRAM

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, today, we will vote on the Commerce, Justice, State, and Judiciary appropriation bill, which contains the COPS Program. Not only does this bill do away with the successful COPS Program, but if we look on page 21 of the bill, it repudiates the COPS contract that the Department of Justice has signed with our local communities. If my colleagues have received a police officer in their district under the COPS Program, Federal funding for the third year of this program may be taken away.

Having walked a beat myself as a city police officer, I am concerned that not only does the police officer have to worry about his or her personal safety and the community's safety, but now they have to worry about their employment security and safety. The new majority wishes to break the contract with our police officers. Fifty-four police officers in my district are at risk. So let us stand up for the police officers in our communities, let us not allow this new majority to risk the employment opportunities for our police officers. Vote "yes" on the Democratic motion to recommit to save the COPS Program and continue employment of cops in your district.

AMERICAN PEOPLE WANT A BALANCED BUDGET AND THEY WANT IT NOW

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, the Commerce, Justice, State, and Judiciary bill will come to the floor today, and it cuts more than the House bill originally did and takes a meaningful first step toward eliminating the Commerce Department, which will be passed this year in Congress and will be on the President's desk.

Also, Mr. Speaker, the results are in on the largest public opinion poll ever taken: 7,200 registered voters. Eighty-six percent believe the President and Congress should deal with the budget issues now instead of after next year's elections; 73 percent agree that unless the President and the Congress stick to a 7-year deadline neither will balance the budget and eliminate the deficit; and 55 percent think money should be reduced by the Federal level and given back to the States and local governments who know better how to spend it.

Mr. Speaker, the results are in, the opinion is clear, the American people want a balanced budget and they want it now. The President should offer his budget now, finally.

REPUBLICANS WANT TO RAID CRIME TRUST FUND

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, today is an important day for law enforcement across America. Our Republican friends want to raid the crime trust fund and jerk a commitment of 100,000 police officers who will be on our streets, protecting our neighborhoods. It is time to stand up for our cops.

And what about law enforcement in our own neighborhood, right here on the floor of Congress? Twice now the American people have been denied the right to know what the Committee on Standards of Official Conduct has been doing the last 14 months concerning these serious ethics charges against Speaker GINGRICH.

Finally, our Republican colleagues seem willing to permit an outside real prosecutor, so long as that prosecutor's hands are tied and bound from doing anything about the serious charges of illegal GOPAC campaign contributions, about the $250,000 of NEWT's support, as they call it, for Speaker GINGRICH.

As the nonpartisan citizens action group, Common Cause, said yesterday, in calling for the recusal and removal of the Committee on Standards of Official Conduct chairman, "What is at stake is the integrity of the House ethics process." It is time to end the coverup and stand up for law enforcement.

PRESIDENT SHOULD SIGN THE BALANCED BUDGET ACT OF 1995

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, Republicans in Congress have advocated a fair, realistic agenda, literally the beginning of this session of Congress. We want to balance the budget in 7 years using honest Congressional Budget Office numbers. We want to save Medicare from going bankrupt. We want genuine welfare that emphasizes work and we want to cut taxes for working families.

Despite the unending stream of misinformation coming from the press these days, the American people overwhelmingly endorse this agenda. A recent mega poll taken of 7,200 registered voters confirm that there is wide and popular support for the Balanced Budget Act now sitting on the President's desk. In fact, 86 percent of the poll's respondents said that the budget issue should be squared away this year, now.

The President should stop the rhetoric and sign what the American people overwhelmingly support, the Balanced Budget Act of 1995.

DELAYED DECISION FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, for 14 months the House Committee on Standards of Official Conduct has dithered, dallied, and delayed making a decision on the complaints against Speaker NEWT GINGRICH. As we learned earlier this year, delays in the Committee on Standards of Official Conduct investigations give the appearance of a coverup. The secrecy and delays connected with the Bob Packwood investigation brought disgrace to this institution. Let us not repeat the same mistake when it comes to the Speaker of the House.

Public pressure and the increasing public disclosure of potential wrongdoing has compelled Republicans on the Committee on Standards of Official Conduct to consider an outside counsel, but only with severely limited duties, so that many of the questions that need to be answered would be left untouched.

Mr. Speaker, we need an outside counsel allowed to conduct a full investigation, and let the chips fall where they may. As Mr. GINGRICH himself said in 1988, the only way to ensure a thorough nonpartisan investigation of the highest ranking Member of the House is to appoint an outside counsel with, and I quote, "The independence necessary to do a thorough and complete job."

The time to appoint an outside counsel is now. Further delays will cause damage to this institution.

PRESIDENT CLINTON AND THE CBO

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I notice none of our Democratic colleagues want to talk about the budget this morning. Perhaps that is because they are just as confused as we are about the President's latest proposal.

Mr. Speaker, the President now says that pursuant to the bill that he signed into law, he will propose a balanced budget in 7 years, but he wants to use false numbers generated by the Office of Management and Budget.

The last time the President put forward a so-called budget, it was a vague 22-page summary, and the nonpartisan Congressional Budget Office said it had annual deficits in the range of $200 billion as far as the eye could see, well into the next century. Now the President says he will give us the details, but he still does not want to use Congressional Budget Office numbers, as he is obligated to do by the bill he signed into law.

Yet, the President, a few years ago, stood right here, gave a State of the Union Address, February 17, 1993, and said, quote, "I will point out that the Congressional Budget Office, which is normally more conservative about what is going to happen, and closer to right than previous Presidents have been. I did this so that we could argue about priorities with the same set of numbers."

It is time for the President to get with the program and follow the law that he signed.

REPUBLICAN BUDGET CUTS

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the invitation from my colleague to talk about the budget, because that is exactly what I came here to talk about.

Last Friday I was down in Durham, NC, in my congressional district, talking to poor people about the reconciliation bill and the budget that has been proposed by my Republican colleagues. They could not believe what I was telling them: $270 billion in cuts in Medicare, $180 billion in cuts in Medicaid, making our health and our future at risk.

They could not believe that our Republican colleagues were talking about cutting reading programs for the most vulnerable kids in America. They could not believe that they were talking about taking kids, 1 to 2 million more kids, and putting them in poverty, all for the purpose of giving a tax break to the richest people in America. Get real. This is real dollars we are talking about, and the future of our country we are talking about.

CLINTON BUDGET COSTS AMERICAN CHILDREN

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I give credit to the liberal education system that our colleagues cannot add or subtract. There is no cut in Medicare, and they know that. Mr. Speaker, the Clinton budget costs American children $187,000, just on the interest of the national debt. By contrast, the Republican Congress is turning toward the best interest of our American children, balancing the budget and investing in their education.

I have heard colleagues say we are cutting programs such as Goals 2000. Absolutely. We zeroed out, and I would do it again, Goals 2000 on a Federal level. We are spending the money down at the State level, sending the money closest to the people, driving it down to the school districts. And they can do a Goals 2000 at the State level, but they do not have 38 instances in the bill of Goals 2000 that said the State will do this or the Federal intrusion. They can still do a Goals 2000 and these other programs. Any additional savings goes to the children.

ORGAN DONATION

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to talk about an issue that is very near and dear to my heart. Organ donation. As most of my colleagues know, I underwent a successful liver transplant this summer, and because someone gave me the gift of life, I am able to be with all my friends today.

Lucky for me, organ transplantation is no longer an experimental procedure, but rather a lifesaving procedure. My colleague, the gentleman from South Carolina, FLOYD SPENCE, and I are certainly living proof that transplantation works and that it saves lives.

But, unfortunately, Mr. Speaker, FLOYD SPENCE and I were the lucky ones. The fact of the matter is, most Americans have no idea of the importance of organ and tissue donation. Today, 43,000 Americans from all over this country are waiting for a transplant. Serious life-threatening illnesses, Mr. Speaker, just do not discriminate.

The greatest tragedy of all, Mr. Speaker, is that every day eight people die waiting for this donor organ. And that is not because they are not out there, it is because far too few people realize how precious a gift they can give before it is too late.

I would like to take this time, Mr. Speaker, to ask my colleagues to discuss the issue of organ donation with those they care about. Give someone the miracle of a second chance. Give the gift of life and become an organ donor. I just cannot tell my colleagues how much it meant to me.

REFORM LEGAL IMMIGRATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, our legal immigration system is broken and needs to be fixed.

It forces husbands and wives and their children to wait up to 10 years to join each other in the United States.

Also, the number of legal immigrants applying for supplemental security income has increased 580 percent over the last 12 years. That costs hard-working taxpayers $4 billion a year.

And our broken legal immigration system drives the crisis in illegal immigration. Over 40 percent of all illegal aliens arrived as legal immigrants but overstayed their temporary visas.

To fix these problems, the Immigration in the National Interest Act, H.R. 2202, substantially reduces the waiting time for families to be reunited.

It also encourages legal immigrants to be self-reliant and discourages them from becoming a burden to the American taxpayer.

Help fix a broken immigration system and support the Immigration in the National Interest Act.

□ 1030

THE HOUSE MUST NOT TOLERATE A DOUBLE STANDARD

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, both Common Cause and I insist that in order to carry out the responsibilities of an outside counsel effectively, it is necessary for the counsel's authority and independence to be clearly and publicly established. The special counsel must have the authority and independence necessary to conduct the inquiry in an effective and credible manner. The House of Representatives, as well as the American public, deserve an investigation which will uncover the truth. At this moment, I am afraid that the apparent restrictions placed on this special counsel will not allow the truth to be uncovered. "The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet a higher standard of public accountability and integrity." Prophetic words, indeed, Mr. Speaker.

These are the words of the current Speaker of the House in 1988 referring to the investigation of a former Speaker of this House. This House cannot and must not tolerate a double standard. The Ethics Committee must follow the standard set by Speaker GINGRICH himself.

We need an outside counsel to investigate Speaker GINGRICH and we must not restrict the scope of that counsel's investigation. Let's get on with it.

WELFARE REFORM IN THE BALANCED BUDGET

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, Pastor Bob Timberlake is like firelight in a home's window to Nebraskans left out in the cold.

He runs the Open Door Mission, a shelter for Nebraska's homeless. On any given night over 200 guests get emergency shelter at the mission.

But the mission's help doesn't come with no strings attached. Pastor Bob strongly encourages work.

The Federal Government doesn't do that.

As a result, welfare has decayed working-class society like sugar on teeth.

That's why our welfare reform package is so important. After a decade of promises, the Republican majority is delivering true welfare reform. It will enforce work. No more something for nothing. No more free lunch.

And like Pastor Bob, it maintains our safety net at the same time it requires some sweat equity and elbow grease.

Too many children in our Nation are not just trapped in poverty, but trapped in the destructive welfare state.

I believe those who care about them should embrace real welfare reform.

QUESTIONS ABOUT A BALANCED BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, there are a lot of questions that have been going on about the budget. Will we have a balanced budget? Will the Democrats go with the Congressional Budget Office numbers? When will the budget be balanced? Will the President, in fact, offer a balanced budget? Will it happen this year? Will it happen before Christmas?

In fact, Mr. Speaker, there has been so much confusion about the budget that I told the gentleman from Ohio [Mr. KASICH] to go down to the CIA and get one of the palm readers down there to give him a prediction.

One thing we know, Mr. Speaker, is that we do not need a crystal ball to read this agreement right here that happened between the Republicans and the Democrats. It says, both sides, including and especially the President, are committed to a 7-year balanced budget.

"The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002, as estimated by the Congressional Budget Office."

Not one person voted against this. This is what the discussion is all about, Mr. Speaker. Let us keep our commitments and follow this agreement.

A 50-PERCENT INCREASE IN STUDENT LOAN PROGRAM IS NOT A CUT

(Mr. SOUDER asked and was given permission to address the House for 1 minute.)

Mr. SOUDER. Mr. Speaker, I come to the floor to set the record straight concerning the student loan and Pell grant proposals in the Balanced Budget Act of 1995.

Mr. Speaker, contrary to what my colleagues may be hearing from sources on the other side of the aisle, Federal student loans are not cut. In fact, loan volume will increase by 50 percent over the next 7 years without imposing additional costs to students or parents. This amounts to an increase of $12 billion in spending on Federal student loans through the year 2002; from $24 to $36 billion in 7 years.

Mr. Speaker, not only do Republicans increase spending for the guaranteed student loan program by 50 percent, but the maximum award for Pell Grants targeted to low-income students will rise to the highest level in their history, to $2,440.

We have targeted the expenditures to those who need it most; not cut them. Democrats have barraged the airwaves to convince the public that Republicans are cutting Federal financial aid, but a 50-percent increase in the guaranteed loan program demonstrates that this is not the case.

COMMITMENT TO A BALANCED BUDGET

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, 18 days ago in the House of Representatives we passed a continuing resolution that had the language in it, that the gentleman from Georgia [Mr. KINGSTON] just showed, that makes and unequivocal commitment of every single Member of this House that voted that day. Not one single Democrat voted against that. Nobody has voted against that. The President of the United States signed it into law.

Mr. Speaker, it says clearly and simply we are going to, by December 31, midnight, 1995, we will enter into a balanced budget agreement that will show by the year 2002 the amount that we spend is going to be in balance with the amount that we take in.

It has been 18 days since the President signed that into law. The President has not given one ounce of indication as to exactly what he is going to do; how he is going to get to that point. We have a piece of legislation that has been passed on the Senate side and the House side. It has been passed in conference. It is, in fact, the Balanced Budget Act of 1995.

Mr. Speaker, if the President does not like it, would the President please come forward; would the Democratic leaders in the Congress please come forward; would the Democratic leaders in the Senate come forward and tell us where they differ.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule. Committee on Agriculture, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, and the Committee on Science.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. RADANOVICH). Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1058, PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I called up House Resolution 290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 290

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I yield the customary 30 minutes to my good friend, the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. All time yielded is for purposes of debate only.

Mr. Speaker, this rule provides for consideration of the conference report to accompany H.R. 1058, the Securities Litigation Reform Act. All points of order against the conference report and against its consideration are waived.

Securities litigation reform is not some abstract proposal that will prove meaningless to everyone but a few overlitigious lawyers and assorted legal professors around the country. This bill is about jobs. This is a critical step in our effort to help create more high-quality private-sector jobs here at home.

Private securities litigation is undertaken today in a system that encourages meritless cases, destroys thousands of jobs, undercuts economic growth, and raises the prices that American families pay for goods and services.

This legislation targets a particularly abusive class of securities lawsuits often filed with the sole intention of extorting pretrial settlement from companies whose stock has fallen in value. Because of the innovative nature of the work of high-technology companies, their stock values are inherently volatile, making them frequent targets of strike-suit lawyers. For example, nearly every company in California's Silicon Valley has faced this type of litigation, and this problem also plagues the cutting-edge biotechnology industry.

In States like California, where high-technology companies are a critical component of economic recovery and revitalization, strike suits aimed at crippling legitimate high technology firms are crippling prospects for growth and job creation.

The conference report on H.R. 1058 represents a bipartisan, bicameral agreement on securities litigation reform that will promote good business practices, protect investors' rights, and free innocent parties from wasteful and baseless litigation designed to enrich litigators alone. While Chairman BLILEY and Chairman FIELDS have done tremendous work to bring this conference agreement to the floor, I must note the efforts of my colleague from Newport Beach, CA, CHRIS COX.

CHRIS, a former securities lawyer, has been involved in securities litigation reform since his days at Harvard Law School. He has pushed this important reform effort throughout his 6 years in the House, and was ready to move forward at the beginning of this year when success became a possibility. His hard work and leadership has been critical to this effort.

Mr. Speaker, I urge my colleagues to support this fair rule and move to debate of the conference agreement on H.R. 1058.

Mr. Speaker, I include for the RECORD the following material from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of December 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	56	66
Modified Closed [3]	49	47	20	24
Closed [4]	9	9	9	10
Total	104	100	85	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17 H.J. Res. 1	Social Security Balanced Budget Amdt	A: 255–172 (1/25/95).
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 290 is a rule which will allow consideration of H.R. 1058, the conference report to accompany the Private Securities Litigation Reform Act of 1995. As my colleague from California, Mr. DREIER, described, this rule waives all points of order against the conference report.

I have concerns about the bill for both procedural and substantial reasons. The rights of the minority were repeatedly violated in the conference process. The conference agreement was worked out privately by the bill's supporters without taking into consideration opposing views that could have improved the bill. During Rules Committee consideration of the measure, Mr. MARKEY testified that Democratic members of the conference committee were excluded from every aspect of the conference, and that this represented an outrageous breech of due process.

I also have concerns on substantial grounds. There is agreement on both sides of the aisle that frivolous securities lawsuits need to be stopped and that the existing law needs to be changed. There is much in this bill that will help. But critics of this bill believe it goes too far and too fast.

It is unfortunate that Democrats were shut out of the conference process. Permitting full participation by conference members on all sides would have made this a much better bill.

The conference report makes numerous changes from the House-passed bill. Many of the provisions in the conference report will result in changes in securities practices in ways that we cannot predict and that could come back to haunt us. I need only remind my colleagues that the banking deregulation of the early 1980's was a case where we thought we were doing the right thing, but reducing Government control had a catastrophic effect a decade later.

During Rules Committee consideration, Mr. BEILENSON offered an amendment to the rule to provide 2 hours of debate. This was because Democrats were not given an opportunity to participate in the conference process and there were so many critical changes in the conference agreement. The amendment was defeated along party lines. It is unfortunate that the House will not have more time to consider the sweeping effects of this bill.

Mr. Speaker, this bill does accomplish needed reform. However, the long-term implications of this bill should give us all cause for concern. Regrettably, the House is not giving these issues the full airing that they require.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, in my remarks I intentionally failed to mention my friend, the gentleman from Thibodaux, LA [Mr. TAUZIN] because I knew I would have the opportunity to introduce him. He has, 8 years ago, introduced the first legislation on securities reform, and we are very pleased that we in the new majority have been able to finally move his legislation forward.

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise in support of the rule. What we are dealing with is a part of litigation reform in America that deals with a specific kind of class action lawsuit brought against companies in America whenever their stock prices dramatically change.

The problem with this section of the law is that it does not do what the law ought to do. The law ought to say that a wrongdoer pays for the wrong he committed and that a lawsuit makes sure that the wrongdoer compensates those he injured.

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In this particular section of the law, it does not matter whether you did anything right or wrong. In fact, over 90 percent of the lawsuits filed, these big class-action lawsuits, over 90 percent of them are settled for 10 cents on the dollar. In effect, they are shotgun lawsuits, strike lawsuits filed, designed to make all the parties contribute into a settlement fund at 10 cents on the dollar.

What does that mean? It means that the law does not really punish the wrongdoer. It says whether you are wrong or not, whether you are guilty of any wrong, you are going to contribute to a 10-cents-on-the-dollar fund to settle this lawsuit. Why? Because the lawsuits are so huge, they are like aircraft carriers moving through our legal system that the expense of defending the suit is much higher than the cost of putting into that 10-cents-on-the-dollar fund.

So everybody connected with the company puts into the fund to settle the lawsuit, make the lawyers go away, and the wrongdoers are never really punished. It is a system of law out of connection with the purpose of the law.

So we need to change it. This bill we are bringing up on this rule is signed on a conference report by both Democrats and Republicans. It is a bill that, as was pointed out, introduced about 8 years ago, that got very little attention from the former chairman of the committee. It ended up getting only two hearings in all those years. It was finally made part of the Contract With America. It passed this House with 325 votes, nearly 100 Democrats joining the Republican majority in support of this bill.

The Senate has now cleared it with an over two-thirds majority in the Senate. It is ready for us to act upon today. I urge adoption of this rule so that we can get on the conference report and hopefully pass this good bill to make this one important litigation reform.

What does it do? It sets up the proportionate liability so that nobody is deep pocketed, sued in such a way that you better come up with a settlement or you are going to get hit for everything. It ends the deep pockets theory. It requires specific pleading. It sets up a system of dealing with frivolous lawsuits by making the party who brings a frivolous lawsuit responsible for the cost of that lawsuit.

It sets up a new system to allow companies to legitimately advise people in advance of what they expect their company to do so that investors are being properly advised in terms of making investments. It does not eliminate the obligation of wrongdoers to pay for their wrong. In fact, it sets up a system of law to make sure real wrongdoers pay the tab. I urge adoption of the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by saying that this bill is not controversial because there is a disagreement as to whether or not we have to crack down on frivolous lawsuits in this country. We agree upon that subject. The issue is whether or not we want to pass legislation that will become the law of this land, that will also prevent meritorious suits from being brought against those that deliberately mislead investors into expending their hard-earned money on financial investments which were, in fact, fraudulent in their nature.

That is what this whole debate is about. We who oppose the bill which is being brought out on the floor today want to shut down the frivolous suits as much as anyone who is a proponent of the legislation. However, what has happened is that over the course of the year, the interest in frivolous lawsuits has been replaced by, for all intents and purposes, an interest in all lawsuits. This bill could, in fact, have been made a good bill, but it was not.

Moreover, the gentleman from Michigan, Mr. DINGELL, the gentleman from Texas, Mr. BRYANT, the gentleman from Michigan, Mr. CONYERS, along with the gentleman from Maryland, Mr. SARBANES and the gentleman from Nevada, Mr. BRYAN on the Senate side, were all excluded from participating in a meaningful way in the crafting of this legislation so that it could, in fact, be made acceptable to all Members while addressing the core issues which each and every one of us wants to see dealt with.

The House bill that passed this body was 36 pages long. The bill which we are considering here today is 75 pages long. We were not allowed to see the final draft until we walked into the conference room to have the vote on this momentous piece of legislation. That is not a proper way to run the legislative process.

All Members should have been included. All Members should have been given notice. All Members should have had the opportunity to make suggestions which would have been appropriate to perfect this legislation. Moreover, I think it is important for all Members to know that, as the year began, the debate surrounded the issue of the 1934 Securities Act. As we are presented with a piece of legislation on the floor today, all of the fundamental changes that have been included to address the 1934 act have now been extended to cover the 1933 Securities Act as well, even though there is no testimony, not one shred of evidence that there has been any abuse by use of the 1933 Securities Act in securities litigation cases.

Let me make one final point at this juncture. We are dealing here with one-tenth of 1 percent of all cases brought in Federal district court, on average, about 125 cases a year. If this crisis of frivolous lawsuits is such a great concern to the Members on the other side, we should be dealing with the issue of companies suing other companies as well, because that is the bulk of cases in Federal district court. This only deals with the ability of individuals to sue companies.

The reason that we are dealing with only this one area is that companies want to preserve their ability to sue other companies. Disney wants to be able to sue the Motion Picture Association for misuse of the image of Snow White. Burger King wants to be able to sue McDonald's. On and on and on and on. They use the courts in many instances as places for negotiation. But if individuals want to ban together and sue companies, well, we are going to put down a strict new set of guidelines dealing not only with those cases that are obviously frivolous but also where individuals have been deliberately misled, where material information has been withheld from investors with regard to the financial well-being of an institution.

That is wrong. I think everyone should know what is going on during this debate. But most importantly, because I think it strikes at the integrity of the institution, they should understand that those who oppose the bill were completely excluded. And no rule should pass on the floor of the Congress which has in fact treated its own Members in that way.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I have a simple comment to make about this legislation and about the way in which it was conceived. It was conceived in sin. I have this to say to my colleagues who have done it. Shame. Shame on them.

This is a raid on the small investor. It is an attack upon the public confidence in our securities system. I hear from my Republican colleagues comments about white collar crime and about criminals and violent crime.

Let me tell Members what the Fraternal Order of Police had to say about this bill, in a letter which was sent by their national president. "I urge you," this is the national president of the Fraternal Order of Police:

> I urge you to reject a bill which would make it less risky for white collar criminals to steal from police pension funds while the police are risking their lives against violent criminals.

The International Association of Firefighters had a similar thing to say. Money magazine had these things to say about it, speaking on behalf of small investors:

> Congress aims at lawyers and ends up shooting small investors in the back. Let us stop this Congress from helping crooks cheat investors like you. Your 1,000 letters of protest may stop this Congress from jeopardizing investors. Now only Clinton can stop Congress from hurting small investors like you.

Four successive editorials in Money magazine.

The attorneys general of 11 States had this to say in a joint letter:

> We cannot countenance such a weakening of critical enforcement against white collar fraud. The bill goes so far beyond what is necessary, it would likely result in a dramatic increase in securities fraud.

The U.S. Conference of Mayors says:

> Over 1,000 letters from State and local officials from all regions of the country have been sent to Washington, representing an extraordinary bipartisan national consensus that H.R. 1058 would imperil the ability of public officials to protect billions of dollars of taxpayer monies in short-term investments and pension funds.

Here is what the Association of the Bar of the City of New York had to say:

> The safe harbor could immunize artfully packaged and intentional misstatements and omissions of known facts. Protecting knowingly false statements is not consistent with the purposes of the Federal securities laws and encourages exactly the kind of conduct those laws were designed to eliminate.

Our Republican colleagues did this in a dark back room, unattended by anyone who was opposed to their viewpoint, except a coterie of faithful lobbyists who participated in the process. Our Republican colleagues brought us a conference report on which no voice of dissent was heard in the discussions. The bill was presented to the conference just shortly before the conference convened.

What is in this bill? Virtual repealer of much of the protection of American investors, an open attack on the public confidence that we have in the securities market, and, in the safe harbor provisions, an active protection for fraud. It permits the law firm, for example, of Sly, Sneak and, Crook to put forward wonderful words of caveat like "you really should not believe this particular footnote because it is not true, but." We are going to see more investor fraud and more loss of confidence in the securities industry than we have seen for years.

People tell us that the securities industry functions on the basis of money. It does not. It functions on the basis of public confidence. And if the public confidence is there, billions of dollars are made by everybody and we have, in consequence of this, the most liquid, open, and fair system of raising capital in the history of mankind. It is a miracle of the age. People come from all over the world as investors, as sellers of securities to participate in this market.

This legislation will go light years toward jeopardizing the public confidence in that market. I urge Members to reject this rule.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Newport Beach, CA [Mr. COX], the prime author of this legislation.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

I appreciate the fiery rhetoric of the former chairman of the Committee on Commerce who led 99 of our colleagues to vote against this bill when it was overwhelmingly approved, over half the Democrats voting in favor of it and virtually all the Republicans earlier this year.

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But I have to take issue with what the gentleman said, because it simply is not true. What the gentleman said is there is an extraordinary bipartisan national consensus against this bill. The truth is, there is an extraordinary bipartisan national consensus in favor of this bill, which originally was, after all, the Dodd-Domenici bill. CHRIS DODD, presently the cochairman of the Democratic National Committee, is obviously not a Republican. PETE DOMENICI, the very respected chairman of the Committee on the Budget in the Senate, worked together with CHRIS DODD on this, well in advance of this bill becoming part of the Contract with America.

Because it was not conceived in sin by Republicans, but initiated in this bipartisan way by CHRIS DODD and PETE DOMENICI, we found that the bill yesterday passed the Senate once again with more than two-thirds voting in support. At last check, TED KENNEDY, who is not a flaming Republican, but TED KENNEDY, who represents so many high-technology companies in Massachusetts who are being victimized by fraudulent lawsuits by crooks and lawyers, working in tandem in many cases, these people need protection from our securities laws too. That is why PHIL GRAMM, TED KENNEDY, PETE DOMENICI, and CHRIS DODD, people on both sides of the aisle, have all come to agreement on this very important investor protection.

The safe harbor, which my colleague implied was some sort of Republican attack on small investors, was in fact an investor protection offered on the floor of this Chamber, not by a Republican, but by my good and wise colleague from California, NORM MINETA. The safe harbor provision of this bill was carefully drafted in concert with the Securities and Exchange Commission, and no less than the chairman of the Securities and Exchange Commission, appointed by President Clinton, Arthur Levitt, has said yes, this is a sound, safe harbor. The reason that we have it, of course, is so that investors and the market can get the very best information possible, so that they can protect themselves. That is what this bill is all about.

But, more than anything, we are not just protecting investors with this bill, we are protecting everyone in America. Yes, those who might have invested through their pension plan, or those who might have invested through a mutual fund, but everyone in America ultimately who uses the products manufactured by high-technology companies, who are the special victims of this kind of securities fraud, fraud through the device of a lawsuit.

I just want to mention one example of the kind of fraud we are going to crack down on with this legislation. A company in San Diego, Alliance Pharmaceuticals, a very, very fine company, manufactures innovative drugs to treat critically ill patients with acute lung injury. Their drug, now in development, a highly oxygenated liquid which allows the lungs to breathe liquid, reportedly could help as many as 80,000 premature babies with insufficiently developed lungs to have the gift of life.

This bill is for Adriana Mancini, who was born weighing 1 pound 10 ounces, with a 1 in 10 chance of living. The drug, manufactured by Alliance Pharmaceuticals of San Diego, saved her life. Her mother, in a television report about this story, said, "I prayed, please God, save our baby, and God did." The agent of God's miracle was Alliance Pharmaceuticals. The company came through with the medication that, as I said, can be used on 80,000 premature babies every year.

What Adriana's mother said, and it is important for everyone in this Chamber to hear this, is:

> I just wish that everyone could have been in that room to see the joy and excitement on everybody's faces. A baby who was about to die made an exciting 180-degree turnaround.

Alliance Pharmaceuticals for its role in helping baby Adriana found itself on the wrong end of a fraudulent lawsuit, that is the only way to describe it, a fraudulent lawsuit, that was brought within 24 hours of the public announcement of nothing more than a delay in a new product development.

The president of this company wrote to the President of our country, and I would like to quote from his letter:

> Reform of the private securities litigation laws is needed to protect the companies that are victims of frivolous suits.

I should add that Alliance won its lawsuit, but they have received no compensation for all the lost time of their workers who were developing drugs. They received no compensation for all of the legal fees that they had to spend. There was nothing that could be done about the fact that all of the management were taken away from their critical job. These suits, which are brought to extort settlements, do nothing more than injure all of us. Let me continue reading from his letter.

> Reform of the private securities litigation laws is needed to protect the victims of frivolous suits, while preserving the ability for shareholders to recover in instances of fraud. It is unconscionable that greedy lawyers are allowed the virtual unrestricted ability to promote their own self-interests. Companies like Alliance are developing truly innovative and potentially life-saving products. Every dollar we spend defending these meritorious suits is one less dollar available for meaningful research and one less dollar available for shareholders.

Mr. Speaker, let us move forward with this critically important legislation, which is so bipartisan and has overwhelming support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RADANOVICH). Members should avoid references in debate to Members of the other body.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California, Mr. FILNER.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I will be opposing the rule and the bill. It is clear from the statements that we have heard and every editorial, every statement that I have read over the last few months, that if we had a reasonable and carefully crafted reform to the provisions of the antifraud cases that give rise to securities class actions, that would attract a resounding consensus in this body and around the country.

Instead, this legislation has attracted extraordinarily firm opposition from a broad group of people who have been involved in these issues. Virtually every witness with a reasonable claim to being objective and impartial testified in opposition to the initial Republican proposals earlier this year. The group representing securities regulators from all 50 States oppose it; groups representing the officials in State and local governments who issue municipal bonds oppose it. The U.S. Conference of Mayors and National League of Cities oppose it, along with more than 1,000 local officials, ranging from district attorneys to town treasurers to county commissioners.

The AARP, the National Association of Senior Citizens, the Gray Panthers all oppose it, as do the National Council of Individual Investors. Consumer Reports, Consumer Federation of America, and a host of other consumer groups oppose if. The AFL–CIO, the Teamsters, the Machinists, the Communications Workers, the American Federation of State, County and Municipal Employees, and the United Auto Workers, all these who manage more than $100 billion in pension funds for retirees, oppose it. The Fraternal Order of Police and International Association of Firefighters also strongly oppose this legislation.

Mr. Speaker, if one reads the press beyond the Beltway, it overwhelmingly opposes it. If there is strong support for reasonable measures to stop frivolous lawsuits, but opposition to this bill, does that not tell us a lot?

I urge my colleagues to demonstrate that this bill should be fixed by voting "no"; "no" on the rule and "no" on the bill.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, let me point out something that I think everyone should understand as we take up this bill today. That is that the Congressional Budget Office estimates that there will be new burdens for the Securities and Exchange Commission as a result of the passage of this legislation. Here is what CBO said:

> By discouraging private litigation, enacting this bill would result in an increase in the number of enforcement actions brought by the SEC. CBO expects that the number of financial fraud enforcement actions would at least double, and possibly triple. Therefore, CBO estimates the enactment of the bill would increase costs of the Securities and Exchange Commission for enforcement actions by $25 million to $50 million annually, or $125 million to $250 million over the next five years.

CBO's objective analysis is extremely revealing. First, it demonstrates that the CBO believes that this legislation will prevent defrauded investors from bringing meritorious cases, leaving the burden entirely on the Securities and Exchange Commission. So the CBO has in effect confirmed our fear that this legislation goes too far and will harm innocent investors in its zeal to wipe out frivolous lawsuits.

Now, one might reasonably ask whether the CBO analysis is credible, whether it is reliable, whether it is in fact accurate. That is a fair question. So we decided to look at what Republican leaders have been saying about the credibility of the CBO. Here are some of the more recent excerpts.

Committee on the Budget Chairman JOHN KASICH has made several recent comments about the CBO. In just the last few days he has said that the "CBO has painstakingly earned its reputation for accuracy and credibility over the years."

On the "MacNeil-Lehrer News Hour" 2 weeks ago, Chairman KASICH said, I guess just the "Lehrer News Hour," that the "CBO cannot be bullied; they cannot be beaten up, and their integrity will not be questioned."

On "Larry King Live" just 3 weeks ago, he said, "After using the CBO and understanding the integrity of the way they work, it's the best way to go."

Senator TRENT LOTT, the Republican majority whip in the Senate, said in a press conference 3 weeks ago, "We've got to have reliable numbers. CBO has been reliable over the years. Even this year, with some of the things we would like CBO to have said, they've said no, that's not a fact. So they are the honest brokers."

Of course, the legislation does not include a $25 to $50 million annual supplement to the Securities and Exchange Commission to make up for some of the meritorious and nonfrivolous cases which will have to be brought by the SEC as a result of passage of this legislation, cases where there has been actual fraud. Instead, the SEC budget is frozen and they are in fact fortunate to get that, because the Senate Finance Committee has actually targeted them for a 20 percent cut, even though this is a time of record growth, activity, participation and complexity in our capital markets and, after the passage of this bill, needed additional enforcement where there are actual meritorious cases involving deliberate fraud on the part of companies, financial firms, on innocent investors across this country.

By the way, the CBO is not alone in this forecast. Former Republican SEC Chairman Richard Breeden testified in 1991 that if securities fraud lawsuits were curtailed, the SEC would need to hire 800 to 900 additional investigators and lawyers to make up the difference. And 11 States attorneys general have criticized the legislation as an unfunded mandate.

I apologize for taking so long, but this is the only time that we in the minority have had to discuss this bill this year. It is necessary for the gentleman from Michigan [Mr. DINGELL] and I and others on our side to put the facts out on the case, so that historically those who in this Chamber are blessed with hindsight will be able to see in 5 years or so what in fact has happened in the aftermath of the passage of this legislation.

Eleven attorneys general have criticized the legislation as an unfunded mandate. They argue in a strongly worded letter that the draft report's major provisions pose significant obstacles to meritorious fraud actions by investors and that these cases will inevitably land in the laps of already overburdened State and local prosecutors.

Considered together, it is ironic that we are on the verge of abandoning a largely successful and effective system of private market-based regulation. The changes could have been made to deal with the frivolous lawsuits, but instead we are going to put the burden on State and local prosecutors, and if the Federal Government does not act, there will be a huge vacuum that will leave investors at the mercy of unscrupulous financial operators.

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Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank my friend from Ohio for yielding time to me.

I wanted to point out that there are a lot of people across the country that realize the mistake that this House is about to make in considering this legislation. In fact, it is unprecedented that Money magazine, which is the largest financial publication in this great country, with over 10 million readers, has written four editorials against this bill. Four editorials.

It is unprecedented that a Time, Inc. editor would, in fact, feel so strongly that he wrote, "I urge President Clinton to veto this legislation." That is unprecedented for an editor from Time, Inc. to write something like this.

In September 1995, the Money editorial said, "Congress aims at lawyers and ends up shooting small investors in the back." And to read just a portion of that editorial, he says,

> At a time when massive securities fraud has become one of this country's growth industries, this law would cheat victims out of whatever chance they may have of getting their money back. In the final analysis, this legislation would actually be a grand slam for the sleaziest elements of the financial industry at the expense of ordinary investors.

In October 1995, a month later, Money magazine said, "This misguided law would, in fact, help white collar criminals to get away with cheating investors." They say, in responding to their calls for urging of the White House veto, the angriest responses so far have come from Republicans who were denouncing their own party for pushing these bills.

Then, in November of this year, they said the struggle over these securities litigation reform bills offers a picture window view of how laws are being created by the lobbyists and for the lobbyists in this 104th Congress. Money magazine says lawmakers said they wanted to discourage frivolous securities suits and that is a fine goal, but as one moderating amendment after another was voted down, the legislation the Republican majority and the lobbyists produced went far beyond curbing meritless lawsuits to all but legalizing securities fraud.

And, finally, as I said, in a fourth consecutive unprecedented editorial this month, Money magazine said now only Clinton can stop Congress from hurting small investors like you. They begin the editorial,

> The President should not sign it; he should veto it and here is why: The bill helps executives get away with lying. Investors who sue and lose could be forced to pay the winners' legal costs. Even accountants, who okay fraudulent books, will get protections. This bill will undermine the public confidence in our financial markets. Without that confidence, this country is nowhere.

This rule should be voted down, the bill should be voted down, and we hope that our colleagues will heed us.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Appleton, WI, my friend [Mr. ROTH], who, I would note, as the debate on the rule for this very important conference report rapidly comes to a close, is the chairman of the Trade and Tourism Caucus, where he understands the importance of job creation.

Mr. ROTH. Mr. Speaker, I say to the gentleman from California, Thanks, coach, for putting me in.

I rise in strong support of this conference report. Today, abuse of our security laws is stifling our Nation's fastest growing companies. Whenever a company stock changes significantly in value, these companies face lawsuits from packs of so-called professional plaintiffs. These professional plaintiffs are individuals who have suffered no injury and hold no stock in the companies they use. Yet, in order to avoid the high legal costs of defending themselves, companies often settle the extortion demands of these professional thieves.

High-technology companies, the companies of tomorrow, are hit hardest and most frequently. Why? Because these companies often undergo dramatic change, but have few resources with which to defend themselves. As a result, we, all of us, lose. New products that could benefit my colleagues and all of the American people and the people throughout the world are never developed. Good paying jobs that could have been created never materialize.

Mr. Speaker, if we fail to act, we doom our children to lower living standards, lower than we enjoy today. This bill will protect companies from being sued on forward-looking projections. Under this bill, companies can issue cautionary statements confirming what my colleagues and I already know, that the projections are estimates and not facts certain.

No one can predict the future with a 100-percent accuracy. It is unfair to expect companies to do so. Yet, that is what the professional plaintiffs demand in exchange for retraining from their corporate extortion.

Further, this bill will ensure that no wrongdoers escape punishment. Any party intentionally causing injury will be liable for the full harm they cause, no less. And that is only fair. Under this bill everyone wins. Investors, whether individuals or municipalities, will benefit from higher returns on investment and lower risks.

American companies, unhindered by expensive litigation, will build new competitive advantages over their foreign rivals, and that is what we are looking for. New job opportunities will come up all across America. As chairman of the International Economic Policy and Trade Subcommittee, I know that passage of this conference report will go a long way toward ensuring that America will remain the world's most prosperous Nation. A vote for this conference report is a vote to help give us and our children futures of unlimited opportunity.

Mr. Speaker, let us vote for our Nation's future. Let us pass this important conference report. I thank the gentleman and my friend from California for yielding me this time.

Mr. DREIER. Mr. Speaker, I would like to inquire of my friend from Dayton if he has any remaining speakers.

Mr. HALL of Ohio. I hesitate to say that I do not have any additional speakers, but it appears that I do not, and I would yield back the balance of my time.

Before I do that, however, Mr. Speaker, I insert in the RECORD at this point the following extraneous material.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bi-partisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation, 54% restrictive; 46% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. * * * *Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. DREIER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Newport Beach, CA [Mr. COX] to close on our side.

Mr. COX of California. Mr. Speaker, I thank the gentleman from California for yielding.

It has been said that a lawyer is someone who defends his client's interest and takes the principal. It is a cruel joke; it is an old joke. In fact, the best I can tell, it is at least a century old.

There has always been a conflict of interest between lawyers representing themselves and lawyers representing their clients. What we are seeking to do here is to protect investors so that they are in charge of these kinds of lawsuits. It is very important for us to know what exactly it is we are doing here today. There has been a lot of rhetoric. What we are doing are the following things:

We are outlawing professional plaintiffs. We heard testimony that one guy, who was described by a judge as truly the unluckiest investor in the world, was a plaintiff in 300 of these lawsuits. That will not happen anymore.

We have outlawed attorney conflicts of interest. So if the lawyers own the shares, the judge will scrutinize that and keep them out of the case if it is a conflict of interest.

We are mandating full disclosure to the investors, to the plaintiffs, of any proposed settlements, including what will be the lawyer's share of the settlement and what will be theirs.

These kinds of reforms are the reason that this is such bipartisan and popular legislation. And the truth is that half the Democrats here, half the Democrats in the Senate, Republicans who sponsored the legislation, all favor this. More than two-thirds of both bodies favor this.

The economists, whom we heard quoted many times as an opponent of this bill, are in favor of this bill. They have editorialized in their most recent magazine as follows: More than 650 class action strike suits have been filed in the past 4 years alone, including ones against each of the 10 biggest firms in Silicon Valley. There is nothing wrong with investors who use the courts to protect their rights, but a growing number of these suits are being brought by those who are victims not of corporate misinformation, but of their lawyer's greed.

The Washington Post has editorialized in favor of this legislation. It is sound, it is good, it is bipartisan. It is high time investors got the kind of protection that this legislation affords. Fraud, through the device of a lawsuit; extortion, through the device of abuse of our securities' laws, hopefully will be no more after we pass this very popular bipartisan bill.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to indicate, as has been said, the general chairman of the Democratic National Committee, our colleague, Senator CHRIS DODD, is one of the prime authors of this legislation, along with many other Democrats who truly make this bipartisan and bicameral. I urge an "aye" vote on the rule and an "aye" vote on the conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. RADANOVICH). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 97, answered "present" 1, not voting 16, as follows:

[Roll No. 838]

YEAS—318

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn

Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Maloney
Manton
Manzullo
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Rush
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—97

Abercrombie
Ackerman
Andrews
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Borski
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Dellums
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Gephardt
Hastings (FL)
Hilliard
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kildee
Klink
Lewis (GA)
Lipinski
Luther
Markey
Martinez
Mascara
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Peterson (FL)
Pomeroy
Rahall
Rangel
Rivers
Roybal-Allard
Sanders
Sawyer
Schroeder
Scott
Serrano
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thurman
Torres
Torricelli
Velazquez
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Yates

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—16

Barr
Bono
Chapman
DeFazio
Ewing
Fowler
Hinchey
Hunter
Laughlin
Ros-Lehtinen
Tejeda
Tucker
Volkmer
Waldholtz
White
Wilson

☐ 1147

The Clerk announced the following pair:

On this vote:

Mr. Bono for, with Mr. DeFazio against.

Mrs. MEEK of Florida, Mr. DIXON, and Ms. ROYBAL-ALLARD changed their vote from "yea" to "nay."

Mr. KENNEDY of Massachusetts changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, due to a death in the family, I was not present for rollcall vote No. 838. Had I been present I would have voted "yes."

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on the morning of Wednesday, December 6, 1995, I was unavoidably delayed and missed roll call votes 838, H. Res. 290, the rule for the Securities litigation Reform, H.R. 1058. Were I present, I would have voted "aye" on the rollcall vote in support of House Resolution 290.

LAYING ON THE TABLE HOUSE RESOLUTION 260, WAIVING PROVISIONS OF CLAUSE 4(b) OF RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 260, waiving the provisions of clause 4(b) of House rule XI against the consideration of certain resolutions reported from the Rules Committee, be laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 1058, PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

Mr. BLILEY. Mr. Speaker, pursuant to House Resolution 290, I call up the conference report on the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, November 28, 1995, at page H13692.)

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 1058, the Private Securities Litigation Reform Act of 1995.

This is extremely important legislation for investors and for our economy. It is designed to curb frivolous and abusive securities litigation. This kind of litigation exacts a tax on this country's most productive and competitive companies and their shareholders.

Job-creating, wealth-producing companies that have done nothing wrong, too often find themselves subject to class action lawsuits whenever their stock price drops. They are forced to pay extortionate settlements, because the costs of defending these lawsuits are prohibitive. And, when companies are forced to settle, their shareholders, ultimately, pay the costs. I am pleased that when this legislation was considered by the House earlier this year, majorities of both parties, Republicans and Democrats, supported it.

This legislation puts control of class action lawsuits back in the hands of the real shareholders, where it belongs. Just as important, it gives judges the tools they need to dismiss frivolous cases before they turn into lengthy and costly fishing expeditions. I want to underscore this point. This legislation puts strong and effective tools in the hands of judges, and we expect them to use these tools to dismiss frivolous cases and to sanction those who bring them.

Critics of this legislation think we should preserve the status quo—or simply tinker with the present system. But we cannot allow the current system to continue, when those who benefit most from it are professional plaintiffs and lawyers. The cost of securities strike suits, to our economy in the form of lost jobs, to our investors in the form of diminished returns, and to our companies in the form of diminished competitiveness are too great.

Let me explain how the conference report would address the flaws in the current system.

First, it limits the kind of abusive class action lawsuits that are driven by entrepreneurial lawyers and their stable of professional plaintiffs. It permits courts to select as lead plaintiff the shareholder most capable of representing the class—not just the plaintiff who happens to file first because some law firm already has a complaint on its word processing machine ready to go.

The legislation also requires full disclosure of settlement terms to investors. We no longer will permit lawyers to hide the facts from their real clients, something they have been doing for years.

These are hardly radical reforms. But, they will ensure that real investors with real grievances are the ones driving the litigation, not those who only interest is in winning their share of attorney fees.

Second, the conference report discourages frivolous lawsuits by imposing costs on those who initiate them. To accomplish this, it requires a court to impose sanctions on a party if the compliant, or any motion, constitutes a violation of rule 11(b) of the Federal Rules of Civil Procedure; in other words, if the complaint or a motion was filed to harass or cause unnecessary delays or costs. Again, this is hardly radical, but it is only fair. Those who abuse the system to inflict unnecessary costs on others should pay a price.

The conference report seeks to encourage early dismissal of frivolous lawsuits and limit the costs of discovery. It requires lawyers who file a complaint to "plead with particularity" the facts that would support a charge of fraud. If you sue someone, you should be able to explain what they did, and why it was a fraud. And it prevents lawyers from launching "fishing-expedition" discovery while a motion to dismiss is pending.

The conference report provides a cap on damages. We all have seen situations where an earnings surprising sends the price of a company's stock into a tailspin. The problem in the current system is that damages often are measured when the stock drops to its lowest point, even though it quickly rebounds and may even be higher within days, weeks, or months. This bill prevents a temporary drop in price from yielding huge awards for lawyers and professional plaintiffs.

The conference report addresses the unfairness of joint and several liability, which now allows a plaintiff to seek 100 percent of his damages from a defendant whose actions may deserve only 1 percent of the blame. The legislation requires every defendant to pay his or her fair share of the damages, based on a finding by a judge or jury. But, except in special circumstances, a defendant cannot be held liable for 100 percent of the damages unless a plaintiff proves the defendant acted with actual knowledge. Small investors, however, will be able to recover 100 percent of their damages even from those defendants whose participation was relatively minor.

The conference report is careful not to change standards of liability under the securities laws. Unlike the bill passed by the House, the conference report does not codify recklessness as a standard of liability under the securities laws. That question is left to the courts.

The conference report encourages disclosure of forward-looking information by establishing a real safe harbor for companies and others who disclose this information. Forward-looking information is extremely important to investors, but companies are afraid to disclose it, because they may face a lawsuit if they fail to predict the future with total accuracy. The conference report prevents companies from being sued for forward-looking statements when they make it clear that they are talking about the future and accompany their statements with cautionary language. Statements that meet this statutory test should not be the basis of a lawsuit if intervening events make them inaccurate; the conference report makes it clear that the legislation imposes no duty to update projections.

The conference report also clarifies that a plaintiff will have to prove a defendant had actual knowledge of the falsity of a forward-looking statement before there will be liability.

The conference report also amends the Racketeer Influenced and Corrupt Organization Act to prevent the unnecessary and unfair threat of RICO charges when a case involves conduct that should be prosecuted, instead, under the Federal securities laws.

The legislation also gives the SEC new authority to bring aiding and abetting cases for knowing fraud under section 10(b) of the Exchange Act, and it imposes responsibilities on auditors to detect and disclose illegal activity they may find during an audit.

It is clear that the conference report will take major steps toward ending the kind of abusive and frivolous private securities litigation that hurts the economy and burdens individual investors. But, as I noted earlier, these hardly are radical reforms.

Many of the criticisms that have been leveled at the bill stem, not from what is in the legislation, but from critics' desire to use it to change current law. For example, opponents criticize it for failing to provide a private cause of action for aiding and abetting violations of section 10(b) of the Exchange Act—but this is something the Supreme Court of the United States says the original drafters of the Exchange Act did not intend to include. It is criticized because it does not provide a longer statute of limitations for actions under section 10(b)—again, something the Supreme Court says the original drafters of the Exchange Act did not intend to include.

Mr. Speaker, this legislation may not have everything that every Member wants to see. It also may not end all unfairness and impropriety in private securities litigation. But it offers a realistic opportunity to improve current law, to help the economy, and to protect individual investors. I submit that it is rare that one piece of legislation does this much. I urge my colleagues to vote to pass this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, until a Supreme Court decision 18 months ago, aiding and abetting liability was the primary method through which professionals who assist securities fraud to succeed, lawyers, accountants and investment bankers, who were deemed to be responsible in defrauding investors, were made liable by aiding and abetting prosecution.

Even the Supreme Court majority recognized the need for restoration of aiding and abetting liability. In the words of Justice Kennedy, to be sure, aiding and abetting a wrongdoer ought to be actionable in certain instances. The issue, however, is not whether imposing private liability on aiders and abettors is good policy but whether aiding and abetting liability is covered by the statute.

This statute that we are debating here today has no aiding and abetting liability for those who have participated in the construction of fraud perpetrated against innocent investors.

The SEC argued, in the Supreme Court, in favor of aiding and abetting liability. Since the court decision, the SEC has urged Congress to restore aiding and abetting liability. Chairman Levitt testified that of 400 pending SEC enforcement cases, 80 to 85 rely on aiding and abetting theories of liability. Not one shred of evidence was presented before the House or the Senate that called into question the legitimacy of these SEC cases. Yet this bill would jeopardize many of them, perhaps even all of them, because it fails to codify that the SEC has authority.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. MARKEY. Mr. Speaker, I do not want to call into question the Chair, but I only read three paragraphs.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Markey] may proceed.

Mr. MARKEY. Mr. Speaker, the bill would jeopardize many of these cases, perhaps all of them, because it fails to codify.

Now, a report in last week's National Law Journal highlighted a number of extraordinary statistics from fraud cases brought by the Government as a result of the S&L debacle. Four thousand directors or CEO's of failed S&L's or the professionals who work for them were sent to prison as a result of criminal frauds they perpetrated or assisted.

In addition, 1,500 defendants were convicted but were not sent to prison. That is one of the most extraordinary and most disturbing statistics I have ever heard. Four thousand senior thrift executives and their key financial advisors were convicted and imprisoned for financial fraud and crimes.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

Mr. FIELDS of Texas. Mr. Speaker, in recent years, U.S. companies, particularly high technology companies, have become the target of speculative, abusive securities litigation which enriches lawyers at the expense of shareholders and the economy.

Mr. Speaker, as the Subcommittee on Telecommunications and Finance learned over the past year, abusive securities lawsuits are brought by a relatively small number of lawyers specializing in initiating this type of litigation. In many cases, the plaintiffs are investors who own only a few shares of the defendant corporation. And the corporations are frequently high technology companies whose share price volatility precipitates lawsuits. The plaintiffs do not need to allege any specific fraud.

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Indeed, many of these suits are brought only because the market price on the securities dropped. The plaintiffs' attorneys name as individual defendants the officers and directors of the corporation and proceed to engulf management in a time-consuming and costly fishing expedition for the alleged fraud.

When you ask the question, what drives these lawsuits, the answer is clear. Even when a company committed no fraud, indeed no negligence, there is still the remote possibility of huge jury verdicts, not to mention the cost of litigation. In the face of this exposure, defendant companies inevitably settle these suits rather than go to trial. I believe lawyers understand the coercive psychology of the system and many of these suits are filed without just cause and solely for the purpose of extracting judgments and settlements.

Mr. Speaker, there are approximately 300 securities lawsuits filed each year. Nearly 93 percent of those suits settle for an average of $8.6 million apiece. That makes this a $2.4 billion industry, with a third of the amount plus expenses going to the lawyers. This is not a small cottage industry. As a result of the perverse economics driving these cases, meritless cases settle for far too much and meritorious cases settle for far too little.

Mr. Speaker, one of the most compelling statistics for reform I believe comes from Silicon Valley, CA, where one out of every two companies have been the subject of a 10(b)(5) securities class action. Every single one of the top 10 companies in Silicon Valley, and these are world class multinational competitors like Hewlett Packard, Intel, Sun Microsystems, and Apple Computer, have been accused of violating the antifraud provisions of the securities laws. Companies in Texas, like Compaq Computer and Texas Instruments, are equally as vulnerable to these kinds of suits.

Mr. Speaker, the current securities litigation system is seriously impacting the competitiveness and productivity of America's technology companies. This is also affecting our ability to create jobs.

In summary, I believe we have demonstrated that the current securities litigation system promotes meritless litigation, shortchanges investors, and costs jobs.

Mr. Speaker, I want to commend the gentleman from Virginia [Mr. BLILEY], our chairman, for moving this forward in an expeditious manner. I would also be remiss if I did not congratulate the gentleman from California [Mr. COX], and the gentleman from Louisiana [Mr. TAUZIN] for the hours that they have put in, not only in this session but in previous sessions, in advancing what I think is a very important and substantial reform in our legal system.

The SPEAKER pro tempore. The Chair yields the gentleman from Massachusetts [Mr. MARKEY] an additional 1½ minutes, due to a little conflict up here.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this bill is a scandalous piece of legislation. It was conceived in the most scandalous and outrageous abuse of the legislative and conference process that I have ever seen in this institution. It sanctifies the most outrageous kind of fraud and misbehavior imaginable. It is a bill that would be beloved by Mike Milken, Ivan Boesky, and Charles Keating. And, by the great scoundrels of the past like Sam Insul and the greatest of all, Mr. Ponzi.

It will permit the skinning of widows and orphans. It will permit raids on pension funds, on the funds at colleges, universities, and churches, and on the moneys held and managed by local governments and States for their pensions and other citizens. It undoes over 60 years of law that has enabled investors to take action to protect themselves against the worst kinds of misbehavior.

How does it do this, DINGELL, you may ask. Well, I am going to tell you.

The safe-harbor provision provides civil immunity in private enforcement actions for any "untrue—forward-looking—statement of material fact"—written or oral—so long as that predictive statement is "accompanied by meaningful cautionary statements." Furthermore, the provision expressly eliminates the duty of corporate insiders to update their predictions if subsequent events make them false.

In a word, this conference report therefore immunizes deliberate fraud. And, in a very sad day indeed, on November 15, 1995, the SEC—reportedly under threats to have its budget cut—wrote a letter to the Senate saying not that SEC endorsed the provision, but only indicating withdrawal of opposition this provision, representing the first time in that agency's history, that I am aware of, that it has supported a national policy that immunizes deliberate fraud from civil liability.

The conference report places highly burdensome pleading requirements on plaintiffs in securities cases, and deletes a key amendment proposed by Senator SPECTER and adopted by the Senate, which clarified that the heightened pleading standard could be satisfied by evidence of a defendant's motive and opportunity to commit securities fraud. The conference report also contains an automatic discovery stay.

The bill's elevated pleading standard for scienter—i.e., the plaintiff must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind"—will require average investors without discovery to know and state facts in pleadings that are only knowable after discovery.

The conference report does not restore aiding and abetting liability in private suits nor does it provide a reasonable extension of the statute of limitations.

The conference report imposes a one-sided loser pays rule on plaintiffs which would require plaintiffs to pay the entire legal fees and expenses of corporate defendants, while a defendant who files spurious motions and pleadings would have to pay only reasonable attorney fees and other expenses incurred as a direct result of the violation.

The conference report establishes an unconscionable discretionary bond requirement to cover the payment of fees and expenses, with no limitations on the amount of the bond. Asking a person who may have already lost their life savings to put up as collateral their house or money set aside for the college education of their children in a meritorious case is just plain wrong.

This is a blue print for fraud: company executives can issue false predictive statements, promising investors anything they want, as along as they dress them up with cautionary statements. Investors can sue in the case of egregious, deliberate fraud, but they would have to meet the new pleading standards for intent, and the bill does not let them engage in discovery to get the facts. Moreover, if the fraudsters can hide the facts for 36 months, they are home free. And you may get stuck with the company's entire legal bill.

Ooops! I almost forgot to tell you about the holy water that we sprinkled on accountants, lawyers, and investment bankers. The bill's failure to restore aiding and abetting liability, coupled with the bill's proportionate liability provision, means that the company can go bankrupt and the executives can hide their ill gotten gains in an offshore bank account and investors are out of luck.

Accountants, lawyers, and investment bankers can look the other way, and engage in reckless behavior that assists the fraud, and not have to pay.

In the Keating case, for example, of some $240 million that was ultimately recovered by some 23,000 innocent investors, about 70 percent, or $168 million, was recovered against unscrupulous accountants, lawyers and brokers who were accessories to the fraud. Now, these rascals would be immunized under the law as a result of our failure to take this opportunity to restore aiding and abetting liability. These investors, totally devoid of any culpability, absolutely innocent, many of them elderly retirees, if this were the law at the time they brought their action, would have recovered some $16 million as opposed to the $240 million that they actually lost and recovered.

This is an outrageous piece of legislation. It has been vigorously and strongly opposed by the well-respected Money magazine in four consecutive issues and by local and national newspaper editorials across the country. It is also opposed by the U.S. Conference of Mayors and the National League of Cities, the Fraternal Order of Police, the International Association of Firefighters, State Attorneys General, the Association of the Bar of the City of New York, the Consumer Federation of America, and the National Council of Individual Investors. I am including representative samples of their commentaries at the conclusion of my remarks for the RECORD.

In closing, I say shame on the Congress for considering it. I say, greater shame upon us if we pass it and shame on anybody who has anything to do with it. If this abomination passes the Congress, I strongly urge President Clinton to veto this bill and send it back with instructions for us to craft balanced, bipartisan legislation that ends frivolous lawsuits without sanctifying fraud and undermining the legal rights of wronged investors.

I include for the RECORD the following material.

[From the Miami Herald, Nov. 14, 1995]

LIARS' BILL OF RIGHTS?

While most of the country is paying attention to the feud over the federal budget, a sinister piece of legislation is making its way through Congress unnoticed. This bill lets companies report false information to investors. That's right, it essentially licenses fraud. It has passed both houses in slightly different forms. A compromise bill will be written soon. If it passes, President Clinton ought to slay it in its tracks.

This bill is a story of good intentions. Some companies have been plagued by frivolous lawsuits from investors who aren't happy with the company's performance. The investor allege, in essence, that the company had forecast good results and then didn't deliver. That, say the plaintiffs, constitutes fraud.

Well, often it doesn't. Investing has risks, including market downturns. When investors sue over mere bad luck, they cost companies money, clog courts, and drain profits from other investors.

Trouble is, by trying to stop this abuse, Congress mistook a simple answer for the right answer. Its solution, in plain terms, was to declare virtually all promises by all companies to be safe from legal challenge. Under this "remedy," company executives now can promise investors anything they like, with not so much as a nod to reality.

They can't legally lie about the past, but if their claims are "forward-looking," they can promise you the moon to get you to invest, and no one can sue them later for being misleading.

Well, almost no one. The bill would allow legal action in the case of egregious, deliberate fraud, but you'd have to prove that it was intentional. And you'd have just three years to discover the fraud and furnish your proof.

It's rare enough to prove outright intent under the best circumstances, but under this bill, if executives can stiff-arm you for just 36 months (not a big challenge), they'd be home free. And then—in another hair-raising provision of the bill—you'd be stuck for the company's entire legal bill. Facing such a risk, no small investor, no matter how badly cheated, would ever dare sue.

This bill evidently struck many members of Congress as a simple answer to a nagging problem. It's nothing of the kind. The problem is real enough, but its solution isn't simple. And it certainly doesn't reside in a law authorizing phony statements to investors.

President Clinton should veto this blunder. Then, when the fight over the budget is over, Congress can take time to think up a more rational solution to the problem.

[From the Houston Chronicle, Nov. 17, 1995]

INSECURITIES

In testimony on a bill to curtail frivolous securities fraud lawsuits, Sen. Robert Bennett, R-Utah, recalled that his father once, as a director of a mutual fund board, had been sued for looting assets, as directors had given themselves a raise (in tandem with increased profits). The suit was settled for $100,000, as had been the case each year the attorney had filed the identical lawsuit. The meritless suit would have been too costly to litigate, the senior Bennett was told.

Those familiar with the world of securities litigation know these scenarios are not uncommon. Such lawsuits are infuriating, harmful to business and investors alike, and they deserve congressional attention to stamp them out.

Charged with enacting laws to douse brush fires in the tort system, Congress instead wants to burn the system to the ground.

Earlier this year, lawmakers passed bills in the House and Senate that threatened to cripple the ability of even legitimate plaintiffs to recoup money swindled by unscrupulous corporate executives, lawyers and accountants. More recently, in meetings to which bill opponents said they were not invited, members of Congress and lobbyists worked out a compromise that is as deadly to investor rights as the original bills.

The compromise guarantees small investors, defined as having a net worth less than $200,000, full recovery if they lose more than 10 percent of their assets in a securities fraud. But why should a person who likely saved over most of his or her life have to lose so much money before being entitled to full compensation in court? And, while $200,000 may sound generous, many Americans in many areas of the country would surpass that amount based solely on their home value.

The compromise allows the Securities and Exchange Commission to sanction lawyers and accountants who knew of fraud and did nothing to stop it, but it does not allow defrauded investors to sue them. That is inadequate redress and promises to shift the burden of policing such cases entirely onto the government.

Proponents brag that the compromise offers no lawsuit protection to companies whose "forward-looking statements" contain knowingly false information and do not contain detailed warnings. What comfort can be gained from such statements if inclusion of a "cautionary statement" nullifies investor protections?

Consumer groups oppose the compromise for the burdens it will place on small investors. But attorneys general of various states and associations of public finance officers also are in opposition because they fear the legislation would expose public funds, such as those invested by counties and school districts, to greater fraud risks.

Congress certainly must act against "professional plaintiffs" and "entrepreneurial attorneys" who file baseless securities fraud claims in pursuit of blackmailed settlements. But lawmakers must work harder than they have to cap lawsuit abuse without putting the life savings of small investors at risk.

[From the San Francisco Chronicle, Nov. 27, 1995]

OPENING THE DOOR TO FRAUD

If a House-Senate conference committee meeting tomorrow does not result in significant changes to legislation regarding investment fraud lawsuits, President Clinton should quickly veto the bill.

Compromise has softened some of the anticonsumer aspects of the legislation, which has the stated goal of eliminating frivolous class-action securities fraud lawsuits. But despite the worthwhile aim, the provisions of a draft conference report on HR 1058 and S 240 go far beyond curbing trivial court actions and instead would wipe out important protections against hustlers of fraudulent securities.

In a letter asking Clinton to veto the bill, San Francisco's chief administrative officer, Bill Lee, noted that the legislation would "erode investor protections in a number of ways: it fails to restore the liability of aiders and abettors of fraud for their actions; it limits many wrongdoers from providing full compensation to innocent fraud victims, by eroding joint and several liability; it could force fraud victims to pay the full legal fees of large corporate defendants if they lose; it provides a blanket shield from liability for companies that make knowingly fraudulent predictions about an investment's performance and risks; and it would preserve a short, three-year statute of limitations for bringing fraud actions, even if fraud is not discovered until after that time."

Securities fraud lawsuits are the primary means for individuals, local governments and other investors to recover losses from investment fraud—whether that fraud is related to money invested in stocks, bonds, mutual funds, individuals retirement accounts, pensions or employee benefit plans.

As the draft report stands, investors would be the losers. And their hopes of receiving convictions in suits similar to those against such well-known con men as Michael Milken and Ivan Boesky would be severely hampered.

In the name of the little guy, Clinton should not let that happen.

[From the New York Times, Nov. 30, 1995]

OVERDRAWN SECURITIES REFORM

The securities bill that Congress is about to pass addresses a nagging problem, frivolous lawsuits by investors against corporations, but in such cavalier fashion that it may end up sheltering some forms of fraud against investors. President Clinton should veto the bill and demand at least two fixes to protect truly defrauded investors.

The bill seeks with good reason to protect corporate officials who issue honest but unintentionally optimistic predictions of corporate profitability. In some past cases, opportunistic shareholders have waited for a company's stock price to fall, then sued on the grounds that their money-losing investments were based on fraudulent misrepresentations of the company's financial prospects. Their game was to use these "strike" suits to threaten companies with explosively expensive litigation in the cynical attempt to win lucrative settlements.

Such suits are a real, if infrequent, problem that can discourage responsible management from issuing information that investors ought to know. The bill would stymie these suits in part by immunizing predictions of corporate profitability that are accompanied by descriptions of important factors—like pending government regulatory action—that could cause financial predictions to provide false. But the language is ambiguous, leading critics to charge that it would protect corporate officials who knowingly issue false information. The President should ask Congress for clarification.

Some provisions of the bill would protect investors by, for example, requiring accountants to report suspected fraud. But other provisions threaten to shut off valid suits. The bill would prevent private litigants from going after lawyers and accounts for inattention that allows corporate fraud. Worse, the bill limits the authority of the Securities and Exchange Commission to sue accountants and others for aiding fraud. The bill would also provide a short statute of limitation that could easily run out before investors discover they have been victimized.

Mr. Clinton should demand that Congress extend the statute of limitations so that investors will have time to file suit after they discover fraud. He should also demand that the bill restore the S.E.C.'s full authority to sue accounts who contribute to corporate fraud. So far, Mr. Clinton has been curiously restrained. A well-targeted veto might force this bill back on the right track.

[From the Bond Buyer, Dec. 4, 1995]

SECURITIES LITIGATION REFORM: A MATTER OF PRINCIPLE

(By Craig T. Ferris)

WASHINGTON.—There are moments when an issue should be decided solely on principle, not politics.

One of those moments will occur late this week when the House and Senate are expected to send President Clinton the securities litigation reform legislation that a conference committee finalized last week.

When the bill arrives on his desk, Clinton should veto the measure on principle because it is bad legislation that could undermine investor confidence in the municipal market.

Despite a few changes from the original House and Senate bills, the final measure is still what state and local groups have termed "a bad bill that has resulted from bad House and Senate bills."

While some backers of the measure say it is needed to curb frivolous securities fraud lawsuits, state and local representatives, plus investor groups, contend that it will hurt investors and prevent individuals, local governments, and pension plans from filing legitimate securities fraud lawsuits.

The bill is substantially flawed, particularly because it does not extend the statute of limitations for securities fraud actions and does not restore the ability of investors to sue aiders and abettors of securities fraud.

Sen. Paul Sarbanes, D-Md., raised and excellent point last Tuesday night when he told conferees that the final bill does not do enough to protect local governments that invest the money of taxpayers and retirees in securities.

"As any reader of the newspaper knows, local governments are often victims of unscrupulous brokers. These government officials want meaningful remedies if they are defrauded," Sarbanes said.

He also said 11 state attorneys general oppose the measure because they argue it would "curtail our efforts to fight securities fraud and to recover damages for our citizens if any of our state or local funds suffer losses due to fraud. In a letter, the attorneys general told Sarbanes the legislation "is unwise public policy in light of rising securities fraud and substantial losses suffered by states and public institutions from high-risk derivatives investments."

These are all excellent reasons why Clinton should veto the measure. Unfortunately, politics may overshadow principle.

Clinton and the Securities and Exchange Commission are under pressure to support the measure—both from House and Senate Republicans who will have a strong say in the funding levels for the SEC and from Senate Republicans who are considering whether to confirm Clinton's two pending nominees for seats on the SEC.

Those pressures appear to be major reasons why the SEC has done little to push the conference committee to include greater protection for investors, particularly state and local governments.

But even if Clinton ignores politics and vetoes the bill, it is likely to become law anyway.

The original House and Senate bill were approved by veto-proof 329-to-99 and 70-to-29 votes, and there is every reason to believe that the final version of the legislation will be approved by both chambers by similar margins.

Despite those drawbacks, the president should stand on principle and veto the measure. It is a bad bill and it should not become law.

[From Money, September 1995]

CONGRESS AIMS AT LAWYERS AND ENDS UP SHOOTING SMALL INVESTORS IN THE BACK

(By Frank Lalli, managing editor)

Imagine a law that makes it much easier for crooks to swindle investors and far more difficult for the victims to sue to get their money back. A law so extreme that it would:

Allow executives to deliberately lie about their firm's prospects.

Prohibit investors from suing the hired guns who assist a fraudulent company, the so-called aiders and abettors, including the accountants, brokers, lawyers and bankers.

Ratify a court ruling that throws out any suit that isn't filed within three years after the fraud took place, even if no one discovers the crime until after that deadline.

And potentially force investors and their lawyers who lose a case to pay the winner's entire legal fees, if the judge later rules that the suit was not justified.

Sounds too radical to be real, doesn't it? Yet legislation that would do all this and more has passed both the House and Senate by overwhelming margins (325 to 99 and 69 to 30). It is now headed for a conference committee where the relatively minor conflicts are expected to be ironed out.

The more responsible members of Congress who backed the effort were looking for a way to discourage frivolous securities suits. But several powerful financial lobbyists and their pals ended up putting small investors in the crosshairs instead. At a time when massive securities fraud has become one of this country's growth industries, this law would cheat victims out of whatever chance they may have of getting their money back. For instance, had this law been on the books thousands of fraud victims might not have collected anything, rather than the billions they rightfully recovered by suing the operators behind such notorious scams as Charles Keating's $288 million savings and loan swindle, the $460 million Towers Financial fraud and Prudential Securities more than $1.3 billion limited partnership hustle.

Take Bill Ayers, 53, a Vietnam War vet who runs a prosperous engineering consulting firm in Crystal City, Va. In the mid-'80s, he plowed more than $1 million into bonds issued by First Humanics, before realizing that the nursing-home chain was built on fraud. He wasn't alone. In all, at least 4,000 people invested more than $80 million in 21 separate bond offers. Despite all that money, Humanics declared bankruptcy in 1989, and the company head, Leo ("Lee") Sutliffe surfaced on his Florida yacht with the nursing homes' former interior decorator.

How did a sophisticated guy like Ayers get fooled? Simple, really. He relied on the company projections, which turned out to be phony, and on bond feasibility reports by Touche Ross (now Deloitte & Touche), which were shoddy. "In reality," says Ayers, "the accounting system was nonexistent." For example, in one case, Touche Ross counted closet space as patient rooms. Then to get the profit-per-room projections to actually work, at least one home slashed its daily food budget to less than $3 per patient.

When Ayers finally caught on five years later, he led a successful class-action lawsuit that ultimately was settled for $45 million from the accountants, lawyers and bank trustees. Sutliffe, meanwhile, got 15 months in federal prison for mail fraud and was fined $1 million.

"But I'd be out of luck under this new law," says Ayers. Sutliffe's lies about the chain's profitability and the bonds' 10 percent to 14 percent yields would have been protected. His aiders and Abettors, principally Touche Ross, also would have been shielded. And before Ayers could have filed the class-action claim, he and his fellow plaintiffs might have been forced to post a prohibitive multimillion-dollar bond to cover the defendants' legal fees just in case the suit was later thrown out of court.

What's worse, he would not have been able to sue in any event because he did not discover the fraud within the three-year time limit; in fact, the statute of limitations would have run out on nearly every Humanics' victim. As Ayers put it: "This law will hurt the people who've already been hurt by the frauds."

So how could such misguided legislation get this far? It's an interesting tale that illustrates how thoroughly the 104th Congress has become the Lobbyists' Congress. Ironically, one of the original ideas behind this reform legislation last year was to increase the three-year statute of limitations imposed by an ill-advised Supreme Court decision. But after the Republicans swept to power, major political contributors, led by the Big Six accounting firms that are smarting over billion-dollar judgments against them in the S&L scandals, helped draft this legislation to attack what they called an "explosion" of frivolous securities suits. They got their way, despite the lack of evidence of any such explosion. The true measure of indiscriminate litigiousness—the number of companies sued each year—has remained relatively level for the past 20 years. What's more, 80 percent of federal judges, who are largely Reagan and Bush appointees, think frivolous suits are a minor concern.

In the final analysis, this legislation, which Sen. Alfonse D'Amato (R-N.Y.), for one, has hailed as "a big win for American consumers," would actually be a grand slam for the sleaziest elements of the financial industry at the expense of ordinary investors.

To make matters worse, this law will soon be followed by other G.O.P.-backed reforms that aim to reduce the information investors get while also curtailing securities regulation. Former Securities and Exchange Commissioner Rick Roberts, a Bush appointee, says he fears these initiatives could undermine our securities markets. "If you look at the whole picture, Congress is taking away the right to bring an action if there's a financial fraud; it's [cutting] the level of information investors receive; and, third, [it] will try to slash the SEC budget so there are no public remedies," Roberts told Money's Ruth Simon. "If I was an investor, I would be getting very queasy about plugging my money into the securities market."

But the financial fat cats haven't sung yet. There is still time to stop these reckless efforts, starting with this litigation reform bill. President Clinton's counsel, Abner Mikva, told Money's Peter Keating: "I think the President would not sign it, [but] we use the word 'veto' very sparingly around here." If you would like to join Money in urging the President to veto this litigation bill, please send us your thoughts, and we will relay them with our endorsement to the President and to key congressional lawmakers. Write to: Protect Our Rights, Money, Room 32-38, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; or send electronic mail to: letters@moneymag.com.

[From MONEY Magazine, October 1995]

Let's Stop This Congress From Helping Crooks Cheat Investors Like You

"I never thought I would urge Bill Clinton to do anything but retire," wrote Miles W. Haupt of Poulsbo, Wash. "But please add my name to your list of people requesting a presidential veto of the small investor rip-off bill you wrote about in September." Haupt is just one of more than 400 MONEY readers who have joined us in urging the President to veto the litigation reform legislation steaming through Congress. This misguided law would, in fact, help white-collar criminals get away with cheating investors. As I write this on Sept. 1, we are receiving 60 letters of support a day; we've gotten a grand total of six in opposition.

The tone of the letters runs from dismay to disgust. The largest number argue that the legislation would undermine confidence in the securities markets. For example, Lester K. Smith of De Kalb, Ill. wrote: "For many years the government has said that Americans do not save and invest enough. Now they want to take away most of the legal safeguards which allow us to save and invest without fear of being cheated." Anastasia R. Touzet of Flora, Miss. concluded: "Are we going back to having to buy gold and silver coins and burying them in the backyard? Is this the America everybody wants? I don't."

Others focused on the special interests that helped draft the bills, with Elizabeth J. Granfield of New Canaan, Conn., for one, mocking the "FOR SALE sign on the congressional lawn." Bill Follek echoed that theme on the Internet: "Congress is trying to flat out legalize white-collar crime; that's what this Congress means by reform."

But the angriest responses by far came from Republicans denouncing their own party for pushing these bills. "I am a 64-year-old lifelong Republican," wrote John A. Cline of Virginia Beach, "but I'm fed up with the party's assault on the public. These acts will backfire. I very well may vote for a third person or even for 'what's his name' who's in there now." Another lifelong Republican, 78-year-old George W. Humm of New Richmond, Ohio, who spent 45 years in the securities business and now arbitrates brokerage disputes, said he was appalled and only hoped Clinton "has the guts to veto this monstrous bill."

Also, Thomas Denzler of New York City pointed out that "tort reform is not necessarily a bad idea" and then quickly added: "But in the area of securities, it is a stupid and venal idea. Shame on Robert Dole and Newt Gingrich." And Donald J. Scott of Henderson, Nev. summed up the tenor of the outcry in one sentence: "The Contract with America is going down the drain."

The legislation that swept through Congress this summer by overwhelming margins (325-99 and 69-30) would do four things:

Allow executives to deliberately lie about their firm's prospects.

Stop investors from suing hired guns who assist fraudulent firms, including accountants, lawyers, brokers and bankers.

Give investors just three years to sue, even if the fraud isn't discovered until after that statute of limitations expires.

Make investors who lose a case potentially liable for the winner's entire legal fees.

As we noted in last month's column, lawmakers originally intended to curb frivolous securities suits. But those good intentions got picked clean by powerful lobbyists, led by major accounting firms, who came swooping down on the bills like hungry crows. The accounting firms and their pals want to protect their wallets after being forced to pay billions in fines and settlements in recent years for their part in various scams—from the savings and loan scandals to the notorious MiniScribe swindle.

Operating through various political action committees and other corporate fund-raising efforts, the major accounting firms and their lobbyists contributed well over $3.3 million to legislators' campaigns—50% more than they gave in '92. In February, for instance, one so-called grass-roots operation sent out software that let members customize letters to selected lawmakers in "a minute or two." In all, a quite sophisticated and effective campaign.

The two bills—HR 1058 and S 240—are now headed for a conference committee to iron out minor conflicts. So at this point, the only way this legislation will get stopped is if the President vetoes it when it hits his desk, perhaps as early as this month. (For more on other ill-advised securities reforms, see "How Washington Could Tip the Scales Against Investors" on page 122.)

You can still make your voice heard. Send your thoughts to us; we will relay them to the President and key lawmakers. Write: Protect Our Rights, Money, Room 32-38, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; send E-mail to: letters@moneymag.com.

[From Money Magazine, November 1995]

Your 1,000 Letters of Protest May Stop This Congress From Jeopardizing Investors

You got through to the President. More than 1,000 money readers so far have written us urging President Clinton to veto this Congress' misguided securities litigation reform, as this column proposed in September and October. Bette Hammer of North Port, Fla. summed up your message: "These bills are legalizing white-collar crime." As we said we would, we have been forwarding every one of your letters to the President and to key Washington lawmakers.

What will happen? Will the President veto the legislation? Will lawmakers rework it into an acceptable form? Or will the President back off to win favor with powerful business interests, particularly those in California's Silicon Valley that he may need so he can get re-elected?

There were no clear answers as we wrote this column in early October. But this much we do know: Your deep disgust with this so-called reform is having a profound impact in Washington. One source told Money Washington bureau chief Tereas Tritch: "To say 'Money magazine' has become the shorthand phrase for all the editorial opposition to these bills." Furthermore, as we were preparing this column, the President sent us the letter here expressing his serious objections to the proposed law. It concludes with a promise: "As we seek to develop thoughtful, balanced reforms to our nation's securities laws, I will keep your readers' views in mind."

He would be wise to do that. There are a lot of votes at stake. Take M.L. and A.H. Spratley of Chatsworth, Calif. They describe themselves as "registered Republican(s) for over 40 years who have never voted for a Democrat . . . but now have no choice but to vote for Mr. Clinton in 1996." That is, unless he fails to "veto the outrageous bills." A politically savvy source summed up the situation this way: "If the President vetoes this, he may win the vote of the common man, but he may lose the money and support of high-tech that he needs to win in California."

Whatever the outcome, however, the struggle over the securities litigation reform bills, H.R. 1058 and S. 240, offers a picture-window view of how laws are being created by the lobbyists and for the lobbyists in this 104th Congress. And, more positively, it also provides a revealing peek at the potentially enormous power that ordinary people have when they find a way to amplify their voices, as they are doing on this issue.

A little background: Earlier this year, following a multimillion-dollar lobbying effort by accountant, high-tech and securities interests, the House and Senate passed differing versions of securities litigation reform, each with overwhelming bipartisan support (325 to 99, and 69 to 30). Lawmakers said they wanted to discourage frivolous securities suits. That is a fine goal. But as one moderating amendment after another was voted down, the legislation the Republican majority and the lobbyists produced went far beyond curbing meritless lawsuits to all but legalizing securities fraud. For example, though the Senate bill would have similar effects, the House bill would definitely undercut investors in at least two specific ways:)

Defrauded investors could no longer collect damages from company executives who tricked them out of their money by deliberately lying about their firms' prospects.

And if investors sued and lost, the judge could more easily force them and their lawyers to pay the winners' entire legal fees. As a consequence, a number of legitimate cases would never get filed. Sen. Arlen Specter (R-Pa.), for one, foresees "a profoundly chilling effect on litigation brought under the securities acts."

In addition, both bills failed to reinstate fundamental investor protections stripped away by two recent, ill-advised Supreme Court decisions:

Defrauded investors can no longer sue hired guns who assist a dishonest company, the firm's so-called aiders and abettors, including accountants, brokers, lawyers and bankers.

And, worse, investors cannot sue at all if they fail to file within three years after the fraud occurs, even when the crime is not discovered until after the deadline.

In his letter to Money, the President clearly rejects the House version, which is more extreme than the Senate alternative. "I could not support that bill," he writes. But he holds out hope that the Senate bill could get improved enough for him to sign it into law. The horse-trading would normally be done by a hand-picked committee of bipartisan lawmakers from both houses. But partly because of your 1,000 letters of protest, the Republicans calling the procedural shots are stalling on convening such a House-Senate conference committee.

Key Republicans, and some nervous lobbyists, fear that House conservatives, notably Chris Cox (R-Calif.), would insist on preserving a few of the House's most extreme provisions in the committee's final compromise bill. If that happened, odds would soar that the President would veto the bill, and that many Senate Democrats and a few Republicans who voted for the Senate version would switch over and sustain the veto. Result: No securities litigation reform at all.

To avoid that scenario, Senate Republicans are trying to convince House colleagues to accept the current Senate version as the final bill. The President might veto that one also. But chances are, he would not do that unless he was sure enough Senate Democrats who supported that version—including Massachusetts' Edward Kennedy, New Jersey's Bill Bradley and West Virginia's Jay Rockefeller—were willing to flip-flop to sustain his veto.

You can bet that the lobbyists who have been pressing for years to protect their corporate clients from being sued for fraud will have a lot to say about the Republican tactics and the outcome. MONEY has learned that the big accountants, who were shaken by the billion-dollar judgments against them in the savings and loan scandal, would be more than satisfied to get today's Senate bill. Securities industry lobbyists would go along with it too; their hot-button issue is retaining the truncated three-year statute of limitations on fraud suits. Fortunately for them, Sen. Alfonse D'Amato (R-N.Y.), who has accepted more than $800,000 in campaign contributions since 1989 from the securities industry, deleted a provision that would have extended the time limit to five years. People don't call him The Senator from Wall Street for nothing.

However, only lobbying interests are demanding the House bill's bullet-proof protection for lying executives. The Senate language, though also ludicrously lax, does at least allow for executives to get in trouble for statements "knowingly made with the purpose and actual intent of misleading investors." The burden would be on the investors, though; they would have to prove that the company official actually intended to defraud them, rather than, say, simply tried to entice them with recklessly inflated claims. If the Senate version becomes law, Sen. Paul Sarbanes (D-Md) says, "A lot of very fast games by some very fast artists are going to be played on the investing public." Still, a Washington source says: "Silicon Valley is insatiable. Unless they're protected from fraud, they won't go along."

So what will the President do if today's Senate bill lands on his desk as the final legislation? Or if he gets an only slightly altered version?

We can only hope that he stands up for small investors like you by vetoing it. Anything less could undermine the public's confidence in the financial markets. Why? Because while Congress is trying to slam the courthouse door shut, it is also threatening to force securities cops off the beat. Late in September, for example, the Senate voted to cut the Securities and Exchange Commission's budget by 10%, even though the reduction might well compel the SEC to lay off enforcement agents.

What should you do? Obviously, if you believe as we do that today's securities litigation legislation foolishly sacrifices investors' interests on the altar of radical reform, keep writing to us. We will relay your thoughts to the key lawmakers and to the President.

Write to: Protect Our Rights. MONEY, Room 32-28, Time & Life Building, Rockefeller Center, New York, N.Y. 10020. Send a fax to: 212-522-0119. Or send E/mail to: letters@moneymag.com.

[From Money Magazine, December 1995]

NOW ONLY CLINTON CAN STOP CONGRESS FROM HURTING SMALL INVESTORS LIKE YOU

The debate over Congress' reckless securities litigation reform has come down to this question: Will President Clinton decide to protect investors, or will he give companies a license to defraud shareholders?

Late in October, Republican congressional staffers agreed on a so-called compromise version of the misguided House and Senate bills. Unfortunately, the new bill jeopardizes small investors in several ways. Yet it will likely soon be sent to Clinton for his signature. The President should not sign it. He should veto it. Here's why:

The bill helps executives get away with lying. Essentially, lying executives get two escape hatches. The bill protects them if, say, they simply call their phony earnings forecast a forward-looking statement and add some cautionary boiler-plate language. In addition, if they fail to do that and an investor sues, the plaintiffs still have to prove the executives actually knew the statement was untrue when they issued it, an extremely difficult standard of proof. Furthermore, if executives later learn that their original forecast was false, the bill specifically says they have no obligation to retract or correct it.

High-tech executives, particularly those in California's Silicon Valley, have lobbied relentlessly for this broad protection. As one congressional source told Money's Washington, D.C. bureau chief Teresa Tritch: "High-tech execs want immunity from liability when they lie." Keep that point in mind the next time your broker calls pitching some high-tech stock based on the corporation's optimistic predictions.

Investors who sue and lose could be forced to pay the winner's court costs. The idea is to discourage frivolous lawsuits. But this bill is overkill. For example, if a judge ruled that just one of many counts in your complaint was baseless, you could have to pay the defendant firm's entire legal costs. In addition, the judge can require plaintiffs in a class action to put up a bond at any time covering the defendant's legal fees just in case they eventually lose. The result: Legitimate lawsuits will not get filed.

Even accountants who okay fraudulent books will get protection. Accountants who are reckless, as opposed to being co-conspirators, would face only limited liability. What's more, new language opens the way for the U.S. Supreme Court to let such practitioners off the hook entirely. If such a lax standard became the law of the land, the accounting profession's fiduciary responsibility to investors and clients alike would be reduced to a sick joke.

Moreover, the bill fails to re-establish an investor's right to sue hired guns, such as accountants, lawyers and bankers who assist dishonest companies. And it neglects to lengthen the tight three-year time limit investors now have to discover a fraud and sue.

Knowledgeable sources say the White House is weighing the bill's political consequences, and business interests are pressing him hard to sign it. "The President wants the good will of Silicon Valley," says one source. "Without California, Clinton is nowhere."

We think the President should focus on a higher concern. Our readers sent more than 1,500 letters in support of our past three editorials denouncing this legislation. As that mail attests, this bill will undermine the public's confidence in our financial markets. And without that confidence, this country is nowhere.

FRATERNAL ORDER OF POLICE, NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, November 30, 1995.

Hon. JOHN D. DINGELL,
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515–2216

DEAR CONGRESSMAN DINGELL: The attached letter to President Clinton reflects our strong opposition to the Securities Litigation Reform Act (S240/HR1058).

While the letter urges the President to veto the bill, we haven't discarded the possibility that Congress will do the right thing—that is, to protect investors from fraud, and, where fraud occurs, protect the rights of investors to seek redress.

When a citizen needs protection, public safety personnel are there. On behalf of the 270,000 rank and file police officers who belong to the Fraternal Order of Police, we ask for your help, and your protection, on this critically important legislative issue.

Sincerely,
GILBERT G. GALLEGOS,
National President,
Fraternal Order of Police.

Fraternal Order of Police, National Legislative Program,
Washington, DC, November 29, 1995.
Hon. William Jefferson Clinton,
President of the United States,
Washington, DC.

Dear President Clinton: On behalf of the National Fraternal Order of Police, I urge you to veto the "Securities Litigation Reform Act" (HR1058/S240). The recently released draft of the House/Senate conference report clearly reflects a dramatic reduction in the ability of private, institutional and government investors to seek redress when victimized by investor fraud.

As a matter of fact, the single most significant result of this legislation would be to create a privileged class of criminals, in that it virtually immunizes lawyers, brokers, accountants and their accomplices from civil liability in cases of securities fraud.

This bad end is reached because of several provisions of the legislation: first, it fails to restore the liability of aiders and abettors of fraud for their actions; second, it limits wrongdoers from providing full compensation to victims of fraud by eroding joint and several liability; third, it could force fraud victims to pay the full legal fees of corporate defendants if the defrauded party loses; and, finally, it retains the short three year statute of limitations for bringing fraud actions, even in cases where the fraud is not discovered until after three years has elapsed.

Mr. President, our 270,000 members stand with you in your commitment to a war on crime; the men and women of the F.O.P. are the foot soldiers in that war. On their behalf, I urge you to reject a bill which would make it less risky for white collar criminals to steal from police pension funds while the police are risking their lives against violent criminals.

Please veto HR1058/S240.

Sincerely,

Gilbert G. Gallegos,
National President,
Fraternal Order of Police.

American Federation of Labor and Congress of Industrial Organizations,
Washington, DC, November 29, 1995.

Dear Representative: The AFL–CIO opposes the conference agreement on H.R. 1058, the Securities Litigation Reform Act of 1995. The conference agreement significantly weakens the ability of stockholders and pension plans to successfully sue companies which use fraudulent information in forward-looking statements that project economic growth and earnings. There is a new "safe harbor" provision in this conference agreement that allows evidence of misleading economic information to be discounted in court if it is accompanied by "appropriate cautionary language."

The AFL–CIO believes this compromise will vastly increase the difficulties that investors and pension plans would have in recovering economic losses. Similarly, the joint and several liability provisions in this bill provide added, and unwarranted, protection for unscrupulous companies, stockbrokers, accountants and lawyers.

In short, this bill tips the scales of justice in favor of the companies and at the expense of stockholders and pension plans. Both of these latter groups are forced to rely exclusively on information provided by these companies when evaluating a stock, but this information would not be able to be used in court to recover economic damages for misleading information.

The Congress should reject the conference agreement on H.R. 1058.

Sincerely,

Peggy Taylor,
Director, Department of Legislation.

National Council of Individual Investors,
Washington, DC, November 27, 1995.
Hon. William J. Clinton,
President of the United States,
The White House, Washington, DC.

Dear Mr. President: We are writing to express our opposition to the recent draft conference report on the Securities Litigation Reform legislation (H.R. 1058/S. 240). We share the concerns of the bills' sponsors that truly frivolous lawsuits harm all Americans. We believe the framework for securities litigation should be improved to more adequately protect the interests of individual investors.

Unfortunately, the draft conference report fails to treat the American investor fairly. For example, as currently drafted, the bill would have cost the victims of the Keating savings and loan fraud over $200 million more than they otherwise lost. Of particular concern to us are the failure to increase the statute of limitations in securities fraud cases, the "safe harbor" provisions that reduce the standards for accuracy in forward looking statements, the "aiding and abetting" provision which limits investors' ability to recover fraud-created losses, and the "most adequate plaintiff" provision naming the largest investor to be the plaintiff.

The National Council of Individual Investors (NCII) is an independent, non-profit membership organization of individual investors established to help them improve their investment performance through education and advocacy.

The fact that the draft conference report does not fairly balance industry concerns with the needs of investors is best demonstrated by its failure to extend the statute of limitations. Specifically, the draft conference report ignores entirely the devastating practical effects of the U.S. Supreme Court's 1991 Lampf decision. Although the Senate bill as introduced included a provision to lengthen the statute of limitations for investors to file securities fraud actions from three years to five years, this provision was dropped.

The result is that defrauded investors will continue to be forced to file suit for redress within one year after discovering the fraud, but in no case more than three years after the fraud was committed. Virtually every law enforcement official—including the SEC and state securities administrators—supports a longer limitation period. The failure to extend the limitation period will make it virtually impossible for defrauded investors to recover in cases of sophisticated and complex frauds that easily can remain concealed for many years. For example, the current statute of limitations for federal cases had to be waived in the billion dollar fraud case against Prudential Securities, Inc. to provide redress for the tens of thousands of victims of securities fraud.

Also of grave concern to us is the draft conference report's safe harbor for forward looking statements. Incredibly, the conference report prevents investors from recovering losses created by reckless and even deliberately fraudulent statements (including oral statements), so long as the perpetrators accompany the fraudulent statements with "cautionary" language saying actual results "may differ." Supporters of the expanded safe harbor claim that it will result in an increased flow of market information. We strongly favor increased investor access to information that is truthful. Obviously however, investors are harmed, not helped, by inaccurate information.

Moreover, in a radical departure from existing law, the draft conference report undermines companies' well-established "duty to update" information on their performances. Under this doctrine, even if a statement or prediction is true when made, there is a duty to correct such a statement if it becomes materially misleading in light of later events. The conference report takes language from the House bill that was not in the Senate bill stating that corporate insiders have no duty to update their predictions even if they turn out to be false. Forcing investors to rely on information known to be false is clearly unfair.

Investors also need effective remedies when they become victims of fraud. Particularly when swindlers have bankrupted a company, investors must be able to look to those who facilitated the fraud for compensation. Here again, the draft conference report fails to protect individual investors. Instead, it protects those who "aid and abet" frauds from civil liability by letting the U.S. Supreme Court's decision in the Central Bank case stand and from SEC action when their conduct is reckless.

We favor higher standards of ethics for those professionals on whom investors rely for information and counsel. Unfortunately, the draft conference report lowers those standards and, by doing so, reduces the likelihood that investors will have effective recourse when they are victims of fraud.

Finally, the conference report draft undermines the rights of individual investors, particularly small ones, in class action suits. Under current law, the court may name any member of a class, to be a representative of the class, regardless of whether he or she lost $1,000 or $1,000,000. The draft conference report includes a provision from the Senate bill defining the "most adequate plaintiff" as the plaintiff with the "largest financial interest" in the case. This provision compromises the rights of individual investors by requiring the court to appoint the largest investor, which in many instances will be an institutional investor, whose interests may differ dramatically from the small individual investor. For example, the largest investor may be able to accept settlements with less than full recoveries or may be more concerned with maintaining good relations with corporate defendants.

In the interest of protecting individual investors from securities fraud, protecting the capital markets from inaccurate information, and protecting the right to redress for small investors, we strongly urge you to oppose, and if necessary, veto this legislation.

Sincerely,

Gerri Detweiler,
Policy Director.

The Association of the Bar of the City of New York,
New York, NY, November 15, 1995.
The President,
The White House,
Washington, DC.

Dear Mr. President: We are writing on behalf of the Association of the Bar of the City of New York to urge that certain changes be made in the proposed "Private Securities Litigation Reform Act of 1995", as it currently appears in the form of a Draft Conference Report dated October 23, 1995.

The Association's Committee on Securities Regulation and Committee on Federal Courts have studied intensively the proposed legislation in its various versions, have submitted detailed reports to Committees of both the House and Senate,[1] and have testified before both the House and Senate subcommittees. There is much about the proposed legislation that is commendable. It takes significant steps to redress abuses identified by Congress, including prohibition of the payment of referral fees to brokers, of the making of bonus payments to individual plaintiffs, and of the payment of attorneys' fees from SEC disgorgement funds. Our prior reports recommended these steps and also supported the enhanced disclosure of settlement terms to class members now contained in Section 102 and the proportionate liability concept contained in Section 202. The Association opposed other proposals (*e.g.*, "loser pays" provisions, provisions modifying the fraud on the market theory, and provisions redefining the recklessness scienter standard) that were wisely deleted from the proposed legislation.

Nevertheless, the proposed legislation should not become law unless certain provisions are changed: certain provisions relating to forward-looking statements that are fundamentally inconsistent with the objectives of the securities laws and the interests of investors, and other provisions relating to Rule 11 of the Federal Rules of Civil Procedure that would be even more onerous than a prior version of Rule 11 that was found to be unworkable and an unreasonable burden on an already burdened civil justice system, and that reflect a lack of balance in certain respects. In addition, if the foregoing changes are made, there are certain other provisions of the proposed legislation that we believe should be changed in order to improve the quality of the bill.

PROVISIONS THAT REQUIRE CHANGE

Safe Harbor for Forward-Looking Statements

The safe harbor provision is at the heart of our concern about the proposed legislation. The proposed statutory language, while superficially appearing to track the concepts and standards of the leading cases in this field, in fact radically departs from them and could immunize artfully packaged and intentional misstatements and omissions of known facts.

Existing law distinguishes between projections, expressions of belief and other "soft" information, and statements of existing facts. The former are protected by the "bespeaks caution" doctrine if they are sufficiently hedged with concrete warnings tailored to the uncertainties that affect the outcome predicted. But a knowingly false statement or omission of material facts known today would not be protected by hedging language. For example, a prediction about the future success of a new drug could be protected by the bespeaks caution doctrine if the uncertainties that attend the development and introduction of new drugs are adequately described. But a failure to disclose that the company's tests to date were already known to have raised substantial questions about the drug's safety or efficacy would not be protected by cautionary language about the necessity and difficulty of securing FDA approval.

The proposed legislation does not reflect this distinction between statements about or omissions of currently existing facts and projections and other soft information. Its definition of "forward-looking statement" now covers any "statement of the assumptions underlying or relating to [a projection or other forward-looking statement] . . ." [proposed Section 13A(i) of the 1933 Act]. Assuming that the standards for protection discussed in the next paragraph are met, even a knowingly false statement of an assumption would not give rise to liability. And even an omission to state, for example, the results of the company's testing would not give rise to liability (again, assuming the standards are met) because the proposed legislation protects any "omission of a material fact . . . with respect to any forward-looking statement . . ." [proposed Section 13A(c)(1)(A) of the 1933 Act].

Proposed Section 13A(c)(1) of the 1933 Act provides that a defendant is not liable with respect to a forward-looking statement if and to the extent that either of the following occur:

1. The forward-looking statement is identified as such and "is accompanied by meaningful cautionary statements identifying substantive factors that could cause actual results to differ materially from those projected in the forward-looking statement," or

2. The plaintiff fails to prove that the defendant (or an officer of a defendant corporation) had "actual knowledge . . . that it was an untrue statement of a material fact or omission of a material fact. . . ."

Accordingly, under the proposed legislation, even if the plaintiff proves that the statement or omission of a currently existing material fact was known to be false, the existence of cautionary language would be enough to protect that knowing falsehood.

Protecting knowingly false statements or omissions of material existing facts is not consistent with the purposes of the federal securities laws and encourages exactly the kind of conduct those laws were designed to eliminate. There is no public policy objective that justifies protecting that kind of conduct in our capital markets. This significant problem can be eliminated by simply adding language to make it clear that the safe harbor does not protect misstatements or omissions of existing material facts that would otherwise give rise to liability.

Finally, the statutory language does not require the cautionary statement to be addressed to the risks that are foreseeable or most likely to occur. The approach in federal case law has been to require "[not just any cautionary language . . . [but] disclaimers . . . [that] relate directly to that on which investors claim to have relied." Kline v. First Western Government Securities, Inc., 24 F.3d 480, 489 (3d Cir. 1994); see, e.g., Harden v. Raffensperger, Hughes & Co., 65 F.3d 1392 (7th Cir. 1995); In re Worlds of Wonder Securities Litigation, 35 F.3d 1407 (9th Cir. 1994); In re Donald J. Trump Casino Securities Litigation, 7 F.3d 357, 371–72 (3d Cir. 1933), cert. denied, 114 S. Ct. 1219 (1994) ("cautionary statements must be substantive and tailored to the specific future projections, estimates or opinions in the prospectus which the plaintiffs challenge").

Section 13A(c)(1)(A)(i) should be revised to make it clear that cautionary statements are only "meaningful" if they identify the substantive factors that are most likely to cause actual results to differ materially—that is, they should be "tailored" to the real risks associated with the forward-looking statement.

Sanctions Against Lawyers and Parties

Section 103 of the proposed legislation provides for mandatory findings, upon the final adjudication of any case, as to whether each party and counsel has complied with Rule 11 of the Federal Rules of Civil Procedure. If the rule has been violated, under the proposed legislation the imposition of sanctions against an offending party or lawyer is mandatory. There is a presumption that an offending plaintiff or plaintiff's lawyer must pay all the legal fees and costs of the entire action, while an adverse finding against a defendant or defendant's lawyer creates a presumption that the defendant or defense counsel must pay the fees and costs directly caused by the dereliction. There are a number of serious problems with Section 103.

In its current form, Rule 11 authorizes federal courts to impose sanctions for pleadings, motions, and other steps that are taken for the purpose of harassment, are frivolous, are without evidentiary support, or are otherwise abusive. There is neither a mandatory finding nor mandatory sanctions. Prior to 1993, the rule provided for mandatory sanctions, but findings were made only upon the motion of an opposing party. The result was a large volume of collateral litigation. The Rule was changed in 1993 upon the recommendation of a nonpartisan advisory committee and after approval by the Supreme Court and the Congress. Those amendments to Rule 11 were designed, among other things, to reduce the collateral litigation by clarifying the rule's standards and removing the requirement of mandatory findings and mandatory sanctions will bring back a high level of collateral litigation in this area, a burden which the justice system can ill afford. Indeed, a major purpose of the proposed legislation is to reduce litigation.

Earlier drafts of the proposed legislation had included a "loser pays" provision, which was rejected by the Congress. The proposed legislation, by creating a presumption that the sanctions for violation of Rule 11 in connection with a plaintiff's complaint should be payment of all the legal fees and costs of the action, takes a significant step back in the direction of a "loser pays" rule.

While Section 103 permits the court to relieve counsel or a litigant from such draconian sanctions upon proof by the person seeking relief that the award would impose an unreasonable burden or would be unjust, or that the Rule 11 violation was de minimis, the threat that a hostile judge would impose sanctions that could wipe out a lawyer or litigant would have a chilling effect on even the most meritorious suits.

We believe that Rule 11 should remain in its current form, which accords substantial discretion to the parties in deciding whether to request sanctions and to the trial judge in tailoring the sanctions to the wrongdoing.

OTHER COMMENTS

Pleading Requirements

The pleading requirement regarding the defendants' state of mind is more demanding in the proposed legislation than in S. 240. The proposed legislation would require that in a private action for money damages where the plaintiff must show that the defendant acted with a particular state of mind, "the complaint shall, with respect to each act or omission alleged to violate this title, specifically allege facts giving rise to a strong inference that the defendant acted with the required state of mind."

This language is derived from the case law developed in the United States Court of Appeals for the Second Circuit, but it incompletely sets forth the Second Circuit standard. *See Shields v. Citytrust Bancorp., Inc.*, 25

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[1] "Report on Private Securities Litigation Reform Legislation" (S. 1976, the Dodd-Domenici Bill), the Record of the Association of the Bar of the City of New York (the "Record"), Vol. 50, No. 1, Jan/Feb 1995 and "Report on Title II of H.R. 10 (HR 1058) "Reform of Private Securities Litigation," The Record, Vol. 50, No. 5, June, 1995.

F.3d 1124, 1128 (2d Cir. 1994). On the Senate floor, Senator Specter offered an amendment, which was adopted by the Senate and contained in S. 240, that was designed to adopt the complete Second Circuit standard used by the courts: a strong inference that the defendant acted with the required state of mind may be established either—

(A) by alleging facts to show that the defendant had both motive and opportunity to commit fraud; or

(B) by alleging facts that constitute strong circumstantial evidence of conscious misbehavior or recklessness by the defendant.

Without the complete Second Circuit standard, courts would be given no guidance by the proposed legislation as to how a plaintiff can plead the required state of mind without the benefit of access to the defendants' thought processes and internal documents. Moreover, elimination of the Specter amendment might constitute evidence of legislative intent that such standard may not be used by the courts for guidance.

Enforcement Actions Based On Aiding and Abetting

The proposed legislation ineffectively deals with the consequences of the Supreme Court's decision in the *Central Bank* case, in which the Court held that there is no implied civil liability for aiding and abetting fraudulent conduct in violation of Rule 10b–5 promulgated under the 1934 Act. While its holding related to private litigation, the reasoning of the Court in *Central Bank* has led some to question the SEC's authority to prosecute aiders and abettors.

The proposed legislation does not restore aiding and abetting liability in private actions. In cases where the issuer has gone bankrupt, even though others have acted knowingly and in spite of the proposed legislation's adoption of proportionate liability, injured investors may be left with no recourse under the federal securities laws. The proposed legislation confirms the SEC's authority to pursue aiding and abetting claims, which we support. But the SEC can only prevail if the defendant has "knowingly provide[ed] substantial assistance" to the primary wrongdoer, thereby probably barring the Commission from pursuing aiders and abettors who act recklessly.

As stated in our Report on S. 1976, we believe that this restriction on the ability of the Commission to act is unwise. Some recent notorious cases have involved professionals whose reckless conduct permitted unscrupulous but ultimately judgment-proof promoters to defraud the investing public of hundreds of millions of dollars. Since liability in SEC actions would be limited to aiders and abettors who know of the fraudulent conduct and render substantial assistance anyway, the legislation could provide an incentive to professionals to close their eyes to red flags suggesting the existence of fraud in order to avoid obtaining actual knowledge.

Very truly yours,

STEPHEN J. FRIEDMAN,
Chairman,
Committee on Securities Regulation.
EDWIN G. SCHALLERT,
Chairman,
Committee on Federal Courts.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I thank the gentleman from Virginia, Mr. BLILEY, for yielding and commend him, my colleague and friend from Orange County, Mr. COX, and the bipartisan group in both bodies who have worked so hard to bring the securities litigation reform conference report to the floor. I join them in strong support of the conference report and urge the House to vote for it.

Early in March, the House began the process of enacting a much needed reform of our securities laws. Today's conference report builds on that effort and melds the best features of both the House and Senate-passed bills into a measure worthy of support.

As many of my colleagues have already stated, the future of our Nation's competitive advantage lies in our ability to develop products that are on the cutting edge of technology and research. The business ventures which undertake such activities are among the fastest growing segments of our economy. Indeed, they are the pride of our economy and, for many of us, the pride of our districts and States.

As a corporate lawyer, I am well aware that many of these business ventures are saddled by the costs and distractions of unwarranted and meritless lawsuits, filed when stock prices fluctuate for reasons beyond the control of business management. The consequences of these abusive suits are costly legal proceedings that, in virtually every 10b–5 case, lead to settlements. Despite the absence of wrongdoing by management or management's advisers, corporations are essentially forced to pay large sums to avoid even larger expenses associated with putting on a legal defense.

During our debate in March, for example, I cited several cases, including that of Sun Microsystems, the world's leading manufacture of computer work stations, Silicon Graphics of Mountain View, and Rykoff-Sexton of Los Angeles. They are only a few of the many examples of the huge waste in resources defending, as well as prosecuting, meritless cases.

Also targeted without regard to their actual culpability are deep pocket defendants, including accountants, underwriters, and individuals who may be covered by insurance. As a consequence, the increased costs they suffer are passed along to businesses. Indeed, American companies pay higher premiums for director and officers insurance. One high-technology company had its premiums increased from $29,000 per year for $2 million in coverage when it was privately held, to $450,000 per year for $5 million in coverage when it went public. Its Canadian competitor pays $40,000 for $4 million in coverage.

It is critical to remember that investors are on both sides of these lawsuits. For one side, the return on their investments is reduced by the costs borne by the securities industry generally and the company in which they invested.

On the other side, even where they are legitimate claims investors are inadequately compensated because, under the current scheme, lawyers have incentives to settle quickly and move on to the next case.

These costs have consequences. Companies targeted because of their volatility of their stock prices have resources diverted from research and development, new product development, and market expansion. Millions of dollars that could be used for productive business purposes are consumed by wasteful lawsuits. Jobs are lost or never created.

The conference report before us ends abusive practices and restores investor control over lawsuits. Most importantly, it removes the incentives for abusive lawsuits, and requires courts to sanction parties for frivolous or factually unsupported arguments and motions.

Mr. Speaker, if our Nation is to continue to compete in the global market and to excel in those technologies that improve our living standard and that of the world, we need to reform our securities litigation system. We need to ensure that small high-technology and emerging growth companies can devote their resources to research and product development and promotion, instead of paying for the ill-gotten gains derived from abusive lawsuits.

I encourage my colleagues to support H.R. 1058.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], the ranking member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding me this time. As the distinguished gentleman from Michigan and dean of the House, Mr. DINGELL, has pointed out, this is classic special interest legislation of, for, and by special interest lobbyists. Among the many outrageous provisions of the legislation is the 3-year statute of limitations. Unless a victim brings suit within 3 years, that victim can be forever barred, even if circumstances prevented his or her knowledge of the cause of action. That could leave those who would rob our seniors and other investors laughing all the way to the bank.

Witness the Washington Public Power System nuclear reactor case. In that case, there was a highly complex scheme to defraud, relying on borrowed money, obscured by delayed construction, and eventually resulting in a massive bond default. A 3-year statutory bar in that case could have let the wrongdoers go scott free, because the discovery of the actual wrongdoing took years.

In the Prudential Securities case, in which over $1 billion was paid to bondholders, the settlement required an actual waiving of the statute of limitations. That tells us that, if anything, the current law is already too burdensome for victims. Making it even more restrictive, as this measure proposes, is an outrage.

We also conveniently eliminate the civil RICO law that provides treble damages for securities fraud. It is a law that is continually relied on by our Nation's seniors and others who invest their life savings in retirement accounts only to have those accounts then stolen through fraud.

We create a safe harbor for misleading corporate statements about future investments which lure unsuspecting investors; in effect it's a license to lie. We also create immunization for all those wonderful middlemen in securities fraud schemes—lawyers, accountants, and brokers—who represented more than half of the legal judgments in the Keating scandal. We also create a wonderful new trick in the law, a loser pays provision, so that a fraud victim that dares sue a big corporation could end up paying the corporation's legal bill.

Then we eliminate joint and severe liability, just to further prevent full recovery for even more fraud victims—that is if victims can still bring suit after the civil RICO and statutory limitation bars. This is the biggest rip-off that we are perpetrating.

This is no longer about the crooks in the investment and securities fraud. This is about what we are going to do. Keep a straight face if you can, but I believe that the Members of this House can do a little better in protecting the needs of our seniors and average investors than that very distinguished other body.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report on securities litigation reform.

Legislation to curb abusive securities-fraud lawsuits was approved by veto-proof margins by both Houses of Congress earlier in the year.

The conference report before us takes a moderate approach to the problem of frivolous securities class-action lawsuits, also known as strike suits.

I would not suggest for a moment that all shareholder lawsuits are frivolous. Certainly, real cases of fraud do occur.

However, there is a collection of class-action lawyers out there who are filing meritless fraud suits against publicly traded companies, especially high-technology firms, whenever their stock prices fall.

A relatively small group of lawyers is responsible for the bulk of these suits, characterized by professional plaintiffs and victims on retainer. They have used the securities laws to win billions from corporations and their accountants.

Strike suits force American companies large and small to squander time and money defending unsubstantiated allegations. Even though 93 percent of these cases never go on trial, each lawsuit cost an average of 1,000 hours of management time and almost $700,000 in legal defense fees. The average settlement costs a company $8.6 million.

Meanwhile, defrauded mom and pop investors recover only 7 cents for every dollar lost in the market.

The reforms under consideration will return the focus of securities laws to their original purpose—protecting investors and and helping actual victims of fraud.

This legislation has been described as a boom for securities firms, accounting firms, and public companies. I might add that it is a boon for employees of those companies, as well as anyone who invests in them in the hope that their stock will go up, not down.

These reforms are long overdue. They're good for American business, they're good for American competitiveness, and they're good for American investors.

□ 1215

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding me time. There are few Members of this House, Mr. Speaker, who represent more of the financial community than I do in the communities in my New Jersey district. And so when this House originally considered securities reform, I thought it would make a real contribution. I was wrong.

There was an opportunity to deal with the abuses. Instead, we have raised an enormous new threat to the economy in the innovation and technology of our country. The American economy rests on the confidence of small family investors, retirees, and small business people who feel comfortable putting their life's savings in these markets, knowing if they are defrauded that they have recourse; that the little man and the big corporate leader have equal standing. Today, we break that balance and we raise the prospect that America, which uniquely has brought all Americans into its investment markets, can lose.

This can be done right. I rise, Mr. Speaker, in support of the motion to recommit, in the belief that this time, if we have a legitimate conference, where the decisions are made by the conferees and not before they are even named, we can have a better bill.

The examples are clear. This is weaker than the original bill written by the other body. The language of "knowingly made with a purpose and actual intent of misleading investors" was dropped. The one protection we had for the little investor, for our retirees in our districts, for our little businessmen, now has no recourse.

House language was developed to provide there be no duty on corporate insiders to update their predictions, even if they are found to be false, but that language survived.

Mr. Speaker, I advise Members that this is an important enough provision to do it right. Vote for the motion to recommit, and if it fails, defeat the bill. Let us do it right.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the chairman. Members, first of all, there is no motion to recommit. The Senate had that motion, and the Senate has already acted on the conference report. There will be a straight up or down vote on the conference report, and I rise in strong support of that vote in favor of the conference report.

There is a reason why a majority of the Democrats joined the majority of the Republicans in this House in passing this bill earlier this year. There is a reason why so many Democrats from California, who live in the high-tech communities, rise in support of this bill in this conference report. It is because this bill finally addresses a legal system out of control.

The gentlewoman from California, Ms. HARMAN, said it best. There are two sets of stockholder investors at risk here. On the one hand, there are stockholders who honestly believe they have been defrauded. This bill protects their right to sue and to collect if, in fact, there has been a fraud committed against them. There is another group of stockholders. They are the stockholders who are left with the company who gets sued. They are the stockholders that have to lose money because their company has to buy exorbitant insurance coverage to protect themselves from these strike suits.

If Members do not think it is high, let me cite one high-tech company which was paying $29,000 a year for $2 million worth of coverage. When they went public, their insurance immediately jumped to $450,000 a year for a $5 million policy. Their counterpart in Canada, their competition, pays only $40,000 a year for a similar policy. It is because of our legal system gone awry that insurance costs have risen so high because of these strike suits.

The investors in America's companies should not have to pay these exorbitant insurance costs and these strike suit legal costs. We should fix this system.

If Members do not think it is broke, let me cite one good example from California. A company in California was strike sued immediately when their stock prices changed. A lawyer in California brought a suit saying, oh, there must have been fraud, the price of the stock dropped. And all the parties to the lawsuit, including the accountants in the office of the company, the board of directors, everyone had to go through an extensive period of a year of discovery.

It got so expensive, that in the interest of the shareholders, who still were invested in the company, they agreed to settle at 10 cents on the dollar, where 90 percent of these cases are settled. And so they settled it, because it was cheaper to pay the lawyers to go away than it was to continue fighting the lawsuit.

Guess what? Immediately thereafter another lawyer representing the stockholders who were still with the company brought another lawsuit against the company, alleging that it should not have paid anything to these lawyers for this frivolous lawsuit. They got sued for settling; they got sued in the firsthand. Danged if you do, danged if you don't.

The law creates that kind of awful situation where stockholders get burned on both ends. The legal profession benefits. We need to fix this law so stockholders are protected, not lawyers. I urge adoption of the conference report.

Mr. MARKEY. Mr. Speaker, can we get a recap of the time at this point?

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] has 19½ minutes remaining and the gentleman from Virginia [Mr. BLILEY] has 17 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN], the Democratic nominee for the Senate.

Mr. WYDEN. Mr. Speaker, I thank my good friend from Massachusetts for his courtesy, and I would only say to my colleagues that there are two ways in America to reduce fraud and protect investors and consumers. We can do it through litigation, and under any circumstances this involves playing catchup ball after a fraud has been perpetrated; or we can detect and deter fraud up front, and that is what this legislation requires.

For the first time in America, under this bill, accountants would be affirmatively required to search for, attempt to detect fraud, and report it to management. If management did not correct it, it would then have to be passed on to Government regulators.

I am of the view, and we saw this under the leadership of the gentleman from Michigan [Mr. DINGELL] that had this requirement been in effect in America, Charles Keating could have been stopped in his tracks cold. Because in the Keating case, the auditors had the goods. And instead of reporting the fraud, they simply shrunk away.

The fraud reporting requirement in this legislation, in my view, provides an opportunity to change the psychology in corporate board rooms all across America. Because in the future, management will know that they cannot have an auditor in their pocket. They will know that an auditor has a legal responsibility to report fraud when this legislation is signed.

So I ask my colleagues to support the bill. It provides a chance to try a fresh approach. Litigation is appropriate where consumers are fleeced, but let us do more to prevent fraud up front by requiring the auditors to blow the whistle. That is what this legislation requires, and I thank my good friend for yielding me the time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume to say that I want to applaud the gentleman from Oregon and thank him for all his good work in the fraud section of this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I think something that has been pointed out previously but deserves to be pointed out again, is that this is a bipartisan bill in terms of over 50 percent of the Democrats supporting it.

In a sense, speaking to my Democratic colleagues, what I think is important for us to realize is that just because something is good for public corporations does not mean it is bad for America. I think that is something we need to understand as individuals, but also as a party as well.

If we talk about the specifics of this legislation, what occurs out there in the real world is that when a stock goes down, a company gets sued automatically, essentially. And there are professional plaintiffs out there that do this. The value added to the economy, to investors, to everyone in America of those lawsuits is negative. The effects are negative. The effects hurt America.

As a party, we care about jobs. As individuals and all Americans, we care about jobs. The effect of this, the existing system, is to hurt access to capital. Hurting access to capital hurts existing businesses, growth businesses, upstart businesses, which are really the major creators of wealth in new jobs in this country.

Mr. Speaker, in an era where we are competing in a world economy, to keep this shackle on us, especially when the value we are getting in terms of this focus of preventing fraud, and I think, as the gentleman from Oregon pointed out, this legislation, in terms of the real world, the real effect, will have a positive effect. This is not throwing out protections at all. That is a hyperbole that has been discussed on the floor.

When we look at the specifics of what this legislation does, both in terms of affirmative duties of accountants, but in terms of SEC regulations as well, it is that investors' protection is not strong. What is cut out in this bill is frivolous lawsuits that have cost investors and cost our economy across America untold adverse effects over the years.

Mr. Speaker, I rise today in support of the conference agreement on securities litigation reform.

Yesterday, the Senate overwhelmingly endorsed this proinvestor bill and today, I am confident that the House will echo its support with equal strength. Quite honestly, it behooves me that anyone who understands this bill could oppose it. It is a simple decision, a decision between stimulating growth or promoting frivolous, mercenary lawsuits.

For far too long, economic growth and shareholder returns have been stifled by a ring of legal shackles that pumps the pockets of a few at the expense of many.

This bill will right a terrible injustice: the abusive practice of hiring professional plaintiffs and holding other shareholders as pawns in meritless securities lawsuits.

This bill will restore power to real investors in securities lawsuits, changing the rules so that actual investors, not predatory lawyers, call the shots. This bill will give the Government tough new powers to prevent securities fraud and to punish such fraud when it does take place.

South Florida is home to a great number of dynamic enterprises—growth companies. For these growth companies, passage of H.R. 1058 is a high priority, because H.R. 1058 is a jobs bill. When this bill becomes law, the innovators in my district will be able to spend more resources and effort in creating new jobs, and waste less time confronting frivolous lawsuits.

There's a false notion that this bill weakens the law. The fact is, this bill strengthens the law. It will strengthen the integrity of the law. It will strengthen the people's respect for the law. It will do this by putting fraudulent legal schemes by predatory lawyers out of business. H.R. 1058 will strengthen our capabilities for combating fraud.

This is bipartisan legislation. The majority of Members of my party, the Democratic Party, in this Chamber today will vote for this legislation. Progressive Democrats who also may be called New Democrats—Democrats who want innovative businesses to flourish and create jobs—support this bill.

Mr. Speaker, America's capital markets grew to be the strongest in the world in no small part because of our legal system's honesty and integrity. Reforming securities litigation laws will correct an unfortunate flaw in our system and give it the full strength we need to stay competitive in the world. For the good of every American who invests in stock or a pension plan, I urge my colleagues to vote for this bill, and I urge the President to sign it.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, the time will not allow me to tell the story of Z Best Carpet. I would need 10 minutes, but I will do the best I can, because I understand the motivation for this bill. I understand the problems that the proponents of this bill raise, but I would be interested, and maybe the gentleman from California [Mr. COX], at some point, or one of the other proponents of the bill, could explain for me why they needed to go as far as they went.

Why did the opponents of this want to immunize from liability a company that, with full knowledge, and with fraudulent intent, lies about their future prospects? Not makes a mistake, not makes a prediction which turns out to be wrong, not even is reckless in making a suggestion, but with full knowledge of the facts decides to lie about the future in order to attract investors, in order to drive up the stock, and in order to make ill-gotten gain.

That provision goes too far in this bill, and that alone should force the Members of this body to reject this conference report.

Z Best Carpet, a company started by a 20-year-old, just went bankrupt, after a guy who had a total con job, pretending to restore carpets, getting lawyers and accountants to certify what he was doing was real, having a public offering, putting out press releases with false statements, attracting tens of millions of dollars of investors, whose money was lost completely by virtue of this totally empty business. If this bill were in place with this provision that immunizes fraudulent statements about future predictions, where he would predict huge earnings based on the total phony statement of revenues that never existed, all the people who were involved in that future prediction would be immunized from liability.

The safe-harbor provisions and the recitals of potential problems in the future do not do anything to take away from the fact that he decided to put something in writing which he knew to be false, and that is wrong.

☐ 1230

What happened here was a settlement was made. The investors recovered 55 cents on the dollar. If this bill were in place, they would have gotten nothing. I do not think that is right. I think in trying to deal with a serious problem, my colleagues have gone too far. I do hope that the body rejects this particular proposal.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from California, but I will respond to the response, if the gentleman will make it short.

Mr. COX of California. Mr. Speaker, I am not sure I understood the qualification, but if the gentleman is yielding to me I would be pleased to respond to the question that he earlier raised.

Mr. Speaker, I have before me a letter from CALPERS, the California Public Employees' Retirement System, which as you know is the largest publicly funded retirement system in the country.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from California has expired.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, this is a comment by CALPERS, by our publicly funded retirement system in California, which takes care of the retirement assets of all of our workers. They are very concerned about the status quo, because right now there is not sufficient disclosure for them to make decisions about how to invest. They want to make sure that when a company tries to help them with what is called forward-looking information, that they do not risk a lawsuit.

Mr. Speaker, it is impossible, if we are being fair in our definition of "fraud," to say that when we are talking about future events someone did it fraudulently. Existing law requires that there be statements.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I want to protect forward-looking statements and I want to protect that ability to attract investors. I am not asking that they be necessarily accurate all the time, or right, or correct. I am saying that when they know what they are saying in the future that their nonexistent revenue will grow by 30 percent each year, that that should not be immunized.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Speaker, the first and perhaps the most important overall criticism of this bill is it severely undercuts the deterrent function of the laws against fraud. Those are the first protections that the marketplace provides to investors to induce them into the marketplace so that, in fact, there are robust, long-term levels of investment in our economy.

Let me give the specific concerns which we have about this bill. It is absolutely unbelievable. First, the new safe harbor provision. We should call it a safe ocean. By the way, the SEC is going to need a two-ocean navy to police this safe ocean which is constructed in this bill.

It confers immunity from liability even for intentionally fraudulent forward-looking statements, intentional written misrepresentations about forward-looking information. Even if for the express purpose of defrauding investors, it may be entirely immunized from liability as long as they are accompanied by meaningful cautionary language.

Second, the new safe harbor, safe ocean, may rescind the duty to update past projections, even if a company learns that they were false and misleading. A company's duty to provide updated information if it learns that a previous forward-looking statement is false may be eliminated based on the language in the draft conference report.

If so, the company would be free to leave false information in the public domain and to withhold, to withhold accurate, updated information even if its purpose is to deceive or mislead investors.

Third, a new provision invites the courts to legalize reckless conduct. The conference report fails to codify the recklessness standard used by the Federal courts and expressly instructs the courts not to infer from the legislative history of this bill any congressional intent to endorse recklessness as a liability standard.

The conference report, furthermore, eliminates the SEC's ability to prosecute those who recklessly aid and abet fraud. The conference report fails to restore any form of civil liability for those who aid and abet fraud.

The conference report fails to restore a reasonable standard of limitations, only 3 years. It took years, many more than 3 years, to find out what frauds were perpetrated under Garn-St Germain that passed this House in 1981. We were learning in 1987 and 1988 and 1989. We are telling poor, innocent investors if they cannot find out what these malefactors are engaged in in 3 years, we are sorry, they have lost their life savings. That is wrong. It is an unreasonable number and the S&L crisis instructs us that it is wrong. We should do better by the investors of this country.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] has 14 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 11½ minutes remaining.

Mr. BLILEY. Do we have the right to close, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise in strong support of the conference report on securities litigation reform and as a member of the conference committee, I urge my colleagues to vote in favor of this revised and improved bipartisan legislation.

Anyone looking at the growing number of strike suits being brought against American companies today can only conclude that our legal system needs repair. This conference report provides the necessary reforms to address and remedy these problems.

As the Representative from Silicon Valley, I know that businesses in my region place themselves in of two categories: those that have been sued for securities fraud and those that will be. The vast majority have already been sued—resulting in hundreds of millions of dollars in needless expenses.

This legislation provides companies with relief, but not a blank check. The right of investors to sue in cases of actual fraud is protected by this bill.

It does this by eliminating fishing expedition lawsuits, ending the use of professional plaintiffs, stopping the practice of offering bounties to plaintiffs for signing their names to documents, and allowing companies to make forward-looking statements without liability as long as these statements are accompanied by specific warnings that their predictions may not come true.

Further, this legislation has evolved greatly since we considered this issue last March. On nearly every point of contention, it has been modified to meet the concerns of the Senate, the SEC, and the administration to protect the consumers from actual fraud.

Mr. Speaker, the securities litigation reform conference report is good for investors and businesses alike.

I urge all my colleagues to support this important bipartisan legislation.

Mr. MARKEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I rise to compliment the work of Timothy Forde and Consuela Washington, who were the two counsels for the minority who worked on this bill throughout the course of this year. They developed an alternative bill which dealt fully with all of the frivolous lawsuits that had been brought over the past decade and would have cured the problem. I just want to recognize their good work at this time, and also mention the work of Jeffrey Duncan and Alan Roth and their help on this.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, a little earlier this afternoon, a previous speaker repeated a myth that I think is widely characterized, or could be widely characterized, as a scare tactic. Sometimes we are prone to repeat things over and over again in hopes that either we ourselves start to believe them, or that our colleagues will be scared into believing them.

Mr. Speaker, what that speaker said is that lawsuits automatically are filed when a stock price falls 10 or 20 percent, and that is just simply not the truth.

Three recent detailed studies document the falseness of this argument. In one, a comparison of the number of stock price drops of 10 percent or more in 1 day between the years of 1986 and 1992, and the number of suits filed against those companies whose stocks dropped revealed that only 2.8 percent of those companies ever were sued.

The second study was done by Baruch Lev of the University of California at Berkeley. It was completed in August 1994; in it, a test sample of 589 cases of large stock price declines following a quarter earnings announcement. Extensive research by Lev has revealed that only 20 lawsuits amounting to 3.4 percent of the sample ever were sued.

As Lev noted in his finding, it was hardly consistent with the widespread belief that shareholder litigations are automatically triggered by large stock price declines.

Lev's study was consistent with a third study by academics at the University of Chicago. This was back in March 1993. That study took in 51 companies that sustained 20 percent or greater declines in earnings or sales and that revealed that only one company was the target of a shareholder lawsuit.

So, I will say, my colleagues can keep repeating these myths, they can hope that they can convince themselves and their colleagues to believe them, but the fact of the matter is when we look at these academic studies that it is simply not true, and this conference report should be voted down.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I would like to just respond to the previous speaker, because I can tell my colleagues that 11 months ago I was a lawyer in private practice in Seattle. Anybody who has been practicing law, or involved in this area in the real world recently, knows for sure that this stuff happens.

Mr. Speaker, I can tell my colleagues that there are lawyers in Seattle, WA, who have computer hookups into the stock market and who look at those carefully to decide who to sue. I can tell my colleagues that, frankly, we are in a system right now that anybody who is familiar with it knows it is badly broken and needs to be fixed.

Mr. Speaker, let me say a couple of words about why this system as it works now is so bad, because it is really counterproductive to the very goals we are trying to achieve. The current system prevents people from disclosing information investors would like to have because they can never be sure that they will not be sued for it.

It hurts small companies, because those are the ones that have volatile stock prices. Those are just the companies that need to continue to prosper and who can least afford the cost of a big lawsuit. The worst thing, the thing that bothers me most about the current state of the law, is that it is turned into an elaborate game of chance, not based on right or wrong or justice or injustice, but based on a system that allows lawyers to extort companies and force them to go through a long procedure, even if they are totally innocent, before they can be proven to be innocent.

Mr. Speaker, this law is badly needed. It frankly does not go far enough, but it is a step in the right direction. I urge all my colleagues to support the conference report.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GONZALEZ], the ranking minority member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Speaker, as has been emphasized at different times during this last year, particularly, legislation that jeopardizes the rights of honest investors will have a number of very negative consequences, of course.

First, creating substantial obstacles to legitimate lawsuits will significantly diminish deterrence, arguably the most important function of the antifraud provisions of the securities laws. Of course, through the years, and my membership on the Committee on Banking and Financial Services since I came here in 1961, we have faced this repeatedly.

Second, if deterrence is, in fact, diminished, then we are likely to see a significant increase in deceitful and dishonest activity in the market. We have witnessed that in the past.

□ 1245

It is human nature to do what you can and get away with it. If people know that they are unlikely to be caught or to be held accountable for their actions, the temptation is for many to push the frontiers of what they can get away with. This is especially true when the rewards can be immense. Indeed, this is why each of us supports reforms of the procedures governing securities class action suits.

The argument that plaintiffs' lawyers will push the frontiers of what they can get away with if there are not proper mechanisms to hold them accountable for their actions does have merit. But plaintiffs' lawyers are not endowed with any qualities that we know of that makes them succumb to temptation more quickly or frequently than anyone else. And nowhere are the rewards as tempting as they are in the field of securities investments where companies, corporate executives, and financial professionals can potentially make immense profits merely by shading or withholding the truth.

In fact, there have been so many massive financial frauds and scandals related to securities in recent years that they can be recalled by reference to a single name, Prudential, Salomon Brothers, Kidder Peabody, Drexel, the Washington Public Power Supply System, the famous or infamous Lincoln Savings, PharMor, Miniscribe, Centrust. All of these loom large in our memories or some of the older ones. To that list we can now add Orange County, Barings, Daiwa, New Era, and the Common Fund. It is remarkable that investor confidence in our markets has not been shaken by these events.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of this legislation. When the bill came before the House last March, I was actually torn. The legislation brought before us then overreacted to what was a very real problem.

I represent an area in California, Silicon Valley, that is home to numerous high-technology companies. These firms are high-growth, entrepreneurial companies with cutting edge new ideas. They are companies of the future. Due to the changeable nature of high-technology industries, stock prices for enterprises can be somewhat volatile.

Current law allows these price fluctuations to form the basis for lawsuits even when no real fraud has occurred. Our local newspaper has found that 19 of the 30 largest companies in Silicon Valley have fallen prey to securities suits. Most of the others expect to be sued soon. Many high-technology companies accordingly now refuse to provide any information about their future performance in order to avoid liability, which deprives all investors of important information.

This is a problem for our economy. Although I was concerned about the original House version of this bill, I am very pleased with the conference report, as it resolves most of the issues I saw at that time.

Unlike the House passed bill, the conference bill has no loser-pay provision, preserves joint and several liability, adopts fair changes to pleading requirements, which are already the law in one Federal circuit, and codifies what I believe is a reasonable safe harbor provision that has already been endorsed by the Securities and Exchange Commission.

Mr. Speaker, I have opposed most of the extreme litigation reform measures pushed through this Congress, but this bill is quite different from those other proposals.

Let me address one final point. This bill is not perfect. It does not address some issues that could have been addressed such as the issues of the statute of limitations and civil liability for aiding and abetting fraud. Those problems, if they are problems, can, if need be, be dealt with in subsequent legislation. But this bill does not create those problems. It does not solve those problems. It is neutral on those problems and is not a valid reason for not endorsing this very moderate, sensible bill that I hope our President will sign. I urge my colleagues to vote for it.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Mr. Speaker, the engine of economic growth in this country is under assault from some lawyers who give the term "gone fishing" an entirely new meaning. These lawyers are trolling for easy money won from vulnerable companies whose only crime is being subject to a volatile market.

Small entrepreneurial high-technology companies in Massachusetts are being hit with strike suits which seek damages for a loss in stock value. Since going public, recently a number of companies in Massachusetts have been subject to not just one but two and three such suits. One was filed less than 24 hours after this company disclosed quarterly earnings lower than the previous quarter.

This is not unusual. Hundreds of suits are filed by lawyers and professional plaintiffs who prey on small high-technology firms because their stocks tend to be more volatile and they are more inclined to settle. In fact, between 1989 and 1993, 61 percent of all strike suits were brought against companies with less than $500 million in annual sales and 33 percent against companies with less than $100 million in sales.

The problem is critical because these high-technology companies are the innovators where many of our cutting edge technologies are being discovered. Biotechnology companies, for example, in my district are developing treatments for cancer and AIDS. Strike suits are jeopardizing the development of those life saving products by holding companies hostage and forcing them to divert important resources to fighting these suits.

I want to commend the gentleman from Virginia [Mr. BLILEY], and the gentleman from Texas [Mr. FIELDS], for bringing this bill forward. I think it is a step in the right direction. It is going to help our country. It is going to help our entrepreneurial sector. I think it should be passed, and I think it should be supported by everyone in this House.

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, first of all, I would like to thank the long and hard efforts of the majority staff, David Cavicke, Linda Rich, Brian McCullough, and Ben Cohen.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members have five legislative days to revise and extend their remarks and include extraneous material on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, just so that all who are listening can understand, the cases which we are talking about at this time constitute one-tenth of 1 percent of all cases brought in Federal district court, approximately 125 companies a year.

Yes; we agree that frivolous suits have to be dealt with and we can construct a guaranteed procedural safeguard to ensure that they are not brought. But what we have here is a specific attempt to ensure that this one category is stigmatized but all of the other frivolous lawsuits are not dealt with; 125 companies sued under this, tens of thousands of companies suing other companies, mostly for breach of contract.

Listen to this: Here is a quote from a small high technology company in its prospectus. Here is what it says: "Litigation in the software development industry has increasingly been used as a competitive tactic, both by established companies seeking to protect their existing position and by emerging companies attempting to gain access to the market."

Imagine that, companies suing other companies trying to keep them off balance. Using the courts for that purpose, Pennzoil versus Texaco, Polaroid versus Kodak, tens of thousands of cases a year. Why do we not apply the very same procedural and substantive test for frivolousness to those cases? If our courts are being clogged, use them for those cases as well. They are the same lawyers, the very same lawyers giving the very same advice, but now in companies suing companies.

I will tell my colleagues why they do not want it, because businesses want to preserve the right to bring frivolous cases against other businesses. They just do not want to be sued by investors, investors from their very own company.

This is what the debate is all about, not whether or not frivolous cases should be dealt with. They should be, but whether or not in fact we are dealing with the problem that exists in the clogged courthouses of this country. This bill deals with an ice cube, not the iceberg which is out there of frivolous lawsuits which should be dealt with. This bill should be defeated.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FARR].

[Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL], ranking Democrat on the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I commend and thank my dear friend, the gentleman from Massachusetts [Mr. MARKEY] for the outstanding job he has done on this legislation.

With foresight that would impress Nostradamus, the legendary counsel to the Senate Banking Committee, Ferdinand Pecora, wrote a book in the 1930's to remind the public "what Wall Street was like before Uncle Sam stationed a policeman at its corner, lest, in time to come, some attempt be made to abolish the post."

Percora went on to describe "a widespread repudiation of old-fashioned standards of honesty and fair dealing in the creation and sale of securities." William O. Douglas, who went on to serve as the second SEC Chairman and later as a Supreme Court Justice, was more blunt: "Big business behaved like bandits raiding a frontier."

Because the bill we are about to vote on goes far beyond what is needed to provide a reasonable remedy to the problem of frivolous lawsuits, we could be inadvertently opening the door to an era that will remind some of a time we said would never be repeated.

There is no question that when President Roosevelt signed the statutes we are so profoundly altering here today, he was convinced he was closing the door on the problems that had so painfully been revealed by the 1929 crash. FDR said that "the merchandise of securities is really traffic in the economic and social welfare of our people. Such traffic demands the utmost good faith and fair dealing on the part of those engaged in it. If the country is to flourish, capital must be invested in enterprise. But those who seek to draw upon other people's money must by wholly candid regarding the facts on which the investor's judgment is based."

I wonder how many of the Members who will be voting here in just a few minutes know about any of this. The Speaker reminds us all to pay attention to the lessons of history, but in the midst of the longest uninterrupted bull market of the century, it may be easy to wash away memories of the catastrophic economic and market conditions that gave rise to our securities laws. But that's a grave mistake. Because then you would be disregarding the fact that between 1929 and 1932, the value of all stocks listed on the NYSE shrank by 83 percent, and that half of all the stock sold to investors from 1920 to 1933 turned out to be totally worthless.

The bill before us simply goes too far.

There is an expression that says that a fanatic is someone who, when he has lost sight of his objective redoubles his efforts. This legislation suffers from that quality.

I am no rival for Nostradamus, but I worry that this bill is one we may come to regret deeply within the next 3 to 5 years. We have passed well-intended but disastrous legislation in the past. The names Garn, St Germain, Smoot and Hawley may remind you.

This bill is going to do for the securities industry and for the investors what the names Garn and St Germain did for the depositors and for the stockholders and for the savings and loan industry. It is also going to have a factor akin to Smoot-Hawley in the field of trade.

I urge my colleagues, do not let your name be associated with this mistake. Listen to reason and demonstrate that this bill can and should be improved, and you can do that only in one way, and that is by voting no.

Remember the great scandals of recent history, all of which would have received an immunity bath for a large part of the participants, particularly those who were aided and abetted by this particular legislation: Orange County, Boesky, Milken, Dennis Levine, Keating, Prudential Securities, and the Common Fund.

I would also urge Members to take a look just at the safe harbor provision. Never before in my memory has a legislation body given immunity bath not only to people who participated in wrongdoing but, worse than that, to people who knowingly, actively, willingly, and enthusiastically permitted, participated in the generation of fraudulent documents and in the active participation of fraudulent misbehavior in the securities market. I urge my colleagues to vote no on this conference report. The bill is a bad one. It should be defeated.

□ 1300

Mr. BLILEY. Mr. Speaker, it gives me great pleasure to yield the balance of my time to the gentleman from California [Mr. COX] who has put an enormous amount of work on this bill and done so much to bring us to this point.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California is recognized for 6 minutes.

Mr. COX of California. Mr. Speaker, I thank the distinguished chairman of the full committee, whose leadership has in fact brought us to this point, for yielding me this time.

Mr. Speaker, I would like to draw us back a bit to consider why we are here. The purpose of our securities laws, after all, as enacted in 1933 and 1934 in particular, I mention to the former chairman of the full committee, is to protect investors and to maintain the confidence of the public at large in our markets so that we can increase our national savings, our capital formation, and our investment for the benefit of all Americans.

Investors today are not protected from crooks and swindlers who seek to line their own pockets by terrorizing honest men and women through the device of a strike suit. They are literally using, these crooks and swindlers, our Nation's securities law, to undermine confidence in our markets, to attack investors, who are the victims of their extortion.

That, over and over again, has been what happened when investors found themselves targeted for extortion by abusive and manipulative lawsuits. There is no relief for the victims of these fraudulent lawsuits at present. The investors are cheated, always. In every case they are the ones who are made to pay.

Now, it is true that the same people whose financial self-interest is about to be regulated in this important legislation have lied about this bill. They have lied about its effects, about its purpose. They have spent millions of dollars in order to defeat the regulation. They are not forgiven for this, it is not a forgivable act, but it is predictable.

Let us escape from the hyperbole and focus on what this bill does. It bars professional plaintiffs. We have heard testimony in one case, a lead plaintiff had appeared in over 300 lawsuits. The judge said this surely must be the unluckiest investor in the world. Another man over 75, another plaintiff over 200 times, bringing suits of this kind. We ban attorney conflicts of interest so people who are purportedly represented by class action lawyers, even though they may not know they themselves are members of the class, will be taken seriously as the client. One strike suit lawyer rather famously said "I have the best practice in the world. I have no clients." Well, now they will. We mandate in this bill full disclosure to the investors, to plaintiffs in the class action lawsuit, what are the terms of any proposed settlement, so that the lawyer's conflict of interest will not disadvantage them, so that routinely we will not have lawyers getting millions of dollars while the investors get but pennies on the dollar.

More than anything else, we want to protect our free enterprise economy from this kind of predation. In my district in Southern California, there is a company that has I think experienced this as badly as anyone else, the problems of the strike suit. The company in Rainbow Technologies. They make a software key that prevents piracy of software. It is a fundamental foundation of the entire software industry.

They faced one of these suits 2 years ago at Christmastime. In fact one of the directors was served on Christmas Eve. All the employees were terrorized, there was a great deal of bad press. I have some of it here: "Software maker insiders accused of investor fraud." In fact, the lawsuit itself was filed with reckless disregard of the truth. These were fraudulent claims made against honest people. The employees, the honest people who worked for this company, were completely demoralized.

But it was worse than that. It was worse than all of the money that these people had to spend to vindicate themselves. Their efforts to obtain a qualified outside director fell through. They have to date been forced to drop their directors and officers liability insurance. The kinds of damage that this company suffered, they won their case, it went away, are of no interest to the lawyers who recklessly filed the lawsuit. The chief architect of the lawsuit was quoted in paper saying "We dropped the suit. That is how the system is supposed to work." But getting away with this kind of damage to honest people is not the way the system should work.

Alliance Pharmaceuticals in San Diego, CA, was sued 24 hours after announcing merely a delay in new product development. They make a miracle drug that can help as many as 80,000 premature babies every year whose lungs are not yet formed enough to breathe air.

In a television report about this company and its product, we learned from a mother of a baby who was on the verge of death that she prayed, "Dear God, please save our baby," and God did.

The agent of this miracle was Alliance Pharmaceuticals. The company came through with the medication I described which could be available for 80,000 kids nationwide. The mother said, "I just wish everyone could have been in that room to see the joy and excitement on everybody's faces. A baby who was about to die, made a 180 degree turnaround." Yet this company too was victimized by a baseless suit, for which there was no recompense.

We want to make sure that in the future the people, the honest men and women in America who are helping us advance, that these people have protection against this kind of suit, and that is why this legislation is supported by Democrats and Republicans, by the Washington Post, by the economists. It is bipartisan, it is enormously popular, it is much needed, and I thank the chairman for bringing it to the floor.

Mr. BILBRAY. Mr. Speaker, I rise in support of the conference report. I want to make a few facts clear to my colleagues. This conference report helps correct the injustices now brought by abusive strike suits, and restores a measure of fairness and sanity to our judicial system.

Right now, American investors, consumers, and taxpayers are being taken to the cleaners by those who exploit the system for their benefit, not that of the little guy.

A number of my colleagues have made statements that somehow this bill will pave the way for scoundrels and rascals to plunder innocent investors. Although I am only a freshman, let me assure these colleagues, who have been here longer than I, that the scoundrels and rascals are plundering investors right now. Without this bill, they will continue to do so.

The strike suits that are filed by these rascals have the effect of hindering needed scientific research, stalling economic growth, and wasting time and taxpayer dollars within our judicial system.

Strike suits in my San Diego district have forced small high-technology and biotechnology firms to devote scarce time and resources to questionable trial proceedings, rather than focusing on research and development for a drug or device which could help improve the quality of life for the ill or elderly.

The investor and consumer is also hurt by these suits, because they destroy any incentive for firms to voluntarily make forward-looking information available, on which investors rely to make their own decisions.

Mr. Speaker, this conference report is absolutely essential to my district, and my State of California. It is essential for the little guy in our society; the small investor, the small businessman, and patients and consumers. We should all support this bill, and send it to the President immediately to be signed into law.

Mr. DEFAZIO. Mr. Speaker, I strongly oppose the securities litigation conference report.

The laws governing securities litigation can certainly stand to be improved, but the language of this conference report does much more harm than good. This legislation—written by and for the large securities firms—is antismall investor and antiworking family.

The conference report reduces consumers protection. An investors ability and right to sue unscrupulous securities firms should not be stifled or circumscribed by Congress. For example, the language includes a sweeping loser-pays provision that will make it extremely difficult for anyone without a multimillion-dollar trust fund to challenge a large corporation in court.

Supporters of this legislation claim that there is an explosion of frivolous suits. The fact is that the number of securities class action suits has shrunk over the past 20 years. During the last several years, suits have been filed against only 120 companies annually—out of over 14,000 public corporations reporting to the SEC.

I cannot support this legislation. This conference report goes against the interests of working people and small investors. I sincerely hope that the President will veto this legislation so that Congress can then enact true reform of our Nation's securities litigation laws.

Miss COLLINS of Michigan. Mr. Speaker, I rise in opposition to H.R. 1058, the so-called Securities Litigation Reform Act. This legislation actually weakens Federal securities fraud laws, and is just another example of the majority in this Congress trying to reduce the penalties for certain kinds of crimes committed by their wealthy supporters while continuing to maintain or increase discriminatory penalties for other kinds of crimes more commonly resorted to by poor people.

In addition, I have received hundreds of letters from State and local officials, mayors, municipal and county treasurers and finance officers representing an extraordinary bipartisan national consensus that the pending measure would imperil the ability of public officials to protect billions of dollars of taxpayer moneys in short-term investments and pension funds that have been entrusted to them. Many of these officials are both issuers of municipal bonds and investors of taxpayer money. In other words, they can be both plaintiffs or defendants in securities fraud class action lawsuits. They have joined with me to oppose this legislation because it will make it nearly impossible to recover taxpayer losses due to fraud, particularly if something like the Orange County fiscal crisis occurs elsewhere in the country.

Mr. Speaker, I am opposed to this discriminatory measure.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, December 4, 1995.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the conference agreement on H.R. 1058, the Securities Litigation Reform Act of 1995.

This legislation would deny important rights which now protect consumers, stockholders, and pension plans from securities fraud. It would create new and unfair pleading and burden of proof requirements for victims, and it calls for the adoption of the so-called English Rule which unjustly requires the loser of a law suit to pay the defendant's court costs. We believe these changes discriminate against lower and middle income citizens and would severely limit justified litigation, thus acting to lessen deterrence to securities fraud.

Moreover, we are concerned that this legislation would have an adverse impact on public employee pension systems. One needs only to look to Orange County, California as an example of a case where alleged securities fraud has resulted in the loss of employee retirement funds. If this legislation is adopted, it could limit the ability of those who have been wronged to recover their full damages.

We ask that you oppose the conference agreement on H.R. 1058.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. FAZIO of California. Mr. Speaker, let's face it. The current securities litigation laws leave companies wide open to predatory or frivolous lawsuits. The present situation is a virtual gold mine for class action attorneys who actively seek to put together lawsuits out of unforseeable investor losses. Companies can be sued anytime the value of their stock drops. The cost of defending against these meritless actions often forces settlement agreements as a means to an end. Not only are the companies at risk, but those serving as financial advisors are also on the hook as well.

This comes with a high cost. Over 53 percent of the high-technology companies in California's Silicon Valley have been sued. Public perception of companies with high short-term capital needs and potentially high long-term payoffs is being undermined. Investor confidence is lost, and companies remain vulnerable when, despite their best efforts, they do not do as well as they predicted.

I believe H.R. 1058 is an important step toward protecting companies and their shareholders from the costs of frivolous and downright predatory security lawsuits. It restores balance to the legal system. I have also asked the President to sign this compromise bill this year so these reforms are not further delayed. Securities litigation reform is needed now.

Mr. BLILEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 320, nays 102, answered "present" 1, not voting 9, as follows:

[Roll No. 839]

YEAS—320

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—102

Abercrombie
Baldacci
Becerra
Beilenson
Berman
Bevill
Bonior
Borski
Brown (FL)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Evans
Fattah
Fields (LA)
Filner
Foglietta
Ford
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kildee
Klink
Lantos
Levin
Lewis (GA)
Lipinski
Markey
Martinez
Mascara
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pomeroy
Poshard
Rahall
Rangel
Rivers
Roybal-Allard
Sanders
Schroeder
Scott
Serrano
Skaggs
Stark
Studds
Stupak
Taylor (MS)
Thompson
Thurman
Torricelli
Velazquez
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Yates

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—9

Chapman
DeFazio
Fowler
Parker
Portman
Ros-Lehtinen
Stokes
Tucker
Wilson

□ 1329

The Clerk announced the following pairs:

On this vote:

Mr. Parker for, with Mr. DeFazio against.

Mr. Portman for, with Mr. Stokes against.

Mrs. CHENOWETH changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PARKER. Mr. Speaker, on rollcall No. 839, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, on rollcall No. 839, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, during rollcall No. 839 on H.R. 1058 I was unavoidably detained. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, due to a death in the family, I was not present for rollcall vote No. 839. Had I been present I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1963.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REREFERRAL OF H.R. 103 TO COMMITTEE ON THE BUDGET

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the bill, H.R. 103, which was improperly referred to the Committee on Government Reform and Oversight, be rereferred to the Committee on the Budget as the primary committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

DISCHARGING COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT AND REREFERRAL OF H.R. 564 TO CERTAIN STANDING COMMITTEES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from the consideration of the bill, H.R. 564, which was misreferred, and that H.R. 564 be rereferred to the Committee on the Budget as the primary committee and, in addition, to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISCHARGING COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT AND REREFERRAL OF H.R. 842 TO CERTAIN STANDING COMMITTEES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from consideration of the bill, H.R. 842, which was improperly referred, and that H.R. 842 be rereferred to the Committee on Transportation and Infrastructure as the primary committee and, in addition, to the Committee on the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MARITIME SECURITY ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 287 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 287

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on National Security now printed in the bill. Each section shall be considered as read. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by the chairman of the Committee on National Security or his designee, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During further consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

AMENDMENT OFFERED BY MR. QUILLEN

Mr. Speaker, I ask unanimous consent that House Resolution 287 be amended at page 2, line 19, by striking "10 minutes" and inserting "20 minutes." The Committee on Rules approved 20 minutes of debate on the manager's amendment, but the resolution erroneously only provides for 10 minutes of debate.

I understand that the minority has been consulted on this matter and that there is no objection to the unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. QUILLEN:

Page 2, line 19: Strike out "ten minutes" and insert "20 minutes".

Mr. QUILLEN. Mr. Speaker, House Resolution 287 is an open rule providing for the consideration of H.R. 1350, the Maritime Security Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on National Security, and makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute, with each section considered as read.

Under the rule, it shall first be in order to consider an amendment offered by the chairman of the National Security Committee or his designee. Consistent with the unanimous-consent request, such amendment shall be debatable for 20 minutes equally divided between a proponent and an opponent, and shall not be subject to amendment or demand for division of the question.

Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to consideration may be given priority in recognition, and the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I proudly served during World War II aboard the aircraft carrier *Antietam*. Back then the United States had the largest commercial, privately owned merchant shipping fleet in the world. Now we only rank 16th. Complying with Federal laws and Coast Guard requirements have resulted in higher operating costs for U.S.-flag carriers, and as a result there are less than 150 U.S.-flagged vessels. It is outrageous that we've let our merchant marine fleet diminish to this point.

The Maritime Security Act will ensure the availability of a U.S. merchant marine fleet crewed by U.S. merchant seaman to provide sealift capacity for wartime or national emergencies.

Without passage of this bill, the United States will have to rely on foreign-flag shipping to conduct foreign commerce and for any future military operations. We cannot stand by and allow this to happen. The Maritime Security Act will preserve a viable U.S.-flag merchant marine and domestic shipbuilding industry by creating new commercial opportunities for American shipbuilders and streamlining the regulatory process.

Mr. Speaker, I commend the National Security Committee for bringing forth this bipartisan bill. It's taken almost 10 years for the Congress to enact a comprehensive bill to revitalize our sinking maritime program.

The future of our merchant marine fleet is at stake. We owe it to our country to see that all of our defense components—including our sealift capabilities—are second to none.

I urge my colleagues to vote "yes" on this open rule and to support this bill.

Mr. Speaker, I include for the RECORD the following material from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of December 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	56	66
Modified Closed [3]	49	47	20	24

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of December 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Closed[4]	9	9	9	10
Total	104	100	85	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of December 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Tennessee [Mr. QUILLEN], my colleague and dear friend, for yielding me the customary 30 minutes.

Mr. Speaker, once again I am happy to see my Republican colleagues bringing an open rule to the floor.

This open rule makes in order a bipartisan manager's amendment which will be offered by Mr. SPENCE and which I urge my colleagues to support.

This amendment makes important changes in re-employment rights for merchant seamen, shipbuilding loan guarantees, and cargo preference requirements.

And this bill does more than promote maritime commerce. It will ensure that during wartime we will not have to rely on ships flying flags other than the American flag to carry American troops and supplies.

Mr. Speaker, a lot of people probably don't realize how badly we needed U.S.-flagged ships during the gulf war. We transported 79 percent of the cargo and troops for that war on U.S.-flagged ships. If, heaven forbid, we ever find ourselves in that position again, we need to be sure that our ships can carry our troops and supplies.

But, Mr. Speaker, our merchant marine fleet is shrinking. In World War II, the United States had the largest commercial shipping fleet in the entire world. Today we are the world's largest trading nation but 15 countries have bigger fleets than we do.

For a country with a maritime heritage as proud as ours, a heritage dating back to the earliest days of the Republic, this is unacceptable.

The bill we are considering today will help preserve that heritage, strengthen our merchant marine fleet, and protect our troops.

In 1948 there were 716 vessels flying the U.S. flag. Today less than 150 vessels fly the U.S. flag in international trade. American ships are becoming an endangered species. Let's not let them become extinct.

Without this maritime security program, maritime operators will have no incentive to fly the U.S. flag or hire U.S. merchant mariners.

I urge my colleagues to support our merchant marines, support this rule, and support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN], chairman emeritus of the Committee on Rules, my mentor, for yielding.

Mr. Speaker, if there ever was a bill that was overdue in this House, it is this one.

Mr. Speaker, this rule which passed in committee by voice vote should be passed overwhelmingly, as it provides for full and open consideration of some absolutely critical legislation.

Mr. Speaker, the Maritime Security Act of 1955 is a vital first step toward revitalizing our merchant marine. Make no mistake about it, this bill does not provide all of the answers to fully restoring the strength of our merchant marine. But it is a huge first step in that direction.

Mr. Speaker, our merchant marine industry is in desperate condition. Forty years ago, this Nation had a merchant fleet of over 4,000 vessels. Today, that number is under 400. We are now in the sorry state where 96 percent of U.S. exports leave this country on foreign ships.

Mr. Speaker, since 1981, we have lost one-third of our shipyards, 50,000 shipyard jobs, and 100,000 jobs in shipyard supply companies.

This situation must be reversed, and now. It must be reversed to preserve jobs, good jobs in the maritime industry. It must be reversed to maintain our trade competitiveness.

And last and most important, it must be reversed to preserve a critical component of our national security apparatus.

Remember Desert Shield, and Desert Storm? Remember the incredible sealift operations that were required? Unfortunately, a lot of that cargo had to go on foreign ships. Some of those ships didn't want to sail into dangerous waters and others were not sure they supported our position of defending Kuwait.

Now, we have another major military operation beginning in Bosnia. Make no mistake about it, this is a mistaken mission, but one that will require a major amount of sealift as well.

Mr. Speaker, every time our soldiers on the ground have to rely on a foreign ship for their supplies, they are in peril.

We must act now to deal with this dangerous and unacceptable situation. If something is not done today to strengthen our merchant marine fleet the size of the fleet could drop to less than 100 ships. We cannot allow that to happen and that is where H.R. 1350 comes in.

The National Security committee has done an outstanding job in drafting legislation which begins the process of restoring our merchant marine yet stays within the guidelines of the 7-year balanced budget.

Unlike the current policy, H.R. 1350 employs a more market-based approach to helping the merchant marine.

The legislation does away with the policy of paying foreign wage differentials and establishes a flat per ship rate.

The Maritime Security Act eliminates outmoded regulations, which hamper our fleet's ability to operate. Regulations, such as the requirement to undergo Federal hearings in order to change a trade route or to replace older vessels with new ones.

These changes will give our fleet more incentive to hold down costs, and more flexibility to operate and compete with foreign vessels.

And it is most important to point out. The bill saves money. The program set up will have a spending limit of $100 million per year, as compared to the current level of roughly $210 million per year.

And so importantly, Mr. Speaker, in exchange for the benefits they receive under the program, vessels which participate will be required to provide their services to the Secretary of Defense during a national emergency.

Mr. Speaker, this is really the crux of the matter in my view. When our troops go into harm's way they need the assurance that their supplies will be there for them. We owe them nothing less.

The U.S. merchant marine is a vital aspect of that supply source, and that is why we must pass this legislation today.

□ 1345

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of this open rule and of H.R. 1350. As a member of the maritime panel of the Committee on National Security, I want to commend the gentleman from Virginia [Mr. BATEMAN], the ranking member, the gentleman from Mississippi [Mr. TAYLOR], for their leadership in bringing this bipartisan measure to the floor today.

While I support the Maritime Security Act, I must note that efforts to improve the U.S. merchant marine industry thus far have been comprised of Band-Aids, when major reconstructive surgery is needed. Even this much needed bill before us is, regrettably, a Band-Aid dictated by fiscal restraints.

I have established in my district, home to the Port of Los Angeles, a maritime advisory committee whose members share with me local perspectives on maritime issues. It is clear that a robust national maritime program is required to protect U.S. national security interests, many of which we just heard about from the gentleman from New York.

I believe we must approach maritime defense issues in much the same way as we should approach nonmaritime defense issues. For both it is critical that we have an industrial base that can meet both commercial and military requirements as well as retain and build high-skilled, high-wage jobs on which that base relies. We can no longer afford to maintain two distinct industrial bases.

Mr. Speaker, the future of our merchant marine is at stake. I urge my colleagues to carefully weigh the consequences of not having a merchant marine, consequences that affect our military readiness as well as our Nation's competitive and rightful place on the world's oceans. I urge support of the rule and for H.R. 1350 as amended by the bipartisan manager's amendment.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN], distinguished chairman of the Committee on National Security Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Speaker, I thank the distinguished chairman emeritus as well as the chairman of the Committee on Rules and the distinguished ranking member and the gentleman from Massachusetts [Mr. MOAKLEY], for the statements that they have made in support of H.R. 1350.

I am extremely proud that this bill is finally coming to the floor of the House. I want to assure all of my colleagues that this bill comes here as a bipartisan measure. Beyond that, it even comes here as a bicameral measure, because there have been close consultations with our counterparts in the other body to the end that this year at last we will have a Maritime Security Act.

Those who have preceded me, I think, have made it abundantly clear that the national security of the United States is the bedrock upon which this bill, this legislation is founded. No one who really thinks about our national security could possibly make an argument that our country is secure if we do not have an American-flag merchant marine. It is a sad fact of life that without this provision, we virtually assure the disappearance of the American flag from the oceans of the world. That has not just economic consequences for some ship operators, not just economic consequences for some American merchant mariners who would lose their jobs; it has enormous consequences for the very security of these United States.

This Nation is a maritime power, and, as long as it remains a power, it must be a maritime power. Geography dictates that as much today as it did in 1781, when the French fleet, under the Count de Grasse, defeated the British fleet in the Battle of the Capes and sealed the doom of Cornwallis' army at Yorktown. From that date through all of our history, the United States's security has depended upon its maritime capability.

As I said, we face the complete eradication from the seas of the world of an American-flag merchant marine unless we take this modest step.

I would like to tell my colleagues that this was an enormous boost for the American-flag merchant marine and that it would entirely revitalize that merchant marine. That, unfortunately, I cannot tell you. But I cannot emphasize too strongly that there will be no American-flag merchant marine without the Maritime Security Act. We are in the dismal situation where we speak to survival, not just revitalization.

I thank the gentleman for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from Massachusetts for yielding time to me and for allowing me to rise in support of not only the rule but the bill.

The question before our House today is a very basic one. Will we act in an affirmative manner and support the continued existence of the U.S.-flag merchant marine by passing H.R. 1350, the Maritime Security Act of 1995. I for one strongly urge this needed measure because I believe that the continued existence of our U.S.-flag merchant fleet is of utmost importance to our Nation, both in our economic terms and our defense terms.

The Port of Houston is in my congressional district and is the largest port for foreign tonnage. Throughout this last century, the Nation's Chief Executives and Congress have recognized the American merchant marine as a national asset. When the prosperity of the American shipping industry was at a low ebb, there was a general recognition by the President and Congress that it should not be allowed to be a wasted asset. Today our U.S.-flag merchant fleet is indeed at its lowest point.

One can say that it is a fading asset. However, the enactment of H.R. 1350 will prevent it from becoming a wasted asset, one which we as a nation cannot afford to lose.

As the health of our U.S. merchant marine steadily became less robust, this body in a bipartisan effort overwhelmingly enacted maritime revitalization legislation in the last several sessions. Unfortunately, the technical considerations in the Senate precluded passage in that body. It is therefore imperative now that we enact H.R. 1350 to provide the wherewithal to reverse the downward spiral in the American-flag fleet itself. This bill and rule deserves our overwhelming support.

Positive and pragmatic action is needed to nourish and sustain the growth of our maritime assets. We cannot afford to have any more U.S.-flag vessels exit the American flag. If this legislation is not enacted by this body, be assured that many vessels will leave the American-flag. Is that what we want? I hope not. I believe not.

I, for one, wholeheartedly support the rule and H.R. 1350 and urge all my colleagues to also support it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my friend from Tennessee for yielding time to me.

I am a strong proponent and supporter of this legislation. I congratulate the Members who worked so diligently on this legislation. They have done a remarkable job when one reads it. One provision that is vitally important to the Great Lakes ports, of course, I am very much in favor of. The current cargo preference law unfairly penalizes our ports. In effect, it shuts them out completely of shipping the Federal food aid.

Now, since 1985, we have been working on this particular problem that is this preference which was expanded to the 75-percent level. Our local companies and the people in our area, especially on the Great Lakes, have suffered because of this. We used to be able to ship Wisconsin grown products from our own harbors. Of course, that was changed and we now have to truck these products, taken by rail, flown to other ports, mainly along the gulf coast.

Obviously, this is very costly, very inefficient. It is estimated that this preference costs the taxpayers over half a billion dollars. So naturally when we correct these inequities, I am very much in favor of that. Furthermore, so are the taxpayers.

Furthermore, Federal agencies in charge of the Public Law 480 program place meeting the cargo requirements ahead of fairness and equity in our ports.

Now, on our Great Lakes, we are competitive. We are cost-effective. We are willing and able to do the work. For example, one Green Bay firm, the Leicht Co., dropped from 150 employees down to 20 employees since 1985 as a direct result of this preference inequity.

Therefore, that is why I say this is a good piece of legislation because it corrects that.

Mr. Speaker, the Great Lakes cargo equity provision is about jobs and it is about fairness. We must return fairness to the maritime practices that affect the working people and the ports of the Great Lakes. The unfair cargo preference policy discriminates against local companies and working people, especially on the Great Lakes.

Mr. Speaker, these unjust practices have cost thousands of jobs. So with this legislation we are now saying that we are standing up for the working people in America by passing some equity legislation again to create more jobs. This is a good provision for businesses. It is a good provision for the Great Lakes communities. But it is best of all for the American people, the American working people and the taxpayers of the United States who are going to save through these provisions over a half a billion dollars.

I again congratulate the people who have worked so diligently and so hard on this legislation. This is the type of legislation we need to bring America into the 21st century and allow us to compete with any country in the world.

□ 1400

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, before I begin, I would like to pay tribute, and I am sure that the gentleman from Virginia [Mr. BATEMAN] and the gentleman from Mississippi [Mr. TAYLOR] and the staff now of the merchant marine panel of the Committee on National Security, wants to recognize the work of the gentleman from Massachusetts [Mr. STUDDS] who helped to pioneer this work with the Merchant Marine Committee. Unfortunately this legislation, as has been noted at least indirectly in previous discussion, was killed in the other body, and so we find ourselves playing catch up today.

Why is it so important then that we emphasize this bipartisan approach in the work that has been done by the gentleman from Massachusetts [Mr. STUDDS] and others over the years?

Three things. It revitalizes, helps to revitalize, the U.S. shipping industry. It keeps U.S. ships and American merchant mariners afloat and helps guarantee the availability of supplies of troops overseas.

In June of 1992, Mr. Speaker, General Colin Powell said, and I quote:

> Since I became Chairman of the Joint of Chiefs of Staff, I have come to appreciate firsthand why our merchant marine has long been called the fourth arm of defense.... The war in the Persian Gulf is over, but the merchant marine's contribution to our nation continues. In war, merchant seamen have long served with valor and distinction by carrying critical supplies and equipment to our troops in far away lands. In peacetime, the merchant marine has another vital role-contributing to our economic security by linking us to our trading partners around the world and providing the foundation for our ocean commerce.

As has been noted, the U.S. merchant maritime industry, once the world's leader, is on the verge of being lost to foreign competition. That is why I regard this bill, Mr. Speaker, as only a first step, an interim step, and I am sure we are going to have bipartisan support to see that we extend this next year. We must move now to resuscitate, and that is the correct word, resuscitate, this vital national resource. In the time of crisis we cannot depend upon foreign-flag ships and crews for defense sealift and sustainment requirements.

Mr. Speaker, this bill costs the taxpayers a fraction of what the Department of Defense would pay to build or charter the same amount of sealift. If we allow this industry to sink, and I mean that literally, we will lose more than just U.S.-flag ships. Our ability to effectively influence worldwide shipping standards which effect domestic and international trade will be diminished and, in fact, lost. A vital U.S. commercial fleet also means jobs for Americans. U.S. commercial fleet also means jobs for Americans. U.S.-flag ships abide by U.S. tax, environmental, safety, and labor laws and standards. American-crewed, American-made ships support U.S. interests.

Mr. Speaker, I come here today to join with my colleagues on both sides of the aisle to say that we are just making the first step in seeing to it that we have a revitalized American merchant marine. I want to see American-built ships and American shipyards, American shippers with American crews, setting the standard for the rest of the world.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues this is probably one of the most enjoyable times that we have. It is that, as my colleagues know, we did away with, I think the Republicans, with a pretty good committee in the Merchant Marine and Fisheries Committee both under Mr. FORD and Chairman STUDDS. It was one of the most bipartisan committees except with the tuna bill, Mr. Speaker, and we worked pretty well together, and that is what we are doing here. It is not about the 1996 elections, it is not about partisan politics. It is about American jobs, it is about American security, it is about national security, and it is about the betterment of this country.

I take a look at what we can do, and I agree with the gentlewoman from California, Ms. HARMAN's analysis. It is that both under Democrat and Republican rule we have not done very much for our merchant marine fleet, and I think this is a small challenge to do that.

I would like to thank specifically the gentleman from Virginia [Mr. BATEMAN] who serves not only in the maritime panel, the national security panel, but on the old Merchant Marine and Fisheries Committee. He has done the lion's share of fighting with our leadership to make sure that we can bring this up, and I sincerely mean that.

As my colleagues know, during Desert Storm we had to go back, and we used a lot of our ships that had the old boilers. We had to find merchant marine and sailors that even knew how to use those, and they were not very effective. As my colleagues know, we lost millions of dollars in strapping materials, tiedown materials that just hold down the equipment to foreign ships during Desert Storm. We had to onload and offload several ships many, many times costing millions of dollars and the dollars saved. So I do not know if it is on my colleagues' checklist on when they support a bill or not, but it is bipartisan, it is taxpayer friendly, it is jobs, American jobs, both private and union jobs, and it gives national security strength.

I would look at the items that also saved dollars. During Desert Storm it cost about a $174 per ton of cargo under non-U.S. flags. With U.S. flags it was $122. That is a 30-percent savings in those areas, and, when we are getting ready, against my personal will, to go into Bosnia, the C–17 and enhancing our merchant marine so that we can carry cargo and we can put American products on American ships with American seamen, I do not see how my colleagues could not support this, and I thank my colleagues on the other side of the aisle, and I thank the gentleman that was instrumental in doing this.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, as the former chairman of the now defunct Merchant Marine Subcommittee, I am keenly aware of the deteriorating health of the U.S. maritime industry. The number of U.S.-flag vessels has declined substantially, from 716 in 1948 to less than 150 today, as have the number of American officers and seamen trained to operate these vessels. Although the United States continues to be the world's largest trading Nation, the U.S. commercial shipping fleet now ranks 16th in size in the world.

Why is this? Why are we allowing foreign flag vessels to take over our Nation's commercial shipping fleet? U.S.-flag vessels must comply with Federal tax, environment, safety, and labor laws. Foreign flag vessels do not. Foreign flag vessels hire foreign citizen crews. They do not have to pay their crew minimum wage or provide them with health, pension, or vacation benefits. They do not have to pay U.S. taxes. In addition, foreign flag vessels have absolutely no obligation to comply with the health and safety standards established by our government. In contrast, U.S. shipowners hire U.S. citizens and must comply with Federal laws protecting the welfare of the crew members. With these higher labor and other requirement costs, U.S. shipowners are at a serious disadvantage. No American company can successfully compete under these circumstances.

We must take action to save the U.S. maritime industry. In addition to commercial shipping activities, privately owned vessels play a significant role in U.S. military readiness. The Defense Department relies on the domestic merchant marine for military sealift operations. In the recent Persian Gulf war, 95 percent of all equipment and supplies needed by American soldiers in the field was moved by sealift—one-third was shipped on privately owned U.S.-flag vessels. In time of crisis, we cannot depend on foreign ships and foreign crews for sealift and sustainment requirements. Why should we rely on Third World crews who have no allegiance to the U.S. to deliver equipment, medical supplies, and materials that American service men and women need as they fight to protect America's interests abroad? We should not and we cannot.

The Maritime Security Act of 1995 ensures a maritime security fleet comprised of privately owned U.S.-flag, U.S. crewed vessels that we can readily rely on to carry our exports throughout the world and to carry our military supplies during a national emergency. I urge you to please vote in favor of H.R. 1350. We need American-crewed, American-made ships to support our national interests.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the House Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding me this time, and I want to congratulate him, the gentleman from New York [Mr. SOLOMON], and the gentleman from Massachusetts [Mr. MOAKLEY] on what I think is an outstanding rule which I heartily support. I also want to thank and congratulate the chairman, the gentleman from Virginia [Mr. BATEMAN] and the ranking member, the gentleman from Mississippi [Mr. TAYLOR] on the Merchant Marine Subcommittee of the Committee on National Security for bringing forward this very important piece of legislation.

I indeed rise to echo the comments of the gentleman from Illinois [Mr. LIPINSKI] who preceded me and rise in support of H.R. 1350, the Maritime Security Act of 1995. I understand that some Members and some organizations may have a problem spending tax dollars to support U.S.-flag, U.S.-manned merchant marine vessels. But we cannot allow the United States, the world's preeminent economic and military power, to lose our presence in the world's trading lanes. We cannot lose our ability to supply and protect our troops during overseas deployments, one of which may well be beginning in the next few weeks.

Mr. Speaker, sealift during Desert Storm-Desert Shield accounted for over 90 percent of the lift of supplies and logistics in those operations. Seventy-eight percent of all of the cargo for those operations was actually shipped on U.S. flags. What this bill does is try to maintain what we have left in terms of a U.S. merchant marine fleet. That is an issue which obviously from the debate that has transpired here already today has strong bipartisan support. Twenty-one freshman Republicans already expressed their support for this bill in a "Dear Colleague" letter. The U.S. Navy League and other defense groups support the bill. The bill is also important to the defense of our country, so much so that the appropriation committees of the House and Senate have agreed to fund this program out of the defense 050 account subject to passage of this authorization bill.

I might add that bill will be before the House tomorrow. I would urge its passage, and any Members interested in this particular provision should also be inclined to vote for that Commerce-State-Justice appropriations bill.

We included this provision in that bill, and I think that the sponsors of this particular bill were eager to get it passed into law because our own military commanders, our uniformed soldiers and sailors, continually tell us how very, very critical the U.S. merchant marine is to our Nation's security.

Mr. Speaker, General Rutherford, the commander of our military's transportation command, testified before the Senate last July that his command supports the proposal for a maritime security program which assures access to the type and quantity of sealift capacity and mariners necessary to meet Department of Defense contingency operations. With the $46 million that is appropriated by the Subcommittee on Commerce, Justice, State, and Judiciary subject to this authorization, I would expect that the Department of Defense and the Department of Transportation will work together to expeditiously implement a program that will support the nucleus of an American merchant marine ship estimated to be about 52 ships of LASH, roll-on/roll-off container vessels and other militarily useful U.S.-flag vessels.

Mr. Speaker, H.R. 1350 provides what our military commanders say they need, and most important this revised and reformed program will spend 50- to 60-percent less than programs that have existed before. So to preserve American jobs and to provide an effective American merchant marine I strongly urge an aye vote on the final passage of H.R. 1350. I urge an aye vote on this rule, and I urge an aye vote tomorrow on the rule and the bill involving the appropriations for Commerce-State-Justice which will be before us again within 24 hours.

□ 1415

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1350, the Maritime Security Act, and also the rule pertaining to the act. This has been a very emotional Congress, and it is nice to see bipartisanship. Everyone is agreeing with this bill. It is a good bill. The legislation is critical to the future and continued existence of our Nation's commercial maritime fleet.

As you are aware, last year the House overwhelmingly passed legislation to promote our maritime industry. Unfortunately, the 103d Congress adjourned before the Senate had the opportunity to cast its vote. During the intervening period, several U.S.-flag carriers have chosen a course of action which inevitably led to the reflagging of a number of U.S.-flag liner vessels. The decision to reflag was based on their perceived inability to compete successfully with their foreign counterparts who receive tremendous support and a great deal of incentives from their respective governments, while the U.S. Government promotional programs for this industry have been systematically reduced, eliminated, or attacked.

While foreign nations recognize the importance of maintaining and supporting a strong national flag commercial maritime presence, the U.S.-flag merchant marine has been targeted by its adversaries because it has received government support.

For each direct or indirect expression of support accorded to the U.S. fleet, the American merchant marine has contributed substantially to the economic and national security interests of our Nation. U.S.-flag carriers manned by patriotic and dependable American crews responded each and every time our country called for their assistance in times of war and national emergency, in Haiti, Somalia, Desert Storm, and now in Bosnia. As we celebrate the 50th anniversary of the end of World War II, let us remember the thousands of U.S.-flag cargo ships that were lost during that war and the thousands of merchant mariners who lost their lives in the service of their country.

Without the efforts of the U.S.-flag merchant marine and heroic actions of the men and women who manned those vessels, perhaps the welfare of this Nation would not be as sound as it is today.

Mr. Speaker, H.R. 1350 is critical to the future and continued existence of America's future maritime fleet. At the same time, the fleet is crucial to our national security. We therefore cannot justify turning our backs on this industry and its loyal work force and must enact the Maritime Security Act swiftly because it represents the best chance for Congress to preserve such an essential resource. It will maintain and create jobs, American products, American ships, American seamen, and workers.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the deteriorating condition of the maritime industries of the United States, including the ship repair industry, is a serious and growing danger to U.S. economic and military security. Both our strategic sealift capability and our shipyard mobilization base are at risk and will be increasingly at risk without decisive action by this Congress and this President to enact appropriate remedial legislation.

H.R. 1350 provides a practical, balanced, and cost-effective plan to put in place an integrated and plausible maritime policy. This legislation will begin the process to help our Nation restore and enhance its maritime industrial base.

Members serving on the merchant marine panel have taken a hands-on approach in dealing with the sharply divergent interests that exist within the maritime industries. Chairman BATEMAN is to be commended for his leadership in getting to the floor a bill that is supported by the National Security Committee and the Department of Defense. H.R. 1350 represents a major breakthrough in defining a plan to deal fairly and responsibly with the problem. It is the product of compromise and substantial agreement among the members of the National Security Committee.

H.R. 1350 does carry a cost. The rapidly deteriorating situation cannot be remedied without expending a modest amount of national resources. Any course of action will have costs to our Nation. The challenge is to develop and implement policies that meet our requirements in the most cost-effective manner possible. H.R. 1350 meets this test.

Mr. Speaker, H.R. 1350 will enable our Nation to maintain and sustain a viable maritime industry. The U.S.- and foreign-flag ships trading in and out of U.S. ports will all benefit. Economic and security requirements dictate that our Nation have a strong merchant marine industry.

What we have before us is the very minimum that must be done to begin the job of revitalizing our merchant fleet and ensuring the future of our shipbuilding and ship repair yards. I urge my colleagues to pass this legislation.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER] to close the debate.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me time, and thank him for the generous allocation of time.

Mr. Speaker, I think everything that could be said about this bill has been said, but let me add my thanks to the gentleman from Virginia, Mr. HERB BATEMAN, and the gentleman from Mississippi, Mr. GENE TAYLOR, for their leadership in the merchant marine panel on the Committee on National Security, in being the driving forces to put this bill together and get it to the floor.

This is a national security bill. A little earlier this year, General Robert Rutherford, commander of the U.S. Transportation Command, told Congress that we had to have our own and maintain our own sealift capability. His words were "We can't plan on the availability of foreign-flag ships and mariners to go into a theater of war."

In the Persian Gulf operation, about 80 percent of the equipment that we brought to that theater was brought with sealift. About 20 percent was with airlift. It is a little known fact that actually a lot of the sealift that we brought were what I call rent-a-ships. They were ships that, if the foreign policy of this country had been scrutinized a little more severely by our allies, possibly would not have been available; or if the dangers to those ships as they entered the gulf area had been more severe, possibly those ships would not have been available to move American supplies and logistics capability into the gulf.

This is a national security bill. One nice thing about it is the carriers that sign up for this program do not just supply ships, they supply the entire integrated service of transportation. They supply the terminal facilities, they supply the rail systems, they supply the services of the freight forwarders. So you can take equipment from a specific place in the United States and you can guarantee that it is going to be moved all the way through the system into the theater of war or operations that we are maintaining anywhere around the world.

For those people who are free traders and say we should not be subsidizing anything, I would remind them that even Adam Smith, who was the father of free trade, said the one area where you have to guarantee by government expenditures that you have strength and have continuing capability is in the area of maritime security.

If we do not expend these funds, and we are making a fairly dramatic cut from the program that existed before, we are not going to have that guarantee that when the men and women of this country in uniform go to project power around the world, that the equipment that they need will be there for them. We are making that guarantee with this bill.

Once again, my commendations to the gentleman from Mississippi, Mr. GENE TAYLOR, and to the gentleman from Virginia, Mr. HERB BATEMAN, the great chairman of the panel, for all their hard work.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule and the passage of the bill.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 287 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1350.

□ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1350, to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes, with Mr. DICKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from Mississippi [Mr. TAYLOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, I want to commend the chairman of this committee's Readiness Subcommittee and the committee's special oversight panel on the Merchant Marine, the gentleman from Virginia [Mr. BATEMAN] for his leadership and hard work on this important legislation. Likewise, the panel's ranking Democrat member, the gentleman from Mississippi [Mr. TAYLOR], should be commended for his leadership on this bill.

H.R. 1350 establishes a Maritime Security Program to ensure that this country retains privately owned, U.S.-flag and U.S.-crewed vessels to provide a sustainment sealift capability in time of war, national emergency, or when our national security interests require.

Over the years our effort to revitalize this capability has been a bipartisan one. I am proud to say that our committee, which recently received jurisdiction over this issue, has continued this bipartisan tradition. Maintaining our U.S.-flag fleet capable of supplying U.S. troops abroad is too important to get bogged down in partisanship.

Over 80 percent of U.S. sustainment cargo in Desert Storm moved by sea and on vessels which are covered under this bill. Without this legislation, our sealift in the future will likely move on foreign-owned and foreign-flag vessels crewed by citizens from Third World countries. That scenario is not acceptable to me as we all have a responsibility for assuring that our military is supplied in as timely and efficient a manner as possible. This bill helps to assure this goal.

I urge my colleagues' support for this bill and for the manager's amendment which will be offered at the conclusion of general debate.

Before reserving the balance of my time, I would like to announce that Chairman BATEMAN will serve as manager of the bill on this side of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking the ranking Democrat, the gentleman from California [Mr. DELLUMS], for the opportunity to manage this bill. The gentleman in his time as chairman of the Committee on National Security did a magnificent job of looking after the interests of our Nation's shipbuilders and all of our maritime interests, and I think to a very large extent the bipartisan cooperation we are seeing today is an extension of what has been going on for the past 2 years when he was the chairman.

Mr. Chairman, on the day that I was born, the United States was the world's undisputed maritime power. Today, we still have the world's largest and most capable Navy. However, our Nation's merchant fleet is one of the smallest and our ships are some of the oldest in the world. And to be honest, there is not enough commercial shipbuilding on order to maintain the American merchant fleet for another decade.

On Saturday, the U.S. Navy will commission our Nation's newest Nimitz class nuclear aircraft carrier CVN-74, the JOHN C. STENNIS. This carrier is named in honor of a great Mississippian and American who served as the chairman of the Senate Armed Services Committee and the Senate Appropriations Committee.

All Mississippians take great pride in having this magnificent ship named in honor of one of our State's most distinguished citizens.

Unfortunately, the *John C. Stennis* is one of only a handful of ships that were built in our Nation this year. And everyone of those ships were built for the Department of Defense. Not one large oceangoing ship was built in this country last year.

By contrast, the Japanese built 28 percent of all the merchant ship tonnage this year. The South Koreans built 35 percent of the merchant ship tonnage. The six largest shipbuilders in the United States did not even make the list—together they did not deliver a single merchant ship.

I wish that I could tell you that things are better with regard to the U.S. flag merchant fleet. Unfortunately, I cannot. Our Nation's privately owned U.S. flagged merchant fleet is old, small, and shrinking.

In 1985, the U.S. flag merchant fleet consisted of 477 tankers and dry cargo vessels. By 1995 that number had dropped 363. It is estimated that in the year 2000—5 years from now—there will be only 130 merchant ships in the U.S. fleet.

Economically, that means that we are losing jobs for our merchant mariners, shipbuilders, steelworkers, and the tens of thousands of Americans who work in related industries.

Militarily, it means that the world's finest soldiers, sailors, marines, and airmen have to depend on foreign ships and crews for their supplies. Over 90 percent of everything that was shipped to support our troops during desert shield and desert storm was delivered by sea.

Yet, in a nearly flawless war, when not a single American supply ship was damaged or sunk by our enemy—our great Nation had to charter over 80 foreign flag ships to supply our troops. Not because we wanted to, but because there simply were not enough American ships to supply and arm our Nation's Armed Forces.

And, without the assistance of these foreign ships, the world's greatest fighting force would have been helpless for the lack of fuel, food, weapons, and ammunition.

I'd like to be able to tell you that the measure before us today solves all of these problems. Unfortunately, it doesn't fix any of them. It does, however, buy us some time. It helps to keep what is left of the U.S. flag merchant fleet in service for another year. It continues the Title 11 Shipbuilding Loan Program for another year. It gives our Nation's merchant mariners who are recalled to man our Nation's ships in times of national emergencies the same re-employment rights as our national guardsmen and Armed Forces reservists.

☐ 1430

Mr. Chairman, on a personal note, I hope that next year the chairman of our panel, the gentleman from Virginia [Mr. BATEMAN], and I can stand before this body with a much more ambitious bill. I think it is very safe to say that Mr. BATEMAN had to learn the job of being in the majority and we Democrats had to learn the job of being in the minority. But I hope that having had a year of experience in these positions, and having had a number of very prominent Members of this body speak on behalf of the American Merchant Marine, I hope that Mr. Johnson was taking names, and I hope Mr. Braver and Mr. Peranich were taking names, because I think we would be very smart in the next few weeks to hunt these people down and get them to cosponsor the very ambitious shipbuilding and ship operating bill for the United States of America for next year.

Mr. Chairman, I rise in support of the bill and I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, these remarks will be much more brief than what is in the prepared statement. So much has been said already in the course of the discussion on the rule about this bill and its merits, I do not want to unduly trespass upon the time of my colleagues to further extol it.

There are very few simple bottom-line things that I hope all Members will focus upon as they come to the floor for the vote on this bill. First of all, we have reformed an existing Merchant Marine subsidization program. It is less than one-half the cost of the pre-existing program. We are providing a sealift surge capability for our national security at a cost of no more than $100 million a year, when the Department of Defense has estimated that to provide that same amount of backup national security sealift capability would, by any other methodology, cost the taxpayers of America $800 million a year.

Mr. Chairman, we are not bringing to the floor an entitlement program, we are bringing to the floor a program which will be sustained on the basis of an annual appropriation, not an entitlement. As I have previously indicated, a program that is less than one-half the cost of the existing program.

Mr. Chairman, when we have heard so repeatedly from people who are so very, very knowledgeable that we are here today dealing in this bill not with the creation of a robust American Merchant Marine but the very survival of the American Merchant Marine, I would hope that when Members come to the floor of the House, unless they believe it is a matter of indifference whether or not an American flagged Merchant Marine survives, that they will be here in support of H.R. 1350.

Mr. Chairman, let me begin by thanking the gentleman from Mississippi [Mr. TAYLOR] for his very able assistance in producing a bill which enjoys strong bipartisan support. I would also like to express my appreciation to the National Security Committee's very able chairman, Chairman FLOYD SPENCE and to the very able ranking member, the Honorable RON DELLUMS. Without each of these members support and assistance we would not be before the House today.

H.R. 1350 is a very simple and very modest proposal. Support for H.R. 1350 will be a statement by this body and by its Members that you wish to see the American flag continue to fly from vessels carrying this Nation's commerce. But Mr. Chairman even more important, a vote to support H.R. 1350 will assure that our fighting men and women will have the supplies and food and ammunition to sustain their efforts when they are operating in some distant land. The lessons of Desert Storm should not be forgotten so quickly.

I recognize that there are those who have in the past questioned the need for a U.S. merchant fleet to support our troops in time of war, national emergency or where the national security dictates our involvement. Those same individuals had their eyes opened during Desert Storm when the entire free world was mobilized to fight one common enemy. Over 80 percent of our sustainment cargo moved by sea. During that conflict we were forced to use foreign vessels to supplement the available U.S. flag tonnage. Our country was indeed fortunate that we were engaging an enemy that was so vilified by the entire civilized world. The next time circumstances could be different. We may not have a unified world effort.

Let me take just a moment to comment on some key elements of this program and how it differs from the current program. As many of you know the current program is designed as an entitlement program. That program was very expensive. This bill prohibits the granting of any future contracts under this entitlement program. That program will essentially expire next year. H.R. 1350 replaces the old program which had steadily rising payments to the vessel operators with specific set payments each year—$2.3 million the first year, declining the next year to $2.1 million. It is estimated that this program is more than 50 percent cheaper than the current entitlement program. Just as important as the reduction in payments to the vessel operators, is the fact that the funding of this program is subject to annual appropriations. I wish to emphasize that point. If this program is not working or if we are not retaining the assets we need, then Congress can in any year of this 10 year program vote to end it at that point in time.

I would like to make one more point before I yield to the gentleman from Mississippi. The Congressional Budget Office has scored the annual cost of this program at $100 million, with the first year cost at $46 million. This is as I have said, roughly one-half the cost of the current program. For the Defense Department to build or buy this same sealift capacity, it has been estimated that it would cost over $5 billion. Just to maintain that type of fleet and to man it with skilled mariners would easily exceed the annual cost of this Maritime Security Program. In short I believe we have designed a program that reflects the budget restraints we are operating under but at the same time serves to fill a critical shortfall in the sealift capability that is essential to our national security.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. Mr. Chairman, I am pleased at this time to yield to the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, for purposes of a colloquy.

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding, and for the purposes of clarifying the bill's reemployment rights provision, I would like to enter into a colloquy with the gentleman.

My understanding is that the administration, investigation and enforcement provided for in H.R. 1350 for reemployment rights for Merchant Mariners will be done by the Department of Transportation, not the Department of Labor; is that correct?

Mr. BATEMAN. Yes, that is correct. Administration, investigation and enforcement will all be performed by the Department of Transportation, and to the extent necessary, by the Department of Justice. Nothing will be done by the Department of Labor, and these provisions will not impact upon that Department.

Mr. STUMP. Mr. Chairman, could the gentleman also confirm my understanding that this bill in no way gives veterans status to merchant mariners?

Mr. BATEMAN. That is also correct, it would not.

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding and I urge my colleagues to support this bill.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman and I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon [Ms. FURSE], an active member of the former Committee on Merchant Marine and Fisheries.

Ms. FURSE. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I rise today in very strong support of H.R. 1350, the Maritime Security Act. As someone who served on both the Committee on Merchant Marine and Fisheries, and the Committee on National Security, and who worked very hard to gain passage of legislation to restore our Nation's maritime industry, I know just how important this legislation is to preserving but also to enhancing our sealift force and maintaining an international commercial transportation capability.

H.R. 1350 is important legislation because it is designed to close two gaping holes in the security of America, one in our defensive structure and the other in our economic base. As a Congresswoman from Oregon, the maritime industry is absolutely vital to my community. The coastal areas and the Columbia River are key players in our local economy as well as bearers of our Nation's heritage.

The people who make their living in the maritime industry have a proud history, but, unfortunately, today there are thousands of people who have lost their jobs or who are struggling to make ends meet as a result of the massive decline in the maritime industry. That decline has come about since 1981.

The legislation before us today, Mr. Chairman, is a first step in saving two of America's most precious resources, domestic shipyards and the U.S.-flagged Merchant Marine. This bill will preserve and also create jobs for American seafarers and shipbuilding workers. And we have the best in this country, the best seafarers and the best shipbuilding workers. These industries will receive genuine improvements that will make a real difference.

These are the industries we need to compete in a global market. Continued American leadership in international trade and a sound national defense both rely heavily on our ability to transport goods and other supplies overseas, including our precious men and women in uniform. Today, unfortunately, we are losing that ability.

Mr. Chairman, H.R. 1350 makes a number of other important reforms in merchant seaman reemployment rights and in cargo preference requirements that will increase efficiencies and, ultimately, will reduce costs. These reforms are long overdue.

As I said earlier, I have served on both of these important committees. I know how important this bill is to our national economic and defensive securities, but it is also important to the people we serve, the people who work in the maritime industry. Their families, their communities, their lives are also at stake, as is our security, both national and economic.

I find it rather disheartening, Mr. Chairman, to be here repeating something I said on this same floor in 1993, but I am glad to be able to be here to speak again in support of this great bill. If we do not put together and implement a sensible maritime policy as soon as possible, there will not be a maritime industry left to salvage. We must get H.R. 1350 passed as soon as possible.

I really want to congratulate the sponsors of this bill and I urge all my colleagues to support H.R. 1350.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, Napoleon once said that an army marches on its stomach. A great deal has changed in history and the security of nations, but Napoleon's observation is as true today as it was so many years ago. In the Persian Gulf war, the United States found that it had the fighting men, it had the world's finest equipment, we had the fighting will, but we lacked the ability to get our forces to the area of combat safely, quickly and efficiently.

For more than 40 years, Mr. Chairman, we have witnessed the rapid but the certain deterioration in the merchant marine capabilities of the United States from the world's largest fleet. In 1945 there were 2,000 flagged vessels of our country, there are today less than 350. To some, it is a loss of pride; to others, an indication of an unfavorable economic trend. But in the final analysis, there is a more important measure of this deterioration in our presence in the world seas. It is our inability in times of national crisis to ensure that our national interests are protected.

Today, Mr. Chairman, the committee deserves to be complimented because H.R. 1350, the Maritime Security Act, can at least assure the situation will not deteriorate further. Indeed, while saving money for the Federal Government, we can at the same time assure that our security interests are protected in maintaining some minimal presence of American crewed and flagged vessels on the high seas.

There is not a developing nation in the world that does not recognize the importance of what we are doing here today. Every nation has recognized that, as it has had to save money and to assure its public treasury, it had an equal interest for security and economic reasons in the viability of a national fleet. Some will argue this should be done simply in the marketplace, with no Government presence whatsoever, the problem being that those are not the rules by which the world plays.

Mr. Chairman, other nations have decided to involve themselves and their merchant fleets. If we do not, the outcome is simple. There will be no fleet at all.

Finally, to those who would argue that we should simply allow the market to run its course, I would remind them that while other nations might, the United States is not simply another nation. We have the world's greatest security commitments and requirements. We have invested in a vast national security infrastructure, and this is its most vulnerable individual component.

I rise therefore, Mr. Chairman, to congratulate the committee, the Members of the House who have spent so much effort bringing this legislation to the floor today, and I urge my colleagues, by an overwhelming vote, to give their affirmative votes, and I thank the gentleman for yielding.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS], the chairman of the former Committee on Merchant Marine and Fisheries.

Mr. STUDDS. Mr. Chairman, I rise in strong support of the bill somewhat wistfully, precisely as the former chairman of the former committee of jurisdiction over these matters. I note with some pleasure that the tradition of that committee, in terms of bipartisan tranquillity, has extended to this Congress, of all places, and to this floor at this time on this subject with many of these Members who are very familiar with this problem.

□ 1445

I would also like, for the umpteenth time, to express my appreciation to the members of the Committee on National Security, whatever its title is this year, on both sides, with whom we worked in such a collegial and productive fashion in the last Congress, in an equally bipartisan fashion, to craft legislation which I modestly observe was perhaps a bit stronger and more extensive even than the bill before us now.

That bill died where so many bills die, in the other body, for reasons someone referred to them as technical. I do not think they were technical; I think they were basically political and regional, but they died. It went to its final resting place in that burial of so much good legislation, that plot across the building there.

Mr. Chairman, this is good legislation, but we should not kid ourselves that this is going to solve the problem. We are drawing a minimal line below which we will not let this fleet sink. No Member should think that we have resolved the question of the United States as a maritime power going into the next century by adopting this legislation, even in the unlikely event that the other body can move itself to agree with us. But it is important, it is essential, and I am delighted to join with the members of the Committee on National Security on behalf of this.

Mr. Chairman, I would wistfully observe that had this subject been as important in the minds of the Members on the other side as they say that it is, that their first action might not have been the abolition of the aforementioned, much-lamented and grieved-for Committee on the Merchant Marine and Fisheries. But, nonetheless, that has been done, and I am delighted to be a part of what I hope is a lasting legacy in this and future legislation.

Mr. Chairman, I support the proposed legislation in part because it is absolutely necessary that Congress act now to save our merchant fleet. Twice in the last 2 years, the House has passed legislation that in all modesty would have done more in that regard that this bill, only to have our efforts come to naught in the Senate. But time not only is no longer on our side—it has run out. Today, we are being asked to set a floor below which our commercial fleet cannot be allowed to fall. We should not fool ourselves into believing we are doing anything else. In the future, Congress must again take up the task of formulating the kind of policies necessary to attract new, modern vessels to the U.S. fleet, with their owners assured of a long-term, binding commitment of the U.S. Government to foster and maintain such a fleet.

Mr. TAYLOR of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I certainly rise today in support of H.R. 1350, the Maritime Security Act of 1995, and strongly encourage my colleagues to support this bipartisan effort. I would like to commend the gentleman from South Carolina [Mr. SPENCE] and the gentleman from Virginia [Mr. BATEMAN] as well as my colleague, the gentleman from Mississippi [Mr. TAYLOR], for their leadership, and also the committee for unanimously reporting this legislation.

Mr. Chairman, it is the most sweeping maritime reform in 6 decades, and it will provide for a modern, cost-competitive American maritime fleet while reducing Federal spending by one-half. The legislation will also reduce or eliminate regulations that prevent American ship-operating companies from competing on an equal basis with foreign-flag operators.

Today, Federal regulations determine where our U.S. flagship can operate. These regulations mandate equipment and rules that penalize vessels which fly our flag. They discourage investment in modern, efficient vessels. H.R. 1350 will eliminate regulations that make no sense, that cost American jobs, and that tie the hands of American companies.

Most importantly, H.R. 1350 will give America a commercial private-sector sealift fleet to serve our economic and military objectives and promote a strong national defense that is unquestioned by friend and foe alike.

Supporters of the fleet have included former President Reagan and Gen. Colin Powell, who referred to the program as the "workhorse" of our operations in missions such as Desert Shield and Desert Storm.

The U.S. Constitution lays out only one specific responsibility for the Federal Government, and that is to provide for a national defense of our country. We must work to provide the best and most cost-effective defense America can afford.

H.R. 1350 will cut redtape, strengthen our Nation's maritime force, and solidify our Nation's defense at a bargain to the taxpayers. I strongly urge my colleagues to vote for the Maritime Security Act of 1995.

Mr. BATEMAN. Mr. Chairman, I would like to inquire if the gentleman from Mississippi [Mr. TAYLOR] has further speakers.

Mr. TAYLOR of Mississippi. Mr. Chairman, to the best of my knowledge, we have no more requests for time.

Mr. BATEMAN. Mr. Chairman, we have no further requests for time on this side of the aisle.

Mr. TAYLOR of Mississippi. Mr. Chairman, may I say good things about the gentleman from Virginia [Mr. BATEMAN] before he closes?

Mr. BATEMAN. Mr. Chairman, I am always happy to yield for that purpose.

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to encourage all of my colleagues, Democratic and Republican, to support this measure. It is, as the gentleman from Virginia [Mr. BATEMAN] said before the Committee on Rules last week, a modest measure, doing the best we can with what we have to maintain the U.S. merchant fleet.

I have every confidence that the new chairman of the maritime panel can come up with a much more ambitious program for next year and, as his ranking minority member, I intend to work with him to the fullest on that.

Mr. Chairman, I want to take the comments to heart of what the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, said about the need for the American merchant fleet. I think we ought to be on the gentleman's doorstep asking for his help to do the things that we know need to be done.

Mr. Chairman, with that, I yield back the balance of my time, and encourage the passage of the bill.

Mr. BATEMAN. Mr. Chairman, I will take but a moment further, but I feel it is necessary for me to do that in order for me to express my gratitude and, I should hope, the appreciation of all the Members of the House for the cooperation and leadership that I have received as chairman of the merchant marine panel from the gentleman from Mississippi [Mr. TAYLOR], and to also commend the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Illinois [Mr. LIPINSKI], who have always played a critical role in trying to support the American merchant marine community. They have done yeoman's work in this field. It is a part of a truly bipartisan effort.

So, Mr. Chairman, thanks to all of them, and thanks to all those who came to the floor to express their support for this vitally needed legislation.

Mr. DIAZ-BALART. Mr. Chairman, I rise today to offer my support for H.R. 1350, the Maritime Security Act of 1995.

Mr. Chairman, history has only begun to tell the story of the need for our country to have a viable merchant marine fleet. During the Vietnam war, the demand was not always met by the merchant marine fleet because some of the vessels that were flagged in other countries had crews that refused to crew the fleet during this conflict. More recently, during Desert Shield/Desert Storm, trained mariners were ready to go to sea, but because they had no rehire rights they could not take a chance on losing their civilian jobs. Because of this lack of reemployment, the United States had to rely on pensioners who were in their 60's, 70's and even 80's to service these cargo and supply vessels.

H.R. 1350 reverses a trend and ensures the existence of a fleet of militarily useful U.S.-flag commercial vessels and their American citizen crews, necessary for the military security requirements of our Nation. Fortunately there is consensus in Congress that H.R. 1350 needs to be enacted into law as soon as possible. The Maritime Security Act is supported by all segments of the U.S.-flag maritime industry—the American seafarers and the American shipbuilders.

I am proud to be supporting H.R. 1350 with enthusiasm.

Mr. UNDERWOOD. Mr. Chairman, as an island community 3500 miles west of Hawaii, we on Guam appreciate the immense importance of our national maritime policy. As an American community once occupied by enemy forces, we also greatly appreciate sound national security policies.

The Maritime Security Act of 1995 serves to ensure an American merchant fleet crewed by Americans. These vessels would ensure the availability of critical assets in the event of a major conflict. I support these very important national security goals.

I would point out that the purpose of this act is to help the American merchant marine fleet compete with foreign shipping interests. I must take issue when the competition is so skewed that there is no competition at all. In Guam's case, the Jones Act requires that goods shipped to Guam from other U.S. ports, such as from the west coast, must be carried on American vessels. Guam would rather have the open competition. Yes, subsidize the American carriers, if necessary, to even the playing field, but by all means, do not subsidize and then close the markets. In Guam's case, we have the worst of all worlds.

Because the Guam shipping rates are so high compared to rates to Japan, we are actually in a position to lose business in our port from the United States military to these foreign ports. It is actually cheaper for the United States military to move its supplies to a foreign port and to re-supply United States naval ships from these foreign ports, than it is to ship those same supplies to Guam. In an era of strict budgetary constraints, the Navy's Military Sealift Command is contemplating this very scenario. What happened to national security concerns? What happened to loyalty to American workers in the American port of Guam? Very simply, what happened is that the shippers who receive these subsidies, and who have the captive Guam market because of the Jones Act, have made it impossible for the Navy to operate out of Guam due to their exorbitant shipping rates.

And we Americans who live on Guam are finding it increasingly untenable to be the ones whose shipping rates provide the windfall profits to shipping companies because of Jones Act restrictions.

Mr. Chairman, I can support the shipping subsidies if it helps the fair and open competition. But I would urge Congress to open Guam's market to fair and open competition.

Mr. POMEROY. Mr. Chairman, I rise in support of H.R. 1350, the Maritime Security Act of 1995.

Both our national security and commercial interests are well-served by preserving a viable U.S.-flagged maritime industry. A domestic fleet of ocean-going vessels provides vital sealift capability to our military and ensures that foreign shipping interests do not gain total control over America's foreign trade. For these reasons, all Americans should support the maintenance of a healthy domestic shipping industry.

While the legislation before us today protects the future of our domestic shipping capability, it does so while dramatically reducing costs to the Federal Government. H.R. 1350 reduces operating assistance payments for militarily useful U.S.-flag ships by more than 50 percent, from $225 million annually to $100 million. What's more the bill eliminates outdated and unnecessary rules and regulations which impede the ability of U.S.-flag commercial vessels to compete and to expand and modernize their fleets.

Finally, Mr. Chairman, I am pleased that the committee successfully revised the application of cargo preference requirements for shipments of agriculture commodities under the Public Law 480 Food for Peace Program. The revision will ensure that Great Lakes ports, which are not served by large U.S.-flag vessels, are not precluded from participating in such shipments.

This provision is especially important to North Dakota and the entire upper Midwest because we export a significant amount of agriculture products through Great Lakes ports. As I have said before on this floor, I do not view the interest of domestic shipping agricultural trade as incompatible. H.R. 1350 strikes an important balance that serves the interests of both industries.

I congratulate the chairman of the Armed Services Committee, Mr. SPENCE, and the ranking minority member, Mr. DELLUMS, for bringing this bipartisan legislation to the floor today. The bill was unanimously supported by the Committee on National Security and deserves the support of all Members.

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 1350, the Maritime Security Act of 1995, sponsored by the gentleman from South Carolina [Mr. SPENCE] and the gentleman from Virginia [Mr. BATEMAN], and urge my colleagues to support it also.

Mr. Chairman, this year marks the 50th anniversary of the end of World War II. On May 18 and September 2 of this year, all segments of America's Armed Forces were praised and their exploits recounted for the commemoration of the 50th anniversaries of V–E Day and V–J Day, respectfully. One segment that I believe was not given the full credit it deserves was the U.S. merchant marine.

The United States led the free world to victory, in part, because its skilled men and women worked around the clock in America's machine shops and shipyards to produce the vessels needed to carry the critical supplies and ordinance to our fighting men and women overseas. Those ships were all crewed with brave, young American merchant mariners who sailed through thousands of miles of treacherous waters, often unprotected from submarine attacks.

It was America's industrial strength that helped to overwhelm our German and Japanese enemies, though only because American shipyards also supplied the transportation to move it. Between 1941 and 1945, more than 51,000,000 tons of merchant shipping was built by U.S. shipyards, representing some 10,000 Liberty and Victory freighters and T–2 tankers, all U.S. manned and produced by a revolutionary process called prefabrication in which a vessel could be built from start to finish in just 4 days. At the height of the Liberty-building program, shipyards in Baltimore and San Francisco and other port cities were launching three ships a day. Germany's U-boats could not sink such an output at the rate losses were replaced.

We will retain a small part of this industry component if the House votes in favor of H.R. 1350 today. With the enactment of this important legislation, America will have the nucleus of a merchant fleet flying the Stars and Stripes proudly on the fantails of our ships, ready to provide the kind of protection and competition to American shippers who would otherwise be at the mercy of foreign-flag fleets.

With this bill, our Nation will also have a civilian fleet which we can count on during times of both war and peace. Further, it will have a maritime manpower base and intermodal cargo carrying capability essential to strong sealift under our own control.

Mr. Chairman, I strongly urge my colleagues to support the national security of our country by voting for this bill and manager's amendment to it.

Mr. REED. Mr. Chairman, I rise in strong support of H.R. 1350, the Maritime Security Act of 1995.

As a member of the Merchant Marine and Fisheries Committee and the Subcommittee on Merchant Marine in the 102d and 103d Congresses, I was actively involved in several maritime reform efforts. While that committee no longer exists, I am glad that we are making another attempt to ensure our status as a maritime power.

H.R. 1350 would support a fleet of militarily useful U.S.-flagged commercial vessels and American merchant marines for future needs. It would prevent foreign shipping interests from controlling all U.S. maritime trade. It would reduce the costs of the operating assistance program and eliminate burdensome administrative requirements. H.R. 1350 would also help our Nation's shipyards by encouraging the construction of new vessels here in America.

Throughout my tenure in the House of Representatives, I have been proud to come to the floor and vote in favor of several bills to ensure a vibrant American merchant marine and maritime industry. Such legislation is good for our economy and our national security.

Unfortunately, maritime reform and revitalization efforts failed to get the support of the other Chamber. I would urge my colleagues in the other body to get on board and support our Nation's maritime industry.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 1350, the Maritime Security Act of 1995. I commend Chairman SPENCE and the ranking minority member of the National Security Committee, Mr. DELLUMS, for bringing this important bill forward.

The bill makes some much needed and long overdue reforms in Federal maritime programs. Most importantly, the bill replaces the Operational Differential Subsidy [ODS] Program with a new Maritime Security Fleet [MSF] Program within the Transportation Department. The new MSF Program would provide annual payments to U.S.-flag shipping companies who agree to make their vessels available to the Federal Government when needed for national security purposes.

The new MSF Program will allow the United States to maintain a modern merchant fleet, provide sealift for national emergencies, and ensure that America remains a player in ocean transportation and commerce. The MSF Program will provide for a viable United States maritime industry able to provide America with the maritime services necessary to respond to a national security crisis—such as a war in the Persian Gulf or the Korean Peninsula.

Members should note that the MSF Program will provide this service at a program cost significantly less than the current Operating Differential Subsidy Program.

The chairman's amendment includes a provision which reauthorizes and reforms the title XI program to provide Federal loan guarantees to buyers who build vessels in American shipyards. The funds authorized in the bill will provide seed money for as much as $500 million in loan guarantee authority for the construction of commercial vessels in U.S. shipyards.

For every American shipyard job that is created, 10 jobs are created in related industries throughout the country. The title XI loan guarantee program is a successful and necessary initiative.

To fully appreciate the urgent necessity of this program one must fully understand the real world of commercial shipbuilding. The international shipbuilding industry is highly competitive and dominated by nations that heavily subsidize their shipbuilding industries.

The title XI program, time and time again, allows shipbuilding projects in this country to go forward—projects that normally never would have happened without title XI.

At a time when some $20 billion of United States taxpayer money is being used to bail out Mexico, it would be a travesty and a tragedy not to continue a modest program like title XI that creates American jobs and secures our national security.

At the present time there is great pressure on the Congress to cut Federal spending. I agree that Congress should closely review each and every program of the Federal Government. There are certain responsibilities, however, that the Federal Government cannot shirk or shortchange. National security is one of them.

The new Maritime Security Fleet Program authorized in this bill will foster a continuing and effective partnership between the Federal Government and the private sector by utilizing existing industries to provide cost effective sealift, as well as a modern and efficient marine transportation system.

The maintenance of a viable and efficient maritime industry is an essential component of ensuring national security. To cut or eliminate these programs would seriously compromise our national security by compromising the U.S. military's ability to move troops and material to any point on the globe where our interests might be threatened.

Napoleon once said that an army lives on its stomach. That maxim is as true in the high-technology battlefield of 1995 as it was in the 19th century. Modern-day armies need to eat, they need to be transported and they need logistic support to function and to fight. I, for one, do not want to rely on foreign maritime fleets and crews to feed, clothe, and equip American troops during a crisis. That is why we need to pass H.R. 1350.

I urge my colleagues to support H.R. 1350.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 1350, the Maritime Security Act of 1995. This legislation preserves a strong U.S. merchant marine and it is vital to our national defense and economy.

In the years immediately following World War II, almost half of the world's commercial fleet sailed under the American flag. Today, while the United States remains the largest trading nation in the world, our merchant marine fleet now ranks 16th in size when compared to other maritime nations. This legislation would begin to reverse this dramatic decline.

H.R. 1350, which was reported unanimously by the Committee on National Security, serves several important purposes. The bill creates a Maritime Security Program which will ensure that the United States has a U.S.-flagged and crewed fleet of militarily useful commercial vessels ready at all times. This fleet will serve our country in peace and in war.

In addition, the Maritime Security Program would significantly reduce the cost of the Federal maritime operating assistance program from a $225 million annual program to a $100 million annual program. Each ship that participates in the program would receive $2.3 million per year for the first year and $2.1 million per year for the remaining 9 years of the program. When fully operational, the program would result in the retention of approximately 50 U.S.-flag vessels which would otherwise shift their operations to foreign flags of convenience with foreign crews.

This is the most sweeping maritime reform program in six decades. It will reduce Federal spending while providing for a modern cost-competitive American maritime fleet which will serve our Nation's economic and military objectives. Furthermore, it will ensure that our

American commercial fleet will be crewed by American sailors, the finest crews in the world.

I urge my colleagues to support this important legislation and vote "yes" on H.R. 1350.

Mr. JONES. Mr. Chairman, last fall the electorate called for the role of the Government to change and the size of the Government to be reduced. With downsizing and budget cutting, we in Government will need to do more for less. We must look for cost-effective entrepreneurial approaches to providing services to our country.

Reinventing Government includes programs related to national security. Not all national security programs need to be Government owned and staffed. Some activities essential to national security can be provided by provided by the private sector, functioning in a commercial environment, but readily available to the Government when needed for national security.

There is no debate whether ships and seafarers are needed to carry U.S. military cargo and supplies to the areas of conflict. The issue is whether some of the sealift can be provided by the private sector at a substantially reduced cost to the Government, compared to the alternative of a full-time Government fleet fully paid for by the Government.

Both the Bush administration and the Clinton administration recognized the need for abundant sealift capacity, especially with the reduction of forces overseas and the experiences of the Persian Gulf war. Both administrations proposed the use of U.S.-owned and U.S.-crewed commercial vessels to provide supplemental sustainment lift of military cargo and supplies. Dedicated Government-owned ships would continue to be used for immediate surge lift. The continuous carriage of cargo, called sustainment lift, would be transported on commercial vessels.

At the same time, both administrations recognized the need to reinvent the existing maritime program, reduce its costs, and deregulate its operations. They would replace the old subsidy program based on a cost differential between foreign and Government and the private industry to provide modern and efficient ships with U.S.-citizen crews when needed for war and national emergencies. Flat-fee contracts would be approximately one-half the cost of the old programs.

The new maritime program would cost the Government $100 million per year for 52 ships. The private sector would be providing to the Government 52 ships worth $5 billion paid for by the private sector. In addition to buying the vessel with private funds, the U.S. shipowner saves the Government the related inermodal transportation assets that would cost billions to duplicate. Also, rather than hiring a full-time Government crew, the Government would have use of well-trained and loyal merchant mariners when needed.

Some critics propose eliminating all support for our vital maritime industry. They fail to see how shortsighted it would be to kill a program primarily financed by the private sector which would eventually be replaced by a much more costly Government program.

Legislation reported out of the National Security Committee (H.R. 1350) and the Senate Commerce Committee (S. 1189) provides for a core fleet of approximately 50 vessels for $100 million per year. Since 1936, the old program has cost between $200 to $400 million a year.

When the Government reinvents the way it does business, it looks at the need for the program, the cost of the program, and the efficiency of the program. There is no question that there is a need for sealift. As far as the costs are concerned, the new program costs are cut in half, and, by using the private sector for sustainment sealift, the Government saves billions of dollars which otherwise would be needed to buy and maintain a Government fleet.

While I believe that there is much to be done to make our domestic commercial fleet more competitive with its foreign rivals, it is important that we recognize the role of that domestic fleet as part of our national defense capability.

I am one who supports initiatives to reduce the size and cost of Government. We must be aware of false economies, however, it would be foolish to try to save $100 million this year, only to spend billions when the Government must step in to assure its national security.

Mr. GANSKE. Mr. Chairman, I am opposed to H.R. 1350, the Maritime Security Act of 1995. I am disappointed that the House approved this legislation which will literally give away over $100 million a year to the domestic ship building industry. This measure is corporate welfare at its worst. As we move towards a balanced budget by 2002, we should not undertake this wasteful initiative.

The Maritime Security Act of 1995 is an attempt to lengthen the phase-out of subsidies for the American shipbuilding industry. The Merchant Marine Act of 1936 created the Operating Differential Subsidy [ODS] Program. This program provided payments to carriers on specified trade routes to offset the higher cost of operating under the U.S. flag and was intended to maintain a U.S. merchant fleet. Unfortunately, rather than stimulate a vibrant domestic fleet, subsidies have resulted in an aging fleet of uncertain quality and reliability. Time has proven that this program was ill advised. Wisely, these contracts were set to expire over the next 3 years.

Unfortunately, instead of allowing the free market to reinvigorate and revitalize this sector of our economy, supporters of the U.S. shipping industry have developed a new program which will effectively extend the subsidies until the year 2005 at a potential cost of over $1.2 billion. Adoption of this legislation will force the taxpayers to pay each U.S. ship more than $2 million each year.

Perhaps even more amazing, the Maritime Security Act would remove the requirement that obligates U.S. shipping companies to make their vessels available to the Government in time of national emergency. Incredibly, the bill allows these companies to substitute similar size foreign-registered, foreign-crewed ships. The result, Mr. Chairman, is that U.S. taxpayers get virtually nothing for their tax dollar. Because of continued subsidies, the domestic shipping industry will remain inefficient and uncompetitive. Companies like Cargill or Con Agra shipping products like Iowa corn and grain will continue to face uncompetitive rates higher than the world average.

At this point, Mr. Chairman, I would like to submit for the RECORD a letter I received from Citizens Against Government Waste that summarizes the serious flaws in this legislation and makes the case why it should be defeated.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, December 5, 1995.

DEAR REPRESENTATIVE: The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) urge you to reject a new subsidy in H.R. 1350, "Maritime Security Act of 1995."

The current subsidized maritime system is set to expire in 1997, and in this time of fiscal restraint, it should not be renewed. Instead, for the first time in maritime subsidy history, U.S.-flag vessel operators will be able to collect both cargo preference and direct subsidies. Earlier this year, CCAGW applauded Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary Chairman Hal Rogers, for refusing to fund H.R. 1350. Today, the Department of Defense relies upon a variety of resources to meet its sealift objectives. For example, according to the General Accounting Office, during Operation Desert Shield only 15 percent of the 206 ships chartered by the Military Sealift Command were privately owned U.S.-fag vessels.

Since the 1930s, under the protectionist Jones Act, nearly $10 billion has been spent on operating subsidies for the merchant marine industry. In addition, a handful of U.S.-flag vessel operators have annually reaped $500 million in cargo preference subsidies. Members of Congress have supported these subsidies under the illusion that they ultimately help maintain a healthy U.S.-flag fleet. Instead, the industry is hopelessly dependent on taxpayer subsidies.

Strengthening our national defense is a goal that CCAGW strongly supports, but it is not an excuse to extend maritime subsidies that waste scarce tax dollars. We urge you to vote against H.R. 1350 and prevent the enactment of a new wasteful maritime subsidy. This vote will be among those considered for our 1995 Congressional Ratings.

Sincerely,

TOM SCHATZ,
President.

Mr. BATEMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–375, if offered by the gentleman from South Carolina [Mr. SPENCE], or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 20 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Security Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. MARITIME SECURITY PROGRAM.

Title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"Title VI—Vessel Operating Assistance Programs

"Subtitle A—Operating-Differential Subsidy Program";

and

(2) by adding at the end the following new subtitle:

"Subtitle B—Maritime Security Fleet Program

"ESTABLISHMENT OF FLEET

"Sec. 651. (a) In General.—The Secretary of Transportation shall establish a fleet of active, militarily useful, privately-owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The Fleet shall consist of privately owned, United States-flag vessels for which there are in effect operating agreements under this subtitle, and shall be known as the Maritime Security Fleet.

"(b) Vessel Eligibility.—A vessel is eligible to be included in the Fleet if the vessel is self-propelled and—

"(1)(A) is operated by a person as an ocean common carrier (as that term is used in the Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.));

"(B) whether in commercial service, on charter to the Department of Defense, or in other employment, is either—

"(i) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 twenty-foot equivalent units; or

"(ii) a lighter aboard ship vessel with a barge capacity of at least 75 barges; or

"(C) any other type of vessel that is determined by the Secretary to be suitable for use by the United States for national defense or military purposes in time of war or national emergency;

"(2)(A)(i) is a United States-documented vessel; and

"(ii) on the date an operating agreement covering the vessel is entered into under this subtitle, is—

"(I) a LASH vessel that is 25 years of age or less; or

"(II) any other type of vessel that is 15 years of age or less;

except that the Secretary of Transportation may waive the application of clause (ii) if the Secretary, in consultation with the Secretary of Defense, determines that the waiver is in the national interest; or

"(B) it is not a United States-documented vessel, but the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of title 46, United States Code, if it is included in the Fleet, and the vessel will be less than 10 years of age on the date of that documentation;

"(3) the Secretary of Transportation determines that the vessel is necessary to maintain a United States presence in international commercial shipping or, after consultation with the Secretary of Defense, determines that the vessel is militarily useful for meeting the sealift needs of the United States with respect to national emergencies; and

"(4) at the time an operating agreement for the vessel is entered into under this subtitle, the vessel will be eligible for documentation under chapter 121 of title 46, United States Code.

"OPERATING AGREEMENTS

"Sec. 652. (a) In General.—The Secretary of Transportation shall require, as a condition of including any vessel in the Fleet, that the owner or operator of the vessel enter into an operating agreement with the Secretary under this section. Notwithstanding subsection (g), the Secretary may enter into an operating agreement for, among other vessels that are eligible to be included in the Fleet, any vessel which continues to operate under an operating-differential subsidy contract under subtitle A or which is under charter to the Department of Defense.

"(b) Requirements for Operation.—An operating agreement under this section shall require that, during the period a vessel is operating under the agreement—

"(1) the vessel—

"(A) shall be operated exclusively in the foreign trade or in mixed foreign and domestic trade allowed under a registry endorsement issued under section 12105 of title 46, United States Code, and

"(B) shall not otherwise be operated in the coastwise trade; and

"(2) the vessel shall be documented under chapter 121 of title 46, United States Code.

"(c) Certain Requirements Not To Apply.—A contractor of a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction, and shall not be subject to any requirement under section 801, 808, 809, or 810.

"(d) Effectiveness and Annual Payment Requirements of Operating Agreements.—

"(1) Effectiveness.—The Secretary of Transportation may enter into an operating agreement under this subtitle for fiscal year 1996. The agreement shall be effective only for 1 fiscal year, but shall be renewable, subject to the availability of appropriations, for each subsequent fiscal year through the end of fiscal year 2005.

"(2) Annual payment.—An operating agreement under this subtitle shall require, subject to the availability of appropriations and the other provisions of this section, that the Secretary of Transportation pay each fiscal year to the contractor, for each vessel that is covered by the operating agreement, an amount equal to $2,300,000 for fiscal year 1996 and $2,100,000 for each fiscal year thereafter in which the agreement is in effect. The amount shall be paid in equal monthly installments at the end of each month. The amount shall not be reduced except as provided by this section.

"(e) Certification Required for Payment.—As a condition of receiving payment under this section for a fiscal year for a vessel, the owner or operator of the vessel shall certify, in accordance with regulations issued by the Secretary of Transportation, that the vessel has been and will be operated in accordance with subsection (b)(1) for at least 320 days in the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

"(f) Operating Agreement Is Obligation of United States Government.—An operating agreement under this subtitle constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

"(g) Limitations.—The Secretary of Transportation shall not make any payment under this subtitle for a vessel with respect to any days for which the vessel is—

"(1) subject to an operating-differential subsidy contract under subtitle A or under a charter to the United States Government, other than a charter pursuant to section 653;

"(2) not operated or maintained in accordance with an operating agreement under this subtitle; or

"(3) more than 25 years of age, except that the Secretary may make such payments for a LASH vessel for any day for which the vessel is more than 25 years of age if that vessel—

"(A) is modernized after January 1, 1994,

"(B) is modernized before it is 25 years of age, and

"(C) is not more than 30 years of age.

"(h) Payments.—With respect to payments under this subtitle for a vessel covered by an operating agreement, the Secretary of Transportation—

"(1) except as provided in paragraph (2), shall not reduce any payment for the operation of a vessel to carry military or other preference cargoes under section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241-1), section 901(a), 901(b), or 901b of this Act, or any other cargo preference law of the United States;

"(2) shall not make any payment for any day that a vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 901(a), 901(b), or 901b that is bulk cargo (as that term is defined in section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702)); and

"(3) shall make a pro rata reduction in payment for each day less than 320 in a fiscal year that a vessel covered by an operating agreement is not operated in accordance with subsection (b)(1), with days during which the vessel is drydocked or undergoing survey, inspection, or repair considered to be days on which the vessel is operated.

"(i) Priority for Awarding Agreements.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

"(1) Vessels owned by citizens.—

"(A) Priority.—First, for any vessel that is—

"(i) owned and operated by persons who are citizens of the United States under section 2 of the Shipping Act, 1916; or

"(ii) less than 10 years of age and owned and operated by a corporation that is—

"(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(II) affiliated with a corporation operating or managing for the Secretary of Defense other vessels documented under that chapter, or chartering other vessels to the Secretary of Defense.

"(B) Limitation on number of operating agreements.—The total number of operating agreements that may be entered into by a person under the priority in subparagraph (A)—

"(i) for vessels described in subparagraph (A)(i), may not exceed the sum of—

“(I) the number of United States-documented vessels the person operated in the foreign commerce of the United States (except mixed coastwise and foreign commerce) on May 17, 1995; and

“(II) the number of United States-documented vessels the person chartered to the Secretary of Defense on that date; and

“(ii) for vessels described in subparagraph (A)(ii), may not exceed 5 vessels.

“(C) TREATMENT OF RELATED PARTIES.—For purposes of subparagraph (B), a related party with respect to a person shall be treated as the person.

“(2) OTHER VESSELS OWNED BY CITIZENS AND GOVERNMENT CONTRACTORS.—To the extent that amounts are available after applying paragraph (1), any vessel that is owned and operated by a person who is—

“(A) a citizen of the United States under section 2 of the Shipping Act, 1916, that has not been awarded an operating agreement under the priority established under paragraph (1); or

“(B)(i) eligible to document a vessel under chapter 121 of title 46, United States Code; and

“(ii) affiliated with a corporation operating or managing other United States-documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense.

“(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any other eligible vessel.

“(j) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person eligible to enter into that operating agreement under this subtitle after notification of the Secretary in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of that notification. A person to whom an operating agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be covered by the agreement after the transfer is an eligible vessel under section 651(b).

“(k) REVERSION OF UNUSED AUTHORITY.—The obligation of the Secretary to make payments under an operating agreement under this subtitle shall terminate with respect to a vessel if the contractor fails to engage in operation of the vessel for which such payment is required—

“(1) within one year after the effective date of the operating agreement, in the case of a vessel in existence on the effective date of the agreement, or

“(2) within 30 months after the effective date of the operating agreement, in the case of a vessel to be constructed after that effective date.

“(l) PROCEDURE FOR CONSIDERING APPLICATION; EFFECTIVE DATE FOR CERTAIN VESSELS.—

“(1) PROCEDURES.—Within 90 days after receipt of an application for enrollment of a vessel in the Fleet, the Secretary shall enter into an operating agreement with the applicant or provide in writing the reason for denial of that application.

“(2) EFFECTIVE DATE.—Unless an earlier date is requested by the applicant, the effective date for an operating agreement with respect to a vessel which is, on the date of entry into an operating agreement, either subject to a contract under subtitle A or on charter to the United States Government, other than a charter under section 653, shall be the expiration or termination date of the contract under subtitle A or of the Government charter covering the vessel, respectively, or any earlier date the vessel is withdrawn from that contract or charter.

“(m) EARLY TERMINATION.—An operating agreement under this subtitle shall terminate on a date specified by the contractor if the contractor notifies the Secretary, by not later than 60 days before the effective date of the termination, that the contractor intends to terminate the agreement. Vessels covered by an operating agreement terminated under to this subsection shall remain documented under chapter 121 of title 46, United States Code, until the date the operating agreement would have terminated according to its terms. A contractor who terminates an operating agreement pursuant to this subsection shall continue to be bound by the provisions of section 653 until the date the operating agreement would have terminated according to its terms. All terms and conditions of an Emergency Preparedness Agreement entered into under to section 653 shall remain in effect until the date the operating agreement would have terminated according to its terms, except that the terms of such Emergency Preparedness Agreement may be modified by the mutual consent of the contractor and the Secretary of Transportation.

“(n) TERMINATION FOR LACK OF FUNDS.—If funds are not appropriated under the authority provided by section 655 for any fiscal year, then each vessel covered by an operating agreement under this subtitle is thereby released from any further obligation under the operating agreement, the operating agreement shall terminate, and the vessel owner or operator may transfer and register such vessel under an effective United States-controlled foreign flag, notwithstanding any other provision of law. If section 902 is applicable to such vessel after registry under an effective United States-controlled foreign flag, the vessel is available to be requisitioned by the Secretary of Transportation pursuant to section 902.

“(o) AWARD OF OPERATING AGREEMENTS.—

“(1) IN GENERAL.—The Secretary of Transportation, subject to paragraph (4), shall award operating agreements within each priority under subsection (i)(1), (2), and (3) under regulations prescribed by the Secretary.

“(2) NUMBER OF AGREEMENTS AWARDED.—Regulations under paragraph (1) shall provide that if appropriated amounts are not sufficient for operating agreements for all vessels within a priority under subsection (i)(1), (2), or (3), the Secretary shall award to each person submitting a request a number of operating agreements that bears approximately the same ratio to the total number of vessels in the priority, as the amount of appropriations available for operating agreements for vessels in the priority bears to the amount of appropriations necessary for operating agreements for all vessels in the priority.

“(3) TREATMENT OF RELATED PARTIES.—For purposes of paragraph (2), a related party with respect to a person shall be treated as the person.

“(4) PREFERENCE FOR U.S.-BUILT VESSELS.—In awarding operating agreements for vessels within a priority under subsection (i) (1), (2), or (3), the Secretary shall give preference to a vessel that was constructed in the United States, to the extent such preference is consistent with establishment of a fleet described in the first sentence of section 651(a) (taking into account the age of the vessel, the nature of service provided by the vessel, and the commercial viability of the vessel).

“(p) NOTICE TO U.S. SHIPBUILDERS REQUIRED.—The Secretary shall include in any operating agreement under this subtitle a requirement that the contractor under the agreement shall, by not later than 30 days after soliciting any bid or offer for the construction of any vessel in a foreign shipyard and before entering into a contract for construction of a vessel in a foreign shipyard, provide notice of the intent of the contractor to enter into such a contract to each shipyard in the United States that is capable of constructing the vessel.

“NATIONAL SECURITY REQUIREMENTS

“SEC. 653. (a) EMERGENCY PREPAREDNESS AGREEMENT.—

“(1) REQUIREMENT TO ENTER AGREEMENT.—The Secretary of Transportation shall establish an Emergency Preparedness Program under this section that is approved by the Secretary of Defense. Under the program, the Secretary of Transportation shall include in each operating agreement under this subtitle a requirement that the contractor enter into an Emergency Preparedness Agreement under this section with the Secretary. The Secretary shall negotiate and enter into an Emergency Preparedness Agreement with each contractor as promptly as practicable after the contractor has entered into an operating agreement under this subtitle.

“(2) TERMS OF AGREEMENT.—An Emergency Preparedness Agreement under this section shall require that upon a request by the Secretary of Defense during time of war or national emergency, an owner or operator of a vessel covered by an operating agreement under this subtitle shall make available commercial transportation resources (including services). The basic terms of the Emergency Preparedness Agreement shall be established pursuant to consultations among the Secretary, the Secretary of Defense, and Maritime Security Program contractors. In any Emergency Preparedness Agreement, the Secretary and a contractor may agree to additional or modifying terms appropriate to the contractor's circumstances.

“(b) RESOURCES MADE AVAILABLE.—The commercial transportation resources to be made available under an Emergency Preparedness Agreement shall include vessels or capacity in vessels, intermodal systems and equipment, terminal facilities, intermodal and management services, and other related services, or any agreed portion of such nonvessel resources for activation as the Secretary may determine to be necessary, seeking to minimize disruption of the contractor's service to commercial shippers.

“(c) COMPENSATION.—

“(1) IN GENERAL.—The Secretary of Transportation shall provide in each Emergency Preparedness Agreement for reasonable compensation for all commercial transportation resources provided pursuant to this section.

“(2) SPECIFIC REQUIREMENTS.—Compensation under this subsection—

“(A) shall not be less than the contractor's commercial market charges for like transportation resources;

“(B) shall include all the contractor's costs associated with provision and use of the contractor's commercial resources to meet emergency requirements;

“(C) in the case of a charter of an entire vessel, shall be fair and reasonable;

“(D) shall be in addition to and shall not in any way reflect amounts payable under section 652; and

“(E) shall be provided from the time that a vessel or resource is diverted from commercial service until the time that reenters commercial service.

“(d) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding any other provision of this subtitle or of other law to the contrary—

“(1) a contractor may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity, as a temporary replacement for a United States-documented vessel or United States-documented vessel capacity that is activated under an Emergency Preparedness Agreement; and

“(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241-1), and sections 901(a), 901(b), and 901b of this Act to the

same extent as the eligibility of the vessel or vessel capacity replaced.

"(e) REDELIVERY AND LIABILITY OF U.S. FOR DAMAGES.—

"(1) IN GENERAL.—All commercial transportation resources activated under an Emergency Preparedness Agreement shall, upon termination of the period of activation, be redelivered to the contractor in the same good order and condition as when received, less ordinary wear and tear, or the Government shall fully compensate the contractor for any necessary repair or replacement.

"(2) LIMITATION ON LIABILITY OF U.S.—Except as may be expressly agreed to in an Emergency Preparedness Agreement, or as otherwise provided by law, the Government shall not be liable for disruption of a contractor's commercial business or other consequential damages to a contractor arising from activation of commercial transportation resources under an Emergency Preparedness Agreement.

"(3) LIMITATION ON APPLICATION OF OTHER REQUIREMENTS.—Sections 902 and 909 of this Act shall not apply to a vessel while it is covered by an Emergency Preparedness Agreement under this subtitle. Any Emergency Preparedness Agreement entered into by a contractor shall supersede any other agreement between that contractor and the Government for vessel availability in time of war or national emergency.

"DEFINITIONS

"SEC. 654. In this subtitle:

"(1) FLEET.—The term 'Fleet' means the Maritime Security Fleet established pursuant to section 651(a).

"(2) LASH VESSEL.—The term 'LASH vessel' means a lighter aboard ship vessel.

"(3) UNITED STATES-DOCUMENTED VESSEL.—The term 'United States-documented vessel' means a vessel documented under chapter 121 of title 46, United States Code.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 655. There are authorized to be appropriated for operating agreements under this subtitle, to remain available until expended, $100,000,000 for fiscal year 1996 and such sums as may be necessary, not to exceed $100,000,000, for each fiscal year thereafter through fiscal year 2005.".

SEC. 3. TERMINATION OF OPERATING-DIFFERENTIAL SUBSIDY PROGRAM.

(a) LIMITATION ON PAYMENTS FOR OLDER VESSELS.—Section 605(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1175(b)), is amended to read as follows:

"(b) No operating-differential subsidy shall be paid for the operation of a vessel after the calendar year the vessel becomes 25 years of age, unless the Secretary of Transportation has determined, before the date of enactment of the Maritime Security Act of 1995, that it is in the public interest to grant such financial aid for the operation of such vessel.".

(b) WIND-UP OF PROGRAM.—Subtitle A of such Act (46 App. U.S.C. 1171 et seq.), as designated by the amendment made by section 2(1), is further amended by adding at the end the following new section:

"SEC. 616. (a) After the date of enactment of the Maritime Security Act of 1995, the Secretary of Transportation shall not enter into any new contract for operating-differential subsidy under this subtitle.

"(b) Notwithstanding any other provision of this Act, any operating-differential subsidy contract in effect under this title on the day before the date of enactment of the Maritime Security Act of 1995 shall continue in effect and terminate as set forth in the contract, unless voluntarily terminated at an earlier date by the parties (other than the United States Government) to the contract.

"(c) The essential service requirements of section 601(a) and 603(b), and the provisions of sections 605(c) and 809(a), shall not apply to the operating-differential subsidy program under this subtitle effective upon the earlier of—

"(1) the date that a payment is made, under the Maritime Security Program established by subtitle B to a contractor under that subtitle who is not party to an operating-differential subsidy contract under this subtitle, with the Secretary to cause notice of the date of such payment to be published in the Federal Register as soon as possible; or

"(2) with respect to a particular contractor under the operating-differential subsidy program, the date that contractor enters into a contract with the Secretary under the Maritime Security Program established by subtitle B.

"(d)(1) Notwithstanding any other provision of law, a vessel may be transferred and registered under an effective United States-controlled foreign flag if—

"(A) the operator of the vessel receives an operating-differential subsidy pursuant to a contract under this subtitle which is in force on October 1, 1994, and the Secretary approves the replacement of such vessel with a comparable vessel, or

"(B) the vessel is covered by an operating agreement under subtitle B, and the Secretary approves the replacement of such vessel with a comparable vessel for inclusion in the Maritime Security Fleet established under subtitle B.

"(2) Any such vessel may be requisitioned by the Secretary of Transportation pursuant to section 902.".

SEC. 4. DOMESTIC OPERATIONS.

Section 805(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223(a)) is amended by striking "1935" each place it appears and inserting "1995".

SEC. 5. USE OF FOREIGN-FLAG VESSELS.

(a) IN GENERAL.—Section 804 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1222) is amended by adding at the end the following new subsection:

"(f) The provisions of subsection (a) shall not preclude a contractor receiving assistance under subtitle A or B of title VI, or any holding company, subsidiary, or affiliate of the contractor, or any officer, director, agent, or executive thereof, from—

"(1) owning, chartering, or operating any foreign-flag vessel on a voyage or a segment of a voyage that does not call at a port in the United States;

"(2) owning, chartering, or operating any foreign-flag vessel in line haul service between the United States and foreign ports if—

"(A) the foreign-flag vessel was operated by, or is a replacement for a foreign-flag vessel operated by, such owner or operator, or any holding company, subsidiary, affiliate, or associate of such owner or operator, on the date of enactment of the Maritime Security Act of 1995;

"(B) the owner or operator, with respect to each additional foreign-flag vessel, other than a time chartered vessel, has first applied to have that vessel covered by an operating agreement under subtitle B of title VI, and the Secretary has not awarded an operating agreement with respect to that vessel within 90 days after the filing of the application; or

"(C) the vessel has been placed under foreign documentation pursuant to section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), except that any foreign-flag vessel, other than a time chartered vessel, a replacement vessel under section 653(d), or a vessel operated by the owner or operator on the date of enactment of the Maritime Security Act of 1995, in line haul service between the United States and foreign ports is registered under the flag of an effective United States-controlled foreign flag, and available to be requisitioned by the Secretary of Transportation pursuant to section 902 of this Act;

"(3) owning, chartering, or operating foreign-flag bulk cargo vessels that are operated in foreign-to-foreign service or the foreign commerce of the United States;

"(4) chartering or operating foreign-flag vessels that are operated solely as replacement vessels for United States-flag vessels or vessel capacity that are made available to the Secretary of Defense pursuant to section 653 of this Act; or

"(5) entering into time or space charter or other cooperative agreements with respect to foreign-flag vessels or acting as agent or broker for a foreign-flag vessel or vessels.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to a contractor under subtitle B of title VI of the Merchant Marine Act, 1936, as amended by this Act, upon enactment of this Act, and shall apply to a contractor under subtitle A of title VI of that Act, upon the earlier of—

(1) the date that a payment is made, under the Maritime Security Program under subtitle B of that title to a contractor under subtitle B of that title who is not party to an operating-differential subsidy contract under subtitle A of that title, with the Secretary of Transportation to cause notice of the date of such payment to be published in the Federal Register as soon as possible; or

(2) with respect to a particular contractor under the operating-differential subsidy program under subtitle A of that title, the date that contractor enters into a contract with the Secretary under the Maritime Security Program established by subtitle B of that title.

SEC. 6. AMENDMENT TO SHIPPING ACT, 1916.

Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended by adding at the end the following:

"(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary of Transportation under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

"(1)(A) the Secretary determines that at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

"(B) the replacement vessel is not more than 10 years of age on the date of that documentation;

"(2)(A) an application for an operating agreement under subtitle B of title VI of the Merchant Marine Act, 1936 has been filed with respect to a vessel which is eligible to be included in the Maritime Security Fleet under section 651(b)(1) of that Act; and

"(B) the Secretary has not awarded an operating agreement with respect to that vessel within 90 days after the date of that application;

"(3) a contract covering the vessel under subtitle A of title VI of the Merchant Marine Act, 1936 has expired, and that vessel is more than 15 years of age on the date the contract expires; or

"(4) an operating agreement covering the vessel under subpart B of title VI of the Merchant Marine Act, 1936 has expired.".

SEC. 7. CONSTRUCTION DIFFERENTIAL SUBSIDY RESTRICTIONS.

Title V of the Merchant Marine Act, 1936 (46 App. U.S.C. 1151 et seq.) is amended by adding at the end the following new section:

"SEC. 512. LIMITATION ON RESTRICTIONS.

"Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration

of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard.".

SEC. 8. REGULATIONS.

(a) IN GENERAL.—The Secretary of Transportation may prescribe rules as necessary to carry out this Act and the amendments made by this Act.

(b) INTERIM RULES.—The Secretary of Transportation may prescribe interim rules necessary to carry out this Act and the amendments made by this Act. For this purpose, the Secretary of Transportation is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All rules prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 day after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment, printed in House Report 104–375.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BATEMAN:

Page 5, strike lines 18 through 23, and insert the following:

"(c) REGULATORY RELIEF.—A contractor of a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction, and shall not be subject to any requirement under section 801, 808, 809, or 810. Participation in the program established by this subtitle shall not subject a contractor to section 805 or to any provision of subtitle A."

Page 13, line 24, insert before the period the following: "and the Secretary of Defense".

Page 14, strike lines 1 through 13, and insert the following:

"(n) NONRENEWAL FOR LACK OF FUNDS.—If, by the first day of a fiscal year, sufficient funds have not been appropriated under the authority provided by section 655 for that fiscal year, the Secretary of Transportation shall notify the Congress that operating agreements authorized under this subtitle for which sufficient funds are not available will not be renewed for that fiscal year if sufficient funds are not appropriated by the 60th day of that fiscal year. If funds are not appropriated under the authority provided by section 655 for any fiscal year by the 60th day of that fiscal year, then each vessel covered by an operating agreement under this subtitle for which funds are not available is thereby released from any further obligation under the operating agreement, and the vessel owner or operator may transfer and register such vessel under a foreign registry deemed acceptable by the Secretary of Transportation, notwithstanding any other provision of law. If section 902 is applicable to such vessel after registration of the vessel under such a registry, the vessel is available to be requisitioned by the Secretary of Transportation pursuant to section 902."

Page 16, strike line 21 and all that follows through line 8 on page 17, and insert the following:

"(2) TERMS OF AGREEMENT.—An Emergency Preparedness Agreement under this section shall require that upon a request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security (including any natural disaster, international peace operation, or contingency operation (as that term is defined in section 101 of title 10, United States Code)), a contractor for a vessel covered by an operating agreement under this subtitle shall make available commercial transportation resources (including services). The basic terms of the Emergency Preparedness Agreements shall be established pursuant to consultations among the Secretary, the Secretary of Defense, and Maritime Security Program contractors. In any Emergency Preparedness Agreement, the Secretary and a contractor may agree to additional or modifying terms appropriate to the contractor's circumstances if those terms have been approved by the Secretary of Defense.

"(3) PARTICIPATION AFTER EXPIRATION OF OPERATING AGREEMENT.—Except as provided by section 652(m), the Secretary may not require, through an Emergency Preparedness Agreement or operating agreement, that a contractor continue to participate in an Emergency Preparedness Agreement when the operating agreement with the contractor has expired according to its terms or is otherwise no longer in effect. After expiration of an Emergency Preparedness Agreement, a contractor may volunteer to continue to participate in such an agreement."

Page 18, after line 16, insert the following:

"(3) APPROVAL OF AMOUNT BY SECRETARY OF DEFENSE.—No compensation may be provided for a vessel under this subsection unless the amount of the compensation is approved by the Secretary of Defense."

Page 20, strike lines 10 through 19, and insert the following:

"DEFINITIONS

"SEC. 654. In this subtitle:

"(1) BULK CARGO.—The term 'bulk cargo' means cargo that is loaded and carried in bulk without mark or count.

"(2) CONTRACTOR.—The term 'contractor' means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary of Transportation under section 652.

"(3) OCEAN COMMON CARRIER.—The term 'ocean common carrier' means a person holding itself out to the general public to operate vessels to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation, that—

"(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

"(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country, except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker. As used in this paragraph, 'chemical parcel-tanker' means a vessel whose cargo-carrying capability consists of individual cargo tanks for bulk chemicals that are a permanent part of the vessel, that have segregation capability with piping systems to permit simultaneous carriage of several bulk chemical cargoes with minimum risk of cross-contamination, and that has a valid certificate of fitness under the International Maritime Organization Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk.

"(4) FLEET.—The term 'Fleet' means the Maritime Security Fleet established pursuant to section 651(a).

"(5) LASH VESSEL.—The term 'LASH vessel' means a lighter aboard ship vessel.

"(6) UNITED STATES-DOCUMENTED VESSEL.—The term 'United States-documented vessel' means a vessel documented under chapter 121 of title 46, United States Code."

Page 23, strike lines 10 through 13, and insert the following:

SEC. 4. DOMESTIC OPERATIONS.

(a) IN GENERAL.—Subtitle B of title VI of the Merchant Marine Act, 1936, as amended by section 102 of this title, is further amended by adding at the end the following new section:

"NONCONTIGUOUS DOMESTIC TRADES

"SEC. 656. (a)(1) Except as otherwise provided in this section, no contractor or related party shall receive payments pursuant to this subtitle during a period when it participates in a noncontiguous domestic trade, except upon written permission of the Secretary of Transportation. Such written permission shall also be required for any material change in the number or frequency of sailings, the capacity offered, or the domestic ports called by a contractor or related party in a noncontiguous domestic trade. The Secretary may grant such written permission pursuant to written application of such contractor or related party unless the Secretary finds that—

"(A) existing service in that trade is adequate; or

"(B) the service sought to be provided by the contractor or related party—

"(i) would result in unfair competition to any other person operating vessels in such noncontiguous domestic trade, or

"(ii) would be contrary to the objects and policy of this Act.

"(2) For purposes of this subsection, 'written permission of the Secretary' means permission which states the capacity offered, the number and frequency of sailings, and the domestic ports called, and which is granted following—

"(A) written application containing the information required by paragraph (e)(1) by a person seeking such written permission, notice of which application shall be published in the Federal Register within 15 days of filing of such application with the Secretary;

"(B) holding of a hearing on the application under section 554 of title 5, United States Code, in which every person, firm or corporation having any interest in the application shall be permitted to intervene and be heard; and

"(C) final decision on the application by the Secretary within 120 days following conclusion of such hearing.

"(b) Subsection (a) shall not apply in any way to provision by a contractor of service within the level of service provided by that contractor as of the date established by subsection (c) or to provision of service permitted by subsection (d).

"(c) The date referred to in subsection (b) shall be August 9, 1995: *Provided, however*, That with respect to tug and barge service to Alaska the date referred to in subsection (b) shall be July 1, 1992.

"(d) A contractor may provide service in a trade in addition to the level of service provided as of the applicable date established by subsection (c) in proportion to the annual increase in real gross product of the noncontiguous State or Commonwealth served since the applicable date established by subsection (c).

"(e)(1) A person applying for award of an agreement under this subtitle shall include with the application a description of the level of service provided by that person in each noncontiguous domestic trade served as of the date applicable under subsection (c).

The application also shall include, for each such noncontiguous domestic trade: a list of vessels operated by that person in such trade, their container carrying capacity expressed in twenty-foot equivalent units (TEUs) or other carrying capacity, the itinerary for each such vessel, and such other information as the Secretary may require by regulation. Such description and information shall be made available to the public. Within 15 days of the date of an application for an agreement by a person seeking to provide service pursuant to subsections (b) and (c) of this section, the Secretary shall cause to be published in the Federal Register notice of such description, along with a request for public comment thereon. Comments on such description shall be submitted to the Secretary within 30 days of publication in the Federal Register. Within 15 days after receipt of comments, the Secretary shall issue a determination in writing either accepting, in whole or part, or rejecting use of the applicant's description to establish the level of service provided as of the date applicable under subsection (c): *Provided*, That notwithstanding the provisions of this subsection, processing of the application for an award of an agreement shall not be suspended or delayed during the time in which comments may be submitted with respect to the determination or during the time prior to issuance by the Secretary of the required determination: *Provided further*, That if the Secretary does not make the determination required by this paragraph within the time provided by this paragraph, the description of the level of service provided by the applicant shall be deemed to be the level of service provided as of the applicable date until such time as the Secretary makes the determination.

"(2) No contractor shall implement the authority granted in subsection (d) of this section except as follows:

"(A) An application shall be filed with the Secretary which shall state the increase in capacity sought to be offered, a description of the means by which such additional capacity would be provided, the basis for applicant's position that such increase in capacity would be in proportion to or less than the increase in real gross product of the relevant noncontiguous State or Commonwealth since the applicable date established by subsection (c), and such information as the Secretary may require so that the Secretary may accurately determine such increase in real gross product of the relevant noncontiguous State or Commonwealth.

"(B) Such increase in capacity sought by applicant and such information shall be made available to the public.

"(C) Within 15 days of the date of an application pursuant to this paragraph the Secretary shall cause to be published in the Federal Register notice of such application, along with a request for public comment thereon.

"(D) Comments on such application shall be submitted to the Secretary within 30 days of publication in the Federal Register.

"(E) Within 15 days after receipt of comments, the Secretary shall issue a determination in writing either accepting, in whole or part, or rejecting, the increase in capacity sought by the applicant as being in proportion to or less than the increase in real gross product of the relevant noncontiguous State or Commonwealth since the applicable date established by subsection (c): *Provided*, That, notwithstanding the provisions of this section, if the Secretary does not make the determination required by this paragraph within the time provided by this paragraph, the increase in capacity sought by applicant shall be permitted as being in proportion to or less than such increase in real gross product until such time as the Secretary makes the determination.

"(f) With respect to provision by a contractor of service in a noncontiguous domestic trade not authorized by this section, the Secretary shall deny payments under the operating agreement with respect to the period of provision of such service but shall deny payments only in part if the extent of provision of such unauthorized service was de minimis or not material.

"(g) Notwithstanding any other provision of this subtitle, the Secretary may issue temporary permission for any United States citizen, as that term is defined in section 2 of the Shipping Act, 1916, to provide service to a noncontiguous State or Commonwealth upon the request of the Governor of such noncontiguous State or Commonwealth, in circumstances where an Act of God, a declaration of war or national emergency, or any other condition occurs that prevents ocean transportation service to such noncontiguous State or Commonwealth from being provided by persons currently providing such service. Such temporary permission shall expire 90 days from date of grant, unless extended by the Secretary upon written request of the Governor of such State or Commonwealth.

"(h) As used in this section:

"(1) The term 'level of service provided by a contractor' in a trade as of a date means—

"(A) with respect to service other than service described in (B), the total annual capacity provided by the contractor in that trade for the 12 calendar months preceding that date: *Provided*, That, with respect to unscheduled, contract carrier tug and barge service between points in Alaska south of the Arctic Circle and points in the contiguous 48 States, the level of service provided by a contractor shall include 100 percent of the capacity of the equipment dedicated to such service on the date specified in subsection (c) and actually utilized in that service in the two-year period preceding that date, excluding service to points between Anchorage, Alaska and Whittier, Alaska, served by common carrier service unless such unscheduled service is only for carriage of oil or pursuant to a contract with the United States military: *Provided further*, That, with respect to scheduled barge service between the contiguous 48 States and Puerto Rico, such total annual capacity shall be deemed as such total annual capacity plus the annual capacity of two additional barges, each capable of carrying 185 trailers and 100 automobiles; and

"(B) with respect to service provided by container vessels, the overall capacity equal to the sum of—

"(i) 100 percent of the capacity of vessels operated by or for the contractor on that date, with the vessels' configuration and frequency of sailing in effect on that date, and which participate solely in that noncontiguous domestic trade; and

"(ii) 75 percent of the capacity of vessels operated by or for the contractor on that date, with the vessels' configuration and frequency of sailing in effect on that date, and which participate in that noncontiguous domestic trade and in another trade, provided that the term does not include any restriction on frequency, or number of sailings, or on ports called within such overall capacity.

"(2) The level of service set forth in paragraph (1) shall be described with the specificity required by subsection (e)(1) and shall be the level of service in a trade with respect to the applicable date established by subsection (c) only if the service is not abandoned thereafter, except for interruptions due to military contingency or other events beyond the contractor's control.

"(3) The term 'participates in a noncontiguous domestic trade' means directly or indirectly owns, charters, or operates a vessel engaged in transportation of cargo between a point in the contiguous 48 states and a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle.

"(4) The term 'related party' means—

"(A) a holding company, subsidiary, affiliate, or associate of a contractor who is a party to an operating agreement under this subtitle; and

"(B) an officer, director, agent, or other executive of a contractor or of a person referred to in subparagraph (A).".

(b) CONFORMING AMENDMENT.—Section 805 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223) is amended—

(1) by striking "title VI of this Act" each place it appears and inserting "subtitle A of title VI of this Act"; and

(2) by striking "under title VI" each place it appears and inserting "under subtitle A of title VI".

Page 28, after line 26, add the following new sections:

SEC. 9. MERCHANT SHIP SALES ACT OF 1946 AMENDMENT.

Section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744) is amended as follows:

(1) In subsection (b)(2) by striking "Secretary of the Navy," and inserting "Secretary of Defense,".

(2) By striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 10. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT SEAMEN.

(a) IN GENERAL.—Title III of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by inserting after section 301 the following new section:

"SEC. 302. (a) An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

"(b) An individual may submit an application for certification under subsection (c) to the Secretary of Transportation not later than 45 days after the date the individual completes a period of employment described in subsection (c)(1)(A) with respect to which the application is submitted.

"(c) Not later than 20 days after the date the Secretary of Transportation receives from an individual an application for certification under this subsection, the Secretary shall—

"(1) determine whether or not the individual—

"(A) was employed in the activation or operation of a vessel—

"(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946, in a period in which that vessel was in use or being activated for use under subsection (b) of that section;

"(ii) that is requisitioned or purchased under section 902 of this Act; or

"(iii) that is owned, chartered, or controlled by the United States and used by the

United States for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

"(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or chapter 73 (as applicable) of title 46, United States Code; and

"(2) if the Secretary makes affirmative determinations under paragraph (1) (A) and (B), certify that individual under this subsection.

"(d) For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate referred to in paragraph (1) of section 4301(a) of title 38, United States Code.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to employment described in section 302(c)(1)(A) of the Merchant Marine Act, 1936, as amended by subsection (a), occurring after the date of enactment of this Act.

(c) REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations implementing this section.

SEC. 11. TITLE XI LOAN GUARANTEES.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended—

(1) in section 1101(b), by striking "owned by citizens of the United States";

(2) in section 1104B(a), in the material preceding paragraph (1), by striking "owned by citizens of the United States"; and

(3) in section 1110(a), by striking "owned by citizens of the United States".

SEC. 12. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "June 30, 1995" and inserting "June 30, 2000".

SEC. 13. VESSEL LOAN GUARANTEE PROGRAM.

(a) RISK FACTOR DETERMINATIONS.—Section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following new subsection:

"(h)(1) The Secretary shall—

"(A) establish in accordance with this subsection a system of risk categories for obligations guaranteed under this title, that categorizes the relative risk of guarantees made under this title with respect to the risk factors set forth in paragraph (3); and

"(B) determine for each of the risk categories a subsidy rate equivalent to the cost of obligations in the category, expressed as a percentage of the amount guaranteed under this title for obligations in the category.

"(2)(A) Before making a guarantee under this section for an obligation, the Secretary shall apply the risk factors set forth in paragraph (3) to place the obligation in a risk category established under paragraph (1)(A).

"(B) The Secretary shall consider the aggregate amount available to the Secretary for making guarantees under this title to be reduced by the amount determined by multiplying—

"(i) the amount guaranteed under this title for an obligation, by

"(ii) the subsidy rate for the category in which the obligation is placed under subparagraph (A) of this paragraph.

"(C) The estimated cost to the Government of a guarantee made by the Secretary under this title for an obligation is deemed to be the amount determined under subparagraph (B) for the obligation.

"(D) The Secretary may not guarantee obligations under this title after the aggregate amount available to the Secretary under appropriations Acts for the cost of loan guarantees is required by subparagraph (B) to be considered reduced to zero.

"(3) The risk factors referred to in paragraphs (1) and (2) are the following:

"(A) If applicable, the country risk for each eligible export vessel financed or to be financed by an obligation.

"(B) The period for which an obligation is guaranteed or to be guaranteed.

"(C) The amount of an obligation, which is guaranteed or to be guaranteed, in relation to the total cost of the project financed or to be financed by the obligation.

"(D) The financial condition of an obligor or applicant for a guarantee.

"(E) If applicable, any guarantee related to the project, other than the guarantee under this title for which the risk factor is applied.

"(F) If applicable, the projected employment of each vessel or equipment to be financed with an obligation.

"(G) If applicable, the projected market that will be served by each vessel or equipment to be financed with an obligation.

"(H) The collateral provided for a guarantee for an obligation.

"(I) The management and operating experience of an obligor or applicant for a guarantee.

"(J) Whether a guarantee under this title is or will be in effect during the construction period of the project.

"(4) In this subsection, the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).".

(b) APPLICATION.—Subsection (h)(2) of section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273), as amended by subsection (a) of this section, shall apply to guarantees that the Secretary of Transportation makes or commits to make with any amounts that are unobligated on or after the date of enactment of this Act.

(c) GUARANTEE FEES.—Section 1104A(e) of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(e)) is amended to read as follows:

"(e)(1) Except as otherwise provided in this subsection, the Secretary shall prescribe regulations to assess in accordance with this subsection a fee for the guarantee of an obligation under this title.

"(2)(A) The amount of a fee under this subsection for a guarantee is equal to the sum determined by adding the amounts determined under subparagraph (B) for the years in which the guarantee is in effect.

"(B) The amount referred to in subparagraph (A) for a year is the present value (determined by applying the discount rate determined under subparagraph (F)) of the amount determined by multiplying—

"(i) the estimated average unpaid principal amount of the obligation that will be outstanding during the year (determined in accordance with subparagraph (E)), by

"(ii) the fee rate established under subparagraph (C) for the obligation for each year.

"(C) The fee rate referred to in subparagraph (B)(ii) for an obligation shall be—

"(i) in the case of an obligation for a delivered vessel or equipment, not less than one-half of 1 percent and not more than 1 percent, determined by the Secretary for the obligation under the formula established under subparagraph (D); or

"(ii) in the case of an obligation for a vessel to be constructed, reconstructed, or reconditioned, or of equipment to be delivered, not less than one-quarter of 1 percent and not more than one-half of 1 percent, determined by the Secretary for the obligation under the formula established under subparagraph (D).

"(D) The Secretary shall establish a formula for determining the fee rate for an obligation for purposes of subparagraph (C), that—

"(i) is a sliding scale based on the creditworthiness of the obligor;

"(ii) takes into account the security provided for a guarantee under this title for the obligation; and

"(iii) uses—

"(I) in the case of the most creditworthy obligors, the lowest rate authorized under subparagraph (C) (i) or (ii), as applicable; and

"(II) in the case of the least creditworthy obligors, the highest rate authorized under subparagraph (C) (i) or (ii), as applicable.

"(E) For purposes of subparagraph (B)(i), the estimated average unpaid principal amount does not include the average amount (except interest) on deposit in a year in the escrow fund under section 1108.

"(F) For purposes of determining present value under subparagraph (B) for an obligation, the Secretary shall apply a discount rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding obligations of the United States having periods to maturity comparable to the period to maturity for the obligation with respect to which the determination of present value is made.

"(3) A fee under this subsection shall be assessed and collected not later than the date on which amounts are first paid under an obligation with respect to which the fee is assessed.

"(4) A fee paid under this subsection is not refundable. However, an obligor shall receive credit for the amount paid for the remaining term of the guaranteed obligation if the obligation is refinanced and guaranteed under this title after such refinancing.

"(5) A fee paid under subsection (e) shall be included in the amount of the actual cost of the obligation guaranteed under this title and is eligible to be financed under this title.".

SEC. 14. MARITIME POLICY REPORT.

(a) REPORT.—The Secretary of Transportation shall transmit to the Congress a report setting forth the Department of Transportation's policies for the 5-year period beginning October 1, 1995, with respect to—

(1) fostering and maintaining a United States merchant marine capable of meeting economic and national security requirements;

(2) improving the vitality and competitiveness of the United States merchant marine and the maritime industrial base, including ship repairers, shipbuilders, ship manning, ship operators, and ship suppliers;

(3) reversing the precipitous decrease in the number of ships in the United States-flag fleet and the Nation's shipyard and repair capability;

(4) stabilizing and eventually increasing the number of mariners available to crew United States merchant vessels;

(5) achieving adequate manning of merchant vessels for national security needs during a mobilization;

(6) ensuring that sufficient civil maritime resources will be available to meet defense deployment and essential economic requirements in support of our national security strategy;

(7) ensuring that the United States maintains the capability to respond unilaterally to security threats in geographic areas not

covered by alliance commitments and otherwise meets sealift requirements in the event of crisis or war;

(8) ensuring that international agreements and practices do not place United States maritime industries at an unfair competitive disadvantage in world markets;

(9) ensuring that Federal agencies promote, through efficient application of laws and regulations, the readiness of the United States merchant marine and supporting industries; and

(10) any other relevant maritime policies.

(b) DATE OF TRANSMITTAL.—The report required under subsection (a) shall be transmitted along with the President's budget submission, under section 1105 of title 31, United States Code, for fiscal year 1997.

SEC. 15. RELIEF FROM U.S. DOCUMENTATION REQUIREMENT FOR 3 VESSELS.

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) RAINBOW HOPE (United States official number 622178).

(2) IOWA TRADER (United States official number 642934).

(3) KANSAS TRADER (United States official number 634621).

SEC. 16. VESSEL REPAIR AND MAINTENANCE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a pilot program to evaluate the feasibility of using renewable contracts for the maintenance and repair of outported vessels in the Ready Reserve Force to enhance the readiness of those vessels. Under the pilot program, the Secretary, subject to the availability of appropriations and with 6 months after the date of the enactment of this Act, shall award 9 contracts for this purpose.

(b) USE OF VARIOUS CONTRACTING ARRANGEMENTS.—In conducting a pilot program under this section, the Secretary of Transportation shall use contracting arrangements similar to those used by the Department of Defense for procuring maintenance and repair of its vessels.

(c) CONTRACT REQUIREMENTS.—Each contract with a shipyard under this section shall—

(1) subject to subsection (d), provide for the procurement from the shipyard of all repair and maintenance (including activation, deactivation, and drydocking) for 1 vessel in the Ready Reserve Force that is outported in the geographical vicinity of the shipyard;

(2) be effective for 1 fiscal year; and

(3) be renewable, subject to the availability of appropriations, for each subsequent fiscal year through fiscal year 1998.

(d) LIMITATION OF WORK UNDER CONTRACTS.—A contract under this section may not provide for the procurement of operation or manning for a vessel that may be procured under another contract for the vessel to which section 11(d)(2) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774(d)(2)) applies.

(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall seek to distribute contract awards under this section to shipyards located throughout the United States.

(f) REPORTS.—The Secretary shall submit to the Congress—

(1) an interim report on the effectiveness of each contract under this section in providing for economic and efficient repair and maintenance of the vessel included in the contract, no later than 20 months after the date of the enactment of this Act; and

(2) a final report on that effectiveness no later than 6 months after the termination of all contracts awarded pursuant to this section.

SEC. 17. STREAMLINING OF CARGO ALLOCATION PROCEDURES.

Section 901b(c)(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241f(c)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking "and consistent with those sections," and inserting "and, subject to subparagraph (B) of this paragraph, consistent with those sections,"; and

(B) by striking "50 percent" and inserting "25 percent"; and

(2) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) In carrying out this paragraph, there shall first be calculated the allocation of 100 percent of the quantity to be procured on an overall lowest landed cost basis without regard to the country of documentation of the vessel and there shall be allocated to the Great Lakes port range any cargoes for which it has the lowest landed cost under that calculation. The requirements for United States-flag transportation under section 901(b) and this section shall not apply to commodities allocated under subparagraph (A) to the Great Lakes port range, and commodities allocated under subparagraph (A) to that port range may not be reallocated or diverted to another port range to meet those requirements to the extent that the total tonnage of commodities to which subparagraph (A) applies that is furnished and transported from the Great Lakes port range is less than 25 percent of the total annual tonnage of such commodities furnished.

"(C) In awarding any contract for the transportation by vessel of commodities from the Great Lakes port range pursuant to an export activity referred to in subsection (b), each agency or instrumentality—

"(i) shall consider expressions of freight interest for any vessel from a vessel operator who meets reasonable requirements for financial and operational integrity; and

"(ii) may not deny award of the contract to a person based on the type of vessel on which the transportation would be provided (including on the basis that the transportation would not be provided on a liner vessel (as that term is used in the Shipping Act of 1984, as in effect on November 14, 1995)), if the person otherwise satisfies reasonable requirements for financial and operational integrity.".

MODIFICATION TO AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that the amendment printed in the report of the Committee on Rules be modified in accordance with the document at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. BATEMAN: In the text proposed to be added as section 17 (page 31, beginning at line 1)—

(1) insert "(a) AMENDMENTS.—" before "Section 901b(c)(3)" (at page 30, line 3); and

(2) add at the end the following new subsection:

(b) CONFORMING AMENDMENTS.—(1) Paragraph (4) of section 901b(c) of that Act is repealed.

(2) Paragraph (5) of that section is redesignated as paragraph (4).

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, this modification request is simply to restore to the text of the bill language which was inadvertently dropped as it went through the word processing processes. There are no substantive changes of any kind effected and it is simply to restore language inadvertently omitted.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Virginia [Mr. BATEMAN]?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment makes a number of important but I believe noncontroversial changes to H.R. 1350. None of these provisions will result in additional costs to the Government, in fact several of the provisions will save substantial sums over a number of years.

Let me comment first on a provision which will extend the authority for the Secretary of Transportation to offer war risk insurance. This critical authority expired in June of this year and this amendment will renew the program for 5 years. Under the program the Maritime Administration is authorized to provide insurance against the hazards of war to privately owned vessels or government-owned vessels which are operated by contractors when commercial insurance cannot be obtained on reasonable terms and conditions.

The Navy is obligated under its various charters and operating contracts either to reimburse ship owners and operators for the additional insurance premium costs, or to provide cost free Government war risk coverage for that commercial insurance whenever the Government directs the ships into an area designated by the commercial insurance providers as "war risk exclusion zones". The Government saves money by substituting premium-free Government insurance. The Military Sealift Command has quantified the saving to the Navy resulting from the invocation of this program during Desert Storm at $436,302,736 million. This program was also invoked in during operations in Somalia and Haiti.

This amendment also modifies the circumstances when commercial vessels may be called to assist the Defense Department. It allows for callup during war or national emergency but also when the Secretary of Defense determines that it is necessary for the National Security. This is authority granted to the SECDEF is important. However because any activation can be disruptive to commercial operations, I trust that all steps will be taken to minimize this disruption consistent of course with our military requirements.

This amendment also grants reemployment rights to certain merchant seamen who volunteer to serve on vessels which are activated during a war, national emergency, or when required for national security reasons. This has the strong support of the Defense Department which found that because of the absence of reemployment rights it was forced to rely on individuals who had retired from their civilian jobs. Many were in their 60's and 70's. Finding qualified and physically able mariners from this pool became increasingly difficult. I want to emphasize that this program does not create veterans status or mandate service but simply allows an individual who volunteers for service of a sealift vessel that he will have his or her civilian job when they return. It is very similar to the current program available to our reserve components.

We have also included a provision regarding the ability of carriers in the Maritime Security Program to offer service in the domestic trades. We believe that this is very substantially improved from the version introduced by request. At the time the committee ordered the bill reported, it had not resolved the issue to everyone's satisfaction but agreed to keep working on the issue. Compared to present law, section 4 of the bill as set forth in the managers amendment establish a new provision which significantly streamlines the regulatory regime regarding the ability of a carrier to receive payments under the program and to continue to participate in the domestic trades. This provision grandfathers existing operators and service levels without the necessity of going through another administrative hearing and also allows growth in the trades without a new hearing. This provision was developed and included in the other body's version of this bill after our committee's having ordered our bill reported. After having examined the provision, we have chosen to adopt and offer it as part of the managers amendment to speed consideration of this bill in the Senate. We know of no opposition to this provision.

Also included within the managers amendment is a provision pertaining to the shipment of certain government cargoes through Great Lakes ports. This provision which represents a compromise developed by port and shipping interests, is intended to ensure that such cargoes are allocated to the Great Lakes and other port ranges based on fair competition and market conditions. This amendment is based on several fundamental principles. First we wish to strongly emphasize that it will not affect our port ranges—this is not a cargo reservation or set aside measure nor does this amendment contain any mechanism or procedure which specifically directs cargoes to the Great Lakes or any port range. It simply amends current law to reduce administrative burdens by allowing title II "food for peace" cargoes to be allocated on the basis of the existing principles of lowest landed cost. This permits Great Lakes ports to participate, without diversion of cargo from our coastal ports.

We have included a number of other provisions that seek to improve the operation of a number of programs at the Maritime Administration—again none of which are controversial.

I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I am unaware of any opposition to the amendment, but I do ask unanimous consent to claim the 10 minutes on our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. TAYLOR].

□ 1500

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I rise today in strong support of the Maritime Security Act. This legislation will revitalize the U.S. maritime industry and significantly strengthen our military readiness.

Maritime commerce is a major part of the engine that drives south Florida's economy, where Port Everglades and the Port of Miami are among the fastest growing hubs for international commerce. In fact—in my home county of Broward—nearly 80 percent of Port Everglades' business relies on trade with the Caribbean and Latin America. Our increasing reliance on international trade makes this important legislation for all Americans.

The Maritime Security Act will help ensure the bright future of south Florida's ports and their major role in international commerce. This legislation is good for U.S. business and it is good for national security. I commend the bill's sponsors for their excellent leadership and urge my colleagues to support this legislation.

Mr. TAYLOR of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I rise in support of the manager's amendment and of course in support of the general bill.

As the bill now stands before us today, this bill reforms the maritime program in a way that will save us significant income, both for the Government and, I think, for the program. From a $200 million program, this becomes a $100 million program, a 50-percent-plus savings to the U.S. Treasury at a time when we are trying to balance the budget.

More importantly, this bill makes significant changes in the law that have been desired for a long time. First, it simplifies the procedures so that payments are made on a much simpler format with much less bureaucracy. It simplifies and also creates flexibility for the program so that vessel owners under the new rules and regulations are indeed allowed to alter their trade routes, replace older tonnage with new tonnage without necessarily receiving prior Federal consent to the program. It creates that flexibility. Yet at the same time, it puts a new requirement upon vessel owners to make their vessels available not just in wartime but also for general sealift reasons.

The gentleman from Virginia [Mr. BATEMAN] has pointed out the incredible importance as a maritime nation of having a maritime capacity for sealift purposes in times of national emergency. Finally, this bill ends off-budget entitlement treatment of this program and creates instead the ordinary congressional oversight based upon an annual appropriations process. For all those good reasons, this is a good reform of the maritime security fleet program. It is designed, as I said, for flexibility, simplicity, for tax savings and at the same time new responsibilities for a maritime nation to make sure its maritime fleet is available in times of need for sealift capacity. I urge adoption of the bill and the manager's amendment.

Mr. BATEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, I thank the chairman.

This particular proposal, H.R. 1350, is part of our efforts to reduce and balance the budget. We reduced the subsidy for $225 million down to $100 million. But it is also necessary to maintain our independent U.S. overseas sealift fleet for national security reasons.

It supports the U.S.-flag commercial vessels and their crews as well, but it does four important things. It ensures that foreign shipping interests do not gain control over our U.S. foreign trade. It eliminates burdensome regulations that impede the ability of U.S.-

flag commercial vessels to compete in the global marketplace. It encourages the construction of commercial vessels and in U.S. shipyards. And it begins the annual appropriations process for the maritime industry instead of the 10-year process that the House passed last year. This bill gives us more flexibility.

I commend this bill. It is a bipartisan bill. The chairman should be commended, and I look forward to passage.

Miss COLLINS of Michigan. Mr. Chairman, I rise in support of the manager's amendment to the Maritime Security Act for two very simple reasons: It corrects an inequity, and holds out the potential of creating much-needed jobs for Great Lakes ports, including those of my own congressional district, which includes the port of Detroit.

Since 1985, our Great Lakes ports have been effectively prevented from participating in the Federal food aid program, since most of that cargo was reserved for U.S.-flag vessels—ships that are simply too large to fit through the locks on the St. Lawrence Seaway. The manager's language in this Maritime Security Act allows shipping of such cargo to be awarded in the most cost-effective manner, thus creating a more level playing field for ports all across the country. I believe it will enable vessel operators serving our ports to more fairly compete for cargoes without being disadvantaged by federally imposed or administered cargo preferences.

Consequently, Mr. Chairman, I urge support for the manager's amendment and passage of the maritime security bill.

Mr. BATEMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BATEMAN: Page 3, strike lines 2 and 3 and insert the following: common carrier;

Page 6, line 22, strike "owner or operator of" and insert "contractor for".

Page 8, strike lines 16 and 17 and insert the following: cargo; and

Page 12, line 14, strike "Within" and insert "No later than 30 days after the date of the enactment of the Maritime Security Act of 1995, the Secretary shall accept applications for enrollment of vessels in the Fleet, and within".

Page 13, line 11, strike "under to" and insert "under".

Page 13, line 19, strike "under to" and insert "under".

Page 17, line 21, insert "fair and" after "Agreement for".

Page 18, line 15, insert "it" after "until the time that".

Page 24, line 4, insert "owned, chartered, or" after "foreign-flag vessel was".

Page 24, line 5, insert "owned, chartered, or" after "foreign-flag vessel".

Page 27, line 20, strike "subpart" and insert "subtitle".

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, this amendment contains clarifying and technical changes to the underlying text of H.R. 1350.

The one change which I wish to note is the addition of a provision which requires the Secretary of Transportation to accept applications within 30 days of the enactment. This is identical to a provision in the Senate bill and is designed to speed the implementation of this bill by the administration.

Mr. TAYLOR of Mississippi. Mr. Chairman, I know of no opposition to the amendment. We support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this bill. I do not believe that we should be here today creating a new Government program that, once appropriated, is going to hand out a billion dollars. Inasmuch as we are under the caps, that means the billion dollars is going to come out of other programs.

I consider this kind of legislation corporate welfare.

It is true that H.R. 1350 would replace the existing operational differential program that is more expensive, but that program is being phased out. The industry is expecting the nonrenewal of those contracts. The industry has been planning on the phaseout of that program. Now we are asked to pay more than $2 million a year in subsidies for each ship, for each of the next 9 years for every ship that is enrolled in this program.

Even as we struggle to reach a balanced budget and protect the future of our kids and our grandkids, we are being asked to pay shipping companies, if it is appropriated, and I understand the Committee on Appropriations intends to appropriate these bills, we are going to pay every shipping company $21 million for every ship enrolled in this program. It is corporate subsidies, and we have to stop those corporate subsidies simply for saying, if you are going to fly an American flag, you can get this subsidy.

This program and the proponents of this bill say that it is necessary to protect national security. But again this ignores the fact, I think, that the old program was being phased out. For too long we have allowed some of these vague national security claims to justify subsidies for selected industries. This year's budget makes some progress in trimming subsidies for military procurement, energy, agriculture, other industries that have been connected to national defense. Agriculture, certainly food and fiber, is essential for our national security in time of war. But we have made the decision to phase out those subsidies.

Now, it is possible that other countries are going to produce the food and fiber; we are going to have to depend on those other countries. But it seems to me in this era where we have decided to slow down on those corporate subsidies, it is important that we not start new programs at this time.

We have found that many of these subsidies have far more to do with well-financed special interests than military preparedness. The same I think is true here. It is unreasonable to believe that we cannot defend our country without paying shipowners more than $20 million per ship to fly our flag.

As we struggle to balance the budget, I think it is outrageous to ask Congress and the American people to create yet another corporate subsidy. I ask all my colleagues' thoughtful evaluation and consideration of this bill.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 1350, the Maritime Security Act of 1995.

One of the cornerstones of national security that our country depends on is the ability to rapidly deploy and support our troops overseas. The U.S. maritime industry has played an indispensable role serving this purpose in every war this country has ever been involved in. Merchant seamen have often put their lives in danger transporting troops and supplies into the heart of war zones. They have served with courage and loyalty contributing to the American effort in every wartime endeavor. H.R. 1350 establishes a new Maritime Security Fleet Program that will allow the Federal Government to secure participating U.S.-flagged vessels when needed for national security purposes. H.R. 1350 will also serve as an incentive for construction of new U.S.-flagged vessels and for existing vessels to remain U.S.-flagged.

The U.S. maritime industry must be maintained at an adequate level in order to insure the availability of carriers in times of crisis. The United States must not be left in a position where it will be dependent on foreign carriers to transport troops and supplies. History has shown that securing the assistance of foreign countries is frequently time consuming and difficult. The United States must be capable of acting on its own if and when it deems necessary.

This bill will help to preserve the U.S.-flagged merchant marine and domestic shipbuilding industry. It will create many commercial opportunities for American shipbuilders and thousands of jobs for Americans. The United States will thereby maintain an ample supply of ships and skilled mariners, impeding the trend of reflagging U.S. ships overseas to avoid U.S. taxes and health, safety, and labor standards.

Preservation of the U.S. maritime industry will encourage better working conditions on foreign vessels. The United States is among the highest in health, safety, and labor standards on board maritime vessels. Workers on foreign vessels are often envious of the humanitarian protections afforded to crews of U.S. vessels. If the U.S. maritime industry is allowed to dwindle, there will be little pressure on foreign ships to improve their standards.

In addition, the current process will be streamlined. The new program will be less expensive than the previous program and more economical than if the Government builds and sustains its own fleet for these purposes. Vessel operators in the Maritime Security Fleet will be required to allow the Department of Defense to use both land and water transportation systems, unlike the previous program. Furthermore, both the Department of Defense and the Department of Transportation support H.R. 1350.

Although the United States is the world's largest trading nation, the size of our commercial fleet ranks 16th in the world. The history of the U.S. maritime industry is one of pride, bravery, dedication, and loyalty. The revitalization of the merchant marine program is essential to the national security of the United States. Maximum mobility in times of crisis is an indispensable tool necessary to efficiently deal with such situations. H.R. 1350 will help to provide that mobility.

Mr. Chairman, I urge a "yes" vote on this bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

PARLIAMENTARY INQUIRY

Mr. BATEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BATEMAN. Mr. Chairman, I am not objecting to my colleagues having an understanding to speak. My understanding is all time on general debate has expired. All amendments that have been offered have been disposed of and have been adopted. Time has been yielded back. I do not object to my colleagues having an opportunity to rebut the last speaker, but I frankly think we are consuming time of the House beyond what is necessary.

The CHAIRMAN. Pro forma amendments can be made at this time under an open rule.

The Chair recognizes the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I assure the gentleman from Virginia [Mr. BATEMAN], my good friend, that the only reason that I am speaking is to try to correct the record because of the excellent presentation that has been made. I very much regret the observations made by the gentleman from Michigan, particularly the observation that this is somehow a handout and that it is corporate welfare and we are being asked to pay more in subsidies.

I wish some of the people who come down on the floor and make these observations would be available during our hearings. On the contrary, I think if you attend the national security meetings, you find that we are spending in the neighborhood of $100 million to provide each ship for sealift capacity for the Department of Defense ships.

□ 1515

Now in return for the $2 million that we will be paying to the ships under this bill, they must be made available in times of war for shipment. In effect we are contracting out with the merchant marine a position I presume the gentleman from Michigan would support. I think that that is a heck of a good investment, a $2 million investment. Now I am perfectly willing to build more ships.

There is supposedly a struggle to reach a balanced budget. As the gentleman and I have discussed at other times, I hardly think that that is what we are going to be doing in this discussion about the budget. Balancing it is about the last thing we are going to do, and if my colleagues want to put the word "balance" into the equation, we have to balance the American interests involved in this investment. I do not see this as a subsidy at all, but rather an investment in American ships, in American jobs, to make sure that America can get the job done when it needs to do it.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. Reclaiming my time, Mr. Chairman, to reinforce the statement of my good friend from Hawaii and to answer what I think will be the questions of the gentleman, the $100 million that this Nation will spend to provide for the Maritime Security Fleet would build 1 cargo ship for the Navy or make 50 ships available for the next year. That is good economics.

I come from shipbuilding country. I would much rather build ships than charter them, but you cannot argue with getting 50 ships for the price of 1, and incidentally our Nation is building over a dozen fast sealift ships to help fill this need, but it will never completely fulfill the need. We will have to rely on a strong American merchant marine, and that is why I support this measure.

I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I guess I have two questions. One would be under the definition of war, if these contracts were signed, would these ships be enlisted for the Bosnia, current Bosnia, situation?

Mr. TAYLOR of Mississippi. Mr. Chairman, under the terms of the bill, any national emergency. That includes hurricanes, any national emergency.

Mr. SMITH of Michigan. Does it include Bosnia?

Mr. TAYLOR of Mississippi. It would.

Mr. SMITH of Michigan. Let me ask one more question. It is my understanding that the cost of these ships is possibly as low as a $100 million up to $200 million for some of the larger ships. Is it my understanding that over the period of this legislation, 9 years, we are looking at $21 million per ship subsidy, paying that $2.2, or $2.3 or——

Mr. TAYLOR of Mississippi. If I may say to the gentleman, it is $2.3 million for the first year, $2.1 million for each remaining, but keep in mind I come from shipbuilding country. We simply cannot build ships for the same price as we can go out and charter 50 American ships, and we are building some ships to fill the need, but what those ships that are being built, or solely for the Navy, will be dedicated for prepositioning, but will not fill the entire need that this country will need in times of war.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Virginia.

Mr. BATEMAN. I think we have got to bear in mind that we are not talking here about an entitlement program; we are replacing an entitlement program, and no one is going to get $1 million, $2 million or any number of millions for the next 10 years. They are going to get it only insofar as each successive session of Congress sees fit to sustain a program. This is a tremendous step to satisfy the kinds of objections that the gentleman is raising.

I respect the gentleman deeply and certainly respect his opinion. All of us are entitled to our opinions. But we are not entitled to our version of the facts.

The CHAIRMAN. Are there any further amendments to the bill?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this legislation with the inclusion of the Great Lakes cargo equity provision in the managers' amendment to the bill.

Since 1985 when cargo preference on Federal food aid was expanded from 50 percent to 75 percent, Great Lakes ports have operated at a disadvantage because 75 percent of that cargo was taken off the top to be reserved for U.S.-flag vessels. Great Lakes ports don't enjoy regularly-scheduled oceangoing U.S. flag service because U.S. flag vessels are simply too large to fit through the locks on the St. Lawrence Seaway. Further, the Federal agencies that administer the program have always placed meeting the cargo preference requirement ahead of any concern for port range equity.

Consequently, the cargo preference requirement has effectively shut our ports out of the program. Often, after the 75 percent cargo preference requirement was satisfied, there was insufficient cargo available to make it economically viable for Great Lakes ports to bid. In some cases, when Great Lakes ports did successfully bid for cargo, it might still be diverted to another port range to satisfy cargo preference.

Over the past 10 years, we have sought to restore some equity to the Federal maritime program, and legislative provisions were enacted in 1985 and 1990. Unfortunately, those efforts turned out to be either temporary or ineffective. Last year, a Great Lakes equity provision which I authored was included in the House-passed maritime security bill, but that legislation was not enacted.

This year, with the assistance of the American Great Lakes ports and representatives of the maritime industry, we have developed a new provision to ensure equity for the Great Lakes region which is included in the managers' amendment to the bill. This provision will establish a new contracting procedure whereby our ports will get to bid on 100 percent of Public Law–480 title II cargo. This is the most labor-intensive type of cargo to load and unload and it represents the greatest job-creating potential for our workers. If shipping that cargo via a Great Lakes port is the most cost-effective option, then the Great Lakes will be awarded that cargo. Furthermore, unlike current law, once awarded, that cargo cannot be taken away and diverted to another port range to satisfy cargo preference.

Nothing in this provision will diminish the 75-percent cargo preference requirement for the food aid program.

To accomplish this, the provision requires a two-step procedure be utilized by the Department of Agriculture in allocating cargoes to ports. First, after commodity suppliers and vessel operators have submitted quotes or bids to the Commodity Credit Corporation, an initial evaluation will calculate the port allocation for 100 percent of the quantity to be procured on an overall lowest landed cost basis without regard to the flag of the vessels involved. In this environment, absent cargo preference requirements, if a Great Lakes port has won a cargo based on lowest landed cost, then it is allocated to that Great Lakes port and cannot be diverted. A second evaluation is then performed to determine the specific port allocation for the remaining cargo to be purchased on the basis of 75-percent overall cargo preference requirement.

Other than a more competitive bid from another port range, the only restriction, then, that will be placed on the allocation of Public Law 480 title II cargo to Great Lakes ports is that the total may not exceed more than 25 percent of the annual tonnage which represents the non-U.S.-flag share.

During the 3 months of the year when the Great Lakes are frozen and closed to commerce the initial calculation will not be necessary. This is also true if no vessel operator or commodity supplier has offered a quote or rate through a Great Lakes port.

Clearly, this provision moves our region of the country to a more level playing field. If it works as designed it will enable vessel operators serving our ports to fairly compete for cargoes without being disadvantaged by cargo preference.

I wish to thank the majority and minority members of the National Security Committee for their help in reaching agreement on this Great Lakes cargo equity provision, especially Chairman SPENCE, subcommittee Chairman BATEMAN, and ranking Democrat RON DELLUMS. I would also like to thank the staffs of each of these members, the representatives of maritime labor and U.S.-flag vessel operators who have been involved in the development of this provision, and representatives of the Great Lakes ports. Each of them was an essential element in the crafting of this provision.

As such, I urge you to join with me in supporting the important job-creating Great Lakes cargo equity provision in the maritime security bill.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. DICKEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes, pursuant to House Resolution 287, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill?

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days to insert their remarks into the RECORD and to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2076) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as ready.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, this rule allows the House to consider and hopefully pass H.R. 2076, the fiscal year 1996 Commerce, Justice, and State Appropriations Conference Report. As most Americans know, we are charged each year with enacting 13 appropriations bills to fund the major functions of Government.

This year we have had a difficult time in meeting that goal, given the extraordinarily complex challenge of reducing the size and scope of Government as we attempt to balance our Federal budget. To date, 7 of the 13 spending bills have become law, and we are working hard to have the others on the President's desk as quickly as possible. We are seeking to work with the White House—but we will not abandon our commitment to balancing the budget in 7 years. This conference report makes a tangible contribution to the deficit reduction effort, providing for a real cut of $700 million from last year's spending levels. I wish to commend Chairman ROGERS and his entire subcommittee for their excellent work in making the tough choices needed to bring about such substantial savings, and believe me, I know these were tough choices.

Mr. Speaker, this rule is a standard one providing for the consideration of appropriations conference reports. There is nothing unusual about the rule. It is the way we do business. The rule waives all points of order against the conference report and against its consideration, allowing us to proceed with getting this bill passed and, hopefully, one step closer to being signed into law. Under House rules, this conference report will be debatable for 1 hour and the minority will have its traditional right to recommit with or without instructions.

Mr. Speaker, we had considerable discussion about the merits of this bill during our Rules Committee hearing yesterday as sometimes happens, and I know there is concern among our friends in the minority about the crime provisions of this legislation. I should point out that the Contract With America outlined a series of important tough-on-crime provisions that the congressional majority promised to deliver. Although those provisions—including truth-in-sentencing and prison litigation reform—passed the House this spring, they have not yet moved through the other body, I am sorry to say. Because we know how important these anticrime measures are to the American people, we are cutting through the legislative logjam that has held them up. I am speaking of provisions to help States keep criminals behind bars and to stop frivolous prison lawsuits. Over and over again, our constituents express frustration that criminals are released early from prison because of overcrowding and lenient State parole policies. Our constituents are concerned about their safety, as they should be, and they want to know that those who commit crimes will do their time. In addition, people are extremely frustrated with reports of endless lawsuits generated by prisoners that clog the system and syphon off precious criminal justice resources. This bill incorporates much of the Judiciary Committee's language to address these two problems in the hopes that we can finally expedite getting these anticrime measures enacted into law before Christmas, I hope.

There is also some disagreement about the way this bill addresses the COPS Program—a pet program of this White House that has placed some 26,000 cops on the beat across the country, but which, in a few short years, will drop the entire burden for funding those policemen on the States and localities. In my view, that's a false promise of a very short-term gain. It is attractive bait, I admit, but it is a short-term gain that in the long run is going to end up costing our communities dearly.

Mr. Speaker, I remember the days of the CETA programs. I know what happened because I was in another one of those.

Instead, this bill takes the block-grant approach to allocating those anticrime resources, leaving it up to local officials to determine what the best use will be for those funds. Additional good news in this measure comes in the form of substantial funding for violence against women programs and a significant Federal financial commitment to help States like Florida cope with the tremendous burden of incarcerating criminal aliens. I would point out even though I am from Florida, it is not just Florida that has the problem; it is a national problem. A careful review of the major provisions of this conference report indicates that our House colleagues have done yeoman's work, they have done it well, in their negotiations, bringing the House a fiscally responsible bill that reflects the priorities of our constituents. I urge my colleagues to support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Florida for yielding me the customary half hour.

Mr. Speaker, crime is a very serious issue in this country. In fact, today the top three issues for citizens of the Commonwealth Massachusetts are education, crime, and the environment. And I bet it is the same in other States.

Mr. Speaker, life in the United States is not what it used to be. Children worry about whether their classmates are bringing guns to schools, parents worry about what sorts of drugs are being sold in playgrounds, and families worry for their safety even in their own homes and neighborhoods.

It's horrible that many American families feel threatened by violent crime on a daily basis. Congress should be doing every single thing in its power to make sure our children and families are safe. So, Mr. Speaker, I wonder why on earth my colleagues want to repeal the wildly popular cops-on-the-beat program.

Since 1994, the cops-on-the-beat program has put 26,000 new police officers on the streets of this country. These are police officers who are trained to prevent violent crime, and illegal drug sales, and sent into communities with serious crime problems.

In Massachusetts alone, we have been given the funding to hire over 700 police officers over the next 3 years. These 700 police officers will be walking our streets thanks to the cops-on-the-beat program.

But today my Republican colleagues want to kill this program. The bill we are considering today will turn the hard-hitting, successful cops-on-the-beat program into block grant mush. The funding will be used for a no-strings-attached slush fund to the tune of nearly $2 billion.

In all likelihood, some of that money, originally meant to stop violent crime on our streets, will be swallowed up into municipal budgets. It's happened before, and it will probably happen again. The newly hired police officers could be let go and our neighborhoods will be the worse for it.

In fact, this money doesn't have to be spent on crime prevention at all. It can be used for yachts or bazookas or armored personnel carriers or a whole lot of other things that will do nothing about the crime on our streets.

Let's leave well enough alone. Let's leave the cops-on-the-beat program as the law of the land. Let's keep those police officers on the street and keep our streets as safe as we possibly can.

Mr. Speaker, although I do not oppose this rule, I am very much opposed to this bill. Americans want the police officers walking the streets today, to be walking the streets tomorrow. In fact, they want even more of them, and Congress should not break its promise.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am privileged to yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for his generous grant of time.

Mr. Speaker, I rise in strong support, obviously, of this rule. This rule is appropriate, Mr. Speaker, because of the unusual approach taken by the Senate in adopting its version of this bill. Instead of amending the House-passed bill, the Senate attached its bill as a single substitute amendment to the House bill, and as a result, the entire bill was in conference. What we bring back to the House is a substitute bill based on the conference agreement. Under that fairly complicated scenario, it makes far more sense to waive all points of order, as this rule does, and I want to thank the Committee on Rules for moving us in this direction.

The conference report, Mr. Speaker, contains some of the most important programs in the Government. Let me highlight one, the Nation's No. 1 domestic priority, the fight against violent crime. The bill provides major new resources to aid the fight against crime, $14.6 billion in total, an increase of 19 percent over the current year.

Of that total, almost $4 billion from the violent crime reduction trust fund that was established last year will fund major new initiatives to enable our States and localities to wage that war against violent crime: $1.9 billion of the money is for the local law enforcement block grant passed by this House in February, to give our cities and towns, in their discretion, the additional resources they desperately need to help make our citizens safe in their own homes; $617 million for the new State prison grant program to allow resources from the Federal Government to go to the States to provide the facilities to make violent criminals serve most of their time; and $175 million for Violence Against Women Act grants, $50 million above the House-passed level, and the full amount that the President requested for these new programs to address child abuse and domestic violence, problems that have been crying for attention and resources.

The bill includes funding for a $300 million increase over last year for the Immigration and Naturalization Service to regain control over illegal immigration, and an increase of $571 million over the current year for Federal law enforcement, nearly $200 million above the House-passed level, for Federal law enforcement: FBI, Drug Enforcement Administration, U.S. attorneys and the Federal prisons.

As this debate unfolds, Mr. Speaker, I am sure we are going to hear complaints from the other side. They will not like the fact that the conference report includes language, in response to a Senate amendment, to rein in abusive and frivolous lawsuits by prisoners, language that the Administration generally supports. They will not like the fact that the conference report includes language to target prison grants to States that move forward toward making prisoners serve 85 percent of their sentences. They will not like the fact, Mr. Speaker, that the conference report includes language that moves away from a Washington-based cookie cutter grant program in crime control to a program that allows communities to use funds at their own discretion for their own particular needs.

For every one of these items, the language was worked on by the Committees on the Judiciary of the House and the Senate jointly, and includes the text that was agreed on by those committees.

Mr. Speaker, this is December. We have been debating these issues all year long. This bill passed the House in July. It passed the Senate in September. The administration has not said one word to me or to this subcommittee or to the full committee or to the House, about what they would like to see done in this bill. We have waited. We have asked for their assistance and their cooperation. They have refused. We have no choice now but to move forward, like it or not.

Unless we pass a bill and find a way to get it signed, none of these resources can become available to our communities. If the programs in this bill are important to the Members, if the fight against violent crime and illegal aliens is important to the Members, if it is important to Members to help stamp out violence against women, then vote for this bill. Step forward. Make your move. Let us send this bill to the White House, get it over with, and get on with the business of the country.

Mr. Speaker, I urge a vote for this rule and for the conference report.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding to me. Mr. Speaker, I rise in opposition to the rule and urge members to vote "no" to the rule and to the conference report.

This bill would eliminate the current COPS Program that gives grants to localities to put 100,000 additional community police officers on the streets of our Nation.

The citizens of my district in Missouri have benefited from this program. In 25 cities across the country the violent crime rate is down, the murder rate is down, the crime rate is down.

In my own district the COPS Program in phase 1 has funded 94 total law enforcement officers in towns and communities like Independence, Lee's Summit, Raytown and Sugar Creek. In Kansas City alone 26 law enforcement officers have been funded.

If the COPS Program is turned into a block grant fund, there is a real danger that communities like mine will lose Federal funding and face elimination of a successful program that prevents crime. Mr. Speaker, I have visited with citizens and law enforcement officials and the cops on the beat. I have seen the work that they are doing with community volunteers to prevent crime.

If we allow this valuable program to be made into a block grant these funds may be diverted and may not be spent on preventing crime.

According to the Jackson County prosecutors office, overall crime in Kansas City has decreased 15 percent from 1994. This includes a 25-percent reduction in homicides, 10-percent reduction in violent crimes, and a reduction of 5 percent in part 1 crimes such as auto theft.

The COPS Program has real, tangible, results. The COPS Program is working.

I urge my colleagues to vote "no" on the rule and to oppose passage of this bill.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I rise in support of this rule and of the conference report on H.R. 2076 and I urge my colleagues to join me in supporting this bill. I would also like to take this opportunity to commend Chairman ROGERS and the rest of my colleagues on the Appropriations Subcommittee for their hard work on this agreement.

Mr. Speaker, as chair of the Small Business Committee I want to specifically address the funding provided for the Small Business Administration [SBA] in this conference report. At the beginning of this year, I established a goal of substantially reducing funding for the SBA, while increasing the agency's ability to assist small business with their capital needs through guaranteed loans. I am pleased to say that legislation authored by the Committee on Small Business, and signed into law in October, substantially reduced the subsidy needed to operate our two largest guaranteed loan programs. By working cooperatively with Chairman ROGERS, we have been able to reduce funding for the SBA by 36 percent—a savings of nearly $300 million when compared to the fiscal year 1995 appropriations, and yet preserving those programs that are truly important to small business.

Despite these very real reductions, there will be no loss of vital financing assistance for the small business community. In fact, the SBA will be able to provide more guarantees for 7(a) general small business loans in fiscal year 1996 than ever before. The Certified Development Co. program will be able to help small businesses expand, meeting their needs for larger work space and updated equipment, without any appropriation whatsoever—the program is now completely self-financing.

Mr. Speaker, through dedication to reducing Federal spending and reaching a balanced budget, and unwavering support of small businesses, we have found a way to do more with less. This conference report represents fiscal responsibility and strong advocacy for our Nation's economic backbone—small business. Again, my compliments to Chairman ROGERS, and I urge the adoption of the conference report.

Mr. GOSS. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Florida [Mr. FOLEY] for a colloquy.

Mr. FOLEY. Mr. Speaker, I appreciate the gentleman's courtesy in yielding time to me.

Mr. Speaker, I would like to direct a question to the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS].

Mr. Speaker, I first congratulate the chairman of the subcommittee in bringing a balanced spending bill back from conference that includes and funds a number of essential governmental functions. Included in this bill is $12 billion for NOAA's National Undersea Research Program, otherwise known as NURP. To clarify the priority of this funding, I would like to ask if the $12 million is intended for the existing six NURP research centers.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Yes, Mr. Speaker, the gentleman is correct, it is.

Mr. FOLEY. Mr. Speaker, I would like to also further clarify. One of these six centers, the Caribbean Marine Research Center, has long been recognized for the information it provides on a number of environmental concerns. I would ask the chairman of the committee, does the language on this conference report assure $1.56 billion for the Caribbean Marine Research Center?

Mr. ROGERS. If the gentleman will continue to yield, he is correct, it does.

Mr. FOLEY. Mr. Speaker, I thank the gentleman very much for this clarification.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule, although I do not intend to support H.R. 2076. Although there are many sections of this conference report that I find troubling, I will limit my comments to the funding of programs at the National Institute of Standards and Technology [NIST].

I want to commend my colleagues on the Appropriations Committee for providing adequate funding for the NIST laboratories, and particularly for funding the Manufacturing Extension Partnership [MEP] at NIST. The MEP was labeled "corporate welfare program" by many of my colleagues on the other side of the aisle at the beginning of this Congress. However, due to the educational efforts of the small- and medium-size business community, my Republican colleagues were able to set politics aside and judge the Manufacturing Extension Partnership on its merits. As a result, the Manufacturing Extension Partnership is funded.

I am afraid my Republican colleagues were not so objective in their assessment of the Advanced Technology Program [ATP] at NIST. In hearings before the Committee on Science this year, the only witnesses who spoke against ATP were individuals with no technical or business background. Every other private sector witness has supported the ATP and programs like it—regardless of whether their company received an ATP award.

Over and over we read in the newspapers, magazines, and journals that many U.S. companies are reducing their investment in long-term, high-risk research and development [R&D] to focus on short-term process R&D. As reported by the New York Times—September 26, 1995—the breakup of the AT&T lab was due to diminishing corporate interest on the brilliant breakthrough discoveries that might lead to an entirely new generation of products. It was long-term, high-risk research in the past that resulted in the economic strength of the United States today. If our companies stop doing research to focus on short-term profits, what will be the base of American economic strength in the future? The Advanced Technology Program was designed to work with industry to ensure our future economic strength.

According to the Congressional Budget Office [CBO], the ATP represents less than 3 percent of the $12 billion the Federal Government will spend on programs that support industrial technology commercialization. Where are my colleagues who decry ATP's alleged corporate welfare when we provide almost $1 billion to the Small Business Innovation Research Program [SBIR] or $3.7 billion to the National Institutes of Health [NIH] for applied biomedical research.

If opponents of so-called industrial welfare were serious, we would be debating the wide range of technology commercialization programs which the Government funds. This House has not done this.

Eliminating the ATP is nothing more than a banner for Members who pretend this eliminates Government corporate welfare. The CBO numbers show that it is not. Let's be frank. ATP was targeted by the Republican Congress, despite its initiation by a Republican administration, because it was enthusiastically endorsed by Bill Clinton—both as a candidate and as President.

Eliminating ATP funding doesn't say we're willing to make hard choices—it says we're making the simple choices. Eliminating ATP is easy because it is a small program with a small constituency. There has been no substantives debate in any committee or on the floor of the House regarding the merits of this or related programs. Spouting platitudes, opponents of ATP have killed it for purely political reasons.

□ 1545

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, one of the many reasons for opposing this conference report is because of the threat that it poses to America's economic security. We have in recent years in this country recognized that research and development is a key to our economic future, that if we are to have good-paying jobs for young Americans, we have to invest and invest appropriately in research and development.

This bill, as the gentleman from California [Mr. BROWN] just indicated, is not nearly as bad as the one that went to the conference committee, remains a real setback with reference to applied technology and the investment that is going to be necessary to assure that those good jobs are there in the future.

Over the last 50 years, Mr. Speaker, American know-how and invention have generated up to half of this country's economic growth. Federal support is crucial in assisting this. Millions of jobs have been created in industries because of wise private and public investments, particularly when there has been private and public partnership in areas like semiconductors and biotechnology.

Let us compare what we are doing under this bill with what some of the other countries in the world are doing. In fact, if we are to look specifically at Japan, one of our strongest economic competitors, after this bill is passed, you see that the Japanese are steadily increasing their investment in nondefense research and development, but our investment will go steadily down. It is going in the wrong direction. We do a little investment; they take the ideas and commercialize them, and we end up being the consumers and having a huge trade deficit as a result.

What about other countries throughout Asia that are our economic partners at times, but also our strong economic competitors? If you look at Singapore, if you look at South Korea, if you look at Taiwan, even if you look at India, you see that their commitment to expand their research and development is significantly greater than what our Republican colleagues propose to do under this bill. To suggest that the private sector can pick up all of the slack does not comport with history. Indeed, it is quite the contrary.

Usually when public investment goes up, private investment goes up as well. When you cut key research and development, as this bill does through the irresponsible abolition of the Advanced Technology Program, you will have less private investment as well as less public investment.

The cuts in ATP, in the Environmental Protection Agency's environmental technologies initiative and the Department of Energy's energy efficiency and renewable energy programs all represent a significant setback.

I think the editorial writers across America have been picking up on the wrong this Congress is doing with reference to our investment for America's future. The Republican Dallas Morning News put it very plainly in an editorial appropriately entitled "Cutting Seed Corn." It said, "These take-no-prisoners cuts are anything but thoughtful. Proposed budget cuts, while having little effect on the deficit," because this is a very small part of our national expenditures, "while having little effect on the deficit, could main this country's network of scientific institutions."

The New York Times referred to "the crippling of American science as an irresponsible gamble and a product of those who have been blinded by ideological fury."

We ought to have bipartisan support for America's economic security, for providing those good jobs, and instead this conference report whittles away at our future and whittles away at the hope that America can provide the top-paying jobs, the quality jobs, and overcome our trade deficit by cutting our research at the same time our trading partners are increasing theirs. It is a mistake, and this conference report ought to be rejected.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I hope we will oppose this rule in the Commerce, Justice, and State appropriation bill here today. I am here to talk about the COPS Program.

Being a former police officer myself, I am very concerned about the COPS Program. It is a program that works. It has been a very successful program. To date, we have hired 26,000 police officers. In every jurisdiction in this country 26,000 police officers have been hired, and here are the cities and how much money was received. We have pending another 18,500 police officers; those applications are currently pending with the Department of Justice. We are halfway to our goal of 100,000 police officers on the street. There is no reason to turn back now.

It is an easy one-page application. Police officers around this country like the program. Money is going directly to them. In fact, over half the communities in the United States have applied for the COPS Program. We have more applications than what we can fund.

What happens in this bill? Look at page 21. Page 21 of this conference report says that if you are a small community like many of the communities I represent, and if your Federal match falls below $10,000, the money is then taken away from the COPS Program and put with the Governors of the State to use in a manner that reduces crime and improves public safety.

When we had this debate on February 14, we asked not to put in an amendment to allow us to build roads, but that was rejected, so you believe, at least the new majority believes, that if you build a new road, you fight crime and you improve public safety. You might have a nice highway, but you certainly do not help any police officers on the street and fight crime in your communities.

So on behalf of the 26,000 police officers throughout this country who have been working at this program, whose jobs now are at risk based upon the proposal put forth by these conferees, we ask that you reject this rule and reject this bill.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Tennessee [Mr. BRYANT], a member of the Committee on the Judiciary.

Mr. BRYANT of Tennessee. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I stand in strong support of this rule and the conference report, and I must respectfully disagree with my colleague, whom I greatly respect, on his comments regarding the COPS Program. No one supports police officers any more than I think anyone in this House, but this COPS Program I do not think has been a success. I think if people look at it closely, they realize that this Federal program does not fully fund these policemen that are going out on the street.

It funds only up to 75 percent and, on average, $25,000 a year of these packages of salaries and retirement benefits. After 3 years, the Federal funding ceases.

Many localities have therefore, as a result of this mandate of putting this much money into the program, have been unable to afford officers under this program. Over 600 localities have turned down the opportunity to hire up to 1,200 officers when faced with the prospect of contributing this kind of money to their salaries. GAO reports indicate that over 7,000 localities did not even apply for the COPS Program.

Another problem with this program is that the COPS money has not been spent or sent to the areas where the statistics show that there is the most violent crime. I think overall in this country we have to realize that we must begin to prioritize our fight against crime, and at the top of the list, of course, has to go violent crime.

As an example, one of the cities that we have before us is the city of Portland, OR, and in Portland, over 56 percent of the crime that is committed in the entire State of Oregon is committed in the city of Portland. Yet under the COPS Program, they were furnished less than 1 percent of the COPS money that went to the entire State of Oregon.

Again, GAO found no relationship between crime rates and whether an applicant jurisdiction was awarded a grant. That is very important, because again, we have only so much money to go around and communities know this and Washington must learn this, that we must prioritize violent crime at the top and spend money fighting violent crime.

GAO also found that less than 50 percent of the people who receive COPS money ranked violent crime or drug crimes as one of their top five problems. So over half the cases that were getting this money, over half the money, did not list violent crime or drug crime as one of their major offenses. To me, that is incredible, not a waste of assets, but a misuse, and we can find a much better use of these assets in those localities where violent crime at least ranks in the top five crimes in that community. That is why I strongly favor the concept of block grants that is found in our bill.

Block grants allow money to be spent in communities where there is crime and allows communities to spend money in ways that may be hiring more police officers, more equipment, or whatever, but more effective ways to let the local people use the funds in a way that they think is best to fight the crime. What works best in my little hometown of Henderson, TN does not necessarily work best in New York City or Denver, CO.

Let the localities decide how to spend this money when they get it based on their criminal statistics, their rates of crime, their rates of violent crimes, and let them choose how best to use this money.

Another reason I favor this rule and this bill, Mr. Speaker, it also, as I am talking about violent crime, it favors truth-in-sentencing, and it puts the burden back on the States where it belongs. We in the Federal system have too long had to fill in the gap for State prison systems that have broken down. What we do in this bill is provide money to the States as an incentive, if they will go to truth-in-sentencing where a person, if they are sentenced to 10 years, stands some realistic chance of actually serving 10 years in jail. With that incentive, we will offer them money to help construct and build the prisons necessary to house these people.

Yesterday the Wall Street Journal indicated in its editorial page that overall crime statistics are down. Prison populations are up both in the State and in the Federal system. One reason, one clear reason why crime rates are down on the outside is because of two things. One, people are beginning to learn that if you commit a crime, you will go to jail and you will actually serve that time in jail; it serves as a deterrent. Two, many of the people who have been committing these violent crimes are finally locked up in jail as a result of a mandated sentence, a required sentence, and they are in jail where they cannot commit crimes against innocent people.

□ 1600

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, the gentleman was commenting about his district and how crime went down. The

Memphis Police Department received 40 police officers underneath this COPS program.

Your district received 82 police officers underneath this COPS program, and you are putting them all at risk if you vote for this bill. You cannot stand here and tell me that crime did not go down in your district with an additional 82 police officers.

Are you saying those 82 police officers did not do anything to help reduce crime in your district? And also Tennessee has pending another 114 police officers at the Justice Department waiting for approval.

Mr. BRYANT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Tennessee.

Mr. BRYANT of Tennessee. Again I would remind my distinguished colleague that the COPS program is only funded for 3 years. And at some point the city of Memphis as well as those others in my district will have to assume full responsibility for that.

Mr. STUPAK. That is correct. Reclaiming my time, you said crime was going down now and it is these 82 additional police officers your district received underneath this program, the COPS program. Not only that, you can go to—Oakland Police Department received one police officer, Galloway City received one police officer. These little communities cannot afford anything without our assistance and you are denying them this assistance.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I am here today to talk about the really astounding and appalling reductions in the Advanced Technology Program. Actually reductions is too sugarcoated: the programs have been wiped out.

This is a program that was initiated in the Bush administration and carried on in the Clinton administration. As we are all aware, we do have a need to get our fiscal house in order. I would suggest that cutting technology investments that have been the basis for job growth and economic growth in this country for the last two decades is going to aggravate severely our economic problems in the future. These cuts are foolhardy indeed.

It is worth noting that our competitors around the world are going in the exact opposite direction. Both Japan and Germany are increasing their expenditures in applied R&D by 30 percent. We are doing an overall cut in science and technology research of 30 percent, creating for us a severe problem.

I am aware that the chairman of the Committee on Science is philosophically opposed to the ATP program. I respect the fact that he is entitled to his faith and his belief, but I also know that every industrialized country in the world is doing the kind of investments that we are cutting in this bill.

We will not pay for the cuts next year. We will not pay for them in 2 years. But 5 years from now, millions of Americans whose employment is tied to prior investments will not be employed, and they will have no one to blame but those who have suggested this foolhardy destruction of our future.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM], the chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. McCOLLUM. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to point out that this bill contains the basic authorization that we passed earlier this year in order to have block grants for the communities to let them have the flexibility to decide how to best fight crime in this country. It is the beginning of a 5-year process to produce $10 billion to the cities and the counties of this Nation, not the States but the cities and counties to let them choose whether they want to have more money for cops or whether they want to have more money for equipment or whether they want to have midnight basketball or whatever program it is that is suitable to them.

It is the basic adage that we have been talking about for some time on our side of the aisle, that what is suitable for Portland, OR, is not suitable for Des Moines, IA, or for Jacksonville, FL.

Let us let the cities, let us let the counties decide where best to fight crime on the local level. It also contains the prison grant reorganization that puts incentives out there in so-called truth-in-sentencing that rewards those States who change their laws to make the violent repeat felons serve at least 85 percent of their sentences. It rewards them by giving them money to build more prison beds. In a separate grant it also rewards those States who simply make progress towards that by allowing them some grant money to be able to do that. Fundamental changes in the law, very critical changes in the law necessary to accomplish the end goal of fighting violent crime in this country and stopping the revolving door.

I think the President is making a big mistake if he thinks that he is going to veto this bill on the basis that somehow it destroys his cops on the streets program. It does not do that.

Mr. President, if you will look at what is going to come out here today and be passed and be sent down eventually for your signature, you are going to find in this bill not a choice between your COPS program and a block grant program but the choice is between 100,000 cops on the streets or 100,000 cops plus even more cops on the streets and more equipment and more flexibility and a better deal with more localities participating. There is going to be a very easy stride to make to get every single one of the cops that you do not have already onto the streets under the block grant program and it is just a better deal for the cities. Under your program, you cap off this system, saying that the cities and the counties and so forth cannot be reimbursed for cops but up to an amount of $75,000 total over 3 years for a single new cop. The average new cop according to the Bureau of Justice statistics costs $50,000 a year to put on the street. That is $150,000, or twice the amount the Government is going to put up under your proposal, what is in law right now, over a 3-year period.

Under the bill we are putting out here today, there is no cap. The local community can have all the money it takes or needs to put a new cop on the street or as many as they want to put on the street. There is no limit. There is a lot more money involved out there. It takes about $3 billion more over the next 3 or 4 years to put the rest of the 100,000 out there, 75,000 more. We have put out more than that. Up to $10 billion will be available for that. In addition to that the communities will only have to match 10 percent of the money instead of 25 percent under yours. So it is a far better program.

I would urge everybody to look at it, especially the President, and decide, we will put 100,000 cops and then some on the street if we adopt the Commerce-Justice-State appropriations bill today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would remind all Members that it is not in order to address the President in debate. Members must address their remarks to the Chair. Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, they may not directly address the President as in the second person.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. I thank the gentlewoman for yielding. To the last speaker, he is jeopardizing 80 police officers in his district, 202 applications pending in Florida, and your bill does not guarantee 1 police officer. All you guarantee is a manner in which reduces crime and improves public safety. Not one police officer is mentioned in your bill.

Mrs. MEEK of Florida. Mr. Speaker, I rise to ask my colleagues in the Congress to vote against this rule and to vote against the bill as well, in that it tears down a legal services system that it took years to build. You know who they are handicapping: The poor, particularly women and children.

So I rise today to appeal to my colleagues to look at the two-pronged attack that this bill makes on legal services. First of all, it cuts the Federal funds for legal services as one attack. Then it restricts the type of legal services that the local legal services organizations can provide with their own funds. So that is a double handicap.

We should not send this message from Congress. We should support the Legal Services Corporation. They help the poor. We will work hard for legal aliens in this country, and we must help to support legal services.

Mr. Speaker, I rise in opposition to this conference report and to the rule governing its consideration.

Mr. Speaker, last year 1,200 neighborhood law offices provided legal services to 1.7 million clients. The majority of these people were women and children living in poverty.

The conference report before us today contains a two-part attack on the Legal Services Corporation, which last year provided about 60 percent of the funds used by neighborhood legal service organizations. The balance of legal services funds comes from private attorneys, foundations, local charities, and State and local governments.

This conference report continues the majority's assault on the weakest members of our society.

The first part of this attack is to reduce Federal funds for the Legal Services Corporation by $122 million. This is a cut of 31 percent.

The second part of this attack is to restrict the type of legal services that the local legal services organizations can provide with their own non-Federal funds.

Let me illustrate the unfair consequences of this restriction by sharing with the House a letter I received yesterday from Marcia Cypen, executive director of Legal Services of Greater Miami. She points out that Legal Services of Miami now uses non-Federal funds to represent aliens. Under this conference report, Legal Services of Miami would have to choose between giving up all Federal funds or else stop representing those aliens who are applying for admission as a refugee or for asylum. Many of these aliens have work permits and are working, but they are too poor to get private legal assistance. They must come to Legal Services of Miami if they have been beaten by their husbands, illegally locked out by their landlords, or cheated by a merchant.

Mr. Speaker, it is one thing for the majority to put restrictions on the use of Federal funds. But it is wrong for the majority to impose its ideological views on services provided by donations from private groups and State and local governments that believe it is important that all poor people have access to our legal system.

I urge my colleagues to vote against the rule and against this conference report.

Mr. Speaker, I include for the Record the letter referred to in my remarks and its attachment, as follows:

Legal Services of
Greater Miami, Inc.,
Miami, FL, December 5, 1995.
Congresswoman Carrie P. Meek,
Cannon House Office Building, Washington, DC.

Dear Congresswoman Meek: Thank you for requesting our program's input on HR 2076 which includes funding for the Legal Services Corporation in 1996.

A crucial failing of the bill is that it precludes representation of certain classes of aliens with non-LSC funds. The particular classes of aliens affected are listed on the attached page. On a practical level what this means is that we cannot, for example, use non-LSC funds to represent a Haitian woman who is beaten up by her husband, illegally locked out by her landlord, or cheated by a used car dealer if she has applied for political asylum and has a work permit but her political asylum application is still pending. Unfortunately, there are many aliens who remain in this limbo situation for several years.

Approximately five percent of our current non-immigration caseload consists of aliens who will no longer be eligible for legal services with non-LSC funds in 1996. This could be remedied if Section 504(d)(2)(B) were amended to allow non-LSC funds to be used to represent aliens not eligible for representation with LSC funds.

In addition, HR 2076 precludes us from collecting any attorneys fees in 1996. This is inconsistent with the stated goal of reducing LSC's dependency on federal dollars. Our program has relied on income from attorneys fees to bolster our budget, and the lack of this income in 1996 will reduce our services even further.

We appreciate your concern on behalf of the poverty community of Dade County. Please let me know if you need additional information.

Sincerely,

Marcia K. Cypen,
Executive Director.

Memorandum

Date: December 5, 1995.
Subject: Ineligible aliens under proposed LSC restrictions.
From: Esther Olavarria Cruz.
To: Marcia Cypen.

I have made two lists, which is necessary to better explain who cannot be represented under the proposed LSC restrictions:

List of aliens who can be represented by LSC under the proposed restrictions:

1. Lawful permanent residents.
2. Aliens who are the spouse, parent, or unmarried child under 21 of a U.S. citizen and have filed applications for permanent residence.
3. Asylees (individuals granted asylum).
4. Refugees.
5. Individuals granted withholding of deportation (higher standard than asylum—very rare).
6. Individuals granted conditional entry before 4/1/80 (old refugee category—almost no aliens now in this category).
7. H–2A agricultural workers (limited to representation in employment contract matters only, such as wages, housing, transportation and other employment rights—very small category).

List of aliens who cannot be represented by LSC under the proposed restrictions:

1. Asylum applicants.
2. Parolees.
3. Special immigrant juveniles (undocumented children adjudicated state dependents because of abandonment, neglect or abuse).
4. Battered spouses of U.S. citizens (unless otherwise eligible under #2 above).
5. Battered spouses of permanent residents.
6. Aliens in exclusion or deportation proceedings.
7. Aliens with immediate U.S. citizen spouses, parents, or unmarried minor children who have not filed for permanent residence.
8. Relatives of permanent residents (unless otherwise eligible above).

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. Jackson-Lee].

Ms. JACKSON-LEE. Mr. Speaker, I am always told if it is not broke, why fix it. We have a bill before us that is attempting to fix things that are really not broken.

If we read the editorials across this Nation, we will find constantly decreasing crime numbers. When we read between the lines, we will find out that what has happened in those communities, they have joined in community-oriented policing. How did they manage to do that? By joining in with the 100,000 COPS program.

We find that with a one-page application, you can go into the rural hamlets, the urban centers, and all of them can invest in getting more cops on the street, visible cops that interact with the community, thereby bringing down crime. In my district alone, we have been able to access 529 officers in Houston, some $18 million invested into the local economy, and right now in the State of Texas we have 360 applications pending.

If it is not broke, why fix it? The communities want policing, they want 100,000 cops and they want them to be in their community.

Then we find that this bill wants to cut 31 percent out of the Legal Services Corporation, an institution that we might be able to modify and improve. There is nothing wrong with reducing overhead and making sure that the operational cost is more balanced. But what do we do about family law cases, child custody cases, marital circumstances, senior citizens' cases that the Legal Services Corporation, by and large supported by bar leaders across this Nation, believe that helps people, poor people, access the court system.

Yet this bill makes an unequal America. What it says is that you who can pay can get into the court system but those of you who are the working poor, those of you who have trials and tribulations and deserve a right to access the court system, if you do not have the money, then we are going to knock out the Legal Services Corporation.

It is because someone on the other side of the aisle has a personal agenda and does not want to see poor people address their grievances as a right. I think that goes against the Constitution.

When we begin to talk about the Advanced Technology Program, which I believe is the work of the 21st century, we do not have to look to Japan and Germany. We can look to our own corporations. They are downsizing, they are cutting their research and development departments.

What are your youngsters going to do in the 21st century when they come out with their engineering degrees? The Advanced Technology Program interacts and meshes together the private sector with the public sector. It is one of the most viable programs that allows us to advance technology so that our children will have jobs. Why is America putting its head in the sand while its international competitors are investing in technology?

Mr. Speaker, I truly believe this bill is trying to fix what is not broken. We need cops on the beat, we need legal services so that poor people can be equalized with others in this Nation, and I do not know about you, but I want my young people working in the 21st century. I want the Advanced Technology Program to be successfully matching the public and private partnership so that we can be at the cutting edge of technology for the 21st century.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARR], a member of the Committee on the Judiciary.

Mr. BARR. I thank the gentleman for yielding me the time.

Mr. Speaker, crime legislation is not normally very exciting. The process of protecting our citizens and seeing that those that perpetrate crimes on our citizens, that take lives, that take property and we put those people away and take them from society is normally not an exciting process.

But this is exciting legislation because for the very first time we have a piece of legislation here that is supported by the broad range of municipal and county officials from both parties, and independent nonpartisan officials all across this country. The National League of Cities, not a Republican, not a Democrat, not a partisan organization supports this approach because it gives their members, their officials, their mayors, their council men and women, their county officials, the power, the flexibility to put the resources where they need them in their communities and that is an exciting prospect because it works. It works because the decision-making is in the hands of the decision-makers in the communities, not up in Washington.

It will also, Mr. Speaker, result in more police officers on the streets in our communities, and that is exciting news.

□ 1615

We have heard very little from the President recently about the 100,000 cops on the streets. We hear a lot about 20,000 troops in Bosnia. The reason that we do not hear so much about those police officers on the street is because they are not getting there. This legislation will put them there, and I would hope that Members on both sides of the aisle will see that providing the flexibility and the power over the decisions ought to be and will be under this legislation, which I support and which I urge adoption, that this legislation will result in more police officers on the street, more and better resources being placed in the hands of our local officials from all parties and nonpartisan, across this country.

I strongly urge us to put aside partisanship. It is not so much that the current system is broken and why fix it. Let us make it better. That is what we are trying to do here is pass better legislation and make the system work better to protect our citizens.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I rise in strong opposition to this rule because of the fact that this conference committee report guts the COPS program. In listening to the arguments of the other side of the aisle, I just cannot believe it, as a former prosecutor.

When this bill was passed in the last Congress it had bipartisan support, bipartisan support. But then the new majority came in and had to make some adjustments to it because they wanted to appear to be changing the crime bill. What did they do? They gut the COPS program.

This program is an extremely effective way to fight crime. In fact, it is the cutting edge, cutting edge of how you rebuild neighborhoods and fight crime in neighborhoods.

I hear talk about the county commissioners can decide how to fight crime. County commissioners are not necessarily experts on the latest techniques in fighting crime. The politicians in cities, they will know how to spend the money. This crime bill is the result of an attorney general who had ability in the front lines in the fight against crime, and with police chiefs across America who used statistical data about how you win the war against crime. That is where it came from.

In a short period of time, 25,000 to 26,000 police officers are already on the streets, and now I hear some of my colleagues on the other side say it really will not work, we just instinctively know it.

In Lowell, MA, we have a community policing program going, and I asked the police chief to provide statistics of what happened since this program was started. Burglaries in residential areas, community policing 1 year, down 34 percent; burglaries in business areas down 41 percent; larcenies down 23 percent; car theft down 20 percent. That is what is happening in communities all across America, and they want to tamper with the crime bill that is working, for pure politics.

Law enforcement and fighting crime is not a political issue. We ought to be working together to implement this crime bill. It is the smartest, most effective crime bill that this country has ever passed.

We are playing games at the last minute because it might give the President some credit on fighting crime. Do the right thing. Vote against this bill.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, I rise in support of this rule and also of the conference report which underlies it.

I want to congratulate the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], for the work that he has done, his staff, and the others that worked on this legislation.

We have been advised by the administration that this is likely a candidate for veto. The reasons given are the Cops on the Beat program, the advanced technology program, and the funding levels for peacekeeping.

Mr. Speaker, I would note that this is a responsible, a fiscally responsible piece of legislation. Let me just highlight some of the things in here that I think make this appropriation bill worthwhile, this conference report.

First is the important funds it does provide for law enforcement, in law enforcement grants, to States, nearly $2 billion to State and local law enforcement agencies, giving some flexibility. No, it does not force the Cops on the Beat program. It does not put us in the mind set of saying it has to be this kind of program. But if that is the program the States and local government want to continue, they can continue this with the grants program. They have the flexibility to do the kinds of programs that they think are best.

For my State and many others, there is a large amount of funds in here to provide for reimbursing States for incarcerating illegal aliens. That is a responsibility of the Federal Government, a failure of the Federal Government to enforce immigration laws, and States should be reimbursed for incarceration of illegal aliens in their State and local prisons and jails.

There is funding for 1,000 new border agents so we can control our borders. There is 400 new land inspectors for the Immigration and Naturalization Service in here that helps to facilitate the flow of legitimate goods and services and of individuals across the border. There are important restrictions on the Legal Services Corporation. We begin the process of phasing out the

Federal funding for that program and returning this responsibility to States and local governments.

There is important funding for the International Trade Commission, and one that does not get a lot of attention, the State Department, which I think is a vital part of our diplomatic service and our foreign policy. The State Department does not get a lot of attention around this place, but it is vitally important.

I just had the privilege this weekend of taking a trip to Bosnia, to Serbia, to Croatia. I have seen the dedicated service our foreign service people give overseas. They are a vital link in our foreign policy. They also provide vital services for Americans overseas. This bill goes a long way to providing the adequate funding so that they can continue those vital services. No, it is not as much as anybody would like. But I think it is an important step to making sure that our diplomatic functions and our foreign policy is carried out.

This is a responsible bill. It has the right spending priorities. It gives the direction that this Congress should give to States and local governments to provide the flexibility to carry out the law enforcement programs, to provide for the Commerce Department, the vital functions that Commerce now does, and to make sure we have our foreign policy intact through the funding of the State Department.

I urge an "aye" vote on this rule and on the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, you know, block grant, block grant, block grant, block grant. It almost seems like it is a hari krishna chant coming out of the Republican Party. Sometimes what I think we ought to do is give you your way, block grant the blockheads and send you all back to the States.

I look at what is happening in our country today. I look at the kinds of priorities. This bill demonstrates so clearly the difference between the Democratic priorities and the Republican priorities.

What we are saying in this bill is we want to cut the Arms Control and Disarmament Agency by about 35 percent, we want to gut peacekeeping around the world by 57 percent, we want to do these things, and at the same time we want to increase spending on our prisons. Everybody is for spending on prisons. That is fine. But if we really want to fight crime, then we have got to provide the tools to get crime fought at the local level. It means you have to hire more cops.

If we really want to deal with how we are going to create jobs in this country, then anyone that has followed the advanced technologies that have been developed in the United States, whether it is television sets or VCR's, we spend billions of dollars in this country appropriating money to our labs, appropriating money to our universities, to come up with a vast array of significant scientific breakthroughs.

What happens then is we hand it over to the Germans or Japanese or French or somebody else who build all the things. The jobs go overseas. We end up with nothing but the bill for the technology we have created.

The advanced technology program provides that technology so that we can actually convert the technology into jobs for the American people.

We have the GPS system, the global positioning system, which has created tens of thousands of jobs all across this country. It is the exact kind of program where scientific breakthroughs take place. We create jobs here in the United States for the people of this country, advancing not only our technologies but advancing the actual salaries of the people that get those jobs. That is the kind of jobs program we need in this country, that is the kind of jobs that the American people are demanding, and that is the kind of jobs that we are not seeing created as a result of the bizarre priorities that are being put forth by the Republican Party.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

The last speaker on the Republican side from Arizona, the Fifth District, they are putting 61 police officers at risk, 85 pending cops applications at risk. And they are saying State and local governments do not know what they are talking. But yet they are applying for this program.

Mr. KENNEDY of Massachusetts. Mr. Speaker, let us not just leave the period at the advanced technologies program. Let us recognize that in this bill we are going to eliminate the U.S. Travel and Tourism Administration. We are going to cut 15 percent from the Economic Development Administration. We are going to cut 36 percent from the Small Business Administration. And we are going to cut 44 percent from the National Telecommunications.

You are clapping, I say to the gentleman from New York [Mr. SOLOMON], because you think those are all wonderful programs to cut. The truth of the matter is if you want good jobs for the people of this country instead of the kind of low-level jobs that the Republicans are so advanced and so great at creating for ordinary working people, that we need to have these kinds of programs to make certain we advance those technologies here in this country.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding me this time.

Yes, we have to clap, because it is so deadly serious that we have to do something about the deficit, and I would just say to you: Where can we slow down spending? We have to do it everywhere we possibly can, I say to the gentleman from Massachusetts [Mr. KENNEDY], for your kids and for your grandkids and great grandkids. Otherwise, this country is going down the drain. Stick to the balanced budget. It is the biggest problem facing this Nation today.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding me this time.

I would just point out, you are providing a $270 billion tax cut while you are claiming you are for a balanced budget, when you are dumping $7 billion into our national defense budget.

Mr. SOLOMON. Reclaiming my time, $500 in the pocket of my constituents is better than $500 in the pocket of this Congress.

Mr. KENNEDY of Massachusetts. Come on, you are saying you are for a balanced budget at the same time you are for a tax cut. Come on, be honest with the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to talk for a minute or two about this block grant approach because my colleagues should know that running between the States of North Carolina and South Carolina is a wonderful lake, and the last time we had a block grant program, the legal block grant program that was implemented under the Nixon administration, one of the law enforcement officials in South Carolina went out and bought a nice yacht and put it on this lake to use for what he said was crime fighting purposes. I think that was the impetus that led to doing away with the last round of block grant programs.

Now, my colleagues are back with these block grant programs, and they say it is the thing of the future and we are going to control them going into the future. But there is nothing in this bill that is going to stop people from buying yachts and tanks and all of these airplanes, like they did under the last block grant program.

The second point I want to make is my colleagues are going to tell us that they are returning all of this discretion back to the local governments so they can buy these yachts, but I will tell my colleagues that this bill does not return discretion to the local government. What it does is reward States that have incarcerated the most people over the last 3 years. There is a provision here that says, and I quote it, verbatim,

> We are going to give grants to States only that have increased the percentage of persons convicted of violent crimes over the last 3 years; those who have increased the average prison time over the last 3 years.

Well, we are operating, according to a recent newspaper article, the biggest expansion industry in the world is the United States prison system already, and now we are trying to reward people for putting more people in jail rather than coming into line with other civilized countries in the world.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Appropriations.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

I cannot sit here and let the gentleman from Michigan get by with saying that the Cops on the Beat grants that have already been made will be jeopardized. They will not be jeopardized. These grants have already been made. They are out there.

What is being jeopardized, the gentleman should know, is, after 3 more years, all of the COPS grants will be gone. Those communities who now have received moneys will have to pay the entire cost of their cops.

Under our program, they will still be going. The communities only have to pay 10 percent from here on. We pay 90 percent from here on out. If you want to have just cops, wonderful. If your police need bulletproof vests, under our program they can get them. Under yours, they cannot. If cops need bullets or equipment, they will be able to do it under our program.

Let the decision be made not in Washington by a bureaucrat, but by your police chief. If you cannot trust him, that is your problem, not ours.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, to answer the gentleman from Kentucky, the Fifth District, it was his 25 police agencies that applied for the COPS program and have been awarded that program. It was not Washington telling him to make it. And if he wrote this bill, then he knows nowhere in your bill do you even guarantee one police officer being hired. We have 100,000 guaranteed. Nowhere in your bill does it say your 90/10 provision goes for more than 1 year. We did it for 3 years.

You want technology, bulletproof vests? COPS more program, equipment technology, civilian employees, all come underneath there. Everything you want is in the COPS program. Just give it some time. Stop playing politics with it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to express my opposition to this conference report and to voice my outrage over the mindless assault that is being launched against the Legal Services Corporation.

The Republican proposal guts Legal Services. Funds will be lost by 31 percent and LSC attorneys handcuffed. This action will deny the poor access to justice, a right guaranteed under our great Constitution.

Many of our colleagues argue we cannot afford programs like the Legal Services Corporation in this time of fiscal constraints. I challenge them, how can we not?

My colleagues, the poor should not be the ones that pay the price for balancing the budget. But that is exactly what will happen if the Legal Services Corporation is so drastically cut.

I urge you to support the efforts of LSC. Our democracy succeeds only when all of our citizens have full access to our legal system.

□ 1630

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, buried on page 127 of this conference report is language designed to reopen the Ocean Dumping Ban Act of 1988. This language was not considered by the House and it was not considered by the Senate, rather it was added by the conferees.

The language on page 127 would have the Federal Government spend taxpayer dollars to develop a demonstration project on the deep ocean isolation of waste, which is a fancy way of saying ocean dumping. This type of study has already been rejected by the Commerce Department, also by the Naval Research Lab. As an environmentalist and as a member of the Resources Subcommittee on Fisheries, Wildlife and Oceans, I am outraged over these efforts to go behind the backs of our subcommittee and the American people to reopen the issue of ocean dumping.

Ocean dumping under current law is illegal. It is irresponsible and wrong to use taxpayer money to fund experiences into ocean dumping of any kind of waste. I would ask my colleagues, let us not threaten the health of our citizens again and the environment just to please some corporate special interests. This is a technology that has been rejected by the government agencies. It is only because some corporate interest decided to spend some money on it that it now appears in this conference report.

Mr. Speaker, I think it is totally inappropriate when neither House, neither appropriations committee considered this language, none of the authorizing committees considered this language, even though there is a bill pending before our subcommittee, and yet now we find it in the conference report. We should vote against the rule just for that reason alone.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to say that it is my understanding that all time has expired on the other side, and we only have one speaker left on this side. As he goes up to the well, I am sure that he will remind us that this is a debate on the rule. I have not heard any debate on the rule, but we have heard a lot of debate on a lot of other subjects.

I am sure my distinguished colleague from greater San Dimas, CA, the vice chairman of the Committee on Rules, Mr. DREIER, the honorable Mr. DREIER, will be able to use the time well.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I would like to remind him that this is, in fact, the debate on the rule.

Now, having said that, let me say that I believe this is an extraordinarily good conference report. It goes a long way toward dealing with the goals that the American people set forth in the election of November 1994. We have heard people on the other side of the aisle talking about the opportunity and the future of children in this country. This bill, that has been put into place here by the great chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], has, I believe, made a major step toward reducing our deficit, in that it is $700 million below the level of last year.

Mr. Speaker, I believe that as we look at that kind of fiscal responsibility, it is very, very important to face the fact that an appropriations bill is actually reducing the level of spending and, at the same time, meeting very important priorities. One of the most important, from my perspective, is the fact that the Federal Government heretofore has not stood up and acknowledged its responsibility for a very important problem, that being illegal immigration.

This bill alone deals with two of the three very important prongs that we have been using in legislation over the past several months to address the problem of illegal immigration, and by that I am talking about reimbursement to the States for the incarceration of those who have entered this country illegally. And, also, it is very important for us to realize that toughening up our border patrol is key. There is $300 million in this bill that will go directly, directly toward hiring an additional 1,000 border patrol officers so that we will be able to again have the Federal Government acknowledging its responsibility.

The other very important part of that issue is not in this bill, but it is part of our Republican agenda here, and we are, frankly, doing it in a bipartisan way, and that is eliminating the mandates that have been imposed on the States to deal with issues like that.

So I want to congratulate the gentleman from Kentucky [Mr. ROGERS] for the superb job that he has done on this very difficult bill, for meeting those priorities, and, at the same time, reducing the level of expenditures. I also want to congratulate my friend, the gentleman from Sanibel, FL [Mr. GOSS] for reminding me this is, in fact, the debate on the rule. It is a good bill, and I hope we can vote for it and then move on to the conference report.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 289, I call up the conference report on the bill (H.R. 2076), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXVIII and House Resolution 289, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, December 4, 1995, at page H13874.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2076 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are pleased to bring to the floor this conference report. When this bill passed the House on July 26, I described it as being tough on crime and even tougher on spending. The conference report we bring to the House today is, if anything, even tougher on crime and even tougher on spending.

Overall, the conference report provides $27.3 billion, $315 million below the House-passed level. There is $315 million less in spending than when this bill left the House. The bill includes $22.8 billion in discretionary spending, $300 million below the House-passed level; it is $700 million below last year, even after rescissions; and $3.7 million below what the White House requested.

The bill also includes $3.95 billion in the violent crime reduction trust fund. That is $1.6 billion above last year.

In general, the conference report is similar to the bill that passed the House on July 26. The major changes from the House-passed bill are: First, funding for law enforcement is $200 million above the House level; second, it is offset by rescissions of prior year funding totaling minus $200 million; and third, there is a decrease in State/USIA funding, $370 million below the House level due to a lower 602(b) allocation.

Overall, for law enforcement programs, the conference report includes $14.6 billion, which is a 19-percent increase over 1995. More than half of the funding in this bill is for our No. 1 domestic priority, to fight crime and drugs and control illegal immigration. More than half.

The $3.95 billion in crime trust funds provides major new initiatives to help States and local authorities fight crime. This includes $1.9 billion for the local law enforcement block grants, much discussed here in this body, passed by the House in February as a part of the Contract With America, to give cities and towns the resources they need to fight crime as they see fit to do it—to do what they deem wise, not what we in Washington deem wise for them.

The major difference between this block grant and the COPS Program is not whether there will be more police on the streets. Both programs put more cops on the streets. The difference is about control, whether we want a Washington-knows-best cookie cutter program or a local empowerment program. This conference report chooses local control.

There is $671 million for the new State prison grant program, based on truth-in-sentencing, which rewards those States that keep prisoners locked up for 85 percent of their sentences. We will give them the money to build the prisons to put those violent criminals behind bars for most of the time a jury sentences them to.

We put $535 million for Byrne grants for locals to use to fight against crime.

For the first time, Mr. Speaker, we are funding $175 million to help with the fight against violence against women; $50 million above the House level and the full amount of the President's request.

I cannot believe the President says he wants to veto a bill that funds violence against women grants to the exact penny he requested of us. More than 100 Members of Congress have written in favor of that program on both sides of the aisle. If Members vote against this conference report or if the President vetoes this bill, they will be voting and fighting against funding for these programs.

Mr. Speaker, the conference report carries two legislative provisions added by the Senate. The authorization for that truth-in-sentencing prison grant program and a provision to stop abusive, frivolous and expensive lawsuits by prisoners in jail.

The conference report continues the House bill's emphasis on enforcing our immigration laws. It includes a $300 million increase over 1995 for the immigration service to hire 3,000 new personnel, including 1,000 new and redeployed border patrol agents on the border to stem the tide of illegal immigration.

☐ 1645

And, we are reimbursing States for the costs of jailing criminal aliens who commit crimes in their States. This is of major importance to the States of California, Texas, New York, and Florida especially. And if the President should veto this bill, he is saying to the people of California and to the people of Texas and to the people of Florida and New York, "We don't care about your expenses. You go ahead and pay the bills for these people who are breaking our boundaries and committing crimes in your States. We are not going to pay you." That is what he is saying when he vetoes this bill.

Most importantly, Mr. Speaker, this report provides increases of $571 million over 1995 for Federal law enforcement, the FBI, the Drug Enforcement Administration, U.S. attorneys, and Federal prisons, to sustain the current personnel and to provide enhancements to help them do their job.

Overall, this is the toughest anticrime, antidrug legislation this Congress has ever produced. But as tough as the bill is on crime, it is even tougher on spending reductions in lower priority areas.

The Department of Commerce is funded at $3.4 billion, a reduction of 15 percent and below the House-passed level.

The conference report funds manufacturing extension centers at $80 million, but doesn't fund Advanced Technology Program.

There are significant reductions throughout Commerce, including: EDA, down 21 percent to $348 million; MBDA, down 27 percent to $32 million; and Department Administration, down 20 percent to $29 million.

NOAA is funded at $1.8 billion, $58 million below 1995.

The conference report includes a provision requiring funding to reflect

Commerce Department reorganization, upon enactment of that legislation.

We conform in this report international spending to budget realities, reducing the State, USIA, and Arms Control accounts from $5.7 to $4.8 billion, a 15-percent decrease below last year, while preserving their core functions. And we zero out the agency of the United Nations called UNIDO, an agency that the administration the other day said the United States would withdraw from; a good thing because we are not going to give them any money for it. It is zero in this bill.

We keep the House funding level for Legal Services at $278 million compared to the Senate's $340 million, but we restrict those funds so they are not abused by that agency. We reduce funding for the SBA by 35 percent.

We prohibit expansion of the Vietnam Embassy construction unless the President certifies that Vietnam is fully cooperating on MIA–POW issues.

Those are some of the highlights of the bill, Mr. Speaker.

We have no choice but to move forward. The administration has refused to confer with us for these months and all of this year on what they want in the bill. They simply sit back and say we are going to veto it unless we get our way on COPS. They are sort of in a pique about that one. It is a political thing. It is sort of, I guess, his version of getting off Air Force One last. I wish he would get over this pique and get on with the business of legislating and protecting our country against crime and drugs. That is what this bill is all about.

So I urge all Members who care about issues in this bill, from violence against women programs to small business assistance, to help move this process forward and pass this conference report.

I want to thank the members of the subcommittee, the gentleman from Arizona [Mr. KOLBE], the gentleman from North Carolina [Mr. TAYLOR], the gentleman from Ohio [Mr. REGULA], the gentleman from New York [Mr. FORBES], the gentleman from Colorado [Mr. SKAGGS], the gentleman from California [Mr. DIXON], the full committee chairman, the gentleman from Louisiana [Mr. LIVINGSTON], the ranking member, the gentleman from Wisconsin [Mr. OBEY], and especially the ranking minority member, the gentleman from West Virginia [Mr. MOLLOHAN], a friend and colleague, a tremendous advocate, and a great assist to me on this bill.

I want to thank staff, Jim Kulikowski, our chief of staff, Sally Chadbourne, Theresa McAuliffe, Kim Wolterstorff, Mac Coffield, Jennifer Miller, and on the minority side, Mark Murray, Liz Whyte, and Sally Gaines, for long, long and hard dedicated work.

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expense: 1/						
Direct appropriation	119,643,000	73,229,000	74,282,000	74,282,000	74,282,000	-45,361,000
(By transfer)				(11,000,000)		
Crime trust fund	17,400,000	15,500,000				-17,400,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	74,282,000	74,282,000	-62,761,000
Working capital fund (rescission)	-5,500,000					+5,500,000
Police Corps (Crime trust fund)				10,000,000		
Counterterrorism fund	34,220,000	26,398,000	26,898,000	26,898,000	16,898,000	-17,322,000
Administrative review and appeals: 1/						
Direct appropriation		54,336,000	39,736,000	72,319,000	38,886,000	+38,886,000
Crime trust fund		33,180,000	47,780,000	14,347,000	47,780,000	+47,780,000
Total, Administrative review and appeals		87,516,000	87,516,000	86,666,000	86,666,000	+86,666,000
Office of Inspector General	30,484,000	36,744,000	30,484,000	27,436,000	28,960,000	-1,524,000
Total, General administration	196,247,000	239,387,000	219,180,000	225,282,000	206,806,000	+10,559,000
Appropriations	(184,347,000)	(190,707,000)	(171,400,000)	(200,935,000)	(159,026,000)	(-25,321,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(24,347,000)	(47,780,000)	(+30,380,000)
United States Parole Commission						
Salaries and expenses	7,450,000	6,781,000	5,446,000	5,446,000	5,446,000	-2,004,000
Legal Activities						
General legal activities:						
Direct appropriation	416,834,000	437,060,000	401,929,000	406,529,000	401,929,000	-14,905,000
(By transfer)					(12,000,000)	(+12,000,000)
Crime trust fund	4,600,000	7,591,000	7,591,000	2,991,000	7,591,000	+2,991,000
Total, General legal activities	(421,434,000)	(444,651,000)	(409,520,000)	(409,520,000)	(421,520,000)	(+86,000)
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	4,028,000	4,028,000	+1,528,000
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	2,884,000	2,884,000	-1,116,000
Civil liberties public education fund	5,000,000	5,000,000				-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000	85,143,000	85,143,000	
Offsetting fee collections - carryover	-4,500,000		-16,000,000	-16,000,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	41,003,000	43,490,000	20,881,000	20,881,000	17,521,000	-23,482,000
United States Attorneys:						
Direct appropriation	829,024,000	909,463,000	896,825,000	909,463,000	895,509,000	+66,485,000
Emergency appropriations (P.L. 104-19)	2,000,000					-2,000,000
Violent crime task force	15,000,000	15,000,000				-15,000,000
Crime trust fund	6,800,000	14,731,000	14,731,000	30,000,000	30,000,000	+23,200,000
Total, United States Attorneys	852,824,000	939,194,000	911,556,000	939,463,000	925,509,000	+72,685,000
United States Trustee System Fund	103,183,000	109,245,000	101,596,000	103,183,000	102,390,000	-793,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-44,191,000	-44,191,000	-3,594,000
Direct appropriation	62,586,000	65,054,000	57,405,000	58,992,000	58,199,000	-4,387,000
Foreign Claims Settlement Commission	830,000	905,000	830,000	905,000	830,000	
United States Marshals Service:						
Direct appropriation	396,782,000	446,887,000	418,973,000	439,639,000	423,248,000	+26,466,000
Crime trust fund		16,500,000	25,000,000	15,000,000	25,000,000	+25,000,000
Total, United States Marshals Service	396,782,000	463,387,000	443,973,000	454,639,000	448,248,000	+51,466,000
Federal Prisoner Detention	296,753,000	295,331,000	250,331,000	295,331,000	252,820,000	-43,933,000
(Prior year carryover)					(33,511,000)	(+33,511,000)
(By transfer)					(9,000,000)	(+9,000,000)
Total, Federal prisoner detention	(296,753,000)	(295,331,000)	(250,331,000)	(295,331,000)	(295,331,000)	(-1,422,000)
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	85,000,000	85,000,000	+7,018,000
Community Relations Service 2/	20,379,000	20,695,000		10,638,000	5,319,000	-15,060,000
Assets forfeiture fund	50,000,000	55,000,000	35,000,000	35,000,000	30,000,000	-20,000,000
Total, Legal activities	2,232,073,000	2,424,619,000	2,221,408,000	2,317,281,000	2,239,878,000	+7,805,000
Appropriations	(2,220,673,000)	(2,385,797,000)	(2,174,086,000)	(2,269,290,000)	(2,177,287,000)	(-43,386,000)
Crime trust fund	(11,400,000)	(38,822,000)	(47,322,000)	(47,991,000)	(62,591,000)	(+51,191,000)

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Radiation Exposure Compensation						
Administrative expenses	2,655,000	2,655,000	2,655,000	2,655,000	2,655,000	
Advance appropriation		2,655,000				
Payment to radiation exposure compensation trust fund		16,264,000				
Advance appropriation		30,000,000	16,264,000	16,264,000	16,264,000	+16,264,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	18,919,000	18,919,000	+16,264,000
Interagency Law Enforcement						
Interagency crime and drug enforcement	374,943,000	378,473,000	374,943,000	359,843,000	359,843,000	-15,100,000
Federal Bureau of Investigation						
Salaries and expenses	2,038,774,000	2,305,387,000	2,084,857,000	2,098,426,000	2,002,438,000	-36,336,000
(By transfer)					(22,000,000)	(+22,000,000)
Emergency appropriations (P.L. 104-19)	77,140,000					-77,140,000
Counterintelligence and national security	80,421,000	82,224,000	82,224,000	121,345,000	102,345,000	+21,924,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	
Digital telephony (crime trust fund)		33,400,000	50,000,000	50,000,000	33,400,000	+33,400,000
Other initiatives (crime trust fund)		13,100,000	30,600,000	152,500,000	184,900,000	+184,900,000
Construction		99,259,000	98,400,000	98,800,000	97,589,000	+97,589,000
Total, Federal Bureau of Investigation	2,280,735,000	2,617,770,000	2,430,481,000	2,605,471,000	2,505,072,000	+224,337,000
Appropriations	(2,280,735,000)	(2,571,270,000)	(2,349,881,000)	(2,402,971,000)	(2,286,772,000)	(+6,037,000)
Crime trust fund		(46,500,000)	(80,600,000)	(202,500,000)	(218,300,000)	(+218,300,000)
Drug Enforcement Administration						
Salaries and expenses	799,944,000	845,409,000	828,729,000	837,241,000	792,909,000	-7,035,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-47,241,000	-47,241,000	-3,810,000
Direct appropriation	756,513,000	798,168,000	781,488,000	790,000,000	745,668,000	-10,845,000
Crime trust fund		12,000,000	12,000,000	60,000,000	60,000,000	+60,000,000
Total, Drug Enforcement Administration	756,513,000	810,168,000	793,488,000	850,000,000	805,668,000	+49,155,000
Immigration and Naturalization Service						
Salaries and expenses:						
Direct appropriation	1,101,475,000	1,453,471,000	1,421,481,000	953,934,000	1,394,825,000	+293,350,000
Border Patrol:						
Direct appropriation			(494,700,000)	489,200,000	(506,800,000)	(+506,800,000)
Crime trust fund			(78,000,000)	10,300,000	(78,000,000)	(+78,000,000)
New offsetting fees				(117,000,000)		
Subtotal, Border patrol			(572,700,000)	(616,500,000)	(584,800,000)	(+584,800,000)
Immigration initiative (crime trust fund)	100,600,000	335,498,000	152,642,000	54,279,000	162,628,000	+62,028,000
Border control system modernization (crime trust fund)	154,600,000		150,900,000	111,083,000	153,570,000	-1,030,000
Subtotal, Direct and crime trust fund	(1,356,675,000)	(1,788,969,000)	(1,725,023,000)	(1,735,796,000)	(1,711,023,000)	(+354,348,000)
Fee accounts:						
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(1,823,000)	(1,823,000)	(-1,659,000)
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(357,084,000)	(357,084,000)	(+26,132,000)
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(5,965,000)	(5,965,000)	(+4,381,000)
Immigration examinations fund	(291,097,000)	(304,572,000)	(440,160,000)	(440,160,000)	(440,160,000)	(+149,063,000)
Cuban/Haitian resettlement (examinations fund)			(10,057,000)	(10,057,000)	(10,057,000)	(+10,057,000)
Breached bond fund	(6,200,000)	(6,358,000)	(6,358,000)	(6,358,000)	(6,358,000)	(+158,000)
Subtotal, Fee accounts	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Construction	50,000,000		11,000,000	35,000,000	25,000,000	-25,000,000
Immigration Emergency Fund	30,000,000					-30,000,000
Total, Immigration and Naturalization Service	(2,069,990,000)	(2,464,771,000)	(2,557,470,000)	(2,592,243,000)	(2,557,470,000)	(+487,480,000)
Appropriations	(1,181,475,000)	(1,453,471,000)	(1,432,481,000)	(1,478,134,000)	(1,419,825,000)	(+238,350,000)
Crime trust fund	(255,200,000)	(335,498,000)	(303,542,000)	(175,662,000)	(316,198,000)	(+60,998,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(938,447,000)	(821,447,000)	(+188,132,000)
Federal Prison System						
Salaries and expenses	2,353,597,000	2,630,259,000	2,614,578,000	2,614,578,000	2,614,578,000	+260,981,000
Prior year carryover	-30,000,000		-40,000,000	-40,000,000	-47,000,000	-17,000,000
Direct appropriation	2,323,597,000	2,630,259,000	2,574,578,000	2,574,578,000	2,567,578,000	+243,981,000
Crime trust fund		13,500,000	13,500,000	13,500,000	13,500,000	+13,500,000
Total, Salaries and expenses	2,323,597,000	2,643,759,000	2,588,078,000	2,588,078,000	2,581,078,000	+257,481,000
National Institute of Corrections	10,302,000	10,158,000		8,000,000		-10,302,000
Buildings and facilities	276,301,000	323,728,000	323,728,000	349,410,000	334,728,000	+58,427,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
Total, Federal Prison System	2,610,200,000	2,977,645,000	2,911,806,000	2,945,488,000	2,915,806,000	+305,606,000
Office of Justice Programs						
Justice Assistance:						
Direct appropriation	97,977,000	102,345,000	97,977,000	102,345,000	99,977,000	+2,000,000
Crime trust fund:						
Violence Against Women Grants	26,000,000	174,900,000	124,500,000	175,000,000	174,500,000	+148,500,000
Rural law enforcement		10,252,000		10,000,000		
Crime prevention		30,000,000		30,000,000		
Model intensive prevention		48,216,000				
State prison drug treatment		27,000,000	27,000,000	27,000,000	27,000,000	+27,000,000
Other crime control programs		4,426,000	900,000	900,000	900,000	+900,000
Subtotal, Crime trust fund	26,000,000	294,794,000	152,400,000	242,900,000	202,400,000	+176,400,000
Total, Justice Assistance	123,977,000	397,139,000	250,377,000	345,245,000	302,377,000	+178,400,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	62,000,000	50,000,000	50,000,000	30,000,000	60,000,000	-2,000,000
Byrne grants (formula)		190,000,000		250,000,000	328,000,000	+328,000,000
State identification grants				60,000,000		
Weed and seed fund	13,456,000	5,000,000	(23,500,000)	(43,500,000)	(28,500,000)	-13,456,000
Subtotal, Direct appropriations	75,456,000	245,000,000	50,000,000	340,000,000	388,000,000	+312,544,000
Crime trust fund:						
State and local block grants:						
Byrne grants (discretionary)				50,000,000		
Byrne grants (formula)	450,000,000	260,000,000	475,000,000	225,000,000	147,000,000	-303,000,000
Community policing	1,300,000,000	1,902,964,000		1,690,000,000		-1,300,000,000
Local law enforcement block grant			1,950,000,000		1,903,000,000	+1,903,000,000
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,425,000,000	1,965,000,000	2,050,000,000	+300,000,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	25,000,000	25,000,000	-75,000,000
State prison grants	24,500,000	500,000,000	500,000,000	726,800,000	617,500,000	+593,000,000
State criminal alien incarceration program	130,000,000	300,000,000	300,000,000	300,000,000	300,000,000	+170,000,000
Youthful offender incarceration		9,643,000	19,643,000	15,000,000		
Drug courts	11,900,000	150,000,000		100,000,000		-11,900,000
Ounce of Prevention Council	1,500,000			2,000,000		-1,500,000
Other crime control programs		26,799,000	13,700,000	13,300,000	12,700,000	+12,700,000
Subtotal, Crime trust fund	2,017,900,000	3,174,406,000	3,283,343,000	3,147,100,000	3,005,200,000	+987,300,000
Total, State and local law enforcement	2,093,356,000	3,419,406,000	3,333,343,000	3,487,100,000	3,393,200,000	+1,299,844,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	148,500,000	148,500,000	-6,750,000
Crime trust fund				(20,000,000)		
Total, Juvenile justice programs	(155,250,000)	(148,500,000)	(148,500,000)	(168,500,000)	(148,500,000)	(-6,750,000)
Public safety officers benefits program:						
Death benefits	27,645,000	28,474,000	28,474,000	28,474,000	28,474,000	+829,000
Disability benefits	2,072,000	2,134,000	2,134,000	2,134,000	2,134,000	+62,000
Total, Office of Justice Programs	2,402,300,000	3,995,653,000	3,762,828,000	4,011,453,000	3,874,685,000	+1,472,385,000
Appropriations	(358,400,000)	(526,453,000)	(327,085,000)	(621,453,000)	(667,085,000)	(+308,685,000)
Crime trust fund	(2,043,900,000)	(3,469,200,000)	(3,435,743,000)	(3,390,000,000)	(3,207,600,000)	(+1,163,700,000)
Total, title I, Department of Justice	12,299,791,000	15,291,039,000	14,474,522,000	14,992,979,000	14,668,146,000	+2,368,355,000
Appropriations	(9,977,391,000)	(11,326,839,000)	(10,534,035,000)	(11,078,979,000)	(10,742,177,000)	(+764,786,000)
Crime trust fund	(2,327,900,000)	(3,964,200,000)	(3,940,487,000)	(3,914,000,000)	(3,925,969,000)	(+1,598,069,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	20,949,000	20,949,000	20,949,000	20,889,000	20,889,000	-60,000
International Trade Commission						
Salaries and expenses	42,500,000	47,177,000	42,500,000	34,000,000	40,000,000	-2,500,000
Total, Related agencies	63,449,000	68,126,000	63,449,000	54,889,000	60,889,000	-2,560,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Administration						
Operations and administration	266,093,000	279,558,000	264,885,000	266,079,000	264,885,000	-1,208,000
Export Administration						
Operations and administration	38,644,000	48,441,000	38,644,000	38,604,000	38,604,000	-40,000
Economic Development Administration						
Economic development assistance programs	382,783,000	407,783,000	328,500,000	89,000,000	328,500,000	-54,283,000
Emergency rescission (P.L. 104-19)	-5,250,000					+5,250,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	11,000,000	20,000,000	-12,144,000
Total, Economic Development Administration	409,677,000	438,966,000	348,500,000	100,000,000	348,500,000	-61,177,000
Minority Business Development Agency						
Minority business development	43,789,000	47,921,000	32,000,000	32,789,000	32,000,000	-11,789,000
United States Travel and Tourism Administration						
Salaries and expenses	16,328,000	16,303,000	2,000,000	12,000,000	2,000,000	-14,328,000
Total, Trade and Infrastructure Development	837,980,000	899,315,000	749,478,000	504,361,000	746,878,000	-91,102,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	46,896,000	57,220,000	40,000,000	46,896,000	45,900,000	-996,000
Economics and statistics administration revolving fund	1,677,000					-1,677,000
Bureau of the Census						
Salaries and expenses	136,000,000	144,812,000	136,000,000	133,812,000	133,812,000	-2,188,000
Periodic censuses and programs	142,083,000	193,450,000	135,000,000	193,450,000	150,300,000	+8,217,000
Total, Bureau of the Census	278,083,000	338,262,000	271,000,000	327,262,000	284,112,000	+6,029,000
National Telecommunications and Information Administration						
Salaries and expenses	20,961,000	22,932,000	19,709,000	8,000,000	17,000,000	-3,961,000
(By transfer)				(9,000,000)		
Public broadcasting facilities, planning and construction	28,983,000	7,959,000	19,000,000	10,000,000	15,500,000	-13,483,000
Endowment for Children's Educational Television	2,499,000	2,502,000				-2,499,000
Information infrastructure grants	44,962,000	99,912,000	40,000,000	18,900,000	21,500,000	-23,462,000
Total, National Telecommunications and Information Administration	97,405,000	133,305,000	78,709,000	36,900,000	54,000,000	-43,405,000
Patent and Trademark Office						
Salaries and expenses	82,324,000	110,868,000	90,000,000	82,324,000	82,324,000	
Total, Economic and Information Infrastructure	506,385,000	639,655,000	479,709,000	493,382,000	466,336,000	-40,049,000
SCIENCE AND TECHNOLOGY						
National Institute of Standards and Technology						
Scientific and technical research and services	247,486,000	310,679,000	263,000,000	222,737,000	259,000,000	+11,514,000
Industrial technology services	418,373,000	642,458,000	81,100,000	101,600,000	80,000,000	-338,373,000
Construction of research facilities	34,639,000	69,913,000	60,000,000	27,000,000	60,000,000	+25,361,000
Total, National Institute of Standards and Technology	700,498,000	1,023,050,000	404,100,000	351,337,000	399,000,000	-301,498,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities 3/	1,805,092,000	2,021,135,000	1,724,452,000	1,809,092,000	1,795,677,000	-9,415,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	+3,000,000
Direct appropriation	1,799,092,000	2,018,135,000	1,721,452,000	1,806,092,000	1,792,677,000	-6,415,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(57,500,000)	(62,000,000)	(63,000,000)	(+7,500,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	8,500,000	3,900,000	3,900,000	3,900,000	3,900,000	-4,600,000
(Damage assessment and restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-3,900,000	-3,900,000	-2,400,000
Total, Operations, research and facilities	1,806,092,000	2,018,135,000	1,721,452,000	1,806,092,000	1,792,677,000	-13,415,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	
Construction	82,254,000	52,299,000	42,731,000	50,000,000	50,000,000	-32,254,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	8,000,000	8,000,000	8,000,000	-14,936,000
GOES satellite contingency fund (rescission)	-2,500,000					+2,500,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	1,032,000	1,032,000	-241,000
Fishermen's contingency fund	999,000	1,000,000	999,000	999,000	999,000	

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Foreign fishing observer fund	400,000	396,000	196,000	196,000	196,000	-204,000
Fishing vessel obligations guarantees	250,000	250,000		250,000	250,000	
Total, National Oceanic and Atmospheric Administration	1,911,704,000	2,096,709,000	1,774,410,000	1,866,569,000	1,853,154,000	-58,550,000
Technology Administration						
Salaries and expenses	8,242,000	13,906,000	5,000,000	5,000,000	5,000,000	-3,242,000
National Technical Information Service						
NTIS revolving fund	7,000,000					-7,000,000
Total, Science and Technology	2,627,444,000	3,133,665,000	2,183,510,000	2,222,906,000	2,257,154,000	-370,290,000
General Administration						
Salaries and expenses	36,471,000	35,826,000	29,100,000	29,100,000	29,100,000	-7,371,000
Office of Inspector General	16,887,000	22,249,000	21,849,000	19,849,000	19,849,000	+2,962,000
Total, General administration	53,358,000	58,075,000	50,949,000	48,949,000	48,949,000	-4,409,000
Transition fund				20,000,000		
National Institute of Standards and Technology						
Construction of research facilities (rescission)				-152,993,000	-75,000,000	-75,000,000
Total, Department of Commerce	3,961,718,000	4,662,584,000	3,400,197,000	3,081,716,000	3,383,428,000	-578,290,000
Total, title II, Department of Commerce and related agencies	4,025,167,000	4,730,710,000	3,463,646,000	3,136,605,000	3,444,317,000	-580,850,000
(By transfer)	(55,500,000)	(55,500,000)	(57,500,000)	(71,000,000)	(63,000,000)	(+7,500,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,657,000	1,662,000	1,662,000	1,662,000	1,662,000	+5,000
Other salaries and expenses	22,583,000	24,172,000	24,172,000	24,172,000	24,172,000	+1,589,000
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	25,834,000	25,834,000	+1,594,000
Care of the building and grounds	3,000,000	4,003,000	3,313,000	3,313,000	3,313,000	+313,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	29,147,000	29,147,000	+1,907,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,758,000	1,892,000	1,892,000	1,892,000	1,892,000	+134,000
Other salaries and expenses	11,680,000	13,603,000	12,178,000	12,396,000	12,396,000	+716,000
Total, Salaries and expenses	13,438,000	15,495,000	14,070,000	14,288,000	14,288,000	+850,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,385,000	1,413,000	1,413,000	1,413,000	1,413,000	+28,000
Other salaries and expenses	9,300,000	9,446,000	9,446,000	9,446,000	9,446,000	+146,000
Total, Salaries and expenses	10,685,000	10,859,000	10,859,000	10,859,000	10,859,000	+174,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	220,428,000	226,024,000	226,024,000	226,024,000	226,024,000	+5,596,000
Other salaries and expenses	2,119,699,000	2,419,941,000	2,183,000,000	2,220,170,665	2,207,117,000	+87,418,000
Direct appropriation	2,340,127,000	2,645,965,000	2,409,024,000	2,446,194,665	2,433,141,000	+93,014,000
Crime trust fund		30,700,000	41,500,000	30,000,000	30,000,000	+30,000,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,450,524,000	2,476,194,665	2,463,141,000	+123,014,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	2,318,000	2,318,000	+68,000
Defender services	240,500,000	295,761,000	260,000,000	274,433,000	267,217,000	+26,717,000
Fees of jurors and commissioners	54,346,000	72,008,000	59,028,000	59,028,000	59,028,000	+4,682,000
Court security	97,000,000	116,433,000	109,724,000	102,000,000	102,000,000	+5,000,000
Emergency appropriations (P.L. 104-19)	16,640,000					-16,640,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,750,863,000	3,163,187,000	2,881,594,000	2,913,973,665	2,893,704,000	+142,841,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Administrative Office of the United States Courts						
Salaries and expenses	47,500,000	53,445,000	47,500,000	47,500,000	47,500,000	
Federal Judicial Center						
Salaries and expenses	18,828,000	20,771,000	18,828,000	17,000,000	17,914,000	-914,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	32,900,000	32,900,000	+4,425,000
United States Sentencing Commission						
Salaries and expenses	8,800,000	9,500,000	8,500,000	8,500,000	8,500,000	-300,000
Total, title III, the Judiciary	2,905,829,000	3,335,994,000	3,043,398,000	3,074,167,665	3,054,812,000	+148,983,000
Appropriations	(2,905,829,000)	(3,305,294,000)	(3,001,898,000)	(3,044,167,665)	(3,024,812,000)	(+118,983,000)
Crime trust fund		(30,700,000)	(41,500,000)	(30,000,000)	(30,000,000)	(+30,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,724,628,000	1,748,438,000	1,716,878,000	1,687,800,000	1,708,800,000	-15,828,000
Security enhancements		9,720,000	9,720,000	9,720,000	9,720,000	+9,720,000
Registration fees	700,000	700,000	700,000	700,000	700,000	
Total, Diplomatic and consular programs	1,725,328,000	1,758,858,000	1,727,298,000	1,698,220,000	1,719,220,000	-6,108,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	368,000,000	363,276,000	-20,696,000
Security enhancements		1,870,000	1,870,000	1,870,000	1,870,000	+1,870,000
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	369,870,000	365,146,000	-18,826,000
Transition fund				5,000,000		
Capital investment fund		32,800,000	16,400,000	16,400,000	16,400,000	+16,400,000
Office of Inspector General	23,850,000	24,250,000	27,669,000	24,350,000	27,369,000	+3,519,000
Representation allowances	4,780,000	4,800,000	4,780,000	4,500,000	4,500,000	-280,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	8,579,000	8,579,000	-1,000,000
Security and maintenance of United States missions	391,760,000	421,760,000	391,760,000	369,860,000	385,760,000	-6,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	6,000,000	6,000,000	-500,000
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	
Administrative expenses	183,000	183,000	183,000	183,000	183,000	
Total, Repatriation loans program account	776,000	776,000	776,000	776,000	776,000	
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	15,165,000	15,165,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	125,402,000	125,402,000	-3,919,000
Total, Administration of Foreign Affairs	2,691,331,000	2,773,040,000	2,688,975,000	2,644,122,000	2,674,317,000	-17,014,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	872,661,000	923,057,000	858,000,000	550,000,000	700,000,000	-172,661,000
Contributions for international peacekeeping activities, current year assessment	518,687,000	445,000,000	425,000,000	225,000,000	225,000,000	-293,687,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	3,000,000	3,000,000	-3,000,000
Total, International Organizations and Conferences	1,397,348,000	1,374,057,000	1,286,000,000	778,000,000	928,000,000	-469,348,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	12,858,000	13,858,000	12,358,000	11,500,000	12,058,000	-800,000
Construction	6,644,000	10,398,000	6,644,000	8,000,000	6,644,000	
American sections, international commissions	5,800,000	6,290,000	5,800,000	5,800,000	5,800,000	
International fisheries commissions	14,669,000	14,669,000	14,669,000	15,119,000	14,669,000	
Total, International commissions	39,971,000	45,215,000	39,471,000	40,419,000	39,171,000	-800,000
Other						
Payment to the Asia Foundation	10,000,000	10,000,000	10,000,000		5,000,000	-5,000,000
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000					-5,000,000
Total, Department of State	4,143,650,000	4,202,312,000	4,024,446,000	3,462,541,000	3,646,488,000	-497,162,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	50,378,000	76,300,000	40,000,000	22,700,000	35,700,000	-14,678,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Board for International Broadcasting						
Israel Relay Station (rescission)	-2,000,000					+2,000,000
United States Information Agency						
Salaries and expenses	475,645,000	496,002,000	445,645,000	429,000,000	445,645,000	-30,000,000
Technology fund		10,100,000	5,050,000	5,050,000	5,050,000	+5,050,000
Office of Inspector General	4,300,000	4,593,000				-4,300,000
Educational and cultural exchange programs	233,279,000	252,676,000	192,090,000	210,000,000	200,000,000	-33,279,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000					-42,000,000
Subtotal	275,279,000	252,676,000	192,090,000	210,000,000	200,000,000	-75,279,000
Eisenhower Exchange Fellowship Program, trust fund	2,800,000	300,000	300,000	1,137,000	300,000	-2,500,000
Israeli Arab scholarship program	397,000	397,000	397,000	397,000	397,000	
International Broadcasting Operations	475,363,000	395,340,000	341,000,000	294,191,000	325,191,000	-150,172,000
Radio Free Asia: Operations	5,000,000	(10,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	-5,000,000
Broadcasting to Cuba	24,809,000	(26,063,000)	(24,809,000)	24,809,000	24,809,000	
Radio construction	69,314,000	85,919,000	70,164,000	22,000,000	40,000,000	-29,314,000
East-West Center	24,500,000	20,000,000		18,000,000	11,750,000	-12,750,000
North/South Center	4,000,000	1,000,000		4,000,000	2,000,000	-2,000,000
Tenth Paralympiad				(5,000,000)		
National Endowment for Democracy	34,000,000	34,000,000	30,000,000	30,000,000	30,000,000	-4,000,000
Total, United States Information Agency	1,395,407,000	1,300,327,000	1,084,646,000	1,038,584,000	1,085,142,000	-310,265,000
Total, related agencies	1,443,785,000	1,376,627,000	1,124,646,000	1,061,284,000	1,120,842,000	-322,943,000
Total, title IV, Department of State	5,587,435,000	5,578,939,000	5,149,092,000	4,523,825,000	4,767,330,000	-820,105,000
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
Maritime National Security Program		175,000,000		46,000,000	46,000,000	+46,000,000
Operations and training	76,087,000	81,650,000	64,600,000	68,600,000	66,600,000	-9,487,000
Ready reserve force:						
Maintenance, operations and facilities	149,653,000					-149,653,000
Rescission	-158,000,000					+158,000,000
Total, Ready reserve force	-8,347,000					+8,347,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	25,000,000	48,000,000	48,000,000	25,000,000	40,000,000	+15,000,000
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(500,000,000)	(1,000,000,000)	(+750,000,000)
Administrative expenses	2,000,000	4,000,000	4,000,000		3,500,000	+1,500,000
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	52,000,000	25,000,000	43,500,000	+16,500,000
Total, Maritime Administration	94,740,000	308,650,000	116,600,000	139,600,000	156,100,000	+61,360,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	212,000	206,000	206,000	206,000	
Commission on Civil Rights						
Salaries and expenses	9,000,000	11,400,000	8,500,000	9,000,000	8,750,000	-250,000
Commission on Immigration Reform						
Salaries and expenses	1,894,000	2,877,000	2,377,000	1,894,000	1,894,000	
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,122,000	1,090,000	1,090,000	1,090,000	
Competitiveness Policy Council						
Salaries and expenses	1,000,000	503,000				-1,000,000
Equal Employment Opportunity Commission						
Salaries and expenses	233,000,000	268,000,000	233,000,000	233,000,000	233,000,000	
Federal Communications Commission						
Salaries and expenses	185,232,000	223,600,000	185,232,000	166,185,000	175,709,000	-9,523,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000	-116,400,000	-116,400,000	
Direct appropriation	68,832,000	107,200,000	68,832,000	49,785,000	59,309,000	-9,523,000

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Maritime Commission						
Salaries and expenses	18,569,000	18,947,000	15,000,000	14,855,000	14,855,000	-3,714,000
Offsetting fee collections	....	-2,228,000	....	....	....	....
Direct appropriation	18,569,000	16,719,000	15,000,000	14,855,000	14,855,000	-3,714,000
Federal Trade Commission						
Salaries and expenses	98,928,000	107,873,000	98,928,000	89,035,000	98,928,000	....
Offsetting fee collections - carryover	-4,500,000	....	-16,000,000	-16,000,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	54,788,000	59,611,000	34,666,000	24,773,000	31,306,000	-23,482,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000	1,247,000	1,247,000	....
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	....
Legal Services Corporation						
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	340,000,000	278,000,000	-122,000,000
Marine Mammal Commission						
Salaries and expenses	1,384,000	1,425,000	1,000,000	1,384,000	1,190,000	-194,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	350,000	250,000	350,000	350,000	+50,000
National Bankruptcy Review Commission						
Salaries and expenses (by transfer)	(1,000,000)	....	....	....	....	(-1,000,000)
Ounce of Prevention Council						
Crime trust fund 4/	....	14,700,000	....	....	....	....
Securities and Exchange Commission						
Salaries and expenses	297,405,000	342,922,000	297,405,000	267,664,000	297,405,000	....
Offsetting fee collections	-192,000,000	....	-184,293,000	-123,000,000	-184,293,000	+7,707,000
Offsetting fee collections - carryover	-30,549,000	....	-9,667,000	-9,667,000	-9,667,000	+20,882,000
Investment adviser fee - offsetting collection	(-8,595,000)	....	....	....	....	(+8,595,000)
Direct appropriation	74,856,000	342,922,000	103,445,000	134,997,000	103,445,000	+28,589,000
Small Business Administration						
Salaries and expenses	251,504,000	242,831,000	225,625,000	215,181,000	222,490,000	-29,014,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	-3,300,000	-3,300,000	+6,050,000
Direct appropriation	242,154,000	239,531,000	222,325,000	211,881,000	219,190,000	-22,964,000
Office of Inspector General	8,500,000	9,200,000	8,750,000	8,500,000	8,500,000	....
Business Loans Program Account:						
Direct loans subsidy	3,596,000	12,428,000	5,000,000	1,000,000	4,500,000	+904,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	145,010,000	173,510,000	155,010,000	-119,429,000
Micro loan guarantees	1,216,000	1,700,000	1,700,000	1,216,000	1,216,000	....
Section 503. prepayment	30,000,000	....	....	....	....	-30,000,000
Administrative expenses	97,000,000	99,910,000	92,622,000	92,622,000	92,622,000	-4,378,000
Total, Business loans program account	406,251,000	164,873,000	244,332,000	268,348,000	253,348,000	-152,903,000
Disaster Loans Program Account:						
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	34,432,000	34,432,000	-17,721,000
Administrative expenses	78,000,000	80,340,000	78,000,000	62,400,000	71,578,000	-6,422,000
Contingency fund (emergency)	125,000,000	100,000,000	....	....	....	-125,000,000
Total, Disaster loans program account	255,153,000	214,772,000	112,432,000	96,832,000	106,010,000	-149,143,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	2,530,000	2,530,000	-2,839,000
Total, Small Business Administration	917,427,000	630,906,000	590,369,000	588,091,000	589,578,000	-327,849,000
State Justice Institute						
Salaries and expenses 6/	13,550,000	13,550,000	....	5,000,000	5,000,000	-8,550,000
Crime trust fund	....	600,000	....	....	....	....
Total, State Justice Institute	13,550,000	14,150,000	....	5,000,000	5,000,000	-8,550,000
Total, title V, Related agencies	1,891,883,000	2,221,997,000	1,454,582,000	1,545,272,000	1,485,320,000	-406,563,000
Appropriations	(2,049,883,000)	(2,206,697,000)	(1,454,582,000)	(1,545,272,000)	(1,485,320,000)	(-564,563,000)
Rescission	(-158,000,000)	....	....	....	....	(+158,000,000)
Crime trust fund	....	(15,300,000)	....	....	....	....
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)

FY 1996 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE VI - GENERAL PROVISIONS						
Procurement: General provisions 7/	-11,769,000					+11,769,000
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)				-55,000,000	-65,000,000	-65,000,000
DEPARTMENT OF COMMERCE						
National Telecommunications and Information Administration						
Information infrastructure grants (rescission)				-36,769,000		
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Acquisition and maintenance of buildings abroad (rescission)				-140,000,000	-60,000,000	-60,000,000
RELATED AGENCIES						
United States Information Agency						
Radio construction (rescission)				-7,400,000	-7,400,000	-7,400,000
Total, title VII, Rescissions				-239,169,000	-132,400,000	-132,400,000
Scorekeeping adjustments	-387,694,000	-132,655,000	889,000	-16,264,000	-16,264,000	+371,430,000
Grand total:						
New budget (obligational) authority	26,310,642,000	31,026,024,000	27,586,129,000	27,017,415,665	27,271,261,000	+960,619,000
Appropriations	(24,153,992,000)	(27,015,824,000)	(23,604,142,000)	(23,465,577,665)	(23,522,692,000)	(-631,300,000)
Rescissions	(-171,250,000)			(-392,162,000)	(-207,400,000)	(-36,150,000)
Crime trust fund	(2,327,900,000)	(4,010,200,000)	(3,981,987,000)	(3,944,000,000)	(3,955,969,000)	(+1,628,069,000)
(By transfer)	(56,500,000)	(55,500,000)	(57,500,000)	(82,000,000)	(106,000,000)	(+49,500,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(26,420,000)	(1,420,000)	

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".

2/ Does not reflect transfers to INS and GLA.

3/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.

4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.

5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.

6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the Institute.

7/ The FY 1995 budget authority amount reflects the unspread balance.

Mr. ROGERS. Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today with the chairman of our subcommittee to present the conference report on H.R. 2076, the Commerce, Justice, State, the Judiciary and Related Agencies appropriation bill. I want to express my appreciation to the gentleman from Kentucky, Chairman ROGERS, for the open and interactive way in which he has allowed us to deal with this legislation in this bipartisan way. I want to congratulate him on his first conference report, and his efforts in bringing it to the floor. I would like to think that I could congratulate him in the sense that we are going to be all done, but I do not think that is the case. I think we will be seeing this bill again after a Presidential veto.

Mr. Speaker, in many respects this is a good bill, and I support the lion's share of it. It is below the total level of discretionary spending provided last year. That was a goal that I think everybody embraced. Law enforcement funding, Mr. Speaker, is a very important part of this bill, as the chairman said. Funding for Federal law enforcement activities and for Federal support of State and local law enforcement has been significantly increased.

The Department of Justice, Mr. Speaker, receives $2.4 billion in excess of last year's funding, with the Violent Crime Trust Fund being increased by over $1.5 billion.

Mr. Chairman, this robust funding for law enforcement includes money for 200 new FBI positions, plus significant amounts of money for new equipment and facilities and for support of these new positions. It includes funding for 30 new Drug Enforcement Administration agents, with new equipment and mobile enforcement teams to support those important new hires.

Mr. Speaker, amazingly, this legislation provides for a total of 3,000, let me repeat that for my colleagues and anyone who is listening, for 3,000 new positions at the Immigration and Naturalization Service, including 800 new border patrol agents and 400 new inspectors, and corresponding support personnel.

Mr. Speaker, in the law enforcement area this bill provides $175 million, full funding, as the chairman indicated, for the Violence Against Women Act programs, and it includes $535 million for the Byrne Grant Program, a very popular, very effective, local law enforcement grant program.

Mr. Speaker, this bill is adequate in my view in other areas. The Economic Development Administration is funded at the House level, and I think it is appropriate at this time to give special recognition to our chairman. In representing his district from Kentucky, and I my district from West Virginia, we appreciate how important the Economic Development Administration is to areas that are experiencing economic hardship. That agency has reached out and is broadening its portfolio and addressing the concerns of economically distressed areas as a result of military spending displacements.

NOAA is funded, Mr. Speaker, at $80 million above the House level. I consider that to be a good thing. Otherwise, Mr. Speaker, several departments and agencies are severely underfunded in this bill. The committee's allocation in my view is as much as $500 million short. In fact, virtually every other part of this bill has been reduced from last year.

The Department of Commerce's funding level of $3.4 billion is $600 million less than last year. Tragically, Mr. Speaker, in my view, this conference agreement zeros out the highly effective Advanced Technology Program. It is tragic from the standpoint that I think substantively the ATP program is extremely important to our strategic activities to be competitive economically into the future as we compete with the world's economy. But also, Mr. Speaker, I think we should point out in this bill that zero funding the ATP program makes us renege on grants that we have already granted to some 400 companies. I do not think that action speaks very well.

The State Department and its related agencies are reduced by $800 million below last year. That is too low. We are advised they are going to limp along with that. That cannot continue—that kind of treatment of the State Department. And many other related agencies, such as the Legal Services Corporation, are reduced dramatically. Peacekeeping functions, Mr. Speaker, are so underfunded, almost ignored, that we expect to be dealing with a $1 billion plus deficit next year to meet our international peacekeeping obligations.

Mr. Speaker, many of these underfunded or zeroed out programs are extremely important parts of President Clinton's economic revitalization initiatives or his foreign policy initiatives, or simply our commitments to ensure that the disadvantaged receive legal services. It is clear from the President's statements that any or all of them may cause him to veto this bill.

But, Mr. Speaker, the President is committed to veto this bill because funding of the COPS program as a block grant program jeopardizes the 26,000 cops already on the beat. But, more importantly, and probably because we will get beyond that jeopardy, it makes impossible his commitment, a very fundamental part of his campaign and a very fundamental part of his law enforcement crime fighting initiative, to achieve the goal of putting 100,000 new police officers on the beat by the end of fiscal year 2000.

Mr. Speaker, this is a program that is working, and it need not be fixed simply because it was not invented by the majority. It was President Clinton's program. The first year, from last year's 1995 fiscal year funding, we have put almost 26,000 new policemen on the beat. The first year met 25 percent of the goal. In the second year, the lowest estimates and projections are that we will put another 24,000 or 25,000 policemen on the beat if we get funding for the COPS program. That is 50,000 new policemen on the beat in the first 2 years of a 6-year program where the President promised to have 100,000 by the end of the century. We are far ahead of schedule on this program. There is no legitimate criticism of the so-called COPS program. In my mind the block granting of this program is an effort to undermine a program that is already working.

The President has indicated, Mr. Speaker, that this item is nonnegotiable, and I expect it to be the subject of the motion of recommit on this conference report.

In addition, because the bill enacts by reference certain provisions of H.R. 728, the formula for States to receive the block grant funds provided in this bill is heavily skewed toward those States with high populations and high crime rates. Smaller States, rural areas that are getting the job done, are disadvantaged in this bill.

Further, Mr. Speaker, this bill contains 31 pages of legislation in a bill that only has 78 pages in total. The issues addressed by these three legislative proposals are in the jurisdiction of the Committee on the Judiciary. These items include a major legislative rewrite of the Truth in Sentencing initiative grants, prison litigation reform and Legal Services Corporation. All these provisions amend current law and have impacts that are not clearly defined, despite the claims of the Committee on the Judiciary. The reasons they have ended up in this appropriations bill are unclear to me, because as far as I know, we still have a Committee on the Judiciary with an especially competent chairman and ranking member, and I see no reason why an appropriations bill should contain such extensive authorizing language.

Members may in fact be surprised by the impacts some of this language will have on the distribution of prison grant funds for their States. Preliminary information, for instance, from the Justice Department, indicates that some States that are currently eligible for prison grants will not be eligible for Truth In Sentencing incentive grants. While some of these States may become eligible for general prison grant funds, the amount of the funds available for this purpose has been reduced substantially from what it could have been under current law.

Having said all that, Mr. Speaker, I want to conclude by saying that in a bill as large and diverse as this one, there will always be things that we agree with and things that we do not. We all know it will be vetoed. I intend to work closely with the gentleman from Kentucky [Mr. ROGERS], the chairman, when that time comes, to adjust the things that need to be adjusted to get a signable bill. I believe that is his desire. It is certainly mine. We must advance the process here today and get closer to that goal.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee.

□ 1700

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from Kentucky [Mr. ROGERS], for yielding and I congratulate him and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member, for doing an outstanding job on a difficult bill with limited resources.

Mr. Speaker, this is a tough bill, but it is a good bill. It is one that I feel very comfortable in voting for and urging my colleagues to support, and I hope that all of us certainly on this side can support the bill, so we can send it to the President.

If he wants to veto it, that is his judgment and he will exercise it and we will go from there. But the fact is, with the resources available, this is a good bill. We should take comfort in sending it to him.

Mr. Speaker, I want to say briefly on the COPS issue, that is a limited, centralized, big government, big bureaucracy program that does not have the flexibility to the policeman on the beat. That does not get to the inner cities that really need flexibility and funds to fight the very heavy law enforcement problems that they have.

So, I would urge approval of this bill, which includes a significant block grant for law enforcement and gives those communities flexibility. That is not just me speaking; that is the Washington Post of Thursday, September 21, 1995, that I will include for the RECORD which, indeed, says that local authorities should have more choice and that the plan included in this bill is the preferable one.

That being said, there are some Members who have raised objections earlier under discussion of the rule about a provision in the statement of managers that was alleged to allow ocean dumping. There was a "Dear Colleague" submitted by a gentleman from New Jersey that alleges that, and I just want to say that that "Dear Colleague" is wrong. This conference report does not allow ocean dumping; the conference report does not fund any ocean dumping; and it does not change any ocean dumping laws.

The conference report does ask NOAA, the National Oceanic and Atmospheric Administration, to report to Congress on its analysis of possible technology and feasibility of deep ocean relocation of dredge soil that already exists in our Nation's harbors, and it would ask NOAA to report to Congress as to what the legal consequences are, and what are the options, if any, that Congress can explore for the future.

Mr. Speaker, that being said, that is what the language says. But there are Members from New Jersey and Massachusetts and elsewhere who have legitimate concerns about just this language.

Mr. Speaker, I would like to yield to the gentleman from New Jersey [Mr. SAXTON] to express his concerns and have an opportunity to reply to him.

Mr. SAXON. Mr. Speaker, if the gentleman would yield, under the section entitled National Oceanic and Atmospheric Administration, on page 127, there appears a paragraph entitled, "Deep Ocean Isolation Study," and it says, in part,

> The conferees have been made aware that an innovative deep ocean waste handling and disposal system exists.

Later on it says that:

> The conferees expect NOAA to evaluate this proposal and develop a funding program for engineering analysis and preliminary design work on systems to transport dredge spoils to a deposit site, transfer the material to a receiving platform, and deploy a tethered delivery system for safe conduct of deep ocean isolation.

Mr. Speaker, I understand that the gentleman is prepared to speak on this issue to clarify this situation.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I am prepared to speak, but before I do that, I yield to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I share the concerns of the gentleman from New Jersey [Mr. SAXTON], specifically because our oceans are very complex ecosystems. Also, this tethered delivery system that is referenced to has already been studied by the Navy, and the Navy has determined that it is likely to fail.

Mr. Speaker, I would appreciate the comments of the gentleman from Louisiana that there will be no ocean dumping at all, nothing authorized under this language.

Mr. LIVINGSTON. Mr. Speaker, I would say to both gentlemen, I believe that this language clearly requires that NOAA only evaluate and develop a cost estimate for testing of this new technology, not to carry out a demonstration at this time. I am prepared to direct NOAA not to proceed with this evaluation until the concerns of the gentlemen, as well as any other Members who have similar concerns, have been satisfied as expressed in authorization language by the Fisheries, Wildlife and Ocean Subcommittee of the Committee on Resources. The subcommittee is chaired by the gentleman from New Jersey. And if that language is acceptable, if that colloquy is acceptable to both gentlemen, I would hope that they would support the bill and I would urge all of our colleagues to support the bill accordingly. Is that acceptable?

Mr. SAXTON. Mr. Speaker, if the gentleman would continue to yield, that having been said, as far as this gentleman is concerned, that language is acceptable and I am prepared to support the bill with that assurance.

Mr. TORKILDSEN. If the gentleman would yield, the language is acceptable as well, and I will support the bill on that basis.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I thank the gentlemen and urge the adoption of the conference report.

Mr. Speaker, I submit the following for the RECORD:

[From the Washington Post, Sept. 21, 1995]

MORE POLICE OR MORE CHOICES

The Republicans are out to undo portions of the crime bill passed last year, particularly that part of the law that provides money to put 100,000 new community police on the streets. They would convert that program into law enforcement block grants without the mandate that the money be used to hire new officers. The current vehicle for this effort is the State, Justice and Commerce appropriations bill, which the Senate is expected to consider this week. President Clinton is determined to defend the police program because he views it as a major achievement of his administration. Setting aside this political consideration, though, preserving the form in which this assistance is given may not be worth a fight.

Protecting the public from violent crime has traditionally been a local responsibility, although, of course, federal funds have always been welcome. In the prosperous and innovative years of the Great Society, grants were made to state and local governments for law enforcement assistance, and broad discretion was given to the recipients in deciding how to use them. There were some abuses—scholarships for family members, purchases of high-tech equipment of dubious value—but much was achieved before the grant program was discontinued in the early '80s. Now the Democrats are reluctant to trust local authorities with real responsibility, so they set aside billions in the crime bill but mandated that the money be used only to hire officers for community policing.

There's nothing wrong with community policing, and many cities would be glad to spend federal dollars to implement it. But others, including some large cities, already have instituted community policing and need computers instead. Some communities, such as Washington, don't need additional police manpower at all but are short on funds to pay and provide benefits to people already on the payroll. Finally, as many cities have realized after a careful reading of the law, the feds will pay only start-up costs of new hires. Matching funds are provided at a diminishing rate for five years, after which localities must pick up the full cost of the new employees. Many communities simply can't afford to do that.

In light of the federal government's budget situation, this may not be the time for Washington to be financing local programs of this kind. But if funds are to be given, it makes sense to provide communities more flexibility in planning and spending. Because community policing has proved to be so effective and so popular with the public, many areas will spend the money as Washington intends. But if new technologies, more cars or a social service unit trained to deal with juveniles are needed more, why shouldn't local authorities have more choice? Word processors, a modernized telephone system or better lab equipment may not have the political appeal of 100,000 new cops. But for some cities, they may be a much better deal.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I appreciate that colloquy, and particularly what the gentleman from New Jersey [Mr. SAXTON] said. But I must warn that I am concerned that this very research program, which is in the report language, is the very thing that we are opposed to. In fact, if the research program goes ahead, which hopefully it will not based on what the gentleman from New Jersey just said, but if this research program were to go ahead, it is essentially open ended. That would allow a significant amount of ocean dumping to take place of various contaminated materials.

Mr. Speaker, this is why the Department of Commerce, in a letter to the chairman of the Committee on Resources on July 28 of this year, specifically said that they were opposed to this research project because it is open ended; there is no guidance, and ultimately there would be ocean dumping taking place of various contaminated materials.

Mr. Speaker, I would also point out that the Naval Research Laboratory in a report issued this year in the early part of 1995, specifically said that this tethered container concept was analyzed and determined to be unacceptable from both the production rate capability and because of handling system problems.

Mr. Speaker, there is no reason to do this research. It has already been done and it has been found to be unacceptable.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA], who is a very hard-working member of our subcommittee.

Mr. REGULA. Mr. Speaker, I simply want to say this is a good bill. I think it recognizes, of course, the fiscal restraints that we are under. It is $700 million under 1995 in terms of discretionary spending.

But as chairman of the Steel Caucus, I want to also point out that we have kept the funding up for the International Trade Administration. We are in a competitive environment worldwide with our products, including steel, and it is therefore very important that the ITA have full funding.

We have been able to do that. It is almost at 1995 levels, and what this means is that the International Trade Administration will be able to very vigorously support our trade laws and make sure that none of our industries are subjected to unfair trading practices.

With the GATT treaty in place the challenges to maintain a fair trade environment has become extremely important. The Commerce Department funding is down about $578 million, and many people say this Department perhaps is not necessary. However, the ITA has a very essential function, and I am pleased that we have been able to keep the funding level at 1995.

The second important thing I would bring to the attention of my colleagues is the manufacturing extension program. Again, we have kept the funding level up. This is an agency that provides help to many small businesses. Some 14,000 of them in northern Ohio potentially benefit from this program, because this agency provides help to many small businesses and give them advice as to how to manage their accounting, how to manage in some cases the sales programs. They provide the kind of professional consulting that many times the small business does not have.

So, these two features are important to the economy and jobs, and I am pleased that we could fund them at almost a 100 percent level.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON], a member of our subcommittee.

Mr. DIXON. Mr. Speaker, I rise in opposition to the conference report on H.R. 2076. I do so reluctantly because of my strong feeling that Appropriations Subcommittee Chairman ROGERS has sought to be fair and reasonable in the midst of a very difficult process. The fact is that the conference committee was unable to report a balanced bill—the allocation for Commerce, Justice, State, and Judiciary was just not sufficient to make that possible.

There are provisions of this conference report that I strongly support. Five hundred million dollars is allocated to reimburse States and localities for the cost of incarcerating aliens convicted of a criminal offense. Obviously, these funds are vital to my State of California, as well as Los Angeles County, which bear an enormous burden of the costs of the Federal Government's inability to control illegal immigration. Increases in funding for the Immigration and Naturalization Service included in the legislation are essential to the Government's ability to control this problem.

However, while the INS and law enforcement are well funded, there are serious problems with the allocation of funds for other components of the bill. Funding for programs within the Department of Commerce are dramatically reduced from fiscal year 1995. State Department activities are seriously underfunded, particularly as it relates to the United States commitment to international organizations and United Nation's peacekeeping activities.

In addition to the underfunding of many valuable accounts, I have fundamental differences with the conference report over policy initiatives included in the legislation. The crime bill enacted by the 103d Congress and signed by President Clinton balanced the needs of law enforcement with the needs of prevention. The Community Oriented Policing Services program [COPS] addressed the real fear of millions of Americans that there were insufficient numbers of law enforcement personnel on our streets. At the same time, the law authorized prevention activities aimed at reducing the prevalence of criminal activity among the Nation's youth.

H.R. 2076 undermines this approach by ignoring enacted authorizations and creating a new law enforcement block grant. The COPS program has already been successful in providing 25,000 additional cops on the street. This block grant eliminates a program that is working; allows funds to be used for a variety of purposes—including equipment and infrastructure; and places prevention programs in the unenviable position of competing for the same funding as personnel and equipment.

There are also small programs within the Justice Department which provide far greater benefits than their cost to the Federal Government. The Community Relations Service [CRS] is such a program. CRS provides valuable mediation, conflict resolution, and technical assistance services in the resolution of volatile racial disputes. Unfortunately, such dispute resolution activities remain essential in communities across the Nation and the small Federal investment in CRS' activities is well spent in prevention of more serious problems.

The dispute resolution activities of CRS were funded at $10 million in fiscal year 1995. This year Americans have become acutely aware of the racial tensions which exist in this country. Yet this small investment—supported by law enforcement and the civil rights community alike—has been cut by almost 50 percent. As for conference report language supporting additional funding for CRS through transfer in the case of emergent circumstances, I can report that those emergent circumstances already exist in many parts of this country.

The technology programs of the Department of Commerce are particularly hard hit by this bill. The Advanced Technology Program [ATP] has been eliminated. When all the smoke about industrial policy and picking winners and losers clears, what is it we have done in this bill? We have struck funding for a public-private partnership for the development of high-risk technologies with the potential for long-term economic benefits.

Sharing the costs of high-risk research with the private sector, and allowing research and development that might not otherwise proceed, seems to me a wise investment in our economic future. At a time when job creation is increasingly dependent on small businesses, it is important to note that half of ATP awards in the first 4 years of the program have been made to small businesses.

The Commerce Department's information infrastructure grant program is cut by over 50 percent from last year's funding level of $45 million. These grants foster an essential public-private partnership to support the expansion of the information superhighway.

As a result of where they live, income level, or educational attainment, millions of Americans now find the information age inaccessible. Perhaps nowhere is this problem as critical and the repercussions for the future as serious as in our educational system. Millions of children are being left behind as their higher-income counterparts avail themselves of the computer age, both at home and in schools where funding is available for information technology.

USA Today recently reported that high school drop-out rates fell dramatically and absentee rates dropped in half when kids were given access to computers, CD-ROMS and other technology. While many decry the failure of our public school systems to teach our children, we have an opportunity with technology grants to do something significant in our schools and provide essential opportunities to poor and at-risk youth.

Through matching grants to schools, libraries, State and local governments and non-profit organizations, information infrastructure grants can provide an invaluable catalyst to assure that we do not become a Nation divided into information technology haves and have nots.

Last Monday, the Washington Post featured an article highlighting the Minority Business Development Agency [MBDA] as an agency that is virtually privatized, was established under a Republican administration and has been credited with stimulating business growth around the country. Today we will pass a bill that reduces funding for the MBDA by 27 percent—from $44 million to $32 million.

Minorities continue to be significantly underrepresented in the business community. MBDA enhances business opportunities and expansion of existing minority enterprises by providing management and technical assistance and enhancing access to capital for minority entrepreneurs. It seems inconsistent—to say the least—that the majority would target a program such as MBDA, while seeking to replace the access to the economic marketplace afforded minority businesses through affirmative action with some yet to be defined "empowerment agenda."

Finally, the conference report responds to the opponents of the Legal Services Corporation [LSC] by severely reducing funding for the LSC and placing tight restrictions on LSC grantee activities. LSC has done an exemplary job for over 30 years of providing access to the legal system for lower-income Americans.

Unfortunately, the conference chose to acquiesce to opponents of LSC who use isolated and anecdotal claims to insist that the Corporation's main activity has been to pursue a political and social agenda. As a result, the ability of poor Americans to enjoy their rights to adequate legal representation will be eroded. It was not enough to address opponents concerns about LSC through implementation of restrictions on grantee activities; the conference report goes far beyond these concerns by reducing funding for the LSC by over 30 percent.

As we continue to resolve appropriations matters, it is my hope we are able to deliberate on an alternative to this conference report that I can support. That will require that a more reasonable and adequate amount of funding be provided for the many essential functions of the Federal Government included in this measure.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to the conference report. Specifically, I strongly oppose dismantling the community policing initiative. This is one crime fighting program that works, as the ranking member said earlier.

This bill will not guarantee that even one new police officer would be put on the beat. The streets of my district are safer today because of community policing. Neighborhoods are safer because we put more police officers on the beat.

The chairman of the Committee on Appropriations made a comment before that said that this program does not work in inner-cities. That is wrong. It does work in inner-cities. In 1990, my hometown of New Haven, CT, an inner-city, had the unfortunate distinction of having the highest crime rate of any city in the State of Connecticut. Then police and community leaders came together and implemented a community policing program. Three years later, New Haven has a much prouder distinction, and that is of a crime-fighting innovator. Crime has been reduced by 7 percent in the first year of the program and by 10 percent in the second year. In fact, New Haven's community policing program has become a model for the Nation.

In my district, 41 new police officers are already on the job in 10 municipalities as a result of the COPS initiative to put 100,000 new police officers on our Nation's streets.

Mr. Speaker, the results are in. According to the FBI's Uniform Crime Reports for the first 3 months of 1995, aggravated assault is down by 40 percent, robbery is down by 21 percent, and murder is down by 5 percent. In February of 1996, because of COPS grants, my district is expected to put an additional 20 police officers on the beat in New Haven.

Make no mistake about it. A "yes" vote on this conference report today is a vote to take cops off of the streets. Vote "no" on this conference report. It is, in fact, wrong to end this program that has worked in our Nation's cities, inner-cities and rural communities.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Speaker I rise in strong support of this bill. I rise in very strong support of the conference report. It cuts corporate welfare coming from the Commerce Department; it prevents U.S. soldiers from being ordered to serve under foreign operational command; it makes much needed cuts in foreign aid; it begins to crack down on illegal immigration; it prohibits Federal funding to provide Federal convicts with weight-lifting equipment and other counter-productive pursuits; it helps limit frivolous prison litigation; it sends a clear message to the courts that they had better stop wasting money on overly-lavish courtroom facilities; and it significantly improves upon last year's very flawed crime bill.

The anti-crime block grants that will go to communities under this legislation are not bound up with the dictates, mandates, and restrictions that characterized last year's bill. I will tell you that the local officials in Cincinnati and Hamilton County are in a better position to judge how they can best spend anti-crime money than can Federal officials here in Washington. In fact, when Cincinnati was awarded a multi-million dollar grant last year under the old crime bill, my city found that it simply could not afford to accept the money—the Federal requirements were just too much. This bill provides local officials far more flexibility to spend the funds to meet the particular needs of the particular situations that they confront.

Now, I've got to say, again, that I would have preferred to enhance the tax base of local communities by reducing the tax bite that Washington takes and simply not have any Federal crime grants at all. It's better to leave the money in the communities rather than running it through DC and then sending it back. But the approach that this bill takes represents a great improvement over the existing top-down system in which the feds micro-manage everything.

I commend the committee and the conferees for their excellent work on these improvements, and I would like also to congratulate once again the chairman of the Crime Subcommittee, the gentleman from Florida [Mr. McCOLLUM], and his absolutely tremendous staff, on the fine work that they have done to prove the way for the anti-crime provisions in this bill. I urge support for the conference report.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

☐ 1715

Mr. GILMAN. Mr. Speaker, I rise in support of the bill before us to appropriate funds for the Commerce, Justice, State Department, and related agencies. I commend my colleague, the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, Chairman ROGERS, for working through a very difficult conference to bring a reasonable conference agreement to the House floor.

I also thank the chairman and the staff of the subcommittee and full committee for their cooperation in working with our Committee on International Relations.

A key provision in the House passed bill has been retained in this conference report. The provision ties expansion of the United States mission in Vietnam to cooperation by the Government of the Socialist Republic of Vietnam on resolving the remaining POW/MIA cases. This addresses concerns that the President lifted the trade embargo on Vietnam in February 1994 and established full diplomatic relations in July 1995 in the absence of any concrete results on cases that Vietnam should be able to provide.

The conference report requires that before expanding the size of the United States mission in Hanoi, the President must certify that the Government of Vietnam is "fully cooperating" with the United States to account for our POW/MIA's. This includes turning over American remains and information on those still missing that we have every reason to believe is being held by the Vietnamese Government. I want to point out that this provision does not interfere with our diplomatic relations, but it does link expansion of the United States presence to specific cooperation by the Vietnamese. This provision reinforces the President's stated commitment to accounting for the 2,167 Americans still missing in Vietnam, Cambodia, and Laos.

This provision seeks to achieve real progress by the Government of Vietnam in accounting for our missing Americans. My colleagues, this issue is not solely about remains, though an honorable burial is certainly deserved by those who gave their lives in service to our country. It is about the POW/MIA families' and our veterans' trust in their Government to seek and discover the truth.

As we deploy 20,000 Americans to Bosnia, we must make every effort to assure them that if they are captured or become missing, the United States will make every effort to return them to their families and their Nation. It is crucial to our national honor that we, both in Congress and the executive branch, continue to press Vietnam to fully cooperate on our POW/MIA's.

Mr. Speaker, many of us have grave concerns that the Vietnamese have been less than forthcoming on cases brought to their attention. The data shows that since the President lifted the trade embargo against Vietnam, only 10 cases have been accounted for.

There is strong reason to believe, based on a November 1995 Department of Defense analytical assessment of each POW/MIA case, that the Vietnamese still have remains and records on individuals which they have so far not turned over to the United States Government.

This provision calls upon our Government to use all information available to account for our POW/MIA's. The intention is that "all information" include intelligence assessments, material evidence, incident information, and subsequent reporting, as well as the case-by-case assessments in DOD's "Zero-based Comprehensive Review of Cases Involving Unaccounted for Americans in Southeast Asia" produced in November 1995. This document provides valuable information on individual cases, to include where and what kind of information DOD analysts believe the Government of Vietnam has in its possession. It should be used to prompt the Vietnamese to respond to those cases. This would include the special remains cases, photo cases, priority discrepancy cases—fate not determined; priority discrepancy cases—death confirmed—Vietnam-Lao border cases, and priority discrepancy cases in areas of Laos and Cambodia where Vietnamese forces operated during the war.

Several United States Defense Intelligence Agency assessments through 1992 indicated that the Government of Vietnam likely holds hundreds of American remains that have not been repatriated to United States authorities. These analyses reinforce the recently released DOD case-by-case assessments.

Notably, the administration's fiscal year 1996 budget request for the State Department did not assume any expansion in Vietnam. Consequently it is my understanding that any expansion that might take place, if the President issues a certification, will require approval by Congress through the regular reprogramming process. As part of the review of any reprogramming request, the President's certification will be evaluated to determine whether the Government of Vietnam has exhausted all its unilateral efforts to cooperate fully with the United States in accounting for all discrepancy cases. We will assess Vietnam's cooperation to resolve the last known alive and remains discrepancy cases by the degree to which they meet the United States Government definition of accounting for our missing personnel which means locating and repatriating living Americans or their identifiable remains or providing convincing evidence as to why neither is possible.

In addition, Congress will be looking for the Vietnamese Government to increase its cooperation on the remaining original status POW-MIA cases in terms of results achieved in meeting the above definition, including on incidents of loss in areas of Laos and Cambodia where Vietnamese forces operated at the time of the incident.

We would expect if remains are not provided, then convincing evidence of why this is not possible should be provided by the Government of Vietnam from archival information, such as documents from the Central Committee of the Vietnamese Communist Party and reports of the Military Law Division of the Ministry of National Defense, including burial and photographic records of American casualties in Vietnam and in areas of Laos and Cambodia that were under Vietnamese control during the war.

Full Vietnamese cooperation on POW-MIA related archival records and documents also includes provision of the source documents used by a single Vietnamese official to compile the handwritten Group 559 summary document provided to the United States in 1993.

Many of my colleagues in the House and the Senate have worked for years on this issue yet we continue to hope that all the remaining cases will soon be resolved so that those most affected by the Vietnam war can end the uncertainty and frustration they have endured for so many years.

Speaking on behalf of the families and our Nation's veterans, I thank Chairman ROGERS for his outstanding efforts in finding a workable compromise on this provision. I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise today in opposition to the conference report.

I think it is a bad bill for a number of reasons, but I would like to highlight just two aspects of the bill:

I would like to go back to an earlier statement made on the floor by the gentleman from Tennessee [Mr. BRYANT], which may have left the impression that money for the COPS Program was not being directed to the right places. In talking about the COPS Program, he stated that the city of Portland, OR, only was to receive one new police officer. Let me remind my colleagues that the whole purpose of the COPS Program was to target smaller communities, and those communities where the rate of crime is growing. The city of Portland, thankfully, is not experiencing such growth. But the surrounding suburban and rural areas are. In my district alone, the following communities received one new police officer: Astoria, Carlton, Clatskanie, Clatsop County Sheriff's Office, Cornelius, Dundee, Gearhart, Hillsboro, Newberg, North Plains, Rainier, Scappoose, Seaside, Sherwood, St. Helens, Tigard, Vernonia, Warrenton, and five in Yamhill County. Many of these communities are in Washington County, which is the heart of my district, and the fastest growing part of the State—19 new police in this county alone. These are the types of communities in Oregon which need the money the most and can afford it the least. So I would remind my colleagues that the success of the COPS Program is that it puts the money where the money is most needed.

This bill eliminates funding for the Advanced Technology Program in the Commerce Department. This program provides loans to businesses to develop commercial applications for new technologies. Let me tell you why elimination of this is pound wise and penny foolish.

Over the past 50 years, innovation has been responsible for as much as half of the Nation's economic growth. Economic growth, of course, means more jobs and improved living standards. Combined public/private investment in research and development have resulted in millions of new jobs in biotechnology, communications, software, aerospace, and semiconductors.

The American Association for the Advancement of Science estimates that under the Republican budget resolution, there will be a 30-percent cut in the Federal investment in nondefense R&D.

Along with zeroing out funding for the Advanced Technology Program, funding in other bills will be drastically reduced for DOE's renewable energy R&D programs, and EPA's Environmental Technologies Initiative.

These cuts are coming at a time when Japan plans to double its R&D Government dollars by the year 2000. They are doubling their commitment and we are cutting ours. What is wrong with this picture?

I have repeatedly stated that while I am in favor of a balanced budget, but that it must be done with the right priorities in mind. Our balance the budget strategy should be based on an investment strategy—where can we put limited Federal dollars where they will do the most good—where they will invest in our Nation's well being—create new, high paying jobs—which in turn creates a better future for our children.

This appropriations bill does not get the priorities right, and I urge the defeat of this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. STUPAK], who really has become quite an expert on these issues while bringing his law enforcement background to the debate.

Mr. STUPAK. Mr. Speaker, I thank the ranking member for yielding this time to me on this issue.

As my colleagues know, back in the 103d Congress we put forth the COPS Program, and now we are here in the 104th Congress, and suddenly we want to block-grant this program. We have heard all the horrors of the block grants that have occurred in the past, the airplanes, the tanks, the yachts that have been purchased, and under our colleagues' block grant proposal not one police officer is guaranteed. There is a possibility, but there are no guarantees. No communities can look with confidence that they will receive a police officer.

Mr. Speaker, they tell us they are going to do this because they want to leave it to the local units of government. Well, let me, if I may, look at Kentucky District No. 5 where the distinguished chairman is from. Every one of those communities that applied applied because they wanted a police officer, not because Washington made them. It was the local county commissioners of Perry County, or Pike County, or Clay County, or Wolf County, or Jenkins City Police Department, or how about West Liberty City Police Department. They applied. Washington did not force them. They know how to fight crime at the local level, and they received under the COPS Program 25 police officers.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Does the gentleman realize that the State of Kentucky under the COPS Program gets $10 million, but under the block grant program would get $18 million, Does the gentleman realize that?

Mr. STUPAK. I realize that, but tell me. Nowhere in that $18 million is one police officer guaranteed for Kentucky.

Mr. ROGERS. They can use it all.

Mr. STUPAK. Prisons and everything else.

Mr. ROGERS. They can use it all.

Mr. STUPAK. Reclaiming my time——

Mr. ROGERS. If the gentleman would yield——

Mr. STUPAK. No, I would like to finish my—and if I have time left——

Mr. ROGERS. If the gentleman would yield?

Mr. STUPAK. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Michigan reclaims the time.

Mr. STUPAK. Mr. Speaker, if I have time remaining, I will yield, but I am going to finish my argument.

Mr. ROGERS. The gentleman should not ask me questions if he does not want——

Mr. STUPAK. Mr. Speaker, when the gentleman tells us that these Washington force—it was the gentleman's local communities that wanted these police officers, and now what is going to happen? Now, according to page 21, if the gentleman's agencies fall below $10,000, they lose their block grant, they lose. They lose their COPS Program, and I know my friends on that side of the aisle say that is not true, but the Department of Justice says under page 21 when they fall below the $10,000 rule, they will lose their officers.

Mr. ROGERS. Will the gentleman yield?

Mr. STUPAK. No, I will not. I want to continue my argument.

Department of Justice, who administers the program, said——

Mr. ROGERS. The truth?

Mr. STUPAK, I am interested in putting forth my argument. I have not interrupted the gentleman, and the gentleman has never yielded to me yet today, so I am not going to yield to him now.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. STUPAK] is recognized.

Mr. STUPAK. Mr. Speaker, when the gentleman says that this is not going to happen, but the Department of Justice who must administer this program tells us that is what is going to happen, I believe the Department of Justice, that the program will be terminated because of their $10,000 rule.

In Kentucky there are 132 applications pending, 132 more municipalities and country sheriffs who did not know what they were doing underneath their logic are applying for the COPS Program. My colleague will say that we need flexibility, as the gentleman said and as the Washington Post pointed out. I do not want the Washington Post to fight crime for us. I want local agencies, and that is why we have the COPS More Program, more program which provides us equipment, which provides us technology, that provides us with the technology we need.

Mr. ROGERS. Mr. Speaker, I yield myself 1 minute.

If the gentleman from Michigan [Mr. STUPAK] is interested in hearing the truth, here is what the State of Michigan will sustain under these comparative programs.

Under the COPS Program Michigan gets $33,700,000. Under our block grant program Michigan gets about $74,500,000, and they can use it all on cops if they want to, or they do not have to if they do not want to.

Mr. MOLLOHAN. Will the distinguished gentleman yield?

Mr. ROGERS. Not for the moment. We give the choice to local communities. We are going to give more than twice the amount of money to Michigan that they get under the old——

Mr. MOLLOHAN. Will the distinguished——

Mr. ROGERS. I will not.

If the gentleman from Michigan is interested in hearing it from the horse's mouth, or whatever he wants to call it, I am giving him the truth.

Michigan fares more than twice better under our program than the old COPS Program, and the old COPS Program grants will stay in effect. They are not going to lose any of the cops already on the beat under the program as it is now. But their communities will have in the future a chance for a lot more.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 1 minute to ask the distinguished chairman if he would engage me, please?

I am curious. If we have two States here who, under the block grant program the gentleman is asserting, can get a considerable amount, a higher amount, of money, what is the base amount for COPS and for the block grant program that the gentleman is comparing? Is that the same amount of money?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. It is the same amount of money this year, however let me also say this to the gentleman:

Under our proposal each community only has to put up 10 percent to get their 90 percent from us. Under the COPS Program, as the gentleman knows, in the first year the local community has to put up 25 percent; the second year, up to 50 percent, and so forth. That is——

Mr. MOLLOHAN. Reclaiming my time so I can just get to the point, if we are dealing with the same absolute dollar amount, COPS compared to block grant, the gentleman has sighted a pattern in two States where the State he is asserting is almost getting twice as much money under a block grant program; is that true——

The SPEAKER pro tempore. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 1 additional minute, and I ask the gentleman from Kentucky, if this continues, would he mind yielding 1 minute so we can straighten this out? I think it is an important point.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. To answer the gentleman's question, the COPS Program, as it is now, is based on $1.3 billion in the first year. Our program is based on $1.9 billion.

Mr. MOLLOHAN. Mr. Speaker, please; $1.9 billion for what year?

Mr. ROGERS. For 1996, the year we are talking about.

Mr. MOLLOHAN. For 1996, so the gentleman is comparing last year's dollar volume with this year's dollar volume.

Mr. ROGERS. The awards are not made yet for COPS.

Mr. MOLLOHAN. I understand, Mr. Speaker. See, I am trying to understand if we are dealing from the same base number; then the gentleman has either picked two States who, under the formula, miraculously get twice as much money in a block grant program out of the same pot of money, or else there are a lot of States out there that are going to get a lot less money under the block grant program. One or the other?

See what I mean?

Mr. ROGERS. If the gentleman would yield, we know under the block grant program the dollar figure each State will get, and that is the figure I gave for the gentleman for the State of Michigan.

The SPEAKER pro tempore. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

Mr. MOLLOHAN. I will have to conclude by making my point.

Mr. Speaker, I yield myself such time as I may consume to finish this statement.

My point, Mr. Speaker, is, if we are dealing with the same base number, if the block grant program is yielding up considerably more amounts of money, then we have to be dealing with a larger base, and the chairman has indicated here, if I am understanding him, that he is comparing the 1995 funding level, which I understand is $1.3 billion with the 1996 funding level, which is something like $1.9 billion. That would explain the discrepancy.

I reserve the balance of my time, Mr. Speaker, and I think that explains the discrepancy with the gentleman from Michigan [Mr. STUPAK], and I am sure under his program Michigan is going to get the same amount as Kentucky.

The SPEAKER pro tempore. The Chair advises the gentleman from West Virginia that he has utilized an additional 30 seconds.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, we have only one difference about this matter. We just happen to think that cops on the streets of America speak a heck of a lot louder than all these political promises in Washington, and here are some of those police officers. This is their graduation picture in Austin, TX, and they are out patrolling the streets and the neighborhoods of America making Austin and central Texas safer because they are on the street instead of in some political promise. Last year they said it could not be done, but this Congress, the last Congress, the Democratic Congress, had the courage to pass a smart, comprehensive anticrime bill, and it pledged to put 100,000 police officers on the streets and neighborhoods across the country. They said it could not be done. Well, there are already 26,000 new officers on the street.

☐ 1730

What do they propose as an alternative? They are going to have a comment period for the State bureaucracy, for the Governors of the States of the country to comment on whether or not these local requests for new cops are appropriate. That comment period is longer than it took the city of Austin to get approval to put these new law enforcement officers in cadet academies. That is a substitution of bureaucracy to go along with all the political rhetoric instead of backing up our law enforcement officers.

The idea that we will have some block grant program that requires the approval of a State bureaucracy that will not guarantee one single new law enforcement officer to back up these young men and woman who have dedicated their lives to protecting the security and the safety of their neighbors is flat wrong. These young people, according to our police chief, Elizabeth Watson, are out there working to build neighborhood enforcement teams. Instead of roving gangs, we have roving bands of law enforcement officers protecting our neighbors. The idea of a block grant program with no definition, no guarantees, no direction, does not provide the assurance we need for personal security in America today.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to support H.R. 2076, the conference report to the Commerce, Justice, State, and the Judiciary appropriations bills.

Immigration, both legal and illegal, is an issue that affects every American. The Federal Government must take seriously its responsibility to establish and maintain a credible immigration policy that benefits American families, taxpayers, and workers, and serves America's national interests.

I introduced H.R. 2202, the Immigration in the National Interest Act of 1995, to address many of the problems in current immigration law. H.R. 2202 recently passed the Judiciary Committee on a bipartisan vote of 23 to 10, and has 114 cosponsors. This legislation is designed to reduce illegal immigration, and to reform our immigration system.

Funding is crucial to the effective implementation of these immigration policies. Chairman Hal Rogers and I have worked together to ensure that the immigration programs and objectives contained in H.R. 2202, especially those that provide for stronger enforcement of our borders, are funded in H.R. 2076. I would like to thank Chairman ROGERS for his tireless efforts to secure our borders.

Both bills contain enforcement initiatives to secure America's borders. These include an increase of 1,000 border patrol agents on the front lines, additional support staff and improved equipment for the Border Patrol, and 400 additional land border inspectors.

Both bills also contain initiatives to remove criminal and illegal aliens from the United States. H.R. 2076 funds the removal of illegal aliens and criminal aliens after they have served their sentences and provides $500 million to reimburse States for the costs of incarcerating criminal aliens.

Mr. Chairman, America's immigration policies have failed in the past largely because the Immigration and Naturalization Service has often been ignored and underfunded. Both H.R. 2202 and H.R. 2076 will change that.

I urge my colleagues to support this conference report.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI], a leader in this body in the fight against violence against women.

Ms. MOLINARI. Mr. Speaker, I rise today in strong support of this conference report because of my strong support for the Violence Against Women Act. I want to thank the gentleman from Kentucky [Mr. ROGERS] and the gentleman from Louisiana [Mr. LIVINGSTON], and in fact the entire Committee on Appropriations for their cooperation and full support in securing $175 billion to protect women from abuse.

As we have seen recently, domestic abuse and other assaults on women do not discriminate based on social status. We already know the numbers. Each year over 4 million women are abused by their partners. During their lifetime three out of four women will be a victim of violent crime. The number of domestic crimes in our Nation today is twice that of robberies. Unfortunately, Mr. Speaker, the reality in America is that in the next 5 minutes, 1 woman will be raped and 14 more will be severely beaten by their husbands or boyfriends.

Yes, while we have heard these statistics over and over again, we have marveled at how little has been done in the past, because what we have failed to concentrate on up until today are the names and the faces and the bodies and souls that are destroyed every 15 seconds in America.

Last year Congress enacted the Violence Against Women Act to reduce these numbers and increase protection for women. Republicans and Democrats stood up and enacted a crime bill that protected them. It has been a long fight, first to authorize the Violence Against Women Act, and today now finally funding it. Today we show the rest of the country that this Congress is committed to stopping crime and helping the victims of crime. I would also like to thank the gentlewoman from New York, Ms. NITA LOWEY, for her cooperation.

Let me just conclude. At a time when the Nation's awareness of domestic violence has never been greater, it is essential that we in Congress stop talking about doing something about this crime and start putting our money behind it by fully funding the Violence Against Women Act in this conference report. In this section of the bill we are once again standing up for women and against criminals.

Again, I want to thank the gentleman from Kentucky [Mr. ROGERS] for his cooperation, and urge on behalf of all those women who will be victims of domestic abuse or who may not be because of our efforts today to please support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the hardworking and distinguished gentleman from Colorado [Mr. SKAGGS], a member of the subcommittee.

Mr. SKAGGS. Mr. Speaker, let me start by congratulating and paying my respects to the gentleman from Kentucky, HAL ROGERS, and our terrific staff. Given the incredible parameters within which they had to work, they have done a decent job, and if there is any indecency here, it is not HAL's doing. But there are some serious failings.

Let me just start off by returning to the question of the block grants versus the COPS program. I will be offering the motion to recommit when we finish debate on this to transfer or to specify that that portion of the funding in this bill that was going to go to block grants will be restored to funding the COPS program.

Mr. Speaker, this is, as many of my colleagues have already pointed out, a success already. It is focused, it is effective, it is putting money on task on the streets of America to improve safety and law enforcement. We are all, I think, appropriately forewarned, given the bad experience back in the Law Enforcement Assistance Administration days of what can happen in a slush-funded, no-accountable block grant environment. I hope my colleagues will support the motion to recommit.

Beyond that problem, Mr. Speaker, there are other problems with this bill: the underfunding of our technology investments in the NIST accounts, the incredible intrusion into the operations of the Legal Services Corporation, the huge shortfall in funding for peacekeeping operations at the United Nations that is going to put us in a fiscal corner for years; the incredible, idiotic waste of money on the TV Marti program; and several extraneous legislative provisions that have no business within this bill. This leaves me, with reluctance, to urge my colleagues, if the motion to recommit fails, to vote "no" on final passage.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of the prison litigation reform provisions included in the conference report on H.R. 2076, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

Earlier this year the House passed H.R. 667, the Violent Criminal Incarceration Act. This bill contained many provisions designed to address the problems associated with inmate lawsuits. One area that was not included in that legislation was the many so-called Bivens actions that are filed by Federal prisoners in Federal court every year. These suits are not based on any statutory authority from Congress. In *Bivens* v. *Six Unknown Federal Narcotics Agents,* 403 U.S. 388 (1971), the Supreme Court created a so-called "constitutional tort" that allows inmates to circumvent the congressionally created Federal Tort Claims Act and sue the Federal Government for alleged violations of their constitutional rights due to prison conditions and/or treatment.

The real problem with these cases came with the Court's decision in 1992 that an inmate need not exhaust the administrative remedies available prior to proceeding with a Bivens action for money damages only. *McCarthy v. Madigan,* 112 S.Ct. 1081 (1992). This decision was made without the benefit of any legislative guidance and the Court made that point very clearly in its opinion, almost to the point of asking that Congress do something. Since 1993 there has been a total of 1,365 new Bivens cases filed in Federal court tying up the time of Federal judges and lawyers for the Bureau of Prisons at a time when we already have overcrowded dockets.

In order to address the problem of Bivens actions, I introduced H.R. 2468, the Prisoner Lawsuit Efficiency Act ("P.L.E.A."). This bill makes it clear that administrative exhaustion be imposed in all actions arising under the Bivens case. In H.R. 667, the House adopted a similar provision to that of the P.L.E.A. by requiring the exhaustion of administrative remedies for those prisoners bringing suit under 42 U.S.C. § 1979 (the Civil Rights for Institutionalized Persons Act ("CRIPA")).

I am very pleased to say that I have worked with the conferees of H.R. 2076 to ensure that the prison litigation reform measures address the Bivens issue. The new administrative exhaustion language in H.R. 2076 will require that all cases brought by Federal inmates contesting any aspect of their incarceration be submitted to administrative remedy process before proceeding to court. By returning these cases to the Federal Bureau of Prisons, we will provide the opportunity for early resolution of the problem, we will reduce the intrusion of the courts into the administration of the prisons, and we will provide some degree of fact-finding so that when or if the matter reaches Federal court there will be a record upon which to proceed in a more efficient manner.

I would also like to take this opportunity to thank the 56 Members who joined me as a cosponsor of H.R. 2468. Their commitment to a fair and efficient judicial system is to be commended. In addition to the strong support this proposal has had here in the House, H.R. 2468 has been endorsed by Mr. Norman Carlson, Director of the Federal Bureau of Prisons from 1970 until 1987, and Mr. Michael Quinlan, Director of the Federal Bureau of Prisons from 1987 until 1992. Former U.S. Attorney General Dick Thornburgh has written to me stating that:

> An exhaustion requirement [as imposed by H.R. 2468 and now H.R. 2076] would aid in deterring frivolous claims: by raising the cost, in time/money terms, of pursuing a Bivens action, only those claims with a greater probability/magnitude of success would, presumably, proceed.

Mr. Thornburgh also points out that an administrative review process would also aid the Federal courts by allowing for preliminary fact-finding and the creation of a record at the Bureau level, so as to clarify the issues to be presented to the court.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I rise in strong support of H.R. 2076 and I commend Mr. ROGERS for bringing this conference report to the floor.

I want to speak particularly about title VIII of the conference agreement, which contains important provisions concerning prison litigation reform. These provisions were proposed by the Senate conferees and are substantially similar to the prison litigation reform legislation which passed the House—earlier this year.

Title VIII will provide much needed relief to States dealing with the problems of unreasonable Federal court intervention in the operation of prisons and frivolous litigation by prisoners.

For too long, Federal judges have been attempting to micromanage correctional facilities throughout the country. Judicial intervention in local prison management has often resulted in the release of dangerous criminals.

This legislation will ensure that relief granted to prisoners who claim their rights are being violated by prison officials will go no further than necessary to remedy the alleged violation, and that imposing a prison population cap should absolutely be a last resort. It will also prevent the permanent court supervision of correctional facilities by allowing a party to move for the termination of court-ordered prospective relief within set time periods.

Title VIII will also significantly curtail the ability of prisoners to bring frivolous and malicious lawsuits by forcing prisoners to exhaust all administrative remedies before bringing suit in Federal court.

In addition, Title VIII will require a Federal court to dismiss, on its own motion, lawsuits which do not state a claim upon which relief may be granted or are frivolous or malicious. Furthermore, a prisoner who filed a lawsuit in Federal court will have to pay at least a nominal filing fee if he has sufficient assets.

For too long the Federal courts have entertained meritless claims by inmates, and have imposed unreasonable and unnecessary burdens on State and local correctional authorities. As a consequence, taxpayers' resources have been wasted, and efforts to protect the public safety have been compromised. It's time we restored some balance and common sense to the judiciary's handling of prison litigation.

Mr. Speaker, the provisions in this conference report which reform prison litigation are desperately needed. I urge my colleagues to pass the report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank my friend, the gentleman from West Virginia, for yielding time to me.

Mr. Speaker, I congratulate the chairman of this subcommittee of the Committee on Appropriations, who is the nicest guy that has ever run through a rotten bill. It is a wonderful feat. Everybody brags about him, but the bill stinks, thank you very much.

The President is going to veto the measure. He has told us that over and over and over again. Even a Republican Attorney General came before the Senate and told them that the provisions dealing with terminating all consent decrees is unconstitutional, we do not need an ex-Republican Attorney General to find that out, and that it would not stand constitutional muster. It never got changed.

What about the most authorizing on an appropriation that has happened this year? It happened in this nice chairman's bill here that is loaded with judicial matters.

I urge my colleagues to vote against the Commerce, Justice, State appropriations conference report. This conference report improperly includes substantive legislative provisions regarding prison litigation reform and truth in sentencing. In addition, the bill severely cuts funding for both drug courts and the President's Cops on the Beat Program. We cannot incarcerate ourselves out of crime.

None of these provisions belong in an appropriations bill. These are matters clearly within the jurisdiction of the Judiciary Committee and I am distressed that the Judiciary Committee's jurisdiction has been subverted in this way.

The prison litigation reform provisions are problematic for several reasons. First, these provisions would have an enormous, negative fiscal impact on the Federal judiciary. According to the Administrative Office of Courts, requiring the Federal judiciary to hold a trial in every future prison conditions case and in every case that is currently operating under a consent decree, and requiring that such a hearing be held every 2 years thereafter could cost $239 million annually and require the hiring of 2,096 new personnel. Notwithstanding this price tag, the bill does not appropriate any funds for the Federal judiciary to offset these costs.

Second, the provisions would render emergency relief ineffective. Preliminary injunctions would mandatorily terminate 90 days after entry unless the court made the injunction final within the 90-day period. It is virtually impossible for the parties to complete discovery and for the court to complete a trial and issue a decision within 90 days. Preliminary injunctions are designed to address emergencies, often involving life and death situations that warrant attention in advance of the time that is required to conduct a full-blown trial.

Termination of a preliminary injunction, without attention to whether there is good cause for the injunction to remain in effect, and without allowing adequate time for the parties to conduct discovery and the court to hold a trial would deprive a court of the power to prevent a defendant from returning to life threatening practices. Federal courts would be prevented from issuing any relief in prison or jail conditions cases without a finding of a violation of law, effectively prohibiting court-enforceable settlement agreements.

Third, the provisions would require a court to terminate relief, upon motion of either party, 2 years after issuance or 2 year's after the Act's enactment unless the court holds a trial and finds an ongoing violation of law. In effect, this would legislatively authorize defendants to revert to practices that run afoul of the Constitution or Federal statutes without consequence until the court could conduct a trial and reissue relief. This provision also fails to take into account the fact that changing systemic problems often takes years.

Fourth, the bill would prevent the Federal courts from remedying egregious abuses suffered by prisoners. The provisions in the bill would apply to all prisoner initiated lawsuits, not merely frivolous lawsuits. Thus lawsuits seeking to enjoin the rape of juvenile and female prisoners by prison guards, suits to enjoin sadistic beating of prisoners, and the failure to provide prisoners with minimally adequate medical care would all be prevented by this legislation.

Finally, the prison litigation reform provisions are unconstitutional as written. Witnesses called by both sides at a Senate Judiciary Committee hearing this past July agreed that changes were necessary before the bill could pass constitutional muster.

For example, former Attorney General William Barr, who testified in support of the general principles behind the bill, testified that the termination of all existing consent decrees is unconstitutional. The changes suggested by the witnesses to make the bill constitutional are not reflected in the current language.

The truth in sentencing provisions in the conference report are also troubling. Current law evenly distributes funding for prisons. But under the new provisions in this bill, some states will totally be denied funding and states that make only modest improvements in relatively weak sentencing schemes will be highly favored over states with long-standing, tougher policies. Moreover, funds will be unfairly and irrationally allocated among the states so that low population states with relatively little violent crime will often get the same funding as high population states with serious violent crime problems.

Finally, the conference report contains block grants for both the Cops on the Beat Program and the Drug Court Program. If states are given block grants for general law enforcement purposes rather than given money to be spent on hiring more police officers, the President will not be able to fulfill his pledge to put 100,000 more cops on the beat. Putting police officers on the streets, walking the beat, has proven effective. There is no reason to halt the funding for a program that has been shown to reduce crime and increase public confidence in police. Similar logic applies to the drug courts program. We should not stop funding programs that have been shown to reduce crime.

Because I object to this use of an appropriations bill as a way to subvert the Judiciary Committee's jurisdiction and because the bill contains provisions which are substantively harmful, I urge a no vote on the conference report.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I rise for the purpose of engaging the distinguished chairman of the subcommittee, who I think wrote an extraordinarily good bill, in a colloquy.

Mr. Speaker, I would like to point out that this bill is the first step toward eliminating the Department of Commerce. As Senator Majority Leader DOLE said yesterday in a Wall Street Journal opinion page piece, and I quote "We are firmly committed to eliminating the Commerce Department this year so that we may establish, in practice, the principle that wasteful programs and agencies no longer have permanent tenure in the Federal Government." I will be entering this article into the RECORD.

Mr. Speaker, I would ask the gentleman from Kentucky [Mr. ROGERS], am I correct in assuming the Commerce dismantling language must take place in the authorization process.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, the gentleman is correct. Any legislation dealing with the reorganization of the Commerce Department must be addressed in the authorization process. We have certainly taken a first step in this bill by terminating the Advanced Technology Program and taking significant reductions in many Commerce agencies and individual programs.

Mr. BROWNBACK. Mr. Speaker, I thank the gentleman very much.

[From The Wall Street Journal, Dec. 5, 1995]

"REINVENT" COMMERCE DEPARTMENT OUT OF EXISTENCE

(By Bob Dole and Spencer Abraham)

The 1994 Republican landslide came about because we had a clear message that resonated with the American people: Government should be smaller, more local, less intrusive, and less costly. Our welfare and budget measures constitute large steps in the right direction. But to fulfill our mission we also must reduce the size of the federal government by eliminating programs that are unnecessary, duplicative and wasteful.

No agency fits this description better than the Commerce Department. The department's own inspector general calls it "a loose collection in more than 100 programs." The nonpartisan General Accounting Office notes that it shares its "missions with at least 71 federal departments, agencies, and offices." And this loose collection of ill-defined programs has no unifying purpose or goal. Former Commerce Secretary Robert Mosbacher notes that the department's is "nothing more than a hall closet where you throw in everything that you don't know what to do with." Even the president's own Office of Management and Budget acknowledged the department's lack of purpose by sending home 67% of Commerce's bureaucrats as "nonessential" during the recent government shutdown.

We are firmly committed to eliminating the Commerce Department this year so that we may establish, in practice, the principle that wasteful programs and agencies no longer have permanent tenure in the federal government. This is not to say that we can or should begin a wholesale dismantling of the federal government. But as a federal bureaucracy, the Commerce Department simply has no reason to exist.

Defenders of the Commerce Department contend that it has a clear purpose: to promote U.S. international trade. They claim that the department's trade advocacy and counseling efforts "returned * * * to the federal Treasury for every * * * in export promotion." According to this view, it is federal bureaucrats who secure foreign contacts for American businesses, thus holding the American economy together.

This is obviously not true. As former Clinton economic adviser Robert Shapiro of the Progressive Policy Institute says: "All you can do with [export promotion] is increase jobs for companies with the clout to get the subsidy. But that's at the expense of industries that don't have the clout. You're just shifting things around."

Many of the department's other programs are simply taxpayer subsidies for some of America's biggest corporations. The U.S. Travel and Tourism Administration subsidizes tourism, while the Technology Administration and the National Institute of Standards and Technology subsidize corporate research. These programs take money from taxpayers and successful companies to fund bureaucrats' favorite companies and projects. And this comes at a heavy cost—the cost of employing 37,500 bureaucrats at an average salary of $42,000. That's about $10,000 more per year than the average Kansas or Michigan family earns.

In reality, most of the tens of thousands of bureaucrats in the vast Commerce Department building on Pennsylvania Avenue do nothing to promote U.S. trade. Some claim that the Commerce Department is required by our Constitution, because that document makes regulating commerce a federal function. But, in fact, about half of the department's $3.6 billion budget is consumed by the National Oceanic and Atmospheric Administration, the nation's weather and ocean mapping service. And while 19 federal agencies are charged with promoting U.S. exports, Commerce directs only 8% of federal spending toward trade promotion.

The Commerce Department's functions can be done without, or done more efficiently by other agencies, or the states, or the private sector. This does not mean, however, that we would or should terminate all the department's functions. Instead, after eliminating the umbrella organization and its bureaucracy, we would eliminate unneeded programs, transferring or privatizing programs that are necessary.

An example of a Commerce program that needs to be eliminated outright is the Economic Development Administration. At one point, 40% of the EDA's loans were in default, while economic assistance grants were being distributed to such affluent areas as Key Biscayne, Fla. Even when it is effective, the EDA duplicates the efforts of numerous other programs in other departments. Other programs that should be eliminated include the Technology Administration and the National Telecommunications and Information Administration. The latter outfit issues telecom grants; for example, it recently gave $200,000 to HandsNet Inc., a California-based Internet service used by liberal lobbyists. The last thing our government should be paying for is lobbying aimed at making it spend more taxpayer dollars.

While those programs should be eliminated, others, like the National Oceanic and Atmospheric Administration, should be moved to more appropriate agencies or to private institutions. For example, seafood inspection should be transferred to the Agriculture Department, which already carries out most food inspection programs. As for international trade programs, the bulk of these should be sent to a single, unified trade agency incorporating the existing U.S. Trade Representative's office.

This is the way to effectively "reinvent" government. Our Commerce Department elimination plan would save $6 billion over seven years. By eliminating unnecessary programs and bureaucracies, like those now churning away within the Commerce Department, we can bring federal spending under control. And guess what? The really essential functions of government will be done more efficiently than ever before once the federal bureaucracy isn't wasting its time on so many unnecessary efforts.

Mr. CHRYSLER. Mr. Speaker, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to thank the chairman of the committee for helping us advance the cause to eliminate this unnecessary bureaucracy this year. May we assume that the chairman remains committed to dismantling the Department of Commerce, and that he will continue to work with us to do so in the authorization process this year?

Mr. ROGERS. Mr. Speaker, as the gentleman from Michigan knows, we have worked closely on these efforts this year, and I will continue to support the process that has been established.

Mr. CHRYSLER. I thank the chairman, and I thank the gentlewoman from New York [Ms. MOLINARI] for her work on eliminating woman abuse. I wholeheartedly support her efforts.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the subcommittee on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I am opposed to this bill. I think it ought to be beaten. I am in favor of the motion to recommit that will be offered by the gentleman from Colorado [Mr. SKAGGS] to require the retention of the Cops on the Beat Program. The President has clearly indicated he will veto this bill if the Cops on the Beat Program is not restored.

This program is putting 26,000 cops in 175 communities all around the country, including 32 in my district. Forty-nine percent of the police agencies in communities under 50,000 people have applied for funding under the COPS Program. I think this indicates this is not just a program which is popular in urban areas. The Justice Department has requests for over 9,000 more to be funded right now. That, to me, indicates that communities are highly desirous of obtaining help under this bill.

I think the block grant program is a mistake. We have seen in the past outrageous examples of waste in that program. We do not want to repeat it. I urge Members to support the Skaggs motion to recommit.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM] who has been very active on the block grant program.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman very much for yielding time to me.

Mr. Speaker, I have been listening to this debate here about the COPS Program. I find it fascinating to hear it, and the block grant program and so on.

I think we are dealing here with a fundamental difference between Republicans and Democrats. We have been a long time in making this block grant program and in making our point about it. What we are doing with the COPS Program and with the prevention programs that were passed in the last Congress is we are consolidating them into a $10 billion block grant program, $2 billion of which is in this bill for the first year over 5 years today before us as well as the authorization. What we are in the process of doing is saying to the cities and the counties, "You know best how to spend that money to fight crime." It makes a whole lot more sense to us.

□ 1745

Democrats on that side of the aisle want the same old business as usual up here that Washington knows best, and I do not think that is true. I think Spokane, WA, knows better how to spend its money to fight crime and Charleston, SC, knows better how to spend its money, and what is good for Spokane may not be good for Charleston.

The same thing is true for the COPS of the Street Program, which is what we are talking about. We are hearing about this bill being vetoed over that issue. I want to make the point that the choice is not between more police and block grants. The choice is between more police under the COPS Program versus more police at less cost to localities with greater flexibility under the block grant proposal.

Not one single cop that has been funded so far of the 26,000 would be lost or 1 year of funding under what we wrote that is in this bill. I do not care what the Justice Department says, I helped write the language, and I am very confident of that.

In addition to that, under your proposal, as you can see from this chart, the 74,000 more cops that the President is going to get under his plan over here under the 100,000 are easily going to be funded by the cities in making their choice over here, with only about a third of the block grant money. I am confident that is going to take place. I am confident because in one measure the President of the League of Cities wrote a letter to me yesterday that I want to introduce into the RECORD right here.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 5, 1995.

Hon. BILL MCCOLLUM,
Chairman, Subcommittee on Crime and Criminal Justice, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the nation's 135,000 municipal elected leaders from cities and towns across the country to reaffirm our continued support for your leadership efforts to make the federal anti-crime partnership more efficient and effective in addressing local crime and violence. Rather than supplanting police officers, we believe your public safety block grant legislation would have the effect of enabling us at the local level to take initiatives to put more police officers on the street to enhance neighborhood safety.

Just this last week, more than 4,100 of our members met at our Congress of Cities in Phoenix and voted unanimously to adopt national municipal policy urging greater flexibility for municipal officials to take steps to address public safety in our communities. No level of government has a greater stake in federal anti-crime and safety efforts, so the response from our members—Republicans, Democrats, and Independents—from cities and towns of all sizes, reemphasizes our support for the positive steps you are taking to address the public safety needs of cities.

Our experience is that the kinds of approaches to and needs for public safety vary enormously from city to city, as do local resources. Consequently, we are apprehensive that any one-size-fits-all approach or one that requires a match irrespective of demands and local resources limits our ability and flexibility to meet local issues as effectively as possible. We are concerned that the debate between the existing cops program and your legislation is elevating form over substance.

We believe your legislation could lead to initiatives and programs that would put more, not less officers on the street than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to insure more effective and efficient responses. Equally importantly, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical issues to us.

Our members strongly believe that your proposal would make for a more effective and flexible partnership on one of the highest priorities of every municipal leader in America. We appreciate your efforts and look forward to positive action by the Congress.

Sincerely,

GREGORY S. LASHUTKA,
President, Mayor of Columbus.

It says, "We believe that your legislation could lead to initiatives and programs," talking about the block grants, "that would put more, not less, officers on the streets than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to ensure more effective and efficient responses. Equally important, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical to us."

Mr. Speaker, the fact of the matter is, cities and communities around this country with block grants are going to put more cops, more than 100,000, on the streets with this flexibility that they want. The police chief in Washington, DC, Chief Thomas, testifying before my subcommittee this summer, said in response to a question that Mr. Davis asked, "Would you prefer to put that money into technology as opposed to new officers at this point?" Chief Thomas responded, "Yes, I would. I think that is a better use of our dollars to improve the infrastructure in the department." The Washington Post said the block grant program is a better program.

My point is that we are dealing here now with an opportunity for us to get this clarification we need on the record. This is a form-over-substance thing for those who are opposing it.

The COPS Program is a good program. It is what the cities and communities want under the block grant system, not the President's proposal, but the block grant proposal that is in this bill that allows them maximum flexibility and gets more police officers, and the other is nonsense.

Mr. MOLLOHAN. Mr. Speaker, I yield the remainder of the time to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, this conference report is a Christmas gift to America's violent felons. Every gun-toting gang-banger, every ruthless drug lord, every violent carjacker on America's streets should celebrate tonight if this bill passes, because it will mean fewer cops on the street and fewer prison cells to put them away once the cops apprehend them. The report is so filled with bad ideas it ought to be called the "Soft-On-Violent-Criminals Act."

Here are just three of the worst ideas: First, it kills the COPS Program, as has been mentioned. Every major police organization in America opposes this bill because they know it will mean fewer cops. They know it will give money to mayors and governors and all sorts of politicians to do what they want with it, not to put cops on the street.

Now the gentleman from Florida [Mr. McCOLLUM] defends the block grant program, and he is my friend and I respect him. Let us hear what NEWT GINGRICH said about the block grant program. He said, this is Speaker GINGRICH, the exalted leader, the man who brought you to the Promised Land. He said

> If they say to me, in the name of fighting crime, will I send a $2 billion check to the cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage, my answer is no. What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it.

The last time we did a block grant, a small town in Louisiana bought a tank. The Governor of Indiana bought a jet plane. A study was even financed to figure out why inmates want to escape from prison.

And to boot, 23 States will get less money to build prisons under the Republican proposal. Your State is probably on the list. Take a look when we come to the door.

Less money for cops, less money for prisons. It just does not make any sense. And instead, a giant pork barrel that says to governors and mayors: put your brother-in-law on the payroll, buy useless equipment, do not put cops on the street.

This bill, simply because COPS was originally an idea of Democrats, simply because Democrats wanted to get tough on crime, came about as an alternative. It is a weak alternative. The President should veto it, and then we should support law enforcement, support prisons, support cops, and put a better bill together. I strongly urge a vote against this wasteful, soft-on-crime proposal.

Mr. ROGERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the gentleman portrays the idea that the COPS Program put more policemen on the beat than the local block grant will. Nothing could be further from the truth. If you want to know the answer to the question of which is best for our communities, let me refer you, gentleman, to the mayor of Columbus, OH, who happens to be the president of the National League of Cities who wrote a letter just yesterday to us, and I will submit it for the RECORD.

He says, and we have lifted this portion from the letter: "We believe your legislation," the block grant program, "could lead to initiatives and programs that would put more, not less, officers on the street than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to ensure more effective and efficient responses. Equally important, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical issues to us." So says the mayor of Columbus, OH, and so says the League of Cities of the United States of America.

The National Association of Chiefs of Police, the people who have to enforce our laws, says, please give us the block grant program. We need cops, yes. We also need bulletproof vests for those cops. We need police cars. We need radios, we need equipment. Let us decide where to put the money. Do not tell us from Washington with your cookie-cutter approach, one-size-fits-all, do not tell us what we need. Give us the money to fight crime in our cities, do not tell us how to use it.

So we say to you, support this bill, reject the motion to recommit, and let us put those cops on the beat as the cities and communities want them. Vote against the motion to recommit and support the conference report.

NATIONAL LEAGUE OF CITIES,
Washington, DC,

Hon. BILL McCOLLUM,
Chairman, Subcommittee on Crime and Criminal Justice, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the nation's 135,000 municipal elected leaders from cities and towns across the country to reaffirm our continued support for your leadership efforts to make the federal anti-crime partnership more efficient and effective in addressing local crime and violence. Rather than supplanting police officers, we believe your public safety block grant legislation would have the effect of enabling us at the local level to take initiatives to put more police officers on the street to enhance neighborhood safety.

Just this last week, more than 4,100 of our members met at our Congress of Cities in Phoenix and voted unanimously to adopt national municipal policy urging greater flexibility for municipal officials to take steps to address public safety in our communities. No level of government has a greater stake in federal anti-crime and safety efforts, so the response from our members—Republicans, Democrats, and Independents—from cities and towns of all sizes, reemphasizes our support for the positive steps you are taking to address the public safety needs of cities.

Our experience is that the kinds of approaches to and needs for public safety vary enormously from city to city, as do local resources. Consequently, we are apprehensive that any one-size-fits-all approach or one that requires a match irrespective of demands and local resources limits our ability and flexibility to meet local issues as effectively as possible. We are concerned that the debate between the existing cops program and your legislation is elevating form over substance.

We believe your legislation could lead to initiatives and programs that would put more, not less officers on the street than current law. It would permit cities to purchase equipment, to move trained personnel onto the streets, and to take other actions to insure more effective and efficient responses. Equally importantly, it is more balanced in meeting the needs of cities with disproportionately limited resources and higher crime and violence rates. These are critical issues to us.

Our members strongly believe that your proposal would make for a more effective and flexible partnership on one of the highest priorities of every municipal leader in America. We appreciate your efforts and look forward to positive action by the Congress.

Sincerely,

GREGORY S. LASHUTKA,
President, Mayor of Columbus.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, now is not the time to terminate this successful COPS Program.

Mr. Speaker, I rise in support of the COPS Program, and in opposition to H.R. 2076.

The American people are demanding tough and effective solutions to our Nation's crime problem. That's why Congress passed the most sweeping crime bill in U.S. history last year. That important legislation created the COPS Program, which is already making our streets safer by putting more than 25,000 new police officers on American streets in its first year.

In my district alone, the COPS Program has provided funding for almost two dozen new officers to patrol the streets of Marin and Sonoma Counties. These officers are helping to protect my constituents from violent criminals, and officers like them are sharply reducing crime rates throughout the country.

Now, just as we are beginning to see a significant reduction in crime, the other side wants to take thousands of officers off our streets and leave local communities without adequate police protection. This legislation will put the American people at risk by eliminating the COPS Program and slashing funding for crucial crime prevention efforts.

Now is not the time to be terminating successful anticrime initiatives like the COPS Program. I urge my colleagues to vote for the motion to recommit, and to vote against this misguided bill.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I also place in the RECORD a letter from the United States Conference of Mayors opposing this.

The Commerce-Justice-State appropriations conference report cuts 12 percent from the administration's request. This report eliminates the successful Cops-on-the-Beat Program and replaces it with a block grant to States. We do not know that this block grant will provide more police on our streets, it could be used for many other purposes.

In my district in Houston, our Mayor Lanier and Police Chief Nuchia have used the Cops-on-the-Beat to add 376 more police officers on the streets of Houston. It is a success and yet the Congress wants to kill it—I hope President Clinton vetoes this bill because we need to keep these 376 police officers on our Houston streets—not have them lost in the bureaucracy.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, December 6, 1995.

Hon. CHARLES SCHUMER,
Ranking Member, Subcommittee on Crime, Committee on the Judiciary, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. SCHUMER: As the Subcommittee on Crime begins an oversight hearing on the COPS program, I am writing to apprise you of the strong support of The U.S. Conference of Mayors for the program. We worked very hard with Congress and the Administration last year to see the program enacted into law. The U.S. Department of Justice, and the COPS Office in particular, have worked very hard since then to implement it in a quick and effective fashion, and it has already begun to make a difference on the streets of our cities. They have been extremely responsive to the needs and requests of our cities.

We are aware that there are proposals in Congress to change the COPS program into a block grant and that, in fact, the conference agreement on the Commerce, Justice, State appropriations bill would substitute the block grant for FY96. We believe that changing the program at this time would be a mistake. Cities have allocated money and personnel to the program and have budgeted for the future with the COPS program in mind. While a block grant is quite tempting, we have a program on hand which is working. We are concerned that changing the program at this time would represent bad public policy and could jeopardize some of the progress we have made in our cities to prevent and control crime.

Change now also seems premature since the Subcommittee is just now holding an oversight hearing. We recommend that Congress examine the program's effectiveness through the oversight process before considering changes in it.

At the annual meeting of The U.S. Conference of Mayors last June we adopted a policy resolution which reiterated our continuing support for the COPS program and called on Congress to provide full funding for it in the future. We urge you to help us see this happen.

Sincerely,

WELLINGTON WEBB,
Mayor of Denver,
Chair, Criminal and Social Justice Committee.

Mr. ROGERS. Mr. Speaker, the gentleman from Iowa [Mr. LIGHTFOOT], chairman of the Treasury, Postal Service Appropriations Subcommittee has expressed his concerns to me regarding the Organized Crime and Drug Enforcement Task Forces. As the gentleman from Iowa and I both know, there has been a long history of cooperation between the Treasury and Justice Departments on the Organized Crime and Drug Enforcement Task Forces [OCDETF], with nearly a third of the assigned agents coming from Treasury agencies. These task forces have been successful in part because of Treasury's specialized expertise in money laundering, financial crime, tax law and other matters. Treasury's expertise is particularly critical in drug racketeering cases, and can often clinch a case for a jury and make the difference between a conviction and an acquittal. The appropriation for these task forces has been reduced $15 million below the House level. As indicated in the Statement of Managers, the conferees intend that reductions be made proportionately among all law enforcement agencies, not just from Treasury and the Coast Guard, based on each agency's task force requirements and participation. The conferees will work to ensure funds are distributed fairly, and have required Justice to report back to the committee on the allocation of these funds.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the conference report on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Programs for fiscal year 1996. This bill will cripple many of our Nation's most important governmental functions so that the interests of the American people will not be well served.

Excluding the money from the violent crime control trust fund, established in the 1994 Crime Control Act (Public Law 103–322), this bill appropriates 13 percent less than requested by the Clinton administration. This legislation cuts the State Department by 9 percent and the Commerce Department by 15 percent.

In addition to these overall reductions, the conference report also eliminates funding for many governmental programs that have proven to be excellent investments of Federal dollars. The conference report on H.R. 2076 eliminates the advanced technology program that has created thousands of jobs across this Nation. The bill also eliminates the U.S. Travel and Tourism Administration, which provides assistance to one of America's fastest growing industries, an industry that provides jobs to millions of Americans.

In the Justice portion of the bill, the committee has failed to follow through with the President's unprecedented efforts to fight crime. The bill provides for $281 million less than requested by the Clinton administration for the Department of Justice. This substantial cut in crime fighting dollars for many programs that would have played an essential role in our efforts to make our citizens safer is short sighted and dangerous.

Crime control measures supported by the administration to prevent crime, hire more police officers and fight the scourge of drugs will be substantially cut or eliminated in this conference report. The report would slash funding for the highly successful and popular cops program that responds to the public's desire for an increased police presence in our communities. As a result of the cuts in this legislation, the hiring of new police officers under the cops grant program would be ended, and instead, a Republican local law enforcement block grant program would replace mechanisms set up in the 1994 crime bill to fund local crime fighting.

Mr. Speaker, the appropriation for the Department of Commerce is a devastating $1.3 billion—27 percent—below the total requested by the administration. The conference report hampers our Government's efforts to promote economic development and technology advancement. As a result of the draconian cuts to the Department of Commerce, the Economic Development Administration originally targeted for elimination would survive, but would be cut by over 21 percent. In addition, the National Institute of Standards and Technology would be drastically cut by over 60 percent. This program includes the successful manufacturing extension partnership program that has helped our Nation's industries create jobs for thousands of Americans.

Economic opportunities for women and minorities will also be substantially curtailed by the legislation we are considering today. The minority business development agency will be cut by over 33 percent. This irresponsible and unjust slashing of the budget for this important agency will lead to the foreclosing of economic opportunities for thousands of Americans who must also endure the ravages of systematic discrimination.

Next, the Legal Services Corporation, that provides vital legal assistance to poor Americans who cannot afford an attorney, has also been targeted for substantial cuts. In addition to cutting the budget for the Legal Services Corporation by a staggering 37 percent, this appropriations bill prohibits attorneys from receiving Federal assistance when representing illegal aliens, initiating class action suits or participating in litigation involving prisoners or abortions. There are few more sacred rights possessed by Americans than their right to seek redress in the courts. This attack on the Legal Services Corporation is yet another attempt by the new Republican majority to weaken programs which are politically unpopular with conservatives.

Mr. Speaker, I would also like to add that the attempt by the majority to curtail essential governmental services to the American public is clearly inappropriate. This action circumvents the appropriate authorizing committees that should consider the proposed elimination or weakening of so many important laws. With limited opportunity for debate and hearings, this "legislation" in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the U.S. House of Representatives. This attempt to short circuit the process can only have one result: The compromise of vital services affecting the poor, minorities, women, and Americans overall.

It is my belief that the conference report for H.R. 2076 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of crime, discrimination and poverty, the solution to these problems will not be found in quick fixes by slashing programs unpopular with the Republican majority. The American people elected us to act in their best interest, not compromise their welfare because Government refuses to have the courage to meet its obligations to all of its citizens.

Mr. Speaker, in closing, I would again like to express my opposition to the misguided priorities this bill represents. I strongly encourage all of my colleagues to vote against the conference report on H.R. 2076.

Mr. TAYLOR of North Carolina. Mr. Speaker, let me first applaud Chairman ROGERS, the Committee, and the Committee staff for their extraordinary efforts in producing this fiscal year 1996 Commerce, Justice, State and Judiciary appropriations bill. Furthermore, I would like to acknowledge the Committee's support for initiatives under the National Institute on Justice [NIJ] account, and in particular the language that encourages the NIJ to undertake a national study on correctional health care.

This language carries a considerable amount of importance to our Nation's criminal justice system and not-for-profit organizations devoted to assisting states with correctional health care programs. For example, in North Carolina, the National Commission on Correctional Health Care has been working with health and correctional officials in an effort to stem escalating costs and other problems associated with correctional health care. Understanding the potential health risk associated with the more than 11 million persons that are released from jails, prisons, and juvenile correctional facilities annually, the National Commission assists correctional and public health officials throughout the country with correctional health care concerns. As we look to advance the efforts that provide data relevant to crime and the criminal justice system at NIJ, efforts like that of the National Commission should be encouraged.

I thank Chairman ROGERS for his support on this matter, and I urge the committee's continued support for activities related to the National Commission and correctional health care.

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss a topic that unfortunately, directly impact so many of our constituents.

Crime in this country has reached epidemic proportions, and it is time this body got serious about restoring the rule of law to our society.

Today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives.

Indeed, the fight against crime engages us in a struggle that affects the very core and future of American society.

As the 104th Congress joins in this fight, I urge all of my colleagues to support the conference report before us today.

It allocates to this battle a very significant amount of money in a very sensible way.

It takes us away from the Washington-knows-best of the 103rd Congress, and sends decision making back to the local law enforcement agencies.

I congratulate my colleagues on the Appropriations Committee for following through on the Judiciary Committee's fine work, and look forward to supporting this conference report.

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased that the Commerce-Justice-State appropriations conference report includes $11.75 million for the East-West Center in Honolulu, HI.

The brain child of President Lyndon B. Johnson, the East-West Center has been dedicated to improving the mutual understanding and cooperation among the governments and peoples of the Asia-Pacific region for 35 years. The Center, established in 1960, helps prepare the United States for constructive involvement in Asia and the Pacific through education, dialog, research and outreach.

Over 35,000 Americans, Asians and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's educational, research and conference programs. Presidents, prime ministers, ambassadors and distinguished scholars and statesmen from all parts of the region have used the Center as a forum to advance international cooperation.

Among, its most important functions is its graduate program which brings together students from all over the United States and the Asia-Pacific region to study specific issues related to the Asian Pacific region and develop through personal contact mutual understanding and cooperation among the Asia-Pacific nations, including the United States. Most of these students go on to assume positions in government, business, the media and academia in their respective countries and utilize their experience at the East-West center to shape policy and foster understanding among Asia-Pacific nations.

Mr. Speaker, at a time when we face unparalleled challenges in Asia and the Pacific continuing the work of the center is more important now than ever. I am pleased that the conference committee affirmed the important role of the East-West center by continuing Federal support.

Mr. KIM. Mr. Speaker, I rise today in support of H.R. 2076, the Commerce, State, Justice Appropriations bill which provides needed funds to the states, especially my state of California, to pay for the costs of illegal immigrants. The decision by Judge Mariana Pfaelzer to strike many important portions of the vote-passed Proposition 187, which had eliminated state support for illegal aliens, stresses the need for this Congress to respond to the growing problem of illegal immigration. Judge Pfaelzer ruled that illegal immigration was a federal problem requiring a federal solution. While this is not the ultimate or best solution, it certainly is an acceptable interim step.

H.R. 2076 would provide $500 million to lift from the backs of state taxpayers the cost of incarcerating illegal immigrant felons. In addition, this important appropriations measure would provide for an additional $300 million to fight the problem of illegal immigration at the border.

While not in this specific Conference Report, I would like to take this opportunity to point out that the Balanced Budget Act passed by Congress also provides $3.5 billion for assisting the states with the cost of emergency health care for illegal immigrants. This is an important initiative about which Speaker GINGRICH and I first announced a month ago in Yorba Linda in my district. The people of California are strongly in favor of this needed reimbursement and rightly deserve it.

I ask my colleagues, especially those who represent districts equally affected by the problem of illegal immigration, to support the passage of this important legislation.

Mrs. LOWEY. Mr. Speaker, in September 1994, the Congress passed a historic piece of legislation—the Violence Against Women Act [VAWA]. VAWA passed the House of Representatives with unanimous, bipartisan support. One of the major purposes for VAWA was to assure that the legal system treated domestic violence as the very serious crime we know it is.

A very important provision of the act is entitled "Equal Justice for Women in the Courts." These provisions assure that the arbiters of justice in our Nation—judges and the courts—treat domestic violence in a serious and fair manner.

It has come to my attention that some Members of the Senate inserted a colloquy into the CONGRESSIONAL RECORD challenging the merit of the gender fairness task forces provided for under the Equal Justice for Women in the Courts provisions. I could not disagree more strongly.

Sections 40421–22 of the act allow each Federal judicial circuit to conduct studies of "the instances, if any, of gender bias * * * and to implement recommended reforms." A this time, a majority of the Federal circuits are conducting gender fairness studies to ascertain whether women receive disparate treatment in the courts, and, if so, how best we can address this critical problem. Clearly, the judicial branch has the authority, and an obligation, to discover any bias in the dispensation of justice in our Nation. There is no place for unequal justice in the United States.

In addition, recently there have been a growing number of press reports—most notably about the O.J. Simpson case in California—about victims of domestic violence who availed themselves of the courts and received little or no protection from their batterers. The failure of the courts to respond to complaints of domestic violence puts the very lives of American women at risk. Further, the mere impression that courts do not take domestic violence seriously will cause some women who desperately need the protection of the legal system to not reach out for help.

Finally, I would like to note that the colloquy entered by the Senators on this issue has absolutely no binding effect on the Federal judicial circuits. The colloquy is merely the opinion of three Members of Congress; it is not law.

The Commerce-Justice-State appropriations bill contains no legislative language barring courts from establishing gender fairness studies. Nor does the conference report, the Senate Appropriations Committee report, or the House Appropriations Committee report. If the Congress intended to bar these very important studies, then we would have done so in the legislative or report language. The judicial circuits clearly have the right under this bill to establish the gender fairness task forces.

When the Congress passed the Violence Against Women Act, we made a promise to the people of this Nation that we would fight to end domestic violence. If the legal system, our first line of defense against his heinous crime, is not properly addressing this issue, then we cannot even begin the process of ending domestic violence. I strongly support any efforts by the judiciary to investigate gender bias in the courts, and to provide for recommendations to eradicate it.

Mr. LANTOS. Mr. Speaker, the conference report on the bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies has been discussed at some length by a number of my colleagues on this side of the aisle. I share their serious concerns with the deficiencies of this legislation that have been so eloquently expressed by my friend and colleague from Wisconsin, Mr. OBEY, and by my friend and colleague from West Virginia, Mr. MOLLOHAN.

I want to focus my remarks on the serious defects of this bill with regard to the international obligations of the United States. The conference report that we are considering reduces by one-half our Nation's contributions to international peacekeeping activities. Mr. Speaker, this is an incredibly short-sighted reduction.

BY supporting such peacekeeping activities under the auspices of the United Nations, we are encouraging our involvement and participation in activities to keep the peace in a number of areas around the world. By fostering international peacekeeping, we are encouraging the participation of other nations and the participation of the military forces of other countries in activities that encourage peace and stability in many regions of the world. We have supported and fostered such efforts in a number of areas around the world, areas which are important to the United States—Cyprus, the Sinai, Cambodia—to name only a few. Our contribution to such peacekeeping efforts is an indication of our commitment to international action to maintain stability and encourage respect for appropriate international behavior.

Second, this conference report reduces by almost one quarter, 24 percent, U.S. contributions to international organizations, which fund the U.S. share of activities in the United Nations, the International Atomic Energy Agency, the North Atlantic Treaty Organization, and other such international organizations. These are not good will donations to these organizations; these are international treaty obligations of the United States. These organizations support important national security and foreign policy interests—international sanctions against rogue regimes such as Iran, Libya, and Iraq; efforts to reduce nuclear proliferation and other weapons of mass destruction; common international efforts to maintain Middle East peace and security, including the struggle to maintain the borders of Israel and Kuwait; the promotion of an open international trade framework; the control of diseases, such as the Ebola virus; and the promotion of human rights.

These short-sighted reductions in funding in this legislation impede the ability of the United States to carry out these vital national security and foreign policy objectives. Furthermore, the draconian cuts in funds severely hamper the State Department's ability to press for much-needed reforms at the United Nations and at other international organizations. Under strong pressure from many of us here in this body, the administration—under both Democratic and Republican leadership—has made considerable progress in pressuring for managerial, administrative, and budgetary reform. The unilateral reduction of our contributions seriously undermines our ability to continue to press for these needed reforms.

For half a century—since the end of World War II—the United States has spent enormous sums of money for our military forces to protect our national security and to further our international objectives. We pursued farsighted policies that had broad bipartisan support. Unfortunately, now that the cold war is over, we have not been willing to continue even the relatively modest spending that is required to protect these more cost-effective security and foreign policy interests. This is extraordinarily imprudent. This ought to be changed, and changing this legislation is the place to begin.

Mr. Speaker, I urge my colleagues to oppose the adoption of this legislation before us today. We can—and we should—do better.

The SPEAKER pro tempore [Mr. EMERSON]. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. SKAGGS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SKAGGS moves to recommit the conference report on the bill H.R. 2076 (H. Rept. 104-378) to the committee of the conference report with the instruction that within the scope of the differences committed to them, that the managers on the part of the House insist that the funds intended for community policing from within the $1,903,000,000 provided under the heading "Violent Crime Reduction Programs, State and Local Law Enforcement Assistance" for Local Law Enforcement Black Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, in the conference substitute be provided instead pursuant to the Public Safety Partnership and Community Policing provisions of title I of the Violent Crime Control and Law Enforcement Act of 1994 for which the Senate amendment provided funds.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SKAGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 190, nays 231, not voting 11, as follows:

[Roll No. 840]

YEAS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe

LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Chapman
DeFazio
Fowler
Jefferson
Laughlin
Ros-Lehtinen
Tucker
Volkmer
Whitfield
Wilson
Young (AK)

□ 1816

Messrs. DELAY, POMBO, and NEUMAN changed their vote from "yea" to "nay."

Messrs. NADLER, CRAMER, and BEVILL changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the conference report.

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 166, not voting 10, as follows:

[Roll No. 841]

YEAS—256

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roukema
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—166

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chenoweth
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Portman
Poshard
Rangel
Reed
Richardson
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Chapman
Clayton
DeFazio
Fowler
Jefferson
Ros-Lehtinen
Tucker
Volkmer
Wilson
Young (AK)

□ 1832

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. DeFazio against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably detained. If I had been here, on H.R. 2076 I would have voted "no."

PERSONAL EXPLANATION

Mr. JEFFERSON. Mr. Speaker, I was unavoidably detained and missed two votes.

Had I been present, I have would have voted "yes" on rollcall 840 and "no" on rollcall 841.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, due to a death in the family, I was not present for rollcall votes Nos. 840 and 841. Had I been present I would have voted "yes" on both of these rollcall votes.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, due to the illness of my mother-in-law, I was unable to vote on December 6. I would have voted "yes" on H.R. 290 waiving points of order against the conference report to accompany the bill H.R. 1058 to reform Federal securities litigation, "yes" on final passage of the conference report on H.R. 1058 and "no" on the motion to recommit the conference report on H.R. 2067, the Commerce, State, Justice and the Judiciary appropriations bill.

CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

CONFERENCE REPORT (H. REPT. 104–384)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) "making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 12, 14, 20, 24, 43, 62, 67, 75, 82, 86, 87, 89, 90, 91, 92, 98, 111, 112, and 116.

That the House recede from its disagreement to the amendments of the Senate numbered, 6, 7, 10, 11, 17, 19, 21, 22, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 42, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 64, 69, 73, 78, 79, 84, 85, 88, 93, 95, 96, 97, 99, 100, 101, 103, 106, 107, 108, 113, and 115, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$16,564,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$848,143,000: Provided, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $2,450,000 for personnel compensation and benefits and $50,000 for travel in the Office of the Secretary, (2) $4,392,000 for personnel compensation and benefits and $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $1,980,000 for personnel compensation and benefits and $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $3,500,000 for personnel compensation and benefits and $100,000 for travel in the Office of the Assistant Secretary for Public and Intergovernmental Affairs: Provided further, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: Provided further, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$136,155,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment and on page 16 of the House engrossed bill, H.R. 2099, delete the language on lines 9–18.

And the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$4,500,000*; and the Senate agreed to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $10,155,795,000, to remain available until expended: Provided, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): Provided further, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program: Provided further, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this head, $4,350,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amount shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading "Renewal of expiring section 8 subsidy contracts": Provided further, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: Provided further, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $261,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: Provided further, That during fiscal year 1996, the Secretary of Housing and Urban Development may manage and dispose of multifamily properties owned by the Secretary, including the provision for grants from the General Insurance Fund (12 U.S.C. 1735c) for the necessary costs of rehabilitation and other related development costs, and multifamily mortgages held by the Secretary without regard to any other provision of law: Provided further, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: Provided further, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: Provided further, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): Provided, That prior *to July 1, 1996, funding to carry out plans of action shall be limited to sales of projects to nonprofit organizations, tenant-sponsored organizations, and other priority purchasers: Provided further, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended: Provided further, That with respect to amounts made available by this paragraph, after July 1, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: Provided further, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: Provided further, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by March 1, 1996: Provided further, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: Provided further, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: Provided further, That the Secretary may give priority to funding and processing the following projects provided that the funding is obligated not later than August 1, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than July 1, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact or in practical effect, suspended, deferred, or interrupted for a period of twelve months or more because of differing interpretations, by the Secretary and an owner or by the Secretary and a state or local rent regulatory agency, concerning the timing of filing eligibility or the effect of a presumptively applicable state or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: Provided further, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: Provided further, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: Provided further, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: Provided further, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act, but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: Provided further, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.*

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: Provided further, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting tenants to be displaced by the demolition, $280,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies by a competition which includes among other relevant criteria the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: Provided further, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): Provided further, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: Provided further, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: Provided further, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: Provided further, That of the foregoing $280,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: Provided further, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act

And the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector

General of the Department of Housing and Urban Development: Provided, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary.

And the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$823,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$50,000,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: Provided, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: Provided further, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: Provided further, That the Secretary shall require applicants to demonstrate firm commitments of funding or services from other sources: Provided further, That the Secretary shall select public and Indian housing agencies to receive assistance under this head on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youth build program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

And the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$31,750,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

$1,500,000,000: Provided further, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$962,558,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$47,850,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House receded from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert:

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of modifying such loans; $85,000,000, to remain available until expended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT.

(a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

(1) Expansion of use of modernization funding.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

"(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement or replacement of public housing and for associated management improvements, except as otherwise approved by the Secretary. Public housing units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects have not received sufficient assistance under this Act or do not meet other requirements of this Act.

"(2) A public housing agency may provide assistance to developments that include units for other than very low-income families ('mixed income developments'), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner managing member, or otherwise participates in the activities of such entity; or

(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended. Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income families referred from time to time by the public housing agency. The number of such units shall be:

(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

(ii) not be less than the number of units that could have been developed under the convention

public housing program with the assistance involved, or

(iii) as may otherwise be approved by the Secretary.

"(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

"(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.".

(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937. As amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) APPLICABILITY TO IHAS.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.—

(1) EXTENDED AUTHORITY.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

"(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion of homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.".

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence:

"No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved by, a court.".

(3) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

SEC. 202. PUBLIC AND ASSISTED HOUSING RENTS, INCOME ADJUSTMENTS, AND PREFERENCES.

(a) MINIMUM RENTS.—Notwithstanding sections 3(a) and 8(o)(2) of the United States Housing Act of 1937, as amended, effective for fiscal year 1996 and no later than October 30, 1995—

(1) public housing agencies shall require each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act to pay a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50;

(2) public housing agencies shall reduce the monthly assistance payment on behalf of each family who is assisted under the voucher program under section 8 of such Act so that the family pays a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50;

(3) with respect to housing assisted under other programs for rental assistance under section 8 of such Act, the Secretary shall require each family who is assisted under such program to pay a minimum monthly rent of not less than $25 for the unit, and may require a minimum monthly rent of up to $50; and

(4) public housing agencies shall require each family who is assisted under the public housing program (including public housing for Indian families) of such Act to pay a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50.

(b) ESTABLISHMENT OF CEILING RENTS.—

(1) Section 3(a)(2) of the United States Housing Act of 1937 is amended to read as follows:

"(2) Notwithstanding paragraph (1), a public housing agency may—

"(A) adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than the monthly costs—

"(i) to operate the housing of the agency; and

"(ii) to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and

"(B) allow families to pay ceiling rents referred to in subparagraph (A), unless, with respect to any family, the ceiling rent established under this paragraph would exceed the amount payable as rent by that family under paragraph (1).".

(2) Regulations.—

(A) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by paragraph (1).

(B) TRANSITION RULE.—Prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be not less than the monthly costs to operate the housing of the agency and—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937, as that section existed on the day before enactment of this Act;

(ii) equal to the 95th percentile of the rent paid for a unit of comparable size by tenants in the same public housing project or a group of comparable projects totaling 50 units or more; or

(iii) equal to the fair market rent for the area in which the unit is located.

(c) DEFINITION OF ADJUSTED INCOME.—Section 3(b)(5) of the United States Housing Act of 1937 is amended—

(1) at the end of subparagraph (F), by striking "and";

(2) at the end of subparagraph (G), by striking the period and inserting "; and"; and

(3) by inserting after subparagraph (G) the following:

"(H) for public housing, any other adjustments to earned income established by the public housing agency. If a public housing agency adopts other adjustments to income pursuant to subparagraph (H), the Secretary shall not take into account any reduction of or increase in the public housing agency's per unit dwelling rental income resulting from those adjustments when calculating the contributions under section 9 for the public housing agency for the operation of the public housing.".

(d) REPEAL OF FEDERAL PREFERENCES.—

(1) PUBLIC HOUSING.—Section 6(c)(4)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(A)) is amended to read as follows:

"(A) the establishment, after public notice and an opportunity for public comment, of a written system of preferences for admission to public housing, if any, that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;".

(2) SECTION 8 EXISTING AND MODERATE REHABILITATION.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

"(A) the selection of tenants shall be the function of the owner, subject to the provisions of the annual contributions contract between the Secretary and the agency, except that for the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish, after public notice and an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;".

(3) SECTION 8 VOUCHER PROGRAM.—Section 8(o)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(3)(B)) is amended to read as follows:

"(B) For the purpose of selecting families to be assisted under this subsection, the public housing agency may establish, after public notice and an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act.".

(4) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—

(A) REPEAL.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:

"(c) [Reserved.]".

(B) PROHIBITION.—Notwithstanding any other provision of law, no Federal tenant selection preferences under the United States Housing Act of 1937 shall apply with respect to—

(i) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937 (as such section existed on the day before October 1, 1983); or

(ii) projects financed under section 202 of the Housing Act of 1959 (as such section existed on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act).

(5) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

"(k) [Reserved.]".

(6) CONFORMING AMENDMENTS.—

(A) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(i) in section 6(o), by striking "preference rules specified in" and inserting "written system of preferences for selection established pursuant to";

(ii) in the second sentence of section 7(a)(2), by striking "according to the preferences for occupancy under" and inserting "in accordance with the written system of preferences for selection established pursuant to";

(iii) in section 8(d)(2)(A), by striking the last sentence;

(iv) in section 8(d)(2)(H), by striking "Notwithstanding subsection (d)(1)(A)(i), an" and inserting "An";

(v) in section 16(c), in the second sentence, by striking "the system of preferences established

by the agency pursuant to section 6(c)(4)(A)(ii)" and inserting "the written system of preferences for selection established by the public housing agency pursuant to section 6(c)(4)(A)"; and

(vi) in section 24(e)—

(I) by striking "(e) EXCEPTIONS" and all that follows through "The Secretary may" and inserting the following:

"(e) EXCEPTION TO GENERAL PROGRAM REQUIREMENTS.—The Secretary may"; and

(II) by striking paragraph (2).

(B) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 522(f)(6)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended by striking "any preferences for such assistance under section 8(d)(1)(A)(i)" and inserting "the written system of preferences for selection established pursuant to section 8(d)(1)(A)".

(C) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "the preferences" and all that follows up to the period at the end and inserting "any preferences".

(D) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection to the preferences for assistance under section 6(c)(4)(A)(i), 8(d)(1)(A)(i), or 8(o)(3)(B) of the United States Housing Act of 1937 (as such sections existed on the day before the date of enactment of this Act) shall be considered to refer to the written system of preferences for selection established pursuant to section 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B), respectively, of the United States Housing Act of 1937, as amended by this section.

(e) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by subsections (a), (b), (c), (d), and (f) of this section shall also apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(f) This section shall be effective upon the enactment of this Act and only for fiscal year 1996.

SEC. 203. CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS.

(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

(1) that are on the same or contiguous sites;

(2) that total more than—

(A) 300 dwelling units; or

(B) in the case of high-rise family buildings or substantially vacant buildings, 300 dwelling units;

(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (A).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act,

to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) Cessation of unnecessary spending.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term "development" shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

SEC. 204. STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.

(a) "TAKE-ONE, TAKE-ALL".—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for assistance under the certificate or voucher program)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract under the certificate or voucher program".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

Sec. 205. SECTION 8 FAIR MARKET RENTALS, ADMINISTRATIVE FEES, AND DELAY IN REISSUANCE.

(a) FAIR MARKET RENTALS.—The Secretary shall establish fair market rentals for purposes of section 8(c)(1) of the United States Housing Act of 1937, as amended, that shall be effective for fiscal year 1996 and shall be based on the 40th percentile rent of rental distributions of

standard quality rental housing units. In establishing such fair market rentals, the Secretary shall consider only the rents for dwelling units occupied by recent movers and may not consider the rents for public housing dwelling units or newly constructed rental dwelling units.

(b) ADMINISTRATIVE FEES.—Notwithstanding sections 8(q)(1) and (4) of the United States Housing Act of 1937, for fiscal year 1996, the fee for each month for which a dwelling unit is covered by an assistance contract under the certificate, voucher, or moderate rehabilitation program under section 8 of such Act shall be equal to the monthly fee payable for fiscal year 1995: Provided, That this subsection shall be applicable to all amounts made available for such fees during fiscal year 1996, as if in effect on October 1, 1995.

(c) DELAY REISSUANCE OF VOUCHERS AND CERTIFICATES.—Notwithstanding any other provision of law, a public housing agency administering certificate or voucher assistance provided under subsection (b) or (o) of section 8 of the United States Housing Act of 1937, as amended, shall delay for 3 months, the use of any amounts of such assistance (or the certificate or voucher representing assistance amounts) made available by the termination during fiscal year 1996 of such assistance on behalf of any family for any reason, but not later than October 1, 1996; with the exception of any certificates assigned or committed to project based assistance as permitted otherwise by the Act, accomplished prior to the effective date of this Act.

SEC. 206. PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION.

(a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program, administering a total number of public housing units not in excess of 25,000, may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and at least 50 percent of the families selected shall have incomes that do not exceed 30 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family income;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative performance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination of any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

SEC. 207. REPEAL OF PROVISIONS REGARDING INCOME DISREGARDS.

(a) MAXIMUM ANNUAL LIMITATION ON RENT INCREASES RESULTING FROM EMPLOYMENT.—Section 957 of the Cranston-Gonzalez National Affordable Housing Act is hereby repealed, retroactive to November 28, 1990, and shall be of no effect.

(b) ECONOMIC INDEPENDENCE.—Section 923 of the Housing and Community Development Act of 1992 is hereby repealed, retroactive to October 28, 1992, and shall be of no effect.

SEC. 208. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAMS.

(a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994" and inserting "on not more than 7,500 units during fiscal year 1996".

(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 10,000 units during fiscal year 1996".

SEC. 209. FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES.

During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

SEC. 210. RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES.

During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

SEC. 211. TRANSFER OF SECTION 8 AUTHORITY.

(a) Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:

"(bb) Transfer of Budget Authority.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another contract. The transfer shall be under such terms as the Secretary may prescribe.".

SEC. 212. DOCUMENTATION OF MULTIFAMILY REFINANCING.

Notwithstanding the 16th paragraph under the item relating to "administrative provisions" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

SEC. 213. FHA MULTIFAMILY DEMONSTRATION AUTHORITY.

(a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant based assistance, while taking into account the need for assistance of low and very low income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) Goals.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) Demonstration Approaches.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) Community and Tenant Input.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) Limitation on Demonstration Authority.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (f) are submitted to the Congress.

(f) Appropriation.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $30,000,000, to remain available until September 30, 1997: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) Report to Congress.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

(2) the geographic locations of the projects, by State and region;

(3) the physical and financial condition of the projects;

(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of mulifamily housing projects;

(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housings projects;

(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;

(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and

(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

SEC. 214. SECTION 8 CONTRACT RENEWALS.

(a) For fiscal year 1996 and henceforth, the Secretary of Housing and Urban Development may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 of such Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide assistance under section 8 of such Act, subject to the Section 8 Existing Fair Market Rents, for the eligible families assisted under the contracts at expiration or temination, which assistance shall be in accordance with terms and conditions prescribed by the Secretary.

(b) Notwithstanding subsection (a) and except for projects assisted under section 8(e)(2) of the United States Housing Act of 1937 (as it existed immediately prior to October 1, 1991), at the request of the owner, the Secretary shall renew for a period of one year contracts for assistance under section 8 that expire or terminate during fiscal year 1996 at the current rent levels.

(c) Section 8(v) of the United States Housing Act of 1937 is amended to read as follows:

"The Secretary may extend expiring contracts entered into under this section for project-based loan management assistance to the extent necessary to prevent displacement of low-income families receiving such assistance as of September 30, 1996.".

(d) Section 236(f) of the National Housing Act (12 U.S.C. 1715z-l(f)) is amended:

(1) by striking the second sentence in paragraph (1) and inserting in lieu thereof the following: "The rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the fair market rental established under section 8(v) of the United States Housing Act of 1937 for the market area in which the housing is located, as represents 30 per centum of the tenant's adjusted income."; and

(2) by striking paragraph (6).".

SEC. 215. EXTENSION OF HOME EQUITY CONVERSION MORTGAGE PROGRAM.

Section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended—

(1) in the first sentence, by striking "September 30, 1995" and inserting "September 30, 1996"; and

(2) in the second sentence, by striking "25,000" and inserting "30,000".

SEC. 216. ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT.

Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1st and April 1st.".

SEC. 217. MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING.

All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

SEC. 218. DEBT FORGIVENESS.

(a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL-TEX-215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX-41-PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV-46-PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

SEC. 219. CLARIFICATIONS.

For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the "continuum of care" requirements of the Department of Housing and Urban Development, and shall be treated as:

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

SEC. 220. EMPLOYMENT LIMITATIONS.

(a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than seven Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and urban Development shall employ no more than 77 schedule C and 20 noncareer senior executive service employees.

SEC. 221. USE OF FUNDS.

(a) Of the $93,400,000 earmarked in Public Law 101-144 (103 Stat 850), as amended by Public Law 101-302 (104 Stat 237), for special projects and purposes, any amounts remaining of the $500,000 made available to Bethlehem House in Highland, California, for site planning and land acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program and the Unity Home Domestic Violence Shelter.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

SEC. 222. LEAD-BASED PAINT ABATEMENT.

(a) Section 1011 of Title X—Residential lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike "priority housing" wherever it appears in said section and insert "housing".

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert:

"Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

"(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for no less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years—

"(A) except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

"(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with incomes at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under age of six years or shall be units where a child under the age to six years spends a significant amount of time visiting; and

"(3) notwithstanding paragraphs (1) and (2), round II grantees who receive assistance under this section may use such assistance for priority housing.".

SEC. 223. EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS.

Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking "for a period not to exceed 6 years".

SEC. 223A. MORTGAGE NOTE SALES.

The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

SEC. 223B. REPEAL OF FROST-LELAND.

Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-213) is repealed.

SEC. 223C. FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM.

(a) FORECLOSURE AVOIDANCE.—The last sentence of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended by inserting before the period the following: ": And provided further, That the Secretary may pay insurance benefits to the mortgagee to recompense the mortgagee for its actions to provide an alternative to the foreclosure of a mortgage that is in default, which actions may include special foreclosure, loan modification, and deeds in lieu of foreclosure, all upon terms and conditions as the mortgagee shall determine in the mortgagee's sole discretion, within guidelines provided by the Secretary, but which may not include assignment of a mortgage to the Secretary: And provided further, That for purposes of the preceding proviso, no action authorized by the Secretary and no action taken, nor any failure to act, by the Secretary or the mortgagee shall be subject to judicial review.".

(b) AUTHORITY TO ASSIST MORTGAGORS IN DEFAULT.—Section 230 of the National Housing Act (12 U.S.C. 1715u) is amended to read as follows:

"AUTHORITY TO ASSIST MORTGAGOR IN DEFAULT

"SEC. 230. (a) PAYMENT OF PARTIAL CLAIM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default. Any such payment under such program to the mortgage shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

"(1) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 12 of the monthly mortgage payments and any costs related to the default that are approved by the Secretary; and

"(2) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary.

The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.

"(b) ASSIGNMENT.—

"(1) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence insured under this Act.

"(2) PROGRAM REQUIREMENTS.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

"(A) the mortgage was in default;

"(B) the mortgagee has modified the mortgage to cure the default and provide for mortgage payments within the reasonable ability of the mortgagor to pay, at interest rates not to exceed current market interest rates; and

"(C) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate insurance fund.

"(3) PAYMENT OF INSURANCE BENEFITS.—Upon accepting assignment of a mortgage under a program established under this subsection, the Secretary may pay insurance benefits to the mortgagee from the appropriate insurance fund, in an amount that the Secretary determines to be appropriate, not to exceed the amount necessary to compensate the mortgagee for the assignment and any losses and expenses resulting from the mortgage modification.

"(c) PROHIBITION OF JUDICIAL REVIEW.—No decision by the Secretary to exercise or forgo exercising any authority under this section shall be subject to judicial review.".

(c) SAVINGS PROVISION.—Any mortgage for which the mortgagee has applied to the Secretary, before the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, for assignment pursuant to subsection (b) of this section as in effect before such date of enactment shall continue to be governed by the provisions of such section, as in effect immediately before such date of enactment.

(d) APPLICABILITY OF OTHER LAWS.—No provision of this Act, or any other law, shall be construed to require the Secretary of Housing and Urban Development to provide an alternative to foreclosure for mortgagees with mortgages on 1- to 4-family residences insured by the Secretary under the National Housing Act, or to accept assignments of such mortgages.

(e) APPLICABILITY OF AMENDMENTS.—Except as provided in subsection (d), the amendments made by subsections (a) and (b) shall apply with respect to mortgages originated before fiscal year 1996.

(f) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue interim regulations to implement this section and amendments made by this section.

(g) EFFECTIVENESS AND APPLICABILITY.—If this Act is enacted after the date of enactment of the Balanced Budget Act of 1995—

(1) subsections (a), (b), (c), (d), and (e) of this section shall not take effect; and

(2) section 2052(c) of the Balanced Budget Act of 1995 is amended by striking "that are originated on or after October 1, 1995" and inserting in lieu thereof "to mortgages originated before, during, and after fiscal year 1996.".

SEC. 223D. SPENDING LIMITATIONS.

(a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

SEC. 223E. TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF JUSTICE.

All functions, activities and responsibilities of the Secretary of Housing and Urban Development relating to title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and the Fair Housing Act, including any rights guaranteed under the Fair Housing Act (including any functions relating to the Fair Housing Initiatives program under section 561 of the Housing and Community Development Act of 1987), are hereby transferred to the Attorney General of the United States effective April 1, 1997: Provided, That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice.

And the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

And the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,550,300,000, which shall remain available until September 30, 1997: Provided, that, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

And the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$28,500,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *consisting of $913,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508*

On page 61, line 1, of the House engrossed bill, H.R. 2099, delete "*$1,003,400,000*" and insert "*$1,163,400,000*"; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$11,000,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$59,000,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,000,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,323,000,000, to remain available unit expended, of which $1,400,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $100,000,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the conference report accompanying the Act (H.R. 2099): Provided, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: Provided further, That of the $1,400,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $275,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by June 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by June 1, 1996: Provided further, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: Provided further, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: Provided further, That the funds made available in Public Law 103–327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103–715, shall be available for a grant to that city for water and sewer improvements.

And the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

ADMINISTRATIVE PROVISIONS

And the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

And the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in the matter restored, insert: *$222,000,000*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,456,600,000*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,845,900,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105; and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,502,200,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: Provided further, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority:

And the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,274,000,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

And the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 63.

JERRY LEWIS,
TOM DELAY,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
DAVE HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
MARK W. NEUMANN,
BOB LIVINGSTON,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
TED STEVENS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
MARK O. HATFIELD,
BARBARA A. MIKULSKI,
PATRICK LEAHY,
J. BENNETT JOHNSTON,
BOB KERREY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

Amendment No. 1: Earmarks not to exceed $25,180,000 of compensation and pensions funds for payments to the general operating expenses and medical care appropriations to implement savings provisions of authorizing legislation as proposed by the House, instead of $27,431,000 as proposed by the Senate. The additional administrative funds are not required as the limitation on compensation payments to certain incompetent veterans is deleted.

Amendment No. 2: Appropriates $1,345,300,000 for readjustment benefits as proposed by the House, instead of $1,352,180,000 as proposed by the Senate.

Amendment No. 3: Deletes language proposed by the Senate earmarking $6,880,000 of the readjustment benefits appropriation for funding costs of the Service Members Occupational Conservation and Training Program. The conferees note that language is included under the general operating expenses appropriation permitting the payment of administrative costs for the Service Members Occupational Conversion and Training Act in fiscal year 1996.

VETERANS HEALTH ADMINISTRATION

Amendment No. 4: Appropriates $16,564,000,000 for medical care, instead of $16,777,474,000 as proposed by the House and $16,450,000,000 as proposed by the Senate.

The conferees note that the amount provided for medical care represents an increase of approximately $400,000,000 above the fiscal year 1995 level—and is the only appropriation in the bill with such a significant increase. While not the full amount requested, the increase provided will enable the Department to provide quality care to all veterans currently being served by the VA medical system. The conferees continue to be concerned about the Secretary's refusal to adopt systemic reforms and administrative improvements which would result in significant budgetary savings, without in any way compromising patient care. The Inspector General, the General Accounting Office, the Congressional Budget Office, and the service organizations have suggested changes which, if implemented, would yield hundreds of millions of dollars in administrative savings. As part of the operating plan,the Secretary is to submit a plan to implement the improvements identified by these organizations and any other reforms which would result in administrative savings totaling a minimum of $400,000,000 for fiscal year 1996.

The conference agreement includes funding for the following:

+$500,000 for a Low Vision Center in Ophthalmology at the East Orange VA Medical Center.

+$500,000 for a geriatric patient care program at the Lyons VA Medical Center.

+$396,000 to provide outpatient care at the Grafton Development Center in Grafton, North Dakota.

+$300,000 to provide outpatient care in Williamsport, Pennsylvania.

+$1,500,000 to expand existing community-based outpatient clinics in Wood County and Tucker County, West Virginia.

+$1,600,000 to establish a primary care clinic in Liberal, Kansas.

The conference committee is aware of the difficulty in staffing several VA facilities in the southwest, particularly in El Paso, Texas. This situation is compounded by budgetary constraints the VA faces in allocating FTEE's among its facilities. The conferees urge that the VA, through the veterans integrated service networks, engage in intra-VISN FTEE transfers during the fiscal year for purposes of staffing as warranted by changing circumstances in VA medical facilities. The conferees also urge the Department to review the staffing situation in El Paso and to move personnel as necessary to meet the new service demands that will exist if veterans are not required to travel to other VA facilities for treatment.

The conferees commend the Department for its participation in an advanced coal technology project at the Lebanon, Pennsylvania VA Medical Center in which a fluidized bed boiler will co-fire coal and medical wastes to provide steam for the hospital. Given the potential cost savings for energy and hospital waste disposal, the conferees direct the Department to study the potential for using this technology at other VA facilities.

The conference committee strongly urges VA to develop a center to coordinate academic training programs for physical therapists at the Brooklyn VA hospital. The conferees are aware there is a shortage of physical therapists nationwide. A training center would provide the opportunity for students to complete research projects in physical therapy and rehabilitation. In view of the critical shortage of clinical training sites in the New York City area, the Brooklyn VA would provide an excellent location for such a training program.

The conferees note with considerable interest that the VA has used laser-imaging, non-silver, dry-medium technology to provide high resolution hard copy images for X-ray examinations in various hospitals around the country. This type of system produces faster diagnosis, with attendant cost savings, and is environmentally safe. Accordingly, the conferees strongly encourage the VA to expand the use of this type of technology in all of its facilities.

The VA plans to expand access to outpatient care. These access points are being considered in more than 180 locations. The conferees are concerned with associated policy, legal, and budgetary issues and expect the VA to address these matters before proceeding with such expansion plans.

The conferees understand that the Department expends approximately $212,000,000 annually on utility costs. Opportunities for creative private sector funding of energy efficiency programs exist through procurements sanctioned by the Department of Energy's Federal Energy Management Program. The VA is encouraged to explore such opportunities, and, where appropriate, to take advantage of them.

Questions have been raised concerning the expansion of the Los Angeles National Cemetery by utilizing open space at the West Los Angeles VA Medical Center. The conferees direct that no property disposal, leasing action or capital improvements be taken that would jeopardize the Government's title to any land at the West Los Angeles VA Medical Center until all options have been reviewed by the VA and the Congress.

The VA is encouraged to create outpatient clinics, especially to help veterans in rural areas. Specifically, the conferees encourage the establishment of outpatient clinics in Lynn, Massachusetts and Gainesville, Georgia. The VA also is strongly encouraged to establish an orthopedic clinic at the Muskogee VA Medical Center. Such a clinic should be staffed by an orthopedist at least three days a week.

Amendment No. 5: Deletes language proposed by the Senate enabling the VA to treat veterans eligible for hospital care or medical services in the most efficient manner. In deleting this language, the conferees wish to make clear that they support budget neutral eligibility reform. Current eligibility requirements for VA medical care are in need of simplification and reform. Such legislation will, within any given dollar amount, permit the medical treatment of a greater number of veterans on an outpatient basis, as compared to the current approach which emphasizes inpatient treatment.

Amendment No. 6: Appropriates $257,000,000 for medical and prosthetic research as proposed by the Senate, instead of $251,743,000 as proposed by the House. The conferees agree that the recommended amount includes $1,250,000 to establish an Office of Veterans Affairs Technology Transfer Center.

Amendment No. 7: Deletes language proposed by the House and stricken by the Senate appropriating $10,386,000 for the health professional scholarship program.

DEPARTMENTAL ADMINISTRATION

Amendment No. 8: Appropriates $848,143,000 for general operating expenses, instead of $821,487,000 as proposed by the House and $872,000,000 as proposed by the Senate. Language has been inserted to limit funding for General Administration activities, and the number of schedule C and non-career senior executive service positions. Language is also inserted to permit up to $6,000,000 of the appropriation to be used for administrative expenses of the housing loan guaranty programs.

The conference agreement includes the following changes from the budget estimate:

−$32,000,000 in the Veterans Benefits Administration as an offset to legislation carried in the VA administrative provisions which permits excess revenues in three insurance funds to be used for administrative expenses.

−$25,500,000 in the Veterans Benefits Administration as an offset to the provision carried under this heading permitting the $25,500,000 earmarked in the 1995 Appropriations Act for VBA's modernization program to be available for the general purposes of the account.

−$7,423,000 (as a minimum) to be taken from the $221,532,000 appropriation requested for General Administration activities. This will permit not to exceed $214,109,000, the 1995 level, for such activities. The conferees intend that to the maximum extent possible all reductions in General Administration and Veterans Benefits Administration be taken from central office activities.

−$2,577,000 as a general reduction in Veterans Benefits Administration activities, subject to normal reprogramming procedures. To continue improving the timeliness of claims, the conferees do not intend that any reduction in funding be applied to the compensation, pensions, and education program. The conferees further intend that VBA will utilize $1,000,000 for a study by the National Academy of Public Administration of the claims processing system. The conferees agree that the NAPA report should build upon and not duplicate any previous or ongoing evaluations of the Veterans Benefits Administration. NAPA is to coordinate with those entities which have conducted evaluations in the past and provide to the Department and the appropriate Committees of Congress a detailed and specific implementation plan for the recommendations it makes.

Language is included to limit to not to exceed $214,109,000 for General Administration costs, including not to exceed $2,450,000 for salaries and $50,000 for travel costs of the Office of the Secretary; $4,392,000 for salaries and $75,000 for travel costs of the Office of the Assistant Secretary for Policy and Planning; $1,980,000 for salaries and $33,000 for travel costs of the Office of the Assistant Secretary for Congressional Affairs; and $3,500,000 for salaries and $100,000 for travel costs of the Office of the Assistant Secretary for Public and Intergovernmental Affairs. The balance of the savings is to be taken at the discretion of the VA, subject to normal reprogramming procedures, from funds requested for the Office of the Assistant Secretary for Human Resources and Administration, the Office of General Counsel, and the Office of the Assistant Secretary for Acquisition and Facilities.

Language has also been included that would limit the number of schedule C employees to 11 and the number of non-career senior executive service positions to 6 in fiscal year 1996.

Language has also been included to permit up to $6,000,000 of general operating expenses funds to be used for administrative expenses of the loan guaranty and insured loans programs. The VA has requested this provision so as to avoid furloughs.

Amendment No. 9: Appropriates $136,155,0009 for construction, major projects, instead of $183,455,000 as proposed by the House and $35,785,000 as proposed by the Senate.

The conference agreement includes the following changes from the budget estimate:

−$146,900,000 from the $154,700,000 requested for the new medical center and nursing home project in Brevard County, Florida. The balance of the request, $7,800,000, together with $17,200,000 appropriated in 1995, will provide $25,000,000 for the design and construction of a comprehensive medical outpatient clinic in Brevard County, Florida. The conferees expect the VA to commence construction of this project as soon as possible.

−$163,500,000 from the $188,500,000 requested for the VA/Air Force joint venture at Travis Air Force Base in Fairfield, California. The balance of the request, $25,000,000, is for the design and construction of an outpatient clinic project at Travis Air Force Base. The conferees recognized that the VA's preliminary cost estimate for this project is $39,500,000. The VA should evaluate the needs of the veterans in the area for outpatient services and report such findings to the Committees on Appropriations.

+$1,000,000 for design of a new national cemetery in the Albany, New York area.

$5,000,000 for design of an ambulatory care addition, patient privacy and environmental improvements project at the Wilkes-Barre, Pennsylvania VA Medical Center.

$4,000,000 for the relocation of medical school functions at the Mountain Home, Tennessee VA Medical Center.

$1,500,000 for design of an ambulatory care addition project at the Asheville, North Carolina VA Medical Center.

+$1,400,000 for design of a new national cemetery in the Joliet, Illinois area.

−$9,000,000 for renovation of nursing units at the Lebanon, Pennsylvania VA Medical Center.

−$11,500,000 for environmental improvements at the Marion, Illinois VA Medical Center.

−$17,300,000 for replacement of psychiatric beds at the Marion, Indiana VA Medical Center.

−$15,100,000 for renovation of psychiatric wards at the Perry Point, Maryland VA Medical Center.

−$17,200,000 for environmental enhancements at the Salisbury, North Carolina VA Medical Center.

−$10,000,000 from the $17,500,000 requested for the advance planning fund.

The conferees have approved major construction funding only for those projects which do not require further authorization. While many of the projects requested in the budget are meritorious, without an authorization no funding can be obligated. The Department should utilize minor construction funds to meet life safety or code deficiencies and to ensure compliance with Joint Commission on Accreditation of Healthcare Organizations criteria.

The conferees believe that the Department must assemble a long-term plan for its infrastructure and construction needs, taking into consideration an increasingly constrained budgetary environment, a decline in the veteran population, shifting demographics, the need to provide more equitable access to veterans medical care systemwide, changes in health care delivery methods, and any policy changes the VA adopts with respect to access points. It is expected that the fiscal year 1997 budget request for major construction funding will be predicated on an analysis incorporating all such variables.

Amendment No. 10: Appropriates $190,000,000 for construction, minor projects, as proposed by the Senate, instead of $152,934,000 as proposed by the House. The conferees agree that this appropriation account should be used to meet any critical requirements, such as safety and fire code deficiencies, at facilities which were denied major construction funding in 1996.

ADMINISTRATIVE PROVISIONS

Amendment No. 11: Inserts language proposed by the Senate authorizing the VA to convey property to the Federal Highway Administration which is necessary for the modernization of U.S. Highway 54 in Wichita, Kansas.

Amendment No. 12: Deletes language proposed by the Senate authorizing the VA to use supply fund resources for an acquisition computer network.

Amendment No. 13: Deletes language proposed by the Senate regarding access to VA medical care for veterans in Hawaii, and deletes language in the administrative provisions which would limit compensation payments to certain incompetent veterans.

In deleting the Senate language, the conferees wish to make clear their concern that veterans in the State of Hawaii do not have access to veterans medical care comparable to that of veterans in the forty-eight contiguous states. Through sharing arrangements with the Tripler Army hospital and community facilities, and existing VA outpatient clinics, the Department is to ensure adequate and equitable access to care for Hawaii's veterans. Furthermore, VA should provide care within the State whenever possible rather than transferring patients to the West Coast for acute care services, which is extremely inconvenient for veterans and their families.

The conferees have agreed to delete language carried in sec. 107 of the VA's administrative provisions limiting compensation payments to certain incompetent veterans.

Amendment No. 14: Deletes language proposed by the Senate requiring the Secretary to develop a plan for the allocation of VA health care resources to remedy discrepancies in the allocation of funds to VA facilities across the country.

The conferees are concerned that VA's allocation of resources has not resulted in equal access to health care services for veterans nationally. Despite implementation of the resource planning and management system several years ago, VA has not shifted resources sufficiently to meet changing demand.

The conferees recognize the Veterans Health Administration recently reorganized into veterans integrated service networks and expect that the reorganization will result in a more equitable allocation of resources nationally. To ensure that this occurs, the conferees direct the Department to develop a plan to allocate resources in a manner that will result in equal access to medical care for veterans and will take into account projected changes in the workload of each facility. The plan should reflect the RPM system to account for forecasts in expected workload and should recognize facilities that provide cost-effective health care. The plan shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of high quality care.

Amendment No. 15: Inserts language permitting the transfer of not to exceed $4,500,000 of 1996 medical care funds to the medical and administration and miscellaneous operating expenses account, instead of $5,700,00 as proposed by the Senate.

The conference agreement includes permissive transfer authority of up to $4,500,000 from the medical care account to the MAMOE account to help alleviate possible furloughs. The conferees wish to make clear, however, that any transfer is to occur only through the normal reprogramming procedures. It is expected that the central office medical staffing funded through this account will reduced to 600 by the end of the fiscal year 1996.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Amendment No. 16: Appropriates $10,155,795,000 for annual contributions for assisted housing, instead of $10,182,359,000 as proposed by the House and $5,594,358,000 as proposed by the Senate. The conferees expect the Department and the Office of Management and Budget to adhere to the 1996 program detailed in the following table:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING FISCAL YEAR 1996—GROSS RESERVATIONS

	Units	Cost	Term	Budget authority
New authority	NA	NA	NA	$10,155,795,000
New spending:				
Public housing modernization	NA	NA	NA	2,500,000,000
Indian housing	1,603	$99,800	NA	160,000,000
Section 202 elderly	9,654	[NA]	[NA]	780,190,000
Section 811 disabled	2,915	[NA]	[NA]	233,168,000
HOPWA	6,400	[NA]	[NA]	171,000,000
Section 8 replacement assistance	35,398	$5,650	2	400,000,000
[Witness relocation]	NA	NA	NA	[2,500,000]
Preservation	NA	NA	NA	624,000,000
Property disposition	NA	NA	NA	261,000,000
Lead-based paint	NA	NA	NA	65,000,000
Family self-sufficiency	NA	NA	NA	
Section 8 amendments	NA	NA	NA	4,350,862,000
Section 8 contract renewals	435,028	$5,680	[1]2	610,575,000
Total	490,998	NA	NA	10,155,795,000

[1] Loan management set-asides are renewed for one year.

Including these funding levels, the House and Senate agree to the resolution of the following issues:

Deletes language proposed by the House and stricken by the Senate to establish an outlay cap of $19,939,311,000 for the annual contributions for assisted housing account.

Provides $160,000,000 for Indian housing development, instead of $100,000,000 as proposed by the House and $200,000,000 as proposed by the Senate.

Provides $2,500,000,000 for public housing modernization as proposed by the House, instead of $2,510,000,000 as proposed by the Senate.

Deletes language proposed by the House and stricken by the Senate to provide the Secretary authority to direct any housing authority that receives modernization funds under this Act, or has yet to obligate rehabilitation funds from prior year appropriations Acts, to demolish, reconfigure, or reduce the density of any public housing project owned by the housing authority.

Deletes language proposed by the House and stricken by the Senate to provide $15,000,000 for the tenant opportunity program as a setaside from the public housing modernization program. Funding for this activity is provided as a separate setaside under the community development block grant program.

Inserts language proposed by the Senate to set aside funds from the public housing modernization program for technical assistance, but at a modified funding level of $20,000,000, instead of $30,000,000 as proposed.

Provides $400,000,000 for section 8 rental assistance, instead of $862,000,000 as proposed by the House and $240,000,000 as proposed by the Senate.

Inserts language proposed by the Senate to provide such section 8 rental assistance under only certain circumstances, including new language to allow funds to be used for witness relocation assistance in conjunction with the safe home initiative.

Restores language proposed by the House and stricken by the Senate to allow such section 8 rental assistance to be used in connection with subsequent authorizing legislation.

Deletes appropriations language establishing a special needs housing fund for multiple purposes as proposed by the House.

Provides $780,190,000 for section 202 elderly housing as proposed by the Senate, instead of an unspecified earmark as proposed by the House under the special needs housing appropriation. Such funding will assist 9,654 elderly households, the same number as provided for in fiscal year 1995.

Provides $233,168,000 for section 811 disabled housing as proposed by the Senate, instead of an unspecified earmark as proposed by the House under the special needs housing appropriation. Such funding will assist at least 2,915 disabled households, the number as provided for in fiscal year 1995. This figure is likely to be higher because language is added permitting the Secretary to use up to 25 percent of the funds provided to be used for section 8 vouchers to serve the same population. Such assistance must have a contract term of five years.

Provides $171,000,000 for the housing opportunities for persons with AIDS program, instead of an unspecified earmark as proposed by the House under the special needs housing appropriation. Such funding will assist 6,400 households and matches the amount of funding provided for in fiscal year 1995.

Inserts language proposed by the House and agreed to by the Senate to allow the Secretary to waive any provision of the section 202 and 811 programs, including the terms and conditions of project rental assistance.

Deletes language proposed by the House and stricken by the Senate to allow the Secretary to use up to $200,000,000 of unobligated carryover balances of the annual contributions for assisted housing account to implement preservation legislation enacted subsequent to this Act.

Provides $624,000,000 for the Emergency Low Income Preservation Act of 1987, as amended, and the Low Income Housing Preservation and Resident Homeownership Act of 1990, as amended. Until July 1, 1996, such funding will be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers. Up to $10,000,000 of this amount will be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended. With respect to funds remaining available after July 1, 1996, the Secretary may determine priorities for distributing such funds, including giving priority to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action, if the Secretary determines that demand for funding exceeds amounts remaining. In addition, the Secretary may impose a temporary moratorium on applications by potential recipients of such funding.

The legislation also provides owners the opportunity to prepay their mortgages or request voluntary termination of a mortgage insurance contract, as long as the owner agrees not to increase rents for 60 days after such prepayment. This condition is necessary in order to allow HUD time to make available rental assistance for eligible families who desire to stay or move.

As a condition of eligibility for preservation funds under this Act, the legislation establishes a threshold of the lesser of $5,000 per unit, $500,000 per project, or eight times the local fair market rent for each unit in preservation equity. This is intended to direct federal resources at those projects with the greatest likelihood of prepayment.

The Secretary also may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236. In addition, the Secretary may give priority to funding obligated not later than August 1, 1996 for the following purposes: (1) projects with approved plans of action to retain the housing that file a modified plan of action not later than July 1, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a federal disaster area in a Presidential Disaster Declaration; and (4) projects that have submitted an appraisal to the New York State office.

Notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment, and whose rent, as a result of prepayment exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay rent not less than that rent paid on such date. Any eligible family receiving such tenant-based assistance may elect to remain in the housing and if the rent is in excess of the fair market rent or payment standard, as applicable, the rent shall be deemed the applicable standard, so long as the administering public housing agency deems that the rent is reasonable in comparison to rents charged for comparable unassisted housing units in the market. In instances where eligible families move with such assistance to other private rental housing, the rent will be subject to the fair market rent or the payment standard, as applicable, under existing rules and procedures.

The resources provided by conferees under this Act for the preservation program ought not to be considered another payment in a long list of federal preservation program payments, but as the last payment for addressing preservation in this manner. Included in this section is a provision to effectively terminate the preservation program after October 1, 1996. Unless this program is substantially reformed, Congress will appropriate only rental assistance for eligible residents of projects where owners have decided to prepay. Such assistance will allow residents to stay in the same housing at the same cost or move to other private housing.

Provides $65,000,000 for lead-based paint activities, including abatement grants, instead of $10,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

Deletes $17,300,000 for family self-sufficiency coordinators as proposed by the House and stricken by the Senate. Such activities are eligible under the public and assisted housing services setaside under the community development block grant program.

Provides $4,350,862,000 for the renewal of expiring section 8 contracts, instead of $4,641,589,000 as proposed by the House. The Senate had proposed $4,350,862,000 for section 8 contract renewals under a separate appropriations heading.

Restores language proposed by the House and stricken by the Senate to merge funds provided for section 8 contract renewals with annual contributions for assisted housing.

The following table identifies expected section 8 contract renewal costs for fiscal year 1996:

SECTION 8—RENEWAL OF EXPIRING CONTRACTS

[Dollars in thousands]

	Units	1996 Budget authority
Certificates	241,206	$2,993,597
Vouchers	58,798	729,739
LMSA	120,587	475,354
Property Disposition	4,464	35,194
Moderate Rehabilitation	8,016	99,486
New Construction/Substantial Rehabilitation	1,957	17,492
Total	435,028	4,350,862

Note: Totals may not add due to rounding.

Restores language proposed by the House and stricken by the Senate to allow the use of section 8 contract renewal funds with subsequently enacted legislation.

Inserts language to allow the Secretary to renew housing vouchers without regard to section 8(o)(6)(B) of the Housing Act of 1937, a provision requiring HUD to budget an additional 10 percent to cover long-term inflation adjustments for housing vouchers. The Senate had proposed identical language under its separate heading for section 8 contract renewals.

Provides $610,575,000 for section 8 contract amendments as proposed by the House, instead of $500,000,000 as proposed by the Senate.

Provides $261,000,000 for property disposition as proposed by the Senate, instead of no funding as proposed by the House.

Inserts language proposed by the Senate to allow the Secretary to manage and dispose of multifamily properties owned by HUD and multifamily mortgages held by HUD with regard to any other provision of law.

Inserts language proposed by the Senate to allow state housing finance agencies, local governments, or local housing agencies to keep 50 percent of the savings from refinancing housing projects, as specified under section 1012(a) of the Stewart B. McKinney Homeless Assistance Act of 1988. The other 50 percent of budget authority savings shall be rescinded, or in the case of cash, remitted to the U.S. Treasury.

Provides $280,000,000 for the public housing demolition, site revitalization, and replacement housing grants program. The Senate proposed $500,000,000 for this activity and the House nothing.

Inserts language identifying eligible uses of these funds, as proposed by the Senate. Conferees agree funds are needed to assist housing authorities in the demolition of obsolete public housing. However, the conferees are concerned about the Department's use of waiver authority under the Department's total development cost (TDC) controls. Upon waiving such controls, the conferees direct the Department to notify the appropriate committees of Congress.

Deletes separate appropriation for the assistance for the renewal of expiring section 8 subsidy contracts as proposed by the Senate and all other language under this heading.

Amendment No. 17: Appropriates $2,800,000,000 for payments for the operation of public housing projects as proposed by the Senate, instead of $2,500,000,000 as proposed by the House.

The conferees are concerned that the funding formula applied to Puerto Rico, which has always been excluded from the Performance Funding System (PFS) under the operating expense subsidy program of the U.S. Housing Act of 1937, may have led to the inequitable treatment for Puerto Rico as compared to the states, and even other non-PFS territories. Consistent with overall objectives of streamlining programs and funding, allowable expense levels (AELs) should be fairly and effectively allocated among all jurisdictions, both inside and outside the PFS system. The conferees encourage HUD to study the AEL formula for Puerto Rico to determine if it accurately reflects the actual costs to operate decent and affordable assisted housing in Puerto Rico.

Amendment No. 18: Appropriates $290,000,000 for Drug Elimination Grants for Low-Income Housing as proposed by the Senate, instead of the proposed consolidation of these functions into the public housing modernization program as proposed by the House. Of this amount, the conferees earmark $10,000,000 for technical assistance grants and $2,500,000 for the Safe Home Initiative. In addition, the conferees agree to language in the Senate bill that would redefine "drug-related crime" as determined by the HUD Secretary.

In order to defer to the committees of jurisdiction, the conferees delete language proposed by the Senate to allow the Secretary to distribute Drug Elimination Grants funds through a formula allocation.

Amendment No. 19: Deletes language proposed by the House and stricken by the Senate to provide $12,000,000 for housing counseling under a separate appropriations heading. Instead, $12,000,000 is provided for identical housing counseling activities as an earmark under the Community Development Block Grants program.

Amendment No. 20: Deletes language proposed by the Senate on describing how homeless assistance funds will be distributed, including language permitting the Secretary to distribute homeless funds under a formula allocation.

Amendment No. 21: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 22: Deletes language proposed by the House and stricken by the Senate to make eligible the Innovative Homeless Initiatives Demonstration program under Homeless Assistance Grants. The authorization for this initiative terminated the demonstration as of September 30, 1995.

Amendment No. 23: Appropriates $823,000,000 for Homeless Assistance Grants, instead of $676,000,000 as proposed by the House and $760,000,000 as proposed by the Senate. This amount is equivalent to a funding freeze for homeless programs instead of a reduction. In fiscal year 1994, the appropriations for HUD homeless programs totaled $823,000,000. In fiscal year 1995, Public Law 104–19 deferred the availability of $297,000,000 of the original appropriations of $1,120,000,000 until September 30, 1995, effectively reducing the fiscal year 1995 program level to $823,000,000.

The conferees remain concerned that HUD homeless programs put too much emphasis on short-term solutions instead of long-term comprehensive strategies. To the maximum extent practicable, the conferees direct the Department to allocate homeless assistance grants under the Shelter Plus Care program which requires a dollar-for-dollar match of services for HUD housing assistance. Homeless assistance of nearly $1,000,000,000 is small compared to the $12,000,000,000 of federal service dollars that serve much of this same population. Homeless studies, such as the 1990 Annual Report of the Interagency Council on the Homeless, show that housing in combination with appropriate services is the most effective way of permanently reducing homelessness. The conferees recognize that a one-size-fits-all approach does not recognize the diversity among communities and the diverse needs of the homeless population.

Amendment No. 24: Deletes language proposed by the Senate to allow Homeless Assistance Grants to be distributed by formula in fiscal year 1996. The conferees defer to the authorizing committees to determine an adequate program formula over the coming months. Language is also deleted requiring the Secretary to complete a study on how to merge homeless assistance programs under the Stewart B. McKinney Homeless Assistance Act with the HOME program.

Amendment No. 25: Appropriates $50,000,000 for grants to Indian tribes instead of $46,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

Amendment No. 26: Inserts language proposed by the Senate to provide $2,000,000 for the Housing Assistance Council and $1,000,000 for the National American Indian Housing

Council as setasides under the Community Development Block Grants program. The House had proposed funding these two councils at the same level as setasides under the HUD salaries and expenses account.

Amendment No. 27: Appropriates $27,000,000 for Section 107 grants as proposed by the Senate instead of $19,500,000 as proposed by the House. The conferees are in agreement that Section 107 funding includes $7,000,000 for insular areas, $6,000,000 for work study (including $3,000,000 for Hispanic-serving institutions), $6,500,000 for historically black colleges and universities (HBCUs), and $7,500,000 for the community outreach partnership program.

The conferees urge HUD to use community outreach partnership funds to support new and existing planning grants to universities located in and around urban areas with high minority populations, low standards of living and large numbers of empty or abandoned dwellings. Priority ought to be given to proposals that seek to address community problems comprehensively and in partnership with local government, and consideration should be made for projects which include HBCUs as local partners.

The conferees are aware of an innovative business development center proposal of Hofstra University which will coordinate and target educational and technical assistance activities designed to foster economic development and job creation on Long Island. The proposal mirrors the goals of the Community Outreach Partnership program and therefore the Department is urged to carefully review this proposal in connection with the funding recommended for this activity.

Amendment No. 28: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 29: Inserts language proposed by the Senate to permanently extend homeownership activities as an eligible use of CDBG funds.

Amendment No. 30: Inserts language proposed by the Senate to extend for one year a set-aside for Colonias of up to 10% of state CDBG allocations for the U.S. border states of Arizona, California, New Mexico, and Texas.

Amendment No. 31: Inserts language proposed by the Senate and amended by the House to provide $53,000,000 as a set-aside from the CDBG program for public and assisted housing supportive services. The amended language also earmarks $15,000,000 for the Tenant Opportunity Program, $12,000,000 for Housing Counseling activities, and $20,000,000 for the Youthbuild program. With regard to the Tenant Opportunity Program, this set-aside represents a 40 percent reduction from last year's funded level of $25,000,000. The conferees have been made aware of recent abuses in this program and direct the Department to eliminate such abuses if the program is to receive additional funding. Conferees agree this is the last year of appropriations funding for Youthbuild as a separate earmark and anticipate that Youthbuild will become an eligible activity under CDBG or another block grant in the coming year, to be determined by the appropriate authorizing committees. The conferees delete funding proposed by the Senate for Economic Development Initiatives at $80,000,000.

Amendment No. 32: Appropriates $31,750,000 for credit subsidies for the Section 108 loan guarantee program instead of $15,750,000 as proposed by the Senate, and $10,500,000 as proposed by the House.

Amendment No. 33: Establishes a loan limitation of $1,500,000,000 for the Section 108 loan guarantee program as proposed by the Senate, instead of $1,000,000,000 as proposed by the House, and inserts language to waive the aggregate loan limitation.

Amendment No. 34: Appropriates $675,000 for administrative expenses of the Section 108 loan guarantee program as proposed by the Senate, instead of $225,000 as proposed by the House.

Amendment No. 35: Inserts language for the reuse of a grant for Buffalo, New York for the central terminal and other public facilities in Buffalo, New York.

Amendment No. 36: Appropriates $30,000,000 for fair housing activities to be operated by HUD, instead of providing $30,000,000 for these activities to be funded under the Department of Justice, as proposed by the Senate. Language is added to limit eligibility under the fair housing initiatives program (FHIP) to only qualified fair housing enforcement organizations, as proposed by the Senate. The House and Senate conferees strongly support the enforcement of fair housing laws, but are concerned that FHIP funds have been used by non-traditional fair housing groups in a manner that is inconsistent with the program's intent to enforce fair housing laws. The conferees direct the Department to provide the Committees on Appropriations an opportunity to review the new standard of qualified fair housing organizations prior to awarding fiscal year 1996 FHIP funds. The House has proposed $30,000,000 for fair housing activities, but only for the fair housing assistance program (FHAP).

Amendment No. 37: Appropriates $962,558,000 for salaries and expenses, instead of $951,988,000 as proposed by the House and $980,777,000 as proposed by the Senate. The Department is to distribute the general reduction, subject to normal reprogramming guidelines. In addition, the conferees direct the Department to outline when and how future staffing reductions will occur to meet the Administration's goal of 7,500 HUD employees by fiscal year 2000. To the extent reductions are needed to take place in fiscal year 1996 to meet fiscal year 2000 staffing goals, the conferees urge the Department to utilize early in the fiscal year any resources needed to achieve such purpose.

Amendment No. 38: Authorizes the use of $532,782,000 for salaries and expenses from the various funds of the Federal Housing Administration as proposed by the Senate, instead of $505,745,000 as proposed by the House.

Amendment No. 39: Authorizes the use of $9,101,000 for salaries and expenses from the funds of the Government National Mortgage Association as proposed by the Senate, instead of $8,824,000 as proposed by the House.

Amendment No. 40: Authorizes the use of $675,000 for salaries and expenses from the Community Development Grants program account as proposed by the Senate, instead of $225,000 as proposed by the House.

Amendment No. 41: Appropriates $47,850,000 for salaries and expenses of the Office of Inspector General, instead of $47,388,000 as proposed by the House and $48,251,000 as proposed by the Senate.

Amendment No. 42: Authorizes the use of $11,283,000 for salaries and expenses of the Office of Inspector General from the various funds of the Federal Housing Administration as proposed by the Senate, instead of $10,961,000 as proposed by the House.

Amendment No. 43: Restores language proposed by the House and deleted by the Senate to appropriate $14,895,000 for the Office of Federal Housing Enterprise Oversight (OFHEO).

Amendment No. 44: Inserts language proposed by the Senate to allow the Secretary to sell up to $4,000,000,000 of assigned mortgage notes under the FHA Mutual Mortgage Insurance (FHA-MMI) Program account and use any negative credit subsidy amounts from such sales during fiscal year 1996 for the disposition of properties or notes under the FHA-MMI program.

Amendment No. 45: Appropriates $341,595,000 for administrative expenses of the guaranteed and direct loan programs of the FHA-MMI program account as proposed by the Senate, instead of $308,846,000 as proposed by the House.

Amendment No. 46: Authorizes the transfer of $334,483,000 for departmental salaries and expenses from the FHA-MMI program account as proposed by the Senate, instead of $308,290,000 as proposed by the House.

Amendment No. 47: Authorizes the transfer of $7,112,000 for the Office of Inspector General from the FHA-MMI program account as proposed by the Senate, instead of $6,790,000 as proposed by the House.

Amendment No. 48: Appropriates $85,000,000 for credit subsidies under the FHA-General and Special Risk Insurance (FHA-GI/SRI) program account, as authorized by Sections 238 and 519 of the National Housing Act, instead of $100,000,000 as proposed by Senate. It is the understanding of the conferees that when these funds are combined with new statutory authority to use net asset sales proceeds for additional credit subsidies, the combined program level will exceed $100,000,000. Under a different proviso stricken by the Senate, the House proposed $69,620,000 for these activities.

Amendment No. 49: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 50: Establishes guarantee loan limitation of $17,400,000,000 as proposed by the Senate, instead of $15,000,000,000 as proposed by the House.

Amendment No. 51: Inserts language proposed by the Senate to authorize the sale of up to $4,000,000,000 of assigned notes under the FHA-GI/SRI program account. Under a separate proviso stricken by the Senate, the House had proposed the sale of $2,400,000,000 of such notes. Also inserts language proposed by the Senate to allow the use of any negative credit subsidy from such sales to offset new FHA-GI/SRI guarantee activity. A separate House provision stricken by the Senate contained similar language on the reuse of negative credit subsidies.

Amendment No. 52: Inserts language proposed by the Senate to allow funds previously appropriated to remain available until expended if such funds have not been obligated. The House language stricken by the Senate extended the availability of such funds if they had not been previously made available for obligation.

Amendment No. 53: Deletes language proposed by the House and stricken by the Senate to reuse negative credit subsidies from the sale of FHA-MI/SRI assigned notes for new loan guarantee credit subsidies under the same account. Also deletes House language establishing a cap of $2,600,000,000 on the amount of such sales, a limitation on the availability of $52,000,000 of excess proceeds from such sales, and an appropriation of $69,620,000 for credit subsidies.

Amendment No. 54: Appropriates $202,470,000 for administrative expenses of the guaranteed and direct loan programs of the FHA-GI/SRI program account as proposed by the Senate, instead of $197,470,000 as proposed by the House.

Amendment No. 55: Authorizes the transfer of $198,299,000 for departmental salaries and expenses from the FHA-GI/SRI program account as proposed by the Senate, instead of $197,455,000 as proposed by the House.

Amendment No. 56: Appropriates $9,101,000 for administrative expenses of the Government National Mortgage Association (GNMA) guaranteed mortgage-backed securities program as proposed by the Senate, instead of $8,824,000 as proposed by the House.

Amendment No. 57: Authorizes the transfer of $9,101,000 for departmental salaries and expenses from the GNMA mortgage-backed securities guaranteed loan receipt account as proposed by the Senate, instead of $8,824,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Amendment No. 58: Inserts administrative provisions agreed to by the conferees. These provisions, identified by section number, are as follows:

SEC. 201. Extend Administrative Provisions from the Rescission Act. Inserts language proposed by the Senate to modify and extend the applicability of language affecting the public housing modernization program and the public housing one-for-one replacement requirement first enacted in Public Law 104–19. The House proposed similar language to suspend the one-for-one replacement requirement for fiscal year 1996.

SEC. 202. Public and Assisted Housing Rents, Income Adjustments, and Preferences. (a) Minimum Rent. Inserts language to establish minimum rents at $25 per month per household and up to $50 per month at the discretion of the public housing authority (PHA). (b) Ceiling Rents. Also establishes a second calculation of ceiling rents that reflect reasonable market value of the housing but are not less than the monthly operating costs and, at the discretion of the PHA, contribution to a replacement reserve. (c) Definition of Adjusted Income. Allows PHAs to adopt separate income adjustments from those currently established under the Housing Act of 1937. However, the Secretary shall not take into account any reduction of the per unit dwelling rental income when calculating federal subsidies under the public housing operating subsidies program. (d) Preferences. Suspends federal preferences for the public and assisted housing programs. (e) Applicability. Extends the applicability of subsections (a), (b), (c), and (d) to Indian housing programs. (f) Limits the application of this section to fiscal year 1996 only.

SEC. 203. Conversion of Certain Public Housing to Vouchers. Establishes criteria for identifying public housing to be converted to voucher assistance, rules for implementation and enforcement, and a process for removing units from the public housing inventory and converting federal assistance to vouchers. Section 18 of the Housing Act of 1937 shall not apply to the demolition of developments under this section.

SEC. 204. Streamlining Section 8 Tenant-Based Assistance. (a) Suspends for fiscal year 1996 the "take one, take all" requirement, section 8(t) of the Housing Act of 1937. (b) Suspends for fiscal year 1996 certain notice requirements for owners participating in the certificate and voucher programs. (c) In addition, this provision suspends for fiscal year 1996 the "endless lease" requirement under section 8(d)(1)(B).

SEC. 205. Section 8 Fair Market Rentals, Administrative Fees, and Delay in Reissuance. (a) Establishes fair market rentals at the 40th percentile of modest cost existing housing instead of the current 45th percentile calculation. (b) Modifies provision to freeze administrative fees for tenant-based assistance administered by a public housing agency. (c) Delays the reissuance of section 8 vouchers and certificates by three months. The Administration originally proposed similar proposals in its fiscal year 1996 budget. Both the House and Senate are in agreement on these new policy directions.

SEC. 206. Public Housing/Section 8 Moving to Work Demonstration. Establishes a demonstration of no more than 30 public housing authorities to reduce cost and achieve greater cost-effectiveness in federal expenditures, to provide incentives for heads of households to become economically self-sufficient, and to increase housing choices for lower-income families. The demonstration may include no more than 25,000 public housing units.

SEC. 207. Repeal of Provisions Regarding Income Disregards. Repeals section 957 of the Cranston-Gonzalez National Affordable Housing Act and section 923 of the Housing and Community Development Act of 1992.

SEC. 208. Extension of Multifamily Housing Finance Programs. Extends sections 542(b)(5) and 542(c)(4) as proposed by the House and Senate.

SEC. 209. Foreclosure of HUD-held Mortgages Through Third Parties. During fiscal year 1996, allows the Secretary to delegate some or all of the functions and responsibilities in connection with the foreclosure of mortgages held by HUD under the National Housing Act.

SEC. 210. Restructuring of the HUD Multifamily Mortgage Portfolio Through State Housing Finance Agencies. During fiscal year 1996, allows the Secretary to sell or transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency.

SEC. 211. Transfer of Section 8 Authority. Allows the Secretary to use section 8 budget authority that becomes available because of the termination of a project-based assistance contract to provide continued assistance to eligible families. Section 8 renewal assistance may be used for the same purpose at the time of contract expiration.

SEC. 212. Documentation of Multifamily Refinancings. Extends through fiscal year 1996 and thereafter, the amendments to section 223(a)(7) of the National Housing Act included in Public Law 103–327.

SEC. 213. FHA Multifamily Demonstration. Establishes a demonstration to review the feasibility and desirability of "marking-to-market" the debt service and operating expenses attributable to HUD multifamily projects which can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents utilizing project-based or tenant-based assistance. Such demonstration is limited to 15,000 units over fiscal years 1996 and 1997. The provision also appropriates $30,000,000 as a credit subsidy for such activities.

SEC. 214. Section 8 Contract Renewals. Inserts language to limit the cost of section 8 contract renewals to the fair market rent (FMR) for the area, similar to language proposed by the House. In addition, language is added to make clear that the Secretary shall, at the request of the owner, renew expiring section 8 contracts for one year under the same terms and conditions as the expiring contract during fiscal year 1996. On October 1, 1996, additional expiring contracts will be subject to the local FMR. This language clarifies existing law with respect to renewal of these project-based subsidy contracts, and highlights the urgency of affirmative action by the authorizing committees in enacting legislation necessary to avoid loss of affordable housing and potential displacement of residents next fiscal year.

This section also amends the provisions of law requiring renewal of loan management setaside contracts to provide the Secretary the discretion to renew only that portion of expiring contracts necessary to avoid displacement of residents who have been previously assisted. Budgetary constraints will make continuing these rental subsidy contracts very difficult over the next several years and it is highly advisable that project owners reduce dependence on such project-based subsidies as such assisted residents voluntarily leave these developments.

Finally, this section amends the rental payment standards applicable to housing projects under section 236 of the National Housing Act to encourage the retention of working families in these developments by preventing rental charges in these projects which may exceed actual market rates in certain localities.

SEC. 215. Extension of Home Equity Conversion Mortgage Program. Extends demonstration through fiscal year 1996, increasing the maximum number of units insured from 25,000 to 30,000.

SEC. 216. Assessment Collection Dates for Office of Federal Housing Enterprise Oversight (OFHEO). Modifies OFHEO assessment collection dates to allow revenues to match the timing of expenditures.

SEC. 217. Merger Language for Assistance for the Renewal of Expiring Section 8 Subsidy Contracts and Annual Contributions for Assisted Housing. Merges the section 8 renewal account with annual contributions for assisted housing, as proposed by the House. This will allow a more accurate assessment of the ongoing commitment to affordable housing by the 104th Congress. More than 400,000 families will be assisted with funds provided under the Annual Contributions for Assisted Housing account in fiscal year 1996. Altogether, 4.5 million households will receive HUD assistance in fiscal year 1996.

SEC. 218. Debt Forgiveness. Inserts language to forgive public facilities loans in Hubbard and Groveton, Texas and Hepzibah, West Virginia. These loans were previously written off as uncollectible and will not increase the federal debt. In addition, the conferees direct the Department of Housing and Urban Development to work with the Rend Lake Conservancy District, Illinois, to resolve its indebtedness under the Public Facilities Loan program.

SEC. 219. Clarifications. Inserts language to clarify "continuum of care" requirements as applied to the Paul Mirabile Center in San Diego, California.

SEC. 220. Employment Limitations. Limits the number of Assistant Secretaries at the Department to 7, the number of schedule C employees to 77, and the number of non-career Senior Executive Service positions to 20. Such limitations are to be met by the end of fiscal year 1996.

SEC. 221. Use of Funds. Allows previously appropriated funds for Highland, California, and Toledo, Ohio, to be used in their respective communities for other purposes.

SEC. 222. Lead-based Paint Abatement. Amends eligible housing criteria under section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

SEC. 223. Extension Period for Sharing Utility Cost Savings with PHAs. Eliminates time restriction for sharing utility cost savings under section 9(a)(3)(B)(i) of the Housing Act of 1937.

SEC. 223A. Mortgage Note Sales. Extends for fiscal year 1996 mortgage sales under section 221(g)(4)(C)(viii) of the National Housing Act.

SEC. 223B. Repeal of Frost-Leland. This provision repeals section 415 of the VA, HUD, and Independent Agencies Appropriations Act for fiscal year 1988. The Dallas Housing Authority and the Housing Authority of the City of Houston may proceed with demolitions and revitalization of George Loving Place and Allen Parkway Village, respectively. In addition, the conferees have learned that the demolition of Allen Parkway Village, a large densely organized public housing project in Houston, Texas, which has been substantially vacant for over a decade, is being delayed by the section 106 process under the National Historic Preservation Act of 1966. The conferees believe that preservation of historic buildings is an admirable goal. However, the conferees do not believe that it is good policy to require the preservation of buildings unsuitable for modern family life at the expense of low income families in dire need of safe, decent, and affordable housing.

SEC. 223C. FHA Single-Family Assignment Program Reform. Reforms the assignment process of the Federal Housing Administration to reflect cost-savings achieved in the private sector for working out delinquent loans to avoid foreclosure and minimizing losses to the mortgage insurer.

SEC. 223D. Spending Limitations. (1) Property Insurance. The Department is in the process of promulgating regulations under the Fair Housing Act regarding discriminatory practices in property insurance activities. Certain courts have ruled upholding the application of the Fair Housing Act to property insurance. However, significant questions have been raised relative to HUD's jurisdiction in this regard, especially in light of the McCarran-Ferguson Act, which reserves to the States authority to regulate insurance matters, and the Fair Housing Act, which makes no mention of discriminating in providing property insurance.

Given the uncertainty and controversy over this issue, it is the consensus that this important issue should be promptly addressed by the legislative committees of jurisdiction.

(2) Prohibition on Penalties or Sanctions Against Communities That Adopt English as the Official Language. The conferees are concerned that communities across the United States feel it necessary to adopt State or local law or regulations to declare English the official language. While English ought to be an essential part of the American experience, the conferees do not oppose bilingual education and recognize the importance of such education efforts in order to meet the needs of an increasing population of immigrants and others, who in too many cases, are economically disadvantaged. The real need for Americans is to communicate fully with one another. To the extent English is chosen in individual communities as the main language, HUD ought not to punish or impose sanctions because of this action.

(3) Lobbying Prohibition. Prohibits funds provided under this Act from being used for purposes not authorized by the Congress.

(4) RESPA. The conference agreement does not include language prohibiting the expenditure of funds to promulgate regulations based upon the July 21, 1994 proposed rule on the Real Estate Settlement Procedures Act (RESPA). However, the conferees are concerned that HUD has been interpreting RESPA in a manner that may stifle competition and the development of innovative services in the settlement services industry. Before proceeding to finalize such rulemaking, the conferees urge the Department to seek additional guidance on this important issue from the appropriate authorizing committees.

(5) Land Use Regulations for Residential Care. Communities across the country have expressed serious concerns with fair housing law as it relates to their ability to review and implement and use regulations for residential care facilities. The conferees encourage the Department to work with the relevant authorizing committees to develop legislative remedies for these concerns as soon as possible.

SEC. 223E. Transfer of Functions to the Department of Justice. Language is inserted to transfer fair housing activities to the Department of Justice effective April 1, 1997. A similar provision was proposed by the Senate in amendment numbered 116. This transfer would include all responsibilities for fair housing issues, including administering the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP). This 18-month transition would give the Department of Justice adequate time to ensure a smooth transfer of all functions. Congress would also have an opportunity to review key implementation issues.

The conferees emphasize that the intent of this provision is not to minimize the importance of addressing housing discrimination in this nation; instead, the Department of Justice with its own significant (and primary) responsibilities to address all forms of discrimination represents the appropriate place to consolidate and to provide consistency in policy direction for the federal government to combat discrimination, including discrimination with regard to housing issues.

While many members of Congress are advocating the elimination of HUD, the transfer of HUD's fair housing programs to the Department of Justice will allow HUD to refocus on its primary responsibilities of providing housing and community development assistance. The larger issue of determining the fate of HUD is better suited for the authorizing committees of the House and Senate.

Amendment No. 59: Inserts language proposed by the Senate to prohibit the expenditure of funds under this Act for the investigation or prosecution under the Fair Housing Act of any otherwise lawful activity, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

Amendment No. 60: Inserts language proposed by the Senate to prohibit the use of funds under this Act to take enforcement action under the Fair Housing Act on the basis of familial status and which involves an occupancy standards except under the occupancy standards established by the March 20, 1991 Memorandum from the General Counsel of HUD to all Regional Counsel, or until such time as HUD issues a final rule on occupancy standards in accordance with standard rulemaking.

Amendment No. 61: Inserts language proposed by the Senate to allow reconstruction or rehabilitation costs as eligible activities for the expenditure of Community Development Block Grant funds, not just reconstruction and rehabilitation costs in conjunction with acquisition costs.

Amendment No. 62: Deletes language proposed by the Senate requiring HUD to submit a report to Congress on the extent federal funds are used to facilitate the closing or substantial reduction of operations of a plant that result in the relocation or expansion of a plant from one state to another. Instead, conferees direct HUD to review available data on this issue and report to Congress the costs and benefits of establishing such a database.

TITLE III—INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

The conferees agree to provide $40,000,000 for the Consumer Product Safety Commission, a reduction of $4,000,000 from the budget request. The conferees direct the Commission to make the necessary reduction in expenditures from among operating expenses, including contract services, overhead accounts such as space, rent, telephone and travel and by delay in filling vacant positions.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to the amendment of the House with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For necessary expenses for the Corporation for National and Community Service in carrying out the orderly termination of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82), $15,000,000; Provided, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

COURT OF VETERANS APPEALS

The bill provides $9,000,000 for the Court of Veterans Appeals. The funding levels for this agency is not in conference because the recommended amount in the bill was identical as it passed both the House and the Senate. Because of concerns expressed with this level of funding, the conferees intend that the Committees on Appropriations review the benefits of the Court and how it can best operate in a constrained budget environment. It may be that the authorizing committees will also want to review these matters.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

Amendment No. 64: Appropriates $11,946,000 for salaries and expenses as proposed by the Senate, instead of $11,296,000 as proposed by the House.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Amendment No. 65: Appropriates $525,000,000 for science and technology activities instead of $500,000,000 as proposed by the Senate and $384,052,000 under research and development as proposed by the House. The research and development account as proposed by the House and stricken by the Senate is deleted and a new science and technology account is adopted in lieu thereof.

The new science and technology account has been created to begin the consolidation of all research related activities at EPA, including appropriate personnel and laboratory costs. The conferees note that Environmental Service Division (ESD) labs have not been brought under this account at this time, however, the Agency is expected to provide an analysis of whether ESD labs, as well as other research related activities, should be included in this account in the fiscal year 1997 budget.

The conferees recognize that with the new account structure, EPA has additional flexibility to manage its resources. The conferees wish to make clear, however, that EPA is not to apply budgetary reductions disproportionately to contracts relative to the workforce. The agency must plan for further budgetary reductions anticipated in the outyears by gradually reducing its workforce, and the account structure is intended in part to ease the difficulties and disruption associated with downsizing the workforce. Any reprogramming of funds that become necessary throughout the fiscal year is to be made upon the notification and approval of the Committees on Appropriations.

The conferees are in agreement with the following changes to the budget request:

+$150,000,000 for research and development personnel costs transferred from the former program and research operations account.

+$35,000,000 for laboratory and facilities costs transferred from the former abatement, control, and compliance account.

+$500,000 for the National Urban Air Toxics Research Center.

+$2,500,000 for the Gulf Coast Hazardous Substance Research Center.

+$1,500,000 for the Water Environment Research Foundation.

+$2,500,000 for the American Water Works Association Research Foundation (AWWARF).

+$730,000 for continued study of livestock and agricultural pollution abatement.

+$1,000,000 for continuation of the San Joaquin Valley PM-10 study.

+$2,000,000 to continue research on urban waste management at the University of New Orleans.

+$1,500,000 for the Resource and Agricultural Policy Systems program at Iowa State University.

+$500,000 for oil spill remediation research at the Spill Remediation Research Center.

+$1,000,000 for research on the health effects of arsenic. In conducting this research, the Agency is strongly encouraged to contract with groups such as the AWWARF so that funds can be leveraged to maximize available research dollars.

+$1,000,000 for the Center for Air Toxics Metals.

+$1,000,000 for the EPSCoR program.

+$18,000,000 for research and development transferred from the hazardous substance superfund account, including $5,000,000 for the hazardous substance research center program. The conferees agree that most research being conducted under the Superfund account has application across media lines and thus should be carried forward in a manner consistent with all other Agency research and development activities. With this transfer, the conferees have included a total of $20,500,000 for Superfund research in the new science and technology account, including $2,500,000 for the Gulf Coast Hazardous Substance Research Center. This represents a further step in consolidating all agency research within this account. Should the amount provided for Superfund research be insufficient, the Committees on Appropriations would entertain an appropriate reprogramming request from the agency. The conferees expect EPA to conform its fiscal year 1997 budget submission to this account restructuring, including Superfund research.

−$69,200,000 from the Environmental Technology Initiative. Remaining funds in this program are to be used for technology verification activities, and the agency is expected to submit a spending plan for this activity as part of its annual operating plan.

−$31,645,700 from the Working Capital Fund included in the budget request. This new fund has not been approved for fiscal year 1996, however, the conferees are generally receptive to the philosophy behind the adoption of such a fund and expect to work closely with the agency throughout the fiscal year to develop a proposal for consideration for fiscal year 1997.

−$19,545,300 as a general reduction, subject to normal reprogramming guidelines.

The conferees have deleted Senate bill language contained in amendment number 92 related to EPA research and development activities and staffing. However, the conferees agree that EPA has not provided adequate information to the Congress regarding its new Science to Achieve Results (STAR) initiative including its purpose; the effects it might have on applied research needed to support the agency's regulatory activities; the impact on current staffing, cooperative agreements, grants, and support contracts; whether STAR will duplicate the work of other entities such as the National Science Foundation; and how STAR relates to the strategic plan of the Office of Research and Development. Therefore, the agency is directed to submit by January 1, 1996 a report to address these issues. The report also should identify the amount of funds to be spent on STAR, and a listing of any resource reductions below fiscal year 1995 funding levels, by laboratory, from federal staffing, cooperative agreements, grants, or support contracts as a result of funding for the STAR program. No funds should be obligated for the STAR program until the Committees are in receipt of the report.

The conferees direct EPA to discontinue any additional hiring under the contractor conversion program in the Office of Research and Development (ORD) and provide to the Committees by January 1, 1996, a staffing plan for ORD indicating the use of federal and contract employees.

As part of the peer review process of research activities, the conferees expect ORD to place more reliance on oversight and review of its ongoing research by the Science Advisory Board. The conferees agree that better use of the Board in such an oversight and review role will greatly enhance the credibility of the "science" conducted by EPA in support of program activities.

Finally, the conferees note that funds deleted by the House for the Gulf of Mexico Program (GMP) have been fully restored. While the conferees thus support its continuation for fiscal year 1996, there nevertheless remain concerns regarding the current scope, cost, and long term direction the agency has planned for this program. Precious little information is presented through budget justifications in support of the GMP, yet it has enjoyed financial support through the EPA, as well as significant contributions from numerous other federal and state sources. The conferees expect the agency to perform a thorough study and evaluation of this program and its total expenditures, from all sources, and include such information in the fiscal year 1997 budget support documents.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Amendment No. 66: Appropriates $1,550,300,000 for environmental programs and management instead of $1,670,000,000 under program administration and management as proposed by the Senate and $1,881,614,000 under environmental programs and compliance as proposed by the House. The environmental programs and compliance account as proposed by the House and stricken by the Senate is deleted and a new account is adopted in lieu thereof.

The new account combines most of what were formerly the abatement, control, and compliance and program and research operations accounts, thus providing the Agency with increased flexibility to meet personnel and program requirements within the framework of reduced financial resources. As noted under the science and technology account, personnel and laboratory costs associated with research activities have been reduced from the budget request under the aforementioned two accounts. Additionally, state categorical grants proposed in the budget request under abatement, control, and compliance have been moved to the new state and tribal assistance grant account.

In addition to providing flexibility across program lines, the actions of the conferees in approving such structural changes also are due to the necessity of the agency to make substantial changes in the manner in which it carries out its mission. It must be recognized that there simply are not enough financial resources available to remedy every environmental problem that can be identified. Rather, EPA must develop serious priorities, using cost-benefit-risk analysis if appropriate, so that it can go about the task of accomplishing meaningful environmental goals in an orderly and systematic way. To this end, the old "command and control" approach must be discarded—in the Regions as well as in headquarters—and replaced with new methods that promote facilitation, compliance assistance, and federal-state-business partnerships coupled with financial leveraging. The agency's Common Sense Initiative and Project XL are excellent examples of such new methods, and the conferees strongly urge the agency to be more deliberate and aggressive in its move to foster these new, flexible partnerships and relationships with the states and with business without compromising the environmental goals set by the Congress and carried out by the agency. The conferees stand ready to assist the agency in its move in this new direction.

The conferees strongly support the recommendations made by the National Academy of Public Administration in "Setting Priorities, Getting Results: A New Direction for EPA" as outlined in both the House and Senate committee reports accompanying this bill. The conferees believe that monitoring the progress in implementing NAPA's recommendations, and evaluating the effectiveness of such initiatives as Project XL, performance partnerships, and the Common Sense Initiative to determine if these programs offer the country a significant improvement over traditional regulatory approaches is very important. The conferees direct EPA to propose to the Committees by February 15, 1996, how to evaluate these initiatives, the agency's progress in implementing NAPA's recommendations, and how changes in EPA's management systems and organizational structure encourage or inhibit these innovations. EPA should consider as part of its proposal a further involvement by NAPA or other outside parties in this evaluation.

The conferees are in agreement on the following changes to the budget request:

+$2,000,000 for the Southwest Center for Environmental Research and Policy.

+$1,600,000 for Clean Water Act sec. 104(g) wastewater operator training grants.

+$350,000 for the Long Island Sound office.

+$1,000,000 for the Sacramento River Toxic Pollutant Control program, to be cost shared.

+$1,000,000 for continuing work on the water quality management plan for the

Skaneatles, Owasco, and Otisco Lake watersheds.

+$300,000 for the Cortland County, New York aquifer protection plan.

+$8,500,000 for rural water technical assistance activities.

+$500,000 for continuation of the Small Public Water Systems Technical Assistance Center at Montana State University.

+$300,000 for a feasibility study for the delivery of water from the Tiber Reservoir to Rocky Boy Reservation.

+$2,000,000 for the small grants program to communities disproportionately impacted by pollution.

+$1,000,000 for community/university partnership grants.

+$300,000 for the National Environmental Justice Advisory Council.

+$1,000,000 for ongoing Earthvision educational programs.

+$500,000 for ongoing programs of the Canaan Valley Institute.

+$900,000 for remediation of former and abandoned lead and zinc mining in Missouri.

+$250,000 for an evaluation of groundwater quality in Missouri where evidence exists of contamination associated with anthropological activities.

+$75,000 for the Rocky Mountain Regional Water Center's model watershed planning effort.

+$150,000 for the National Groundwater Foundation to continue ongoing programs.

+$500,000 to continue the methane energy and agricultural development demonstration project.

+$185,000 for the Columbia River Gorge Commission for monitoring activities.

+$1,000,000 for environmental review and basin planning for a sewer separation demonstration project for Tanner Creek.

+$300,000 to continue the Small Business Pollution Prevention Center managed by the Iowa Waste Reduction Center.

+$1,500,000 for the final year of the Alternative Fuels Vehicle Training program.

+$2,000,000 for the Adirondack Destruction program to assess the effects of acid deposition.

+$750,000 for the Lake Pontchartrain management conference.

+$750,000 to continue the solar aquatic waste water demonstration program in Vermont.

+$1,000,000 to continue the onsite waste water treatment demonstration through the small flows clearinghouse.

+$235,000 for a model program in the Cheney Reservoir to assess water quality improvement practices related to agricultural runoff.

+$500,000 to continue the coordinated model tribal water quality initiative in Washington State.

+$250,000 for the Ala Wai Canal watershed improvement project.

+$200,000 for the Sokaogon Cheppewa Community to continue to assess the environmental impacts of a proposed sulfide mine project.

+$2,000,000 for a demonstration program to remediate leaking above ground storage tanks in Alaska.

+$1,000,000 for the National Environmental Training Center for Small Communities.

+$500,000 for the Lake Champlain basin plan available for Vermont and New York.

+$31,645,700 for the Working Capital Fund transferred from the former research and development account. This fund has not been approved.

–$11,900,000 from low priority activities in the Office of Air and Radiation, except that no funds are to be reduced from the budget request for the WIPP compliance criteria or from the program activities associated with work at Yucca Mountain, Nevada.

–$2,600,000 from the Environmental Justice program, including the Partners in Protection Program.

–$47,000,000 from the Environmental Technology Initiative.

–$55,000,000 from Climate Change Action Plan programs. The conferees note that over $80,000,000 remains available for this program, an amount double that provided in fiscal year 1994. The agency is directed to terminate funding for programs which compete directly or indirectly with commercial business, including the Energy Star Homes Program.

–$12,000,000 from the Montreal Protocol Facilitation Fund.

–$405,000 from the Building Air Quality Alliance.

–$48,000,000 from low priority enforcement activities.

–$1,800,000 from low priority environmental education activities. The conferees urge the agency to ensure that other resources will be provided for the third and final year to carry out the environmental education grants program to minority institutions. In addition, the conferees expect the National Environmental and Training Foundation will be funded at the fiscal year 1995 level.

–$3,000,000 from low priority activities in the Office of International Activities.

–$350,000 from activities related to unauthorized research related to electromagnetic fields.

–$2,000,000 from the national service initiative.

–$1,000,000 from the GLOBE program.

–$25,000,000 from regional and state oversight activities.

–$81,474,300 from program office laboratory costs requested under the former abatement, control, and compliance and program and research operations accounts. As noted in the science and technology account, funds have been made available to continue funding these facilities under the new account structure agreed to by the conferees.

–$140,080,200 from Office of Research and Development personnel costs requested under the former program and research operations account. As noted in the science and technology account, funds have been made available to meet personnel requirements under the new account structure agreed to by the conferees.

–$683,466,200 from state and tribal categorical grants which have been transferred by the conferees from the former abatement, control, and compliance account to the new state and tribal assistance grants account.

–$166,786,000 as an undistributed general reduction throughout this restructured account, subject to the modified reprogramming procedures.

No legislative provisions as proposed by the House and stricken by the Senate have been included in this new account.

To provide the EPA with enhanced spending flexibility, the conferees have included language in the bill which makes funds available for expenditure for two years until September 30, 1997, and have agreed on reprogramming procedures for this account only, which permit reprogrammings below $500,000 without notice to the Committees, reprogrammings between $500,000 and $1,000,000 with notice to the Committees, and reprogrammings over $1,000,000 with approval of the Committees.

The conferees agree on the importance of the Environmental Finance Centers and expect that they be adequately supported. Similarly, the conferees direct that a grant for Sarasota County, Florida be provided from within funding for the National Estuary Program to support the implementation of the Sarasota Bay NEP Conservation and Management Plan. Finally, the conferees note that the Chesapeake Bay Program has been fully funded and expect that appropriate resources will be devoted to oyster reef construction in the Chesapeake.

The conferees urge EPA to work in a cooperative manner with the Commonwealth of Virginia to resolve issues concerning the state's proposed state implementation plan relative to title V of the Clean Air Act, and to receive the court's guidance before implementing section 502(b)(6) of the Act.

The conferees are in agreement that EPA should consider holding in abeyance the development of a proposed rule concerning a Sole Source Aquifer Designation for the Eastern Columbia Plateau Aquifer System in eastern Washington State, until all issues raised by the State are fully explored and resolved in a manner which meets the needs of all parties.

The conferees also remain concerned about reports filed earlier this year in Milwaukee, Wisconsin and other locations regarding illness alleged to be caused by the use of reformulated gasoline (RFG). While the conferees note that the scientific community has yet to make a direct link between such illness and the use of RFG, the conferees nevertheless expect the agency to continue its review of all available literature and data developed in response to this situation—including such information that may be developed during the winter of 1995–1996—and provide a determination of what additional studies or actions may be necessary to adequately monitor and address the situation.

The conferees are concerned about the interim policy statement on voluntary environmental self policing and self disclosure by the agency. The conferees believe that these state initiatives may prove to be valuable tools to increase compliance with environmental laws in their states. Therefore, the conferees urge EPA to work with the appropriate Committees of Congress to develop an appropriate policy concerning state environmental audit or self evaluation privilege or immunity laws.

As expressed in both House and Senate Committee reports accompanying H.R. 2099, there continues to be concern with EPA's proposed "cluster rule" for pulp and paper. The conferees urge EPA to appropriately address pollutants emitted at only de minimus levels, such as metals from pulping combustion sources, by using its existing authority to establish a de minimus exemption for such pollutants, or by establishing an emission threshold or level of applicability which would achieve a similar result.

Similarly, the conferees remain concerned about the direction taken by the agency with regard to the promulgation of a rule under TSCA to ban or regulate the use of acrylamide and n-methylolacrylamide (NMA) grouts. Such grouts are an important tool in the repair of sewer systems, and the loss of this tool would substantially impair the ability of municipalities to effect repairs of sewer systems without major and costly construction. The conferees strongly urge the agency to review its risk assessment and cost-benefit analysis and provide the appropriate committees of the Congress with all relevant updated information developed through this review, prior to moving forward in this matter.

The conferees agree that concerns raised by the House regarding the joint EPA/DOE Life Cycle Assessment program have been addressed adequately by the agency. Provided that the agency continues to coordinate the scope, application, and direction of the program with the private sector, the conferees do not object to the use of appropriations in the furtherance of this program.

The conferees are concerned with EPA's plans to expand the Toxics Release Inventory (TRI) to include toxics use data, despite the lack of specific authorization under the Emergency Planning and Community Right-to-Know Act. The conferees note that while the legislation establishing the TRI (42 U.S.C. 11023) directs EPA to publish a uniform toxics chemical release form providing for the submission of data on "the general category or category of use" of a chemical, and the Pollution Prevention Act (42 U.S.C. 13101–13109) expanded the TRI by requiring that facilities filing such a release form include a source reduction and recycling report, Congress has not granted EPA the specific authority to expand the TRI to require the reporting of any mass balance, materials accounting, or other data on amounts of chemicals used by a reporting facility. The conferees urge EPA not to take final action to create a Toxics use Inventory until it seeks specific legislative authority to do so.

The conferees have agreed to delete a provision proposed by the House which prohibited the expenditure of funds to impose or enforce proposed rules under section 112(r) of the Clean Air Act and instead note their pleasure that EPA is considering amendments to the risk management plan list rule which address some of the concerns underlying the House amendment. The conferees remain concerned, however, that the status of natural gas processors may not be adequately addressed in these amendments. Arguments advanced to exempt exploration and production facilities from section 112(r) are equally applicable in the case of natural gas processing facilities, which are also remotely-located, uncomplicated, and often unmanned. Therefore, the conferees urge EPA to consider extending any clarification regarding exploration and production facilities to natural gas processors.

The conferees have also deleted language proposed by the House regarding the recently published maximum achievable control technology (MACT) rule for the petroleum refining industry. At both the House and Senate fiscal year 1996 budget hearings for the agency, held this spring, considerable testimony was taken on the issue of this refinery MACT. Although all parties agree that portions of this rule are acceptable and workable, testimony received at these hearings indicated that the agency drafted much of the rule relying on data that was as much as 15 years old, even when agency-acceptable three year old data was available. As the testimony itself revealed, drafting of MACT rules in this manner may not be consistent with the intent of the Congress in the passage of the Clean Air Act. In this regard, the conferees urge the agency to consider proposing appropriate amendments, using the latest data, to this rule so that the strongest, and fairest, MACT rule can be instituted.

Similarly, based on testimony received during the fiscal year 1996 budget hearings, the House had included bill language prohibiting the expenditure of funds to proceed with the so-called "combustion strategy" unless the agency followed its own regulatory guidelines. While the conferees have deleted this language they nevertheless remain concerned with the expenditure of funds by any agency in pursuit of a rulemaking which is in conflict with their own rules and procedures. In this instance, EPA has stated publicly that its use of applicable statutory authority must be accompanied by site-specific findings of risk in the administrative record supporting a permit and that any conditions are necessary to ensure protection of human health and the environment (56 Federal Register 7145). The conferees strongly urge the agency to fully comply with its own regulations in any invocation of omnibus permitting authority, and, in furtherance of their hearing records in this matter, direct EPA to report to the House and Senate Appropriations Committees as to how the agency intends to implement these requirements in connection with its "Combustion Strategy." In this regard, it should be noted that the National Academy of Sciences is conducting currently a study on the health effects of waste combustion scheduled for completion in September 1996. To ensure that policies are based on the best up-to-date science and to incorporate appropriate Academy findings, the conferees believe the sensible approach would be to await the results of the study before finalizing a rule addressing the combustion of hazardous waste.

Given the importance of maintaining an adequate and wholesome food supply to ensure good public health, the Office of Pesticide Programs (OPP) is encouraged to take steps to retain the same level of funding and FTEs as has been provided in fiscal year 1995.

It is the intention of the conferees that the EPA avoid unnecessary or redundant regulation and minimize burdens on beneficial research and development of genetically engineered plants. The conferees note that both the National Research Council of the National Academy of Sciences and the World Health Organization have concluded that the application of recombinant DNA technology does not pose any unique risk to food safety or the environment. While the conferees acknowledge the basic regulatory requirements set forth under the Federal Insecticide, Fungicide and Rodenticide Act, the agency is urged to minimize the regulatory burden on the developers of products of such technology. Moreover, the agency should adopt risk based regulations or exemptions from regulations for small scale field testing of genetically engineered plants that are not dissimilar from those regulations set forth for the testing of other pesticides. The conferees expect EPA to report to the appropriate committees of the Congress by May 1, 1996 on any regulatory or trade burdens imposed by the agency through registration under the Federal Insecticide, Fungicide and Rodenticide Act on developers of genetically modified plants (including such burdens as have been identified by academic scientists performing research in the field, companies using biotechnology techniques, and others), as well as the agency's actions to reduce those burdens to levels commensurate with the risks.

Language with regard to an exemption from section 307(b) of the Federal Water Pollution Control Act, as amended, for the Kalamazoo Water Reclamation Plant, has been included. The conferees slightly modified the language as proposed by the Senate to require that treatment and pollution removal is equivalent to or better than that which would be required through a combination of pretreatment by an industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption.

The conferees expect the agency to promptly implement its partial response to a Citizen Petition filed September 11, 1992 regarding pesticide regulatory policies. Further, the conferees expect the agency promptly to complete its response to that Petition and another Citizen Petition filed July 10, 1995 in such a way as to minimize the unnecessary loss of pesticides that pose no more than a negligible risk to health or the environment.

Further, based on the possible risk to public health, EPA is strongly urged not to take action on the tolerance for ethylene oxide without first referring the results of the Ethylene Oxide Scientific Review Panel to the EPA Scientific Advisory Board. EPA shall then report to the Committees on the SAB's report and EPA's evaluation of that report.

Amendment No. 67: Deletes language proposed by the Senate making a technical change.

Amendment No. 68: Appropriates $28,500,000 for the Office of Inspector General instead of $28,542,000 as proposed by the House and $27,700,000 as proposed by the Senate. The conferees agree that the program level for the OIG will be $40,000,000, which includes transfers of $500,000 from the LUST trust fund and $11,000,000 from the hazardous substance superfund account.

Amendment No. 69: Appropriates $60,000,000 for buildings and facilities as proposed by the Senate instead of $28,820,000 as proposed by the House. Up to $33,000,000 of the amount made available is for completion of the Ft. Meade, Maryland/Region III lab facility. Remaining funds are for facility repair, maintenance and improvements, and for renovation of the new headquarters facility.

The conferees note that the lack of financial resources made it impossible to fund the first phase of new construction at Research Triangle Park. Nevertheless, the conferees acknowledge the demonstrated need for new or updated facilities consistent with the mission conducted at this important research facility. Prior to the submission of the fiscal year 1997 budget request, the agency is directed to provide a report to the Committees on Appropriations which includes realistic, cost-effective alternatives in addition to construction of a new facility.

HAZARDOUS SUBSTANCE SUPERFUND

Amendment No. 70: Deletes language proposed by the House and stricken by the Senate which provides that all appropriations for the hazardous substance superfund be derived from general revenues, and inserts language proposed by the Senate in lieu thereof which provides that a specific portion of the appropriation for the hazardous substance superfund be derived from the superfund trust fund as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986, as amended by P.L. 101–508, and the remainder be derived from general revenues as authorized by section 517(b) of the Superfund Amendments and Reauthorization Act of 1986, as amended by P.L. 101–508. For the hazardous substance superfund, $913,400,000 shall be derived from the trust fund, instead of $753,400,000 as proposed by the Senate, and $250,000,000 shall be derived from general revenues, as proposed by the Senate.

In addition, language is inserted providing a total of $1,163,400,000 for Superfund.

Amendment No. 71: Provides $11,000,000 for transfer to the Office of Inspector General instead of $5,000,000 as proposed by the House and $11,700,000 as proposed by the Senate.

Amendment No. 72: Provides $59,000,000 for the Agency for Toxic Substances and Disease Registry instead of $62,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

Amendment No. 73: Deletes language proposed by the House and stricken by the Senate which makes no funds appropriated under this account available for expenditure after December 31, 1995 unless the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is reauthorized.

Amendment No. 74: Inserts language proposed by the Senate, with a modification, which prohibits the expenditure of funds for the proposing for listing or the listing of sites on the National Priorities List (NPL) established by section 105 of CERCLA, as amended, unless the Administrator of the EPA receives a written request to place the site on the NPL from the governor of the state in which the site is located, unless CERCLA, as amended, is reauthorized. The conferees note that this provision is consistent with the reduction in spending for Superfund pending reauthorization. Also, it reflects Congressional efforts to turn more responsibility for Superfund over to the States.

Amendment No. 75: Deletes language proposed by the Senate directing the funding of the Brownfields Economic Redevelopment Initiative at a level sufficient to complete the award of 50 cumulative Brownfields Pilots by the end of fiscal year 1996 and to carry out other elements of the Brownfields Action Agenda. The conferees are in agreement as to the importance of the Brownfields programs and direct the agency to provide financial assistance to local communities to expedite the assessment of Brownfields sites in order to ensure early remediation of these properties in conjunction with local economic development goals. The Brownfields initiative is to be funded at no less than the current level.

For the hazardous substance superfund program, the conferees have provided $1,163,400,000, and direct that the agency prioritize resources, to the greatest extent possible, on NPL sites posing the greatest risk. The conferees note that, based on figures supplied by EPA, this appropriation is more than sufficient to continue all scheduled work (including the completion of one work phase and the movement to the next) on all sites currently on the NPL, as well as deal adequately and appropriately with all emergency response needs. While the authorizing committees proceed with the reauthorization and reform of the Superfund program, something that literally all stakeholders endorse, the conferees felt it was inappropriate to place new sites on the NPL. However, EPA is directed to move forward with real clean-up actions in an improved, aggressive manner while minimizing overhead, personnel and other administrative costs. Additionally, the agency is directed to submit a detailed report to the Committees on Appropriations, prior to their respective fiscal year 1997 budget hearings, on the demonstrated improvements, if any, on reducing such overhead, personnel and other administrative costs.

Included in the appropriated level are the following amounts:

$800,379,000 for hazardous substance superfund response actions.

$125,076,000 for management and support, including $11,000,000 transferred to the Office of Inspector General and $3,076,000 for the Office of Air and Radiation.

$127,000,000 for enforcement.

$140,945,000 for interagency activities including $59,000,000 for ATSDR; $48,500,000 for NIEHS, of which $32,000,000 is for research and $16,500,000 is for worker training; $25,000,000 for the Department of Justice; $4,350,000 for the U.S. Coast Guard; $2,000,000 for NOAA; $1,100,000 for FEMA; $680,000 for the Department of the Interior; and $315,000 for OSHA.

The conferees have also agreed to an undistributed reduction of $30,000,000 from administrative costs and to a limit on administrative expenses of $275,000,000, subject to normal reprogramming procedures.

The conferees fully support the continuation of the ATSDR minority health professions cooperative agreement at the $4,000,000 funding level, as well as the continuation of adequate funding for the ATSDR health effects study on the consumption of Great Lakes fish. Similarly, the conferees note continued support for the Mine Waste Technology Program from within available funds at an FY 1996 level of $3,000,000.

As noted earlier, the authorizing committees are currently undertaking the reauthorization and reform of the Superfund program. While the conferees acknowledge that honest disagreements exist as to the shape such reform should take, there nevertheless are many things the agency can and should be doing now within the context of reform that amount to nothing more than good government.

One such area of concern to the conferees is that of proper notification by the agency of persons of potential liability for facilities on the NPL. Potentially responsible parties (PRPs) have a reasonable expectation to be notified by the EPA in a timely manner and within a time frame that permits participation in remedy selection and execution. In particular, it is inequitable and unconscionable for the agency to identify a PRP without the means to effectively participate in remedy selections and execution and then, after the remedy has been substantially completed, to attempt to identify other parties to pay for the remedial activity. PRP's should be identified as soon as practicable to allow all potentially interested parties to bring their individual expertise and resources to bear on a commonly identified remedy and to fully participate in the remediation of an NPL site if they are expected to bear the expense of the activity. The conferees expect the agency to review all of its activities to determine the extent to which such situations have occurred and, in conjunction with the Department of Justice, make every effort to remedy such actions in a non-confrontational, non-litigious manner.

Amendment No. 76: Limits administrative expenses for the leaking underground storage tank trust fund to $7,000,000, instead of $5,285,000 as proposed by the House and $8,000,000 as proposed by the Senate.

Amendment No. 77: Provides $500,000 for transfer to the Office of Inspector General instead of $426,000 as proposed by the House and $600,000 as proposed by the Senate.

Amendment No. 78: Appropriates $15,000,000 for oil spill response as proposed by the Senate instead of $20,000,000 as proposed by the House.

Amendment No. 79: Limits administrative expenses for oil spill response to $8,000,000 as proposed by the Senate instead of $8,420,000 as proposed by the House.

STATE AND TRIBAL ASSISTANCE GRANTS

Amendment No. 80: Appropriates $2,323,000,000 for state and tribal assistance grants, instead of $2,340,000,000 as proposed under program and infrastructure assistance by the Senate, and instead of $1,500,175,000 as proposed under water infrastructure/state revolving funds by the House. The water infrastructure/state revolving fund account proposed by the House and stricken by the Senate and the program and infrastructure assistance account proposed by the Senate are deleted, and the new state and tribal assistance grant account is adopted in lieu thereof.

The conferees have agreed to the creation of this new account, within the structure proposed by the Senate, so as to enhance the Agency's ability to provide performance partnerships, or block grants, to the states and tribal governments. Language creating the performance partnership program and language permitting the Administrator to make multi-media environmental grants to recognized tribal governments, has been included. Language which clarifies that the funds for a grant to the City of Mt. Arlington, New Jersey, appropriated in P.L. 103-327 in accordance with House Report 103-715, were intended for water and sewer improvements, has also been included. Finally, the conferees have included language proposed by the Senate which would allow a portion of the funds appropriated for the construction grants program in fiscal year 1992 and thereafter, under the Clean Water Act for construction grants and special projects, to be used by States for the purposes of administering the completion or closeout of any remaining such projects. States will be required to reimburse the grant recipient from other State funds available to the State to support construction activities.

From within the appropriated level, the conferees agree to the following amounts:

$1,125,000,000 for wastewater capitalization grants.

$275,000,000 for safe drinking water capitalization grants, available only upon authorization and only if such authorization occurs by June 1, 1996. If no such legislation becomes law prior to June 1, 1996, appropriated funds immediately become available for wastewater capitalization grants to the states and tribal governments.

$225,000,000 for safe drinking water capitalization grants, made available from funds provided in P.L. 103-327 and P.L. 103-124, subject to authorization prior to June 1, 1996. If no such authorization for safe drinking water capitalization grants occurs prior to this date, such funds are to be available for wastewater capitalization grants.

$100,000,000 for architectural, engineering, design and construction related activities for high priority water and wastewater facilities near the United States-Mexico border.

$50,000,000 for cost shared grants to the State of Texas (Colonias).

$15,000,000 for grants to Alaska, subject to cost share requirements, for rural and Alaska Native Villages.

$658,000,000 for state and tribal categorical grants through traditional grants procedures as well as through the performance partnership program. The conferees note this is virtually identical to the fiscal year 1995 level. The conferees agree that such funds are available in unspecified amounts for the following specific programs:

Non-point source pollution grants under section 319 of the Federal Water Pollution Control Act (FWPCA), including appropriate activities under the Clean Lakes program; water quality cooperative agreements under section 104(b)(3) of FWPCA; public water system supervision grants under section 1443(a) of the Public Health Service Act; air resource assistance to State, local and tribal governments under section 105 of the Clean Air Act; radon state grants; control agency resource supplementation under section 106 of FWPCA; wetlands program implementation; underground injection control; pesticide program implementation; lead grants; hazardous waste financial assistance; pesticides enforcement grants; pollution prevention; toxic substances enforcement grants; Indians general assistance grants; and, underground storage tanks. The conferees expect the agency to consult with the Committees on Appropriations and with the states prior to the determination and reporting of the amounts allocated for each of these areas.

The conferees agree that Performance Partnership Grants are an important step to reducing the burden and increasing the flexibility that state and tribal governments need to manage and implement their environmental protection programs. This is an opportunity to use limited resources in the most effective manner, yet at the same time, produce the results-oriented environmental performance necessary to address the most pressing concerns while still achieving a clean environment. As part of the implementation of this program, the conferees agree that no reprogramming requests associated with States and Tribes applying for Performance Partnership Grants need to be submitted to the Committees on Appropriations for approval should the reprogrammings exceed the normal reprogramming limitations.

From within the amount appropriated for wastewater capitalization grants, $50,000,000 is to be made available for wastewater grants to impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the House of Representatives on May 16, 1995. The conferees expect the Agency to closely monitor state compliance with this provision to assure that funds are obligated appropriately and in a timely manner. Unused funds allocated for this purpose are to be made available for other wastewater capitalization grants.

$100,000,000 for the following special assistance grants in the following amounts:

$39,500,000 for special projects as requested in the budget submission, including $25,000,000 for Boston Harbor, $10,000,000 for the City of New Orleans, $3,000,000 for Fall River and $1,500,000 for New Bedford.

$5,000,000 for alternative water source projects in West Central Florida.

$1,750,000 for wastewater infrastructure improvements including $1,500,000 for Manns Choice, Bedford County, Pennsylvania, and $250,000 for Taylor Township, Blair County, Pennsylvania.

$11,625,000 for continuing clean water improvements at Onondaga Lake.

$11,625,000 for continuation of the Rouge River National Wet Weather project.

$22,000,000 for continuation of the Mojave Water Agency groundwater research project.

$2,500,000 for the refurbishment and construction of sanitary and storm sewer systems in Ogden, Utah.

$6,000,000 for wastewater facility improvements in the vicinities of Peter Creek ($3,000,000), East Bernstadt/Pittsburg ($2,500,000), and Vicco (500,000), Kentucky.

Amendment No. 81: Inserts a heading as proposed by the Senate and deletes language proposed by the Senate regarding the adoption or implementation of an inspection and maintenance program pursuant to section 182 of the Clean Air Act. The conferees note that this issue has recently been considered in a conference of authorization committees and therefore has become unnecessary to pursue in the context of this legislation.

Amendment No. 82: Deletes language proposed by the Senate regarding the limitation of funds available to impose or enforce trip reduction measures pursuant to the Clean Air Act. The conferees note that this issue recently has been considered in a conference of authorization committees and therefore has become unnecessary to pursue in the context of this legislation.

Amendment No. 83: Inserts language similar to that proposed by the Senate which prohibits the expenditure of funds for the signing or publishing for promulgation of a rule concerning new drinking water standards for radon only. The conferees note that this language is identical to that contained in this Act for each of the last two fiscal years.

Amendment No. 84: Inserts language proposed by the Senate which prohibits the expenditure of funds to sign, promulgate, implement, or enforce certain requirements regarding the regulation for a foreign refinery baseline for reformulated gasoline.

Amendment No. 85: Inserts language proposed by the Senate which prohibits the expenditure of funds to implement section 404(c) of the Federal Water Pollution Control Act, as amended, and which stipulates that no pending actions to implement section 404 (c) with respect to individual permits shall remain in effect after the date of enactment of this Act.

Amendment No. 86: Deletes language proposed by the Senate regarding an exemption of section 307(b) of the Federal Water Pollution Control Act, as amended, for the Kalamazoo Water Reclamation Plant. Similar language has been included under the environmental programs and management account in Amendment No. 66.

Amendment No. 87: Deletes language proposed by the Senate prohibiting the expenditure of funds to enforce section 211(m)(2) of the Clean Air Act in a nonattainment area in Alaska. Similar language is included in amendment number 88.

Amendment No. 88: Inserts language proposed by the Senate which prohibits the expenditure of funds to implement the requirements of section 186(b)(2), or sections 187(b) or 211(m) of the Clean Air Act for any moderate nonattainment area for which the average daily winter temperature is below 0 degrees Fahrenheit.

Amendment No. 89: Deletes language proposed by the Senate which directs EPA to give priority assistance to small business concerns under section 3(a) of the Small Business Act in its Energy Efficiency and Supply programs, study the feasibility of establishing fees to recover the costs of such assistance, and provide a certain level of funding to support participation in the Montreal Protocol and climate change action plan programs.

The conferees note that the budget for EPA's "green programs" has grown substantially over the past several years. Such growth cannot be sustained within the confines of an increasingly constrained budget. There is no disagreement that the green programs have enabled many companies to improve their profitability by installing energy efficient technologies. While it may be appropriate for the federal government to provide technical assistance to organizations which would not otherwise have the resources to make appropriate investment decisions on energy efficient technologies, such as small businesses, large corporations can and should make such investment decisions without federal assistance. The conferees agree that EPA is to undertake a study to determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in its Energy Efficiency and Energy Supply program, as described in the Senate amendment.

Amendment No. 90: Deletes language proposed by the Senate which would prohibit final regulatory action under the Toxic Substances Control Act restricting the manufacturing, processing, distributing or use of lead, zinc, or brass fishing sinkers or lures, unless the risk to waterfowl cannot be addressed through alternative means. The conferees are extremely concerned that EPA continues to ignore the importance of allocating its budget to those activities which provide for the greatest reduction in risk. EPA has pursued activities which may have exceeded the agency's legal authority in the regulation of lead by seeking to regulate lead uses that pose no significant risks to human health or the environment, such as EPA's proposal to ban the manufacture and distribution of lead fishing sinkers. The agency's proposal presented little credible evidence to suggest that lead fishing sinkers are threatening to human health or waterfowl populations. The conferees expect EPA to engage in activities which maximize the use of its resources to achieve public health and environmental benefits, and therefore believe EPA should not pursue this rulemaking.

Amendment No. 91: Deletes language proposed by the Senate which directs the investigation and report on the scientific basis for EPA's public recommendations with respect to indoor radon and other naturally occurring radioactive materials. The conferees direct EPA to enter into an arrangement with the National Academy of Sciences to investigate and report on the scientific basis for EPA's recommendations relative to indoor radon and other naturally occurring radioactive materials (NORM). The Academy is to examine EPA's guidelines in light of the recommendations of the National Council on Radiation Protection and Measurements and other peer-reviewed research by the National Cancer Institute, the Centers for Disease Control, and others. The Academy shall summarize the principal areas of agreement and disagreement among these bodies and shall evaluate the scientific and technical basis for any differences that exist. EPA is to submit this report to the appropriate committees of Congress within 18 months of the date of enactment of this Act, and state its views on the need to revise the guidelines for radon and NORM in light of the Academy's evaluation. The agency also shall explain the technical and policy basis for such views.

Amendment No. 92: Deletes language proposed by the Senate regarding implementation of the Science to Achieve Results (STAR) program and restricting the hire of new staff positions under the contractor conversion program. The STAR and contractor conversion issues have been addressed under amendment number 65.

Amendment No. 93: Inserts language which provides necessary expenses to continue the functions of the Council on Environmental Quality and Office of Environmental Quality as proposed by the Senate, instead of language proposed by the House and stricken by the Senate to carry out the orderly termination of the CEQ.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 94: Appropriates $222,000,000 for disaster relief instead of

$235,500,000 as proposed by the House and no funds as proposed by the Senate. The conferees note that the 1995 supplemental appropriation for disaster relief, totaling over $6,500,000,000 coupled with available unobligated appropriations, should be more than adequate to meet all current and expected disaster requirements. Should an FY 1996 supplemental be necessary, the conferees would expect to respond and make such appropriations available in a timely manner.

The conferees note that with the passing of the 1995 hurricane seasons, there is confusion surrounding FEMA's determination of whether beach erosion under different conditions is eligible for assistance under the Stafford Act. While the Code of Federal Regulations certainly provides clear understanding of the rules by which FEMA operates, there nevertheless exists questions as to the legal underpinnings of this regulation. To help clarify the issue and avoid future controversy, the agency is directed to report within 45 days of enactment of this Act on the legal basis for this regulation and on the possible alternatives that exist to maximize mitigation and assistance efforts within the constraints of available financial resources.

The conferees have been made aware of an unfortunate situation following the Northridge Earthquake whereby, based on assurances made by FEMA field agents, significant financial resources were spent or obligated to make appropriate repairs of buildings deemed eligible for assistance. Over a year following those assurances, a determination that such expenses were not eligible was received from FEMA headquarters, including a request for reimbursement of spent funds. As FEMA fully acknowledges that their erroneous assurance of assistance is the genesis of this problem, the conferees direct FEMA to make every effort to remedy this situation through appropriate administrative procedures.

Amendment No. 95: Appropriates $168,900,000 for salaries and expenses as proposed by the Senate instead of $162,000,000 as proposed by the House.

Amendment No. 96: Appropriates $4,673,000 for the Office of the Inspector General as proposed by the Senate instead of $4,400,000 as proposed by the House.

Amendment No. 97: Deletes reference to the Federal Civil Defense Act, as amended, with respect to activities under the emergency management planning and assistance account. This is a technical deletion as activities under this Act have been superseded by other Acts. The conferees have included language under amendment number 114 requested by FEMA in a budget amendment that would direct FEMA to sell its costly inventory of trailer/mobile homes which in the past have been used to meet temporary housing needs of some disaster victims. The costs of transporting these trailers to a disaster site, as well as the costs of necessary refurbishment upon return to inventory, far exceed the benefits provided by the trailers. More important, FEMA believes the important needs of emergency housing can be met in less expensive yet more appropriate ways. In making these sales, FEMA is directed to maximize receipts and minimize expenses to the greatest extent possible.

Within the overall appropriation, the conferees have included $950,000 for earthquake hazard research and mitigation activities at Metro and DOGAMI; $1,000,000 for a statewide and regional hurricane proof evacuation shelter directory for the states of Texas, Louisiana, Mississippi, Alabama, Florida, Arkansas, and Georgia; and $4,000,000 in additional funds for state emergency management assistance (EMA) grants. FEMA is expected to reduce its underground storage tank program to offset these additional EMA grants. The remaining funds necessary to meet these additional expenses should be proposed through normal reprogramming procedures.

The conferees note that FEMA has funded certain planning positions in State emergency management agencies at 100 percent during fiscal year 1995. The conferees direct the agency to continue funding these positions at this same level during 1996, but also expect the agency to make appropriate plans during the fiscal year, including notifying the States if necessary, to reduce the federal share to no more than 50 percent for fiscal year 1997 and beyond.

Amendment No. 98: Appropriates $100,000,000 for emergency food and shelter as proposed by the House instead of $114,173,000 as proposed by the Senate.

Amendment No. 99: Deletes language proposed by the House and stricken by the Senate which prohibits the expenditure of funds for any further work on effective Flood Insurance Rate Maps for certain areas in and around the City of Stockton and San Joaquin County, California. The conferees are aware that the City of Stockton and San Joaquin County, California are restoring existing levee systems that a FEMA flood hazard restudy has determined no longer meet FEMA's minimum flood protection standard. The conferees are also aware that the City and County have recently filed an appeal regarding the determination by that study and were thus satisfied that, just as with bill language, the duration of the appeal would provide the opportunity to fully and properly deal with this important matter. The conferees therefore direct FEMA to thoroughly analyze the appeal and develop alternatives that will lead to a resolution of this situation prior to the conclusion of the appeal process.

The Members of Congress, local officials, and private citizens who have addressed this issue all wish to achieve a result that will not hinder the economic development of the area while, at the same time, ensuring the safety and health of all residents. The conferees share this goal. The National Flood Insurance Program (NFIP), a community-participation program, has a history of cooperation with local governments that spans more than two decades. During this time, a great deal of development has taken place in mapped areas in thousands of communities across the country. Therefore, to assist the City and County in guiding new development, the conferees direct FEMA to first assist by approximating the study flood hazard areas identified on the preliminary Flood Insurance Rate Maps (FIRM's) based on FEMA's restudy. FEMA also is directed to consult with the City and County to ensure that the design and construction for the restored levees will satisfy the criteria for accrediting those structures on FIRMs that will become effective six months after all appeals are fully resolved. Further, the conferees direct FEMA to revise the FIRMs at the earliest date possible to reflect accredited improvements to the levee systems as they are completed.

The conferees note that no funds have been included to produce Flood Rate Insurance Directories (FRIDs) or to sell flood insurance directly to the public. While the conferees support FEMA's effort to increase the use of federal flood insurance, such sales should continue through normal private commercial activity. The conferees are also in agreement that FEMA should make no effort to suspend, revoke, or limit the participation of St. Charles County, Missouri in the National Flood Insurance program because of the permitting of levee improvements to publicly sponsored levee districts.

Finally, the conferees agree the FEMA should conduct a pilot project of a working capital fund during fiscal year 1996, and report on the outcome of the pilot periodically throughout the course of the fiscal year.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

Amendment No. 100: Provides for a change in the administrative expenses limitation to $2,602,000 as proposed by the Senate instead of $2,502,000 as proposed by the House.

The conferees agree to an increase in the administrative expenses limitation for the Consumer Information Center to reflect the increased responsibilities of the Center as it takes on efforts previously assigned to the Office of Consumer Affairs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

Amendment No. 101: Appropriates no funding for the Office of Consumer Affairs, as proposed by the Senate instead of $1,811,000 as proposed by the House.

The conferees agree to the Senate position to delete all funding for the Office of Consumer Affairs. The conferees agree that the functions of producing the Consumer Resources Handbook and organizing the Constituent Resource Exposition are to be transferred to the Consumer Information Center. Language is included in the bill to facilitate the transfer of personnel and responsibilities associated with closure of this office.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

Amendment No. 102: Appropriates $5,456,600,000 for Human Space Flight, instead of $5,449,600,000 as proposed by the House and $5,337,600,000 as proposed by the Senate.

The conference agreement reflects the following change from the budget request:

A reduction of $53,000,000 to reflect savings which accrue from the closure of the Yellow Creek Facility at Iuka, Mississippi.

The conferees believe that savings are achievable in shuttle operations when the recommendations called for in the Kraft report on shuttle operations are implemented. The conferees are encouraged that NASA has begun to aggressively implement the recommendations and look forward to seeing the financial savings materialize while maintaining safe shuttle operations.

NASA INDUSTRIAL PLANT, DOWNEY

The conferees are aware of ongoing discussions between NASA, Rockwell International, and officials of the City of Downey, California, regarding possible disposition of NASA real property at the NASA Industrial Plant, Downey. The conferees understand that this planning effort could culminate in a proposal for disposition of NASA real property at the Downey site which may: consolidate Space Shuttle engineering activities, thereby reducing annual Government operations costs; possibly produce proceeds to the U.S. Treasury from transfer of portions of the NASA real property; and make available portions of the real property for commercial/industrial use. The conferees direct that NASA report to the Committees on Appropriations on progress in this disposition planning effort, including any potential economic benefits to the Government, by February 1, 1996.

TERMINATION LIABILITY

The conferees fully support deployment of the space station but recognize the funds appropriated by this Act for the development of the space station may not be adequate to cover all potential contractual commitments should the program be terminated for the convenience of the Government. Accordingly, if the space station is terminated for the convenience of the Government, additional appropriated funds may be necessary to cover such contractual commitments. In the event of such termination, it would be the intent of the conferees to provide such additional appropriations as may be necessary to provide fully for termination payments in a manner which avoids impacting the conduct of other ongoing NASA programs.

Amendment No. 103: Deletes House language delaying the availability of $390,000,000 for Space Station until August 1, 1996.

SCIENCE, AERONAUTICS AND TECHNOLOGY

Amendment No. 104: Appropriates $5,845,900,000 for Science, Aeronautics and Technology, instead of $5,588,000,000 as proposed by the House and $5,960,700,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget request:

A general reduction of $33,000,000 to be distributed in accordance with normal reprogramming procedures.

A reduction of $13,700,000 from the budget request for the Stratospheric Observatory for Infrared Astronomy (SOFIA). The reduction will leave $35,000,000 in fiscal year 1996 to begin this program to replace the Kuiper Airborne Observatory.

An increase of $51,500,000 for the Gravity Probe-B program which was not included in the budget request.

A decrease of $5,000,000 for the Space Infrared Telescope Facility, leaving $10,000,000 to begin this effort. NASA is directed to provide no additional funding for this effort unless specifically approved by the House and Senate Committees on Appropriations.

The conferees agree to provide $20,000,000 for initiation of the Solar-Terrestrial Probes program. The funding includes $15,000,000 to begin the TIMED mission and $5,000,000 for design studies of the inner magnetospheric imager.

The conference agreement includes an additional $3,000,000 for the university explorer program to develop small, inexpensive spacecraft for astronomy and space physics missions.

A general reduction of $20,000,000 for Life and Microgravity Science. The reduction is not to be taken against any space station programs. NASA should develop a plan that accommodates the budget decrease while minimizing its impact on the early scientific return from space station operations. This plan should emphasize how NASA will ensure the quality of the science it will conduct and maximize the value of the results it obtains from the early utilization of space station.

An increase of $4,500,000 is provided for space radiation research in accordance with direction contained in House Report 104–201.

Within Mission to Planet Earth, the conference agreement contains a reduction of $6,000,000 for the Consortium for International Earth Sciences Information Network. The conferees agree that the Consortium and NASA are free to pursue programmatic options under existing contracts between CIESIN and NASA and the Consortium is not precluded from competing for future contracts with NASA. A further reduction of $75,000,000 is to be distributed in accordance with normal reprogramming guidelines. The conferees are in agreement on the following:

NASA should work with the Department of Agriculture to ensure that remote sensing data collected through this program will be better used for agriculture and resource management;

From within the funds for Mission to Planet Earth, NASA is urged to provide for continued development and refinement of visualization techniques and capabilities currently underway through the Jet Propulsion Laboratory to incorporate remotely sensed data and information into formal informational and educational programs;

From within the available funding, $5,000,000 should be used toward full development of a windsat mission;

Any restructuring of the Earth Observing System Data Information System which may result from the recently issued National Academy of Sciences report should be implemented in such a manner as to minimize counterproductive disruptions at the Marshall Space Flight Center.

A general reduction of $30,000,000 to the Aeronautical Research and Technology portion of the budget to be distributed in accordance with normal reprogramming guidelines. The conferees note that NASA and the FAA have recently established a mechanism to coordinate their efforts toward an advanced air traffic management system. While the House reduced the budget request by $20,000,000 because such an agreement had not yet been reached, the conferees believe some reduction in funding is still achievable and the program is not exempt from the general reduction. Likewise, the conferees do not intend that the entire reduction be applied against the High Performance Computing and Communications (HPCC) program, nor is the program exempt from reduction. The conferees recognize the national interest served by providing the public access to earth and space images and data through a national information infrastructure and strongly support funding to carry out such NASA educational and public outreach activities funded in the HPCC account.

Within the Space Access and Technology portion of the account, a reduction of $7,000,000 from the Clean Car program, a reduction of $21,300,000 for the Earth Applications systems to return the program to the fiscal year 1995 funding level, an increase of $3,000,000 for commercial space activities to be used only as provided for in authorizing legislation, an increase of $4,500,000 for a rural state technology transfer center as provided for in authorizing legislation. The conference agreement deletes without prejudice the increase of $20,000,000 proposed by the Senate for development of the reusable launch vehicle (X–33). Nonetheless, the conferees have significant concerns over the current funding profile for this ambitious developmental effort in that amounts proposed for the initial years may not be adequate to resolve technical design and engineering issues necessary to support scheduled investment decisions by private industry. The conferees are very supportive of this innovative public-private partnership in developing a more efficient and commercially viable launch system and direct NASA to conduct a re-examination of the current funding profile, including amounts recommended for the remainder of fiscal year 1996. The conferees expect NASA to submit its findings and recommendations in this regard in a report to accompany its justifications for the fiscal year 1997 budget, and to request a reprogramming, if necessary, to optimize initial developmental efforts during the balance of the current year.

A general reduction of $20,000,000 for the mission communications program, to be distributed in accordance with established reprogramming procedures.

A general reduction of $16,500,000 for Academic Programs, leaving funding at the fiscal year 1995 level. The conferees urge NASA to consider funding the Discovery Center project and the Rural Teacher Resource Center. These projects are aimed at significantly enhancing science, educational, and outreach services for an underserved region of the county. The Oregon State System for Higher Education is developing a network infrastructure for advanced technology research and education utilizing high speed and high capacity communications systems with a prior year grant of funds from NASA under its academic programs activity. The conferees understand that this project has received substantial industry contributions, however, some additional federal support may be necessary to facilitate the acquisition of equipment and for space modifications. NASA is urged to give priority consideration to assisting in the prompt completion of this important initiative.

MISSION SUPPORT

Amendment No. 105: Appropriates $2,502,200,000 for Mission Support, instead of $2,618,200,000 as proposed by the House and $2,484,200,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget request:

A decrease of $125,000,000 in salaries and related expenses resulting from the voluntary retirement of individuals during fiscal year 1995 which had not been anticipated when the fiscal year 1996 budget was submitted.

A general reduction of $25,000,000 from research and operations support, subject to reprogramming guidelines.

A reduction of $50,000,000 from space communications, to be applied at the agency's discretion to reprogramming guidelines.

A reduction of $24,000,000 from construction of facilities. The conferees agree that NASA may use excess fiscal year 1994 funding, particularly identified excess planning and design funds, to satisfy fiscal year 1996 requirements.

Amendment No. 106: Deletes House administrative provision regarding leasing of contractor funded facilities where such lease would amortize the contractor investment unless specifically approved in appropriations Act.

Amendment No. 107: Adds Senate language to the House administrative provision regarding transfer of facilities at Iuka, Mississippi. The new language will direct that any Federal entity having previous contact with the site will have responsibility for environmental remediation.

Amendment No. 108: Deletes House administrative provision directing a study of closing or re-structuring NASA flight operations and research centers. The conferees agree to the Senate report language requesting periodic progress reports on the implementation of recommendations contained in the NASA zero-based review.

Amendment No. 109: Deletes Senate administrative provision delaying the availability of $390,000,000 for Space Station until August 1, 1996. Adds an administrative provision providing up to $50,000,000 of transfer authority for use at the discretion of the Administrator.

The conferees have agreed to include an administrative provision providing transfer authority to the National Aeronautics and Space Administration to deal with unforeseen emergencies. To ensure that there is no adverse effect on any NASA program, the conferees have included general transfer authority of up to $50,000,000 to be used at the discretion of the Administrator subject to the case-by-case approval by the House and Senate Appropriations Committees.

NATIONAL SCIENCE FOUNDATION

Amendment No. 110: Appropriates $2,274,000,000 for Research and Related Activities, instead of $2,254,000,000 as proposed by the House and $2,294,000,000 as proposed by the Senate.

The conferees agree that the reduction within the Research and Related Activities account should be allocated by the National Science Foundation in accordance with its internal procedures for resource allocation, subject to approval by the House and Senate Committees on Appropriations.

U.S. ANTARCTIC PROGRAM

The conferees agree with the Senate report language calling for a government-wide policy review of the U.S. presence in the Antarctic to be conducted by the National Science and Technology Council and reiterate that such a review must include all program participants, including the Department of Defense. The review should be completed and submitted to the Congress no later than March 31, 1996.

OPTICAL AND INFRARED ASTRONOMY

The conferees recognize the need for the National Science Foundation to support modernizing the research infrastructure in astronomy and other disciplines. The conferees are equally supportive of the flexible matching requirements employed by the Foundation in its Academic Research Infrastructure program and expect they will be continued in fiscal year 1996.

Amendment No. 111: Deletes language proposed by the Senate to fund fair housing activities under the Department of Justice. Language transferring such functions, with delayed implementation of April 1, 1997 is included under fair housing activities under title II of this Act.

Amendment No. 112: The Senate bill contained a provision moving the Office of Federal Housing Enterprise Oversight (OFHEO), which is the financial safety and soundness regulator of Fannie Mae and Freddie Mac (collectively, "GSEs"), from the Department of Housing and Urban Development of the Department of the Treasury. The conference agreement does not contain this provision. Nevertheless, the conferees want to emphasize the seriousness with which they view the underlying Senate provision.

In particular, the primary function of OFHEO is to issue risk-based capital standards to ensure the safety and soundness of the GSEs, and that these standards, as yet unissued, were to be finalized by November 28, 1994. The conferees urge OFHEO to refocus its emphasis from lower priority activities, such as participation in conferences and political forums, to financial examinations and the development of final risk-based capital standards.

TITLE V—GENERAL PROVISIONS

Amendment No. 113: Makes technical language change.

Amendment No. 114: Deletes language proposed by the House and stricken by the Senate regarding contractor conversions at the Environmental Protection Agency. Additional language relative to this matter is included in amendment numbered 65.

Inserts language directing FEMA to sell surplus mobile homes/trailers from its inventory. Additional information on this matter is discussed under amendment numbered 97.

Amendment No. 115: Inserts language proposed by the Senate which allows the use of other funds available to the Department of Health and Human Services to facilitate termination of the Office of Consumer Affairs. This matter is also mentioned in amendment numbered 101.

Amendment No. 116: Deletes language proposed by the Senate regarding energy savings at Federal facilities.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$89,920,161,061
Budget estimates of new (obligational) authority, fiscal year 1996	89,869,762,093
House bill, fiscal year 1996	79,697,360,000
Senate bill, fiscal year 1996	81,009,212,000
Conference agreement, fiscal year 1996	80,606,927,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−9,313,234,061
Budget estimates of new (obligational) authority, fiscal year 1996	−9,262,835,093
House bill, fiscal year 1996	+909,567,000
Senate bill, fiscal year 1996	−402,285,000

JERRY LEWIS,
TOM DELAY,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
DAVE HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
MARK W. NEUMANN,
BOB LIVINGSTON,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
TED STEVENS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
MARK O. HATFIELD,
BARBARA A. MIKULSKI,
PATRICK LEAHY,
J. BENNETT JOHNSTON,
BOB KERREY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. MILLER of California. Mr. Speaker, pursuant to clause (c) of rule XXVIII, I rise to announce my intention to offer a motion to instruct House conferees on H.R. 4, the Personal Responsibility Act of 1995. The form of my motion is as follows:

Mr. MILLER of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed, that in resolving differences between the two Houses with respect to subtitle b of title III of the House bill (relating to family and school-based nutrition block grants) and title IV of the Senate amendment (relating to child nutrition programs), the managers should concur in the Senate amendment insofar as such amendment does not contain any block grants relating to the school lunch program under the National School Lunch Act and does not contain any block grants relating to any family nutrition program under the Child Nutrition Act of 1966 or the National School Lunch Act.

SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-141)

The SPEAKER pro tempore (Mr. ENSIGN) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2491, the budget reconciliation bill adopted by the Republican majority, which seeks to make extreme cuts and other unacceptable changes in Medicare and Medicaid, and to raise taxes on millions of working Americans.

As I have repeatedly stressed, I want to find common ground with the Congress on a balanced budget plan that will best serve the American people. But, I have profound differences with the extreme approach that the Republican majority has adopted. It would hurt average Americans and help special interests.

My balanced budget plan reflects the values that Americans share—work and family, opportunity and responsibility. It would protect Medicare and retain Medicaid's guarantee of coverage; invest in education and training and other priorities; protect public health and the environment; and provide for a targeted tax cut to help middle-income Americans raise their children, save for the future, and pay for postsecondary education. To reach balance, my plan would eliminate wasteful spending, streamline programs, and end unneeded subsidies; take the first, serious steps toward health care reform; and reform welfare to reward work.

By contrast, H.R. 2491 would cut deeply into Medicare, Medicaid, student loans, and nutrition programs; hurt the environment; raise taxes on millions of working men and women and their families by slashing the Earned Income Tax Credit (EITC); and provide a huge tax cut whose benefits would flow disproportionately to those who are already the most well-off.

Moreover, this bill creates new fiscal pressures. Revenue losses from the tax cuts grow rapidly after 2002, with costs exploding for provisions that primarily benefit upper-income taxpayers. Taken together, the revenue losses for the 3 years after 2002 for the individual retirement account (IRA), capital gains, and estate tax provisions exceed the losses for the preceding 6 years.

Title VIII would cut Medicare by $270 billion over 7 years—by far the largest cut in Medicare's 30-year history. While we need to slow the rate of growth in Medicare spending, I believe Medicare must keep pace with anticipated increases in the costs of medical services and the growing number of elderly Americans. This bill would fall woefully short and would hurt beneficiaries, over half of whom are women. In addition, the bill introduces untested, and highly questionable, Medicare "choices" that could increase risks and costs for the most vulnerable beneficiaries.

Title VII would cut Federal Medicaid payments to States by $163 billion over 7 years and convert the program into a block grant, eliminating guaranteed coverage to millions of Americans and putting States at risk during economic downturns. States would face untenable choices: cutting benefits, dropping coverage for millions of beneficiaries, or reducing provider payments to a level that would undermine quality service to children, people with disabilities, the elderly, pregnant women, and others who depend on Medicaid. I am also concerned that the bill has inadequate quality and income protections for nursing home residents, the developmentally disabled, and their families; and that it would eliminate a program that guarantees immunizations to many children.

Title IV would virtually eliminate the Direct Student Loan Program, reversing its significant progress and ending the participation of over 1,300 schools and hundreds of thousands of students. These actions would hurt middle- and low-income families, make student loan programs less efficient, perpetuate unnecessary red tape, and deny students and schools the free-market choice of guaranteed or direct loans.

Title V would open the Arctic National Wildlife Refuge (ANWR) to oil and gas drilling, threatening a unique, pristine ecosystem, in hopes of generating $1.3 billion in Federal revenues—a revenue estimate based on wishful thinking and outdated analysis. I want to protect this biologically rich wilderness permanently. I am also concerned that the Congress has chosen to use the reconciliation bill as a catch-all for various objectionable natural resource and environmental policies. One would retain the notorious patenting provision whereby the government transfers billions of dollars of publicly owned minerals at little or no charge to private interests; another would transfer Federal land for a low-level radioactive waste site in California without public safeguards.

While making such devastating cuts in Medicare, Medicaid, and other vital programs, this bill would provide huge tax cuts for those who are already the most well-off. Over 47 percent of the tax benefits would go to families with incomes over $100,000—the top 12 percent. The bill would provide unwarranted benefits to corporations and new tax breaks for special interests. At the same time, it would raise taxes, on average, for the poorest one-fifth of all families.

The bill would make capital gains cuts retroactive to January 1, 1995, providing a windfall of $13 billion in about the first 9 months of 1995 alone to taxpayers who already have sold their assets. While my Administration supports limited reform of the alternative minimum tax (AMT), this bill's cuts in the corporate AMT would not adequately ensure that profitable corporations pay at least some Federal tax. The bill also would encourage businesses to avoid taxes by stockpiling foreign earnings in tax havens. And the bill does not include my proposal to close a loophole that allows wealthy Americans to avoid taxes on the gains they accrue by giving up their U.S. citizenship. Instead, it substitutes a provision that would prove ineffective.

While cutting taxes for the well-off, this bill would cut the EITC for almost 13 million working families. It would repeal part of the scheduled 1996 increase for taxpayers with two or more children, and end the credit for workers who do not live with qualifying children. Even after accounting for other tax cuts in this bill, about eight million families would face a net tax increase.

The bill would threaten the retirement benefit of workers and increase the exposure of the Pension Benefit Guaranty Corporation by making it easy for companies to withdraw tax-favored pension assets for nonpension purposes. It also would raise Federal employee retirement contributions, unduly burdening Federal workers. Moreover, the bill would eliminate the low-income housing tax credit and the community development corporation tax credit, which address critical housing needs and help rebuild communities. Finally, the bill would repeal the tax credit that encourages economic activity in Puerto Rico. We must not ignore the real needs of our citizens in Puerto Rico, and any legislation must contain effective mechanisms to promote job creation in the islands.

Title XII includes many welfare provisions. I strongly support real welfare reform that strengthens families and encourages work and responsibility. But the provisions in this bill, when added to the EITC cuts, would cut low-income programs too deeply. For welfare reform to succeed, savings should result from moving people from welfare to work, not from cutting people off and shifting costs to the States. The cost of excessive program cuts in human terms—to working families, single mothers with small children, abused and neglected children, low-income legal immigrants, and disabled children—would be grave. In addition, this bill threatens the national nutritional safety net by making unwarranted changes in child nutrition programs and the national food stamp program.

The agriculture provisions would eliminate the safety net that farm programs provide for U.S. agriculture. Title I would provide windfall payments to producers when prices are high, but not protect family farm income when prices are low. In addition, it would slash spending for agricultural export assistance and reduce the environmental benefits of the Conservation Reserve Program.

For all of these reasons, and for others detailed in the attachment, this bill is unacceptable.

Nevertheless, while I have major differences with the Congress, I want to work with Members to find a common path to balance the budget in a way that will honor our commitment to senior citizens, help working families, provide a better life for our children, and improve the standard of living of all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 6, 1995.*

□ 1845

The SPEAKER pro tempore (Mr. ENSIGN). The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the message of the President and the bill be referred to the Committee on the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–385) on the resolution (H. Res. 291) waiving points of order against the further conference report to accompany the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ISSUANCE OF EXECUTIVE ORDER REVISING EXISTING PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS SUBMITTED TO DEPARTMENT OF COMMERCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In order to take additional steps with respect to the national emergency described and declared in Executive Order No. 12924 of August 19, 1994, and continued on August 15, 1995, necessitated by the expiration of the Export Administration Act of August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) ("the Act"), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the existing procedures for processing export license applications submitted to the Department of Commerce.

The Executive order establishes two basic principles for processing export license applications submitted to the Department of Commerce under the Act and the Regulations, or under any renewal of, or successor to, the Export Administration Act and the Regulations. First, all such license applications must be resolved or referred to me for resolution no later than 90 calendar days after they are submitted to the Department of Commerce. Second, the Departments of State, Defense, and Energy, and the Arms Control and Disarmament Agency will have the authority to review any such license application. In addition, the Executive order sets forth specific procedures including intermediate timeframes, for review and resolution of such license applications.

The Executive order is designed to make the licensing process more efficient and transparent for exporters while ensuring that our national security, foreign policy, and nonproliferation interests remain fully protected.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 5, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEMBERS SHOULD CONSIDER LEGISLATION TO PROTECT DISTRICT OF COLUMBIA GOVERNMENT DURING FEDERAL GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day 10 of my countdown since the last shutdown of the Federal Government and, astonishingly, of the District of Columbia, not a Federal agency, you may have noticed.

We face the possibility on December 15 of another closedown, or perhaps a short-term CR. For the District that would not be much better than a shutdown, because it is almost impossible to run a city on a 30-day basis without the flexibility to obligate your funds.

Mr. Speaker, I want to thank the gentleman from Virginia, Mr. TOM DAVIS, a strong supporter and cosponsor of the D.C. Fiscal Protection Act to allow the District to spend its own funds and to continue to operate in the event of a shutdown or a failure of the President to sign an appropriation in time. The gentleman from Virginia had a hearing on this bill today, and I would like to note for the RECORD some of the remarks of the witnesses, because they reflect a very broad support from every sector in the District on a bipartisan basis for this legislation.

The Comptroller of the United States testified for the administration that the administration believes that legislation is necessary. Dr. Brimmer, the Chair, the distinguished Chair of the Control Board, testified, "the city's' critical fiscal condition would be aggravated by any more such actions." He went on to say, "nearly 15,000 employees were furloughed, resulting in a $7.3 million loss in productivity." May I add, Mr. Speaker, that this is a city in the throes of fiscal insolvency. The notion that the Congress would participate in aggravating that condition is simply unacceptable, and I think unintended by this body.

Dr. Brimmer goes on: "District headquarters and agency budget analysts were nearly all deemed nonessential. This delayed critical work on the development of the District's 1996 and 1997 financial plan and budget needed to provide the city's fiscal recovery. We agree that the District should be allowed to obligate or expend an amount equal to all locally generated revenues such as local taxes and local fees." One might ask: What is the District's own local money doing in the Congress of the United States in the first place, Mr. Speaker?

The Board of Trade testified today, and I am quoting: "One week of delay in licensing and permitting inspections and other business-related regulatory process increases costs. These were services that are largely paid for by locally generated revenues."

Mr. Tidings of the Board of Trade concluded: "I understand that some Members of Congress are concerned that should the District be exempted from the larger Federal budget debate, there no longer would be a distinction between which other Federal agencies deserved the exemption and which do not. No matter how individual Members of Congress may view their constitutional oversight responsibilities for the District of Columbia, it is a unique Federal entity and one that cannot and should not be compared to any other Federal department or agency. The Greater Washington Board of Trade fully supports this subcommittee's efforts to allow the District of Columbia Government to remain open during a Federal shutdown under the spending parameters outlined in Ms. NORTON's proposal.

Two unions also testified, Mr. David Shrine and Mr. Hicks, Mr. Shrine of the AFGE, and Mr. Hicks of AFSCME.

Every sector and bipartisan membership on the subcommittee all agree that this is the Nation's Capital for which we all must take responsibility. The notion of pushing it into greater insolvency because we allow it to shut down, or tether it to a short-term CR, making it impossible to run the city in a rational way, is not what this body should stand for. It is hard to defend adding to the waste and inefficiency for which the District has been criticized, at a time when the city is close to fiscal insolvency, it is hard to defend holding hostage the District of Columbia's own money by tethering it to a short-term CR, allowing it to operate by fits and starts, and compounding its fiscal problems. It is hard to defend putting a leash on the District, making it operate in a straitjacket that promotes terrible waste and compounds the inefficiency for which Member after Member has criticized the District of Columbia.

Mr. Speaker, I ask this body to consider the bill. I ask the majority to bring forward the bill that has bipartisan support in the committee.

URGING THE PRESIDENT TO JOIN REPUBLICANS IN BALANCING THE BUDGET NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I appreciate the Members' indulgence to allow me to go ahead of the line.

Mr. Speaker, today the American people have some good news and some bad news when it comes to balancing the budget. The good news is that President Clinton has finally decided to come to the negotiating table with a 7-year budget. The bad news is that he has vetoed the only real balanced budget that gives tax relief to families, moves power out of Washington, saves Medicare for the next generation, and reduces Washington's spending.

The President's decision to offer a plan that balances in 7 years is a positive first step. He seemingly realizes that the American people want a balanced budget now, not a balanced budget sometime after the next election.

Of course, we are waiting to see if his budget actually balances according to the accounting experts, but it is a shame that the President has waited until the last possible moment to start serious negotiations, and it is a shame that he has chosen to veto the first significant balanced budget the Congress has produced in decades. We in Congress have been working for a full year, we have been working diligently to deliver the American people a real Christmas present. We have shopped around our ideas, we have balanced the costs and the benefits, and we have delivered a product that all America can take pride in.

Our budget reflects the principles so important to the American people. Our budget saves Medicare, it reforms welfare, it reduces Washington, spending so people can spend more of their own money at home. It returns power to the States from the Federal Government, and it balances the budget now.

President Bill Clinton is the proverbial Christmas Eve shopper, spending little time thinking about his balanced budget, and now rushing to beat the Christmas deadline. We hope his budget meets the test of being real, of being balanced, and of being fair to all Americans.

Mr. Speaker, I urge the President to join Republicans in doing the will of the American people: Balance the budget now.

APPOINTMENT OF JAVIER SOLANA AS NATO SECRETARY GENERAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, in the post-cold-war era, security considerations that used to be commonly-debated are almost never part of our political or civic discourse.

The threat of the Soviet Union, with its thousands of nuclear warheads pointed at American cities and military installations, with its dozens of army divisions poised to strike Europe, with its surrogate incursions into Africa, Asia, the Middle East and Latin America, and its financial support for terrorist groups throughout much of the world—the Soviet Union provided us all with a common enemy that kept our attention focused on the most serious security concerns of our time.

But the world has not become a safe place simply because the Soviet Union collapsed. The Soviet Union collapsed above all else because Mikhail Gorbachev failed to understand that ultimate ruthlessness and the obvious willingness to utilize terror in a consistent and systematic manner, are necessary for the retention of power by Marxist-Leninist regimes. Gorbachev believed that he could be a civilized communist, at least somewhat respectful of the rights of his citizens, and so the Soviet Union rapidly collapsed as people throughout Eastern Europe and the former Soviet Union realized that they could attempt to be free without the guarantee of fierce and merciless, forceful retaliation by their totalitarian states.

Many of the threats to the security of the United States that existed before the Soviet collapse have not gone away, however; what more shocking example of this can exist than the story of the spy for the KGB, Aldridge Ames, whose activities were directly responsible for the deaths of numerous American agents in various places throughout the world? Ames continued to spy for Russia even after the collapse of the Soviet Union and until the very moment that he was apprehended by U.S. counterintelligence personnel.

So the attitude that I believe can often be perceived from the actions of the Clinton Administration, that all is well with regard to people who would have been clearly objectionable for delicate positions in our security structure during the existence of the Soviet Union—that attitude that the past acts of former Marxists or anti-American agitators should be excused or understood as "youthful indiscretions"—that attitude that I clearly perceive as too-often characteristic of the Clinton Administration, is risky at best.

We need to look at the latest example of that Clinton Administration attitude: the appointment of Javier Solana as Secretary General of NATO, the North Atlantic Treaty Organization.

NATO, of course, is the military wing of the Western Alliance. It was greatly responsible for maintaining the security of Europe throughout the cold war, and today we are poised to intervene militarily in an armed conflict in Europe for the first time since World War II, in the Balkans, under the military shield and utilizing the military structure of NATO. Thus, though NATO was always important, it perhaps is even more so today.

So, who is the man who was named yesterday in Brussels as the new Secretary General—the Chief—of NATO? Javier Solana is the Foreign Minister of the Spanish Socialist Workers Party government. Mr. Solana opposed NATO with vehemence throughout the 1970's and 1980's. As late as 1986, when the Socialist-sponsored referendum was held in Spain to determine whether it would remain in NATO, Mr. Solana, then Culture Minister, was one of the most outspoken opponents of Spain remaining in NATO. Solana also opposed the presence of U.S. military bases on Spanish soil. As late as 1985, he contemptuously stated while discussing the issue of U.S. bases, "if need be, we'll send a copy of the Spanish Constitution to Washington so they'll know what a sovereign country is."

Until September 29, 1979, Mr. Solana was formally a Marxist. That is the date that his party, the Socialist Workers Party, erased the word "Marxist" from its political program so as to help it win the next Spanish general election.

Despite the opposition of much of Western Europe, the Clinton administration insisted upon Mr. Solana to be the new NATO Secretary General. Much of the military and intelligence community of the NATO countries simply could not understand why the Clinton administration would insist on Solana as the new NATO head with other available candidates in contention, such as Mr. Ruud Lubbers, the former Dutch Prime Minister, who was endorsed by France, Germany and Great Britain. Mr. Lubbers is a lifelong and dedicated supporter of NATO with exemplary security credentials.

The Clinton administration insisted on imposing the Spanish Socialist Solana as we prepare to use NATO to intervene militarily in Europe for the first time since World War II, despite the fact that the Spanish government is being wracked by scandals that involve massive governmental corruption that includes even the assassination of opponents by government-created death squads, and despite, perhaps most importantly, that Spain since the Socialist-proposed referendum in Spain on the issue of NATO in 1986, that country is officially not part of NATO's military structure. That Foreign Minister, of that country that is not part of NATO's military structure, was the Clinton administration's imposed choice for NATO Secretary General.

□ 1900

CONTINUED NUCLEAR BOMBING IN SOUTH PACIFIC

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, this may sound like a broken record, but it is not, when it involves the lives of millions of men, women, and children who live in the Pacific region. The crisis may even impact the lives of millions of Americans who live in the State of Hawaii and the Pacific Coast States like Washington, Oregon, and California.

Mr. Speaker, some of my colleagues are not aware of the fact that after our Government, that is, the United States Government conducted approximately 106 nuclear bomb explosions in the Marshall Islands in the Pacific region—yes, this was a period when we were at the height of cold war era between our country and the former Soviet Union—yes, our Government proceeded to conduct one of the most comprehensive nuclear testing programs ever recorded in history, and our national security as well as the security of the free nations of the world was at risk—so, we conducted these nuclear bomb explosions so that our nuclear capability would never be undermined by the former Soviet Union. We exploded nuclear bombs in the atmosphere, on the Earth's surface, beneath the Earth's surface, and yes, even on and under the Atoll Islands of the Marshall Islands—we did such a good job we even arranged to destroy one of the islands whereby it just simply disappeared from the face of the Earth—gone, no more in existence. Some of these islands, 60 to 28, Mr. Speaker, to this day are not fit for human resettlement because of the high degree of nuclear contamination still in existence.

Now just remember, Mr. Speaker, the former Soviet Union was also aggressively pursuing a nuclear testing program—and the Soviets were also exploding nuclear bombs in the atmosphere and on, and below the Earth's surface.

Well, something happened Mr. Speaker. Not only protects foreign countries around the world, but the fact was that in some of the nuclear explosions that were conducted in the atmosphere—the winds and cloud formations shifted and carried nuclear contamination to various regions of the world—and in doing so, scientists discovered the presence of strontium 90 in milk and related products—yes, also consumed by Americans.

So at the height of the cold war, the two major superpowers of the world decided to agree not to conduct any more nuclear tests in the atmosphere because of the dangers of nuclear contamination of the food cycle to Americans, Russians—and incidently, to other human beings who live in various regions of the world.

Incidently, Mr. Speaker, I do not know if my colleagues are aware of the fact that despite our earnest efforts to advise President de Gaulle of France of the dangers of conducting nuclear explosions in the atmosphere—the French went right ahead and exploded 12 nuclear bombs in the atmosphere in the South Pacific.

And is it any wonder, Mr. Speaker, that the thousands of Polynesian Tahitians who were exposed to nuclear contamination in the sixties and throughout the seventies—many are coming forward with stories of retarded and deformed children coming from the same parents, who historically have never experienced such traumatic problems in their lives.

Is it any wonder, Mr. Speaker, that the French Government either simply threw such records away or just doesn't care about the health of its own citizens—some 200,000 French citizens who live 14,000 miles from Paris and the first to be exposed to nuclear contamination when this atoll breaks open, that is, the Moruroa Atoll in French Polynesia.

Mr. Speaker, I'm not much of an artist, but I want to share with my colleagues the potential horrors of Moruroa Atoll. When this atoll leaks radioactive materials, I fear very much that the health and safety of the peoples of the Pacific will be seriously at risk.

Mr. Speaker, again I say to the French Government—shame on you for bringing the horrors of nuclear contamination to the peoples of the Pacific.

SPREAD OF MISINFORMATION DISSERVICE TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, I am sure if we could get the 1996 election behind us, the misinformation that is being spread constantly would cease. What a disservice to this institution and to the other body, and to the administration and to the American people to continue this kind of misinformation day after day after day.

Recently some of my colleagues have taken to the House floor to portray their view of the Republican efforts to balance the budget in 7 years. Watching them, I found myself back in school reading Homer and Plato, Socrates, and all of those wonderful Greek myths that we all enjoyed as children. It is an appropriate reference to these works of fiction, as my colleagues would have the American people and certainly our friends in the press, swoon over the myths they portray. I would like to look at a couple of those myths tonight that I am very closely connected to.

Myth No. 1, Republicans are cutting student loans. Even the President today in his message used that misinformation. Now, the fact is that student loans will increase by nearly 50 percent, nearly 50 percent over the next 7 years from $25 billion to $36 billion in the year 2002. This chart shows that. Each year during that time an increase, an increase, an increase, the whole way up the line throughout the entire period. Yet, you would be led to believe that the opposite would happen.

More loans will be made available next year than ever before, rising from 6.6 million loans in 1995 to 7.1 million in 1996.

For all students, the Federal interest subsidies on student loans remain intact, and there are 75 percent of the American people that have some problems with that, but nevertheless, that is the way it will remain, including during the 6-month grace period following graduation. For all parents, the interest rate on student loans remains the same.

The Balanced Budget Act of 1995 does not include higher education cuts. There are no changes affecting student eligibility for Federal student loans; there are no changes affecting the amount of funds available for student loans; there are no changes affecting the interest rates, interest subsidies, or fees charged to the students or the parents. There are no special fees imposed on any schools.

The next myth, students will pay more for their loans under the Republican plan to balance the budget. The fact is that the Republican balanced budget will result in significantly lowered loan payments, because Alan Greenspan and others tell us that if we get to that point, interest rates will drop at least 2 percent. Now, that is at least an $8 savings for every student out there with an average loan when they consider repayment.

The next myth: Republicans are making extreme cuts in student loans while the President wants to save these programs. The fact is that the President's own budget director, Alice Rivlin, issued a memo recommending the elimination of the in-school interest subsidy for student loans as a method to balance the budget. We did not follow her advice. We found ways to do this without affecting students.

By capping the President's direct loan program at 10 percent, the Congressional Budget Office has found that we will save $1 billion over 7 years, again without harming students.

Myth: Republicans will force hard choices on parents and families. Listen to what one of my colleagues said on the floor of this House.

□ 1915

They will, "in some cases have to make the very difficult choice of which child will be favored with a college education and which will be told, well, you have to fend for yourself in the job market without that education."

Mr. Speaker, I find these scare tactics to be very irresponsible. Simply put, these are scare tactics based on incorrect information. It might be better that those parents would tell their children that there are hundreds of thousands of college graduates out there today either with no job or in a job way beyond their education, and at the same time there are hundreds of thousands of technical jobs out there begging for somebody to be trained in order to take those jobs, not a 4-year college education.

I want to repeat the facts. Republicans are increasing student loan volumes and balancing the budget. There are no cuts. Zero cuts. No eligible student will be turned away from the student loan program. Anyone who claims otherwise is simply misrepresenting the facts. No student or parent will pay more for their loan under this Balanced Budget Act of 1995.

Again, I hope we can get correct information out to the public, and not play politics and use scare tactics while doing that.

IN HONOR OF GEN. MAX THURMAN

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to a friend and one of this country's great patriots, Gen. Maxwell R. Thurman. He died December 1 at Walter Reed Army Medical Center in Washington after a long battle with leukemia.

He was called a visionary and an innovator for the work he did to help save the All-Volunteer Army after the Vietnam war. In the early 1980's, we were not getting qualified young people into our Armed Forces. More than 50 percent of recruits at that time were reading on the eighth grade level. General Thurman saw the problem and went to work to solve it. He created the recruiting slogan still used by the U.S. Army: "Be all you can be," as well as a program that stressed how recruits could learn a skill and realize their fullest potential. It succeeded in bringing more motivated and higher educated young men and women into the military.

General Thurman was one of the earliest supporters of the Montgomery GI bill when many at the Pentagon and the White House opposed it. He saw immediately that it would help in recruiting and retaining topnotch young people, and history has proved us right on the value of the program.

He was also very proud of the fact that he commanded the U.S. invasion of Panama that ousted Gen. Manuel Noriega in 1989. It was the first major combat operation performed at night by American forces, a move which reduced U.S. casualties and helped set an example for future night-fighting tactics used in the Persian Gulf war.

I knew Max Thurman, and worked with him, for more than 20 years. I know firsthand how committed he was to the military life and to the country he loved so much. He was truly one of our best and brightest. We will miss our old friend.

TEENAGE PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, our parents and grandparents have taught us that prevention is better than cure.

Unintended teenage pregnancies illustrate this dilemma.

Contrary to popular thinking, more than 9 out of 10 teenage pregnancies—96 percent—are unintended.

Every year, more than 1 million American teenage girls become pregnant—and, the vast majority of them do not intend this result.

If we had in place a more effective and comprehensive prevention program, in both the private and public sectors, greater than 90 percent of the teenage girls who have babies may not get pregnant in the first place.

If those girls did not get pregnant, we could save millions, perhaps billions, of Medicaid and other Federal dollars. This is an important observation during our budget legislation.

The delivery of a baby and postnatal care to a pregnant teenager—who cannot afford the pregnency—costs the Government now about $8,400 each time.

Over the years, teenage pregnancies cost continues to rise, through other entitlement programs and other costs associated with these pregnancies that were not intended and were not prepared for properly. A range of prevention activities would cost far, far less than that amount.

The savings that could be experienced through a more effective prevention program could help avoid some of the cuts we are now postured to make. More important, effective prevention would save the teenagers productive life until that person is ready to become a parent. Mr. Speaker, I am sure you have heard that popular commercial that states, "Pay me now or pay me later."

On teenage pregnancies, it is better to pay now than to pay later.

There are effective programs, with proven track records, that reach about half of the girls who need help. With more effort, we can reach most or all of these girls. The proportion of sexually active adolescent women over age 15 increased substantially from the seventies to almost 50 percent in the early eighties.

Although data for the first half of the 1980's suggested a leveling off to 44 percent, the data for 1988 was more than 50 percent and indicates a resumption of the increase rate.

Available data for adolescent men over age 17 also shows a substantial increase in the proportion sexually active—up from 66 percent in the late seventies to almost 80 percent in the late eighties.

And, by 1992, the adolescent birth rate was more than 60 births per 1,000 adolescents over age 15. Out-of-wedlock childbearing has increased steadily and markedly among adolescents.

The birth rate for unmarried adolescents over age 15 increased from more than 22 births per 1,000 in 1970 to almost 45 births per 1,000 in 1992.

Moreover, in 1970, 30 percent of births to adolescents over age 15 were out of wedlock as compared to 70 percent in 1991.

The United States has one of the highest teenage pregnancy rates of any western industrialized nation.

These are unintended and preventable pregnancies—so why are we standing idly by?

I issue a challenge to all my colleagues. We must do more than legislate, legislate, legislate. We must reach out with a caring hand to our youth and their families. We must try to stop these unintended pregnancies. Prevention is the key. An ounce of prevention is worth a pound of cure.

REPUBLICANS ROLL BACK ENVIRONMENTAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise this evening in very strong opposition to Speaker GINGRICH's and the congressional majority's attack on clean water, clean air, and our national parks.

No one who has followed the legislative activities of this Chamber over the last several months can deny that there has been—and continues to be—a concerted effort underway to roll back a host of laws that protect our natural resources and the environmental health and safety of the American people.

Already this body has voted to gut the Clean Water Act, to cut hundreds of millions of dollars from grants to local communities that help keep drinking water safe and beaches swimmable, to allow oil and gas drilling in the pristine wilderness of the Arctic National Wildlife Refuge—America's last frontier, to cut the Environmental Protection Agency's budget by 33 percent, including a 50 percent cut in enforcement activities and a 19 peercent cut in the program that cleans up hazardous waste sites, to slash funding for land acquisition for national parks and wildlife refuges by 40 percent, to cut major wetlands habitat conservation programs by 24 percent, and terminate altogether the EPA's role in protecting wetlands, to accelerate timber sales and logging road construction in our national forests, including the Tongass, a vast temperate rain forest in southeastern Alaska, to cut by one-third the recovery program for the grey wolf in Yellowstone National Park, to repeal a key component of the California Desert Protection Act, to cut climate and global change research by 41 percent, and to terminate recovery research programs on whales and other marine mammals.

Thankfully, an attempt to sell off our national parks was defeated. But the list goes on and on.

This summer, the Republican majority voted in favor of 17 special interest loopholes that would restrict the EPA from enforcing programs important to public health, such as controls on airborne emissions of benzene, dioxin, and other cancer-causing pollutants from oil refineries, cement kilns, and paper plants.

When the American people found out about these outrageous provisions, it did not take long for some Members to do an about-face. Most of those special interest riders have been removed. However, we are still faced with a bill that imposes deep cuts in the EPA.

Mr. Speaker, the American people want to know what is next on the Republicans' environmental chopping block. Well, the Endangered Species Act, for one, is on life support in critical condition. Apparently some feel that because the bald eagle is no longer in imminent danger, we do not need to worry about endangered species any more.

Another area in jeopardy concerns global warming. Despite the clear consensus of the international scientific community, some politicians are disputing the role that chemicals such as cholorofluorocarbons have in the depletion of the ozone layer. Unbelievably, we have leaders on the Republican side of the aisle who claim they know more about the threat to the Earth's ozone layer than Nobel prize-winning scientists and who are working to repeal bans on these harmful chemicals. Is this how public policy is supposed to be made? Certainly not.

What seems to underlie all these environmental attacks is the false assumption that a strong economy and a clean environment are natural enemies. Because the vast majority of Americans do not support their attack and the facts do not back their arguments up, the proponents of these rollbacks have to resort to polarizing the debate into a choice between jobs and environmental stewardship.

Well, my colleagues, do not be fooled. A strong environment and a strong economy go hand in hand.

I come from an area in New York that borders Long Island Sound. The people I am privileged to represent in New York know firsthand that pollution-based prosperity is shortsighted and ends up costing more than it gives back. That is why business leaders, labor groups, and environmental organizations in New York and Connecticut have come together and are working in unison to restore the ecological health of the sound. With the help of the EPA and the Federal rules it enforces, Long Island Sound is slowly coming back to life. Now is not the time to turn back the clock.

Many in this Chamber like to talk about the importance of learning from history, lest we repeat the mistakes of the past. Well, history around the world has clearly shown that there is a high price to be paid for abandoning environmental stewardship.

Mr. Speaker, what it all comes down to is a choice between the philosophy of Teddy Roosevelt—a Republican, I remind you—and James Watt. One saw the wisdom of preserving nature's beauty for future generations, the other sought to sell off national parks to the highest bidder.

The American people know who is right. It is high time that Speaker GINGRICH and the Republican leadership wake up and recognize this too.

REPUBLICAN CUTS HURT THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise this evening to express my dismay at the devastating cuts to the environment and environmental programs that my Republican colleagues are really shoving through this Congress. Without question, these cuts will spoil our Nation's water, air, and land.

I am delighted to join my colleague the gentlewoman from New York [Mrs. LOWEY], in listening to her comments, and I applaud my colleague the gentleman from New Jersey [Mr. PALLONE], who is organizing people tonight to speak on this issue. I commend him for his leadership on environmental policy.

I am pleased to join my colleague the gentlewoman from New York [Mrs. LOWEY] also in sponsoring legislation for the cleanup of Long Island Sound.

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This is one of our real concerns about what is happening with regard to the environment, and without question, the cuts, as I said, will spoil our Nation's water, air, and our land.

Americans can take great pride in the progress that we have made over the years in cleaning up our Nation's environment.

But Republicans, the Republican majority, are really turning back the clock. They are wiping out decades of improvement to the environment and giving polluters a license to pollute. They are not achieving this through open debate where we could have a back and forth on these issues, but they are doing it through funding cuts that are hidden in massive spending bills that the Congress is taking up.

I also want to commend my colleagues on the Republican side of the aisle who, in fact, have stood up to the pressure and turned back legislation that is harmful to the environment. Time and again, this year and over the decade, Democrats and Republicans have come together in a spirit of bipartisanship to protect the environment. That has been true over and over again in our Nation's history, and unfortunately that kind of bipartisanship is being rent and pulled apart. Despite the bipartisan efforts, the Republican majority is taking a wrecking ball to environmental protections in this country.

More than $1.5 billion will be slashed from the Environmental Protection Agency's budget next year. Slashing EPA's budget by more than 20 percent will cripple the agency's ability to ensure that our water is safe to drink and our air is safe to breathe. The Federal Superfund Program, which cleans up our Nation's worst hazardous waste dumps, will be cut by nearly $300 million in 1996. This is another 20 percent cut from current spending levels. In my own congressional district, the Superfund has been responsible for clearing up the Raymark Superfund site. From 1919 to 1984, Raymark Industries spewed asbestos, lead, dioxins, and PCB's throughout Stratford, CT. The homes of neighborhood families and local businesses, as well as the parks where children play and the schools they all attend, were all severely contaminated by this toxic waste, and now, due to Superfund, this site may soon become clean enough to develop as a retail shopping center. As a matter of fact, there is a developer who is ready to put in a $50 million project in this area.

EPA's work at Raymark is a wonderful success story in the making, and working with State and local officials, the EPA has been effective, efficient, and responsive, and I might add the State has been effective, efficient, and responsive, as well as the local community and the local government. Their tireless efforts have made Raymark the Nation's model for accomplishing the cleanup work that Superfund was designed to do.

Do my Republican colleagues really believe that Americans would rather balance the budget than clean up toxic waste in American communities? Look at any child, look them in the face and explain this to them. The question is, as the President has done this evening in vetoing the budget, which, I might add, 60 percent of the American public wanted him to veto the budget because of what was being done in Medicare, Medicaid, the environment, turning the clock back on environmental legislation, and in tax fairness to working Americans; the public does not want to see the budget balanced under any set of circumstances and giving up our principles and giving up the movement forward we have made in these areas.

Let us have individual votes on environmental cuts. Then Americans will truly understand what this new majority in the Congress stands for. I urge my colleagues to vote against spending bills that contain environmental cuts.

EXPRESSING CONCERN ABOUT DEPLOYMENT OF TROOPS TO BOSNIA

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from New Jersey [Mr. MARTINI] is recognized for 5 minutes.

Mr. MARTINI. Mr. Speaker, I rise this evening to express my concerns with respect to policies on the deployment of troops in Bosnia.

This past year this Congress has experienced many highs in the legislative process. However, at this moment, I have a great sense of frustration with the current policies of deploying ground troops in Bosnia. We have spoken out on several occasions, and I would like to reiterate here what has occurred here on the floor of the House of Representatives over the past several weeks.

Several weeks ago we had a resolution before the House at the time, which passed this House, which said to the President that he should not be committing our troops to Bosnia or that the peace process should not be based on the assumption that we would promise to send ground troops to Bosnia. That passed this House by a significant majority.

Shortly thereafter, several days or a week later, we had a second resolution expressing our concern that we should not deploy troops to Bosnia without the President coming before the Congress and making that appropriate request. Neither of these resolutions have been adhered to by our President.

As we stand here this evening, we know that troops have already been deployed, and, in my opinion, we have put the cart before the horse. We have sent troops to Bosnia, ground troops, without having established the compelling interests and the necessary reasons why we should be deploying troops to that area of conflict of the world.

My great concerns primarily rest with the fact that it seems to me that the real reason why we have troops in that area of the world at this moment is because of a relatively casual offhand promise made by our President over a year ago which, in fact, committed that if a peace accord were subsequently to be reached, that he, in fact, would enforce that peace accord with the use of American troops, risking putting our troops in harm's way. The problem with such a policy on such a serious issue is that the promise was made before a peace accord was reached. The promise was made without the benefits of knowing the full extent of that peace accord, without knowing the serious risks involved with deploying troops in that area, because the peace accord had not yet been formulated and without knowing how sincere the parties were to actually going forth with these peace missions.

The problem with such a policy is obvious to me and certainly obvious, I believe, to the American people, as it should be. Never should we risk or commit our troops by way of a promise by our President or any President to anyplace in the world before, in fact, we know the full extent of the peace accord reached or any other accord on which we are basing the deployment of troops. It is foolhardy, in my opinion.

Such foreign policy must be avoided in the future, and we must, therefore, today, stress our strong stand in opposition to the deployment of ground troops to Bosnia. It is not enough, in my opinion, to say there is a compelling American interest. That does not make a compelling American interest so. We have not heard, in my opinion, at least, the real reasons why there is a need to deploy troops to that very dangerous area.

I would like to just relate to what has occurred by way of some 40 or so years of history in the region of the world. I have little doubt, and I certainly am hopeful that with the deployment of troops in that area, there will come some stability amongst the fighting factions in that area. We can certainly look at the recent history to see that that will probably be the case.

In recent years, under Communist rule, we have not had the civil discord and the fighting and warring factions that have occurred in the last 3½ years. That is not by way of coincidence. It took the presence of force, military force, and a forceful hand to maintain stability in that area. Similarly, I think the introduction of American troops into that area for this limited time may very well create an atmosphere of some civility for the time the troops are there.

The policy is already that these troops will be removed in a year. We are hearing now the President even saying, perhaps these troops can be removed and brought home in 7 months. It suggests to me the real reason that these troops were deployed there, was simply to do face-saving based upon a political promise or a promise that was made we would use our troops. I do not believe our President had any alternative once that promise was made, and it is unfortunate, because I think our troops are really being deployed there as a face-saving technique to the world to justify the promise that was made over a year ago, and that to me is the weakest of reasons why we should have troops in harm's way.

Let me also say that the arguments advanced by the White House a week ago sounded very similar to arguments advanced in the early stages of the Vietnam war. The arguments advanced in the early stages of the Vietnam war were that we had a commitment to try to preserve civility in the area of Vietnam, that we had a commitment at that time to protect that area. This argument certainly falls short even today.

In closing, let me just say, finally, there is no national interest, and I would support our troops enough, Mr. Speaker, that we do everything possible to bring them home as soon as we can.

CONFRONTING OUR NATIONAL DEBT

Mr. SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I come before the House this evening to inform the House that as of this afternoon at 3 o'clock, the bureau of public debt has reported our national debt is now $4,988,766,009,862.29. Interestingly enough, it is actually a decrease from yesterday to today of about $125,665,000.

But I point this out again to call attention to the fact that the preeminent issue now confronting this Congress is that for the first time in 60 years we are seriously questioning our need to address the elimination of the deficits which have led to the debt, which is now approaching $5 trillion. One of the reasons that I am appearing on the House floor this evening, and I intend to continue to try to appear each day until we can come to some consensus on a 7-year balanced budget, is because I think we have lost sight of the problem we are seeking to solve, and I want to call on the combined efforts of all of us, Republicans and Democrats, to find a way to bridge the gap between us on the issue of how we once and for all balance the Federal budget.

It is interesting to me that, and again Members of Congress are known for sending out news releases, and certainly I am no exception, but, Mr. Speaker, it is interesting that I have a policy in my office where I really try not to send a release out to the news media unless we actually have something concrete to say. When we began several days ago obtaining the national debt figure every afternoon, I began a program, using the fax machine, to inform the media in my district. It is interesting, and I think it says a lot about the difficult challenge that we face in dealing with the public, that there is an opinion column today in one of the newspapers in my district that actually questions my informing the public about the national debt, in fact, suggests it is a waste of Government money and a waste of my time.

I want to read from the opinion piece. He said, "I got a new twist on," in his words, "the tax waste watch this week when Congressman Longley sent us a single-page fax proclaiming the daily debt watch." He says, "Golly, I hope he watches more than that each day."

I would suggest to the news media that this is probably the single most important thing we need to watch every day is that we have got to finally, once and for all, put an end to the national deficits that have built up almost to a $5 trillion debt.

Again, to put this debt into perspective, with Federal spending under any of the plans being debated in this Congress, ranging between $12 trillion and $13 trillion over the next 7 years, $5 trillion are existing debt, money which has already been spent for programs, is almost 40 percent of the total amount of money that the Federal Government will spend in the next 7 years.

Furthermore, when you look at our annual interest payments alone, of almost $250 billion, that amount of money dwarfs the difference in spending priorities between the Republicans and the Democrats in the House. Or, if you will, if you say there is about a $15 or $20 billion difference in what we propose for spending in fiscal year 1996, $250 billion in interest payments, minus the $20 billion difference means that we could preserve every nickel that we are currently spending on every program in Washington and have a $230 billion surplus on top of that. This ought to bring to the attention of the public, particularly the news media that questions the need for me to call attention to this deficit and the debt, the fact that we would be far healthier fiscally if we had dealt with this problem before today.

Ladies and gentlemen, Mr. Speaker, I have to comment on this afternoon's veto by the President of the budget. I can respect the fact that the President may disagree very strongly, very deeply with our priorities versus what his priorities would be for spending. But I would submit that it is a disservice to the electorate and to the Congress and to the Government of the United States for the President not to tell us how he would balance the budget. We have given him a budget. We have tried to tell him how we would do it. Frankly, as a Member of Congress, I would welcome the opportunity to see his version of how he would balance the budget in 7 years.

I think that if he would present us his alternatives, if he would stand on principle and tell us what does he really believe in the terms of his spending priorities over the next 7 years, then I think, for starters, we could start to have a healthy debate in this body over exactly what we need to do to balance the budget in the next 7 years.

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OUR ENVIRONMENTAL BUDGET

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from New York [Mr. HINCHEY] is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, there are a number of people here this evening who are concerned about the environment, and I will speak out in a special order concerning environmental issues. I want to address my remarks to the Clean Water Act.

Mr. Speaker, the Clean Water Act was one of the great victories of the past 25 years—a bipartisan success. It is often said it was enacted after the Cuyahoga River in Cleveland caught fire and the country saw how far the quality of our waterways had fallen. But smell also played a part. Waterfront property was no longer considered a plus in many cities: Rivers were open sewers. Parks were abandoned and beaches were closed. Lakes and rivers—like Lake Erie—were declared dead: pollution killed nearly all the fish.

The Safe Drinking Water Act was another bipartisan victory. The idea was simple: that everyone would be able to trust the quality of municipal water, and would not have to fear that their health would be threatened if they moved to a different community. No public health law was more important than protecting water safety. People recognized that Safe Drinking Water Act and Clean Water Act were also some of the best property rights protection laws around. No one wants the value of their property to decline because of someone else's unhealthy or unattractive pollution.

This year, both laws are under attack. We're told the Clean Water Act is too strict, that it makes our lakes and rivers too clean. We are told that the Safe Drinking Water Act makes our water too healthy. Can we not all live with weaker standards, dirtier water?

The advocates of weaker laws are confident their rights will still be protected. They can afford better quality waterfront property. They can afford to vacation in the best places. They can afford bottled water for their children. And they do not want to pay to protect the common good, to protect the drinking water and the waterways that ordinary people, ordinary families will use.

We saw the Clean Water Act under attack in the amendments that the House approved in May that would weaken the law. Of course, the Senate has not acted on that bill, and we know that if it ever reached the President, it would face a veto. We saw the Safe Drinking Water Act under attack in the riders on the VA-HUD appropriations bill. The rider that would have prohibited EPA from tightening standards in lead in drinking water—so important to children's health—was the most egregious example. But that attempt was thwarted too.

Does that mean everything will be fine? No. Money is at the heart of this debate, and the strategy now to attack clean water and safe drinking water is to cut off their money supply. If the EPA does not have the money to enforce the Clean Water Act, it will start to die a slow death. It will bring back the open sewers and flammable streams of long ago.

Let us get down to specifics. The VA-HUD appropriations bill makes sharp cuts in funding for the EPA. It would cut funding for enforcement of public health standards—including clean water and safe drinking water—by 17 percent.

We hear these days about the importance of letting States do the job. Fine—but this bill would cut funding for State loans to improve drinking water quality by 45 percent.

Do you like to see sludge in your rivers and on your beaches? Then you will love to see these cuts. The bill would cut 30 percent from the request for funding for waste treatment plants. Once again, this is money that would go to the States. The bill will make it more difficult for them to help themselves and to help their people.

We have still got some of those notorious riders in here too. It is nice to know the bill no longer prohibits EPA from reducing lead levels in water. But it does prohibit EPA from setting a standard for radon in water—even though radon is linked to lung cancer. It does prohibit EPA from vetoing use of fill containing toxic waste in rivers and lakes.

The VA-HUD appropriations bill covers only 1 year. So it is easy to say these cuts merely delay action a little bit. But put these cuts in the context of the 7-year budget plans that are dominating the news these days. Would enforcement funding increase during the course of those 7 years? Would States get more money to address their water problems later in the course of those 7 years? No. The budget envisions 7 lean years for environmental cleanup and enforcement.

They say Marie Antoinette said of the ordinary people of her time "Let them eat cake" if they cannot buy bread. The cuts in the EPA budget effectively say if they want clean water, let them drink Perrier.

Should we be willing to pay the relatively small amount extra to buy our constituents—all of our constituents, not just the Perrier drinkers—the safest water available? We should. Should we be willing to spend the small amount extra to keep making progress on cleaner rivers, lakes, and beaches? We should. I think the average family wants to know that the children will have safe, healthy water to drink, and clean beaches to play on. I think they expect their government to give them that assurance. I do not think they want to see these laws allowed to wither away for lack of funding. I do not think they want to make that sacrifice so that some people will have a little more money to spend on designer water or on airfare to a clean beach.

SENIOR CITIZENS RIGHT TO WORK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Fox] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, a very historic act was passed this week with the bipartisan assistance of Members of both sides of the aisle, the Senior Citizens Right To Work Act, H.R. 2684. This legislation will address the problem that current tax laws impose harsh penalties on senior citizens, especially those who continue to work beyond the age of 65. After years of hard work and valuable contributions to our Nation, Mr. Speaker, working senior citizens should not be penalized. We should be encouraging, not discouraging, seniors to make a better life for themselves. That is what our great country is founded upon, pursuing the American dream. As Federal legislators we must be committed to helping seniors maintain their independence and quality of life. That is why I was proud to speak to help support with my colleagues, Republicans and Democrats alike, H.R. 2684.

What this will allow, Mr. Speaker, is current law says that those seniors under 70 that are currently making funds up to $11,280, there are no deductions from their Social Security, but if they make a dollar over, there is going to be a deduction. Under this new legislation a modern approach was taken. What will happen is seniors, over the next 7 years, will be able to earn up to $30,000 a year without deductions from Social Security.

There is another initiative by the U.S. House of Representatives to in fact make it easier for seniors to be independent, to live on their own and to earn more funds. I also feel that the eldercare tax credit, which will help families, is a very important and positive initiative of this 104th Congress.

In addition the House has passed the rollback of the unfair 1993 tax increase on Social Security.

But the final initiative, Mr. Speaker, I think which is also important, is the opportunity to save Medicare, to make Medicare more viable, to make sure it is preserved and will in fact provide benefits for seniors in this generation and the next generation. What we will do in the proposal that is before the Congress is to reduce paperwork costs. Right now, Mr. Speaker, 12 percent of Federal dollars from Medicare go to paperwork. That is ridiculous. Businesses would not stand for it. We need to reduce that cost through electronic billing, et cetera.

We also have $30 billion a year in fraud, waste, and abuse in the current Medicare System. That must be eliminated, and the savings go back to make sure we have the health care dollars for our senior citizens.

We also have the initiative to make sure we sustain medical training dollars for interns and residents, the indirect costs for medical education, but as a separate line item, and to make sure those funds that were used in prior Medicare budgets be used for Medicare for our seniors.

But the final option which I think really makes Medicare more modern, more accessible, and certainly more beneficial to seniors; while we are gong to maintain fee for service for Medicare subscribers, we are also offering managed care as an option which may include pharmaceuticals and eyeglasses for no extra costs and also Medicare Plus, which is the medisave account which will have seniors who want to have a system where the dollars they get will be used for their health care, but whatever money is saved goes back in their pocket or, in fact, is rolled over to the next year.

So I am looking forward to working with the other side of the aisle, making sure that we save Medicare, working with the President, and while there may have been a veto of the current legislation, I am hopeful that working together with the White House we can make a Medicare plan that is going to be good for our seniors, will make sure we restore fiscal responsibility to our budgets, but making sure our health care is there for those who are in need.

NO VITAL AMERICAN INTERESTS AT RISK IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. Metcalf] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, we are now 8 days away from signing the Bosnia accord in Paris. This will seal the deployment of up to 40,000 troops into the Bosnian theater. That is right. The 20,000 troops that have been talked about include only the Army ground personnel in Bosnia. It does not include additional U.S. forces in German, the Adriatic, the Balkans, or in Italy.

Mr. Speaker, the President has yet to specify the vital United States interests at risk in Bosnia or the detailed and specific plans that he promised, the plans to achieve the objective that we have in Bosnia or the exit strategy, that he promised to bring our men and women safely home. The interests outlined by the President were broad universal ideals that would apply anywhere in the world. He made no case for a specific deployment in Bosnia. Sad experience has taught us that it is easy to send troops in but very difficult for them to accomplish the objective after they are there and even more difficult to get out in a timely and honorable way.

Besides all this, it will all be done on borrowed money. We do not have the money for it. It is all borrowed money.

I want to call everyone's attention to an article in today's Baltimore Sun. The headline is "Croats Seen Burning Town That They Must Give Back To The Serbs." It states that the U.N. condemned the scorched earth policy being carried out by the Croatian forces. These forces were working in organized burning teams. Mr. Speaker, this defies the peace agreement and shows that many in that tragic area will not honor it. When rival armies burn each other's towns, I find it hard to believe the President's statement that U.S. troops will not be entering a combat zone.

Another article we are mentioning was written by former Secretary of Defense Weinberger in this week's edition of the Forbes magazine. He asks:

> Is it isolationism or is it failure to accept the burdens of leadership that leads me to conclude that we should not send troops to this ill-stated enterprise? I think neither. The U.S. has always been, and should always be, willing to accept the burdens of keeping peace and maintaining freedom for ourselves and our allies. But when—after two years of fatal, bumbling inaction—we cobble together a paper agreement solving none of the conflicts that started this war, it is simply common sense that opposes deploying any soldiers, U.S. or NATO, to a mission inviting disaster.

That is the end of the quote. Mr. Speaker, I could not agree more, and I submit the entire article for the Record.

[From Forbes, Dec. 18, 1995]

Getting Our Troops Into The Trenches By Christmas

(By Caspar W. Weinberger)

President Clinton's personal pledge to send 20,000 U.S. troops to join 40,000 NATO troops in the Bosnian cauldron invites another foreign policy disaster.

The Serbs, Croats and Bosnian Muslims have agreed, sort of, that Bosnia will give up 49% of itself to the Bosnian Serbs, who promptly said that that was not enough. The key question that must be answered before we send in our troops is whether there is a peace agreement here that is likely to be kept by all the warring parties. If there is not, any "peacekeeping" mission will be futile. Despite chief negotiator Richard Holbroke's hype and President Clinton's speech to the nation, the sad fact is that we have no such agreement.

PIPE DREAMS

The agreement is supposed to create a stable, new "multiethnic Bosnian country," with Sarajevo as its multiethnic capital. The agreement provides for a partitioned Bosnia governed by a federal parliament with control over foreign policy and some economic policy, but having two separate armies, two police forces and separate parliaments—all overseen by a rotating collective Bosnian presidency. Even Rube Goldberg couldn't have dreamed up a more complex design than this.

This agreement accepts the principle of two Bosnias, which is what the Serbs have wanted all along. But within hours of the highly dramatic initialing in Dayton, Bosnian Serb president, Radovan Karadzic, typically wavered back and forth between denouncing the agreement, half-heartedly accepting it, saying that Bosnia's 100,000 Serbs would fight against it, with Sarajevo becoming another "Beirut," and then later saying that maybe he would accept the agreement. Some of Karadzic's behavior may well be explained by the fact that before taking up brutal atrocities and mass murder, Karadzic was a practicing psychiatrist with a record of what is politely called "instability." Physician, heal thyself.

It is quite true that Serbia's President Slobodan Milosevic—no slouch at committing atrocities himself, but hoping to avoid indictment as a war criminal—has agreed to this arrangement. The very instability the agreement creates will offer Milosevic another opportunity to realize his goal of a Greater Serbia, backed by his Russian allies. We have allowed the Russians to become a part of the "intervention force," but to satisfy their sensibilities they will be allowed to report to U.S. Division Commander, Major General William L. Nash instead of being placed under direct NATO command.

The 20,000 U.S. soldiers will be deployed along a narrow, 2.5-mile-wide strip separating Bosnia's Muslim and Serb armies. If our forces are attacked, they will fight back, even though they are heavily outnumbered. Communications, exit strategies, command and control? Be patient. But if our troops are engaged, Mr. Clinton's prediction of "some casualties" will seem modest.

We have insisted that neither Dr. Karadzic nor that least lovable character, Bosnian Serb general Ratko Mladic, be permitted to have any role in the future because of their indictments as war criminals. But neither Karadzic nor Mladic has agreed to this. General Mladic is renowned for defying all attempts at civilian control of his army, regardless of any agreement. After all, he made and violated 34 cease-fire agreements.

Is it isolationism or is it failure to accept the burdens of leadership that leads me to conclude that we should not send troops to this ill-starred enterprise? I think neither. The U.S. has always been, and should always be, willing to accept the burdens of keeping peace and maintaining freedom for ourselves and our allies. But when—after two years of fatal, bumbling inaction—we cobble together a paper agreement solving none of the conflicts that started this war, it is simply common sense that opposes deploying any soldiers, U.S. or NATO, to a mission inviting disaster.

TWO ENDS AGAINST THE MIDDLE

Mr. Holbrooke can shout at every camera he finds that Bosnia is not another Vietnam, Lebanon or Somalia. But the parallel with Lebanon is deadly and exact. We dispatched troops to Lebanon to act as a buffer between two states, and innumerable militias that had not agreed to peace or a peacekeeping force. In Bosnia we have a paper agreement that Mr. Milosevic, anxious to save his skin, purported to sign for his former ally, Dr. Karadzic, whose wild and wavering statements after the agreement have made clear that the Bosnian Serbs will most likely fight any intervention force. And since the world has already been told that the U.S. force will be pulled out before next year's U.S. presidential election, Milosevic, Karadzic and Mladic can wait until November 1996 to try again.

Mr. Speaker, even though I oppose the deployment, I want to state very clearly that I am in full support of the troops, the individual people that are going there, doing their duty as they have been instructed. These men and women are members of the finest military in the world. To put these top combat troops in harm's way doing occupation duty is beyond belief, and I call upon the President to stop this movement into Bosnia while we can still do so.

Finally I will encourage everyone to show their support of our troops by donating to the individual services relief societies. This is the best way to support the children who will be left without a parent at this holiday season. In the gulf war there were so many letters to our troops that families could not communicate with their mothers and fathers. Giving a donation to the relief societies helps the services take care of the children separated from their parents because of the deployment of American forces abroad.

□ 2000

IMPACT OF THE BUDGET AND APPROPRIATION BILL ON THE ENVIRONMENT

The SPEAKER pro tempore (Mr. ENSIGN). Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not plan to use the entire time. What I wanted to do tonight and what I will do is to explain the budget and appropriation bills that have been proposed or passed by the Republican majority in this House and how they have a negative impact on the environment.

As you know, Mr. Speaker, we had some previous speakers who gave 5-minute special orders previously: The gentlewoman from New York [Mrs. LOWEY], the gentlewoman from Connecticut [Ms. DELAURO], and also the gentleman from New York [Mr. HINCHEY], that outlined some of the concerns that myself and Democrats in general have about the impact on the environment of the budget bill that has been passed by the Congress and which the President today fortunately vetoed, and also the appropriations bill that funds the Environmental Protection Agency, the VA–HUD and independent agencies, an appropriations bill which has already been sent back to Congress twice but which will come back up again, probably as early as tomorrow.

Throughout this Congress, we have watched the Republican leadership step by step as they work to completely undermine 25 years of environmental progress in order to make it easier for special interests to pollute the environment at the expense of Americans' health and environmental heritage.

Despite what the Republicans may think, the election last year was not a mandate to roll back our most successful environmental laws. In fact, a recent Harris poll found that 76 percent of Americans think that air and water laws as they now stand are not strict enough; not that they should be downgraded, but they are not strict enough.

Despite this, undercover efforts by the new Republican majority to attack environmental protection through budget and appropriation bills is the paramount example of what lengths the leadership will go to fulfill their promises to special interests, despite the potential impacts to Americans' health, environmental heritage, and economic well-being.

Mr. Speaker, I was very pleased tonight, as we were waiting to address the House during the special orders, that we actually received from the President his veto message on the budget bill. One of the things that he stressed, and I would like to just read some sections from his veto message, is that this budget bill impacts the environment in a very negative way and takes away too much money from environmental protection.

If I could just read some excerpts from his veto message to the House of Representatives, he says: "As I have repeatedly stressed, I want to find common ground with the Congress on a balanced budget plan that will best serve the American people, but I have profound differences with the extreme approach that the Republican majority has adopted. It would hurt average Americans and help special interests. My balanced budget plan reflects the values that Americans share"; and among those values that the President mentioned was to protect public health and the environment.

He stressed in his veto message that "the budget proposed by the Republicans would cut too deeply into a number of programs, and specifically hurt the environment." He went on to explain how various programs in title V of the program of the budget bill were specifically geared toward downgrading environmental protection.

What I wanted to do tonight, Mr. Speaker, was to talk about, if I could, some examples of how in fact the budget bill, as well as the appropriation bill that we are likely to consider tomorrow, will turn back the clock on environmental protection. In fact, one of the previous speakers tonight, I believe it was the gentlewoman from Connecticut [Ms. DELAURO], specifically said that what the Republicans are doing in these spending and budget bills is turning back the clock on environmental protection. My friend, the gentleman from New York [Mr. HINCHEY], who spoke previously, talked about how, specifically with the Clean Water Act, we have made so much progress in the last 10 or 15 years.

When I was first elected to the Congress back in 1988, the main reason why I believe that I was elected was because in the summer of 1988, we experienced in my district along the shore in New Jersey, a summer where all kinds of material washed up on the beaches: medical waste, sludge material, plastics. You name it, was on the beach. Most of our beaches were closed for the summer, and we lost billions of dollars to our local economy because of the tourists that did not come.

After 1988, in the Congress, and it was on a bipartisan basis, laws were passed that prohibited ocean dumping, that tried to protect against the disposal of medical wastes into the waters of the New York and New Jersey harbors. And, lo and behold, after two or three years, the beaches started to come back, the water quality improved, we did not have the washups that we had during the summer of 1988. So this year, this summer, in 1995, we had probably one of our best beach seasons ever, and people constantly remarked about the improvement in water quality.

But the gentleman from New York [Mr. HINCHEY] pointed out that if you look at these appropriation bills and if you look at the budget, you are seeing significant cutbacks in the amount of money that is available under the Clean Water Act. Loans that the Federal Government provides to municipalities and counties throughout the country to upgrade their sewage treatment plants are severely cut, so that makes it more difficult for the communities to actually get sufficient funds to upgrade their sewage treatment plants. Specifically in New Jersey, in the part of New Jersey that I represent, we are very concerned about what we call combined sewer overflow. In many of the municipalities in north Jersey, as well as New York City and outlying areas of New York City, in the metropolitan area, there are sewage systems which are combined with stormwater systems, which means that essentially when it rains, the sewage and the stormwater get combined and there is an overflow, and raw sewage goes out into the New York harbor, and of course, makes its way down to the Jersey shore.

What we need are Federal dollars which have now been available and continue to be available over the last few years to try to either separate those sewer and stormwater systems, or at least prevent the overflow that occurs during the storm. If we do not provide funding on the Federal level for loans or grants to upgrade sewage treatment plants or to separate combined sewer systems, sewer overflow problems, then what we are going to have is an increase, once again, in the sewage and the pollution that goes into our harbor areas and ultimately down to the Atlantic Ocean. That is what the gentleman from New York was talking about.

Mr. Speaker, the amazing thing about clean water and the efforts for clean water, and this was something that my predecessor, Congressman Howard often remarked to me before I was elected to Congress, was that this was one of the few environmental areas where money makes a difference. You could take a small amount of money in the overall terms of the Federal budget and use it to actually upgrade your sewage treatment and improve your water quality. The technology exists, with a relatively small amount of money, to do that. So why cut the funding that is coming from the Federal Government in order to clean and upgrade our water? It makes no sense from a health point of view, it makes no sense from any kind of environmental point of view, whether it is to upgrade sewage treatment plants or to provide for some of the other things that improve our water quality.

The gentlewoman from Connecticut [Ms. DELAURO] talked about the Superfund program. The Superfund program, she stressed, works. A lot of my colleagues on the other side of the aisle act like the Superfund program does not work. It may be that all the Superfund sites have not been cleaned up, but a lot of them have. She specifically mentioned the Raymark site in Stratford, CT as a model for the Superfund program.

What is happening with the Republican budget and with the Republican appropriations bill with regard to the Superfund program? We find that the Superfund program in the VA-HUD appropriations bill, the EPA appropriations bill, is cut by 19 percent. There is a rider in it that says that no new Superfund sites can in fact be designated. The bottom line is that that means that the Superfund program will be downgraded, that a lot of sites that need to be put on the national priority list will not be, and that sites like Raymark in Stratford, CT, which serve as models for the Superfund program, will not get additional funds necessary, or other sites will not get additional funds necessary to continue the cleanup of hazardous waste sites.

That is not what the American people want. Over and over again they indicate, through polling or through contact with us, that clean water and the cleanup of hazardous waste sites are very important to them. Let us not turn our back on the Superfund program the way that is being proposed with this budget and also with the appropriations bill that deals with the EPA.

The President specifically mentioned in his budget message tonight a number of provisions that were actually placed in the budget bill. This is the example of the undercover efforts that I mentioned by the new majority, that if they cannot get a bill passed through the normal course of things, they put language into the appropriations or into the budget bill to try to get environmental programs, or to try to despoil the environment.

One of the things that the President mentioned in his veto message tonight is he specifically says, and I quote: "Title V of the budget would open the Arctic National Wildlife Refuge," ANWAR, as it is called, "to oil and gas drilling, threatening a unique pristine ecosystem in hopes of generating $1.3 billion in Federal revenues, a revenue estimate based on wishful thinking and outdated analysis."

This is one of the major points that was raised by the President in vetoing the budget, and rightly so. We know that the Arctic National Wildlife Refuge is a very pristine area, a very delicate ecosystem where oil and gas drilling could effectively destroy the whole nature of the refuge area. Yet, in the budget bill we have language that not only says that we are going to drill for oil and natural gas, but that we have to start within the next year, and specifically eliminates any environmental safeguards or any environmental impact statements that have to be done before that drilling were to take place.

Again, why? Special interests. Obviously, the oil companies want to be able to drill. They suggest that somehow there is a significant amount of revenue that is going to be made available. Yet those involved in Alaska oil know that the reality is very different. It is seriously questionable whether the Federal Government will ever get any of the revenue from the drilling.

In addition to that, Mr. Speaker, no effort really has been made by this majority in this Congress to try to deal with our energy dependence. Some of the advocates for drilling in the Arctic National Wildlife Refuge say, "This is good. We can drill for more oil domestically. We will not have to depend so much on foreign oil." But they do not do anything or they do not do anything significantly to increase mass transit, they do not look into alternative fuel vehicles, they do not look into what I call renewable resources, as opposed to nonrenewable resources, that will make us less energy-dependent. Instead, they just want to go ahead and drill.

I suggest that the President was right. I commend him not only for vetoing the budget bill, but for specifically mentioning the ANWAR or the

Arctic National Wildlife Refuge as one of the reasons why he decided to veto the bill.

Mr. Speaker, let me give a few more examples of how this whole process of legislating through the appropriations bills is taking place. Traditionally in this Congress and in this House, if you want to legislate as opposed to appropriate or spend money, you go to the authorizing committees. For example, with the Arctic National Wildlife, you go to the Committee on Resources, you would have a hearing, you would vote out a bill that allows drilling for oil and natural gas, for example. It would come to the floor, it would be passed here after open debate. The same thing would happen in the Senate. It would go to conference before it went to the President.

All that is being bypassed with these appropriation and budget bills. These provisions are being put into the spending bills, if you will, without all those initial processes taking place. That is not the way to proceed, and we are seeing it happen over and over again. It happened today. I was on the floor today and it happened today with regard to what we call deep ocean disposal, a form of ocean dumping.

Those of my constituents at the Jersey shore know that ever since 1988 we have had the Ocean Dumping Act passed, which specifically prohibits offshore dumping of sewage sludge as well as a number of other things that were contaminating our coastal environment. Just yesterday I was informed that an ocean dumping provision was sneaked into the appropriation conference report for Commerce, Justice, State, and the Judiciary, which we voted on today, just a few hours ago. This provision, which was not in either the House or Senate version of the appropriations bill, authorizes NOAA, the National Oceanic and Atmospheric Administration, to study deep ocean waste and isolation technologies, and basically to start a research program that has unlimited possibilities to dump sewage sludge and other kinds of contaminated material in the deep ocean off the coast of New Jersey or wherever; again, an effort to sneak in this kind of anti-environment legislation into the appropriations bill.

In fact, Mr. Speaker, the VA-HUD and Independent Agencies appropriations bill, the one that covers the EPA, which we will probably take up as early as tomorrow, had 17 riders like this when it originally came to the floor of the House of Representatives, 17 anti-environmental provisions that were simply thrown into the bill that had absolutely nothing really to do with spending money or with the appropriations process.

Twice on the floor of this House we had to vote by majority vote, bipartisan, we had to vote to take those riders out. Even though we voted twice to take the riders out, the conference report came back just last week and still had some of the riders in it. It had riders in it that bar the EPA's role in wetlands permitting, in the wetlands permit process.

Right now the EPA basically has the ability to veto development in wetlands if they think it has a terribly damaging impact on the environment. That is taken out in a legislative rider that is still in the bill, even though the House voted twice to take it out. It also has the provision which I mentioned before, which says the EPA cannot add new Superfund sites to the national priority list without some additional approval. So again, that is in the bill, even though we voted twice to take it out.

In fact, if you look at the VA-HUD appropriations conference report, which will come again to the floor tomorrow, it actually cuts the EPA by 21 percent. It cuts funding for the Environmental Protection Agency by 21 percent and it cuts enforcement of our environmental laws by the Environmental Protection Agency by 25 percent.

☐ 2015

So not only are they cutting the overall agency's budget, but they are also cutting enforcement even more severely. Why? Because essentially, in many cases, they want the laws to not be enforced. They would rather that the polluters get away with not having to pay the fine, not getting caught.

The EPA and environmental protection are cut more than other agency in this whole Federal budget, in this whole appropriations process, more than any other agency in the Government, and that shows again the Republican leadership and the bias against environmental protection in an effort to try to undercut all efforts, or most major efforts, to protect the environment.

Mr. Speaker, I wanted to give a few more examples, if I could, of how efforts were made in this budget process to put antienvironmental provisions in. One example, again, that we voted on, on the House floor, was H.R. 260, the National Park System Reform Act, which after being defeated on the floor of this House under suspension of the rules, mysteriously appeared in the budget reconciliation bill.

This is a bill that would set up a Commission, and as one of its purposes, choose national parks and recreation areas that would possibly be closed. I took it to heart because within my own district at Sandy Hook, Sandy Hook is a unit of Gateway National Recreation Area, the sponsor of the legislation actually mentioned Sandy Hook as one of the national park units that he thought possibly should be closed or suggested should be closed by this Commission.

However, even though we worked hard to defeat that bill on the floor of the House so that this Commission to close the parks would not be set up, all of a sudden it came up in the budget reconciliation bill that was about to come to the floor of this House. We managed again, through a coalition of Democrats and some Republicans who were concerned about the environment, to make sure that that provision was ultimately not in the conference report; and it fortunately was not in the conference report, but there were a lot of other things that were.

Another item that the President mentioned in his veto message was the transfer of Federal land for a low-level radioactive waste site in California without public safeguards. This is an interesting provision that was put into the conference bill. In fact, what happened is that in the State of California, there was an effort to set up a low-level radioactive waste site to take waste not only from California, but from a number of other States.

The Secretary of the Interior said about a year ago that he would agree to this transfer subject to certain conditions being met to protect the environment. In other words, Secretary Babbitt wanted to go through a process whereby there were hearings, there was an opportunity for the public to be heard, and certain limitations would be put on the types of radioactive waste or the amount of radioactive waste that could be put into this site before the land transfer would be approved. This is Federal land in California, not very far from Los Angeles, that essentially now is under the jurisdiction of the Bureau of Land Management.

This budget bill would transfer the land for the purpose of setting up a low-level radioactive waste site for the State of California and other States without any safeguards. In other words, the conditions that Secretary Babbitt had articulated were simply eliminated and not mentioned in the budget bill. Instead, the budget bill said that it was not necessary to meet environmental safeguards; it was not necessary to do the public process with the hearings, and we would just transfer the land, and the State of California and the other States could do whatever they want and use it for a low-level radioactive waste site.

Again, a bill was introduced by a California Member to do this; it was put into my subcommittee, the Subcommittee on Energy and Power which had jurisdiction over it. We never had a hearing, the bill never came up, we never reviewed the bill. All of a sudden it is in the budget bill. But thankfully, now the President has indicated that this is another one of the antienvironmental measures, if you will, that is in the budget bill that he is not going to accept, and that he is going to insist be taken out in whatever negotiations are going to occur.

Mr. Speaker, I mention these items not because I think that there are not a lot of areas where we need to improve environmental protection, not because I think that we need to spend money endlessly on environmental protection, but because I believe very strongly that the normal process is being evaded and that the American public is really not being made aware of what is happening with regard to this budget, this Republican budget, and the appropriations process and environmental protection.

I want to stress before I conclude this evening that we, myself and the other Democrats who feel strongly about environmental protection, will not allow the Republican leadership to try to pull the wool over the eyes of the American people with regard to cuts in environmental protection so that the essential interests can get away with environmental delinquency. The budget and appropriations bills are not to be used as a vehicle for environmental destruction. The President has promised to veto several of these bills, as he did this evening, based on the hateful environmental provisions that are contained therein. I and my colleagues on the Democratic side, along with some Republicans, fully support him and commend him for his strong environmental stance.

As this budget negotiation continues over the next few weeks, and we hopefully come to an agreement on the budget bill that balances the budget and at the same time protects the environment, I think we need to be very vigilant to make sure that whatever is finally negotiated does not give away the store, if you will, to the polluters and strengthens environmental laws and strengthens enforcement, rather than weakening it and turning the clock back over the last 10 or 20 years on what this House and what the Senate have done to try to protect the environment in this country.

BALANCING THE BUDGET AND TROOPS IN BOSNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I want to first yield to the gentleman from the great State of Pennsylvania, the Keystone State [Mr. FOX]. We want to talk a little bit tonight about the budget, and then perhaps about the other big issue that I think Americans are concerned with, the issue of Bosnia.

So I welcome Representative FOX, and maybe we can talk a little bit about how we got to where we are now and a little bit about the Balanced Budget Act.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the leadership the gentleman has taken here in the 104th Congress in focusing our attention on balancing the budget. Mr. Speaker, this is probably the most important issue we have before us, to make sure that we can reduce the cost of government, eliminate the waste, the fraud, and the abuse, and get down to the services that the Federal Government should be taking care of.

The fact that we have not balanced the budget since 1969 has given us approximately a $5 trillion debt, and we are paying for that every day, every man, woman, and child in the United States. It has been told to us by no less than Alan Greenspan, Congressman GUTKNECHT, that if we in fact come to a balanced budget within 7 years, we will not only increase the number of jobs in the United States by about 200,000 or 300,000, but we will as well reduce the cost of home mortgage payments, we will reduce car payments and, as well, reduce the cost of college loans. I think that is a pretty significant way to helping everyone in America, whether it be seniors, working families and children, making sure they can realize the American dream.

I yield back.

Mr. GUTKNECHT. I think we should talk a little bit about how we got to where we are. You and I were both elected last November as members of this freshman class, and I think it is important sometimes to reflect back on what the American people were saying a little over 12 months ago. I think what they were really saying is that they understand that the Federal Government has grown too big, it spends too much, it wastes too much of their tax dollars, and they want the Federal Government to be put on a diet.

I think they fundamentally believe, and that is what my constituents still are telling me, that it is time to make the Federal Government do what every family has to do, what every business has had to do. In fact, if you look at every major corporation, every minor corporation, every small corporation, every small business, every single day they have to figure out ways to be more efficient. But that is not true of the Federal Government.

Mr. Speaker, the first chart I want to show, and I am sure you are familiar with it as well, Representative FOX, is what the President originally proposed in terms of his, quote, "balanced budget plan." Now, this is what the 10-year balanced budget plan would have produced in terms of deficits for as far as the eye could see.

This is scored by the Congressional Budget Office, and I think that is the source that the President recommended a few years ago that we use, and the reason is, the CBO has historically been more accurate, more conservative, than any of the other sources which score some of our budget proposals.

As you can see, in the year 1996, his proposal would have produced a $196 billion deficit; in 1997, $212 billion; in 1998, $199 billion; in the year 1999, $213 billion; 2000, $220 billion; 2001, $211 billion; 2002, $210 billion, and on out to the year 2005, over $209 billion, over $200 billion deficits literally for as far as the eye could see.

That is not what I think the American people wanted when they asked us to balance the budget. I do not think they meant a 10-year plan which creates almost an additional $2 trillion worth of debt. Perhaps you want to talk a little bit about what the American people have said and what this plan said.

Mr. FOX of Pennsylvania. I think the American public made it very clear, Republicans, Democrats, and Independents alike, that in fact what they want is a balanced budget. They have to balance their budget, the schools do, the States do, as you said earlier.

Congressman GUTKNECHT, I know when you were in Minnesota, you had to balance the budget in the State government when you served there in the State legislature.

The fact is, on Monday, November 20, Congressman GUTKNECHT, the President finally agreed to balance the budget in 7 years with honest numbers from the Congressional Budget Office. The President said at that time that he agreed with the Congress to do as follows: The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the year 2002, as estimated by CBO, and the President and the Congress agreed that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment.

Further, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth.

Yet despite all of that on November 20, today, just 2 weeks later, or less than 2 weeks, the President vetoed a balanced budget bill.

Mr. GUTKNECHT. Now, Representative FOX, it seemed to me like you were reading something there. Was that an actual agreement that was signed?

Mr. FOX of Pennsylvania. Yes, it was.

Mr. GUTKNECHT. More importantly, I think, as I understand that, that was actually signed into law. So that is not a campaign promise, that is actually a Federal law. Am I correct in that?

Mr. FOX of Pennsylvania. Yes, you are correct in that, Congressman GUTKNECHT. What he said, his commitment was detailed in a continuing resolution to fund the Federal Government to December 15.

Mr. GUTKNECHT. So now we have a law, a Federal law, which is a commitment by the President and this Congress to work together to produce a 7-year balanced budget plan, scored by CBO. What were some of the other things that you mentioned, some language that provides adequate funding for what?

Mr. FOX of Pennsylvania. For Medicare and for welfare, for adequate funding for Medicaid, for education, agriculture, veterans programs, and the environment.

Mr. GUTKNECHT. Well, we all support that, and I think we can do that with the budget we proposed that the President vetoed today that calls for spending almost $12.1 trillion over the next 7 years.

Let me point out something else, Representative Fox, and I think you are probably aware of this. But right at the bottom of this chart it also points out that the President's plan was offered for a vote in the Senate, and it got zero votes. As a matter of fact, it was defeated 96 to zero.

To their credit, some of our colleagues here in the House offered their own budget alternative, and I do give them credit for that. They went to an awful lot of work to put together a budget alternative to ours. Unfortunately, it only got 73 votes. As you and I both know, one of the critical ingredients in terms of actually structuring a budget and putting it together is, you have to get at least 218 votes in the House and 51 votes in the Senate; otherwise, you are really just sort of whistling in the wind. It really does not make any difference. Unfortunately, our colleagues in the coalition in the House only got 73 votes for theirs.

What we have put together, and I think it is important that we understand this, is not only have we put together a balanced budget plan which meets the CBO test, which actually balances the budget in 7 years or less, but we were able to get 218 votes in the House and 51 votes in the Senate. So we passed the two most important hurdles.

Mr. FOX of Pennsylvania. Mr. Speaker, the fact is that you have been working and struggling and hoping that we can get this bipartisan support, and I think we will eventually, because I think the American people are now saying, they want a balanced budget. They want the Federal services that the Government can provide where the States cannot take care of them better. What is surprising under that Republican plan that was sent to the President, Medicare spending would total $1.6 trillion, $724 billion more than was spent during the previous 7 years, a 63-percent increase.

□ 2030

When it comes to welfare, the Republican plan would have welfare spending total $878 billion during the next 7 years, $386 billion more than was spent during the last 7 years, a 78 percent increase.

Under Medicaid, the Republican plan gives States $791 billion in grant assistance over the next 7 years. That is $358 billion more than was spent during the previous 7 years, a 79 percent increase.

On education, under our plan the amount of money available for student loans increases nearly 50 percent during the next 7 years, rising from $24 billion in 1995 to $36 billion in 2002, and the number of student loans will increase from 6.6 million in 1995 to 7.1 million in 1996, the most ever made available.

Mr. GUTKNECHT. I want the gentleman from Pennsylvania [Mr. FOX] and I to come back to those numbers, but before we do, I want to go back to this basic point, the commitment to a 7-year balanced budget plan.

I want to read this quote again for the Members who are watching in their offices and perhaps Americans who are watching at home: "The President and the Congress shall." It does not say "ought to," or "it would be a good idea" or "may." It says, "The President and the Congress shall enact legislation in the first session," that means before we start next year, "of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002 as estimated by the Congressional Budget Office."

That is a direct quote. That is what the agreement was. That is what the President signed and, most important, that is currently Federal law. I guess it is good news and bad news.

The bad news is the President vetoed our attempt today at that plan. We had a plan that we felt very good about, that we felt we could defend. It met the CBO test and it met the vote test and we were able to get the votes to pass it here in the House. That is the bad news, that he vetoed our plan today.

The good news, though, is I think the President now is serious. I think the reason he is serious, as the late Senator from Illinois used to say, the late Everett Dirksen, "The more I feel the heat, the more I see the light." I think the President is beginning to feel the heat and I think the administration understands that the American people want us to balance the budget in 7 years.

There is another important point that I think the American people want. The more I hear from the American people, the more I hear them saying they also want that tax relief, because they understand very, very well what it could mean to them and their families if the $500-per-child tax credit passes.

To many families, the average family with almost three children, let us say the average family with three kids in my district or your district, that is an extra $1,500 in their pockets every year, cash that they can spend to do some home improvements, to buy a new automobile, to take the kids on a vacation, a fishing vacation of some kind, or just to invest and save for the future for the kids' education. So that $500 per child tax credit, people understand very, very clearly.

Mr. FOX of Pennsylvania. Let me add to that, I agree with the gentleman from Minnesota [Mr. GUTKNECHT]. Beyond that, the tax reform that we have adopted in the House, and hopefully will be adopted by the President as well and signed into law, a joint bill from the Senate and the House, will in fact also give us some other items that are important.

It will give us the opportunity for the first time to have a new IRA for $2,000 for individuals, $4,000 for couples, an elder care tax credit, a capital gains tax reduction for individuals of 19 percent, for businesses 28 percent, which will give the infusion of more savings, new jobs, expansion of businesses.

It will help our seniors by rolling back the 1993 tax increase on Social Security benefits, together with the opportunity for seniors to earn more. Right now seniors under 70 are capped at $11,280, that they will have deductions from Social Security. But with the new law we just adopted here in the House, seniors will be able to earn up to $30,000 a year without those deductions from their Social Security.

Mr. GUTKNECHT. I think seniors can understand that. In fact, I met with one the other day working at a Wal-Mart store in Mankato. Her name is Muriel.

If you stop and think about it, in effect Muriel is paying among the highest tax rates of anybody in the United States. As a matter of fact, there is a very good chance that Muriel is paying a higher tax rate than Ross Perot and some of the wealthiest Americans.

The American people are not completely confident that we are going to be able to follow through on our promise to balance this budget in 7 years. They hope we do, they think we should, but the one thing they can understand is if next year they actually get this $500 per child tax credit.

Let us talk a little bit, and perhaps the gentleman from Pennsylvania [Mr. FOX] wants to talk about this chart as well, where the benefits really go, because some of our colleagues on the other side have attempted to sort of distort this issue and to explain that, well, this is a tax cut for the rich. I wonder if we could talk a little bit about this chart and where the benefits really go. Perhaps you want to share some of those ideas.

Mr. FOX of Pennsylvania. The fact is there are so many families who will benefit if this does get adopted. I wish you would explain to our colleagues on the floor tonight and those in their offices just what the percentages are, because the poster is closer to you.

Mr. GUTKNECHT. Let me just explain what this chart says. This is according to the Heritage Foundation, and they got the information from us.

The truth of the matter is that 89 percent of the benefit will go to families earning less than $75,000 a year. Let me repeat that. Eighty-nine percent of the benefit, of the $500-per-child tax credit, will go to families with incomes of less than $75,000 a year. If you look at it, only 4 percent will go to families earning more than $100,000 a year, and only 7 percent will to families earning between $75,000 and $100,000.

The truth of the matter is when you talk about this per-child family tax credit of $500, the overwhelming bulk of the benefit goes to average middle-class families, and that is the people we believe deserve the relief. As a matter of fact, you may have heard us talk about it before, that in 1950 the average family was sending about 3 percent of their gross income to the Federal Government. Today that number is up to 24.5 percent of their gross revenues are going to the Federal Government.

Families are the ones who need the tax relief the most. So what we are proposing is saying we believe, and I think the American people understand this better than the people here in Washington do, but we happen to believe that families can spend that money much more efficiently than the Federal Government. Let us allow them to keep more of their revenue, let them keep more of their income and spend it themselves, because they are the ones who know how to spend it the most efficiently.

As this chart underscores, even more important than anything I have seen is that the overwhelming amount of the benefit is going to go to middle and lower middle income families. We believe that is a good thing and, more importantly, the American people can understand this chart even better than the experts here in Washington.

I would like to welcome the gentleman from Las Vegas, NV [Mr. ENSIGN], the former Speaker of the House, to join us in this debate.

Mr. ENSIGN. I thank the gentleman from Minnesota for yielding.

I serve on the Committee on Ways and Means. We had a lot of debate this year about tax cuts. I am sure, as many of my colleagues in the freshman class, when we were out on the campaign trail last year there were a lot of us that were told by the American people that they feel this weight and this tremendous burden of the Federal Government, and this debt that they feel on them. They feel that more and more the working middle class is bearing this tremendous debt load, that career politicians that have been unable and unwilling to say no to the special interest groups have continued to put on them.

If we think back to the 1950's, and especially seniors remember this, the average family of four back in the 1950's paid about $1 out of $50 to the Federal Government. Today the average, just the average income family of four, pays about $1 out of $4 to the Federal Government.

The reason is, it has to do with what is happening with your chart, and that is that the personal exemption did not keep pace with inflation. If you look at virtually everything across the board, whether you are talking about a carton of milk or a loaf of bread or cars or houses, if you adjust for inflation, they all cost pretty much the same. Their earning dollars pretty much buy them the same thing they bought back in the 1950's.

The difference between the 1950's and today is the tax burden. That is the reason in a two-parent family that when one of the parents, especially when the children are young—and I just had a little girl that was born on Saturday.

Mr. GUTKNECHT. Have you named her yet?

Mr. ENSIGN. Yes, her name is Sienna.

Mr. GUTKNECHT. Sienna. Did you tell her about the debt she inherited when she was born?

Mr. ENSIGN. It is $187,000 this year. I try not to politicize my daughter's birth this year.

Fortunately, I am in an income category where my wife has chosen to stay home with the kids for the first 4 or 5 years of their life. We are fortunate to be in an income category to be able to afford that.

It used to be in the 1950's that the average income family could afford, in a two-parent family, if either the husband or the wife wanted to stay home and stay with the kids and nurture those kids, especially during those formative years, they could afford to do that. But today they cannot afford to do it, and it is not that they do not earn enough money. It is that the tax burden is too high, and that is one of the things that this $500 per child tax credit will do.

Mr. GUTKNECHT. That is basically what has happened in the last 30 or 40 years, is the Federal Government has grown in its influence over our daily lives and the family has actually diminished. What we are trying to do is reinforce families, because we know that the cornerstone of the western civilization is strong families.

So this is something that I feel—and you hate to always speak for the freshman class, I know you are a member of the class and the gentleman from Pennsylvania [Mr. FOX] is a member of the freshman class—but I think this is something we feel very, very strongly about. We are willing to negotiate in good faith with the President and the administration.

But in terms of ever giving up on the $500-per-child tax credit, I think it is one thing that I hope that our class and members of this side of the aisle will fight to the bitter end, because I think this is something the American people can understand. It is going to mean cash in their pockets. It is going to mean money that they get to spend rather than sending it to Washington, and I think that is really what the American people want.

I think they want us to downsize the Federal Government. They know it is inefficient, and frankly they are correct. The more I have been here, the more I have realized just how incredibly inefficient this Federal Government is, and the most efficient spender of resources in this country is the American family. Why should we not allow them to keep more of their money and spend it themselves?

Mr. ENSIGN. If the gentleman will yield, one of the things, this $245 billion number has been just demagogued to death because they talk about this huge tax cut.

Over the next 7 years, under the Republican proposal, we are going to spend about $12.2 trillion. If you think about $1 trillion, to get to $1 trillion, if you had a business that lost $1 million a day, 7 days a week, 365 days a year, you would have to have that business start at the time of Christ, till now, plus another almost 700 years to get to $1 trillion.

Mr. GUTKNECHT. So if you spent $1 million a day 365 days a year from the time of Christ until now.

Mr. ENSIGN. Plus 700 years. To get to $1 trillion.

In the last 7 years, the Federal Government spent a little over $9 trillion. Under the Republican proposal that you hear about all these cuts, we are going to spend a little over $12 trillion. President Clinton wants to spend almost $13 trillion. So the difference is not in whether we are cutting anything. The difference is whether we are going to increase Federal spending by $3 trillion or $4 trillion.

The reason I bring up those numbers, because they are so staggering and they are so hard to think about, is the dollars. These are tax, that is all that is, that is money raised from taxes. The $245 billion is less than 2 percent of the $12.2 trillion. That is what we are talking about. We are only talking about cutting taxes by 2 percent.

Mr. GUTKNECHT. So all of these tax cuts that we are hearing demagogued every day on the House floor represents only 2 percent of all the Federal spending over the next 7 years?

Mr. ENSIGN. Staggering numbers. That is why if we could just be honest with the American people, and I am sure you heard during your campaign, why can they not be honest with what they are telling us from Washington. Forget about this political spin, just be honest. If we can go to Medicare and tell people, and when you do this, the light bulb just goes off, they say, "Why are they saying that?"

In Medicare, the total spending in Medicare over the last 7 years was a little over $900 billion, almost $1 trillion. The next 7 years under the Republican proposal, we will spend a little over $1.6 trillion. It is over $700 billion more. Not less. More. I know the educational system is not what it once was, but still, when you spend $700 billion more we still call that addition, and I still think they call that addition today. This is what certain people in this Congress are calling a cut, is $700 billion more spending.

I think the chart you have up there talks about some of the premiums, the part B premiums. That is the part that does to doctors. Part A trust fund is the part that goes to hospitals. Part B premiums and part B of the Medicare part is the part that goes to doctors. Why do you not explain a little bit about the differences between the Republican proposal and the Clinton proposal.

□ 2045

Mr. GUTKNECHT. I think it is important and instructive, and one of my favorite quotes is from John Adams, one of the Founders of this great country, and he said that facts are stubborn things, and that sort of is what we have been talking about is let us get the facts out there.

Interestingly enough, we just got back a rather in-depth poll. I do not think you should make public policy based upon polls. I think it does confirm instinctively what all of us believe; that is, if the American people are given facts, they overwhelmingly support what we are doing. As a matter of fact, the interesting thing is there was a separate poll we did a couple of weeks ago when they asked the American people essentially some of the questions that are being posed by some of the other national polling media outlets; for example, do you think the Republicans are cutting Medicare too much? Not surprising, a majority of Americans said "yes." But when we explain to them in our poll what the numbers really were and that we were actually increasing total Medicare spending from something like $189 billion a year to $278 billion a year over only 7 years per year and——

Mr. ENSIGN. And per person.

Mr. GUTKNECHT. On a per capita basis, per recipient spending actually increases from $4,800 a year this year to $7,000 a year.

The interesting thing is when you tell the American people that, in one poll we did a few weeks ago, 63 percent, after they learned that information, after they heard the facts, they said you are increasing spending too much on Medicare.

So I think once we get our side of the story told, what this chart basically demonstrates is, while the administration has been demagoging to a certain degree, our Medicare part B premiums plan, the truth of the matter is, if you extend it out to the seventh year, we are really only talking about a difference between our plan and the President's plan of $4.80 a year. Now, that is almost nothing.

Mr. ENSIGN. The difference between the President's plan and our plan, how many years does that save Medicare? We save Medicare to what year versus what?

Mr. GUTKNECHT. With this chart, we are only talking about part B. When you are talking about the part A trust funds, when you start talking about the trust funds, we are talking about saving the Medicare system from imminent bankruptcy, which the trustees of the Medicare trust fund came out earlier in April and told us that there is a drastic——

Mr. ENSIGN. The Medicare trustees, who are they appointed by?

Mr. GUTKNECHT. Appointed by the President; I think three members of his own Cabinet.

Mr. ENSIGN. He appoints every single member of the trustees, as I recall?

Mr. GUTKNECHT. I believe that is correct. The point is they have no interest in telling us anything than the truth. What they said was, unless the Congress gets serious about reforming the Medicare system, it is going to go bankrupt in 7 years. It will not be able to make the payments.

I think everyone now acknowledges there is a serious problem. Again, we have advanced a plan which uses market-based reforms, which I think the American people can understand.

Essentially, one of the reasons they did not like the Clinton health care reform plans that came out a year and a half ago was they did not really believe the Federal Government could do a much more efficient job of running the health delivery system than the private sector. What we did was sort of change the whole notion. Let us see if we can use the things working so well in the private sector to help control costs in Medicare. I am absolutely confident our reform plans are going to work.

More important than that, I am convinced seniors who decide to participate in some of these new Medicare-plus programs that we are putting together and allowing to operate, I think, in the end of just a few years, many of them are going to say, "Yes, I like this plan much better than what we had before," because they are going to have options, they are going to have choices, they are going to be treated like human beings, just like everybody else out there.

Mr. ENSIGN. You received just recently, like I did, like virtually every other Member of Congress and every Federal employee did during this enrollment period now, where we decide by January which plan we are going to have; I am holding up a card here and this card is a Blue Cross/Blue Shield card. You have the same card. Over 90 percent of the Members of the House of Representatives have this card. The Speaker of the House has this very same card.

What we are talking about here is something called a PPO. Seniors in the United States today do not have the same option to choose the health insurance that you and I have to choose, the same as the Speaker of the House has to choose. What we are doing, and, by the way, a PPO is managed care. The vast majority of Americans do not understand that a PPO is actually managed care. It is a very good managed care.

We are going to give the seniors options to be able to choose a PPO, just like you and I have the option each year to choose a PPO, and HMO, fee-for-service, medical savings accounts or these new things called provider sponsor organizations. Can you imagine, imagine this scenario, let us say we had all of those options currently in Medicare, can you imagine what would happen, what AARP would say to Members of Congress if we took a whole list of options that seniors had and now tried to reverse it and say, "No, no, no, we have got a better system for you; instead of having all of those options and all of those things, you can choose from each year, we are going to give you fee-for-service; in a couple of areas of the country we will give you HMOs. That is all you get". Can you imagine the uproar?

Mr. GUTKNECHT. They would not stand for it.

Mr. ENSIGN. We would have 34 million seniors marching on Washington tomorrow. That is exactly, I mean, if people think about it in that context, we are giving them more choices, more freedoms.

The chart you hold up is only people that stay in fee-for-service, and the people that choose PPO's, many of them will actually have less out-of-pocket expenses because they will not have, or these companies will be able to pay their Medicare part B premiums. They may get prescription drug coverage.

I have three grandmothers on Medicare. It is absolutely heartbreaking. Luckily, I am able to help some of my grandmothers, with different members of our family help, and sometimes if it was not for that, they would have to choose between what they ate that month and getting prescription drugs. Many seniors are in this same boat.

What we want to do is be able to offer seniors in all parts of the country so many choices they will have that option so they do not have to make the choice between what they eat that month and between getting prescription drugs.

So I think we just have to put the politics aside. Who cares whether it is Democrats, whether it is Republicans? We have to put the politics aside and do what is right for this country.

Mr. GUTKNECHT. The American people, I think, understand this. In fact, when you talk about health care reform, if you look at what has happened in the private sector over the last number of years, we have literally seen the reforms with the various kinds of managed care and much more sophisticated kinds of managed care which are doing an incredibly good job of controlling the growth in health care costs. As a matter of fact, in the State of Minnesota, where we have probably more managed care than virtually any other State in the Union, we have seen health care costs over the last 18 months increasing at only about 1.1 percent.

If you look at the private or at the public sector side, if you look at Medicare or Medicaid, we have had health care inflation at a rate of 10.5 percent. So the truth of the matter is we absolutely know that managed care will work. It will help control costs.

But more important than that, in the State of Minnesota, we had a study that was done where they interviewed over 17,000 recipients of health care and asked them about how satisfied they were with their health care, and the interesting thing was among seniors who were already in some kind of managed care, their satisfaction with the plan that they have is 3 times greater than those who were in the standard Medicare fee-for-service plan.

So it is not just about saving costs. It is not just about squeezing out some of the waste and mismanagement which we know is there.

I think the gentleman from Pennsylvania [Mr. FOX] has done more to study the whole issue of waste, fraud and abuse in the health care system than anybody. I think if you create these managed care systems and create competition out there, we are going to attack that waste, fraud and abuse so we have more health care for fewer dollars.

Mr. FOX of Pennsylvania. I appreciate your leadership as well as the gentleman from Nevada [Mr. ENSIGN], as well as the gentleman from California [Mr. CUNNINGHAM].

We can achieve savings we want by making sure we attack for the first time that health care fraud. Medicare fraud is $30 billion a year. By getting that savings, by offering choice, reducing paperwork costs and making sure we have an efficient system, health care will be preserved for our seniors under Medicare, and we can balance the budget, and I know that the gentleman from California [Mr. CUNNINGHAM] from his own experience can tell us about parts of the balanced budget amendment and the Balanced Budget Act that relates to his district, if he could join us in this discussion for that purpose.

Mr. GUTKNECHT. He is not a freshman, but we will allow him in on this debate, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. If you remember, it was our freshman class when I went aboard 5 years ago that had the gang of 7 that closed down the House bank, that found out they were selling cocaine downstairs here, and brought the check scandal to fruition. I think it was the first radical group to come in to make change, and the sophomore class followed, and the 75 young Turks that came in after that have done a bang-up job.

I thank you for yielding, and one of the things I would like to talk to is that, you know, some of the more radical Members on the other side of the aisle say that, well, we are cutting education, we are cutting the environment, we are cutting, hurting senior citizens.

Unfortunately, this place is about power. It is about the power to be re-elected. The power to be re-elected over the last 40 years means the power to disburse money from the Federal Government down to the lower ranks so they are going to vote for you so you can get re-elected so that you have got the power, and to support that you need the big bureaucracy to support the flow of the money so you can get re-elected so you have got the power.

What we are doing, and I think the American people would have a legitimate complaint if this Congress and the Republicans were trying to shift that power to the Republican Party, but the whole agenda and a balanced budget amendment and the agenda that we are trying to do is take that power, not to Republicans but to the American people, to the States, where it can be more effectively used. We believe that government works closest to the people and it works best there.

You will hear over and over and over again by more liberal Members from Congress here that this is the only place that those decisions can be made. The States cannot make those decisions because in the past they have failed and that they are the only ones that can tell the American people how to do their business. That is a good issue.

Mr. GUTKNECHT. That is so important because I think there is sort of this argument that if we do not do the spending, if we do not do the regulating, if we do not do not the controlling, it will not get done. This is not a debate about how much money is going to be spent on education, how much money is going to be spent on nutrition or how much is going to be spent on health care. This is really a fundamental debate about who's going to do the spending and who can do it more efficiently.

What we are really talking about, as you say, you said it so well, is returning more of that decision making back to the States and, more importantly, wherever possible and with the $500 per child tax credit, giving it back to the families because families are much more efficient than local governments, and local governments are much more efficient than State governments, and State governments are far more efficient than Federal Governments. That is why we are talking about welfare reform. We need to talk a little more about that because, again, I think the American people are so far out in front of us it is not even funny. I think they know the welfare system that has been created, controlled, directed, and regulated by the Federal Government has been an abysmal failure. They do not have to go very far in any direction, particularly if they come to this city, to see the results of 30 years of the social welfare state.

As a matter of fact, here in Washington, DC, if we go 10 blocks literally in any direction from this Capitol, you will see the results of 30 years of the social welfare state, and the results are devastating and not just in terms of the total costs. We all know we have spent over $5 trillion over the last 30 years, but the real cost is in the human cost because we have replaced self-reliance and families with debt, dependency and despair, and that is what the American people want changed. They know the real way is to send it back to the States through block grants to allow local communities and local individuals to help those who need the help.

Mr. CUNNINGHAM. Let me be very specific. I would like, Mr. Speaker, for you to listen to these figures because they are accurate and they are important in this debate. The Federal Government only supports 7 percent of education funding, 7 percent. 93 percent of all education is paid for out of State tax dollars.

Now, of that 7 percent that we send to States, it occupies over 50 percent of the rules and regulations and burden on the State itself. It represents 75 percent of the paperwork that the State and the schools have to go through that tie up portions of the 93 cents that comes out of the State tax dollars.

Mr. GUTKNECHT. Say that again. I think that needs to be repeated. That it is a powerful set of statistics.

Mr. CUNNINGHAM. It is. It is very accurate. It is accurate for any State you go into. We happen to have one in eight Americans lives in the State of California. It is the same for any one of the States. The Federal Government only provides 7 percent of the funding for education. 93 percent, or 93 cents out of every dollar, comes out of the State. But yet of that 7 cents, 50 percent of the rules and regulations that tie up the State comes out of that 7 percent of funding from the Federal Government, 75 percent of the paperwork, and by getting back, and for example, my colleague says, well, you look, you cut out Goals 2000, you cut out all the funds for Goals 2000, what a great program. Well, if I send the money directly to the State and the State likes Goal 2000, the Governors have told us they can do a Goals 2000 program much more efficiently. They do not have the Federal rules and regulations, and they will argue, well, it is all voluntary. In the Goals 2000 bill there are 48 instances that say "States will," and requires reporting, requires paperwork, and guess what, on the other end it takes Federal bureaucrats to take in that information, to record it and so on.

My wife is a principal. She has to write grants for Goals 2000, and they receive some of the dollars. Many of the schools set up and hire people to write grants. They do not get the dollars, in most cases. Even in the cases they do, quite often, if it is not a larger school, the amount of dollars they get is not as much as it costs to pay the grant writer and to perform the rules and the regulations and the paperwork that comes back to Washington, DC.

□ 2100

So when they say we are cutting, we are actually providing more dollars and more efficiency to the States. And those savings; guess what? Those savings go to balance the budget, and in the case of the education bill, Mr. Speaker, some of those savings went up to NIH for medical research on AIDS, and heart disease, and some of the things that I believe most people in America believe are of national interest and that the Federal Government is the one that can host. So I get kind of upset when they say that we are cutting education, and they say I think the gentleman covered the student finances and the student loans. We are providing more money for student loans than ever in the history. But guess where the savings come from? The President's bill on direct lending, and I would like to give you, Mr. Speaker, some accurate figures as well, if I can find them here, that what the costs of the President's direct lending costs us.

The President asks, or the President's costs, cost $1 billion over the next 7 years more than private student loans, $1 billion for the direct loan period, and guess what? CBO and OMB have not even calculated what it costs to collect those loans. That is just the distribution of it. So when we say——

Mr. GUTKNECHT. That is just the overhead.

Mr. CUNNINGHAM. Just the overhead, $1 billion more than sending it to the private enterprises, but yet our colleagues say, well, that is only for the rich, that is for your loan guys, and that is for your banks. Well, I can do something cheaper and better and provide more loans to the students that really need them, and the Pell grants which have been increased higher than any other level in the time of history, then I think that is better, instead again of having the Federal Government up here being able to dole out the money, and guess what? That direct student loan program, the President wanted billions more dollars to increase it by fourscore, and that would make the Department of Education the biggest lending entity in the world, I mean other than the World Bank, and that is what they want. They want that power of the Federal dollars to come down so that they can say, well, look at the grant that I gave you here.

But they forget one thing, Mr. Speaker. They forget where the money came from in the first place. It is not their money. They take if from the very people, send it up here, and let me give you another accurate figure, Mr. Speaker, and this is one for my colleague to remember also. Only 23 cents out of every dollar that comes to Washington gets back into the classroom, 23 cents on every dollar.

Mr. GUTKNECHT. That is a pretty poor return on the investment.

Mr. CUNNINGHAM. Only 30 cents in welfare gets down to the recipients that really need the welfare check because of all the bureaucracy.

Now my colleagues on the other side of the aisle or this side of the aisle, or the American public, you cannot run a business like that, and what the Governors have come to us and said is let us have the dollars, you do not want children to go hungry, you want the needy to be taken care of, you want the help. But you have got 144-some welfare programs, you have got 250 education programs. Let us set our own State standards, give us the money, do away with the Federal requirements and the bureaucracy, and we can make it more efficient. And guess what? We can apply those savings to the deficit and reduce, and what you have been talking about, what Alan Greenspan said, is that interest rates have already come down 2 percent.

Why? Because the lending institutions for the first time in over 40 years believe that Congress is serious about balancing the budget, and if that expectation goes away, those interest rates would not only go back to where they were, they will spiral upward and upward, and then look what it costs for a student loan in the increased interest. Look what it costs for a home with increased interest.

I do not know about you, but most Americans, when interest rates came down, they refinanced their home, and I would encourage you, Mr. Speaker, if you have not done it already, take a serious look because it is going to be cheaper on your payments, and what does that mean? It means more dollars in the pockets of the American people.

And these are some of the things on education, and I have a special order later tonight that I want to go through in depth some of these same issues on education and go through grant by grant, loan by loan, education bill and education program by education program and show what we have really done. If you say cut at a Federal level, yes, I will zero out any program I can at a Federal level and pass it on down to the State because I think and believe from the bottom of my heart it is much more efficient, it is closer to the people, and they can decide better where those dollars will be used, and I think that is what we are trying to do here.

Mr. GUTKNECHT. The examples you have given, Congressman CUNNINGHAM, are so good, and frankly I think the American people instinctively understand just what you have talked about tonight. They understand that what we really need to do is localize, and privatize, and downsize this Federal Government, and that is what we are trying to do, and when they talk about cuts in education, we are talking about moving more of that educational decisionmaking back to the States, local units, and to families where they can make their own decisions about what they are going to do with their kids and the schools that they have, and frankly I think every American family understands this. They care much more about their kids' education than some bureaucrat in Washington.

You know we can all talk about caring, and everybody talks about compassion, but real caring and real compassion happens around the kitchen table. It is families that care most about their kids' education, and that is what we want to get back to, and the waste and mismanagement here in this city, as I say, is just awesome, and I know you are going to talk a little bit about Bosnia, and I want to hear a little more, and I see Congressman DORNAN is here tonight as well to talk a little bit about military affairs, and I believe in a strong defense, but just look at the Defense Department and the amount of waste, and duplication, and mismanagement that we see, and I know that your other colleague from San Diego once told me, Congressman HUNTER, about how many buyers they have at the Pentagon.

Mr. CUNNINGHAM. Congressman who?

Mr. GUTKNECHT. HUNTER.

Mr. CUNNINGHAM. Congressman who?

Mr. GUTKNECHT. Congressman DUNCAN HUNTER.

Mr. CUNNINGHAM. Congressman who?

Mr. GUTKNECHT. DUNCAN HUNTER.

Mr. CUNNINGHAM. He told me to mention his name three times.

Mr. GUTKNECHT. Why? The duck comes down and you win 50 bucks?

But he talked about how may buyers, and it is like 106,000 buyers in the Department of Defense. We have 1,646 buyers for every F-16 we buy, and we buy 1 or 2 a week, something like that, and it is replete throughout the Federal Government. We all know that, the people that we serve know that, and the interesting thing, and we talked a little bit earlier about the megapoll that we did; it just confirms, I think, the common sense we all have, and that is once the American people understand what we are doing, once they see how much we are actually going to be spending, if anything the criticism is that we are still spending too much. Our budget calls for almost $12.1 trillion worth of spending over the next 7 years, and if you divide that up, it works out to over $46,500 in Federal spending for every man, woman, and child in the United States.

Let me say that again. Over the next 7 years, Mr. Speaker, our budget plan, which the President vetoed today as cutting too much, will spend $46,500 for every man, woman, and child in the United States.

Now what we are saying, I think in very simple language, we believe the $12.2 trillion is more than enough to fund the legitimate needs of this Federal Government and to take care of those people who depend on the Federal Government for various services; $12.1 trillion is more than enough. $13 trillion will bust the bank, and it will bust the taxpayers. In fact I think, if we can get the American people to look more at the facts of our budget, I think they will come to the same conclusion that we have come to, and that is that our budget is fair, it is reasonable, it is responsible, and it is long overdue.

And so I think the budget that we are talking about is one that is good for the American people. As you said, long term it is going to bring interest rates down even more so Americans will have more of their own money to spend. They will not have to spend so much in interest. It will make student loans more available and more affordable. In fact the average family, according to Alan Greenspan, if we can stay on this balanced-budget plan over the next 7 years, the average family with a $100,000 mortgage—in fact the average mortgage in the State of Minnesota is $93,600—they will save almost $3,000 a year in interest as opposed to what they would have spent or will spend if we do not really get serious about——

Mr. CUNNINGHAM. They can use it for their child's education, for medical bills, first-time home buyers, or they can even put it away for an IRA to save for when they become chronologically gifted folks.

Mr. GUTKNECHT. It is about the difference between government responsibility and Federal responsibility and getting back more personal responsibility. Let the people make their own decisions, let them spend their own money, because we think they can spend it more efficiently than this Federal Government.

As I say, I think the American people, once they know the facts, will again conclude that our budget spends more than enough to meet the legitimate needs of this Federal Government and that the target numbers we are working with, they are fair, they are reasonable, they are responsible, and, as I say, they are long overdue.

I want to yield some time to you and talk about the other major issue that is confronting this Congress, and this Government, this country, and this world, and that is about Bosnia, and it has been particularly frustrating for me as a freshman Member because things happen pretty fast around here, but I would suspect that most of America, I know all of our colleagues know, that you were one of the most decorated Navy pilots in the Vietnam war, and I think when you talk about military issues and particularly about brushfire wars, and political wars, of civil wars around the world, you speak with a special degree of expertise, and so I want to yield some time to you, and so I welcome one of the other world experts on foreign policy and military affairs.

Mr. CUNNINGHAM. Do we have to give time to that Air Force guy?

Mr. GUTKNECHT. The gentleman from the Air Force, flew F-100's at one time and perhaps maybe he still does, but I would yield first to Congressman CUNNINGHAM.

Mr. CUNNINGHAM. I thank the gentleman for yielding, and like I said, I have got an hour special order after this, and I will take up afterward. But what I would like to go through, Mr. Speaker, is what I found is many of the Members on the other side of the aisle, as well as Members on this side of the aisle, are concerned about the other issues that we have talked about, budget debate and across the board. They do not serve on National Security. They are not directly involved with the Bosnia issue, but it is of great concern to them, and they do not have the time to really go out and find out the information.

What I would like to do first is kind of set the stage, if my friend, the gentleman from California [Mr. DORNAN] would allow me, to just kind of go through and name the players. Later on in the evening I would like to go through the history of the portions of the world that we are talking about going into in Bosnia, from over 600 years ago on the Field of Flowers and the time of Hugo through the revolution where Nazis invaded Yugoslavia, the former Yugoslavia, back in the 1940's. First of all I would like to go through the players, Mr. Speaker, because, as I said, many people do not associate names, places, religions, with individual groups.

For example, Alija Izetbegovic; he is a Bosnian Muslim, but when someone talks about talking about Sarajevo or Bosnia and Herzegovina, they do not necessarily tie the two together. So Izetbegovic is a Bosnian Muslim that is primarily responsible in the Bosnia and Herzegovina area, and primarily Sarajevo, which is where there are headquarters. Now Izetbegovic, like Tudjman, who is a Croatian, is of Roman Catholic descent, and you talk about Zagreb when you talk about that particular portion of their Croatian nationalism. They also during World War II, if you take a look at the two groups, their Croatians fought alongside with Nazi Germany, and they were called the Ustase. They formed the only Nazi concentration camp outside of Germany where they executed and ethnically cleansed over a million and a half Serbs, Jews, and gypsies at one time, and if you take a look also at Franjo Tudjman, Croatian, Roman Catholic, Zagreb, the World War II association was with the Ustase in Nazi Germany. If you look at Slobodan Milosevic, we talk about he is the head of Serbia, not Bosnian Serb, but Serbia, greater Serbia itself. That is a group of Orthodox Catholics. The difference between the two groups; one is Orthodox Catholic, the other is Roman Catholic in the religious affiliations, and of course Milosevic is in Belgrade, and if you look at that portion of the world during World War II, there were three basic groups: the Chetniks which fought under Mihailovic, the Ustase, which were associated with the Nazi Germans, and then you had a well-known man named Tito. He was with the partisans, which was a group of people that fought with the greater Russian Communists. Mihailovic fought for greater Yugoslavia, Tito fought for communism and a greater Russia, so that there is a big conflict, not a conflict but a misunderstanding, of the players and where they really came from.

□ 2115

Let me go into also the number of troops under this agreement that will be placed into Bosnia. Great Britain has come up with 13,000 troops, France 7,500 troops, Spain 4,000, Italy 2,000, Germany 4,000, other NATO countries 2,500, Russia 2,000 troops; and the United States, where they say 20,000 troops, the actual number of troops there, and that will be deployed, will be 32,000 troops, not 20,300 troops.

Let me go through, and then I would yield back over to my friend, if he likes, let me go over some of the history perspectives of the area, Mr. Speaker. As I said, many people that are not historians, that have not looked at the issues, have not read the books, they have not gone through the list of that portion of the world.

As early as 1389, and let me repeat that so there is no confusion, 1389 on the Field of Blackbirds, some call it the Field of Flowers, saw the Serbian Empire defeated by the Turks. By the end of June, the time of Yugo, former Yugoslavia was dominated by the Turkish Moslems. June 28 today is celebrated much like our Fourth of July in Bosnia, as Independence Day, because it was 600 years of domination of the Ottoman Turks. That is how the same basic ethnic group changed from Serbian to Croatian to Moslem, and the Moslem came from the Turkish Moslem, the Suni Moslem.

Mr. DORNAN. If the gentleman will yield for a 1-minute elaboration, DUKE, I found out that no matter how good I am or you are, some of our supporters out there have said sometimes a dialog is good. It gets the juices going. We cannot tell the colonel in the chair there, our good Marine Speaker pro tem, to get a cup of coffee or tea, but I am telling people if they want to continue to listen to you, they are going to learn something from you and from me tonight, as they just learned a lot from the gentleman from Minnesota [Mr. GUTKNECHT].

I want to flesh this out. This is not a movie, they must listen to us. Let me flesh out why Serbians treat as though it were 2 years ago the battle in the Field of Blackbirds at Kosovo Poije. Here is what happened. Prince Lazar, a tall, handsome Serbian knight, sets up to do battle with the Sultan of the Ottoman Empire. He had 400 concubines in Topkapi; interesting place when people go to Istanbul to visit the blue mosque, hundreds of years old, and Hagia Sofia, built by, oh, my gosh, Justinian up here in the corner in 532.

The Sultan had reigned for 29 years. Roosevelt got a fourth term, and about 82 days into a 13th year. Thirty-nine years, Sultan Murad, sounds like something for the eyes, Murad I ruled for 29 years. The Serbs were winning, and a Serbian noble, Miloc, that is why so many children are named Milo or Milan or Miloc, Miloc Kobolic pretends to be a deserter—what you guys in Vietnam called the chu hoi program, come over to our side—in all his knightly armor and garb, a swashbuckling figure, for the mind to conjure this up and know that it is better than anything they do in Hollywood with their fake violence and untrue stories, just a will to fiction.

He works his way into the tent of a 29-year ruling Sultan and stabs him to death with a poison dagger. He dies a violent death of torture, and for a while it was pandemonium. It looked like the Serbs had won the day, yet again to save Christendom from the Islamic forces that had gone all the way across North Africa, across the Strait of Gibraltar and conquered most of Spain, driving out, if they would not convert, and killing the Christians and ending the Christendom of St. Augustine in all of North Africa. His son, Sultan Murad's son Bayezid, rallies his forces and inflicts a crushing defeat on the Serbs. They capture and torture to death the leader, Prince Lazar.

The Serbs are then forced to pay tribute for decades, turn over many of their women, and promise to do military service in now young Sultan Bayezid's forces for decades.

Then the second Battle of Kosovo is fought 59 years later, and the Serbs again almost win. The old date is 15 June, like Waterloo, but you are right, 28 June. And where have we heard that date on this floor before? 28 June 1914 caused George M. Cohen to write "Over There," "And we won't be back till it's over over there," and my dad gets three Purple Hearts, then wound chevrons, poison gas, 11 million of the flower of European youth killed.

That started not too far from Kosovo, to the west a little bit, in the city of Sarajevo where a 19-year-old knowing that if he was going to be hit man, he had to move fast, because if he turned 20 he would have gotten capital punishment. And Gavrilo Principат 19, in Sarajevo, on a street much narrower than the distance between the gentleman and me, he shoots to death the Archduke Ferdinand of the Austral-Hungarian Empire, the heir-apparent, his beautiful wife Sofia, nicks the driver of this big car. And the killing is on, and it has not stopped for this whole bloody era.

That is why, when you speak for the Serbs, and you jumped on me a little bit yesterday because in the abbreviated time I'm trying to be fair to Serbs, Croatians, and Moslems here, but the Serbs saved Christendom, as did the Hungarians, as did the Austrians, as did a whole area of southern Europe, held the line, saved Vienna, saved Malta, won the Battle of Leponto in 1571, that is almost two centuries later. This went on for half of this millenium we are ending in 4 years. Just wanted to know, fact is better than fiction.

Mr. GUTKNECHT. Mr. Speaker, if I could reclaim my time, my hour is going to expire quickly and then you guys are going to have at it for another hour. But I just want to say that I think this is important.

I said earlier that facts are stubborn things. And I think it was Patrick Henry who said that the price of liberty is eternal vigilance. The American people need to get plugged into this discussion, whether we are talking about Bosnia or the budget, because I think the American people in many respects are going to be the final arbiters of this debate. I thank you so much for sharing with us the history, because the more you learn about that region, the more you learn about this agreement, the more you learn about what is going on over there, the more troubling this whole story becomes.

The real trouble is they are going to be our kids, and they are just kids for the most part. You see them out here exercising with the various honor guards and color guards and so forth, and you cannot help but feel proud of them. But many of those kids are going to get hurt, they are going to get killed, they are going to get wounded. The American people need to tune into this debate because facts are stubborn things, and the price of liberty is eternal vigilance. The American people, I hope, will be tuned into your discussion as you go on for the next hour.

HISTORY OF THE FORMER YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN]. I do not think there is anybody on the floor who knows history, accurately, as my friend from California.

Mr. Speaker, why is it so important, the time of the Field of Blackbirds, the time the Turks took over the Serbian Empire? What significance does that have for us, today, Mr. Speaker? From 1389, June 28 to June 28 in 1989, kind of the start of the problems we have in Bosnia-Herzegovina, in former Yugoslavia, because on June 28, 1989, Slobodan Milosevic, remember he is the Serbian out of Belgrade, spoke to national Yugoslavia and spoke about a former and a greater Yugoslavia.

At the same time and even prior to this, in 1980, prior to the 600th anniversary of the time of Yugo and the Field of Blackbirds, the Croatians, Franjo Tudjman spoke of the same Croatian national goals for Yugoslavia, which included the eviction of Serbs occupying the greater Croatia. The problem with that, we do not believe that either Milosevic or Tudman wanted an all-out war. It would cost too much and too much bloodshed. What they did want is as much of the Croatian and Serbian Empire for themselves under a greater Yugoslavia than they had. The problem was that at the same time, it kind of got out of hand. The Bosnian Moslems that we associate, again, primarily with Sarajevo, were kind of caught in the middle of this thing. They were the minority. They were forced, I believe, into a shotgun wedding with the Croatians, but quite often, the Moslems, the Bosnian Moslems, found themselves at odds with both the Croatians and with the Serbians, and both groups were killing the other.

At a time when the Moslems thought that they had no one to turn to, the United States did not support them, the Croatians were beating up on them, the Serbians were beating up on them, they accepted with open arms the Middle East Mujaheddin groups, and there are over 4,000 of them there today.

This is one of the groups we are very concerned about. This is not the Bosnian Moslems, the more moderate. This is the Islamic terrorists and fundamentalists that come out of Iran, Iraq, Afghanistan, Egypt, and some of the other Middle East countries. They are sworn to a national Jihad.

Germany sees its economic future in the hands of the Balkans. Greece is also concerned about further expansionism into Greece by the Turks and the Turkish Moslems, so it is a problem. The Germans, Croats, and Slavs are Roman Catholic. The Turks, the Bosnians, the Macedonians and Montenegrans are primarily Moslems. The Russians and Serbs are Orthodox Catholics.

Now let me back up just a little bit in time, Mr. Speaker, from going from 1389 to 1989 in the history when this was significant to both the Croatians and the Serbians, when Serbia was taken over by the Ottoman Turks. During World War II, and this is prior to Pearl Harbor in 1941, Germans attacked and invaded Yugoslavia itself. the Serbians united with Russia and the United States. Let me repeat that. The Serbians united with Russia and the United States.

There were two primary groups that fought with the United States and with Russia. They were the Chetniks, led by Micholevic, that were interested in a greater Yugoslavia; and then there was Tito, who was a Russian Communist, who was there to promote primarily Russian communism; two factions, but all fighting against the Nazis.

The Croatians and most of the Moslems fought with the Ustase in support of Nazi Germany. Germany built a concentration camp at Janocevic and killed 1.5 million Serbs, Jews, and Gypsies. During the 1980's Croatian nationalism movement under Tudjman, and the Croatians adopted, and this is now back at 1980, you can imagine the concern of most of the Serbians and some of the Moslems when the Croatians donned the old uniforms of Nazi Germany in the nationalistic movement which Tudjman was pushing on the other side of the Serb nationalistic movement, and the fears cam to fruition.

I recently attended, last year, a banquet in which over 400 allied U.S. pilots were giving homage to the Serbs. Why? I remember the old Humphrey Bogart movies when the underground got our allied pilots and French pilots and the British pilots and United States pilots, most of them were with the Army Air Corps at that time, but they got out through the underground, our allied pilots. In 1990, France and Great Britian allied themselves with Croatia against their cold war enemy, because after the war, Russia in the cold war also became the warring enemy with the United States.

As early as 1991 Tudjman, again, Tudjman with the Croatians, and Milosevic with the Serbians, hoping to actually avoid a war in 1991, sat down and sought out a reconciliation at Kraziavo. They split Bosnia-Herzegovina between Serbia and Croatia, much like the Ohio agreement had done over the last month. The West insisted, however, on a Bosnia-Herzegovina Moslem state, which suited the goals of Izetbegovic, again, the head of the Bosnian Moslems. It also suited the radical Islamic movement.

The Dayton agreement also splits the area, but guess who is in disconcert with that agreement the most? Izetbegovic, because again, it splits up Bosnia-Herzegovina, primarily between the Serbs and the Croatians, and gives the Moslems not the Moslem state that they originally wanted.

□ 2130

General Lewis MacKenzie, former head and commander of the United Nations, and I quote, "Izetbegovic wants the entire country back." Now, this is General Lewis MacKenzie, the Canadian and head of the U.N. forces. In testimony before the Committee on National Security, when asked if he would commit United States troops in Bosnia, he added, "I would not touch it with a 10-foot pole." At the same time the media reports from Bosnia and Sarajevo supported President Clinton against the Serbs.

In 1994 and 1995, Bosnian Muslims established the Mujahideen Third Corps. Today there are over 4,000 radical Islamic fighters in organizations in Bosnia, and many of those, Mr. Speaker, have integrated into the regular forces. So when they talk about, in the agreement, they are going to eliminate those forces, those are the forces that are sworn to fight against the United States.

Brigadier General Bastimas, commander of the U.N. military observes in Bosnia, and General MacKenzie have said that it was a Muslim who provoked the Serbian attack on Garazde. Brigadier General Bastimas criticized the United States media campaign and President Clinton's failings to recognize the Muslim trap set in Sarajevo.

Another thing that bothers me, Mr. Speaker, is that the press jumps out, and we say we are going to treat all sides equal, but yet we have the biggest dog in town. If there is an incident and the press jumps on it and the President reacts, let me give you a couple of examples.

The press reported that the 40 Muslims killed in Sarajevo was through a Serbian Shell, mortar. The French, the Russian and the British bomb experts have stated, and I can publish and show you the articles and submit them for the RECORD, that it was a Muslim preplanted bomb, that they just so happened to have photographers there, that they just so happened to have the cameras there, so that they knew that they were going to lose Bosnia-Herzegovina; and these are not the Bosnian Muslims, these are the radicals, that set a bomb to go off so that the United States again would go after the Serbs and they would get a bigger piece of the pie.

Remember, Mr. Speaker, when the press said that Captain O'Grady, who was shot down in his F-16 during the helicopter rescue that the Serbs fired at him. General Shalikashvili in testimony before the Committee on National Security testified that Captain O'Grady was not shot at by the Serbs, he was not shot at until after he got over Croatia.

These are the kinds of things that immediate reaction, when we are going to go and hit somebody and follow the media and take a look at that, it concerns me. Because I think that General MacKenzie also testified before the Committee on National Security, and my friend Mr. DORNAN was there. He said that what will happen is that these fundamentalist groups will fire a shell from the Serbian side and blame it on the Serbians just so that they can get more bargaining power.

Izetbegovic is the biggest loser in Ohio. Let me read here a direct quote. I quote from Commander Abu Al-Ma'ali; he is the commander of the Mujahideen in Bosnia. "To all of you Muslims of the world, we send you our appeal, which we have reported and are still repeating, to rise up in support of your brothers and remove the obstacles from around you.

Those attempts are led by the United States in the Crusade West. We know that we will have a day in which to fight, and I quote, "The Jews and the Almighty grant us victory." And we also know the best soldiers will fight the Christians. We disbelieve in the United States and its allies; we disbelieve in the transgressors and their religion, and we will have relied only on Al-Ma'ali.

I would like to make it very clear, Mr. Speaker, we are not talking about Muslims. There are as many radicals within the Christian faith as there are, when we look at Israel that recently had the tragedy there, when we look in our own country, when we look at the Muslims across in the Middle East, there are as many fine Muslims as there are Christians, but these are radical groups we are going to have to contend with, Mr. Speaker, and it scares me.

I would yield to my friend; I have gone on for a little bit with the history of this. I have more in my hour, but I would be happy to yield to the gentleman, and then I will continue with some of this education.

Mr. DORNAN. Excellent. Mr. CUNNINGHAM, I think, because you and I are substantially in agreement on this and have emphasized different aspects in the name of freedom, of trying to educate our colleagues, whoever is sitting in the Speaker's chair, and this gentleman and I, Mr. LONGLEY, as a marine lieutenant colonel active reservist in uniform, on summer drill, was in the NATO headquarters when we were both briefed, he on active duty, me as a visiting double Chairman of the Committee on Intelligence and Military Personnel of the Committee on National Security, and we both heard everybody in agreement from all NATO nations in attendance; there were about 7 or 8 represented out of the 16.

When I asked about the provocations from all sides and would one side do something to make another side look bad, they all nodded in agreement that it was a very gnarly situation.

Now, a few days after we were briefed, I went with Congressman GREG LAUGHLIN of Texas to meet with Akashi, who has now been, I guess "fired" is the nondecorous word, he has now been sent back to New York, probably with a big raise. They have another U.N. representative sitting there in the U.N. headquarters in Zagreb, Croatia.

While we were with him on Friday, August 25, I guess I saw the Speaker pro tempore on the 24th, we warned him, Mr. LAUGHLIN and myself, I was the leader of the CODEL, so I went first, that he was not qualified. Mr. Yasushi Akashi picked targets. I was sitting there thinking about LBJ picking targets for you as a naval combat pilot or the attack pilots below you that you were mid-capping, and I said, you are not qualified. He all but said, well, how did you like the targets I picked, the ammunition dumps last April?

I said, wait a minute. You mean the outhouses with some small arms ammo that blew up around Pale? I said, those are not targets, we are talking about Brcko, and blowing up huge massive concentrations of ammunition. We are talking about hitting communication sites and everything.

That next Monday on the 28th, the mortars hit Tuzla. Some people think the mortars were fired provocatively by Muslims. I do not know if they are agents provocateur, as Jane Fonda used to like to say, they were Croatian Bosnians, or whether the Serbian Bosnians did it with or without checking with Belgrade. But people were blown all over the marketplace. Dozens wounded, several dozens died on the spot before they could get medical aid. That was the 28th, and by the 30th, as we were about to leave the country for Milan, the bombing started. I said to my CODEL three escort officers, Greg and myself, look, let's get the embassy van and head back to Aviano. It is just a 3-hour drive across northern Italy. Let us be there when the pilots come home from those strikes. While we were there in the operations center, the French plane got shot down.

Now, that is a fighter pilot, and I am a peacetime fighter pilot. You know there is a brotherhood in the air for allies, and years and years after the war, even between former enemies. Those are our brothers up there, those two Frenchmen. That Mirage could have been a 2-seat F-15E; it could have been a 4-man EA-6B Intruder or Prowler, it could have been a Navy bird.

The first airplane I greeted back was a Navy bird with a reservist, a Marine Captain, an active duty Navy, and an active duty Navy reservist and, I mean a reservist on reserve duty from the States, a mixed 4-man crew that had just flown a 6½ hour mission controlling that very French plane that went down.

Now I am told at the Pentagon this morning, early morning briefing, that our Pentagon at least suspects the two French pilots have been murdered.

Now, the Serbs did have them, the Bosnian Serbs, because they released photographs that he had taken of the two Frenchmen. I showed them to you the other day and their legs looked like they had mild sprained ankles or something, or maybe they shot them in the legs so they would not escape, but they looked in pretty good shape.

One of them reminded me of you, Captain Frederique Chiffot, two Fs. He is looking at the camera with a grimace like, I am resisting, I will hang on; looked like a typical tough Frenchman in the Foreign Legion or the gendarmerie. This guy was great.

So they may be murdered. Why? Why could they not be turned over? Where was Milosevic's role?

Here is what I want to present. We are right now in healthy disagreement on this, on what we do tomorrow. First of all, I am getting jockied to run by the conference. Let's assume the whole audience of 1.7 million and our great Speaker pro tempore stayed with me through the night. I got 20 calls tonight, is DORNAN going to speak again?

Here is what I told them last night. I turned in the letter of 50 plus, 64, I demanded a conference, I was told we could not have it today, we would get it tomorrow morning and we would discuss this for an hour or two hours, closed doors, no staff except NEWT's and the majority leader ARMEY staff; and now I am told that we have my conference and it is going to be at 5 o'clock, but something is wrong with that, because we are going to adjourn with legislative business at 4, there are no votes on Friday, there are no votes on Monday.

BOB DOLE's deal where all the liberal journalists are saying, what a courageous guy, finally is through pandering to the Christian Right, way out on a limb, what an act of courage, what a great guy. What a great guy, MCCAIN, again, he got Hanoi all normalized and wrapped up, now he is way out on a limb with DOLE, and here he is GRAMM's national chairman. GRAMM, taking a role of leadership against this; it blew up in DOLE's face today.

Did my friend from San Diego or did my friend from the great State of Maine, as Maine goes, so goes the Nation, did you know that BOB DOLE and MCCAIN got so far out in front of their troops that no other Republicans joined them, except DICK LUGAR, none, that they had a revolution that PAUL COVERDELL said, I am not going to be a coconspirator in this nightmare.

So do not you smile, Mr. ABERCROMBIE. We have problems over here, too, so do you. We do not want any more of you guys just yet, I know it is breaking your heart.

So let me tell you more about our problems. You think you have got problems in the Democratic Caucus, let me tell you about the Republican Conference. So my pal BOB DOLE, who earned the right to do anything he wants in this country, he served all of his life, he is way out in front trying to support Clinton and here is the question I want to ask America tonight. DUKE, you came here in 1988, right?

Mr. CUNNINGHAM. 1990.

Mr. DORNAN. You were——

Mr. CUNNINGHAM. I retired from the Navy in 1987.

Mr. DORNAN. You did not waste any time coming to continue your Federal service, you BOB DOLE, you.

Now look, here is the problem. When I came back, made a great comeback, I was a term-limit guy, 6 years, said good-bye, entered a Senate race a year late and a $1 million short, Pete Wilson beat me, and a Navy Cross winner McCloskey, short; and I come here in 1985. Reagan won a second term. It is kind of rare, second terms in American history. Roosevelt, Wilson on their side.

Mr. CUNNINGHAM. Can we stay on Bosnia, BOB?

Mr. DORNAN. I am coming back to that. And now I come back in 1984–85 and we start the battle of El Salvador.

Here is my question for the night, DUKE. The Democratic majority under Tip O'Neill and the majority leader Foley, without the U.S. Senate, it was still in Senate hands and had been so for 4 years, in the fifth year of Ronald Reagan delivering the Senate in January of 1981 to the Republican Party without the Senate, Tip O'Neill held commander in chief Ronald Reagan, beloved by military men and women around the world, a beloved figure with his ratings high, held him in the struggle for freedom in El Salvador for 55, not 5,500 or 550, less than five dozen people. Fifty-five advisors in a country north of the Panama Canal, and Reagan could not break Tip O'Neill and Foley and GEPHARDT; he was held to 55.

Now I am being told by a guy I admire, leader BOB DOLE, by our best, one of our best fighters here, NEWT GINGRICH, and most of the leadership that we are neutered, impotent, that there is nothing we can do to stop Clinton, who avoided service three times and sent high school kids in his place; that he is going to put 55,000 people into what Churchill called the tinder box of the Balkans, disregarding two overwhelming House votes and a big Senate vote against it. He is going to get that done, and we are told we cannot do a thing about it; and Reagan could not get a 56th soldier or Green Beret into El Salvador.

Here is what I am going to do later. See this book, Presidential War Power, by a Democrat scholar named Louis Fisher. Pretty nonpartisan actually, although he is a registered Democrat, and here is his article that I am going to put in the RECORD, because MCCAIN has been misstating this.

MCCAIN said during Haiti that Thomas Jefferson sent naval forces to get the Barbary pirates along the Algerian coast without congressional approval; he said it over Haiti, and he said it again on Brinkley this Sunday.

That is just not so. JOHN had better come up with his history. He did not learn that at Annapolis. The Barbary wars are no legal precedent for Haiti.

Do you know what? Ten public laws were passed by the Congress, 10 went into law, demanding that Jefferson, the first one was passed the day before he was sworn in on March 3d, 1801; they demanded he go do something about the Barbary pirates. The President, Jefferson himself, actually that is who Buchanan was quoting, eternal vigilance is the price you pay for liberty, and then I will turn it back.

Do you know what Jefferson said? I can do nothing as commander in chief except defend this country. If I am going to do anything offensive, particularly overseas, I must have the permission of Congress, just as every NATO nation has to get permission from their Knesset, their Parliament, the Bundestag; and we are not being listened to by Clinton.

□ 2145

Mr. CUNNINGHAM. Let me comment and give you my opinion of a couple of the events. My friend knows the warm affection I feel for him.

Mr. DORNAN. It is a manly affection.

Mr. CUNNINGHAM. In a manly way. He has not only stuck up for me physically recently but in campaigns and everything else, and I consider him a very close friend.

I am not running for President and I am looking at the presidential side of it. But I would not presuppose, and I would tell my friend from California, that the Frenchmen had been shot in the legs. I would hope that is not true.

Mr. DORNAN. I am not accepting it, either. I thank the gentleman.

Mr. CUNNINGHAM. And I would not suppose that they have been murdered. I hope that is not the case also.

Mr. DORNAN. They better not be.

Mr. CUNNINGHAM. And I would not condone that. I would condemn it.

I would also say that Senator DOLE, when we came to Congress, stated that he, like most of us, would try and work with the President to find the best solutions.

The biggest upset that I had in Vietnam, and I would tell my friend from California, I was shot down on the 10th of May, 1972. I can remember sitting on my knees and weeping on board the U.S.S. *Constellation* when I saw the Jane Fondas and the Tom Haydens, when I saw the rules and the regulations that were set forth in this Congress back during the 1970s. I can remember saying, who are those guys back in Washington, what country do they come from?

We did not want to be there, I would say to my friend. But what we wanted was the support of the American people. We wanted the support of Congress. We wanted the best equipment. We wanted to be able to go through and fight with the best tactics, with the best machinery that we could, so that we could come back not in body bags but to our family.

I talked to Senator DOLE and that is his opinion. He knows that percentagewise the President is going to take our troops, regardless of what we do. Part of my pitch is the difference between George Bush and Bill Clinton and President Johnson, and also a friend of the gentleman from California [Mr. DORNAN], Mr. McNamara.

But in that decision the President made, knowing that we are going to go, he wants to give our troops the most support that we can. He will still fight for us not to go there in the first place. But yes, and you have seen the resistance that we have had even among both sides of the aisle here. We have already had two votes on not going to Bosnia.

But after the peace accord was signed in Ohio, the inability for us to bring it up on the House floor, and I laud my friend from California, I supported and I signed your paper to bring it up even in our Republican Caucus. But I would say that the Senator is trying to work with the President as much as he can. He is against the position, but at the same time he wants to give maximum support to our troops.

I would go into the same thing, and some of the weaknesses that I also see in this Ohio agreement.

I look at a time when I was fighting in Vietnam, and I look at President Johnson, and he had McNamara. I think McNamara was not a bad Secretary of Defense, but I do not think he was placed in as Secretary of Defense at the proper time and in a wartime. I think during peacetime, as far as his politics, as far as his bean counting and his number crunching and what we actually needed machinery-wise was correct, and I think he served a pretty good position. But I do not think he was there as a tactician or could give the President the best information that he could have in the tactics and the policy in Vietnam. I think that is where the problem lies.

Second is that President Johnson managed, micromanaged the war from the White House. Did not let the Secretary of Defense get into the real problems. Did not trust his generals to run the war, and in my opinion we got 58,000 people killed unnecessarily, not just from those two individuals but through a whole lot of blunders.

Now I look at President Clinton. I think Shalikashvili is a pretty good general. I think he tries to do the job. I think if he was allowed to run this just like Colin Powell was under George Bush, I do not think he would do a bad job. But I also look at the President. When he says he will review the plan that comes out of NATO, I do not have much confidence in that from just the President's history.

I also look at his advisers, and I said Secretary Perry, in my opinion very good when he was an assistant secretary. When he is now Secretary of Defense in peacetime, I think he is a good Secretary of Defense. I do not have the faith in Secretary Perry in a wartime situation from a lack of experience.

At the same time I look at the President's Cabinet. Not historically a pro-military organization or group of individuals. When the President said he is going to make the decision, I take a look at the advisers that he has underneath him to give him good counsel and I am afraid of that.

Another thing that I have real concern with, Mr. Speaker, is that the President and this Congress is going to be in a campaign mode over the next year. In our testimony it was said that, well, the President must be not looking at the polls because he is out there fighting this when the American people are against it.

Republicans and Democrats across the board and in our Committee on National Security, Democrat after Democrat, and the gentleman from Hawaii [Mr. ABERCROMBIE] I believe was there during the time, said their polls and their people are telling them, Mr. President, do not send our troops to Bosnia. And I think that is pretty well across the board in most States and in most districts, Republican and Democrat. Maybe it is not, but the information that I have is overwhelming.

The difference between George Bush and the President, one, George Bush said he would abide by what Congress said. President Clinton, on the other hand, we have had two votes on not sending the troops and he is bypassing Congress and sending them anyway. That is why Senator DOLE has come on board and said, they are going, I need to get behind so that there are not any glitches, so that we do not get any Americans killed over there.

I am still dead set against it, as my friend from California and I believe my friend from Hawaii, I do not think he is in support of this, I will not speak out of turn, but he can comment on it later if he likes. But I think if we look at the whole problem that we go over there, let me ask you some real basic questions.

It has been identified that it would cost about $2.2 billion, Mr. Speaker. Testimony before the Committee on National Security said no, we are not sending 20,000, we are sending 32,000 people to Bosnia. Some are already there, some are already budgeted for. But the overall operation is going to cost this country, its share of NATO, $3 billion to $6 billion. Where is the President going to find the money to pay for it?

After we leave in one year, NATO is going to take over, and a long-term commitment. And we are trying to balance a budget in 7 years, we are trying to protect Medicare, we are trying to do some of the things that Members on the other side of the aisle are trying to do. NATO is billions of dollars broke. Who is going to pay for that extension in Bosnia-Herzegovina and in Bosnia? I think it is a fair question to ask the President.

The President in his speech also, I would say, said that the principal funding for nation-building of roads and bridges and elections is going to come from Europe. But that leaves an awful lot of room for the United States to also pick up the tab there.

There is something else that bothers me. The President and many of my colleagues on the other side of the aisle, not many on this side, wanted to go into Haiti. We said there is no national significance or interest in going into Haiti.

And at a time when Aristide has killed two of his predecessors, when the boat people from Haiti have already started coming out of there, the tortures, the neckties, and President Aristide has said that he is not going to abide by the elections, and he has reversed himself and countered that with a lot of pressure from the United States, but all the problems that are going on, and Haiti is just about to erupt again. Are we going to totally ignore Haiti?

That is of great national interest, according to many of my friends on the other side of the aisle that outvoted us when they were in the majority. And I would say no. If it is of great national interest, and we are going to get into Bosnia. I think it also has a problem, that if we look at the Islamic fundamentalists, their greatest aim is to have a Moslem state in Bosnia and Herzegovina and to hurt the United States.

If that is the case, how could they do that? They could tie up the United States, knowing that Haiti is a problem, and at the same time here comes Saddam Hussein and rears his ugly head. I would predict, Mr. Speaker, that within 1 year we are going to see Mr. Hussein again in a very violent way.

I have gone on for a while. I would yield to my friend again to go through, and I have got some other points that I would like to bring out, but I would also yield to my friend.

Mr. DORNAN. We have got time and I think this is super important, equal to the budget, and everybody in Hawaii is waiting for Mr. ABERCROMBIE and it is only 5 o'clock in the afternoon there, so we are in good shape.

Here is a press release by our good friend who uses this well so effectively, this floor, in special orders, DAN BURTON.

I did not know, following Bosnia so closely and fighting the budget battle, that Clinton had thrown his support behind the Spanish Foreign Minister Javier Salano for Secretary General of the North Atlantic Treaty Organization. This gentleman is not only a Marxist and whose only slogan when they took over in September 1979 was the platform of "We are a Marxist party," and that is it, big friend of Castro, constantly hammering on us to take the sanctions off that Communist killer, and he says he has openly admitted opposing Spain's membership in NATO, now he runs the thing and Spain is not a full member in full standing to NATO, although on my chart here Spain is going to send into that area—oh, that is great—1,000 people. Wonderful. They will probably all go to Zagreb or someplace that is safe.

He says he has never distinguished himself as an ally of the United States. Again all the friendships with Fidel "Killer" Castro.

It says Spain is not a full member. It is preposterous to even think about considering someone to run an organization who is from a government that is not fully integrated into the military structure of NATO.

Clinton is making a monumental blunder of sending these troops into Bosnia under the guise of NATO.

I found out in briefings today, I do not remember whether you were there or not, DUKE, that when we pull out in a year, and Britain and France have threatened to pull out and so did Germany if we pull out, it goes back to U.N. control.

So the U.N. is kind of going like under a rock. Their 14,000 people are going to go back to New York or wherever until a year goes by. Then they are all going to come back to the biggest U.N. operation ever.

I read about the corruption, put it in the RECORD, but neglected to give the whole Readers Digest article to the Official Reporters, so I will do that tonight.

I now have part 2 in front of me by Dale Van Atta that is simply titled The United Nations Is Out of Control. So we won that battle. For a year it will be a NATO operation, but with the United Nations in the wings hovering around there in the wings. Listen to this.

Here is the brand new Time magazine, page 56, this week. Michael Kramer. Not a bad thinker for a liberal. The art of selling Bosnia. Listen to these mistakes.

It says,

> The vote the administration hopes to win will be taken in the Senate soon, and the outcome remains uncertain.

I repeat, it exploded today in DOLE's face.

> In the Senate, the support of Majority Leader Bob Dole will probably win the backing that Bill Clinton desires.

Wrong. Issue in doubt.

> Dole's courage should not be minimized. With the exception of Lugar, all the other GOP presidential candidates oppose Clinton on Bosnia, the most vocal being Phil Gramm, who, in declaring his position even before the President made his case, showed again that he seems never to have encountered a principle he won't rise above.

Now let me defend Senator GRAMM. Who is Mike Kramer to say that he has not taken a consistent position here? That may go all the way back to Vietnam for all I know with GRAMM, that he wants the Presidential power curtailed the way Jefferson did, Thomas Jefferson, by a House vote.

It gets worse.

DOLE says,

> I'll take some hits for this.
>
> But he, more than most, respects presidential prerogatives and would like to enjoy them himself in 1997.

Well, let me tell my friend BOB DOLE that if he ends up as the 43d President of the United States——

Mr. CUNNINGHAM. Let me tell my friend that I control this hour. If it is going to continue to be——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LONGLEY). Will the gentleman suspend. I need to caution, Members must avoid references to Members of the Senate.

Mr. CUNNINGHAM. I agree. If it is going to be a continuing of this kind of dialog, I will reclaim my time.

Mr. DORNAN. Sure. What I am saying is that if people running for President think the President, to restate what I said earlier, can send any number of troops, unless it is Reagan and it is a Senate Democratic majority—then he is limited to 55 human beings—but whether it is Woodrow Wilson, he got a declaration of war; Roosevelt got a declaration of war. But whether it is Harry Truman in Korea, Kennedy or Johnson in Vietnam, Nixon claimed he had a secret plan which he did not, Presidents cannot, unless it is an emergency like Grenada, an American officer like Roberto Paz killed by a war criminal Turillos in Panama, unless there is an emergency nature, and I am for repealing the War Powers Act to give the President that emergency power, but Presidents do not arbitrarily have the raw, naked power alone, whether it is a future President or Clinton, to say, no matter what the House does, I want a vote but I want it to be a positive vote.

□ 2000

I was against Mr. Bush when he took that attitude. I noticed in today's paper Bush and Ford and Colin Powell endorse this unlimited raw executive power to send any number of troops they want anywhere in the world under a whim, which is the way Clinton started in this 2 years ago, to commit 25,000 people without a hearing, without talking to Congress, not to go to Bosnia, to only go in as hired guns to withdraw the U.N. Force which was being kidnaped, chained to tactical targets, having their boots stolen, slapped around, abused and degraded in the name of this tri-cornered civil war.

Now, listen to this, it says the troops are on the way; we cannot stop their deployment; and they deserve our support. This is what Bosnia, listen to this paragraph from Time, the administration will clearly take any resolution it can get, even a weak one, that says, in effect, "The President is sending the troops. We support the troops." Here is my patch again tonight, pull it out of my pocket, First Armored Division. I have got one I am going to give you as a gift. Everybody else is going to pay $3. I support the First Armored Division. They are not there yet.

I did a show with Chris Mathews, who was Tip O'Neill's, while he was Speaker, main political consultant for, I think, 6 or 8 of Tip's 10 years. Chris said to me, "I think you do have the power to stop this. I think if you are against it, you should use your vote," and he is the one who reminded me how Tip stopped Reagan dead in the water, so if the troops are not there yet, we do not even sign the treaty until December 14, today is the 6th, 8 days from now, and the First Armored man will not be there for several weeks right before Christmas, why can we not have a vote expressing our displeasure?

Now, going over this with scholars from Congressional Research Service, I am told disapproval cannot be vetoed by the President under separation of powers, because we control the appropriations process, and if we were a little bit earlier and there were not so much contention about a 7-year balanced budget plan, we could have stood up with a negative amendment on the defense appropriations bill and simply said, "Mr. Speaker, I have an amendment at the desk. The amendment will be read. No moneys appropriated under this bill shall be used to send or fund any ground," I would have put the word "ground" in, "ground troops in Bosnia-Herzegovina." That means the people can go to Macedonia, they can go to Croatia, they can go into Serbia and hold Milosevic's war criminal hand, they can go all up and down the Dalmatian coast, fill the Adriatic, the entire Mediterranean Sixth Fleet, no money for ground troops in Bosnia, because it is a European job.

Before you continue your history lecture there, let me tell you what one of the guards who served in Desert Storm, one of our great policemen who protects us here said in the elevator tonight to me. He said, "When I last looked, I don't think there were three nations in NATO, so three people each put up 20,000 troops." He said, "What is there, 15?" I said Iceland, 16. They have no forces. They are very lucky. They give us good air bases and seaports in Iceland. I said, that is right, there are 15 nations. It is not all according to population or to military forces that we flesh this thing out.

I question whether the French sector in Sarajevo is tougher than the Tuzla area. I put on 3–D goggles today and looked at these excellent maps of the Tuzla area. You know, I have been calling your office to get you to go there with me. I want veterans, I want the gentleman from Texas, Mr. LAUGHLIN, you, the gentleman from Texas, Mr. SAM JOHNSON, the gentleman from California, Mr. HUNTER, tiger fight, 1992. I want us to go there so we can talk to these men, if we cannot stop them from going there, and assess this scene.

Tuzla is a bowl. You do not see this in your Atlas or geography books. It is a pneumonia bowl. Up the road about 4 kilometers is all Yugoslavia's, all provinces before it fell apart under Tito, it is the largest chloride chemical plant in the whole country of what was Yugoslavia, 4 klicks west up in Lukovac. If one missile out of Belgrade hit that place, they admitted to me in intel, 10, 15, 30 thousand people, thousands of our troops die from chloride poisoning. They make phosgene there. Theoretically, it is for everything that happens in that country, fertilizer, you name it, but the Muslims told a Green Beret acquaintance of mine that I picked up as a friend this last week, it has been verified that was their doomsday weapon if they got overrun, just as Golda Meir said, if Israel was overrun in the Yom Kippur War, they would use the 13 nuclear weapons they had sitting at Demona. You have flown with the Israeli air force. You have a lot of friends there. You know they meant business. It was biblical. They were not going to be slaughtered and driven into the sea. They would go out in a blaze.

Mr. CUNNINGHAM. Reclaiming my time, first of all, and I have the utmost respect for both Senator DOLE, for Senator GRAMM, and I know that the decisions they make are very difficult, and I believe, with all of our efforts, and I will do anything I can to support the gentleman to keep our troops from going to Bosnia, I truly believe in that initiative, and you know that I have supported you in every initiative forward that has come in that. I will speak against it. If there was a vote on the floor, I would pledge I would vote against our troops going to Bosnia, with the knowledge that I have now.

I also believe that I think it is a done deal, and with that, I would take a look at some of the things that we have got to ask and ask questions and ask that they be taken care of.

First of all, and first, I repeat, I am against our troops going to Bosnia. I think they are going, and I think these are minimums of what we should do.

All troops, regular or otherwise, which are not associated with NATO or Russia, must be removed. That includes the freedom fighters from other countries, the 4,000 mujaheddin radical Middle East Muslims. They pose an imminent threat to our troops, and much of what my friend from California has just said; all mercenaries must be extracted from that portion of the world. They are uncontrollable, and that they would also pose a threat to our U.S. troops.

I think there needs to be identification of short- and long-range terms; by terms of cost by the President, and how we are going to get there, not with 20,000 but 32,000 troops. Where does the President plan to gain the funding from Bosnia-related operations and post-operations?

Shalikashvili testified, and so did Secretary Perry, that they plan on taking it out of the defense budget. The defense budget, and which the President cut $177 billion when he said in his campaign that $50 billion, along with Colin Powell and Dick Cheney, would put us into a hollow force. According to GAO, an independent agency, not Republican, not Democrat, we are $200 billion below the bottoms-up review which is the bare-bones minimum to fight two conflicts at the same time.

I asked the general today, I said, do we have the troops to fight, if we get tied down in Bosnia, to fight in Bosnia and North Korea? The answer is "no." Can we sustain a Desert Storm type of operation in Bosnia? The answer is "no." Could we support Haiti somewhat? Yes, somewhat smaller.

I think the President needs to ask these questions.

The President has recently signed a commitment to balance the budget in 7 years. Where are we going to get the short- and long-term billions of dollars that it is going to take in this commitment, away from some of the same things my colleagues on the other side of the aisle are fighting for?

I would look at nation-building and how much and what is the limit. I would look at something that the President said that we need to look equally at all three sides. We are going into a peace agreement, not a conflict, peacekeeping. But yet at the same time in this accord we are going to arm and train the Muslims and the Croatians.

If I was a Serb, I would consider that an act of war.

And we take a look at the training. They are going to take in from Iraq, Iran, Russia, France, all the arms nations, and probably the United States, weapons of mass destruction into that portion of the area that is embargo; I think the President needs to say "nyet," that we are not going to allow an infusion of arms into that portion of the world, causing a potential powder keg for the rest of the world.

Even more important, right now, the contingencies with Saddam Hussein, North Korea, Turkey's expansion into Greece, China and Taiwan, unknown and unexpected contingencies, there are over 20 years going on as we speak today in the world, Mr. Speaker, and Haiti.

I have already spoken to Haiti as far as we spent billions of dollars there. Aristide is still there, and it is about to blow up again.

I look at Somalia. We spent billions of dollars in Somalia. We had to leave with our tails between our legs under guard. And guess what, General Aideed is still there in Somalia. And that has cost us.

I would take a look, and there is a statement that I think my friend knows, and it is a fighter pilot rules in the area allotted to him in any manner he sees fit. When he sees the enemy, he attacks and kills. Anything else is rubbish. That was Baron von Richthoven in 1916. Baron von Richthoven never met Che Guevara in guerrilla warfare. He never met the Vietnamese in Vietnam. He never met Mesashi on the fields of the great Japanese wars. I take a look when the President says we will be the meanest dog in town. Well, in all of those cases, the dog was killed by fleas, because they are not going to fight in head-to-head confrontations. They are going to send a weapon into the chemical plant, as my friend just brought out. They are going to hit and run. They are going to cause the United States to go after one side or another for political, religious, and economic experiences and values.

I think that it is a travesty. I think that it is wrong to send our troops into a portion of the world in which I do not believe that we have a direct interest.

I look at the road running between Goradze and Sarajevo. Milosevic conceded it is a Bosnian Muslim focal point between Bosnia-Hercegovina and Sarajevo. I look at Izethbetovic, who was happy with the split between Serbia and Croatia. I take the Pottsylvania quarter. It is a northern Bosnia, I say to my friend, connects Serb-controlled areas with the northwest Serb territory in the east when the Croatians did not want to give it up. I look at the Croatian demand for Broko, which now is in Serb control, and it is a pivot for the same quarter up above, and if you look, neither side in the Ohio agreement could come to terms, but they agreed to put it before an international arbitration board.

Now, do you think that is really what these groups are going to be arbitrated with an international board? All of these areas are potential, and I believe will become, trouble spots.

General David Mattocks, commander of the U.S. Army in Europe, believes it is wrong to send in U.S. troops in the dead of winter with no replacement troops, I would say to my friend from California, no replacement troops. We are calling up reservists. We are sending our kids for 1 year.

Do you know what that does to families? Do you know what that does to businesses? You know what that does at a time when we are destroying our military with defense cuts and base enclosures and other initiatives from this administration?

Mr. DORNAN. Let us stop it before this happens.

Mr. CUNNINGHAM. I agree with my friend. Let us stop it.

You know, I made a statement that this is Afghanistan with trees. Afghanistan broke Russia. It cost them economically. It cost them with lives. And when they left, they accomplished nothing.

The same thing in Somalia, the same thing in Haiti, and, in my opinion, the same thing there. Afghanistan, unlike Bosnia, is mountainous. But Bosnia is a land of many, many trees, and it is very hard to pick out those targets and very hard to maneuver, and I know some of my colleagues on both sides of the aisle have talked about even the main threat that exists there today.

So I believe it is an Afghanistan with trees. It is going to break this Nation. It is going to stop us from some of the things both my liberal colleagues and conservative colleagues on this side of the aisle want to do, and that is focus on the problems that we have in this country right here. And I think if we shy away from that responsibility, Mr. Speaker, I think it is wrong for the American people. I think it is wrong for the kids.

Mr. DORNAN. Let us get out at this point because somebody may have joined the debate, Mr. Speaker, that did not hear any of this discussion last night or the night before.

I know that you believe it is worth a lot of our tax dollars to be involved. Now we are doing most of the airlift, 95 percent. Nobody else has big enough——

Mr. CUNNINGHAM. With the C–17, by the way.

Mr. DORNAN. The C–17 is a success story going in there with fields in there a C–5 cannot get into.

Mr. CUNNINGHAM. Cannot operate out of the taxi ways. They have to stop down the runway, shut it down. Only the C–17, which is very controversial in the defense bill, but it has proven out for its worth.

Mr. DORNAN. How about sealift? Who has as much sealift as we do, going into the Dalmation Coast ports along Croatia up in Slovenia? The United States. What about sea power? Who constitutes the majority of most of the squadrons and the carrier battle groups out in the Adriatic?

□ 2215

As we speak, the *America* just came out of the Suez Canal this afternoon and it is steaming up into the Adriatic. That is another 6,000 people of your Navy friends. We have Marines in hot bunks, five or six deep, sitting on an LPA or an LPH or an LPD waiting off the coast there for vertical envelopment and force reinforcement of U.N. people, until they get out of there, are being overrun, and now air power.

I just found out, with you sitting right there today, that Aviano and our other bases, Fort Disey, Vicenza suddenly went from 1,700 to 2,600. There is another increment. I will bet it will be 3,000 before we are through. That does not include that air bridge of the air lift. We are now doing airlift, sealift, air power, sea power.

Now, what about the hospitals? Wait until you see them at Zagreb. They are ready for a big catastrophe: a lot of body bags, casualties, and MASH operations. What about the food? Most of it is coming from here. The fuel? Most of it is coming through the courtesy of the United States Navy, bringing it up in that area. What about intelligence? Good grief, nobody has our super satellite architecture or our unmanned aerial vehicles.

Mr. CUNNINGHAM. Remember when some of our colleagues wanted to cut the intelligence budget? If anything, we need to increase, whether we go in there with troops or not, we need to increase our intelligence folks in that portion of the world and in other portions of the world.

Mr. DORNAN. Absolutely. When the chairman, the gentleman from Texas, LARRY COMBEST, took his subcommittee chairmen, me, three or 4 other

Members, the gentleman from Florida, Porter Goss, and we went into a new intelligence operation, moved into a new unit inside the Pentagon. I said, "What is your principal duty of intelligence in a peacemaking, peacekeeping, nation-building operation?" "To protect our men and women in the field." So they are dedicated to not losing a single person.

Then after they gave us the 3-D view of Tuzla and that whole area, I say, let us see an overlap of the mines. Duke, the biggest hill around Tuzla has so many mines around it indicated in red that it is a giant solid red horseshoe. Then they gave us an intelligence weather briefing, all declassified. Do you know what is coming there? If it is the mildest winter in the last 50 years above the 1,500 foot level where the mortar men and the snipers sit, it goes below freezing and stays there for 3 or 4 months.

That is where the mines are, and any division commander, and I have the general's bio here from the First Armored, and I will put it in after the special order of the gentleman from Hawaii, Neal Abercrombie, what would you do there, if you were ground commander? You would say, I need my anti-sniper teams up in the hills. You are living in tents here. If you think it is freezing here with these little tent heaters and with this floor, single floor we put in, you are going to have fun up there in the hills below zero, so take all your Arctic clothing. Maybe that is why they sent the First Armored division.

Mr. CUNNINGHAM. You are going to be vulnerable.

Mr. DORNAN. You go up there, thread your way through the mine fields, dig a foxhole, hunker down and wait for the snipers. Then if the troops have to use Clinton's rules of engagement, they can shoot even if they suspect somebody is coming at them, they had better pray it is not a Moslem woman, a Serbian woman, or a Croatian woman ever with a plate of cookies or with hot tea, because if they blow her away, as I read last night from a top Marine gunney, you will live with that psychological scar, you will live with that for the rest of your life. So the commanders in the field, do not think you are going to get court martialed for killing innocent people, and you are going to go quoting quote Bill Clinton, you can fire if you are being assaulted, but you had better be afraid of ghosts in the night that are friendly people or people trying to infiltrate back from one side to the other.

Here is something that was handed to me today. You have been tracking Chechnya, English Chechnya. Colonel General—what is a Colonel General, three-star, yes, three-star, Colonel General, Leonty Shevtsov, Chief of Staff of the Russian forces in Chechnya from December 1994 to April of 1995, has now become the commander of the Russian peacekeeping forces to be placed in the American sector in Bosnia.

How ironic, the Russian military acting as peacekeepers in Bosnia when they themselves are still committing atrocities in Chechnya against the Muslims. Some 40,000 civilians died in Chechnya on Shevtsov's watch, and the killing goes on. Russian bombs continue to fall on Chechnyan villages. Women and children continue to die. American silence is unconscionable.

I am going to ask permission to put this whole article in, from the Washington Post. What are we going to do with the Russians in our sector? What I read in last night, and I will continue it out of these Readers Digests, outrageously revealing reports; they have been so partial to the Serbs, they have been letting people who did commit atrocities go back and forth across the lines. They opened up a bridge with the greatest mass movement of Bosnian Serb tank power in the whole 3-year conflict.

We have got one overlapping problem, and now today, in Sarajevo, for the third day in a row, 100,000 Serbian Sarajevo citizens are saying, "We don't want the French and we are not giving up our neighborhoods."

Mr. CUNNINGHAM. I think I only have a couple of minutes left. I would like to kind of wind it up.

Mr. Speaker, this Member, the position that I would like to take, and I hope the House, and the House has on two separate occasions taken, is first of all we not send our troops to Bosnia. All three sides in this have said they want peace. Belgrade does not have all the cards like it had before. Both the Moslems and the Croatians got pretty much of a stinger from the infusion of arms that have gone in there and the training under the Mujaheddin. If they really want peace, I think they can achieve it.

It does not mean we cannot help with intel and some of our SATCOM communication type systems, and AWACs in other areas, or even with communications or even with humanitarian food. But I want to at all costs keep us out of Bosnia-Herzegovina with our troops.

Mr. Speaker, I do believe we are going in, even after that. I do not think it is unfair to ask the President, what is it going to cost short- and long-term? How is he really going to protect our troops? And how do we get out, and what are the costs? Because I truly believe with all my heart that after we pull out of there, we are not going to have solved very much, just like we have in Haiti, just like we have in Somalia; billions of dollars, with very little to show for it, with personnel killed, and most of them from the United States.

Mr. Speaker, I would like to thank my friends and I would like to thank my friend, the gentleman from California, for joining this special order. I think it is in the great interest of the American people. I know in our Caucus and on the Committee on National Security, Republicans and Democrats alike said they are getting phone calls 13 to 1 against us going into Bosnia.

I hope that the American people would focus on that, that they would write their Senators, their Congressmen, and do everything that they can to keep us out of there, because, Mr. Speaker, I think it is a travesty.

THE BALANCED BUDGET MYTH

The SPEAKER pro tempore (Mr. Longley). Under a previous order of the House, the gentleman from Hawaii [Mr. Abercrombie] is recognized for 60 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I believe, if I understood the gentleman from California [Mr. Dornan] correctly, he was not quite finished with his remarks. If he would like, inasmuch as I have something I have to do off the floor for a few moments, I would yield to the gentleman from California [Mr. Dornan] at this point. Did I understand correctly that he was not quite finished?

Mr. DORNAN. If the gentleman will yield, Mr. Speaker, I was not. I thank the gentleman. If I can do this quickly in 10 minutes, I will not keep our hardworking staff here after your special order.

Mr. ABERCROMBIE. Mine will not take the full hour. I yield to the gentleman from California [Mr. Dornan].

KEEPING AMERICA'S TROOPS OUT OF THE BALTIC CONFLICT

Mr. DORNAN. Mr. Speaker, I can save some of this for next week if I do not get my conference to meet, Mr. Speaker, tomorrow and plan our vote, irrespective of what the Senate does, with our great Members over there. I would like to finish, and I will ask permission to put the whole article from Time magazine by J.F.O. McAllister, including interviews with Clinton, into the paper.

Mr. Speaker, one of my sons or daughters sent me the front page of the L.A. Times. You have already heard me, Mr. Speaker, say today that I find this the most offensive, and I do not know what they did in the San Diego Union, Duke, but look at this. This is a staged photograph. This is the photograph of the Officer Corps of the First Armored Division.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, I would like to make this perfectly clear. When I talk about the radical Muslim Islamic movement, it is not the Muslims across this world. Just as we have in any religion radical groups, these are the groups that are sworn to take blood, to take blood of anyone that does not believe as they do. That is wrong, but yet, I do not want to make any implication that it is Christians, Muslims, or any other religious group, other than the radicals that we are talking about in the 4,000 Mujaheddin.

Mr. DORNAN. To show that I am fair too, and that there is plenty of guilt to spread around, the map that the gentleman from California [Mr. CUNNINGHAM] was holding up earlier, that takes a nation, Bosnia and Herzegovina, that looks like an arrowhead, and that is what it was, the arrowhead, the tip of the spear of Islamic penetration into the soft underbelly of Europe, stopped up at Vienna and Prague, totally burned Ottoman empire warriors, the cities of Buda and Pest on the other side of the Danube, now the capital city of Budapest, Hungary, and then they were eventually driven back by knights from Austria, from Styria, one of the major provinces, and there is an incredible armor museum of all of the Medieval and Renaissance ages of the armored war that went on between Islam and Christendom, and this was one of the main armories. The oldest and last surviving armory from that period in Europe is at Graz in Austria, a fascinating visit for historians and for even peaceniks to contemplate man's inhumanity to man, with women either standing by the sidelines crying because they have lost their son, their husband, their father, their uncle, or they are killed in the process of men tearing one another apart.

But here is this normal-looking country, the shape of an arrowhead or a triangle, and it now looks like a distorted amoeba or a Rorschach test that the Bosnian government in Sarajevo, recognized by us on April 7 of 1993, by the United Nations on May 22 of 1993, it is now cut into this bizarre shape. You have the Croatians, and Catholic Croatians, in an uneasy confederation with the Muslim Bosnians, while the Serbs are in two big globs, held together by a four kilometer little corridor called Posavina corridor, with Brijco, their main armament source on the border with Milosevic's Serbia proper, let me look at the 20 miles here, 20, 40, 60, 80, less than 100 miles from Belgrade, which has been one of the main problems in all of this.

I look at this, and here is a brand new footprint, just sort of an oblong glob that is now held by Croatian forces from Croatia, with Croatian Bosnians, and Muslim Bosnians out of the Bihac pocket up in the north, the very tip of the Islamic spear. They now hold this area that they have been ordered to give back to the Serbs.

There are two villages in there, I learned this morning, it is declassified, called Sipovo and Mrkonjic grad, grad being city, like Belgrade. These two cities, as we speak, or they are asleep now, when they wake up in the morning, and that is about another 4 hours, the Croatian forces, with the total acquiescence of the Muslim forces, are burning these villages to the ground, because if they are going to give these villages back to the Bosnian Serbs, they want them to be utter rubble, because that is what the Serbs did to 3,800 villages on the other side, destroying every minaret, every town hall meeting place, burned down all the homes; that if the people come back as refugees when they get tired of killing one another and a peace comes back to this land, however tentatively, given its 600 or 700 year history, 2,000 year history, for that matter, they will come back to rubble. There is no city hall, no marketplace, no minaret, no church. It is all gone. It is dirt.

So they turn around and say that that is where my father died, there is my family home, my sister was raped there, I do not want these memories, and they go back to being a refugee. So the guilt is on all sides; the Croatians, who I admired so much in their special forces training camps down on the Dalmatian coast, they are now burning villages at this, tit for tat, giving to the Serbs what the Serbs did to them. So when they open this area up, and this is going to be in the British sector, the British will have to keep them apart here, the people come back to villages they fled from in September and the villages are rubble.

I see the gentleman from Hawaii [Mr. ABERCROMBIE] has come back. Let me ask for a special order, an hour next Tuesday night, next Wednesday night, and next Thursday night. Hopefully I will have gotten votes out of my leader, the gentleman from Georgia [Mr. GINGRICH], my majority leader, the gentleman from Texas [Mr. ARMEY], and I know the majority whip, the gentleman from Houston, TX [Mr. DELAY] wants to do this, and let me put in the RECORD four articles. I beg, Mr. Speaker, people listening to our voices here today to read this material that is in the CONGRESSIONAL RECORD.

The material referred to is as follows:

RÉSUMÉ OF SERVICE CAREER OF WILLIAM LAFAYETTE NASH, MAJOR GENERAL

(Commanding Officer, 1st Armored Division)

Date and place of birth—10 August 1943, Tucson, AZ.

Years of active commissioned service—over 26.

Present assignment—Commanding General, 1st Armored Division, U.S. Army Europe Seventh Army, APO AE 09252, since June 1995.

Military schools attended—The Armor School, Officer Basic Course; The Infantry School, Officer Advanced Course; U.S. Army Command and General Staff College; U.S. Army War College.

Educational degrees—U.S. Military Academy—BS Degree; no major; Shippensburg University—MS Degree, Public Administration.

Foreign language(s)—Russian.

Major Duty Assignments

From	To	Assignment
Aug 68	Oct 68 ...	Student, Ranger Course, U.S. Army Infantry School, Fort Benning, GA.
Oct 68	Nov 68 ...	Student, Armor Officer Basic Course, U.S. Armor School, Fort Knox, KY.
Dec 68	Apr 69 ...	Platoon Leader, Troop L, 3d Squadron, 3d Armored Cavalry Regiment, Fort Lewis, WA.
Apr 69	Feb 70 ...	Platoon Leader, Troop A, 1st Squadron, 11th Armored Cavalry Regiment, U.S. Army, Vietnam.
Feb 70	Jun 70 ...	Executive Officer, Troop B, 1st Squadron, 11th Armored Cavalry Regiment, U.S. Army, Vietnam.
Jun 70	Jul 71	Assistant G–3 (Operations) Training Officer, later Assistant G–3 (Operations) Chief of Force Development, 82d Airborne Division, Fort Bragg, NC.
Jul 71	Nov 71 ...	S–3 (Operations), 1st Squadron, 17th Cavalry Regiment, later Procurement Officer, Board for Dynamic Training, 82d Airborne Division, Fort Bragg, NC.
Nov 71	Feb 73 ...	Commander, Troop A, 1st Squadron, 17th Cavalry Regiment, 82d Airborne Division, Fort Bragg, NC.
Mar 73	Jul 73	Student, Officer Rotary Wing Aviator Course, U.S. Army Helicopter Center/School, Fort Wolters, TX.
Jul 73	Dec 73 ...	Student, Officer Rotary Wing Aviator Course, U.S. Army Aviation School, Fort Rucker, AL.
Jan 74	Sep 74 ...	Student, Infantry Officer Advanced Course, U.S. Army Infantry School, Fort Benning, GA.
Sep 74	Jun 77 ...	Platoon Leader and Assistant Operations Officer, later Platoon Commander, and later Regimental Plans Officer, Air Cavalry Troop, 11th Armored Cavalry Regiment, United States Army Europe, Germany.
Aug 77	Jun 78 ...	Student U.S. Army Command and General Staff College, Fort Leavenworth, KS.
Jun 78	Apr 79 ...	Staff Officer, Regional Operations Division, Office, Deputy Chief of Staff for Operations and Plans, U.S. Army, Washington, DC.
Apr 79	Jun 82 ...	Aide and Assistant Executive Officer, later Executive Officer to the Vice Chief of Staff, Army, Office of the Chief of Staff, Army, Washington, DC.
Jun 82	Jun 83 ...	Deputy Executive Assistant to the Chairman, Joint Chiefs of Staff, Washington, DC.
Jun 83	Jun 85 ...	Commander, 3d Squadron, 8th Cavalry Regiment, 8th Infantry Division, United States Army Europe, Germany.
Aug 85	Jun 88 ...	Student, U.S. Army War College, Carlisle Barracks, PA.
Jun 86	May 88 ..	Assistant Chief of Staff, G–3 (Operations), 1st Cavalry Division, Fort Hood, TX.
May 88	May 89 ..	Executive Officer to the Commander-In-Chief, United States Army Europe, Germany.
Jun 89	Dec 90 ...	Commander, 1st Brigade, 3d Armored Division, United States Army Europe and Seventh Army, Germany.
Dec 90	Apr 91 ...	Commander, 1st Brigade, 3d Armored Division, Desert Storm, Saudi Arabia.
Apr 91	Jul 91	Commander, 1st Brigade, 3d Armored Division, United States Army Europe and Seventh Army, Germany.
Jul 91	Jun 92 ...	Assistant Division Commander, 3d Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany.
Jun 92	Jul 93	Deputy Commanding General for Training, U.S. Army Combined Arms Command, Fort Leavenworth, KS.
Jul 93	Jun 95 ...	Program Manager, United States Army Office of the Program Manager, Saudi Arabian National Guard Modernization Program.

	Dates of appointment	
	Temporary	Permanent
Promotions:		
2LT	5 Jun 68	5 Jun 68
1LT	5 Jun 69	5 Jun 71
CPT	5 Jun 70	5 Jun 75
MAJ	....	10 Jun 77
LTC	....	1 Nov 82
COL	....	1 May 89
BG	....	1 Mar 92
MG	Frocked	

U.S. DECORATIONS AND BADGES

Silver Star.

Legion of Merit.

Bronze Star Medal with "V" Device (with 2 Oak Leaf Clusters).

Purple Heart.

Meritorious Service Medal (with Oak Leaf Cluster).

Army Commendation Medal (with 2 Oak Leaf Clusters).

Army Achievement Medal.

Senior Parachutist Badge.

Army Aviator Badge.

Ranger Tab.

Joint Chiefs of Staff Identification Badge.

Army Staff Identification Badge.

Source of commission—USMA.

SUMMARY OF JOINT ASSIGNMENTS

Assignment	Dates	Grade
Deputy Executive Assistant to the Chairman, Joint Chiefs of Staff, Washington, DC, as of 23 June 1995.	Jun 82–Jun 83	Major/Lieutenant Colonel

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[From Reader's Digest, October 1995]

THE FOLLY OF U.N. PEACEKEEPING

(By Dale Van Atta)

Sonja's Kon-Tiki café is notorious Serbian watering hole six miles north of Sarajevo. While Serb soldiers perpetrated atrocities in nearby Bosnian villages, local residents reported that U.N. peacekeepers from France, Ukraine, Canada and New Zealand regularly visited Sonja's, drinking and eating with these very same soldiers—and sharing their women.

The women of Sonja's, however, were actually prisoners of the Serb soldiers. As one soldier, Borislav Herak, would later confess, he visited Sonja's several times a week, raping some of the 70 females present and killing two of them.

U.N. soldiers patronized Sonja's even after a Sarajevo newspaper reported where the women were coming from. Asked about this, a U.N. spokesman excused the incident by saying no one was assigned to read the newspaper.

The U.N. soldiers who frequented Sonja's also neglected to check out the neighborhood. Less than 200 feet away, a concentration camp held Bosnian Muslims in inhuman conditions. Of 800 inmates processed, 250 disappeared and are presumed dead.

Tragically Sonja's Kon-Tike illustrates much of what has plagued U.N. peackeeping operations: incompetent commanders, undisciplined soldiers, alliances with aggressors, failure to prevent atrocities and at times even contributing to the horror. And the level of waste, fraud and abuse is overwhelming.

Until recently, the U.N. rarely intervened in conflicts. When it did, as in Cyprus during the 1960s and '70s, it had its share of success. But as the Cold War ended, the U.N. became the world's policeman, dedicated to nation building as well as peacekeeping. By the end of 1991, the U.N. was conducting 11 peacekeeping operations at an annual cost of $480 million. In three years, the numbers rose to 18 operations and $3.3 billion—with U.S. taxpayers paying 31.7 percent of the bill.

Have the results justified the steep cost? Consider the U.N.'s top four peacekeeping missions:

Bosnia.—In June 1991, Croatia declared its independence from Yugoslavia and was recognized by the U.N. The Serbian dominated Yugoslav army invaded Croatia, ostensibly to protect its Serbian minority. After the Serbs agreed to a cease-fire, the U.N. sent in a 14,000-member U.N. Protection Force (UNPROFOR) to build a new nation. (The mission has since mushroomed to more than 40,000 personnel, becoming the most extensive and expensive peacekeeping operation ever.)

After neighboring Bosnia declared its independence in March 1992, the Serbs launched a savage campaign of "ethnic cleansing" against the Muslims and Croats who made up 61 percent of the country's population. Rapidly the Serbs gained control of two-thirds of Bosnia, which they still hold.

Bosnian Serbs swept into Muslim and Croat villages and engaged in Europe's worst atrocities since the Nazi Holocaust. Serbian thugs raped at least 20,000 women and girls. In barbed-wire camps, men, women and children were tortured and starved to death. Girls as young as six were raped repeatedly while parents and siblings were forced to watch. In one case, three Muslim girls were chained to a fence, raped by Serb soldiers for three days, then drenched with gasoline and set on fire.

While this was happening, the UNPROFOR troops stood by and did nothing to help. Designated military observers counted artillery shells—and the dead.

Meanwhile, evidence began to accumulate that there was a serious corruption problem. Accounting procedures were so loose that the U.N. overpaid $1.8 million on a $21.8 million fuel contract. Kenyan peacekeepers stole 25,000 gallons of fuel worth $100,000 and sold it to the Serbs.

Corruption charges were routinely dismissed as unimportant by U.N. officials. Sylvana Foa, then spokesperson for the U.N. Human Rights Commission in Geneva said it was no surprise that "out of 14,000 pimply 18-year-olds, a bunch of them should get up to hanky-panky" like blackmarket dealings and going to brothels.

When reports persisted, the U.N. finally investigated. In November 1993 a special commission confirmed that some terrible but "limited" misdeeds had occurred. Four Kenyan and 19 Ukrainian soldiers were dismissed from the U.N. force.

The commission found no wrongdoing at Sonja's Kon-Tiki, but its report, locked up at U.N. headquarters and never publicly released, is woefully incomplete. The Sonja's Kon-Tiki incidents were not fully investigated, for example, because the Serbs didn't allow U.N. investigators to visit the site, and the soldiers' daily logbooks had been destroyed.

Meanwhile, Russian troop commanders have collaborated with the Serb aggressors. According to U.N. personnel at the scene, Russian battalion commander Col. Viktor Loginov and senior officer Col. Aleksandr Khromchenkov frequented lavish feats hosted by a Serbian warlord known as "Arkan," widely regarded as one of the worst perpetrators of atrocities. It was also common knowledge that Russian officers directed U.N. tankers to unload gas at Arkan's barracks. During one cease-fire, when Serbian materiel was locked in a U.N. storage area, a Russian apparently gave the keys to the Serbs, who removed 51 tanks.

Eventually, Khromchenkov was repatriated. Loginov, after finishing his tour of duty joined Arkan's Serbian forces.

Problems remained, however, under the leadership of another Russian commander, Maj. Gen. Aleksandr Perelyakin. Belgian troops had been blocking the movement of Serb troops across a bridge in northeastern Croatia, as required by U.N. Security Council resolutions. Perelyakin ordered the Belgians to stand aside. Reluctantly they did so, permitting one of the largest movements of Serbian troops and equipment into the region since the 1991 cease-fire.

According to internal U.N. reports, the U.N. spent eight months quietly trying to pressure Moscow to pull Perelyakin back, but the Russians refused. The U.N. finally dismissed him last April.

Cambodia.—In 1991, the United States, China and the Soviet Union helped broker a peace treaty among three Cambodian guerrilla factions and the Vietnamese-installed Cambodian government, ending 21 years of civil war. To ease the transition to Cambodia's first democratic government, the U.N. created the U.N. Transitional Authority in Cambodia (UNTAC). In less than two years, about 20,000 U.N. peacekeepers and other personnel were dispatched at a cost of $1.9 billion.

Some of the Cambodian "peacekeepers" proved to be unwelcome guests—especially a Bulgarian battalion dubbed the "Vulgarians." In northwest Cambodia, three Bulgarian soldiers were killed for "meddling" with local girls. One Bulgarian was treated for 17 different cases of VD. The troops' frequent carousing once sparked a mortar-rifle battle with Cambodian soldiers at a brothel.

The Bulgarians were not the sole miscreants in Cambodia, as internal U.N. audits later showed. Requests from Phnom Penh included 6500 flak jackets—and 300,000 condoms. In the year after the U.N. peacekeepers arrived, the number of prostitutes in Phnom Penh more than tripled.

U.N. mission chief Yasushi Akashi waved off Cambodian complaints with a remark that "18-year-old hot-blooded soldiers" had the right to enjoy themselves, drink a few beers and chase "young beautiful beings." He did post an order: "Please do not park your U.N. vans near the nightclubs" (i.e., whorehouses). At least 150 U.N. peacekeepers contracted AIDS in Cambodia; 5000 of the troops came down with V.D.

Meanwhile, more than 1000 generators were ordered, at least 330 of which, worth nearly $3.2 million were never used for the mission. When U.N. personnel started spending the $234.5 million budgeted for "premises and accommodation," rental costs became so inflated that natives could barely afford to live in their own country. Some $80 million was spent buying vehicles, including hundreds of surplus motorcycles and minibuses. When 100 12-seater minibuses were needed, 850 were purchased—an "administrative error," UNTAC explained, that cost $8.3 million.

Despite the excesses, the U.N. points with pride to the free election that UNTAC sponsored in May 1993. Ninety percent of Cambodia's 4.7 million eligible voters defied death threats from guerrilla groups and went to the polls.

Unfortunately, the election results have been subverted by the continued rule of the Cambodian People's Party—the Vietnamese-installed Communist government, which lost at the ballot box. In addition, the Khmer Rouge—the guerrilla group that butchered more than a million countrymen in the 1970s—have refused to disarm and demobilize. So it was predictable that they would repeatedly break the ceasefire and keep up their killing. The U.N. has spent nearly $2 billion but there is no peace in Cambodia.

Somalia.—When civil war broke out in this African nation, the resulting anarchy threatened 4.5 million Somalis—over half the population—with severe malnutrition and related diseases. U.N. Secretary General Boutros Boutros-Ghali, the first African (and Arab) to hold the position, argued eloquently for a U.N. peacekeeping mission to ensure safe delivery of food and emergency supplies. The U.N. Operation in Somalia (UNOSOM) was deployed to Mogadishu, the capital, in September 1992. It was quickly pinned down at the airport by Somali multiamen and was unable to complete its mission.

A U.S. task force deployed in December secured the Mogadishu area, getting supplies to the hungry and ill. After the Americans left, the U.N. took over in May 1993 with UNOSOM II. The $2-million-a-day operation turned the former U.S. embassy complex into an 80-acre walled city boasting air-conditioned housing and a golf course. When

U.N. officials ventured out of the compound, their "taxis" were helicopters that cost $500,000 a week.

The published commercial rate for Mogadishu-U.S. phone calls was $4.91 a minute, but the "special U.N. discount rate" was $8.41. Unauthorized personal calls totaled more than $2 million, but the U.N. simply picked up the tab and never asked the callers to pay.

Meanwhile, the peacekeeping effort disintegrated, particularly as warload Mohammed Aidid harassed UNOSOM II troops. As the civil war continued, Somalis starved. But U.N. peacekeepers—on a food budget of $56 million a year—dined on fruit from South America, beef from Australia and frozen fish from New Zealand and the Netherlands.

Thousands of yards of barbed wire arrived with no barbs; hundreds of light fixtures to illuminate the streets abutting the compound had no sockets for light bulbs. What procurement didn't waste, pilferage often took care of. Peacekeeping vehicles disappeared with regularity, and Egyptian U.N. troops were suspected of large-scale black-marketing of minibuses.

These losses, however, were eclipsed in a single night by an enterprising thief who broke into a U.N. office in Mogadishu and made off with $3.9 million in cash. The office door was easy pickings; its lock could be jimmied with a credit card. The money, stored in the bottom drawer of a filing cabinet, had been easily visible to dozens of U.N. employees.

While the case has not been solved, one administrator was dismissed and two others were disciplined. Last summer, UNOSOM II itself was shut down, leaving Somalia to the same clan warfare that existed when U.N. troops were first deployed two years before.

Rwanda.—Since achieving independence in 1962, Rwanda has erupted in violence between the majority Hutu tribe and minority Tutsis. The U.N. had a peacekeeping mission in that nation, but it fled as the Hutus launched a new bloodbath in April 1994.

Only 270 U.N. troops stayed behind, not enough to prevent the butchery of at least 14 local Red Cross workers left exposed by the peacekeepers swift flight. The U.N. Security council dawdled as the dead piled up, a daily horror of shootings, stabbings and machete hackings. The Hutus were finally driven out by a Tutsi rebel army in late summer 1994.

Seven U.N. agencies and more than 100 international relief agencies rushed back. With a budget of some $200 million, the U.N. tried unsuccessfully to provide security over Hutu refugee camps in Rwanda and aid to camps in neighboring Zaire.

The relief effort was soon corrupted when the U.N. let the very murderers who'd massacred a half-million people take over the camps. Rather than seeking their arrest and prosecution, the U.N. made deals with the Hutu thugs, who parlayed U.N. food, drugs and other supplies into millions of dollars on the black market.

Earlier this year the U.N. began to pull out of the camps. On April 22, at the Kibeho camp in Rwanda, the Tutsi-led military opened fire on Hutu crowds. Some 2000 Hutus were massacred.

Where was the U.N.? Overwhelmed by the presence of nearly 2000 Tutsi soldiers, the 200 U.N. peacekeepers did nothing. A U.N. spokesman told Reader's Digest, meekly, that the U.N. was on the scene after the slaughter for cleanup and body burial.

With peacekeeping operations now costing over $3 billion a year, reform is long overdue. Financial accountability can be established only by limiting control by the Secretariat, which routinely withholds information about peacekeeping operations until the last minute—too late for the U.N.'s budgetary committee to exercise oversight.

In December 1993, for example, when the budget committee was given one day to approve a $600-million budget that would extend peacekeeping efforts in 1994, U.S. representative Michael Michalski lodged an official protest. "If U.S. government employees approved a budget for a similar amount with as little information as has been provided to the committee, they would likely be thrown in jail."

More fundamentally, the U.N. needs to reexamine its whole peacekeeping approach, for the experiment in nation building has been bloody and full of failure. Lofty ideas to bring peace everywhere in the world have run aground on reality: member states with competing interests in warring territories, the impossibility of lightly armed troops keeping at bay belligerent enemies, and the folly of moving into places without setting achievable goals.

It has been a fundamental error to put U.N. peacekeepers in place where there is no peace to keep," says Sen. Sam Nunn (D., Ga.), ranking minority member of the Senate Armed Services Committee. "We've seen very vividly that the U.N. is not equipped, organized or financed to intervene and fight wars."

[From Time, Dec. 11, 1995]

THE ART OF SELLING BOSNIA

(By Michael Kramer)

The man whose brilliant head knocking finally produced a Bosnian peace agreement two weeks ago traveled to Capitol Hill last Wednesday seeking another miracle: congressional support for the plan that will shortly land 20,000 American troops in an area steeped in hatred and skilled at war. "It was kind of like running into a brick wall," says U.S. Assistant Secretary of State Richard Holbrooke, "and the critics weren't just Republicans." Holbrooke addressed about 100 members of the House Democratic Caucus and received a standing ovation. It was "great," he says, "for about two minutes. Everyone was polite at first, saying things like 'Blessed are the peacemakers.' And then, one by one, they got up and shouted, 'But I haven't gotten a single call from a constituent supporting you yet.' It was the most friendly hostile experience I've ever had."

The vote the Administration hopes to win will be taken soon, and the outcome remains uncertain. In the Senate, the support of majority leader Bob Dole will probably win the backing that Bill Clinton desires, and Dole's courage should not be minimized. With the exception of Senator Richard Lugar, all the other G.O.P. presidential candidates oppose Clinton on Bosnia—the most vocal being Phil Gramm, who, in declaring his position even before the President made his case, showed again that he seems never to have encountered a principle he won't rise above in the service of ambition. Dole knows what is coming ("I'll take some hits for this," he says), but he, more than most, respects presidential prerogatives and would like to enjoy them himself in 1997.

In moving to Clinton's side last Thursday, Dole highlighted an irony. Had the President earlier forced an end to the arms embargo against the Bosnian Muslims, Dole argued it might not be necessary for U.S. soldiers to enforce the peace agreement, an accord whose ultimate goal is to strengthen the Bosnians so they can defend themselves when the U.S. leaves. As a consistent opponent of the embargo, Dole had the standing to complain. But the heart of the matter, he said on the Senate floor, is simple: "The troops are on their way. We cannot stop their deployment," and they deserve "our support."

Will that rationale resonate in the House? Early indications are that Speaker Newt Gingrich will declare a "conscience vote," which means members can do as they please without regard to party loyalty. "The problem with that," says Holbrooke, "is that many Representatives are so new that they've never had to cast a pure national security vote." Indeed, 210 of the House's 435 members (including 134 Republicans) weren't in Congress in 1991, when it narrowly voted to support George Bush's war against Iraq. "Most of them," says Holbrooke, "don't like spending money on anything, view all issues as partisan fights and have never had to wrestle with something like Bosnia."

The Administration will clearly take any resolution it can get, even a weak one that says, in effect, "The President is sending the troops; we support the troops." That there will be a vote of some kind seems all but certain. Clinton has asked for a congressional expression. If Congress ignores that call, it will marginalize itself, which Holbrooke insists would be a "dumb" move. "It may seem paradoxical, but the best way to stick the policy on us is to support us. If we fail, and Congress hasn't voted, they'll share the blame. If they vote to support the troops in the field, they can still blast the policy," he says.

By pushing an unpopular course, Clinton looks presidential (a rarity for him), and if all goes well, he could win some credit on Election Day. In fact, if all he has done is buy time, that could help too. The President could claim that he tried, and if the factions delay resuming their war till the U.S. goes home, he could be saying that from the cozy perch of a second term.

But far more than the politics of 1996 is involved here. A "no" vote by Congress would be "catastrophic" to use Vice President Al Gore's word. It would constrain the Bosnian operation (both strategically, if the mission must be changed, and financially, if more must be spent), but the true downside of a negative congressional resolution could come later during a future horror. Then, when a U.S. President seeks to lead, those asked to follow could not be faulted for wondering if Congress will go along. "We only have one President at a time," says Dole, and his word must count. Since other crises will surely come, the question of who leads in dealing with them will always matter. "And no one but us will ever lead," says Gore. "And who would we want to lead besides us, even if they were willing?" asks Dole. "The Germans? The Japanese? Gimme a break."

As the drama plays out this week, Clinton may yet again speak to the nation. "If Dole says Clinton needs to give another speech to win the vote," says a White House aide "he will." If he does, the President might consider repeating the lines he used last Wednesday in London: "In this new era, we must rise not to a call to arms but to a call to peace. . . To do so we must maintain the resolve we share in war when everything was at stake. In this new world our lives are not so very much at risk, but must of what makes life worth living is still very much at stake."

[From Newsweek, Dec. 11, 1995]

WE'RE THE ONES WHO DIE

(By David H. Hackworth)

The fog was so thick in Baumholder that President Clinton had to drive from Ramstein AFB, instead of choppering in. This miserable spot in Germany hasn't changed much since I trained here in the early 1960s. It's now the home of the "Old Ironsides"—as the first commanding general dubbed the First Armored Division, comparing the inside of his tank to the famous American warship. As dismal a place as Baumholder—known as a soldier's Siberia—is, it's a perfect setting for a pep talk about the grim mission ahead.

Our warriors know what they're up against. I hooked up with the Third Platoon of Company B, Fourth Battalion, 12th Infantry, which will move out in mid-December. When I asked them if they were "good to go," all 23 voices shouted, "Hoo ah!"—the equivalent of a paratrooper's "Airborne!" or a marine's "Semper fi!" But like all soldiers going into a potential killing field, they're concerned about the unknown "Our biggest worry is the mines," says Sgt. Darrell McCoy. The Third Platoon has been well trained to handle those widow-makers. But that doesn't make the "gnawing feeling go away," confides Sgt. Robert Crosbie, "We're a mech unit, and our Bradleys are vulnerable" to land mines, which can pierce the thin armor like a sledgehammer going through a watermelon.

The division looked formidable as it awaited the commander in chief. At attention, the soldiers stood like tall rows of corn when the 21-gun salute sounded. Clinton spoke for 22 minutes. The troops especially liked hearing about the rules of engagement. "If you are threatened with attack," (the president said) "you may respond immediately—and with decisive force."

But after Clinton took off, a certain gloom set in. One soldier complained that the visit was "a pain in the ass" because it ruined his Saturday, normally a day off. Some griped about spending Christmas in Bosnia. Others felt the president's address reduced them to props "His talk seemed more designed to motivate the American public than us," groused an NCO. Some of the grumbling was plain old bitching—as familiar and comforting as an old pair of boots. But one sergeant, miffed at Clinton's pledge to accept "full responsibility" for any U.S. casualties, expressed a collective resentment. "We're the ones who are going to die," he said.

While Washington debates the exit strategy, the grunts are worried about what will happen when they get there. Many soldiers I talked to think the 12-month mission to cool down the warring factions is too short a time, a "fairy tale" invented by politicians. "If we don't do this right," explains a sergeant, "we'll end up being the meat in the sandwich; it will be Vietnam all over again." The First Armored Division now designated Task Force Eagle—will go in cocked, locked and ready. It can deliver a terrifying punch; tank M–1 Bradley and artillery fire, Apache and Kiowa armed helos shooting Hellfire missiles, 30-mm cannons and 50-caliber machine guns, and infantry weapons and all the thunder that NATO aircraft can bring. No one's afraid of a fire fight.

But what about an ambush? The Third Platoon is currently down nine guys for the rugged, hilly terrain of central Bosnia. Will the new recruits click with the team during dangerous and uncertain operations? Lt. Salvatore Barbaria, the platoon leader with recruiting-poster good looks, left little doubt about his men's resolve. "War fighting or peace enforcement," he said. "That's our job."

[From the New York Times, Dec. 5, 1995]

EUROPE HAS FEW DOUBTS ON BOSNIA FORCE

(By Craig R. Whitney)

PARIS, Dec. 4.—Except in Germany, the European debate about sending troops to join the NATO peacekeeping force in Bosnia was over before it started in most other countries. Nearly every other European country already had troops there with the United Nations force, which NATO will replace after a peace treaty is signed here 10 days from now.

"France has lost 54 soldiers in Bosnia, and almost 600 have been wounded," Defense Minister Charles Million said recently, explaining his Government's willingness to join the NATO force. France led an effort last summer to give the United Nations soldiers more artillery firepower and ground reinforcements, and Mr. Million said that the heavily armed NATO force was the best chance yet of permitting peace to take root in Bosnia.

France and Britain, which has lost 18 soldiers in Bosnia, will provide the NATO operation with about 24,000 troops together, drawing many of the soldiers from their United Nations contingents already there. This is nearly as many as the United States will have in Bosnia and in support assignments in Croatia.

Both countries were empires until half a century ago, and are used to deploying troops to trouble spots.

"We have a long history of having an essentially professional army which was sent all over the Empire to fight, and that attitude has tended to survive a bit," said Sir Laurence Martin, the director of the Royal Institute of International Affairs in London. "Sending troops for limited operations is something the British take great pride in, and because of the history of fighting colonial wars, there is a belief that the British are particularly good at peacekeeping operations short of war."

Officials from these and other European countries believe American fears of casualties in Bosnia are overdrawn.

"If you go to war, you get killed from time to time," said Andre Querdon, spokesman for the Belgian Foreign Ministry and formerly the ministry's liaison officer with several hundred Belgian troops in the United Nations force in Croatia.

In most European countries, there is more anguish about Europe's failure to stop the war in Bosnia in spite of the sacrifices it has made over the past four years.

Christian Soussan, 22, a student at the Institute of Political Studies in Paris, said, "At least these troops will be able to shoot back when attacked, and they won't just look on passively at ethnic cleansing."

Sibylle Dura, a 21-year-old student of French literature at the Catholic Institute in Paris, said of the lightly armed United Nations mission: "They were quite useless in going just to sit there. They should have been more forceful at the start."

France and Britain have made clear that they will pull their troops out of Bosnia at the same time the United States does, in about a year.

The Netherlands, whose soldiers with the United Nations force near Srebrenica were unable last summer to prevent the Bosnian Serb army from overrunning Bosnian Government positions there and executing hundreds of Muslim men and boys, will put its 2,100 troops now in Bosnia under NATO command.

"The debacle at Srebrenica has made a difference," said Gerrit Valk, a Dutch Labor Party Member of Parliament. "People are now asking more questions. There are more reservations about this than, say, two years ago."

Peter Paul Spanjaard, an 18-year-old Dutch high school student in Sittard, in the southeastern Netherlands, said: "I'd be scared if I had to go. But as long as this is for a good purpose and all the other countries are taking part, I think we should, too."

The Dutch Parliament is expected to approve the NATO mission later this week.

Germany sent no ground troops to the United Nations force in Bosnia, out of concern that memories of the Nazi occupation in the Balkans during World War II were still too vivid even 50 years later. But on Wednesday, the Parliament in Bonn is expected to give approval to Chancellor Helmut Kohl's decision to provide 4,000 support troops to the NATO force. Most of them will be stationed in neighboring Croatia.

"Nobody in Germany or anywhere else would understand if we said we had to stay out even though all the combatants have asked us to come in," said Daniel Cohn-Bendit, the onetime leader of the 1968 student uprising in Paris and now a member of the largely pacifist Greens party. "I am sure that quite a few Green members of Parliament will support the Government on Wednesday."

In the student bars of Frankfurt and Bonn, many young Germans seem less reluctant to consider military involvement than the 1968 generation, whose thinking dominates both the Greens and the opposition Social Democratic Party today.

"I think it is good for German soldiers to be part of the peacekeeping force," said Daniela Paas, a graduate student in American Studies in Bonn. "Germany should have taken part a long time ago. We are members of NATO, after all."

Martin Zieba, 21, a law student in Bonn, said: "If they are attacked, they should be allowed to defend themselves. But they shouldn't take the offensive."

But Klaus Eschweiler, a 24-year-old history student, said, "Because of our history, it could leave a bad taste in a lot of people's mouths."

Walther Leisler Kiep, a Christian Democratic party leader, said: "German participation grows from recognition that we can no longer use our past as an alibi. Our past makes us duty-bound to step in where genocidal policies or racism lead to horrible events like the things we've seen in the former Yugoslavia in recent years."

OPERATION JOINT ENDEAVOR

United States.—20,000 heavily armed U.S. ground troops, about 13,000 of them from U.S. 1st Armored Division, based in Bad Kreuznach, Germany. Other Germany-based U.S. units are to supply most of the rest, along with 2,000 to 3,000 reservists. Troops are to be equipped with about 150 M1–A1 Abrams tanks, about 250 Bradley fighting vehicles and up to 50 AH–64 Apache attack helicopters.

Headquarters: Tuzla, northeast Bosnia.

Britain.—13,000 troops, incorporating units from its U.N. contingent already in Bosnia. The force will comprise a divisional HQ, a brigade with armor, infantry and artillery. Air and sea forces in the area will contribute to the operation.

Headquarters: Gornji Vakuf, central Bosnia.

France.—10,000 troops, with about 7,500 in the peace force itself and the remainder on logistics duty, either on ships in the Adriatic or at air bases in Italy. There are already about 7,000 French soldiers on the ground, including about 3,300 with the NATO Rapid Reaction Force and 3,800 with the United Nations.

Headquarters: Probably Mostar, southern Bosnia.

Germany.—4,000 soldiers, primarily to support logistics, transport, engineering and medical units. It will also make available radar-busting Tornado fighter-bombers based in Italy. Most of the German contingent will be based in Croatia.

Italy.—2,300 troops, with 600 more in reserve at home.

Norway.—1,000 troops as part of a Nordic brigade.

Spain.—1,250 ground troops, two frigates, eight F-18 aircraft, two Hercules C-130s and a C-235.

Portugal.—900 troops. The government approved sending troops from the Independent Air-Transport Brigade, including about 700 combat troops, 200 support troops and 120 vehicles.

Netherlands.—About 130 Dutch soldiers will leave for Bosnia next week as a preparatory force. A cabinet decision on the full complement will be made Dec. 8 and submitted to parliament for approval Dec. 13. The Dutch media say the force will include 2,000 military personnel, including an armored infantry battalion, a tank squadron, one Hercules transport aircraft, two F-27 aircraft and 12 F-16 jets.

Troops from Denmark and Turkey will also join the peace force.

Non-NATO members

Russia.—2,000 combat troops and a 2,000-strong logistical support unit.

Troops from Finland, Sweden (about 870), Estonia, Hungary (about 100 technical personnel), Latvia, Lithuania and Poland will be offered to the peace force.

□ 2230

Save them from going to their libraries and looking up old Reader's Digest. Mr. Speaker, I ask unanimous consent to put four articles into the RECORD at this point, and then turn his own time back to Mr. ABERCROMBIE, or if I could ask unanimous consent to put them at the end of the special order of the gentleman from California [Mr. CUNNINGHAM] and myself. That keeps the special order of the gentleman from Hawaii [Mr. ABERCROMBIE] clean.

As a matter of fact, this article, "Europe Has Few Doubts on Bosnian Force," which gives the best troop breakdown on our NATO allies, and how they are not equaling what we are doing anywhere nearly close enough in manpower. This is by Craig Whitney, and I believe it is from the New York Times. Another page of facts and figures that goes with it with the same article.

I neglected to put in the Reader's Digest article last night from the October issue, "The Folly of U.N. Peacekeeping With Scandals in Bosnia, Cambodia, Somalia and Rwanda," all of the U.N. vehicles lined up at the whorehouses with documents saying, try not to put your vehicles too near the night clubs, they call them.

Then I would like to put in the November article, the "United Nations Is Out Of Control," last month's Reader's Digest. This will at least bring American taxpayers to an angry point of saying, if the United Nations must be saved, it must be saved from itself. It has no accountability. They treat money like it grows on trees. None of them pay taxes, nobody is accountable.

Again, I want to close on this picture, a two-page spreadout, the same one that is on the front page of the L.A. Times, of Clinton in Bosnia with the troops, our forces there; here it is; and I am all through with this one last picture, even though it is going to be a long shot. There is Clinton with all the top sergeant majors, the commanding general whose biography I would like to put in at this point, as I am going to put in the history of first armored division fighting from Algiers, Tunisia, Anzio, Salerno, and all the way up into the area where BOB DOLE was so savagely wounded. How did Clinton set this up where he said to all of these people, will you follow me? Will you follow me down this driveway, chin up in the air like Mussolini, jaw jutted out, neck muscles flexing, and there he walks saying, follow me, but only as far as the reviewing field. You will go on to Bosnia by yourselves; I will be back in the White House thinking about a 7-year balanced budget.

Mr. Speaker, I appreciate the courtesy of the gentleman from Hawaii [Mr. ABERCROMBIE], and I would say to the gentleman, what goes around comes around. I will do it for you sometime, NEAL.

MAGIC FORMULA FOR BALANCED BUDGET IS ILLUSION

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, Mr. DORNAN has given me, with his last sentence, literally a transition point for the issue that I wish to discuss this evening yet once again, and that has to do with the so-called balanced budget.

Mr. Speaker, as you may know, and certainly others of our colleagues who have been paying attention to both debate during the bills at hand, and in special orders with respect to the budget reconciliation bill, that I have, among others, been saying for some time now, that this magic formula that is being proposed by the majority about a balanced budget is in fact an illusion.

Now, Mr. Speaker, rather than just taking into consideration the observation of the majority leader, Mr. ARMEY, the other day that politicians could get hit by a train and get back up and say I got the best of that deal, so therefore, we cannot pay much attention to politicians, let me make some references then to some of the people in the press, some of the journalists who have been doing their homework on this issue. Here is the fundamental premise, Mr. Speaker.

I am maintaining that there is no balanced budget in 7 years. What bothers me is that most journalists, when they report this, and when I say most journalists I am talking across the board up to and including public radio and public television, all of the networks, they simply report what is said and then what the reaction to that is as if they were covering a tennis match from one side to the other. Nobody asked the basic question of the Speaker of the House, who has, despite his indications that he was going to take a more reticent position, to step back; I think he said he was going to bench himself.

In the last 2 days the Speaker has come forward with threats about crashing the stock market, driving interest rates through the roof, demanding that his plan for a balanced budget be the basis of the budget reconciliation bill.

Mr. Speaker, I submit to you and to my other colleagues, and I have offered again and again during special orders the opportunity to other Members to come down and refute what I am saying. It is not that I want to engage in a contest, because this is far too important for trying to score points, but it is a simple question of whether we are in fact, as Mark Twain has said that the truth is so rare we ought to be very careful in spending it.

The fact of the matter is that there is no balanced budget proposal on the table. There is no balanced budget proposal on the table that is being negotiated between Speaker GINGRICH and the White House. I say Speaker GINGRICH; I know there are other negotiators there, but I think we all know that nothing is going to move in the House, according to the Speaker, in any event today, if I am to understand his declaration today correctly, that we have to abide by his proposal for a balanced budget in 7 years, or we do not move.

Now, as I say, all kinds of threats are involved in that. I am a legislator all my elected life. Maybe Speaker GINGRICH, having only run for the Congress of the United States and spent all of his time in the Congress of the United States, and for the first time being in the majority, has not had the same kind of opportunities or experiences that I have had as a legislator.

I have been a legislator as well as a member of civic organizations and community organizations; I have been an officer of them. I have been on the city council, I have been in the State House, I have been in the State Senate. I do not cite that as any particular virtue, but simply as a recitation of the record with respect to legislative experience. That experience tells me that you do not get anywhere in negotiations by threatening the other side or laying down absolutes to them, particularly when there is no basis from your side.

I am perfectly willing at any time, and I am sure members of the Democratic Caucus are and those who are doing the negotiating, up to and including the President of the United States and his representative, Mr. Panetta, are quite willing to try to come to an agreement. This is not a Parliament. This is a constitutional system with a division of houses, a legislative and executive branch, and as much as the Speaker would like to be Prime Minister of the United States, he is not. He is the Speaker of the House. Therefore, if he is going to negotiate with the Executive, he is going to have to come to the table with some honest numbers.

He says that that is what it is that he wants to do, but the fact is, and I will repeat it again and again and again until some people I hope in the media, whom we have to depend upon; and Mr. Speaker, Mr. Jefferson said at one point that he would prefer in a democracy as opposed to free elections and a free government and a free press, he preferred a free press, because the press is what secures our freedom. Yet the free press in this particular instance has been remiss and not doing its duty in asking the Speaker, what does he mean when he comes to the table and says a balanced budget.

Mr. Speaker, I contend that there will be at least $1 trillion in additional deficit in this so-called balanced budget. Now, if someone can come to the floor and refute what I am saying, I probably should not use the word refute; again, it sounds like it is a contest, but if someone can come and explain how that is not the case, Mr. Speaker, I would like very much to hear it.

Now, this is not merely an observation that I am making. Let me make reference to an article in USA Today, Monday, October 23, 1995, by William Welch. I called Mr. Welch because I was interested to see that there was actually a member of the working press who had gotten into this issue.

Let me explain to you what it is that I am contending, that is to say what is behind my contention that the proposal for a balanced budget is in fact not a balanced budget. It is a political illusion because apparently, or for whatever the political reason, the political agenda, I presume it has to do with election politics in 1996, the Speaker wants to make the claim that his party has been for a balanced budget. What he is really talking about is whether or not the deficit can be reduced.

There is not going to be a balanced budget in this century, I can assure you of that. There is not going to be a balanced budget, as the average person understands a balanced budget to be, in this century. If we adopt some reforms, some genuine budget reforms, as I have mentioned previously, like separating our capital spending from our operating budget, going to a biennial budget, and other reforms that we might take up next year, perhaps then we can move genuinely towards balancing the budget while we reduce the deficit. However, in the budget that is being proposed by the Speaker and is now the subject of negotiation, he is actually increasing the deficit. The deficit is going to increase. I can give you the exact numbers.

For fiscal year 1996, $245.6 billion, and on through 1997 and on up to the year 2002. In the year 2002, when we are supposed to have a $10 billion surplus, we are actually going to have a deficit of $108.4 billion, according to the budget document that the Committee on the Budget has put forward. You need only read on page 3 of the budget document that Mr. KASICH and the Committee on the Budget put forward, which is sitting on the table down at the White House, and see that what I am saying is the case.

Let me repeat it. We are going to increase the deficit all during this time. How then is it possible for us to say that there is going to be a balanced budget? How is it possible for the Speaker, although he has never been shy, as we know, in going on television and making claims of one kind and another, how is it possible for him to say that he is going to have a balanced budget? Mr. Speaker, the answer is very simple. He is not going to use the off-budget numbers.

Now, I do not think that the average American is aware of the fact that we have two different kinds of budgets here. We have accounting games that go on at the Federal Government level. We have figures that are on budget and we have figures that are off budget. Now, Mr. Welch's article is entitled "Off-budget Spending Hides Red Ink." That is not me speaking. This is the editorial judgment of USA Today in terms of those who are writing the headlines. "Off-budget Spending Hides Red Ink."

Let me quote from it for a little bit. "Senate Republicans were crowing last week," I am quoting now from Mr. Welch's article, "Senate Republicans were crowing last week after the Congressional Budget Office certified that their budget plan would bring the Federal books into balance in 7 years. But the Congressional Budget Office has another set of figures that GOP leaders are not talking about. It shows that under the GOP budget plan, the government will have to borrow at least $105 billion in the year 2002, the target year for a balanced budget. Only in Washington, to borrow a phrase from opponents of government, would a budget dependent on continued borrowing be judged in balance."

Mr. Speaker, what that means is that Mr. Welch has hit upon the secret, the hidden secret of the Republican balanced budget: You take money from the Social Security trust fund.

Now, the fact that it is in the Treasury, the fact that it is supposedly sacrosanct in the Treasury allows them the verbal gymnastics of being able to say, well, we are not really taking the money. Well, of course you are. You are borrowing the money and you have to pay it back with interest. You are going to borrow, if you use the figures of the original budget resolution, some $636 billion. That was the figure in January. I know that because I have a letter here dated October 20, 1995, from the Congressional Budget Office, and its Director, June O'Neill.

□ 2245

It is addressed to a Member of the U.S. Senate and copies to two other Members of the Senate, including the chairman of the Budget Committee. "Dear Senator: Pursuant to section 205(a) of the budget resolution for fiscal year 1996, the Congressional Budget Office"—and this is the office that is cited by the Speaker as being the source of his figures for this budget—"the Congressional Budget Office provided the chairman of the Senate Budget Committee on October 18 with a projection of the budget deficits or surpluses that would result from enactment of the reconciliation legislation submitted to the Budget Committee. As specified in section 205(a), the Congressional Budget Office provided projections"—this is what is being used for these budget figures, Mr. Speaker, projections of the Congressional Budget Office, that was insisted upon by the Speaker.

Ms. O'Neill then has a parenthesis, "using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution," end of parenthesis, "of the deficit or surplus of the total budget, that is, the deficit or surplus resulting from all budgetary transactions of the Federal Government, including Social Security and Postal Service spending and receipts that are designated as off-budget transactions." Now, Mr. Speaker, maybe you can get away with this in your household. I doubt it. I cannot get away with it in my household. So far as I know, there is not an American family that can get away with having off-budget transactions.

Those who do off-budget transactions find themselves in the courts. They find themselves under felony indictment for fraud. They find themselves in situations in which they are accused of kiting checks. They find themselves in a situation in which they have written checks from accounts in which there are insufficient funds, or they find themselves under the racketeering statutes under indictment in court. But for purposes of accounting, for political purposes, the Republican budget says, "Oh, we're going to count this off-budget transaction."

Now what is off-budget? All the money that comes out of your paycheck for Social Security that you are paying in right now is being, as was described by one of the Senators who very unfortunately passed away, as embezzlement from the Social Security system.

I go on, again quoting from Director O'Neill's letter of October 20 from the Congressional Budget Office: "As stated to Chairman Domenici, the Congressional Budget Office projected that there will be a total-budget surplus of $10 billion in 2002." But the next sentence says, "Excluding an estimated off-budget surplus of $115 billion in 2002 from the calculation, the Congressional Budget Office would project an on-budget deficit of $105 billion in 2002. If you wish further details on this projection, we will be pleased to provide them."

Now, Mr. Speaker, we both know that there is a new set of figures that are going to come from the Congressional Budget Office. They were supposed to arrive this week. They did not arrive. That is why the budget negotiations are stalled. We are going to get a new series of numbers.

So when I give you the number $636 billion, that is based on what took place from the Congressional Budget Office estimates in January 1995. They have a new set of projections in August of 1995, different numbers, and I expect they will have different numbers again. But whatever the numbers are, it is the process that counts.

Here I have a letter from the Congressional Budget Office. This is the office that Mr. GINGRICH says he wants to rely upon for the figures for his balanced budget proposal, and here you have the director of the office, in a letter written on Congressional Budget Office stationery on October 20 of this year, saying that, and I quote, "Excluding an estimated off-budget surplus of $115 billion in 2002," parentheses, in the Social Security trust fund, "from the calculation, the Congressional Budget Office would project an on-budget deficit of $105 billion in the year 2002."

Mr. Speaker, there is no way that you can continue to have budget deficits year after year after year, take money from Social Security, the principal and interest of which is due to the Social Security trust fund, and then not find that you have actually increased the deficit rather than balancing the budget, and increased it by a sum in excess of $1 trillion by 2002.

When you have done that, you have not begun to deal with the question of what happens after 2002. Is the Government of the United States going to stop in 2002? When you have this magic number of 7 years associated with the balanced budget, are people in this country under the impression that suddenly in the year 2002 we are not going to owe any money? And that which we have borrowed up until 2002 somehow will be paid in 2003 and beyond by some plan which has not yet been enunciated?

Has any journalist asked the Speaker, what do you plan to do in 2003? And what do you plan to do in 2014, 2015, 2020 and 2030, when the money you have taken from Social Security is due to those who are then eligible for it? Where is the money going to come from?

Mr. Speaker, I am down on this floor, I am in the special order, it is late at night here in the East. As you go across the country, it is a little bit earlier. I know people are tuned into the Government. I hope some people are listening tonight.

I hope somebody out there understands that the Government is going to go on beyond the year 2002, and that unless you want the immediate political benefit of being able to claim that you are balancing the budget when in fact you are increasing the deficit, increasing it at a rate that is unconscionable, there is no cold war.

The deficit increased by trillions of dollars at the time of President Reagan and through President Bush's administration, in which at least the argument was made that we had a foe that we had to fight and so it was necessary to borrow this money. There was some discussion that if we ran deficits and cut taxes that more revenue would come in. That did not happen, but at lest there was a rationale for it.

So history now tells us that when you increase spending, when you cut taxes for the wealthy, when your revenues go down, that your deficit is going to increase. It is going to increase. And this does not change anything. It not only does not change it but it exacerbates the situation.

Notice again I am down here talking, I know there are other people that are out there that are familiar with the budget. I certainly do not pretend to be an all-around expert on the budget, but I tell you, Mr. Speaker, I have not been elected for more than two decades by being slow on my feet and not doing my homework.

I know that the budget is not going to be balanced. I know that the funds to offset the deficit are coming out of the Social Security trust fund, and I know that there is not a word in that budget reconciliation bill that proposes one single dollar of how that deficit is supposed to be made up, and how the money being borrowed from Social Security is going to be repaid so that the recipients who are due that money are going to be able to get it in the next century.

It is right here from the Congressional Budget Office.

Now, if people in this country want to have on-budgets and off-budgets, I suppose that we can do that. But do not tell me that is an honest number.

Mr. Speaker, I have been in the minority of the majority before. When I served in the majority, in my legislature or in the council or now in the House of Representatives, I have been in the majority and I have been in the minority, I have won elections, I have lost elections.

I have been a minority in the majority as I have said, but I will tell you this, I have never in my life, and I have served on ways and means committees and I have served as chairman of subject matter committees. So I understand what it is when you are told that you have a cap, when you have a certain amount of money that you have to spend and you have to make tough decisions. I have made thousands and thousands of those decisions, as has every other legislator who has spent any time thinking about what their legislative duty is.

And I know that when somebody tells me that there is something off-budget that can be counted, it amounts to what at the State level, Mr. Speaker, or at the county level, at the village level or town level, would be a special fund.

Now we special fund all kinds of things in the State of Hawaii, and I expect you do it in your State and everybody else does. Maybe it is the airport fund, where the fees that come in for the airport, landing fees and so on, are put into a special fund and you know that the money that comes in is going to be spent for airport activities, or highway transportation fund. People pay taxes on the gasoline that they buy and they know that the money that comes in from that the surplus, if you will, from those funds are going to be spent on highway projects.

Well, the Social Security trust fund is supposed to be for Social Security. It is not there as a piggy bank to be looted at will with an IOU in it that says, "I'll pay you back at some time in the future. Catch me on that when you can." But that is what this proposal does.

Mr. Welch has caught it. Let me go on with some more of his article.

"In figuring the Federal budget deficit, Congress does not count the government's spending from certain trust funds, principally from the fund for Social Security benefits. By law," Still quoting from Mr. Welch, "Congress has placed the Social Security trust fund off-budget," Quote, unquote.

"The surplus, the amount left after Social Security payroll taxes are used to pay benefits to current beneficiaries, is invested in Treasury securities. That money, in turn, flows into the federal treasury and is spent on everything from congressional salaries to fuel for battleships."

In other words, we have borrowed against ourselves. We have borrowed our own money. When you borrow the money, you have to pay it back. It is not a paper transaction. It is real money we are talking about here. It is money that has to be paid back.

I have asked my Republican colleagues again and again about this, and about the only answer I get is, other Democratic Presidents have done this, Democratic Congresses have done the same thing.

I am not the one who came here saying, oh, it is not going to be business as usual, we are going to change the way everything is done around here, we are going to change the Government, we are going to do things the right way, we are going to be honest with our numbers. The Speaker says that over and over and over again.

When you used off-budget numbers before, off-budget funding before for other things, it was to fund the budget for that year. Nobody was kidding themselves that they were balancing the budget. If anything, what we tried to do—and we started with President Clinton's budget, the first budget, I would remind the Speaker, since Harry Truman in 1948 that in consecutive years reduced the absolute amount of the deficit and the rate of the deficit.

Mr. Clinton's budget did not get rid of the deficit but it started us on the path. I think that the Committee on the Budget and others always use the words glide path. This has become the new catch word. A glide path. The glide path does not start with this budget—I do not want to characterize it as phony, the way the Speaker uses the word phony all the time, because that is pejorative. I am not going to say that. But what I will say is that illusionary budget, the illusion of this so-called balanced budget is such that you do not have the glide path that President Clinton started sustained.

President Clinton's budget has reduced the deficit and reduced the rate of the deficit and has done so far 3 years running.

You cannot take it all out or the economy would collapse. This is the same kind of thing, no different than when you are trying to pay your mortgage and buy a car and get the washing machine. You figure out how much money is coming in, you figure out how much you can spend a month or over the year, and that is how you balance your budget.

It is your ability to pay, and that has to be judged against your gross income, your expected revenues. That is what banks do when they loan you money for a house. They are betting that you will be able to sustain your payments on the mortgage for whatever the period of time is for that mortgage.

Now, this is what people understand to be a balanced budget. But does anybody presume that they do not have to pay the mortgage? That when they borrow the money they do not have to pay it back or they just pay a portion of it back, that there is no plan, that there is no obligation?

We are mortgaging the Social Security trust fund so that the Speaker can say he is balancing the budget. I do not know if you will be here 7 years from now. I do not know if he is going to be here next year, unless we do change the system of government here to the prime minister or parliamentary system he seems to admire so much. I think he is subject to election just like I am and just like you are, Mr. Speaker.

We talk about 7 years as if we can commit the next Congress to this 7 years. We cannot commit the next Congress. We cannot even commit this Congress next year to what the budget allocations are going to be.

And there will be two Presidential elections before this 7 years is up. We have no idea whether President Clinton or anyone who might succeed him will have the same desires, the same plans, the same proposals.

□ 2300

But even if we grant this 7-year process and do our level best in a manner of good faith and goodwill to try to implement it, the fact still remains the question has not been answered about what do you do with the mortgage on Social Security. And unless we can answer the question that is inherent is Mr. Welch's article, it cannot be done.

Now Mr. Welch is not the only one who has brought this up. Mr. Lars-Erik Nelson, in the New York Daily News, October 20, scarcely a little over a month ago, let me quote him from the article entitled "Borrowing from Social Security to Aid the Rich," Lars-Erik Nelson, "See that social security deduction on your paycheck? It is the key to the Republican plan to 'balance' the Federal budget while giving tax cuts to the wealthy." That is not me saying it. That is Mr. Nelson's observation from reading the budget.

Again quoting, "In 2002, the year Republicans have been promising a balanced budget, they will, in fact, come up $108,000 billion short. According to the House Budget Committee's report." Now there, Mr. Speaker, I submit to you is a third party, not me, not someone with a partisan political agenda, someone else coming up with the exact same figures that I just gave you from the budget.

Again quoting, "The Republican plan makes up the different by borrowing, the late Senator John Heinz of Pennsylvania called it embezzling, from the social security trust fund."

Going on, "The Republican plan continues the embezzlement in pure accounting terms. The Republicans are right, if the amount of money the government collects in a given year equals the amount that it pays out, the budget is in balance. But borrowing from the trust fund to cover current operating costs means raising taxes on the next generation, our children, to pay back the debt to the trust fund."

I will say one thing on this, Mr. Speaker, and I hope it does not sound pejorative because I try to keep comity on the floor. I like to have good relations with all my friends and colleagues here, despite whatever differences we might have. I am getting a little sick of hearing people talk with crocodile tears about their children and their grandchildren and how the balanced budget proposal is on behalf of their children and their grandchildren. I would like those people to explain, not to me, but explain to the American people and explain to those children and grandchildren how they are taking care of those kids by upping the ante on what they have to pay for what their mothers and fathers borrowed without paying it back.

Let me read it to you again: "The Republican plan continues the embezzlement. In pure accounting terms, the Republicans are probably right." In pure accounting terms, parenthetically, in pure accounting terms, that is what the Republican Party always wants to do. The old saying is the Democrats borrow, Republicans collect interest. Hah, hah, where this balanced budget is concerned, let me tell you, that will be true with a vengeance.

Reading again from Mr. Nelson, "If the amount of money the government collects in a given year equals the amount that it pays out, the budget is in balance. But," and there is always the "but," "But borrowing from the trust fund to cover current operating costs means raising taxes on the next generation, our children, to pay back the debt to the trust fund."

I have yet, Mr. Speaker, despite my best efforts, and as I say, I believe I am open and available to anybody on either side of the aisle on this, I have asked again and again of my friends with whom I have had discussions of varying lengths about this issue, how do you propose to pay back the money to the Social Security fund? Nobody that I speak to, by the way, Mr. Speaker, on this issue denies to me that this is what is going to happen, that this is how the budget ostensibly is being balanced.

Now I will repeat, I could not get away with this in my family. I could not get away with it. I do not know of a Member here that can get away with it in their own family budgeting. It cannot be done. We propose to do it and get away with it. The press is letting this slide. This is almost the only way we have to try and get this out is to take advantage of the fact that we have our special orders and hope that somebody in the press, like Mr. Nelson, like Mr. Welch, will pick up on it and begin to explain to people from the Fourth Estate, from the press, from someone who is not directly involved in the political process, from partisan views, partisan viewpoints, begin to explain to people what exactly is happening.

In addition, quoting again from Mr. Nelson, "In addition, using Social Security deductions to balance the budget means that working people who cannot escape that FICA deduction," that is what is called the FICA deduction, that is your social security deduction, who cannot not escape that deduction on their paychecks make up the shortfall caused by tax breaks for the wealthy and for business. Mr. Nelson quotes internally, "It is the largest transfer of wealth from labor to capital in our history," Senator DANIEL MOYNIHAN, Democrat, New York, said yesterday. We are using a 15-percent payroll tax, the combined burden on employer and employee, to pay the interest on Treasury bonds, which are generally not owned by blue-collar workers.

It is the working people. So when people say is there a difference in the parties, I say there is.

Mr. Speaker, I respect the position you have and other Members of the majority have. You are freely elected by your constituents. But I believe I also have the right and the obligation to point out, I believe, the position we are taking as Democrats is to defend the working people of this country and to defend their interests against great wealth. Great wealth can always take care of itself. Great wealth can take these bonds and get this interest.

What I ask, Mr. Speaker, is that these points be taken into account, and I hope that we will find ourselves dealing honestly with this budget. You will find in days to come, Mr. Speaker, that the plan that the President is putting forward, that is to say, the proposal, the elements of the proposal are going to be those that will be recognized by the American people as the basis for a fair conclusion to this budget debate.

Mark my words, the Speaker of the House will not be able to say, "Do it my way or no way at all." He will not be able to continue this, it is hard to characterize because I have never seen a legislative situation like this in my life in which the leader of a legislative institution sets an immutable standard against which no one can dissent and that there is no room for discussion. I have never experienced that before, because you cannot do legislation that way.

So what the President is saying is that the agreement that was reached, and I think this is very, very important, the agreement that was reached on the balanced budget over the 7-year period, and, by the way, Mr. Speaker, parenthetically, this is closer to 8 or 9 years because we are halfway through this spending, not halfway through but by the time we get this budget reconciliation finished we will be halfway through the year.

So I submit to you, as I bring my remarks to a close, Mr. Speaker, my point would be this, that the proposal that the President has put forward is, and he is acting in good faith on that proposal because that proposal said that we would try to deal with 7 years, and as I indicated, it will be 8 years or longer, in effect, because we are already months into the fiscal year without an agreement, in the 1996 fiscal year without an agreement, and using the Congressional Budget Office figures or whatever they turn out to be, these are all guesstimates, and as I have already indicated, the Congressional Budget Office, at least when you ask them the right question, does not give you an answer which is not true; they have indicated that we are going off budget to balance this so-called budget, going into the Social Security funds.

It says we have to protect Medicare. We have to protect Medicaid. We have to protect our children. We have to protect those who grow our food.

Now, minus protecting these elements, Mr. Speaker, our health, the health of our people, the health of our elderly, the welfare of our elderly, the health and welfare of our children, education, nutrition, and those who grow our food, agriculture, and unless we protect those things, we are not going to have this balanced budget despite anybody's best effort at it.

So I submit to you that the President is acting in good faith. The President has a proposal on the table. The President understands negotiations. He has been a Governor. He has worked with legislatures before. He understands the executive-legislative relationship and the Governor, that is to say, Governor Clinton, who is now President Clinton, will be prepared, along with members of the Democratic Party, to take our proposal to protect people while at the same time reducing the deficit and try to structure from that a compromise which will lead to eventually a balanced budget.

I have no objection to the phrase. I have an objection to the illusion that it is going to be implemented in 7 years.

So I want to conclude, Mr. Speaker, at this stage by saying once again that I will be on this floor up to and through the time of the conclusion of the budget negotiations so that at least there will be one voice on this floor and speaking out from this body, someone like my colleagues who are sworn to uphold and defend the Constitution of the United States, taking as that obligation to speak the truth on the budget, something which is as fundamental as anything that there is that we do. All money measures come from the House of Representatives. We are the people's House, elected by the people. It is our responsibility and obligation to say that we are working with an honest budget, with honest numbers, and that if we are not and there is a continuation of this proposition that somehow the budget is being balanced by mortgaging the Social Security trust fund, that I speak out against it, and others speak out against it.

So I believe, by the time these negotiations are concluded, President Clinton will have put forward a series of proposals based on the proposition that there is give and take in every legislative activity and that if the Speaker is refusing to negotiate by simply setting down an immutable standard from which he will not deviate, that the American people will make their judgment known on election day in 1996 as to the efficacy of the Speaker's policy.

I believe that if we deal with the situation honestly, we can bring the deficit down, that eventually the budget can be brought into balance, we can salvage the Social Security trust fund rather than ravage that trust fund, and see to it that Medicare and Medicaid, the welfare of our children and the people who grow our food are protected and that we have a budget that we can honestly put forward to the American people as being in their best interests.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROS-LEHTINEN (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness in the family.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. BRYANT of Texas, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes each day, today and December 7 and 8.

Mr. FRELINGHUYSEN, for 5 minutes, December 7.

Mr. HORN, for 5 minutes, today.

Mr. MARTINI, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes each day, December 7 and 8.

Mr. LONGLEY, for 5 minutes each day, today and December 7, 8, 11, 12, and 13.

Mr. JONES, for 5 minutes, December 7.

Mr. FUNDERBURK, for 5 minutes, December 7.

Mr. FOLEY, for 5 minutes each day, today and December 7.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. MFUME.

Mr. MONTGOMERY.

Mr. MILLER of Califoria.

Mr. CLEMENT.

Mr. STUDDS.

Mr. HAMILTON.

Mr. HALL of Ohio.

Mr. REED.

Mr. EVANS.

Mr. UNDERWOOD.

Mr. TORRES.

Mr. KANJORSKI in two instances.

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous matter:)

Mrs. FOWLER.

Mrs. WALDHOLTZ.

Mr. SHAW.

Mr. STUMP.

Mr. KNOLLENBERG.

Mr. CLINGER.

Mr. MARTINI.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. CRANE in two instances.

Mr. PACKARD.

Mr. BECERRA.

Mr. SOLOMON.

Mr. GEJDENSON.

Mr. BISHOP.

Mr. GOODLATTE.

Mrs. MORELLA.

Mr. STUPAK.

Mr. CLINGER.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, December 7, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1781. A communication from the President of the United States, transmitting an updated report concerning the use of United States aircraft in support of United Nations and North Atlantic Treaty Organization [NATO] efforts in the former Yugoslavia (H. Doc. No. 104–143); to the Committee on International Relations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to proper calendar, as follows:

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 2099. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes (Rept. 104–384). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 291. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–385). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 1787. A bill to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement (Rept. 104–386). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 325. A bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes; with an amendment (Rept. 104–387). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 1787. A bill to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

H.R. 325. A bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTENSEN:

H.R. 2722. A bill to amend the Internal Revenue Code of 1986 to provide that the look-back method shall not apply to construction contracts required to use the percentage of completion method; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 2723. A bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. EVANS:

H.R. 2724. A bill to amend the National Labor Relations Act to require Federal contracts debarment for persons who violate labor relations provisions, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2725. A bill to amend the Occupational Safety and Health Act to require Federal contracts debarment for persons who violate the act's provisions, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 2726. A bill to make certain technical corrections in laws relating to native Americans, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. HANSEN, Mr. HEINEMAN, Mr. KINGSTON, Mr. SALMON, Mr. SOLOMON, Mr. SPENCE, and Mr. TAUZIN):

H.R. 2727. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 2728. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Resources.

By Mr. MATSUI (for himself, Mr. STARK, Mr. SERRANO, Ms. PELOSI, Mr. ACKERMAN, Mr. FROST, Mr. FATTAH, Mr. ROSE, Mrs. THURMAN, Mr. FILNER, Ms. BROWN of Florida, Mr. PICKETT, Mr. SCOTT, Mr. GENE GREEN of Texas, Mr. BARCIA of Michigan, Mr. JOHNSTON of Florida, and Mr. FAZIO of California):

H.R. 2729. A bill to amend the Social Security Act to provide for the waiver of the Medicare part B late enrollment penalty and the establishment of a special enrollment period for certain military retirees and their dependents; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MFUME:

H.R. 2730. A bill to eliminate segregationist language from the Second Morrill Act; to the Committee on Agriculture.

By Mr. SOLOMON (for himself, Mr. Rohrabacher, and Mr. Traficant):

H.R. 2731. A bill to require the United States to oppose and vote against any proposal to create any financing mechanism designed to prevent or resolve the insolvency of sovereign nations; to the Committee on Banking and Financial Services.

By Mr. STUMP (for himself, Mr. Kolbe, Mr. Pastor, Mr. Hayworth, Mr. Salmon, and Mr. Shadegg):

H.R. 2732. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON:

H.R. 2733. A bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995; to the Committee on Government Reform and Oversight.

By Mr. ZIMMER:

H.R. 2734. A bill to amend the Internal Revenue Code of 1986 to repeal the 50-percent limitation on business meals and entertainment; to the Committee on Ways and Means.

By Mr. WELDON of Pennsylvania (for himself, Mr. McHale, Mr. Laughlin, Mr. Watts of Oklahoma, and Mr. Blute):

H. Con. Res. 118. Concurrent resolution calling on the President to provide to the United States Armed Forces in the former Yugoslavia resources and other support necessary to carry out the mission of enforcing the peace agreement between the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts:

H. Res. 292. Resolution providing for the consideration of the bill (H.R. 2409) to increase the public debt limit; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSE introduced a bill (H.R. 2735) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shogun;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. Chrysler.

H.R. 104: Mr. Tiahrt.

H.R. 109: Mr. Chrysler and Mr. Brewster.

H.R. 303: Mr. Chrysler.

H.R. 468: Mr. Chrysler and Mr. Coyne.

H.R. 528: Mr. Neal of Massachusetts, Mr. Kleczka, and Mr. Moran.

H.R. 580: Mr. Bishop.

H.R. 721: Mr. Johnston of Florida.

H.R. 773: Mr. Tiahrt.

H.R. 972: Mr. Bass.

H.R. 1023: Mr. Davis, Mr. Gibbons, Mr. Clyburn, Mr. Wolf, and Mr. Peterson of Florida.

H.R. 1090: Mr. Chrysler and Mr. Johnston of Florida.

H.R. 1226: Mr. Stenholm, Ms. Pryce, and Mr. Gunderson.

H.R. 1227: Mr. Sam Johnson and Mr. Graham.

H.R. 1406: Mr. Reed.

H.R. 1448: Mr. Largent and Mr. McIntosh.

H.R. 1458: Mr. Smith of New Jersey.

H.R. 1514: Mr. Fawell, Mr. Murtha, Mr. Chrysler, Mr. Heineman, Mrs. Seastrand, Mr. Towns, Ms. DeLauro, Mr. Schiff, Mr. Farr, Mr. Ehlers, Mr. Ballenger, Mr. Rahall, Mr. Saxton, and Mr. Hastings of Florida.

H.R. 1627: Mr. LaTourette.

H.R. 1733: Mr. Stenholm.

H.R. 1787: Mr. Hobson, Mr. Manzullo, Mr. Brewster, and Mr. Linder.

H.R. 1972: Mrs. Seastrand, Ms. Pryce, and Mr. Bono.

H.R. 2245: Mr. Filner.

H.R. 2301: Mr. Quillen and Mr. Wamp.

H.R. 2333: Ms. Woolsey, Mr. Ewing, Mr. Quillen, Mr. Pickett, Mrs. Meek of Florida, and Mr. Cardin.

H.R. 2400: Mr. Filner.

H.R. 2416: Mr. McHale.

H.R. 2447: Mr. Meehan.

H.R. 2480: Mr. Fox, Mr. Hoke, Mr. Bereuter, Mr. Blute, Mr. Lipinski, Mr. King, and Mr. Ehlers.

H.R. 2506: Mr. Skelton.

H.R. 2547: Mr. Quillen, Mr. Wamp, Mr. Gordon, Mr. Hilleary, Mr. Tanner, Mr. Bryant of Tennessee, Mr. Clement, and Mr. Ford.

H.R. 2572: Mr. Thompson.

H.R. 2578: Mr. Frazer, Mr. Frost, Ms. Lofgren, Mr. Hyde, Mr. Myers of Indiana, Mrs. Kennelly, Mr. Cardin, Mr. Bryant of Texas, Mr. Miller of California, and Mrs. Morella.

H.R. 2598: Mr. Goss.

H.R. 2627: Mr. Bateman, Mr. Dingell, Mr. Hastert, Mr. Istook, Mr. Manton, Mrs. Myrick, Mr. Oxley, Mr. Studds, and Mr. Tauzin.

H.R. 2651: Mr. Ney.

H.R. 2654: Mr. Thompson and Ms. Waters.

H.R. 2664: Mr. Bentsen, Mr. Wise, Mr. Thornton, and Mr. Thompson.

H. Con. Res. 10: Mr. Fazio of California.

H. Res. 30: Mr. Saxton, Mr. Linder, and Mr. Duncan.

H. Res. 283: Mr. Sam Johnson.

H. Res. 286: Ms. Rivers, Mr. Faleomavaega, and Mr. Thompson.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1963: Mr. Kleczka.

EXTENSIONS OF REMARKS

REMEMBERING PEARL HARBOR, 1995

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. STUMP. Mr. Speaker, on December 7, 1995, we pay homage to the 2,403 Americans killed at Pearl Harbor. Both Congress and the President have resolved that this date shall be designated as "National Pearl Harbor Remembrance Day." The most effective way we can honor the memory of those Americans who were killed in battle is to encourage future generations of Americans to remember the tragedy and the significance of that day. On December 8, 1941, President Franklin Delano Roosevelt appeared before a joint session of Congress asking that "a state of war" be declared against the Imperial Government of Japan.

> . . . But always will our whole Nation remember the character of the onslaught against us . . . The American people in their righteous might, will win through to absolute victory . . . [We] will make it very certain that this form of treachery shall never again endanger us . . . With confidence in our armed forces—with the unbounding determination of our people—we will gain the inevitable triumph—so help us God.

On Sunday, December 7, 1941, a date which will live in infamy, and on December 8, the Japanese launched unprovoked attacks against Pearl Harbor, Malaya, Hong Kong, Guam, the Philippine Islands, Wake Island, and Midway Island.

At 0755 that fateful morning, waves of Japanese planes descended upon Pearl Harbor, bombing and strafing American planes and the Pacific fleet. In less than 2 hours, the attack was over.

The Japanese left behind a scene of destruction and carnage unparalleled in the history of the United States. Of the 96 ships present in the harbor that day, 3 were destroyed and 16 were severely damaged. The U.S.S. *Arizona* exploded and sank within 9 minutes, killing 1,103 sailors and Marines. When the smoke cleared that day 2,403 Americans were dead and 1,178 were wounded. Fifteen Medals of Honor were awarded, as well as 51 Navy Crosses, one Distinguished Flying Cross, and 53 Silver Stars.

On that day, boys became men, and men became heroes. Their courage came naturally and they reacted instinctively, knowing full well that America would ultimately succeed due to the nobility of their cause.

Never in the history of our fledgling republic has such a reprehensible act been perpetrated against innocent victims in a country not at war.

Never in the history of the United States has a country deceived another by false statements and expressions of hope for continued peace.

Never in history of a constitutional government has this degree of treachery been committed against a military objective in a country not at war. These were truly dastardly and cowardly acts by the Imperial Government of Japan.

The Japanese attack on Pearl Harbor, however, was not a complete success. Their main targets, the aircraft carriers U.S.S. *Lexington, Enterprise* and *Saratoga*, were absent during the assault. The Japanese, as well, failed to destroy both repair and strategic oil storage facilities on the island, without which the Pacific fleet would have been forced to withdraw to the west coast of the United States.

History has established that wealth alone offers no protection against aggression. Success in war depends upon the character of its citizens and the quality of its leadership, not the sum total of its wealth.

No nation on Earth has ever been overwhelmed for a lack of it, and the nobility of the character of its citizens has produced a legacy of magnanimity for generations to come. It is for them, America's future, that we apply the lessons of the past.

The attack on Pearl Harbor was the defining moment in the consolidation of the American spirit. Pearl Harbor was our rally point producing our single-minded resolve toward victory. That resolve made us unyielding in war, and today sustains our aspirations for lasting peace. The energized and unleashed power of America turned the tide of battle in the Pacific, resulting in a continuous procession of pulverizing defeats against the Imperial Government of Japan.

Since Pearl Harbor, America has never stood alone. Beside us stand nations deeply committed to freedom, democracy, and a free market environment—nations including our former enemies Japan, Germany and Russia. This unity of purpose continues to inspire us in the cause of peace among nations.

As we commensurate "National Pearl Harbor Remembrance Day," let us never forget the memory of those Americans who sacrificed their lives in the defense of freedom and democracy, and let us always recall, with deep respect, those individual acts of heroism and valor demonstrated by men and women who defended America 55 years ago today.

TRIBUTE TO THE LATE PAUL CSONKA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. SHAW. Mr. Speaker, I rise today to honor the memory of a great Floridian, Paul Csonka, who passed away this last Friday at the age of 90. Paul was a distinctive individual who led a remarkably full life. His life centered around his love for music and his desire to enrich the lives of those around him with his knowledge.

One of his early professional achievements was cofounding the Salzburg Opera Festival in pre-War II Austria. He was actively involved in this project until the Nazi regime took over his homeland. With nothing but his love of music and the clothes on his back, he fled to Cuba in 1938. There, Paul was able to continue his cultural endeavors, and share his fervor with the people of Cuba.

Once again, he was forced to leave all of his worldly possessions behind as he fled Cuba after Fidel Castro took over. But it was his art that truly mattered, and this is what he brought with him to south Florida. After settling in Palm Beach, Paul ushered in a period of increased cultural awareness. He served as the creative director of the Civic Opera of the Palm Beaches which eventually evolved into the Palm Beach Opera. The opera thrived under his direction as he singlehandedly defined the opera scene in Palm Beach. After leaving the Palm Beach Opera in 1983, his presence in the cultural community persisted. He continued working with music students and produced a series of music programs at a variety of retirement communities. He received a honorary degree from New York University as a tribute to his contribution to the music world.

While he was renowned for his musical talents, he will be remembered most for his character and humanity. His experiences and personality made him larger than life and his charisma was infectious. Mr. Speaker, I ask my colleagues to join me in remembering the life of Paul Csonka.

THE BEST SMALL TOWN IN AMERICA

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1995

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize Essex, CT, on being named the Best Small Town in America by author Norman Crampton. Mr. Crampton's book, "The 100 Best Small Towns in America," recognizes Essex for qualities its residents, and people across Connecticut, have appreciated for many years. The residents, officials, and business people of the community should be very proud of this honor, which acknowledges their commitment to their community.

Mr. Crampton ranked towns across the Nation using several criteria, including per capita income, crime rate, public school expenditure per pupil, and percentage of population with a bachelor's degree. While every survey seeking to rate communities relies on similar factors, the author also considered community efforts to provide housing to all income groups and to encourage residents to play an active role in town affairs.

In the final analysis, Essex rose above every other small town in America to be named No. 1. Since settlers first came to the area in the mid-1600's, Essex, which encompasses the villages of Centerbrook, Ivoryton, and Essex, has distinguished itself. For much of the 18th and early-19th centuries, Essex was known as a world-class shipbuilding center. In fact, the first ship commissioned by the U.S. Navy in 1775, the *Oliver Cromwell,* was built in Essex and provided to our fledgling Government by the State of Connecticut. In addition to building the ships which were the lifeline of commerce in the 1700's and 1800's, Essex was an important commercial port for trade throughout the world, especially between the eastern United States and the islands of the Caribbean. The village of Ivoryton was so named because Essex was home to one of the leading manufacturers of piano keys. Manufacturers in Essex also helped to pioneer commercial production of witch hazel and the community remains home to one of the world's largest distillers of this product.

Mr. Speaker, it is obvious to this Member why Essex has been ranked No. 1. The community has something to offer to everyone. Families can take advantage of first-rate public schools, affordable housing, and local employment opportunities. Lying on the banks of the lower Connecticut River, Essex boasts tidal flats and marshes, coves and inlets which provide valuable habitat for many species of fish, wildlife and birds. Visitors can enjoy leisurely rides on the Connecticut Valley Railroad, affectionately known by locals as the Essex Steamtrain, and conclude their day with a great meal at the historic Griswold Inn, which has been serving visitors for more than 200 years.

During the course of writing his book, Mr. Crampton interviewed citizens in communities around the Nation. His conversations with those in Essex highlighted another characteristic which makes this community special—the volunteer spirit of its residents. Until recently, virtually every local official served without pay and many continue to do so today. Fires are fought by volunteers, school playgrounds are built by parents, and elections are monitored by civic-minded citizens who never receive a penny for their dedication to their community. Mr. Richard Gamble summed up the contribution of Essex's residents by saying "we're unusually blessed by people who are not only capable, but willing to spend the time."

Mr. Speaker, I am proud to join residents from Essex in celebrating this much deserved honor. Parochially, I believe every small town across the Second Congressional District could qualify for the No. 1 spot. However, today we celebrate the achievements of this community and welcome people from across the country to come join us in America's No. 1 Small Town—Essex.

THE BALANCED BUDGET ACT OF 1995 IS GOOD FOR CALIFORNIA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. PACKARD. Mr. Speaker, as Congress and the President are mired in budget negotiations, it is a good time to reflect on why a balanced budget by 2002 is so important. The national debt as of Monday was $4,988,891,675,281.12. This figure is outrageous. It is why my Republican colleagues and I are fighting so hard for a balanced budget and why time is of the essence. Our children should not be saddled with this overwhelming financial burden.

Passing the Balanced Budget Act now is not only good for the country, it is good for California. The people of California will save $262 per household per year on the State and local government debt, $4,757 per year on an average fixed-rate mortgage, and $858 on the average 10-year student loan. These are real benefits for the hard-working people of California.

Mr. Speaker, agreement on a balanced budget will ensure that the current and future generations of California will enjoy lower taxes, cheaper loans, and lower mortgages. A budget stalemate will deny Californians, and all Americans, the future they deserve.

TRIBUTE TO DR. JOHN HOWARD COLES III

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. CLEMENT. Mr. Speaker, on December 31, 1994, Dr. John Howard Coles III, a constituent of mine, retired after a long and distinguished medical career.

Dr. Coles has unselfishly devoted his entire life to the healing of others, investing countless hours in the operating room, by his patients' bedsides or on the telephone late at night discussing a sick patient's symptoms.

Dr. Coles is from the old school of medicine, where care and genuine concern were always part of the prescription, and nothing was too minor for his attention. In an era where big business has spread to the medical industry, Dr. Coles' office was a sanctuary for his patients because they always knew they could find someone who truly cared about them, not only about their physical well-being, but their emotional well-being and the health of their families as well. He knew their children's names, vacation plans and desires for the future.

I will never forget the warmth and concern Dr. Coles showed for my welfare when I was a freshman on the Hillsboro High School football team. Dr. Coles put stitches in my chin and left me with a lasting, wonderful impression of his superior bedside manner and conscientious attention to detail. You knew that when Dr. Coles was taking care of you, you were in the best of hands. He personalized every relationship and truly made you feel as if you alone were his No. 1 priority.

The announcement of his retirement prompted a letter to the editor in The Tennessean from patient Sara Roop, and I'd like to take a moment to read a portion of that letter because I believe she has accurately captured the essence of Dr. John Coles.

> For over 20 years, Dr. Coles has responded to my calls, some frantic with concern over a sick child, some simply seeking advice or reassurance. The ailment was never too minor, the question too foolish, nor the time consumed too excessive.
>
> Just talking with Dr. Coles was good medicine. He would always dispense appropriate doses of advice, medication, treatment and kindness. Then he would send us home with the directive, "Call me any time, day or night."
>
> What has impressed me most about John Coles is his genuine compassion—a rare commodity, even in the medical profession. "I'm sorry" was a much-used phrase. He was truly sorry when my son or daughter was ill, when I struggled physically and emotionally with breast cancer.
>
> I am sure Dr. Coles is unaware he has shared so many of these wonderful gifts with my family and so many other grateful patients. Giving wasn't something he did; it was something he was.

Dr. Coles was born in Nashville on Sept. 29, 1927, and graduated from Vanderbilt University and Vanderbilt University Medical School. He served a rotating internship at Baltimore City Hospital in 1951–52, delivering 105 babies in a 60-day period. He continued at Baltimore with a surgical residency through 1955, taking a little time out to marry.

After serving an Oncology Fellowship at Vanderbilt University Medical Center in 1955–56, he served as a captain and base surgeon at Chenault Air Force Base in 1957–59.

In 1959, he established his private practice in general surgery and general practice, which he continued until his recent retirement. In addition to his regular medical duties, he also served as school physician for David Lipscomb College from 1968–82 and as a team physician for Hillsboro High School from 1960–73. He has held surgical privileges at Baptist Hospital, St. Thomas Hospital and Nashville General Hospital.

He has been a physician and surgical consultant to such local companies at South Central Bell, and has served on the board of directors of the Green Hills Health Care Center. He has helped with disability evaluations for the Social Security Administration. He holds active memberships in the Nashville Academy of Medicine, Davidson County Medical Society, Tennessee Medical Association, Southern Medical Association and the American Medical Association. Dr. Coles is the father of three and the grandfather of four, and he is an active member of the Hillsboro Church of Christ and the Nashville community.

While Nashville is saddened over the retirement of such a faithful doctor, it rejoices in Dr. Coles' decision to begin the next phase of his life. As he finally has time to pursue other interests, may he find the same kindness, compassion and support that he has given all of us for more than four decades.

TRIBUTE TO KVEA–TV, CHANNEL 52

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. BECERRA. Mr. Speaker, it gives me the utmost pleasure to rise today to pay tribute to the wonderful people at KVEA–TV, channel 52, as they celebrate 10 years of quality service to the Spanish-speaking community in southern California.

KVEA is a Los Angeles-based television station that is an affiliate on Telemundo, a national Spanish-language television network. Over the last 10 years, it has reached over 750,000 homes and served the Latino community through its Emmy award-winning newscasts, entertainment and most importantly, community outreach efforts.

The vital work performed by KVEA makes it possible for members of the Latino community to connect and react to the social and political events around them.

So, it should come as no surprise that when the frightening 6.7 Northridge earthquake struck, the people at KVEA came to the rescue. Almost as soon as the tremor shook the Earth around Angelenos, the station responded with information, food and a 14-hour telethon to bolster the efforts of the American Red Cross and the Salvation Army.

When the wave of anti-immigrant sentiment surged during the 1994 election, KVEA took a stand and denounced proposition 187. The station sponsored the Riverside Summit to increase awareness and propose plans to combat immigrant bashing. As the proposition 187 vote neared, KVEA employed its newscasts, public affairs programs and public service announcements to alert viewers of the harm that its passage might bring.

Mr. Speaker, in southern California, KVEA is recognized as a leader in children's rights. It was the first and only station to broadcast the "De Mi Corazón" telethon to raise money for abused children. KVEA has also actively supported Walk America, a March of Dimes campaign for healthier babies.

The station has certainly taken to heart its responsibility to educate and entertain the children of southern California. And as a next step, KVEA is developing its own locally-produced children's program.

One of KVEA's proudest moments had to be September 30, 1995. On that day, 5,000 of our newest Americans decided to become full participating members of society through citizenship. The station was there from the beginning making this idea a reality. KVEA went the extra mile and donated 40 spots of air time during prime time programming to promote citizenship. The result: Absolute success.

Mr. Speaker, over the past 10 years, KVEA has been there for my family and the residents of southern California. Today, I respectfully request that the House of Representatives join me in conveying to KVEA–TV, channel 52, a heartfelt Happy Birthday and a sincere thank you for its service and achievements in America. May there be many more decennials to celebrate.

THE FIRST LANDING OF THE PILGRIMS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. STUDDS. Mr. Speaker, I rise today to honor the town of Provincetown, MA, which last week celebrated the 375th anniversary of the first landing of the Pilgrims and the signing of the Mayflower Compact, our Nation's first formal governing document.

Unfortunately, since our current Government is not as efficient as the compact, the interim resolution of the Federal budget impasse kept me in Washington. We all know, however, there is no more appropriate place to celebrate the Thanksgiving season than in Provincetown, the community in which the Pilgrims laid the foundation for democracy in this Nation.

The historic significance of the first landing and the Mayflower Compact cannot be overstated. Provincetown is where the Pilgrims first landed on November 21, 1620, after their long and arduous journey across the Atlantic. While anchored in Province Town Harbor, 41 of the Pilgrims signed the Mayflower Compact, creating a self-governing colony.

The Mayflower Compact renounced European aristocracy and created many of the tenets of freedom that we enjoy today. It was the foundation for both the Declaration of Independence and the U.S. Constitution.

The compact was modeled after a Separatist church covenant by which the signatories agreed to establish a civil government and to be bound by its laws. President John Quincy Adams called the document the first example in modern times of a social compact or system of government instituted by voluntary agreement conformable to the laws of nature, by men of equal rights and about to establish their community in a new country.

The Pilgrims were hardy people whose perseverance characterized New Englanders for generations to come. After their 66-day, cross-Atlantic passage, with little space or sanitary facilities, they faced harsh winters without proper shelter or clothing. In their first year in the New World, they lost half of their community to illness. Yet they endured. Their labors spawned a thriving colony that became modern America.

Many local families brought that spirit alive when they participated in a reenactment of the first landing on the beach—dressed in Pilgrim garb—to help dedicate a new town park. After a free concert by a 19-piece U.S. Navy jazz band, more than 5,000 holiday lights were turned on to illuminate the Pilgrim monument.

It could be said that the Pilgrims, who fled persecution in Europe, were the first "washashores"—coming here in search of opportunity to pursue their livelihoods and dreams. Once ashore, one of their first tasks was to scour the province lands for reliable sources of clean, drinkable water. Some things never change. Just ask the Bradfords or the Brewsters, whose streets we still walk today, or pause to watch our children play on the sand on which the Pilgrims washed ashore.

Mr. Speaker, it is with special pleasure as a resident of this vibrant community that I join in commending all those who have helped organize the ambitious celebration.

Provincetown has always been a harbor of refuge, for fishermen seeking shelter from rough seas, and for those of us over the last 375 years who have sought to live our lives as we see fit in a most remarkable community. It is only in honoring our history that we can fully appreciate how extraordinary this place is, how it continue to harbor our homes and vesels, our individualism and diversity—and the fundamental value each of us places on mutual respect.

35TH ANNIVERSARY OF THE ARCTIC NATIONAL WILDLIFE RANGE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. MILLER of California. Mr. Speaker, 35 years ago today, the Eisenhower administration had the foresight to protect what then-Interior Secretary Seton described as "one of the most magnificent wildlife and wilderness areas in North America."

Time has shown the wisdom of that bold action by the Eisenhower administration. As designated by Congress in 1980, the Arctic National Wildlife Refuge's unique wilderness and wildlife values make it a crown jewel of our refuge system.

As industrial-scale oil development continues to sprawl across the North Slope of Alaska, pressure to open and exploit the Arctic refuge is intense. But while the oil development wolves are knocking at the refuge door, President Clinton has continued the legacy of Presidents Eisenhower and Carter through his commitment to preserving intact this vital arctic ecosystem.

Unfortunately, the Republican leadership in Congress has ignored this bipartisan history. They have tried to sneak ANWR development through Congress under cover of the budget bill, avoiding the regular process of debate and amendment. Yet the purported value of ANWR for Federal revenues is minimal at best and its value for national energy security is even more dubious since this same Congress has authorized Alaskan oil exports.

The true value of preserving ANWR's special wildlife habitat and wilderness resources for the American people are more important than ever before, transcending the worth of whatever minerals may lie below the surface. We should not sacrifice an important part of our country's natural heritage for the short-term gain of a handful of special interests.

LEGISLATION TO AMEND THE SECOND MORRILL ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. MFUME. Mr. Speaker, today I am introducing legislation which was initially brought to the attention of this House by my good friend, the late Congressman Mickey Leland. This legislation seeks to amend the Second Morrill Act which contains the unconstitutional separate but equal doctrine. The obsolete language that this bill seeks to delete permitted racial segregation in agricultural and mechanic arts colleges that were funded by the Agricultural College Act of 1890, or as it is more commonly known the Second Morrill Act. However, this legislation would not affect the continued funding of any institutions which were established by the act.

The Second Morrill Act authorizes Federal funds for the support of colleges to teach agriculture and mechanic arts in the States and territories. Congress stipulated in the act that funds authorized by the act may not be used for colleges which made "a distinction of race or color in the admission of students." However, in the 1890's, many States either provided no education for black students or educated them in schools separate from white students. Therefore, the act allowed for the "establishment and maintenance of such colleges separately for white and colored students" and "for a just and equitable division of the fund . . . between one college for white students and one institution for colored students."

This language, which remains in the U.S. Code, stirs up memories from one of the most troubling chapters in our Nation's history. Over 40 years ago, the Supreme Court decisions in Brown versus Board of Education and Bolling versus Sharp rendered the language meaningless. Although the law may be moot, the fact that it remains on the books is an affront to all African-Americans.

The continued presence of the language in the U.S. Code contradicts our national policy against racial segregation and serves no valid function. The deletion of the language is long overdue.

I sincerely hope that the committees of jurisdiction will act quickly on this measure and that enactment will be forthcoming.

THE CIVIL WAR IN BOSNIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. SOLOMON. Mr. Speaker, it is tragic enough that we are being driven into the morass of a civil war in Bosnia. The tragedy is compounded by the fact that we are driven by a President whose attitude on the military was set in the late 1960's. There is no evidence that his attitude has changed.

I have seen no more eloquent commentary on this tragedy than Wesley Pruden's column in yesterday's Washington Times. I place it in today's RECORD, and urge everyone to read it.

[From the Washington Times, Dec. 5, 1995]

CAUTIONARY ADVICE FROM THE MASTER

(By Wesley Pruden)

"I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information . . . at hand than I did.

"I have written and spoken and marched against . . . war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations . . . .

"From my work I came to believe that . . . no government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation."

Well, of course, that was then, when young Master William's very own rear end was on the line, and a large target it made, too. But this is now, when the only "incoming" he has to worry about is the errant lamp thrown across the presidential bedroom. By parties unknown, of course. Hillary's contempt for the men who wear the uniform of her country is well known, too, but like the master, the missus hides it skillfully when the chocolate chips are down, as they were yesterday when she invited reporters into the White House to see all the nice Christmas decorations.

The boys soon to be at the front occupy the first lady's deepest thoughts. Her dearest wish is for something she and the marching bands, with streamers flying, insist on calling "the peace process," oblivious of the cruelty in the cliche and of what everybody beyond the Beltway understands by instinct, that the Bosnia "peace process" is to peace what Velveeta is to fine old Stilton.

"I also want everyone in America to support our military personnel who are going into Bosnia in the cause of peace," says Miss Hillary. She understands that if our boys can put their lives on the line to level killing fields drenched in the blood of a millennium of ethnic carnage, the most she can do is grit her teeth, suppress her '60s disdain for American soldiers, lately reprised at the Clinton White House, and urge everyone to send the boys at the front a Christmas card.

She wants Americans to remember the families the troops will leave behind, too. "People who take risks for peace, which is what we have seen in Northern Ireland or now in Bosnia, need to be supported."

Bill and Miss Hillary come late to their regard for the troops, and as sincere as they no doubt are—after months of practice at Miss Hillary's bedroom mirror the president can finally snap off a salute as crisply as any arriving boot at Parris Island—they don't understand that the rest of us need no tutelage in holding our fighting men in deference, honor and even awe. We were doing that when Master William was safe in the embrace of the friendly streets of London, leading cheers for Ho Chi Minh.

Only in America can commander-in-chief be an entry-level job, but you might think that a president with Mr. Clinton's military background (as governor, he was commander-in-chief of the Arkansas National Guard, and brooked no sloppily filled sandbags when the Ouachita River leaped its banks every spring) would choose discretion, not flamboyance, as his guide. Imagining himself as Henry V at Agincourt, he dons a dashing leather bomber jacket, with the patch of the 1st Armored Division on his breast, for the patrol to the mess hall. But neither patch nor jacket makes him George S. Patton or enrolls him in the happy band of brothers. The gesture inevitably invites his troops to see him as a little boy on a tricycle, waving a stick sword, boasting that his daddy can lick the other daddies.

Mike McCurry, the president's press man, calls this the "theme of the week" strategy, and this president has more themes of the week than Baskin-Robbins has flavors. The president, he says, "wants to focus on making the humanitarian case" for sending troops to Bosnia, especially in this "season of hope."

The intended point, in the familiar Clinton tactic, is that anyone who gags and retches at the cynical manipulation of tragedy is naturally someone who opposes humanitarian gestures, who feels no tug at his heart in the season of the Prince of Peace.

Rep. Ike Skelton, a Democrat from Missouri, is one such ogre. He told the House yesterday that the Clinton policy—he was too polite to call it the re-election strategy—"puts our troops in a snake pit while we're angering half the snakes."

Snakes abound when you join civil wars, as young Master William tried to tell Col. Holmes at the University of Arkansas in that famous letter of phony piety 30 years ago. Nothing has changed.

FEDERAL WORKPLACE SAFETY STANDARDS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. EVANS. Mr. Speaker, today, I am pleased to introduce legislation to ensure that U.S. Federal contractors comply with the laws that protect working men and women from unfair management practices and unsafe conditions in the workplace.

Every year, the Federal Government awards billions of dollars in contracts to corporate America. While these recipients provide jobs to local areas, some also violate their employees' right to bargain collectively, organize, and work in safe environment.

A recent Government Accounting Office [GAO] report cited that 13 percent of the fiscal year 1993 contracts went to 80 violators of the National Labor Relations Act [NLRA]. Six of those violators were among the largest Federal contractors, ranking among the top 20 firms receiving Federal contract dollars.

Some of the most egregious violations include interrogating workers about union membership, promising workers a pay raise if they oust the union, increasing benefits to nonunion employees, threatening workers with discharge because of their union activity, and threatening to withhold a wage increase because workers selected the union as their collective bargaining representative.

Federal contractors who violate Occupational Safety and Health Act [OSHA] standards also continue to receive billions of dollars in contracts. A February 6, 1995 Wall Street Journal article cited that of 50 public companies with the largest Federal awards in fiscal 1993. 70 percent were cited by OSHA for a total of more than 1,100 willful or repeated safety violations in the previous 5 fiscal years. At a time when more than 55,000 Americans die on the job each year, we cannot afford to conduct business with contractors who willfully jeopardize the lives of their workers for the sake of the bottom line.

While big business, in the face of record profits, continues to ignore its responsibility to its workers and U.S. law, we cannot turn our backs on the hard working men and women of this country.

For this reason, I urge my colleagues to sponsor both pieces of legislation which will debar companies from receiving Federal contracts if a company demonstrates "a clear pattern and practice" of violating the NLRA and OSHA respectively.

These bills are steps toward improving compliance and ensuring that the Federal Government does not subsidize egregious labor and workplace safety standards.

JOHN STANKOVIC HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 50th anniversary of a musical institution in my District in Pennsylvania. This year a musician and longtime family friend from my hometown, Mr. John Stankovic will celebrate a half-century of bringing polka music to Northeastern Pennsylvania and to the world.

John Stankovic, known as Stanky to all who love his music, began with accordion lessons as a young boy. Even then he performed at small gatherings in the Nanticoke area. Stanky's first band was known as the Tip-Toppers and traveled the area playing at weddings and private parties. Several years later the band officially became Stanky and the Coalminers to pay tribute to the area's coalminer heritage. As a young man, Stanky thought he would pursue a career in sports and even tried out for the Cleveland Indians. He tells the story that when considering his career, he followed the advice of his father, Joe Stankovic, who told him, "Son, you are a pretty good basketball player and a pretty good baseball player, but if you learn eight good songs, you'll never starve."

Although his mother also encouraged his music and taught him to sing, success did not come quickly or easily to Stanky. For 17 years he worked as a "ragman". He drove up and down the streets of town collecting anything he could resell to support himself. At night, he played polkas.

Mr. Speaker, although John Stankovic had a humble beginning, he and the Coalminers have risen to international fame. They have played in Japan, England, France, Holland, Germany, Spain, Australia, and Canada. The Coalminers were the first polka band to entertain the Chinese. The Band has also traveled its share of sea miles. The Coalminers just completed their 71st cruise to Alaska and received awards from Holland America Cruise Lines for hundreds of thousands of miles logged as performers at sea. For 11 years, the group has had its own show on our public television station and regularly showcases other local polka bands. Even with their grueling schedule, every Sunday night that the band is in the area, they can be found at a local supper club for polka night.

Mr. Speaker, John and his wonderful wife, Dottie are close personal friends of my family. I remember so well the night of my first election victory in the primary race that would eventually take me to Congress.

In a room crowded with well wishers and supporters, Stanky played "Happy Days Are Here Again" as I arrived on the platform with my family to claim our victory. John's rendition of that old favorite will always be a part of the memory of that wonderful night.

Mr. Speaker, I am pleased to be among his many friends, fans and admirers who wish Stanky well on this momentous occasion. We in Northeastern Pennsylvania hope to hear the music of Stanky and his Coalminers for many years to come. I send my very best wishes to my very good friends, Stanky, Dottie, and the Coalminers on 50 years of wonderful polka music.

TRIBUTE TO LA SALLE ACADEMY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. REED. Mr. Speaker, it gives me great pleasure to rise today and salute La Salle Academy, an outstanding educational institution in Rhode Island that is celebrating its 125th anniversary.

Following in the tradition of the 17th century religious educator, John Baptist de La Salle, Rev. Michael Tierney established an institution in Providence, RI that espoused Catholic ideals and principles. In 1871, he invited the de La Salle Christian Brothers to teach at this parish school, and the Brothers' School was renamed La Salle Academy in 1876.

Over the years, many generations of young men, and for the past decade, women, have attended La Salle Academy. In addition to receiving a quality education, these young people have been inspired to make a commitment to others as part of their education. Today, La Salle alumni have gone on to make significant contributions to nearly every walk of life in Rhode Island and throughout the Nation. Many have made significant contributions to our community as leaders in medicine, business, law, politics, religion, and education. Others have chosen to work directly with the poor and underprivileged.

Many distinguished Rhode Islanders have graduated from La Salle, including two beloved Governors, Gov. J. Joseph Garrahy and the late Dennis J. Roberts, as well as two former Members of the U.S. Congress, Representative John E. Fogarty, class of 1930 and Representative Robert O. Tiernan, class of 1948. I am especially proud and honored to offer these words as a 1967 graduate of La Salle Academy.

I would respectfully ask my colleagues to join me in paying tribute to this Rhode Island academic institution as it celebrates 125 years of commitment to education and to our community.

TRIBUTE TO ROBERT BENNETT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. KNOLLENBERG. Mr. Speaker, I rise to pay tribute to Robert D. Bennett.

For the past 25 years, Bob Bennett has honorably served the city of Livonia, MI, as an elected official. From 1970 to 1987, he served on the city council. A former president of the council, he was elected mayor of Livonia in 1988.

As mayor, Bob Bennett has made Livonia one of the best places in America to live. In fact, Livonia was recognized this year by a prominent nonprofit organization as being the 8th best place in America to raise a child. While Mayor Bennett's contributions to Livonia are too numerous to list, I want to pay special consideration to his successful effort to implement the DARE program in Livonia's schools; his work to make Livonia's streets safer by providing the city's police officers with the latest crime fighting technology, and his leadership on financial matters that has improved Livonia's bond rating from A to A+.

The people of Livonia are grateful for Bob Bennett's dedication to public service. On their behalf, I wish Bob and his wife, Janet, the very best in their future endeavors.

Mayor Bennett, who is term-limited, is a native of Highland Park MI. He served in the Air Force from 1946 to 1949. In 1955, he earned a B.S. in engineering law from Wayne State University.

TRIBUTE TO RODOLFO "RUDY" VALLES ON HIS RETIREMENT FROM EAST LOS ANGELES COLLEGE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring a long time friend of mine, Mr. Rodolfo "Rudy" Valles, on the occasion of his retirement from East Los Angeles College [ELAC], where he serves as associate dean of admissions. Rudy has given 23 years of dedicated and exemplary service to ELAC, and though his contributions will continue to benefit students, his presence will be missed by those who have had the pleasure of working with him.

Rudy received his associate of arts from ELAC, and his bachelor's and master's degrees from California State University, Los Angeles [CSULA]. He began his employment at ELAC in 1971 as an hourly program assistant. He later moved up the ranks to work as an art instructor. During this time, he was also employed as an hourly graduate assistant at CSULA.

In 1978, Rudy became a special assignment art instructor and in 1979 he was on special assignment at extended opportunities programs and services [EOPS]. During the 1980–81 school year, he became associate dean of the EOPS program. He continued to move up the ranks, and later became acting dean of student services. In 1990, he was promoted to the position of associate dean of admissions, matriculation and athletics at ELAC.

In addition to his contributions to the ELAC community, Rudy has volunteered much of his time to civic and community groups at large. He has been an active and supportive member of my Congressional Award Council, serving on the board of directors since the council's creation. Rudy and his lovely wife, Betty, have been diligent supporters of this program, which aims to enrich the lives of youth of our community. Without the kind of steadfast support that Rudy and Betty have provided, the program would not have enjoyed the success it has met over the past 10 years.

Mr. Speaker, it is with profound pride that I ask my colleagues to join me in honoring a very good friend, Mr. Rudy Valles, on the occasion of his retirement from East Los Angeles College.

DOUG BARNARD, JR.—1996 ATLANTA CENTENNIAL OLYMPIC GAMES COMMEMORATIVE COIN ACT (H.R. 2336)

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. BISHOP. Mr. Speaker, when the United States hosts the Olympic games this coming year, it will mark the 100th anniversary of the modern games.

My State of Georgia is the official host State. And this is where most of the Olympic events will take place. But not all. A number of other events will be held in communities around the country. The entire country is really the host. In a very real sense, every American is a part of this Olympic celebration. And can take pride in it.

Three years ago, Congress enacted the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act. This measure authorized the minting of the largest commemorative coin series ever produced. Today, we are amending that measure to reduce the mintage levels for the upcoming Olympic year. This will boost the sales of the coins by increasing their value to collectors. And these sales raise essential revenue for Atlanta's Olympic committee.

The bill is named for former Congressman Doug Bernard, my fellow Georgian who led the way in establishing a financially self-sufficient commemorative coin program. This is fitting recognition of his contributions to the U.S. Mint.

GENDER BIAS IN THE U.S. COURTS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mrs. MORELLA. Mr. Speaker, I rise today to express my strong support for gender bias studies in our Federal and State courts. Gender bias in our judiciary exists and it affects decisionmaking in our courts. It affects judges, lawyers, litigants, jurors, court personnel, and the general public.

One of the critical titles in the Violence Against Women Act—Equal Justice for Women in the Courts—provides for these studies. This Congress has overwhelmingly supported this legislation and the Commerce, Justice, State, and judiciary appropriations conference report full funding for VAWA's equal justice in the courts provisions.

It is important to note that the U.S. Judicial Conference has endorsed the study of gender bias in the Federal courts and at least seven Federal circuits have formed task forces to conduct studies, not only of gender bias but also biases based on ethnicity and race.

Many States, including my State of Maryland, have undertaken gender bias studies with good results. Today, all over this country changes have been made in the way the crimes of domestic violence and rape are adjudicated and the way in which child custody and divorce proceedings are handled.

Our courts at the Federal and the State levels must be given the funding that will allow our justice system to function as the Founding Fathers intended—fairly. There must be no misunderstanding. This Congress supports the principle of and funding for gender bias studies on our Federal and State courts.

BERNARD BOUSCHER, UPPER PENINSULA PERSON OF THE YEAR

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. STUPAK. Mr. Speaker, I would like to take this opportunity to congratulate Bernard Bouschor, who has been named the Michigan Upper Peninsula's Person of the Year by the Upper Peninsula Commission for Area Progress. On behalf of the U.S. House of Representatives and the citizens of Michigan, I commend Mr. Bouschor on this achievement.

Mr. Bouschor is chairman and executive director of the Sault Ste. Marie Tribe of Chippewa Indians, a position he has held since 1987. The role of the Upper Peninsula Commission for Area Progress is to promote economic and human development, and Bernard Bouschor has been instrumental in this role.

In the last 4 years alone, Sault Chippewa tribal business revenue has grown from $32 million to $228 million a year. Additionally, the number of employees has grown from 400 to more than 2,700, making the Sault Chippewa the Upper Peninsula's largest employer. This is from a tribe that was not even federally recognized until 1975.

Much of this success can be attributed to Bernard Bouschor's tenacity, perseverance, and hard work. Mr. Bouschor grew up in Sault Ste. Marie as one of nine children in a home without running water. Despite missing 2 years of school after contracting polio as a teenager, Mr. Bouschor was the only one of his siblings to attend college. It was from this experience that he learned the importance of self reliance, a lesson he now carries to his leadership of the tribe.

While many native American tribes that have casino gambling make cash payments to tribal members, Mr. Bouschor refuses to do this. Instead, profits are invested in a variety of business ventures that will support the tribe if there is ever a decline in casino gambling revenue. These investments include two auto parts plants, a neon factory, and various real estate purchases.

To achieve this diversity of business ventures, Bouschor created an independent commission composed of tribal members and outside business people to locate potential investments. In this way, the tribe was able to draw on business expertise from outside the local area.

Mr. Speaker, with Bernard Bouschor's leadership, the sky's the limit for the Sault Ste. Marie Tribe of Chippewa Indians. Again, I congratulate Mr. Bouschor on being named the Michigan Upper Peninsula's Person of the Year.

ANNA CERVENAK HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a remarkable woman from my district in Pennsylvania, Ms. Anna Cervenak. On December 7, the Exploring Division of the Northeastern Pennsylvania Council of the Boy Scouts of America will bestow its highest honor upon Anna at its annual luncheon. I am pleased to have the opportunity to bring Anna's many accomplishments to the attention of my colleagues.

Anna Cervenak is an exemplary role model for young women who aspire to leadership in both the business and service communities. A native of Forty Fort, PA, and a graduate of its high school, Anna joined Bell Telephone as an operator soon after graduation. Working her way up through the ranks at Bell, Anna was an employment representative, full time speaker, and an engineering tracer. Since 1984, Anna has been external affairs director for Bell Atlantic, Pennsylvania. She received her bachelor's degree from College Misericordia in 1986 and her master's degree in 1990 from Marywood College.

Mr. Speaker, Anna Cervenak has provided valuable leadership to a wide variety of civic organizations. She is past president of the Quota Club of Wilkes-Barre and she currently serves on the boards of the Domestic Violence Center, Victims Resource Center, Junior Achievement, American Cancer Society, Wilkes-Barre Chamber of Commerce, and Hospice St. John. She serves on the Luzerne County Business Incubator Advisory Board and the United Way. Anna is the immediate past president of the board of the Economic Development Council of Northeastern Pennsylvania. She has just completed a 6-year term on the board of the Luzerne County Commission for Women.

She also currently serves on the board of the President's Council at King's College and the Luzerne County Community College Foundation Board. She holds a seat on the Lourdesmout Board of Directors and the Lacawac Sanctuary Board of Trustees. She was recently appointed to the Advisory Board of the Wilkes-Barre Penn State Campus. Anna has also just begun a term on the Land Use Planning Board of the Earth Conservancy.

This year, I witnessed first hand Anna's drive and determination as we worked together to save thousands of jobs at the Tobyhanna Army Depot. Anna cochaired the Blue Ribbon Task Force which was the organizational core of the successful effort to save the depot from closure.

Mr. Speaker, Anna Cervenak has been honored in the past for her dedication to her community. In 1991, Anna received the "Athena Award" as Wilkes-Barre Chamber of Commerce's "Woman of the Year." In 1994, she was awarded the "Pathfinders Award" at the Wyoming Valley Women's Conference. In January 1995 she was named "Woman of the Year" by the Wyoming Valley Women's Club.

Although Anna's community service is well known and widely appreciated in Northeastern Pennsylvania, it is her warm, caring personality and affable demeanor that endears her to us. No matter how demanding her schedule, as she rushes from meeting to meeting, Anna takes time to form friendships with those around her. She is known for her generosity and concern for those in need. I am extremely proud to have this chance to join with the Exploring Division of the Boy Scouts in paying tribute to this extraordinary community leader.

WORDS OF CONGRATULATION ON ENACTMENT OF LEGISLATION DESIGNATING THE NATIONAL HIGHWAY SYSTEM

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. CLINGER. Mr. Speaker, I ask that the following letter be inserted in its entirety into the CONGRESSIONAL RECORD. The writer of the letter is a constituent of mine, Thomas D. Larson. Tom served President Bush as a very creative and dynamic Administrator of the Federal Highway Administration. Prior to that he was Secretary of the Pennsylvania Department of Transportation, and for many years he was a Prof. of Engineering at Pennsylvania State University.

Given his breadth of experience, I believe Tom's words of congratulation to my friend, neighbor, and colleague, Transportation Committee Chairman BUD SHUSTER, have special merit and are aptly deserved. And in closing, I want to join with Tom to signal my profound appreciation for the hard work and capable leadership of BUD SHUSTER. He has done, and continues to do, a masterful job.

LEMONT, PA,
November 20, 1995.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Congratulations! Yet again, you have moved America forward in transportation by putting the NHS on the President's desk.

Your call reporting the House action was typical of your thoughtfulness and I am deeply appreciative. My role in NHS has been minimal—other than as remote supporter. Your role has been pivotal since day one. You deserve warm accolades from virtually every sector of American society. Transportation is, without doubt, a key thread in the fabric of that society.

In his message to the 9th Congress, President Jefferson captured the essence of what you have done for America. He said, "By these [public works and transportation improvements] new channels of communications will be opened between the states, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties." He went on to say roads and canals would knit the union together, facilitate defense, furnish avenues of trade, break down local prejudices, and consolidate that union of sentiment so essential to the national policy.

Clearly, Mr. Chairman, for leadership in "consolidating that union of sentiment" essential to achieving the NHS, Mr. Jefferson would salute you. I certainly do!

With warm thanks,

TOM LARSON.

TRIBUTE TO DETECTIVE LT. RODNEY M. LEONE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. MARTINI, Mr. Speaker, I rise today in honor and recognition of Detective Lt. Rodney M. Leone, of the Passaic County Sheriff's Department, who is retiring from the sheriff's department on December 31, 1995, after a distinguished career of 25 years.

Allow me to share with the House some of his accomplishments: Detective/Lieutenant Leone has been the recipient of three medals of valor, ten certificates of merit, he was elected as the fourth vice president of the New Jersey State PBA, and he was a past president of the New Jersey Narcotic Enforcement Officers' Association.

Detective/Lieutenant Leone is also a member of the New Jersey Police Honor Legion, the New York City Police Honor Legion, the New York City Transit Honor Legion, and he serves as the executive director of the New Jersey State PBA Physician's Association.

His accomplishments and honors aside, I believe the highlight of his career is the over 1,000 criminal arrests that he has made. His diligence and his success has made the streets of Passaic County safer for everyone.

Mr. Speaker, I know you will join me in wishing Detective/Lieutenant Rodney M. Leone a happy retirement and the best of luck in his future endeavors.

TRIBUTE TO JANET CERCONE SCULLION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a woman from the 14th Congressional District of Pennsylvania who has made a number of significant contributions to her community in Pittsburgh. Her name is Janet Cercone Scullion. I have known Janet and her family for many years.

Janet is a well-known member of this community. She has lived in Bloomfield all of her life. Her parents, Dan and Mary Cercone, were community leaders, and her father's barber shop was a local landmark for over 60 years. Over the last 35 years, she has helped many of the neediest members of our community through her work as a music therapist and as a nurse at the V.A. Medical Center, St. Francis Medical Center, and Shadyside Hospital. I would like to point out that she worked at these jobs—and attended college and grad school—while raising eight children. She has prepared and presented research on neurological disorders, and she has taught others how to care for patients with diseases like Huntington's disease and multiple sclerosis. If that weren't enough, she has been actively involved in community affairs in Bloomfield.

Janet has done more to improve community life in Bloomfield than anyone else. She has served as president of the Bloomfield Citizens Council. She founded the Spirit of Bloomfield magazine. She helped WTAE-Channel 4 with its documentary on Bloomfield, and she founded the Bloomfield Heritage and Preservation Society. Through these and other activities too numerous to mention, Janet has worked tirelessly to promote community spirit and strengthen the bonds between members of this community.

On Saturday, December 9, members of the Bloomfield community and many others will celebrate Janet's accomplishments by presenting her with the first annual Bloomfield Citizen of the Year Award at the Jene-Mager VFW Post 278. I am pleased and honored to note that I will be the toastmaster at this dinner.

Mr. Speaker, what this country needs is more people like Janet Cercone Scullion—people who selflessly dedicate themselves to helping their neighbors and serving their communities. She deserves the thanks of the entire Bloomfield community, and I want to commend her here today.

NICHOLAS SACCAMANO: COMMUNITY LEADER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to Mr. Nicholas Saccamano, of the 11th Congressional District, who has given of himself for the betterment of the people of New Jersey for more than 40 years. This Friday evening, Nick will be honored by his many friends and colleagues upon his retirement from AT&T Bell Laboratories after 42 years of service. During that time, Nick has become a leader in business, and so many community activities.

Nick has always been involved in Morris County, where he and his wife Betty make their home. He is a champion of the finest charitable causes in our communities. Nick is known to be loyal, persistent and a leader who get things accomplished.

Perhaps the best illustration of Nick's personal commitment to those in need was when a seriously ill young man was in need of a bone marrow transplant. It was Nick who, together with the young man's friends and family, took action and personally mobilized the support and resources necessary to help save the young man's life. And so it is not surprising that Nick's good works have gained him the respect, admiration and deep friendship of the residents of Morris County and all of New Jersey. My wonderful predecessor, Congressman Dean Gallo, considered Nick one of our best and so do I.

I would be hard pressed to list all of Nick Saccamano's accomplishments and special citations here today. However, I would like to mention a few to give you an idea of how widely involved Nick is in our lives. Nick has been named the Man of the Year by the Dope Open Inc. and the Morris County Police Chief's Association and was named Citizen of the Year by the Holmdel Policeman's Benevolent Association. He serves on the executive board of the Morris County United Way, as well as receiving their John J. O'Connor Award. Nick is also involved in employer ridersharing programs in Morris, Monmouth, and Ocean counties; the Two Hundred Club in Morris, Monmouth, Ocean, and Union counties and is a member of the New Jersey State Chamber of Commerce.

Mr. Speaker, I sincerely doubt that Nick Saccamano will be slowing down any time soon. On the contrary, retiring from Bell Laboratories should give him even more time to do what he does so well: being people together to help others.

So today, Mr. Speaker, I join with all my New Jersey Colleagues and this House in congratulating Nick Saccamano for his many years of service to all residents of our area.

COMPUTER PRIVACY

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. GOODLATTE. Mr. Speaker, I rise today to bring to the attention of all Members of Congress, action being taken by the administration which threatens the personal privacy of everyone using a computer. Let me explain.

Even before Julius Caesar began dispatching runners with coded messages, governments and private citizens have searched for ways to protect vital personal and business secrets. As communications have become more sophisticated, so too have the methods used to secure private and confidential communications. Information sent by computer today is often protected by "encryption" technology. The technology applies a mathematical equation which scrambles data so it can only be read by the person holding the "key" which unscrambles the information. For years, the Government has argued that it should hold a "key" to everyone's computer—you may recall the "clipper chip" debate during the last Congress.

Despite the wholehearted rejection of the clipper chip, the Government is back at it. Yesterday, the National Institute of Standards and Technology [NIST] held a hearing on an administration proposal called the "64-bit software key escrow encryption export criteria." Beyond this technical jargon, this appears to be a very dangerous proposal; some are referring to it as the "son of clipper." The new proposal is opposed by a wide range of interests, including the high-technology industry, free speech advocates, and free-market groups.

The Ad Hoc Taxpayer Coalition for Computer Privacy, which includes Americans for Tax Reform, and Citizens for a Sound Economy, says this proposal is anticonsumer, antimarketplace, anti-American business, and antiprogress. A group of three dozen high-tech business interests have informed the administration that they will attempt to craft their own policy because the administration's just misses the boat. Mr. Speaker, I ask unanimous consent to insert letters from these two groups in the CONGRESSIONAL RECORD as well as letters from the Business Software Alliance, the Information Technology Association of America, and the Information Technology Industry Council.

Mr. Speaker, it appears that the administration is trying to set a national policy on computers without a true public hearing. Such serious issues should not be resolved behind closed doors or at obscure hearings. Congress is being called upon to become involved in the debate over a national encryption policy. I think we should take a close look at this and I urge my colleagues to consider this seriously.

THE AD HOC TAXPAYER COALITION
FOR COMPUTER PRIVACY,
November 8, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: We are writing to express serious concerns about the Administration's efforts to continue to restrict the ability of computer users at home and abroad to protect their personal and private information over electronic networks through the use of encryption technology. The Administration seems determined to ensure government surveillance of all electronic information and communications. It began with President Clinton's "Clipper Chip," but has not stopped.

Consumers aren't happy with these proposals, and neither is the business community nor civil libertarians. In fact, it's hard to find anyone supportive outside the Administration except for the few that would benefit from the Administration's "proposed relaxation" of the nation's export policy.

The Administration refuses to let American computer hardware and software companies sell products with good encryption worldwide unless the U.S. Government is guaranteed access to a key that unlocks that information. The Administration is trying to leverage these companies' need to export—they derive more than half their earnings from sales abroad—and desire to develop a single product worldwide, to force them to include a feature in products they sell in the U.S. and abroad that will allow government access. Administration officials also have said that if American companies do not "voluntarily" include such a feature, then they will seek legislation making such a feature mandatory.

The Administration's approach is the wrong policy for today's marketplace.

It's anti-consumer. Computer users will not entrust their sensitive information to computer networks unless its security and privacy are assured. Without good privacy protection, there simply will not be a Global Information Infrastructure—and America won't be in the lead.

It's anti-marketplace. There is no consumer demand for encryption products that give the government easy access. The Administration has come forward with a typical big-government approach—a government designed solution for a government problem. This completely overlooks the realities of a free-market.

It is anti-American business. The Administration's current policies are seriously harming the continued competitiveness of one of our fastest growing and most successful industries—the computer hardware and software industry. Computer users are demanding good encryption but American companies are not allowed to supply it. Yet there are hundreds of foreign encryption products manufactured and encryption programs are widely available on the Internet.

Finally, it is anti-progress. Wishing that there was no encryption available will not make it so. The technology is widely understood and available—you can't put this genie back in the bottle. Government policies should not encumber the American computing industry as it leads the world technology revolution.

We strongly urge you to oppose attempts to limit the ability of Americans to use whatever encryption they wish and to support the immediate relaxation of harmful export controls on American products and programs with encryption features.

Americans for Tax Reform; Association of Concerned Taxpayers; Competitive Enterprise Institute; Citizens for a Sound Economy; The Business Leadership Council; The Small Business Survival Committee; Citizens Against a National Sales Tax/VAT.

Virginia Postrel, Editor, Reason magazine; Sheldon Richman, Senior Editor, The Cato Institute; Tanya Metaksa, Executive Director, Institute for Legislative Action, National Rifle Association; Kellyanne Fitzpatrick, The Polling Company; and Donna Matias, Institute for Justice.

NOVEMBER 8, 1995.

Hon. ALBERT GORE, Jr.,
Office of the Vice President, Old Executive Office Building, Washington, DC.

DEAR MR. VICE PRESIDENT: A secure, private, and trusted Global Information Infrastructure (GII) is essential to promote economic growth and meet the needs of the Information Age society. Competitive businesses need cryptography to protect proprietary information as it flows across increasingly vulnerable global networks. Individuals require privacy protection in order to build the confidence necessary to use the GII for personal and financial transactions. Promoting the development of the GII and meeting the needs of the Information Age will require strong, flexible, widely-available cryptography. The undersigned groups recognize that the Administration's recently articulated cryptography initiative was a serious attempt to meet some of these challenges, but the proposed initiative is no substitute for a comprehensive national cryptography policy. To the extent that the current policy becomes a substitute for a more comprehensive policy, the initiative actually risks hindering the development of a secure and trusted GII.

A number of the undersigned organizations have already written to express concern about the latest Administration cryptography initiative. As some of us have noted, the Administration's proposed export criteria will not allow users to choose the encryption systems that best suit their security requirements. Government ceilings on key lengths will not provide an adequate level of security for many applications, particularly as advances in computing render current cryptography systems less secure. Competitive international users are steadily adopting stronger foreign encryption in their products and will be unlikely to embrace U.S. restrictions. As they stand, current export restrictions place U.S. hardware manufacturers, software developers, and computer users at a competitive disadvantage, seriously hinder international interoperability, and threaten the strategically important U.S. communications and computer hardware and software industries. Moreover, the Administration policy does not spell out any of the privacy safeguards essential to protect individual liberties and to build the necessary public trust in the GII.

The current policy directive also does not address the need for immediate liberalization of current export restrictions. Such liberalization is vital to enable U.S. companies to export state-of-the-art software products during the potentially lengthy process of developing and adopting a comprehensive national cryptography policy. Without relief, industry and individuals alike are faced with an unworkable limit on the level of security available and remain hamstrung by restrictions that will not be viable in the domestic and international marketplace.

Many members of the undersigned groups have been working actively with the Administration on a variety of particular applications, products, and programs promoting information security. All of us are united, however, by the concern that the current network and information services environment is not as secure as it should be, and that the current policy direction will delay the secure, private, and trusted environment that is sought.

Despite the difficulties of balancing the competing interests involved, the undersigned companies, trade associations, and privacy organizations are commencing a process of collective fact-finding and policy deliberation, aimed at building consensus around a more comprehensive cryptography policy framework that meets the following criteria:

Robust security: access to levels of encryption sufficient to address domestic and international security threats, especially as advances in computing power make currently deployed cryptography systems less secure.

International interoperability: the ability to securely interact worldwide.

Voluntary use: freedom for users to choose encryption solutions, developed in the marketplace, that meets their particular needs.

Acceptance by the marketplace: commercial viability and ability to meet the expressed needs of cryptography users.

Constitutional privacy protections: safeguards to ensure basic Fourth amendment privacy protection and regulation of searches, seizures, and interceptions.

Respect for the legitimate needs of law enforcement and national security while recognizing the reality that determined criminal will have access to virtually unbreakable encryption.

In six months, we plan to present our initial report to the Administration, the Congress, and the public in the hopes that it will form the basis for a more comprehensive, long-term approach to cryptography on the GII. We look forward to working with the Administration on this matter.

Sincerely,

American Electronics Association; America Online, Inc.; Apple Computer, Inc.; AT&T; Business Software Alliance; Center for Democracy & Technology; Center for National Security Studies; Commercial Internet Exchange Association; CompuServe, Inc.; Computer & Communications Industry Association; Computing Technology Industry Association; Crest Industries, Inc.; Dun & Bradstreet; Eastman Kodak Company; Electronic Frontier Foundation; Electronic Massaging Association; ElijaShim Microcomputers, Inc.; Formation, Inc.

Institute for Electrical and Electronic Engineers—United States Activities; Information Industry Association; Information Technology Industry Council; Information Technology Association of America; Lotus Development Corporation; MCI; Microsoft Corporation; Novell, Inc.; OKIDATA Corporation; Oracle Corporation; Securities Industry Association; Software Industry Council; Software Publishers Association; Software Security, Inc.; Summa Four, Inc.; Sybase, Inc.; Tandem Computers, Inc.; Telecommunications Industry Association; and ViON Corporation.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, November 9, 1995.

Hon. ALBERT GORE,
Vice President of the United States, The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: Last summer our member companies Chief Executive Officers and I wrote you expressing the American software industry's most serious concern about the continuing inability to export generally available software programs with the encryption capabilities customers worldwide demand. We also conveyed BSA's extreme disappointment about the lack of consultation with industry regarding the development of so-called key escrow encryption approaches.

On August 17th, the Administration announced its most recent decisions on encryption policy. We learned more about the Administration's approach in discussions with members of the Interagency Working Group on Encryption and at three days of presentations and discussions at NIST. This Monday, November 6th, NIST published further defined, yet essentially unchanged criteria for the export of software-based key escrow encryption.

After careful and serious deliberation by our members, we have concluded that the Administration's approach is fatally flawed and cannot be the basis for progress in this area. Instead, we strongly urge the Administration to:

1. Separate export control issues from national encryption policy.

American software companies seek to develop, market and sell a single version of their program worldwide. The Administration appears to be trying to leverage our companies' desire to export their programs in order to force those companies to include features in the programs they sell abroad and in the U.S. that will permit government access to encrypted information, even though such features are commercially undesirable and there is no current requirement that they be employed by domestic users. Thus, in the name of "national security," it appears that the Administration really is attempting to satisfy domestic law enforcement concerns—without industry input, public debate or congressional involvement. We urge you not to let export control policy dictate national encryption policy.

2. Immediately permit the export of generally available software programs employing the Data Encryption Standard (DES) algorithm or other algorithms at comparable strengths, provided information about the program is submitted to NSA under a strict non-disclosure arrangement. Also, thereafter increase automatically the permissible key length two bits every three years given that the computing power for the same cost doubles every 18 months (i.e. institute a "COCA" or "Cost Of Cracking Adjustment").

American software companies have been forced to continue limiting the strength of their encryption to the 40-bit key length level. But this outdated level ignores the fact that the DES algorithm with 56-bit key lengths is the current worldwide standard. It ignores the serious vulnerability of 40-bit encryption to successful commercial attack by those employing commercially available resources (e.g. the successful hacking of Netscape). It ignores the availability of hundreds of alternatives from scores of foreign manufacturers.

Additionally, it ignores the fact that all proposed Internet Protocols addressing security call for an encryption standard at least at the DES level. The backbone of the Global Information Infrastructure (GII) is the Internet. In the last few years, American companies have adapted their business plans to work with the realities of the Internet. Companies wishing to provide software for, or do business on, the Internet must acknowledge such standards if they are to have any chance of gaining widespread acceptance. Finally, the 40-bit key length ignores the ability of NSA to decode encryption with longer keys (through brute force attacks and other approaches because of their intimate knowledge of the programs) and thereby to protect national security.

3. Work with industry, privacy groups and Congress on a comprehensive national encryption policy.

The digital information age and GII present opportunities and challenges to computer users concerned about privacy at home and in their businesses, as well as law enforcement agencies. We appreciate and respect law enforcement needs—but, in turn, the FBI and other agencies should understand the nature and evolution of computer networks and the needs and desires of computer users for reliable, flexible and trustworthy information security features. There must be an open public debate. Congress should be involved. Information security policies for the electronic world are fundamental to the success of the GII and are too important to be addressed behind closed doors at secret agencies.

Sincerely,

ROBERT W. HOLLEYMAN II,
President.

INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA,
Arlington, VA, September 27, 1995.

Hon. AL GORE,
Vice President of the United States, Washington, DC.

DEAR MR. VICE PRESIDENT: The ability of companies and individuals to ensure that the information they send over communications networks is secure is a prerequisite to exploiting the potential of the Global Information Infrastructure. It will have a large impact on the ability of U.S. firms to compete in the global marketplace and create jobs here.

While the Administration has been a forceful and effective advocate of the Global Information Infrastructure, its restrictive policies on the export of encryption technology has created a major barrier to realizing the Administration's vision.

The Information Technology Association of America (ITAA) believes that the Administration's key escrow encryption proposal announced on August 17, 1995 has some fundamental flaws.

Most significantly, the Administration's proposal misses the reality that a de facto global standard exists today, and that standard is DES: a 56 bit, encryption method that is used without any key escrow requirements. Increases in computational power are causing consumers to look for strong encryption and 40-bit key lengths have been broken recently. DES is widely available throughout the world, and many end-users are demanding security for their communications beyond this 56 bit standard. That is, end-users' confidence in 56 bit encryption is weakening and even DES may soon be obsolete. These realities are market-driven and will not change as a result of U.S. government intervention.

Given these market realities, the Administration should decontrol immediately the export of 64 bit key length encryption software with no strings attached. Even this level of decontrol will have to be addressed again in the not too distant future given the march of technology and rapid increases in computing power.

In addition, if industry were to agree to the government's requirement to invest in and build a potentially expensive and technically complicated escrow scheme in exchange for the right to export, non-escrow technology could be placed at a disadvantage in the domestic marketplace. Such a development could suppress technological innovation and slow development of more powerful levels of information security.

Finally, we do not think it is necessary to mandate that a number of commercial companies will gain the right to qualify as escrow key agents. We see no reason why organizations could not hold their own keys.

Just as the Cold War dictated that the nation engage in a costly defense against a real threat, so must U.S. industry be allowed to arm itself with encryption protection strong enough to meet the known threat to our industrial and economic security. We look forward to working with the Administration to ensure that the U.S. policy on encryption balances both economic and national security interests.

ITAA represents more than 6,500 members and affiliates throughout the United States. High technology industry segments represented in our membership include software, telecommunications, services, systems integrators and computers. Many of these companies are international and view their markets as global.

Thank you for considering our comments. If you have any questions, please contact me at 703-284-5301 (telephone) or hmiller@itaa.org (e-mail).

Sincerely,

HARRIS N. MILLER,
President.

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
Washington, DC, October 10, 1995.

Hon. ALBERT GORE, Jr.,
Office of the Vice President, Old Executive Office Building, Washington, DC.

DEAR MR. VICE PRESIDENT: I am writing on behalf of the Information Technology Industry Council to let you know our views on the Administration's recent encryption proposal. ITI represents the leading U.S. providers of information technology products and services. Our members had worldwide revenue of $323 billion in 1994 and employ more than one million people in the United States. It is our member companies that are providing much of the hardware, software, and services that are making the "information superhighway" a reality.

ITI applauds your efforts to further develop U.S. policy on export of encryption technologies and your willingness to hear from the private sector on your recent proposal. However, ITI believes the proposal does not adequately meet the needs of industry or users, nor does it sufficiently recognize the importance of information security to economic growth and industrial society in the information age. Specifically, the proposed criteria will restrict users' freedom to choose the encryption that best meets their security needs and the key management system appropriate to those needs, will not allow users to maintain and manage their own keys, ignores the steady improvements in the ability of competitive foreign firms to incorporate strong security features in their products and services, and will be difficult to implement internationally. The proposed interoperability criteria will make it more difficult for domestic users to use non-key escrow encryption in the United States. Systems that do not interoperate are not attractive to domestic and international customers with significant installed bases and are contrary to your own definition of the information superhighway as a "seamless web of communications networks, computers, databases, and consumer electronics . . .".

It appears that the proposed export criteria are driven solely by the views of law enforcement and national security agencies, without taking into account the needs of commercial users. While law enforcement and national security goals are important, export restrictions that do not reflect marketplace realities may drive U.S. companies to move their encryption work off shore, resulting in the loss of an important domestic technology base, as well as defeating the very purpose of the restrictions.

As you work to finalize the export criteria, we urge you to also immediately decontrol the export of commercial software, at least to allow the export of products including the Data Encryption Standard (DES), which has become the global standard for business and personal use.

We are further concerned about the accelerated effort to develop Federal key escrow standards. The Federal Information Processing Standards appear designed to establish de facto private sector computer security standards. FIPS, which are designed to meet specific government needs, should not drive national policy on information infrastructure, law enforcement, security, and export control. With so many fast-breaking commercial developments in this area, it is far from clear what technologies will emerge from the marketplace. If the FIPS process proceeds too quickly, the government may end up adopting standards that are incompatible with those used in international commercial markets.

ITI looks forward to working with the Administration to develop a national cryptography policy that provides law enforcement and national security agencies with due process access, but which also meets the interoperable security needs of the GII. ITI is continuing to develop specific comments on the proposed export criteria, which we will detail in a follow-up letter to your staff. In the meantime, we hope you will consider these comments as you continue to refine your encryption proposals.

Sincerely,

RHETT DAWSON,
President.

AN INDEPENDENT KHALISTAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. CRANE. Mr. Speaker, I rise today to inform my colleagues, the American people, and the international community about the recent surge of activity that has occurred in this town regarding the Sikh struggle for an independent Khalistan.

On October 19, 1995, 65 Members of Congress signed a letter to Indian Prime Minister P.V. Narasimha Rao demanding the release of Sikh human rights activist Jaswant Singh Khalra. Mr. Khalra was abducted by Indian police in front of his home on September 6. It appears that Mr. Khalra represents a threat to the Indian Government because he had recently published a report in which he estimated that Indian police in Punjab, working under the direction of the Indian Government, had abducted murdered, and cremated over 25,000 Sikhs. Sikhs have long accused the Indian police in Punjab of conducting their terror campaign against the Sikhs according to this modus operandi. Mr. Khlara confirmed these accusations by tallying up the so-called unidentified bodies registered in municipal cremation grounds throughout Punjab. It should be known that in Punjab, family networks are extremely tight which would leave rare occasion for someone to die and not have the body identified by the next of kin. In the Amritsar District alone, Mr. Khalra found 6,017 unidentified bodies registered in the municipal crematorium. These findings seem to support Mr. Khalra's claim that the Punjab police have been killing Sikh and cremating their remains as unidentified bodies in order to erase any evidence of police wrongdoing. Under these circumstances we can understand why Amnesty International states in its latest report, "Determining the Fate of the 'Disappeared in

Punjab," that "the Punjab Police have been allowed to commit human rights violations with impunity."

As a result of the letter of the 65 Members of Congress, President Clinton wrote a letter to Congressman GARY CONDIT, the initiator of the letter to express that he, too, is "concerned by reports regarding Jaswant Singh Khalra." The President stated that the "U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian Government agencies, and Ambassador Wisner has raised the issue with high-ranking officials."

Turning up the pressure on India even further, Congressman CONDIT is sending a letter to the Secretary General of the United Nations, Boutros-Boutros Ghali, in which he asks the United Nations to "issue a strong statement condemning the murders of over 25,000 Sikhs" and to "demand the release of Mr. Khalra by India immediately."

The media has been watching the congressional activity on behalf of the Sikhs closely. The November 28 issue of the Washington Times ran an article titled, "Clinton checks India", reporting on President Clinton's condemnation of India's abduction of Mr. Khalra. On November 3, the Washington Times also reported on an encounter between Dr. Gurmit Singh Aulakh, President of the Council of Khalistan and Indian Ambassador S.S. Ray which occurred in the halls of the Longworth House Office Building. Dr. Aulakh, the article reports, "blames Mr. Ray for widespread human rights abuses when the ambassador was Governor of Punjab in the late 1980's. During that time thousands died in violence linked to Sikh demands for a separate homeland." When Dr. Aulakh encountered Mr. Ray in the Longworth building, he did not hestate to speak his mind. As the article quotes Dr. Aulakh: "I walked up to him and told him, 'You are a murderer and should not be walking these halls.'"

The efforts of Dr. Aulakh and the Council of Khalistan on behalf of the Sikh nation in its struggle for freedom from India have been highly successful. According to News India-Times, "Sikh Nation activists led by Gurmit Singh Aulakh perhaps pose the biggest challenge and threat to India's lobbying efforts in the capital." Mr. Speaker, I would submit that the reason for the success of the Sikh nation in the U.S. Congress is due half in part by extremely hard work on the part of the Sikhs and half in part to the fact that evidence against India is so overwhelming. Though it claims to be a democracy, India is one of the most brutal regimes in the world regarding its dealings with minority nations and people under its rule. Against the efforts of India's lobbying machine Dr. Aulakh, has been able to highlight this fact. India-West, November 10, has reported that there is speculation that Ambassador S.S. Ray may be recalled back to New Delhi. This is due in part to his ineffectiveness at countering issues exposed by Dr. Aulakh. Perhaps Mr. Ray is not to blame. It appears that truth is on the side of the Sikh nation and the time has come for India to cease its oppression of the Sikhs and honor their right of freedom.

I submit for the RECORD material pertinent to the recent congressional activity in favor of the struggle for Sikh freedom.

HOUSE OF REPRESENTATIVES
Washington, DC, October 19, 1955.

Hon. P.V. NARASHIMA RAO,
Prime Minister of India, Chankaya Puri, New Delhi, India.

DEAR PRIME MINISTER RAO: According to an Amnesty International "Urgent Action" bulletin issued on September 7, Punjab police abducted Sikh human rights activist Jaswant Singh Khalra from his home in Amritsar on September 6. His whereabouts are unknown. As the general secretary of Human Rights Wing (Shiromani Akali Dal), Mr. Khalra had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them "unidentified" and cremated their bodies. These atrocities are intolerable in any country, especially one that calls itself a democracy. After the report was published, Mr. Khalra was told by the Amritsar district police chief, "We have made 25,000 disappear. It would be easy to make one more disappear." This abuse of police power is inexcusable.

The right to speak out and expose atrocities is one of the most fundamental rights of free individuals. As long as Mr. Khalra remains in detention, how can anyone in India feel secure exercising his or her democratic liberties?

Many of us wrote to you previously urging that the passports of Sikh leader Samranjit Singh Mann and Dalit ("black untouchable") leader V.T. Rajshekar be restored. Your government has not acted, and Mr. Mann and Mr. Rajshekar remain unable to travel. The right to travel is fundamental to a democratic nation.

Mr. Prime Minister, we call upon your government to release Mr. Khalra immediately. We also urge you to restore the passports of Mr. Rajshekar and Mr. Mann. If India is a democratic country, it must end these gross violations of human rights and democratic principles. Only then can democracy truly begin to flower. We await your response.

Sincerely,

Gary A. Condit, M.C.; James A. Traficant, M.C.; William Jefferson, M.C.; Peter King, M.C.; Randy "Duke" Cunningham, M.C.; Roscoe Bartlett, M.C.; Jack Fields, M.C.; Donald M. Payne, M.C.; Dan Burton, M.C.; Phil Crane, M.C.; Richard Pombo, M.C.; Karen McCarthy, M.C.; Neil Abercrombie, M.C.; Wally Herger, M.C.; Dana Rohrabacher, M.C.; Esteban Torres, M.C.; Ronald V. Dellums, M.C.; John T. Doolittle, M.C.; Michael Forbes, M.C.; Enid G. Waldholtz, M.C.; Gil Gutknecht, M.C.; Victor Frazer, M.C.; John Porter, M.C.; Sam Gejdenson, M.C.; Bob Livingston, M.C.; Edolphus Towns, M.C.; Chris Smith, M.C.; William O. Lipinski, M.C.; Scott Klug, M.C.; Lincoln Diaz-Balart, M.C.; Dick Zimmer, M.C.; Collin Peterson, M.C.; Pete Geren, M.C.; Joe Skeen, M.C.; Duncan Hunter, M.C.; Jim Ramstad, M.C.; Floyd Flake, M.C.; Bernie Sanders, M.C.; Matt Salmon, M.C.; Richard "Doc" Hastings, M.C.; Ileana Ros-Lehtiner, M.C.; Phil English, M.C.; Richard Burr, M.C.; Connie Morella, M.C.; Carlos Romero-Barcelo, M.C.; Sanford D. Bishop, M.C.; Jim Moran, M.C.; Martin R. Hoke, M.C.; Jack Metcalf, M.C.; Amo Houghton, M.C.; Jerry Solomon, M.C.; Robert Torricelli, M.C.; Ed Whitfield, M.C.; Melvin L. Watt, M.C.; Jim Kolbe, M.C.; John Shadegg, M.C.; J.D. Hayworth, M.C.; James H. Quillen, M.C.; Barbara Cubin, M.C.; Charlie Norwood, M.C.; Vic Fazio, M.C.; Chris Cox, M.C.; Joe Scarborough, M.C.; Bill Richardson, M.C.; Steve Schiff, M.C.

COUNCIL OF KHALISTAN,
Washington, DC.

U.S. CONGRESS DEMANDS RELEASE OF KHALRA, MURDERS OF OVER 25,000 SIKHS EXPOSED

WASHINGTON, October 20.—A bipartisan group of 65 Members of Congress today wrote to Indian Prime Minister P.V. Narasimha Rao demanding that Sikh human rights activist Jaswant Singh Khalra, the general secretary of the Human Rights Wing (Shiromani Akali Dal) be released. Khalra was abducted by Amritsar police on September 6 after he issued a report showing that the Indian regime has abducted more than 25,000 young Sikh men, tortured them, murdered them, declared their bodies "unidentified" and cremated them. "After the report was published," the letter says, "Mr. Khalra was told by the Amritsar district police chief, 'We have made 25,000 disappear. It would be easy to make one more disappear.'"

The letter was initiated by Rep. Gary Condit (D-Cal.), ranking member of an Agriculture subcommittee and a longtime supporter of Sikh freedom. *It carried more signatures than any previous letter concerning Indian tyranny.* Signers of the letter include members of the leadership of both parties such as Rep. Gerald Solomon, chairman of the powerful House Rules Committee; Appropriations Committee chairman Rep. Robert Livingston (R-La.); Rep. Christopher H. Smith (R-NJ), chairman of the Subcommittee on International Operations and Human Rights; Rep. Ronald Dellums (D-Cal.), ranking minority member of the National Security Committee; Congressional Black Caucus chairman Donald Payne (D-NJ); Rep. Philip M. Crane (R-Ill.), chairman of the Ways and Means subcommittee on Trade; Rep. Vic Fazio (D-Cal), chairman of the Democratic Caucus; Rep. Dan Burton (R-Ind), chairman of the Southern Hemisphere subcommittee and a longtime friend of the Sikh nation; and other prominent members too numerous to list.

"These atrocities are unacceptable in any country," the letter says, "especially one that calls itself a democracy." India has not only murdered more than 120,000 Sikhs since 1984, it has also killed over 200,000 Christians in Nagaland since 1947, over 43,000 Kashmiri Muslims since 1988, tens of thousands of Assamese, Manipuris, and others, and thousands of Dalits ("black untouchables"). "Disappearances" like M. Khalra's are routine.

"The right to speak out and expose atrocities is one of the most fundamental rights of free individuals," the letter says. "As long as Mr. Khalra remains in detention, how can anyone in India feel secure exercising his or her democratic rights?" It goes on to say, "If India is a democratic country, it must end these gross violations of human rights and democratic principles. Only then can democracy truly begin to flower."

"The Sikh nation thanks these freedom-loving Members of Congress for their support of Mr. Khalra's freedom," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Mr. Khalra has been made to 'disappear' because he exposed India's brutal tyranny against the Sikh nation," he said. "The Sikh nation can no longer suffer under this brutal regime. The time has come to start a *shantmai morcha* (peaceful agitation) to liberate Khalistan," Dr. Aulakh said. Khalistan is the independent Sikh country declared on October 7, 1987. "It is time for India to recognize the inevitable and get out of Khalistan. Democratic principles demand it."

HOUSE OF REPRESENTATIVES,
Washington, DC, November 27, 1995.
Hon. BOUTROS-BOUTROS GHALI,
Secretary General of the United Nations, United Nations Headquarters, New York, NY.

DEAR SECRETARY GENERAL GHALI: While I am pleased that the United Nations took such strong action to condemn Nigeria for its execution of nine political activists, I am concerned that repression in other regions of the world continues to go unnoticed. Specifically, human rights abuses in India have been prevalent and must cease.

Earlier this year, Jaswant Singh Khalra, general secretary of the Human Rights Wing (Shiromani Akali Dal), issued a report showing that over 25,000 young Sikh men have been kidnapped by the Indian government, tortured and killed. His report detailed how their bodies were then listed as "unidentified" and cremated to cover up police responsibility. These young Sikhs are among more than 150,000 Sikhs murdered by the Indian government in Punjab, Khalistan since 1984. For this, Mr. Khalra was abducted by the police in Amritsar on September 6. His whereabouts remain unknown. Mr. Khalra had been previously told by the Amritsar police chief that "it would not be hard to make one more disappear." In an Urgent Action bulletin issued on September 7, Amnesty International expressed fear that he may be made to "disappear" and tortured.

On October 19, sixty-five members of the U.S. Congress, including myself, wrote to Indian Prime Minister P.V. Narashima Rao demanding the release of Mr. Khalra. I am enclosing a copy of that letter. No action has been taken. We are concerned that Mr. Khalra will simply become one more victim of Indian "democracy." I am also enclosing recent correspondence I received from President Clinton expressing his concern about this situation.

In light of your action against the Nigerian government, it is hypocritical for the United Nations to turn a blind eye to India's tyranny. I call upon you to take strong action against India. Specifically, I ask that the United Nations issue a strong statement condemning the murders of over 25,000 Sikhs and that the United Nations demand the release of Mr. Khalra by India immediately.

It is incumbent upon the U.N. under the United Nations charter to defend basic human rights. Freedom is the universal right of all peoples and nations. I look forward to your response.

Sincerely,

GARY A. CONDIT,
Member of Congress.

THE WHITE HOUSE
Washington, November 15, 1995.
Representative GARY A. CONDIT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CONDIT: Thank you for sharing with me your recent letter to Prime Minister Rao of India regarding the situation in Punjab.

I, too, am concerned by the reports regarding Jaswant Singh Khalra. The U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and Ambassador Wisner has raised the issue with high-ranking Indian officials. We will continue these efforts. I appreciate your interest and concern on this issue.

With best wishes and warm regards.

Sincerely,

BILL CLINTON.

[From India Abroad, Dec. 1, 1995]

CLINTON "CONCERNED" BY PRO-KHALISTANI'S ARREST

(By Aziz Haniffa)

WASHINGTON.—In a letter that is likely to ignite yet another controversy in Indo-U.S. political and diplomatic relations, President Clinton has said that he shares the concern of several pro-Khalistani legislators over the abduction of a Sikh human rights activist.

In a missive to Rep. Gary Condit, Democrat from California, who has publicly endorsed the concept of a separate state of Khalistan, Clinton said, "I, too, am concerned by the reports regarding Jaswant Singh Khalra," the general secretary of the Human Rights Wing (Shiromani Akali Dal).

The President, while thanking Condit "for sharing with me your recent letter to Prime Minister (Narasimha) Rao of India regarding the situation in Punjab," said that "the U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and Ambassador Wisner has raised the issue with high-ranking Indian officials." "We will continue these efforts," Clinton promised Condit, and informed the legislator that he appreciated "your interest and concern on the issue."

Last month, Condit initiated a letter to Rao that was co-signed by a bipartisan group of 64 other legislators that demanded that Khalra be released.

The letter to Rao, a copy of which was sent to Clinton, said that according to Amnesty International's "Urgent Action" bulletin issued on Sept. 7, Punjab police had abducted Khalra from his home in Amritsar on Sept. 6, and his whereabouts were unknown.

The letter, written at the urging of the Council of Khalistan, the leading pro-Khalistan lobbying group in the United States, headed by Dr. Gurmit Singh Aulakh, noted that Khalra had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them "unidentified" and cremated their bodies.

The letter by the 65 legislators to Rao said, "These atrocities are intolerable in any country, especially one that calls itself a democracy."

It said that after Khalra's report was published he had been told by the Amritsar district police chief, "We have made 25,000 disappear (and) it would be easy to make one more disappear."

The lawmakers told Rao that "this abuse of police power is inexcusable."

"The right to speak out and expose atrocities is one of the most fundamental rights of free individuals," they said and asserted that "as long as Mr. Khalra remains in detention, how can anyone in India feel secure exercising his or her democratic liberties?"

They noted that several of them had written to Rao previously urging that the passports of Sikh leader Simranjit Singh Mann and Dalit leader V.T. Rajshekar be restored.

The letter to Rao, which was then passed on to Clinton, carried more signatures than any previous letter the Council of Khalistan has been able to muster in its over 10 years of lobbying Congress, and included members of the leadership of both parties such as Reps. Gerald Solomon, Republican from New York who chairs the House Rules Committee; Robert Livingston, Republican from Louisiana, chairman of the Appropriations Committee; Christopher Smith, Republican from New Jersey, chairman of the House International Relations Subcommittee on International Operations and Human Rights; Ronald Dellums, Democrat from California, ranking minority member of the National Security Committee; Donald Payne, Democrat from New Jersey, chairman of the Congressional Black Caucus; Philip Crane, Republican from Illinois, chairman of the Ways and Means Subcommittee on Trade; and Vic Fazio, Democrat from California, chairman of the Democratic Caucus.

Aulakh was elected over Clinton's expression of concern in his letter to Condit, saying, "President Clinton's letter once again exposes the Indian regime's true face and explodes the myth of Indian democracy."

"We appreciate the support of President Clinton in this issue," Aulakh declared. "India cannot withstand this kind of pressure. This scrutiny should make the regime release Mr. Khalra soon."

Diplomatic observers acknowledged that Clinton's expression of concern in reply to a letter from a pro-Khalistani legislator, and an assurance that his Ambassador to India was looking into the matter, was a clear indication that the pro- Khalistanis in the U.S. had scored another coup in terms of trying to embarrass New Delhi.

One diplomatic observer noted that, when Punjab Chief Minister Beant Singh was assassinated Aug. 31, Clinton had not publicly condemned the killing nor had the White House or the State Department issued any statement. It was left to Indian correspondents here to elicit a statement out of a spokesman for the South Asia Bureau, saying that the U.S. regrets "the lives lost" and that Washington deplores "this senseless act of violence."

Even then, the spokesman refused to assign any blame to Sikh terrorists, saying the Administration had seen only news reports about the murder and had no information on whether it was a terrorist act.

Later in the week, Condit, obviously buoyed by the letter from Clinton and egged on by the Council of Khalistan, also wrote to U.N. Secretary General Boutros Boutros Ghali calling for U.N. intervention to seek the release of Khalra.

He urged the U.N. to "take strong action against India, and wrote specifically that the U.N." issue a strong statement condemning the murders of over 25,000 Sikhs and that the United Nations demand the release of Mr. Khalra by India immediately." In his message to the U.N. Secretary-General, Condit also enclosed a copy of the Oct. 19 letter he and 64 other U.S. legislators wrote to Rao regarding Khalra.

Condit also enclosed a copy of the letter he received from Clinton expressing his concern about Khalra's case.

[From the Washington Times, Nov. 28, 1995]

CLINTON CHECKS INDIA

(By James Morrison)

President Clinton has taken a personal interest in the fate of an Indian human rights activist held by the government in New Delhi.

Following a letter-writing campaign from 65 members of Congress, Mr. Clinton says his envoy to India has made inquiries into the fate of Jaswant Singh Khalra.

U.S. Ambassador Frank Wisner has made it known in New Delhi that Washington is watching.

"I, too, am concerned by the reports regarding Jaswant Singh Khalra," Mr. Clinton wrote this month to Rep. Gary A. Condit.

The California Democrat organized the congressional letter to Indian Prime Minister P.V. Narasimha Rao, a copy of which was sent to the White House.

Mr. Condit cited an Amnesty International bulletin of Sept. 7 that accused Indian police of abducting Mr. Khalra for investigating accusations that police in Punjab murdered thousands of Sikh men.

"The U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and Ambassador Wisner has raised the issue with high-ranking Indian officials," Mr. Clinton wrote.

"We will continue these efforts."

Mr. Condit's letter to the Indian prime minister noted that Mr. Khalra "had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them 'unidentified' and cremated their bodies.

"These atrocities are intolerable in any country, especially one that calls itself a democracy. * * *

"This abuse of police power is inexcusable."

The congressional letter was the product of effective lobbying by Gurmit Singh Aulakh of the Council of Khalistan, which represents Sikhs pressing for a separate homeland.

[From the Washington Times, Nov. 3, 1995]

"MURDERER," HE CRIED

(By James Morrison)

Whatever the Indian Embassy might think of Gurmit Singh Aulakh, it would agree he is not a shy man.

Consider a recent encounter with Indian Ambassador Siddhartha Shankar Ray.

Mr. Aulakh, a leader of Sikh expatriates, spotted Mr. Ray in the Longworth House Office Building one day last month.

"I walked up to him and told him, 'You are a murderer and you should not be walking these halls,'" Mr. Aulakh said, describing the brief confrontation.

Mr. Aulakh, president of the Council of Khalistan, blames Mr. Ray for widespread human rights abuses when the ambassador was governor of the Indian state of Punjab in the late 1980s. During that time thousands died in violence linked to Sikh demands for a separate homeland.

Mr. Ray could not be reached for comment yesterday.

Mr. Aulakh has most recently been busy on two fronts directed at India.

He is organizing a rally scheduled for tomorrow at noon in Lafayette Park to march on the Indian Embassy on the anniversary of a 1984 confrontation in Delhi in which thousands of Sikhs were killed.

Mr. Aulakh has also been publicizing a letter signed by 65 members of Congress, calling on Indian Prime Minister P.V. Narasimha Rao to release Sikh human rights activist Jaswant Singh Khalra. The letter cites an Amnesty International bulletin of Sept. 7, accusing Indian police of abducting Mr. Khalra.

Mr. Khalra "had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them 'unidentified' and cremated their bodies," the letter said.

"These atrocities are intolerable in any country, especially one that calls itself a democracy. . . .This abuse of police power is inexcusable."

The letter, organized by Rep. Gary Condit, California Democrat, drew wide bipartisan congressional support, from lawmakers including conservative Republican Dan Burton of Indiana, liberal Democrat Ronald Dellums of California and socialist independent Bernard Sanders of Vermont.

[From the News India-Times, Nov. 10, 1995]

BIGGEST THREAT TO LOBBYING EFFORTS

WASHINGTON.—"Sikh nation" activists led by Gurmit Singh Aulakh perhaps pose the biggest challenge and threat to India's lobbying efforts in the capital, only next to the anti-India campaign funded by pro-Pakistan forces.

Aulakh got some print mileage last week in the conservative daily paper, Washington Times, which promptly published his offensive "encounter" with his bete noir, none other than the Indian ambassador to the US, Siddhartha Shankar Ray. The juicy part of the report is that Aulakh called Ray "a murderer."

According to the paper, Aulakh, "a leader of Sikh expatriates", spotted Ray in the Longworth House Office Building one day last month. "I walked up to him and told him, you are a murderer and you should not be walking these halls," Aulakh told the paper describing his brief confrontation.

Aulakh, president of the Council of Khalistan, blames Ray for "widespread human rights abuses" when the ambassador was governor of Punjab in the late 1980s. "During that time thousands died in violence linked to Sikh demands for a separate land," the paper said in its "embassy row" column, adding that "Ray could not be reached for comment."

News India-Times learned that Ray, who was caught unawares by the intruder, had reportedly shot back, "Who are you?" Later an escort took Aulakh aside and asked him not to spoil the Hill meeting scheduled by Ray.

The Washington Times further said that Aulakh was organizing a rally in front of the White House at Lafayette Park on Nov. 4, culminating in a march to the Indian Embassy on the anniversary of a 1984 confrontation in Delhi in which thousands of Sikhs were killed.

Aulakh has also been publicizing a letter signed by 65 members of US Congress, calling on Indian Prime Minister Narasimba Rao to release "Sikh human rights activist" Jaswant Singh Khalra. The letter cites an Amnesty International bulletin of September 7, accusing Indian police of abducting Khalra.

Khalra "had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them unidentified and cremated their bodies," the letter said.

"These atrocities are intolerable in any country, especially one that calls itself a democracy. . . . This abuse of police power is inexcusable."

The letter, organized by Rep. Gary Condit, California Democrat, drew wide bipartisan congressional support, from lawmakers including conservative Republican Dan Burton of Indiana, liberal Democrat Ronald Dellums of California and socialist independent Bernard Sanders of Vermont.

The anti-India signature drive by the Council of Khalistan in terms of the number of lawmakers on the Hill it had mobilized, was simply too big to be overwhelmed by a pro-India signature drive such as the one mobilized by the India Caucus against the Brown amendment as only 40 house members had signed the caucus letter.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 7, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 8

9:00 a.m.
Foreign Relations
To hold hearings on the nomination of Ralph R. Johnson, of Virginia, to be Ambassador to the Slovak Republic.
SD–419

10:00 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for November.
SD–628

DECEMBER 12

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 873, to establish the South Carolina National Heritage Corridor, S. 944, to provide for the establishment of the Ohio River Corridor Study Commission, S. 945, to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, S. 1020, to establish the Augusta Canal National Heritage Area in the State of Georgia, S. 1110, to establish guidelines for the designation of National Heritage Areas, S. 1127, to establish the Vancouver National Historic Reserve, and S. 1190, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.
SD–366

Small Business
To hold hearings on proposals to strengthen the Small Business Investment Company program.
SR–428A

Indian Affairs
Business meeting, to mark up S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.
SR–485

2:30 p.m.

Environment and Public Works

To hold hearings on provisions of S. 776, to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.

SD–406

DECEMBER 13

9:30 a.m.

Environment and Public Works

To hold hearings on proposed legislation authorizing funds for the Clean Water Act, focusing on municipal issues.

SD–406

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 901, to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, S. 1013, to acquire land for exchange for privately held land for use as wildlife and wetland protection areas, in connection with the Garrison Diversion Unit Project, S. 1154, to authorize the construction of the Fort Peck Rural Water Supply Sytem, S. 1169, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, and S. 1186, to provide for the transfer of operation and maintenance of the Flathead irrigation and power project.

SD–366

DECEMBER 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1271, to amend the Nuclear Waste Policy Act of 1982.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, December 7, 1995*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. SHAW].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 7, 1995.

I hereby designate the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Bishop Dwight Pate, Church Point Ministries, Baton Rouge, LA, offered the following prayer:

God the Father and Creator of mankind, on this seventh day of December, nineteen hundred and ninety-fifth year of our Lord, we come with thanksgiving in our heart, and a mouth full of praise for You allowing us another day to carry out Your appointments on this Earth.

We acknowledge here in this great House that every good and perfect gift comes from the Father of light. Grant unto us knowledge and wisdom to judge ourselves. Grant unto us the understanding to govern our daily affairs.

Touch our hearts to be true laborers together for the cause of uniting the Nation. Because where there is unity there is strength. Let Your counsel of freedom flow like rivers of anointed oil for where Your spirit is there is always liberty. Amen, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GUTKNECHT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUTKNECHT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia [Mr. LINDER] come forward and lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundegran, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 660. An act to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 790) "An Act to provide for the modification or elimination of Federal reporting requirements" with an amendment.

The message also announced that pursuant to Public Law 99-83, the Chair, on behalf of the President pro tempore, appoints Rabbi Chaskel Besser, of New York, E. William Crotty, of Florida, and Ned Bandler, of New York, to the Commission for the Preservation of America's Heritage Abroad.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will entertain twenty 1-minute speeches on each side.

WELCOME TO BISHOP DWIGHT PATE

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I rise this morning to introduce to the House and to the American people a man who has had a great impact on many lives through his good work, his teaching, and his message of good will.

Bishop Dwight Pate is from my home of Baton Rouge, LA, where he leads Church Point Ministries, a large church of over 4,000 members, as well as an academy where teaching prepares and inspires many people who have lost their way to live meaningful and good lives. Homeless people, those addicted to drugs, and all who have lost their way in our society can find the path to healing through Bishop Pate's ministry. Bishop Pate's hard work has built an institution that is invaluable to his community, and his teaching has healed and inspired. His ministry brings his community together for worship and dedication to make their lives better.

His work is the work that helps make America great. I want to thank Bishop Pate for his great service and welcome him to the U.S. Congress.

IT IS TIME TO DEBATE THE REAL ISSUES AND STOP ENGAGING IN POLEMICS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, for much of this year this House has reverberated with speeches condemning fellow Members of Congress and other fellow figures. Many of those speeches have bordered on hate. Some people on my side of the aisle have used language against the President that has been inappropriate. On the minority side of the aisle, the speeches against the Speaker have been filled with venom.

The fact is that we are going to have political differences over issues and policies. We should debate vigorously those matters. But in the citadel of democracy there should be much more civility than we have seen this year.

Those of you who wanted the Committee on Ethics to report on the Speaker, they have. Can we now stop the personal vilification? Can the leadership on both sides of the aisle begin policing our own ranks to stop Members from using the House floor to vilify each other or express personal hatreds?

Many of us, myself included, have engaged in polemics on this floor. If what I have said in the past has been offensive to someone, then I intend to lower my voice and stick to debating the real issues, like balancing the budget. I would hope that others will do the same. It is time to stop anything that can be interpreted as meanness, venom, or hate.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WE CANNOT HAVE A DOUBLE STANDARD

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, I rise in somewhat response to the gentleman from Pennsylvania [Mr. WALKER] and I agree with the hate and venom, but I want to point out that the gentleman from Florida [Mr. PETERSON] and I had a privileged resolution on this floor that had no hate or venom. It was rather innocuous, merely calling for a report from the Committee on Ethics.

That was voted down twice, without debate, on a motion to table. I am here really to point out to you the double standard, and I have a news release from the Speaker of the House in 1988 calling for a special counsel, in which he states that the outside counsel shall have full authority to investigate and present evidence and arguments before the Committee on Ethics concerning the questions arising out of the activities of House Speaker Jim Wright.

He goes on to say that the special counsel should have the right of subpoena and also states the committee shall not countermand or interfere with the outside counsel's ability to take steps necessary to conduct a full and fair investigation.

We cannot have a double standard, and that is all we ask for, Mr. Speaker.

WE SHOULD WORK TOGETHER TO SOLVE THE NATION'S PROBLEMS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, for more than 13 months there has been an orchestrated campaign to demonize the Speaker. I think that this campaign that has gone on to try to destroy him is unfortunate. Of the 65 specific allegations that were made in the complaints to the Committee on Ethics about the Speaker, all were technically dismissed or fully dismissed except one.

Of that one, there has been a special investigator brought in to work with the subcommittee to look at that one narrow little charge, which a former IRS commissioner has already suggested to both the Speaker and others is no violation whatsoever.

Mr. Speaker, I think all of us have an obligation to ourselves and an obligation to this institution to be honest and to be forthright and to make sure that the integrity of the institution is maintained. The politicization of the Committee on Ethics over this last year I think is unfortunate, because these issues have been resolved by five Democrats and five Republicans working together, and together we can all continue to work to solve the Nation's problems.

BRING BIPARTISANSHIP BACK TO DELIBERATIONS

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO of California. Mr. Speaker, I spent 8 years on the Committee on Ethics and part of that time during the investigation of former Speaker Wright. I have not chosen to speak on the issue of the Speaker and his involvement with that committee until this very moment.

It seems to me that if we want to restore comity to the institution, to bring bipartisanship back to our deliberations, to take some of the poison out of the atmosphere, this issue needs to be resolved and fully resolved within the confines of that committee.

I have tremendous respect for the individuals who serve all of the institution by putting time in, together, day after day, in that room. But until the issue is resolved, because of the nature of the speakership, by an outside counsel, we will not be able to get beyond this very difficult point that we seem to be hung up on today, and have been, frankly, for most of this year.

I applaud the committee for finally taking the step of moving to instill more confidence in their deliberations. I do believe, however, that they must give the outside counsel the latitude to put to rest all the issues that have been raised. To do something other than that is to do different than we did when Speaker Wright was in the committee's deliberations, and would be, I think, unfortunately a truncated approach to getting this Congress beyond the cult of personality and back to work.

ETHICS PROCESS BEING ABUSED FOR POLITICAL GAIN

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, to compare the Wright investigation to the Gingrich investigation is like comparing a gnat to a hippopotamus.

Last night, the Ethics Committee unanimously dismissed 64 of 65 allegations against Speaker NEWT GINGRICH. Both Republicans and Democrats concluded that most of these charges were unwarranted, unnecessary, and not worthy of further investigation.

The 65th charge is narrowly focused on a technical tax law that requires an outside expert to investigate. And even this charge has been found to be baseless by a former commissioner of the Internal Revenue Service.

Let there be no mistake. This effort to destroy NEWT GINGRICH is not about finding the truth. It was not about discovering the facts behind his book deal. Those allegations were dismissed.

It was not about his college lectures. Those allegations were dismissed.

This is an effort to change the subject, as Republicans try to change the country for the better. At great expense and great fanfare, liberal Democrats have abused the ethics process for political gain.

PUTTING CREDIBILITY BACK INTO HOUSE OF REPRESENTATIVES

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, finally. Fourteen months we have waited patiently. We asked that we have a report. We asked the Committee on Ethics to do what it was supposed to do, to rule on the ethical conduct of its Members. That is its obligation.

We finally have them acting, and I applaud their action. And I applaud today some of the Members stepping forward and saying "Hey, this is a new day. Let's go forward with some bipartisanship." Let us stop the rancor on this floor. Let us put credibility back into this institution. But let us not forget that the Speaker is not immune to review from his ethical behavior.

Three guilty verdicts, one dismissed, one to be investigated, one pending. We are all in here together. The Committee on Ethics is our committee. It is a membership committee. It is our grand jury. I regret we have had to bring pressure to bear for them to act, to do what they were asked to do in the first place. This is a time to move forward in a more bipartisan and a more ethical process.

MORE IDEAS NEEDED FROM WHITE HOUSE ON BALANCING BUDGET

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is without venom or vitriol that I rise today to respectfully suggest that the major story in Washington yesterday took place not here, but at the other end of Pennsylvania Avenue, where the President of the United States again opted for showmanship over statesmanship, wielding Lyndon Johnson's pen from 1965, the pen LBJ used to sign the Medicare Act even as the current President was vetoing the Balanced Budget Act of 1995. And, in doing so, again the President opted for fear over facts, when he talked about nonexistent cuts in the Medicare budget. That simply was not true.

Mr. Speaker, I would respectfully suggest that the President of the United States and his Cabinet-level officials get out a sharpened pencil, instead of LBJ's pen, and go to work formulating a plan to get us to a balanced budget in 7 years, because a sharpened pencil is what American families use around the kitchen table to decide how they are going to spend money.

And, oh, yes, Mr. Speaker, one unintended act of symbolism: When the President reached for LBJ's pen, there was no ink in the well. There are no ideas coming from the White House, nor from the minority.

DEFENDING AMERICANS LOOKING FOR A BETTER LIFE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, after the President's wise veto of the radical right budget, NEWT GINGRICH tried to bash the Great Society.

Well, I wonder if GINGRICH even wants a good society.

A good society protects the health and welfare of its most vulnerable—the Gingrich society hangs them out to dry.

But the Speaker thinks he can get away with that rhetoric since he used to be a history professor.

Well, let's talk history: the proud history of the Democratic party—and compare it with the sad history being written by today's GOP.

And the latest chapter: the Speaker's sharp rebuke by the Ethics Committee.

We Democrats are the party of FDR's New Deal that gave America economic security. Today's Republicans are the party of the Newt Deal—a shady book deal to give himself economic security. We are the party of Harry Truman who said the "Buck Stops Here." The Gingrich party tells GOPAC contributors "The Bucks better get here" if you want any help.

Democrats are the party of JFK's "Camelot"—today's Republicans are the party of "Scam-a-lot," as one Gingrich ethics scam after another comes to light.

Republicans try to defend the Speaker's millions in illegal contributions. We Democrats will defend millions of Americans looking for a better life.

□ 1115

STRUGGLING OVER THE BUDGET

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today is December 7 and we remember that this is Pearl Harbor day. It was the beginning of the World War II struggle in the Pacific. Today we are starting another struggle over the budget. The President's budget is now available. It is hot off the presses, and I am very optimistic. I hope it is as close to the 7-year Republican plan as the President's Medicare plan is to the Republican Medicare plan.

According to James Glassman of the Washington Post, the expenditures in the President's Medicare plan in 2002 is within 2 percentage points of the Republican plan, 1.6 percent, actually. I am sure all of us have heard about the massive $270 billion cuts to Medicare. Well, the President's plan is within 2 percentage points.

Mr. Speaker, let us get to the truth of the matter. After all, telling the truth is one of the Ten Commandments. We should move beyond this cheap talk. If the President's plan is that close, 1.6 percent, then maybe we can reach an agreement on the 7-year balanced budget plan. Then we will do what the American public wants, what the Congress wants, we will do the right thing and balance the budget in 7 years.

UNITED NATIONS SEEKS PROTECTION FOR CROATIAN CURLY-HAIRED PIG

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after an expensive study on endangered farm animals, the United Nations has determined that the world must protect the Croatian curly-haired pig. That is right, while millions are starving in Africa, and many thousands are being slaughtered in Rwanda, the United Nations is immersed in animal husbandry.

If that is not enough to bust your chops, while the United Nations is studying the ham hocks of Croatian curly-haired pigs, with American tax dollars, I might add, American troops are landing in Bosnia.

Mr. Speaker, I say the United Nations has officially become the mother of all pork. I question on the House floor today, I want to know what they are using to smoke those hams with. I think they are using something that is an illegal contraband everywhere in the world.

With that, I yield back the balance of all of the rest of this pork. Beam me up, Mr. Speaker.

DEMOCRATS VOW TO GET EVEN WITH SPEAKER GINGRICH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, remember back when Speaker Jim Wright had to resign from Congress due to his ethics problems? Remember when the Democratic whip, Tony Coelho, had to resign from Congress due to his ethics problems? Back in 1989 the Democrats held NEWT GINGRICH responsible for Wright and Coelho and vowed to get even with him, saying they would destroy GINGRICH if it is the last thing we do.

Well, we have to give the Democrats credit for trying to do just that. Majority whip Bill Alexander filed 467 ethics charges against Speaker GINGRICH in 1989. All charges were resolved. This year the Democrats filed 65 charges against Speaker GINGRICH and all but 1 has been resolved by the nonpartisan Committee on Standards of Official Conduct. The last charge involves a complex Tax Code which an outside counsel will look at.

Mr. Speaker, it is time to quit all these ridiculous character assassinations and get down to the legislative business at hand and work on balancing the budget.

EAST TIMORESE SUBJECT TO WORST HUMAN RIGHTS VIOLATIONS IN THE WORLD

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, 20 years ago today the small emerging nation of East Timor was brutally invaded by the nation of Indonesia. Over the past 20 years, the people of East Timor have been subject to some of the worst abuses of human rights in the world. More than 200,000 East Timorese, almost one-third of their entire population, have been killed or have died from starvation after being forced from their villages by Indonesia.

Mr. Speaker, this attack cannot be countenanced. This violence must end. That is why today, with my colleague from New York, Mrs. LOWEY, I am introducing the East Timor Human Rights Accountability Act. This bill simply says that no United States aid to Indonesia can be used to further the occupation of East Timor or to violate the human rights of the people of East Timor. If it is, this aid will end.

Mr. Speaker, I thank my colleague from New York for joining me and I urge my colleagues on both sides of the aisle to join me in sponsoring this legislation.

DEMOCRATS SEEK TO DESTROY RATHER THAN FIGHT IDEAS OF SPEAKER GINGRICH

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, last evening the Committee on Standards of Official Conduct, as we have heard, dismissed 64 of the 65 allegations against our Speaker. There will be more to come. This has been a systematic effort to destroy an individual rather than fight his ideas. There will be more to come.

The gentleman from Florida who spoke, Mr. JOHNSTON, who has been putting the privileged resolution on the floor that has been tabled twice, was quoted in his own hometown paper in Florida as having said I am part of a small group that meets weekly to pour over everything the Speaker says to find where we can file ethics charges against him.

This is an old story. We have heard it said here that in 1989 they said, and I quote, "We will destroy GINGRICH if it is the last thing we do". There will be more to come.

Mr. Speaker, we are proud that the Speaker can stick to his issues and the ideas. It is unfortunate that the other side is not willing to engage the ideas.

HISTORY BEING REWRITTEN REGARDING COMPLAINTS FILED AGAINST SPEAKER

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, history is being rewritten down here in this well today. I want to tell my colleagues that when I listen to the other side, I have heard of putting lipstick on pigs, but they are really going crazy this morning.

Now, the way I see it is, there were 6 complaints filed, not 65. Six complaints. Three of them he was declared guilty by the bipartisan Committee on Standards of Official Conduct. Guilty, guilty, guilty. Three complaints. Please, let us not rewrite what has been done. It is a record of this House.

On one of the others, they moved to get a special counsel to look into it. That is very serious. One is still pending, and there are more supposedly coming to be filed. I think these are very serious. We should not play partisan politics with this, and this is not get-even time. The Democrats don't have to do anything to Speaker GINGRICH. All we have to do is stand back and let NEWT be NEWT. He is doing it, and I think it is really causing great trouble.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT PROVIDED THOUGHTFUL AND THOROUGH CONSIDERATION OF COMPLAINTS AGAINST SPEAKER

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, I want to commend the gentlewoman from Connecticut, Congresswoman NANCY JOHNSON, and her bipartisan Committee on Standards of Official Conduct for the thoughtful and thorough job that they did, the thorough consideration, and the fact that they threw out 64 of these 65 complaints against our Speaker.

I want to be clear also, Mr. Speaker. Ethics charges are serious charges, and they should not be used for partisan purposes. So I am delighted the committee has declared in a unanimous bipartisan report that 64 of the 65 charges are dismissed. And the last charge, which was a matter of tax exempt status for a university, will be observed by an outside adviser.

Mr. Speaker, the fact is that Democrats are on the wrong side of history. Their ideas have been rejected by the American people and their institutions are the cause of our $5 trillion national debt. The liberalism they have defended for a generation has left a legacy of debt, a culture of dependence and the breakdown of our American families. As they see it, the only hope left to them as a party is to destroy one man's character. It is wrong, it will not work, and the Committee on Standards of Official Conduct report proves it.

SPEAKER'S PLAN TO ABOLISH MEDICAID IS BAD IDEA

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, when is Speaker GINGRICH going to get it? His plan to abolish Medicaid is a bad idea. He is not listening to seniors, seniors who will lose their long-term nursing home care. He is not listening to the American Medical Association, who warned him this week not to end the Federal guaranty to health care coverage for low-income women and for children.

Let us hope he listens to the participants at yesterday's White House conference on AIDS, participants who made it clear that his proposal will be devastating for people with AIDS. I wonder if my colleagues know, Mr. Speaker, that half of all people with HIV and AIDS in my home State of California rely on Medicaid for health coverage? Destroy the Medicaid safety net and people with AIDS will be denied treatment and care and will be forced into expensive hospital emergency rooms.

Mr. Speaker, listen to persons with HIV and AIDS, listen to the American Medical Association, listen to seniors, women, and children. Do not pay for special interest taxes by taking away health care from the most vulnerable Americans.

LET US NOT PLAY POLITICS BUT BALANCE THE BUDGET BY 2002

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I thought today with the President's budget coming out it would be a new sort of "Honesty In Congress Day," but I see the rhetoric has shifted from facts and figures and how we achieve a balanced budget to character assassination.

Mr. Speaker, I think it is a joyous day for some of us, as we see the President's budget that is going to turn out very close to what the Republicans have proposed, if we are going to reach that balanced budget in 7 years. I look at Jim Glassman's column today. It says it is scandalous how close Congress and President Clinton actually are on the key elements of the Federal budget. If Americans understood these numbers, they would be outraged.

I look at the New York Times article that says White House documents reveal similarities in the GOP plans for Medicare. Mr. Glassman says, "In my own judgment, it is," that lack of the deal, is Clinton's fault.

Mr. Speaker, there is closeness to this agreement. Let us get together. Let us forget partisan politics. Let us get a balanced budget by 2002.

PRESIDENT VETOED BUDGET THAT MADE DEVASTATING CUTS IN MEDICAID AND MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I am glad to hear my Republican colleagues defending Speaker GINGRICH today. You heard that right. They are defending the Speaker they elected earlier this year. But that is not what I am here to talk about, I am here to say I am proud that the President vetoed the Republican budget yesterday with the same pen Lyndon Baines Johnson signed Medicare and Medicaid into law, because he believes that the deep and devastating cuts in Medicare, education, and tax increases on working families is not in line with the priorities that Americans have set. Thank the Lord he vetoed that bill.

The budget made devastating cuts in Medicare and Medicaid in order to finance a tax break, a tax break before we even balance the budget. It was unacceptable and I am proud the President did that.

Now that the budget has been vetoed, let us do what my colleagues said, let us get about balancing the budget in a fair way. Democrats and Republicans alike agreed in a continuing resolution to balance the budget in a way that protects Medicare, education, the environment, and working Americans. Let us do that bipartisanly and we can have a balanced budget for all of America.

PROFESSIONAL CHARACTER ASSASSINATION

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, for the past year a small number of Members of this body have been involved in what can only be described as professional character assassination. It is an example of classic stump water politics. That is where you throw what is handy and you stress what sticks. Well, they have hurled 65 charges at our Speaker and none of them have stuck. The only remaining issue is a technical tax question.

At the Speaker's request, we have remained silent concerning the withering assault on the Speaker's character. We will be silent no longer. The stump water politics and the professional character assassination must end. The business of this Nation must proceed.

□ 1130

ETHICAL QUESTIONS REGARDING SPEAKER ARE REAL

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, throughout this morning's discussion, one would get the impression that the ethics questions we are considering here today are purely a matter of partisan politics; that is, the Democrats versus the Republicans as usual.

Some people want to count the number of complaints. Some people want to say, well, this is stump water politics. All I want to do is read what the bipartisan Democrat and Republican Committee on Standards of Official Conduct had to say, and I think the words will speak for themselves.

Referring to the Speaker, they said in a letter of December 6, 1995:

> The committee strongly questions the appropriateness of what some would describe as an attempt by you to capitalize on your office. At a minimum, this creates the impression of exploiting one's office for personal gain. Such a perception is especially troubling when it pertains to the office of the Speaker of the House, a constitutional office requiring the highest standards of ethical behavior.

Mr. Speaker, this is not back water, stump water politics or partisan politics. Both Democrats and Republicans agree there is a problem. We now have a special counsel. We will leave it to him to look into the details.

CHEAP SHOT AT CBO

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, relevant to the President vetoing the only balanced budget in a generation for reasons that do not hold water Americans should note an editorial entitled "Cheap Shot" in yesterday's Washington Post.

> Senator Minority Leader Tom Daschle has recklessly attacked—without foundation and for the cheapest of political reasons—one of the most valuable institutions in the government. His problem is with the Congressional Budget Office. It was set up in 1974 to fill a void by providing Congress with dispassionate, nonpartisan analysis on which to base budget decisions. It has steadily done so . . . and in the process greatly strengthened Congress as an institution while elevating the annual debate.
>
> Maybe someday it will fall from that high standard. That day is not yet. But Mr. Daschle is disappointed by one of CBO's current positions . . . he is free, of course, to say he disagrees . . . what he chose to do instead . . . was smear the agency.
>
> The remarks he made undercut the very process whose integrity he pretended to protect. They did leave a stain, but not on CBO.

EDUCATIONAL OPPORTUNITIES FOR ALL AMERICANS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise this morning to voice my concerns over the education and job training cuts of $4.5 billion in the majority party's proposed budget.

Yes, Mr. Speaker, $4.5 billion taken out of the national education budget to cover the tax breaks for our corporate welfare community. I am a firm believer in education and its role in our society, and I have seen the success of such programs as vocational education, national student loans, and school-to-job training programs.

Mr. Speaker, take this away from our children and our dislocated workers, our working families, and we place ourselves back into a recession, an education recession.

I honestly believe, Mr. Speaker, that this institution has an obligation to this Nation to make education affordable to everyone. We have an obligation to this Nation to make education accessible to everyone. We need only to examine the benefits of the GI educational law that offered educational opportunities for the hundreds of thousands of GI's, who would not have obtained college education if this program was not provided by the Congress.

Mr. Speaker, I believe all Americans should go into the 21st century with every opportunity to succeed. I believe we should give all Americans an opportunity to enhance their skills, further obtain educational knowledge to prepare themselves adequately for the job market.

If you take away this opportunity—you cut the chances for anyone to succeed. You make it that much more difficult to the average person to make ends meet.

I urge my colleagues to think seriously about the ramifications of this $4.5 billion cut to education and job-training programs and give our children, families a break for the future.

PRESIDENT'S VETO OF BALANCED BUDGET

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute.)

Mrs. CHENOWETH. Mr. Speaker, I find it interesting that one of our colleagues spoke about the fact that the President vetoed the balanced budget bill yesterday that came across his desk with the pen that was used by Lyndon Johnson.

Mr. Speaker, what the gentleman failed to say was that that pen was out of ink. I think that is significant. The President then dipped that pen into an inkwell to give it new life, and there was no ink in the inkwell. So, the President did not veto this very important bill with Lyndon Johnson's pen, but just an ordinary pen.

Mr. Speaker, in vetoing this bill, he vetoed a bill that was so incredibly important to the American people that our telephone systems in the House and the Senate experienced meltdown because of the numerous, thousands and thousands of calls that came in not only to the House and the Senate, but also to the White House.

Mr. Speaker, I also want to say that the only objection, or the only thing that the other side of the aisle can talk about is character assassination about the Speaker.

ETHICAL CLOUD LINGERS OVER HOUSE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, after reading the report of the House Committee on Standards of Official Conduct, it is little wonder that some of its Members drug their feet for 14 months, because it reflects a pattern of ethical abuse.

Charge: Misuse of the House floor for apparently commercial purposes. Finding: GINGRICH guilty. Charge: Improper promotion of GOPAC. Finding: GINGRICH guilty. Charge: Commingling of political and official resources. Finding: GINGRICH guilty.

And the Rupert Murdoch book deal, so bad that the committee on a bipartisan basis strongly questions the appropriateness of what some will call capitalizing on your office and says we need even a new rule because of this impression of exploiting one's office for personal gain.

Now, all the GOPAC dealings, the tentacles of GOPAC, the tax-free foundations, the book deal, the college course, so bad that they have called in an independent counsel. Not some tax adviser from H&R Block, but an independent prosecutor to get to the bottom of this. Until that is done, an ethical cloud is going to linger over this Congress.

MUCH ADO ABOUT NOTHING

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, the Ethics Committee has finally reached a unanimous conclusion about the wild attacks that have come from liberal Democrats against Speaker NEWT GINGRICH: Much ado about nothing.

They have concluded that 64 of the 65 charges brought to the Ethics Committee about Mr. GINGRICH were without merit. The 65th charge requires an outside counsel because it is narrowly focused on a technical tax law.

I urge the American people to focus not on the media hype, but on the big picture.

Republicans are trying to balance the budget for the first time in decades. We are doing this to provide a better future for our children, to get lower interest rates for families today, and for a stronger America.

Instead of joining with us to balance the budget, liberal Democrats have launched a smear campaign meant to derail our legislative agenda. And as the Ethics Committee has concluded, these charges are baseless.

I urge my colleagues to stop playing political football with the Ethics Committee. It was established to bring greater integrity and respect to this institution. When you drag the Ethics Committee through the mud, every Member of this House gets dirty.

AT LAST, AN OUTSIDE COUNSEL

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, last night, after more than 14 months of deliberations, the Ethics Committee found Speaker NEWT GINGRICH guilty of violating House rules on three counts. The Ethics Committee has also taken the long overdue step of appointing an outside counsel or prosecutor to investigate Speaker GINGRICH and untangle the web of nonprofit and political slush funds he directs.

In addition, the bipartisan committee rebuked the Speaker for accepting a $4.5 million book deal from media mogul Rupert Murdoch. In their words: "the committee strongly questions the appropriateness of what some could describe as an attempt by you to capitalize on your office".

Though long overdue, the Ethics Committee has begun the process of investigating the Speaker of the House. It is high time.

The committee found Speaker GINGRICH guilty of violating House rules on three occasions. Could this be just the tip of the iceberg? The special counsel will find out for sure.

TIME FOR A BALANCED BUDGET

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, when President Clinton vetoed the Balanced Budget Act yesterday, not only did he reject the first balanced budget to hit the President's desk in 25 years, he also vetoed the only plan that will save Medicare for the next generation.

Under the Republican budget plan, Medicare spending per beneficiary will increase over the next 7 years from $4,800 to $7,100 and the Democrats call that an unacceptable, draconian cut. The last time I checked, going from $4,800 to $7,100 is an increase, not a cut.

Mr. Speaker, it's time for the President to get his priorities in order. Does he want to help deliver a balanced budget to America, or does he want to try to demagogue the issue for political points. The Republican majority wants a balanced budget. The American people want a balanced budget. It's time for the President to show leadership—give us a balanced budget.

DISTRICT OF COLUMBIA PROTECTION ACT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, at the end of the last shutdown, I began this countdown on the floor to help Members understand the special outrage of closing down the Capital City.

Mr. Speaker, this is day 9 of the countdown to December 15. Mr. Speaker, 85 percent of the money in the D.C. appropriation is money raised from D.C. taxpayers. How would Members feel if the Congress used their own local money to shut down their district over a national dispute in which they were uninvolved?

The gentleman from Virginia [Mr. DAVIS] says that the Federal shutdown was dumb, but shutting down the District of Columbia was dumber. The District of Columbia is already on the operating table suffering an acute financial crisis so severe that the city has a control board. Even a month-to-month continuing resolution would cripple the District of Columbia. Doling out money in small amounts makes it almost impossible to run a complicated city and pay obligations on time.

Mr. Speaker, that is why a bipartisan bill, the D.C. Fiscal Protection Act, is being marked up on Friday. It is the responsible and fair thing to do.

SUPPORT AMERICA BY SUPPORTING A BALANCED BUDGET NOW

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, last night the President vetoed the only balanced budget seen in 26 years.

The President's veto is a blow to our children and the future of this country. To me a balanced budget means prosperity, it means growth, it means stability. It means that our children will live in a county that can give them more than it gave us. To me, it means freedom.

The President vetoed all this.

Republicans sent the President a balanced budget—not because it is good politics, but because it is good for America. We see a future where there's workfare, not welfare; where there's independence, not dependence.

Republicans believe that people, not the Government, drive the Nation and they—not us—have made it the best and most prosperous country in the world.

Support America—support a balanced budget now.

SPEND AND SAVE MONEY WISELY

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, when we pass a budget, we must make sure we protect our elderly, our students, and our working families.

One way to do that is by spending our health care dollars wisely.

The Medicaid Program is designed to supplement Medicare for the elderly and provide health care for children and the disadvantaged.

A plan aimed at preventing pregnancies among teenagers could mean significant savings in our health care expenditures.

Many in Congress have complained about the problem of teenagers having babies.

Demagoguery is easy; meaningful action and deeds are more difficult.

I hope we will get beyond the talk and pass a budget that is wise in how we spend money and how we save money, yet fair in how we protect the health of the old, the young, and the average American, fair to the elderly, fair to the young, and fair to the average citizen.

VETOING THE BALANCED BUDGET PLAN

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, the President has missed a historic opportunity to reverse his spending addiction. Since his 1992 campaign, Bill Clinton has told America that he would balance the budget in 5 years, 10 years, 8 years, 9 years, and even 7 years.

When the President vetoed the balanced budget plan he showed the American people his true colors. The President does not want to balance the Federal budget. Not now, not ever.

America, don't be fooled. The President will say anything.

He will tell you that Republican efforts to balance the budget are extreme. He will tell you that Republicans are cutting Medicare. He will tell you that Republicans are taking food out of the mouths of children. He will tell you that Republicans are taking away student loans.

That is not true. He tells you this because he loves big government, big spending, and big taxes.

□ 1145

GOPAC

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today out of a sense of deep outrage. Not long ago this House passed legislation on lobbying reform, but it seems the Speaker feels he and his personal slush fund were exempt from it.

It's no wonder that the Speaker refuses to act on campaign finance reform, when there are allegations that GOPAC financed his own campaign to the tune of $250,000. The evidence is so damning that last night the Ethics Committee issued a stinging rebuke to Speaker NEWT GINGRICH.

My colleagues, I call on the Speaker himself to release the list of past GOPAC donors, and the list of past GOPAC contributions to his own campaign.

Mr. Speaker, if you really have nothing to hide, then you have nothing to be afraid of. The American people demand the truth, it is time for you to come clean and end this charade.

BALANCED BUDGET PEN

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, the only thing that stands between this country and a balanced budget is President Bill Clinton. Unfortunately, he vetoed the only balanced budget bill in the Oval Office yesterday. Instead of balancing the budget, the President has made it clear that he wants more spending, not less spending.

Mr. Speaker, I thought that the American people's priorities are just the opposite. It seems to me that the people want a smaller, less costly, and more efficient Federal Government. The American people want to keep more of their hard-earned money through tax cuts, not tax increases. The American people want an economy that stimulates job creation, not stifles economic growth.

Mr. Speaker, by vetoing the Balanced Budget Act, it's obvious the President doesn't know what the American people want. So I'll tell him. The American people want a balanced budget, and they want it now.

HOOKED ON REAGANOMICS

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I have noticed that for the last few weeks, my Republican colleagues have stopped talking about saving Medicare. That's probably because no one believes that cutting $270 billion from Medicare while providing $245 billion in tax breaks will save anything except the lifestyles of the rich and famous.

Now the Republicans talk only about balancing the budget. However, their so-called balanced budget proposal actually increases the deficit next year and the year after that. This should come as no surprise considering that their tax breaks come first, while leaving the hard spending cuts to future Congresses. That is exactly what Ronald Reagan did to increase our debt by $3 trillion.

Mr. Speaker, it appears my Republican colleagues can't help repeating the mistakes of the past. I suppose that's what happens when you're hooked on Reaganomics.

WHAT ARE THE DEMOCRATS TALKING ABOUT

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, I want to take just a moment to comment on what we are hearing from the other side of the aisle today. Particularly because yesterday the President vetoed the most important bill, the Balanced Budget Act of 1995, that has ever come across his desk. And after 2 years and 11 months, we are still waiting to see his version of a balanced budget.

Here is what most of the Democrats are talking about today: Speaker GINGRICH. Let me just tell my colleagues, selective memory is a fine thing, but there is a fine line between self-righteousness and hypocrisy. Or have they forgotten the House bank and post office scandals that happened on their watch? Have they forgotten the two votes in the last Congress when they voted to block a Committee on Standards of Official Conduct investigation into Dan Rostenkowski, who was then a member of the House Democratic Party leadership, for allegations of misconduct and ghost employees, the same gentleman who is under indictment today? They have forgotten that.

Here is the bottom line with this discussion. If my Democratic colleagues had any ideas on how to solve the major problems facing our country, they would be down here talking about them and not just continuing this character assassination against the Speaker.

I think the American people see through it. It is time to get on with the people's business. It is time to do the right thing for our kids and our country, and it is time to balance the budget.

DEMOCRATS HAVE NOT FORGOTTEN

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, no, we have not forgotten. We thought you had. But finally after the filing of many complaints against Speaker NEWT GINGRICH and 14 months later, the House Committee on Standards of Official Conduct found the Speaker guilty, guilty, guilty on one, two, three counts of violating House rules by misusing official resources and the committee appointed a special outside counsel to investigate another serious charge about the Speaker's political GOPAC operation.

Well, it is about time. Believe me, the American public does not appreciate double standards. What is good for the goose is good for the gander. No one should be so big, so important, so powerful they can violate the rules of this House and the laws of this country without suffering the consequences. NEWT may be Speaker; however, he, too, must account for any and all wrongdoing. It is about time.

Let us get on with the business of finding out who NEWT GINGRICH really is.

DOING WHAT WE WERE SENT HERE TO DO

(Mr. MCINTOSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, let us face it. What is going on here is an outrageous attempt to reverse the election results of 1994. The defenders of big government did not like the fact that a Republican majority came in and agreed we were going to balance the budget and reduce the size of the Government. So they turned to outrageous personal attacks against the Speaker of the House.

The fact is the Committee on Standards of Official Conduct, led by a very able, nonpartisan, tough lady, the gentlewoman from Connecticut [Mrs. JOHNSON] dismissed 64 of the 65 complaints. There was nothing wrong with the Newt book deal. They never said he was guilty of anything. But the other side is going to continue these character assassinations because they view that as the only way they can regain control, reverse the election, and once again turn back the clock and go for more spending, more deficits, and the ruin of this country.

This freshman class was sent here to get the job done. We will not be deterred by these types of personal attacks on our leader. We will stay here to balance the budget and do what the American people sent us here to do.

THE GOPAC DEAL

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, about 6 months ago I addressed this House about the GOPAC deal with NEWT GINGRICH. My words were written down then necessarily. But the mills of the gods grind slowly, but they grind exceedingly well. So the mills of the gods have caught up with Mr. GINGRICH, and the Committee on Standards of Official Conduct has said that it is time to really look at the true facts.

The Republicans have showered this floor with acrimony, swaggering bravado. I have heard the President vilified and called a bugger. I have heard welfare recipients called alligators, all from this side of the aisle. So to say now that we are trying to assassinate Mr. GINGRICH's character is wrong. We are not trying to do that.

I am happy to say today that the President of the United States vetoed the reconciliation bill and well he should have. Regardless of the type of pen that he used, he turned back this really, really vicious attack against the poor and the elderly and the underserved of this country.

ETHICS COMMITTEE RESULTS

(Mr. SHAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, I just want to stand before this House and thank my colleague, the gentlewoman from Connecticut [Mrs. JOHNSON], for her courage. She is one of the most ethical people I have ever met.

I think colleagues on both sides of the aisle can agree. During this thorough, bipartisan investigation by the Committee on Standards of Official Conduct, she was not allowed to defend the actions of the committee. The investigation committee had six different specific complaints. Five of them were dropped. Only one is being looked at, and that is to hire a special counsel to investigate the tax implications of two nonprofit organizations which helped the Speaker in his course, a course that was in 21 universities, a course for which he never received a penny.

Was he guilty of encouraging people to call an 800 number to learn more about this course? Yes, if you call that guilt.

Was he guilty he had an unpaid advisor help him during the transition to decide who he should hire in his office? Yes, if you call that guilt, I do not.

He had a town meeting and he advertised his town meeting on the floor of the House.

Bottom line: The Committee on Standards of Official Conduct dropped five of the six complaints and is having a special counsel look at the one remaining issue, the tax implications of the Speaker's college course.

I salute my colleagues on both sides of the aisle who serve on the Committee on Standards of Official Conduct. They worked hard and resolved a number of difficult issues on a bipartisan basis. I hope we can now get back to the business of balancing our Federal budget.

PRESIDENTIAL VETO

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the more the American people know about the Gingrich revolution, the less they like.

I was so proud yesterday when the President vetoed the Gingrich budget. It is what the American people have asked him to do. The American people have spoken. They do not support a budget that cuts Medicare and Medicaid, education and the environment to pay for tax breaks for the wealthiest Americans. Last month the President cut a deal with the Republicans to balance the budget in 7 years while protecting the priorities of the American people. The budget that the President vetoed yesterday failed to meet that agreement because it did not protect the values that the American public holds so dear. It is time for the Republicans to send the President a balanced budget that protects the priorities of the American people and then he will sign it and then we can get on with the business of the people.

ANNOUNCEMENT REGARDING WITHDRAWAL OF PRIVILEGED RESOLUTION

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from Florida [Mr. PETERSON] is recognized for 1 minute.

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, earlier this week, I, along with my colleague, the gentleman from Florida [Mr. JOHNSTON], offered a privileged resolution concerning the investigation by the Committee on Standards of Official Conduct of Speaker GINGRICH. This request was nonprejudicial. It was not a character assassination. It simply asked for a report of the activities of that committee.

Last night's action by the committee and the assurance that the House will receive a report on the investigation was welcome news. I regret we had to resort to a privileged resolution to get such a report, but in light of last night's announcement, I am announcing that we will not offer our privileged resolution as planned today.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That upon adoption of this resolution it shall be in order to consider the further conference report to accompany, and the amendment reported from conference in disagreement on, the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration, and against the motion printed in the joint explanatory statement of the committee of conference to dispose of the amendment of the Senate numbered 63, are waived. The conference report, the amendment reported in disagreement, and the motion shall be considered as read. The previous question shall be considered as ordered on the motion to its final adoption without intervening motion except debate pursuant to clause 2(b)(1) of rule XXVIII.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 291 allows for the consideration of the further conference report to accompany H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and various independent agencies.

In my opinion, this is probably the most important of all of the appropriation bills. It provides the money required to meet the needs of our veterans and also provides the funding necessary to ensure adequate housing for the needy, the disabled, and the disadvantaged. Members will recall that the House voted to recommit this conference report on November 29, and I hope we got it right this time.

The rule waives all points of order against the conference report and against its consideration, and against the motion to dispose of Senate amendment No. 63 as printed in the joint explanatory statement of the committee of conference.

Finally, the rule provides that if the conference report is adopted, then the motion printed in the joint statement of managers to recede and concur in Senate Amendment 63 with an amendment shall be debatable for 1 hour. Senate amendment 63 was reported in technical disagreement, and pertains to the funding necessary to carry out the orderly termination of programs and activities under the National and Community Service Act of 1990.

Mr. Speaker, this is basically the same conference report with various technical changes recommended to improve the bill.

Those who rely on veterans benefits and housing assistance should not have to go through the anxiety of wondering whether or not their benefits will be reduced or discontinued. I urge my colleagues to support this rule and to support this conference report.

□ 1200

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary one-half hour of debate time to me.

Mr. Speaker, we strongly oppose this, the second rule that has been reported to provide for the consideration of the conference report on the Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations bill. We oppose just as strongly the conference report itself that the rule would make in order.

Even though the House voted on November 29 to recommit the conference report, ostensibly because of cuts in funding for veterans programs, it was clear at the time that many Members were just as concerned about the unprecedented cuts included in this bill in spending for the environment and for housing.

Interestingly, the new conference agreement is virtually identical to the one the House voted to recommit. In fact, no changes were made in veterans funding, as the recommittal motion demanded. What the conferees did was take this opportunity to make so-called technical corrections, including one that weakens HUD's antiredlining regulations.

We are concerned, Mr. Speaker, that the conferees not only did not respond to the wishes of the House, but also took advantage of the recommittal to further weaken our Nation's commitment to fair housing laws.

We would not be in this position at all if the legislation before us did not so flagrantly violate the rules of the House. As has been the case for all the rules for considering this legislation, the one before us today sanctions flagrant and wholesale violations of the House rule that prohibits legislating on an appropriations bill. By protecting the major and substantive policy changes contained in the bill, it continues the objectionable trend that has developed this year of allowing the Committee on Appropriations to subvert the authorizing committee process.

When we Democrats were in the majority and proposed rules that protected by waivers even the most minor and technical provisions, our Republican colleagues protested loudly and vehemently. Had we attempted to protect the kind of major policy changes contained in this appropriations bill, you would have screamed in indignation, and you would have been right to have done so.

We have tried to be patient with the majority's frequent, flagrant, and unwarranted waivers of rule XXI, the prohibition on legislation in an appropriations bill, that have been contained in the rules for consideration of appropriations bills this year. We recognize from our years of being in the majority it is nearly always impossible to avoid all violations of rule XXI in an appropriations bill.

Unfortunately, however, the waiver provided in this bill goes far beyond the bounds of what can reasonably be considered legitimate or appropriate. While the conference agreement is less draconian than the House-passed bill, the waiver still sanctions the Committee on Appropriations' rewriting of environmental and housing laws. It sanctions the Committee on Appropriations' usurpation of the function of the authorizing committees, which is an egregious misuse of the waiver.

It has become increasingly clear that the new chairmen of the authorizing committees are willing to cede their responsibilities to the Committee on Appropriations. They should, rather, defend the integrity of the legislative process by insisting on their committees' right to make major policy changes the way they should be made, after following the deliberative committee process of hearings and full consideration of authorization legislation.

Indeed, the Committee on Rules itself should be disturbed about the precedents that are being set. Instead, the Committee on Rules is acquiescing to this subversion of an open and accountable committee process. As the history of this bill demonstrates, many of these policy revisions would have been unable to withstand the scrutiny of full scale debate.

Despite the fact the conferees made improvements in the radical bill originally approved by the House, we are still faced with legislation making drastic follow policy changes that will seriously affect virtually all of our citizens. Consider what this bill does to the environment. For example, it slashes funds for environmental protection by a unprecedented 21 percent. These cuts would cripple EPA's enforcement efforts, seriously weakening the implementation of virtually every environmental law, including the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the law regulating the use of pesticides. It would limit EPA's authority to initiate cleanups at new Superfund sites.

In addition, five legislative provisions remain in the bill, language protected by this rule. Many of the other controversial 17 riders approved by the House have simply been shifted to report language, where they are less visible, but where they still pose an equally serious threat to public health.

The riders retained in legislative language include provisions barring EPA oversight of wetlands policy, limiting EPA authority to list new hazardous waste sites for cleanup under the Superfund law, and barring EPA from issuing a new standard to protect the public from contamination of drinking water by radon. These are changes that hamper the EPA's ability to protect the health and safety of our citizens.

When the funding cuts and legislative changes contained in this bill are combined with the changes to environmental policy made in other bills the House has passed this year, including the Clean Water Act revision and the so-called regulatory reform bills, this effort amounts to nothing less than a full scale assault on the environmental protection laws that have served our Nation so well, and which many of us believe need to be strengthened, not weakened and not repealed.

The other area that is cut drastically by this conference report is housing, where funding is reduced by 21 percent or $4 billion from this year's level. Homeless programs are cut by 27 percent. Here, too, the funding cuts in the legislative changes in the bill amount to significant changes in housing policy, resulting in a dramatic shift in the course of our Nation's commitment to affordable and accessible housing for all our citizens.

For example, this bill means that no new public housing will be funded, even though the number of families who need help continues to grow each year. If all that were not enough, this legislation also eliminates all funding for a number of programs, including the President's AmeriCorps National Service Program, the Community Development Bank Initiative, the FDIC Affordable Housing Program, and the Office of Consumer Affairs.

Mr. Speaker, the provisions of this conference report represent the misguided budget priorities of the Republican majority. Those priorities are forcing Congress to make deep cuts in domestic programs in order to pay for unnecessary increases in defense spending, including $7 billion for more weaponry than the Defense Department requested, and for tax cuts that will mainly benefit the wealthiest among us.

Mr. Speaker, again, this is a bad rule for an unworthy bill. It protects egregious violations of our rule prohibiting legislating in an appropriations bill, and it does so in order to allow Congress to make damaging changes to environmental and housing laws. The rule should be defeated.

The President has, and properly so, vowed to veto the bill, because it does not uphold the values so important to the American people. What we should do is to send this bill back to conference today, where the conferees should take seriously the need to make substantive changes in this legislation.

Mr. Speaker, I urge a "no" vote on the rule, and on the conference report.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the ranking member on the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, why are we considering this bill today?

Just last Wednesday, by a vote of 216 to 208 the House wisely recommitted this horrible VA/HUD conference report because it made too many cuts in veterans health benefits.

So if the bill is so bad, why is it here again? If a majority of the House couldn't bring themselves to vote for this bill last week what's going to make them vote for it this week?

I had hoped the conferees would have gotten rid of these unfair veterans cuts but the only changes to this bill are a few technical changes and a few new commas and semicolons.

This bill is nearly exactly the same bill that was carried out of here in a coffin last week.

My guess is that the only difference between last week's bill and this week's bill is a few broken arms. Otherwise I can see no reason why anyone would support this dreadful bill.

And, it doesn't stop with veterans health cuts. This bill still guts Federal safeguards that protect our air, water, land, and public health from toxic pollution. It is a dangerous attack on American families, and American veterans, and it belongs in the trash can. Mr. Speaker, I urge my colleagues to defeat this rule and defeat this bill, again. Veterans need their health care this week just as much as they needed it last week.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this is a bad rule on a bad bill. It should be rejected. I want to thank my colleague, the gentleman from California [Mr. BEILENSON], for making this time available.

The bill has not been changed. The Wall Street Journal says it. What does it say? It says that the House Republican leadership determined to overcome an embarrassing loss last week and will try again to pass a compromise $80.6 spending bill, but without restoring additional funds for veterans medical care. It goes on to say that new construction funds will be cut back by the GOP.

But this is where the leadership hopes to get votes, by adding language that raises the hopes of additional medical clinics in the home district of three lawmakers, who it goes on to name.

I think that is wonderful. But what we really need is a bill which is fair and decent and which takes care of the veterans. I would point out to my colleagues that there is not a new nickel in this bill for veterans care. The same abuses with regard to the environment are there, the same improper legislation in an appropriations bill is there.

Remember, the bill last week was overwhelmingly rejected by this body, and the reason was that it did not provide adequate care to American veterans. Better than 1 million veterans will not be getting care and better than 40 facilities will close which are now providing health care to veterans because of this bill and budget. Also better than 5,000 people who are providing health care to American veterans will lose their job at VA under this bill.

The quality of care for American veterans will continue to erode to satisfy my Republican colleagues' desire to balance the budget at the expense of the poor, the unfortunate, and the veterans.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to follow up on what the gentleman from California said, and that is that the rule should be defeated with regard to this conference report, if only because we have continued to have this battle over authorizing language or riders in the bill.

As you know, on two occasions in this House, we have asked and we have voted to remove the antienvironmental riders that apply to the Environmental Protection Agency, the EPA. Yet we still have some of them in the bill. We have the rider that deals with wetlands that essentially guts the EPA's ability to veto a bad wetlands decision. We also have the rider that says that no Superfund sites can be added to the national priority list. And many of the 17 riders that we voted against on the floor of this House twice still exist in the report language of the bill.

If I could just talk about the two provisions that remain in the statute itself, one with regard to the Superfund Program. The Superfund Program is actually cut back in this legislation by about 19 percent. If no new sites can be added, it really cripples, if you will, the efforts to the EPA when they find hazardous material and contaminated hazardous sites. When they reach a certain level that they should be added by the Superfund, all of a sudden they cannot be considered and cleaned up pursuant to the Federal program.

When you talk about wetlands protection, particularly from my home State of New Jersey, this is a very serious problem in areas which are rapidly developing. The EPA has not traditionally exercised its authority on wetlands that much.

□ 1215

They are very discreet, I would say, in exercising their veto over the Army Corps of Engineers' actions. So it makes absolutely no sense to say in this appropriations bill, in this conference report, that EPA's ability to deal with wetlands protection is simply taken away.

Overall, the bill continues this onward thrust to dismantled our ability to protect the environment. The cuts in the EPA are around 20 percent overall. The cuts in enforcement are 25 percent. I have said over and over gain, if we cannot enforce good environmental laws, what is the use of even having them. And I am afraid that is what this is all about. There are many people here who simply do not want to see our environmental laws enforced, so they go, in a roundabout way, to make sure they cannot be enforced, to make sure the polluters are able to do their thing, so to speak, by cutting back on enforcement.

Mr. Speaker, this is not the way to go. We should defeated the rule and we should also defeat the conference report.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the House Committee on Rules.

Mr. SOLOMON. Mr. Speaker, first off, I want to acknowledge the gentleman from Pennsylvania [Mr. MURTHA], a good marine, back there.

Mr. Speaker, I tend to get excited and upset when I see political shenanigans going on around here. I was very proud to have served in the U.S. Marine Corps. I was very proud to have been elected to come to this body 18 years ago. I was very proud to have served on the Committee on Veterans' Affairs for 10 years and serve as the ranking Republican on that committee.

I would like to invite all my colleagues to come up to my Saratoga office, where I have a wall half as wide as this room here full of plaques from every major veterans organization in America, national veterans' organizations, talking about how much we have done for the veterans of this Nation.

Then I see this kind of shenanigans on the floor here where somebody comes on the floor and they say we are not providing enough money for veterans. These same people that are saying this, and this is why I get so exasperated, are people that voted against peace through strength day in and day out, year in and year out, when we were trying to bring down the Iron Curtain and stop the spread of international communism around this world. These same people voted against the defense budget day in and day out. They voted against contra aid in Central America when we were trying to stop the spread of communism right here in this hemisphere. They voted against the deployment of intermediate range missiles, which was finally what really brought the Soviet Union to their knees. They voted against aid to El Salvador. They voted against every single defense budget that I can recall, even when we had an effort to try to strengthen the CIA.

All these so-called veterans supporters were voting against all of these things, and yet they have the gall to come on this floor here today and say we are not spending enough money for the veterans.

Upstairs, Mr. Speaker, in the Committee on Rules, when they made these same kind of ridiculous arguments, we pointed out to them that in this appropriation bill, which provides for the funding for the Department of Veterans Affairs and the Department of Housing and NASA, and a myriad of other agencies and bureaus, we pointed out that almost every one of them were being cut. I think maybe every one of them were being cut except for the Department of Veterans Affairs.

The gentleman from Mississippi, Mr. SONNY MONTGOMERY, from the other side of the aisle, the ranking member on the Veterans' Affairs Committee today, and one of the most standup men I know, he and I and the gentleman from Arizona, BOB STUMP and the gentleman from California, JERRY LEWIS, and others fought to get a level of funding for the medical care delivery system, that part of the budget, up to about $600 million, over a half billion dollars, and we succeeded. And, oh, how the liberals complained because we were cutting housing and we were cutting the EPA.

We just heard a little of it down here on the floor a minute ago, cutting NASA, cutting all these other sundry agencies. Well, up in the Committee on Rules I made the offer. As my friends know, we lost. We could not maintain that whole $600 million in additional spending when everything else is being cut and finally had to settle for about $400 million. But that is almost a half billion dollars more than last year. I said, I will make this offer. Where do we want to take it out of the rest of this budget, because that is where it has to come from? Do we want to take it out of housing? Oh, no, we cannot take it out of housing. Do we want to take it out of EPA? Oh, no, we cannot take it out of EPA. Do we want to take it out of NASA? Oh, my gosh, no. We had people from Texas there and they would not take it out of NASA.

So, Mr. Speaker, here we are today with this phony argument saying that they want to recommit this bill and reinstate and add another $200 million for veterans. Let me tell my colleagues, that is the most phony argument I have ever heard in my life. And I tell my colleagues, I personally resent it, and I want everybody to come over here and I want them to vote for this rule. Then I want them to vote for this bill, which, in my opinion, gives a fair and adequate increase to the veterans budget.

Mr. MOAKLEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, first of all, the gentleman at the microphone is an outstanding marine veteran, but he is not the only veteran in the House.

Mr. SOLOMON. Absolutely. I just pointed to another good one.

Mr. MOAKLEY. The gentleman can point to another one here.

Mr. SOLOMON. Absolutely.

Mr. MOAKLEY. Mr. Speaker, we have our differences on what is wrong. The only thing I am making a point of is that this budget came in with $200 million less than the House position. Is that not so, Mr. SOLOMON?

Mr. SOLOMON. The gentleman is absolutely correct.

Mr. MOAKLEY. Mr. Speaker, the gentleman asked me how I could fix that. We were not informed on how those on the other side of the aisle were putting the budget together, when they had all those raw figures. We are closed off of that room. So at one time, after the gentleman brings the budget, he says where would I fix it?

All I am saying is, if the House came in with that figure originally, the veterans need that money today as much as they needed it last week. And when the bill was recommitted, no one looked at that veterans figure to try to make some changes. It is still the same figure as it was when the bill was defeated here last week. That is the only point I am making.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the gentleman makes a good point. I worship the ground a former President walked on, and I have not talked to him since last February 6, when we passed the line item veto. That was Ronald Reagan. He taught me something, and it always bothered me, I would say to the gentleman from Massachusetts, and that is when we compromise, are we compromising our principles?

In other words, Mr. Speaker, if we really believe in something, we should not give in. He said, JERRY, in all the years I was President, for 8 years, he said I could not have it all my way. We had to compromise. And, Mr. Speaker, I would say to Mr. MOAKLEY, there is another body over there, and we have to live with them. We cannot just ignore them.

Now, we have 250 veterans hospitals out there, and all of these outpatient clinics and all of these people. We need to keep those going. The money expires. We have to pass this bill. Somewhere along the line we had to compromise. So if we can get $400 million more for the veterans medical care delivery system, and it came out of NASA, HUD, and Housing and we cannot get another penny out of there, I think it is time we compromise.

Mr. Speaker, I think it is time we voted for this bill because I think it is fair for everybody. What does the gentleman think?

Mr. MOAKLEY. Mr. Speaker, if the gentleman would yield once again, I would say, no, I think we should stay with the House position on the veterans. It was the veterans who came forward that were responsible in killing this bill, and I do not see any changes that affect them in here. I would be very surprised if a lot of people from your party do not walk in with casts on their arms if they are forced to change their votes.

Mr. SOLOMON. Mr. Speaker, reclaiming my time once again, let me say that I think the people in my party will do what I ask them. I hope the gentleman does not change his mind, because we are just getting the President's new budget.

The President, when he finally got around to giving us a 10-year balanced budget, according to his figures, he was going to cut veterans benefits by $9 billion within the first 7 years of that 10 and then $17 billion overall. We just got this new budget he set up this morning, and lo and behold, what does it have in it? Four billion dollars, not $200 million. Four billion dollars in additional cuts in veterans benefits.

I say to the gentleman from Massachusetts, I want him to stick with me and fight that with every ounce of strength he has.

Mr. MOAKLEY. Mr. Speaker, I think the gentleman has erred on his figures.

Mr. SOLOMON. Mr. Speaker, I am reading it out of Congress Daily in the Washington Post. Do they make errors?

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California, JERRY LEWIS, my very good friend, who has done such an admirable job in one of the most difficult positions in this Congress, and that is having to appropriate funds for this whole myriad, this big part of this entire budget.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding, and I did not want to intervene in the magnificent discussion between members of the Committee on Rules, but I must say to the gentleman from New York [Mr. SOLOMON] that your colleague and ranking member on the Committee on Rules is absolutely wrong when he suggests that we did not make an effort to find this money.

As a matter of fact, when we got our direction from the House, the biggest difficulty with that motion to recommit was the fact the gentleman from Wisconsin [Mr. OBEY] chose not to find offsets. It was obvious he was playing a political game in the process.

Mr. SOLOMON. That is what I resent.

Mr. LEWIS of California. Having said that, nonetheless, we went back and took a very, very hard look. The reality is that the only account in this bill that had an increase had to do with VA medical care, some $400 million. There are significant reductions, actual reductions, in housing and EPA and NASA, in FEMA, and all of them less under the CR, to say the least. As we go forward, those accounts will be affected very significantly.

But to suggest we did not try to find that money, the reality was that we could not go back and get more out of HUD. Maybe the gentleman from Wisconsin [Mr. OBEY] wants that, I am not sure. We could not go back and get more out of EPA. Maybe Mr. OBEY wants that, but I am not sure. He did not indicate it. We did try to find the money, and came to the conclusion that the only account that had been increased was VA medical care; and, indeed, it was appropriate for us to have the House recognize that support for our veterans.

It is very, very important that we not distort this process. Some in the House, maybe the gentleman from Massachusetts [Mr. MOAKLEY], I am not sure, some in the House believed the President was going to veto the defense bill, and from that they would take away some money from defense and give to these social accounts. Now, that did not occur. The President let that bill become law. We did not get a veto.

I never expected it, frankly, but we did not get extra money. Maybe that was their wish list, whereby we would provide more money for every one of these social programs. But, indeed, that did not occur, and because of it, this bill is fairly balanced and should not be distorted further because of the political process that appears to be taking place on the other side of the aisle.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I would just say to the gentleman, we are doing everything we can to cooperate. We voted, many of us the other day, for the Commerce-Justice-State appropriations bill. There was a lot in there I did not like. It was too much spending. But we have to keep the Government running. We have to keep it going. This is an effort, a compromise to do that.

This is probably the most important part of the entire budget except for the Department of Defense. That is why we need to compromise and pass this bill today.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I would ask, does the gentleman know of any veteran or veterans organization that is not interested in our Nation reaching a balanced budget? Do not the veterans organizations, at least they have expressed it to me, feel very strongly that our whole economy and their benefits and everybody else's benefits, Social Security, the whole gamut of what the Government provides, depends on our reaching a balanced budget as soon as possible so that the work of the gentleman from California and his committee, and all the other committees, and the gentleman from the Committee on Rules, in trying to contract the Government spending and keeping those benefits flowing in a rational manner all lead to a balanced budget which benefits everyone? Is that not what the veterans want for our country? I ask that rhetorically.

Mr. SOLOMON. Mr. Speaker, reclaiming my time once again, I would say to the gentleman, yes, everyone does, and so does 69 percent of the rest of the American people.

I am going to ask the gentleman to yield back the balance of the time and I will move the previous question, but I would hope that everyone would come over here. We have the gentleman from Wisconsin [Mr. OBEY], we have four more appropriation bills to nail down here in some way and we want to work together.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, let me say I find this debate ironic. This is December 7. A fairly significant military event happened on that day, as all of us know. I think it is ironic that on December 7 we are being asked by our Republican friends on this side of the aisle to adopt an appropriations bill which will reduce funding for veterans medical care by $213 million below the amount originally provided in the House bill.

☐ 1230

Do we want that money restored? You betcha. Do we want more money in this bill in general? You betcha. I make absolutely no apology for that.

The gentleman from New York [Mr. SOLOMON] said that those who brought this motion to the floor, in the gentleman's words, had voted against providing aid to the Contras. You bet I did. It was an illegal war. The gentleman said that we voted against aid to Salvador. Not me. I voted for a significant amount of aid to Salvador.

The gentleman said we voted against the Pershing missile. No, I did not. I supported the Pershing missile. I thought that was the one missile that was necessary to bring the Soviet Union to their senses. I think the gentleman ought to get his facts straight.

Second, let me point out that the President is going to veto this bill. It is $900 million below where the President wants it on the Veterans' Administration, and $1.6 billion below on the Environmental Protection Agency. While my colleagues have very reluctantly eliminated the antienvironmental riders in the bill, they still have included many of those same riders in the statement to the managers, which still puts pressure on the EPA to follow those antienvironment suggestions being made by this committee.

Mr. Speaker, I would make the point that this bill, when it comes back from conference, has $1.5 billion more to use, and yet the account for veterans medical care is reduced by $213 million. We do not believe that makes sense.

My colleagues on the other side of the aisle can talk all they want about there being a nominal increase in the funding for veterans medical care, but the increase provided will not keep up with inflationary cost increases to provide VA medical care. I think the committee understands it.

Mr. Speaker, this reduction will mean that nearly 50,000 veterans will be denied treatment at VA facilities; nearly 20,000 inpatient visits will not occur; nearly 430,000 outpatient visits will not be accommodated; more than 2,700 personnel years in the VA will be lost.

Mr. Speaker, I hardly think that is the kind of present we want to give our veterans on December 7. I would urge, after this rule is disposed of, that we vote for the recommittal motion when it is offered again, to insist that the committee do what this House said they ought to do in the first place.

Mr. Speaker, I would suggest that this committee does not have to reduce EPA funding in order to facilitate this request of ours. What they do need to do is go back to the drawing board and get a new budget allocation from the Committee on Appropriations central office so that they do not have to skewer the progress we want to make in veterans health care and in environmental protection.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHAW). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidentially a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 175, not voting 15, as follows:

[Roll No. 842]

YEAS—242

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—175

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Ackerman
Bevill
Bryant (TX)
Chapman
de la Garza
DeFazio
Fowler
Hancock
Istook
Rivers
Ros-Lehtinen
Tucker
Volkmer
Watts (OK)
Young (AK)

☐ 1253

Mr. SKAGGS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HANCOCK. Mr. Speaker, on rollcall No. 842, I was on the floor and voted my voting card. Evidently an electronic malfunction occurred and my vote was not recorded. If it had been properly recorded, I would have voted "yea."

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 291, I call up the conference report on the bill (H.R. 2099) making appropriations for the Departments of Veterans' Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to House Resolution 291, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, December 6, 1995, at page 35553.)

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and on the Senate amendments reported in disagreement and that I might include tables, charts, and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure once again to bring to the House floor the conference report to accompany the fiscal year 1996 Appropriations Act for the Department of Veterans Affairs, housing, and other independent agencies. Following Housing passage of the motion to recommit, I anticipated that the conferees would follow the direction of the House and add an additional $213 million to the VA medical care account.

Unfortunately, when that motion was made, the gentleman from Wisconsin [Mr. OBEY] chose not to supply necessary offsets so it would be in order to facilitate our effort in responding to the House's direction. So as a result of that lack of direction, Senator BOND and I made a serious effort to locate offsets but soon discovered that removing $213 million from the other accounts, to say the least, would distort our bill considerably.

As Members can see from this chart, which outlines the major agencies in this account, it is apparent that most of our agencies have been reduced very significantly from the 1995 appropriations year. HUD, for example, is down by $350 million. NASA down by $352 million. EPA is down by $235 million.

Mr. Speaker, it is obvious by this chart that there is only one account, there is only one account within this bill that had an increase. And that increase was some $400 million for VA medical assistance. It is true that when the bill left the House we had more money in this specific account, but everybody knows that when we deal with the other body, we must make sure that we try to make sense out of the priorities of both bodies. In this case, it is very obvious that the priorities involved making sure that we did not continue with further reduction in programs like important housing programs as well as important programs in EPA.

So, Mr. Speaker, I think it is important for the House to recognize that the present CR that we are dealing with for EPA, for example, creates major adjustments in terms of money availability. If we look at the current CR we are working under, EPA is cut by 11.5 percent. For housing programs, for example, they are 12.5 percent below the levels of the current conference report.

□ 1300

This is a far, far greater reduction than the reductions in the VA-HUD bill that is before us today. These remaining eight days provide a window of opportunity for narrowing the differences that divide the Congress and the White House. With every passing day, indeed with every passing hour, this window of opportunity is closing.

If the White House is serious about resolving the differences that remain between the White House and the Congress, the time to act is now. We are suggesting to the administration that they take a hard look at what a CR really means. If we should decide by the action on the floor today not to send this bill forward, not to have an opportunity to change it between now and the time it actually goes to the White House, then indeed it is very likely that all of these programs will operate under a CR that is considerably longer than ever anticipated and a continuing resolution that is even more severe than these numbers we see on the chart before us.

If indeed Members of the House want to give support to important housing programs, if they really care about EPA, if indeed we are interested in seeing that these programs go forward in a way that makes sense, the important thing today is to vote no on the motion to recommit that will be before us shortly and, beyond that, vote aye on final passage in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just 1 week ago I stood before the House in opposition to the conference report on H.R. 2089, the fiscal year 1996 VA-HUD and Independent Agencies appropriations act. As I stated then, this bill grossly underfunds many critical programs upon which this Nation depends for decent and affordable housing, veterans benefits, a safe and clean environment, science and technological investments.

Earlier this year, the House demonstrated that it shared my position with regard to protecting our environment and adopted the Stokes-Boehlert motion to instruct when the House appointed conferees. Then upon bringing the conference report to the floor for consideration, the House registered further concern about insufficient funding for yet another important program, veterans medical care, and recommitted the bill to conference.

Mr. Speaker, this conference report brought back for consideration shows plain and simple that the leadership does not care that the House wanted this bill changed. The basis of recommittal was to maintain the House position for veterans medical care. Nothing in this bill has changed with regard to that instruction.

In fact, it appears that the leadership's interpretation of recommitting a bill based on specific instructions means merely changing votes of Members who voted to recommit the bill. I think that veterans and veterans organizations should watch today to see which Members voted with them just 8 days ago in favor of more money for veterans medical care by recommitting the bill, and now, without any changes in the bill, changed their votes against adding the additional funds barely a week later.

Mr. Speaker, the conference report completely ignores the House instruction. This is total disrespect, disregard, and defiance to this body, after it recommitted this bill with instructions. In flagrant disregard of the House instruction, the conferees decide not to add any more money to VA medical care, and, after changing just a few commas, semicolons, and adding a little language, sent the same bill back here today in total derogation of the House's instructions.

Mr. Speaker, I have said before this is a bad bill. The President has said it is a bad bill. The House said it was a bad bill when it sent it back to conference. Since the conference report has not changed to reflect the House instructions, maybe the House needs to tell the conferees again. The President has given us his position on the bill, and that is the statement that I have received on the statement of administration policy that says this:

> The President will veto this bill, if presented to him in its current form. The bill provides insufficient funds to support the important activities covered by this bill. It would threaten public health and the environment, and programs that are helping communities help themselves, close the doors on college for thousands of young people, and leave veterans seeking medical care with fewer treatment options.

The President's statement also says:

> In addition, the administration would like to work with the Congress to address the other concerns that were outlined in the conference letter of November 6, 1995.

The President finally says:

> Clearly, this bill does not reflect the values that Americans hold dear. The President urges Congress to send him an appropriations bill for these important priorities that truly serves the American people.

Mr. Speaker, this bill does not serve the American people, and I urge support for the motion to recommit and to vote against the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, what we have before us today is the same conference report as before, but a decidedly different budgetary playing field.

Since the last time we were here, President Clinton has signed the Defense bill, which, for the time being, takes off the table the honey pot of money the administration was seeking to redirect toward spending on social programs.

Indeed, the choice before us today seems more clear today than ever before.

Either President Clinton signs this bill, or all of the programs under its jurisdiction will most likely be funded at the levels contained in the last continuing resolution.

This bill is really the last, best chance we have to increase spending on environmental protection; to increase spending on affordable housing; to increase spending on space exploration and scientific research compared to current funding levels.

The numbers are indisputable. Every major program in this conference report gets an increase. NSF up 0.63 percent; FEMA up 1.74 percent; NASA up 1.92 percent; VA medical care up 2.47 percent; EPA up 11.46 percent; and HUD up 12.44 percent.

So I urge my colleagues, think long and hard about that before you vote.

Now Mr. Speaker, I feel compelled to address the veterans medical care issue.

There has been a lot of debate about the conference committee's actions following this latest motion to recommit. And I think it is time we start separating the facts from all the political theater.

When the conference report was last brought to the floor, the minority moved that it be sent back to conference to add more money for veterans' medical care.

At the time, I doubt that even the sponsors of the motion to recommit believed that it would prevail.

After all, motions to recommit are procedural votes that are, with few exceptions, largely symbolic in nature.

Certainly, this motion to recommit did not have the same significance as, say the Stokes-Boehlert motion we considered earlier this fall.

But I think that many Members saw this vote as an opportunity to demonstrate their concern for the Nation's veterans. Who knows, maybe some Members voted to recommit the VA-HUD bill just out of habit.

Either way, the motion passed.

But I think it is clear that this was not an organized attempt to put more money into veterans medical care. If it were, the sponsors surely would have offered a package of offsetting spending cuts to fund the increase. They did not.

So the conference committee treated the motion for what it really was—a feel-good vote.

I believe that every Member of this body, Republican or Democrat, shares a genuine concern for those Americans who have sacrificed their health and well-being in defense of our great Nation.

Indeed, in the bill before us today, we have treated veterans medical programs better than any other program under our jurisdiction.

The lesson here is that procedural votes, however politically appealing, have real consequences.

So I urge my colleagues, let us keep the process moving along. Vote for the conference report, and resist any further procedural potshots fired from the sidelines.

Mr. STOKES. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking minority member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as Yogi Berra said, "It's deja vu all over again." On December 7, the day on which the Japanese bombed Pearl Harbor, we are bringing up a bill of special concern and interest to our veterans. This is exactly the same bill that was rejected by the House recently, because it slashed veterans health care some $400 million below the administration's request, and some $213 million below the choke-hold level that the House had passed. The same bill is back before us. Let us reject it again, because it is no better bill today than it was last week when we rejected it.

I remember my vote last time, and I know my colleague do. We voted for veterans, for their families, for their children. We told the majority that while we favored a balanced budget, we do not favor a budget that balances on the back of our veterans. We said that with their slashing of Medicare, their trashing of Medicaid, and their bashing of every other item in the social safety net, adequate health services for our Nation's veterans becomes even more vital.

We said then this bill is unacceptable. It is still unacceptable. It has not changed. It will cut funds for construction of two hospitals, including one needed to replace a hospital damaged in the L.A. earthquake of 1991. It will lead to firing of health care workers. It will lead to denial of health care for veterans. It includes the same punitive constructions on the budget of the Administrator and the Secretary of the Veterans Affairs Department.

A vote against this bill will simply inform the Committee on Appropriations conferees, who have disregarded the instruction of this House, that they cannot so lightly do it, and that when the House informs them they are to take care of the veterans, they should do so.

A vote against the bill that arbitrarily cuts 22 percent from EPA's general budget is also a good vote. It makes a total additional 25 percent cut in environmental enforcement. These cuts, totaling over $1.6 billion, come on top of nearly $1.3 billion in last year's rescission bill.

Mr. Speaker, I urge my colleagues to vote against this outrageous behavior by the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the conference agreement for a second time. I again thank the gentleman from California, Chairman LEWIS, for yielding me this time. He deserves credit for doing a terrific job on a tough but very essential bill.

As I said last week on the House floor during consideration of this conference agreement, we have done the best we could, given our allocation. We have prioritized our Nation's needs. No one ever said it would be simple balancing our Federal budget, but I believe it has been done responsibly.

It is easy for those in the minority to say that we need more money. But the fact is, what we need to do is to live within our means. We have spent our allocation, and there is no more money left.

That is why I was surprised when this conference report was recommitted with instructions to add more money to veterans medical care. This program, unlike the majority of the other programs included in this bill, received nearly a $400 million increase, an increase of $400 million.

Yesterday in conference committee the question was asked of the minority, where should the increased funding for veterans medical care come from? No suggestions were given, and the reason no suggestions were given was because they know that in order to govern, to really balance the Federal budget, and to serve people's needs, we all have to make tough choices.

A delicate balance has been a reached in this conference agreement, and taking funding from one program and giving it to another would disrupt this essential balance.

Mr. Speaker, this is a good conference report. We have done our job. I urge my colleagues to support it.

Mr. STOKES. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ], the distinguished ranking minority member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as I did last week, I strongly oppose this mean spirited and draconian HUD-VA appropriations conference report for fiscal year 1996. Nothing has changed. It was a bad bill then and it is a bad bill today. It still victimizes people who are helpless—they have neither money nor power, which are commodities that seem to get attention these days. And it still slashes one-fifth of the budget for the Department of Housing and Urban Development.

What this conference report still does, make no mistake, is place the burden on cities and States, while the Federal Government takes a walk and abrogates its responsibilities. The Republicans call it devolution; I call it shirking our responsibility in favor of the wealthy at the expense of America's poor and working families.

I still urge a "no" note on this conference report, which merely victimizes further the victims of poverty.

□ 1315

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, under this conference agreement, VA medical care is increased by $400 million. Increased. A real increase of $400 million at a time when the word "increase" is becoming a rarity. It comes at a time of declining veteran population and a decline in the utilization of VA hospitals.

In addition, medical research is increased by $5 million over last year's level, and the minor construction program is increased by $37 million over last year's level. The VA-HUD appropriations agreement is fair to veterans' programs. In fact, the VA-HUD Act reflects cuts in virtually every agency program or account except VA's medical care account. This increase comes at a time in which the veterans' population will decrease by 2.5 million and the VA hospitals, it might surprise my colleagues to know, on any given day has between 23 percent and 50 percent of all beds in those VA hospitals lying vacant.

Mr. Speaker, this bill, the adoption of this agreement, is integral to our balanced budget plan. And what will a balanced budget mean to Arkansas' veterans, my home State? With a balanced Federal budget, according to a recent study, interest rates will drop 2.7 percent. For an Arkansas veteran that means, on the average mortgage, $1,591 per year that they will save. That is for an Arkansas veteran. On a school loan, on an average 10-year student loan in Arkansas, they will save $645 when we do this. They will save $148 per household because of the decreased cost of local and State governments.

A balanced budget is good for veterans and this is a step toward that balanced budget, which we need.

Mr. Speaker, the Republican plan invests dollars and dignity in veterans' programs. It also makes a commitment to future veterans that America will be anchored on a sound, strong financial basis. This bill is pro veteran. I urge support for it.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts, [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, this is a bad bill. It is basically the first step of a two-step process which we are going to see within this Congress. The first step is putting the EPA on a starvation diet. Squeeze down the amount of money they have to clean up Superfund sites. That is what this bill does.

Meanwhile, at the same time, in the Committee on Commerce, there is a Superfund gutting bill which does at least two things, but more. One, it puts a cap of only 125 more sites that can ever be cleaned up under Superfund. Ever. Only 125. There is at least 1,200 or 1,500 more sites in the country, but that is all it will be, 125.

Second, it gives polluter rebates. It is the Ed McMahon polluter's clearinghouse sweepstakes. The Superfund bill in the Committee on Commerce says to polluters, congratulations, you may have already won millions of dollars in fabulous cash rebates. All you have to do is wait for Congress to pass that bill that is in Commerce right now, and soon our prize van will be on its way to your corporate headquarters with a rebate check in hand to pay you for cleaning up sites that you willfully or negligently polluted in the past, draining out all remaining money that is in Superfund.

So think of this as the one-two punch. Finishing off Superfund once and for all, drain the revenues here so that we cannot clean up any of the existing sites that are on the list, sorry, and then put a cap on any future sites in the next bill coming down the line.

Mr. Speaker, we must vote no here so that we can have the full debate we need on what the responsibility is of the Government of this country to clean up these neighborhood nightmares across the country.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me time, and I commend him on handling a bill that I think is very important to the future of our veterans and the future of our Nation's space program and handling the bill extremely well.

This bill fully funds our manned space flight program and the shuttle account at the levels the President asked for. It also includes funding for the construction of a new veterans clinic in my district. The veterans in my district have been asking for a health care facility for 12 years. It is one of the largest areas in the Nation of veterans that does not have a medical health care facility, and we have some funding in this bill to provide them with some good quality outpatient medical care.

Mr. Speaker, as many know, prior to coming here I was a practicing physician, and this will meet about 80 to 90 percent of the health care needs of the veterans in my district. It is a good bill. I encourage all of my colleagues to support it.

What I think was disgraceful, Mr. Speaker, was a motion to recommit to add more money to a veterans account and then no attempt to find an offset for where those funds would be coming from. I had hundreds and hundreds of veterans support me in my campaign last year because they want the budget balanced. They know if we do not balance the budget, there will be no money for health care for veterans, there will be no money for the space program. There will be no money for anything. We will be broke.

Mr. Speaker, it is shameful to see people getting up and saying let us put more money into this and then not come up with a place to find the money. We need to get our priorities in order. We need to balance the books. We need to be responsible with the way we handle the people's money. This is the people's money.

I know what would happen if the minority were the majority. They would just borrow the money again. They would add more money to our Nation's debt.

Mr. Speaker, the chairman of this committee has crafted a well-thought-out bill that meets the needs for the future of our Nation, for the future of our space program and for the future of our veterans. It is a good bill. I encourage all of my colleagues to support the bill and vote, yes.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WATERS], a member of the Committee on Veterans' Affairs and the Committee on Banking and Financial Services.

Ms. WATERS. Mr. Speaker, this conference report is a disaster. This conference report hits veterans where it hurts most. It cuts funding for new construction of veterans outpatient medical facilities. Many aged and ill veterans are forced to try to travel miles to get to a VA facility and this would decrease transportation assistance. Many are simply doing without desperately needed health care.

If that is not enough, this bill hurts another vulnerable population, families and children, who simply need a place to live. Decent housing, shelter, a roof over their heads. This bill cuts housing by 21 percent. What an indictment on our values. We wave the flag and proclaim our love for veterans, yet when their backs are turned, we stab them in the back by ignoring their health care needs. And where are our so-called family values? These are real lives, real people, real children, real families we are hurting.

I urge my colleagues to reject this conference report. It does not even deserve the dignity of a debate.

Mr. LEWIS of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, my colleagues and the veterans throughout our Nation need to know the truth about this conference report. It is a good piece of legislation that deserves to be passed and signed into law. Why? Because without this legislation veterans will not get the health care they deserve. This bill provides the VA-Medical Care Account with $400 million more than last year. It is the only account in the entire bill to receive an increase.

What will happen if this bill does not pass or is vetoed by the President? Should we have to fund all the accounts in the bill under a continuing resolution, those levels will not be nearly as high as the levels in this bill. That is true for veterans programs, housing programs, environmental programs, and disaster readiness. That is why it is essential that this bill be passed and signed by the President.

All of these programs are important, and this conference report reflects this fact by providing funding to improve housing for our poor, to eliminate drugs in our neighborhoods, to maintain essential environmental programs, and to provide good health to our veterans.

These are our Nation's priorities and this legislation provides funding for these priorities. I urge my colleagues to support the conference report to H.R. 2099. If you care about the veterans and other citizens in your district, you will know it is the right thing to do.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin, [Mr. NEUMANN], a member of the committee.

Mr. NEUMANN. Mr. Speaker, I rise in strong support of this bill. The freshman class came here about 10 months ago with a very strong responsibility to get this budget balanced in 7 years or less. When we look at the overall budget picture, we see Medicare spending going up from $4,800 per person to now over $7,100 per person in the system. We see Medicaid spending going up at a rate faster than the rate of inflation.

Mr. Speaker, if we are going to allow these areas of the budget to increase, and at the same time get to a balanced budget over a 7-year period of time, someplace, somewhere the budget has to be brought under control. And much to the credit of our chairman, this is one of the places where the budget was, in fact, brought under control.

Our chairman has hit the number that he was given in order to bring the budget into balance over this 7-year period of time, and, clearly, he is to be commended for doing that. This area of spending in the HUD-VA budget and budget authority is down over $9 billion from last year. This is truly a credit to the chairman of this committee and to all the people that have been actively involved in bringing this in line.

The American people have said it is time to get this budget balanced. Clearly, this bill we have on the table today is an important and significant step in the right direction.

(Mr. CLAY asked and was given permission to speak out of order.)

SHIRLEY VOLKMER, WIFE OF REPRESENTATIVE HAROLD VOLKMER, PASSES AWAY

Mr. CLAY. Mr. Speaker, I asked for this unanimous consent to speak out of order for a moment to inform the House that Shirley Volkmer, the wife of our colleague, the gentleman from Missouri, HAROLD VOLKMER, passed away this morning in Arlington Hospital.

I would like to notify the Members that visitation will be held tomorrow, Friday, December 8, from 6 p.m. until 8 p.m. at the Murphy Funeral Home located at 4510 Wilson Boulevard in Arlington, VA. Visitation will be held from 2 p.m. until 5 p.m. Sunday, December 10, at the O'Donnell Funeral Home in Hannibal, MO.

Services for Shirley Volkmer are scheduled for 10 a.m. Monday, December 11, at the Holy Family Catholic Church in Hannibal, MO.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS], the ranking minority member of the Veterans' Subcommittee on Hospitals and Health Care.

Mr. EDWARDS. Mr. Speaker, today my Republican colleagues have a choice, a very clear choice. I believe they must choose between their commitment to veterans health care versus towing the party line.

Last week, 25 House Republicans showed independence and courage in saying no to their party and no to $213 million in conference cuts to veterans health care. These 25 Republicans should be saluted for putting veterans above partisanship. Sadly, rather than saluting them, the House Republican leadership scolded them for supporting veterans.

Let me quote for my colleagues one House leader from today's Wall Street Journal. Referring to the 25 Republicans, the leader said this, and I quote, "I was madder than hell. They had forgotten the big picture and they were doing things on their own individual initiatives."

Mr. Speaker, it is a sad day for this House when Republicans are criticized by their own leadership for showing their own individual initiatives to support veterans. The Journal article went on to say this: "The loss infuriated the leadership, which wants to show its political muscle and reverse the outcome without making high profile concessions on spending."

Mr. Speaker, when did showing political muscle become more important than helping veterans? I would suggest that showing political courage is far more important than showing political muscle.

I urge my 25 Republican colleagues, who cast a tough vote, a courageous vote in favor of veterans last week, to do so again today. How can anyone explain to veterans why in 1 week they switched their vote on $213 million in veterans health care? More important, by putting veterans above partisanship, we can ensure that our Nation's veterans receive the quality health care they so deeply deserve.

I urge my 25 Republican colleagues to vote today for the same motion to recommit that they voted for just a week ago. Our veterans have stood up for us. Now, on Pearl Harbor Day, it is time for us to stand up for them.

□ 1330

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Taking just a moment, I was kind of curious about the remarks of the gentleman from Texas [Mr. EDWARDS]. I presume, since the gentleman knows full well that his party is not willing to take additional funding out of HUD or out of EPA, I suppose the gentleman would want to take it out of NASA. We can take more out of NASA, if the gentleman would like, and put it back into veterans programs, but I am not sure that his district or his State would understand or appreciate that.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, may we have some understanding as to how much time each side has left?

The SPEAKER pro tempore (Mr. COMBEST). The gentleman from California [Mr. LEWIS] has 15½ minutes remaining, and the gentleman from Ohio [Mr. STOKES] has 18 minutes remaining.

Mr. STOKES. Mr. Speaker, I yield 1½ minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, what this legislation is about speaks to the priorities of the gentleman from Georgia [Mr. GINGRICH] and the Republican leadership, and those priorities are wrong.

Mr. Speaker, at a time when millions of Americans are finding it increasingly difficult to locate affordable housing, should we be making major cuts in our housing programs which will result in higher rents for the working poor and increased homelessness? The answer is no.

At a time when people from one end of this country to the other are worried about the impact of pollution and pesticides in our air, our water, and in our food, should we be making devastating cuts in environmental protection? The answer is no.

Mr. Speaker, at a time when millions of our veterans, the people who put their lives on the line to defend this country, are today unable to receive the health care and the other benefits which they have been promised, should we be laying the groundwork in this legislation for a 7-year budget which makes devastating cuts to our veterans programs? The answer is no.

Mr. Speaker, this country must move forward toward a balanced budget, but we should not do it on the backs of our veterans, the elderly, the children, the middle class, and the poor.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I rise really to speak in response to some of the things we have heard here, because listening, it is almost like some of our veterans across the country might think we do not care about them.

Mr. Speaker, I think it is important that our veterans know and understand that under the bill we are about to pass, spending on veterans benefits is being increased by $400 million. It is the only category, as we looked at this whole thing, where we did in fact do increases. Only in Washington do we call a $400 million increase for our veterans a cut.

Mr. Speaker, I just think it is very important that we reassure the veterans in this Congress, and the veterans across this country, that veterans benefits are not being cut. Veterans benefits under this bill are going up by $400 million.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in strong opposition to this bill. This bill wildly misses the mark. It misses the mark on fairness, because it misplaces our values and it is about misguided priorities.

Mr. Speaker, I am a strong supporter for the balanced budget and have voted for a coalition budget that balances the budget in a fair manner by the year 2002.

Mr. Speaker, this particular bill will cut housing by 22 percent, it will not restore $213 million in badly needed veterans benefits, and it misplaces our priorities in science, where it rewards a space station that is $80 billion over budget and threatens our science in programs like the Galileo project that will hopefully be tremendously successful today in helping us discover what takes place on Jupiter.

Mr. Speaker, I strongly encourage my colleagues to defeat this misguided, misplaced bill and to continue to work on efforts such as the coalition budget to balance this budget in a fair manner.

Mr. LEWIS of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I would like to make a couple of comments in this debate about priorities. This bill is doing everything it can with the limited resources we have to prioritize those tax dollars to the people who need the money the most.

Mr. Speaker, it deals with housing in a way that holds people very accountable for the condition of those houses, but ensures that people who need to live in public housing, who need a lift up, will get that.

So, public housing is not cut, nor is it going to send anybody out into the streets. The money is spent to ensure that people who need to live in those houses have a decent place to live and ensures the accountability of those people who are on the boards of directors of public housing in the various communities.

Mr. Speaker, as far as veterans benefits are concerned, I will say two things. First, it is an increase of $400 million. That is an actual increase. I am a veteran of Vietnam, wounded. I spent time in the system. As a former Marine Corps, wounded Vietnam veteran, and the list goes on and on, and there are a lot of Americans out there that are in that category, I have been through the system.

Mr. Speaker, I have been through naval hospitals. I have been through veterans hospitals. I continue to visit them as a Member of Congress and also as a wounded veteran who occasionally will need their services. This bill makes sure, and we are held accountable, this bill makes sure that veterans receive the benefits that they deserve.

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking minority member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, on December 7, we are being asked to pass a bill which reduces veterans funding by $900 million, and which cuts environmental protection funding by $1.6 billion below the amount requested by the President.

Mr. Speaker, I do not think we ought to do that on any day. I certainly do not think we ought to do that on the anniversary of Pearl Harbor. That is not the message I want to send to veterans.

Mr. Speaker, I also want to say that on the environmental side, while the committee has removed, after the House voted to instruct them to do so, while the committee has removed the 17 antienvironment riders, the polluter's dream list, from the bill, they have, nonetheless, retained some of those same provisions in the statement of the managers, which still puts pressure on EPA to follow those misguided suggestions. I do not think we ought to do that on December 7, or any time.

Mr. Speaker, we have seen a number of charts displayed by our good friends on the Republican side of the aisle. I would simply make two points. If those charts compared agency-to-agency funding from one year to another, they would show that total VA funding is $43 million below last year, and $915 million below the President.

In a very simplified chart, if this line across the page is represented by the President's budget, veterans are cut by $915 million. Or if I can use a comparative chart, the bill which came back from conference had $1.5 billion more than what was contained in the House bill, represented by this baseline. But, in fact, veterans got $213 million less in funding, even though the bill was expanded by a billion and a half dollars. Now, that hardly sounds to me like veterans are being given high priority.

Mr. Speaker, we are being told on the Republican side of the aisle by my good friend, the gentleman from Wisconsin [Mr. NEUMANN], that, after all, we have a 2-percent increase in here for veterans. There is a nominal increase for veterans health care, but the fact is the inflation rate in health care is 10 percent a year.

Mr. Speaker, when we provide only a 2 percent adjustment, that means in real purchasing power there is a significant decline in what we are going to be able to provide for veterans. That is why 50,000 veterans will be denied treatment at VA facilities; nearly 20,000 inpatient visits will not occur; 430,000 outpatient visits will not be accommodated; and, 2,700 personnel-years will be lost.

Mr. Speaker, we are also told, "Gee whiz, you folks did not prepare any offsets." There are a number of offsets that the committee could provide. They know where they can find them. But let me suggest that we did ask the Committee on Appropriations to provide a different outcome, because we offered a motion in full committee where the allocations are made between the 13 various subcommittees. We offered a change in allocation from that adopted by the Republican majority which would have provided significant additional assets in this bill. I believe the number was around $200 million additional in outlays.

Mr. Speaker, In my view, if we want to correct the problem, we ought to go back and provide a different 602 allocation. That is what we ought to do. What my Republican colleagues have done is to short-sheet this bill in order to enable the country to buy twice as many B-2 bombers as the Pentagon wants, and in order to enable the country to go down the road in spending $70 billion on an aircraft that we do not need for another 15 years in the case of the F-22.

In order to finance those additional funding requests that the Republican majority has, we are being told we ought to cut education, squeeze veterans, squeeze health care, squeeze environmental protection. I do not think that is what this Congress ought to be all about.

Mr. Speaker, I would simply say, in closing, that in addition to the problem which we have in veterans, which can be corrected by the motion to recommit, we need to have a substantial increase in environmental funding, and this bill simply does not provide it.

Mr. LEWIS of California. Mr. Speaker, it gives me great pleasure to yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH], my classmate and colleague.

Mr. ROTH. Mr. Speaker, I was sitting in my office and I saw all these words flying back and forth, and I was reminded of an adage we have back in Wisconsin that actions speak louder than words. I was reminded that yesterday President Clinton vetoed the balanced budget bill. But to do it, he flew a pen from Texas, from the LBJ Library, up here to Capitol Hill, to Washington, to the White House, to veto the bill.

Mr. Speaker, if he is so interested in veterans on this historic day of December 7, I would have given President Clinton this pen and he could have vetoed the bill, and he could have saved all of that money and could have given it to the veterans.

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We have got too much symbolism here. It is about time for some intellectual integrity. Our friends on the other side are throwing all this barnyard stuff over here. Let us do something for the veterans on December 7. Let us do something for the children of this country. Let us do something for the United States of America for which all those veterans fought, and let us have a balanced budget for the first time in 26 years and really do something for this country, rather than all this symbolism.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, let us, if we might, try to set the record straight on a couple of aspects of this bill that are pretty much irrefutable. This bill eliminates national service as we know it in this country, never to occur again. It eliminates community development financial institutions. It decimates the ability of the Environmental Protection Agency to do what it has set out to do, whether it is Superfund cleanup or rewarding polluters, as this bill does, it is bad news for the EPA, for the environment and for Americans no matter where they may be. And it goes so far, it cuts the EPA by 20 percent.

Some critics are upset because some of us have raised the question about veterans and are arguing, well, veterans are concerned about a balanced budget. Every veteran I know is, but they are also concerned about knowing that they will have someplace safe to take care of them in their old age. We were not worried about offsets when we were sending them into World War II, Korea, and Vietnam. We should not be worried now except to say that we have an obligation to veterans that goes beyond just maintaining the funding.

We cut 60 percent in construction facilities alone and that adversely affects veterans no matter who they are or where they are. Finally the bill reduces funding for housing by 20 percent. It takes all of the things that many of us have worked for on both sides of the aisle under the name of a balanced budget and eliminates them by saying, this is what we have to do.

Conscience tells me what we have to do is to reorder priorities. In doing that, we will find other ways to take care of the balanced budget, but not by decimating the EPA, by doing away with housing throughout this country and housing programs, and by severely hurting veterans who all across this Nation are looking for decent, adequate veterans care and a right to believe that this country and this Congress on December 7, Pearl Harbor day, have their best interests in mind. It is a bad bill. In fact, it is a disaster. I would urge its defeat.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, this bill is a slap in the face to Florida's veterans. The President requested $154 million for the Brevard County Hospital which would serve Florida's veterans in and around my district. But the Republicans in Congress took away that money. That hospital so desperately needed by veterans will not be built.

Where do sick veterans in Florida go for hospital care? For the last few years, hundreds of Florida veterans who have developed psychological problems are shipped out of State. That's right. They get shipped off to Mississippi and Alabama for their care. Two beautiful States, indeed, but far away from their loved ones in Florida. I think this is wrong. To me, there is nothing more compelling than the need to care for veterans who suffer the effects of fighting our wars. That's why Florida needs the Brevard County Hospital.

Mr. Speaker, I rise in opposition to the conference report on the VA–HUD appropriations bill. President Clinton has announced his intention to veto this bill because it funds veterans programs at $900 million less than what he requested in his budget.

Right now, nearly 2 million veterans live in Florida, nearly 60,000 in my district alone. More veterans live in Florida than in any other State except one. And 100 veterans move to Florida every day. These men and women are growing older and need medical care.

Mr. Speaker, this bill is a slap in the face to Florida's veterans. The President requested $154 million for the Brevard County Hospital which would serve Florida's veterans in and around my district. But the Republicans in Congress took away that money. That hospital so desperately needed by veterans will not be built.

Where do sick veterans in Florida go for hospital care? For the last few years, hundreds of Florida veterans who have developed psychological problems are shipped out of State. That's right. They get shipped off to Mississippi and Alabama for their care. Two beautiful States, indeed, but far away from their loved ones in Florida. I think this is wrong. To me, there is nothing more compelling than the need to care for veterans who suffer the effects of fighting our wars. That's why Florida needs the Brevard County Hospital.

According to the Department of Veterans Affairs, with this bill, almost all renovation and construction of veteran's health facilities will terminate. A funding freeze would lead to a sharp reduction in the number of employees who counsel veterans and decide claims for benefits. The VA's award-winning medical and prosthetic research program would be cut in every year under the freeze.

Mr. Speaker, balancing the budget is a top priority. And I am committed to doing just that. The President is also committed to a balanced budget. But in balancing the budget, a shared sacrifice is necessary. And I share the President's view that we must not balance the budget on the backs of our Nation's most fragile citizens—seniors, veterans, poor women, children, and the disabled.

Our Nation's veterans earned their benefits through service and sacrifice. It should be America's highest priority to honor our commitment with our veterans. I believe it is wrong to abandon our veterans who have gone in harm's way to serve our country. We need to take care of our U.S. service men and women—when they are fighting our wars, and when, as veterans, they need health care. I urge my colleagues to vote against this bill.

Mr. STOKES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my position on H.R. 2099 has been consistent from the beginning. It simply does not have a sufficient enough allocation to address all the vital programs under the jurisdiction of this subcommittee. It is irresponsible to even consider sacrificing one critical program over another solely because the Republican leadership does not want to provide additional money for this bill overall.

There was an opportunity for us to do this, just 2 days ago, when the House full Committee on Appropriations met and increased the 602(b) allocation for other appropriations bills. However, the VA–HUD allocation was not considered as a part of these discussions. We are not even talking about making up the $9 billion difference between the President's budget request and this conference report.

The President in good faith tried to negotiate a package that would have added an additional $2 billion for VA HUD as well as support the remaining appropriations bills at a level that would retain some very important domestic programs. I think it is important for me, before closing, to say that I have just received, while here on the floor, a statement of administration policy. It is dated December 7, 1995. In the statement of administration policy we are told that the President will veto this bill if it is presented to him in the current form.

This is after the administration has been advised of the action taken by the conferees yesterday in conference. I will not read other parts of the bill, of the statement except to say this: The President said, the bill provides less than the President requested for veterans medical care. The bill also includes significant restrictions on funding for the Secretary that appear targeted at impeding him from carrying out his duties as an advocate for veterans throughout the country. Finally, the bill does not provide necessary funding for VA hospital construction.

The President ends the statement by saying: Clearly, this bill does not reflect the values that Americans hold dear. The administration would like to work with the Congress to address the issues discussed above as well as the other concerns that were outlined in the conferees letter of November 6, 1995. The President urges Congress to send him an appropriations bill for these important priorities that truly serves the American people.

Obviously, this bill does not serve the American people.

Lastly, I would just make reference to a letter I received, dated December 7, 1995, from the Secretary of Veterans Affairs. The Secretary says in his letter to me: "Dear Congressman STOKES, I was greatly pleased to see that the House voted yesterday"—this is referring back to the previous vote—"to recommit the fiscal year 1996 VA–HUD Independent Agencies Appropriations Act back to the conferees with instructions to provide an additional $213 million for VA medical care."

It goes on further to say: "It is my great hope that the conferees will be able to agree on a figure that represents the sense of the House as evidenced by yesterday's vote."

Secretary Brown then says: "It is also my hope that the conferees will be able to address the issues of the punitive cuts in my office and three VA staff offices. These cuts were a reaction against what I consider were my honest efforts to be sure that the veterans community and the public were aware of the facts in the budget debate. I understand the conferees reacting against my outspoken advocacy for VA medical funding. But their action will result in adverse personnel actions through either furloughs or layoffs for many dedicated career civil servants who are performing essential services."

We have a chance today to try and give the conferees one additional chance to clean up this bad bill.

I think the House has spoken once before. This is a golden opportunity for us to once again tell the conferees of the House and Senate that this bill is intolerable, that the President is going to veto it. Congress has the first opportunity and the first responsibility to act before the President has to take the serious action that he has indicated. I urge Members to support the motion to recommit and vote against this conference report.

Mr. Speaker, I include for the RECORD the letter from Secretary Brown to which I referred.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, November 30, 1995.
Hon. LOUIS STOKES,
Ranking Minority Member, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN STOKES: I was greatly pleased to see that the House voted yesterday to recommit the FY 1996 VA, HUD, and Independent Agencies Appropriations Act back to the conferees with instructions to provide an additional $213 million for VA Medical Care. Your leadership in opposing the conference report was instrumental in the successful motion to recommit. I applaud your outstanding efforts.

You and I have talked often about the necessity for providing adequate funding to take care of the medical needs of our sick and disabled veterans. It is my great hope that the conferees will be able to agree on a figure that represents the sense of the House, as evidenced by yesterday's vote.

It is also my hope that the conferees will be able to address the issue of the punitive cuts in my office and three VA staff offices. These cuts were a reaction against what I consider were my honest efforts to be sure that the veterans community and the public were aware of the facts in the budget debate. I understand the conferees reacting against my outspoken advocacy for VA medical funding, but their action will result in adverse personnel actions, through either furloughs or layoffs, for many dedicated career civil servants who are performing essential services.

Once again, I want to thank you for your outstanding leadership and your dedication to our Nation's veterans.

Sincerely,

JESSE BROWN.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I first want to say too, that we very much appreciate our colleagues' patience with this process. It is not usual that we go back at a bill more than one time, and in this circumstance to have a bill recommitted by the House for a specific purpose is not the normal process. Because of that, we are taking up a good deal more of the House's time than would be normal.

I think it is important for the Members to know exactly what the circumstances were at the time of that recommittal motion. At that point in time, there is little doubt that there were those on the other side of the aisle, some on this side of the aisle, who thought the President did plan to veto the defense bill. My colleague, the gentleman from Ohio [Mr. STOKES], has referred to his own belief that there were several billions of dollars in the defense bill that the President had not sought and, therefore, he might very well veto it.

The motion to recommit in part was in hopes with that veto that they would get more money for this bill and there could be additional dollars put back in the veterans programs. The fact is that that veto did not take place. So we are dealing with a specific and limited number of dollars within this bill.

Just as important, I think it is critical for all of us to understand that we are on a pathway to attempting to balance our budget over a 7-year period. Between this year and the year 2002, we hope to get to a balanced budget. If we are to do that, we must recognize that there are only a few bills around that have sizable numbers of discretionary dollars.

This bill makes the single greatest contribution of all of our appropriations bills toward balancing that budget, a savings from the President's request of some $9.2 billion. Between now and the time this bill gets to the President's desk, he can still come forward and participate in a serious way in this process, if indeed he has some other adjustments or priorities that he would make.

Please, have the President and his people come and talk to us. He has yet to suggest any change that would make this bill more satisfactory from his point of view. Between now and the time the Senate finishes its work, there is a narrow window of opportunity for him to do that. Otherwise, the President is playing politics with this bill rather than seriously seeking partnership by way of working with the legislative branch.

I want to tell my colleagues that there has only been one major disappointment this year in this process. My disappointment lies with the difference I see between the way the majority and the minority worked with each other in the House versus the other body. I was most impressed by the fact that the other body found itself in the same situation we are in, limited numbers of dollars because we are in a new reality.

We are attempting to reduce the rate of growth in spending and eventually balance the budget. Recognizing that in the other body, the Democrats and Republicans alike worked together in a very positive way within limited circumstances to try to accomplish a bill that met most of their needs. In the House, I am disappointed to say, we have not had that experience. I must say that one of my best friends on the other side of the aisle is my colleague and my ranking member, the gentleman from Ohio [Mr. STOKES]. I say to my colleague that it is a great disappointment to me that we have not been able to work together in a positive way in this new atmosphere.

I do understand his and his colleagues' great disappointment with the fact that we are not in a situation where Congress is going to continue to just take last year's spending, increased by inflation, and then add on more. That has been the pattern for the 15 years I have served on the subcommittee. But indeed, in that new environment, I would have hoped we could have worked together in a positive way instead.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I would just say to my distinguished chairman and my friend that I share with him the concerns that he has expressed in terms of the manner in which the process in the House has not been the same as it was in the past. As the gentleman knows, when I chaired the same subcommittee which he now chairs, I attempted at all times to involve the gentleman in the process and did so in a way where he was never caught in the dark as I have been caught in terms of this particular bill. I have not been included in the same way I included the gentleman. I just want to say to the gentleman I hope that he could have handled the matter a little differently.

Mr. LEWIS of California. Mr. Speaker, reclaiming my time, I really did not intend to discuss this on the floor, but the reality is that this year we have given the gentleman information ahead of time in printed form. We have informed him well ahead of time. In the past this Member had these issues discussed the night before the bill went forward with no material to take home, no material to discuss. Indeed, we believe we have been radically more open than it was in the past.

If I could continue with my comments, I am not sure, I must say, while I have expressed my disappointment, and I hope that my colleague and I will discuss this further in private, I do not know where my colleague would take the additional funds that he suggests that he would like to give back to the veterans by way of this recommittal motion.

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I cannot believe that he is not appreciative of the reality that veterans' programs are increased in this bill. It is the only account that has an increase in this bill. Above and beyond that, every one of these other programs has been reduced. I do not think my colleague would want to take more money out of HUD. I cannot believe my colleague would be interested in taking more money out of EPA. I really do not believe my colleague wants to close down NASA.

The reality is that this is a balanced bill, as balanced as it can be within the constraints of the limitations of this new age.

Let me say that it is also important for the Members to know that I have not heard from one veterans' group that has not been satisfied with this bill. Indeed most recognized the reality, that they have an increase in this bill while no other agency has an increase.

Further, I think it is important for our colleagues to know that should we decide in this body not to go forward with this legislation, then we are left with the continuing resolution and we are likely to have a continuing resolution for a very extended period. Under those circumstances every one of these accounts would be spending out at considerably less, perhaps as much as 25 percent less, than they would under this piece of legislation.

This is a very, very difficult bill. It is complex obviously, but, most importantly, Mr. Speaker, I want my colleagues to know that this is the first serious effort to take a gigantic step in the direction of balancing our budget, the largest single contribution towards balancing the budget and moving down that pathway toward 2001. This is a good bill. It recognizes our constraints, and at the same time it recognizes our critical responsibilities to the people who are served by the programs that come under the jurisdiction of this subcommittee, and, Mr. Speaker, with that I urge my colleagues to vote against the motion to recommit, and I urge my colleagues in the final analysis to vote for the bill.

Mr. Speaker: I submit the following material for the RECORD.

H.R. 2099 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	17,626,892,000	17,649,972,000	17,649,972,000	17,649,972,000	17,649,972,000	+23,080,000
Readjustment benefits	1,286,600,000	1,345,300,000	1,345,300,000	1,345,300,000	1,345,300,000	+58,700,000
Service Members Occupational Conversion and Training				6,880,000		
Subtotal	1,286,600,000	1,345,300,000	1,345,300,000	1,352,180,000	1,345,300,000	+58,700,000
Veterans insurance and indemnities	24,760,000	24,890,000	24,890,000	24,890,000	24,890,000	+130,000
Guaranty and indemnity program account (indefinite)	507,095,000	504,122,000	504,122,000	504,122,000	504,122,000	-2,973,000
Negative subsidy for guaranteed loans		-185,500,000	-185,500,000	-185,500,000	-185,500,000	-185,500,000
Administrative expenses	65,226,000	78,085,000	65,226,000	65,226,000	65,226,000	
Loan guaranty program account (indefinite)	43,939,000	22,950,000	22,950,000	22,950,000	22,950,000	-20,989,000
Administrative expenses	59,371,000	52,138,000	52,138,000	52,138,000	52,138,000	-7,233,000
(By transfer)					(6,000,000)	(+6,000,000)
Direct loan program account (indefinite)	25,000	28,000	28,000	28,000	28,000	+3,000
(Limitation on direct loans)	(1,000,000)	(300,000)	(300,000)	(300,000)	(300,000)	(-700,000)
Administrative expenses	1,020,000	459,000	459,000	459,000	459,000	-561,000
(Loan level)	(97,000)	(99,000)	(99,000)	(99,000)	(99,000)	(+2,000)
Education loan fund program account	1,061	1,093	1,000	1,000	1,000	-61
(Limitation on direct loans)	(4,034)	(4,120)	(4,000)	(4,000)	(4,000)	(-34)
Administrative expenses	195,000	203,000	195,000	195,000	195,000	
Vocational rehabilitation loans program account	54,000	56,000	54,000	54,000	54,000	
(Limitation on direct loans)	(1,964,000)	(2,022,000)	(1,964,000)	(1,964,000)	(1,964,000)	
Administrative expenses	767,000	377,000	377,000	377,000	377,000	-390,000
Native American Veteran Housing Loan Program Account	218,000	455,000	205,000	205,000	205,000	-13,000
Total, Veterans Benefits Administration	19,616,163,061	19,493,536,093	19,480,417,000	19,487,297,000	19,480,417,000	-135,746,061
Veterans Health Administration						
Medical care	16,214,684,000	16,961,487,000	16,777,474,000	16,450,000,000	16,564,000,000	+349,316,000
(Transfer out)				(-5,700,000)	(-4,500,000)	(-4,500,000)
Legislative offsets			-170,000,000	-170,000,000		
Total	16,214,684,000	16,961,487,000	16,607,474,000	16,280,000,000	16,564,000,000	+349,316,000
Medical and prosthetic research	251,743,000	257,000,000	251,743,000	257,000,000	257,000,000	+5,257,000
Health professional scholarship program	10,386,000	10,386,000	10,386,000			-10,386,000
Medical administration and miscellaneous operating expenses	69,789,000	72,262,000	63,602,000	63,602,000	63,602,000	-6,187,000
(By transfer)				(5,700,000)	(4,500,000)	(+4,500,000)
Grants to the Republic of the Philippines	500,000					-500,000
Transitional housing loan program:						
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	
Administrative expenses (by transfer)	(54,000)	(56,000)	(54,000)	(54,000)	(54,000)	
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	(70,000)	
General post fund (transfer out)	(-61,000)	(-63,000)	(-61,000)	(-61,000)	(-61,000)	
Total, Veterans Health Administration	16,547,102,000	17,301,135,000	16,933,205,000	16,600,602,000	16,884,602,000	+337,500,000
Departmental Administration						
General operating expenses	890,193,000	915,643,000	821,487,000	872,000,000	848,143,000	-42,050,000
Offsetting receipts			(32,000,000)	(32,000,000)	(32,000,000)	(+32,000,000)
(Transfer out)					(-6,000,000)	(-6,000,000)
Total, Program Level	(890,193,000)	(915,643,000)	(853,487,000)	(904,000,000)	(874,143,000)	(-16,050,000)
National Cemetery System	72,604,000	75,308,000	72,604,000	72,604,000	72,604,000	
Office of Inspector General	31,815,000	33,500,000	30,900,000	30,900,000	30,900,000	-915,000
Construction, major projects	354,294,000	513,755,000	183,455,000	35,785,000	136,155,000	-218,139,000
(Transfer out)			(-7,000,000)	(-7,000,000)	(-7,000,000)	(-7,000,000)
Construction, minor projects	152,934,000	229,145,000	152,934,000	190,000,000	190,000,000	+37,066,000
Parking revolving fund	16,300,000					-16,300,000
(By transfer)			(7,000,000)	(7,000,000)	(7,000,000)	(+7,000,000)
Grants for construction of state extended care facilities	47,397,000	43,740,000	47,397,000	47,397,000	47,397,000	
Grants for the construction of state veterans cemeteries	5,378,000	1,000,000	1,000,000	1,000,000	1,000,000	-4,378,000
Total, Departmental Administration	1,570,915,000	1,812,091,000	1,309,777,000	1,249,686,000	1,326,199,000	-244,716,000
Total, title I, Department of Veterans Affairs	37,734,180,061	38,606,762,093	37,723,399,000	37,337,585,000	37,691,218,000	-42,962,061
(By transfer)	(61,000)	(63,000)	(7,061,000)	(12,761,000)	(17,561,000)	(+17,500,000)
(Limitation on direct loans)	(3,135,034)	(2,495,120)	(2,437,000)	(2,437,000)	(2,437,000)	(-698,034)
Consisting of:						
Mandatory	(19,489,311,000)	(19,361,762,000)	(19,361,762,000)	(19,361,762,000)	(19,361,762,000)	(-127,549,000)
Discretionary	(18,244,869,061)	(19,245,000,093)	(18,361,637,000)	(17,975,823,000)	(18,329,456,000)	(+84,586,939)

H.R. 2099 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Selected Housing Programs						
Housing certificates for families and individuals performance funds		6,509,955,000				
Public and Indian housing capital performance funds		4,884,000,000				
Annual contributions for assisted housing	11,083,000,000		10,182,359,000	5,594,358,000	10,155,795,000	-927,205,000
Prepayment authority					4,000,000	+4,000,000
Transfer from UDAG	(100,000,000)					(-100,000,000)
Severely distressed public housing	500,000,000			500,000,000	280,000,000	-220,000,000
Assistance for the renewal of expiring section 8 subsidy contracts	2,536,000,000			4,350,862,000		-2,536,000,000
Flexible subsidy fund	50,000,000					-50,000,000
Housing opportunities for persons with AIDS		186,000,000				
Congregate services	25,000,000					-25,000,000
Rental housing assistance:						
Rescission of budget authority, indefinite	-38,000,000	-35,119,000	-35,119,000	-35,119,000	-35,119,000	+2,881,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-66,000,000	-163,000,000	-163,000,000	-163,000,000	-163,000,000	-97,000,000
Homeownership assistance	6,875,000					-6,875,000
Rescission of budget authority, indefinite	-184,000,000					+184,000,000
Public and Indian housing operation performance funds		3,220,000,000				
Payments for operation of low-income housing projects	2,900,000,000		2,500,000,000	2,800,000,000	2,800,000,000	-100,000,000
Drug elimination grants for low-income housing	290,000,000			290,000,000	290,000,000	
Affordable housing performance funds		3,339,000,000				
HOME investment partnerships program	1,400,000,000		1,400,000,000	1,400,000,000	1,400,000,000	
Homeownership and opportunity for people everywhere grants (HOPE grants)	50,000,000					-50,000,000
National homeownership trust demonstration program	50,000,000					-50,000,000
Youthbuild program	50,000,000					-50,000,000
Housing counseling assistance	50,000,000		12,000,000			-50,000,000
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
(Limitation on guarantee loans)	(22,388,000)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	(+14,512,000)
Violent crime reduction program		3,000,000				
Total, Selected housing programs (net)	18,705,875,000	17,946,836,000	13,899,240,000	14,740,101,000	14,734,676,000	-3,971,199,000
Homeless Assistance						
Homeless assistance fund		1,120,000,000				
Homeless assistance grants	1,120,000,000		676,000,000	760,000,000	823,000,000	-297,000,000
Community Planning and Development						
Community opportunity fund		4,850,000,000				
Community opportunity performance program account		21,000,000				
Administrative expenses		900,000				
Community development grants	4,600,000,000		4,600,000,000	4,600,000,000	4,600,000,000	
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(2,054,000,000)		(1,000,000,000)	(1,500,000,000)	(1,500,000,000)	(-554,000,000)
Credit subsidy			10,500,000	15,750,000	31,750,000	+31,750,000
Administrative expenses			225,000	675,000	675,000	+675,000
Policy Development and Research						
Research and technology	42,000,000	42,000,000	34,000,000	34,000,000	34,000,000	-8,000,000
Fair Housing and Equal Opportunity						
Fair housing activities	33,375,000	45,000,000	30,000,000		30,000,000	-3,375,000
Management and Administration						
Salaries and expenses	451,219,000	479,479,000	437,194,000	438,219,000	420,000,000	-31,219,000
(By transfer, limitation on FHA corporate funds)	(495,355,000)	(527,782,000)	(505,745,000)	(532,782,000)	(532,782,000)	(+37,427,000)
(By transfer, GNMA)	(8,824,000)	(9,101,000)	(8,824,000)	(9,101,000)	(9,101,000)	(+277,000)
(By transfer, Community Planning and Development)		(900,000)	(225,000)	(675,000)	(675,000)	(+675,000)
Total, Salaries and expenses	(955,398,000)	(1,017,262,000)	(951,988,000)	(980,777,000)	(962,558,000)	(+7,160,000)
Office of Inspector General	36,427,000	36,968,000	36,427,000	36,968,000	36,567,000	+140,000
(By transfer, limitation on FHA corporate funds)	(10,961,000)	(11,283,000)	(10,961,000)	(11,283,000)	(11,283,000)	(+322,000)
Total, Office of Inspector General	(47,388,000)	(48,251,000)	(47,388,000)	(48,251,000)	(47,850,000)	(+462,000)
Office of federal housing enterprise oversight	15,451,000	14,895,000	14,895,000		14,895,000	-556,000
Offsetting receipts	-15,451,000	-14,895,000	-14,895,000		-14,895,000	+556,000

H.R. 2099 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(100,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(+10,000,000,000)
(Limitation on direct loans)	(180,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+20,000,000)
Administrative expenses	308,846,000	341,595,000	308,846,000	341,595,000	341,595,000	+32,749,000
Offsetting receipts	-308,846,000	-341,595,000	-308,846,000	-341,595,000	-341,595,000	-32,749,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(20,885,072,000)	(17,400,000,000)	(15,000,000,000)	(17,400,000,000)	(17,400,000,000)	(-3,485,072,000)
(Limitation on direct loans)	(220,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(-100,000,000)
Administrative expenses	197,470,000	197,470,000	197,470,000	202,470,000	202,470,000	+5,000,000
Program costs	188,395,000	188,395,000	69,620,000	100,000,000	85,000,000	-103,395,000
Subsidy - multifamily	-134,096,000	-37,996,000	-37,996,000	-37,996,000	-37,996,000	+96,100,000
Subsidy - single family	-81,673,000	-27,044,000	-27,044,000	-27,044,000	-27,044,000	+54,629,000
Subsidy - Title I	-24,460,000	-23,777,000	-23,777,000	-23,777,000	-23,777,000	+683,000
Total, Federal Housing Administration	145,636,000	297,048,000	178,273,000	213,653,000	198,653,000	+53,017,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(142,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(-32,000,000,000)
Administrative expenses	8,824,000	9,101,000	8,824,000	9,101,000	9,101,000	+277,000
Offsetting receipts	-262,700,000	-508,300,000	-508,300,000	-508,300,000	-508,300,000	-245,600,000
Administrative Provisions						
Procurement savings	-3,538,000					+3,538,000
FHA mortgage insurance limits	-3,000,000					+3,000,000
GNMA REMICs	-180,000,000					+180,000,000
GNMA REMICs II	-30,600,000					+30,600,000
1-year extension of HECM's demonstration			-11,000,000	-11,000,000	-8,000,000	-8,000,000
FHA Assignment Reform					-1,078,000,000	-1,078,000,000
Non-judicial foreclosure	-10,000,000					+10,000,000
Multi-family property disposition - FHA fund				-40,000,000	-40,000,000	-40,000,000
Sec. 213 - demonstration					30,000,000	+30,000,000
Sec. 224 - FHA fund				34,000,000	34,000,000	+34,000,000
Total, title II, Department of Housing and Urban Development (net)	24,653,518,000	24,340,032,000	19,391,383,000	20,323,167,000	19,348,122,000	-5,305,396,000
Appropriations	(24,941,518,000)	(24,538,151,000)	(19,589,502,000)	(20,521,286,000)	(19,546,241,000)	(-5,395,277,000)
Rescissions	(-288,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+89,881,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(236,000,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(515,140,000)	(549,066,000)	(525,755,000)	(553,841,000)	(553,841,000)	(+38,701,000)
Consisting of:						
Advance appropriation available	800,000,000					-800,000,000
Appropriations available from this bill	24,653,518,000	24,340,032,000	19,391,383,000	20,323,167,000	19,348,122,000	-5,305,396,000
Total, title II	25,453,518,000	24,340,032,000	19,391,383,000	20,323,167,000	19,348,122,000	-6,105,396,000
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	20,265,000	20,265,000	20,265,000	20,265,000	20,265,000	
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	500,000					-500,000
Community Development Financial Institutions						
Community development financial institutions fund program account	125,000,000	123,650,000				-125,000,000
Loan subsidy		20,000,000				
Office of Inspector General		350,000				
Consumer Product Safety Commission						
Salaries and expenses	42,509,000	44,000,000	40,000,000	40,000,000	40,000,000	-2,509,000
Corporation for National and Community Service						
National and community service programs operating expenses	575,000,000	817,476,000		6,000,000	15,000,000	-560,000,000
Additional termination costs for national service				9,000,000		
Office of Inspector General	2,000,000	2,000,000				-2,000,000
Total	577,000,000	819,476,000		15,000,000	15,000,000	-562,000,000
Court of Veterans Appeals						
Salaries and expenses	9,429,000	9,820,000	9,000,000	9,000,000	9,000,000	-429,000

H.R. 2099 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,017,000	14,134,000	11,296,000	11,946,000	11,946,000	-71,000
Environmental Protection Agency						
Research and development	350,000,000	426,661,000	384,052,000			-350,000,000
Science and Technology				500,000,000	525,000,000	+525,000,000
Environmental programs and compliance			1,881,614,000			
Abatement, control, and compliance	1,417,000,000	1,748,823,000				-1,417,000,000
(Limitation on administrative expenses)	(296,722,500)					(-296,722,500)
Program and research operations	922,000,000	1,017,298,000				-922,000,000
Program Administration and Management				1,670,000,000	1,550,300,000	+1,550,300,000
Office of Inspector General	28,542,000	33,050,000	28,542,000	27,700,000	28,500,000	-42,000
Transfer from Hazardous Substance Superfund	15,384,000	14,078,000	5,000,000	11,700,000	11,000,000	-4,384,000
Transfer from Leaking Underground Storage Tanks	669,000	710,000	426,000	600,000	500,000	-169,000
Subtotal, OIG	44,595,000	47,838,000	33,968,000	40,000,000	40,000,000	-4,595,000
Buildings and facilities	43,870,000	112,820,000	28,820,000	60,000,000	60,000,000	+16,130,000
Hazardous substance superfund	1,435,000,000	1,507,937,000	1,003,400,000	1,003,400,000	1,163,400,000	-271,600,000
Legislative proposals - reforms		55,000,000				
Transfer to OIG	-15,384,000	-14,078,000	-5,000,000	-11,700,000	-11,000,000	+4,384,000
(Limitation on administrative expenses)	(308,000,000)					(-308,000,000)
Subtotal, Hazardous substance superfund	1,419,616,000	1,548,859,000	998,400,000	991,700,000	1,152,400,000	-267,216,000
Leaking underground storage tank trust fund	70,000,000	77,273,000	45,827,000	45,827,000	45,827,000	-24,173,000
Transfer to OIG	-669,000	-710,000	-426,000	-600,000	-500,000	+169,000
(Limitation on administrative expenses)	(8,150,000)		(5,285,000)	(8,000,000)	(7,000,000)	(-1,150,000)
Subtotal, LUST	69,331,000	76,563,000	45,401,000	45,227,000	45,327,000	-24,004,000
Oil spill response	20,000,000	23,047,000	20,000,000	15,000,000	15,000,000	-5,000,000
(Limitation on administrative expenses)	(8,420,000)		(8,420,000)	(8,000,000)	(8,000,000)	(-420,000)
Water infrastructure / State revolving fund	2,262,000,000	1,865,000,000	1,500,175,000			-2,262,000,000
Safe drinking water State revolving fund	700,000,000	500,000,000				-700,000,000
State and Tribal Assistance Grants				2,340,000,000	2,323,000,000	+2,323,000,000
Environmental services - user fees		-7,500,000				
Procurement savings	-7,525,000					+7,525,000
Total, EPA	7,240,887,000	7,359,409,000	4,892,430,000	5,661,927,000	5,711,027,000	-1,529,860,000
Executive Office of the President						
Office of Science and Technology Policy	4,981,000	4,981,000	4,981,000	4,981,000	4,981,000	
Council on Environmental Quality and Office of Environmental Quality	997,000	2,188,000	1,000,000	1,000,000	1,000,000	+3,000
Total	5,978,000	7,169,000	5,981,000	5,981,000	5,981,000	+3,000
Federal Emergency Management Agency						
Disaster relief	320,000,000	320,000,000	235,500,000		222,000,000	-98,000,000
Disaster assistance direct loan program account:						
State share loan	2,418,000	2,155,000	2,155,000	2,155,000	2,155,000	-263,000
(Limitation on direct loans)	(175,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(-150,000,000)
Administrative expenses	95,000	95,000	95,000	95,000	95,000	
Salaries and expenses	162,000,000	172,331,000	162,000,000	168,900,000	168,900,000	+6,900,000
Office of the Inspector General	4,400,000	4,673,000	4,400,000	4,673,000	4,673,000	+273,000
Emergency management planning and assistance	215,960,000	210,122,000	203,044,000	203,044,000	203,044,000	-12,916,000
Emergency food and shelter program	130,000,000	130,000,000	100,000,000	114,173,000	100,000,000	-30,000,000
Administrative provision REP savings	-11,525,000	-12,257,000	-12,257,000	-12,257,000	-12,257,000	-732,000
Procurement savings	-1,441,000					+1,441,000
Equipment sales (sec. 519)		-30,000,000			-10,000,000	-10,000,000
National Flood Insurance:						
Salaries and expenses		(20,562,000)	(20,562,000)	(20,562,000)	(20,562,000)	(+20,562,000)
Flood mitigation		(70,464,000)	(70,464,000)	(70,464,000)	(70,464,000)	(+70,464,000)
Premium increase		-21,000,000				
Total, Federal Emergency Management Agency	821,907,000	776,119,000	694,937,000	480,783,000	678,610,000	-143,297,000
General Services Administration						
Consumer Information Center	2,004,000	2,061,000	2,061,000	2,061,000	2,061,000	+57,000
(Limitation on administrative expenses)	(2,454,000)	(2,502,000)	(2,502,000)	(2,602,000)	(2,602,000)	(+148,000)
Department of Health and Human Services						
Office of Consumer Affairs	2,166,000	1,811,000	1,811,000			-2,166,000

H.R. 2099 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
National Aeronautics and Space Administration						
Human space flight	5,514,897,000	5,509,600,000	5,449,600,000	5,337,600,000	5,456,600,000	-58,297,000
Science, aeronautics and technology	5,901,200,000	6,006,900,000	5,588,000,000	5,960,700,000	5,845,900,000	-55,300,000
Rescission	-10,000,000					+10,000,000
National aeronautical facilities	400,000,000					-400,000,000
Mission support	2,554,587,000	2,726,200,000	2,618,200,000	2,484,200,000	2,502,200,000	-52,387,000
Office of Inspector General	16,000,000	17,300,000	16,000,000	16,000,000	16,000,000	
Administrative provision: Transfer authority					(50,000,000)	(+50,000,000)
Total, NASA (net)	14,376,684,000	14,260,000,000	13,671,800,000	13,798,500,000	13,820,700,000	-555,984,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	
(Limitation on administrative expenses, corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(560,000)	(-341,000)
National Science Foundation						
Research and related activities	2,280,000,000	2,454,000,000	2,254,000,000	2,294,000,000	2,274,000,000	-6,000,000
Rescission	-35,000,000					+35,000,000
Major research equipment	126,000,000	70,000,000	70,000,000	70,000,000	70,000,000	-56,000,000
Academic research infrastructure	250,000,000	100,000,000	100,000,000	100,000,000	100,000,000	-150,000,000
Education and human resources	605,974,000	599,000,000	599,000,000	599,000,000	599,000,000	-6,974,000
Salaries and expenses	123,966,000	127,310,000	127,310,000	127,310,000	127,310,000	+3,344,000
Office of Inspector General	4,380,000	4,490,000	4,490,000	4,490,000	4,490,000	+110,000
National Science Foundation headquarters relocation	5,200,000	5,200,000	5,200,000	5,200,000	5,200,000	
Total, NSF (net)	3,360,520,000	3,360,000,000	3,160,000,000	3,200,000,000	3,180,000,000	-180,520,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	38,667,000	55,000,000	38,667,000	38,667,000	38,667,000	
Selective Service System						
Salaries and expenses	22,930,000	23,304,000	22,930,000	22,930,000	22,930,000	
Department of Justice						
Fair Housing and Equal Opportunity						
Fair Housing activities				30,000,000		
Department of the Treasury						
Office of Federal Housing Enterprise oversight				14,895,000		
Offsetting receipts				-14,895,000		
Total, title III, Independent agencies (net)	26,658,463,000	26,896,568,000	22,571,178,000	23,337,060,000	23,556,187,000	-3,102,276,000
Appropriations	(26,710,988,000)	(26,896,568,000)	(22,571,178,000)	(23,337,060,000)	(23,556,187,000)	(-3,154,801,000)
Rescissions	(-45,000,000)					(+45,000,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(16,207,000)	(18,602,000)	(17,602,000)	(-606,144,500)
(Limitation on direct loans)	(775,000,000)	(716,026,000)	(716,026,000)	(716,026,000)	(716,026,000)	(-58,974,000)
(Limitation on corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(560,000)	(-341,000)
TITLE IV						
CORPORATIONS						
Federal Deposit Insurance Corporation:						
FSLIC Resolution Fund	827,000,000					-827,000,000
FDIC affordable housing program	15,000,000	15,000,000				-15,000,000
Total	842,000,000	15,000,000				-842,000,000
Resolution Trust Corporation: Office of Inspector General	32,000,000	11,400,000	11,400,000	11,400,000	11,400,000	-20,600,000
Total, title IV, Corporations	874,000,000	26,400,000	11,400,000	11,400,000	11,400,000	-862,600,000
Grand total (net)	89,920,161,061	89,869,762,093	79,697,360,000	81,009,212,000	80,606,927,000	-9,313,234,061
Appropriations	(90,260,686,061)	(90,067,881,093)	(79,895,479,000)	(81,207,331,000)	(80,805,046,000)	(-9,455,640,061)
Rescissions	(-333,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+134,881,000)
(By transfer)	(100,061,000)	(63,000)	(7,061,000)	(12,761,000)	(17,561,000)	(-82,500,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(16,207,000)	(18,602,000)	(17,602,000)	(-606,144,500)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
(Limitation on direct loans)	(1,200,523,034)	(1,075,421,120)	(1,075,363,000)	(1,075,363,000)	(1,075,363,000)	(-125,160,034)
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(236,000,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(516,041,000)	(549,626,000)	(526,315,000)	(554,401,000)	(554,401,000)	(+38,360,000)

H.R. 2099 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
CONGRESSIONAL BUDGET RECAP						
Total appropriations in this bill (net)	89,920,161,061	89,869,762,093	79,697,360,000	81,009,212,000	80,606,927,000	-9,313,234,061
Scorekeeping adjustments	-7,987,944,000	....	....	....	21,000,000	+8,008,944,000
Total mandatory and discretionary	81,932,217,061	89,869,762,093	79,697,360,000	81,009,212,000	80,627,927,000	-1,304,290,061
Mandatory	20,316,311,000	19,361,762,000	19,361,762,000	19,361,762,000	19,361,762,000	-954,549,000
Discretionary:						
Crime trust fund	....	3,000,000	....	....	....	....
General purposes:						
Defense (Function 050):						
Federal Emergency Management Agency:						
Salaries and expenses	62,411,000	44,006,000	42,081,000	43,874,000	43,874,000	-18,537,000
Emergency management planning and assistance	137,147,000	24,025,000	24,025,000	24,025,000	24,025,000	-113,122,000
Selective Service System	22,930,000	23,304,000	22,930,000	22,930,000	22,930,000	....
National Science Foundation:						
Research and related activities	....	62,600,000	62,600,000	62,600,000	62,600,000	+62,600,000
Total, Defense	222,488,000	153,935,000	151,636,000	153,429,000	153,429,000	-69,059,000
Nondefense discretionary	61,393,418,061	70,351,065,093	60,183,962,000	61,494,021,000	61,112,736,000	-280,682,061
Total, General purposes	61,615,906,061	70,505,000,093	60,335,598,000	61,647,450,000	61,266,165,000	-349,741,061
Total, Discretionary	61,615,906,061	70,508,000,093	60,335,598,000	61,647,450,000	61,266,165,000	-349,741,061

Mrs. MEEK of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this conference report and to the rule governing its consideration.

Mr. Speaker, last year 1,200 neighborhood law offices provided legal services to 1.7 million clients. The majority of these people were women and children living in poverty.

The conference report before us today contains a two-part attack on the Legal Services Corporation, which last year provided about 60 percent of the funds used by neighborhood legal service organizations. The balance of legal services funds comes from private attorneys, foundations, local charities, and State and local governments.

This conference report continues the majority's assault on the weakest members of our society.

The first part of this attack is to reduce Federal funds for the Legal Services Corporation by $122 million. This is a cut of 31 percent.

The second part of this attack is to restrict the type of legal services that the local legal services organizations can provide with their own non-Federal funds.

Let me illustrate the unfair consequences of this restriction by sharing with the House a letter I received yesterday from Marcia Cypen, executive director of Legal Services of Greater Miami. She points out that Legal Services of Miami now uses non-Federal funds to represent aliens. Under this conference report, Legal Services of Miami would have to choose between giving up all Federal funds or else stop representing those aliens who are applying for admission as a refugee or for asylum. Many of these aliens have work permits and are working, but they are too poor to get private legal assistance. They must come to Legal Services of Miami if they have been beaten by their husbands, illegally locked out by their landlords, or cheated by a merchant.

Mr. Speaker, it is one thing for the majority to put restrictions on the use of Federal funds. But it is wrong for the majority to impose its ideological views on services provided by donations from private groups and State and local governments that believe it is important that all poor people have access to our legal system.

I urge my colleagues to vote against the rule and against this conference report.

LEGAL SERVICES
OF GREATER MIAMI, INC.,
Miami FL, December 5, 1995.

Congresswoman CARRIE P. MEEK,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MEEK: Thank you for requesting our program's input on HR 2076 which includes funding for the Legal Services Corporation in 1996.

A crucial failing of the bill is that it precludes representation of certain classes of aliens with non-LSC funds. The particular classes of aliens affected are listed on the attached page. On a practical level what this means is that we cannot, for example, use non-LSC funds to represent a Haitian woman who is beaten up by her husband, illegally locked out by her landlord, or cheated by a used car dealer if she has applied for political asylum and has a work permit but her political asylum application is still pending. Unfortunately, there are many aliens who remain in this limbo situation for several years.

Approximately five percent of our current non-immigration caseload consists of aliens who will no longer be eligible for legal services with non-LSC funds in 1996. This could be remedied if Section 504 (d)(2) (B) were amended to allow non-LSC funds to be used to represent aliens not eligible for representation with LSC funds.

In addition, HR 2076 precludes us from collecting any attorneys fees in 1996. This is inconsistent with the stated goal of reducing LSC's dependency on federal dollars. Our program has relied on income from attorneys fees to bolster our budget, and the lack of this income in 1996 will reduce our services even further.

We appreciate your concern on behalf of the poverty community of Dade County. Please let me know if you need additional information.

Sincerely,

MARCIA K. CYPEN,
Executive Director.

MEMORANDUM

Date: December 5, 1995
Subject: Ineligible aliens under proposed LSC restrictions
From: Esther Olavarria Cruz
To: Marcia Cypen

I have made two lists, which is necessary to better explain who cannot be represented under the proposed LSC restrictions:

List of aliens who can be represented by LSC under the proposed restrictions:

1. Lawful permanent residents.
2. Aliens who are the spouse, parent, or unmarried child under 21 of a U.S. citizen and have filed applications for permanent residence.
3. Asylees (individuals granted asylum).
4. Refugees.
5. Individuals granted withholding of deportation (higher standard that asylum—very rare).
6. Individuals granted conditional entry before 4/1/80 (old refugee category—almost no aliens now in this category).
7. H-2A agricultural workers (limited to representation in employment contract matters only, such as wages, housing, transportation and other employment rights—very small category).

List of aliens who cannot be represented by LSC under the proposed restrictions:

1. Asylum applicants.
2. Parolees.
3. Special immigrant juveniles (undocumented children adjudicated state dependents because of abandonment, neglect or abuse).
4. Battered spouses of U.S. citizens (unless otherwise eligible under #2 above).
5. Battered spouses of permanent residents.
6. Aliens in exclusion or deportation proceedings.
7. Aliens with immediate U.S. citizen spouses, parents, or unmarried minor children who have not filed for permanent residence.
8. Relatives of permanent residents (unless otherwise eligible above).

Mr. MONTGOMERY. Mr. Speaker, I rise in opposition to this conference report. The level of funding for VA medical care is $213 million below the level approved by the House earlier this year, and is almost $400 million less than the President requested.

The chairman of the subcommittee said they couldn't find any more money for the veterans. But where did they find over $800 million for the EPA? Why is spending for housing programs almost $1 billion more than the House-approved level?

Members need to understand that the VA can't be opening new clinics when we don't give them the funds to do so. Yet that is what this conference report does.

I believe that the bill falls short. It ignores the instruction that a majority of House Members voted for last week. It's wrong. We can find the money to do the right thing for veterans. The President is going to veto this bill anyway, and he should. We should not vote for a bill that doesn't honor our commitment to veterans.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to the VA–HUD appropriations conference report.

Unfortunately, the conferees wasted their opportunity to improve this bill and once again present us with legislation that makes dangerous and unnecessary cuts to environmental and housing programs that protect American families and communities.

For example, the bill cuts environmental program funds by 21 percent, crippling the EPA's ability to enforce laws which help ensure the safety of the water we drink and the air we breathe.

The bill also cuts housing program funding by 21 percent, including cuts to many vital public housing programs and homeless services.

The cuts in public housing operating and modernization funds, will significantly hamper the ability for housing providers to deliver safe housing for American families.

Furthermore, by reducing the number of newly available section 8 housing vouchers, the bill increases the potential for increased homelessness among the thousands of families and children who are waiting for housing assistance.

I urge my colleagues to reject this bill and the potential pain and suffering it will inflict on many American families. Vote "no" on the conference report.

Mr. RIGGS. Mr. Speaker, I first want to thank my colleague from California [Mr. LEWIS] the Chairman of the VA/HUD Appropriations Subcommittee, for his work on this bill under difficult circumstances. His diligence and hard work are to be commended.

As a veteran myself, I am particularly sensitive to the importance of keeping our promises to our veterans.

Shortly before the House of Representatives was to consider the conference report on the VA/HUD and related agencies bill, I learned the Clinton administration, in a "statement of administration policy," had failed to mention the lack of a VA replacement hospital at Travis Air Force Base as a reason for a potential Presidential veto. Earlier in the month, the administration had pledged its support to the hospital in a letter from Office of Management and Budget Director Alice Rivlin to the chairman of the House of Appropriations Committee, ROBERT LIVINGSTON.

In light of this apparent reversal of administration policy, I feel that I have no choice but to support the fiscal year 96 VA/HUD Appropriations Bill. It contains $25 million for a new state-of-the-art VA outpatient clinic at Travis Air Force Base, in addition to a $400 million increase in the VA medical accounts. This is especially important since every other account in the bill, except those pertaining to veterans, was significantly reduced.

The Travis outpatient facility will meet the immediate health care needs of most Solano County and northern California veterans. I feel a moral obligation to do what is right for my fellow vets and to support any measure that will have a positive impact upon the region.

I was dismayed that the conference committee provided only $25 million for the outpatient clinic at Travis. I had worked to secure additional funding in light of the Veterans Administration's recommendation of $39.5 million in funding for the outpatient clinic.

With a projected 85,000 annual outpatient visits, the new facility will meet the needs of most veterans who require ambulatory care. However, I still believe there is the urgent need to attend to the acute medical needs of northern California's veterans.

The very survival of the outpatient facility was placed in jeopardy due to a November 29 stalling tactic that sent the conference report back to committee. I was told by VA Chairman Lewis that the motion could have jeopardized the clinic if the committee had been forced to reallocate funds among competing accounts.

Further delay in enacting the VA/HUD appropriations bill could force the legislation to be integrated into a full-year continuing resolution. Under that scenario, virtually all programs, including veterans' medical care and construction projects, will receive less than under the conference agreement. This would leave the veterans of northern California at a severe disadvantage. Those individuals who could delay or defeat this appropriations bill would be putting their political whims before the needs of our veterans.

By no means should my support for this bill signal that I am abandoning the long-term goal of building a replacement hospital at Travis Air Force Base.

It has become clear to me that full funding for the proposed replacement hospital is not possible this year. I cannot ignore present fiscal realities. Rather than contribute to budget gridlock, I must do what is best for northern California veterans and support this bill.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on the bill H.R. 2099 to the committee of conference with instructions to the managers on the part of the House to insist on the House position on Senate amendment numbered 4.

The SPEAKER pro tempore. With objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 219, not voting 15, as follows:

[Roll No. 843]

YEAS—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Wamp
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Bentsen
Bevill
Chapman
de la Garza
DeFazio
Fowler
Istook
Morella
Pelosi
Ros-Lehtinen
Scarborough
Schroeder
Tucker
Volkmer
Young (AK)

☐ 1421

Messrs. PAYNE of New Jersey, VENTO, HOYER, OBERSTAR, KENNEDY of Massachusetts, BRYANT of Texas, and CONYERS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COMBEST). The question is on the conference report.

Pursuant the provisions of clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 190, not voting 15, as follows:

[Roll No. 844]

YEAS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Bevill
Buyer
Chapman
de la Garza
DeFazio
Fowler
Istook
Johnson, Sam
Kasich
Pelosi
Ros-Lehtinen
Schroeder
Tucker
Volkmer
Young (AK)

☐ 1439

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. DeFazio against.

Mr. BROWDER and Mr. KENNEDY of Massachusetts changed their vote from "yea" to "nay".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, due to a death in the family, I was not present for rollcall votes Nos. 842, 843, and 844. Had I been present I would have voted "yes" on rollcall No. 842, "no" on rollcall No. 843, and "yes" on rollcall No. 844.

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Mr. Speaker, I was unavoidably detained for rollcall vote No. 844 on December 7, 1995, Pearl Harbor day, and consequently missed the vote on the conference report for VA-HUD appropriations. Had I been present, I would have voted "aye."

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment Number 63:

Page 51, strike out all after line 20, over to and including line 3 on page 52 and insert:

For necessary expenses for the Corporation for National and Community Service in carrying out the orderly terminations of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103-82), $6,000,000: Provided, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.

Page 53, strike out all after line 9, over to and including line 7 on page 60 and insert:

PROGRAM ADMINISTRATION AND MANAGEMENT

For program administration and management activities, including necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,670,000,000, which shall remain available until September 30, 1997.

Page 60, after line 8 insert:

(INCLUDING TRANSFER OF FUNDS)

Page 60, line 13, strike out [$28,542,000] and insert: $27,700,000.

MOTION OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. (Mr. COMBEST). The Clerk will designate the motion.

The text of the motion is as follows:

AMENDMENT NUMBERED 63

Mr. LEWIS of California moves that the House recede from its disagreement to the amendment of the Senate numbered 63, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For necessary expenses for the Corporation for National and Community Service in carrying out the orderly termination of programs, activities, and initiatives under the

National and Community Service Act of 1990, as amended (Public Law 103-82), $15,000,000: *Provided*, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion in disagreement that is before us involves a disagreement between the other body and the House relative to the funding of that program which is known as AmeriCorps. The actual amendment involved here increases the amount from $6 to $15 million, and provides a foundation whereby we will be moving toward termination of that program.

Essentially it is a reflection of the will of the House, which has voted on other occasions essentially to terminate the funding for AmeriCorps, and that is what the motion of disagreement is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is really no point in spending much time on this amendment reported in disagreement. The issue here has little to do with the positions of the House or the Senate regarding the funding level for the Corporation for National and Community Service. The House bill would terminate the corporation and allow the use of funds previously appropriated to accomplish the orderly shutdown. The Senate bill appropriates $6 million to carry out the orderly termination of the corporation's activities. Obviously, the difference between the two bills is not great. The motion offered by the gentleman from California would provide $15 million for the corporation's termination costs.

Technically, this motion violates the rules of the House, and under normal circumstances that would be the reason it is reported in disagreement. However, since the Republican managers of the bill chose to get waivers of the rules in about a hundred other instances where they violated the rules, I don't think that is the real reason.

It would appear that the underlying reason the managers of the bill reported this amendment in disagreement is to allow an avenue for action if a further understanding on the prospects for administration approval of this bill can be reached. Given the administration's recent policy statement on this bill, it seems to me the gulf of differences is too large to be bridged without a sizable increase in the allocation for the bill, rendering this action futile.

Mr. Speaker, I would just note the reason that I take this position is because in the statement of administration policy, which was received from the President's office, they make reference to the conference report including no funds for the President's successful National Service Program. It says if such funding were eliminated, the bill would cost nearly 50,000 young Americans the opportunity to help their community, through AmeriCorps, to address vital local needs, such as health care, crime prevention, and education, while earning a monetary award to help them pursue additional education or training.

□ 1445

Then it states emphatically the President will not sign any version of this appropriations bill that does not restore funds for this vital program.

So, with these observations, Mr. Speaker, I see no need for lengthy debate on this matter, and would advise Members that I do not intend to seek a recorded vote on the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with my colleague, the gentleman from Ohio [Mr. STOKES], that there is no reason to have extended discussion on this motion in disagreement. I think it is important to say, however, that one of the reasons the motion is in this form is because we wanted to make a technical change that would allow the other body, under the rules of the other body, if it so chose, to amend this motion in disagreement further.

Mr. Speaker, if between now and that time the administration is serious about wanting to rearrange or make adjustments in this bill that will lead to agreement between the legislative branch and the executive branch that would cause the President to sign this bill, there is that option. It is a very narrow window. It seems to be closing very rapidly.

Mr. Speaker, should the President's people inform the President of this opportunity, it could very well be that we could have a final bill that is signable and thereby service these agencies in a fashion that makes sense. If the President chooses not to do this, it is likely to lead to a long-term continuing resolution that will cause all of these agencies to be funded at something like 25 percent below the 1995 year.

Mr. Speaker, for that reason, the motion in disagreement is in the form that it is in. I would urge the Members to support my position on the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to House Resolution 291, the previous question is ordered.

The question is on the motion offered by the gentleman from California [Mr. LEWIS].

The motion was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I ask for this time for the purpose of yielding to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], to announce the schedule for the next week and the remainder of this season.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I am more than happy to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, this vote marks the end of the legislative business for the week. On Monday, December 11, the House will meet in pro forma session. There will be no legislation business that day.

On Tuesday, December 12, the House will meet at 10 o'clock a.m. and recess immediately to receive Prime Minister Peres of Israel in a joint meeting of the House and the Senate.

Mr. Speaker, the House will reconvene at 1 p.m. for morning hour and 2:30 p.m. for legislative business. We will first consider two bills on the Corrections Day Calendar: H.R. 1787, a bill to repeal the saccharin notice requirement; and H.R. 325, the commuter option bill.

After consideration of the correction of corrections day bills, we will take up a number of bills under suspension of the rules. I will not read through the bills now, but a list will be distributed to Members' offices. We will then turn to H.R. 2621, legislation concerning disinvestment of Federal trust funds.

Members should be advised that we do not expect recorded votes until 5 o'clock p.m. on Tuesday, December 12.

For Wednesday and the balance of the week, we expect to consider the following bills, all of which will be subject to rules: H.R. 2666, the Foreign Operations Appropriations Act for fiscal year 1996; the conference report for H.R. 1977, the Interior Appropriations Act for fiscal year 1996; the conference report for H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996; the conference report for S. 1026, the Department of Defense authorization bill; H.R. 1020, the Integrated Nuclear Spent Fuel Management Act; the conference report for S.

652, the Telecommunications Competition and Deregulation Act of 1995; and, H.R. 1745, the Utah Public Lands Management Act of 1995.

Also, it is possible that legislation pertaining to the deployment of troops in Bonsia would be considered next week.

As Members know, the continuing resolution expires Friday, December 15. I am hopeful that progress will be made in ongoing budget negotiations that would result in legislation that will balance the budget in 7 years; permanently increase the public debt limit; and, fund those areas of government for which appropriations bills have not yet been approved.

However, given these unusual circumstances, it is impossible to inform Members with any accuracy when the House will adjourn next week.

Mr. FAZIO of California. Mr. Speaker, I would yield to the gentleman further to inquire if it is possible to give the Members any more certainty when the Bosnia resolution would be considered. I know that every Member would want to be present for that debate and that vote.

Mr. ARMEY. Mr. Speaker, if the gentleman would again yield, I thank the gentleman for his inquiry. Mr. Speaker, I am sorry I cannot be more precise. I know that that would not happen on Tuesday. It could not happen before Wednesday, I am sure, out of consideration for the Members. Other than that, I really cannot give the gentleman any more precise information.

Mr. FAZIO of California. Mr. Speaker, Wednesday and Thursday are the most likely dates?

Mr. ARMEY. Most likely.

Mr. FAZIO of California. Mr. Speaker, if the gentleman would respond further, I know that we have a need for a third CR. Everybody is aware of the fact that it seems we have six appropriation bills that have not yet made it to the President for signature or veto.

Mr. Speaker, could the gentleman give us some understanding as to when it will be possible to extend this CR to a time when all of us could conclude it would be realistic, many assuming it might be sometime in mid-January?

Mr. ARMEY. Mr. Speaker, if the gentleman would yield.

Mr. FAZIO of California. Mr. Speaker, I am more than happy to yield on that.

Mr. ARMEY. Mr. Speaker, the gentleman is aware that even today, after informing the press, the President's negotiations team is going to present to the budget negotiation meetings their recommendation for a 7-year balanced budget with OMB scoring. We would obviously want to give that all the consideration it is due.

Of course, seeing that the President is moving in the direction of a 7-year balanced budget, we remain hopeful and optimistic that during the course of this weekend and next week that we will come to a conclusion of these budget negotiations. At that time, of course, as we have racked up the work, we will address the question and the need for a continuing resolution to handle that discretionary spending for bills not yet approved by the President.

Mr. FAZIO of California. Mr. Speaker, I realize that the general budget debate is going to continue for a while, and there are many, many issues in disagreement, but the fundamental need to keep the government functioning now is, I think, something that grows more important to more Members as we get closer to the holidays.

I have heard from both sides of the aisle, and on the other side of the Capitol as well, that there is no stomach for sending Federal employees on another unnecessary furlough around the holidays, when we are not going to be able to resolve the fundamental budget issue anyway.

Mr. Speaker, is there any hope that we could have at least a short-term extension of the CR to allow the Republican majority to catch up with the schedule on the appropriation bills?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's inquiry. Mr. Speaker, I would join my colleague from California in regretting the President's earlier decision to shut down the Government and unnecessarily furlough workers. I can only assure the gentleman from California we will present the President with an opportunity to maintain continuing operation of the Federal Government and to avoid that.

Mr. Speaker, I am sure the gentleman from California would join me in hoping that given that opportunity that the President will most certainly be presented with, that he would opt this time to not shut down the Government as he did last time.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, there is certainly no question, when we have not sent six of the appropriations bills to him by the December 7 date, well beyond the normal October 1 fiscal year date, it is kind of difficult to blame the President.

Mr. Speaker, let me conclude by asking this: Many of us will be traveling back to our districts for the Christmas holidays. Given the complexity of airline reservations as we get close to the holidays, the difficulty in rescheduling, is there any way the gentleman could give the Members any kind of certainty as to what time we would be allowed, assuming we do not have a resolution of this budget impasse, to return to our districts, to our families, so that we would not once again be in the position of having canceled flights and an inability to get new accommodations for travel?

Mr. ARMEY. Mr. Speaker, if the gentleman would again yield, I too share the gentleman's concern about the spending bills not yet completed, particularly Health and Human Services, the biggest discretionary spending bill of all, which is, as the gentleman knows, being held up by a Democrat minority filibuster in the other body. Perhaps we could get that broken out.

But frankly, Mr. Speaker, until we can get more serious discussions about the budget in the budget conference with the President and his team, it is very hard for me to predict what will be the outcome, having even yet to this point, today, recognizing of course that the press has been briefed, but I, as a member of that conference, have not yet seen a serious proposal from the White House. So, as we await that kind of work, we will continue to be hopeful that some of us may be home for Christmas.

Mr. FAZIO of California. Mr. Speaker, I think at this point, having exhausted any potential questions and certainly not having received any answers, I would be more than happy to yield back my time.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, DECEMBER 11, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, December 11, 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, DECEMBER 12, 1995, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY, SHIMON PERES, ACTING PRIME MINISTER OF ISRAEL

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, December 12, 1995, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in joint meeting His Excellency Shimon Peres, Prime Minister of Israel.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the consent of the House that the Dallas Cowboys be recognized as America's favorite football team.

Mr. UPTON. Mr. Speaker, I object.

QUESTIONS REGARDING END-OF-SESSION SCHEDULE

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute.)

Mr. ABERCROMBIE. Mr. Speaker, if the majority leader has not left the floor, I would certainly like to ask that he come back and answer a question that I had in the minute that has been given to me.

Mr. Speaker, if he will not, I would say, Mr. Speaker, that I am going to try and not use the word "bitter," but I certainly object to the cavalier fashion with which the majority leader just left the floor talking about the Dallas Cowboys, when there were serious questions asked and no answer was received with respect to what is going to happen with this ostensible Christmas holiday that is coming up.

Mr. Speaker, I want to know, not just for my convenience or inconvenience with respect to travel. I think the people of this country are entitled to know whether the majority of this House has come to a conclusion as to whether or not there is going to be a holiday; as to whether or not there is going to be a shutdown of the Government; and, whether they can give us a date as to whether we are going home.

Mr. Speaker, I do not think we need to end today's business of the legislative week with the majority leader cracking jokes about the Dallas Cowboys, as if there is no serious business being done on this floor.

□ 1500

APPOINTMENT OF CONFEREES ON S. 641, RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Virginia? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Commerce, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, COBURN, WAXMAN, and STUDDS.

There was no objection.

FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

Mr. EHRLICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 790) to provide for the modification or elimination of Federal reporting requirements, with Senate amendments to the House amendment thereto, and agree to the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Senate amendments to House amendment:

Page 3, of the House engrossed amendment, in the table of contents, strike out "Sec. 2021. Reports eliminated." and insert "Sec. 2021. Reports modified.".

Page 18, of the House engrossed amendment, strike out lines 6 and 7.

Page 18, line 8, of the House engrossed amendment, strike out "(2)" and insert "(1)".

Page 18, line 9, of the House engrossed amendment, strike out "(3)" and insert "(2)".

Page 39, line 6, of the House engrossed amendment, strike out "reports" and insert "report".

Page 39, line 7, of the House engrossed amendment, strike out all after "936(b))" down to and including "Code," in line 8.

Page 43, of the House engrossed amendment, strike out line 19 and all that follows over to and including line 2 on page 45.

Page 49, line 21, of the House engrossed amendment, strike out "ELIMINATED" and insert "MODIFIED".

Mr. EHRLICH (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mrs. COLLINS of Illinois. Mr. Speaker, reserving the right to object, I do not intend to object. I yield to the gentleman from Maryland [Mr. EHRLICH] for a brief explanation of the Senate amendment.

Mr. EHRLICH. Mr. Speaker, I thank the gentlewoman for yielding to me. In drafting this expansive and important piece of legislation it was discovered that four inadvertent drafting errors existed. Senator JOHN MCCAIN offered the amended version in the Senate yesterday and it passed with no objection. Both the House and Senate majority and the minority have concurred with these technical changes prior to Senator MCCAIN offering his version on the Senate floor yesterday. I urge Members of this body to join me in support of this bill so that it can be sent to the President and this redtape burden can be lifted from the executive branch. I hope that this fully explains the gentlewoman's inquiry.

Mrs. COLLINS of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Maryland?

There was no objection.

A motion to reconsider was laid on the table.

REFERRAL OF VETO MESSAGE ON H.R. 2586, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT, TO COMMITTEE ON WAYS AND MEANS

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that the veto message on the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, be referred to the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUPPORT THE RICKY RAY BILL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, this morning, more than 200 high school students gathered on the Capital steps to rally in support of "justice for all." They urge our passage of H.R. 1023, the Ricky Pay Hemophilia Relief Fund Act. This is a justice bill, designed to meet Government's share of the responsibility for a terrible medical tragedy that occurred in the early 1980's, when 8,000 people with hemophilia became infected with the virus that causes AIDS through the use of contaminated blood products. A review of the record shows that the Government failed to respond to the early warning signs of blood-borne AIDS and missed opportunities to protect hemophiliacs. The students have chosen to lobby on behalf of this legislation in part because most of them today are at the age that Ricky Ray—a constituent of mine—would have been if he had lived.

Tragically, Ricky Ray, and too many like him, succumbed to AIDS in December of 1992, at the age of only 15. Please join more than 160 of our colleagues and cosponsor this bill. It's the right thing to do.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2621, PROTECTING FEDERAL TRUST FUNDS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–388) on the resolution (H. Res. 293) providing for the consideration of the bill (H.R. 2621) to enforce the public debt and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations, which was referred to the House Calendar and ordered to be printed.

VACATING OF SPECIAL ORDER

Mr. GOSS. Mr. Speaker, I ask unanimous consent to vacate my request to speak for 5 minutes today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, many times during the vigorous debate on the House floor, much of what is spoken of is sometimes confusing and traveling in murky waters as the American people try to understand the direction that this Congress is taking. Interestingly enough, as we heard last evening, the President vetoing H.R. 2491, many might have thought that here we go again with an attempt at being an obstructionist and not pursuing the needs of the American people.

But I think there needs to be a little explanation as to how we got to this day, for many of us stayed here the weekend before Thanksgiving to make a commitment to the American people. That was that we would get a budget and, yes, we would agree on a 7-year budget. But as Democrats and the President pressed forward, we made certain points that must be reemphasized. We said we would do so, protecting Medicare, Medicaid, student loans, food stamps, not hurt the environment, raise taxes, not raise taxes on millions of working men and women and their families by slashing the earned income tax credit, and thereby providing a huge tax cut for beneficiaries making over $200,000. That, Mr. Speaker, was in the continuing resolution, no doubt. The language was as clear as black and white.

Now we come to a point where we are making accusations about the President's veto. He made it clear. We will work with you on a 7-year budget. But we understand the needs of Americans, education, Medicare reform, but handling and responding to the needs of Americans with health care, Medicaid, the environment. How many Americans have sent the Republicans here to dismantle the Clean Water Act and the Clean Air Act?

This is reflected in the VA–HUD bill that we saw today passed, even though it cuts VA facilities, veterans facilities by 62 percent. It cuts housing programs by 21 percent. It cuts the Environmental Protection Act by 21 percent. It cuts Superfund cleanups which in fact in my home communities in the 18th Congressional District, two neighborhoods now are facing the need to have environmental cleanup. That is cut by some 19 percent. Funds for elderly and disabled housing are each cut by 40 percent.

But the real irony, Mr. Speaker, is that just 8 days or so ago, this VA–HUD bill was recommitted to the conference committee with instructions to restore dollars for veterans health. In the shadow of Bosnia and on this famous day, December 7, 1995, reflecting on December 7, 1941, here we go again in rejecting the service that veterans have done. Just 8 days ago we recommitted it, but today we have the same Members who voted last time to recommit change their votes because they are more concerned with being in step with the majority than being in step with the American people.

Then in my own district of Houston, we find in the VA–HUD bill extraneous material dealing with public housing. Let me set the record clear. For this project, Allen Parkway Village, I am for providing housing, public housing for the 13,000 who are on the waiting list in Houston. I am for providing housing for seniors, working parents, affordable housing and, yes, public housing for those who need it. I am particularly for getting a master plan that will include the Houston Housing Authority, the city of Houston, the residents and all parties that have been involved.

A master plan sets the direction of how we should be able to compete and how we should be able to structure a housing development that will respond to all the needs of the people. Yes, I am for preservation that would preserve the concepts and the architectural design of an entity that has been noted as having historic value. But we have an extraneous language in the VA–HUD bill that does not relate to bringing people together in Houston. It relates to tearing us apart.

I am going to stand my ground, and that ground is to work with all the parties to ensure that we do have good housing in Houston in the Allen Parkway Village. It is for the elderly. We have it for those needing public housing. We have it for working families. We have a concept, a campus style concept that provides educational training, recreational services, job training so that those citizens in public housing can get out of public housing and become independent and move into other styles of housing.

It is important, Mr. Speaker, that just as the President has asked and the Democrats have committed to, we must work together on the budget, protecting the environment, protecting those who need Medicare and Medicaid, protecting those who need educational loans. And, yes, when we talk about public housing, we must work together because those of us who work together will get the right job done for all of America.

BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized for 5 minutes.

Mr. FUNDERBURK. Mr. Speaker, I am here to talk about the tragedy of American troops being sent to Bosnia and the fact that the President has made a decision without consulting with the American people and without consulting with Congress.

☐ 1515

We are here for a purpose in the People's House. We were elected to represent the people. Article I, section 8 of the Constitution gives the Congress the authority and the power to raise funds for armies and for the Navy. The President, like he did with the Mexican bailout, has simply gone around the Congress and tried to circumvent us in this action.

It is obvious from the polls taken around the country, and it is obvious from the people who call into our office every day, that there is very little support for the President's action, yet he has gone ahead without the support of the people and without the support of the Congress, and I think there is a tragedy in the making.

Personality I lived 6 years of my life in the Balkans. I was a United States Ambassador to Romania, which borders Yugoslavia. I traveled over into Yugoslavia, and the terrain in that area is mountainous. Winter is coming in the Balkans at this time. We have got tanks over there that are going to be messed up in the mush and the slog of winter. There are millions of land mines that have been planted by the Bosnia Serbs, and Croats, and Moslems.

And the President said he is sending American troops over there to keep the peace, and that we are going to impose and we are going to bring about a peace, and we are going to stop the genocide of these people. Well, if we go everywhere in the world simply because people ware fighting and killing each other, we could be in Sudan, we could be in Northern Ireland, we could be in Afghanistan, we could be all over the world. This is an absurdity.

In 1386 they had a famous battle, the Battle of the Blackbirds in the former Serbia and Yugoslavia, and that is when the Serbs lost, and the Ottoman Turks came in, and they won, and many of the people converted or were forced to convert to Islam. Today the Serbs, who are Orthodox Christians, are still upset and they are still seeking revenge, and they are still fighting against those who became Moslems. So you see you have an ethnic strife that has been going on for 600 years, and we are supposed to send troops over there for 1 year, let them stand in place, get killed by land mines, get killed by radical Arab terrorists who are in the area, and then we exit after 1 year supposedly, and we will have established peace that has not been there for 600 years. Come on, Mr. President, give me a break, get real.

The cost in lives to America is something that we ought to be very careful about, and the cost in dollars. First of all, the President said he was only going to send 20,000 troops. That is what he told the American people. Now it is up to 37,000 troops. First he said it is only going to cost us $2 billion. Now it is up to $4 billion.

I mean we are up here to balance the budget, we are here to reduce the deficit, we are here to cut costs, and the President is getting money for a Mexican bailout, $25 billion out of a slush fund. Now he wants to send $4 billion, probably much more, to Bosnia, a place that is an artificial creation, it is not a member of NATO. We have NATO set up to defend members of NATO against the Soviet threat. What happened to the Soviet threat? So he said we have got to save NATO by going to Bosnia.

Are you ready for this? The President backed last week the Foreign Minister of Spain, Spain is not even part of the military aspect of NATO, he backed the Foreign Minister, Javier Solana, to be the new NATO military commander. Well, this is an anti-NATO guy who is a member of the Socialist Worker's Party, tried to establish communism in Spain, one of Fidel Castro's best friends. Now he is the head of NATO. We want to go save NATO under the NATO military command of Javier Solana. Give me a break.

The President apparently has pollsters who have told him, "What you've got to do is establish some leadership credentials, so go over there, and look presidential, act like command in chief, and the people will reward you for it." Not only that, they told him something, and if this is the way he is operating, and this is truly what is behind this, this is a very cynical way to manipulate the American people and to perhaps bring about the loss of lives and a lot of dollars. They said, you know, "It doesn't matter if the American people are opposed to this action, it does not matter if Congress is opposed to it. You put the troops in the field, and they will be forced to do the loyal thing and say they support the American troops."

That is the box he is putting us in, and I think he is making a tragic mistake, and I wish he would reconsider.

FOCUSING ON A POSITIVE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, first of all, I wanted to thank the President of the United States. We had the great fortune of going to the White House the other evening for the Congressional Ball, and my mother, Frances Foley, was in town. I was able to take her to that great honor, and it was an evening of celebration, it was an evening of sharing the great bounty of this Nation in the people's home, the White House, and, yes, as a Republican, it was a great honor to be in the company of President Clinton and his wife.

The spirit that was alive in the house, the White House, that evening, was one that should be evident on this floor, one that should be evident in the debate about our budget for the Nation's future. He signed the veto message the other day, and the pen failed to write, and while many are making a joke about it, it does symbolize one thing: Our well is dry here in the Nation's Treasury. We are running on empty financially. It is time to step up to the plate and face the very important responsibility of Congress with the help of the President in balancing the budget with legitimate numbers, with legitimate dialog, with legitimate protections for our Nation's resources, but doing it in an honest and honorable and peaceful fashion, so that all Americans, regardless of party, can be proud of the actions of this Congress, that they have, in fact, done the people's work and they have done it professionally and respectfully.

I want to discuss another issue because from time to time Members of the House talk about public education as if it is a disaster, and they make unkind statements to public education. The teaching profession, teaching our children, is one of the most noble professions in our Nation.

There are problems in schools. There are problems on campuses. But they are not all related to schools and public education. They are related to a lot of external factors in our Nation.

I think about one of my counties, Palm Beach County, and I think of all the great things our school systems are doing. My father is a principal of an alternative school, a school of last resort for children with behavioral problems, drug addictions, truancy problems. He tells us often about the successful graduations of children that were otherwise thought of as not having a potential for passing anything, never mind high school, but they graduate; stories about young girls who become naval officers, who are the top of the naval class, who a few years earlier were counted out as derelicts, druggies, incompetent youth. The School of the Arts in Palm Beach County, allowing kids to express God-given talents in arts, and music, and dance, and theater, things that are not traditional, but they are learning something that they have a skill and an expertise in. Junior ROTC programs teaching children military leadership. They are enrolling dozens of people in my school community, and they are succeeding in educating our young people. The science, the math, the police academies that spring up around our communities that are successfully graduating children with an educational opportunity that allows them to go out, and get a job and become meaningful, taxpaying, productive citizens.

Palm Beach Garden High School; I visited the film school. We did interviews. They had tremendous technological equipment, learning to be little broadcasters. Someday they may be on the evening news.

These are things that are working in our school system that we need to magnify, talk about in a positive way, show that public education is working, show that teachers who are sacrificing in a job dealing with difficult students are doing so because they love this country, they love children, and they want to see the future of those children succeed.

Future Farmers of America programs, 4-H Clubs, all things that are working in public education that we all too often in Congress just say things are bad in public education, but it is time to stand up for the programs that work. It is time to talk about the one thing that we can make certain when we talk about the future direction of America is that children have a positive education, that they learn, that they are inspired, that they are told different things, learn to work on computers, learn to talk about children who may not go to college, but in fact may work at McDonald's, may in fact become a store manager and a store owner, may work at Publix as a bag boy and rise to be a manager of that store; that it is within each of us that we can excel, that we can excel and be supportive of this great country of ours.

We have got to focus in this Congress about the very good things in our Nation and not always be talking about negativity, and disastrous consequences and evil, mean-spirited politics, because this Nation is the greatest Nation on Earth. God's gift to us has been one of being able to enunciate those positive things on this floor.

So let us respect teachers, let us respect public education, let us respect private schools, but education is everybody's future, it is our Nation's salvation, it is the elimination in the future of crime and dependency in our Nation.

So, I urge my colleagues to focus in the next year ahead, as we enter 1996, on positive education, positive future for our Nation, positive leadership for our children.

KEEP MEDICAID INTACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today was National Medicaid Day, and myself, and Senator LAUTENBERG, and a number of other Members of Congress, participated in an event on the front lawn of the Capitol where we stressed the fact that the Medicaid changes that have been proposed by the Republican leadership will have a severely negative impact on the low-income people, be they seniors, children, the disabled, who now benefit from the Medicaid Program, which is the Federal program that guarantees health care for low-income people.

I was very pleased to see that yesterday when the President signed his veto and sent his veto message to Congress in reaction to the Republican leadership budget that he stressed the extreme impact, if you will, and the unacceptable changes in the Medicaid program that were set forth in that Republican budget. I am hopeful that during the negotiations that are taking place now over the budget where the President and the congressional leadership, particularly the Republican leadership, seek to come together on a compromise budget bill, that the bill will successfully keep Medicaid intact and guarantee health care coverage for those people that are currently covered by the Medicaid Program.

What I think is most important during these negotiations is that the Medicaid guarantee, the guarantee that has been around here now for 30 years, that low-income people have health care coverage, that those same eligible people be eligible in guaranteed health care under whatever comes out of these budget negotiations.

There has been a lot of talk about flexibility on the Republican side, and specifically today a number of Republican Governors came down to the capital and stressed that they would like to have flexibility in the Medicaid Program and how it is administered, and I agree with that concept of flexibility. But the flexibility should not go so far that they can declare certain people ineligible for Medicaid and, therefore, have no health insurance, or set the standards and the coverage for the Medicaid Program so low or so slim, so to speak, that the type of coverage that is now provided where certain services, certain health care services, are provided, would not be provided or the quality of care would be diminished.

So I am hopeful that we will not only see in these negotiations a Medicaid Program that guarantees coverage for those who are not eligible for Medicaid, but also that certain minimum standards be put in place as to what a health care coverage or what a policy would include for low-income people, and lastly that sufficient funding be put back into the budget bill for the Medicaid Program so that we do not see a decline in quality for the program.

□ 1530

The President mentioned in his veto message five concerns that he had about the Republican budget when it dealt with Medicaid. I would like to go through those briefly.

First, he said that the Republican budget cuts Federal Medicaid payments to States by $163 billion over 7 years, a 28 percent cut by the year 2002 below what the Congressional Budget Office estimates is necessary for Medicaid spending. So the concern here is that if you cut Medicaid by 20 percent over what we estimate we need for those who are currently eligible for Medicaid, that by the year 2002 States with the lesser funds would have to eliminate that many people from the Medicaid Program.

Second, the President mentioned that the Republican bill converts Medicaid into a block grant with drastically less spending, eliminating guaranteed coverage to millions of Americans and perhaps forcing States to drop coverage for millions of the most vulnerable citizens, including children and the disabled. This is really the key during the budget negotiations. We do not want to eliminate what we call the entitlement status of Medicaid, so that certain people are not eligible because States decide that they do not have enough money and will not cover them.

Third, the President said that the Republican budget purports to guarantee coverage to certain groups but does not define a minimum level of benefits. There again, it is not only important that a eligible Medicaid recipients continue to be eligible, but that whatever package is put together of coverage for them, that those same minimum level of services be included for a national standard so that individual States can change it.

Fourth, the President said that the Republican budget purports to protect certain vulnerable populations with set-asides, but would cover less than half of the estimated needs of senior citizens and people with disabilities in the year 2002. The best example of this are those particularly vulnerable seniors who are low income, who now have their Medicare part B coverage paid, but would not necessarily have it under this proposal. As I said again, Mr. Speaker, we will be talking about this a lot more. It is most important that Medicaid be guaranteed for those low-income people.

PRESIDENT CLINTON'S VETO OF THE BALANCED BUDGET ACT PURELY A PUBLIC RELATIONS STUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, as we all know, the President vetoed the Balanced Budget Act of 1995. I am not surprised, but I am disappointed. I want to talk about why I believe the President vetoed what I think was a very good budget for this country. It was a bad veto for all of us. First of all, it was purely a public relations stunt, as full of irony as hypocrisy. The President had the pen Lyndon Johnson used to sign Great Society into law flown into Washington, DC, from Texas.

After his speech, the President quickly left the room before he had to answer questions about his balanced budget, but there were plenty of questions Mr. Clinton should have answered for the American people. The President criticized the House-Senate plan to save Medicare for the long term, but has failed to offer his own. Perhaps worse, 1994's Clinton health care plan contained major spending reductions in the growth of Medicare.

Mr. Speaker, I wonder why it was OK for the President to control spending on Medicare but not for the Republicans to do the same. He also should have spoken further about the Great Society programs Lyndon Johnson used that pen for. For instance, most Americans consider LBJ's war on poverty a terrible failure. Today, one child in three is illegitimate, drug use is up, education scores are down, and generations of families have depended on welfare instead of work. We have the highest crime rate in the world, and many of our inner cities are devastated.

Is the President endorsing LBJ's war on poverty that has cost $5 trillion and left this country's poor in worse shape that before? One more question, Mr. Speaker. When Bill Clinton was running for President, he promised to balance the budget in 5 years. In his first State of the Union address he promised to use economic projections of the Congressional Budget Office. Now he not only refuses to offer a real 7-year balanced budget plan, but he uses economic figures cooked up by his own economists so he does not have to make tough choices. Then he stands on the sidelines and demagogues honest efforts to balance the budget. Why does the President consistently say one thing and do another?

I realize that this may sound more than a little partisan, but frankly, I am upset about a veto of the first balanced budget we have had in more than a generation, our first and perhaps last chance to stop robbing our children and grandchildren.

My daughter, 13 years old, my son, 24 years old, what kind of future are they going to have unless we get realistic about balancing the budget? I call on the President to do just that. The President's LBJ pen did not work at first. After trying a new inkwell he was finally able to sign his name. If there was any justice, the ink would have been red.

THE REAL ISSUES REGARDING AMERICA'S ROLE IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, the tragedy in Bosnia is very much on the mine of every Member of this Chamber. Bosnia is not a partisan matter. Our policy in Bosnia, in my judgment, has been the error of two administrations, one of one party and one of another party. The embargo was put on by one, said that it would be lifted by another, but that still has not been done.

The result is that the Bosnians, who were aggressed against, attacked, have not had the weapons to defend themselves when they wanted to defend themselves. Now we say in the Dayton agreement that we will make sure the Bosnians are finally armed. The embargo still exists. It needs to come off. Of course, it never should have been put on.

Mr. Speaker, the issue in this debate is not who is an internationalist and who is an isolationist. I would like to think the issue is who is a realist.

The issue is also one of the power of the Congress and the power of the President. Under the Constitution, Presidents may wage war. It is Congress that declares war.

As we know from studying the Constitution in elementary school, high school, college and university, there are approximately 200 conflicts, large and small, that we have been in since 1789 when the First Congress met in New York. In only five of those did Congress declare war, but it certainly gave support to a number of others through appropriations and through authorization.

But that power of the President to wage war is not a mandate to be Super Cop to the world at either the whim or the policy of the President. The question is: "Where is our vital interest?"

Usually the vital interest has been, in most of those 200 engagements, where the lives of citizens of the United States have been involved. Citizens of the United States are not being held captive in Bosnia and the lives of American citizens have not been involved.

We hear Members of the administration saying, "This is not going to be another Vietnam," even though one of the top negotiators at Dayton had a slip of the tongue in talking to a few of us and mentioned Vietnam in the place of where he meant Bosnia. Whether that is significant I leave to the psychoanalysts.

Our troops are on the ground to separate the warring parties, who now are tired, presumably, and want peace after 500 years of acrimony, war, and conflict based on ethnicity as well as on religion. What happens when those supposedly tired warring parties decide they do not want peace anymore and the American forces are in the middle, presumably trying to separate them? The American forces thankfully do have the power to respond, and to respond promptly.

But I worry when a President, any President, Republican or Democrat—and this is a not a new thought with me—does something in foreign affairs in an election year. We all agree that handling foreign affairs is, frankly, a lot easier than dealing with domestic policy and all the different factions there.

The lives of American military men and women are too valuable to be an election year photo opportunity. The President does not have the power to deploy troops anywhere on either whim or long-thought-out policy. It is the Congress that must face up to the issue as to whether the President has the right to deploy troops in the former Yugoslavia, primarily in Bosnia. I would suggest that the President does not have the right. He has not shown us that there is a vital interest in Bosnia for America.

Certainly there is a humanitarian interest. There are dozens of humanitarian interests where people are being butchered by their neighbors in the same country, be it in Africa, be it in parts of Europe, be it in Asia. We cannot be, as I said earlier, Super Cop to the world. Congress needs to face up to this issue and not duck it as it has been ducking it for the last 2 weeks.

BLATANT POLITICAL DOCUMENTS SENT FROM THE WHITE HOUSE TO FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to discuss an issue regarding a letter that President Clinton and Vice President GORE sent to a number of Federal employees. I was at a hearing last week on the space program and we were receiving testimony from the administrator, Mr. Dan Golden, and one of the members at that hearing brought up the subject of a letter that had been sent to NASA employees in his district that he found particularly offensive. I was very concerned about this particular issue, so I asked for a copy of this letter.

Honestly, Mr. Speaker, when I saw this letter, I thought it was a hoax. I thought the President and the Vice President of the United States of America could never be so foolish as to send out to Federal civil service employees an openly and blatantly political document such as this, which is obviously in violation of statute. I had one of my staff call over to the White house to find out for sure, because I thought it was obviously a hoax, as to whether or not the White House had authorized this letter. I was very, very shocked to find out that this, indeed, did come out of the office of the President and was authorized by the Vice President's office.

The letter is entitled "An open letter to Federal employees, from President Clinton and Vice President Gore." It begins with a comment about how proud they are of the work force, and then it goes on to say some nice things about the very good work that our Federal employees do, but then it goes on to talk about the possibility of another Federal shutdown.

It says in the fourth paragraph: "You all know that the law under which most of the government is operating expires on December 15, and the debate that led to the November shutdown is not over," a very true and accurate statement. I agree with it.

Then it goes on to say: "We can't promise you that your jobs and your lives won't be interrupted again. Too much is at stake for America. If you are held hostage again, we know you would not want us to forfeit the Nation's future as ransom."

Mr. Speaker, I think this is an outrage that the President and the Vice President of the United States would send out such a blatantly political document to Federal employees. The Congress of the United States sent to the President of the United States a continuing resolution to keep the Government open, and the President of the United States decided to veto that continuing resolution, and in him doing so, vetoing that legislation, he shut the Government down. It was quite apparent to me when I heard that he did not talk to the Speaker or the majority leader of the other body on their trip to Israel at all that he was very intent on not negotiating with our side and letting the government shut down.

Indeed, that was the real story behind that lack of dialog on that trip to Israel, the fact that the President of the United States wanted to go ahead and shut the Government down, and then these two gentlemen have the nerve to turn around and send out such a politically blatant document to Federal employees. I am calling on the chairman of the Subcommittee on Civil Service, the honorable and distinguished gentleman from Florida, Mr. JOHN MICA, to hold hearings on this subject, because I have since discovered this is not the first time that this has happened. No other President in United States history has ever exploited the Federal work force for political advantage like this President has.

I have in my hands a document that came out of the White House, encouraging all Cabinet Members to solicit political donations from Federal employees, so this President has done it before. He has used his political office of the Presidency of the United States for his political gain. He is doing that again in this letter. I think it is wrong. No Republican President could ever get away with doing anything like this. If a Republican tried something like this, the Washington press corps would be up in arms, there would be calls for investigations, there would be hearings being held.

I am rising today in this House to call upon the Subcommittee on Civil Service to hold hearings on what this President and the Vice President of the United States are doing, politicizing our civil service work force. I could tell you that I have civil service employees in my district who got this letter and they were outraged.

□ 1445

IMPRISONMENT IS NOT THE ANSWER

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, for all of us, this is a holiday season—a time for reflection and renewal. This should most of all be a time to think about possibilities—the possibilities of doing the best we can.

The other day I read a truly grim report: More than a million Americans are in prison. Last year, the rate of growth in prison population was the biggest ever.

Here in the United States, we lock up the biggest percentage of the population of any country in the world. The chances of landing in prison are 8 to 10 times higher here than in other industrial countries. And yet this is a far more dangerous country than most: Violent crime is far worse here than in Canada or Britain or France or Germany. So, clearly, locking people up hasn't made us safer.

In Texas, there are 127,000 people in prison. That's nearly equal to the prison population of the whole United States less than 20 years ago. We also execute more criminals in Texas than in any other State. And yet, I don't think anyone would say that we've turned the corner on crime.

These days, people look at prisons as a way of punishment, and the harsher the better.

Ironically, prisons were invented as a more humane way to treat criminals. Prisons were supposed to replace brutal punishments that left offenders scarred or maimed—punishments that the Constitution calls "cruel and unusual." The idea was to create a penitentiary. The word "penitentiary" was meant to describe a place where the miscreant would be isolated so that he could think about his offense and become penitent. The offender would spend a great deal of time alone, and be trained in a useful occupation. The idea was, in short, not just to punish, but to rehabilitate offenders.

These days, the 19th century idea of penitentiaries is mostly forgotten. And yet, the best run Federal prison today—the one that costs the least to run, the one where there is the least violence among inmates, and the one where the inmates are least likely to become repeat offenders—is run exactly along the lines of the 19th century idea of prison as a tool of reform and rehabilitation. In other words, we actually can compare a humane prison against a brutal one, and we can see the results: the humane prison is cheaper to run and gets effective results; the brutal prison is more costly and only poisons prisoners and communities alike.

Of course, not everyone can be rehabilitated. But in this season of hope and renewal, we ought to think about the growth of prisons, and ask ourselves why we are pouring more and more resources into a system that clearly does not work.

There was a time when people were jailed if they failed to pay their debts. It was a curious and self-defeating thing: a person obviously could not pay a debt while in jail, so debtors' prisons were a burden on everybody: the creditor didn't get paid, the prisoner couldn't pay, and the local government ended up saddled with jails full of honest folks whose only crime was to be in debt.

This got to be a real problem in the city of Edinburgh, Scotland in the year 1742. So the city's government did a wise thing: they commissioned an artist to write a musical piece, hoping that the resulting concert would raise some money to pay off the debts of some of the people who'd been imprisoned for debt.

The composer who got the job was George F. Handel, and in just 26 days he produced the gigantic oratorio, "The Messiah," and it was a great hit: the city raised a great deal of money, paid off the debts of a number of prisoners, and freed them.

Today, it's hard to imagine a city council smart enough to commission a concert to raise money to free prisoners. But we should think about the lesson here: surely there is a better thing to do than make a failing system even worse.

After all, you can't quarrel with the results that the city fathers of Edinburgh got for their trouble: "The Messiah" was an instant success, and it freed prisoners and community alike of a terrible situation. What's more, "The Messiah" is the most performed choral work in history.

If you happen to hear "The Messiah" performed this year. remember it was written because a local government wanted to make some money and free some prisoners.

Maybe we can think about it, and come up with ways to free ourselves of the burden of a prison system which produces far more burdens than it does results. The least we can do in this season of hope and renewal is to ask ourselves why it makes sense to have more and harsher prisons, when the evidence is that prisons that try to rehabilitate prisoners, actually do get results, and are safer and cheaper to run.

Shouldn't we think about the possibilities?

WE SUPPORT OUR SONS AND DAUGHTERS IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this afternoon to address the issue of Bosnia and to outline the text of a resolution that was introduced yesterday by my colleague on the other side, PAUL MCHALE, and I, both members of the House Committee on National Security.

Mr. Speaker, I have consistently opposed the President's policy on Bosnia and I oppose it today. I voted for the motions to lift the arms embargo because I felt we were not leveling the playing field in that country. We could have prevented many of the atrocities that have occurred there over the past several years, the ones that President Clinton talked to the American people about just a week ago.

I supported the resolution in opposition to the President sending in ground troops. I think it is a grave mistake to put our young people in the midst of this turmoil, and in fact have stated so repeatedly and believe today that we are making a mistake.

However, Mr. Speaker, the President is the Commander in Chief, and has the ability to deploy our troops where he sees fit. Unfortunately, this President, despite votes taken in this body and the other body, overwhelmingly bipartisan, objecting to his policy, has already committed our troops to Bosnia. There is not much we can do about that, Mr. Speaker, and that is unfortunate.

However, Mr. Speaker, we can in fact do something now, and that is what my resolution and the resolution joined by my friend, Mr. McHALE does. Our resolution acknowledges that this Congress has gone on record repeatedly against inserting ground troops. Our resolution also acknowledges that the President is the Commander in Chief and, as such, can send our troops and deploy them where he wants.

The resolution does state that we in this Congress overwhelmingly support the sons and daughters of America serving in our military who are going to be deployed to Bosnia. But furthermore and perhaps most significantly, what our resolution says is that now that this President has committed our troops, there will be no political second-guessing of the support necessary for them to complete their mission.

The reason why we make this statement, Mr. Speaker, is just a few short years ago when our troops were in Somalia, a request was made by the general in charge of those troops for backup support. We would later find out that that request was denied. When asked why it was denied, the Secretary of Defense at that time, Les Aspin, a friend of mine until he passed away a few short months ago, said that the political climate in Washington was not right to deploy more troops to that theater.

Mr. Speaker, we must never again allow a political decision to decide the fate of our troops. In Somalia, 18 young men and women were killed because we did not provide the adequate backup 1 month after a request was made for additional support. That must not happen in this case and will not happen, because my resolution says that whatever General Joulwan wants in the way of backup, whether it be personnel, whether it be heavy artillery, whether it be air support, or whatever that need is, that there be no political second-guessing from the White House. The DOD and the administration must immediately respond to the request determined by the general in charge of the theater who has been given the responsibility to protect the lives of our kids.

Mr. Speaker, this is the least that we can do to protect our young Americans who are being assigned by this President to go into a hostile area that most of us agree they should not be going to. I ask my colleagues on both sides of the aisle to join us.

We already have bipartisan support. The numbers are growing. We have been joined by Mr. KENNEDY on the other side, by Mr. CUNNINGHAM on our side, and by a number of other Members, and I would ask our colleagues to call my office today, or Mr. McHALE's office, to sign up as cosponsors so that we can let this President know that while we disagree with him, he is going to give our troops the support that they need, they deserve and they warrant in terms of the operation in the Bosnian theater.

NATIONAL DEBT CONTINUES TO GROW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I want to thank Lisa and Melinda for helping me bring out today's total of the debt. As of 3 o'clock this afternoon, the United States national debt is $4,988,640,469,699.34. For the second day in a row, it is actually a decrease of $125 million over yesterday.

Now, to reassure anyone who might think that we have suddenly reversed course in Washington, I want you to know that, unfortunately, that is not the case. In fact, the debt will fluctuate on a daily basis, but overall, during the current fiscal year, we can expect that the Federal debt will probably increase by another $200 billion. In short, we will pass the $5 trillion mark at some point in the next 6 or 7 months.

Having said that, again, I rise before this House, Mr. Speaker, to point out the incredible burden that this debt presents, not only to this generation, but to the generation represented by Lisa and Melinda and other generations that will follow us in the future. The $5 trillion is almost 40 percent of every nickel and dime that the Federal Government will spend over the next 7 years.

Now, one of the reasons that I think it is important that this number be brought to our attention on a daily basis is that I think we have a hard time as a country realizing that this is not some abstract number that has no meaning to the way we live our lives.

During my campaign for office in 1994, I campaigned on a theme of payroll taxes. Specifically, I would talk in various troops around my district about the fact that if I went into a store in Maine and bought a pack of cigarettes, I would pay three taxes. If I bought a can of beer, I would pay four taxes. And we call those taxes on beer and cigarettes sin taxes, because they are taxes designed to discourage our behavior, behavior that we consider adverse to our health.

Well, yet, then what do we say when, if I created a job and I pay or manage 9 different taxes in the State of Maine and a number close to that in other States across the country, and those 9 taxes on a job total almost 25 or 30 percent of the total cost of hiring an employee, then what do we call that? Does it become a sin today to create a job or create economic opportunity for an individual?

I would suggest before this Chamber that there is a connection between an extremely high tax burden across the country, again 9 taxes and almost 25 percent of gross cost at the minimum wage, not at a high wage, not at some $100,000 salary level, but at a lousy $4.25 an hour. In fact, the minimum wage today really is an appropriate term to describe the problem that men and women have when they find a job. The real issue today is take-home pay, not minimum wage. When you look at the difference between the two, it is staggering.

Now, I mentioned yesterday that I have been criticized by a columnist in a local paper back in my district that this was a waste of time.

Specifically, this editor had objected to the fact that I was faxing the debt total out to him and other editors throughout my district on a daily basis. In fact, he criticized me and he said, "Congressman LONGLEY should consider his own contribution to the national debt by his wasting of our tax dollars on faxes such as this, which cost paper, employee time, computer time, et cetera.

The editor went on to say, "I intend to let him know that we do not need to see a new fax each day or ever again. Thank you."

Now, the irony is that these several paragraphs were maybe less than 20 percent of a column describing the need of the local community to look ahead in planning the use of their downtown.

□ 1600

I point that out, and in some sense this is humorous but there is also a very serious point that needs to be made and this is fundamentally the problem that we must confront as a Congress and we must confront as a country, is that Washington has become so remote from day-to-day life in America, from what goes on in our town halls, and in our State governments, that we have ceased to realize that the debt is actually a tangible factor that affects the way we live our lives, and when the editor of a prominent local paper suggests, when talking about downtown improvements, that the city cannot afford to just keep chugging along not particularly worried about the future, it would not hurt to think again.

Again, this is the ultimate issue. This debt not only is a monument to an incredible level of spending but it represents the fact that Washington has gone beyond a high level of taxes, it has gone beyond a high level of spending, and it has actually spent far more than it has taken in and it is now threatening to leave a $5 trillion stone around the necks of our children and our grandchildren and the future of this country.

In my opinion, with all due respect to this editor, there is no issue more important than once and for all coming to grips with this national tragedy.

SUPPORT VOICED FOR PRESIDENTIAL VETO OF RECONCILIATION BILL

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Speaker, I seek this time today to voice my support for the President's veto of the reconciliation measure that was returned to the House with a long message yesterday that was read into the RECORD.

In that message, of course, the President touched on, I think, the elemental points of equity, of fairness, of the Congress' responsibility to try to achieve laws that in fact provide for the needs of the people that we represent. That in doing so in terms of attempting to achieve a balance in the budget that we also balance the responsibilities and the sacrifices that are expected in a fair way to provide for our success as a Nation today and into the future.

In fact, of course, today as we look at the economy and the progress that has been made in this administration, it is, I think, encouraging, that since 1993 there are 6 million new jobs that have been created, the deficit on an annual basis is on a glidepath, that does not mean that we can stop in terms of our work, that in fact we must continue to deal with attempting to achieve savings.

There are, of course, today 150,000 fewer Federal employees than there were when the President took office. So we are making some success.

But the President pointed out in that deficit message specifically the type of inordinate cuts that are being proposed in Medicare. The President, of course, has been foremost in his responsibility and advocacy for health care reform. In fact I think the first 2 years one of the major shortcomings that occurred was the future, of course, of a health care reform proposal, an effort to rationalize the system.

Today I think the President, too, would not argue that his plan was the only plan in terms of health care reform but that it was necessary to rationalize that system to bring these costs into control and the services in a way that would inure to the benefit of the people that we represent.

So that similarly when the President points out the types of cuts in Medicare, I think he does it, in a sense, standing on the high ground because of the work that he has done. Similarly the significant cuts in Medicare. In fact, half the cuts in the budget proposed by this new Congress, this Republican Congress, have been in the area of Medicare and Medicaid cuts.

Furthermore, of course, the President indicated his opposition and concern to many other elements in terms of the welfare reform.

But one of the other areas that I thought needed special attention is the issue dealing with the Arctic National Wildlife Refuge. This area is a very important area. Obviously in trying to achieve a balanced budget, a fiscal budget, we also need to maintain an environmental balance.

I think what has been lost in the enthusiasm and the controversy that surrounds many of the policies with the environment has really been a lack of understanding and a recognition of what the consequence of many of these actions are.

It is as if, Mr. Speaker, that we have moved back to the 19th century era of the robber barons and we are trying to put into place policies that maybe were right, and I do not even think they were right in the 19th century, in the latter part of the 20th century.

The Arctic Plain, the Arctic National Wildlife Refuge, really represents an area that is a window on the Ice Age. Since the retreat of the great Ice Age, this area has been the home of the caribou calving ground of 160,000 herd caribou, the porcupine caribou herd today.

What is being proposed here is to take it out of that protected status that it has enjoyed, to permit it to be open to oil and gas exploration.

In order to understand the impact of this, this is not just any piece of land. It really is an arctic desert. It is an area that has very little water on it. The vegetative mat is about as deep as the podium that I am standing in front of today speaking and it has taken 20,000 years of accumulated growth for that organic mat to form over the polar ice area.

Of course, while the oil development and gas development may not occupy much of the surface, it would in essence, of course, have a profound impact on this 1.5 million-acre area. Incidentally, it is the only part of the arctic plain on the Beaufort Sea that is in fact not open to development today, and that is the irony, because there are so many areas of Alaska, so many areas of that plain that are already open to oil development. And so just feeding this, or letting the speculators bid on it, would not deliver us a great change in terms of our deficit but it would I think destroy forever a pristine area and create an environmental deficit.

As my colleagues tonight are noting, the Republican budget reconciliation bill decimates programs for people such as Medicaid and Medicare and replaces them with a new type of welfare—aid to dependent industries and special interests. This is especially evident where environment issues are concerned. Over and over again, the interests of the mining, timber, oil, and gas industries take precedence over public health and the rights of future generations to inherit a healthy planet are adversely affected by the provisions of the Republican reconciliation measure especially as it impacts the environment.

I'll make just a few points to illustrate my point. First, the Arctic National Wildlife Refuge is destroyed.

The bill permits oil and gas exploration supposedly to secure $1.3 billion in Federal revenue and in my view the Treasury will never receive that much because the economic assumptions are faulty and the bill assumes a 50–50 split between the Federal Government and Alaska, even though Alaska can and probably will sue for 90 percent under the Alaska Statehood Act.

The best the Nation would get is enough oil to fuel the America's energy needs for 200 days—That's the most optimistic forecast. But most importantly the unique and fragile Arctic ecosystem would be destroyed. ANWR is home to more than 200 species of conspicuous and many more inconspicuous species of fauna and flora. The porcupine caribou herd uses the northern coastal plain for calving and post-calving activities. It is the biological heart of this arctic wilderness The Native American Gwich'in people who rely on the caribou for subsistence would of course be adversely affected. Public opinion opposes oil drilling in ANWR in fact 70 percent favor the preservation of this area. Furthermore, this new policy of using asset sales for deficit reduction sets a bad precedent. The loss of resources offsets potential gains in terms of dollars.

Second the mining provisions of this measure enshrine the rights of speculators in law at the expense of the U.S. taxpayer. The mining law of 1872 permits mining companies to acquire public land and mineral rights for a fraction of their value, this so-called reform remains blind to the mineral value of the land. The mining industry now buys mineral rich land for as little as $5 per acre. And we should not be blackmailed in the reform process to give away the minerals to the mining interests. Within the past week, the Secretary of the Interior was forced to turn over 3 billion dollars' worth of copper and silver for under $2,000 because of the 1872 Mining law.

Meaningful reform of this budget-busting 19th century mining law is needed today. The Republican budget fails to provide real reform. Federal mineral rights will be sold at their market value, which means the value of the surface land, not the minerals underneath. This would be like selling Fort Knox for the price of the parking lot and building. The American taxpayers are getting ripped off again under the Rubric of reform—some reform; Republican reform.

Third, other provisions in the Republican budget continue the special interest benefit under a mantra of budget balancing such as Park concessions change that gives incumbent concessionaires huge advantages over the competition. Grazing provisions that further reduce the already scandalously low fees paid by ranchers. Continuation of below cost timber sales—as the taxpayer pays the cost and loses in American legacy and congressional mandates the transfer of a Ward Valley, CA site for a low level radioactive waste dump with no public or scientific safeguards.

In conclusion, this budget bill regards land and conservation policy will revive the era of the great robber barons, who exploited and degraded America's natural resources during the nineteenth century and into the 20th century. Isn't it time to correct such policy for the 21st century. This Republican budget bill would destroy natural monuments like ANWR and in essence build new monuments to greed and the special interests. This budget bill fails in terms of politics and public opinion, science, economics, and morality.

President Clinton was right to veto this budget reconciliation ("wreckonciliation") bill—we owe it to future generations to protect their rightful legacy and uphold this veto and more importantly balance the budget without creating a massive environmental deficit or a human deficit.

IN MEMORY OF GEN. MAX THURMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this afternoon to remember the life and the contributions of a great American. Gen. Max Thurman had his final battle with leukemia end 1 week ago. His remains were laid to rest earlier today at Arlington National Cemetery.

During almost four decades of military service, Max Thurman found his duty offered him diverse challenges, from Vietnam, the U.S. Army Recruiting Command, ultimately to commander of our forces during Operation Just Cause in Panama, an operation for which he delayed his retirement from military service.

His devotion to duty was so intense that he earned several nicknames during the course of his military career. Indeed, one of those nicknames, I suppose, speaks volumes to those who served under his command, for they came to call him Maxatollah. But that devotion to duty, that intensity, that ability that Max Thurman brought to the U.S. Army served that fighting force well in a massive transition from a conscripted army to a volunteer force.

Max Thurman faced a challenge not only on the field of battle but among those who would make their livings trying to influence Americans on Madison Avenue, for it was Max Thurman who worked just as tirelessly in his recruiting command to fashion a message to young Americans, to reshape and rethink and rearticulate a call to duty. It was Max Thurman who worked with those from the civilian world to encapsulate a phrase that spoke not only to the promise of youth, not only to the promise of this great country, but to the promise of service in the U.S. Army, for it was Max Thurman who helped to coin the phrase "Be all that you can be."

Indeed, his reputation won him a certain celebrity. The story goes that once upon a time, in the airport, I believe, in Chicago, a lady approached him and simply said, "General, are you the 'Be all you can be' man?"

And Max said, yes, he was that man.

But he was far more. Those privileged to serve with him, both on the field of battle and in other commands, talk of his reputation, of his intensity, of his dedication to service, of that commanding voice but, yes, also that distinctive walk that would reverberate in the Marshall Corridor in the Pentagon, as if this were a man born to command.

My personal recollections are different, for I did not know the Maxatollah, not in that sense. My father grew up with Max in the southern town of High Point, NC, and Max Thurman preceded me to North Carolina State University where he earned his degree in chemical engineering.

The Max Thurman I knew was a kind, decent and yes, dare I say gentle man, one always willing to stop and answer questions in a kindly fashion.

Yes, we heard his command voice in Panama, in Operation Just Cause, and yes, we mourn his passing and pass along our condolences to his brother, Lt. Gen. Roy Thurman, now retired, and to all those who served with him.

But it is safe to say that Max Thurman lived up to the slogan "Be all that you can be" because he was all he possibly could have been.

DEPARTMENT OF ENERGY SPENDING PRACTICES QUESTIONED

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I think that you are well aware that I have come to the well on a number of occasions to address the House regarding my concerns about Government waste in general and how to root it out and eliminate it. But in particular I have focused attention on the Department of Energy and the extravagant travel practices of certain members of the Department, and the relationship of that travel to the transfer of money from certain accounts into other accounts as it relates to the overall mission of the Department of Energy.

In that context, I had occasion to get a telephone call from the Secretary of Energy some 3 or 4 weeks ago, asking to meet with me and to explain certain things, which I did. It was my impression, both from that conversation as well as from other developments that had occurred in the press, that perhaps a new leaf had been turned over in the Department of Energy, that the kind of profligate waste and abuse of travel moneys and of traveling and just a general sort of complete uncaring attitude toward the taxpayers' money had been overcome, and that really we had done some good work perhaps just by bringing attention to it in this House.

But it is my very sad duty today to report to you and to this House that I have had come across my desk a cable that was addressed to the State Department from U.S. Ambassador John B. Ritch. He is the U.S. Chief of Mission to the United Nations in Vienna. It criticizes in very stark terms the ongoing waste of taxpayer dollars on travel by the Department of Energy, specifically the U.S. delegation to the International Atomic Energy Agency conference in Vienna this past September.

☐ 1615

I want to read to you from the cable. It says, "Subject: Nonproliferation of delegates as well as weapons."

> The size of the United States delegation to this year's IAEA general conference exceeded thermonuclear critical mass and threatened to vaporize our message of fiscal austerity to the United Nations. At least 38 Washington visitors, of whom only 19 were accredited to the conference, came to Vienna to participate in the 39th general conference in September. At a rate of $188 per day for 8 days, per diem alone approached $60,000. With an average air fare of $900, air fare for the delegation came to $35,000, bringing the total close to $100,000. This figure does not include the visitors' salaries, nor does it cover the full cost of the United States delegation, which also included most of the already in-place staff. Counting the U.N. Vienna, our delegation came to about 50.
>
> Ironically, the United States delegation spent much of the week fighting a proposal that would have increased our annual contribution to the technical assistance fund by $125,000, roughly the same amount that it took to bring our visitors to Vienna. Predictably, most of the work to defend the United States position actually ended up being done by a few experts from Washington and U.N. VIE.

Let me remind you again, Mr. Speaker, this is written by our U.S. ambassador to the U.N. delegation in Vienna. This is an ambassador who is an appointee of President Clinton.

> In the context of today's budget climate and Administration efforts to reinvent a more cost-effective government, this year's delegation represented a profligate cost. But, as indicated above, it was also an embarrassment. Several of our G–77 and other counterparts wondered aloud how our professed budgetary austerity squared with extravagant United States Government travel habits. By way of comparison, most other delegations, even from larger countries, included only one or two visitors from capitals. It is also true that a traveling Cabinet officer needs some accompanying support. But these points do not serve to justify more than three dozen visitors from Washington, particularly since the general conference is, in certain respects, one of the least substantive events on the IAEA calendar. We want to be clear on this point: U.N. VIE encourages substantive visits, but for substance, Washington officials should glean far more from a well-scheduled one-to-two-day visit during the normal IAEA work cycle.

The Ambassador said the size of the U.S. delegation to IAEA conference this past September threatened to vaporize our message of fiscal austerity for the United Nations.

Now, what brings me to the floor, besides wanting to bring to your attention, Mr. Speaker, this, I think, important piece of information, what really brings me to the floor is that lost in all of the liberal rhetoric that we hear around here about massive budget cuts, about heartless and cold treatment, about callousness, is the fact that the Federal Government continues to waste billions and billions of dollars annually. It is precisely this type of waste and abuse that Americans want stopped.

This disclosure that comes on the heels of President Clinton's veto of the very first balanced budget to cross his desk ever, and the first balanced budget to come across any President's desk in 26 years, raises questions certainly about this administration's commitment to controlling Federal spending. The President is talking about reinventing Government. If this is the kind of Government that he has reinvented, if this is what he wants in terms of reinvention, then, doggone it, Mr. Speaker, we are getting nowhere on this.

I will wrap up by saying this: The President's veto of the budget package while he has this kind of profligate spending going on in his own agencies clearly shows the lie of what is going on at the political levels in this government.

Mr. Speaker, I am including for the RECORD the message just referenced, as follows:

IMMEDIATE—UNCLASSIFIED—DSSCS MESSAGE—11758 CHARACTERS
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ACTION=DOE
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TO RUEHC/SECSTATE WASHDC IMMEDIATE 1929
RUEHMT/AMCONSUL MONTREAL 0020
RUEHRO/AMEMBASSY ROME 1147
RUEHFR/AMEMBASSY PARIS 2122
RUEHGV/USMISSION GENEVA 3037
RUCNDT/USMISSION USUN NEW YORK 1126
RUEHBS/USEU BRUSSELS
BT
UNCLAS E F T O SECTION 01 OF 02 USVIENNA 003288
**** SECTION BREAK ****
SECTION 01 OF 02
DEPT FOR PM—AMBASSADOR SIEVERING;
FROM USMISSION UNVIE
SENSITIVE
NOFORN
E.O. 12958: N/A
TAGS: IAEA, AORC, AFIN, US
SUBJECT: NON-PROLIFERATION OF DELEGATES AS WELL AS WEAPONS
EZ05:
REF: USVIENNA 2856

1. This is an action request, see para 8.

SUMMARY

2. The size of the U.S. delegation to this year's IAEA general conference (REFTEL) exceeded thermonuclear critical mass and threatened to vaporize our message of fiscal austerity to the UN. Against the twin backdrops of UN reform and reinventing government, UNVIE recommends that the Department issue strict guidance to limit the size of U.S. delegations to international conferences. As to the severity of the problem and how it might best be rectified, we are interested in the observations of other relevant U.S. missions. Ambassador would welcome a clear-cut instruction to administer the country clearance authority against a new and stricter standard. End summary.

COUNTING THE BEANS

3. At least 38 Washington visitors (of whom only 19 were accredited to the conference) came to Vienna to participate in the 39th IAEA general conference in September. At a rate of $188 per day for 8 days, per diem alone approached $60,000. With an average airfare (Delta roundtrip Washington-Vienna-Washington) of $900, airfare for the delegation came to $35,000, bringing the total close to $100,000. This figure does not include the visitors' salaries. Nor does it cover the full cost of the U.S. delegation, which also included most of the already-in-place UNVIE staff. Counting UNVIE, our delegation came to about 50.

4. Ironically, the U.S. delegation spent much of the week fighting a proposal that would have increased our annual contribution to the technical assistance fund by $125,000, roughly the same amount it took to bring our visitors to Vienna. (Predictably, most of the work to defend the U.S. position ended up being done by a few experts from Washington and UNVIE.)

GO FORTH AND REDUCE

5. In the context of today's budget climate and administration efforts to reinvent a more cost-effective Government, this year's delegation represented a profligate cost. But, as indicated above, it was also an embarrassment. Several of our G–77 and other counterparts wondered aloud how our professed budgetary austerity squared with extravagant USG travel habits. By way of comparison, most other delegations, even from larger countries, included only one or two visitors from capitals. (The only delegation even comparable to ours was the Japanese, which totalled 20, including Vienna-based personnel; Japan was shielded from comment, however, by an impeccable UN payment record.)

6. To be sure, some U.S. delegation members came to do work not directly related to the general conference, taking advantage of the presence of counterparts here—for example, for an NPT depositaries meeting and consultations on nuclear materials. It is also true that a traveling cabinet officer needs some accompanying support. But these points do not serve to justify more than three dozen visitors from Washington, particularly since the general conference is, in certain respects, one of the least substantive events in the IAEA calendar. We want to be clear on this point: UNVIE encourages substantive visits, but for substance, Washington officials would glean far more from a well-scheduled 1–2 day visit during the normal IAEA work cycle.

ACTION REQUEST
UNCLAS E F T O SECTION 02 OF 02 USVIENNA 003288
DEPT FOR PM—AMBASSADOR SIEVERING;
FROM USMISSION UNVIE
NOFORN SENSITIVE
E.O. 12958: N/A
TAGS: IAEA, AORC, AFIN, US
SUBJECT: NON-PROLIFERATION OF DELEGATES AS WELL AS WEAPONS

7. Ambassador requests that the Department draw up standards or guidelines which IO and relevant missions can use to limit significantly the size of U.S. delegations to international conferences. For its part, UNVIE—having beefed up its IAEA section to reflect U.S. national security priorities—is now positioned not only to cover the daily work of the Agency but also to handle, with very limited augmentation from Washington, the board of governors meetings and general conferences. Buttressed by instructions, we are prepared to use the country clearance process to help manage cost-effective USG participation in Vienna conferences. Ritch

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NNNN.

Amb. JOHN B. RITCH,
Chief of Mission.

THE QUESTION OF THE BALANCED BUDGET

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, as you know, I have been coming to the floor in past days to discuss this whole question of the balanced budget. The previous speaker mentioned it again. It comes up on this floor with a regulatory that I think lets it amount almost to the point of prayerful incantation, Mr. Speaker. We hear over and over again phrases, like "This is for my children and my grandchildren." "We must have a balanced budget in order to give them an opportunity." "We have to have a balanced budget in 7 years."

Mr. Speaker, I will say yet again, and say for the record, that there is no proposal from the Republican majority to balance the budget in 7 years. There is no such thing as a balanced budget. On the contrary, what is happening is a proposal that is now before the President and the negotiators that is now before the President and the negotiators from the White House from the Republican majority which mortgages the Social Security trust fund to the tune of some $636 billion, at least as of last January, and the conference report of the Republican majority in the House of Representatives, that does not include the interest.

The facts are, then, that we will be paying somewhere in excess of $1 trillion. I take that back, Mr. Speaker. I do not know if we will be paying it. We will certainly owe it. But I have not seen any plan whatsoever or language in the budget proposal which indicates how we are going to pay the $1 trillion back.

For those who maybe have tuned in to our proceedings here and have been kind enough to contact me and ask for a little more detail and for those who may not know, of our colleagues, about this proposition that I am putting forward that there is no balanced budget, may not have heard it, let me reiterate where I get this proposition, Mr. Speaker.

Let me indicate to you that I have in my hand a copy of the concurrent resolution of the budget for fiscal year 1996. This was printed on June 26, 1995, and this comes from your Committee on the Budget. This is, in fact, the official conference report.

On page 3 of the conference report, Mr. Speaker, it lists the deficits, and I am quoting now from the document, "For purposes of enforcement of this resolution, the amounts of the deficits are as follows:" The fiscal years 1996 through 2002 then follow: In the first year, the deficit is $245,600,000,000. Deficits accrue each succeeding year until you reach the year 2002, the 7th year of this proposed balanced budget, in which the deficit amount is listed as $108,400,000,000.

If we are talking about reducing deficits, that is one thing. President Clinton's budget did that. We reduced the deficit. We reduced the absolute number of the deficit, and the rate of the deficit has been going down and will have gone down for 3 years, something which I believe the record shows, Mr. Speaker, has not been done since Mr. Truman's administration in the late 1940's.

So I repeat, the budget document itself, so we know the premise that I am operating from, indicates that we will have deficits, deficits starting in the $245 billion range this year and continuing on through to the year 2002, when supposedly we have a balanced budget.

Let me indicate what the public debt is. The public debt, and these are not my figures, Mr. Speaker, this is what is printed in the record of the conference report of the Republican majority here, the public debt is as follows: The appropriate levels of public debt are for the fiscal year 1996, $5,210,700,000,000, $5.2 trillion; in the year 2002, 7 years from now, when we supposedly have balanced the budget, the number has gone to $6,688,600,000,000, almost $6.7 trillion from $5.2 trillion. I do not think it takes any great mathematician to realize that the public debt will have risen during the time we are supposedly balancing the budget by more than $1 trillion.

Going on, again, quoting from the budget document itself, not figures I made up, section 103, Social Security, "social security revenues," Now I think anybody that is observing our proceedings today or listening in to our proceedings, they know what they mean by a balanced budget. It is how much of the revenues you have, how much money comes in and what your outlay is, how much money comes in and what your outlay is, how much money goes out, and at the end of the year or at the end of a period of years, if you say you are going to balance the budget, that is what we mean by it, how much came in, how much went out.

Well, I have just read to you that there is a deficit. Obviously, we are spending more money than we are taking in. Where are we going to get the money? "Social security revenues, for purposes of this section, the Congressional Budget Act, the amount of revenues of the Federal Old Age and Survivors' Insurance trust fund and disability insurance trust fund are as follows: Social security revenues," Mr. Speaker, "fiscal year 1996, $374,700,000,000," almost $375 billion, and again other amounts accruing each year from 1997 on through the 7-year period to the year 2002.

How much do we get in revenues in 2002? $498,600,000,000. Now, where that money comes from, Mr. Speaker, is from your paycheck and mine and from paychecks all across the country, under the so-called FICA position on your paychecks, FICA. That is your Social Security payment. And I will explicate about that a little bit more in my talk. It is $375 billion in 1996, $499 billion approximately in the year 2002.

What are the Social Security outlays? Okay, that is the income. What are the outlays? In 1996, $299,400,000,000, approximately $300 billion. In the year 2002, what is it? It is $383,800,000,000, approximately $384 billion.

Keep those figures in mind.

In other words, we have a surplus. If you look at the fiscal year 1996, this next year coming up, we are taking in $375 billion in Social Security revenues. We are laying out $300 billion. We have approximately $74 billion to $75 billion in surplus, what is called surplus.

We all know that there are going to be more people in the next century utilizing the Social Security trust fund for their benefits than there are now because the age of people getting the Social Security funds is increasing; that is to say, their life expectancy is increasing. There are going to be more people drawing on the Social Security fund with less people paying into it, and yet here we are drawing on the Social Security fund, borrowing from it. I think that is the polite word for it. Other people have used other words, like "embezzlement." I have quoted others in the other body who have used that word, embezzlement. I say we are mortgaging our future, our Social Security future, by taking from it. But that nonetheless, Mr. Speaker, is the surplus supposedly for this year.

Under the outlays for the year 1996, as I said, it was about $300 billion. In the year 2002, the seventh year when we are supposedly balancing the budget, the Social Security trust fund will take in approximately $499 billion. Almost a half a trillion dollars will come in. And what is the outlay? $384 billion.

□ 1630

Now, let us say that we understand that there is liable to be an increase or decrease in these estimations, because that is what they are, estimations, but take a look at that number, What did I say was going to be the deficit in the year 2002? According to this budget document, it is going to be approximately $108 billion. If we allow for a factor or $2 or $3 billion on either side, let us use that, say $105 billion to $110 billion. The $108 is right in the middle. That is the figure being used. What is the Social Security surplus? Wonder of wonder, it comes to about $111 billion, just about exactly what the deficit is, according to your own budget document. And what does that mean? It means that when the Republican majority says that they have a budget in surplus in the year 2002, what they really mean is they have magically worked the numbers so that the Social Security trust fund surplus becomes just slightly more than the amount of the deficit, so that you can claim there is actually a surplus in the budget.

It is entirely illusionary, it is entirely a matter of doing ballet with the books, it is an accounting trick, it is just moving numbers around on paper, and it bears no relationship to reality. Why? Because the reality is at that point, even if you succeeded, Mr. Speaker, in doing exactly what you propose in the budget, of being able to have deficits every year and offset them with the Social Security trust fund by borrowing against that trust fund, in the year 2002, unless I am sadly mistaken and have misread the budget document, there is no provision in here whatsoever as to how the money is to be paid back. No plan. No proposal. No acknowledgment. As a matter of fact, the Congressional Budget Office even indicates to me that it is implicit that it will be paid back, but there is no explicit recommendation in the entire budget conference report as to how you will pay back the $630 or $40 or $50, or whatever the number comes out to be, $630-plus billion, plus interest, that has to be paid back into that Social Security fund in order for it to be utilized.

If one and I obviously, Mr. Speaker, do not think you would believe for a moment that I am making any of this up, that I do not have the documents, but if one was to consider that that was merely my reading of the budget figures and that perhaps I was misunderstanding what the information was, let us refer then to the Congressional Budget Office itself.

Now, I understand that there has been a great deal of discussion in the press and I have witnessed it myself with the Speaker of the House in great umbrage indicating that the Congressional Budget Office is the resource that we must refer to if we are going to make any pronouncements on the budget. So, Mr. Speaker, I take that, I am a humble serving Member of this body. I am in the minority. If the majority, the Speaker of the House of representatives, Mr. GINGRICH, says that we have to use the figures of the Congressional Budget Office and only those figures when we comment on the budget, I will accommodate him.

So I have before me the economic and budget outlook for the fiscal years 1996 to 2000 as of January 1995. The source, Congressional Budget Office. That is what I have in my hand, given to me from the Congressional Budget Office, the budget outlook through 2005 as a matter of fact. What does it show? It shows that in 1996, as of January 1995, we have a deficit starting in 1996 with the figure $207 billion. It goes on to the year 2002, where the figure is $322 billion. Then it shows the Social Security surplus starting at $73 billion and ending up in the year 2002 at $111 billion. Those are the figures from the Congressional Budget Office.

Attached to those figures is a letter written to the Honorable BYRON L. DORGAN, U.S. Senate, dated October 20, 1995, from the Congressional Budget Office, signed by June E. O'Neill, who, as you know, Mr. Speaker, is the Director of the Congressional Budget Office. Copies of this letter are sent to the Honorable PETE V. DOMENICI, the chairman of the Committee of the Budget in the Senate, and the Honorable J. JAMES EXON, the ranking minority member on the Committee on the Budget, an identical letter sent to the Honorable KENT CONRAD.

I wish to quote in part from it. "As specified," I am now quoting from the Congressional Budget Office letter to Senator DORGAN, "As specified in section 205(a), the Congressional Budget Office projections"; in other words, the budget document, Mr. Speaker, that I just quoted from, "was not arrived at randomly."

Randomly. I am not accusing the conference committee or its author in the Committee on the Budget here in the House of just coming up with intuitive projections, although the Speaker of the House indicated at one point, Mr. GINGRICH did, that he arrived at the 7-year period by intuition. I think that I would prefer to lay intuition aside for the moment and get right to the figures as provided by the Congressional Budget Office.

Once again, "As specified in section 205(a)," we are talking about the act which forms the foundation for the budget resolution, "the Congressional Budget Office provided projections." There is then a parentheses, "using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution."

In other words, the Congressional Budget Office, Mr. Speaker, in this letter, Ms. O'Neill, Director O'Neill, is indicating that the projections in the announcement she is about to make in this letter are based on the economic and technical figures that are in the budget resolution, and they assume the level of spending specified in the resolution that I have just quoted to you.

Going on, the projections of the deficit or surplus of the total budget, that is, the deficit or surplus resulting from all budgetary transactions of the Federal Government, including Social Security and Postal Service spending and receipts, are designated as off-budget transactions.

Now it comes out, this is how we perform the sleight of hand. This is the David Copperfield of budget tricks that takes place. You simply declare all the money that the people of this country have put into the Social Security trust fund as being off budget.

Do I not wish that I could take what I owe on my credit card and declare it off budget? I would not have to take that into account when I balance my budget at the end of the month or at the end of the year. I can just ignore all the money that is on that credit card, because I am declaring it off budget.

What happens as a result of that off budget transaction? Again, quoting from the letter from Director O'Neill: "As stated in the letter to chairman Domenici, the congressional Budget Office projected there will be a total budget surplus of $10 billion in the year 2002." mark that, Mr. Speaker. A budget surplus in the year 2002.

We have triumphed. We have achieved a 7-year budget balance. In fact, we will even have a surplus of $10 billion. Oh, happy day. Why has it not been done before? Why did the Democrats fight us all this time on it, when here it was, right before us, so easily accomplished, and we have the Speaker and everyone who supports the Speaker now ready to give us this wonderful present in 2002 of a $10 billion surplus.

But, wait. That is not all. There is another sentence. And what does it say? "Excluding an estimated off budget surplus of $115 billion in the year 2002 from the calculation, the CBO, the Congressional Budget Office, would project an on-budget deficit of $105 billion in 2002. If you wish further details on this projection, we would be pleased to provide them." A staff member and number is then left.

Yes, there is that little matter of the $105 billion deficit. But, of course, we do not want to count that, because we were able to put that off budget somewhere. That does not really exist.

Now, Mr. Speaker, I have been in various legislative bodies for a long time. I have negotiated budgets. I have been a subcommittee chairman in which I received a figure, a spending figure, that I had to conduct my legislative affairs within, in higher education, in Health and Human Services, in education itself, in lower education. I know what it is like to have to live within certain boundaries that have been set.

I have also served on the Committee on Ways and Means, a committee which decides what kind of spending can take place, what kind of appropriation is going to be allowed. I think I understand the process. I have served on a city council where we had to make those decisions. I have had responsibility in those areas.

That does not make me an expert, by any stretch of the imagination, but I think as a citizen in a free country, someone who has had the honor and privilege of serving in public office because people exercise their voting franchise and put their faith and trust in my judgment, that I took it seriously, that I tried to do my job as well as I could and understand it. I think I am a reasonably intelligent person who understands the English language and the implications of it.

I am here to tell you, Mr. Speaker, when I read those comments and when I see those numbers, there is no way that I could have gotten away with saying that we were balancing the budget, had I been proposing this in the Honolulu City Council or in the Hawaii State Legislature, nor could I propose it to my wife and family and get away with it, because they would understand immediately that there was no way for me to account for the debt that I had incurred and how I was going to pay it.

Now, Mr. Speaker, let us move to another Congressional Budget Office deficit projection, if that observation of mine is not sufficient, because I want to point out yet once again that this is what the Speaker has told us to do. Speaker GINGRICH has said as a matter of fact, I regret to say, Mr. Speaker, that Mr. GINGRICH has put it in quite threatening terms as recently as the last day or so. And this is his general proposition for the country at large, and I grant you, Mr. Speaker, that I am saying words to the effect. Mr. GINGRICH has said words to the effect, if you do not abide by the balanced budget proposition as put forward by the Congressional Budget Office, the stock market is going to crash, and the interest rates are going to go through the roof, or we will shut down the Government, and it will be all your fault.

Now, Speaker GINGRICH indicated he was going to bench himself previously. If this is being on the bench, I am not quite sure what being on the field would be. But, nonetheless, this is what he has done. He is the Speaker of the House, he won a majority of votes, and I think I would like to remind him that it is one thing to stand in the back and throw rocks when you are in the minority. I have been in the minority before. I have been in the minority even when I was in the majority. I understand what that is all about. It is easy to criticize when you are not in a position of authority. But now he is the Speaker of the House, and the things he says and the actions that he takes are taken very seriously by the people of this country. I assure you, Mr. Speaker, I take them seriously.

So I stand here before you today, taking Mr. GINGRICH's admonitions to heart, and so I refer to another document here in the economic and budget outlook of the Congressional Budget Office indicating the Congressional Budget Office deficit projections by fiscal year. This is the updated version. This is updated as late as I know one exists.

Now, I understand the Congressional Budget Office is going to provide a further update next week, so the figures that I am going to cite to you, I do not cite them as if Moses has come down from the mountain and given them to me. The best source I have is what the Speaker says I should use, which is the Congressional Budget Office with the latest figures.

Here they are. Congressional Budget Office deficit projections, August 1995, and what do I find on this page? By the way, this is in billions of dollars. I find a section of the Congressional Budget Office projections which say what? "Off budget surplus." And what do I find under it? Social Security and the Postal Service. The Postal Service surplus is a minor amount. It is not a minor amount to the average family, I am sure, because we are talking about up to a billion dollars. But compared to the off budget surplus of Social Security, it is a minor amount.

□ 1645

The off-budget surplus. Is that not a beautiful phrase, the off-budget surplus? I can imagine how virtually anybody in this country would be delighted to have an off-budget surplus available to them when it comes time to pay their bills.

For 1996, it is $63 billion, and goes on up to the year 2002 in which the projection is $96 billion. Is that not nice to have that surplus available to us?

So we go on then from the Congressional Budget Office, and we get what is the base line budget projections, and there we see a word which has been used on the floor of this House over, and over, and over again, but not since we started talking about the balanced budget. We used to hear about how we had to reduce the deficit. That was a litany that was recited with the fervor of a rosary being recited. We had to have the deficit be reduced.

We do not hear that anymore, Mr. Speaker. Now we are balancing the budget. We have a new prayer, but this is an unanswered prayer, because this Congressional Budget Office base line budget projection for the fiscal year 1996 read in two ways, and it is really convenient.

I am so pleased Speaker GINGRICH asked us to use the Congressional Budget Office because they have this beautiful comparison here. On one line, the on-budget deficit. Unfortunately, our deficit cannot get off budget. There is no way to hide the deficit. We have to stay on the money, no pun intended, Mr. Speaker, on the money when it comes to the deficit, and the Congressional Budget Office understands that.

So the on-budget deficit is $253 billion in 1996, as of August 1995, according to the Congressional Budget Office; and goes on, by the year 2002, to be a total of $436 billion. And do not forget we are accumulating 253, 286, 301, 338, 373, 397 and 436. We add all those numbers up to get what the deficit is.

And what do we see as the off-budget surplus? We have an on-budget deficit in three figures, we have an off-budget surplus in the year 1996 of $63 billion, in the year 2002, $96 billion, and we have a series of numbers going on for every fiscal year up to the year 2002.

So what we have there, Mr. Speaker, it seems pretty clear, is that we have an ever increasing deficit. An ever increasing deficit under our budget, under the Speaker's proposal. An ever increasing deficit and we have Social Security funds in a trust fund, supposedly off-budget, that we are going to use to try to reduce that deficit. But that does not take into account, then, how we pay for the money that we have borrowed from Social Security to make up for what we are spending in a deficit fashion in the budget we have proposed before us.

Mr. Speaker, one does not have to be a Nobel prize winner to figure that one out. It means that we are going to keep on spending. In fact, I see members of the majority party come to the floor everyday and brag how they are spending more money on Medicare, more money on Medicaid, more money here and more money there. Charts come down on the floor, facts and figures are thrown forth, but I notice they never bring anything out of the budget document. I am the one quoting from the budget document. I am the one quoting from the Congressional Budget Office a to the actual figures.

Mr. Speaker, I do not have some pie chart or something that has been drawn up in the basement down here on the floor. I am quoting the facts and figures as they are, and I am here night after night bringing this out with no refutation from anybody. I do not seek a contest on this. I am just saying that these are the facts and figures for the American public to figure out.

Now, let us take a look at what this means. I have cited a lot of numbers, and I am sure my colleagues that are tuned in, and others across the country who might be observing our proceedings, they are not sitting there with pen and pencil trying to copy down everything I am saying. I hope that they believe that I am quoting accurately from the figures. Certainly the staff here at the House takes these documents afterwards to check for what they are going to put into the CONGRESSIONAL RECORD, so I can assure everyone that these documents will be quoted in the CONGRESSIONAL RECORD and the sources will be there.

So what do these numbers mean? If we take my fundamental proposition that there is not a balanced budget proposal on the table; that, in fact, we are increasing the deficit; that, in fact, we are borrowing money from the Social Security trust fund with no plan to pay it back, what does it mean?

Well, there is a very interesting table that the Congressional Budget Office has provided, and it is as follows: What is the on-budget deficit? If the Speaker will recall, that is what I just recited. And the off-budget surplus, what does that mean in terms of being a percentage of the gross domestic product? That is, I think, a reasonable way for the average American, and certainly myself, I am an average American, I do not think, as I say, I have any special mathematical ability or any special insight into economics, but I think I understand a straightforward presentation, and these Congressional Budget Office tables are straightforward.

The on-budget deficit. How much we are in the red. Off-budget surplus. How much extra money we have. What is it as a percentage of our gross domestic product? That is to say the sum and substance, the sum total of all that we have produced. What are we worth? Well, it is very interesting that the budget, which supposedly is going to be balanced in 2002, starts out in 1996 as a percentage of the gross domestic product. It starts off at 3.5 percent. 3.5 percent of the gross domestic product is the on-budget deficit.

If we were really balancing this budget, Mr. Speaker, why is it that in the year 2002 the percentage of the gross domestic product, which is in deficit, is 4.4? I will repeat. How can we say that we have balanced the budget if, as a percentage of our gross domestic product, we move from 3.5 percent in 1996 to 4.4 percent of the gross domestic product in the year 2002? It cannot be done. It cannot be done.

There is no way we can twist the English language sufficiently to enable us to come on this floor and say that the deficit is less in 2002 than it is in 1996 if we have moved from 3.5 percent of the gross domestic product to 4.4 percent of the gross domestic product as representing the deficit of this Nation. That is the fact. At the same time, Mr. Speaker, the off-budget surplus stays approximately at 0.9 percent. The highest it goes is 1.0 percent in the year 2000 and again in the year 2002. In only 2 of the 7 years does the off-budget surplus reach the level of 1 percent of the gross domestic product.

Now, these are the facts and these are not facts that I have twisted and turned in order to make my case. The case came to me from reading the facts. I had no preconceptions on this. I do not sit on the Committee on the Budget. I had to do my homework on this. I had to read through these documents. I had to wade through all the piles of numbers and propositions, and decreased revenues stemming from downward revisions on income projections, and full percentage points lower than previous forecasts, and Federal debts held by public standing, and lower rates which translate into significant interest savings. I had to wade through that. It is my duty to wade through that.

When I looked at it, and when I read it, I kept thinking, can this be true? Can someone be coming down here and saying we are going to balance the Federal budget by 2002? We are going to balance the Federal budget in 7 years? We are going to save our children? We are going to save our grandchildren?

The Congressional Budget Office figures do not fudge anything. The Speaker of the House, Mr. GINGRICH says, let us use honest numbers. Everything that I have read today, everything that I am speaking about on this floor comes from the Congressional Budget Office or from the conference document on the budget as presented to this Congress. Every single number. Nothing has been made up by me. I am not trying to put it in any particular order to try to make my case. The case, as I said, was made for me by reading the numbers and understanding what they meant finally.

They meant to me that we are engaged in an illusion. I will not use the word "fraud". I may have used it in the past, because that just has a pejorative connotation, and I do not care to get into that. There has been enough of that kind of discussion taking place. I wish the Speaker himself, Mr. GINGRICH, would take that to heart and come down here and start using some honest numbers that he admonished us with.

Now, Mr. Speaker, let us take a look at what that means. Let us try to get some understanding, then, of what that means to the children; what that means to the taxpayers who have the children and the mothers and fathers who may be on Social Security. There is a phrase that has been utilized, Mr. Speaker, utilized on this floor and utilized in discussions, utilized in media discussion, and it is called backloading. It is called look-back provisions.

Now, these are our little catch phrases that are utilized, and I do not think, necessarily, they are explained, and I fault the media. I do not fault the political figures that are trying to dance around this case. I mean I do not fault them in the sense of trying to figure out a way to fool people, because that is what the object of this is. I fault, frankly, the journalists and those whose job it is to cover what we are doing from inquiring further.

Why are there not more probing questions? We could do with a few less celebrity journalists and entertainers disguised as journalists and get some people who will ask some serious questions of the people that are presenting these phrases about balanced budgets and lowering the deficit.

What is backloading? What is a look-back provision? I will tell the American people what it is. What it means is if over the next 7 years some of these figures fall down, if they do not hold up, what it means is in the 7th year we will look back, see how much we are off the mark that we set for ourselves, and them impose draconian cuts. At that point that will eviscerate even further, if that is possible, Medicare, Medicaid, nutrition programs for children and the helpless among us. How will we care for them?

That is what look-back means. That is what backloading means. Backloading is when we start out and we have a lower number than we really need because we do not want to scare people too much. After all, there is a Presidential election coming up. Our reelection is coming next year. Let us not frighten them too much, but let us load that up at the backside, 1996, 1997, 1998, 1999 on to 2002, so that when we get to 2002, then we can whack them.

By that time, a lot of people in here have said they are leaving office. There is all kinds of folks in here that have said I am for term limits. I am only going to be here three terms. I am going to come in, destroy the budget of the United States, I will take the social and economic stability of this Nation apart brick-by-brick, and then I am going to walk away and leave the mess for somebody else to clean up.

□ 1700

That is what is going to happen. That is what the implications of this budget are. It goes beyond the partisan argument among Democrats and Republicans. It comes down to what kind of Nation are we going to have? What kind of people are we? Do we care about one another? Do we have any feeling for one another? Is it literally a case, as in the Gilded Age, in which a financial pirate like Jim Fiske could say, "It is every man, drag out his own corpse."

Is this to be a war of each against all? Is that what this country is all about? That is one of the reasons that we have the difficulty in Bosnia, because we have a war of each against all. I come from Hawaii where we do not have that kind of ethic. Our diversity defines us rather than dividing us in Hawaii.

Mr. Speaker, we live on an island. I grant you, Mr. Speaker, not everybody lives in the kind of situation that perhaps you and I do. Island people, we know our limitations. We know that because we are on an island, because we recognize that nature in the end rules, that we have to get along with one another. We have to find ways to accommodate one another; not to set one against another.

Mr. Speaker, that will be the inevitable result of this budget if we are not fair and honest and play fair and honest as we go into the budget. If we backload the budget to have the full impact come in a given year, we are not going to be able to do it without hurting people and hurting people deeply. That is not just opinion on my part. I think it is a reasonable projection that anybody who is being honest about it would make.

Let us try to get a little more detail on that. What exactly is going to take place? Does anybody believe that in the year 2002, the Government stops; that there are no payments to anybody anymore; that we have no obligations, social or economic, to one another? What happens in 2003 and on out? It is very interesting.

Again, Mr. Speaker, I am not trying to just bring my own opinion to the floor. I will quote from what they call a myth, the balanced budget myth, from USA Today written November 6 of this year, just last month.

USA Today, Gannett Corp., they are no friends of mine. The Gannett Corp. in Hawaii, they would like to see me drop through one of those volcanic cracks on the Big Island and never come back. I am proud to say that those newspaper people in Hawaii, they have been against me all of my life. All of my political life they have opposed me. I know I am doing something right when I have the newspapers going against me in their editorial departments in my own hometown. Mr. Speaker, you know perfectly well that a person must have something useful to say.

I am not quoting an organization that has any favorable twists towards me. There is no question about that. So, what does their editorial say? Let me quote.

> Each day, the debate over balancing the budget produces another dire warning. That cuts are too deep, say the Democrats. Taxes must fall, say the Republicans. But after they compromise and begin arguing over who won a few weeks from now, one truth will remain. Both sides will be lying, because neither is talking about a truly balanced budget at all.

"The nonpartisan Congressional Budget Office," the documents that I have been quoting, as the Speaker admonished us to do, underscored that point recently. It pointed out that come 2002, when the balance will be "balanced" under the Republican plans, the Government will still be borrowing more than $100 billion a year. This is done by writing IOU's to the

Treasury, to Social Security and other trust funds that Congress declares off budget." That is what I have been saying all along in the course of my remarks.

"The bill for this little game will not come due in the political life of President Clinton or much of today's Congress." That is just what I indicated. "But, the public will pay soon enough."

Here is what the editorial says, and I quote:

> To understand, look ahead to 2005. That is just 10 years away, about the time it takes for an 11-year-old child to go from grade school through college.

Let us think about that, because we have heard over and over again from our friends here on the majority Republican side, "Think about the children. Think about the grandchildren." I hope it does not sound pejorative, Mr. Speaker, but there have been some crocodile tears shed on this floor about the kids and the grandkids.

So, I am just going to talk about 10 years from now, in the time an 11-year-old goes from grade school to college.

> That year, 2005, that year, a critical balance tips. Increased costs for Social Security will begin to deplete Congress' cushion. Because the Social Security trust fund is a fiction, filled with nothing but Government promises to pay, Congress will gradually lose its fudge factor. By 2013, when the trust fund peaks, taxpayers will feel a hard bit. They will have to start doing what the trust fund was supposed to do: pay for the retirement of 75 million baby boomers. The budget will plummet into a sea of red ink with $760 billion a year deficits by the year 2030. By then, the Government will have had to double the current 12.4 percent employer-employee payroll tax to cover Social Security obligations.

Again I emphasize, Mr. Speaker, that is not some partisan rhetoric that I made up in order to try to embarrass Speaker GINGRICH, with his admonitions to us about having to balance the budget. That comes from an editorial from someone who is certainly not a friend of mine. But the fact still remains that they have hit upon what the real difficulties, and believe me that is a word that beggars the enormity of what is about to take place, the difficulties, the hardships, the pain that is going to be inflicted on this country as we apparently want to mutually agree to fool ourselves and, by extension, fool the American people into thinking that we are balancing the budget.

Mr. Speaker, we cannot in good conscience come down to this floor and go through this ritual recitation about a balanced budget and not acknowledge the facts as I have presented them.

Mr. Speaker, it seems to me that by borrowing from the trust funds, we are not really balancing the budget. By not being honest about what the deficits are, it simply means that we are going to have to raise taxes on the next generation, or else we are going to have to make cuts that are unacceptable in a civilized society.

I suppose it would be possible to make the kind of cuts that would enable us to get into balance in 7 years if we decided that there were whole portions of our populace that were expendable, with whom we could dispense, that we have dispensable people.

Right now, Mr. GINGRICH is very fond of reciting individual instances where children who were on welfare have been killed or maimed or tortured or some horrifying element such as that coming into play, and cited it over and over again, and then associate that with programs that have failed, in his estimation.

Well, I ask you, Mr. Speaker, to consider if we are going to go by the number Speaker GRINGRICH raised with us, namely an intuitive one about 7 years, are we not then taking a chance, given the figures that I have outlined, of doing exactly that? Of having a society in which people, some people, will be considered less human than others; less deserving than others? In which providing for the general welfare of all of our people will be transposed into "some will get and some will not," and those without power will be left without the capacity to defend themselves?

The strong, the powerful, the wealthy, they can always take care of themselves. We all know the old joke about Democrats borrow and Republicans collect interest. Well, it has a certain cachet to it, and probably more than one person out there who is tuning in, including our own colleagues, will say, "Yes, that, is right."

Mr. Speaker, you may think that is the way we should put our budget together. I do not. I am down on this floor trying to exercise my franchise on this floor on behalf of those who cannot speak for themselves. That is why the 435 of us are here. This is a representative government. This is not a parliament.

Mr. Speaker, Mr. GINGRICH is not the prime minister. We do not have to follow blindly in the footsteps of anybody in this country, including the President of the United States, as he learns every single day, I am sure, more than once. Probably once an hour, once a minute, he probably feels it is like somebody is telling them that they do not have to pay attention to what he is saying or what he is requesting.

Mr. Speaker, it is our obligation as men and women freely elected by a free people to come onto this floor and defend the interests of those who cannot otherwise defend themselves. That is what this budget is about. It is not about an abstract document. The fact that I happen to be able to grab a piece of paper and budget figures on a piece of paper does not mean that that is the budget. The budget is people. This is the people's House. We represent the people. We have a certain time on Earth given to us to justify our existence. That is the way I look at it.

I do not deserve anything. I am not entitled to anything. But I will tell my colleagues what I am entitled to under the Government of the United States, is consideration. Consideration, based on the Constitution of the United States and the Declaration of Independence that formed the basis of our association with one another as a republic.

So, it is important for us to transpose and translate this document, this budget, into human terms and to consider the human dimension. If we do, I think we are going to look at it a little differently. I am perfectly content, Mr. Speaker, I have been a legislator all of my life. I understand that not everybody thinks as I do, and I understand that positions I may have held at one time I have changed over the years.

Mr. Speaker, I have changed them because I have learned more. Hopefully, I am not so set in my ways as to believe that revealed wisdom is somehow mine at a given point in my life and there is nothing else for me to learn. In this particular context, I think there is a lot for us to learn, and there is a lot for us to give to one another in terms of the knowledge that we have acquired.

If we want to reduce the deficit, and I do think that is important, and if at some point we want to balance the budget, and I do think that that is important, by all means let us do it in a sensible way. Very few people, Mr. Speaker, are able to buy their house on the day that they move into it. The bank advances them a sum of money on the basis that they will be able to balance their budget. That is to say, they will have sufficient funds to be able to make the series of payments necessary in order for them to pay off that house.

We do that as governments all the time. What we say, if we are on the city council or in the State government or in a village situation where we have a bond issue for sewers or for roads or for schools, we say that over a period of time we will pay for that, because not just the people of today, but the people of tomorrow, the young people as they grow older, will be using these facilities.

We have a budget that takes that into account and over 5, 10, 15, 20, and 30 years, we pay the principal and interest associated with those projects and those expenditures that we feel are in the general public's interest; in the common interest of the people in our communities.

We see this as being fair and equitable. That is all I am asking for, Mr. Speaker. So, I want to close perhaps by reiterating and summarizing as follows: If we truly want to have a budget that we can go before our families, our friends, our communities, go before those folks who depend upon us, and speak with them honestly about it; that will review the premises upon which this balanced budget is being proposed; that will deal with some honest number, recognizing that we cannot command the next Congress; that there are 2 Presidential elections over the next 7 years, then we have to try and set a basis, a foundation, for a budget that will enable us to be able to carry on the legacy, the heritage of freedom in this country, and to pass on to those who will have the responsibility after us, a responsible budget which has been arrived at in an honest fashion, and which preserves and protects not just Social Security and the other trust funds, but protects the basis upon which we are able to conduct the proper business of the people of this country.

That budget, fundamentally, in the end, Mr. Speaker, is people, and unless we translate this budget into people terms, we are doing a disservice to the very people who have given us the responsibility to be here today.

STATUS OF BUDGET NEGOTIATIONS

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, let me point out that I am performing some special responsibilities tonight as what we call on this side of the aisle, the Theme Team leader. I hope to be joined by some of my colleagues in this special order lasting approximately 1 hour. This is time reserved by the Republican majority to talk about issues of the day.

However, having said that, I will also point out that we have ended legislative business for the week and I do not know if I will be joined by some of my colleagues, but it is my hope to talk a little bit about the budget situation.

Mr. Speaker, I think Americans are curious to know the status of these negotiations, since we are roughly 1 week away from the December 15 deadline for the short-term continuing resolution which has allowed us to keep, if you will, the doors of the Federal Government open and continue to pay our bills. A week from tomorrow, December 15, is when that continuing resolution expires; when the Federal Government runs out of funds.

□ 1715

So we have a little bit more than a week to reach a bipartisan agreement with the President and his administration and with our Democratic colleagues in the House over the terms of a 7-year plan to balance the Federal budget using honest numbers are generated by the nonpartisan Congressional Budget Office, a balanced budget over 7 years which does not resort to Washington budgeting. There is a little bit more than a week to reach an agreement to preserve the American dream for our children and our grandchildren rather than to leave them with the legacy of the American debt.

I would point out the obvious, which is that we Republicans, while being the new governing majority in the Congress for the first time in 40 years, lack the votes to override the President's veto. Therefore, we have to reach some sort of agreement with either the President and his administration or with enough of our Democratic colleagues to be able to override the President's veto, if the President continues to insist on balancing our plan, our balanced budget plan.

But at the beginning of my special order I wanted to talk just a little bit about the Committee on Standards of Official Conduct ruling yesterday on Speaker GINGRICH, particularly since it was the primary topic raised today during the opening of legislative business, the time that we normally reserve for what we call 1-minute speeches or 1-minute addresses to the House.

One of my Democratic colleagues after another came to the well, where I am now speaking from, to make or to reinforce accusations against the Speaker. It was clearly a smoke screen in my view to divert attention from what the Committee on Standards of Official Conduct really said in their ruling yesterday and also to divert attention away from the pressing business, the businesss of the American people, which is of course confronting this House, as I mentioned, and which we actually have just a little bit over a week's time to conclude. Again, the most pressing business, the most pressing issue confronting the House of Representatives is the American people's desire to have a balanced Federal budget.

So, first of all, let me just take a moment to clarify this Committee on Standards of Official Conduct rule on Speaker GINGRICH. I think my colleagues, particularly my newer colleagues who perhaps do not have the history of this institution, certainly, or perhaps are not aware of how the Committee on Standards of Official Conduct has been really turned into a tool or a vehicle for political vendettas, I want to spend a moment to talk a little bit about the history of the Committee on Standards of Official Conduct. I also want to take a moment to clarify that the Committee on Standards of Official Conduct is the only standing committee of the House of Representatives that is truly bipartisan in nature. That is to say, an equal number of Republicans and Democrats are serving on that committee.

Yesterday the five Democrats and the five Republicans, again an equal number, making this truly the only bipartisan committee of the House, because all other committees have a majority-minority representation. That is to say, there are more Republicans, since we are now the majority party in the Congress, on every other congressional committee than there are Democrats, except for the House Committee on Standards of Official Conduct. Yesterday those 5 Democrats and 5 Republicans serving on that committee voted unanimously, that is 10 to 0, to effectively dismiss 64 of the 65 charges leveled against the Speaker of the House.

To me that clearly points out that these charges are baseless, and not only that, that they are largely frivolous and political in nature. The Committee on Standards of Official Conduct gives us real reason to believe that these charges were part of a political vendetta orchestrated from the day that the Democrat Party lost control of the House, a vendetta orchestrated to discredit the Speaker by attacking him personally.

After 15 months and millions of taxpayer dollars and hours and hours of time spent investigating, the liberal Democratic minority, the liberal Democrats who constitute a majority of the minority party in the House of Representatives, those liberal Democrats who launched this unfounded smear campaign owe the House and the taxpayers an apology. These were frivolous charges that were made for political reasons and attempt to politicize and to misuse the ethics process.

This is not an isolated example. This continues a Democratic pattern of abuse of the Committee on Standards of Official Conduct. These phony charges against Speaker GINGRICH are really nothing new because in 1989, Democrats, in retaliation for then-Speaker Jim Wright's resignation, filed nearly 500 charges agsinst Representative GINGRICH. Just like today, after a long and costly investigation, Representative GINGRICH was exonerated.

These attacks against Representative GINGRICH may be phony, as he himself has said, but they are a serious pattern of misuse and even abuse by a frustrated Democratic Party bent on politicizing the Committee on Standards of Official Conduct. So, while we are working to try and change America, they are working to try and change the subject.

These charges were a coordinated effort, again by the most liberal element of the House Democratic Party, not to seek the truth or justice, but to stop us from balancing the budget, reforming welfare, providing tax relief for families, and sending power back to States and to families, just as we promised to do and just in fact as we have been doing since we became the majority party in Congress last January 4.

I also want to take a moment, because it really riles me to see that the gentleman from Michigan, DAVID BONIOR, has sort of become the point person for the Democratic minority in leveling these charges against the Speaker. It upsets me to see a Member of the House Democratic Party leadership really take the point in leveling these charges and leading the attack against the Speaker.

I worry sometimes that again some of our newer colleagues perhaps may not have an understanding of the recent history in this institution. I certainly worry that many of our constituents, the American people, do not realize that some of the people engaged in this orchestrated political vendetta against the Speaker are the very people who presided over the scandals that have rocked the House of Representatives in recent years.

It is very important to understand that the governing party, the majority party in the House of Representatives, has added responsibilities, a special duty to administer the House on a day-to-day basis. That means all the administrative and financial functions of the House of Representatives. Of course until last January, the party responsible for managing the House of Representatives was the Democratic Party. I very well remember, because of my personal experiences from my first go-around in Congress as a Member of the 102d Congress, I remember vividly the House Bank and Post Office scandals that occurred on the watch of the House Democratic Party leadership.

I remember when then-Speaker of the House, Tom Foley, speaking from this podium opposite me in the well of the House, took the report from the General Accounting Office. This was an audit of the House, the so-called House bank, which was really a membership cooperative and check-cashing office. I remember when Speaker Foley took the audit indicating over 8,000 bounced checks at the House bank, waved it in the air, standing down here at that podium right there, typically where the Democrats speak from. He waved that audit in the air, and he said: This is now a matter that is over and done with.

He submitted the GAO report for the CONGRESSIONAL RECORD. Translation: We have not done anything wrong, and we will not do it again.

A small group of us, proverbial back benchers because we were junior members of the Republican Party, the minority party, which was to become known as the Gang of Seven, happened to be on the House floor. And that moment we came together and said: We are not going to let this pass unnoticed. We are going to challenge what appears to be a deliberate effort on the part of the House Democratic Party leadership to sweep this matter under the rug.

Well, the rest, as they say, was history, and to make a long story short, we ultimately helped lead the fight compelling full disclosure of the names of those who had abused their membership privileges, their part of the perquisites of being a Member of the House of Representatives at the House bank over the opposition of the entrenched Democratic Party leadership, which was to include in that 102d Congress the gentleman from Michigan who now attacks the ethics of the Speaker of the House, the gentleman from Michigan [Mr. BONIOR].

Later in that same Congress, of course, we had the post office scandal. I can recall, again, as a member of the Gang of Seven, standing upstairs in the House press gallery and telling a news conference of the national news media that there was prima facie evidence to suggest criminal wrongdoing at the House bank and post office. And I based that on my former experience as a law enforcement officer and police investigator. I can remember them laughing aloud, scoffing openly at the suggestion, the temerity on my part to suggest that there had actually been illegalities or criminal wrongdoing.

But if you come forward to the present day, we now know that there have been a number of indictments, criminal indictments and criminal convictions on the part of House officers and employees as well as Members of the House of Representatives in conjunction with those two scandals. The bank and post office scandals really gave new meaning to the term, the old joke, the check is in the mail.

Later, out of the House post office scandal, we had revelations of ghost employees, ghost employees on the payroll, on the official staffs at taxpayer expense of Members of Congress. Those are serious allegations. They were leveled against a former member of Congress from Illinois by the name of Dan Rostenkowski who was then chairman of the House Committee on Ways and Means and very much a part of the House Democratic Party leadership.

I cannot recall any protest from the gentleman from Michigan [Mr. BONIOR]. I cannot remember Mr. BONIOR ever going on record. And this is the same gentleman now who constantly chases the TV cameras and anyone holding a microphone. I cannot remember that gentleman ever coming forward and condemning these ethical lapses and these deliberate abuses in the House of Representatives.

In fact, in the last Congress, in the last Congress, there were two votes, two votes to force the House Committee on Standards of Official Conduct to investigate the allegations against then-Representative Rostenkowski, both of which were defeated on pretty much a straight party-line vote, the Democratic majority outvoting the Republican minority. Where was Mr. BONIOR then?

Well, the answer of course is that he was part of the Democratic Party leadership. He was part of a concerted effort to control the damage, to cover up the true extent of the House bank and post office scandals and to thwart an official Committee on Standards of Official Conduct investigation of Representative Rostenkowski.

I might add that the gentleman from Michigan [Mr. BONIOR] had 76 overdrafts at the House bank for which he was never held accountable by his colleagues in the House of Representatives. Remember, of course, that Representative BONIOR now insists that the House take action against the Speaker. He gloats that the decision to dismiss 64 out of the 65 charges against the Speaker of the House is some sort of great victory and that the appointment of an outside counsel to assist the Committee on Standards of Official Conduct in investigating the 65th charge, which entails complicated tax issues, is somehow, again, a vindication of his position all along.

But I would love to ask Mr. BONIOR, where was your moral outrage, where was your indignation when this institution was consumed by the House bank and post office scandals? How did you vote on July 22, 1993, when the House defeated by a party-line vote of 242 to 184 the Michel resolution offered by then-Republican-leader Bob Michel to force immediate disclosure of House administration transcripts of the post office inquiry?

In fact, the two gentlemen from Florida who have been prompted, coming down to this floor talking about how we are going to force the House to demand an immediate accounting from the Committee on Standards of Official Conduct, we want immediate disclosure of the Committee on Standards of Official Conduct proceedings against the Speaker of the House, I dare say that those two gentlemen from Florida, Representative PETERSON, Representative JOHNSTON, both voted with the majority here back on July 22, 1993, to block immediate disclosure of the House administration transcripts of the post office inquiry.

Then later, March 2, 1994, again by another party-line vote of 238 to 186, the House of Representatives, under the control of the Democratic majority at the time, defeated a resolution by the gentleman from Oklahoma [Mr. ISTOOK] to immediately initiate a Post Office investigation by the Committee on Standards of Official Conduct.

So you can see, my colleagues, that there is clearly a double standard in this House of Representatives, clearly a very convenient short-term memory lapse by my Democratic colleagues with respect to the scandals which again rocked this institution under their watch.

□ 1730

Clearly there is no limit on hypocrisy with a capital H in this town. In fact it reminds me, as I watched these shenanigans, I am always reminded, I think, of the wonderful Woody Allen line: "No matter how cynical I get, I just can't seem to keep up," particularly when I watch the hypocrisy and the double standard on the other side of the aisle. So I wonder where is your moral outrage at what occurred then? How could you have been silent, and how could you have condoned and acquiesced to those scandals then but be so outraged today, and for that matter where is your outrage at the scandals that have rocked the current Presidential administration, the Clinton administration, which promised us the most ethical administration in the history of our country? Where is your outrage, Mr. BONIOR and others, over the Whitewater scandal and what appears to be with every passing day more and more evidence of a high-level coverup in the administration, a high-level damage control operation in the White House to prevent the American people from knowing the full truth and all the facts regarding the Whitewater scandal? And on, and on, and on.

There is almost a joke today that the Clinton administration cannot have a Cabinet meeting without all the Secretaries bringing along all their independent counsels and their lawyers.

So what is this all about? It is really an attempt, as I said earlier today during 1-minutes, to divert attention from the major issues confronting this Congress, the important work, the important business, of the American people, and that is balancing the Federal budget, keeping our promises, doing the right thing for our children's future.

Now what happened yesterday? Mr. Speaker, yesterday, with one stroke of his pen, the President replaced the American dream with the American debt. Now the President of course has, having vetoed our 7-year plan to balance the Federal budget as certified by the nonpartisan Congressional Budget Office, the President vetoed our plan, arguably the most important bill to cross his desk since be became President of the United States, the President now has a responsibility to offer his own balanced budget, to tell us specifically what he does not like about our proposal, without any gimmicks and without any rosy economic scenarios.

But before we get into the President's proposal, because bear in mind it has now been 2 years and 11 months roughly that he has been President of the United States, and he has yet to send to this Congress, or to the last Congress, his plan for balancing the Federal budget. But, first of all, I think we have to ask why, why did the President do this? Why did the President veto the most important piece of legislation to cross his desk since he became President?

Well, why did the President veto a sound, reasonable, balanced budget? It sort of begs the question does he really want a balanced budget or does he want to play politics with this whole issue of balancing the Federal budget as part of what I call the nonstop campaign? And at some point in time I really believe you got to put the politics aside and act on principle, and that time is now.

Why did the President veto welfare reform, because we had put our welfare reform proposal into the Balanced Budget Act of 1995 which he vetoed yesterday; why did he veto that? Does he really want, as he promised as a candidate for President of the United States, does he really want to end welfare as we know it? Why did he veto Medicare solvency? Does he really want to save Medicare? Is he completely ignorant of the report made by his own Cabinet Secretaries, the public trustees of the Medicare trust fund, that Medicare starts to go broke next year and will be completely bankrupt in 7 years? Why did the President veto Medicaid reform, the kind of Medicaid reforms that he lobbied for as the Governor of Arkansas? Why did he veto Medicaid reform that would give States, as he argued back when he was a Governor, more money, greater flexibility, and less bureaucratic red tape?

All questions then await an answer from the President now that he has vetoed our plan to balance the Federal budget.

The President has clearly, against the will of the American people, the President has clearly tried to ignore the will of the people and avoid balancing the budget.

So I have got a message to the President, to my colleagues, yesterday. I have three children. I, like many other proud dads, carry their photographs everywhere with me in my wallet. Actually I have a large photograph, but I left it over in my office in my office desk. I wanted to bring that over here and hold it up, but I want my colleagues to know that the President said—what the President said to my kids yesterday, 20 and 13. Those are our two boys, Ryan and Matt, and our little girl, Sarah Ann, who is 8½ going on 18. I want the President to know what he said to my kids yesterday. He said:

If you want a brighter future, here is a veto. If you want to be able to live the American dream and not inherit the American debt, here is a veto.

I want to remind my colleagues that the Balanced Budget Act was not just a good bill, it is the only bill. There is only one credible plan in this town that would balance the budget using honest numbers while cutting taxes for working families, and that is the bill the President vetoed yesterday.

All we can gather from this action is that the President wants to take more of my children's money, because remember, our children are going to be spending for our excesses, they are going to be paying high taxes to pay for our wasteful spending practices, and we really believe it is immoral on this side of the aisle in Congress to borrow from our children's future to pay for today's spending binges, but that seems to be the message from the President and his administration.

Now let me just point out that we have some pundits weighing in on this particular subject, some pundits who have looked at all this give and take, back and forth, between the Republican majority in the Congress and the President and his administration on the balanced budget, and I want to bring a couple of quotes to your attention.

I want to quote from the Washington Post a couple of days ago, December 5, in a column written by James Glassman, and he is a regular columnist now for the Washington Post, but he is a pretty knowledgable guy about Capitol Hill because he used to be the editor of Roll Call newspaper, the weekly newspaper that is published on Capitol Hill, and here is what he wrote about the budget:

> My own judgment is that the lack of a deal is Clinton's fault. To be fair, Clinton and Congress differ on how a small part of this spending will be financed. If the two sides are so close, why is there no deal? That is the big secret that we seem to be keeping from the American people, is that we are actually relatively close. In fact, the President has proposed to limit the growth of Medicare, the President has proposed to cut middle-class taxes. In fact, by the same reasoning that so many of our Democratic colleagues use here in the House of Representatives the President is proposing to limit the growth of Medicare to help finance a middle-class tax cut, but you will never hear that acknowledged by the Democratic minority in the House.

Anyway, back to Glassman's quote. He says: "If the two sides are so close, why is there no deal? I am not sure Clinton wants one right now. With shutdown two looming on December 15, next Friday, a week from tomorrow, he would rather portray the Republicans as extremist and obstructionist and himself as the savior of health care for seniors and the poor. The actual numbers, listen to this, the actual numbers from an objective, neutral, unbiased observer, the actual numbers prove this claim is malicious nonsense, malicious nonsense. The only question is how long it takes Americans to realize it."

That is James Glassman 2 days ago in the Washington Post.

Now listen to this, same day, December 5, a quote from Democratic Senator and Senate Budget Committee ranking minority member JAMES EXON in the Omaha World-Herald newspaper: "When you come down to the numbers, it has been impossible to get the Democrats to agree to any kind of plan. I am critical of my own party," says Senator EXON regarding Congressional Democrats. "I think we have to come up with a budget to be credible."

That is coming from one of the people inside the room, one of the leading budget negotiators, the ranking Democrat on the U.S. Senate Budget Committee, Senator JAMES EXON.

Now listen to the Boston Globe on Monday of this week speaking of Leon Panetta, former Congressman and Committee on the Budget chairman in the House of Representatives, and now chief of staff at the White House leading the White House negotiating team on the budget deliberations. Here is what the Boston Globe says:

"Panetta acknowledged last week that Democrats are bargaining from a position of some weakness." They quote Panetta as saying, "We should have been the ones who asked the toughest questions about costly government programs," he said. "I think we lost something when we didn't," and I raise that now because I want to speak about my former California colleague, Leon Panetta, in just a moment, because, as you will see, Leon Panetta has been all over the political landscape when it comes to the idea of a balanced-budget plan, a credible balanced-budget plan.

So again, colleagues, with one stroke of his pen yesterday President Clinton vetoed the first balanced budget in 25 years, 25 years. The only real balanced budget plan the President has ever touched, he vetoed, and he vetoed it with a flourish, with a lot of fanfare, as if that is going to give him additional political mileage. His explanation for not giving the American people a balanced budget was that our plan, again certified by the Congressional Budget Office as balancing the Federal budget in 7 years, our plan which increases spending from $9 trillion over the past 7 years to $12 trillion over the next 7 years, almost a $3 trillion increase, that our plan was, to use the President's word, "extreme."

Well, let me tell you something. The American people know this. My constituents know this. There is nothing extreme and unacceptable, another term the President used, about lowering interest rates, giving American workers more take-home pay, saving Medicare from bankruptcy, ending welfare as we know it, and, yes, we are going to continue to remind the President of that campaign promise, increasing spending as I mentioned by almost $3 trillion and giving more power to the States and communities. This is what the President vetoed, despite his rhetoric. He vetoed a sound, reasonable, balanced budget. He vetoed welfare reform that really does end welfare as we know it.

Now there is a certain rich irony in a new Republican majority in the Congress attempting to help a Democratic President make good on his fundamental campaign promises, because that is exactly what is occurring here. The President campaigned on a promise of ending welfare as we know it——

The SPEAKER pro tempore (Mr. METCALF). Would the gentleman suspend?

As stated on page 175 of the House Rules and Manual, the Chair will remind the gentleman from California that it is not in order in debate to mention the name of a Senator—except as a sponsor of a measure or in quotations from Senate proceedings for the purpose of making legislative history—or to reefer to a Senator or his vote on a proposition.

Mr. RIGGS. I appreciate the Speaker's reminder. I was quoting the Senator, I believe, from a newspaper, so I do stand admonished, and, Mr. Speaker, let me ask how much time I have remaining, please.

The SPEAKER pro tempore. The gentleman has one-half hour remaining.

Mr. RIGGS. All right.

Mr. Speaker, with that reminder let me pick up where I left off. I was talking about the irony of a Republican majority helping a Democrat President make good on his fundamental promises, and if you go back to the 1992 Presidential campaign, you will recall that the President campaigned on a promise of ending welfare as we know it and a promise of reducing middle-class taxes. We want to do both. We do both in the Balanced Budget Act of 1995, which he vetoed yesterday.

So I want to say again the President with one stroke of the pen yesterday vetoed tax cuts for families, and do not—I know the American people see through this smokescreen, this constant class warfare demagoguery that they hear daily on the floor of this Congress, and I think that is evidence of just how intellectually bankrupt the congressional Democratic Party has become at times. But I know the American people see through that, but I simply want to stand here today and tell you that three-quarters of the tax relief we provide in the Balanced Budget Act goes to families with dependent children. We think that is very important.

□ 1745

We think it is fundamentally important to give American families an economic dividend from the first balanced budget in 25 years. Yes, we do philosophically believe that the American people are entitled to keep more of their own hard-earned money, that they are in a better position to determine how to spend that money than the Federal Government and the Federal bureaucracy back here in Washington, so we give tax relief to families. We have especially helped middle-class families which have felt the burden, the twin whammy, the pinch, if you will, of rising taxes and stagnant or even declining wages in recent years, so our tax relief is targeted to middle-class and low-income families. And, in fact, our tax relief would completely eliminate the Federal tax liability of 4.7 of the lowest-income families in America. That is what the President vetoed yesterday. He vetoed a $2.5 trillion increase in Federal spending in the next 7 years over the last 7 years, as I mentioned earlier.

How much more money does the President want to spend? We will not know until we get a detailed proposal, a counter proposal, if you will, from the President. I will point out that when the President vetoed the Balanced Budget Act yesterday, he vetoed the American people, because in the largest public opinion survey ever taken, 7,200 registered voters with a margin of error of 1 percent on the issue of a balanced budget, the American people said yes to our plan to balance the budget. Fifty-seven percent of the American people surveyed embraced our plan after being given a few facts; a few facts, not the rhetoric, not the distortions, not the demagogery; facts about how our plan treats programs like Medicare; student loans which increase from $24 billion to $36 billion, a $12 billion increase over the next 7 years; Social Security, which has always been off the table, and I think that is one of our biggest accomplishments, balancing our budget while providing tax relief for American families and without touching Social Security.

In fact, I think as other Members have pointed out, we have to generate a budget surplus here in Washington by 2002 or sooner, so we can begin paying down and ultimately paying off the national debt, and repaying the money to the Social Security trust fund that we have borrowed over the years. In fact, I think our constituents and our colleagues need a reminder that $1.5 trillion of the $5 trillion national debt that we have today is money borrowed from the trust funds of the Federal Government, chiefly, Social Security, so we have to repay that money. The only way we can do that, obviously, is to balance the Federal budget and then generate a budget surplus year in and year out. I still get wide-eyed looks when I raise the idea of budget surplus from my constituents in my town meetings, but we are going to do that.

As I told one of my constituents at the beginning of this year, who asked me in a town meeting, "Congressman, will I ever see a balanced budget in my lifetime?" I said, "Yes, you will. You will see it this session of Congress, and you will see in your lifetime budget surpluses in Washington that go to pay down and pay off the national debt so our children do not inherit that debt."

So 57 percent of the American people embraced the plan after they learned the facts, 86 percent believed that the President and Congress should deal with the budget issue now. That is the language of the short-term congressional, the continuing resolution that expires next Friday. We said "shall," not "maybe," not "if." We said, "We shall deal with the budget now."

Seventy-one percent of the people surveyed agreed that President Clinton should submit a 7-year balanced budget plan scored by the nonpartisan Congressional Budget Office, as he himself once promised to do in a State of the Union address, standing at that podium right there behind me. My, what a difference an election makes, and the hypocrisy quotient begins to go up again.

Seventy-three percent of the people surveyed agreed that the President and Congress will not balance the budget unless they stick to the 7-year deadline. Again, that is from the largest public opinion survey ever taken in the history of our country. So I wanted to try and stress a couple of those points. I wanted to take a moment again just to look at what the President said yesterday when he vetoed the Balanced Budget Act, H.R. 2491, and I quote from a transcript of his veto message which was on the U.S. News wire yesterday: "The bill seeks to make extreme cuts and other unacceptable changes in Medicare and Medicaid."

I am here on the floor tonight to say to the President, to my colleagues, to my constituents, and to the American people that there are absolutely no extreme cuts in the Balanced Budget Act of 1995. Total Federal spending, as I have already mentioned, over the next 7 years when compared to the last 7 years actually increases $2.5 trillion. Specifically, there are no extreme cuts, and I quote now from the President, there are no "extreme cuts and other unacceptable changes in Medicare and Medicaid."

A spending increase is not a cut, as the President himself said in 1993, when he also proposed slowing the rate of growth of Medicare: "Today Medicaid and Medicare are going up at three times the rate of inflation." The President recognized that was an unsustainable rate of growth in both of those programs. Then he went on to say, "We propose to let it go up at two times the rate of inflation. That is not a Medicare or Medicaid cut," from a speech he gave to AARP, the American Association of Retired Persons, on October 5, 1993.

What has changed? If anything, Medicare and Medicaid are in worse condition, worse shape today than they were back on October 5, 1993. But what do we do in our bill? We increase Medicare spending 6 percent a year between this year, fiscal year 1995, and fiscal year 2002. Medicare spending in actual dollar numbers increases from $178 to $289 billion, a 62-percent increase.

Here is the real news to the American people. The difference between our proposal on Medicare part B premiums and the President's proposal is $4 a month, $4 a month in the year 2002. That is what the President calls an extreme, unacceptable cut. Of course, the flip side of that is to make American workers, including minimum-wage workers, pay even more taxes so that Medicare part B recipients do not have to pay a slight increase in premiums.

Mr. Speaker, it just astounds me, again, the cynicism and hypocrisy that we see, and the evolution here of the President's position over the last couple of years. Medicare spending never differs more than 2 percent under the two plans, and in two of the next 7 years our Republican balanced budget actually spends more on medical care than the President's budget. Overall, the difference in total Medicare spending between the two plans is $32 billion or 1.9 percent.

The other program the President singled out was Medicaid. Yes, we will no longer allow Medicaid to be an individual entitlement, a universal individual entitlement. We make it, instead, a block grant program to the States, at the request of the Governors. I pointed out earlier that the President, when he was the Governor of Arkansas, requested these same innovations. I would also like the American people and my Democratic colleagues to understand that we are working very closely with the Governors in developing our plans, and in developing the particulars of the Balanced Budget Act of 1995.

Why are we doing that? We now have 31 Republican Governors in America representing 71 percent of the American people. Are we not going to consult them? Are we going to leave them out of the equation? Are we not going to treat them as equal partners in developing the Balanced Budged Act? Of course not. We have been acting on their bequest here as we craft a plan for reforming Medicaid.

Instead, we have a Medigrant proposal which gives States more money, greater flexibility, less bureaucratic redtape, just as the President wanted when he was a Governor, and which increase Medicaid spending by 55 percent. There is nothing extreme and unacceptable about lowering interest rates, giving American workers more take-home pay, saving Medicare from bankruptcy, ending welfare as we know it, increasing spending, and giving more power to the American people. That is just what I said earlier. I want to repeat it for emphasis, because that is what the President vetoed yesterday.

I see I am joined by my very good friend and colleague, the gentlewoman from California. I wanted to point out to her, she probably already knows this, but with our Medicare reforms, California, which is a high-cost, high-growth State, will get even more funding for Medicare recipients. Medicare recipients in California are going to realize and receive an increase of $5,000 per beneficiary today to over $8,000 per Medicare beneficiary in California in the year 2002. Our plans to balance the Federal budget in 7 years anticipate that we will spend over $50,000 per Medicare beneficiary in California over the next 7 years. That is what the President apparently feels is extreme and unacceptable.

Mr. Speaker, I yield to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, it is interesting to note, and the gentleman probably saw this article of November 29 of U.S.A. Today, it stated what life would be like in the year 2002 with a balanced budget. I was pleased to see that they agree with us. It means a larger economy, $150 billion more in goods and services, lower interest rates, 30-year fixed-rate mortgages below 5 percent, lower inflation, higher incomes, no trade deficit, a stronger dollar; but they have a "but" here, and it says "cuts Federal spending."

I do not know if the gentleman from California hears from our constituents like I do, but that is why they sent us here. They know the Federal Government has to go on a diet. They want us to cut spending. They said also that there would be cuts, and they use that word cuts. They are talking about Medicare. We know that we are not cutting Medicare, as you just pointed out, we are going to increase the dollars there. We are slowing the rate of growth.

I find it interesting. Last night I had a phone call. I was working in my office quite late and did the answering of my phones. People are always amazed back home that I am answering the phone and working late hours. It was interesting, because the gentleman was concerned about balancing the budget and concerned about cutting Government. I pointed out to him, did he realize that we were increasing, under our budget, the Republican budget for the next 7 years, we were increasing spending from well over $9.5 trillion to 12, and we are increasing it by $2.5 trillion. When they are told this fact, people just stop dead in their tracks and say, "Why are you not doing a better job of cutting Government spending?"

Mr. RIGGS. They also say, I might point out, "Why are you not doing a better job of getting your message out?" on that point, and that is why we are doing the special order here tonight.

Mrs. SEASTRAND. That is why we are here, to try to get the message out to the hinterlands and California about what our plan is all about. I am doing my very best, as my colleagues are, to get our message out about how good our plan is for America.

I think it is important to share the information about the good old State of California. We have been hit very hard these last several years. We know about the moving vans leaving California for other points, other States. We do not like that idea. We like people to stay in California.

I have two children, 23 and 25, and they are now at the beginning of their careers. They are looking for a place, and they want to stay in the good old Golden State of California. They are concerned about what this means in their life: Are they going to be able to get a job in California? Are they going to be able to buy that dream home that they are dreaming about with that special someone that they hope to marry? Will they be able to have their children here and have a good life for their family?

I just would like to stress that under our plan, all of this over the next 7 years, it would give each and every one of them, not only my children but other people's children, the hope that it is good to stay in California and things will turn in America.

I would just like to say that under the Republican balanced budget plan, the Federal spending for our home State will increase from $177 billion in the fiscal year 1995 to $215 billion in the year 2002, which is an increase, an increase. I am an old fourth grade school teacher, so when I see increase, that means a plus sign. I know it is very difficult for some people to understand the simple plus and minus, but we are going to increase it, increase spending in California with Federal dollars by 22 percent.

Over the past 7 years the Federal Government's spending in California was $1.1 trillion. Under our Republican plan that unfortunately was vetoed by the President, total Federal spending in California would have been $1.46 trillion, an increase of 31 percent. Again, we are talking about a plus, not a minus sign. Social Security payments to Californians would increase by $15.9 billion over the next 7 years. Federal welfare spending would increase by $40 billion in the State of California over the next 7 years; the Medicare payments also, $9.2 billion over the next 7 hears, and Medicaid payments, giving more control to the State, and yet we are going to increase those Federal dollars by $3.4 billion over the next 7 years.

What I am saying is we are increasing dollars. We cannot be talking about cuts. We are slowing that rate of growth. We are trying to put the Federal Government on a diet and yet do the job by taking regulations, bureaucracies, out of the system.

As a former State legislator in the State of California, I know what it was like to be told that you had to have a mandate, you had to do it the Washington bureaucrat way, and they treated us so often as if we did not have any sense, common sense; we did not have integrity at the State level, we had no compassion at the State level. I think what I saw, my colleagues on both sides of the aisle, be they Republican or Democrat, they were concerned about their constituents.

□ 1800

Mrs. SEASTRAND. So I just would like to give greater control to our States and the State of California and see that we have a better future for the State of California.

I would just like to add that a drop of 2 percent in interest rates with the balanced budget over the next 7 years would mean 97,000 new private sector jobs in California. I know the gentleman from California [Mr. RIGGS] is facing tough times in his district to the north of San Francisco on the coastline, and I am too on the central coast of California.

We have been hit very hard with defense closure. We are trying our very best to commercialize the spaceport at Vandenberg Air Force Base; we are trying to think of new ways for high-tech jobs.

But this means so much about what a balanced budget would mean to the State of California. It is going to reduce taxes of working families in California by $23.8 billion over the next 7 years.

Let us look at a house in Santa Barbara. This might be unbelievable to some people across America, but in the county of Santa Barbara, the average home sells for $225,000. Now, if they were to get a 30-year loan, we are talking about a savings, with a 2 percent drop in interest rates, a savings of $111,000 over the life of that loan.

Now, I do not know about you, but again, it means something to my 23- and 25-year-old children when they are thinking of buying that home and starting their families.

In San Luis Obispo County, the other county in my district, the average home in 1995 was $163,000. Well, again with that drop of 2-percent reduction in mortgage rates, if we have that balanced budget in 7 years, using those honest numbers, we are going to see that we are going to save those working families again, 23-, 25-year-olds that want to buy a home, they are going to save $100,000. Now, that is not just a dollar here or there; this is real money.

It is interesting to note also, my son unfortunately had his car stolen, and he is now in the situation where he has to figure out how he is going to get a loan to buy another car and so on. A 4-year car loan, $15,000. Well, if you have a 2-percent drop in interest rates, he can save $900. Let me tell you, that is important to him.

My daughter is graduating, and she is looking to go on to a master's, and saying, Mom, I think I might do it on my own and look for some student loans. Well, again, a 10-year student loan, so important to my University of Santa Barbara and my Cal Poly students in San Luis Obispo. If they apply and receive a 10-year loan of say $11,000, they are going to save $2,160 over the life of that loan.

So all in all, this means so much that we push on; and unfortunately, our Balanced Budget Act of 1995 was vetoed by the President, and I am just hoping that as we move forward, we can continue to work for a balanced budget in the 7 years, with honest numbers working with the Congressional Budget Office.

Folks at home understand how we play funny games here in Washington, DC, and they know about the numbers and how we can take a zero here and move things around. They want honest numbers. My calls over the last several weeks, well over 1,000 phone calls, saying, hang in there, hang in there for a balanced budget in 7 years; I know I am going to have to feel a little pain; do it across the board, and let us balance this budget for our children and grandchildren.

So I just appreciate the gentleman from California letting me join him this evening to try and explain and get our message out about what this balanced budget means to people not only in the State of California, not only to my children, not only to my 83-year-old mom who depends on Medicare, but what it means to the folks across America, those hard-working folks that want a better tomorrow.

Mr. RIGGS. Well, I very much appreciate the gentlewoman's comments. I want to stress a couple of points that the gentlewoman made.

First of all, I want to make sure everyone understands again that the principal form of tax relief that we want to give to families is a $500 credit, child credit, and this is a tax credit, it is not a deduction, so it comes right off that bottom line on your tax return, your ultimate Federal tax liability, calculated after any other deductions.

The gentlewoman made a very good point, that the $500-per-child tax credit means a $1,000 tax break for a family of four, each and every year until those children become adults, and that is to say until they turn 18. Furthermore, the gentlewoman made an excellent point that with the reduction in interest rates to be brought about by our plan, and let us be clear about one thing and that is that interest rates have been steadily coming down since last, really since last November, and the election of the Republican majority of the Congress, but they have been coming down precipitously in recent weeks with the expectation of the markets that we are going to ultimately reach some sort of agreement regarding a 7-year plan to balance the Federal budget.

Those interest rate reductions mean, as the gentlewoman so well pointed out, that all Americans will benefit from our balanced budget plan. All Americans will pay less in interest on their home loans, their home mortgages; student loans is another example, car loans, and right down the list. It just basically means that any borrowing will be less expensive; that we will be able to give the American people some immediate tax relief as well as give the economy a real shot in the arm.

There is nothing that will stimulate the economy and job creation in the private sector faster, of course, than bringing down interest rates and bringing down taxes, as we also propose to do, for businesses through a reduction in long-term capital gains.

Mrs. SEASTRAND. Will the gentleman yield?

Mr. RIGGS. Of course.

Mrs. SEASTRAND. Mr. Speaker, it is interesting because so often we are told we have the tax cuts and we are giving them for the rich. I just want to point out my background. My daddy was a bus driver in the city of Chicago, a union man. My mom was a part-time office worker at the time, 1950's. I was a latchkey child and did not know it at the time. We have an unfortunate habit today of labeling everybody.

But I have worked hard, studied hard, and I am privileged to serve in this House. So I can really relate to those folks back there saying, oh, well, is this just one of those people who is looking out for the rich. I know what it is to sit around the kitchen table with my family looking to how we are going to pay for my college tuition and so on. I came from that background. So I am very concerned that we do give tax relief to the working families.

I would just like to point out that 75 percent of our family tax credits are going to go to families earning less than $75,000. Now, in today's world, $75,000, you are not rich at $75,000; and being a teacher by profession, Mr. Speaker, today you can have two teachers in the family working and you are lucky if you can make $75,000. But we are talking about $50,000 to $75,000 for perhaps two teachers in the household working full time.

The other point I wanted to make, 90 percent of the tax credit going to families, what we are proposing, would go to families earning less than $100,000. So we want to take care of the working families, because they know best what they are going to do when they sit around that kitchen table and figure out their priorities every month, or every 2 weeks, as it was in our family instance.

It was one of those situations that they know how to deal with best. Are we going to buy that coat, or are we going to buy the kitchen or the dining room, or are we going to forget about that and buy those expensive gym shoes that we have to get? Those are the kinds of things that the common folks in working America are concerned about.

So I wanted to point out that what I was supporting and what you are supporting is not for giving tax credits to the rich. We are talking about good old folks across America that are probably doing two jobs, three jobs, and trying to figure out how they are going to survive the next day.

Mr. RIGGS. Well, the gentlewoman makes again a very good point when she talks about most of the tax relief going to families in an income range of $50,000 to $75,000. She is describing middle-class families. Certainly, by the congressional districts that the gentlewoman from California [Mr. SEASTRAND] and I represent in California, $50,000 to $75,000 is very much middle class by the standards of our congressional district, and that again is where we target most of our tax relief. Those are the families who most need help again, most need relief from this pinch of rising taxes at the Federal, State, and local levels and stagnant or even declining wages in recent years.

I just want to point out that the President, after vetoing the balanced budget plan, has said he is now going to send us at long last, after 2 years and 11 months, he is going to send us his own specific balanced budget plan, but now he insists on using, despite his commitment in signing the short-term continuing resolution, despite his remarks 2 years ago in the State of the Union addressed about using the Congressional Budget Office as the honest referee in budget battles between the legislative branch of Government and the executive branch of Government, despite all of that, he wants to use his own Office of Management and Budget estimates, rosier economic projections, generated by the Office of Management and Budget in the White House.

Well, Mr. President and my colleagues, we know that is a nonstarter, we know that kind of proposal is dead on arrival here on Capitol Hill. We know that the President earlier gave us a vague outline of a balanced budget plan, 22 pages, and it was based on those same OMB estimates, and when we handed that to the nonpartisan Congressional Budget Office for scoring. This is his plan that had deficits in the range of $200 billion well into the next century. When we gave that to the nonpartisan Congressional Budget Office, they said, the plan in fact never balanced and would add almost an additional $1 trillion on top of our national debt of $5 trillion.

So again, I want to thank my colleague for joining me, and I want to close our special order and my remarks with a letter that I recently received from a friend and constituent back home, because I think it is so representative of the mail and the calls that so many of us have gotten in our office during the last few weeks as this budget battle has heated up back here in Washington. It is from a gentleman by the name of David Rudig, Ukiah, CA in Mendocino County, which is one of the counties that I represent in northwest California. He writes:

> Dear Frank, Just a short note to say "hey" and that all of us are keeping an eye on things in Washington. I called your office at the beginning of the government shutdown to express support for the Republican effort to pass a balanced budget and reductions in government spending. The man who answered the phone in your office was almost surprised to get the call.
>
> My wife went the same day and changed her voter registration to Republican. When I asked why, she just said, "Because of the President." Ditto for my oldest daughter.
>
> I took the liberty of sending you a picture of my grandson in this "package."

Right here is David's grandson, and there is a little note on it; it says:

"Hi, my name is Patrick," here is a note.

"Hi, my name is Patrick. Unless you change things in Washington, I will owe 82 percent of all of the money that I will ever earn to the Federal Government. Please help me." This is based on the Federal budget, the year he was born. So he says—

> I took the liberty of sending you a picture of my grandson in this package. There is a quote on it. Please, if possible, put it on your desk and look at it each day. I got into this whole thing after he was born and I realized that unless I did something, I was not going to leave him a very good place to live in after I was gone. Our fight for this budget and the reinventing of government is about him and all of the other kids who do not realize that they owe 82 percent of everything that they are ever earn to the Federal Government. That is, unless we change things.

He goes on to just include another little article from one of the local newspapers back home, headlined, "GOP Child Tax Credit Will Cost $700 Million to Implement," and he notes the irony of this article which says, the IRS claims that it will cost hundreds of millions of dollars to let families keep more of their own hard-earned money.

So the message to David and to constituents back home is, be assured, we are going to hang in there, we are fighting the good fight, we are going to do what is right by our children; and with your support and with, frankly, the backing of the American people, we will prevail in this battle over the next week, or however long it takes, and we will convince the President to do the right thing and to sign into law a balanced 7-year budget.

I thank the Speaker for his indulgence, and I thank my colleague, Congresswoman SEASTRAND, for joining me for this special order.

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MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 60 minutes.

Mrs. CLAYTON. Mr. Speaker, the debate over the budget reconciliation is really about people. We heard the other side just talk about the letter they received from their constituent and their grandson. It is about people. The reconciliation is about how we treat people, how we will have certain sectors of our community to survive and how others indeed may suffer. It will talk about whether we will reward those who are the wealthiest in our society and what sacrifices all of us must make in order to have a balanced budget.

So the balanced budget is not about programs or not just to balance the budget for balance sake, but it is indeed to balance the budget for the financial security of this country, so it can respond to the future of this country as well as respond to the current responsibilities of this country.

The question really is, should we treat Americans fairly or should we treat those who have great influence with due deference? Do we treat those that are wealthy with new respect or should we treat everybody right? Should those who have influence and who have wealth have the lion's share of the $245 billion worth of tax cuts or should some of those cuts also be shared by those who make $28,000 or less?

Those are the questions I think that should be a part of this debate, rather than trying to rationalize a budget proposal that balances the budget on the backs of the poor, the elderly, students, and the disabled in our community.

We should not put poor families, particularly those who are elderly, children and the disabled, under great stress. We should make sure that they have opportunities for the future so they can be contributing members of the society as anyone else.

Medicaid emphasizes that perhaps better than anything else. If we look under Medicaid, we will see that poor families, the elderly, children, particularly the disabled indeed will pay great cost and make substantial sacrifice for the benefit of the wealthiest of those, to do what, to give wealthiest Americans a tax break.

When we understand that Medicaid really is often the only health care that some of our poorest elderly will have, because Medicare spends out very quickly, many of our elderly who need long-term health care will not be able to get that unless indeed they had Medicaid as a part of that.

The Republicans say that their plan does not cut Medicaid, that it only slows the growth by 5 percent. Well, when you examine that growth over a period of time, Medicaid costs have been going up about 10 percent, in part because a large number of people are eligible for Medicaid.

Now, I ask you, if you cut that by 5 percent, which of those eligible people who now will become eligible do you say, I no longer serve? They say it is not a cut, it is just limiting the growth. Well, if you have 5 percent less than you would have before, but yet you are going to have 10- to 15-percent more people, tell me who then indeed will not be served? Who do you choose? How do we make choices between which American will be served and which American is not served?

If we must make sacrifices, and I contend that we must make sacrifices if indeed we are going to have a balanced budget, why should that sacrifice not be a balanced one? The one certainly the Republicans have put forth, particularly on Medicaid, is not that way.

Understand their program well, now. This will turn back this program to the States as a block grant. Why? They say because the States, they are closest to the people and they know best how to treat the citizens of that State.

I share with you, I am a former county commissioner and I think I treated my constituents, and persons I had responsibility for very well, chaired my board and know the responsibilities that I had as a Chair trying to match the funds of Medicaid. But I can tell you with no reservation whatsoever, I would not have been able to provide the kind of help that we need at the local level unless the Federal Government was there.

Further, I contend there is a responsibility of the American people that the Federal Government has in providing health care to those who are most vulnerable. Furthermore, the States are in no position financially to take this up.

People are worried in my State of North Carolina. I refer, Mr. Speaker, and enter into the RECORD a news article that is from the News Observer this week, which is a local paper in my district:

[From the News Observer]

MEDICAID CHANGES FRIGHTEN FAMILIES

(By John Wagner)

Before long, North Carolina lawmakers may have to decide whether the state can continue to care for families like Deborah Altice's the way it does now.

Since Altice's husband was disabled by an auto accident a decade ago, Medicaid—the state-run health program for the poor—has paid for his medicine and numerous back operations. It has covered doctor's bills for the Zebulon couple's 9-year-old son and 7-year-old daughter. And just last month, Medicaid paid for the delivery of Altice's baby boy.

"We'd be in a pretty desperate situation without it," Altice says of Medicaid. "We'd have bills coming in, and there'd be no way we could afford to pay them."

Altice and her family are among tens of thousands of poor, disabled and elderly North Carolinians who have benefited during the last decade from a dramatic expansion of the state's Medicaid program.

The number of residents eligible for assistance has tripled since 1985. And spending on the program has grown even more rapidly—from about $700 million a decade ago to a projected $3.5 billion this year.

That's all about to change.

Under Congress' plan to balance the federal budget, North Carolina stands to lose more than a quarter of the Medicaid dollars it had expected to get from Washington by the year 2002. By one estimate, only six other states would lose a greater percentage of their federal funds.

President Clinton has pledged to fight Congress' cutbacks, but an alternative Medicaid plan being crafted by the White House curbs spending significantly as well.

As a result, North Carolina lawmakers are bracing for what many fear will be ugly fights at the General Assembly in coming years, with advocates for the poor, elderly and disabled all pitted against one another to maintain their share of the state's Medicaid spending.

"We're going to have to make some very difficult decisions," says state Sen. Roy Cooper, a Rocky Mount Democrat. "It will be a huge task, no doubt about it."

Cooper is one of a dozen lawmakers assigned to a study group on Medicaid that is scheduled to meet for the first time Tuesday.

The wide-ranging program they'll begin scrutinizing now serves more than 835,000 people—nearly one in seven North Carolina residents. Recipients range from poor families like Altice's to thousands of nursing-home residents to disabled folks like Dan Stanford, who benefits from a program that just started receiving Medicaid funding this year.

A Cary resident, Stanford, 26, is mentally retarded, autistic, deaf and legally blind. Medicaid pays for an around-the-clock assistant in his apartment to help him and a roommate with basic living skills such as getting dressed, making their beds and taking medication.

The cost to taxpayers for Stanford's help is about $65,000 a year.

Stanford's parents say they're worried that the state will no longer be able to afford their son's services—services that they say have made his life more meaningful.

"We feel really helpless," says Dan's father, Bill Stanford. "We're not very optimistic about our chances."

Much of the tremendous growth in North Carolina's Medicaid spending has been fueled by actions state lawmakers have taken to extend coverage to new groups of people.

Before 1988, for example, Medicaid covered pregnant women only if they were on welfare or disabled. Today, all pregnant women in families with an income up to almost twice the poverty level are eligible for prenatal care and other assistance.

The federal government sets general guidelines for states' Medicaid programs and provides much of the funding—almost two-thirds of North Carolina's spending. But states have had significant latitude to determine who is covered and what benefits they receive.

Under the bill passed by Congress, federal spending on Medicaid would continue to grow each year—but not nearly enough to accommodate all the new people that state planners anticipate would qualify for benefits under existing criteria.

As a result, North Carolina officials predict that over the next seven years the state will be more than $4 billion short of what it needs to pay the bills of all its Medicaid recipients. Other policy analysts think the gap could be even greater.

The blow to the state would be relatively soft at first, but grow increasingly painful over the next six years.

Some legislators, such as Cooper, say they are open to spending more state money to make up for the drop-off in federal funds. But given the magnitude of cutbacks being talked about in Washington, few people believe it will be realistic for the state to bridge the entire gap.

At this point, no one can say for sure how much money state lawmakers will have to work with, where they'll try to constrain spending—or who will be hurt most by their actions.

"What's seems certain is there's going to be less money, and something has to give," says Craig Souza, a lobbyist for the nursing-home industry.

As they look for ways to hold down spending, legislators will have relatively few strategies to pursue, none of them attractive.

Here are some options they are likely to consider:

Backtracking on expansions in eligibility that they approved in recent years.

Those decisions will be especially difficult because, in many cases, the wider coverage has produced measurable gains in health care. North Carolina's infant mortality rate was among the worst in the nation in 1988. But it has dropped considerably since lawmakers made it easier for low-income women to get prenatal care through Medicaid.

Also, North Carolina has only recently extended benefits to some groups that other states covered long ago. In 1994, for example, the legislature voted to offer Medicaid coverage to recipients of Supplemental Security Income, a federal program that provides monthly payments to low-income elderly, blind and disabled people. Most states have been doing that since the mid-1970s.

Lowering the state's payments to medical providers.

In many cases, that strategy poses risks. The state's nursing homes, for example, relay on Medicaid payments for 73 percent their revenue. Souza, the industry lobbyists, says most homes would be forced to cut staff if the state reduces the amount it gives them to care for Medicaid patients. And critics say most nursing homes already are understaffed.

Pushing more of the poor into managed-care programs, which limit their choice of doctors.

The state has had a small managed-care program since 1986. Analysts say expanding it would save some money. But the biggest factor behind the state's skyrocketing Medicaid spending has not been the rising cost of care, but the number of new people eligible for coverage. In fact, since 1988, the money spent, on average, per Medicaid patent has grown more slowly in North Carolina than in all but nine other states.

Meanwhile, the number of low-income people in need of medical help in the state continues to grow faster than in all but a few other states—and that's one reason why North Carolina would get hit so hard under Congress' plan.

For example, North Carolina's elderly population is expected to double by the year 2020. Today, many of the state's senior citizens eventually move to nursing home, and once their savings run out, Medicaid picks up a large part of the cost.

In the years ahead, state loanmakers will have an increasingly difficult task weighing that need against all the services that Medicaid provides to people like Deborah Altice and Dan Stanford.

"There will have to be some cuts," says Gov. Jim Hunt. "The worst thing I could do is to give the impression that we can somehow make this all up. We can't. But we sure will look at every way we can to try to ease this burden and be fair to our people."

Mrs. CLAYTON. This article says, and I quote from that, Deborah Altice, the wife of a disabled husband who has both a 9-year-old son and 7-year-old daughter, and she says, "I don't know what I would do without Medicaid. I don't know. My husband's been now disabled for almost 10 years." And Medicaid has taken care of her husband's operation, provides for her 9-year-old son and her 7-year-old daughter. She says we would be devastated, indeed, if we did not have Medicaid.

This is about people, not really about numbers. We may sound pious up here, as if we have some theory that is going to save America, but at the sacrifice of people and particularly those who are the most vulnerable in our society.

Again if the Republican plan was passed as they had proposed, in my State alone by the year 2002 they would have lost one-fourth of the Medicaid dollars that they were expected to receive. Again, one might say, well, that is not a reduction. That is simply limiting the growth.

Well, I would have you understand how the growth has occurred in my State. Again referring to the same news article, the growth in my State, it has grown in terms of percentage, it has grown from 1991 to 1995 by some 14 percent in the eligibility.

Now you say you cut this by 5 percent, and this is not a cut. Excuse me? Who is not understanding the realities or the consequences of our action? Whether you meant that or not, what will happen to this family? It would mean, if not this family, perhaps another family would not have that opportunity for health care.

Again under the proposed plan which the President vetoed yesterday, we would have seen that families of nursing home patients would be put under great stress because they now must indeed find how do they make up that average cost of a nursing home, which costs some $38,000 in America and about $32,000 in my State. Working families in my State, those who must contend with raising their children, who again the Republicans pay great homage to.

I am a mother of four adult children, also a mother of three grandchildren, and want for them the very prosperity that I have been blessed to have. But I also want for those who are disabled the same thing I want for my children. Why should I want any less for my children than I would want for the Altice family, who happen to have a disabled husband who is not able to work and a 9-year-old son and a 7-year-old daughter?

Again, indeed if we put the stress that is imposed, we now must find that families of senior citizens would be put at liability in securing the cost of a nursing home. A nursing home recipient who now receives on average about 72 percent of their care from Medicaid would find themselves at a decisive disadvantage.

Medicaid is an important program, a very, very important program. It provides the only health care for poor families. Some 36 million families, including women, children, the elderly and the disabled only know of their health care coming from Medicaid.

On the block grant to States, it says that we will make an entitlement to States but not an entitlement to those 36 million people. What is this Government about? "We the people" means what? To the State, to us, as I was in the local government? It really means that we should be about serving the people well, all of the people, not just some, all of the people.

The block grant will end that entitlement to those who are now eligible under that.

This is the wrong way to go. The Government needs to keep this entitlement. There are some programs the Government should, indeed only the Federal Government is in the position to make that kind of financial commitment. To turn this back to the States under some disguise of flexibility or trusting the State is doing the State a disservice.

I can tell you in North Carolina they will not be able to make up that gap. I have county commissioners now wondering will they have to raise their property taxes in order to make up that deficit that will surely occur if the plan indeed is anywhere like the plan that the President has just vetoed. I say the President should have vetoed it, because he understood the American family would be put at great disadvantage and insecurity financially if indeed that plan had gone forth.

Let me just share in terms of the costs of Medicaid. Where do those dollars go? We think of Medicaid, and I have said and I will say it again, that Medicaid is the only program that many poor and poor families will receive. In North Carolina, while poor families and their children account for almost two-thirds of the people eligible for Medicaid, they receive only about one-third of the State's Medicaid dollars. Care for the elderly and the disabled tends to be more expensive.

So indeed Medicaid is not only for the poor, it is for the elderly as well as for those who are disabled. To cut this program drastically or to put families of nursing home patients in distress or to block-grant this program is the wrong way.

Mr. Speaker, I started my remarks earlier to say that this debate was about people. It was about those we cared about, and it was about shared sacrifice.

I will end my remarks to say again, as we go into the next 5, 6, or 10 days, this debate, particularly around Medicaid, I urge my colleagues to consider the opportunity they have to make this program work.

Let me just further say, we ought to spend our money wisely even under Medicaid. There is a lot of demagogery that goes on on this floor about teenage pregnancy, a lot of demagogery about we cannot sustain a continuation of 10- and 12- and 15-year-old kids having children. I agree with that. We should. Demagogery is so easy, but actually coming to a solution or having a reasonable plan is far more difficult.

One way we could begin to think of this is using the Medicaid dollars to assist teenagers before they get pregnant and prevention of pregnancy, teaching them counseling and a variety of activities and techniques that are proven. If we enact it, we could use just a little of the Medicaid dollars and that could go a substantial way to reducing the Medicaid dollars we are now using.

One could use $1,000 in prevention and possibly save $10,000 in the care. Prevention and preventing pregnancy, unwanted pregnancy, particularly in teenagers, would mean not only that young teenager whose life is no longer productive, contributing to society, but also perhaps a troubled birth which would cause the Government to pay.

We pay for that teenager, mind you. Once she becomes pregnant, we will pay as much probably as $10,000. Indeed, if that young teenager has a troubled pregnancy where the young baby is not safe or underweight, that could be in thousands and tens of thousands of dollars. It makes no sense. It is unwise.

We should use our money wisely and use our money fairly. This debate about Medicaid is about what priorities we will set as a governing body and as a Congress as we meet this debate. I urge my colleagues to go forth in this but go forth with this in a reasonable way.

BOSNIA AND THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. GANSKE] is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, we are facing today debate on two big issues, the two B's, the two great B's, the budget and Bosnia. Since we have had some debate tonight on the budget, let me just spend a few minutes before I move on to the second B, Bosnia.

There has been a lot of misperception about what exactly is in the budget that Congress has passed. But let me give you the facts.

In 1995, we spend for Medicare $178 billion. This will go up every year for the next 7 years, so that by the year 2002 we will spend $290 billion for Medicare. This is an increase by anyone's calculations.

In the last 7 years, we have spent $926 billion on Medicare. In the next 7 years, we will spend $1.6 trillion. This is at twice the rate of inflation.

Just a couple of years ago, President Clinton, in speaking to the country about his health care plan at that time, said anything goes up at twice the rate of inflation is not a cut.

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Let us look at some other areas. Medicaid, 1995, we have spent $90 billion. This will increase every year for the next 7 years so that by the year 2002 we will be spending $127 billion. In the last 7 years, for Medicaid, we have spent $444 billion, and we propose increasing that to $770 billion in the next 7 years. That is an increase of $330 billion.

SHOULD WE SEND TROOPS TO BOSNIA?

But let me get to the second issue, the issue of Bosnia. Let me begin with the basic issue. Should we or should we not put United States troops into Bosnia? Let us look at the various arguments President Clinton has laid before the public and why I believe they are flawed.

I have given the President the benefit of the doubt. I have listened carefully to United States negotiators, Richard Holbrooke and General Clark, and have discussed this issue with several Congressmen who have just returned from Bosnia. I am indebted to Charles Krauthammer's testimony on Bosnia recently before the House Committee on National Security, and to Michael Glenon's article on foreign affairs a few years ago on the role of Congress and war. Despite Mr. Holbrooke's protestations, the deal calls for Bosnia and Herzegovina to be partitioned by a 2-mile wide demilitarized zone, a DMZ that NATO will patrol. There will be a Croat-Moslem coalition and a Serb republic with a weak central government for show.

The NATO troops can kill anyone who stands in the way of separation or is presumed to constitute a threat. Approximately 60,000 troops, one-third English, one-third French, and one-third United States troops, will be on the ground. As many as 37,000 United States troops may ultimately be involved, and American reservists will be part of the operation, including some from my home State of Iowa. Up to one-third of current NATO forces may be committed to this venture.

Let us examine the reasons that President Clinton, in his speech to the American people, gave for putting the lives of American troops into harm's way.

First, in comparing the current situation in Sarajevo to World War I, President Clinton said, "We must never go down the road of isolationism again." Now to argue that if we do not put troops on the ground into Bosnia will lead to United States isolationism ignores the facts. The United States is robustly internationalist today as compared to the Smooth-Hawley days of protectionism. Look at United States involvement in GATT, United States involvement in NAFTA, the $20 billion Mexico bailout or the Asia Pacific Economic Cooperation Forum. Indeed, many would argue that the United States has been too internationalist in areas such as the 1993 Somalia fiasco or Lebanon in 1982.

Was the United States not involved in Grenada in 1983, in Panama in 1989, and in the Persian Gulf in 1991? How can one talk about isolationism when we have troops in Haiti?

Second, President Clinton invoked the moral imperative; sending United States troops to Bosnia is "the right thing to do." It is true that for 3 years atrocities have been committed by both sides in a terrible civil war. Television has brought these horrors into our living rooms just as it brought the horrors of Vietnam into our homes 25 years ago. Our hearts go out to the victims, and compassion cries out for action. Yet, wise leadership calls for more than compassion in a world torn by strife in a dozen or more places around the Earth.

What is the difference between Bosnia and Rwanda, Bosnia and Liberia or the Sudan, Bosnia and Peru, Bosnia and Sri Lanka?

I was recently in Guatemala, where an insurrection has gone on for years. There are victims in all of these places that tug at our hearts. How do we decide where to put American troops at risk?

I believe that the American people support the use of troops overseas for very specific purposes only, to honor our treaties, to protect the lives of Americans overseas, to defend our country, and to protect our national security and interests.

This brings us to the third part of President Clinton's argument, "Generations of Americans have understood that Europe's freedom and stability is vital to our own national security. That is why we fought two wars in Europe." Basically, President Clinton is resurrecting the domino theory for the Balkans.

I ask, what evidence is there for the spread of this war? This civil war has been going on for 3 years, and there is no evidence for its spread. This is not 1914. The situation is totally different. There is no European interest in the Balkans other than the major powers staying out of a confrontation with each other.

Fourth, the President says, "As NATO's leader and the primary broker of the peace agreement, the United States must be an essential part of the mission." Inherent in the President's argument is the rationalization that the United States has an obligation to assist its NATO allies whose troops are already on the ground. I think this is dubious reasoning.

In the first place, the United States has no NATO treaty commitments to policing a civil war in the Balkans.

Second, Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staffs, concedes that from a purely military standpoint the West European nations could undertake the Bosnian mission on their own.

Third, going forward with deployment could actually be worse to NATO than the damage of nondeployment. Krauthammer argues that deployment could result in one or two humiliations; first a humiliating retreat, as in the case of Somalia and Lebanon, in which our allies were left high and dry; or, second, we go in and then persist in a thankless, unwinnable, and costly operation that erodes the solidarity of the alliance.

More than 200 U.N. troops have already been killed in Bosnia. U.S. generals warn that there will be casualties. When U.S. body bags start coming home and television interviews American amputees, where will the support be in the United States for NATO?

The motives of the Bosnian accord are morally worthy. Who could not help but want to bring peace to those suffering war victims? Yet, as a political leader and as the Commander in Chief, the President has a responsibility not just to try to do good but also to have undertaken a mission that has a reasonable chance of success. By all reports, enforcing this agreement is going to be a tactical nightmare.

I recently spoke to a United States Senator who served in Vietnam and is just back from a fact-finding mission in Bosnia. He described the mountainous, forested terrain as some of the most difficult to fight in that he is seen. The difficult terrain will negate a lot of the technological advantage that our forces have. Our equipment will be too heavy for most of the roads and bridges. Winter weather conditions will complicate air superiority, and there are an estimated 6 million unmarked land mines.

This map of Bosnia illustrates several areas that are problematic. The red line represents the demilitarized zone. We have several areas here that are worrisome. We have an area, Gorazde, which is primarily Moslem. This is totally surrounded by Serb territory, and yet we have created a corridor in which there supposedly will be no Serbian arms.

Another problem area will be the narrow corridor up by Brcko.

Another area of great concern is the area surrounding Sarajevo controlled by the Serbs, none of whom are happy with this agreement.

The hair-trigger task of separating the warring parties is supposed to take place in the first 30 days, before most of the main occupying force has arrived. Will the U.S. troops play local cop? I ask this question because during the occupation of Haiti a year ago American soldiers had to stand back and watch while thugs beat up local citizens. Will our troops in Bosnia be forced to watch atrocities just outside the DMZ line that they are guarding?

If the participants want peace, why do we need to send an armored division? The answer, of course, is that as Assistant Secretary of State Holbrooke has admitted that arms had to be twisted to get the agreement signed by the Bosnians and the Serbs. Recent news reports document that the parties to this agreement are not very happy with the territorial provisions, and as Mr. Krauthammer has said so forcefully, if you are unhappy with the imposed peace, there is nothing like blowing up 241 Marines or killing 18 U.S. Rangers to make your point. Killing Americans is a faster way to victory than killing your traditional enemy.

This brings us to the question: What role should Congress play in the Bosnia problem? Without getting into a long discussion of the constitutional law and the War Powers Act, it is clear that the Founding Fathers were fearful that the executive branch is most interested in war and most prone to it. This is why the Constitution invests the war powers with Congress.

Jefferson, in a letter to Madison, wrote, "We have already given an example of one effectual check to the dog of war by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay." One obvious advantage Congress brings to the decision whether to participate in these warlike endeavors is that Congress represents the diversity of opinion of the country.

President Lincoln knew the value of diverse opinion and legislative deliberation. He said, "In a certain sense and to a certain extent, the President is the representative of the people. He is elected by them, as well as Congress is. But can he, in the nature of things, know the wants of the people as well as 300 other men coming from all the various localities of the Nation? If so, where is the propriety of having a Congress?"

Mr. Speaker, the wiser course of action is not to put American troops on the ground. What we should do is lift the arms embargo.

The Secretary of State has said recently that we will arm the Bosnians, if necessary, but we hope it is not necessary. Well, Mr. Speaker, it probably will be necessary, and we will then be viewed as taking sides. We already are not viewed as neutral by the Bosnian Serbs, but we also do not have troops at risk right now.

In summary, Mr. Speaker, while our motives are good, I fear that putting American troops on the ground in the middle of a civil war, where ethnic hatreds run deep, where the technical details of the plan are suspect, where a time-limited cease-fire is likely to resume into full-fledged war once our troops are gone and where there is no clear-cut U.S. interest is just plain wrong. My constituents have told me, "Stop don't do this. Do not send American troops on a mission they can't win, for reasons we don't understand."

□ 1845

Vietnam veteran James Smith recently wrote about his son, who was killed in Somalia:

> As my sacrifice was wasted in Vietnam and my son's sacrifice was wasted in Somalia, will there be more wasted sacrifices in Bosnia? This old soldier is not convinced. I cannot support sending troops to Bosnia.

This Congressman has similar concerns. I beg the House leadership to give this Congress the right to vote on a resolution that would stop the deployment of U.S. troops now, and I beg the President to reconsider his decision. It is not too late.

Throughout this debate we will hear many arguments for the need to support our troops. Let me be clear that I share this commitment that every Member of this body has toward the young men and women who will risk their lives to defend our freedoms. This weekend I will be in Bosnia with a congressional delegation, and as a physician who is in the Army reserve medical corps, I will be especially interested in the military medical preparations.

If United States troops do end up in Bosnia, I want to know how to best support them. But let me also be clear, that on the basis of my current knowledge, I believe that we can support our troops best by not sending them to Bosnia. This mission is simply breathing space before the next round in fighting. Congress should do all it can to stop this action. At the end of the day, it is not that Americans cannot tolerate casualties. It is that Americans do not tolerate casualties for nothing.

With that, I would yield to the gentlewoman from Idaho.

Mrs. CHENOWETH. I thank the gentleman for yielding. I appreciate his good comments, and I look forward to joining the gentleman and some other of the Members in our trip to Bosnia to look at the situation firsthand this weekend. I think that it is so incredibly important to be able to see what our troops are going to be going through and to be able to visit with our troops in Frankfort, not only to encourage our troops, but also to be meeting with the heads of State of the warring factions.

Mr. Speaker, I am of firm belief that the President in this case is not using the constitutional authority given to him and is abusing the power that was given to him by the Constitution. I have asked over and over and over again to have constitutional scholars show me where the President has the authority to commit military troops to the mission that he has in Bosnia. I cannot find anyone who can show me, outside of case law, and very vague case law, not on point to what the President has declared to be our mission in Bosnia, which is, interestingly enough, not to keep the peace, because there has not been peace there since before the Roman Empire, when the Romans were trying to maintain peace in that area. But we will be enforcing the peace by the President's own words.

Now, you cannot enforce the peace without committing war to enforce peace. That is what war is. That is why we are arming our troops to go to Bosnia.

I have been very pleased to listen to Mr. DORNAN from California on many of his special order speeches as he compares the other commitments by the other NATO nations. I look forward to a colloquy with Mr. DORNAN on the other commitments by the other NATO nations, as well as getting into what the President's authority really is, because this President, I maintain, does not have the authority. He is maintaining his leadership by assertion, not by law, and certainly not by constitutional law.

Mr. GANSKE. Mr. Speaker, reclaiming my time, I would like to followup on the gentlewoman's comments. There is precedent over the past 200 years for the President occasionally doing military exercises, that is, Presidents have sent forces against the Barbary pirates. There have been missions sent out with the various expansions of our country. There are quite a few examples. But it seems to me that there does come a time, and there is a line that needs to be drawn in the definition of what is a police action and what is a very, very significant military action.

When we are putting a division of forces on the ground in the middle of a civil war in the Balkans, when we are talking about 37,000 American troops involved, this is not a small operation. I believe it was clearly the intent of the Founding Fathers that in something of this magnitude, it was inherent in the Constitution, which gives Congress the right to declare war, the dominant position in terms of deciding whether we send American men and women overseas into harm's way.

With that, I will be happy to yield to the distinguished gentleman from California [Mr. DORNAN], a Vietnam veteran, somebody who has spoken eloquently on the role of the military, who may desire to also further enlighten us on the relationship between Congress and the Executive, who has been through some of the vigorous discussions related to the War Powers Act and other things, but who also I think can significantly add to this discussion in terms of some of the technical details and what exactly we are getting into.

Mr. DORNAN. Dr. GANSKE, I appreciate your yielding to me. I enjoyed getting to know you at a dinner in your district and seeing that beautiful great turn-of-the-century house that you live in, and knowing that as a healer of people, you, like all of us here on both sides of the aisle, of every ideological persuasion, are terrified of how quickly this could take a bad turn, not even any worse than the streets of Mogadishu, 19 young men dead, and another 90 carrying wounds, some more severe than others, the rest of their life.

This is a wonderful opportunity, during the first massive change of leadership in the House in 40 years, since I was a 21-year-old pilot in the very first election of my life, this House has been controlled by one ideology and one party, and now we get a shift. We have the Nation's attention, watching the political process, with this majestic C-SPAN broadcast of this, the world's greatest deliberative body, with all due respect to that gorgeous building on the Thames, the mother of parliaments, and we have a chance to educate one another.

Now, if there was someone who fell down in the entrance way, and their lips started to turn blue and they had a heart attack, there is not much I could do except scream for you or Dr. WELDON or Dr. COBURN and say, "Come here, GREG, what do you do? I will hold people back."

But let me tell you what you just said. I was only educated about 48 hours ago. My pal JOHN MCCAIN during the Haiti invasion invoked Thomas Jefferson as you just did, starting with our third President in 1801, his very first few months in office, that we can go in some instances, because, look, Jefferson did it.

MCCAIN did it again, our friend JOHN MCCAIN, served here honorably for years, a fine Senator, a western Senator, just south of Idaho down there in Arizona, he said again on Brinkley this weekend, "Look what Jefferson did with the Barbary pirates."

That is not only bad history; it is so wrong it is frightening. A scholar with a published book on Presidential war power that anybody can get from the Library of Congress, this one is printed by the University of Kansas in Lawrence, Lewis Fisher, brings me over his book, this scholar from our Congressional Research Service, and gives me a paper that was dated last year, a year and a half ago, in response to Haiti, and MCCAIN and others saying well, Jefferson did this, and it turns out that our friend with his big medallion right up here, Thomas Jefferson, right above the speaker, honored as one of our 23 lawmakers, Jefferson said, "I can't do anything that is offensive or attacking in nature. I can only respond to an attack on the United States and defend it."

That is pretty vital interest, an attack. He said, "I need help on the Barbary pirates."

The House of Representatives not only passed resolutions; they turned it into public law, and one of them was the very day before Jefferson was inaugurated, in those days, right up through Rossevelt's second term, was March 4, on March 3, 1801, when Haiti, by the way, it was then called Santa Dominique, was exploding in bloodshed, a result of the French reign of terror, had now come to Haiti, where the slaves killed every single European heritage person on the whole island of Hispaniola. That includes what is today called Santa Domingo, the Dominican Republic. While that turmoil is going on, Thomas Jefferson gets a law passed the day before he is sworn in that says in effect, go get the Barbary pirates. Nine more public laws, pushing him as it pushed the single termer that he beat, John Adams, before.

So we have got to get this scholarship, and that is why I asked HELEN, who sat there with you as a freshman on this historic day. On the 53d anniversary of Pearl Harbor, today is the 54th, NEWT GINGRICH told you, Dr. GANSKE of Iowa and HELEN CHENOWETH of Idaho, to read the Federalist Papers.

It made me want to go back and read it. Steve Horn, who has joined us, near me in the Long Beach area of California, did not have to read it, he teaches it. He taught it as a professor for years. Wait until we look tonight briefly at the Federalist Papers again.

HELEN CHENOWETH, would you please read Alexander Hamilton, another father of our country, and see what he says about the limit on our Chief Executive, because kings in England, and queens, declared war at will, how we wanted to take power away from our Chief Executive.

Mrs. CHENOWETH. Thank you, Mr. DORNAN. I was very pleased to be able to read the Federalist Papers, and I turn to them often, because in Federalist No. 69, Alexander Hamilton did say this: "The President is to be the Commander in Chief of the Army and Navy of the United States. In this respect, his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as first the general and admiral of the confederacy, while that of the British king extends to declaring war and to raising and regulating fleets and armies, all which by the Constitution under consideration would appertain to the legislature," this body, Mr. DORNAN.

Further, Abraham Lincoln, in writing to his law partner in 1837, William Herndon, wrote this. It is very interesting. "The provisions of the Constitution giving the war making power to Congress was dictated as I understand it by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention understood to be the most oppressive of all kingly oppressions, and they resolved to frame the Constitution so that no one should hold the power of bringing that oppression upon us."

Mr. DORNAN. Mr. GANSKE, I find that that oppression is being brought upon us by a man who would deem to be king.

Mr. GANSKE. If the gentlewoman would yield, I think this shows the essential wisdom of the Founding Fathers, because they understood that it is a lot easier to get involved in wars than it is to get out of wars. They did not want this power to be concentrated in the hands of one individual. Very specifically during the constitutional debates, they decided to vest that authority in the House of the people, in Congress, and over the years this has slipped, as has been mentioned.

I think, however, there were some very important lessons that all of us learned about 25 years ago, and that was that in order to sustain an overseas military operation or effort, you have to have the American people behind you. They have to be committed. It is like I said before, the American people, if they know that they are fighting for a cause that is justified by U.S. interests or fulfilling treaty commitments, can sustain casualties. We have shown that many times in our Nation's history, with some of the highest casualties ever.

The problem that we have with this current situation is that, quite frankly, the administration has not made the case to the American people that we have an overwhelming national interest in this area or that we have commitments, treaty, contractual commitments, that obligate us to this course of action, or that in the long run, after 6 months, 8 months, a year, when our forces are gone, that it will have made any difference 6 months or a year afterward.

□ 1900

Mr. DORNAN. Somalia.

Mr. GANSKE. Somalia.

Mr. DORNAN. And maybe Haiti next year.

Mr. GANSKE. I think we are seeing a backing away from the current Haiti administration from a commitment that they had made before.

Mr. DORNAN. Mr. Speaker, if the gentleman would yield for a colloquy.

Mr. GANSKE. I yield to the gentleman.

Mr. DORNAN. I am not a lawyer, but I want to ask Professor HORN something, and before a lawyer would say, ah, reductio ad absurdum, sometimes, if you step back and carry something to the absurd, it really clarifies a point.

Suppose, hypothetically, using all the arguments we have heard out of the White House, and some very excellent support that they got over the last couple of days from some of my conservative friends who have thrown up their hands using this phony Vietnam line, you have to support the troops, We all support the troops. I am still wearing my old Ironsides first armored division patch here. Of course, we support the troops. God love them.

But here is my example. Suppose tomorrow President Clinton said, I cannot stand the pictures of any more of these little beautiful black babies dying in Rwanda. We have to go in there with force to protect the distribution of food. And, by the way, Somalia haunts me. I should not have been so weak over 19 deaths. This is a volunteer army, they are paid to take chances. By the way, we hear that. So I am going back into Somalia. And while we are at it, I think I am going to reinforce Haiti. It is starting to get squirrely there. Aristide is starting to disappoint me, Bill Clinton, so I am sending the 10th Mountain Division back into Haiti.

Now, what is the difference, except that he is doing it in five places instead of two? He wants to go back in and reinforce Haiti, send the troops to Bosnia by Christmas, and go to Somalia and Rwanda. And once one person from an Air Force aircraft was on the ground, a loadmaster putting in supplies for the first GI to arrive, we would hear the cry, support the troops.

Is his power, STEVE HORN, utterly unlimited, since there has not been a declared war since 1941 tomorrow, on the 8th? And the one before that was this very day in the Senate on April 7, 1917. Is that it? No more declared wars? Imperial presidency?

Mr. HORN. Well, it is clear the President does not have that power, and only a rogue and a scoundrel would let a President have that power. And that is why Congress has to stand up, debate this one way or the other, and either by a majority vote give the President the authority in a special circumstance or deny the President the authority.

As you suggest, Mr. DORNAN, the bit of support our troops and waving it and saying that supports my policy in X, Y, or Z, is a true refuge for scoundrels and a misuse of the Presidency. And, of course, if it goes too far, and they just run over the Congress, as some Presidents have in the last generation, then I think somebody needs to get out the impeachment resolutions and say, thus, you will not go farther.

It is very clear in the whole history of the United States that unless we are in a defensive mode, where we are attacked and must immediately respond, the President needs to consult the Congress. And as the gentleman suggested, the early precedents are quite clear. President Washington, who had commanded the revolutionary army, and knew, as the first President, that whatever he did was setting precedence for future Presidents, and Jefferson, as the gentleman will recall was his Secretary of State.

Mr. DORNAN. That is right.

Mr. HORN. And Adams, who was deeply involved in carrying on the federalist tradition after Washington, he, of course, was Vice President under Washington.

So when Washington wanted to deal with an Indian tribe situation, which was the case in his time, he went to Congress and Congress gave that authority. That also happened with Adams. And as the gentleman says, when Jefferson got in, he convened his cabinet and listened to the arguments. Some of them wanted to give him more, quote, inherent power. Now, that game has been played by a lot of 20th century Presidents who say I have inherent power to do thus and so because I am either Chief Executive, or, more romantically, I am Commander in Chief. Utter nonsense.

When President Truman tried to do that by seizing the steel mills in Youngstown Sheet and Tube versus Saywer, even his own friends on the court said, no, you cannot do that, Mr. President. As the gentleman will recall, they had a resolution flowing through here in no time to draft strikers into the military at that time. Cooler heads prevailed in the Senate.

Interestingly enough the leader of that was Senator Taft of Ohio, who was very much disliked by labor at that time because he was the author of the Taft-Hartley Act. He said, wait a minute, you just cannot do that. That is improper conduct. Everybody cooled down, due to the Senate's cooling influences, and we went back to business as usual.

It is simply wrong for Presidents to claim inherent power. That is king John at Runnymede, and that is why the barons reigned him in somewhat. Not necessarily for the people of England, but certainly for the barons of England.

Mr. DORNAN. Mr. HORN, for the younger people listening, I digress for something rather wonderful. When I got here, in 1977, the British had lent us one of the three surviving copies of the Magna Carta from June 1215 at Runnymede. That is about the time the Serbs started fighting the Ottoman Serbs. Well, a few years later. And it sat in the center of the rotunda from our bicentennial, when I had just won a primary in California, all the way through that year, through our Republican caucuses. And then there were only 19 in my class, and 19 in HENRY HYDE's class before, and we were suffering unfairly. The American people were punishing the Hill for Richard Nixon, and not a single Congressman or Senator had a scintilla of guilt on what came to be called Watergate.

But it sat there through my whole first 6 years. And also, in the old House of Representatives, in Statuary Hall, was Thomas Jefferson's first original draft, where he had erased things so hard, like public property to turn into pursuit of happiness, that he wore out the page and glued in a little strip, like I used to do in grade school, and then rewrote on top of it. And when I would walk over to the Senate, I would pass Thomas Jefferson's original draft, in the center of the old House Chamber, and just run my hand across the top of the plastic case, and within seconds I am looking at the Magna Carta.

When they took it home, they left the gold reproduction that is still in the Rotunda. We are still learning things here about the abuse of power and about the quotes that Mrs. CHENOWETH was just reading to me over here, and we will get to them later, when my hour starts, about our forefathers. We throw that off so flippantly in school, the Founders, and then the Framers. And trying to be politically correct, I always try to throw in an Abigail Adams and the terrific wives that did not get the vote until 1920, but they were weighing in with their opinions, and they were all talking about King George III. Excellent Academy Award movie about him losing his marbles right in front of everybody's eyes. But this is not kingly power.

And, remember, that when all these great thinkers in the beginning of that age of enlightenment, at least there was enlightenment over here and a reign of terror in Paris, they said their concept of a Commander in Chief was George Washington; a self-term-limiting man, two terms, a man who knew his limitations, and who was such a towering person of character, not with the intellectual ability to muse about things like Benjamin Franklin or Thomas Jefferson, but a tall character that presided over the Continental Congress in uniform. He was not puffed up about his uniform. He told people this lends me a little aura of dignity to settle some of these disputes here.

That is who they were thinking of when they talked about Commander in Chief, not this person down there in the White House who thinks he is going to coast this entire year making our life miserable vetoing everything except defense bills. We got him locked on that because of Bosnia.

Mr. HORN. He let that become law without his signature.

Mr. DORNAN. That is right. He thinks he has an escape valve there somehow, so he can whine to other people about things in there that he did not want.

By the way, and then I wan to turn to one of my other colleagues, people say how can he be so cavalier about where the money is coming for this? Not just the men on the ground, and I know I am annoying people I am saying it so much, but I want it in people's heads that I am not an isolationist. I am not echoing Pat Buchanan. I do want to help in Europe, and we are in there with air strikes. That is called air power. Sea power in the Adriatic, more than everybody else in the world combined. Airlift, sealift, fuel, food. I have walked in the hospitals in Zagreb. We are ready for massive casualties. Intelligence is dotting the "I" all right. It is 99, 98 percent ours. And we have 500 men and women as a blocking action in Macedonia wearing those Blue Berets. We are involved at great cost.

Put yourself in Clinton's shoes. He did not want $7 billion in that defense appropriations. He started out saying this will cost a billion. A week ago it was 2. Today it is 4. He still thinks he has $3 billion to burn. There is $7 billion in defense appropriations for this 1 year that started October 1 that he does not want there. If he burned up $7 billion in this operation, he is back to where he wanted the defense appropriations bill anyway.

Mr. GANSKE. Reclaiming my time, if the gentleman would allow me, I think the thing that will be on most of our constituents' minds in just a few weeks, unless Congress asserts the authority that it should, and that takes courage from the Congress to do this, as the gentleman from California was saying, but unless Congress at least has a full debate, up or down, should we be there, should we provide funding or not, then we will be. And I think what will be on our constituents' minds 2 or 3 weeks from now are the men and women in a cold, windy, mountainous, dangerous place at Christmas.

And this is a long commitment that we are talking about. The French have recognized the reality of this situation. They have basically said we recognize this is not a short-term proposition. The disputed areas held by the Serbs all around Sarajevo is a situation where the Serbs do not want to leave. We, the French, understand that this could be a 10, 15, 20-year commitment.

Remember the history in this area. A dictator with an iron hand ruled this country for 50 years. Peace was maintained. One might think that in a 50-year period of enforced peace that the various ethnic factions could begin to put aside their traditional centuries-old hatreds. And yet, as soon as that discipline was gone, we were back to a civil war.

Mr. DORNAN. If the gentleman would yield for a second, can I show him something about these hatreds that is very upsetting? And I called to California to ask 1 of my 10 grandchildren to watch, because you do not have to meet one of my grandchildren, named Kevin Griffin, to know what he looks like. Here is his picture in both Time and in Newsweek, and taken by different photographers, I might add.

Because these cameras will not zoom in this year, we will change that next year, I am going to pass these to Mrs. CHENOWETH. This is my grandson in San Juan Capistrano, Kevin Griffin, and he is a refugee, a Moslem refugee from Srebrenica that fled to Tuzla, where we will be. They look at our American GI's that arrived there the other day to a welcome, the 1st Armored Division, and they want to just touch the Americans.

Now, look at that blond haired, blue-eyed boy. And I am not giving any preferences, because I have Robert K. Dornan III, here in Virginia, who is one-quarter Croatian with huge brown eyes. He is going to get a great tan and has dark hair. I have grandkids of all sizes and shapes, and 5 females and 5 males and a fifth female on the way, number 10, I think. I am asking my son not to tell me. But, of course, the hatreds are there and they are so intermarried for 600 years that if I look at somebody and I say, well, this guy has red hair, what, is he Irish? And they say, oh, he is a Moslem. No, sorry, he is Croatian. No, that is right, he is Serbian. And they are all killing one another based on traditions that are pathetic.

I just got informed by our chief of everything here, Ron Lasch, that I had the misimpression that I have an hour coming up.

□ 1915

The gentleman took our second hour, and he has got about 15 minutes left, and then I can take a 5. The gentleman from California already had his 5, but HELEN can take a 5, and that is about it.

I do have something newsworthy and earthshaking. This morning I got a call from a friend in New York. They said the National Review magazine, dated Christmas Day, that goes in the mail because it is fortnightly, tomorrow has an article from an eyewitness at Dayton that will absolutely boggle your mind. It is called "Yalta in the Balkans."

He says there was a secret deal. This is starting to leak out now. I do not believe Mr. Warren Christopher, Secretary of State, knew. I think he was kept out of the loop by his number 2, Strobe Talbott, whose foreign policy has always been Soviets first, and now Russia first. He is fluent in Russian. Translated Khrushchev's memoirs when he was at Oxford with Clinton. He did the translating for this secret deal.

The deal is: Poland go to hell; and Hungary, and the Czech Republic, and Slovakia, you will not be in an expanded NATO.

Let me read some of this, because I think this is really hot, newsworthy stuff. I have taken it over to the Senators. My pal, BOB DOLE, is in turmoil over there, because he is trying to drive the policy to make sure we arm the victims who have had all of those atrocities committed.

Mr. Speaker, I ask unanimous consent to put it in the RECORD. I will end the opening paragraphs, one gusty one at the close, then we will talk about it. Peter W. Rodman, a former national security adviser to both presidents Bush and to President Reagan.

One of the better arguments for the Dayton Accords and the dispatching of U.S. troops to Bosnia was that putting the Bosnian conflict on ice would serve larger American strategic interests. One such interest was the future of the Western alliance. We are being browbeaten with this.

The prolongation of the Bosnia war and the squabbles among allies were poisonous to the Alliance itself, and the resulting incoherence of policy was poisonous to NATO's credibility. A second key strategic was the enlargement of NATO into Central Europe and the prolongation of this Bosnian war was complicating this."

During the climactic NATO bombing operations in September, starting in August, Boris Yeltsin gave a tempestuous news conference in which he conflated the two issues, blustering that an enlarged NATO would soon be dropping bombs on Russia's doorstep. The Dayton accords offer us a chance, in other words, to put all of this behind us and to refocus our European policy on larger concerns.

The next three paragraphs are priceless, but in the interest of time, I will put them in the RECORD. It says this:

As usual, the administration has its strategic priorities totally bass-backwards. This guy is writing tough street words. It is wrong to pay a price to Russia over Bosnia in the strategic coin of our larger interest in consolidating security in Central Europe. It is wrong to sacrifice NATO enlargement to the Russians over Bosnia or anything else.

The administration's repeated assurances to Congress, and to the allies, that Russia would not have a veto over NATO enlargement turned out to be empty. Perhaps is just another of the "terminological inexactitudes," that is the Clinton administration dialogue, that have become so familiar. A huge price will ultimately be paid for this.

There is no current threat to Central Europe. The newly liberated states of the region, however, have just recently awakened from a 60-year nightmare. Still find themselves situated between Germany and Russia, and know in their bones that their survival is not guaranteed by history. They consider themselves part of the West culturally, politically, and morally and, therefore, seek Western assurances that we feel a stake in their security and independence.

Seen in this light, NATO enlargement is not a new act, but a consolidation of the post-1989 status quo. They are free. This is Poland, Hungary, et al., sovereign countries exercising their free sovereign choice to associate with us. Either Russia accepts this, or does not.

Three more great paragraphs in the RECORD. Call your Congressman and ask for it.

Mr. Speaker, here is the punch line. By fear of antagonizing Russia, bad faith, whatever the short-term plot is for putting Bosnia on ice, in Central Europe we are seeing a strategic blunder of historic proportions.

Mr. Speaker, this is the hidden deal at Dayton, OH.

Mr. Speaker, I submit the following article for inclusion in the RECORD.

[From the National Review, Dec. 25, 1995]

YALTA IN THE BALKANS

(By Peter W. Rodman)

WASHINGTON, DC.—One of the better arguments for the Dayton Accords and the dispatching of U.S. troops to Bosnia was that putting the Bosnia conflict on ice would serve larger American strategic interests. One such interest was the future of the Western alliance: the prolongation of the Bosnia war and the squabbles among the Allies were poisonous to the Alliance itself, and the resulting incoherence of Western policy was poisonous to NATO's credibility. A second key strategic interest was the enlargement of NATO into Central Europe, and prolongation of the Bosnia war was also complicating this (During the climatic NATO bombing operations in September, Boris Yeltsin gave a tempestuous news conference in which he conflated the two issues, blustering that an enlarged NATO would soon be dropping bombs on Russia's doorstep.) The Dayton Accords offer us a chance, in other words, to put all this behind us and to re-focus our European policy on our larger concerns.

These arguments for Dayton still hold, but National Review has learned of a stunningly duplicitous turn in the Clinton Administration's policy toward Russia, Bosnia, and the Atlantic Alliance: The President and his associates are reported to have given Moscow secret assurances that, in return for its cooperation with the U.S. in Bosnia peacekeeping, NATO enlargement will be put "on the back burner" for the foreseeable future. The rationale was that, given this demonstration of Russia's readiness to be a partner in a new cooperative "European security architecture," the extension of NATO security guarantees to Central Europe would not be a priority any time soon. This account comes from official and authoritative sources, both Russian and American.

It has long been understood (indeed, admitted by some Administration officials) that concrete decisions on admitting new NATO members would be put off until after the Russian elections, especially the presidential election scheduled for June 1996—which meant, as a practical matter, until after the U.S. presidential election as well. Russian officials interpret the new assurances to mean that if Mr. Clinton is re-elected, nothing will happen on NATO enlargement in his second term either.

The story is accompanied by reports of other assurances to the Russians that their cooperation on Bosnia would put the United States in their debt and earn them greater American understanding on other issues, such as their reassertion of control in their "near abroad" (Central Asia and the Caucasus, including the oil-rich Caspian basin).

As usual, this Administration has its strategic priorities totally bass-ackwards. It is wrong to pay a price to Russia over Bosnia in the strategic coin of our larger interest in consolidating security in Central Europe. It is wrong to sacrifice NATO enlargement to the Russians over Bosnia or over anything else. The Administration's repeated assurances to Congress and to the Allies that Russia would not have a veto over NATO enlargement turn out to be empty—perhaps just another of the "terminological inexactitudes" that have become so familiar. A huge price will ultimately be paid for this.

There is no current threat to Central Europe. The newly liberated states of the region, however, have just recently awakened from a 60-year nightmare, still find themselves situated between Germany and Russia, and know in their bones that their survival is not guaranteed by history. They consider themselves part of the West culturally, politically, and morally; they therefore seek Western assurances that we feel a stake in their security and independence. Seen in this light, NATO enlargement is not a new act, but a consolidation of the post-1989 status quo: they are free, sovereign countries exercising their free, sovereign choice to associate with us. Either Russia accepts this, or it does not.

Leaving the security status of Central Europe ambiguous only leaves open temptations to Russian irredentists. NATO membership for Central Europe is among other things a way of telling the Russians that their acceptance of the post-1989 status quo in Central Europe is the sine qua non of any relationship with us. If the Russians have a problem with this—which they clearly seem to have—then we are all facing a major problem five or ten years down the road as Russia regains its strength.

The Administration's rationale for delaying NATO enlargement has been twofold. One is the claim that it will be easier to achieve such enlargement if we go about it gradually. But the nationalist turn in Russian politics, expected to be given new impetus by the December elections for the Duma, tells us that it will not get any easier. Russia is only getting stronger and more assertive; every month, the risks and inhibitions on our side will only grow. The Administration's second rationale (at least, so I suspect) is what philosophy majors will remember as Zeno's Paradox: the idea that if you divide a distance into an infinite number of tiny increments, you never get to the destination. This may be the Administration's real calculation. In other words, it just doesn't want to enlarge NATO—for fear of antagonizing Moscow. The first rationale is bad judgment; the second is bad faith.

Whatever the short-term plaudits due to the Administration for putting the Bosnia conflict on ice, in Central Europe we are seeing a strategic blunder of historic proportions.

Mr. GANSKE. Mr. Speaker, reclaiming my time for a moment, I think the gentleman has pointed out, as I did in my initial statement, that possibly the worst thing that could happen from our getting more involved is that we now have increased the proximity to some significant interactions with the Russians.

The United States troops will be positions in this area right here, very close to the Russian troops that will be in this area. Mrs. CHENOWETH and I will be looking at this area this weekend. But, remember, General Clark informed us in a briefing that approximately one-third of NATO forces will be tied up in this endeavor.

Now, there is a great deal of unrest in Russia. What happens if later this year there is a significant turnover in power and then we have a problem not in the Balkans, but in the Baltics, and we have this type of commitment? I mean, it is a matter of weighing some real significant options.

Mr. Speaker, with that, I would yield to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, it is very interesting as we stop and think about the tests that we have been talking about, that the President, as Commander in Chief, simply has not passed. And one of those major tests is what I call the mother's test.

I guess my major claim to fame is the fact that I am a mother. I am a mother of a military man who would respond to the command of his Commander in Chief, because that is the way he has been raised. But my heart breaks to think of mothers across this Nation having to let their sons and daughters go because of a President who does not understand what his role is and the role of the military, his responsibility as Commander in Chief; because, since the beginning of civilization, mothers have been willing to send their sons off to war to protect the interests of the country or the tribe or the community, to preserve the peace and tranquility of their existence, to make sure that freedom and liberty will reign for their future generation. That silent mother's test.

But he has failed the mother's test. He has even failed the test of his own Secretary of State, who back in 1992 stated that we will commit troops only upon the following four criteria: No 1, is he said if the mission is clearly defined; No. 2, would be if the people in this country are behind the mission; No. 3, is if there was a very clear and reasonable chance for success; and No. 4 is if there is a good, strong exit strategy. All four of those the President fails on.

And probably, Mr. Speaker, I would say to the gentleman, the biggest failure is what will this do to the spirit of the military? The spirit of the military has been captured by a speech given by General MacArthur. I would like to quote just a paragraph from a great general who really understood warfare, understood how necessary it was for the general to take responsibility for his troops in the field.

On May 12, 1962, in his speech, "Duty, Honor, and Country," General MacArthur said, "And through all of this," he said this to the graduates at West Point, he said:

> And through all of this welter of change and development that you will face, your mission remains fixed, determined, and it is to win our wars. Everything else in your professional career is but a corollary to this vital dedication. All other public purposes, all other public projects, all other public needs, great or small, will find others for their accomplishment, but profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, and that if you lose, the Nation will be destroyed.

What are we setting our troops up for? Are we dispiriting our troops? Are we putting ourselves on a slippery slope, like we did in Vietnam, where we never have recovered economically, like the post-Vietnam wars? And the spirit of America took a hit that we were not even able to begin to recover until we had a President like Ronald Reagan who could really again show us how we could go in and win with the likes of Colin Powell and Dick Cheney.

Mr. GANSKE. I thank the gentlewoman, and I am sure your phone calls have been the same as mine: overwhelmingly against this. The public does not understand the reason that we should be there, and my phone calls are 8 or 9 to 1 against this. Time and time again, people are phoning saying, do not do this. We do not understand. We think you will not accomplish anything of significance.

Mr. Speaker, I yield to the gentleman from California.

Mr. HORN. Well, Mr. Speaker, I would say to the gentleman, we have exactly the same experience, and I know a lot of our Democratic friends had that experience. The other day one representative, when asked how many letters do you get on this subject and what are they saying, she said all of them are against, 100 percent; not even one or two out of 100 supporting it. And I think the wisdom of the people in this case is right on the mark. People are not stupid. They know where our national interests ought to lie.

No one has convinced us that American lives are at stake, even though Bosnia is one of the most tragic situations in the world. So was Cambodia, so were a number of places, so are those places right now in Asia and the Mideast and Africa. But we cannot be, as I said earlier today, super cop to the world, and that is sort of what we are getting ourselves into.

Mr. GANSKE. Mr. Speaker, if the gentleman will yield for a minute, there is an option. The option is something that Senator DOLE, for instance, recommended a couple of years ago, and that was make for a level playing field. Lift the arms embargo. Allow the various factions to have a level playing field and to settle their own civil war with the same type of support that we have done in the past, logistical and air, and yet not interpose ourselves into the middle of essentially a civil war.

Mr. HORN. Mr. Speaker, one of our most successful operations, as the gentleman knows, happened under the Carter administration. It is ironic that many of the advisers of President Carter also are advising this administration. But what they did that was successful, they began the effort to provide arms to the Afghan Mujaheddin, and through Pakistan they did just that as really a covert operation without using American troops, and they were able to have sufficient arms go in that the world's second strongest superpower was driven out of Afghanistan where it never should have been in the first place.

Mr. GANSKE. Mr. Speaker, let me summarize, and I thank my colleagues for joining me in this colloquy. I believe that this mission is primarily going to involve a breathing space for the warring parties. They need to rearm. They will do that on a brief enforced peace.

I think at the end of the day it is not that America cannot tolerate casualties; it is that Americans just do not tolerate casualties unless they can see a real purpose.

UPDATE ON BOSNIA

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Madam Speaker, I have got to collapse a 60-minute special order into 5 minutes, but that is all right. I am signed up for some next week.

Let me give you an update on what is happening with our leadership getting a vote before the 1st Armored Division officers and men arrive in the dead of winter in a very, the most dangerous area of Bosnia where most of the fighting has been going on, unit-to-unit, man-to-man combat. And a few women.

We see the terrible destruction of Sarajevo because of some cleverly hidden cameras and some of the people with the guts to come in from the Sarajevo airport to film that rocket fire at night, with huge shells slamming into modern Holiday Inn buildings. I mean actual Holiday Inn franchise buildings set up for the Olympics.

We saw the horrible killing and the marketplace explosions in Sarajevo, but the last nightmarish killing of innocent men, women, and children during what they thought was a breather, and God knows who fired the mortars, but the suspicion is that it came from the Bosnian Serb side. That was in Tuzla.

□ 1930

We are going into Tuzla. That is where most of the mines are around in the hills along with the hills surrounding Sarajevo. And I want to do everything I can to get another vote here.

Here is what I have been promised. I want to thank our conference chairman, the gentleman from Ohio [Mr. BOEHNER], and the gentleman from California [Mr. COX], the policy leader on this side. I have been told I will get at 9:30 Wednesday morning, there is not going to be any votes until late Tuesday night, I want a full-court 235 healthy men and women in my conference, if that is possible on Wednesday morning, the so-called peace accords are going to be signed on December 14, the next day, I want on Wednesday, today is Pearl Harbor day, the 13th, Wednesday the 13th, 9:30, I am going to ask for a vote not to table my words and we can perfect my words, if this does not satisfy, not to put this off to the policy committee.

My words, which I have not read since two nights ago are, Notwithstanding any other provision of law, no Federal fund shall be appropriated or otherwise available for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation or as part of any implementation force.

Now, the 30 or so, more conservative Senators in the other great body said that if they even tried to bring this up, it would never be allowed on the floor. Their words are simpler, and this a rough draft, that the Congress, House and Senate, opposes the deployment of United States ground forces into the Republic of Bosnia and Herzegovina to implement the general framework agreement for peace in Bosnia and Herzegovina and its associated annexes.

I and other Members have pleaded with them not to have a section 2. Section 2 is insulting. They even indicate we might not support our forces, including all the aforementioned support forces, by the thousands and millions of dollars that are already functioning there to try and keep these people educated, intelligent, cultured people, from slaughtering and raping one another. But several of the Senators want this, that the Congress strongly supports the United States Armed Forces who may be ordered by the President to implement the general framework agreement for peace in Bosnia and Herzegovina and its associated annexes.

Madam Speaker, I think I told you this yesterday, Colonel General Leonty, L-E-O-N-T-Y, Shevtsov, S-H-E-V-T-S-O-V, is the chief of staff of the Russian forces in Chechnya. He was there from December 1994, when the killing was at its height, ruining our Christmas last year with savage pictures of man's inhumanity to man, and he commanded through April of last year.

By the way, there have been 1,500 instances of the Moslem Chechnyan guerrillas attacking young Russian boys who should not have to die this month of Christmas 1995. This Russian commander who was there when atrocities were committed has been put in as the commander of the Russian forces.

As we approach this Christmas, Madam Speaker, there is not a single Russian soldier, it has been a long, hard 6 years Poland, Latvia, Lithuania, Estonia, Hungary, the now-separated Czechoslovakia and Slovak Republics, Czech Republic, there are no Russian troops there, but they are on their way into the Balkans. They will be subject to Serbia because they made the Serbian case.

I close on this, Clinton leading Maj. Gen. William Nash, who fought so hard in Vietnam, and Gen. George Joulwan, who fought in Vietnam, leading them down the driveway, not to follow him to Bosnia like Alexander the Great or Caesar but to do his dirty work. Madam Speaker, God forbid it. Let us stop it.

Madam Speaker, I include for the RECORD the following information:

RESUME OF SERVICE CAREER OF WILLIAM LAFAYETTE NASH, MAJOR GENERAL, COMMANDING OFFICER, 1ST ARMORED DIVISION

Date and Place of Birth: 10 August 1943, Tucson, Arizona.

Years of Active Commissioned Service: Over 26.

Present Assignment: Commanding General, 1st Armored Division, United States Army, Europe Seventh Army, APO AE 09252, since June 1995.

Military Schools Attended: The Armor School, Officer Basic Course; The Infantry School, Officer Advanced Course; United States Army Command and General Staff College; United States Army War College.

Educational Degrees: United States Military Academy—BS Degree—No major; Shippensburg University—MS Degree—Public Administration.

Foreign Language(s): Russian.

Major Duty Assignments:

Aug. 1968–Oct. 1968: Student, Ranger Course, United States Army Infantry School, Fort Benning, Georgia.

Oct. 1968–Nov. 1968: Student, Armor Officer Basic Course, United States Armor School, Fort Knox, Kentucky.

Dec. 1968–Apr. 1969: Platoon Leader, Troop L, 3d Squadron, 3d Armored Cavalry Regiment, Fort Lewis, Washington.

Apr. 1969–Feb. 1970: Platoon Leader, Troop A, 1st Squadron, 11th Armored Cavalry Regiment, United States Army, Vietnam.

Feb. 1970–Jun. 1970: Executive Officer, Troop B, 1st Squadron, 11th Armored Cavalry Regiment, United States Army, Vietnam.

Jun. 1970–Jul. 1971: Assistant G–3 (Operations) Training Officer, later Assistant G–3 (Operations) Chief of Force Development, 82nd Airborne Division, Fort Bragg, North Carolina.

Jul. 1971–Nov. 1971: S–3 (Operations), 1st Squadron, 17th Cavalry Regiment, later Procurement Officer, Board for Dynamic Training, 82nd Airborne Division, Fort Bragg, North Carolina.

Nov. 1971–Feb. 1973: Commander, Troop A, 1st Squadron, 17th Cavalry Regiment, 82d Airborne Division, Fort Bragg, North Carolina.

Mar. 1973–Jul. 1973: Student, Officer Rotary Wing Aviator Course, United States Army Helicopter Center/School, Fort Wolters, Texas.

Jul. 1973–Dec. 1973: Student, Officer Rotary Wing Aviator Course, United States Army Aviation School, Fort Rucker, Alabama.

Jan. 1974–Sep. 1974: Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia.

Sep. 1974–Jun. 1977: Platoon Leader and Assistant Operations Officer, later Platoon Commander, and later Regimental Plans Officer, Air Cavalry Troop, 11th Armored Cavalry Regiment, United States Army Europe, Germany.

Aug. 1977–Jun. 1978: Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas.

Jun. 1978–Apr. 1979: Staff Officer, Regional Operations Division, Office, Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC.

Apr. 1979–Jun. 1982: Aide and Assistant Executive Officer, later Executive Officer to the Vice Chief of Staff, Army, Office of the Chief of Staff, Army, Washington, DC.

Jun. 1982–Jun. 1983: Deputy Executive Assistant to the Chairman, Joint Chiefs of Staff, Washington, DC.

Jun. 1983–Jun. 1985: Commander, 3d Squadron, 8th Cavalry Regiment, 8th Infantry Division, United States Army Europe, Germany.

Aug. 1985–Jun. 1988: Student, United States Army War College, Carlisle Barracks, Pennsylvania.

Jun. 1986–May 1988: Assistant Chief of Staff, G–3 (Operations), 1st Cavalry Division, Fort Hood, Texas.

May 1988–May 1989: Executive Officer to the Commander-in-Chief, United States Army Europe, Germany.

Jun. 1989–Dec. 1990: Commander, 1st Brigade, 3d Armored Division, United States Army Europe and Seventh Army, Germany.

Dec. 1990–Apr. 1991: Commander, 1st Brigade, 3d Armored Division, DESERT STORM, Saudi Arabia.

Apr. 1991–Jul. 1991: Commander, 1st Brigade, 3d Armored Division, United States Army Europe and Seventh Army, Germany.

Jul. 1991–Jun. 1992: Assistant Division Commander, 3d Infantry Division (Mechandized), United States Army Europe and Seventh Army, Germany.

Jun. 1992–Jul. 1993: Deputy Commanding General for Training, United States Army Combined Arms Command, Fort Leavenworth, Kansas.

Jul. 1993–Jun. 1995: Program Manager, United States Army Office of the Program Manager, Saudi Arabian National Guard Modernization Program.

Promotions and Date of Appointment:

2LT—Temporary: 5 Jun 68; Permanent: 5 Jun 68.

1LT—Temporary: 5 Jun 69; Permanent: 5 Jun 71.

CPT—Temporary: 5 Jun 70; Permanent: 5 Jun 75.

MAJ—Permanent: 10 Jun 77.

LTC—Permanent: 1 Nov 82.

COL—Permanent: 1 May 89.

BG—Permanent: 1 Mar 92.

MG—Frocked.

U.S. Decorations and Badges: Silver Star, Legion of Merit, Bronze Star Medal with "V" Device (with 2 Oak Leaf Clusters), Purple Heart, Meritorious Service Medal (with Oak Leaf Cluster).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, today, for 5 minutes.

Ms. NORTON, today, for 5 minutes.

Mr. POSHARD, today, for 5 minutes.

Mr. FALEOMAVAEGA, today, for 5 minutes.

Mr. MFUME, today, for 5 minutes.

Mr. VENTO, today, for 5 minutes.

Ms. JACKSON-LEE, today, for 5 minutes.

Mr. BRYANT of Texas, today, for 5 minutes.

Mr. PALLONE, today, for 5 minutes.

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, today, for 5 minutes.

Mr. LEVIN, today, for 5 minutes.

Mr. HAYWORTH, today, for 5 minutes.

Mrs. CHENOWETH, today, for 5 minutes.

Mr. HOKE, today, for 5 minutes.

Mr. GOSS, today, for 5 minutes.

Mr. HORN, today, for 5 minutes.

Mr. DIAZ-BALART, for 5 minutes each day, on December 12 and December 13.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. BARCIA.

Mr. TOWNS.

Mrs. LOWEY.

Mrs. MEEK of Florida.

Mr. FROST.

Ms. KAPTUR.

Mr. REED.

Mr. SERRANO.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. KOLBE.

Mr. BEREUTER in two instances.

Mr. NEY.

Mrs. FOWLER in three instances.

Mr. SOLOMON.

Mr. BURTON of Indiana.

Mr. WALSH.

Mr. BALLENGER.

Mr. SANFORD.

Mr. WOLF.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. KING.

Mr. THOMPSON.

Mr. CALVERT.

Mr. FRELINGHUYSEN.

Mr. PACKARD.

Mr. MARKEY.

Mr. SHUSTER.

Mr. ROTH.

Mr. CARDIN.

Mr. HERGER.

Mr. WARD.

Ms. DELAURO.

Mr. WATTS of Oklahoma.

Mr. ROEMER.

Mr. MARTINI.

Mrs. KENNELLY.

Mr. WILSON.

Mr. GILMAN.

Mr. TORRES.

Mr. CLAY.

Mr. FILNER.

Mr. HYDE.

Mr. FAZIO.

Mr. FARR.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2204. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes; and

H.R. 1058. An act to reform Federal securities litigation, and for other purposes.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, December 11, 1995, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1782. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting a list of property that is covered by the Corporation as of September 30, 1995, pursuant to Public Law 101-591, section 10(a)(1) (104 Stat. 2939); to the Committee on Banking and Financial Services.

1783. A letter from the Secretary of Health and Human Services, transmitting the Department's first annual report to Congress summarizing evaluation activities related to the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances Program, pursuant to section 565(c)(2) of the Public Health Service Act; to the Committee on Commerce.

1784. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of S. 395, S. 440, and S. 1328, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Reform and Oversight.

1785. A letter from the Secretary, Department of Energy, transmitting the semiannual report of the office of inspector general and management's report on audit recommendations for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1786. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1787. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1788. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1789. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's annual management report for the year ended September 30, 1995, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1790. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1791. A letter from the Chairperson, National Commission on Libraries and Information Science, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1792. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the semiannual report on final action for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1793. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the Counsel's annual report on audit and investigative activities, pursuant to 5 U.S.C. app. 3 section 8E(h)(2); to the Committee on Government Reform and Oversight.

1794. A letter from the Director, Office of Personnel Management, transmitting the semiannual report of the inspector general for the period of April 1, 1995, through September 30, 1995, and management response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1795. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1796. A letter from the Director, Selective Service System, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1797. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 6(b); to the Committee on Government and Oversight.

1798. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1799. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a draft of proposed legislation to establish an equipment capitalization fund within the Bureau of Indian Affairs; to the Committee on Resources.

1800. A letter from the Administrator, Federal Aviation Administration, transmitting the FAA report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS] for the period July through September 1995, pursuant to Public Law 100–223, section 203(b) (101 Stat. 1518); to the Committee on Transportation and Infrastructure.

1801. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to transfer title to surplus Federal personal property to State agencies when the transfer document for donation is executed; jointly, to the Committees on Government Reform and Oversight and National Security.

1802. A letter from the Director, Office of Management and Budget, transmitting the report on accounts containing unvouchered expenditures potentially subject to audit by GAO, pursuant to 31 U.S.C. 3524(b); jointly, to the Committees on Government Reform and Oversight, Appropriations, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 293. Resolution providing for consideration of the bill (H.R. 2621) to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations (Rept. 104–388). Referred to the House Calendar.

Mr. GEKAS. Committee on the Judiciary. H.R. 394. A bill to amend title 4 of the United States Code to limit State taxation of certain pension income; with an amendment (Rept. 104–389). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 2196. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes; with an amendment (Rept. 104–390). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUCAS:

H.R. 2736. A bill to direct the Secretary of Agriculture to dispose of certain Federal land holdings in the State of Oklahoma, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mr. Chabot):

H.R. 2737. A bill to amend section 1114 of title 18, United States Code, to extend its protections to U.S. Customs Service employees; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself and Mr. Hansen):

H.R. 2738. A bill to make amendments to the Central Valley Project Improvement Act and to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H.R. 2739. A bill to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. HOKE (for himself, Mr. Blute, Mr. Cremeans, Mrs. Cubin, Mr. Flanagan, Mr. Gutknecht, Mr. Hastings of Florida, Mr. Hobson, Mr. Jones, Mrs. Kelly, Mr. King, Mr. LaTourette, Mr. Lipinski, Mr. Meehan, Mrs. Meek of Florida, Ms. Molinari, Mr. Ney, Mr. Oxley, Mr. Peterson of Minnesota, Mr. Portman, Ms. Pryce, Mr. Quinn, Mr. Scarborough, and Mr. Traficant):

H.R. 2740. A bill to protect sports fans and communities throughout the Nation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mr. Rohrabacher, and Mr. Payne of Virginia):

H.R. 2741. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2742. A bill to set aside a portion of the funds available under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to be used to encourage the redevelopment of marginal brownfield sites, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2743. A bill to establish a source of funding for certain border infrastructure projects necessary to accommodate increased traffic resulting from implementation of the North American Free-Trade Agreement, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN:

H.R. 2744. A bill to require the Postmaster General to submit to the Congress a plan for the reduction of the accumulated debt of the Postal Service within 7 years; to the Committee on Government Reform and Oversight.

By Ms. FURSE (for herself, Mrs. Morella, Mr. Brown of California, Mr. Engel, Mr. Hinchey, Mr. Sanders, Mr. Torricelli, Mr. Yates, Mr. Lewis of Georgia, Mr. Miller of California, Mr. Durbin, Mr. Nadler, Mrs. Lowey, Mr. Pallone, Mr. McDermott, Mr. Moran, Mr. Skaggs, Mr. Studds, Mr. Thompson, Mr. Stark, Ms. Pelosi, Mr. Johnston of Florida, Mr. Gilchrest, Mr. Waxman, Mr. Vento, Mr. Bryant of Texas, Mr. Gutierrez, Mr. Porter, Mr. Clay, Mr. Evans, Mr. Rose, Mr. Beilenson, Mr. Olver, Mr. Brown of Ohio, Mr. Barrett of Wisconsin, Ms. Waters, Mr. Frank of Massachsetts, Mr. Shays, Mr. Matsui, Mrs. Schroeder, and Mr. Bonior):

H.R. 2745. A bill to repeal the emergency salvage timber sale program enacted as part of Public Law 104–19; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself and Mrs. Lowey):

H.R. 2746. A bill to amend the Foreign Assistance Act of 1961 to provide for the restriction on assistance to the Government of Indonesia; to the Committee on International Relations.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Boehlert, Mr. Borski, Mr. Clinger, Mr. Rahall, Mr. Petri, Mr. Lipinski, Mr. Wise, Mr. Traficant, Mr. Hayes, Mr. Coble, Mr. Zeliff, Mr. Costello, Mr. Poshard, Mr. Hutchinson, Mr. Cramer, Mr. Baker of California, Miss. Collins of Michigan, Ms. Norton, Mr. Horn, Mr. Franks of New Jersey, Ms. Danner, Mr. Blute, Mr. Quinn, Mrs. Fowler, Mr. Barcia of Michigan, Mr. Ehlers, Mr. Bachus, Mr. Tucker, Ms. Eddie Bernice Johnson of Texas, Mr. Wamp, Mr. Brewster, Mr. Latham, Mr. LaTourette, Mr. Mascara, Mrs. Seastrand, Mr. LaHood, Mr. Martini, and Mr. McHale):

H.R. 2747. A bill to direct the Administrator of the Environmental Protection Agency to make grants to States for the purpose of financing the construction, rehabilitation, and improvement of water supply systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mr. Ackerman, Ms. Brown of Florida, Ms. DeLauro, Mr. Dellums, Mr.

FALEOMAVAEGA, Mr. GEJDENSON, Ms. JACKSON-LEE, Mr. JOHNSTON of Florida, Mr. LAFALCE, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. PAYNE of New Jersey, Ms. PELOSI, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. STOKES, Ms. WATERS, and Mr. WATT of North Carolina):

H.R. 2748. A bill to prohibit insurance providers from denying or canceling health insurance coverage, or varying the premiums, terms, or conditions for health insurance coverage on the basis of genetic information or a request for genetic services, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN (for himself, Mr. DELAY, Mr. DREIER, Mr. LIVINGSTON, Mr. COOLEY, Mr. DORNAN, Mr. BONO, Mr. HANCOCK, Mr. COBURN, Mr. BARR, Mrs. SMITH of Washington, Mr. SALMON, Mr. BRYANT of Tennessee, Mr. HILLEARY, Mr. RIGGS, Mr. GRAHAM, Mr. PARKER, Mrs. MYRICK, Mr. LARGENT, Mr. WICKER, Mr. DICKEY, Mr. LEWIS of Kentucky, Mr. LATOURETTE, Mr. HOEKSTRA, Mr. ENSIGN, Mr. HAYWORTH, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. ROGERS, Mr. HUNTER, Mr. SOUDER, Mr. YOUNG of Alaska, Mr. BARTLETT of Maryland, Mrs. CHENOWETH, Mr. CREMEANS, Mr. WELDON of Florida, Mrs. CUBIN, Mr. JONES, Mr. RADANOVICH, Mr. HUTCHINSON, and Mr. PACKARD):

H.R. 2749. A bill to determine if Alfred Kinsey's "Sexual Behavior in the Human Male" and/or "Sexual Behavior in the Human Female" are the result of any fraud or criminal wrongdoing; to the Committee on Economic and Educational Opportunities.

By Mr. STUPAK:

H.R. 2750. A bill to amend the Internal Revenue Code of 1986 to delay the application of the substantiation requirements to reimbursement arrangements of certain loggers; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. DAVIS, Mr. MORAN, Mrs. MORELLA, Mr. WYNN, and Mr. HOYER):

H.R. 2751. A bill to provide temporary authority for the payment of retirement and separation incentives, to provide reemployment assistance to Federal employees who are separated as a result of work force reductions, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. PORTER (for himself, Mrs. COLLINS of Illinois, Mr. COSTELLO, Mr. CRANE, Mr. DURBIN, Mr. EVANS, Mr. EWING, Mr. FAWELL, Mr. FLANAGAN, Mr. GEPHARDT, Mr. GUTIERREZ, Mr. HASTERT, Mr. HYDE, Mr. KOLBE, Mr. LAHOOD, Mr. LIPINSKI, Mr. MANZULLO, Mr. POSHARD, Mr. RUSH, Mr. WELLER, and Mr. VISCLOSKY):

H. Res. 294. Resolution to congratulate the Northwestern University Wildcats on winning the 1995 Big Ten Conference football championship and on receiving an invitation to compete in the 1996 Rose Bowl, and to commend Northwestern University for its pursuit of athletic and academic excellence; to the Committee on Economic and Educational Opportunities.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON of Texas:

H.R. 2752. A bill to approve Sensor Pad, a medical device; to the Committee on Commerce.

By Mrs. VUCANOVICH:

H.R. 2753. A bill to allow the marketing of the Sensor Pad, a medical device to aid in breast self-examination; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. CONYERS.

H.R. 218: Mr. SMITH of Texas, Mr. SHAW, Mr. CAMP, Mr. BARR, Mr. SISISKY, Mr. FRISA, Mr. JONES and Mr. QUILLEN.

H.R. 266: Mr. EVANS.

H.R. 282: Mr. GEJDENSON.

H.R. 351: Mr. MCCOLLUM.

H.R. 497: Mr. EMERSON Mr. GUNDERSON, Mr. LONGLEY, Mr. BARCIA of Michigan, and Ms. PRYCE.

H.R. 519: Mr. JONES.

H.R. 911: Mr. WICKER, Mr. WARD, and Mr. JOHNSTON of Florida.

H.R. 1047: Mr. MCCOLLUM.

H.R. 1078: Mr. FILNER.

H.R. 1210: Mr. EMERSON.

H.R. 1262: Mr. TORRICELLI.

H.R. 1448: Mr. BRYANT of Tennessee.

H.R. 1462: Mr. BEILENSON, Mr. FOX, Mr. RAMSTAD, Mr. FARR, Mr. KOLBE, Mr. DAVIS, Mr. FAZIO of California, Mr. KLINK, Mr. GILMAN, Mr. BROWN of Ohio, Mr. THOMPSON, and Mr. BOEHLERT.

H.R. 1500: Mr. FAZIO of New York, Mr. FRANKS of New Jersey, and Mr. ROSE.

H.R. 1619: Mr. CRAPO.

H.R. 1757: Mr. STUPAK, Mr. HOUGHTON, Mr. ACKERMAN, Mr. DELLUMS, and Mr. MENENDEZ.

H.R. 1946: Mr. PETERSON of Minnesota, Mr. HANCOCK, Mr. ROHRABACHER, Mr. HEINEMAN, Mr. LATHAM, and Mr. HERGER.

H.R. 1950: Mr. EVANS.

H.R. 1972: Mr. NETHERCUTT.

H.R. 2180: Mr. STOCKMAN.

H.R. 2270: Mr. OXLEY, Mr. FUNDERBURK, and Mr. GRAHAM.

H.R. 2310: Mr. DORNAN.

H.R. 2320: Mr. SMITH of New Jersey, Mr. HOKE, Mr. BARTON of Texas, Mr. QUINN, Mr. SMITH of Texas, Mr. KENNEDY of Massachusetts, Ms. DANNER, and Mr. BARTLETT of Maryland.

H.R. 2463: Mr. THOMPSON.

H.R. 2472: Mr. BARCIA of Michigan, Mr. DELLUMS, Ms. KAPTUR, Mr. EVANS, Mr. BROWN of Ohio, Ms. FURSE, Mr. OWENS, Mr. FORBES, Mr. GENE GREEN of Texas, Mr. JOHNSTON of Florida, and Mrs. KELLY.

H.R. 2507: Mr. HUTCHINSON.

H.R. 2566: Mr. JOHNSTON of Florida and Mr. DUNCAN.

H.R. 2579: Mr. ROMERO-BARCELÓ, Mr. COSTELLO, Mr. BEVILL, Mr. TUCKER, and Mr. HILLIARD.

H.R 2604: Mr. MOORHEAD.

H.R 2634: Mr. BARTLETT of Maryland.

H.R 2654: Mr. OWENS and Mr. GENE GREEN of Texas.

H.R 2664: Mr. SCOTT, Mrs. KELLY, Ms. NORTON, Mr. BLILEY, Mr. MENENDEZ, Mr. KLECZKA, Mr. CHAPMAN, Mrs. CHENOWETH, and Mr. KLUG.

H.R 2704: Mr. FAWELL, Mr. FLANAGAN, Mr. EWING, Mr. MANZULLO, Mr. COSTELLO, Mr. RUSH, Mr. DURBIN, Mr. LIPINSKI, Mr. YATES, Mr. WELLER, Mr. PORTER, Mr. LAHOOD, Mr. POSHARD, Mr. CRANE, Mr. EVANS, Mr. HYDE, and Mr. GUTIERREZ.

H.R 2722: Mr. CRAMER.

H.R 2723: Mr. CREMEANS and Mr. DORNAN.

H.R 2729: Mr. WARD, Mr. LEWIS of Georgia, and Mrs. SCHROEDER.

H.J. Res. 117: Mr. STUDDS.

H. Con. Res. 47: Mrs. MEEK of Florida and Mr. UPTON.

H. Con. Res. 50: Mr. MENENDEZ.

H. Con. Res. 85: Mr. KLINK.

H. Con. Res. 91: Mr. MANZULLO.

H. Con. Res. 118: Mr. STOCKMAN, Mr. CUNNINGHAM, Mr. KENNEDY of Rhode Island, Mr. HORN, Mr. ABERCROMBIE, Mr. WELDON of Florida, and Mr. CASTLE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 1: Page 17, strike lines 17 through line 5 on page 18.

Page 18, line 6, strike "(2)" and insert "(1)", and beginning in line 6 strike "Construction" and insert "The Secretary's activities in connection with the designation of a route, the acquisition of rights-of-way, and the construction".

Page 18, line 18, strike "(3)" and insert "(2)", and beginning in line 21 strike "the need for" and all that follows through "transportation" in line 25 and insert "the timing of the initial availability of the transportation facilities or alternative means of transportation".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 2: Page 23, strike lines 6 through 17 and insert:

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, affected units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste for transportation planning and for training and equipping public safety officials and emergency service providers of appropriate units of local government. Training and equipment shall cover procedures and requirements for safe routine transportation of these materials, as well as dealing with emergency response situations. The Secretary's duty to provide technical and financial assistance under this subsection shall commence within 90 days of the date of the enactment of this Act.".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 3: Page 24, insert after the period in line 9 the following: "Such a facility may not be located in any State which does not have a licensed commercial nuclear reactor.".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 4: Page 24, line 19, insert "(1)" after "provide".

Page 24, insert before the period in line 24 the following: "(2) for on-site capability to open a storage canister, and if necessary (3) for the repackaging of the spent nuclear fuel contained in such facility".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 5: Page 25, beginning in line 23, strike out "100 years" through "Secretary" in line 25 and insert "50 years".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 6: Page 26, strike lines 2 through 16, in line 17 strike "2" and insert "1" and in line 3, on page 27, strike "3" and insert "2".

Page 27, strike the comma in line 22 and insert "and", and in line 23, strike ", and the construction and operation of any facility".

Page 28, insert after line 8 the following:

"(A) INTERIM STORAGE FACILITY.—Construction and operation of an interim storage facility shall constitute a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969. The Secretary shall prepare an environmental impact statement on the construction and operation of such facility prior to commencement of construction. In preparing such statement, the Secretary shall adopt, to the extent practicable, relevant environmental reports that have been developed by other Federal and State agencies.

Page 28, line 9, strike "(A)" and insert "(B)", line 19, strike "and", line 23, strike "in a generic manner." and insert "; and", insert after line 23, the following:

"(iii) shall adopt the Environmental Impact Statement prepared by the Department of Energy to the extent practicable.".

Page 28, line 24, strike "(B)" and insert "(C)".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 7: Page 31, insert before the period in line 2 the following: "if such storage does not exceed the phase limits in subsections (c)(2) and (c)(3)".

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 8; Page 32, insert after the period in line 14 the following: No amount may be expended from the Nuclear Waste Fund during fiscal years 1996 through 2000, or otherwise appropriated for such fiscal years, for site characterization of the Yucca Mountain site in the State of Nevada.

Page 33, insert after line 9 the following:

"(5) STUDY.—

"(A) IN GENERAL.—The National Academy of Sciences shall conduct a study to examine and recommend a scientific means for determining a suitable location for a repository for the permanent deep geologic disposal of high-level radioactive waste and spent nuclear fuel, including whether examination of a single potential site or simultaneous examination of multiple potential sites is the most scientifically valid approach.

"(B) CONSULTATION.—In conducting the study under this paragraph, the National Academy of Sciences shall consult with the Secretary of Energy, the Nuclear Regulatory Commission, the Administrator of the Environmental Protection Agency, the Nuclear Waste Technical Review Board, and other interested persons.

"(C) REPORT.—The National Academy of Sciences shall, not later than September 30, 1998, submit to the Congress a report setting forth its findings and recommendations as a result of the study conducted under this paragraph.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 9: Page 36, insert after the period in line 10 the following: "In seeking modifications to the repository licensing procedure, the Secretary shall evaluate the merits of emplacing waste at the site and consider whether acceptable results could be obtained from carrying out confirmatory tests at off-site Federal nuclear facilities or laboratories."

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 10: Page 36, strike line 11 and all that follows through line 24, on page 38, and insert the following:

"(d) LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall promulgate standards for protection of the public from releases of radioactive materials or radioactivity from the repository based upon, and consistent with, the findings of the National Academy of Sciences as provided in section 801 of the Energy Policy Act of 1992.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 11: Page 68, strike line 19 and all that follows through line 5 on page 69, and insert the following:

"(a) IN GENERAL.—The Secretary shall be subject to and comply with all Federal, State, and local environmental or land use laws, requirements, or orders of general applicability not preempted by applicable Federal law, including those requiring permits or reporting, or those setting standards, criteria, or limitation.

"(b) APPLICATION OF FEDERAL LAW.—If the requirements of any law are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system.

"(c) EXEMPTION.—Notwithstanding subsection (a), the President shall exempt the Secretary from any Federal, State, or local requirement (including any law, regulation, or order requiring any license, permit, certificate, authorization, or approval, or setting any standard, criterion, or limitation) if the President determines the requirement was imposed for the purpose of delaying or obstructing construction or operation of the interim storage facility, transportation facilities, the repository, or associated facilities under this Act.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 12: Page 68, beginning in line 23 strike "Any" and all that follows through line 5 on page 69.

SENATE—*Thursday, December 7, 1995*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, thank You for the gift of vibrant confidence based on vital convictions. We are confident in Your unlimited power. Therefore, at no time are we helpless or hapless. Our confidence is rooted in Your Commandments. Therefore, we are strengthened by Your absolutes that give us enduring values. Our courage is based on the assurance of Your ever-present, guiding spirit. Therefore we will not fear. Our hope is rooted in trust in Your reliability. Therefore, we will not be anxious. Your interventions in trying times in the past have made us experienced optimists for the future. Therefore, we will not spend our energy in useless worry.

You have called us to glorify You in our work here in this Senate. Therefore, we give You our best for this day's responsibilities. You have guided our beloved Nation through difficult periods of discord and division in the past. Therefore, we ask for Your help in the present debate over crucial issues today. Thank You for the courage that flows from our unshakable confidence in You. In the name of Jesus. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1453 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, thank you very much.

AIR TRAFFIC CONTROL FAILURES

Mrs. FEINSTEIN. Mr. President, I have asked my staff in California to begin to monitor air traffic control failures. They have started with the San Francisco Bay area, and I would like to make a report this morning on what they have found in the last 5 months.

The San Francisco Bay area is essentially controlled out of Oakland where nearly 18 million square miles of airspace is under control by air traffic controllers. Next week I would like to make a report on Los Angeles.

I sent this in writing to the Secretary of Transportation. But I believe the findings of the last 5 months really deserve to be printed in the CONGRESSIONAL RECORD and deserve the attention of the U.S. Senate because I think air passengers are very much at risk today.

I am unconvinced that the situation is being looked at with the urgency it demands, and my great fear is that it is going to take a major human tragedy to really get the kind of attention the situation needs.

This morning I want to urge the FAA to make the acquisition of new and reliable equipment its highest priority. In the past, the FAA has resisted incremental improvements in the Nation's air traffic control system in favor of huge changes that never materialize. This leaves centers across the United States that are operated by mainframe computers and vacuum tubes that are over 25 years old. The irony here is that the air equipment, the planes in the air, are new. The system that controls their safety is old and failing. Backup systems are being used more and more frequently, and in some cases the backup is no more reliable than the equipment it is replacing.

The following is a summary of incidents of equipment failure in the San Francisco Bay area since August of this year.

Let me begin with August 8, 1995. The Bay TRACON system located at the Oakland airport, controlling the entire bay area airspace at below 15,000 feet, experienced partial radar failure for 3 to 5 minutes before reliable radar data was displayed on controller scopes.

The next day, August 9, 1995, the air traffic control center at Oakland located in Fremont, covering 18.3 million miles of airspace, suffered a total failure of radar, radio, and landline communications, including backup systems. Radar remained out for 34 minutes. Radios and landlines were out for 21 minutes. There were 295 airplanes airborne under Oakland's ARTCC's control at the time of the outage.

A few weeks later, August 22, a power failure at Bay TRACON disabled Oakland's radar system again. Backup radar provided only 85 percent coverage and took 3 to 5 minutes to come on line.

And 3 days later, August 25, 1995, a dual sensor problem disabled Bay TRACON's Oakland radar system.

September 6, the controllers lose power to voice and computer data lines at Oakland ARTCC used to control and track aircraft over the Pacific Ocean.

The next day, September 7, 1995, the main and backup power supply fails at Oakland ARTCC. Power is not restored in time to preserve the data base in the oceanic computer known as ODAPS. Controllers rebuild the data base manually when the computer power is returned. The shutdown lasted 4 hours.

A few days later, September 13, 1995, the Bay TRACON's Oakland radar failed three times when a 26-year-old microwave link malfunctioned. The first failure lasted 32 minutes. The second failure lasted 81 minutes. And the third failure lasted for hours.

Two weeks later, September 25, 1995, an internal power failure at Bay TRACON disabled so-called noncritical systems and caused air-conditioners to go out. Controllers were exposed to 90-degree heat in the control room, computers overheated and failed due to the extreme temperature increase.

October 1, 1995, a power surge at Moffett Field caused a radar site to switch to engine generators. While repairs were being made the next day, the bay area was without a backup system for 7 hours.

October 27, 1995, during the morning inbound rush and foggy conditions, the Bay TRACON computer froze and caused controllers to perform automated functions manually.

November 3, 1995, faulty computer connections forced air traffic controllers in Fremont to track aircraft with a backup system for nearly 48 hours.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

November 28, just a few days ago, airport surveillance radar at the Oakland airport goes down for an hour.

Needless to say, it is a miracle that no collisions have occurred. This is the fourth busiest airspace in the Nation. The situation and the growing frequency of outages across the United States are simply disasters waiting to happen.

These examples from the San Francisco Bay area are symptomatic of a nationwide problem. At a time when the private sector is building the most advanced airplanes in the world, the FAA is still using equipment that is over a quarter of a century old.

I realize that resources are an issue. Yet the airport and airways trust fund which funds the FAA has an annual budget of $12 billion a year. I cannot stress enough the importance of this money translating into new equipment for air traffic control centers across the country. We cannot continue to function with a system that often fails and leaves the safety of airline passengers in question.

These equipment outages, along with a recent Los Angeles Times report of equipment falling off old aircraft and very nearly landing on human beings, has me very worried about public safety. What concerns me more than these dangers, however, is the FAA's assessment that no lives are at risk.

Given the above list of outages along with reports of equipment nearly killing people as it falls from the sky, I find this extremely difficult to believe. Some action must be taken.

It has been suggested that the FAA could operate more effectively if removed from the Department of Transportation. I am not certain if that is the answer, but it is obvious to me that some dramatic improvements must be made in order to ensure the safety of the flying public.

I would like to offer any necessary and appropriate assistance to facilitate a change in the priorities of the Federal Aviation Administration. I look forward to working with my colleagues toward a solution to this increasingly alarming situation.

Next week I hope to come before the Senate to discuss similar incidents at Los Angeles International Airport. I yield the floor.

PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

BALANCING THE BUDGET

Mr. CRAIG. Mr. President, we had asked last night for a period of a special order this morning to discuss the President's veto of the Balanced Budget Act of 1995. Certainly I, and I think a good number of Americans, Mr. President, watched yesterday as this President with grand theater and style worked overtime to cover up the fact that he has not produced a balanced budget and in fact cannot, given his agenda, produce a budget that will be in balance by the year 2002.

Instead, yesterday he accused Republicans of not recognizing the need for education, of not recognizing the need to strengthen and save Medicare. And, of course, that simply is not true and the American public knows it.

The Balanced Budget Act of 1995 that the President vetoed yesterday recognizes the importance of education and does not cut student loans. It recognizes the importance of a sound Medicare system to seniors and strengthens Medicare into the year 2000, by spending nearly an additional $2,000 per Medicare recipient in the year 2002, compared with 1995. And certainly that is also true of Medicaid, which is returned to the States for greater efficiencies and greater humanity as States deal with applying Medicaid to the truly needy of our society.

Several of us have gathered this morning for the purpose of discussing the President's veto, the benefits of the budget that the President unfortunately vetoed, and the budget situation this Congress and our country finds itself in.

At this time I will yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

A BALANCED BUDGET

Mr. THOMAS. Mr. President, I thank the Senator. I think all of us are very concerned about where we go from here, concerned about the President's veto of the first balanced budget proposal that could have succeeded in 30 years. The President cannot continue to veto the will of the American people who list as their top priority balancing the budget.

You say why, why is that a top priority? Not simply because it is good government, not because it is financial and fiscal responsibility, but because they understand, and Wyoming families understand, as do others, that every day the Government fails to balance the budget, more money is taken from their families' futures.

Families are thinking down the road, fortunately. They care about the world their children will inherit and the fact that we are ready to move into a new century, and they ask themselves what kind of a Government will we pass on to our children and our grandchildren? Will it be the one with the credit card maxed out? That is where we are now.

So these families think about what is coming in the future. Unfortunately, the Clinton administration thinks about the next election. Had the President come to the snubbing post and done the right thing, Wyoming families would have saved money. They would have saved $2,404 per year—these figures were done up by the Heritage Foundation on a State-by-State basis—$2,400 per year on lower mortgage payments, over $300 a year due on State and local interest payments, $500 per year on lower interest payments for student loans. These are for average families in Wyoming.

The State and local governments in Wyoming—we want to transfer some of that responsibility—would have saved $57 million over 7 years on lower interest rates brought about by balancing the budget.

So the issue of balancing the budget is the most critical one. We have to balance the budget because of the impact it has on families and the benefits that come from it. The deficit is robbing our families' bank accounts. It must be budgeted. And anything else is the wrong thing to do.

The Clinton administration has done less than the responsible thing. I think we have to start talking about that and not let them get by with going to the media and saying, "We're protecting this and we're protecting that. We can't do this." We have to balance the budget. And this administration has done what I think is the most selfish thing, and that is to play the political game at the expense of American families.

The President has not done anything to bring about real change. In 1993, we had the largest tax increase the world has ever known. But spending continued to go up, and we have not balanced the budget. He has proposed two budgets this year, neither of them balanced. Neither of them got any votes in this Senate. He now proposes to bring up another one today. We will see. But he is going to do it without CBO numbers, without real numbers.

Now, people say, what is CBO? What is OMB? What is the difference? I can tell you what the difference is. CBO is real numbers. You can balance the budget, if you fool with the projections, without really balancing the budget. Raise the projections out here 7 years from now when you are no longer President and it is painless to do it in the meantime. It is also phony. We cannot do that.

We see this leadership in this administration trying to patch the walls of a crumbling welfare state. Talking about the Great Society, we spent $5 trillion in these welfare programs and they have not worked. You cannot expect different results if you continue to do the same thing. You need real welfare reform. We need to guard and protect Medicare. And we need to think about what kind of country we want as we go into the 21st century. The balanced budget is the way to proceed.

Mr. President, there are a number of principles that need to be followed.

First of all, if we are going to have a balanced budget, we have to start with honest numbers. Certainly, you can argue about the projections, but you have to start with real numbers and be willing to make the changes that are necessary to make that balance. You have to reduce Washington spending, which is as important as balancing the budget. You could balance it, I suppose, by raising taxes. But we need to bring down spending. We have to ensure Medicare solvency. We have to make some changes to do that. We have to have real welfare reform. Welfare reform without results is not what we want. We have to change that. We have to put some more power in the people in the States and move government closer to the people, and we must do it now.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2076

Mr. CRAIG. Mr. President, before I yield to the Senator from Alaska, I ask unanimous consent that debate time on the Commerce, State, Justice appropriations conference report, H.R. 2076, be limited to the following: Senator GREGG, 2 hours; Senator HOLLINGS, 2 hours; Senator BIDEN, 2 hours; Senator BUMPERS, 20 minutes. Further, that following the expiration or the yielding back of the previously mentioned debate time, the Senate vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair.

Now let me yield 5 minutes to the Senator from Alaska, to speak on the President's veto of the budget.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized for 5 minutes.

Mr. MURKOWSKI. I thank my colleague from Idaho. I wish the President a good morning.

PRESIDENTIAL VETO OF THE BALANCED BUDGET

Mr. MURKOWSKI. Mr. President, yesterday, President Clinton, with a great deal of fanfare and theatrics, vetoed the first balanced budget legislation sent to any President in the last three decades. Think about that a moment, Mr. President. The first balanced budget legislation sent to any President in nearly three decades was vetoed yesterday by President Clinton.

What is the accumulated debt of this country? It is $4.9 trillion. That occurred as a consequence of prevailing Democratic control of both the House and Senate during those decades.

The veto was very well orchestrated, with the President deciding to use the same pen that the late President Lyndon Johnson used to sign the original Medicare legislation back in 1965. However, in what may be a metaphor for this President, when he put pen to the paper, nothing happened; the pen was out of ink, just as the President is out of ideas and just as Medicare is out of money.

Mr. President, the American public deserves better. Throughout the entire year, Republicans in Congress have worked night and day to develop and pass a real balanced budget along with family tax relief. There were some Democrats who worked with us. And what has the President done this year? Absolutely nothing. He has spoken empty rhetoric about wanting to balance the budget.

Mr. President, there is a difference between wanting and doing. President Clinton has submitted two budgets this year. The first one—think about this—the first one did not receive a single vote, Democrat or Republican, when we voted on it in the Senate, not one single vote, because the President's first budget would have led us to unending deficits and a sea of red ink for the indefinite future.

He came along and said his second budget would balance in 10 years. But like everything else with this President, rhetoric and reality are inconsistent. It is what the polls say that motivates the actions down at the White House.

When the Congressional Budget Office scored the President's second budget, they again found endless annual deficits—in excess of $200 billion. Now the President says he is going to send us a third budget, and this one will be balanced in 7 years. I am a little cynical simply because I have been there before. I am from Missouri—maybe—when in reality I am from Alaska, but the same point is applicable. After two false starts, I wish to see something real.

I hope the President does send us a balanced budget, but I have had an opportunity this morning for a preview of what we anticipate is his effort, and it does not balance. It simply does not balance. So as a consequence, I fear we are facing a third situation where the President has sent us something that is totally unacceptable.

I hope that the President will be willing to recognize and give the American family the relief they need from taxes. I hope he will give Americans incentives to invest in our future and save. I hope that he would give Americans an opportunity for hope—hope that Government can be downsized, more efficient, more responsive. And I hope he will give America the economic security that will come from allowing oil exploration to proceed in ANWR, which I note in his veto statement he rejected.

On that point, I would like to defer to his veto statement where he suggests, under title V, the opening of the Arctic National Wildlife Refuge to oil and gas threatens a unique, pristine ecosystem in hopes it will generate $1.3 billion in Federal revenues, revenues based on wishful thinking, and outdated analysis.

Mr. President, the wishful thinking is in the eyes of some of America's environmental community that focuses on this as a cause for membership and a cause of raising dollars at the expense of our national energy security, and at the expense of our jobs and at the expense of American technology.

Geologists have indicated that this area is the most likely area in North America where a major oil discovery could take place. And to suggest the arguments that prevailed against Prudhoe Bay 20 years ago are now being applied to the opening up of ANWR are not realistic is really selling American technology and ingenuity short. This could be the largest single job producer in the United States for the remainder of the century. It could be the largest contributor, if you will, to an increase in tax revenue for the Federal and State governments. The consequence of the President's shortsightedness in dismissing this really underestimates the capability of America's can-do spirit and advanced technology.

Mr. President, I think it is fair to say the American public today is fed up with this lack of leadership. The American public wants a balanced budget they can understand. They do not understand the dispute between the OMB and the CBO figures. They want a balanced budget that simply says the revenue will equal the outflow. We got into this situation as a consequence of spending more money than we generated in revenues, and there is only one way to correct that: Either through increased revenues or reduced spending.

We Republicans, I think, have delivered a responsible pledge. It is now up to the President to transform his words into deeds. It is time for the President to get serious, to send us his proposals for balancing the budget with no phony numbers, no rosy scenarios. And it is time for the posturing to end and the serious business of balancing the budget to begin.

I thank my colleagues and wish them a good day.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Idaho.

Mr. CRAIG. Mr. President, before I yield to the Senator from Michigan, I ask unanimous consent to have printed in the RECORD a study by the Heritage Foundation called "Balanced Budget Talking Points: The $500-Per-Child Tax Credit," which discusses what it would mean to a typical middle-income family in this country to have the middle-class family tax credit that was in the

Balanced Budget Act vetoed yesterday. In having this printed in the RECORD, let me suggest that a family of four spends on the average $3,986 a year in groceries, or about $332 a month. What the President did yesterday was take away from the average American family 3 month's—3 month's—worth of grocery bills.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE $500-PER-CHILD TAX CREDIT MEANS ONE MONTH'S FOOD AND MORTGAGE FOR A TYPICAL AMERICAN FAMILY

(By Scott A. Hodge, Grover M. Hermann Fellow in Federal Budgetary Affairs)

"If you take the $500 a year tax credit, and I figure, you know, $5 for a bottle of wine, that is 100 bottles of wine for a family."[1]—Congressman Jim McDermott (D–WA)

Contrary to what elitists in Washington would have the public believe, for most hard-working American families raising children a $500 tax cut for each child is not an insignificant amount of money. This is especially true as many families no doubt are wondering how they will be able to afford the $432 some surveys report each household expects to spend this holiday season.[2] Yet the families of 51 million children, or over 28 million families in all, will be denied relief from their financial worries by President Bill Clinton's expected veto of Congress's seven year balanced budget and tax cut plan, which had as its centerpiece a $500-per-child tax credit. This tax cut would pump over $22 billion per year into family budgets across the country so that working parents can provide for their children in a way no government program can.

As congressional Republicans negotiate with the White House on a compromise plan to balance the budget by 2002 and provide tax cuts, they should resist pressure to scale back the $500-per-child tax credit as a price for cutting a deal. Those who argue that Washington cannot "afford" such generous tax cuts while the government is trying to balance the budget are, in effect, arguing for higher spending. The budget will not be balanced any faster if the amount of the per-child credit is reduced below $500 or if the income for which families are eligible is lowered from its current level of $110,000 for joint filers.[3] Any money not put back in the checkbooks of working families with children through tax cuts, is more money in the checkbook for politicians and bureaucrats to spend while the budget is moving toward balance.

Congressional and White House negotiators should keep in mind that for parents with two children, the $1,000 tax cut they would receive under this plan could mean the difference between paying the mortgage and not. Indeed, as the table below shows, a $1,000 tax cut for the typical family with two children is enough to pay one month's mortgage and grocery bills, or 11 months worth of electric bills, or nearly 20 months worth of clothing for the children. In other words, a $1,000 tax cut is a significant amount of money for most families' household budgets.

WHAT THE $500-PER-CHILD TAX CREDIT MEANS FOR A FAMILY WITH TWO CHILDREN

Family budget item	Annual household cost for a family of 4	Monthly cost	How many months of this item can be purchased with $1,000
Groceries	$3,986	$332	3.0
Mortgage payment (principal, interest, and taxes)	7,972	664	1.5
Natural gas	333	28	36.0
Electricity	1,085	90	11.1
Telephone	803	67	14.9
Water	331	28	36.3
Children's clothing	612	51	19.6
Auto payments	3,325	277	3.6
Gasoline purchases	1,397	116	8.6
Health insurance	817	68	14.7
Medical services	749	62	16.0
Drugs and medical supplies	366	31	32.8
Personal care products and services	526	44	22.8
Educational expenses	739	62	16.2
Life and other personal insurance	557	46	21.5
Personal services (babysitting, child care, etc.)	536	45	22.4

Source.—Heritage calculations, based on Bureau of Labor Statistics, Consumer Expenditure Survey, 1992–93.

There are also sound policy reasons to cut taxes for families with children:

Families with children are overtaxed.—In 1948, the average American family with children paid only 3 percent of its income to Uncle Sam. Today the same family pays 24.5 percent.

Giving a family of four a $500-per-child tax credit is equivalent to giving them one month's mortgage payment.—The average family now loses $10,060 per year of its income due to the 45-year increase in federal taxes as a share of family income. This tax loss exceeds the annual mortgage payment on the average family home. The $1,000 in tax relief the congressional tax-cut plan would give to a family with two children would help this family pay one month's mortgage payment.

Millions of families stand to benefit.—The families of 51 million American children, or 28 million taxpaying families, are eligible for the $500-per-child tax cut.

Family tax relief helps families in every state.—The typical congressional district has some 117,000 children in families eligible for a $500 tax credit. Thus families in the typical district would receive $54 million per year in tax relief.

Congress' $500-per-child tax credit would eliminate the entire income tax burden for 3.5 million taxpayers caring for 8.7 million children.—These 3.5 million families will receive over $2.2 billion per year in tax relief. Families with two children earning up to $24,000 per year would see their entire income tax burden eliminated by a $500-per-child tax credit, and families with three children earning up to $26,000 also would have their income tax bill eliminated.

Most families are middle-class.—The $500 child credit plan will direct 89 percent of all benefits to families with adjusted gross incomes below $75,000 per year—middle-income by any standard—and over 96 percent to families with incomes below $100,000.

Cutting taxes for all families—regardless of income—is fair.—Congress' plan will cut the income tax burden of a family of four earning $30,000 per year by 51 percent and the income tax burden of a family earning $40,000 per year by 30 percent. Meanwhile, a family of four earning $75,000 would see their tax burden reduced by 12 percent, and a family earning $100,000 per year would receive a tax cut of just 7.4 percent.

Mr. CRAIG. Mr. President, I now yield 5 minutes to the Senator from Michigan, Senator ABRAHAM.

The PRESIDING OFFICER. The Senator from Michigan.

PROMISES TO BALANCE THE BUDGET

Mr. ABRAHAM. Thank you, Mr. President. I rise today to echo the comments made by my friend from Idaho and my friend from Alaska with respect to the President's decision to veto our Balanced Budget Act.

Mr. President, I am new to the Senate. I was elected last year, but for years I have followed the actions in Congress. I have observed the various people who came to Washington, including Presidents, and talked about how important it was to balance the budget. In fact, the President himself promised to balance the budget when he was a candidate in 1992. He promised to balance the budget in 5 years.

We have now gone 25 years without a balanced budget, 25 years of red ink, 25 years in which the people who ran for office promising to get the job done failed their fellow countrymen and constituents.

Over that period of time, a lot of finger pointing has gone on. Each side of the political arena has said, "Well, it's the other side's fault." Yet during that time, no balanced budget was ever presented to a President by a Congress, and, as I recall, no President has come to Congress with a balanced budget. Instead, all we've had is partisan rhetoric.

This Congress has been different, Mr. President. This Congress has, for the first time during this period of red ink, actually acted on its campaign commitments, actually had come to Washington mindful of the needs of this country, and actually produced a balanced budget, not just a balanced budget resolution, not just a balanced budget conference report back in the spring and the summer, but a real balanced budget act which was passed in the House, passed in the Senate, and then adopted as a conference report just a few days ago.

So this President became the first President, as my colleague from Alaska said, in years to actually have on his desk a balanced budget bill. It was an opportunity to do what he said he would do in his campaign and what Presidents and Congresses have said they would do for decades, to fulfill their commitment to put the Federal Government's fiscal house in order.

Unfortunately, the President chose to veto this legislation. He chose to veto the balanced budget. I hope that by his actions, the American public now understands exactly why it has been so long since we have had a balanced budget.

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[1] Tax Provisions in the Contract With America Designed to Strengthen the American Family, Hearings before the Committee on Ways and Means, U.S. House of Representatives, January 17, 1995 p. 30.

[2] Bureau of National Affairs, "Conference Board, Arthur Anderson Polls Put Moderately Upbeat Face on Holiday," November 24, 1995.

[3] For taxpayers filing jointly with incomes above $110,000 the credit phases out at a rate of $25 for each $1,000 above the threshold (a range of $20,000), thus fully phasing out at $130,000 in income. For families with two children, the two credits this family is eligible for are fully phased out at $150,000 in income. For single filers, the credit begins to phase out at $75,000 in income.

I would like to speak just for a minute about what the implications are of this veto for a balanced budget for my State of Michigan, because we have been studying the statistics, and it is a very unhappy picture.

Had the President signed the Balanced Budget Act, we would see in our State a dramatic change in the well-being of our families. Two things would have happened that would be very good for the hard-working middle-class families of my State.

First, interest rates would begin to go down and go down substantially. And second, those families would be able to keep more of what they earned instead of sending tax dollars to Washington.

In terms of interest rates, Mr. President, we would be talking about an estimated $4,000 of savings annually on the mortgages paid by the families in my State. I do not know one family in my State that would not be able to put that $4,000 to good use for themselves and their children. We would be talking about something like $500 per year in savings for people who are paying student loans, and we would be talking about hundreds of dollars of savings for people who pay interest on their auto loans, not just in my State, I might add, but across the country.

For a State like Michigan which is so dependent on the sale of automobiles, that is especially good news. So in that sense, the impact on interest rates will have a rippling effect in my State which will undoubtedly mean fewer car sales and fewer jobs in the auto industry.

So for all of those reasons the people of Michigan are going to be disappointed by the President's action. But they are also going to be disappointed when they realize the President's veto also denied the families in my State substantial tax reduction, tax reduction that would have affected something in the vicinity of 1 million Michigan taxpayers.

In particular, they are going to be disappointed because the provisions we included in this legislation to provide a family tax credit are not going to be forthcoming as so many families in our State had hoped.

That $500 per child would mean that families in Michigan will spend more on the necessities of their life for their kids. We talk here in the Senate all the time about children and the need to help children. I cannot think of anything that would be more beneficial for the kids of our country than to provide $500 per child in the form of a tax credit so that their moms and dads can provide them with extra things they might need in the year ahead. So for that reason, families in our State, I think, are going to be extraordinarily disappointed.

Mr. President, I close by saying the President says he will finally come forward with a new budget plan. I hope this plan is different than the previous ones. From what I gather this morning in the media, that is unlikely to be the case. He says he has a balanced budget, but if you look at the portions already reported in the press, it is apparent his new plan will not get us to a balanced budget.

Indeed, it is implausible it is a balanced budget plan, since it appears it will only reduce spending over the 7-year period of time we are discussing by approximately 2 percent.

I do not think there is anybody in this country who thinks the $5 trillion of debt we have run up and the hundreds of billions of dollars of annual deficits we have can be brought into balance simply by reducing total spending by 2 percent over 7 years. It simply does not add up, Mr. President.

These are funny numbers, and if the numbers presented by the President today correspond to the ones he offered in the previous budget, which received zero votes in the U.S. Senate, I think we all have to say, Mr. President, it is once again time to go back to the drawing board, time to go back and use real numbers, honest evaluations, and, hopefully, move in support of the Republican goal of a balanced budget that is going to help American families.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

THE PRESIDENT'S VETO OF THE BALANCED BUDGET ACT

Mr. CRAIG. Mr. President, I have been, for a few moments while the Senator from Michigan has been speaking, reading the wire story of the President's veto yesterday of the Balanced Budget Act of 1995. Let me quote from that some of the President's words. He said:

> I have consistently said that if Congress sends me a budget that violates our values, I will veto it.

I say to the President of the United States, I find that a very curious statement, in view of the budget that we have sent to you and that you have vetoed. How, possibly, could it be wrong, or how possibly would it not be in your value system to want to leave as much money with the average American family as is possible? That is exactly what the Republican Congress has attempted to do in sending to you a Balanced Budget Act—to go directly at middle income America, to assure that they have enough money in their pockets to be able to feed their children, to be able to buy a home and pay their mortgages, and do so in a way that families of 10 or 15 or 20 years ago were able to do, and provide then for the future.

Mr. President, we all recognize the need to respond to the present, but we are terribly frustrated that you have not had the wisdom to look into the future, and to look into the future in a way that recognizes that reducing debt in this country, that reducing the annual Federal deficits and balancing the budget, that allowing the average American family to save, all mean a better future, mean that we truly are concerned about a generation that would be saddled with a debt that they had never had the opportunity to create, that the average child of today will look forward to an oppressive tax burden to pay off the $18,000 to $20,000 of their share of a Federal debt that a generation long before them had decided to spend on one program or another.

Mr. President, the budget that you vetoed yesterday was just as much about the future as it was about the present. The only problem is—and I can gain from your statement—that you are worried only about the present, about the instant gratification of the present, and your value system has, in some way, no capacity for dealing with the future.

The Senator from Michigan spoke a few moments ago and related to us the positive consequences of this budget on his State and the opportunities it created. Not for the very wealthy but for the average family of four, with a husband and wife, mother and father, working and bringing home $50,000 or $60,000 a year collectively, or less, and what that means to them if they start putting that $500 tax credit away on an annual basis for their children's future.

We looked at my State of Idaho, where a dollar still goes a little ways. If a young couple, a family, having that first child, starts immediately to put that $500 tax credit away in savings and puts it there for the child's future, what can that family buy for that child in the form of education in the coming years when that child is ready for college? Well, they can pay for more than 8 full years of college tuition and fees in our State university system—on an average, nearly 9 years, in today's dollars. By any calculation, that is a bachelor's degree, a master's degree, and even a doctorate. That is what that kind of savings offers. That is how the Balanced Budget Act—which the President vetoed yesterday—would have empowered Idaho's families.

Even in the ivy league schools, this tax credit buys a year or a year and a half of schooling across this country. That is a tremendously significant value to the average American family who holds the dream that their children are going to do better than they have done, and they are going to help provide for that child.

In my largest metropolitan county of Idaho—and Idaho is not very metropolitan—it is a large State with only about 1.3 million people in it—but in that metropolitan county of now over 300,000, Ada County, which includes Boise, there are over 50,900 children that would qualify for the $500 child tax credit. What does that mean over this period of time, from now through the year 2002, about putting spendable income back into that community? It puts back into that community $144 million worth of spendable income over the next 7 years. I will tell you, under anybody's estimation—but especially in the State of Idaho—that is a lot of money. That is a tremendous opportunity for that community to grow, for those families to prosper, to buy a new home, to buy a car, and do all of the kinds of things that fulfill the American dream.

Mr. President, I am not quite sure what is in your value system, but I know that there is no future image, there is no vision for America's tomorrow, if you are willing to veto the balanced budget that we have sent to you. You have vetoed a balanced budget that not only deals with today's needs but, for the first time in the years that I have had the privilege of serving Idaho in the U.S. Senate, it looks into the future.

For a few moments, let us talk about that future in some real ways, in a national perspective, about the kind of money in the average family's pocket that is offered through a balanced budget with tax relief. We would see a decline in interest rates of well over two points—and that is not some exaggeration by the Senator from Idaho, that is according to national econometric modeling, which shows that if you get the budget into balance, the economy of this country begins to respond a great deal better. Why? Because the Federal Government is taking less money out of it. And the average American family has more money to spend and that generates jobs, and that multiplies the kind of economic activity that we always have seen in this country, which has, again, produced more revenue for Government under stable taxing situations.

For example, a decrease of 1.4 percent in the conventional mortgage rate—and we know it could decrease a good deal more than that—means the relief of nearly $10,000 over the life of a 30-year mortgage. The Balanced Budget Act says to the American family, You have greater buying power. It says that an additional 104,000 new family homes would be constructed and purchased in that 7-year period of reduced growth in Federal spending and a balanced budget. Under anybody's estimation, that is big bucks for the economy. It benefits not just the family purchasing the home, but hundreds of thousands of workers—carpenters, carpenters' helpers, masonry workers, and plumbers—that build the homes for Americans that are going to be employed.

Mr. President, what is your vision for the future? Obviously, it is not 104,000 new family homes. What about those men and women who work in the automobile industry of our country? It is estimated, by those same studies from the Heritage Foundation, that over 600,000 additional automobiles could be manufactured and purchased by the American family in this 7-year period. That is $10 billion worth of expenditures. I do not know how you think, Mr. President, but I know how the folks of Idaho think. They want to keep ahold of their own money. They want the right to spend the money they earn. They do not believe that transferring it to the Federal Government and giving the Federal Government the opportunity to spend it on something that the Federal Government would wish is the better way to manage it.

Well, those are some extremely valuable and important figures that are all tied up in this balanced budget that the President has now vetoed. So, Mr. President, while your budgeteers are coming to the Hill on a regular basis now and are to bring with them your vision of a balanced budget and your proposal that the House and the Senate and the White House will now sit down to try to work out the differences on, there is one thing that is nonnegotiable and that is a 7-year balanced budget. That is the kind of tax relief that truly builds incentives in the economy to keep our economy going, to keep it prospering, to create new jobs, and to allow the American working family more and more opportunity by being able to keep more of their hard-earned income.

A lot of people have criticized the idea of leaving the American family with more money. If we had, by our own studies, left the American family the same kind of spending opportunities that they had in 1950 when the Government was taxing a great deal less of the gross income of the average working family, I would tell you that it would not be a $500 tax credit today, it would be well over triple that amount. That is how much we have eroded the spending ability, the keeping ability, the savings ability of the American family by progressively taking away from them for what has been allegedly a better cause—more of their money to be spent by Government.

These are very important issues, Mr. President. There is more at stake here than just the pulling out of an old antique pen that started the great welfare society of our country that has well run out of ink, and trying to find ink to veto an effort of reform that the American public spoke to last November.

Mr. President, it is significant what has occurred in this country. It is significant that the American people have spoken overwhelmingly in favor of balancing a Federal budget.

Back in 1982, when I served in the U.S. House of Representatives, I became one of those leaders pushing a balanced budget amendment to our Constitution. That was long before the debt was as big as it is today, or the deficit seemed to become a static deficit of around $200 billion on an annualized basis.

Those were the years we really felt it was important to get the budget under control. As we fought to do so, one thing began to happen: The American people began to listen. They recognized, as they saw the debt of this country grow and as they saw a Congress unwilling to wrestle with the real meaning of a debt and to bring Federal spending under control, that somehow the American public was going to have to do it.

I think the citizens of this country truly believe that this is their Government. By the action of their vote, they will tell those of us who represent them in their Government how we should act.

That is exactly what I believe the American public did last November when they changed the 40-year-old Democratically-controlled House into a House with a Republican majority and they put Republicans in a majority here in the U.S. Senate. They said very, very clearly, "Mr. President, Congress, balance the budget, and do so in a way that is meaningful. Not the kind of games that have been played historically over the last three decades. We want you to show us for the first time that you can and will balance the budget."

And, Mr. President, that is exactly what the Republican Congress has done. They sent to the President a balanced budget, and this President, lacking a vision and lacking an image for the future, vetoed it.

Mr. President, I yield to the Senator from Oklahoma for such time as he might consume.

Mr. INHOFE. I appreciate the Senator yielding to me. I think it is very symbolic and appropriate, the pen that the President used to sign the veto message yesterday was, indeed, the pen that had been used during the Great Society days that started this shift in attitude in Government, so that Government has a greater responsibility for all of us, beginning back in the 1960's.

I think the fact that he is using that pen to veto the Balanced Budget Act of 1995 is a very interesting occasion, because that is the date that all of this started.

I remember it so well because I was serving at that time in the State legislature in Oklahoma. We were so concerned at that time because the year that I am thinking of our total debt was $200 billion. I remember on a TV ad they were trying to impress upon the people of America how much money that was so they had $100 bills they were stacking up until it got to the height of the Empire State building. That is what our debt was.

Of course, now that is what our annual deficit is, has been, and what our annual deficit would continue to be under any budget that the President has come forth with.

I am going to keep an open mind. I am hoping the President will come forth with something that will keep his commitment that he made during the vote on the continuing resolution a couple weeks ago when he said that he agreed to come up using real numbers, CBO numbers, with a balanced budget by the year 2002.

And I agree with the Senator from Idaho that it is so incredibly significant that we do this and do this now. I have said several times on the floor, I do not believe if we pass up this opportunity there will be another opportunity in my lifetime to have a balanced budget or to seek a balanced budget so we can then start working on reducing the debt that we have piled up in this country.

Again, I do not look at this as a fiscal issue. It should not be looked at as a fiscal issue. And every time the liberals, holding on with white knuckles to the past, to the 1960's, to the programs where Government has the responsibility—an entitlement—to take care of people from the cradle to the grave, that Government cannot afford to do it.

I look at it as a moral issue when I look at my three grandchildren and realize that statistically—and this can all be documented—if we do not do something to change the course that we have set upon, that any child, including my three grandchildren, who is born in this particular time, will have to spent 82 percent of his or her lifetime income just to service and support Government.

This is morally wrong. For all those people, including the President, trying to hold on to the past, we will win this. When the Senator from Idaho said, and I heard the Senator from Wyoming earlier say, this was a mandate and the elections of 1994—it is clearly a mandate. All the postelection surveys show very clearly of all the mandates that came with that election, that totally transformed the makeup of the House and the Senate, it was a mandate to balance the budget.

We are committed to doing that. We will do everything within our being to see that it happens.

Mr. President, I only have one comment on another subject because I think it is critical that the Senators are all aware that there is going to be a vote prior to the 14th having to do with the President's program to deploy troops on the ground in Bosnia.

Yesterday at the Senate Armed Services Committee some very revealing things occurred. We had Secretary Perry and General Shalikashvili, the two top people representing the President and his programs to send troops into Bosnia on the ground. They testified. During their testimony, Secretary Perry was talking about all the peace that has existed in the Tuzla area, that northeast sector of Bosnia; General Shalikashvili was talking about how similar and what a fine job they have done in the training of our troops in the very famous 6- by 12-mile box in Germany and how that so nearly equated to the actual environment in Bosnia.

When it came time to cross-examine, I asked General Shalikashvili, "Are you aware that the conditions in which you are training these people do not even resemble the conditions in the northeast sector?"

He said, "No."

I said, "Tell me when the last time you were there was."

At that we discovered, Mr. President, that the man who is the Chairman of the Joint Chiefs of Staff, the architect of the program to send Americans in on the ground in Bosnia, had never been to that part of Bosnia where he is proposing to send our troops.

When Secretary Perry talked about the peace that had been in effect there I asked him a question. I said, "I was in the Tuzla area. I wore a shrapnel jacket. I wore a helmet. We could hear the automatic weapons going off. This is supposedly during a cease-fire. Where is this peace you are talking about, and when is the last time you, Secretary Perry, were in Bosnia?"

He said he had never been there, either.

For the first time I realized why there is such a disregard for the hostility of the area that we are talking about sending our troops in. It is because they have not even been there.

I just want to serve notice and make sure that all Senators can be thinking about how they will vote on a very simple straight-up resolution that merely says we disapprove of the President's program to send ground troops into Bosnia.

Of course that does not mean we are disapproving support of the troops. We support our troops wherever they might be. I think we can certainly perform air operations that would be of support to that exercise, without endangering the lives of our Americans.

Back on the budget, I am convinced that this is our last time in my lifetime that we will have to correct a problem that began in the 1960's, that those individuals—the liberals here in this body and the other body and the President of the United States—are trying to hold on to, as I said before, with white knuckles.

I commend the Senator from Idaho for all the efforts he has made and the leadership he has shown in this effort.

Mr. CRAIG. Mr. President, in closing, I ask unanimous consent to have printed a document from the Heritage Foundation study of the impact of a balanced budget in tax reductions on the average family.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT A BALANCED FEDERAL BUDGET WITH TAX CUTS WOULD MEAN FOR FAMILY COLLEGE COSTS

(John S. Barry)

Congress's balanced budget with tax relief legislation will allow families with children to save more money for higher education. A balanced budget with tax cuts also will lead to lower interest rates which will benefit students by lowering the cost of student loans. Both of these consequences of balancing the budget over seven years with tax relief mean more highly skilled Americans for future workforces. These are the findings of an analysis by The Heritage Foundation using one of the principal econometric models of the U.S. economy.

According to this statistical analysis, the Balanced Budget Act developed by Congress would mean:

American families, over time, could save an additional $14,066 per child in today's dollars to fund college education costs as a result of the $500-per-child tax credit. This would cover the full tuition costs at a typical public university today.

An average student could save more than $414 over the life of a 10-year student loan as a result of lower interest rates.

Economists at The Heritage Foundation conducted an interim econometric analysis of the congressional balanced budget plan using the economic model developed by Laurence H. Meyer & Associates, a nationally recognized economic consulting firm.[1] The Meyer model is used by many major public agencies and private firms, such as the President's Council of Economic Advisers, the Office of Management and Budget, the Board of Governors of the Federal Reserve, and the Congressional Budget Office.[2]

INCREASED FAMILY SAVINGS FROM $500-PER-CHILD TAX CREDIT

The high cost of a college education prices many families out of the higher education market or forces students and parents to incur large amounts of debt to cover the costs of college.

The $500-per-child tax credit included in the Balanced Budget Act of 1995 would benefit more than 28 million families raising some 51 million children and could allow many families to save enough money to send their children to college. A family that chooses to dedicate the entire $500-per-child tax credit to savings for higher education would accumulate about $14,066 in today's dollars over 18 years for each child's education. Thus, a family with two children would be able to save an additional $28,132 for college expenses. In today's dollars, an additional $14,066 per child in family savings for education amounts to: Five full years' tuition and fees at an average public university; one full year's tuition and fees at an average private university; or more than the difference between the four-year cost of an average public university and the two-year cost of an average public community college.

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[1] William W. Beach and John S. Barry, "What a Balanced Federal Budget with Tax Cuts Would Mean to the Economy," Heritage Foundation *F.Y.I.*No. 69, November 14, 1995.

[2] Laurence H. Meyer & Associates long has earned top honors for forecasting accuracy when compared against similar firms. In 1993, it won the "Blue Chip" forecasting award for the years 1989–1992. Laurence H. Meyer & Associates was ineligible for the award in 1994, but again was rated the most accurate forecasting firm in the United States.

LOWER STUDENT LOAN INTEREST RATES

The economic simulation conducted by analysts at The Heritage Foundation indicates that households and businesses would face lower interest rates under the congressional balanced budget and tax cut plan than under current budget and tax policy. Lower interest rates also would benefit students with student loans. A student beginning his or her education in 1996 would face interest rates that averaged half a percentage point below what is expected under current law: a savings of $414 over the life of an average ten-year student loan.[3] More young Americans will be able to afford a college education as a result of these savings. In addition, some students who otherwise would have to defer their education plans could enter college earlier, thus increasing their lifetime earnings.

Alternatively, lower interest rates would allow students to borrow more money for education at the same effective cost. In essence, students would be able to purchase more education for the same price. The additional $414 might be used for such things as: One full year of books and supplies; two additional courses at an average public university; or about one-third the cost of a personal computer.

TECHNICAL ASSUMPTIONS

For assumptions that underlie the econometric simulation of the congressional balanced budget legislation, see William W. Beach and John S. Barry, "What a Balanced Federal Budget with Tax Cuts Would Mean to the Economy," Heritage Foundation *F.Y.I.* No. 69, November 14, 1995.

For purposes of calculating the amount of savings from a $500-per-child tax credit, it was assumed that the money was placed in a super-IRA (as defined by the Congressional Budget Resolution of 1995) earning a real rate of return of 5 percent per year.

The initial rate of interest charged for a student loan was assumed to be 8.25 percent. The 0.5 percent figure is an average decrease below baseline for the life of a ten-year student loan. This 0.5 percent decrease was projected in the above-cited econometric simulation.

A FAMILY SAVING THE ENTIRE $500 PER CHILD TAX CREDIT FOR 18 YEARS COULD ACCUMULATE $14,066: PAYING FOR THEIR CHILD'S EDUCATION AT AN AVERAGE PUBLIC UNIVERSITY OR MORE THAN A YEAR'S WORTH AT A TYPICAL PRIVATE UNIVERSITY

	Public university	4 year cost	Years of savings from the $500 tax credit will buy	Private university	4 year cost	Years of savings from the $500 tax credit will buy
Alabama	U. of Alabama at Birmingham	$10,044	5.6	Spring Hill College	$48,492	1.2
Alaska	U. of Alaska Fairbanks	9,952	5.7	Sheldon Jackson College	37,520	1.5
Arizona	U. of Arizona	7,576	7.4	Prescott College	39,840	1.4
Arkansas	U. of Arkansas	9,208	6.1	John Brown University	28,344	2.0
California	U. of California—Los Angeles	15,572	3.6	Loyola Marymount University	55,072	1.0
Colorado	U. of Colorado at Boulder	10,796	5.2	Regis University	51,040	1.1
Connecticut	U. of Connecticut	18,848	3.0	Saint Joseph College	48,800	1.2
Delaware	U. of Delaware	16,400	3.4	Wesley College	41,180	1.4
Florida	Florida State University	7,192	7.8	Barry University	45,160	1.2
Georgia	U. of Georgia	9,408	6.0	Mercer University	47,952	1.2
Hawaii	U. of Hawaii	6,228	9.0	Chaminade University of Honolulu	42,400	1.3
Idaho	U. of Idaho	6,192	9.1	Albertson College of Idaho	55,808	1.0
Illinois	U. of Illinois at Chicago	14,792	3.8	Loyola University College	46,000	1.2
Indiana	Indiana University—Bloomington	13,492	4.2	Huntington College	40,800	1.4
Iowa	U. of Iowa	9,820	5.7	Drake University	53,680	1.0
Kansas	U. of Kansas	8,152	6.9	Benedictine College	38,640	1.5
Kentucky	U. of Kentucky	10,040	5.6	Centre College	48,800	1.2
Louisiana	U. of New Orleans	12,208	4.6	Loyola University in New Orleans	45,380	1.2
Maine	U. of Maine	14,644	3.8	Westbrook College	46,600	1.2
Maryland	U. of Maryland College Park	13,920	4.0	Loyola College	52,720	1.1
Massachusetts	U. of Massachusetts—Amherst	21,868	2.6	Regis College	50,800	1.1
Michigan	U. of Michigan—Ann Arbor	21,888	2.6	Northwood University	38,660	1.5
Minnesota	U. of Minnesota Twin Cities	13,568	4.1	Saint Mary's College of Minnesota	43,520	1.3
Mississippi	U. of Mississippi State University	10,244	5.5	Millsaps College	47,616	1.2
Missouri	U. of Missouri Columbia	13,776	4.1	Saint Louis University	43,880	1.3
Montana	U. of Montana—Missoula	8,032	7.0	Carroll College	35,760	1.6
Nebraska	U. of Nebraska at Lincoln	9,660	5.8	Creighton University	43,856	1.3
Nevada	University of Nevada Las Vegas	6,960	8.1	Sierra Nevada College	36,200	1.6
New Hampshire	U. of New Hampshire	18,236	3.1	Daniel Webster College	49,648	1.1
New Jersey	Rutgers University	17,828	3.2	Seton Hall University	47,200	1.2
New Mexico	U. of New Mexico	7,536	7.5	College of Santa Fe	45,512	1.2
New York	SUNY at Albany	11,744	4.8	Saint Johns University-New York	39,200	1.4
North Carolina	U. of North Carolina at Chapel Hill	6,096	9.2	Wake Forest University	55,400	1.0
North Dakota	U. of North Dakota	9,712	5.8	Jamestown College	30,480	1.8
Ohio	Ohio State University	12,348	4.6	University of Dayton	47,320	1.2
Oklahoma	Oklahoma State University	7,568	7.4	University of Tulsa	47,000	1.2
Oregon	U. of Oregon	13,032	4.3	University of Portland	48,800	1.2
Pennsylvania	Pennsylvania State University	20,144	2.8	Drexel University	52,304	1.1
Rhode Island	U. of Rhode Island	16,968	3.3	Bryant College	50,400	1.1
South Carolina	U. of South Carolina at Columbia	12,784	4.4	Wofford College	50,720	1.1
South Dakota	U. of South Dakota	10,320	5.5	Augastana College	44,460	1.3
Tennessee	U. of Tennessee—Memphis	9,916	5.7	Maryville College	45,400	1.2
Texas	Texas A&M University	7,080	7.9	Rice University	41,600	1.4
Utah	U. of Utah	9,524	5.9	Westminster College of Salt Lake City	35,280	1.6
Vermont	U. of Vermont	26,608	2.1	Trinity College of Vermont	45,080	1.2
Virginia	U. of Virginia	17,920	3.1	Washington and Lee University	55,540	1.0
Washington	Washington State University	11,632	4.8	Gonzaga University	52,000	1.1
West Virginia	West Virginia University	8,512	6.6	University of Charleston	38,000	1.5
Wisconsin	University of Wisconsin—Madison	10,948	5.1	Marquette University	46,440	1.2

Note.—All figures are in 1994 dollars.

Source.—School costs from Department of Education, "Projections of Education Statistics to 2003."

Mr. CRAIG. Mr. President, let me close by saying to the President of the United States: Mr. President, stand forward and tell the truth to the membership of Congress and to the American people. Tell them that this budget does, in fact, protect Medicare; that the average recipient today is receiving $4,800 in benefits; and that under the budget you just vetoed that average recipient by the year 2002 will receive $6,700 in benefits. That is a 7-percent annual increase.

Mr. President, tell the truth about the budget that you vetoed. What we heard from you yesterday was not a vision of the future, but was looking back into the spoiled American dream of big Government and big debt that somehow you hung yourself to, that does not represent the kind of opportunity that the American family wants and deserves.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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[3] This is based on a student loan of $13,044, the average cost of a public university, at an initial interest rate of 8.25 percent. The Heritage Foundation econometric analysis assumes that the Federal Reserve System makes no change in the reserve requirements of its member banks and refrains from stimulating the economy by increasing the growth of monetary reserves. This assumption means a relatively smaller decrease in interest rates. Thus, the 0.5 percent decrease can be viewed as a conservative estimate of the potential savings to a student from lower interest rates.

MEASURE PLACED ON THE CALENDAR—S. 1452

Mr. CRAIG. Mr. President, I understand there is a bill on the calendar that is due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S.1452) to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

Mr. CRAIG. Mr. President, I object to the further consideration of the matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUFFALO COMMONS MEMOIRS: TALES FROM THE PRAIRIE

Mr. PRESSLER. Mr. President, I want to take a moment to commend an outstanding South Dakota writer, Lawrence Brown of Buffalo, SD. Lawrence is a South Dakotan who has put his appreciation for his State down on paper. His book, "Buffalo Commons Memoirs," brings to light life on the upper plains and the reasons why life in America's heartland is so rewarding.

As I read "Buffalo Commons Memoirs," I was reminded of my own experience growing up on a farm in Humboldt, SD. As some of my colleagues know, life on a farm is not always easy. Early mornings and late nights during planting and harvest seasons come with the territory. However, Lawrence Brown reminds us correctly that hard work builds character. Although Lawrence grew up on the farm at an earlier time, I am pleased to note the same solid Midwestern work ethic has been passed on to today's young South Dakotans.

Mr. President, Lawrence writes in his chronicles that he chose to spend his life in a small city in western South Dakota. Lawrence, like so many South Dakotans, particularly new residents who have moved from other States, has realized that South Dakotans recognize the important things in life—the values of family, friends and community. Mr. President, I am proud to represent people such as Lawrence Brown—people who appreciate the things in life that matter most, and live each day to its very fullest. I would like to share an excerpt from Lawrence Brown's book with my colleagues. I am confident that they, too, will enjoy Lawrence's entertaining work. I ask unanimous consent to have printed in the RECORD a section from "Buffalo Commons Memoirs."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Perhaps some grandkid some time may be interested in my autobiography, but for a relatively obscure aggie, sheepherder, rancher and plainsman the personal aspect of this project is probably pointless. To validate the effort it must portray some history and some custom and culture of this corner of America.
>
> A record of bits and pieces of history beyond scientific or political data can give us an insight into where we have been. And where we have been may give us some direction on where we should go. It may even guide us on how to get there. Beyond that, it could also tell us that our expectations are too high and maybe we should be satisfied with what we have, who we are, and where we are.
>
> Hardly a personal visit or social call goes by but we have gained something from the other's recent or distant past.
>
> Most of our history lies out in area cemeteries never to be retrieved or vouched for accuracy. If there is anything to a psychic connection, it would have to be part of our memories as they relate to people we once knew. Certainly, if we give some thought to friends who have gone over that great divide, a memory will come back of a shared conversation or experience. There is nothing supernatural about that.
>
> One problem that I run into is the experts of English and Grammar. As I pass my stuff along for critique, I run into those who either went to more school than I or paid more attention while they were there. Good grammar is a wonderful art and I admire people who can combine it with the delivery of a message. But well-meaning people have corrected and rephrased some of my stuff until the meaning was gone. Anyone who has ever tried to read a government document has no doubt discovered that literary correctness and the delivery of information are not necessarily compatible.

TRIBUTE TO OLIN BROOKS

Mr. HEFLIN. Mr. President, I rise to pay tribute to Mr. Olin Brooks, who is retiring this month from the Bankruptcy Administrator's Office. He is the estate analyst in the Anniston Bankruptcy Administrator's Office for the Eastern Division of the Northern District of Alabama.

Born in 1933, Olin attended Woodlawn High School in Birmingham. After high school, he served in the U.S. Air Force for 2 years. He later attended Auburn University, receiving his bachelor of science degree in 1959 and his law degree from the Birmingham School of Law in 1970.

From 1959 until 1962, he worked for the State of Alabama Department of Revenue as a revenue representative. He worked for the Internal Revenue Service from 1962 through 1987, eventually moving into a management and advisory position in the Bankruptcy Division of the IRS Special Procedures Office.

I am pleased to commend and congratulate Olin Brooks for his many years of service to his State and Nation. I wish him all the best for a long and happy retirement.

TRIBUTE TO FRANCES MARION GRANT BENNETT

Mr. HATCH. Mr. President, I wish to pay tribute to an extraordinary woman, Frances Marion Grant Bennett. On November 17, 1995, Frances passed away leaving behind an incredible legacy of service and love.

Frances comes from and leaves behind a remarkable heritage. She was born in Salt Lake City, UT, on September 23, 1899, and was the last surviving child of the late Latter-day Saints Church President Heber J. Grant, and his wife Emily Wells Grant. She was also the wife of a U.S. Senator, Wallace F. Bennett, who served for 24 years in the U.S. Senate; and was the mother of five children, including Robert F. Bennett, currently serving in the U.S. Senate. In addition, she was the grandmother of 29, and the great-grandmother of 74. Her family members adore, praise, and love her with all of their hearts.

Frances was an accomplished musician. She was a gifted pianist and student. She received a bachelor's degree in music from the University of Utah, and studied at Radcliffe College. She taught music at the University of Utah before her marriage to her husband.

Frances was a tireless worker. She served for many years on the general board of the Primary Organization for the Church of Jesus Christ of Latter-day Saints. In this capacity she was able to positively influence thousands of children's lives through her kindness, words of wisdom, and love and affection. As a board member, Frances chaired the fundraising committee to build the Primary Children's Hospital in Salt Lake City, now the finest children's hospital in the Intermountain West. The significance of her work in this area can never be measured. Thousands of children each year from across the United States are treated and helped at this Children's Hospital. I am sure that there are many mothers and fathers, as well as little children, that would thank Frances for her undying efforts on their behalf.

In Washington, DC, Mrs. Bennett was a supportive and helpful partner to her husband during many years of public service. She served as president of the Congressional Club, a group of congressional wives. She wrote about many of her experiences in Washington, and with her family, in her autobiography, "Glimpses of a Mormon Family."

Mrs. Bennett's friends describe her as gracious, gentle, regal, and warm. When you met her, her goodness was immediately apparent. She treated people with great kindness and respect. She raised a wonderful family, and will be missed by all.

Mr. President, Utah was fortunate to have Frances Marion Grant Bennett as a citizen. She was truly a fine woman, talented musician, wonderful wife and mother, and devoted American. I feel fortunate to have been able to associate with her and learn from her example.

REMEMBERING RICHARD HALVERSON

Mr. HATCH. Mr. President, I was deeply saddened last week when I learned of the death of our beloved former chaplain, the Rev. Richard C. Halverson.

Reverend Halverson served as Chaplain of the Senate for 14 years, assuming this post on February 22, 1981. He retired on February 5, 1995. I regret that his retirement, the time he had so looked forward to spending with his family and many friends, was cut so short.

But, the time and service he gave to the Senate will always be appreciated by those of us who benefited from his positive outlook and his constant good humor. Rarely was Dr. Halverson seen by Senators, staff, or support personnel without a smile and a "God bless you."

And, perhaps the one thing I admired most about Dr. Halverson was the fact that he served not only the institution of the Senate, but also Senators as individuals. He could see beyond policy debates, beyond partisan politics, beyond institutional glamour and mire. He could look beyond our roles on this great international stage and help us carry the burdens we felt as husbands or wives, parents, neighbors, or friends.

Though ordained as clergy in the Presbyterian denomination, his ministry reached out to us all. Catholic, Jew, Methodist, or Mormon, Dr. Halverson helped us all to remember that our walk in faith was infinitely more important than any legislative battle of the moment.

Like all Senators, I mourn the death of this man of God, but give thanks for the opportunity to have known him and to have served this body with him. I join my colleagues in extending heartfelt sympathy to his family.

THE CONTINUING RESOLUTION AND THE LABOR, HHS, AND EDUCATION APPROPRIATIONS BILL—H.R. 2127

Mr. SPECTER. Mr. President, as chairman of the Labor, HHS, and Education Appropriations Subcommittee, I want to update the Senate on the status of the Labor, HHS, and Education appropriations bill, H.R. 2127, as it relates to the continuing resolution and the implications of the Senate's inaction on the bill for programs of the Department of Labor, HHS, and Education. In particular, I want to focus on the need to free up low-income energy assistance funds, which are so crucial at this time of year, when winter descends upon cold water States.

As Senators know, the Labor, HHS, and Education appropriations bill for fiscal year 1996 is still on the Calendar. Efforts to bring it up in the Senate have been met with a filibuster due to the "striker replacement" provision and the abortion issue. I opposed the "striker replacement provision being added to the bill in committee, because of the view that controversial legislative riders do not belong on an appropriation bill, but should be considered through the authorization process. In the case of the Labor, HHS, and Education appropriations bill, the legislative riders included by the House have stalled action on this important bill in the Senate, and indefinitely postponed funding for education, health, job training, and social service programs in this fiscal year.

While the continuing resolution will ensure that some funding will be available for these programs, it is only on a short-term basis and at a minimal level. But, in some cases, the CR level effectively eliminates the viability of the program. The LIHEAP Program is one such example. LIHEAP provides funds to States to help low-income households meet their fuel bills during the winter months when costs soar due to cold weather. A high percentage of the program's beneficiaries are elderly and disabled people who need help in paying their fuel bills.

Mr. President, it is already very cold in many parts of the Nation. Our reliance on continuing resolutions since October 1 has put LIHEAP funds in jeopardy. Under the terms of the continuing resolution, $231 million has been made available to the States. This is far short of the nearly $600 million already requested by the States to get through the first quarter of the fiscal year. In previous years an average of 60 percent of the annual appropriation for LIHEAP has been allocated to the States in the first quarter, and 90 percent by March 30.

Many States have begun receiving requests for assistance, and under normal circumstances would begin distributing funds to participants at this time. However, because of the present stalemate in the Senate on the Labor, HHS, and Education appropriations bill, States have no idea how to plan for this winter's program, and hundreds of thousands of low-income families are left wondering how they will be able to meet their winter heating bills. Low-income households, as well as Governors and local officials across the country are waiting to learn whether, and how much, funding will be appropriated for this winter's LIHEAP Program.

For low-income residents of cold-weather States like Pennsylvania, winter can mean choosing between eating and heating. We must not let our budgetary stalemate in the Nation's Capitol unduly burden the poor and elderly with respect to such a basic need as heated homes and apartments.

I have supported the previous continuing resolutions because they provide critical short-term funding for Federal activities. But I want to make clear, it is time for the Senate to act on the Labor, Health and Human Services, and Education appropriations bill. Let's stop the filibuster, agree to bring up the bill, debate it, and let the Senate work its will.

In the meantime, it is imperative that the harsh restrictions on funding for LIHEAP be lifted. It is unfair to hold hostage essential assistance to the poor and elderly in cold weather States as Congress continues to deliberate on the budget.

Mr. President, winter's cold knows no political affiliation. The LIHEAP Program has had years of bipartisan support. Now is the time for all Senators to work together to ensure that our constituents in need are not denied heating assistance this winter.

Thank you, Mr. President. I yield the floor.

TRIBUTE TO WILLIAM K. SAHR, LEGAL CHAMPION

Mr. PRESSLER. Mr. President, the legal profession in my home State of South Dakota has lost a great counsel. Bill Sahr, a long-time friend and supporter, passed away on Monday. I will miss him.

For many years, Bill headed the State Bar of South Dakota. In that capacity, he epitomized the very best of the legal profession in our State. An indefatigable worker on behalf of the legal community, Bill also served the people of our State and Nation with great distinction.

Bill's public service career began with a memorable tour of duty with the U.S. Army during World War II. During the war, he was with the troops at the Battle of the Bulge, later receiving four battle stars along with his European Medal. Beginning his legal career in our State's capital, Pieree, Bill later served two terms as State's attorney from Hughes County. In 1962, Bill began walking the two blocks from the lovely historic home he shared with his wife Carla and their children to the State capitol, where he served two terms as a legislator.

His legal background, coupled with his legislative experience, made Bill a perfect candidate to head the State Bar of South Dakota. Bill played a major role in shaping and bringing into being South Dakota's present-day legal system. It is hard to imagine anyone who had more influence on the legal system and the profession of law in our State than Bill Sahr.

In addition to being a great professional, Bill Sahr was a great individual. He had a quiet demeanor coupled with a keen intellect and sharp wit. You could count on his word. Bill's engaging smile made you want to stay and listen to him while he worked his quiet, highly effective powers of persuasion upon you.

During his threescore and eleven years on this earth, Bill Sahr accomplished the work of several lifetimes for the profession he loved and the people of South Dakota. Bill Sahr—a legal legend of our State—will be truly missed.

I ask unanimous consent that the obituary for Bill Sahr from the December 5, 1995, edition of the Sioux Falls Argus Leader be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Argus Leader, Dec. 5, 1995]

SAHR, 71, WORKED HARD TO HELP JUDICIAL SYSTEM

(By Denise D. Tucker)

PIERRE.—With a quiet and unassuming manner, Bill Sahr often stood in the shadows and rarely took credit for the work that he did in shaping the South Dakota legal system.

"He had a hand or influence on every lawyer in the state for 35 years," said Thomas Barnett, executive director of the South Dakota Bar Association in Pierre.

Sahr, 71, who was serving as secretary-treasury of the State Bar Association, died Monday, Dec. 4, 1995, at his home, due to lung cancer.

"He had a history of over 30 years in Bar leadership," said Barnett. "I was fortunate to work with him through most of my career."

During his career, Sahr, through the Bar Association, established the nation's first prepaid continuing legal education; he spearheaded legislative approval for passage of funding for a new University of South Dakota Law School; and worked for improvement of judicial compensation.

He also introduced the first bill for a state employee retirement system. "This was a biggie for the state," said Sahr's son, Dan of Sioux Falls. "Before that there was nothing for state employees."

Barnett said, "He worked to serve the people of South Dakota. He was instrumental in lobbying pieces that helped everybody."

Beresford attorney Robert "Bob" Frieberg acknowledged Sahr's contribution to the state.

"His influence shaped the Bar, judiciary and modern legal system in South Dakota," he said. "His was the biggest influence of a single person."

Frieberg said that Sahr was committed to improve the legal system whenever he could.

Although he didn't know for sure, Frieberg believed that Sahr had a sense that he had an obligation to leave the world better than he found it.

"He was just a neat guy," he said. "One of a kind. I'm gonna miss him."

With a tear sliding down his face, Frieberg added, "He was a great friend."

Sahr's legal career began in 1957, when he opened a law practice in Pierre. He served for two terms as the Hughes County States Attorney, from 1958 to 1962. He then served two terms in the South Dakota House of Representatives, from 1962 to 1967. He was elected in 1961 as secretary-treasurer of the state Bar. He retired on July 31, 1989, from his position as executive director of the Bar Association, after 28 years with the organization.

William Karcher Sahr was born July 21, 1924, in Pierre. He attended Pierre Public School and was graduated from Lake Forest Academy, Lake Forest, Ill., in 1942.

He served in the Army from 1943 to 1946, during World War II. He served in the Battle of the Bulge. He received the European Medal with four Battle Stars.

In 1954, he graduated from Northwestern University in Evanston, Ill., and from its law school in 1957.

He married Carla Aplan in 1953.

From 1973 to 1978, he was a member of the Pierre Board of Education. He also served on the St. Mary's Hospital Law Advisory Board, president of the Pierre Carnegie Library Board for 19 years, and on the Pierre City Board of Adjustment for 10 years.

He was a member of the Pierre Area Chamber of Commerce, American Legion, VFW, the Elks Club, Sts. Peter and Faul Catholic Church, the American Bar Association, the Jackrabbit Bar Association, and the National Association of Bar Executives.

He received a Recognition Award from the University of South Dakota Law School in 1982, the Appreciation Award from the South Dakota Trial Lawyers Association, and the McKusick Award from the USD School of Law in 1987.

"He was proud of this," Dan Sahr said, of his father receiving the McKusick Award.

The award recognizes an outstanding member of the South Dakota legal community for contributions to the profession.

In addition to his wife and son, survivors include four other children: James, Los Angeles; Marguerite Moreland, Littleton, Colo.; Elizabeth Squyer, Sioux Falls; and Robert, Boulder, Colo.

Services, for Sahr, begin at 11 a.m. Thursday in Sts. Peter and Paul Catholic Church in Pierre, with burial in Riverside Cemetery.

Visitation will be from 3 to 9 p.m. Wednesday in the Feigum Funeral Home in Pierre. Prayer service begins at 7:30 p.m. Wednesday in the funeral home.

The family requests that expressions of sympathy take the form of donations to the Countryside Hospice of Pierre or to the South Dakota Law School Foundation.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, almost 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

As of the close of business Wednesday, December 6, the Federal debt stood at exactly $4,988,640,469,699.34. On a per capita basis, every man, woman, and child in America owes $18,936.97 as his or her share of the Federal debt.

FLAG PROTECTION CONSTITUTIONAL AMENDMENT

Mr. SHELBY. Mr. President, I strongly support Senate Joint Resolution 31, which amends the Constitution to protect the flag of the United States from those who would desecrate it.

The American flag is a national symbol of the values this country was founded on. Many Americans have fought and died to defend these values and this country. It is an insult to these patriots, their relatives, and all other citizens who hold this country dear, to burn or desecrate the symbol of our Nation and our freedom.

I certainly support the right of all citizens to freedom of speech, but that right has never been absolute in our country. That is why there are laws against libel, slander, perjury, and obscenity. Similarly, our freedom of political expression is also limited. No one can legally deface the Supreme Court building or the Washington Monument, no matter how much he or she might wish to protest a particular government policy or law. The American flag, deserves special protection under the Constitution. It simply is not necessary to commit an act of violence against this flag to register protest against the Government. Passage of Senate Joint Resolution 31 will help ensure our national symbol receives the respect and protection it deserves.

Again, Mr. President, I offer my strong support for Senate Joint Resolution 31 and I urge my colleagues to support it as well.

REV. RICHARD C. HALVERSON

Mr. INOUYE. Mr. President, our former Senate Chaplin, the Reverend Dr. Richard Halverson, will be sorely missed, especially by those of us who had the great privilege of knowing him and benefiting from his special ministry.

His daily prayers and his words of greeting, whenever we met, were most comforting. History should record that as a result of his guidance, many unfortunate adversarial crises were successfully averted in the Senate. I believe he succeeded to helping maintain the Senate on a even keel.

We will miss him. I will miss him.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2076.

The clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2076) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 1, 1995.)

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is my pleasure to proceed today with the conference report on the Commerce-State-Justice appropriations.

This legislation comes forward after a considerable amount of activity and, obviously, some ups and downs on the road to passage. It is, however, I believe, an excellent piece of legislation in light of the hand which has been dealt. Clearly, in an attempt to balance this budget, we have had to make some significant reductions in this account overall in order to meet our goal of a balanced budget within 7 years. The numbers which were assigned to us by the Budget Committee and then allocated to us by the Appropriations Committee put us to the test in the area of trying to reach this goal. But I believe we have reached it in a very positive and responsible way.

The essential thrust of this bill is to make sure that we adequately fund the activities of our criminal justice system and to make sure that we have adequate moneys and make available to the States adequate funds to undertake an aggressive posture relative to trying to control the spread of violence and crime in our Nation.

As a result, we have committed a significant increase in dollars to the Department of Justice, approximately a 19.2-percent increase over the 1995 level. That increase in funding in the Department of Justice has come in the context of an overall reduction in funding for the bill generally of approximately $756 million.

Thus, in order to accomplish that, we obviously had to take some funds from some of the other agencies. We have significantly reduced the funding, for example, in the area of the Department of Commerce and in the area of the State Department. In making those decisions to reduce funds in those two areas, I believe we have done it in a very constructive way. We have in the State Department, for example, fully funded, to the best of our ability anyway, the activities of the operations of the State Department. We made sure that the salary cap accounts and the construction accounts and the day-to-day functions of the State Department are funded in a manner which they feel they can accept.

We have not, on the other hand, made a major commitment to the U.N. funding. We have funded the international organizations efforts and peacekeeping efforts, but we have kept the funding levels at a very low, or at least conservative, number, because we feel that is an appropriate decision. From my standpoint, I would rather be fighting crime in the United States and spending money on that than necessarily funding international organizations and peacekeeping at the United Nations.

In the area of the Commerce Department, we have also made some very difficult decisions, but in the process, I think they are constructive decisions. We have, for example, funded very aggressively NOAA, which does very strong, effective research in the area of protecting the oceans, which are critical assets of not only our Nation but the world. At the same time we have, however, cut the overall funding for the Department of Commerce by approximately 14 percent below what it was funded at last year. So we have gone 14 percent below a freeze for the Department of Commerce. In order to accomplish that, we have had to reduce funding in a number of accounts, obviously, within the Department of Commerce. But I think the decisions for those reductions have been thoughtful and appropriate.

Again, with the Small Business Administration, we have reduced the funding of the Small Business Administration by a considerable amount. But I believe we have given them still the capacity to go forward and participate in the process of funding initiatives to assist in the creation of jobs effectively.

So, overall, this is a bill which accomplishes our major goals, the first goal being to live up to our obligations to balance the budget and, therefore, make the difficult decisions which require reducing of funding and, in the area of the Department of Commerce, move toward basically its elimination. At the same time that we are moving toward a balanced budget, we have made a very strong and aggressive commitment to the Department of Justice and to crime fighting.

On that specific area, I think it is important to note that one of the issues of the debate is the manner in which we pursue these crime-fighting initiatives. We have proposed in this bill that a large amount of the violent crime trust fund will be sent back to the States in the form of a block grant which will emphasize and encourage the use of those funds for the addition of police officers on the streets but will not require that those funds be used for the addition of police officers on the streets.

This is a departure from what the administration position was or what they desired. The administration, of course, has taken great pride in its proposal which created cops on the beat and their theory, and we respect that. But we happen to feel that a much more logical way to approach this is to say to the local policing authority to get what they need. Do you need police officers on the street, or do you need the ability to communicate with your police officers on the beat, or do you need the ability to make sure that your police officers on the beat have adequate equipment in order to defend themselves?

We think it is much more appropriate to leave the decision as to whether or not the funds should be used for the creation of additional police on the street or whether it should be used in order to make the police who are on the street more effective in their job up to the local law enforcement agencies who are on the front lines and who have a much higher level of awareness of what is needed.

We also felt that the President's proposal had some fundamental flaws. The basic one was that the way it was structured most of the communities which would have added police officers would find that at the end of 4 years they would have to have picked up the whole cost of that police officer's salary. We think that in the end, rather than encouraging more police officers on the street, it would end up with approximately the same number of police officers on the street and that the number that has been thrown out by the administration is an extreme exaggeration of the numbers of new officers who might actually end up on the street, the number the administration talks about being somewhere around 100,000, when in actuality the number they proposed would have been somewhere in the vicinity of 20,000 during the periods the funds were available and, after the funds were terminated, in our opinion, would have been less.

In addition, we feel strongly in structuring the use of the violent crime trust fund significant dollars should be put into one-time items so that we are not creating programmatic events which we become responsible for at the end of the violent crime trust fund's period of existence, and thus we have encouraged things like one-time items that would encourage prison construction and activities such as that where we think we can help out the States as they go forward with their attempts to improve their criminal justice systems but not end up signing on to a program where we become liable for the States' responsibilities as far as the eye can see.

In addition, we have strongly supported, for example, some of the initiatives which have traditionally been built up under the criminal justice system and which we think are important such as the Violence Against Women

Act which receives a sixfold increase over the 1995 funding level and which we think is a very appropriate initiative.

This is a quick outline. As we move forward this afternoon in discussing this bill further, we will get into more specifics, but at this time I would like to yield to my ranking member and colleague, whose knowledge and history of this legislation far exceeds anything I will ever obtain, and whose support and thoughtful advice and guidance I greatly appreciated during the process of putting this bill together, for whom I always had a great deal of respect, having gotten to know him when he was in New Hampshire on occasion a few years ago, but that respect has only grown exponentially as a result of my having had a chance to work with him in this committee.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I will yield to my colleague first I think for his unanimous-consent request.

Has the unanimous-consent request already been made?

The PRESIDING OFFICER. I do not believe so.

Mr. GREGG. Is the President aware of the unanimous consent relative to time limitations?

Mr. HOLLINGS. I believe it is 2 hours to the distinguished Senator from New Hampshire, 2 hours for this Senator on this side, 2 hours for the distinguished Senator from Delaware [Mr. BIDEN], and 20 minutes for the distinguished Senator from Arkansas [Mr. BUMPERS].

The PRESIDING OFFICER. It was apparently agreed to earlier. We are operating under that agreement.

Mr. GREGG. In that case I reserve the remainder of my time.

Mr. HOLLINGS. Let me thank the distinguished Senator from New Hampshire.

Mr. President, right to the point, the distinguished Senator from New Hampshire is not just a quick study but a quick excellent study. A year ago, perhaps a little more, he was not on the subcommittee involved in all of these hearings. The bill presently presented by the distinguished Senator and conference report was not worked upon by him until it got into conference, and yet within conference—I emphasized the quick study—the Senator from New Hampshire approached it in a brilliant and thorough fashion—I might add, in an almost Mansfield-like fashion. I remember the distinguished majority leader, Senator Mansfield. When you asked him a question, he said, "Yup" and "Nope." When I asked for things to try to get in this bill, the distinguished Senator from New Hampshire said, "Nope." I learned that this outstanding Yankee is of a singular mind, and he knows how to make a decision, which is unusual in Washington.

I really respect and admire the way he has gone about this in a very, very thorough fashion. I emphasize that because I am not in a position on final vote to support the measure for various misgivings. I made that clear. But in making that clear, I wish to make it equally clear that we have been in a sort of cooperative manner trying to reconcile differences. That is the Government itself, the art of compromise. And realistically, there are many things in the bill, in the conference report that the distinguished chairman, Senator GREGG, perhaps would not have included or some things that he wished had been included. That is the same with this particular Senator. We have the House side to satisfy as well as the Senate side and we have worked diligently, at least the distinguished chairman has worked diligently with staffs on both sides and with this particular Senator, and I am grateful for his leadership.

Mr. President, the conference agreement before us provides $27.3 billion for programs and agencies funded in the Commerce, Justice, State, and the judiciary appropriations bill. Of this amount, almost $4 billion is for appropriations from the violent crime reduction trust fund. For regular discretionary appropriations this agreement provides $22.656 billion. This amount is $3.753 billion below the President's budget request, and $759 million below the level available in fiscal year 1995. I would note, however, that it represents an increase of $212 million above the level in the Senate-passed bill.

Before discussing the conference report, I would like to note that this bill is being managed by our new subcommittee chairman, Senator JUDD GREGG of New Hampshire. He took over this subcommittee in October following Senate passage of H.R. 2076. So he was tasked with shepherding a bill through conference that he did not draft. I will tell you he is a quick study and he has mastered this bill as quickly as anyone I have ever seen. And, I think it is fair to say that this is the most diverse and most complicated of the 13 appropriations bills. He has impressed everyone associated with the bill and has done an outstanding job.

Mr. President, when I signed this conference report I wrote "with reservations" under my name. And, I will discuss these reservations, these problems I have with this agreement shortly. But, I would like to first make a few comments about what I do support in this conference report.

LAW ENFORCEMENT

First, it continues to bolster our law enforcement agencies and the Federal Judiciary. Justice Department programs are significantly increased. Here are some examples:

U.S. attorneys are provided $926 million, an increase of $73 million over fiscal year 1995. That's an additional 450 U.S. attorney positions.

The Federal Bureau of Prisons receives $2.9 billion, an increase of $306 million over this year. This funding supports construction of new Federal prisons and additional operating funds to open prisons that are coming on line. It provides funding to deal with quelling the unrest that has recently occurred in our Federal prisons.

The Immigration and Naturalization Service is provided $2.557 billion, an increase of $487 million above the current year. And, within this account to ensure that funds go to where the Congress intends, we have earmarked appropriations that support the Border Patrol.

Finally, Judge Freeh and the FBI are provided $2.505 billion, an increase of $224 million. The conferees have focused our efforts on rebuilding the FBI's infrastructure. So included are: funds to get the NCIC 2000 crime data base up and operating; $30 million for renovations to the FBI training academy at Quantico, VA; and $57 million for the first phase of a new FBI forensic facility to be located at Fort Belvoir, VA. We all saw the importance of DNA evidence and the importance of validating such evidence beyond any doubt during the recent Simpson-Goldman murder trial. The FBI laboratory needs to be modernized and enhanced so Federal prosecutors and FBI evidence are not successfully challenged as was the case in the O.J. trial.

Violence against women grants are funded at $175 million, the President's request. This is $149 million above this year and $50 million above the House bill.

For agencies other than Justice and the judiciary, it is really a question of bad news-good news. The bad news is that almost no other agency received appropriations above the current fiscal year. Getting up to a freeze was a major accomplishment. But the good news is that most other agencies have survived at a funding level that enables them to continue to operate, albeit at a reduced level. Take the National Oceanic and Atmospheric Administration, or NOAA, probably the most popular agency in this bill. NOAA is our Nation's principal environmental sciences agency. It is the agency that procures and operates our weather satellites and it is for the oceans what NASA is to space. In past years our CJS bill increase NOAA just as we have increased Justice.

But in this agreement, NOAA is provided $1.853 billion—$59 million below a freeze, and $244 million less than the President's budget request. The good news is that it could have been worse. Thanks to efforts by Members like our distinguished chairman, Senator HATFIELD, this agreement provides NOAA with a level that is $79 million over what the House crowd would have provided and only $13 million less than the Senate-passed bill.

So, like NOAA, many of these other agencies are not doing well, but they are surviving. My colleagues need to be put on notice now, however, that there are going to be reductions in force, office closures, and contract terminations. SBA is going to close offices and there are going to be significant reductions in force in Commerce and in independent agencies. You cannot provide these levels of funding without such impacts.

Mr. President, it is my hope that we can debate this bill quickly and get it down to the White House. President Clinton has stated that he will veto it and I must concur with his position. There are several areas that are unacceptable to both the President and most Members on this side of the aisle. I will briefly mention several.

COPS ON THE BEAT

First, this bill terminates the Cops on the Beat Program and the Drug Court Program. It seeks to rewrite the 1994 crime bill and provide funds instead to Governors and mayors for a block grant program. This isn't a money issue; the funds are available in a separate account under the violent crime trust fund. So, what this is about is politics, and I might add pretty dumb politics at that.

I will put a more complete statement regarding the COPS Program in the RECORD. But, let me summarize my position.

First, the COPS Program is focused and well managed. In just 2 years it has gotten 26 thousand additional police out on the streets across America.

Second, the COPS Program has a component that is targeted to small, rural communities. It deals with sheriffs and small town police chiefs directly. Across South Carolina you can survey the most conservative, Republican law enforcement officials and they will tell you that the Cops on the Beat Program is the best thing the Federal Government has ever done.

Third, there is no education in the second kick of a mule. Sometimes I would appreciate it if Speaker NEWT GINGRICH and the House crowd realized that experience and institutional memory are not necessarily bad. We already had a local law enforcement block grant in the Federal Government. It was called the Law Enforcement Assistance Administration, or LEAA. I was here when we created it and when we had to kill it because of waste. Mayors were buying tanks and corporate jets. Jimmy Carter came up to Washington after seeing LEAA waste at the State level and said "kill this turkey." So for over $8 billion we got nothing to show for LEAA except we let Federal funds be wasted, while for $1.3 billion we already have gotten 26,000 police through COPS.

Fourth, Bill Clinton is right. The war on crime is being fought principally at the local level and police are our foot soldiers, our marines, sailors, and airmen. I've heard all this mumbo jumbo about local flexibility. The last time I checked, 10 out of 10 people who call the police for help are calling for a police officer. There just isn't a better use of this crime bill trust fund than to hire more police officers. I don't want to see this money raided by Governors and local elected officials, I want it to go directly to sheriffs and police chiefs as is the case now.

Support for police always has been a solid, bipartisan value. I would urge my Republican colleagues not to become antipolice simply because President Clinton supports this program. you attacked the President in March 1993 because he proposed more money for community development block grants, and for days we listened to you list every wasteful project that could potentially be funded through block grants because of local flexibility. I urge you to get your staff to pull out the CONGRESSIONAL RECORD and to reread your own words. And I would urge you reread your statements regarding the crime bill. The distinguished chairman of the Judiciary Committee, among others, talked about the importance of getting 100,000 more cops.

The President will veto over the COPS Program alone. I support him. It is my hope that this program and the Drug Court Program will be restored during round two of this bill after the veto. I know Senator BIDEN will have more to say about this issue.

COMMERCE PROGRAMS

Second, this conference agreement terminates the Commerce Department's Advanced Technology Program [ATP]. It does not even provide funds for the Federal Government to make good on its prior year commitments to industry under ATP cooperative agreements. When we completed the fiscal year 1995 appropriations bill, we provided $431 million for the ATP. In this bill there is no funding.

The ATP provides funds for cooperative agreements with industry to share the risk, on a 50-50 share basis for high-risk, precompetitive technologies that have potential for significant economic growth. What we are doing in this program is providing the necessary R&D that enables entrepreneurs and small companies to be able to take an R&D project from concept to proof of principle. It is a fully competitive program and every award is made by peer review panels. Neither the President, the Secretary of Commerce, nor any Senator has the ability to influence which companies receive ATP awards. This program is run fully on the basis of merit.

Now, just meeting prior year commitments—that is to fund the Federal share of awards made before this year, requires appropriations totaling $290 million. Again, I'm afraid this aspect of the conference report is about politics and not substance. This is about the former Democratic Party Chairman David Wilhelm making a comment something to the effect that "California is the end all and be all of politics and Ron Brown has the program." Yes, the fact is that many ATP awards do go to California companies, and Massachusetts companies and Pennsylvania companies. It shouldn't take a NIST PhD to realize that ATP awards are going to go predominantly to parts of the country that have concentrations of high-technology industry.

This is exactly the type of program we should be funding if we are going to compete effectively in the trade war, now that the cold war is over. Our Republican colleagues have shown that they do support many Federal technology programs, including NASA aeronautics, high-performance computing, and cooperative research and development agreements. They recognize that developing new precompetitive technologies is important to the long-term future of our country. This has been the case in other appropriations bills. So why oppose what is clearly one of the best-run Federal technology programs, one that is never porked, and one that already is leading to some major technical breakthroughs? Republican support for technology programs generally makes their decision regarding the ATP all the more regrettable and mistaken.

The President realizes the importance of ATP and that is exactly why the absence of ATP funding is another reason for him to veto this conference report. Even if my Republican colleagues will not agree to fund new ATP grants, it would only seem fair that they fulfill past years commitments made by the Federal Government.

Third, though this is not a veto issue, I strongly disagree with the conferees decision to terminate the U.S. Travel and Tourism Administration [USTTA]. I argued against the House position and for the Senate position which reflected the amendment that Senators BRYAN and BURNS had made to the bill in September. Unfortunately, my colleagues in the conference did not see the issue as I do.

USTTA costs only $17 million a year and provides a lot of bang for the buck. Almost every other country maintains a tourism promotion program, and so should we. I created USTTA. It is simply too inefficient having every State in this country running its own tourism promotion effort overseas. And, in Greg Farmer, we have the most effective Director of USTTA that we have ever had.

Tourism is big business and should not be given short shrift. It employs 6 million Americans and is the leading employer in 13 States. South Carolina is one of those States and we have almost 200,000 people employed in some aspect of the industry. This year we expect over 700,000 international visitors in my State.

I think this conference has made a big mistake.

LEGAL SERVICES

With respect to Legal Services, the conference agreement provides $278 million instead of $340 million as proposed by the Senate. I think Senator PETE DOMENICI deserves a lot of credit for having led the fight to save the Legal Services Corporation, when Senator GRAMM proposed terminating the Corporation. And, Senator DOMENICI was in charge of our negotiations with the House. I think he would be the first to say that when this bill goes to round two, Legal Services is an area we need to get more funding for.

Finally, I think it is obvious that the amounts provided for international organizations and U.N. peacekeeping are far below the level the President considers adequate. This is not a heartburn area for me, for years I have criticized U.N. peacekeeping as ineffective. It often seems in areas like Somalia and Bosnia, that United States forces are needed to rescue U.N. peacekeepers. The program just doesn't make sense.

But, I think it is clear that international organizations and peacekeeping will need higher funding levels if the President is going to ultimately sign this bill.

In summary, I want to acknowledge the hard work of Chairman GREGG and Mr. ROGERS and their staffs. I especially want to recognize the contributions of David Taylor, Scott Corwin, and Vas Alexopoulos, of the majority staff.

This represents the first CJS conference reports that I cannot support. I hope that the chairman will realize that this is because of decisions that were made by his leadership. Principally the termination of the Cops on the Beat Program and the ATP. I simply cannot support those decisions.

It is my hope that this bill will be sent to the President expeditiously. I fully expect that it will be vetoed. I believe that this will be only the second time in history that a CJS appropriations bill has been vetoed.

Then hopefully we could get on with round two and providing a bill that is acceptable to the President and one that can be enacted into law.

Mr. President, let me go to the Commerce Department itself because over on the House side, a colloquy was had yesterday, I guess, upon the enactment of this bill where statements were made with respect to abolishing the Department of Commerce.

There is a reference within the conference report itself on page 30, section 206—where the language could be envisioned as preparatory to abolishing the Department—starting off with "should legislation be enacted." That was a compromise on the word "should," because I did not want anything anticipatory. When first presented, it was "when legislation is enacted."

There has been no authorization for the dismantlement or abolition of the department itself. Yes, three times on the House floor they have voted for just exactly that—to the shock of this particular Senator—for the simple reason that if you go to the Constitution itself, article I, section 8, in enumerating the powers and authority and responsibilities of the national Congress, article I, section 8, first says that you can levy and collect taxes.

The second designated authority and responsibility would be to borrow money. Heavens above, we know how to do that around here. We are going to borrow $348 billion to keep the Government going while we are talking about balanced budgets. That is sheerly out of the whole cloth.

The media have to be fast asleep on this particular point. I think it was Thomas Jefferson who said that as between a free Government and a free press, he would choose the latter. That is understandable because, yes, you can have a free Government that will not remain free long except with a free press. The free press owes the people, the body politic, the duty to expose nonsense, particularly the nonsense that is going on here of a balanced budget. There is no plan in the headline in the morning's paper to balance anybody's, particularly this Government's, budget.

If you look at the innards of the plan, you will find out that rather than cutting spending, spending increases this year; and that the measure is $53 billion over last year. Starting off with the deficit, you are going with increased spending each year and increased spending over the revenues each year, which adds $1.8 trillion to the national debt. And yet the media, press and otherwise, fall into the lethargy of parroting what the pollster politicians parrot—that if you say it again and again and again, buzzwords, buzz headlines, "balance," "balance," that it will be balanced. But it is far from being balanced, Mr. President. And so it is that, yes, duty No. 2 is to borrow money. And we respond generously.

Duty No. 3 in the Constitution is to regulate commerce. I point this out because you will not find that word "agriculture" or "housing" or "education" or "energy" in the U.S. Constitution. When the contract crowd came to town, they were going to get rid of all of them, the Department of Housing, the Department of Energy, the Department of Education, right on through. End the Department of Commerce. The one on the griddle now is the Department of Commerce. Why? Because the selfish business leadership wants deregulation and more money, capital gains.

I have listened to their leadership again and again saying, well, under the Congress we are concentrating or, namely, we do not want to bother the leadership unless we can get capital gains tax cuts.

We do not have any capital gains to cut, unless we can get deregulation. So we will not bother about the Department of Commerce because we do not think any Government in its right mind is going to do away with the front line of the struggle in the global competition for economic strength and influence. That is what it has turned into with the fall of the wall.

We have moved where the world could care less about the 7th Fleet and the atom bomb. Money talks. Economic power, influences. We are finding that out in our foreign policy. And the Department is charged, if you please, along with the State Department, to be more or less the front line of defense now, rather than the Pentagon, to get into the matter of dumping cases, the International Trade Administration, the Bureau of Export Administration.

Everyone is talking about exports, exports. You can go right on down the list of these important, particular measures in that global competition of patent and trademark. That is a matter of issue, all of these trade measures, and the argument of using the OMB and CBO, the gross domestic product, that Bureau of Economic Analysis, the Census of Manufacturers. All this work is being done in a very casual fashion. But they say get rid of it all.

We could go right on down with the Census Bureau, the National Institutes of Standards and Technology, the Economic Development Administration, the Minority Business Development Agency, the U.S. Tourism and Travel Administration—all of that is under a very, very aggressive and productive Secretary of Commerce.

I have been through some that have not been aggressive except to collect money. Invariably the Secretary of Commerce has been appointed from time to time to dun the business leadership for the money to run for reelection. On the contrary, this particular Secretary has been traveling and working and moving and shaking, creating jobs, a historic first in my 29 years on the Commerce Committee.

I think that it was the former chairman of the Democratic Party who was responding to the former Senator from Wyoming, Senator Wallop when he pointed out that Secretary of Commerce Brown had been out in California. In his response, he said California was "the end all, be all, of Presidential politics" and that the Secretary of Commerce, Ron Brown, was going to run it. And that is how we ran right straight into a wall with respect to everything about that department. And that is why it persists today in this particular measure as perhaps to be abolished. A horrendous thought. But politics prevails around this town. And that is why it is there.

That makes me come right to the point of emphasizing the significance of the Department. I could do it by way of comparison. You can go right under this particular bill and you will find a measure, Mr. President, that never existed until the year before last, just a couple years here in over the 200-some-year history of this great Nation of ours. But we have had a Department of Commerce, or commercial effort, let us say—Teddy Roosevelt started it at the turn of the century. But we have had that designated responsibility and adhering and responding thereto. But here now we have what we call the Violent Crime Reduction Trust Fund. That is $3,956,000,000. The Department of Commerce is $3,444,000,000. If you abolish the entire Department on all these endeavors, you have not saved what this Congress just year before last started out anew.

That is why everybody talks about "cut spending, cut spending, cut spending." But they are increasing it. And we cannot get it through the public mind. They run on "cutting spending," but when they get here they continue to spend more, and more than the whole Department, an endeavor that has been in since the Constitution.

But let me go right to NOAA, because I was at an occasion here this past weekend, and a former Secretary—I said, "I understand that you said we ought to abolish the Department of Commerce." He said, "Well, if we could blow up NOAA and get rid of it, that would do the job." The poor gentleman does not understand at all the institution of the National Oceanic and Atmospheric Administration. And since I was participatory in its institution, let me refer immediately to the Stratton Commission report, "Our Nation and the Sea." It has several volumes.

The former Secretary stated that he had talked to an oil friend of his, and the oil friend said that we could easily contract out for all those things being done by NOAA. The truth of the matter is, the oil industry was very, very much a participant. James A. Crutchfield was a professor of economics. We had Jacob Blaustein of the Standard Oil Co., who served on this. We had not only in the Stratton Commission the deans of schools of oceanography, but we had the industry itself, General Electric. We had the Environmental Science Services Administration. We had the Under Secretary of the Navy.

It was a most auspicious group for a 2-year study with the Stratton Commission report that said what we should do is organize the Sea Grant Program, the Bureau of the Fisheries and bring all of these particular endeavors—the Weather Service and, more particularly, the Environmental Science Services Administration—bring those in under one particular entity because 70 percent of the Earth's surface is in the oceans. That is the beginning of weather, beginning of the environment, beginning of all the scientific studies, and what have you.

While everybody was enthused about the space effort, more importantly we should be orchestrating, organizing and emphasizing the oceans effort. We have been doing that for some 20 years before any NOAA in what we called the Environmental Science Services Administration in Commerce, the Uniform Coast and Geodetic Oceans Core at that particular time.

All that was blended into a very good, aggressive endeavor that sort of withered on the vine. I saw it happen because a Senator from an inland State that never saw the ocean took over the Commerce Committee. He did away with the Subcommittee of Oceans and Atmosphere that we had within the committee. And otherwise, at least financially, we have gone downhill.

The Coastal Zone Management Act took 3 years of hearings and has really responded to the Stratton Commission report, such that by the year 2000, we are going to have 85 percent of all Americans living within 50 miles of the oceans or the coast of the Great Lakes.

And we had to plan with respect to where the industry was going, where the recreational systems were going, where the power systems were going, where the fisheries were going, where the urban sprawl was going, and everything else, while at that particular time they had a gentleman, John Ehrlichman on President Nixon's staff, who was looking for a land use measure and opposing, incidentally, this particular institution of NOAA because he wanted his land use.

The Attorney General and President Nixon got together with Dr. Stratton, and by reorganization plan No. 4 in 1970, put forth a very responsive and responsible entity in the National Oceanic and Atmospheric Administration. We need a restudy, a return, so to speak, of the Stratton committee report and many of us in the ocean policy study believe that should be done.

But in restrictive budgets right now, we have sort of held back. You do not blow up the endeavors of the National Oceanic and Atmospheric Administration and thereby solve the problems, as they see them, of the Department of Commerce. You do not disassemble and assign Census over here and some other Bureau officials back over here and break it up because somebody is trying to get rid of the Government. And if we cannot sell buildings—and I do not know the building in the contract they were supposed to sell—they say we have to get rid of Departments. We could not get rid of Education, we could not get rid of Housing but we have to get rid of Commerce, they say.

On the Senate side, they did not even want to debate it. They put it off at the time because the so-called authorization was coming up. This Senator is ready to debate it at greater length when that measure arises, but we do not treat casually a fundamental endeavor in the U.S. Government at this particular time.

I was going to emphasize some of the things with respect to Export Administration and the Census Bureau. There is an ongoing effort to abolish the Economic Development Administration. That has been recommended for about 15 years, and we have to withstand the onslaught there, because it is a sort of "but if" endeavor that brings about development at the local level that economically has proven its worth. Republicans and Democrats, both sides of the aisle, oppose that.

I just want to say a word about the U.S. Travel and Tourism Administration.

Before I get off of the Economic Development Administration, incidentally, we had the Defense Conversion Act which assigned some $90 million to the Economic Development Administration. I guess we will get into the Economic Development Administration's responsibility relative to defense conversion when we talk about the Advanced Technology Program and when we talk about other measures.

Let me say a word about the U.S. Travel and Tourism Administration. I never will forget the campaign of 1960 when President Kennedy was nominated, and I happened to be, at that time, in conversation with the President-designate. He said, "I'm going to appoint your friend, Luther Hodges, as part of the Cabinet."

I said, "Mr. President, look, Luther is not a politician politician, he is a businessman politician." He had been president of Marshall Fields in the textile division, the New York City Rotary Club and otherwise. He had come down to South Carolina, led the South in economic and industrial development, changing over from an agricultural economy. And he said, "Well, good, I will put him in as Secretary of Commerce."

And thereafter Secretary of Commerce Hodges came and said, "Well, you got me this thing, what can I do?"

I said, "Well, tourism is a fledgling industry now, but it is beginning and going and growing and we really need national coordination." There is not any question that the States themselves—some of the bigger interests of what I am speaking of, Senators BRYAN and REID from Nevada, even Senator PRESSLER from South Dakota, the chairman of our committee. When they have a trade show in downtown Cairo, there is no reason for 50 States to show them how to cook an American barbecue. They all try. We wanted to coordinate that and, from time to time, pick different ones and have a nationally coordinated effort and direction.

So it was and investment of $17 million. Secretary Hodges instituted the U.S. Travel and Tourism Administration. It now is worth $7 billion to the economy, is the largest industry in my State and in many, many other States, and ranks right at the top of all endeavors in the United States. But to get symbols or trophies or get rid of something, they just pell-mell said, "Let's get rid of the U.S. Travel and Tourism Administration." It is a bad, bad mistake to try.

Otherwise, the Advanced Technology Program is easily explained with respect to our competition in the global economy. Everyone should read "Blindside" by Eamonn Fingleton on Japan and how it is operated by the Ministry of Finance and all industry has the Government directing its research. We give a minimal kind of research and development tax writeoff. It should be made permanent and greater, but, in any event, we need a national effort to stay on top of the U.S. technological lead.

We do not prevail in national defense by manpower. The Chinese, the Soviets have always had more men than we have had, but we have always maintained as a superpower by the superiority of our technology. The same is going to be true in this, I just call it bluntly, trade war, economic struggle for development the world round.

And so we—I say we, Senator Danforth and myself—really studied it to make sure it was not pork. It was not included in an appropriations bill where you cannot find it. On the contrary, the industry itself must come with an application and 50 percent of the money in hand. Thereupon, it is reviewed by the National Academy of Engineering and, on peer review, the award is made, not by the Secretary of Commerce politically or the White House over a telephone call by the President, but on a competitive basis, on a peer-review basis and, therefore, it has maintained its integrity.

I have really stonewalled efforts on the House side as chairman and now as ranking member of this particular subcommittee that we were not going to write in any of those particular programs in our bills. We were not going to have pork, and it was done extremely well.

There have been some 276 awards made. I remember when the textile industry of my own State came and asked for support on a research endeavor, and I want to make this record so they will all look at it closely. They came before the National Academy of Engineering and could not qualify for the Advanced Technology Program, so they went over to the Department of Energy, got money and they got a $350 million research endeavor at Livermore Laboratory out in California under the Department of Energy where it could not qualify in the Department of Commerce. I know that intimately because of the genesis of the program and my position on the particular committee.

So we have been very cautious. When you get rid of the Advanced Technology Program, which I think would be one reason the White House has indicated a veto, everyone should understand why. Very minimal effort, but very, very important effort being made there.

Let me move, Mr. President, if you please, to the Cops on the Beat because I have not spoken at length, and the distinguished chairman of the Judiciary Committee, who has led the program itself, the institution of it, the Senator from Delaware, Senator BIDEN, will be. He has a couple of hours reserved. Members of his committee will be speaking on that point. But, yes, I have an experience with respect to block grants.

First, block grants are not authorized. Senator GREGG and I, when we met, we did not have that much of a stonewalling on different programs because they were not authorized, but we have experienced it in other conferences. The House Members, adhering to their authorizing committees, say we agree with you, we want that done, it cannot be in the conference report. It is not authorized. I have heard that for years on end—for 18 years, as either ranking member or chairman of this particular subcommittee on appropriations. This is not authorized. When it came up, the discussion on the Senate side for authorization, they passed that over. They did not want to debate that one. It is not authorized, not on the Judiciary Committee, and everything else. So here, trying to write in, you could raise a point of order under the rules, but we are not trying to waste time.

We ought to be home for Christmas right now. Something is wrong with this crowd. They do not understand life itself. They want to start meetings at 6 o'clock. They must not have a home to go to. At 6 o'clock, everybody else is home trying to get supper and go to bed and see the children, or otherwise. But not this group. They think, for some political reason, we ought to stay around and show that we are working hard late at night. But we are not paying the bills or getting anything done. They have not authorized block grants with respect to this one.

Now, they did under President Nixon. They called it the Law Enforcement Assistance Administration, or something, LEAA. We gave up the block grants. And I will never forget when President Carter came to town. He said, "Kill this turkey." It was an embarrassment. They were putting tanks on the courthouse lawn in Hampton, VA. I do not know who was going to attack the courthouse. They were buying airplanes to fly to New York to buy spring clothes for the Governor's wife, and they were giving out consultants. It was a good little political pork pot, where you could get anybody as a consultant. There were consultants all over everything. We spent $8 billion and we got nothing. We have done this.

There is no education in the second kick of a mule. There is no use trying to go through this one because somebody put it in the contract. The only reason it is in the contract is they are trying to get on top of the message that "We Republicans are more for crime control than Democrats are." The Democrats have the policemen on the beat program. There is nothing wrong with that, but "we want to put in our crime about the contract."

Nonsense. But that is what we have to go through with—it is not authorized—and try to change the entire program around, where again, the local law enforcement has to come with 25 percent of the money. And after 3 years, they are going to have to take it over. We have 26,000 cops on the beat.

I have been in law enforcement. For 4 years, I was the chief law enforcement officer in my State. I know it intimately. I can tell you that this is a wonderful endeavor that is working, nonpartisan-like. All these law enforcement officers and entities all endorse these block grants. But it is like delivering lettuce by way of a rabbit. By the time the police chief sees where his money is, yes, he might buy an extra radio, or get a consultant, or he might never get talked to. He will never see an additional officer on the beat. So we have done that. Let us not waste time and money on cops on the beat.

There is another endeavor I should emphasize in the opening statement, and that is the Legal Services Administration, and that I have had experience there. There have been those all the way back when it was first instituted, back years ago, when Legal Services—I will never forget I had to work with Senator Javits of New York on this one, and we had to enumerate the duties of domestic cases, landlord cases, employment cases, and otherwise, because we found that in going and sending money back to the Legal Services Corporation, they were hiring the demonstrators to come up here on the Capitol steps and call the Congress a bunch of bums on account of Vietnam. So we thought it was not quite smart to be financing our own opposition, and it certainly was not the intent; it was to get money in the hands of poor folks, who should get their day in court and could not because they did not have any money.

It was really started by the American Bar Association when our friend, Justice Lewis Powell, was then a practicing attorney and President of the American Bar. In one endeavor to try to get rid of it, we brought Justice Powell over, and they realized the authority and the thought and the responsibility of the endeavor that they more or less abandoned the idea of getting rid of Legal Services. But farmers do not like the poor migrant worker—who may be cheated out of his money and who has to move on and cannot take care of his family and everything else—getting a lawyer. So the farm crowd—I know them, I have them in my State—do not like that migrant worker. They can cheat him, run him off, do not give him housing, or anything else. He does not know anybody in your community or have any contacts there. Get rid of him. They do not like it, so get rid of Legal Services. It is the same thing in these big cities, with landlord-tenant problems. They never fix the pipes that freeze over, and they are trying to get water and everything else in there, and heat for the children. Throw them out on the street and, surely, do not give them a lawyer.

Come on. We know there is opposition to Legal Services. But, fortunately, on the Republican side we have the leadership of the former chairman of the subcommittee, PETE DOMENICI of New Mexico, and he led the fight. I am sorry we did not get enough money. The chairman of our subcommittee tried, and I tried, but we could not get any more. It is inadequate. We are looking at a veto on the second go-around. This is going to be a subject for concern and perhaps increase, hopefully, because it is a tried and true program. We put the language in. I agreed with the former chairman, the Senator from Texas, Senator GRAMM, that we should not use money to sue the State of New Hampshire.

I have watched these things every time you have these crowds that come around and want to grab the poor people's money and bring a mass action and go to the Supreme Court, and the lawyers sit around and eat it all up. They have enough money, those charitable legal defense funds, and everything else. Leave our Legal Services Corporation alone and do not sue the Governor or the legislature. That is for poor folks, not rich folks sitting around in Washington with their think tanks.

Senator GRAMM was correct, and I went along with him. I think that when we come on the second go-around, we are going to have to really beef up the Legal Services Corporation. There is a tremendous need now in our country, and we should not be cutting it back or trying to abolish it.

Finally, I will soon terminate and try to retain my time for others. Mr. President, we have the State Department that is the front line with that Commerce Department. With the fall of the wall, we ought to be extending democracy, freedom, and human rights to the world around with our Department of State. They finally are falling in line on a business basis.

You had the diplomats in years gone by where they were annoyed with American industry and business trying to get business in a foreign land. Now, under Secretary Christopher and under Secretary Brown, they are working in tandem, because they have to if we are going to survive. They are working in tandem, trying to open doors now by business leadership so they can compete.

We need these embassies around. They are trying to close down Edinburgh, Scotland. Bad mistake. They are trying to close down Florence, Italy. The educational institutes of this land—they have some 10,000 American students there. There are various cases and visa matters and everything else coming back. Close it down and run it through Rome, you will spend more money, sell the property and lose it.

So we have tried our best, yes, to close those that are not needed, open up the new ones in the 14 Republics of the former Soviet Union, but more than anything else, strengthen our consular service and cut out all the Departments of Government, keeping their endeavors upon the Department of State.

Specifically, there is no reason—go down to Caracas, Venezuela; they want the FAA to have something go down there, and then the head of the FAA has a reason to go and travel to South America. The IRS would like to come in and they would like to have offices around in foreign lands, and then the hierarchy of IRS can get in a plane and they can travel around.

Now, we have the FBI, which I think is a mistake, because you have the CIA, and the FBI is going to be arresting CIA agents. You watch it. We have always tried to keep that division with respect to intelligence. With respect to law enforcement, do not ever put your law enforcement in another man's country. It is ineffective. It is a mistake. But they are now endeavoring to put FBI around there.

They ought to put them down on 14th Street in this city. We do not have enough law enforcement. That is why we have the Cops-on-the-Beat Program. We have enough crime in America, much less chasing it around in the various lands.

But they like to travel. When they do, the poor Ambassador is the landlord, and he looks around and he has more and more and more people assigned to him and half of his budget is already gone; there is a housekeeper in the embassy and he cannot get his work done.

Mr. President, I hope we can cut back on some of that that is going around. If we want to try and help the State Department, we ought to embellish their effort. We ought to acknowledge very genuinely, Senator GREGG, the chairman, Mr. ROGERS, and their staffs on the other side. It goes without saying Scott Gudes on my side, I could not operate without him, and we have David Taylor, Scott Corwin, Lula Edwards, and Vas Alexopolous on the majority staff. So we look forward to a very compatible working together on this particular measure.

It has 128 entities in it. You have the special Trade Representative, you have the Arms Control and Disarmament Agency. They could really spend the day talking about what we have done, how we cut back on the money. We have cut back; it is far less. This is $1.5 billion less than what the President of the United States asked for. We have been in step with the "seam," so to speak, of the revolution with the cut in spending. The distinguished chairman and I both believe we should cut spending, but it should be done in the right places.

I could go right to the point of the International Trade Commission. Why have a jury find the fault of a dumping violation and then have a different jury find the actual sentence or injury? In fact, there are a bunch of sycophants that are fixes for "yack-yack" free trade. There is no such thing, but every time we find a dumping violation they can never find an injury. We can save $43 million getting rid of that crowd, let the same entity, namely, the International Trade Administration—be like the jury in a case that finds the guilt also decides the sentence. You do not waste time and have another bureaucracy reexamining.

There are many places that we can go along with the spirit of the revolution in the Contract, but this is not one of them, where you want to abolish the Department of Commerce.

I reserve the balance of my time.

Mr. GREGG. I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent a statement of administration policy on this particular bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 2076—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1996

(Sponsors: Livingston (R), Louisiana; Rogers (R), Kentucky; Hatfield (R), Oregon; Gregg (R) New Hampshire)

This Statement of Administration Policy provides the Administration's views on H.R. 2076, the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1996, as approved by the Conference Committee. Your consideration of the Administration's views would be appreciated.

The Administration strongly opposes several aspects of the Conference Report. For the reasons discussed more fully below, the President would veto the bill if it were presented to him in its current form.

The bill would provide insufficient funds to support the important activities covered by this bill. It would undermine our ability to fight the war on crime and to support international organizations and peacekeeping activities; decimate technology programs that are critical to building a strong U.S. economy; and cripple our ability to provide legal services for disadvantaged individuals.

PROGRAMS TO FIGHT CRIME

The bill would eliminate the COPS program and, instead, fund a law enforcement block grant program that would allow spending on anything from street lights to public works projects. The American public has shown a clear desire for additional police to work hand-in-hand with communities to fight crime. The block grant approach would not guarantee a single new officer. COPS is a proven success and should be maintained as a separate discretionary program. The COPS program has reinvented Federal grant making, putting grant monies into the hands of local agencies on an expedited basis. A block grant program cannot accomplish what the current program has done.

The President would not sign any version of this appropriations bill that does not fund the COPS program in its authorized form.

Similarly, the bill fails to ensure funding for important crime prevention activities, most notably so-called "drug courts," the Community Relations Service, and the President's Crime Prevention Council. In addition, there are reductions below the request for the President's immigration initiative. The Administration urges the Congress to support increased funding for these vital programs, as well as the continuation of the Associate Attorney General's Office.

The prison grants "Truth in Sentencing" provisions of the bill would disproportionately and unfairly benefit a small number of States, deprive some States of any funds, and harm many States—including some with very strong sentencing policies. In addition, the provisions would generate delay in the awards of much needed prison grant funds for all States.

TECHNOLOGY PROGRAMS OF THE DEPARTMENT OF COMMERCE

The Administration urges the Congress to support the technology programs of the Department of Commerce that work to expand our economy, help Americans compete in the global marketplace, and create high quality jobs. The conference level would eliminate funding for the Advanced Technology Program (ATP) and prohibit new awards, which is unacceptable to the Administration. ATP is a highly competitive, cost-shared program that fosters technology development, promotes industrial alliances, and creates jobs. Eliminating ATP funding would force wasteful cancellation of ongoing research projects before they are complete. The ATP program was created with bipartisan support, which it continues to deserve.

The bill also would sharply reduce funding for the National Information Infrastructure (NII) grants program. The NII program assists hospitals, schools, libraries, and local governments in procuring advanced communications equipment to provide better health care, education, and local government services. The conference level would eliminate funding for the GLOBE program, which promotes knowledge of science and the environment in our schools. The Administration is also concerned about reductions below the request for the Manufacturing Extension program.

The Administration is concerned with the funding levels provided for the Technology Administration to fulfill the U.S. Commitment for the U.S.-Israeli Science and Technology Commission and to maintain valuable technology analysis and advocacy work at a time of increasingly fierce global competition. The Administration seeks additional funding for economic and statistical analysis and for the Census Bureau. In addition, we are concerned about the level of funding for the Economic Development Administration Defense Conversion program.

LEGAL SERVICES CORPORATION

The Administration is greatly concerned with the conference funding level for the Legal Services Corporation (LSC), which would cripple the ability of the Corporation to serve people in need, and urges the Congress to restore funding for the Corporation. The Administration does not support the excessive restrictions on LSC operations contained in language provisions in the Conference Report. The restrictions imposed on the representation of clients unduly limited their access to the justice system. An allocation of $9 million for management and administration is essential to permit Corporation management to meet its statutory responsibilities, which include for the first time the awarding of grants on a competitive basis.

INTERNATIONAL PROGRAMS

The Conference Report includes a 50-percent reduction to Contributions to International Peacekeeping Activities and a 24-percent reduction to Contributions to International Organizations, which fund the treaty-obligated U.S. share of activities of the United Nations, International Atomic Energy Agency, NATO, and others. These activities support important U.S. national security and foreign policy interests including, among others, the Middle East (including Israel's borders and Kuwait/Iraq), weapons nonproliferation and safeguards activities, sanctions against international renegade countries, promotion of an open international trading framework, control of diseases such as Ebola viruses, and promotion of human rights. These reductions would impair the ability of the U.S. to carry out and safeguard important U.S. interests around the world. Also, without restoration of funding for these accounts, the Administration would be severely hindered in the pursuit of much needed reforms at the organizations.

In addition, other international affairs programs of the Department of State, the Arms Control and Disarmament Agency, and the United States Information Agency, are reduced to levels that would hinder the execution of important national security and foreign policy activities. Finally, the Administration regrets the inclusion of extraneous language in the bill related to the presence of U.S. Government facilities in Vietnam.

OTHER ISSUES

The Administration objects to section 103, which would prohibit the use of funds in the act for performing abortions, with certain exceptions.

In addition to the issues discussed above, the Administration would like to work with the Congress to address the other concerns that were outlined in the conferees letter of November 6, 1995.

Clearly, this bill does not reflect the priorities of the President or the values of the American people. The Administration urges the Congress to send the President an appropriations bill for these important priorities that truly serves the American people.

Mr. GREGG. I yield 10 minutes to the Senator from North Carolina.

Mr. HELMS. I certainly appreciate being yielded to by the distinguished Senator from New Hampshire. I thank the Chair.

Actually, I came to the floor at this moment to pay my respects to Chairman GREGG, who is our distinguished colleague from New Hampshire, for his having brought the Commerce, Justice, State appropriations conference report to the floor. I know he enjoys working with our distinguished friend from South Carolina who has been here 29 years and who is still the junior Senator from North Carolina, but FRITZ HOLLINGS is a wonderful friend, as well.

Both Chairman GREGG and Chairman GRAMM, who recently inherited the CJS issues, have done outstanding work in consulting and actively cooperating with the authorizers of the Senate Foreign Relations Committee.

Now, Senator GREGG served on the Foreign Affairs Committee before accepting his current responsibilities on the Appropriations Committee. I have to say to him, we miss the distinguished Senator from New Hampshire on the Foreign Affairs Committee, but we are grateful, as a member of the Senate Appropriations, he remains a strong and steadfast advocate for the concern of the American people relating to foreign policy.

While the CJS conference report does not contain everything that I wanted, it is consistent with the thrust of S. 908, the State Department reauthorization bill. A great many of us have worked hard to craft the legislation to prepare the Department of State for the challenges of the future.

I confess, from time to time, Mr. President, I have been discouraged that the administration and many of our colleagues on the other side have deliberately blocked every effort to permit the Senate even to debate and vote on this important reorganization legislation.

I have been encouraged by recent events that we may finally see a Senate vote on a State Department authorization bill, perhaps as early as this evening or tomorrow.

We shall see about that. The actions of the CJS appropriators have been instrumental in causing the administration to recognize that the issue of reorganization and consolidation is not going to go away.

I am very appreciative of the actions of Senator GREGG and Senator HOLLINGS and others to stipulate that this appropriations conference report waives authorization only until April 1, 1996. Now, this key provision will require the administration and the Congress to act on an authorization bill for 1996.

Without an authorization bill, the authority to spend appropriated funds for the State Department and other related agencies will expire on the first of April next year.

Now, as I mentioned earlier, the issue of reorganization and consolidation of the foreign policy apparatus of the United States is not going away. Every day that the administration refuses to plan for the future, the State Department is going to pay a price for it.

I hope that we can move the authorization bill into conference to provide the administration with the authority and the flexibility needed for a successful restructuring of its operations. If President Clinton does not find this legislation acceptable, he will provide the Senate with yet another opportunity to revisit the consolidation issue on this appropriations bill.

In any event, it is my understanding that the administration opposes this conference report because, first, it provides $223 million less for international operations spending; second, it reduces the President's request for peacekeeping operations by $220 million; third, it cuts the State Department salaries-and-expenses spending by $50 million; and, fourth, the President does not like it because it reduces the State Department's foreign building spending by $36 million, including a $60 million rescission. The fact is, this conference report requires the administration to cut spending, and that is what the President does not like. That is what the whole argument has been about all along. I wish it could also force the President to reduce the size of the Federal bureaucracy, but we can work on that later.

However, as a practical matter, Senator GREGG's initiatives to reduce funding levels in this bill will require the administration to restructure its efforts so as to meet reduced funding levels. H.R. 2076 is approximately $500 million below the authorization levels of the Senate Foreign Relations bill. At a time when the Federal Government is approaching the $5 trillion Federal debt mark, the work of Senators, like Senator GREGG and Senator HOLLINGS and others, is most encouraging.

At my request, and I am so grateful to him, Senator GREGG included a 4-year extension of the Au Pair Program. There is a similar provision in S. 908, the State Department reorganization bill. The Au Pair Program expired on September 30, and that has caused great hardship among many working parents. Senator GREGG agreed to include the extension of the program in the appropriations bill, since Au Pair enjoys wide support.

So, in summation, I come here to thank the two managers of the bill. My friend, Senator GREGG, has particularly been helpful, working with me. He has made some very wise and reasonable decisions in this bill. I congratulate him. I congratulate Senator HOLLINGS, and I urge our colleagues to support the CJS conference report.

Mr. President, if I have time remaining, I yield it back and I thank the Senator.

Mr. GREGG. Mr. President, I thank the Senator from North Carolina for his generous remarks. His assistance and guidance and thoughts on this bill were extraordinarily helpful to me. Obviously, coming to this bill at a late date, it was very nice to have the chairman of the Foreign Relations Committee there to give me his thoughts and help us in crafting the bill. I very much appreciate that.

At this point, I will suggest the absence of a quorum——

Mr. HOLLINGS. If the Senator will withhold just a minute, the Senator from North Carolina, the chairman of our Foreign Relations Committee—let me say publicly, which I have told colleagues along the line, the initiative of our distinguished chairman of the Foreign Relations Committee to blend in the U.S. Agency for International Development Program, the U.S. Information Agency, the Arms Control Disarmament Agency, and the other particular programs that they have in the Department of State is, I think, a salutary initiative on the chairman's part.

I have worked the budgets. Specifically, if they appointed me the Under Secretary of State in charge in Africa, I could look over and could designate the needs. At the present time, if I did, the AID Director would say, "Oh, no, this is where we are going to put it." And he has all the money.

We need a coordinated effort. We can save, really, millions with the particular initiative. I happen to know, as he knows, five Secretaries of State have recommended this. I intend to support the distinguished chairman of our Foreign Relations Committee. I state that as having been at the financial end of these endeavors on appropriations for over 25 years now.

Mr. HELMS addressed the Chair.

Mr. GREGG. I yield to the chairman as much time as he desires.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have enjoyed working with both of these Senators—a little longer with Senator HOLLINGS, because he and I have been around here longer. But the Senators from New Hampshire and South Carolina are remarkable Senators. And I appreciate your comments, Senator HOLLINGS. I thank Senator GREGG.

Mr. GREGG. Mr. President, at this point I suggest the absence of a quorum and ask the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 15 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Thank you, Mr. President.

Mr. President, I rise today to urge my colleagues to support passage of the Commerce, Justice, State appropriations bill as it has come from the Appropriations Committee so that we can get it to the President. As everyone is well aware, the President has signaled that he will veto this bill. We need to pass the bill and then begin the task of fixing any of the remaining problems contained in this legislation.

We are at a watershed moment in this Nation's history. We are deciding whether or not we will have a balanced budget or whether we will continue to plunge our Nation into debt and mortgage our children's futures. This bill represents one piece in the puzzle to achieving a balanced budget. While imperfect, this legislation nevertheless represents an honest effort to achieve a fiscally responsible Federal budget.

Of course, there are programs that I would like to receive more money. I am sure there is not a single person sitting in this Congress who would not want to spend more money on some particular program or issue. This bill, however, represents a compromise between our desires, and our true, fiscally responsible, law enforcement needs.

To my colleagues that voted for the balanced budget amendment, I would ask them to vote for this bill. To my colleagues who voted against the amendment, but believed we needed a balanced budget and could achieve such a budget, I tell them now is their hour. Now is the time. This is an opportunity for them to prove that they can exercise the discipline and restraint needed to achieve a balanced budget.

Even with the cuts necessary to achieve a balanced budget, I would note that the Department of Justice receives a nearly 20-percent increase over fiscal year 1995. The violent crime reduction trust fund, moreover, will be increased by some $1.6 billion. While the conference bill does not provide federal law enforcement with as much money as I might otherwise want it to, it nevertheless represents an enormous commitment to fund core federal law enforcement programs.

For example, the conference report provides the Immigration and Naturalization Service with nearly $2.6 billion. This represents a 23.5-percent increase over fiscal year 1995 enacted levels. The conference agreement provides funds for 800 new Border Patrol agents and 160 new support personnel.

If you look at this chart, the Department of Justice budget authority between 1990 and 1996, you can see that it is going up dramatically from around $8¼ billion up to almost $16 billion. It has almost doubled in the last 6 years. So we are spending an awful lot of money, and I think doing it in the right way.

The bill also increases, by some 1,400 positions, personnel dedicated to apprehending, locating, and deporting illegal aliens.

The FBI receives over $2.5 billion, a 9.8-percent increase over 1995 enacted levels. Additionally, construction funds are provided to renovate the FBI Command Center, to modernize the FBI Training Academy for use by Federal, State, and local law enforcement officers, and to begin construction on a new FBI laboratory.

Similarly, the U.S. attorneys offices receive an over 8.5-percent increase in funds compared to the 1995 enacted levels.

The DEA receives some $806 million, a 6.4-percent increase over last year. This provides DEA with funds to improve its infrastructure and to better support investigative efforts.

In addition to these law enforcement expenditures, the bill also fully funds the Violence Against Women Act, legislation that I worked on with Senator BIDEN to get passed last year. As most of my colleagues are aware, I have long opposed programs I believed were mere pork projects. In fact, I led the battle against last year's crime bill because I felt that it had ballooned in terms of unjustified costs. The Violence Against Women Act, however, is an important program that deserves to be fully funded. The act provides funds for: rape prevention education; battered women shelters; the investigation and prosecution of domestic violence and child abuse in rural areas; treatment and counseling programs for victims; and grants for developing community domestic violence and child abuse education programs.

These programs are vitally important. Prosecutors and police officers must become more sensitized to the problem of violence against women. Women who are abused by their spouses must have a place to stay and must have counseling available to repair their shattered lives. Resources need to be channeled to stem the tide of violence directed against women.

According to Justice Department data, nearly a half-million women were forcibly raped last year. Some studies estimate that the total number of rapes, including those not reported to authorities, may exceed 2 million.

Similarly, domestic violence strikes at the heart of the most important political unit in America—the family. The family should be a safe harbor for those tossed about by the storms of life, not a place of abuse or degradation.

The act is one small, albeit vital, step toward addressing the problem of family violence, and violence against women generally. A vote for this conference bill means a vote to combat violence against women.

The conference bill also contains legislation I introduced with the distinguished majority leader to reform frivolous prison litigation. This landmark legislation will help bring relief to a civil justice system overburdened by frivolous prisoner lawsuits. In 1994, over 39,000 lawsuits were filed by inmates in Federal courts, a staggering 15-percent increase over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent of these suits are dismissed before the pretrial phase, and only a scant 3.1 percent have enough merit to reach trial. In my home State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. The crushing burden of these frivolous suits is not only costly, but makes it difficult for courts to consider meritorious claims.

Indeed, I do not want to prevent inmates from raising legitimate claims. While the vast majority of these claims are specious, there are cases in which prisoners' basic civil rights are denied. Contrary to the charges of some critics, however, this legislation will not prevent those claims from being raised. The legislation will, however, go far in preventing inmates from abusing the Federal judicial system.

They will have to pay something to file these charges, and that stops a lot of the frivolous cases right there. And there are other mechanisms that will make them think twice before they file frivolous law suits.

This legislation will also help restore balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is time to lock the revolving prison door and to put the key safely out of reach of overzealous Federal courts.

As of January 1994, 24 corrections agencies reported having court-mandated prison population caps. Nearly every day we hear of vicious crimes committed by individuals who should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such caps are a part of the problem. While prison conditions that actually violate the Constitution should not be allowed to persist, I believe that the courts have gone too far in micro-managing our Nation's prisons.

This bill also contains important changes to the Prison Grant Program. The conference bill provides nearly $618 million in grants to States to enable them to engage in the emergency buildup of prison space and to encourage the States to adopt tough truth-in-sentencing laws. In contrast, the President requested only some $500 million for prison grants.

The conference bill makes four key changes to the prison grants provisions included in the 1994 crime bill:

First, it authorizes significantly more resources to assist the States in implementing a much-needed emergency buildup in prison and jail space.

Second, it removes onerous and unnecessary Federal strings that were attached to the 1994 grant program, and that would have eaten up a significant portion of the grant money provided.

Third, it ensures that the Federal money will be used to increase available prison space, instead of permitting the funds to be used for a variety of so-called alternative sanctions, which would have left the States in the same dire need of prison space at the end of the grant program as they are now.

Finally, it includes meaningful incentives—not mandates—for the enactment of State truth-in-sentencing laws.

Prison crowding in many of our States has reached crisis proportions. The average prison system in the United States is operating at 112 percent above its rated capacity. In 24 States, prisons are under court-ordered population caps. And, in 1993, an estimated 21,000 inmates in 18 States were released under so-called emergency release programs to relieve crowding—the "Corrections Yearbook," 1994. In other words, 21,000 criminals were returned to the streets not because they were no longer a threat to law-abiding citizens, but merely because there was not enough room to keep them in prison.

The Federal Government, of course, cannot solve this crisis for the States. But it can and should provide meaningful emergency assistance.

This bill also provides meaningful incentives for States to enact truth-in-sentencing laws. At least 50 percent of the funds under this program are reserved for States that practice truth in sentencing. It is appropriate for the Federal Government to encourage the States, through the provision of extra funds, to adopt truth-in-sentencing laws that honestly tell citizens—and warn criminals—what the penalty is for breaking the law. This does not mean that the Federal Government should dictate any particular sentencing system or sentence length. But it does mean that those States with criminal justice systems that mean what they say should be rewarded.

I would like to briefly dispel a misconception about this truth-in-sentencing provision. Some of my colleagues are concerned that this provision will mandate that States adopt long sentences that they cannot afford to impose. This is simply not the case. The issue is not sentences of any particular length, rather, it is truth in sentencing. Recent data from the Bureau of Justice Statistics demonstrate that as of 1991, State prison inmates serving sentences for violent offenses expected to serve less than half of their sentences.

The data also show that the inmates' expectations were accurate—violent prisoners released in 1994 served an average of only 46 percent of their sentences—"BJS Selected Findings, Violent Offenders in State Prison: Sentences and Time Served, July 25, 1995." Moreover, in 1991, the Department of Justice reported that the average murderer was sentenced to 20.5 years, but served only 7.7 years; the average rapist was sentenced to 13.3 years, but served only 4.6 years; and the average robber was sentenced to 9.9 years, but served only 3.3 years. This is outrageous.

Continued public confidence in our criminal justice system requires that sentences mean what they say. A 20-year sentence should not mean release in 7 years, once a person has committed a murder and been convicted of it. This legislation will provide the States with grant incentives to ensure that violent criminals serve the sentences imposed.

Furthermore, Federal incentives work. A recent report from the National Institute of Corrections stated that of the 29 States that considered truth-in-sentencing legislation in the 1995 legislative session, 60 percent reported that Federal incentives were a significant factor, and 20 percent reported that these incentives were the main or only factor.

Thus, even under last year's weaker truth-in-sentencing provisions, progress is being made. However, this bill is necessary to protect those gains and ensure that they continue. Under last year's bill, States may qualify for truth-in-sentencing funds by enacting laws providing for truth in sentencing only for second-time violent offenses.

Even more astonishing, States that do nothing to change their laws could end up with a chunk of the truth-in-sentencing grants by simply waiting for the funds to revert to the general grant fund, as the last year's bill provides. Keeping faith with the States that have made legitimate strides in their area requires that we eliminate these potentially unfair loopholes.

It is also vital, however, that we provide allowances for differences among state correctional policies, and not penalize States that practice indeterminate sentencing, yet do an admirable job of keeping violent criminals off the streets. My home State of Utah, for example, employs a release guideline system that allows the board of pardons to keep the worst criminals off the streets longer than would be possible in many determinate sentencing systems. This amendment accommodates successful indeterminate sentencing States.

Finally, I would like to address the law enforcement block grant proposal. While I do not fully support the language of the current proposal, I nevertheless believe we should pass the conference report and fix the problems after the President returns it to us. This proposal improves, at least in certain respects, the administration's so-called COPS Program. I understand that the President prefers the COPS Program, but I believe that a block grant program better supports the local communities law enforcement needs.

To begin with, this program moves us away from the Washington-knows-best philosophy. The proposal returns responsibility to frontline local law enforcement officials. If, for example, a community believes community-oriented policing works best in its jurisdiction, it can hire police officers and structure a community policing program. If, however, the community needs bullet proof vests or communications equipment, it can buy that equipment with these funds.

A serious problem with the so-called COPS Program is that the award is entirely discretionary. It lacks a solid formula and instead depends upon the good graces of Washington bureaucrats to distribute the money.

The conference report, however, establishes a formula to distribute the money on a fair, consistent basis. Communities will no longer have to wonder whether or not they are going to receive a grant.

This proposal also contains a lower matching requirement than the President's program. Therefore, poorer communities can hire more police with less of a financial strain on the community. By lowering the match, we do not penalize poorer cities that cannot afford it. This is what the American people want—assistance in handcuffing criminals not handcuffing communities.

Critics complain that a block grant will lead to the abuses of the old LEAA Program of years past. I would note, however, that LEAA did far more good than harm. And many of the LEAA grants occurred before the professionalization of the Nation's police forces. I do not believe that the excesses that occurred under the LEAA would occur under the proposed legislation. Indeed, I think that the Byrne grants stand as a testament to the ability of local communities to wisely look after their own best interests.

While this conference report is imperfect, I encourage my colleagues to support it and permit us to fix any remaining difficulties after the President has vetoed it. In closing, I would just like to thank Senator GREGG for his work on the report. He has consistently sought out the views of the Judiciary Committee and has attempted to incorporate our views into the final product. I look forward to working with Senator GREGG.

Mr. HOLLINGS. Mr. President, I yield—5, 10 minutes?

Mr. BRYAN. I would appreciate it if the Senator will yield 10. I probably will use less.

Mr. HOLLINGS. I yield 10 minutes to the distinguished Senator from Nevada.

The PRESIDING OFFICER (Mr. KYL). The Senator is recognized for 10 minutes.

Mr. BRYAN. I thank the distinguished Senator from South Carolina.

Mr. President and my colleagues, I wish to express my profound disappointment that the U.S. Travel and Tourism Administration funding is not included in this bill.

I know that my friend and the ranking member of the Commerce Committee, Senator HOLLINGS, proudly and rightly proclaims himself as one of the founding fathers of this very important function. We are talking about something that in the current year is funded at a modest level of $16 million. It is a program which has enjoyed bipartisan support. I wish to emphasize that. When we came to the floor earlier this year to amend the Senate version to continue it for a 1-year transition, a 1-year transition of $12 million in funding, we had the support of Senators MCCONNELL, HOLLINGS, MURKOWSKI, INOUYE, THURMOND, DASCHLE, and many others.

So the point I wish to make to my colleagues is that this is not an issue which had as a cutting or defining edge any sense of partisanship. We had broad bipartisan support.

Why do I think this is such an important function? First of all, tourism is either the No. 1 or No. 2 or number No. 3 industry in every State in America. It generates $417 billion annually and is recognized as being, with the possible exception of the health care industry, the largest employer in America.

In the context of our difficulty with the international trading accounts, where the United States suffers from an enormous trade imbalance, when all of those individual categories are added together, it is a shining example of where we enjoy a trade surplus, net trade surplus, of some $22 billion.

So this is an agency that is worth every penny that is expended. Putting this in the context of what is happening in the world today, out of the 175 major countries in the world, we will be the only one without some type of a national tourism office. The timing of this, it seems to me, is particularly bad. We are talking about jobs, travel tourism provides 6.2 million direct jobs, and is growing at twice the rate of job growth in the national average.

So this generates economic growth here at home, jobs, $417 billion in the economy. In terms of the international trade, we have a net surplus of $22 billion. And all we sought to accomplish in this bipartisan amendment was to keep the agency funded for one more year, one more year, at a level of $12 million.

What the conference report did, it seems to me, is absolutely indefensible, both in terms of philosophy as well as pragmatism. It will cost us under the provisions of this conference report, to terminate this agency immediately, $8 million. We get nothing for that $8 million. It simply represents severance pay to existing employees and the various costs that are incurred in terminating existing contracts. I mean, it is like cutting off your nose to spite your face.

This makes no sense at all, Mr. President. And I know the distinguished occupant of the chair from my neighboring State knows how important tourism is to his own State. We share a common interest in one of nature's great wonders in the Southwest, the Grand Canyon.

International tourism is driven to a large extent in our part of the world because of the interest and desire in seeing this great wonder of nature. We spend less than Malaysia, Tunisia, countries that are not ordinarily identified as states that are in the vanguard of promoting tourism.

So I must say that I think we miss a tremendous opportunity here. We just had a very, very successful White House conference on tourism. Bipartisan in every sense. It is the first time in the years that I have been involved in the tourism movement. And I was very much involved, as the Governor of Nevada, in putting together, in our State, a strategy at the State level to develop a comprehensive approach to tourism that compliments what is done with the local visitor and recreation authorities, particularly in the Las Vegas and Reno areas, where the two most active authorities exist, putting together that partnership which made it possible for us to generate the largest growth of tourism that has occurred in the history of Nevada.

So I must say that I am extraordinarily disappointed in this. It is bipartisan in every sense. We ought to, it seems to me, in the interest of making some sense, see if we cannot at least keep this agency one more transitional year.

In that sense I certainly would invite comment from either the floor manager or the minority floor manager here in terms of, do we have any chance, my colleagues, of getting this funding, as the President indicated he is going to veto the bill so it will come around again.

I certainly would pledge to work with the distinguished floor manager from New Hampshire, my long-time friend, the former chairman of the Senate Commerce Committee and one who actually presided at the birth. This ought not to be an issue that divides us, Mr. President, on partisan grounds because it has broad bipartisan support. The Governors support it. The private sector is most energized, and as I say, this White House tourism conference was the first time in years I have been involved where we actually brought in every segment of the tourism industry, focusing on a strategy of how we can increase our international travel.

I would certainly invite comments from my friend, the Senator from South Carolina.

Mr. HOLLINGS. If the distinguished Senator will yield, Mr. President, let me first acknowledge the leadership of the chairman of our tourism caucus. As he has indicated, he has correlated a most wonderful coordinated effort on both sides of the aisle and more or less some on the House side.

But I say to the Senator, in responding—I must say that the House conferees were pretty adamant. The Senator had the cooperation of our distinguished chairman. The Senator had the cooperation of this particular Senator. And we continue to do our very best. But I can tell the Senator, they were pretty intransigent on the House side.

Mr. BRYAN. I am not unmindful of the difficulties that occur in trying to reconcile differences between the two bodies.

I say to the distinguished chairman of the subcommittee, the floor manager, the Senator from New Hampshire, I pledge to work with him as well to—this is not a partisan issue. And I would certainly, if he has any thoughts in terms of how I could be helpful, those of us who have spent a good bit of time in trying to work out a reasonable compromise, reorganizing that the agency is going to be terminated at the end of the next fiscal year under the proposal that we advanced as a compromise measure, I certainly would be happy to be guided by his suggestion in terms of how we might approach our colleagues in the House who are perhaps less informed about what this means to all of us.

Whether we are from the West, the Northeast, the South, wherever, clearly we have an industry which is growing enormously. We are going to have 661 million people that will be traveling throughout the world by the turn of the century. And America is the travel bargain of the world. I certainly would be happy to yield to my friend from New Hampshire and take any suggestions that he might have in terms of how one might work with him and our Senate colleagues who understand how important this is.

Mr. GREGG. I certainly appreciate the Senator from Nevada's interest in this, and his understanding of the importance that tourism plays in the economy, obviously of his great State, but many of our States, tourism being the largest employer in the State of New Hampshire.

However, I think the concerns that the House raised had some credibility. They were concerned about the fact that this agency, although on a theoretical downward glidepath toward being eliminated, may actually have a certain Phoenix-like quality to it, as a result of the conference may actually be coming back to us with the request for funding which would be in the multiple millions of dollars, approximately $50 million as a joint venture exercise.

So I think they decided that rather than go through the gnashing of teeth and trauma of fighting this battle a year from now, to fight it now and terminate the agency. They were very insistent in their position. I suspect that it will be difficult, depending on how this bill comes back, to change that position.

But I am certainly happy to sit with the Senator and work with him on any ideas that he might have. I think the real concern here is that we be on a glidepath to termination and that we not be on a glidepath that is sort of a touch and go.

Mr. BRYAN. I appreciate my friend's comments. If I might respond and engage him in a constructive colloquy. The $50 million that the Senator made reference to is $50 million of private-sector capital. As I am sure the Senator from New Hampshire is aware, at the White House conference one of the reasons that was part of the compromise—which was accepted by the Senate—that was crafted in the fashion in which it was was that we recognized that the agency would terminate at the end of this fiscal year under the proposal the Senate embraced. Therefore, during this transitional year the industry would have to come up with this $50 million.

I say to the Senator—I know he knows this; perhaps our House colleagues have not followed as closely; again, I would certainly be delighted to work with him—that $50 million is not an attempt to come in sideways or in the back door to get $50 million Federal dollars. I can represent to the Senator from New Hampshire that, if we can get this compromise in a future conference report, because the President indicated he is going to veto this, that I will represent to him it will be my intention to oppose any attempt to extend the agency beyond that year, based upon a representation that we made on the floor.

So I am not part of any effort, I can assure my colleague, to just keep it alive this year and then argue, "Well, look, we need to keep it alive another year." This is $12 million. This is it. And this is the transitional year for the industry.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. GREGG. Mr. President, I yield myself time.

The Senator from Nevada has expressed a good case in the context of "we are going to terminate this agency; is it $12 million or $2 million we need to do that." The concern the House raised, I think, is a legitimate concern.

I want to give a very distinct clarification on this. As I understood the small business conference report, they wanted to follow, or suggested they follow, the Canadian system where the private sector does put in $50 million, but the Government puts in a matching amount, and that there is, if not stated, at least an implication we are going to end up with a joint program involving the Federal Government or a request for a joint program involving the Federal Government once the private sector has raised the $50 million. I think that is the concern. That type of contingent, potential liability should be nipped now rather than get into the fight at a later date.

We will certainly rejoin this issue when we get the bill back, and I appreciate the Senator's thoughts.

Mr. BRYAN. Will the Senator yield for the purpose of a single question?

Mr. GREGG. Certainly.

Mr. BRYAN. Let me say, clearly the decision that we deal with is, what do we do during this critical year? I understand the concern that may be addressed as to, will there be a request next year or the year thereafter? I put my own credibility on the line and tell the Senator that, to his House colleagues and to our House colleagues who may have that concern, this is not a guise to come back next year or the year thereafter. This, I think, is a very practical way to deal with the situation, which we all acknowledge that the Agency is going to be terminated after the end of the year, as a practical matter. For $12 million, we get the benefit of a functioning Agency; for $8 million, we get no benefit at all and simply pay folks to terminate contracts and for severance pay.

To the extent I want to be helpful, I assure the Senator I want to work with him and encourage him to use his own legendary persuasive skills as a former chief executive of his own State. I have some sympathy and understanding of how effective the Senator can be. Our distinguished friend from South Carolina also served as a chief executive of his State. So, together, we can work on this. We are only talking about $12 million. I think we may be able to get that back in.

I thank the Senator.

Mr. GREGG. I appreciate the comments of the Senator from Nevada. Probably the best way we can get that money is to get the entire Congress out of here for Christmas.

At this point, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, it is my understanding that there is roughly 1 hour 40 minutes under my control. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. Mr. President, I yield myself such time as I may use up to that point.

I rise today in opposition to the Department of Justice appropriations in this conference report and an attempt by my Republican colleagues to rewrite the anticrime legislation on an appropriations bill.

In my view, it is a lousy idea to rewrite crime policy on an appropriations bill, wiping out major programs the Senate created only last year after 6 years of extended debate and replacing it with new programs without review or debate and doing it all on an appropriations bill. It is unnecessary, in my view, and it is completely contrary to how the Senate has traditionally worked.

I assume—and I see the distinguished chairman of the appropriations subcommittee is here—I assume it is because you cannot get the votes straight up and down to change the law through the authorizing process, because I have not seen anybody come here to the floor and say they do not want 100,000 cops. I have not seen anybody come to the floor and say they do not want the prison money the way it is allocated. The argument goes on. But it is kind of doing it in a way that obviates that kind of debate, discussion and votes on individual items within the crime bill.

We all know that the Republicans have wanted to change the crime bill, and they have wanted to change it since it was passed, I assume in part because it has a Democratic label on it. I have not heard many other compelling reasons why it is a bad idea. But they say it is in their Contract With America to change the crime bill. I do not know anywhere under the Contract With America the American people said they do not want 100,000 more cops. I do not know of any police under the Contract With America who say they do not want to build any more prisons or who say they want to go back to the old LEAA days where cops could buy Dick Tracy watches, and small municipalities could buy armored personnel carriers, and you could spend money on public defenders instead of on a cop, which you can do now the way the Appropriations Committee has rewritten this legislation.

I do not recall anybody who ran as a Republican on the Contract With America campaigning on those issues. The fact is that Senator DOLE and Senator HATCH at least had the good grace to straightforwardly introduce a bill to change the 1994 crime law, and they have every right to try to do that. They introduced such a bill, but they have not chosen to act on it. No one has called up the crime bill.

Where is the crime bill? I have been hearing since the day that Mr. GINGRICH became Speaker and the Democrats lost control of the Senate that one of the first items on the agenda was a Republican crime bill. Well, bring it on. Where is it? Where is the Republican crime bill? Let us debate it. But, no, the Republican crime bill is now in the appropriations bill, allowing everyone to go back home and say, no, I did not eliminate the 100,000 cops; I did not eliminate the drug courts; I did not do that; I did not change any of that. All I did was vote for an appropriations bill to give you more flexibility.

Translated, you do not get 100,000 cops. Translated, you do not get what is in the crime bill. Where is the Republican crime bill? Please bring it to the floor. I have been waiting to debate it. I can hardly wait. But it looks like I am going to wait until the next Congress, assuming I am here, which is not an assumption I am relying upon.

This is a blatant attempt to sidestep the usual process in this body and, I think, by stealth to try to get it both ways. This bill is, of course, dead. Dead. Dead. It is not going nowhere, to use the vernacular. It may have the votes to pass here. I hope that allows you all to say that you have fulfilled your contract with yourselves, but you are sure not fulfilling a contract with the American people.

I hope you will feel good about that and then maybe, after you come back, after the President vetoes this, we will go through this again. Let us do it straight up, because I want you to stand up on the floor and say, I do not want 100,000 cops. Say it. We will debate it. Take it to the people.

Notwithstanding that we will be right back here doing this again in a few days, I should like to list and then explain some of the major changes this conference report proposes. First, as I have mentioned, it would eliminate the 100,000 cops program that was established a year ago in the crime law and maintained in the Senate appropriations bill. Because we had this debate, remember. We did this over here through the appropriations process. And as they say in the southern part of my State, "Y'all lost."

But never fear; GINGRICH is here. So you headed to the other side, and you caved in in conference and now are back here, I assume in part, to be able to go home and say, "We didn't cut the 100,000 cops program."

We have already funded more than 25,000 new police officers across the country in this first year alone, and I challenge any of you to go home and hold a press conference and say you did not want those cops to come to your State—25,000. "Moses" Heston, better known as Charlton Heston, ran ads, was on an ad for months when we were debating this crime bill saying there was not even enough money in here for 20,000 cops. We already have 5,000 more than "Moses" thought would be in the bill, with 75,000 more to come—unless this became law.

There are 25,000 that police departments across the Nation have already put in place, and police departments across the Nation have already applied for more than $0.5 billion in fiscal year 1996 to fund an additional 9,000 new cops, and these pending applications are now threatened by this conference report. In its place is a law enforcement block grant, the old LEAA Program, which is written so broadly that the money could be sent back to the States, could be spent on everything from prosecutors to probation officers, from traffic lights to parking meters, and not a single new cop. The block grant, this block grant that is in the bill now has never been authorized by the Senate.

Let me explain why, when I wrote this bill in the first place, now the crime law, I insisted it go for cops. Because the way it works now is that in order to get a new cop at home the Federal Government will put up roughly $75,000 if the mayor, the county executive, or whomever puts up the rest. But it requires the mayor, the county executive, the Governor to step up to the ball, stop mouthing to their constituents they want more cops; they just cannot do it. But under this legislation, they will get the money and they will not buy the cop because when they buy the cop, they have to make a commitment they are going to keep that cop for 5 years and they are going to straightforwardly tell the voters, their constituents, that is what they are spending the money for. It is going to be a lot easier for them when they do the budget now to say, I can make it look like we are making progress here; we will not hire any new cops. We will pay for those traffic lights we were going to buy out of our city taxes with Federal dollars.

I used to be a county councilman. That is what we did with the old LEAA money. We did not hire any more cops. What we did, we fired cops. We fired cops; we fired firemen; we fired law enforcement people who we were paying for with county funds and we rehired them with the Fed money.

I see some of the staff on both sides are smiling. That is what we did, and that is what will happen again. Because then we would say—I will never forget sitting in a county council meeting. The chairman of our council was a very distinguished man, his name was C.W. Buck. I mean that sincerely. He was a very distinguished Republican. His father had been the Governor of the State of Delaware. I turned to Mr. Buck, saying, "Mr. Chairman, how much will this cost us?" He looked at me and said, "It will not cost anything." I said, "Why?" He said, "It is Federal money. We don't have to put up a cent."

So in New Castle County, DE, and Wilmington, DE, we laid off cops, then hired them back with Federal money. What was the net effect? Not one ounce of additional public safety, guaranteed. Not one new cop. But, boy, it is real appealing when you are the county executive and real appealing when you are the Governor and real appealing when you are the mayor not to have to come up with any money, and then go tell your constituents what you are doing for them.

Now, look, if Governors and mayors—if the reason you Republicans are doing away with this program is in the name of helping localities so they do not have to put up their money to get a cop, great. Under the existing legislation, they did not have to ask for a cent. There is no requirement that says, Athens, GA, must send in a request for more cops. Athens, GA, or Berlin, NH, they say, "We don't want any more cops and we don't want any more Federal money." No problem. Send it to Delaware. We will pay.

So in the name of helping localities, letting them, from a "block grant"—that is a code word, folks. Block grant means "we don't have to spend it for cops because cops cost us money. It costs us money." Governors and mayors and county executives, they have their budget people coming in saying, "Look, Gov, look, Mr. County Executive, look, Madam Mayor, if you sign on to this, this means we have to, for the next x number of years, put in our share of what this additional cop is going to cost us."

It is like what you find in most States. I have never been to a State legislative body—and I have been to a number and had the privilege of speaking to a lot of them—but Democrat or Republican, where they did not have, in the State legislature, debate that goes like this: "You know, violent crime is an overwhelming problem in the State of x, and we must do more to fight crime. We're going to pass laws that increase the penalty tenfold, and we are going to do this, and so on."

They do pass all the penalty laws. And then somebody has the temerity to say, "By the way, we don't have enough prisons to put these people in. We don't have the prisons. There's not the space." And then what do those folks do? Do they go to you, the voters, and say, "Well, you know, we have got to raise your taxes to build more prisons"? Oh, no. They tell you how tough they are, and then they let the folks out of prison.

That is why, by the way, nationwide, if you live in the State of Pennsylvania, you live in the State of California, you live in the State of Texas, when you get sent to jail, you do not go to jail for the time for which you are sent. You get 10 years for robbery? You serve on average 4.6 years. But guess what? In the Federal Government, you get sentenced to 10 years, you go to jail for 10 years. Bingo.

You ever wonder why folks do not want to be tried in a Federal court and they prefer to be tried in a State court, even in tough hang-them States like Texas and States like mine? Because they are not nearly as tough as the Federal Government, because we put our money where our mouth is. We have said, "You do the crime, you do the time." It is called the Sentencing Commission. I authored it with several other people back in the early 1980's. And we do not fool around.

The point I am making is one that is not popular to make, and I should not make, I am sure my political folks are going to tell me, but it is the truth. We let the States off the hook, we let the cities off the hook. They will not hire the cops, and that is what you all are doing. That is what you Republicans are doing here. It is not going to enhance public safety one iota.

I want 100,000 new cops on the street. That is why I wrote the bill. We have roughly 550,000 local police officers. When this crime bill is all over and we spend $30 billion, if you all have your way, we will have 575,000 cops on the street, maybe. I want 650,000 cops on the street. We need more cops.

Again, you do not have to ask for a single cop, Governor; you do not have to ask for a single cop, Madam Mayor; you do not have to ask for a single cop, County Executive. But if you ask, you have to kick in, and we will give you $75,000 per cop on average. Pretty healthy commitment by the Federal Government.

Let me tell you what else this bill would do. This bill would completely eliminate or severely restrict other programs set up in the 1994 crime law, like the Drug Court Program, the Rural Drug Enforcement Grant Program, the Law Enforcement Scholarship Program, the Scams Program for fighting telemarketing fraud against senior citizens, that the Senator from Utah, the distinguished chairman of the Judiciary Committee, Mr. HATCH, authored and I coauthored. There are tried and tested programs that fight youth violence, for example, by putting boys' and girls' clubs in housing projects. Under the 1994 crime law, these programs were targeted for separate funds in addition to the funds for the 100,000 cops.

But under the conference report of the Appropriations Committee, a mayor would have only the amount of the block grant out of which all efforts would have to be funded. The result would be that proven crime-fighting programs that the Congress voted to support last year would be effectively eliminated.

I hear everybody talk, especially my good friend from Texas, PHIL GRAMM, talk about being tough on crime. And I hear a lot of my folks out there—a lot of folks on your side of the aisle—talk about a lot of these liberal mayors. Well, guess what the liberal mayors are going to be able to do with your block grant? They are going to be able to put it all in programs if they want. They can go out and put it all in boys' clubs and girls' clubs if they want. They can put it all in prevention if they want, and not one new cop if they want.

Now, all of a sudden, I am amazed how trusting you are. I hear Senator GRAMM and others talk about the liberal Conference of Mayors. Well, my Lord, you are a trusting bunch. You really are. You have seen the light. I guess you are for straight prevention now. What do you think the cities are going to do with this money? You and they are going to go out and hire cops? Oh, yeah, right. With their tight budgets? So you folks on the Republican side, I am amazed, have become the lily-livered liberals, what I am called over on this side. You all are the ones now changing the rules. You are changing the rules.

Now that this can be all spent for prevention, who are the tough guys? I hope you are not going to stand up and make any more of those speeches about, "Lock them up and throw the key away, and don't take my mama's gun away," the ones we hear, you know, rolled out every 4 months or so.

Block grant means just that, it is a block grant: "Here you go, Mr. Mayor, do with it what you wish."

You all ran ads, your national party ran ads last election of prisoners dancing in tutus. I thought it was really good. It was a great ad. It shows these prisoners dancing in pink tutus saying, "That's what the Democrats want to do." That is not what we did, but that is what you are doing. Can you imagine where this money would go if Jerry BROWN were still Governor?

And you talk about getting tough on crime? This is not tough on crime, this is just dumb. This just does not make any sense. If we are going to legislate by fiat like this, then we might as well do away with committee systems, with hearings, with subcommittee markups, with full committee markups, with careful consideration of authorizing legislation. We can simply do all our Senate business by appropriations bills, which is the way we are doing it these days.

I guess I am number—I do not know. I do not know what my number in seniority is. I think I am 16, 17, 15, something like that. In light of the 99 decisions not to run again for office, if I get elected again, I may even be higher.

I made the wrong pick. I came here to legislate. I should have gone on the Appropriations Committee. I made a big tactical mistake here. Had I gone on the Appropriations Committee, I would be the No. 3 or 4 ranking person on that committee. Why have a Judiciary Committee? Why have a Commerce Committee? Why do this? They do not legislate any of this.

I ask a rhetorical question: Why did my friends, Senator DOLE and Senator HATCH, not bring their crime bill to the Judiciary Committee to be acted on? Why did we not do that? I respectfully suggest it is because they did not have the votes to win. I respectfully suggest that in order to win, you would have to say, "By the way, we don't want 100,000 cops added by this crime bill; we don't want more prisons built in this crime bill the way we had; we want to change it."

Any of you who doubt what I am saying, any of the press who is listening to this, you go ask any chief of police in the United States of America, you go ask any superintendent of the State police in any State in America, you go ask the head of any county or city police organization, and you ask him or her whether or not they think they will fare better with their budgets for their city, State or county with a block grant that allows the legislature and the Governor to use it any way he wishes, or whether they will fare better with the proposal with 100,000 cops. You ask them.

When I wrote this legislation, Mr. President, I wrote it by first calling in the six major police organizations and asking them, "What do you need most to deal with the crime problem in America? What do you need the most?" And they told me. So I wrote the bill with them in the room.

They were the ones who said, point blank, "If you don't require the Governors, the mayors to come up with some of the money for only cops, we won't get any new cops, because we're an expensive item. When we sit down in the budget process in our town or our city, we have to say to the mayor, 'Mr. Mayor, if you hire this police officer, you are taking on a salary of X amount and benefits of Y amount and you are making a long-term commitment, and that is going to impinge on your budget not this year but every year that that cop is around.' But when you don't do it this way, Joe, what you do is you allow them to say they are fighting crime by putting lighting in parks. That is a one-shot operation and a utility bill. Putting up traffic lights, that is a one-shot operation. Hiring a probation officer," which I am all for hiring, which costs less money and allows the city or county or the State to reduce the rest of their State budget to do what they are already doing. This is not revenue sharing, this is about cops.

Now, all that hyperbole about—I even heard one of our colleagues saying when we passed the Biden crime bill, it is now the crime law, I heard my colleague say, "All this means is we are just going to hire 100,000 new social workers." I do not think there is anything wrong with new social workers. We could stand 100,000 new social workers in America. But this is about cops.

Under the crime law, you cannot use the money for that purpose. But my crime-fighting Republican friends and the staff who helped them write this—I do not know if the staff realizes what a favor they have done for their principals. They have now allowed them to hire 100,000 social workers. We should rename the bill: "The social worker bill." You can hire instead of 100,000 cops—there is not enough money left, you can only hire 75,000 new social workers. You cannot do that under my bill, under the crime law, and this is masquerading as fighting crime.

I would like to briefly point out that another Republican plan in this conference report is to drastically cut Federal law enforcement as well. The conference report does the following: It cuts the FBI by $112 million below the President's request, so new FBI agents will not be hired; it cuts the Drug Enforcement Agency, the DEA, $5 million below what the President has requested for drug enforcement officers in this Nation; it cuts interagency drug enforcement by $15 million below 1995 and $19 million below what the President has requested; and it cuts Federal prosecutors by $13 million below the President's request. So much for your credentials of tough on crime.

I do not know why you are doing this. Maybe it is because you want to give tax cuts to people making 250,000 bucks. But for my money, I want a prosecutor. I want a new DEA agent. I want more FBI agents. You cut all of them, every one of those areas you cut below the President's request.

But as the saying goes, talk is cheap. Talk without commitment of dollars is meaningless. Republicans in the conference have failed to fund the President's request for Federal law enforcement despite all the talk about being for law enforcement.

(Mr. BROWN assumed the chair.)

Mr. BIDEN. Let us look at these cuts to Federal law enforcement. The conference report cuts $5 million from the $54 million boost requested for the DEA by the President. Again, we hear a lot of talk about how we need more to fight illegal drugs, and there is much finger-pointing about that the administration should do more, and they should. But in the end, it is the Congress that fails to fund the drug enforcement request of the President.

In yet another important area, let us review what has happened in interagency drug enforcement. The organized crime and drug enforcement task forces combine the efforts of the FBI, the DEA, U.S. attorneys, Immigration and Naturalization and the Marshal Service, Customs Service, U.S. Coast Guard, and the Internal Revenue, all working together in 13 regional task forces to target and destroy major narcotic trafficking organizations. And you need them all. The President requested $378 million for this program, but the Republican conference cut this amount by $19 million. This means that we will cut the important drug-fighting capacity below the 1995 level. In other words, you have all decided that the drug problem, I guess, is less worse this year than last year, notwithstanding all your speeches, with which I agree, that the problem is worse this year than it was last. But you decided to cut it. You did not decide to say we should restructure it or that the money is not being used wisely and we should redo it; you decided to keep the existing system and cut it.

Let me also point out that the Republican conference report cuts the President's request for U.S. attorneys, U.S. prosecutors. Our Federal prosecutors are the ones who prosecute all Federal crimes. You cut this by $13 million. The President requested an increase of $86 million to boost Federal prosecutors, but the conference report backed away from this commitment. In short, the conference report cuts the President's request for Federal law enforcement. So our Federal effort against crime and drugs will be fought by fewer FBI agents, fewer DEA agents, and fewer Federal prosecutors than requested. I assume that is because you all think that there is less crime, that there is less of a drug problem, and there is less of a need to prosecute.

If you believe that, this is fine, no problem. But somebody stand up and tell me that. Stand up and tell me that is the reason why you cut it back. If you tell me you cut it back for budgetary reasons, then I say, fine, you have made your priority choice. You have chosen other things to spend money on, or to cut taxes for, rather than on these. That is a legitimate position to take. But do not get up and tell me how you want to fight crime, how it has gotten so bad, how it is so terrible, how we want to move so rapidly on it, but, by the way, we can all do it with less money and effort. That does not work. That does not work, I respectfully suggest. It may work politically, but not practically.

I would like to return to the merits of the 1994 crime law. The 1994 crime law, in my view, and in the view of law enforcement officers across the country, is working. The passage of the major $30 billion anticrime package last year capped a 6-year effort to launch a bold and comprehensive and tough attack on violent crime in the roots of American communities. As we pass the 1 year mark, it is already clear that the major programs of the bill are working even beyond my expectations. Consider the 100,000 cops program. If this had been a typical grant program, the Federal Government would just now, at the end of the first fiscal year of funding, be preparing to issue its first awards. That is how it has worked in the six Presidential administrations I have been here for. They would be just now doing it.

The better part of the year would have been consumed drafting regulations and preparing application forms before money could finally be disbursed at the end of the year. The implementation of the 1994 crime law stands in stark contrast to this typical scenario. Instead of requiring burdensome applications that often fail to work and fill entire binders, a one-page application was developed by the Attorney General. Instead of waiting until the end of the year to distribute the funds, the money was awarded in batches beginning only weeks after the passage of the law. As a result, we find ourselves, at the end of the first year, with nearly all the fiscal year money out the door, with all of the funds having already been sent on their way to the States, and with more than 25,000 out of 100,000 new cops already funded in every State in the Nation. In a word, the law is working.

In addition to the new police, the law's provisions combating violence against women are also working. The first criminal has been tried and convicted under the new Federal violence against women statute, resulting in a life sentence for Christopher J. Bailey, who kidnapped and beat his wife nearly to death. Otherwise, he would have only gotten a couple years in jail. In addition, charges have already been filed in another case. Every State has received a grant to increase the police, prosecutors, and the victim services to combat family violence. Rape shield laws have been extended to protect more victims. Women no longer have to pay for medical examinations to prove they are raped, which had been the practice up until now. The victims of rape are finally being treated like the victims of any other crime. These long-overdue measures mean that women are now being protected, instead of further victimized, by the criminal justice system.

Another major accomplishment of the 1994 crime law is the military-style boot camp prisons. Crime law dollars are already at work helping 27 States plan and build and run military-style boot camps for nonviolent offenders. Boot camps allow States suffering from overcrowding problems to move nonviolent prisoners into cheaper space. Boot camps cost about one-third the price, per bed, as a conventional prison, and thereby free up space for the most violent offenders in conventional prisons.

Yet, another effort that is already underway is the drug court program. But before I move to that, let me tell you what this prison program in the crime law would look like after it goes through this reincarnation, were the President not to veto this.

The prison program in the crime law we passed last year was designed to meet two goals: First, to help States increase and then use to a maximum advantage the supply of prison space they have available to them. The second purpose was to encourage States to adopt the kind of truth-in-sentencing system that has been instituted by the Federal Government, to which I referred about 15 minutes ago. Today, prison systems in 34 States are under court order for overcrowding, and because there are not enough prison cells, many States are keeping violent criminals behind bars for roughly only 46 percent of the time for which they have been sentenced.

Worse yet, 30,000 offenders, who each year are convicted of a violent crime, do not even see a single, solitary day in prison. That is, 30,000 convicted in State court systems of a violent crime do not see a single day in prison because the States either do not have the money or do not have the leadership or do not have the gumption to tell the taxpayers that if they want these tough laws, they have to build more prisons.

The 1994 crime law is helping States respond to that problem with a $9.7 billion grant program. Under the 1994 crime law, States can use the money to build and operate additional secure prison cells for violent criminals or for boot camp prisons for nonviolent offenders, thereby freeing up secured prison space for violent offenders.

Let me tell you about these boot camps. Today, there are 160,000 young, nonviolent minor offenders who are behind bars in costly prison cells. That just does not make any sense. They are nonviolent, they are first offenders primarily, and they are behind bars at more than what it costs per year to send your kid to Harvard or Yale.

What this does, the crime law encourages States to take them out of those systems if they choose, put them in boot camps where you string barbed wire, you have the equivalent of Quonset huts. Make them engage in military-style activities to occupy them. It does not hurt marines or trainees. Surely, it will not hurt them at about one-third the cost.

I am encouraged that the Republicans' prison proposal permits States to use the funds for boot camps. That is an important change, I might add, and I compliment them for that on the House bill. But the fact of the matter is, it is a big change.

One of the key problems in the Republican prison plan is it permits States only to build or expand prisons, leaving out the ability to spend the funds to operate the present system. The State of Florida, when we had this debate on the bill, had built new prisons. They are sitting there with not a prisoner in them because they do not have the money to operate the prisons. They needed them badly but did not have the budget to operate them. This just does not make sense.

When the 1994 prison provisions were written we heard from several States about these operating problems. A close look at the fine print in this bill reveals what I believe is one of the most troublesome aspects. While $617 million is appropriated for prison grants in the conference report, the Republican conferees raided $200 million of that fund to fund prisons in just seven or eight States.

Let me explain that. The bill directly funds $300 million to reimburse States for the cost of housing criminal aliens in State prisons. That was a provision included in the 1994 crime law. I support that goal.

On top of that $300 million in direct appropriations to reimburse States for incarcerating criminal aliens, language was slipped into the bill so that an additional $200 million was shifted from general prison grants for all States through the Criminal Alien Reimbursement Program. I assume that was a legacy of the Senator from Texas before he went to the Finance Committee. So that means a few States are going to get the money.

I point out to my colleagues if you are not from Arizona, Florida, Texas, Illinois, New York, New Jersey, California, or Michigan, funds that should have gone to building prisons in your States have been stolen in this conference report. I think this is outrageous.

I support the need to reimburse States for these costs, but in the 1994 crime law, we recognize that crime is plaguing all States, not just a few of the largest States in America.

I have a list here that I ask unanimous consent to have printed at this point, entitled "Conference Report Prison Funding—How Does Your State Do?"

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT PRISON FUNDING—HOW DOES YOUR STATE DO?

	1994 Crime Law	Conference	Win/Lose
Alabama	$5,671,000	(1)	
Alaska	1,495,000	0	−$1,495,000
Arizona	8,617,000	17,368,000	+8,751,000
Arkansas	2,954,000	[2]0	[2]0
California	94,034,000	181,300,000	+87,266,000
Colorado	3,822,000	0	+3,822,000
Connecticut	3,038,000	6,975,000	+3,937,000
Delaware	1,532,000	0	−1,532,000
D.C.	3,326,000	[2]0	[2]0
Florida	46,535,000	38,262,000	−8,303,000
Georgia	14,680,000	[2]0	[2]0
Hawaii	1,273,000	0	−1,273,000
Idaho	1,279,000	0	−1,279,000
Illinois	31,297,000	26,471,000	−5,456,000
Indiana	8,561,000	8,423,000	−138,000
Iowa	2,179,000	(1)	
Kansas	4,300,000	6,674,000	+2,374,000
Kentucky	3,422,000	0	−3,422,000
Louisiana	13,445,000	9,956,000	−3,499,000
Maine	1,050,000	0	−1,050,000
Maryland	8,175,000	0	−8,175,000
Massachusetts	8,004,000	0	−8,004,000
Michigan	11,958,000	15,764,00	+3,806,000
Minnesota	3,013,000	6,981,000	+3,968,000
Mississippi	3,996,000	6,593,000	+2,597,000
Missouri	11,616,000	9,478,000	−2,138,000
Montana	1,040,000	0	−1,040,000
Nebraska	2,329,000	[2]0	[2]0
Nevada	4,188,000	6,614,000	+2,426,000
New Hampshire	1,248,000	[2]0	[2]0
New Jersey	8,152,000	14,185,000	+6,033,000
New Mexico	3,050,000	[2]0	[2]0
New York	54,953,000	45,227,000	−9,726,000
North Carolina	13,892,000	10,310,000	−3,582,000
North Dakota	893,000	5,392,000	+4,499,000
Ohio	16,313,000	11,293,000	−5,020,000
Oklahoma	3,864,000	[2]0	[2]0
Oregon	5,046,000	0	−5,046,000
Pennsylvania	14,756,000	10,769,000	−3,987,000
Rhode Island	1,415,000	5,752,000	+4,337,000
South Carolina	11,150,000	9,209,000	−1,941,000
South Dakota	1,040,000	[2]0	[2]0
Tennessee	6,617,000	[2]0	[2]0
Texas	21,224,000	[2]0	[2]0
Utah	1,650,000	5,928,000	+4,278,000
Vermont	1,001,000	(1)	
Virginia	7,514,000	7,875,000	+361,000
Washington	8,312,000	[2]0	[2]0
West Virginia	1,382,000	[2]0	[2]0
Wisconsin	2,797,000	0	−2,797,000
Wyoming	1,191,000	[2]0	[2]0

[1] No data.

[2] State is ineligible for Conference "Truth in Sentencing" grants, sufficient data not available for determining eligibility under Conference "general" grants.

Source: State data compiled by National Institute of Corrections and Department of Justice.

Mr. BIDEN. Mr. President, let me point out to you, if you are in Alaska you will get $1.495 million less; if you are in Colorado, you get $3.822 million less; in Delaware, you get $1.532 million less; in Maine, you get $1.050 million less; in Maryland, $8 million less; in Massachusetts, $8 million less; Missouri, $2 million less—I am rounding these numbers down—in Montana, $1 million less. I did not think that was the deal.

There are more problems with what they did with prisons in this conference report. In the crime law, it permits all States to qualify for one or both pots of the prison money. There are two pots of prison money. There is 50 percent for general grants that essentially all States receive because there are no hard strings or conditions on these dollars, and 50 percent of the money is to go to States which meet the truth-in-sentencing standards we set out.

The Republican conference also splits prison dollars into two pots, but States are forced to choose either one or the other, even if they qualify for both. This is the second reason why so many States will get so many fewer prison dollars on a Republican conference report. It seems to me to be written by Speaker GINGRICH to favor only the biggest States.

There is a third problem that most Senators will be hearing about from the prison officials in their States. I know none of the Senators is likely to be listening to this. They are doing other things, including being in conferences and hearings themselves, but in addition to the Senators on the floor, warn your Senators and be prepared that if this becomes law, you will get a call, most of you, from your home State. You will have to answer them, "Why did you cut the money for prisons in my State? Why did you do that?"

I strongly urge you to take a look at this little chart that I have just printed in the RECORD.

To illustrate the problem with these changes, conditions, let me review the situation from my home State. First of all, truth-in-sentencing grants: The conference report changes both the standard and the language so that despite the fact that Delaware, unlike all but one other State in America, keeps its violent criminals behind bars for 90 percent of the time for which they are sentenced—unlike Pennsylvania or Maryland, my neighboring States, or New Jersey, it is one of the highest rates in the Nation, according to the Bureau of Justice Statistics—because Delaware State law only refers to a 75 percent floor, Delaware is not eligible for truth-in-sentencing grants under this little change.

Second, general grants: The conference changes the rules to require increased time served by State prisoners since 1993. Well, Delaware's truth-in-sentencing law came into effect in 1990. We have been doing the right thing since 1990. But, no, it gets changed. Delaware cannot increase the time served since 1993 since we already did it in 1990. You cannot get above 100 percent. That is just one illustration how my State and many others are going to be out in the cold.

It is one illustration out of the conference report that cuts prison dollars for a State. I am sure there are other explanations where other States will have their prison dollars slashed if this conference report were to become law.

My staff has prepared this for me, and the title of the next section is "Why Does Utah Do So Well?" The conference report includes a special exception, one that appears to help Utah and perhaps a few other States, in the truth-in-sentencing prisons.

Section 20104, subsection (a), subsection (3) permits only those States with indeterminate sentencing to meet the 85 percent truth-in-sentencing standard if they serve 85 percent of their time under the State's sentencing and release guidelines.

Translated, if you have indeterminate sentencing, you get the money. Well, far be it for me to criticize that. Some day I hope to be chairman of the committee again and I hope to take unfair advantage of the process for my State. I am not criticizing, but I am complimenting my friend from Utah.

He does what a good chairman should do. He changed the law to benefit his State at the expense of other States. I understand that. I would do the same thing if I were in his position. It is legitimate. But I just point out that Utah has indeterminate sentencing.

Second, the term "sentencing and release guidelines" has some circular logic. The only way someone can get out of prison under an indeterminant sentencing law is either when they have served a maximum sentence or under some sort of release guideline. So this definition is a self-fulfilling prophecy. Prisoners have to serve 100 percent of the time they have to serve.

That is kind of fascinating, is it not? If it is indeterminate, you say at the end of this, they served all the time they were supposed to serve so now they served 100 percent of their time so now you qualify for that pot of money. I think it is really good. I mean, it is admirable. If I become chairman of the Judiciary Committee again, assuming I get reelected, which is certainly an assumption, and assuming the Democrats take back this place, I want to hire one of the staffers who gave this idea to Senator HATCH, because it is magnificent.

The only States in the Union that really do not keep their folks in prison are the ones with indeterminate sentences, but they are the ones who qualify to be the toughest because, by definition, you would have kept them in as long as they were supposed to be in because you never said how long they had to be in. So, then, all of a sudden, when you release them, they had been in all the time they were supposed to. That is brilliant, absolutely brilliant. But it does not have a darned thing to do with what was the intent of the law. This is a definition of a self-fulfilling prophecy.

The bottom line of all this is 34 States can expect to lose prison money under this conference report. Again, I have to admit, I admire the ingenuity of my friends. I might add, though, it is easier to do this—I wonder what would happen if we had to vote as if this were a crime bill. If this were a crime bill, you would have to defend that. You would have to defend it. You would have to stand up and say why that is a good idea, and I would beat you. I would beat you even on your side. I would even get Republicans to vote with me.

But you figured out a way to keep that from happening. You put it in an appropriations bill so we do not have to do that. We can avoid the messy stuff of legislating. We can avoid the messy process of having to stand up and vote on this stuff. Do you remember how many votes we had on prison funding when we had the crime bill up? It went on and on and on.

The reason I point this out again—I mean this sincerely—is not to criticize Senator HATCH. I think it is a great idea. I think if I were he—I wish I had thought of it. But I want to tell you, the bottom line is 34 States are going to get less money. If we voted on that, from my 23 years here, the calculus usually means 34 States beat the remainder. But, I say to the ranking member of the committee, these guys did it well. They did a good job. They really rode you. You did not have the votes. I know you fought like the devil on this one, but they did it well. This is really a masterful piece of work.

In the absence of my friend from South Carolina from the floor—I do not want to get him in trouble, but he is the guy primarily responsible for getting me elected, if anybody had helped me, in 1972. But I kind of have a growing resentment toward him. He did not tell me to get on the Appropriations Committee when I got here. I thought you legislated here. I thought the process was, you were to get on authorizing committees. If I wanted to change the criminal justice system, I thought I was supposed to get on the Judiciary Committee. I did that, and I became the senior Democrat on that committee—sometimes running it on the minority side, sometimes the majority side.

It took me all this time to figure it out, you steered me wrong, Boss. You did not send me the right way. I should have gone to appropriations, because anything I do in that committee—it took me 6 years to put this bill together. We fought it and fought it and fought it and fought it, and when you came up with harebrained ideas like indeterminate sentencing qualifies, I was able to whip you straight up and down. But now I do not even get a chance to do that.

So, I am at some point going to offer an amendment saying that the U.S. Senate should meet as a Committee of the Whole, and we should call ourselves the Appropriations Committee, and we all get a chance at this. I would like to get in on this.

Russell Long, Senator Long, with whom I served for a long time—not nearly as long as the Senator from South Carolina did—used to use that expression "I ain't for no deal I'm not in on." It is obvious I am not in on this deal anymore. I authored the bill, but I am out of it. I do not even get to debate it in the usual form where you get to vote on it. If my friends are willing to have a freestanding amendment on this, we could ask unanimous consent to waive the rules to allow a vote on the prison funding piece. I would welcome that. In the interests of fairness, they might be willing to do that. What do you think? I know the Senator from Massachusetts would support me in that effort, I expect. Maybe we ought to do that. But I have a feeling we are not going to get to do that.

There is another effort that is already underway. That is that thing called the Drug Court Program. This is a long-overdue drug program to crack down on—let me give you the numbers—600,000 drug-abusing offenders who are on our streets today, subject to no random drug testing, no mandatory treatment, and no threat of punishment.

Let me translate that for you. Mr. President, 600,000 folks who were arrested—actually there were about 1.4 million or 1.6 million arrested in America—1.4 million. And here is what happened. There are a total of 2.7 million State offenders who are on probation. There are 1.4 million drug offenders on probation. There are 800,000 of that 1.4 million who are being tested and treated. And there are 600,000 convicted—convicted—convicted drug offenders; not arrested. These are people who either pled guilty or have been convicted in a court of law, who are on the street—no probation, no parole, no testing, no treatment, "no nothin'," as my Aunt Gerty used to say, "no nothin'."

So we came up with an idea. We actually got it from a Republican judge in Delaware, and Dade County, FL. It is called drug courts. Let me tell you what drug courts do. They capture those 600,000 folks and they say, "Here is the deal. You either—you are subject to random drug testing. If you have a job, you have to keep a job. If you are in school, you have to stay in school. You have to show up for intensive probation. And if you do not do any of those things, you go to jail—probably one of the boot camps which we funded."

But my Republican friends—who I think are getting soft on crime, if not soft in the head on this stuff—they decided we might as well let those 600,000 folks wander the streets, every one of whom is an accident waiting to happen. Every one is an accident waiting to happen.

Before they put drug courts in Dade County, FL, the rearrest rate for one-time drug offenders was 36 percent. After several years of these drug courts, the rearrest rate is down to 3 percent. These work and they work in my State.

But what is the wisdom here? It is better to be soft than tough? Let us do away with this program. The Justice Department has already funded efforts to help local officials plan 52 new drug courts, begin 5 new drug courts and expand 8 other drug courts including one in my home State, that a Republican court, a Republican judge, a Republican attorney general have put together.

Despite this concrete record of success, the conference report would eliminate the separately targeted $150 million Drug Court Program and require States to fund drug courts, if at all, out of the money that could be spent on hiring cops on the beat. In real terms, this could mean about 85,000 drug-abusing offenders will not be subject to drug testing and mandatory treatment.

The other provisions of the 1994 crime law that are not affected by this bill are also proving to be very effective in combating crime, such as provisions against sexual offenders, death penalty provisions, the Brady law, the criminal alien provisions.

The reason I say "not affected," remember we had this debate before. My Republican friends decided what they were going to do is cut money for the violence against women legislation and do it by the appropriating process. Do it that way. Legislate it that way. And the distinguished Senator from South Carolina came along and said—which he always does, and I am grateful—"By the way, Joe, let me tell you what is coming." And through his leadership we sort of just stood up and said, "Hey, look what they are doing."

We didn't do anything special. They insisted they were going to make the cut. We were going to debate it. We hung on, hung on, hung on, and the very guy who suggested the cut—and I admire him, I truly do, Senator GRAMM of Texas—he ended up introducing the amendment to restore the money for the violence against women law. So it is not cut here. I guess my Republican friends have heard the call that they had better not fool around with that piece of it.

The reason I am taking so much time today knowing that this is going nowhere anyway—it is going to be defeated—is this is my attempt to play a small part in raising the same kind of call. The new call is OK. We finally got the Republicans to not fool with the violence against women law. They are not going to. They will not have the nerve to try to cut that again. They will not have the nerve to try to cut it again.

But guess what, folks? They are now going after your cops. The answer is going to be, look, we are not cutting anything. The total dollars are cut, but we are not cutting anything. We are just telling the States we are giving you a pot of money and you do with it what you want. So if you want to hire the cops, you can hire the cops.

Mr. KERRY. Will my colleague yield for a question?

Mr. BIDEN. Surely.

Mr. KERRY. As a preface to a couple of questions, I'd like to thank the Senator and ask to be completely associated with his comments—the extraordinary, astute, and accurate comments—that precede these questions.

I also would preface it by saying that there is nobody in the Senate who has worked harder to produce a real comprehensive, systemic response to crime than the Senator from Delaware.

But, is it not true—I ask the Senator having worked together with him on this question of police officers and cops on our streets—that today we have, I believe, one-tenth the effective strength of police officers in the streets that we had 30 years ago? Is that not true?

Mr. BIDEN. That is true. If I can expand 60 seconds on the answer, I say to my friend that 30 years ago for every crime committed, every felony committed, there were three cops. Today for every three crimes committed there is one cop. There used to be three cops for every felony committed. Now we have for every cop three felonies committed. Of the 20 largest States in the Nation, if you look at the last 10 years, the increase in their police force is about 1 percent. Even though the populations are growing, the crime wave is growing above that. The 30-to-10 number the Senator suggests I cannot swear is the number, but it is close.

Mr. KERRY. From 1971 to 1990, in the midst of this increase in crime wave, and in the midst of the diminution in the number of police officers, we increased the Federal spending on lawyers and public defenders by 200 percent, and we increased prison spending by 156 percent. But we only increased the spending on police officers by 12 percent.

I ask the Senator, is it not true that the effort to put 100,000 police directly into the streets of America—the least costly, the least administratively overburdened manner—was a direct response from police officers themselves, from police chiefs themselves, and from mayors all across this country who simply did not have the ability to respond to this crime wave?

Mr. BIDEN. I say to my friend that he is absolutely categorically correct. And there is one other piece of this. After years of hearings, extensive hearings on the issue of violent crime in America—I realize it does not mean much in the new process; you just do appropriations—but after years of hearings, there are only a few things that we know about crime. The Senator, as a former prosecutor, knows this better than the Senator from Delaware. If there is a cop on one corner, and there is not a cop on the other, it is much more likely that the crime will be committed where the cop is not. I mean it sounds bizarre. We do not know that much about criminal behavior except we know that where there are cops and where there is light there is less crime—prevention of crime; let alone the arrest and prosecution, prevention of crime.

So the purpose of the 100,000 cops and the purpose for the request from the cops was that they are outmanned, they are outgunned, and they are outwitted because of all the array of technology, the new and the different nature of crime in America. That is why we need more cops. That is why they asked for them.

Mr. KERRY. If I could further ask my friend a question, is it not also true that while some communities may decide they do not need nor want a cop, for that community that might make that decision, there are probably 10 or 15 or 20 or 100 other ones in the country that could use 2 or 3 or 4 cops but which cannot get them because even the 100,000 cops is not enough to do what we ought to be doing?

Mr. BIDEN. I answer my colleague by saying the following: Look at the applications that have come in. I will once again compliment the Attorney General. Find me a cop in your State or in the State of California, New Hampshire, or South Carolina representative of Senators on the floor, or Colorado, who calls the process burdensome; the one-page application, No. 1. No. 2, of the applications every single month there are more applications than there is money. They would probably be able to sustain 200,000 more cops. I am pulling that number out. I do not know for a fact. I know there are more applications than there is money.

Since my time is running out, I only have 3 minutes left, I am told, may I conclude rather than answer, on another question?

I would like to reiterate that in its breadth the 1984 crime law reflects the lessons that have been learned over the past decade as we studied crime and law enforcement, and have worked on passing this law. And in its approach, as well as in its many specifics, the law was a result of bipartisan efforts. We should not retreat on this tough but smart crime package. It already is hard at work preventing violent crime across the country. We should not retreat on the 100,000 cops program that we insisted on just a few months ago.

Let me point out that the $30 billion crime trust fund that uses the savings from cutting 272,000 Federal bureaucrats—160,000 have already left—pays for every cop, for every prison cell, and for every shelter for a battered woman and child. That is provided for in this crime bill without adding to the deficit or requiring 1 red cent additional in taxes. That was the deal we made right here on the Senate floor 1 year ago.

Now my Republican colleagues are trying to block out what we did, and back out of the deal by refusing to write the checks for next year's funding of the crime law. The money is there in the trust fund.

I have tried today to outline my objections to the Republican retreat represented by this conference report on the key provisions of the anticrime law last year.

So I urge my colleagues to consider very carefully whether this is the right form, the right idea, to dismantle these vital parts of the already successful and highly popular crime bill.

In the end I suspect that the merits will speak for themselves, and the American people will decide whether it is a good idea to take this trust fund money and spend it on 100,000 cops and the other programs here, or reduce it and send it out in block grants. And $525 million in applications are out there as we speak. Already, as of November 16, the Justice Department has received applications for an additional 9,100 cops under the 100,000 cops program beyond the 26,000 that have already been granted.

This is concrete evidence that the 100,000 cops program is working, is necessary, is local, and is needed. The shift to a block grant is wrong for many reasons. The 9,100 additional police that are all ready to go and waiting for us only to finish this political debate, is the most important reason why to shift the block grant is the wrong thing to do. Let us not try to change horses in midstream. This program is working.

If my Republican friends need to be able to say they have a Republican crime bill so that they can meet their contract pledge, let them pass the antiterrorism bill that we passed. It is the Hatch-Biden bill. Let us call it the Hatch-Republican bill. Let that be your crime bill. You can go back to your Republican conservative friends and say, "You have a crime bill"—in order to meet a pledge that no one signed on to to dismantle one of the few big Federal programs that is working, working well, working without additional bureaucracy, and to do the job.

Let me say in final conclusion, if you doubt what I am saying, I challenge you to go home and find out that for every new cop that this new bill has in fact funded so far, just ask the police chief, or the commissioner of police, for whom that cop works, to list the number of dollars that cop has made. Then go get the names of the people that police officer has collared, has arrested—the criminal who he gets who names the victims. And then you go ask those victims whether or not this crime law made any sense.

This all comes down to the little tiny things, and the little tiny things here are making sure there are fewer victims of crime, and that those victims are in fact getting their day if court, and that they find the bad guy. That is why we need more cops.

Mr. President, I rise in opposition to the Department of Justice appropriations in this conference report and the attempt by my Republican colleagues to rewrite anticrime legislation on an appropriations bill.

PROCEDURAL OBJECTIONS

It is, in my view, a terrible idea to rewrite crime policy—wiping out major programs the senate created only last year and replacing them with new programs without review or debate—on an appropriations bill. It is unnecessary and completely contrary to how the Senate has traditionally worked.

We all know the Republicans want to change the crime law now at work. They said so in their Contract With America. House Republicans passed a new bill.

Here, Senators DOLE and HATCH introduced their bill to change the 1994 crime law. They have every right to try to do so.

But they have not chosen to do so. Their bill has never been acted on by the Senate, or even had one hearing. Instead, what we now have with this conference report is an attempt to change the current law by lifting entire parts of the crime bill passed in the House and attaching them to this appropriations bill. That House crime bill has already been rejected by the Senate when we amended the appropriations bill to restore the 100,000 cops on the beat program a couple of months ago.

This blatant attempt to sidestep the usual deliberative process of this body is, I believe, a terrible way to make law.

This bill is, of course, dead. It will be vetoed because, among other reasons, it eliminates the commitment the President and Congress made to the American people to get 100,000 cops on the beat. And it will continue to be vetoed until my Republican colleagues get the message that there will be no new crime bill without the 100,000 cops on the beat program. The Senate has already rejected this bill without the 100,000 cops program and it should do so again.

OVERVIEW OF THE PROBLEMS WITH THE BILL

Notwithstanding that we'll be right back here doing this again in a few days, I'd like to list and then explain some of the major changes this conference report proposes.

First, as I've mentioned, it would eliminate the 100,000 cops program established 1 year ago in the crime law and maintained in the Senate appropriations bill.

The 100,000 cops on the beat program has already funded more than 25,000 new police officers across the country in its first year alone. And police departments across the Nation have already applied for more than one-half of a billion dollars in fiscal year 1996 to fund more than 9,000 new police. These pending applications are now threatened by this conference report.

In its place is a law enforcement block grant program that is written so broadly that the money could be spent on everything from prosecutors to probation officers to traffic lights or parking meters—and not a single new cop.

This block grant has never been authorized by the Senate.

Let's be clear on what is being done here. What this conference report does is take a crime bill that has been passed only by the House, whose funds have been authorized only by the House, whose block grant idea has already been rejected by the Senate, and incorporate it into the appropriations bill so it is passed and funded—all in one fell swoop.

I will speak more about the 100,000 cops program in a minute, but let me note that, in addition, the bill would completely eliminate or severely restrict other programs set up by the 1994 crime law—programs like: the drug court system, the rural drug enforcement grant program, the law enforcement scholarship program, the SCAMS Program fighting telemarketing fraud against senior citizens, and tried and tested programs that fight youth violence, for example, by putting boys and girls clubs in housing projects.

Under the 1994 crime law, these programs were targeted for separate funds in addition to the funds for the 100,000 cops program. But under the conference report, mayors would have only the amount of the block grant—out of which all efforts would have to be funded.

The result will be that proven crime-fighting programs that the Congress voted to support last year would be effectively eliminated, all without any consideration by the Judiciary Committee or the full Senate as to the wisdom of these changes. And all with the strong opposition of the Nation's law enforcement community.

Mr. President, if we are going to legislate by fiat like this, then we might as well do away with committees, with hearings, with subcommittee markups, with full committee markups, and with careful consideration of authorizing legislation.

We could simply do all the Senate's business on appropriations bills.

I, for one, happen to believe that's a terrible way to proceed and I believe that's reason enough to oppose this bill. The American people are not well served when major policy changes are made under the time limits facing us on these appropriations bills.

If the Republicans want to change the crime bill, they have the right to try—but let's do it the right way and then let's vote on it. Wiping out major pieces of the most significant anticrime legislation ever passed by the Congress on an appropriations bill makes a mockery of our Senate process. The importance of the programs we are considering, not to mention the perception of our institution, demands better.

But, given that we are here, I will insist on a full opportunity to debate with my colleagues the merits of last year's crime law programs affected by this bill.

Before I do that, I first want to briefly point out that another Republican plan in this conference report is to drastically cut Federal law enforcement. This conference report cuts the FBI by $112 million below the President's request—so new FBI agents will not be hired; cuts the Drug Enforcement Agency by $5 million below the President's request; cuts interagency drug enforcement by $15 million below 1995 and $19 million below the President's request; and cuts Federal prosecutors by $13 million below the President's request.

Let me address these cuts to federal law enforcement. The president requested an increase of $337 million for FBI agents and other FBI activities—but the Republicans cut $112 million from that request.

We frequently hear claims in Congress of how much we support law enforcement.

But, as the saying goes, talk is cheap. Talk—without the commitment of dollars—is meaningless. The Republicans on the conference have failed to fund the President's request for Federal law enforcement, despite all the talk about being for law enforcement.

Let's look at these cuts to Federal law enforcement: the conference report cuts $5 million from the $54 million boost requested for Drug Enforcement Agency agents by the President.

Again, we hear a lot of talk about how we need to do more to fight illegal drugs, and there is much finger-pointing about how the administration should do more—but in the end it is the Congress that fails to fund the drug enforcement requested by the President.

In yet another important area, let's review what has happened in interagency drug enforcement. The organized crime and drug enforcement task forces combine the efforts of the FBI, Drug Enforcement Agency, U.S. Attorneys, Immigration and Naturalization Service, Marshals' Service, Customs Service, U.S. Coast Guard, and the Internal Revenue Service—all working together in 13 regional task forces to target and destroy major narcotics trafficking organizations.

The President requested $378 million for this program—but the Republican conference cut this amount by $19 million. This means that we will cut this important drug-fighting capability below the 1995 level.

In other words, we are not talking about less of an increase—we are talking about cutting a significant part of this program.

Let me also point out that the Republican conference report cuts the President's budget request for U.S. attorneys—our Federal prosecutors—by $13 million. The President requested an increase of $86 million to boost Federal prosecutors, but the conference report backed away from this commitment.

In short, this conference report cuts the President's request for Federal law enforcement. So our Federal effort against crime and drugs will be fought by—fewer FBI agents; fewer DEA agents; and fewer Federal prosecutors.

What is one to conclude from the efforts of the Republicans to gut the 100,000 cops on the beat program and severely reduce Federal law enforcement? Is it that tax cuts to a few are more important than protecting the safety of average Americans?

Now I'd like to return to the merits of the 1994 crime law.

THE 1994 CRIME LAW IS WORKING

The passage of the major $30 billion anticrime package last year capped a 6-year effort to launch a bold, comprehensive, and tough attack on violent crime and its roots in American communities.

And as we pass the 1-year mark, it is already clear that the major programs of the bill are working even beyond expectation.

Consider the 100,000 cops program. If this had been a typical grant program, the Federal Government would just now—at the end of the first fiscal year of funding—be preparing to issue the first awards.

The better part of a year would have been consumed drafting regulations and preparing application forms before money could finally be disbursed at the end of the year.

The implementation of the 1994 crime law stands in stark contrast to that typical scenario. Instead of requiring burdensome applications that often filled entire binders, one-page applications were developed. Instead of waiting until the end of the year to disburse the funds, the money was awarded in batches beginning only weeks after passage of the law.

As a result, we find ourselves at the end of the first year with nearly all the fiscal year's money out the door—all of the funds have already on their way to the States—and with more than 25,000 out of 100,000 cops already funded in every State in the Nation. In a word, the law is working.

In addition to the new police, the law's provisions combating violence against women are also working.

The first criminal has been tried and convicted under the new Federal violence against women statute, resulting in a life sentence for Christopher J. Bailey, who kidnaped and beat his wife nearly to death.

In addition—charges have already been filed in another case.

Every State has received a grant to increase police, prosecutors, and victim services to combat family violence.

Rape shield laws have been extended to protect more victims.

And women no longer have to pay for medical exams to prove they are raped—the victims of rape are finally being treated like the victims of any other crime.

These long overdue measures mean that women are now being protected—instead of further victimized—by the criminal justice system.

Another major accomplishment under the 1994 crime law is the military-style boot camp prisons: crime law dollars are already at work helping 27 States plan, build, and run military-style boot camp prisons for non-violent offenders.

Boot camp prisons allow States suffering from overcrowding problems to move nonviolent prisoners into cheaper space—boot camps cost about one-third the price per bed than conventional prisons—thereby freeing up space for most violent offenders.

Yet another effort that is already underway is the drug court program—a long overdue program to finally crack down on the 600,000 drug-abusing offenders who are on our streets today, subject to no random drug testing, no mandatory treatment, and no threat of punishment.

The Justice Department has already funded efforts to help local officials plan 52 new drug courts, begin 5 new drug courts, and to expand 8 other drug court programs including one in my home State of Delaware.

Despite this concrete record of success, the conference report would eliminate the separately targeted $150 million drug court program and require states to fund drug courts, if at all, out of the money that could be spent on hiring cops on the beat. In real terms, this could mean that about 85,000 drug abusing offenders will not be subject to drug testing and mandatory treatment.

Other provisions of the 1994 Crime Law that are not affected by this bill are also proving to be very effective in combating crime, such as the provisions against sexual offenders, the death penalty provisions, the Brady Law, and the criminal alien provisions.

So, Mr. President, last year's crime bill has achieved an extraordinary measure of success during its first year in operation.

Yet, despite all of these accomplishments under the 1994 Crime Law, the anti-crime law is still under attack by the Republicans. Just as the entire scheme of anti-crime initiatives is taking hold, they would eliminate or dismantle many of the law's critical programs and reverse the progress that is being made.

So while it is important to note the success we are having in implementing the act, that is not enough.

We must also review at this point why the 1994 Crime Law represents the right approach to reducing the problem of violent crime in this country and why Republican proposals would prematurely divert us off the right track and unwisely point us in the wrong direction.

THE MERITS OF THE 1994 CRIME LAW

During the six-year period it took to enact this law, we undertook a major study and evaluation of the current system to pinpoint the weaknesses in anti-crime approaches. And for the first time, the Federal Government made a major commitment to help states and localities—where 95 percent of crime occurs and is prosecuted—redress the greatest shortcomings of our system.

In the course of the crime study, six key shortcomings of our current system became evident:

1. Most importantly, we do not have enough police out on the streets and in our neighborhoods.
2. We do not have enough prison cells for violent offenders —so they end up serving, on average nationwide, only 46 percent of their sentences.
3. We have not come up with an effective response to criminals who abuse drugs.
4. We do not treat family violence as serious crime.
5. Our police are outgunned by criminals.
6. And our nation's troubled children—who are growing up in a world of illegal drugs, guns, crime and violence—don't have safe places to go and lack positive activities to motivate them toward productive endeavors.

The comprehensive anti-crime bill passed by the congress last year was designed to address each of these key shortcomings.

This law is now providing an unprecedented infusion of Federal dollars to states and localities—to help them attack crime both at the back end—with more money for law enforcement and prisons; and at the front end—with more money for prevention programs that can help keep would-be criminals off the road to ruin in the first place.

The Crime Law reflects the primary lesson learned over the last decade as we studied crime and law enforcement—that all of the shortcomings in our system must be addressed together, that correcting one without the others is futile—because crime offers no single, easy answer.

I had hoped to spend this year watching over the smooth and speedy implementation of the law, while turning my focus to those substantial crime-related issues still before us—including a renewed fight against illegal drugs, and reform of our juvenile justice system as it struggles to deal with violent young criminals the current system was never designed to handle.

But instead of building upon the success the crime law already is having and moving forward to critical new challenges, the Congress of the United States is in full retreat. The House has already dismantled the crime law, and now the Senate will decide whether it will follow suit.

This premature about-face after finally putting in place the most comprehensive and carefully crafted set of anti-crime programs in our history is not only foolish but irresponsible.

We owe it to the American people to follow through with the measures we promised them and which they demanded for the past several years.

Let me address the merits of these programs.

THE 100,000 POLICE PROGRAM

Let me turn first to the central provision of the new law—the 100,000 cops on the beat program that I will fight with all my might to preserve.

I do not know a single responsible police leader, academic expert, or public official who does not agree that putting more police officers on our streets and in our neighborhoods is the best way to fight crime.

Community policing enables police to fight crime on two fronts at once—they are better positioned to respond and apprehend suspects when crime occurs, but even more importantly, they are also better positioned to keep crime from occurring in the first place.

I've seen this work in my home State of Delaware, where community policing in Wilmington takes the form of foot patrols aimed at breaking up the street-level drug dealing that had turned one Wilmington neighborhood into a crime zone.

These efforts successfully put a lid on drug activity, without displacing it to other parts of the city. In practice, community policing takes many forms, but regardless of the needs of particular communities, the reports from the field are the same—it works.

The 1994 crime law targets $8.8 billion for states and localities to train and hire 100,000 new community police officers over 6 years.

Now, we all remember the criticism last year of the 100,000 police program. The cops program won't work, Republicans in Congress said. They got Charlton Heston to say in national television ads that it would never happen, that we would never see more than 20,000 cops.

Well "Moses" could not have been more wrong. We already have 25,000 new local police officers on the streets of America—after only 1 year under the new law. And because of the way we've set it up—with a match requirement and spreading out the cost over a period of years—the money will continue to work, keeping these cops on the beat and preventing crime in our communities far into the future.

But that progress will come to a screeching halt if my Republicans colleagues get their way.

They have proposed and incorporated into this conference report a new law enforcement block grant—which has loopholes so big that it would permit all the money to be spent without hiring a single new police officer. Not one.

Read their proposal. Money is sent not to police but to mayors, and the money may be used not only for cops but also for other types of law enforcement officers or for many other purposes or initiatives. Moreover, the money could be used for other vaguely defined purposes such as "equipment, technology and other material."

Let me repeat—under the Republican proposal the dollars can be diverted to prosecutors, courts, or other law enforcement officials.

These may be worthy causes, but nothing in the Republican bill requires that even $1 be used to hire a single new police officer—and the one thing we know is that more community police officers means less crime.

Look at the language of this bill. Not even one new cop is required. All it says is that "recipients are encouraged to use these funds to hire additional law enforcement officers." That's it. Encouraged.

Mr. President, American communities don't need our encouragement. They need more police.

We should not encourage the States to keep the commitment this Congress made to the American people. We should keep our word.

What this conference report does is take money that has been designated for cops on the beat and allows it to be used for a whole host of disparate purposes. That means only one thing for sure—the money will be wasted on things the Federal Government should not be funding. The great benefit of the 1994 crime law was that it gave States enough choice but also gave them enough direction. That direction is what differentiated this crime law from the failed crime laws of the past, yet that direction is precisely what this block grant throws out the window.

That is the major flaw of the Republican block grant.

I believe that the single most important thing our communities need when it comes to fighting crime is more police, and the current law guarantees our money will be used for just that purpose.

We should not abandon it 1 year after enacting it. We must save the 100,000 cops program to ensure that the money for police is used only for police.

PRISON GRANTS

The second major shortcoming in the current system is prison space, and the prison program in the crime law we passed last year was designed to meet two goals:

First, to help States increase—and then use to maximum advantage—their supply of prison space; and second, to encourage States to adopt the kind of truth-in-sentencing system that has been instituted at the Federal level.

Today, prison systems in 34 States are under court order due to overcrowding.

Because there are not enough prison cells, many States are keeping violent criminals behind bars for only about half their sentences—46 percent is the nationwide average.

Worse yet, 30,000 offenders who, each year, are convicted of a violent crime are not even sentenced to prison.

The 1994 crime law is helping States respond to this problem with a $9.7 billion grant program.

Under the 1994 law, States can use the money to build and operate additional secure prison cells for violent criminals—or for boot camp prisons for non-violent offenders, thereby freeing up secure prison spaces for violent criminals.

Let me tell you about these boot camps. Today, 160,000 young, non-violent, minor offenders are behind bars in costly prison cells. That just does not make sense.

So the law encourages States to make the most efficient use of existing prison cells—by putting violent offenders in the most expensive cells, and housing nonviolent, minor offenders at one-third the cost of conventional prison space in military-style boot camps.

I am encouraged that the Republicans' prison proposal permits States to use this funding for boot camp prisons—that is an important change from the house-passed appropriations bill.

KEY PROBLEMS WITH CONFERENCE PRISON PLAN

One key problem with the Republican prison plan is that the plan permits States only to build or expand prisons—leaving out the ability to spend these funds to operate prisons.

This just does not make sense, when the 1994 prison provisions were written, we heard several States had already built prisons, but could not open these prisons because of a lack of operating funds.

A close look at the fine print of this bill reveals what I believe is one of its most troubling aspects. While $617 million is appropriated for the prison grants in the conference report, the Republican conferees raided $200 million of that to fund prisons in just 7 or 8 States.

Let me explain—the bill directly funds $300 million to reimburse States for the costs of housing criminal aliens in State prisons. This was a provision included in the 1994 crime law, and I support this goal. But, on top of that $300 million in direct appropriations to reimburse States for incarcerating criminal aliens, language was slipped into the bill so that an additional $200 million was shifted from the general prison grants for all states to the criminal alien reimbursement program.

So I point out to my colleagues—if you are not from Arizona, Florida, Texas, Illinois, New York, New Jersey, California, or Michigan—funds that should have gone to building prisons in your State have been stolen by this conference report.

This is outrageous, I support the need to reimburse States for these costs, but the 1994 crime law recognized that crime is plaguing all States not just a few of our Nation's largest border States.

FIGHTING DRUG RELATED CRIME

The third major shortcoming of our current system is the failure to limit drug-related crime.

The new law provides money for specialized drug courts to target low-level drug offenders who are out on the streets breaking into cars and stealing to support their habits.

In most communities, these offenders are now largely ignored by our system. They do not go to prison and they are not required to comply with drug testing or get treatment.

Most are simply sent right back out on the streets on largely unsupervised probation—and they go right back to the cycle of drug use and crime to support their drug use.

The heart of the problem is that, just like the prison populations, the probation and parole populations have exploded. More than 3.5 million offenders—half of them drug addicts—are now living in their communities under the nominal supervision of courts or corrections officers.

According to the Justice Department, of the roughly 1.4 million drug-abusing offenders on probation, only 800,000 are subject to some drug testing or drug treatment. The remaining 600,000 drug-addicted offenders are on our Nation's streets each day, unsupervised, untested, with no fear of punishment. They are accidents waiting to happen.

Many of these probationers are high-rate offenders. Hard-core addicts are estimated to commit up to 200 crimes a year to support their habits.

As the number of probation officers has not kept pace with the growth in the probation population, probation caseloads now average 118 offenders.

In some areas, caseloads can exceed 200.

With so many offenders, officers are able to conduct only minimal supervision at best—perhaps 15 minutes a week.

We know who these people are. Judges and probation officers have their names and addresses. So why do we ignore them?

Drug courts are designed to take these offenders and their crimes seriously—offenders face random drug testing and mandatory treatment. And, if they slip back into drugs—they go to jail.

Yet the Republican proposal totally eliminates drug courts. The bill wipes out all funding. We must preserve the necessary money to fund the drug courts.

PREVENTION PROGRAMS

I turn now to an issue that has been the subject of more misinformation and outright mischaracterization than perhaps any other in the crime debate—whether we should work to prevent crime before it happens, instead of waiting until after the shots are fired, until after our children become addicted to drugs, until after more Americans' lives are ruined.

The anticrime law enacted last year answered that question unapologetically.

In addition to fighting crime, the law made a commitment to preventing crime—a commitment supported by virtually every criminologist, every legal scholar, every sociologist, every psychologist, every medical authority, and simple common sense.

Those who study this issue agree that breaking the cycle of violence and crime requires an investment in the lives of our children—with support and guidance to help them reject the violence and anarchy of the streets in favor of taking positive responsibility for their lives.

Prevention is also what cops want—what virtually everyone in law enforcement wants.

Every police officer I have talked to, every prosecutor, every prison warden, every probation officer, says the same thing—we can't do it alone. And we can't do it all after the fact.

And listen to local officials—the very people the Republicans say they want to give greater voice: Republican mayors Giuliani of New York and Riordan of Los Angeles say this: [B]y funding proven prevention programs for young people, the crime bill offers hope—hope that in the future we can reduce the need for so many police officers and jails.

Listen to Paul Helmke, the Republican mayor of Fort Wayne, IN: [I]t's a lot less expensive to do things on the prevention side than on the police side.

This unity among law enforcement was the force that drove the prevention programs into the 1994 crime law and into the appropriations bill as passed by the Senate just a few months ago. We need to give these programs a chance. If after a few years the prevention programs in the anti-crime law do not work, I will be first in line to change it.

The 1994 crime law sets aside $5.4 billion to give States money—and flexibility—to implement many types of crime prevention programs that have proven track records of success.

As part of that money, $30 million is allocated to fund crime prevention programs such as TRIAD and boys and girls clubs and other local initiatives.

The TRIAD programs are the joint efforts of sheriffs, police chiefs and senior citizens—practical cooperation that helps combat crime against our elderly citizens.

In hundreds of public housing projects across the country, boys and girls clubs give kids a safe place to hang out after school—a place with positive activities and positive role models.

A recent, independent evaluation has reported that housing projects with clubs experience 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack use, than do projects without clubs.

Other local prevention programs are having great success as well. For example, in Honolulu, professionals identify families at risk for neglect or abuse when children are born and then visit their homes regularly over several years to help parents learn to care for their children. In Houston, TX, a core of professionals provides one-on-one counseling, mentoring, tutoring, job training and crisis-intervention services to students at risk of dropping out.

Although many communities are putting their best foot forward, the need and demand for prevention programs far outpace the supply.

And yet the Republicans have eliminated the separately targeted funding for these programs and thrown them into the block grant—a move some charge is cold-hearted and mean. But I say it's just plain dumb.

The prevention money in the crime law is an investment in our future that we simply cannot afford not to make—not when we are spending $25 billion to lock people up every year.

And there are issues here even more important than money, because the commitment that we make today will define us as a nation tomorrow.

Prisons, though essential, are a testament to failure: they are the right place for people gone wrong.

On the other hand, when a life about to go wrong is set back on the right track—that is a testament to hope.

We build hope by showing children that they matter, by challenging disaffection with affection and respect, and by contrasting the dead-end of violence with the opportunity for a constructive life.

That's why we need to restore the separate funding for these prevention programs, in addition to the funding for the 100,000 cops program.

CONCLUSION

In concluding, I want to reiterate that in its breadth, the 1994 anticrime law reflects the lessons learned over the last decade as we studied crime and law enforcement and worked on passing this law.

And in its approach, as well as in many specifics, the law was the result of bi-partisan efforts.

We should not retreat now on this tough but smart crime package that already is hard at work in preventing violent crime across the country. And we should not retreat on the 100,000 cops program that we insisted on just a few months ago.

Let me also point out that the $30 billion crime law trust fund that uses the savings from cutting 272,000 Federal bureaucrats (160,000 have already left) pays for every cop, every prison cell, every shelter for a battered woman and her children that is provided for in the crime law—without adding to the deficit or requiring new taxes.

That was the deal we made right here on the Senate floor 1 year ago. Yet now my Republican colleagues are trying to back out on the deal by refusing to write the checks for next year's funding of the crime law.

I have tried today to outline my objections to the Republicans retreat—in this conference report—on the key provisions of the anticrime law enacted last year.

So I urge my colleagues to consider very carefully whether this is the right forum and the right idea to dismantle these vital parts of the already successful and highly popular crime law.

In the end, I suspect that the merits will speak for themselves and the American people will decide whether it is a good idea to debilitate the Crime Law just as it is showing clear signs of success.

This program is a very bad idea. I expect we are going to get to debate this again. So in light of that, and in light of the fact I have no more time—I am sorry. My staff is now fired. They gave me a note saying before I had 3 minutes, and now I see it is 30 minutes. But I will yield the floor and reserve the remainder of my time.

COPS ON THE BEAT/COMMUNITY ORIENTED POLICING PROGRAM

Mr. HOLLINGS. Mr. President, this conference report proposes to terminate the successful Cops on the Beat or the Community Oriented Policing [COPS] Program. This is one of the craziest things I've seen since coming to the Senate. I had always thought that getting more police on the streets was a rock solid conservative, and for that matter, a bipartisan value. If there was one thing I thought we all could agree on, it was our belief in local law enforcement.

This attack on this police program comes as something of a surprise to me. I've looked back at the debate on last year's crime bill, and what I saw was statement after statement by Republicans attacking the authorization of crime prevention programs—not hiring police. As I recall, the only major argument against the Cops on the Beat Program was that some Republicans didn't think we could succeed in getting 100,000 additional police out on the streets in America. Yet in statement after statement, they said they supported more police.

Now, the tables have turned. The majority party is against police and the Cops on the Beat Program because we are for it. That is absurd. After 29 years in the Senate, I have finally cracked the code—as they say in the Pentagon. In the current Senate, if Democrats support a program, then the majority feels compelled to do the opposite. And they will do the opposite even when they are cutting off their noses in spite of their faces, as in the case before us.

The lesson that I guess we as Democrats need to learn is that we apparently must do the opposite of what we think is right. Then the Republicans will do the right thing. So tomorrow, I guess I should call the President of the United States to suggest that he come out with both barrels blazing in a call to eliminate the Commerce Department. If he did, I have no doubt that the majority leader, the very next day, or one of the other Republican Presidential candidates would be holding a press conference attacking the President's position with an argument that it would be ludicrous to disband the only Cabinet Department that serves as an advocate for American industry.

BLOCK GRANTS

Mr. President, when I look at this bill, I think it is a little block grant crazy. It kills the Cops on the Beat Program and says make it a block grant.

I find this faddish obsession with block grants to be most interesting. It was just a little over 2 years ago that President Clinton submitted a $16 billion economic stimulus program. And I recall that it was the casualty of the 103d Congress' first filibuster in which Republican Member after Member attacked it for including block grants. Each speaker talked about the types of questionable projects that could be allowable under block grants. They talked about pork-barrel swimming pools, parking garages and canoeing facilities. Of course, none of those things was actually in the bill. But, the flexibility and discretion provided by block grants enabled Governors and mayors to fund such projects. And so, my Republican colleagues stood for days on the floor and attacked the allowable uses of block grants. Predictably, there was a public outcry. In turn, they defeated that bill, not for what was in it, but because of the basic concept of block grants.

Now, here we are with the 1996 Justice appropriations bill and we have a successful and effective program to hire and train tens of thousands of police officers and get them on the beat. And what is the opposition proposing? To kill the program and create a block grant that will send checks for Governors. Unbelievable.

REMEMBER THE LEAA?

Now, Mr. President, this block grant idea is deja vu. Those of us in the Chamber that have been here awhile—those of us with an institutional memory—know that this notion of police block grants is nothing new. Back in the 1970's, we tried a block grant program for law enforcement and it was a miserable failure. Our experience with the Law Enforcement Assistance Administration, or LEAA, is worth reviewing.

LEAA was "sooey pig." It was a boondoggle. It was all those things that my Republican colleagues complained about in 1993. Communities across the Nation used their LEAA block grant funds to buy tanks, cars for mayors and even encyclopedias. LEAA funds were used to hire consultants who produced numerous plans that only were shelved to rest in peace. The LEAA was the Beltway Bandit's best friend. It was the same old story—Federal money was used to fund projects for which Governors or city councils were unwilling to use locally-raised funds.

Quite simply, LEAA was a waste of taxpayer funds. By the time President Carter came to town, he had seen LEAA firsthand as a Governor in Georgia. And he knew of the program's Federal largesse and wastefulness. So he rightfully told Congress to kill the program.

A good summary of our experience with the LEAA is in the 1982 edition of the Congressional Quarterly:

> Fourteen years after its creation, the Law Enforcement Assistance Administration (LEAA) went quietly out of business April 15, a demise ordered by Attorney General William French Smith but preordained in the final years of the Carter Administration.
>
> In its somewhat troubled life, the grant agency dispensed nearly $8 billion to local law enforcement agencies for programs such as improved police equipment, shelters for homeless youth and special local task forces to prosecute "career criminals." In recent years, however, LEAA was criticized for requiring too much red tape in its grant program and for wasting money on Dick Tracy-type gadgetry.

COPS ON THE BEAT

Mr. President, for $8 billion we got nothing from these LEAA block grant programs. Compare that with the Cops on the Beat Program. We have spent $1.358 billion in 2 years. Already, we have gotten more than 26,000 additional police officers funded to go on the beat in small towns and cities throughout America.

I don't believe that I have ever seen a more effective program with less redtape. And if you want to hear about the success of this program, just talk with local sheriffs and police chiefs across the country.

In South Carolina, the COPS Program has funded more than 255 extra police to patrol communities. And it's working. Members of my staff have traveled extensively across South Carolina to meet with local police to find out about the program. As far as I know, there has not been a single negative comment about the program. In fact, most chiefs and sheriffs were extremely supportive of the program. Here are some typical comments we got about the program:

"This was the easiest Federal program I've ever seen," one chief said.

"There is no way we could have hired an additional officer without this grant," said another.

"The application form—just one page—was so simple. There is no way it could have come from Washington."

Finally, listen to what was said by the chief of police of Yemassee, a small lowcountry town in Beaufort and Hampton counties that is a few miles from Hilton Head Island. Administrators with the COPS Program dealt directly with the Yemassee Police Department and expeditiously provided funding. The department was able to hire one additional officer, an ex-marine who recently left Parris Island. Jack Hagy, Yemassee's chief, told my staff that it is the first time in his career that the Federal Government ever did anything for Yemassee. The entire town is enthused. In a small town like Yemassee, one extra police officer has a tremendous impact.

Quite simply, in South Carolina towns like Yemassee, Abbeville, Calhoun Falls, McCormick, and Mullins, and in larger cities like Charleston, Greenville, and Columbia, the COPS Program has made a difference. Across the Nation, the successful addition of 26,000 more officers in just 2 years shows that we have a winner with the COPS Program. For once, Congress and the Administration got one right.

Let's take a look at why. The COPS Program is focused. It has measurable goals. It is all teeth and no fat. It's administrative costs are less than 1 percent. Compare that to the block grant proposal, which has administrative costs at 2.5 percent. No other Federal program can match the COPS Program's efficiency.

In fact, part of the COPS Program is specifically targeted to help smaller communities like Yemassee. This part, called COPS FAST, has no redtape. Instead, all that is required is a one-page application.

Also, the COPS Program has accountability. It's no giveaway. It requires a shared commitment and responsibility at the local level. Police and sheriffs' departments have to make a local financial commitment to be involved. They have to put up 25 percent in matching funds to participate.

Furthermore, the COPS Program has cut administrative overhead with a customer response center, personalized grant officers, and simplified procedures. The Justice Department is getting out funds to small communities within two months of application. And there are no middlemen. The program is fully competitive and non-partisan.

Finally, the COPS Program has been working with the Defense Department to initiate a "Troops to Cops" program to encourage the hiring of recently-separated members of the military, such as our friend in Yemassee.

THE WAR ON CRIME

Mr. President, the conference report before us adds funds to hire thousands of additional Border Patrol agents, FBI agents, Federal prison guards, INS inspectors and DEA agents. These are the people that my sheriffs and police chiefs in South Carolina call "the Feds." Now, maybe we could use more Feds. But, if we think that only they will really make a dent in the war on crime in America, we are fooling ourselves.

That war is going on in every city and town across America. Crime generally is a local, not a Federal, occurrence. What Americans fear most today is violent crime in their communities—murder, rape and robbery. Generally, those crimes are dealt with by local police, not the Feds. This COPS Program is the best and most effective weapon that has been developed so far to assist state and local law enforcement officers in combating these crimes. Unlike block granting, the COPS Program does it right.

Some have said that we in Washington shouldn't decide if local governments need more police. They claim that we should just give them a check, or as this conference agreement proposes, give checks to governors and mayors so that they have the "flexibility" to allow them to buy other things or establish prevention programs.

Well, Mr. President, the last time I checked, 10 out of 10 people who call the police for help—are calling for a cop. They don't want to hear about a check or flexibility. They don't want to know about a tank or high-falooting, Dick Tracy gadgets. They want a police officer to come to their assistance.

There is no higher need than putting foot soldiers out on the front lines to battle crime. If there are other law enforcement infrastructure needs, there are enough other existing Federal programs, such as the popular Byrne grant program, to meet those local needs.

Results speak for themselves. Some 26,000 police are out in local communities that weren't out there just two years ago. If we stick with the COPS Program, that number will be more than 40,000 in just another year.

Maybe that's the problem. Maybe my Republican colleagues want so desparately to kill the COPS Program simply because it is so effective.

Mr. President, I have received numerous letters from police and law enforcement groups across this nation that are pleading that we restore funding for the COPS Program. Let me just quote from a few here:

The Fraternal Order of Police—President Gilbert Gallegos:

> Since its inception in September 1994, the COPS Program has provided 26,000 state and local officers. These men and women, and those who join them as the COPS Program continues to meet its goals, will play a vital role in the effort to make our streets safe for law-abiding citizens. . . . On behalf of the 270,000 rank and file officers who make up the FOP, you have our thanks and support.

National Association of Police Organizations—Robert Scully, Executive Director:

> The National Association of Police Organizations (NAPO) representing over 185,000 rank and file police officers and 3,500 police associations . . . has been behind the COPS Program since day one. We oppose altering this successful program to a block grant approach because we know that unless the monies are given directly to law enforcement agencies to hire more police officers, the funds will be diverted by local bureaucrats with their own agendas. . . . (COPS) is the single most effective crime program working to make our streets safer and law enforcement sees no reason to change it.

Police Executive Research Forum—Chuck Wexler, Executive Director:

> Police Executive Research Forum members have spoken out strongly against the proposed Senate block grant program which, under this appropriations package, would replace the COPS Program. The replacement of the COPS Program with block grants would hinder PERF members' efforts to improve public safety and address community problems. . . . this issue is of ideal importance to the law enforcement community and the entire nation, it is imperative that you and your colleagues understand and consider our concerns.

National Sheriffs' Association—Charles Meeks, Executive Director:

> On behalf of the National Sheriffs' Association, I am writing in support of your amendment to the FY96 Commerce, Justice, State Appropriations bill to continue the COPS Program. Because of the COPS Program, over half of the nation's sheriffs have hired over 1,300 deputies moving toward increased law enforcement presence in our counties. This program of police hiring, in conjunction with community policing, will go a long way in helping to reduce crime in our counties.

The Law Enforcement Steering Committee—James Rhinebarger, Chairman:

> The elimination of the COPS Program would hinder our efforts and the progress made in community policing, and would ultimately prove detrimental to the nation's public safety. . . . This is an issue of vital importance to the law enforcement community and the entire nation.

AN ATTORNEY GENERAL WHO'S BEEN THERE

Mr. President, I have served with quite a few chief law enforcement officers since I came here in 1966. There are a lot of impressive names on that list—Ramsey Clark, Griffin Bell, John Mitchell, Elliot Richardson, Ben Civiletti, William French Smith, Dick Thornburgh, and Bill Barr. But, I have to say that I have never seen a better Attorney General than Janet Reno. She comes from local law enforcement and is from an area that has its share of crime, Dade County, FL.

With Attorney General Reno, what you see is what you get. She is a no-nonsense leader who understands accountability. She understands first-hand what is needed to combat crime.

This Cops on the Beat Program is her program. During a speech last year, she summed up why we need the COPS Program and why it is far and away the most important component to last year's crime bill. In addressing police groups in October of last year, she said:

> The truth is, criminals do not stand in awe of a piece of paper or a bill or an Act. They look at results. Violence in this country does not magically recede because we have a piece of paper that says it should. Violence in this country recedes and is reduced because of efforts of officers on the front lines making a difference in their community . . and of officers getting the resources they need to do the job.

CONCLUSION

Mr. President, at this point we cannot really change what the Republican leadership has chosen to do to the COPS Program in this conference agreement. This agreement is in the nature of a substitute, and the COPS Program cannot be amended or voted upon separately. I, for one, do not believe that we should be rewriting the 1994 crime bill in this conference agreement.

As I stated earlier, this conference report is going to be vetoed. Make no mistake about that. It is my hope that we can move expeditiously on to round two and develop a bill that can become law. And, as part of that process, I hope that my Republican colleagues will agree to restore funding for the Community Policing Program.

Far too many issues become partisan this year. This is the craziest session of Congress that I have seen. Our support for police and sheriffs has always been bipartisan. Let's not change that. I hope that my Republican colleagues will listen to their local law enforcement officers, that they will support our men and women on the front lines, and that they will join me in supporting the Cops on the Beat Program when this Commerce, Justice and State bill comes back to the Senate.

Mr. GREGG. Mr. President, I yield 5 minutes to the chairman of the Appropriations Committee, Senator HATFIELD.

Mr. HATFIELD. Mr. President, I rise to support this conference report and consider it a balanced approach in meeting the funding needs of the agencies and departments contained in the bill, and considering it within the context, of course, of the parameters of the budget resolution.

Senator GREGG has done an excellent job picking up on the difficult task of bringing this bill through conference. I might just remind our colleagues that Senator GREGG came into this picture sort of like a little after halftime in the game to start quarterbacking this particular bill. I think he and his staff deserve a lot of credit for the product that is before the Senate today.

I also want to compliment Senator HOLLINGS for his dedication to this bill and its programs.

This has not been an easy year for any of us here on this committee or within the Senate, but I think it has been made easier by the fine leadership of this subcommittee. And I might comment at this time that Senator HOLLINGS and his staff have served with distinction on this subcommittee for almost a quarter of a century. His knowledge and expertise was a critical factor in framing the bill and bringing it to this point in the process.

As you remember, the budget resolution passed by both the House and Senate called for the elimination of the Department of Commerce. I voted for the budget resolution and continue to support its goal of a balanced budget. This conference report does not eliminate the Department of Commerce. It does cut funding Departmentwise by 14.5 percent. But it does nothing close to eliminating this Department.

I should like to sort of make a sidebar comment here, which is that it is a bit ironic that the Republican Party seems to be the leading proponent of abolishing the Department of Commerce, with its headquarters being named the Herbert Hoover Department of Commerce Building, because probably the greatest Secretary of Commerce of all time, the man who really built the Department, was Secretary Herbert Hoover under the Harding-Coolidge administrations, and that Department never had a stronger leader, nor did it ever have a more important function in our Government.

Having Senator HOLLINGS in the Chamber at this time, having served with Mr. Hoover on the Commission for reorganizing the executive branch of Government, I remind my colleagues, in the wisdom of his youth, Senator HOLLINGS was a Republican, a young Republican, and a great admirer of Mr. Hoover, as am I. And it is, as I say, a little ironic that he helped, along with others of this body, to help create a name for that Department, and there was only one name to ever consider, and that was Herbert Hoover.

The chairman of the Foreign Relations Committee, Senator HELMS, voiced his frustration this morning about the pace of authorizing legislation. This is a serious problem because the budget resolution, in our efforts to balance the budget, loses a lot of its teeth in the absence of necessary authorizing legislation needed to enact the cuts in domestic discretionary spending contained in the resolution.

We are in a situation, Mr. President, as members of the Appropriations Committee, where we are getting "Hail Columbia" from all sides in this particular dilemma that we face in this Congress. This has been the case for many years, because we do appropriate funds to hundreds of programs that lack authorization, expired or otherwise. We appropriate funds to programs and departments the Senate has voted to eliminate.

As the President and the Congress continue to negotiate a road map to a 7-year balanced budget, our trip must include stops through the authorizing committees. The Appropriations Committee cannot shoulder the whole burden in reshaping, redesigning and eliminating programs and departments without guidance from the relevant authorizing committees of jurisdiction.

This conference report includes critical funding for ongoing scientific research being conducted by the National Oceanic and Atmospheric Administration. While I would have preferred more funding for the NOAA operations, research and facilities, I am pleased that the Agency is very close to a freeze, at the level provided in 1995.

For the Department of State, the operations accounts, including salaries and expenses, have been funded at a level adequate to address the many pressing demands of our Foreign Service officers. It may not mean for the programs we have committed to, and particularly peacekeeping activities, we are really underfunded.

The conference report provides $348.5 million for the Economic Development Administration. This is a slight decrease from the 1995 level and would allow the EDA to continue their worthy efforts.

Also, on the issue of the Legal Services Corporation, I supported Senator DOMENICI and worked with him in conference to get the funding at a higher level.

While we ended up at the House level of $278 million, this important issue deserves further consideration in the second round after the expected veto of this bill.

Negotiations are ongoing with the administration on this bill. This morning, we received a letter from the Office of Management and Budget which states that the President would veto this appropriations bill. I am hopeful that we can reach an accommodation with the administration on this bill and the other six appropriations bills that remain.

Again, I thank Senators GREGG and HOLLINGS and compliment the staff for their hard work.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HOLLINGS. Mr. President, let me thank the distinguished chairman of our committee. He and I have been in harness together since 1958 when he was elected the Governor of Oregon and I the Governor of South Carolina, and you get saddened when you see all your good friends announce that they are leaving, and particularly this friend here because he has been absolutely fearless, has Senator HATFIELD.

It has just been a thrill to watch him at the gubernatorial level and then at the national level, a man of his own mind, absolutely ethical, of the highest integrity and most of all dedicated—I think I am dedicated to peace, but there is no doubt that some would say I would rather start a war than stop it —but no doubt about the Senator from Oregon, he wants to stop all wars. And he has really made history in that regard. That is why, as warlike and as contentious as I can be, I am trying to look with favor on the present proposition relative to Bosnia.

But thanks should go to the distinguished chairman of our Appropriations Committee for his leadership. We had an awfully difficult time getting the bill to Senator GREGG for his leadership. He saved that bill two times when we were not going to have a bill. So I am particularly grateful for his overcomplimentary remarks about me.

Incidentally, I was at the time, in 1953 and 1954, a Democrat. I was trying to start up as a Republican, but the late Senator Burnet Maybank grabbed me and said, "What's the matter with you, boy?" I said, "Well, I wanted to run here for the legislature." He said, "You've got to run as a Democrat." I said, "Yes, sir."

Mr. HATFIELD. Easy composure.

Mr. HOLLINGS. That was easy composure. I thank the Senator.

Mr. President, I yield to the distinguished Senator from Massachusetts 10 minutes.

Mr. KERRY. I thank the Senator.

Mr. HOLLINGS. Mr. President, I understand 20 minutes were reserved for the Senator from Arkansas which have been yielded back, so I yield 10 minutes of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from South Carolina. I may not use the entire time, but I would like to pick up where I left off in the questioning with the Senator from Delaware. There is not anybody in America who has not become so aware—I think "overwhelmed" is a better term—by the level of violence that seems to consume this country at this time.

I think it reached a new level of depravity with the story a few weeks ago when a woman was murdered and cut open so that her live fetus could be taken out by animals who somehow had the notion that it was an acceptable way to give someone else a live child. We are raising sociopaths in this country at a rate that ought to alarm every American. I think it does alarm them, and it somehow rings rhetorical alarm bells in Congress, but it just does not produce a response that is adequate.

I think most Americans know that. I think most Americans understand that unless the 36 percent of children nationwide who are born out of wedlock, who have little prospect of anybody in their lives giving them some values, unless the prospect of those kids gaining some sense of what this country and civil behavior is all about increases, we are going to see a lot worse in the next 10 or 15 years.

What astonishes me, Mr. President, is that every analysis by competent people, every criminologist, every researcher in the field of youth violence, is telling us that this Nation is going to see a wave of criminal activity among our young unless we do something about it.

The response in this bill, notwithstanding good efforts by good people to take a minimal number of resources and shift them around, is just inadequate. It is simply inadequate when we know that we have one-tenth the number of the police force we had 30 years ago—when people are scared to go out of their home at night—go to a part of town that they know may not be safe at night—when people are worried whether or not their car will be stolen when they go out.

The greatest single message and deterrent in taking back the streets from that fear and from that kind of thug dominance are police officers. The Senator from Delaware said that 15 years ago—this is a fact we talked about many times—we had 3.5 police officers per violent crime in America. Today we have anywhere from 3.5 to 4.6 violent crimes per police officer.

It is not rocket science to begin to understand the relationship between putting the police officer on the street and the ability to deter crime. Most thugs do not go out and walk into a 7–11 or a gas station when there is a cop standing 40 yards away or where there is someone that is on a regular patrol and they know the chances of being apprehended are pretty good.

The problem in America is that over the last 10 or 15 years we have sent a message to people that the probability of being apprehended is not so good. In fact, Mr. President, two out of five people who commit murders in America will never cross the threshold of a police station, let alone a courthouse. We have also learned that in community after community after community where we have put police officers on the street in community policing, life has improved.

Just this past week the Attorney General visited Lowell, MA, where we managed to get a Federal grant to help create a community policing entity in a part of town that had seen pimps and prostitutes and drug gangs take over the streets. The moment the police came in, the pimps and prostitutes and drug gangs disappeared and the stores on that street came back to life and seniors began to say, "We can come out of our house again and walk to the store." It is basic.

Here we have a bill that turns its back on the pleas of police officers, on the pleas of local communities and suggests that somehow we are going to be better off by creating a block grant where communities will now compete against all the other interests in the community in law enforcement rather than going to the priority that we chose—which is putting police officers on the street.

I suppose block grants might be conceivable if you had the resources being dedicated in all the other areas so that you could make a difference. But the fact is, we do not have those resources in the other areas, and we know it. The police should not have to compete against the computers, against the cruisers, against the equipment, against floodlights for a jail, that we need. If they do then we are going to go back to where we started from—that prompted us to guarantee that there are well equipped police officers on our streets.

Mr. President, about 11 percent of all our crimes in this country occur each year in our 85,000 public schools. It is estimated today that 1 out of 20 students brings a gun to school at least once a month. We understand that perhaps more than 200,000 students in America now pack weapons along with their lunches because of their fear of violence in and on the way to school. According to the National School Safety Center, nearly 3 million crimes are committed in, near, or around a school campus every year. That is one crime almost every 6 seconds that a school is in session.

So, Mr. President, this is not a smart approach to the problems of increased criminal activity in this country. It is not enough. If this represents the best that we can do at a time when the country is in crisis, then we ought to be forced to go back to the drawing board and do better.

Mr. President, violence is an epidemic in America that knows no local or State boundaries. It is spilling over into thousands of communities across America. In September, in Massachusetts, a young prosecutor, Assistant Attorney General Paul R. McLaughlin, was gunned down by a hooded youth in a display of a level of gang violence and immorality unprecedented in this country. It was a brutal assassination of a public servant doing his job—the kind of violence we see in other nations, but not in America.

Against that backdrop, it is ironic that I have to come to the floor of the U.S. Senate to plead with some of my colleagues to keep cops on the street—to plead for them to abandon ideology and their own political agenda and respond to do what is right, not what is expedient.

I fear, Mr. President, that our headlong rush to balance the budget at any cost—even the cost of the life a young prosecutor—is irrational, irresponsible, shortsighted, and immoral.

Now, I know that perhaps nothing could have stopped this brutal murder, but we have to ask ourselves today, what are our priorities. What kind of people are we if we chose the bottom line over the lives of public officials. If we rigidly hold to extremist dogma no matter who gets hurt and who suffers.

Mr. President, let us bring this debate about Commerce-Justice-State appropriations to where it belongs—with the will of people—the concerns of thousands of local police officials who came to Washington to testify year after year for us to give them directly the tools they need to fight crime on the streets.

And almost 8 years later we are here virtually thumbing our noses at them and doing so in the same week that violence on the streets has reached a dangerous new level. The real issue before the Senate is not which formula we should adopt. Yes, there are real differences. The formula of the Republican bill allows much more discretion to State Governors, as to how the money will be spent. Last year we required that the money go directly to police departments, because we know the sorry history of police funding.

From 1971 to 1990, as the country was literally drowning in a tidal wave of crime, and still is, our Governors and mayors and legislatures—indeed the entire political structure—engaged in a policy of unilateral disarmament.

From 1971 to 1990, in the midst of this crime wave, we increased spending on lawyers and public defenders by over 200 percent. We increased prison spending by 156 percent. We increased spending on State and local police by all of 12 percent.

So in last year's bill, we said, we are going to give control over this money, this relative pittance of Federal funding, directly from the Federal Government to the cops who need it. We said, "We are going to require that the money be spent on police."

Now the new majority wants to take all the Federal money, and give it back to Governors to control. Perhaps, this time, they will in fact spend it all on police, and do so wisely. This will be a real test, and we will all be watching; not just those of us in the Senate, but the American people, suffering the ravages of crime and violence, all over America.

That suffering, its magnitude, the utter disgrace it represents for every man and woman in this Chamber, that is the real issue before us.

It is estimated that crime has increased by more than 600 percent since 1950.

Communities have been ravaged by indiscriminate acts of violence. Such acts have been and are eating away at the core of our cities and towns, and the impact on our schools has been devastating. I do not believe that there has been a rural, urban, or suburban school that has escaped its grasp.

Families have been destroyed, lawlessness has exploded, and many young people have watched first hand as their friends and relatives were killed in front of them. Such killings have left an indelible impact on the lives of these young people—an impression that will stay with each of them forever.

Mr. President, the problems of crime and violence that we talk about today are not new, but have been at least 30 years in the making. During this time we have watched violence emerge as one of the leading public health epidemics in the United States.

As the people of this Nation and the Congress prepare to do battle over whether and how to restructure our national health care system, let us not forget two important facts.

First, the medical costs associated with gun violence in 1992 have been estimated at approximately $3 billion.

Second, average charges for a young gunshot patient in 1991 equaled the cost of a year of tuition, room and board at a private college—about $14,000.

Mr. President, crime and violence have reached into every part of our daily lives and that of our children. No American, no matter what age, has escaped its wrath and its impact on education has been so severe that 10 percent or more of the Nation's largest school districts have installed metal detectors this year than last year. As shocking as this has become, even more alarming is why so many schools have been forced to do this.

First, about 11 percent of all crimes occur each year in America's 85,000 public schools.

Second, it is estimated that one in 20 students bring a gun to school at least once a month.

Third, it has been said that more than 200,000 students pack weapons along with their lunches because of fear of violence in, or on the way to school.

Finally, according to the National School Safety Center, nearly 3 million crimes are committed in or near a school campus every year—about 1 every 6 seconds that a school is in session.

Mr. President, as this Congress talks about the problems of crime and violence, the inescapable reality is that the conditions described above create an educational environment that thwarts the efforts of public school teachers to educate students; it impedes teaching and learning, and underscores one of the main reasons why more and more parents are refusing to send their children to public school.

But before another member of this body stands up to criticize public schools and public school teachers, it is time each of us consider the environment many public school teachers find themselves trying to teach in. In urban America, that environment has been hostile not only to teaching, but to life itself. Students committing indiscriminate acts of violence against another student because of drugs, clothing, or simply because they wanted to. In fact, the arrest rate for juveniles aged 10–17 for weapon law violations increased 117 percent between 1983 and 1992.

It is no longer enough to say that you cannot teach a child who comes to school hungry. The problem today is well beyond the single issue of hunger that previously confronted public school teachers. Today's problems are multifaceted and to a greater degree than ever before, are compounded by crime and violence on the way to, during and after school.

Public school teachers today must now serve not only as teachers, but as counselors and referees, while also fearing for their own safety.

What is before us therefore is the fact that both approaches—both the Democratic bill and the Republican bill, the 1994 crime bill and the 1995 appropriation—both of these efforts are woefully, shamefully inadequate.

We are like doctors who discover, at long last, that our patient has cancer; and we are prescribing aspirin.

Just as to police: the President told us, and he is correct, that we now have one-tenth the effective police strength of 30 years ago. Did he ask us for ten times the police, to return us to the levels of security we once knew? No. He did not suggest 5 million new police. He did not ask us for 1 million. He did not ask us to, and we did, even double the police we now have.

He asked us, we will remember, for funds to add perhaps 30,000 new police. We, in the Senate, last year, Democrats and Republicans, joined to increase the number to a possible 100,000. But we did not by that act begin to solve the problem, or meet the needs of the country.

What do we need? The American people are already paying, out of their own pockets, for about 1.5 million private police—three times the number of police paid for by taxes, on public payrolls. They are not available to work where the real problems are. They are not trained to work the mean streets where crime and criminal activity breed. They protect only enclaves. Is that to be our strategy, as in the Vietnam of long ago—to protect only the enclaves of the comfortable, and business, and leave the rest of our own fellow citizens alone and unprotected?

In Vietnam, I saw a lot of wonderful men give their lives for this country: not for some abstraction, not for a piece of colored cloth. But for their families, and for their fellows, and for the children that too many of them never lived to see. Are we keeping faith with them? Are we protecting their children and grandchildren today? Are we doing our duty to preserve the country for which they, as so many before them in the history of the Nation, gave the last full measure of devotion?

So let us vote these funds today. But let us understand that this bill is less than a beginning, less than a start. It is my understanding that there will be offered, later this year, a new substantive crime bill. At that time I intend to offer amendments that will substantially increase authorized spending assistance to State and local law enforcement, and to perhaps begin the debate we should have had long before this time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me thank the distinguished Senator.

I now will yield 10 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator.

I think what is one man's pork is another person's beef. I remember on the floor of this body, when the crime bill was first considered, the wonderful porker that the Senator from New York had drawn on a chart and had before this body. The contention was that the crime bill, and this particular aspect of it, was a porker.

I want to say, it has turned out to be the beef of the crime bill. There is no question in my mind that the community policing part of the crime bill is the most popular part of the crime bill out there.

"If it isn't broke, don't fix it." The fact of the matter is, in my State, crime rates are going down in all of the jurisdictions because of the community policing aspect of this bill.

So I am very disappointed—there are good things in this bill—but I am very disappointed by the fact that we take the discretionary aspect out of the community policing bill, make it a block grant program, give it to the local jurisdictions, but enable those local jurisdictions to use it for whatever they want to use it. They can use it for new squad cars. They can use it for some aspects, I gather, of police stations. They can use it for desk sergeants, if they want to. That defeats the purpose of the community policing aspect of this bill.

What is that purpose? The purpose is really to show that a police force in a crime-troubled area with trained community police officers who know the communities and know the difference between the bad guys and the good guys are going to be more effective in making good arrests and, secondly, in retarding crime in that area.

To date, the crime bill has targeted about $8.4 billion directly to States and localities.

This program, as I said, is working. According to the Department of Justice, California has received sufficient funding to support the hiring or redeployment of 3,900 police officers from the crime bill COPS Program. This is not pork. This is beef. These funds have gone to the larger and most troubled crime-plagued cities: Los Angeles, San Jose, San Francisco, San Diego, and, most recently, Oakland.

As a matter of fact, beginning in March of next year, the Los Angeles Police Academy will be graduating 100 officers a month for 6 months, funded through the community policing aspects of this bill.

Additionally, community policing funds have gone to smaller California cities—Selma, Victorville, Santa Cruz, Ojai, and Millbrae.

It is no coincidence, then, that the crime rate in California's biggest cities dropped by 7 percent during the first 6 months of this year, compared to the same period last year, with double-digit decreases—double digit, that is more than 10 percent—in homicide, in rape and in robbery.

California's Attorney General, Dan Lungren—a Republican, by the way—credited the intensified use of community-oriented policing by local police departments for this drop in crime. Attorney General Lungren said of community-oriented policing, and I quote:

"It should be utilized in every part of the State."

I could not agree more.

So the COPS Program is working. "If it ain't broke, don't fix it." It is putting cops on the streets. It is reducing crime.

Second, my other concern with this bill is the drug courts. In America, we constantly have the debate: Do you fight drugs on the supply side or do you fight them on the demand side? I know, as a mayor for 9 years, that you have to do both and you have to do it well. America has never fought drugs equally on the supply side and the demand side.

This crime bill was the first time that more moneys were put in for prevention and for rehabilitation to almost equal the amount for interdiction and enforcement. Drug courts were a relatively new aspect.

About $1 billion dedicated to drug court programs over the next 6 years is eliminated in this conference report. That is a mistake. A study by the California Department of Alcohol and Drug Programs found that for every $1 spent on treatment for alcohol or drug abuse, $7 in savings is accrued. There are now evaluations coming out of drug courts. We are finding—surprise of all kinds—they are working. "An Evaluation of the Oakland Drug Court After Three Years," by Judge Jeffrey Tauber of the Oakland-Piedmont-Emeryville Municipal Court, found the following results, which I quote:

> The data collected supports the conclusion that the imposition of an immediate and intensive supervision and treatment program substantially reduces the rate of felony recidivism during a 3-year period following arraignment. It is estimated that there were 44 percent fewer felony arrests—

That is 582 fewer felony arrests—

> for offenders in what is called the FIRST Program—fast, intensive, report, supervision and treatment—than under the previous program.

California is expected to receive an estimated $119 million for drug courts, or enough for about 59,500 offenders over the next 6 years. By eliminating this program, this bill will deprive States of a tough program to get and keep nonviolent offenders off drugs and to unclog our courts of violators who would otherwise walk.

Another problem I have with the bill is the cuts in the Commerce programs. I come from a State where 1.2 million people are out of work. The unemployment rate currently exceeds 7.8 percent. It exceeds the national rate by 2 points. This bill cuts EDA, which is the last remaining economic tool provided by the Federal Government since programs were developed in the 1970's to help cities.

The program that is cut targets the defense conversion support. In my State, to cut defense conversion and its ability is to put people out of work, plain and simple.

The bill also eliminates funding for the Advanced Technology Program which assists firms with new technology to provide new breakthrough products and processes. One of the things that California was assured, having gone through more than 30 base closures, with between 500,000 and 1 million people who have lost their jobs so far because of defense downsizing, is that there would be an adequate program of defense conversion to help industries convert into nondefense pursuits. And now we find that these funds will be cut off by this bill as well. It is unfortunate.

Let me conclude by saying, community police have reduced crime. Community policing works. The crime bill has worked. It is not pork; it is where the beef is.

I thank the Chair. I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, before I yield time, I do think that a number of comments that have just been made both by the Senator from Massachusetts and the Senator from California deserve a quick response, because I do not believe that they accurately characterize the bill.

It was ironic, in fact, that the Senator from Delaware came down here and excoriated us for approximately an hour and a half on the attitude this bill takes, specifically citing one of the programs, which is prison construction, where we have created the possibility of States to obtain approximately $0.5 billion in prison construction for illegal aliens.

This was not done to benefit my State. My State does not have a whole lot of illegal aliens running around. This was done to benefit the State of California, the State of Texas, the State of Florida, and it was done at the expense, as was pointed out most vividly by the Senator from Delaware, at the expense of some of the smaller States, of which I happen to be a representative.

So I find a certain irony when the Senator from California comes down and attacks this bill on the basis that it is not doing enough. I find equal irony when the Senator from Massachusetts comes to the floor and says we are not spending enough money, when this bill increases the spending in the crime area by 19 percent. To do that, it had to take the money from the State Department and the Commerce Department because we were assigned a certain allocation.

So if the Senator from Massachusetts, or other Senators, wish to attack the nature of this bill and the amount of money being spent on crime prevention in this bill, which happens to be a 19-percent increase—a substantial increase considering the present climate—I believe they should tell us where they want to take more money from—from Commerce or the State Department?

On the issue of the drug courts, the fact is that under the block grant proposal, drug courts are not eliminated. They are an available option for any State that decides to expand and use drug courts. It is very much available under that block grant.

There are other points on which I will probably have to reserve my right to put a written statement in the RECORD.

I now yield 7 minutes to the Senator from Tennessee, Senator THOMPSON.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank the Senator from New Hampshire, who makes some very valid points. One of them, essentially, is that it focuses on the crucial issue here, and that is whether or not law enforcement is a State and local function still, as it has always been in this country, or whether or not, basically, it is a matter for the Federal Government to attend to, given the Federal Government's wonderful track record in solving these problems historically.

I think people realize, ultimately, that this money that flows down from on high to the State and local communities comes from their own pockets. It is not free money. I have often wondered how we got into a situation in this country where folks down where I grew up, in Lawrenceburg, TN, will get in their car and drive by the courthouse, to Nashville, past the State capital, and go out to the airport to get on a plane to fly to Washington, DC, and talk to me about how many cops they ought to have in Lawrenceburg. That is the situation we have gotten to in this country.

While I do not think the conference report is the ultimate solution to this, I think more and more money ought to be left in the pockets of the people on the local level and let them solve the problems. It is certainly better than any alternative we have.

The conference reports reflects what those of us who are new to this body were elected to do. Its provisions reflect the reality that there is not always a Washington-based solution to every problem. The Constitution limits the power of the Federal Government. Crimes, traditionally, in this country are not a national problem, with exceptions, but it is primarily a State and local problem. By eliminating the COPS Program, the conference report respects the proper role of the States and the people under our constitutional system.

The COPS Program shows insufficient respect for our system of federalism. With the COPS Program, citizens of States and localities are taxed by the Federal Government. The tax money is returned to the States, minus the cost of a Federal bureaucracy, and with the addition of many strings on their own money.

The formula for allocating the money is peculiar. COPS funds go to communities without regard to their crime rate. The COPS office knowingly gave $75,000 to one town for the police chief to leave the office for the street, supposedly. He wound up reading stories to second graders. How does that serve any Federal purpose? Two officers were sent to a low-crime Chicago suburb, whereas a poor Chicago suburb, whose crime rate tripled, received only one simply because it had fewer officers than the wealthier suburb.

The strings on localities make even less sense, Mr. President. The money can be spent only on putting police on the street. Rural areas may not find community policing appropriate to their sparse population, but with the COPS Program, that is the only option. It is said on the floor of this Chamber that, my goodness, they might spend it on police cars, equipment, or do something else with the money.

My question to that is: What is the problem? Have we in this body achieved such expertise on the details of law enforcement in the small communities across the Nation that we are in a position of supplanting our judgment for the people whose responsibility it is?

The President complains that police are outgunned by criminals, but under the COPS Program, localities are prohibited from spending grants on guns and ammunition, equipment, technology, training, or other purposes that actually correspond to the needs of the citizens where the police will actually serve. The District of Columbia, with an enormous crime problem, refused to apply for a COPS grant because the police chief says that the District has all the police it needs.

What it lacks is appropriate technology and equipment. If the Federal Government does not even know what is best for Washington, DC, how can it know what is best for communities around the rest of the country?

Of course, the monetary rules are the COPS Program's worst infringement on State's rights. COPS funds officers at $25,000, but the Justice Department's own figures show that the average police officer costs $50,000. When a locality receives a COPS grant, it is also receiving a Federal order to spend another $25,000 that the community might wish to spend on other law enforcement functions, or even other desirable local functions, or even tax relief.

Sunnyvale, CA, which the Clinton administration hailed in its Reinventing Government campaign, returned its COPS grant because it was required to spend an enormous amount of its own money and to comply with numerous Federal strings as a condition of Federal funding.

Moreover, the COPS Program is political. Applicants are required to indicate the locality's congressional district. The COPS office is duplicative. The Justice Departments's Bureau of Justice Assistance career civil servants already dispensed law enforcement grants to State and localities. By contrast, COPS funds are allocated by political appointees in a separate office. That office has a budget of $28 million, much more than the $16.3 million of COPS grants that Tennessee has received, for example.

By contrast, the conference report replaces the COPS Program with block grants. Local officials will best determine how to meet local needs, without the interference, or even the existence of a Federal bureaucracy. It would have been better if the conference report had gone further, in my opinion—eliminating block grants and simply letting localities make their own law enforcement decisions, and leaving the money there for them to do it with. Then, municipalities would be responsible for decisions made, and we would have a little bit more accountability in our governing process. When multiple layers of Government are involved with street crime, each level can pass the buck to another, and the citizenry will not know who to hold accountable.

The differences between Congress and President Clinton are clear. President Clinton may well veto the conference report over the COPS Program. He may feel he wants to take a stand on something. If he wants to take a stand for a Federal, bureaucratic, inefficient, and inflexible program, so be it. The conference report's approach is local, flexible, and efficient. In fact, it is so efficient, Tennessee will not only receive more than twice as much money under this approach than under the COPS Program, but it will not have to comply with the whims that come from out-of-touch bureaucrats. I am sure many other States will find themselves in the same position. Therefore, I rise in support of the conference report.

I yield back any time I may have remaining.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 2076, the Commerce-Justice-State appropriations bill for fiscal year 1996.

The conference agreement provides $27.3 billion in budget authority and $19.1 billion in new outlays for the programs of the Departments of Commerce, Justice, State, the judiciary, and related agencies.

When adjustments are made for prior-year outlays and other completed actions, the bill as adjusted totals $27.3 billion in budget authority and $26.6 billion in outlays.

Under very difficult funding contraints, this is a bill that honestly and straightforwardly sets forth funding priorities while staying within the subcommittee's revised 602(b) allocation. The final bill is less than $1 million in budget authority and $2.4 million in outlays below the revised 602(b) allocation.

I commend the new chairman of the subcommitee, Senator GREGG, for the fine job he did in conference on this bill. This bill provides dramatic increases in our front-line law enforcement and the Border Patrol as well as increased flexibility for States in developing their crime fighting strategy through the new State and local law enforcement assistance block grant. A total of $1.9 billion will be provided to States and local governments for the hiring and equipping of law enforcement personnel, updated technology, and crime prevention programs.

There are a few items for which I would like to express particular appreciation to the distinguished chairman and ranking member of the subcommittee. One is the $4 million provided for the Women's Outreach Program under the Small Business Administration, another is the flexibility for States to fund drug court programs under the law enforcement block grant, and lastly, the agreement to preserve the Legal Services Corporation.

With regard to the Legal Services Corporation, I must say that I am not pleased with the final funding agreement of $278 million. I realize the House was concerned about passing the conference report and felt it necessary to remain at the House funding level.

However, it is highly likely that the President will veto this bill. When we revisit this issue, I and a number of my colleagues will insist on a higher funding level.

This bill retains the Legal Services Corporation but significantly restructures its activities. I believe the Corporation should withstand scrutiny from even its harshest critics. Tough new restrictions on the uses of LSC and non-LSC funds are in place and enforceable through the independent office of the inspector general, rather than through the Corporation itself.

The funds will be targeted toward basic legal services for low income individuals ensuring equal access to justice. Within 6 months, the Corporation will be out of the more controversial business activities that have brought so much criticism in the past.

Finally, I note that the conferees have continued bipartisan support for the Fulbright Exchange Program recommending $102.5 million to continue the program in fiscal year 1996.

Since the Fulbright Program was signed into law in 1946, nearly 230,000 Fulbright grants have been awarded to U.S. citizens and to nationals of 150 other countries. These scholars go abroad to study, teach, or conduct research and foreign nationals come to the United States for the same purpose.

For every $100 the U.S. Government spends on Fulbright exchanges, the Fulbright Program attracts $44 from foreign governments and from in-kind support and private contributions both here and abroad attesting to its international stature.

Non-U.S. Government support for the Fulbright Program increased by 20 percent from 1993 to 1994 alone, a strong indication of the program's prestige throughout the world.

I am pleased that the Congress will support the Fulbright Program in its 50th anniversary year.

I urge my colleagues to support the conference agreement.

Mr. President, I ask unanimous consent that a table showing the Budget Committee scoring of the conference report accompanying the Commerce, Justice, State, and the judiciary appropriations bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMERCE-JUSTICE SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed		92
H.R. 2076, conference report	151	125
Scorekeeping adjustment		
Subtotal defense discretionary	151	217
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		6,561
H.R. 2076, conference report	22,659	17,177

COMMERCE-JUSTICE SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Scorekeeping adjustment		
Subtotal nondefense discretionary	22,659	23,738
Violent crime reduction trust fund:		
Outlays from prior-year BA and other actions completed		826
H.R. 2076, conference report	3,956	1,286
Scorekeeping adjustment		
Subtotal violent crime reduction trust fund	3,956	2,112
Mandatory:		
Outlays from prior-year BA and other actions completed	2	20
H.R. 2076, conference report	503	480
Adjustment to conform mandatory programs with budget resolution assumptions	27	25
Subtotal mandatory	532	525
Senate subcommittee 602(b) allocation:		
Defense discretionary	151	218
Nondefense discretionary	22,659	23,739
Violent crime reduction trust fund	3,956	2,113
Mandatory	532	525
Total allocation	27,298	26,595
Adjusted bill total compared to Senate subcommittee 602(b) allocation:		
Defense discretionary		−1
Nondefense discretionary	−0	−1
Violent crime reduction trust fund	−0	−1
Mandatory		
Total allocation	−27,298	−26,595

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, let me suggest that in times when we do not have all the money in the world, the appropriation process, in my humble opinion, has a very, very specific job to do and that is to prioritize where the money will be spent. If there is not enough money for what everybody wants in a bill, then it is the responsibility of those who lead the committee to look at the spectrum of things they are supposed to be considering and say, "Which are most important?"

Frankly, under our new chairman, Senator JUDD GREGG, ably assisted by the ranking member, Senator HOLLINGS, who has chaired this subcommittee before, they have done just that, as it pertains to the No. 1 issue in the United States of America: crime.

If you ask the American people what they would want us to spend their taxes on in this bill, they would say pay for crime prevention, and U.S. attorneys who are prosecuting, and for prisons that are holding prisoners, and for U.S. marshals who make sure they are taken into custody, and pay for FBI and DEA, and, lo and behold, add to that the entire Department of Justice criminal apparatus. Funding for these kinds of programs went up 19.2 percent.

Frankly, I come to the floor to congratulate the chairman and ranking member for that. They have added one other area that definitely needs improvement, because if you ask Americans what else they are very worried about, they will say, "Illegal immigration." They will say "our borders are not our borders any more. They are sieves," and they will say, "What can you do to improve it?"

In this bill, in a dramatic way, we have increased the Immigration and Naturalization Service, the INS. The American people would vote "aye" for that. They would say yes.

Frankly, there are a lot of other things in this bill that are secondary. If we had all the money in the world we ought to fund them. I want to lodge a complaint and a concern because we did not have enough money, but if we ever get back to the table and are producing another bill, I am a strong advocate of giving legal services to poor people who need a lawyer. I am not an advocate of Legal Services taking on all kinds of causes. I want them to pay for individual poor Americans who are being sued or have a lawsuit, so they have access to a lawyer.

I believe Democrats and Republicans alike ought to be for that. This bill contains prohibitions against the Legal Services Corporation that they can live with and still provide services for the poor. It does not have enough money but there is not enough to continue providing the most critical services.

This bill may not see the light of day. It may be vetoed. Who knows what the budget negotiations might bring? I came to the floor to say I believe we are about $60 million below the Senate-passed level for Legal Services, and I hope at some point we can make that up.

I close these remarks once again by saying if ever there was a subcommittee that saw what America truly needs from its Federal Government, and where our people would like their taxes spent, this subcommittee did it, because they have increased every legitimate bona fide area of crime prevention that the U.S. Government is in by a significant amount. I laud them for it. I hope we can eventually get this new money into these programs and these activities.

I yield the floor.

Mr. GREGG. First, I wish to thank the Senator from New Mexico for his generous comments. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arizona.

Mr. MCCAIN. I congratulate the authors for an excellent piece of legislation. I come to the floor quite often complaining about wasteful spending earmarks and other pork barrel projects and find this legislation largely devoid of that. I want to express my appreciation to both the Senator from South Carolina and the Senator from New Hampshire. I hope we can continue that practice and indeed expand it. I have seen it in 2 of the 13 appropriations bills, and I hope that we will be able to continue to make progress in that area.

Mr. President, the reason why I came to the floor, and I will not use my full time, is that every time I come to the floor to talk about our relationship with Vietnam I hope it is my last. Unfortunately, I have been given one more opportunity.

The bill before us conditions funds in an unacceptable manner for expanding diplomatic relations with Vietnam on our efforts to gain the fullest possible accounting of American servicemen. The President has made clear in his statement of policy on this bill that he will veto it. Among the reasons he listed for doing so is his objection to this particular provision.

This being the case, I will not take a long time to discuss the issue. But I do want to point out one simple fact: The President of the United States has normalized diplomatic relations with Vietnam. That is a fact. The Senate has managed to at least grasp this reality. Just over 2 months ago it supported the President's decision by voting against an amendment prohibiting normal economic relations with Vietnam. As for the other body, the language which has made Vietnam an issue in this bill at all was approved without a recorded vote.

Mr. President, to state the obvious, the President must have the authority to conduct our foreign relations. Whether I agree or disagree with the President of the United States—in this case I happen to agree—I know that elections have consequences. For better or for worse, President Clinton was elected to conduct our Nation's foreign policy.

He is the President of the United States and he has decided it is time to move forward in our relationship with Vietnam. Again, this is a fact.

He will veto this bill, as is also within his constitutional authority, and we will begin again. I hope the next time the conference committee considers the issue of United States-Vietnam relations it will dispose of it in a manner that allows us to put the issue behind us.

I yield the floor.

Mr. SMITH. Mr. President, I rise to strongly support the compromise language that was worked out by the House and Senate conferees with respect to an expansion of our diplomatic presence in Communist Vietnam. I also take vigorous exception to the remarks made by the Senator from Arizona, Senator MCCAIN, in opposition to the work done by the conferees. I would say to my friend from Arizona that this language is so reasonable, that there is no way the House is going to back down on it, and I intend to use every means at my disposal to prevent any weakening of the approved language. Moreover, while I respect the Senator from Arizona's right to raise his objections, I must say that I am extremely disappointed that he would make such a statement with respect to this specific provision on Vietnam worked out by the conferees.

I would note that, in addition to a majority of the House-Senate conferees, this provision is supported by the majority leader, the chairman of the Foreign Relations Committee, the chairman of the Armed Services Committee, the chairman of the Asian/Pacific Subcommittee, the chairman of the International Operations Subcommittee, as well as the House chairman of the International Relations Committee and the National Security Subcommittee on Military Personnel. Moreover, four of our major national veterans organizations—the American Legion, the Disabled American Veterans, AMVETS, and Vietnam Veterans of America—support this language, in addition to the National League of POW/MIA Families and the National Alliance of POW/MIA Families. In short, there is broad support for this provision, notwithstanding the remarks by the Senator from Arizona.

The fact is, Mr. President, that all Congress has asked for from the President in this provision is his assurance that Vietnam is fully cooperating on the President's own established criteria for measuring progress by Vietnam on the POW/MIA issue. Let me repeat, so there can be no misunderstanding: all the Senate and House conferees have asked for is the President's assurance that Vietnam is fully cooperating on the President's own established criteria for measuring progress by Vietnam on the POW/MIA issue. If Vietnam is not fully cooperating, then I would think most of my colleagues would agree that perhaps we need to take a closer look at the administration's policy toward Hanoi and whether it is working. If the President says Hanoi is fully cooperating, then it is full steam ahead with Vietnam relations.

I am both confused and amazed that the Senator from Arizona does not like the term fully cooperating. All year long we have heard rhetoric praising Vietnam's cooperation on the POW/MIA issue from the administration and certain Members of the Senate using every adjective in the book—words like "superb," "splendid," "unprecedented," "undiminished," "great," "outstanding"—that is what we've been told, Mr. President. But now, when we ask the administration to put their assurances in writing, with words that have real meaning, some people up here get nervous and we see the kind of statement we heard earlier. Ironically, I think the remarks made earlier may cause the American people to wonder whether they have been deliberately misled by the President in order to allow the normalization of full taxpayer-funded relations with Communist Vietnam. I find it very troubling that my friend is raising a red flag on such a reasonable provision.

Mr. President, should the Senator from Arizona or any other Senator want an extended debate on this issue, I would put them on notice right now that they will get such a debate from this Senator if they try to weaken this language in the coming days.

The reason many of the wounds from the Vietnam war have yet to heal has to do with things like honesty, commitment, and priorities. That is what this debate will be about, because that is what the House and Senate conferees are seeking from the administration with the certification on POW/MIA cooperation in this bill.

Mr. President, I ask unanimous consent that a copy of the referenced provision on Vietnam be printed in the RECORD immediately following my remarks in order that my colleagues may see how reasonable a provision it really is. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILL LANGUAGE AGREED TO ON NOV. 27, 1995, BY THE HOUSE-SENATE CONFERENCE ON H.R. 2076, THE COMMERCE/JUSTICE/STATE AND THE JUDICIARY APPROPRIATIONS BILL FOR FISCAL YEAR 1996:

SEC. 609. LIMITATION ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for:

(1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995;

(2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or

(3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995,

unless the President certifies within 60 days, based upon all information available to the U.S. Government, that the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following four areas:

(1) resolving discrepancy cases, live-sightings, and field activities,

(2) recovering and repatriating American remains,

(3) accelerating efforts to provide documents that will help lead to the fullest possible accounting of POW/MIA's,

(4) providing further assistance in implementing trilateral investigations with Laos.

Mr. HOLLINGS. Mr. President, momentarily the Senator from Delaware, who I understand has substantial time left, will come to the floor.

Let me agree with my distinguished chairman relative to the Immigration and Naturalization Service whereby we cut not only New Hampshire, we cut the State of South Carolina and other small States to the tune of $500 million—half a billion bucks out of the prison fund, out of prison construction, so that we could set up this imprisonment of immigration violators in the States of California, Texas, Florida, and otherwise.

So there should not be any criticism on that score. There should be thanks to the Senator from New Hampshire and the committee that has done its work in that particular regard.

Otherwise, Mr. President, let me emphasize one more time the advance technology program while I have a few minutes. We started that in our Commerce Committee after a series of over 2 years of hearings, and we were trying our dead-level best to get America back on top of its own technology in the context of yes, we were leading in the research but never in the development.

Specifically, down in Houston on the superconductor we had Nobel Prize winners there, but the competitor, Japan, orchestrated some 22 entities and markets and wins and profits. We win the prizes. They win the profits. We wanted to get on top of that particular problem and with the advance technology program whereby they pick the winner—not the Government—and it is picked by them coming with at least 50 percent of the funds and thereafter reviewed, peer reviewed by the National Academy of Engineering, that the award is made.

It is has worked very successfully. The industry, particularly the electronics industry, the computer industry and otherwise, came to us and the Council on Competitiveness under President Bush, John Young of Hewlett-Packard testified on behalf of this program.

I dovetailed the program, having chaired the hearings otherwise on the trade bill back in 1988. It was not in the budget. Thereafter, President Bush did pick up and submit a request for it.

Now, over on the House side they have the bit in the teeth relative to winners and losers, industrial policy, all kinds of nonsensical pollster slogans—are you for the Washington Government picking winners and losers? You hear some of that, and of course carried to its logical conclusion about the best government is the least government, and we do not have to wait for Washington. Just do away with the county and State government and let the township operate and forget about Washington, too.

These are good arguments on the campaign trail but the fact of the matter is we have an ongoing program that should never be abolished, to maintain the development, not just the research, but the development of our technology.

At the end of World War II we had 50 percent of the work force in America in manufacturing; 10 years ago it was down to 26 percent; today, it is 13 percent.

I used to go to the factories in New Hampshire campaigning.

There are very few factories left in New Hampshire. I can find up on the highway, 128, I think it is, going up from Nashua to Boston, Wang and some of the others, Wheeler, Beta, Frye—oh, I had a good time.

I mentioned earlier, the Governor of North Carolina, there, after Secretary of Commerce Hodges, he had been the national president of the Rotary, and his widow, now a resident of your home State, made sure I was introduced to all Rotary Clubs up there. It was a tremendous pleasure. Otherwise, when referred to on the Hoover Commission by our distinguished full chairman, Senator HATFIELD of Oregon—yes, we served on that Hoover Commission back in 1953 and 1954, investigating the intelligence activities.

I have, again, the same reverence he has for former President Herbert Hoover. He is the one who, incidentally, started the telecommunications bill that we are trying to conference. It had a very interesting beginning, that particular program, you might say, in law. It was back in 1912, at the sinking of the *Titanic*, whereby David Sarnoff, working in the store Wannamakers, in Philadelphia, selling wireless sets, went up on the roof and contacted survivors and nearby ships in the rescue and orchestrated the rescue effort. He stayed up there 3 days and nights. The crowds gathered below.

But, thereafter, then everybody wanted a wireless, and, by 1924, under Secretary Hoover, the industry asked to be regulated. They had jammed the airwaves and you could not reach anyone. They said, "For Heaven's sakes, we need the National Government to come and regulate us."

So, those who are now running around, deregulate, deregulate—we want to. We want to catch up the law with the technology, which is far ahead of us here in the Congress. But, in so doing, we want to make certain it is done on a competitive basis rather than a noncompetitive basis. We do not want to extend the monopoly.

So, that being the case, I retain the remainder of my time.

Mr. SARBANES. Mr. President, I rise today in strong opposition to the conference report on the Commerce, Justice, and the State Department appropriations bill for fiscal 1996.

While this agreement is an improvement in some respects over the bill that passed the Senate earlier this fall—most notably in the funding for the Economic Development Administration—it still fails to provide adequately for many programs which are absolutely essential to promoting economic and business development, investing in research and development and protecting American consumers.

I want to underscore some of the most egregious provisions in this conference agreement.

First, this bill proposes to eliminate the President's Community Policing Program, one of the most successful and popular anticrime initiatives ever enacted. Communities throughout the Nation have already benefited enormously from the Federal resources made available under this program. There are today over 25,000 new police officers on the street battling violence and drug-related crime. In my own State of Maryland, 365 new officers are on the beat in urban and rural communities creating a new sense of security and adding to the quality of life for all of our residents. The conference agreement's proposal to replace this program with a block grant program would defeat the entire premise of community policing by shifting money away from providing new police officers to communities in need. Lumping COPS grants in with other law enforcement and prevention programs would instead allow States to use the money for numerous other intentions ranging from prosecutors to housing code inspectors.

Second, the conference agreement has proposed to significantly reduce funding in important programs and laboratory upgrades for the National Institute of Standards and Technology. I would zero out the Advanced Technology Program which assists businesses large and small in developing high-risk/high-impact technologies for the 21st century. The ATP is fast becoming a key mechanism accelerating the pace of commercial technology development. In its first 5 years of operation, ATP has already shown tremendous potential for enhancing economic growth—especially during this time of intensifying investor pressure to cut costs and spend limited research funds. Even though ATP is relatively new, it is already helping researchers in 38 States. The conference agreement would eliminate not only future grant initiatives, but also suspend funds for projects already in progress. This program has truly been a success and must be continued.

I am also particularly concerned about the rescission of $75 million in prior year unobligated balances and reduction of $10 million in the fiscal 1996 request for the modernization of NIST's 35-year-old laboratory facilities in Gaithersburg and Boulder, CO. Without these funds, NIST will be unable to proceed with its construction of the much needed Advanced Technology laboratory, the centerpiece of NIST's upgrade and construction program. As the only Federal laboratory whose explicit mission is developing scientific standards and providing technical support for U.S. industry's competitiveness objectives, NIST must have modern infrastructure—the laboratories, equipment, instrumentation, and support—in order to maintain a viable scientific research program and to keep our Nation on the cutting edge of science and technology as we move into the 21st century.

Third, Mr. President, I am deeply concerned about the funding level for the Legal Services Corporation in this conference agreement. The agreement would provide significantly less funding than provided in the Senate bill, which would have reduced substantially the funding for legal services from the fiscal year 1995 level of $400 million.

For more than two decades, the Legal Services Corporation has been at the forefront of our efforts to give real meaning to the words emblazoned in stone above the portals of the Supreme Court: "Equal Justice Under Law." The Legal Services program has provided critically needed services to millions of poor, elderly, and disabled citizens who otherwise would not have access to the American legal system and the protection it affords the many basic rights we enjoy in this country.

Maryland's Legal Aid Bureau, which receives by far the largest portion of its total funding from the Legal Services Corporation, has done an outstanding job of representing Maryland citizens living in poverty. With the funding received from LSC, the 13 legal aid offices located throughout Maryland provide general legal services to approximately 19,000 families and individuals annually, assisting Marylanders in such routine legal matters as consumer problems, housing issues, domestic and family cases, and applying for and appealing the denial of public benefits.

I am very concerned that the significant reduction in funding in this conference report for legal services would seriously impair the ability of legal services organizations like Maryland Legal Aid to provide these vital services.

Fourth, the conference report cuts $43 million from the administration's fiscal 1996 budget request, funding that is absolutely essential for the Bureau to gear up for the 2000 census. These cuts would seriously endanger the Census Bureau's ability to collect and process periodic economic data. This data is essential for businesses and policy makers to understand what is happening in the economy. A recent editorial in the Washington Post underscores the importance of this funding for the Census and I ask unanimous consent that it be printed in the RECORD immediately following my statement.

For these and other reasons I urge my colleagues to join me in rejecting this legislation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1995]

COUNTING THE COST OF COUNTING

Measured by the product created for the money spent, the U.S. Census Bureau is one of the most valuable agencies of government. Data from the Census Bureau are vital to business, to academia, to transportation planners, to those who assess future housing demand and to many others. Census numbers are also among the country's most important political numbers, determining how legislative seats are allocated and where billions in federal dollars will go.

The Census Bureau, like every other agency, is caught up in the battle for a balanced budget. The bureau is unusual among federal agencies because its costs do not go up along a straight line; they peak toward the end of one decade and the very beginning of the next, because of the bureau's central mission: to conduct a national head count every 10 years. The misfortune for the Census Bureau is that the cuts needed to achieve a balanced budget between now and 2002 fall right in the middle of its biggest spending years.

The Census Bureau itself agrees with its various critics that its needs to figure out how to produce better data for less money. If the census in the year 2000 were conducted exactly as the 1990 census was, the estimates are that its cost would grow from $2.6 billion to $4.8 billion. The bureau wants to come in at well under that. But to do so, it may have to rely on various sampling techniques that many Republicans are leery of. Some of the biggest costs the census faces are in going back and finding those who do not reply to the census form. Sampling would cut those costs. So a key question is whether Congress is willing to accept sampling methods in the interest of saving money. If the savings came instead from less intensive efforts to find those who do not answer the census initial query—many of them are poorer than average, members of minority groups, immigrants and city dwellers—the biases that already creep into the data would deepen.

Many in Congress suggest that costs could be cut and response rates improved if the census shortened the questionnaire of its "long form," which goes to about one American in six. A shorter long form would save some money, but at the cost of data lost to government, business and researchers of all kinds. If ever there was a place for one of those cost-benefit analyses the new Congress seems so fond of, this is it.

For the next fiscal year, the Clinton administration had asked for $193.5 million for the census, and the Senate went right along. But the House appropriated only $135 million. The conference committee has settled on $150.3 million. For the short term, it's not clear to us that the census is the best place to look for that much in savings, especially since the bureau is now spending on technological improvements and research designed to save money when the big bucks start getting spent around the year 2000. The test should be whether small cuts now would risk larger cost increases later. Even more important is for Congress to face up to the underlying policy issues, since the goal of a cheaper census could be at odds with some of Congress's other objectives.

Mr. HOLLINGS. Mr. President, the Senate had proposed a 20-percent cut in the budget of the International Trade Commission. The conference report restored most of the International Trade Commission's budget. Various trade reorganization proposals have been advanced. Any attempt at trade reorganization must also encompass the reorganization of the International Trade Commission. It is my firm belief that the Commission flaunts the will of the Congress with regard to enforcement of our trade laws. Furthermore, the Commission is rife with internal conflict. At this time I ask for unanimous consent that memorandums written by the Chairman and various Commissioners be printed in the RECORD. Mr. President, these memos speak for themselves, and they speak volumes for the need to reform the ITC.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, *June 30, 1995.*

MEMORANDUM

To: The Commission.

From: Chairman Peter S. Watson.

Subject: Attempted override of direction to issue press release re study in Inv. No. 332–TA–344.

Earlier today I learned from the Director, Office of Public Affairs, of a purported decision by four Commissioners to override my direction to her to issue a press release in the form that I had approved.

Section 1331, of course, provides that any of my administrative decisions "shall be subject to disapproval by a majority vote of all the commissioners in office." But that section does require a vote. As our own General Counsel has advised: "While the statute clearly provides that the Commissioners shall have the right to 'vote' on the question of disapproval, it is silent with respect to voting procedure. We know of only two ways in which the Commission and other collegial bodies 'vote' on matters—by notational voting (e.g. action jacket) and by vote in the course of a meeting. The Commission utilized both forms of decisionmaking at the time Congress was considering the amendments to section 331, and we presume that Congress intended that disapproval votes could occur in either manner."

The reason for such voting is to allow all Commissioners a say in any business before the Commission—in other words, it enforces some minimal deliberation by the entire body, whether in writing or orally.

This advice was confirmed to me late today by the Inspector General. I continue, therefore, to direct the issuance of the press release as originally drafted.

Per Administrative Order 94–26, "any Commissioner may request that an item, other than an outstanding action jacket, be placed on the agenda for a public meeting of the Commission." If any of my colleagues wish to do so, they may.

WASHINGTON, DC, *June 30, 1995.*

MEMORANDUM

To: Peg O'Laughlin.

From: Peter S. Watson.

Subject: Press Release for Inv. 332–TA–344.

I direct you to issue the attached press release immediately. The authority of me to direct the release of the same, over the objections of certain Commissioners; is contained in CO70–S–066, a copy of which I attach. As there has been no legally recognized override of my direction to you, the press release is to be issued without any delay.

Using the same authority, I direct you, or any subordinate of yours, not to release any other press release concerning this investigation unless authorized by me in advance, in writing.

Attachment.

ITC RELEASES STUDY ON THE ECONOMIC EFFECTS OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS AND SUSPENSION AGREEMENTS

The United States International Trade Commission (ITC) today released the results of its investigation Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements (Investigation No. 332–344). The report, which also reports on the economic effects of the dumping and subsidy practices that such orders and agreements address, was forwarded to U.S. Trade Representative Mickey Kantor, who requested study.

The investigation was originally requested by former USTR Carla Hills in January 1993. Ambassador Kantor resubmitted the request in June 1993 with a broadened investigative scope. The ITC instituted the investigation in July 1993. Two days of public hearings were held in September 1994 as part of the ITC's full investigative process.

The ITC report Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements (Investigation No. 332–344, USITC Publication No. xxxx, June 1995) can be ordered without charge by calling 202–205–1809 or by writing to the Office of the Secretary, Publications Branch, 500 E Street SW, Washington, DC 20436 (FAX: 202–205–2104).

The report will also be available on the ITC's Internet server at http://www.usitc.gov or ftp://ftp.usitc.gov.

WASHINGTON, DC, *July 12, 1995.*

MEMORANDUM

To: Director, Office of Public Affairs.

From: Vice Chairman Nuzum, Janet Nuzum, Commissioner Rohr, Commissioner Newquist, and, Commissioner Bragg.

Subject: Press Release in Inv. No. 332–344.

We are very concerned about the events of Friday, June 30, surrounding the issuance of a press release that had been disapproved by a majority of the Commission. You work for the entire Commission, and may not carry the instructions of a single Commissioner, including the Chairman, if those instructions conflict with the direction of a majority of Commissioners.

In the future, we expect that you will take actions consistent with the views of the Commission majority. If you encounter what you believe are unfair tactics or intimidation by a single Commissioner attempting to thwart the will of the majority, please advise the remaining Commissioners promptly and take no action until so authorized by a majority of Commissioners. We will not tolerate such behavior by our colleagues and have advised them that we will take appropriate action if it occurs. In the case of a career employee threatened with termination or other adverse personnel action for refusing to follow instructions that violate the will of a majority of the Commission, we note that the Chairman does not have the authority to terminate a supervisory employee at or above grade GS–15 without the express approval of a majority of the Commission. 19 U.S.C. 1331(a)(2)(A). In the case of other adverse personnel action, the Commission majority can and would take action to override any such adverse action under these circumstances.

Press releases concerning Commission determinations or reports require the approval of the Commission. Contrary to the Chairman's characterization in his memorandum CO70–S–066 (June 30, 1995), the issuance of such press releases is not an administrative decision subject to override by a majority of the Commission within the scope of 19 U.S.C. 1331(a)(1). Rather, as described in the attached memorandum from the General Counsel, the issuance of a press release regarding a Commission response to an Executive Branch request is a substantive matter involving external relations, and as such requires majority approval by the Commission.

This is precisely the reason that such press releases are routinely circulated by the Office of Public Affairs to all Commissioners' offices—for approval by the Commission, not approval by the Chairman. The Commission did not approve the press release that you issued on June 30; in fact, a majority of Commissioners disapproved it, and instead indicated its approval of a revised press release. thus, issuance of that press release was improper.

WASHINGTON, DC, *July 12, 1995.*

MEMORANDUM

To: Chairman Watson.

From: Vice Chairman Nuzum, Commissioner Rohr, Commissioner Newquist, Commissioner Bragg.

Subject: Press Release in Inv. No. 332–344.

We strongly object to your action of Friday, June 30, in directing the issuance of a press release that had been disapproved by a majority of the Commission. We are disturbed by your heavy-handed tactics regarding issuance of a Commission press release, which before your actions of that Friday had been an uncomplicated collegial process. We also disagree with both the premise and substance of your memorandum CO70–S–066 (June 30, 1995).

The premise of your memorandum is incorrect: the issuance of a press release concerning a Commission study is not an administrative decision within the Chairman's authority under 19 U.S.C. 1331(a)(1), but rather a substantive matter involving external relations, for which Commission approval is required. In this case, a majority of Commissioners disapproved the press release in favor of a revised press release. Thus, when you directed the issuance of a press release that had been disapproved by a majority of the Commission, you acted outside of your authority.

Although this was not a case of an attempted override, you are incorrect in suggesting that a vote to override an administrative action by the Chairman can only be accomplished by means of an action jacket or by vote in the course of a public meeting. The courts have upheld various means of notational voting, including the separate expression of views to an office compiling the views. In this case, four Commissioners expressed their disapproval of the press release and their concurrence in a revised text, both to the Director of Public Affairs and to your office, orally and by means of electronic mail. This would have been sufficient for an override, had this been an override situation.

Your action further contravenes 19 U.S.C. 1331(a)(3) which states: "No member of the Commission, in making public statements with respect to any policy matter for which the Commission has responsibility, shall represent himself as speaking for the Commission, or his views as being the views of the Commission, with respect to such matter except to the extent that the Commission has adopted the policy being expressed."

You directed the issuance of a press release to the public with the knowledge that it did not represent the policy of the Commission. In fact, there was a majority consensus on what the policy of the Commission would be regarding this study and the public's access to its contents, but you did not agree with it. Instead, you made your own determination on what that policy should be, and you represented to the public that policy as being the Commission's position, knowing that it was not. Thus, in our view, you improperly represented yourself as speaking for the Commission by ordering the issuance of this release as a Commission document.

Your actions in this matter are rendered even more egregious by the "management by intimidation" tactics that you employed. It is highly inappropriate for the Chairman to threaten career government employees with adverse personnel action if they fail to follow his personal instructions that violate the clearly-expressed position of a majority of the Commission. We are very concerned about your use of such tactics, which place the entire Commission at risk for employee grievances, sexual harassment lawsuits, and resulting potential liability. To the extent that we are required to do so by law, we hereby serve notice that we do not condone such behavior and will not hesitate to take appropriate action should it occur in the future.

WASHINGTON, DC, *July 13, 1995.*

MEMORANDUM

To: Vice Chairman Nuzum, Commissioner Rohr, Commissioner Newquist, Commissioner Bragg.

From: Peter S. Watson.

Subject: CO69, 64, 67 & 71–S–001 dated July 12, 1995, Press Release in Inv. No. 332–344.

Thank you for the above-referenced joint Memorandum and the Memorandum GC–S–295 attached thereto, both dated July 12, 1995.

The submissions are interesting insofar as they reflect creative interpretation and writing. Yet, as entertaining as your submissions might be, I do not find them compelling.

Instead, I find the interpretation of Commission voting procedure the GC set forth in GC-L-047, and in which the IG orally concurred, to be compelling. Accordingly, I continue to be directed by it, and I will expect relevant Commission employees to do the same. For the same reason, the validity of my original action stands.

What I found less amusing was the assertion that my conduct "place [note: not may place] the entire Commission at risk . . . sexual harassment lawsuit". A separate communication will be forthcoming on this particularly serious, and totally groundless, charge.

WASHINGTON, DC, *July 14, 1995.*

MEMORANDUM

To: Chairman Peter Watson.

From: Vice Chairman Janet Nuzum, Commissioner David Rohr, Commissioner Don Newquist, Commissioner Lynn Bragg.

Subject: Clarification of our memo of July 12.

In light of your comments in CO70–S–070 of late yesterday, we wish to clarify our statements in the last paragraph of our memorandum of July 12. We were not, and are not, alleging that you have engaged in sexual harassment, and regret any inference of such. Our concern is the use of intimidating tactics and the possibility of grievances or lawsuits being filed by staff should such treatment persist. Obviously, we would not welcome such filings; besides the obvious legal costs, there would be serious repercussions to morale within the agency. We need a Chairman who leads by respect, not threat. We hope you agree. In bringing these concerns to your attention now, it is our sincere hope that you will appreciate these concerns and that we can all avoid this situation from escalating.

WASHINGTON, DC, *July 17, 1995.*

MEMORANDUM

To: Vice Chairman Janet Nuzum, Commissioner David Rohr, Commissioner Don Newquist, Commissioner Lynn Bragg.

From: Peter S. Watson.

Subject: CO69, 64, 67, & 71–S–003 of July 14, 1995.

I am in receipt of the captioned Memoranda. In respect to your actions that I took issue with in the last paragraph of my Memorandum CO70–S–070, knowledgeable counsel has advised me that, upon a review of the facts and applicable law, he believes actionable libel was committed by each of you (and perhaps others, yet to be identified) in respect to the same.

Adlai Stevenson once observed that it is often easier to fight for principles than to live up to them. I have no lessons to learn from those who would presume to piously school me while simultaneously publishing and disseminating the insidious and odious language referred to. I am, however, prepared to accept the unconditional retraction of, and apology for, the language that you issued as an end of your role in this most regrettable matter.

WASHINGTON, DC, *August 11, 1995.*

MEMORANDUM

To: The Commission.

From: Peter S. Watson.

Subject: Request for hiring authorizations.

The purpose of this memo is to seek comment on action I am considering on several requests for authorization to hire. As you know, I instituted a hiring freeze this past April (Administrative Order 95–13) that allows exceptions for demonstrated critical staffing needs. Because all hiring decisions made before the end of FY 95 will affect our budget planning for FY 96, I believe it is important that the Commission be advised of my decisions in that regard and given the opportunity to comment on the same.

I recently received a request (OP–S–028) dated July 21, 1995, from the Director of Operations regarding certain critical staffing needs. Attached for your review and information is Mr. Rogowsky's July 21, 1995 memorandum, other memoranda related to requests for hiring authority, and background information on the ITC's Cooperative Education Program.

Upon review of these memoranda and after numerous conversations with staff, I have decided that it is sagacious to authorize Office of Industries (OI) to convert three co-op employees to permanent status (authorization to hire into the co-op program granted 12/27/94 by this Office) and to authorize the Office of Information Systems (OIS) to announce and hire a computer specialist. I have concluded that it is in the ITC's best interest to fill these positions despite the possibility that the Commission's FY 96 appropriation may necessitate a reduction in force. At this time, I do not expect to grant any other hiring authorizations in FY 95.

We may estimate that the Commission will have approximately 425 full-time permanent employees on board at the close of FY 95 (if the aforementioned positions are filled). This number is based on several considerations including the assumption of a conservative attrition rate during FY 96. The last transaction report (AD–S–175 dated August 7, 1995) indicates that the Commission has approximately 423 funded permanent position filled. This number would change as follows: 1) the Commission is currently expecting to hire a Director of Administration and a Director of

Economics (+2); 2) four more voluntary early retirements will occur by September 30th (−4); 3) replacing Andy Fontaine in OIS and approving the conversions of the three co-op employees would add four (+4). The net result under this scenario would be 425 permanent employees. I recognize that staffing in Commissioners' offices may fluctuate slightly as well.

It is, or course, useful to ask whether the Commission could sustain 425 full-time permanent employees under different budget scenarios. Based on Mark Garfinkel's estimations, if we are funded at $44.5 million, the Commission would be able to support 425 positions. If we are funded at $43.5 million, a furlough appears to be required to avoid a RIF. If, however, we are funded at $42.5 million or below, a RIF would become necessary even with a furlough. All of these scenarios assume a non-personnel expenditure reduction of 10% (not including rent) and some attrition in FY 96. We also expect some savings from reducing leased space to be realized in FY 96.[1]

With the departure of Andy Fontaine in OIS, there exists a critical need for additional technical computer support in that Office. The only other OIS employee that has a technical experience is Wally Fullerton. While OIS may be currently over-staffed, existing employees cannot be trained to fill Andy's position. It is important to note that the positions currently filled by Andy and Wally Fullerton would likely be placed in a separate "competitive level" from other staff, preventing those positions from competing in a RIF targeted at OIS.

The Office of Industries is operating at a level well below its current ceiling of 125 full-time permanent positions. The co-op conversions will still leave industries six positions below its ceiling and fill important or critical needs in OI divisions. I am mindful that a significant investment in the program and these particular employees has already been made. The Commission would be hiring highly productive individuals at a GS–9 level (average entry level is GS–11/3) who have already been trained. I note that precedent exists to convert co-op personnel during a hiring moratorium. Although the Commission does not have a legal obligation to hire co-op employees on a permanent basis, it makes sense to do so with successful candidates if we are going to continue to embrace the program.[2] It is my understanding that the Office of Personnel does not believe an extension of their temporary status is possible. Moreover, they would not have health insurance unless converted. Because the co-op employees, if converted, would likely be among the first to go in a RIF targeted at Industries, I would advise them in advance of their questionable job security.

Please provide me with your comments in writing by the close of business August 16, 1995.

WASHINGTON, DC, *August 17, 1995.*

MEMORANDUM

From: Peter S. Watson.

To: David B. Rohr.

Subject: Use of title: "Senior Commissioner".

I am in receipt of your Memorandum CO64–S–055 dated August 14, 1995. Upon a thorough review of the entire matter it is clear that the only relevant activity of disseminating misleading information relates to your persistent and ongoing public use of the non-existent title "Senior Commissioner". It is a matter of public record that you are the longest-serving Commissioner. However, it is obvious from the style and context of your use of the term "Senior Commissioner" that the same connotes a formal and legal title, and does not merely indicate relative length of tenure.

The correspondence attached to your Memorandum indicates that you have on at least three occasions formally and in writing represented yourself with the title "Senior Commissioner". The record reflects that you sent two letters to the *Financial Times* and one letter to *Inside U.S. Trade* using this non-existent title. This self-appointed title apparently misled the Letters Editor of the *Financial Times* who indeed addressed you with the title "Senior Commissioner" in his response to you dated August 1, 1995.

Please note that the term "Senior Commissioner" does not appear as a title designating a position in any statute relating to the Commission, or in any Commission regulation, directive or administrative order. See the attached OGC Memorandum LMS–S–041.

Your use of non-existent title is, at the least, a profound embarrassment to the Commission and especially to yourself. Moreover, I am concerned that any continuing use of the same might bring about a situation that results in a claim that use of the title in question is in violation of law. In this context one should note 18 USC Section 912 entitled "Officer or employee of the United States" which states:

"Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such. . . shall be fined under this title or imprisoned not more than three years, or both."

In that context, the Supreme Court case of United States v. Barnow, 339 US 74, 60 1 Ed 155, 36 Ct 19 (1915) supports the obvious conclusion that 18 USC Section 912 is to be read broadly to include the false representation as to some office or employment which has no legal or actual existence. As the Court notes ". . . the mischief is much the same. . . whether the pretender names an existing or non-existing office or officer. . ."

Since the entire Commission is now on notice of your continuing use of the said title and of possible claims arising from ongoing use thereof, I hereby direct you to immediately and permanently cease and desist in the use of the same.

WASHINGTON, DC, *August 1, 1995.*

MEMORANDUM

To: The Chairman.

From: The General Counsel.

Subject: "Senior Commissioner".

This is in response to your request for a review of whether the term "Senior Commissioner" appears as a title designating a position in any statute relating to the Commission, a Commission regulation, a directive, or an administrative order. We have found no such usage in statutes (both current provisions and those applicable in 1996) relating to the Commission, the Commission's Rules of Practice and Procedure, directives, or administrative orders.

WASHINGTON, DC, *August 22, 1995.*

To: Chairman Peter S. Watson.

From: David B. Rohr.

Subject: Your memorandum CO70–S–082 (use of term "Senior Commissioner"); My memorandum CO64–S–055 (Title VII Study, Investigation No. 322–334).

I have seen your August 17, 1995 memorandum, CO70–S–082. I note that you take issue with my use of the term "Senior Commissioner," but avoid the important matter raised by my memorandum CO64–S–055, the circulation of misleading information to the media on our Title VII investigation and report.

Your views regarding the use of the term "Senior Commissioner," while interesting, reveal a surprisingly deficient research effort. Rather than merely parse the statute, you could have researched Commission custom and tradition, precedent that is important in matters such as these. Such research would have revealed the use of the title by other Commissioners at appropriate periods of their tenures. I recall, in those cases, the Senior Commissioners were accorded courtesy and respect by their colleagues, qualities that are, indeed, in short supply within the current Commission.

Also on the "Senior Commissioner" issue, I must point out that the letterhead I use clearly shows the statutorily designated title of "Commissioner" in the upper left hand corner. My use of the term "Senior Commissioner" is subordinate to this statutory designation. The term "Senior" in "Senior Commissioner" is merely an adjective, reflecting my seniority of tenure among the current Commissioners, a fact that even your memorandum acknowledges. Seniority of tenure is statutorily referred to in section 331(c)(1)(B) of the Tariff Act of 1930, as amended. I am merely using the title as it has been customarily used at this agency, and, in my case, perhaps, also as a reference to chronological age.

I am very disappointed that you have chosen to ignore the purpose of my memorandum CO64–S–055, which was to call your and our colleagues' attention to what I believe to be misleading publicity regarding the Title VII report. My concern is heightened by a second letter from the *Financial Times*, received on Friday, August 18 (copy attached), which states in paragraph 2 that "Nancy Dunn's original story . . . was based upon *information supplied by the ITC.*" (emphasis added). This suggests very strongly that the June document "Release of U.S. International Trade Commission (ITC) Study on Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements," which included the $16 billion dollar cost figure, actually originated in and was disseminated from this agency with some sort of deliberate intent that it be mistaken for a *Commission-sponsored* document.

I think we all should be very concerned about the *appearance* (at least) of dishonesty and lack of integrity at the Commission if, indeed, such information originated here and was disseminated as though it were a Commission publication. I believe the information disseminated was, in fact, wrong. I documented this in my previous memorandum. Regardless, however, of how the information is characterized, it appears to have been disseminated as though it were from the Commission. This is the critical misrepresentation—not that the information was wrong—but that it was apparently deliberately misrepresented to be from the Commission.

Therefore, I renew my request for your thoughts and those of my colleagues about any actions that we might take to shed light on this case and assure that similar occurrences are precluded in the future. I will have to assume that continued silence by you or any other Commissioners is a lack of interest and concern.

I also renew my request for your communications with the *Financial Times* related to the Title VII study.

Mr. HATCH. Mr. President, I would just like to make a few comments with respect to Senator BIDEN's remarks.

First, Senator BIDEN remarked that the process by which this bill was brought to the floor was problematic. I agree, the process was imperfect. I would rather have brought the authorizing language through the normal process. I would note, however, that we have already held more hearings on the authorizing language in this bill than the Judiciary Committee held on the entire 1994 crime bill. I think it's tough to argue about the process by which this bill was sent to the floor.

Second, I would like to address the so-called cuts to Federal law enforcement. Federal law enforcement is increased nearly 20 percent over 1995 levels. And I would note that since 1990, the only real cut to Federal law enforcement came in the President's first budget. Indeed, Congress actually restored the President's cuts.

For example, the Commerce, Justice, State conference report funds INS at an increased rate of $2,557,470,000.

The conference report provides over a 23.5-percent increase of fiscal year 1995 enacted levels. This increase provides funds to better control our borders and to stem illegal immigration.

The conference report provides funds for 800 new border patrol agents, 160 support personnel, and allows for better INS efficiency by redeploying interior agent positions to locations where the illegal immigration problem is most severe, the border.

The report also increases, by 1,400 positions, personnel dedicated to apprehend, locate, detain, and deport illegal aliens. Funding is also provided for over 2,800 detention beds and funding for antismuggling units.

Construction funds are provided for a triple fencing pilot project in southern California and funds to renovate a naval base for use as an INS satellite training facility.

Although the FBI does not receive quite the funding that I would like it to, it nevertheless receives a substantial increase over 1995.

The conference report represents over a 9.8-percent increase compared to fiscal year 1995 enacted levels. This increase provides resources enabling the FBI to address many projects and initiatives. These initiatives include: Personnel to staff the FBI Command Center; FBI legal attaches; safe streets task forces; FBI laboratory equipment and personnel; emergency response teams; upgraded databases on gangs; State, local, and Indian tribal law enforcement training; aviation maintenance and equipment; and wireless radio communications.

Construction funds are provided to renovate the FBI Command Center, to modernize the FBI Training Academy for use by Federal, State, and local law enforcement officers, and to begin work on a new FBI laboratory facility.

The conference report does not include a $29 million request relating to the full annualization of personnel that could have been hired in fiscal year 1995. In light of this hiring delay, however, the full personnel funding request is not necessary.

The report provides significant funding for U.S. attorneys offices as well. The $925,509,000 in the conference report represents over a 8.5-percent increase compared to the fiscal year 1995 enacted levels. Funding will support expedited deportation of denied asylum applicants, Federal victims counseling under the Violence against Women Act and increased demands for criminal prosecution and related activities.

The conference report also pays for security upgrades at U.S. attorneys offices, increased prosecutions of immigration laws, and funds to maintain attorney and support personnel levels for the prosecution of violent crime.

The DEA also received an increase in this bill, as it should. Drug use is the scourge of America, and it needs to be combated.

I fought for $60 million in trust fund money for the DEA during the Comprehensive Terrorism Prevention Act. I appreciate the Appropriations Committee taking my funding recommendation into account and providing DEA with $60 million of trust fund money.

The conference agreement provides over a 6.4-percent increase compared to fiscal year 1995 enacted levels. This provides to the DEA funds to improve its infrastructure and to better support investigative efforts.

The conference report includes program increases for the DEA's legal attache program, contract linguist support, advanced telephony, office automation, new agents for domestic heroin enforcement, mobile enforcement teams, and wireless radio communications.

The conference report does not include $15 million requested relating to full annualization cost of personnel that could have been hired in fiscal year 1995. In light of this hiring delay, however, the full request personnel is not necessary.

The marshal's service is also adequately funded under the bill.

The conference report provides over a 12.9-percent increase compared to fiscal year enacted levels. This agreement provides funds to upgrade security at existing courthouses. Additionally, it provides additional security personnel, equipment, and communications funds for new and expanded courthouses.

As for today, we are trying to balance the Federal budget. The President's request for Federal law enforcement was not made in the context of balancing the Federal budget. He has the luxury of not balancing the budget.

I would certainly like to put more money back into Federal law enforcement, but where will that money come from?

I would ask if we do not balance the budget now, then when will we do it? Where should we take the money from?

The plain truth is, this bill is an increase to Federal law enforcement—an increase of 20 percent. The only budget passed here in recent years that cut Federal law enforcement was Fiscal Year 1994—The first full Clinton budget.

I would also like to comment on the Prison Grant Program Senator BIDEN mentioned. The Department of Justice has engaged in what might be charitably characterized as a campaign of misinformation about the prison grants provisions contained in the conference report. For example, while committee staff was working on the details of these provisions, the staff solicited and received informal comments from the Department's Office of Policy Development. The Department's comments contained numerous factual errors.

For example, I was quite surprised to receive a letter on behalf of the American Society of Corrections Administrators [ASCA] which parroted, errors and all, the Department's informal comments. These comments were apparently transmitted to corrections departments in every State. As the corrections director of my State of Utah, who serves as the legislative committee chairman of ASCA, noted in a followup memorandum to the association's executive director:

> These informal comments appear to be designed to sidetrack or block any congressional attempts to revise the 1994 crime bill in any way as the administration admittedly does not want any revisions to this Bill.

Recently, the Department has been circulating a series of spreadsheets containing data purporting to demonstrate how many of our States would suffer under the conference report as compared to the 1994 crime bill.

I ask unanimous consent that two of the analyses to be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. The problem is, the numbers they use are unreliable, and are based on assumptions which are either unprovable, or simply untrue.

Indeed, an early Department criticism of this grant program stated that:

> [t]he way the funds are divided among qualified States prohibits the determination of grant amounts until all States applications are submitted and reviewed for compliance, and grant decisions are made.

Yet the figures being bandied about purport to be exactly such determinations.

There are several sets of numbers floating around. Apparently, the Department would run figures based on any assumption given them. In such a case, one really can use statistics to prove anything.

As just one example of the wildly varying sets of numbers released by the Department, under one set, my State of Utah would receive no money in fiscal year 1996, in another it would qualify for $2,324,958, and under a third scenario, Utah would receive $4,350,000. There is even a fourth analysis, under which Utah receives more than $7.3 million. I understand that a fifth analysis exists that gives Utah nearly $6 million. At this rate, eventually the Department will be reporting that all of the money will go to Utah. While my State, like each of our States, can certainly use prison grant assistance, this only highlights the spurious nature of these so-called analyses. Each of these analyses presumably are evaluating the same program.

As an example of assumptions used in the analyses that are simply untrue, the Department has repeatedly assumed that the grant program would be funded at a level of $500 million in fiscal year 1996. Yet the conference report which the Department purports to be evaluating clearly appropriates $617 million for the program.

Moreover, several of the Department's analyses assumes that all $500 million assumed appropriated pursuant to the 1994 crime bill would be applied directly to grants, while it assumes that under the conference report, only $300 million would be applied to grants. With such a starting assumption, it is hardly surprising that the analyses would conclude that States will receive less funding under the conference report.

The problem is, the premise simply isn't true. While the conference report admittedly utilizes $200 million of the $617.5 million appropriated to provide extra assistance to truth-in-sentencing States with high numbers of criminal aliens, there is absolutely no reason to believe that Congress would not do the same thing if no other change were made to the prison grant program. Implying otherwise to arrive at the desired result is disingenuous.

Some of the Department's results may be skewed on political grounds. Some of the results look peculiar indeed. For instance, one analysis purported to show which States would qualify for truth-in-sentencing grants, which would qualify for the less-lucrative general grants, and how much each State would receive under the conference report. Perhaps it is only a coincidence, but among the 28 general grant States in this analysis were 16 States that are represented in the Senate by 18 Senators who sit on either the Judiciary Committee or the Commerce, Justice, State Appropriations Subcommittee.

There is much more one could say about the numbers being bandied about by the Department of Justice on this issue. I will say no more about them, except to comment that this debate should involve policy arguments, not political scare tactics. The bottom line is that I believe that, if it is administered in an unbiased manner, all our States will receive a fair share of funds under this bill—a share that is proportionate to their crime rate and to their efforts to keep criminals off the streets. If a problem with the language does exist we will certainly fix it on the next round.

This bill is not perfect. But it has its priorities right, and devotes significantly more resources to the incarceration of violent prisoners than the fiscal year 1995 appropriation bill did. That bill appropriated only $24 million of an authorized $175 million. I believe that we can do better, and this conference report does so. I urge my colleagues to support it.

Furthermore, my friend from Delaware has also criticized the indeterminate sentencing provisions in the conference report.

I listened with great interest to my colleague's remarks. I am certain that it was not his intent to imply that this provision was designed to harm other States.

The truth is, 34 States practice some form of indeterminate sentencing. In many instances, violent prisoners can be kept in jail longer in these States than in determinate-sentencing States. For instance, in Delaware, even if they keep a prisoner in jail 10 years, he could be out in 9. In a system like Utah's, the same criminal could be sentenced to 5 to 15 years. Using criteria very similar to the Federal sentencing guidelines, the Utah Parole Board can keep the prisoner in for 5 more years.

This bill does nothing more than level the playing field for indeterminate States that keep violent thugs locked up.

EXHIBIT 1

CRIME SUBCOMMITTEE

[Grant amounts in thousands of dollars]

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill including that INA awards	Percent change, comparing awards under the conference bill to current law awards
Total for formula grants	$495,000	$495,000	$405,600	−0
Total awarded	495,000	$387,060	$195,707	−20
Alabama	5,571	0	NA	——
Alaska[1,2]	1,495	1,592	0	−100
Arizona	8,617	7,817	13,188	53
Arkansas	7,954	2,768	***	——
California	94,034	74,780	139,511	48
Colorado[3]	3,822	0	0	−100
Connecticut	3,038	2,819	5,102	58
Delaware[3]	1,632	1,914	0	−100
Dist. of Columbia	3,328	2,962	***	——
Florida	48,636	37,432	29,429	−37
Georgia	14,880	5,950	***	——
Hawaii[3]	1,273	1,758	0	−100
Idaho[2]	1,278	1,761	0	−100
Illinois	31,927	25,948	20,007	−37
Indiana	8,681	7,573	6,170	−28
Iowa	2,179	0	NA	——
Kansas	4,300	4,223	4,900	14
Kentucky[2]	3,422	0	0	−100
Louisiana	13,456	11,421	7,621	−43
Maine[1,2]	1,060	1,824	0	−100
Maryland[3]	8,176	6,907	0	−100
Massachusetts[3]	8,004	5,805	0	−100
Michigan	11,958	8,182	12,038	1
Minnesota	3,013	2,804	5,088	89

CRIME SUBCOMMITTEE—Continued

[Grant amounts in thousands of dollars]

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill including that INA awards	Percent change, comparing awards under the conference bill to current law awards
Mississippi	3,998	3,964	4,818	21
Missouri	11,516	9,975	3,874	−87
Montana[2]	1,040	1,618	0	−100
Nebraska	2,329	0	***	——
Nevada	4,188	1,584	4,873	16
New Hampshire	1,248	0	***	——
New Jersey	8,152	5,894	10,732	32
New Mexico	3,050	2,828	0	——
New York	54,953	44,051	34,924	−38
North Carolina	13,892	11,765	7,750	−44
North Dakota[1]	963	1,599	9,917	307
Ohio	18,313	13,088	8,488	−45
Oklahoma	3,884	0	***	——
Oregon[1]	5,048	2,847	0	−100
Pennsylvania	14,768	5,875	8,006	−48
Rhode Island	1,416	0	4,204	107
South Carolina	11,150	9,808	6,937	−18
South Dakota	1,040	0	***	——
Tennessee	6,617	4,071	***	——
Texas	21,224	13,762	***	——
Utah[3]	1,550	1,985	0	−100
Vermont	1,001	1,544	NA	——
Virginia	7,514	6,749	8,858	−22
Washington	8,312	7,577	***	——
West Virginia	1,382	0	***	——
Wisconsin[3]	2,797	0	0	−100
Wyoming	1,191	173	***	——

NA: Data are not available to determine eligibility for conference bill truth in sentencing grant awards for Alabama, Iowa, and Vermont.

——No grant is made under S.3, hence percent difference is meaningless; or it is unknown if the State is eligible for a general grant under the conference bill.

*Totals include projected 1998 award funds based on estimated 1995 distributions for Truth in Sentencing and the Immigration and Nationality Act (TIS/INA) diverted from prison grants under Section 20110(b) and does not reflect direct SCAAP appropriations.

Dollar amounts listed indicate the estimated award for truth in sentencing grants. Zeroes indicate that the state failed to meet the necessary requirements as stated in the conference bill for both general grant awards and truth in sentencing grant awards.

*** State is ineligible for truth-in-sentencing grant awards under the provisions of the conference bill. Sufficient data are not available to determine eligibility for conference bill general grant awards at this time.

Assumptions

Under all scenarios, total appropriation is $500,000,000.

Current Law (Column 1): Current law assumes all formula grant funds are awarded because of "reverter clause." One percent for administrative costs has been taken off the top, but none for technical assistance or discretionary funding.

S.3 Grants (Column 2): Under S.3, 1% is taken off the top for administrative costs.

Truth in Sentencing Grants Under the Conference Bill (Column 3):

1. The Attorney General uses no program funds for housing Federal prisoners in non-Federal institutions.

2. From the initial $500 million appropriated for truth in sentencing and general grants, Section 20109(a)(1) allocates 0.3% ($1.5 million) for payments for the incarceration of offenders under Indian tribe jurisdiction. Administrative costs are set at one percent ($5 million) to be comparable with other formulas.

Direct SCAAP appropriations comprises $300,000,000. The conference bill requires that the difference between the initial authorization for prison grants ($500 million) and direct SCAAP appropriations ($300 million) be diverted from prison grants to awards under the Immigration and Nationality Act.

Footnotes From the Table:

[1] These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(2), which requires that states "increase[d] the average prison time actually to be served in prison" since 1993 for part 1 violent crimes. According to the 1995 Bureau of Justice Statistics report, "Violent Offenders in State Prison: Sentences and Time Served," (p.4) the average minimum time for violent offenders to serve before release has not increased since 1993 for the indicated states.

[2] These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(3), which requires that states "increase[d] the average percentage of time of the sentence to be actually served in prison" since 1993 for part 1 violent crimes. The above BJS report indicates that the percent of the average maximum sentence to be served for violent offenses has not increased since 1993 for these states.

[3] These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(b)(2)(B), which requires that states "increase[d] the average time served in the state for the offenses of murder, rape, and robbery" since 1993. The above BJS report indicates that the average time served for violent offenses has not increased above 1993 levels for the indicated states.

COMPARISON OF POTENTIAL STATE AWARDS UNDER CURRENT CRIME ACT PRISON GRANTS, S. 3, AND NOVEMBER 28 CONFERENCE BILL AT $500 MILLION—PRELIMINARY

[Grant amounts in thousands of dollars]

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill*	TIS/INA awards** (1998 projection)	Percent difference*			Percent difference excluding TIS/INA grants	
					Compared to current law		Conference bill + TIS/INA vs. S. 3	Conference bill vs. current law	Conference bill vs. S. 3
					S. 3 grants	Conference bill + TIS/INA			
Total for formula grants	$495,000	$495,000	$293,500	$200,000	−0	−0	−0	−41	−41
Total awarded	495,000	367,060	195,765	200,000	−26	−20	8	−60	−47
Alabama	5,671	0	NA		——	——	——	——	——
Alaska[1,2]	1,405	1,802	0		27	100	100	100	100
Arizona	8,617	7,617	6,085	7,000	−12	52	72	−30	−20
Arkansas	2,954	2,769	***		−6	——	——	——	——
California	94,034	74,780	29,979	108,000	−20	47	85	−68	−60
Colorado[3]	3,822	0	0		−100	−100	0	−100	0
Connecticut	3,038	2,819	5,117		−7	68	81	68	81
Delaware[2]	1,532	1,914	0		25	−100	−100	−100	−100
Dist. of Columbia	3,326	2,962	***		−11	——	——	——	——
Florida	46,535	37,432	16,625	12,000	−20	−38	−24	−64	−56
Georgia	14,680	5,950	***		−59	——	——	——	——
Hawaii[3]	1,273	1,758	0		38	−100	−100	−100	−100
Idaho[2]	1,279	1,761	0		38	−100	−100	−100	−100
Illnois	31,927	25,946	12,744	7,000	−19	−38	−24	−60	−51
Indiana	8,561	7,573	6,180		−12	−28	−18	−28	−18
Iowa	2,179	0	NA		−100	——	——	——	——
Kansas	4,300	4,223	4,897		−2	14	16	14	16
Kentucky[2]	3,422	0	0		−100	−100	0	−100	0
Louisiana	13,455	11,421	7,307		−15	−46	−36	−46	−36
Maine[1,2]	1,060	1,624	0		55	−100	−100	−100	−100
Maryland[3]	8,175	5,907	0		−28	−100	−100	−100	−100
Massachusetts[3]	8,004	5,805	0		−27	−100	−100	−100	−100
Michigan	11,958	8,182	9,659	2,000	−32	−3	42	−19	18
Minnesota	3,013	2,804	5,122		−7	70	83	70	83
Mississippi	3,996	3,984	4,838		0	21	21	21	21
Missouri	11,616	9,975	6,964		−14	−40	−30	−40	−30
Montana[2]	1,040	1,618	0		56	−100	−100	−100	−100
Nebraska	2,329	0	***		−100	——	——	——	——
Nevada	4,188	1,564	4,853		−63	16	210	16	210
New Hampshire	1,248	0	***		−100	——	——	——	——
New Jersey	8,162	5,894	7,737	2,800	−28	29	79	−5	31
New Mexico	3,050	2,826	***		−7	——	——	——	——
New York	54,953	44,051	18,873	15,000	−20	−38	−23	−66	−57
North Carolina	13,892	11,765	7,565		−15	−46	−36	−46	−36
North Dakota	963	1,599	3,956		66	311	147	311	147
Ohio	16,313	13,668	8,287		−16	−49	−39	−49	−39
Oklahoma	3,884	0	***		−100	——	——	——	——
Oregon[2]	5,046	2,847	0		−44	−100	−100	−100	−100
Pennsylvania	14,756	5,975	7,901		−60	−46	32	−46	32
Rhode Island	1,415	0	4,221		——	198	100	198	100
South Carolina	11,150	9,608	8,767		−14	−39	−30	−39	−30
South Dakota	1,040	0	***		——	——	——	——	——
Tennessee	6,617	4,971	***		−25	——	——	——	——
Texas	21,224	13,752	***		−35	——	——	——	——
Utah	1,650	1,985	4,350		20	164	119	164	119
Vermont	1,001	1,544	NA		54	——	——	——	——
Virginia	7,514	6,749	5,778		−10	−23	−14	−23	−14
Washington	8,312	7,377	***		−11	——	——	——	——
West Virginia	1,302	0	***		−100	——	——	——	——
Wisconsin[3]	2,797	0	0		−100	−100	0	−100	0
Wyoming	1,191	173	***		−85	——	——	——	——

NA: Data are not available to determine eligibility for conference bill truth in sentencing grant awards for Alabama, Iowa, and Vermont.

*Dollar amounts listed indicates the estimated award for truth in sentencing grants. Zeroes indicate that the state failed to meet the necessary requirements as stated in the conference bill for both general grant awards and truth in sentencing grant awards.

**Totals include projected 1996 award funds based on estimated 1995 distributions for Truth in Sentencing and the Immigration and Nationality Act (TIS/INA) diverted from prison grants under Section 20110 (b) and does not reflect direct SCAA appropriations.

***State is ineligible for truth-in-sentencing grant awards under the provisions of the conference bill. Sufficient data are not available to determine eligibility for conference bill general grant awards at this time.

——No grant is made under S. 3, hence percent difference is meaningless: or it is unknown if the State is eligible for a general grant under the conference bill.

See next page for assumptions and notes.

Assumptions:

Under all scenarios, total appropriation is $617,000,000.

Current Law (Column 1): Current law assumes all formula grant funds are awarded because of "reverter clause." One percent for administrative costs has been taken off the top, but none for technical assistance or discretionary funding.

S. 3 Grants (Column 2): Under S. 3, 1% is taken off the top for administrative costs.

Truth in Sentencing Grants Under the Conference Bill (Column 3):

1. The Attorney General uses no program funds for housing Federal prisoners in non-Federal Institutions.

2. From the initial $500 million appropriated for truth in sentencing and general grants, Section 20109(a)(1) allocates 0.3% ($1.5 million) for payments for the incarceration of offenders under Indian tribe jurisdiction. Administrative costs are set at one percent ($5 million) to be comparable with other formulas.

Direct SCAAP appropriations comprise $300,000,000. The conference bill requires that the difference between the initial authorization ($500 million) and direct SCAAP appropriations ($300 million) be diverted to awards under the Immigration and Nationality Act/TIS provision.

Truth in Sentencing/Immigration and Nationality Act Awards (Column 4):

These states fulfill truth in sentencing provisions and are therefore eligible to receive additional funds under the Immigration and Nationality Act.

Footnotes from the Table:

[1] These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(2), which requires that states "increase[d] the average prison time actually to be served in prison" since 1993 for part 1 violent crimes. According to the 1995 Bureau of Justice Statistics report, "Violent Offenders in State Prison: Sentences and Time Served," (p.4) the average minimum time for violent offenders to serve before release has not increased since 1993 for the indicated states.

[2] These states are expected to be ineligible for both types of prison grants under the conference bill—general grant and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(3), which requires that states "increase[d] the average percentage of time of the sentence to be actually served in prison" since 1993 for part 1 violent crimes. The above BJS report indicates that the percent of the average maximum sentence to be served for violent offenses has not increased since 1993 for these states.

[3] These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(b)(2)(B), which requires that states "increase[d] the average time served in the state for the offenses of murder, rape, and robbery" since 1993. The above BJS report indicates that the average time served for violent offenses has not increased above 1993 levels for the indicated states.

Mr. COHEN. Mr. President, when this bill was originally on the Senate floor, and Senator DOMENICI offered his amendment to preserve the Legal Services Corporation, I supported Senator DOMENICI's effort but expressed some grave reservations about the restrictions that were being placed on recipients of LSC funds.

I hoped that the conference might come to understand the folly of these restrictions and report out a bill that would provide the LSC with sufficient funds to fulfill its important mission of ensuring that our most needy citizens have equal access to our system of justice—a promise written in stone on the front of the U.S. Supreme Court.

Unfortunately, the product of the conference with respect to the LSC is entirely inadequate.

Under the conference report, LSC funding would be cut from $400 million in fiscal year 1995 to $278 million, a reduction of over 30 percent.

The bill would place 19 separate restrictions on recipients of LSC funds. These restrictions control not only how legal services organizations may use their Federal grants but also how they may use funds derived from the States, bar associations, and private donations.

Under this bill, legal services organizations and the skilled attorneys that work for them are precluded from testifying at a legislative hearing, commenting on a public rulemaking, or communicating with Federal, State, or local officials that operate programs for the indigent.

At a time when we are authorizing the States to operate welfare, Medicaid, and a host of other programs with less Federal intervention, we are depriving them of the advice and expertise of some of the most knowledgable poverty law attorneys in the country.

And, at a time when we are trying to reduce the intrusiveness of the Federal Government, we are imposing new Federal mandates on how private organizations—such as Maine's Pine Tree Legal Assistance and the Voluteer Lawyer Project—may use their own money.

The bill also fails to provide the Corporation with sufficient administrative funds to properly perform the competitive bidding and monitoring requirements that this bill creates.

I realize that there are many in the other body that wish to eliminate LSC in its entirety and see these measures as the first steps in that process. But there were over 60 votes in the Senate to preserve LSC and those votes should not be ignored.

I understand that the President intends to veto this legislation, so I expect that the issue of the funding and structure of LSC will be before this body again. I agree that LSC must share in the budget belt-tightening that is being experienced throughout the entire Government. And some new restrictions may be in order to ensure that LSC funds are targeted at the most critical needs of our indigent citizens.

But in the end, the Corporation must be provided funds sufficient to guarantee the continued operation of its programs and restrictions that hinder legal services organizations from promoting the interests of their clients must be eased. I will continue to work toward this result with the President and members of the Appropriations Committee on both sides of the aisle.

Mr. CAMPBELL. Mr. President, I would like to make a few brief comments on the conference report to H.R. 2076, the fiscal year 1996 spending bill for the Department of Commerce, State, Justice and related agencies.

I appreciate the diligent work of the respective House and Senate subcommittees to craft a conference report that seeks to maximize funding that will be allocated to the Department of Commerce, Department of State, the Department of Justice and the 18 other agencies included in this appropriations measure. It has been made clear from the development of H.R. 2076, that this measure would be subject to a Presidential veto. Today, as we debate this conference report it is apparent the President will follow through to veto this measure.

While I will support the conference agreement today, because it contains vital funding for very meritorious programs, I want to express my serious reservations with legislative language included in this measure that may seriously undermine the ability of law enforcement officials to effectively address crime in their respective States and cities.

As you know, I have been a strong supporter of the 100,000 cops program. This program, which passed with widespread bipartisan support as part of the 1993 crime bill. In that bill, Congress authorized funds to go directly to where the problem exists: that is the shortage of law enforcement personnel. This important program would be administered in a block grant under the legislation now being considered.

I am concerned that scarce dollars would be spend by some mayors on anything that can arguably be construed as law enforcement under a block granting scheme.

Also, I want to once again, reiterate my strong support for drug-court funding. In Denver, our drug court is a tough, law-enforcement oriented solution to society's drug problem. It has already begun to show success. It would be a mistake to eliminate this valuable tool for enforcement of our drug laws.

Understanding this bill will be vetoed by the President, I look forward to working with my colleagues to reach a middle ground in a subsequent appropriations bill.

Mr. COVERDELL. Mr. President, as the Senate considers the 1996 Commerce, Justice, and State appropriations conference report, I wanted to focus my colleagues' attention on the need to obligate substantial resources to combat the devastating increase in drug use among our children. Let me take this opportunity to describe one such effort.

In its annual survey of drug use by junior and senior high school students, the National Parents' Resource Institute for Drug Education [PRIDE] reported significant increases among teenagers for crack, cocaine, heroin, LSD, non-LSD hallucinogens, inhalants, and marijuana.

The PRIDE survey found that 33 percent of our high school seniors smoked marijuana in the past year, and 21 percent smoked monthly. Since the 1990–91 school year, annual reported use of marijuana in junior high school has risen 111 percent and has risen 67 percent in high school. There has been an alarming 36-percent increase in cocaine use by high school students since 1991–92, which was the period of lowest use in recent years. If we allow this trend to continue, teenage drug use will reach the U.S. all-time high of 54 percent, in less than 2 years. Let me restate, we will have more kids in high school who are on drugs than are not.

Despite these alarming trends, surveyed teenagers report only one-third of nearly 200,000 parents talk to their children frequently about the dangers of drug use. Yet the study shows that parental involvement could significantly deter drug use, even among older teenagers. Among high school students whose parents never talk about drugs, 34 percent smoked marijuana, versus 24 percent who said their parents speak about drugs a lot—a relative decrease of 29 percent. Drug use declines sharply among students whose parents frequently discuss drugs with them.

According to the president of PRIDE, Dr. Thomas J. Gleaton, the most effective drug prevention program in the world—parental intervention—is used far less than we think.

Since last March, PRIDE has devoted a great deal of attention to the question of how we, as a nation, can again capture the necessary level of parental involvement that successfully drove down teenage drug use in the previous two decades. By active involvement in the antidrug movement, parents were successful in driving down drug use by teenagers from the all-time high of 54 percent in 1979 to just 27 percent by 1992.

PRIDE has proposed a grassroots plan focused on a renewed parent movement in the fight against teenage drug use. The goal of this effort is to educate parents and involve them in programs that will prevent and reduce drug abuse by their children. PRIDE's volunteer-based approach will allow parents to create a drug prevention program most suitable to the needs of their community. I feel strongly that the best solutions are found closest to the problem, which in this case, is the local level. I believe PRIDE's proposal is a valiant step toward preventing drug use among our Nation's most vulnerable targets—our children. Putting an end to drug use among teenagers is a key component in winning the war against the drugs.

In closing, I urge the Attorney General to ensure that adequate resources are available to combat teenage drug use. In addition, I encourage the Department of Justice to make available discretionary grant funds through justice assistance and juvenile justice programs to support PRIDE's efforts to establish programs involving parents in our fight against teenage drug use.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this conference report.

Mr. President, before I discuss my views on the conference report, let me begin by commending the distinguished Senator from New Hampshire, Senator GREGG, and the distinguished Senator from North Carolina, Senator HOLLINGS, for their hard work on this legislation. Senator GREGG in particular has managed to get up to speed on the intricacies of this legislation after Senator GRAMM left the subcommittee. That's not an easy thing to do, and he deserves real credit for his efforts. Similarly, Senator HOLLINGS, as always, has demonstrated his expertise on the programs covered in this legislation, and he also deserves credit for his work.

Mr. President, given the hard work of these two Senators, I rise to oppose the conference report with some reluctance. However, I have serious concerns with the final product, and so I am left with little choice.

I am especially concerned about the complete elimination of funding for the Community Policing Program.

Mr. President, this body previously voted to fully fund the COPS Program reaffirming our commitment to putting 100,000 new police officers on the streets.

Unfortunately, we apparently have now backed down in the fact of opposition from the House. And this conference report would completely eliminate the COPS Program.

Mr. President, the Community Policing Program is a program that works. I can attest to that because I've seen it first hand. A few months ago, I was in Plainfield, NJ, and I saw what the Community Policing Program has meant for that town. The results have been dramatic.

Crime has been reduced. The relations between the police and the community have improved. And the whole city has benefited.

I've seen similar results in several New Jersey cities.

Mr. President, community policing works largely by preventing crime before it happens. Under the program, officers are encouraged to get out of their cars and onto the streets. There, they go to know the people of the community and their problems. In the process, they also gain citizens' trust and confidence.

The improved relationship between the police and their community has several payoffs. Perhaps most importantly, officers are able to identify and resolve conflicts early on—before they erupt into violence. Community police officers often know when tensions are building between rival gangs, or between a husband and a wife. And they can take steps to defuse these tensions in a constructive way.

By contrast, officers who don't get out of their patrol car may have no idea that violence is about to erupt until it's too late to do anything about it—or after the fact.

Community policing also makes citizens feel more safe. People tell me that it's very reassuring to see an officer walking the beat, available to help out if a problem arises. This increased sense of security can make a huge difference in the quality of peoples' lives. It allows them to go out at night, to take their kids for a walk in the park, to get to know their neighbors.

These are the kind of things that Americans should be able to take for granted. But they can't in today's climate of fear.

Another benefit of community policing is that it helps to involve the police in the daily lives of young people.

As you know, Mr. President, many teenagers today are growing up without fathers, and without responsible adults who can set them on the right course. Community policing officers can help fill that void. Although no policeman can substitute for a father, officers can help instill a sense of values, and can lead young people away from lives of crime and drugs.

But they can't do that if they're just sitting in their patrol cars, isolated from the community.

Mr. President, a broad range of law enforcement officials have recognized the value of community policing. In fact, a national poll found that a clear majority of chiefs and sheriffs surveyed called community policing the most cost-effective strategy for fighting crime.

In addition, national law enforcement organizations, including the Major Cities Chiefs of Police, the National Association of Police Organizations, the National Sheriffs' Association, and the Fraternal Order of Police, all have come out strongly in support of the COPS Program. These are the people at the front lines in the battle against crime. And they know what works.

Mr. President, it would be a serious mistake to eliminate the Community Policing Program in favor of a whole new bureaucratic mechanism that does not now exist, and has no track record of success.

Unlike the Community Policing Program, which was worked out in lengthy negotiations during last year's crime bill debate, the new block grant program in this bill hasn't been subject to serious review. We don't know whether it will work.

There also are serious questions about how State politicians will use this money. Under the terms of the block grant, Governors could choose to fund building code inspectors, parking meters, bullhorns, or even carpets for courthouses. They wouldn't have to hire a single new police officer.

Mr. President, there is no need to deal with these kind of questions, and the variety of other problems that are involved in creating a whole new program. The Community Policing Program has an established track record. It's been up and running for some time. And we know it works. I've seen the results myself. And I am sure many of my colleagues have seen similar successes.

So, Mr. President, I hope my colleagues will not abandon our national commitment to providing 100,000 new police officers. Community policing will make a real difference in reducing crime, if we stick to it. Yet this conference report proposes to eliminate the program altogether. And that would be a serious mistake.

Mr. President, another serious problem with this conference report is that it virtually eliminates crime prevention programs.

Mr. President, it's a cliche, but it's also true that an ounce of prevention is worth a pound of cure. And there has never been a more urgent need to help ensure that young people, especially, are given positive alternatives to lives of crime. Arrest rates for violent crimes by juveniles have risen by nearly 100 percent in the last decade. And these arrest rates are expected to double again in the next 15 years.

We need to do more to reverse these trends. And yet the conference report largely ignores this need.

I urge my colleagues to reject this conference report.

Mr. LIEBERMAN. Mr. President, I rise today to express my deep concern over the cuts in programs in the Commerce, State, Justice appropriations conference report.

CUTS IN COMMERCE PROGRAMS

Let me turn first to cuts in the Commerce portion of the bill. Most of us agree that we must balance the budget, but let us avoid the trap of being penny wise and pound foolish in this process of making cutbacks. In our efforts to effectively balance the budget, we should make smart cuts, and protect investments that will improve our quality of life, will provide high-wage, high-skilled salaries and will maintain U.S. leadership in the global economic marketplace. Afterall, these are the reasons we are trying to balance the budget in the first place.

BACKGROUND OF OVERALL TECHNOLOGY CUTS

In a recent talk to directors of Federal laboratories, the House Speaker listed three priorities for his view of our technology future: We should be on the cutting edge of defense and knowledge, We should systematically bring science to Government, and we should maximize the speed by which we move from science to product. He is right about this agenda. Even though it is singled out in this bill for elimination, Commerce's Advanced Technology Programs [ATP] fits the Speaker's agenda perfectly. This cut comes against a background of deep R&D Program cuts this year. The American Association for the Advancement of Science estimates that Congress' current course will cut Federal R&D by 30 percent.

Three recent comprehensive technology reports explain the need for Government involvement in technology investment such as the ATP program. An October National Institute of Science and Technology planning report in October entitled, "Technology and Economic Growth: Implications for Federal Policy," points out that "technology is the single most important determining factor of long-term economic growth"; it demonstrates why Government investment in science and technology programs leverage similar investments in the private sector.

The Council of Economic Advisers has just released a report entitled, "Supporting Research and Development to Promote Economic Growth: The Federal Government's Role," and it tells us just how damaging cuts in R&D will be. In November, the administration released a white paper on technology and economic growth that underscores this point. It reviews the role that Government has played on a bipartisan basis in supporting innovative technologies that create high-wage job markets, to provide our citizens with higher standards of living and to maintain U.S. leadership in the global economy.

The CEA report points out that U.S. Government support in research and development has yielded a rich history of innovation, from Samuel Morse's original telegraph line in 1842, to discovery of DNA and the creation of Internet. Investments in research and development have high rates of economic return for the Government—a stunning 50 percent social return and a 20 to 30 percent private rate of return.

The effect of Government technology investment on the American people is clearly illustrated in the aerospace industry. Even as recently as the late 1980's, Federal investments were as high as 80 percent of the total for aerospace research and development. Today, this industry is a critical U.S. economic sector, employing many thousands of Americans, and exporting billions of dollars worth of American-made products. Aerospace R&D investments have brought a huge rate of return for the taxpayer. This sector illustrates that investing in innovative technologies has been a keystone to the Nation's economic growth.

Until now, Presidential and Congressional support for Government investment in R&D has been bipartisan. In 1960, President Eisenhower announced in his State of the Union Message,

> We now stand in the vestibule of a vast new technological age—one that, despite its capacity for human destruction, has an equal capacity to make poverty and human misery obsolete. If our efforts are wisely directed—and if our unremitting efforts for dependable peace begin to attain some success—we can surely become participants in creating an age characterized by justice and rising levels of human well-being.

President Eisenhower understood science and technology and its relationship to Government. He supported a great expansion of R&D investment including the growth of the research university and the creation of ARPA, the great Defense Department R&D innovator. In 1961, Eisenhower noted that:

> The free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a Government contract becomes virtually a substitute for intellectual curiosity.

In other words, the old stereotype of the brilliant tinkerer, laboring away in his basement, making a great technological breakthrough with no help from the outside world is an engaging, but out-of-date image today. Individual inventors, or even private businesses acting on their own, do not have the resources necessary to keep America at the forefront of technological innovation.

I am concerned, however, that the majority in Congress this year is now reversing their historic course and now plans to sacrifice the techology investment that made the United States a global economic leader. I admire the goal of balancing the budget in 7 years, and I have supported legislation to reach that goal. But I do not support some of the means; including this conference report, that the majority has chosen to reach that end. Cutting technology investment is akin to throwing the lifeboats overboard to reduce the ballast of a rapidly sinking ship. Cut technology funding, and you cut the heart out of our efforts to promote economic growth, trade, job creation. Yet that is what the majority's budget will do by slashing research and development funding by one-third by the year 2002, at a time when other industrialized countries—our competitors—are increasing their technology budgets.

Some like to say that Government should run more like a private business. Well, imagine you are the head of AT&T, and you see MCI pouring millions into R&D. Do you say, "Great. Let us cut our R&D budget, and that will improve our bottom line?" If you did that, the board of directors would have your head.

The Japanese Government, one of our chief competitors, intends to double its technology investment in the coming years. And we are going to respond to that challenge by cutting our technology investment? I fear that these discrepancies in investing trends will do real harm to U.S. exports and to our economy as a whole. According to the Office of Technology Policy, the American high-technology trade balance, after being a key factor for years in U.S. economic growth, is now deteriorating rapidly, with an abrupt shift from a surplus of $26.6 billion in 1991 to a deficit of $4.3 billion in 1994. With severe budget cuts in technology and a diminishing trade performance, America will loose its footing on the high-technology global market ladder.

In his book, "Blindside: Why Japan Is Still on Track to Overtake the U.S. by the Year 2000," Eamonn Singleton lists technologies that have been commercialized and are the chokepoints that Japanese industries now control in the electronics industry: flat panel displays, compact disc players and CD-ROM drives, notebook computers, semiconductor materials and equipment, cellular phones and pagers, fax machines and laser printers. A Japanese technology expert notes that the "silicon revolution promises as big a transformation in the world economy as all of the other technologies developed since the 18th century put together." These are all technologies where the initial advances originated in the United States. Outside of the electronics field, Japan's technology advantage has enabled it to take a lead in a long series of economic sectors including auto parts, auto industry manufacturing machinery, molds and dyes, cameras, medical and scientific instruments, musical instruments, and construction equipment. This is not the moment to cut back on U.S. R&D.

The Council of Economic Advisers report reveals that the United States has fallen behind Japan and Germany in its cumulative nondefense research expenditures as a percentage of GDP for the past 20 years. More serious, the CEA study shows that the United States by the end of the decade will also be behind Japan in actual annual funding spent on nondefense R&D. This is a dangerous development in an area where the United States has long relied on a comparative economic advantage. Though we are leaders in telecommunications, semiconductors, and computers now, we well may soon stand behind other industrial countries if they continue to put their money where the jobs are and if we begin to pull our money back.

Historically, the private sector moves in the same direction as the Government sector with regard to R&D investments. Trends in Federal research and development support cycles correlate closely with private R&D; as Federal investment expands, the private sector responds with a subsequent increase in R&D spending. So the Federal investments leverage private sector investments. The CEA study warns, therefore, that the upcoming cut in Federal R&D will likely lead to corresponding reductions in private sector R&D.

The administration's white paper on R&D investments points out that "the Republican budget puts American technological and economic leadership at grave risk" and "this is exactly the wrong time to cut investment in R&D." The white paper argues that we must protect key investments in research, education and technology while balancing the budget.

ATP

In 1991, Alan Bromley, the science adviser during the Bush administration, developed a list of critical long-term, high-risk technologies which should receive Government and industry attention and support. From these initial ideas, ATP was established to provide a cost-sharing mechanism to support new, world-class products, services and industrial processes projects valuable to Government users, that would also stimulate U.S. economic growth. These industry-government partnerships evolve from industry-proposed ideas for viable new, innovative technologies which are managed by industry, involve significant university participation and are cost shared with NIST. ATP equals industry-driven, fair competition, partnership, and evaluation. ATP does not fund product development initiatives. Tax credits are not a substitute for the ATP. Without government cooperation, these types of precompetitive projects would otherwise be ignored or developed too slowly to effectively compete in the global environment.

ATP programs have already begun to establish niches in the marketplace creating new jobs for Americans, including the small- to medium-sized business sectors. For example, in my State of Connecticut, CuraGen Corp. has received two 3-year, ATP awards in 1994 for unique ideas that are designed to combat serious illness as well as to diagnose and prevent disease. Edward Rothberg, the chair of the board of Laticrete International, Inc., wrote to me saying that

> The greatest benefit of this (ATP) program is the development by CuraGen . . . to provide the means to attack and eventually cure serious illnesses that result in a high number of deaths from cancer, and hundreds of billions of dollars spent for drugs to control illness. A few million invested in research to prevent illnesses will save a hundredfold the investment in drugs that only maintain, but do not cure them.

According to Gregory Went, the vice president of CuraGen, these two awards have "created over 19 new jobs during 1995 directly related to the ATP programs, with 15 in Connecticut, and will create scores of additional jobs in Connecticut and the United States." Since the R&D will provide a foundation for products that can be commercialized. He adds that companies like CuraGen would not be effective players in the global market competition without the support of ATP.

Edward Dohring, the president of Lithography Systems, Inc., in Wilton, CT, wrote to me in support of ATP, emphasizing the merits of the fair selection process which is entirely based on technical and business merit. He adds:

> Half of all ATP awards and joint ventures of went to small business directed partnerships * * * and quality proposals in pursuit of ATP funds far outstrip the funds available. Without ATP, the technological opportunities would be slowed, or ultimately forfeited to foreign competitors more able to make key investments in longer term, higher risk research, such as is the focus of ATP.

ATP stimulates economic growth by developing high-risk innovations and by enabling technologies through proposed and cost shared by industry. U.S. Government investment in research and development is in peril at a time when our competition is increasing its support. Cuts in R&D are bad news for America's future. Last month, the Congress approved conference reports that reduced both the Department of Transportation's research, development, and technology programs and the Department of Energy's alternative energy R&D programs by 30 percent from the President's budget request. The CEA report confirms that Federal investments in R&D have a significant impact on high-wage jobs and maintaining U.S. leadership in the global economy. Now is not the time to drop out of the global R&D race and wander down a path toward technology bankruptcy. We need to protect our R&D investments, maintain our strong base and build upon our technology infrastructure so that America will remain an economic world leader. Eliminating ATP, as this conference report proposes, is a grave error.

OTHER TECHNOLOGY PROGRAM CUTS

This bill also contains large cuts in the National Information Infrastructure grants program which helps supply community services with advanced communications equipment to promote better health care, local government efficiency, and education services. Funding for the GLOBE Program which promotes understanding of science and environmental science in schools would be zeroed out in this bill. Commitments made to the joint projects of the United States-Israeli Science and Technology Commission by Commerce's Technology Administration would also be hampered by the reductions in this bill. Two other programs: the Manufacturing Extension Program and the Economic Development Administration Defense Conversion program will also be compromised if this bill is passed.

CUTS IN JUSTICE PROGRAMS

The conference report also undoes much of the good work we accomplished in passing the 1994 anticrime bill. It takes the COPS Program—an extraordinarily successful program that has been putting thousands more police on the streets of our communities quickly and efficiently—and turns it into a smaller, State block grant program. There are no guarantees under the conference report that States will use those dollars to put more police on the streets. As I understand it, they have discretion to put these Federal dollars to use for general law enforcement purposes. Experience tells us that fewer police will be funded under such an approach. And every study tells us, and my constituents certainly have let me know, that what we need to feel safer and be safer in their communities is more police walking beats. I am strongly opposed to drastically altering this program, and particularly doing so on an appropriations bill.

CUTS IN FOREIGN AFFAIRS

The bill also does not adequately fund foreign affairs functions essential to American engagement in the world and pursuit of our interests abroad. While the funding levels are higher than in the original bill, they remain inadequate, funding for State Department operations—American diplomacy and services for American citizens and companies around the world—is set below last year's levels. The President had requested an increase in order to keep necessary foreign posts open, replace antiquated computer equipment and maintain U.S. assets.

The funding levels for international organizations are grossly insufficient to meet our obligations and our national interests. The United Nations, NATO, and other organizations carry out activities—from peacekeeping and nonproliferation to control of epidemic diseases and protection for human rights—which directly serve America's national interests.

Many of these international organizations need management reforms similar to the reinventing Government exercise which Vice President GORE is leading within the U.S. Government. But our diplomats cannot effectively pursue these reforms, and reduce the expenditures of these organizations, if the United States is not a responsible member. For some functions, such as U.N. peacekeeping, U.S. arrearages have already impeded sound management and cost-efficient procurement. The United States must be a responsible member of the international community. We should pay our debts. It does not make sense to build up arrearages to the U.N. and other organizations which we will need to pay off in the coming years as we move toward a balanced budget.

Public diplomacy programs are also severely underfunded in this bill. The international broadcasting programs managed by USIA are critical for U.S. leadership, since they reach people around the world living under repressive governments or in emerging democracies. I was also disappointed to see support for the National Endowment for Democracy reduced even modestly.

World leadership is a responsibility which is not free. But the financial cost for effective American diplomacy, formal and public, is a reasonable price to pay for the continued U.S. leadership in the world which is so important to the safety and prosperity of every American.

I cannot support this Commerce, State, Justice conference report. It strips funds needed to fight the war on crime, to develop the technology that will be a keystone to our economic future, and to undertake basic foreign policy tasks.

RESTRICTING THE UNITED STATES GOVERNMENT GROWTH OF UNITED STATES-VIETNAM RELATIONS

Mr. BOND. Mr. President, one provision in the Commerce, Justice, State appropriations bill that I oppose is the language that prohibits the Department of State from spending any funds to expand our diplomatic relations with Vietnam until the President certifies that Vietnam is fully cooperating with the United States in four areas relating to POW/MIA's: First, resolving discrepancy cases, live sightings and field activities; second, recovering and repatriating American remains; third, accelerating efforts to provide documents that will help lead to the fullest possible accounting of POW/MIA's; and fourth, providing further assistance in implementing trilateral investigations with Laos.

I must say that I am somewhat dumbfounded as to why we would include this provision. In fact, the President certified these four criteria this past summer, when he made the decision to move forward on full diplomatic relations with Vietnam.

I certainly understand that there are many who disagree with that move, but the fact is that as President, he has the authority to conduct foreign affairs, and it is not appropriate for us to try to undercut him.

Shortly after the President moved forward with full diplomatic relations, a vote was taken in the Senate on whether additional sanctions should be imposed against Vietnam. By an almost 2-to-1 margin, the Senate voted that no, we should not implement any more sanctions on Vietnam. Let me repeat that. By nearly 2-to-1, we in the Senate said "no more sanctions on Vietnam."

The President made the right decision in moving forward with full diplomatic relations. This provision would threaten those new relations without in any way helping to meet its goal of resolving MIA cases. Moving forward with relations and increasing bilateral contacts is the best way of achieving that goal.

It appears almost certain that this bill is headed for a veto, which means we will have another opportunity to address this topic. I urge conferees to reconsider this provision and to eliminate this unnecessary and unhelpful encroachment on the President's power to conduct foreign policy.

Mr. THURMOND. Mr. President, I rise today in support of the language included in this conference report which reprograms money to establish a Border Patrol training facility at the Charleston Naval Base. This announcement was made back in July of this year after the Department of Justice completed a competitive evaluation of several active and former Department of Defense facilities. In August, Congress approved the reprogramming request that was sent by the Department of Justice for this facility. During conference on this appropriations measure, the committee voted by an overwhelming majority of 11 to 1 to put the Border Patrol training facility in Charleston.

It is expected that this facility will train up to 2,400 agents over the next 3 years. Also, approximately 60 full-time instructors will be employed to conduct the training. Mr. President, Charleston is an ideal location for this facility. It is only about 2 hours from Glynco, GA, where the Border Patrol has its main training facility, and the naval base has readily available and convertible facilities to use for this project. The facilities, climate, and friendly community make Charleston an ideal location for the Border Patrol School.

Mr. WELLSTONE. Mr. President, the conference report the Senate is currently considering does some weighty damage to the 1994 Violent Crime Prevention Act passed by a bipartisan Congress last year. It would dismantle the Community Oriented Policing Services [COPS] Program, block grant it, and combine it with the crime prevention block grant into one big block grant. It would also cut funding for the resulting block grant. Along the way it destroys funding for child safety centers. The bill does fully fund the Violence Against Women Act, also known as VAWA, and for that I am grateful.

Mr. President, I want to begin my statement by focusing on the positive, and by congratulating my colleagues for deciding to fully fund VAWA. The conference report restores the $76 million for VAWA that the House would have cut. VAWA funds are of vital importance to this nation. VAWA funds training for police, prosecutors, and victims advocates to target family violence and rape; programs to reduce sexual abuse and exploitation of young people; training for judges and prosecutors on victims of child abuse; training for State court judges on rape, sexual assault, and domestic violence cases, and programs to address domestic violence in rural areas.

Last year, $240 million was promised by Congress for the Violence Against Women Act [VAWA] programs for fiscal year 1996—$176.7 million for VAWA programs administered by the Department of Justice, and $61.9 million for VAWA programs administered by the Department of Health and Human Services.

All of this is funded out of $4.2 billion provided by the Crime Trust Fund in 1996. Funding in the Crime Trust Fund comes from eliminating 123,000 Federal jobs and cutting domestic discretionary spending. Full funding of the Violence Against Women Program has no effect on the budget deficit and requires no new taxes. Now, I want my colleagues to clearly understand what this all means. Last year, we as a country decided that addressing crime was a top priority. We decided that savings from streamlining the Federal Government and cutting other domestic programs would go to fight crime.

As a country we made a commitment to breaking the cycle of violence and see that a person's home is the safe place that it should be. As of today, we are still living up to that commitment, by supporting this program.

I must also commend my colleagues on the Appropriation Subcommittee on Labor/HHS for their efforts and wisdom in fully funding the Violence Against Women Act program under their jurisdiction.

We must remember all the programs in the Violence Against Women Act are a package. Senator BIDEN and others worked for 5 years on this piece of legislation. All the pieces of it fit together. They all must be in place for it to work effectively. For example, we can encourage arrests by police officers but if they are not properly trained to understand the dynamics of domestic violence, an arrest could make the situation more explosive. Likewise, if more batterers are being arrested but judges are not trained to understand or take domestic violence seriously, batterers are likely to go free or be charged with lesser offenses.

Violence Against Women Act programs deserve the funds we are giving them. Anything less would have resulted in a betrayal of the bipartisan promise Congress made. Domestic violence must continue to be a priority for national crime-fighting efforts.

We know all too well that violence in the home seeps out into our streets. If we do not stop the violence in the home we will never stop it in the streets. We knew this when we passed the crime bill last year and it is still true today.

As I travel and meet more and more women and children who are victims of domestic violence, I become even more outraged that a woman's home can be the most dangerous, violent, or deadly place she can be; if she is a mother, the same is true for her children. It was with the passage of the Violence Against Women Act that Congress said, loud and clear, it is time to stop the cycle of violence, it is time to make homes safe again, and it is time to help communities across the country deal with this crisis.

I thank my colleagues for protecting this program. I wish that the rest of the conference report reflected such concern on the part of my colleagues for preventing crimes.

Unfortunately, the conferees have decided to block grant COPS and to combine it with local community crime prevention block grants. There are may serious problems with this approach.

In passing the crime law last year, Congress authorized $75.9 million for local community crime prevention block grants for fiscal year 1996, and $1.85 billion for COPS. Instead of fully funding both individual programs, the conference report that is before us creates a single block grant, combining both the COPS Program and the prevention block grants and funding the result, the local law enforcement block grant, at $1.9 billion, about $25 million less than the two programs would have cost individually.

First of all, I believe that this block grant approach would open the door to funding anything under the sun that a governor determines is law enforcement or crime prevention. And it effectively could eliminate all crime prevention that was envisioned by the 1994 crime bill. For when law enforcement is pitted against crime prevention efforts, law enforcement always wins. The only specifically earmarked crime prevention money left is now the Violence Against Women Act. Out of an allocation for the Department of Justice of $14.5 billion dollars, only $175 million is directly targeted to the prevention of crimes.

This, I say to my colleagues, turns the clock back on the commitment we made last year to help communities which are both fighting and trying to prevent crime.

While I am on the subject of ignoring our commitments, in addition to gutting prevention programs, the conference report guts the very centerpiece of the 1994 crime law—COPS, which provides money for hiring, over 5 years, 100,000 more police officers to patrol our Nation's streets. To date, under this program, more than 25,000 police officers have been hired—in Minnesota alone, 354 new cops have been funded, and Minnesota has applied for 128 more. Importantly, each of these officers were hired to be on the beat, not in the office.

At a time of very tight budgets, the money for both the COPS Program and the crime prevention block grant come from savings achieved by reducing the Federal bureaucracy. None of these new police officers or crime prevention programs are adding an additional burden on the taxpayer. We as a Congress, and indeed a country, made fighting crime a top priority last year when we decided to use the savings from streamlining the Federal Government and from cutting some domestic programs for fighting crime.

The COPS Program is a good program. It is reaching and helping communities. It is very flexible. Local jurisdictions can work with the Justice Department to meet their particular needs. The Justice Department has acted swiftly, has minimized the paperwork, and has staffed 800 numbers for immediate assistance. It is not surprising, therefore, that approximately 200 Minnesota jurisdictions have participated in this program. What's more, Attorney General Janet Reno has created a new effort at the Department of Justice to target some of these new cops on the beat to help address domestic violence.

Having more cops involved in community policing fighting crime means less crime. It is as simple as that. In only a short time the COPS Program is already delivering on its promise of providing more police officers in a very cost effective, flexible manner. Not surprisingly those on the frontline in the fight against crime have only praise for this program. Police chiefs, sheriffs, deputies, and rank-and-file police officers all support this effort to put more police in communities.

But now this very successful and popular crime-fighting program is under attack by Republicans who have converted its funding into a block grant. The conference report block grant plan does not stipulate that the money must be spent on hiring cops. Instead, the money can be redirected to fund restaurant inspectors, parking meters, radar guns—and any other of a host of things.

The money ought to be spent the way it was intended and the way law enforcement officials want it spent: to hire police officers. The Nation's major police enforcement organizations all agree on this point.

We all know that crime is one of the great plagues of our communities. People in the suburbs and people living downtown are afraid—they are afraid to go out at night, they are afraid to venture into the skyways, they are afraid to leave their cars parked on the street. We also all know that having a larger police presence helps deter the very crimes that people fear the most. Buying more parking meters, radar guns, or hiring more restaurant inspectors does not address this plague nor address peoples' legitimate fears.

It is peculiar that the party that claims to be tough on law and order is proposing as one of their first steps to change a successful, cost-effective law and order program—one that ought to have broad, bipartisan support.

Crime prevention was also an essential element of the crime bill. Despite the fact that at each step of the way in passing the crime bill prevention programs got watered down, in the end we decided that crime prevention had to be part of that bill.

Two years ago, when Congress began consideration of the crime bill, we started with a substantial portion of the crime bill addressing prevention; after all, prevention is crime control, stopping crime before it ever happens. It, by the way, included something that I think is extremely important—supervised visitation centers. A model that I brought from Minnesota to help families with a history of violence, which I will discuss in a moment.

Ultimately, we ended up with a crime bill that included a block grant to the States for prevention programs—the local community crime prevention block grant. And, funding was not even authorized until fiscal year 1996. We haven't even given it a chance to work and get into communities—the only provision in the crime bill other than VAWA that was intended to prevent crime, one of the few provisions that was not funded until next year.

The local crime prevention block grant, like the COPS Program, was supposed to provide a lot of flexibility to the States and communities. Under this block grant communities could have determined what types—within a general list of about 14 different ideas—of prevention programs to fund, and which prevention plans fit their community the best. But this block grant was for prevention, nothing else. And, as I stated earlier, it had not even had a chance to be implemented. This coming year would have been the first year funding would actually go to help communities.

But instead these 14 programs are now left to compete for funds with police stations and mayors' offices and jail. The money will never make it to community prevention efforts.

If we were to listen to people in the communities that are most affected by the violence, they would tell us that money has to go to prevention. You have to put some resources toward making sure our young people have opportunities. How interesting it is that those who would essentially eliminate these prevention programs do not come from those communities, do not know the people in those communities, and I do not think asked the people in those communities at all what they think should be done.

Mr. President, I can just tell you that in meeting with students, students that come from some pretty tough background—students at the Work Opportunity Center in Minneapolis, which is an alternative school, young students who are mothers and others who come from real difficult circumstances, all of them said to me: You can build more prisons and you can build more jails, but the issue for us is jobs, opportunity. You will never stop this cycle of violence unless you do something that prevents it in the first place.

Then I turn to the judges, the sheriffs, and the police chiefs, and I call them on the phone in Minnesota, and I ask them what they think. And they say yes we need community police and yes we need the other parts of the crime law, but they all say, if you do not do something about preventing crime, if these young people do not have these opportunities, if we do not get serious about reducing violence in the home, do not believe for a moment that we are going to stop the cycle of violence.

Mr. President, I believe that a highly trained police, highly motivated, community-based, sensitive to the people in the communities, can make a difference. They are wanted and they are needed. But the conference report we are considering today will do nothing to prevent the criminal of tomorrow. And indeed without more cops on the beat it may not do much to fight the criminals of today.

Every 5 seconds a child drops out of school in America. This is from the Children's Defense Fund study. Every 5 seconds a child drops out of a public school in the United States of America. Every 30 seconds a baby is born into poverty. Every 2 minutes a baby is born with a low birthweight. Every 2 minutes a baby is born to a mother who had no prenatal care.

Every 4 minutes a child is arrested for an alcohol-related crime. Every 7 minutes a child is arrested for selling drugs. Every 2 hours a child is murdered. Every 4 hours a child commits suicide, takes his or her life in the United States of America. And every 5 minutes a child is arrested for a violent crime.

Mr. President, if we do not continue to be serious about the prevention part, we are not going to stop the cycle of violence.

All too many young people are growing up in neighborhoods and communities in our country where if they bump into someone or look at someone the wrong way they are in trouble, where there is too much violence in their homes, where violence pervades every aspect of their life. And people who grow up in such brutal circumstances can become brutal. And that should not surprise any of us.

Prevention and law enforcement—both essential elements of any crime fighting effort. These two should not have to compete with each other for funding, nor should funding be cut for either.

Which brings me to the most painful part of my statement today. This new block grant takes away funding for child safety centers. By discarding local community crime prevention block grants, which would have provided funding for child safety centers specifically as one of its 14 prevention programs, the conference report discards this program as well.

Child safety centers were created by the Child Safety Act, which became law in 1994 as part of the crime bill. It authorized funds to create supervised visitation centers for families who have a history of violence.

The prevalence of family violence in our society is staggering. Studies show that 25 percent of all violence occurs among people who are related. Data indicates that the incidence of violence in families escalates during separation and divorce. Many of these assaults occur in the context of visitation.

Supervised visitation centers would:

Provide supervised visitation for families where there has been documented sexual, physical, or emotional abuse.

Provide supervised visitation for families where there is suspected or elevated risk of sexual, physical, or emotional abuse, or where there have been threats of parental abduction of the child.

Provide a safe and neutral place for parents to visit with children who have been put in foster care because of abuse and neglect.

Provide a safe location for custodial parents to temporarily transfer custody of their children to non-custodial parents.

Serve as an additional safeguard against children witnessing abuse of a parent or sustaining injury to themselves.

The Child Safety Act would have supported the establishment and operation of approximately 30 centers across the United States. The Child Safety Act requires grant recipients to submit an annual report to the Secretary of Health and Human Services on the volume and type of services provided at the supervised visitation center. Twenty percent of the grants made under the Child Safety Act would support the establishment of special visitation centers created to study the effectiveness of supervised visitation on sexually and severely physically abused children. These centers would be staffed with qualified clinicians and would have enhanced data collection capabilities. From the reports submitted by grant recipients, the Secretary would prepare and submit a report to Congress on the effectiveness of supervised visitation centers.

Mr. President, because this program is unenumerated it doesn't stand a chance in competition with other, established entities under the conference report's block grant. Mr. President, there is nothing that will replace this program. There is no one who will step in and take care of these children. There is no one who will try to make these families whole. The communities trying desperately to repair themselves will get no help from us.

Mr. President, for this and the other reasons I have discussed today, I have severe reservations regarding this conference report.

Mr. BRADLEY. Mr. President, I rise in opposition to H.R. 2076, the Conference Report Making Appropriations for the Departments of Commerce, Justice and State. This bill would eliminate the Community Oriented Policing Program [COPS] and replace it with a block grant program. By gutting a program that has proven effective in putting police officers on the streets to interact with community residents, Congress is reneging on a promise that was made to the American people last year to aggressively attack the epidemic of crime.

In August of last year, Congress passed the $30.2 billion Violent Crime Control and Law Enforcement Act of 1994, the largest, most comprehensive piece of legislation in the history of this country. The centerpiece of the crime bill is the Community Oriented Policing Services Grant Program [COPS], a 6 year, $8.8 billion crime fighting program designed to put 100,000 law enforcement officers on the streets. I provided a jumpstart for the community policing initiative in the crime bill when I introduced a bill in March 1993 that authorized a major new expansion of community policing.

Mr. President, in 1 year, roughly 80 percent of the police departments in the country have been authorized to hire or redeploy almost 26,000 officers for community policing. To date, Mr. President, over 300 New Jersey jurisdictions have received more than 670 additional cops to walk the beat. Over the next 5 years, New Jersey can expect to receive a total of about $250 million in community policing grants to hire approximately 2,800 officers on the beat.

Mr. President, community policing involves establishing a close relationship between community residents and the entire police department. This enhanced relationship will result in better law enforcement by putting more cops on the beat to stop trouble before it turns into violent crime. Community policing also will improve the overall quality of life of community residents by involving all police personnel in community activities.

In my talks with the citizens and law enforcement officers in New Jersey, I have been told that the Community Policing Program is improving the quality of life by making neighborhoods and communities safer. For example, in Woodbury, NJ, Chief Carl Kinkler has reported that the one police officer hired under the COPS Program has made a tremendous difference in the quality of life in the city. The hiring of the officer has allowed the department to deploy two officers to patrol a problematic community where open air drug dealing has been prevalent. During the last 3 months, 11 major drug arrests have taken place and open air drug dealing has declined by 90 percent. According to Chief Kinkler, deploying cops on the beat has allowed the city of Woodbury to allow the residents of this community to take control of their neighborhood.

In Newark, NJ, the community policing program has been enormously successful. Officers patrol neighborhoods on foot, and in those areas requiring acute attention, Neighborhood Stabilization Units have been set up. These units are literally mobile police stations, in which police officers in a specially equipped van drive into an area and set up a police station in the community.

In addition to solving and deterring crime, Newark police indicate that officers on the beat have been instrumental in dealing with quality of life issues. The officers solicit from citizens problems that merit attention, such as prostitution, illegal dumping, and loud music which creates a public nuisance. The officers then solve the community problems. The cops on the beat also handle citizen concerns that traditionally fall outside the realm of police activity, such as repairing streets, towing abandoned cars, and razing abandoned buildings. The police department reports that community policing has have a significant impact on providing citizens with safer communities and an enhanced confidence in the police force.

Mr. President, this legislation provides that the block grant funding can be used for basic law enforcement functions, which can include prison guards, meter maids, file cabinets and parking meters. There is no guarantee that one police officer will be hired to stand with community residents to fight crime. I am reminded that when Congress debated the crime bill, critics of community policing argued that it was impossible to put 20,000 police officers on the streets over the life of the crime bill. However, in approximately one year, almost 26,000 cops have been deployed to walk the beat and rid communities of crime. Mr. President, a year ago a promise was made to put 100,000 police officers on the streets within 6 years. We are well on the way to fulfilling this promise. However, if Congress kills the community policing program—a program that has proven hugely effective in combating crime—the guarantee that Congress will make to the American people is that their security is no longer a priority issue.

Mr. President, Congress has had past experience with block grants in the Law Enforcement Assistance Administration Program. I would like to remind my colleagues that this program had to be terminated because of waste. We should not make the same mistake today by eliminating a highly successful program that to date has funnelled Federal money directly to approximately 80 percent of police departments around the country to enable those departments to deploy officers on the beat to form a partnership with community residents to fight crime.

Mr. President, the community policing program has been immensely successful and is supported by the law enforcement community, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Executive Research Forum and the Police Foundation. In addition, 65 percent of the American people support funding for more police officers. I urge my colleagues to stand with the American people in opposition to this bill and preserve the community policing program.

GENDER BIAS STUDIES IN THE COURTS

Mr. SIMON. Mr. President, I rise today to discuss one of the remaining barriers to equal justice in our State and Federal judicial proceedings—bias by judges and court personnel, and in particular, gender bias. I, and my colleagues from Massachusetts and Delaware, Senators KENNEDY and BIDEN, strongly believe that funds appropriated for the Federal judiciary, as set out in title III of the fiscal year 1996 Commerce-Justice-State appropriations conference report, should be used to study bias in the courts, if any, and to educate judges and court personnel about this barrier to equal justice in the courts.

As enacted, the Violence Against Women Act includes a provision—the Equal Justice for Women in the Courts Act—that authorizes and encourages each of the Federal judicial circuits to conduct studies of the instances, if any, of gender bias in the courts and to implement appropriate reforms. These studies were intended to examine the effects of any differential gender-based treatment in areas such as the treatment of litigants, witnesses, attorneys, jurors, and judges, the services and facilities available to victims of violent crime and the selection, retention, promotion, and treatment of employees.

In addition to authorizing the circuit studies, the act also requires the Administrative Office of the United States to act as a clearinghouse to disseminate any reports and materials issued by these gender fairness task forces. The act also requests the Federal Judicial Center to include in its educational programs, such as training programs for new judges, information related to gender bias in the courts.

These circuit-by-circuit studies were included in the act after the Senate Judiciary Committee unanimously accepted an amendment that I had offered. In passing the Violence Against Women Act, Congress recognized the need for research of this kind and the importance of disseminating the results of such research throughout the judicial system.

The importance of these studies extends well beyond their actual results. For example, the Hate Crimes Statistics Act, which I authored and which President Bush signed into law in 1990, requires the Justice Department to collect data on crimes based on race, religion, ethnicity, and sexual orientation. Oversight hearings on the implementation of that act demonstrated that one of its many benefits was to dramatically increase the awareness and sensitivity of the police about hate crimes. In this case, requiring circuit courts to study gender bias would have the same beneficial effect of increasing the awareness and sensitivity of judges and court personnel about gender bias.

While some of my colleagues may disagree, I strongly hope that, as authorized by Congress, the Federal judiciary will issue the reasonable funds appropriated under this act to fulfill the purposes of the Equal Justice for

Women in the Courts Act and achieve the ultimate goal of our Federal judicial system—equal justice for all.

Mr. KENNEDY. I thank the Senator from Illinois for his remarks, with which I fully agree. There should be no disagreement on the need to take steps to identify and eliminate any gender- or race-related bias in our judicial system. We must not tolerate any barriers to equal justice in our State and Federal judicial proceedings. More than 40 State and Federal court systems have conducted studies of gender bias in their courts. In part in reaction to some of the State court studies, the 1990 report of the Federal Courts Study Committee supported educational programs on bias for judges and court personnel. The Study Committee found that many task force studies at the State level revealed the presence of gender bias in State judicial proceedings. The 1990 report concluded, "[w]e believe education is the best means of sensitizing judges and supporting personnel to their own possible inappropriate conduct and to the importance of curbing such bias when shown by attorneys, parties, and witnesses."

The Judicial Conference of the United States has endorsed the need for gender bias studies three times. In 1992, the conference adopted a resolution noting that "bias, in all its forms, presents a danger to the effective administration of justice in Federal courts" and encouraging each Federal circuit not already doing so to "sponsor education programs for judges, supporting personnel and attorneys to sensitize them to concerns of bias based on race, ethnicity, gender, age, and disability, and the extent to which bias may affect litigants, witnesses, attorneys, and all those who work in the judicial branch." In 1993, the conference's "Resolution on the Violence Against Women Act," endorsed the gender bias studies provision as having great merit. And earlier this year, the conference approved a report of its Court Management Committee that encouraged the study of gender and race bias by the Circuit Judicial Councils.

When we passed the Violence Against Women Act last year, we encouraged such studies, a policy that remains in force unless it is repealed or altered by a subsequent statute. But even without our encouragement, the judiciary retains inherent authority to investigate bias in the courts. It strikes me as an inappropriate intrusion into the internal affairs of a coequal branch of government for Congress to prohibit such studies.

As the national debate on the O.J. Simpson trial made clear, many minorities are skeptical that they will be treated fairly in the justice system. Many women harbor similar doubts. The bias task forces are one way through which the judiciary can address legitimate problems. The judicial branch, independent of the Violence Against Women Act, is obligated to ensure the fair administration of justice, and investigations of bias in the courts are consistent with that important goal.

Mr. BIDEN. I wish to thank the Senators from Illinois and Massachusetts for their remarks on this important subject. The Violence Against Women Act is the first comprehensive measure aimed at making our Nation's streets, college and university campuses, and homes safer for women. Following extensive hearings, the Judiciary Committee unanimously approved the act, and Congress passed this landmark legislation.

Subtitle D of the act, entitled "Equal Justice for Women in the Courts," was an important part of that legislation. As described by my colleagues, this provision encourages the circuit judicial conferences to conduct studies of gender bias within their respective circuits and to disseminate their results.

By enacting this provision, Congress intended to promote a greater understanding of the nature and extent of gender bias, to educate judges, and, ultimately, to reduce any bias. The Equal Justice for Women in the Courts Act takes us one step closer to achieving and maintaining equal justice under the law. It is an important part of an overall effort to ensure meaningful protection of the rights of those who were victimized by sex crimes, domestic violence, and crimes of violence motivated by gender.

A majority of the Federal circuits have already established gender bias task forces. Some circuits have expanded the mission of the task forces to include the study of racial and ethnic bias issues as well. I strongly believe that these studies and related education and training programs are critical to understanding whether there is any disparate treatment in the courts and, if so, what steps the courts should take to address it.

Task forces on gender, racial, and ethnic issues have been endorsed by, among others, the National Commission on Judicial Discipline and Removal, the Long-Range Planning Committee of the Federal Courts and, as noted by my colleagues, the Federal Courts Study Committee and the Judicial Conference of the United States.

As ranking member of the Judiciary Committee, and as the author of the Violence Against Women Act and the 1994 crime bill, I wish to join my colleagues in expressing my strong intent, that the Federal judiciary is authorized to use funds appropriated for violent crime reduction programs, as set out in title III of fiscal year 1996 Commerce-Justice-State appropriations conference report, to study gender bias and other related barriers to equal justice in our courts.

Mr. KERREY. I concur with the distinguished Senators' analysis of the status of funding for the bias studies and with their beliefs about the importance of these studies. When we encouraged the judicial circuits to conduct gender bias studies, Congress acknowledged the importance and tradition of judicial self-examination on issues—such as this—that are critical to the administration of justice.

The Judicial Council of the U.S. Court of Appeals for the Eighth Circuit, which includes the State of Nebraska, voted unanimously to conduct a bias study. The council's vote does not reflect any doubt about the talent or integrity of any judge on that court, but rather reflects their commitment to the identification and elimination of bias where it exists, and their recognition of the importance of that task to preserving the integrity of our judicial system.

As a member of the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary, I fully support the use of Federal funds for the continuation of this effort to improve the justice system in the eighth circuit and other Federal circuits.

Mr. BRADLEY. I wish to join my colleagues in their support for the continuation of the work of the Federal judiciary in studying the existence, if any, of gender bias in the courts.

I am proud to say that in 1982, the Chief Justice of the Supreme Court of New Jersey established the Nation's first task force on gender in the courts. Now, the majority of States have commissioned gender task forces and issued reports of their findings. In general, these studies have identified some problems in the State courts and identified steps that can be taken by the bench and bar to improve the fair treatment of attorneys, litigants, and employees.

No one should question the importance of ensuring that our Federal courts truly function as fair, neutral adjudicators. Toward that end, the Federal courts should be commended for taking the steps to identify and, where it exists, to eradicate, gender bias in decisionmaking, employment, and the treatment of individuals. The work of these gender fairness task forces may not always be popular. The work may not always be comfortable for some. But in the end, their work will help ensure that the courts are, and are perceived to be, fair to all litigants.

I agree with Senators SIMON, KENNEDY, BIDEN, and KERREY that the Federal judiciary is fully authorized under the Violence Against Women Act to conduct these important studies and that the allocation to the judiciary under this appropriations bill may be used for that purpose.

Mrs. BOXER. I was proud to be a coauthor of the Violence Against Women Act when I served in the House and I am pleased now to join my colleagues in stating my strong support for the important work of the gender task forces authorized under VAWA. I fully agree that the courts are authorized to continue this work using funds provided in this appropriations bill.

The ninth circuit was the first Federal circuit to form a task force to study the effects of gender in the judicial system. The work of the task force was initiated before Congress encouraged such studies. The ninth circuit report was issued in July 1993 and it concluded in part that "[a]lthough the judiciary aspires to a system of justice in which the gender of participants is of no import, the results [of the study] document that in the current world, gender counts." Supreme Court Justice Sandra Day O'Connor called the ninth circuit report a comprehensive, well-supported report.

The majority of Federal circuits have already created task forces to study the effects of gender in the courts. Their work should not be discouraged in any way now.

Mr. LAUTENBERG. As a member of the Appropriations Committee Subcommittee on Commerce, State, Justice, and Judiciary, I wish to express my support for the work of the task forces on gender and racial bias in the courts. I concur with my colleagues as to the importance of the task forces and I join my colleague, Senator BRADLEY, in noting that New Jersey has been a leader in the effort to ensure gender and racial fairness in the courts.

I firmly believe that funding for this important work is provided for in this appropriations bill and I join my colleagues in encouraging the judiciary to continue this work.

Mr. GLENN. I thank my colleagues for their insightful remarks on this important topic. I believe what we are really talking about here is maintaining the ability of the judiciary to address issues of particular importance to that branch of government. And bias is certainly such a topic. The judiciary is in the best position to determine whether this topic merits study or educational activities. And I believe the judiciary should be given the flexibility to do so.

The Judicial Council of the Sixth Circuit, which includes my home State of Ohio, felt strongly enough about this issue that it has approved the formation of a task force on gender fairness and a task force on racial and ethnic fairness.

Mr. BUMPERS. I join my colleagues to express my support for the efforts of the task forces on gender bias in the Federal courts.

Six of the seven States in the eighth circuit have conducted gender and/or racial bias studies. When bias was documented, these State task forces recommended improvements designed to assure the fair administration of justice for men and women in the courts.

In 1994, Chief Judge Richard Arnold of the U.S. Court of Appeals for the Eighth Circuit appointed a 30-member gender fairness task force on gender bias. The group includes 12 Federal judges from each of the 7 States in the circuit as well as court administrators, attorneys, and law professors. These distinguished task force members are committed to a careful, responsible survey of the court to determine whether gender bias exists there. Congress has unequivocally authorized this work and I strongly believe that the Federal judiciary should continue this effort.

COMMUNITY RELATIONS SERVICE

Mr. GRAHAM. Mr. President, I would like to take this opportunity to speak on the conference agreement regarding the structure of and funding for the Community Relations Service.

The appropriations level for the Conflict Resolution Program of the Community Relations Service [CRS] of the U.S. Department of Justice in this bill—$5.3 million—would have a catastrophic impact on the agency's conflict resolution mandate.

CRS is vital to this Nation's ability to continue to make progress in improving race relations. The important work of CRS is essential to preventing and resolving the day-to-day racial conflicts in the communities we represent. Without an effective CRS, racial tensions and conflicts will disrupt the economy and tear at the social fabric of the hometowns across Florida and elsewhere.

Over the past 3 years CRS has shifted resources from headquarters administration to field conciliation, leaving CRS with no buffer of administrative staff. Due to a series of budget reductions over the years, the CRS conflict resolution budget is almost all salaries and expenses at this point.

Because this program does not operate large scale grant, contract, training, or other operations that could offset the impact on personnel, this funding reduction will lead to the necessity to lay off almost 65 percent of the conflict resolution staff.

At this funding level, CRS would only be able to staff its 15 offices around the country with 2 or 3 conciliators in each office. Florida's regional office is in Atlanta and covers 7 other States in the region. With these drastic cuts, these people cannot begin to provide the racial conflict resolution services that Florida needs.

And even with this modest staffing level of 2 to 3 conciliators in most offices, the ability of the agency to sustain independent administrative and management operations would be seriously undermined.

We must recognize what this loss of service will mean to the people of this country. Without the full funding of $10.6 million CRS, the country will be without a vital service that no one other than CRS can provide.

Further, I am opposed to the transfer of the Cuban-Haitian Resettlement Program from the Community Relations Service to the Immigration and Naturalization Service. INS is, in large part, an enforcement agency whose mission is not that of administering resettlement activities such as the Cuban-Haitian program. I am also concerned that the Cuban-Haitian program would be lost in such a large organization as INS which has scores of priorities.

At CRS, the Cuban-Haitian program is one of two missions that complement each other successfully: conflict resolution and Cuban/Haitian resettlement. The Cuban-Haitian Program has been successfully administered by CRS for 15 years. CRS has successfully implemented the outplacement operations of Cubans and Haitians from Guantanamo and the resettlement programs for unaccompanied alien minors. The resettlement program has been indispensable to our Defense Department's Atlantic Command in managing the Cuban-Haitian programs at Guantanamo and in Panama. CRS has helped to resettle over 17,000 migrants as part of DoD's Operation Sea Signal.

The conflict resolution program works hand in hand with communities throughout the country to gain receptivity to the influx of refugees and entrants under the Cuban/Haitian program and has smoothed the way for an orderly resettlement process. CRS resettlement efforts directly support local communities by reducing and preventing strain on local public services and preventing potential community tensions.

Both missions of CRS, Cuban-Haitian resettlement and the Conflict Resolution Program should remain as a separate division within the Department of Justice. Should the Senate have another opportunity to consider the Commerce, Justice bill, I would encourage my colleagues to support the CRS language in the Senate-passed bill.

Mr. FORD. Mr. President, when the Commerce/Justice/State appropriations bill was before the Senate I noted that it included an amendment of the National Voter Registration Act of 1993. That amendment is in this conference report. Since a veto of this measure is likely, this is not the right time to pursue my objection to this amendment. But, it is my purpose now to give notice that I will continue—at the appropriate time—to oppose this and any other attempt to weaken the Motor-Voter Act.

The provision that I object to would change the exemption provision of the Motor-Voter Act. That exemption was drafted—at the specific insistence of Republicans—so as to exempt only those States that had already, as of March 11, 1993, enacted election day registration or had no registration requirement. The amendment in this conference report would change the date to extend the exemption to include two more States, New Hampshire and Idaho.

The Motor-Voter amendment included in this report violates the purpose of the exemption provision. That purpose was clearly stated by the Republican floor manager of the Motor-Voter bill. His statement regarding the exemption is clear and unambiguous, so I will repeat it here.

> Republicans slammed the escape-hatch shut. No longer is this bill a backdoor means of forcing states into adopting election day registration or no registration whatsoever. * * * Republicans succeeded in grand fathering in the five States that would have qualified for the exemption prior to March 11, 1993.

With regard to requests from other states—Michigan, Illinois, and South Dakota—urging that the exemption not include such a deadline, the Republican floor manager said "their constituents are better served by the closing of the escape hatch than if it had been left open."

It should be clear from the foregoing that this is not merely an insignificant or technical amendment. Its purpose is contrary to the intent of the exemption provision of the Motor-Voter law. Its underlying intent is obvious and should be addressed directly. This is another attack on the implementation of the Motor-Voter law. It is also a thinly veiled attempt to curry favor of New Hampshire election officials shortly before that all-important first Presidential primary.

I made a more detailed statement of my reasons for opposing this amendment when this measure was first under consideration. Rather than repeat them now, I will conclude by reiterating that I will continue to oppose—at the appropriate time—this and any other attempt to weaken the National Voter Registration Act.

Mr. KERRY. Mr. President, I rise in opposition to the conference report appropriating funds for the Departments of Commerce, State and Justice for fiscal year 1996. The funding levels contained in this report are no better than those contained in its predecessor that the President vetoed. I have expressed earlier my extremely serious reservations about the provisions relating to the Justice Department and the elimination of the Cops on the Beat Program that I and many of us worked so hard to enact.

I now would like to focus my comments briefly on those provisions of the conference report that deal a serious blow to the Commerce Department's technology programs as well as to the provisions relating to Vietnam. Many of the Commerce Department technology programs, like the Advanced Technology Program and the Manufacturing Extension Program, have played a pivotal role in the start-up of high-technology and biotech businesses and the growth of jobs in these sectors in my State of Massachusetts.

The conference report completely zeros-out funding for any new projects that would have been supported by the Advanced Technology Program, or ATP. The ATP had been funded at a level of $323 million in fiscal year 1995, and the President had requested more than $490 million for this program in fiscal 1996. Companies that had applied for new project funding to bring enabling technologies to the point of commercialization will be denied funds under this bill. This will hurt a number of firms in my State, including Dynamet Technology of Burlington which is developing surgical implant components, Gensym Corp. of Cambridge which is developing variable air-conditioning systems and the Lorron Corp. of Burlington that is working to upgrade fire protection modeling codes. I had hoped the Senate figure of more than $100 million would prevail. Instead, the elimination of funding for this program will deal a severe setback to many start-up and other high-technology firms in my State.

The conference report preserves $80 million in funding for the Manufacturing Extension Program [MEP]. Through the University of Massachusetts at Amherst and Bay State Skills, MEP has provided valuable, hands-on technical and management consulting on manufacturing processes for small and mid-sized businesses. MEP estimates that every dollar of its support generates $15 in economic growth for the local community. The funding cut contained in this report will hurt companies like Alpha Industries of Woburn, whose 600 employees are successfully making the transition from manufacturing semiconductors for the Defense Department to a commercial product operation.

Among many other programs in my State that will be hurt as a result of funding reductions or terminations in the conference report are the Massachusetts Biotechnology Research Institute, which has leveraged venture capital funds for new biotechnology companies in and around Worcester, and the textile center at the University of Massachusetts at Dartmouth, which had hoped to become the first university outside the Southeastern United States to participate in the National Textile University Centers. Cutbacks in the National Telecommunications and Infrastructure Assistance Program will hurt groups in my State that are seeking to get on the information superhighway. Among them are the Executive Office of Education in Boston that is developing a statewide, integrated, interactive voice and data network, called the Massachusetts Information Infrastructure. This network will begin by connecting 20 of an estimated 352 sites at libraries of K–12 schools and higher education institutions, local government and health and community organizations throughout Massachusetts. More than 80 other entities in my State have sought assistance from this program, but are not likely to receive any help in the face of the proposed funding cuts.

I would now like to turn briefly to the State Department title of the bill that relates to Vietnam.

The conference report conditions the establishment of an embassy in Vietnam on a certification by the President with respect to Vietnamese cooperation on providing POW/MIA information. As the former chairman of the Senate Select Committee on POW/MIA Affairs, I believe that no one has worked harder or more conscientiously to ensure that our Nation and the families of our POW/MIA's get answers to the fate of these heroes. But I believe the way we secure continued and even enhanced assistance from the Vietnamese is by engagement.

I believe this provision could have the perverse effect of setting back our efforts. This amendment, offered by the House in conference, is really a thinly disguised effort to undermine the administration's decision to normalize relations with Vietnam, and it is contrary to the Senate's position opposing direct linkage of the POW/MIA issue and the process of normalizing relations with Vietnam.

Mr. President, being a strong supporter of the Cops on the Beat and other anticrime programs administered by the Justice Department, being a staunch advocate for the international trade, technology, environmental and fisheries programs carried out by the Commerce Department and being a steadfast advocate for the resolution of international conflicts through diplomatic means, it pains me to have to oppose this conference report. But I must and I will, knowing that the funding cuts and terminations will not sustain the programs we must have to keep our streets and communities safe, to keep our economy vibrant and to promote job creation and to maintain our presence in and the peace of this world.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the conference report accompanying the fiscal year 1996 Commerce, Justice, State appropriations bill.

I am opposed to this conference report because it takes this country in the wrong direction. The conference report undermines our efforts to fight crime by abolishing the highly successful COPS Program and replacing it with a block grant to the States. Under the COPS Program, Maryland has received funding for 440 new police officers throughout the State devoted to community policing and keeping our streets safe. This conference report would pull the rug out from under this program and jeopardize future funding for these officers.

In addition, this conference report makes draconian cuts to the Commerce Department that will harm America's ability to maintain its technological edge. The conference report contains a rescission of $75 million in construction funds for the National Institute of Standards and Technology [NIST]. These funds were going to be used to construct a new advanced technology laboratory that would play a critical role in maintaining America's technological supremacy.

Originally built between 25 and 40 years ago, the majority of NIST's facilities are now technically and functionally obsolete, which makes it difficult if not impossible to support the requirements of advanced research and development projects. As a result, experiments are often delayed or subject to costly rework, and scientists must often accept levels of precision and accuracy below those needed by industry.

As the only Federal laboratory whose explicit mission is developing scientific standards and providing technical support for U.S. industry's competitiveness objectives, NIST must have a modern scientific infrastructure—the laboratories, equipment, instrumentation and support—in order to maintain a viable scientific research program and to keep our Nation on the cutting edge of science and technology as we move into the 21st century. This view was recently underscored by a group of 25 nobel laureates who called the laboratories "a national treasure," which "carry out the basic research that is essential for advanced technology."

Under the conference report, the Commerce Department's Advanced Technology Program receives no new funding for fiscal year 1996. The ATP is another vital program for developing new technologies that lead to the creation of new jobs by supporting innovative research.

I believe this bill will not further America's long-term economic interests nor the interests of my own State of Maryland. Furthermore, the cuts to law enforcement will hurt our ability to fight crime in the streets and make our neighborhoods safer.

So, I will oppose the approval of this conference report.

Mr. PRESSLER. Mr. President, I would like to address briefly a few provisions in H.R. 2076, the fiscal year 1996 Commerce-Justice-State appropriations bill, that relate to funding of the United Nations.

First, I want to compliment the fine work of the new subcommittee chairman, the Senator from New Hampshire, Senator GREGG, for his great work on this bill. As all of us know, our friend from New Hampshire had to assume command, so to speak, while this bill was in flight. And as all of us know, this is a very important and complicated piece of legislation. The Senator from New Hampshire took command and has produced a good bill that is worthy of our support.

One provision worth noting is that which would limit U.S. contributions to the United Nations. Under the conference report, 20 percent of the funds appropriated for our regular budget assessed contribution to the United Nations would be withheld until a certification is made by the President to the Congress that the United Nations has established an independent office of inspector general as defined in section 401(b) of Public Law 103-236—the Foreign Relations Authorization Act of 1994.

This withholding requirement should sound familiar to my colleagues. The provision in the conference report extends a withholding requirement I offered as an amendment to the Foreign Relations Authorization Act during Senate consideration in 1994. The reason why I took this step nearly two years ago was because of rampant waste, fraud, abuse, and outright thievery at the United Nations.

For years, I have identified specific examples of budgetary mismanagement and wasteful practices at the United Nations. I believed that the solution to these practices was the same solution the federal government has adopted to ensure American taxpayer funds are well-spent: an independent inspector general. Specifically, what was needed then and now is an office or mechanism that can conduct budgetary audits; recommend policies for efficient and effective United Nations. management; investigate and detect budgetary waste, fraud and abuse; and provide an enforcement mechanism that would enable the Secretary General, or even the so-called inspector general, to take corrective action.

The withholding requirement was put in place for two reasons: First, it was important to demonstrate that the U.S. Government was very serious about putting an end to U.N. fiscal mismanagement. As the single largest contributor to the United Nations, I believed that it was time to use this leverage to achieve real reform at the United Nations. Second, I believed that American taxpayer dollars should not be used to subsidize waste, fraud, and abuse. Frankly, I had sought a higher withholding amount—50 percent—to achieve this goal, but twenty percent was the highest I could get through what was then a Senate controlled by the Democrats.

Since the adoption of this withholding provision, U.N. reform has become a more important and open topic of discussion in the halls of the United Nations, and the Clinton administration. During the 50th anniversary celebration of the United Nations, the President devoted much of his address to U.N. management reform. The United Nations has appointed a so-called inspector general that released a report detailing vast mismanagement within the United Nations, particularly in the area of peacekeeping activities. All this is good news. A few years ago, former Attorney General Dick Thornburgh, in his capacity as Undersecretary General for Management, produced a similar report, and the United Nations did everything it could to hide it from public view.

So the fact that the United Nations has produced a report detailing its own mismanagement is an important development. The United Nations has been a mismanagement addict, and it has taken the vital first step to reform its addiction: recognition. The United Nations recognizes it has a serious mismanagement problem and it now is willing to admit it. It is about time.

However, one more crucial step needs to be taken: action. The U.N. must take action to correct its addiction, and that is why the withholding requirement in the conference report before us today is so important. By my interpretation of section 401(b) of Public Law 103-236, the President would be unable to make this certification because of the requirement in that section that the United Nations has procedures in place designed to ensure compliance with the recommendations of the inspector general.

In short, there must be enforcement of management reform, not simply recognition or discussion of the need for it. That is why the withholding requirement in the conference report before us is needed. We have made progress, but we have yet to achieve our ultimate goal: real reform within the United Nations. For that reason, we must stay the course. We must continue to insist on a withholding of taxpayer dollars until the United Nations has cleaned up its act.

Mr. President, I intend to speak in more detail on this matter in the near future, particularly on the subject of our contributions to the United Nations, and additional reforms that must be put in place. In the meantime, I am pleased that the conference report maintains our commitment to U.N. reform. I commend my friend from New Hampshire for his efforts to make sure this provision was included in the final bill. I look forward to working with him and all my colleagues to ensure our U.N. management reform goals are met.

Mr. DOLE. Mr. President, earlier this year, America recoiled in horror as we heard the tragic story of Stephanie Kuhen, a 3-year-old girl who was shot dead in her family's car after the car took a wrong turn and drove down a gang-infested alley in Los Angeles. Stephanie's grandparents have remarked, ironically and unfortunately with some truth, that their family would probably be safer in Bosnia.

In September, we read about 42-year-old Paul McLaughlin, a Massachusetts

State prosecutor, devoted to his job, who was shot dead at point-blank range outside a commuter train station while returning home from work. At the time of the murder, police speculated that it may have been a gang-ordered assassination. Several officials remarked that "the slaying was the kind of event that might happen in Italy, Colombia, or other nations where prosecutors, judges, and police are kidnapped or assassinated."

And last August, three employees of a Capitol Hill McDonald's restaurant—18-year-old Marvin Peay, Jr; 23-year-old Kevin Workman; and a 49-year-old grandmother named Lillian Jackson—were all herded into the restaurant's basement freezer late one Saturday night and shot in the head. All three died instantaneously.

Mr. President, what I have just described did not take place in Bosnia or Italy or Colombia or some other country, but right here in America. These are real people. With real families. Feeling real pain. And dying real deaths. They are citizens of our country.

SOME FACTS ABOUT CRIME

We must put an end to this madness. If America wants to continue calling itself a civilized society, we can no longer accept an annual crime tally of nearly 24,000 murders, 100,000 forcible rapes, 670,000 robberies, and more than 1 million aggravated assaults. We must stop tolerating the intolerable.

Listen to these facts.

Fact: For the first time in our Nation's history, the FBI estimates that a majority of all murders are committed by persons who are strangers to their victims. In a very real sense no matter where we live or where we work. Americans are hostage to the vicious, random acts of nameless, faceless strangers.

Fact: More and more young people are resorting to violence. According to the Justice Department, the murder rate among 14 to 17 year olds has increased by 165 percent during the past 10 years, fueled in large part by crack cocaine. If current trends continue, juvenile arrests may double by the year 2010.

Fact: Violent crime is destroying America's minority communities. The Justice Department estimates that a staggering 1 out of every 21 African-American men in this country can expect to be murdered, a majority rate that is twice the rate for U.S. soldiers during World War II.

Fact: The revolving prison door keeps swinging and Americans keep dying. At least 30 percent of the murders in the United States are committed by predators who should be behind bars, but instead are out on the streets while on probation, parole, or bail.

LAW ENFORCEMENT BLOCK GRANT

Now, Mr. President, this conference report will not solve the crime problem. The best antidote to crime is not a prison cell or more police, but conscience—that inner voice that restrains the passions and enables us to recognize the difference between right and wrong.

To put it simply: values count, not just in our lives, but in our society. There will never be enough prisons or police to enforce order if there is growing disorder in our souls.

But, of course, we have to start somewhere. Last year, I opposed the so-called crime bill because I believed it was a flawed Federal policy—too light on punishment and too heavy on pork, spending billions and billions of dollars on untested social programs. This conference report tries to correct some of these excesses.

The report also rejects the "one-size-fits-all approach" of the current COPS Program by giving local communities more flexibility to determine what best suits their own unique law-enforcement needs. Is it more police? Better training? More squad cars? Or perhaps modern crime-fighting technology? As the Washington Post recently editorialized:

> Because community policing has proved to be so effective and so popular with the public, many areas will spend the money as Washington intends. But if new technologies, more cars or a social service unit trained with juveniles are needed, why shouldn't local authorities have more choice? Word processors, a modernized telephone system or better lab equipment may not have the political appeal of 100,000 new cops. But for some cities, they may be a much better deal.

And let me emphasize that if a local community wants more police officers—needs more cops—it can use the block-grant funds for this very purpose.

TRUTH-IN-ADVERTISING

Mr. President, in the coming days, we will no doubt hear President Clinton denounce the Congress for attempting to repeal his so-called 100,000 COPS Program. But what the President will not say is that this program never existed in the first place. The current program fully funds only 25,000 new police officers, not the 100,000 we hear so much about. That is not just my opinion. It is the opinion of experts like Princeton University Prof. John Diiulio.

So, when it comes to the COPS Program, it is time for a little truth-in-advertising.

OTHER PROVISIONS

This conference report contains other important provisions: $10 million for the innovative police corps program; truth-in-sentencing grants that will help the States abolish parole for violent offenders; the Prison Litigation Reform Act, which will go a long way to reduce the number of frivolous claims file each year by litigation-happy inmates, the so-called frequent-filers; and $500 million to reimburse the States for the cost of incarcerating illegal aliens, including those who have committed crimes while in the United States.

Finally, I want to commend Senator JUDD GREGG, the manager of this bill, for his skill in developing this conference report and bringing it to the floor. Senator GREGG just recently assumed the chairmanship of the Commerce, Justice, State Subcommittee, and with today's action, he has proven that he is a very fast learner indeed.

Mr. LAUTENBERG. Mr. President, I want to go on record opposing a last minute addition to the statement of managers in the conference report on the Commerce, Justice, State and Judiciary appropriations bill, to which I object strenuously. On page 127 of the statement of managers there is a provision to have a deep ocean isolation study. This report language would have NOAA conduct an analysis of a particular patented technology that would be used for the disposal of dredge soil to the deep ocean.

Mr. President, I strongly object to this direction to NOAA. First, there was no mention of this issue in the House bill, the Senate bill, the Senate report or the House report. But, it is in the conference report.

Second, this is special interest legislation of the most egregious kind—it is intended to help one and only one company at the expense of the environment.

Third, the company had, in the past, a similar study provision in a Defense appropriations bill. In January, the Navy released its study that this technology was determined to be "unacceptable from both production rate capability and because of handling systems problems."

I objected strenuously against this study in 1993 because it would be a waste of Federal resources and because it was intended to lead to renewed disposal of sewage sludge in the ocean. Mr. President, the study has been completed, and the Navy determined the technology was not feasible. The money was wasted and yet, in these difficult budget times, a request is being made to do a similar study by a different agency of the Federal Government! When is enough enough?

Mr. President, our oceans are too valuable to be used as a garbage dump. Our oceans include diverse species that rival the tropical rain forests. Because of the rich environmental heritage of the oceans and the tremendous economic vitality of our coasts that are dependent on a clean ocean environment, I have worked to end the ocean dumping of sewage sludge and the proper handling of contaminated sediments. That is why I sponsored legislation to ban ocean dumping of sewage sludge and sponsored provisions in water resources development legislation that will help develop technologies to decontaminate dredged sediments.

Mr. President, this study is not just a study of whether a technology will work. It is a study about the feasibility of a technology that is designed to facilitate illegal activities.

The intent of this technology is to dispose of contaminated dredge materials. Clean dredged disposal is used beneficially on golf courses and other uses. However, the disposal of contaminants in the ocean that this technology contemplates is illegal above trace amounts under the Marine Protection Act and several international conventions.

Mr. President, the tourism industry in my state, the water recreation industry and users, and numerous environmental groups have rejected additional disposal of contaminated sediments as contemplated by this language. The public has spoken out forcefully and repeatedly against the ocean dumping of pollutants. And, the Navy has determined that this technology is not feasible and will lead to the release of contaminated toxic sediments into the water column.

Mr. President, I know that this report language is not binding on the Agency. Based on the fact a similar study has just recently been carried out, I strongly urge the Agency to ignore this ill-conceived and ill-considered language.

Mr. GREGG. Mr. President, I suggest the absence of a quorum and request the time be allocated equally to all sides.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, on behalf of the leadership, I ask unanimous consent the 12 remaining minutes of the distinguished Senator from Arkansas be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum with the time assigned to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF STAFF

Mr. HOLLINGS. Mr. President, again I would like to thank the professional staff who worked so hard on this appropriations bill. On the majority side I want to recognize David Taylor, Scott Corwin, Vas Alexopoulus, and Lula Edwards. And, of course, I would be remiss if I did not recognize Mark Van DeWater, our full committee's deputy staff director. Time and time again Mark worked to develop compromises that let this bill go forward. Finally, I want to recognize Emelie East, of our minority staff, who staffs this bill, foreign operations, military construction, and defense appropriations.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that all time be yielded back, except that there be 10 minutes reserved for the leader and 10 minutes reserved for the ranking member of the Appropriations Committee, Senator BYRD; that a vote be set to occur at 4 o'clock on final passage; that the yeas and nays be ordered; and, that, pending the 10 minutes being used by the leader, or the 10 minutes to be used by Senator BYRD, we be in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

REFORMATION OF THE FOREIGN AFFAIRS APPARATUS

Mr. HELMS. Mr. President, it is not exactly a secret that I introduced legislation many months ago to reform the foreign affairs apparatus of the United States by abolishing three wasteful, anachronistic Federal bureaucracies—the Agency for International Development, which we call AID around this place; the Arms Control and Disarmament Agency, which is called ACDA; and the U.S. Information Agency, USIA—and folding their functions into the State Department, thus saving billions of dollars.

Senators know the history of what has transpired since that day early this year when I offered that bill. There has been one delay after another. But I am hopeful that late this afternoon Senator KERRY and I will complete an agreement that will lead to a consummation of the activities so that we can have some ambassadors confirmed and some other things accomplished by the Senate Foreign Relations Committee and the U.S. Senate, which could have been done months ago had it not been for the objection to our having a vote on my bill.

That is all I ever asked. I did not ask that there be a victory or that the bill be passed. I asked only that there be a vote. But that was denied me. And the media, of course, do not make that clear. That is all right with me if it is all right with them. They are not very accurate about many things anyhow.

Many Senators are aware that Vice President GORE has been one of the most vigorous opponents of my proposal to abolish the Agency for International Development as an independent entity and place it directly under the purview of the Secretary of State—a proposal, I might add for emphasis, that has been supported from the very beginning by a majority in the U.S. Senate and endorsed by five former U.S. Secretaries of State.

As I understand it, Vice President GORE is in South Africa today. And while AL GORE, as we called him when he was a Senator, is there, I do hope that he will take the time to visit the South African mission of the Agency for International Development.

Let me point out that the Agency for International Development was created more than three decades ago as one of those temporary Federal agencies—temporary, don't you know.

Well, Ronald Reagan used to say that there is nothing in this world so near eternal life as a "temporary" Federal agency. And AID, the Agency for International Development, is one of them.

Let me get down to business. I have before me documented information disclosing that the Agency for International Development's inspector general has just completed an extensive investigation into abuses in U.S. foreign aid programs in South Africa involving millions upon millions of dollars of the American taxpayers' money. This investigation raises, obviously, serious questions about the contracting and hiring practices within the Agency for International Development's mission in South Africa, as well as the headquarters here in Washington, DC.

These questions range from whether AID officials unlawfully awarded multimillion-dollar Federal contracts to politically connected U.S. organizations, and they range from that point to whether AID also attempted to hire personnel on a basis other than the question, were the persons being hired qualified for the job?

This is not JESSE HELMS talking. This is the inspector general of the Agency for International Development.

Whether the laws have been broken will be decided after careful review of information that led the inspector general of the Agency for International Development to request the Department of Justice and the Office of Management and Budget to review the many, many pages of information already transmitted to the Justice Department and to OMB.

I will add, Mr. President, that this matter will be carefully examined by the Senate Foreign Relations Committee at the earliest practicable time.

Interestingly enough, the Agency for International Development operation in South Africa has been extolled and praised by Mr. Brian Atwood, whom President Clinton appointed to head the Agency for International Development. Now, Mr. Atwood calls the operation in South Africa AID's flagship program in Africa—a program that has spent, I might add, Mr. President, more than $450 million of the U.S. taxpayers' money in the past 5 years.

All right. Now, Mr. Atwood, in defending his agency explains that AID employees were simply overtaken with "enthusiasm"—and that is his word—in awarding contracts in South Africa. And AID management suggests that this multimillion-dollar problem can be solved simply by giving a little "sensitivity" training to AID employees in South Africa.

That is Mr. Atwood's, and AID's, position as of now, as I understand it to be. It remains to be seen, of course, whether the American public will buy that explanation.

My own view is that the American people have a right to know exactly what is going on with AID's giveaway program in South Africa. Congress has an obligation to get to the bottom of it, and I for that reason have asked the distinguished Senator from Kansas, Mrs. KASSEBAUM, who chairs the African Affairs Subcommittee of the Senate Foreign Relations Committee, of which I am chairman, to schedule a hearing on this matter on December 14 at 2 p.m. Senator KASSEBAUM has indicated that she shares my concern about the inspector general's report, and she has readily agreed to schedule such a hearing. We will request the presence of members of AID's South Africa management as well as AID officials in Washington who directly oversee the South Africa program in order to give them an opportunity to explain to the Senate and to the American people precisely what has been going on in South Africa.

Mr. President, I thank the Chair and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe there has been a unanimous-consent request that has been acted upon relative to the continued business of this body. I wonder if I may ask unanimous consent that I may make a statement not lasting more than 5 or 6 minutes on section 609 which I think is the issue before this body.

Mr. HOLLINGS. Mr. President, 10 minutes has been reserved for the distinguished majority leader and also 10 minutes for the distinguished Senator from West Virginia. So within that framework, I would not object.

Mr. BYRD. How much time does the Senator need?

Mr. MURKOWSKI. Five minutes will suffice.

Mr. BYRD. Mr. President, I yield 5 minutes of my time to the Senator.

Mr. MURKOWSKI. I thank my friend, the senior Senator from West Virginia.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MURKOWSKI. Mr. President, this bill has a section, section 609, which I feel jeopardizes the new chapter in relations between the United States and Vietnam which began last July. With President Clinton's announcement at that time that he was prepared to establish full diplomatic relations with the Government of Vietnam, and with the subsequent steps to open an embassy and begin trade discussions over the last few months, the two-decade long campaign to obtain the fullest possible accounting of MIA's in Southeast Asia truly entered a new stage and a more positive phase. That progress I think is threatened by this section and I wish to go on record as opposing it.

I understand the objective of the authors of the amendment. They want, as I do, to resolve the issue of accountability of the MIA's, and they believe this is the best way to achieve that objective. And while I agree with the objective, I disagree with the means which they have proposed.

I supported the President's decision to establish relations. I have been over there a number of times. And I continue to believe, and evidence supports it, that increased access to Vietnam, not reduced access, leads to increased progress on the accountability issue.

Resolving the fate of our MIA's has been and will remain the highest single priority of our Government. Under no circumstances should it be any different. This Nation owes that to the men and women and the families of the men and women who made the ultimate sacrifice for this country and for freedom.

In 1986, I was chairman of the Veterans' Committee, and I was appalled to learn at that time that we had no first-hand information about the fate of the POW/MIA's because we had no access to the Vietnamese Government records or to the Government or to the military archives or to the prisons. We could not travel to crash sites. We had no opportunity to interview Vietnamese individuals or officials.

That has changed now. The American Joint Task Force, the JTF-FA personnel located in Hanoi now have access to Vietnam's Government and to its military archives and prisons. They are free to travel to crash sites and interview Vietnamese citizens and officials.

As a result of these and other positive developments, the overall number of MIA's in Vietnam has been reduced significantly through a painstaking identification process. Most of the missing involve men lost over water and other circumstances where survival and identification is doubtful.

Most, if not all, of the progress has come since 1991 when President Bush established the office in Hanoi devoted to resolving the fate of the MIA's and supported further activity by President Clinton. Opening this office ended almost two decades of isolation, a policy which, in my opinion, failed to meet our goals.

In 1993, opponents of ending our isolationist policy argued that lifting the trade embargo would mean an end to Vietnamese cooperation. Well, this was not the case. As the Pentagon assessment from the Presidential delegation's trip to Vietnam earlier this year notes, the records offered are "the most detailed and informative reports" provided so far by the Government of Vietnam on missing Americans.

So let me state firmly here that while we have made progress, we should not be satisfied, and we should continue to push for greater and greater results. But there are limits to the results we can obtain by potentially—potentially—turning to a failed policy which remains rooted in the past and is dominated by the principle of isolation. We have reached those limits. It is now time to continue a policy of full engagement with access and involvement.

Being represented in Vietnam does not mean forgetting our MIA's. Having an embassy there does not mean that we agree with the policies of the Government of Vietnam. But it does help us promote basic American values such as freedom, democracy, human rights, and the marketplace.

When Americans go abroad or export their products, we export an idea and an ideal. We export the very ideas that America went to fight for in Vietnam. Moreover, diplomatic relations give us greater latitude toward the carrot-and-stick approach. So do economic relations, as evidenced by the administration's trade team which recently visited Vietnam for the first time after relations were established.

Retaining diplomatic relations will also advance other important U.S. goals. A prosperous, stable and friendly Vietnam integrated into the international community will serve as an important impediment to Chinese expansionism. Normalization should offer new opportunities for the United States to promote respect for human rights in Vietnam.

Finally, competitive United States businesses which have entered into the Vietnamese market after the lifting of the trade embargo will have greater success with the full faith and confidence of the United States Government behind it. The amendment in question could jeopardize all this progress and put us back where we were several years ago, which is nowhere. Now I understand that the President plans to veto this bill for a variety of reasons, including because of this amendment. As the administration has told us, it "regrets the inclusion of extraneous language in the bill related to the presence of United States Government facilities in Vietnam." As a result, I expect that the bill will come back to us, to the conference committee, to be considered again. I hope at that time this section will be removed, or at least modified in a way which will not stop progress down the road which has already led to many positive results.

Mr. President. Let me conclude by repeating what I said last July when we first moved toward establishing relations with Vietnam, when I said that I hope that step will continue this country's healing process. I think now, as I thought then, that the time has come to treat Vietnam as a country—and not as a war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair. And I again want to thank my good friend from West Virginia for his accommodation. I wish him a good day.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, both the chairman and the ranking member of the Commerce-Justice-State Appropriations Subcommittee deserve a great deal of credit for the many months of hard work—and it is hard work—that they have put into the fiscal year 1996 Commerce-Justice-State appropriations bill.

This is the first time that the distinguished Senator from New Hampshire [Mr. GREGG], has chaired the appropriations conference. He did so very ably. I congratulate Senator GREGG on his success and keeping his mind on track throughout the conference on this very important, complex appropriations bill.

I wish to recognize the outstanding efforts of the distinguished ranking member of the subcommittee, Senator HOLLINGS, on this bill. On November 9, 1966, a new Member came into this Senate. And for these 29 years and 28 days it has been my good fortune to serve with FRITZ HOLLINGS. He is a man of sterling character. He is absolutely fearless. He is a man of great courage with supreme dedication to his work. He is smart, and he does what he thinks is best. It is the right thing to do.

It has been a pleasure for me to work with Senator HOLLINGS on the Appropriations Committee these many years. He has been a fine subcommittee chairman, has always been most cooperative with me in the years that I was chairman. I could always depend on him to carry his part of the load, and then some. His knowledge and expertise in all areas of the Commerce-Justice-State Subcommittee's jurisdiction are well known and unequaled in the Senate.

For two decades he has served on the Commerce-Justice-State Appropriations Subcommittee, served with great distinction, and has worked tirelessly throughout his years of service as a member of that subcommittee and as its chairman to ensure that the many important programs and activities that are funded by the subcommittee received fair treatment and equitable treatment, often at times of severe budgetary constraints.

I understand that the President has indicated he will veto this conference report for a number of reasons. I can assure all Senators that such a veto will in no way reflect upon the outstanding work of the chairman and ranking member, Senator GREGG and Senator HOLLINGS. The Senate and the American people are in their debt.

It is with great pleasure that I take this moment to express my deep appreciation to Senator HOLLINGS, a man whose heart is as stout as the Irish oak and as pure as the lakes of Killarney.

I also want to compliment the staff. He has an excellent staff, and so does Senator GREGG, the staff of the subcommittee; Mr. David Taylor and Mr. Scott Corwin for the majority; Mr. Scott Gudes for the minority. There is no better—no better—along with Lula Edwards and Emelie East. They deserve our gratitude and our thanks.

Now, Mr. President, we pass out a lot of encomiums in this body. But I try to be reserved in doing so. I want to close with just these words. I salute Senator HOLLINGS, my old friend of these 29 years and 28 days.

When a man does a deed that you greatly admire,
Do not leave a kind word unsaid
For fear to do so might make him vain
Or cause him to lose his head;
But reach out your hand and tell him, "Well done,"
And see how his gratitude swells.
It is not the flowers we strew on the grave;
It's the word to the living that tells.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. My good friend, the distinguished Senator, has been so generous. I hasten to add I am not leaving. It would be most appropriate here for me to tell of my admiration in one sense, but then they would say it is tit for tat.

I have served under Senator BYRD as leader; I have served under him as our chairman. He is the one remaining in the U.S. Senate who maintains the decorum, the dignity, the civility that is so fundamental to the good working of this body. So to hear from him on this occasion—I join with him in congratulating our distinguished chairman of the subcommittee for his difficult and hard work. I have apologized in the sense of not being able to vote for the bill, but I think that is understood in the light of the constraints and what has been contained therein.

But let me genuinely thank my good friend. You make some good friends in this service here. And there is none better than my friend, BOB BYRD, the Senator from West Virginia, and I really thank him.

Mr. BYRD. I thank the Senator.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I also wish to thank the Senator from West Virginia, who has been of tremendous assistance to this committee, obviously. I was sort of dropped into this committee out of the clear blue, and with the help of the Senator from South Carolina, the Senator from West Virginia, Members on our side have been able to struggle through the effort. I think we have produced a bill that is, if not supported by the other side, hopefully at least respected by the other side.

I also wish to thank Senator HATCH, who was very helpful in this undertaking, and Senator HELMS, and especially the staff on both sides of the aisle who have already been mentioned, of course, Scott Gudes and Emelie East, and David Taylor and Scott Corwin, Lula Edwards, and Vasiliki Alexopoulos on our side. They worked incredible hours, just overwhelming hours, under tremendous intensity. I do not know really how they do it.

It is extremely impressive. I think what they all deserve is a good vacation in New Hampshire, and I hope they come. We would love to have them come up and relax.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to speak for about 8 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LOW-INCOME HOME ENERGY ASSISTANCE

Mr. WELLSTONE. I thank the Chair. I thank my colleagues.

Mr. President, I rise to express my deep concern about the current state of funding for the Low-Income Energy Assistance Program [LIHEAP]. In the State of Minnesota last year there were about 110,000 households—over 300,000 men, women and children—who receive energy assistance. They received an average energy assistance benefit of about $360 per heating season.

That was last year. This year, given the huge cuts in LIHEAP funding already enacted, that grant is expected to be about $200, even though for these households during the heating season, the overall cost of their heating bill is somewhere between $1,800 and $2,000.

Last year, we funded this program at a little over $1.3 billion. We had a rescissions package which contained a cut of $319 million. On the Senate side, the appropriators proposed to fund this program at $900 million, and on the House side, it has been zeroed out.

In this bloodless debate that we too often have about the budget, I think sometimes we are completely disconnected from people's lives. That's why I would like to talk about what is going on in Minnesota right now, and what is going on in other cold-weather States. I speak about this with some sense of urgency. Last year, Minnesota received about $50 million in heating assistance. This year, we have received so far, after the last continuing resolution, about $9 million. Usually by this time, we have received about $20–$25 million.

The Energy Assistance Program, I say to my colleagues who are not from cold-weather States, is really not a year-long program. It is effectively a 6-month program. You need to allocate the heating money now during the cold-weather months. It is truly an example of a program where you cannot do it over a 1-year period of time. You need to get the assistance to people now when they need it.

What we have going on right now with the way we have been funding this program that we are forcing people to freeze on the installment plan. That has to change. I hope there will be a change in the third continuing resolution which we'll likely have before this body next week.

Let me put my colleagues on notice: This will not be the last time I am going to speak about the Energy Assistance Program here on the floor. I intend to raise the alarm until something gets done on it.

It may be—and people may have a hard time understanding this—it may be that in Washington, DC, when it is 30 or 40 or 50 degrees, in my State of Minnesota, it can be 10 degrees below zero, and in some parts of the State, those are exactly the kinds of temperatures with which we have been faced.

I want to give a couple of examples, just a few examples, of what this actually means to people who rely on LIHEAP benefits.

Nancy Watson is 55 years old. She is disabled. She lives in Clear Lake, MN. Her income is from SSI and medical assistance. It is $529 a month. She received her grant of $81 this year for energy assistance, and she does not know what she is going to do for the rest of the year.

Mr. President, in the State of Minnesota, there are people who have been cut off already from utilities. There are people who do not have propane or fuel in their tanks. There are people who do not have any heat at all, and who are having to struggle to patch together help from friends, churches, the Salvation Army—anywhere they can get it.

There are elderly people who have closed off all but one room of their homes. That is all the heating they can afford. There are people who have the thermostat turned down to 50 degrees. What are we going to do about that in the U.S. Congress?

Mr. President, Clara Mager is a 73-year-old resident of a town on Minnesota's Iron Range. She receives $675 per month in Social Security. She lives alone and raised six children on her own. She has just received her grant of $222. She owed her fuel provider, Inter-City Oil, $177, and on Monday had only 60 gallons left in the fuel tanks. She wonders what she is going to do at the end of December or in January or in February or in March.

In Blue Earth County, we have talked with a woman who is 90 years old. I will make a long story short. She is very worried about how she's going to heat her home, and she has now reached the conclusion, after having been self-reliant and self-sufficient her whole life, that she may have to move into a nursing home.

Mr. President, you can criticize the Low-Income Energy Assistance Program. There are imperfections in all our programs. But let me remind my colleagues that nationally, two-thirds of the energy households have an income of less than $8,000 a year. More than half have incomes below $6,000 a year. I tell my colleagues today, and I am going to speak about this over the next week: we have to do something now in this continuing resolution, we have to get adequate funding allocated to people who need it. The total cost of the Energy Assistance Program does not equal the cost of one B–2 bomber, and if we do not do anything, I say to my colleagues, Democrats and Republicans alike, I guarantee you that sooner or later there will be people in our country in the cold-weather States who will freeze to death. Then we will do something.

We should not wait. We should not wait. That would be wrong. We can do better. People expect more of us.

Nobody in 1994 voted for an elimination of an energy assistance program for the most vulnerable citizens in this country to make sure, whether they are elderly or whether they are children or whether people with disabilities or whether they are a working poor family, that they at least have this survival supplement. We cannot keep doing it this way. In my State of Minnesota, by now, we have just over $9 million that we are getting out to people. It is 10 degrees. It is 8 degrees. In northern Minnesota, it will reach zero or below tonight. There is a windchill below zero. People are cold, and we have to get this assistance out to those who need it.

I ask unanimous consent to have printed in the RECORD the text of a draft letter that is circulating among Senators, and that will soon be sent to Chairman HATFIELD, from the Northeast-Midwest Coalition. I was part of the effort, and urged that such a letter be done. Senator JEFFORDS from Vermont is co-chair of this coalition, and we have worked with him on the effort. It makes the case clearly for addressing the LIHEAP problem in the next CR.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 5, 1995.

Hon. MARK HATFIELD,
Appropriations Committee,
Washington, DC.

DEAR CHAIRMAN HATFIELD: We would like to call your attention to a serious problem with the interim funding for the Low Income Home Energy Assistance Program (LIHEAP). We believe that if we are to continue funding programs under the FY96 Labor/HHS Appropriations bill through a Continuing Resolution (CR), states must be allowed to draw down LIHEAP funds at a higher rate which takes into account their historical spending practices and which is sufficient to ensure the program's viability. Temperatures have dropped below freezing and there is snow on the ground in many parts of the country, but the language in both CRs that limits state draw downs to a proportional annual rate does not provide states sufficient funds to operate programs and meet the heating needs of their low income families.

In past years, states have drawn down a majority of their LIHEAP funds during the fall. This allows states to purchase fuel at lower rates, maintain continuity of service, avoid shut offs, and plan for the upcoming winter. Furthermore, nearly ninety percent of LIHEAP funds are used for heating assistance during the coldest months. The CR language requires that LIHEAP funds be spent out over a twelve month period. While this may leave funds for heating assistance in June, many low income families may not be able to heat their homes this winter.

We believe it is critical to safeguard this program which protects the elderly, the disabled, the working poor, and children. When it gets cold, these vulnerable Americans should not be forced to choose between heating and eating. Continuing delays in funding and limits on the payout rate will hamper states' ability to help the 5.6 million LIHEAP households survive the winter. We ask your assistance in ensuring that the bulk of LIHEAP funds can be spent during the cold weather months at a rate sufficient to meet the needs of low income families this winter. Thank you.

Sincerely,

JIM JEFFORDS.

Mr. WELLSTONE. Mr. President, I will be speaking about this in much more detail over the next week or so. We have to do something about this, I say to my colleagues.

On the last continuing resolution, finally I was able to get, and Senator JEFFORDS and others can talk about what's happening in their States, $2 million more for my State. That is it. But that is a pittance. We have long waiting lists of people who need the assistance, and adequate funds are not available. That's why people are having to go cold.

We have to get the funding out now, and we have to figure out a way in this continuing resolution to make sure that we do so; otherwise, Mr. President, there is no question that in the United States of America, this winter some people will likely freeze to death.

For God's sake, Democrats, Republicans, Independents, liberals, conservatives, and whatever other label you choose to call yourself or apply to yourself, let us try to do better, and let us try to make sure in this continuing resolution that we are able to get some of this funding out. We should not be freezing people on the installment plan. It is unconscionable. It is not right. We should not be doing this. We have to take some action.

I yield the floor.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 591 Leg.]

YEAS—50

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Heflin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—1

Moynihan

So the conference report was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of H.R. 1833, which the clerk will now report.

The legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed the consideration of the bill.

Pending:

Smith amendment No. 3080, to provide a life-of-the-mother exception.

Dole amendment No. 3081 (to amendment No. 3080), of a perfecting nature.

Pryor amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs.

Boxer amendment No. 3083 (to amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman.

Brown amendment No. 3085, to limit the ability of dead beat fathers and those who consent to the mother receiving a partial-birth abortion to collect relief.

AMENDMENT NO. 3083 TO AMENDMENT NO. 3082, AND AMENDMENT NO. 3081 TO AMENDMENT NO. 3080

The PRESIDING OFFICER. Under the previous order, there will now be 60 minutes equally divided for debate on amendments by Senators DOLE and BOXER.

The Senate will be in order.

Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Senator from California for 5 minutes, when the Senate is in order.

Mrs. BOXER. Mr. President, if you will bring the Senate to order?

The PRESIDING OFFICER. The Senator from Massachusetts has asked for 5 minutes from the Senator from California.

Mrs. BOXER. Yes, as soon as the Senate is in order. I do not believe we should start the clock running until the Senate is in order. Mr. President, this is a very serious difficult debate. Members on both sides feel very strongly. I will be happy to yield 5 minutes to the Senator from Massachusetts when the Chair believes the Senate is in order.

The PRESIDING OFFICER. The Senator will begin debate when there is order.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President I yield myself 4 minutes and 15 second and ask to be notified at that time.

Mr. President, I oppose the pending bill and strongly support the Boxer amendment to protect the lives and health of women. I came away from the November 17 Judiciary Committee hearing more convinced than ever that this bill is an unwise, unconstitutional—

Mrs. BOXER. Mr. President, if I could ask the Senator to yield, the Senate is not in order.

The PRESIDING OFFICER. Will the Senators to the left of me take their conversations off the floor?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I oppose the pending bill to outlaw medically necessary abortions, and I strongly support the Boxer amendment to protect the lives and health of women.

The Senate began to debate H.R. 1833 last month, a mere 6 days after the bill had passed the House. At first, the bill's Senate sponsors even refused the reasonable request that hearings be held. But a strong bipartisan majority of the Senate rejected that unacceptable approach. The bill was committed to the Judiciary Committee for a hearing. But there was no committee markup and the Senate does not have the benefit of a committee report.

The haste with which this bill is being pushed through the Senate is unseemly. Obviously, its proponents don't want their proposal examined too closely. They'd rather have the Senate vote on emotion, not on the facts.

I attended the November 17 hearing, and I came away from it more convinced than ever that this bill is an unwise, unconstitutional, and dangerous proposal.

The hallmark of good legislation is clarity. But the November 17 hearing revealed that this bill is unacceptable vague. In criminal legislation like this, that's unconstitutional, and it's quite likely that the courts will throw out this bill under the void for vagueness doctrine.

The problem is obvious. The Judiciary Committee heard from a panel of medical experts who could not even agree among themselves on the medical meaning of the legislative language, or on which procedures might be banned. Dr. Courtland Robinson of Johns Hopkins University called the language "vague, not medically substantiated, and just not medically correct . . . the name [partial-birth abortion] did not exist until someone who wanted to ban an abortion procedure made up this erroneous, inflammatory term."

The bill's very vagueness itself threatens the lives and health of American women. In the absence of a clear definition of what is outlawed, doctors will decline to perform any abortion that a prosecutor or jury might later find objectionable.

Prof. Louis Michael Seidman of Georgetown Law Center testified: "If I were a lawyer advising a physician who performed abortions, I would tell him to stop, because there is just no way to tell whether the procedure will [violate this law]."

Dr. Robinson, who has practiced medicine for over 40 years, expressed the fear that if doctors are unwilling to perform needed abortions, women will resort to the back-alley methods that were used before safe, legal abortions became available. He testified:

> In the 1950's in New York, I watched women die from abortions that were improperly done. By banning this technique, you would, in practice, ban most later abortions altogether by making them virtually unavailable. And that means that women will probably die. I know. I've seen it happen.

Despite the bill's apparently deliberate vagueness, the one activity it clearly bans is a procedure known as "intact dilation and extraction" or "D&E" surgery. There are perhaps 450 such operations performed in the United States each year, and they involve "wanted pregnancies gone tragically awry," according to Dr. Mary Campbell of Planned Parenthood, who testified at the hearing. Dr. Campbell explained that when emergency conditions threaten the life or health of the pregnant woman, this procedure is safer than any other abortion method, such as induced labor or caesarean section.

Depending upon the position of the fetus in the womb, a woman is 14 times as likely to die from a C-section as from a D&E, and twice as likely to die from induced labor as from a D&E, according to Dr. Campbell. C-sections create an increased risk of rupture of the uterus in future pregnancies.

The bill's supporters ignore this compelling medical testimony and the scholarly articles that support it. They rely instead on a single quotation from a single doctor to the effect that 80 percent of these abortions he performs are "elective." But proponents of the bill are grossly distorting what that doctor said. They never complete the quotation—the doctor stated that he is referring to abortions before the sixth month of pregnancy.

The Supreme Court has made plain that in the case of such pre-viability abortions, a woman may elect to terminate her pregnancy without the undue interference from the Government. After viability, of course, there are no elective abortions. As Dr. Campbell noted emphatically, "third trimester abortion for healthy babies is not available in this country. * * * Occasionally, someone comes to see me who thinks she is 10 weeks pregnant; it turns out she is 32 weeks pregnant. I don't say, 'where can we get you a third-trimester abortion.' I say, 'You will be having a baby.' "

The Judiciary Committee heard the facts about the D&E procedure from doctors. We also heard moving testimony from two women who needed and obtained this surgery to avoid serious health consequences.

Coreen Costello is a pro-life Republican. She learned that the fetus she was carrying had "a lethal neurological disorder. * * * Due to swelling, her head was already larger than that of a full-term baby. Natural birth or an induced labor were impossible." The D&E procedure, she said, "greatly lowered the risk of my death. * * * There was no reason to risk leaving my children motherless if there was no hope of saving [my baby]."

Vicki Wilson testified about an equally tragic pregnancy. As she told the committee, "approximately 2/3 of my daughter's brain had formed on the outside of her skull. * * * Because of the size of her anomaly, the doctors feared that my uterus would rupture in the birthing process, most likely rendering me sterile." She pleaded with the committee: "There will be families in the future faced with this tragedy because prenatal testing is not infallible. I urge you, please don't take away the safest procedure available. This issue isn't about choice, it's about medical necessity."

The bill's supporters obviously cannot deal with the force of this firsthand testimony. So what do they do? They now suggest that the surgical procedures that saved Coreen Costello and Viki Wilson were not "partial-birth abortions."

That devious retreat speaks volumes about the vagueness of this bill, and the uncertainty it is designed to create. Even its sponsors don't know what it means. But let there be absolutely no mistake. The procedure that these two witnesses underwent was an intact D&E. It was the procedure depicted on Senator SMITH's charts. It is the procedure that the bill's proponents say they object to. It is the procedure that saved the lives and health of Coreen Costello and Vicki Wilson. And now the bill's supporters pretend the bill wouldn't apply to those cases. If it doesn't apply to those cases, it will not apply to any cases.

These two brave women do not stand alone. Five other women submitted testimony for the record describing similar cases. Thousands of women owe their lives or their health to the availability of a surgical procedure that the U.S. Senate is on the verge of outlawing and sending any doctor to prison who performs it.

On its face, this bill is an unprecedented intrusion by Congress into the practice of medicine. Its passage would represent the first time in American history that Congress has outlawed a specific medical procedure and imposed criminal penalties on doctors for treating their patients. As Dr. Robinson told the Judiciary Committee: "With all due respect, the Congress of the United States is not qualified to stand over my shoulder in the operating room and tell me how to treat my patients."

This political excursion into the practice of medicine is plainly inappropriate. So why is it before the Senate today? The answer is simple. The right-to-life movement has brought this bill to Congress in the hope that its passage will advance their goal of discrediting Roe versus Wade and eventually outlawing all abortions. The bill's supporters in the House boasted of such a strategy. At least one witness at the committee hearing spoke frankly of this broader agenda. Helen Alvare of the Catholic Conference testified in support of the bill. She responded to questioning by Senator FEINGOLD that she absolutely favored criminal penalties for all abortion procedures. As she said, "If abortion proponents are afraid that somehow this [bill] opens the public mind to considering abortion further, they are certainly right."

That is why supporters of this bill do not mind its vagueness. They do not really want to imprison the doctors who perform this procedure. They want to intimidate all doctors into refusing to perform any abortions at all.

Before we head down that dangerous road, we should remember that Roe versus Wade and the subsequent Supreme Court decisions affirming a woman's right to choose are based squarely on the Constitution. The constitutional basis of the decision has been reaffirmed by the Supreme Court in case after case since 1973. In its decision in Planned Parenthood versus Danforth, the Supreme Court specifically invalidated a Missouri law that banned a particular abortion procedure. The Court held that the Missouri law might force "a woman and her physician to terminate her pregnancy by methods more dangerous to her health than the method outlawed."

This bill is a frontal assault on settled Supreme Court law. Basically, it asks the Supreme Court to overrule Roe versus Wade.

At the hearing, Professor Seidman of Georgetown Law Center identified a half dozen independent reasons why the bill is unconstitutional. The most disturbing of all the reasons is the bill's failure to permit abortions that are necessarily to preserve the life of the woman or to protect her from serious adverse health consequences.

The Boxer amendment would at least remedy this most glaring defect. It states clearly that the criminal prohibition in the bill will not apply in the case of pre-viability abortions, or in the case of abortions that in the medical judgment of the attending physician are necessary to preserve the life of the mother or avoid serious, adverse health consequences.

Every Member of the Senate who supports Roe versus Wade should support the Boxer amendment. So should every Member of the Senate who wants to protect the lives and health of American women.

In contrast, the Smith/Dole version of the exception is grossly inadequate. It fails to address the situation where an abortion is necessary to avoid serious adverse health consequences. The Boxer amendment protects both the life and the health of the woman. The Smith/Dole amendment protects only the woman's life.

Senator SMITH and Senator DOLE know how to write a genuine life-of-the-mother exception. The model is obvious—the long-standing Hyde amendment in Medicaid, which allows Medicaid to pay for abortions in cases where it is necessary to save the life of the mother.

But Senator SMITH and Senator DOLE don't want a real exception for the life of the mother. In fact, their language does not even protect a woman's life. It contains two gaping loopholes, and these loopholes make it meaningless.

First, the Smith/Dole amendment limits the types of life-threatening situations in which the exception applies. Only threats to a woman's life that arise from "a physical disorder, illness or injury" are covered. It does not cover the threat to a woman's life that may arise from the pregnancy itself, since pregnancy is not a "physical disorder, illness or injury." Coreen Costello, for example, did not have an illness like cancer or diabetes that threatened her life. The threat to her life arose from her pregnancy itself, and would not be covered by the Smith/Dole exception.

Second, the Smith/Dole exception is conditioned on whether "any other medical procedure would suffice" to save the woman's life. This proviso is an outrageous example of second-guessing a doctor's judgment. Doctors who had literally saved a patient's life could find themselves in a Federal prison because a prosecutor and a jury concluded after the fact that the patient's life could also have been saved using a different medical procedure that offended Congress' sensibilities less.

What doctor would take that chance? None. The Smith/Dole exception is a sham. It provides no significant additional protection to doctors who want to save the life of the woman.

Few aspects of the lives of citizens are as sensitive and as deserving of privacy as the relationship between patients and their physicians. Several years ago, we debated a proposal to gag physicians and prevent them from counseling women about abortion. But this bill makes the gag rule debate pale by comparison. It puts the Federal Government—indeed, Federal law enforcement officers—directly into the doctor's office in the most intrusive way.

The procedure involved in this case is extremely rare. It involves tragic circumstances late in pregnancy where the mother's life or health is in danger. The Federal Government has no business intruding into these family decisions at all, and certainly not in so misguided a fashion.

The laws in 41 States already regulate post-viability abortions. The appropriations of medical practices is overseen by state and local health departments, medical societies, hospital ethical boards, and other organizations. The Federal criminal law is a preposterous means of regulating the highly personal, individual decisions facing families with tragic pregnancies.

Coreen Costello told the Judiciary Committee: "We are the families that ache to hold our babies, to raise them, to love and nurture them. We are the families who will forever have a hole in our hearts. We are the families that had to choose how our babies would die. Each one of you should be grateful that you and your families have not had to face such a choice. I pray that no one you love ever does. Please put a stop to this terrible bill.

I join Coreen Costello in urging the Senate to defeat this bill. The test for every male Senator in this Chamber is very simple—would you deny this procedure to your wife or daughter if it's needed to save her life or health? Would you send her doctor who performed it to jail?

This bill is medical malpractice. The Senate should stop practicing medicine without a license. This bill should be defeated.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I yield as much time as he might require to the distinguished Senator from Indiana, Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, Americans have honest disagreements over the subject of abortion. Strong convictions often lead to strident rhetoric, at times straining the bounds of civil discourse. Labels and name calling too easily substitute for persuasion as a means of winning the hearts and minds of fellow citizens. Extremism and fanaticism are served up as daily fare, often being dismissively attached to those with strong pro-life views.

And yet there are times when strong words are necessary, when truth, raw and exposed, merits an apt label. There is only one issue at stake here: It is an affront to humanity and justice to kill a kicking infant with scissors as it emerges from its mother.

This legislation is not the expression of extremism. Only the procedure itself is extreme—extreme in its violence, extreme in its disregard for human life and dignity.

We have listened to the words of an eyewitness to this procedure. So we know what the procedure is. A pro-choice nurse who assisted an abortionist in this procedure described the procedure. I do not like to describe the procedure on this floor. I do not like to read the procedure. But I know one thing. I cannot condone or support this procedure. And, if we are going to vote with a clear understanding of what it is we are dealing with, we need to understand the procedure.

I quote from this pro-choice nurse who assisted an abortionist in this procedure.

> What I saw is branded on my mind forever . . . . Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the head right inside the uterus. . . .
>
> The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startled reaction, like a flinch, like a baby does when he thinks he is going to fall.
>
> The Doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.
>
> I was really completely unprepared for what I was seeing. I almost threw up as I watched Dr. Haskell doing these things.
>
> Next, Dr. Haskell delivered the baby's head. He cut the umbilical cord and delivered the placenta. He threw the baby into a pan, along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked another nurse, and she said it was just "reflexes."
>
> I had been a nurse for a long time, and I have seen a lot of death—people maimed in accidents, gunshot wounds, you name it. I have seen surgical procedures of every sort. But in all my professional years, I had never witnessed anything like this.
>
> The woman wanted to see her baby, so they cleaned up the baby and put it in a blanked and handed it to her. She cried the whole time. She kept saying, "I am so sorry, please forgive me." I was crying, too. I couldn't take it. That baby boy had the most perfect angelic face I think I have ever seen in my life.

The only possible way to defend this procedure is with evasion and misrepresentation.

It is said that this procedure is rare. But we are safely talking about hundreds of these abortions annually. And as a matter of unalienable human rights, it should not only be rare, it should be nonexistent.

I suggest, if we are talking about 1 abortion with this procedure rather than 600, the issue is exactly the same.

It is said that the child feels nothing. But we know that a mother's anesthesia does not eliminate her child's pain. And we know that a child killed in this procedure feels exactly what a preemie would feel if its doctors decided to kill it in its nursery.

It is said that this procedure is done to save the life of the mother. But we know that this procedure is not without substantial risk for the mother. And, in fact, its primary purpose is the convenience of the abortionist.

It is said that partial birth abortions are part of the mainstream of medicine. But we know that the AMA Council on Legislation stated that this practice is not a "recognized medical technique" and that the "procedure is basically repulsive."

I am quoting. The AMA Council on Legislation said that this procedure is "basically repulsive." I think anyone who understands the procedure and knows the description of the procedure can come to no other conclusion.

It is said that only prolife fanatics support this legislation. But how could this possibly apply to Members of the House like Patrick Kennedy, Susan Molinari, and John Dingell? One pro-choice Member of the House commented, "It undermines the credibility of the pro-choice movement to be defending such an indefensible procedure."

When we strip away all these arguments, we are left an uncomfortable truth: This procedure is not the practice of medicine, it is an act of violence.

It is hard to clearly confront reality in this matter, because clarity causes such anguish. But that reality is simple and terrible: The death of a child with the most perfect angelic face I think I have ever seen in my life. That face should haunt us and shame us as a society. It should cause us to grieve—but more than that, it should cause us to turn back from this path to barbarism.

Mr. President, I ask unanimous consent to have printed in the Record an article written by George Will called, "Fanatics For 'Choice.' Partial-birth abortions, sonogram photos and 'the idea that the fetus means nothing.'"

There being no objection, the article was ordered to be printed in the Record, as follows:

Fanatics For "Choice"

(By George F. Will)

Americans are beginning to recoil against the fanaticism that has helped to produce this fact: more than a quarter of all American pregnancies are ended by abortions. Abundant media attention has been given to the extremism that has tainted the right-to-life movement. Now events are exposing the extraordinary moral evasions and callousness characteristic of fanaticism, prevalent in the abortion-rights lobby.

Begin with "partial-birth abortions." Proabortion extremists object to that name, preferring "intact dilation and evacuation," for the same reason the pro-abortion movement prefers to be called "pro-choice." What is "intact" is a baby. During the debate that led to House passage of a ban on partial-birth abortions, the right-to-life movement was criticized for the sensationalism of its print advertisements featuring a Dayton nurse's description of such an abortion:

"The mother was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everthing but the head. The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out."

To object to this as sensationalism is to say that discomforting truths should be suppressed. But increasingly the language of pro-abortion people betrays a flinching from facts. In a woman's story about her chemical abortion, published last year in Mother Jones magazine, she quotes her doctor as saying, "By Sunday you won't see on the monitor what we call the heartbeat." "What we call"? In partial-birth abortions the birth is kept (just barely) partial to preserve the legal fiction that a baby (what some pro-abortion people call "fetal material") is not being killed. An abortionist has told The New York Times that some mothers find such abortions comforting because after the killing, the small body can be "dressed and held" so the (if pro-abortionists will pardon the expression) mother can "say goodbye." The New York Times reports, "Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus and partially delivering it, intact, before killing it." Yes.

Opponents of a ban on partial-birth abortions say almost all such abortions are medically necessary. However, an abortionist at the Dayton clinic is quoted as saying 80 percent are elective. Opponents of a ban on such abortions assert that the baby is killed before the procedure, by the anesthesia given to the mother. (The baby "undergoes demise," in the mincing words of Kate Michelman of the National Abortion and Reproductive Rights Action League. Does Michelman say herbicides cause the crab grass in her lawn to "undergo demise"? Such Orwellian language is a sure sign of squeamishness.) However, the president of the American Society of Anesthesiologists says this "misinformation" has "absolutely no basis in scientific fact" and might endanger pregnant women's health by deterring them from receiving treatment that is safe.

Opponents of a ban say there are only about 600 such procedures a year. Let us suppose, as not everyone does, the number 600 is accurate concerning the more than 13,000 abortions performed after 21 weeks of gestation. Still, 600 is a lot. Think of two crashes of jumbo airliners. Opponents of the ban darkly warn that it would be the first step toward repeal of all abortion rights. Columnist John Leo of U.S. News & World Report says that is akin to the gun lobby's argument that a ban on assault weapons must lead to repeal of the Second Amendment.

In a prophecy born of hope, many pundits have been predicting that the right-to-life "extremists" would drastically divide the Republican Party. But 73 House Democrats voted to ban partial-birth abortions; only 15 Republicans opposed the ban. If the ban survives the Senate, President Clinton will probably veto it. The convention that nominated him refused to allow the Democratic governor of Pennsylvania, Bob Casey, who is pro-life, to speak. Pro-choice speakers addressed the 1992 Republican Convention. The two presidential candidates who hoped that a pro-choice stance would resonate among Republicans—Gov. Pete Wilson, Sen. Arlen Specter—have become the first two candidates to fold their tents.

In October in The New Republic, Naomi Wolf, a feminist and pro-choice writer, argued that by resorting to abortion rhetoric that recognizes neither life nor death, pro-choice people "risk becoming precisely what our critics charge us with being: callous, selfish and casually destructive men and women who share a cheapened view of human life." Other consequences of a "lexicon of dehumanization" about the unborn are "hardness of heart, lying and political failure." Wolf said that the "fetus means nothing" stance of the pro-choice movement is refuted by common current practices of parents-to-be who have framed sonogram photos and fetal heartbeat stethoscopes in their homes. Young upscale adults of child-bearing age are a solidly pro-choice demographic group. But they enjoy watching their unborn babies on sonograms, responding to outside stimuli, and they read "The Well Baby Book," which says: "Increasing knowledge is increasing the awe and respect we have for the unborn baby and is causing us to regard the unborn baby as a real person long before birth . . ."

Wolf argued for keeping abortion legal but treating it as a matter of moral gravity because "grief and respect are the proper tones for all discussions about choosing to endanger or destroy a manifestation of life." This temperate judgment drew from Jane Johnson, interim president of Planned Parenthood, a denunciation of the "view that there are good and bad reasons for abortion." So, who now are the fanatics?

Mr. COATS. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield myself 2 minutes, and then I will yield directly to Senator Specter.

I wish to put a face to the women in this debate, so night after night as Senator Smith and I have debated this issue, I have shown the faces of different families who have had to face this tragedy who are never shown on the posters that the other side has used during this debate. Those are the faces that I think are very, very crucial and very, very important.

This is Coreen Costello about whom Senator Kennedy commented. This is a woman who describes herself as a pro-life Republican who underwent this procedure so she could live to see her other children grow.

Why on Earth would we in the Senate, knowing nothing about medicine, ban a procedure that some doctors testified before us at the Judiciary Committee saves lives like this and gives these children a mother.

I would say that as Senator Coats read the quote from the nurse, what he failed to say is she had worked for 3 days in this clinic in a temporary capacity. The fact is that her supervisor wrote the following, and I would place it in the Record:

Miss Pratt—

This nurse—

Absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second trimester dilation and extractions since it is highly technical and would not be performed by someone in a temporary capacity.

He also failed to mention that the American Nurses Association, which represents 2.2 million nurses, who learn to save lives, strongly opposes this legislation. They do not believe it is humane to deprive women such as Coreen Costello and their beautiful families of a chance to live. So we will be talking about that.

And now I would yield 4 minutes to the Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from California.

Mr. President, I support both of the pending amendments, the amendment offered by the distinguished majority leader, Senator DOLE, and the amendment offered by the distinguished Senator from California, Mrs. BOXER.

I believe that the broader amendment, the Boxer amendment, is the preferable one because it articulates the basic constitutional standard which was setforth in Row v. Wade and upheld in Casey v. Planned Parenthood in 1992, an opinion written by three Justices appointed by Presidents Reagan and Bush.

When you talk about the life of the mother and the health of the mother, conditioning the health on "serious adverse health consequences," that is the constitutionally protected doctrine. When you talk about the language of the Dole amendment, which I intend to support, it is not in the blanket terms of life of the mother as in the Hyde amendment or the traditional amendments which are offered on appropriations bills which make an exception for life of the mother but instead talks about "saving the life of the mother whose life is endangered by a physical disorder, illness or injury, provided that no other medical procedure would suffice for that purpose."

That language is hard to interpret at best, and I do believe would place substantial doubt in the minds of many doctors who would be called upon to try to figure out what it means.

This is a medical procedure which is chilling beyond any question, and we do at the present time have a line drawn as to when there is someone alive protected by the laws against homicide and infanticide and the constitutional protections which apply on the medical procedure of abortions.

We had only 1 day of hearings on this matter. The day we had was certainly preferable to having no hearings at all, but we were unable to get on relatively short notice, because we had a very limited time span, the doctors who were really familiar with these procedures. The fact is that those who are familiar were reluctant to step forward and offer medical judgments. But we heard very profound testimony from physicians who expressed the concern about having legislation in this field where it is very difficult to start to draw lines about what medical practices and what medical procedures ought to be.

There is so much to be said for the proposition that it is between the doctor and the patient as to what is necessary for the life of a mother, which is at least the most restrictive standard which ought to be adopted in clearcut terms and really is not by the amendment offered by the distinguished majority leader but really ought to be extended life of the mother or health of the mother which has been established by the constitutional parameters by the Supreme Court of the United States.

We have legislation which is very profound in its import, which had one limited hearing in the House, one limited hearing in the Senate, and which we will be legislating upon which will leave many, many open questions and many doubts on a very, very serious medical procedure.

So, at a minimum, Mr. President, I hope that the Boxer amendment would be adopted as well as the Dole amendment.

The PRESIDING OFFICER. The 4 minutes yielded to the Senator from Pennsylvania have expired.

The Senator from New Hampshire.

Mr. SMITH. Mr. President, how much time is available on our side.

The PRESIDING OFFICER. There are 22 minutes, 14 seconds.

Mr. SMITH. And the other side?

The PRESIDING OFFICER. There are 19 minutes exactly.

Mr. SMITH. I will yield 5 minutes to the Senator from Texas, Mr. GRAMM.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wish to begin by congratulating our dear colleague from New Hampshire. First of all, I wish to congratulate him for his leadership on this issue. I wish to congratulate him for the way that he has handled the issue. I hope that we are successful today in ending this procedure which I believe no civilized society can condone.

This is not an issue that I had heard discussed before on the Senate floor until one day I came over to the floor to speak on another subject, and the distinguished Senator from New Hampshire was describing this procedure. Questions were raised as to whether someone might be offended by the description. I rose simply to make the point that if we are offended by the description of the procedure, surely we have to be offended by the fact that the procedure is occurring in America today.

I joined the distinguished Senator from New Hampshire as his original cosponsor when he introduced the bill. There were only two of us to begin with on the bill. That number has grown.

I do not know that I can add much to this debate. But let me try to sum up my feelings on the issue. The Dole amendment, which is now pending, removes any doubt about the fact that the life of the mother and any threat to the life of the mother is a defense for using this procedure. If the mother's life is in danger, this procedure can be used.

So the question really boils down to whether a civilized society can condone this procedure when the life of the mother is not at risk. And I submit this: We have heard the description. We have heard testimony of a nurse who witnessed this procedure first-hand. It really boils down to this. This procedure is almost always used with a late-term baby, which is generally viable outside the womb. And when the baby is 3 inches away from the full protection of the Constitution, the baby's life is terminated in a violent manner that I think is objectionable in a civilized society.

The question is, Are we going to stop it? I remind my colleagues, this is a vote about banning a procedure when the mother's life is not in danger. The child is delivered feet first, and when only the head of the child remains in the womb, its life is terminated—just 3 inches away from the full protection of the Constitution.

This amendment bans no other type of abortion. It simply bans this procedure, which I believe is offensive, and which I believe is unacceptable in a civilized society.

I hope our colleagues will vote for the Dole amendment because it formalizes what those of us who were for the Smith proposal to begin with understood, and that is, the life of the mother exception was included to begin with. This further clarifies it for someone who is concerned about that. And I think it is a legitimate concern, though I was satisfied with the original language. But with the Dole amendment adopted, I think we have a clearcut choice. I hope our colleagues will vote for the Dole amendment, against the Boxer amendment, and then vote for the Smith proposal.

I think it is the right thing to do. I am very proud to associate myself with the distinguished Senator from New Hampshire on this issue. I reserve the remainder of our time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I plan to yield to the Senator from Maine, Senator SNOWE, in a moment.

I wanted to answer a couple points made by my friend from Texas. First, he did describe the usual life-of-the-mother exception, which we voted on many times in the Senate, which is usually the Hyde language. That is not the language in the Dole amendment. The language in the Dole amendment, although described as life-of-the-mother, relates to a woman with a preexisting condition, not to situations that we are talking about where the woman's life is in danger due to the pregnancy itself.

So the only real life-of-the-mother exception is the Boxer amendment. But we will support both Dole and Boxer because under the Dole amendment two or three women may be saved a year. Under the Boxer amendment you will save more women like Coreen and others. So we would advise Senators to vote for both.

I want to say that I am very proud that we reached across the aisle here and the Boxer amendment is supported by Senator BROWN, Senator SPECTER, Senator SNOWE, and also on our side, Senators MURRAY, MOSELEY-BRAUN, and LAUTENBERG.

At this time I yield 4 minutes to the Senator from Maine, Senator SNOWE.

Ms. SNOWE. I thank the Senator for yielding.

Mr. President, Members of the Senate, I rise in support of the amendment that has been offered by my colleague from California, Senator BOXER. I think there is no question in light of the testimony that was presented to the Judiciary Committee during a hearing on this legislation, when many of us advocated that this legislation go to committee so that we would have a chance to hear first hand from those women who would be affected by this kind of legislation, that without a doubt this amendment becomes even more important, more crucial, more vital to women's health.

Twenty-two years ago the Supreme Court handed down the Roe versus Wade decision. It said that the woman's interest and decisions in reproductive matters should remain paramount. It also said the States could ban abortion in the last trimester. But they also had to include exceptions for when the life and health of the mother is in danger—let me repeat—as long as they allowed exceptions for cases in which a woman's life and health is endangered.

The Supreme Court has reaffirmed that decision time and time again. Forty-one States ban abortion in the last trimester, but they provide exceptions for the life and health of the mother, as is constitutionally required by the Roe versus Wade decision. That is what the Boxer amendment does. It upholds that decision providing for the life and health of the mother. The Supreme Court recognized, in its wisdom, that there would be certain limiting, exceptional, tragic circumstances that may require an abortion in the final trimester. That is a decision that has to be made between the doctor and his patient.

Without such an exception, without providing for life and health exceptions, innocent women are harmed. I have been somewhat amazed by some of the discussion that has taken place here on the floor. These are not casual decisions. These are not decisions that are made lightly. This procedure is not performed for sex selection.

These are tragic and compelling circumstances under which a woman has to make this decision. That was verified and reinforced by the testimony presented by so many women before the Judiciary Committee recently. It was compelling testimony. These are heart-wrenching decisions and very difficult ones. These are procedures that are rarely performed, seldom performed. But there are times in which they have to be performed to save the life of the mother or to prevent drastic consequences to her health. Those are the facts.

There have been 450 such procedures performed annually. They are so rare that they amount to 0.04 percent in the last trimester. Now we are talking about criminalizing a procedure that can save the life and the health of the mother. Now we are saying that political judgment will override medical judgment.

I cannot imagine that any doctor, under the language in this legislation, if this amendment is not accepted, would be willing to take an action that is the safest and the most appropriate course, given the criminal prosecution involved in this legislation, unless we accept the Boxer amendment that provides for the exception in cases of life and health.

One doctor was quoted in the New York Times recently. He said, "I don't want to make medical decisions based on congressional language. I don't want to be that vulnerable. It's not what I want for my patients."

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I yield the Senator an additional 60 seconds.

The PRESIDING OFFICER. The Senator is recognized for an additional 60 seconds.

Ms. SNOWE. Another doctor, Dr. Robinson, an OB-GYN at Johns Hopkins, testified before the Judiciary Committee:

> Telling a doctor that it is illegal for him or her to perform a procedure that is safest for a patient is tantamount to legislating malpractice.

So what we are doing under this legislation if we do not accept the Boxer amendment is saying to doctors, we want you to perform more dangerous, more traumatic procedures for the woman, even if it is against their best medical advice; for example, caesarean sections, that would require four times the risk of death as vaginal delivery. In fact, a woman is 14 times more likely to die from a caesarean section than from the procedure that this legislation seeks to outlaw.

Induced labor carries a potentially life-threatening risk and threatens the future fertility of women by potentially causing cervical lacerations and hysterectomies which leave women often unable to have children for the remainder of their lives.

As one professor said during the hearing, the only thing that this procedure does is to channel women from one less risky abortion procedure to another more risky abortion procedure. That is what we are doing here. He said that the Government does not have a legitimate interest in trying to discourage that.

I hope that we will not throw women's lives and women's health into limbo by rejecting this legislation. I hope that they support the Boxer amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I do not need time at this point.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from New Hampshire for yielding. I want to congratulate him on the work he has done. He has been here many, many days and many, many hours debating a very difficult, emotional issue.

I have been in the U.S. Senate and the House of Representatives now for 5 years. I have never spoken on the floor of either body on the issue of abortion. I never felt in my heart comfortable coming to the floor and talking about legislating the issue of abortion.

I thought, as do many folks who vote pro-life here, that the issue is one that we have to educate and we have to change hearts and we have to go out to the public and sensitize the public to the horrors of abortion in this country. I say that as someone who is pro-life, but I think there are people who are pro-choice who believe also that abortion is wrong, it should be minimized in this country. So I always felt uncomfortable talking about legislating abortion.

I have to say, I felt compelled to come up and talk about this. This is not about pro-life or pro-choice. This is about a horrific procedure that should shock the conscience of anyone who has heard how this procedure is done.

The Senator from Maine just said, "Well, you are going to take folks and force them from one risky procedure to another risky procedure. That may be true, but this risky procedure shocks the conscience of anyone who has heard it described. This is so horrific. There is some sort of moral code in this country. To see a baby three-quarters born have scissors stuck in the back of their brain—where have we come as a country when we say, "Well, we need a statute to prohibit that,"—this is wrong.

I do not even think we should be having debate about it. One of the problems I think many of us have who are pro-life, who are conservative is that we tend to argue facts and figures. I was ready to read you that of the two doctors who performed the majority of these abortions, half of the babies who were born were perfectly healthy. One doctor testified to that effect and nine of the flawed babies had cleft palate. Flawed babies.

We had Dr. Haskell, the other abortionist who does this, saying 80 percent of the abortions were purely elective abortions. So do not try to sell a bill of goods. Those are facts and figures.

I think what we have trouble with sometimes, as Republicans, is we put up charts, graphs, and numbers, and people just sort of glaze over. On the other side, they are much smarter. There is Senator BOXER with pictures of happy faces. There are no facts and figures.

There is no medical evidence to support that partial birth abortion is the right thing to do, this is the moral thing to do, that this is what our society should stand for. No, you put up pictures of happy, smiling faces. You pull at the heartstrings on the other side and hope that all the truth just gets pushed in the background.

There is an obvious truth here. There is an obvious truth here. You have a baby, not what they like to refer to as, "an intact dilation and extraction." That is the way they describe this. An intact procedure. This intact thing is a baby, and it is three-quarters of the way delivered through the birth canal. It is not terminated, it is killed.

Whether you are for abortions or against abortions, you cannot be for doing this. It shocks the conscience of a society and should not—should not—be a procedure that is sanctioned by this body.

I yield back the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield myself 4 minutes, and I am glad the Senator from Pennsylvania is staying here because his remarks about this family are the most outrageous thing I have ever heard.

The reason this family is smiling is because Coreen Costello was pregnant with her daughter, Katherine Grace, and the dad's hand is on her stomach, and they are so excited about having this baby, their third child.

This is a woman who is pro-life who found out that Katherine Grace had a lethal neurological disorder and had been unable to move for 2 weeks.

Do you want facts? I will give you facts, sir.

The movements that Coreen had been feeling were not the healthy kicking of her baby. They were nothing more than bubbles in amniotic fluid which had puddled in her uterus rather than flowing through the baby. The baby had not been able to move for months—not her eyelids, not her tongue, nothing. The baby's chest cavity was unable to rise and fall to stretch her lungs to prepare them for air. Her lungs and her chest were left severely undeveloped, almost to the point of nonexistence. Her vital organs were atrophying.

The doctors told Coreen and her husband the baby was not going to survive, and they recommended terminating the pregnancy. She did not have an option. Her doctor told her if she did not use this procedure, which you will vote to outlaw today, she would probably not live.

So when you stand up here and you talk about happy faces and you try to demean the other side, you ought to know your facts and, sir——

Mr. SANTORUM. If the Senator from California will yield.

Mrs. BOXER. I have no time to yield on my time. I will be glad to yield on your time.

Mr. SANTORUM. Thirty seconds. You cannot have it both ways, Senator. You cannot have it both ways. You cannot have a life-of-the-mother exception, claim her life is in jeopardy and say our bill does not take care of that. If you are going to claim life-of-the-mother in her case, our bill covers that.

If you are going to claim that she had alternative procedures, like a cesarean or other kinds of procedures where she could have had an alternative, you cannot argue both sides of the story, Senator. You have to argue the facts, just one side at a time.

Mrs. BOXER. Mr. President, if I may reclaim my time.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Mr. President, I have read you the facts of the case. The doctor said her life might be in danger. The doctor said for sure she could suffer infertility. That is not excepted in your bill. As a matter of fact, sir, when your bill was written, there was no exception at all, and the exception that is now in your bill would not cover her particular case in any event because your exception only covers a preexisting condition. Therefore, the Boxer-Brown language is absolutely essential to cover this particular case.

I will give you more facts, I say to my friend from Pennsylvania. The American College of Obstetricians and Gynecologists represents 35,000 physicians. They opposes this bill. They think it is dangerous.

The American Nurses Association, representing 2.2 million nurses, opposes this bill. So those are just some of the facts.

Mr. President, I ask unanimous consent to add Senator MIKULSKI as a cosponsor of the Boxer-Brown amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I rise in opposition to H.R. 1833. I oppose it because it is a direct assault upon women's reproductive rights.

But let me first thank Senator SMITH for agreeing to support the motion which the Senate adopted on November 8. This motion called on the Judiciary Committee to hold a hearing on H.R. 1833, the so-called partial-birth abortion ban.

As my colleagues know, the committee held that hearing on November 17. I believe the hearing process was very important. The issues raised by this bill are complex and sensitive. It is vital they be thoroughly explored before the Senate votes on this legislation.

I believe both proponents and opponents of H.R. 1833 found the hearing most helpful. I think all would agree Senator HATCH conducted a fair and informative hearing. We heard from medical professionals, legal and constitutional experts, and from the women themselves who courageously shared their compelling and heartrending stories.

After reviewing all of the testimony, I am more convinced than ever that Congress should not pass the bill before us. I heard nothing to change my mind, and much to reinforce my deep concerns.

Let me tell you why I oppose this bill.

First, it intrudes on the doctor/patient relationship, by criminalizing a specific medical procedure.

Second, it is poorly drafted. The bill's vague language will have a chilling effect on physicians who provide abortions.

Third, it provides no exceptions for cases involving threats to the life and health of the woman.

Fourth, most significantly, it is a direct assault on Roe versus Wade. In my view, the bill is part of a concerted effort to ban all abortions.

I oppose this bill because it is a dangerous and unwarranted intrusion on the doctor/patient relationship. It has an impact far beyond the issue of abortion. For the first time, Congress would be deciding what medical procedures a doctor can and cannot provide. This bill substitutes political reasoning for medical judgment. Congress, not medical experts, would pass judgment on a medical procedure.

H.R. 1833 makes criminals of doctors, doing their best to serve the patient's needs, who perform the procedure banned by the bill. It makes criminals of doctors even when in their expert opinion, the procedure is medically necessary to save a woman's life or prevent serious, adverse consequences to her health.

At the November 17 hearing, medical experts had very different views on what the procedure involves, on what the medical alternatives would be, and on what is best to safeguard a woman's life and health. If they cannot agree on this medical issue, how can we expect to legislate in this area? This is reason enough why Congress should not intervene in decisions on medical procedure.

I oppose this bill because it provides no true exception for the life and health needs of the woman. At the hearing, very compelling testimony was offered by women who have faced the difficult decision to have a late term abortion to save their lives or their health. These were women who eagerly awaited the birth of their child.

Then a medical emergency occurred—one that threatened their lives or posed serious consequences to their health. Congress should not tell these women, and others who face this most tragic and personal of decisions, that they cannot have the medical procedure their physician recommends to save their life, or their health, or their ability to have a child in the future. Congress should not tell them that it knows better than their doctor what medical care they should be provided.

Senator SMITH has offered an amendment to provide an exception for cases where the woman's life is at risk. I have some concerns about this amendment. I fear it may not cover all situations where the life of the woman is threatened by continuing her pregnancy. And I am concerned that, under his amendment, the burden of proof will still be placed upon the physician. However, I will support his amendment. If it will save even a few women who need a late term abortion to save their lives, I cannot oppose it.

But I believe it is absolutely essential that we pass the amendment offered by Senator BOXER. Her amendment provides clear, direct language. It will enable physicians to use their expert medical judgment to act to preserve the life of the woman or to avert serious, adverse consequences to her health.

Senator BOXER'S amendment makes it clear that when a woman must choose abortion late in pregnancy, she must have access to the safest possible procedure. And, physicians, not Senators, should make that decision.

The Boxer amendment lets doctors be doctors. It trusts them to do what is right for their patients. It ensures that women's lives and health are not put at risk. I strongly urge my colleagues to vote for this essential amendment.

I oppose this bill because it is poorly drafted. It is filled with vague, nonmedical terminology. Much of the Judiciary Committee hearing was spent debating what the bill meant. Witnesses and committee members alike could not agree on such basic questions as: How is the procedure in question actually performed? What procedure is the bill describing at all? What does partial birth mean?

If Congress passes H.R. 1833, and it is signed into law, I guarantee you will open the door to endless litigation in an effort to sort out what the bill does and does not do.

The bill's vagueness creates a further problem, whether intentionally or not is unclear. This lack of clarity would have a chilling effect on abortion providers, who are trying to make the best decision for their patients. Physicians who are trying to do their duty to protect life or health, now will have to guess whether their decision might violate Federal law.

How many doctors will continue to perform this type of late term abortion, or any abortions at all, if faced with possible criminal or civil liability. There is already a tremendous shortage of abortion providers. The bill will make this shortage even greater. And, of course, that is part of the plan—to scare doctors from the field.

Doctors who provide abortion services already face death threats, firebombings, and harassment at work and home. Now they will have to look over their shoulder in fear of arrest. Who will be willing to provide abortion services in that climate? And who will pay the price? Women will pay the price, women trying to exercise their right to a legal medical procedure.

Finally, Mr. President, I oppose this bill because it is a direct assault on Roe versus Wade. In Roe and all its subsequent rulings, the Supreme Court has consistently upheld the right of doctors to perform late term abortions to protect life or health. The Court has allowed States to ban post-viability abortions, but only when an exception for life or health is provided.

The Court has maintained that a doctor's first duty is to the woman. Her life and health must be the doctor's paramount concern. The doctor cannot trade off her life for the life of the fetus.

So, this bill, by ignoring the Court's requirement of a life and health exception is a direct challenge to Roe. And not the last challenge. Proponents of this bill have made clear they want to ban all abortions, one procedure at a time, one woman at a time.

If they succeed in passing this bill, what procedure will they target next? Which women will next be denied their right to choose? If we allow this bill to pass, even with the amendments which I hope will be adopted, Congress will have struck a major blow against reproductive rights.

Mr. President, the basic question is not what is decided, but who decides. And the answer is, women and their doctors should decide, not politicians. Women must have the right to make their own decisions on reproductive matters, in consultation with their physicians. That is what it means to be pro-choice, and that is why I will oppose this bill.

Mrs. MURRAY. Mr. President, let me just say at the outset that I think it is incredible that we are here today debating this bill. There are unfinished appropriations bills, and an unresolved Federal budget situation that demand our full attention. I believe the American people would prefer us to address the real issues of the day—issues that affect our hard-working families—and not this kind of divisive, inflammatory legislation.

Of course, the reality is that we are here and we are considering this so-called partial-birth abortion ban, and there are a few things that I want to say regarding the bill, and also to talk briefly about the amendment offered by my friend, Senator BOXER.

Mr. President, I have listened carefully to this debate and I am increasingly convinced that it is far from being a clear and narrowly defined piece of legislation, as the proponents of the bill keep claiming it to be. I find it to be a vaguely written and dangerous attempt to ban not just a single procedure. Rather, I see it as a way to instill fear and confusion in the doctors who perform abortions, and to deter them from performing a procedure that may help save a woman whose life is in danger.

It seems clear to me this bill is about families who are faced with a terrible tragedy, and it is about the doctors who must make an expert decision based on what they believe to be in the best interest of the mother. Frankly, this bill is about Congress muscling its way into the doctor's office. It is not only presumptuous, it is unprecedented and it is dangerous. We are proposing to criminalize doctors, and I want to caution each and every one of my colleagues to stop this legislation. Like Senator BOXER has said, this is a slippery slope we do not want to start down.

But, unfortunately, it looks like there are Senators who are intent on pressing on with this bill, and so we, at least, have to try and do what our colleagues in the House failed to do—to include an exception for cases to save the life and health of the mother. Mr. President. The Senator from New Hampshire has offered an amendment which he claims provides a life of the mother exception. Well, I will vote for his amendment, because it is at least a step in the right direction.

But let's be honest. The amendment makes no room for instances where, in the medical judgment of the attending physician, the procedure would be necessary to avert serious health consequences to the woman—consequences such as severe hemorrhaging or paralysis.

Only the Boxer amendment can be considered a true life exception. Only the Boxer amendment takes the health of women into account. Only the Boxer amendment sends the right message to the families of this Nation, to the women who are faced with an unimaginable tragedy. We hear, over and over again, graphic depictions of this procedure, but what of the vivid descriptions of the pain and torment these mothers have gone through? Of the horror of losing a much wanted child? Of the fear that she will never again have a chance to have a baby?

Is there anyone here who honestly believes these women are choosing to have a late-term abortion? This insinuation is an affront to the women of this Nation. The small number of women who have late-term abortions do so because their doctors have determined it to be medically necessary to save their lives and their health. End of story.

The Boxer amendment says: We respect you and will leave this difficult decision where it belongs—between you, your doctor, and your God. We think it is important to allow families to choose the procedure that is best for them, to best protect the health of the woman and to best safeguard her chances of being able to conceive again.

Without this amendment we send the women of this country the message: "We don't care about you, we don't respect your or your doctors. The U.S. Congress and the Federal Government know best.

Well, I don't believe Congress know best. We should leave this difficult decision to the experts and to the families who are faced with this tragedy. Congress has no place telling doctors what procedures they can and cannot perform—we have never even considered getting involved in the lives of physicians, and we shouldn't start now. Not this way.

There is too much at stake, and I appeal to the common sense and humanity of each Member of this Chamber: If you must pass this reprehensible bill, at least vote to include this critical modification, and allow for exceptions in cases where women's health and lives are at stake.

Mr. LEVIN. Mr. President, the Supreme Court has held in Roe versus Wade and reaffirmed in Planned Parenthood versus Casey, that States can ban late-term abortions except when necessary to preserve a woman's life or health. Forty-one States have established postviability bans on abortion with exceptions to preserve a woman's life or health. Only one State has banned the intact D&E abortion procedure which is the apparent subject of the bill before the Senate and that ban is being challenged in the courts.

Forty-nine States have not banned this procedure. If the bill before the Senate becomes law, the Federal Government would dictate the regulation of abortion by banning a specific abortion procedure. This Federal ban in this bill would even apply to abortions performed previability, that is, in the second trimester and the bill does not contain the exception required by Roe, to preserve a woman's health.

Some physicians believe the intact D&E abortion procedure represents the safest late-term abortion option. Others disagree. Politicians are not equipped to make decisions banning specific medical procedures when the medical community itself cannot even reach agreement on these decisions. We should not be voting to criminalize a specific medical procedure when doctors themselves are divided on the matter.

If a physician is engaged in any inappropriate medical practice, the medical establishment has systems of peer and professional review in every State to deal with it. These systems of review include State medical boards and peer review on hospital review boards that police their membership. They should be the ones to ban a procedure if they determine it to be inappropriate.

But physicians and their review processes have not banned this procedure. In fact, the American College of Obstetricians and Gynecologists, an organization representing more than 35,000 physicians that specialize in this area of medicine, oppose the bill before us. It wrote, in a letter to majority leader DOLE, that:

> The College finds very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman.

The American Medical Women's Association, Inc., representing 13,000 woman physicians, has also said of the bill:

> This legislation represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.

In addition, the American Nurses Association, the only full-service professional organization representing the Nation's 2.2 million registered nurses through its 53 constituent associations, oppose the bill. Their letter states:

> It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider.

I also received letters from physicians in Michigan familiar with this field of medicine opposing the proposed ban of the intact D&E abortion procedure. I ask unanimous consent to insert those letters in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. LEVIN. This bill would criminalize a so-called partial birth abortion which is defined by the bill as, "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." Senator HATCH referred to a statement by Dr. Haskell, a physician who has performed many intact D&E abortion procedures, that only about one-third of the fetuses he extracted using the procedure were dead.

My question is, in the one-third of the intact D&E abortion procedures he performed where the fetuses were dead, did Dr. Haskell know before beginning the procedure if those fetuses were dead? If he, and any other physicians in this situation, did not, they were taking a risk by beginning a procedure that could be a criminal act under the terms of this bill.

The Senator from New Hampshire and others have said that Coreen Costello's abortion was not a partial birth abortion, presumably because she said the "fetus passed away peacefully in the womb."

Did the physician know when he began the procedure whether the fetus was alive or dead? If a physician doesn't know for sure before beginning an abortion procedure whether the fetus is alive or dead, wouldn't the physician who starts down the path of performing the procedure be facing the possibility of criminal prosecution under the terms of this bill?

In addition, the physician who performed the intact D&E procedure on Mrs. Costello might not be sure when he began the procedure if the fetus would be alive or dead when extracted since there is a range of fetal response to the anesthesia administered in an intact D&E abortion, the procedure that Mrs. Costello underwent.

The performance of that procedure might then be considered an attempt at committing a crime even if the fetus turned out to be dead upon delivery. The procedure Mrs. Costello underwent thus could be covered by this bill and the physician that performed it subject to Federal criminal prosecution even if the fetus turned out to be dead when delivered.

While banning one abortion procedure, this bill leaves legal other abortion procedures which can be used in later-term pregnancies. Are those other procedures as safe for the mother? Are they any less destructive to the fetus? Why are the other procedures left legal when some have argued they are less safe for the mother, while this one procedure, which some physicians believe is the safest for the mother, is made criminal?

These other procedures that are left legal under this bill include inducing labor and delivery with drugs despite evidence of risk to the woman. A caesarean operation called a hysterotomy, which could result in severe bleeding, infection and even death for the woman, is also left legal, even in the third trimester to preserve the woman's life. Another procedure that would be left legal under this bill is called standard D&E which is performed in the second trimester and does not deliver the fetus intact, but removes the fetus from the uterus piece by piece.

In conclusion, the Supreme Court has held that States can ban late-term abortions except when necessary to protect a woman's life or health. Forty-one States have done that. But only one State has banned the intact D&E abortion procedure, and that ban is being challenged in the courts.

Forty-nine States have not acted to ban intact D&E. The medical profession's own self-regulating system has also not acted to ban intact D&E. The U.S. Senate is not equipped to make this technical medical decision.

The bill under consideration today would ban abortions using this procedure even in the second trimester and it does not allow for an exception required by Roe, to preserve a woman's health.

Finally, this bill establishes Federal criminal penalties for a specific abortion procedure which may be the safest alternative for the mother while permitting other abortion procedures that could be less safe for the mother. We should leave this issue to the medical profession and the State legislatures, where it is now and where it belongs.

EXHIBIT 1

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, November 6, 1995.

Hon. ROBERT DOLE,
Majority Leader,
Washington, DC.

DEAR MAJORITY LEADER DOLE: The American College of Obstetricians and Gynecologists (ACOG), an organization representing more than 35,000 physicians dedicated to improving women's health care, does not support HR 1833, the Partial-Birth Abortion Ban Act of 1995. The College finds very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, HR 1833 employs terminology that is not even recognized in the medical community—demonstrating why Congressional opinion should never be substituted for professional medical judgment.

Thank you for considering our views on this important matter.

Sincerely,

Ralph W. Hale, M.D.,
Executive Director.

AMERICAN MEDICAL
WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, November 5, 1995.

Hon. ———,
U.S. Senate,
Washington, DC.

DEAR SENATOR ———: On behalf of the 13,000 women physician members of The American Medical Women's Association, I write to express AMWA's concern regarding Senate bill S. 939, "The Partial-Birth Abortion Ban".

It is the position of the American Medical Women's Association that this legislation represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients. AMWA recently passed resolution 15, which opposes federal legislation banning this or any other medical procedure determined to be of benefit to patients, at its annual House of Delegates Meeting.

AMWA urges the Senate to carefully consider the implications that its support of this legislation will have on the practice of medicine. We encourage the Senate to actively oppose S. 939 as legislation which unduly interferes with the physician-patient relationship.

Sincerely,

JEAN L. FOURCROY, MD, Ph.D.,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, November 8, 1995.

Hon. CARL M. LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: I am writing to express the opposition of the American Nurses Association to H.R. 1833, the "Partial-Birth Abortion Ban Act of 1995", which is scheduled to be considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles.

Furthermore, very few of those late-term abortions are performed each year and they are usually necessary either to protect the life of the mother or because of severe fetal abnormalities. It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision. This procedure can mean the difference between life and death for a woman.

The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

The American Nurses Association respectfully urges you to vote against H.R. 1833 when it is brought before the Senate.

Sincerely,

GERI MARULLO, MSN, RN,
Executive Director.

ROSEVILLE, MI, *December 7, 1995.*

Hon. CARL LEVIN,
Washington, DC.

DEAR SENATOR LEVIN: I am writing you with concerns about the S.B. 939, the D&X Abortion Procedure Ban. I am absolutely opposed to political intervention in the practice of medicine.

As a practicing OB-Gyn, I cannot begin to cite the ramifications of such a bill. If passed, it will prevent me from providing the best possible care for my patients in emergency situations. The D&X procedure is the safest option for many women faced with medical emergencies during pregnancy. It is done only in extreme situations, such as when a woman's life is in danger or when a fetus has severe abnormalities that are incompatible with life. This bill endangers the lives of women, who are already making heartwrenching decisions.

I find it very disturbing that the Senate would take any action that would overrule the judgment of trained physicians. As a physician, I and others like myself, would find it frightening that my government would prevent me from providing the best possible care for my patients. Please do not lot this happen.

Sincerely,

SAMUEL EDWIN, M.D.

DEPARTMENT OF DERMATOLOGY,
HENRY FORD HOSPITAL,
Detroit, MI, November 6, 1995.

Re Bills to limit physician abortion procedures.

Senator CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: I am very upset to hear proposed legislation to make criminal various surgical procedures performed by physicians. I realize the legislation is being introduced as a method to limit abortion. However I am incensed that non-physicians are trying to limit the scope of medical practice, and make it criminal as well!

Personally I feel it is the woman's right to choose, and as men, we should not interfere. But as a physician it is a slippery slope for non-physicians to limit our practices especially for political means.

Please block this legislation!

Sincerely,

TOR SHWAYDER, M.D.,
Director, Pediatric Dermatology; Fellow, American Academies of Pediatrics & Dermatology.

Mr. FEINGOLD. Mr. President, I rise in opposition to H.R. 1833.

I do so because this legislation raises serious policy, legal and medical issues.

H.R. 1833 seeks to impose criminal sanctions upon physicians who perform certain types of late term abortions.

It is important, Mr. President, to understand that very few late term abortions take place in this country, under any circumstances. It is estimated that there are approximately 600 abortions annually performed in the third trimester of pregnancy, with about 450 done by what is called an intact D&E procedure. The procedure which would be banned under this legislation is a form of an intact D&E procedure. Late-term abortions take place under the most tragic of circumstances, where something has gone wrong with the pregnancy. Late-term abortions are physically difficult and emotionally devastating to the women involved and their families. Several women who were forced to have such an abortion testified at the Senate Judiciary Committee hearing about the pain and anguish they and their families had experienced.

This bill would place the Federal Government into the role of deciding what procedures a physician can or cannot use in performing a late-term abortion. It would substitute the judgment of Congress for the judgment of the individual physician performing an abortion.

I believe that such legislation is bad policy. The American people have repeatedly said that they want less government interference in their lives. This bill moves in exactly the wrong direction.

Since the beginning of the 104th Congress, there has been a great deal of rhetoric about how we need to restrain the Federal Government, about how the Federal Government has usurped the powers of State and local government entities, and about how the Federal Government has intervened in areas beyond its primary realm of responsibility. We have heard repeatedly that we need fewer Federal mandates and fewer Federal regulations.

Mr. President, let me say that I agree with a good deal of those sentiments. I believe that the Federal Government has gone too far in many areas. That is one reason why I voted against last year's Federal crime bill and this year's terrorism bill. In each instance, I saw examples of the Federal Government overzealously reaching into areas of law which have traditionally been within the jurisdiction of State and local law enforcement agencies.

I voted for the unfunded mandate legislation because I agree that the Federal Government needs to exercise restraint in forcing the States to comply with Federal mandates. I support many aspects of the regulatory reform drive because we do need greater flexibility and less Federal micromanagement in many areas.

But now, Mr. President, we are presented with legislation that places the Federal Government in the role of deciding what specific procedures a physician should use or not use when faced with a problem pregnancy and a woman's desire to terminate that pregnancy.

Mr. President, there are many reasons why this is a dangerous area for Federal Government intervention. One of the physicians said it well during the Judiciary Committee hearing on November 17. Dr. J. Courtland Robinson testified:

> Sometimes, as any doctor will tell you, you begin a surgical procedure expecting it to go one way, only to discover that the unique demands of the case require that you do something different. Telling a physician that it is illegal for him or her to adapt his or her surgical methods for the safety of the patient . . . flies in the face of standards for quality medical care.

Dr. Robinson also pointed out in his testimony that many physicians would not undertake a surgery at all if they were legally prohibited from completing it in the safest, most effective way, according to their professional judgment.

Mr. President, I want to reiterate that the measure under consideration would insert the Federal Government into one of the most intensely private and personal areas. This bill would have Congress override the decisions made by a woman and her physician in an area that literally involves life or death.

It is ironic that many of the same individuals who strongly challenged the ability of the Federal Government to handle comprehensive health care reform are among the foremost proponents of this effort to insert the Federal Government into a physician's decisions in the operating room.

For example, during last year's health care debate, the distinguished Senator from North Carolina (Mr. HELMS) asked:

> Do you want the Federal Government, the Government that operates your postal system to decide whether you should have an operation or not? With this kind of government intervention, what is left for the doctor and the patient to decide?

Yet, that is precisely the kind of intervention that is being proposed by this legislation. This measure says that a physician who determines that a specific procedure is necessary to protect the life or health of his or her patient may face a Federal criminal prosecution for exercising his professional judgment.

Mr. President, it is also important to note that the language of this bill is so vague that a number of physicians have indicated that they would simply stop performing late-term abortions rather than run the risk of criminal prosecution or endangering the life or health of their patient. Dr. Robinson told the committee:

> For many physicians, this law would amount to a ban on a D&E [procedure] entirely the law is so vague and based on erroneous assumptions, it would leave doctors wondering if they were open to prosecution or not each time they performed a late abortion. That means that by banning this technique, you would in practice ban most later abortions altogether by making them virtually unavailable. And that means that women will probably die.

Dr. Robinson, incidently, is a former Presbyterian missionary who has practiced medicine for more than 40 years. He described for the committee his exposure to the consequences of illegal abortions prior to the Roe decision. He testified that over a period of five years on the staff of a hospital in New York, he watched women die from abortions that were improperly performed. His concerns about the consequences of legislation that would make certain types of abortions illegal and deny women access to the safest abortion procedure for their individual circumstances were clearly an outgrowth of his familiarity with what happens when Government treads too far into what should be a decision made by a woman and her physician.

Mr. President, that brings me to a second policy concern regarding this legislation. On its face, H.R. 1833 seeks to criminalize the performance of a particular type of abortion. Yet, Mr. President, there is little doubt that the purpose behind this legislation is to begin the process of curtailing and ultimately denying all access to legal abortion.

When pressed, many of the proponents of H.R. 1833 will admit the truth of this assertion.

One of the major House proponents, Congressman CHRIS SMITH (R. N.J.) stated in a November 9, 1995, USA Today article, "We will begin to focus on the methods [of abortion] and declare them to be illegal."

At the Judiciary Committee hearing on this measure, I asked one of the proponents, Helen Alvare, Director of Planning and Information, Secretariat for Pro-Life Activities of the National Conference of Catholic Bishops, whether all methods of abortion should be criminalized. The response I received was very clear. Ms. Alvare stated her view that "every single kind of procedure that takes an unborn life" should be outlawed.

Mr. President, I specifically asked whether that included nonsurgical forms of abortion, such as the use of a drug like RU–486 which leads to the termination of a pregnancy in the very early stages, the first few weeks. The answer was yes, and Ms. Alvare was very clear that she found the use of an abortifacient drug at the earliest stages of a pregnancy to be as objectionable as the procedure under discussion.

Mr. President, I think the record should also note that in the past there have been efforts to ban other methods of abortion which the proponents of this legislation now point to as remaining available should this ban be enacted into law. For example, in 1976, in Planned Parenthood versus Danforth, the Supreme Court struck down a Missouri statute which would have prohibited saline abortion procedures after the first 12 weeks of pregnancy.

It is clear that this legislation is part of a calculated plan to make abortion more difficult for women and their physicians. It is part of a calculated plan to limit and erode a woman's ability to exercise her constitutionally protected rights. We cannot lose sight of the fact that Dr. Robinson's memories of a time when abortion was illegal and women died from illegal abortions might become a reality again if these efforts are successful.

Mr. President, I want to focus now upon an important aspect of the Judiciary Committee hearings dealing with why this particular procedure might, in the judgment of a woman's attending physician, be the most appropriate in light of her individual circumstances.

Mr. President, throughout this debate, different physicians who testified at the Judiciary Committee hearing will be quoted as to their view regarding whether the procedure under discussion is more or less safe for a woman than other procedures, whether the procedure may be necessary in a particular situation to protect a woman's future ability to bear children, and precisely what the procedure is that would be banned under this legislation.

What occurred at the hearing, Mr. President, was a professional disagreement among members of the medical community on the efficacy and risks associated with various abortion procedures. That members of the medical community have different opinions on these issues is both understandable and expected.

It is also precisely the reason why trained physicians and their patients, not Members of the Congress, should make the decisions about what course of treatment is appropriate in individual situations.

The ability to choose between alternative courses of medical treatment and the ability to choose between physicians who favor one procedure over another is something that we often take for granted.

Physicians who themselves do not choose to perform the type of procedure at issue have also made it clear that they do not believe Congress should be legislating in this area. In particular, Dr. Warren M. Hern of Boulder, CO, a physician who performs late-term abortions has been quoted by proponents of H.R. 1833 as having reservations about this particular procedure. However, in his testimony submitted to the Senate Judiciary Committee on November 17, 1995, he outlined the possible advantages of using the intact D&E procedure, including a reduction of the risk of perforation of the uterus and reducing the risk of embolism of cerebral tissue into the woman's blood stream. He concluded by stating:

> While I may choose a different method of performing a late abortion, I support the right of my medical colleagues to use whatever methods they deem appropriate to protect the woman's safety during this difficult procedure. It is simply not possible for others to second guess the surgeon's judgment in the operating room. That would be dangerous and unacceptable.

Mr. President, I am not sure that it is appropriate for Members of Congress to even try to resolve a matter that is the subject of debate between physicians as to whether there are situations where this procedure is preferable to another procedure. It is clear from the testimony at the Judiciary hearing that there are respectable differences of opinion in this area.

For example, Dr. Mary Campbell, medical director of Planned Parenthood of Washington, DC, testified there were a number of situations where alternative abortion procedures such as induction or cesarean section are considered less safe than an intact D&E procedure. For example, Dr. Campbell testified that "a woman is twice as likely to die" with an induction procedure, an alternative abortion procedure in a late-term pregnancy. She further testified that a cesarean section was another option, but that a woman was 14 times as likely to die with a Cesarean hysterotomy as with a D&E procedure.

Dr. Campbell outlined her views as to why the intact D&E procedure was preferable in certain cases. According to Dr. Campbell, the procedure requires less dilation of the cervix and thus markedly decreases the chances of cervical lacerations and cervical incompetence which can adversely affect future pregnancies. She also testified that the uterine scar, especially from the kind of vertical incision most often used in cesarean sections involving abnormal preterm fetuses, creates an increased risk of uterine rupture in future pregnancies.

Dr. Robinson testified with the same concerns about the risks posed by alternative procedures. In response to my question, Dr. Robinson testified that a vertical scar in the uterus resulting from such a cesarean was definitely an increased hazard when a woman has a subsequent pregnancy.

Included in the hearing record are letters from Dr. Elaine Carlson of Cedars-Sinai Medical Center in Los Angeles indicating that alternative procedures can cause a traumatic stretching of the cervix that then increases a woman's changes for infertility in the future and from Dr. George Henry of Denver, CO, indicating similar concerns. Dr. Henry, in a subsequent letter to me, elaborated on the risks to both a woman's life and her future ability to bear children from a cesarean section type of surgical approach. "Such a surgery," Dr. Henry wrote, "exposes the patient herself to much greater medical risk immediately and also increases the need for repeat C- sections in future pregnancies as well as the risk of uterine rupture in future pregnancies because of the uterine scar—and even the potential loss of the uterus if emergency hysterectomy is required."

Other witnesses, proponents of this legislation, disagreed and stated their view that the intact D&E procedure was more risky than the other procedures, and that there were no circumstances where they would consider this procedure necessary to protect the life or health of the woman.

Mr. President, what this debate told me is that there is room for disagreement between physicians about specific medical procedures; it is not for Congress to determine which side of this debate is right or wrong. These are medical questions which ought to be decided by medical professionals, not Members of Congress. Congress ought not to tie the hands of a physician trying to make the best decision for his or her patient. As Dr. Robinson testified, "The physician needs to be able to decide, in consultation with the patient and based upon her specific physical and emotional needs, what is the appropriate method. The practice of medicine by committee or legislature is not good for patients or for medicine in general."

Mr. President, the reasons why Congress ought to stay out of this decisionmaking process was also eloquently made by several women who had made the difficult choice of choosing this procedure when a much wanted pregnancy has turned into a tragedy.

Coreen Costello testified:

> It deeply saddens me that you are making a decision having never walked in our shoes. When families like ours are given this kind of tragic news, the last people we want to seek advise from are politicians. We talk to our doctors, lots of doctors. We talk to our families and other loved ones, and we ponder long and hard into the night with God.

Mr. President, we ought to heed those words. These decisions are private, personal decisions to be made by the families involved, guided by their physicians. The Federal Government ought to leave these decisions with the people involved.

Finally, Mr. President, let me briefly address the Constitutional issues raised by this legislation.

H.R. 1833, in my view, is fatally flawed because it fails to adequately provide protections for procedures necessary to preserve or protect a woman's life or health. Roe vs. Wade, and the cases that have followed including Casey, have made it clear that States have the authority to restrict and even ban abortions after fetal viability except where necessary to protect a woman's life or health. H.R. 1833 as originally proposed included an utterly inadequate provision allowing only an affirmative defense to be asserted by the physician that the procedure was necessary to protect a woman's life. In other words, a physician who performs this procedure in order to save a woman's life could be hauled into a Federal court and prosecuted for violating this statute. The physician would only be able to raise as a defense that the procedure was performed to save a woman's life. It is only after extensive debate that the proponents of H.R. 1833 proposed to change their language to provide an explicit exception from the statute's coverage for a procedure necessary to preserve a woman's life. However, the amendment they have offered contains limitations upon the life of the mother exception which also raise questions as to whether it comports with the standard set forth in Roe v. Wade.

Moreover, the proponents have failed to even acknowledge the requirement that an exception be provided where the procedure is necessary to protect a woman's health, including her future ability to bear children. The proponents argue that such an exception is unnecessary because alternative procedures are available. Those arguments fail to acknowledge the medical disagreement over whether such alternative procedures pose greater risks to the woman's health. The proponents of this legislation seem to take the view that even if an alternative procedure would result in a woman being unable to bear a child in the future, that is an adequate alternative.

Mr. President, I find this to be a particularly harsh judgement to be imposed upon families who have experienced the tragic end to a much-sought pregnancy. To tell a woman and her family that Congress will not allow her doctor to use a procedure which will allow her a greater chance to be able to have another pregnancy and bear a child in the future is cruel and unconscionable.

Mr. President, let me conclude by reiterating again that this legislation would insert the Federal Government into one of the most private, personal decisions a woman and her family and her physician must face. The American people have said time and again they want less Government intrusion into their lives, not more. This bill is in every way an inappropriate extension of power by the Federal Government into the lives of individual Americans at a very traumatic and emotion point. It ought to be rejected.

Mr. PELL. Mr. President. A month ago, the Senate chose to refer to the Senate Judiciary Committee a bill which would ban from use a medical procedure currently used to terminate late-term pregnancies. I supported that referral because it was unclear what all of the ramifications of such a ban were and the Senate deserved the opportunity to have a complete record upon which to make an informed decision regarding this complex and controversial issue.

Today, we have that record before us. I thank the members of the committee for their thorough and detailed work in exploring this difficult matter and based on that record, I have come to the conclusion that I will oppose this legislation.

I do so because I believe that the bill goes too far in its virtual ban of the use of this procedure, despite the fact that in many cases medical professionals believe that it is the safest means to terminate troubled and tragic late-term pregnancies. I believe that medical doctors, following the constitutional guidelines under which abortion is legal and following consultation with a woman and her family, should be able to choose the medical procedure he or she deems most appropriate to terminate a pregnancy without facing criminal or civil penalties. Indeed, criminalizing a medical procedure in the manner proposed in the bill would be the first such time we have done so in our country's history.

I do not come to this position lightly. I, and I believe virtually all Americans, am disturbed with the harsh realities that this issue forces our human conscience to acknowledge. In the end, however, I believe that it is not the place of Congress to interject itself in this manner into the tragic personal decisions that women and families must face. I do believe it should be a rarely used procedure and in that regard have been informed that there is no recollection of it being used in my State of Rhode Island. Indeed, there are only a handful of practices throughout the country that utilize it and the total number of cases amount to less than one-tenth of 1 percent of total abortions. I also believe that the heightened scrutiny that this procedure has received will reduce those occasions when it is used inappropriately. In the end, however, I believe that it should remain an option available to doctors when they deem it medically necessary in order to terminate a pregnancy.

By way of conclusion, I ask unanimous consent to have printed in the RECORD an article from the New York Times written by a woman who went through this procedure. I believe it eloquently makes the case that it would be wrong to enact the outright ban contained in this bill for this procedure and, accordingly, that this option should remain available to women and families of this country.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, November 29, 1995]

GIVING UP MY BABY

(By Coreen Costello)

Those who want Congress to ban a controversial late-term abortion technique might think I would be an ally. I was raised in a conservative, religious family. My parents are Rush Limbaugh fans. I'm a Republican who always believed that abortion was wrong.

Then I had one.

It wasn't supposed to be that way. My little girl, Katherine Grace, was supposed to have been born in the summer. The births of my two other children had been easy, and my husband and I planned a home delivery.

But disaster struck in my seventh month. Ultrasound testing showed that something was terribly wrong with my baby. Because of a lethal neuromuscular disease, her body had stiffened up inside my uterus. She hadn't been able to move any part of her tiny self for at least two months. Her lungs had been unable to stretch to prepare them for air.

Our doctors told us that Katherine Grace could not survive, and that her condition made giving birth dangerous for me—possibly even life-threatening. Because she could not absorb amniotic fluid, it had gathered in my uterus to such dangerous levels that I weighed as much as if I were at full term.

I carried my daughter for two more agonizing weeks. If I couldn't save her life, how could I spare her pain? How could I make her passing peaceful and dignified? At first I wanted the doctors to induce labor, but they told me that Katherine was wedged so tightly in my pelvis that there was a good chance my uterus would rupture. We talked about a Caesarean section. But they said that this, too, would have been too dangerous for me.

Finally we confronted the painful reality: our only real option was to terminate the pregnancy. Geneticists at Cedars-Sinai Medical Center in Los Angeles referred us to a doctor who specialized in cases like ours. He knew how much pain we were going through, and said he would help us end Katherine's pain in the way that would be safest for me and allow me to have more children.

That's just what happened. For two days, my cervix was dilated until the doctor could bring Katherine out without injuring me. Her heart was barely beating. As I was placed under anesthesia, it stopped. She simply went to sleep and did not wake up. The doctor then used a needle to remove fluid from the baby's head so she could fit through the cervix.

When it was over, they brought Katherine in to us. She was wrapped in a blanket. My husband and I held her and sobbed. She was absolutely beautiful. Giving her back was the hardest thing I've ever done.

After Katherine, I didn't think I would have more children. I couldn't imaging living with the worry for nine months, imagining all the things that could go wrong. But my doctor changed that. "You're a great mother," he told me. "If you want more kids, you should have them." I'm pregnant again, due in June.

I still have mixed feelings about abortion. But I have no mixed feelings about the bill, already passed by the House and being considered in the Senate, that would ban the surgical procedure I had, called intact dilation and evacuation. As I watched the Senate debate on C-Span this month, I was sick at heart. Senator after senator talked about the procedure I underwent as if they had seen one, and senator after senator got it wrong. Katherine was not cavalierly pulled halfway out and stabbed with scissors, as some senators described the process.

I had one of the safest, gentlest, most compassionate ways of ending a pregnancy that had no hope. I will probably never have to go through such an ordeal again. But other women, other families, will receive devastating news and have to make decisions like mine. Congress has no place in our tragedies.

Mr. SMITH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Hampshire has 12 minutes and 15 seconds remaining.

Mr. SMITH. Mr. President, I hope my colleagues are listening carefully at this stage of the debate, because we are down now to where we are about to vote on two very important amendments related to this bill.

Senator BOXER has taken the time to go through two very compelling cases, very tragic cases. Both of those women testified before the Judiciary Committee, and that was heart-rending testimony.

I viewed the testimony. I have read it. There is only one problem, and I have said it, Senator DEWINE has said it and others have said it: These women did not have partial-birth abortions. I will repeat, these women did not have partial-birth abortions. Coreen Costello and Viki Wilson did not have partial-birth abortions. Senator BOXER knows that, and both of the young women know that. A partial-birth abortion specifically is killing a child who is 90 percent born through the birth canal by the use of the catheter and the scissors.

Now, let me read from the testimony of Coreen Costello:

> When I was put under anesthesia, Katherine's heart stopped. She was able to pass away peacefully inside my womb, which was the most comfortable place for her to be. When I awoke a few hours later, she was brought to us. She was beautiful. She was not missing any part of her brain. She had not been stabbed in the head with scissors. She looked peaceful.

Mr. President, that is my point.

Mr. SANTORUM. If the Senator will yield, that picture is not factual, right? That picture is not factual, is it?

Mr. SMITH. The Senator is correct.

Mrs. BOXER. Will the Senator yield to me on my own time?

Mr. SMITH. Yes.

Mrs. BOXER. I will place in the RECORD a letter from these women, and I will read it later, which completely makes the statement that this particular procedure that they underwent is, in fact, the procedure that would be outlawed. And, in fact, the doctor that was vilified in this debate—by name, Dr. McMahon—and was summoned before the House committee is the doctor that performed the intact dilation and evacuation procedure. These women are completely upset, and here is a quote from the first sentence:

> We are shocked and outraged—

This is to Senator SMITH.

> —at attempts by you and other Members of the Senate to dismiss our significance as witnesses against the partial-birth abortion ban.

I have to tell you Senators, you can fight this and you may well have the votes. But do not demean these women. I have to say, Viki Wilson, who you said yesterday did not have this procedure, had Dr. McMahon as a doctor. She is a registered nurse. Her husband is a physician in an emergency room. They both know this bill. They say what Viki underwent is exactly what is described in the bill.

So if we are going to have an argument every time I bring out another family, and you are going to say they are excepted, are we going to write legislation like that?

I reserve the remainder of my time.

Mr. SMITH. Reclaiming my time, Mr. President, when you look out the window and it is raining, and the person sitting next to you says it is not raining—I mean, you can argue this, but facts are facts. I am not demeaning the testimony of Viki Wilson or Coreen Costello. They were very, very moving stories. This Senator was very moved by those stories. But they are not partial-birth abortions.

This Senator's bill, and all the amendments we are talking about on the bill, does not stop the procedure that Viki Wilson and Coreen Costello had.

I will now repeat and read verbatim from the testimony of Viki Wilson. Please listen carefully and make your own judgment.

Viki Wilson said:

> My daughter died with dignity inside my womb. She was not stabbed in the back of the head with scissors. No one dragged her out half alive and killed her. We would never have allowed that.

Mr. SANTORUM. If the Senator will yield. So the second picture the Senator from California has up there is also not factual, is that true?

Mr. SMITH. It is a fact that that is the family, but it is not a fact that they had a partial-birth abortion.

Mr. SANTORUM. So we are going to continue to throw pictures up, and that is how we are going to deal with facts.

Mr. SMITH. Yes. This bill is very clear and specific, and it outlines this procedure in the birth canal. That is all this allows. I say that in sincerity to the Senator because I know he feels very strongly. I must say to him, that is the fact.

Why Senators would come down here and testify to things that are not accurate, you will have to ask them. Listen, here is the exact language of my bill:

> The term partial-birth abortion means an abortion in which the person performing the abortion partially, vaginally delivers a living fetus before killing the fetus and completing the delivery.

When I read the testimony of the two women, both of them said their child died in their womb peacefully. Now, dying in womb peacefully—does that say "an abortion in which the person performing the abortion partially, vaginally delivers a living fetus before killing the fetus and completing the delivery"? That is what this bill stops. That is all it stops. That is all it says. That is exactly what it says.

I say to my colleagues, no matter how you feel on the issue, please, at least accept facts as being facts. This is the floor of the U.S. Senate. We have an obligation to tell the truth. That is not the truth, what Senator BOXER is saying. Whether it is meant to be or thought to be is another issue. But it is not fact. I know what my bill says. That is what it says. I just read it to you.

How much time is remaining?

The PRESIDING OFFICER. Six minutes thirty seconds.

Mr. SMITH. I yield 2 minutes to myself and ask to be notified when the 2 minutes are up.

Let me just say that this Dole-Smith amendment provides a life-of-the-mother exception. We had an affirmative defense in the bill. Members came to me and said, "We want it a little more clarified." I said, "Fine," and we clarified it because I think Senators sincerely had a concern about that—even though there have been no witnesses to testify that the mother's life was ever a problem. Let me just say that this applies to any situation in which a pregnant woman's life is physically threatened by any pregnancy, complication, or other disorder, and a partial-birth abortion is the only means by which her life can be saved. That is the life-of-the-mother exception. It is very clear. There is no question about it.

If we go to the Boxer partial-birth abortion on demand amendment, it allows partial-birth abortions on demand throughout the full 9 months of the pregnancy. If a woman has any health problem that she so indicates, then any child could be aborted for any reason. That is a fact.

We voted on this before on the floor of the Senate, and we voted it down. I hope that we will vote it down now and have a true life-of-the-mother exception, as we have tried to do.

I remember in the debate when the Senator from California, and others, made a big case here on the floor to please have the life-of-the-mother exception, have it clarified. We have done that. In fact, I voted to send the bill back to committee to have time to do that and to hear the testimony of the witnesses.

I will conclude on this point, Mr. President. We had no doctors who performed partial-birth abortions testifying and no women who had them testifying. So I am not sure what the committee hearing produced.

Thank you, Mr. President.

Mrs. BOXER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Seven minutes, 30 seconds.

Mrs. BOXER. I ask that I be notified when I have used 3 minutes.

Mr. President, I will tell you, this debate is one of the most fascinating I have ever been in. I will hold up picture after picture of people who know that this bill applies to the procedure they had, and my colleague, who thinks he might perhaps be a doctor, and his friends think that, in fact, they do not know what they are doing because they are U.S. Senators. After all, they know more than the families that went through this what happened. Again, here is the letter I read part of, dated December 7—and that is today. This was raised yesterday as a red herring, that these people that I held up did not know what they were talking about.

These women and families wrote us. Seven of them said this, and I will quote—this is to Senator SMITH:

> We are shocked and outraged by attempts by you to dismiss our significance as witnesses against the partial-birth abortion bill.

Then they say:

> Your rhetoric vilifies our physician, Dr. McMahon, who is the Nation's leading developer and practitioner of this technique for third-trimester abortions, and you claim simultaneously that we did not undergo the procedure in question. But we definitely had intact dilation and evacuation procedures, and it is definite that no doctor who wants to stay out of prison will perform that procedure, or any surgery that remotely resembles it, if your bill is passed.

They write this:

> If your bill passes, families with tragedies like ours will have added misery and pain because the surgical procedure that helped us will be unavailable. Please stop pushing this awful bill and please stop pretending that we are irrelevant.

Of course, Senators will continue to say that these people, religious families, loving families, simply do not know what they are talking about and do not know what was done to the body of their incredibly important family member.

Now, this is Viki Wilson. She testified to the Judiciary Committee as follows. These are facts, facts from her mouth.

> I am a practicing Catholic and I couldn't help but believe that God had some reason for giving us such a burden, and then I found out about this legislation. I knew then and there that Abigail's life had special meaning.
>
> I think God knew I would be strong enough to come here and tell you my story, to try to stop this legislation from passing and causing incredible devastation for other families like ours, because there will be other families in our situation, because prenatal testing is not infallible and I urge you please do not take away the safest method known.

The PRESIDING OFFICER. There are 4 minutes, 30 seconds remaining.

Mrs. BOXER. I will take an additional 30 seconds, and I will retain the time for my colleague from New Jersey.

Coreen Costello says, "I hope you can put aside your political differences, your positions on abortion, your party affiliation"—this is a picture of Coreen—"and just try to remember us. We are the ones who know. We are the families that ache to hold our babies, to love them, to nurture them. We are the families who will forever have a hole in our hearts."

I say to any Senator that tries to demean these families and tell them they do not know what went on in these families should think again. We were elected to be Senators, not doctors, and not God.

I retain the remainder of my time.

Mr. SMITH. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes, 22 seconds.

Mr. SMITH. I yield myself 3 minutes, 22 seconds.

Mr. President, it is very frustrating. Again, I will just repeat for emphasis for those, I hope, who are listening to the debate: Viki Wilson in her testimony not only indicated that she did not have a partial-birth abortion, she said she would not have one. So these are not partial-birth abortions. But again I will not continue to debate it.

Any reasonable person, hopefully, who is watching the debate would understand the definition is very clear. A partial-birth abortion is when a child is killed in the birth canal. These two women in the horrible circumstances they went through lost their children in the womb. This amendment would not prevent what happened to them.

Since I have been accused of not being a doctor, which is a fair accusation, let me offer into the RECORD a sample of the 200 unsolicited letters from ob-gyn's from all over America. I ask unanimous consent that all of these be printed in the RECORD after this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. SMITH. I will quote from a letter from a Dr. Dorothy Czarnecki, an ob-gyn from Philadelphia. She says:

> DEAR SENATOR SMITH: I appreciate your efforts on behalf of the "partial-birth abortion" controversy. In no way are these done only on abnormal infants. This is just another brutal way to destroy life. This procedure is not necessary to protect the life or health of women in this country.

Another one from Dr. Lauri Scott, M.D., assistant professor of maternal-fetal medicine in Dallas, TX.

> I am a specialist in maternal-fetal medicine and on faculty in the Department of Obstetrics and Gynecology at the University of Texas, Southwestern Medical Center. It is the nature of my specialty that I deal with high-risk pregnancies and would be the consultant called to deal with issues regarding the "life-of-the-mother."
>
> I can tell you unequivocally there is no maternal medical reason for "late-term abortions." In situations where the life of the mother is at stake, we simply deliver the infants and the baby takes its chances in the nursery.

"DEAR SENATOR SMITH," Mary Davenport, Oakland, CA:

> I am writing to you in support of the partial-birth abortion bill. There is no medical indication for this procedure, and the performance of this operation is totally in opposition to 2,000 years of Hippocratic medical ethics. Please do your best to eliminate this procedure. It is not done in any other nation of the world.

Margaret Nordell, M.D., caring for women of all ages, Minot, ND:

> I am a member of the DakotaCare Physicians Association. I believe that this procedure is unnecessary to protect either the life or health of women in this country.

Dr. Karin Shinn, Coney Island Hospital:

> DEAR SENATOR SMITH: I am a practicing ob-gyn on the staff of Coney Island Hospital. It is my professional opinion that the partial-birth abortion procedure is very dangerous and absolutely unnecessary to protect either the life or the health of the women in America.

Letter after letter after letter, Mr. President, all over the country. To say that somehow the U.S. Senator who stands here on the floor, quoting from doctors about a medical procedure, to taking the "slam" that somehow we cannot vote for something or talk about something because we are not doctors—we send troops into Bosnia, that will happen. And I assure you that every Senator who votes to send them there has never served in combat and probably never been there. That is for sure. We vote on Medicare and we vote on Medicaid and not everybody here is a senior citizen.

The argument is absolutely ludicrous and frankly insulting. I hope my colleagues will defeat the Boxer amendment and support the Smith-Dole amendment.

EXHIBIT 1

PHILADELPHIA, PA,
November 28, 1995.

Hon. ROBERT SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I appreciate your efforts on behalf of the "partial birth abortion" controversy. In no way are these done only on abnormal infants. This is just another brutal way to destroy life. This procedure is not necessary to protect the life or health of women in this country.

Thank you again and keep up the fight to protect our children.

Sincerely,

DOROTHY CZARNECKI, M.D.

DALLAS, TX,
November 7, 1995.

Re late term abortions.

Hon. ROBERT SMITH,
U.S. Senator, Washington, DC.

DEAR SENATOR SMITH: I am a specialist in Maternal-Fetal Medicine and on faculty in the Department of Obstetrics and Gynecology at the University of Texas Southwestern Medical Center. It is the nature of my specialty that I deal with high risk pregnancies, and thus would be the consultant called to deal with issues regarding "the life of the mother". Prenatal diagnosis is also part of my specialty, and I am the one who breaks the news of fetal abnormalities and helps to plan how best to manage the rest of the pregnancy.

I can tell you unequivocally that there is no maternal medical indication for "late term abortions." In situations where the life of the mother is at stake, we simply deliver the infant and the baby takes its chances in the nursery. In our nursery, 50% of the infants born at 24 weeks gestation will survive, most without significant problems. Prior to 24 weeks we recognize that the baby will generally die due to extreme prematurity, but we perform no procedures to ensure its death; there is no medical reason for this when the concern is with the life of the mother. "Late term abortions" are no safer, and may be more dangerous for the mother, than simple induction of labor.

The only reason for a "late term abortion" is to ensure that the late second trimester and third trimester fetus is born dead. The only possible medical indication would be a situation in which the fetus has abnormalities incompatible life. However, in most of these situations, the infant would die shortly after birth anyway and terminating the pregnancy in the late 2nd or 3rd trimester carries the same complications as allowing the pregnancy to go to term and end naturally.

This procedure has no place in modern obstetrics and only serves to destroy lives that might otherwise survive. I suspect that the women who made such tragic decisions for medical reasons chose this procedure without truly informed consent or full knowledge of their options. It should never be performed as an elective procedure. Please support legislation banning this procedure.

Sincerely,
L. LAURIE SCOTT, M.D.,
Assistant Professor,
Maternal-Fetal Medicine.

OAKLAND, CA,
December 1, 1995.

DEAR SENATOR SMITH: I am writing to you in support of the partial birth abortion bill. There is NO medical indication for this procedure, and the performance of this operation is totally in opposition to 2000 years of Hippocratic medical ethics. Please do your best to eliminate this procedure. It is not done in any other nation of the world.

Sincerely yours,
MARY L. DAVENPORT, M.D.

MINOT, ND,
November 28, 1995.

Senator ROBERT SMITH,
U.S. Senate,
Washington, DC.

DEAR MR. SMITH: I, Margaret Nordell, a medical doctor of obstetrics and gynecology am supporting Senator Robert Smith in the ban against "partial birth abortion". I am a member of the DakotaCare Physicians Association. I believe that this procedure is unnecessary to protect either the life or the health of women in this country.

Sincerely,
MARGARET NORDELL, M.D.

CONEY ISLAND HOSPITAL,
DEPARTMENT OF OBGYN,
Brooklyn, NY, November 26, 1995.

Hon. ROBERT SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I am a practicing OBGYN on the staff of Coney Island Hospital in Brooklyn, New York. It is my professional opinion that the partial birth abortion procedure is very dangerous and absolutely unnecessary to protect either the life or the health of women in America. Therefore, I whole heartedly support the partial birth abortion ban bill to be passed and become officially law. Thank you.

Sincerely,
KARIN E. SHINN, D.O.,
Assistant attending.

The PRESIDING OFFICER. The Senator from California has 3 minutes 52 seconds.

Mrs. BOXER. I yield 2 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, let me commend my colleague from California for speaking so forthrightly about an issue that does not belong in the kind of debate that we have heard from the other side from the proponents of this amendment.

Strangely enough, and I speak now as a father and a grandfather, as a father of four. We lost a couple because of health problems with my wife, and every one of those pregnancies that was lost was a terrible experience for us.

When my youngest daughter lost a fetus, lost a pregnancy that was in its 7th month because the baby was entangled in the cord, it was very painful, very painful. We did not know whether we had a healthy baby or not, but we were torn by this experience, to have her go to the hospital, spend 8 hours in labor to deliver the fetus.

The interesting thing to me, Mr. President, is I have not heard one woman speak for that side. It is the men who speak on what women ought to do, tell them how to conduct their lives, tell them what to do with their bodies, describe the pain that they will never feel. It is quite interesting. They want to tell everybody what the moral right is.

I just heard one of our Senators say something that to me is so preposterous. He says those who will vote to send troops to Bosnia will never serve in combat. Who is he that knows all this information? What a silly thing to say. It is the same thing we are talking about here.

What this is is license for the Government to participate in the operating room when a doctor does a procedure, when a doctor decides to perform a procedure that the woman carrying the fetus wants to have done because she feels that it is essential or the doctor feels it is essential for her health.

These abortions, these procedures are rarely done when someone was making that choice simply to rid themselves of that pregnancy.

This is a sad day, I think, Mr. President.

Mr. President, the bill before us is extremely dangerous and I strongly oppose it.

This bill is poorly titled for many reasons. It would more appropriately be called The Big Government Intrusion into the Doctor-Patient Relationship Act.

Under this bill, we will literally have FBI agents snooping around examining rooms. Let me repeat this. This legislation authorizes the FBI to go wandering around doctors' offices looking at patients and what doctors are doing to them.

Furthermore, this bill does not include a life and health of the mother exemption.

This bill will send a chilling signal to doctors in this country. And they will leave the practice of reproductive health care in droves.

And women could die in waiting rooms while doctors are on the phone, consulting with defense and constitutional lawyers, about what they can or cannot do to treat their patients.

Mr. President, one reason I am opposing this bill is because I believe doctors and patients can make proper decisions about which health care treatment is most appropriate.

Mr. President, one of the most extreme elements of this bill is its failure to include an exception to deal with situations in which the life or health of the mother is at risk. The pending Boxer amendment seeks to make this bill a little less extreme. The Boxer amendment would create a real health and life-of-the-mother exception.

Under the bill, as originally presented, if a doctor thought it likely that a woman would become permanently disabled if she carried a fetus to term, the doctor would still be prohibited from performing this procedure. Can you imagine that? A doctor would have to feel certain that carrying a fetus to term would endanger the life of the mother in order to do what is medically required for treatment.

Otherwise, the doctor could not perform this procedure even though the woman could suffer severe, permanent health damage without the procedure.

Mr. President, this bill will affect real people. Real women and families who have had to go through this procedure.

One such woman is Viki Wilson, a nurse, who 18 months ago was expecting her first child. Early tests showed the child to be normal but an 8-month ultrasound revealed that the fetus had a fatal condition—two thirds of the brain had formed outside the skull.

Carrying the pregnancy to term would have imperiled Viki's life and health. In consultation with her doctor, Viki and her husband Bill made the heartbreaking decision to undergo this procedure. This bill would make this practice illegal.

Mr. President, I would like to quote Viki at this point. She stated "I strongly believe that this decision should be left within the intimacy of the family unit."

So do I Mr. President.

While this bill is really extreme, the Boxer amendment would make it a little less extreme. At a minimum, we ought to adopt the amendment, which would establish a meaningful exception in cases where the life and health of the mother is at stake.

I urge my colleagues to adopt the Boxer amendment and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. I yield the floor and hope that my colleagues will support the amendment that is proposed by Senator BOXER.

Mrs. BOXER. Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator has no other time.

Mrs. BOXER. I thought I saved some time.

The PRESIDING OFFICER. They have no time.

Mrs. BOXER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mrs. BOXER. Mr. President, this has been a tough debate so far. We have gone through it for 3 days. Maybe this is the 4th day, Senator SMITH.

I have to say, it is emotional. Why is it emotional? Because what we are doing impacts real people. We have seen these families night after night. We have seen charts of part of a woman's body, as if she had no face. I have to say to my colleagues, if they really think about it, if their daughter came to them and said, "Dad, I have been told the most horrible news. If I do not terminate this pregnancy, even though it is so late term, I could die. I could be infertile. And the only procedure is this procedure," I really do believe, if Senators are honest, male or female, they would fall to their knees and pray to God and go ahead and have that procedure.

Why would we want to risk that woman's life? Please vote "yes" for Dole and "yes" for Boxer-Brown.

VOTE ON AMENDMENT NO. 3081

The PRESIDING OFFICER. The question now occurs on amendment No. 3081, offered by the majority leader, Mr. DOLE.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 592 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Moynihan

So the amendment (No. 3081) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the underlying amendment, No. 3080, as amended, is agreed to.

VOTE ON AMENDMENT NO. 3080

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 3083 offered by the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 593 Leg.]

YEAS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Daschle
Dodd
Dorgan
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Wellstone

NAYS—51

Abraham
Ashcroft
Bennett
Bond
Breaux
Burns
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Santorum
Shelby
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Moynihan

So the amendment (No. 3083) was rejected.

Mr. SMITH. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized.

AMENDMENT NO. 3088 TO AMENDMENT NO. 3082

(Purpose: To express the sense of the Senate that the Senate should, through the Committee on the Judiciary, conduct hearings to investigate the effect of the new patent provisions of title 35, United States Code, (as amended by the Uruguay Round Agreements Act) on the approval of generic drugs)

Mr. SMITH. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. DEWINE and Mr. DODD, proposes an amendment numbered 3088 to amendment No. 3082.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 1, line 3, strike "**APPROVAL**" and all that follows through line 22 on page 3 and insert the following:

"**SENSE OF THE SENATE.**

"It is the sense of the Senate that the Senate should, through the Committee on the Judiciary, conduct hearings to investigate the effect of the new patent provisions of title 35, United States Code (as amended by subtitle C of title V of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4982)), on the approval of generic drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).".

Mr. SMITH. Mr. President, I will try to explain the amendment.

First, I yield to the majority leader.

SCHEDULE

Mr. DOLE. Mr. President, I have been asked to indicate what may be in store for the rest of the evening. It is not certain that these are all the amendments, but we have an amendment by Senator BINGAMAN on shutting down the Government; an amendment by Senator FEINSTEIN which, as I understand it, is similar to the Boxer amendment just disposed of; a Brown amendment on deadbeat dads; then we have the pending amendment of Senator PRYOR, which Senator SMITH will second-degree. There may be additional amendments. I think it is safe to say there will be votes well into the evening.

I yield the floor.

Mr. CHAFEE. I wonder if the majority leader has any indication, if this is disposed of this evening, what would happen tomorrow?

Mr. DOLE. We have a cloture vote scheduled on the constitutional amendment on the desecration of the flag.

That could be resolved if we get an agreement on State Department reorganization. If we do that, then we can vitiate the vote on cloture and probably have debate only tomorrow on the flag amendment, but no final disposition.

Mr. JOHNSTON. Does the majority leader expect we will have a small window where we might get home to get a bite to eat?

Mr. DOLE. How close are you?

Mr. JOHNSTON. About 20, 25 minutes.

Mr. DOLE. You are not going to New Orleans, are you? I think we may have a vote in the next few minutes, and then we can probably arrange at least an hour.

Mr. JOHNSTON. I thank the majority leader.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, let me just say, for the benefit of my colleagues, I am not going to prolong the debate on this second-degree amendment. I know Senator PRYOR has some comments and Senator DEWINE wants to speak. I do not know of any others. But if others are going to speak, hopefully, they will come to the floor and we can expedite this matter as quickly as possible.

This amendment requires hearings on the relationship between GATT patent laws and the FDA Hatch-Waxman law relating to prescription drugs. At the outset, let me say I would have preferred not to have this bill, become a Christmas tree for nongermane amendments. It was hopeful that we would not have nongermane amendments. But the underlying Pryor amendment dealing with pharmaceutical products, GATT, and patent protections has nothing to do with partial-birth abortion. However, I recognize the right my colleague has to offer such an amendment, and I respect that. I hope that we will not spend a lot of time on this and delay this bill. We saw the same tactic a few weeks ago, and it seems to me that maybe there is some reluctance to face the issue at hand.

Mr. President, this second-degree amendment calls for hearings in the Judiciary Committee to look into this issue. I say to my colleague from Arkansas that it is an important issue and deserves a hearing, and I recognize that. I recognize that the Senator has a legitimate interest in this. I hope that it will not delay a vote on the bill, as other Senators have expressed interest to me—or have asked me whether or not there would be a vote tonight on final passage of the partial-birth bill. I am prepared to do that at any time. I do not know specifically of other amendments, but you never know.

If this second-degree amendment fails or if any other Senators are going to try to load the bill up, we will have to be offering second-degree amendments on all kinds of things from sex selection to Down's syndrome, and Lord knows what. Let's hope we do not get into all that.

Hopefully, Mr. President, why don't we just vote and move on and see where the votes fall on this bill.

If we want to talk about patent protections, come to the hearing and testify about patent protections. Then when the Senate is ready to vote on that, when we can come down and debate it.

It is a very complicated issue, patents and trade. I don't think it ought to go through the Senate in a hurry without having an opportunity to hear from both sides. The Senator from Arkansas voted a couple weeks ago to have a hearing on partial-birth abortion, and we did. I was not originally in favor of it, I admit, but we did have the hearing.

I did reconsider my views and allowed it to be sent to the committee. I hope the Senator from Arkansas will do the same.

I urge my colleagues if there is a vote to vote for the Smith amendment so we can have a full hearing under this issue of patent protection. I yield the floor.

Mrs. BOXER. Before my colleague from Arkansas speaks on this particular subject which he has been such a leader on, I wanted to make a comment that President Clinton has long believed that it is important to protect the life and the health of a mother, of a woman.

We know he will, in fact, veto this bill because the Senate now voted this down. A very close vote. I want to thank my colleagues who stood with Senator BROWN, with me, and with those who feel so strongly about this, that we must put a woman's face on this debate.

I am very moved by the vote that we had. It sends a very strong signal to the President of the United States: That 47 Senators, notwithstanding incredible organized phone banks, et cetera, stood up for the life and the health of the women in this country. I am proud that you stood with me. I am proud that you stood with women.

I want to particularly thank in that context every one of my colleagues that spoke on this. Senator MOSELEY-BRAUN spoke so eloquently yesterday and she made the point that the women of America will have to wake up to what is happening to their rights. She did that in the most beautiful fashion. I urge everyone to read the RECORD, because this assault on a woman's right to choose has begun in earnest.

When people do go to the polls they will have to decide where they stand. Could they stand with a Government that wants to get right into the hospital room with your family, right into your bedroom with your family, or do they believe that the families in our country with their God and with their conscience can make those kind of decisions?

I am very moved by the vote that we had. I will certainly vote against the final passage of this bill. Senator FEINSTEIN will be offering us an excellent substitute which basically restates the law of the land that says in the late term of a pregnancy the States control what happens in these late-term abortions.

I think everyone was very surprised by this vote. I was moved by the vote. I hope colleagues will vote "no" on final passage, since there is no exception for the life of the mother. The Senate voted for a partial exception, and therefore it makes it a very, I think, weak bill, and the President has said he would veto it. I applaud that.

I yield the floor.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. Mr. President, the day before yesterday I introduced an amendment on behalf of myself and my very good friend from Rhode Island, Senator CHAFEE, and our good friend from Colorado, Senator BROWN.

Mr. President, I ask unanimous consent that Senator Robert BYRD of West Virginia be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, what we are seeing here tonight on the second-degree amendment, and I say this in all due respect to my colleagues who have offered this second-degree amendment to this principal amendment, this is merely an attempt to kill the Pryor-Chafee-Brown-Byrd amendment. That is it, pure and simple.

First, it is a sense-of-the-Senate resolution which all of us know in this body has no force of law. It has no real meaning. It has no traction, as we say around here. Beyond that, it does not require any Committee to hold any hearing at any specific time.

It merely says that the Judiciary Committee would conduct hearings to investigate the effect of the new patent provisions of title 35 U.S. code as amending subtitle C. of title 5 of the Uruguay Round agreements.

Mr. President, this amendment would probably end up in the wastebasket. There is no date certain for a hearing. Additionally, the amendment sends instructions for a hearing, under this sense-of-the-Senate amendment, to the Judiciary Committee. It would not be sent to the Labor Committee that has jurisdiction over food and drug issues. It is being sent to the Judiciary Committee of the U.S. Senate.

Once again, there is no date certain for when a hearing might be held on the effect of the proposal that we are discussing this evening in the U.S. Senate.

Make no mistake, what this amendment is all about is an attempt to kill the Pryor-Chafee-Brown-Byrd amendment. It is a tactic to delay. It is a motion to protect one of the greatest windfalls that we have ever created in the history of our entire Government.

Now, Mr. President, I have several things I want to say during the course of this debate. I see my very good colleague, Senator CHAFEE, my colleague on the Finance Committee, who has been so loyal as a friend and as a supporter in trying to close this loophole that we created when we did not conform the food, drug and cosmetic law to the GATT treaty and its provisions.

Mr. President, I also see my friend from Colorado, Senator BROWN, an original cosponsor of our amendment.

Mr. President, expecting that my colleagues might have something to say on this issue, for the moment I yield the floor and I reserve the opportunity to address this issue further.

Mr. CHAFEE. Mr. President, I want to take a moment to discuss the pending amendment. This is really a very simple issue.

Under the Uruguay Round the nations agreed to boost protection of patents significantly. This was an historic step. Indeed, this was the first time that in these multilateral trade agreements such as this, the GATT, we became involved with so-called intellectual property.

In order to implement the provisions of the commitment to increase the protection for patents, the Congress changed the U.S. patent law from 17 years from approval to 20 years from filing date. This was a change to conform with GATT.

To be fair to existing patent holders, Congress gave those existing patent holders the option of taking the longer term. As a result, those holding patents as of June 1985 received an extension of up to 3 years.

However, granting this extension affected generic drug manufacturers who had been preparing to go to market after the original patents expired. To be fair to them, too, Congress made a compromise: manufacturers who had already made a substantial investment preparing to go into the market, would be allowed to proceed—but they would be required to pay a royalty to the holder of the patents. This was a carefully worked out compromise.

This transition was made available to all manufacturers, not just generic manufacturers of drugs. There are generic manufacturers of blue jeans and every other patent. Wherever there is a patent involved someone is waiting for the patent to expire and then come forward with their own product.

The product is called a generic product—not just a generic drug, but generic blue jeans, or whatever it might be. However, Congress made an error. It is not the first error Congress has ever made, but it was a costly one. We failed to consider a conforming amendment to the patent provisions of the Food, Drug and Cosmetic Act, which Senator PRYOR previously alluded to.

The consequence of this oversight is that one group of generic manufacturers—in other words, those coming on with a substitute product—had been denied the benefits of this transition provision. These were the generic pharmaceutical manufacturers. So, while the manufacturers, that is the manufacturers who had the patent of these branded pharmaceutical products, got an extra 3 years, the generic drug manufacturers were cut out altogether from transition remedies—from doing anything.

This oversight, if left uncorrected, I must say, is a wonderful windfall for the pharmaceutical manufacturers who are protected by it, who got this windfall which was never planned for. This windfall is in the area of billions of dollars—not millions, but billions. So, quite understandably, they are very enthusiastic to prevent anything from happening around here, to prevent the Pryor amendment from going into effect. Obviously, others can give illustrations of this.

What will be the effect of the passage of the Chafee-Brown-Pryor-Byrd amendment? First, it will level the playing field by making the GATT transition provision available to generic drug manufacturers like it is to generic blue jeans manufacturers, or whoever it might be. This is what we intended. Second, it will stop the unintended, and therefore unfair, windfall. And, third, it will save consumers, insurers, and, I might say, the Government—because the Government will benefit greatly from getting their Medicaid prescription drugs at a far lower price than otherwise would be true.

There are two counterpoints that opponents of this will make. Some have warned that this amendment would negate or otherwise affect the hard-won gains that came about through GATT and the intellectual property protections. That is a red herring. The STR, the Special Trade Representative, has assured us that our amendment will not in any way interfere with the GATT intellectual property protection rights. In fact, the USTR supports this amendment, for they say the conforming amendment—namely, the Pryor effort—should have been included in the GATT bill but was overlooked inadvertently.

Now, as to the argument that our amendment would upset the delicate balance of the Hatch-Waxman Act, that also is a red herring. This is not about Hatch-Waxman; this is about GATT. Officials of the Food and Drug Administration have assured us that our amendment absolutely would not disturb the so-called Hatch-Waxman Act. Let me say, if this were interfering with GATT in some way, the intellectual property provisions, I would not be for this amendment.

This is what we might call a "good Government" amendment. It seeks to close a loophole which was unintentionally created. We made a mistake, and now we are trying to correct it. Does it have any support outside of those of us here? Certainly a broad coalition of senior citizens and consumer groups support it. Furthermore, it is the right thing to do. Occasionally we do the right thing around here.

I certainly hope that this amendment of the Senator from Utah, to send this back, and the Senator from New Hampshire, would not prevail. I hope it will not prevail because, if it does prevail, that does in the Pryor effort here.

Could I ask the Senator from Arkansas, does this amendment provide for a date that the hearing must be completed?

Mr. PRYOR. Mr. President, I respond to my colleague from Rhode Island, there is absolutely no date set forth in the sense-of-the-Senate resolution to require the Judiciary Committee, or any other committee of the Senate, to hold a hearing. It is totally open ended. Again, there is no date specified in the sense-of-the-Senate resolution.

Mr. CHAFEE. I have a question for the distinguished Senator from New Hampshire. He mentioned the sending of his bill back to committee for a study. I guess the Senator from New Hampshire supported that in the end, reluctantly.

My question is this: Did that amendment, that sent the Senator's bill back to committee, have a date at which the committee must report back? As I recall, it did. I may be mistaken.

Mr. SMITH. I believe it was 17 days, I say to my colleague, Senator CHAFEE. But I need to check that.

Mr. CHAFEE. I certainly would abide by whatever the Senator says, and if he wishes to correct it later, that is fine. But, as I recall, when that was sent, Senator SMITH's bill which came up here, say, a month ago, when that was sent back to committee, that was sent back with a time limit to it, a definite period. Whether it was 17 days or 3 weeks or whatever it was, I am not sure. But I remember, to the best of my recollection, there was a time certain. Yet, in this case, the Senator from New Hampshire, in his amendment, has not provided for a date certain. What does the Senator from Arkansas suggest on that? Would this be more palatable if there was a time limit?

Mr. PRYOR. Let me respond, Mr. President, to my friend from Rhode Island once again. It would certainly be more palatable if we had an imminent date for the Judiciary Committee to hold such a hearing. But, to be honest, I do not think a Judiciary Committee hearing is going to give us any more facts than we know today. We pretty well have the facts. Those facts are that the Congress made an mistake. We created an error in the GATT legislation. We opened a loophole, and now we have an opportunity to fix it.

As the Senator from Rhode Island just stated, this is really a very, very simple matter. It becomes dramatic because of all the dollars involved: All the dollars that appeared unexpectedly in a windfall that goes to a small handful of drug companies that had no idea a year ago that this windfall would occur and that these billions of dollars would basically be falling out of the trees into their bank accounts.

So I say, even if there were a day certain, we are about to leave for Christmas. If we even set a day certain of 10 days from now, perhaps the Senate and the House will not even be in session. We do not know when we are coming back in session next year. So I say once again, this is an attempt to kill the original Pryor-Chafee-Brown-Byrd amendment.

Mr. CHAFEE. I would ask the Senator from Arkansas another question. It seems to me that this is an odd provision, in that it is referred to the Judiciary Committee, yet the jurisdiction of the Food and Drug Administration is in the Labor Committee.

Mr. PRYOR. The Senator is absolutely correct.

Mr. CHAFEE. So, why is this being sent to the Judiciary Committee?

Mr. PRYOR. I believe the distinguished Senator from New Hampshire is the author of this amendment. Perhaps he could advise us as to why the amendment is being sent to the Judiciary Committee.

Mr. SMITH. The Senator from New Hampshire is not the sponsor of the amendment. The Senator from New Hampshire offered the amendment.

Mr. HATCH. If the Senator will yield, I will be happy to answer that. I will be happy to answer that. It is because it involves a hallowed and important element in the history of this country and in the world, and that is patents. We happen to handle patents. It involves intellectual property. It also involves an international intellectual property agreement which we better be careful of here, because there are a lot countries out there that do not honor intellectual property.

There are a lot of countries out there that do not believe in patents. Or, if they do not believe in patent terms—if, after a multiyear negotiated agreement in international relations, intricate, negotiated every line of that agreement—it is bunk to say that this was a mistake. We then retrench on patent terms the first time out of the blocks when we have gone all over the world talking about intellectual property, respect for intellectual property, and for other countries to treat American products fairly. And right out of the blocks we say we have to do away with that, you send a message that we are going to wreck the world window on the rest of our lives. We have taken years to get to this point.

I am going to have a lot to say on why there are two sides to this thing, and that it is more important to uphold the international treaty, uphold the international patent protection, than it is to demagogue on this particular issue.

I will make my points afterwards. But the reason it is sent to the Judiciary Committee is because it involves the most important aspects of the patent law and intellectual property law. That is what is involved here.

Mr. CHAFEE. Mr. President, first of all, if it involves treaties, then, of course, it goes to the Finance Committee. The last place in the world it should go is the Judiciary Committee.

Mr. HATCH. Not if it involves patents.

Mr. CHAFEE. If you want time, you can have time after I finish.

We have a letter from Mickey Kantor, U.S. Trade Representative, September 25, 1995:

> The extension of the section 1534(c)—that is what we are doing here to pharmaceutical property products—would not undermine ongoing U.S. efforts to seek high levels of intellectual property protection around the world.

So there is no problem here with patents. That does not have anything to do with it. The fact of the matter is that this reference, if indeed it should be made—I do not think it should—but if it should, it should go to one of two places: The Finance Committee, which deals with trade, or the Labor Committee, which deals with FDA. I would be far happier to see it go there than to the place suggested.

Mr. PRYOR. Mr. President, if the Senator from Rhode Island will yield—then I want to hear, and I know we all do, our friend from Colorado, Senator BROWN—I'd like to ask if in the history of the Judiciary Committee has that committee held hearings on the Food, Drug and Cosmetic Act? That committee does not have jurisdiction over this act, yet that is where we are about to dump this issue.

The second point I would like to raise is my friend from Utah, Senator HATCH, has talked about, "Oh, this is relating to patents. We have to protect these patent rights." That seems ironic, since on June 7, 1995 the United States Patent Office ruled—the Patent Office ruled, Mr. President—that they determined the expiration dates of the patents in question. They are in force on June 8, 1995 and, therefore, are entered into the greater of the term of 20 years from their relevant filing days, or 17 years from grant. In other words, they held in our favor. The Patent Office held in our favor that the generics could in fact come in and compete with the brand-name companies. Of course, the brand-name companies with all of their high-powered lawyers, money, et cetera, moved on to the courts. And because the courts interpreted literally our mistake as being the intent of Congress, and I must say that I think they made a mistake, Glaxo and other major pharmaceutical companies won out.

I would like to make one more point, and then I am going to sit down for a spell.

The PRESIDING OFFICER. The Senator from Rhode Island controls the floor.

Mr. CHAFEE. I would certainly like to hear the Senator make that explanation, if he might.

Mr. PRYOR. I would like to just say, if we allow this situation to persist and refuse to close this loophole, let us for a moment look at what is going to happen to one pharmaceutical company that has inherited this windfall. Let us look at Glaxo. They make Zantac. Here is some Zantac. It cost $170 a bottle. You can go over to Canada, by the way, and buy this for about $70 a bottle. Or, if in our country we had the competition for Zantac on the shelves today, as we should have occurred earlier this week, it would cost about half of what this $170 bottle of Zantac cost.

But, if we go forward, let us say even for an additional 30 days and allow this windfall to continue, or let us say just to Christmas day—and Christmas day is just a few days away, Mr. President—Glaxo is going to make another $115 million. If we hold a hearing in the Judiciary Committee, say next November, and then keep this thing in effect, maybe until 1996, a year from Christmas and do not correct it until a year from this Christmas, this one company—because of our mistake and because of our refusal to correct that mistake—will have made an extra $2.328 billion.

Do we want our patent law in this country to be based upon an error, to be based on a mistake that we made, and refuse to correct? I do not think so, Mr. President.

I look forward to hearing some of the comments from other colleagues who feel, I believe, as strongly about this issue as I do.

Mr. CHAFEE. Mr. President, I would like to ask the Senator from Arkansas one more question. I understand that these substantial amounts will be made by the companies that they would not otherwise make, if we corrected this. My question is: But, if we correct it sometime in the future, then is there a refund in some type that occurs? Does it undo itself, or everything is just prospective?

Mr. PRYOR. The way that I understand the law, I say to my friend, if a generic company has been out there and has made what we call a substantial investment where they are ready to come into the market at the end of the 17-year patent protection period, then the generic would be allowed to go on the shelves, to go on the market, to be advertised, to be marketed, selling for one-half of what the brand name sells these drugs for today. At that time a royalty for this time that was unexpired—like for 600 additional days for Glaxo and Zantac—a royalty would be paid even to the Glaxo company by the competing generic drug company. The amount of that royalty would be established in a court of law, and there is a system whereby that amount would be established.

I think that is the question the Senator from Rhode Island is asking.

Mr. CHAFEE. I understand that. But now my question is: But, let us assume that this is referred back to this committee—the wrong committee, as it turns out, but nonetheless it is referred back—nothing happens, and finally let us say in March we straighten out the law, then retroactively is there some compensation that takes place?

Mr. PRYOR. Mr. President, I apologize to my friend from Rhode Island. I did not understand his original question. I do now.

In other words, if we were to correct this, even in March or April, whenever, and admit we made a mistake, which we did and we all agree that we did, then the company gets to keep all of that money. There is no refund. The Medicaid programs have continued to pay the highest price for these drugs. The Veterans Administration has continued to pay the highest price for these drugs. The consumers get no rebate. The consumers get no relief. The only benefit accrues to a very few drug companies that we failed to include in the coverage of the new law in the GATT treaty. They get to keep all of these excess profits. And that is what this fight is all about. Every time, every day that these drug companies get to keep this amount of money, these exorbitant profits, this windfall, it comes out of the pocketbooks of the consumer, the veterans, the Medicaid programs, and every citizen of this land.

Mr. CHAFEE. I thank the Senator. I thank the Chair.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I appreciate the thought. I wish to assure my good friend from Ohio that I will not be long.

I hope Members, as they vote on this, will consider a couple of points. I don't think these are in dispute. If they are, I know my good friends will correct me. But I think every Member ought to be aware that this amendment is very important and would have a significant impact on the Treasury of the United States. The estimates are that this will save the taxpayers in the neighborhood of $150 million. It may be more than that, but CBO has come forward with that figure. So one of the things Members ought to think about is the dramatic, significant increase in revenue and reduction of the deficit that this amendment can have if it is passed.

Second, many Members may have read the Newark Star Ledger's editorial of October 26. Let me quote it:

> Thanks to a gigantic loophole resulting in the GATT, consumers may wind up paying as much as $6 billion more for higher priced brand name drugs.

Mr. President, I do not know if the $6 billion figure is correct or not. That is an estimate by the paper. I must say my own estimate is less than that. But there is no question this is big, big, big money, and it comes right out of the pockets of the consumers of this country.

So the two things that I think are really without question here are first that the amendment offered by the distinguished Senator from Arkansas is a friend of the taxpayers of this country. It has a significant impact in a positive way on reducing the deficit.

Second, this amendment is very much a friend of the consumers in this country. It saves the consumers of this country literally billions of dollars. Is it the $6 billion the Newark paper talked about? My guess is it is less than that. But it is a huge amount. If you are concerned about the consumers of this country, you ought to be in favor of it.

Two other points have been raised, and I think they merit addressing. One is, is this fair? Is it fair to adjust the rules? Well, let us take a look at it. When the patent for this medicine was granted, it extended 17 years from the time of filing. Is that diminished in any way if this amendment passes? The answer is no. The answer is absolutely no. The drug company gets exactly what they thought they were getting when they filed for the patent. They do not lose in any way. They get exactly what they were offered at the time they developed the product, at the time they marketed the product, at the time they put the factory together to produce the product. Nothing has changed.

What do they lose? They lose the windfall that came from the treaty.

If you are on the subject of what is fair, let us ask ourselves, what if you were a different firm? What if you were a firm that was aware of the drug and aware of the law and got geared up to produce a competitive product in reliance on the laws of this Nation, and the laws of this Nation said the exclusivity ends after 17 years.

For this particular drug, there are competing companies. There are companies that relied on the law. There are companies that made investments. They put together a plant to produce this, and they geared up to produce it and sell it on the market. If you are concerned about fairness, you should not be concerned about Glaxo. They got exactly what they invested for. You ought to be concerned about the companies, honest people who invested in facilities and plants and processes in reliance on our law and had the product taken away from them after they made that big investment. Now, if you are concerned about fairness, you ought to be in favor of the amendment, not against it.

Last, Mr. President, let me simply add one other thing that I think is important. It has been suggested on this floor by a number of people that doing this somehow will be inconsistent with our treaties under GATT, and the very distinguished chairman of the Judiciary Committee has just pointed out what a great investment we have in intellectual property. He is absolutely right.

I might say, Mr. President, from my point of view, if you were going to send this to a committee, I would think the Judiciary Committee would be a great committee. It has some of the brightest, most able Members, and the most modest, too, in the Senate. But the point is this should not go to committee at all. The point is if you send it to the committee, what you do is you cost consumers hundreds of millions of dollars just by the delay, and you cost the taxpayers some money, too.

I think the last point that deserves addressing is this one. Are we doing something, with the Pryor amendment are we doing something that violates the GATT treaty? We do have—and I acknowledge it—a vested interest in making sure that treaty is honored.

For that point I wish to draw Members' attention to some information. It is the treaty itself. I know a lot of Members did not get a chance to read it, and having tried to read it myself I understand why. But there are some interesting things you find out. I wish to read you the precise words of the agreement itself because it relates specifically to this point. And I am talking about part VII. This is under article 70. The title is: "Protection of Existing Subject Matter." In paragraph 4, there are the following words:

> . . . or in respect of which a significant investment was made, before the date of acceptance of the WTO Agreement by that Member, any Member may provide—

By "Member" they are referring to a country—

> for a limitation of the remedies available to the right holder as to the continued performance of such acts after the date of application of this Agreement for that Member. In such cases the Member shall, however, at least provide for the payment of equitable remuneration.

Mr. President, the treaty itself anticipates exactly this kind of legislation. Let me repeat it. This amendment in no way is at odds with the treaty. It in no way violates the treaty. As a matter of fact, the exact words of the treaty anticipate this very action.

Now, to suggest that we somehow are jeopardizing our intellectual property rights by taking this action, I do not believe conforms with either the spirit of the treaty or the precise words of the treaty. The reality is if someone has made a substantial investment relying on our current law, we have a right under the treaty, in specific terms, to do this.

Mr. President, there are two editorials at this point I would like to enter into the RECORD because they make the point very well. One is by the Des Moines Register and the other is by the Washington Post. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Nov. 27, 1995]

A COSTLY OVERSIGHT—FINE PRINT IN GATT LAW COULD COST ZANTAC USERS MILLIONS

The nation's prescription drug makers are at war again, with a $1 billion-plus purse going to the winner. If the brand-name drug manufacturers win, the losers will include the millions of Americans who suffer from ulcers or heartburn, and take the drug Zantac regularly to combat the problem. It's going to cost each of them about $1,600.

Zantac is made by Glaxo Wellcome, the biggest in the business.

Here's what started the current war:

When a new prescription drug hits the market, generic drug manufacturers await the patent expiration so they can enter the market with the same drug. They offer it for sale without the brand name, usually at a fraction of the brand-name price.

The new international GATT treaty signed by the United States and 122 other countries sets the life of a patent at 20 years from the date of application. Former U.S. law provided patent protection for pharmaceuticals for 17 years from the date of approval. Because the difference could have a significant impact on the number of years a firm could market its patented drug without competition, Congress made special provisions for drugs under patent at the time GATT was approved last summer.

But when the legal beagles got done reading all the fine print, it turned out that Zantac was granted a 19-month extension of its patent life—and it is such a hugely popular drug that that translates into a multi-million-dollar windfall.

Generic drug makers call the windfall a congressional oversight, and estimate the difference is worth $2.2 billion to Glaxo, because the generics can't enter the market for 19 more months. Glaxo counters that Congress made no mistake, that the extension was part of the compromise with generics. It won't wash. Nothing in the GATT treaty was intended to further enrich the happy handful of brand-name drug makers who hold lucrative patents—or to penalize the users of the drugs.

A month's supply of Zantac ordinarily sells for around $115; the generic price—meaning the same drug without the Zantac label—would be around $35, the generic makers contend. Unless Congress changes the wording of the law regarding transition to GATT provisions, Zantac users will pay the difference for 19 months longer.

Some generic drug manufacturers had already spent a bundle preparing to enter the market before the GATT treaty took effect. They lose. So do taxpayers, who pay for Medicaid prescriptions. The Generic Drug Equity Coalition estimates that the higher cost of Zantac and some other drugs affected by the mistake (such as Capoten, for high blood pressure) will cost Iowa Medicaid $3.5 million. Further, say the generic drug makers, it will tack another $1.2 million onto the cost of health-insurance premiums for Iowa state employees.

Glaxo's political-action committee has doubled its contributions to Congress in recent months. Glaxo wants the mistake to stay in the law. Generic drug manufacturers want it out.

So should ulcer sufferers. So should taxpayers. So should Congress.

[From the Washington Post, Dec. 4, 1995]

THE ZANTAC WINDFALL

All for lack of a technical conforming clause in a trade bill, full patent protection for a drug called Zantac will run 19 months beyond its original expiration date. Zantac, used to treat ulcers, is the world's most widely prescribed drug, and its sales in this country run to more than $2 billion a year. The patent extension postpones the date at which generic products can begin to compete with it and pull the price down. That provides a great windfall to Zantac's maker, Glaxo Wellcome Inc.

It's a case study in legislation and high-powered lobbying. When Congress enacted the big Uruguay Round trade bill a year ago, it changed the terms of American patents to a new worldwide standard. The effect was to lengthen existing patents, usually by a year or two. But Congress had heard from companies that were counting on the expiration of competitors' patents. It responded by writing into the trade bill a transitional provision. Any company that had already invested in facilities to manufacture a knock-off, it said, could pay a royalty to the patent-holder and go into production on the patent's original expiration date.

But Congress neglected to add a clause amending a crucial paragraph in the drug laws. The result is that the transitional clause now applies to every industry but drugs. That set off a huge lobbying and public relations war with the generic manufacturers enlisting the support of consumers' organizations and Glaxo Wellcome invoking the sacred inviolability of an American patent.

Mickey Kantor, the president's trade representative, who managed the trade bill for the administration, says that the omission was an error, pure and simple. But it has created a rich benefit for one company in particular. A small band of senators led by David Pryor (D-Ark.) has been trying to right this by enacting the missing clause, but so far it hasn't got far. Glaxo Wellcome and the other defenders of drug patents are winning. Other drugs are also involved, incidentally, although Zantac is by far the most important in financial terms.

Drug prices are a particularly sensitive area of health economics because Medicare does not, in most cases, cover drugs. The money spent on Zantac is only a small fraction of the $80 billion a year that Americans spend on all prescription drugs. Especially for the elderly, the cost of drugs can be a terrifying burden. That makes it doubly difficult to understand why the Senate refuses to do anything about a windfall that, as far as the administration is concerned, is based on nothing more than an error of omission.

Mr. BROWN. Mr. President, let me simply conclude this way. If you are concerned about the taxpayers, you ought to like the Pryor amendment because the CBO says it brings us in $150 million, or saves it. If you are concerned about the consumers of this country, you ought to be in favor of the Pryor amendment because it is going to save them $6 billion, if you believe some estimates, or a little less if you believe my estimate.

If you are concerned about fairness, you ought to be in favor of the Pryor amendment because people have invested money in plant and process and production capability to comply with our laws and they are simply out by this windfall.

Last, Mr. President, if you are concerned about the integrity of our protection of intellectual property, you ought to be for the Pryor amendment because this is precisely and exactly what the treaty anticipated.

I yield the floor.

Mr. BRYAN. Mr. President, I have come to the Senate floor a number of times to talk about prescription drug pricing, and to support Senator PRYOR's efforts to control the costs of drugs. Today I am pleased to cosponsor Senator PRYOR's amendment to correct the GATT treaty loophole that creates a windfall profit for certain prescription drug companies.

The GATT treaty, voted on by Congress, included two important provisions that affected every product, company, and industry in the country. One, provided that all patents would be extended from 17 to 20 years; an additional 3 years of protection. Two, provided that a generic company, in any industry, would be permitted to go to the marketplace and compete on the 17-year expiration date, if the generic company had made a substantial investment, and was willing to pay a royalty.

An unintended loophole was created, however, when the prescription drug industry was accidently excluded from the generic competition provision. The loophole means that prescription drug companies have a 3 year longer patent period, without any competition during that time extension from generic companies. This loophole has created a multimillion dollar windfall for certain drug companies that must be corrected.

Seniors use prescription drugs more than any other age group. For them, this loophole means they will pay higher drug prices for 3 years because of a mistake. Without the ability of generic drug companies to compete, drug prices will remain artificially high during that 3-year period. There is no reason why seniors should suffer because of an unintended mistake that can be corrected today.

What drugs are involved here? More than 100 drugs would be protected from generic drug competition. The world's best-selling ulcer drug, Zantac, would cost twice as much as it should because of the loophole. The hypertension drug, Capoten, will cost 40 percent more than it should because of the loophole. Additionally such drugs as Mevacor for lowering cholesterol, Prilosec for ulcers, and Diflucan, an antifungal agent are affected.

This loophole will also affect the drug prices paid by the Medicaid Program. Medicaid already faces deep cuts in its funding. If this loophole is not corrected, Medicaid will be forced to pay higher drug prices during the 3-year period, further straining its ability to provide medical care for the most vulnerable in our country.

Veterans will also suffer as the Veterans Affairs Administration will be forced to pay higher drug prices. People using public health services will also be affected. The bottom line is that taxpayers will pay more for the drugs used by these programs than they should, because competitive generic alternatives will not be available.

There is no reason to allow some prescription drug companies an unintended windfall profit to the detriment of all Americans who depend on drugs for their continued health. Seniors, veterans, and the most vulnerable in our country particularly deserve our protection from unnecessarily high drug prices. I hope my colleagues will see this loophole for the mistake it is, and support this amendment to correct it.

Ms. MOSELEY-BRAUN. Mr. President, I would like to take this opportunity to express my support for the Dodd-DeWine amendment. This amendment would require the Judiciary Committee to hold hearings on the GATT patent extension provisions. The GATT issue is a complex one and requires full disclosure. The Pryor amendment has no place on the partial birth abortion bill. Hearings are appropriate and, in my opinion, critical to ensure that the members of this body fully understand the issue and the implications of any action to modify the GATT agreement.

The Pryor amendment would modify the current General Agreement on Tariffs and Trade [GATT] as it applies to patent protections for pharmaceutical products. This amendment, which was voted down in the Finance Committee, has been portrayed as a technical correction to the General Agreement on Tariffs and Trade [GATT] agreement. It is not. This amendment opens up an international agreement on trade to resolve a domestic intra-industry dispute. It is shortsighted, counterproductive and will impede the availability of life saving drugs and therapies for all of us.

Before, I discuss substantively the issue at hand, I would like to state unequivocally that I firmly believe that all persons who are sick should have access to affordable, comprehensive health care services. In 1992, I campaigned on the issue of health care reform and I remain firmly committed to that goal. My views on the GATT patent extension issue are in no way inconsistent with my support for reform. In fact, I believe present attempts to undo and reopen GATT could have an adverse impact on the development of state of the art medicines and treatments, which in turn deny all of us the benefit of advances in medical science.

At question, is a provision, in the newly adopted agreement, that provides additional patent protection to pharmaceutical products. GATT provides 20 year patent protection to all products and industries covered by the agreement—there are over 1 million patent holders in the United States who will receive extended patent protection. This change, which extends U.S. patent protection from the current 17 years from the date the patent is granted to 20 years from the date of filing, conforms U.S. patent law to the international standards agreed to under GATT. The agreement, including the patent provisions, was overwhelmingly approved by Congress last November. The Pryor amendment would repeal the patent extension provisions as they apply to pharmaceutical products. Some of my colleagues believe this amendment is needed because they believe the patent extension provisions were a mistake and that an inadvertent windfall to a handful of pharmaceutical companies was created. I do not believe this assertion is fair or accurate.

The GATT law was very clear. The implementing legislation provided that, in certain circumstances, individuals or organizations that had relied on the shorter expiration term could use the patented technology during the extension period, although they must pay a royalty to the patent holder to do so. Section 102 of the GATT, however, states that "Nothing in this Act shall be construed . . . to amend or modify any law of the United States . . . unless specifically provided for in this Act." GATT changed many areas of patent law, but it did not change current Federal law that prohibits the FDA from granting approval for the manufacture of generic drugs until the patent term on the original product has expired. On May 25, the FDA ruled that nothing in the GATT explicitly overrules this provision and on November 1, the court of appeals for the Federal circuit also upheld the patent extension provisions in GATT.

The actions by the FDA and the Federal circuit court of appeals underscore the purpose of the GATT treaty which is to make trade laws more uniform and consistent. Uniformity is needed to prevent countries from passing laws that are favorable to their own domestic companies; 110 countries worked for over 7 years to complete negotiations on GATT. The intellectual property issues were among the most contentious. The essential goal of patent protections are to allow companies and individuals to invest freely and securely in the development of important and needed products. If companies are provided exclusive protection over an innovation, they are more likely to invest the necessary resources into developing a safe and effective product. This kind of market stability and security are vital with respect to pharmaceutical products, which require enormous R & D resources. Achieving better protection of intellectual property was a major victory for the United States as U.S. manufactured products, trademarks, and services are increasingly counterfeited abroad. The agreement is final and cannot be renegotiated without putting these hard fought, and hard won, protections at risk.

The patent language in GATT gives the United States greater assurance that innovations that originate here will not be pirated by foreign firms. The benefits of the provisions cannot be overstated. First, it will provide American companies the economic and intellectual security needed to develop safe and effective new products; second, it will ensure stability in the U.S. pharmaceutical market. This will not only stabilize the U.S. market, but also protect U.S. jobs. Third, it will ensure research and investment by U.S. companies on products that are needed to treat fatal disease. To change this international agreement now, because of an intra-industry dispute, invites retaliation from other countries eager to undo our gains.

One of my main concerns is that if the United States is seen as hesitant about implementing this part of the new GATT, a number of countries that have been reluctant to prevent their firms from pirating United States products would have the excuse they need to go slow in implementing the agreement, or to avoid implementing it at all. That would result in the destabilization of the U.S. market, a loss of U.S. exports and U.S. jobs. I have a letter here, that I would like to place in the RECORD from Sir Leon Brittan, Vice President of the European Commission, that comments on proposed changes to the patent extension provisions in GATT. Brittan states that "this threat causes serious concern to the European research-based pharmaceutical industry and to the Commission, and it seems to be in contradiction with the long-standing U.S. policy of providing strong protection for research-based, intellectual property right both home and abroad." Brittan also notes that changes to the GATT law in the area of patent extension will set back hard-won improvements in universally agreed upon patent protections.

Finally, I would like to return to my first concern—consumer interest. On average it takes 12 years and $360 million to bring a new drug to market. Research-based, pharmaceutical firms spend nearly $18 billion annually on research and development. This emphasis on R&D has produced treatments not only for common conditions and ailments, but also for life-threatening diseases. The United States invests more than any other nation on research. I have received numerous letters from patient groups that are very concerned that modifications to GATT will adversely impact research and development, particularly on orphan diseases for which there is little or no ability to recoup the up-front, financial investment. At the close of my statement I will insert several of these letters for the RECORD. We must continue to increase our investment if we are to discover cures and effective treatments for diseases that continue to plague millions of Americans like AIDS, Alzheimers, Parkinson's disease, and cancer.

Some have maintained that repealing the patent-extension provisions, as they apply to pharmaceutical products, is appropriate, because it would make available cheaper versions of a limited number of name-brand drugs a few months earlier than they would otherwise be available. I believe there is a more compelling issue regarding the balance of trade and the larger consumer interest. Increased patent protection ensures that research and development will continue in, not only, the medical field, but also in all areas of innovation. This country leads the world in research and innovation; it contributes to the public good both here and abroad, and every American benefits from our leadership. Changes to the GATT agreement that seek to repeal patent extensions for only one class of innovations are, in my opinion, shortsighted. Such changes will decrease private sector revenues for research and development, compromise U.S. leadership on intellectual property protection, and adversely impact the competitiveness of U.S. companies in relation to their foreign counterparts.

The competitiveness of U.S. industries is of great concern to me since I became a Member of this body 3 years ago. This is because of the inextricable linkage between competitive industries and the growth and maintenance of U.S. jobs. This is why I supported legislation such as NAFTA, GATT, product liability reform. I have given careful consideration to all of the these issues. I am convinced that these measures will increase the ability of U.S. industries to compete and lead to a more viable job market. The patent-extension issue is a complex one, and I believe, any action by Congress to modify the GATT agreement should only be undertaken after a thoughtful and thorough review of the long-term implications of such action. It is for these reasons that I must oppose the Pryor amendment.

I ask unanimous consent that the letters referred to earlier be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED PATIENTS' ASSOCIATION
FOR PULMONARY HYPERTENSION, INC.,
Speedway, IN.

Hon. CAROL MOSELEY-BRAUN,
Hart Senate Office Building,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: I'm writing to you on behalf of 400-500 Americans who suffer from a very rare and very deadly disease known as Primary Pulmonary Hypertension (PPH). Until recently, the best hope for long-term survival from PPH was through a lung or heart/lung transplant. However, today, thanks to research which dates back to the 1970's, a new drug was recently approved to treat PPH which not only is extending these patients' lives but is allowing them to live full, active and productive lives.

I have learned that some generic companies are now trying to change the law so that they can gain financially by bringing their products to market before the patents on the pioneering companies' products expire. I can attest to the value that research-based companies bring to patients as a result of strong patent protection, and I urge you to oppose these efforts.

While I appreciate the cost savings that generic drugs can offer in the short term, I also know that innovative new therapies for complex, life-threatening diseases will come only from research-based pharmaceutical companies. When it comes to serving patients suffering from deadly orphan diseases like PPH, it is the research-based companies that give us hope.

Glaxo Wellcome recently received approval to market the first medicine that will significantly extend the life, greatly improve the quality of life, and help avoid complex, risky surgery for people suffering from PPH. I know of no generic drug company that would commit the millions of dollars or many, many years of research to discover or develop such a medicine, and it is unlikely that they will ever produce a generic version for a patient population so small. There are many other similar patient populations who depend on the research-based companies to bring these new medicines to market.

The purpose of the General Agreement on Tariffs and Trade (GATT) was to strengthen intellectual property law around the world and bring U.S. intellectual property law into compliance with other industrialized countries. If the GATT resulted in longer patent protection for a few medicines—all of which already face competition from other therapies—that in my view is a benefit for our society.

Our patients have experienced the direct benefits of the tremendous investments that the pharmaceutical industry has made in research and development. Research-based companies need and deserve the incentives provided by strong intellectual property protection. Please do nothing to weaken them.

Sincerely,

JUDITH SIMPSON,
R.N., Ed. S., President, UPAPH.

FIBROSIS FOUNDATION,
Bethesda, MD, November 8, 1995.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: I understand Senators Pryor and Chafee are attempting to amend the Hatch-Waxman Act to eliminate extensions for existing pharmaceutical patents granted by GATT. I urge you not to vote for that amendment, but instead to protect existing legislation that preserves incentives for research and development.

As President and Chief Executive Officer of the Cystic Fibrosis Foundation, I have personally witnessed the great suffering endured by patients and their families in their fight against cystic fibrosis (CF). There are 30,000 young individuals in this country with CF, a fatal genetic disease; more than 900 live in Illinois. I have also witnessed how, for many patients, modern medicines have brought hope, relief from suffering, and even a return to health—a miracle made possible by biomedical research.

By rewarding ingenuity and encouraging innovation, patent protection makes possible the investment of hundreds of millions of dollars and years of time and effort in medical research, all the while with no guarantee of success. Because of the discoveries born of these investments, the patients we come in contact with every day benefit through saved lives and improved quality of life. Our health care system benefits from a reduction in the overall cost of care.

While we certainly support patient access to lower cost treatments for disease, that short-term benefit pales if it comes at the long-term expense of finding cures to life-threatening illnesses. The current law governing pharmaceutical patents is fair and in the long-term best interest of patients.

On behalf of those patients who still await a cure or effective treatment to alleviate their suffering, I again urge you not to undercut the patent protection that underlies America's best hope for new and better answers to disease.

Sincerely,

ROBERT J. BEALL,
President and Chief Executive Officer.

NATIONAL KIDNEY ASSOCIATION,
Evanston, IL, November 22, 1995.

Hon. CAROL MOSELEY-BRAUN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: I am writing you as both a constituent, and as the President of the National Kidney Cancer Association. Thank you for your recent vote in support of the enforcement of the General Agreement on Tariffs and Trade (GATT) provision regarding drug patents.

Your action will allow significant pharmaceutical research to continue on numerous diseases, including kidney cancer. As you may be aware, kidney cancer afflicts thousands of individuals each year and at the present time, no cure exists for this disease.

Our greatest hope for a cure is innovative pharmaceutical and biotechnology products, derived from private sector efforts. To find this cure, millions of dollars will have to be spent. It is imperative that Congress provide steadfast support for scientific discovery and strong patent protection for new drugs and therapies. My view is that this new GATT law will encourage further investment in research and development, and make new medicines possible. This new law gives hope to millions around the world, including kidney cancer patients, who currently have no options.

I applaud your courage in opposing efforts to weaken the GATT patent provisions. Keep up the important battle to support research and development of new drugs. Thank you for your determination and insightful leadership.

Sincerely,

EUGENE P. SCHONFELD,
President and Chief Executive Officer.

THE NATIONAL ORGANIZATION ON
FETAL ALCOHOL SYNDROME,
Washington, DC, November 8, 1995.

Hon. CAROL MOSELEY-BRAUN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: It has come to my attention that, through an effort by Senator Pryor, Congress is considering changes to existing law that would chip away at patent protections in the United States, and possibly around the world. I ask you to reject that effort.

This nation has sought to protect and foster innovation since its very beginnings, primarily through our system of patent protections. Most recently, as a result of the General Agreements on Tariffs and Trade, the U.S. changed its patent terms to bring them in line with international standards. Yet Congress is now considering weakening that agreement.

As a member of the National Organization on Fetal Alcohol Syndrome, I find that possibility very disturbing. Patients afflicted with disease book to biomedical research, especially research taking place in America's pharmaceutical industry, for new and better treatments to restore them to health. But this country's huge investments in research and development cannot be maintained without the assurance of strong patent protection, not only in the U.S., but also in other markets around the world.

If Congress begins chipping away at patent protection in the U.S., it begins chipping away at the foundations of a system that has made this country Number One in the world in the discovery of new medicines. It also begins to undermine patent protection standards around the world. And it begins the process of deflating the hopes of millions of patients in this country who depend on medical research to find a cure.

Please, cast your vote in favor of innovation, and against any effort to undermine patent protection in this or any other country around the world.

Sincerely,

PATTI MUNTER,
President.

ALLIANCE FOR AGING RESEARCH
Washington, DC, November 9, 1995.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: It has come to my attention that, in connection with a proposal sponsored by Senator David Pryor, Congress is considering changes to existing patent law that would erode patent protection in the United States. I am pleased to see that you are opposed to that effort.

America has always sought to protect and foster innovation primarily through our system of patent protection and patent-term restoration. Recently in accordance with its multilateral obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights negotiated during the Uruguay Round of GATT, Congress amended the Patent Code to harmonize its provisions with international standards. As a result, patent terms for certain eligible products—in all industries—were extended. Under the Pryor proposal, however, Congress would weaken our implementation of GATT patent provisions.

As the Executive Director of the Alliance for Aging Research, I am concerned by any proposal that would have such as effect. Patent rights are the cornerstone of America's biomedical research enterprise. Patents provide a critical incentive for all companies, particularly pioneer pharmaceutical manufacturers, to conduct ground breaking biomedical research. Patients and their physicians depend upon access to the fruits of biomedical research—access which can only occur if there are adequate incentives for the research to be conducted in the first place. Congress cannot expect the private sector to continue making high-risk investments in research and development if there is no assurance of strong patient protection (and if there is no assurance that the United States will meet its multilateral obligations to provide such protection).

This is a particularly critical issue for the aging Americans represented by the Alliance. Clearly, the curtailment of biomedical R&D will lead to a downturn in the rate at which biomedical innovations will become available to the public. New incentives for research and innovation such as those provided by GATT must be maintained. Otherwise, Congress will erode the foundations of a system that has made America the leader in the discovery of new medicines.

I thank you for supporting innovation and research for new treatments that will benefit America's elderly.

Best regards,

DANIEL PERRY,
Executive Director.

GATT AND PRESCRIPTION DRUGS

Mr. LEAHY. Mr. President, I have worked for many years with Senator PRYOR on trying to keep prescription drugs affordable for Americans. High prices for prescription drugs force some elderly and low-income Vermonters to choose between buying food or fuel for heat and paying for their medication.

In this continuing effort, I am very pleased to join Senator PRYOR as a cosponsor of S. 1277, the Prescription Drug Equity Act of 1995. This bill corrects a loophole in the GATT Treaty that gives a handful of drug companies as much as a $6 billion windfall at the expense of seniors, the poor and all consumers. This bill would allow generic drug companies to sell some of the world's most frequently prescribed drugs at half the cost that they are available at today.

Here is an opportunity for the Congress to lower out-of-pocket health care costs. It is an opportunity that comes at a time when Congress is discussing multibillion dollar cuts in Medicare and Medicaid that will increase health care costs for seniors and low-income Americans.

Today, seniors who rely on Medicare for their health insurance do not receive assistance for the cost of prescription drugs. Even if a senior also has private health insurance, there is no guarantee that it will cover prescription drug bills. Seniors on fixed incomes depend on money saving generic drugs.

Seniors need the savings on prescription drugs now more than ever. So do the over 40 million Americans with no health insurance whatsoever.

Prescription drugs and the research devoted to developing new drugs are vital to meet the health care needs of many Americans. While the manufacturers that take risks and invest in the development of new drugs have a right to a return on their research investment, we must not allow prohibitive costs to jeopardize consumer access to these drugs. There must be a balance.

If the GATT loophole is closed, Medicaid will save $150 million over 5 years and consumers will save up to $2 billion. In my home State of Vermont alone, the savings in Medicaid are estimated to be almost $1 million. And, Vermont consumers are expected to save as much as $6.8 million in prescription drug costs.

Opponents of the Pryor legislation argue that it will prevent drug companies from conducting research and development on new drugs. Under the Pryor legislation, however, these companies still would have had more than the full 17 year protection they expected to have when they introduced their products, to gain a return on their research investment. In addition, drug companies will continue to receive royalties from the generic companies who market competing prescription drug products.

Drug firms pocket almost $6 million each day that the GATT loophole is in effect. These companies will go to no end to protect their windfall. They have launched a multimillion dollar effort to lobby Congress. They even went as far as misrepresenting a statement by former Surgeon General, C. Everett Koop, by portraying him as a strong supporter of their billion dollar windfall.

We in Congress have a responsibility to protect consumers against these drug company giants. I urge my colleagues to support the Prescription Drug Equity Act of 1995 and pass this legislation as soon as possible.

Mr. GRASSLEY. Mr. President, I would like to say a few words about the amendment offered by my colleague, for though it is well intentioned, it does have important potential adverse effects on our international trade agreements.

This legislation would deny innovator pharmaceutical products the full statutory term of patent protection that was provided under GATT and the Uruguay Round Agreements Act [URAA]. There is a requirement in the GATT Intellectual Property Agreement [TRIPS], found in article 70:2, that WTO members provide TRIPS level patent protection for existing subject matter on the date of application of the agreement for the country in question. This requirement will greatly benefit U.S. industries across a broad range of intellectual property elements; not just those industries concerned about pharmaceutical patents. It is in the U.S. interest that countries with weak patent protection provide the shortest possible transition periods. This is the clear objective of the TRIPS agreement and, in particular, article 70:2.

To meet this key objective of the TRIPS agreement, I believe the FDA interpretation of the Hatch/Waxman Act must prevail. Article 70:2 was specifically inserted in the TRIPS agreement to prevent WTO members from delaying the application of the stronger protection found in the TRIPS agreement to existing patents, most of which we can safely say will be held by U.S. rightholders.

I strongly believe that U.S. commercial interests in WTO countries that currently provide weak protection will be dealt a severe blow should this amendment pass. We need look no further than Argentina, whose patent protection laws are bad and getting worse, as an example of what might happen if the United States pursues a policy that minimizes GATT mandated improvements in patent rights. And there are other countries whose patent regimes offer no protection to the makers of patented pharmaceutical products, costing billions of dollars that would otherwise go into research for new breakthrough drugs.

I should also point out that the courts have had a chance to render judgment on this issue, and they have upheld the current interpretation of the Hatch-Waxman Act that this amendment would overturn. So I urge my colleagues to vote against this amendment and for the motion to send this to the Judiciary Committee.

Mr. BYRD. Mr. President, the Pryor amendment would correct an unintended loophole created in the legislation implementing the General Agreement on Tariffs and Trade [GATT]. This loophole will cost consumers billions and give a windfall profit to certain drug companies. Congress must take the responsible course of action and correct its mistake by passing the Pryor amendment. Omissions and errors are more likely to happen when large, complex bills are taken up under limited time constraints. Such is the case with GATT, which was considered under fast track procedure and was rushed through Congress. I believe this is an ill-advised way to conduct Senate business. It is the responsibility of the Congress to correct its unintended oversights and omissions.

How did this loophole come about? When Congress enacted the Uruguay Round Agreements Act [URAA], the legislation implementing the General Agreement on Tariffs and Trade [GATT], which I opposed, it extended all patent terms from 17 years from date of approval to 20 years from the filing date. In addition, the legislation allowed generic companies to market their products as of the 17 year expiration date if they had made a substantial investment and would pay a royalty to the patent holder. The carefully constructed transition rules were meant to apply to all industries. However, because conforming language to the Federal Food, Drug, and Cosmetic Act was inadvertently omitted, this provision does not apply to the generic pharmaceutical industry. The drug industry is the only industry that is shielded from generic competition under GATT during the extended patent term.

The U.S. negotiators have indicated that it was not their intent to exclude the pharmaceutical industry from this provision, and that the omission of the conforming language was an oversight. According to U.S. Trade Representative Mickey Kantor in a letter to Senator CHAFEE,

> This provision—the transition rules—was written neutrally because it was intended to apply to all types of patentable subject matter, including pharmaceutical products. Conforming amendments should have been made to the Federal Food, Drug, and Cosmetic Act and Section 271 of the Patent Act, but were inadvertently overlooked.

This oversight means consumers will pay more for their drugs than would otherwise have been the case. If generic drug companies cannot bring their versions of drugs to market under the transition rules, consumers will be forced to pay more for their prescriptions. Nationwide, it is estimated this may cost consumers $2.5 billion. West Virginians and the West Virginia State government will pay an additional $43 million in drug costs. Those who will likely be impacted greatly by this Congressional oversight are senior citizens. Although seniors comprise 12 percent of the population, they use one third of prescription drugs. At the same time, seniors live on fixed incomes and oftentimes experience difficulty in affording their prescriptions. it is outrageous that Congress would worsen their situation by failing to enact legislation to correct this Congressional oversight.

Mr. President, this situation can easily be remedied by adopting the Pryor amendment. I urge my colleagues to support the Pryor amendment, and I would like to be added as a cosponsor of this amendment.

Mr. PELL. Mr. President, today the Senate considered an amendment authored by my friends and colleagues, Senators PRYOR and CHAFEE meant to clarify confusion that has resulted from the implementing legislation Congress wrote following approval of the GATT Treaty last year. Specifically, the issue involves when the patent terms on domestic pharmaceutical products expire and when generic companies can begin to market copies of those products to the general public.

Since this issue has been brought to public attention, many contradictory charges have been levelled which have served to create a sense of confusion over whether or not certain entities are receiving unfair advantage over the other. Unclear are such issues as: What was the intent of our GATT negotiators, and did this intent change as the negotiations went on? What was the intent of Congress on this matter or, as the Federal courts have found, was there no intent expressed at all? How do our trading partners feel about our addressing this issue now, long after we approved the implementing legislation approving GATT? Who benefits and is that benefit justified or fair?

The answers to these questions are not clear at present. And given the enormous stakes on both sides, I find that reaching a satisfactory conclusion difficult given the incomplete record. Moreover, this is not an abstract policy issue for me as a Senator from the State of Rhode Island, where Glaxo-Wellcome, one of the pharmaceutical companies with much at stake here, has a manufacturing facility. Prior to making a decision that could affect so many Rhode Islanders, I feel that a clear airing of the ramifications of this proposal is required. Given the assurances that these hearings will occur within 120 days, I feel confident that this issue will be addressed and when it does, we will have an adequate record on which to base our decisions.

I do wish to note that by supporting the effort to refer this to the Judiciary Committee for hearings, I am not stating my opposition to the proposal per se. I will wait to come to the conclusion once the hearings have been completed and when the full weight of the proposal is more clear.

Mr. COHEN. Mr. President, I rise to support the Pryor generic drug amendment which will correct an oversight in the General Agreement on Tariffs and Trade [GATT] implementing legislation that has unintentionally postponed the date at which certain generic prescription drugs can enter the market. While this delay only affects a handful of drug products, consumers who take these drugs are paying a big price for this technical mistake.

This amendment would clarify the intent of transition rules in the trade bill allowing manufacturers who had made substantial investment in product development, based on pre-GATT patent expiration dates, to go to market as planned once they pay the patent-holder the required royalty. This correction is needed because certain provisions in the Hatch/Waxman Act, dealing with drug development, have had the unintended consequence of prohibiting generic companies from using the GATT transition rules. Pharmaceuticals are the only industry unable to use these rules.

Under GATT, new pharmaceuticals are given patent protection for the longer of 20 years from the filing date or 17 years from the patent issuance. Transition rules were enacted to provide fairness to all industries and parties—patentee and competitor—during transition to the new patent-term law. We must correct this rather technical error in the trade bill to ensure these rules are available to all industries.

Both Mickey Kantor, U.S. Trade Representative, and David Kessler, FDA Commissioner, agree with this interpretation and believe a legislative fix is needed to allow generic companies to go forward. This amendment is tightly constructed and would have no impact on other trade issues included in the GATT.

While I am aware that this amendment will dip into the profits of a few pioneer drug companies, I believe this error has already given them an unintended windfall. If left uncorrected, it is estimated that the delay of several generic medications could cost consumers and government health programs nearly $2 billion.

We have a responsibility to pass this amendment and help consumers gain access to more affordable medications. For millions of Americans, especially senior citizens, prescription drugs represent their largest out-of-pocket health expense. Many life-sustaining drugs are already out of their reach. We can not let the desire of a few drug companies to let this error go uncorrected place an even greater burden on consumers who struggle daily to pay for their prescription drugs.

Mr. SPECTER. Mr. President, I support the intent of Senator PRYOR to remedy what was apparently an unintended omission when the Senate ratified the implementing legislation for the General Agreement on Tariffs and Trade (GATT) in the 103d Congress. However, I remain concerned with ambiguities in the Pryor amendment with respect to the definition of substantial investment.

When the GATT implementing legislation was approved last year, it contained a provision harmonizing U.S. patent law with the rest of the world by changing patent terms to 20 years from the initial patent application rather than 17 years after granting of the patent. In order to be fair to existing patent holders, the legislation gave them the option of utilizing the longer of the pre-GATT and post-GATT patent terms.

However, because the legislation affected many generic manufacturers who had been preparing to go to market with competing products upon the expiration of the original patent term, Congress agreed to allow generic manufacturers who had already made a substantial investment in that product to utilize the original patent expiration date and commence marketing, upon paying of a royalty to the patentee.

Some have argued that the courts can interpret the definition of substantial investment, and consequently, there is no need for legislative guidance on that definition. I disagree. By retaining this legislative ambiguity, we are ceding the legislative role to the courts. We are also creating considerable costly litigation because of this ambiguity which should be made clear in the statute. These are resources which could be better devoted to developing new products and making them available to the public.

I have discussed with Senator PRYOR my willingness to work with him to correct this ambiguity and then accomplish his intended remedy.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I take a tremendous interest in this subject, in part because I chair the Judiciary Committee, which handles all patents, copyrights and trademark legislation and problems. Since the amendment would made changes in the patent code, the matter would come before the Judiciary Committee as it has in the past.

In addition, I want to point out that my colleague from Arkansas was mistaken when he said the Judiciary Committee has never handled anything regarding FDA matters. In fact, I think he said, if I am correct, that the Judiciary Committee never looked at the Food, Drug and Cosmetic Act.

Perhaps he was not aware that the 1962 Drug Amendments, which established the safety and efficacy standards for drugs reviewed by the FDA, were written in the Judiciary Committee.

This is a result of the Kefauver hearings, which led to adoption of new amendments providing the efficacy standards which are often heralded as the model standards for the world.

If there is any one thing you can point to at the FDA that protects human beings and makes sure that the medical products Americans use are safe and efficacious, it comes from work done by the Judiciary Committee. But that is not the point.

Before I go to the broader policy issue, which is much more important than I think my colleagues would acknowledge, let me just call their attention to other Judiciary Committee work on the GATT intellectual property provisions. I am referring to a joint hearing in the 103d Congress before the House Judiciary Subcommittee on Intellectual Property and Judicial Administration and the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks.

Pharmaceutical industry representatives, including those representing biotech organizations, and academic researchers appeared before these two combined committees.

I do not want to take too long on this, but let me just take a moment or two to read from this very important joint hearing transcript.

Representative William Hughes, who then was the chairman of the House Subcommittee said to Mr. Bruce Lehman, Commissioner of Patents and Trademarks:

> There have been some concerns raised particularly by the biotech industry, that grants of patents will be delayed because of unreasonable requests from the PTO for human trials which, as you well know, could take years for some biotechnology products to prove utility, a requirement of patentability. Is that a legitimate concern on their part?

PTO Commissioner Lehman said:

> Well, to the extent that that is a legitimate concern, Mr. Chairman, I think that is addressed in the Patents Term Restoration and Drug Price Competition Act that extends patent terms specifically to deal with regulatory delay. Perhaps that act should be adjusted if it is not addressing the concerns of industry.

By the way, the Drug Price Competition and Patent Term Restoration Act happens to be the bill that Representative HENRY WAXMAN and I wrote back in 1984, which is considered to be one of the finest pieces of consumer legislation in the last 30 years, if not in the entire history of the country.

I am very proud of that law.

It is one of the reasons why I am saying this is not a question of whether somebody is going to get a windfall profit or not.

This issue has very broad policy considerations. It is not just something that can be couched in terms of "gouging the consumers," because there are two sides of this issue.

The Drug Price Competition and Patent Term Restoration Act, the Hatch-Waxman bill, brought the two sides together.

I know it. It was negotiated in my office over a 2-week period, 18 hours a day. One reason I remember it so well is because I had a root canal during that time, and by the time we got near the end I threatened to kill everybody in the room if they did get together and get it done.

We finally did.

It was a tense time. It was a tough time. When we got it done, almost everybody agreed that this is one of the finest pieces of consumer legislation ever.

It has saved an average of $1 billion a year to consumers every year since its enactment in 1984, as we predicted it would.

So, naturally, I am concerned when I hear that that act is going to be amended in an unwise fashion.

If the USA, whose officials have asked heads of states all over the world to live up to these hard-won international intellectual property agreements, changes this major treaty right off the bat by reducing patent terms just because we think some companies may benefit, then all the intellectual property work we have done over all these years is going to go down the drain.

But let me talk again about the Hatch-Waxman bill.

There were two sides to it. There were those who were spending billions of critical dollars in research that is going to help bring down health care costs. These manufacturers are putting their money where their mouths are in order to find these breakthrough drugs that will reduce the costs of medicine over the long run and help to relieve some human misery.

But one of the problems these research-based companies face is that the FDA approval process has taken so long. The agency is supposed to approve drugs in 180 days, according to the statute.

That has not happened in fact. It has taken so long that the patent terms are eaten up by the delays.

So, there were those on the side of the research companies who said—and I was one of them—that what we must do is restore some of the patent term lost through unnecessary regulatory delays. The other side consisted of those representing the interests of the generic drug industry.

I understand that those who support the Pryor amendment do so because they are worried about consumer costs. What their arguments neglect however, are two simple questions:

What are consumers going to consume if we do not put money into research?

And what will consumers consume if there are not the incentives to produce the products they need?

The thing that has made the United States the greatest research country in the world is that we protect patents as a property right in the Constitution itself.

This, again, is another Judiciary Committee concern for those who do not seem to appreciate that point.

There are those on the consumer side who legitimately asked why it takes so long to get generic drugs approved after the innovator drugs come off patent. They suggested the availability of an abbreviated new drug application so they did not have to go through the whole safety and efficacy process.

It would have taken them 2 to 3 years to take a product like Zantac—which I mention since that product has been attacked here—and duplicate it so that they can reduce the price for the benefit of consumers.

So what did we do? We worked hard to enable those generic companies to be able to do what would be called infringement in any other industry.

As a consequence of this change, these generic manufacturing companies were able to borrow from the work of the research-based companies who are spending as much as half a billion dollars to produce one marketable drug, and produce a bioequivalent of a drug such as Zantac that becomes effective the day Zantac comes off the patent.

Or a better illustration might be Valium. When Valium's patent expired, the Hatch-Waxman bill provided that all kinds of generic companies were able to produce their version of Valium that very day, rather than be delayed the 2 or 3 years through the whole process again.

That is important, because what we did is bring both sides together to create the generic industry as we know it today. In fact, I am proud to have been called on occasion "the father of the generic drug industry."

So I have a tremendous interest in making sure that the generic industry is solid and producing lower-cost drugs.

But I also have a tremendous interest in seeing that research companies are given fair deals on their patents.

Now, when we came up with the Hatch-Waxman bill we knew there would be winners and losers.

Both sides knew this.

They were willing to make trade-offs in order to accomplish a greater goal.

We knew there were winners and losers with the Waxman-Hatch bill, and we also knew that when GATT was finalized there would be winners and losers.

Now, I think Dr. Koop's position has been misrepresented by the other side, some of whom do not think he understands what really went on. There seems to be some confusion about Dr. Koop, our former Surgeon General, who is probably the leading doctor in the history of this country.

I think Dr. Koop has a pretty good reputation in the field of public health. He was a most outstanding Surgeon General. I did not always agree with him, but I always respect his views.

Dr. Koop wrote a letter to clarify that those on the other side could not misrepresent his position any more.

That letter is printed in today's issue of Roll Call. It makes, I believe, an eloquent case against the Pryor amendment.

I will submit for my colleagues' consideration this letter to Morton Kondracke, Executive Editor of Roll Call, from Dr. C. Everett Koop, former Surgeon General of the United States. I ask unanimous consent that the full letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KOOP ON PHARMACEUTICALS

To the Editor:

In your Food & Drug Policy Briefing (Oct. 9), an article appeared concerning patent protection under the General Agreement on Tariffs and Trade. I am of the firm belief that any action on the part of the Senate to weaken the hard-fought patent protections of GATT would imperil the future of intellectual property rights and undermine the research activities of pioneering pharmaceutical companies.

The right to claim ideas as property allows innovators to invest their time and money bringing those ides to fruition. It is the basis of our patent system that allowed American ingenuity to prosper throughout the Industrial Age. Today, we are at the dawn of an Information Age and now, more than ever, the rights of intellectual property holders must be protected.

Consider the enormous investment in time, money, and brainpower required to bring a single new medicine to patients: 12 years and more than $350 million is the average investment. Only 20 percent of new compounds tested in a laboratory ever find their way onto pharmacy shelves. Only a third of those ever earns a return on the colossal investment made to discover it.

Though risky and expensive, this process works. The U.S. is the world leader in the development of innovative new medicines. Proceeds from the sales of these medicines support the work and research invested in new successful drugs, as well as the thousands of drugs that never make it out of the lab.

Patent protection makes that investment in research worthwhile—and possible. Recently, patent protection around the world was strengthened and harmonized by GATT, which required changes that equalized intellectual property protection in all participating countries. These changes are important to encourage the risky, expensive research necessary to provide new medicines to fulfill unmet medical needs.

Now, some generic drug companies are challenging GATT's advance in intellectual property protection. They are urging Congress to amend the 1984 Hatch-Waxman Act to give them an advantage under GATT that no other industry enjoys.

A key provision of the Hatch-Waxman Act gives generic drug companies a jump-start on marketing by allowing them to use a patented product for development and testing before the patent expires. This special exemption from patent law is not allowed for any other industry.

In return for these special benefits, the Hatch-Waxman Act requires generic drug companies to wait until the expiration of the research companies' patents before they can begin marketing their drugs. Now, the generic drug industry is asking Congress to give it a special exemption from that restriction as well.

In my opinion, that would be unwise. Treatment discovery has already slowed; we should reverse that process, not ensure it.

Generic drugs play an important role in helping lower the cost of medicines. But it is the pharmaceutical research industry that discovers and develops those medicines in the first place, investing billions of dollars in research and development that can span decades without any guarantee of success—an investment made possible by our system of patent protection.

Mr. HATCH. Preserve patent protection and you preserve the opportunity for the discovery of future cures and treatment for disease. Undercut that protection and you undercut America's hope for new and better answers to our health care needs.

It is for this reason that I must rise tonight in opposition to the amendment offered by Senators PRYOR, CHAFEE, and BROWN.

Whenever Senator PRYOR and I join in debate over pharmaceutical issues, I am sure some of our colleagues want to say, "Here we go again."

Well, here we go again.

Mr. President, I oppose this amendment because the current statutory framework, as interpreted by several recent court decisions, reflects sound policy and should not be disturbed.

I am glad we are having this debate today, as I welcome the opportunity to put the issue in better perspective.

This is a debate that cuts across party lines.

Reasonable people may disagree about the best course of action to take on this amendment, but it is still the same debate: Who is going to benefit, the research companies or the generic companies?

The generics have benefited greatly from what I have personally done for them, and so have the research companies.

But our overriding goal here must be to make sure we keep in place the incentives necessary for America to continue as the world leader in developing innovative medical technologies that can be delivered at competitive prices. The bottom line is that the Pryor amendment would undermine that goal.

At the end of this debate, I am hopeful that my colleagues will share my strong conviction that two relevant laws—the Drug Price Competition and Patent Term Restoration Act, sometimes known as Waxman-Hatch or Hatch-Waxman and the GATT Treaty—act together to advance important public health and trade policies.

I believe it is clear that the Senate must reject the Pryor amendment if we are to maintain that balance.

Let me summarize my three basic objections to this amendment:

First, many experts in international trade believe that the adoption of this amendment would send precisely the wrong signal to our trading partners, some of whom have had notorious track records of being patent-unfriendly.

A major gain we made with GATT was to win international harmonization with a 2-year patent term. Adoption of the Pryor amendment could cause backsliding on the part of foreign countries required to implement and enforce their obligations under GATT. Let us not steal defeat from the jaws of victory.

Second, the Waxman-Hatch Act achieved a careful balance between the generic and innovator sectors of the pharmaceutical industry.

The proponents of the Pryor amendment urge that only one industry is singled out for different treatment under the GATT implementing legislation.

What is absent from that line of argument is the fact that only one industry, the generic drug industry, is permitted by current law to engage in activities that in any other industry would constitute patent infringement, as I have said before.

A recent Federal district court reviewed the relevant provisions of law and concluded, "This was no more a windfall to the * * * [pioneer firms] * * * than the windfall which benefited many patent holders when the seventeen year term of patents was extended to twenty years."

Third, if the Pryor amendment is adopted, it may run afoul of the takings clause of the fifth amendment to the Constitution. Patents are recognized and protected by American courts and by our Constitution as property.

By repealing patent extensions granted under the GATT legislation and reducing vested patent terms, the Pryor amendment could trigger the guarantee that affected property holders receive just compensation.

I ask unanimous consent that a copy of an October 24 "Dear Colleague" letter signed by a bipartisan group of 11 Senators, and a December 6 "Dear Colleague" letter discussing these issues be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 24, 1995.

DEAR COLLEAGUE: We are writing to indicate our bipartisan opposition to an amendment which may be offered during Senate consideration of S. 1357, the Balanced Budget Reconciliation Act of 1995. That amendment would deny U.S. innovator pharmaceutical manufacturers international patent protections provided under key provisions of the GATT implementing legislation.

The Uruguay Round Agreements Act (URAA) implemented the United States' obligations under GATT by providing that the term of any patent in force on June 8, 1995, be the greater of 20 years from the applicable filing date or 17 years from the date of grant. These critically-important patent provisions benefit all industries and all patent holders.

Nevertheless, a handful of generic drug companies have urged Congress to rewrite the law in effect to eliminate the 20-year term for certain prescription drug patents by allowing generic companies to sidestep existing statutory provisions under the Drug Price Competition and Patent Term Restoration Act of 1984 ("Hatch-Waxman") that preclude the generic from entering the market until the full term of the pioneer's patent has expired.

Repealing this provision of the URAA would: weaken the U.S. position in negotiating and enforcing strong international patent protection which was a major achievement of the GATT; have a chilling effect on biomedical research in the pharmaceutical industry; and be subject to legal challenge as an unconstitutional taking of property.

It is inappropriate to consider a change of this magnitude in the context of budget reconciliation. Both Hatch-Waxman and the Uruguay Round were hard-won compromises which were negotiated very carefully. The amendment has both trade and intellectual property implications, as well as substantial implications for food and drug law. Furthermore, this issue is now before the Federal courts in ongoing litigation and any action at this time would be premature.

For these reasons, as discussed in detail in the attachments, we urge you to oppose consideration of the GATT patent amendment during debate on budget reconciliation.

Sincerely,
Christopher J. Dodd; Orrin G. Hatch; Joseph I. Lieberman; Alfonse M. D'Amato; Charles E. Grassley; Lauch Faircloth; Mike DeWine; Carol Mosely-Braun; Ernest F. Hollings; Jesse Helms; Dan Coats.

THE GATT AMENDMENT WOULD UNDERMINE AMERICA'S TRADE POSITION

Intellectual property rights were addressed on a multilateral trade basis for the first time in the history of GATT during the Uruguay Round. As a result of hard-fought compromises, worldwide standards for protecting and enforcing intellectual property rights were established, and intellectual property protection was significantly improved.

The decision to tackle patent rights during the Uruguay Round, despite the reluctance of some developing countries, reflects the complexity of international trade and the international significance of patent rights.

As the principal source of inventive activity, the U.S. stands to gain substantially from the Agreement on Trade-Related Aspects of Intellectual Property (TRIPs) improvements in patent protection worldwide. In countries that previously provided limited patent protection, a minimum 20-year patent term must be granted immediately upon their acceptance of the TRIPs obligations. Enhanced patent protection overseas will have a significant impact on the commercial interests of the United States and the resulting economic gains and job creation in the United States will be considerable.

The Uruguay Round agreement was a landmark achievement, but the real test comes when countries implement their multilateral obligations under GATT. Since the U.S. insisted on the inclusion of enhanced patent protections in the Uruguay Round agreements and historically has been the leading international advocate for broadening patent rights, it is essential that the U.S. be a world leader on GATT implementation.

Enhanced patent protection will be diminished abroad if the United States itself violates the patent term embodied in TRIPs. It is almost certain that such an action would provide foreign-based pirates and patent infringers with potent ammunition in seeking to have their domestic governments devise measures that are inconsistent with TRIPs—thereby denying U.S. patent holders their rights secured by TRIPs.

A report just released by two American Enterprise Institute (AEI) analysts concludes that such "weaken[ing] [of] the patent system during this critical period of implementing the TRIPs agreement could well give developing countries a pretext for backing away from their GATT commitments to strengthen the protection of intellectual property." They point out several developing nations, including India, Singapore, and Thailand, which are already attempting "to dilute and evade" the patent protection commitments they accepted during the Uruguay Round.

It is clear that, in this patent-unfriendly context, the proposed amendment would be interpreted internationally as encouraging a minimalist's interpretation of GATT's improvements in patent protection. As the AEI analysts conclude, America's trading partners will construe the amendment as a green light to act inconsistently with GATT: "Thus, any signal that the United States itself is contemplating weakening its TRIPs obligations will undoubtedly be seized upon by these countries as a pretext to resist pressure to put in place strong intellectual property protections." Having redefined patent terms domestically in order to secure enhanced patent rights overseas, it would be imprudent for this Congress to send any such signal.

The international trade ramifications extend beyond questions of intellectual property protection. The positions advocated by proponents of this amendment "are likely to be turned against the United States in future trade negotiations," according to the AEI analysts. The AEI report concludes that arguments advanced in support of the amendment "will come to haunt U.S. negotiators" and "play rights into the hands of developing countries who still maintain and defend compulsory licensing."

For all of these reasons, the AEI analysts conclude that USTR Kantor's contention that the amendment would not undermine America's position in international trade negotiations "would seem to come under the heading of 'whistling in the wind.'"

Significantly, USTR Kantor's position has been strongly countered by his predecessors, former-Ambassadors Clayton Yeutter and Bill Brock. Ambassador Brock asserts that nations which in the past have denied American investors patent protection "will see this retreat on our part as a ready excuse to implement their own minimalist versions of intellectual property protection." Thus, Ambassador Brock concludes, we would be unable "to force other nations to adhere to the TRIPs agreement if we set this unfortunate precedent."

Similarly, the Emergency Committee for American Trade (ECAT) concludes, "A U.S. retreat from its own commitments to increased intellectual property protection for all patented products would be a destructive precedent that could lead to an unraveling of hard-won gains."

The European Community (EC) has expressed similar "serious concerns" about any such precedent. The Vice-President of the European Commission believes the amendment "would contradict our mutual aim of providing a reasonably high and secure protection for the huge investments made by EC and US research-based pharmaceutical companies" and "send a negative and highly visible signal to those numerous countries which are still in the process of preparing new legislation on the protection of pharmaceutical inventions."

As America's trading partners implement GATT, it is vital that the U.S. be in a position to demand that they adopt legislation consistent with the requirements embodied in the Uruguay Round agreements. In order to do so, we cannot be childed into adopting an ill-considered amendment that vitiates patent protection for American patent holders.

THE GATT PATENT AMENDMENT WILL CHILL R&D IN RESEARCH-INTENSIVE INDUSTRIES

Intellectual property rights are critical to all American industries and should not be lightly disregarded. They are particularly important to the pharmaceutical industry because they fuel the engine that drives the biomedical research enterprise and result in numerous therapeutic advances.

An amendment that eliminates the GATT patent benefits for pharmaceutical products would undermine a critically important incentive for research and development.

As with other research-incentive industries in the United States, the pioneer pharmaceutical industry has benefited significantly from America's patent system. Due to the high costs and significant risks associated with developing and marketing prescription drugs, patents have allowed pharmaceutical manufacturers to attract the risk capital necessary to develop and clinically test innovative new therapies.

The results of such ground breaking biomedical research flows directly to patients who have access to drugs for complex and life-threatening diseases which are developed only by pioneer pharmaceutical companies. We should continue to reward their ingenuity and encourage their innovation.

If Congress encourages a curtailment of biomedical R&D by limiting incentives, it inevitably will cause a downturn in the rate at which biomedical inventions will become available to the public. For this reason, an array of patient and research groups—including the American Association for Cancer Research, the Alliance for Aging Research, the Cystic Fibrosis Foundation, the Allergy and Asthma Network/Mothers of Asthmatics, and the Autism Society—oppose the amendment.

THE GATT PATENT AMENDMENT COULD EFFECT AN UNCONSTITUTIONAL TAKING OF PROPERTY

Legal analysis supports the view that the proposed GATT amendment "would clearly deprive the patent holders of their property rights. . . ." Patents have traditionally been recognized and protected by American courts as property.

Based upon existing precedents, it can be argued that any legislation affecting either the exclusive use of a product to which a patent holder is entitled, or the time during which the patent holder is entitled to that exclusive use, affects core elements of the property right represented by a patent.

By repealing patent extensions granted under the URAA, and reducing vested patent terms to which existing patent holders are currently entitled, this amendment could trigger the Fifth Amendment guarantee that the property holders receive just compensation.

In this era of fiscal constraints, and particularly in the context of the budget reconciliation debate, it would be ironic indeed for Congress to impose such financial obligations on an already-strained federal budget. We should carefully consider whether the amendment would have such an effect.

IT IS INAPPROPRIATE TO CONSIDER THE GATT PATENT AMENDMENT DURING RECONCILIATION

Regardless of one's views about its merits, it is clear that a GATT patent amendment would be inappropriate at this point.

The proposed amendment is not a technical amendment as it has been characterized by its proponents, who suggest they are simply trying to correct a "simple mistake in legislative drafting" that resulted in a "legal loophole" in the URAA. The facts are quite different.

The amendment would result in substantial changes in two statutes—the URAA and the 1984 Hatch-Waxman Act. The Hatch-Waxman Act represents a careful balance between the interests of innovator manufacturers and generic drug companies. It has worked well for over 10 years and should not be amended lightly. Even minor changes to Hatch-Waxman could have profound effects on all segments of the pharmaceutical industry.

Under Hatch-Waxman, generic drug companies are already given significant advantages. They are allowed to begin development of their generic drugs while the pioneer's patent remains in effect, and they can rely on the safety and efficacy data developed by the innovator. The proposed GATT amendment would negate a complementary provision in the Hatch-Waxman Act; that provision requires generic companies to respect the pioneer's full patent term, and thereby upset the balance codified in that statute.

The dramatic changes that would result from the proposed amendment would occur without the benefit of prior congressional consideration. The proposed amendment would have a direct and significant effect on patent rights, which fall squarely within the jurisdiction of the Judiciary Committee.

We should not rush to legislate in this area before all Committees of relevant jurisdiction have had a reasonable opportunity to hold hearings and give careful consideration to all of the proposed amendment's potential ramifications.

Finally, questions relating to implementation of the URAA are currently in litigation. One lawsuit addressing the precise issue covered by the proposed amendment has been expedited for consideration by the U.S. Court of Appeals for the Federal Circuit (CAFC). The CAFC heard arguments in that case just two weeks ago. An amendment on this issue would be premature at this time.

U.S. SENATE,
Washington, DC, December 6, 1995.

DEAR COLLEAGUE: We are writing to urge your opposition to the Pryor amendment to H.R. 1833, the partial birth abortion ban bill. This amendment would deny the benefits of GATT to U.S. innovator pharmaceutical companies.

The Pryor amendment is bad policy. It undermines the purposes of GATT, and it fundamentally upsets the delicate balance we forged in 1984 upon adoption of the Drug Price Competition and Patent Term Restoration Act ("Hatch-Waxman"). That Act was designed to ensure that innovator companies continue to have sufficient incentive to invest the billions of dollars necessary to produce new medicines while at the same time allowing generic companies a quick and inexpensive way to get their versions of the drugs on the market after the patent has expired.

The Hatch-Waxman Act also gave generic drug companies an advantage possessed by no other industry in either the United States or the industrialized world. It specifically repealed those provisions of patent and case law that forbade any testing, plant construction, or investment in something which is still under patent, thus enabling the generic industry to conduct its bioequivalency tests and even produce a drug before the patent expires. It is generally agreed that this reduces the effective life of a drug patent about three years. This is in addition to the fact that Hatch-Waxman allows generics to avoid the lengthy, multiyear approval process by using the safety and efficacy testing data of the innovator company. This is estimated to save the generics between $350 million and $500 million per drug.

We are enclosing a previous dear colleague letter which provides you with information on this subject, as well as a letter to the editor that will appear in tomorrow's Roll Call from Dr. C. Everett Koop, the former Surgeon General of the United States. We urge you to read this letter carefully as it eloquently and persuasively argues our case. We are also including a collection of statements from various patient groups who also oppose the Pryor amendment because these individuals know first-hand that intellectual property is the key to new discoveries which mean life or death for millions of people.

We urge you to join us in opposing the Pryor amendment.

Sincerely,

CHRISTOPHER J. DODD,
United States Senator.

ORRIN G. HATCH,
United States Senator.

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November 30, 1995.

Mr. MORTON KONDRACKE,
Executive Editor,
Roll Call, Washington, DC.

In your special supplement on the FDA (October 9, 1995), an article appeared concerning patent protection under the General Agreement on Tariffs and Trade (GATT). I am of the firm belief that any action on the part of the U.S. Senate to weaken the hard-fought patent protections of the GATT would imperil the future of intellectual property rights and undermine the research activities of pioneering pharmaceutical companies.

A little-known revolution has taken place in my lifetime. When I started practicing medicine, only a fraction of the drugs that we now take for granted existed. Over the years, I have witnessed great suffering endured by patients and their families that, just a few years later, could have been eased because of the advent of the latest "miracle drug." These breakthrough treatments have brought hope and, in many cases, renewed health to thousands of patients. They are the product of an increasingly important concept: the sanctity of intellectual property.

The right to claim ideas as property allows innovators to invest their time and money bringing those ideas to fruition. it is the basis of our patent system that allowed American ingenuity to prosper throughout the Industrial Age. Today, we are at the dawn of an Information Age and now, more than ever, the rights of intellectual property holders must be protected.

Consider the enormous investment in time, money, and brain power required to bring a single new medicine to patients: 12 years and more than $350 million is the average investment. Only 20% of new compounds tested in a laboratory ever find their way onto pharmacy shelves. Only a third of those ever earns a return on the colossal investment made to discover it.

Though risky and expensive, this process works. the U.S. is the world leader in the development of innovative new medicines. proceeds from the sales of these medicines support the work and research invested in new successful drugs, as well as the thousands of drugs that never make it out of the lab.

Patent protection makes that investment in research worthwhile—and possible. Recently, patent protection around the world was strengthened and harmonized by the GATT, which required changes that equalized intellectual property protection in all participating countries. These changes are important to encourage the risky, expensive research necessary to provide new medicines to fulfill unmet medical needs.

Now, some generic drug companies are challenging the GATT's advance in intellectual property protection. They are urging Congress to amend the 1984 Hatch-Waxman Act to give them an advantage under the GATT that no other industry enjoys.

A key provision of the Hatch-Waxman Act gives generic drug companies a jump start on marketing by allowing them to use a patented product for development and testing before the patent expires. This special exemption from patent law is not allowed for any other industry. For example, a television manufacturer who wants to market or use its own version of a patented component must wait until the patent expires; otherwise, it risks liability for patent infringement.

In return for these special benefits, the Hatch-Waxman Act requires generic drug companies to wait until the expiration of the research companies' patents before they can begin marketing their drugs. Now, the generic drug industry is asking Congress to give it a special exemption from that restriction as well.

In my opinion, that would be unwise. Treatment discovery has already slowed; we should reverse that process, not ensure it.

While the generic drug industry continues to prosper as a result of the benefits received in the 1984 Act, medical research has continued to become more complex, more costly, and more time consuming, further limiting the effective market life for patented products.

Generic drugs play an important role in helping lower the cost of medicines. But it is the pharmaceutical research industry that discovers and develops those medicines in the first place, investing billions of dollars in research and development that can span decades without any guarantee of success—an investment made possible by our system of patent protection. Preserve protection and you preserve the opportunity for the discovery of future cures and treatments for disease. undercut that protection, and you undercut America's hope for new and better answers to our health care needs.

Sincerely yours,

C. EVERETT KOOP, M.D.

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PATIENT ADVOCATES OPPOSE EFFORTS TO WEAKEN STRONG PATENT PROTECTION

"At a time when health care delivery, research and development are evolving faster than anyone can accurately monitor, Senator Pryor's efforts to lead Congress down a road that chips away at patent protections for U.S. pharmaceutical products will dig a health care grave for Americans."—Nancy Sander, President, Allergy and Asthma Network/Mothers of Asthmatics, Inc.

"Congress cannot expect the private sector to continue making high-risk investments in research and development if there is no assurance of strong patent protection . . ."—Daniel Perry, Executive Director, Alliance for Aging Research.

"The risk of supporting [Senator Pryor's] legislation would be to weaken the incentives for innovation in academia, research institutions, and medical research-based companies. We believe that this will impede our capacity to address the growing epidemic of cancer."—Joseph R. Bertino, M.D., President, American Association for Cancer Research, Inc.

"The ASTMH members have dedicated their lives to easing the suffering of patients under their care and returning them to health whenever possible. In this effort, modern medicines are among our most effective tools. Congress' steadfast support of strong patent protection has encouraged the investments in research and development that make these medicines possible."—Carole A. Long, Ph.D., President, American Society of Tropical Medicine and Hygiene.

"While we certainly support patient access to lower cost treatments for disease and disability rehabilitation, that short-term benefit pales if it comes at the long-term expense of finding cures to life-threatening illnesses."—Sandra H. Kownacki, President, Autism Society of America.

"Because of the discoveries born of these investments [in pharmaceutical research], the patients we come in contact with every day benefit through saved lives and improved quality of life."—Robert J. Beall, Ph.D., President and CEO, Cystic Fibrosis Foundation.

"Patients afflicted with disease look to biomedical research, especially research taking place in America's pharmaceutical industry, for new and better treatments to restore them to health."—Patti Munter, President, The National Organization on Fetal Alcohol Syndrome.

"Our patients have experienced the direct benefits of the tremendous investments that the pharmaceutical industry has made in research and development. Research-based companies need and deserve the incentives provided by strong intellectual property protection."—Judith Simpson, R.N., Ed.S., President, United Patients' Association for Pulmonary Hypertension, Inc.

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Mr. HATCH. As the "Dear Colleague" letters point out, what is at stake here is not just the patent status of a few drugs, but also our international trade posture and the complex set of incentives and regulations that govern our Nation's biomedical research and development network.

Let me turn to a more detailed explanation of my position.

As my colleagues are aware, the Uruguay Round Agreement Act—the URAA—is the statute that implements the GATT Treaty.

Some have said today that the GATT patent amendment merely corrects a simple oversight made in drafting the GATT implementation bill.

This is simply not true.

And wishing will not make it so.

Negotiations on the GATT Treaty were exceedingly detailed and complex. They took place over many years—in fact, across the terms of four American Presidents.

Given the ample opportunity for this issue to have arisen previously, it seems to me that those who argue we should adopt this after-the-fact technical correction amendment should face a heavy burden.

Their case is, and should be, severely undercut by the fact that the Congress made changes in the very sections of the relevant laws that we are now being told were not amended as a simple matter of oversight.

One of the chief benefits that the GATT Treaty can achieve for the American people is to increase international protection of intellectual property.

These important agreements are set forth in the Agreement on Trade-Related Aspects of Intellectual Property, the so-called TRIPS provisions. A key aspect of TRIPS was to require that all 123 GATT signatory countries adopt a minimum 20-year patent term, measured from the date that a patent application is filed.

Strengthening international recognition of intellectual property rights such as patents was one of the most important gains we made in the adoption of the GATT Treaty. These rights act to protect innovative American firms, which all to often have been the victims of unscrupulous behavior by foreign competitors who have expropriated American know-how.

Obviously, all World Trade Organization member countries must take seriously their obligations to respect intellectual property rights under the GATT Treaty and ensure that there will be no back sliding.

It is vital that America must also be perceived as honoring its obligation as a World Trade Organization member.

I recognize that Ambassador Kantor has been identified as one who is supportive of this type of Pryor amendment.

In a September 18 letter to Senator PRYOR, Mr. Kantor takes a view that the approach advocated by the Pryor amendment does not weaken the campaign for stronger patent protection abroad and reflects the intent of the drafters of the URAA. I disagree with him, and I disagree with Senator PRYOR on both scores.

First, I would like to point out that two former U.S. Trade Representatives, William Brock and Clayton Yeutter, have stated that the recently adopted GATT Treaty is a major improvement that benefits the American public.

They have explained that changing the implementing legislation now sends exactly the wrong message.

Mr. President, both of these international trade experts were active participants in the TRIPS negotiations during their respective stewardships at the U.S. Trade Representatives' Office as U.S. Trade Representatives.

As Mr. Yeutter wrote to the Finance Committee in September of this year:

> In the Uruguay Round, one of the principal objectives of the United States was to strengthen international protection of patents, trademarks, copyrights, trade secrets, and semiconductor lay-outs. The United States leads the world in ideas and innovation, particularly in cutting-edge technologies such as pharmaceuticals and biotechnology. Thus, . . . TRIPS . . . was a major breakthrough for the United States.

He goes on to say:

> In my view, adding further preferential exceptions to the Uruguay Round's 20-year minimum patent term, for the generic drug industry or anyone else, would set an unfortunate precedent and seriously undermine U.S. efforts to secure stronger International IPR disciplines. Many developing countries have long opposed effective patent protection for pharmaceuticals and agricultural chemicals in order to protect domestic industries engaged in illicitly copying American products.

As Mr. Yeutter clearly indicates, there are strong trade policy arguments for standing firmly behind this new 20-year rule. These concerns were also shared by another former U.S. Trade Representative, William Brock.

In a recent letter, Senator Brock explained the significance of the GATT intellectual property provisions:

> When I first proposed international agreements to extend intellectual property protection worldwide under the GATT, no one believed it could be done. Yet it was the crowning achievement of the recently successful Uruguay Round. . . Now I hear that some pending proposals could imperil the implementation of that agreement. I refer specifically to legislation recently introduced by David Pryor. . . .
>
> Proponents suggest that this legislation is only a "technical" correction to the . . . URAA . . . and neither weakens patent protection . . . nor diminishes the United States' ability to fight for stronger international patent protection. I disagree!

Senator Brock goes on to say as former Trade Representative:

> It will be difficult, if not impossible for the United States to force other nations to adhere to the TRIPS agreement if we set this unfortunate precedent.
>
> In sum, in exchange for the hope of short term savings, the PRYOR proposal could cost all U.S. firms and workers the enormous long term gains we worked so hard to achieve in the Uruguay Round. That is penny wise and pound foolish.

When the comments of these two former U.S. Trade Representatives are contrasted with the views of Mr. Kantor, and my friend from Arkansas, Senator PRYOR, it is clear that this is the type of issue upon which reasonable and honorable people may disagree.

I understand that the proponents of this amendment are motivated by good intentions, but I think they are on the wrong side of both the law and the policy on this issue.

In further support of my viewpoint I point out that Ambassador Kantor's counterpart at the European Commission finds the Pryor approach extremely troublesome. Now, if you know the British, when they say "extremely troublesome," that is about as strong a statement as they can make.

Sir Leon Brittan has informed the current U.S. Trade Representative:

> I am therefore concerned that the adoption of these proposals (or for that matter, any other bill which aims at achieving the same objectives) would send a negative and highly visible signal to those numerous countries which are still in the process of preparing new legislation on the protection of pharmaceutical innovation.

This information should dispel the myth that there are no important trade implications at stake in this debate.

It should dispel the myth that the Pryor amendment has no potential negative impact on our efforts to enhance international respect for intellectual property laws.

I ask unanimous consent that the remarks of Clayton Yeutter, Bill Brock, and Sir Leon Brittan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RIGHT HONOURABLE SIR LEON
BRITTAN, OC, VICE-PRESIDENT OF
THE EUROPEAN COMMISSION,
Brussels, Belgium, October 20, 1995.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: My attention has been drawn to draft legislation recently introduced in the United States Senate (S. 1191 and S. 1277), concerning the marketing of generic pharmaceutical products. As I understand it, the effect of these Bills would be to deprive the owner of a pharmaceutical patent of the full benefits of the patent term provided for in the TRIPs Agreement of the Uruguay Round.

This threat causes serious concern to the European research-based pharmaceutical industry and to the Commission, and seems to be in contradiction with the long-standing US policy of providing strong protection for research-based intellectual property rights, both at home and abroad.

The United States and the European Community combined their forces during the Uruguay Round on patent questions. We fought successfully together, for example, for the principle that existing subject matter should benefit fully from the reinforced standards included in the TRIPs Agreement. The unqualified adoption of these provisions by our trading partners, especially in the developing countries, is of great importance for American and European industry alike. Any deviation from these principles should therefore be treated with utmost care. This also applies to the use of the exceptions clause contained in Article 70(4) of the TRIPs Agreement. In my view, these proposals have several significant shortcomings, and the basic philosophy which they translate into legislative language would contradict our mutual aim of providing a reasonably high and secure protection for the huge investments made by EC and US research-based pharmaceutical companies.

I am therefore very much concerned with the potential impact of the adoption of such legislation on third counties. For several years both the US and the Community have made major efforts, jointly in the GATT but also in the context of our respective bilateral negotiations with third countries, to improve the protection of intellectual property rights. This effort has been successful, both in the GATT where the TRIPs Agreement has now been adopted as part of the Uruguay Round, but also in our relations with many third countries. This includes not only significant improvements with respect to the adoption of higher substantive standards for patent protection but also so-called pipeline protection for pharmaceutical and agrochemical product inventions. Nevertheless, there is still a long way to go before the TRIPs Agreement is implemented by our WTO partners, and we both have further objectives to pursue at the bilateral level in terms of improved protection of our intellectual property rights. I am therefore concerned that the adoption of these proposals (or, for that matter, any other bill which aims at achieving the same objective) would send a negative and highly visible signal to those numerous countries which are still in the process of preparing new legislation on the protection of pharmaceutical inventions.

I very much hope that you share my worries and the United States Administration will convey these concerns to the United States Congress.

Sincerely,

LEON.

HOGAN & HARTSON L.L.P.,
Washington, DC, September 26, 1995.

Re amendment to shorten pharmaceutical patent terms under Uruguay Round Agreements Act.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing at the request of Glaxo-Wellcome, Inc. to offer my views on the application of the Uruguay Round Agreements Act ("URAA") to certain pharmaceutical patents. As I understand it, an amendment may be offered by Senator Pryor in the Finance Committee to extend the transition rules of Section 532(a)(1) of the URAA to generic drug manufacturers that already receive preferential treatment under the Hatch-Waxman Act. The Pryor Amendment (S. 1191) would in effect shorten the terms of these patents in order to safeguard the activities of generic drug manufacturers that would otherwise be deemed to be infringing under U.S. law.

In the Uruguay Round, one of the principal objectives of the United States was to strengthen international protection of patents, trademarks, copyrights, trade secrets, and semiconductor lay-outs. As you will recall, we fought long and hard even to get this issue on the Uruguay Round agenda. The United States leads the world in ideas and innovation, particularly in cutting-edge technologies such as pharmaceuticals and biotechnology. Thus, the Agreement on Trade-Related Intellectual Property Rights ("TRIPS"), which established effective legal protection for patents (including a minimum 20 year patent term), was a major breakthrough for the United States.

In my view, adding further preferential exceptions to the Uruguay Round's 20 year minimum patent term, for the generic drug industry or anyone else, would set an unfortunate precedent and seriously undermine U.S. efforts to secure stronger international IPR disciplines. Many developing countries have long opposed effective patent protection for pharmaceuticals and agricultural chemicals in order to protect domestic industries engaged in illicitly copying American products. This is one reason the United States finally agreed to extremely long transition periods in TRIPS. The proposed amendment would provide further aid and comfort to foreign pirates that want to continue infringing American patents. It would be thrown back at U.S. trade negotiators every time they complain that a foreign government is not adhering to its TRIPS obligations.

In Section 532(a)(1) of the URAA, Congress made the right choice by rejecting proposals to in effect shorten the 20 year minimum patent term established in TRIPS. To reconsider that decision now would be a mistake; the proposed amendment would clearly undercut future U.S. efforts to enforce strong international IPR disciplines.

Sincerely,

CLAYTON YEUTTER.

THE BROCK GROUP, LTD.,
Washington, DC, September 20, 1995.

Senator WILLIAM V. ROTH, JR.,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ROTH: When I first proposed international agreements to extend intellectual property protection worldwide under the GATT, no one believed it could be done. Yet it was the crowning achievement of the recently successful Uruguay Round—thanks almost solely to the persistent and active support of the U.S. business community and U.S. governmental leaders.

Now I hear that some pending proposals could imperil the implementation of that agreement. I refer specifically to legislation recently introduced by David Pryor, called the Consumer Access to Prescription Drugs Act (S. 1191). S. 1191 creates special rules so that the generic pharmaceutical manufacturers can take advantage of preferential treatment under the Drug Price Competition and Patent Term Restoration Act of 1984 ("Hatch/Waxman Act") without adhering to the 20 year patent term negotiated during the GATT Uruguay Round negotiations.

Proponents suggest that this legislation is only a "technical" correction to the Uruguay Round Agreements Act (URAA) and neither weakens patent protection under URAA nor diminishes the United States' ability to fight for stronger international patent protection. I disagree! This issue is far too important to risk on the basis of hoped-for "good intentions" in nations which have never favored intellectual property protection.

Countries around the world are still in the process of implementing the Uruguay Round Agreement. A number have withheld their own action to wait and see what we do. We all know those whose prior actions have cost American inventors and entrepreneurs billions. The will see this retreat on our part as a ready excuse to implement their own *minimalist* versions of intellectual property protection. It will be difficult, if not impossible for the United States to force other nations to adhere to the TRIPS agreement if we set this unfortunate precedent.

In sum, in exchange for the hope of short term savings, the Pryor proposal could cost all U.S. firms and workers the enormous long term gains we worked so hard to achieve in the Uruguay Round. That is penny wise and pound foolish. The United States must continue to be a leader on full implementation of every aspect of the agreement on intellectual property in both substance and in form.

One final additional point. Domestically, this legislation would upset the delicate balance provided for in the Hatch/Waxman Act, which already grants generic pharmaceutical firms special treatment in the area of patents not available to other industries. S. 1191 would further the bias against pioneer pharmaceutical firms.

Please give careful consideration to the negative impact this legislation would have. I would be delighted to give you additional specifics if it would be helpful.

Sincerely,

WILLIAM E. BROCK.

Mr. HATCH. I also take exception to those such as Senator PRYOR and Ambassador Kantor who suggest this amendment achieves a result clearly intended by the URAA.

This is the position that was taken in a September 27 letter from the FDA Deputy Commissioner for Policy, William Schultz.

I must highlight with great skepticism the portion of the FDA letter that states in part: "the URAA does not address the effect of the URAA patent term extensions on the drug approval process under the Federal Food, Drug, and Cosmetic Act * * *"

It may be true that the URAA does not address the question in a way the FDA and proponents of the Pryor amendment would like, but let us be crystal clear that the relevant statutes do, in fact, address this question.

I find the characterization in the September FDA letter particularly interesting in light of the earlier May 25, 1995 FDA response to a citizen petition filed by several innovator drug firms.

The May FDA statement of policy is quite explicit on what the law addresses. In that statement, the FDA acknowledged that the Supreme Court's 1984 Chevron decision provides guidance in the area of statutory construction. In Chevron, the Supreme Court instructed "If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress."

Consider the following five direct quotes from the May FDA statement signed by Deputy Commissioner Schultz:

No. 1:

> The agency believes that interpretation of the interrelationship between the transitional provisions of section 532(a)(1) of the URAA and 35 U.S.C. is governed by the plain language of the URAA.

The second direct quote from the FDA May statement signed by the very same Deputy Commissioner Schultz:

> The URAA is not 'silent or ambiguous' on the question of applying the transitional provision to the generic drug approval process.

Let me give you the third:

> Moreover, this apparently is not an example of Congress having overlooked a statutory provision that might have been changed had it been aware of its existence . . .

No. 4:

> . . . the agency does not believe that it can assert that Congress was unaware of the existence of these remedies for infringement of patents on drug products, and, therefore, did not include them among the unavailable remedies. . . of the URAA.

And finally, No. 5:

> In the present matter, therefore, the plain meaning of the URAA is dispositive.

This is quite a contrast from the recent letter from Mr. Shultz which can be called nothing less than political.

In the May letter, this FDA official makes some very compelling and categorical findings which support my arguments about the proper interpretation of the relevant statutes. A number of courts have issued rulings consistent with this interpretation.

For example, on August 8, 1995 the United States Court of Appeals for the Federal Circuit issued a ruling in the case of *DuPont Merck Pharmaceutical Company* v. *Bristol-Myers Squibb*.

Upon reviewing the relevant statutes the court found that, "* * * the URAA does not clash with the Hatch–Waxman Act," and precluded the generic manufacturers from entering the market via the Waxman-Hatch route until the expiration of the affected patent. Likewise, as I stated earlier, on October 16, the United States District Court for the Eastern District of Virginia issued an opinion in a group of four consolidated cases that raised similar but not identical URAA/Hatch-Waxman issues.

In this case, Merck versus Kessler, the court was unpersuaded by the arguments made by the generic drug industry and stated "This was no more a windfall * * * than the windfall which benefited many patent holders when the 17-year term of patents was extend to 20 years."

I think the District Court got the law on the windfall issue exactly right.

Finally, I would note that on November 1, the Federal Circuit, the court that handles patents, copyrights, and trademark issues, overturned a decision rendered by the United States District Court for the Southern District of Florida in the case of *Bristol-Myers Squibb* v. *Royce Labs*.

Although, as I have laid out, various officials in the current administration and the proponents of the amendments now flatly assert that Congress clearly intended the result they wish to achieve, it is instructive that the Federal Circuit ruling—this is last November 1, just a little over a month ago—noted:

> The parties have not pointed to, and we have not discovered, any legislative history on the intent of Congress, at the time of passage of the URAA, regarding the interplay between the URAA and the Hatch-Waxman Act. Therefore, we limit our inquiry to the wording of the statute.

I wonder what tangible information that Ambassador Kantor and the FDA possess on this issue of intent and why neither the litigants nor the Federal Circuit appear to have it at their disposal?

In finding against the generic manufacturer the Federal Circuit makes a number of points in the *Bristol-Myers Squibb* v. *Royce Labs* case that I wish to bring to my colleagues' attention:

1. The decision notes the unique treatment afforded to new drugs by the 1984 law. The Federal Circuit said:

> Yet, as the Supreme Court stated in *Eli Lilly Co.* v. *Medtronic Inc.*, the Hatch-Waxman Act created an important new mechanism designed to guard against infringement of patents relating to pioneer drugs, with enforcement provisions that apply only to drugs and not to other products.

2. The Court also observed, citing as authority the 1990 Federal Circuit decision in the VE Holding Corp. case: "We presume 'that Congress is knowledgeable about existing law pertinent to legislation it enacts.'"

3. The Court went on to say that:

> We believe that if Congress had intended that the URAA affect the Hatch-Waxman Act's finely crafted ANDA approval process in the manner urged by [generic manufacturers], at the very least it would have referred to 21 U.S.C. 355(j) and 35 U.S.C. 271(e) in the URAA.

4. Finally, the Federal Circuit boiled down the situation as follows:

> The statutory scheme does not say, as [the generic manufacturer] argues . . ., "If normally you would infringe, you do not infringe during the Delta period." Rather, it says, "If normally you would infringe, you also infringe during the Delta period."

So let there be no doubt in anyone's mind about the clarity of the law or the intent of Congress in this area.

Having discussed the trade policy argument and the "it-is-merely-an-unintended-technical- oversight" argument, I would like next to address this windfall issue since it goes to the heart of the argument advanced by those behind this amendment.

Let me say to my colleagues that my involvement in the Hatch-Waxman Act of 1984 compelled me to think carefully about the need for balancing incentives.

The American public should enjoy the benefits both of low-cost generic medications and breakthrough products developed by R&D-based firms. I have worked hard to see that both sides are taken care of. Let me repeat that: Both lower-cost generic drugs and breakthrough drugs ought to be available to American consumers.

The challenge is to devise incentives that foster the availability of both breakthrough and generic drugs. That is precisely what Hatch-Waxman attempts to do and has done.

Let there be no doubt that I am a supporter of both the generic and the innovator sectors of the pharmaceutical industry. One of my great regrets is that neither sector has as large a presence in my State of Utah as they do in many other States across the Nation. But both are there.

Nevertheless, both of these players in the pharmaceutical market produce products that have enormous benefit for citizens in Utah and everywhere. It is for that reason that we must weigh heavily any legislation that would adversely affect their ability to deliver these products to the public.

The fact that I oppose this particular amendment does not change the fact that I am, and will remain, a devoted supporter of the generic drug industry. Unlike my colleagues proposing this amendment, however, I am convinced that it would be unwise to adopt this measure.

The proponents of the Pryor amendment urge that only one industry is singled out in current law for different treatment under the URAA transition rules. What is absent from this line of reasoning is the fact that only one industry, the generic drug industry, is permitted by current law to engage in activities that would ordinarily constitute patent infringement—and I am one of the people who helped them get there.

Mr. President, I remind my colleagues that before we so hastily throw around the terms "windfall" and "unjust enrichment" let us clearly understand the laws and policies at issue and how they affect incentives for biomedical research.

One of the centerpieces of this debate is the operation of the so-called "Bolar Amendment" contained in the Hatch-Waxman Act and codified at 35 U.S.C., section 271.

In the 1984 Roche versus Bolar case, the Federal Circuit held that the manufacture or use of a patented product for the development of data to submit to FDA constituted patent infringement.

It is this provision of the Hatch-Waxman Act that treats generic drug manufacturers differently from every other industry in our economy.

Under the Hatch-Waxman Act generic drug firms may legally use a pioneer product to help secure FDA approval and can gear up production to go on the market before the pioneer product patent expires. Normally such activities would constitute patent infringement, clear and simple.

There is nothing similar to the special treatment afforded the generic industry elsewhere in the patent code. This unique status is sufficient to justify treating generic drug products differently treatment under the URAA transition rules.

One of the things that I find troubling about this amendment today, like the previous amendment offered at the Finance Committee mark-up, is that the Senate floor—when debating a bill to ban partial-birth abortions—may not present the best time or place to reconsider the details of such carefully crafted bills such as the URAA and the Hatch-Waxman Act.

The FDA policy statement issued in May states:

> The 1984 Waxman-Hatch Amendments to the Federal Food, Drug, and Cosmetic Act represent a careful balance between the policies of fostering the availability of generic drugs and of providing sufficient incentives for research on breakthrough drugs . . . There is certainly a strong argument to be made that such a compromise should not be upset without hearings and careful deliberation as to the impact on the twin interests served by the Waxman-Hatch Amendments.

As Chairman of the Judiciary Committee, I can say that the Committee has an interest in any legislation, such as Senator PRYOR's, that affects patent rights. As one of the authors of Waxman-Hatch and as an advocate for both the generic and pioneer sectors of the industry, I have a special interest in the legislation under debate.

But since this debate is taking place now, I believe that I have a responsibility to provide perspective on some of the changing pressures on the biomedical research and development that have occurred since the passage of Hatch-Waxman back in 1984.

Let me turn to some charts which I believe illustrate this, and I will do this to try to move along. However, this is an important issue, which should not just be tossed aside. Nor should we act like this is just a simple little issue between consumers and gouging drug companies.

Let me turn now to some charts which I believe illustrate the broader context in which this amendment must be evaluated.

There are a number of complex factors that shape the environment of the biomedical research enterprise in this country.

By placing their sole focus at the back end of the R&D pipeline and on those few products that are successfully commercialized, the proponents of the amendment do not take into account the nature of the risks involved in conducting the necessary research leading to development of new drugs.

If the United States is to remain the world's leader in health care technology and our citizens are to continue to receive the latest in medical advances, it seems to me that the Senate has a responsibility to look at the factors that influence participation in the front end of the development pipeline.

In my view, it is critical that we work to create the incentives necessary to attract trained personnel and resources into biomedical research and development.

This first chart shows pharmaceutical research and development as a percentage of sales. As you can see, the electrical products industry spends 2.5 percent on research and development as a percentage of sales, the telecommunications industry 3.7 percent, the aerospace industry 4.2 percent, the scientific instruments industry 5.4 percent, and the office/computer machinery industry 8.0 percent. On the other hand, in 1993 the pharmaceutical research and development companies spent 18.3 percent of their total sale on research and development.

That is what is involved here—research, research, research—the hope for the future that we might solve some of these immense medical problems.

As you can see, the ratio of R&D investment as a percentage of product sales is significantly higher than for other representative R&D industries such as electronics, computers, aerospace, and telecommunications.

As a result of this investment, the United States still enjoys a positive balance of trade in the area of pharmaceuticals. Between 1989 and 1994, the sum of these annual positive balances was over $5.2 billion.

Maybe if other industries would invest as much in R&D as the drug industry, the United States could once again have a favorable overall balance of trade.

A favorable balance of trade means jobs for Americans, and that is an important consideration in today's economic climate.

Let me go to the next chart. This next chart shows how many research misses it takes for pharmaceutical companies to find a hit that is commercially viable. This shows how many chemically synthesized drugs there are. The reason we have the break here is because the poster is not large enough to show how high this bar would really go—5,000 drugs identified. Of those 5,000, only 500 were tested in organ preparations. Of those, only 250 were tested in animals, 5 in human clinical studies, and only one was eventually approved for use in humans by the FDA. One out of 5,000 tries becomes a hit—one.

These companies take tremendous risks in trying to come up with a marketable drug, one that will return what it costs for the research and development to develop it.

As you can see, for every successful drug that emerges out of the pipeline, 5,000 potential products drop by the wayside.

One other fact to note as we go from activity to activity across the bottom of this chart is that these activities get costlier as we move from test tube to the patient's bedside.

Let me go to the next chart because these are things you should not ignore. This chart shows that this is a bigger policy issue than the belief by some that these companies are gouging.

This next chart shows the drug development cost rising over time. In 1986, the cost to develop a new drug was $151 million. In 1990, the average cost for the approval of a new drug was $359 million.

As you can see, it costs a lot of money to bring a new drug to market. In addition, these costs have risen since the passage of the Hatch-Waxman law in 1986. And these costs continue to rise today.

Clinical and preclinical tests are costly. They are difficult. And they are highly regulated activities.

As you can see, a significant amount in gross sales must be generated by each one of these research companies, like any one of the ones they are complaining about here, to recover the huge drug development costs. There has to be in the billions of dollars of sales to recuperate their research and development companies.

If they do not recuperate those moneys at least a part of the time—and they do not a lot of the time—they are not going to stay in business. If this happens, we will not have these blockbuster drugs, and we will not have the life-saving pharmaceuticals that are saving people's lives every day.

We will not have a cure for AIDS, and we will not have a cure for Alzheimer's disease or any other number of diseases.

The next chart shows that there is a public/private partnership in drug research and development.

Mr. CHAFEE. Mr. President, I wonder if I might ask the Senator a question, if it is possible to reach a time agreement on this?

Mr. HATCH. There sure is. I will be through in a few minutes. I do not think that I will have any more to say, unless somebody asks questions. I am happy to reach a time agreement.

Mr. CHAFEE. I ask the sponsor. We are all here. Can we arrive at a time agreement?

Mr. HATCH. Why don't you get your side together, let me finish my remarks and then we will agree on a time agreement?

Mr. CHAFEE. You are in such flying form. You have all of your engines running.

Mr. HATCH. That is why I want to finish my remarks. This is an important issue. As the author of the Hatch-Waxman Act, I am very concerned about it. However, I do not intend to take too much longer. We are going through the salient points.

This particular chart shows R&D expenditures. NIH expenditures are the blue bars. The private sector expenditures are the green bars. The private sector means the pharmaceutical research company.

In 1985 we spent more on research and development in the NIH —$4.8 billion—than was spent by the pharmaceutical companies —$4.1 billion on R&D.

In 1988, R&D for the pharmaceutical companies started to surpass NIH—$6.3 billion for NIH, and $6.5 billion for the pharmaceutical companies.

In 1991, the NIH spent $7.7 billion, and the pharmaceutical companies jumped to $9.7 billion.

In 1995, the NIH will spend $11.3 billion on research and development. The pharmaceutical companies will spend almost $15 billion.

Pharmaceutical companies are doing the job. Do not undercut them. This amendment undercuts them. This amendment appears to be a populist amendment. It seems to have appeal to those who think they are on the consumer side. But the consumer really is on both sides—one side would lead to lower drug costs on the short run, our side would lead to continued support of the research and development of drugs for the long term.

Research and development benefit the generic companies because if they do not get to blockbuster drugs, the generic companies will not be able to copy them.

I have already shown that the drug industry spends a relatively large proportion of its earnings in R&D and that the cost of bringing the successful drug to market is high and rising.

That chart shows one of the most significant developments in the biomedical research enterprise since the passage of Hatch-Waxman in 1984.

The R&D expenditures by pioneer drug companies now—for the first time in recent history—exceeds the funding of the National Institutes of Health.

One of the major reasons that the United States is the world's recognized leader in biomedical research is the public investment made in NIH since World War II.

American citizens have enjoyed the benefits of the close partnership that has developed among pharmaceutical and medical device firms, academic medical centers, and the NIH.

The basic research conducted at and supported by the NIH is complemented by the private sector R&D efforts.

This is the type of public-private partnership that we can all take pride in and should fight to retain in the future.

We do not want to take away the incentives of R&D. That is what this amendment does.

We all know of too many instances in which our foreign competitors have exploited their close linkages between Government and industry to wrest away U.S. industrial leadership. If we Americans leverage together our public and private sector resources, we can compete against anyone in the world.

As we tighten our budget belt to put the Nation's fiscal house in order, I do not think it is realistic to expect that we will continue to see the growth rate in the NIH budget that is represented on this chart.

But I want to see this growth rate of the research companies continue.

Since 1988, the NIH budget has almost doubled.

If we are to retain our world leadership in biomedical research it will be important to retain the incentives that will encourage drug firms and the capital markets to invest their resources in this research.

This chart shows that industry is stepping up to the plate.

American citizens and families around the world will benefit from this research.

What is the difference between the regulatory review requirements for generic versus pioneer drugs?

Let me show the difference for those of you who may not have a knowledge of FDA law. These are the steps to establish safety and efficacy for innovator drugs for these research companies, which take 12 years to complete. In 1990, this process cost $359 million. Lab and animal studies, 3.5 years; phase one safety studies, 1 year; phase 2, testing effectiveness of studies, 2 years; phase 3, extensive clinical testing, 3 years; FDA review, 2.5 years.

Under Hatch-Waxman, look at how the generic benefit. We provide a shortcut for generic drugs. All they have to do to take their drug to market is to complete a bioequivalency test and establish that their drug is bioequivalent. That takes 10 to 18 weeks.

That takes 10 to 18 weeks, and an abbreviated new drug process which is 6 months. That is all they have to do. They do not have to spend $359 million. They can copy that drug the minute it comes off patent and eliminate the costs. This has made and built the whole generic industry and has benefited consumers through saving billions and billions of dollars since 1984.

Are we going to just make it even more difficult for these companies that have made this whole industry by now, under Hatch-Waxman, and let them just take these drugs and run with them? I fought to get this done. I believe in generics. I think this ought to continue. Let us be very, very clear about it. This is a privilege that we give no one else in patent law, and we do it for consumers.

Now, are we going to now to make it very, very difficult to produce the drugs that these people have to have to be able to survive? I hope not.

A study by the Tufts University Center for the Study of Drug Development estimated that it takes on average $359 million and 12 years to get a new drug approved by the Food and Drug Administration. I know that is insane, but that is what it takes.

A lot of time elapses in the laboratory just determining the best drug candidates through test tube and animal studies. Three complex and time-consuming phases of human clinical trials are required to develop the necessary safety and efficacy data that must be submitted to the FDA. This testing takes time and money.

It is essential in this debate to understand that the generic drug manufacturers are not required to undertake any of this extensive and expensive testing.

Let no one undervalue the importance that this testing process has for the health and safety of every American.

In contrast to the rigorous safety and efficacy requirements placed on the pioneer drug firms—these up here that takes 12 years and $359 million to develop a drug,—the Hatch-Waxman law provides for a much simpler and easier approval standard for generic drugs.

Generic drug manufacturers can rely upon the safety and efficacy data of pioneer firms and must only show that their product is bioequivalent to the pioneer product. That can be done in a matter of weeks, not years, at a fraction of the cost and none of the risks that are faced by these pioneer firms.

According to a 1992 Frost & Sullivan study, after the passage of the Hatch-Waxman Act, the average cost for a generic drug company to prepare and file an abbreviated new drug application is "well below the million mark."

A large part of the reason why generic drugs can be sold for less than brand-name products is that the generic companies do not have to perform the extensive research and clinical trials required of innovator drug companies. Nor do generic drug firms have to finance all the products that fall by the wayside.

Generic drug companies piggyback on the fruits of the pioneer's research. We permit that. We want that to occur. But we should not ignore what a great thing the pioneer companies do for us.

There is a tremendous amount of appeal to an amendment which appears to provide consumers with the opportunity to greater access to lower-cost drugs. If Senator PRYOR's proposal were that simple, I would be for it. It is easy to get up and make it look like your approach is the only approach for consumers.

But if the companies that go through these 12 years, $359 million, 5,000 tries to get one drug are undercut, we are all undercut, and the generics will not have any drugs to copy so that they can keep their industry going.

It is penny-wise and pound-foolish to treat this like it is some simple little consumer versus gouger issue. It is a lot more than that.

Senator PRYOR's proposal is not that simple. You cannot accept it on face value. You have to delve into all the facts and the case law. Failure to examine this information about the nature of these two industries would be shortsighted at best.

In fact, there could be some short-term financial gains for some if we did not provide full patent term for a whole range of products. By that logic, however, we ought to just make everything generic—generic appliances, automobiles, electronics, everything. It would save the consumers all kinds of money.

It would also dry up all research and development, all technology, all the investment in quality and efficient production, including jobs and the vast array of choices Americans have as consumers.

We would no longer have breakthrough drugs which are improving and saving the lives of so many millions of Americans.

As I have said, I have a tremendous affection for both the brand name and generic industries. They are both important to our Nation's health care.

In my view, it is clearly in the best interests of consumers that both pioneer and generic drug companies exist harmoniously in our competitive drug and medical marketplace.

It serves neither the public nor this body well for us to berate continually the R&D-based pharmaceutical industry which is doing so much good in this world and ironically is the industry upon which the generic companies themselves rely.

I believe we have to defeat this amendment. I understand the distinguished Senator from Ohio has an amendment to this amendment. My personal preference would be to defeat this amendment and to stand up for American trade, American technology, American research and development, for the right to keep these products coming to these generic companies, for the right of all Americans to have access to reasonable and good and lifesaving drugs and to have the incentives to get us there.

By the way, just to choose Zantac as an illustration, Zantac is a therapeutically important drug. It is one of the best antiulcer medications in the world today. Of course, there are other drugs of this class. Tagamet, for instance, is already subject to generic competition. It just so happened that the company that makes Zantac, Glaxo, had gone through this long, expensive research and development process, and they were left with an effective patent term of around 12½ years after FDA approved this product. The URAA will extend its patent life for an additional 20 months or thereabouts.

The fact is that the drug Zantac came out in 1983, 1 year before the Hatch-Waxman bill, and therefore had it been approved 1 year later it would have qualified for, as I understand it, 2 full years of further patent protection under the transition rules of Hatch-Waxman.

In fact, Zantac was a loser under Hatch-Waxman. Well, it happens to be a winner under the GATT Treaty and Uruguay Round Agreement, and if we undercut that, yes, you might be able to say, well, they are going to make some additional revenues—I see your chart here—$3 billion, but let me tell you something. They spent millions of dollars developing this product, and they lost a substantial time of their patent term before the product was approved. Even with the time it receives under the URAA, it still does not get a full 17-year patent term.

There is another side to the coin. I do not want anybody to get an unfair windfall, but it is hardly a windfall when firms are investing billions of dollars in research annually. I have to say that there were winners and losers under Hatch-Waxman, and there will be winners and losers under the GATT Treaty.

But the bigger policy concern is how not to undercut the treaty and send the wrong message to the rest of the world. Undercutting intellectual property protection would be injurious to the whole world, or at least the 123 nations that agreed to GATT, and not undermining the incentives for pharmaceutical research that enables our country to be the leader in the world in this important endeavor.

I do not think there is any reason for the generic companies to come in here and complain since their whole industry was created by the very bill that they are now trying to amend and take even further advantage when, in fact, they have a tremendous advantage today and will have every year that the Hatch-Waxman bill is in effect. So this is not some simple little gouging issue or some simple little equity issue.

Mr. President, I have a number of concerns relating to the manner in which the language of the amendment is drafted. These concerns include: On substantive grounds, as I have argued earlier, I am opposed to the manner in which sections (a) and (b) of the amendment, respectively, act to overturn the 17-year-from-grant/20-year-from-filing choice of the URAA transition rules and the elimination of section 271(e) of title 35, United States Code, as the sole and unique remedy provided by the Hatch-Waxman Act.

I am also concerned about the operation of the equitable remuneration provisions contained in section (c) of the proposed amendment. It appears to me that this provision puts the cart before the horse. Under the Hatch-Waxman law patent rights are carefully determined before a generic drug product may be approved for marketing.

Section (c) of the amendment appears to reverse the operation of the URAA transition rules. Specifically, the amendment seems to allow a generic drug manufacturer to infringe and only allows a patent holder to seek equitable remuneration after the infringement has taken place. This is opposite of current law which makes a potentially patent-infringing ANDA applicant subject to an infringement action and an equitable remuneration determination prior to the commission of any infringing act.

I also will seek clarification of whether this amendment would permit the marketing of generic versions of products that vary slightly from innovator products without triggering the equitable remuneration provisions. Specifically, I will seek clarification of whether the phrase in section (c), "an approved drug that is the subject of an application described in subsection (a)", refers to the innovator drug or the generic copy.

I am also concerned about the lack of guidance on the question of what constitutes a "substantial investment" under this amendment and whether an innovator firm may contest such an assertion made be a generic firm. In addition, I will seek a better understanding of what standards a court should apply when reviewing the apparently unilateral finding on the part of a generic manufacturer that it has made a substantial investment.

So, there are many technical questions that can be raised about this amendment.

At this point, I hope I have made the case for this side, and I personally hope that Senators will defeat the Pryor amendment and that we go about keeping the industry going the way it has been going in both areas for the benefit of all mankind.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, with the principals in the Chamber here, I wonder if it would be possible to set a specific time that we might vote.

I know a lot of Senators are out, so I do not think we are in the position where we can go immediately to a vote in 15 minutes or so. I would offer the suggestion that we agree to vote at 8:30, while allowing time for the Senator from Ohio and others to speak.

I defer to the Senator from New Hampshire.

Mr. SMITH. I would say to the Senator from Rhode Island, we are working on that. We are very close. We are not quite there. We need to confer with Senator HATCH for a few moments. We may very well be able to come up with an agreement very similar to what the Senator just indicated, if he could give us a few more minutes.

Mr. CHAFEE. Fine. I am just, I suppose, a catalyst here. But I do know that people are away, so that as much notice as can be given the better.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, Senator DODD and my second-degree amendment to the Pryor amendment expresses the sense of the Senate that the Senate should, through the Committee on the Judiciary, conduct hearings to investigate the effect of these new patent provisions in title 35. I think it makes eminent sense to do this. Let me just, while I see my colleague from Utah on the floor, get his attention for a moment and ask him if he could respond to a question.

Mr. HATCH. Sure.

Mr. DEWINE. The second-degree amendment Senator DODD and I have offered provides that this issue would be referred to the Judiciary Committee for hearings. And as chairman of the Judiciary Committee, I wonder if the Senator could give the Members of the Senate some indication of how he intends to conduct the hearing or what time there would be in that event. There have been some questions on the floor. And I think we should respond to the Members before the voting in regard to that.

Mr. HATCH. I am not adverse to hearings. I think this is that important. In fact, I think it is an appropriate way to proceed. I have to tell the Senator that we have about all we can handle for the rest of the year on the Judiciary Committee. I do not think anybody doubts that. We have the judges, the matters on the floor, and hearings scheduled.

So I would be very happy to agree to some sort of date certain, at least within a time period. I think you ought to give us, I would say, at least 120 days in which to hold a hearing. But I will try to hold it as expeditiously as possible within that period. We will be fair to both sides, because I think both sides need to be fully aired on this matter.

If we hold such a hearing, if the Senator prevails on his amendment, I would do that expeditiously. It would probably be some time after the first of the year, but hopefully within 120 days.

The hearing will give both sides a real airing of this. We will treat this issue—not like some demagoged issue, but treat it like it should be treated, that is, as one of the most important issues in the history of trade negotiations.

So it is up to the Senator. It is his amendment. But I will be happy to put it within a certain timeframe. If the Senator will tell me what he wants, I will be happy to try to do that. If the majority leader tells me, I will be happy to do that.

Mr. DEWINE. It would be my understanding, from the statement made by the chairman, that he would be willing to hold these hearings, and Members of the Senate could be advised these hearings would take place sometime within the next 120 days. Is that correct?

Mr. HATCH. If I understand the distinguished Senator, I would be willing to set it within 120 days, and notify all Members when it will occur, of course. I have no problem with that. I will give advance notice about it.

Mr. DEWINE. I thank the Senator very much.

(Mrs. HUTCHISON assumed the chair.)

Mr. DEWINE. Madam President, let me continue briefly in regard to this matter.

Madam President, I think it is abundantly clear after we have listened to this debate—my colleague from Rhode Island, my colleague from Arkansas, both have been very, very eloquent in regard to this issue—I think it is clear, after listening to my colleague from Utah, the chairman of the Judiciary Committee, that there are two sides to this issue, that there is a very complicated, a very serious issue, and it is the type of issue, quite frankly, that we should have hearings.

We should, as the chairman of the Judiciary Committee just said, hold those expeditiously. We should hear from both sides of the particular issue. And then I believe we will be in a much better position for this Senate to take a position and to actually hold a vote.

I think as we listen to this debate it is just abundantly clear that there are legitimate issues, arguments on both sides of the debate and that we should examine those. Frankly, the only way this Senate has to examine them at length is not just by debate on this floor, but it is also by actual hearings. So I think Members of the Senate should understand that the vote in favor of the DeWine-Dodd amendment would, in fact, guarantee that these hearings would take place and the Senate would have the opportunity to have the benefit of hearings.

There are two sides to this. On the one hand opponents of the Pryor amendment argue that shortening the patent term contained in the agreement on trade related aspects of intellectual property rights, that provision in the Uruguay round of GATT would have detrimental effects on both the development of new and innovative medicines and also the global patent protections gained for United States manufacturers in Uruguay.

In fact, Madam President, according to former Surgeon General Dr. C. Everett Koop, who my colleague from Utah has already quoted, to bring a new single medicine to patients requires on the average an investment of 12 years and $350 million. Of the components tested in a laboratory, only 20 percent ever make it onto pharmacy shelves, and only a third of those ever earn a return on the investment made through the discovery.

Madam President, if we weaken patent protections on these products, we will stifle innovation, and slow down further the discovery of new treatments for diseases such as possibly AIDS or cancer.

Two former U.S. Trade Representatives, Clayton Yeutter and William Brock, argue that passage of the Pryor amendment would set a bad precedent. It would cost all U.S. firms and workers the enormous long-term gains that the Trade Representatives worked so hard for in Uruguay. It would do this by making it nearly impossible for the United States to force other nations to adhere to the intellectual property protections of this agreement.

Robert L. McNeill, executive vice Chairman of the Emergency Committee of American Trade, said the following:

> * * * enhanced protection of intellectual property rights will be diminished abroad if the United States itself violates the patent term contained in the [intellectual property rights protections] agreement. It is almost certain that such an action would provide foreign-based pirates and patent infringers with potent ammunition in seeking to have their domestic governments devise measures that are inconsistent with [these protections.]

Madam President, on the other hand, supporters of the Pryor amendment argue that failure to amend the Hatch-Waxman Act would place a substantial burden on consumers. Moreover, according to U.S. Trade Representative Kantor, amending the act would "in no way increase the ability of our trading partners to justify their failure to provide * * * consistent patent protection [for intellectual property rights.]"

So clearly, Madam President, this amendment is not as straightforward—the underlying amendment by my colleague from Arkansas is not as straightforward as it might appear on the surface. This is legislation that should be debated fully and not thrown in as an amendment to the partial-birth abortion bill.

Madam President, I yield the floor.

Mr. DODD. Regardless of one's view about the merits of the issue, an abortion bill is not the appropriate place to take up the GATT patent issue. This amendment is complicated, involving issues of patent law, trade, innovation and new drug therapies. This issue needs a full hearing, so that we can get past demagoguery and really look at the issues carefully.

That is why Senator DEWINE and I are suggesting that we hold at least one hearing on the issue before adopting an amendment that would deny the benefits of GATT to U.S. innovator pharmaceutical companies.

The underlying amendment would result in substantial changes in two statutes—the GATT implementing statute and the 1984 Hatch-Waxman Act. The first is a trade treaty that we negotiated in good faith with many other countries who are relying on our commitment to abide by the strong international patent protections that were a major achievement of GATT. The Hatch-Waxman Act provided special rules for generic drugs that give the generic drug industry an advantage possessed by no other industry in the United States or the industrialized world. These two statutes were developed carefully to ensure that this country continues to lead the world in innovative drugs and new therapies.

These are not issues to be treated lightly. The proposed Pryor amendment is not a technical amendment to the GATT law, though that's how its been characterized. The GATT language was carefully negotiated and should not be amended without careful thought and consideration of the implications.

The Hatch-Waxman Act represents a careful balance between the interests of innovator manufacturers and generic drug companies. It has worked well for more than 10 years and should not be amended lightly.

The proposed amendment also would have a direct and significant effect on patent rights, which fall squarely within the jurisdiction of the Judiciary Committee. The dramatic changes that would result from the proposed amendment would occur without the benefit of prior congressional consideration.

We should not rush to legislate in this area before we hold hearings and give careful consideration to all of the proposed amendment's potential ramifications. I urge my colleagues to support holding a hearing on this issue before voting on a measure that could send a very dangerous signal to our trading partners.

Mr. PRYOR. Madam President, I now ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. PRYOR. Madam President, do I have the floor at this time?

The PRESIDING OFFICER. You have been recognized.

Mr. PRYOR. Madam President, I do not know where the time agreement stands. We have been negotiating during the course of the evening. I know Members of the Senate are at home for dinner and need at least 30 minutes notification.

I would like to say, and I think I can speak for Senator CHAFEE, that we are reaching a point where we are ready to determine a time certain to vote. I would strongly encourage that. I do not know of any other speakers we have on our side. I have a few more comments I would like to make about this subject. I wonder if the Senator from New Hampshire, the manager of the bill, might have any comments on a time agreement, or a time certain?

Mr. SMITH. Mr. President, I believe everyone on our side has spoken who wishes to speak. How much time does the Senator wish?

Mr. PRYOR. I might suggest that we vote at 8:35. If there are no speakers on the other side, I would like to take the remaining time.

Mr. BIDEN. If the Senator will yield, is it possible to consider—I guess it is a leadership decision—starting the vote at 8:25 and let the vote extend, so that those of us who are trying to get transportation out of the city on an 8:30 train could make the train? I will not insist on that, but if it is possible, that would be nice—since no one else wants to speak and we are worried about getting people in here to vote. A couple of us want to get out of here. Is it possible to do that?

Mr. SMITH. Did the Senator say 8:30?

Mr. BIDEN. I only need 7 minutes to make it to the train.

Mr. SMITH. That depends on whether or not the Senator wants to miss the vote.

Mr. BIDEN. No.

Mr. PRYOR. I think, more importantly, is the Senator going to vote?

Mr. BIDEN. Yes.

Mr. SMITH. The Senator from Arkansas asked for how much time?

Mr. PRYOR. Here is what our policy committee has requested. We think it is going to take at least 30 minutes to get our Members here. Therefore, I would like to respectfully suggest that we vote at 8:45 on the motion to table the second-degree amendment.

Mr. HATCH. If the Senator will yield, can we protect a few minutes on this side? I understand Senator HELMS may want to speak. I might want to say one or two things.

Mr. PRYOR. If we can divide the time equally, we can have 15 minutes and you could have 15 minutes.

Mr. HATCH. We may yield back subsequent to that time if it helps our colleagues.

Mr. SMITH. I will propound a unanimous-consent request.

I ask unanimous consent that a vote occur on or in relation to the Smith amendment at 8:45 and the time between now and 8:45 be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Madam President, I think this has been a very educational debate, to say the least. During the course of the evening, it has been proposed that we try to have a time certain placed on the sense-of-the-Senate resolution offered by the Senator from Ohio and others. It has further been proposed that if this issue goes before the Senate Judiciary Committee, there might be, for example, a 120-day period when the report from the committee comes back to the floor of the Senate.

Madam President, with all due respect to that idea, let us just look for a moment at what that would do. We have done a little calculation here. If we extend 120 days of protection to Glaxo for Zantac alone—and this does not include the other dozen or so drug companies under this umbrella—120 days of not resolving this problem will give them unlimited opportunities to charge the highest price for their drug. They will have unlimited protection from any generic that wants to come to the market. Simply put, we are going to be depositing $720 million to the bank account of Glaxo, because by next Christmas of 1996, which is just about 12½ months from now, Glaxo will have made an extra $2.328 billion if we fail to close this loophole.

Madam President, I, as a U.S. Senator, am not a stockbroker. I will never advise anybody to buy any stock or make investment because I have never been very successful at that myself. But if we extend this for 120 days, or even another 30 days, without closing this loophole, I suggest that we all go out in the morning and buy Glaxo stock because they are going to continue receiving an enormous windfall that they had no idea they would receive.

Madam President, second, I ask unanimous consent to add three additional original cosponsors: Senator BRYAN, Senator LEAHY, and Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Next, Madam President, there has been a discussion this evening and quotes by my friend from Ohio, Senator DEWINE, and from Senator HATCH of Utah, about Dr. Koop. Well, Dr. Koop got drawn into this issue in a very interesting way, and it appears to me, after talking to Dr. Koop some days ago, that Dr. Koop may not have been aware of—or the Glaxo people may not have presented the true case to—Dr. Koop when they had him sign a particular advertisement which appeared in The Hill newspaper. It also appeared earlier in the Washington Post. This is the advertisement that Dr. Koop signed on October 25, 1995. The advertisement appears to have been purchased by Dr. Koop to say that "Senator PRYOR's bill would weaken the patent protection needed for the next generation of pharmaceuticals."

I called him up and I said, "Dr. Koop, I am probably your No. 1 fan in this country. I have supported you, I have revered you, and now you have signed this advertisement in all these papers saying that you are opposed to my amendment." He says, "What amendment?" I said, "The amendment with which we are trying to close this loophole." He said, "I did not know that was what it was all about."

Well, on December 3, a Journal of Commerce appeared about Dr. Koop. "In a brief interview, Dr. Koop said he did not know the details of the lobbying campaign by Glaxo-Wellcome when he agreed to lend his name to what was described to him as an effort to preserve patent drugs from foreign piracy." In fact, the lobbying was an effort by a British drug company to retain an inadvertent million-dollar loophole in last year's trade bill at the expense of generic drug companies. Dr. Koop said he was unaware that a general statement he had made on patent rights would be used in the Glaxo campaign. When asked by a reporter if he had been done a disservice by Glaxo officials, Dr. Koop responded, "I would have to say I was," and expressed regret that he had ever been involved in the fight over Glaxo's loophole.

Madam President, I have heard my very good friend from Utah talking about all of the research dollars that are being expended to find all of these cures for all of the problems and ailments and diseases that we have today. I want to compliment the pharmaceutical companies for doing a wonderful job. They are second to none in the world.

But, Madam President, I do not think we need to shed any crocodile tears for the company Glaxo. One, it is the biggest drug company in the world, and when the Glaxo research was done on Zantac alone, which was over two decades ago—and they have had patent protection, no competition whatever for a period of 17 years, no competition, Madam President—when that research was done, not only was most of it done by NIH and farmed out to universities throughout the educational system across the land, but taxpayers' dollars helped dramatically in finding the research and the answers that this particular drug/pharmaceutical was intended to cure.

Let's don't shed too many crocodile tears when we are talking about research. First, Glaxo is probably much like the other drug companies. They are spending more today to market and advertise their drugs than they are to research the new—as they say, blockbuster—drug breakthroughs. They are spending more now for marketing than they are for research.

Let's look at Glaxo itself, and at the pretax profits for the last 12 months: $3.3 billion—not millions of dollars, but $3.3 billion. And much of this came from the best-selling drug in the world today, Zantac, which, unless we close this loophole, we are going to provide further protection from competition.

Madam President, we have also heard a lot of discussion about patent rights and intellectual property rights. Let me once again refer, as I have in the past and as Senator CHAFEE has, to a letter that I received, or actually Senator CHAFEE received.

I think I received an identical letter, dated September 25, in which our U.S. Trade Representative, Ambassador Mickey Kantor, said, "This provision [the transition rules] were written neutrally because it was intended to apply to all types of patentable subject matter, including pharmaceutical products. Conforming amendments should have been made to the Federal Food, Drug, and Cosmetic Act and section 271 of the Patent Act, but were inadvertently overlooked."

That is a direct statement, Madam President, from our trade Ambassador who negotiated the GATT Treaty and who is there to protect not only our patent rights but also our intellectual property rights.

Madam President, I am going to reserve the balance of my time. I look forward to hearing additional statements from my colleagues.

Mr. SMITH. I yield whatever time the Senator from Utah consumes.

Mr. HATCH. I do not know why some on the other side said that Dr. Koop said he was sorry he was ever involved. Dr. Koop's letter, dated November 30, makes it very clear he wants to be involved, that this is an important issue. Here is the letter he wrote.

I know Dr. Koop as well, if not better, than anybody in this body. I was the one who, as ranking member on the Labor and Human Resources Committee, fought for his nomination through a full 9 months, if my recollection serves me correctly. I am very close to him.

I did not ask Dr. Koop to write this letter. He voluntarily wrote the letter. Anybody who reads that letter and thinks there is an argument on the other side, just does not enjoy good reason. Dr. Koop is extremely clear. I think he probably would not appreciate being misrepresented.

Now, with regard to congressional intent, the Federal Circuit Court of Appeals backs my position. It says:

> The parties have not pointed to and we have not discovered any legislative history on the intent of Congress at the time of passage of the URAA regarding the interplay between the URAA and the Hatch-Waxman Act. Therefore, we limit our inquiry to the actual wording of the statute.

That is a Federal Circuit Court of Appeals, the court that has the expertise to decide these issues. I do not think anybody can doubt for a minute that the arguments I have made do not have legal backing, legislative backing, and good, commonsense backing, because they do.

Recently, a Federal district court, as I mentioned before, reviewed the relevant provisions of law and concluded, "This was no more a windfall to the"—and he names the pioneer firms which include Glaxo—"then the windfall that benefited many patent holders when the 17-year term of patents was extended to 20 years." No more of a windfall now than that was then.

I might add that it is not a windfall because, in all honesty, the generic drugs will benefit greatly and have benefited greatly from the pioneer companies' development of these blockbuster drugs like Zantac.

Many believe this debate is prompted by the patent status of one drug, Zantac. I do not know if that is true or not. It has certainly been a tremendously successful drug which has literally helped millions of people and would not have been developed if the logic of the other side had been adopted years ago.

One of the facts that has been obscured in this debate is that, ironically, this patent has never been extended. Let me give the facts on this drug. Keep in mind it takes up to 12 years, between $359 million and a half billion dollars to put a drug like Zantac through.

Here are the facts: the patent application for Zantac was submitted July 5, 1977. That patent was issued December 5, 1978 and an investigational new drug application was filed with FDA on December 3, 1979. On June 9, 1983, 3½ years after initial submission to FDA, more than 6 years after the patent application was made, the drug was approved.

Upon approval, this product only had an effective patent term of about 12.5 years on the day that FDA approved this product.

Now, the concern that the regulatory review period at FDA was eating substantially into the patents of new drugs was a major motivating force behind the Waxman-Hatch Act.

The Food, Drug and Cosmetic Act specifies that the drug review period is 180 days. But this, as in the case of Zantac, is virtually never met by the FDA. In fact, to the contrary, it takes years to get these drugs through, at a tremendous cost.

Only because Zantac was approved about a year earlier than the Hatch-Waxman law was passed, it was not eligible for the patent term extension part of the bill.

In other words, it was an unfortunate fact that it did not benefit from the Hatch-Waxman bill. Had Zantac been approved after Hatch-Waxman was enacted, it could have been qualified for patent extensions that this law calls for and provides.

So, Zantac, a loser under Hatch-Waxman because it could not qualify for the patent extensions that have been routinely granted as a matter of congressional policy since 1984, is now under sharp criticism for trying to take advantage of the same benefit that millions of patent holders were accorded under GATT.

Not only is this ironic, it does not strike me as fair, that a product with only 12.5 years of effective patent life, which expected to have 17 years upon FDA approval, is being castigated as somehow "unfairly" manipulating the patent system.

Even under the GATT transition rules, Zantac will receive much less than the 17-year patent life that it was supposed to receive.

Yet, here we face suggestions that it is greedy for a patent holder to want to take full advantage of its patent.

The proponents of the amendments are circulating talking points that state:

> But the Waxman-Hatch amendments did a second thing: They gave brand companies a 5-year patent extension. In other words, Glaxo can receive up to 25 years of patent protection under current law. And now this company receives the GATT patent protection as well. It is trying to block the generic competition Congress calls for in the GATT treaty.

Now, let us just be honest about it.

That information has been sent out to people here in Congress as though it were true.

In fact, the statement is misleading in several ways.

First, let us be clear that Zantac, as a pre-Hatch-Waxman product, did not qualify for any of the benefits of Hatch-Waxman.

Second, to suggest that a company can receive up to 25 years of patent protection under current law is not only misleading, it is false.

It would seem to me that the normal patent term will have to be a period of something less than 20 years, unless you make the unlikely assumption that the Patent Office approves the patent on the day the application is submitted.

Also, since Hatch-Waxman time is only calculated after a patent issues, I do not see how you can ever reach 25 years, even hypothetically.

I would welcome an explanation of this 25-year period. I think every patent lawyer in the country would be just fascinated with it, if it could be given.

It is also the case that many believe the biotechnology patents are among those that might actually routinely lose time under the new 20-year-from-time-of-filing rule established by GATT.

This is because these products often present difficult, novel issues of patentability.

I cite with particularity that joint hearing between the two intellectual property committees of the House and Senate, where Lita Nelsen, Director of the Technology Licensing Office of the Massachusetts Institute of Technology, said:

> The 20-year-from-filing change proposed in the current bill runs the risk of substantially reducing the patent protection available for companies investing in university technology.

She goes on to say:

> Any shortening of patent life most seriously impacts the most forward-thinking technologies, which are the very types of technologies which universities should specialize in and which we believe will most benefit the country's future technical and economic development.
>
> The 20-year-from-initial-filing rule currently being proposed offers a significant danger of shortening the time available for patent protection and therefore may have a detrimental effect on development of university technologies.

She also goes on to say:

> Also, leading-edge technology patents, such as those in biotechnology, software and microelectronics usually take significantly longer than the so-called average patent to issue.

She concludes:

> Finally, no one should be led to believe the 20-year-from-filing rule will lengthen effective patent life. Most of the time, for high technology patents, it will shorten the life and, more importantly, will shorten the remaining life of patent protection after the long development period is finally over and products are on the market.

The fact is this. Zantac has never had a patent extension until the GATT transition rules, because it did not—it simply did not—qualify under the Hatch-Waxman statute.

So, to indicate that it is going to reap the benefits of some sort of windfall is not only a misrepresentation, but it ignores several significant facts. It ignores all of the research costs which go into the pharmaceuticals we use. It ignores all of the incentives for research which must be a part of our intellectual property laws. It ignores all of the balancing we did in the 1984 law in order to accommodate the interests of these two great industries.

At the same time, it attacks our international agreements for which we fought so hard for decades, as reflected in the GATT agreement and Uruguay Round agreement. It does this in a way that sends a signal to all those countries that do not believe in patents or have difficulties with our position on patents that they do not have to honor it. It shows that the United States is not serious about this agreement either.

The fact of the matter is this: There are winners, there are losers in the Hatch-Waxman Act. There are winners and there are losers in GATT, and everybody knew it.

Now we have one industry that has been given special privileges, privileges that I personally have helped them to get, coming in and saying we want more special privileges and we want to amend the very act that benefited them and created their industry.

Frankly, I do not think that what specific company benefits and what company does not should be our focus here. Our focus should be on the right thing to do, which is to uphold GATT and vote down the Pryor amendment.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time of the quorum would be charged to both sides equally? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, may I inquire as to how many minutes I have left?

The PRESIDING OFFICER. The Senator has 5 minutes 43 seconds.

Mr. PRYOR. Thank you, Madam President.

Madam President, this debate is coming to conclusion at long last. We are about to make a tentative decision on this matter.

Let me say to my colleagues, Madam President, that somehow or another, sooner or later, we have to correct this problem. We have to close this loophole. If we fail to table the second-degree amendment, sometime or another I am going to be back. I want my colleagues to know that this is not the last they will hear of this amendment and this issue, because I think it is so absolutely atrocious that this could happen, is happening, and that we have yet not closed this loophole. Like MacArthur, Madam President, I shall return.

This has been a fascinating debate. It has lasted 2½ hours, about as long as a typical Senate hearing would last. And now, at the end, we see the facts have not changed. They have not changed at all. Those facts are as follows: the Congress made a mistake and we have a very rare opportunity to correct that mistake.

Let us look now at who is on the side who thinks that we made a mistake and who believes that we should rectify that mistake.

First, our U.S. Trade Representative, Mickey Kantor, said that Congress made a mistake, that it was never intended that these drug companies would be given this extra amount of unearned protection to market without any competition. The Food and Drug Administration said the Congress made a mistake. FDA tried to rectify the situation but they failed, and it is too bad that they did. Our U.S. Patent Office said that a mistake has been made by implication, and their decision was taken to court. Because of the technical aspects of the language, the Patent Office was overruled.

If we review the CONGRESSIONAL RECORD we will find that at no time during the debate on the issue of the GATT Treaty, leading to the adoption of the GATT Treaty, at no place do we find reference to this issue by anyone—not by any of the drafters or the debaters, nor by those opposed to or in favor of that treaty. At no time did anyone even hint that we were going to carve out a special exception for a few drug companies in order to give them extra monopolistic opportunities to compete unfairly in the marketplace, and to keep generic drugs from competing.

The State Medicaid directors, Madam President, have written in support of our efforts. They say that unless we correct this loophole, the Medicaid programs in each of the 50 States are going to continue to suffer and pay the highest price for these particular drugs, especially Zantac, and will be kept from buying generic drugs for the poorest of the poor population.

The elderly, the consumers—none will benefit from the efforts of the generic drug companies to reduce the cost of drugs like Zantac by as much as 50 percent or 60 percent. Yet, we may be about to vote and say that we are going to continue to give these enormous profits, these windfall profits, to a few pharmaceutical companies, and to take those profits, to give them those profits at the expense of taking those dollars from the consumer and the taxpayers of America.

This amendment that we are about to vote on is very simple. It is an attempt to kill our desire to close this loophole. That is what it is.

I respect my colleagues who offer it. I realize that some may believe that this particular issue is complex. But I must say, as my colleagues have said, that this is, in fact, a very simple issue. We have made a mistake. And now it is time to rectify it.

Madam President, I have frequently used the following analogy: You are walking down the street on the sidewalk, or wherever, and find a billfold, and you open that billfold up. And there is a $100 bill in there, and there is also the name of the owner. Do you take that billfold and the $100 to the owner? Do you try to find the lawful and rightful owner of that billfold that contains the $100, or, do you put it in your pocket?

In this case, these drug companies have found a billfold. It has a lot of money in it. Rather than returning it to the rightful owner—the taxpayer and the consumer, in this case—Madam President, they are taking that billfold, they are taking the money, and they are putting it right in their pocket.

I urge the defeat of the second-degree amendment.

Mr. HATCH. Madam President, if we want a cure for Alzheimer's, or for AIDS, or for so many other dreaded diseases, we had better not undercut the patent process.

We had better not undercut the GATT process.

If we want free and fair trade throughout this world, we had better make sure that we do not undercut something we fought to obtain for so many years.

If we want to keep America's medical research base premier among world nations, and continue to bring forth promising technologies which help our senior citizens and so many others, this body should vote down the Pryor amendment.

It would send our world trading partners the wrong message, and in the end put a huge dent in what is already a well-functioning system that benefits both the research company and the generic companies in a fair way.

That is what is involved here.

Let me just say one other thing.

I commit here and now that we will hold hearings on this should the amendment of the Senators from New Hampshire and Ohio pass.

We will hold hearings on this issue before the end of 120 days. I will commit to that as chairman of the Judiciary Committee, and I do not think anybody doubts in this body that I will not live up to that commitment, because I will.

I think that is the way we should handle it and I hope my colleagues will vote against the motion to table.

Mr. SMITH. Madam President, is there any time remaining?

The PRESIDING OFFICER. There are 29 seconds.

Mr. SMITH. Madam President, let me just say that no matter what the pros and cons are of this amendment it is irrelevant to the issue at hand. Regardless of how you feel about GATT or the patent protections, let us not load this historic bill up with this controversial unrelated amendment.

I urge my colleagues to vote "no" on the motion to table.

Mr. PRYOR. Madam President, I ask unanimous consent that Senator DASCHLE, Senator LEAHY, Senator BRYAN, and Senator FEINSTEIN be added as original cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I move to table the pending amendment, the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to lay on the table the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON (when his name was called). Present.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 594 Leg.]

YEAS—48

Akaka
Baucus
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Hatfield
Heflin
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lugar
McCain
Mikulski
Murray
Nunn
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Snowe
Wellstone

NAYS—49

Abraham
Ashcroft
Bennett
Biden
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lautenberg
Lieberman
Lott
Mack
McConnell
Moseley-Braun
Murkowski
Nickles
Pell
Santorum
Shelby
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

ANSWERED "PRESENT"—1

Simpson

NOT VOTING—1

Moynihan

So the motion to lay on the table the amendment (No. 3088) was rejected.

AMENDMENT NO. 3082 WITHDRAWN

Mr. PRYOR. Mr. President, if I may have just a few seconds, I know this was a very hard vote, a very close vote. I want to compliment those on the opposing side. They made a very, very strong argument, and they prevailed this evening. But I will make it possible for the Senate to revisit this issue in the very, very near future, Mr. President. I want to thank those who supported us, and at this time I withdraw my amendment.

AMENDMENT NO. 3085

The PRESIDING OFFICER (Mr. SANTORUM). The question recurs on the Brown amendment No. 3085.

Mr. BROWN. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SMITH. Will the Senator yield for a unanimous-consent request?

Mr. BROWN. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. SMITH. Mr. President, I have a unanimous-consent request here, and I think Members will be interested in hearing it.

Mr. President, I ask unanimous consent that following the disposition of the Pryor amendment, the following be the only amendments remaining in order and limited to the following time restraints: The Brown amendment No. 3085, 5 minutes equally divided; a Feinstein amendment, supporting current law, 35 minutes, 20 minutes under the control of Senator FEINSTEIN, 15 minutes under the control of Senator SMITH; a Brown limiting liability amendment, 15 minutes equally divided; a Smith affirmative defense amendment, 5 minutes equally divided.

I further ask that the votes be stacked to occur on or in relation to the above-listed amendments at the conclusion or yielding back of all time, and that prior to the votes, there be 4 minutes equally divided for closing remarks on the bill, with the votes occurring in the order in which they were debated, and following disposition of the amendments, the bill be advanced to third reading, and final passage occur, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, to recap for all Members, we expect two additional votes to occur within the next 40 minutes. That is the essence of it.

AMENDMENT NO. 3085

Mr. BROWN. Mr. President, the bill as it is now drafted creates a new cause of action and allows a variety of parties to bring suit against those who have been involved in the restricted prohibited abortion practice.

Among those allowed to bring suit is the father. Unfortunately, the bill does not now restrict which father can bring suit. Literally, someone who is the father of the fetus but has not acknowledged the child, has not married the woman, and has not supported the child in any way or any process can bring legal action and get a bonanza by suing the physician.

In my mind, to provide a financial benefit to someone who has fathered a child and not acknowledged it nor married the woman is a mistake. I don't think we ought to be about providing a new avenue of financial reward for a man who does not live up to his responsibilities.

The amendment is very simple. It restricts the fathers who can bring legal actions in this case to ones who have married the mother.

Mr. President, I think it is a pretty straightforward amendment. I yield the floor. I believe this has been cleared on both sides. I think a voice vote may well be appropriate.

Mr. SMITH. The Senator from Colorado is correct. As far as I know, there is no objection on this side, and I do not believe there are any objections on the other side.

Mrs. BOXER. Mr. President, that is right. I applaud the Senator for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3085) was agreed to.

Mr. BROWN. I move to reconsider the vote.

Mr. SMITH. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3090

(Purpose: To limit liability under this act to the physician performing the procedure involved)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 3090.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 6, strike "Whoever" and insert "Any physician who".

On page 2, line 10 strike "As" and insert "(1) As".

On page 2, between lines 13 and 14, insert the following:

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions. *Provided, however*, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

Mr. BROWN. Mr. President, this particular amendment was allowed 15 minutes equally divided. I do not intend to take a significant amount of time with it. I do want to make it clear to the Members what is involved.

The current bill makes liable or potentially liable not only for the attending physician in this case but also, in reading the language of the bill, the hospital where the procedure took place. Both could be subject to civil and criminal actions. Also included could be the nurses, as well other people called in to help with other medical procedures that may stem from the abortion procedure. In my mind, to have hospital administrators, to have hospital trustees, to have hospitals themselves, to have nurses, to have other medical personnel who may be called in to assist if something goes wrong, subject to possible prosecution and civil liability is a great mistake. This amendment limits the liability, and limits the people who can have actions brought against them to the physician or to someone who takes the place of the physician such as the person who directs the abortion procedure.

Specifically, we are trying to get at the person who performs the abortion itself. The whole purpose of this is to make sure that nurses and other attending personnel who are not the decisionmakers here are not subject to civil and criminal liability.

Mr. President, I believe the amendment is fairly clear. I believe it is cleared on both sides. My hope is at the appropriate time we could have a rollcall vote on it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. I yield the floor.

Mrs. BOXER. Mr. President, I want to say to my friend from Colorado I intend to support his amendment.

I believe it is tragic that we are about to criminalize a medical procedure which many doctors say is necessary to save the life of a woman or to protect her from serious adverse health consequences. I think it is tragic we are going to put doctors through this Kafkaesque expense of winding up in prison for saving the life of a woman.

However, what the Senator from Colorado is pointing out to us, as currently written, we might wind up putting other people in jail—other people associated with the hospital, other people who clearly should stay clear of this.

Although I believe the underlying bill is leading us down a terrible path where we are going to haul doctors into prison for saving a woman's life, I certainly believe what the Senator is doing to at least narrow it to the doctor is something we should support.

I will be supporting his amendment. I yield the floor.

Mr. SMITH. We have no objection to the Brown amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the Chair would advise the Senator the yeas and nays have been ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to vitiate the request for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3090) was agreed to.

Mr. SMITH. I move to reconsider the vote.

Mrs. BOXER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3091

(Purpose: To strike the affirmative defense)

Mr. SMITH. Mr. President, I say to the Senator from California who is waiting to go on her amendment, briefly I will do the affirmative defense amendment and then be ready for her amendment.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 3091.

Mr. SMITH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 8 through and including 16.

Mr. SMITH. Mr. President, in view of the fact that the Senate adopted the life-of-the-mother exception amendment, the affirmative defense section of the bill is no longer necessary and I had agreed that we would remove that provision, providing the life-of-the-mother exception prevailed.

Since it did prevail, this amendment would strike the entire subsection E of the bill which talks about the affirmative defense to a prosecution or a civil action.

So, it is my understanding that the Senator from California agrees with this amendment, so unless the Senator wishes to speak, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3091) was agreed to.

Mr. SMITH. I move to reconsider the vote.

Mrs. BOXER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3092

(Purpose: To provide for a substitute amendment)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk for Senator SIMPSON and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. SIMPSON, Mrs. BOXER, Mr. SIMON, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 3092.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the most advanced medical training programs in the world;

(2) medical decisions should be made by trained medical personnel in consultation with their patients based on the best medical science available;

(3) it is the role of professional medical societies to develop medical practice guidelines and it is the role of medical education centers to provide instruction on medical procedures;

(4) the Federal Government should not supersede the medical judgment of trained medical professionals or limit the judgment of medical professionals in determining medically appropriate procedures;

(5) the Federal criminal code is an inappropriate and dangerous means by which to regulate specific and highly technical medical procedures; and

(6) the laws of 41 States currently restrict post-viability abortions.

(b) SENSE OF SENATE.—It is the sense of the Senate that Congress should not criminalize a specific medical procedure.

SEC. 2. RULE OF CONSTRUCTION.

Nothing in Federal law shall be construed to prohibit the States, local governments, local health departments, medical societies, or hospital ethical boards from regulating, restricting, or prohibiting post-viability abortions to the extent permitted by the Constitution of the United States.

The PRESIDING OFFICER. The Senator from California is recognized for 20 minutes. The Senator from New Hampshire is recognized for 15 minutes.

Mrs. FEINSTEIN. Mr. President, I want to make clear that this amendment is presented as a substitute.

I am pleased it was read because it makes clear the following: First, that it is the sense of the Senate that Congress should not criminalize a medical procedure

Second, that nothing in Federal law should be construed to prohibit the States, local governments, local health departments, medical societies, or hospital ethical boards from regulating, restricting, or prohibiting postviability abortions to the extent permitted by the U.S. Constitution.

The U.S. Congress is not the appropriate place to be making decisions about medical procedures, whatever they are. The bill before us would criminalize one procedure, a procedure that does not appear in medical literature, a procedure that is worded vaguely.

All I ask is that the Members of this body read the actual legislation. Many Members who have spoken in favor of the legislation point to the use of scissors, the cutting of tissue, the draining of fluid from the brain. Nowhere does the legislation itself specifically refer to that kind of procedure. In its very vagueness, it affects more than one procedure and it can affect more than postviability abortions.

So, my point is twofold. One, that this body is not the appropriate place to be making medical decisions and that, two, under current Federal law, States can choose to regulate, restrict, or prohibit postviability abortions as 41 do now.

When physicians make a decision to use a particular treatment, they very thoroughly evaluate a number of factors: evidence from scientific literature, the risks and benefits for the patient—for example, possible side effects—future health, quality of life, the efficacy of the treatment—what the outcome will be—the safety of the treatment, the patient's preferences. These are often complicated decisions, representing a systematic strategy developing from multiple decisional building blocks. Medical decisionmaking is not simple and these are not decisions we should or can make.

We should also understand that medical decisionmaking is individualized. Every case is different. Every human body is different. Every patient brings a unique medical history into the doctor's office. Physicians have to evaluate every situation as it presents itself and often at the last minute.

The risks of a particular procedure depend, often, on the patient. For example, a hip replacement that restores function in one patient can be life-threatening to another, for example, to one who has heart disease. Medical science and treatments are constantly evolving. Medicine is becoming increasingly specialized. Technology is advancing. Today's standard of practice can be out of date in 5 years. The human body will always have some degree of mystery, as science stretches to understand how the body works and does not work. Congress cannot keep up with these changes. That is not our job.

Mr. President, physicians go to college for 4 years, to medical school for 4 years, to residency training for 3 to 6 years. In some States, to keep their licenses current, they are required to undergo continuing education annually. They get extensive training. Medical decisionmaking, I believe, is a job for trained physicians.

AN EXAMPLE OF DECISIONMAKING: MEDICAL PRACTICE GUIDELINES

For almost 60 years, the medical profession in this country has been developing medical practice guidelines. According to the Institute of Medicine, clinical practice guidelines are "systematically developed statement to assist practitioner and patient decisions about appropriate health care for a specific clinical circumstances." They are guidelines—guidance—not enforceable rules. There are over 24,000 developed by over 75 organizations.

Medical practice guidelines are designed to improve patient outcomes. They help medical practitioners and patients make decisions about prevention, diagnosis and treatment of specific clinical conditions. For example, guidelines have been developed for the treatment of benign prostatic hyperplasia, pressure ulcers, and stroke rehabilitation.

Developing practice guidelines is a complicated process. To develop a guideline, panels of experts are convened. They review all available literature, all available evidence of patient outcomes, a review that can take up to 9 months. They are subjected to peer review for scientific validity and pilot testing. Development of one guideline can take from 1½ to 3½ years.

The point here is that there is an orderly, scientific, deliberative, professional, and balanced approach for making medical decisions. It is complicated. It is based on the patient's best interest.

Medical decisionmaking is not and should not be a legislative or political process.

UNPRECEDENTED

Congress has legislated medical benefits, reimbursement policies, quality standards, training requirements. But Congress has never banned or criminalized a specific medical procedure. This is the first time Congress has tried to outlaw a medical procedure.

My amendment is quite simple. It says, in essence, that Congress should not be making medical decisions and that States can regulate post-viability abortions.

I can go on, but in the interest of time, and giving my cosponsors the opportunity to speak, I want to just say one other thing. I have followed this debate very carefully. I want particularly to commend my friend and colleague, the junior Senator from California. I think she has been quite eloquent in defining what this procedure is, and what this procedure is not, the enormous vagueness of the bill and the human tragedies involved.

Post-viability abortions can be banned by every State and 41 have chosen to do so. This legislation is not necessary. This legislation puts the Congress in the position of deciding medical procedures, and I do not believe we can or should do this. This substitute amendment clearly states what I believe is right.

Mr. President, I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. SIMPSON. Mr. President, I rise in support of the Feinstein substitute which is a reiteration of current law. Under the substitute, nothing in Federal law shall be construed to prohibit the States, local governments, local health departments, and medical societies from regulating, restricting, or prohibiting post-viability abortions to the extent permitted by the Constitution. Let me say it again, this is current law and this substitute explicitly states what the law of the land is. Under Roe versus Wade, States may proscribe post-viable abortions except when it is necessary to preserve the life or health of the mother—41 States currently regulate post-viable abortions. We do not need H.R. 1833 because we already have current laws which address the central issue of the pending legislation.

I have been pro-choice throughout my entire public life, never wavered, never waited to take a poll, ever since that first wrenching debate in the Wyoming State Legislature because our law was the same as Missouri's, which was struck down by Roe versus Wade. And so we had to change it, and we did, and I shall never forget the debate. Abortion is such a deeply personal and, to some, a spiritual issue. It is not one that belongs in the public domain. That is my view. It is not one that should be in a legislative body, to me, as a man—not a legislator, but a man, I cannot presume to limit the options of any woman who is anguishing over a crisis pregnancy. That is what I have always believed, and what I have always tried to state so clearly. And as a man, I do not think a man should even vote on this issue. That is how I feel about this.

I do not advocate or promote abortion. It is obviously one of the most difficult choices or options that any woman should ever, ever make. I really do not know many folks who advocate or promote abortion, nor does anybody else in this land. That is not what people do—promote abortion. It is an alternative. It is an option. It is obviously one of the most difficult choices or options that any man or women—sometimes men must make—buy principally the woman. I have always supported alternatives to abortion—and think it is so very important to assure a pregnant woman that there are many alternatives to abortion and that there are many fine support systems available for those who may choose any of the alternatives. And yes, yes, abstinence is still the best, and Who would disagree with that? But that is not what we are talking about.

And I respect and am acutely conscious of the fact that many persons who grapple with the issue of abortion do so from very different moral or religious or philosophical differences, and I do not spend any part of my life trying to inflict—and that is the word I want to use—inflict my personal views on others. I see that happening here. Not with the Senator from New Hampshire, a lovely friend, but from others, especially in the hallways, who do it with steely-eyed zealotry that I tire of.

My respect for this very real facet of the human condition has led me to the conclusion that abortion presents a deeply personal decision for any woman—decisions which should not and realistically could not be prescribed or directed through the legislative process in any way.

We in the Senate should never be criminalizing a specific medical procedure. That is what the substitute states.

So here we are overstepping court cases. There is a strong absence of Government interest in this legislation. It is not here. It purports to prohibit abortions using a particular procedure, and then says abortions will be performed only in a particular manner. There is no reasonable Government interest served by forcing a patient to undergo one type of abortion instead of another, especially if the prohibited procedure is safer for the health of the woman.

We in this Congress should not be legislating in this area. This is overreaching in every sense. Under this bill, it would remain legal. Get this—somebody has to really explain this to me. It would remain legal for a woman to obtain this procedure only if she did not cross State lines. This seems to me too clever by half. I thought this was the most horrendous, searing, murderous, vicious procedure that we have seen in modern times, and yet you are going to be able to do it in your own backyard, in your own State. That is absurd.

Now we have a new Federal court case, the Lopez decision. That is how they got clever by half on this one.

This bill also uses a term I have never before seen in the statute, and I have been doing this for 30 years. Anyone who knowingly performs a partial-birth abortion "and thereby kills a human fetus." That is what it says. "Abortion is thereby killing." On line 15 of the bill, the language reads, "partially vaginally delivers a living fetus before killing the fetus." I have never seen that in my life in a statute. Where did it come from? It is a manifestation of a manipulative group trying to desperately knock off Roe v. Wade. That is what it is. It is exceptionally unclear about the precise nature of the procedure. Six doctors testified they never heard of the procedure before.

I sat and listened to that. I have seen all of the pictures before. We are going to have all of them—one-eyed children, brains on the outside, compressed skulls. I have seen it all. I have seen the whole works, always with the eternal difficulty of imposing restrictions on a decision which must be made from one's only very unique position, and principally by a woman, from one's own culture, one's own history, and one's own deep personal and spiritual viewpoint.

All through the years I have had the accolades sometimes of being called a baby killer. I really do not appreciate that. I handle it very well now. I just say, I do not have to take that guff from you. So I have been there.

In my fine State of Wyoming—and I am going to conclude my remarks within my limit—listen to what we have to do in this. It should not be partisan. And in our State, the Wyoming Republican Party passed a platform plank in 1994 at its State convention that said this: "The Wyoming Republican Party welcomes individuals on each side of the abortion issue, encourages their open discussion, solicits their active participation in the party, and respects their positions and beliefs."

Then, do you know what we did? We did a resolution because we had a November resolution on the ballot which was soundly rejected. Here is what it said: "The Republican Party believes that Republicans are people of principle on each side of the abortion issue who firmly and intractably hold their beliefs; by establishing a party position, we recognize that a resolution will never change these beliefs, but it will serve to divide the party on other issues, and we urge all Republicans to firmly debate these beliefs."

That passed unanimously by voice vote. We ought to do more of that in America. And men, in my mind, should never be in this intensely intimate personal struggle for a woman.

I urge my colleagues to vote in favor of the substitute.

Mr. JEFFORDS. Mr. President, I rise today in support of the amendment expressing the sense of the Senate that the Congress should not criminalize a specific medical procedure, and that the States should not be prohibited from regulating or restricting postviability abortions to the extent that the Constitution permits them to do so. I also want to state again my firm belief in the wisdom of the Supreme Court decision Roe versus Wade, which held that under the constitutional right to privacy, a woman has a right of self-determination with regard to her pregnancy and reproductive health.

In November I spoke in support of referring this bill to the Judiciary Committee for a hearing, and I'd like to thank my colleagues for joining me to support the passage of that motion. I think we learned a great deal from the hearing. One of the things that struck me was that the term "partial birth" is not a term that is clearly defined in the medical profession. This bill purports to be a very narrow measure that outlaws only one alternative to a woman who learns late in her pregnancy that it is not possible for her to carry her child to term. But we've learned that there is not a medical procedure known as a partial birth abortion. I suppose you can argue that those of us on this side of the issue shouldn't have a problem criminalizing a procedure that doesn't really exist. My response to that argument is predictable: why bother to criminalize a procedure that doesn't really exist? Moreover, rules of statutory interpretation will demand that the courts find some meaning in this law, because Congress is assumed to do nothing in vain. Somehow, the courts will have to put some definition on the term "partial birth abortion," even though a clear understanding of what we're outlawing has eluded many of us.

I'd like to quote briefly Dr. J. Courtland Robinson, who spoke at the hearing a couple of weeks ago and highlighted this point:

> I have to wonder what you are really trying to ban with this legislation. It sounds as if you are trying to leave any later abortions open to question.

Dr. Robinson continues:

> I know that a number of physicians who have performed abortions for years, who are experts in the field, look at this legislation and do not understand what you mean or what you are trying to accomplish. It seems as if this vagueness is intentional, and I, as a physician, cannot countenance a vague law that may or may not cut off an appropriate surgical option for my patients. Sometimes, as any doctor will tell you, you begin a surgical procedure expecting it to go one way, only to discover that the unique demands of the case require that you do something different.

Dr. Robinson highlights a point I've made many times before. We can't adequately define the procedure we mean to outlaw because we're not doctors. I share Dr. Robinson's fear that because this law is so vague and because we are denying doctors the ability to use their best medical judgment, physicians will be deterred from performing any late term abortion procedure. Late term abortions will be unavailable and women will die.

This is an unprecedented intrusion into the practice of medicine. In my view decency and common sense would require us to recognize that it is not the job of the Congress to come between physicians and their patients.

I also want to speak briefly in support of section two of Senator FEINSTEIN's amendment. I think her amendment is entirely consistent with the thinking in much of the legislation we have debated recently. On a number of matters we are choosing to leave regulation to the States; indeed, we are deregulating at the Federal level so that we may leave the States the flexibility to enact their own laws on welfare, Medicaid, and so forth. I must admit that it seems strange to me that in this area alone we are undertaking Federal regulation where there has been none. In doing so we are taking away from the States the right to legislate on this issue as they see necessary. In fact, we know that 41 of the States already have laws regulating access to post-viability abortions.

I have expressed before my support for the enduring wisdom of Roe versus Wade decision. I think Senator FEINSTEIN's amendment is consistent with that decision. In Roe, the Court found that under the constitutional right to privacy, a woman has the right to make her own decisions where her pregnancy and reproductive health are concerned—especially, the Court said, "when her right to life is threatened." The bill we are now considering is a direct challenge to that historic decision's protection of a woman's life and health. Concern about a woman's life has been abandoned in the partial birth abortion legislation we've been discussing, but Roe versus Wade requires that even where a state chooses to outlaw post-viability abortions, it may not under any circumstances outlaw abortions necessary to preserve the life or health of the mother.

I will say again that I believe doctors must be able to put the welfare of their patients first. Doctors should be able to use whatever procedure will, in their professional judgment, be safest for the mothers, their patients. Toward this goal, I wholeheartedly support the sense-of-the-Senate amendment that Congress should not criminalize a specific medical procedure, and the rule of Construction permitting the States to regulate post-viability abortions to the extent permitted by the Constitution.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes and thirty seconds.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the following be added as cosponsors: Senator BOXER, Senator SIMON, Senator MOSELEY-BRAUN, and Senator BRYAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I yield the remainder of my time to the junior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I will be brief.

I want to thank the Senator from California for the amendment, and I am delighted to be a cosponsor of it.

Mr. President, this bill represents the first time, to my knowledge, that the Congress has attempted to tell a doctor that he or she cannot perform a specific medical procedure.

Let us be clear about what Congress is proposing to do with this legislation. We are proposing to criminalize a medical procedure against the recommendation of this Nation's OB-GYN's and against the recommendation of this Nation's 2.2 million registered nurses.

This bill arbitrarily prohibits one type of procedure even when the procedure best protects the life and health and fertility of a woman, a citizen of this country. If a woman has a late-term abortion, her decision relies on the best medical advice of the doctor, advice based on years of medical training and service.

None of us, or few of us in this body, have spent years studying and practicing medicine. How many of the Members of this body are physicians? We have only one doctor serving in the Senate, and he is not an OB-GYN. Are we qualified to make a medical judgment—a medical recommendation—that could leave a woman sterile, or severely ill, or, worse yet, dead? I think not.

I know, frankly, that if I were ill, or the Presiding Officer were ill, his family would take him to a doctor, not to another Senator, unless, of course, that Senator was a doctor, and there is only one of those.

The fact of the matter is that this is a medical decision, and the decision here that a woman makes regarding her pregnancy should be made with her family in consultation with her doctor and, of course, her faith.

Yesterday, I talked about this as an issue of fundamental liberty for female citizens. Let me submit to you that it is not only a matter of a woman's liberty and right to control her own body that is at stake with this legislation; it is also a doctor's right to treat—to treat his patient, and to treat his patient under very difficult circumstances indeed.

It seems to me that as we dabble around we are in the process of limiting the liberties of the unborn that have been spoken of will be born to. I think, Mr. President, that is a grievous error for which we will all have great regret.

I thank the Senator from California. The good news about this amendment is that it can improve what is a bad bill. The bad news about it, or maybe the good news about it, is hopefully medical science will overcome this situation. But, quite frankly, for the present we should not be dabbling where we have no knowledge, where we have no expertise, and in a way that will injure and jeopardize the health, safety, and indeed even the lives of millions of American women.

Thank you. I yield the floor.

Mr. President, I do not know if this letter has been made a part of the RECORD. I ask unanimous consent that it be printed in the RECORD. It is a letter dated November 6 from the American College of Obstetricians and Gynecologists in opposition to this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, November 6, 1995.

Hon. ROBERT DOLE,
Majority Leader, The Capitol,
Washington, DC.

DEAR MAJORITY LEADER DOLE: The American College of Obstetricians and Gynecologists (ACOG), an organization representing more than 35,000 physicians dedicated to improving women's health care, does not support H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. The College finds very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, H.R. 1833 employs terminology that is not even recognized in the medical community—demonstrating why Congressional opinion should never be substituted for professional medical judgment.

Thank you for considering our views on this important matter.

Sincerely,

RALPH W. HALE, MD,
Executive Director.

Mr. SMITH. Mr. President, so we all understand, the Feinstein substitute amendment is the killer amendment. It simply guts the bill. The earlier amendment was the Boxer amendment, which was defeated.

This amendment, no less than the Boxer amendment before it a short while ago, is the partial-birth abortion-on-demand amendment. And this amendment would totally eliminate the Partial-Birth Abortion Ban Act.

So if you support the bill, and you voted no on the Boxer amendment, you should vote no on the Feinstein amendment because it would replace the bill with current law. Current law is partial-birth abortion on demand—I might add, through all 9 months of pregnancy for whatever reason.

In other words, Mr. President, if you want to go back on what you voted for, what you support, the partial-birth abortion ban, then you would have to vote for Feinstein.

In essence and in conclusion, this is a gutting amendment. It goes back to current law. It just eliminates the entire bill.

For that reason, obviously, we oppose it, and I encourage all of those who voted no on Boxer who want the partial-birth abortion ban as described in our legislation to vote no on the Feinstein amendment.

At this point, unless my colleagues would like some of my time—I would be happy to yield it—I have no further desire for time.

Mrs. FEINSTEIN. I thank the Senator. I yield the time.

Mr. SMITH. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

The question is on agreeing to the amendment.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, I would just ask unanimous consent that Senator BROWN and I be allowed to do a brief colloquy on a matter that I neglected to mention and then we will vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, this bill would expose physicians to criminal and civil liability for performing a partial-birth abortion, and I believe it is critical that we be very clear as to what is covered by the bill. The bill defines a "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

It is my understanding that "partially vaginally delivers" means the person performing the abortion actively removes a portion of the fetus from the uterus, through the cervix and into the birth canal. And I would ask the manager if this is his understanding as well?

Mr. SMITH. The Senator from Colorado is correct. "Partially vaginally delivers" means the physician delivers part of the baby through the cervix and into the birth canal.

Mr. BROWN. At the Judiciary Committee hearing, Dr. Robinson, of the Johns Hopkins University, mentioned that it is possible for a portion of the fetus, such as a hand or foot, to slip accidentally through the cervix and into the birth canal without active removal by the physician. I assume the manager does not intend to include those cases in the definition of partial-birth abortion. Am I correct?

Mr. SMITH. The Senator from Colorado is correct. This bill would only cover those circumstances where someone intentionally delivers part of a living baby through the cervix and into the birth canal.

Mr. BROWN. The definition also states that it only applies to "partial vaginal delivery of a living fetus." In other words, if the fetus had died before being partially removed from the uterus, this measure would not prohibit a physician from safely removing the dead fetus from the mother. Is that correct?

Mr. SMITH. The Senator is correct. That is correct.

Mr. BROWN. Finally, Mr. President, it is my understanding this bill applies only to those who knowingly perform a partial-birth abortion. In other words, a physician must intentionally partially deliver a living fetus and then deliberately kill the fetus to be subject to criminal or civil liability. For example, under this bill, if a doctor fully intends to deliver a living baby but due to an accident during delivery the fetus dies, the doctor would not be subject to criminal or civil liability. Is that correct?

Mr. SMITH. The Senator is correct.

Mr. BROWN. I thank the Senator for his time and particularly for what I think will be a helpful colloquy in being very specific as to what the words and terms used in the bill mean.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3092 offered by the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER (Mrs. HUTCHISON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 595 Leg.]

YEAS—44

Akaka
Baucus
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Daschle
Dodd
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Wellstone

NAYS—53

Abraham
Ashcroft
Bennett
Biden
Bond
Breaux
Brown
Burns
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Santorum
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Moynihan
Shelby

So the amendment (No. 3092) was rejected.

Mr. SMITH. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to table the motion.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. We now have 4 minutes of debate equally divided.

Mrs. BOXER. Madam President, I ask my colleagues if they could give me their attention for 2 minutes of what has been a very difficult debate. Just for 2 minutes.

I ask you to vote "no" on the final passage of this radical bill. It outlaws an emergency medical procedure which doctors have testified is used to save the life of a woman or to avert serious adverse health consequences.

A woman like this, Coreen Costello, who asks us to put aside our party affiliation and remember her. Despite the other side saying she did not have the procedure outlawed in this bill, she did. She wrote us and told us that today and she testified that she did.

My colleagues, I am down to the last 60 seconds. This is what Coreen Costello said. Please listen:

> When families like ours are given this kind of tragic news the last people we want to seek advice from are politicians. We talk to our doctors, lots of doctors. We talk to our families and other loved ones, and we ponder long and hard into the night with our God.

Coreen asks us to vote against this bill.

> It will deny women a life saving and health saving option in a tragic emergency situation. You would not do it to your own wife. You would not do it to your own daughter. I ask you, please, do not do it to America's wives and to America's daughters.

There is no true life exception. It was a partial exception. It was different than the normal Hyde language. So this is indeed a radical proposal. Please vote "no" on final passage. President Clinton will veto this bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. SMITH. Madam President, the House of Representatives recently voted overwhelming by a two-thirds majority to ban partial-birth abortion. The vote on the ban was 288–139.

This is not a radical extreme bill. It was supported by liberal Democrats such as PATRICK KENNEDY; liberal Republicans, moderate Republicans, such as SUSAN MOLINARI; pro-choice, pro-life. It is not a radical bill. RICH GEPHARDT supported it and others.

We have added a life-of-the-mother exception which was requested by some of my colleagues on both sides of the aisle. We did that. I hope we can get a similar, bipartisan overwhelming majority here in the Senate like we had in the House to stop what I believe is a very cruel practice.

Let me conclude on this point, because Senator BOXER and I have been debating this on and off for several days now. The photograph that is being displayed here is of a woman who went through a terrible ordeal. We all know that. We have great sympathy for what she went through. But she did not have the partial-birth abortion. She did not have a partial-birth abortion. This would not have stopped the procedure that Coreen Costello had.

I urge my colleagues to vote for final passage. I yield the floor.

The PRESIDING OFFICER. All time has expired.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 596 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Biden
Bond
Breaux
Brown
Burns
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Santorum
Shelby
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Daschle
Dodd
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Wellstone

NOT VOTING—1

Moynihan

So the bill (H.R. 1833), as amended, was passed.

Mr. SMITH. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. BINGAMAN. Madam President, I wish to state a couple of questions and ask for the majority leader's response, if I could, at this time.

Madam President, I know that there has been an agreement worked out with regard to the voting on the nominations and on the START II Treaty. I know that yesterday we had another discussion on the Senate floor, and the majority leader referred to his intention to, also in addition to the nominations for ambassadors, clear the rest of the items on the Executive Calendar before we left.

I just wanted to once again ask for his assurance that that is his desire and his intention before we adjourn this fall.

Mr. DOLE. Madam President, if the Senator will yield, I will just say, as I did yesterday, that it is certainly my hope that we can clear everything on the Executive Calendar before we leave this year.

I cannot give a 100 percent guarantee. Somebody might have a hard hold on something. They may not be able to get it up, and we might not be able to get cloture. But my view is we ought to accommodate where we can the executive branch, and I have always tried to do that.

Mr. BINGAMAN. I appreciate that very much. I certainly agree that that is an important thing to do.

The other issue I wanted to clarify is that the agreement calls for us to proceed to consider START II before we go out of session this year. Yesterday, again the majority leader said that it was his intent that we complete action on START II. I think it is very important that we do that.

Again, I would just ask if it is his view that we can go ahead and get that treaty voted on and sent on before we go off on the holidays.

Mr. DOLE. Again, let me indicate that I hope to take it up before Christmas. I would like to complete action before Christmas. If not, we will do it as quickly as we can when we are back here.

But I think we need to take a look at the calendar. A week from today will be the 15th. One week later is the 22d. Next week we have this State Department reorganization, Bosnia, and rangeland reform. Again, it is a question of whether we can do it.

I am advised by the distinguished chairman of the Foreign Relations Committee that he does not know of any amendments to the START II Treaty. There may be amendments. But it may not take more than a couple of hours.

So, certainly, I would like to dispose of it before we leave from here this year. We will make every effort to do so.

Mr. BINGAMAN. Madam President, let me just say that I appreciate the fact that we do have an agreement in this unanimous-consent agreement to bring it up before we conclude the session and move to the consideration of it.

I am encouraged by the statement and by the indication of the Senator from North Carolina, the chairman of the Foreign Relations Committee, that he thinks we can move to it very expeditiously.

I appreciate the majority leader's very good work on the issues. I appreciate the Senator from North Carolina, and I also, of course, appreciate the Senator from Massachusetts, who I know has worked very hard to get this agreement and, of course, the Democratic leader as well.

So thank you all.

I no longer object to proceeding on the flag amendment. I know the majority leader intends to do that tomorrow.

I have no objection.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 31

Mr. DOLE. If there is not, I ask at this time then that the cloture vote scheduled for Friday be vitiated, and I now ask unanimous consent that at 10 a.m. on Friday, December 8, the Senate turn to the consideration of Senate Joint Resolution 31, the constitutional amendment concerning the flag desecration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I further add that there will not be any votes tomorrow. There will be debate tomorrow. Then tomorrow, if we can reach an agreement for Monday, there may be two or three amendments to Senate Joint Resolution 31.

If we can agree on the amendments and final passage, then we could do that on Tuesday morning. There would be no votes on Monday. If we cannot agree, then there will be no votes before 6 o'clock on Monday. But I think we can agree. We have had a discussion between the two leaders.

Finally, I would say there are a couple of colloquys that Senator DASCHLE and I were going to enter into, and I think I pretty much responded to the one on START. The others I think can be printed in the RECORD at the appropriate point if we initial each.

Is that satisfactory with the managers?

I thank the Senators.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. We have reached the point now this evening that we could have reached back in August, but better late than never.

UNANIMOUS-CONSENT AGREEMENT

Mr. HELMS. Madam President, I ask unanimous consent that following the disposition of H.R. 1561, as amended, the Senate then proceed immediately, without intervening action or debate, to executive session to consider the following list of nominations, and if the nominations are not on the Executive Calendar at that time the Foreign Relations Committee be discharged from further consideration of these nominations, and the Senate proceed to their consideration en bloc; that they be confirmed en bloc, the motion to reconsider be laid on the table, and the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that if the nominations are on the calendar at that time, they still be considered and confirmed in accordance with the above provisions.

Now, the list of nominations I shall send to the desk, and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. A. Peter Burleigh, of California, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without compensation as Ambassador to the Republic of Maldives;

Mr. James Franklin Collins, of Illinois, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States;

Ms. Frances D. Cook, of Florida, to be Ambassador to the Sultanate of Oman;

Mr. Don Lee Gevirtz, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the United Kingdom of Tonga, and Ambassador to Tuvalu;

Mr. Robert E. Gribben, III, of Alabama, to be Ambassador to the Republic of Rwanda;

Mr. William H. Itoh, of New Mexico, to be Ambassador to the Kingdom of Thailand;

Mr. Richard Henry Jones, of Nebraska, to be Ambassador to the Republic of Lebanon;

Mr. James A. Joseph, of Virginia, to be Ambassador to the Republic of South Africa;

Ms. Sandra J. Kristoff, of Virginia, for the rank of Ambassador as U.S. Coordinator for the Asia Pacific Economic Corporation;

Mr. John Raymond Malott, of Virginia, to be Ambassador of Malaysia;

Ms. Joan M. Plaisted, of California to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati;

Mr. Kenneth Michael Quinn, of Iowa, to be Ambassador to Cambodia;

Mr. David P. Rawson, of Michigan, to be Ambassador to the Republic of Mali;

Mr. J. Stapleton Roy, of Pennsylvania, to be Ambassador to the Republic of Indonesia;

Mr. Jim Sasser, of Tennessee, to be Ambassador to the People's Republic of China;

Mr. Gerald Wesley Scott, of Oklahoma, to be Ambassador to the Republic of the Gambia;

Mr. Thomas W. Simons, Jr., of the District of Columbia, to be Ambassador to the Islamic Republic of Pakistan;

Mr. Charles H. Twining, of Maryland, to be Ambassador to the Republic of Cameroon;

FSO Promotion List, Barrett, et. al;

FSO Promotion List, Gelbard, et. al;

FSO Promotion List, Goddard, et. al;

FSO Promotion List, Peasley, et. al.

Mr. HELMS. I thank the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I further ask unanimous consent that immediately following the resumption of legislative session, the Senate insist on its amendment to H.R. 1561, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees. Further, as in executive session, I ask unanimous consent that on a date to be determined by the majority leader, after consultation with the Democratic leader, but in any case no later than the last day of the first session of the 104th Congress, 1 hour after the Senate convenes, the Senate proceed to executive session to consider the START II treaty; that if the committee has not reported the treaty by that time, the treaty be discharged from committee and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

I further ask unanimous consent that immediately after the Chair appoints the conferees on H.R. 1561, the Chair then lay before the Senate the message from the House on H.R. 927, the Cuban Liberty and Solidarity Act; that the Senate insist on its amendment, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF KATHLEEN A. McGINTY

Mr. DASCHLE. Mr. President, it is my understanding that the majority leader has committed to the consideration of and final action on Executive Calendar Nomination No. 340, Ms. Kathleen A. McGinty to be a member of the Council on Environmental Quality before the Senate completes its business this session. Am I correct in that understanding?

Mr. DOLE. Yes. I have committed to final disposition before Christmas.

Mr. DASCHLE. I thank the majority leader for that commitment.

UNANIMOUS-CONSENT AGREEMENT — CHEMICAL WEAPONS CONVENTION

Mr. HELMS. Madam President, I further ask unanimous consent that if the Chemical Weapons Convention has not been reported by the close of business on April 30, 1996, that convention be discharged from the Foreign Relations Committee and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. DASCHLE. Mr. President, I understand the majority leader's difficulty in long-term planning of the Senate schedule, but I ask the majority leader if it would be his intention to schedule consideration of the Chemical Weapons Convention in a reasonable time after it has been reported or discharged from the committee?

Mr. DOLE. It would be my intention that the Senate would consider the convention in a reasonable time period once the convention is on the Executive Calender.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, it will be my intention to review for the record briefly the summary as agreed upon of the amendment to H.R. 1561. Before I do, however, I would like to inquire of the chairman the following.

Madam President, a number of Members from the Senate on both sides of the aisle have been very concerned, and the ranking member shares this concern, about the disposition of the Chemical Weapons Convention which was submitted to the Congress many months ago, and since that time it has been pending before the Foreign Relations Committee.

I would like to ask the chairman concerning the Chemical Weapons Convention. I am aware that the committee's consideration of this treaty is not as far along as the consideration of START II and that several members of the committee have a number of questions about it and its implications that they believe must be explored more fully before they are prepared to act on the treaty.

I ask the chairman if he would describe his commitment to the committee and the Senate on action on the Chemical Weapons Convention.

Mr. HELMS. Madam President, I am happy to respond to the inquiry by the distinguished Senator from Massachusetts.

He has correctly stated that I and several other members of the committee have what we believe to be critical unanswered questions concerning the implications of the Convention on Chemical Weapons coming into force and whether the treaty is in the best interests of our Nation. So it is not possible for us to move as expeditiously concerning it as we can move on the START II treaty.

However, I would say to the Senator that the Foreign Relations Committee will immediately establish a hearing schedule on the convention which will begin hearings in February 1996. The committee will complete its hearings on the convention by April 30, 1996. By April 30, the committee will meet in a business session to consider the Chemical Weapons Convention.

Prior to the final committee vote on whether to report the treaty to the Senate, the committee could adopt any or all of the following: recommendations to amend the treaty; reservations and understandings; modifications of the resolution of ratification; or direction for the renegotiation of the treaty. The final committee vote could allow that the treaty be reported favorably, unfavorably, or without recommendation.

Mr. KERRY. Madam President, I would ask the distinguished chairman—I believe at this point are the colloquies of Senator DASCHLE and Senator DOLE now a part of the RECORD?

Mr. HELMS. They are now a part of the RECORD. I will ask the Chair to confirm that.

The PRESIDING OFFICER. That is correct.

Mr. KERRY. That is as to both the Chemical Weapons Convention as well as the nomination of Katie McGinty to be Chairman of the Council on Environmental Quality. Is that correct?

Mr. HELMS. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. KERRY. It is my understanding that there is a further unanimous-consent request with respect to the Chemical Weapons Convention if it is not reported by the close of business. Or is that accomplished?

Mr. HELMS. Already done.

The PRESIDING OFFICER. It is.

ORDER OF PROCEDURE

Mr. KERRY. In that case, Madam President, if I may, I would like to review with the Senator very briefly those items as we understand them that are summarized within H.R. 1561.

On Monday when we take up this issue we have agreed, have we not, that as to the issue of consolidation, that we have agreed on compromise language with technical changes which will propound a $1.7 billion savings over 5 years with a baseline of fiscal year 1995 at the appropriated level, that there would be no mandatory abolition of agencies, there would be not more than 30 percent of the savings realized for programmatic reductions, and there would be not more than 15 percent of the savings realized from State Department administrative accounts.

Does the chairman agree with my summary of the consolidation?

Mr. HELMS. That is correct. And it will be made a part of the RECORD.

Mr. KERRY. With respect to other bill issues, there is agreement on language reflected in a summary of changes in Division A which will be made a part of the RECORD.

There is a deletion of section 168 based on Senator DODD's request in writing to have this dealt with in conference on the Cuban Liberty and Solidarity Act. There is a deletion of section 603 relating to coercive population control policies. And there is an addition of $10 million in fiscal year 1996 for the East-West Center pursuant to an agreement between the chairman and ranking member and Senator INOUYE.

Mr. HELMS. That is correct.

Mr. KERRY. With respect to Iraqi claims, there is a compromise which contemplates satisfying licensing for those people with letters of advice while simultaneously expanding—compromise language which we arrived at this evening which basically splits the difference between the parties with respect to the concerns that have been expressed.

Mr. HELMS. That is correct, Madam President.

Mr. KERRY. With respect to the authorization levels, there is an agreement that those authorization levels currently set out in the bill will be addressed in conference with an understanding among the parties that we will make a good-faith effort and seek to increase the levels of operating accounts for the agencies affected by the bill.

Mr. HELMS. That is correct.

Mr. KERRY. With respect to conference issues as to consolidation, there is an agreement that the Senate conferees will operate under consensus with respect to the consolidation proposal regarding mandatory cost savings, the abolition of the agencies, and the limitations as to where those cost savings may be achieved?

Mr. HELMS. That is correct.

Mr. KERRY. With respect to the foreign aid provisions, the population provisions will be a Member issue in the conference. And there is agreement that foreign aid provisions of the U.S. Senate will be neither added nor dropped in conference without a mutual discussion, involvement by Senate conferees?

Mr. HELMS. That is customary.

Mr. KERRY. Similarly, any discussion or consideration of the foreign aid provisions of the House bill will be by similar participation?

Mr. HELMS. That is customary. The Senator will be a member of the conference committee.

Mr. KERRY. Procedural, as to procedural issues that have now been set forth within the context of the unanimous-consent agreement—and there is no need to repeat those. And the chairman has agreed to schedule hearings for early next year, with committee action on the convention in the early spring for the Chemical Weapons Convention. It is also the understanding that the committee will resume normal activities with respect to the scheduling of hearings and committee actions on all currently pending nominees and other committee business.

Mr. HELMS. That was my intent all along, Madam President.

Mr. KERRY. Well, Madam President, let me say that I want to thank the distinguished chairman and his staff. This has been a complicated and long negotiating process. But I think it has been one where both parties fairly attempted to try to work the best compromise possible to effect some very complicated changes within the structure of our foreign policy establishment.

I am convinced that what we have achieved here is a strong beginning for a reevaluation of how we are doing business, of the responsibilities of these various agencies and departments. I am convinced that as the parties proceed in good faith into the conference itself, that we have an opportunity to make our delivery of the foreign policy product of this country far more effective, far more efficient, and the taxpayers of this country will benefit significantly from the changes which are promoted here.

The chairman has stood his ground on many issues and fought hard, as have we. And I think, as in all efforts to make the compromise, this represents exactly that, a sound meeting of the minds and a sound effort to try to bring the parties together. I am convinced that it is a good product.

There are still some issues that we need to work on. The chairman understands that. I understand that. Members understand that. But I think what we have done, by breaking through here in the last week, is to bring the committee back together in an important way and to indicate that we are all intending to do our utmost to try to see to it that there is a strong bipartisan effort to present the strongest possible future work product from this important committee. And I thank the chairman for his continued efforts even when the road was difficult to keep the lines of communication open and to help to make this happen.

Mr. HELMS. Madam President, I thank the Senator from Massachusetts. I am grateful for the opportunity to work for him and with him in reaching this agreement. And I have only the observation that this could have been achieved many, many weeks ago if there had not been such intransigence. But that is behind us.

I hope from this point on that we can work together in good faith, not question each other's good faith, and work for the American people, saving money and improve the foreign policy apparatus of this country, which badly needs improving. And I pledge that I shall work with the Senator as long as he is willing to work with me. And I thank the Senator. And I thank the Chair.

I want to send to the desk, Madam President, a printed review of the items that Senator KERRY has just discussed for the benefit of the reporter. I know he tried to take it down, but it is easier to have it in writing.

Madam President, I ask unanimous consent that the review be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHECKLIST—HELMS-KERRY MEETING ON S. 908

A. SUMMARY OF MANAGERS AMENDMENT

1. Consolidation

Agreed on compromise language offered by Kerry with technical changes, as follows:

$1.7 billion in savings over 5 years; baseline is FY 1995 appropriated level;

No mandatory abolition of agencies;

Not more than 30% of the savings realized from programmatic reductions;

Not more than 15% of the savings realized from State Department's administrative accounts.

2. Other bill issues

Agreed on language reflected in attached summary of changes in Division A with the following additional changes:

(a) deletion of Section 168 based on Dodd's request in writing to Kerry to have this dealt with in conference on the Cuban Liberty and Solidarity Act;

(b) deletion of Section 603 relating to coercive population control policies (House bill contains a similar provision); and

(c) addition of $10 million in FY 1996 for the East-West center, pursuant to Helms' agreement with Inouye.

3. Iraq Claims—

4. Authorization levels

Agreement that authorization levels would be addressed in conference with an effort to increase the levels of operating accounts for agencies affected by the bill.

B. CONFERENCE ISSUES

1. Consolidation

Agreement that the Senate conferees will operate "under consensus" with respect to Kerry's consolidation proposal regarding mandatory cost savings, abolition of the agencies and the limitations as to where cost savings may be achieved.

2. Foreign Aid Provisions

(a) Population provisions will be a Member issue in conference.

(b) Agreement that foreign aid provisions will either be added nor dropped in conference without Kerry's involvement.

C. PROCEDURAL ISSUES

1. Agreed that the pending nominations which are ready to be acted upon (i.e. 18 ambassadorial nominations and 4 FSO promotion lists) and the START II treaty will be added on by the Committee at a business meeting immediately prior to floor action on S. 908.

2. Agreed to propound 4 UC agreements prior to any action on S. 908 as follows:

(a) Nominees

Upon passage of S. 908, the 18 nominations and the 4 FSO promotion lists will be deemed passed by the Senate in bloc. In the event that the Committee has not acted upon these nominations, the UC agreement would provide for the Committee to be discharged of the 18 ambassadorial nominations and the 4 FSO promotion lists and for immediate passage of all these nominations upon passage of S. 908.

(b) Conferees on S. 908

Upon passage of S. 908, conferees would be appointed.

(c) START II

Upon passage of S. 908 in the event that Committee has not acted the Committee would be discharged of START II and Start II will be acted upon by the Senate prior to the end of this session.

(d) Conferees on Cuba

Upon passage of S. 908, conferees would be appointed on the Cuban Liberty and Solidarity Act.

D. OTHER ISSUES

1. Chemical Weapons Convention

Will schedule hearings for early next year and Committee action on the convention in early spring

2. Other Pending Nominations

Committee will resume normal activities including scheduling hearings and Committee action on all currently pending nominees, and other Committee business.

S. 908—SUMMARY OF CHANGES IN DIVISION 'A'

(Agreed-upon on 11/09/95)

Agreements reached on changes in Division A

Delete Foreign Service end strengths in section 141 (c) and (d). Reporting requirement on end strengths included in Kerry reorganization proposal.

Delete restrictions in section 111(c) on liaison office in North Korea. Done in managers amendment—7/31/95.

Agreed to drop sections 166 and 167 relating to immigration in conference.

Amend section 205 relating to UN inspector general.

Amend section 212 dealing with prior notification of UN Security Council votes on peacekeeping.

Substitute Intelligence Committee language on intelligence sharing with UN in section 216.

Delete section 217 exempting US from UN sanctions.

Delete provision terminating US participation in ILO in section 313(1).

Amend section 314 dealing with US participation in UN Human Rights Committee.

Agreed to drop new reporting requirements in conference.

Mr. HELMS. I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Madam President, I would just like to say how fortunate the United States is to have in its setting an individual with the manner, negotiating skill and tact, as that of the Senator from Massachusetts. He has carried the load in a wonderful way. I feel guilty not having shared it more. And his willingness to compromise is the essence of politics and the essence of progress. He and the Senator from North Carolina have conducted themselves ably. I would like to put in a word for the assistant of the Senator from Massachusetts, Nancy Stetson. By coincidence, she is from the State of Rhode Island.

Mr. KERRY. I thank the distinguished former chairman and now ranking member of the committee for his very generous comments.

Mr. HELMS. Madam President, it goes without saying that I am grateful, as I always am, for the remarkable staff of the majority on the Foreign Relations Committee. Beside me is Steve Berry, who has worked arduously and continuously, and he still has a little bit of his hair left. And then there is Randy Scheunemann, who once was on our staff and is now associated with Senator DOLE. He has been of invaluable help. I cannot go down the long list, but I am obliged to mention my Monroe, North Carolina colleague, the chief of staff of the Foreign Relations Committee, retired navy admiral Bud Nance. He calls himself "Bud," but his name is James Wilson Nance. I must insert the personal note that Bud and I were born 2 months apart, two blocks apart in the little town of Monroe. He served 38 years in the Navy, and after that, he served Ronald Reagan as his foreign affairs advisor.

Mr. KERRY. If my colleague will yield before he closes, I join with him in thanking his staff, also—Steve Berry, particularly, and Randy Scheunemann have been extraordinarily helpful in working through the issues. We are grateful for their help.

Mr. HELMS. That is very kind of the Senator. I know they appreciate that.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:07 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

At 5:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes, disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two House thereon; and appoints Mr. BLILEY, Mr. BILIRAKIS, Mr. COBURN, Mr. WAXMAN, and Mr. STUDDS as the managers of the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the amendment of the House to the bill (S. 790) to provide for the modifications or elimination of Federal reporting requirements.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, and the House recedes from its disagreement to the amendment of the Senate and concurs therein with an amendment.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1058. An act to reform Federal securities litigation, and for other purposes.

H.R. 2204. An Act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second time and placed on the calendar:

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104–180).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1459. An original bill to provide for uniform management of livestock grazing on Federal land, and for other purposes (Rept. No. 104–181).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 776. A bill to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act, and for other purposes (Rept. No. 104–182).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 956. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1340. A bill to require the President to appoint a Commission on Concentration in the Livestock Industry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary.

Bruce D. Black, of New Mexico, to be United States District Judge for the District of New Mexico.

Patricia A. Gaughan, of Ohio, to be United States District Judge for the Northern District of Ohio.

Hugh Lawson, of Georgia, to be United States District Judge for the Middle District of Georgia.

John Thomas Marten, of Kansas, to be United States District Judge for the District of Kansas.

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS (for himself, Mr. CRAIG, Mr. REID, Mr. THOMAS, Mr. BRYAN, and Mr. INHOFE):

S. 1453. A bill to prohibit the regulation by the Secretary of Health and Human Services and the Commissioner of Food and Drugs of any activities of sponsors or sponsorship programs connected with, or any advertising used or purchased by, the Professional Rodeo Cowboy Association, its agents or affiliates, or any other professional rodeo association, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 1454. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Joan Marie*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1455. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Movin On*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1456. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Play Hard*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1457. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shogun*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 1458. A bill to amend the provisions of title 35, United States Code, to establish the Patent and Trademark Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for Mr. DOMENICI):

S. 1459. An original bill to provide for uniform management of livestock grazing on Federal land, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mrs. BOXER (for herself and Mr. BIDEN):

S. 1460. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. MCCAIN):

S. Res. 198. A resolution to make certain technical changes to S. Res. 158; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS (for himself, Mr. CRAIG, Mr. REID, Mr. THOMAS, Mr. BRYAN, and Mr. INHOFE):

S. 1453. A bill to prohibit the regulation by the Secretary of Health and Human Services and the Commissioner of Food and Drugs of any activities or sponsors or sponsorship programs connected with, or any advertising used or purchased by, the Professional Rodeo Cowboy Association, its agents or affiliates, or any other professional rodeo association, and for other purposes; to the Committee on Labor and Human Resources.

THE RODEO FREEDOM ACT OF 1995

Mr. BURNS. Mr. President, I rise today with the support of Senators REID, CRAIG, THOMAS, BRYAN, and INHOFE, to introduce a bill that is vitally important to the heritage of the Western United States, the sport of rodeo. The Rodeo Freedom Act of 1995 is a bill that will protect the interests of the sport of rodeo and the many small and large communities that host rodeos throughout the year.

Rodeo is the one true American sport—a sporting event watched by millions of people yearly. It's a unique sporting event that tests the skills of both man and beast. Rodeo is a sport that traces its beginnings to contests held between ranches in the West during the latter part of the last century. Cowboys tested their skills in breaking wild horses and the everyday jobs of roping and doctoring the animals of the ranch owner's herds. Rodeo is one of the few sports which early on allowed women to compete and to share in the prize money that is offered. Today thousands of men, women, and children hold dreams of winning a world championship buckle awarded to the top performer in each event.

In recent months the continued good fortune of the sport of rodeo has been threatened by the administration, through the transfer of authority for the control of products that sponsor both professional and local rodeos. The President has taken steps to give control to the Food and Drug Administration of the products that sponsor rodeo events throughout the Nation. This agency has already stated that many of the products that sponsor both professional and amateur sports will have to give up their right to advertise and support these events. This move could send many entertainment events, like rodeo, to an early grave. The cost to many of the small communities that host the hundreds of rodeos around the country could be the end of their involvement.

This is just one of the latest moves that have been made to regulate the manner in which sporting events earn the money necessary to provide top entertainment. The restrictions the Government is seeking to impose would limit, if not destroy, the long standing relationship between rodeo and its many sponsors. This would threaten the economic viability of an important recreational and economic activity in Montana and throughout the Western United States.

I doubt the agencies involved took into account the economic impact that their decisions would have on small rural communities. In many of the smaller communities in Montana, and I am sure in many Western States, the residents eagerly anticipate the one annual event of the year, the rodeo. The contestants come in from around the country, and for that matter the world, to compete. Tourists traveling through the area many times extend their stay to catch the uniquely American sport.

This event may bring thousands of dollars into an already suffering economy. In one particular city in Montana, an annual rodeo will mean the addition of over $2 million to the local economy.

The additional money that sponsors provide to local rodeos makes rodeo one of the best family entertainment bargains today. Without the assistance of these sponsors, rodeo, if it could even continue, would need to bring the price of its tickets up to a level that would preclude many families from the one entertainment event they wait for annually.

This is another example of Big Government tossing its weight around. The enforcement of the sponsorship should be controlled at the local level by the State governments, most of which already have laws limiting the distribution of products. If we don't call the Federal Government on this one, What will be next?

This is not a product issue. It is an issue of personal freedom, and the right of westerners to enjoy our recreational pursuits. This legislation is for all competitors, whether they are weekend cowboys or top rodeo stars. Their participation in the sport of rodeo helps to ensure the traditions and heritage of the West. The popularity of western movies and rodeo demonstrates the fascination that people the world over hold for the cowboy tradition.

In closing I would like to commend all the competitors that have struggled so hard in rodeos this year. This week marks the culmination of all that effort, as 15 of the top cowboys and cowgirls meet in Las Vegas, NV to compete in the National Finals Rodeo. By this Sunday night the world champions will be determined in the following events: Bareback and saddle bronc and bull riding, team roping, calf roping, steer wrestling, and barrel racing. I tip my hat to all the competitors and wish them a safe and good ride. And using a term known among the cowboy circles I say "Bare Down and Cowboy up."

I urge my colleagues to join with me in protecting the future of rodeo.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rodeo Freedom Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) professional rodeo is an important and popular spectator sport that is attended by an estimated 18,000,000 American adults annually across the United States and particularly in the Western and Southwestern regions;

(2) in the Western and Southwestern regions, the sport of rodeo has a long and interesting history and therefore, is of great cultural and social significance to such States;

(3) the Professional Rodeo Cowboy Association has 10,000 members and sponsors approximately 800 rodeos in 46 States every year;

(4) because of its cultural associations with the Western and Southwestern regions of the United States, the rodeo is an important attraction for domestic and foreign tourism to those regions;

(5) the professional rodeo and the support industries associated with professional rodeo generate substantial economic activity in host communities and are significant sources of income, economic security, employment, recreation, and enjoyment for Americans;

(6) the Professional Rodeo Cowboy Association enjoys the freedom to choose the sponsors or sponsorship programs associated with the rodeos of the association;

(7) the sponsors or sponsorship programs associated with the rodeos of the Professional Rodeo Cowboy Association assist in sustaining the sport of rodeo and in making such sport affordable and accessible to millions of adult rodeo fans across America;

(8) despite the enjoyment that millions of Americans derive from watching rodeo events, and the importance of such events to the economies of the Western and Southwestern regions and of the United States, Federal agencies other than the Federal Trade Commission have proposed restrictions upon the activities of sponsors, sponsorship programs, or advertising connected with rodeo events; and

(9) such restrictions, if adopted will—

(A) jeopardize the continued financial viability of professional rodeos;

(B) result in a considerable financial loss to tourism and other related industries;

(C) interfere with the enjoyment of rodeo events by millions of American adults who attend rodeos annually; and

(D) impose unconstitutional limitations on both commercial speech and the freedom of association of the membership of the Professional Rodeo Cowboys Association.

SEC. 3. PROHIBITION.

The Secretary of Health and Human Services and the Commissioner of Food and Drugs shall have no authority under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) to regulate—

(1) activities of sponsors or sponsorship programs connected with—

(A) the Professional Rodeo Cowboy Association or its activities or events; or

(B) any other professional rodeo association or the agents or affiliates of such association or the activities or events of such association, agents, or affiliates; or

(2) advertising that is used or purchased by, or that is in connection with—

(A) the Professional Rodeo Cowboy Association or its activities or events; or

(B) any other professional rodeo association or the agents or affiliates of such association or the activities or events of such association, agents, or affiliates.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect as if enacted on August 10, 1995.

By Mr. LAUTENBERG:

S. 1458. A bill to amend the provisions of title 35, United States Code, to establish the Patent and Trademark Corporation, and for other purposes; to the Committee on the Judiciary.

THE PATENT AND TRADEMARK OFFICE REFORM ACT OF 1995

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Patent and Trademark Office Reform Act of 1995, that would establish the Patent and Trademark Office as a Government corporation and make significant improvements in its management.

These changes will free the Office from restrictive laws that have prevented it from becoming as efficient as its users and our economy demand. Applications will be processed faster, top talent will be hired and retained, necessary state-of-the-art equipment will be purchased, and office space will be acquired or leased at more favorable terms.

Mr. President, the Patent and Trademark Office is in the business of examining and granting patents and registering trademarks, a function important enough to warrant mention in Article 1 of our Constitution. The protection of innovation provided by the PTO has helped create millions of jobs and is one of the reasons our country is so competitive and the most productive in the world.

The services and products provided by the PTO are paid for entirely by user fees. Last year, the PTO received more than 185,000 patent applications and 155,000 trademark applications. PTO projects steady increases in both types of applications into the next century.

Unfortunately, the processing and approval of applications has often been delayed. These delays are due in part to a shortage of examiners and out-of-date equipment. As a result of these delays, inventors are being denied protection of the fruits of their labor, and further innovation is thus postponed.

My intent in offering this legislation is to enhance the PTO's ability to process and grant patents and register trademarks in a timely fashion. The legislation responds to various management problems now facing the Office.

First, the Office is now burdened with unnecessary personnel regulations. As a component of the Department of Commerce, the PTO is subject to the same personnel ceilings as other Commerce programs. While such ceilings may make sense for other agencies or departments, they do not for the PTO. If the PTO is prevented from making necessary hires to keep up with the increase in applications, productivity will decline and potential revenues will be lost.

A large amount of the work performed by the PTO requires specialized skills. The application of the Government-wide compensation and classification systems has constrained PTO's ability to hire and maintain the best talent. For example, the classification system is too rigid to adequately accommodate many of the PTO's unique positions. The resulting misclassifications can mean lower positions, making it more difficult to attract experts from the private sector. Compounding this problem is the General Schedule, restrictions on promotions, and the inability of the PTO to conduct its own personnel examinations.

The PTO also has had serious procurement problems. The Office is subject to various restrictions on its procurement activities, as provided in the Federal Property and Administrative Services Act, the Brooks Act, and the Public Buildings Act. These laws have forced the PTO to endure lengthy and expensive procurement delays. For example, a recent computer procurement took 2 years to complete. When the PTO made the request, the technology contained in this procurement was state of the art. However, by the time the PTO finally received the equipment, technology in this area had advanced significantly.

It has been PTO's experience that the process of procuring items in the $1 million range averages 12 to 18 months at a cost of $100,000 to $200,000. The private sector accomplishes such procurements in a few months at a fraction of the cost.

Another problem is that the PTO is spread throughout 15 office buildings in Crystal City, VA, which are leased through the General Services Administration. This scattering of personnel and operations is not only inconvenient, it is inefficient. Moreover, three times in as many years, GSA appraised this space at amounts not supported by the market, and charged the PTO too much. Congressional action was necessary in all instances, resulting in a savings of $22.3 million. When the PTO's lease expires in 1996, it will require about one-half million square feet more than it currently has. PTO has been negotiating with GSA and OMB for almost 6 years trying to reach a resolution to this situation, but to no avail.

Mr. President, this bill is one more step to reinvent our Government, an important effort championed by the Clinton administration. My legislation would enable the PTO to be run more like a business. However, unlike a private-sector enterprise, PTO's employees would remain Federal employees and the Office would remain in the Department of Commerce. This is an important distinction because the granting of patents and registering of trademarks is a necessary Government function and it would be imprudent to insulate this responsibility in an unaccountable autonomous body.

Under the bill, the Commissioner of the Patent and Trademark Corporation, or the PTC, will report to the Secretary of Commerce for trademark and patent policy matters only. The PTC will be free from departmental meddling in the management of its day-to-day activities, such as how many patent examiners need to be hired, which computer system the PTC should buy, and how many buildings the PTC should occupy. This firewall addresses many of the criticisms leveled at the PTO over the years, but ensures that attention to intellectual property policy matters remains at the Cabinet level.

Mr. President, let me describe briefly what my bill will do. The Commissioner of the Patent and Trademark Corporation shall, with the assistance of two deputies, manage the 5,000-plus employees and run this $600-plus million entity. They will be able to do this without the constraints of the Brooks Act, the Public Buildings Act, and the Federal Property and Administrative Services Act. Like the private sector, the new corporation will be able to acquire computers, office space, and furniture in a timely manner. All assets, liabilities, contracts, property, unexpended and unobligated balances of appropriations, and other funds made available to the PTO will be transferred to the PTC. This includes those unappropriated funds contained in the Treasury Department's surcharge fee account.

The new PTC will be able to provide its employees competitive wages and benefits. It will not be subject to personnel ceilings, including those established in the Federal Workforce Restructuring Act of 1994. During the transition from the Patent and Trademark Office to the Patent and Trademark Corporation, all employees will be assured of work for 1 year. I understand the concerns of PTO's employees who might view this bill as an effort to downsize the Office, and want to assure them that this is not my intent nor the intent of the administration. Our objective is to give the Commissioner discretion over the classification and compensation systems so the PTC can hire and keep top talent, not slash the compensation of PTO's employees. To assuage the concerns of the employees, and those who might object to the 1-year carryover provision, I would again emphasize that PTO projects a steady increase in both trademark and patent applications into the next century. Not only is this a healthy sign for our economy, it is a good sign that PTO's workers are still very much needed.

Mr. President, although the PTC needs freedom from unreasonable bureaucratic redtape and regulations, we also must be careful to ensure that it remains accountable, and is not subject to abuse. My bill contains sufficient safeguards to ensure the PTC will not be moving into luxurious offices, paying outrageous sums to its employees, or entering into sweetheart deals. These safeguards include oversight by the Congress, an Inspector General, the General Accounting Office, an advisory board, and users of the PTC's services.

Under the legislation, Congress will continue to set the user fees for the PTC. I know some would have preferred to place this responsibility with the Commissioner, and perhaps we can revisit this issue in several years after we see how well the PTC is operating. For now, however, I thought it best to keep the fee-setting authority with Congress to ensure adequate oversight and accountability.

The PTC also will have its own Inspector General to investigate waste, fraud, and abuse. This person will be appointed by the Secretary to ensure a greater degree of independence. Additionally, audits will be performed annually by either an independent CPA or the GAO. The results of these audits shall be made public and will be sent to Congress. Finally, the PTC is required, by the Government Control Corporation Act, to submit annual management reports to Congress and businesslike budgets to the President. These reports and budgets must include statements on cash flows, operations, financial position, and internal accounting and administrative control systems.

The Patent and Trademark Corporation Act would also have an advisory board to represent the views of users and other interested persons. The Secretary would appoint members to the board for terms of 3 years as well as select the Chair. The board would review and advise the Commissioner on the PTC's performance, budget, and user fees. Furthermore, the Commissioner is required to consult with the board prior to changing or proposing to change fees or regulations. The board will submit an annual report containing its review of the PTC to the President, Congress, and the Commissioner.

Mr. President, I have drafted this bill in consultation with the Patent and Trademark Office, the administration, the National Academy of Public Administration, the American Intellectual Property Law Association, the International Trademark Association, the Intellectual Property Owners, Inc., the intellectual property section of the American Bar Association, and the National Treasury Employees Union. The benefits resulting from this legislation should be immediately apparent to the PTC's users. Not only will their applications be processed and awarded at a quicker rate, they will have input into how the corporation should be run. Furthermore, I believe that the PTC's increased productivity will have a direct beneficial effect on our economy.

I hope my colleagues will support this legislation and I look forward to working with Senator HATCH, the chairman of the Judiciary Committee, and others as the process of reforming the Patent and Trademark Office moves forward.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Reform Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PATENT AND TRADEMARK CORPORATION

Sec. 101. Establishment, officers, and functions of the Corporation.
Sec. 102. Management report.
Sec. 103. Use of Corporation name and definitions.
Sec. 104. Suspension or exclusion from practice.
Sec. 105. Fees.
Sec. 106. Trademark Trial and Appeal Board.
Sec. 107. Transfers.
Sec. 108. Transition provisions.
Sec. 109. Nonapplicability of Federal workforce reductions.
Sec. 110. Technical and conforming amendments.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Separability.
Sec. 202. Effective date.

TITLE I—PATENT AND TRADEMARK CORPORATION

SEC. 101. ESTABLISHMENT, OFFICERS, AND FUNCTIONS OF THE CORPORATION.

Chapter 1 of title 35, United States Code, is amended by striking out sections 1, 2, 3, 4, 6, and 7 and inserting in lieu thereof the following:

"§ 1. Establishment

"(a) The Patent and Trademark Corporation is established as a wholly owned Government corporation subject to chapter 91 of title 31, except as otherwise provided in this title. The Corporation shall be within the Department of Commerce and shall be subject to the Secretary for patent and trademark policy direction. For purposes of internal management, the Corporation shall be considered a corporate body apart from departmental supervision, except as otherwise provided in this title.

"(b) The Patent and Trademark Corporation shall maintain an office for the service of process in the District of Columbia, or the metropolitan area thereof, and shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"(c) For purposes of this title, the Patent and Trademark Corporation shall also be referred to as the 'Corporation'.

"§ 2. Powers and duties

"(a) The Corporation shall have the powers and carry out the functions and duties that are authorized by law with respect to—

"(1) the granting and issuing of patents and the registration of trademarks;

"(2) conducting studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law or the administration of the Corporation, or any other matter included in the laws for which the Corporation is responsible including the provision of this title, the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946 (15 U.S.C. 1051 et seq.)), and the Patent and Trademark Office Reform Act of 1995;

"(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

"(4) disseminating to the public information with respect to patents and trademarks.

"(b) In order to accomplish the purposes of this title, the Corporation—

"(1) shall have perpetual succession;

"(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Corporation shall be authenticated;

"(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, as provided in section 8 of this title;

"(4) may indemnify the Commissioner, officers, attorneys, agents and employees (including members of the Advisory Board), of the Corporation for liabilities and expenses incurred within the scope of their employment;

"(5) may adopt, amend, and repeal bylaws, rules, and regulations, governing the manner in which its business will be conducted and the powers granted to it by law will be exercised, without regard to chapter 35 of title 44;

"(6) without regard to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.), and sections 501 and 502 of the Stewart B. McKinney Act (42 U.S.C. 11411 and 11412) may—

"(A) acquire, construct, purchase, lease, hold, manage, operate, and alter any property (real, personal, or mixed) or any interest therein, as it determines necessary in the transaction of its business, and sell, lease, grant; and

"(B) dispose of such property, as it deems necessary to effectuate the purposes of this title for periods of time or for terms as the Corporation determines necessary;

"(7)(A) may make purchases, contracts for the construction, alteration, maintenance, or management and operation of facilities and contracts for the supplies or services, except personal services, after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition, except such advertising shall not be required when the Corporation determines that—

"(i) the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title; or

"(ii) advertising is not reasonably practicable; and

"(B) may enter into and perform such purchases and contracts for printing services, to include the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it determines necessary to effectuate the functions of the Corporation, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

"(8) may use, with their consent, services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis, and, on a similar basis, to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation;

"(9) may obtain from the Administrator of the General Services Administration such services as the Administrator is authorized to provide to agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(10) may use, with the consent of the agency, government, or organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform necessary functions on the Corporation's behalf;

"(11) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with international, foreign and domestic public agencies and private organizations and persons as needed in the conduct of its business and on such terms as it determines appropriate;

"(12) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title, the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946), and to laws specifically applicable to wholly owned government corporations that are not specifically inconsistent with this title;

"(13) may retain and utilize all of its revenues and receipts, including revenues from the sale, lease, or disposal of any property (real, personal, or mixed) or any interest therein, of the Corporation, including research and development and capital investment, without apportionment under the provisions of subchapter II of chapter 15 of title 31;

"(14) shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(15) may accept monetary gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes authorized under this section;

"(16) may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers;

"(17) may provide for liability insurance and insurance against any loss in connection with its property, other assets or operations either by contract or by self-insurance; and

"(18) shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the judgment fund established under section 1304 of title 31.

"§ 3. Officers and employees

"(a)(1) The management of the Corporation shall be vested in the Commissioner of Patents and Trademarks, who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent and trademark law and of management experience, is especially qualified to manage the Corporation.

"(2) The Commissioner shall—

"(A) be responsible for the management and direction of the Corporation, including the granting and issuance of patents and the registration of trademarks, and may delegate these responsibilities to the officers and employees of the Corporation whose performance of these duties shall be subject to the Commissioner's review;

"(B) report directly to the Secretary on patent and trademark policy matters;

"(C) consult with the Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Corporation, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations;

"(D) inform the Secretary of studies and programs conducted under section 2(a)(3);

"(E) advise the Secretary on all aspects of intellectual property policy, legislation, and issues;

"(F) advise the Secretary on international trade issues concerning intellectual property;

"(G) promote in international trade the United States industries that rely on intellectual property;

"(H) advise the Secretary of State, the United States Trade Representative, and other appropriate department and agency heads, subject to the authority of the Secretary, on international intellectual property issues;

"(I) advise Federal agencies on ways to improve intellectual property protection in other countries through economic assistance and international trade;

"(J) review and coordinate all proposals by agencies to assist foreign governments and international intergovernmental agencies in improving intellectual property protection;

"(K) carry on studies related to the effectiveness of intellectual property protection throughout the world; and

"(L) in coordination with the Department of State, carry on studies cooperatively with foreign intellectual property offices and international intergovernmental organizations.

"(3) The Commissioner shall serve a term of 6 years, and such period thereafter until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

"(4) The Commissioner shall receive as basic compensation for a calendar year an amount not to exceed the equivalent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5 and, in addition, may receive as a bonus awarded by the Secretary, an amount up to the equivalent of the annual rate of basic pay for such level II, based upon the Secretary's evaluation of the Commissioner's performance—

"(A) as defined in an annual performance agreement between the Commissioner and the Secretary incorporating measurable goals in such specific areas as productivity, cycle times, efficiency, cost-reduction, innovative ways of delivering patent and trademark services, and customer satisfaction, as delineated in an annual performance plan; and

"(B) as reflected in the annual report required under section 14.

"(5) The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Corporation.

"(6) The Commissioner shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Commissioner in the event of absence or incapacity of the Commissioner.

"(b)(1) Officers and employees of the Corporation shall be officers and employees of the United States as defined by sections 2104 and 2105 of title 5, United States Code.

"(2)(A) The Commissioner shall appoint a Deputy Commissioner for Patents and a Deputy Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Deputy Commissioner for Patents shall be a person with demonstrated experience in patent law and the Deputy Commissioner for Trademarks shall be a person with demonstrated experience in trademark law.

"(B) The Deputy Commissioner for Patents and the Deputy Commissioner for Trademarks shall be—

"(i) the principal advisors to the Commissioner on all aspects of the activities of the Corporation that affect the administration of patent and trademark operations, respectively; and

"(ii) principally responsible for managing their respective patent and trademark units.

"(3) The Commissioner shall appoint an Inspector General and such other officers, employees (including attorneys), and agents of the Corporation as the Commissioner considers necessary to carry out its functions.

"(c)(1) Except as regards the Inspector General, the Commissioner shall fix the compensation of officers and employees in accordance with the policy set forth in section 5301 of title 5 including compensation based on performance.

"(2) Except as otherwise provided in this title or any other provision of law, the basic pay of an officer or employee of the Corporation for any calendar year may not exceed the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5 or level ES–6 for the Senior Executive Service under section 5332 of title 5, whichever is higher. Total compensation, including compensation based on performance (but not including benefits or contributions to retirement systems), may not exceed the equivalent of the basic rate of pay for level I of the Executive Schedule under section 5312 of title 5.

"(3) The Commissioner shall define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Corporation as the Commissioner shall determine.

"(d) The Corporation shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Corporation shall be taken into account for purposes of applying any such limitation, except to the extent otherwise specifically provided by statute with respect to the Corporation.

"(e) Notwithstanding the provisions of title 5 (but subject to the Inspector General Act of 1978 (5 U.S.C. App.)), the Commissioner shall have sole and exclusive discretion—

"(1) over the establishment, amendment, or repeal of any position classification system to determine the qualifications and procedures for appointment; any compensation and award system except gainsharing, including wages and compensation based on performance, and contributions of the Corporation to the retirement and benefits programs, except that the Corporation's contribution shall not be less than that paid for Federal employees under title 5;

"(2) to fix and adjust rates of pay without regard to the provisions of chapter 53 of title 5 and abolish positions and lay off without regard to the provisions of chapter 35 of title 5 except that preference eligibility laws shall apply in any layoff system; and

"(3) to determine any supplement to benefits beyond those provided by statute.

"(f) The following provisions of title 5 shall not apply to the Corporation or its officers and employees:

"(1) Chapter 31 (employment authorities), except that the provisions of sections 3102 and 3110 shall apply to the Corporation and its employees.

"(2) Chapter 33 (examination, selection, and placement), except that the system of veterans' preference established by chapter 33 shall apply to the Corporation and its employees.

"(3) Chapter 35 (retention, restoration, and reemployment).

"(4) Chapter 43 (performance appraisal).

"(5) Chapter 51 (classification).

"(6) Chapter 53, subchapter 3 (general pay rates).

"(g)(1) Officers and employees shall remain subject to chapters 83 (Civil Service Retirement System), 84 (Federal Employees Retirement System), 87 (life insurance), and 89 (health insurance) of title 5. The Corporation may supplement the benefits provided under chapters 83 and 84 of such title from time to time. The Corporation also may change the application of chapters 87 and 89 of such title to its officers and employees, except that such changes, in their aggregate, shall not result in life and health benefits which are less favorable to officers and employees than those offered under chapters 87 and 89.

"(2) The Corporation shall withhold pay and make such payments as are required under the Federal disability and retirement system for the Government's share of the cost of the Civil Service Retirement System or the Federal Employees Retirement System applicable to the Corporation's employees and their beneficiaries. The Corporation shall also contribute to the employees' compensation fund, on the basis of annual billings as determined by the Secretary of Labor, for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of the fair portion of the cost of administration of the respective funds, which shall be paid into the Treasury as miscellaneous receipts.

"(h)(1) Chapter 71 of title 5 shall apply with respect to the Corporation and its employees.

"(2) The Corporation and employees may bargain with respect to the establishment, amendment, or repeal of—

"(A) any position classification system;

"(B) any compensation system, including wages and compensation based on performance, and contribution of the Corporation to the retirement and benefits program; and

"(C) any system to determine qualifications and procedures for employment;

in the same manner and to the same extent as under a Federal Labor Relations Authority holding, in effect on the day before the effective date of the Patent and Trademark Office Reform Act of 1995, with regard to the negotiability of such matters, unless such holding is overturned or modified by a Federal court.

"(i)(1) On the effective date of the Patent and Trademark Office Reform Act of 1995, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Corporation without a break in service.

"(2) No officer or employee of the Office who becomes an officer or employee of the Corporation shall, for a period of 1 year after the effective date of the Patent and Trademark Office Reform Act of 1995, be subject to separation or to any reduction in compensation as a consequence of the establishment of the Corporation.

"(3) The amount of sick and annual leave and compensatory time accumulated under title 5 prior to the effective date of the Patent and Trademark Office Reform Act of 1995, by officers and employees of the Office who become officers and employees of the Corporation under this section shall be obligations of the Corporation.

"(4)(A) The individual serving as the Commissioner of Patents and Trademarks on the day before the effective date of the Patent and Trademark Office Reform Act of 1995 may serve as the Commissioner until a Commissioner has been appointed under subsection (a).

"(B) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Reform Act of 1995 may serve as the Deputy Commissioner for Patents until a Deputy Commissioner for Patents has been appointed under subsection (b).

"(C) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Reform Act of 1995 may serve as Deputy Commissioner for Trademarks until a Commissioner has been appointed under subsection (b).

"(j) For purposes of appointment to a position in the competitive service for which an officer or employee of the Corporation is qualified, such officer or employee shall—

"(1) not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Reform Act of 1995, by reason of becoming an officer or employee of the Corporation under subsection (i)(1); or

"(2) if not covered by paragraph (1), acquire competitive status after completing at least 1 year of continuous service under a nontemporary appointment to a position within the Corporation (taking into account such service, performed before the effective date described in paragraph (1), as may be appropriate).

"(k) All orders, determinations, rules, and regulations regarding compensation and benefits and other terms and conditions of employment in effect for the Office and its officers and employees on the day before the effective date of the Patent and Trademark Office Reform Act of 1995 shall continue in effect with respect to the Corporation and its officers and employees until modified, superseded, or set aside by the Corporation or a court of competent jurisdiction or by operation of law. The collective bargaining agreements between the Patent and Trademark Office and the National Treasury Employees Union 243, dated March 13, 1993, the Patent and Trademark Office and the National Treasury Employees Union 245, dated July 20, 1993, and the Patent and Trademark Office and the Patent Office Professional Association, dated October 6, 1986, as well as the recognition of the three units, shall remain in effect until modified, superseded, or set aside by the parties.

"§4. Restrictions on officers and employees as to interest in patents

"Officers and employees of the Patent and Trademark Corporation shall be incapable, during the period of their appointments and for 1 year thereafter, of applying for a patent and of acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent, issued or to be issued by the Corporation. In patents applied for thereafter they shall not be entitled to any priority date earlier than 1 year after the termination of their appointment.

"§ 5. Advisory Board

"(a)(1) There is established an Advisory Board of the Corporation, which shall consist of thirteen members, as follows:

"(A) The Commissioner of Patents and Trademarks, ex officio.

"(B) Twelve members appointed by the Secretary who shall be United States citizens of high integrity and demonstrated accomplishment in a variety of fields, including, finance, labor relations, consumer affairs, academia, large and small business or as an independent inventor. At least 6 shall have strong backgrounds in patents or trademarks.

"(2) No other person may substitute for a member of the Advisory Board.

"(3) The Secretary shall designate the chair of the Board, whose term as chair shall be for 3 years.

"(4) Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Reform Act of 1995, and vacancies shall be filled within 3 months after they occur.

"(b) Of those members of the Board specified in subsection (a)(1)(A) who are original appointees, the Secretary shall designate 4 who shall serve for a term of 1 year, 4 who shall serve for a term of 2 years, and 4 who shall serve for a term of 3 years. The term of members of the Board appointed after the expiration of the terms of the first appointed members of the Board shall be 3 years. The Secretary shall appoint an individual to serve the unexpired term of a member who withdraws or otherwise is unable to serve for the full term.

"(c) Members of the Board specified in subsection (a)(1)(B) shall be special Government employees within the meaning of section 202 of title 18. Members of the Board specified in subsection (a)(1)(B) shall serve on a part-time basis and shall be compensated at a per diem rate equivalent to level III of the Executive Schedule under section 5314 of title 5, in addition to reimbursement of reasonable incurred expenses when engaged in performance of duties vested in the Board.

"(d) The Board shall—

"(1) review the Corporation's policies, goals, performance, budget, and user fees and advise the Commissioner on these matters and any other matter that the Commissioner refers to the Board;

"(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President, the Commissioner, and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette; and

"(3) meet at least quarterly, as provided by the bylaws of the Corporation, and at any time at the request of the Commissioner.

"(e)(1) The Corporation shall provide at the request of the Board such assistance as is necessary for the Board to perform its functions.

"(2) Members of the Board shall be provided access to records and information of the Corporation, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122 of this title.

"(f) The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activities of the Board, except that members shall be considered to be serving on an advisory committee within the meaning of the Federal Advisory Committee Act for purposes of section 208(b)(3) of title 18.

"§ 6. Suits by and against the Corporation

"(a)(1) Any civil action, suit, or proceeding to which the Corporation is a party is deemed to arise under the laws of the United States. Exclusive jurisdiction over all civil actions by or against the Corporation is in the Federal courts as provided by law. For purposes of filing suits, the Commissioner shall be the head of the Corporation.

"(2) Any action, suit, or proceeding against the Corporation founded upon contract shall be subject to the limitations and exclusive remedy provided in sections 1346(a)(2) and 1491 through 1509 of title 28, whether or not such contract claims are cognizable under sections 507, 1346, 1402, 1491, 1496, 1497, 1501, 1503, 2071, 2072, 2411, 2501, and 2512 of title 28. For purposes of the Contract Disputes Act of 1978, the Commissioner shall be deemed to be the agency head with respect to contract claims arising with respect to the Corporation.

"(3) Any action, suit, or proceeding against the Corporation founded upon tort shall be subject to the limitations and exclusive remedies provided in sections 1346(a) and 2671 through 2680 of title 28, whether or not such tort claims are cognizable under section 1346(b) of title 28.

"(4) Any action, suit, or proceeding against the Corporation based upon an alleged violation of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a), title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) or section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) shall be subject to the limitations and exclusive remedies provided for other Federal Government executive agencies for a violation of such section or title.

"(5) No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Corporation.

"(6) The Corporation shall be substituted as defendant in any civil action, suit, or proceeding against an employee of the Corporation, if the Corporation determines that the employee was acting within the scope of the employee's employment with the Corporation. If the Corporation refuses to certify scope of employment, the employee may at any time before trial, petition the court to find and certify that the employee was acting within the scope of the employee's employment. Upon certification by the court, the Corporation shall be substituted as the party defendant. A copy of the petition shall be served upon the Corporation.

"(b)(1) Except as further provided in this section, in relation to all judicial proceedings in which the Corporation or an employee is a party or in which the Corporation is interested and which arise from or relate to employees acting within the scope of their employment, torts, contracts, property, registration of patent and trademark practitioners, patents or trademarks, or fees, the Corporation may exercise, without prior authorization from the Attorney General, the authorities and duties that otherwise would be exercised by the Attorney General on behalf of the Corporation under title 28 and other laws. In all other judicial proceedings in which the Corporation or an employee of the Corporation is a party or is interested, the Corporation may exercise these authorities and duties only after obtaining authorization from the Attorney General.

"(2) The Attorney General may file an appearance on behalf of the Corporation or an employee of the Corporation, without the consent of the Corporation, in any suit in which the Corporation is a party and represent the Corporation with exclusive authority in the conduct, settlement, or compromise of that suit.

"(3) The Corporation may consult with the Attorney General concerning any legal matter, and the Attorney General shall provide advice and assistance to the Corporation, including representing the Corporation in litigation, if requested by the Corporation.

"(4) The Attorney General shall represent the Corporation in all cases before the United States Supreme Court.

"(5) An attorney admitted to practice to the bar of the highest court of at least one State in the United States or the District of Columbia and appointed by the Corporation may represent the Corporation in any legal proceeding in which the Corporation or an employee of the Corporation is a party or interested, regardless of whether the attorney is a resident of the jurisdiction in which the proceeding is held and notwithstanding any other prerequisites of qualification or appearance required by the court or administrative body.

"§ 7. Board of Patent Appeals and Interferences

"(a) There shall be in the Patent and Trademark Corporation a Board of Patent Appeals and Interferences. The Commissioner, the officer principally responsible for the examination of patents, the officer principally responsible for the examination of trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title (35 U.S.C. 135(a)). Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 102. MANAGEMENT REPORT.

Section 14 of title 35, United States Code, is amended to read as follows:

"§ 14. Annual report to Congress

"The Corporation shall prepare and submit to the Congress an annual management report as required under section 9106 of title 31.".

SEC. 103. USE OF CORPORATION NAME AND DEFINITIONS.

Chapter 1 of title 35, United States Code, is amended by inserting after section 14 the following new sections:

"§ 15. Use of Corporation name

"No individual, association, partnership, or corporation, except the Corporation, shall hereafter use the words 'United States Patent and Trademark Corporation', 'Patent and Trademark Office', or any combination of such words, as the name or part thereof under which such individual or entity shall do business. Violations of the foregoing may be enjoined by any Federal court at the suit of the Corporation. In any such suit, the Corporation shall be entitled to statutory damages of $1,000 for each day during which such violation continues or is repeated and, in addition, may recover actual damages flowing from such violation.

"§ 16. Definitions

"For purposes of this title:

"(1) The term 'Advisory Board' means the Advisory Board of the United States Patent and Trademark Corporation.

"(2) The term 'Commissioner' means the Commissioner of the United States Parent and Trademark Corporation.

"(3) The term 'Corporation' means the United States Patent and Trademark Corporation.

"(4) The term 'intellectual property' shall include rights in inventions; in trademarks, service marks, and commercial names and designations; in literary, artistic and scientific works; in performances of performing artists, phonograms and broadcasts; in industrial designs; in trade secrets and scientific discoveries; in semiconductor chip layout designs; in geographical indications; and all other rights resulting from intellectual activity in the industrial, scientific, literary, or artistic fields.

"(5) The terms 'Patent and Trademark Office' and 'Office' mean the Patent and Trademark Office of the Department of Commerce.

"(6) The term 'Secretary' means the Secretary of Commerce.".

SEC. 104. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the Patent and Trademark Corporation to conduct the hearing required by this section.".

SEC. 105. FEES.

(a) IN GENERAL.—Chapter 4 of title 35, United States Code, is amended by striking out section 42 and inserting in lieu thereof the following:

"§ 42. Patent and Trademark Corporation funding

"(a) All fees for services performed by or materials furnished by the Patent and Trademark Corporation will be payable to the Corporation.

"(b)(1) Moneys of the Corporation not otherwise used to carry out the functions of the Corporation shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds.

"(2) Fees available to the Commissioner under this title shall be used exclusively for the processing of patent applications and for other services and materials relating to patents. Fees available to the Commissioner under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946') (15 U.S.C. 1113) shall be used exclusively for the processing of trademark registrations and for other services and materials relating to trademarks.

"(c) The Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (collectively referred to as 'obligations') in an amount not exceeding $2,000,000,000 outstanding at any one time, to assist in financing its activities. Such obligations shall be redeemable at the option of the Corporation before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Corporation with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Corporation issued hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this section of the purchase price of such obligations of the Corporation shall be treated as public debt transactions of the United States.

"§ 43. Audits

"(a) Financial statements of the Corporation shall be prepared on an annual basis in accordance with generally accepted accounting principles and shall be made publicly available in a timely manner. Such statements shall be audited by an independent certified public accountant chosen by the Secretary. The audit shall be conducted in accordance with standards that are consistent with generally accepted government auditing standards and other standards established by the Comptroller General, and with the private sector's generally accepted auditing standards, to the extent feasible. Upon the completion of the audit required by this subsection, the person who audits the statement shall submit a report on the audit to the Congress and the Corporation.

"(b) The Comptroller General may review any audit of the Corporation's financial statements conducted under subsection (a). The Comptroller General shall report to the Congress and the Corporation the results of any such review and shall include in such report appropriate recommendations.

"(c) The Comptroller General may audit the financial statements of the Corporation and such audit shall be in lieu of the audit required by subsection (a). The Corporation shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

"(d) All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

"(e) This section shall apply to the Corporation in lieu of the provisions of section 9105 of title 31.".

(b) SURCHARGE FUND.—(1) On the effective date of this Act, there are transferred to the Patent and Trademark Office those residual and unappropriated balances remaining as of the effective date within the Patent and Trademark Office Surcharge Fund established by section 10101(b) of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note).

(2) Notwithstanding any other provision of law, effective on and after October 1, 1998, section 10101 of the Omnibus Reconciliation Act of 1990 (35 U.S.C. 41 note) shall cease to apply to the revenues of the Corporation.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 4 of title 35, United States Code, is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"42. Patent and Trademark Corporation funding.

"43. Audits.".

(2) Section 10101 of the Omnibus Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended—

(A) in subsection (a), by striking out "subsections (a) and (b) of";

(B) in paragraphs (1)(A) and (2)(A) of subsection (b), by striking out "Patent and Trademark activities in the Department of Commerce" and inserting in lieu thereof "United States Patent and Trademark Corporation";

(C) in subsection (b), by striking out "Patent and Trademark Office" each place it appears and inserting in each such place "United States Patent and Trademark Corporation"; and

(D) in subsection (c), by striking out "Commissioner of Patents and Trademarks" and inserting in lieu thereof "Commissioner of the United States Patent and Trademark Corporation".

SEC. 106. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946) (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Commissioner, the officer principally responsible for the examination of trademarks, the officer principally responsible for the examination of patents, and members competent in trademark law, who are appointed by the Commissioner of the United States Patent and Trademark Corporation.".

SEC. 107. TRANSFERS.

(a) FUNCTIONS.—Except as otherwise provided in this Act, there are transferred to, and vested in, the United States Patent and Trademark Corporation all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in officers or components in the Department with respect to the authority to grant patents and register trademarks, and the Patent and Trademark Office, and in the officers and components of such Office.

(b) ASSETS.—The Secretary of Commerce is authorized and directed, without need of further appropriation, to transfer to the United States Patent and Trademark Corporation, on the effective date of this title, those assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available to the Department of Commerce (inclusive of funds set aside for accounts receivable which are related to functions, powers, and duties which are vested in the Corporation by this title).

SEC. 108. TRANSITION PROVISIONS.

(a) CONTRACTS AND AGREEMENTS.—Except as otherwise provided in this Act, all contracts, agreements, leases and other business instruments, licenses, permits, and privileges that have been afforded to the Patent and Trademark Office before the effective date of this Act, shall continue in effect as if the United States Patent and Trademark Corporation had executed such contracts, agreements, leases, or other business instruments which have been made in the exercise of functions which are transferred to the Corporation by this Act.

(b) RULES.—Until changed by the United States Patent and Trademark Corporation, any procedural and administrative rules applicable to particular functions over which the Corporation acquires jurisdiction on the effective date of this Act shall continue in effect with respect to such particular functions.

(c) APPLICATION OF DEPARTMENT RULES TO CORPORATION.—Unless otherwise provided by this Act, as related to the functions vested in the United States Patent and Trademark Corporation by this Act, all orders, determinations, rules, regulations, and privileges of the Department shall cease to apply to the Corporation on the effective date of this Act, except for those which the Corporation determines shall continue to be applicable.

(d) PENDING PROCEEDINGS.—Except as otherwise provided in this Act, the transfer of functions related to and vested in the United States Patent and Trademark Corporation by this Act shall not affect judicial, administrative, or other proceedings which are pending at the time this Act takes effect, and such proceedings shall be continued by the Corporation.

(e) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Commissioner of Patents and Trademarks shall be deemed to refer to the Commissioner of the United States Patent and Trademark Corporation; and

(2) the Patent and Trademark Office shall be deemed to refer to the United States Patent and Trademark Corporation.

SEC. 109. NONAPPLICABILITY OF FEDERAL WORKFORCE REDUCTIONS.

No full-time equivalent position in the Patent and Trademark Corporation shall be eliminated to meet the requirements of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note).

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 500(e) of title 5, United States Code, is amended by striking out "the Patent Office" and inserting in lieu thereof "the United States Patent and Trademark Corporation".

(2) Section 5102(c)(23) of title 5, United States Code, is amended by striking out "Patent and Trademark Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(3) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Commissioner of Patents and Trademarks, United States Patent and Trademark Office, Department of Commerce.".

(4) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Inspector General, United States Patent and Trademark Corporation.".

(5) Section 5316 of title 5, United States Code (5 U.S.C. 5316), is amended by striking out the items relating to Commissioner of Patents, Department of Commerce, Deputy Commissioner for Patents, Assistant Commissioner for Patents, and Assistant Commissioner for Trademarks.

(6) Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the United States Patent and Trademark Corporation," before "and the United States Postal Service".

(7) Section 13 of title 35, United States Code, is amended by striking out "at the rate for each year's issue established for this purpose in section 41(d) of this title".

(8) The provisions of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946) (15 U.S.C. 1051 et seq.), other than section 29, are amended by striking out "Patent and Trademark Office" and "United States Patent and Trademark Office" each place such terms appear and inserting in each such place "United States Patent and Trademark Corporation".

(9) The Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946) is amended in section 12(a) (15 U.S.C. 1062(a)) by striking out "shall refer the application to the examiner in charge of the registration of marks".

(10) Section 4 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking out "Patent and Trademark Office".

(11) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r) is amended by striking out "Patent and Trademark Office of the United States" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(12) Section 2320(d)(1)(A)(ii) of title 18, United States Code, is amended by striking out "United States Patent and Trademark Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(13) Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526(a)) is amended by striking out "Patent and Trademark Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(14) The Joint Resolution approved April 12, 1892 (20 U.S.C. 91) is amended by striking out "Patent Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(15) Section 505(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m)) is amended by striking out "Patent and Trademark Office of the Department of Commerce" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(16) Section 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(o)) is amended by striking out "Patent and Trademark Office of the Department of Commerce" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(17) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)) is amended by striking out "Commissioner of Patents" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

(18) Section 501(b)(1) of the Jobs Through Trade Expansion Act of 1994 (22 U.S.C. 2151t-1(b)(1)) is amended by striking out "Patent and Trademark Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(19) Section 2 of the Act of August 27, 1935 (25 U.S.C. 305a) is amended by striking out "Patent and Trademark Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(20) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking out "Patent Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(21) Section 1295(a)(4) of title 28, United States Code, is amended by striking out "Patent and Trademark Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(22) Section 1744 of title 28, United States Code, is amended—

(A) in the section heading by striking out "**Patent Office**" and inserting in lieu thereof "**United States Patent and Trademark Office**";

(B) by striking out "Patent Office" each place such term appears and inserting in lieu thereof "United States Patent and Trademark Corporation"; and

(C) by striking out "Commissioner of Patents" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

(23) Section 1745 of title 28, United States Code, is amended by striking out "United States Patent Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(24) Section 1928 of title 28, United States Code, is amended by striking out "Patent Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(25) Section 9101(3) of title 31, United States Code, is amended by adding at the end thereof:

"(O) the United States Patent and Trademark Corporation.".

(26) The provisions of title 35, United States Code, are amended by striking out "Patent and Trademark Office" and "United States Patent and Trademark Office" each place such terms appear and inserting in each such place "United States Patent and Trademark Corporation".

(27) The table of sections for chapter 1 of part I of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS, FUNCTIONS

"Sec.
"1. Establishment.
"2. Powers and duties.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Advisory Board.
"6. Suits by and against the Corporation.
"7. Board of Patent Appeals and Interferences.
"8. Library.
"9. Classification of patents.
"10. Certified copies of records.
"11. Publications.
"12. Exchange of copies of patents with foreign countries.
"13. Copies of patents for public libraries.
"14. Annual report to Congress.
"15. Use of Corporation name.
"16. Definitions.".

(28) Section 302 of title 35, United States Code, is amended in the second sentence by inserting "established" before "pursuant".

(29) Sections 371(c)(1) and 376(a) of title 35, United States Code, are amended by striking out "provided" and inserting in lieu thereof "established under".

(30) Section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474) is amended by inserting after paragraph (21) the following new paragraph:

"(22) the United States Patent and Trademark Corporation,".

(31) Section 151 (c) and (d) of the Atomic Energy Act of 1954 (42 U.S.C. 2181 (c) and (d)) are each amended by striking out "Commissioner of Patents" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

(32) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended by striking out "Patent Office" and inserting in lieu thereof "United States Patent and Trademark Corporation".

(33) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking out "Commissioner of Patents" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

(34) Section 12(a) of the Solar Energy Research, Development, and Demonstration

Act of 1974 (42 U.S.C. 5510(a)) is amended by striking out "Commissioner of Patent Office" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

(35) Section 1111 of title 44, United States Code, is amended by striking out "Commissioner of Patents" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

(36) Section 1123 of title 44, United States Code, is amended by striking out "the Patent Office,".

(37) Section 1114 of title 44, United States Code, is amended by striking out "Commissioner of Patents,".

(38)(A) Sections 1337 and 1338 of title 44, United States Code, are repealed.

(B) The table of sections for chapter 13 of title 44, United States Code, is amended by striking out the items relating to sections 1337 and 1338.

(39) Section 10(i) of the Trading with the Enemy Act (50 U.S.C. App. 10) is amended by striking out "Commissioner of Patents" and inserting in lieu thereof "Commissioner of Patents and Trademarks".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 202. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act.•

By Mrs. BOXER (for herself and Mr. BIDEN):

S. 1460. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservative Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERNATIONAL DOLPHIN PROTECTION AND CONSUMER INFORMATION ACT

• Mrs. BOXER. Mr. President, nearly 6 years ago, as a Member of the House of Representatives, I introduced legislation to establish a dolphin safe label for tuna sold in the United States. The companion Senate bill was introduced by my colleague the distinguished junior Senator from Delaware, JOE BIDEN. In 1990, our bill—the Dolphin Protection Consumer Information Act—became law.

This year, on October 4, the United States and 11 other nations—Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Panama, Spain, Mexico, Vanuatu, and Venezuela—signed the Declaration of Panama, an international agreement to manage tuna fishing in the Eastern Tropical Pacific. That agreement calls for changes in U.S. dolphin protection laws—including in our 1990 Dolphin Protection Act.

Today, Senator BIDEN and I are introducing legislation—the Dolphin Protection and Consumer Information Act of 1995—that will implement all of the positive aspects of the Panama Declaration, while maintaining the current labelling requirements that allow only truly dolphin safe tuna to be sold in the United States.

The signers and supporters of the Panama Declaration want other countries to be able to sell tuna in the United States market. We agree—as long as they catch that tuna by dolphin safe methods as prescribed by the 1990 Act. Our bill will lift the U.S. country-by-country tuna embargo to give all tuna fishermen the opportunity to export to the United States market as long as they use dolphin safe practices. We believe this will open United States markets and comply with international trade agreements without gutting U.S. dolphin protection laws.

As defined in the 1990 Act, dolphin safe tuna fishing means that dolphins were not chased or encircled with nets during a tuna fishing trip. The $1 billion U.S. canned tuna market is a dolphin safe market and consumers know that the dolphin safe label means that dolphins were not harassed or killed.

We believe that the definition of dolphin safe should not be changed until we know for sure that setting purse seine nets on dolphins and then freezing them is dolphin safe. It would be consumer fraud to change the label. Let us continue to encourage those who fish tuna using the best dolphin safe methods to get the label.

Let me briefly explain other major provisions and outcomes of our bill:

First, it requires that the Panama Declaration and its 5,000 cap on dolphin mortality be enforceable and binding. Our bill makes it clear that if the limit is exceeded, all sets on dolphins allowed by the Panama Declaration would stop for the rest of the fishing year.

Second, it requires that the Panama Declaration establish an enforceable timeframe for the reduction of dolphin mortality from the cap of 5,000 to zero. Our bill requires that dolphin mortality be reduced by a statistically significant amount each year.

Third, it will result in the protection of U.S. canners—who 5 years ago made a commitment to the American public to process and sell only dolphin safe tuna—from unfair foreign competition and from the dumping of stockpiled dolphin unsafe tuna in the U.S. market.

Fourth, it ensures that countries will enforce their obligations under the International Dolphin Conservation Program—established in the Panama Declaration and fully reflected in our bill—to protect dolphins and the Eastern Tropical Pacific ecosystem by requiring that an embargo be reestablished for any country which consistently fails to take enforcement actions. Countries must show that they are acting to punish fishermen who do not comply with the requirements of the Panama Declaration—the embargoes could be reestablished.

Fifth, it requires the establishment of a research program to determine (1) the effect of harassment by chase and encirclement on the health and biology of dolphins and its impact on dolphin populations encircled by purse seine nets in the ETP and (2) the extent to which the incidental take of non-target species, including juvenile tuna, occurs when fishing for yellowfin tuna using dolphin-safe methods and the impact of that incidental take on tuna stocks.

Sixth, it ensures that Congress is informed of progress in the fishery by requiring that the Secretary of Commerce report to Congress within 3 years on the results of the dolphin stress and bycatch research.

Seventh, it directs the Secretary of Commerce to make recommendations on how U.S. law should be modified according to what the research results show.

Our bill is supported by 70 organizations, including the Sierra Club, the Humane Society of the United States, Earth Island Institute, Public Citizen's Global Trade Watch, American Society for the Prevention of Cruelty to Animals, Friends of the Earth, International Dolphin Project, and Defenders of Wildlife.

While U.S. canners have not taken a formal position on this legislation, they have stated their firm support for the current dolphin safe label. Bumble Bee Seafoods for example stated that it is "firmly committed" to it's policy of "marketing only dolphin safe tuna". In a statement Bumble Bee Seafoods said "We share our customers concern about this issue and are proud of the fact that all Bumblebee tuna is verifiably 100 percent dolphin safe. . . . We believe that Bumblebee's dolphin safe policy is right and we will not compromise it".

I firmly believe that our bill is a responsible alternative to the bill recently introduced by our colleagues, Senator STEVENS and Senator BREAUX, which redefines "dolphin safe" to allow dolphins to be chased and encircled with purse seine nets as long as there is no observed mortality. Observed mortality is a tricky issue that leaves room for errors and a lot of judgment calls. What if the dolphin isn't quite dead yet? Injury to dolphins often occurs and can lead to eventual death. We don't know for sure that dolphins don't suffer from the constant chasing and encircling that they are subjected to.

What Senator BIDEN and I, and the 70 environmental and other organizations who support us, are saying is: Look at the science first—then make changes to U.S. law. We say: Let's encourage and help those who are fishing dolphin safe and canning dolphin safe by opening the U.S. market to them. We say: Let's not weaken our commitment to save the dolphins for the sake of a little more foreign trade.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "International Dolphin Protection and Consumer Information Act of 1995".

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT OF 1972.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have reduced dolphin mortalities associated with that fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Consumers of the United States and Europe have made clear their preference for tuna that has not been caught through the killing, chasing, or harming of dolphins.

(4) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(5) The 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(2) to eliminate the ban on imports of dolphin-safe tuna from those nations.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

"(A)(i) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean be limited to 5,000; and

"(ii) a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits;

"(B) the establishment of a per stock per year mortality limit of dolphin at a level between 0.2 percent and 0.1 percent of the minimum population estimate to be in effect through 2001;

"(C) beginning with the calendar year 2001, the establishment of a per stock per year mortality limit of dolphin at a level less than or equal to 0.1 percent of the minimum population estimate;

"(D) that if a mortality limit is exceeded under—

"(i) subparagraph (A), all sets on dolphins shall cease for the applicable fishing year; and

"(ii) subparagraph (B) or (C), all sets on the stocks covered under subparagraph (B) or (C) and any mixed schools that contain any of those stocks shall cease for the applicable fishing year;

"(E) a scientific review and assessment to be conducted in 1998 to—

"(i) assess progress in meeting the objectives set for 2,000 under subparagraph (B); and

"(ii) as appropriate, consider recommendations for meeting these objectives;

"(F) a scientific review and assessment to be conducted—

"(i) to review the stocks covered under subparagraph (C); and

"(ii) as appropriate, consider recommendations to further the objectives set under that subparagraph;

"(G) the establishment of a per vessel maximum annual dolphin mortality limit consistent with the applicable per year mortality caps, as determined under subparagraphs (A) through (C); and

"(H) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.–

"(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.".

SEC. 4. AMENDMENTS TO TITLE I.

(a) Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended—

(1) in the first sentence, by inserting ", and authorizations may be granted under title III with respect to yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103" before the period; and

(2) in the second sentence, by striking the semicolon and all that follows through "practicable".

(b) Section 101(a)(2)(B) (16 U.S.C. 1371(a)(2)(B)) is amended to read as follows:

"(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Protection and Consumer Information Act of 1995; or

"(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Protection and Consumer Information Act of 1995 by vessels of a nation that—

"(I) is a member of the Inter-American Tropical Tuna Commission; and

"(II) is participating in the International Dolphin Conservation Program; and

"(III) has implemented the obligations of that member as a member of the Inter-American Tropical Tuna Commission; and

"(iii) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1996, or in any year thereafter and the total dolphin mortality limit for each vessel in each successive year shall be reduced by a statistically significant amount until the goal of zero mortality is reached, except that the per stock per year mortality limits for stocks designated as depleted under this Act shall not exceed the actual 1994 mortality level;

except that the Secretary shall not accept such documentary evidence as satisfactory proof for purposes of clauses (i) through (iii) if the government of the harvesting nation does not authorize the Inter-American Tropical Tuna Commission to release sufficient information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program, or if after taking into consideration that information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations currently specified in the agreement signed in La Jolla, California, in June 1992 and adopted by the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, shall find that the violations diminish the effectiveness of the International Dolphin Conservation Program and that the harvesting nation is not in compliance with the International Dolphin Conservation Program;".

(c) Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsection:

"(d) The provisions of this Act shall not apply to a citizen of the United States when such citizen incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone, as that term is defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6)) when employed on a foreign fishing vessel of a harvesting nation that is in compliance with the International Dolphin Conservation Program.".

(d) Section 104(h) is amended to read as follows:

"(h)(1) Consistent with the regulations prescribed pursuant to section 103 and consistent with the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, together with regulations to cover the use of any such annual permits.

"(2) Such annual permits for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.".

(e) Section 110(a) (16 U.S.C. 1380(a)) is amended—

(1) by striking "(a)(1) The Secretary" and inserting "(a) The Secretary"; and

(2) by striking paragraph (2).

(f) Section 901(d)(1) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

"(1) It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains—

"(A) tuna harvested on the high seas by a vessel engaged in driftnet fishing;

"(B) tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets which do not meet the requirements of being considered dolphin safe under paragraph (2); or

"(C) tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets which do not meet the requirements for being considered dolphin safe under paragraph (3).".

(g) Section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding at the end the following new paragraphs:

"(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a fishing vessel using purse seine nets is dolphin safe if—

"(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

"(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

"(4) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, except as dolphin safe in accordance with this subsection.".

(h) Section 901(f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

"(f) The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement this section, not later than 3 months after the effective date of the International Dolphin Protection and Consumer Information Act of 1995.".

SEC. 5. AMENDMENTS TO TITLE III.

(a) The heading of title III is amended to read as follows:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM".

(b) Section 301 (16 U.S.C. 1411) is amended—

(1) in subsection (a), by striking paragraph (4) and inserting the following:

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, and eventually eliminate, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will ensure that the existing trend of reduced dolphin mortality continues, that individual stocks of dolphins are adequately protected, and that the goal of eliminating all dolphin mortality continues to be a priority."; and

(2) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, and eventually eliminate, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets, or caught by deploying purse seine nets on or to encircle dolphins, in the eastern tropical Pacific Ocean not operating in compliance with the International Dolphin Conservation Program;".

(c) Section 302 (16 U.S.C. 1412) is amended to read as follows:

"SEC. 302. AUTHORITY OF THE SECRETARY.

"(a) REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

"(2)(A) Not later than 3 months after the effective date of the International Dolphin Protection and Consumer Information Act of 1995, consistent with section 101, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean by vessels of the United States participating in the International Dolphin Conservation Program.

"(B) The regulations issued under this section shall include provisions—

"(i) requiring observers on each vessel;

"(ii) requiring the use of the backdown procedure or other procedures that are equally or more effective in avoiding mortality of marine mammals in fishing operations;

"(iii) prohibiting intentional set on stocks and schools in accordance with the International Dolphin Conservation Program;

"(iv) requiring the use of special equipment, including dolphin safety panels in nets, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

"(v) ensuring that the backdown procedure during sets of purse seine net on marine mammals is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

"(vi) banning the use of explosive devices in all purse seine operations;

"(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per stock per year mortality limits subject to section 101 in accordance with the International Dolphin Conservation Program;

"(viii) preventing the making of intentional sets on dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per stock per year mortality limit;

"(ix) preventing the encirclement with purse seine nets on dolphins by a vessel without an assigned vessel dolphin mortality limit;

"(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment that may reduce or eliminate dolphin mortality or that do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing; and

"(xi) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to the vessels of the United States;

except that the Secretary may make such adjustments as may be appropriate to provisions that pertain to fishing gear and fishing practice requirements in order to carry out the International Dolphin Conservation Program.

"(b) CONSULTATION.—In developing a regulation under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

"(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including scientific information obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take the following actions:

"(A) Notify the Inter-American Tropical Tuna Commission of the findings of the Secretary, and include in that notification recommendations to the Commission concerning actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact.

"(B) Prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

"(2) Prior to taking action under subparagraph (A) or (B) of paragraph (1), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof;

"(B) shall remain in effect for the duration of the applicable fishing year; and

"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

"(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

"(d) RESEARCH.—(1) The Secretary may, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program, including—

"(A) devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean;

"(B) developing cost-effective methods of fishing for mature yellowfin tuna without setting nets on dolphins or other marine mammals; and

"(C) carrying out a scientific research program (as described in section 117) for those marine mammal species and stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks that are not within waters under the jurisdiction of the United States.

"(2) The Secretary, acting through the National Marine Fisheries Service, shall undertake a research program to—

"(A) determine the effect of harassment by chase and encirclement on the health and biology of dolphins and the impact of that harassment on dolphin populations encircled by purse seine nets in the course of fishing for yellowfin tuna in the eastern tropical Pacific Ocean; and

"(B) the extent to which the incidental take of nontarget species, including juvenile tuna, occurs when fishing for yellowfin tuna using dolphin-safe methods including fish aggregation devices, the impact of that incidental take on tuna stocks, and where such methods are occurring in international waters, the exclusive economic zone of any nation, or coastal waters.

"(3)(A) Not later than 3 years after the date of enactment of the International Dolphin Protection and Consumer Information Act of 1995, the Secretary shall submit a report to the Congress on the results of the research program conducted under paragraph (2).

"(B) The Secretary shall include in the report submitted to the Congress under this paragraph any recommendations made on the basis of the results of the research program conducted under paragraph (2) that the Secretary considers to be appropriate concerning—

"(i) legislation to address issues that the Secretary determines to be relevant to the results of the research program; and

"(ii) changes to the International Dolphin Conservation Program.

"(4) There are authorized to be appropriated to the Department of Commerce $1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out paragraph (2).".

(d) Title III (16 U.S.C. 1411) et seq. is amended—

(1) by striking sections 303 and 304;

(2) by inserting after section 302 the following:

"SEC. 303. REPORTS BY THE SECRETARY.

"Notwithstanding section 103(f), the Secretary shall annually submit to the Congress a report that includes—

"(1) results of research conducted pursuant to section 320;

"(2) a description of the status and trends of stocks of tuna;

"(3) a description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and bycatch of nontarget species;

"(4) a description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the goals and objectives of the International Dolphin Conservation Program, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program;

"(5) actions taken by the Secretary under the matter following clause (iii) of section 101(a)(2)(B);

"(6) copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title; and

"(7) any other information that the Secretary considers to be relevant.";

(3) by striking sections 305 and 306;

(4) by inserting after section 303 the following:

"SEC. 304. PERMITS.

"(a) IN GENERAL.—(1) In a manner consistent with the regulations issued pursuant to section 302, the Secretary shall issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and the Secretary may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including requiring the submission of—

"(A) the name and official number or other identification of each fishing vessel for which a permit is sought together with the name and address of the owner thereof; and

"(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required under section 302, with respect to each fishing vessel.

"(2) The Secretary may charge a fee for granting an authorization and issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in granting authorizations and issuing permits under this section.

"(3) After the effective date of the International Dolphin Protection and Consumer Information Act of 1995, no vessel of the United States shall encircle dolphins with purse seine nets in the course of fishing for yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

"(b) PERMIT SANCTIONS.—(1) In any case in which—

"(A) a vessel for which a permit has been issued under this section has been used in the commission in an act prohibited under section 305;

"(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

"(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel as provided for under the International Dolphin Conservation Program, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

"(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of -subsequent permits;

"(ii) suspend a permit referred to in clause (i) for a period of time the Secretary considers to be appropriate;

"(iii) deny a permit referred to in clause (i); or

"(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, and history of prior offenses, and other such matters as justice requires.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

"(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and any accrued interest on that penalty or fine at the prevailing rate (as determined by the Secretary).

"(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise.";

(5) by redesignating section 307 as section 305;

(6) in section 305, as so redesignated—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

"(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is dolphin-safe (as defined in section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d))) and has been harvested in compliance with the International Dolphin Conservation Program by a nation that is a member of the Inter-American Tropical Tuna Commission;";

(ii) by striking paragraphs (2) and (3) and inserting the following:

"(2) except as provided for in section 101(d), for any person or vessel subject to the jurisdiction of the United States to set intentionally a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean, except in accordance with this title and regulations issued pursuant to this title;"; and

"(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101;"; and

(B) in subsection (b)(2), by inserting "(a)(5) or" before "(a)(6)";

(7) by redesignating section 308 as section 306; and

(8) in section 306, as so redesignated, by striking "section 303" and inserting "section 302(d)".

(e) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting the following:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

"Sec. 301. Finding and policy.
"Sec. 302. Authority of the Secretary.
"Sec. 303. Reports by the Secretary.
"Sec. 304. Permits.
"Sec. 305. Prohibitions.
"Sec. 306. Authorization of appropriations.".

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

"(c) at least one shall be the Director, or an appropriate regional director, of the National Marine Fisheries Service; and".

(b) Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

"SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

"(1)(A) The Secretary, in consultation with the United States Commissioners, shall appoint a committee to be known as the 'General Advisory Committee'. The General Advisory Committee shall be composed of not less than 5 and not more than 15 individuals and shall have balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations.

"(B) The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United

States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the Commission. The General Advisory Committee may attend any meeting of an international commission on the invitation of that commission.

"(2)(A) The Secretary, in consultation with the United States Commissioners, shall appoint a subcommittee to be known as the 'Scientific Advisory Subcommittee'. The Scientific Advisory Subcommittee shall be composed of not less than 5 and not more than 15 qualified scientists and shall have balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters relating to the conservation of ecosystems, the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean, and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

"(B) In addition to carrying out the duties specified, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. The functions referred to in the preceding sentence may include—

"(i) the review of data from the International Dolphin Conservation Program, including data received from the Inter-American Tropical Tuna Commission;

"(ii) recommendations concerning research needs, including ecosystems, fishing practices, and gear technology research (including the development and use of selective, environmentally safe and cost-effective fishing gear), and the coordination and facilitation of such research;

"(iii) recommendations concerning scientific reviews and assessments required under the International Dolphin Conservation Program, and engaging, as appropriate, in such reviews and assessments;

"(iv) consulting with other experts as needed; and

"(v) recommending measures to ensure the regular and timely full exchange of data among the parties to the International Dolphin Conservation Program and the national scientific advisory committee of each country that participates in the program (or its equivalent entity of that country).

"(3) The Secretary, in consultation with the United States Commissioners, shall establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the Commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

"(4)(A) The Secretary, in consultation with the United States Commissioners, shall fix the terms of office of the members of the General Advisory Committee and the Scientific Advisory Subcommittee.

"(B) Each member of the General Advisory Committee and the Scientific Advisory Subcommittee who is not an officer or employee of the Federal Government shall serve without compensation.

"(C) The General Advisory Committee and the Scientific Advisory Subcommittee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective upon—

(1) a certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or other legally binding instrument, establishing the International Dolphin Conservation Program has been adopted by each nation participating in the International Dolphin Conservation Program and is in effect; and

(2) the promulgation of final regulations under section 302(a).●

ADDITIONAL COSPONSORS

S. 948

At the request of Mr. DORGAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 1005

At the request of Mr. BAUCUS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1005, a bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, purchasing, and acquiring public buildings, and for other purposes.

S. 1115

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1115, a bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity.

S. 1212

At the request of Mr. COATS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1252

At the request of Mr. ABRAHAM, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to stimulate economic growth in depressed areas, and for other purposes.

AMENDMENT NO. 3082

At the request of Mr. PRYOR the names of the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. BRYAN], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. DORGAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from South Dakota [Mr. DASCHLE], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Amendment No. 3082 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

AMENDMENT NO. 3083

At the request of Mrs. BOXER the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Amendment No. 3083 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

SENATE RESOLUTION 198—TO MAKE TECHNICAL CORRECTIONS TO SENATE RESOLUTION 158

Mr. LOTT (for himself and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Resolved, That (a) paragraph 1(c) of rule XXXV of the Standing Rules of the Senate (as added by section 1 of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in clause (3) by striking "section 107(2) of title I the Ethics in Government Act of 1978 (Public Law 95–521)" and inserting "section 109(16) of title I of the Ethics Reform Act of 1989 (5 U.S.C App. 6)"; and

(2) in clause (4)(A) by inserting ", including personal hospitality," after "Anything".

(b) Paragraph 3 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(a) of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in the matter before clause (a) by striking "paragraph 2" and inserting "paragraph 1"; and

(2) in clause (b) by striking "income" and inserting "value".

(c) Paragraph 4 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(b)(1) of S. Res. 158, agreed to July 28, 1995) is amended by striking "paragraph 2" and inserting "paragraph 1".

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

BINGAMAN AMENDMENT NO. 3087

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions:

At the appropriate place, insert the following:

The Senate finds that:

The partial government shutdown of November 14, 1995 through November 20, 1995 caused great anxiety amongst over 800,000 federal workers, and;

The partial government shutdown of November 14, 1995 through November 20, 1995 added hundreds of millions of dollars to the federal deficit and cost the federal government hundreds of millions of dollars in lost productivity, and;

The partial government shutdown of November 14, 1995 through November 20, 1995 cost thousands of businesses and our federal government millions of dollars in lost revenues from the closure of federal agencies and federal parks and monuments, and;

The partial government shutdown of November 14, 1995 through November 20, 1995 caused significant financial concern to literally hundreds of thousand families because of the uncertainty of whether they would be able to pay mortgages, rent and meet monthly family expenses, and;

With the Holiday season approaching and the Congress and Administration still engaged in an effort to reach a budget agreement while the Congress attempts to complete the remaining appropriations bills before the expiration of the current Continuing Resolution on December 15, 1995 it is important that all federal workers be given assurance that their dedicated service to their country is both valued and respected and that they will not suffer needless uncertainty and hardship, because the Congress and Administration are unable to complete their work by the expiration of the current Continuing Resolution.

It is the sense of the Senate that: If the Congress and the Administration are unable to reach an agreement on an overall budget reconciliation bill and, if the Congress is unable to complete the remaining appropriations bill by the expiration of the current Continuing Resolution on December 15, 1995, that;

A new Continuing Resolution, identical to the Continuing Resolution now in effect except for the expiration date, should be adopted effective upon the expiration of the current Continuing Resolution on December 15, 1995 to ensure that government services continue, that employment of federal workers not be needlessly interrupted again, and that federal workers receive their normal compensation without delay.

DEWINE (AND DODD) AMENDMENT NO. 3088

Mr. SMITH (for Mr. DEWINE, for himself and Mr. DODD) proposed an amendment to amendment No. 3082 proposed by Mr. PRYOR to the bill, H.R. 1833, supra, as follows:

Beginning on page 1, line 3, strike "APPROVAL" and all that follows through line 22 on page 3 and insert the following: "SENSE OF THE SENATE.

"It is the sense of the Senate that the Senate, should, through the Committee on the Judiciary, conduct hearings to investigate the effect of the new patent provisions of title 35, United States Code, (as amended by subtitle C of title V of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4982)) on the approval of generic drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).".

BINGAMAN AMENDMENT NO. 3089

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, H.R. 1833, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1) the partial government shutdown of November 14, 1995 through November 20, 1995 interrupted government services to many Americans;

(2) the partial government shutdown of November 14, 1995 through November 20, 1995, added hundreds of millions of dollars to the Federal deficit and cost the Federal Government hundreds of millions of dollars in lost productivity;

(3) the partial government shutdown of November 14, 1995 through November 20, 1995, cost thousands of businesses and the Federal Government millions of dollars in lost revenues from the closure of Federal agencies and Federal parks and monuments:

(4) the partial government shutdown of November 14, 1995 through November 20, 1995, caused significant financial concern to literally hundreds of thousands of families because of the uncertainty of whether they would be able to pay mortgages, rent and meet monthly family expenses; and

(5) with the holiday season approaching and Congress and the Administration still engaged in an effort to reach a budget agreement while the Congress attempts to complete work on the remaining appropriations bills before the expiration of the continuing resolution (House Joint Resolution 123) on December 15, 1995, it is important that all Federal workers be given assurance that their dedicated service to the United States is both valued and respected and that those workers will not suffer needless uncertainty and hardship because Congress and the Administration are unable to complete their work prior to the expiration of such resolution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if Congress and the Administration are unable to reach an agreement on an overall budget reconciliation bill and if Congress is unable to complete work on the remaining appropriations bills by December 15, 1995, the data on which the continuing resolution (House Joint Resolution 123) expires, a new continuing resolution, identical to House Joint Resolution 123 except for the expiration date, should be adopted effective on December 16, 1995, to ensure that Federal Government services continue, that employment of Federal workers not be again needlessly interrupted, and that Federal workers receive their normal compensation without delay.

BROWN AMENDMENT NO. 3090

Mr. BROWN proposed an amendment to the bill, H.R. 1833, supra, as follows:

On page 2, line 6, strike "Whoever" and insert "Any physician who".

On page 2, line 10 strike "As" and insert "(1) As".

On page 2, between lines 13 and 14, insert the following:

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions. *Provided*, however, that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

SMITH AMENDMENT NO. 3091

Mr. SMITH proposed an amendment to the bill, H.R. 1833, supra, as follows:

On page 3, strike lines 8 through and including 16.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 3092

Mrs. FEINSTEIN (for herself, Mr. SIMPSON, Mrs. BOXER, Mr. SIMON, Ms. MOSELEY-BRAUN, and Mr. BRYAN) proposed an amendment to the bill, H.R. 1833, supra, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the most advanced medical training programs in the world;

(2) medical decisions should be made by trained medical personnel in consultation with their patients based on the best medical science available;

(3) it is the role of professional medical societies to develop medical practice guidelines and it is the role of medical education centers to provide instruction on medical procedures;

(4) the Federal Government should not supersede the medical judgment of trained medical professionals or limit the judgment of medical professionals in determining medically appropriate procedures;

(5) the Federal criminal code is an inappropriate and dangerous means by which to regulate specific and highly technical medical procedures; and

(6) the laws of 41 States currently restrict post-viability abortions.

(b) SENSE OF SENATE.—It is the sense of the Senate that Congress should not criminalize a specific medical procedure.

SEC. 2. RULE OF CONSTRUCTION.

Nothing in Federal law shall be construed to prohibit the States, local governments, local health departments, medical societies, or hospital ethical boards from regulating, restricting, or prohibiting post-viability abortions to the extent permitted by the Constitution of the United States.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will hold an open markup on December 12, 1995, at 9:30 a.m. in room 485 of the Russell Senate Office Building. The markup agenda will include S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, December 7, at 9:30 a.m. for a hearing on S. 94, prohibition on the consideration of retroactive tax increases.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, December 7, 1995, at 10 a.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, December 7, 1995, to hold a hearing to receive testimony on "An Agenda for the Information Age: Managing Senate Technology."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE PRESIDENT'S VETO OF THE BALANCED BUDGET RECONCILIATION ACT OF 1995

• Mr. FRIST. Mr. President, I would like to join my colleagues in expressing my disappointment in President Clinton's veto of the Balanced Budget Act of 1995. The Republican plan would have resulted in a balanced Federal budget in 2002, a plan that would have finally restrained the growth of Federal spending to a manageable level. And yet, President Clinton felt compelled to veto our plan. He felt compelled to protect his priorities.

President Clinton's statements regarding protecting his priorities belie one sad truth buried in his rhetoric: The only thing that is not a priority to this President is balancing the budget. There is only lip service one day, a speech another, a third budget plan this week. If we are to believe that President Clinton is serious about his commitment to balancing the budget, why is he now submitting a third budget? Why did he first submit two budgets that resulted in deficits of over $200 billion in the year 2000 and beyond?

The only logical conclusion to be drawn from the President's actions is that he is trying to deal in the most politically popular way he can with a Congress that is unwavering in one commitment, a commitment to the American people to, once and for all, put the U.S. Government on the road to fiscal health.

The future could be so bright if the President would only join us in agreeing to a balanced budget. We will compromise, but not on the principle that the budget must be balanced using credible, honest projections. There is a growing consensus among respected economists that interest rates will drop significantly, 1, maybe 2 percent, if a balanced budget is reached. This would mean cheaper home mortgages, less to pay for student loans, lower credit card payments. American families will save again. Without a balanced budget agreement, though, there will be profoundly negative consequences. Chairman Greenspan of the Federal Reserve predicts a "quite negative" reaction in the financial markets if no deal is reached, and a sharp increase in long-term interest rates.

And yet we are mired here in a disagreement that is disheartening to all of us, especially those of us who were elected just last year, those of us who heard from thousands of citizens across our respective States, those of us who heard, "balanced the budget" above all else.

The disagreement between Congress and the President comes down to one issue: the difference between credibility and something for nothing. Syndicated columnist Ben Wattenberg makes a compelling case in yesterday's edition of USA Today that the country's social ills boil down to one fundamental shift in the Nation's attitude: The attitude that it is possible to gain something for nothing. Whether it is crime, poor education, or even the epidemic problem of illegitimacy, Mr. Wattenberg traces the cause of these ills to the lack of personal responsibility and the lack of effort, hard work, and even sacrifice that is necessary to gain anything worth having. Unfortunately, the White House's phony numbers are the means to appear to balance the budget, without making any adjustments or imposing any discipline on Government spending.

The Republican plan, on the other hand, recognizes the need for adjustment, reform, and downsizing of the Federal Government. It reforms Government programs in a sensible way and provides tax relief for hardworking American families and to spur investment. It will result in long-term benefits—a stable and growing economy, lower interest rates, greater investment, higher incomes, millions of new jobs. The benefits of the Republican plan are not unlike the gratification of earning one's own way in the world, completing an education, or staying married for 40 years. Hard work, but definitely worth it.

So, I close with these thoughts, Mr. President. The American people will rise to any occasion, and if we ask them to help us address this fiscal crisis, they will. What they won't do is allow this generation to burden the next with an impossible debt. I am disappointed that the President chose not to sign the historic Balanced Budget Act of 1995, but I remain hopeful that the administration will trust the American people and agree to a balanced budget. We must.•

TRIBUTE TO DR. THOMAS E. BELLAVANCE

• Mr. SARBANES. Mr. President, I rise today to pay tribute to Dr. Thomas E. Bellavance as he retires as the president of Salisbury State University.

In 1980, when the Board of Trustees of State Universities and Colleges unanimously selected Dr. Bellavance to be the new president of Salisbury State College, Thom arrived on campus with a specific mission: to provide, as he expressed it, "an education of the whole person within the context of a value-oriented curriculum—an education that is not merely training in a specialty, but a matter of nurturing individuals to be civil, articulate, and productive members of society."

For the past 15 years, Dr. Bellavance has focused on his vision, transforming the institution from a small State college, primarily attended by students from Maryland's Eastern Shore, to a highly-respected regional university that is nationally recognized as one of the best among American colleges and universities.

During Dr. Bellavance's tenure, applications for admission have more than doubled and average SAT scores have increased from 848 to 1085. When faced with the reality of difficult economic times, Dr. Bellavance sought private funding, establishing three endowed schools, the Franklin P. Perdue School of Business, the Richard A. Henson School of Science and Technology, and the Charles R. and Martha N. Fulton School of Liberal Arts. Also established were scholarships for deserving students, and a foundation strongly supported by the community. University assets have dramatically increased from $32,261 in 1980 to over $16 million. Today over $800,000 is available to assist students with financing their education.

In his pursuit of academic excellence, Thomas Bellavance has helped create a true academic community—a community of scholars with an abundance of opportunities to learn and grow and a strong sense of family among the students, faculty, and administrators. In the process, he has earned the love and respect of the entire university community.

In a nation which believes that a person's merit and talent should take them as far as they can go, we are indeed fortunate to have educators like my friend, Thomas Bellavance, who have fostered a path which allows our young people to maximize their potential. When this happens, we gain a person who contributes to society at a higher level. This is best exemplified by the fact that Salisbury State students contributed over 300,000 hours of community service in the 1993–94 calendar year.

On the occasion of his retirement, I join with the Salisbury State University community in saluting Dr. Bellavance and expressing deep appreciation for his exceptional leadership. As stated in a proclamation recently presented to Dr. Bellavance by the University Forum, "He leaves Salisbury State University immeasurably better than he found it."

Mr. President, I know that you and all of our colleagues will join me in wishing Dr. Thomas Bellavance the very best in the years ahead.●

ROMANIA'S NATIONAL DAY

● Mr. COATS. Mr. President, on December 1, Romania celebrated the 75th anniversary of its founding as a modern country. While its roots as a nation actually go back as far as the Roman Empire, its modern history began on December 1, 1918, when Romania, as we know it today, was created.

Seventy-seven years ago, there were roughly 50 nation states in the world. Half of these were considered democracies. Today more than 180 nations in the world are democracies, with this number on the rise. Romania, I am pleased to note, is not only a member of the international community but of the community of democracies.

Since its revolution in 1989, Romania has made strides in democratic reform and the development of a free-market economy. Difficult decisions have been to bring down inflation, bring in foreign investment, and privatize government. GDP which had dropped initially has been growing over the last 3 years. Inflation has been reduced from 300 to 60 percent in 1994 and is expected to be less than 30 percent this year. Unemployment is down to 10 percent. Foreign investment has been greater in the last 6 months than in the previous 4 years. There are more steps which must be taken to strengthen democratic institutions, further economic growth, and develop rule of law. I encourage Romania to keep its commitment to these goals.

Romania has actively pursued improving relations with the West. It was the first of the former Eastern bloc countries to sign the Partnership for Peace Program. In 1994 it became a member of the Council of Europe. Romania has even sent troops and medical staff to participate in peacekeeping efforts in Angola. On September 26 President Iliescu made his first official visit to Washington, DC, meeting with the President, Cabinet members, and Congressmen.

I hope my colleagues will join with me in congratulating Romania on its national day and extending to the people of Romania best wishes as they celebrate the founding of their nation.●

TRIBUTE TO ROSA PARKS

● Mr. LEVIN. Mr. President, 40 years ago this month—December 1955—in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world.

Rosa Parks' arrest for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus-related segregation laws requiring blacks to pay their fares at the front of the bus then get off of the bus and reboard from the rear of the bus. The driver of that bus was the same driver with whom she would have her confrontation years later.

The rest is history, the boycott which Rosa Parks began was the beginning of an American revolution that elevated that status of African-Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

Mr. President, on the occasion of this important 40th anniversary, I want to pay tribute to Rosa Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus.

We have come a long way toward achieving Dr. King's dream of justice and equality for all. But we still have work to be done. Let us rededicate ourselves to continuing the struggle.●

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through December 6, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $13.5 billion in budget authority and above the budget resolution by $17.3 billion in outlays. Current level is $43 million below the revenue floor in 1996 and $0.7 billion below the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $262.9 billion, $17.3 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated November 17, 1995, the President signed the Treasury, Postal Service and General Government Appropriations Act (P.L. 104–52), the Legislative Branch Appropriations Act (P.L. 104–53), and the Alaska Power Administration Sale Act (P.L. 104–58). Congress also cleared, and the President signed, the second (P.L. 104–54) and third (P.L. 104–56) continuing resolutions. Congress also cleared the Defense Appropriations Act (P.L. 104–61); pursuant to article 1, section 7 of the Constitution, this act became law without the President's signature. These actions changed the current level of budget authority and outlays. In addition, the revenue aggregates have been revised to reflect the recommended level in House Concurrent Resolution 67. My last report had revised the revenue aggregates pursuant to section 205(b)(2) of House Concurrent Resolution 67 for purposes of consideration of H.R. 2491.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, December 7, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through December 6, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated November 16, 1995, the President signed the Treasury, Postal Service and General Government Appropriations Act (P.L. 104–52), the Legislative Branch Appropriations Act (P.L. 104–53), and the Alaska Power Administration Sale Act (P.L. 104–58). Congress also cleared, and the President signed, the second (P.L. 104–54) and third (P.L. 104-56) continuing resolutions. Congress also cleared the Defense Appropriation Act (P.L. 104-61); pursuant to Article 1, Section 7 of the Constitution, this act became law without the President's signature. These actions changed the current level of budget authority and outlays. In addition, at the request of the Senate Committee on the Budget, the revenue estimates shown for the concurrent resolution have been changed pursuant to Section 205(b)(2) of H. Con. Res. 67.

Sincerely,

JUNE E. O'NEILL.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS DEC. 6, 1995

[In billions of dollars]

	Budget Resolution (H. Con. Res. 67)	Current Level[1]	Current Level Over/Under Resolution
ON-BUDGET			
Budget Authority	1,285.5	1,299.0	13.5
Outlays	1,288.1	1,305.4	17.3
Revenues:			
1996	1,042.5	1,042.5	[2] −0
1996–2000	5,691.5	5,690.8	−0.7
Deficit	245.6	262.9	17.3
Debt Subject to Limit	5,210.7	4,900.0	−310.7
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0
1996–2000	1,626.5	1,626.5	0
Social Security Revenues:			
1996	374.7	374.7	0
1996–2000	2,061.0	2,061.0	0

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS DEC. 6, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	—	—	1,042,557
Permanents and other spending legislation	830,272	798,924	—
Appropriation legislation	—	242,052	—
Offsetting receipts	(200,017)	(200,017)	—
Total previously enacted	630,254	840,958	1,042,557
ENACTED THIS SESSION			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6).	(100)	(885)	—
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	(3,149)	—
Agriculture (P.L. 104–37)	62,602	45,620	—
Defense (P.L. 104–6)	243,301	163,223	—
Energy and Water (P.L. 104–46)	19,336	11,502	—
Legislative Branch (P.L. 105–53)	2,125	1,977	—
Military Construction (P.L. 104–32).	11,177	3,110	—
Transportation (P.L. 104–50)	12,682	11,899	—
Treasury, Postal Service (P.L. 104–52)	15,080	12,584	—
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	(18)	(18)	(101)
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	—
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)	—	(*)	—
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(*)	1
Alaska Power Administration Sale Act (P.L. 104–58)	(20)	(20)	—
Total enacted this session	366,191	245,845	(100)
CONTINUING RESOLUTION AUTHORITY			
Further Continuing Appropriations (P.L. 104–56)[1]	167,467	86,812	—
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	135,049	131,736	—
Total Current Level[2]	1,298,961	1,305,352	1,042,457
Total Budget Resolution	1,258,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution	—	—	43
Over Budget Resolution	13,461	17,252	—

[1] This is an estimate of discretionary funding based on a full year calculation of the continuing resolution that expires December 15, 1995. Included in this estimate are the following appropriation bills: Commerce, Justice, State; District of Columbia; Foreign Operations; Interior; Labor, HHS, Education; and Veterans, HUD.

[2] In accordance with the Budget Enforcement Act, the total does not include $3,400 million in budget authority and $1,590 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

*Less than $500,000.

Notes: Detail may not add due to rounding. Numbers in parentheses are negative.•

CONFEREES MOVING IN WRONG DIRECTION ON THE INTERNET

• Mr. FEINGOLD. Mr. President, I rise to share with my colleagues my great concern about the actions of the House telecommunications conferees.

Despite what appeared to be some movement away from the regulation of constitutionally protected speech, I understand that the conferees adopted an amendment yesterday which would subject adult Internet users to criminal penalties for so-called indecent speech. Rather than focusing on materials that are truly harmful to minors, the language agreed to yesterday would prohibit great works of literature from being made available on line. It would make subject to criminal penalties frank discussions between adults about the prevention of AIDS. This amendment will extinguish many on-line support groups dealing with issues such as child abuse and sexual assault. It will likely place severe limitations on the materials discussed on many online scientific forums. In the ultimate irony, the amendment does virtually nothing to address the problem of the already illegal victimization of children over computer networks. Rather than focus on real issues and real concerns, this amendment focuses on indecency. It places blame on a technology rather than on the perpetrators of crimes against children.

Mr. President, despite the fact that the materials and communications on the Internet that are of the greatest concern to many parents, such as obscenity, child solicitation, and child pornography, are already subject to criminal penalties, and despite the fact that technologies already exist to allow parents to control what their children have access to on the Internet including indecent materials, the House conferees chose to take this unwise step toward censorship.

Mr. President, there is still time to reverse this action and for the conferees to direct their efforts toward providing parents with even greater ability to protect their children using tools offered in the marketplace. I urge my colleagues to recognize just what this amendment will mean if it remains in the telecommunications bill. I urge them to recognize that indecency is not the same as obscenity or pornography. The distribution of obscene materials on the Internet is already illegal and those crimes are already being aggressively prosecuted.

Indecent speech, on the other hand, is far different than obscenity and is protected by the Constitution. Indecency includes four letter words that many adults use routinely in their everyday speech. Indecent words include those that are among the first words many children speak, not because they learned them from the Internet, but because they heard them in the school yard, in child care settings, and in some cases, in their own homes. While it is unfortunate that children are exposed to such speech at young ages, it is not a reason to censor constitutionally protected speech between adults on the Internet. Creating criminal penalties for indecency as stringent as those imposed on traffickers of obscenity is extreme, unwarranted, and unnecessary.

As I said earlier this week in this Chamber, this type of law will have a tremendous chilling effect on speech over the Internet. What two adults can say over the phone to one another, they will not be able to say over the Internet for fear a minor might read their words. The fact that America Online censored the word "breast" on their service, albeit temporarily, should forewarn members of things to come. Screening by online service providers will be necessary if they wish to protect themselves from criminal liability. It is quite conceivable that discussions involving scientific terms for other bodily parts will no longer be allowed for fear they might offend a user and land the service in court.

Guaranteeing the Internet is free of speech restrictions, other than the statutory restrictions on obscenity and pornography which already exist, should be of concern to all Americans who want to be able to freely discuss issues of importance to them regardless of whether others might view those statements as offensive or distasteful.

Shifting political views about what types of speech are unsuitable should not be allowed to determine what is or is not an appropriate use of electronic communications. While the current target of our political climate is indecent speech—the so-called seven dirty words—a weakening of first amendment protections could lead to the censorship of other crucial types of speech, including religious expression and political dissent.

I believe the censorship of the Internet is a perilous road for the Congress to walk down. It sets a dangerous precedent for first amendment protections and it is unclear where that road will end.

I urge the conferees to reject restrictions on constitutionally protected speech when the full conference committee votes on this legislation.●

NOMINATIONS RE-REFERRED TO THE COMMITTEE ON ARMED SERVICES

Mr. HELMS. Madam President, as in executive session, I ask unanimous consent that the navy nominations beginning with Brian G. Buck (Reference PN715), which was favorably reported by the Committee on Armed Services and placed on the Executive Calendar on December 5, 1995, be re-referred to the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

ICC TERMINATION ACT

Mr. HELMS. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2539, a bill to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2539) entitled "An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Shuster, Mr. Clinger, Mr. Petri, Mr. Coble, Ms. Molinari, Mr. Oberstar, Mr. Rahall, and Mr. Lipinski.

From the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Hyde, Mr. Moorhead, and Mr. Conyers.

Mr. HELMS. Madam President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. PRESSLER, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, Mr. ASHCROFT, Mr. HOLLINGS, Mr. INOUYE, Mr. EXON, Mr. ROCKEFELLER, and Mr. BREAUX conferees on the part of the Senate.

MAKING TECHNICAL CHANGES TO SENATE RESOLUTION 158

Mr. HELMS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 198 submitted earlier today by Senators LOTT and McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 198) to make certain technical changes to S. Res. 158.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Under current Senate rules, a Member, officer, or employee may accept travel reimbursement from a foreign government or foreign educational or charitable organization. Will a Member, officer, or employee be permitted to continue participating in such programs under the new gift rule?

Mr. LEVIN. Yes. The new gift rule, effective January 1, 1996, will, however, change the current approval process. Now, a Member, officer, or employee must receive prior approval of the Ethics Committee in order to participate in such travel. After January 1, the Member, officer, or employee will no longer be required to seek authorization from the Ethics Committee. An employee, however, must obtain authorization from the Member or officer for whom he or she works.

Mr. McCONNELL. So the absence of a separate section in the new gift rule addressing foreign-sponsored travel does not mean foreign-sponsored travel has been prohibited?

Mr. LEVIN. To the contrary, foreign-sponsored travel is treated like any other travel: so long as it is in connection with the duties of the Member, officer, or employee; it is not substantially recreational in nature; it is not provided by a registered lobbyist or foreign agent; and it is properly disclosed, and authorized, in the case of an employee, reimbursement for expenses connected with such travel may be accepted.

Mr. McCONNELL. I appreciate the clarification.

Section 1(c)(9) of the new gift rule creates an exception from the gift limitation for informational material sent to a Senate office. The current practice in the Senate also permits the receipt of informational material with some limitations. First, the material must be provided by the person or entity which produces, publishes, or creates the informational material. Second, current practice also permits those who produce, publish, or create the material to provide a set of books, tapes, or discs. For example, several years ago PBS provided each Senator with a set of video tapes of its series, "The Civil War." However, the Senate does not permit a Senator to accept a collection of materials, such as a specialized reporting service or other collections issues periodically. For example, a Member could not receive a set of encyclopedias, or the U.S. Code Annotated. Is it the intent to incorporate these limitations within the new gift rule?

Mr. LEVIN. Yes, the exception for informational materials is intended to foster communication with the Senate. Items such as books, tapes, and magazine subscriptions may continue to be received in the office, so long as they were provided by the author, publisher, or producer and so long as the informational materials did not constitute a specialized reporting service or other collection of the type you have described.

Mr. McCONNELL. I thank the Senator for the clarification. The new gift rule contains an exception for employments benefits, such as a pension plan. It permits a Member, officer, or employee to participate in an employee welfare and benefits plan maintained by a former employer. Current Senate rules and practice also permit such continued participation, with one limitation. To the extent a Member, officer, or employee participates in such a plan of a former employer, the participant may not accept continued contributions from that former employer. Is it intended that the new gift rule incorporate this current Senate practice?

Mr. LEVIN. Yes, I say to the Senator. It is our intent that a Member, officer, or employee be permitted to maintain his or her participation in a plan, but not to receive continued contributions from a former employer.

Mr. McCONNELL. I appreciate the clarification.

Mr. LEVIN. Madam President, I rise to clarify that the resolution we are about to pass contains only technical clarifications of the Senate gift rule and would not in any way alter the substance or the intent of that rule.

This technical corrections measure would correct an erroneous cross reference in the text of the gift rule and make three minor corrections to the text of the Brown amendment on reporting of income and assets.

It would also clarify that the personal friendship exception, which by its terms applies to "anything" accepted on the basis of personal friendship under the circumstances described, would cover personal hospitality provided by a friend. This clarification is being made because of confusion over the relationship between the personal friendship exception and the personal hospitality exception. In my view, the exception for "anything" provided on the basis of personal friendship already covers personal hospitality, so this clarification would not change either the substance or the intent of the rule.

Mr. WELLSTONE. Mr. President, I appreciate all of the work of the Ethics Committee staff and others to ensure that the tough new gift restrictions scheduled to go into effect January 1, 1996, will not have any technical problems associated with their implementation. The Ethics Committee has provided very useful technical guidance, and I believe that its effort to clarify questions now will generally improve the effective implementation of the new rule.

I do, however, have a concern about one interpretation described by Senator McCONNELL and LEVIN, and wanted to outline that concern for the record. In one of the several colloquies between Senator LEVIN and Senator McCONNELL designed to provide interpretive guidance to the Ethics Committee, a question is raised about the exception regarding informational materials provided to Senators and staff. This exchange is designed to ensure that acceptance of sets of books, such as encyclopedias or the annotated U.S. Code, would continue under the new rule to be prohibited—as is true under current Senate practice. This exchange is an effort to apply a tough, narrow interpretative standard to this provision, and I support its intent.

However, it might be inferred from the statements in the colloquy that the provision of all videotape—or even CD or audiotape—sets should be exempted from the new rule. An example is offered by Senator McCONNELL of a series of videotapes produced by the Public Broadcasting Service—its much-acclaimed series on the Civil War—which years ago was permitted, under current rules, to be given to Members of Congress. One can imagine other examples of such videotape sets being offered to Senators, such as the recent PBS series on baseball, which might be treated similarly under current rules.

It is true current Senate rules would not prohibit members from receiving such taped sets. However, I have always understood the intent of the informational materials exception in the new rule to be to foster free and unfettered communication with Members of the Senate and staff, allowing them to accept information that is generally designed to inform their legislative or other policy work.

In my judgment, a television entertainment series on the Civil War, or on the history of baseball, or on a similar topic, should generally be considered in a different light than other informational material that might, for example, help legislators form judgments about OSHA reform, the EPA, or some other topic. Thus such sets of videotapes should be considered gifts subject to the limits contained in the new rule. I believe the Ethics Committee should make judgments about how to interpret and apply this provision on a case-by-case basis, considering a number of factors in its interpretation, including most importantly the public policy nature of the informational material and its usefulness in informing legislators on appropriate issues.

While the technical amendments do not address this issue, this question has been raised now and I thought it would be useful to offer my own views for the further guidance of the Committee. I urge the Committee to consider carefully its interpretation of this provision. I will monitor closely the implementation of the rule in this area to ensure that it does not allow a loophole to develop that may be subject to abuse. If such abuse were to take place, I intend to move quickly to stop it.

Mr. HELMS. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 198) was agreed to, as follows:

S. RES. 198

Resolved, That (a) paragraph 1(c) of rule XXXV of the Standing Rules of the Senate (as added by section 1 of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in clause (3) by striking "section 107(2) of title I the Ethics in Government Act of 1978 (Public Law 95-521)" and inserting "section 109(16) of title I of the Ethics Reform Act of 1989 (5 U.S.C. App. 6)"; and

(2) in clause (4)(A) by inserting ", including personal hospitality," after "Anything".

(b) Paragraph 3 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(a) of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in the matter before clause (a) by striking "paragraph 2" and inserting "paragraph 1"; and

(2) in clause (b) by striking "income" and inserting "value".

(c) Paragraph 4 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(b)(1) of S. Res. 158, agreed to July 28, 1995) is amended by striking "paragraph 2" and inserting "paragraph 1".

MAKING CERTAIN TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS

Mr. HELMS. Madam President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 1431 and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

A bill (S. 1431) to make certain technical corrections in laws relating to Native Americans, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Madam President, I rise to urge the Senate to pass S. 1431, a noncontroversial, no-cost bill whose sole purpose is to extend statutory deadlines for completing two Indian water rights settlements previously enacted and funded by the Congress. The authorizations for the Yavapai-Prescott and San Carlos Apache Water Rights settlements are set to expire on December 31, 1995.

This bill's two sections are identical to two of the 22 provisions in S. 325, which the Senate passed by unanimous consent on October 31, 1995. Because it appeared doubtful that the House and Senate could complete action on S. 325 by the end of the year, I introduced this separate bill on November 28, 1995, when it was referred to the Committee on Indian Affairs. I believe it is necessary to pass these two time-sensitive provisions as separate legislation so that the House can act before the end of this session.

Section 1 of S. 1431 would extend by 6 months the deadline for completing the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994. Under the original Act, the Secretary of the Interior is required to publish in the Federal Register by December 31, 1995, a statement of findings that includes a finding that contracts for the assignment of Central Arizona Project water have been executed. Due to several unforeseen developments, the Department of the Interior, the Yavapai-Prescott Tribe, the City of Prescott and the City of Scottsdale have concluded that additional time is necessary to finalize agreements and publish the Secretary's findings in the Federal Register. Accordingly, the amendment extends the deadline for completion of the settlement to June 30, 1996.

Section 2 of the bill amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend by one year the deadline for the settlement parties to complete all actions needed to effect the settlement, in particular to conclude agreements between the San Carlos Apache Tribe and the Phelps-Dodge Corporation, and between the Tribe and the Town of Globe. This amendment would extend the deadline for settlement to December 31, 1996. The Department of the Interior, the San Carlos Apache Tribe and the other settlement parties all support this extension.

Madam President, it is extremely important for Congress to provide additional time to complete these historic settlements. The San Carlos Apache and Yavapai-Prescott agreements are the product of years of painstaking negotiation and effort by many parties. No one, and especially not the United States, would benefit from a lapse in the statutory authority for completing these settlements. Without the time extensions contained in S. 1431, the many fruits of these collective efforts could be lost. We simply cannot permit that to happen. I urge passage of the bill.

Mr. HELMS. Madam President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1431) was deemed read the third time, and passed, as follows:

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking "December 31, 1995" and inserting "June 30, 1996".

SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102–575) is amended by striking "December 31, 1995" and inserting "December 31, 1996".

ORDERS FOR FRIDAY, DECEMBER 8, 1995

Mr. HELMS. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m., Friday, December 8, that following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the consideration of Senate Joint Resolution 31, the constitutional amendment regarding the desecration of the flag.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. For the information of all Senators, by a previous consent agreement, the cloture motion on the motion to proceed to Senate Joint Resolution 31 was withdrawn earlier, and the Senate will begin debate on the constitutional amendment regarding flag desecration at 10 a.m. tomorrow.

There will be no rollcall votes during Friday's session of the Senate. It is hoped that during Friday's session of the Senate, we will reach a consent agreement in which all amendments to the flag desecration bill would be debated on Monday. If an agreement can be reached, it may be possible that there will be no rollcall votes during Monday's session, and any vote ordered on Monday will occur on Tuesday. If an agreement cannot be reached on the constitutional flag amendment on Friday, then votes will be possible during Monday's session on amendments to Senate Joint Resolution 31, but those votes will not occur before 6 p.m. Monday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HELMS. If there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:17 p.m., adjourned until Friday, December 8, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 7, 1995:

THE JUDICIARY

CHARLES N. CLEVERT, JR., OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN VICE TERENCE T. EVANS, ELEVATED.

BERNICE B. DONALD, OF TENNESSEE, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE VICE ODELL HORTON, RETIRED.

DEPARTMENT OF STATE

CHARLES H. TWINING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. THOMAS R. CASE [redacted]
BRIG. GEN. DONALD G. COOK [redacted]
BRIG. GEN. CHARLES H. COOLIDGE, JR [redacted]
BRIG. GEN. JOHN R. DALLAGER [redacted]
BRIG. GEN. RICHARD L. ENGEL [redacted]
BRIG. GEN. MARVIN R. ESMOND [redacted]
BRIG. GEN. BOBBY O. FLOYD [redacted]
BRIG. GEN. ROBERT H. FOGLESONG [redacted]
BRIG. GEN. JEFFREY R. GRIME [redacted]
BRIG. GEN. JOHN W. HAWLEY [redacted]
BRIG. GEN. MICHAEL V. HAYDEN [redacted]
BRIG. GEN. WILLIAM T. HOBBINS [redacted]
BRIG. GEN. JOHN D. HOPPER, JR [redacted]
BRIG. GEN. RAYMOND P. HUOT [redacted]
BRIG. GEN. TIMOTHY A. KINNAN [redacted]
BRIG. GEN. MICHAEL C. KOSTELNIK [redacted]
BRIG. GEN. LANCE W. LORD [redacted]
BRIG. GEN. RONALD C. MARCOTTE [redacted]
BRIG. GEN. GREGORY S. MARTIN [redacted]
BRIG. GEN. MICHAEL J. MCCARTHY [redacted]
BRIG. GEN. JOHN F. MILLER, JR [redacted]
BRIG. GEN. CHARLES H. PEREZ [redacted]
BRIG. GEN. STEPHEN B. PLUMMER [redacted]
BRIG. GEN. DAVID A. SAWYER [redacted]
BRIG. GEN. TERRYL J. SCHWALIE [redacted]
BRIG. GEN. GEORGE T. STRINGER [redacted]
BRIG. GEN. GARY A. VOELLGER [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARCUS A. ANDERSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RICHARD M. SCOFIELD, [redacted] U.S. AIR FORCE.

EXTENSIONS OF REMARKS

20TH ANNIVERSARY OF EAST TIMOR INVASION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. HALL of Ohio. Mr. Speaker, today marks the 20th anniversary of the Indonesian invasion of the former Portuguese colony of East Timor. It is sobering to reflect on the fact that responsible observers affirm that at least 100,000, and perhaps more than 200,000 of a population of less than 700,000, have perished from the combined effects of Indonesia's December 1975 invasion of the territory. Proportionately, this is a death toll at least as great if not greater than Cambodia under the Khmer Rouge. While the vast majority of these deaths took place between 1975 and 1980, harsh repression continues in East Timor and the tragedy there cries out for a solution.

East Timor has been the scene of numerous arrests, beatings, and torture in recent months, mainly of young people. Authoritative observers make it clear that these practices are routine. It is therefore of great importance that the United Nations High Commissioner for Human Rights, Joee Ayala Lasso, is visiting East Timor at this time. This makes it all the more important that concrete steps be taken to improve the human rights situation in East Timor. President Clinton raised the issue of human rights in East Timor with President Suharto in a meeting in Washington in late October, one of several times that he has raised the issue with Indonesia's leader.

I believe there should be increased international efforts to resolve the tragedy in East Timor, which continues to cause so much human suffering. After all, if we are able to do something about Bosnia, over time we can also do something about East Timor, and it probably would be a lot easier to do so in East Timor.

I would note that in recent years hundreds of Members of Congress from both parties have signed letters and appeals on the East Timor situation and that international concern over the issue has grown over time. In 1995, this growing international concern was exemplified by the nomination of the Roman Catholic Bishop of East Timor, 47-year-old Carlos Ximenes Belo, for the Nobel Peace Prize. The Associated Press and other news organizations listed Bishop Belo as a finalist in the days before the peace prize winner was announced in mid-October.

As one of those who nominated Bishop Belo for the Nobel Peace Prize, I firmly believe that the Congress and the Clinton administration and other governments and parliaments and world leaders should support Bishop Belo in his continuing efforts to ward off violence and find a just, peaceful solution to the East Timor tragedy under U.N. auspices.

It is crucial that Bishop Belo receive the maximum possible international support for his heroic efforts. In the year to come, I will work with my colleagues to help ensure that he gets it.

THE 54TH ANNIVERSARY OF THE DAY OF INFAMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. GILMAN. Mr. Speaker, there is no American of my generation who does not recall where they were and what they were doing 54 years ago today.

On that day—which President Franklin D. Roosevelt labelled "a day which will live in infamy"—aircraft of the Japanese Empire staged a surprise attack on the army and naval forces stationed at Pearl Harbor, HI.

Striking without warning at 7:55 a.m. local time, the Japanese forces succeeded in sinking or severely damaging 19 of our naval vessels, including three battleships—the *West Virginia,* the *California,* and the *Arizona.* A fourth battleship—the *Oklahoma*—was capsized and a fifth—the *Nevada*—sustained heavy damage during a second strike by Japanese forces about an hour after the first. This second strike also succeeded in reducing three additional destroyers to wrecks.

Ninety-seven army airplanes and eighty naval aircraft were also destroyed by the Japanese in the attack, most of which while still on the ground at nearby Hickam and Wheeler fields.

The unexpected, immoral attack by Japan, which took place at the exact minute that peace negotiations were taking place in Washington, claimed the lives of over 2,000 men and women in the U.S. Navy, over 200 Army personnel, and 49 civilians.

As was the case with the bombardment of Fort Sumter for an earlier generation, and the assassination of President John F. Kennedy at a later time, the attack on Pearl Harbor radically altered the lives of millions of Americans and also changed the direction which our Nation had been following.

Prior to Pearl Harbor, the general attitude of millions of Americans was that the Atlantic and Pacific Oceans formed a great natural defense against any and all enemies. Accordingly, it was not only unnecessary but also undesirable for the United States to involve itself in international affairs under any circumstances. Such highly respected Americans as the aviator and national hero Charles A. Lindbergh, former U.S. President Herbert Hoover, and newspaper publisher Robert R. McCormick had for months publicly denounced any American involvement in World War II and received a great deal of support and acclaim from the American people for doing so. When the bombs fell on Pearl Harbor, all support for this point of view virtually evaporated overnight. All Americans put their prior political beliefs aside and joined in a united front to win the war in a manner of national unity never experienced by the American people before or since.

Although there has been great national debate on many important issues throughout the 54 years since the Day of Infamy, including the current ongoing debate regarding our involvement in Bosnia, never since Pearl Harbor has any American seriously suggested that our Nation completely withdraw from the international stage and depend upon the vastness of the oceans for our security. Although there have been many debates regarding our defense posture, never since Pearl Harbor has anyone suggested that our military be dismantled.

The more than 2,400 military and naval personnel who gave their lives the morning of December 7, 1941, were joined by thousands more who made the supreme sacrifice in the European and Pacific theaters of World War II. Thousands of more courageous veterans risked and gave their lives in Korea, in Southeast Asia, and in the Persian Gulf. Thousands more are now being put into harm's way in Bosnia. The courage and valor of our veterans has never been questioned throughout the 54 years since the Day of Infamy.

Some observers at the time, in numbers which have increased in frequency and in shrillness since Pearl Harbor, have contended that President Roosevelt was duplicitous in his foreign policy, and in fact knew that the attack on Pearl Harbor was coming. These partisan revisionists contend that the President wanted the disaster to take place at Pearl Harbor to unite the American people into fighting World War II.

These slanderous contentions against President Roosevelt are not only totally lacking in any supporting evidence, they also fly in the face of the massive historic evidence which is at our disposal. In all of his public statements at the time, in his private conferences with Winston Churchill and others which were made public after his death, and in private correspondence which is only now coming to light, President Roosevelt made it clear that his top priority was defeating Hitler and the Nazi hordes which had overrun Europe and North Africa. The last thing in the world President Roosevelt wanted was a war in the Pacific which would divert American attention and energies from defeating Nazi Germany.

In fact, in the days following Pearl Harbor, President Roosevelt fretted over how he could unite the American people against Hitler when all of our rage and energies were concentrated against the Japanese. Hitler himself solved this problem for Roosevelt when he declared war against the United States within a week. Recently, historians have argued that, if Hitler were smart enough to restrain from declaring war on us, it is conceivable that our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

anger against the Japanese would have prevented our ever entering the war in Europe.

In any case, there are none of us who can dispute that Pearl Harbor altered our Nation and each of our individual lives in ways that none of us could foresee 54 years ago.

Today, on December 7, it is the responsibility of those of us who remember that perfidious attack to remind younger generations of the valuable lessons we learned. We learned that we must never again give the perception of a weak defense posture. We learned that we cannot live isolated from the world. We also learned that, when threatened, the American people can act with unity and vigor in a manner unheard of in all previous history.

Mr. Speaker, I urge all of our colleagues to join in reflecting on the meaning of this most significant of all days in our history.

CONGRESS IS READY; WHITE HOUSE DRAGS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on December 5, 1995.

[From the Omaha World-Herald, Dec. 5, 1995]

CONGRESS IS READY; WHITE HOUSE DRAGS

Congress has gone further toward a balanced budget than many people thought possible just a few months ago. It happened in part because of the political courage of Republicans in Congress. They have agreed among themselves on a seven-year plan to balance the budget. They stuck to it even when public opinion polls rewarded President Clinton standing in their way.

Talks broke down last week. The two sides were trying for an agreement by Dec. 15, to avoid another partial shutdown of the government.

Each side accused the other of being inflexible. Senate Majority Leader Bob Dole, referring to President Clinton's people, said, "They owe us a counteroffer." A White House spokesman said the Republicans failed to show how they would keep a Nov. 19 agreement to propose a budget that would acknowledge White House concerns about social and environmental programs.

Republicans displayed flexibility. Senate Budget Committee Chairman Pete Domenici, R-N.M., said that "everything is on the table," meaning everything is negotiable, including a seven-year, $245 billion tax cut that the Republicans want and many Democrats oppose. Senator Domenici said that serious talks awaited only a gesture from Clinton, which Domenici said would consist of a proposal that would allow good-faith negotiating to begin.

Robert Reischauer, a Democrat, said that his party must eventually face the fact that a good many Americans have had it with $170 billion annual deficits and a $5 trillion national debt.

Reischauer, who served as director of the Congressional Budget Office when the Democrats controlled Congress, said: "The vast majority of Americans agree with the Republicans when it comes to bottom-line budget policy.,"

"They favor a balanced budget or a substantial reduction in the deficit," he said. "The President can't appear to be walking away from that. He can't be seen as defending the status quo."

But will that message get through to the White House? Clinton's resistance to a slower rate of increase in Medicare and other domestic programs was rewarded when polls indicated that his position attracted twice as much support as that of the GOP leaders. The determination of the Republicans to persevere has been demonstrated. But if they are willing to put everything on the table in the pursuit of a balanced budget, what's keeping the White House?

A 50TH ANNIVERSARY TRIBUTE TO THE 390TH BOMBARDMENT GROUP (H)

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. KOLBE. Mr. Speaker, I rise today to pay tribute to the World War II veterans who served this country in the 390th Bombardment Group (H). During this 50th anniversary year of the end of World War II, it is fitting and appropriate to pay tribute to the 390th which flew 301 bombing missions in B–17's against the German war machine.

The veterans of the 390th have established a permanent memorial to and for those who made the supreme sacrifice and to all men who had served in the group during World War II. The memorial is a museum and is the source and location of the heritage, history, and honor of the 390th and the men who so proudly served in it.

The 390th Memorial Museum is located in Tucson, AZ on the grounds of the third largest air museum in the United States—the Pima Air and Space Museum. The 390th museum contains the beautifully restored B–17G "I'll be Around", an 11- by 23-foot mural of "Top Cover for the J Group" which is probably the most recognized picture of World War II. It also contains an honor wall, a gallery of crews, art and aircraft models, and many different items of memorabilia. The Joseph A. Moller Library, in the museum, contains over 79,000 pages of 390th combat history, over 9,000 photographs and is a research center for the air campaign of Central Europe.

After intensive training in the United States, the group was battle ready and sent to its base at Framlingham, England. On August 12, 1943, it flew its first operational mission bombing an instrument factory in Bonn, Germany.

During this period, 145 aircraft were missing in action. Overall, the 390th used up over 200 Flying Fortresses counting those battle damaged aircraft returning to England but immediately declared as salvage. At war's end, 88 aircraft were returned to the United States. The 390th earned two Presidential Unit Citations for conspicuous battle action over Regensburg and Schweinfurt in August and October, 1943.

On October 10, 1943, on a mission targeted at Munster, Germany, the 390th was credited with destroying 62 enemy fighters in air-to-air combat. This was the highest kill rate in a single day for any bomber or fighter group in the European Theater of Operations. That day, the group dispatched 18 aircraft and 8 of them were officially listed as missing in action. In their 301 missions the 390th was credited with the destruction of 377 enemy aircraft, 57 probably destroyed, and 77 damaged.

The price paid for these achievements was not small. Some 1,400 personnel of the 390th were killed in action. Only 15 of the 35 original combat crews, those which trained as part of the group in the States and launched the combat career of the 390th in the European Theater of Operations, finished their tours of operations—the others were missing in action. The museum is a memorial to the men of the 390th and those who made the supreme sacrifice.

Mr. Speaker and colleagues, it is vitally important that we remember the sacrifices made by our veterans and those who today serve our country in the military. It is equally important that we remind future generations of the sacrifices made by our Nation's veterans.

THE EMPEROR NEEDS NEW CLOTHES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. THOMPSON. Mr. Speaker, today I rise to speak to you about the leader of the Republican revolution. Over the last year, we have watched House Republicans line up behind Speaker GINGRICH, marching in step, barking out the dogma of this so-called revolution. This whole incident reminds me of a story from when I was child. You see Mr. Speaker, once upon a time there was an emperor who needed some new clothes. When a con-artist of a tailor convinced the Emperor that the outfit he designed for the King was the latest fashion, the King marched proudly out into his kingdom receiving praise and accolades for his new suit. All of a sudden a small child approached the King and told him he was naked, that he was not wearing clothes. Although Democrats have been saying this all year, last night the House Ethics Committee unanimously told Emperor NEWT that he was not wearing any clothes. They found that he was guilty of violating three House rules. They appointed special counsel to investigate improper conduct. They sent him a scathing letter denouncing his actions on numerous other accounts. But stay tuned. We have not even started on chapter 2: "Nasty NEWT and the GOPAC Gang"

TRIBUTE TO BILL SHULTZ

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. CALVERT. Mr. Speaker, December 19, 1995, is a truly historical date. On this day Fender Musical Instruments will host the grand opening of a new facility in Corona, CA. This 90,000 square foot manufacturing operation, will produce high quality speakers and amplifiers, creating 250 new jobs for the Corona community.

A short 9 years ago this company almost became a historical statistic as a result of competition from Japan. The great name of Fender was close to being wiped out by cheap foreign imitations. Using economic advantages that did not exist in this country, the foreign product dominated the musical instrument business.

Led by its president, Bill Schultz, Fender Musical Instruments became the comeback story for the past decade. Moving to the city of Corona in 1986 with only 15 employees, this once great company was manufacturing just two dozen guitars per day. Faced with what many considered an uncertain future at best, the success story of quality and tradition began to unfold in my hometown of Corona.

Today, Fender Musical Instruments builds 350 high-end guitars per day and employs over 600 people. With the opening of this new facility and the addition of 250 people to its staff, total Fender Music's employment in Corona, CA, will be 850 people.

Fender is the choice for some of the most popular entertainers in the world, such as Eric Clapton, Bruce Springsteen, and many more. Fender was also chosen to custom make just over 100 guitars to celebrate the anniversary of Harley Davidson. These particular guitars are valued at over $40,000 each. In the music business the name Fender means quality, which means reliability, which also means the best sound possible from a musical instrument.

This tremendous comeback was accomplished through the leadership of Bill Schultz, president of Fender Musical Instruments. Mr. Schultz has worked closely with Federal, State, and local leaders. He has provided valued input on business issues to help ensure continued economic growth in this country.

It is a great pleasure for me, on behalf of the citizens of California's 43d Congressional District, to congratulate the leadership of Fender Musical Instruments and the city of Corona for making this dynamic growth a reality. We can all be proud of the private and public sector working together to keep valuable jobs in America.

HUMAN RIGHTS ABUSE IN EAST TIMOR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise to support my colleagues from Rhode Island and New York in their efforts to call attention to human rights abuses by Indonesia in its occupation of East Timor, and to prevent the use of United States military assistance to further Indonesia's atrocities in East Timor.

Indonesia's Armed Forces invaded East Timor in 1975, only weeks after East Timor had attained independence from Portugal. Since then, the Indonesian army has carried out a campaign of what amounts to ethnic cleansing against the Timorese through a program of forced migration. Persecution has been particularly harsh against the Christian population of East Timor.

More than 200,000 Timorese—out of a total population of 700,000—have been killed directly or by starvation in forced migrations from their villages since the Indonesian invasion.

There are recent reports of a renewed campaign of repression of Catholics in East Timor. These reports include atrocities such as the smashing of statues of the Blessed Mother. The campaign has also been directed personally against the Catholic Bishop of Dili [DILLY], Bishop Belo. His phones are tapped, his fax machine is monitored, his visitors are watched, and his freedom of movement is restricted. But Bishop Belo persists in his courageous efforts to defend justice, peace and the preservation of the dignity of his people. Recently, he has set up a church commission to monitor human rights abuses, and a radio station to disseminate information and news.

Mr. Speaker, the people of East Timor comprise a sovereign nation. They differ from most Indonesians in language, religion, ethnicity, history, and culture. They are entitled to independence and freedom. And in the meantime, they are entitled to fundamental human rights including the freedom of religion.

GOP SUPPORT ON BOSNIA DIFFERS FROM DEMOCRATS' BALKING ON GULF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on December 5, 1995.

GOP SUPPORT ON BOSNIA DIFFERS FROM DEMOCRATS' BALKING ON GULF

In January 1991, the U.S. Senate voted 52–47 to approve a resolution authorizing President George Bush to use force in liberating Kuwait. Forty-five of the Senate's 55 Democrats voted against the resolution, including some of the party's top leaders.

Among the Senate Democrats casting "no" votes were George Mitchell, then the majority leader; Claiborne Pell, chairman of the Foreign Relations Committee; and Sam Nunn, chairman of the Armed Services Committee. Sen. Edward Kennedy voted against the resolution. So did Daniel Moynihan and Lloyd Bentsen. So did Bob Kerrey.

In the House, which approved the resolution 250–183, Democrats voting no included Speaker Tom Foley and Majority Leader Richard Gephardt.

A number of those same Democrats in 1995 support a mission in which the U.S. interest is much less clear: President Clinton's commitment to send troops to Bosnia, But this time something is different. Clinton has support—qualified in some instances—from key members of the other party.

Senate Majority Leader Bob Dole said he will support Clinton's position. So has Sen. Richard Lugar, chairman of the Foreign relations Committee. In the House, Speaker Newt Gingrich has discouraged Republican congressmen who wanted to try to stop the Bosnian operation. For those GOP leaders, apparently, partisanship still ends at the water's edge, as it should.

How, was it possible for the Democrats in 1991 to say no to the liberation of Kuwait and just about five years later support a vague mission in Bosnia that has little to do with America's vital national interests?

Certainly the issues weren't identical. The 1991 vote gave Bush authorization for a ground war against what was then widely reported to be a formidable Iraqi army. Clinton's intended dispatch of 32,000 troops to Bosnia is based on the assumption, although it's debatable, that combat can be avoided.

Some of the Bush critics in 1991 said it was wrong to go to war for oil. Kerrey, as a presidential candidate in October 1991, told a New Hampshire audience that he rejected the Kuwait resolution 10 months earlier because the main reason was to protect an oil source. (Some Americans thought that preserving an essential source of fuel for the industrial West was a good reason to liberate Kuwait and make sure Saudi Arabia wouldn't fall to Saddam Hussein.) If Bush had emphasized the restoration of freedom in Kuwait, Kerrey said, he might have supported the action.

However, the 1991 resolution that the 45 Senate Democrats voted against did not mention oil. It stated that Iraq's invasion of Kuwait was unprovoked, illegal and brutal and that the United Nations had authorized its members "to use all necessary means" to ensure that "Kuwait's independence and legitimate government be restored."

Whether or not one agreed with Bush, the mission was clear: Beat back an illegal aggressor threatening to roll over a region that had a direct impact on American interests and would continue to have an impact. Iraq had overrun Kuwait and was poised to move into Saudi Arabia. There was an immediate danger that the war would spread throughout the region, perhaps drawing in Israel.

Contrast that with the Balkan situation. Ethnic and religious passions have fueled centuries of hatred, bitterness and wartime atrocities. None of the parties to the current conflict—the primarily Catholic Croatians, the Orthodox-Christian Bosnian Serbs or the Muslim majority in Bosnia—has an unblemished record. They are waging what amounts to a religious and territorial civil war. Some are angry that their leaders signed a truce. As to the danger of an expanded war, few indications exist that any outside powers were planning to come to the aid of the warring factions.

Yet the Clinton policy would place U.S. troops on the ground in that situation. And for what national interest? The president should be grateful that his Republican opponents aren't guided by the way the Democrats behaved in 1991, when the threat to the national interest was genuine.

SOME BENEFITS OF MEDICAID

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. NEY. Mr. Speaker, I want to bring attention to the House a series of articles published in September by the Columbus Dispatch (Columbus, Ohio) that describe the challenges and joys of raising a disabled child at home and among family. The Columbus Dispatch series accurately highlights the experiences of families with children with significant disabilities who have received support from the current Medicaid Program.

The Sapp family includes parents Dale and Martha Rose, two daughters, and Dale Jr.

Dale Sr. has a full-time job and Martha Rose takes care of the children. Dale Jr. is 7 years old and several disabilities, including mental retardation, and uses a wheelchair. To keep Dale Jr. at home, Medicaid provides, the Sapp's services worth $105,000, including speech and physical therapy, prescription drugs, hospital services, and other needed medical care. Without this support, the Sapp's would be forced to place Dale in an institution, with an annual cost of $240,000.

The Biel family includes parents Louis and Mary and two children. Both parents full-time jobs and private health insurance. Daughter Kathleen is 10 years old, has cerebral palsy, mental retardation, and uses a wheelchair. Medicaid provides the Biel family with $87,000 worth of physical and occupational therapies, hospital and other medical care. Without this support the Biel's would be forced to place Kathleen in an institution, which would cost $240,000 annually.

The Carter family includes parents Greg and Meri-Ellyn, two sons, and Lauren, age 7, who has cerebral palsy, mental retardation, and blindness. Greg has a full-time job and Meri-Ellyn stays home with the children. Until recently, the family received $45,000 from Medicaid in the form of home nursing care and physical therapies, which allowed Lauren to live at home despite the fact that Lauren cannot be left alone, her needs were determined to be nonemergency in nature and her Medicaid benefits were terminated. Lauren now lives apart from her family in an institution that costs $55,000 annually.

The Sapp's, Biel's, and Carters are among the millions of families across America that rely on Medicaid support to meet the extraordinary health and developmental needs of their children with significant disabilities. Thanks to Medicaid, these children lead more independent and successful lives at home, with family. Most often, assistance at an early age enhances the ability of these children to develop physical, emotional, and social skills, advances their capacity to learn, and enables them to participate more skillfully in family and community life. Similarly, adults with disabilities rely on Medicaid to achieve health, employment, and personal goals that directly relate to their ability to lead independent and productive lives.

Two of the three families profiled in these articles received services from the Easter Seals Society, which is dedicated to assisting children and adults to live with equality, dignity, and independence. Since its founding in Ohio in 1919, Easter Seals has helped millions of people with disabilities nationwide through home and community services that are overseen by volunteers and paid for by charitable donations, corporate contributions, and the investment of government funds. According to Easter Seals, the compelling stories told by the Biels, Sapps, and Carters are not unique but are typical of the experiences of countless families that need Medicaid and Easter Seals to get by.

For the 4.9 million children and adults with disabilities who depend on Medicaid and associated programs, such as early intervention and assistive technology, there are few, if any, alternative sources of support. Medicaid is the linchpin that fosters individual development, learning, and independence, and enables families to stay together, most often as primary care givers for persons with disabilities.

To date, Medicaid has operated as Federal-State partnership. Some of the country's most innovative, cost-efficient approaches to home and community-based service delivery and EPSDT early detection and intervention have originated under Medicaid. Although many legitimate needs have not been met by Medicaid and related programs, the current array of services and support are crucial to the health and quality of life for millions of individuals and families, and represent a wise cost-effective commitment to public funds.

The Columbus Dispatch stories clearly show the direct relationship between investing in services to support families and the alternative, which is most often higher cost institutional care. According to the newspaper, in many of these families, either one or both parents work. Most struggle to keep their children at home, and willingly assume the disruption and expense. But their ability to keep their families intact directly depends on continued Medicaid support.

As we evaluate the pros and cons of making significant reforms to the Medicaid Program, I urge my colleagues to read these articles and be mindful of the daily confronting families affected by disability and the critical role that Medicaid plays in their lives. Copies of the Columbus Dispatch articles are available from the National Seal Society in Washington, DC.

WAIT A MINUTE, MR. POSTMAN

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, today I introduced the Postal Service Debt Reduction and Truth in Budgeting Act, which will commit the Postal Service to a 7-year-debt reduction plan.

Mr. Speaker, for far too long, Congress and the American people have been kept in the dark regarding the finances of the U.S. Postal Service. Very few Americans know that the Postal Service is servicing a debt of more than $7 billion. What they do know is that their mail is not delivered on time and that the cost of a first class stamp jumped by 3 cents last year. This situation needs to be changed.

Even before I was elected to Congress, I was critical of the Postal Service's lack of budgetary integrity and its overall service. Their unwillingness to tackle their multibillion dollar debt has convinced me that real, fundamental reform is needed.

Since last year, Postmaster General Runyon has taken some encouraging steps toward fiscal responsibility. Much to everyone's surprise, the Postal Service ran a surplus this year of $1.8 billion; only the seventh time in 25 years it has managed to operate in the black. However, the Postal Service still lacks a serious plan that holds it fiscally accountable to Congress and our Nation's taxpayers.

Despite their $7.3 billion debt and the rare opportunity to reduce it with their $1.8 billion surplus, Postmaster General Runyon, recently gave bonuses to 1,000 senior postal executives for a year when customers faced a 10 percent hike in the price of a first class stamp. It is these actions that require me to introduce this bill.

Mr. Runyon seems to be doing little more than introducing short-term gimmicks and rate hikes to absorb the escalating costs of running an increasingly inefficient monopoly. The Postal Service is utilizing a good portion of its administrative, labor and capital resources on projects that have nothing to do with the agency's primary responsibility: delivering the mail on time. Recently, the Postal Service announced that it was entering into a joint venture with a private company to offer prepaid telephone calling cards, a service already provided by the private sector. Mr. Runyon should have the agency concentrating on delivering the mail.

The legislation I am introducing will require the Postmaster General to follow a fiscally responsible course that the American people have demanded from their Government led by the 104th Congress. Specifically, it would require the Postmaster General to submit a 7-year plan to put the Postal Service's fiscal house in order. It would also require an annual, in-depth accounting of its budget to show which postal programs and practices are working and which ones need to be reformed or eliminated.

Mr. Speaker, I urge all of my colleagues to cosponsor the Postal Service Debt Reduction and Truth in Budgeting Act. Let us include the U.S. Postal Service in our efforts to create a smaller, smarter Government that is accountable to the American taxpayers.

DISPELLING THE MYTHS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. PACKARD. Mr. Speaker, there are a number of myths about the Republican balanced budget my colleagues on the other side of the aisle seem bent on perpetuating. For instance, part of their mantra states that our tax cuts benefit the rich.

Mr. Speaker, that is just patently wrong. According to the Joint Committee on Taxation, 80 percent of the GOP tax cuts go to those making less than $100,000 and 61 percent go to those making between $30,000 and $75,000. These are hard working, middle-class Americans, not the rich.

The Heritage Foundation found that 80 percent of the $500 per-child tax credit benefit goes to families with incomes less than $75,000. Some 3.5 million families, at the lowest income levels, will no longer pay taxes. Finally, our budget erases 51 percent of taxes for families of four earning less than $30,000.

Throughout the budget negotiations, the White House has clearly demonstrated that it is not serious about reaching a balanced budget in 7 years. Rather than respond directly to the budget negotiators about the balanced budget plan, the White House has chosen instead to release a document that simply reiterates the same old, worn-out myths about the Republican efforts to harm senior citizens, children, working families, the poor, students, veterans, and just any other group you can think of.

Tax cuts benefit America's families, not the rich. Mr. Speaker, the time has come to peel away the rhetoric and distortions and begin to focus on the facts. America's future depends on it.

TRIBUTE TO EMILY KUMPEL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. MARKEY. Mr. Speaker, I rise today to recognize and applaud Emily Kumpel of Wakefield, MA, for her outstanding dedication and service to others in need. Although she is only 11 years old, this sixth grader has done more to help those less fortunate than herself than most people do in their entire lives.

When Emily was a third grader and only 8 years old, she and her older sister Amy helped organize a charity auction to benefit a Boston area homeless shelter. Working with other children their age, they wrote to celebrities and asked them to autograph squares of material which were later made into patchwork pillows and auctioned. Together with their friends, Emily and Amy raised over $4,000 for homeless children and their families.

Eighteen months ago while researching South Africa, Emily learned about the effects of apartheid on the citizens of South Africa. Anxious to help improve their quality of life, Emily became a key organizer of the South African book drive. As the youth chairperson, Emily collected over 10,000 books for an elementary school in the Capetown area and received an award of $3,000 to be used toward the cost of shipping.

Emily Kumpel should serve as a role model for all of us, both young and old. Her work on behalf of the homeless and the children of South Africa illustrates her deep commitment to the advancement of humanitarian goals. Emily truly is an amazing individual, and she deserves our respect and admiration.

TEXAS STATEHOOD

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. FROST. Mr. Speaker, I would like to take this opportunity, before Congress recesses for the holidays, to bring to the attention of my colleagues a very significant anniversary coming up next month in my home State of Texas.

On December 29, 1995, the people of Texas will celebrate our sesquicentennial of statehood. Entering the Union as its 28th State, Texas has consistently played a pivotal role in all facets of American history. Texas has supplied to this Nation a wealth of human talent in every field of endeavor—from science and technology to business and commerce; from academics to government; and from entertainment to agriculture; to name only a few.

Mr. Speaker, on April 21, 1995, the regular session of the 74th Texas Legislature adopted House Concurrent Resolution No. 118, commemorating the sesquicentennial of Texas statehood. I ask that the full text of House Concurrent Resolution No. 118 be published in the CONGRESSIONAL RECORD at the conclusion of my remarks. The resolution follows:

THE STATE OF TEXAS, HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION

Whereas, The year 1995 will mark 150 years since the United States of America admitted Texas as the 28th state in the union; and

Whereas, The sesquicentennial of Texas statehood is a truly momentous occasion that allows all Texans to reflect on their state's proud heritage and bright future; and

Whereas, Acting on the advice of President John Tyler, the United States Congress adopted a joint resolution on February 28, 1845, inviting Texas to enter the union as a state with full retention of its public lands; today, a century and a half later, Texas enjoys the distinction of being the only state admitted with such extensive rights; and

Whereas, The citizens of the Republic of Texas were deeply committed to the goals and ideals embodied in the United States Constitution, and, on June 16, 1845, the Congress of the Republic of Texas was convened by President Anson Jones to consider the proposal of statehood; and

Whereas, Texas took advantage of the offer, choosing to unite with a large and prosperous nation that could more effectively defend the borders of Texas and expand its flourishing trade with European countries; by October 1845, the Congress of the Republic of Texas had approved a state constitution, charting a bold new destiny for the Lone Star State; and

Whereas, The proposed state constitution was sent to Washington, D.C., and on December 29, 1845, the United States of America formally welcomed Texas as a new state; the transfer of governmental authority, however, was not complete until February of 1846, when Anson Jones lowered the flag that had flown above the Capitol for nearly 10 years and stepped down from his position as president of the Republic of Texas; and

Whereas, With the poignant retirement of the flag of the Republic, Texas emerged as a blazing Lone Star in the American firmament, taking its place as the 28th state admitted into the union; Now, therefore, be it

Resolved, That the 74th Legislature of the State of Texas, Regular Session, 1995, hereby commemorate the sesquicentennial of Texas statehood and encourage all Texans to take note of this historic occasion.

INTRODUCTION OF THE WATER SUPPLY INFRASTRUCTURE ASSISTANCE ACT OF 1995

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SHUSTER. Mr. Speaker, today, I am introducing the Water Supply Infrastructure Assistance Act of 1995, a bipartisan bill that will protect human health and the environment and promote jobs. In the Transportation and Infrastructure Committee the term "infrastructure" means more than just highways, bridges, dams, airports, and other transportation and infrastructure related facilities. It includes environmental infrastructure such as drinking water and wastewater treatment and distribution systems. Because of that, this committee expects to play a major role in debate and passage of legislation to protect and improve our Nation's water supplies.

I am delighted to be joined by JIM OBERSTAR, the ranking Democrat of the committee, the chairman of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT and the ranking Democrat of the subcommittee, BOB BORSKI. In addition, over 30 of my committee colleagues are joining me as original cosponsors.

Today's bill is similar to the bipartisan drinking water bill the Public Works and Transportation Committee approved last Congress. Unfortunately, that bill did not become law. The unfunded Federal mandates and the environmental infrastructure needs remain, however. Today, the need is just as compelling, if not more compelling, to have a reasonable bill that provides funding and flexibility to State and local officials and that builds upon the existing programs and mechanisms of the Clean Water Act.

For example, EPA estimates over $8.6 billion in capital needs to meet current Safe Drinking Water Act requirements. The Congressional Budget Office also estimates annual costs between $1.4 billion and $2.3 billion per year for compliance with current requirements.

The bill continues the committee's commitment to our Nation's environment infrastructure needs in two basic ways:

First, it authorizes new 3-year, $2.25 billion accounts for improvements to drinking water systems within the existing State revolving funds [SRF's] under the Clean Water Act—specifically, $500 million for fiscal year 1996, $750 million for fiscal year 1997, and $1 billion for fiscal year 1998. The bill would make available the $500 million in the fiscal year 1996 EPA appropriations bill that is contingent on authorization of a drinking water SRF.

This aspect of the bill is modeled on the existing, successful SRF established under the Clean Water Act. It authorizes grants to States for the establishment of new accounts within the SRF's for funding water supply infrastructure needs. Loans from the accounts would be repaid to the States by operators of water supply systems and the repaid funds would be made available to meet additional needs.

Second, it authorizes the use of a portion of the funds—up to 10 percent—within the new accounts for source water quality protection programs consistent with nonpoint source management programs under the Clean Water Act. This will help prevent pollution and reduce treatment costs downstream, but without the use of any Federal, command-and-control regulations.

Over the coming weeks, we will be working with various stakeholders to further update and improve the bill. We intend to move this important legislation forward while working closely with the Commerce Committee as the House considers Safe Drinking Water Act legislation.

TRIBUTE TO STEWART GREENEBAUM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. CARDIN. Mr. Speaker, I rise to pay tribute to Stewart Greenebaum. On December 10, 1995, Stewart Greenebaum will receive the Humanitarian Award from the Baltimore Zionist District.

Stewart Greenebaum deserves this award because of his strong commitment to his community and to the State of Israel. Stewart has donated his time, effort, and energy to worthy causes.

Stewart Greenebaum has made tremendous contributions to the Baltimore Zionist District. He is currently serving as chairman for Israel Bonds of Maryland, as well as chairman of the Board of the University of Maryland Medical System. In addition, Stewart Greenebaum is the founder and chairman of a scholarship fund for financially disadvantaged medical students and he is the founder and chairman of the Children's House at Johns Hopkins which provides shelter and comfort to families of sick children.

Mr. Speaker, it is a pleasure to call Stewart Greenebaum's achievements to the attention of my colleagues. By having individuals like Stewart Greenebaum in our communities, our work as public servants in Congress is made that much easier and that much more pleasurable.

ONE COMMON LANGUAGE WILL KEEP AMERICA ONE NATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. ROTH. Mr. Speaker, I rise today to call the attention of my colleagues to the excellent essay that appeared in Time magazine in November, "Quebec and the Death of Diversity." The author, Charles Krauthammer, makes the powerful observation that nations can perish by the sword of cultural diversity. Mr. Krauthammer points to Canada's near divorce with its province of Quebec a month ago as a dire warning for what could happen here in America. Mr. Krauthammer is absolutely right.

Canada's experience is a cautionary tale for our country, the most diverse nation in the history of the world. Their narrow brush with breakup should sound a clarion call to all Americans who dismiss the importance of a common language and culture to a nation.

I do not want to watch the United States unravel the way Canada almost did. I have introduced legislation that seeks to reinforce the common bond that holds our country together: the English language. I hope you will heed Canada's silent warning and join me today in the effort to keep America one Nation, one people. Cosponsor H.R. 739, the Declaration of Official Language Act. I ask that the full text of Charles Krauthammer's essay appear in the RECORD at this point.

[From Time magazine, Nov. 13, 1995]

QUEBEC AND THE DEATH OF DIVERSITY

(By Charles Krauthammer)

Just hours after the Quebec referendum on separation that came within a whisker of breaking up Canada—and may yet do so—President Clinton pronounced. "Ethnic diversity can be the hallmark of a strong and prosperous society," said his spokesman. "The President has often said that our ethnic diversity here in America is one source of our greatest strength . . . and hopefully it will be for the people of Canada as well."

Now, when commenting on an explosive marital spat occurring next door, it is incumbent on a neighbor to be diplomatic and sympathetic. But must one be fatuous too? Here is Canada, a great neighboring country, choking on cultural diversity, very nearly dying of cultural diversity—and the spokesman for the President of the U.S. offers a mindless, mantra-like homily in praise of the very source of Canada's ongoing agony.

Yes, diversity can contribute to a country's strength by producing a kind of hearty, hybrid culture and provoking new ways of thought and new avenues to genius. But for every such cultural synergy there are 10 cases—from the Balkans to the former Soviet Union, from Africa to Asia and now to North America—of cultural explosion, where the clash of ethnicities yields weakness, conflict, division, even war. Indeed, the bitterness of French Canada's drive to amputate its century-old confederation with English Canada tells us much about the unexamined belief in the strength and beauty of the multicultural mosaic.

In their Oct. 30 referendum, half of Quebeckers—and a solid 60% of French speakers—said they want out of their partnership in a culturally diverse Canada. Why? For the answer, Americans might look no farther than Louisiana.

"Cajun" is a corruption of "Acadian," a region of Nova Scotia that was home to many French Canadians until they were expelled by the British in the 1750s and '60s. Many emigrated to Louisiana, then a French possession, where their language and culture withered, evolving into a kind of folk curiosity. Quebeckers do not want to go the way of the Cajun. They do not want to end up as some colorful ethnic subculture known for its music or cooking or the odd linguistic twist. Quebeckers are driven by a terror of being crushed by an English-speaking continent of 300 million into a mere cultural curiosity. Hence their hunger for political independence.

Oddly, and sadly, the solution does not answer the fear. Politics is no cure for cultural assimilation. A flag and an anthem do not assure cultural vitality.The faith that they will is as desperate as it is sentimental.

The real problem of Quebec is the problem of all small peoples in a world of irresistibly globalized commerce and culture. That separatism may not solve the problem is beside the point. Separatism is a fact, the single greatest political fact of the post-cold war world. With external enemies removed, with hybrid states no longer held together by hegemonic superpowers, the petty annoyances and existential difficulties of living in mixed-ethnic marriages within nation-states has become increasingly intolerable. From the former Yugoslavia to the former Czechoslovakia to the former Soviet Union, from Sri Lanka to Quebec, the tendency to separation is inexorable.

Nor is the U.S. immune to the attraction of separatism. Look, for example, at the rise of Louis Farrakhan, the leading black separatist in America. Look at the ethnic social policies, the school curriculums, the racially gerrymandered electoral districts that give an official imprimatur to the notion of the primacy of group over nation.

Which is why Quebec's referendum is not the provincial story it seems. The 60% of French-speaking Quebeckers who voted to sever their political union with bicultural Canada are a herald of the death of diversity. They are a living refutation of the warm and cozy notion, based more on hope that on history, of multicultural harmony and strength. They are a warning.

After all, as former Toronto Sun editor Barbara Amiel points out, if multiculturalism cannot work in Canada, where can it work? If it cannot work in a country as civil, decent and tolerant as Canada—a country where the majority English speakers have been extraordinarily generous in granting all kinds of cultural protections, subsidies, special rights and privileges to the linguistic minority of French Canada—then where?

And if it cannot work in Canada, where the issue is the co-existence of just two (quite similar, one might note) cultures, how will it work in, say, Bosnia, where three, or India or America, with dozens? One looks at Canada and wonders whether the current naive and confident American celebration of cultural diversity—with its insistence on group rights over individual rights, sectarian history over American history, ethnic culture over a common culture—is leading us down a path from which there is no escape.

Canada has an escape. By accident of geography, separation is a real option because the different culture inhabit different territories. For a country like America, where the different cultures are thoroughly intermixed, there is no such answer. Canada can break up cleanly; the U.S. cannot.

America is proceeding blithely down the path of diversity and ethnic separatism. America's destination, however, is not Canada, which will find some civil way out of its dilemma. America's destination is the Balkans.

HUMAN RIGHTS ABUSES IN EAST TIMOR

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mrs. LOWEY. Mr. Speaker, today marks the 20th anniversary of Indonesia's occupation of East Timor. The people of East Timor have lived for two decades under a cruel and repressive regime that has killed and starved almost one-third of their population.

Violent crackdowns on peaceful demonstrations in East Timor have continued throughout this occupation. First, innocent protestors are massacred and then the military rounds up and jails the witnesses so that the world will never know what happens.

Indonesia's policy in East Timor is about the oppression of those who oppose Indonesia's right to torture, kill, and repress the people of East Timor. It is about genocide.

Today, Congressman PATRICK KENNEDY and I are introducing the East Timor Human Rights Accountability Act, which will prohibit United States aid to Indonesia from being used to further the occupation of East Timor or to violate the human rights of the East Timorese people.

Mr. Speaker, it is time for this repression and violence to end.

TRIBUTE TO WALTER H. DETTINGER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a truly dedicated American, Mr. Walter H. Dettinger, who passed away on November 21, 1995.

In 1936 at the age of 17, Walt embarked upon several years of selfless service to our country when he enlisted in the Ohio National Guard. Upon his discharge in 1939, he joined the Naval Communications Reserve and was called to active duty the following year. His area of expertise, radio communications, led him to service aboard the USS *Worden* in Pearl Harbor, HI. Walt was among the thousands of servicemen there on the morning of December 7, 1941, when the Japanese launched their unannounced offensive. As a survivor of the attack, he went on to defend our Nation in the Battle of the Midway and Guadalcanal. In January 1943 while aboard the USS *Worden* in Amchitka, AK, his ship fell victim to an enemy suicide attack. Once again surviving, he served the rest of World War II in the Pacific on the USS *Murray.*

In October 1945 he was discharged and returned to civilian life. Five years later, he married Betty, with whom he shared a 45-year marriage and two children. In early 1952, Walt was again called upon to serve his country in the Korean war. He served faithfully and diligently on the USS *Fred T. Berry* until his discharge in November 1952.

Ambition and drive followed Walt into civilian life as well. As a civilian, he left his mark upon the Toledo broadcasting community in several ways. He helped put an AM radio station, WTOD, on the air, as well as a television station, WTOL–TV 11, from which he retired in 1981. He was a lifelong amateur radio broadcaster, member of the Quarter Century Wireless Association and the American Radio Relay League.

Walt was also a proud member of the Pearl Harbor Survivors Association—charter member, past president of Ohio Chapter 3 and past Ohio State Chairman, the Toledo Post #335, American Legion, past commander, and life member of Sylvania Post #3717, Veterans of Foreign Wars. It is through this association that Walt provided me with invaluable assistance in 1991.

Together, we worked to give Pearl Harbor survivors from my district the Pearl Harbor Veterans Award during a moving ceremony 50 years after that long-ago day. Walt's assistance in organizing this commemoration was invaluable to me, and appreciated beyond words by the veterans we honored.

A kind and gentle man who sought neither recognition nor accolades and held his achievements privately, Walt was a truly dedicated American. His advice, counsel, and friendship will be missed. He served America and the cause of freedom with selfless devotion. He left our world a finer place.

CONGRESS WRITES TO BOUTROS GHALI ABOUT INDIAN REPRESSION OF SIKHS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. HERGER. Mr. Speaker, I rise today to note that a letter has been sent to Boutros Boutros-Ghali, the Secretary General of the United Nations, demanding that the United Nations get involved in seeking the release of Jaswant Singh Khalra, the Indian human rights activist who was kidnapped by the police outside his house in Amritsar on September 6. Here it is early December and his whereabouts are still unknown. Mr. Khalra was kidnapped after publishing a report which showed that the Indian regime had kidnapped more than 25,000 young Sikh men, tortured them, murdered them, then declared their bodies unidentified and cremated them. The police chief of Tarn Taran, Ajit S. Sandhu, reportedly told Mr. Khalra, "We made 25,000 disappear. It would not be hard to make one more disappear." Amnesty International reports that for this threat, Mr. Sandhu was recently transferred to another district. Transfer is the most severe punishment a police official faces.

As Amnesty International said in its report entitled "Determining the fate of the disappeared in Punjab," "Punjab police have been allowed to commit human rights violations with impunity."

Recently, the United Nations spoke out strongly against the executions of nine political activists in Nigeria. That was the right thing to do. People should not be killed or abducted and tortured for expressing political opinions or for exposing abuses of the rights of others. Yet the United Nations has not spoken up against the illegal detention of Mr. Khalra, the ongoing illegal detention of more than 70,000 other Sikhs under a repressive, expired law known as Tada, which has been discussed in this House many times, or any of India's massive abuses of the fundamental human rights of Sikhs and other minorities. This is the same United Nations, by the way, under whose auspices President Clinton is sending 20,000 Americans to keep a very fragile peace in Bosnia. Why won't the Secretary General speak out against human rights abuses in India, one of the most oppressive and corrupt countries in the world? Is it because India falsely claims to be a "democracy"?

It is time for the United Nations to condemn human rights violations in India as it does so effectively around the world.

20TH ANNIVERSARY OF INDONESIA'S INVASION OF EAST TIMOR

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. REED. Mr. Speaker, on December 7, 1975, Indonesia invaded the small country of East Timor and began two decades of violent occupation and repression. More than 200,000 East Timorese have been killed or have died of starvation since the invasion of the Indonesian Government. Portugal continues to protest Indonesia's invasion, and the United Nations has never recognized Indonesia's claim on East Timor. Both the Security Council and the General Assembly have issued numerous resolutions reaffirming East Timor's right to self-determination. However, these actions have been ineffective.

Tragically, we are still witnessing the harsh reality of this invasion. Massacres, disappearances, suppression of free speech, and human rights abuses have consistently been reported since the invasion. In November 1991, the world was outraged by the Santa Cruz massacre where Indonesian soldiers opened fire into an unarmed crowd, killing more than 250 people; in June 1994, Indonesian troops committed acts of sacrilege against the East Timorese Church and clergy; in July 1994, a clash between East Timorese students and Indonesian troops in response to this incident left 18 students injured; and in January of this year, Indonesian soldiers kidnapped, tortured, and murdered six civilians.

At a joint hearing before the International Relations Subcommittees on Asia and the Pacific and International Operations and Human Rights on March 16, the Director of the Human Rights Watch stated: "In East Timor, violations of fundamental rights has been especially severe, and have worsened dramatically since the APEC summit meeting in Jakarta last November."

Congress has acted on behalf of the people of East Timor, but I believe we must do more. The United States must not tolerate continued human rights abuses by the military in East Timor. We must not turn our backs on the East Timorese, who, against great odds, have resisted the Indonesian invasion for 20 years. The U.S. should not let another 20 years of human rights abuses and oppression pass. I commend my colleagues Representatives KENNEDY and LOWEY for their efforts to recognize this anniversary on behalf of the people of East Timor, and for introducing the East Timor Human Rights Accountability Act of 1995. I urge my colleagues to continue to condemn acts of violence by the Indonesian Government against the people of East Timor.

DELHI MASSACRES

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. KING. Mr. Speaker, I rise today to note that last month Sikhs and the world remembered the 11th anniversary of the brutal November 1984 massacre of Sikhs in which more than 40,000 Sikhs were killed by government-inspired mobs while government television and radio repeatedly called for more Sikh blood. Over 20,000 Sikhs were killed in Delhi alone during this massacre. For 3 days, the police stood aside, under strict orders to do nothing. Sikh police officers were disarmed and confined to their barracks to prevent them from helping their Sikh brothers and sisters.

In all, more than 150,000 Sikhs have been murdered in India since 1984. In addition, there have been murders of over 200,000 Christians in Nagaland since 1947, more than 43,000 Muslims in Kashmir since 1988, tens of thousands of Assamese, Manipuris, and others, and thousands of Dalits "black untouchables". The State Department reported in 1994 that between 1991 and 1993, the Indian regime paid over 41,000 cash bounties to police officers for killing Sikhs.

Self-determination is the God-given right of all people of all nations. This is the principle that underlies our Declaration of Independence, and it is a principle that is sweeping the world. On October 7, 1987, the Sikh nation asserted its right the self-determination by declaring its independence from India, forming the sovereign, independent country of Khalistan. The Sikhs had ruled Punjab from 1765 to 1849. India's response to Khalistan's declaration of independence has been to set up the repression against the Sikh nation. Today Khalistan lives under the occupation of 500,000 Indian troops—more troops than the British stationed in the entire subcontinent at any time during their rule.

As the leader of the free, democratic countries of the world, the United States should not be propping up this repressive tyranny. It is time for America to take strong action to see to it that India respects human rights and the right of self-determination.

I am introducing into the RECORD a speech delivered by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, at a November 4 rally commemorating the November 1984 massacres.

STATEMENT OF DR. GURMIT SINGH AULAKH

Today we are gathered to commemorate the anniversary of India's brutal November 1994 massacres of Sikhs in which more than 20,000 Sikhs were murdered by government-inspired mobs in Delhi alone, and over 40,000 throughout India. As the Home Minister at that time, Indian Prime Minister P.V. Narasimha Rao was intimately involved in that murderous operation. For three days, the regime did nothing about the massacre while the state television and radio cried for more Sikh blood. In India there is no peace or freedom for Sikhs or other minority nations. The record of Indian rule in our homeland, Punjah, Khalistan, is one of genocide and tyranny by the country that presumes to call itself "the world's largest democracy."

The Associated Press recently reported on the suit filed in India's Supreme Court by Harpreet Singh, a Sikh man who was illegally detained four years ago and listed as having been killed in an "encounter" with the police. While we are glad that his case came to light, it is not unusual. Sikhs continue to be oppressed and butchered in supposedly free India. India is a country which tortures, murders, abducts, and rapes people. In India, "disappearances" are routine.

Recently, the Indian press reported that since 1990 over 25,000 young Sikh men had been abducted, tortured, and murdered by the Indian regime. Then their bodies were listed as unclaimed and cremated. The person who issued this report, Jaswant Singh Khalra, general secretary of the Human Rights Wing (Shiromani Akali Dal), was abducted by the Amritsar police on September 6 and has not been seen since. The next day, Amnesty International issued an "Urgent Action" bulletin calling for his release. They expressed the fear that Mr. Khalra is being tortured. Indeed, according to Asia Watch, "virtually everyone detained in Punjab [Khalistan] is tortured."

A mass grave which held the remains of 400 Cambodians shook the world, as it should have. Why is the mass cremation of more than 25,000 innocent Sikhs in Punjab, Khalistan, ignored?

On October 19, 65 members of the U.S. House of Representatives from both parties and across the political spectrum wrote to Mr. Rao demanding Mr. Khalra's release. So far there has been no response. Mr. Khalra remains in illegal detention.

According to a report issued by Human Rights Watch and Physicians for Human Rights, one police officer told HRW/PHR that "over a five-year period, 500 people were killed by my police station alone." Another policeman is quoted as saying, "During my five years with the Punjab Police, I estimate 4,000 to 5,000 were tortured at my police station alone." There are over 200 such police stations in Punjab, Khalistan.

A policy of summary executions in Punjab, Khalistan has the blessings of some key officials at the Centre, as borne out by a series of secret communications from Delhi. The pattern of "encounter killings" is that "the victim would be detained during police raids on villages or city neighborhoods and tortured for several days before being killed. One police officer said: 'During my career with the Punjab police, I participated in approximately five raids per day.'" Three types of Sikhs are targeted for torture and death by the police: (1) Amritdari Sikhs, (2) young Sikh men and (3) political asylum returnees.

The U.S. State Department reports that from 1991 through 1993, the Indian regime paid more than 41,000 cash bounties to police officers for killing Sikhs. In November 1994, the Indian newspaper Hitavada reported that the late governor of Punjab, Surendra Nath, was paid $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan, and in neighboring Kashmir. Seventy-five percent of Punjab's water has been diverted to nonriparian states. India is a police state, not a democracy at all.

It takes more than elections to make a democracy. I would remind you that Adolf Hitler was democratically elected. For Sikhs, Kashmiri Muslims, Christians in Nagaland, Assamese, and the tribal people of Manipur, no matter who wins the elections, the bloody repression continues. The Indian regime has killed over 120,000 Sikhs since 1984, over 43,000 Kashmiris since 1988 and over 200,000 Christians in Nagaland since 1947. Tens of thousands of people have been killed in Assam, Manipur, and other tribal areas since independence. Dalits ("black untouchables") have died by the thousands.

Recently a Dalit girl was blinded by her teacher for the sin of drinking from the water pitcher. A few years ago, a Dalit constable was stoned to death when he sought shelter in a temple on a rainy day. In the state of Madhya Pradesh in late February, a 40-year-old nun was pulled from a bus in the town of Indore and stabbed 36 times by a Hindu militant. These are not the acts of a democratic nation. The U.N. Charter, to which India is a party, calls on nations "to practice tolerance and live together in peace with one another as good neighbors." Where is the tolerance in these Indian policies?

The historical record shows that 85 percent of those hanged in the cause of India's independence were Sikhs. Eighty (80) percent of those exiled and 75 percent of those jailed were Sikhs as well, despite the fact that the Sikhs at that time constituted less than 2 percent of India's population.

In 1947, when India achieved independence, three nations were to receive power. The Hindus got India, the Muslims got Pakistan, and the Sikh nation was to receive a state of our own. But the Sikh leadership at the time made the critical mistake of taking our share with India on the solemn promises of Gandhi and Nehru that Sikhs would enjoy "the glow of freedom" in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. As soon as the constitution was adopted, those promises were broken and the repression of our people began. As a result, no Sikh has ever signed the Indian constitution.

Nine times the Indian regime has imposed Presidential rule—direct rule by the central government—on the Sikhs of Punjab. Kashmir and Nagaland currently suffer under Presidential rule. Many other states have suffered the same fate. Rule from the Center is imposed in utter disregard of democratic principles.

Perhaps the greatest offense of all, however, was the Indian regime's brutal terrorist attack on the most holy Sikh shrine, the Golden Temple in Amritsar and 38 other Sikh temples throughout Punjab, in June 1984. This is the equivalent of attacking the Vatican or Mecca. These brutal attacks ultimately resulted in the murder of 20,000 Sikhs by the government, including important Sikh leaders like Sant Jarnail Singh Bhindranwale, a major spokesman for Sikh freedom. The attack took place from June 3 through 6, 1984. 15,000 troops of the Indian army took part in this surprise attack, called Operation Bluestar. These attacks were timed to fall on a holy day for the Sikh nation. Many innocent, unarmed men, and women and children, who had come only to pray on the anniversary of the martyrdom of Guru Arjan Dev Ji, were instead gunned down in the very temples in which they sought peace and solace.

In the face of this repression, the Sikh nation declared its independence on October 7, 1987, forming the separate country of Khalistan. Although our movement to liberate Khalistan is peaceful, democratic, and nonviolent, the brutal Indian regime insists upon treating all Sikhs as "terrorists." The cases of Harpreet Singh and Jaswant Singh Khalra clearly emanate from that policy. This past September 19, U.S. Representative Philip M. Crane, one of the senior Members of Congress, called upon the Indian regime to recognize the independence of Khalistan. It is time for the United Nations to do the same.

The Sikh nation showed its support for independence in February 1992, when only four (4) percent of the Sikh population in Punjab, Khalistan, voted in the elections there, held under the Indian constitution, a constitution which no Sikh has ever signed.

In December, Sikh leader Simranjit Singh Mann spoke to a crowd of 50,000 Sikhs and called for a peaceful, democratic, nonviolent movement to liberate Khalistan. He asked his audience to raise their hands if they agreed. All 50,000 hands were raised. For this blatant act of free speech, he was arrested in January and kept in illegal detention for six months. He continues to face charges under the repressive "Terrorist and Disruptive Activities Act" (TADA), which has expired. Old charges against Mr. Mann which has been dismissed were reinstated in order to frighten him into silence. Our demand for freedom is irrevocable, irreversible, and non-negotiable.

India is not one nation. It is a conglomeration of many nations thrown together for administrative purposes by the British. With 18 official languages, India is doomed to disintegrate just as the former Soviet Union did.

Freedom for Khalistan and all the nations living under Indian occupation is inevitable. It is time for India to recognize the inevitable and end its illegal occupation of Khalistan and the other minority nations it occupies. India must recognize Khalistan's independence, as Congressman Crane said. It is time for the United Nations to stop dignifying bloodthirsty tyrants like Mr. Rao. It is time for the U.N. to speak out for the ideals of its charter by working to liberate Khalistan and all the nations of the Indian subcontinent.

Freedom is the universal birthright of all people and nations. It is this universal right that the Sikh nation claims for itself. The only way that right can be preserved is in a sovereign, independent Khalistan. India must recognize reality and free Khalistan now. The Sikh nation will be free. KHALISTAN ZINDABAD.

FEDERAL EMPLOYEE SEPARATION INCENTIVE AND REEMPLOYMENT ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. WOLF. Mr. Speaker, today I introduced the Federal Employee Separation Incentive and Reemployment Act because of my concern about Federal Government downsizing and its impact on Federal employees. The Federal Government has a responsibility to its employees to make the transition to the private sector as easy as possible. Federal employees separated from employment should have a soft landing.

Members should know that Federal employees are some of the most dedicated and hard working people around. The Federal employees I have had the pleasure of knowing and working with over the years have a unique sense of community and that is why they have chosen jobs in public service. Serving the needs of the American people is honorable and indispensable. However, as obsolete Government functions are phased out or new technology reduces the need for some positions, Federal employees will be displaced.

Vice President GORE took the lead in 1993 in the downsizing and streamlining effort when he began his "Reinventing Government" initiative. As a result of the reinvention, the administration has reduced Federal employment by about 160,000 jobs. This puts the administration on track to reach its goal of 272,900 job cuts by the year 1999. Furthermore, congressional efforts to eliminate, streamline, or reform outdated programs could accelerate or increase the numbers of Federal jobs lost. Reductions in the number of full time equivalents [FTE's] will displace a number of workers and reductions-in-force [RIF's] most likely will follow. All of the job cuts cannot be absorbed by retirements or attrition. Therefore, as the nation's largest employer, the Federal Government should be sensitive to its displaced employees and do what it can to ease their transition into the private sector—in other words, give them a soft landing.

The Federal Employee Separation Incentive and Reemployment Act will provide temporary authority for the payment of retirement and separation incentives which will assist agencies reduce their workforce through attrition rather than RIF's. Buyouts, private sector reemployment training and relocation incentives, a job bank, and extention of health care and life insurance benefits will ease the Federal employee's transition out the Federal work force. This legislation will save the Government money because buyouts are less expensive than RIF's. A reduction in the number of RIF's will protect dwindling morale which adversely impacts on productivity. Finally and most importantly, this legislation will help the separated Federal employee make a smooth transition into the private sector.

Mr. Speaker, this legislation is a combination of some new and old ideas. This legislation should serve as a starting point for more good ideas which I encourage Federal employee unions, groups, and associations to share with the Civil Service Subcommittee. Also, I call on the administration to put forth some suggestions about how to ease Federal employees' transition into the private sector. For instance, perhaps OPM should conduct job fairs around the country whereby OPM helps match experience and qualified separated Federal employees with private sector jobs.

Mr. Speaker, I encourage our colleagues to cosponsor this important legislation, and I urge the chairman of the Government Reform and Oversight Subcommittee on Civil Service to hold hearings on this important legislation. This bill is a good government measure intended to help displaced Federal employees. While we may not be able to guarantee lifetime jobs to our dedicated Federal employees, we can help give them a soft landing.

Mr. Speaker, the following is a brief description of the incentives and transition assistance included in the bill:

(1) Incentive Payments for Employees Eligible for Immediate Retirement.—This program would provide for incentive payments to employees who voluntarily separate but who are not eligible for an immediate annuity. These Voluntary Separation Incentive Programs (VSIPs) are generally referred to as buyouts. VSIPs may be paid only if they are necessary to avoid or minimize the need for involuntary separations due to a RIF, reorganization, transfer of function, or other similar action.

(2) Payments and Other Incentives for Employees Not Eligible For Immediate Retirement.—This program gives an incentive to Federal employees who are not eligible for immediate retirement to find private sector employment by providing an incentive payment to a Federal employee who obtains private sector employment within six months after the employee's voluntary separation. The incentive payment is based on the amount of severance pay the employee would have been entitled to in the case of an involuntary separation. The sooner a former employee obtains reemployment, the greater the amount of the reemployment incentive. Specifically, the employee would receive 100 percent of his/her salary if he or she obtains private sector employment within the first two months of separation. He/she would receive 80 percent if the new employment commences within three months, 60 percent in four months, 40 percent in five months and 20 percent in six months.

(3) Reemployment Incentives—Priority Placement Programs for Federal Employees Affected by a Reduction-in-Force.—This program codifies a Presidential order establishing a government wide priority placement program. This program is modeled after the successful Department of Defense priority placement program. In essence, the program would provide a system under which agencies will be required to fill positions with displaced employees referred through the program if the employee is qualified for the position. Agencies would obtain employee names from a central inventory of employees who have been RIFed or given notice that they will be RIFed.

(4) Non-Federal Employment Incentives—Retraining Incentives.—Under this program, agencies may pay a retraining incentive to non-Federal employers upon the employee's completion of 12 months of continuous employment by the non-Federal employer. This gives private sector employers an incentive to hire displaced federal employees by paying for a portion of the employee's retraining. Retraining incentives shall not exceed $20,000.

(5) Non-Federal Employment Incentives—Relocation Incentives.—Under this program, agencies may pay a relocation incentive to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Relocation incentives shall not exceed $20,000.

(6) Job Placement and Counseling Services.—Under this program, agencies may establish a program to provide job placement and counseling services to current and former employees and their families. Services may include career and personal counseling, training in job search skills, and job placement assistance.

(7) Extension of Life Insurance Benefits.—A federal employee who is separated involuntarily or takes early retirement may elect to continue his/her life insurance coverage and pay both the employee's and agency contribution share. Under current law he/she can not.

(8) Extension of Health Insurance Benefits.—Current law generally requires that retiring employees must have participated in the Federal Employees Health Benefits Program (FEHBP) for the five years preceding retirement in order to continue their coverage as retirees. This new program directs the Office of Personnel Management to waive the five-year requirement for a federal employee who retires before October 1, 1999, and is eligible for an immediate annuity, provided the individual is enrolled in the FEHBP on the date of retirement.

TRIBUTE TO EL RANCHO HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the students, coaches, and parents who make up the El Rancho High School Academic Decathlon Team.

On November 18, 1995, El Rancho High School competed in and hosted the 1995 Los Angeles County Academic Decathlon. More than 60 schools from Los Angeles County participated. For the third year in a row, the El Rancho High School Academic Decathlon Team won the Southeast Divisional Region and placed 11th in the entire county.

Sergio Aguilar, Charles Cazares, David Enevoldsen, Leslie Gonzales, Giraldi Goyenaga, Scott Moore, Jozelyn Pablo, Sherry Panganiban, and David Zaragoza are the nine students who make up this year's winning team. With the guidance and support of their families and coaches Doug Anderson—head coach—Jim Dyson—assistant coach—Gary Barton, Della Bruhn, Julie Ellis, Karen Mainer, Tim McMullen, Ben Meza, Cheryl Milas, Ben Rich, Eva Rosa, Chris Whalen, Stan Wlasick, the decathletes proved that the El Rancho High School Academic Decathlon Team is a formidable competitor.

The team has a long and successful tradition of winning the Southeast Divisional Region, never placing lower than third and placing first in 1988, 1990, 1993, 1994, and 1995. For 3 consecutive years, El Rancho has been the Southeast Regional Champion.

The dedication and commitment demonstrated by these students is commendable and noteworthy. Studying for the competition required many early mornings and afterschool hours, and spending summers and weekends at school in preparation for the competition. These young people serve as promising role models for their peers and future academic decathletes.

Mr. Speaker, it is with pride that I rise to recognize these exceptional students, coaches, and parents. I ask my colleagues to join me in saluting these accomplished individuals and in extending our congratulations and best wishes for their continued success.

GERALD FETCHER SPEAKS FOR THE CHILDREN

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SANFORD. Mr. Speaker, for the past few weeks a constituent of mine, Gerald Fetcher, has paid for an ad to appear in the Washington Times. The text of the ad follows:

"AN APPEAL TO THE CONGRESS OF THE UNITED STATES"

> Please do not give in to the demands of President Clinton. We must balance the budget in seven years. America is already five trillion dollars in debt, which is over $18,000 per person (including newborn babies). Kids don't have the right to vote, they can't vote on their own future.
>
> It is very selfish for politicians to appeal to voters by giving them more benefits (to get votes), and destroy the future of America.
>
> Please hang in there Congress and Senate, do not give in to the selfish demands of President Clinton.

I commend Mr. Fetcher for taking the initiative to make sure that his voice is heard. He speaks for most Americans. Balance the budget now.

NATIONAL COUNCIL OF JEWISH WOMEN 100TH ANNIVERSARY

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. WARD. Mr. Speaker, it is my honor and pleasure to congratulate the National Council of Jewish Women, Louisville section on its 100th year of birth. Over those 100 years the council has been undaunted in its commitment to serve the community of Louisville.

The Louisville Chapter of NCJW has admirably fought for the protection of women, children, and the elderly. They have acted as a community foundation in the upgrading, safeguarding, and the protection of public education.

The basis for the success of the NCJW has been its hands-on volunteering. This volunteer experience is a phenomenon shared through a century by people bound together through religion, culture, and history.

Throughout their existence the National Council of Jewish Women have been a positive force for decency, dignity, and respect for the individual in the Louisville community. I salute them on their 100th anniversary.

LEGACY OF LEADERSHIP WILL BE REMEMBERED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. BARCIA. Mr. Speaker, advocates for second amendment rights, the people of Michigan, and conservationists have lost a great friend. Tom Washington, President of the National Rifle Association [NRA], died of heart failure on December 5, 1995.

Probably one of the most important aspects of Tom's career was his leadership in the NRA. A member of the board of directors since 1985, Tom served as second and first vice president until he was elected to serve as president in 1994. He strengthened the NRA and acquired new state-of-the-art headquarters in Fairfax, VA. As president he improved many NRA programs including hunter services, and founded the NRA's Youth Hunter Education Challenge.

Michigan has been fortunate to be served by Tom Washington who played a key role in preserving land in Michigan. His commitment to this goal was demonstrated when he wrote the administrative rules for the cornerstone of Michigan's land use program—the Michigan Farmland and Open Space Preservation Act which has been the model for land preservation legislation in Michigan. He also assisted in drafting legislation to create and then served as a member of the board for the Michigan Natural Resources Trust Fund. The trust is used to purchase prime recreational lands for public use.

An avid hunter and outdoorsman, Tom understood the importance of a healthy environment and was dedicated to protecting our natural resources. Tom served on the board of directors of the National Wildlife Federation, the Safari Club International and received the Safari Club's International Chairman's Award. Tom was presented with the Miles D. Pirnie Award by the Michigan Duck Hunters Association for his leadership in preserving wetlands and wetlands wildlife.

Tom could not have achieved these great accomplishments without the support of his loving family and is survived by his wife, Joanne and their six children; Miriam, David, Heidi, Susan, Steven, and Christy.

Please join me in remembering and honoring Tom's legacy of combining environmental consciousness and second amendment rights. Tom realized that these goals are not mutually exclusive and spent his lifetime protecting the two.

TRIBUTE TO MS. BONNIE WARR

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. WILSON, Mr. Speaker, today I ask that you join me in recognizing the achievements of Ms. Bonnie Warr of Pineland, TX.

Bonnie is one of those truly good, kind, and dedicated people who at the midpoint of life suddenly rediscovers the joys of education. A friend of hers says that a stint working in my office started the process, and helped her discover that she was just as smart as everyone else. I take no real credit for Bonnie's hard-earned success, but I am happy to trumpet it as an example of the benefits of education at any age.

On December 16, 1995, Bonnie will receive her masters of business administration diploma from Stephen F. Austin State University. She made the decision to jump back into the academic fray in 1988, earning an associates degree in 1991 and a bachelor of business administration degree in 1992. In May 1994, she received a secondary education certification that will allow her to share the wealth and teach English, mathematics, and business curriculums to high school students.

Bonnie started her new academic life with typical enthusiasm and with the happy encouragement and support of her husband Royce and daughters Angela Warr Lopez and Kendra Warr. Kendra will join her mother on the dais December 16 to receive her bachelor of arts degree.

Too many times people are guilty of saying "I would have liked to do this, but now it's too late" or "I'm too old." Bonnie is an inspiration to all of those who fall into this trap. I join her family and coworkers at Temple-Eastex in saluting her fortitude, perseverance, and persistence.

TRIBUTE TO SISTER RITA M. MEANEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. TOWNS. Mr. Speaker, it is my distinct pleasure to acknowledge Sister Rita Meaney, a native New Yorker. She belongs to the Sisters of Charity, and began her career as a child care worker at St. Agatha's Home for Children in Nanuet, NY. She rose quickly to become director of child care, and eventually its assistant administrator.

Sister Rita attended the College of Mount St. Vincent, from which she received her undergraduate degree. She earned her master's degree in social work from Fordham University. Sister Rita is a certified social worker and licensed nursing home administrator.

Sister Rita is committed to volunteerism, especially as it relates to providing for the needs of troubled families and children. She currently serves as executive director of St. Joseph Services for Children and Families. Under her guidance, St. Joseph has not only grown but thrived under Sister Rita's direction. The Service offers community-based programs in the prevention of child abuse and neglect; and encourages independent living skills among adolescents. St. Joseph also targets the special needs of foster care children with AIDS; and provides vital services such as health care, psychological counseling, and educational and vocational guidance. I am pleased to acknowledge her unique contributions and selfless service to humanity.

DR. JULIUS C. DIX; AN EDUCATOR FOR ALL AGES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. CLAY. Mr. Speaker, the retirement of Dr. Julius C. Dix from the St. Louis Public Schools on October 20, 1995, is a milestone in a brilliant and varied career of an extraordinary educator. For more than 41 years, Dr. Dix has provided service and leadership to the students and staff of the school district. Upon completion of undergraduate school at Lincoln University, Jefferson City, MI, Dr. Dix began his career as an elementary teacher. His talents were recognized very early in his career; consequently, as he earned graduate degrees from Washington University, St. Louis, MO, and Saint Louis University and achieved administrative certification, he was called upon to apply his expertise in a variety of responsible positions. Some of those positions include elementary principal, high school principal, district superintendent, assistant superintendent, area superintendent, and associate superintendent.

A continuing commitment to the education of students of all ages is reflected in Dr. Dix's activities as head guidance counselor and administrative assistant at Oberlin College for the Special Opportunities Program for Junior High School Disadvantaged Youngsters. He has served on the board of directors of the Parent-Child Center of the Human Development Corporation of St. Louis, Model Cities Day Care, Northside Home for Delinquent Boys, Edgewood Home for Youth with Special Problems, and president of the board of directors of Annie Malone Children's Home. He currently serves on the board of directors of the William L. Clay Scholarship and Research Fund.

Dr. Dix, a dedicated proponent of lifelong learning, has been active in post-secondary education as a visiting lecturer at Harris Stowe State College, University of Missouri-St. Louis, University of Wisconsin, Saint Louis University, University of Illinois, and Southern Illinois University. He also served on the board of curators of Lincoln University from 1973–81. His involvement with community projects and organizations includes coordinator for Banneker Community Project, Ford Foundation, Danforth Foundation Metropolitan Leadership Program, Family and Children's Service, Clayton Committee, Yeatman Community Corporation's Education Committee, and chairman of St. Louis County Human Rights Commission.

For many years Dr. Dix has been an outspoken advocate for early childhood education and was director of Project Headstart for St. Louis/St. Louis County from 1966–68. In addition, he has served as a parental involvement panelist at national Headstart conferences and as a member of the National Advisory Committee for Project Headstart. He was also a member of the President's Committee on Headstart, 1968, and served as a Federal mediator for Headstart programs in Sunflower County, MO.

The contributions of Dr. Dix have been recognized by many organizations and groups through numerous awards such as: Lincoln Alumni Citation of Merit, Outstanding Alumni; National Association of University Women Award for Educational Administration and Christian Stewardship; Boy Scouts of America—Field Leaders Award; St. Louis Argus Distinguished Public Service Award; Outstanding Educator Award, Lemoyne-Owen College; Headstart Distinguished Service Award. He was inducted into Vashon High School's Hall of Fame in 1987.

Throughout the years that Dr. Dix worked diligently to improve education for students of all ages, he also utilized his interest in literature, music, and art to enlighten the minds and lighten the spirits of people he encountered. He frequently shared with others his love for poetry and his gift with words earned for him admiration and acclaim. He is well prepared to enjoy his well-earned freedom with interesting new challenges of his own choice. We wish for him continued success in retirement, personal fulfillment with his wife, Bette, and their family, and the contentment that is so well deserved by this educator of all ages.

BALANCE THE BUDGET NOW

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. MARTINI. Mr. Speaker, the flags in our Capitol fly at half mast today for a reason.

Fifty-four years ago, Pearl Harbor was bombed and our Nation was on the brink of one of the greatest challenges we have ever faced.

Our national leaders rallied to the cause and did what was right.

And our people prepared themselves to make the ultimate sacrifice in defense of our great Nation.

Together our Nation rose up to defend itself against the Axis Powers, and turned what was a time of great peril into one of our finest hours.

Today we also face a challenge, not by any means as direct or as obvious, but over time it will become no less dangerous.

That challenge, Mr. Speaker, is to balance the budget, and bring fiscal responsibility to a nation that is threatened, not by an outside invader, but by its own lack of discipline.

If we do not reverse our disturbing trend of deficit spending and alleviate the burdens on the taxpayers of future generations, we will be diminishing the national legacy our parents left us.

Now as we face one of our generation's great challenges, we owe it to both our parents and our children to meet it head on.

This Congress has delivered to the American people that will in fact balance the budget in a fair and reasonable manner.

But sadly, the President has vetoed it.

He is turning away when he should be facing up.

I urge him and my colleagues not to fail in our moment of truth, but to rise up and face the most important issue of our day: balance the budget now, and preserve for our Nation a prosperous and productive future.

TRIBUTE TO NEW YORK'S NATIONAL GUARD AND RESERVISTS IN WORLD WAR II

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. WALSH. Mr. Speaker, on this historic day, I offer a tribute to the National Guard and the military reservists of our country, especially for the service of those from my State and Congressional District.

Shortly after the December 7, 1941 attack on Pearl Harbor, 55 years ago today, the 27th Infantry Division, comprised of National Guardsmen from New York's small towns and cities, became the first and only square infantry division to enter the war in the Pacific.

It established defense installations in Hawaii against an anticipated Japanese invasion. These were the first soldiers in the Central Pacific to take offensive action against Japan, the first to invade the Gilberts and the Marianas, and the first to engage in operations carrying the war closer and closer to the enemy's homeland. When World War II ended, the 98th Infantry Division—the Iroquois Division, organized as a New York reserve square division at the close of World War I—occupied Japan and aided war reconstruction efforts. Contributions of these peace-time civilians are described in the book "Soldiers Remember" by J. Arthur Rath of Syracuse, NY:

> Within ten days after the attack on Pearl Harbor, December 7, 1941, two fast convoys left San Francisco loaded with troops. In the next three-and-a-half years, Jones, Kelly, Goldstein, Skorski, Olsen—men with all the fine-sounding American names—came in an olive drab flood to build from Hawaii the road to Tokyo.
>
> They proved a great many things that are part of our heritage and that our enemies believed America had lost. They showed that

Americans are still as determined as the day when Thomas Paine sat with ragged revolutionary troops in the chill night of a late fire and wrote that 'Tyranny, like hell, is not easily conquered.' Then Paine watched and wrote while American civilians turned into soldiers conquered it.

The National Guardsmen of the 27th New York Division were linked to units participating in every one of our country's major conflicts, beginning with the Revolutionary War. Among its regiments was the 165th, the old "Fighting 69th" of "Fighting Irish" of World War I fame. The American soldiers were the first to break the Hindenberg line, the turning point in that war.

Members of the National Guard and military reserve who stand ready to serve their country during peace, as well as during war, helped make the rallying call rising 55 years ago today. "Remember Pearl Harbor"—an expression of determination and triumph.

THE ROSTER OF 27TH DIVISION UNITS (NEW YORK NATIONAL GUARD) AND LOCALITIES FROM WHICH THEY WERE DRAWN ON FEDERAL INDUCTION, 25 SEPTEMBER 1940 IS AS FOLLOWS:

Division Headquarters, New York; Division Headquarters Detachment, New York; Headquarters Special Troops, New York; Medical Detachment, New York; Headquarters Company, New York; 27th Military Police Company, New York; 27th Signal Company, Yonkers; and 102d Ordnance Company, New York.

53d Brigade Headquarters, Albany; and 53d Brigade Headquarters Co., Albany.

105th Infantry Headquarters, Troy; Headquarters Company, Troy; Medical Detachment, Troy; Antitank Company, Whitehall; Service Company, Troy; 1st Battalion Headquarters, Troy; Headquarters Detachment 1st Battalion, Hoosick Falls; Company A, Troy; Company B, Cohoes; Company C, Troy; Company D;, Troy; 2d Battalion Headquarters and Headquarters Detachment, Schenectady; Company E, Schenectady; Company F, Schenectady; Company G, Amsterdam; Company H, Schenectady; 3d Battalion Headquarters, Schenectady; Headquarters Detachment, 3d Battalion, Saranac Lake; Company I, Malone; Company K, Glens Falls; Company L, Saratoga Springs; and Company M, Gloversville.

106th Infantry Headquarters, Albany; Medical Detachment, Rome; Headquarters Company, Hudson; Antitank Company, Catskill; Service Company, Albany; All 1st Battalion, Albany; 2d Battalion Headquarters and Headquarters Detachment, Binghamton; Company E, Binghamton; Company F, Walton; Company G, Oneonta; Company H, Binghamton; 3d Battalion Headquarters and Headquarters Detachment, Utica; Company I, Mohawk; Company K, Oneida; Company L, Utica; and Company M, Utica.

54th Infantry Brigade Headquarters, New York; and Headquarters Company, New York.

108th Infantry Headquarters, Syracuse; Medical Detachment, Syracuse; Headquarters Company, Syracuse; Antitank Company, Rochester; Service Company, Auburn; Band, Syracuse; 1st Battalion Headquarters and Headquarters Detachment, Syracuse; Company A, Watertown; Company B, Geneva; Company C, Syracuse; Company D, Oswego; 2d Battalion Headquarters and Headquarters Detachment, Rochester; Company E, Rochester; Company F, Medina; Company G, Rochester; Company H, Rochester; 3d Battalion Headquarters and Headquarters Detachment, Auburn; Company I, Auburn; Company K, Hornell; Company L, Elmira; and Company M, Ogdensburg.

165th Infantry complete, New York.

52d Field Artillery Brigade Headquarters Battery, New York.

104th Field Artillery Regiment Headquarters, New York; Medical Detachment, New York; Headquarters Battery, New York; Service Battery, New York; 1st Battalion Headquarters and Headquarters Battery, Syracuse; Battery A, Syracuse; Battery B, Binghamton; Battery C, Binghamton; 2d Battalion Headquarters and Headquarters Battery, New York; Battery D, New York; Battery E, New York; and Battery F, New York.

105th Field Artillery Regiment Headquarters, New York; Medical Detachment, New York; Headquarters Battery, New York; Service Battery, New York; 1st Battalion Headquarters and Headquarters Battery, Brooklyn; Battery A, New York; Battery B, New York; Battery C, New York; 2d Battalion Headquarters and Headquarters Battery, New York; Battery D, New York; and Battery E, New York.

106th Field Artillery Regiment complete, Buffalo.

102d Engineer Regiment complete, New York.

102d Medical Regiment Headquarters, New York; Service Company, White Plains; 1st Battalion Headquarters, New York; Company A, Rochester; Company B, New York; 2d Battalion Headquarters, Albany; Company D, New York; Company E, White Plains; 3d Battalion Headquarters, Albany; Company G, Jamaica; and Company H, White Plains.

102d Quartermaster Regiment complete, New York.

102d Observation Squadron, New York.

Summary: By the end of its wartime duty in the Pacific, the 27th had lost its local character. Those from every state in the Union saw service in its ranks in the more than five years it was away from home. When the Division returned to the United States, it again became a unit of the New York National Guard. Commanding General of the New York National Guard is:

Major General Robert Rose
Phone 518 786-4510
330 Old Niskayuna Road
Latham, New York

In charge of the 27th Division is Col. Robert Schnurr, chief of staff, Same address and phone number.

INTRODUCTION OF THE ESOP PROMOTION ACT OF 1995

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. BALLENGER. Mr. Speaker, it is with pleasure that I join my colleagues, Mr. ROHRABACHER of California and Mr. PAYNE of Virginia, in introducing the ESOP Promotion Act of 1995.

Ever since my arrival in the Congress in 1986, I have tried to assist the promotion and improvement of employee stock ownership plans, or ESOP's. It is my personal belief that ESOP's and employee ownership are excellent arrangements for a free enterprise, capitalist economy. The ESOP provides a method for current owners of stock to sell, at fair market value, their stock to a trust that holds the stock for eventual distribution to employees upon their death, disability, or retirement.

Mankind has never known a better economic system that one with private property, and a market that is established by competition. And there is no better way to preserve that system than to ensure that those who work responsibly in the system have an opportunity to own—to have an equity stake in the product of their labor, be it manufacturing, professional services, financial services, or any other business endeavor.

Since Congress first codified the employee stock ownership plan approach, which permits the contribution of employer stock to a trust for employees and permits borrowed funds using the credit of the corporation, the amount of stock acquired by employee-owned companies in America has grown significantly.

All of us I assume have read about the big name companies that are employee-owned, such as Avis, United Airlines, and Weirton, but just like American business, most of the approximately 10,000 employee-owned companies are not publicly traded on stock exchanges, but are privately held.

I know ESOP's first hand, as my family's business utilized an ESOP for transferring much of the family's stakehold to those who had contributed so much to our business' success—the employees.

I believe that employee ownership, properly managed, creates a win-win situation for all involved—including America and our economic system as we increase competitiveness with employee ownership, and as we provide more opportunity for ownership for those who frankly would not have much of a chance at all to acquire stock ownership.

Following my remarks is a synopsis of this year's bill. Generally, the bill reflects my, and many of my colleagues, longstanding goal to permit subchapter S corporations to sponsor ESOP's as a one section. The bill would reinstate a provision of law that was repealed in 1989 which permitted an ESOP corporate sponsor to pay the estate tax of an estate that transfers stock to an ESOP. Also, for those corporations that have deducted dividends paid on ESOP stock, and who did so before the issuance of IRS regs, which were retroactive on these companies and subjected them to the alternative minimum tax, the bill would clarify, for that group of companies, there would be no AMT on the ESOP dividends.

Also, with the advent of providing stock directly to employees under a variety of schemes, such as stock options, the bill would clarify that employees with that stock, acquired under a plan conditioned on employment, could sell that stock to an ESOP and take the same treatment for their proceeds as an owner-founder selling to an ESOP, or outside investors. And the bill would under limited circumstances permit a deduction for stock transferred to an ESOP from a charitable remainder trust.

Finally, my bill corrects a glitch in the 1989 law that denies the availability of the ESOP lender interest exclusion for ESOP's that are known as employee-owned co-ops, where the stock is voted one person-one vote as opposed to proportional voting based on share ownership.

Mr. Speaker, I am aware that H.R. 2491, the Balanced Budget of 1995, vetoed by the President, had a provision added by the other body that repealed this particular ESOP incentive, the ESOP lender interest exclusion. Certainly, I and the other original drafter of the 1995 ESOP Promotion Act will make adjustments in our bill, or any section of our bill that might be affected by a provision in a budget bill that becomes law.

I close by urging my colleagues to join with us and demonstrate their support for ESOP's and employee ownership by cosponsoring this legislation. Since 1989, the House has shown strong support for ESOP's, and I think it is important to confirm this support in this Congress. We should not let the position of the other body on one ESOP provision leave the impression with the American people that this Congress is abandoning the over 20 years of strong congressional support for ESOP's and employee ownership.

I appreciate the opportunity to explain the ESOP Promotion Act of 1995, and ask that the synopsis be included in the RECORD at this point.

SYNOPSIS OF ESOP PROMOTION ACT OF 1995

Section 1: Names legislation ESOP Promotion Act of 1995.

Section 2: Under current law, corporations that operate under the tax law referred to as Subchapter S cannot sponsor an ESOP. There are hundreds of thousands of Subchapter S corporations; most are small, closely-held, businesses employing millions of people. There is no justification to deny employee ownership through ESOP's to this class of corporations. The proposed legislation would permit Subchapter S corporations to sponsor an ESOP. Because there is no corporate tax on income of these S corporations, the proposal would subject that share of the corporation's taxable income assignable to the ESOP's share of the income to a tax equal to the corporate tax.

Section 3: From 1984 until 1989, an estate with shares of certain closely-held corporations could transfer stock in the corporation to the corporation's ESOP, and the ESOP would assume the estate tax liability on the value of the transferred stock. The Tax Act of 1989 repealed this law. The proposed legislation would restore this incentive for stock to be transferred to an ESOP.

Section 4: The tax laws of 1984 and 1986 permitted dividends paid on ESOP stock to be tax deductible. Until 1989, these ESOP dividends were not subject to the corporate Alternative Minimum Tax, or AMT. In the tax bill of 1989, Congress altered the complex calculations utilized to figure the AMT. When the IRS issued regulations implementing the new formulas, on March 15, 1991, IRS retroactively deemed ESOP dividends to be subject to the corporate AMT. The proposed legislation would clarify that the IRS position is an incorrect interpretation of the law, and that ESOP dividends are not subect to the corporate AMT, if the ESOP was established before the IRS issued its retroactive regulation.

Section 5: Current law does not permit holders of stock in a closely-held corporation who acquired the stock as a condition of employment, from a plan, other than an ERISA plan, to sell that stock to an ESOP and receive a deferral of the tax on the gain. (Known as a Section 1042 ESOP transaction.) Any other shareholder, including outside investors, are eligible for the special 1042 deferral. The proposed legislation would end the different treatment for shares acquired from a compensation arrangement as a condition of employment compared to stock acquired otherwise. This Section would also clarify that those who hold 25 percent, or more, of voting stock of a corporation, or a similar amount of stock as measured by corporate value, are not eligible to participate in an ESOP established with stock acquired in a 1042 transaction. Current law applies this restriction to any class of stock.

Section 6: The 1989 tax law had a technical glitch that inadvertently repealed the availability of one ESOP tax advantage for certain ESOPs which have employees vote on a one-person, one-vote basis as compared to the traditional one-share, one-vote basis. The glitch occurs because current code section 133, as amended in 1989 does not reference to code section 409(e)(5), as is the case in other relevant ESOP laws.

Section 7: Current law does not permit an estate tax deduction for closely-held shares transferred to an ESOP from a charitable remainder trust even though such a deduction is permitted for transfers to charity. The proposal, in limited circumstances would permit such a deduction.

HONORING THE JEWISH COMMUNITY CENTER OF NORTHERN VIRGINIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. DAVIS. Mr. Speaker, I rise today to express my sincere appreciation to the Directors and staff of the Jewish Community Center of Northern Virginia [JCCNV], for their support and assistance in making the Job Fair I sponsored on Tuesday November 14, 1995, a great success. The center not only donated the use of their facility, but made staff available who donated their time, energy, and spirit. Their efforts and willingness to serve make them an admirable role model.

The Jewish Community Center of Northern Virginia has served Fairfax County for almost 20 years. During that period the center and its operation have grown dramatically, from a small office with a part-time coordinator, to the center that now operates from a beautiful facility located on Little River Turnpike in Fairfax, VA. It was my privilege, first as a county supervisor, and later as chairman of the Fairfax County Board of Supervisors, to work with the center's leaders to help them realize their goals of building a center and focal point for Jewish activities in Northern Virginia. In addition, the facility serves the entire population in meeting recreational and educational needs.

On any given day the center is alive with activity—day care and early childhood classes, aerobics and fitness classes, swim instruction and basketball, senior adult clubs and after school clubs for students, programs for teens, computer classes, theater arts and Judaic studies. In addition, the center is home of the Gesher Jewish Day School.

Mr. Speaker, during this Hanukkah season, I know my colleagues join me in honoring the Jewish Community Center of Northern Virginia. It is a light that illuminates our entire region serving our families and specifically our youth. At a time when traditional values matter most, the Jewish Community Center of Northern Virginia bolsters our community and helps make Fairfax an example for other communities to follow.

HONOR AMERICA'S VETERANS ON DECEMBER 7, NATIONAL PEARL HARBOR REMEMBRANCE DAY

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. ROEMER. Mr. Speaker, I rise today in recognition of the 54th Anniversary of the attack on Pearl Harbor. This day allows Americans of all ages to honor and remember those who lost their lives in the attack on Pearl Harbor.

Early on the morning of Sunday, December 7, 1941, the Empire of Japan launched a brutal and unprovoked attack on the U.S. Navy, Army, Air Force, and Marine Corps bases at Pearl Harbor, HI. Over 2,400 Americans were killed and 1,200 wounded on that fateful day—the day that President Roosevelt said "will live in infamy."

It was not until after World War II ended that the American people were fully apprised of what a severe, crippling blow the attack on Pearl Harbor inflicted on our defenses. The best of our Navy and our Army in the Pacific was virtually wiped out in one devastating blow. But what the Japanese Empire did not count on was the galvanizing effect that this dastardly attack would have on the American people. Prior to December 7, the role of the United States in world affairs was the topic of intense debate. That debate ended as the bombs fell. All Americans became united in the effort for victory with a vigor and determination unknown in any American conflict, before or since.

The ultimate tragedy of Pearl Harbor was the fact that it could have been foreseen and prevented. Candidates for graduation at the Japanese military academies had been asked to plan an attack on Pearl Harbor as part of their final examinations each year since 1931. The Japanese secret code had been broken, and the State Department was aware that an attack was imminent. However, the location was not known, and so our commanders were not notified in a timely fashion.

This does not mean, however, that our 3,600 casualties were killed or wounded in vain. The heroism demonstrated that fateful Sunday morning did much to inspire millions of Americans to greater sacrifice and heroism which was necessary for our ultimate victory. Every 5 years, on December 7, the survivors of Pearl Harbor, reunite at Pearl Harbor. This year will mark the 54th Anniversary of Pearl Harbor and our thoughts and prayers will be those survivors and their families as well as the families who have lost sons and daughters in that conflict.

THE BORDER INFRASTRUCTURE IMPROVEMENTS ACT

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 7, 1995

Mr. FILNER. Mr. Speaker, I rise today to remind this Congress of an important impending date in the North American Free Trade Agreement [NAFTA] which this Congress approved. On December 18, the agreement requires the participating nations to open their border states to each other's commercial truck traffic.

It is appropriate to remember this date as I introduce "The Border Infrastructure Improvements Act of 1995" to ensure that border cities have the necessary transportation infrastructure to implement this federal trade policy.

Historically, investment in transportation has helped countries achieve and maintain world power status. The vast empires of Greece, Rome, England and Spain all benefited from their extensive infrastructure networks. Similarly, our own investment in our roads, highways, airports, seaports and railroads has been responsible for creating the most advanced and efficient economy in the history of the world.

This situation continues to be true today, and business leaders and elected officials remain united in this belief that improving our transportation infrastructure is the key to growing our economy. This belief was reinforced by the passage of NAFTA.

Soon, many more Mexican trucks will be begin crossing our bridges, traveling our roads and highways, and visiting our harbors and airports.

When Congress approved NAFTA, we all knew that ensuring its success would require that all parties provide the necessary infrastructure to facilitate the flow of trade.

We believed that inherent in the passage of this legislation was a commitment to build, repair and maintain the physical infrastructure to implement this Federal trade policy. This seemed to be a good sign for America's bridges, roads, highways, and sea ports that service the points of entry for foreign trade. Unfortunately, this has not been the case and the physical needs of the trade treaty still have not been addressed.

While I welcome the prospect of free trade with our North American neighbors, I am concerned that our infrastructure is woefully unprepared to handle this new traffic. I believe many of our roads and highways at our borders are not yet prepared to handle this tremendous increase in commercial traffic.

My own district has two unfunded NAFTA mandates that our community alone cannot address—completion of State Route 905 and revitalization of the San Diego & Arizona Eastern rail line, the "Jobs Train".

State Route 905 serves as the only link connecting the Nation's second busiest southern commercial border crossing to the national inter-state highway system. This road, however is currently a four lane city street! It was not intended to carry the additional border traffic that will soon be coming. And it was never intended to be a tool to implement international trade policy. I know this is also the case in numerous other border crossing communities.

The "Jobs Train" rehabilitation would revitalize San Diego's rail link to the eastern bound rail lines. Repairing and improving this now abandoned railroad would provide quicker access to eastern markets for trade arriving through the Port of San Diego and the border crossing.

Our cities and states undergo a constant struggle to build and maintain their own infrastructure. They do not have sufficient funds to single-handedly complete projects which support federal trade policy. Not funding these projects is the worst kind of unfunded mandate. The Federal Government must meet its responsibility.

Under my legislation, the Federal Government will honor this commitment to the cities and States affected by the new trade policies of NAFTA. This bill guarantees that the necessary infrastructure to implement this policy will become a federally funded priority.

Today, America finds itself in a unique opportunity to again demonstrate this infrastructure investment policy and help stimulate its own economic growth. It is an opportunity that we cannot afford to miss.

We are fortunate in America to have this opportunity to control our own economic future. We are a young and vital country, filled with optimism and vision. Let's hope that we act on that vision while the opportunities are still there. If we succeed, our nation will continue to be a better place to live for generations to come.

I encourage my colleagues to join me in this effort to provide this vital infrastructure to help our nation take full advantage of the new global market.

REMEMBERING PEARL HARBOR DAY

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 7, 1995

Mr. FARR of California. Mr. Speaker, it was 50 years ago this year that World War II came to an end. Today, 54 years ago, today, our naval base in Pearl Harbor, Hawaii, was subject to a devastating surprise attack by the Japanese. And with that attack, our participation in that war began.

On that day, we could not have foreseen the terrible consequences World War II would have for our Nation. No one could have known that 400,000 Americans would die. No one predicted that 1 million Americans in all would be killed or wounded: more than in any other war where American blood was shed.

But what our Nation did see on that terrible day was a great threat to freedom, peace, and security. The shadow of imperialism and war had crossed our borders, and we realized just how close we were to being consumed by the aggression that was claiming the freedoms—and lives—of millions of people in Europe and Asia.

Millions of young Americans volunteered to serve their country. They could not see the future, but they knew the risk they took and the horrors of war they would face. They knew they might never come home again. Yet they also saw the great threat to America, to democracy and freedom around the world. They saw that the very future depended upon their service.

When the war was over, more than 16 million Americans had served—more than in any other conflict, before or since. Without their sacrifice, our world would not be what it is today. Indeed, our entire world was shaped by the outcome of that war. And so many of the basic things which we take for granted—peace, freedom, respect for human rights, economic prosperity—we would not have without their sacrifice.

So on this day, let us remember those who lost their lives at Pearl Harbor, and the hundreds of thousands who gave their lives in the 4 years of war that followed. We owe them all a very great debt.

PRESIDENT CONCERNED ABOUT HUMAN RIGHTS ACTIVIST DETAINED WITHOUT TRIAL IN INDIA

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 7, 1995

Mr. BURTON of Indiana. Mr. Speaker, in October, 65 Members of Congress from both parties wrote to the President of India, P.V. Narasimha Rao, to protest the detention of Sikh human rights activist Jaswant Singh Khalra.

Mr. Khalra was arrested for publishing information about the extensive human rights abuses going on in Punjab. Mr. Khalra had published information exposing the Indian police practice of arresting young Sikh men, torturing and murdering them, then declaring them unidentified and cremating their bodies to cover up their abuses. According to Mr. Khalra, 25,000 young Sikh men have disappeared in this fashion.

A copy of our letter was sent to President Clinton, who recently responded. In his letter, he stated that, "I too am concerned" by this incident. I am enclosing a copy of the President's letter, along with our initial letter and a newspaper article, for the record. As my colleagues will see, the President reported that our Ambassador in India has raised this issue with "high-ranking Indian officials," and that he will continue to do so.

Mr. Speaker, the human rights abuses—the murders, the rapes, the torture—that are being committed against the Sikh people are truly horrible. Our State Department, our Ambassador, and the President must continue to press the Indian Government on this issue. Congress must be involved as well. It is time for Congress to pass legislation conditioning aid to India on improving its human rights record in Punjab, in Kashmir, and in other areas. If we continue to confront the Indian Government on this issue, we can force them to stop the abuses and allow human rights, democracy and freedom to flourish.

THE WHITE HOUSE,
Washington, DC, November 15, 1995.
Hon. DAN BURTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BURTON: Thank you for sharing with me your recent letter to Prime Minister Rao of India regarding the situation in Punjab.

I too am concerned by the reports regarding Jaswant Singh Khalra. The U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and our Ambassador to New Delhi, Frank Wisner, has raised the issue with high-ranking Indian officials. We will continue these efforts. I appreciate your interest and concern on this issue.

With best wishes and warm regards.

Sincerely,

BILL CLINTON.

[From the Council of Khalistan, Nov. 28, 1995]

CLINTON CHECKS INDIA

(By James Mornson)

President Clinton has taken a personal interest in the fate of an Indian human rights activist held by the government in New Delhi.

Following a letter-writing campaign from 65 members of Congress, Mr. Clinton says his envoy to India has made inquiries into the fate of Jaswant Singh Khalra.

U.S. Ambassador Frank Wisner has made it known in New Delhi that Washington is watching.

"I, too, am concerned by the reports regarding Jaswant Singh Khalra," Mr. Clinton wrote this month to Rep. Gary A. Condit.

The California Democrat organized the congressional letter to Indian Prime Minister P.V. Narasimha Rao, a copy of which was sent to the White House.

Mr. Condit cited an Amnesty International bulletin of Sept. 7 that accused Indian police of abducting Mr. Khalra for investigating accusations that police in Punjab murdered thousands of Sikh men.

"The U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and Ambassador Wisner has raised the issue with high-ranking Indian officials," Mr. Clinton wrote.

"We will continue these efforts."

Mr. Condit's letter to the Indian prime minister noted that Mr. Khalra "had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them 'unidentified' and cremated their bodies.

"These atrocities are intolerable in any country, especially one that calls itself a democracy. . . .

"This abuse of police power is inexcusable."

The congressional letter was the product of effective lobbying by Gurmit Singh Aulakh of the Council of Khalistan, which represents Sikhs pressing for a separate homeland.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 1995.
Hon. P.V. NARASHIMA RAO,
Prime Minister of India, Chankaya Puri, New Delhi, India.

DEAR PRIME MINISTER RAO: According to an Amnesty International "Urgent Action" bulletin issued on September 7, Punjab police abducted Sikh human rights activist Jaswant Singh Khalra from his home in Amritsar on September 6. His whereabouts are unknown. As the general secretary of Human Rights Wing (Shiromani Akali Dal), Mr. Khalra had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them "unidentified" and cremated their bodies. These atrocities are intolerable in any country, especially one that calls itself a democracy. After the report was published, Mr. Khalra was told by the Amritsar district police chief, "We have made 25,000 disappear. It would be easy to make one more disappear." This abuse of police power is inexcusable.

The right to speak out and expose atrocities is one of the most fundamental rights of free individuals. As long as Mr. Khalra remains in detention, how can anyone in India feel secure exercising his or her democratic liberties?

Many of us wrote to you previously urging that the passports of Sikh leader Samranjit Singh Mann and Dalit ("black untouchable") leader V.T. Rajshekar be restored. Your government has not acted, and Mr. Mann and Mr. Rajshekar remain unable to travel. The right to travel is fundamental to a democratic nation.

Mr. Prime Minister, we call upon your government to release Mr. Khalra immediately. We also urge you to restore the passports of Mr. Rajshekar and Mr. Mann. If India is a democratic country, it must end these gross violations of human rights and democratic principles. Only then can democracy truly begin to flower. We await your response.

Sincerely,

Gary A. Condit, James A. Traficant, William Jefferson, Peter King, Randy "Duke" Cunningham, Roscoe Bartlett, Jack Fields, Donald M. Payne, Dan Burton, Phil Crane, Richard Pombo, Karen McCarthy, Neil Abercrombie, Wally Herger, Dana Rohrabacher, Esteban Torres,

Ronald V. Dellums, John T. Doolittle, Michael Forbes, Enid G. Waldholtz, Gil Gutknecht, Victor Frazer, John Porter, Sam Gejdenson, Bob Livingston, Edolphus Towns, Chris Smith, William O. Lipinski, Scott King, Lincoln Diaz-Balart, Dick Zimmer, Collin Peterson, Pete Geren,

Joe Skeen, Duncan Hunter, Jim Ramstad, Floyd Flake, Bernie Sanders, Matt Salmon, Richard "Doc" Hastings, Ileana Ros-Lehtinen, Phil English, Richard Burr, Connie Morella, Carlos Romero-Barcelo, Sanford D. Bishop, Jim Moran, Martin R. Hoke, Jack Metcalf,

Amo Houghton, Jerry Solomon, Robert Torricelli, Ed Whitfield, Melvin L. Watt, Jim Kolbe, John Shadegg, J.D. Hayworth, James H. Quillen, Barbara Cubin, Charlie Norwood, Vic Fazio, Chris Cox, Joe Scarborough, Bill Richardson, Steve Schiff.

TRIBUTE TO HENRY A. PANKEY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to my friend, Mr. Henry A. Pankey, who will be honored on Saturday at the Second Annual Holiday Ball of the Eternal Fellowship of African American Postal Workers for his dedicated career in the U.S. Postal Service.

The Eternal Fellowship of African American Postal Workers is a non-profit organization which was founded to celebrate the African-American culture and to advance the well-being of the African-American community. At their second Christmas ball, to be held at Marina del Rey in the Bronx, the members of the "Eternal Fellowship" will bestow upon Mr. Pankey an honorary membership for his lifetime career in postal service operations.

I had the opportunity of meeting young and cheerful Henry Pankey when we were classmates at Clark Junior High School in the Bronx. Mr. Pankey later graduated from Bronx Community College and completed courses at the University of Virginia, Bernard Baruch College, Hunter College, Lehman College and Duke University.

His 32-year career in customer service and postal office operations includes experience as Division General Manager/Postmaster in the Western New York Division and in the Newark Division, and as Officer-In-Charge of the Elizabeth New Jersey Post Office.

Today, Mr. Pankey holds the post of Vice President of the Mid-Atlantic Area of the United States Postal Service. His philosophy has been "what comes in today gets sorted and dispatched today, and delivered tomorrow." Under Mr. Pankey's leadership, postal management has reached higher levels of efficiency and accountability.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Henry A. Pankey's lifelong and dedicated career to the benefit of our communities.

THE MISSING COMBINED FEDERAL CAMPAIGN OR WHY CAN'T WE GIVE AT THE OFFICE?

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. FAZIO of California. Mr. Speaker, NEWT GINGRICH says he likes charities such as Boys Town, but he's acting like the Grinch who stole Christmas when it comes to the Combined Federal Campaign for the House.

As we all know, the Combined Federal Campaign is the annual event enabling Federal employees to make donations to charities.

Virtually all Government agencies have completed their Combined Federal Campaign, and thousands of charitable causes and organizations are the beneficiaries.

But one Government agency is missing: the House of Representatives.

When December 1 rolled around, a concerned staffer in my office started making inquiries.

Where is the Combined Federal Campaign, he asked?

He called the Finance Office. The Finance Office said, "Don't look at us."

He called the Chief Administrative Officer's Office. The CAO's Office said, "Don't look at us."

He even called the CAO's new one-call service. He called again the next day. He called again yesterday. Nothing to report.

Is it just administrative incompetence by the CAO?

I wish the answer was that easy.

But a few more calls have unearthed the discovery, and the answer my employee finally received is not a good one.

All fingers point to the Speaker.

This is the same Speaker who told us all about Boys Town and the benefits of non-government solutions to our problems.

Well, Mr. Speaker, If you'd check with the Combined Federal Campaign, you'd discover that Father Flanagan's Boys Home is one of the worthy organizations that is going wanting while you procrastinate.

What's the hold-up?

Is it incompetence, inefficiency, or neglect when every other agency of Government has completed their Combined Federal Campaign, and the House has yet to begin? It's a fair question.

Maybe it's because we're so busy this year.

But even the U.S. Senate has found time to conduct their Combined Federal Campaign—it concluded on November 15.

Maybe just maybe, we're facing one more unfathomable facet of the radical conservative agenda. Are there left wing groups benefiting? Is this just one more part of the Istook effort to cut off your enemies?

Only the Speaker can tell us for sure.

In the meantime, people in need supported by the Combined Federal Campaign's many charitable organizations may go without.

And generous House employees wait to see when the Speaker will catch the spirit of Christmas and let the Combined Federal Campaign go forward as it has for many years in every Federal agency.

REMEMBERING THE 20TH ANNIVERSARY OF THE INDONESIAN INVASION OF EAST TIMOR AND CONDEMNING THE HUMAN RIGHTS ABUSES IN EAST TIMOR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SMITH of New Jersey. Mr. Speaker, today is a day of several anniversaries. As Americans we cannot forget that 54 years ago today our Nation was invaded and attacked and lives were lost at Pearl Harbor. Today we remember those who lost their lives and honor those who bravely served in our Armed Forces and defended our borders.

Today is also the anniversary of another invasion. Twenty years ago today the nation of Indonesia invaded the territory of East Timor and 1 year later forcibly annexed it. Within a matter of hours and days after the invasion entire families were wiped out. And since December 7, 1975, over 200,000 Timorese have been killed—one-third of the entire population.

What has happened in East Timor over the last 20 years has been sarcastically called by John Pilger, an Australian journalist, "one of the world's great secrets." Indonesia severely restricts access to East Timor, making it difficult to monitor abuses, while human rights organizations and activists are subject to harassment and threats from the government. Still, well-respected organizations such as Amnesty International and Human Rights Watch/Asia have been able to report on the continuing human rights problems in East Timor.

In addition to the thousands killed over the last 20 years, the Indonesian Government has unleashed a reign of terror over the East Timorese which includes detaining political prisoners, torture and rape, and disappearances. According to Roman Catholic Bishop Ximenes Belo, an outspoken defender of human rights in East Timor and a Nobel Peace Prize nominee, "There is always fear. We lack freedom to speak, to walk where we want, to have different opinions. If people talk, they know they will be interrogated. They will be tortured."

Because of Bishop Belo's strong defense of human rights, the Jakarta Government is actively seeking his replacement as leader of East Timor's Roman Catholic Church. The government's attempt to control the church is an attempt to control even the spiritual life of the East Timorese people. In addition to the campaign against Bishop Belo, Amnesty International reports that church officials are subject to surveillance, including the tapping of phones and interception of letters. Members of the clergy also face harassment and intimidation by security forces and Indonesian troops.

In October of this year young people, unable to tolerate the suppression any longer, protested against the Indonesian Government. The response of the military was swift and violent. Over 200 people were injured by gunfire, while 150 others who were attending a meeting at a convent were arrested and detained. Many of those who were detained were reported to have been tortured with electric prods or beaten while in custody.

Mr. Speaker, the territory of East Timor has been held in captivity for 20 years by the Indonesian Government and there are few indications that the reign of terror will soon end. On this day, when we remember that our own nation was once invaded by another nation, we must not forget the people of East Timor who have not known freedom and peace since the Indonesian invasion on December 7, 1975. And unlike the attack on Pearl Harbor where we were able to overcome the invaders, the invaders of East Timor have yet to be defeated. We can only imagine what life must be like, denied the right of self-determination and other basic human rights. But the words of one man who has spent the last 20 years of his life under the Indonesian dictatorship might help us understand: "We the people in East Timor call it the biggest prison island in the world. You must understand that. For us who live here it's hell."

U.S. CUSTOMS SERVICE EMPLOYEES PROTECTION ACT OF 1995, H.R. 2737

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. GILMAN. Mr. Speaker, on October 31, 1995, the House International Relations Committee held full committee hearings on the matter of the U.S. efforts at international narcotics control.

We were pleased among the witnesses that day to hear from the DEA and the U.S. Customs Service. Both these fine agencies are engaged in the difficult and often unappreciated battle to prevent these deadly drugs from ever entering our Nation and infecting our cities and schools, where they soon destroy the lives of so many of our young people, and many others.

During the hearing, we examined our efforts along the Southwest border to prevent drugs from entering the United States from Mexico. We also discussed the phenomena of the drug trafficking port runners, who our border-control people now face frequently along our vast border with Mexico.

These port runners are individuals who load up cars or vans with large quantities of drugs, then await the chance to race illegally across the border at high and very dangerous speeds past the U.S. Customs Service checkpoints; sometimes even heading across the U.S. border going against oncoming traffic in the southbound lanes.

Needless to say, there is real danger and the potential for serious tragedy from these madmen willing to risk the lives of innocent people, including our Customs Service inspectors, and other Federal officials, who they seek to avoid detection by in their dangerous dash across the Mexican-United States border, loaded with illegal drugs headed for the streets of America.

During the hearing, we learned of the case a few years ago of an individual driving a 1976 Dodge van from Mexico loaded with drugs intended for entry at El Paso, TX. A U.S. Customs Service inspector working with an Agriculture inspector in the primary inspection lane attempted to stop the fleeing driver when suspicions arose about the illicit cargo he was carrying.

In the ensuing struggle, the Customs inspector held on to the passenger side of the vehicle in an attempt to stop the van. The Customs inspector was then thrown from the vehicle about 300 yards from the primary lane, suffered massive head injuries, and died 1 day later at a local hospital.

One more victim of the deadly drug trade was claimed that day, and this Customs Service inspector, and so many others, like the five DEA agents killed in a plane crash in the mountains of Peru this year, ought not be forgotten by the American people. We do not fully appreciate the sacrifices and dangers our people face each and every day in this serious struggle against illicit narcotics.

In this particular case, we also learned that the local U.S. attorney in the death of this dedicated Federal U.S. Customs Service inspector, did not bring Federal charges against the defendant under section 1114 of title 18, United States Code. That particular section of our Federal criminal law involves protection of officers and employees of the United States, and provides for the possibility of the death penalty, if they are killed in the line of duty, and the circumstances warrant its application.

The defendant in this case was arrested and charged under State law, not Federal law. This should not have to be the case in the killing of a Federal Customs Service inspector.

The Federal Government's authority must be clear and unequivocal. We cannot tolerate any such conduct or action that threatens or takes the lives of any of our dedicated U.S. Customs Service employees along the border, or anywhere else, when they are engaged in their official duties.

There is a possible loophole today in Federal law that does not clearly cover U.S. Customs Service inspectors and some other Customs employees under section 1114 of title 18, United States Code of our Criminal Code. Today, legislation I introduce, along with fellow International Relations Committee member, STEVE CHABOT of Ohio, closes any loophole that might exist. Our bill tightens Federal law and makes the death penalty clearly applicable under this section in the case of those who would take the life of any U.S. Customs Service inspector, agent, canine officer, or other employee, or any person assisting them in the execution of their duties.

We owe all these dedicated men and women, nothing less than the clearest maximum protection and deterrent we can provide under Federal law against these port runners or any others, who would jeopardize, threaten, or take the life of these dedicated Customs Service employees performing their job. We must make sure that the full weight, resources, and all the tools available to the U.S. Government, can and will be applied in such cases, and never face any ambiguity as to the intent of our law and obligation to these men and women.

I urge that the House Judiciary Committee move expeditiously to close this loophole in our Federal criminal law. We must send a clear message that such conduct will not be tolerated, and when appropriate, those who engage in the taking of human life of these dedicated Customs Service employees as part of the dirty drug trade or other illegal activity, may also possibly face loss of their own life as well.

I request that the full text of H.R. 2737 be printed at this point in the RECORD.

H.R. 2737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Customs Service Employees Protection Act of 1995".

SEC. 2. PROTECTION FOR UNITED STATES CUSTOMS SERVICE EMPLOYEES.

Section 1114 of title 18, United States Code, is amended—

(1) by striking "of the customs or"; and

(2) by inserting "any Inspector, Agent, Canine Enforcement Officer, or other employee of the United States Customs Service or any person assisting any employee of such Service in the execution of that employee's duties," before "any immigration officer".

CHARITABLE GIFT ANNUITY ANTITRUST RELIEF ACT OF 1995

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. HYDE. Mr. Speaker, on December 5, 1995, the Congressional Budget Office transmitted to me a revised letter regarding the budgetary impact of H.R. 2525, the "Charitable Gift Annuity Antitrust Relief Act of 1995." The report of the Judiciary Committee on this bill, which contains the text of the original CBO letter, has already been filed and printed. Therefore, I am inserting the text of the new, corrected letter in the RECORD. To the extent that the CBO letter is part of the legislative history of H.R. 2525, the December 5, 1995 text, rather than the November 8, 1995 text, should be referenced.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 5, 1995.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2525, the Charitable Gift Annuity Antitrust Relief Act of 1995, as ordered reported by the House Committee on the Judiciary on October 31, 1995. This revised estimate supersedes the estimate provided on November 8, 1995. Specifically, this estimate clarifies the description of potential antitrust violations under current law; our estimate of no significant cost for enacting the bill is unchanged from the earlier estimate. Because enactment of H.R. 2525 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to the bill.

This bill would provide antitrust protection to certain non-profit organizations which issue charitable gift annuities. Under current law, it is unclear whether it is a violation of the antitrust laws for two or more charitable organizations to use or agree to use the same annuity rate for the purpose of issuing one or more charitable gift annuities. According to the Administrative Office of the United States Courts (AOUSC), only one lawsuit alleging such a violation is currently pending in federal court. Based on information from the AOUSC, CBO estimates that while enacting this bill would preclude certain antitrust cases from being litigated, any reduction in future cases would not be significant. Thus, this bill could result in some savings to the federal government, but the amount of such savings would not be significant.

While enacting H.R. 2525 could reduce the future antitrust caseload in state courts, CBO estimates that any reduction in litigation would not result in any significant savings to states or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman, for federal costs, and Karen McVey, for state and local costs.

Sincerely,

JUNE E. O'NEILL,
Director.

INTERNATIONAL HUMAN RIGHTS DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. LIPINSKI. Mr. Speaker, as International Human Rights Day approaches, Indian repression of the Sikh nation continues. Over 150,000 Sikhs have been killed by the regime since 1984. The State Department reported in its 1994 country report on India that the regime paid more than 41,000 cash bounties to police officers for killing Sikhs. One of those Sikhs, Mr. Harpreet Singh, was reported killed in an encounter with the police 4 years ago. Interestingly enough, the Associated Press reported that he appeared in court last month to sue the Indian authorities for wrongful custody. That is quite an achievement for a dead man.

Unfortunately, cases like Mr. Singh's are typical of the human rights abuses committed by Indian authorities in Khalistan. A similar case is that of Sarabjit Singh, a man twice killed. On October 30, 1993. police brought two bodies to a hospital for an autopsy, claiming that they had been killed in an encounter. However, one of the two men, Sarabjit Singh was indeed alive. While the Doctor called to inform his family that he was not dead, the police took Mr. Singh away, killed him, and cremated the body.

These two incidents, plus the many others which my colleagues and I have placed in the CONGRESSIONAL RECORD are only the tip of the iceberg. These brutal acts of tyranny and terrorism must be stopped.

American support for an end to these atrocities and for the right for the Sikhs to live in peace is crucial. I commend the Council of Khalistan for its tireless work to ensure that the plight of these people is not forgotten. It is time for our Government to join in this effort. With the many human rights causes this great Nation fights for, surely we can raise our voice for the people of Khalistan as well.

India is the third-largest recipient of United States aid. It is time for the United States to tell the Indian Government that there will be no more aid until the repression of minority nations has ended. Not until the repression of the Sikhs and other minorities begins to hurt the regime will the suffering end and the glow of freedom shine throughout the subcontinent.

I am introducing an article from the November 2 issue of the New York Post on the case of Harpreet Singh into the RECORD as reference for this atrocity.

[From the New York Post, Nov. 2, 1995]

DEAD MAN RESURRECTED IN COURT

NEW DELHI, INDIA.—A Sikh man who police claimed was killed in a gun battle four years ago appeared in court yesterday to sue authorities for wrongful custody, his lawyer said.

The case of Harpreet Singh highlights irregularities allegedly committed by police in Punjab state during their campaign to crush a decade-long uprising for a separate Sikh homeland.

Human rights groups say thousands of civilians were accused of being militants, illegally detained, and sometimes killed.

INDIAN HUMAN RIGHTS ABUSES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SOLOMON. Mr. Speaker, this coming Monday, Dec. 10, has been declared by the United Nations as International Human Rights Day. It is a day on which we note the basic rights of all people and speak out against the violations of these most basic rights.

We are all aware of the deplorable human rights situation arising from the war in Bosnia. We hope that the Dayton accords will finally put an end to these brutal acts. The ongoing violations of human rights in Haiti continue to draw our attention. We are also aware of the executions of nine political activists in Nigeria, which friends of human rights condemn. Today I would like to address human rights violations in India, the country which bills itself as "the world's largest democracy."

Let me cite just a few examples. On Sept. 6, Sardar Jaswant Singh Khalra, the general secretary of the human rights wing of the Shiromani Akali Dal, a Sikh political party, was kidnapped from his Amritsar home by local police. He had put out a report in which he proved that the Indian regime had kidnapped more than 25,000 young Sikh men, tortured and murdered them, then covered up police responsibility for their deaths by declaring their bodies "unidentified" and cremating them. Unfortunately, this reprehensible practice is just a part of the ongoing Indian oppression of the Sikh. In all, more than 150,000 Sikhs have been killed by the Indian regime since 1984. The Indian regime has also killed over 43,000 Muslims in Kashmir and over 200,000 Christians in Nagaland. Christian Nagaland is a restricted area—no one is allowed to travel there without a special permit. No one is punished for it. In fact, the State Department's 1994 country report on India states that the regime paid out more than 41,000 cash bounties to police officers for killing Sikhs between 1991 and 1993. One of those Sikhs was a man named Harpreet Singh, who came to court last month to sue the regime for illegally imprisoning him. Harpreet Singh was allegedly killed in 1991. Apparently a police officer collected a bonus from the Indian regime for killing an innocent person in Harpreet Singh's place.

Half a million Indian troops currently occupy Punjab, with another 500,000 in neighboring Kashmir. At no time during their rule did the British station 500,000 troops in all of the subcontinent. Recently, the government called off scheduled elections in Kashmir after attacking its most venerated mosque last year in an incident strongly reminiscent of the June 1984 attack on the Golden Temple in Amritsar, the Sikhs' holiest shrine. The regime has denied passports to Dalit ("black untouchable") leader V.T. Rajshekar and Sikh political leader Simranjit Singh Mann. Earlier this year, a 5-year-old Dalit girl named Dhanam was blinded by her teacher for the social sin of trying to take a drink of water from the community pitcher. Does this look like the face of a democracy which respects human rights?

The Indian rulers cannot escape the simple truth that human rights apply in their country too, whether they like it or not. It is time for India to begin respecting human rights. To observe International Human Rights Day, I call on the Indian regime to release Jaswant Singh Khalra immediately, to respect the political rights of the Sikhs of Khalistan, the Muslims of Kashmir, the Assamese, Nagas, Dalits, and others living under the boot of Indian oppression; to drop all charges against Mr. Mann and allow him and Mr. Rajshekar to have their passports; and to release over 70,000 Sikh political prisoners held without charges under the brutal so-called Terrorist and Disruptive Activities Act [TADA] despite the fact that this act expired months ago. These measures would begin to re-establish India's reputation as a democratic nation. Until then, all U.S. aid to India should be cut off and our Government should place trade sanctions on India. These steps would make it clear to the Indian regime that the United States takes human rights seriously and it is time that India did so as well.

I am introducing Iqbal Masud's article from The Pioneer entitled "The Bogus Peace of Beant and Gill" which shows that India's claim of peace in Khalistan is a fraud.

[From the Pioneer, Nov. 4, 1995]

THE BOGUS PEACE OF BEANT AND GILL

(By Iqbal Masud)

Amnesty International believes that the Punjab Police have been allowed to commit human rights violations with impunity in the State. While the organisation recognises that the Indian Government has had to face ruthless and violent opposition in Punjab, it is totally unacceptable for Government agents to resort to human rights violations themselves in their fight against these groups. The UN Declaration on the Protection of All Persons from Enforced Disappearance makes clear that "no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify enforced disappearances". (Conclusion to Amnesty Report, "Determining the fate of the 'disappeared in Punjab' ", October 1995.)

The fate of Amnesty reports in India is over-familiar. Either hostile tearing apart by Subhash Kirpekar in The Times of India or contemptuous dismissal in The Economic Times. The second has happened but not the first up to the moment of writing (October 25) with regard to this report. But I would find it difficult to dismiss this report because it is effectively factual. It gives dates, it names the victims and perpetrators and, most important, it quotes Supreme Court and High Court judgements in specific cases—judgements which have been ignored by the police. The only result has been a complaint by Mr. KPS Gill to the Punjab Government that such judgements are demoralising.

I will analyse this report presently. But in its totality I find it a damning indictment whose importance goes beyond human rights. It has become a political document without remotely intending to be. It shows how the Pax Beant-Gilliana was "purchased" during 1993–95. Tacitup said of the Roman conquests: "They make a desert and call it peace." The Beant-Gill duo committed mass incarceration and disappearance and called it "normalcy".

The question arises: Why was this nightmare charted by current reportage and Supreme Court and High Court judgements not apparent to the rest of the nation? Why did Khushwant Singh and other eminent columnists make Mr. Gill into an all-time hero and Beant Singh into a saviour of the nation? True, disquieting hints that all was not well in Mr. Gill's raj were all the time appearing in the Press. But actually Mr. Gill's night attacks against the militants overshadowed everything else. Mr. Gill was proposed to be sent to North-East, to J&K and every place which troubled the Indian middle class law and order ethos. One development of the 1990s is that the middle class has become brutalised. Witness the joy with which Amnesty reports are pilloried for the least discrepancy.

THE COURTS' COMMENTS

Let us look into some of the specifics of the current report. The first is the phenomenon of "unclaimed bodies" cremated by the police. A particularly horrible instance is that of Sarab-jit Singh. On October 30, 1993, the police from Valhotra brought two unclaimed bodies to the hospital for autopsy. One of them was still found to be alive—Sarabjit Singh. The doctor called his family but meanwhile the police took Sarabjit away. A few hours later his body was brought back and cremated without his family being allowed to see it. When I read that I said, Welcome to Super Nazi State.

A former Black Cat Commando filed a petition in the Punjab HC alleging the police had killed people in fake encounters and cremated their bodies without due procedure.

The most important sector of the report concerns SC's and HC's critiques of the Punjab Police. It will be difficult for our media to reject this portion of the report. Of course, one has read about critical judgements of the courts, but this is the first time they have been brought together in this damning fashion. In May 1995 the SC commented about a habeas corpus petition filed in 1991 about the disappearance of seven members of a family. "It is a serious matter, people are being killed, their whereabouts and their dead bodies are not known. No doubt we will ensure that the law is maintained and its majesty upheld. But what about the people who are being eliminated . . . and who will be accountable for that?"

In another case the SC recommended prosecution of senior police officers on charges of murder on the basis of a CBI report that an entire family had been killed in custody. They rejected Mr. Gill's plea that he had not been informed of the murders. They chided the solicitor-general who defended the officers on the ground that no judge in Punjab had the guts to refuse bail to the accused: "You are asking for commendation to eliminate persons. It's a most blatant thing I have heard from you."

A SERIOUS DOCUMENT

The cases in which action was taken by the HC reveals an equally alarming picture. Three instances will serve as illustrations.

In May 1995, three persons—all in their 70s—Ranjit Kaur, Niranjan Singh and Mohinder Singh, found in police custody, were ordered to be released by the HC. They had been detained since 1992 to procure surrender of suspects. In July 1994 and enquiry ordered by the HC found the police guilty of murdering Maninder Singh Dalli in a fake encounter. The HC ordered proceedings for murder under IPC against the police and ordered compensation to be paid to parents of Dalli.

In September 1995, the HC passed orders in a particularly awful case. One Vinod Kumar, his brother-in-law, and driver, had "disappeared" in March 1994, when accompanied by a DSP. Vinod Kumar had gone to collect the ashes of his father. The CBI suggested four officers were involved. The HC ordered pursuance of criminal proceedings and payment of substantial compensation.

The response of the police to this barrage of judicial censors is fascinating and throws light on future police tactics all over India to meet "human rights" criticism. It is a mix of administrative trickery and the familiar to middle class insecurity vis-a-vis terrorism. The HC premises are riddled with police spies. The moment an order is issued to release a detenu, the police agent sends an advance police official to shift the detenu elsewhere, Mr. SB Chavan and the Human

Rights Commission have repeatedly asked the Punjab Government to check allegations of "disappearances". The only police response has been to ask the Government that the flow of judicial criticism is checked as it is demoralizing the police. There is a proposal to enact an "extraordinary law" to bar judicial "interference" with anti-terrorist tactics of the police for a limited period of time.

The Amnesty has made recommendations for correcting all this. Of course, this is just ignorable counsel for the Brar Government and Mr. KPS Gill. But the report is a serious document for the Government to ponder over.

Basically the report is a political document which contains a dire warning though Amnesty did not intend it to be so. The Government can ignore the implications of this report only at great cost to the people of Punjab and to human rights situation in the rest of India.

SENATE—*Friday, December 8, 1995*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Lord of all life, thank You for the gift of time. You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time in any one day to do what You want us to accomplish. Release us from that rushed feeling when we overload Your agenda for us with things which You may not have intended for us to cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give time and attention. May we do what the moment demands with a heart of readiness. Also give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things we must debate, and eventually decide with a decisive vote. Help us to be silent, wait on You, and receive Your guidance. May the people we serve and those with whom we work sense that in the midst of pressure and the rough and tumble of political life, we have had our minds replenished by listening to You. In the name of our Lord. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 31, which the clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

The Senate proceeded to consideration of the joint resolution.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, in listening to the debate on the flag amendment on Wednesday and some of the remarks of some of my colleagues here on the floor, my reaction with respect to some of their arguments and some of the arguments of the opponents of the flag amendment comes down to, there they go again. The same tired, old, worn out arguments, again and again.

One of my colleagues from Arkansas says we are here because of "pure, sheer politics." Evidently, some opponents of the amendment believe there is only one side to this argument, and everybody else must be playing politics. Tell that to Rose Lee, a Gold Star Wife and past president of the Gold Star Wives of America.

She testified in support of this constitutional amendment to prevent desecration of the American flag, our national symbol. She testified in support of this amendment on June 6, 1995, before the Constitution Subcommittee, and brought with her the flag that had draped her husband's coffin. She said:

> It's not fair and it's not right that flags like this flag, handed to me by an honor guard 23 years ago, can be legally burned by someone in this country. It is a dishonor to our husbands and an insult to their widows to allow this flag to be legally burned.

Go tell Rose Lee she supports the flag protection amendment out of pure, sheer politics.

Go tell the members of the American Legion who have been visiting our offices. Go tell our colleague, Senator HEFLIN, a Silver Star winner from World War II, that he is playing politics. Tell the Senate Democratic whip, Senator FORD, that he is playing politics by cosponsoring and supporting this amendment, a man who has suffered a lot for this country. Tell the Democratic leader of the other body, Congressman RICHARD GEPHARDT, and 92 other House Democrats that they played politics when they voted for this amendment.

As for the number of flag desecrations—again, my friend from Arkansas was wrong. He said there were none this year. In fact, there have been published reports of at least 20 American flags destroyed at a cemetery in Bloomington, IN, alone. They were cut or ripped from flagpoles and burned. These desecrations were also reported on local television.

In July of this year, according to USA Today, a flag was defaced with obscene messages about President Clinton and Speaker GINGRICH in New Hampshire. Are there not countless ways of expressing these views without defacing the flag?

In June, a flag was burned in Hays, KS. Just a short time ago, I saw a news clip about a motorist at a gas station using an American flag to wipe the car's dipstick. A veteran—a veteran—called it to the police's attention but, of course, the individual cannot be prosecuted today for that desecration of the flag. He can keep using it as he has, or perhaps he will next use it to wash his car.

My friend from Arkansas raised a concern about a person being punished for refusing to salute or honor the flag. No law enacted under the flag amendment can compel anyone to salute or honor the flag, to say nice things about the flag, or otherwise compel anyone to respect the flag. There is an obvious difference between prohibiting physical desecration of the American flag and compelling someone to express respect for it. So it is totally irrelevant, in this debate, to talk about punishment for failing to respect or salute the flag or pledge allegiance to it. The pending amendment simply does not authorize such punishment. Nor does it authorize punishment for saying critical things about the flag or anything else.

Some of my friends who have spoken here also drew attention to a chart with various flags on it from places like Nazi Germany, the Soviet Union, Cuba, and Iraq, with the American flag in the middle. One of my colleagues pointed out that these other countries prohibited flag desecration.

But when opponents of the amendment trot out these comparisons among countries and their flag desecration laws, they never really explain fully their point. To begin with, the difference between the American flag and these other flags is certainly self-evident to all of my colleagues and to the American people. And, of course, I know that those of my colleagues who think these comparisons are useful recognize the difference between what the American flag represents and what Nazi Germany's flag represents.

So what really is the point of the comparisons of flag desecration laws in these countries? Is it that, in some undefined way, there is a kind of moral equivalence between Nazi Germany, Iraq, and the United States if all three prohibit physical desecration of their flags? That is too nonsensical to be the point. Indeed, until 1989, 48 States and Congress had outlawed physical desecration of the flag. Did any opponent of the amendment feel they were in a police state during that time? I do not think anybody did. Did the American

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

people not have numerous ways to express themselves without physically desecrating our flag? Indeed, as I explained in my opening remarks on Wednesday, freedom of speech actually expanded in this country through 1989, even as flag protection statutes were being enacted.

If I told my colleagues that Nazi Germany also had stringent gun control laws, do the opponents of the flag protection amendment believe, for that reason, America better not adopt a particular gun control measure? They did. To use that kind of reasoning, why would that not follow?

If I told the opponents of the flag protection amendment that a police state had liberal abortion laws, would that turn them into pro-lifers in America? Would it turn them into supporters of the Partial-Birth Abortion Ban Act of 1995?

So what is the point of comparing whether Nazi Germany, Iraq, and the United States protect their respective flags?

Certainly, it is not to compare those who voted for a measure protecting the flag, such as the Biden statute, including the Senator from Arkansas and almost every other Senator, with the dictators of Nazi Germany and Iraq.

I was struck by the highlighting of the Nazi flag on the same chart as the American flag. It reminded me of another use of these two flags.

Stephan Ross is a psychologist in Boston, MA. He gave a presentation in the Hart Senate Office Building earlier this year. He began by displaying a Nazi flag, and told the audience he had lived under that flag for several years.

In 1940, at the age of nine, the Nazis seized him from his home in Krasnik, Poland. He was a prisoner for 5 years in 10 Nazi death camps. The American army liberated Mr. Ross from Dachau in April 1945. In Mr. Ross's words:

> We were nursed for several days by these war-weary, but compassionate men and women until we had enough strength to travel to Munich for additional medical attention.
>
> As we walked ever so slowly and unsteadily toward our salvation, a young American tank commander—whose name I have never known—jumped off his tank to help us in whatever way he could. When he saw that I was just a young boy, despite my gaunt appearance, he stopped to offer me comfort and compassion. He gave me his own food. He touched my withered body with his hands and his heart. His love instilled in me a will to live, and I fell at his feet and shed my first tears in five years.

The young American tank commander gave Mr. Ross what he at first believed to be a handkerchief. Mr. Ross said:

> It was only later, after he had gone, that I realized that his handkerchief was a small American flag, the first I had ever seen. It became my flag of redemption and freedom. . . .
>
> Even now, 50 years later, I am overcome with tears and gratitude whenever I see our glorious American flag, because I know what it represents not only to me, but to millions around the world . . . .
>
> Protest if you wish. Speak loudly, even curse our country and our flag, but please, in the name of all those who died for our freedoms, don't physically harm what is so sacred to me and countless others.

Go tell Stephen Ross that protecting the American flag from physical desecration is in any way like protecting the Nazi flag from such desecration, or in any way represents some notion, however small, of moral equivalence between Nazi Germany and the United States, or in any way puts the United States on some kind of par with Nazi Germany. That analogy just will not float.

Mr. Ross still has the flag the American tank commander gave him in 1945. Mr. Ross is a supporter of this amendment, and one can read about his story on the front page of the July 4, 1995, USA Today.

Mr. President, some of my other colleagues argue that enactment of this flag amendment would be the beginning of a long slide down a slippery slope to further restrictions on free speech. Give me a break. They even make a thinly veiled comparison between prohibiting physical desecration of the American flag with the Chinese Government's execution of three dissidents. Give me a break. This argument is incredibly overblown. In answer to this, I would like to quote from a letter of Bruce Fein, an opponent of the amendment who testified against the amendment. He wrote to the Judiciary Committee in June of this year in response to my questions. He states:

> The proposed amendment is a submicroscopic encroachment on free expression that would leave the U.S. galaxies beyond any other nation in history in tolerating free speech and press. If foreign nations were to emulate the constitutional protection of freedom of expression in the United States even with a flag burning amendment, they would earn glittering accolades in the State Department's annual Human Rights reports and from Amnesty International and Human Rights Watch.

Mr. President, it is time for us to recognize that the American flag is our national symbol; that it has meaning to millions and millions of Americans all over this country, many of whom have fought for this country, many of whom have suffered as family members who have lost somebody who has fought for this country under our flag. About 80 percent of the American people are for this amendment. The remaining 20 percent either do not know, or are people who would not be for anything that contrasts values.

Mr. President, all this amendment would do is allow the Congress to enact a law prohibiting physical desecration of the American flag. We are going to take out of the amendment the three words "and the States," so that we will not have 51 different interpretations of what flag desecration is. This change will be made at the request of a number of Senators who are concerned, as I am, about that possibility. At the appropriate time, an amendment to make that change will be filed.

All this amendment does is restore the symbol of our American flag to a constitutionally protected status. And it allows the Congress, if it chooses to—it does not have to, but if it chooses to—to enact implementing legislation to protect the flag.

There is no one in Congress who is going to go beyond reason in protecting the flag. We will still have our emblems on athletic equipment. We will still have little flags. We will still be able to have scarves and other beautiful and artistic renditions of the flag. What we will not have is the ability to physically desecrate the American flag.

All we are asking here is to let the American people decide this. If we have enough support, 66 people in favor, we will pass this amendment through the Senate. That is, of course, only the beginning of the process, because three-quarters of the States will then have to ratify this amendment before it becomes the 28th amendment to the Constitution. I believe three-quarters of the States will ratify it, because almost all of the States have already called for this amendment through effective legislative enactment.

But what will ensue once this amendment passes—something that is worth every effort we put forward—is a tremendous debate in our country about values, about patriotism, about what is right or wrong with America, about things that really will help us to resurrect some of the values that have made America the greatest country in the world. It will be a debate among the people.

For those who do not want a constitutional amendment passed, they will have a right to go to every one of our 50 States and demand that people not allow us to protect the flag from desecration. They will have an equal right with anybody else to make their case. We are here to make the decision to let that debate over values, over right and wrong, over patriotic thoughts and principles ensue. It is worth it.

I personally resent anybody indicating that this is just politics. I have heard some people say, "Well, if this was a secret ballot, it would not pass at all." I do not agree with that. I believe there are enough people in this body who realize that we are talking about something pretty valuable here, something pretty personal, something that really makes a difference in all of our lives; our national symbol. The symbol that soldiers rally behind, fight under, went up San Juan Hill to retrieve. For those of us who have lost loved ones in various wars, this particular debate plays an especially significant role.

There are those here who are themselves heroes, and who may disagree, and they have a right to do so. I think they do so legitimately in their eyes, and certainly sincerely. I respect them and respect their viewpoints, just as I hope that those on the other side will respect the viewpoints of those of us who believe that this is an important thing, that this is a value in America that is important, that ought to be upheld.

In my case, our family has seen suffering. I can remember as a young boy playing in the woods down in front of our very, very humble home that my dad had built from a burned-out building. In fact, for the early years of my life our house was black. I always thought all houses were black, or should have been. One side of it had, as I recall, a Meadow Gold Dairy sign on the whole side of the house, because he had to take that wood from another building. It was either that or a Pillsbury Flour sign. I believe it was a Meadow Gold Dairy sign. It was one or the other. I always thought that was a pretty nice thing to have on our house as a young kid.

I was down in front of the house playing in the woods, when I heard my mother and dad. I could tell there was something wrong. I ran out of the woods and ran up to the front porch of our house, this humble place, and there was a representative of the military informing my folks that my brother, my only remaining brother, who we all loved dearly, Jess Hatch, Jess Morlan Hatch, was missing in action. It was a sad occasion. My folks were just broken up about it. They loved all nine of us kids, two of whom had predeceased Jess, who was missing in action.

When my brother was home, my mother had some beautiful yellow roses that she had grown. She really had a green thumb. She could raise beautiful flowers. He used to kid her about taking those yellow roses and giving them to his girlfriend, or taking the plants and giving them to his girlfriend. She always laughed. She knew he would never do it. But, for a couple of months after my brother was listed as missing in action, my mother received a dozen yellow roses from my brother. She believed right up until the day that they found his body and brought him back that he was still alive.

He had flown in that fateful Foggia, Italy mission and helped knock out the oil fields that really helped to shorten the war. He flew in a B–24 bomber. He was a hero, and one of the few people who ever shot down a German jet, which were new planes. I have his Purple Heart in our home out in Salt Lake City, as well as a number of his military memorabilia. I also have all of his letters to my mom and dad. I have read every one of them within this last year, and it was interesting to see how he was evolving as a high school graduate to the great person that he really was.

My mom and dad died—my mother last June and my dad 2 years before. They would have given their lives to save the American flag. My brother did. One of my most prized possessions is the American flag that draped my brother's coffin. I have that in my home out at Salt Lake as well, along with his medals.

There have been hundreds of thousands of Americans who died to preserve liberty around the world who fought—maybe not for the flag, but under the flag—and who have revered the American flag. Who could forget the Iwo Jima Monument, commemorating the soldiers who risked their lives to see that our Nation's flag was lifted and flown above that island, a symbol for all of them.

You can go through literally thousands of stories on why the flag is important. I do not want to make this so emotional, but the fact is that it is emotional. I think it is wrong for anybody to come here and say that this is just a political exercise. That is not a knock at my dear friends who feel that way. I am sure they are sincere, but I think they are sincerely wrong.

Paul was sincere, I guess, when he held the coats of the people who stoned the first Christian martyr. He was as sincere as anyone could be. He held their coats. He believed in what they were doing. He persecuted the saints. But Paul was sincerely wrong, and I believe anybody that denigrates the intentions of those who want to preserve and protect the flag is, in this case, sincerely wrong.

I guess what I am saying here is that this is a much more important issue than just a political issue. To me, politics does not even enter into this. It is an issue of whether we value the values of our country, the things that made this country great. It is an issue of whether we want to have this debate over values, whether we want to let the American people really decide for themselves whether the flag is important or whether it is not.

In a day and age where we seem to be denigrating values all the time, why should we not stand up for one of the values that really has helped make this country great, that has meant something from the beginning of this Nation? Why should we not have that debate? For those who disagree, however sincerely their opposition, I invite them to join the debate. Prove us wrong, not only here on the floor, but do it, once this amendment passes, with the American people. I think they are going to find that the vast majority of the American people do not agree with them.

Last but not least, there are those who would argue that this is a denigration of the First Amendment, or that nobody has ever amended the Bill of Rights. Let me tell you something. The Bill of Rights was no sooner passed when the 11th amendment was passed to overcome a faulty Supreme Court decision. A number of the other amendments have been passed since then to overcome Supreme Court decisions that were wrong. It is a legitimate thing.

Keep in mind that Earl Warren, Abe Fortas, Hugo Black, three of the most liberal members ever on the Supreme Court, wrote that they believed the flag could be protected. It had nothing to do with first amendment rights or freedoms in the sense of denigrating the first amendment.

The fact that in the Johnson case, the Supreme Court alluded to the first amendment, and spoke of the first amendment right of free speech being violated, does not make it right. How can anybody say that we are trying to stop any person from saying whatever they want to, to denigrate the flag. They can denigrate the flag all they want to, with all the free speech in the world, and I am certainly going to uphold their right to do it.

What we are against here, and what we need to establish through a constitutional amendment, is that this does not involve speech. It involves improper and offensive conduct. And that is what Justices Warren, Fortas, and Black basically said. This is not a violation of first amendment protected free speech. Anybody can speak any way they want. Physically desecrating the American flag, however, is a violation of the sensitivities and the values of America by means of offensive, improper conduct, physically treating our national symbol with contempt.

And even though desecrations of the flag occur more than they should, but certainly not in overwhelming numbers, every one of them is reported by the media, seen by millions of people.

So it is a lot bigger issue than some would make it on the floor. I have to say, I hope that our colleagues will vote for this amendment. It is worthwhile to do it. All we are going to do is give Congress the right to define this matter once and for all, and then we are going to have a debate in this country about values, one that I think is long overdue. I hope that our colleagues will consider that, and I personally believe we can pass this amendment, although it is always uphill on a constitutional amendment. We understand that, and that we may have to keep bringing this amendment forth. Ultimately, however, this amendment is going to pass. I guarantee it is going to pass someday, even if it does not pass this time. But I personally believe we have a good shot at it this time.

Mr. President, I will yield the floor to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

I certainly want to join with the chairman's comment that this is a worthy debate and one that people should join in if they have either strong feelings in favor of or against the constitutional amendment regarding flag desecration.

Mr. President, in response to the chairman's challenge, I would like to rise today in opposition, strong opposition, to the proposed constitutional amendment relating to the flag.

I do so with the utmost respect for my colleagues and especially the distinguished chairman of the Judiciary Committee and the many Americans who support this effort and, of course, in the spirit of my own utmost respect for the flag of this country.

Mr. President, I and all Members of this body share the enormous sense of pride that all Americans have when they see the flag in a parade or at a ball game or simply hanging from store fronts and porches all across their home State. It is one of my favorite sights regardless of the occasion. It makes me feel great to be an American when I see all those flags.

I appreciate that this is a deeply emotional issue, and rightly so. Like most Americans, I find the act of burning the American flag to be abhorrent and join with the millions of Americans who condemn each and every act of flag desecration. I understand those who revere our flag and seek to hold it out as a special symbol of this Nation. It is a very special symbol of our Nation.

However, I think the key to this whole issue is that we are not a nation of symbols—we are a nation of principles. Principles of freedom, of opportunity, and liberty. These are the principles that frame our history and these are the principles, not the symbols but the principles, that define our great Nation. These are the principles found in the U.S. Constitution and the Bill of Rights.

No matter how dearly we all hold the flag, it is these principles we must preserve above all else, and it is adherence to these principles which forms the basis of my opposition to the proposed constitutional amendment.

As a threshold, Mr. President, let me say that I view any effort, any effort at all, to amend the U.S. Constitution as something that we should regard with trepidation. The chairman in his comments this morning said to those of us who suggest that maybe if we do the flag amendment, it might lead to other similar amendments, a slippery slope if you will. The chairman kept saying, "Give me a break. Give me a break"—that this was unlikely; that the emotions that fuel this issue would not fuel other attempts to amend the Constitution.

That those emotions would be just as worthy and just as heartfelt and patriotic and just as full of values as the emotions that drive this effort, I think is clear on its face and that this is a first step that could lead to many other steps that could leave the first amendment in tatters.

Since the adoption of the Bill of Rights in 1791, the Constitution has been amended on only 17 occasions. Yet, Mr. President, this is the third amendment that has been considered by our Judiciary Committee in the first term of the 104th Congress alone, with hearings being held on what could very well be a fourth constitutional amendment. According to the Congressional Research Service, over 115 amendments—115 amendments—have been introduced thus far just in the 104th Congress—amendments to the U.S. Constitution.

While I do not question the sincerity of these efforts, there is much to be said for exercising restraint in amending this great document. The Constitution has served this Nation well and withstood the test of time, and the reason it has withstood the test of time is that we have typically, almost always resisted the urge to respond to every adversity, be it real or imagined, with that natural instinct to say, "Let us pass a constitutional amendment." It is a gut feeling we have when we see a wrong. Let us just nail it down. Let us not pass a law—put it in the Constitution and forever deal with the issue.

However, history, as well as common sense, counsel that we only amend the Constitution under very limited circumstances. I strongly believe that those circumstances do not exist in the case of the so-called flag burning amendment. Proponents of this amendment argue that we must amend the Constitution in order to preserve the symbolic value of the U.S. flag. However, they do so in the absence of any evidence that flag burning is rampant today or that it is likely to be in the future. But perhaps more importantly, this amendment is offered in the absence of any evidence, any evidence at all, that the symbolic value of the flag has in any way been compromised in this great Nation. It has not. No evidence has been offered to show that the small handful of misguided individuals who may burn a flag each year have any effect whatsoever on this Nation's love of the flag or our Democratic way of life.

The inescapable fact of the matter is that the respect of this Nation for its flag is unparalleled. The citizens of this Nation love and respect the flag for varied and deeply personal reasons, some of which were eloquently expressed today by the distinguished chairman of the Judiciary Committee. That is why they love the flag, not because the Constitution imposes the responsibility of love of the flag on them.

As a recent editorial in the La Crosse, WI, newspaper pointed out, "Allegiance that is voluntary is something beyond price. But allegiance extracted by statute—or, worse yet, by constitutional fiat—wouldn't be worth the paper the amendment was drafted on. It is the very fact that the flag is voluntarily honored that makes it a great and powerful symbol."

I think that is a great statement one of our Wisconsin newspapers made.

Mr. President, the suggestion that we can mandate, through an amendment to the Constitution, respect for the flag or any other symbol ignores the premise underlying patriotism; more importantly, it belies the traditional notions of freedom found in our own Constitution.

Mr. President, some would argue this debate is simply about protecting the flag, that it is just a referendum over who loves the flag more. This faulty premise overlooks the underlying issue which I think is at the heart of the debate, that being to what degree are we as a free society willing to retreat from fundamental principles of freedom when faced with the actions of just a handful of misguided individuals?

In my estimation, Mr. President, the answer is clear. The cost exacted by this amendment in terms of personal freedom—in terms of personal freedom—is just far too great a price to pay to protect a flag which already enjoys the collective respect and admiration and love of an entire nation. If adopted, this amendment will have an unprecedented direct and adverse effect on the freedoms embodied in the Bill of Rights. These are freedoms which benefit each and every citizen of this Nation.

Yes, Mr. President, it is true, despite what the chairman said today, it is true that for the first time in our history, for the first time in this great Nation's history, the Constitution and the Bill of Rights, both premised on limiting the Government—they are premised on limiting the Government—will be used to limit individual rights, and, in particular, for the first time the constitutional process will be used to limit, not guarantee, but limit individual freedom of expression.

I do not know how you could overstate the significance of such a new course in our constitutional history. As Dean Nichols of the Colorado College of Law noted before the Constitution Subcommittee of the Judiciary Committee, said, "I think there would be a real reluctance to be the first American Congress to successfully amend the first amendment."

Do not let anyone kid you. That is what this would do. It would amend the first amendment. It will have a different number, it will be listed in the high twenties, but it will change and alter the first amendment.

The chairman tries to address that by saying, well, shortly after the Bill of Rights was passed, the 11th amendment was passed in 1798. That is accurate. But it did not change the right to free speech. It did not limit the scope of the Bill of Rights.

In fact, the 11th amendment was consistent with the spirit of the Bill of Rights by guaranteeing that the States cannot be compromised by the Federal Government. The 11th amendment was not about limiting free expression or any other freedom of the Bill of Rights. It states:

> The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

It is not about free speech. The point is really that this would be the first time—the first time—in this Nation's history that we would change something I consider to be very sacred, the Bill of Rights. That we would choose now, after 200 years of the most unparalleled liberty in human history, to limit the Bill of Rights in the name of patriotism is inherently flawed. And I think it is really, ironically very tragic.

Some will argue that we should not attach too much significance to this unprecedented step, while still others argue that the amendment has no effect whatsoever on the first amendment. This is despite the fact that this amendment, if adopted—make no mistake about it—if it is adopted, it would criminalize—make it a crime—the very same expression that the Supreme Court has previously held to be explicitly protected under the first amendment.

So it is clearly an erosion of the Bill of Rights. You may argue that it is a justified erosion or a necessary erosion, but it clearly limits what the U.S. Supreme Court has said is part and parcel of our freedom as an American to express ourselves.

Mr. President, I think it is essential to carefully consider the basis for the adoption of the Bill of Rights before we go ahead and alter it for the first time in our Nation's history. Many who originally opposed the Constitution, those not entirely comfortable with the ratification, sought the Bill of Rights in particular because, in their view, the Constitution in its original form without the Bill of Rights, failed to properly consider and protect the basic and fundamental rights of the individuals of this country. That is why we have a Bill of Rights.

Although many Federalists, including Madison, felt that the limited powers conferred to the Government by the Constitution, the limitations in the Constitution itself, were sufficiently narrow so as to leave those rights safe and unquestioned, people still felt we had to go ahead and have a Bill of Rights adopted in order to provide the reluctant States with the assurance and the comfort necessary so they would approve the Constitution, so they would enter into this great Federal Union. And everyone today in the 104th Congress should understand this.

What is so much of the rhetoric of the 104th Congress about? The concern that the Federal Government is too strong, that it does too much, that we ought to leave enough power to the States and to individuals. That is what all the rhetoric is about today. Well, that is what the Bill of Rights was about also. And that is why we have never changed it. Because the notion of the Contract With America is not a new one. It is a heartfelt feeling of all Americans that the Federal Government must be tightly limited in its powers so that our liberties as individuals and as States cannot be compromised.

From this beginning in compromise, almost exactly 204 years ago, the Bill of Rights has evolved into the single greatest protector of individual freedom in human history. It has done so in large measure, I believe, because attempts to alter its character have to date been rejected. If this great document was changed every few years, as I am sure every Congress has been tempted to do, it would not be the great Bill of Rights that not only Americans revere but people around the world revere as well.

That individuals should be free to express themselves, secure in the knowledge that Government will not suppress their expression based solely upon its content, is a premise on which the Nation was founded. The Framers came to this land to escape oppression at the hands of the state. Obviously, there is no dispute about that, that Government should not limit one's ability to speak out. That is established in our Constitution by the simple words in the first amendment, "Congress shall make no law * * *"—no law—"* * * abridging the freedom of speech * * *."

Of course, over time this Nation has had to grapple with the exact parameters of free speech, regulating in regard to defamation or obscenity for example. However, the fact that some expression may be proscribed, can be stopped, does not obviate the presumptive invalidity of any content-based regulation.

In the words of Justice Scalia of the U.S. Supreme Court:

> . . . the Government may proscribe libel; but it may not make the further content discrimination of proscribing only libel critical of the Government.

In other words, you cannot choose which messages you like and which messages you do not like. You cannot say libel against this Government is different than other kinds of content that might also be libel. Although we need not concern ourselves with the exact parameters of speech subject to limitation here because the expression in question, political expression, is clearly protected under the first amendment. This points out the fact that the one defining standard that has marked the history of free expression in this Nation is that speech cannot be regulated on the basis of its content.

The presumptive invalidity of content regulation protects all forms of speech, that which we all agree with, as well, of course, as the speech we may disagree with or find objectionable. To do otherwise would make the promise of free speech a hollow promise. What does it mean if we only protect that which we like to hear or is pleasant to our ears?

As the Supreme Court stated in Street versus New York:

> . . . freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

Yet, Mr. President, this amendment departs from that noble and time-honored standard. It seeks instead to prohibit a certain kind of expression solely, solely because of its content.

The committee report accompanying this amendment makes it explicit that this effort is directed at that expression which is deemed disrespectful—disrespectful. This amendment attempts to deal only with disrespectful expression. Even more troubling is that this amendment leaves the determination of what is disrespectful to the Government, the very Government that we were trying to limit after we won the Revolutionary War and got together and passed a constitution. It is that Government that we are going to allow to define what is objectionable by this amendment.

What could be more contrary to the very foundations of this country? For the purpose of free expression to be fulfilled, the first amendment must protect those who rise to challenge the existing wisdom, to raise those points which may anger or even offend or be disrespectful.

As the great jurist, William O. Douglas, observed, free speech:

> . . . may indeed serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.

Mr. President, adherence to this ideal is exactly what separates America from oppressive regimes across the world. We tolerate dissent, we protect dissenters, while those other countries suppress dissent and jail dissenters or, for example—and I can give you many examples, as I know the Chair can—as recent events illustrate in Nigeria, the condemnation of dissenters to a fate far more grave than incarceration: summary execution.

The first amendment to the U.S. Constitution is not infallible. It cannot sanitize free expression any more than it can impart wisdom on thoughts which otherwise have none. Nor can the first amendment ensure that free expression will always comport with the views of a majority of the American public or the American Government.

But what the first amendment does promise is the right of each individual in this Nation to stand and make their case, regardless of their particular point of view, and to do so in the absence of a Government censor. In my estimation, this right is worthy of preserving, and I think that right is at risk today on the floor of the U.S. Senate.

When we start down the road to distinguishing between whose message is appropriate and whose is not, we risk something far greater than the right to burn a flag as political expression.

Much of what is clearly protected expression can easily be deemed objectionable. For example, as I said many times before and a lot of people have said before me, I deplore those who proudly display the swastika as they parade through our neighborhoods. I deplore these who hide behind white sheets and espouse their litany of hate and ignorance under a burning—a burning—cross. I deplore those comments which suggest that the most effective way to deal with law enforcement is to shoot them in the head. We hear that these days. Just as I object to speech which seeks to equate particularly vile criminal acts with a particular political ideology.

Each of these forms of expression, Mr. President, is reprehensible to me and to traditional American values of decency and tolerance. But they are all protected forms of expression nonetheless, and they would continue to be protected after this amendment was passed and ratified. So do I believe that we ought to outlaw them through an amendment to the Constitution of the United States? Of course not.

So too it is with flag burning. As the Supreme Court has repeatedly stated, the act of flag burning cannot be divorced from the context in which it is occurring, and that is political expression. It was pretty clear from our Judiciary Committee hearings if somebody is out in the backyard grilling on July 4th and accidentally burns their flag, that would not be the necessary intent. There has to be some mental element—it cannot just be an accident. So this amendment is about what somebody is thinking. It is about what somebody is thinking when they burn the flag. It is about the content of their mind.

This Nation has a proud and storied history of political expression, much of which, obviously, can be characterized and is characterized sometimes as objectionable. Does any Member of this body believe that if the question had been put to the Crown as to whether or not the speech and expression emanating from the Colonies in the form of the Boston Tea Party or the Articles of Confederation, should be sustained, the answer, I think, we all know would have been a resounding no. Could not the same be said of messages of the civil rights and suffrage movements? This Nation was born of dissent and, contrary to the view that it weakens our democracy, this Nation stands today as the leader of the free world because we tolerate those varying forms of dissent, not because we persecute them.

In seeking to protect the U.S. flag, this amendment asks us to depart from the fundamental ideal that Government shall not suppress expression solely because it is disagreeable.

As Justice Brennan wrote for the majority in Texas versus Johnson:

> If there is a bedrock principle underlying the first amendment, it is that the Government may not prohibit expression of an idea simply because society finds the idea itself offensive or disagreeable. We have not recognized an exception to this principle even where our flag has been involved.

In charting a divergent course, this amendment would create that exception, an exception at odds with free expression and with our history of liberty. If adopted, this amendment would, for the first time in our history, signal an unprecedented, misguided and troubling departure from our history as a free society.

Mr. President, there are also definitional and practical flaws with this amendment. Beyond the proposed amendment's departure from traditional notions of free expression, there are practical aspects that raise concerns, not just for those who may offer objectionable points of view, not just for the purported or possible flag burners, but for all Americans. This amendment will subject the constitutional rights of all Americans to potentially an infinite number of differing interpretations, the parameters of which the proponents themselves cannot even define.

Without any guidance as to the definition of the key terms, the proposed amendment provides the Congress and the States the power to prohibit the physical desecration of the U.S. flag.

Testimony was received by the Constitution Subcommittee that the term "flag of the United States," as used in this amendment, is, as they said, "problematic" and so "riddled with ambiguity" as to "war with the due process norm that the law should warn before it strikes." Even supporters of this amendment, including former Attorney General of the ,United States William Barr, have acknowledged that the term "flag" could mean many different things. The simple fact of the matter is that no one can lend any guidance as to what the term "flag" will mean, other than to suggest that it will be up to various jurisdictions.

Senator HATCH, the chairman, has indicated today that the States will be removed from the amendment. If that is not the case, leaving them in would raise a second practical problem with this effort to amend the Bill of Rights, that being that the fundamental constitutional rights would be explicitly subject to the geographic boundaries of political subdivision.

The report accompanying this measure acknowledges that the extent to which this amendment will limit your freedom of expression could well depend on where you live. Therefore, if you live in Madison, WI, your rights could be vastly different than the rights of your cousin who lives in Seattle, WA, for example.

Furthermore, the rights of the States to limit the first amendment would not prohibit subsequent legislative bodies from expanding or further limiting rights under the first amendment. In other words, fundamental rights to free speech could vary from one election to the next.

So I will await with interest the amendment regarding the States, but as the amendment is written now there will be at least—at least—for the first time in our country's history, 51 interpretations of the first amendment.

I think this is counter to the very premise of the Bill of Rights, that being that the rights of individuals should remain beyond the purview of unwarranted governmental intrusion or intervention. That is what led to the adoption of the Bill of Rights in the first place.

In the words of Justice Jackson, speaking for the Supreme Court in 1943:

> The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

Yet, this amendment does exactly that and subjects those fundamental rights to the outcome of elections. What comfort is a first amendment which tells the American public that the appropriateness of their political expression will be left up to the Government?

At the core of this proposed amendment is the desire to punish that expression which is disrespectful. The ability to accomplish this troubling goal turns upon the interpretation that would be given to the term "desecration." Mr. President, despite attempts to argue that it means to "treat with contempt" or "disrespect" or to violate the "sanctity" of the flag, it is just obvious that this is subject to interpretation. The word "desecration" could not be more subject to interpretation. It is almost an inherently vague term.

If, as the report accompanying this measure suggests, every form of desecration is not the target of this amendment, then it logically follows that the Government—the Federal Government—will make distinctions between types of political expression, and the distinction will be this: that which is acceptable and that which is not. The flaws in this process should be obvious to every American.

So long as your political expression comports with that of the governing jurisdiction, you are going to have your freedom of expression, and it will be preserved. We can certainly debate this point, but in punishing only that expression which is "disrespectful," someone—in this case the Government—has to decide what is disrespectful and what is not.

For those of us who think that this is an easy distinction and there is not going to be a problem deciding what is desecration and what is disrespectful, I have an example. A Vietnam war veteran, a friend of mine from Wisconsin, Marvin J. Freedman, recently wrote in an article, aptly entitled, "The Fabric of America Cannot Be Burned," that the fatal flaw in this amendment will be its application. In Mr. Freedman's words:

> The real potential for crisis is one of context. Consider the star spangled bandanna. Let's say a highly decorated veteran is placing little American flags on the graves at a veterans cemetery for Memorial Day, works up a sweat and wipes his brow with one of those red, white, and blue bandannas. If the flag amendment were on the books, would the veteran's bandanna be deemed a "flag of the United States"? Probably not. But if it were, would his actions be interpreted as "desecration"? I cannot imagine anyone thinking so.

Mr. Freedman continues:

> However, if a bedraggled-looking antiwar protester wiped his brow with the same bandanna after working up a sweat and denouncing a popular President and the United States Government's military policy, a different outcome could be a distinct possibility. Whether the bandanna would be deemed a "flag" and the sweat-wiping considered desecration would very likely be directly related to the relative popularity of the President and the war being protested. That is where the flag amendment and the first amendment would bump into each other.

Mr. President, we are all free to draw our own conclusions as to the validity of Mr. Freedman's hypothetical. I think it does a good job in pointing out, in very simple terms, that which the Supreme Court has often stated: You cannot divorce flag desecration from the political context in which it occurs. Ultimately, value judgments have to be made, and I think these are judgments that this amendment, unfortunately, reserves to the Government. For the first time in our history, it gives that judgment to the Government, not to individuals, not to the citizens of this country.

Mr. President, the rights at the heart of this debate are far too fundamental and far too important to be subjected to the uncertainty created by this amendment. We must not abandon 2 centuries of free expression in favor of an unwarranted and ill-defined standard which allows Government to choose whose political message is worthy of protection and whose is not. This is counter to the very freedoms the flag symbolizes.

The very idea that a handful of misguided people could cause this Nation—a Nation which has, from its inception, been a beacon of individual liberty, and a Nation which has defended, both at home and abroad, the right of individuals to be free—to retreat from the fundamental American principle that speech should not be regulated based upon its content is really cause for great concern.

I cannot believe we are going to let a few people who are not even around, as far as we know, not even doing this flag desecration, cow us into passing this amendment. That would give the victory to the flag burners. It would be score one for the flag burners if we are foolish enough to amend the Constitution and Bill of Rights, for the first time in our history, just to deal with such misguided people.

Again, Mr. President, there is no doubt that the American people care deeply about the flag. But I really believe they care just as deeply about the Constitution. I was recently contacted by a man from Sturgeon Bay, WI, a veteran of the Navy. What did he have to say? He wrote:

> The most important part of the Constitution is the Bill of Rights, the first ten amendments. The most important one of those is the first amendment. Burning a flag, in my opinion, is expressing an opinion in a very strong way. While I may disagree with that opinion, I must support the right to express that opinion. To me, the first amendment is the most important thing. The flag is a symbol of that and all other rights, but only that, a symbol.

My constituent, I think, said it quite well. I appreciated very much the time and effort taken to write to me, not because we share the same perspective, but because the letter makes the very important point that, in the final analysis, and as the proponents of the amendment readily concede, the flag is but a symbol of this Nation. As I said at the outset, Mr. President, we are not a nation built on symbols; we are a nation built on principles.

We will be paying false tribute to the flag, in my opinion, if in our zeal to protect it we diminish the very freedoms it represents. The true promise of this great and ever-evolving Nation is rooted in its Constitution. Ultimately, the fulfillment of this promise lies in the preservation of this great document, not just of that which symbolizes it. If we sacrifice our principles, ultimately, our symbols will represent something less than they should.

Therefore, Mr. President, I must respectfully oppose this effort to amend the Bill of Rights. While I do not oppose this effort with anything less than the utmost respect for the American flag, my belief that we must be vigilant in our preservation of the Bill of Rights and the individual freedoms found therein really dictates my opposition.

Mr. President, to conclude, the measure before us limits the Bill of Rights. It actually limits the Bill of Rights in an unprecedented, unwarranted, and ill-defined manner. As such, I intend to oppose this resolution.

Mr. President, I ask unanimous consent that a series of editorials from throughout the State of Wisconsin, all opposed to flag burning and also to this amendment, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wisconsin State Journal, June 14, 1995]

OUR OPINION: FLAG BURNING AMENDMENT UNPATRIOTIC

Today, Flag Day, is an occasion to celebrate liberty. And one of the best ways you can celebrate liberty is to write your congressman to urge a vote against the proposed constitutional amendment to ban flag burning.

It may seem unpatriotic to stand up for a right to burn the American flag. But the proposed amendment is not about whether it is patriotic to burn a flag. It is about whether it is right to limit the liberties for which our flag flies. A true patriot would answer no. Consider:

It's futile, even counter-productive, to try to require patriotism by law.

In fact, it would inspire greater respect for our nation to refrain from punishing flag burners. As conservative legal scholar Clint Bolick of the Institute for Justice told a House subcommittee, we can lock up flag burners and by doing so make them martyrs, "or we can demonstrate by tolerating their expression, the true greatness of our republic."

Laws to protect the flag would be unworkable.

The proposal now before the House seeks a constitutional amendment to allow Congress and the states to pass laws banning physical desecration of the flag. It would require approval by two-thirds of the House and Senate and three-fourths of the states.

It's called the flag burning amendment because many of its supporters consider burning the flag to be the most egregious form of desecration.

But what counts as desecration of the flag? What if someone desecrated something made up to look like a flag with some flaw, like the wrong number of stars or stripes? Does that count? What if a flag is used in art that some people consider rude or unpatriotic? Does that count as desecration?

The arguments could rage on and on, enriching lawyers and diminishing the nation.

A ban on flag burning would set a dangerous precedent.

The proposed amendment is a reaction to 1989 and 1990 Supreme Court rulings that invalidated federal and state laws banning flag desecration. The court rules that peaceful flag desecration is symbolic speech, protected by the First Amendment freedom of speech clause.

Supporters of a ban on flag burning argue that burning a flag is not symbolic speech at all but hateful action. But if today's cause is to ban flag burning because it is hateful action, tomorrow's cause may be to ban the display of the Confederate flag because many people consider it to be hateful action. Or to ban the use of racial or sexist comments because they amount to hateful actions. And on and on until we have given up our freedoms because we are intolerant.

The right to protest is central to democracy.

A democracy must protect the right to protest against authority, or it is hardly a democracy. It is plainly undemocratic to take away from dissenters the freedom to protest against authority by peacefully burning or otherwise desecrating a flag as the symbol of that authority.

If the protesters turn violent or if they steal a flag to burn, existing laws can be used to punish them.

Flag burners are not worth a constitutional amendment.

A good rule of thumb about amending the U.S. Constitution is: Think twice, then think twice again. Flag burning is not an issue that merits changing the two-centuries-old blueprint for our democracy.

This nation's founding fathers understood the value of dissent and, moreover, the value of the liberty to dissent. So should we.

OUR VIEW: THE AMERICAN FLAG—OLD GLORY DOESN'T NEED AMENDMENT

[From the La Crosse (WI), Tribune, June 7, 1995]

The U.S. Supreme Court ruled in a Texas case in 1989 that flag burning is protected by the First Amendment as a form of speech.

The court's decision didn't go over very well with friends of Old Glory then, and six years later that ruling still sticks in the craw of many patriots—so much so that constitutional amendments protecting the flag against desecration have picked up 276 cosponsors in the U.S. House of Representatives and 54 in the Senate.

The House Judiciary Committee takes up the amendment today, with a floor vote expected on June 28. The Senate Judiciary Committee tackled a similar amendment on Tuesday.

For two centuries soldiers have given their lives to keep the American flag flying. It is a symbol of freedom and hope for millions. That is what infuses the stars and stripes with meaning and inspires the vast majority of Americans to treat it with respect.

But to take away the choice in the matter, to make respect for the flag compulsory, diminishes the very freedom represented by the flag.

Do we follow a constitutional amendment banning flag desecration with an amendment requiring everyone to actually sing along when the national anthem is played at sports events? An amendment making attendance at Memorial Day parades compulsory?

Sen. Howell Heflin, D-Ala., argues that the flag unites us and therefore should be protected. But Heflin and like minded amendment supporters are confusing cause and effect. The flag is a symbol of our unity, not the source of it.

Banning flag burning is simply the flip side of the same coin that makes other shows of patriotism compulsory. What are the names of the countries that make shows of patriotism compulsory? Try China. Iraq. The old Soviet Union.

Coerced respect for the flag isn't respect at all, and an amendment protecting the American flag would actually denigrate that flag.

Allegiance that is voluntary is something beyond price. But allegiance extracted by statute—or, worse yet, by constitutional fiat—wouldn't be worth the paper the amendment was drafted on. It is the very fact that the flag is voluntarily honored that makes it a great and powerful symbol.

The possibility of the Balkanization of the American people into bickering special interest groups based on ethnicity or gender or age or class frightens all of us, and it's tempting to try to impose some sort of artificial unity. But can the flag unite us? No. We can be united under the flag, but we can't expect the flag to do the job of uniting us.

We oppose flag burning—or any other show of disrespect for the American flag. There are better ways to communicate dissent than trashing a symbol Americans treasure. But making respect for the flag compulsory would, in the long run, decrease real respect for the flag.

The 104th Congress should put the flag burning issue behind it and move on to the nuts-and-bolts goal it was elected to pursue: a smaller, less intrusive, fiscally responsible federal government. A constitutional amendment protecting the flag runs precisely counter to that goal.

[From the Oshkosh (WI) Northwestern, May 28, 1995]

BEWARE TRIVIALIZING OUR CONSTITUTION

It is difficult to come out against anything so sacrosanct as the American flag amendment—difficult but not impossible.

An amendment to protect the flag from desecration is before Congress and has all the lobbying in its favor.

The trouble is, it is an attempt to solve, through the Constitutional amendment process, a problem that really is not a problem.

Flag burning is not rampant. It occurs occasionally; it brings, usually, society's scorn upon the arsonist, and does no one any harm, except the sensitivities of some.

These sensitivities give rise to the effort to abridge the freedom of expression guaranteed by the First Amendment, which has been held by the courts to include expressions of exasperation with government by burning its banner.

At worst, this flag protection is an opening wedge in trimming away at the basic rights of all Americans to criticize its leaders. That right was so highly esteemed by the Founding Fathers that they made free speech virtually absolute.

At best, the flag protection amendment trivializes the Constitution.

That is no small consideration. The Constitution was trivialized once before. The prohibition amendment had no business being made a constitutional chapter. It was not of constitutional stature. It could have been done by statute alone. Its repeal showed that it was a transitory matter rather than being one of transcendent, eternal concern.

The flag protection amendment is trivial in that flag burning is not always and everywhere a problem. If the amendment succeeds, what else is out there to further trivialize the document?

Must the bald eagle be put under constitutional protection if it is no longer an endangered bird?

This is a "feel good" campaign. People feel they accomplish something good by protecting the flag from burning. (Isn't the approved method of disposing of tattered flags to burn them, by the way?)

But it offers about the same protection to flags that the 18th offered to teetotaling.

If someone has a political statement to make and feels strongly enough, he'll do the burning and accept the consequences. The consequences surely will not be draconian enough that flag burning would rank next best thing to a capital offense.

Congress has more pressing things to do than put time into this amendment.

[From the Milwaukee (WI) Journal Sentinel, June 12, 1995]

FLAG AMENDMENT ILL-ADVISED

Probably nine-tenths of the knuckleheads who get their jollies from burning the American flag or desecrating it in other ways have no idea what freedoms that flag symbolizes. Because these people are stupid as well as ungrateful, they never think about the precious gift they have been given.

The irony is that the American flag stands for, among other things, the freedom to express yourself in dumb and even insulting ways, like burning the flag. This is a freedom literally not conferred on hundreds of millions of people.

A few years ago, several states passed laws that made it illegal to desecrate the flag, but in 1989 the Supreme Court ruled that such statutes violated the Bill of Rights. Congress is now moving to amend the Constitution itself, so that flag desecration laws can be enacted.

That movement is as ill-considered as it is understandable. The Constitution should be amended only reluctantly and rarely, when a genuine threat to our nation emerges and when there is no other way to guard against it.

That is why the founding fathers made it so difficult to revise the Constitution, and why, as a Justice Department spokesman pointed out the other day, the Bill of Rights has not been amended since it was ratified in 1792.

The unpatriotic mischief of adolescent punks is infuriating. But it is not a serious enough act to warrant revision of the nation's charter. The Bill of Rights exists to protect people whose behavior, however repugnant, injures nothing but people's feelings.

The American flag protects even people who burn it; it prevails over both them and their abuse. That is one of the reasons the flag and the nation it stands for are so strong.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Arizona.

Mr. KYL. Mr. President, I would like to respond briefly to the remarks of the Senator from Wisconsin and other arguments in opposition to this proposed amendment and to speak briefly in favor of the amendment. Senator ROTH from Delaware is here to speak to an important subject as well. So what I will do is truncate my remarks, and Senator HATCH will be here a little bit later to speak at greater length on the constitutional amendment.

Mr. President, I think we need to start with some fundamentals. I have never questioned the sincerity, or the judgment, or reasoning, or conclusions, even, of those who oppose a constitutional amendment on desecration of the flag. There are very sound constitutional arguments on both sides of this issue. It is one of those classical issues on which people on both sides can marshal evidence, historical commentary, and reasoning to support their views. In my view, it is not an easy question to resolve. But I do take some offense at the suggestion that those who propose the amendment—just to use one quotation used before—are involved in misguided rhetoric, and terminology of that sort. We can disagree over something of this importance, without suggesting that those who hold a different view are dangerous, misguided, or simply engaged in rhetoric.

I think, to some extent, that while nothing—except perhaps declaring war—is a more solemn right and responsibility of the Congress than amending the Constitution, it is also possible that some in Congress, from time to time, become consumed by their own importance. It is easy to do. Yet, I think it is equally important for us to recognize that we do not amend the Constitution, that while it is important for us to raise all of these questions and to debate this as solemnly as we can, that we do not amend the Constitution, Mr. President. The people amend the Constitution. All we can do is recommend an amendment. It is the people who make the ultimate decision.

To put it in the simplest terms, what we are suggesting is we ask the American people: Do you want to amend the Constitution to protect the flag? If the people say no, then it will not happen; if the people say yes, I suggest that we should rely upon their judgment in this matter, the very people who, after all, elect us to represent them in all other matters except amending the Constitution, which under our document is reserved to the people for final decision.

I think we have to put some trust in the American people here to do the right thing.

It is interesting to me that historically in this country for 200 years we got along very well living under a Constitution that protected free speech, and yet in 49 of the 50 States, prevented desecration of the flag. This is not a choice between protecting the flag and the U.S. Constitution, as was suggested a moment ago. That is a false choice. For 200 years we did both. We can do both.

Since the decision of the Supreme Court which struck down the protection of the flag, 49 States, including my State of Arizona, have passed memorializing resolutions calling on Congress to pass a flag desecration amendment so that the States could consider it.

In 1991, Arkansas, while President Clinton was still serving as Governor, became the 11th of 49 States to "urge Congress of the United States to propose an amendment to the U.S. Congress, for ratification by the States, specifying that the Congress and the States shall have the power to prevent the physical desecration of the flag of the United States."

I also note that the decision of the Supreme Court invalidated the law that then-Governor Clinton had signed months earlier which prohibited the intentional desecration of the flag, though the President now opposes this particular amendment.

The House passed a companion measure to that which is being considered here, on June 28, by a vote of 312 to 120. This has bipartisan support. The Senate Judiciary Committee, with equally bipartisan support, approved the amendment on July 20 by a vote of 12 to 6.

The purpose of this resolution is to restore the authority to adopt statutes protecting the U.S. flag from physical desecration. As I said, it is not a choice between the flag and the Constitution. We proved for 200 years that both are possible to protect.

The flag is worthy of protection. It is a unique national symbol, representative, among other things, of the men and women who have served this country. It is draped over the coffins of those who have paid the ultimate price to preserve our freedom and invokes very strong emotions in all Americans. It is important to protect the symbol for these reasons.

You cannot burn or deface other national symbols which have far less emotional symbolic value than the flag, but we allow it because the Supreme Court said a few years ago we would allow the desecration of the flag.

This resolution, frankly, is in direct response to the Texas versus Johnson decision in Texas of the Supreme Court. It was a 5-to-4 decision. So literally, one unelected judge decided that a law that had existed for over 200 years was now mysteriously unconstitutional.

The Court later ruled in United States versus Eichman that Congress could not by statute protect the flag making it very clear that our only response could be a proposed constitutional amendment.

Mr. President, I am not going to respond to each of the arguments made because Senator ROTH has some important things to say on another subject. Let me just respond to a couple.

One of the arguments and probably the key argument of the proponents is that we would be trampling on the right of free speech by adopting this amendment. I understand that argument. It is not a frivolous argument.

The argument of some opponents that flag burning is a nonproblem because it is hardly ever done and therefore why would we even want to bother with this, I think is a good argument against the notion that this would be a significant intrusion on the first amendment.

It seems to me opponents cannot argue on the one hand that this is insignificant, never happens, why are you worrying about it, and on the other hand say it would be the biggest travesty and impingement on free speech to be visited on the U.S. Constitution and the people of America.

You cannot have it both ways. The truth of the matter is it is true that this is not a big problem, but it does not follow from that that we should not offer the States the ability to restore the protection of the flag that it enjoyed for 200 years. Mr. President, 49 States seem to think this is important enough to have memorialized Congress, asking for the ability to once again restore that protection.

Now, the passing of a constitutional amendment would not prevent those who hate America or who have particular grievances from expressing this contempt through any other speech or even certain conduct as the Supreme Court has permitted. You do not have to burn the flag to express your views.

I suggest in civilized society people should be able to express themselves in ways that are not so personally and viscerally offensive, for example, to a family grieving over the flag-draped coffin of a loved one.

Mr. President, let me just conclude by quoting from some people who have spoken to this issue before in a way which I think is instructive. This is not misguided rhetoric by extremists or superpatriots. I refer, Mr. President, to the words of Chief Justice Earl Warren, an eminently respected jurist of this country: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

A famous liberal jurist, a man greatly respected on the Supreme Court of the United States, Justice Hugo Black:

> It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense. It is immaterial that the words are spoken in connection with the burning. It is the burning of the flag that the State has set its face against.

And Justice Abe Fortas, a respected liberal, a Democrat, not an extremist conservative patriot: "* * * the States and the Federal Government have the power to protect the flag from acts of desecration * * *."

Let me quickly also demonstrate this point further by noting the names of many respected members of the Democratic Party who have sponsored or voted for this amendment. This is not a partisan issue, as I said: 93 House Democrats voted for the flag amendment, including RICHARD GEPHARDT the minority leader, Deputy Whips BILL RICHARDSON and CHET EDWARDS, and a host of other ranking and subcommittee members and key members of the Democratic Party. Democrats and Republicans alike, liberals and conservatives, can appreciate the importance of doing this.

And the final argument that was made that these words are so subject to interpretation, "desecration" and "flag"—who knows what "flag" means?

Mr. President, the American experience of 200-plus years teaches us what the word "flag" means, and "desecration" has meaning which can be interpreted by judges of good will.

The Bill of Rights and the 14th amendment to the U.S. Constitution are filled with general statements which the Framers of the Constitution and of the 14th amendment clearly understood need to be phrased relatively generally in order to deal with the variety of circumstances to which they would be applied. Words like "establishment of religion," "unreasonable searches and seizures," leaving "unreasonable" to the interpretation of the courts. "Due process of law"—I can hear the arguments now. What do you mean by "due process"? What do you mean by "just compensation," by "speedy trial"? You need to define it.

Mr. President, one of the geniuses of the Constitution is that it is not defined with all of the precision that we apply to legislation, to laws, and the even greater precision that is applied to regulations to execute those laws. That is the genius of the Constitution.

So, all of the generalized phrases, the "cruel and unusual punishment," "equal protection of the laws," and other generalized statements have served us very well for over 200 years. Certainly for words like "flag," which I suggest has a pretty specific meaning, and even "desecration," which is less so, it is possible to interpret those words in a meaningful and consistent way, particularly, as was noted earlier, if we amend the proposal here to provide for the Federal Government, the Congress, rather than the States, to adopt the legislation that would provide for the protection of the flag.

So, much more will be said about this amendment. Senator HATCH will be here in a moment to discuss the amendment in more detail, to explain the reasons why the Judiciary Committee was able to pass it out with such an overwhelming majority.

I am going to close by quoting from Chief Justice Rehnquist in his dissenting opinion from the decision in the Texas versus Johnson case, which precluded the Congress and the States from any longer protecting the flag. I think these words are appropriate as we think about the possibility that American soldiers will again be sent to foreign lands to fight, and the concern for those people who we put in harm's way, people who defend the ideals of our country. It is appropriate to reflect upon the value of the flag as a symbol to those people.

Let me quote again, as I said, from the dissenting opinion of Justice Rehnquist in Texas versus Johnson. He said:

> At Iwo Jima, United States Marines fought hand to hand against thousands of Japanese. By the time the Marines reached the top of Mt. Suribachi they raised a piece of pipe upright and from one end fluttered a flag. That ascent had cost nearly 6,000 lives.

Mr. President, that sacrifice could never be put adequately into words, but the flag symbolizes perfectly what words cannot describe. And it is that symbol that we see when we go to the monument just a couple of miles south of here and see the flag being raised over Mt. Suribachi that recalls so many memories and evokes so many emotions among Americans, that we come to the conclusion that this one very special symbol of America and everything for which it stands should receive minimal protection by the people of the United States. That is why I urge my colleagues to follow the lead of the House of Representatives and submit this question to the people of the United States to determine whether or not they want to amend the Constitution to protect the flag from desecration.

Mr. President, I yield the floor to Senator ROTH. At the time that Senator HATCH comes, he will speak further to the issue of the flag.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, first of all, let me express my appreciation to the distinguished Senator from Arizona for his courtesy and compliment him on his most eloquent statement.

Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. ROTH. Mr. President, there are alarming signals coming from the White House that President Clinton may veto welfare reform. Instead of ending welfare as we know it, the Administration apparently intends to continue politics as usual.

From the early days of his administration, President Clinton promised welfare reform to the American people. On February 2, 1993, he told the Nation's Governors that he would announce the formation of a welfare reform group within 10 days to work with the Governors to develop a welfare reform plan. At that meeting, the President outlined four principles which would guide his administration to reform welfare.

The first principle as outlined by the President is that "welfare should be a second chance, not a way of life." In further defining what these means, the President stated that people should work within 2 years and that, "there must be—a time-certain beyond which people don't draw a check for doing nothing when they can do something." On July 13, 1993, President Clinton went even further and told the National Association of County Officials that a 2-year limit could be put on welfare. He said, "you shouldn't be able to stay on welfare without working for more than a couple of years. After that, you should have to work and earn income just like everybody else." He went on to say, "And if you put the building blocks in, you can have a 2-year limit on welfare as we know it. You would end the system as it now exists."

Mr. President, that is a strong statement and a bold challenge. H.R. 4, the "Personal Responsibility and Work Opportunity Act of 1995," meets this first principle. We require people to work after 2 years and place a 5-year limit on the receipt of Federal benefits. Let me repeal this. We provide not a 2-year limit on benefits, but a 5-year limit. And, I might add, the conference report on H.R. 4 allows the States to exempt up to 15 percent of their caseload from this limit.

The President's support for time limits, by the way, is one of the many ironies throughout the welfare reform debate. A good deal of attention has been focused on the analysis done by the Department of Health and Human Services on the impact the various welfare bills would have on families and children. The single greatest reason families would become ineligible for benefits is the 5 year limit. It is a bit inconsistent for the President to embrace a time limit but invite criticism of our proposal for a 5-year limit on benefits.

The second principle, as outlined by the President, is "we need to make work pay." The President indicated, that through the earned income credit program, "we ought to be able to lift people who work 40 hours a week, with kids in their home, out of poverty."

The Republican balanced budget plan is consistent with this second principle outlined by the President. Under our plan, the EIC continues to grow. We are targeting the EIC program to those most in need.

The administration has criticized the Balanced Budget Act for its provisions on EIC. But I believe it is both fair and accurate to point out that in expanding the EIC, the Clinton administration and the Democratic 103d Congress went far beyond the President's stated goal as well as beyond the original goals of this program. For example, they expanded the credit to individuals who did not have children at home.

We have found unacceptable levels of errors, abuse, and waste in this program. Spending for the EIC is quite simply out of control. We have proposed a responsible and reasonable reform of the EIC program separate from H.R. 4. Our welfare bill does not conflict with the President's principle on work.

The third principle of welfare reform outlined by President Clinton some 34 months ago is that tougher child support enforcement is needed. H.R. 4 fully meets this principle. In an October 18, 1995 letter, the Director of the Office of

Management and Budget informed the majority leader that:

> The Administration strongly supports bipartisan provisions in both the House and Senate bills to streamline paternity establishment, require new hire reporting, establish State registries, make child support laws uniform across State lines, and require States to use the threat of denying drivers' and professional licenses to parents who refuse to pay child support.

Clearly H.R. 4 meets the President's position on child support enforcement.

The fourth principle outlined by the President was his commitment to encourage experimentation in the States. To his credit, his administration has approved a number of waivers to allow the States the flexibility to experiment. But waivers are not enough as the President himself, as a former Governor, realizes.

When he spoke to the Governors again this year on June 6, in Baltimore, the President told the Governors,

> You could not design a program that would be too tough on work for me. You could not design a program that would give the States any more flexibility than I want to give them as long as we recognize that we . . . have a responsibility to our children and to that in the end, our political and economic policies must reinforce the culture we are trying to create. They must be pro-family and pro-work.

At the same time, President Clinton also told the Governors that, "we can save some money and reduce the deficit in this welfare area."

Then, on July 20 this year, he told the National Conference of State Legislatures that "what I want to do in the welfare reform debate is to give you the maximum amount of flexibility, consistent with some simple objectives. I do think the only place we need Federal rules and welfare reform * * * is in the area of child support enforcement because so many of those cases cross State lines."

The President went on to say, "so I am going to do my best to get you a welfare reform proposal which gives more flexibility to the States and doesn't have a lot of ideological proscriptions * * * and just focuses on one or two big things that need to be done. I think that is the right way to do it."

Mr. President, we will provide the opportunity to make good on these words.

The President has told the Governors he wants to protect the States even when there is an economic downturn. We have done this with an $800 million contingency fund and a $1.7 billion loan fund. President told them he wanted funding for child care. H.R. 4 provides $17 billion for child care for welfare and low-income families. This is over $700 million more than under current law. He told the Governors the problem with a block grant was that States would cut their own funding and therefore he wanted requirements for States to maintain their own funding. H.R. 4 imposes such requirements. Furthermore, the conference agreement provides $3.5 billion in more funding for the block grants to States for temporary assistance for needy families than under the Senate bill which passed 87–12.

The President indicated his interest in a performance bonus which forces the bureaucracy and recipients to focus on work. Establishing performance standards is a subject which I have personally worked on for years. H.R. 4 includes work-based performance standards.

It is clear we have responded positively to all of these concerns.

The President also indicated he was willing to give the States more flexibility in child nutrition, adoption, and child protective services. H.R. 4 protects the current entitlements of foster care and adoption assistance maintenance payments. Between 1995 and 2002, funding for foster care will increase by nearly 80 percent. Funding for child nutrition will increase from less than $8 billion in fiscal year 1995 to over $11 billion in 2002.

These are the fundamental principles the President outlined to the Governors and to the Nation. Congress will shortly send a welfare reform bill which meets these principles. It would be regrettable if the President walks away from all of these things which he so recently pledged.

The need to reform the welfare system is as critical today as it was nearly 3 years ago when the President took office. The number of children receiving AFDC increased nearly threefold between 1965 and 1993. By comparison, the total number of children in the United States aged 0 to 18 declined by 5.5 percent during this period.

In 1965, the average monthly number of children receiving AFDC was 3.3 million; in 1970, it was 6.2 million; in 1980, it was 7.4 million; and in 1993, there were nearly 9.6 million children receiving AFDC benefits.

The Department of Health and Human Services has estimated that 12 million children will receive AFDC benefits by the year 2005 under current law. If he vetoes welfare reform, President Clinton will be accepting the status quo in which another two and one-half million children will fall into the welfare system.

If the President vetoes welfare reform, he will be preserving a system which costs and wastes billions of taxpayers dollars. The General Accounting Office has estimated, for example, that nearly $1.8 billion in overpayments were made in the Food Stamp Program in 1993 alone.

A critical point of welfare reform is to give the States both the authority and the responsibility for efficiently, compassionately, and effectively administering these programs. As a former Governor, the President surely knows well the duplication in the delivery of benefits. It costs over $6 billion just to administer the AFDC and Food Stamp Programs. When you include the cost of errors, fraud, and abuse in these two programs, another $3 billion is wasted.

We have therefore proposed an optional block grant for the Food Stamp Program. At a town meeting this past June, the President told the people of New Hampshire that his administration has given 29 States waivers to use food stamps and welfare checks to employers as a wage supplement. If it is good policy as a waiver, it is good policy to allow Governors to accept an optional block grant.

Another important area of reform is the Supplemental Security Income Program. The SSI Program was established 21 years ago principally to provide a welfare retirement program for aged and disabled adults who were unable to contribute enough into the Social Security system. With this purpose in mind, one would think that the cost of this program should at least be stable as the elderly SSI population has actually declined by more than one-third since 1974.

Instead, SSI is the largest cash assistance program for the poor and one of the fastest growing entitlement programs. Programs costs have grown 20 percent annually in the last 4 years.

The SSI reforms in H.R. 4 are designed to slow the growth in the two populations which have seen tremendous increases in recent years, noncitizens and children. In 1982, noncitizens constituted 3 percent of all SSI recipients. In 1993, noncitizens constituted nearly 12 percent of the entire SSI caseload. From 1986 through 1993, the number of aged or disabled noncitizen recipients grew an average of 15 percent annually, reaching nearly 700,000 in 1993. Today, almost one out of every four elderly SSI recipients is a noncitizen. GAO calculates that noncitizens are actually more likely to receive SSI than citizens. The majority of these elderly noncitizens, 57 percent, have been in the United States less than 5 years.

In total, our reforms directed at noncitizens will save the taxpayers more than $20 billion. If President Clinton vetoes H.R. 4, these savings will be lost.

According to the General Accounting Office, the growth in the number of disabled children receiving cash payments under SSI was moderate before 1990, averaging 3 percent annually between 1984 and 1990. Then, from the beginning of 1990 through 1994, the growth averaged 25 percent annually, and the number tripled to nearly 900,000. Their share of the disabled SSI population grew from about 12 percent before 1990 to 22 percent in 1994. The number of children who are disabled and receive benefits has increased by 166 percent just since 1990.

I would remind my colleagues that the changes in the definition of childhood disability included in H.R. 4 was adopted on a bipartisan basis.

The conference agreement maintains the commitment to children who are disabled. All children currently receiving SSI benefits will continue to receive the full cash benefit to which they are entitled through January 1, 1997.

The conference report increases Federal spending on welfare programs. Expenditures for the programs under H.R. 4 totaled $83.2 billion in 1995. Under H.R. 4, they will increase by one-third to total $111.3 billion in 2002. Between 1995 and 2002, total expenditures for these programs will be $753.7 billion.

The conference report also provides support for other areas in which the President has indicated support. The President has called for action to prevent teen pregnancies. We provide $75 million for abstinence education.

The President has called for tough child support enforcement. Our welfare reform bill includes significant improvements in child support enforcement which will help families avoid and escape poverty.

The failure of an absent parent to pay child support is a major reason the number of children living in poverty has increased. Between 1980 and 1992, the nationwide child support enforcement caseload grew 180 percent, from 5.4 to 15.2 million cases. The sheer growth in the caseload has strained the system.

There have been improvements in the child support enforcement system as collections have increased to $10 billion per year, but we clearly need to do better. The House and Senate have included a number of child support enforcement reforms. These include expansion of the Federal Parent Locator Service, adoption of the Uniform Interstate Family Support Act—UIFSA—use of Social Security numbers for child support enforcement, improvements in administration of interstate cases, new hire reporting, and reporting arrearages to credit bureaus. Our conference report provides increased funding for child support data automation.

As I have already mentioned, these provisions have been endorsed by the administration. Let me also note that I recently received a letter from the American Bar Association in which the ABA states it "strongly supports the child support provisions in the conference report." The letter goes on to say, "If these child support reforms are enacted, it will be an historic stride forward for children in our nation." If the President vetoes welfare reform, he will forfeit this historic opportunity.

On January 24, 1995 President Clinton declared at a joint session of Congress, "Nothing has done more to undermine our sense of common responsibility than our failed welfare system.

Mr. President, vetoing welfare reform will seriously undermine the American people's confidence in our political system. The American people know the welfare system is a failure. They are also tired of empty rhetoric from politicians. Words without deeds are meaningless. The time to enact welfare reform is now.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

Mr. McCONNELL. Mr. President, on Monday I will be offering an amendment in the nature of a substitute to the underlying proposed constitutional amendment, and I ask unanimous consent that this amendment appear in the RECORD at this point. It will be cosponsored by Senator BENNETT of Utah, Senator DORGAN, and Senator BUMPERS.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

PROPOSED AMENDMENT

Strike all after the enacting clause and inserting the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the United States Constitution.

(b) PURPOSE.—It is the purpose of this Act to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

"(b) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States and intentionally destroys or damages that flag shall be fined not more than $250,000 or imprisoned not more than 2 years, or both.

"(c) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and intentionally destroys or damages that flag shall be fined not more than $250,000 or imprisoned not more than 2 years, or both.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

"(e) DEFINITION.—As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and would be taken to be a flag by the reasonable observer.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following new item:

"700. Incitement; damage or destruction of property involving the flag of the United States.".

Amend the title so as to read: "A joint resolution to provide for the protection of the flag of the United States and free speech, and for other purposes.".

Mr. McCONNELL. Mr. President, every single Senator believes in the sanctity of the American flag. It is our most precious national symbol. The flag represents the ideas, values and traditions that unify us as a people and as a nation. Brave men and women have fought and given their lives and are now entering a war-torn region in defense of the freedom and way of life that our flag represents.

For all these reasons, those who desecrate the flag deserve our contempt. After all, when they defile the flag, they dishonor America. But the issue before this body is: How do we appropriately deal with the misfits who burn the flag?

Many of my colleagues who support a constitutional amendment to ban flag-burning say the only way to ensure flag-burners get the punishment they deserve is to amend the Bill of Rights for the first time in over 200 years. The first amendment, which they propose to alter, contains our most fundamental rights: free speech, religion, assembly, and the right to petition the Government. The freedoms set forth in the first amendment, arguably, were the foundation on which this great Republic was established.

Amending the Constitution was made an arduous process by the Founding Fathers for good reason. The requirements—approval by two-thirds of each House of Congress and ratification by three-fourths of the State legislatures—ensure that highly emotional issues of the day will not tear at the fabric of the Constitution. Since the addition of the Bill of Rights, the Constitution has been amended on only 17 occasions.

Let me repeat, Mr. President, after the initial 10 amendments known as the Bill of Rights, we have altered the Constitution only 17 times in the history of our country.

And only one of those amendments—prohibition—actually constricted freedom, and it was soon repealed. The 22d amendment also restricts freedom by limiting the President to two terms, but we will have the term limits debate another day.

The proposed constitutional amendment before us does just that—it rips the fabric of the Constitution at its very center: the first amendment.

Our respect and reverence for the flag should not provoke us to cause damage to the Constitution, even in the name of patriotism.

Mr. President, I seek no protection, no safe harbor, no refuge for those who heap scorn on our Nation by desecrating the flag.

The only thing that those who provocatively burn the flag deserve is swift and certain punishment.

Therefore, the statutory amendment I have proposed would ensure that acts of deliberately confrontational flag-burnings are punished with stiff fines and even jail time.

My amendment will prevent desecration of the flag and at the same time, protect the Constitution.

Those malcontents who desecrate the flag do so to grab attention for themselves and to inflame the passions of patriotic Americans. And, speech that incites lawlessness or is intended to do so, the Supreme Court has made abundantly clear, merits no first amendment protection. From Chaplinsky's "fighting words" doctrine in 1942 to Brandenburg's "incitement" test in 1969 to Wisconsin versus Mitchell's "physical assault" standard in 1993, the Supreme Court has never protected speech which causes or intends to cause physical harm to others.

And, that, Mr. President, is the basis for this amendment, that I am discussing. My amendment outlaws three types of illegal flag desecration. First, anyone who destroys or damages a U.S. flag with a clear intent to incite imminent violence or a breach of the peace may be punished by a fine of up to $100,000, or up to 1 year in jail, or both.

Second, anyone who steals a flag that belongs to the United States and destroys or damages that flag may be fined up to $250,000 or imprisoned up to 2 years, or both.

And third, anyone who steals a flag from U.S. property and destroys or damages that flag may also be fined up to $250,000 or imprisoned up to 2 years, or both.

Some of my colleagues will argue that we've been down the statutory road before and the Supreme Court has rejected it.

However, the Senate's previous statutory effort wasn't pegged to the well-established Supreme Court precedents in this area.

This amendment differs from the statutes reviewed by the Supreme Court in the two leading cases: Texas versus Johnson (1989) and U.S. versus Eichman (1990).

In Johnson, the defendant violated a Texas law banning the desecration of a venerated object, including the flag, in a way that will offend—offend, Mr. President—one or more persons. Johnson took a stolen flag and burned it as part of a political protest staged outside the 1984 Republican Convention in Dallas. The State of Texas argued that its interest in enforcing the law centered on preventing breaches of the peace.

But the Government, according to the Supreme Court, may not—may not—"assume every expression of a provocative idea will incite a riot * * *." Johnson, according to the Court, was prosecuted for the expression of his particular ideas: dissatisfaction with Government policies. And it is a bedrock principle underlying the first amendment, said the Court, that an individual cannot be punished for expressing an idea that offends. I repeat, the Court said you cannot be punished for engaging in offensive speech.

The Johnson decision started a national debate on flag-burning and as a result, Congress, in 1989, enacted the Flag Protection Act. In seeking to safeguard the flag as the symbol of our Nation, Congress took a different tack from the Texas Legislature. The Federal statute simply outlawed the mutilation or other desecration of the flag.

But in Eichman, the Supreme Court found congressional intent to protect the national symbol insufficient—insufficient—to overcome the first amendment protection for expressive conduct exhibited by flag-burning.

The Court, however, clearly left the door open for outlawing flag-burning that incites lawlessness. The Court said: "the mere destruction or disfigurement of a particular physical manifestation of the symbol, without more, does not diminish or otherwise affect the symbol itself in any way."

But, Mr. President, you do not have to take my word on it. The Congressional Research Service has offered legal opinions to Senators BENNETT and CONRAD concluding that this initiative will withstand constitutional scrutiny:

"The judicial precedents establish that the [amendment]"—referring to the amendment I have just been discussing—"if enacted, while not reversing Johnson and Eichman, should survive constitutional attack on first amendment grounds."

In addition, Bruce Fein, a former official in the Reagan administration and respected constitutional scholar concurs:

"In holding flag desecration statutes unconstitutional in Johnson, the Court cast no doubt on the continuing vitality of Brandenburg and Chaplinsky as applied to expression through use or abuse of the flag. [The amendment] "—referring to my amendment—falls well within the protective constitutional umbrella of Brandenburg and Chaplinsky * * * [and it] also avoids content-based discrimination which is generally frowned on by the First Amendment."

Mr. President, several other constitutional specialists also agree that this initiative will withstand constitutional challenge. A memo by Robert Peck, and Prof. Robert O'Neil and Erwin Chemerinsky concludes that the amendment "conforms to constitutional requirements in both its purpose and its provisions."

Mr. President, I ask unanimous consent that the CRS memos, the Bruce Fein letter, and the legal memo from Robert Peck, Professors O'Neil and Chemerinsky, and Johnny Killian be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GREAT FALLS, VA, *October 21, 1995.*

Senator MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR: This letter responds for your request for an appraisal of the constitutionality of the proposed "Flag Protection and Free Speech Act of 1995." I believe it easily passes constitutional muster with flying banners or guidons.

The only non-frivolous constitutional question is raised by section 3(a). It criminalizes the destruction or damaging of the flag of the United States with the intent to provoke imminent violence or a breach of the peace in circumstances where the provocation is reasonably likely to succeed. In *Chaplinsky* v. *New Hampshire* (1942), the Supreme Court upheld the constitutionality of laws that prohibit expression calculated and likely to cause a breach of the peace. Writing for a unanimous Court, Justice Frank Murphy explained that such "fighting" words "are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."

In *Brandenburg* v. *Ohio* (1969), the Court concluded that the First Amendment is no bar to the punishment of expression "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

In holding flag desecration statutes unconstitutional in *Texas* v. *Johnson* (1989), the Court cast no doubt on the continuing vitality of *Brandenburg* and *Chaplinsky* as applied to expression through use or abuse of the flag. See 491 U.S. at 409–410.

Section 3(a) falls well within the protective constitutional umbrella of *Brandenburg* and *Chaplinsky*. It prohibits only expressive uses of the flag that constitute "fighting" words or are otherwise intended to provoke imminent violence and in circumstances where the provocation is reasonably likely to occasion lawlessness. The section is also sufficiently specific in defining "flag of the United States" to avoid the vice of vagueness. The phrase is defined to include any flag in any size and in a form commonly displayed as a flag that would be perceived by a reasonable observer to be a flag of the United States. The definition is intended to prevent circumvention by destruction or damage to virtual flag representations that could be as provocative to an audience as mutilating the genuine article. Any potential chilling effect on free speech caused by inherent definitional vagueness, moreover, is nonexistent because the only type of expression punished by section 3(a) is that intended by the speaker to provoke imminent lawlessness, not a thoughtful response. The First Amendment was not intended to protect appeals to imminent criminality.

Section 3(a) also avoided content-based discrimination which is generally frowned on by the First Amendment. It does not punish based on a particular ideology or viewpoint of the speaker. Rather, it punishes based on calculated provocations of imminent violence through the destruction or damage of the flag of the United States that are reasonably likely to succeed irrespective of the content of the speaker's expression. Such expressive neutrality is not unconstitutional discrimination because the prohibition is intended to safeguard the social interest in order, not to suppress a particular idea. See *F.C.C.* v. *Pacifica Foundation*, 438 U.S. 726, 744–746 (1978).

I would welcome the opportunity to amplify on the constitutionality of section 3(a) as your bill progresses through the legislative process.

Very truly yours,

BRUCE FEIN,
Attorney at Law.

[Memorandum]

To: Interested parties.

From: Robert S. Peck, Esq.; Robert M. O'Neil, professor, University of Virginia Law School; Erwin Chemerinsky, Legion Lex Professor of Law, University of Southern California.

Re S. 1335, the Flag Protection and Free Speech Act of 1995.

Date: November 7, 1995.

This memorandum will analyze the constitutional implications of S. 1335, the Flag Protection and Free Speech Act of 1995. As its name implies and the legislation states as its purpose, S. 1335 seeks "to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes." S. 1335, 104th Cong., 1st Sess. §2(b) (1995). This memorandum concludes that the bill conforms to constitutional requirements in both its purpose and its provisions.

It would be a mistake to conclude that S. 1335 is unconstitutional simply because the U.S. Supreme Court invalidated the Flag Protection Act of 1990 in its decision in *United States* v. *Eichman*, 496 U.S. 310 (1990). In this decision, as well as its earlier flag-desecration opinion, the Court specifically left open a number of options for flag-related laws, including the approach undertaken by S. 1335. The Court reiterated its stand in its 1992 cross-burning case, indicating that flag burning could be punishable under circumstances where dishonoring the flag did not comprise the gist of the crime (*R.A.V.* v. *City of St. Paul*, 112 S.Ct. 2538, 2544 (1992)).

Unlike the 1990 flag law that the Court negated, S. 1335 is not aimed at suppressing non-violent political protest; in fact, it fully acknowledges that constitutionally protected right. In contrast, the Flag Protection Act, the Court said, unconstitutionally attempted to reserve the use of the flag as a symbol for governmentally approved expressive purposes. S. 1335 makes no similar attempt to prohibit the use of the flag to express certain points of view. Instead, it both advances a legitimate anti-violent purpose while remaining solicitous of our tradition of "uninhibited, robust, and wide-open" public debate (*New York Times* v. *Sullivan*, 376 U.S. 254, 270 (1964)).

Moreover, the statute is sensitive to, and complies with several other constitutional considerations, namely: (1) it does not discriminate between expression on the basis of its content or viewpoint, since it avoids the kind of discrimination condemned by the Court in *R.A.V.*; (2) it does not provide opponents of controversial political ideas with an excuse to use their own propensity for violence as a means of exercising a veto over otherwise protected speech, since it requires that the defendant have a specific intent to instigate a violent response; and (3) it does not usurp authority vested in the states, since it does not intrude upon police powers traditionally exercised by the States. Each of these points will be discussed in greater detail below.

One additional point is worth noting. Passing a statute is far preferable to enacting a constitutional amendment that would mark the first time in its more than two centuries as a beacon of freedom that the United States amended the Bill of Rights. Totalitarian regimes fear freedom and enact broad authorizations to pick and choose the freedoms they allow. The broadly worded proposed constitutional amendment follows that blueprint by giving plenary authority to the federal and state governments to pick and choose which exercises of freedom will be tolerated. On the contrary, American democracy has never feared freedom, and no crisis exists that should cause us to reconsider this path. Because the Court has never said that Congress lacks the constitutional power to enact a statute to prevent the flag from becoming a tool of violence, a statute—rather than a constitutional amendment—is an incomparably better choice.

I. S. 1335 PUNISHES VIOLENCE OR INCITEMENT TO VIOLENCE, NOT EXPRESSIVE CONDUCT

The fatal common flaw in the flag-desecration prosecution of Gregory Lee Johnson, whose Supreme Court case started the controversy that has led to the proposed constitutional amendment, and the subsequent enactment by Congress of the Flag Protection Act of 1989 was the focus on punishing contemptuous views concerning the American flag (*Eichman*, 496 U.S. at 317–19; *Texas* v. *Johnson*, 491 U.S. 397, 405–07 (1989)). In both instances, law was employed in an attempt to reserve use of the flag for governmentally approved viewpoints (i.e., patriotic purposes). The Court held such a reservation violated bedrock First Amendment principles in that the government has no power to "ensure that a symbol be used to express only one view of that symbol or its referents." (Id. at 417.)

Johnson had been charged with desecrating a venerated object, rather than any of a number of other criminal charges that he could have been prosecuted for and that would not have raised any constitutional issues. Critical to the Supreme Court's decision in his case, as well as to the Texas courts that also held the conviction unconstitutional, was the fact that "[n]o one was physically injured or threatened with injury." 491 U.S. at 399. The Texas Court of Criminal Appeals noted that "there was no breach of the peace nor does the record reflect that the situation was potentially explosive." *Id.* at 401 (quoting 755 S.W.2d 92, 96 (1988)). Thus, the primary concern addressed by S. 1335, incitement to violence, was not at issue in the *Johnson* case. The *Eichman* Court found the congressional statute to be indistinguishable in its intent and purpose from the prosecution reviewed in *Johnson* and thus also unconstitutional.

In reaching its conclusion about the issue of constitutionality, the Court, however, specifically declared that "[W]e do not suggest that the First Amendment forbids a State to prevent 'imminent lawless action.'" *Id.* at 410 (quoting *Brandenburg* v. *Ohio*, 395 U.S. 444, 447 (1969)). In *Brandenburg*, the Court said that government may not "forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." 395 U.S. at 447. It went on to state that "[a] statute which fails to draw this distinction impermissibly intrudes upon the freedoms guaranteed by the First and Fourteenth Amendments. It sweeps within its condemnation speech which our Constitution has immunized from government control." *Id.* at 448.

S. 1335 merely takes up the Court's invitation to focus a proper law on "imminent lawless action." It specifically punishes "[a]ny person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace." S. 1335, at §3(a). The language precisely mirrors the Court's *Brandenburg* criteria. It does not implicate the Constitution's free-speech protections, because "[t]he First Amendment does not protect violence." *NAACP* v. *Claiborne Hardware Co.*, 458 U.S. 886, 916 (1982).

More recently, the Court put it this way: "a physical assault is not by any stretch of the imagination expressive conduct protected by the First Amendment." *Wisconsin* v. *Mitchell*, 113 S.Ct. 2194, 2199 (1993). Under the Court's criteria, for example, a symbolic protest that consists of hanging the President in effigy is indeed protected symbolic speech. Although hanging the actual President might convey the same message of protest, a physical assault on the Nation's chief executive cannot be justified as constitutionally protected expressive activity and could constitutionally be singled out for specific punishment. S. 1335 makes this necessary distinction as well, protecting the use of the flag to make a political statement, whether pro- or anti-government, while imposing sanctions for its use to incite a violent response.

Courts and prosecutors are quite capable of discerning the difference between protected speech and actionable conduct. Federal law already makes a variety of threats of violence a crime. Congress has, for example, targeted for criminal sanction interference with commerce by threats or violence, 18 U.S.C. §1951, (1994), incitement to riot, 18 U.S.C. §2101, tampering with consumer products, 18 U.S.C. §1365, and interfering with certain federally protected activities. 18 U.S.C. §245. S. 1335 fits well within the rubric that these laws have previously occupied. It cannot be reasonably asserted that S. 1335 attempts to suppress protected expression.

II. S. 1335 DOES NOT UNCONSTITUTIONALLY DISCRIMINATE ON THE BASIS OF CONTENT OR VIEWPOINT

The Supreme Court has repeatedly recognized that "above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Department* v. *Mosley*, 408 U.S. 92, 95 (1972). On this basis, the Court recently invalidated a St. Paul, Minnesota ordinance that purported to punish symbolic expression when it constituted fighting words directed toward people because of their race, color, creed, religion or gender. Fighting words is a category of expression that the Court had previously held to be outside the First Amendment's protections. *Chaplinsky* v. *New Hampshire*, 315 U.S. 568, 571–72 (1942). In *R.A.V.* v. *City of St. Paul*, 112 S.Ct. 2538, 2543 (1992), the Court gave this statement greater nuance by stating that categories of speech such as fighting words are not so entirely without constitutional import "that they may be made the vehicles for content discrimination unrelated to their distinctively proscribable content." Explaining this concept, the Court gave an example involving libel: "the government may proscribe libel; but it may not make the further content discrimination of proscribing *only* libel critical of the government." *Id.*

As a further example, the Court said a city council could not enact an ordinance prohibiting only those legally obscene works that contain criticism of the city government. *Id.* As yet another example, the Court stated that "burning a flag in violation of an ordinance against outdoor fires could be punishable, whereas burning a flag in violation of an ordinance against dishonoring the flag is not." *Id.* at 2544. The rationale behind this limitation, the Court explained, was that government could not be vested with the power to "drive certain ideas or viewpoints from the marketplace." *Id.* at 2545 (quoting *Simon & Schuster, Inc.* v. *Members of the N.Y. State Crime Victims Bd.*, 112 S.Ct. 501, 508 (1991)).

No such danger exists under S. 1335. Both the patriotic group that makes use of the flag to provoke a violent response from dissenters and the protesters who use the flag to provoke a violent response from loyalists are subject to its provisions. A law that would only punish one or the other perspective would have the kind of constitutional flaw identified by the Court in *R.A.V.* Moreover, the legislation recognizes, as the Supreme Court itself did ("the flag occupies a "deservedly cherished place in our community," 491 U.S. at 419) that the flag has a special status that justifies its special attention. Similarly, the *R.A.V.* Court noted that a law aimed at protecting the President against threats of violence, even though it did not protect other citizens, is constitutional because such threats "have special force when applied to the person of the President." *Id.* at 2546. The rule against content discrimination, the Court explained, is not a rule against underinclusiveness. For example, "a State may choose to regulate price advertising in one industry but not in others, because the risk of fraud is in its view greater there." *Id.* (parenthetical and citation omitted).

The federal laws cited earlier that make certain types of threats of violence into crimes are not thought to pose content discrimination problems because they deal with only limited kinds of threats. To give another example, federal law also makes the use of a gun in the course of a crime grounds for special additional punishment. See 18 U.S.C. §924(c). In *Brandenburg*, the Court found that a Ku Klux Klan rally at which guns were brandished and overthrow of the government discussed remained protected free speech. Because guns were used for expressive purposes in *Brandenburg* and found to be beyond the law's reach there does not mean that the law enhancing punishment because a gun is used during the commission of a crime unlawfully infringes on any expressive rights.

The gun law makes the necessary constitutional distinctions that the Court requires, and so does S. 1335's concentration on crimes involving the American flag rather than protests involving the flag. S. 1335 properly identifies in its findings the reason for Congress to take special note of the flag: "it is a unique symbol of national unity." §2(a)(1). It notes that "destruction of the flag of the United States can occur to incite a violent response rather than make a political statement." §2(a)(4). As a result, Congress has developed the necessary legislative facts to justify such a particularized law.

In its only post-*R.A.V.* decision on a hate-crimes statute, the Court upheld a statute that enhanced the punishment of an individual who "intentionally selects" his victim on the basis of race, religion, color, disability, sexual orientation, national origin or ancestry. *Wisconsin* v. *Mitchell*, 113 S. Ct. 2194 (1993). A fair reading of the Court's unanimous decision in that case supports the conclusion that the Court would not strike down S. 1335 on *R.A.V.* grounds. In *Mitchell*, the Court concluded that the statute did not impermissibly punish the defendant's "abstract beliefs," *id.* at 2200 (citing *Dawson* v. *Delaware*, 112 S. Ct. 1093 (1992)), but instead spotlighted conduct that had the potential to cause a physical harm that the State could properly proscribe. S. 1335 similarly eschews ideological or viewpoint discrimination to focus on the intentional provocation of violence, a harm well within the government's power to punish.

III. S. 1335 DOES NOT ENCOURAGE A HECKLER'S VETO

First Amendment doctrine does not permit the government to use the excuse of a hostile audience to prevent the expression of political ideas. Thus, the First Amendment will not allow the government to give a heckler some sort of veto against the expression of ideas that he or she finds offensive. As a result, the Court has observed, "in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide 'adequate breathing space' to the freedoms protected by the First Amendment." *Boos* v. *Barry*, 485 U.S. 312, 322 (1988). Any other approach to free speech "would lead to standardization of ideas either by legislation, courts, or dominant political or community groups." *Terminiello* v. *Chicago*, 337 U.S. 1, 4 (1949). Thus, simply because some might be provoked and respond violently to a march that expresses hatred of the residents of a community, that is insufficient justification to overcome the First Amendment's protection of ideas, no matter how noxious they may be deemed. See, e.g., *Collin* v. *Smith*, 578 F.2d 1197 (7th Cir.), Cert. denied, 436 U.S. 953 (1978).

The Supreme Court's flag-burning decisions applied this principle. In *Johnson*, the state of Texas attempted to counter the argument against its flag-desecration prosecution by asserting an overriding governmental interest; it claimed that the burning of a flag "is necessarily likely to disturb the peace and that the expression may be prohibited on this basis." 491 U.S. at 408 (footnote omitted). The Court rejected this argument on two grounds: (1) no evidence had been submitted to indicate that there was an actual breach of the peace, nor was evidence adduced that a breach of the peace was one of Johnson's goals; *Id.* at 407, and (2) to hold "that every flag burning necessarily possesses [violent] potential would be to eviscerate our holding in *Brandenburg* [that the expression must be directed to and likely to incite or produce violence to be subject to criminalization]." *Id.* at 409.

S. 1335 avoids the problems that Texas had by requiring that the defendant have "the primary purpose and intent to incite or produce imminent violence or a breach of the peace, . . . in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace." S. 1335, at §(a)(a). If Texas had demonstrated that Johnson had intended to breach the peace and was likely to accomplish this goal, Johnson could have been convicted of a crime for burning the U.S. flag. Texas, however, never attempted to prove this.

Moreover, S. 1335 does not enable hecklers to veto expression by reacting violently because it requires that the defendant have the specific intent to provoke that response, while at the same time taking away any bias-motivated discretion from law enforcers. The existence of a scienter requirement and a likelihood element is critical to distinguishing between a law that unconstitutionally punishes a viewpoint because some people hate it and one that legitimately punishes incitement to violence.

IV. S. 1335 IS CONSISTENT WITH FEDERALISM PRINCIPLES

Earlier this year, the Supreme Court held that the Gun-Free School Zones Act of 1990, 18 U.S.C. §922(q)(1)(a) unconstitutionally exceeded the power of Congress to regulate commerce. *United States* v. *Lopez*, 63 U.S.L.W. 4343 (1995). In doing so, the Court reaffirmed the original principle that "the powers delegated by the [] Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." *Id.* at 4344 (quoting The Federalist No. 45, pp. 292–293 (C. Rossiter ed. 1961) (James Madison)).

S. 1335 respects these principles by directing its sanctions only at preventing the use of the national flag to incite violence, preventing someone from damaging an American flag belonging to the United States, or damaging, on federal land, an American flag stolen from another person. Each of these acts have a clear federal nexus and remain properly within the jurisdiction of the federal government. Moreover, the bill concedes jurisdiction to the states wherever it may properly be exercised. S. 1335, at §3(a)(d).

V. CONCLUSION

S. 1335 is carefully crafted to avoid constitutional difficulties by being solicitous of federalism and freedom of speech by focusing on incitement to violence. By doing so, it meets all constitutional requirements.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, October 23, 1995.

To: Hon. Robert F. Bennett (Attention: Lisa Norton).

From: American Law Division.

Subject: Constitutionality of flag desecration bill.

This memorandum is in response to your request for a constitutional evaluation of S. 1335, 104th Congress, a bill to provide for the protection of the flag of the United States and free speech and for other purposes.

Briefly, the bill would criminalize the destruction or damage of a United States flag under three circumstances. First, subsection (a) would penalize such conduct when the person engaging in it does so with the primary purpose and intent to incite or produce imminent violence or a breach of the peace and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace.

Second, subsection (b) would punish any person who steals or knowingly converts to his or her use, or to the use of another, a United States flag belonging to the United States and who intentionally destroys or damages that flag. Third, subsection (c) punishes any person who, within any lands reserved for the use of the United States or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person and who intentionally destroys or damages that flag.

Of course, the bill is intended to protect the flag of the United States in circumstances under which statutory protection may be afforded. The obstacle to a general prohibition of destruction of or damage to the flag is the principle enunciated in *United States v. Eichman*, 496 U.S. 310 (1990), and *Texas v. Johnson*, 491 U.S. 397 (1989), that flag desecration, usually through burning, is expressive conduct if committed to "send a message," and that the Court would review limits on this conduct with exacting scrutiny; legislation that proposed to penalize the conduct in order to silence the message or out of disagreement with the message violates the First Amendment speech clause.

Rather clearly, subsections (b) and (c) would present no constitutional difficulties, based on judicial precedents, either facially or as applied. The Court has been plain that one may not exercise expressive conduct or symbolic speech with or upon the property of others or by trespass upon the property of another. *Eichman*, supra, 496 U.S., 316 n., 5; *Johnson*, supra, 412 n. 8; *Spence v. Washington*, 418 U.S. 405, 408–409 (1974). See also, *R.A. v. City of St. Paul*, 112 S.Ct. 2538 (1992) (cross burning on another's property). The subsections are directed precisely to the theft or conversion of a flag belonging to someone else, the government or a private party, and the destruction of or damage to that flag.

Almost as evident from the Supreme Court's precedents, subsection (a) is quite likely to pass constitutional muster. The provision's language is drawn from the "fighting words" doctrine of *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942). That case defined a variety of expression that was unprotected by the First Amendment, among the categories being speech that inflicts injury or tends to incite immediate violence. Id., 572. While the Court over the years has modified the other categories listed in *Chaplinsky*, it has not departed from the holding that the "fighting words" exception continues to exist. It has, of course, laid down some governing principles, which are reflected in the subsection's language.

Thus, the Court has applied to "fighting words" the principle of *Brandenburg v. Ohio*, 395 U.S. 444 (1969), under which speech advocating unlawful action may be punished only if it directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Id., 447. This development is spelled out in *Cohen v. California*, 403 U.S. 15, 20, 22–23 (1971). See also *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 928 (1982); *Hess v. Indiana*, 414 U.S. 105 (1973).

A second principle, enunciated in an opinion demonstrating the continuing vitality of the "fighting words" doctrine, is that it is impermissible to punish only those "fighting words" of which government disapproves. Government may not distinguish between classes of "fighting words" on an ideological basis. *R.A.V. v. City of St. Paul*, 112 S.Ct. 2538 (1992).

Subsection (a) is drafted in a manner to reflect both these principles. It requires not only that the conduct be reasonably likely to produce imminent violence or breach of the peace, but that the person intend to bring about imminent violence or breach of the peace. Further, nothing in the subsection draws a distinction between approved or disapproved expression that is communicated by the action committed with or on the flag.

In conclusion, the judicial precedents establish that the bill, if enacted, would survive constitutional attack. Subsections (b) and (c) are more securely grounded in constitutional law, but subsection (a) is only a little less anchored in decisional law.

Because of time constraints, this memorandum is necessarily brief. If, however, you desire a more generous treatment, please do not hesitate to get in touch with us.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

Mr. MCCONNELL. I know my colleagues and their allies who support the constitutional amendment are motivated by the highest ideals and principles.

I share their reverence for the flag and the values and history it represents. But even a constitutional amendment won't succeed in coercing proper respect for the flag. It will, however, do damage to the Constitution and the cause of freedom.

After all, is that not what the flag signifies—freedom? That is what it signifies.

Who can forget the pictures of the fall of the Berlin Wall, as nation after nation of Eastern Europe threw off the shackles of communism for freedom? The American flags flying over our embassies in the countries behind the Iron Curtain held the hopes and dreams of those subjugated under communism.

Spreading freedom is uniquely our American creed. In our history, we have seen freedom triumph over our colonial forbearers, over the slave holders, over the Fascists and over the dictators.

To narrow the Bill of Rights, even in the name of the flag and patriotism, constricts freedom and would reverse the 200-year American experiment with freedom that has made our Nation the envy of the world.

Let us not give flag-burners—the miscreants who hate America and the freedom we cherish—more attention than they deserve. Do not let these few scoundrels with nothing better to do than burn our flag chase freedom from the shores of America.

I urge adoption of my statutory alternative to punish those who desecrate the flag, rather than a constitutional amendment that strikes at the heart of our most cherished freedoms.

So, Mr. President, in all likelihood, we will be voting on this amendment sometime either Monday or Tuesday, depending on whether a unanimous-consent agreement is entered into. I hope that the amendment will be given serious consideration by the Senate as an alternative approach which clearly would meet constitutional standards to amending the Constitution.

Mr. President, on another matter, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

BURMA

Mr. MCCONNELL. Mr. President, last week, in yet another remarkable act of courage, Daw Aung San Suu Kyi announced her party, the National League for Democracy, will not participate in the constitutional convention called by the State Law and Order Restoration Council, SLORC.

As many who have followed Burma in recent years know, remaining true to the people who elected her and the NLD in 1990, Suu Kyi declared,

> A country which is drawing up a constitution that will decide the future of the state should have the confidence of the people.

a standard SLORC clearly does not and cannot meet.

In fact, SLORC has already stacked the constitutional deck against the NLD and Suu Kyi. Convention participants have been forced to accept guidelines that will preserve a leading role for the military in Burma's political life and would exclude anyone married to a foreigner from assuming the office of president. As we all know, this would prevent Suu Kyi from assuming the position she was elected in 1990 to fulfill since she is married to a British scholar.

Mr. President, at the end of my comments, I will insert two articles which appeared on November 30 in the Washington Post and the New York Times regarding the current situation in Burma—there is no question that the decision to boycott has increased the level of tension in Rangoon. SLORC has now charged Suu Kyi and her supporters as engaging in confrontational politics, but, as Suu Kyi is quick to point out:

> What they have termed confrontational is that we have asked for dialogue, which we want in order to prevent confrontation. To silence the views of people whose opinions are different by putting them in prison is far more confrontational.

Let me assure my colleagues that Suu Kyi's understanding of the deteriorating situation in Burma is not a lonely minority view. Last week the United Nations, once again, took up the question of Burma's political and human rights record. Once again, the Special Rapporteur, Dr. Yokota, issued a report which few may actually read, but it is a powerful voice for the thousands and thousands of Burmese citizens who continue to suffer at the hands of SLORC.

Let me briefly tick off the observations made in the report.

In describing the constitutional convention, Dr. Yokota noted that in spite of his efforts to meet privately with political leaders who still planned to participate in the process, SLORC would only permit visits supervised by SLORC officials. He stated in unequivocal terms, the National Convention "is not heading toward restoration of democracy."

While the Special Rapporteur welcomed the release of Suu Kyi and three other senior officials, he criticized the continued imprisonment of several hundred political prisoners and the complex array of security laws allowing SLORC sweeping powers of arbitrary arrest and detention—authority that they continue to use—I might argue abuse—weekly.

Yokota also condemned the severity of court sentences without regard to fair trials, access to defense lawyers or any consideration of proportionality between offense and punishment. After sentencing, he drew attention to the fact that conditions in prisons are impossible to monitor because SLORC continues to stonewall the International Red Cross Committee and its request for access to detention sites.

In his March 1995 report, Dr. Yokota confirmed that military officials have carried out arbitrary killings, rape, torture, forced portage, forced labor, forced relocation, and confiscation of private property—each and every act a violation of international law. In this month's report he indicates that the pattern continues and as before, takes place most frequently in border areas where the Army is engaged in military operations or where regional development projects are taking place. He added:

> Many of the victims of such atrocious acts belong to ethnic national populations, especially women, peasants, daily wage earners and other peaceful civilians who do not have enough money to avoid mistreatment by bribing officials.

Dr. Yokota paints a grim portrait of Burma today—a picture which stands at odds with the one the international business community would have us see.

A few months ago, in my office, I listened as the chairman of a large American oil company eager to do business with SLORC denounced as rumors and gossip the idea that the SLORC was engaged in any forced relocations related to his project. I respectfully suggest this month's U.N. report rises above the gossip standard.

Mr. President, I share the concerns raised by the U.N. Rapporteur. Let me stress to my colleagues that he is not reporting on a situation that has changed for the better since Suu Kyi's release, but one which is growing progressively worse.

Mr. President, I have taken the time to come to the floor to discuss these events because I am deeply disturbed by twin developments—a major campaign by American companies to enhance the political legitimacy of SLORC even as SLORC attempts to crush the fledgling democracy movement inside Burma.

In recent weeks, many United States businesses have engaged in an aggressive campaign to persuade the public that SLORC is worth doing business with because like Vietnam and China, Burma can be improved through economic engagement.

I think it is important to draw a key distinction. Unlike China and Vietnam, Burma held legitimate elections and chose a leader, Aung San Suu Kyi. The elections by all accounts were free, fair, and 7 million people made their views absolutely clear.

I must confess, I was appalled by a recent study produced by the National Bureau for Asian Research which suggested these results were essentially irrelevant. The report said, Suu Kyi was:

> Obviously sincere, but it remains to be seen how successful she will be in her attempts and whether her supporters are helping her attain a position of leadership.

Insult was added to injury when the report stated:

> Even assuming the time may come when she does have a say in how the country is governed, it is an open question of how well equipped she is for such responsibilities, and to what extent she would be able to rely on experienced technocrats and administrators.

These assertions are outrageously offensive. To imply she is incapable of leading her nation offends every citizen who voted for her and more importantly stands in stark contrast to her record. Suu Kyi has conducted herself with dignity and courage uncommon in this century.

The Burmese people voted—they, like Suu Kyi, have earned our respect and support. The fact that the results were rejected by a handful of ruthless, self serving generals does not undermine the validity of the elections or the outcome.

When recently pressed by a representative of the U.N. Secretary General to engage in a dialog with Suu Kyi, SLORC officials dismissed the request point out, Suu Kyi was now:

> An ordinary citizen, that in 1990 there were as many as 230 political parties with which it would be impossible to establish dialogue and it would thus not be even handed to single out any one of them.

Well, she is the one they elected.

Two hundred and thirty political parties did not carry the elections—the National League for Democracy and Suu Kyi did. She has earned the right to negotiate a timetable for the restoration of democracy for her people. It is her right and our obligation as the beacon of democracy to support that effort.

To make the argument that the United States should resign itself to dealing with SLORC to bring about change, compromises the very core of beliefs that define our history and guide this Nation.

We do not yield to vicious dictators—we do not abandon those who strain against the barbed wire shackles of repression.

It absolutely sickens me that any respectable academic organization—for that matter any American company—would suggest that economic opportunity and political expediency should impel the United States to accept SLORC as the representatives of the Burmese people.

It is not just the campaign that is being waged here at home to enhance SLORC's political credentials that has brought me to the floor of the Senate. I am also concerned about recent events in Burma.

Not only has SLORC repeatedly and publicly rejected Suu Kyi's call for a dialog on national reconciliation, last week a senior official threatened to annihilate anyone who attempted to endanger the military's rule. This week, the noose tightened a little more and Suu Kyi was directly threatened. The official military newspaper called Suu Kyi a traitor who should be annihilated.

Rhetoric has been matched by an increased willingness to restrict Suu Kyi's role. In October, the National Democracy League voted to reinstate Suu Kyi as General Secretary along with a slate of other officials. In yet another effort to work peacefully with SLORC, the NLD submitted the leadership list to the junta for approval.

SLORC rejected the results as illegal and refused to recognize Suu Kyi's position. Is it any wonder her party has decided they cannot participate in the constitutional convention process?

Last week—like every week since her release—thousands of people gathered outside Suu Kyi's home to listen to her speak. Each Saturday and Sunday spontaneous crowds have made the pilgrimage to her compound and left inspired by her courage, her confidence, and her commitment to their freedom and future. It is a crowd described in the U.N. report and in news accounts as large and peaceful with a sense of purpose and discipline.

Unfortunately, 2 weeks ago, there was a sharp change in the SLORC's tolerance for these gatherings. In an apparent attempt to restrict access to Suu Kyi, police began to erect barricades around her home. I understand three young student supporters were arrested when they tried to intervene. According to Dr. Yokota's report, corroborated by newspaper stories, the three were charged and sentenced 2 days later to 2 years imprisonment.

These arrests were followed by another ominous development. When the NLD announced it would not participate in the constitutional convention, the party's senior officials woke up to find their homes surrounded by armed soldiers.

Democracy activists are not suffering in Burma alone. Last week nine members of the New Era newspaper staff were detained in Thailand. The New Era is an underground newspaper with wide circulation inside Burma—apparently being caught with a copy results in immediate arrest. Bowing to pressure from SLORC, in anticipation of an upcoming visit by a senior junta official, Khin Nyunt, Thai officials apparently have detained the New Era journalists—including a 71-year-old editor and his 65-year-old wife.

Reports from activists inside and outside Burma suggest a broad crack down on democratic activists is imminent. I hope this is not true and urge the administration to make clear United States opposition to any such actions. However, the evidence suggests there is credible reason to be concerned.

It is clear that the fledgling democracy movement in Burma is under siege. I find the words of Suu Kyi's fellow democrat, NLD Vice Chairman U Tin O, chilling. On Wednesday night, after the boycott announcement, six soldiers surrounded his home and another soldier now follows him everywhere.

A political prisoner for years, the 68-year-old vice chairman said with a wan smile, "We have no worries at all. I have been in prison before. They can detain me, do whatever they want. This is not a democratic country. We have to face some costs for the legitimate rights of a democracy."

It is my hope he, Suu Kyi and the NLD will not bear the costs alone or for long.

Mr. President, in the near future the United Nations will take up a resolution regarding Burma. I have been advised that the United Nations will, once again, condemn the human rights and political situation in clear and compelling terms. I commend Ambassador Albright for her efforts to assure our support for Suu Kyi and democracy in Burma are spelled out in the resolution.

However, for more than a year the administration has argued Burma and SLORC has a choice—they must immediately improve their human rights record and move promptly to open the political process or they will face further international isolation. I agree, but my definition of prompt and immediate seems to differ with theirs.

I think we have given SLORC ample time to make a decision. Given recent events, it is clear they have no intention to relax their ruthless grip on power.

So in conjunction with the U.N. resolution it is my intention to introduce bipartisan sanctions legislation. I encourage my colleagues to support this effort as I see no other way to support Suu Kyi and the restoration of democracy in Burma.

There is no question that sanctions and further isolation of SLORC is an initiative she supports. Indeed, once again this week Suu Kyi denounced the increase in foreign investment and urged companies to wait until democracy has been restored before bringing business to Burma.

Mr. President, I ask unanimous consent that the article, which included her remarks, be printed in the RECORD and that the Yokota report and Amnesty International report on the current situation be printed along with that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 30, 1995]

BURMESE OPPOSITION TO BOYCOTT JUNTA'S CONVENTION

(By Philip Shenon)

RANGOON, BURMA.—Defying the military government, Aung San Suu Kyi, the Burmese opposition leader, announced Wednesday that her political party would boycott a military-run convention to draw up a new constitution for Burma.

The move was Mrs. Suu Kyi's most direct challenge to the junta since she was freed in July after spending nearly six years under house arrest.

"The people of Burma are very united in thinking that the national convention is not heading toward democracy," the Nobel Peace Prize winner said in announcing the boycott. "I do not think there is as yet any evidence that the people of Burma support this national convention."

In a letter delivered Tuesday, the party informed the government of its decision to boycott the convention, which reopened this week after a seven-month recess, in protest over the junta's refusal to open negotiations with the party over Burma's political future.

In a response published Wednesday in a government-run newspaper, the junta accused the leaders of the party, the National League for Democracy, of trying to disrupt the national convention in hopes of replacing it "with a convention they would be able to dominate as they like."

The party's decision to boycott the constitutional convention was "totally forsaking and going against the national interests," the military statement warned.

The government also deployed uniformed soldiers to the homes of three senior party members. The soldiers allowed residents of the houses to come and go, but foreign diplomats reported widespread rumors that a wing of Insein Prison, the local penitentiary used to hold political prisoners, had been cleared out in recent days to make space for many of Mrs. Suu Kyi's followers.

The boycott by Mrs. Suu Kyi and her party removes any veneer of legitimacy from the convention, which was organized by the military two years ago to enshrine its political role in the Burmese government.

The junta, which calls itself the State Law and Order Restoration Council, has refused to honor the results of elections in 1990 won overwhelmingly by the National League for Democracy. Mrs. Suu Kyi, the Oxford-educated daughter of Burma's independence hero, Gen. Aung San, was under house arrest at the time of the voting.

Since her release in July, Mrs. Suu Kyi has called repeatedly for negotiations with the junta, saying she is anxious to avoid any possibility of a repetition of the violence that occurred in 1988, when thousands of her supporters were gunned down in a military crackdown that led to her house arrest the next year.

"We do not want to call the people onto the streets, and we have no intention of calling the people into the streets," she said at a news conference Wednesday in her lakeside garden. "We have always said that we are prepared to have dialogue at any time."

But the generals have not responded to her pleas, pushing ahead instead with a stage-managed constitutional convention in which delegates, mostly handpicked by the military, are drafting a constitution that guarantees the military a permanent role in Burmese politics.

As a result of her boycott, the 86 seats allotted to the National League for Democracy were empty in the convention hall Wednesday, the second day of the current session.

"The authorities did not at any time show any willingness to talk to the National League for Democracy as the winning party of the 1990 elections," Mrs. Suu Kyi said. "They keep saying that the national convention is a substitute for dialogue. I do no think they can say that any longer."

Plainclothes soldiers have been stationed outside Mrs. Suu Kyi's house since her release—and at her request, which is seen by diplomats as a clever move since it allows Mrs. Suu Kyi to blame the military if a public disturbance outside her home should get out of hand.

But there was no request by the party for the uniformed soldiers who suddenly appeared outside the homes of three of her senior party colleagues on Tuesday night, hours after the National League for Democracy informed the government of its boycott.

Western diplomats said they feared that the junta might try to arrest some of the party's senior members on charges of inciting public disorder because of the boycott.

The party's vice chairman and one of its founders, U Tin Oo, said in an interview that six uniformed soldiers had appeared outside his home Tuesday night, and that he had been tailed by another soldier as he traveled through the city Wednesday.

"But we have no worries at all," he insisted with a confident smile. "I have been in prison before. They can detain me, do whatever they want. This is not a democratic country. We have to face some costs for the restoration of the legitimate rights of a democracy."

[From the Washington Post, Nov. 30, 1995]

BURMESE OPPOSITION LEADER SNUBS JUNTA'S CONSTITUTION TALKS

(By Doug Fine)

RANGOON, BURMA.—Using the backdrop of a government-sponsored constitutional convention as a forum for stepping up opposition to the country's military rules, Nobel Prize-winning opposition leader Aung San Suu Kyi said today that Burma is not headed on the path of democracy.

Four and half months after her release from house arrest by the ruling State Law and Order Restoration Council, Aung San Suu Kyi addresses increasingly large crowds each weekend afternoon from the gate of her home near Rangoon University.

But in a news conference and talk today at her fenced-in compound, she revealed that her National League for Democracy, which overwhelmingly won elections in 1990 that the military refused to recognize, has notified government officials that the party would not participate in the constitutional deliberations. The military government hopes the convention will legitimize its rule by forging an "enduring state constitution."

Insisting that the military first open a dialogue with her party, which it has refused to do, Aung San Suu Kyi said, "A country which is drawing up a constitution that will decide the future of a state should have the confidence of the people.

Her party's boycott has resulted in a palpable increase in tension in Rangoon. Party leaders discovered security forces stationed outside their homes when they awoke today, a day after the convention opened.

Despite the tense atmosphere and the chaotic presence at her house of dozens of convention delegates barred from attending the convention, Aung San Suu Kyi took time to outline her views on democracy, the goal of her political movement, which has taken on new life since her release.

"With 7 million votes for the party in 1990," she said, "the views of the people are very clear. They want a constitution that will defend their basic rights."

Despite considerable corruption and a thriving black market, Aung San Suu Kyi insisted that Burma is adequately prepared for democracy and maintained that its absence is responsible for the corruption.

"This country was a democracy once from independence in 1948 until a 1962 military coup, and our situation then was very much better than it is now," she said. "The Burmese people are disciplined and receptive if you explain what is wanted of them and why."

Aung San Suu Kyi was placed under house arrest in 1989, a year after the military instituted a crackdown on her supporters that resulted in thousands of deaths. Many of her associates are still in prison. She won the Nobel Peace Prize in 1991 for her democracy campaign. Since her release from confinement in July, she has repeatedly called for reconciliation and dialogue among democratic forces, ethnic groups and her military foes.

Reponding to the military's charges that her party's methods are confrontational, Aung San Suu Kyi reacted angrily. "What they have termed 'confrontational' is that we have asked for a dialogue, which we want in order to prevent confrontation. To silence the views of people whose opinions are different by putting them in prison is far more confrontational.

Yet the move to boycott the constitutional convention is likely to be viewed as a provocation by the regime, which observers said could widen the gulf between government and opposition. The regime says Burma will become a multi-party democracy after the new constitution is drafted, but it has not provided a timetable.

Aung San Suu Kyi, however, said the boycott was necessary. "They won't even talk to us," she said with a laugh. "How could the gulf be widened? It can only be narrowed."

As for the military's intentions in convening the constitutional convention, one Western embassy official, reflecting a widely held view, said, "The path which seems to be one chosen would lead to the drafting of a constitution which calls for transition that ensures civilian rule on the front end, with continued real authority being held indefinitely by the military."

One of the guidelines for the proposed constitution guarantees a "leading role" for the military in politics, and another bans anyone married to a foreigner from assuming the office of president. Aung San Suu Kyi is married to Michael Aris, a British academic.

She has continued to talk of compromise. "We have always said we want to talk over our differences to find an answer that's acceptable to everyone," she said. "We have never closed any doors and are open to any discussions which might result in what's best for Burma's people."

Aung San Suu Kyi insists that her party has no timetable for transition to democracy, and she avoids being locked into any one scenario by saying that the situation is so prone to change.

But Burma is very much at a crossroads now. After years of sealed borders and international ostracism, the government is actively seeking investment, tourism and political legitimacy.

Aung San Suu Kyi, who has been outspoken in urging foreign investors to "jolly well wait" before bringing business into the country, said, "Luxury hotels do not mean a developed Burma."

Her photogenic presence, Oxford education, revered lineage—her father was the hero of Burma's independence—and her absence from Burma during the 1970s and '80s, which distanced her from factional infighting within the democrats' diverse coalition, make her a magnet for Burma's discontented.

Encounters in Burma's remote interior confirm her widespread support. A shop owner in Yaunghwe, in Shan State, made sure the coast was clear and proudly showed off a T-shirt picturing Aung San Suu Kyi with her quote, "Fear is a habit. I am not afraid," on the back. A Buddhist monk in Mandalay, flipping through an English guidebook, came across her photo and exclaimed, "Do you know who this is? Do you? This is our national heroine."

STATEMENT OF MR. YOZO YOKOTA, SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS ON THE SITUATION OF HUMAN RIGHTS IN MYANMAR TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY

Mr. President, I am here before you for the fourth time since the creation of my mandate by the Commission on Human Rights in March 1992. And, for the fourth time, I have the duty to bring to your attention any progress made toward the restoration of democracy and protection of human rights in Myanmar.

Mr. President, in the interim report which is brought before your Assembly, I provided on the basis of the information received a summary of allegations reported to have occurred in Myanmar during this last year. This include; summary executions, arbitrary detention, torture and forced labour. On purpose, I did not draw any conclusions or recommendations in my interim report. To do so, I found it necessary, in accordance with Commission on Human Rights and General Assembly resolutions, to establish or continue direct contact with the Government and people of Myanmar in order to verify the information received and to analyze its content. To my regret, however, such direct contacts in the form of a visit to Myanmar and Thailand were not possible before the deadline for the submission of the interim report.

Mr. President, at the invitation of the Government of Myanmar by a letter of the Minister for Foreign Affairs dated 28 September 1995, I undertook a visit to the Union of Myanmar from 8 to 17 October 1995. From 17 to 20 October 1995, I visited and met with some Myanmar ethnic minorities in Thailand, along the Thai/Myanmar border, to ascertain the situation of human rights within Myanmar for these ethnic minorities namely: Karenni, Shan and Karen.

While in Yangon, my office, accommodation and local transport were provided by the UNDP Office in Myanmar, to which I wish to express my deep gratitude.

Mr. President, I wish to note with special gratitude that the Government of Myanmar facilitated the visit, including the travel within Myanmar to Kachin State in Myitkyina and Eastern Shan State in Kyaingtone and to Myitkina and Insein prisons, and extended me many courtesies.

During this visit, I was received by a number of high-level government officials including Lieutenant General Khin Nyunt, Secretary One of the State Law and Order Restoration Council (SLORC), the Deputy Minister of Foreign Affairs, the Chief Justice, the Minister for Information, the Minister for National Planning and Economic Development, the Minister for Home Affairs and other high level authorities.

During my stay in Yangon, I also had the opportunity to meet twice with Dow Jung San Suu Kyi at her private home. Former NLD Chairmen U Kyi Maung and U Tin Oo, the actual Chairman and other NLD representatives were also present.

During these meetings, I enjoyed a frank, open and lengthy exchange of views which touched upon most issues of concern for restoration of democracy and respect of human rights in Myanmar. I was informed about the new composition of the Executive Committee of the National League for Democracy which is as follow: U Aung Shwe as Chairman; U Kyi Maung and U Tin Oo as Deputy Chairmen, Daw Aung San Suu Kyi as General-Secretary and U Lwin as Secretary.

According to NLD leaders only peace, public order and dialogue may lead to democratization. Therefore, as a mature political party, NLD does not want to return to the situation which was prevailing in 1988 or to act in vengeance. As a responsible political party, NLD is able to control its supporters. Their only aim is to promote a genuine dialogue with the Government of Myanmar.

While in Myanmar, I also had the opportunity to see the representatives of the three political parties participating in the National Convention, namely, the Union Kayene League, the National League for Democracy and the National Unity Party. In spite of my strong and repeated requests to meet with them in private at my office in the UNDP compound in Yangon. I regret to say that, this year again, the meetings with these political leaders were arranged to take place at a Government guest house. The location and atmosphere were not conducive to a free and unencumbered exchange of views.

With regard to the detention of political prisoners, I must express my disappointment that this year, despite a formal written request before going to Myanmar and despite my repeated requests while in Myanmar, I was not permitted to see any such prisoner neither in Isein prison nor in Myitkina Jail.

With regard to the National Convention. I was not able to observe its meetings because it was not in session when I visited Myanmar this time. However, information from reliable sources indicates that it is not heading towards restoration of democracy, I am particularly disappointed to learn that the Government has not yet distributed the Myanmar language version of the Universal Declaration of Human Rights to all delegates to the National Convention.

At the completion of my visit to Myanmar, I proceeded from 17 to 20 October 1995, to Thailand, to visit displaced persons from Myanmar in the area of Mae Hong Son and Mae Sariang, where, I established or continued contact with the people of Myanmar living in camps. Let me also take this opportunity to express my deep gratitude to the Government of Thailand who facilitated my visit to the camps.

Mr. President, I now wish to summarize my observations on the human rights situation in Myanmar on the basis of the allegations received, my recent visit to that country and Thailand and of the information received from various sources, including the Government officials and people of Myanmar, staff members of the United Nations and other specialised agencies, staff members of active human rights and humanitarian non-governmental organizations, foreign government officials, journalists, scholars and students.

Since there has been no time to study carefully the information and documents collected during my visits to Myanmar and Thailand, these observations will have to be still preliminary in nature. The full account of my findings, observations and recommendations will be reflected in my final report to the Commission on Human Rights, which I intend to submit at the beginning of next year.

PRELIMINARY OBSERVATIONS

First of all, there are some developments which may lead to improvements in human rights situation in that country.

a. The Government of Myanmar continued to release political prisoners in 1995 although the exact number could not be verified. I was particularly pleased to note that among these released detainees were two prominent political party leaders from the National League for Democracy, U Kyi Maung and U Tin Oo, the latter of whom I met in Insein Prison in 1993 and 1994.

I have also welcomed with great satisfaction the announcement, made on 10 July 1995, that restrictions on Daw Aung San Suu Kyi were lifted by the Government of Myanmar and that she has been released. I am particularly pleased to note that she was released without conditions and is now free to meet with people and free to travel within the country.

b. Since the release of Daw Aung San Suu Kyi, a crowd of two to three thousand people is gathering every weekend, Saturdays and Sundays, outside the gate of her residence to hear what Daw Aung San Suu Kyi and other leaders say. During my visit to Myanmar, I witnessed personally one of these gatherings. The atmosphere was peaceful and the crowd of supporters were disciplined. To my knowledge none of these meetings had disorder. To my knowledge none of the supporters was threatened or arrested for having attended such meetings.

Yet, I have to state that last week, on Saturday 18 November among the crowd which gathered that day to listen to Daw Aung San Suu Kyi's speech, I have been informed by reliable sources that three NLD members were arrested for having intervened with the police who was erecting barricades in front of her house. According to the information received, the three persons were charged with assaulting a police officer and were reportedly sentenced two days later to two years imprisonment. Although I have no details of the trial proceedings, it would appear that the accused could not possibly mount an effective defense with regard to the legal and factual basis for the arrest and incarceration in such a short period of time.

c. Cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) is continuing and more than 190,000 Myanmar refugees out of estimated total of about 250,000 have so far been repatriated from neighbouring Bangladesh.

d. The Government is expanding cooperation with various other United Nations bodies and specialised agencies such as UNDP, UNICEF and UNDCP. Year after year, the work of the humanitarian non-governmental organizations is slowly expanding. Now, these organisations are allowed to implement programmes outside Yangon and able to reach out grass-root people who suffer from shortage or lack of food, safe water, medicine, medical care and proper education.

e. In cities like Yangon, Myitkyina and Kyaningtone, I observed that there were visible signs of relaxation of tension in the life of the people. It seems that people generally enjoy normal life. There were many consumer goods in market places where many shoppers crowded. Physical developments in the construction or improvement of roads, bridges, buildings and railways are taking place throughout the country and in some border areas. However, just as last year, I was informed that only a small portion of the population enjoy the improved life and the majority who were poor rather suffered from higher prices of basic necessity goods such as rice and medicine.

f. On the particular question of forced labour, I was informed during my recent mission to Myanmar that the SLORC had issued a "secret directive" to discourage the practice of forced labour. I am hopeful that this directive would be implemented rigorously.

g. As Special Rapporteur, I welcome the signature of several cease-fire agreements between the Government of Myanmar and different ethnic minorities. This is without doubt a positive step towards peace. Needless to say, such agreements should be faithfully respected by both parties.

Mr. President, in spite of these developments. I have the duty to state that there are still many restrictions on fundamental freedoms and serious violations of human rights continuing in Myanmar.

a. As mentioned above, I welcome the recent release of a number of political prisoners. However, I remain concerned about the fact that there are still more than several hundred persons imprisoned or detained for reasons of political activities. I am also concerned about the prevalence of a complex array of security laws which allow the Government sweeping powers of arbitrary arrest and detention These laws include the 1950 Emergency Provisions Act, the 1975 State Protection Law, the 1962 Printers and Publishers Registration Law, the 1923 Official Secrets Act and the 1908 Unlawful Association Act.

Various articles in these laws continue to be used in combination to prosecute a number of individuals who were exercising their rights to freedom of expression and association. The combination of charges under these laws included ones such as writing and distributing what were described as "illegal leaflets, spreading false information injurious to the state" and "contact with illegal organisations". I understand that due to such laws and other SLORC orders, the activities of the political parties, particularly the NLD, are severely restricted.

b. Severe court sentences for some political leaders have been reported and confirmed. Information from reliable sources indicates that there are problems in the field of the administration of justice with regard to fair trials, free access to defense lawyers, proportionality between the acts committed and the punishment applied and time for careful examination of the case by courts.

c. The non-acceptance by Myanmar of ICRC's customary procedures for visits for places of detention is a negative step towards amelioration of their conditions.

d. There are still cases of torture, arbitrary killings, rapes, and confiscation of private property according to testimony and evidence acquired by me. They seem to be taking place most frequently in border areas by military soldiers in the course of military operations, forced relocations and development projects. Many of the victims of such atrocious acts belong to ethnic national populations, especially women, peasants, daily wage earners and other peaceful civilians who do not have enough money to avoid mistreatment by bribing.

e. I am gravely concerned at the continued reports of forced porterage, forced labour, forced relocation which are still occurring in border areas where the Army is engaged in military operations or where "regional development projects" are taking place.

PRELIMINARY RECOMMENDATIONS

a. As Special Rapporteur, I urge the Government of Myanmar to sign and ratify the Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the Optional Protocol to the Covenant on Civil and Political Rights, as well as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

b. The Government of Myanmar should comply with the obligations under the International Labour Organization (ILO) Convention No. 29 prohibiting the practice of forced portering and other forced labour.

c. Myanmar law should be brought into line with accepted international standards regarding protection of the physical integrity rights. Among these international standards are the right to life, prohibition of torture, providing humane conditions for all persons under detention and insurance of the minimum standards of judicial guarantees.

d. The Government of Myanmar should take steps to facilitate and guarantee enjoyment of the freedoms of opinions, expression and association, in particular by decriminalizing the expression of oppositional views, relinquishing government control over the media and literary and artistic community, and permitting the formation of independently organized trade unions.

e. All persons including elected political representatives, students, workers, peasants, monks and others arrested or detained under martial law after the 1988 and 1990 demonstrations or as a result of the National Convention, should be tried by a properly constituted and independent civilian court in an open and internationally accessible judicial process. If found guilty in such judicial proceedings, they should be given a just sentence; alternatively, they should be immediately released and the Government refrain from all acts of intimidation, threats or reprisals against them or their families.

f. As Special Rapporteur. I recommend the Government of Myanmar to repeal or amend as appropriate the relevant provisions which at present prevent the ICRC from carrying out its humanitarian activities as regards the prison visits. In this regard, I encourage the Government of Myanmar, in a spirit of humanitarian goodwill, to re-invite the presence in Myanmar of the International Committee of the Red Cross in order to carry out their purely humanitarian tasks.

g. The Government of Myanmar should publicize the "secret directive" which discourage the practice of forced labour. This will indicate and the will of the Government of Myanmar to effectively prohibit and suppress forced labour. Moreover, wide dissemination of the existence of the directive would promote awareness that forced labour is neither condoned nor tolerated.

h. The Government of Myanmar should without delay resume its dialogue with Daw Aung San Suu Kyi.

i. As Special Rapporteur. I call upon the Government of Myanmar to resolve peacefully its difficulties with ethnic minorities and to take all appropriate measures to ensure respect for human rights and humanitarian obligations in the situation of armed conflicts between the Myanmar Army and the armed ethnic groups.

j. The Government of Myanmar should distribute copies of the Universal Declaration of Human Rights in Myanmar language to all delegates to National Convention which is to be reconvened tomorrow. 28 November 1995. Such action would indicate to the international community the willingness of the Government to bring the relevant provisions of the domestic laws, in particular the new Constitution to be eventually enacted into conformity with international human rights standards.

Mr. President, I have analyzed these allegations and have made some recommendations strictly in terms of the international human rights obligations which Myanmar has freely undertaken. I am particularly thinking of the fact that Myanmar is a Member of the United Nations and is therefore bound to respect the human rights standards emanating from the United Nations Charter. I believe the Government of Myanmar should, and has the ability, to fulfill in good faith the obligations it has assumed.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I come to the floor to speak on Senate Joint Resolution 31, the proposed resolution that would present to the States the opportunity to amend the U.S. Constitution for the 20th time. It is a very straightforward, simple proposal that I believe is not necessary and would, indeed, create an environment that would produce, potentially, the opposite of that which we seek to produce, or at least, as I hear, proponents of this amendment are seeking to produce—and that is, that our people have at least one symbol that they respect, that we have a unifying symbol, which is our flag, and that the flag creates, as a consequence of our reverence for it, a sense of national purpose, at least in that one instance.

This proposal, Mr. President, I believe, is well intended in that regard. If I were to identify the thing that troubles me the most about our country today, it is the question of whether or not we are developing the kind of personal character that is needed for the Nation to have the courage and the strength to respond to whatever may happen to us in the future. That kind of individual character development requires a considerable amount of effort and attention not just on the part of young people who are working to acquire it, but adults who are working to try to help them. I note, in particular, that this proposal is a top priority of the American Legion and Veterans of Foreign Wars and the several other service organizations. In both the VFW and American Legion's cases, they have as a top priority as well working with young people to help them acquire the capacity to be good citizens, to respect their country, to respect their flag, to respect their role in a free and independent nation and the requirements that fall to us as individuals in a free and independent nation.

The loss of respect for not just the flag but for many other things in our country today troubles not just members of the Legion but troubles almost anybody who is an observer of American life today.

I know a couple of days ago, Senator LIEBERMAN and Senator NUNN, along with former Secretary of Education Bill Bennett, made a public presentation of proposals to try to deal with the deterioration in the quality of presentations made on daytime broadcast television.

I listened a couple weeks ago to Senator NUNN on the floor go through some things being broadcast on daytime television, and I had a feeling I was on a different planet. Most of us in this body probably do not watch much daytime television, and it was shocking to hear the sorts of things that were being not just discussed, but offered as being OK, offered as being acceptable, offered as being sort of a legitimate kind of behavior.

This deterioration in the quality of our character is a great concern. I see it as a principal motivator behind what I consider, as I said, to be a well-intended proposal.

Mr. President, one of the things I think citizens should understand as we consider this constitutional amendment is that our flag is already protected. You cannot burn or desecrate our flag. If it is a flag that I own personally, you cannot desecrate my flag. You certainly cannot desecrate a flag that you and I own. That is our flag. A flag flying over Iwo Jima, the flag that flies at half-mast today around the Washington Memorial, flags at cemeteries, flags that we own. That is our flag. You cannot desecrate that. It is a violation of current law to desecrate in any fashion, to approach in any fashion that would be desecration of our flag under current law.

What this legislation proposes to do is say not only are we going to protect our flag, we are going to protect someone else's flag from us.

If an individual in their home, for example, has a flag in their home and a law is passed, say, in the State of Nebraska, as I think it probably would be, saying that desecration of a flag is a violation of the law, someone could call up and report and say, "Gee, I saw my neighbor do something with the flag in their home and I think it is a violation of law. I think what they were doing with their flag in the home is a violation of the law, and I think you should investigate and make sure they are not desecrating their own flag inside of their home."

Mr. President, I genuinely believe this is going to set off and create the very sort of division and the very sort of problem that we seek to avoid.

I think it is, again, a well-intended constitutional amendment, but I for one do not look forward to an opportunity where the people of this country are debating at the local level whether or not it is a desecration of our flag to have someone sewing the flag on their pants. It may end up being if you are driving down the highway going from, say, California to Florida, it may be legal to have a pair of pants with a flag on it in California; it may be illegal in Texas or Mississippi or vice versa.

One may have to get from AAA information about what the various flag ordinances are from State to State. I think that will, rather than causing us to deepen our respect for the flag and using it as a symbol to inspire us—not just us as adults but to help us inspire our young people to consider the sacrifices that have been made under that rather glorious symbol—rather than inspiring us, it is apt to cause us to deteriorate into an argument that, frankly, I view as something that will produce a negative, not a constructive, result.

This constitutional amendment does not protect our flag. Our flag is already protected. What this does is say it will extend the protection of our flag to the protection of somebody else's flag that they have in their home in any way, shape or form. It will set off a debate about whether or not the Government has the right to come in, and if it is somebody else's property, take action to protect all of us or what they might be doing with their flag.

The next thing I say, Mr. President, if the flag was not revered, as it clearly is, if it did not set off such a strong emotional reaction, I think a majority of Americans who have experienced in some fashion people giving of themselves—if not giving of their lives—as a consequence of being inspired by that flag, if it was not already revered, if there really was a threat to our flag, you would see a substantial amount of instances out there where people were, as a part of expressing their anger with their country or as part of expressing their anger with something that their Congress is doing or that their Government has done to them, they would be setting the flags on fire. They are not.

The reason they are not is that they know there is a taboo that you are breaking, that you are violating something holy, and if you are trying to score a point, if you are trying to persuade somebody of your point of view, the last thing you want to do is to take a flag that belongs to you and desecrate it in any fashion, or let it traipse along the ground, trample it in any way, disrespect the flag at all.

Mr. President, again, I know if the answer is no to this constitutional amendment, that Members are going to have to explain to citizens at home or to organizations at home, why are you not simply allowing us to express the will of the people? Why do you not just let the Constitution be amended?

The clearest answer I can give is that I genuinely believe that this constitutional amendment will produce less respect for the flag, not more respect for the flag. It will make the flag an object of political controversy. We ought to use the flag to educate our young people, rather than telling them that they have to respect the flag at birth without explaining why, without talking to them and giving them the evidence that many of us as adults already have that causes us to tear up and feel emotional around the flag, rather than taking the time and saying: This is what the cold war was. This is what we did in World War I. There were 50 million people under arms in World War I, and 8 million men died in World War I. This is what happened in World War II. This is what men and women of this country did in the Second World War. This is what our fighting people did, as well, in Korea, to stop the Communists from coming down from the North. This is what we did in Vietnam.

Even as controversial and as difficult as it was, there was a movement, a desire to give the people of Vietnam freedom. Did it come off the tracks? Was it loused up? Yes. But people like myself who volunteered, who served, did so because we believed in freedom. That is what the flag does stand for. We should not require somebody to respect it by passing a law saying, If you violate the law, we will punish you. We should bring them into our presence and say: Understand what character is all about. You do not have character if your behavior is willful. You have character if your behavior is obedient—obedient to your parents, obedient to your church, to your synagogue, obedient to your country. That is what character requires us to do.

If we simply pass a law and say you have to respect the flag, in my judgment, what we are going to do is turn the flag into a political instrument. We are going to diminish its value. We should use it as an object lesson when we are debating the budget, for example, when we are debating anything that requires us to put ourselves on the line, to take risks, to take a chance for freedom, to take a chance for someone else, to say: Rather than just taking care of myself, I am going to take care of somebody else.

The description of the young people—and they were all in their late teens and early twenties, several hundred thousand men who landed on the beaches of Normandy 51 years ago—if you hear that story, and I had the chance last year to hear it told in detail by men now in their seventies who were on that landing, who went on that voyage, there was no guarantee. Indeed, many arguments were given that this thing was going to be a failure. People well informed, leaders with great knowledge believed that it would fail, that it would not be successful.

The sea conditions that day were rough. They got sick on the voyage to France, and they were terrified of the prospect of being killed by German artillery and German weapons. They knew that their lives could end the minute they stepped off of that landing craft. They knew that was a possibility.

That is what we should do when it comes to the flag. When it comes time for talking to our young people, teach them why they should respect the flag. The reason why is that these men who serve and women who serve our country today are saying, We are going to be obedient to this country. We are going to follow orders because we believe that there is a moral principle at stake here, and that principle is giving ourselves to someone else, sacrificing for someone else, paying attention, being considerate, being willing to do things that are good for somebody else, rather than simply trying to figure out how to stick it to them, how to make them look bad, how to make them feel bad as well.

The flag will not be a symbol that inspires us if we require respect, if we say to our young people: Now, we just amended our Constitution. Now we have a law on the books.

There was no law on the books in 1941 when this Nation was attacked by the Japanese at Pearl Harbor. We did not require that of Americans, and say: Under penalty of the police coming into your home, if you desecrate our flag we are somehow going to take action against you. We knew what it meant to be patriotic. We knew that this Nation's freedom was at risk and this world's freedom was at stake and responded as a consequence.

I have talked to many members of the Legion, the VFW, the DAV, the Vietnam veterans, American veterans, and many other veterans and citizens of Nebraska who say: Just let us amend our Constitution. Just let us pass a law. Let us do this. That is all we are asking, is for the opportunity to do it.

I have to say I am not just sympathetic with that view, I believe I understand it. I understand what they are trying to do. They are concerned about the loss of respect. They are concerned about the loss of respect, not just for the flag—where, in fact, it may be one of the icons left in America where there is automatic respect—but the loss of respect for parents, the loss of respect for our leaders, the loss of respect for institutions, the loss of respect for one another; the unwillingness to be considerate, the unwillingness to be obedient, the deterioration in the value of serving someone else, of risking your life for someone else's freedom.

I understand and believe it is a great challenge for this country to try to build character one person at a time, to say that we are going to reach to our youth and inspire them with a narrative of this country, the stories of this country. The sacrifice that led us to where we are today should cause anyone who pays attention to the history of the United States of America to say that our flag deserves the reverence that this constitutional amendment is attempting to give it with the force of law.

It should be the force of our knowledge, the force of our conscience, the force of our willingness to give it back in kind that causes us to revere this flag, not the force of the police in our local community, not the force that we are afraid something bad is going to happen to us if we desecrate the U.S. flag.

I hope when it comes time to vote that at least 34 Members of this body will vote against this constitutional amendment, not because we believe that the flag should not be revered, not because we are not concerned for the loss of respect for it and other institutions in this country, but for precisely the opposite reason. I hope this debate does not lead us down the road to converting the flag into a political object, which I deeply believe it will if we amend our Constitution.

I hope we take some stock of ourselves, we read a recent assessment that was done about what our young people and our adults know about the history of this country, where we came from, how it was we got to where we are today. We see a daunting challenge ahead of us. Far too many Americans do not know how it is that we got to where we are today. Far too many Americans still believe that freedom is somehow free, that it is our birthright, and that we need do nothing to remain free. It is ours; we have a right to it; we can do whatever we want with it. We can act and behave in a willful fashion. We do not have to regard at all the feelings or lives not only of other people in our presence, but our future as well.

I know the challenge that this constitutional amendment presents to colleagues is a rather substantial one. You fear you are going to be accused of not being in favor of protecting our flag if you vote against it. I hope, as I said, 34 Members will at least stand on this floor sometime next week when it comes up and say that because we respect this flag of ours, because we believe that it should be revered, because we believe that Americans should make the choice, the personal choice based upon a personal and active knowledge of what this flag represents, that they will say we do not need a law to cause us to behave in the fashion that we know is right. We do not need to amend our Constitution to get us to respect Old Glory.

UNANIMOUS-CONSENT AGREEMENT

Mr. MACK. Mr. President, I ask unanimous consent the following amendments be the only amendments in order to Senate Joint Resolution 31, and they must be offered and debated during Monday's session of the Senate: McConnell, relevant substitute; Hatch, two relevant amendments; Biden, relevant; Feinstein, relevant; Hollings, two relevant amendments.

I further ask that at 9 a.m. on Tuesday, December 12, there be 1 hour 40 minutes for closing debate, to be equally divided in the usual form, and the votes occur on or in relation to the amendments beginning at 2:17 p.m., with the first vote limited to the standard 15 minutes and all remaining stacked votes limited to 10 minutes in length, with 2 minutes for debate prior to the votes for explanation to be equally divided in the usual form.

I further ask unanimous consent that following the disposition of the amendments, the joint resolution be read for a third time and a final vote occur immediately without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. In light of this agreement, there will be no rollcall votes during Monday's session of the Senate and any votes ordered with respect to amendments and the final vote will occur beginning at 2:17 p.m. on Tuesday, December 12, 1995.

Mr. SHELBY. Mr. President, I strongly support Senate Joint Resolution 31, which amends the Constitution to protect the flag of the United States from those who would desecrate it.

The American flag is a national symbol of the values this country was founded on. Many Americans have fought and died to defend these values and this country. It is an insult to these patriots, their relatives, and all other citizens who hold this country dear, to burn or desecrate the symbol of our nation and our freedom.

I certainly support the right of all citizens to freedom of speech, but that right has never been absolute in our country. That's why there are laws against libel, slander, perjury, and obscenity. Similarly, our freedom of political expression is also limited. No one can legally deface the Supreme Court building or the Washington Monument, no matter how much he or she might wish to protest a particular government policy or law. The American flag, as the symbol of all the great values this country stands for, deserves special protection under the Constitution. It simply is not necessary to commit an act of violence against this flag to register protest against the government. Passage of Senate Joint Resolution 31 will help ensure our national symbol receives the respect and protection it deserves.

Again, Mr. President, I offer my strong support for Senate Joint Resolution 31 and I urge my colleagues to support it as well.

Mr. COATS. Mr. President, today we consider a constitutional amendment which allows States to enact laws to protect the American flag. I am cosponsor of this amendment and I strongly believe that it is necessary to render this protection to the most important symbol of our Nation.

The debate about the flag began in 1989 when the Supreme Court curiously determined that it was perfectly legal to burn the American flag as a form of political speech. This ruling led to shock and outrage from all across the United States. Congress immediately took action, passing a statute setting penalties for anyone who physically desecrates the flag. The Supreme Court ruled again that the Federal statute was unconstitutional, violating the first amendment.

Unfortunately, the Senate failed to pass a constitutional amendment to protect the flag. Today, however, we are very near this goal, with 56 cosponsors to the amendment.

The amendment reads simply "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

I feel an overwhelming mixture of regret and thanks—which is the substance of patriotism—when I consider the sacrifice of so many for the sake of America. This pride is rooted in one solid and extraordinary fact—the selflessness of thousands of men and women who have given their lives to preserve American freedom.

I believe for the vast majority of Americans the flag intrinsically represents this pride. Americans do not blindly follow traditions. But we do care deeply about symbols—particularly that one symbol of ideas and values for which men and women have sacrificed and died in every generation. To desecrate the flag, I believe, is to desecrate the memory and make light of their sacrifice.

Justice Stevens writing in dissent to the 1989 Supreme Court decision said:

> So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of nature that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations. The symbol carries its message to dissenters both at home and abroad who may have no interest at all in our national unity or survival.

There is a type of patriotism that is held so deeply that if finds expression in concrete things like a patriot's crippled body—or in bits of colored cloth. For men who have risked death in service of a flag it is more than just a symbol, it is sacrifice you can hold in your hand—or trample underfoot in contempt.

Men and women who we ask to die for a flag have a right to expect that flag to be respected by those who benefit from their sacrifice. It is part of the compact we make with those who will serve. At the time of the Supreme Court decision, it was the law in 48 States. Since that time, 49 State legislatures have called for a constitutional amendment to prohibit physical desecration of the flag. No other amendment in our history has had the same degree of support in State legislatures.

Tolerance is an important thing in a free and diverse society. Agreement must never be a prerequisite for civility. But tolerance can never be rooted in the view that nothing is worth outrage because nothing is worth our sacrifice.

In Chief Justice Rehnquist's stinging dissent to the court decision, labeled flag burning as "conduct that is regarded as evil and offensive to the majority of people—in a category with—murder, embezzlement or pollution." The Court's ruling, he noted, "found that the American flag is just another symbol, about which not only must opinions pro and con be tolerated, but for which the most minimal public respect may not be enjoined. The Government may conscript men into the Armed Forces where they must fight and die for the flag, but the Government may not prohibit the public burning of the banner under which they fight."

Yes, we must be tolerant but we must never adopt and enervating and cowardly disdain that strips us of patriotic conviction and dulls our ability to be offended by the desecration of vital symbols. "In the world it is called tolerance," wrote author Dorothy Sayers, "but in hell it is called despair * * * the sin that believes in nothing, cares for nothing, enjoys nothing, finds purpose in nothing, lives for nothing, and remains alive because there is nothing for which it will die."

Mr. FORD. Mr. President, yesterday we marked the bombing of Pearl Harbor. Many of us can still remember the gripping of our hearts 54 years ago today, as the realization spread over us that nothing would ever again be quite the same. Yet, I think it is fair to say that there is already a whole generation of Americans who have no grasp of the meaning World War II has for so many of us. Young people who might never hear a parent or a grandparent tell of the time they felt their commitment to a way of life being tested, of a time they could finally close their eyes and rest, knowing an important fight had been won on the world stage.

But when those same young people turn their eyes toward this country's flag, I know they understand that in its fabric was woven the dramas of thousands of battles fought on the shores of foreign lands and over the lunch counters or Main Streets of our own home towns.

There are many good reasons for protecting the unique symbol of the American flag, from the basic liberties it represents to the promise of a better future it holds out. But some of the greatest reasons for protecting the flag lie in its ability to bind one generation to the next in their love and respect for this country, so that even as the memories of yesterday's battles begin to fade, the importance of what they secured continues to hold fast in our hearts.

A flag that flies proudly in this country serves as a reminder of how war can change the course of a life, of a nation, of a world, so that even individuals who were never there, who might never have heard the stories, recognize that those hours of destruction and suffering have altered the future irrevocably, and that their own liberty was a hard won prize.

It follows then that a desecrated flag mocks the millions who have reached out or fought for all that our flag symbolizes, from the basic liberties written into our Constitution to the dreams of a better future for their families.

That's why I believe so strongly that the physical integrity of the American flag must be protected. Back in 1989, the U.S. Supreme Court declared unconstitutional a Texas flag desecration statute, ruling that flag desecration was free speech protected under the first amendment.

In response to that decision, the Senate overwhelmingly passed the Flag Protection Act, which was also declared unconstitutional. The Supreme Court's action made it clear that a constitutional amendment is necessary for enactment of any binding protection of the flag.

Up to this point, neither House of Congress has been able to garner the two-thirds super majority necessary for passage of a constitutional amendment. But because grassroots support for this amendment continues to grow, I've joined with Members on both sides of the aisle to again try passing this amendment. I'm hopeful that this time we'll get the necessary votes.

Clearly no legitimate act of political protest should be suppressed. Nor should we ever discourage debate and discussion about the federal government. The narrowly written amendment gives Congress and the States the "power to prohibit the physical desecration of the Flag of the United States," without jeopardizing those rights of free speech.

On July 14, 1861 a Union soldier wrote his last letter to his wife. He said:

> My courage does not halt or falter. I know how American civilization now bears upon the triumph of the government and how great a debt we owe to those who went before us through the blood and suffering of the Revolution, and I am willing, perfectly willing, to lay down all my joys in this life to help maintain this government and pay that debt.

Today, our task here in the Senate seems trivial in comparison. But if we want the flag that hangs in school rooms, over courthouses, in sports stadiums and off front porches all across America, to continue symbolizing that same commitment to country, then it is a challenge we cannot fail to meet.

Mr. President, I urge my colleagues to join me in voting in favor of this important legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I see present the distinguished Senator from Ohio on the floor, and I just wish to inform him that I will only be speaking for about 2 or 3 minutes.

Mr. President, I am a cosponsor of the flag protection constitutional amendment, and I am privileged to join my colleagues in cosponsoring this very important piece of legislation.

It is of tremendous interest to the constituents of the State of Virginia, and particularly those who are members of the American Legion and the VFW—both organizations I am privileged to be a member of—and other service organizations. I want to salute their contribution and support toward this legislation.

Today, as I move about the Halls of the U.S. Senate, I have had the opportunity to meet members of those service organizations who come here today to speak to Members and otherwise encourage the strongest support for this legislation. I salute them.

Those who have been privileged to wear the uniform of our country have a constant—what I call—trustee relationship to that flag, a very special trustee relationship.

I served briefly in World War II in the U.S. Navy, and then for a second period of active duty service in the U.S. Marines during the Korean war with a brief period of service in Korea. I have always looked upon those opportunities as a privilege. I would not be a U.S. Senator today had it not been for the training that I received both in the U.S. Navy and in the U.S. Marine Corps. I have always felt that my duty here as a U.S. Senator as one to pay back—particularly those young men and women now wearing the uniform of our country—all that I have received by way of not only education but the first lessons of what leadership means.

I served my country very humbly—never to be added to the columns of those who served with great valor. But I did volunteer twice to do my duty, as others saw fit.

That is all a part of what we are incorporating in the support of this resolution because those of us who served remember so well the many friends that marched with us, or flew with us, or sailed with us—whatever the case may be—who paid the ultimate price, many others who came back with loss of limb and still bear the scars of war.

So I wish to pay special recognition to all and to speak in a very humble manner on their behalf and thank them for their contribution in making possible this legislation and what I hope will be the adoption by the Senate.

I yield the floor.

Mr. GLENN. Mr. President, to take up the issue before us on a constitutional amendment regarding the flag is a very difficult thing to do. The different expressions on the floor are certainly ones to consider whether people are for the amendment or against the amendment. It is very difficult because the feelings run so deep in both directions. I do not know whether there is anyone who is still on the fence with regard to their views on this matter.

Until today, I have not said much about this. I talked about it in the Chamber several years ago when we had the issue before us. But I think people who have very deep feelings on this can have their feelings and we respect those feelings. I do not quarrel one iota with people on the other side of the aisle who have their feelings for whatever reason. But I do think there is a danger here. I think the danger is that the flag does not need the protection in this argument. What needs protection is really the Bill of Rights, from those who would look at it rather superficially from my view.

So until today, I have tended to hold my tongue and have kept my peace about this issue before us because it is no fun being attacked or being labeled as unpatriotic or a friend of flag burners. And I can assure you that I am neither simply because I have doubts about the wisdom of a constitutional flag burning amendment. I am not taking the floor to speak about this issue, as I say, because some of our feelings about the flag are difficult to discuss. Feelings run very deep and very strong. Let me make a few things very clear up front.

We all, of course, love the flag, and I would say nobody in this Chamber or this country loves our flag more than I do. We all can make that same statement on the floor. I fought hard for this flag through two wars and representing the country in the space program, and so on. I am both honored and proud that few people in this Nation have been able to take this flag where I took it, at least on the first space flight. That is the first thing I selected when I had a personal preference pack, as they called it, along on the trip. I took along little silk flags so I could give them to my children, and they remain among my children's most cherished possessions to this day.

I also know, more importantly, from my own personal experience that every last fiber, every stitch, every thread in that flag can be looked at as standing for someone who gave their life to defend it. At my age, I can tell you that I probably have more friends buried over in Arlington Cemetery bearing silent witness to our flag as I do bearing public witness to it in the world of the living. Maybe that is why I have so little patience and even less sympathy for those pathetic and insensitive few who would demean and defile our Nation's greatest symbol of sacrifice, the flag of the United States of America.

Those are some of the reasons I have kept silent until now. It is now clear that a legislative alternative to amending our Constitution is probably not going to be possible before we have to vote on this. It is now equally clear that those of us who question the wisdom of watering down our Bill of Rights have no choice but to stand up to the political mud merchants in some respects, from some of the comments that have been made, and to speak out against those who would deal in demagoguery on this issue.

It is now clear that those of us who remember and care deeply about the sacrifices made on behalf of freedom have a special responsibility, and we do, to point out that it would be a hollow victory, indeed, if we preserved the symbol of our freedoms by chipping away at those freedoms themselves. That is the important choice here. Are we to protect the symbol at the expense of even taking a small chance at chipping away at the freedoms that that symbol represents?

On that score, let us be honest with each other and with the American people. The flag is this Nation's most powerful and emotional symbol, and it is. I have been here with Senator KERREY once in the Chamber when he said he thought in Nebraska they did not need this because if somebody started to burn a flag, they would take care of it themselves right then and there and on the spot. And I agree with that. Back home in Ohio, we have almost 11 million people, and I think there are very few, who, if they saw a flag being burned, would not be willing to take action against that person or persons. It is a gut feeling. I feel that same way myself, and I would join into that.

But we have to think a little longer score on this, it seems to me. So the flag is the Nation's most powerful and emotional symbol, and it is our sacred symbol. It is a revered symbol, but it is a symbol. It symbolizes the freedoms we have in this country, but it is not the freedoms themselves. And that is why this debate is not between those who love the flag on the one hand and those who do not on the other, no matter how often the demagogs try to tell us otherwise. Everyone on both sides of the aisle politically within this Chamber and everyone on both sides of this debate loves and respects the flag. The question is how best to honor it, to honor it and what it represents.

Those who made the ultimate sacrifice for our flag did not give up their lives for just a piece of cloth, albeit red, white, and blue, and it had some stars on it. Not just for the flag. They died because of their allegiance to this country, to the values and the rights and principles represented by that flag and to the Republic for which it stands.

Without a doubt, the most important of those values, the most important of those values, rights and principles is individual liberty, the liberty to worship and think, to express ourselves freely, openly and completely, no matter how out of step those views may be with the opinions of the majority. And that is what is so unique about this country of ours—unique among all the nations around this world—Britain, France, you name them, any place where they have democracy, but ours is especially unique in that regard.

That commitment to freedom is encapsulated, it is encoded in our Bill of Rights, perhaps the most envied and imitated document anywhere in the world. The Bill of Rights is what makes our country unique. It is what has made us a shining beacon in a dark world, a shining beacon of hope and inspiration to oppressed peoples around the world for well over 200 years. It is, in short, what makes America America.

You may look back a little bit. You know, the Bill of Rights came into being because the States at that time were not going to approve the Constitution unless we had some of these additional protections included. And so those additional protections that were to be included became known as the Bill of Rights. They are the first series of amendments to the Constitution. Those States were only prepared to accept the Constitution with the understanding that these additional protections for each individual and each individual's rights were incorporated in that Constitution.

That is how the Bill of Rights came to be. The very first item in that Bill of Rights, the first amendment in it to our Constitution has never been changed or altered even one single time. In all of American history, over 7,000 attempts have been made to put amendments through. Just 27 have gotten through, and there was not a single time in all of American history when this was changed, not during our Civil War even, not during the Civil War when passions ran so high and this Nation was drenched in blood like few nations have been throughout their history. That Constitution was not changed. It was not changed during any of our foreign wars. It was not changed during recessions. It was not changed during depressions. It was not changed during scares or panics or whatever happened in this country.

That Bill of Rights has not been changed even during times of great emotion and anger like the Vietnam era, when flags were burned or desecrated far more than they are today. Our first amendment was unchanged, unchallenged, as much as we might have disagreed with what was going on at that time, as abhorrent as we found the actions of a lot of people at that time in their protests against the Vietnam war. But now we are told that unless we alter the first amendment, unless we place a constitutional limit on the right of speech and expression that the fabric of our country will somehow be weakened. Well, I just cannot bring myself to believe that that is the case.

I think once the American people think this issue clear through, I do not think they will buy it, either, whether this passes or not. I do not think the American people will buy it. Once you get past the first gut feeling, if you saw a flag burning, of doing something about it, as I would—so many of the people who visited me in my office the last couple of days would do the same thing—would take action themselves against such activity. Much as that might be the case and satisfying though that might be, I think we have to look at the long term on this, get by the emotion of that moment and think what it is we are dealing with.

What we are dealing with is the Bill of Rights, dealing with that first amendment to the Bill of Rights. We are saying for the first time in our country's 200-year history, we are going to make, albeit maybe just a tiny crack, but it will be a tiny opening that could possibly be followed by others.

That first amendment says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" or the second item, "or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The part we are dealing with today is freedom of speech—freedom of speech. We are talking about freedom of expression. The Supreme Court has held on two separate occasions that no matter how much the majority of us, 99.999 percent of the people of this country disagree, that tiny, tiny, fractional, misguided minority, still under our Bill of Rights they have the right to their expression. Their expression is looked at as coming under that freedom of speech.

You have to look at it from that standpoint. Are we going to even make a tiny opening in changing that first amendment that could be followed on, if we have a tiny, tiny, tiny minority that we do not agree with their religious beliefs, if we have a tiny, tiny, tiny minority that we do not agree with what the press says? There is no body more critical in this whole country of the press than the people in this very room, and me included along with them. We do not like some of the things that happen in the press.

Do we want to open even a tiny, tiny, tiny chance that they might restrict our ability to assemble peaceably? And do we want to take a tiny chance that we would not be able to petition our Government for redress of grievances? Those are the things that are covered in that first amendment, known as the Bill of Rights, along with the other amendments that were incorporated before the Constitution was signed, before it even came into being.

I think there is only one way to weaken the fabric of our country, our unique country, our country that stands as a beacon before other nations around this world. You know when you think about someone burning the flag, I truly do feel sorry for them. I honestly do. My initial gut reaction would be to stomp them, go after them, get them, stop the burning, and so on. It would be a natural reaction that so many people would have as well. I know all the ones that visited my office yesterday, I would not have to ask them to do that same thing.

But that would be one way of showing our unhappiness with these few misguided souls. At the same time we would be taking action against them, I truly would feel sorry for them. Have they never known the feeling inside of looking at that flag and being proud? Have they never been able to apparently work in any way for their country or the military in war or peace, either one, in which they were called to take action for a purpose bigger than themselves?

I say this morning that is one of the most exhilarating things that can ever happen to a man or woman, to be able to represent their country and be called to something, to a purpose bigger than themselves. I feel sorry for people who have never had that experience. It is something you cannot really explain.

We had a parade once I was involved in down on Pennsylvania Avenue and I addressed a joint meeting of Congress down at the other end of the Capitol, and everybody was waving flags out there. Everybody was waving flags. My comment when I opened down there, I said it just meant so much to me to see all the flags waving coming down Pennsylvania Avenue. It made a hard-to-define feeling within that I could not really describe in words, but I hope that we never lose that hard-to-define feeling as a nation, as individuals and a nation. We would be a lesser country if we lost that exhilaration, that feeling of pride when we see a flag and see it displayed and see people's excitement.

But I feel sorry for those people who have never known that feeling. I truly do. There would not be any problem with people burning the flag if everyone had that individual experience. But it is by retreating from the principles that the flag stands for—"principles" underlined 16 times—principles that this flag stands for, that if we retreat from those principles, that will do more damage to the fabric of our Nation than 1,000 torched flags ever could do.

The first amendment—I read it a moment ago—says simply and clearly: "Congress shall make no law * * * abridging the freedom of speech"—freedom of speech. For 200 years, in good times and bad, in times of harmony and times of strife, we have held those words to mean exactly what they say. That "Congress shall make no law"—no law—that will in any way cut back on that freedom of speech, meaning freedom of expression, as the Supreme Court has said.

And now, ostensibly to prohibit something that very rarely happens anyway, we are asked to alter those first amendment words to mean that Congress may make some laws—little ones—some laws restricting freedom of expression.

I know the other side says, "Well, what we're doing is putting this back to the States." They want us to just put it back to the States and let the States decide this. I do not care for that approach.

Let me tell you, we are one Nation, one Nation under God, indivisible. It does not say we are going to split things up and we will treat our flag differently and the Constitution will only apply here, the Bill of Rights only applies one way in one State and a different way in another State. I do not agree with that.

So I do not want to see us make some laws, even tiny laws, even the potential of a tiny little crack in that Bill of Rights that would restrict freedom of expression. I agree with, I believe the man's name is Warner. He is a lawyer here in town. He was in the Marine Corps and prisoner of war. One of his captors brought to him a picture of a flag burning in this country and said, "There, that shows what the people think; that shows that it is no good. See this."

He said, "That is what freedom is all about. That is what expression is all about," or words to that effect. I did not bring his exact words here. He said he was proud of it, and it completely crushed his captor. The fellow did not know how to react to that.

Yet, he was right. We can say that this time this law might be about flag burning. The next form of political expression that we might seek to prohibit would be in the religion area. There are lots of religions today. Splinter groups I do not agree with at all and, I would say, 99.99 percent of the people of the country would not agree with them at all. But do we make any restriction on how they can practice their religion? No.

I do not like a lot of things the press writes today, but do we make any tiny little restriction on the press to pull back on what they can do? Or assemble or petition the Government, the other things that are covered in that first amendment.

So we can say this time the laws would be about flag burning or flag desecration, to use the exact words. But what will the next form of political expression be that we seek to prohibit, if we start a crack that has not occurred, not in the 200-plus year's history of this country?

I do not think there is necessarily a slippery slope out there that if we make this little crack here that everything is going to go downhill from there and away we go and we are going to see freedom of speech restricted, everything else and we do not know where that slide will end. I do not think that will happen, but do we want to take a chance that any misguided group of people in the future would even think about going to that end? And for what? For a threat that, at least in current years, is practically nonexistent?

I had been told there was not a single flag burning this year. I was corrected yesterday, and the people visiting me said they believe there were three they had documented this year. That is one per approximately 90 million people in this country. We are about 260 million, close to 270 million. Even if those are true, and I do not question it. The gentleman who told me seemed to know what he was talking about, so I accept his version of this. But we are talking about one incident out of 90 million people. So I find it a little difficult to think that this is a very major problem at the moment.

But some will ask, is not desecrating the flag obnoxious, abhorrent and offensive to most, and yet it is within our right? You bet. I find it just as obnoxious and abhorrent as any person possibly can, but I try to look beyond that.

I said before, if I was present when somebody started to burn a flag right there, I have no doubt whatsoever I would join the many others here, and the galleries, who would take whatever action to stop it, physical or however we had to do it.

But then you have to think beyond this. Do we want to change the Constitution of the United States and take even a chance of something that is 1-in-a-90 million shot of our citizens doing something like this, if that is the number from this year?

Of course, desecrating the flag is offensive. It is offensive to the vast majority of Americans. Almost everybody. But that is precisely the reason we have a first amendment, to protect the kinds of political expression that are offensive and out of step with majority opinion in this Nation.

The majority opinion said that we should not have civil rights in certain parts of this country. We went ahead with it. That was a much more pervasive problem than this is. But you do not need a first amendment to protect the expression of political views with which everyone else agrees. That is not what we need the first amendment for.

You need the first amendment to protect minority points of view that the vast majority of people disagree with. That is what the protection is all about, and that is what sets this country of ours completely apart from any other nation in the world.

So I think we have to get beyond just the visceral gut reaction of someone burning a flag and think beyond that as to what the implications are if we take action against those poor, misguided souls that I truly do feel sorry for, for reasons I spoke about a moment ago. They deserve to be protected. I may not like it, but they deserve to have their rights protected as much as I deserve to have my rights protected.

So the amendment is to protect minority points of view with which the vast majority of people disagree. Protecting the minority viewpoints against the tyranny of the majority is exactly the point of the first amendment and why the Founders only agreed to approve the Constitution with the understanding that it was to be included.

It has often been said it is possible to detect how free a society is by the degree to which it is willing to tolerate and permit the expression of ideas that are odious and reprehensible to the values of that society. You and I and a majority of our fellow citizens find flag burning and desecration to be vile and disgusting. But we also find Nazis marching in Skokie, IL, or the Ku Klux Klan marching and burning crosses in Selma, AL, to be vile and disgusting. But if the first amendment means anything at all, it means that those cruel and poor misguided souls, many of them I think demented, have a right to express themselves in that manner, however objectionable the rest of us may find their message.

But what about the argument that the first amendment is not and has never been absolute, that we already have restrictions on freedoms of expression and that a prohibition on flag burning would simply be one more? After all, it said freedom of speech does not extend to slander, libel, revealing military secrets or yelling "fire" in a crowded theater. That is true. To the extent that flag burning would incite others to violence in response does not constitute a clear and present danger, and that is what the Supreme Court has said in their language. That is their language. The difference here is whether it is a clear and present danger that we have every right to try to avert.

But this argument misses a key distinction, and that distinction is that all those restrictions on free speech I just mentioned threaten real and specific harm to other people, harm that would come about because of what the speaker said, not because of what the listeners did.

To say that we should restrict speech or expression that would outrage a majority of listeners or move them to violence is to say that we will tolerate only those kinds of expression that the majority agrees with, or at least does not disagree with too much. That would do nothing less than gut the first amendment.

What about the argument that flag desecration is an act and is not a form of speech or expression that is protected by the first amendment? Well, I think that argument is a bit specious. Anybody burning a flag in protest is clearly saying something. They are making a statement by their body language, and what they are doing makes a statement that maybe speaks far, far louder than the words they may be willing to utter on such an occasion.

They are saying something, just the same way as people who picket, or march in protest, or use other forms of symbolic speech are expressing themselves. Indeed, if we did not view flag burners as something we find offensive and repugnant, we surely would not be debating their right to do so.

Let me say a word about something that has gotten short shrift in this debate, something we should consider very carefully before voting on this amendment. I am talking about the practical problems with this amendment. Let us say we pass it, the States pass it, it becomes an amendment, and we change the Constitution. Then what a nightmare we would have enforcing it.

First off, we are going to have 50 different interpretations. There is not going to be just one Nation on the Constitution or on the Bill of Rights anymore. There are going to be 50 little interpretations of what is in that Bill of Rights. I do not want to see that happen.

But if Congress and States are allowed to prohibit the physical desecration of the flag, how precisely are we defining the flag? We do not have an official flag, as such, with an exact size, type, kind of ink, dyes, fabric, and the whole works. There is no official flag, as such. So does this amendment refer to only manufactured flags of cloth or nylon of a certain size or description, such as the ones we fly over the Capitol here and send out? I send out dozens of those every year, and I am very proud to do it. There is no official flag, so what size are we talking about? Does it refer to the small paper flags on a stick we hand out to children at political rallies or stick in a cupcake at a banquet? Those flags are often tossed on the floor or in a garbage can at conclusion of an event. I really do not know. I am asking these questions here.

How about back in 1976 when we had the bicentennial? At that time, they were selling flag bikini swimsuits for women and boxer shorts for men. I remember seeing a rock concert one day, and at that time it was an abhorrent thing to me. The guy is strumming away on his guitar, and all at once he takes his pants off on the stage on that great occasion because he had flag shorts on underneath. How about bikinis? Should we permit flags to be worn as bikinis? We know they get soiled once in a while, too. Think of that. I do not want to use all these improper words in the Senate Chamber, but do we want someone possibly urinating on the flag of the United States, worn as shorts or a bikini? I do not. I find that abhorrent. But are we going to restrict that? I probably would like to restrict that, I can tell you.

How are we going to define this as to what happens? How about the guy who jogs down the street with a flag T-shirt on and becomes drenched with sweat? I do not like that, but is it desecration? He is probably proud that he is wearing the flag.

How about a guy that has an old flag with grease all over it, and he wants to destroy it. You are supposed to burn it to destroy a flag. So he holds it up and he is going to burn it and then he says at the same time, "I am doing this because I do not like the tax bill they passed last year, and I am doing it in protest. I am burning the flag because I do not like what they did in Washington." Are we going to lock him up? Remember, the proper way to destroy a flag that is old or has become soiled is to burn it. But what if he does it in protest? What was his intent? Every lawyer will tell you that the toughest thing to prove is intent.

We could go through example after example after example. We have a postage stamp now that has a flag on it. I was proud when they did that. I wrote a letter complimenting the Postmaster General for that, putting that on every piece of mail going out through the country, to remind people that we have a flag of the United States that stands for something; it stands for principles. What if you take a postage stamp flag and put a match under that thing and it burns up and you say, "There," and you stomp on it? Can you be arrested under the new legislation?

I do not know what the courts would do in a case like that. We can go on with all kinds of examples here of how this would be very difficult to administer, and it would be subject to 50 different interpretations. I might be able to do something in Ohio, and I drive across the Ohio River to Kentucky, West Virginia, or Pennsylvania and the same thing might be illegal. I could be arrested for doing something across the river, if we are going to have 50 different State interpretations along this line.

So I come to the floor today to say that I think—and I regret having to feel that this amendment should and must be defeated, but I really feel that the dangers from it far outweigh the threat that we have to the flag from those 1 in 90 million, if the figures are correct, Americans that have burned a flag in protest this year, as I was told yesterday. I had been told there were no examples this year, but it was corrected, and I was told there were three certified examples of flag burning. That means 1 for every 90 million Americans.

Is this something we need to correct as a major problem for this country with an amendment to the Constitution of the United States of America, which guarantees the freedom of speech and of expression in the Bill of Rights? It was not going to be signed by the States unless that was included. They felt that strongly about protecting the freedom of people to express themselves.

I think history and future generations alike will judge us harshly, as they should, if we permit people who would defile our flag—or whatever disrespect they pay to the flag, whether they were stomping on it, or burning it, or using it as clothing, or whatever—I think future generations will think that they defiled our flag, but we do not want to let them hoodwink us into also defiling our Constitution, no matter how onerous their acts may be. It would be a hollow victory, it seems to me. We must not let those who revile our freedoms and our way of life trick us into diminishing them, or even take a chance of diminishing them.

Mr. President, I do not think we can let the passions of the moment stampede us into abandoning principles for all time. My gut reaction is that if there was a flag burning or desecration here, or somebody showed disrespect for the flag, it would be the same for the Presiding Officer and everyone in this Chamber and all those in the gallery here—we would probably take our own physical action to stop it right here and now. But then we had better think about, before we take action, what that Bill of Rights means and how precious it is. In all 200 years, we have never made a single change to it.

This Nation was not founded until that provision was included in the Constitution. They would not sign it unless that first amendment was included. If we are going to continue to be the land of the free and the home of the brave, I think we had better be very, very careful. We pledge allegiance to the flag, and that is not an official Government document. Something came up and it became adopted as sort of a pledge of allegiance. We say, "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands," and we reel that off sometimes at a dinner, while we are looking at our steak and waiting for the dinner to get started, and we think, Well, OK, and we sort of reel those words off and do not think about them. The rest of that pledge we should think about. I think it does tie in with this.

Then we say those words "one nation." We pledge that we will be one nation. These are the principles our flag stands for—one nation. We are going to stand before the rest of the world not as North and South, East and West, black and white, Republican or Democrat. We will be one nation before the rest of this world, and every single person is important, and we will be in every part of this country, and we will be one nation, a nation of might, a nation of resolve. One nation—not split up with 50 interpretations of the Constitution, 50 interpretations of the Bill of Rights for different parts of the country.

The next words are truly unique. I have traveled all over the world and looked at government documents all over this world and never seen the next two words anywhere—"under God." We say, whether we are Protestant, Catholic, Jewish, Moslem, Buddhist, Baptist, Presbyterian—as I am—or whatever you are, we recognize there is a higher power than all of us. If we just pray and listen a little bit—listen a little bit—maybe we will get enough guidance about how to go about helping this country in the future.

It is under God; not just under getting money, not just under the greed of power, not just under a single standard of enforced religious beliefs which are also covered in that very first amendment of the Constitution. Our religious beliefs are not to be imposed by those that think that they, and only they, know and hold the truth. We sure have enough of those around these days. "Under God." Pray a little, listen a little, and maybe we will get some guidance.

Then we say "indivisible." Not rich against poor, young against old, workers against owners, but indivisible. We stand before the rest of this world as an indivisible nation.

Then we say words which I have not found anywhere else in the world, six almost magic words—"with liberty and justice for all." "For all"—underline that in our discussion today—"for all."

Liberty of what? Of course, liberty of opportunity. Sure, we want to see everyone have an opportunity. We want everyone to get a good education. We want much to have a fair shot at a good job and all the other things that we know about.

It is not just for a favored few. It is not just for the rich and the wealthy and the land owners. It is for everyone in this country. And the protections are for everyone in this country. It is not just for those born to power and privilege.

That first amendment talks of this. It says we will be free in our religion; we will be free in our speech, including "expression" which we are talking about today; we will be free in our assembly; and we will be free in redress of our Government. "With liberty and justice for all"—liberty of opportunity and liberty of expression of those freedoms without any question for every single person—for all.

Then we say "and justice for all." That means equality. We are all equal, whether you are President of the United States or you are outside digging a ditch, you have the same protections, the same rights as any other person in this country. It does not say "except" in the case where there are 90 million and one goes astray we will penalize that guy and lock him out. It does not say that.

I think that is a dream for which America still strives. We do not have a perfect society, not by a long shot. We have a long way to go, whether we are talking about civil rights or economic fairness in our country or the rights of every kid to get a decent education. We have so far to go.

I am so proud of this country for addressing these problems. We are willing to stand up and address them and do it in an open forum. We do it every day here on the Senate floor. Where else in the world are people so concerned about the rights of every single individual in their nation—nowhere else in this world.

Take the pledge. "I pledge allegiance to the flag of the United States of America, one nation"—we will keep it one nation, under God. You bet. That is something unique in this country. We say there is a higher power, whatever our approach to that throne of grace may be. "Indivisible"—we will not do things that tear our Nation apart and make us live under different rules. We will live under the same rules as much as we can. "And with liberty and justice for all"—the liberty of opportunity, the liberty of sameness, how we are treated by our Government, and the justice of equality.

Thank God for our country. I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first let me commend our colleague from Ohio. Few have a better right to discuss issues affecting attitudes about our Nation than Senator JOHN GLENN.

His history has been one of service in so many areas—as a pilot, as an astronaut, as a Senator. Now I know JOHN GLENN very well. One area he is not so good in, we have gone skiing together, he is not very good there, but in matters of profession and decency and honor few have the credentials that JOHN GLENN has. I am delighted to hear his comments. I share the views of my friend and colleague.

Mr. President, this is a tough issue. It is tough because people of good will on both sides feel so differently about the issue. The veterans organizations that I belong to are very much supportive of taking good care of the flag, of not permitting the desecration, if that is possible.

I am a life member of the VFW. I served overseas, World War II, and yet we come up with the kind of disagreements on this matter that we have. I regret it.

I respect all the colleagues with whom there may be a difference in point of view—those who think we need an amendment. I disagree with the decision they made but I never questioned their patriotism nor do I expect them to question mine or Senator GLENN or Senator KERREY or others who have served in uniform. Others need not have served in uniform to have a point of view that has to be listened to and perhaps respected.

I want to express my strong support, Mr. President, to the flag of the United States and my outrage at those who would desecrate the flag in any way. At the same time, I rise to express my deep concern about amending the U.S. Constitution and the Bill of Rights.

I am not a lawyer, Mr. President, but as a private citizen and as a Senator I have always been vigilant about restrictions on the basic freedoms that make America unique in the world. Perhaps because I am the son of immigrant parents whose families fled tyranny for the promise of freedom, the Constitution and the Bill of Rights for me are not abstractions. I was raised to respect them as a sacred promise of freedom. Promises compelling enough to convince my grandparents as they carried my parents to travel halfway across the Earth to live under the protections of the Bill of Rights and the Constitution. They are protections that have drawn millions to our shores.

I remember my dear grandmother, who was born in Russia—my mother was about a year old when she was brought here—talking about what a great country this is. With a thick accent she said, "In this house"—it is funny, she drew her patriotic commitment along verbal lines—she said, with the heaviest accent you can imagine, "In this house we speak only English." It was quite remarkable. It left an impression on me that has lasted all my life.

This country has been so good to me and my family, beyond my wildest boyhood dreams; even more important, beyond my mother's most precious dreams. It has been that way for millions of us, and for that reason I volunteered to do my part in World War II. For that reason, although the private sector was a very comfortable arena for me, I sought public office as a U.S. Senator. I wanted to do whatever I could to give something back to our country, our country which continues to serve as a beacon of hope for millions seeking freedom and a better life around the world.

One of the reasons I left the private sector to come here was I wanted to leave my children, and now my grandchildren, an inheritance that went far beyond the value of money and other assets, and that is a strong America, an America where all people could enjoy their freedom as long as they did not encroach upon others. That is the way I feel about our Nation. That is the way I feel about the symbol of our flag.

For that reason, just as I revere the Constitution and the Bill of Rights, I love the flag, which we at my home fly regularly, which embodies our ideals, our liberties, our history and our sacrifices. In that, I know I stand virtually with all Americans.

In my mind, I contrast those patriotic Americans with the image of the flag burner, whether on our shores or anyplace else; pictures on the front pages of the paper, having our flag burned by some in Bosnia. It angers me. We are not there to hurt. We are there to help. But the thousands of patriotic Americans I know, who have been touched by the tragedy of war or sacrifice for this country, are shocked and angered by the view, the image of someone destroying the flag, burning the flag. They are showing their contempt for this incredible Nation in which we live.

The flag is a unique national symbol. I have a special, personal affection for it, as I said, along with all Americans. It is the one great symbol that unites our Nation. The flag represents more than 200 years of our history and our culture.

As a veteran, as a Senator, and as an American, son of immigrants, the flag represents noble things to me. And flag burning is an ugly, despicable, and cowardly act. When I have seen it, though I have not seen it directly—when I have seen pictures of it, it sickens me and it saddens me. Those who burn the flag are ingrates. They lack the courage and the character to fight for change through a well-established and fair and just process. Instead, their mission is different. They want to infuriate and enrage and offend, more than they want to achieve their goals through their attacks on this precious symbol. They are misguided and they deserve the contempt of all of us.

But I am not prepared to sacrifice the principle of freedom of expression embodied in the first amendment to protect a symbol. I worry about compromising the Bill of Rights. I am unwilling to risk, for the first time in our history, narrowing the freedoms expressed in the first amendment. Desecration of our flag is outrageous and my anger at such incidents wants me to seek vengeance, to strike back and to punish those who commit these acts.

However, when I think about how this offensive dissent might be choked off, I conclude that in the process we run the terrible risk of trampling on a fundamental right of our democracy, the right to disagree, the right to speak out freely, to exercise dissent no matter how disagreeable.

There is no right more fundamental to our democracy than the right of free speech, the right to assemble, the right to express ourselves on the issues of importance as citizens. That is why the first step of a despot is to squelch free speech. Silence the people and you cut the throat of democracy.

Our first amendment protects everyone's right to speak out. It is the citizen's shield against tyranny. It is what makes America special. It is what makes America a model for those aspiring to freedom around the world.

The right of the individual American to be free is the right to do what one wishes short of violating the rights of others, and that includes the right to do or say what is popular, certainly—but it also includes the right to do or say the unpopular. For it is then, when actions give offense, that our freedom is put to the test. It is then, precisely then, that we learn whether or not we are free.

To defend the right to freedom of speech, freedom of expression, is quite different from defending the speech that flows from the exercise of that right. It is perfectly consistent to condemn flag burning, as most Americans do, while defending the right, as unpleasant as it is, for someone to abuse it. The flag is a symbol of our freedom. Desecrating it is offensive because it desecrates every one of us. But what would be even more offensive than the desecration of the symbol would be the desecration of the principle that it symbolizes. In the end, symbols are only symbols. If we desecrate the real thing, the principles our founders fought so hard to secure and that so many since have sacrificed their lives to preserve, we will lose something far more valuable, far more difficult to restore.

I have heard it argued that flag burning is not speech but rather conduct, and thus is not protected by the first amendment. But that argument reflects a misunderstanding of the first amendment. All speech, in a sense, is conduct. When one vocalizes, or uses a printing press, or types into a computer, that is conduct. But it is generally protected conduct if it expresses a political idea. Flag burning is despicable precisely because it expresses a despicable political idea.

Flag burning insults the United States of America. It insults the greatest Nation on the face of the Earth. And that is a disgusting idea. Just about every American is outraged by that idea. But the whole point of the first amendment is to protect the expression of ideas, no matter how despicable.

Throughout the history of our Nation, we have never banned the expression of an idea solely because others have found it offensive; never. We have never sanctioned speech that hurts others, like yelling "fire" in a crowded theater. But we have never banned speech just because it made others uncomfortable. And I feel that this amendment would do just that for the first time. This is a very, very dangerous precedent, as we heard from Senator GLENN a few minutes ago. A little opening often transfers into a giant hole.

Once we ban one idea because it offends some people, other ideas will be threatened as well. Where do you draw the line? It is a dangerous and slippery slope, and ultimately can lead to tyranny.

No doubt, those who are proposing this constitutional amendment are entirely well meaning, but I am reminded of something that the great Supreme Court Justice Louis Brandeis said. He said, "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding."

By no means do I intend to suggest that those who feel differently on this amendment are without understanding. But I think this expression, this sense, embraces the concerns that we have to have, that our greatest danger to liberty often lies within our society.

I would add, Mr. President, that if freedom is lost, it is most likely to be lost not in some cataclysmic war. Americans are too patriotic, too willing, too dedicated a country for that to happen. It is most likely to be lost a word at a time, a phrase at a time, a sentence at a time, an amendment at a time. We saw that happen in one of the great—formerly great—nations of the world before World War II in Germany. One of the first things they did was start to ban speech, ban expression, and the rest is one of man's darkest hours, or periods, in history.

Mr. President, I think it is dangerous to tinker with the Bill of Rights, and especially with the first amendment.

I hope my colleagues will stand by the first amendment and support our laws for the flag by working to make our democracy even stronger.

Thank you. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to the various speeches presented today about the flag amendment. There are people on both sides who speak on this issue with sincerity. For the life of me, I have a rough time understanding some of these arguments. People come to the floor and say that they want to protect the flag, that they love the flag, and that they are patriotic. I do not question that.

All that this amendment says is that Congress has the power to prohibit flag desecration. Everybody knows Congress is going to want to pass a statute once the amendment passes. It will be done reasonably.

With regard to the first amendment, let me point out that this is not an amendment to the first amendment. The flag amendment is the correction of a faulty Supreme Court decision. Chief Justice Warren, Justice Black—first amendment absolutists—Justice Fortas, Justice Stevens, just to mention four liberal Justices, have said that prohibiting flag desecration does not violate the first amendment.

Let me just respond to those people who think that free speech is an absolute, that you can never violate it, that you can never do anything at all to regulate it. First of all, the protection for free speech does not apply to flag burning. Flag burning is conduct. How can anybody say it is speech when in fact it is an act? But let us assume for the sake of argument that it is speech. Let me just list 20 types of speech that are not protected by the first amendment, because people do not realize that there is a lot of speech not protected by the first amendment. Society has chosen not to protect these types of expression. The Supreme Court chooses not to do so.

Let me cite "fighting words." In Chaplinsky versus New Hampshire, a 1942 case, the Court said that fighting words can be banned.

Second, in the 1969 case of Brandenberg versus Ohio, a very important case, as was Chaplinsky, the Court said that speech that incites imminent violence was not protected by the first amendment.

Third, libel is not protected by the first amendment, see New York Times versus Sullivan, 1964.

Fourth, defamation Beauharnais versus Illinois, a 1952 case.

Fifth, obscenity is not protected by the first amendment. See Miller versus California, a 1973 case.

Sixth, speech that constitutes fraud, conspiracy, or aiding and abetting is not protected by the first amendment. The first amendment is not absolute. There is a lot of speech that is not protected by the first amendment.

Seventh, commercial speech in certain situations is not protected, see Central Hudson Gas & Electric versus Public Service Commission, a 1980 case.

Eighth, political contributions are not protected by the first amendment under certain circumstances, see Buckley versus Valeo.

Ninth, child pornography is not protected by the first amendment. That is the case of New York versus Ferber.

Tenth, political speech of Government employees in certain situations is not protected by the first amendment—Pickering versus Board of Education, a 1968 case.

How about speech interfering with elections? That is No. 11. See Burson versus Freeman, 1992 case.

These are all cases where we have content-based restrictions on the first amendment.

So people come out here and claim: "My goodness. We cannot amend the first amendment."

All of these cases have limited the reach of the first amendment, and rightly so.

Who wants to allow fighting words? Who wants to allow words that incite people to violence? Who wants to approve or uphold libel that destroys people's reputations? Who wants to approve defamation? Who wants to allow obscenity in this society, true obscenity, that is so foul that the community standards decry it? Who wants to uphold speech that constitutes fraud, conspiracy or aiding and abetting? Who wants to use commercial speech that is improper? How about political contributions? How about child pornography?

Under current law, the government may regulate these types of speech without violating the first amendment. Naturally, all of these are areas where the Court, or the law, has said that the first amendment does not provide an absolute protection.

Let me provide my colleagues with some reasonable time, place, and manner restrictions on expression.

Twelfth, this is the 12th illustration—is restrictions on when Government property, such as national parks, can be used. That is Clark versus Community for Creative Nonviolence, a 1984 case.

Thirteenth, picketing in front of a home—that is Frisby versus Shultz, a 1988 case.

Fourteenth, posters on street posts—Members of the City Council of Los Angeles versus Taxpayers for Vincent, a 1984 case.

Fifteenth, restrictions on speech in prison—the court has held in Turner versus Safley, a 1987 case that restrictions can be imposed on speech in prisons.

Sixteenth, regulation of speech in schools—that is the Hazelwood School District versus Kuhlmeier, a 1988 case.

Seventeenth, the use of soundtrucks and loudspeakers—that is speech. But it can be regulated under the Supreme Court's decision in Kovaks versus Cooper, a 1949 case.

Eighteenth, zoning of adult movie theaters—that is a matter of speech, but see Young versus American Mini Theaters, a 1976 case.

Certain speech in airports has been banned.

Restrictions on door-to-door solicitation—that is Schneider versus State, a 1939 case.

And, finally, the 21st illustration I will give—and then I will stop—administrative fees and permits for parades. That is Cox versus New Hampshire, a 1941 case.

These are all limitations on speech under the first amendment. So I find it hard to understand the other side's arguments that we are going to interfere with the first amendment's rights and privileges and that we will be amending the first amendment. All 21 of these examples are certainly exceptions to free speech, and I am sure that the Supreme Court has recognized others.

So this is not something that is unique or new. We are talking about the flag of the United States, the national symbol. Some people claim: "Oh, my goodness. The rights of free speech supersede everything." Well, they do not. And especially where speech is not involved. But why can we not ban in the interest of patriotism and honor and values in this country, despicable, rotten, dirty, conduct against our national symbol?

It amazes me that these folks come in here and say how they support the flag, how wonderful it is, and how terrible it is for people to do these awful things—to smear the flag with excrement, to urinate on it, to tramp on it, to burn it. What do we stand for around here? Have we gotten so bad in this country that no values count?

I know people are going to vote for this amendment because they are tired of the lack of values in our country. They are tired of people just making excuses for all kinds of offensive conduct in this country. Have we no standards at all? Do we have to tolerate every rotten, despicable action that people take just because we are free people? The answer to that is no, no, no.

I am willing to admit my colleagues are sincere. Bless them for it. But they are sincerely wrong to treat the flag like this while they say they uphold it and honor and love it, and yet they will not vote for a simple amendment that gives Congress the power to say what desecration of the flag really is.

That is all it does. Congress does not even have to act if this amendment is passed. But we all know it will. Congress will act.

Let me just talk a little bit about the McConnell amendment.

Mr. President, make no mistake about it, Senator MCCONNELL and I are the best of friends, but this McConnell amendment absolutely would kill this flag protection amendment. The McConnell amendment is a killer amendment, and I think everybody knows that.

It replaces the flag protection amendment with a statute which cannot withstand Supreme Court review after Johnson and Eichman, and is far too narrow to offer real protection for the flag in any event.

The American Legion and the Citizens Flag Alliance are strongly opposed to the McConnell proposal.

Any Senator who has cosponsored Senate Joint Resolution 31, the flag protection amendment, or stated his or her intention to vote for it, must vote against the McConnell amendment. You cannot be for the flag amendment and the McConnell statute as proposed, which will completely replace the flag amendment.

Mr. President, I appreciate the desire of the Senator from Kentucky to do something to protect the American flag. I know he feels strongly about the flag. I think that is true about everybody in this body. Rightly or wrongly, they feel strongly. And I hope that, in the end, my friend from Kentucky, will see his way clear to supporting our constitutional amendment should his amendment fail.

But I say to my friend from Kentucky, with great respect, we have been down the statutory road before on this issue. It is a dead end, plain and simple.

I well recall my friend from Delaware, Senator BIDEN lining up a variety of constitutional scholars to support his statute in 1989. Senator DOLE, Senator GRASSLEY, and I, told the Senate that the Supreme Court would strike it down. The statute passed by a vote of something like 91 to 9. Sure enough, the Supreme Court took 30 days after oral argument and less than eight dismissive pages to throw it out in United States versus Eichman. I say with all respect, the Senator from Kentucky now invites the Senate down the same barren path.

The Supreme Court, in its Johnson and Eichman decisions, has made its position crystal clear: Special legal protections for the American flag offends the Court's concept of free speech.

In Johnson, the Court made clear that for a State to forbid flag burning whenever such a prohibition protects the flag's symbolic role, but allow such burning when it promotes that role, as by ceremoniously burning a dirty flag, is totally unacceptable. The Court says this allows the flag to be used as a symbol in only one direction.

Similarly, if flag desecration is singled out for greater punishment than other breaches of the peace or incitements to violence, such special treatment promotes the flag's symbolic role. This, sadly, the Court will not tolerate—they have told us this twice, now.

In Eichman, the Court clearly declared that no statute which protects the flag as a symbol would survive constitutional muster. The Flag Protection Act was held invalid, like the Texas statute in Johnson, because of the "same fundamental flaw: [they both] suppress expression out of concern for [its] likely communicative impact." [496 U.S. at 317]. Even though Congress had attempted to write a broader statute to avoid the problems of the Texas law, by making all physical impairments illegal except for ceremonial disposal of a worn flag, the Court found the act unconstitutional anyway because "its restriction on expression cannot be justified without reference to the content of the regulated speech." [Id. at 318]. As Prof. Richard Parker of Harvard University Law School has put it, the Supreme Court found the act invalid because it "involves taking sides in favor of what is 'uniquely' symbolized by the flag—our 'aspiration to national unity.'"

Indeed, my friend from Kentucky, has made very clear in his remarks upon introducing the bill what this bill is all about—it is not about breaches of the peace or theft. It is about protecting the flag as a symbol. He said on October 19, 1995:

> Flag burning is a despicable act. And we should have zero tolerance for those who deface our flag . . . I am disgusted by those who desecrate our symbol of freedom. . . .

Mr. President, those words reinforce the bill's fundamental conflict with Johnson and Eichman. So does the finding in the proposed statue which describes our flag as:

a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world.

But many who burn the flag disagree with every word of that finding. Some of them believe the flag represents oppression, exploitation, and racism. They are wrong, but the Supreme Court has made clear that Congress and the States cannot protect the flag in order to preserve its symbolic value in one direction. I believe the Supreme Court is no more correct than it was in Dred Scott and Plessy versus Ferguson, but we cannot overrule such errors by statute.

While it is true that flag desecration can be penalized pursuant to a general breach of the peace statute, in the same way other breaches of the peace are punished, offering special protection for the flag is intended to enhance the flag's symbolic role. The Court will not buy it.

Further, even if this statute was upheld, it is, with great respect, very inadequate. Not every flag desecration will cause or likely cause a breach of the peace or violence. That will depend on circumstances. Frankly, I do not want the protection of the flag to be limited to those narrow circumstances.

And these are very narrow circumstances. A flag desecrated in the midst of a crowd of those sympathetic to the desecrator will not elicit a penalty. Those who see it on television or in a news photo or from a distant sidewalk may not like it, but it will not violate a breach of the peace statute.

Moreover, of course, not every flag which is physically desecrated is stolen from the Federal Government, or stolen and desecrated on Federal land.

Indeed, this statute in no way changes the result in the Texas versus Johnson case, which creates the problem bringing us to the floor of the Senate in the first place.

In Johnson, the State of Texas defended its flag burning statute on the ground that it prevented speech that caused violence or breaches of the peace. The Court brushed aside Texas' evidence that witnesses of Gregory Johnson's flag burning were seriously offended and might have caused disorder. Instead, the Court simply noted that—

> No disturbance of the peace actually occurred or threatened to occur because of Johnson's burning of the flag. . . . The state's position . . . amounts to a claim that an audience that takes serious offense at particular expression is necessarily likely to disturb the peace and that expression may be prohibited on this basis. Our precedents do not countenance such a presumption. . . ." [491 U.S. at 408].

The Court also determined that Johnson did not run afoul of the fighting words doctrine. The Court concluded that "no reasonable onlooker would have regarded Johnson's generalized expression of dissatisfaction with the policies of the Federal Government as a direct personal insult or an invitation to exchange fisticuffs." Thus, section (a) of the proposed statute does not cover Johnson. Nor does section (b) cover Johnson, because the flag he burned did not belong to the United States. It was taken from a bank building. Finally, section (c) is inapplicable—Johnson burned the flag in front of city hall, not, apparently, on Federal land.

If Gregory Johnson could not be held criminally liable under the Senator's proposed statute, who could?

I ask unanimous consent to enter into the RECORD letters from Prof. Richard Parker of Harvard Law School, Prof. Steven Pressler of Northwestern Law School, concerning the McConnell statute.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NORTHWESTERN UNIVERSITY,
SCHOOL OF LAW,
Chicago, IL, December 4, 1995

Hon. ORRIN G. HATCH,
Chairman, U.S. Senate Judiciary Committee,
Washington, DC.

DEAR SENATOR HATCH: You have asked for my thoughts regarding the constitutionality of S. 1335, the Flag Protection and Free Speech Act of 1995. I understand that the sponsors of the legislation, based on an analysis performed by the Congressional Research Service, and apparently also advised by some legal scholars (whose names, as far as I know, have not been made public) have asserted that the act would be able to pass muster in any court review of the act. In my view that is simply incorrect. At least as far as the key section of the proposed act, subsection (a), is concerned, I simply do not see any way in which the statute could meet the tests for constitutionality laid down in United States v. Lopes, 115 S. Ct. 1624 (1995), Texas v. Johnson, 491 U.S. 397 (1989), and U.S. v. Eichman, 496 U.S. 310 (1990).

Subsection (a) of the proposed Act would penalize the conduct of flag-burning when the flag burner does so with the primary purpose and intent to produce a branch of the peace or imminent violence, and in circumstances where the offender knows it is reasonably likely to produce imminent violence or a breach of the peace. There is no general federal power given to Congress to prevent breaches of the peace or safeguard against imminent violence. For Congress to assert this power, presumably under the commerce clause, would result in the statute being struck down under United States v. Lopez, 115 S. Ct. 1624. If Congress cannot pass the Gun Free School Zones Act (which presumably had a similar purpose) I can't imagine that subsection (a) of the Flag Protection and Free Speech Act would survive either.

The alternative ground for the Act, Congress's power to protect the national symbol, has been clearly ruled out by Johnson and Eichman, where the court has indicated as clearly as can be that flag desecration, because the court believes it to be a protected form of speech, is a symbolic act which in no way harms the symbolic value of the flag. Indeed, in the Court's view, the desecration of the flag simply reinforces the symbolic value of the flag. Congress is thus without power to prohibit flag burning or flag desecration by statute, as we made clear in the Eichman case, when an assertedly content-neutral federal statute was struck down.

As you may remember, when Judge Bork and I testified before the Senate Judiciary Subcommittee holding hearings on the statute, we predicted the statute would be held unconstitutional, and we were proven right by Eichman. Subsection (a) of this statute would also be seen by the courts for what it is, an attempt to do by statute what can only be done by constitutional amendment. Given the decisions in Johnson and Eichman, and given the current composition of the court, the court would undoubtedly adhere to its view that such a statute is an attempt to prohibit what the court regards as protected speech. It should be remembered that the statute struck down in Johnson itself was grounded in similar notions about the need to prevent violence and prevent breaches of the peace, and the court simply decided that a statute calculated to prevent the expressive act of flag burning could not be regarded as devoted to a constitutional purpose.

I have heard it argued that the Supreme Court's recent decision in Wisconsin v. Mitchell, 113 S.Ct. 2194 (1993), which upheld an enhanced sentence for aggravated battery because the defendant chose his victim on the basis of his race, somehow suggests that the current court would be more lenient in upholding statutes that implicate what has been regarded as conduct protected by the First Amendment. There is no merit to this argument. In Mitchell the court made clear that the Wisconsin statute passed constitutional muster because the conduct at which it was addressed (the infliction of serious bodily harm) was "unprotected by the First Amendment." The conduct at which the Flag Protection and Free Speech Act of 1996 is directed—burning or otherwise destroying the American Flag in order to incite others—is the destroying the American Flag in order to incite others—is the very conduct which the Supreme Court declared in Johnson and Eichman is protected by the First Amendment. Mitchell simply has no application.

The two subsections of the Flag Protection and Free Speech Act of 1995, (b) and (o), which have to do with the stealing or conversion of a flag belonging to the United States, and the stealing or conversion of a flag on federally-controlled land could conceivably survive scrutiny under Lopez (since it is the task of the federal government to patrol federally-controlled property), and it might be regarded as the task of the federal government to punish theft and destruction of federal or private property on federal lands. Even if this were so, however, and it is by no means free from doubt, this would do nothing to overcome the result in the Johnson case, and others like it, where the flag destruction is prohibited by state governments, or takes place on non-federally controlled property.

The whole purpose of the efforts undertaken by the Citizens Flag Alliance and countless numbers of Americans working at the grass roots level (which have so far resulted in the resolutions passed by forty-nine state legislatures asking Congress to send the Flag Protection Amendment to the States for ratification, and the passage of the Amendment by much more than the requisite two-thirds vote in the House of Representatives) was to reverse the result in *Texas* v. *Johnson*, and give back to the American people their right to protect their cherished national symbol in the manner they had enjoyed prior to 1989. This included protection by either state or federal governments, as provided for by the Amendment. As I indicated in my testimony before your subcommittee six years ago, five years ago, and most recently last summer, a Constitutional Amendment is a traditional manner in which the American people have corrected erroneous decisions by the Supreme Court, and in which they have asserted the sovereign prerogative, which belongs to them alone.

As you have indicated many times, the Flag Protection Amendment is a worthy measure, expressing noble ideals of decency, civility, and responsibility very much in keeping with American traditions. It should not be sidetracked by a Quixotic quest for a statutory solution. I urge you to do all you can to persuade the Senators who think a statute will work that they are misinformed, and that the proposed statute, if passed, would be declared unconstitutional with regard to subsection (a), and that the remaining subsections would do little to correct the unjust result of *Texas* v. *Johnson*.

I appreciate the opportunity to share my views with you, and I would be happy to help in any further manner I can.

Yours Sincerely,

STEPHEN B. PRESSER,
Raoul Berger Professor of Legal History.

HARVARD LAW SCHOOL,
Cambridge, MA, December 4, 1995.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Over the last several months, I've found, in countless conversations with all sorts of people about the proposed constitutional amendment to allow our representatives to prohibit "physical desecration" of the flag, that everybody agrees. We all agree that the flag is the unique expression of our aspiration, as Americans, to national unity. We agree that, nowadays, this aspiration is under assault by a looming tide of disrespect for the very idea of shared national values, to say nothing of patriotic values. We agree that this tide must be stemmed, that when these values are threatened, they must be defended. Rooted in our hearts, they are expressed in symbols—especially, the symbol of the flag—and so, we agree, it is those symbols that we must protect.

On October 19, Senator McConnell gave voice to this basic agreement on the floor of the Senate. He is, he said, "disgusted by those who desecrate our symbol of freedom." "[W]e should have zero tolerance for those who deface the flag," he insisted.

Yet he said that not to support the flag amendment—but to oppose it. He proposed, instead, statute to stem the tide. It would, he said, serve his purpose; showing "zero tolerance for those who deface the flag" by punishing those "who desecrate our symbol of freedom." He, no doubt, means his statute to be interpreted in light of his stated purpose. But—for that very reason—his statute would be an empty gesture, a nullity, another depressing instance of Washington's alienation from reality.

The reason is that his proposed statute would, predictably, be struck down by the Supreme Court—just as, in 1990, another statute, sold as a detour around a constitutional amendment, was struck down. Lawyers sensitive to the the spirit and tendency of the Court's recent decisions know this, even if we wish it were otherwise.

Then, on November 8, a strange thing happened. Mr. John R. Luckey (a Legislative Attorney in the American Law Division of the Congressional Research Service at the Library of Congress) wrote a two-and-a-half page memo stating—flatly and blandly—that the proposed statute "should survive constitutional attack". It is that very odd memo that I want now to answer.

Though the memo demonstrates a truncated understanding of constitutional law and the Supreme Court, it does get something right. It notes that the proposed statute would not reverse the decisions to which it is a response. It would not protect the flag against "physical desecration" in most instances—or even the instances involved in the Johnson and Eichman cases. to show its "zero tolerance" for those who "deface the flag," it would reach but a few quirky situations; where there is a "primary" purpose and intent and a probability to "incite or produce imminent violence or a breach of the peace" or where the flag was stolen from the federal government, on or off federal lands. It would make a little mole hill our of a big mountain.

On everything but this point, Mr. Luckey's memo is off base. Its reading of constitutional law is, at best, utterly wooden. It is an invitation—whether wide-eyed or winking—to another slap down of the Congress by the Supreme Court, reminiscent of the 1990 fiasco.

The subsections dealing with destruction of a flag stolen from the federal government "present no constitutional difficulties," according to the memo. It offers two bases for this misleading advice. First, it cites a few passages and footnotes in Court opinions which leave undecided the constitutional validity of prohibiting destruction of a flag owned by the government. It reads those passages and footnotes as deciding that such prohibition is valid. It thus makes the mistake that law students soon learn not to make. A question left open is not a question decided. How it will be decided depends on the general principles—and tendencies—that are moving the Court.

As the other basis for its advice, the memo notes three present statutory provisions which prohibit the theft and destruction of government property of all sorts in general. By citing these provisions, it demonstrates again that its author simply does not grasp the general principle that the majority of the Court has been invoking since 1989.

The general principle at work is this: The majority of the Court believes that flag desecration implicates the First Amendment because the flag itself is "speech." Since the flag communicates a message—as it, undeniably, does—any effort by government to single out the flag for protection must involve regulation of expression on the basis of the content of its message. The statutory provisions cited by the memo do not "single out the flag" for protection. Hence, they would satisfy the Court. But Senator McConnell's proposed statute, by its terms, does "single out the flag for protection." Hence, it would be struck down by the Court, as in 1990.

The proposed subsection dealing with incitement of violence is, the memo advises, "quite likely" to pass constitutional muster. The only virtue of this advice is in its qualification. Even at that, it is wholly misleading. For—as the memo notes—the Court has recently refused to allow government "to punish only those 'fighting words' of which [it] disapproves." The memo imagines that the subsection would not run afoul of this principle because it supposedly doesn't make a "distinction between approved or disapproved expression that is communicated" by destruction of the flag. It thereby makes the same mistake it made before. The memo fails to grasp the Court's fundamental idea: that singling out the flag for protection in and of itself makes a "distinction between approved and disapproved expression" and, so, violates the Constitution as it now stands.

Thus we come back, again and again, to Senator McConnell's statement of the purpose of his proposed statutory detour around a constitutional amendment. (In adjudicating the constitutional validity of statutes, the Court looks to the statements of their sponsors.) His purpose is to single out the flag for protection. Plainly—according to the majority of the Justices—this purpose is unconstitutional. According to the Justices, the only way to realize this purpose is to amend the Constitution, as was provided for in Article V by the framers of that document.

Is there no way around it? Those reluctant to take up the responsibility assigned by Article V seem to be grasping at any straw. Recently, for example, I've heard that some are citing Wisconsin v. Mitchell. There, the Court upheld a statute under which a "sentence for aggravated battery was enhanced" because the batterer "intentionally selected his victim on account of the victim's race." A prohibition of the battery of a person, the Court said, is not "directed at expression" and so does not implicate free speech. Consideration of the motive for a battery—in this case racial discrimination, a motive condemned under several civil rights statutes—doesn't offend the First Amendment. This was an easy case. It has no relevance whatsoever to Senator McConnell's proposed statute. For his statute, which singles out the flag for protection, is directed at expression. Its purpose, stated by the Senator, is to enforce "zero tolerance for those who deface the flag."

What if—to avoid a constitutional amendment—Senator McConnell were to take back his statements in favor of the flag? What if he said he never meant it? The Congressional Record could not now be erased. The Court would see it. And, in any event, it would look at the terms of his proposed statute. Those terms make plain its purpose, a laudable purpose, to single out the flag for protection. Yet that purpose is exactly what offends the majority of the Justices.

To make good on Senator McConnell's purpose, there is one and only one means under the Constitution: a constitutional amendment.

Sincerely,

RICHARD D. PARKER,
Professor of Law.

Mr. HATCH. These letters make it very clear that the analysis by CRS is flawed.

My friend from Kentucky wrote an article in the December 5, 1995, Washington Post conceding that the Supreme Court had erred in its two decisions, Johnson and Eichman. As he said: "Much to my disappointment, the Supreme Court has found that laws protecting the flag run afoul of the first amendment. It is hard to believe that burning a flag can be considered 'speech.' But a majority of the court has found this despicable behavior to be 'political expression' protected by the First Amendment."

It is clear that Senator McCONNELL disagrees with the Supreme Court's decision. Although, as he says, "it is hard to believe," the Court did hold that flag burning was speech. As the Court said in Johnson, "The expressive, overtly political nature of this conduct was both intentional and overwhelmingly apparent." In these circumstances, said the Court, "Johnson's burning of the flag was conduct sufficiently imbued with elements of communication, to implicate the first amendment." [491] U.S. at 406]

My friend makes a critical mistake in acquiescing to the Supreme Court's erroneous decision. Simply because five Justices of the Supreme Court say that flag burning is protected speech does not mean that the Court has correctly interpreted what the Constitution means. It is, no doubt, the province of the judiciary to "say what the law is," in Chief Justice John Marshall's immortal words in Marbury versus Madison. But it is not the exclusive responsibility of the courts to interpret the Constitution.

In fact, the Framers of the Constitution believed that Congress would have an independent duty to interpret the Constitution and to correct errors of constitutional dimension. That is one of the purposes of article V of the Constitution, which permits the amendment of the Constitution after two-thirds vote of Congress and three-fourths approval by the States. It is clear that the Framers intended article V to be used to correct errors in constitutional interpretation made by the Supreme Court. Indeed, the 11th amendment, the first amendment ratified after passage of the Bill of Rights, was approved by Congress and the States specifically to overrule a particular Supreme Court decision, Chisolm versus Georgia.

It is our responsibility to correct the Supreme Court when it is wrong. And surely it was wrong in calling this offensive, terrible conduct protected speech.

Since my friend finds it "hard to believe burning a flag can be considered speech," as I do, he ought to agree with me that the flag protection amendment does not amend the first amendment. It overturns two erroneous Supreme Court decisions.

To obediently accept the Supreme Court's decisions in Johnson and Eichman, as my friend from Kentucky would, when we know the Court is wrong, is to read article V out of the Constitution, and is to abdicate the Senate's responsibility to the people and to the Constitution.

My friend is also dead wrong to suggest that this amendment authorizes legislation to compel anyone to respect the flag. It does not. No one can be forced to salute, honor, respect, or pledge allegiance to the flag under this amendment. So my friend's invocation of speech codes is, frankly, totally irrelevant. It is a straw argument.

Finally, my friend from Kentucky says "it is hard to draw the line" in determining what to protect. He cites vulgar or offensive renditions of our national anthem and asks, "How can we single out the flag for special protection but not our country's song?" Two hundred-plus years of history give us the answer. There is no other symbol like our flag. Moreover, while the national anthem is a great song, it is not a tangible symbol of the country. Ironically, the Senator's question answers itself: our national anthem, the "Star Spangled Banner," is about our Nation's unique symbol.

These arguments get repeated over and over, but the flag protection amendment is no precedent for any other legislative action because of the uniqueness of our flag. Even the Clinton Justice Department acknowledged that the flag stands apart, sui generis, as a symbol of our country.

Right here behind me is a picture of what some of my colleagues call freedom of speech—it is pathetic. Senator McCONNELL said here today that prohibiting the burning of the flag "strikes at the heart of our cherished freedom"—as overblown and exaggerated a statement as we will hear in this debate.

Even one of the lawyers the Senator from Kentucky relies upon for his proposition on the issue, Bruce Fein, has written that Senate Joint Resolution 31, the flag protection amendment, ". . . is a submicroscopic encroachment on free expression . . ."

My friend from Nebraska says we should not compel patriotism. He says that respect for the flag would mean something less if we were compelled to offer such respect.

Mr. President, this straw argument is offered over and over again. The flag protection amendment does not authorize any law which compels anyone to respect the flag, honor it, pledge allegiance to it, salute it, or even say nice things about it. It does not require anything like that. So that is a straw argument.

There is an obvious difference between prohibiting someone from physically desecrating our flag and compelling someone to respect it and salute it.

Moreover, I am astonished that anyone can claim that respect for our flag would mean something else if we enact legislative protection of the flag. I am surprised anybody would argue that. Until 1989, 48 States and the Federal Government prohibited flag desecration. Did any of my colleagues believe their respect for the flag meant something less in 1989 than it did after the misguided Johnson decision?

This issue boils down to this: Is it not ridiculous that the American people have no legal power to protect their beloved national symbol?

Let me just reiterate what I said this morning. On Monday we will offer an amendment which deletes the States from the amendment. The amendment will read as follows: "The Congress shall have power"—the Congress shall have power—"to prohibit the physical desecration of the flag of the United States." That is all it says. It is a very narrow amendment that says, "The Congress shall have power to prohibit the physical desecration of the flag of the United States," not the States. So Senators concerned about the multiplicity of State laws protecting the flag need not worry about that anymore.

There would be one definition of "physical desecration" and one definition of "flag of the United States." And those definitions will be decided by the Congress of the United States, as it should be. And it will apply everywhere. And it will be a narrow definition. I have no doubt about it. It will be one that will work and one that will lend credibility to our values in our society, our values of patriotism, honor, dignity, country, family. That is what this is all about.

This is a chance to have that debate on values, honor, dignity, family, country, yes, patriotism. I think that this amendment is worth it alone. I really do.

And those definitions that would be set by Congress would need the President's signature as well because it would be a statute. And either the President will sign it, or veto it if he did not like it. So you have all these checks and balances. Let us trust the people on this matter.

The American Legion and the Citizen's Flag Alliance reluctantly support this compromise. We have gone more than halfway, and I ask the opponents of the amendment to accept this compromise. Let us at least protect the flag at the Federal level. We can do it narrowly and do it fairly and do it in the right manner.

I am just going to say one or two more words about the amendment. It amazes me that people come on this floor and say, "It's terrible what they're doing to our flag. We should not allow people to smear excrement on it and put epithets and obscenities on it, and we shouldn't allow them to burn it and trample on it, and it is so terrible," but they are unwilling to do anything about stopping it.

Some had the temerity to say that "Well, we don't have that many flag burnings and that many flag desecrations." Well, I submit we do, because every flag desecration that occurs—and we have had them every year—every one that occurs is covered by the press and goes out to millions of people in this country, every last one. And, frankly, it affects everybody in this country every time we see this kind of heinous conduct.

It is time for us to quit using these phony arguments and stand up and vote to honor our national symbol by merely giving Congress the power to honor it, if it so chooses, with the right of the President to veto whatever they do, if he or she so chooses.

Mr. President, I think we debated this enough today.

MORNING BUSINESS

Mr. HATCH. I now ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF GOVERNMENT

Mr. PELL. Mr. President, I once more express reservations about the premise upon which we are proceeding in attempting to balance the budget in 7 years. I am mindful that both my party and the President have agreed to undertake this herculean task of reaching an accord where the difference between what the President has proposed and what the congressional majority seeks is pegged at some $730 billion in entitlement savings, discretionary spending levels, and tax cuts. While I fully support their determination to curb deficit spending, I remain skeptical of the specific objective they have set.

With due respect for the Democratic leadership, I must express my continuing discomfort with the view that it is imperative that the Federal budget be balanced by a date certain. I have always believed, and continue to believe, that the Federal budget is not supposed to be in perpetual balance, but that as John Maynard Keynes wisely noted, it should remain a flexible instrument of national economic policy, registering a surplus in good times and engaging in stimulative spending in bad times. To insist on a balanced budget means requiring tax rates to be increased during a recession and outlays for such programs as help for the unemployed to be decreased. This is not a palatable solution, and it is one with which most economists would find fault.

My views, I realize, are not widely held. Hence, I was most heartened to read the words of Robert Eisner, professor emeritus at Northwestern University and a past president of the American Economic Association in the Wall Street Journal of November 28. In an article entitled "The Deficit Is Budget Battle's Red Herring," Professor Eisner states, and I most strongly concur, that balancing the budget is a "brief armistice in a much larger war." What we are really engaged in is a fundamental disagreement about the role of Government in our lives.

The real objective of the so-called revolution is the effective dismantlement of progressive government as we have come to know and benefit from for half a century. Federal spending on health care for the elderly, the poor, and the disabled is being drastically reduced. Cutbacks are contemplated in our investment in education, the environment, the arts and sciences, and foreign relations. These cuts typify the great differences in priorities and values which distinguish the opponents from the proponents of progressive government. And all of this occurs while we focus on that red herring, the balanced budget.

Professor Eisner accepts the premise that government should provide activities and services that the private economy would not provide or would not provide adequately. And he recognizes that many of us believe that the programs developed over the last 50 years are "indispensable both to stable economic growth and the social compact on which our economic system and our society depend."

Mr. President, I ask unanimous consent that the text of Professor Eisner's article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEFICIT IS BUDGET BATTLE'S RED HERRING

(By Robert Eisner)

The agreement reached between President Clinton and congressional Republicans to try to "balance the budget" by uncertain measures in seven years is a brief armistice in a much larger war. The war has very little to do with budget deficits. What really concerns combatants on all sides—and should concern the American people—is the role of government in our economy and in our lives.

The "balanced budget" slogan is thought to ring very well with voters, so well that virtually all politicians find it obligatory to say that they, too, are committed to it. In fact, it is not clear that the ring is very loud; it is quickly drowned out by the suggestions that achieving balance might entail cutting health care and education or, generally, eliminating programs from which our citizenry think they benefit. Even less popular is an obvious solution for deficits—raising taxes. Last year's deficit, already down to $164 billion from the $290 billion of three years earlier, would have been wiped out completely with 12% more in federal receipts. The transparency of Washington's alleged concern for budget balancing is revealed by the various proposals for tax cuts that in themselves only increase deficits.

The current argument is not about balancing the budget now or even in seven years. It's about what to do to be able to make a forecast that the budget will be "balanced" in 2002. In January 1993, as the Bush administration was coming to a close, its Office of Management and Budget forecast for that fiscal year—already three months along—a deficit of $327 billion. That estimate turned out to be $72 billion in excess of the actual deficit of $255 billion. So who can honestly predict now what tax revenues and outlays will be in seven years?

The Congressional Budget Office projects 2.4% annual growth in real gross domestic product and 3.2% inflation. The Clinton administration's Office of Management and Budget projects 0.1 to 0.2 percentage point more growth and 0.1 percentage point less inflation, and those differences would so affect revenues and outlays as to reduce accumulated deficits by almost $500 billion in seven years, and more than double that amount in 10 years. By 2005, these flight differences in projections would amount to half of the CBO-projected deficit. That suggests that raising the OMB projected growth less than 0.2 percentage point and lowering the projected inflation rate 0.1 percentage point more would project a balanced budget by 2005 without any cuts in government programs.

Newt Gingrich insists that the budget projections must be based on "honest scoring," implying somehow that Bill Clinton's OMB is dishonest. But who is to say which projections are correct? Many private forecasters are more optimistic, and an increasing number of economists—and this newspaper's editor—even suggest that considerably higher growth is feasible. Even a modest 0.5 percentage point more, to 3% a year, would wipe out the deficit well within seven years.

But Sen. Phil Gramm gave away the game when he argued on "Face the Nation" recently that a balanced budget that would permit more government spending was unacceptable. No deficit projections, accurate or inaccurate, should be used as an excuse to avoid essential cuts in projected government outlays.

And that is the real issue—not deficits and debt but the role of government. Conservative economists arguing for a balanced budget have long made clear that it is not deficits in themselves that concern them but the fact that, given public aversion to taxes, preventing deficits would hold down government spending. Voters would not permit increased spending if it had to be financed by taxes rather than painless borrowing.

Of course, these conservative economists are right in recognizing that deficits and an essentially domestically held public debt such as ours are not a concern. As Abraham Lincoln said in his 1864 Annual Message to Congress: "The great advantage of citizens being creditors as well as debtors with relation to the public debt, is obvious. Men can readily perceive that they cannot be much oppressed by a debt which they owe themselves."

One thing a balanced budget would do is eliminate efforts by the government to maintain private purchasing power. Such efforts would entail cutting tax rates, or at least leaving them unchanged, and raising government benefits, or at least allowing them to grow in the face of business downturns. Insisting on a balanced budget means requiring tax rates to be increased during a recession and outlays of unemployment benefits and food stamps, for example, to be decreased. Aside from the misery that some of these actions might entail, they would appear to most economists as exactly the wrong thing to do.

Government should provide activities and services that the private economy would not provide or would not provide adequately. Much of social insurance is in this category—retirement benefits and medical care for the aged, unemployment benefits for the jobless and "welfare" payments for those unable to work and their children. It is perhaps not widely acknowledged, for reasons for electoral politics, that the privatization that conservatives generally favor would extend to Social Security.

A further role for government is to be found in the funding, if not always the provision, of education. This would include such federal programs as Head Start for preschoolers; school lunches in primary schools; apprentice and school-to-work programs in high schools; and direct loans, scholarships and social service programs to facilitate enrollment in colleges and other post-secondary institutions. Government would appear needed to support the basic research on which progress in new technology and health maintenance ultimately depend. And efforts such as the earned-income tax credit and job training to get more people to work and off pure government handouts are also viewed by many, including President Clinton, as very much in order.

Republicans would generally reduce or eliminate these programs and cut taxes, most heavily for those with high incomes. They claim that this would help the economy and hence ultimately make better off the poor and less fortunate who have only been trapped in their worsening positions by the government programs designed to help them.

The current Republican revolutionaries would reduce or eliminate government programs that have been developing since the New Deal of the 1930s. To the new revolutionaries these programs injure the workings of a free-market economy that has contributed so much to our well-being. But to many others they are indispensable both to stable economic growth and the social compact on which our economic system and our society depend.

What we've been witnessing in these heated political battles is not just posturing or boys fighting in the schoolyard. There are fateful issues involved. But it is not the deficit, stupid.

PARTIAL-BIRTH ABORTION BAN ACT

Mr. BYRD. Mr. President, the Senate voted on November 8 to commit H.R. 1833, the partial-birth abortion ban bill, to the Senate Judiciary Committee for a hearing and, within 19 days, to report the bill back to the full Senate. The Judiciary Committee held a hearing on this measure on November 17. H.R. 1833 came before the Senate again yesterday, December 7, and I voted against this measure.

This is an extremely difficult issue, one which I have wrestled with a great deal. However, after carefully listening to the debate and following the Judiciary Committee hearing, I have concluded that this is a matter in which Congress should not impose its judgment over that of the medical community.

H.R. 1833, the Partial-Birth Abortion Ban Act, would criminalize a medical procedure, the partial-birth abortion. Physicians have expressed concern that the bill does not use recognized medical terms in defining partial-birth abortion, thus, creating uncertainty as to what procedures would be banned. It is my understanding that the American College of Obstetricians and Gynecologists oppose this bill. Beyond the concern about the terminology used to define the procedure, the college also expressed concern that Congress is attempting to impose its judgment over that of physicians in medical matters.

The Senate Judiciary Committee hearing had a panel of physicians testify who could not agree about this procedure. If doctors are uncertain, I do not believe it is a good idea for Congress to ban this procedure in all instances. Although an exception for the life of the mother was adopted during this debate, the health of the mother is not taken into account. It is my understanding that this procedure, in some circumstances, may be the least risky option for a woman and may be necessary to preserve the health and the future fertility of the woman.

Also testifying before the Senate Judiciary Committee were women who had this procedure. I admire these women for coming forth to relate their painful and personal experiences so that the Senate could better understand the impact of this legislation. These women were faced with the necessity of terminating their very much wanted pregnancies because their unborn babies suffered severe abnormalities. Their physicians decided that in their tragic circumstances, this procedure was the safest option.

No woman should have to face this situation. But unfortunately and tragically pregnancies do not always do as planned. Severe fetal abnormalities or the threat to a woman's life or health that may be exacerbated by pregnancy sometimes lead to the need for women and their families to make difficult decisions. These are tragic decisions women and their doctors should make without the interference of the Congress. I sympathize greatly with the women and families who unfortunately have had to face these decisions. If we enact this legislation, aren't we making the plight of women who may face this agonizing situation in the future that much more difficult by removing what may be the safest option as determined by the woman and her doctor?

In addition, the Supreme Court has ruled that States can ban, restrict, or prohibit post-viability abortions except in cases where the woman's life or health is a jeopardy. In fact, 41 States have chosen to restrict abortions after viability. I believe this issue is best left to States to regulate.

Given the uncertainty in the medical community surrounding this procedure and the unprecedented step this bill takes in criminalizing a medical procedure, I voted against H.R. 1833. I do not believe that the Federal Government should be usurping the powers of the States in such matters. Nor do I believe that politicians should be involved in private decisions between patients and their doctors regarding the appropriate medical treatment of serious heart-rending and critical health matters.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt is now slightly in excess of $11 billion shy of $5 trillion.

As of the close of business Thursday, December 7, the Federal debt—down to the penny—stood at exactly $4,989,071,101,377.59 or $18,938.60 on a per capita basis for every man, woman, and child.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1669. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice relative to renewing a lease; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 907. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws (Rept. No. 104–183).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1461. A bill to amend title 49, United States Code, relating to required employment investigations of pilots; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 1461. A bill to amend title 49, United States Code, relating to required employment investigations of pilots; to the Committee on Commerce, Science, and Transportation.

THE AIR TRANSPORTATION SAFETY IMPROVEMENT ACT OF 1995

• Mr. McCAIN. Mr. President, I introduce the Air Transportation Safety Improvement Act of 1995, which will go a along way to ensure the continued safety of those who use the nation's air transportation system. Clearly, this legislation complements current more comprehensive efforts to improve the Federal Aviation Administration and to enhance the safety and efficiency of the air traffic management system. In specific, this bill will permit the transfer of relevant employment and training records to prospective employers when an individual has applied for a position as a pilot.

The bill necessarily focuses on encouraging and facilitating the flow of information between employers so that safety is not compromised. In addition, to ensure that the burden of this legislation does not fall on employers and the legal system, when a transfer is requested and complied with, both the employer who turns over the requested records and the prospective employer who receives them will be immune from lawsuits related to the transferred information. Complete immunity is critical—without it, the legislative cannot achieve its objective of making it a common practice of prospective employers to research the experience of pilots and to learn significant information that could affect air carrier hiring decisions and, ultimately, airline safety.

After reviewing information about certain investigations and recommendations of the National Transportation Safety Board, I have become very concerned about deficiencies in the pre-employment screening of pilots. Right now, the FAA requires airlines only to determine whether a pilot applicant has a pilot license, to check the applicant's driving record for alcohol or drug suspensions, and to verify that person's employment for the five previous years. Yet, the FAA does not require airlines to confirm flight experience or how a pilot applicant performed at previous airlines. The NTSB, however, after studying certain airline accidents that were determined to be caused by pilot error, has recommended three times since 1988 that airlines should be required to check information about a pilot applicant's prior flight experience and performance with other carriers.

Compounding my concern about the insufficient sharing of pilot performance records among employers is that in the near future, there may be a shortage of well-qualified U.S. airline pilots because the military, which in the past has regularly trained the vast majority of airline pilots, will be training fewer of them. This will happen at the same time that the demand for pilots at U.S. major and regional carriers increases. Since many future pilots will not have experienced rigorous and reliable military aviation training, the ability of prospective employers to have access to records from previous employers will be even more critical to airline and passenger safety.

Safety in our Nation's air transportation system is paramount. I believe this bill will not only encourage employers to make more thorough background checks of the pilots they hire, but will also enhance safety.

Mr. President, I ask unanimous consent that this legislation and certain newspaper articles dealing with this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 44936 of title 49, United States Code, is amended by adding at the end thereof the following:

“(f) RECORDS OF EMPLOYMENT.—

“(1) IN GENERAL.—An air carrier or foreign air carrier receiving an application for employment from an individual seeking a position as a pilot may request and receive records described in paragraph (2) relating to that individual's employment from any person who has employed that individual at any time during the 5 years preceding the application.

“(2) RECORDS TO WHICH SUBSECTION APPLIES.—The records referred to in paragraph (1) are—

“(A) the personnel file of the individual;

“(B) any records maintained under the regulations set forth in—

“(i) section 121.683 of title 14, Code of Federal Regulations;

“(ii) paragraph (A) of section VI, appendix I, part 121 of title 14, Code of Federal Regulations;

“(iii) section 125.401 of title 14, Code of Federal Regulations;

“(iv) section 127.301 of title 14, Code of Federal Regulations; and

“(v) section 135.63(a)(4) of title 14, Code of Federal Regulations; and “(C) any other records concerning—

“(i) the training, qualifications, proficiency, or professional competence of the individual;

“(ii) any disciplinary action taken by the employer with respect to the individual; and

“(iii) the release from employment, resignation, termination, or disqualification of the individual.

“(3) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—An individual whose employment records have been requested under paragraph (1) of this subsection—

“(A) shall receive written notice from each person providing a record in response to a request under paragraph (1) of the individual's right to receive such copies; and

“(B) is entitled to receive copies of any records provided by the individual's employer or a former employer to any air carrier or foreign air carrier.

“(4) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

“(5) STANDARD FORMS.—The Administrator shall promulgate—

“(A) standard forms which may be used by an air carrier or foreign air carrier to request records under paragraph (1) of this subsection; and

“(B) standard forms which may be used by any employer receiving a request under paragraph (1) for records to inform the individual to whom the records relate of the request and of the individual's right to receive copies of any records provided in response to the request.

“(6) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

“(A) to protect the personal privacy of any individual whose records are requested under paragraph (1) of this subsection and to protect the confidentiality of those records;

“(B) to limit the further dissemination of records received under paragraph (1) of this subsection by the person who requested them; and

“(C) to ensure prompt compliance with any request under paragraph (1) of this subsection.

“(g) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—

“(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for a position described in subsection (a)(1) of this section against—

“(A) an air carrier or foreign air carrier with which the individual has filed such an application for requesting the individual's records under subsection (f)(1);

“(B) a person who has complied with such a request; or

“(C) an agent or employee of a person described in subparagraph (A) or (B) of this paragraph

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any State or Federal law with respect to the furnishing or use of such records in accordance with subsection (f) of this section.

“(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law, regulation, standard, or other provision having the force and effect of law that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (f) of this section.”.

[FROM THE NEW YORK TIMES, NOV. 10, 1995]

SAFETY BOARD URGES GOVERNMENT TO MONITOR PILOTS' JOB RECORDS

(By Matthew L. Wald)

WASHINGTON, November 9.—The National Transportation Safety Board recommended today that the Government keep employment records on pilots to keep bad ones from jumping from job to job.

The recommendation came after the board blamed the crash of an American Eagle turboprop last November on pilot error; the pilot had been hired a few days before he was to be dismissed by his previous employer, but American did not know that.

Currently, airlines do not share such data out of concern that a pilot denied employment because of unfavorable information provided by a former employer can sue.

“We can't permit liability to drive safety issues,” James E. Hall, chairman of the safety board, said in a telephone interview today. "Somebody has got to take a step forward to do what's in the public interest."

But the board said privacy questions must be worked out. Moreover, the Federal Aviation Administration, which the safety board wants to compile the data, was reluctant to act without Congressional authorization.

The organizations representing the commuter airlines and the major carriers both expressed support yesterday, although a pilots' union said it objected to such a move.

Last month the safety board concluded that American Eagle flight 3372, a twin-engine turboprop on the way to Raleigh-Durham International Airport from Greensboro, N.C., crashed after the pilot, Michael P. Hillis, became confused about whether the left engine had stopped and failed to focus on flying the airplane. Mr. Hillis, who was killed in the crash, along the co-pilot and 13 of the 18 passengers, had been on the verge of dismissal from Comair, a smaller carrier, when he was hired by American.

American said it never asked Comair about Mr. Hillis's record because it was unlikely that the airline would divulge anything beyond the dates of employment and the kind of equipment that the pilot flew.

The safety board recommended that the airlines and the F.A.A. develop a standardized report on "pilot performance in activities that assess skills, abilities, knowledge, and judgment." The data would be stored by the F.A.A., and with a pilot's permission, could be given to potential employers.

Walter S. Coleman, president of the Regional Airline Association, which represents commuter carriers said in a statement that his group "supports the intent" of the Safety Board's recommendations.

At the Air Transport Association, which represents the major carriers, Tim Neale, a spokesman, said, "I don't think this is going to cause problem for the airlines."

The Air Line Pilot's Association said that any deficiencies in Mr. Hillis's performance should have been obvious because he had been with the airline for four years by the time of the crash. The union also said test results should not be shared among airlines because the tests were not standardized. It called for more training of pilots.

[From USA Today, Sept. 29, 1995]

PUBLIC DESERVES MORE FROM FAA WATCHDOG

How long does it take to learn from your mistakes? At the Federal Aviation Administration, guardian of public air safety, the answer is a disastrously long time.

In a three-part series concluded Thursday, USA TODAY reporters Julie Schmit and John Ritter reveal that the system for assuring pilot competence is dangerously flawed. In fact, it has contributed to 111 deaths, all but one on small airlines, which have less-experienced pilots.

At the heart of the problem is the FAA. The record shows the FAA was warned repeatedly about flaws in pilot testing and hiring, that it recognized the flaws and that it was flagrantly ineffective in fixing them.

One telling example:

On Nov. 15, 1987, 28 passengers and crew died when Continental Flight 1713 crashed on takeoff from Denver. National Transportation Safety Board investigators blamed the crash on bad flying by co-pilot Lee Bruecher. Unbeknown to Continental, Bruecher had been fired from one airline. He'd also flunked pilot tests and had been cited nine times for motor vehicle violations, a red flag for risky pilots.

The NTSB's conclusion: Airlines should be required to check previous employer records of prospective pilots, including test scores, training results, performance evaluations and disciplinary actions.

The FAA's response: No. Its rationale: Benefits from such regulatory change would not justify enforcement costs.

Eight years and six pilot-error airline crashes later, airlines still were not required to verify applicants' flight experience.

That set the stage for crash 7, an American Eagle accident last December in North Carolina explored in detail by the USA TODAY reporters. They found that the pilot, Michael Hillis, was widely known for indecisiveness. Documents showed he'd failed FAA checkrides, and his judgment in critical situations had been found unsatisfactory by previous employers. But the airline didn't know all that until after Hillis ran his plane into trees at 200 mph, killing 15, including himself.

Another pilot-safety flaw emerged from the reporters' research, as well.

Had the FAA required more crew-coordination training, Hillis' co-pilot, who'd never met his captain before the flight, might have been able to override his errors. The NTSB has warned the FAA since 1979 of the critical need for improved crew-coordination training. But the FAA failed to act until this year.

All this points to a problem larger than pilot error. Again and again, the NTSB has told the FAA what's broken in aviation and how to fix it. Yet critical improvements have stalled—and not just because of incompetence or bureaucratic sluggishness.

The FAA is hamstrung by a conflicting mandate. It is charged with both protecting safety and promoting air travel.

So while it can mandate safety measures, it must first weigh the cost-benefit wisdom of its changes. The result: too little, too late in safety improvements.

There are recent signs of progress with new FAA rules for enhanced pilot training and renewed interest in background checks. But even these are half-measures, requiring only some airlines to comply and making some rules voluntary. And this comes as a pilot shortage is approaching.

If ever a lesson is to be learned from aviation accidents, it is that timidity has no place in safety. The NTSB knows that. It's time the FAA did as well.

Regional airlines caught in a bind. Business is booming for small airlines, but their supply of military-trained pilots is down. And there's little incentive for prospective pilots to spend four years and $70,000 for a commercial pilot's license to get a job that starts at $14,000 per year. Meanwhile, starting jobs at the major airlines pay twice that and can reach more than $100,000 after 10 years.

Military trains fewer pilots: 1992, 3,742; 1996, 2,678(1).

Regional airline business soaring. Passengers (in millions): 1984, 26; 1995, 60(1).

Ranking salaries. Average second-year pay for a regional airline co-pilot compared to other professions:

Secretary,	$19,100.
Phone operator,	$19,100.
Data entry,	$17,750.
Co-pilot,	$15,600.
Receptionist,	$15,400.
Bank teller,	$14,600.

[From USA Today, Sept. 28, 1995]

PILOT PERFORMANCE: TOP OFFICIALS RESPOND

Q: American Eagle Capt. Michael Hillis washed out at his first airline, Comair. Eagle hired him without knowing that. Last year, he crashed a plane, killing himself and 14 others. Should airlines share records of pilot training and performance?

Pena: That was a very upsetting (crash). We are working with Congress to get legislation passed to allow airlines to share (pilot performance) information, and we will support such legislation.

Q: What do you say to people who are shocked that a pilot who failed at one airline could get hired at another?

Broderick: I am incensed, too, every time an accident happens. We work 24 hours a day trying to make this system a zero-accident system. I think we've got it to where it is the best in the world. It is still not good enough, and every time the system fails, it is extremely frustrating to all of us. We want to do whatever it takes to make sure that failure never happens again.

Q: Did the system fail in the American Eagle crash?

Broderick: The system failed because a plane crashed and people lost their lives.

Q: Does that mean the system doesn't always identify weak pilots?

Broderick: No. It points out where they're weak so we can train them in areas where they need it. Success isn't in getting rid of people. Success is having qualified people on the flight deck. If the system is such that you fail (and) you're out, it couldn't work.

Q: In the past 12 years, there have been 16 fatal accidents in 15- to 19-seat planes. In five of those, the FAA was cited for inadequate supervision of the airline. Is that acceptable?

Pena: No. Absolutely not. We're going to continue to press to improve the level of safety for smaller planes.

Q: But what are you doing to hold the FAA to a higher standard?

Pena: We have a new management team in place that is very focused on this issue. And I am very focused on this issue. We've changed our attitude. We've sent a strong message to everybody to think of safety differently than the way it was viewed in the past, which was "accidents will happen." No one would say that, but that was the unstated assumption. Our attitude now is "no more accidents." Our thinking now is perfection.

Q: What have you done to make that reality?

Pena: We've added more inspectors. We've reached an agreement, which was a big breakthrough, with the airlines. We can now review all their flight data recorders (the "black boxes" on planes that record pilot conversations). In some cases, they show mistakes made by pilots. We can take that information and share it with all pilots to show (that) that was the wrong thing to do, here is what should have been done. We've also pushed for a higher level of safety on regional airlines. (Next year, all regionals will have to meet many of the same safety standards already in use at large regional and major airlines.)

Q: Safety investigators have cited inadequate pilot training as a factor in two fatal crashes since 1985. In one, the FAA had allowed an airline to reduce training below the FAA's minimum standard. Why do you set minimum standards and then allow airlines to go below them?

Hinson: Any exemption we grant is only done when it is an equivalent level of safety. In regulatory law, you write a regulation that focuses on what you're trying to accomplish but realizes there is more than one path. It takes five years to build an airplane. It takes three years to redesign an airline's training program. We cannot change our regulations every six months. One of the purposes of having exemptions is to allow air carriers to take advantage of new technology within the existing framework so we don't have to say to them, 'I'm sorry, the rule doesn't allow this.'

Q: The FAA is supposed to regulate and promote aviation. Aren't those conflicting responsibilities?

Q: Hinson: No. We are to provide a safe aviation environment. In that context, promotion means we should have laws giving us authority to set standards, impose penalties and provide enforcement. The most aggressive form of promotion is to have the confidence of people who use the system.

Q: Before the FAA passes a new regulation, it must weight the cost of it to the airlines.

Q: Hinson: That's true. We could provide a regulatory environment that was so strict and so punitive that people would ask, 'Why go into that business?' We could say (planes) must have six engines, four pilots instead of two. We don't do that. We have 17 cost-benefit laws that we have to answer to. The National Transportation Safety Board and the other oversight groups can have opinions without regard for cost. We can't.

Q: One criticism is that it takes repeated accidents before the FAA acts. What's being done?

Q: Hinson: To some degree that is a fair criticism. It results from a propensity of our people to be extremely cautious and it comes back to the requirement of cost-benefit analysis. We are beginning to see a reduction in the processing time of regulations. One of my charges is to create more sense of urgency in that arena.

[From USA Today, Sept. 28, 1995]

EXPENSE SOMETIMES STOPS FAA FROM ORDERING SAFETY IMPROVEMENTS

(By John Ritter and Julie Schmit)

The FAA rejects dozens of changes it deems to costly or burdensome to airlines, even if other experts think they're important to safe airliner operation.

Sometimes the FAA repeatedly turns down a National Transportation Safety Board recommendation—under industry pressure, critics say—only to accept it later after more crashes.

December's American Eagle crash near Raleigh, N.C., is an example. Records show the pilot had been forced to resign at one airline. But Eagle hired him unaware of his poor record.

Three times since 1988, the NTSB had urged tougher pilot background checks, including verifying flight, training and disciplinary records and FAA violations. But the FAA says enforcing a new regulation would be too costly and leaves such checks up to the airlines.

There are other examples:

The NTSB urged ground-proximity warning devices on planes in 1986. An FAA rule requiring them took effect last year, but loopholes will delay full compliance until 1996.

After a 1993 Express II accident near Hibbing, Minn., the NTSB said the device would have given pilots 33 seconds' notice they were too close to the ground—plus an urgent "pull up" warning 21 seconds before—time enough to avoid the crash, which killed 18.

Fatal runway crashes in Los Angeles, Detroit and Atlanta within a year led the NTSB in 1991 to urge the FAA to speed up installing ground radar.

The FAA moved quickly but delays persisted. In November, a TWA MD-80 took off from St. Louis while a Cessna was on its runway. The jet sheared the top off the smaller plane, killing two pilots. The MD-80 passengers escaped.

Investigators found that the FAA modifications had delayed St. Louis' radar. The NTSB then asked for a schedule for remaining airports and held a hearing to pressure the FAA. Even now, "We don't expect them to have the system fully installed until 1999," says Barry Sweedler, director of the NTSB's safety recommendations office.

In 1979 the NTSB began urging a new kind of training to make cockpit crews work together better. And although the majors and some regionals now teach Crew Resource Management (CRM), it's not uniform or required.

But most crashes involving pilot error can be traced to CRM deficiencies—faulty communication or poor coordination between pilots.

New FAA rules this fall will require CRM industrywide for all pilots flying planes with 10 or more seats. But it won't be pass-fail training—pilots whose CRM skills are weak won't necessarily be pulled from the cockpit.

[From USA Today, Sept. 28, 1995]

PILOT ERROR: SOLUTIONS, BETTER REGULATIONS, SAFER SKIES

Problem: Pilot Supply 1. Provide public funding for pilot training to ensure high quality. The Air Force spends $533,000, on average, to train one pilot. It exposes pilots to the latest aircraft and computer technologies. U.S. flight schools, which rely almost completely on tuition, can't afford such training. Most student pilots train in single-engine planes quite unlike those flown by regional and major airlines. Who must act: Congress, FAA. 2. Provide pilot candidates with more financial assistance, including guaranteed student loans and scholarships. That would ensure that the industry gets the best applicants, not just those who can afford the training. The cost of a commercial pilot license and four-year degree is about $70,000. Most new pilots find that it takes five years, or more, to get a job that pays more than $30,000 a year. Who must act: Congress, FAA. 3. Require airline pilots to have four-year degrees. Many major airlines used to require a four-year degree. Now, most list it as a preferred qualification. The military still requires it of pilot applicants. Requiring bachelor's degrees would help ensure that pilots have the ability to understand today's sophisticated planes. Who must act: FAA, airlines. 4. Have examiners chosen at random. Make it impossible for pilots and student pilots to choose their own examiners for licensing and aircraft certification tests. The current system is open to abuse by examiners who give easy or short tests. The more tests they give, the more money they make. Who must act: FAA.

Problem: Pilot Hiring 5. Require tougher background checks of pilot applicants. Airlines are required to verify an applicant's pilot license and work history for the previous five years. They also must check driving records for alcohol or drug convictions. The FAA should require airlines to verify applicants' flight experience, check FAA records for accidents or violations and check any criminal records. The National Transportation Safety Board has suggested tougher background checks three times since 1988—each time after a fatal accident. Who must act: Congress, FAA. 6. Require airlines to share training records. These may reveal recurring weaknesses on such things as judgment and decision-making, which wouldn't show up in FAA records. Today, the records aren't shared because airlines fear invasion-of-privacy lawsuits from former employees. Who must act: Congress, FAA. 7. Set minimum qualifications for new airline pilots. Currently, each airline sets its own standards, which go up and down based on the supply of applicants. When supplies are tight, airlines often hire pilots who would not be considered when applicants are plentiful. Who must act: FAA.

Problem: Training 8. Tighten monitoring of exemptions and waivers to the FAA's minimum training standards. Most major airlines now exceed the FAA's minimums because the airlines deem them too low. Even so, the FAA allows some regional airlines to shorten training programs if it is convinced their alternatives won't compromise safety. Waivers are given by regional FAA inspectors. There is no national database, which makes monitoring difficult. Who must act: FAA. 9. Speed up implementation of new techniques such as the Advanced Qualification Program. AQP requires airlines to train pilots as crews—rather than individually—which improves crew coordination, a key factor in many accidents. AQP also identifies marginal pilots sooner because pilots are tested more often throughout the training process instead of just once at the end. Who must act: FAA, airlines.

Problem: Testing 10. Require airlines to better monitor pilots who barely pass flight tests. Now pilots pass or fail. If they pass, they don't get more training. If they fail, they do. The system does not recognize that some pilots pass with ease while others struggle. Who must act: FAA, airlines.

Problem: Oversight 11. Encourage pilots to report unsafe pilots by requiring airlines and unions to establish and monitor reporting systems. Most airlines have union committees for this, but it's not an FAA requirement. Who must act: FAA, airlines. 12. Require the FAA to improve the quality of its own databases, which often are incomplete and inaccurate. The FAA has more than 25 databases collecting information on such things as failed pilot tests and pilot violations. The databases are supposed to help the FAA target inspections at high-risk airlines, but inspectors cannot rely on poor data. Who must act: FAA.

[From USA today, Sept. 28, 1995]

HOUSE SEEKS PILOT HEARINGS: AIRLINE RECORD-SHARING "PART OF SAFETY EQUATION"

(By Julie Schmit and John Ritter)

The chairman of the House subcommittee on aviation Wednesday called for hearings on requiring airlines to share pilot performance records.

Record-sharing would prevent marginal pilots from moving from airline to airline without the new employer learning about past performance.

Rep. John Duncan, R-Tenn., responding to a USA Today investigative report, said if airlines won't start sharing records voluntarily, "we will go for a legislative solution."

Sen. John McCain, R-Ariz., Senate aviation subcommittee chairman, said airlines may have to be exempted from civil privacy suits. "Safety is paramount, and we have to take whatever steps are necessary."

"Lives will be saved," said Jim Hall, National Transportation Safety Board chairman. "The flying public has the right to know airlines are doing all they can to ensure safety."

Airlines are reluctant to share records because they say it opens them to privacy suits.

But government reports show that since 1987, 111 have died in seven crashes blamed on pilots' performance.

In some cases, those pilots had poor histories at other airlines, information their new employer did not have.

"We welcome the interest" in Congress, said FAA administrator David Hinson. "A pilot's record . . . is an important part of the safety equation."

The Air Line Pilots Association, the USA's largest pilot union, wants airlines, the Federal Aviation Administration and unions to develop national standards to screen applicants.

Many of the several dozen pilots who called USA TODAY about this week's three-part series said too many marginal pilots continue flying.

[From USA Today, Sept. 27, 1995]

The Pilot Who Crashed Flight 3379

FIRST TIME AS A TEAM, PILOTS MADE MISTAKES

(By John Ritter and Julie Schmit)

A stall warning horn blared again. "Lower the nose, lower the nose, lower the nose," co-pilot Matthew Sailor told Hillis. By now, the plane was rotating left. "It's the wrong foot, wrong foot, wrong engine," Sailor said. Hillis, one of several pilots with troubling flight records, tried in the dark cockpit to control the plane. He pressed the wrong rudder pedal. The rotation worsened. Six seconds later, the plane slammed into trees four miles from the runway at 200 mph.

December 13, 1994, an American Eagle Jetstream descends in darkness, rain and fog toward Raleigh-Durham Airport.

A light blinks on, warning of possible engine failure.

Two pilots, flying together for the first time, scramble to sort out what has gone wrong. Fifty seconds later, the twin-engine turboprop slams into woods west of Raleigh at 200 mph. Both pilots and 13 passengers die.

American Eagle officials believe the crew of Flight 3379 bungled a situation it was trained to handle. In November, the National Transportation Safety Board is expected to report—as it does in 7 out of 10 airplane accidents—that the pilots made mistakes. Almost certainly the NTSB will urge—for the fourth time in seven years—tougher background checks of the nation's airline pilots.

What is clear from the third fatal crash in a year involving a regional carrier—and the 18th in four years—is that the flight captain, Michael Patrick Hillis, was a marginal pilot who had managed to slip through the airline industry's elaborate safety net. Moreover, the crash puts under fresh scrutiny a decades-old, traditional-bound system of hiring and training airline pilots.

The young Eagle captain had no violations on his record. Hillis had never been in an accident. But he had failed tests and shown poor judgment at two airlines. He had struggled with landings easier than the one that confronted him out-side Raleigh. He was not, his fellow pilots made clear, a man they wanted to fly with in an emergency.

Shy, studious and unassuming, a quiet loner who found relationships difficult, Hillis, 29, did not fit the take-charge image of an airline pilot. An instructor who had him in a small ground-school class weeks before the accident couldn't remember him.

And throughout a five-year airline career, doubts had persisted about his flying abilities.

"He was very indecisive and very hesitant," says his pastor, the Rev. Robert D. Spradley. "Unless he changed into something other than what we saw when he got in the cockpit, those emergency decisions must have been very difficult for Mike."

William Gruber, a 20-year pilot at Embry-Riddle Aeronautical University, concludes after reviewing Hillis' career: "I can't say I'd allow him to take command of an aircraft."

Hillis survived in a system that should have weeded him out—a system of hiring, training and testing pilots that has no fail-safe mechanism to keep track of marginal performers, no way even to ensure that their records follow them from one job to the next.

Flight 3379 underscores the randomness of air travel: Pilots fly whole careers and never have an engine fail.

It underscores the contracts: The brief career of Hillis' co-pilot, Matthew Sailor, was an exceptional and full of promise as Hillis' was bumpy and unremarkable.

And it underscores the irony: On the eve of the fatal flight, Hillis was ready to quit American Eagle. He had even asked a friend about working at a Wal-Mart.

Most of all, Hillis' story underscores the imperfections of the airline pilot system.

Eagle managers say Hillis was competent because he passed every test he had to pass. "We don't know any way we could have caught this guy," says Robert Baker, vice president of AMR, parent of American Eagle and American Airlines.

But a USA Today investigation reveals a less reassuring picture of Hillis' hiring and advancement. Eagle never learned the real reason he wanted to leave his first airline for a lower-paying job at a second one.

Hillis was brought on board quickly by Eagle, an expanding carrier eagerly hiring pilots. He didn't move up Eagle's applicant pool gradually as Sailor, hired three years later, did.

And, the preliminary crash report shows, when Hillis failed an FAA check-ride—a key benchmark—Eagle ignored its own rules and let the same examiner retest him.

In his Eagle file, Hillis had no evaluations by senior captains he flew with his first year—a tool many airlines, but not Eagle, use to identify poor performers.

He kept advancing, as he had since his first solo flight not long after high school in 1984—from small single-engine planes to twin engines, to planes that carried a few passengers to planes that carried more.

But once he hit the airlines, troubles cropped up. When he couldn't cut it in his first job, as a first officer at Comair, a Cincinnati-based regional airline, Comair got rid of him. That alone would have ended many careers, but not this one.

Hillis' problems started in the first check-ride.

Hillis joined Comair as a co-pilot trainee in January 1990, after flying four years for a small Memphis freight operation. Weeks after arriving at Comair, he had his first FAA check-ride and bombed.

In a check-ride, an examiner tests a pilot's skill on takeoffs, approaches and landings. Hillis flunked three of four landings, three of nine instrument procedures and one of five takeoffs. Worse, he got what pilots liken to a scarlet letter: "unsatisfactory" on judgment.

"It means the examiner believes the guy shouldn't be flying," says Robert Iverson, a longtime Eastern Airlines pilot and former KIWI Airlines top executive. "It is a subtle way to pass that along . . . to say, 'Hey management, you better wake up.'"

Instead, Hillis got more training and passed his retest two days later. But in his early flights, captains flying with him commented that his landings were still weak.

In April 1990, Comair Capt. Mitchell Serber rated Hillis in the lowest fifth of pilots on flight skills, but above average on willingness to learn. Serber also found him impatient, a "very high-strung person . . . who gets upset with his performance to the point it distracts him."

He had "functional knowledge of his duties" but not a good understanding of the plane. After a month in the cockpit with Hillis, Serber rated "his overall performance as weak." He certainly wasn't ready to be a captain, Serber felt. He should stay a first officer at least a year.

On evaluation forms that asked if they would be comfortable flying as a passenger with Hillis, Serber and two other captains checked "no."

But by December, one of those captains found him "moody and unpredictable" and urged dismissal. Serber, after talks with Comair chief pilot Roger Scott, agreed. He had never recommended firing a pilot.

Senior pilots warned about Hillis' flight weaknesses.

Serber was worried, he told safety investigators after the crash, that Hillis would get tunnel vision in an emergency. His timing was off: "Mike was frequently behind the airplane." He often lost situational awareness. He would "make large abrupt corrections, mostly on instrument approaches." These deficiencies would all come into play in the crash.

But even senior pilots' warnings weren't enough to get Hillis fired. He was allowed to resign, on Jan. 3, 1991, after less than a year at the airline. Comair won't discuss details, but vice president K. Michael Stuart says, "Our system at a very early point determined that there was a problem and we took care of it."

Took care of it to a point. Unknown to Comair, in October Hillis had applied for a job at Nashville Eagle, a regional carrier flying under American Eagle's logo. In an application letter he said he wanted to return to Tennessee.

On paper, he was a dream candidate: 2,100 flight hours, above the 1,500 Eagle requires. And as a working airline pilot, he had had more training than most. "We naturally assume they know what they're doing," says American's Baker.

Eagle officials had no idea Hillis was on thin ice at Comair. They sent Comair a questionnaire they send all previous employers. Hillis even authorized Comair in writing to furnish information. One of the questions was, "To what degree was this person's job performance satisfactory?"

Comair didn't send the form back, Eagle executives say. Rarely will an airline release information about a pilot. Comair says it provides only dates of employment. Eagle has the same policy. So do many companies outside the aviation industry. They won't risk invasion of privacy and defamation suits from ex-employees.

"Sure, we'll ask for more," says former Eagle president Bob Martens, "but we don't get it for the same reason we don't give it out: We're subject to lawsuits from individuals."

But privacy lawyers say there's no liability if the information is true. "It's a phobia companies have," says Robert Ellis Smith, a Providence, R.I., privacy lawyer. "I call it a conspiracy of silence."

But not by all. Some airlines won't hire without information from previous employers. They want to know: Would you hire this person again? "If we don't get a response to that, we don't hire," says William Traub, United Airlines vice president.

Hiring without knowing how well a pilot performed elsewhere worries safety experts. Three times since 1988, the NTSB has urged the FAA to require airlines to do detailed background checks before they hire and to provide the records of their former pilots when another airline requests them. The FAA has said enforcing such regulations would be too costly.

But since December's crash, FAA officials are considering ways to require carriers to share information.

American officials, in hindsight, acknowledge the value of sharing previous employment records. They want the FAA or Congress to mandate it. "We're already doing it with drug and alcohol testing," Baker says. "We're required by law to pass that information on." The information goes into an FAS database, which airlines can access.

But when Hillis applied, Eagle relied—as it still does today—on its own screening and training to spot unworthy pilots.

In that process, senior captains grill applicants on cockpit situations. A security agency investigates gaps in work history. Driving records are examined. There's a flight test in an aircraft simulator and a medical exam, which, like those at most airlines, exceeds FAA requirements.

Hillis went through his screening on Oct. 24, 1990, and passed. But there should have been concern. He lacked two qualifications Eagle prefers in its pilots: a college degree and an airline transport pilot certificate, the highest class of license.

In a Cessna simulator, Hillis flew adequately, and evaluator Sam White saw "very good captain potential." But White also noticed that Hillis leveled off too low after descending form cruise altitude, and was slow to correct the mistake.

When asked if he had ever been fired or asked to resign from a job, Hillis could honestly answer no. It wasn't until two months later that Comair would force him out. There's no record that Eagle asked him during the screening about his work there.

Jennings Furlough, an Eagle flight standards manager who interviewed Hillis, pronounced him a "very good candidate." On Jan. 7, 1991, four days after leaving Comair, he began first officer training in a 19-passenger Jetstream turboprop.

Co-pilot Sailor came from a different flight background:

As Hillis started a new job, the co-pilot who died with him in the crash, Matthew Sailor, was beginning his final semester in aeronautical studies at the University of North Dakota in Grand Forks, one of the top collegiate aviation programs.

Over the next two years, Sailor, 22, would build a solid resume flying as an instructor pilot to gain hours. "He was very proficient, one of the best we've had," says Joe Sheble, owner of Sheble Aviation in Bullhead City, Ariz., where Sailor earned advanced pilot and instructor ratings and spend hundreds of hours teaching students how to handle engine failure. "He was probably as comfortable flying with one engine as two," Sheble says.

Eagle hired Sailor in December 1993, two years after he applied. He had both the college degree and top pilot certificate Hillis had lacked. In contrast to Hillis, two captains rated Sailor outstanding his first year, one of the airline's best first officers.

By the time Sailor was hired, Hillis had been with Eagle almost three years. His first year was unremarkable. A month into his initial training as a first officer, he passed an FAA check-ride in a Jetstream.

But in January 1992 he faced a crucial decision. Eagle's "up or out" policy meant he had to upgrade to captain when he rose high enough on the pilot seniority list or leave the company. "We do not want people to make careers of being co-pilots," Baker says. Most airlines agree.

This was seven months after Command Airlines and Nashville Eagle had merged to form Flagship, one of the four American Eagle carriers. the new carrier was expanding rapidly.

It needed captains, and many first officers were upgrading. It's not clear how eager Hillis was, but he had no choice. In 1993, the policy changed, and Eagle began allowing first officers to defer upgrades up to a year.

Hillis began captain training in a Shorts 360, a 36-seat turboprop. Almost immediately, he had problems.

Watching him in a simulator, instructor Ray Schaub rated him unsatisfactory on two maneuvers. One was handling an engine failure. The other was for not executing a go-around of the airport after an engine failed on approach—the very situation he would confront before the crash. After 15 sessions Hillis passed his captain's check-ride and began flying out of Raleigh-Durham.

Less than four months later, he was back in a Jetstream when the number of Shorts captains was reduced. Now he had to recertify in the plane he'd flown before as co-pilot.

Records show once more he struggled, blowing an approach and flunking an FAA check-ride for the second time in his career. He got his second unsatisfactory on judgment.

At most airlines, including Eagle, two failed check-rides and two unsatisfactories on judgment would get a pilot kicked out. But Eagle knew nothing of the record at Comair.

Hillis' FAA examiner, Kevin Cline, told investigators he failed about 1 in 5 pilots, but only 2 percent or 3 percent got an unsatisfactory in judgment.

Hillis got 1.8 more hours of simulator training. Then Cline retested him, even though Eagle's policy is for another examiner to retest. Cline passed him the second time.

Assigned to Raleigh-Durham, Hillis flew uneventfully for the next two years. Eagle records show he passed eight checks from September 1993 to July 1994.

Rumors spread and one pilot balked at flying with Hillis:

If Hillis struggled during those tests, a record wouldn't have been kept at Eagle's training academy. That is Eagle's policy, approved by the FAA, so that instructors make no assumptions about how a pilot will perform.

But while Hillis was bearing up in the Eagle training academy's predictable environment, pilots he was flying with at Raleigh-Durham were talking about his indecisiveness and poor judgment.

On Nov. 18, 1994, Sandra O'Steen was scheduled to be Hillis' co-pilot from Raleigh to Knoxville, Tenn. She'd heard the rumors and told Raleigh base manager Art Saboski she didn't want to fly with Hillis—the only time she'd ever done that.

Saboski confronted O'Steen: Did she want to be judged on rumor? She said no and agreed to fly. During the flight, Hillis asked her about the rumors. Ignore them, O'Steen said.

Later, she e-mailed Saboski that the flight "went by the book," signing off "sorry for the fuss." She told investigators that Hillis' flying skills were OK, but he wasn't decisive.

Hillis was so upset about the rumors that he called Saboski at home on a Saturday. They met on Monday, and Hillis told his boss his reputation was being smeared. Saboski asked Hillis twice if he thought he needed more training. "He pooh-poohed it," Saboski says. The meeting ended.

Saboski, who was supervising nearly 300 pilots, was torn. "Rumors fly like crazy," he says. "The pilots are a fraternity. But there's always a question in my mind as to whether there's truth in what's being said."

Former Eagle president Martens agrees Saboski did not have enough information to act on.

Everyone's morale was low; layoffs were expected:

Three weeks later, on Dec. 10, American Eagle announced it was pulling out of Raleigh-Durham. Low morale plunged lower. Pilots were angry because they'd have to relocate or be furloughed. They'd been grumbling all year about their contract. They felt overworked and underpaid. Hillis shared the anger, and the announcement, along with the flap over rumors, apparently galvanized a decision to quit. He called in sick on the 10th, 11th and 12th.

"I tried to contact him. I knew something was going on," says Jody Quinn, a friend since Hillis had come to Raleigh two years before. He was, she says, not a hard person to figure out: "Just a good ol' down-to-earth everyday person. But incredibly conscientious. On top of everything. Very together and organized."

To Quinn and North Carolina State University students Brent Perry and Mike Parsons, who shared a house with him, Hillis was a dedicated churchgoer, a man who liked nature and photography. He studied a lot—especially airplane manuals and economics. He'd accumulated 42 hours at Memphis State University and was now taking courses at N.C. State.

"He'd bounced around from here to there to everywhere," Quinn says, "and he just liked North Carolina and decided to stay. . . . He wanted to finally finish something, finish his degree. He wanted some roots."

Hillis' mother, Theresa Myers of Wauchula, Fla., says her son loved flying but was uncertain about his future. "I never wanted him to fly," she says. "I wanted him to get a college degree, and in the end I think that's what he wanted, too."

Spradley, his pastor, thought Hillis battled depression. "He lacked self-confidence and personal strength, not just in his spiritual life but his social life as well. He didn't make friends easily and while he wanted them desperately, he didn't seem to know how to manage friendships."

A job at Wal-Mart began to look appealing:

On Monday the 12th, Hillis studied for a final in his economics class. He and Parsons watched the Monday Night Football game, but Hillis was brooding about his future. He asked Perry how he like working at Wal-Mart and whether it had good benefits. "He didn't like the idea of being unemployed," Perry says.

The two talked about the Raleigh-Durham hub closing, and Hillis said he was thinking of quitting that week. "We prayed about it, prayed about what he hoped to do," Persons says.

Hillis' scheduled co-pilot the next day, Sailor, spent that night in a hotel near the airport. Based in Miami, Sailor was assigned temporarily to Raleigh-Durham. He had been an Eagle pilot just a year, but told friends he wasn't worried about being laid off.

He and Hillis—who had never met—were scheduled for a two-day trip Tuesday and Wednesday. They flew the initial 38-minute leg to Greensboro on Tuesday afternoon uneventfully.

As they took a break before flying the second leg, back to Raleigh, Hillis told airport service rep Sara Brickhouse, "The company doesn't care about me." He was somber and unhappy, she told investigators.

Less than two hours later, as the Jetstream descended toward final approach into Raleigh, a small amber ignition light, the left one, flashed on. Hillis, flying the plane, said: "Why's that ignition light on? We just had a flameout (engine failure)?"

Sailor answered: "I'm not sure what's going on with it." Then Hillis declared: "We had a flameout."

The timing was bad. The plane, carrying a maximum weight load and its engines on idle, was quickly slowing down. It was at a point when Hillis should have been applying power to maintain minimum approach speed.

For 30 seconds, he and Sailor considered what to do as the plane stayed stable on its glide slope. They'd already lowered the landing gear and set the flaps for landing. Hillis decided to continue the approach and asked Sailor to back him up. Twice the cockpit recorder caught the sound of propellers out of sync.

Then Hillis made a fateful decision: He would abandon the approach, fly around the airport and try another landing. It would give them time to work the problem. Sailor said, "All right."

The plane by then had slowed dangerously. A stall warning horn blared, and Hillis called for maximum power in the good engine to gain speed. But he apparently failed to make two critical adjustments. Powering up the right engine would cause the plane to rotate left. To counter that, he should have raised the left wing and set full right rudder.

A stall warning horn blared again. "Lower the nose, lower the nose, lower the nose," Sailor told Hillis, to gain speed and lift. Three seconds later, both stall horns went off. Again, Sailor said, "Lower the nose." By now, the plane was rotating steeply left.

Then, "it's the wrong foot, wrong foot, wrong engine," Sailor said. Hillis trying in the dark cockpit to counter the rotation and control the plane, had pressed the wrong rudder pedal with his foot. The rotation, or yaw, only worsened.

Six seconds later, at 6:34 p.m. ET, the plane slammed into trees four miles from the runway at 200 mph. Fifteen of the 20 on board died.

From wreckage, investigators determined that at impact both engines were functioning fully. Experts familiar with the flight data say Hillis misdiagnosed the ignition light and overreacted—escalating a minor anomaly into a catastrophe.

Familiar flaws had shown up again, this time for real: suspect landing skills; the tendency to make major, abrupt corrections; poor judgment. Preoccupied by the engine problem—the tunnel vision others had worried about—Hillis ignored the first rule in an emergency: keep flying the plane.

He decided unequivocally that he had a dead engine but then didn't conform it by advancing the throttle or checking the rpm gauge.

The left engine could have lost power then regained it. One thing the light is designed to indicate is that an internal system is trying automatically to reignite the engine.

But in training, according to crash investigation records, Eagle pilots were taught an ignition light coming on meant only one thing: flameout.

Eagle instructors followed the operating manual of the Jetstream's manufacturer, British Aerospace. Less than a month after the crash, the company issued a "Notice to Operators" that clarified what it means when the light comes on. And Eagle has since changed its training manual.

The decision not to land turned out to be fatal.

In post-crash tests, investigators found that sometimes, with engines at idle, the light came on when propeller speed levers were advanced quickly. Hillis had done that five seconds before he saw the light.

One thing is clear: Most pilots, trained to land planes on one engine, would have shut down the bad engine and landed—not tried a go-around at 1,800 feet. It was the decision to circle that led to the sequence of events that caused the crash.

Sailor must have sensed what was happening. As an instructor in Arizona, he'd logged hundreds of hours teaching people to handle engine failure in flight. American's Baker is convinced, reading the voice transcript, that he "had a much better sense of what was going on."

Pilots who have read transcripts of the final seconds give this interpretation:

Sailor's comments seem intended to keep Hillis on track. "'K, you got it?" he asks Hillis seconds after the light came on. (Translation: Are you going to keep flying the plane?)

Then, "We lost an engine?" (You want the engine-out procedure?)

Later, "Watta you want me to do; you gonna continue" the approach? And Hillis says: "OK, yeah. I'm gonna continue. Just back me up."

Fifteen seconds before impact, the plane slipping out of control, Sailor says, "You got it?" (You want me to take it?)

Finally, six seconds to impact, the recorder catches one last word, from Sailor: "Here." (Here, give it to me.)

But if Sailor thought the captain was in trouble, shouldn't he have suggested shutting down the engine? And if he did finally grab the plane from Hillis, why did he wait until it was too late?

"It's a very difficult move," Baker says, "But if I saw the treetops coming up, you'd have to fight me for that airplane."

In the culture of airline cockpits, co-pilots assume that seasoned captains know what they're doing. Sailor had been flying as a first officer less than a year. On loan from Miami, he probably hadn't heard the rumors about Hillis. Otherwise, he might have been more assertive.

The NTSB likely will criticize Eagle for not giving pilots enough training in cockpit teamwork. But questions remain:

Was the crew—Hillis and Sailor—dysfunctional? Did Hillis, the pilot in command with the questionable record, fail when it mattered most?

Or were Hillis and Flight 3379's passengers the victims of a system that failed?

[From USA Today, Sept. 26, 1995]

MARGINAL PILOTS PUT PASSENGERS' LIVES AT RISK

(By Julie Schmit and John Ritter)

Marvin Falitz, a pilot at Express II Airlines, failed three flight tests in six years, hit a co-pilot and was suspended once for sleeping in the cockpit during a flight.

On Dec. 1, 1993, on a short trip from Minneapolis to Hibbing, Minn., Falitz tried a risky, steep approach. Flight 5719, a Northwest Airlines commuter, crashed short of the runway. All 18 on board died. Investigators blamed Falitz. They also blamed the airline for ignoring repeated warnings about his performance.

Other airlines have ignored warnings about bad pilots, too, and passengers have died because of them.

Since November 1987, pilots with documented histories of bad judgment, reckless behavior or poor performance have caused six other fatal crashes—all but one on small airlines. Death toll: 111, including crewmembers.

A USA Today investigation—including reviews of the government's own safety reports—has found that despite the nation's elaborate air safety system, marginal pilots get and keep jobs. This is particularly true at commuter, or regional, airlines, which often run on small budgets and hire the least-experienced pilots.

At regionals, hiring standards vary widely and are sometimes dangerously low. Training and testing procedures don't catch all marginal pilots. A system of independent contractors who test and license pilots is ripe for abuse.

And airlines are sometimes reluctant to fire bad pilots.

These problems are about to get worse: A shortage of well-qualified pilots is expected through the next 15 years because the military, which used to train 90% of U.S. airline pilots, is training fewer and keeping them longer. At the same time, demand for pilots is exploding, especially at regionals—the fastest-growing segment of U.S. aviation.

"The surplus of quality pilot applicants is about to end," says Robert Besco, pilot-performance expert and retired American Airlines pilot. "It is a big problem. But it is a tomorrow problem so the government and airlines have their heads in the sand."

The military has been a dependable supplier of pilots since the passenger airline industry began growing after World War II. It trains and tests pilots rigorously to weed out poor performers.

As the supply of military pilots shrinks, regional airlines will have to dip deeper into the pool of those trained at civilian flight schools.

Regionals fly smaller planes between cities that major airlines don't serve. Since 1988, major airlines have turned over 65% of the routes less than 500 miles to commuters, says airline analyst Sam Buttrick.

New regional pilots are paid $13,000 to $19,000 a year, one-third of what major airlines pay new pilots. But experience at that level can lead to lucrative jobs at the majors.

Last year, new pilots hired by regionals that fly turboprops had slightly more than half the experience of pilots hired by major airlines. Yet regional pilots can fly 20% more hours than major airline pilots.

Their planes are less automated, and they fly at lower altitudes where the weather is more severe. And because their flights are shorter, regional pilots make more daily takeoffs and landings, which is when most accidents occur.

According to government reports, for the past decade the accident rate for regional airlines has been significantly higher than the rate for major airlines. Still, accidents are rare. People are nearly three times more likely to die in a car than in a 15- to 19-seat plane, says aviation consultant Morten Beyer.

The Federal Aviation Administration, which regulates airlines, asserts regional airlines are safe—and getting safer. Says Transportation Secretary Federico Pena: "If they're not, we shut them down."

An analysis of official crash reports, however, shows that some airlines are not always as safety conscious as they should be—or as they say they are. The problems occur at every stage in a pilot's career: licensing, hiring, training and testing.

LICENSING: PILOTS CAN SHOP FOR EASY EXAMINERS

To get a license to fly passenger planes, most pilots are required by the FAA to have at least 191 hours of flying time. Then they must pass FAA tests, usually given by FAA-approved examiners for fees from $100 to $300. Pilots or their instructors can choose the examiners. Just as lawyers can shop for sympathetic judges, pilots can seek easy testers.

"If you're a real hard-nosed examiner, you run the risk that (they) aren't going to call you," says John Perdue, an aviation consultant and a retired Delta pilot.

Some flight schools, concerned about abuse, will let students take tests only from examiners they endorse. "I want to know that (students) are tested by someone who's not giving away that ticket," says Steve Van Kirk, 49, at Northwest Airlines pilot and owner of Control Aero Corp. in Frederick, Md.

But not all flight schools are that strict. And the system is vulnerable to other abuses, such as examiners who rush through tests so they can do more in a day.

In 1987, Continental Airlines hired 26-year-old Lee Bruecher as a co-pilot. He was flying a DC–9 when it crashed shortly after takeoff in Denver. The captain, Bruecher and 26 others were killed. Bruecher had been fired in 1985 by Able Aviation in Houston because he had a chronic problem of becoming disoriented—a fact Continental failed to discover.

Safety investigator cited Continental for poor pre-employment screening. Continental has since tightened its screening procedures.

But Bruecher's career might have been cut short long before he got to Continental. In 1983, he passed a test that allowed him to fly multi-engine planes. Two months later, his examiner was fired by the FAA for giving short, easy tests—including one to Bruecher. FAA records say the examiner had been under investigation for nine months.

Poor examiners remain a problem for the FAA. In May, it revoked or suspended the licenses of 12 designated pilot examiners for giving each other phony certificates, allowing them to fly numerous types of planes. The FAA canceled the certificates. It said none of the pilots had used them to fly passengers. It appears the certificates were being collected almost as a game.

HIRING: FEWER PILOTS, LESS COCKPIT EXPERIENCE

After pilots are licensed to fly passengers, most spend years instructing others or flying cargo. Their goal: build flight hours to land jobs with airlines. Most major airlines require at least 2,500 flight hours; most regionals, at least 1,500. Most pilots, when hired, exceed the minimums.

But when faced with a shortage of pilots, airlines lower their standards.

In 1985, 22% of new regional pilots had fewer than 2,000 hours, says FAPA, an Atlanta-based aviation information service. In 1990, when regionals faced tight pilot supplies, 44% of new pilots had fewer than 2,000 flight hours.

Even in years when pilots are plentiful, regionals hire less experienced pilots.

In 1992, GP-Express hired pilot Vernon Schuety, 29, who had 850 flight hours, and pilot James Meadows, 24, who had 1,100 hours. That June, the two flew together for the first time. They crashed near Anniston, Ala., while attempting to land. Three people died.

Investigators said the pilots lost awareness of the plane's position and blamed pilot inexperience, among other things.

The flight was Capt. Schuety's first unsupervised flight as an airline pilot. GP-Express, a Continental Express carrier, had made him a captain right away, without the usual co-pilot experience.

GP-Express president George Poullos says the pilots met all of the FAA's requirements and that the airline only hires pilots who meet or exceed the FAA's minimums.

HIRING: LITTLE BACKGROUND CHECKING IS REQUIRED

On April 22, 1992, Tomy International Flight 22, doing business as air-taxi Scenic Air Tours, hit a mountain on the island of Maui, Hawaii.

The pilot, Brett Jones, 26, and eight passengers died. Investigators said Jones failed to use navigational aids to stay clear of the mountain. He flew into clouds that hid it.

Investigators faulted the air taxi for not checking Jones' background properly and faulted the FAA for not requiring substantive background checks for all pilots. Jones, investigators' records show, had been fired by five employers, including a major airline, for poor performance. He also lied about his flight experience.

Tomy International didn't uncover those facts because it didn't have a policy of verifying an applicant's background. The FAA started requiring a five-year employment check in 1992. Jones was hired in 1991.

The pre-employment check into Jones' aeronautical background consisted of one phone call to a charter and cargo airline, where Jones had worked one year. That operator said Jones departed in good standing.

Jones also received a recommendation from the previous owner of Tomy International, who had once employed him as a van driver.

Tomy International did not return repeated phone calls.

The FAA requires airlines to do very little when checking an applicant's background. They must verify that the applicant has a pilot license; check motor vehicle records for alcohol or drug suspensions; and verify the applicant's employment for the previous five years.

The FAA does not require airlines to verify flight experience, nor to check FAA records for accidents, violations, warnings or fines—or if an applicant has a criminal history.

"They are strongly encouraged to check all those things and we make it easy for them to do that," says Jeff Thal, FAA spokesman.

Most important, an airline is not required to find out how an applicant performed at any previous airline.

Airlines do give applicants flight and oral tests. And most check FAA records and driving histories for more than just alcohol or drug convictions. Two speeding tickets over a year can get an applicant rejected at Southwest Airlines, for example.

"They're not law-abiding," says Paul Sterbenz, Southwest's vice president of flight operations.

But an analysis of government crash reports shows that poor pre-employment screening has contributed to passenger deaths.

Consider the Jan. 19, 1988, crash of a Trans-Colorado plane, a now-defunct Continental Express carrier, near Bayfield, Colo. Both pilots and seven passengers died. Investigators faulted the pilots.

The captain, Stephen Silver, 36, had used cocaine the night before the flight. His pre-employment record included a non-fatal crash landing on the wrong runway, a suspended driver's license and five moving vehicle violations in three years.

Co-pilot Ralph Harvey, 42, had been fired from another regional airline for poor performance. his pre-employment record also included two alcohol-related driving convictions and one non-driving alcohol conviction.

At the time, the FAA did not require airlines to check for alcohol- or drug-related driving convictions. Trans-Colorado executives told investigators they were unaware of Harvey's alcohol history, and Silver's driving history and previous crash.

In another example, Aloha IslandAir hired Bruce Pollard. In 1989, Pollard crashed into a mountain, killing himself and 19 others. Investigators cited Pollard's recklessness and faulted the airline's hiring procedures. IslandAir didn't check with Pollard's previous employers, the accident investigation showed.

Two previous employers said he was careless and one of them was about to fire him before he resigned to join IslandAir.

IslandAir learned. After the crash, it added tough screening procedures that weeded out the pilot who later was involved in Tomy International's 1992 Maui crash.

No airline checks what could be the most important records of all: an applicant's training records at previous airlines. To do so could run afoul of privacy laws, they say, and subject the airline that shared them to suits.

Nonetheless, many airlines refuse to hire a pilot unless they get a good reference from a previous airline-employer. Threat of lawsuit or not.

But actual training records aren't shared. Those reveal how pilots make decisions, handle stress and work with others—insights that don't show up in FAA data and insights airlines are hesitant to share.

If training records had been shared, 15 people might not have died on Dec. 13, 1994, when an American Eagle plane crashed near Raleigh-Durham, N.C. A preliminary government report points to pilot error. Capt. Michael Hillis, 29, was distracted by an engine failure warning light. While figuring out what to do, he and his co-pilot let the plane lose too much speed. It crashed four miles from the runway.

Hillis had been forced to resign from his first regional, Comair, because his superiors worried about his skills and decision-making abilities—facts documented in training records that Eagle never saw.

The American Eagle crash has the FAA reconsidering its stance, and Peña says he would support legislation to mandate sharing of information between airlines.

"We need to have that. I don't want unqualified pilots flying those planes," he says.

TRAINING: FAA DOESN'T KEEP TRACK OF ALL THE WAIVERS GIVEN

Once hired, pilots have to go through their airline's training program. The FAA approves each program. The airlines set requirements based on FAA minimums that are so low most major airlines exceed them, sometimes by 50%.

"They are the floor and should be viewed that way," says William Traub, vice president of flight standards for United Airlines.

Regionals are much less likely to exceed the minimums. Some even fall short. Of 16 larger regionals surveyed at random by USA

TODAY, seven—including four American Eagle carriers—said they were allowed to reduce training below FAA minimums. The airlines say they were able to prove their programs were superior or sufficient, even with fewer training hours.

The FAA keeps track of training exemptions, which are granted by Washington after a formal review. But it doesn't keep track of waivers, which are granted at the regional level. The FAA doesn't even keep a central record of how many waivers have been given.

The FAA even grants training waivers to its own inspectors. In 1992, the Department of Transportation inspector general criticized the FAA for allowing 18% of inspectors to skip ongoing training designed to keep them sharp.

The FAA says safety is not compromised. "The word exemption does not mean we're giving anybody anything," says FAA Administrator David Hinson. He says exemptions allow airlines to use new techniques without waiting for new FAA rules.

But the agency has rescinded waivers and exemptions after crashes. For eight years, the FAA allowed Henson Airlines, now Piedmont Airlines, to cut pilot flight training hours by about 40%. That was rescinded in 1985 after 14 people died when a plane crashed near Grottoes, Va.

Investigators blamed inadequate pilot training, among other things. Currently, Piedmont has no training exemptions and exceeds the FAA's minimum training requirements.

The FAA's willingness to grant waivers or exemptions spotlights a flaw in its structure, safety experts say. The agency has two missions: to promote aviation and to regulate it. Critics say they are in conflict.

When an inspector decides on a waiver that might help a carrier financially, is safety compromised? The FAA says no. Others wonder.

"The FAA is understaffed and politically invaded," says aviation consultant Michael Boyd, president of Aviation Systems Research Corp. "The system is corrupt."

TESTING: IN PASS/FAIL, NO ONE KNOWS WHO BARELY PASSED

Few professionals undergo as much training and testing as pilots. Each year, most captains must have at least two flight tests called "check-rides." Co-pilots have one. These flights with an examiner test a pilot's skill on such things as takeoffs, approaches and landings.

"Check-rides are a series of practiced maneuvers," says Robert Iverson, former Eastern Airlines pilot and former CEO of KIWI International Airlines. "Practiced enough, even marginal pilots can pass."

In addition, pilots are graded pass/fail. If they fail, they are pulled from the cockpit to get more training. Within days, they are retested. If pilots pass check-rides, as more than 90% do, they keep flying.

The pass/fail system does not recognize that some pilots pass with ease while others struggle.

A small percentage, 1% to 2%, barely pass, flight instructors say. Others put the percentage higher.

"Maybe 5% are getting by, but probably shouldn't be," says Van Kirk, the Northwest pilot. Even if 1% are just getting by, that would be more than 500 U.S. airline pilots.

In a 1994 review of major airline accidents, the NTSB called check-rides "subjective" and noted differences among airlines in how they graded pass/fail.

And most airlines do not keep closer tabs on pilots who barely pass.

United is an exception. If pilots struggle through check-rides but pass, they are retested within two months instead of the usual six or 12 months, Traub says.

If Express II had a policy of following struggling pilots more closely, pilot Marvin Falitz, who crashed near Hibbing, Minn., might have been weeded out. He failed three check-rides—in 1988, 1992 and 1993. In 1987, he failed an oral exam. Each time, Falitz was retrained and retested the same day. Not surprisingly, he passed, and continued flying.

On two tests, he failed working with other pilots—what investigators faulted him for in the crash.

Since the crash, Express has intensified pilot training. "Hibbing was an isolated incident and an unfortunate incident," says Phil Reed, vice president of marketing. "We run a safe airline."

After the crash, Northwest Airlines insisted that all of its commuter partners, including Express, train to the highest FAA standards.

FIRING: PILOTS ARE ALLOWED TO QUIT RATHER THAN BE FIRED

Even when an airline decides a pilot is unfit to fly, the pilot isn't always fired. Comair, a Delta Connection carrier, didn't fire Michael Hillis. It let him resign. Hillis did and started at American Eagle four days later.

Many U.S. airlines will let marginal pilots resign rather than fire them. The reasons: Airlines fear being sued, and problem pilots go away quicker if given an easy way out.

"They're gone with fewer repercussions," says Southwest's Sterbenz.

Letting pilots resign often puts them back in the cockpit—of another airline. Still, airlines defend the practice. "The airlines are pretty diligent in looking out for those people" who have resigned, says Tom Bagley, vice president of flight operations for Scenic Airlines.

Not always. American Eagle knew Hillis had resigned from Comair. Hillis told Eagle he wanted to live in a different city. But Eagle didn't know Hillis had been forced to resign. Comair didn't provide that information, Eagle says, and the FAA doesn't require airlines to pass on that information.

The reluctance to fire pilots goes beyond fear of lawsuits, however. It is tied to the status and deference that pilots enjoy and to the high cost of training new pilots.

"Airlines carry weak pilots for long periods," says Diane Damos, a University of Southern California aviation psychologist. "It's just part of the culture."

Says aviation lawyer Arthur Wolk: "It's aviation's good old boy network. Nobody wants to trash a pilot."

Co-pilot Kathleen Digan, 28, was given the benefit of the doubt and later crashed a plane, killing herself and 11 others. Digan was hired in 1987 by AVAir Inc., doing business as American Eagle. She was flying a plane that crashed on Feb. 19, 1988, in Raleigh-Durham, N.C.

During a check-ride her first year, the examiner said Digan needed more work on landings. Another called her job "unsatisfactory" and recommended she be fired. A captain who flew with her said she "overcontrolled" the plane.

But Digan wasn't let go. AVAir's director of operations defended the decision to keep her, telling investigators: "She had invested a lot in our company and our company had invested a lot in her."

Even the FAA has protected poor pilots. On Oct. 26, 1993, three FAA employees died in a crash near Front Royal, Va. Safety officials blamed Capt. Donald Robbins, 55.

That was no surprise. During his 10-year career, Robbins flunked three FAA tests. He had two drunken-driving convictions. Eight co-pilots avoided flying with him, and several complained to supervisors. Nothing was done. In fact, in Robbins' last evaluation, his supervisor gave him a positive review and complimented him on his ability to "get along well with his fellow workers."

The path pilots take to the cockpit: 1. Enter military or civilian flight school. 2. Pass test to get private license; can't work for hire. 3. Pass test to get commercial license; can work for hire. 4. Many military pilots get jobs at airlines after leaving military. Flight school pilots fly cargo or work as instructors to build experience. 5. Get job as co-pilot at regional airline. 6. Pass airline's training program. 7. Pass test to fly certain type of plane. Testing required each time a pilot switches to new type of plane. 8. Spend first year on probation; get reviews; pass first-year test. 9. Pass test to get air transport license; required to become captain. 10. As captain, must pass medical and two flight tests every year.

Regional airlines scramble for pilots. Growth in commuter or "regional" air travel, coupled with a decrease in the number of military-trained pilots, has forced airlines to hire more pilots trained in civilian flight schools.

Military training fewer pilots 1992 3,742 1996 2,678(1).

Regional airline business soaring Passengers (in millions) 1984 26 1995 60(1).

Ranking salaries Average second-year pay for a regional airline co-pilot, compared with the median pay for other jobs: Secretary, $19,100; Phone operator, $19,100; Data entry clerk, $17,150; Co-pilot, $15,600; Receptionist, $15,400; and Bank teller, $14,600.

Comparing accident rates Accident rates for regional airlines that fly planes with 30 or fewer seats are higher than rates for regionals with bigger planes and major airlines. Rates per 100,000 flights:

	1984	1994
Small regionals	.82	.32
Major airlines, large regionals	.23	.24

For this three-day series, USA TODAY reporters John Ritter, and Julie Schmit set out to learn how a marginal pilot slipped through the safety net of a U.S. airline and crashed near Raleigh-Durham last December. They discovered more than one poor pilot had kept flying and that, if nothing changes, more are likely to.

Ritter and Schmit analyzed accident reports since 1985 and obtained FAA documents on current aviation practices through the Freedom of Information Act.

Other sources included the National Transportation Safety Board, which investigates accidents, the General Accounting Office, the Federal Aviation Administration, airline executives, union officials, pilots and safety experts.●

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. BUMPERS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 309, a bill to reform the concession policies of the National Park Service, and for other purposes.

S. 334

At the request of Mr. HELMS, his name was added as a cosponsor of S.

334, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 607

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 881

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1136

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1136, a bill to control and prevent commercial counterfeiting, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

ADDITIONAL STATEMENTS

THE COMMERCE, STATE, JUSTICE APPROPRIATIONS BILL

• Mr. ABRAHAM. Mr. President, I reluctantly voted for the conference report for the Commerce, State, Justice appropriations bill, knowing that it will be vetoed, because it does contain many provisions that will do significant good for the country and because much of the funding it provides is very important to our efforts to fight violent crime. I look forward to working with the managers of the bill to resolve the problem areas of this bill when it comes up for consideration again.

Let me begin by outlining what is good in this bill. First, the prison litigation reform title of the bill makes important and needed changes to the Federal laws governing lawsuits brought against prison administrators across the country. Right now, in many jurisdictions, judicial orders entered under Federal law are having an enormously destructive effect on public safety and the administration of prisons. They are also raising the costs of running prisons far beyond what is necessary. And they are undermining the legitimacy and punitive and deterrent effect of prison sentences.

These orders are complemented by a torrent of prisoner lawsuits. Although these suits are found nonmeritorious 95 percent of the time, they occupy an enormous amount of State and local time and resources; time and resources that would be better spent incarcerating more dangerous offenders.

In my own State of Michigan, the Federal courts are now monitoring our State prisons to determine:

First, how warm the food is.

Second, how bright the lights are.

Third, whether there are electrical outlets in each cell.

Fourth, whether windows are inspected and up to code.

Fifth, whether prisoners' hair is cut only by licensed barbers.

Sixth, whether air and water temperatures are comfortable.

Meanwhile, in Philadelphia, American citizens are put at risk every day by court decrees that curb prison crowding by declaring that we must free dangerous criminals before they have served their time, or not incarcerating other criminals at all. As a result, thousands of defendants who were out on the streets because of these decrees have been rearrested for new crimes, including 79 murders, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, 90 rapes, and 1,113 assaults in just 1 year. Obviously, these judicial decrees pose an enormous threat to public safety.

Finally, in addition to massive judicial interventions in State prison systems, we also have frivolous inmate litigation brought under Federal law. Thirty-three States have estimated that this litigation cost them at least $54.5 million annually. The National Association of Attorneys General have concluded that this means that nationwide the costs are at least $81.3 million. Since, according to their information, more than 95 percent of these suits are dismissed without the inmate receiving anything, the vast majority of this money is being entirely wasted.

Title VIII of this conference report contains important measures that will help stop the destructive effect on public safety, the unnecessary micromanagement, and the waste of resources that this litigation is causing. It limits intervention into the affairs of State prisons by any court, State or Federal, undertaken under Federal law, to narrowly tailored orders necessary to protect the inmates' constitutional rights. It also makes it very difficult for any court to enter an order directing the release of prisoners. Finally, it contains a number of very important limitations on prisoner lawsuits.

These provisions are based on legislation that I have worked on assiduously along with the distinguished chairman of the Judiciary Committee, Senator HATCH, the majority leader, and Senators HUTCHISON and KYL. They have the strong support of the National Association of Attorneys General and the National District Attorneys Association. They will make an important contribution to public safety and the orderly running of prisons by the State officials charged with running them without unnecessary Federal interference. And they will help limit the waste of taxpayer money now spent defending frivolous lawsuits and feeding prisoners' sense that as a result of committing a crime, they have a grievance with the world, rather than the other way around.

I thank the appropriators in both Houses, as well as the efforts of the majority leader and the chairman of the Judiciary Committee, for seeing to it that these provisions were included in this legislation.

The second reason I support this bill is that it makes significant improvements in the law governing the funding of prison grants to the States. Although styled truth-in-sentencing grants, the language in present law is so full of loopholes that it does little to advance the cause of incarcerating the most violent offenders or assuring that they would actually serve the time they were sentenced to serve. The new version does a much better job of targeting this money in a manner that creates the proper incentives.

Now let me outline the areas of this bill with which I have serious reservations. First, I believe the bill goes too far in diffusing money that the version of this legislation that passed the Senate had dedicated to the hiring of police officers in the COPS Program. I sympathize with the desire of my colleagues in the House to give the States more flexibility in spending this money, but this could mean that our goal to put more police on the street may not be achieved. I would much prefer to see a system where the States do have additional flexibility, but are given some real incentives to spend the money hiring additional law enforcement officers.

Second, Mr. President, I believe the provisions related to the Commerce Department fall short of what we should be doing—namely eliminating the Commerce Department altogether. I am the lead Senate sponsor of legislation to abolish the Department of Commerce, S. 929. I think the record is clear—the Department of Commerce is the least essential of all 14 Cabinet-level agencies. Any effort to reorganize and reform Government should begin there.

Although this bill does not eliminate the umbrella organization of the Commerce Department, it does reduce and eliminate some of the Department's more indefensible programs and agencies. It terminates corporate welfare programs like the Advanced Technology Program and the U.S. Travel and Tourism Administration, and it establishes procedures by which the Administration can act.

On the other hand, the conference report fails to take a strong position toward indefensible programs like the Economic Development Administration. Whereas the Senate had funded this program at only $89 billion, the report before us would provide the EDA with over $300 billion for next year. Given the EDA's record of waste and abuse, I believe this funding is excessive and I look forward to an opportunity to debate the merits of the EDA, and other programs like it, when my bill to terminate the Commerce Department is debated on the Senate floor. In addition, this report deletes the fund to cover the costs of terminating the Department and transferring necessary functions to other areas of the Government. Various concerns have been raised regarding the cost of terminating the Department of Commerce, and this provision would have helped address those concerns.

I think some of the money being spent on these unnecessary programs in the Commerce Department would have been better spent funding Federal law enforcement at the levels the Senate proposed in the pre-conference version of this legislation.

Finally, this conference report accepted the House funding level for legal services for the poor and maintains the existing structure for the provision of these services, The Legal Services Corporation, albeit with provisions seeking to ensure that some of the worst misallocations of funds that the Corporation has permitted do not recur. As I explained when the issue came before the Senate originally in connection with this bill, I believe the approach the Senate subcommittee took to this issue originally, which would have eliminated the Federal Corporation and block-granted to the States Federal funds for the provision of legal services to the poor, was far superior. The Corporation itself provides no legal services to the poor, but rather grants Federal money to local organizations that give legal assistance to the poor. This is a function the States can perform at least as effectively as the Corporation has.

While I voted for this conference report, I will reserve judgment on the next Commerce, State, Justice appropriations bill.

THE COMMERCE, STATE, JUSTICE APPROPRIATIONS CONFERENCE REPORT

• Mr. BINGAMAN. Mr. President, I rise in strong opposition to the Commerce-Justice-State appropriations conference report.

When this bill was adopted by the Senate on September 29, it maintained the Community Oriented Policing Services Program [COPS] by eliminating the State and Local Law Enforcement Assistance Block Grant Program, reinstated the Legal Services Corporation, and fully funded the Violence Against Women Act. Now this appropriations bill returns to the Senate reflecting the wishes of the House at the expense of the Senate. The COPS Program has been eliminated by the reinstatement of the State and Local Law Enforcement Assistance Block Grant Program. The Legal Services Corporation will receive approximately $60 million less than the Senate had agreed upon, and the Violence Against Women Act will also receive approximately $40 million less than what the Senate agreed upon.

As we all know, the COPS Program has proven to be successful. In one year, since the program's inception, New Mexico has received over 180 officers from the COPS Program. All parts of New Mexico have been awarded officer positions. From the Aztec Police Department in the north and Sunland Park in the south, to Quay County in the east and Laguna Pueblo in the west, all have felt the impact of this program.

The COPS Program is different from the block grant contained in the conference report because it emphasizes the concept of community policing. It gets officers out into the community preventing crimes rather than reacting to crimes once they have been committed.

Mr. President, I understand that the language in this appropriations bill would allow a community to use the block grant money to hire secretaries, buy a radar gun or buy a floodlight for a local jail. The law enforcement community is against this broad approach. The sentiment is best summed up by Donald L. Cahill, the chairman of the national legislative committee for the Fraternal Order of Police, who testified before the Senate Judiciary Committee in February on the block grant type proposal. He stated:

> This broader category opens the door to using these funds for numerous purposes other than hiring police officers—such as hiring prosecutors or judges, buying equipment, lighting streets, or whatever. These are all worthwhile—but they won't arrest a single criminal.

The bottom line is to place more officers on the street and the COPS program has proven to be successful. That is why the Fraternal Order of Police, the National Sheriffs' Association, and the National Troopers' Coalition support the COPS Program.

To quote Mr. Cahill again, "Police are the answer for today and prevention is the answer for tomorrow."

If the Senate agrees to fund the Violence Against Women Act at the figure contained in the conference report, the Senate is stating that this program is not as strong a priority as it was on September 29.

If given the resources, this act has the potential to demonstrate that the Federal Government can make a real difference when dealing with violence against women. Through prosecution, outreach, and education, the Federal Government has assumed the responsibility of a full partner in this cause.

In summary, our communities will suffer the direct affects of these misaligned priorities.

Mr. President, I would like to take a few additional minutes to discuss some other areas of the conference report that have led me to oppose the bill.

I want to preface my comments with a reminder to those who are earnestly committed to the future economic well-being of our Nation and our citizens. Balancing the budget is certainly a goal I support; this cause does make sense, but that goal alone is not enough to secure a robust and healthy economic future for our country. How we cut, what we cut matters a great deal. As many of you know, I have watched rather incredulously as aid to dependent children, student loans, Medicare and Medicaid, the earned income tax credit have been slashed and attacked in this Chamber as we proceed, without missing a beat, to provide nearly $800 million on 129 military construction projects above the Pentagon's request, above what the President of the United States proposed was necessary to maintain the national security interests of the country. We are making tough decisions that affect people's lives and impact the ability of so many who are hard-working, low income Americans to keep their families together, keep food on the table, and have a chance at getting their children into colleges.

What we cut matters, and I am opposed to the decimation of our Nation's technology programs. Our firms are at a distinct disadvantage to firms in Germany, France, Israel, Japan, South Korea, and in nearly all industrialized nations when it comes to making the investments required to match what foreign government-industry partnerships provide for pre-competitive technology support. We have achieved laudable and significant results from the Technology Reinvestment Program, the Advanced Technology Program, and the Manufacturing Extension Program. While we cut programs, even eliminate some—the Office of Technology Assessment, for example, no longer exists—the Japanese Government, despite its budget and economic problems, is going to double its research and development expenditures by the year 2000. Our technology programs are not corporate welfare; these have been programs that have helped trigger the competitive rebound of our Nation's firms and that have helped small and medium-sized firms benefit from national technology programs and projects, that would have otherwise been the exclusive privilege of larger firms with the contacts, resources, and infrastructure to cooperate with national laboratories.

This Commerce-Justice-State appropriations bill is a disturbing ideological exercise that threatens the health of our future economy. The technology programs of the Department of Commerce help to expand our economy, help Americans compete in the global marketplace, and help to generate high-quality, high-wage jobs that our workers need. Many say that the reason that the Advanced Technology Program is being eliminated is that the projects did not earn any political ownership. This is a sad commentary on our judgment of what is important and not important as we make decisions in our budget-cutting efforts. As Leslie Helm of the Los Angeles Times wrote on November 26, 1995:

> The Advanced Technology Program . . . works because projects are proposed by industry and companies are required to match government money on their own.

This is an example of how we should be leveraging the taxpayer's dollar, getting more from government investments than we otherwise would achieve. The ATP was created during the Bush administration and had strong bipartisan support, support that such a promising, successful program should have today.

I also cannot support this bill because of the sharp reduction for the National Information Infrastructure Grants Program. The NII Program assists hospitals, schools, libraries, and local governments in procuring advanced communications equipment to provide better health care, education, and local government services. The conference report eliminates funding for the GLOBE Program, which promotes knowledge of science and the environment in our schools. And although it remains anemically funded, I think that the reductions in this bill for the Manufacturing Extension Program are wrong-headed and continue the trend of undermining our Nation's best efforts in decades at partnering with industry to maintain our national technological competitiveness both in the commercial and national defense sectors.

We need to bias our spending toward those projects that produce real growth in our economy. Growth generates jobs, better incomes, and a higher standard of living for our citizens.

For these reasons, Mr. President, I must strongly oppose this bill and urge the President to veto it.●

SPEEDY SENATE RATIFICATION OF START II IS NECESSARY

● Mr. HARKIN. Mr. President, Wednesday Senator BINGAMAN gave an important statement about the necessity to ratify START II quickly, and I would like to add my voice in support of his position.

START II will cut the number of the world's nuclear weapons in half, getting rid of nearly 4,000 deployed H-bombs in Russia and about the same number here. An overwhelming number of our citizens favor implementing this treaty, and a large number of elected officials on both sides of the aisle have expressed their support for it. Names and statements of support by Republican leaders were read by my friend from New Mexico, and I will not take time to add to this list now.

Apparently START II is being held hostage in a dispute over the consolidation of our foreign affairs agencies. I hope this is not the case.

Even worse, some groups are now calling to add certain conditions for ratifying START II. These conditions have all been discussed in bills that have now passed the Senate, and should not be attached to the ratification of a treaty. The Senate can not change START II, either we ratify it or not. Attaching political conditions on a treaty is a dangerous practice and should be avoided on procedural considerations.

Mr. President, START II should be ratified for many reasons. First, START II destroys weapons. This reduces the risk of an accidental launch. Second, every Russian weapon destroyed is a weapon we don't need to defend against. The following table shows the numbers and kinds of ICBMs that can be eliminated under START II.

I ask that it be printed in the RECORD.

The table follows:

INTERNATIONAL BALLISTIC MISSILES—ELIMINATED UNDER START II

Delivery system	Launchers	Warheads
SS–18	188	1,880
SS–19	[1] 170	1,020
SS–24	46	460
SLBM's		[2] 600
Totals	404	3,960

[1] Some SS–19's may be converted to carry only a single warhead in order to offset the cost of developing a new launcher.

[2] Based on limit of 1,750 submarine launched ballistic missiles. The current Russian arsenal of SLBM's is estimated at 2,350.

Source: "Bulletin of Atomic Scientists," Nuclear Notebook, September/October 1995.

Mr. HARKIN. Additionally, destroying weapons saves taxpayers' money. Just look at the current Senate Defense authorization bill. As my friend from New Mexico pointed out in the report to the Defense Authorization Act, the act "proposes a nuclear weapons manufacturing complex sized to meet a need of a hedge stockpile far above the active START II stockpile of 3500 weapons." The total cost of producing our nuclear weapons to date is about $4 trillion. Compare that with our $5 trillion national debt. In 1995 alone, $12.4 billion was spent to build, operate and maintain strategic nuclear weapons. If we ratify START II we can give taxpayers the double peace dividend of higher security at lower cost.

Even if START II were fully implemented, we would have more than 3,000 deployed strategic missiles—500 warheads on missiles in silos, 1,680 warheads on submarine-launched missiles, and 1,320 on airplanes. Furthermore, an additional 4,000 nuclear weapons would remain in our stockpile. Surely, this will be more than enough atomic fire power to counter any conceivable threat to the United States.

Mr. President, Russia and other former Soviet Republics are more open than ever before. We have all seen the unprecedented pictures on television of Russian missiles and airplanes being destroyed. This new openness will make START II even more verifiable then START I. With Russian elections this month and our own presidential election season just starting, we must act now to keep the this olive branch from withering.

In conclusion, Mr. President, we need to ratify START II quickly. It is not in the national interest to play politics over the ratification of any treaty. Russian President Yeltsin is ill and needs quick American ratification of START II to help get the Russian Parliament to ratify it. We need the security of fewer Russian warheads now. We need to stop spending so much money making our nuclear weapons now. We can use the warheads we have now to defend America. We need to ratify START II now.●

THE PASSING OF THOMAS L. WASHINGTON

● Mr. ABRAHAM. Mr. President, it is with great, personal sadness that I note the passing this Tuesday, December 5 of Thomas L. Washington. Tom was a personal friend, a valued supporter, a concerned husband and father, and a dedicated leader in his community.

Tom was an avid and renowned sportsman. He exemplified all that is good about the sportsman: he was hardy and self-reliant; he also was frugal with and respectful of our great outdoors. Tom loved Michigan's wetlands and forests. He spent time in them, enjoying them and working to preserve them.

Because he loved the outdoors, Tom founded and led the Michigan United Conservation Clubs. Indeed, he built that organization into the largest single State conservancy in the Nation.

Tom was a strong, committed advocate for preserving Michigan's outdoors, and also the great outdoors of America and beyond, for all to enjoy.

He served on the board of directors of Safari Club International and the National Wildlife Federation. True sportsman that he was, he was as concerned to preserve the environment for future generations as to enjoy it for himself.

Thus he helped draft legislation creating the Michigan Natural Resources Trust Fund. This fund purchases prime recreational lands for public use with royalties from oil, gas, and mineral production on State lands. In 1976 Tom was appointed a charter member of the board that administers the fund. He served on the board until his death, including several terms as chairman.

He served on a number of Michigan State committees, including the committee that wrote administrative rules for the Michigan Farmland and Open Space Preservation Act, which is central to the State's land-use program.

Tom also served on the Governor's Interim Committee on Environmental Education, the Michigan Department of Natural Resources Endangered Species Committee, and the Governor's Interim Committee on Environmental Education. And he served as vice chairman of the Governor's Michigan Land Inventory Committee.

He was a recipient of the American Motors Conservation Award, Safari Club International's Chairman's Award, and the Miles D. Pirnie Award for his leadership in preserving wetlands and wetlands wildlife.

Part of the reason for Tom's care for the environment no doubt stemmed from the fact that he was a family man. He cared about his wife and children and wanted to pass on to them the same rights and the same opportunities that he enjoyed.

A hunter concerned to protect all our rights, he also fought for the second amendment.

Tom was elected president of NRA's board of directors in 1994 and reelected in 1995. First elected to the board of directors in 1985, Tom served as second and then first vice president prior to being elected president.

Tom worked for responsible use of our rights, working with training and informational programs along with second amendment defense.

He was a fine man, whom I personally shall miss. I extend my condolences to the Washington family.●

RATIFY THE CHEMICAL WEAPONS CONVENTION

● Mr. HARKIN. Mr. President, the Chemical Weapons Convention [CWC] is a watershed agreement that will eliminate an entire class of weapons of mass destruction. Upon ratification, the CWC calls for the complete elimination of all chemical weapons within 10 years.

This landmark treaty is perhaps the most comprehensive arms control agreement ever signed. To begin with, the Chemical Weapons Convention requires all signatories to begin destruction of their chemical weapons stockpiles within 1 year of ratification, and to complete this destruction within 10 years. In addition, the CWC prohibits the production, use and distribution of this class of weapons, and provides an intrusive international monitoring organization in order to prevent the development of these weapons.

This verification allows not only for the inspection of "declared" sites, but also permits international inspectors access to any suspected undeclared facilities. Signatories do not have the right of refusal to deter inspection. Should a member nation requests a "challenge inspection" of a suspected chemical facility, the nation called into question must permit the inspectors to enter the country within 12 hours. Within another 12 hours, the inspectors must have been allowed entry into the suspected warehouse. It is very unlikely that every trace of the banned chemicals could be eliminated within 24 hours.

In addition to providing broader powers to an international inspection regime, the CWC includes strong punishment to those nations who choose to violate this agreement. The violating nation, as well as nonmember nations, could no longer purchase an entire group of chemicals from member nations. The chemicals which would be banned are necessary for factories to produce products such as pesticides, plastics, and pharmaceuticals. So this measure is not only a "carrot" to induce nations to join, but a "stick" to ensure their compliance.

Obviously, Mr. President, no treaty is 100 percent watertight, but the strength of the international monitoring regime, the Organization for the Prohibition of Chemical Weapons, makes the manufacture of chemical weapons difficult to conceal, and the punishment provides a strong deterrent to developing this class of weapons.

Among all weapons of mass destruction—biological, chemical, and nuclear—chemical weapons are the most plausible and potent threat available to terrorists. These chemical weapons are relatively easy to make, and a dosage that can kill thousands is very easy to conceal. Recent events in Tokyo and Oklahoma City have provided the wake-up call to the international community, showing that the world can no longer slumber in a blanket of false security.

From a historical perspective, agreements to curtail chemical weapons use have been largely successful. The best example is the 1925 Geneva Protocol. Even during World War II, the vast majority of nations observed the Geneva Protocol, which banned the first-use of chemical weapons in war. However, the use of chemical weapons by Saddam Hussein against Iran and the Iraqi Kurdish population forced the world community to realize the danger of these weapons. The production of chemical weapons by nations facilitates the proliferation of these weapons to state sponsored terrorist groups.

The United States must place a high priority on the elimination of this deadly class of weapons. If the United States wishes to retain its position as a world leader, the Senate must provide its advice and consent to the ratification of the Chemical Weapons Convention with urgency, and persuade other nations to follow our lead.

Mr. President, to call attention to the proliferation of weapons of mass destruction, I would recommend a highly informative article by Robert Wright entitled "Be Very Afraid", which appeared in the May 1, 1995 edition of The New Republic. To Quote Mr. Wright:

> All told, the world's current policy on weapons of mass destruction can be summarized as follows: The more terrible and threatening the weapon, the less we do about it. There has never been a more opportune time to rethink these priorities. * * * A good model for reform exists in the Chemical Weapons Convention, which now awaits ratification after more than a decade of negotiation involving three administrations. The CWC has both kinds of teeth that the NPT lacks: A tough inspection regime and real punishment for violation.

I ask that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, May 1, 1995]

NUKES, NERVE GAS AND ANTHRAX SPORES—BE VERY AFRAID

(By Robert Wright)

Once you've assimilated the idea that an apocalyptic new-age cult with offices on three continents had stockpiled tons of nerve-gas ingredients and was trying to cultivate the bacterial toxin that causes botulism, the rest of the story is pretty good news. The cult, Aum Supreme Truth, employed its nerve gas on only one of the continents, rather than aim for synchronized gassings of the Tokyo, New York and Moscow subways. Only a small fraction of its chemical stock was used, and that was prepared shoddily; the gas seems to have been a degraded version of sarin, and the "delivery systems" the emitted it were barely worthy of that name. Rather than thousands dead on three continents we got eleven dead on one. A happy ending.

On the other hand, a worldwide display of well-run chemical and biological terrorism would have had its virtues. From mid-April through mid-May, on the eve of the Nuclear Non-proliferation Treaty's expiration at age 25, representatives of more than 170 nations are meeting in New York to vote on renewing the treaty. Conceivably, this gala event could inspire a broader and much-needed dialogue on the state of the world's efforts to control weapons of mass destruction, including chemical and biological arms. Then again, conceivably it couldn't. So far attempts to take a truly fresh look at this issue have tended to encounter a certain dull inertia within policy-making circles. This is the sort of condition for which 10,000 globally televised deaths on three continents might have been just the cure.

One salient feature of the world's approach to weapons of mass destruction is perverseness. The Nuclear Non-proliferation Treaty—the NPT—is a much weaker document than the recently negotiated Chemical Weapons convention, which now awaits American ratification; yet nuclear weapons are much more devastating than chemical ones. Meanwhile, biological weapons are essentially devoid of international control, yet they're the scariest of the three. They may not be the most potent—not for now, at least—but they have the greatest combination of potency and plausibility. If someone asks you to guess which technology will be the first to kill 100,000 Americans in a terrorist incident, you shouldn't hesitate; bet on biotechnology. And not futuristic, genetically engineered, genocidal viruses, though these may be along eventually. Plain old first-generation biological weapons—the same vintage as the ones Aum Supreme Truth was trying to make—are the great unheralded threat to national security in the late 1990s.

All told, the planet's current policy on weapons of mass destruction can be summarized as follows: the more terrible and threatening the weapon, the less we do about it. There has never been a more opportune time to rethink these priorities.

I

To its credit, the Clinton administration has lately worked doggedly on behalf of NPT renewal. Officials have traveled the globe, reminding world leaders that they're more secure with the treaty than without it, and promising the more ambivalent ones God-knows-what in exchange for their support. The treaty now seems assured of extension before the New York conference adjourns.

Extension is certainly better than non-extension. Still, since its inception back in the 1960s, the treaty's structural weakness has gotten sufficiently glaring that one wishes those weren't the only two options.

The idea behind the treaty was that the nuclear haves—Britain, China, France, Russia, the United States—would buy off the have-nots. The have-nots would pledge not to acquire nuclear weapons, and the haves would help them get and maintain nuclear energy for peaceful use. That was the carrot. Once the have-nots had signed on, they would be subjected (along with the rest of us) to the stick: international inspection of nuclear reactors, with the understanding that misuse of the technology would lead to its cutoff. Administering both carrot and stick is the International Atomic Energy Agency, or IAEA.

One oddity of this arrangement is that the IAEA's job is to relentlessly complicate its own life. As it helps spread "peaceful" nuclear materials around the globe, opportunities for illicit use multiply, and so does the need for stringent policing. Thus, the world must get better and better at two things: detecting cheaters, and punishing them with sufficient force to deter others. Recent events show the world to have failed in both regards.

At the outset of the Persian Gulf war, Iraq was an NPT member in technically good standing. After the war, the world discovered what a meaningless fact that can be. Indeed, as if to drive home the IAEA's impotence, a separate agency, under United Nations auspices, went into Iraq, documented the nuclear weapons program and dismantled it.

It's true that the existence of this program didn't come as a bolt from the blue. There had long been grave suspicions, but President Bush's aversion to regional Iranian hegemony had given him a certain tolerance for Iraqi excesses. Still, few suspected the scope of Saddam Hussein's nuclear program, or the subtlety of its concealment. Hussein proved that the IAEA's inspection regime—confined to declared nuclear sites—is inadequate.

The first application of this lesson was in North Korea. After inspection of a declared site revealed nuclear materials to be missing, the IAEA, for the first time ever, asked to look at an undeclared site. The North Korean refusal confirmed everyone's worst suspicions, and thus revealed a second NPT deficiency: once the world knows something fishy is going on, there are no provisions for assured and effective punishment. In theory the IAEA could appeal to the U.N. Security Council for economic sanctions—or, indeed, for the authorization of air strikes against the suspect facility. But often this channel will be blocked by a Big Five veto—possibly China's in the case of North Korea, perhaps Russia's in some future case involving Iran. Of course, the IAEA can stop all further shipment of nuclear materials to outlaw nations. But it may be too late for that tack to keep the bomb out of their hands, and any adverse effect on their energy supply wouldn't be felt for a while.

Notwithstanding these flaws, the NPT has been pretty effective. Nobody called John Kennedy an hysteric when in 1963 he predicted that within a dozen years fifteen to twenty nations would have the bomb. Yet now, thirty-two years later, the best guess is that eight nations have a functioning bomb—the Big Five within the NPT and, outside of it, Israel, Pakistan and India. (In addition, Ukraine, Belarus and Kazakhstan were born with the bomb, and say they'll give it up.) A primary reason for this glacial pace is that the NPT eased fears, in large chunks of the world, about the imminent nuclearization of neighbors.

Still, the Middle East and south Asia have gotten arms-race fever since 1963, and North Korea may yet start a race in the Pacific. So it would be nice to make the NPT more seductive and effective: to raise both the benefits of signing and the costs of reneging. And, though no one is talking about using the present conference to amend the NPT (this would supposedly open up various cans of worms) there is talk of reaching that goal in other ways. For example, the IAEA can interpret its sometimes ambiguous mandate broadly—as it did in claiming the right to inspect undeclared sites in North Korea—and hope everyone goes along, thus setting a precedent. Or the agency can approach member nations collectively about a generic rewrite of their individual "safeguard agreements," the documents, technically separate from the NPT, which grant the IAEA's power to inspect. In any event, if NPT extension happens early enough in New York, there will be time for the conference at least to open a dialogue about the grave flaws of the current regime.

II

A good rough model for reform exists in the Chemical Weapons Convention, which now awaits Senate ratification after more than a decade of negotiation involving three administrations. The CWC has both kinds of teeth that the NPT lacks: a tough inspection regime and real punishment for violation. In the arms-control field, says Berry Kellman, a law professor at DePaul University, it is a "wholly unprecedented document of international law." Were it already in effect, Aum Supreme Truth's attempt to make chemical weapons would have been a lot harder.

Under the chemical convention, the Organization for the Prohibition of Chemical Weapons (or OPCW, the CWC's version of the IAEA), would be routinely informed about the commercial transfer of substances used to make chemical weapons—and substances used to make substances that are in turn used to make chemical weapons. That covers dozens and dozens of substances. It also covers a lot of sellers and buyers, because those substances tend to have legitimate uses as well. Thiodiglycol is used to make both mustard gas and ballpoint pen ink. Dimethylamine makes for good nerve gas and detergent. In an impressive balancing act, CWC negotiators managed to craft a system that (*a*) monitors the sale and transport of these chemicals and entails periodic inspections; and (*b*) has the unambiguous support of the Chemical Manufacturers Association.

Unlike the NPT, the CWC goes well beyond this inspection of "declared" sites—factories that avowedly employ the suspect chemicals—and provides explicitly for the inspection of undeclared sites. And here things can happen pretty fast. If the United States request, a "challenge inspection" of, say, a suspicious-looking warehouse in Iran (a signatory), Iran must let inspectors into its country within twelve hours of being notified. After another twelve hours, it must have escorted the inspectors to the perimeter of the warehouse. (Eliminating every trace of chemical weapons manufacture within twenty-four hours is considered quite unlikely.) At this point there can be up to ninety-six hours of negotiations about which parts of the warehouse are subject to inspection. But any vehicles leaving the area in the meanwhile can be searched.

A country could conceivably keep this standoff going longer by arguing that a search warrant at the national level is required. Indeed, it might even be telling the truth (though for chemical factories, already subject to government regulation, this excuse wouldn't wash). And, what's more, such a warrant might wind up being truly unobtainable—if, for example, the requested search were of your indoor tennis court and the OPCW could provide no evidence of illegal activity there. Still, if such appeals to national sovereignty had an overpoweringly phony air, the country could be deemed in noncompliance with the treaty by a vote of OPCW member-states.

Nations so deemed would truly be put in the dog-house. There is a whole slew of substances relevant to chemical warfare that treaty violators could no longer buy from OPCW members, a group that would include roughly the whole industrialized world. And the cutoff of these substances could harm factories that make things ranging from pesticides to plastics to ceramics to pharmaceuticals.

Here the CWC breaks momentously new ground, though less by design than by technological happenstance. Because of the flexibility of chemical technology, the treaty's punishment by denial of "military" chemicals amounts to broad and immediately painful sanctions against the civilian economy. And these sanctions are a good reason not just to stay in compliance, but to sign the treaty in the first place. If you don't join the OPCW, its members—just about everybody—won't sell you these chemicals in the first place. *That's* a carrot; and *that's* a stick.

Obviously, no weapons control regime can be foolproof. (That's why, notwithstanding the NPT's high-minded call for the eventual elimination of all the Earth's nuclear weapons, this won't happen anytime soon. A few powerful but reasonably responsible nations must preserve a nuclear arsenal, lest the next, slightly wilier version of Saddam Hussein be empowered to hold the world hostage with half a dozen warheads, or other weapons of mass destruction.) Still, the CWC, given the complexity it confronts, would have a good chance of success. It would make the manufacture of chemical weapons an endeavor with a significant risk of unmasking, and unmasking would bring painful penalties—penalties that no Security Council member would have the chance to veto. If the NPT had the CWC's built-in vigilance, Hussein would have found it much harder to reach the point he reached and still retain NPT membership. And if the NPT had the CWC's membership benefits, it would be much harder for any nation—Iraq, Israel, India, Pakistan—to bear the prospect of nonmembership.

The irony in this disparity between the NPT and the CWC is that nuclear weapons are much more devastating than chemical weapons. Japanese newspapers estimated that Aum Supreme Truth's many tons of chemicals could theoretically cause 4 million deaths, but the key word here is "theoretically." This calculation assumes that the poison gas is spread with perfect efficiency, so that every bit gets breathed by someone and no one breathes more than his or her share (a lot to ask of a dying subway rider). More reasonable figures would be in the hundreds of thousands.

And even those numbers are inflated. If you discovered a cache of 800,000 bullets, you might say this was enough to kill 500,000 people, even allowing for inefficient application. But inefficiency is only half the problem; fairly early in the application process you'd attract official resistance. So, too, with chemical weapons. Whereas converting a single nuclear bomb into 500,000 deaths is a simple matter of parking a van and setting a timer, converting a single chemical weapon into 500,000 deaths isn't even remotely possible. A thousand deaths is more like it. Racking up large numbers means mounting a well-orchestrated campaign.

This doesn't mean chemical weapons don't warrant the tight treatment they get in the CWC. For one thing, some of them, such as skin-melting and often nonlethal mustard gas, have uniquely horrifying effects. Second, although a single chemical weapon possesses a tiny fraction of a nuclear bomb's lethality, chemical weapons are much easier to get. The recipe for making them is public, a first-rate chemistry major can follow it (if at some health risk), and the ingredients grow more widely available each decade.

Besides, chemical weapons, though the least massively destructive weapon of mass destruction, are much more potent than conventional explosives. A conventional warhead might kill ten people in a suburban neighborhood where a chemical warhead could kill 100. The Iraqi chemical arsenal discovered after the Persian Gulf war—100,000 artillery shells, warheads and bombs—was theoretically enough to wipe out the entire Israeli population many, many times over. It is with good reason that chemical weapons are put in a special class of global abhorrence and regulation, along with nuclear and biological weapons.

Still, chemical weapons aren't nearly as pernicious as nuclear weapons. And what most people still don't understand is that in important respects nuclear weapons aren't as pernicious as biological weapons.

III

In one sense, biological weapons are commonly overestimated. People tend to assume they work by starting epidemics, when in fact most biological weapons kill by direct exposure, just like chemical weapons. To be sure, contagious weapons exist. American settlers purposefully gave Native Americans blankets infested with smallpox; more recently, both American and Soviet military researchers have experimented with some readily transmittable viruses. Still, in general, contagious weapons have a way of coming back to haunt the aggressor. So biological weaponry this century has involved mainly things like anthrax spores, which enter your lungs and hatch bacteria that multiply within your body and finally kill you, but don't infest anyone else in the meanwhile.

Genetic engineering may eventually make contagious weapons more likely. In principle, for example, one could design a virus that would disproportionately afflict members of a particular ethnic group, thus giving some measure of safety to attackers of other ethnic persuasions. And—more realistically in the near term—genetic engineering makes it easier to match a killer virus with an effective vaccine, so that the aggressor could be immunized. Still, the main effect of modern biotechnology to date—and it has been dramatic—is to make traditional weapons, such as anthrax, much cheaper and easier to produce. A basement-sized facility, filled with the sort of equipment found at garden-variety medical labs and biotechnology companies, will do the job; the recipes are available at college libraries; and the ingredients—small cultures of pathogens that can be rapidly multiplied in fermenting tanks—are routinely bought from commercial vendors or passed from professor to graduate students.

The weapons that can result are phenomenally destructive. An (excellent) Office of Technology Assessment (OTA) report on weapons of mass destruction estimates that a single warhead of anthrax spores landing in Washington, D.C., on a day of moderate wind could kill 30,000 to 100,000 people—a bit more damage than a Hiroshima-sized atomic bomb would do, though nothing like the devastation from a modern nuclear warhead. (And a day of fever, coughing, vomiting and internal bleeding is an appreciably less desirable way to die than incineration.) In addition, anthrax spores buried in the soil, beyond the reach of sunlight, live on. Gruinard Island, where Britain detonated an experimental anthrax bomb during World War II, is still uninhabitable.

But a warhead is not the most likely form in which biological weapons will first reach an American city. A ballistic missile, after all, has a return address: so long as the United States has a nuclear deterrent, Americans can feel pretty secure against missile attacks in general. And there's another problem with missile-delivered biological weapons. The technological challenge of making an explosive device yield a widespread mist is considerable. Iraq, we've learned since the war, has done research on anthrax and botulin weapons, but not with evident success. Still, if you're not attacking from a distance and can deliver the spores in person, the obstacles to biological attack diminish. "Figuring out how to do it in a terrorist kind of way is trivial," says one analyst in the defense establishment. Thus the fact that no nation has used biological weapons since World War II is no reflection of the likelihood of their future use. Only recently has the technology become so widely available that a well-organized terrorist group can harness it.

Of all the things that might attract terrorists to biological warfare—the relative cheapness, the inconspicuous production—perhaps the most important is the anonymity. A small, private airplane with 220 pounds of anthrax spores could fly over Washington on a north-south route, engage in no notably odd behavior and—by OTA reckoning—trail an invisible mist that would kill a million people on a day with moderate wind. A plane spewing ten times that much sarin would kill only around 600 people—or, on a windier day, 6,000. More to the point: the sarin attack, with its immediate effects, would have authorities hunting for a culprit before the plane landed. Anthrax, in contrast, takes days to kick in; the pilot could be vacationing in the Caribbean before anyone noticed that something was amiss.

Or consider this charming scenario, courtesy of Kyle Olson of the Chemical and Biological Arms Control Institute. Get a New York taxicab, put a tank of anthrax in the trunk and, by slightly adapting commercially available equipment, arrange for it to release an imperceptible stream of aerosol. (You would be wise to build a special filter for the air entering the cab, though getting an anthrax vaccination might be enough protection.) Then drive around Manhattan for a day or two. You'll kill tens of thousands, maybe hundreds of thousands, of people. And, again, nobody will know. With nerve gas, in contrast, the long line of gagging, writhing people leading to your taxicab would arouse the suspicion of local authorities—even if your gas mask had somehow escaped their attention.

Note that these scenarios make biological weapons potentially genocidal even in an ethnically heterogeneous city. A taxi-cab can be driven all over Harlem, block by block—or, instead, through Chinatown or through the Upper East Side. Terrorists, who have been known to harbor ethnic prejudice, needn't wait for an ethnically biased designer virus.

Though biological weapons are the most horrifying terrorist tool today, they are also the furthest from being on the radar screen of any politician who matters. The Biological Weapons Convention of 1975, which commits the United States, Russia and other signatories to forgo any biological weapons program, is so toothless as to make the NPT seem like a steel trap. (When in 1979 the Soviet Union suffered a mysterious outbreak of anthrax in the vicinity of a military research facility, Pentagon officials weren't stunned; but the United States was powerless to pursue its suspicions.) And no remedial proposal from the Clinton administration is imminent. Meanwhile, the most visible result of a series of meetings among BWC signatories about revising the BWC is a series of agreements to keep meeting. There is very little talk anywhere about giving the Biological Weapons Convention a rigor reminiscent of the chemical convention.

When you ask people to explain this anomaly, they cite the practical problems that make detecting biological weapons harder than detecting chemical weapons. There are so many small, theoretically suspect rooms, at so many medical and biotech facilities. And upon inspection it's so hard to say for sure whether anything illicit is going on. The perfectly legitimate endeavor of making anthrax vaccine, for example, is an excuse for having anthrax around—one of several potential "masks" for weapons production. What's more, a small, inconspicuous supply to pathogens can, via fermentation, be turned into a weapon-scale supply a mere two weeks after a satisfied international inspector cheerfully waves goodbye.

It's true that these things dramatically complicate enforcement of the treaty. It's also true that they dramatically underscore the need for enforcement. Knowing that in thousands and thousands of buildings on this planet some graduate student or midlevel manager could be breeding enough anthrax spores to decimate the city where I live—well, somehow I don't find that conducive to a laissez-faire attitude. Using the plausibility of biological warfare as reason not to reduce that plausibility is a bit too rich in irony.

A few wild-eyed radicals have gone so far as to suggest new approaches to the problem. One idea is to "internationalize" the production of vaccines; or, at least, to compress each country's vaccine production into fewer facilities, for easier (and assiduous) international monitoring. That would strip all other facilities of one of the masks for weapons production—so that, say, anthrax spores found during a challenge inspection would be hard to explain away.

This reform, of course, assumes that there is such a thing as a challenge inspection for biological weapons, which there isn't. Adding such inspections to the BWC is about the most ambitious idea now floating around in the Clinton administration (and it's not floating at the highest levels). The idea hear wouldn't be to make the BWC as comprehensive as the CWC. The degree of routinized inspections envisioned in the CWC is probably impractical for biological weapons, given the sheer number of places that would be candidates for inspection. Rather, a revised BWC might simply have signatories provide data about all such sites and be subjected to an occasional challenge inspection—at these sites, or at undeclared sites. This would make the production of biological weapons an endeavor of at least incrementally increased risk. And with weapons of mass destruction, every increment counts.

To that end, various other measures—for "transparency," international intelligence pooling and so on—are also bandied about. The collective result of such measures is called a "web of deterrence" by Graham Pearson of Britain's Ministry of Defense. Pearson reflects the view of the British government that the BWC is in principle "verifiable." The Clinton administration, in contrast, has yet to amend the official U.S. verdict to the contrary, which it inherited from the Reagan-Bush era of cold-war-think, with its inordinate fear of intrusive inspections by communist masterminds. (The Reagan administration more or less stumbled into a highly intrusive CWC; Assistant Secretary of Defense Richard Perle raised the issue of "challenge inspections," confident that the Soviets would say no, as a means of embarrassment. Then Mikhail Gorbachev assumed power and called his bluff. The rest is history.)

One idea that has surfaced at the BWC's periodic meetings on self-improvement is to piggyback a new, tougher BWC onto the CWC. The CWC's governing body at the Hague could expand to encompass both chemical and biological weapons, metamorphosing from OPCW to OPCBW. Assuming that a new biological convention emulated the chemical convention in providing penalties for noncompliance, the two sets of penalties could be fused. If a country not complying with either treaty were cut off from some trade in both chemicals and biotechnology equipment, noncompliance would be extremely unattractive.

For that matter, in theory—and in the long run—the NPT could be thrown in with this mix, so that the illegal development of any weapon of mass destruction complicated one's access to state-of-the-art chemical, biological and nuclear technology. This would give the NPT much of the force it now lacks, and would create a world in which the responsible use of technology is a prerequisite for untrammeled access to it. Needles to say, anyone who suggested such a thing in Washington policy-making circles would be expelled on grounds of hopeless romanticism.

IV

There are political reasons why biological weapons have been given little of the attention they deserve. For one thing, ratification of the Chemical Weapons Convention is seen as a prerequisite for a new biological weapons initiative. The CWC took more than a decade of arduous negotiating. If it flops, no one is going to volunteer to lead the world on another visionary arms-control campaign.

Unfortunately, the CWC has been languishing in the Senate for nine months. It has the nominal support of some important people, such as President Clinton and Senator Richard Lugar of the Foreign Relations Committee. (Fortunately, Committee Chairman Jesse Helms—who at last check was getting India mixed up with Pakistan—is said to have ceded control of the CWC issue to Lugar.) But neither Clinton, Lugar nor anyone else of stature has chosen to adopt the CWC as his mission in life. Eleven deaths on a Japanese subway didn't push the issue across the cause-du-jour threshold.

Just as progress on chemical arms would pave the way for progress on biological arms, extension of the NPT by an overwhelming majority is considered a prerequisite for discussing major reforms in the NPT verification regime. Indeed, NPT extension would provide a quite bright spotlight in which President Clinton could inaugurate this very discussion—or for the matter a broader discussion on weapons of mass destruction. This spotlight would also provide a domestic political opportunity for a president often dismissed as insufficiently presidential.

Of course, this is boilerplate thinkpiece-ending advice for presidents: give a speech; have a vision. It's easy to say if you don't have to spell out your fuzzy idealism in detail, much less reconcile it with gritty reality. But Brad Roberts of the Center for Strategic and International Studies—not exactly a hotbed of woolly-minded one-worldism—laid out a pretty concrete version of a lofty Clintonesque vision in a recent issue of The Washington Quarterly. Roberts extensively invoked internationalist acronyms—not just CWC, BWC and NPT, but GATT and NAFTA. Making some nonobvious connections between trade regimes and nonproliferation regimes, he argued that both must be carefully crafted to attract and enmesh a "new tier" of states recently endowed by technological evolution with the capacity to manufacture potent weapons. With all these acronyms now in a critical phase in one sense or another, 1995 could "prove a genuine turning point"; "basic international institutions will end the year either much strengthened or much weakened"—and if the latter, the prospects for a stable post-cold-war world will sharply diminish.

If President Clinton ever did decide to exert leadership on the issue of weapons of mass destruction, there is little chance that posterity would deem him alarmist. Not only are the threats he'd be addressing growing; their growth has deep and enduring roots: increasing ingenuity in the manufacture of destructive force; increasing access, via information technology, to the data required for this manufacture; wider availability, in an ever-more industrialized world, of the requisite materials; and the increasing ease of their shipment. The underlying force is truly inexorable; the accumulation of scientific knowledge and its application, via technology, to human affairs.

Every once in a while the inevitable results of these trends become apparent—in the discovery that Iraq had an extensive nuclear bomb project and enough chemical weapons to murder a small nation; in the fact that the World Trade Center bombers succeeded in a mission that, given slightly more deft personnel and better financing, could well have involved biological weapons rather than explosives; in the news that a nutty Japanese cult with an international presence was busily amassing a chemical and biological arsenal. So far none of these object lessons has been driven home at the cost of tens of thousands, or hundreds of thousands, of lives. But as time goes by, the cost of lessons will assuredly rise.●

ORDERS FOR MONDAY, DECEMBER 11, 1995

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, December 11; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day and there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, and that at 1 p.m., the Senate resume consideration of Senate Joint Resolution 31.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, by a previous consent agreement, at 1 p.m., amendments will be in order to the constitutional amendment regarding flag desecration. However, no votes will occur and all votes ordered with respect to amendments and the final vote will occur at 2:17 p.m. on Tuesday, December 12, 1995.

Also, Senators should be aware that it will be the majority leader's intention, following the flag amendment vote, to begin the debate on Bosnia, hopefully, under a time agreement.

ORDER FOR ADJOURNMENT

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senators DORGAN and DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIP TO IRELAND

Mr. DODD. Mr. President, a week or so ago, I had the distinct pleasure of traveling with our colleague from the State of Florida, CONNIE MACK, along with a bipartisan delegation of 16 Members of the House of Representatives, to Northern Ireland and the Republic of Ireland on the occasion of President Clinton's visit there. It was a historic visit, the first time that a sitting American President visited Northern Ireland.

Allow me to say, first of all, that regardless of one's party, ideology or political persuasion, I think every American, those who were there, those who witnessed on CNN the President's historic visit to Ireland, were moved by the reception that our President received.

On three different occasions, at speeches in Derry, in Belfast, and in Dublin, the estimates of the crowds greeting the President were approximately 250,000 people. That does not include the thousands of people who lined the various roadways to welcome the President to the North of Ireland and to the Republic.

His reception was directly related to his efforts over the past 23 months to try and bring an end to the generational conflict in Northern Ireland. The last 15 of those months have been the first time in more than 25 years that there has been the absence of violence and the threat of violence that has stemmed from what the people in Ireland refer to as the Troubles.

The President deserves enormous credit for setting the stage for that cessation of hostilities. His decision to extend a visa to Gerry Adams, the president of the Sinn Fein Party, early in 1994 was the bold move that ultimately resulted in the decision by the IRA to announce a unilateral cease-fire in the fall of 1994.

For more than 15 months, the peoples of Northern Ireland and Ireland, as well as people in Great Britain, have enjoyed the first period of unprecedented peace in more than a generation.

Still, the issues which are at the root cause of that violence remain to be addressed and resolved, Mr. President. Our former colleague, Senator George Mitchell of Maine, has been asked by the Governments of Great Britain and Ireland and the political parties in Northern Ireland to chair a commission, an international commission, to try and see if the issue of decommissioning of arms and related matters can be resolved as we proceed on a twin track, of commencing all-party talks by the end of February. It is through these twin tracks that the people of Northern Ireland can live in permanent peace, free from violence and discrimination.

The remarkable change in the North is very apparent to all who go there. President Clinton's efforts have made that possible. I would say to my colleagues that there is a deep appreciation on the island of Ireland for that effort. There was a risk involved in it. As my colleague, the Presiding Officer, will recall or remember, that the President received a lot of advice and counsel about the wisdom of extending that first visa to Mr. Adams, given the history of Sinn Fein and the IRA. Some questioned whether or not there was a sincere commitment to seek a peaceful resolution of this conflict. Even after the IRA announced its cease-fire last year some continued to question whether it would hold. I know the President heard a lot of advice, the bulk of it, in fact, recommended against extending that visa.

Our colleagues, Senator MOYNIHAN of New York, Senator KENNEDY, and others, urged the President to take the chance, to extend that visa and to test whether there was a true commitment to adopting the political track to resolve differences and whether a cease-fire might work. As a result of that, we have seen, as I described briefly, the events that unfolded over the past year or so.

Again, Mr. President, Ambassador Jean Kennedy Smith and her staff, the Government of Prime Minister Bruton, Deputy Prime Minister Dick Spring, and other Irish officials, did a remarkable job, along with Sir Patrick Mayhew and the people of Northern Ireland.

I mentioned earlier Gerry Adams. This is a man who has played a very courageous part in the quest for peace for his country men and women.

There was a tremendous effort over many months that went into making this trip the tremendous success that it turned out to be.

John Hume, of Derry, whom all of us have met at one time or another in the past 20 years, is the individual who really initiated the peace effort in Northern Ireland and in Derry. What a remarkable job he and others have done in Derry to bring the two traditions together, the nationalist and unionist traditions, to try and achieve economic opportunity for people. John Hume and others have worked tirelessly to attract business and promote job growth in that community. It was truly a heartwarming sight to see the American President received by John Hume in the square of Derry, while more than 50,000 people looked on. Some of these people had lined the street since 9 a.m. in the morning, and the President arrived late in the afternoon.

In the Guild Hall the President got a the tremendous reception; when the song "The Town I Love So Well" was sung, the audience was literally moved to tears. That song describes the troubles in Derry over the past two and one half decades.

In Belfast, at the Christmas tree lighting ceremony, 100,000 people gathered in the great square in Belfast—Protestants and Catholics alike—welcoming our President to their city. This is the same city, where a few months ago, you would not have thought of sending an American President because of the violence there, and where people were fearful of that when they walked into a department store or pub that place would be the subject of attack and violence.

What was particularly historic was to see this crowd—again, presenting the great traditions of Northern Ireland—come together to express their appreciation to an American President, the American people, and to the United States Congress; it certainly was one of the great sights I have witnessed in my tenure here in the United States Senate.

And then, Mr. President, the President was warmly received by the Parliament in the Republic of Ireland. The people of Dublin also came out en masse to express their appreciation. With over 100,000 people there as witnesses, President Clinton was awarded the "Freedom of the City" credentials that have only been awarded to a handful of people in Dublin. This was truly a high honor to receive. The President made very compelling remarks during his stay in Dublin.

Certainly, the sight of those children that the President constantly referred to when he talked about the opportunities and the hopes for peace in Northern Ireland—particularly the two children at the Mackie Metal Plant in Belfast—who joined hands, one Catholic, one Protestant—representing by the clasping of hands their hopes for coming together and resolving differences so people can live in peace on the island of Ireland.

As a person of Irish descent, for me it was more than just a foreign visit, but a visit by someone whose family, on both sides, has come from Ireland, going back well into the early part of the last century. I was deeply proud that an American President had taken the actions he has over the last couple of years and that this has made a difference in people's lives.

We have seen this administration take steps in Haiti, now in Bosnia, there in Ireland, and in other places—steps that are certainly full of risks, but nonetheless I think risks worth taking, in the sense that we have been able to make a difference in people's lives.

So it was a deeply moving time for those of us who were part of this trip to have been present at a historic visit by an American President to a foreign land. For all who witnessed the reception he received, I think it makes everyone—regardless of party, ideology, or political persuasion—very proud to be an American.

JAVIER SOLANA—THE NEXT SECRETARY GENERAL OF NATO

Mr. DODD. Mr. President, I had the privilege several days ago of meeting with the Foreign Minister of Spain, Javier Solana, who has recently been appointed the new Secretary General of NATO.

I happen to believe, Mr. President, that this is a very fine choice, a superb choice, one that I think should strengthen NATO and the political leadership of NATO in the months to come, particularly at a critical time when the issue of Bosnia and NATO's role there is going to be so very, very important.

I know that most Americans are probably not familiar with Mr. Solana as a foreign minister of Spain. There has been some criticism raised about this choice over Mr. Solana's opposition some 15 years ago to Spain's participation in NATO. As a result of his statements then, there have been those who have criticized his choice to head that organization.

I thought it might be worthwhile to share something of Mr. Solana's background and involvement when Spain was making the decision about NATO membership. I also think it would be informative for people to know about the critical role he has played in the Spanish Government over many years.

Finally, I believe my colleagues will be surprised to know of the deep sense of affection that Mr. Solana holds for our country, knowing it as well as he does. I say that because Mr. Solana is a physicist, by academic training. He, of course, received his undergraduate degree from the University of Madrid, and his Ph.D. from the University of Virginia, while a Fulbright scholar. He taught physics at the University of Chicago in this country before beginning any kind of a political career. He has published more than 30 books on the subject of physics.

Having spent such a great deal of time in our country and receiving a good part of his education here, I know firsthand that he has a deep appreciation for our Nation, a great love for America and for Americans.

The breadth of Mr. Solana's government experience is also broad and varied. He has served in one capacity or another in every Spanish Government since 1982, in addition to maintaining a strong involvement in his chosen profession of physics. We are talking about someone of deep, long experience. He first served as the Culture Minister and simultaneously held the portfolio of Government spokesman in the early 1980s. In 1988, he became the Government's Minister of Education and served in that capacity until he was named Foreign Minister in 1992.

Mr. President, I am deeply disturbed that some of Mr. Solana's critics go back 15 or more years to talk about Mr. Solana's initial opposition to NATO, without bothering to discuss the historical context of Spain's participation in NATO.

At that time, Spain was emerging from a military dictatorship that they had been under for many years. Mr. Solana felt participation in NATO at that particular moment was probably not the wisest course to follow. What is important is what happens after that. The critics fail to disclose—as appropriate as it is to point out Mr. Solana's initial opposition—that it was also through his efforts several years thereafter, that a convincing case was presented to the Spanish people, on the wisdom of Spain's participating in NATO.

If Mr. Solana is going to be criticized for his opposition to Spain joining NATO in the first instance, I think it is also appropriate that his involvement in convincing the Spanish people about the wisdom of NATO membership be mentioned as well. Certainly, he played a pivotal role in that.

He has been described by his colleagues in the foreign affairs field as an "expert" and a "pragmatic negotiator," who has always adopted a very commonsense approach to diplomacy. Dr. Solana has remained untouched by recent allegations that have been lodged against certain Government officials, both with respect to corruption and to the so-called dirty war, alleged to have been conducted against the Basque rebels.

I believe, Mr. President, we should be extending our appreciation for Dr. Solana's willingness to accept the challenge of assuming the position of the Secretary General of NATO at this very critical juncture in that organization's history. I, for one, think he is the right man for the job. I applaud NATO members for the decision to appoint him.

Mr. President, at this point, I ask unanimous consent that a statement given by Secretary of State Warren Christopher in support of Dr. Solana's appointment and a brief biography be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. DODD. Mr. President, I am confident that Dr. Solana is going to make a very fine Secretary General of NATO, at a time when we ought to be reaching out to new members, as Spain has been a relatively new member of NATO.

I think this is a wise move, particularly with someone who has enjoyed broad-based support, and is a great friend of the United States, a person who knows our country very well.

I had the privilege of being with him in Spain a week ago, and I had a chance to speak with him at some length. This is an individual, I think, most of our colleagues when they have an opportunity to meet him, will be deeply impressed and pleased with this choice.

So, Mr. President, I commend the NATO members for choosing him at this critical hour, and I commend Secretary Christopher for his statement, along with President Clinton's statement in support of his nomination.

EXHIBIT 1

STATEMENT BY SECRETARY OF STATE WARREN CHRISTOPHER ON THE SELECTION OF JAVIER SOLANA AS NATO SECRETARY GENERAL

I am very pleased that the North Atlantic Council has unanimously selected Javier Solana of Spain as the next Secretary General of NATO.

Minister Solana has demonstrated time and again his commitment to strengthening NATO as the core institution of our transatlantic alliance. Spain's membership in NATO is due in no small part to his efforts—efforts that were not at all popular at the time. I feel confident that he has the strength vision and leadership to guide NATO during this crucial period as we seek to bring peace to Bosnia and to pursue a measured path on NATO enlargement.

Under Minister Solana's leadership, Spain has played a key role in securing the peace in Bosnia. Through the darkest days of that tragedy, Spanish soldiers served in the UN force with distinction. Spanish airmen flew with our pilots. Now Minister Solana will lead the effort to help bring peace to that troubled region.

More broadly, Minister Solana has been a leader in promoting deeper ties between Europe and the United States. Indeed, he and Prime Minister Gonzalez have made the strengthening of our transatlantic relationship a priority of Spain's EU Presidency. Their efforts were instrumental in laying the foundation for greater cooperation between the United States and the European Union that we hope to build upon at the upcoming U.S.-EU Summit in Madrid.

Minister Solana has also worked to bring Spain into the community of European nations. It is fitting that he will complete his term as Spanish Foreign Minister as President of both the European Union and the Western European Union—two institutions which continue a process of European integration dating to the Marshall Plan.

Minister Solana has strong ties to the United States. He was a Fulbright scholar from 1966 to 1968 at the University of Virginia, where he earned his Ph.D. in physics.

He returned to this country later as an instructor in physics at the University of Chicago. He has kept up close ties to this country, personal and official, through the intervening years.

I have known Minister Solana personally for many years and have worked closely with him on a broad range of issues. I have great confidence in his leadership and his vision, which will serve the Alliance well in coming years. I congratulate Minister Solana on his appointment, and I look forward to working with him as we fulfill NATO's task of guarding peace and stability throughout Europe.

JAVIER SOLANA MADARIAGA

Minister of Education and Science (since July 1988).

A US-trained physicist, Javier Solana has been a member of the executive committee of the Spanish Socialist Workers Party (PSOE) since 1976 and a Madrid deputy in the Cortes (parliament) since 1977. Before assuming his current post, he served concurrently as Minister of Culture and as Government Spokesman.

Solana was born on 14 July 1943. He joined the youth organization of the PSOE in the mid-1960s. During his student years he was detained several times by the police and fined for unauthorized political activity. After receiving a degree in physics from the University of Madrid, Solana attended the University of Virginia studied and taught in Chicago, Illinois, and in La Jolla, California. In the early 1970s he became a professor at the University of Madrid.

Solana speaks excellent English. His wife, the former Concha Giménez Diaz-Oyuelos, directs public relations for a state-owned department store. The couple has two children. Solana's brother, Luis heads the Spanish national television network.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3:15

Mr. DODD. Mr. President, I ask unanimous consent that the CONGRESSIONAL RECORD remain open until 3:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, DECEMBER 11, 1995

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:40 p.m., adjourned until Monday, December 11, 1995, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate December 8, 1995:

THE JUDICIARY

C. LYNWOOD SMITH, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 8, 1995, withdrawing from further Senate consideration the following nomination:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

C. RICHARD ALLEN, OF MARYLAND, TO BE A MANAGING DIRECTOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JUNE 6, 1995.

HOUSE OF REPRESENTATIVES—*Monday, December 11, 1995*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. YOUNG of Florida].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 11, 1995.

I hereby designate the Honorable C.W. BILL YOUNG to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe upon us, O gracious God, the full measure of Your grace and allow us to receive the full portion of Your many gifts. We confess that we have not been the people You would have us be or have done that which is pleasing to You. But we know too, O God, that Your mercy is without end and Your blessings are without number. So we place our hearts and souls before You and pray that Your strength will enable us to do justice, love mercy, and ever walk humbly with You. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Mexico [Mr. SCHIFF] come forward and lead the House in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
December 11, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, December 8, 1995 at 11:45 a.m.: that the Senate passed S. 1431; that the Senate passed with amendments H.R. 1833; that the Senate agreed to conference report H.R. 2076; that the Senate insist on amendment—agree to conference H.R. 2539.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
December 11, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, December 8, 1995 at 4:25 p.m. and said to contain a message from the President whereby he reports on actions to order the selected reserve of the armed forces to active duty.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ACTIONS TO ORDER SELECTED RESERVE OF ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–144)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security and ordered to be printed:

To the Congress of the United States:

I have today, pursuant to section 12304 of title 10, United States Code, authorized the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve to perform such missions the Secretary of Defense may determine necessary. The deployment of United States forces to conduct operational missions in and around former Yugoslavia necessitates this action.

A copy of the Executive order implementing this action is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 8, 1995.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, DC,
December 11, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, December 8, 1995, at 4:25 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report on the national emergency with Yugoslavia.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–145)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in and support for groups attempting to seize territory in Croatia and the Republic of Bosnia and Herzegovina by force and violence utilizing, in part, the forces of

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the so-called Yugoslav National Army (57 FR 23299, June 2, 1992). I expanded the national emergency in Executive Order No. 12934 of October 25, 1994, to address the actions and policies of the Bosnian Serb forces and the authorities in the territory of the Republic of Bosnia and Herzegovina that they control.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from May 30, 1995, to November 29, 1995. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and Executive Order No. 12934 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)") and the Bosnian Serbs contained in Executive Order No. 12810 of June 5, 1992 (57 FR 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 FR 5253, January 21, 1993), Executive Order No. 12846 of April 25, 1993 (58 FR 25771, April 27, 1993), and Executive Order No. 12934 of October 25, 1994 (59 FR 54117, October 27, 1994).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Govermment of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of United States persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the United Nations sanctions against the FRY (S&M) adopted in United Nations Security Council (UNSC) Resolution 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S&M) Government property, this order prohibited transactions with respect to the FRY (S&M) involving imports, exports, dealing in FRY (S&M)-origin property air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or other cultural representation of, or sponsorship by, the FRY (S&M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S&M), and (2) activities related to the United Nations Protection Force (UNPROFOR), the Conference on Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in UNSC Resolution 787 of November 16, 1992. The order revoked the exemption for transshipments through the FRY (S&M) contained in Executive Order No. 12810, prohibited transactions within the United States or by a United States person relating to FRY (S&M) vessels and vessels is which a majority or controlled interest is held by a person or entity in, or operating from, the FRY (S&M), and stated that all such vessels shall be considered as vessels of the FRY (S&M), regardless of the flag under which they sail.

On April 25, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in UNSC Resolution 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for the Republic of Bosnia and Herzegovina and, if they failed to do so by April 26, 1993, called on member states to take additional measures to tighten the embargo against the FRY (S&M) and Serbian-controlled areas of the Republic of Bosnia and Herzegovina and the United Nations Protected Areas in Croatia. Effective April 26, 1993, the order blocked all property and interests in property of commercial, industrial, or public utility undertakings or entities organized or located in the FRY (S&M), including property and interests in property of entities (wherever organized or located) owned or controlled by such undertakings or entities, that are or thereafter come within the possession or control of United States persons.

On October 25, 1994, in view of UNSC Resolution 942 of September 23, 1994, I issued Executive Order No. 12934 in order to take additional steps with respect to the crisis in the former Yugoslavia (59 FR 54117, October 27, 1994). Executive Order No. 12934 expands the scope of the national emergency declared in Executive Order No. 12808 to address the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the actions and policies of the Bosnian Serb forces and the authorities in the territory in the Republic of Bosnia and Herzegovina that they control, including their refusal to accept the proposed territorial settlement of the conflict in the Republic of Bosnia and Herzegovina.

The Executive order blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons (Including their overseas branches) of: (1) the Bosnian Serb military and paramilitary forces and the authorities in areas of the Republic of Bosnia and Herzegovina under the control of those forces; (2) any entity, including any commercial, industrial, or public utility undertaking, organized or located in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; (3) any entity, wherever organized or located, which is owned or controlled directly or indirectly by any person in, or resident in, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; and (4) any person acting for or on behalf of any person within the scope of the above definitions.

The Executive order also prohibits the provision or exportation of services to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or to any person for the purpose of any business carried on in those areas, either from the United States or by a United States person. The order also prohibits the entry of any U.S.-flagged vessel, other than a U.S. naval vessel, into the riverine ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. Finally, any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in the order is prohibited. Executive order No. 12934 became effective at 11:59 p.m., e.d.t., on October 25, 1994.

2. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703 (b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

3. Effective June 30, 1995, the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations"), were amended to implement Executive Order No. 12934 (60 FR 34144, June 30, 1995). The name of the Regulations was changed to reflect the expansion of the national emergency to the Bosnian Serbs, and now reads "Federal Republic of Yugoslavia (Serbia & Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations." A copy of the amended Regulations is attached.

Treasury's blocking authority as applied to FRY (S&M) subsidiaries and vessels in the United States has been challenged in court. In *Milena Ship Management Company, Ltd.* versus *Newcomb*, 804 F.Supp. 846, 855, and 859 (E.D.L.A. 1992) (*aff'd*, 995 F.2d 620 (5th Cir. 1993), *cert. denied*, 114 S.Ct. 877 (1944), involving five ships owned or controlled by FRY (S&M) entities blocked in various U.S. ports, the blocking authority as applied to these vessels was upheld. In *IPT Company, Inc.* versus *United States Department of the Treasury*, No. 92 CIV 5542 (S.D.N.Y. 1994), the district court also upheld the blocking authority as applied to the property of a Yugoslav subsidiary located in the United States, and the case was subsequently settled.

4. Over the past 6 months, the Departments of State and Treasury have worked closely with European Union (the "EU") member states and other U.N. member nations to coordinate implementation of the U.N. sanctions against the FRY (S&M). This has included continued deployment of Organization for Security and Cooperation in Europe (OSCE) sanctions assistance missions (SAMs) to Albania, Bulgaria, Croatia, the Former Yugoslavia Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; support for the International Conference on the Former Yugoslavia (ICFY) monitoring missions along the Serbia-Montenegro-Bosnia border; bilateral contacts between the United States and other countries for the purpose of tightening financial and trade restrictions on the FRY (S&M); and ongoing multilateral meetings by financial sanctions enforcement authorities from various countries to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, the Office of Foreign Assets Control (FAC) has exercised its authority to license certain specific transactions with respect to the FRY (S&M), which are consistent with U.S. foreign policy and the Security Council sanctions. During the reporting period, FAC has issued 90 specific licenses regarding transactions pertaining to the FRY (S&M) or assets it owns or controls, bringing the total specific licenses issued as of October 13, 1995, to 1,020. Specific licenses have been issued: (1) for payment to U.S. or third country secured creditors, under certain narrowly defined circumstances, for preembargo import and export transactions; (2) for legal representation or advice to the Government of the FRY (S&M) or FRY (S&M)—located or controlled entities; (3) for the liquidation or protection of tangible assets of subsidiaries of FRY (S&M)—located or controlled firms located in the United States; (4) for limited transactions related to FRY (S&M) diplomatic representation in Washington and New York; (5) for patent, trademark, and copyright protection in the FRY (S&M) not involving payment to the FRY (S&M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S&M)-controlled ships blocked in the United States; (8) for the removal from the FRY (S&M), or protection within the FRY (S&M), of certain property owned and controlled by U.S. entities; (9) to assist the United Nations in its relief operations and the activities of the UNPROFOR; and (10) for payment from funds outside the United States where a third country has licensed the transaction in accordance with U.N. sanctions. Pursuant to U.S. regulations implementing UNSC Resolutions, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S&M).

During the period, FAC addressed the status of the unallocated debt of the former Yugoslavia by authorizing nonblocked U.S. creditors under the New Financing Agreement for Yugoslavia (Blocked Debt) to exchange a portion of the Blocked Debt for new debt (bonds) issued by the Republic of Slovenia. The completion of this exchange will mark the transfer to Slovenia of sole liability for a portion of the face value of the $4.2 billion unallocated debt of the FRY (S&M) for which Slovenia, prior to the authorized exchange, was jointly and severally liable. The exchange will relieve Slovenia of the joint and several liability for the remaining unallocated FRY (S&M) debt and pave the way for its entry into international capital markets.

During the past 6 months, FAC has continued to oversee the liquidation of tangible assets of the 15 U.S. subsidiaries of entities organized in the FRY (S&M). Subsequent to the issuance of Executive Order No. 12846, all operating licenses issued for these U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked, and the net proceeds of the liquidation of their assets placed in blocked accounts.

In order to reduce the drain on blocked assets caused by continuing to rent commercial space, FAC arranged to have the blocked personality, files, and records of the two Serbian banking institutions in New York moved to secure storage. The personality is being liquidated, with the net proceeds placed in blocked accounts.

Following the sale of the M/V Kapetan Martinovic in January 1995, five Yugoslav-owned vessels remain blocked in the United States. Approval of the UNSC's Serbian Sanctions Committee was sought and obtained for the sale of the M/V Kapetan Martinovic (and the M/V Bor, which was sold in June 1994).

With the FAC-licensed sales of the M/V Kapetan Martinovic and the M/V Bor, those vessels were removed from the list of blocked FRY (S&M) entities and merchant vessels maintained by FAC. As of October 12, 1995, five additional vessels have been removed from the list of blocked FRY (S&M) entities and merchant vessels maintained by FAC as a result of sales conditions that effectively extinguished any FRY (S&M) interest: the M/V Blue Star, M/V Budva, M/V Bulk Star, M/V Hanuman, and M/V Sumadija. The new owners of several other formerly Yugoslav-owned vessels, which have been sold in other countries, have petitioned FAC to remove those vessels from the list.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is a possible interest of the Government of the FRY (S&M) or an entity or undertaking located in or controlled from the FRY (S&M), and to stop prohibited transfers to persons in the FRY (S&M). The value of transfers blocked has amounted to $137.5 million since the issuance of Executive Order No. 12808, including some $13.9 million during the past 6 months.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. More than 318 submissions have been reviewed by FAC since the last report, and more than 130 compliance cases are currently open.

6. Since the issuance of Executive Order No. 12810, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S&M) or Bosnian Serb authorities have an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated and appropriate enforcement actions are being taken. Numerous investigations carried over from the prior reporting period are continuing. Since the last report, FAC has collected 10 civil penalties totaling more than $27,000. Of these, five were paid by U.S. financial institutions for violative funds transfers involving the Government of the FRY (S&M), persons in the FRY (S&M), or entities located or organized in or controlled from the FRY (S&M). One U.S. company and one air carrier have also paid penalties related to unlicensed payments to the Government of the FRY (S&M) or other violations of the Regulations. Two companies and one law firm have also remitted penalties for their failure to follow the conditions of FAC licenses.

7. The expenses incurred by the Federal Government in the 6-month period

from May 30, 1995, through November 29, 1995, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at about $3.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office, and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S&M), in its involvement in and support for groups attempting to seize and hold territory in the Republics of Croatia and Bosnia and Herzegovina by force and violence, and the actions and policies of the Bosnian Serb forces and the authorities in the areas of Bosnia and Herzegovina under their control, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of the conflict through implementation of the United Nations Security Council resolutions.

I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S&M) and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *December 8, 1995.*

COMMUNICATION FROM THE HONORABLE DAVID E. BONIOR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. DAVID E. BONIOR, Member of Congress:

WASHINGTON, DC,
December 7, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the Circuit Court of Michigan.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

DAVID E. BONIOR,
Member of Congress.

REACHING A BALANCED BUDGET

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, last Wednesday the President of the United States vetoed a proposed balanced budget submitted by the Congress of the United States. It was of course the President's legal right and prerogative to vote this bill, not only under the Constitution but under the recent agreement between Congress and the President, if the President felt that the budget did not adequately fund certain programs.

On Thursday the President submitted back to Congress his own proposed balanced budget. Unfortunately, I have to say that I believe the administration in this case did not comply with our recent agreement.

Our agreement called for a balanced budget in 7 years, which the administration did comply with using the economic forecasts, in this case meaning projected government revenue by the Congressional Budget Office. Instead, the President's budget submitted last Thursday uses the economic forecasts of his own Office of Management and Budget. Their projections are as much as $400 billion in more government revenue over 7 years than the Congressional Budget Office.

The point, however, is not to debate between the two. That has already been settled. In the recent agreement, the President and the Congress both agreed to use the Congressional Budget Office for economic forecasts.

Therefore, I respectfully call upon the administration to introduce a new budget of 7 years in duration with the use of the Congressional Budget Office economic forecast for Government revenue so that the two budgets can be compared side-by-side, the budget of the Congress and the budget of the President of the United States, so that negotiations can begin on a level playing field between them and so that the American people can decide on a common yardstick which priorities they prefer.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF AMERICAN HEALTH SECURITY PARTNERSHIP ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes as the designee of the minority leader.

Mr. OBEY. Mr. Speaker, I do not normally these days take special orders because, as everyone understands, there is no legislative business to be conducted, but I do today take this time to simply announce that I am introducing the Health Security Partnership Act of 1995 because I think this Congress is going in a totally wrong direction on the issue of health care and I think we ought to start talking about how to reverse that.

Last year the country missed a historic opportunity to reform our health care system by getting a handle on costs and strengthening the health security of every American family. The public wanted action but Washington became so polarized that the opportunity was missed. That does not mean that the problem has gone away.

Since the failure of Washington to provide health care reform last year, 1 million more Americans have lost health care coverage and Americans concerned about being able to hold on to affordable health insurance have seen that concern intensify greatly. At a time when we ought to be reducing insecurity and increasing access to quality health care, Congress is going in the opposite direction.

Instead of reducing the number of uninsured Americans, this Congress is moving millions of people to the rolls of the uninsured by shredding the Medicaid safety net for millions of poor families and working families who need nursing home coverage for a loved one. It is making Medicare more insecure for millions of recipients. The median income for women on Medicare is $8,500 a year. And it is increasing the cost for the uninsured, a cost which will therefore be shifted to families who do have insurance and to employers who provide that insurance.

That is morally wrong, it is economically wrong, and the bill that I am introducing today goes against the prevailing tide in this Congress in order to try to correct it. I know that we are moving against the tide, but this is a matter of principle and it is well worth the fight.

I should say also that I am being joined in this effort by the gentleman from New York [Mr. HINCHEY], the gentleman from New York [Mr. OWENS], the gentlewoman from California [Ms. PELOSI], and the gentleman from Minnesota [Mr. OBERSTAR].

Last year's health care battles have made it quite clear to me that while the public wants reform, they do not want reform that creates new huge Federal bureaucracies. There are some things that the Federal Government can and should do, and this bill would do them.

For example, the National Government can and should insist on insurance reform so that people with preexisting conditions cannot be denied coverage. It can and should expand the Community Options Program such as we have in Wisconsin, so that home and community-based health care can be an affordable option to institutionalized care. And we can attack the inequity that allows corporations to deduct the full cost of providing health insurance to their employees but only allows the self-employed businessman to deduct 30 percent of the cost of coverage.

There are nonbureaucratic reforms that can and should be made at the Federal level. But we can also create a Federal-State partnership that will leave to the States the major choices about how to deal with the shortcomings in today's health care system.

That is why the bill I am introducing today, beyond the issue of insurance reform, will have only one Federal requirement. The requirement will simply be that States ensure that every citizen in each State has health insurance coverage, and that such coverage is comparable to that which is now available to Members of Congress, Federal employees and their families.

Under the plan, States could establish whatever system they want, be it public, private or a mixture of both. Each State would decide whether to use devices such as risk-sharing pools or subsidies to provide coverage for those who are unemployed, those who are working but unable to afford health insurance, and those who are high risk and unable to get insurance from carriers.

In the best Progressive tradition—and I mean that in a capital P because the Progressive Party was born in Wisconsin—in the best Progressive tradition, we can use States as laboratories of democracy to help find alternative health care reform models that work. The elements of the plan would work like this.

States would be required to submit a plan by July 1, 1999, to the Secretary of Health and Human Services which would have to show that every citizen in that State is covered by health insurance which has benefits comparable to those available under the Federal Employees Health Benefits Plan.

Second, the rules of the insurance game would be changed to guarantee that people could no longer be turned away because of preexisting conditions, income, employment, or other health status. Insurance companies could no longer deny, cancel, or refuse to renew coverage unless the premiums had not been paid, unless fraud or misrepresentation had been involved, or the plan is ceasing coverage in an entire geographical area. Home and community-based care would be provided as an option to institutional care when it would be medically appropriate.

Third, the Secretary of Health and Human Services would annually certify the plans. Only those States that participate will be eligible for Federal Medicaid funds, and participating States would be eligible to share in the Federal pool of funds created in the bill to assist States in the effort.

As I said earlier, currently self-employed individuals can deduct 30 percent of their health insurance costs on their Federal tax return. This bill would increase that deduction to 100 percent, and it would also allow workers whose employers do not provide health insurance to deduct up to 80 percent of their health insurance cost.

Congress is right to want to reform Medicare and Medicaid, but health care for persons struggling to make ends meet should not be squeezed in order to provide a rich man's tax cut. Medicare and Medicaid reform should not be done in isolation. They should be done in the context of overall care reform, to effectively and fairly control costs, and to minimize cost-shifting to persons who are insured and to employers who do provide insurance.

Until we can ensure that everyone has health coverage, the problem of cost-shifting will not go away. Cost-shifting is a hidden tax that continues to drive the cost of health care higher and higher. Until we get a handle on cost-shifting, prices will continue to rise forcing more people out of the system and escalating the problem.

No one can convince me that in last November's election the public was telling us that they wanted us to weaken health care coverage and increase its cost, especially to the most vulnerable among us. They want us to make health care more affordable and more accessible. They do not want us to go in the other direction.

This is a proposal which would help move us back in the right direction. Right now 40 million Americans are being left behind, and that is a disgrace. It is an even larger disgrace that if the Medicaid reforms, so-called reforms being pushed by the Republican leadership in this House go through, that you could almost double the number of those who are uninsured in this country because of the loss of the Medicaid guarantee.

These are problems which this Congress ought to be willing to solve. We ought to be including more people in the blessings of this country when it comes to health care, not fewer. I would hope that someday the Congress will get about doing that, because that indeed is the people's business.

AN HONEST BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I am pleased to say that the special orders that I have been involved in over the past several days, actually week, of the discussions of the balanced budget are beginning to attract some attention from around the country and from our colleagues here in the House.

As the Speaker knows, I have been indicating in my discussions that far from balancing the budget, in the proposals that are before us now, we are merely shifting the deficit.

I have had people call in and express their gratitude that I am explaining this in a step-by-step manner so that it is easy for the average taxpayer as well as the average Member who might not be completely familiar with the budget process to understands what it is that we are doing, what it is that is being proposed.

I have long since learned, and I am sure the Speaker would agree, that not just in politics but I guess in all of life, it is the obvious that you have to state over and over again because it is the obvious that you tend to take most for granted and forget first.

The obvious in this situation is, is that every time you hear someone stand up and say, "Oh, we're going to balance the budget in 7 years," you should immediately get on your skeptical clothes to protect yourself. You should be skeptical for the following reason.

If you look at the presentation of the budget, do not listen to the rhetorical lines about balancing the budget in 7 years. That is the little prayerful ritual that is being recited on this floor and on the so-called news talk shows, on the news bites, the 9- and 10-second blips you get on television or here on the radio, that we are going to balance the budget in 7 years. It is merely a question of numbers.

Today, for example, you can read in the New York Times or in the Washington Post arguments about whether or not we are talking about numbers on Medicare.

You can see, and I have here, Mr. Speaker, the national edition of the New York Times for today with a headline, GOP, the Republican Party, emphasizes points of similarity on Medicare. That is the attempt.

Then you have little graphs. Everybody has a graph that they want to show you, especially if the do not want you to understand what is really at stake.

What is at point where Medicare is concerned in the budget proposal, Mr. Speaker, is that, yes, there will be a increase in spending in both proposals, the President's proposal is it stands to this point, and the Republican proposal. The question is, is there going to be a sufficient increase to cover the number of people who need it?

The gentleman from Wisconsin [Mr. OBEY] who spoke just before me indicated very clearly that we are facing a situation, because we did not do national health care in the previous 2 years, a situation which is dire, which is going to cause even more people to be lacking health insurance; going to cause us, I believe, the case can be made, to expand even more funds than are projected.

Everybody is trying to say, the Republican proposal says they are going to save Medicare. How are they going to save it? They are going to cut it hundreds of billions of dollars. They are going to block-grant to the States the Medicaid Program, which means the States will become liable for Medicaid, or they will alter the eligibility requirements. Your mother, your father, yourself, you may not be eligible. Anybody out there who thinks that they are going to be freed of the consequences of these budget proposals, believe me, better think about it again.

So I ask you, let us suppose, if both the Republicans and the Democrats are claiming, as they do on these charts, that they are increasing spending for Medicare, then how is it that they are going to take $270 billion in the Republican plan out of Medicare? How can you be increasing the spending and then taking money out of it supposedly in savings at the same time? I do not think you can do that. You cannot move forward and run backward at the same time.

Well, I will tall you how they say they are going to do it. They say we will increase the amount——

Mr. SCARBOROUGH. Will the gentleman yield?

Mr. ABERCROMBIE. Certainly.

Mr. SCARBOROUGH. I have discussed budget issues with the gentleman before and look forward to his budget plan that will balance the budget in the year 2002 and increase $1 trillion more——

Mr. ABERCROMBIE. Reclaiming my time, this is a perfect example if what I was talking about. You just heard the ritual incantation of balancing the budget in the year 2002. That will not happen. You can recite that like a prayer. You have no proposal. You have never made a statement that remotely reflects a balanced budget in the year 2002.

Mr. SCARBOROUGH. Will the gentleman yield?

Mr. ABERCROMBIE. Yes.

Mr. SCARBOROUGH. From the scoring that I have seen, actually CBO scores that we balance the budget. But let me ask you this question——

Mr. ABERCROMBIE. Reclaiming my time, because it you are going to come into my time, you are going to have to be accurate.

All the CBO scoring, and CBO for those who do not know, is the Congressional Budget Office. Every chart of the Congressional Budget Office shows that the budget will not be balanced in 2002 unless you play an accounting trick which takes your deficit off-budget. Your proposal proposes to take some $636 billion from Social Security, plus interest, put it off-budget and pretend you do not owe it in the year 2002.

Every Congressional Budget Office chart, every analysis that they have, which I have before me, indicates that there will be a massive deficit shift in 2002 while you claim to have a balanced budget.

Mr. SCARBOROUGH. Well, if the gentleman will yield, a lot of people would accuse anybody coming to this floor and stating that the Republican budget does not go far enough to balance the budget as being a little bit less than sincere.

I would ask the gentleman what balanced budget plan has he supported in this year of all the balanced budget plans that have before the floor. Or name one budget that your majority leader has supported or name one budget that the President has supported that will go as far as the budget that the Republican Party put forward that Democrats, some conservative Democrats and moderate Democrats, have actually supported.

I think, and let me just say this, as I have said before when I have seen the gentleman on the floor. I agree with you, that if we go that extra mile and find a way to get Social Security off-budget and, as I have said before, I want to work with you on this because I think it is a laudable goal. If we go that extra mile, get Social Security off-budget, still balance the budget in 7 years, with Social Security off-budget, that is a fantastic goal.

My only point is this: When you come to the floor and when others come to the floor stating that the Republicans do not go far enough because we do not take Social Security off-budget, it seems a little bit less than sincere. The same question could be raised about Medicare.

Mr. ABERCROMBIE. Reclaiming my time. You have asked me a series of questions.

Let us go backward in them. Seeming less than sincere. I assure you I am quite sincere.

Let us go over what the deficits are, and I will tell you, before we go to the deficits, I will give you the answer to the first part of your question about what proposals have been on the floor. No proposals that has been on this floor is going to balance the budget in 7 years. That is almost impossible.

Mr. SCARBOROUGH. Is that why you have voted against those?

Mr. ABERCROMBIE. I have never said on this floor that the Republicans do not go far enough. To the contrary, if you want to eviscerate this country, that is up to you, and if you want to run for office in 1996 on the basis that you want to strip this country of every value that means anything in a republic, you can do that.

Mr. SCARBOROUGH. If the gentleman will yield, just to answer that point.

Mr. ABERCROMBIE. I still have the time.

Mr. SCARBOROUGH. How does evisceration——

Mr. ABERCROMBIE. Mr. Speaker, I have the time.

The SPEAKER pro tempore. The gentleman from Hawaii controls the time.

Mr. ABERCROMBIE. I have the time. There is no budget proposal on this floor that is going to balance the budget in the year 2002. It cannot be done. It cannot be done unless you use the most draconian methodology that would, as I indicate, eviscerate the capacity of the country to sustain itself, either socially or economically.

□ 1230

On the other hand, if the gentleman wants to balance the budget, if that is what his goal is, then the gentleman is going to have to do it the sensible way that anybody else does it, the way other municipalities and States and countries and villages do. The gentleman is going to have to have a capital expenditures budget. The gentleman is going to have to have an operating budget and find a methodology for dealing with it.

How much revenue is coming in? How much is going out? How much can we afford to spend in a given year? And then lay that out over a 10-, 20-, or 30-year period in order to achieve it. That is the way we do it.

My colleagues are not going to do it by the intuitive method of the Speaker of picking out a 7-year period in which they increase the deficit, increase spending, and at the same time claim that they are balancing the budget.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, I greatly appreciate the gentleman giving me some time, and I certainly would invite the gentleman to speak when I have an hour.

But first of all, the gentleman has stated that the Republican plan eviscerates America and tears away basic American values by draconian cuts. Then the gentleman moves forward and says that the Republicans are actually spending more and the deficit increases. It brings to mind a Washington Post editorial that basically says that the Democrats are being less than sincere when they say that a plan on Medicare, for instance, that increases spending by 45 percent is draconian.

Now, the gentleman went to school, I suppose he went to school in Hawaii. I went to school in Florida and across the Southwest. Where I went to school, a 45-percent increase where one goes from spending $850 billion to $1.6 trillion over 7 years is an increase; where the average senior citizen goes from, and the gentleman has heard these numbers, goes from $4,600 to $7,100 per year, that is per beneficiary.

That is why the Washington Post, on November 16 said, and I would like the gentleman to respond to this because I have yet to hear a Democrat who has been attacking the Republican's plan to balance the budget, I have yet to hear anybody respond to this. If I could just read this and have the gentleman respond:

> Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over seven years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The president was still doing it this week; a Republican proposal to increase Medicare premiums was one of the reasons he alleged for the veto that has shut down the government—and never mind that he himself, in his own budget, would countenance a similar increase.
>
> We've said some of this before; it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving. Politically, they will have helped to lock in place the enormous financial pressure that they themselves are first to deplore on so many other federal programs, not least the programs for the poor.

Mr. Speaker, the gentleman from Hawaii heard this, he saw on the front of the New Republic this past week most likely where the cover story by a former member of the Clinton administration said that the Democrats' demagoguing on Medicare was even worse than the American public suspected. That is the New Republic and the Washington Post. It is not the Washington Times. If the gentleman could just respond to that.

Mr. ABERCROMBIE. I would be delighted to respond to that. I would not accuse the Washington Post of demagoguing, especially if they are an editor of the Washington Post who has health insurance and is not likely to lose it.

It is very interesting, I have indicated, and as far as the President's budget is concerned he has indicated, and the news page from the New York Times, which I just showed, this agrees exactly with what the gentleman just said in terms of increased spending. I said already this morning that both the Republicans and the Democrats are proposing increased spending.

The difference is if the spending does not match the need, then we fall behind. What the Republican proposal is, is that they want to throw a 10-foot rope to someone who is 12 feet out in the water and drowning. The fact that they are throwing a 10-foot rope does not do anything for the person who is drowning, because they need 12 feet in order to reach him.

What is happening is that under Medicare and the expenditures under the proposal by the Republicans is that they are going to make the insurance companies richer. The Republicans are going to take nine steps backward. They are not going to have a sufficient amount of money to be able to deal with the need, particularly if they put on a Medicaid proposal in conjunction with it that sees to it that more people are ineligible for Medicaid spending, so they will be showing up in the emergency rooms, and those who do have health insurance will be paying even higher premiums to take care of those who do not have insurance.

So, all the Republicans have done with this proposal and so-called increase is shift the burden of paying for it to those who already do have insurance.

Mr. SCARBOROUGH. The gentleman called it a so-called increase, and when you go up 45 percent, I understand if you believe that we need to go up 60 percent instead of 45 percent. That is fine. But the fact of the matter is, as we know, Medicare has been growing at a 10-percent clip.

Mr. ABERCROMBIE. Not in Hawaii, because we have health care in Hawaii. We have had it for 20 years.

Mr. SCARBOROUGH. Right. And I think the Democratic plan, let us just say Bill Clinton's plan, was to push it up 6 percent, and in his testimony in 1993, when he talked about having a single-payer health care system nationwide, in his testimony and in Hillary Clinton's testimony, the administration's position was that Medicare needed to grow at twice the rate of inflation. That is exactly what happens under the proposal, which actually came about after the President and the Medicare board of trustees said back in April that Medicare was going bankrupt.

The gentleman again talks about cuts, and he talks about decreased payments. To me, and I am just a freshman here, but to me and to a lot of people out in the country, and I am sure even people in Hawaii, a lot of people do not understand how we can call it spending cuts where spending skyrockets 45 percent.

Mr. ABERCROMBIE. Reclaiming my time, Mr. Speaker, if they do not understand it, I will attempt to explain it once again.

I think there is a certain amount of calories one needs to be able to sustain one's existence. Supposing it is 1,800 calories a day. If we are putting out 1,500 calories, we are 300 calories short. What I am indicating to the gentleman is that the proposal for block granting Medicaid and for the so-called Medicare increase, when it does not match the need, then we are going to fall down and someone is going to have to pay for it in society.

Does anybody really believe, Mr. Speaker, at this point that, on the one hand the Republicans can be claiming, "Oh, no we are going to increase spending," and at the same time we are going to have tremendous savings? And at the same time we are going to increase the deficit, but at the same time we are going to balance the budget?

Now, I do not know about someone else's definition of demagogue, but I think that that might qualify at the very least.

Let me ask the gentleman a question, then, in turn. As I said, I believe I have indicated my answer to your question about the Washington Post editorial on Medicare. It does not make any sense because it does not get to the target.

Is it not a case, I ask my good friend, that the conference report, and I hope that he will take my word that I do, in fact, have a bona fide copy of the conference report on the budget before me. The concurrent resolution for the budget. Does it not indicate on page 3 under deficits, that for purposes of enforcement of the resolution, the amount of the deficits are as follows: 1996, 245,600,000,000. Is that not the deficit figure that the Committee on the Budget is using in its report?

Mr. SCARBOROUGH. I do not have the conference report in front of me, but if the gentleman wants to go through it and wants to read them off to me.

Mr. ABERCROMBIE. No, I will not read them all off. I will indicate that starting in this year, 1996, there is a $245.6 billion deficit and it goes on to the year 2002 over the next 7 years, and in 2002 it is indicated, and I grant you this is in January, the numbers could change up or down depending on what the Congressional Budget Office says this week to, $18.4 billion, $18,400,000,000. So each year there is a deficit.

It does not bother me. I am not arguing that somehow the deficit is supposed to disappear in a year's time. I do not believe that would be good economically. We could have that discussion sometime: The philosophy of economics. But I think it is generally agreed, at least by those of us here in the Congress, to eliminate it all in 1 year would probably be impossible.

But nonetheless, would the gentleman agree, and the gentleman has been talking about the budget, that in general, whether my numbers are exact or not, that there is a deficit proposed in this year, and a deficit in the Republican budget and the Democratic budget until the year 2002? Somehow it has to be paid for. That is the question, is it not?

Mr. SCARBOROUGH. That is the question, and there is a deficit starting this year, and the plan is over 7 years that we go to zero deficit under the way that Washington scores deficits right now.

Mr. ABERCROMBIE. Reclaiming my time. I thank the gentleman very much. This is getting productive. Under the way we score deficits right now.

Mr. SCARBOROUGH. And the way Democrats have for 40 years.

Mr. ABERCROMBIE. Would the gentleman agree that, reading again from the same title I where the deficits were, as I indicated, that the public debt, which this year, 1996, will be $5.21 trillion, $5.2 trillion. In the year 2002, the public debt will be $6.7 trillion. That is an increase in the public debt; is it not?

Mr. SCARBOROUGH. It is, and if the gentleman would yield, I would like to ask the gentleman a question, because we are getting at a very good point.

I want you to know, and I guess I should not publicize this any more than it has been publicized, but I was the only Republican to vote against reconciliation the first time through, because I did not think we went far enough to getting the deficit down.

But let me say this, I know there was not a single Democrat, because I talked to a good number of them, that voted against this budget package because they did not think it cut enough. I know that to be the case, because the interesting thing that the Republicans have found themselves in this year is that the conservative base that is pushing them to balance the budget immediately, now rather than later, the freshman class, of which I am a Member, where we put forward our own plan to balance the budget in 5 years, we have been savagely attacked, being called mean-spirited. You have heard what I would call demagoguery.

Mr. ABERCROMBIE. I would never say anything like that.

Mr. SCARBOROUGH. Of course you would not. That is Hawaiian manners. It encourages me that I find somebody coming to the floor on the other side of the aisle who is saying, "Hey, maybe we need to push a little harder; we need to do more to balance the budget."

Mr. Speaker, I think today is a historic day in the 104th Congress. Let me say this to the gentleman. I will ask him to work together with me to come up with a proposal that will take Social Security off budget and raise the revenue to keep Social Security off budget, while still moving forward.

Let me tell my colleague a great idea. I think we need to get together a BRAC-like task force where we get people from AARP, and economists, and we need to get together and look and see, take a serious look at this CPI, the consumer price index that PAT MOYNIHAN has been talking about saying it is 1 percentage point too high; get a task force that will protect the interests of seniors. And if they adjust it up 0.5 percent, as the Democratic Coalition budget does, or 1 percent, as Democratic Senator PATRICK MOYNIHAN suggests, what we do with that money from this BRAC-like task force that the seniors will take part in, we roll that money over and get Social Security off budget; keep off budget the money that we save for the Social Security system through the CPI adjustments.

Is that something that the gentleman would like to work on with me in a bipartisan manner? Because I really do think we are making progress here today. This is historic.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, I am glad the gentleman thinks it is so historic.

Mr. SCARBOROUGH. Mr. Speaker, I have not heard a Democrat say that the Republican plan did not go far enough.

Mr. ABERCROMBIE. I think the Republican plan goes way too far. That is my point. I do not believe it is a plan. It is a kind of incantation, a magic formula that would have all of the reality of Merlin the Magician.

The gentleman indicated that he would like to have a BRAC-like commission. BRAC, for those who do not know, is the Base Realignment Closure Commission. I think we may be closing down the opportunity for a whole lot of people in this country if we went as far and as fast as the gentleman indicated.

I would never characterize the gentleman personally, but I believe that such an approach would be an extreme approach. It would not be warranted, given the social stability and the economic stability of our country.

Now, I still have the time, if the gentleman would be kind enough to let me respond. The gentleman indicated that the freshman class of Republicans have put forward a balanced budget proposal which might succeed in 5 years, and he asked me at the same time, would we work, could we work together to take Social Security off budget?

Mr. Speaker, I am sure the gentleman is aware, and therefore he must have misspoke, I am sure he is aware that in the budget proposals right now, that Social Security already is listed as off budget. The problem is that we are taking money from it.

Now, does the freshman proposal of the Republicans, the freshman Republican proposal take money from the Social Security trust fund in order to help balance the budget?

Mr. SCARBOROUGH. Not that I am aware of.

Mr. ABERCROMBIE. I would be mightily amazed, then, as to where they are going to get the money. The gentleman is aware that the Republican proposal that is on the floor so far from the Committee on the Budget does take from the Social Security trust fund?

Mr. SCARBOROUGH. Is the gentleman yielding to me?

Mr. ABERCROMBIE. Yes, I am.

Mr. SCARBOROUGH. No, not any more than Democratic proposals in the past have, again using the framework that we use that the Democrats have used for 40 years. That is why I was asking the gentleman, and I just got a note that I have got to leave the floor in 10 minutes, if he would be interested in working with me in figuring out a way of putting together a BRAC-type task force to adjust the consumer price index and its impact on Social Security, and whatever money is saved, we roll over into the Social Security trust fund, thereby pouring billions and billions of dollars to keep Social Security solvent after the year 2002.

Mr. ABERCROMBIE. My answer to the gentleman is I would be delighted to work with him at any time on such a proposal, and I would be delighted to have further discussions on the realities of the Social Security trust fund.

Mr. SCARBOROUGH. Great, I would love to. I think coming from Florida, obviously, it is extremely important to the people in our State. I heard that time and time again when I was campaigning a year ago, why do we not take Social Security off budget? And, of course, we can say that it is off budget, but the fact of the matter is that the Democrats, when they controlled Congress, and the Republicans this year, have not put up that Chinese wall to separate the two. If we can work together, I do think this would be a historic moment.

Mr. ABERCROMBIE. Mr. Speaker, I reiterate, I would be delighted to work with the gentleman at any point. Speaking as I do as the Representative of the southernmost State in the United States, Hawaii, I would be glad to do that.

Mr. Speaker, I particularly appreciate the dialog with the gentleman from Florida [Mr. SCARBOROUGH]. I have listened with interest and with close regard to his remarks on the floor in previous times, and I think that it is well worth it at this point to explicate just for a moment or two on some of the points that he raised, because they do fit into the context of my general discussion.

Mr. Speaker, you may recall that I had indicated that there is, in fact, in the budget document proposal of the Republican Party, a deficit this year. Some $245 billion. There is, at least, in the budget resolution as presented so far, which will go on up to $108 billion in the year 2002. It accumulates, obviously. The public debt is increasing.

We move then to Social Security, because the gentleman from Florida is quite correct. His constituents are sharp. They understand what is happening. We have an accounting trick in the Federal Government, which all parties have utilized to this point, in which we say that the Social Security revenues are off budget.

Now, I do not know about your budget. Well, I do know about your budget, Mr. Speaker. I am sure yours and mine are exactly the same. We cannot get away with that. People who try to pretend that what they owe really does not count because it is off budget and act accordingly, sometimes end up in front of long-robed judges with prison sentences facing them. Or at worst, and

I suppose at best, find themselves shamefacedly saying to their spouses, "Yes, actually we have not balanced the budget. We actually owe more money than we can pay."

But where Social Security is concerned, Mr. Speaker, I want to indicate that according to the Congressional Budget Office, the revenues for Social Security are in excess of what is needed for expenditure this year, and on up to the year 2002.

Let me repeat that. There are more revenues coming into Social Security trust fund than there are revenues going out. That means there is a surplus. Here is where the real surplus is. There is no surplus in the budget. There is a surplus in the Social Security fund.

So, the constituents of the good gentleman from Florida, when they say let us take it really off budget, what they mean is do not use it as an accounting trick. Do not take money to pay your bills from Social Security, and leave an IOU in the Social Security trust fund.

My point, Mr. Speaker, is that this budget document put forward by the gentleman from Georgia [Mr. GINGRICH] and his budget team, shows, for example, in 1996, $374 billion, almost $375 billion coming into the Social Security trust fund, and about $300 billion going out. A surplus clearly of about $74 billion, $75 billion.

The problem is that in order to achieve this balance, both in the year 1996 and 1997, and on to the year 2002, the proposal of the Republican budget is to take money from Social Security, leave an IOU for the principal plus interest, and in the year 2002, be able to claim that by borrowing from Social Security, they have balanced the budget.

I will indicate again, Mr. Speaker, that is not the case. What they have done is shift the deficit. They are not balancing the budget. They are shifting the deficit. It is as if we were taking our checking account and our savings account and then taking the savings account of our mom and dad, drawing down on the savings account of our mom and dad, and then telling our family that we have balanced the budget and paid all of our bills.

Mr. Speaker, every bill that comes in in the year 2002, we will be able to pay, and the revenues coming in and the revenues going out will match. That is to say, they will be balanced. But we have neglected to tell mom and dad that we took money out of their savings account in order to accomplish that.

Mr. Speaker, the way I add it up, and the way I went to school, as the gentleman from Florida indicated, I am sure we had similar math experiences, the way I add it up, we owe our mom and dad. The fact that we call it off budget in the Government does not mean that we owe our mom and dad any less money.

What is the Social Security trust fund? The Social Security trust fund is for those who are eligible to collect those benefits at a certain time in their life when they have retired at a certain age and under certain circumstances. When they meet the qualifications of it, they get the benefit. One of the arguments made by young people is that there may not be sufficient funds in the Social Security trust fund to meet their needs when they are eligible for it. I would say if we keep taking from this fund, and leaving IOU's in it with no plan to pay it back, that is exactly what is going to happen at some point in the future. Not now. Not in 2002. But as we get past that time, 2013, 2020, 2050, you and I will not be here in 2050, Mr. Speaker, and that is one of the real difficulties that I have with this proposal.

Mr. Speaker, what we are saying is for short-term political benefit, rhetorical benefit that will help us in an electoral capacity, "I balanced the budget," that kind of discussion with the voters, that we are going to leave the children and the grandchildren and the great grandchildren bereft of those funds which are supposedly in there for their benefit.

One of the reasons that that is so is that we are going to have an ever-increasing number of people who are eligible for Social Security and a decreasing number of people who will be working to pay the Social Security taxes to put into the fund to see that it remains solvent. That is a genuine problem that we have to look at.

I believe that government is for the long term; not for the short term. I believe that the decisions that I make today have an impact on generations to come. I think I have to take that kind of responsibility. I cannot make a decision. I take that back. I am sure I am as human as anybody else. I think I start thinking at any given time during the day, "What is in my immediate interest? How will I have to explain this? What is going to be the impact on me?" I am up for electicn in 1996. I intend to run 1996. How do I explain to my constituents what they need to know, rather than perhaps what they would like to hear?

Mr. Speaker, I think my obligation as a Member of Congress is to tell people what they need to know; not necessarily what they would like to hear. What they would to like to hear is that we can spend more and at the same time save more; that we can balance the budget, but at the same time we can increase the deficit.

Mr. Speaker, I suppose that people would like to hear that, but I think my constituents, and I am sure that the constituents of the gentleman from Florida are the same, they do not want to hear a fairy tale. They do not want to be told something that is not true or that they are going to be all right or fiscally secure, that their future is going to be soundly based economically and socially and we will have stability in this country, and then find out that is not so. They would rather know what the truth is, so that they can figure out what needs to be done to get to the goal that we want to achieve.

Yes, it is true that Democratic administrations and Republican administrations have used Social Security in a similar way. That does not make it right. The difference has been in the past that when they went into the Social Security trust fund, they never pretended they were balancing the budget with it. Rather, they were meeting current expenses.

The debt that we have now, between $480 and $500 billion that we owe in principal, I am not sure whether interest is involved in that or what the interest is at this point, but we owe upward of half a trillion dollars right now to Social Security. I do not know of any plan to pay it back. It is a paper transaction, according to those who want to use it for the bookkeeping trick that it is. But, nonetheless, it is real people expecting real dollars to come out of that fund in the future.

Now we propose, in the name of balancing the budget, not just meeting current expenses. Let me explain a little further. If we went to our mom and dad and said to them, "Look, we are having a tough time. There was a hurricane." Mr. Speaker, as you know, Florida has suffered through more than one devastating hurricane. Hawaii suffered through a hurricane, Hurricane Iniki, that hit the island of Kauai. California's tragic earthquake. Just take those three national disasters. We are talking about tens of billions of dollars worth of damage and subsequent investment by the people of this country in the infrastructure and social stability of just those three States, California, Hawaii, and Florida, all across the spectrum of our society, literally and otherwise.

Mr. Speaker, I consider that an investment in the people of our country. I do not object to that. We have these kinds of disasters. So, I suppose I could go to mom and dad and say, "Mom, we have had a disaster occur. We have had some difficulties and we did not get enough from you. My salary did not cover the expenses that came up. There was the car crash; there was the hurricane that came through. We have got to fix the roof. We have to get the plumbers in and the carpenters. We do not have enough money coming in. We need to borrow money from you in order to meet these expenses."

Mr. Speaker, we could do that. We would prefer not to, but it could be done. So, when the accusation, if you will, is made that administrations in the past, and as I say, they have been Democrat and Republican administrations, when these administrations in the past, and the Congresses in the past have borrowed from Social Security and voted for the budget, it was to meet the current expenses. They did not come to the well of the floor, or go on television on news shows and to their constituents and say, "Oh, we are balancing the budget now."

Mr. Speaker, how can we balance the budget if we are taking money from the Social Security trust fund and have no plan to pay it back; pay the principal, let alone pay the interest back? That is what is to happen. The surpluses are here. There is no question that there is extra money.

Now, is it really extra money? The reason that these surpluses are there, Mr. Speaker, as you may recall, in the 1980's, the same kind of argument was made that Social Security was going broke, therefore, we have to have a new system to deal with it. What we did, Mr. Speaker, is that the Social Security tax was raised, the amount of money that was required of us. We all see it on our paychecks. It is called the F-I-C-A, the FICA tax. That is our Social Security tax. We pay the tax and that goes into the fund.

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It goes into a fund right now, Mr. Speaker, and this was acknowledged by the Congress, acknowledged by the people of this country that they would put more money into the fund every year than was actually going to be paid out because at some point in the future those two lines would pass one another.

We wanted to make sure that we had sufficient funds in the Social Security to take care of those folks that were coming after us down the line. That was our obligation, to look forward, not backward or look in place, run place, but to look forward. The whole society made the decision to do that. So when we use the word surplus, that is not really true. What it is, is a savings account to be drawn on at the proper time by those who are eligible for Social Security.

I know, Mr. Speaker, that this sounds like pretty much of a basic course that I am delivering here. Some people may be saying: I know all of that; why is he going through something so obvious? The reason I am, Mr. Speaker, is I do not believe that most people in the country know that, instead of building up the savings in the Social Security trust fund so that everybody who is eligible for it is able to receive the benefits that we have been systematically taking the money from there, looting it, embezzling it, borrowing it, mortgaging it, you can run the whole spectrum of adjectives and descriptive phraseology.

The fact of the matter is we have been taking from the Social Security trust fund, funds that were meant to be there to be saved in order to provide for the benefits for those who are eligible at the time that they become eligible. What we have is massive amounts of IOU's in there. That is not real money. That money has been spent.

This budget and the Democratic budget are the same; the President's budget is the same. What the President is trying to say is, if you want to try and go through this balancing act, you have to admit that you are taking it from Social Security; and, if you do not want to take it from Social Security, you are going to have to make sure then that you do not make these drastic cuts. If you make these drastic cuts, you are going to have to take it not only from Social Security, but you are going to have to increase taxes or cost-shift the burden to others in the society in order to pay the bills.

Now, there is one way not to pay the bill; do not let people be eligible for the payments. I understand that. When the gentleman from Florida said that perhaps they had not gone far enough, I cannot imagine what he would have in mind. We are already attacking agriculture, the people who grow our food. We are already attacking education, the future of the country and our children and young people. We are already attacking Medicaid, the last safety net, the last stop before you fall off the board, if you are ill or disabled.

We are already attacking Medicare, the only health care system available to millions upon millions of people in the Nation at any kind of a reasonable cost. If one wants to talk about making savings, that is another story. Attacking waste, fraud, and abuse, I am all for it. Believe me, it can be done. But I do not want to hear a lot of discussion from people who a year ago said there was no problem with health care now suddenly saying, it is going to go broke.

If it is going to go broke, you fix it. That is what you do. You fix it. You do not cut it. If you cut it, you have not dealt with the problems that are already being dealt with. Will people not be sick tomorrow? Will we suddenly stop having accidents? I understand now that we are going to increase the speed limit in this country. In some places I guess you will be able to drive as fast as you want. Do you think there is not going to be any automobile accidents, there is not going to be repercussion that come from those automobile accidents as a result of having no speed limits whatsoever, that somebody is not somehow going to pay for that?

Are we going to take people when they come to the hospital after one of these accidents and say, I am sorry, we have got a budget that says we only have this much money, you will have to stay in the street? I do not think that is the kind of country that we want. The question is, Are we getting the kind of service that we need to have at a cost that is sufficient and fair and are we getting the kinds of services that we need at a cost that is sufficient and fair?

Mr. Speaker, I want to indicate, I will reiterate from my previous discussion what is going to happen once this so-called balanced budget comes into effect.

Mr. Speaker, let me take that time remaining then to give you some of the implications if this so-called balanced budget, which is really a shifting of the deficit, takes place. I will not use my own judgment on this. I will go to one of the editorials. The gentleman from Florida previously quoted an editorial to me from someone who no doubt has health insurance. So I quote an editorial as well from someone who no doubt has health insurance.

The USA Today from November 6 of this year, entitled the "Balanced Budget Myth": "Each day"—I am quoting now from that USA Today editorial.

> Each day the debate over balancing the budget produces another dire warning. The cuts are too deep, say the Democrats. Taxes must fall, say the Republicans. But after they compromise and begin arguing over who won a few weeks from now, one truth will remain; both sides will be lying because neither is talking about a truly balanced budget at all.

This is my complaint, parenthetically, Mr. Speaker.

The nonpartisan Congressional Budget Office underscored that point recently. It pointed out that, come 2002, when the budget will be balanced, under the Republican plans the Government will still be borrowing more than $100 billion a year. This is done by writing IOU's from the Treasury to Social Security and other trust funds that the Congress declares off budget.

Mr. Speaker, that is not me talking. That is USA Today talking. They are quoting tables that I quoted from last week indicating that that is exactly the case. We are taking from Social Security in order to offset the budget deficit that we have.

This is the point then, what happens from that. To understand, look ahead to 2005. That is just 10 years away. About the time it takes for an 11-year-old child to go from grade school through college. Think of that, Mr. Speaker, grade school through college. We have heard on this floor over and over again during this budget debate that we have to pay attention to the children. What is going to happen in 2005 when that 11-year-old child goes to college.

That year a critical balance tips. Increased costs for Social Security will begin to deplete Congress' cushion because the Social Security Trust Fund is a fiction, filled with nothing but Government promises to pay. Congress will gradually lose its fudge factor. By 2013, when the trust fund peaks, taxpayers will feel a hard bite. They will have to start doing what the trust funds were supposed to do, pay for the retirement of 75 million baby boomers. The budget will plummet into a sea of red ink.

That is what is going to happen. Mr. Speaker, the facts are these: Whether it is the Republican plan, the Republican proposal, or the Democratic response, unless and until we deal honestly with the issue of actually coming into balancing, we are not going to be able to succeed. With the President's initial budget, the deficit began to decline, the rate of the deficit declined. That is to say, the absolute number of the deficit has gone down. The rate of the deficit has gone down. It has done so for 3 years. This has not happened since 1948 and the Truman administration. This is what needs to be done.

Instead of the hacksaw approach, instead of the meat-ax approach, we need to take a gradual approach that will see to it that we are able to meet our obligations to Social Security, able to meet our obligations to our children, able to meet our obligations to our national defense, able to meet our obligations to ourselves as a society. Only then when we are truly honest with ourselves about what the deficit will be, how to get it down gradually, and I have indicated that there are ways of doing that, paying for our capital expenditures the way cities, States, and families do, paying for our operating expenses within a budget that recognizes the fact that we do not operate on a year-to-year basis and other such reforms, I think we can achieve that goal.

Until that time, Mr. Speaker, I remain most reluctant to countenance people coming to the floor and elsewhere and making the pronouncement that they are balancing the budget when they are in fact shifting the deficit and actually attacking the Social Security trust fund in order to provide the basis for that rhetorical device. Unless and until, Mr. Speaker, we deal honestly with the American people as to what the costs of Government actually are to meet our fundamental obligations, we will find ourselves subject to that kind of illusion. And the people who will have to pay for it will be our children, will be our grandchildren.

They will look back on this time and say, they knew because somewhere, somehow, if only in the record of this Congress, somebody will be reading through the CONGRESSIONAL RECORD and say, it was there. They were on the floor. It is not just NEIL ABERCROMBIE talking about it. It is the USA Today. It is Bill Welch in USA Today. It is Lars-Eric Nelson in the Daily News. It is even the Washington Post editorial writers, when they get around to being halfway honest about the Social Security trust fund borrowing or embezzling, whatever word you want to use.

It is on this floor now. A dialog and a discussion has been started between Republicans and Democrats, not just between myself and the gentleman from Florida, but others as well. If we want to deal with this, let us pass a budget that admits in 1996 that it is not balanced. But let us make a good-faith effort to try and keep that deficit from rising. Let us keep the rate of the deficit going down. And next year, let us come back here with a budget reform proposal, a bill, that will put forward a long-term plan, 10 years, 20 years, 30 years. That is what a mortgage is, 30 years, whatever it takes in order to truly balance the budget and truly see to it that we meet our obligations to ourselves, our families, our children, and the heritage of this country.

D.C. FISCAL PROTECTION ACT: CONTINUED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day 5 of my countdown to help avoid a shutdown of the Federal Government and the District of Columbia and, in addition, to help avoid a month-to-month congressional resolution that would apply to the District of Columbia—because on a month-to-month basis, Mr. Speaker, one cannot run a large, complicated, financially troubled city. There is very promising news carried in this morning's papers across the country that there may be $100 billion more money than expected, that the program of the administration has worked and that we are seeing the fruits come in. We are told that the President has made a phone call to the Republican leadership and may be coming together with them in the next few days. In any case, Mr. Speaker, they are very close together. There is not a lot of difference between the two.

In particular, the Republican majority said to the President, give us a 7-year plan. Guess what? He did. Now the only way to arrive at an agreement is to get to the details, get the numbers and nobody, surely, would shut down the Government or put the District on a continuing resolution while you are doing the necessary work of getting to the numbers now, that you both have plans.

This morning the President is quoted as saying,

> We ought to be able to agree on one thing: Nobody, nobody should threaten to shut down the Government right before Christmas.

I cannot believe there is a single Member who would disagree with that. We in the District are not relaxed, though, because a month-long or a 6-week-long or a 2-week-long continuing resolution will not help us run the District, which is in grave financial distress.

Who would want to shut down the District when the appropriation that is stuck up here is 85 percent raised from District of Columbia taxpayers? It is indefensible to do anything but release that money so that the District of Columbia can begin to systematically plan and spend for its reform. That is what this body has tried to get the District to do for years. That is why with a control board in place, we must be set free to do that.

I have sponsored, with strong bipartisan support, the D.C. Fiscal Protection Act, which will be marked up on Wednesday and Thursday. The gentleman from Virginia [Mr. DAVIS], the chair of the D.C. Subcommittee, is strongly for this act because it would simply release the District to spend its own money. It is bad enough not to have full representation in this Congress, but to shut us down with our own money is nothing that any Member would want to defend.

When the markup occurs, the bill will be brought swiftly here. We believe it could be passed swiftly in the House. Do not condemn us to the waste of a month-to-month CR. The last shutdown forced us to pay our employees, in any case, for not working, because they were forced into administrative leave by the Congress of the United States. The waste and inefficiency involved for Federal agencies is unpardonable for a city in financial distress. It simply cannot be tolerated. The waste and inefficiency involved in a month-to-month continuing resolution will set the District back in a recovery that has hardly begun.

There are responsibilities that the District must take on. This body is correct to make sure that the District takes on those responsibilities. But who can deny that there is also a responsibility for this body. Only this body can pass a continuing resolution to free up the District to spend its own money. Even if our appropriation comes through, this bill must be passed, because the District must never face this possibility again. Already it has delayed our ability to go back into the market because now the market says "You can never know when they may be shut down," and that has all kinds of repercussions on Wall Street. We must improve the District's standing. The only way to do that is not even through our appropriation, not even through a 1-month CR. It is through an act, the D.C. Fiscal Protection Act, which we will mark up Wednesday and Thursday, which would broadcast to the markets that no matter what happens, if the D.C. appropriation has not been signed at the end of a fiscal year, the District can spend its own money. It can pay its debts.

That is the way to go at making the D.C. government more efficient. Let the example be set here in this body. Keep our feet to the fire. Let this body keep its own feet to the fire and do the right thing. Help us to start the District, finally, late in this fiscal year, with the efficiency that would obtain if we were able to spend our money to begin the systematic planning and spending that will once again make the District whole.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. OBEY) to revise and extend his remarks and include extraneous matter:)

Mr. POSHARD, for 5 minutes, today.

(The following Member (at the request of Mr. SCHIFF) and to include extraneous matter:)

Mr. SCARBOROUGH, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and to include extraneous matter:)

Ms. NORTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. OBEY) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. FRANK of Massachusetts.

(The following Members (at the request of Mr. SCHIFF) and to include extraneous matter:)

Mr. CRANE.

Mr. GANSKE.

(The following Member (at the request of Ms. NORTON) and to include extraneous matter:)

Mr. HAMILTON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1431. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Resources.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On December 7, 1995:

H.R. 1058. An act to reform Federal securities litigation, and for other purposes.

H.R. 2204. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.), the House adjourned until Tuesday, December 12, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1803. A letter from the Secretary of Education, transmitting final regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1804. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department of State intends to provide training in crisis management to Morocco under the auspices of the Antiterrorism Assistance Program [ATA], pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on International Relations.

1805. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101–246, section 804(b) (104 Stat. 78); to the Committee on International Relations.

1806. A letter from the Assistant Secretary for Legislative Affairs, Secretary of State, transmitting notification that the Department of State intends to provide training to the former Yugoslav Republic of Macedonia under the auspices of the Antiterrorism Assistance Program [ATA], pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on International Relations.

1807. A letter from the Secretary of Agriculture, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1808. A letter from the Secretary of Education, transmitting the semiannual report of the Office of Inspector General for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1809. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the semiannual report of the inspector general for the period April 1 through September 30, 1995, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1810. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–160, "Uniform Fraudulent Transfer Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1811. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–159, "Uniform Premarital Agreement Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1812. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–157, "Uniform Interstate Family Support Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1813. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the financial disclosure statement of a board member, pursuant to D.C. Code, section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

1814. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Department's inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1815. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1816. A letter from the Chairman, U.S. Merit System Protection Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1817. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing corporation and labor organization activity, express advocacy and coordination with candidates (11 CFR parts 100, 102, 109, 110, and 114), pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

1818. A letter from the Executive Director, National Forest Foundation, transmitting a copy of the Foundation's annual report for fiscal year 1995, pursuant to Public Law 101–593, section 407(b); jointly, to the Committees on Agriculture and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2538. A bill to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice (Rept. 104–391). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1533. A bill to amend title 18, United States Code, tc increase the penalty for escaping from a Federal prison (Rept. 104–392). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2418. A bill to improve the capability to analyze deoxyribonucleic acid; with an amendment (Rept. 104–393). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2685. A bill to repeal the Medicare and Medicaid Coverage Data Bank (Rept. 104–394, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2243. A bill to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes; with an amendment (Rept. 104–395). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1745. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes; with an amendment (Rept. 104–396). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes (Rept. 104–397). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE (for himself, Mr. GIBBONS, and Ms. DUNN of Washington):

H.R. 2754. A bill to approve and implement the OECD Shipbuilding Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOGLIETTA (for himself, Mr. SCHUMER, Mr. MCDERMOTT, Mr. OWENS, and Mr. DELLUMS):

H.R. 2755. A bill to establish a Corporate and Farm Independence Commission, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Transportation and Infrastructure, Resources, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY (for himself, Mr. HINCHEY, Mr. OWENS, Ms. PELOSI, and Mr. OBERSTAR):

H.R. 2756. A bill to direct the Secretary of Health and Human Services to make payments to each State for the operation of a comprehensive health insurance plan ensuring health insurance coverage for individuals and families in the State, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

183. The SPEAKER introduced a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to requesting the Congress of the United States to exclude Puerto Rico from the scope of application of the Federal laws on coasting trade; which was referred jointly, to the Committees on Transportation and Infrastructure and Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 863: Mr. BEILENSON.

H.R. 1127: Mr. KLUG and Ms. RIVERS.

H.R. 1191: Ms. LOFGREN.

H.R. 2265: Mr. CALVERT.

H.R. 2276: Ms. ROS-LEHTINEN.

H.R. 2618: Mr. DELLUMS.

H.R. 2627: Mr. FLAKE and Mr. LINDER.

H.R. 2664: Mr. CREMEANS, Mr. FRISA, Mr. DOOLEY, Mr. SISISKY, Mr. BAKER of Louisiana, Ms. WOOLSEY, Mr. MASCARA, Mr. BEREUTER, Mr. ALLARD, and Mrs. COLLINS of Illinois.

H.R. 2665: Mr. TORKILDSEN.

H. Con. Res. 63: Mr. MENENDEZ, Mr. CUNNINGHAM, Mr. WALSH, and Mr. CALVERT.

SENATE—*Monday, December 11, 1995*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have all authority in heaven and on Earth. You are Sovereign Lord of our lives and our Nation. We submit to Your authority. We seek to serve You together here in this Senate Chamber and in the offices that work to help make our deliberations run smoothly. We commit to You all that we do and say this day. Make it a productive day. Give us positive attitudes that exude hope. In each difficult impasse, help us seek Your guidance. Draw us closer to You in whose presence we rediscover that, in spite of differences in particulars, we are here to serve You and our beloved Nation together. In our Lord's name. Amen.

The PRESIDENT pro tempore. The distinguished Senator from Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, on behalf of the leader I would like to make the following announcement: Today there will be a period for morning business until the hour of 1 p.m. At 1 p.m., the Senate will resume consideration of Senate Joint Resolution 31, the constitutional amendment regarding the desecration of the U.S. flag.

Under the provisions of the consent agreement reached on Friday, amendments will be offered and debated today, however no rollcall votes will occur during today's session. Any votes ordered on the amendments will be stacked to begin at 2:15, Tuesday afternoon.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. KYL). The distinguished Senator from Nevada is recognized.

THE CHEMICAL WEAPONS CONVENTION

Mr. REID. Mr. President, I rise today to speak about an issue that is important to the security of this Nation and certainly to the world community, and that is the proliferation of chemical weapons.

The widespread use of chemical weapons in world war provided the world with its first glimpse of these agents' destructive powers. I am certain many of us here in the Senate have known someone who served in the First World War who returned to the United States bearing permanent scars of his exposure to terrible chemicals such as phosgene and mustard gas. If we do not know someone, we have heard of people who were debilitated as a result of these agents.

I was with Vice President GORE recently when he talked about his uncle, his father's brother, who returned from the First World War injured as a result of chemical weapons. The Vice President indicated how his uncle coughed and suffered from this condition until he died.

Thousands of American veterans suffered for years from illnesses, like the Vice President's uncle, because they were exposed to gas. Thousands more never came home, having died as a result of this. Mr. President, 80 percent of the gas fatalities in World War I were caused by phosgene. This substance damages the lungs, causing a deadly accumulation of fluid quickly and it leads to death. Those who do not die from this gas may cough and cough for the rest of their lives.

There were stories in the First World War of people who suffered, but one of the most famous poems of that conflict was written about poisonous gas, entitled "Dulce Et Decorum Est." I will not read it all, but I will read enough to get the point across.

This poem starts by describing marches and worried soldiers. The poet begins the second paragraph by saying:

> Gas! Gas! Quick, boys!—An ecstasy of fumbling,
> Fitting the clumsy helmets just in time;
> But someone still was yelling out and stumbling
> And flound'ring like a man in fire or lime . . .
> Dim, through the misty panes and thick green light,
> As under a green sea, I saw him drowning.
>
> In all my dreams, before my helpless sight,
> He plunges at me, guttering, choking, drowning.
>
> If in some smothering dreams you too could pace
> Behind the wagon that we flung him in,
> And watch the white eyes writhing in his face,
> His hanging face, like a devil's sick of sin;
> If you could hear, at every jolt, the blood
> Come gargling from the froth-corrupted lungs,
> Obscene as cancer, bitter as the cud
> Of vile, incurable sores on innocent tongues, . . .

Mr. President, that describes quite well what poisonous gas does to a human being. But it did not end in World War I. Iran and Iraq have poisonous gas. In the 1980's, Iraq used poisonous gas weapons against its enemy Iran in the Iran-Iraq war, and launched a campaign of terror with chemical weapons against its own population, the Kurds, in their own country.

In the words of a Kurdish refugee who survived the bombing of his village by an Iraqi aircraft, he said:

> The planes dropped bombs. They did not produce a big noise. A yellowish cloud was created and there was a smell of rotten parsley or onions. There were no wounds. People would breathe the smoke, then fall down, and blood would come from their mouths.

According to a 1988 Foreign Relations Committee report on the Iraqi chemical weapons attacks:

> Those who were very close to the bombs died instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin, and lungs of the villagers exposed to it. Many suffered temporary blindness. After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. Many of those who made it to the streams survived. Those who could not run from the growing smell, mostly the very old and the very young, died.

Since the end of the Persian Gulf war, international inspectors have destroyed over 100,000 gallons of chemical weapons, and over 500,000 gallons of precursor chemicals used to produce chemical weapons from Iraqi stockpiles. That is 10,000 50-gallon drums.

While the use of chemical weapons during wartime is both horrifying and tragic, even more terrible is the prospect of these weapons being used by terrorists to further their aims.

The deadly gas attacks that occurred in the Tokyo subways in March are a chilling indicator of the potential terrorist threat chemical weapons represent. The nerve gas, sarin, was used by the terrorists in the Tokyo incident and it was a relatively low-grade composition of the gas. If the terrorists had access to a more concentrated form of the gas, their attack could have killed thousands of innocent commuters. We can only imagine the terrible consequences of an attack such as that occurring in a U.S. city.

The potential security threat to the United States and its citizens from the use of chemical weapons has been a serious concern to both the current administration and its predecessors. Negotiations on the terms of a chemical weapons treaty began during the

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● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Reagan administration, and President Bush signed the Chemical Weapons Convention, also called the CWC, in 1993.

The Clinton administration continued American support for the treaty, and on November 23, 1993, President Clinton submitted the convention to the Senate for ratification. Nevertheless, although the United States was a primary architect of the convention and has signed it along with 159 other nations, the United States is not yet a member of the convention because the Senate has failed to act to ratify it. The convention must be ratified by 65 nations to come into force. To date, only 42 nations have ratified it.

An overwhelming majority of the Senate supports ratification of this important treaty, but the Senate has been prevented from debating and voting on ratification by the Foreign Relations Committee's failure to act on it.

I believe the Foreign Relations Committee's failure to act on this important arms control measure this year is a serious mistake.

The Chemical Weapons Convention is unique among weapons treaties in that it will, when ratified, eliminate an entire class of weapons.

The convention bans the development, production, stockpiling, and use of chemical weapons by its signatories. It requires the destruction of all chemical weapons and production facilities.

Under the terms of the convention, the Russians would be required to destroy an estimated 40,000 metric tons of chemical weapons, including 32,000 metric tons of nerve agents.

The convention also provides the most extensive and intrusive verification regime of any arms control treaty, for it permits the inspection of both military and commercial chemical facilities. This is an important safeguard against commercial facilities being used for military production of chemical agents, as was the case in Iraq.

To help prevent incidents such as the Tokyo nerve gas attack, the convention requires its members to enact laws criminalizing civilian violations of its terms. Under the convention, member countries would have to pass national level legislation criminalizing the manufacture and possession of chemicals by private groups such as the religious sect that initiated the subway attack in Japan.

I understand the chairman of the Foreign Relations Committee has serious concerns about the verifiability and enforceability of the convention's terms. But I believe the proper way to address these concerns would be to allow the treaty to be fully debated in committee and on the Senate floor.

If there are concerns about other nations' compliance with the treaty, the answer is not for the United States to abandon it. As a member of the convention, the United States will be better able to monitor compliance.

In 1990, the United States and the Soviet Union signed a bilateral destruction agreement calling for each side to destroy its chemical stockpiles to a maximum level of 5,000 tons. The United States has been destroying its chemicals in accordance with the agreement, but Russia has not.

If the convention comes into force, with both the United States and Russia as members, Russia would be legally bound to destroy its stockpile completely and accept challenge inspections of both private and military chemical facilities.

If the United States suspected Russia of violating the terms of the treaty, it could demand a challenge inspection. Within days, international inspectors could be at the door of suspected facilities to check for violations because all signatories of the convention are required to permit inspections of both known and undeclared chemical production facilities with little or no warning.

Of course, nations must become members of the convention to become subject to its requirements. The CWC is the first treaty that penalizes countries that do not join and rewards those that do.

Once the convention comes into force, member countries will be prohibited from exporting certain treaty-controlled chemicals to nonmember states. Because businesses that produce goods such as pharmaceuticals and fertilizers need these chemicals for production, there would be enormous pressure on nonmember governments to join to give their industries access to these chemicals.

Unfortunately, the convention is not likely to ever come into force without American leadership. The U.S. commitment to chemical weapons disarmament, as evidenced by our Nation's prominent role in drafting the convention, was fundamental to creating the spirit of cooperation that led to the treaty being signed by so many countries.

The U.S. failure to ratify the treaty calls into question our commitment to its goals and threatens to fracture international support for the treaty. If the United States, which holds some of the world's largest stockpiles of chemical weapons, does not ratify the treaty, other nations will find little motivation to do so.

The United States can no longer afford to delay giving its support to implementation of the Chemical Weapons Convention.

The United States is already bound by law to destroy its chemical weapons stockpile by 2004. The Convention would require all other member nations to do the same.

Any state that refuses to join the treaty will be isolated and its access to precursor chemicals will be limited. And we have explained why that is important to the pharmaceutical development of, and the simple construction of, fertilizers.

Universal compliance cannot be achieved immediately, but there is no doubt that the convention will slow and reverse the current pace of chemical weapons proliferation.

And while the CWC cannot prevent every potential threat of terrorist chemical attack, it can greatly reduce the threat by halting and reversing the proliferation of chemical weapons. If we eliminate chemical stockpiles, we eliminate potential terrorist weapons.

In addition, we greatly diminish the threat of chemical weapons to U.S. troops in future military operations.

The Senate must not shy away from taking this important step toward the elimination of all chemical weapons. We should act now to create a more secure present for the country and a more secure future for generations to come.

This is not a partisan issue. In July, 1994, former President Bush wrote to Senator LUGAR to express his support for the convention. He stated.

> This convention clearly serves the best interests of the United States in a world in which the proliferation and use of chemical weapons is a real and growing threat. United States leadership played a critical role in the successful conclusion of the Chemical Weapons Convention. United States leadership is required once again to bring this historic agreement into force. I urge the Senate to demonstrate the U.S. commitment to abolishing chemical weapons by promptly giving its advice and consent to ratification.

And, in a bipartisan show of support for the treaty, the Senate passed by voice vote a sense-of-the-Senate resolution calling for rapid action on the convention earlier this year.

Mr. President, When I started my statement today, I recalled the horrors and widespread use of chemical weapons in World War I. They were real. They affected people. They killed people. They injured, and they damaged people. In response to those horrors the world community developed the Geneva Protocol, which banned the use of chemical weapons.

However, although the Geneva Protocol was passed in 1925, the U.S. Senate did not recommend its ratification until 1975. We must not let 50 years pass before we act on the Chemical Weapons Convention.

Mr. President, I extend my appreciation to Senator BINGAMAN for bringing to the attention of the Senate last week the matters that were held up in the Foreign Relations Committee.

I also extend my appreciation to the majority leader for working to bring these matters to the Senate floor.

One of the things that was part of that agreement was that this treaty would be reported to the Senate floor no later than April 22. That is good.

I urge the chairman of the committee, however, to schedule action on this convention as soon as possible so that the Senate can vote on this quickly and do it without regard to partisanship. It is important that we bring this matter to the floor of the U.S. Senate. Chemical weapons are a scourge, and they should be eliminated.

I appreciate the patience of the Chair and other Members of the Senate for extending me an additional 5 minutes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, reserving the right to object—and certainly not on this issue—but I come to the floor to speak. I would prefer if you could allow this Senator 10, and then go back to the issue, if you would not mind. Is their objection to that?

Mrs. FEINSTEIN. Thank you.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mrs. FEINSTEIN. I thank the Chair.

BAN ON MILITARY-STYLE WEAPONS

Mrs. FEINSTEIN. Mr. President, it would appear that the leadership of the other House is threatening to repeal the ban on military-style assault weapons. They promised to hold a vote before the end of the year.

According to information from the Speaker's staff, he is apparently hoping to sneak the repeal through the House of Representatives in the rush to finish business before the Christmas holiday. Although this may work in the House, it will not work in the Senate.

I wrote this legislation. It was incorporated into the 1994 crime bill. It was passed by both the House and the Senate after substantive and prolonged debate. It has been in place for just 14 months. It passed with bipartisan support. It is my commitment, if this comes to the floor of the Senate, to wage the mother of all filibusters, to keep the Senate in session throughout the holiday break, if necessary, if the attempts to repeal this legislation move forward.

This legislation specifically protects legitimate weapons used for hunting and recreational purposes. Congress can either side with the citizens of this country who are overwhelming in number who want assault weapons off their streets or they can side with the National Rifle Association whose selfish "I want it my way" persists no matter what. The choice should be clear to all of us.

For the purpose of those who are new to the Congress and for those who may have forgotten some of the facts brought out in the debate in the last session, allow me to summarize why this legislation is so important.

First, removing military-style semiautomatic assault weapons has the widespread support of our citizens. A Los Angeles Times national poll conducted between October 27 and October 30 of this year showed that 72 percent of the American people support maintaining the ban on assault weapons. There is bipartisan support for this legislation. Presidents Reagan, Carter, Ford, and Clinton endorsed this legislation during its debate in 1993. Republican and Democratic elected officials from around the country endorsed it, including Republican mayors Rudolph Giuliani of New York and Richard Riordan of Los Angeles. Every major law enforcement group in this Nation, groups of both rank and file and law enforcement management, oppose the repeal. And groups representing 90 million Americans have endorsed the ban on assault weapons. These include physicians who have seen what assault weapons do to human flesh, educators who live daily with the militarization of our schools, clergy who counsel the victims, victims who have seen their loved ones torn apart, trauma physicians whose emergency rooms look like military hospitals, and a strong majority of the American people who say "enough is enough" in this gun-happy country.

My home State of California knows all too well the tragedy of assault weapons. There are incidents that really led to my resolve to make this the main priority of my legislative agenda in 1993, and I want to go through them.

In 1984, in California, a man by the name of James Huberty walked into a McDonald's in San Ysidro with an Uzi. He killed 21 people including 5 children; 19 were wounded.

In 1989, an unstable drifter, with a weapon modeled after an AK 47, walked into a Stockton schoolyard and, for no reason, fired 106 rounds. Five children were killed, 29 were injured.

Then on July 1, 1993—and this did it for me—a lone gunman carrying two Intratec TEC DC–9 semiautomatic weapons, a pistol and 500 rounds of 9 millimeter ammunition walked into the Pettit & Martin law firm on the 33d floor of 101 California Street, a Heinz-designed high rise in the middle of downtown San Francisco. He opened fire. Eight people died, six were wounded.

This is the specific action which galvanized it for me. I think the American people need to know a little bit more about it and how this happens.

These were the weapons he carried. These are the 50-round clips, the 30-round clips he carried, and so on.

This is the gentleman—this is Gian Luigi Ferri. He did not buy these weapons in California because California had a law. He went across the border to Nevada and bought them. He died on the stairwell of this building. He was only stopped when he was trapped in the stairwell between floors after an employee pulled the fire alarm and that locked all the doors so he could not escape.

This is what Pettit & Martin looked like. These are the shattered windows of the office, the bullet holes through the windows—indiscriminate shooting. And then we get to the victims. These are a few of the people who died that day. Specifically, Jody Jones-Sposado, 30 years old. She was the first victim killed by Ferri. She worked part time at a Lafayette, CA, company which organizes corporate conferences. She was just visiting 101 California Street on July 1 to file a deposition. She was shot five times. She left a husband, Steve Sposado and a 9-month-old child at the time by the name of Meghan. Both Steve and Meghan came back numerous times to testify on behalf of this legislation.

This is a young attorney, Jack Berman, 35 years old. He was representing Judy Sposado, who lies next to him in the photo, when he was killed by Ferri. He was a young labor lawyer. He was preparing for his first trial. He was about to celebrate his third wedding anniversary with his wife Carol just 1 month later. The two have a baby boy.

This below is Mike Merrill, whose wife and children I have had the pleasure of meeting. Mike was a vice president of the Trust Co. of the West. He was shot through the glass of his window as he sat at his desk. You can see his cup of coffee. You can see his computer is still on. Ferri, though, shot him. Mike crawled under his desk, and Ferri returned, shot through the desk and killed him.

Mike's wife Marilyn and two children, Kristin, 5, and Michael, 3, now reside in Alamo, CA, in the dream house that Mike helped to design.

Now you know why I feel so strongly about this legislation. There is a reason why so many, from so many walks of life, have stepped forward to lend their support for this legislation. Our police officers, our children, our family members, are being gunned down by revenge killers, drug dealers, gang members, carrying military-style assault weapons.

No question about it. The AK 47 is the gun of choice among gang members. They are killed on street corners, in high rise office buildings, in front of shopping malls, in fast food restaurants. In the last 15 years, in Los Angeles, 9,000 people have died as a result of gangs—9,000 people.

Here are a few facts. According to a search of newspapers throughout the country conducted by my office, in the last 7 months, since it was rumored that the House would try to repeal the assault weapons ban, there have been 76 incidents involving assault weapons in 25 States in which 37 adults were killed, 40 were wounded, 7 children were killed, and 6 were wounded; 9 police officers were killed including 1 FBI agent, and another 3 were wounded.

The assault weapon is also the gun of choice if you are going to go up against a police officer. If he is carrying a six-shot .38, he does not have a chance.

In both California and throughout the Nation we are seeing police officers outgunned. Here the assault weapon again gives the edge to the perpetrator. No incident better conveys the danger of being a police officer than what happened on November 13, 1994, in San Francisco.

This is James Guelff, a 38-year-old San Francisco police officer, an outstanding police officer, often the first to the scene of a crime. I attended his funeral.

He had received a call that there was a man with a gun at an intersection. He raced in this squad car to the intersection. He was armed with a six-shot service revolver. The gunman that he faced at the intersection had more ammunition than the entire compliment of 104 police officers that eventually came to the scene to try to stop him.

The only way he was stopped—because he was clad in a Kevlar vest and a Kevlar hat—was because of the angle of the bullet that was able to penetrate him and eventually kill him.

I want to read a statement written about this by the commander, Richard Cairns, the captain of police, regarding this incident:

> I implore you to do all in your power to stop this attack on the legislation that will save police officers' lives in our country. I am not a person that can be described as an "antigun" fanatic. To the contrary, I am a person who believes in the right to bear arms but we do not need assault weapons that are strictly people killers.
>
> I have seen firsthand the damage these weapons can inflict, as a 20-year-old soldier in Vietnam . . ., to seeing too many shooting victims on our streets as a San Francisco police officer for 25 years . . ., myself being a shooting victim of a barricaded suspect . . ., and witnessing firsthand the carnage at 101 California and finally, holding Officer James Guelff in my arms trying to keep him alive after he was shot at Pine and Franklin Streets.
>
> I must say that I am an outdoorsman, a hunter, I enjoy my trips to the mountains to carry on the great heritage of hunting and camping. But you will find no Uzi's, TEC–9's, AK–47's, or other such weapons of war in my house.

In February 1995, a rookie police officer by the name of Christy Lynne Hamilton, a 45-year-old mother of two, just 4 days on the job—she had been voted the rookie of her class—was gunned down by a 17-year-old boy armed with an AR–15 assault weapon.

On March 28, 1995, Capt. James Lutz, a 30-year veteran of the Waukesha, WI, Police Department died in a hail of bullets from a Springfield M1–A assault rifle when he intercepted two fleeing bank robbers.

In November of that same year in Washington, DC, an angry young man armed with the same TEC–9 assault pistol took the elevator to the third floor of the Metropolitan Police Department where he shot and killed three police officers.

On March 8, 1995, in Chicago, a rookie police officer, Daniel Doffyn, was killed by a known gang member armed with a TEC–9 assault pistol.

On April 26, 1995, in Prince Georges County, MD, officer John Novabilski was working at a local convenience store as an off-duty uniformed security guard when an assailant armed with a MAC–11 assault pistol shot him 10 times.

These and other senseless deaths are chronicled in a report entitled "Cops Under Fire," prepared by Handgun Control, Inc. This chart, first of all, shows the number of law enforcement officers killed with assault weapons or guns sold with high-capacity magazines from January 1, 1994, to September 30, 1995. If you look at this, you will see, of all the weapons traced, 36 percent were with assault weapons or firearms with high-capacity magazines. Mr. President, 36 percent of the officers killed since January 1, 1994, have been with assault weapons. You cannot tell me this legislation will not make a difference.

The report also makes it clear, and this is very interesting, that the bad guys know how to find these weapons. A 1991 survey of 835 inmates in 4 States—these are inmates now—found that 35 percent of them reported owning a military-style or semiautomatic rifle, and 53 percent of them who were affiliated with gangs reported owning a military-style weapon. That is 53 percent of gang-oriented inmates in prisons in four States. That should tell us a lot about how these weapons are used on the streets.

Let me for a moment describe what this legislation actually did and did not do.

The law stopped the future manufacture of 19 specific kinds of military-style semiautomatic assault weapons. They looked like this. Also, the copycat versions of those weapons.

The law specifically protected 670 guns that have legitimate hunting and recreational purposes. Each one is listed. It stopped the future manufacture of large-capacity ammunition feeding devices that hold more than 10 rounds. In my view, that is the most important thing.

If you have a five-shot revolver, when the individual reloads, you have a chance to get to him and disarm him. If you are carrying 50 rounds in a semiautomatic military-style assault weapon, you have no chance. Someone could enter this Chamber and wipe out 50 people and you could not get to him to disarm him.

In addition, the legislation grandfathered assault weapons manufactured prior to the law's enactment. It exempted sales for law enforcement purposes, it required a study by the Attorney General and it sunsets after 10 years.

So, as you can see, it is moderate, it is reasonably drawn and it is a fair effort. If I had my way, I would ban the possession of assault weapons anywhere in the United States of America, but there were not going to be the votes for that. This is a moderate law.

There is also evidence that the ban is working. Similar State laws, which have been in place longer, are showing signs of success. In Maryland, the ban on assault pistols and high-capacity magazines of more than 20 rounds led to a 55-percent drop in assault pistols recovered by the Baltimore Police Department.

In Connecticut, the chief of police of Bridgeport has credited the State assault weapons law with reducing assaults with firearms by 30 percent.

Nationally now, this legislation has only been in effect for 14 months, but we are beginning to see a decrease in the use of assault weapons.

In 1993, the year before the ban went into effect, just 19 specifically named assault weapons accounted for 8.2 percent of all traces. In 1994, the year in which the ban became effective, these traces for these 19 weapons fell to 6.3 percent. And since the ban became effective on September 13, 1994, through the end of last month, the share of traces represented by all assault weapons fell to 4.3 percent.

Thus, we have seen a decrease in the likelihood that criminals will obtain one of these weapons, and one of the very real reasons for that is that the price is going up because of the shortage of the weapons. So they are not as easy for a criminal to obtain.

The use of these guns to kill police officers has also been decreasing. In 1994, when the law was not in effect for most of the year, the Handgun Control study found that assault weapons accounted for 41 percent of police gun deaths where the make and model of the weapon were known.

In 1995, this proportion has fallen to 28.6 percent, a 30-percent decrease.

So cop killings with these weapons are down. Criminals have not switched from killing police with assault weapons to killing them with other guns. Police deaths from guns in 1995 are running 16.5 percent below the 1994 pace.

Yet, despite the hard facts, despite the sound reasoning, despite 72 percent of the American people wanting to sustain this ban, here we are once again waging the same battle. I am really amazed, and I have to ask people: What hunter needs an assault weapon to kill a duck when most States limit the number of bullets in a clip to three?

What hunter needs an assault weapon to kill a deer when most States limit the number of bullets in a clip to seven, and I think only one does 10?

What target shooter needs a weapon of war to enjoy the sport?

Indeed, who besides drug dealers and hit men, revenge seekers and lustkillers find any utility in weapons intended to kill as many people as possible as quickly as possible? And how on Earth can we turn our backs on law enforcement's leadership and rank and file throughout this country?

So I urge every American to join this crusade. We must prevail. If the issue is raised in the Senate, I promise that the reasons to preserve this legislation will be exhaustively detailed for the RECORD time and time again. I promise that the stories of every victim of an assault weapon shooting that we can find will be told on this floor and that the horror that these weapons are bringing to our streets are made known.

In conclusion, I ask unanimous consent that some personal statements from family members who have lost loved ones to assault weapons gunfire be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Lindsay Hempel, who, as a 15-year-old school sophomore, saw friend, Mark Goodin, murdered:

"I was talking to my mother when a cop walked over to make sure I was ok. As he walked over I heard one of the boys say Mark had died. I asked the man and he said, 'Yes, your friend has died. I'm sorry.'

"When I heard that, my stomach dropped. I looked over to Mark and all I saw was a bright yellow bag that they covered him with. The first thing that came to my mind was that I prayed and Mark still died. But then I realized that since I was so sure that he was going to be alright, he is. He's in a place where nothing this terrible can happen.

"Later, I found out that the bullet that killed Mark went through the trunk, through an ice chest and into his back. He died instantly. The gun used was a Yugoslavian assault rifle. The cops told us that we are very lucky that the bullet didn't go through Mark and into Kevin who was sitting in the passenger seat. They were also surprised that all of us are still here today.

"I think that it is really sad that there's a chance that when your kids go out at night, or any time at all, they may never come back. You shouldn't have to even think that that is even possible, but it is."

Margaret A. Ensley, founder of Mothers Against Violence In Schools (MAVIS):

"My son was murdered while he was trying to get an education. Something is wrong when we can no longer view schools as a sanctuary for our children. Maybe your attitudes about gun control would be different if one of your children were hurt or killed by a gun.

"Our children are afraid to go to school, movies, libraries and parks. We must give them back their childhood. We can't if everyone is armed.

"To Senator Dole and others in support of overturning this weapons ban, I say the only thing that makes me a victim of violent crime and not you, is not economics, religion, culture or beliefs. The thing that separates us is circumstance. Don't walk in my shoes before you decide to do the right thing."

Carole Montgomery, on the death of her husband's brother, Theron:

"I am writing this letter to you to show my family's support for the Assault Weapons Ban. My husband's brother was murdered by a crazed gunman who went out and legally bought an assault weapon for the sole purpose of killing. My brother-in-law worked at NBC in New York City.

"He was trying to point this madman out to the police when he made eye contact with his murderer and was shot once in the back. He died four hours later on the operating table. Everyone in New York City has called him a hero, but it is of no solace for the people he left behind.

"We are appalled that Congress is trying to overturn this ban. Theron was murdered a few weeks before the ban went into effect. Had it been in effect, maybe my brother-in-law would still be alive."

Carole Ann Taylor, on the death of her 17 year old son, Willie Browning Brooks IV:

"One bullet fired from that AK-47 struck my son's back, as he opened the screen door to his friend house. Willie dialed 911 for help. That call was the last living act he finished, before collapsing from the gunfire.

"Five months short of his eighteenth birthday, one bullet, fired from an AK-47, shattered my whole being. An assault weapon of mass destruction and someone with access to it ended Willie's dream of becoming an adult and a productive citizen in this America we call civilized.

"My last memory of my child, that slips within my dreams, is my son laying on a gurney, eyes half opened and lifeless.

"Why? I ask, as any mother would.

"I ask this 104th Congress, as well as Senator Bob Dole, 'Was I in error to raise my son to live in a civilized society or would military training for war have been more appropriate in sustaining his life?' If in fact this is a civilized society, the assault weapon must remain on the ban list.

"I cannot bring the son I loved so much back no matter how long I cry or pray, but I can, in his precious memory, work to save others from gunfire.

"My son Will Browning Brooks looked to me for parental protection and guidance, and as his parent as well as a citizen of the United States, I am looking to you, the 104th Congress, for protection and guidance.

"Willie's death by gunfire is not acceptable to me. Not even one death by gunfire should be acceptable to any of us. These assault weapons have no place in any town, city or state in America."

Kenneth Brondell, Jr. letter to Senator Dole on the death of his sister, Christy Brondell Hamilton, a Los Angeles Police Officer:

"On February 22, 1994, my sister, Los Angeles Police Officer Christy Brondell Hamilton, only four days out of the Police Academy, was shot and killed. She was slain by a 17 year old boy who had first killed his father. The boy called the police to summon them to the scene with the intention of 'killing some cops.' He then used his father's Tec-9 Assault Rifle to take his own life."

"I served in Vietnam. I am a Firefighter and the son of a retired Los Angeles Police Sergeant. I have pictures of direct ancestors who were veterans of the Civil War and World Wars I and II. My family knows what weapons are for and we have used them.

"The notion, however, that anyone who wants to own a war rifle can purchase one and thereby have the ability and even the right to determine who among us should live and who should die is incredible to me.

"Sadly we cannot stop all violence, but the assault weapons ban has made a step toward limiting the access of these tools of war from those who would threaten the safety of us all. The world will be a better place if one more police officer completes his or her watch, if one more commuter has an uneventful ride, and if one more office worker returns home at the end of the day.

"Will the Congress of the United States repeal the assault weapons ban and help turn our cities into the likes of Belfast or Beruit? Our Democratic Government works. Civilians have no need to hold the power of violent insurrection against the United States. From the Civil War to Waco, Texas, our democracy has rebuffed violent overthrow and anarchy. The tools of war only serve to harm those who the government is charged to protect.

"Please save innocent lives. Please spare others the grief that my family has known. Support the ban on assault weapons. One of the lives you save may be someone you love."

Mrs. FEINSTEIN. I ask unanimous consent that a list of law enforcement leaders supporting the need for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAW ENFORCEMENT OPPOSING A REPEAL OF THE ASSAULT WEAPONS BAN

Combined Law Enforcement Association of Texas.

Federal Law Enforcement Officers Association.

Fraternal Order of Police.

International Association of Chiefs of Police.

International Association of Police Officers.

National Association of Police Organizations.

National Organization of Black Law Enforcement Executives.

National Sheriffs Association.

National Troopers Association.

Police Executive Research Forum.

Police Foundation.

California State Sheriff's Association.

California Police Chiefs Association.

Alameda Police Chief Burnham E. Matthews.

Alameda County Sheriff Charles C. Plummer.

Auburn Police Chief Michael A. Morello.

Bear Valley Police Chief Marcel J. Jojola.

Campbell Police Chief James A. Cost.

Carmel Police Chief Donald P. Fuselier.

Chino Police Chief Richard Sill.

Delano Police Chief Gerald M. Gruver.

Dixon Police Chief Rick C. Fuller.

Downey Police Chief Gerald C. Caldwell.

El Monte Police Chief Wayne C. Clayton.

Exeter Police Chief John H. Kunkel.

Escondido Police Chief Michael P. Stein.

Fremont Police Chief Craig T. Steckler.

Gardena Police Chief Richard K. Propster.

Glendale Police Chief James E. Anthony.

Half Moon Bay Police Chief Dennis K. Wick.

Hawthorne Police Chief Stephen R. Port.

Huntington Beach Police Chief Ronald E. Lowenberg.

Imperial County Sheriff Oren R. Fox.

Irvine Police Chief Charles S. Brobeck.

Irwindale Police Chief Julian S. Miranda.

Laguna Beach Police Chief Neil J. Purcell.

La Habra Police Chief Steve Staveley.

Lodi Police Chief Larry D. Hansen.

Lindsay Police Chief Bert H. Garzelli.

Los Angeles County Sheriff Sherman Block.

Manhattan Beach Police Chief Ted J. Mertens.

Menlo Park Police Chief Bruce C. Cumming.

Montebello Police Chief Steve Simonian.

Monterey Police Chief F.D. Sanderson.

Morgan Hill Police Chief Steven L. Schwab.

Newport Beach Police Chief Bob McDonnell.

Novato Police Chief Brian Brady.

Oakland Police Chief Joseph Samuels, Jr.

Oxnard Police Chief Harold L. Hurtt.

Palm Springs Police Chief Gene H. Kulander.

Patterson Police Chief William D. Middleton.

Petaluma Police Chief Dennis DeWitt.

Piedmont Police Chief Jim Moilan.

Pittsburg Police Chief Willis A. Casey.

Placer County Sheriff Edward N. Bonner.

Redding Chief Robert P. Blankenship.

Rialto Police Chief Dennis J. Hegwood.

Richmond Police Chief William M. Lansdowne.

Sacramento Police Chief Arturo Venegas, Jr.

San Buenaventura Police Chief Richard F. Thomas.

San Carlos Police Chief Clifford Gerst.

San Diego County Sheriff William B. Kolender.

San Luis Obispo Police Chief James M. Gardiner.

San Mateo County Sheriff Don Horsley.

San Francisco Police Chief Anthony Ribera.

City and County Police Captain Richard J. Caims.

Santa Ana Police Chief Daniel G. McCoy.

Santa Barbara Police Chief Richard A. Breza.

Santa Clara Police Chief Charles R. Arolla.

Santa Cruz County Sheriff Mark S. Tracy.

Santa Cruz Police Chief Steven R. Belcher.

Santa Paula Police Chief Walter Adair.

Seal Beach Police Chief William D. Stearns.

Sonoma Police Chief John P. Gurney.

Sonora Police Chief Michael R. Efford.

South Pasadena Police Chief Thomas E. Mahoney.

Suisun City Police Chief Ronald V. Forsythe.

Tiburon Police Chief Peter G. Herley.

Tracy Police Chief Jared L. Zwickey.

Twin Cities Police Chief Phil D. Green.

Ventura Police Chief Richard F. Thomas.

Walnut Creek Police Chief Karel A. Swanson.

Mrs. FEINSTEIN. Congress should not and must not repeal the assault weapons ban. I thank the forbearance of the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

BALANCING THE BUDGET

Mr. CRAIG. Mr. President, for just a few moments I would like to speak about the budget and the happenings of this weekend on all the talk shows and the Presidential and Vice Presidential messages that were delivered to the American people.

I guess I can tell you, Mr. President, while I remain not surprised by the message of our President and Vice President, I can tell you that I am highly disappointed, for it is they who over the weekend threatened a Government shutdown if they could not get their way with the Federal budget. They would like to argue that it would be the fault of the Congress, but it was Congress that sent to the President this last week a budget, and it was the President who vetoed that budget, and then sent to the Hill a budget that was not even within the agreement that he had struck less than 2 weeks ago. As a result of that, he now proposes for the Congress to reconvene a budget conference with nearly a half a trillion dollars of difference between the White House and the Congress of the United States.

The Washington Post, which is not known for its conservatism, I thought made an important observation in an editorial on the 12th when they said the President's latest budget proposal, his third this year—in other words, twice he has not been able to get it right—is a disappointment. Even the Washington Post says it "* * * is a disappointment. It retains the basic weaknesses of the one that he put forward in June that it pretends to supplant. Mr. Clinton continues to back away from the serious part of driving down the deficit. He tries to balance the budget wearing a Santa [Claus] suit, and the simple fact is that you can't."

Mr. President, I will tell you that the revelation over the weekend that there might be another $100 billion worth of spending, while the American people watch what you say and listen to what Congress says, they happen to fear that kind of Santa Clausism right on the eve of Christmas, because they are very fearful that the party that now clings to its past underpinnings of being spendaholics can simply not get away from it.

The budget you have sent to us, Mr. President, clearly is reflective of the fact that the Democrat Party of America today cannot get away from the old habits that it had in the past, and that was, the solution to every problem was a new Government program and a huge chunk more spending of the Federal budget or, more importantly, the money of the taxpayers of this country.

So, Mr. President, the American people on the eve of Christmas are watching and saying, "What will the Congress do? What will the President do? Can they strike a budget agreement this week? Will they develop a continuing resolution that goes on after Christmas? Will they be able to break with the past and truly begin to reduce the debt and the deficit bringing the Government's budget into balance? Will they really remember that the taxpayers of this country are being taxed more than ever in the history of our country?"

And yet, when we work the numbers a little bit, and we find an extra $100 billion between now and the year 2002, there appears to be no consideration to apply it to deficit, only to apply it to a Government program, largely because we have heard nothing but whining and crying out of the White House over the last month that we are destroying all these marvelous Federal programs, when in fact none of them is being cut; only the rate of increase is being reduced to try to bring the budget into balance.

Mr. President, I challenge you to go dry, to take an Alcoholic's Anonymous approach to this—in other words, cold turkey it. That is what the American people are asking for, that you do not keep asking for more and more money, more and more spending, more and more of their hard-earned money, but leave it where it is. Come to the table, balance the budget, and start thinking on the positive side of a balanced budget instead of the negative side that somehow some Government program might be cut.

What is the positive side? Well, as you know, Mr. President, there are many, many positives. A lot of us have talked about it in the last few days here about the ability of families to have more money to spend or to save, about the ability of the economy to grow and have a greater level of jobs, to see our unemployment rate continue to go down. Mr. President, I really believe that is what the American people would like to hear as a message from Santa Claus on Christmas, is that the budget is going to be balanced, that we are going to stay within our spending limits and that what new moneys might be found could be applied to the deficit.

So, ho, ho, ho, Mr. President. It is not time to fool the American people with your Santa Claus tactics that somehow you can just keep on spending and keep on giving and the world will get a lot better. It will not work unless you make the tough choices, and the tough choices are to balance the budget and give the American taxpayers some consideration by a reduction in their overall tax rate.

I yield back the balance of my time.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEEPING RECORDS ON CRIMINALS

Mr. DORGAN. Mr. President, I am interested in the discussion that the Senator from California just had on the subject of crime. It reminds me again of the urge to ask all Members of the Senate to consider cosponsoring a piece of legislation I introduced last week on this issue. The issue of crime is one that concerns every American, and I introduced some legislation dealing with the issue of trying to establish a computer record of all people in this country who commit felonies.

It is incredible that we have a circumstance in our country where we keep track of a couple hundred million credit cards, and if you take one of those credit cards and go to a department store and try to buy a shirt, they will run it through a magnetic imager, and in 20 seconds they discover whether the card is good or whether it has reached its limit. If they are able to do that in the private sector on credit with a couple hundred million credit cards, we ought to be able to, for a whole series of reasons, keep an updated, accurate computer list of everybody who has committed felonies in this country. That way, when judges sentence somebody, they know who they are sentencing. Did this person commit a crime in Idaho 5 years ago, Montana 2 years ago, North Dakota last year, and Kansas this year? That is the kind of criminal record history we ought to have in this country. Regrettably, we do not. We have the NCIC and the III, but 80 percent of the records needed to be in up-to-date criminal records files of everybody who committed felonies are not there. It does not take Dick Tracy to figure out who is going to commit the next violent crime in our country. In almost every instance, it will be somebody who has previously committed crimes, somebody who has been in the system, and somebody who has been in prison—maybe not to prison, but maybe in prison and is now out of prison and back on the streets.

That is why we need, it seems to me, for law enforcement purposes, for judges, for a whole series of reasons, an updated computer listing of everybody in this country who has committed felonies. That ought to be updated every day across the country in order that we might effectively combat crime in America.

THE BUDGET NEGOTIATIONS

Mr. DORGAN. Mr. President, I came to the floor today to talk just for a moment about the budget negotiations, not so much to talk about what might or might not happen in the negotiations, but to suggest that this is going to be a very important week with respect to the question of whether we are able to make progress in trying to reach two goals—first, balancing the Federal budget. That is an important goal and it is one we ought to reach in the interest of our country. Second, balancing the Federal budget while we meet some of the priorities in doing so. Balancing the Federal budget without injuring the Medicaid or Medicare Program, so that someone who is elderly in this country and who is sick will not understand that they have to pay more for Medicare and get less as a result of our balancing the budget. We can balance the budget and do it the right way, retaining the priorities in Medicare and Medicaid and education and agriculture and the environment. It does not mean you cannot cut spending in all of those areas. It just means you cannot cut spending sufficiently so that you injure these programs at the same time that you have decided in the budget bill to provide a very significant tax cut. That represents the question of priorities.

I want to back up just for a moment and refer to something I read yesterday in a newspaper that I thought was an interesting piece. It was written by Jim Hoagland in the Washington Post. I commend Members of the Senate to read it; it is called "Surrender to the Money Men."

He starts out discussing something I have discussed previously on the floor of the Senate—that the stock market in America is at a record high, corporate profits are at near records in this country, productivity of the American work force is up. We are told the American economy is the most competitive in the world, but while all of these things are happening, wages in America continue to go down, and job security in our country continues to be diminished.

We hear about downsizing and layoffs, surplusing workers, being more competitive; we hear about all of those things and then understand that it causes an enormous amount of anxiety among American workers because they feel somehow they are now surplus and they are the lost part of this economic equation called "globalization" in which in our economic enterprises' interest in being more competitive, they decide to produce elsewhere and ship back here. A corporation, international corporation, can become more competitive, they think, by deciding to produce shoes and shirts and belts, or trousers and cars and television sets, in foreign countries where labor is very inexpensive and then ship those back to our country for sale.

I understand why big corporations think it is in their interest to do so. It is something called profits. If you can get someone to work for 50 cents an hour and not be bothered by the issue of polluting water and polluting air and by the difficulties of the prohibition against hiring child labor, if you can get rid of those kinds of meddlesome difficulties by moving and producing offshore, you can make more profits if you can produce offshore and sell here.

Well, the result of that kind of strategy has created another kind of deficit in this country that no one is talking about. We are talking about the budget deficit every single day. Already today, I have been to two meetings dealing with the budget deficit. I will spend much of this week, I assume, in negotiating sessions with other negotiators talking about the budget deficit.

There is not even a whisper in this Chamber or in this Congress about the other deficit, the trade deficit. We will, this year, have a merchandise trade deficit that is larger than our budget deficit. What does the merchandise trade deficit mean? It means that jobs have left our country. It means that our country has an economy that has weakened because we measure economic progress in this country by what we consume rather than what we produce.

It seems to me that we ought to start worrying about the twin deficits in our country—the budget deficit and the trade deficit. The budget deficit, one can make the economic argument, is the deficit we owe to ourselves but for the fact that it is unequally distributed; it causes problems in that regard. One can make the argument that it does not require a reduced standard of living to pay the budget deficit in this country. You cannot make the similar argument about the trade deficit. Inevitably, repaying the trade deficit will mean a lower standard of living in our country, and that is why this year, we will have the largest merchandise trade deficit in our history, and it is a very serious problem for our country.

I hope that at some point soon we start talking here in the Senate about the twin deficits, the budget deficit and the trade deficit. The trade deficit, as I indicated, relates to the budget deficit because there are things in the reconciliation bill here in the Congress that would make it even easier for those who want to move jobs offshore and to produce elsewhere and, therefore, it meets our trade deficit or makes it easier to do so.

I have shared with my colleagues on another occasion a provision in the so-called Balanced Budget Act in the reconciliation bill. I want to do that again today. It is a small provision that deals with tax law and the product called "deferral," deferring income tax obligations on foreign subsidiaries owned by domestic corporations that earn money overseas in their foreign subsidiary and do not have to pay taxes on it until it is repatriated to our country. Well, in 1993, we passed a law that tightened up on that and said that does not make sense. This is an incentive that says let us move the factories overseas and take American jobs and move them abroad.

What we have now is a provision by the majority party that says, "By the way, we will take this little provision that is an insidious incentive to move jobs overseas by multinational corporations and tell the multinational corporations we like this tax incentive so much, we want to increase it for you. We want to boost this tax incentive. We want to make it more generous if you will take your jobs and move them overseas."

I am thinking I ought to have a scavenger hunt to find out who in the U.S. Senate decided it was a good idea to propose that multinational corporations ought to have more of a tax incentive for moving their jobs overseas.

I ask any of my colleagues in the next couple of days, as we are working through this reconciliation bill, who authored this? Who thought it was a good idea? Who believes we ought to change our Tax Code to make it more attractive to move American jobs overseas? Who thinks we ought to increase the tax incentive to shut down the American plant, move it offshore?

It makes no sense to me. This will increase our trade deficit. This will not solve our fiscal policy deficit. This will weaken our country.

Mr. MURKOWSKI. I wonder if my friend from North Dakota would yield for a question?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. MURKOWSKI. I was moved by the reference to the increase in trade deficit, and I ask my colleague if he would not agree that nearly half of that trade deficit is the cost of imported oil?

Obviously, as a Senator from the State producing the most oil from the standpoint of domestic production, would it not be in our national energy security interest to try to relieve our dependence on imported oil, hence reduce the deficit balance of payment by developing some of our resources, if we can do it in a way that is compatible with the environment and ecology?

I am particularly speaking of potential relief that we might find if, indeed, there are substantial reserves of oil in the Arctic oil reserve as part of ANWR.

It would seem to me this would alleviate a concern both the Senator from North Dakota and I have inasmuch as oil does make up just about half of our trade deficit.

Mr. DORGAN. My own view about our oil import situation is that we ought to have an oil import fee. I have always felt that. I think an oil import fee solves a series of problems for us. It would stimulate more domestic production, first; reduce the trade deficit, second; and provide revenue by which you eliminate or reduce the fiscal policy deficit as well.

The Senator from Alaska has been an articulate and forceful supporter of opening ANWR. He and I share one goal, and that is I think we ought to reduce our dependence on foreign oil. I would like to start with a first step of an oil import fee which I have advocated for some long while. I have authored them, and I have offered them in the House Ways and Means committee when I served there. I think that would be a productive first step.

In any event, we must, it seems to me, begin addressing this trade deficit. The failure to do so—even if we solve the budget deficit problem—the failure to address the trade deficit problem is going to be a crippling problem for this country.

The point I made with this tax provision is—and I am thinking of suggesting we have a rule in the Senate similar to the one they have in the House—that if you propose a provision like this in the budget system, you have to disclose who it is that is offering this, who thinks it makes sense to provide a more generous circumstance in our Tax Code to say to somebody, "Move your jobs overseas. Move your plant out of here. Hire your workers in a foreign country." Who thinks that make sense, to increase a tax subsidy to do that?

There ought to be, first of all, no subsidy. We ought to completely eliminate the insidious tax incentive that exists now to say, "By the way, you have a factory. Close it here. Move the jobs overseas to a tax haven and make the same product. Ship it back here and we will give you a tax break."

It ought to be completely eliminated. This provision, stuck in the reconciliation bill, opens it wider and says, "By the way, this is a good idea, we should do more of it."

This week, if I can find the Member of the Senate who thinks this is a good idea, I would like that person to identify himself or herself, and I would like to spend a while on the floor debating that. So I invite whoever it is, give me a call, come to the floor and talk about this kind of tax policy and whether it makes sense for our country.

BUDGET NEGOTIATIONS

Mr. DORGAN. Let me, in the final minute, say a word about the budget negotiations. It is my fervent hope by the end of this week we will have reached a budget agreement. That makes sense for this country. It makes sense for both political parties. It makes sense for the President. It just is the right thing to do.

It ought to be an agreement that balances the budget and does it the right way. There are certain priorities that make sense. It seems to me we ought to negotiate between now and the end of this week to reach an agreement that balances this budget and does it the right way.

I know time is short and we face kind of an urgent situation with the December 15 continuing resolution, but there is not any reason, with good will on both sides to balance this budget, there is not any reason at all that we cannot find common ground.

We have not survived 200 years in a representative democracy without understanding the need to compromise. Compromise in a democratic system like ours is the essence of getting things done.

I hope by the end of this week we will be able to stand on the floor of the Senate and say we reached an agreement and we reached an agreement to balance the budget that is good for this country.

RICHARD C. HALVERSON

Mr. BINGAMAN. Mr. President, one of the first people I met when I came to the Senate, and one on whose kind interest I came to rely, was Richard Halverson, the man who served as Chaplain of the Senate from 1981 until early this year.

Many of my colleagues have commented on his service to the Senate, and to all of us who work here. He considered what he called the Senate family—from the most senior cook to the least junior Senator—his flock. His approachable manner and generous ways endeared him to us all. "I try never to be in a hurry," he said in an interview with the Hill last year. Everyone responded to this gentle, important courtesy in a place where schedules are demanding and often implacable.

Kipling wrote of those who "can talk with kings and keep the common touch." Dr. Halverson, in the course of his ministry here, demonstrated that he was capable of this skill, and each of us appreciated that when he talked with us, as well as with kings, we were elevated by his special attention.

He will be in our thoughts and prayers for years to come.

RETIREMENT OF GEN. ROBERT L. DEZARN

Mr. FORD. Mr. President, when you've been in public life as long as I have, you see a lot of hard working, dedicated people in public service. But, every once in a while you come into contact with someone whose leadership qualities make them stand out from the rest. The head of Kentucky's National Guard, Adj. Gen. Robert L. DeZarn is that kind of leader. Over the years, he's been able to instill a sense of common purpose, and in doing so, bring out the best possible performance in everyone around him. And while we know that he will continue to contribute his talents in other ways, General DeZarn's retirement today will be a tremendous loss to those under his command and to the State as a whole.

It's been said that "a general is as good or as bad as the troops under his command make him." There is no doubt that Kentucky's National Guard will continue to make Kentucky and the Nation proud long after General DeZarn steps down. But, anyone who knows the Adjutant General also knows that he brought to his command an uncommon blend of courage, intelligence and compassion that will be sorely missed.

Over the past 4 years, as the Kentucky Guard was called upon to respond to natural disasters or as our Nation sought them out to help ease discord around the world, I always knew that General DeZarn was working behind the scenes to assure order, to assure total commitment, and in the end, to assure victory over adversity.

He was equally hard at work when the media's eye was not on the Guard, building upon Kentucky's resources to assure we would play an integral role in national security well into the next century. I owe him much for his assistance in making sure the C–130H's, what I often call the thoroughbreds of military aviation, stayed in Kentucky. Our Air Guard's performance at the controls of those C–130H's in Somalia, Bosnia, and Rwanda have brought them national recognition, and saved countless lives.

In addition, his development of the western Kentucky training site will make it a model of high-tech and all-terrain training for both Guard and active duty soldiers for years to come. Last year, 16,000 soldiers trained here. But, those numbers represent just the beginning in a long line of soldiers who will receive the best training this country has to offer. The skills they learn right in Kentucky will enable them to join the ranks of the best-trained military force in the world.

General DeZarn has also had a tremendous impact on the national level. The Department of Defense has been working to restructure the Nation's entire defense forces to better respond to the needs of the post-cold war era. General DeZarn has worked closely with his colleagues from other States to assure that the National Guard continues to play an integral and undiminished role in that new structure.

Mr. President, let me close by reiterating my thanks to General DeZarn for a job well done, and my appreciation for having had the honor to serve with him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal Government is running on borrowed time, not to mention borrowed money—nearly $5 trillion of it. As of the close of business Friday, December 8, the Federal debt stood at $4,988,945,631,994.24. On a per-capita basis, every man, woman, and child in America owes $18,938.12 as his or her share of the Federal debt.

More than two centuries ago, the Constitutional Convention adopted the Declaration of Independence. It's time for Congress to adopt to a Declaration of Financial Independence and meet an important obligation to the public that it has ignored for more than half a century—that is, to spend no more than it takes in—and thereby begin to pay off this massive debt.

CODEL STEVENS BOSNIA REPORT

Mr. DOLE. Mr. President, last month the distinguished senior Senator from Alaska, Senator STEVENS, led a delegation of our colleagues—Senators INOUYE, GLENN, BINGAMAN, HUTCHISON, SNOWE, and THOMAS—to Europe to carefully evaluate the plans for a possible NATO mission to the former Yugoslavia. The result of their travels to Brussels, Sarajevo, and Zagreb are contained in a report, for which I ask unanimous consent to be printed in the RECORD.

This report addresses the four central questions of the Bosnian NATO mission—how soon, how many, how long, and how much. As for cost, officials admitted that it will mount to $2.0 billion—not including the costs of the no-fly zone or enforcing the naval embargo in the Adriatic. With respect to how long, that remains a question that this Chamber will have to address as no one presented the codel with an effective exit strategy for NATO forces.

In closing, Mr. President, I would like to thank the Members and staff of codel Stevens. Their fine work on a timely and important report will help further illuminate our upcoming debate on Bosnia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 27, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR BOB: Last month, you authorized myself and Senators Hutchison, Snowe and Thomas to travel to NATO, Bosnia and Croatia to evaluate plans for a possible NATO mission to the former Yugoslavia.

The seven Senators who participated in this mission have prepared the attached report, which addresses the four central questions that you directed we study: how soon, how many, how long and how much.

We did not seek to reach any conclusions or specific recommendations to you or the Senate—our personal views reflected the wide range of positions held by our colleagues. We did seek to identify the many differing expectations and understandings that are held by the parties that will be involved in the peace settlement in Bosnia.

It is my request that the attached report be printed and made available to all Senators, to assist in their understanding and our upcoming debate and consideration of any resolution concerning U.S. participation in a Peace Implementation Force.

Cordially,

TED STEVENS.

CODEL REPORT

INTRODUCTION

The Delegation was authorized by the Majority Leader and the Democratic Leader to travel to Europe, particularly Bosnia, to evaluate the current situation in the former Yugoslavia, the status of the peace negotiations, and potential plans by the North Atlantic Treaty Organization (NATO) and the United States European Command (EUCOM) to engage in a military mission to implement a peace settlement. The Delegation was to assess these conditions, and report their findings to the Senate.

This report does not attempt to reach any conclusion about the outcome of the ongoing peace negotiations, which resumed this month at Wright-Patterson AFB. The Delegation did not seek to reach a consensus or make specific recommendations on the military plans under consideration at EUCOM and NATO Headquarters in Belgium. The Delegation hopes their mission will contribute to planned Senate hearings and subsequent consideration of any proposals for United States participation in any peace settlement in Bosnia.

The Delegation report consists of the following sections:

(1) Listing of the Delegation
(2) Listing of Delegation activities
(3) Assessment of the situation in Bosnia
(4) Expectations for a potential peace agreement
(5) Plans/expectations for NATO peace implementation activities
(6) Closing observations

LISTING OF THE DELEGATION

Senator Ted Stevens—Committee on Appropriations (Chairman).

Senator Dan Inouye—Committee on Appropriations (Co-Chairman).

Senator John Glenn—Committee on Armed Services.

Senator Jeff Bingaman—Committee on Armed Services.

Senator Kay Bailey Hutchison—Committee on Armed Services.

Senator Olympia Snowe—Committee on Foreign Relations.

Senator Craig Thomas—Committee on Foreign Relations.

LISTING OF DELEGATION ACTIVITIES

U.S. European Command Headquarters

The Delegation met with the following senior U.S. military officials:

General George Joulwan; Supreme Allied Commander, Europe

Admiral Leighton Smith; Commander, Allied Forces South

General James Jamerson; Deputy Commander, U.S. European Command

General William Crouch; Commander, U.S. Army Europe

General Richard Hawley; Commander, U.S. Air Force Europe

Major General Edward Metz

Government of Croatia

The Delegation met with the Minister of Defense for Croatia, Gojko Susak.

United Nations officials

In Zagreb, Croatia, the Delegation met with the Senior Representative of the Secretary General of the United Nations, Mr. Yasushi Akashi, and the Deputy Commander of U.N. forces in the former Yugoslavia, Canadian Major General Barry Ashton.

In Sarajevo, Bosnia, the Delegation met with the Commander of U.N. forces in Bosnia, United Kingdom Major General Rupert Smith.

Government of Bosnia

The Delegation met with the President of Bosnia, Alija Izetbegovic, the Vice President, Ejup Ganic and Prime Minister, Haris Sladjzic.

North Atlantic Treaty Organization Headquarters

The Delegation met with the following senior NATO leaders: Field Marshal Faye Vincent, Chairman of the Military Committee, Mr. Willy Claes, Secretary General of NATO. The North Atlantic Council—Ambassadors to NATO from: Spain, Germany, the United Kingdom, Norway, Luxembourg, Portugal, Italy, Turkey, Iceland, Denmark, Greece, France, Belgium, Netherlands, Canada and the United States.

The Delegation also wishes to express its appreciation for the support and assistance of the United States Embassy to Croatia, the United States Embassy to Bosnia and the United States Mission to NATO. Ambassadors Galbraith, Menzies and Hunter all contributed significantly to the success of the mission, and their individual actions and leadership are no small part of the progress made so far towards a peace settlement in Bosnia.

ASSESSMENT OF THE CURRENT SITUATION IN BOSNIA

At each venue, the strong statement to the Delegation was that the anticipated peace negotiations in the United States offered the best likelihood of a serious cessation of hostilities. Without exception, leaders at NATO, in Croatia, in Boania and U.N. officials all cited the involvement of the United States as a catalyst for peace.

At the time of the Delegation's mission, the current cease fire agreement was only a few days old. While conditions in and around Sarajevo were significantly improved, according to Bosnian and U.N. officials, fighting continued elsewhere in Bosnia. While all parties hoped that the cease fire would take hold throughout the country, fighting in northwest Bosnia was especially active.

For nearly six months preceding the Delegation's visit, Sarajevo had been completely strangled. The airport had been closed to all traffic, and the only road access route crossed Mt. Igman. With the ceasefire, humanitarian conditions appeared to be improving. Local officials reported that utility services were being restored, and that food stocks in the city were higher. The Delegation observed large numbers of commercial trucks assembling in a convoy to exit the city. Despite these factors, the airlift of food supplies continued, to provide for the needs of local residents, and to maintain air access into the city.

Perhaps the most striking feature of Sarajevo, amid the destruction and devastation of incessant shelling and rocket attacks, was the utilization of the Olympic facilities as gravesites for thousands of Bosnians who have died during the fighting. Their graves serve as a poignant reminder that peace will be difficult to achieve, and that the personal loss of people on all sides of the conflict is severe.

EXPECTATIONS FOR A POTENTIAL PEACE AGREEMENT

The Delegation explored the expectations of two of the potential participants in a Balkan peace agreement during the mission. Key factors included the probable timetable for an agreement; the timetable for any implementation or peace enforcement mission; the objectives of any peace enforcement mission; the rules of engagement for any peace enforcement mission; and the criteria for the duration or conclusion of a peace enforcement mission. The following description summarize the views encountered by the delegation during the mission.

Bosnian Government: Officials of the government of Bosnia made clear that any price agreement required the participation of the United States in the negotiation and implementation phases. From their point of view, the United States brought credibility to an agreement beyond the involvement of the United Nations or the European members of the Contact Group (the United Kingdom, France, Germany and Russia).

Very clearly, the Bosnian government anticipated that U.S. and NATO military units will serve to enforce the peace, and to protect both the internal and external borders determined in the peace settlement. Further, officials also cited the tremendous refugee and displaced persons dilemma facing Bosnia. One official also suggested the possible use of United States forces to reconcile the property claims of Bosnians displaced during the war.

The Bosnian government understood that U.S. and NATO forces engaged in a potential peace enforcement mission would be heavily armed, and would operate under robust rules of engagement. Bosnian government leaders anticipated a presence for such a force of at least 12 months, and from that point of view, up to 18 to 24 months.

Croatian Government: Officials of the government of Croatia made clear that the enforcement of a peace agreement would have to rest outside of the U.N. framework currently in place. Their concept was for the potential U.S.-NATO mission to operate to separate the warring factions, acting as a buffer to achieve a stable military environment.

The Croatian government officials did not believe that the peace enforcement mission could be completed in twelve months. A key factor in the duration and success of the peace enforcement mission would be the extent to which the Bosnian government achieves an enhanced military capability. The Croatian defense Minister indicated that a peace settlement was likely to bring an end to the U.N. arms embargo, but that there was no need to arm the Bosnians after a peace plan is adopted. Croatia may not permit future weapons transfers through Croatia to Bosnia government forces following a negotiated peace settlement.

The Croatian government officials commented that Croatian national interests may or may not be fully addressed in the anticipated peace agreement. The status of the region of Eastern Slavonia will be a contention issue at the peace talks, and could precipitate further military action by Croatian forces.

United Nations: The Secretary General's Senior Representative made clear that a peace agreement will be difficult to maintain and enforce, based on the track record of all parties. Much credit was given to the renewed negotiations for achieving the present tentative cease fire, and the necessity of continued United States involvement in any future negotiations was emphasized.

U.N. officials stated that the current peace plans will require long-term peacekeeping activities to bring a period of stability to the region. They envision an on-going United Nations role, following the potential NATO-U.S. peace enforcement mission. The experience of the United Nations in the peacekeeping and reconstruction of Cambodia was cited as a possible model for participation in Bosnia.

NATO: Officials at the North Atlantic Treaty Organization headquarters in Brussels reflected primarily the understanding of United States officials about the prospective peace agreement. As NATO is not a direct participant in these talks, they indicated they would await insight from the U.S.-European Contact Group before finalizing any NATO position.

NATO representatives made clear their expectation that any peace agreement would hinge on an enforcement mechanism involving NATO and the United States. In the discussion with the North Atlantic Council, several Ambassadors made explicit their view that the United States must participate in the peace process, and that NATO involvement would be contingent on U.S. participation. The consensus of the NATO Ambassadors was that the United States was already involved and committed to the potential deployment of a NATO peace enforcement mission to Bosnia.

EXPECTATIONS FOR A NATO PEACE IMPLEMENTATION FORCE

Senior officers of the United States European Command, and component units, discussed in depth the planning underway for the training, organization and potential deployment of United States military forces as the largest single component of a NATO force. Many of the specific details were presented to the Delegation at the Secret or Top Secret classification level. The summary provided in this report does not reflect any classified information, but explains the approach and concerns presented to the delegation by these officials.

Significance of the Peace Agreement Details: All military officials made clear that exact planning for any operation will hinge on the specific determinations of the anticipated peace agreement. Those factors include the location of U.S. forces deployed to Bosnia, the composition of any U.S. military force, the interaction of U.S. military forces with the United Nations or non-governmental reconstruction organizations, the conditions under which U.S. military forces deploy to Bosnia and the conditions and timing under which U.S. military forces would withdraw from Bosnia.

These uncertainties made difficult specific estimates on force size, mission cost and mission duration.

United Nations forces now deployed to the former Yugoslavia will constitute some portion of the NATO led peace implementation force. The attached chart details current deployments.

Once the peace enforcement mission begins, forces provided to UNPROFOR by NATO member nations will revert to NATO command and control, pursuant to NATO procedures. Military forces from other nations may remain as part of a complementary United Nations effort elsewhere in the former Yugoslavia, or may be incorporated into the NATO force, accepting NATO command and operational management. This approach may come to resemble relationships established during Operation Desert Storm in 1991.

All parties had differing specific expectations about the mission for the NATO peace implementation force. Those differing views highlighted the significant challenge facing the negotiations at upcoming peace talks in the United States.

Mission expectations fall in the following categories:

Implementation of Peace Agreement: NATO and U.S. officials anticipate that an agreement will detail the role for the peace implementation force. This could include geographic zones of responsibility and whatever functions are ultimately determined by the parties and the Contact Group.

Separation of Forces: In discussions with the Delegation, NATO officials indicated that the NATO force will provide a buffer between the armed forces of the Combatants. This concept would entail an occupation of specific areas, and a responsibility to police the military activities of the combatants.

Secure Borders. Some parties indicated that the NATO force would serve as a protection force, to maintain the territorial integrity of parties to the settlement reached in the peace negotiations.

Displaced Persons/Property: On a more complex level, there were suggestions to the delegation that the implementation force would play a role in assisting the return of displaced persons to areas determined by the peace settlement, and potentially enforce the return of property belonging to displaced persons.

U.S. EUCOM officials expressed concern about taking on any functions or responsibilities beyond their direct role as a peace implementation force—such as election monitoring, refugee resettlement or other initiatives related to nation-building.

COMPOSITION AND SIZE OF A NATO PEACE IMPLEMENTATION FORCE

The ultimate composition of the NATO peace implementation force will reflect the "proportionate contribution" of NATO members, according to officials in Brussels. Those nations with troops currently deployed will most likely sustain that presence. Other nations will nominate forces based on the plans developed by the Supreme Allied Command, reflecting the capabilities available in those national military forces. The attached chart reflects anticipated force levels.

The United States, France and the United Kingdom each anticipate providing roughly a division sized combat force. Each nation will tailor that force to reflect the specific geographic and ethnic characteristics of the region in which they will operate. Other nation's will contribute units ranging from company to battalion size, based on mission requirements.

For the United States, the call-up of approximately 1,500 to 2,000 reserve component personnel is likely. These units will participate primarily in combat support, service support, medical, civil affairs and military police functions. The reserve components have been heavily taxed over the past three years supporting U.N. and humanitarian relief missions in Rwanda, Somalia, Haiti and now Bosnia. Air Force Reserve and Air National Guard units are an essential element of the on-going airlift to support the Bosnian people.

COST ESTIMATES

Officials at the U.S. European Command were unable to provide any specific estimate on the cost of U.S. operations. Discussions with senior officials at the Department of Defense indicate that the likely incremental cost for fiscal year 1996 of the ground force component of a NATO peace implementation force will total approximately $1.5 to $2.0 billion. This amount does not address the costs of the on-going "no fly" enforcement mission or the naval embargo in the Adriatic Sea.

More detailed estimates are expected upon completion of the peace agreement, and the finalization of NATO operational plans.

TIMETABLE FOR POTENTIAL DEPLOYMENT

Officials at the U.S. European Command estimated that NATO force would be tasked to deploy to Bosnia and Croatia within 96 hours of the formal adoption of a peace settlement. What will constitute the "formal adoption" of an agreement is not yet known. NATO leaders concurred with this estimate.

NATO leaders had not yet defined what mechanism would trigger the Alliance's participation in the mission, and the timetable for consideration by the North Atlantic Council of a request for NATO involvement. NATO officials anticipated that the military mission would be predicated on a United Nations Security Council resolution, authorizing such a mission pursuant to Chapter 7 of the U.N. Charter.

NATO officials did not articulate the mechanism by which individual nations would determine and affirm their participation in the mission.

COMMAND AND CONTROL/RULES OF ENGAGEMENT

Central to the role of U.S. military forces in a deployment to Bosnia will be the command relationships and the rules of engagement that would govern their participation. In every discussion, the Delegation found that all parties believed the utilization of NATO would obviate the problems encountered by the United Nations command structure. The flawed "dual-key" control by the United Nations of military force limited the usefulness of that force, and caused all the combattant parties to doubt and mistrust the commitment of the United Nations to securing peace in Bosnia.

U.S. military officials stated categorically that U.S. forces would serve under the command of U.S. military officers through the NATO chain of command. They affirmed that the rules of engagement will provide wide latitude to respond with disproportionate force to any attack or threat to U.S. or NATO personnel.

Less clear is how those rules of engagement will deal with threats to local populations, whether Bosnian Muslim, Croat or Serb, by any military, guerilla or terrorist force. Again, the peace agreement is expected to provide guidance on the role of the military peace implementation force, and how they might respond to such situations.

PARTICIPATION OF NON-NATO FORCES

A point of sensitivity and uncertainty in discussions with U.S. military, NATO, Bosnian and Croat leaders was the participation of non-NATO military units in a peace implementation force. This applied both to the potential role for Islamic nations and Russia.

NATO leaders believed that the inclusion of Russian military forces would contribute to the stability and likely success of the mission. Officials in Croatia and Bosnia believe that the Serb parties will insist on a Russian presence. U.S. military officials stated that on-going discussions with the Russian military were addressing command, control and funding issues associated with any Russian participation. U.S. officials anticipated that each participant in the NATO-led peace enforcement mission would pay their own costs. Again, this issue is expected to be addressed in the anticipated peace settlement.

CLOSING OBSERVATIONS

While reaching no conclusion about what action the Senate might take regarding the potential deployment of U.S. military forces to Bosnia as part of a NATO peace implementation force, the Delegation believes that several critical and vital issues must be resolved before a full and complete understanding of the mission can be reached.

From the perspective of the use of U.S. military units, the following issues must be addressed:

(1) The end state or "exit strategy" for U.S. forces.

(2) Funding for U.S. operational costs.

(3) Funding for non-NATO participants.

(4) Demarcation of U.S. and allied zones of deployment.

(5) Composition of U.S. and allied military forces.

(6) Logistics support for U.S. and allied military forces.

(7) Transit/air access in Bosnia.

(8) Air defense responsibilities.

(9) Transition for current U.N. mission to NATO control.

(10) Rules of engagement.

(11) Transition to civilian aid/recovery program.

(12) Specific tasks U.S. forces will perform.

These outstanding issues are not intended to negatively reflect the discussions and meeting by the Delegation—they simply represent the unknown factors surrounding this mission.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 31, which the clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and States the power to prohibit the physical desecration of the flag of the United States.

The Senate resumed consideration of the joint resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent for 12 minutes in morning business.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

PERCENTAGE DEPLETION ALLOCATION

Mr. MURKOWSKI. I thank the Chair. I will share with my colleagues a little known fact concerning the effect of the Clinton administration's new proposed 7-year balanced budget and the effect it will have for thousands of working men and women in Western States, those men and women working specifically in the mining industry.

This is a $1 billion budget bombshell that will cost thousands of domestic jobs, and it will increase our domestic balance of payments, because buried in the details of the Clinton budget alternative is a provision that would hike taxes on many mining operations on Federal land.

The administration is proposing an elimination of the percentage depletion allowance for nonfuel minerals mined on public lands where mining rights were obtained by the patent process. "Patent process" can be construed to mean patents, as well as the process of applying for a patent.

This is extraordinarily far reaching, Mr. President. According to the administration, this would save—they use the word "save"—$954 million over 10 years, placing a $1 billion burden on our Nation's miners.

You can imagine the significance of trying to be competitive in a world market, suddenly faced with a reality of losing the depletion allowance, which in many cases allows our mining industry to be competitive internationally.

Why the White House has singled out the mining industry for punishment is anyone's guess. It appears to be the latest assault by Secretary Babbitt, the Secretary of the Interior, and the Clinton administration on the West.

The administration seems to want to paint the miners as some kind of corporate guru, the exception rather than the rule as far as the reality is concerned, because many of the operations are small mom-and-pop operations that are clearly in jeopardy by this proposal.

It would provide a war on hard-working people and their jobs. Why they are singled out as the only industry for termination, one can only speculate.

Oil, gas and coal jobs are not put in jeopardy by this move by the administration to lose the depletion allowance. However, one should reflect on the fact that this may be the camel's nose under the tent. It is only a matter of time until this administration will again use the Tax Code to go after oil and gas and the coal industry.

Having heard my friend from North Dakota express his concern over the deficit balance of payments, I again remind the President and my colleagues, this Nation grew strong on the development of our natural resources, our oil, our coal, our gas, our timbering industry, our mining industry, our grazing industry. All these appear to be put in jeopardy. In fact, the development of resources from all public lands appears to be on the administration's blacklist.

The rationale of how they could see the tremendous decline in these high-paying blue collar jobs and the reality that they seem to think it is better to import is beyond me. That is specifically exporting our dollars and our jobs overseas.

I remind our colleagues, the hard rock mining industry provides approximately 120,000 direct and indirect jobs nationwide. This proposal of the administration could eliminate 60,000 to 70,000 jobs. It is shortsighted and, once again, the White House seems to be proving it really does not care about the men and women working in America's resource industries. When we import more minerals, again, we are exporting jobs and exporting dollars. Unfortunately, the administration seems to be putting politics before policy. It may look good in the press but it would simply destroy America's mining industry by putting a billion-dollar burden on their backs and still expect them to be competitive internationally.

THE FOREST SERVICE GRINCH STEALING CHRISTMAS IN ALASKA

Mr. MURKOWSKI. Mr. President, I have one more short statement relative to another policy of the administration. I want to speak briefly on an issue that affects my home State of Alaska. It is coming to a head during this holiday season, but unfortunately, unless there is a legislative solution the problem will not end with Christmas but it will be a gift that will keep on giving throughout the year 1996.

The gift is the policies that promote unemployment. The bearer of this unwelcome present seems to be the U.S. Forest Service. In fact, it is not too strong to say that in the small community of Wrangell, AK, a town I once lived in, the U.S. Forest Service is truly becoming the Grinch that stole Christmas and is stealing the hopes and dreams of many of the people in that community.

The Forest Service, under the Clinton administration, has canceled the contract that provided timber to the town's only year-round industry, a small sawmill. The Service has also been unresponsive in putting up independent sales to permit the sawmill to operate. For that reason, the timber industry in southeastern Alaska, an industry dependent upon wood from the Nation's largest national forest, the 17-million-acre Tongass National Forest, is being destroyed.

People live in the forest. Unlike in many areas where you have State and private timber, in our part of the country, towns such as Ketchikan, Wrangell, Petersburg, Juneau, and so forth, are all in the forest.

We have the situation, since the Clinton administration came to power more than 3 years ago, that more than 1,100 direct logging jobs have been lost, cutting timber employment by 42 percent. Environmental groups earlier this year claimed loudly that the economy in southeastern Alaska did not need a timber industry, that everything was doing fine. They should tell the folks back in Wrangell, that 2,500 population town. The local newspaper a week ago filed for bankruptcy. This would end a continuous publication, for 93 years, of the Wrangell Sentinel, the longest continually published newspaper in our State. The paper is only the latest victim of the revenue loss caused for all businesses when the sawmill closed, costing more than 200 jobs in the community.

Besides the newspaper, there have been jobs lost in the machine shop, the transportation company, the markets, even the fixture of the community bar, the Stikine Bar. The unthinkable has happened. The bar is shut down, putting 12 people out of work.

This is the real result of the shortsighted Forest Service policies. These are not policies that will help the environment. According to the Forest Service draft of a revised Tongass Land Management Plan in 1993, enough timber could have been cut in southeast to keep all these people working with little effect, if any, on the environment. We are only seeking to harvest just 10 percent of the Tongass over a 100-year regrowth cycle, while nearly half the forest old growth is fully protected. Alaskans are seeking just to log 1.7 million acres of that forest—while nearly 7 million acres are fully protected in wilderness or other restricted areas.

We are currently working on a temporary fix that may help Wrangell and other southeast towns that depend on timber to have a hope of a brighter future. Hopefully, Congress will approve the fix and I pray that the President will sign it in the Interior appropriations bill later this week.

It will present a hope during the holidays for the thousands whose future depends on some level of logging in southeastern Alaska in the Tongass.

But the real solution, if residents of southeastern Alaska are to dream of brighter days ahead, is for the Clinton administration to begin to think about the real pain they are causing real people in my State and to permit a rational, environmentally sound logging policy to resume in the Tongass National Forest. Logging is a renewable resource if properly managed. I remind the Forest Service that they said this set of circumstances would never happen; they would be able to maintain a modest supply of timber to allow the industry to sustain itself. That has not happened.

If the Forest Service insists on stealing the Christmas of the people in Wrangell, and other towns in 1995, then in 1996 a bill that I have been working on all year with Senator STEVENS and Representative YOUNG to honor the terms of the 1990 compromise over logging in the Tongass is going to be back before this body. It is a present I intend to deliver to Alaskans before another Christmas passes.

Mr. President, I thank the Chair for the time allotted me. I wish the President a good day.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold we are returning to Senate Joint Resolution 31.

Mr. BIDEN. That is what I wish to speak to, Mr. President.

Mr. President, we have had some discussion this morning, we will have some more discussions this afternoon, and some discussion tomorrow as well, on a constitutional amendment to protect the flag.

Nothing symbolizes what we might call our national spirit like the flag. In times of crisis it inspires us to do more. In times of tranquility it moves us to do better. And, at all times it unifies us in the face of our diversity and of our difference.

There are those who believe that we should not, under any circumstances, and no matter how it is worded, write an amendment into the Constitution to protect the flag because they believe there is no way to do that without damaging an even more cherished right, our right to say whatever we wish to say when we wish to say it without the Government acting as a censor, without the Government choosing among our words, which are appropriate and which are not.

I understand their view and I respect it. I believe, as strongly as I believe anything about this debate, that those against the amendment in question are no less patriotic, no more un-American, no less American, no better, no worse than those who share the view that the amendment in question is an appropriate way to protect the flag, which really means to speak to our national spirit and consensus that exists in America about what we stand for. The so-called culture norms people often speak to.

I respect their motives and I respect their views. But they are not mine. Although it is arguably not necessary to enshrine in the Constitution a way of protecting the flag, I believe that written properly, I believe stated properly, it can in fact legitimately be placed in the Constitution without doing damage to any of the other elements of our Constitution. But I should say up front that the amendment in question, in my view, does not do that. I say this as one who has made it his business here on the floor, along with my friend from Vermont, whom I see on the floor, and others, of sometimes being out of step in the minds of many people in terms of protecting the civil liberties of persons in this country to say what they wish to say, to publish what we do not wish them to publish, and to take actions we find reprehensible. But the Senator from Vermont, myself, and others believe they are guaranteed under the first amendment.

The first amendment does not say that you can only say things which reflect insight. The first amendment does not say you have to be bright. The first amendment does not say you have to be right. All the first amendment says is that you can say what you wish to say in relation to speech, and the Government cannot censor what you say no matter how, with notable exceptions, how much we do not like what is being said.

But I believe that the flag stands alone, and that is a legitimate way to protect our flag as the singular and unifying symbol of a diverse people in need—I would add in urgent need sometimes—of common ground. America is the most extraordinary nation on Earth.

I realize those who are here in the galleries who may be from other countries, or those who listen to this on CNN, or C-SPAN—if it is carried—will say, "Isn't that a typical American assertion, a chauvinistic assertion?" "We are the most extraordinary nation on Earth." We are extraordinary in the sense not that we are better as individuals, not that we are smarter, not that we are wiser, more generous, or less venal than other people, but the genius of America is the American system, a system that takes into account our significant diversity which in other countries—that diversity I am referring to—and in other systems creates great strife.

We take that diversity, which in other countries creates strife, and we have turned it into strength. That is not very easy to do. People often fear diversity. The fact that we are black and white does not automatically generate fellowship and harmony. The fact that we are Christian, Jew, and Moslem does not send us running into one another's embrace to herald our differences. The fact of the matter is that people fear that which is different. It is a human condition.

Our diversity naturally pushes us apart, not together. But what holds us together as a nation, Mr. President, is not a common language, although I think that is necessary; not a common world view, which I do not think is necessary. What holds us together is a common commitment to a system of government, a covenant of goodwill, of tolerance, of equality, and freedom, that is enshrined in the Constitution. And the flag stands as the single most important symbol of that covenant. It is the story of all we have been and the symbol of what we wish to become.

To me, the flag is much more than the sum of the stars and the stripes. It sounds corny to say, and to listen to it sometimes, but it is also idealistic. I believe that it is important even more now than then for all Americans to feel like a family. Like all families we have our problems. We squabble with each other. We misunderstood each other. And we hurt each other in countless ways. But at the end of the day we still need to feel like a family under one roof bound together by shaped and shared values, and a shared sense of respect and tolerance.

It is the flag that symbolizes those shared values and which reminds us of how the shared covenant of respect and tolerance has to be maintained. It is the flag under which we as a diverse and sometimes divisive community can come together as one. And it is the flag that flies high and proud over our Nation's home.

But to say that the flag is worth protecting does not end our conversation. It is only, in my view, where we start, for we must ask how the flag should be protected. As we look to protect the flag, we must not lose sight of the first amendment and its guiding principles for, although the flag may stand alone, it should not and it cannot stand above our most cherished freedom of speech.

Here is what I mean. At heart of the first amendment lies a very basic notion; that is, the Government cannot muzzle a speaker because it dislikes what he or she says, or discriminate between your speech and mine because it agrees with me but disagrees with you. That sort of viewpoint discrimination is most importantly what the first amendment forbids.

As the Supreme Court has said, and I quote:

> Above all else, the first amendment means that government has no tolerance to restrict expression because of its message, its ideas, its subject matter, or its content. The essence of forbidden censorship is content control.

Just last term, the Supreme Court forcefully reiterated its intolerance for viewpoint discrimination in the majority opinion of Rosenberger versus the University of Virginia. Justices Rehnquist, Scalia, Thomas, Kennedy, and O'Connor—Rehnquist, Scalia, and Thomas not accused of being a liberal triumvirate—said:

> In the realm of private speech or expression, government regulation may not favor one speaker over another. When the government targets particular views taken by speakers on a subject, the violation of the first amendment is all the more blatant.

The Government can tell us we may not blast our opinions over a loudspeaker at 3 a.m. in the morning. It can tell us that we cannot distribute obscenity and that we cannot spread libelous statements about one another. But it cannot apply different rules based upon the viewpoint of the broadcast, the obscenity, or the libel. It cannot say you cannot engage in that obscenity because of the viewpoint of the expression, you cannot broadcast something because of the viewpoint you are expressing, or you cannot say that about another person because of the viewpoint that you are expressing. It cannot apply different rules to Democrats and Republican, hippies and yuppies, rich and poor, black and white, or any other division in this country.

It was on this point to protect the flag, while not doing violence to the core first amendment principle of viewpoint neutrality, that I wrote the Flag Protection Act of 1988. That act aimed to safeguard the physical integrity of the flag across the board by making it a Federal crime to mutilate, deface, physically defile, burn, maintain on the floor, or ground, or trample upon the American flag. It passed the Senate, was signed by the President, and it became law.

The statute focused solely on the exclusivity of the conduct of the actor, regardless of any idea the actor might have been trying to convey, regardless of whether he meant to cast contempt on the flag, regardless of whether anyone was offended by his actions.

The statute was written that way because, in my view and in the view of other of constitutional scholars, the Government's interest in preserving the flag is the same regardless of the particular idea that may have motivated any particular person to burn or mutilate the flag. Our interest in the flag is in the flag itself as the symbol of what we know in our hearts to be precious and rare and which flies high and proud over this place we call home, a precious and rare symbol of this Nation.

The flag's unique place in our national life means that we should preserve it against all manner of destruction. It does not matter whether the flag burner means to protest a war, or praise a war, or start a barbecue. It is the flag that is the treasured symbol—not the obnoxious speech nor the positive speech that accompanies the burning of the flag—that must be protected.

We are here today deciding whether to add the 28th amendment to the Constitution, with a thought, I believe, that the flag is worthy of constitutional protection. Although I believe it is worthy of constitutional protection, I nevertheless must oppose the constitutional amendment that is before us now. I oppose it because, in my view, it puts the flag on a collision course with the Bill of Rights.

Again, the purpose of these amendments is to protect the flag as if we are going to protect a tombstone, as if we are going to protect the national eagle, as if we are going to protect it as the most precious of those symbols. It does not matter to me whether someone comes with a sledgehammer and defiles a tombstone of a war hero by saying, "I do this because I do not think this slate of granite warrants being on top of your sacred body." I do not care whether they do it when they smash it because they say, "I do this because I protest you and the war that you fought in," and so on. The end result is the tombstone is destroyed.

That is the story I want to get across about the flag. If it is the flag we wish to protect and not amend the first amendment, not make choices among the types of speech we can engage in, then let us protect the flag—nothing else. As I said, I do not care whether someone takes that flag and lights the flag and burns it in this Chamber offering it up as a sacred symbol for all who died in the name of this country or grabbed it and burned it because they are protesting the grotesque policy of the United States on such and such. The end result is the national symbol is burned. And when we go beyond protecting merely the symbol, we go to choosing, making choices among the types of speech we will allow Americans to engage in.

I oppose the amendment because it puts the flag on a collision course with the Bill of Rights. Let me expand on that. The proposed amendment gives the Congress and the 50 States the power to prohibit the physical desecration of the flag. And that word "desecration" is loaded. It is loaded with ambiguity. It is laden with value. And it will inevitably lead to trouble. To desecrate, like beauty, is in the eye of the beholder.

Here is what the dictionary says desecrate means:

> To divert from a sacred to a profane use or purpose; to treat with sacrilege; to put to unworthy use.

So to determine whether an action desecrates, we must first make a value judgment about what the message the actor is trying to convey is. We usually talk about desecration in terms of our religious values—to desecrate a cross or a crucifix, to desecrate a menorah, to desecrate a temple, to desecrate a church, to desecrate a sacristy, to desecrate a host. Although I revere the flag, I do not put the flag on the same level as the sacred symbols of our varying religions. It is a different thing. We have never decided that any of our civil actions should rise to the level of spiritual undertaking. And so when you talk about desecration, you have to understand that you are applying and allowing the application of value judgments that we will attach to the actions of the actor who is desecrating the flag.

Does he mean to profane the flag? What does that mean? Obviously, we have to determine that subjectively, whether it profanes the flag. Does her action treat the flag irreverently or contemptuously? Is the flag being put to an unworthy use?

When we make those kinds of value judgments, we are not making the act of burning the flag a crime. We are making the message behind the act the crime. I will refer to this later. But is it in fact putting the flag to an unworthy use to put it on the side of a hot dog vendor's stand? Maybe that is all right. In one community, they may say that is a good idea.

How about the guy who runs the pornographic theater, and on one side of the marquee he puts some lewd and obscene or profane or pornographic title of a film being shown inside and on the other side he drapes the American flag. Is that putting it to an unworthy use?

How about the woman who buys the revealing thong bikini that is made in a flag. Is that profaning the flag? Is she to be arrested?

How about the woman who buys the $5,000 sequin dress that has a flag on it? Is that profaning the flag? Does it matter what her figure is like to determine what use the flag is being put to?

I rode in a parade recently in my home State, and it was a parade that was honoring the war dead. It was Memorial Day. We went by on Union Street in Wilmington, DE, the home of a black veteran, and he proudly had his flag flying on his front porch on a row house, and on the other side of the flag sewn perfectly so it was the exact same size was the African national symbol, black, red, and green. Is that profaning the flag? He meant it out of respect. He was a war veteran. If I am not mistaken, he had been president of one of our veterans organizations. Is that profaning the flag? Well, in Maine, maybe it would not be profaning the flag. In southern Delaware or Alabama it maybe would be viewed as profaning the flag.

Who makes those choices—the local constable, the local cop, the local censor? That is the crux of my objection to this amendment. It makes not the act but the message the crime. And in doing so it gives the Congress and the States license to discriminate between types of speech they like and types of speech they do not like. But you do not have to take my word for it.

Back in the bad old days, when I was chairman of the Judiciary Committee and subsequently as the ranking member, we held extensive hearings about the exact same amendment 5 and 6 years ago, and we heard from its authors, then members of the Bush administration, noble and honorable men, and they pulled no punches to this question. They admitted right out that the goal was to allow the Government to discriminate between bad flag burners and good flag burners.

More specifically, then Assistant Attorney General William Barr, who became Attorney General of the United States, and a fine one, in my view, in 1989 said that the message, "Would permit the legislature to focus on the kind of conduct that is really offensive." He said that there is "an infinite number of forms of desecration and that States would have substantial discretion in fashioning flag laws."

One year later, Acting Assistant Attorney General Michael Luttig testified that the goal of the amendment was to "punish only actors that were intending to convey contempt."

Now, when I heard him say that, I wanted to make sure I did not misunderstand, so I asked Mr. Luttig point blank, would it be permissible under this amendment to pass laws discriminating between types of expression—not types of burning; you use the same match, same flag—but the type of expression that went along when you were burning the flag. Was that the purpose? And he said, "That is correct. You could punish that desecration which you thought was intended to be disrespectful toward the flag and not that which in your judgment was not."

If I am not mistaken, I remember the example I gave. I said, how about if there are two veterans at the war memorial, the Vietnam War Memorial, and they each go down and they have their own flag, and he kneels down before the wall, one of them, and one happens to be a woman. And she takes out the flag, very respectfully, puts it in an urn, puts a little lighter fluid on it and lights it, and says, "I'm offering this flag up to purify the soul of my deceased husband whose name is on the wall and fought valiantly for his country in a noble effort."

And another Vietnam veteran comes down and kneels down, takes out an urn, puts a flag in it, and puts lighter fluid on it and lights it, and says, "I'm offering this flag up in anger for the wasted lives of my friends and brothers who are on this wall"—in anger—"for what my country did to them."

If there is a park cop, a D.C. cop standing there, what does he do? And he says, "Arrest the veteran who said he is burning this flag out of anger, but do not arrest the widow who is burning this flag to honor."

That will be the first time in the history of the United States of America we passed a law that was constitutional—because, by definition, a constitutional amendment will be constitutional—that said, "Government, you can choose to punish those who say things you don't like, and let those who say things you do like go for the same exact physical act that they engage in."

Now, ladies and gentlemen, how does that stop? Where does that stop? Do we really want the Federal Government, let alone the 50 States, to be able to make those judgments that we have never allowed before? Lest anyone say to me that things have somehow changed this year, I point to the committee report that was just published by the Judiciary Committee. The majority views make it clear that viewpoint, neutrality—that issue I talked about earlier—is neither a goal nor an attribute of the proposed legislation.

Here is what the attending committee report to this constitutional amendment says: "The committee," meaning the Judiciary Committee, "does wish to empower Congress and the States to prohibit contemptuous or disrespectful physical treatment of the flag. The committee does not wish to compel the Congress and the States to penalize respectful treatment of the flag."

You all think I am kidding about this? Any of the people in this Chamber who listened, you get 1,000 catalogs in the mail, everyone from L.L. Bean to, I do not know, all these catalogs. Look at the catalogs you get for swimsuits. Look at them—not even ones you asked to have sent to you—and you will see the swimsuits, men and women's are flags—a flag.

In some parts of my community, someone wearing a one-piece swimsuit with a flag on it would not be viewed as disrespectful, someone wearing a two-piece swimsuit would maybe not be, someone wearing a bikini may very well be. And you think—I know this is funny, but it is real. It is real. These are real things. You are going to empower some local cop, some local community, to make a judgment. If I show up in boxer shorts, a kind of swimsuit with a flag on it, no problem. If some young, 19-year-old, muscle-bound guy shows up in a bikini with it on, well, they may say that is kind of offensive, that is too revealing.

Is that the business we want to get into? And, by the way, what is a flag? Is the flag a decal? You stick a decal on the side of a hot-dog vendor stand. Well, what is that? What happens if they take these little flags, these little decal things they hand out and put pins on—some are stickers—and burn one of those? Is that desecrating the flag? Is that the business we want to get into as a nation?

Also, this year the proponents of this amendment highlighted the testimony of former Assistant Attorney General Charles Cooper. Here is what former Assistant Attorney General Charles Cooper had to say a few months ago.

> [P]ublic sentiment is not neutral.

Parenthetically, I would note that is a profound observation.

> [P]ublic sentiment is not "neutral"; it is not indifferent to the circumstances surrounding conduct relating to the flag. If such conduct is dignified and respectful, I daresay that the American people and their elected representatives do not want to prohibit it; if such conduct is disrespectful and contemptuous of the flag, I believe that they do.

I believe that, too. It makes my blood boil when I read the testimony of that young guy standing on the floor on the steps of the capitol in Texas saying, "Red, white, and blue, I spit on you," and burning a flag. They are the kind of things that—fortunately, most of us were not around—they are the kind of things that literally start fights with people who do not have a lot of self-control in circumstances like that. And I probably would fit in that category.

But what is the difference? We are going to allow—obviously, public sentiment is not neutral on anything. It is not neutral on what we say about—I happen to be a Roman Catholic. It is not neutral on how some of the far-right folks talk about my church. I do not like the way they talk about the Pope. I do not like the kind of comments they make. I find it offensive. I happen to be a member of the largest single denomination in the United States of America because 33 percent of us are Catholic. There are more Catholics in here than any other single denomination in the Congress, if I am not mistaken.

Should we pass a law saying, "It offends me. It offends me. You can't say those things about my church"? Is that a good idea? That is content. That is content.

So when we talk about the public is not neutral, they are not neutral on anything. Should people have a right to stand up and offend us as some do and make pro-Communist speeches or what about these defiling Nazi types around this country? What about these militia guys, some of whom wear swastikas? I am not labeling all militia people, but some are. The white supremacists—it makes my blood boil when I hear what they say about our country, about Jews, about blacks. But, guess what, folks? They are entitled to say it. It offends all of us, 95 percent of us.

So if I decide, as Mr. Cooper says, public sentiment is not neutral, it is not neutral on that, it is not neutral on the Ku Klux Klan, it is not neutral on white supremacist organizations, it is overwhelmingly opposed, so because it is not neutral, we go with a majority sentiment? Are we prepared to say that? Are we prepared to outlaw their speech? Well, it would make me feel good. I would like to do it. But if we go for them today, who do we go for next?

How about the time when people stood up 40 years ago and made speeches about black equality, made speeches about the rights of blacks to participate in our society? The majority of folks in certain parts of the country, including my State, were not for that. Would they be able to pass a law in the State of Delaware saying you cannot say that? "You're a rabble-rouser, talking about that 19 percent of my population that is black having equal rights."

Probably a significant portion of the American public is offended by some of the more militant aspects of the gay and lesbian movement who stand up and make speeches about what their rights are. The fact that it is not neutral, that we are not neutral on that subject as a nation, then we have a right to outlaw it?

I believe that this whole argument misses—the argument made by those who talk about whether we are neutral on it or not, that we should be able to act on what we are not neutral about—misses the greatest constitutional point.

It misses, indeed, the genius of the first amendment. Here in America the majority, by and large, does not get to choose what can and cannot be said by the minority, or by anyone else for that matter. And the Government, more importantly, is constitutionally restrained from deciding what speech is good and what speech is bad. But that is precisely what the proponents of this amendment say it would do and should do. Let me be precise.

That is what the senatorial and congressional proponents of this amendment mean for it to do. I really do not believe the vast majority of the members of the American Legion and the vast majority of veterans groups and the vast majority of Americans know that it will do this. I do not think they thought that one through. But that is precisely what the proponents of the amendment say it would do and should do. They would have the flag emblazoned with the slogan "Government is great" treated differently than one that says, "Government is rotten."

Get that flag, put on it, "The U.S. Government is great." Does that deface the flag? Put on the same flag, "The U.S. Government is rotten," and what is that? Is that OK? Well, as a U.S. Senator who has occasionally had some scurrilous things said about him because I am part of the Government and because I am who I am, I sure would like to have the power to pass a law saying, "You can't say bad things about me, I'm part of the Government, only good things about me. If they are bad things, you can't say them."

I would like all the newspaper editors in America to understand that from now on, we may have an amendment that you cannot say anything bad about a U.S. Senator, notwithstanding the fact we deserve it and I deserve it.

Under this amendment, the State could send to jail the fringe artist displaying the flag on the floor of an art museum while giving its blessing to a veteran who displays the flag on the ground at a war memorial. That, I believe, is not content neutral.

The State could, as I said, arrest the widow who burns the flag to protest the war that took her husband's life while smiling on the widow who burns the flag in memory of her fallen husband. I believe this type of viewpoint discrimination exacts too high a constitutional price to protect the flag. As Justice Jackson so memorably put it in the flag statute case of 1943:

> The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials. . . If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act or faith therein.

What it boils down to is this: This amendment, as presently drafted, allows the Government to pick and choose, to make flag burning illegal only in certain situations involving only certain circumstances and only if carried out by certain people and only for the time in question, because 2 years later, 5 years later, 20 years later, 40 years later, it can change.

This discrimination is precisely and most profoundly what the first amendment forbids, and the amendment that works this kind of discrimination does not protect the flag, it censors speech.

Another problem with the amendment is that it fails to define the word "flag." This would add yet another layer of difficulty in interpretation and application and open the door further to inconsistencies among the States. Again, each State would have considerable discretion to craft its own definition, and, again, the possibilities are nearly endless.

As Assistant Attorney General Barr testified, the legislation would be able to criminalize conduct dealing not only with the flag as we know it but with, and I quote, "descriptions of the flag, such as posters, murals, pictures, buttons or other representations of the flag."

Indeed, Mr. Barr, in speaking in favor of such a sweeping definition, said that it would, and I quote again, be: "consistent with the Government's interest in preserving the flag's symbolic value because it recognizes that the desecration of representations of the flag damage that interest as much as the desecration of the flag itself."

So in Maine, it might be a crime to draw a flag being fed into a shredding machine. In California, it might be a crime to wear a sequined dress in the pattern of a flag or a flag bikini or T-shirt. In Mississippi, the legislature might make it a crime to put a flag decal on the side of a hot dog vending machine.

This sort of disparity among State laws, whether it is over the meaning of "desecration" or the definition of "flag," is especially inappropriate here where we are talking about the Nation's symbol. This is not the symbol of Mississippi or Delaware, Alabama, South Carolina, California, Maine, or Montana. It is the national symbol. The reason it is worth preserving is because it unifies this diverse Nation, and the notion that a single State can determine what that should be is, on its face, preposterous.

I understand that there is a possibility that the distinguished Senator from Alabama, Senator HEFLIN, and others, may have an amendment to amend this amendment to take out the right of the States to do this. I am not sure of that, but that is what I understand. That would be a positive step, because it is, on its face ludicrous—ludicrous—to allow each State to determine how much they are going to protect the national symbol.

Some States in the past, and I do not say this disrespectfully, decided it should not be our national symbol and decided to have another flag. I do not want any State telling me what that symbol should be and how it should be treated. It is a national symbol.

It is a symbol of the Nation, not of the States, and an amendment which will foster a crazy quilt of laws all across the map misses the point and an important one: It will be more divisive than unifying.

Why is it any less reprehensible to burn a flag in Louisiana than it is in Montana? Why should we be able to wear a flag T-shirt in a wet T-shirt contest in Arkansas or Delaware and not in Florida or California?

Moreover, constitutional rights and principles should know no geographic boundaries. A Delawarean should not be accorded greater freedom of speech than his neighbor across the way in Pennsylvania. A Californian should not have more due process rights than her cousin up north in the State of Washington.

If we want to protect the flag, we should have one national viewpoint-neutral standard. The Constitution, after all, stands for proud and broad principles, not a patchwork of 50 different and idiosyncratic ideas. I agree that we should honor the flag. We should hold it high in our hearts and in our law, but we should not dishonor the Constitution in the process.

With all due respect for my good friends, ORRIN HATCH and HOWELL HEFLIN, I think this amendment does violence to the core of the first amendment principle of viewpoint neutrality. This is the price that I am unwilling to pay. But more to the point, it is a price we do not have to pay to protect the flag. We can do both: Preserve the first amendment in viewpoint neutrality, and we can protect the flag and preserve the first amendment at the same time. And that is what the amendment I now propose seeks to do.

AMENDMENT NO. 3093

(Purpose: Proposing an amendment to the Constitution authorizing Congress to protect the physical integrity of the flag of the United States)

Mr. BIDEN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3093.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE—

"SECTION 1. The Congress shall have power to enact the following law:

" 'It shall be unlawful to burn, mutilate, or trample upon any flag of the United States.

" 'This does not prohibit any conduct consisting of the disposal of the flag when it has become worn or soiled.'.

"SECTION 2. As used in this article, the term 'flag of the United States' means any flag of the United States adopted by Congress by law, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.

"SECTION 3. The Congress shall have the power to prescribe appropriate penalties for the violation of a statute adopted pursuant to section 1.".

Mr. BIDEN. Mr. President, I shall not seek to have a vote on the amendment at this time, under the order.

My amendment is simple and straightforward. It leaves no room for guesswork about what it will mean. It gives the Congress the power to enact—it is a constitutional amendment—it gives Congress the power to enact a specific viewpoint-neutral statute, a statute making it unlawful to burn, mutilate or trample upon any flag of the United States, period. It does not matter who burns, mutilates, or tramples the flag, and it does not matter why. Under my proposal, it would be unlawful to do the flag harm, no ifs, ands, or buts. It makes a single exception for disposing of the flag when it has become worn or soiled, and it says a flag is what we all know a flag to be, that which is commonly displayed and is defined by the Congress. It rules out things like pictures of flags, napkins with flags on them, and other representations of the flag.

My proposal also gives the Congress the power to write appropriate penalties for violating the statute. Let me say at the outset that I am the first to acknowledge that the restriction on flag burning is a restriction on expressive conduct. There are no two ways about it. When Gregory Johnson burned the flag at the Republican convention in 1984 and chanted the words "America, red, white, and blue, I spit on you," he was trying to say something. It may have been no more than an "inarticulate grunt or roar," as Chief Justice Rehnquist puts it, but it was communicative nonetheless.

So let us be honest, any attempt to limit flag burning does limit symbolic conduct, but that was just as true back in 1989 when 91 Senators voted for my Flag Protection Act, which made it a Federal crime to burn, mutilate, or trample on the flag. Let us be honest about another thing. This first amendment does not give symbolic conduct, or any other kind of speech, for that matter, limitless protection. You cannot burn a draft card to protest the war, and you cannot sleep in Lafayette Park to protest the homelessness of America; you cannot spray paint your views on the Washington Monument; you cannot blast them from a sound truck in a residential neighborhood at 3 a.m. in the morning.

When we prohibit flag burning, we are not interfering with a person's freedom to express his or her ideas in any number of other ways. As four Justices noted in the Eichmann case—that is the one that declared my statute unconstitutional—it may well be true that other means of expression may be less effective in drawing attention to those ideas, but that is not itself a sufficient reason for immunizing flag burning. Presumably, a gigantic fireworks display or a parade of nude models in a public park might draw even more attention to a controversial message, but such methods of expression are nonetheless subject to regulation.

We limit the manner in which folks can express themselves all the time, as long as we limit everyone the same way. We cannot say that I can have a fireworks display and you cannot. We cannot say that one nude person could go through a park and another one cannot. We must treat all people the same as long as we do it the same way. But we do limit the ways in which we can express ourselves. And that, Mr. President, is precisely the point.

We cannot let someone make a speech on top of the Capitol in favor of American involvement in Bosnia but tell the person with a contrary view that he cannot go up there and make the same speech. But we can tell them both, and everyone else, that no speeches can be made from the top of the Capitol dome. We just cannot choose among the speakers. We can, thus, restrict the time, place, and manner by which people express themselves. The thing we cannot do is regulate the content of their expression and discriminate between the various viewpoints being expressed.

I think that we can and that we should tell everyone they cannot burn the flag. I agree with Justices Warren, Fortas, and Black that the right to burn the flag does not sit at the heart of the first amendment. But I also agree with Justice Scalia when he said, "The Government may not regulate speech based on hostility or favoritism toward the underlying message expressed." The point of the first amendment is that the majority preferences must be expressed in some fashion other than silencing speech on the basis of content. Yes, I agree with Justices Scalia, Rehnquist, Thomas, Kennedy, and O'Connor in their strong and unequivocal condemnation of viewpoint discrimination just last term in the Rosenberg case. I remind my colleagues, nobody has ever accused Justice Rehnquist of being a radical or a liberal, or Justice Scalia of being a radical or a liberal, or Justice Thomas of being a liberal, and the list goes on. Flag burning may not sit at the heart of the first amendment, but the principle against viewpoint discrimination does sit at the heart of the first amendment.

This is one of those defining constitutional principles that sets America apart and, in so many ways, above other nations. Here, the Government cannot regulate speech based on the viewpoint of the speaker. Here, the Government cannot pick and choose between speech it likes and speech it does not like, and criminalize what it rejects but not what it respects.

That is the bedrock first amendment principle upon which my proposed amendment is based, and it is the principle—the core principle, in my view—that separates my proposal, my constitutional amendment, from the one proposed by Senators HATCH and HEFLIN.

Their amendment allows and, in fact, encourages viewpoint discrimination. Mine, flatly stated, prohibits it. Their amendment would send to jail a guy who burns the flag to protest the war, but not the guy who burns the flag to praise the war. My amendment would throw them both in jail, if that is what the Congress decides to legislate. Their amendment would make it a crime to walk on the flag at a college campus sit-in, but not at the war memorial. My amendment would criminalize both, if that is what the Congress legislated.

In my view, it does not matter why you burn or mutilate or trample on the flag; you should not do it, period. I do not care whether you mean to protest the war or praise the war or start a war. You should not do it. Our interest in the flag is in the flag itself as a unifying symbol. I might add, the person riding down Constitution Avenue watching the veteran burn the flag to memorialize his colleagues has no notion why he is doing it. All he knows is that the national symbol is being burned. Under their amendment, you would have to get close enough to hear what was being said in order to determine whether or not it should be allowed or not allowed. I find it no less demeaning that someone would, in order to pay respect to my deceased family, trample across our grave plots than I would if someone tramples across them to show disrespect. I do not want anybody trampling where my family is buried. I do not want anybody burning the flag, whether they are doing it to praise me or condemn me. They should not do it.

Our interest is in the flag—in the flag itself—not in advancing or silencing any particular idea that the flag destroyer might have in mind. But do not take my view for it, ask a Boy Scout. If a Scout sees a flag dip to the ground, he runs to pick it up, does he not? That is how I trained my boys and my daughter. That is how I was trained as a Scout from the time I was a little kid. It does not matter why it fell; do not let it touch the ground. He does not care why the flag is on the ground, he does not care who let it fall, he does not care what somebody might have been trying to say when they let the flag fall; all he knows is that the flag is something special and it should not be on the ground. And so it should be with all of us.

If the only justification for protecting this flag, Mr. President, and if it, in fact, is the unifying symbol of a diverse nation and it serves a greater Government purpose of holding us together or reminding us how we are the same and not different, if that is not the purpose, then this exercise is profane, the exercise we are undertaking is profane.

For what else is the reason? Interested in a cloth maker, we do not want them burned? Or we have a greater interest in cloth makers, so they can buy and sell more flags? What is the purpose?

It either unifies or does not; it either should be soiled or not soiled. We cannot have any other rationale that I can come up with. The flag is a cherished symbol, not as a vehicle for speech; it is a cherished symbol, period. That is why it should be protected.

That is what my amendment does. The amendment authorizes Congress, and Congress alone—not the States—for, as I said earlier, I do not want any other State defining to me what my national symbol means. This is a national symbol. This is the National Government, and the National Government should have unifying rules about the national symbol. That is what my amendment does. Only the National Government, speaking for the Nation as a whole, can speak to how we should treat that unifying symbol.

This means my amendment would not let some violate the physical integrity of the flag but not others. Under this amendment, no one will be able to do the flag harm. With viewpoint neutrality as its signpost, the amendment preserves the first amendment's cardinal value.

The amendment also ensures that the implementing legislation will be viewpoint neutral, and it makes sure that there will not be a patchwork of conflicting local flag protection laws. What will be a crime in Delaware will also be a crime in Utah. There will not be a place in the Nation you can go and legally burn my flag, our flag. We do not have a flag T-shirt contraband in Minnesota but it is all the rage down in Florida.

Under this amendment, unlike the Hatch-Heflin provision, we know what we are getting. We are getting legislation that protects the flag while at the same time preserves our speech; at the same time, presenting prosecutions and convictions based upon viewpoint discrimination.

To be sure, my amendment impacts first amendment values, but I believe, on balance, that it stands in the proud tradition of many legal scholars from Justices Harlan to Fortas, from Black to Stevens, from Chief Justice Warren to Justice Burger, who believe that flag protection and free expression are not incompatible.

I join them in believing that the singular symbol of our Nation ought to be protected. They recognize, as Justice Holmes once said, "We live by symbols." We live by symbols. I share that view. We must protect both the flag and the first amendment. One is a symbol, the other is the heart of the Nation and who we are as a people.

We must protect the flag because it is a unique and unifying symbol of our Nation, and we must protect the first amendment because it is our single greatest guarantee of freedom in this country.

The amendment that I propose today does nothing more than authorize a single law protecting the flag. It does nothing less than respect the core first amendment values of neutrality and equality. We can protect both the flag and the liberties for which it stands, but, in my humble opinion, the Heflin-Hatch amendment sacrifices one for the other. I will at the appropriate time strongly urge my colleagues to reject their amendment and hopefully vote for mine, instead.

In conclusion, Mr. President, I also respect those who believe my amendment should not become part of the Constitution. I respect them very much. What I do not think anyone can disagree with is that there is a fundamental distinction between the amendment in terms of its impact on the first amendment.

My objective here, as much as protecting the flag, is in fact to protect and guarantee the first amendment. As I say, there is no one on this floor since I have been here who has been more deeply involved in attempting to protect the flag than I have.

I authored the first statute that passed. I authored this amendment 5 years ago, but I do not take kindly to the notion that we are going to consider an amendment that may very well pass, that will, in fact, allow the Federal Government and State Governments for the first time to choose among the types of speech they wish us to be able to engage in: criminalize one, and not the other. If it is a national symbol, protect it, period.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from South Carolina.

Mr. THURMOND. Mr. President, the American people overwhelmingly support this proposed constitutional amendment Senate Joint Resolution 31. Poll after poll has shown that nearly 80 percent of all Americans favor legally protecting the American flag against acts of physical desecration. Forty-nine State legislatures have called upon Congress to pass and send to the States for ratification a flag-protection amendment. Three hundred and twelve Members of the other body have already voted for this amendment.

This is not a partisan issue. Ninety three Democratic Representatives, nearly half of the Democratic Members of the House, voted in favor of this amendment. The Democratic leader, DICK GEPHARDT voted "yes," as did 2 Democratic whips, 2 cochairs of the Democratic Policy Committee, the chairman of the Democratic Congressional Campaign Committee, and 36 ranking committee and subcommittee members. It is truly nonpartisan. Here in the Senate, amendment cosponsors include both Republican and Democrats. Old Glory is not a Republican banner or a Democratic banner. The American flag is a symbol of our unity as a Nation—it represents all Americans, regardless of party or philosophy.

Last Thursday, December 7, was one of those days which holds a special place in our history; the anniversary of the attack on Pearl Harbor. It is a day when we are particularly mindful of the unique symbolism of the American flag.

The flag, which flies today and everyday over the remains of the U.S.S. *Arizona*, one of the ships sunk during the Japanese attack, and which has been preserved as a monument to those who perished in that attack, represents our Nation and all that it stands for; the freedoms and ideals that have inspired generations of brave Americans to fight, and in some cases, to give their lives, in its defense. More than 2,300 brave Americans made the ultimate sacrifice for that flag and the Nation it represents on that fateful day 54 years ago.

The flag is the one symbol that unites our very diverse people in a way nothing else can, in war or in peace. Whatever our differences of race, ethnic background, religion, social or economic status, geographic region, politics, or philosophy, the American flag forms a unique, common bond among us.

The American flag is more than a symbol of unity to the people of this Nation. For generations, it has served as a symbol of hope and of freedom to people around the world.

For over 200 years, the American people enjoyed the right to protect one unique national symbol, their flag, from acts of physical desecration. This right was exercised by the Congress and the 48 States which adopted flag protection statutes, until two wrongly decided, 5 to 4 Supreme Court decisions took away that right.

It is up to the Senate to decide whether to acquiesce in Supreme Court decisions which misconstrue the first amendment and leave our national symbol with no greater protection than an ordinary rag.

I believe that protecting our flag against acts of physical desecration does not infringe on constitutionally protected freedom of speech. I believe that Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas were correct when they wrote that the first amendment, which those distinguished jurists so passionately defended, does not bar Congress from prohibiting physical desecration of the American flag.

Amending our Constitution is not an easy task, nor should it be undertaken lightly. With respect to enacting legal protection for the American flag, however, the decisions of the Supreme Court in the Johnson and Eichman cases make it absolutely clear that a constitutional amendment is the best approach. We have tried the statutory approach. In 1989, after the Johnson decision, Congress promptly enacted a flag protection statute; and the Supreme Court just as promptly struck it down in the Eichman case. I have great respect for my colleague, Senator MCCONNELL, who proposes to substitute for this amendment a flag protection statute. We share the goal of protecting our flag from physical desecration. But I respectfully suggest to my colleague that his approach, however sincere and well intentioned, will not accomplish that goal. In light of the decisions of the Supreme Court, I believe that a constitutional amendment is the best method available to the Senate and the American people for restoring legal protection to our flag.

I ask unanimous consent to have printed in the RECORD letters dated October 23, 1995, from two distinguished scholars, Richard Parker of the Harvard Law School and Stephen Presser of Northwestern University School of Law, on this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARVARD LAW SCHOOL,
Cambridge, MA, October 23, 1995.

DANIEL S. WHEELER,
Citizens Flag Alliance,
Indianapolis, IN.

DEAR DAN, Thank you for sending the portion of the Congressional Record for October 19 including the "Flag Protection and Free Speech Act of 1995" proposed by Senator McConnell on behalf of himself and Senators Bennett and Dorgan.

The proposed statute would be struck down by the Supreme Court. The statute, therefore, does *not* offer a viable alternative to an amendment of the Constitution allowing the representatives of the people—if they so choose—to protect the U.S. flag against "physical desecration". The truth is that the only way to enact the statute they propose would be to enact the constitutional amendment first.

The Congress tried once before to find an alternative to constitutional amendment. In 1989, after the Supreme Court struck down a Texas prohibition of flag desecration in the *Johnson* case, Congress was persuaded to try to write a "neutral" statute protecting the flag that, it hoped, would satisfy the Court's 5-4 majority. Congress enacted such a statute in October 1989. In June 1990, the Court's majority struck it down in the *Eichman* case. The Court made its view perfectly clear: No statute will pass muster if it singles out the flag of the United States for protection against contemptuous abuse. Such a statute, in the opinion of the five Justices, involves taking sides in favor of what is uniquely symbolized by the flag—our "aspiration to national unity." This singling out of the flag for protection, they believe, violates the Constitution as it now stands.

Of course, Senator McConnell, speaking for Senator Bennett and Senator Dorgan, says they hope to satisfy the Court by confining punishment of "[a]ny person who destroys or damages a flag" (a) to those who do so with intent to "incite or produce imminent violence or a breach of the peace" and (b) to those who steal the flag they go on to "destroy or damage" from the United States or on certain federal lands. Because the First Amendment permits prohibition of "fighting words" and of theft generally, the Senators seem to believe that it also will be held to permit singling out flag abuse, within those two contexts, for particular prohibition.

This ploy won't work. By singling out the flag for protection against physical abuse, the proposed statute still "takes sides" in favor of what is symbolized by the flag. Senator McConnell, in his remarks on the floor of the Senate, made clear that this is indeed the intent behind the statute. He said he is "disgusted by those who desecrate our symbol of freedom." "[W]e should have zero tolerance for those who deface the flag," he proclaimed. Although he also said he hopes to satisfy the 5-4 majority of the Court that decided *Eichman*, that majority would look at his remarks and at the face of the proposed statute—and it definitely would *not* be satisfied.

In fact, there is a Court decision even more recent than *Eichman* that would doom the proposed statute, in the absence of a new constitutional amendment authorizing prohibition of physical desecration of the flag. It is *R.A.V. v. St. Paul*, handed down in 1992. In that case, a 5-4 majority of the Justices struck down an ordinance that singled out particular offensive sorts of expression, within the general category of "fighting words," for prohibition. This, the Court held, involved a taking of sides among sorts of messages and, so, was invalid. The fact that "fighting words" in general may be prohibited, the Court said, does *not* allow government to write and enforce laws that prohibit particular ideological sub-categories of "fighting words." The statute proposed by the three Senators thus would be held to violate the Constitution as it is now written—not just arguably, but patently.

Senator McConnell spoke last Friday of respect for the Constitution. The question I would ask the three Senators, then, is this: Does proposing to enact a statute that is in patent violation of the Court's interpretation of that document show respect for it?

Isn't the path that is most respectful of the Constitution the one originally specified by the founding fathers in Article V—the path of constitutional amendment?

The deepest question, however, is this: Do the three Senators believe the flag is no different from any other symbol—that it is not unique, not uniquely valuable? Or do they want to single out the flag and *take sides* in favor of what is uniquely symbolized by it? If that is their view, then they have only one real choice now: to support a narrowly-focused constitutional amendment that would permit us to do the thing that they tell us they believe we should do.

It is that simple.

Sincerely,

RICHARD D. PARKER,
Professor of Law.

RAOUL BERGER, PROFESSOR OF LEGAL HISTORY, NORTHWESTERN UNIVERSITY SCHOOL OF LAW,
Chicago, IL, October 23, 1995.

DAN WHEELER,
President, Citizens Flag Alliance, Indianapolis, IN.

DEAR DAN: You have asked me for my thoughts regarding the constitutionality and the wisdom of the statute to deal with flag desecration recently proposed by Senators McConnell, Bennett, and Dorgan, S. 1335, which appears in the Congressional Record for October 19, 1995. I must admit that I was surprised that three distinguished Senators could take the position that legislation on flag desecration could survive constitutional challenge, in light of the Supreme Court's decisive rejection of the statutory route in U.S. v. Eichman, 496 U.S. 310 (1990). You will remember that when a similar statutory approach was proposed by Senator Biden and others after the Johnson case, Judge Bork, Charles Cooper, and I testified before the Senate that no statute could pass Constitutional muster, and though Lawrence Tribe and others told the Senate that a flag protection statute would not be found unconstitutional, they were wrong, and we were proved right. It could not be clearer that the same thing would happen to the proposed statute once it were challenged in court.

The new proposed statute is grounded in Constitutional error in two ways. First, and most obvious, is the implication made in Section (2) of the "Findings" clause which suggests that the proposed Flag Protection Amendment is an alteration of the Bill of Rights. It is no such thing, as I and others testified before the House and Senate Subcommittees this summer. The proposed Amendment does nothing to alter the guarantee of the freedom of speech in the First Amendment. Once the Flag Protection Amendment becomes law, no one will find themselves unable to express any ideas; only one particularly odious act will have been barred, an act that is, after all, as Chief Justice Rehnquist suggested, more like "an inarticulate grunt," than the expression of a political view. The Proposed Flag Protection Amendment merely returns Constitutional law to where it was in 1989, where it was before *Johnson*, and where it had been for over a hundred years. The Flag Protection Amendment, in other words, merely corrects the erroneous constitutional interpretation of the majority in the *Johnson* case. It returns us to the view that the Bill of Rights has nothing to say which bars flag protection legislation, a view that was not only held by Justice Rehnquist, but also by such well known defenders of the Bill of Rights as Hugo Black and Earl Warren, as I and others made clear in our Congressional testimony on the Amendment.

The second clear constitutional error made by the proposed statute is the assumption, also expressed in the "Findings" section, that the proposed statute can be successfully grounded in the "fighting words" doctrine, in the notion that the statute could (without a supporting Constitutional Amendment) be justified because flag desecration presents "a direct threat to the physical and emotional well-being of individuals," or in the notion that flag desecration might be intended to "incite a violent response." These justifications have already been clearly rejected by the Supreme Court. In the *Johnson* case itself, the court stated:

"The State's position, therefore, amounts to a claim that an audience that takes serious offense at particular expression is necessarily likely to disturb the peace and that the expression may be prohibited on this basis. . . Our precedents do not countenance such a presumption. On the contrary, they recognize that a principal "function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger." . . . It would be odd indeed to conclude both that "if it is the speaker's opinion that gives offense, that consequence is a reason for according it constitutional protection,". . . and that the government may ban the expression of certain disagreeable ideas on the unsupported presumption that their very disagreeableness will provoke violence."

Texas v. Johnson, 491 U.S., at 408-409 (1989) (citations and footnotes omitted). In other words, the very justification now offered by the three Senators for their legislation was the very position of Texas rejected in *Johnson*. In *Johnson* the court expressly rejected the application of the "fighting words" or imminent breach of the peace rationales offered by Texas (and offered by the three senators), and then went on to declare, "No reasonable onlooker would have regarded Johnson's generalized expression of dissatisfaction with the policies of the Federal Government [his act of flag-burning] as a direct personal insult or an invitation to exchange fisticuffs." 491 U.S., at 409. The court would be bound to reach the same conclusion in any test of S. 1335.

Taken together U.S. v. Eichman and Texas v. Johnson, in my opinion, make as clear as can be that the Supreme Court would find S. 1335 to be an impermissible attempt to engage in the kind of content discrimination in expression that the Court has declared constitutionally invalid. I think that the Court's reasoning is faulty when what we are speaking of is preventing flag desecration, since I do not regard that as the kind of speech the Framers of the First Amendment sought to protect. Nevertheless, since the Court has been obdurate on this point, it is now clear that only a Constitutional Amendment can protect the flag in the manner Senators McConnell, Bennett, and Dorgan indicate that they clearly desire. My feeling is that rather than fearing such a Constitutional Amendment they should embrace it. It is a profound demonstration of the feeling of the American people, and is the people's time-honored way of correcting erroneous constitutional interpretations of the Supreme Court. The proposed Flag Protection Amendment is no infringement of the Bill of Rights, it is, instead, a wonderful exercise in the popular sovereignty the Bill of Rights was designed to protect.

Please forgive me for going on at such length. As you can tell, I feel strongly on this issue, and believe the Flag Protection Amendment is sorely needed. Please let me know if I can provide any further assistance.

With very best wishes,

STEPHEN B. PRESSER.

Mr. THURMOND. Mr. President, I believe it is time for the Senate to join with the House in heeding the will of the American people by passing this amendment and sending it to the States for ratification.

Mr. President, I ask unanimous consent that a list of 105 organizations of the Citizens Flag Alliance, supporting Senate Joint Resolution 31, be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CITIZENS FLAG ALLIANCE, INC.,
MEMBER ORGANIZATIONS

1. AMVETS (American Veterans of WWII, Korea and Vietnam).
2. African-American Women's Clergy Association.
3. Air Force Association.
4. Air Force Sergeants Association.
5. Alliance of Women Veterans.
6. American Diamond Veterans, National Association.
7. American GI Forum of the U.S.
8. American GI Forum of the U.S., Founding Chapter.
9. The American Legion.
10. American Legion Auxiliary.
11. American Merchant Marine Veterans.
12. American War Mothers.
13. Ancient Order of Hibernians.
14. Association of the U.S. Army.
15. Baltic Women's Council.
16. Benevolent & Protective Order of the Elks.
17. Bunker Hill Monument Association, Inc.
18. Catholic Family Life Insurance.
19. The Chosin Few.
20. Congressional Medal of Honor Society of the USA.
21. Croatian American Association.
22. Croatian Catholic Union.
23. Czech Catholic Union.
24. Czechoslovak Christian Democracy in the U.S.A.
25. Drum Corps Associates.
26. Enlisted Association National Guard U.S. (EANGUS).
27. Family Research Council.
28. Fleet Reserve Association.
29. The Forty & Eight (La Societe des Quarante Hommes et Huit Chevaux).
30. Fox Associates, Inc.
31. Gold Star Wives of America, Inc.
32. Grand Aerie, Fraternal Order of Eagles.
33. Grand Lodge Fraternal Order of Police.
34. Grand Lodge of Masons of Oklahoma.
35. Great Council of Texas, Order of Red Men.
36. Hugarian Association.
37. Hungarian Reformed Federation of America.
38. Italian Sons and Daughters of America.
39. Knights of Columbus.

Korean American Association of Greater Washington.

41. Laborers' International Union of N.A.
42. MBNA America.
43. Marine Corps League.
44. Marine Corps Mustang Association, Inc.
45. Marine Corps Reserve Officers Association.
46. Military Order of the Purple Heart of the USA.
47. Moose International.
48. National Alliance of Families.
49. National Association for Uniformed Services.
50. National Center for Public Policy Research.
51. National Cosmetology Association.
52. National Federation of American Hungarians, Inc.
53. National Federation of Hungarian-Americans.
54. National Federation of State High School Associations.
55. National Flag Foundation.
56. National Grange.
57. National Guard Association of the U.S.
58. National League of Families of Am. Prisoners and Missing in SE Asia.
59. National Officers Association (NOA).
60. National Organization of World War Nurses.
61. National Service Star Legion.
62. National Sojourners, Inc.
63. National Vietnam Veterans Coalition.
64. Native Daughters of the Golden West.
65. Native Sons of the Golden West.
66. Navajo Codetalkers Association.
67. Navy League of the U.S.
68. Navy Seabee Veterans of America.
69. Navy Seabee Veterans of America Auxiliary.
70. Non-Commissioned Officers Association.
71. PAC Craft Sailors Association.
72. Patrol Craft Sailors Association.
73. Polish American Congress.
74. Polish Army Veterans Association (S.W.A.P.).
75. Polish Falcons of America.
76. Polish Falcons of America—District II.
77. Polish Home Army.
78. Polish Legion of American Veterans, USA.
79. Polish National Alliance.
80. Polish National Union.
81. Polish Roman Catholic Union of North America.
82. Polish Scouting Organization.
83. Polish Western Association.
84. Polish Women's Alliance.
85. RR Donnelley & Sons, Company.
86. Robinson International.
87. Scottish Rite of Freemasonry—Northern Masonic Jurisdiction.
88. Scottish Rite of Freemasonry—Southern Jurisdiction.
89. Sons of The American Legion.
90. The Orchard Lakes Schools.
91. The Retired Enlisted Association (TREA).
92. The Travelers Protective Association.
93. The Uniformed Services Association (TUSA).
94. Ukrainian Gold Cross.
95. United Armed Forces Association.
96. U.S. Coast Guard Enlisted Association.
97. U.S. Marine Corps Combat Correspondents Association.
98. U.S. Pan Asian American Chamber of Commerce.
99. U.S.A. Letters, Inc.
100. U.S.C.G. Chief Petty Officers Association.
101. Veterans of the Vietnam War, Inc.
102. VietNow.
103. Women's Army Corps Veterans Association.
104. Women's Overseas Service League.
105. Woodmen of the World.

Total Count: 105.

June 26, 1995.

Mr. THURMOND. Mr. President, I hope Senators read this list of the Citizens Flag Alliance member organizations, like the AMVETS, the American Legion—not only the veterans organizations, but law enforcement organizations, religious organizations, and fraternal organizations all over this Nation, 105 of them. That is what I am putting in the RECORD. I hope the Senate will take occasion to read this list and that the Congress will pass this amendment without further debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, if the Senator from Utah desires the floor, I will yield to him.

Mr. HATCH. Will the Senator yield? I ask unanimous consent the distinguished Senator from Illinois be granted 5 minutes, and I ask further unanimous consent I be then recognized to call up an amendment or modification and to speak to that for a few minutes. Then I ask unanimous consent the distinguished Senator from South Carolina be next recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I am proud of the flag. I remember one of the times when I was in the Armed Forces before I went overseas. When you were at a football game and they played the "Star Spangled Banner" and you could salute that flag in that uniform, you had to be cold hearted if you did not get a thrill out of it.

At my home in rural southern Illinois, you will see a flag flying. We are proud of that flag. But I strongly oppose a constitutional amendment.

What is the big problem? The Congressional Reference Bureau says, in 1994, three flags around the Nation were burned. In 1993, how many flags were burned around the Nation? Zero. If we adopt an amendment to the Constitution, there will be more flags burned in protest, not fewer. There will always be somebody who is so extreme that he or she is going to do it. And, if we ban the burning of the flag, what about the Constitution? You know, prior to the Civil War, in Massachusetts, because the Constitution permitted slavery, you had over 3,000 people gathered in the home State of my colleague from Massachusetts who gathered and burned the Constitution. Are we going to have another amendment to ban burning the Constitution?

What about the Bible? That is certainly sacred to millions of Americans. Are we going to make a constitutional amendment on that?

Take a look at the New York Times, June 22, 1989. "Supreme Court, 5 to 4." I happened to disagree with that decision. Incidentally, Justice Hugo Black earlier disagreed with that idea. But by a 5 to 4 majority, including Justice Scalia in the majority, the Supreme Court said you can, as part of freedom of expression, burn the flag.

Right next to it on the front page of the New York Times it says, "Chinese Execute Three in Public Display for Protest Role." That is what America is all about, that we can protest in freedom. I do not happen to like protests with burning the flag. But we can stand up and do that.

Mr. President, prior to your coming here, one of the most conservative men I ever served with in the U.S. Congress was Senator Gordon Humphrey of New Hampshire. He was more conservative than Senator THURMOND who just spoke and usually was listed as more conservative than Senator HELMS. He got up in opposition to this amendment on the floor. Listen to what Gordon Humphrey had to say.

> I understand the revulsion and the disgust and the popular cry for remedy that arose out of the Johnson decision. I understand that very well. But it seems to me there are times when this body at least ought to be able to rise above popular passion and Gallup polls and political leverage for the next elections and do what is right for posterity. Lord knows, we do not do it with respect to the budget process or any fiscal matters. Let us at least do it with respect to our precious natural rights and the preservation of the Constitution.

Gordon Humphrey, one of the most conservative Members that Senator HATCH or Senator KENNEDY or Senator HEFLIN or Senator HOLLINGS or I served with.

You do not get patriotism by passing laws. We get patriotism by having the kind of government our Americans can be proud of. And, for all its flaws, I am proud of this Government and I am proud of the flag that represents that Government. But, to start, because three people last year burned a flag, and say we are going to rush in to having a constitutional amendment, that is ridiculous. That is not honoring the Constitution as we should.

Mr. President, I yield the floor. I thank my colleague from Utah for his courtesy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my colleague from Illinois. I do not agree with him, but I thank him. He is ever so gracious.

AMENDMENT NO. 3094

(Purpose: To strike the authorization with respect to the States)

Mr. HATCH. Mr. President I send an amendment to the desk in the nature of a substitute for and on behalf of myself, Senator HEFLIN, and Senator FEINSTEIN.

I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Utah [Mr. HATCH], for himself, Mr. HEFLIN, and Mrs. FEINSTEIN, proposes an amendment numbered 3094.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the resolving clause and insert the following:
>
> That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:
>
> "ARTICLE —
>
> "The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

Mr. HATCH. Mr. President, all this amendment does is delete the States from the original amendment. It will become the underlying amendment that others will try to amend.

So I ask unanimous consent that the amendment be agreed to.

I withhold that.

Mr. BYRD. Mr. President, reserving the right to object.

TRIBUTE TO SENATOR HEFLIN

Mr. HATCH. Let me just say this, Mr. President. I would like to spend a minute or two talking about my friend, Senator HEFLIN. Let me just ask my colleagues for their indulgence for a few moments.

I would like to express my appreciation to my colleague from Alabama, Senator HOWELL HEFLIN. This is the Hatch-Heflin amendment and Senator HEFLIN and his staff have worked very hard in its favor.

Many of us know HOWELL HEFLIN as a fine lawyer, judge, and Senator. I am not sure my colleagues are aware of another side of the man. I know that others in the Senate served in the military. I know Senator THURMOND, for example, took part in the Normandy invasion and fought in both the European and Pacific theaters. He parachuted behind the lines in those days, and he is a hero to all of us.

HOWELL HEFLIN won the Silver Star as a Marine officer in World War II and later, in the same conflict, was wounded in the hand and leg.

The Birmingham News of October 10, 1944, has quite a story on our colleague, noting that "he is home again in Alabama to modestly and reluctantly tell the stories of a Marine first lieutenant's not-to-be-envied life in the Pacific." Nearly 50 years later, in a 1994 D-day story in the Washington Times, the reporter remarked, "When discussing these battles, the senator never uses the personal pronoun. It's always 'we,' referring to the Marines who fought beside him. He is clearly made uncomfortable when asked to comment on his personal valor."

You can blame our two staffs, Senator HEFLIN, and I believe our colleagues and the listening audience should know this about our colleague: This is signed by James Forrestal, Secretary of the Navy, from the citation in presenting the Silver Star to him:

> For conspicuous gallantry and intrepidity as Commanding Officer of an Assault Platoon attached to a company of the First Battalion, Ninth Marines, Third Marine Division, during the Battle of Piva Forks, Bougainville, Solomon Islands, on November 25, 1943. When his men were subjected to intense fire from hostile mortars and automatic weapons while advancing on a strongly organized and defended Japanese position, First Lieutenant Heflin promptly and skillfully deployed his platoon and courageously led it through difficult jungle terrain under a barrage of grenades and gunfire to the edge of the enemy's position. Directing his troops in a vigorous, prolonged battle, he frequently exposed himself to devastating fire at close range in order to control the attack more effectively and, by his unflinching determination and aggressive fighting spirit, contributed materially to the defeat of the enemy and the attainment of his company's objective. First Lieutenant Heflin's expert leadership and fearless conduct under extremely hazardous conditions were in keeping with the highest traditions of the United States Naval Service.

One of his fellow marines from Alabama in the same division, Conrad Fowler, tells a story in the February 12, 1995, Birmingham News. The young

HEFLIN was among the first wave to storm Guam, the year following Bougainville. There, he was wounded as I mentioned earlier, and Mr. Fowler helped evacuate him.

> Howell was a big guy and we found four of the biggest Marines we could find to carry his stretcher, said Mr. Fowler. The last I saw of them they were going over a hill toward the beach, and Howell was limping along with a stick, and the four Marines were following him, carrying the empty stretcher.

Here is the bottom line. We can say, nearly 52 years later, as he approaches the close of his public service next year, that the words used to describe HOWELL HEFLIN at the outset of his service to his country have marked the man throughout his life: "unflinching determination"; "aggressive fighting spirit"; "expert leadership"; and, "fearless conduct."

I want him to know how much I appreciate working with him in the Senate and on the Judiciary Committee, and, in particular, on this very important amendment that I think would set the tone in this country and would establish a debate on values all over this country that is long overdue.

COMPROMISE

Mr. HATCH. Having said that, Mr. President, on behalf of Senator HEFLIN, Senator FEINSTEIN, and myself, what we have offered here is a compromise. It deletes the States from the amendment. Only Congress will be given power to protect the flag, if this amendment is adopted.

If the amendment I have offered is adopted, the revised amendment would read as follows:

"The Congress shall have power to prohibit the physical desecration of the flag of the United States."

This means that only Congress will define the flag of the United States. Only Congress will determine what conduct is illegal. There will not be 50 or 51 different laws protecting the flag, just one. So those who are concerned about a multiplicity of flag protection laws, those who are unwilling to let State legislators handle this issue—the amendment just offered will meet those concerns. We have, frankly, gone a long way with this amendment. Frankly, I did not want to make this concession. Restoring the state of the law prior to the Supreme Court's errors in Johnson and Eichman seems perfectly appropriate to this Senator, and quite a few of my colleagues. But I am faced with the task of trying to assemble 66 votes, and I could not count on those votes with Senate Joint Resolution 31 as introduced. We have a better chance if we limit power to protect the flag to Congress. This would, if ratified, still authorize meaningful protection for the flag.

With some reluctance, the American Legion and the Citizens Flag Alliance support the amendment. Sometimes compromise is necessary in order to try to get the votes needed to pass a particular measure. We are trying to gain the necessary support for a flag protection amendment by seeking to delete the States from the amendment. I believe the flag protection amendment supporters in the other body would accept such a compromise.

I urge all of the cosponsors and other supporters of Senate Joint Resolution 31 as introduced, to support this amendment. I ask the opponents of Senate Joint Resolution 31 as introduced to bend a little, as well. Let us send a revised amendment to the other body and to the States and offer the flag protection at the Federal level.

I also hope that President Clinton will reconsider his opposition to a constitutional amendment protecting. We have gone more than halfway on this.

COMPROMISE II

Mr. President, under the substitute I have offered, along with Senators HEFLIN and FEINSTEIN, only Congress can write a statute protecting the American flag. With reluctance, the American Legion and the Citizens Flag Alliance have endorsed this substitute.

For those of my colleagues who have been worried about letting the American people have the power to protect the flag through their State legislatures, they need worry no longer. For those of my colleagues who do not trust State legislators to protect the American flag in a reasonable way, their concerns are over with this amendment.

My question to those colleagues is this: Do you trust yourselves to write a reasonable statute protecting the American flag? If the amendment is ratified, there are ample safeguards. Here in the Senate, members of the Judiciary Committee on both sides of the aisle are going to be vigilant in writing the statute sent to the floor. The cloture rule provides ample protection to a minority of Senators who disapprove of any such statute pending on the Senate floor. The President can veto a measure he does not like, requiring a two-thirds vote. We already know how difficult it is to try to get such a vote on this issue.

Some of my colleagues are concerned about flag bathing suits. This was, in my view, an exaggerated concern at best, but I have not heard any of the congressional supporters of the amendment express a desire to cover bathing suits. Senators KENNEDY, LEAHY, SIMON, and FEINGOLD raised the question in the committee views: "Would desecration include flying the flag over a brothel?" That is on page 77 of their views. Since the amendment talks about physical desecration of the flag, this concern was, frankly, totally misplaced to begin with. But since they will have a say in writing the only statute authorized by the substitute amendment, I hope their concerns have been substantially reduced.

This is not the time and place to consider what a Federal statute will look like and I have not given it much consideration because it is premature to do so. But I do pledge that we will have fair consideration concerning a proposed statute, if Congress and the States ratify the amendment.

Mr. President, we have made a major concession. With the deletion of the States from the amendment, continued opposition to the amendment means just one thing: It is simply not important enough to protect the American flag by amendment, even with one uniform Federal standard throughout the Nation. I hope that some of my colleagues who have opposed this amendment in the past will seriously reconsider their opposition. I think this is a compromise everyone can defend.

The notion that physical desecration of the American flag is a fundamental right is an invention of five Supreme Court Justices who made a mistake. If just one Justice had come out the other way, we would not even be on the floor of the Senate debating this issue today.

And something else would also be true: The liberties of the American people, including freedom of speech, would be intact. Our liberties seemed to survive the 1 Federal statute and 48 State statutes protecting the flag remarkably well. But to listen to the overwrought, overblown, and misplaced concerns of the critics of the amendment, one would think we were living in the Dark Ages prior to 1989, when the Supreme Court effectively struck them all down. What nonsense. Indeed, the irony is, as I pointed out last Wednesday, during the time these flag protection statutes were put on the books, the parameters of freedom of speech actually expanded in this country.

We can protect the flag, preserve our liberties, and give voice to a fundamental value Americans hold dear, protection of the flag that represents them, their ideals, their principles, their history, and their future.

One final note, Mr. President. And that is, what is wrong with letting the American people make the determination here? Should three-quarters of the States ratify this amendment, what is wrong with trusting Congress to write a reasonable statute that would determine once and for all what physical desecration is all about? We can do it, and we can do it right without infringing upon scarves or swimming suits or sweaters or ties or any number of other items which can be worn with great pride and belief in the flag of the United States.

Mr. President, I ask unanimous consent—and I understand this has been agreed to by both sides—I ask unanimous consent that our amendment, the Hatch-Heflin-Feinstein amendment be agreed to and that it be considered as original text for purposes of further amendment so these other amendments can be considered.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object——

Mr. HATCH. I thank the Senator.

Mr. BYRD. Mr. President, under my reservation, it is my understanding that Mr. HOLLINGS has gotten unanimous consent to speak immediately following the conclusion of Mr. HATCH's remarks.

I ask unanimous consent that at the conclusion of the remarks by Mr. HOLLINGS, I may be recognized for not to exceed 45 minutes to speak out of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I have no objection to the previous request. I have been asked by Mr. KENNEDY to request that at the conclusion of my remarks he, Mr. KENNEDY, be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

Mr. HATCH. I ask that my unanimous-consent request be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 3094) was agreed to.

Mrs. FEINSTEIN addressed the Chair.

Mr. HATCH. I urge the amendment be agreed to.

The PRESIDING OFFICER. The amendment has been agreed to by unanimous consent.

Mr. HATCH. It has been agreed to. All right. Then I move to reconsider.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following the remarks of Senator KENNEDY, who will follow Senator HOLLINGS and Senator BYRD, Senator FEINSTEIN be given an opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank my colleagues.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I have before us this afternoon two opportunities that could be looked upon by my distinguished colleague from West Virginia as not an opportunity at all.

We have debated the balanced budget amendment to the Constitution already for a month this year. And on Friday, when we were formulating a unanimous-consent agreement, I was asked by our distinguished staff if I had amendments. I said I had two amendments. They cautioned that I would perhaps have to be prepared to debate them on Monday. I said I would be delighted. They said it could be under a time limitation. I said that would be very much agreeable to this particular Senator.

A point of order could be raised perhaps about the relevancy of my amendment, and if it were and I was ruled not to be in order, I would have to appeal that in order to get a vote.

This particular Senator has waited all year long. I have carried around in my pocket the amendment itself. I know the distinguished Speaker of the House has his contract. The distinguished Senator from West Virginia has the Constitution that he carries around in his pocket. There he is. And I have dutifully—in order to bring the truth to the American public—carried around an amendment to the Constitution for a balanced budget that did not repeal the formal statutory law signed by President Bush, section 13301 of the code of laws of the United States.

Under the Budget Act, it would not repeal that law but provide, of course, for a balanced budget. Specifically, Mr. President, if you looked at Section 7, under Senate Joint Resolution 1, that we debated for a month, you can see that all outlays and all revenues be included of the U.S. Government. And that repeals, if you please, that section of the code, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

Mr. HOLLINGS. Now, Mr. President, I am reading, of course, from my proposed constitutional amendment—and it is important that this reading be made formal here—that "outlays of the Federal Old Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund, as and if modified to preserve the solvency of the funds used to provide Old Age, Survivors and Disability benefits, shall not be counted as receipts or outlays for the purpose of this article."

There is no question, Mr. President, that the intent of the Congress is in that particular regard. Very recently, on November 13, I believe it was, we voted just exactly that particular instruction. On November 13, by a vote of 97 to 2, we voted to instruct the conferees on the budget that Social Security trust funds not be used.

So the Senators themselves have affirmed that less than a month ago.

I ask unanimous consent that rollcall vote be printed in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

VOTE OF NOVEMBER 13, 1995

[Rollcall Vote No. 572 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Gramm
Lugar

Mr. HOLLINGS. I ask also unanimous consent that the record of the Budget Committee vote on July 10, 1990, on the protection of Social Security be printed in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas:

Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.

Nays:

Mr. Gramm.

Mr. HOLLINGS. I am trying to save time for my colleagues.

And I ask also unanimous consent that the record vote that occurred on October 18, 1990, a vote of 98 to 2, approving that Social Security protection be printed in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

HOLLINGS-HEINZ, ET AL., AMENDMENT WHICH EXCLUDES THE SOCIAL SECURITY TRUST FUNDS FROM THE BUDGET DEFICIT CALCULATION, BEGINNING IN FISCAL YEAR 1991

YEAS (98)

Democrats (55 or 100%):

Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans (43 or 96%):

Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

NAYS (2)

Democrats (0 or 0%)
Republicans (2 or 4%)
Armstrong, Wallop.

Mr. HOLLINGS. The reason I do that is so that you shall know how Members vote—not just how they speak but how they cast their formal votes.

There has been raised, at the particular time back in February, the idea, of course, that the trust funds need not be protected further, that we could always do it by statute.

I ask unanimous consent at this particular point that the letter from the American Law Division of the Congressional Research Service dated February 6, 1995, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 6, 1995.

To: Senator Dianne Feinstein
Attention: Mark Kadesh
From: American Law Division
Subject: Whether the Social Security Trust Funds Can Be Excluded From the Calculations Required by the Proposed Balanced Budget Amendment

This is to respond to your request to evaluate whether Congress could by statute or resolution provide that certain outlays or receipts would not be included within the term "total outlays and receipts" as used in the proposed Balance Budget Amendment. Specifically, you requested an analysis as to whether the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund could be exempted from the calculation necessary to determine compliance with the constitutional amendment proposed in H.J. Res. 1, which provides that total expenditures will not exceed total outlays.[1]

Section 1 of H.J. Res. 1, as placed on the Senate Calendar, provides that total outlays for any fiscal year will not exceed total receipts for fiscal year, unless authorized by three-fifths of the whole number of each House of Congress. The resolution also states that total receipts shall include all receipts of the United States Government except those derived from borrowing, and that total outlays shall include all outlays of the United States Government except for those used for repayment of debt principal. These requirements can be waived during periods of war or serious threats to national security.

Under the proposed language, it would appear that the receipts received by the United States which go to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund would be included in the calculations of total receipts, and that payments from those funds would similarly be considered in the calculation of total outlays. This is confirmed by the House Report issued with H.J. Res. 1.[2] Thus, if the proposed amendment was ratified, then Congress would appear to be without the authority to exclude the Social Security Trust Funds from the calculations of total receipts and outlays under section 1 of the amendment.[3]

KENNETH R. THOMAS,
Legislative Attorney,
American Law Division.

FOOTNOTES

[1] H.J. Res. 1, 104th Congress, 1st Sess. (January 27, 1995) provides the following proposed constitutional amendment—

Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

Section 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

Section 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

Section 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

[2] House Rept. 104-3, 104th Congress, 1st Session states the following:

"The committee concluded that exempting Social Security from computations of receipts and outlays would not be helpful to Social Security beneficiaries. Although Social Security accounts are running a surplus at this time, the situation is expected to change in the future with a Social Security related deficit developing. If we exclude Social Security from balanced budget computations, Congress will not have to make adjustments elsewhere in the budget to compensate for this projected deficit. . . ." Id. at 11.

It should also be noted that an amendment by Representative Frank to exempt the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund from total receipts and total outlays was defeated in committee by a 16-19 rollcall vote. Id. at 14. A similar amendment by Representative Conyers was defeated in the House, 141 Cong. Rec. H741 (daily ed. January 23, 1995), as was an amendment by Representative Wise. Id. at H731.

[3] Although the Congress is given the authority to implement this article by appropriate legislation, there is no indication that the Congress would have the authority to pass legislation which conflicts with the provisions of the amendment.

Mr. HOLLINGS. There are two sentences I will read again, trying to save time. "If the proposed amendment was ratified"—that is, Senate Joint Resolution 1—"then Congress would appear to be without authority to exclude the Social Security trust funds from the calculations of total receipts and outlays under section 1 of the amendment."

Then down at the bottom a footnote: "Although the Congress is given the authority to implement this article by appropriate legislation, there is no indication that Congress would have the authority to pass legislation which conflicts with the provision of this amendment."

So that is why it is very, very important to several on this side of the aisle—because we were in a very, very heated exchange relative, of course, to the particular balanced budget amendment to the Constitution. And thereby on March 1, five of us on the Democratic side of the aisle sent a letter to the majority leader, ROBERT DOLE, the principal author of Senate Joint Resolution 1, stating that we were ready, willing, and prepared to vote to pass the constitutional amendment to balance the budget where that Social Security protection not be repealed.

I ask unanimous consent that a copy of the letter dated March 1 be printed in the RECORD at this particular point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 1, 1995.

Hon. ROBERT J. DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER, we have received from Senator Domenici's office a proposal to address our concerns about using the Social Security trust funds to balance the Federal budget. We have reviewed this proposal, and after consultations with legal counsel, believe that this statutory approach does not adequately protect Social Security. Specifically, Constitutional experts from the Congressional Research Service advise us that the Constitutional language of the amendment will supersede any statutory constraint.

We want you to know that all of us have voted for, and are prepared to vote again for a balanced budget amendment. In that spirit, we have attached a version of the balanced budget amendment that we believe can resolve the impasse over the Social Security issue.

To us, the fundamental question is, whether the Federal Government will be able to raid the Social Security trust funds. Our proposal modifies those put forth by Senators

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Footnotes at end of letter.

Reid and Feinstein to address objections raised by some Members of the Majority. Specifically, our proposal closes a perceived loophole in the Reid and Feinstein language regarding future uses of the Social Security trust funds for purposes other than those for which the system was designed.

If the Majority Party can support this solution, then we are confident that the Senate can pass the balanced budget amendment with more than 70 votes. If not, then we see no reason to delay further the vote on final passage of the amendent.

Sincerely,

BYRON L. DORGAN.
ERNEST F. HOLLINGS.
WENDELL H. FORD.
HARRY M. REID.
DIANNE FEINSTEIN.

Mr. HOLLINGS. So, Mr. President, it is quite obvious if the true intent is to really pass an amendment to the Constitution requiring a balanced budget, it can be done here in the next 24 hours. There is no problem. It is a wonderful opportunity, because we have the amendment drawn in the proper fashion with two particular changes to Senate Joint Resolution 1. The one change, of course, was the Nunn amendment about the judicial power not to put balanced budget questions before the judiciary but to retain them within the congressional branches; and, second, of course, to reiterate the statutory law protecting the Federal old age and survivors insurance trust fund and federal disability insurance trust fund.

Why do I read those words out so specifically? With an intent, Mr. President. Again, referring to the balanced budget constitutional amendment report by the Committee on the Judiciary over on the House side, you will find in that report this sentence:

> Since Congress possesses the legislative authority to change the Social Security program, specifically referring to "Social Security" in the Constitution could create a giant loophole allowing Congress to call anything Social Security and thus evade balanced budget requirements.

This particular amendment presented for the vote of my colleagues here does not use "Social Security" expressed. On the contrary, it is the technical formative law of the United States of America that passed in 1935 and up until 1969 was a trust fund and off budget.

That was our point that we were making in 1990. We were obscuring the size of the deficit. In fact, Mr. President, it would be well at this particular point, I believe, to include, if you please, a table of the various deficits.

I have before me a table of the deficits for the years beginning in 1945 going all the way down, the U.S. budget in outlays and trust funds, the real deficit, the gross Federal debt and the gross interest cost under the various Presidents.

From 1945 until 1996, we have gone from outlays of $92,700,000,000 to now outlays for this fiscal year 1996 of $1,602,000,000,000. You can see how it has grown like Topsy. I remember the last balanced budget. To bring it into the perspective of the distinguished Chair, when Johnson balanced the budget back in 1968–69, the entire outlay in 1968–69 at that particular time was $178,100,000,000. Can you imagine, $178,100,000,000 for guns and butter, for the war in Vietnam and for the Great Society. And paid for with what? With a surplus at that particular time of $300 million. That is—no. That $300 million was used from the trust fund. I am looking at the statute in error here. Let me look at it accurately. So $300 million was used from the trust funds. That still left a balance of $2.9 trillion. If trust funds were not used really to balance that budget, we had a surplus of $3.2 billion.

Here was an entire budget for the Social Security, Medicare, guns and butter, war in Vietnam, defense, and all, welfare and all the other programs. We are expending, instead of the $178 billion, we are expending $348 billion this year just on interest costs for nothing. There is the real problem. And that problem is obscured in large measure by the use of Social Security trust funds, exactly the opposite as contended by my colleagues in that particular House report.

For example, Mr. President, look at the Judiciary Committee report of a balanced budget constitutional amendment as submitted at that particular time over on the House side in January—on January 18 of this particular year. And here is the sentence that will blow your mind. "If we exclude Social Security from balanced budget computations, Congress will not have to make adjustments elsewhere in the budget to compensate for the projected deficit."

If you have got that kind of logic and thought, we need custodial care for the Members around here. "If we exclude Social Security from the balanced budget computations, Congress will not have to make adjustments elsewhere in the budget." Come on. If we exclude Social Security, that is where we will have to make adjustments elsewhere in the budget to compensate. And that is exactly the point that we have been trying to make time and time again that we seem to try to hide behind. The truth of the matter is, we are hiding this minute behind $481 billion owed Social Security.

If the particular budget now in conference and now in negotiation between the White House and the Congress is enacted in the next 10 minutes, by the year 2002, we will owe Social Security $1,117,000,000,000. In other words, in the year 2002, they could well turn and say, "Whoopee, we have now preserved and protected Medicare." And then when we look around at Social Security, we say, "Heavens above, we have run it into the hole with over $1,117,000,000,000."

Who is going to raise taxes $1 trillion? Who is going to cut benefits $1 trillion? That is why I have been trying to get attention of my colleagues that we have truth in budgeting. And that is why we have the amendment drawn at this particular time where people on both sides of the aisle—I voted for a constitutional amendment, cosponsored it with my senior colleague back in the 1980's, voted for it several times.

But when I realized the import of section 7 under the Dole Senate Joint Resolution 1 that it was going to repeal the statutory law that I helped cosponsor, along with Senator MOYNIHAN and Senator HEINZ, I could not go in two different directions at the same time.

As a person somewhat experienced in budgets, I was able, as Governor back in 1959, to get the first AAA credit rating for our State. I participated in the balanced budget work of 1968–69. I chaired on behalf of the Congress, both Houses, the first reconciliation budget conference, the first reconciliation bill signed into law where we cut back already appropriated funds in December 1980 under President Carter. And I put in the budget freeze. I have cosponsored, with Senators GRAMM and RUDMAN, the Gramm-Rudman-Hollings initiative. And I have been very alert, as possibly as I can be, to make certain that we have truth in budgeting.

And so it is that we have now proposed this particular amendment. I could go on at length as to the debate itself before I present the amendment.

I have this one particular phrase of our majority whip, the distinguished Senator from Mississippi. In February, on national TV, Senator TRENT LOTT stated, and I quote:

> Nobody—Republican, Democrat, conservative, liberal, moderate—is even thinking about using Social Security to balance the budget.

Let us hope that is the truth. I think a vote on this particular constitutional amendment to balance the budget would give truth to that particular statement. We will see exactly how they vote.

AMENDMENT NO. 3095

(Purpose: To propose a balanced budget amendment to the Constitution)

Mr. HOLLINGS. Mr. President, I have another amendment. Let me send this one up under the unanimous-consent agreement and ask the clerk to report. I think I have explained it.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 3095.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After the first article add the following:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to this section.

"SECTION 7. Total receipts shall include all receipts of the United States government except those derived from borrowing. Total outlays shall include all outlays of the United States government except those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund (as and if modified to preserve the solvency of the funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for the purpose of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later."

Mr. HOLLINGS. Mr. President, once again, by way of emphasis, it is word for word Senator DOLE's House Joint Resolution 1, with the exception of the Nunn amendment which is included therein with respect to the limitation on judicial power on balanced budgets and, second, the Dole section 7, the language that would encompass a repeal of section 13301 of the Budget Act. Specifically, I repeal the repeal. I have provided and continue the protection of 13301.

AMENDMENT NO. 3096

(Purpose: To propose a balanced budget amendment to the Constitution)

Mr. HOLLINGS. Mr. President, there is another wonderful subject we have debated ad nauseam, except with respect abortion. This is one you can really do something about if you really want to limit spending in campaigns as one cancer to public service. Ask the 12 Senators now retiring. They would agree in a sentence, Mr. President, that the one cancer to public service is money, and if you want to control the money, then let us get back to the 1974 act as intended.

There never was any dispute at that particular time. I remember the history well. It so happened in the 1968 race of President Nixon that he had thereafter a Secretary of Commerce, Maurice Stans, who went around and allocated almost like the United Fund: Your fair share.

He came to South Carolina to the textile industry and said, "Your fair share for the Nixon campaign is $350,000," and so textile entities gathered up $35,000 apiece and sent it to Washington to qualify. Other individuals gave a half million dollars. A gentleman from Chicago gave $2 million.

It was thereafter that Secretary of Treasury Connally came to President Nixon and said,

> Mr. President, there have been substantial contributions made in your behalf and you have not had a chance to even meet some of them, much less thank them personally. I would like to give a barbecue on the ranch down in Texas where you can meet and thank them.

President Nixon thought that was a wonderful idea, and on that particular weekend, as they turned into the Connally ranch, there was a Brinks truck with that prankster Dick Tuck from the Kennedy campaign. They had that all embellished in the news and newspapers and otherwise, and everybody in Washington said, "Heavens above, the Government is up for sale. We have to do something about it."

So in good spirit, both Republicans and Democrats joined hands into the Federal Elections Campaign Practices Act of 1974. At that particular time, we said, "Look, every dollar in and every dollar out is recorded. You cannot give more than $1,000. You cannot, as a PAC, give more than $5,000. You cannot take cash." And, for voters in a particular State like Tennessee and South Carolina, we were limited per registered voters. In South Carolina, I remember we were limited to around $600,000. The last race I ran for reelection, in 1992, was $3.5 million. It goes up, up, and away.

Right now, every Senator every week has to collect at least $13,000. If you have not collected your $13,000 for your campaign 6 years out, you are behind the curve. You are behind the curve. That statement ought to embarrass all in America.

We have had for 20 years, like a dog chasing its tail around this place, every kind of fanciful idea about how to give public moneys, most of it coming from Common Cause who will not listen. They have a PAC. Most PAC's give money. Common Cause gives you a fit. They have no idea of giving up their particular power, and so they will not go along with limiting the actual expenditures. Oh, we had the opportunity back in 1988. A majority of Senators voted for that one-line constitutional amendment: "Congress is hereby empowered to regulate or control expenditures in Federal elections."

With that one line, we can get back to the original intent of 1974 and actually limit spending. That was passed by an overwhelming bipartisan vote, and everyone realizes the then distinguished Senator from New York, Senator Jim Buckley, thought otherwise. He sued the Senate and Secretary Valeo.

Under the Buckley versus Valeo decision, anyone of good mind and spirit would say this is the most flawed decision ever raised. Why do I say that? The Buckley versus Valeo decision of the U.S. Supreme Court equated money with speech.

If you thought you had the freedom of speech, you would certainly have the freedom of money. And you are exactly right, if you are rich, you have that freedom. But if you are poor, you do not have it, because they immediately went on with the limitations.

More particularly, Mr. President, you can take away your opponent's speech if you are affluent and the opponent is not. Specifically, if your opponent has $50,000 and you have $1 million, you wait until October 10 when people finally get their minds and attention on campaigns, getting ready for the election, then you fill up the airwaves, both radio and TV, the billboards, the yard signs, the newspaper advertising. And by November 1, a week ahead of the election, your family will ask, "What is the matter, aren't you interested? You are not even answering."

You do not have the money to answer. You can take away the speech. It is the worst decision that you can possibly think of, particularly in light of the Constitution itself.

If you read article I, section 4 of the Constitution—and I will read just exactly this:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

So, if we have the power at any time by law to alter the manner, it appears to this particular Senator we certainly can take the most grievous practice we have in this land of money in politics and put a control on it. We control the time, the place, the components of a candidacy and otherwise, and you can go on down the list.

Mr. President, I rise today to address a problem with which we are all too familiar—the ever increasing cost of campaign spending. The need for limits on campaign expenditures is more urgent than ever, with the total cost of congressional campaigns skyrocketing from $446 million in 1990 to well over $590 million in 1994. For nearly a quarter of a century, Congress has tried to tackle runaway campaign spending; again and again, Congress has failed.

Let us resolve not to repeat the mistakes of past campaign finance reform efforts, which have bogged down in partisanship as Democrats and Republicans each tried to gore the other's sacred cows. During the 103d Congress there was a sign that we could move beyond this partisan bickering, when the Senate in a bipartisan fashion expressed its support for a limit on campaign expenditures. In May 1993, a nonbinding sense-of-the-Senate resolution was agreed to which advocated the adoption of a constitutional amendment empowering Congress and the States to limit campaign expenditures. During the 104th Congress, let's take the next step and adopt such a constitutional amendment—a simple, straightforward, nonpartisan solution.

As Prof. Gerald G. Ashdown has written in the New England Law Review, amending the Constitution to allow Congress to regulate campaign expenditures is "the most theoretically attractive of the approaches-to-reform since, from a broad free speech perspective, the decision in Buckley is misguided and has worsened the campaign finance atmosphere." Adds Professor Ashdown: "If Congress could constitutionally limit the campaign expenditures of individuals, candidates, and committees, along with contributions, most of the troubles * * * would be eliminated."

Right to the point, in its landmark 1976 ruling in Buckley versus Valeo, the Supreme Court mistakenly equated a candidate's right to spend unlimited sums of money with his right to free speech. In the face of spirited dissents, the Court drew a bizarre distinction between campaign contributions on the grounds that "* * * the governmental interest in preventing corruption and the appearance of corruption outweighs considerations of free speech."

I have never been able to fathom why that same test—the governmental interest in preventing corruption and the appearance of corruption—does not overwhelmingly justify limits on campaign spending. However, it seems to me that the Court committed a far graver error by striking down spending limits as a threat to free speech. The fact is, spending limits in Federal campaigns would act to restore the free speech that has been eroded by the Buckley decision.

After all, as a practical reality, what Buckley says is: Yes, if you have personal wealth, then you have access to television, you have freedom of speech. But if you do not have personal wealth, then you are denied access to television. Instead of freedom of speech, you have only the freedom to shut up.

So let us be done with this phony charge that spending limits are somehow an attack on freedom of speech. As Justice Byron White points out, clear as a bell, in his dissent, both contribution limits and spending limits are neutral as to the content of speech and are not motivated by fear of the consequences of the political speech in general.

Mr. President, every Senator realizes that television advertising is the name of the game in modern American politics. In warfare, if you control the air, you control the battlefield. In politics, if you control the airwaves, you control the tenor and focus of a campaign.

Probably 80 percent of campaign communications take place through the medium of television. And most of that TV airtime comes at a dear price. In South Carolina, you're talking between $1,000 and $2,000 for 30 seconds of primetime advertising. In New York City, it's anywhere from $30,000 to $40,000 for the same 30 seconds.

The hard fact of life for a candidate is that if you're not on TV, you're not truly in the race. Wealthy challengers as well as incumbents flushed with money go directly to the TV studio. Those without personal wealth are sidetracked to the time-consuming pursuit of cash.

The Buckley decision created a double bind. It upheld restrictions on campaign contributions, but struck down restrictions on how much candidates with deep pockets can spend. The Court ignored the practical reality that if my opponent has only $50,000 to spend in a race and I have $1 million, then I can effectively deprive him of his speech. By failing to respond to my advertising, my cash-poor opponent will appear unwilling to speak up in his own defense.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start."

Indeed, Justice Marshall went further: He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

Justice Marshall was dead right. Our urgent task is to right the injustice of Buckley versus Valeo by empowering Congress to place caps on Federal campaign spending. We are all painfully aware of the uncontrolled escalation of campaign spending. The average cost of a winning Senate race was $1.2 million in 1980, rising to $2.1 million in 1984, and skyrocketing to $3.1 million in 1986, $3.7 million in 1988, and up to $4.1 million this past year. To raise that kind of money, the average Senator must raise over $13,200 a week, every week of his or her 6-year term. Overall spending in congressional races increased from $403 million in 1990 to more than $590 million in 1994—almost a 50-percent increase in 4 short years.

This obsession with money distracts us from the people's business. At worst, it corrupts and degrades the entire political process. Fundraisers used to be arranged so they didn't conflict with the Senate schedule; nowadays, the Senate schedule is regularly shifted to accommodate fundraisers.

I have run for statewide office 16 times in South Carolina. You establish a certain campaign routine, say, shaking hands at a mill shift in Greer, visiting a big country store outside of Belton, and so on. Over the years, they look for you and expect you to come around. But in recent years, those mill visits and dropping by the country store have become a casualty of the system. There is very little time for them. We're out chasing dollars.

During my 1986 reelection campaign, I found myself raising money to get on TV to raise money to get on TV to raise money to get on TV. It's a vicious cycle.

After the election, I held a series of town meetings across the State. Friends asked, "Why are you doing these town meetings: You just got elected. You've got 6 years." To which I answered, "I'm doing it because it's my first chance to really get out and meet with the people who elected me. I didn't get much of a chance during the campaign. I was too busy chasing bucks." I had a similar experience in 1992.

I remember Senator Richard Russell saying: "They give you a 6-year term in this U.S. Senate: 2 years to be a statesman, the next 2 years to be a politician, and the last 2 years to be a demagog." Regrettably, we are no longer afforded even 2 years as statesmen. We proceed straight to politics and demagoguery right after the election because of the imperatives of raising money.

My proposed constitutional amendment would change all this. It would empower Congress to impose reasonable spending limits on Federal campaigns. For instance, we could impose a limit of, say, $800,000 per Senate candidate in a small State like South Carolina—a far cry from the millions spent by my opponent and me in 1992. And bear in mind that direct expenditures account for only a portion of total spending. For instance, my 1992 opponent's direct expenditures were supplemented by hundreds of thousands of dollars in expenditures by independent organizations and by the State and local Republican Party. When you total up spending from all sources, my challenger and I spent roughly the same amount in 1992.

And incidentally, Mr. President, let's be done with the canard that spending limits would be a boon to incumbents, who supposedly already have name recognition and standing with the public and therefore begin with a built-in advantage over challengers. Nonsense. I hardly need to remind my Senate colleagues of the high rate of mortality in upper Chamber elections. And as to the alleged invulnerability of incumbents in the House, I would simply note that more than 50 percent of the House membership has been replaced since the 1990 elections.

I can tell you from experience that any advantages of incumbency are more than counterbalanced by the obvious disadvantages of incumbency, specifically the disadvantage of defending hundreds of controversial votes in Congress.

I also agree with University of Virginia political scientist Larry Sabato, who has suggested a doctrine of sufficiency with regard to campaign spending. Professor Sabato puts it this way: "While challengers tend to be underfunded, they can compete effectively if they are capable and have sufficient money to present themselves and their messages."

Moreover, Mr. President, I submit that once we have overall spending limits, it will matter little whether a candidate gets money from industry groups, or from PAC's, or from individuals. It is still a reasonable—"sufficient," to use Professor Sabato's term—amount any way you cut it. Spending will be under control, and we will be able to account for every dollar going out.

On the issue of PAC's, Mr. President, let me say that I have never believed that PAC's per se are an evil in the current system. On the contrary, PAC's are a very healthy instrumentality of politics. PAC's have brought people into the political process: nurses, educators, small business people, senior citizens, unionists, you name it. They permit people of modest means and limited individual influence to band together with others of mutual interest so their message is heard and known.

For years we have encouraged these people to get involved, to participate. Yet now that they are participating, we turn around and say, "Oh, no, your influence is corrupting, your money is tainted." This is wrong. The evil to be corrected is not the abundance of participation but the superabundance of money. The culprit is runaway campaign spending.

To a distressing degree, elections are determined not in the political marketplace but in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through the board rooms of corporations and special interests.

Mr. President, I repeat, campaign spending must be brought under control. The constitutional amendment I have proposed would permit Congress to impose fair, responsible, workable limits on Federal campaign expenditures.

Such a reform would have four important impacts. First, it would end the mindless pursuits of ever-fatter campaign war chests. Second, it would free candidates from their current obsession with fundraising and allow them to focus more on issues and ideas; once elected to office, we wouldn't have to spend 20 percent of our time raising money to keep our seats. Third, it would curb the influence of special interests. And fourth, it would create a more level playing field for our Federal campaigns—a competitive environment where personal wealth does not give candidates an insurmountable advantage.

Finally, Mr. President, a word about the advantages of the amend-the-Constitution approach that I propose. Recent history amply demonstrates the practicality and viability of this constitutional route. Certainly, it is not coincidence that all five of the most recent amendments to the Constitution have dealt with Federal election issues. In elections, the process drives and shapes the end result. Election laws can skew election results, whether you're talking about a poll tax depriving minorities of their right to vote, or the absence of campaign spending limits giving an unfair advantage to wealthy candidates. These are profound issues which go to the heart of our democracy, and it is entirely appropriate that they be addressed through a constitutional amendment.

And let's not be distracted by the argument that the amend-the-Constitution approach will take too long. Take too long? We have been dithering on this campaign finance issue since the early 1970's, and we haven't advanced the ball a single yard. It has been a quarter of a century, and no legislative solution has done the job.

The last five constitutional amendments took an average of 17 months to be adopted. There is no reason why we cannot pass this joint resolution, submit it to the States for a vote, and ratify the amendment in time for it to govern the 1996 election. Indeed, the amend-the-Constitution approach could prove more expeditious than the alternative legislative approach. Bear in mind that the various public financing bills that have been proposed would all be vulnerable to a Presidential veto. In contrast, this joint resolution, once passed by the Congress, goes directly to the States for ratification. Once ratified, it becomes the law of the land, and it is not subject to veto or Supreme Court challenge.

And, by the way, I reject the argument that if we were to pass and ratify this amendment, Democrats and Republicans would be unable to hammer out a mutually acceptable formula of campaign expenditure limits. A Democratic Congress and Republican President did exactly that in 1974, and we can certainly do it again.

Mr. President, this joint resolution will address the campaign finance mess directly, decisively, and with finality. The Supreme Court has chosen to ignore the overwhelming importance of media advertising in today's campaigns. In the Buckley decision, it prescribed a bogus if-you-have-the-money-you-can-talk version of free speech. In its place, I urge passage of this joint resolution, the freedom of speech in political campaigns amendment. Let us ensure equal freedom of expression for all who seek Federal office.

Mr. President, we have the Committee on the Constitutional System. I will read the first sentence by the distinguished chairman at the time, Lloyd N. Cutler:

> Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a co-chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors, and civic leaders, who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

I will skip over some just to read the conclusion on the third page.

I ask unanimous consent that the entire testimony of Lloyd Cutler be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LLOYD N. CUTLER

My name is Lloyd N. Cutler. Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a Co-Chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

On of the most glaring weaknesses, of course, is the rapidly escalating cost of political campaigns, and the growing dependence of incumbents and candidates on money from interest groups who except the recipient to vote in favor of their particular interests. Incumbents and candidates must devote large portions of their time to begging for money; they are often tempted to vote the conflicting interests of their contributors and to create a hodgepodge of conflicting and indefensible policies; and in turn public frustration with these policies creates cynicism and contempt for the entire political process.

A serious attempt to deal with the campaign financing problem was made in the Federal Election Campaign Act of 1974 and the 1976 amendments, which set maximum limits on the amounts of individual contributions and on the aggregate expenditures of candidates and so-called independent committees supporting such candidates. The constitutionally of these provisions was challenged in the famous case of Buckley v. Valeo, 424 U.S. 1, in which I had the honor of sharing the argument in support of the statute with Professor Archibald Cox. While the Supreme Court sustained the constitutionality of the limits on contributions, it struck down the provision limiting expenditures for candidates and independent committees supporting such candidates. It found an inseparable connection between an expenditure limit and the extent of a candidate's or committee's political speech, which did not exist in the case of a limit on the size of each contribution by a non-speaker unaccompanied by any limit on the aggregate amount a candidate could raise. It also found little if any proven connection between corruption and the size of a candidate's aggregate expenditures, as distinguished from the size of individual contributions to a candidate.

The Court did, however, approve the Presidential Campaign Financing Fund created by the 1976 amendments, including the condition it imposed barring any presidential nominee who accepted the public funds from spending more than a specified limit.

However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees on behalf of a candidate.

In recent presidential elections these independent expenditures on behalf of one candidate exceeded the amount of federal funding he accepted.

Moreover, so long as the Congress remains deadlocked on proposed legislation for the public financing of Congressional campaigns, it is not possible to use the public financing device as a means of limiting Congressional campaign expenditures.

Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment. The amendment would be a very simple one consisting of only 46 words. It would state merely that "Congress shall have power to set reasonable limits on campaign expenditures by or in support of any candidate in a primary or general election for federal office. The States shall have the same power with respect to campaign expenditures in elections for state and local offices".

Our proposed amendment would enable Congress to set limits not only on direct expenditures by candidates and their own committees, but also on expenditures by so-called independent committees in support of such a candidate. The details of the actual limits would be contained in future legislation and could be changed from time to time as Congress in its judgment sees fit.

It may of course be argued that the proposed amendment, by authorizing reasonable limits on expenditures, would necessarily set limits on the quantity of speech on behalf of a candidate and that any limits, no matter how ample, is undesirable. But in our view the evidence is overwhelming by now that unlimited campaign expenditures will eventually grow to the point where they consume so much of our political energies and so fracture our political consensus that they will make the political process incapable of governing effectively. Even the Congress has found that unlimited speech can destroy the power to govern; that is why the House of Representatives has imposed time limits on Members' speeches for decades and why the Senate has adopted a rule permitting 60 senators to end a filibuster. One might fairly paraphrase Lord Acton's famous aphorism about power by saying, "All political money corrupts; unlimited political money corrupts absolutely."

Finally, Mr. Chairman, I would not be discouraged from taking the amendment route by any feeling that constitutional amendments take too long to get ratified. The fact is that the great majority of amendments submitted by Congress to the states during the last 50 years have been ratified within twenty months after they were submitted. All polls show that the public strongly supports limits on campaign expenditures. The principal delay will be in getting the amendment through Congress. Since that is going to be a difficult task, we ought to start immediately. Unlimited campaign expenditures and the political diseases they cause are going to increase at least as rapidly as new cases of AIDS, and it is high time to start getting serious about the problem.

Mr. Chairman, on three past occasions we the people have amended the Constitution to correct weaknesses in that rightly revered document as interpreted by the Supreme Court. On at least two of those occasions—the Dred Scott decision and the decision striking down federal income taxes, history has subsequently confirmed that the amendments were essential to our development as a healthy, just and powerful society. A third such challenge is now before us. The time has come to meet it.

For a fuller discussion of the case for a constitutional amendment, I am attaching an article written shortly before his death by Congressman Jonathan Bingham, my college and law school classmate and, in my view, one of the finest public servants of our times.

Mr. HOLLINGS. Mr. President, I read this sentence on the third page:

> Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment.

Mr. President, I take the position—for those who are interested in the Bill of Rights and the first amendment and the freedom of speech—that the Supreme Court erroneously amended the Constitution, or deteriorated the value and worth of the freedom of speech under the Constitution and the Bill of Rights.

So what we are trying to do is not treat lightly, by any manner or means, the Constitution or amendments. Others will get up and say we have had 3,564 amendments offered and here comes another. Not at all. We have tried in Congress after Congress for over 20-some years now, to correct this particular flawed decision of Buckley versus Valeo, and get back to controlling spending in politics. The one way to do it is take the amendment that I have, which I will send to the desk. This amendment would provide the authority for both the United States and the several States within their particular jurisdiction, because it was asked to be amended accordingly at the time we debated it last, on how the States also ought to have this particular authority.

The last 10 amendments to the Constitution—their time for ratification has been 20 months. There is no doubt in this particular Senator's mind that this could easily be ratified next November 1996. Then the Congress could come back and they could get to this bundling problem, this third party problem, and they can get to all the little tricks in politics, national committees, individual committees, and everything else of that kind, and we can legislate the honest intent of a majority of Democrats and Republicans in a former session, getting back to what we intended in 1974. We said on the floor of this body that you cannot buy this election anymore. Instead, under Buckley versus Valeo, that is the only way.

We have a candidate right now for President who has never run for anything, and he has one idea about the flat tax that will give himself a tax cut, and he is buying up $25 million of airwaves in the Republican primaries. That would ordinarily be an embarrassment. The fact that it is accepted has embarrassed this particular Senator.

We have to get away from that kind of nonsense. Just because you are rich and you can buy up time and you have never even been in a campaign, and others have been in there 2, 3 years, you can get up there in 2 months and run No. 2—just by money? A flat tax is no unique idea. Come on. So that is what is occurring. We ought to all be embarrassed, and we ought to jump at the chance of correcting it.

Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The bill clerk read as follows:

> The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 3096.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> After the first article add the following:
>
> "ARTICLE —
>
> "SECTION 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.
>
> "SECTION 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.
>
> "SECTION 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.
>
> "SECTION 4. Congress shall have power to implement and enforce this article by appropriate legislation.".

Mr. HOLLINGS. Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

UNITED STATES LEADERSHIP IN BOSNIA

Mr. BYRD. Mr. President, I have been recognized to speak out of order.

Mr. President, President Clinton has made a difficult and courageous decision to accept a role in leading a NATO deployment of forces to implement the peace treaty that the parties to the Bosnia conflict have initialed and that they will soon sign. It was only through strong, persistent, and courageous leadership that these parties reached an agreement to end their atrocious, murderous, ethnic savagery at all.

What is crystal clear is that our European allies, half a century after the end of World War II, are dependent on the United States for leadership on the European Continent. This is a result of the continuous commitment of America to defend Europe against possible aggression by the Soviet empire for many, many years, and of the United States, being willing to provide the glue of military and economic leadership on the European Continent. This reliance on the United States is testimony, one might surmise, to a job that the United States did almost too well, too unselfishly, and under administrations of both political parties.

The argument can be made and will be made that this conflict in Bosnia is a European conflict, and that Europeans should police it without asking the United States to take the lead. That is a logical argument. I agree with it. But what is logical, unfortunately, is not reality in that sense.

The probable effect on the future of NATO—indeed, of Europe itself—of a decision by America not to lead this force can be gleaned from the history of the first half of this century, when the United States refused to take a leadership role, but then was later pushed into entering a European conflict and suffered heavy casualties in the process. I have lived through that. History is clear.

So to those who would say that this conflict is Europe's business and that America need not be involved, they certainly have a point, but there is the history that I have been talking about, and there is in the history of this century a warning about the possible, even probable, results of that view in this situation that we are facing.

This vital military relationship with Europe also affects U.S. vital interests in other areas of the world, as well as in Europe. How will other nations depend on the United States, on our word, if we walk away from NATO by not participating in this unique NATO mission? Our security relationships with NATO, with Asian nations, and elsewhere, are intimately tied through our trading, banking, and diplomatic relationships. U.S. military leadership and security agreements create a strong base upon which to build fertile economic and diplomatic relationships. It is a mistake to view this current situation as some sort of stand-alone problem.

The outcome of U.S. failure to support NATO in this operation could affect U.S. interests in other parts of the world and at other times in history. The risks of not attempting to stabilize the conflict in the Balkans, resulting in the war's spreading outside the immediate theater of conflict that would be a likely consequence, are substantial and troubling. Left unchecked, the Bosnian conflict could spread to Macedonia and Albania, dragging NATO allies Greece and Turkey into an escalating ethnic conflict. That would be disastrous for the future with respect to the interests of NATO and certainly with respect to our own overall security interests.

I do not think I need to point out the damage to the NATO alliance that would result from such an eventuality. U.S. troops are still on watch over Iraq, which remains a threat to Kuwait and Saudi Arabia. Should Iraq move against Kuwait once again, would we be able to count on our allies to stand with us against Iraq a second time?

Whether we like it or not, as we are fond of saying, the United States is the world's sole remaining superpower. I find it ironic that some Senators who promote robust defense budgets, even at the expense of not funding needed domestic infrastructure, educational, and other needs, still shrink from endorsing a role for the United States which has been requested by the NATO alliance. Given our power, given the unbroken leading role we have played in Europe throughout the entire second half of this century, indeed, given the size of our military budget—I am not altogether supportive of that particular size inasmuch it is representative of the $7 billion increase over and above the President's budget, which I think is too much at this particular time—it cannot be much of a surprise that European powers are heavily dependent on the United States to lead NATO in implementing a peace treaty in Bosnia. It is, in fact, the case that NATO is now vigorous, and, as Secretary of Defense Perry testified before the Senate Armed Services Committee on Wednesday, December 5 of this year, more united than ever before. Indeed, it is a major development that the French have now agreed to participate in the NATO Military Committee, reversing a standoffish position that has so often characterized France's relationship with NATO since the day of General Charles de Gaulle. It is both notable and telling that while there has been a lot of fiery rhetoric in Congress about not placing U.S. troops under the command of foreign military officers, none of our NATO allies, and none of the other nations sending troops to Bosnia, has expressed any reservation about putting their soldiers under U.S. command. Even the Russian troops who will serve under the U.S. 1st Armored Division around Tuzla have had great difficulty, as a matter of fact had greater difficulty in putting themselves under NATO command than under U.S. command. This is another testament, it seems to me, to U.S. leadership.

President Clinton and the United States accepted a leadership role in Bosnia only reluctantly. We all can recall the cries of outrage from across the United States a year or two ago, as media coverage of wartime atrocities in Bosnia were beamed into our living rooms. Pictures of refugees fleeing burned-out homes, pictures of skeletal prisoners of war recounting tales of torture and suffering, of sobbing women admitting to the rapes they endured, pictures of stoic faces of United Nations observers chained to ammunition bunkers—all of these images led to cries for action by the United States, cries for immediate military reprisals from across the United States.

This was the reaction driven by the media, driven by the electronic eye, and perhaps it is too bad in a sense that we are to be driven and are to let ourselves be driven by that electronic eye, by that television tube.

But the President did not commit U.S. troops to such an effort, and in my opinion he would have been on dubious constitutional grounds had he done so. I know there are those who would say he is the Commander in Chief and that he has that authority. I am not going into that argument at this point but I am prepared to, and may do so before many days have passed—that is a very dubious ground of constitutionality. He promised troops for our NATO mission on the ground in Bosnia only to help implement a peace agreement, and there was no peace agreement in sight at that time. Now, there is a peace agreement in sight, brought about in large part by the efforts of this administration, and we are faced with the decision of whether or not to support that agreement. We can be sure that those calls for U.S. military action would be heard again, should those tragic images be resurrected as a result of our unwillingness to follow through on this opportunity; that is what it is, an opportunity. That is all it is at the moment, an opportunity. We hope that it will eventually lead to peace, but it is an opportunity for peace.

In many ways, Bosnia represents the future of conflict in the world—an ugly, convoluted, and murderous small war with the ability to spread across borders and to convocate and to draw in neighboring nations and religio-ethnic groups. There is no clear superpower prism to focus and sharpen the lines between warring factions, as there was in the cold war. We cannot intervene in all of these conflicts, of course, nor can we hope to solve all of them. But some can be averted, or shortened, or perhaps settled, as Iraq, and now, hopefully, Bosnia has been, or soon will be, by the combined efforts of the United States and other powers. No single nation can wade in and settle these conflicts as they are too deep-seated, too complex. This places a premium on coalition building and on cooperative efforts by interested parties. It is an approach that worked in Iraq, and hopefully will work in Bosnia. United States leadership and participation have been critical, but we cannot do it alone, anymore than the other nations concerned about Bosnia can do it—or will do it—without us.

The Dayton accords, to be signed in Paris on December 14, are impressive. They comprise the basis for a new start for all the people of Bosnia, covering territorial, military, civil, governmental, and electoral matters. Not every issue is finally resolved, not every issue will be finally resolved, but additional negotiations are called for to resolve the outstanding issues. All three parties to the conflict have initialed these accords, and all three parties have pledged to abide by them. All the parties have sought this peace, and have made the many difficult decisions necessary to reach agreement on these accords. After almost 4 years of bitter conflict, this is truly an impressive achievement, and one that should not be underestimated.

The administration has done a good job in testifying before congressional committees, in laying out in detail the military plan and tasks that we would undertake to fulfill the NATO implementation plan.

I have participated in hearings by the Senate Appropriations Committee, of which I am a member. I have likewise participated in hearings by the Armed Services Committee, of which I am a member.

So the administration has presented its case. It has responded to questions and, in my judgment, candidly.

We are all very cognizant of the risks of casualties, and the administration is very clear on that point, that there are risks of casualties. And we are rightly concerned about the prospects of mission creep and the resulting quagmire that could develop when unforeseen events attempt to push us into an undefined, interminable and escalating involvement which none of us wants and which none of us—this Senator in particular—is willing to support. I believe that the administration is also concerned about these possibilities, and that we must reject any attempt to expand the limited military role in Bosnia beyond that which has been projected and assured as being the limit by the administration. We must guard against mission creep. We saw that in Somalia. When that happened, then I insisted on an amendment. It was my amendment which drew the line in the sand and said, "This far, no farther. If there is a request, if there is justification for staying longer, then come back, come back to Congress, seek authorization and appropriations." So the power of the purse was the magic ointment that assured that such a line could be drawn and that it could be enforced.

The United States can be proud of its professional, volunteer military. These men and women are well trained, well armed, willing and ready to meet any challenge.

I have heard it said that they are the best America has ever produced. I am not one who would say that, having lived through two world wars, the war in Vietnam and the war in Korea. The United States has produced great armies, great navies, military forces manned by patriotic individuals who were well trained in past wars. So, some who fought in World War II may question the saying that today's military is the best that America has ever produced. We can say that no better has been produced. And we can be proud of our military men and women.

These men and women are well trained, they are well armed, and they are willing and ready to meet any challenge, and they understand the risks that they face better than I can ever hope to do. They are prepared to operate effectively and decisively in Bosnia.

So, I again commend the President in arranging the Dayton meetings and putting together this opportunity to bring peace to the Balkans. This was quite an achievement in reaching the Dayton accords, quite an achievement in bringing the parties together, quite an achievement in getting them to initial an agreement. It is a noble effort, worthy of America, and it holds promise for a more enlightened 21st century than was the reality of the 20th century. American leadership, we have learned, makes a difference, and the world recognizes that American leadership makes a difference. Nevertheless, Mr. President, the American people are not anxious to risk their children to tame the excesses of other nations and ethnic groups. We do so very reluctantly, and that is as it should be. But when we contemplate an action such as the President has proposed in the Balkans, the chances of success are greatly enhanced if the execution of the operation is bipartisan and if the President has the support of the Congress in this endeavor.

I wrote to the President on October 13, urging him to seek the support of Congress before beginning this mission, and I commend him for replying in the affirmative on October 19. He promised to provide such a request "promptly after a peace agreement is reached." And in the next 2 minutes, such a letter will be faxed, as I have just been advised.

It is a truism that when the President succeeds, America succeeds. And if he does not succeed, the Nation as a whole loses. The majority leader, Mr. DOLE, has the experience and wisdom to understand this fundamental axiom of American power and influence, and I commend our majority leader for throwing his support behind the President in the execution of this national commitment. He has done the right thing for our country, and I believe the Congress as a whole should step up to the plate and accept its share of the responsibility.

The Constitution places upon the Congress the authority to declare war. Is one to suppose that anything less than a declaration of war shifts the responsibility elsewhere? I will have more to say on this later.

We in the Senate should come down on this one way or the other. It is the responsibility of the Congress. That is where the responsibility rests. That is where it is vested by the Constitution, and we should be willing to step up to the plate and vote one way or the other.

We have a constitutional duty to do so. We have an obligation to the people who voted to put us here to stand up for what we believe. One may wish to vote no; one may wish to vote aye. It seems to me that we have a responsibility to vote one way or the other. Ducking around the issue, hedging our bets and avoiding responsibility are not what the voters sent us here for. Our constituents deserve our considered judgment and expect us to take a stand on actions which will put their children at risk in foreign lands.

Our foreign military men and women will not have the opportunity to hedge their bets. They are being sent to battle, and they will stand at the plate. And we have a responsibility to do the same. The Constitution places that responsibility right here.

I believe that any resolution that we pass on this matter should clearly state that the Congress is approving the operation. I would prefer to use the word "authorizing" the operation. That is what we did in the case of the war in the Persian Gulf. Congress authorized the President of the United States, the words being these, and I quote from the Joint Resolution, Senate Joint Resolution 2, as voted on January 12, 1991: "The President is authorized," et cetera.

So we should take a clear stand. It should have the effect of giving the President the clear aegis of congressional authority that there is no doubt in the minds of friend or foe.

I can understand those who may wish to vote against such a measure, but vote we should. It should have the effect, as I say, of giving the President a clear aegis of congressional authority, which will help our military forces to succeed, and thus help America to succeed.

Some have compared this upcoming vote to the vote authorizing President Bush to lead U.S. troops into combat in Operation Desert Storm against Iraq, and I just referred to that resolution. Unlike the Persian Gulf war, when an economic embargo that was only just beginning to bite into the Iraqi economy provided an alternative to war, an alternative that I favored—an alternative that I believe most of the Chiefs of Staff favored, an alternative that I seem to remember General Powell favored—that I favored at that time over risking U.S. service men and women to combat, there is no comparable current alternative in the case of Bosnia. All of the alternatives have been tried over the last 3 or 4 years and have played out whatever impact they had.

The economic embargo on Serbia did have an important influence on the behavior of President Milosevic in seeking a peaceful settlement. In the end, however, only resolute U.S. and NATO military power have created conditions in which all of the warring factions have sought peace and have sought to protect this fragile commitment with the security of a NATO presence.

This is unique. It is unique. In Bosnia, our mission is to deter further war, to ensure stability by our very presence, and to give all three parties a chance to back away from conflict and begin anew in peace. This is an important difference. America has long valued peace and valued compromise over conflict.

We should think long and we should think hard before we consider rejecting this compromise, this chance for peace instead of more war. In the end, we do not know how this effort will turn out. It is a serious undertaking, as can be said of many decisions that have been made by our forbears in the past and in many actions that have been taken by our forefathers in the past. The outcome was not assured in their day. The outcome is not assured here, but we must make the best possible choice and decide what is best for America's security interests.

Furthermore, there has been concern over the so-called exit strategy; that is, the standards of success and benchmarks of military action by the international force which will result in a departure of our forces. The Secretary of Defense, Mr. Perry, and the Chairman of the Joint Chiefs of Staff, General Shalikashvili, testified on Wednesday, December 5, 1995, that they will have no trouble in completing the military mission and removing our forces from the ground operation in Bosnia in "approximately" a year.

That is the exit strategy! Let us vote on language putting their assurances into print, into law, into the action of the Senate. That is the exit strategy, "approximately 1 year." Indeed, they have emphatically argued that the military missions are structured so as to be able to be accomplished well within that time period.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes and 10 seconds remaining.

Mr. BYRD. I thank the Chair.

The Dayton agreement itself, in Article I, General Obligations, states that the parties "welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other militarily related provisions of the agreement." Therefore, the expectation of the parties themselves in language that they have initialed is that approximately 1 year is what they get in terms of the NATO operation. This is the clear understanding of the duration of the military mission, and so I think that there should be no ambiguity about this, no invitation to mission creep, no cloud of uncertainty that we are being drawn into a quagmire. The administration and the parties themselves, therefore, have made it indubitably clear that the mission is for approximately 1 year, and the American people have a right to expect it to last no longer than that.

The military operation should not be dependent upon the success of reconstruction attempts by civilian agencies, should not be dependent on the pace of civilian reconstruction, should not be dependent on elections, or other nonmilitary tasks. Therefore, I think it is appropriate to write into whatever resolution we pass a clear date certain—if not that, then the words "approximately 1 year"—so that it would be clear as to when U.S. forces will be expected to have fulfilled their mission and departed. I suggest that it be the language because that is the language the administration witnesses, that is the language that the President, and that is the language that the parties to the agreement themselves have proposed.

The language then should say—should, indeed, let the President know—that we expect that word to be kept. If for some unforeseen reason the circumstances are such that there may appear to be justification for seeking an extension, then I think that the President can come back to the Congress at that time and seek an extension, and seek the appropriations that are necessary, and Congress may at that time then address such a request promptly and appropriately, based on circumstances at such time.

I am not saying that Congress would favorably respond or that it would not favorably respond. But, again, Congress would speak. The deadline itself then is the ultimate exit strategy, and the administration can clearly plan its activities and withdrawal in an orderly fashion with that deadline understood from the outset. There will be no ambiguity about timeframes, then, regarding American military involvement and exposure of our forces to extended risk in Bosnia.

I should say that such language in no way would prevent the troops from being withdrawn earlier than "approximately 1 year," if all goes as well as expected. And if the mission does not go well, I remind my colleagues that Congress has the ability to end U.S. participation earlier, if necessary. Congress retains the power of the purse. I hope that Congress will think long and many times before it ever shifts that power of the purse to the Chief Executive.

Congress retains the power of the purse and can at any time draw a dateline for cutting off the funds for the mission and bringing the troops home. This is the ultimate authority, the ultimate authority of Congress and the ultimate authority of the American people through their elected representatives in Congress. And the power of the purse is the ultimate oversight tool of the Congress.

While I accept the assurances of our military leadership that the mission is achievable and that U.S. forces are well prepared to deal with the expected problems that may arise, if the situation changes and the parties resume their conflict despite our efforts and despite their pledges, then I would support action to bring our troops home, as I have done in the past.

There may well be needed a follow-on security force, manned by European troops on the ground, when the U.S. mission is over. I strongly encourage the administration to begin planning for such a turnover now. While U.S. leadership is needed now to stabilize the situation, after it is stabilized an insurance policy in the way of a residual European force should be contemplated.

I say all of this, Mr. President, after long consideration and with deep personal reflection and concern. This is a sober, somber thing that we are contemplating. I feel deeply my obligations to the Constitution and to the people of West Virginia and to the people of the United States and to our men and women in uniform. West Virginians will play a role in this mission as they have done so well and so valiantly in so many U.S. military missions throughout the Nation's history.

West Virginians were playing a role even before West Virginia itself became a State. Even before it became the 35th star in the universe of stars, the people of West Virginia, the people beyond the mountains, beyond the Alleghenies played a role. The 152nd POW Information Center, an Army National Guard unit in Moundsville, WV, is among the units that have been ordered to deploy to Bosnia. I wish them well, and I will remember their patriotism daily.

West Virginia is a great and patriotic State with a history of military service. As a percentage of her eligible population, West Virginia stands at the top—not at the bottom, but at the top—in combat casualties in U.S. military operations during the more than 200-year history of our Nation. West Virginia also has citizens whose heritage is Croat, Serb, and Bosnian Moslem—not many, but some. So the people of West Virginia, while most concerned about the fates of the U.S. soldiers, sailors, and airmen serving their country around the world, are not unmindful of the people of Bosnia.

In mid-November, the capital city of Charleston, WV, voted to become the sister city of Sarajevo, the capital of Bosnia. Charleston churches, other religious institutions, and the University of Charleston have generously and selflessly volunteered to support Bosnian refugees, and I am moved by these acts of kindness. We in West Virginia may be physically isolated in our mountains. We do not bemoan that fact. As a matter of fact, we look upon those mountains with immense pride. We may be isolated, but we are not unmindful of the plight of the common people of Sarajevo and the whole of Bosnia and Herzegovina.

This NATO operation in Bosnia in support of the Dayton peace agreement can be a turning point in the history of the Balkans. There are no other viable alternatives to ending this conflict. There is no other alternative to the exercise of American leadership and resolve that has led to this last true attempt at peace.

The President is exercising leadership, and he is rightly seeking the support of the people and he is rightly seeking the support of the Congress of the United States for this mission. It is our constitutional obligation here in the Congress to consider this mission and the consequences of this mission for American interests. It is our obligation to vote, and it is our obligation to watch over the execution of the mission.

I have been glad to see the Senate conducting the hearings and the debate that have led up to this upcoming vote. These have been lengthy hearings. They have been probing, and they have been thoughtful. There have been thoughtful questions and there have been thoughtful answers, and this could be a proud moment in the history of the Senate.

I hope that we can give the troops and the President the guidance and support that I believe are necessary to see this mission through successfully.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 45 seconds remaining.

Mr. BYRD. I thank the Chair.

Now, Mr. President, I read from a letter that has been sent to our Democratic leader, Mr. DASCHLE, and I understand that the Democratic leader has no objection to my reading from this letter and that he authorizes my doing so.

The letter says in part—it is addressed to the leader:

> Dear Mr. LEADER: I consider the Dayton peace agreement to be a serious commitment by the parties to settle this conflict. In light of that agreement and my approval of the final NATO plan, I would welcome a congressional expression of support for U.S. participation in a NATO-led implementation force in Bosnia. I believe congressional support for U.S. participation is immensely important—

Let me say that again.

> I believe congressional support for U.S. participation is immensely important to the unity of our purpose and the morale of our troops.

Mr. President, I add my own feeling that congressional support is not only immensely important, but it is also vital, in my judgment, it is vital to the success of the effort.

Mr. President, I ask unanimous consent on behalf of Mr. DASCHLE that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE WHITE HOUSE,
> *Washington, December 11, 1995.*
>
> Hon. THOMAS A. DASCHLE,
> *Democratic Leader, U.S. Senate,*
> *Washington, DC.*
>
> DEAR MR. LEADER: Just four weeks ago, the leaders of Bosnia, Croatia and Serbia came to Dayton, Ohio, in America's heartland, to negotiate and initial a peace agreement to end the war in Bosnia. There, they made a commitment to peace. They agreed to put down their guns; to preserve Bosnia as a single state; to cooperate with the War Crimes Tribunal and to try to build a peaceful, democratic future for all the people of Bosnia. They asked for NATO and America's help to implement this peace agreement.
>
> On Friday, December 1, the North Atlantic Council approved NATO's operational plan, OPLAN 10405, the Implementation of a Peace Agreement in the Former Yugoslavia. On Saturday, General George Joulwan, Supreme Allied Commander Europe, who will be commanding the NATO operation, briefed me in Germany on the final OPLAN.
>
> Having reviewed the OPLAN, I find the mission is clearly defined with realistic goals that can be achieved in a definite period of time. The risks to our troops have been minimized to the maximum extent possible. American troops will take their orders from the American general who commands NATO. They will be heavily armed and thoroughly trained. In making an overwhelming show of force, they will lessen the need to use force. They will have the authority, as well as the training and the equipment, to respond with decisive force to any threat to their own safety or any violations of the military provisions of the peace agreement. U.S. and NATO commanders believe the military mission can be accomplished in about a year.
>
> A summary of the OPLAN is attached. Of course, members of my staff and the Administration are available to answer your questions and further brief you on the OPLAN as you require.
>
> I consider the Dayton peace agreement to be a serious commitment by the parties to settle this conflict. In light of that agreement and my approval of the final NATO OPLAN, I would welcome a Congressional expression of support for U.S. participation in a NATO-led Implementation Force in Bosnia. I believe Congressional support for U.S. participation is immensely important to the unity of our purpose and the morale of our troops.
>
> I believe there has been a timely opportunity for the Congress to consider and act upon my request for support since the initialing in Dayton on November 21. As you know, the formal signing of the Peace Agreement will take place in Paris on December 14.
>
> As I informed you earlier, I have authorized the participation of a small number of American troops in a NATO advance mission that will lay the groundwork for IFOR, starting this week. They will establish headquarters and set up the sophisticated communication systems that must be in place before NATO can send in its troops, tanks and trucks to Bosnia.
>
> America has a responsibility to help to turn this moment of hope into an enduring reality. As the leader of NATO—the only institution capable of implementing this peace agreement—the United States has a profound interest in participating in this mission, which will give the people of Bosnia the confidence and support they need to preserve the peace and prevent this dangerous war in the heart of Europe from resuming and spreading. Since taking office, I have refused to send American troops to fight a war in Bosnia, but I believe we must help now to secure this Bosnian peace.
>
> Sincerely,
> BILL CLINTON.

Mr. BYRD. Mr. President, I thank the Senate. I thank Senators. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts if recognized.

Mr. KENNEDY. Mr. President, I strongly oppose the constitutional amendment we are debating this afternoon and will be voting on tomorrow. The first amendment is one of the great pillars of our freedom. It has never been amended in over 200 years of our history and now is no time to start.

Flag burning is a vile and contemptuous act, but it is also a form of expression protected by the first amendment. Surely we are not so insecure in our commitment to freedom of speech and the first amendment that we are willing to start carving loopholes now in that majestic language.

And for what reason? What is the menace? Flag burning is exceedingly rare. Published reports indicate that fewer than 10 flag burning incidents have occurred a year since the Supreme Court's decision in Texas versus Johnson in 1989. According to the Congressional Research Service, there were 7 reported incidents in 1990; 13 in 1991; 10 in 1992; 0 in 1993; and 3 in 1994.

Mr. President, this is hardly the kind of serious and widespread problem in American life that warrants a loophole in the first amendment. Surely there is no clear and present danger that warrants such a change.

Mr. President, we just heard the excellent statement of the Senator from West Virginia. His statement emphasized that issues of security and interests of peace in the Balkans are a matter of great importance to the American people. It is right that we will debate issues relating to national security and the well-being of our men and women under arms.

Similarly, it is essential that we discuss our Nation's domestic priorities as we address the budget and the deficit. Hopefully debate will lead to progress in an area of great importance.

We also would agree, I daresay, that the issues facing the children of this country—the strength of our educational system, the violence engulfing our society, the exposure to substance abuse and other health risks—are a matter of importance and deserve extensive debate.

But, when you look at the incidents of flag desecration during the last 5 years—three in 1994, none in 1993—it is difficult to believe that we are going to take time to amend the first amendment to the Constitution. I think such an action fails the reality test.

I can remember listening to a speech given by Justice Bill Douglas, one of the great Supreme Court Justices. Students asked him what was the most important export of the United States. He said, without hesitation, "The first amendment." That is the defining amendment for the preservation of speech and religion, so basic and fundamental in shaping our Nation. Now, in the next 2 days, are we going to make the first alteration to the first amendment? I believe it is not wise to do so.

The first amendment breathes life into the very concept of our democracy. It protects the freedoms of all Americans, including the fundamental freedom of citizens to criticize their Government and the country itself, including the flag. As the Supreme Court explained in Texas versus Johnson, it is a "bedrock principle underlying the first amendment * * * that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive and disagreeable."

Of course we condemn the act of flag burning. The flag is a grand symbol that embodies all that is great and good about America. It symbolizes our patriotism, our achievements, and reverence our reverence for freedom and democracy.

But how do we honor the flag by dishonoring the first amendment? Consider the words of James Warner, a former marine aviator, who was a prisoner in North Vietnam from 1967 to 1973:

> It hurts to see the flag burned, but I part company with those who want to punish the flag burners. . .. I remember one interrogation [in North Vietnam] where I was shown a photograph of Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves you are wrong." "No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Mr. President: this is James Warner, former marine, prisoner of war for over 7 years.

> It hurts to see the flag burned, but I part company with those who want to punish the flag burners. . . I remember one interrogation [in North Vietnam] where I was shown a photograph of Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves you are wrong." "No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Mr. President, that says it all. We respect the flag the most, we protect it the best, and the flag itself flies the highest when we honor the freedom for which it stands.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, this amendment, granting Congress power to prohibit physical desecration of the flag, does not amend the first amendment. The flag amendment overturns two Supreme Court decisions which have misconstrued the first amendment.

The first amendment's guarantee of freedom of speech has never been deemed absolute. Libel is not protected under the first amendment. Obscenity is not protected under the first amendment. A person cannot blare out his or her political views at 2 o'clock in the morning in a residential neighborhood and claim first amendment protection. Fighting words which provide violence or breaches of the peace are not protected under the first amendment.

The view that the first amendment does not disable Congress from prohibiting physical desecration of the flag has been shared by ardent supporters of the first amendment and freedom of expression.

In *Street* v. *New York*, 394 U.S. 576 (1969), the defendant burned a flag while uttering a political protest. The Court overturned his conviction since the defendant might have been convicted solely because of his words. The Court reserved judgment on whether a conviction for flag burning itself could withstand constitutional scrutiny. [Id. at 581.] Chief Justice Warren dissented, and in so doing, asserted:

> I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace . . . Id. at 605 (Warren, C.J., dissenting).

Justice Black—generally regarded as a first amendment "absolutist"—also dissented and stated:

> It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense. Id. at 610 (Black, J., dissenting).

Justice Fortas agreed with Chief Justice Warren and Justice Black:

> [T]he states and the Federal Government have the power to protect the flag from acts of desecration committed in public. . . . [T]he flag is a special kind of personality. Its use is traditionally and universally subject to special rules and regulation. . . . A person may "own" a flag, but ownership is subject to special burdens and responsibilities. A flag may be property, in a sense; but it is property burdened with peculiar obligations and restrictions. Certainly . . . these special conditions are not per se arbitrary or beyond governmental power under our Constitution. Id. at 615–617 (Fortas, J., dissenting).

Prof. Stephen B. Presser of Northwestern Law School testified before the Subcommittee on the Constitution on June 6:

> The Flag Amendment would not in any way infringe the First Amendment. . . . The Flag Protection Amendment does not forbid the expression of ideas, nor does it foreclose dissent. [Written Testimony of Professor Stephen B. Presser, June 6, 1995 at p. 11]

Richard Parker, professor of law at Harvard Law School, testified:

> The proposal would not "amend the First Amendment." Rather, each amendment would be interpreted in light of the other—much as in the case with the guaranties of Freedom of Speech and Equal Protection of the Laws. When the Fourteenth Amendment was proposed, the argument could have been made that congressional power to enforce the Equal Protection Clause might be used to undermine the First Amendment. The courts have seemed able, however, to harmonize the two. The same would be true here. Courts would interpret "desecration" and "flag of the United States" in light of general values of free speech. They would simply restore one narrow democratic authority. Experience justifies this much confidence in our judicial system.
>
> But, we're asked, is 'harmonization' possible? If the Johnson and Eichman decisions protecting flag desecration were rooted in established strains of free speech law—as they were—how could an amendment countering those decisions coexist with the First Amendment?
>
> First, it's important to keep in mind that free speech law has within it multiple, often competing strains. The dissenting opinions Johnson and Eichman were also rooted in established arguments about the meaning of freedom of speech. Second, even if the general principles invoked by the five Justices in the majority are admirable in general—as I believe they are—that doesn't mean that

> the proposed amendment would tend to undermine them, so long as it is confined, as it is intended, to mandating a unique exception for a unique symbol of nationhood. Indeed, carving out the exception in a new amendment—rather than through interpretation of the First Amendment itself—best ensures that it will be so confined. Even opponents of the new amendment agree on this point. Third, it's vital to recognize that the proposed amendment is not in general tension with the free speech principle forbidding discrimination against specific 'messages' in regulation of speech content. Those who desecrate the flag may be doing so to communicate any number of messages. They may be saying that government is doing too much—or too little—about a particular problem. In fact, they may be burning the flag to protest the behavior of non-governmental, 'patriotic' groups and to support efforts of the government to squash those groups. Laws enacted under the proposed amendment would have to apply to all such activity, whatever the specific 'point of view.' One, and only one, generalized message could be regulated: 'desecration' of the flag itself. And regulation could extend no farther than a ban on one, and only one, mode of doing it: 'physical' desecration. Finally, and perhaps most importantly, we mustn't lose sight of the fundamental purpose of the proposed amendment. That purpose is to restore democratic authority to protect the unique symbol of our aspiration to national unity, an aspiration that, I've said, nurtures—rather than undermines—freedom of speech that is "robust and wide-open. [Written Testimony, Professor Richard D. Parker, June 6, 1995, pages 6-8, footnotes omitted].

In short, Mr. President, there is no conflict between the flag protection amendment and the first amendment—we are only overturning two mistaken Supreme Court decisions.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mr. HATCH. Will the Senator yield?

Mrs. FEINSTEIN. Yes.

Mr. HATCH. I ask unanimous consent that the distinguished Senator from Alaska, Senator STEVENS, be permitted to speak after our friend, the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I think you have heard some very eloquent words from the senior Senator from Massachusetts. I respect him greatly. I respect the words he said. I think what this proves is that there is no lack of patriotism on either side of this debate. Patriotism and love of country are equally as strong for those of us on each side of this debate.

I support a constitutional amendment to restore protection to our national flag. I do so not in deference to political expediency, but because I believe it is the right thing to do. And I have believed this for a long time. Today I have an opportunity to say why.

Our national flag has come to hold a unique position in our society as the most important and universally recognized symbol that unites us as a nation. No other symbol crosses the political, cultural, and ideological patchwork that makes up this great Nation and binds us as a whole. The evolution of the American flag as the preeminent symbol of our national consciousness is as old and as rich as the evolution of our country itself.

I will never forget the emotion I felt as a child when I saw that famous photograph by photographer Joe Rosenthal—a photograph of the soldiers raising the American flag at Iwo Jima—capturing in one moment in time, the strength and the determination of this entire Nation.

The unique status of the national flag has been supported by constitutional scholars as diverse as Chief Justices William Rehnquist and Earl Warren, and Justices John Paul Stevens and Hugo Black.

The flag flies proudly over official buildings, and many Americans fly them at their homes. I happen to be one of them.

Our history books are replete with the stories of soldiers, beginning with the Civil War, who were charged with the responsibility of leading their units into battle by carrying the flag. To them it was more than a task—it was an honor worth dying for, and many did. When one soldier would fall, another would take his place, raise the flag, and press forward. They would not fail. Their mission was too important; the honor too great; flag and country too respected to give anything short of their lives to succeed.

(Mr. GRAMS assumed the chair.)

Mrs. FEINSTEIN. Mr. President, our flag is recognized as unique, not only in the hearts and minds of Americans, but in our laws and customs as well. No other emblem or symbol in our Nation carries with it such a specific code of conduct and protocol in its display and handling.

Here are just a few sections of the Federal law:

> The United States flag should never be displayed with the Union down, except as a signal of dire distress or in instances of extreme danger to life or property.
>
> The United States flag should never touch anything beneath it—ground, floor, water or merchandise.
>
> The United States flag should never be dipped to any person or thing.
>
> The United States flag should never be carried horizontally, but it should always be carried aloft and free.

Why then, should it be permissible conduct to urinate on, to defecate on, or to burn the flag? That is not my definition of free speech.

Until the Supreme Court's decision in Texas versus Johnson in 1990, 48 of 50 States had laws preventing the burning or defacing of our Nation's flag.

I do not take amending the Constitution lightly. However, when the Supreme Court issued the Johnson decision and then the Eichman decision, those who wanted to protect the flag were forced to find an alternative path.

The Nation's flag is a revered object as well as a symbol. I believe that it should be viewed as such—as a revered national object, not simply as one of many vehicles for free speech.

Everything about the flag in its tangible form, in its very fabric, has significance. The shape, the colors, the dimensions, and the arrangement of the patterns help make the flag what it is.

The colors of the flag were chosen by the Continental Congress in the 18th century. In 1782, the Congress of the Confederation chose the same colors for the Great Seal of the United States: Red for hardiness and courage; white for purity and innocence; blue for vigilance, perseverance, and justice.

If one were to change the colors, the orientation of the stripes, or the location of the field of stars, it would no longer be the American flag. What I am saying is that I believe that the physical integrity of the flag is crucial.

Despite this fact, because the flag also has symbolic value, the Supreme Court has determined that physically burning or mutilating the flag does not destroy the symbol. Therefore, a prohibition on burning or mutilating the flag would not serve a "compelling" governmental interest and could not be justified under the first amendment.

I do not agree. I believe that burning, tearing, and trampling on the object undermines the symbol. The process may be incremental, but over time the symbol erodes. The Supreme Court arguably has placed the flag in a kind of catch-22 situation. Because the flag is so important, because the flag is unique, because the flag has such powerful symbolic value, it, ironically, goes unprotected.

I support Senate Joint Resolution 31 because it will return the Nation's flag to the protected status I believe it deserves. The authority for the Nation to protect its central symbol of unity was considered constitutional until 5 years ago.

In the Senate Judiciary Committee's markup of Senate Joint Resolution 31, I proposed alternative legislation with more specific, narrowly tailored language. Although this was not voted on in committee, Chairman HATCH offered to work with me to see if we could develop language we could agree upon.

He has now proposed the substitute amendment that I believe represents a vast improvement over the original language of Senate Joint Resolution 31.

The original language would have allowed Congress, as well as each of the 50 States, to develop legislation prohibiting the desecration of the flag. In other words, each State would have been authorized to define "flag," and each State would have been authorized to define "desecration."

The proposed substitute amendment offered earlier this afternoon would give Congress, and Congress alone, the authority to draft a statute to protect the flag. This will give Congress the opportunity to draft, carefully and deliberatively, precise statutory language that clearly defines the contours of prohibited conduct, something along the lines of the language I offered in committee. It would allow Congress to establish a uniform definition for "flag of the United States," rather than allowing for 50 separate State definitions.

Because we are protecting our national symbol, it makes sense to me that Members of Congress, representing the Nation as a whole, should craft the statute protecting our flag.

Let me add that, from a first amendment perspective, a specific constitutional amendment prohibiting flag burning may be preferable to a statute. Harvard Law Prof. Frank Michelman made this point in a 1990 article, "Saving Old Glory: On Constitutional Iconography."

Although not himself an advocate of flag protective prohibitions, Professor Michelman argued that a specifically worded constitutional amendment related to flag burning could be preferable to a statute, posing fewer potential conflicts with the first amendment. An amendment pertaining exclusively to the flag would have little risk of affecting other kinds of expressive conduct. The premise of his argument is that, when the Constitution is amended, Supreme Court review is not required.

By contrast, a statute, if challenged, could only survive if the Supreme Court ultimately determined it to be constitutional. In other words, the Court would need to justify that the statute conformed to existing freedom-of-expression doctrine. In so doing, the Court arguably would need to develop a rationale that could ultimately serve to justify prohibitions on other kinds of symbolic expression.

So, I believe that those who say we are making a choice between trampling on the flag and trampling on the first amendment are creating an unfair dichotomy. Protecting the flag will not prevent people from expressing their ideas through other means, in the strongest possible terms.

Furthermore, the right to free speech is not unrestricted. For example, the Government can prohibit speech that threatens to cause imminent tangible harm, including face-to-face "fighting words," incitement to violation of law, or shouting "fire" in a crowded theater. Obscenity and false advertising are not protected under the first amendment, and indecency over the broadcast media can be limited to certain times of day. Ever since Justice Brennan's 1964 decision in New York Times versus Sullivan, statements criticizing official conduct of a public official may be sanctioned if they are known to be false and if they damage the reputation of the official. There is much that is open to debate about the proper parameters of free speech.

In voting for this legislation, however, I extend a cautionary note. This amendment should not be viewed as a precedent for a host of new constitutional amendments on a limitless variety of subjects. The Constitution was designed to endure throughout the ages, and for that reason it should not be amended to accommodate the myriad of issues of the day. My support of a constitutional amendment to protect the flag reflects the gravity of my belief in the purpose.

I recognize that by supporting a constitutional amendment to protect the flag, I am choosing a different course from many Democrats in Congress and, quite frankly, from many of my close friends for whom I have the greatest respect.

But my support for this amendment reflects my broader belief that the time has come for the Nation to begin a major debate on values. I believe that this country must look at itself in the mirror and come to terms with those values. I do not wish to imply that one set of values is necessarily superior to another. But we cannot keep pressing the envelope and still remain a functional society.

We need to ask ourselves what we hold dear—Is there anything we will not cast contempt upon? We need to ask ourselves: How can we foster respect for tradition as well as for ideological and cultural diversity? How can we foster community as well as individuality, nationhood as well as internationalism? These are all important values, and we have to learn to reconcile them. We must not jettison one at the expense of another.

The Framers of the Constitution recognized two important elements of our constitutional tradition: a liberty element and a responsibility element. Without responsibility, without a rule of law, there could be no protection of life, limb, or property—there could be no lasting liberty. I believe there is a danger of moving too far in either direction—toward too restrictive order, or toward unlimited individual liberty.

In this instance, I believe we cannot tilt the scales entirely in favor of individual rights, when there exists a vast community of people in this country who have gone to war for our flag. And there are mothers and fathers and wives and children who have received a knock at their front door and have been told that their son, or husband, or father had died alone, in a trench. They were given a flag on this occasion, a flag which helps preserve the memory of their loved one, and which speaks to his or her courage.

Last June, the Senate Judiciary Committee heard testimony from Rose Lee of the Gold Star Wives of America, an organization representing 10,000 widows of American servicemen. This is what she said:

> The flag, my flag, our flag . . . means something different to each and every American. But to the Gold Star Wives, it has the most personal of meanings. Twenty-three years ago this American flag covered the casket of my husband, Chew-Mon Lee, United States Army. . . Every Gold Star Wife has a flag like this one, folded neatly in a triangle and kept in a special place . . . My husband defended this flag during his life . . . [b]urning the flag is . . . a slap in the face of every widow who has a flag just like mine.

Requiring certain individuals to refrain from defacing or burning the flag, I believe, is a small price to pay on behalf of the millions of Americans for whom the flag has deep personal significance. Just 5 years ago, when 48 States had laws against flag burning, the first amendment continued to thrive.

I believe that this legislation will protect the integrity of the flag while keeping our first amendment jurisprudence intact. I urge my colleagues to support it.

I thank the Chair and yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand there is a unanimous-consent request for the senior Senator from Alaska to proceed at this time, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, the distinguished senior Senator, my good friend, is not on the floor at the moment. I ask unanimous consent that I might be able to proceed, and I assure my friends that if he arrives, I will yield to him at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair and my friend from Utah.

Mr. President, I find flag burning a reprehensible form of protest. We have, in this the greatest democracy on Earth, freedom of speech, and we have so many ways that we can have political debate and well-understood protests, that it seems like a slap at so many people in this country, certainly those of us who serve our country and are sworn to uphold its laws, and a particularly vile form of protest. It demeans an important symbol of our country and shows disrespect for the sacrifice so many have made to preserve our freedoms. I know that the veterans, the Gold Star Wives, whom the distinguished Senator from California just referred to, and others who are pressing for this amendment are doing so out of sincerity and out of a strong sense of patriotism.

I feel fortunate that we live in a country where the vast majority—I would say 99.9 percent—of our citizens share a deep respect for the flag and all that it symbolizes. It was one of the first things that my grandparents saw when they came to this country—not speaking a word of English but knowing it was a symbol of freedom.

Indeed, most of us do not need a law or the Constitution to require us to honor America. We do so willingly and spontaneously, as I do when I fly the flag at my home in Vermont.

We salute the flag and we stand for "The Star Spangled Banner" not because the law compels it, but out of respect. These are ways of expressing our thanks to those who have left us such a rich heritage. It is that respect that comes voluntarily, that comes from a sense of our history and our debt to prior generations that inspires us to salute, not the command of law or outside imposition of any legal requirement.

I believe that we are being asked to take steps down a road that leads to a weakening of the Bill of Rights and our fundamental guarantees of freedom. No right is more precious than that of freedom, and no freedom is more important than the first amendment's guarantee of freedom of speech. Even though, for a good cause, this proposed constitutional amendment would restrict others' free speech rights, it would set a dangerous precedent.

I believe—and I have said it many times on the floor—that the first amendment is the most valuable bedrock in our Constitution and in our democracy. The first amendment guarantees us the right to practice any religion we want, or no religion if we want. It gives us the right of free speech. That right is unprecedented in any other significant country on this Earth. It guarantees diversity of religion, diversity of belief, diversity of speech, and if you have protected diversity, you have a democracy.

I cannot believe that there is a Member of this Senate—certainly not myself—who was not offended, in 1989 and 1990, by the publicity-hungry flag burners. I am offended to see the American flag burned or trampled overseas. I am offended when our President and Commander in Chief and his family are subjected to mean-spirited and defamatory characterizations, and when nationally syndicated radio personalities talk about how to shoot to kill Federal law enforcement officers.

I am offended when anyone makes such a suggestion.

I am offended by militant extremists who called our Senate colleague from Pennsylvania a representative of "corruption and tyranny" when he chaired a hearing exposing their ideas. I am offended by those who spew racial and ethnic hatred. I am offended that the Supreme Court of the United States required Columbus, OH, to allow the Ku Klux Klan to erect in a public square the KKK's "symbol of white supremacy and a tool for the intimidation and harassment of racial minorities, Catholics, Jews, Communists and other groups hated by the Klan." There is certainly much that offends in our contemporary society.

But we must resist the temptation to make an exception here to limit one form of obnoxious speech. The guts of the first amendment is its extraordinary protection of antigovernment, political speech. Nowhere else in the world or through history has there been such a profound commitment to allow unrestricted criticism of those in power. The shouts of protest disturb, provoke, challenge, and offend. We must tolerate them because they also demonstrate the strength of America.

Polls and resolutions of State legislatures are being cited as reasons to support this proposed constitutional amendment. I have thought hard about the argument that this is a populist amendment and that the States should be given the opportunity to decide whether to amend our Constitution. In many settings, this would be a strong argument. But here, we are confronted with a proposed amendment to the Bill of Rights, and to that part of the first amendment intended to protect the minority from an orthodoxy of the majority.

We are this year commemorating the 50th anniversary of the end of the Second World War. While that profound conflict raged, in June, 1943, the Supreme Court decided West Virginia State Board of Education versus Barnette, a case that raised the question whether children attending public schools could be compelled to salute the flag and pledge allegiance. The Court held, over the vigorous dissent of Justice Frankfurter, that the State could not employ such compulsion to achieve national unity, even in that time of world war.

The Supreme Court's opinion was written by Justice Robert Jackson, a former Attorney General of the United States who later served as the chief prosecutor at the Nurenberg trials. Let me quote from Justice Jackson's opinion:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections. . . .
>
> The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own.
>
> Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds. We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. Where they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.
>
> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

If World War II itself was not a circumstance that permitted an exception to the first amendment to foster patriotism and national unity, I do not believe that the potential for disrespectful political protest of today's Government policy provides the justification required by article V of the Constitution for its amendment. There exists no compelling reason for limiting the Bill of Rights.

I am proud that earlier this year the Vermont Legislature chose the first amendment over the temptation to take popular action. The Vermont House passed a resolution urging respect for the flag and also recognizing the value of protecting free speech "both benign and overtly offensive." Our Vermont attorney general has urged that we trust the Constitution and not the passions of the times.

Vermont's action this year is consistent with its strong tradition of independence and commitment to the Bill of Rights. Indeed, Vermont's own Constitution is based on our commitment to freedom and our belief that it is best protected by open debate. Vermont did not join the Union until the Bill of Rights was ratified and part of the country's fundamental charter.

Vermont sent Matthew Lyon to Congress and he cast the decisive vote of Vermont for the election of Thomas Jefferson. He was the same House Member who was the target of a shameful prosecution under the Sedition Act in 1789 for comments made in a private letter. Vermont served the Nation again in the dark days of McCarthyism when Senator Ralph Flanders stood up for democracy and in opposition to the repressive tactics of Joseph McCarthy. Vermont's is a great tradition that we cherish and that I intend to uphold.

I have deep respect for the position of William Detweiler, the national commander of the American Legion. When he testified this year before the Judiciary Committee he shared with us his concern that we, as a country, "slide down that slippery slope * * * every time we deny our heritage." But the slippery slope that most concerns me is the proposed restriction of the Bill of Rights and the precedent such an amendment would establish.

Never in our history as a Nation have we narrowed the Bill of Rights through constitutional amendment. Our history has been one of expanding individual rights and protections.

Some of our colleagues contend that because the flag is such a unique national symbol, this will be the only time that we will be called upon to limit first amendment rights. Unfortunately, no one can give that assurance or make such a guarantee. Just this session, in the wake of the bombing in Oklahoma City, the Senate passed a terrorism bill that includes new limits on associational rights and, in the heat of the moment, 84 Members of this body voted to censor the Internet and criminalize private, constitutionally protected speech that might be considered indecent during consideration of the telecommunications bill. We cannot be so sure that without the bulwark of the first amendment our rights will be protected.

Barely 5 years ago a similar proposed constitutional amendment was considered and rejected by this Senate after the U.S. Supreme Court ruled that the conviction in the Eichman case resulted from an unconstitutional application of the Flag Protection Act of 1989. Little has changed. Indeed, in the intervening years, following the protests sparked by Desert Storm, there have been only a handful of flag burnings. None was reported in 1993 and three were reported in 1994, as the drive to amend the Constitution built momentum.

In 1990, 42 Senators stood up for the Bill of Rights and voted against the constitutional amendment we are voting on again today. I urge my colleagues to join with me to preserve the Constitution and protect the very principles of freedom that the flag symbolizes. Fundamental constitutional principles are too important for partisan politics or short-term expediency. Let us not allow this matter to devolve into the bumper sticker politics of emotion that has so dominated this Congress.

One of the best statements that I have ever seen in all the years that we have been debating this issue is that by James H. Warner, a former Marine flyer who had been a prisoner of the North Vietnamese for 5½ years. I ask that his full statement from July 1989 be printed in the RECORD and urge my colleagues to consider it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 11, 1995]

WHEN THEY BURNED THE FLAG BACK HOME—THOUGHTS OF A FORMER POW

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes. I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully descreate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal, of our comrades of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutriton. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.

Rose Wilder Lane in her magnificent book "The Discovery of Freedom," said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Maoists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to "reeducate" us. If we could show them that we would not abandon our belief in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I do not appreciate this power before I was a prisoner of war. I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."

"No," I said, "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction. I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded forcefully that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' "History of the Peloponnesian War," Pericles contrasted democratic Athens with totalitarian Sparta. Unlike the Spartans, he said the Athenians did not fear freedom. Rather they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, for our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into "a city shining on a hill, a light to all nations." Don't be afraid of freedom, it is the best weapon we have.

Mr. LEAHY. While a prisoner of war, he was shown a photo of Americans protesting the Vietnam war by burning a flag. His reaction was that of a true American hero: He turned the use of the photo against his captors by proclaiming that the photo proved the rightness of the cause of freedom. He was proud that we in this great country "are not afraid of freedom, even if it means that people disagree with us." Let us heed his words and "not be afraid of freedom."

Mr. President, we are each custodians of the Constitution as well as contemporary representatives during our brief terms in office. We were given a Bill of Rights that has served to protect our rights and speech for over 200 years. We should provide no less to our children and grandchildren.

My family and I fly the flag at our home. I display it in my office. No law tells me to do that. Love of my country and its symbols tells me to. That love is far more compelling than any law.

Mr. STEVENS. Mr. President, this resolution proposes a constitutional amendment to empower Congress to prohibit the physical desecration of the flag. I have come to commend my friend from Utah, Senator HATCH, for his leadership on this issue; and I am pleased to join with him as a sponsor of the proposal.

On this subject, I do believe I speak for a majority of Alaskans as I support this legislation. Mr. President, 90 percent of Alaskans who have contacted my office since this matter was proposed are in favor of this amendment.

Our support comes on a little different basis, Mr. President, than others who stand on this floor. We live a long way from this Capitol. We are actually closer to Tokyo than to Washington, DC. We are an independent bunch. Yet we have some very deep-seated feelings on this issue. Why are we for this bill? It is because the flag is truly the symbol of the Nation that we sought to join as a State not too long ago.

As a veteran, I have felt and seen our flag's importance overseas. Living away from home, overseas, away from our freedoms, those of us who served during the long period of World War II learned to respect our flag deeply. It represents what our country stands for, qualities that no other nation can offer its citizens. We stand for freedom in this country, and that is what this flag reminds us all of. Our Nation's anthem, "The Star Spangled Banner," captures the bond that Americans feel toward our flag.

The flag does, in fact, represent America. The 13 stripes represent the 13 States that brought about our Constitution. There are 50 stars, one for each State. I remember well the day that the 49th star was placed on that flag. I was in Maryland assisting in raising the first flag. And also in Alaska, once a territory, now becoming a State, Rita Gravel, the wife of a former Senator, climbed up a long ladder to pin the 49th star on a flag flying in our major city. Those of us who had worked in the statehood movement will never forget that moment. It meant a great deal to us.

In short, it is more than just a symbol. It is a question of belonging. Every State is represented there on that flag, and that has been our tradition since the very beginning. As I said, participating in the statehood movement, which does not happen very often, is something that is deeply ingrained in the soul. It was and remains meaningful to us to have our star on the flag.

I think, then, that desecration of the flag has meant a great deal to States. I am not sure how many Members of the Senate know, it has probably been said on the floor time and time again, but 48 of our States had laws on the books that punished flag desecration when the Supreme Court rejected such laws.

The Supreme Court has indicated that, absent an expression from the national legislature, State and Federal prohibitions on flag desecration are subject to strict first amendment proscriptions. I do believe we must act now to give our people the opportunity to reverse that position.

I do not take too lightly, and I do not think Alaskans take too lightly, the concept of suggesting and supporting amendments to our Constitution. That is a powerful action to suggest, and a route that has not been taken too often by the Congress.

Mr. President, we pledge allegiance to our flag and to the Nation it represents. If anyone doubts, really, what it means to a veteran to consider the flag, I think a person should take a trip to the Iwo Jima monument. Nothing, I think, represents the Nation the way the flag does. Therefore, I am hopeful that this amendment will be approved by our States, and that it will restore the demand for everyone in this Nation to respect the symbol of our freedoms.

Mr. HATCH. Mr. President, I thank my colleague from Alaska for his excellent statement and for the continuing great work that he does as a Member of the Senate. I really appreciate him personally and I appreciate his support for this amendment.

I might mention that earlier in the day my colleague and friend from Massachusetts said there just are not many flag-burning desecrations, and he cited some statistics that I think are quite wrong.

Based on information provided to me by the Congressional Research Service, the number of flags desecrated have been as follows—and keep in mind these are ones that are reported, the ones where we have had a fuss about. This does not begin to cover those desecrated that were not reported:

In 1990, at least 20 flags in this country; in 1991, at least 10 flags; in 1992, at least 7 flags; in 1993, at least 3 flags; in 1994, at least 5 flags; for a total of 45 flags between 1990 and 1994. In 1995, there have been over 20 flags so far.

Every one of these known flag-burning cases have been covered by the media, so millions of people have been affected by them. Millions of people have seen our national symbol desecrated and held in contempt.

Millions of people are beginning to wonder, why don't we have any values in this country? Why don't we stand up for the things that are worthwhile? Why don't we stand up for our national symbol? What is wrong with that?

What this amendment would do is allow the Congress of the United States to pass legislation that would protect the flag. What is so wrong about that? It would allow us to do that. We could do whatever we wanted to.

If people did not like it, they could vote against it. They could filibuster it, where you have to get 60 votes in the Senate. The President, if he does not like it, has a right to veto it, where you have to get 67 votes in the Senate. It is not like people's rights are being taken away because we pass a constitutional amendment.

I wonder if my friend from Massachusetts believes that the Supreme Court has so far construed the first amendment correctly by holding that it does not protect obscenity and child pornography?

He was attempting to make the point that this amendment is somehow an unprecedented infringement on the first amendment. With all due respect, that is a joke. Last Friday, I listed 21 instances where the Supreme Court upheld laws which limit speech or conduct which some have argued was protected by the first amendment. What we are considering here is not something new.

Some of those cases involved actual speech, including obscenity and limitations on Government speaking. Here, we are talking about offensive conduct, not speech. The Supreme Court, in one of its off days—in fact two off days, when you consider both Johnson and Eichman—decided by a 5 to 4 margin, that this offensive conduct rises to the dignity of free expression.

If my friend from Massachusetts thinks it is terrible to interfere under any circumstances with speech or conduct which some might argue is somehow protected by the first amendment, what about laws prohibiting child pornography? What about laws against obscenity?

Put aside whether my friend would use the same legal test for determining what is obscenity or child pornography as the Supreme Court presently uses. He may not. But I think he would admit that he would not want his children or grandchildren to be buffeted by child pornography.

If, after 200-plus years of legal precedent to the contrary, the Supreme Court were to decide, by a 5 to 4 vote, that obscenity is protected by the first amendment, I wonder if some of the people who have argued against this amendment, because they claim it infringes upon the first amendment, would oppose an amendment authorizing the prohibition of the sale and distribution of obscenity or pornography?

And if my friend felt that the 5-to-4 decision was wrong, would he view such an amendment as tampering with the Bill of rights, or just overturning a mistaken judicial interpretation of it?

Would my friend be demanding on the floor of Congress that supporters of an antiobscenity amendment determine in advance whether this or that hypothetical picture, photograph, or writing would qualify as obscene under the amendment?

I doubt it. I sincerely doubt it.

I want to say a few words about Senator BIDEN'S content-neutral constitutional amendment, and then I understand my friend from Idaho is here, and also my friend from Kentucky.

A few critics of the flag amendment believe that all physical impairments of the integrity of the flag, such as by burning or mutilating, must be made illegal or no such misuse of the flag should be illegal. An exception is provided for disposal of a worn or soiled flag. This all or nothing approach flies in the face of nearly a century of legislative protection of the flag.

A content neutral amendment would forbid an American combat veteran from taking an American flag flown in battle and having printed on it the name of his unit and location of specific battles, in honor of his unit, the service his fellow soldiers, and the memory of the lost.

Then Assistant Attorney General for Legal Counsel William S. Barr testified before the Senate Judiciary committee August 1, 1989, and brought a certain American flag with him:

> Now let me give you an example of . . . the kind of result that we get under the [content-neutral approach]. This is the actual flag carried in San Juan Hill. It was carried by the lead unit, the 13th Regiment U.S. Infantry, and they proudly emblazon their name right across the flag, as you see; 1,078 Americans died following this flag up San Juan Hill.
>
> . . . Under [a content neutral approach], you can't have regiments put their name on the flag that's defacement . . . (Testimony, Assistant Attorney General William P. Barr, August 1, 1989, at 68).

I wish to empower Congress to prohibit the contemptuous or disrespectful physical treatment of the flag. I do not wish to compel Congress to penalize respectful treatment of the flag. A constitutional amendment which would force the American people to treat the placing of the name of a military unit on a flag as the equivalent of placing the words "Down with the Fascist Federal Government" or racist remarks on the flag is not what the popular movement for protecting the flag is all about. I respectfully submit that such an approach ignores distinctions well understood by tens of millions of Americans.

Moreover, never in the 204 years of the first amendment has the free speech clause been construed as totally "content neutral." Prof. Richard Parker, of Harvard Law School, who believes in "robust and wide-open" freedom of speech and that it ought to be more robust than the Supreme Court currently allows in some respects, noted as much in his testimony:

> . . . Everyone agrees that there must be "procedural" parameters of free speech—involving, for example, places and times at which certain modes of expression are permitted. Practically everyone accepts some explicitly "substantive" parameters of speech content as well. Indeed, despite talk of "content-neutrality," the following principle of constitutional law is very clear: Government sometimes may sanction you for speaking because of the way the content of what you say affects other people.
>
> What is less clear is the shape of this principle. There are few bright lines to define it. The Supreme Court understands the principle to rule out speech that threatens to cause imminent tangible harm: face-to-face fighting words, incitement to violation of law, shouting "fire" in a crowded theater. And it does not stop there. It understands the principle, also, to rule out speech that threatens certain intangible, even diffuse, harms. It has, for instance, described obscenity as pollution of the moral "environment."

I think he makes some very important points. But what about political speech critical of the Government? Is there not there a bright line protecting that, at least so long as no imminent physical harm is threatened? The answer is: No. The Court has made clear, for instance, that statements criticizing official conduct of a public official may be sanctioned if they are known to be false and damage the reputation of the official. There has been no outcry against this rule. It was set forth by the Warren Court—in an opinion by Justice Brennan, the very opinion that established freedom of speech as 'robust and wide-open.' [*New York Times* v. *Sullivan*, 376 U.S. 254 (1964)]. It has been reaffirmed ever since. Allowing the Congress to prohibit contemptuous treatment of the American flag does not unravel the first amendment or freedom of speech.

Incidentally, I might add that, in order to be truly "content neutral," an amendment must have no exceptions, even for the disposal of a worn or soiled flag. Once such an exception is allowed, as in the Biden amendment, the veneer of content neutrality is stripped away. The Texas versus Johnson majority itself pointedly noted:

> If we were to hold that a state may forbid flag burning wherever it is likely to endanger the flag's symbolic role, but allow it whenever burning a flag promotes that role—as where, for example, a person ceremoniously burns a dirty flag—we would be saying that when it comes to impairing the flag's physical integrity, the flag itself may be used as a symbol . . . only in one direction . . ." [491 U.S. at 416-417].

Of course, if Congress proposes and the States ratify a constitutional amendment with such an exception, the Supreme Court would have to uphold the exception. But the amendment would not be content neutral.

The suggestion that a worn or soiled flag is no longer a flag, in an effort to escape the logical inconsistency of a so-called content neutral amendment which would permit an exception for disposal of such a flag, is unavailing. Obviously, a worn or soiled American flag is still a flag, recognizable as such, even if no longer fit for display.

BIDEN AMENDMENT—ODD FORM

Mr. President, I draw to my colleagues' attention the text of the amendment by my friend from Delaware. I say with great respect to my friend, and to my colleagues, you will search the Constitution in vain for anything that looks like this. Even if I agreed with its substance, not in 206 years have we had a statute written right in to the text of the Constitution itself with Congress given no more than a right to vote on it up or down.

We have always prided ourselves on distinguishing our fundamental charter from a statutory code. This amendment is a textbook case of blurring that 206-year-old distinction.

Mr. President, I notice the distinguished Senator from Idaho is here. I will be happy to yield the floor.

Mr. CRAIG. Mr. President, I thank the chairman of the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. Chairman, I thank the chairman of the Judiciary Committee for yielding to me and let me thank him personally for the tremendous leadership he has shown in the area of protecting our flag and offering forth this unique constitutional amendment. He has, without doubt, led the way for us to finally bring this critical issue to the floor.

I think it is high time that we listen, that we listen to not only the debate on the floor but, more important, we listen to the American people on the issue of flag protection and this amendment.

Some of my colleagues may remember that more than a year ago, I came to this Senate floor with memorials from 43 State legislatures—memorials urging Congress to take action to protect the American flag from physical desecration. Those memorials were inserted in the CONGRESSIONAL RECORD for all to read.

Now the number of those memorials has reached 49, and a 1995 Gallup Poll found that almost 80 percent of the American public supports a flag protection amendment.

This is a truly historic outpouring of popular support. And we have an opportunity to respond to the American people by passing a very simple amendment and sending it to the States for ratification: It authorizes Congress and the States to prohibit physical desecration of the flag of the United States.

Opponents of this amendment are doing their best to find bogeymen hiding inside this proposal, or to tie it up in a mass of legal complications—but in fact, it is a very straightforward issue to most Americans.

Old Glory holds a special place in our hearts. No other emblem, token, or artifact of our Nation has been defended to the death by legions of patriots. No other has drawn multitudes from abroad with the promise of freedom. No other unifies the diverse cultures that form the amalgam we call the United States.

No other has inspired generations with the belief that life, liberty, and the pursuit of happiness are the birthright of every human being. It is because the flag holds the unique place in the hearts of Americans that they have demanded ultimate protection for it. Congress has already tried furnishing that protection by statute, and, as we know, the Supreme Court shut the door on that particular strategy—firmly and for all time, in my opinion. A constitutional amendment is the only vehicle left for those who believe in protecting the flag.

I expect the opposition to argue that protecting the flag from physical desecration somehow runs afoul of the first amendment and the freedom of expression, Mr. President. That is part of the debate that has been going on here now for a good many hours. I believe—and I think all Americans believe—that nothing could be further from the truth. The flag amendment does not prevent the expression of any ideas. As a matter of fact, there are far more direct ways of expressing one's opinion than engaging in an act—even the act of destroying or defiling a flag.

Another accusation the opposition will try to use is that this is a slippery slope to Government censorship. I say hogwash as straightforward and as best I can, Mr. President. We are trying to protect the flag—and only the flag and only from physical desecration—because it is uniquely revered by Americans. That uniqueness absolutely prevents this effort from being extended to anything else. It is a very specific amendment.

Mr. President, obscene speech that outrages a community is not protected by the Constitution. Fighting words that outrage individuals and provoke violence are not protected by the Constitution. Both these standards are well known and widely accepted in this country. Yet, when 80 percent of Americans say they are outraged by the physical desecration of the flag and ask us to protect it, our opponents accuse them of advocating censorship and interfering with the freedom of speech.

I say to the American people, do not believe them. This amendment is narrowly tailored to allow protection only of the flag and only from physical desecration. It will not force anyone to salute the flag. It will not mandate participation in the Pledge of Allegiance. It will not stop individuals from telling the world exactly and in detail how they feel about the flag, even if they despise it. This simply allows Congress and the States to prevent one act: the physical act of desecrating the flag.

The concern has been raised that physical desecration can be defined to mean anything. That may be true in a vacuum. But it is most certainly not true in the marketplace of ideas, where all points of view have an opportunity to be heard, and that is precisely where this definition is going to be written, Mr. President.

This amendment enables the American people to weigh in on this definition, whether they support or oppose protecting the flag. There will not be any midnight, closed-door, secret session to write this definition. It is going to be fully and openly discussed in every State in the Union.

Mr. President, Congress has acted once before to protect the flag. By the narrowest of margins, the Supreme Court stopped that effort from succeeding. However, the Supreme Court's decision did not change the value at stake, it did not change the need for this protection, and, most important, it did not change the heart and the minds of the American people.

Against all odds, against all expectations, support for this effort continues to grow, not to diminish. At a time when some are wringing their hands about the erosion of values in America, we have a grassroots movement demanding the opportunity to protect the symbol of our country's aspirations and our country's values.

Are we so preoccupied with the problems of our Nation here in Washington that we cannot recognize the positive signs when we see it, Mr. President? Millions of our fellow citizens are telling us that the sight or mention of our flag still has the power to awaken the American spirit of the American patriot. We should be cheering them on, not ignoring them or denying them access to their Constitution.

In providing two methods for amending the Constitution, article V safeguards the people's right to correct what they believe is a wrong decision by the Supreme Court or the Congress. The people have asked for this opportunity to make a correction in the case of the flag, and I urge my colleagues to listen to them, to send the American people an amendment allowing protection of the great flag of our country.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, parliamentary inquiry. We are operating under a unanimous-consent agreement, are we not, that anticipates that I will send to the desk an amendment in the nature of a substitute which will be voted on in the morning, along with the constitutional amendment?

The PRESIDING OFFICER. The Senator from Kentucky is correct.

AMENDMENT NO. 3097

(Purpose: To provide a substitute)

Mr. McCONNELL. Mr. President, I therefore send that amendment to the desk on behalf of myself, Senator BENNETT, Senator DORGAN, and Senator BUMPERS.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL), for himself, Mr. BENNETT, Mr. DORGAN, and Mr. BUMPERS, proposes an amendment numbered 3097.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after resolving clause and inserting the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the United States Constitution.

(b) PURPOSE.—It is the purpose of this Act to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

"(b) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States and intentionally destroys or damages that flag shall be fined not more than $250,000 or imprisoned not more than 2 years, or both.

"(c) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and intentionally destroys or damages that flag shall be fined not more than $250,000 or imprisoned not more than 2 years, or both.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

"(e) DEFINITION.—As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and would be taken to be a flag by the reasonable observer.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following new item:

700. Incitement; damage or destruction of property involving the flag of the United States.".

Mr. McCONNELL. Mr. President, I assume that I have to do nothing further in order to have this amendment in the nature of a substitute be pending in the morning for a vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I am pleased to join my colleagues, Senators McCONNELL and BENNETT in offering a statutory proposal, rather than a constitutional amendment, to prohibit the desecration of the American flag.

For me and for most American citizens, the flag of this Nation holds a special place in our minds and hearts as the unique symbol of our Nation and of the fundamental democratic freedoms for which it stands. It symbolizes the extraordinary sacrifices that millions of Americans have made over the past 200 years to preserve those freedoms. And freedom-loving Americans throughout this great Nation are appalled when someone chooses to defile, deface, or destroy our national symbol.

Honorable men and women in this country and in this body may disagree on the means to achieve the objective we all share—the protection of the flag of the United States. But we are united in our love and respect for it. Protecting the flag from those who would destroy it is not in dispute. What is in dispute is how we best achieve the objective of protecting our national symbol while preserving the principles and values for which it stands.

One of the most fundamental freedoms guaranteed by the Constitution and symbolized by the flag is the right to express one's views without fear of retribution. It is enshrined in the first amendment to the Constitution. It is part of the Bill of Rights. It is a right we all cherish. It is a right we all want to preserve. Preserving this basic right guaranteed by the Constitution is not always easy. Often it poses a dilemma. Such is the case with protecting the flag. But preserving the Constitution should be the backdrop of this debate. Justice Holmes framed the issue this way:

> [I]f there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate.

His imperative is one we should all take to heart.

Unfortunately, the rhetoric of the flag debate has been highly charged. Accusations of disloyalty have been hurled against those who oppose the proposed constitutional amendment while those who support it are referred to as patriots. I hope we can lower the rhetoric and instead focus on the substance of this issue. Let us begin the debate by agreeing that honorable men and women can disagree on this very important issue. As the esteemed senior Senator from South Carolina, Senator THURMOND, has stated: "The fact is, there are intelligent arguments on both sides of the debate."

Mr. President, I have worked closely with Senators McCONNELL and BENNETT to develop a legislative solution to protect the flag that we believe will pass constitutional muster. The American Law Division of the Congressional Research Service has provided an analysis of our proposal which makes us optimistic that our approach will survive any constitutional attack on first amendment grounds. I ask unanimous consent that the CRS analysis be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. Amending the Constitution should never be taken lightly. It is an approach that ought not be pursued if there is an alternative which can achieve the same objective. The amendment we are offering provides such an alternative, and I hope my colleagues will give it careful consideration.

Our amendment, which was introduced earlier this year as S. 1335, would punish criminal acts of incitement, damage, or destruction of property involving the flag of the United States. The destruction of the flag can be intended to incite a violent response rather than to make a political statement. If that is the intent, that conduct is outside the protections offered by the first amendment, just like shouting fire in a crowded theater is outside its purview. Under our legislation, those who destroy or damage the flag with the intent of inciting violence or breaching the peace would be fined or imprisoned or both. Our proposal would also punish those who steal a flag belonging to the Federal Government and intentionally destroy or damage it.

Our purpose in offering this amendment is clear. We want to provide the maximum protection of our flag from those who would defile it while preserving the constitutional liberties that it symbolizes. We believe our proposal strikes that important and delicate balance.

During a June 21, 1990 Senate Judiciary Committee hearing on a constitutional amendment to prohibit flag desecration, several constitutional scholars were asked to analyze a similar bill which had been introduced by Congressman Jim Cooper in the House of Representatives. The views of these experts is quite telling.

One of them, Charles Fried, the Carter Professor of General Jurisprudence at Harvard University, said that this approach was perfectly proper and perfectly constitutional. He stated that if a person burns a flag in a situation which presents an immediate incitement to violence, that is squarely within Supreme Court doctrine as the kind of thing which can be criminalized.

Many other experts also agree that our legislative proposal would pass constitutional muster and protect the flag from those who would use it to promote violence or to infringe on another's right to wave the flag. Those are important goals and ones which I believe are the crux of this issue. We can achieve these goals by passing a statutory remedy. We do not need to, nor should we, amend the Constitution of the United States if a statutory alternative can accomplish the same objective. I ask unanimous consent that a very thoughtful column which appeared in the Washington Post and was written by James H. Warner, a former marine pilot and POW in Vietnam, be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 11, 1989]

WHEN THEY BURNED THE FLAG BACK HOME

(By James H. Warner)

THOUGHTS OF A FORMER POW

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal, of our comrades, of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.

Rose Wilder Lane in her magnificent book "The Discovery of Freedom," said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to "re-educate" us. If we could show them that we would not abandon our belief in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."

"No, I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides "History of the Peloponnesian War," Pericles contrasted democratic Athens with totalitarian Sparta. Unlike the Spartans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, for our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into "a city shining on a hill, a light to all nations." Don't be afraid of freedom, it is the best weapon we have.

Mr. DORGAN. Mr. Warner's sentiments express far better than I am able why we should not amend the Constitution to safeguard the flag. I hope, therefore, that my colleagues will join our efforts to protect the flag from desecration without amending the Bill of Rights. I believe that is the right approach. The flag, which all of us love and respect, will then be protected, as will be the freedoms our flag has symbolized since the dawn of the Republic.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, November 8, 1995.

To: Honorable Kent Conrad.
From: American Law Division.
Subject: Analysis of S. 1335, the Flag Protection and Free Speech Act of 1995.

This memorandum is furnished in response to your request for an analysis of the constitutionality of S. 1335, the Flag Protection and Free Speech Act of 1995. This bill would amend 18 U.S.C. §700 to criminalize the destruction or damage of a United States flag under three circumstances. First, subsection (a) of the new §700 would penalize such conduct when the person engaging in it does so with the primary purpose and intent to incite or produce imminent violence or a breach of the peace and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace.

Second, subsection (b) would punish any person who steals or knowingly converts to his or her use, or to the use of another, a United States flag belonging to the United States and who intentionally destroys or damages that flag. Third, subsection (c) punishes any person who, within any lands reserved for the use of the United States or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person and who intentionally destroys or damages that flag.

The bill appears intended to offer protection for the flag of the United States in circumstances under which statutory protection may still be afforded after the decisions of the Supreme Court in *United States* v. *Eichman*[1] and *Texas* v. *Johnson*.[2] These cases had established the principles that flag desecration or burning, in a political protest context, is expressive conduct if committed to "send a message," that the Court would review limits on this conduct with exacting scrutiny; and legislation that proposed to penalize the conduct in order to silence the message or out of disagreement with the message violates the First Amendment speech clause.

Subsections (b) and (c) appear to present no constitutional difficulties, based on judicial precedents, either facially or as applied. These subsections are restatements of other general criminal prohibitions with specific focus on the flag.[3] The Court has been plain that one may be prohibited from exercising expressive conduct or symbolic speech with or upon the converted property of others or by trespass upon the property of another.[4] The subsections are directed precisely to the theft or conversion of a flag belonging to someone else, the government or a private party, and the destruction of or damage to that flag.

Almost as evident from the Supreme Court's precedents, subsection (a) is quite likely to pass constitutional muster. The provision's language is drawn from the "fighting words" doctrine of *Chaplinsky* v. *New Hampshire*.[5] In that case the Court defined a variety of expression that was unprotected by the First Amendment, among the categories being speech that inflicts injury or tends to incite immediate violence.[6] While the Court over the years has modified the other categories listed in *Chaplinsky*, it has not departed from the holding that the "fighting words" exception continues to exist. It has, of course, laid down some governing principles, which are reflected in the subsection's language. Thus, the Court has applied to "fighting words" the principle of *Brandenburg* v. *Ohio*,[7] under which speech advocating unlawful action may be punished only if it is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.[8]

A second principle, enunciated in an opinion demonstrating the continuing vitality of the "fighting words" doctrine, is that it is impermissible to punish only those "fighting words" of which government disapproves. Government may not distinguish between classes of "fighting words" on an ideological basis.[9]

Subsection (a) reflects both these principles. It requires not only that the conduct be reasonably likely to produce imminent violence or breach of the peace, but that the person intend to bring about imminent violence or breach of the peace. Further, nothing in the subsection draws a distinction between approved or disapproved expression that is communicated by the action committed with or on the flag.

There is a question which should be noted concerning this subsection. There is no express limitation of the application of the provision to acts on lands under Federal jurisdiction, neither is there any specific connection to flags or persons that have been in interstate commerce. Therefore, application of this provision to actions which do not have either of these, or some other Federal nexus, might well be found to be beyond the power of Congress under the decision of the Court in *United States* v. *Lopez*.[10]

In conclusion, the judicial precedents establish that the bill, if enacted, while not reversing *Johnson* and *Eichman*, should survive constitutional attack on First Amendment grounds. Subsections (b) and (c) are more securely grounded in constitutional law, but subsection (a) is only a little less anchored in decisional law.

We hope this information is responsive to your request. If we may be of further assistance, please call.

JOHN R. LUCKEY,
Legislative Attorney, American Law Division.

FOOTNOTES

[1] 496 U.S. 310 (1990).

[2] 491 U.S. 397 (1989).

[3] *See*, 18 U.S. §§641, 661, and 1361.

[4] *Eichman*, supra, 496 U.S., 316 n. 5; *Johnson*, supra, 412 n. 8; *Spence v. Washington*, 418 U.S. 405, 408–409 (1974). See also *R.A.V. v. City of St. Paul*, 112 S.Ct. 2538 (1992) (cross burning on another's property).

[5] 315 U.S. 568 (1942).

[6] *Id*., at 572.

[7] 395 U.S. 444 (1969).

[8] *Id*, at 447. This development is spelled out in *Cohen v. California*, 403 U.S. 15, 20, 22–23 (1971). *See*, also *NAACP v. Claiborne Hardware Co*., 458 U.S. 886, 928 (1982); *Hess v. Indiana*, 414 U.S. 105 (1973).

[9] *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992).

[10] 115 S. Ct. 1624 (1995).

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KOHL. Mr. President, we all agree that flag burning is reprehensible. After all, hundreds of thousands of Americans have given their lives to protect the principles that our flag represents, and burning the flag offends the memory of those who made that ultimate sacrifice. Acting on this belief, I voted for legislation to protect the flag. Unfortunately, however, our statute was struck down by the Supreme Court.

Footnotes at end of letter.

Although we should protect the flag, we must also approach amendments to the Constitution with great caution. Throughout our 200-year history we have never amended the Bill of Rights—the guardian of the principles and freedoms that our flag represents. During all this time—through a bloody Civil War, two world wars, a Depression, and urban riots—the first amendment has needed no repair.

Mr. President, I have great faith that the American flag is strong enough to withstand the foolish actions of a handful of extremists. The Bill of Rights, however, is much more fragile. If we pass a constitutional amendment to prohibit this behavior—deplorable as it is—sooner or later the Government may prohibit other more legitimate types of expression and protest. So to my mind, protecting our revered symbol means ensuring that we do not infringe upon the freedoms that it represents.

One of the most persuasive arguments against this amendment came from Keith Kruel of Fennimore, WI. A former national commander of the American Legion, he wrote that "when the flag is not accorded proper consideration under the present flag code, it upsets patriotic Americans. Rightly so. [but] no one ever has, nor can, legislate a patriot." I agree.

And do not take my word for it, ask the editorial writers of Wisconsin. Across my home State, from the Milwaukee Journal Sentinel to the Eau Claire Leader-Telegram to the Appleton Post-Crescent to the LaCrosse Tribune, these newspapers firmly believe that a flag desecration amendment is a bad idea. I ask that these editorials be printed in the Record at the conclusion of my statement.

In closing, Mr. President, we should all be clear on our opposition to flag burning. But we should also resist this well-intentioned but unwise effort to tinker with the Bill of Rights.

The editorials follow:

[From the Milwaukee Journal Sentinel, June 12, 1995]

Flag Amendment Ill-Advised

Probably nine-tenths of the knuckleheads who get their jollies from burning the American flag or desecrating it in other ways have no idea what freedoms that flag symbolizes. Because these people are stupid as well as ungrateful, they never think about the precious gift they have been given.

The irony is that the American flag stands for, along other things, the freedom to express yourself in dumb and even insulting ways, like burning the flag. This is a freedom literally not conferred on hundreds of millions of people.

A few years ago, several states passed laws that made it illegal to desecrate the flag, but in 1989 the Supreme Court ruled that such statutes violated the Bill of Rights. Congress is now moving to amend the Constitution itself, so that flag desecration laws can be enacted.

That movement is as ill-considered as it is understandable. The Constitution should be amended only reluctantly and rarely, when a genuine threat to our nation emerges and when there is no other way to guard against it.

That is why the founding fathers made it so difficult to revise the Constitution, and why, as a Justice Department spokesman pointed out the other day, the Bill of Rights has not been amended since it was ratified in 1792.

The unpatriotic mischief of adolescent punks is infuriating. But it is not a serious enough act to warrant revision of the nation's charter. The Bill of Rights exists to protect people whose behavior, however repugnant, injures nothing but people's feelings.

The American flag protects even people who burn it; it prevails over both them and their abuse. That is one of the reasons the flag and the nation it stands for are so strong.

[From the Eau Claire Leader-Telegram, June 18, 1995]

Let's Concentrate on Real Problems

There's no winning for those who oppose a constitutional amendment to outlaw desecration of the American flag.

You might as well be against Mother's Day.

But for several reasons we ought to let this idea die.

Sure, burning the American flag to protest one thing or another is a stupid thing to do. And the few times we've seen someone burn the flag on television, we've never seen the protester follow up by sweeping up the ashes with a broom and dust pan, so it seems there is grounds to nail the protester on a littering charge anyway.

But even if they beat the littering rap, the only thing such protesters prove is their ignorance. Burning a flag doesn't signify anything positive or suggest alternatives to make our nation stronger. It's just an action that indicates you oppose our nation. So what? How do they propose to make it better?

But it's quite a jump from not liking stupidity to tinkering with the U.S. Constitution to make flag-burning illegal. The Constitution has guided us well for more than 200 years, and to amend it in an effort to prohibit flag-burning—which by one estimate occurs only about eight times a year—seems to be an overreaction.

But the most important reasons to stop this proposal are that there are far more important things for Congress and the people to worry about, and that it promotes a mindless nationalism that challenges citizens to "prove" their patriotism by endorsing the litmus test in the form of a constitutional amendment.

Politicians without the guts or the brains to solve what really ails this country know that they can fool many voters simply by using the flag as a political prop and making flowery speeches about patriotism, love of country, etc.

We should be more worried about where the flag gets its strength. Instead of focusing on the flag itself, what about the federal deficit (more than $200 billion a year) and the national debt (nearing $5 trillion)? These are far greater threats to Old Glory than some clown with a cigarette lighter at a protest rally.

What a legacy to leave to our children: "Hey, kids, we've mortgaged your future in the name of special interests and for our convenience, but we've protected the flag with an amendment. Pretty smart, huh?"

What's at work here is a time-tested political practice. That is, if you can't solve the real problems, throw up a diversion to get people thinking and talking about something else.

Paying for health care, environmental protection, defense, education and all the rest are complex issues that bore readers and viewers. So if the real goal is to be re-elected to a job with a six-figure salary, what a better way than to focus on push-button issues like patriotism, the flag, etc.

Burning the American flag won't solve anything, but neither will outlawing burning of the flag while the nation it represents crumbles underneath it.

[From the Appleton Post-Crescent, Oct. 28, 1995]

Flag-Protection Amendment Not What It Seems

(By William B. Ketter)

Congress is about to put an asterisk on the First Amendment.

I am talking about the constitutional amendment to "protect" the American flag from the kind of free expression that this country was founded on.

It is more commonly called the flag-desecration amendment, and it protects nothing, not the flag, not values and certainly not free speech.

It does represent a test of will that has Congress on the spot with The American Legion, Women's Army Corps, Navy League and every other well-meaning veterans and fraternal organization.

The House in June overwhelmingly passed the amendment. The Senate showdown could come any day now. Sixty-seven Senate votes are needed to send it to the states for ratification. The protect-the-flag partisans are flooding lawmakers with tens of thousands of God-and-motherhood telegrams.

If it is approved, the essence of free political speech will drift from the first time from the First Amendment mooring that gives every citizen a constitutional right to challenge, even cast aspersions on, the icons of government.

The federal government and the 50 states will have wide latitude in determining what desecrates the flag. Given the emotions over this issue, flag-themed soda cans, bumper stickers, or the shirt on your back could be targets of local harassment. Already, there's a town in Minnesota that wants to keep car dealers from flying more than four U.S. flags on their lots.

Yes, this is a Boston Tea Party type of issue even if we don't think of it that way. And yes, few institutions, the press included, seem terribly bothered by it all.

The principal reason for the apathy: The issue has been miscast as a patriotic cause to safeguard the flag against the scruffy likes of Gregory Lee Johnson, and never mind our revered right to free speech.

It is easy to dislike Gregory Lee Johnson. He's the radical protester who doused the American flag with kerosene, then put a match to it in front of the Dallas City Hall during the 1984 Republican National Convention.

He was arrested and convicted and no one cared. Except the U.S. Supreme Court, which ruled in 1989 that the flag-protection law used to prosecute Johnson violated his constitutional right to free expression.

"It was enough to make any American's blood boil," says William M. Detweiler, immediate past national commander of The American Legion. "We cannot allow our proud flag—and our proud nation—to be ripped apart, piece by piece.

Most Americans, myself among them, hate what Johnston did to the flag. From the cradle, we are taught to respect it as a symbol of our unprecedented form of democracy. We grow up saluting it as school children, little leaguers, girl scouts, soldiers, proud citizens.

Beyond that, many of us have family members who died fighting for the exception freedom the flag represents. We don't want it spit at, trampled under foot, burned in protest or in any way defaced.

Yet it is because of that special freedom—including the right to extreme political views—that the Senate should reject the flag amendment.

No nation has a more important history of tolerating dissent, even conduct we have come to genuinely hate, than the United States. The Founding Fathers wanted it that way. They experienced the heavy hand of the British Crown, and saw the right of protest as a vital bulwark against injustice and tyranny. It's what sets America apart from nations that quash citizen protest—and especially flag-burning—nations such as China, North Korea, Vietnam, Iran, Iraq, Cuba.

In other words, any effort to limit liberty is ultimately directed at you. The flag amendment—and the laws that would follow—probably would not prevent extremists from doing violence to the flag. It is attention that the Gregory Lee Johnsons of this world crave, and getting arrested is part of the act.

Furthermore, there aren't a lot of lunkheads like Gregory Lee Johnson. Only four cases of flag burning were reported last year in all of America. And those were prosecuted, with the full authority of existing law and the First Amendment.

How can this be, given the Supreme Court's flag ruling?

Simple. All those cases were prosecuted under other laws prohibiting theft, vandalism or inciting riots.

So to solve a problem that does not exist (when was the last time you remember someone burning a flag?), the proponents of this amendment would chip away at the fundamental freedoms guaranteed to all Americans.

And in case that sounds like a self-interested argument from a First Amendment fundamentalist listen to U.S. Sen. Bob Kerrey of Nebraska, a Vietnam veteran who lost a leg in the war. "The community's revulsion at those who burn a flag" Kerrey said, "is all that we need. It has contained the problem without the government getting involved."

Indeed, in their effort to protect the flag, the advocates of this amendment do far greater damaged to the principles of liberty for which that flag stands. We need not wrap ourselves in the flag to protect it.

We do need, however, to standing up for the freedom that Old Glory represents and urge the U.S. Senate to turn down the flag amendment.

[From the Wisconsin State Journal, June 14, 1995]

FLAG BURNING AMENDMENT UNPATRIOTIC

Today, Flag Day, is an occasion to celebrate liberty. And one of the best ways you can celebrate liberty is to write your congressman to urge a vote against the proposed constitutional amendment to ban flag burning.

It may seem unpatriotic to stand up for a right to burn the American flag. But the proposed amendment is not about whether it is patriotic to burn a flag. It is about whether it is right to limit the liberties for which our flag flies. A true patriot would answer no.

Consider: It's futile, even counter-productive, to try to require patriotism by law.

In fact, it would inspire greater respect for our nation to refrain from punishing flag burners. As conservative legal scholar Clint Bolick of the Institute for Justice told a House subcommittee, we can lock up flag burners and by doing so make them martyrs, "or we can demonstrate, by tolerating their expression, the true greatness of our republic."

Laws to protect the flag would be unworkable.

The proposal now before the House seeks a constitutional amendment to allow Congress and the states to pass laws banning physical desecration of the flag. It would require approval by two-thirds of the House and Senate and three-fourths of the states.

It's called the flag burning amendment because many of its supporters consider burning the flag to be the most egregious form of desecration.

But what counts as desecration of the flag? What if someone desecrated something made up to look like a flag with some flaw, like the wrong number of stars or stripes? Does that count? What if a flag is used in art that some people consider rude or unpatriotic? Does that count as desecration?

The arguments could rage on and on, enriching lawyers and diminishing the nation.

A ban on flag burning would set a dangerous precedent.

The proposed amendment is a reaction to 1989 and 1990 Supreme Court rulings that invalidated federal and state laws banning flag desecration. The court ruled that peaceful flag desecration is symbolic speech, protected by the First Amendment freedom of speech clause.

Supporters of a ban on flag burning argue that burning a flag is not symbolic speech at all but hateful action. But if today's cause is to ban flag burning because it is hateful action, tomorrow's cause may be to ban the display of the Confederate flag because many people consider it to be hateful action. Or to ban the use of racial or sexist comments because they amount to hateful actions. And on and on until we have given up our freedoms because we are intolerant.

The right to protest is central to democracy.

A democracy must protect the right to protest against authority, or it is hardly a democracy. It is plainly undemocratic to take away from dissenters the freedom to protest against authority by peacefully burning or otherwise desecrating a flag as the symbol of that authority.

If the protesters turn violent or if they steal a flag to burn, existing laws can be used to punish them.

Flag burners are not worth a constitutional amendment.

A good rule of thumb about amending the U.S. Constitution is: Think twice, then think twice again. Flag burning is not an issue that merits changing the two-centuries-old blueprint for our democracy.

This nation's founding fathers understood the value of dissent and, moreover, the value of the liberty to dissent. So should we.

[From the La Crosse Tribune, June 7, 1995]

EDITORIAL

The U.S. Supreme Court ruled in a Texas case in 1989 that flag burning is protected by the First Amendment as a form of speech. The court's decision didn't go over very well with friends of Old Glory then, and six years later that ruling still sticks in the craw of many patriots—so much so that constitutional amendments protecting the flag against desecration have picked up 276 cosponsors in the U.S. House of Representatives and 54 in the Senate.

The House Judiciary Committee takes up the amendment today, with a floor vote expected on June 28. The Senate Judiciary Committee tackled a similar amendment on Tuesday.

For two centuries soldiers have given their lives to keep the American flag flying. It is a symbol of freedom and hope for millions. That is what infuses the stars and strips with meaning and inspires the vast majority of Americans to treat it with respect. But to take away the choice in the matter, to make respect for the flag compulsory, diminishes the very freedom represented by the flag.

Do we follow a constitutional amendment banning flag desecration with an amendment requiring everyone to actually sing along when the national anthem is played at sports events? An amendment making attendance at Memorial Day parades compulsory?

Sen. Howell Heflin, D-Ala., argues that the flag unites us and therefore should be protected. But Heflin and like minded amendment supporters are confusing cause and effect. The flag is a symbol of our unity, not the source of it.

Banning flag burning is simply the flip side of the same coin that makes other shows of patriotism compulsory. What are the names of the countries that makes shows of patriotism compulsory? Try China, Iraq. The old Soviet Union.

Coerced respect for the flag isn't respect at all, and an amendment protecting the American flag would actually denigrate that flag.

Allegiance that is voluntary is something beyond price. But allegiance extracted by statute—or, worse yet, but constitutional fiat—wouldn't be worth the paper the amendment was drafted on. It is the very fact that the flag is voluntarily honored that makes it a great and powerful symbol.

The possibility of the Balkanization of the American people into bickering special interest groups based on ethnicity or gender or age or class frightens all of us, and it's tempting to try to impose some sort of artificial unity. But can the flag unit us? No. We can be united under the flag, but we can't expect the flag to do the job of uniting us.

We oppose flag burning—or any other show of disrespect for the American flag. There are better ways to communicate dissent than trashing a symbol Americans treasure. But making respect for the flag compulsory would, in the long run, decrease real respect for the flag.

The 104th Congress should put the flag burning issue behind it and move on to the nuts-and-bolts goal it was elected to pursue: a smaller, less intrusive, fiscally responsible federal government. A constitutional amendment protecting the flag runs precisely counter to that goal.

[From the Oshkosh Northwestern, May 28, 1995]

BEWARE TRIVIALIZING OUR CONSTITUTION

It is difficult to come out against anything so sacrosanct as the American flag amendment—difficult but not impossible.

An amendment to protect the flag from desecration is before Congress and has all the lobbying in its favor.

The trouble is, it is an attempt to solve, through the Constitutional amendment process, a problem that really is not a problem.

Flag burning is not rampant. It occurs occasionally; it brings, usually, society's scorn upon the arsonist, and does no one any harm, except the sensitivities of some.

These sensitivities give rise to the effort to abridge the freedom of expression guaranteed by the First Amendment, which has been held by the courts to include expressions of exasperation with government by burning its banner.

At worst, this flag protection is an opening wedge in trimming away at the basic rights of all Americans to criticize its leaders. That right was so highly esteemed by the Founding Fathers that they made free speech virtually absolute.

At best, the flag protection amendment trivializes the Constitution.

That is no small consideration. The Constitution was trivialized once before. The prohibition amendment had no business being made a constitutional chapter. It was not of constitutional stature. It could not have been done by statute alone. Its repeal showed that it was a transitory matter rather than being one of transcendent, eternal concern.

The flag protection amendment is trivial in that flag burning is not always and everywhere a problem. If the amendment succeeds, what else is out there to further trivialize the document?

Must the bald eagle be put under constitutional protection if it is no longer an endangered bird?

This is a "feel good" campaign. People feel they accomplish something good by protecting the flag from burning. (Isn't the approved method of disposing of tattered flags to burn them, by the way?)

But it offers about the same protection to flags that the 18th offered to teetotaling.

If someone has a political statement to make and feels strongly enough, he'll do the burning and accept the consequences. The consequences surely will not be draconian enough that flag burning would rank next best thing to a capital offense.

Congress has more pressing thing to do than put time into this amendment.●

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

DEATH OF HARRY KAUFMAN

Mr. DOLE. Mr. President, last month, two thugs squirted a bottle of flammable liquid into a subway token booth in Brooklyn's Bedford-Stuyvesant neighborhood. They then lit a match, igniting an explosion that blew the token booth apart.

Engulfed in flames, the booth's operator, 50-year-old Harry Kaufman, suffered second- and third-degree burns over nearly 80 percent of his body as well as severe lung injuries. Mr. Kaufman was subsequently taken to the New York Hospital-Cornell Medical Center. The two men who committed this vicious crime continue to remain at large.

The Brooklyn attack closely resembled two scenes depicted in the new move "The Money Train," a Columbia Pictures production starring Woody Harrelson and Wesley Snipes. Since the movie's November 22 debut, there have been a total of seven separate copycat fire attacks on New York City subway token booths.

Yesterday, after a 14-day fight for his life, Harry Kaufman passed away.

I take this opportunity to publicly express my deepest condolences to Stella Kaufman, Harry Kaufman's wife, to their 17-year-old son Adrian, and to the rest of the Kaufman family.

A NEW PARTNERSHIP

Mr. DOLE. Mr. President, when Americans changed the party in control of Congress last November, they also changed the relationship between Capitol Hill and our 50 State capitols.

The Washington, DC-knows-best attitude that was the hallmark of the Democrat Congress has been replaced by a return to the 10th amendment. Paternalism has been replaced by a new partnership between Congress and America's Governors.

One of the most talented of those Governors is William Weld of Massachusetts, who has provided innovative solutions in the areas of health care reform and welfare reform—reducing government spending, and cutting taxes while he was at it.

Governor Weld is now helping to lead the fight in the Republican effort to return power to the States, and I wanted to call my colleagues' attention to an outstanding column he wrote for today's Wall Street Journal.

Entitled "Release Us From Federal Nonsense," Governor Weld makes the point that President Clinton and his liberal allies simply do not understand that State governments are better able than Washington, DC, in providing solutions that work.

As Governor Weld wrote:

> All across the country, creative Governors are aggressively dealing with problems Washington is just beginning to wake up to. So if the question is whether State governments are responsible enough to dispense welfare and Medicaid funds in our own way—we're more than ready.

I know I speak for the Republican majority here on Capitol Hill in saying to Governor Weld that we are more than ready to continue our mission of returning power to the States and to the people.

I congratulate Governor Weld on an outstanding article, and I look forward to working with him in the future—whether that be in Boston or in Washington, DC.

TRIBUTE TO JULIAN GRAYSON

Mr. DOLE. Mr. President, one of the true pleasures of serving as a U.S. Senator is the opportunity to cross paths with the dedicated public servants employed by the Senate.

No doubt about it, one of the most dedicated I have known during my years in the Senate is Julian Grayson.

Grayson, as everyone called him, retired last Friday after serving the Senate in four different decades.

From 1950 to 1964, Grayson moonlighted from his job as a Methodist minister by waiting tables here in the Capitol. In 1964, Grayson left the Capitol to work full time in the pulpit.

But when he retired from the ministry in 1983, he returned to the Hill, and he remained here until last Friday.

On this last day of service, Grayson spoke with pride about waiting on seven Presidents of the United States, and he said that the Senate was "almost a second home to me."

The high regard in which Grayson is held by all Senators could be seen when our entire Republican caucus gave him a standing ovation at our policy lunch several weeks ago.

There are countless others who would have joined in that standing ovation had they been there, including a number of Senate food service employees who have returned to college classes because of Grayson's urging and encouragement.

Mr. President, I know I speak for all Senators in extending our thanks to Julian Grayson, and in wishing him a happy and healthy retirement.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to join the majority leader in that tribute to Julian Grayson. It was my privilege to know him, as it was true of all the rest of the Senators here, Democrats and Republicans who have had the tremendous help of Julian Grayson, no matter whether we were at our caucus lunches or at the dining room downstairs. We are going to miss him. He certainly served this Senate and everybody in this Senate with great efficiency and respect and obvious enjoyment.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

Mr. CHAFEE. Mr. President, the underlying matter before us is a proposed constitutional amendment. I see the principal sponsor of that amendment on the floor, the senior Senator from Utah, and I have some questions I would like to ask the Senator, if he would be good enough to respond to them.

My first question is, as I understand the amendment that he has now finally come up with after some changes, but I understand the amendment presently before us provides that a Federal statute can pass forbidding the desecration of the flag. Am I correct in that, I would like to ask the Senator from Utah?

Mr. HATCH. If the Senator would please state that again. I am sorry.

Mr. CHAFEE. It is my understanding that the amendment that the Senator presently has—there have been some changes in it, as I understand—but the amendment that he hopes for us to vote on tomorrow will be one that will permit the enactment of a statute forbidding the desecration of the flag? Is that correct?

Mr. HATCH. That is correct. All the amendment will say, should it be enacted tomorrow, is: "The Congress shall have power to prohibit the physical desecration of the flag of the United States," which would leave it up to Congress to enact a statute later, if Congress so chooses to do.

Mr. CHAFEE. I wonder if the Senator would be good enough to help me. What would be an example of desecration of the flag?

Mr. HATCH. Whatever Congress calls it. Whatever Congress would decide to do. I suspect that Congress would pass a fairly narrow statute.

Mr. CHAFEE. Such as burning the flag?

Mr. HATCH. I presume that Congress would delineate very carefully what type of burning of the flag would be prohibited under the statute. I suspect Congress would also try to narrowly define what really brings contempt upon the American flag. But, in any event, Congress will be able to make that determination.

I suspect it would be very narrow. I suspect that there would not be any concern about using representations of the flag as emblems for clothing or articles of clothing, sportswear, and so forth, just actions that would bring the flag into contempt.

Mr. CHAFEE. Would the Senator help me? Do we have a very serious problem here? What brings this statute to the floor, this need for a constitutional amendment?

Mr. HATCH. We know, from the Congressional Research Service, of at least 45 flags that have been desecrated between 1990 and 1994, and in this year alone there have been over 20 additional desecrations.

Now, those numbers represent only part of the problem. Because, as the Senator from Rhode Island knows, millions of people see reports on television and in other news media of every flag that is burned or desecrated. So each flag burning or desecration affects millions and millions of people across this country.

Mr. CHAFEE. In 1993, as I see it, from the Senator's own statistics, there were three examples of a burning of the flag.

Mr. HATCH. There may have been many more, but three that the Congressional Research Service knows about. Millions of people, we believe, were informed of those three flags that were burned, and millions of people were offended by it.

Mr. CHAFEE. Now, this burning of the flag, I assume that that is looked on as a very troublesome procedure.

Mr. HATCH. Only where the flag is brought into contempt, where people deliberately, or contemptuously treat it in a destructive manner.

Mr. CHAFEE. Now, let me——

Mr. HATCH. Excuse me. We certainly would make exceptions for soiled or damaged flags that do need to be destroyed.

Mr. CHAFEE. Let me take a look at the Boy Scout handbook here.

Mr. HATCH. Sure.

Mr. CHAFEE. In the Boy Scout handbook, of which there has been 35 million, it says regarding the flag: "If it is torn or worn beyond repair, destroy it in a dignified way, preferably by burning." We have a pretty serious problem here, I suspect, if these Boy Scouts are burning the flag. What would we do? Would we send them to jail?

Mr. HATCH. First of all, I think my good friend listened to me earlier, when I talked about actions that bring the flag into contempt, contemptuous conduct with regard to the flag. Of course, I think any statute in this area would make it very clear that the respectful disposal of a soiled or worn out flag, including by burning, would certainly be acceptable.

Mr. CHAFEE. Let us take the situation, we have got two flag burnings taking place outside of a convention hall. One we have a bearded, untidy protester that is burning a flag. The other we have a Boy Scout in uniform, and he is burning the flag, shall we say, in accordance with the handbook. He is burning the flag in a dignified fashion. What happens? Could you help me out?

Mr. HATCH. First of all, I do not think you would find a Boy Scout burning a flag outside a convention hall, even in a dignified fashion.

Mr. CHAFEE. Suppose he chose to? He is a good Boy Scout. He is going for a Star badge. So he is burning it in a dignified fashion.

Mr. HATCH. Let us say we have a flag that is soiled or otherwise ready for destruction being burned in a dignified fashion.

Mr. CHAFEE. Let us assume the bearded protester——

Mr. HEFLIN. Let me——

Mr. CHAFEE. No, your chance will come.

Mr. HATCH. I doubt any young person or Boy Scout would be doing that. But if they could show that was the case, that they were respectfully disposing of a worn or soiled flag by burning it, I do not think anybody is going to find any fault. Where that was the case, the law would not make a distinction between the Boy Scout and someone who has a beard or was disheveled in appearance. But I would have a difficult time imagining any circumstance in which the public burning of a flag would not be held contemptuous, unless it was literally a Boy Scout procedure whereby they are burning a soiled or otherwise worn flag.

Mr. CHAFEE. Now, we have a further problem. Up in my State, the good ladies of 100 years ago did a magnificent hooked rug. It is on display. And it has a flag on it, American flag. That was made as a rug to walk on. Now, if the good ladies of Providence, RI, should do a hooked rug now and put it down and we walked on it, what would we do? Would they go to jail?

Mr. HATCH. Well, I would certainly believe that the distinguished Senator from Rhode Island, like myself, would have a little more respect for the ability of Congress to do a good job of defining what constitutes desecration of the flag. I have no doubt that Congress would not penalize conduct where it is clear that the flag is not being treated with contempt, such as the display of hooked rug which may include a depiction of a flag. What would constitute contempt for or desecration of the flag would be determined by whatever statute Congress passes, in the event this amendment is ratified and becomes part of our constitution.

But let us be honest about this subject. We have all seen beautiful sweaters, we have seen beautiful ties, we have even seen sports equipment containing representations of the flag. I cannot imagine anybody in Congress prohibiting that. I think Congress would only be concerned with those instances where the flag is physically treated with contempt. Of course, we all know what that is, and that, in turn, would be determined by the courts of law in accordance with the statute we enact.

Now, if the distinguished Senator from Rhode Island is concerned about it, then he has 534 other people who he can work with to insure that whatever flag protection statute is adopted is not too broadly written, so that it results in action being taken against people who really are not trying to deface or otherwise treat the flag with contempt.

Frankly, I have total confidence in the Congress of the United States coming up with a very narrowly prescribed, very narrowly defined statute on what exactly is holding the flag in contempt, what exactly is desecration of the flag. We all know what it is. It is a little bit like obscenity. One of the Justices said, "I know what it is when I see it." I think the Court will have to make that determination.

I suspect we in Congress will do a good job. If the distinguished Senator sits in Congress at that time, and he does not like what statute is advanced by Members of Congress, he has 534 people to which to appeal.

Let me make one last point. When Congress considers a flag protection statute under this amendment, assuming it is adopted, you will still have all of the legal and procedural protections of the Senate, including the right to filibuster, which would require 60 votes for cloture. In addition, we will always have the President, who can veto any legislation we pass. But remember, and this is the key point, without this amendment, or something similar thereto, neither the Congress nor the American people will ever—will ever—be able to prohibit desecration of the American flag. So that is why this amendment is so important, and I think people understand that.

Mr. CHAFEE. Mr. President, to label this amendment as important is one of the great overstatements I have heard around this place.

Mr. HATCH. I do not think so.

Mr. CHAFEE. And overstatements are not rare in this Chamber, I might say. Here we are mustering the full power of the Federal Government to go after something that has occurred 45 times in 6 years and, indeed, in 1 year there were three occasions.

Mr. HATCH. If I can comment——

Mr. CHAFEE. I will give you your opportunity.

Mr. HATCH. For a correction.

Mr. CHAFEE. When the time comes. Let me finish my statement.

What the Senator from Utah is proposing is to cover a situation which has rarely occurred in our country. He himself has said 45 instances of media coverage, and the truth of the matter is, the only time anybody burns a flag is when there is media coverage, except for these Boy Scouts, and he has assured me he is not going to send them all to jail if they follow the precepts of the handbook where it says burn the flag, if you do it, it is perfectly all right, according to the handbook.

I do not know what the law of the Senator from Utah is going to do to them. But if they do it in a dignified way, it is all right.

What is going to happen, as clear as we are here today, is you pass this statute and how is somebody going to get attention? They are going to burn the flag with hopes that the police will come along and they will be dragged away in chains with handcuffs, with television all over the place.

Mr. President, this is serious business what the Senator from Utah is doing. What he is doing is adding an amendment to the Constitution that has served us for 206 years, and in the course of those 206 years, there have been 26 amendments. And, indeed, only 24 of them are still there because one passed and was subsequently repealed by another amendment, the so-called prohibition amendment. The 18th amendment was subsequently repealed.

What are those amendments about? Are they about how to sing the Star Spangled Banner, or about burning flags? The amendments are about the greatest things our country stands for. They are about freedoms—the freedom to speak and the freedom to publish and the freedom to worship and the freedom from unlawful search and seizure and the freedom from slavery and the right to vote—rights and freedoms. They are not about prohibitions. They are about rights. The right to vote, the right for women to vote, the right for those 18 years and older to vote. They are what this country is all about.

In my State, when we built the State House at the turn of the century, those who built it inscribed around the rotunda the following words in Latin. The translation is: "Rare felicity of the times when it is permitted to think as you like and to say what you think."

That all comes from the Constitution of the United States.

Here we are trivializing the Constitution. We are adding words about desecration of the flag, as though that is a real problem in this country, in which 45 incidents have occurred over the past 6 years.

I just think it is a tragedy that we are spending time taking this great document, which is revered all over the world, not just in the United States, and trivializing by doing something about what is going to happen to the flag.

The second point is the one I have made about not only is this not a great problem, but the Senator from Utah has dealt with this subject for 6 years. The last vote we had on it was 5 years ago in 1990, and it has not come up since. But the Senator has been working on it, seeking passage, dealing with it, and now, 24 hours before we vote, he has changed it.

I would like to ask the Senator from Utah, what prompts him, when he has been so deeply concerned with this matter, that suddenly he comes in at the last moment and changes it? I ask if there have been hearings in his committee on the language as he is now presenting it.

Mr. HATCH. The answer to the distinguished Senator is that because there has been criticism by some of our colleagues that under the amendment, as originally worded, we could have 50 different State statutes, we decided it is appropriate for Congress to be able to make that final determination with respect to protection of what is our national symbol. We therefore agreed to remove the language which would given the State power to enact flag protection statutes, and limit this power to the Congress.

But I think the Senator from Rhode Island is neglecting a key fact. The amendment itself does not forbid anything. It merely allows Congress to enact a flag protection statute. In enacting any such statute, the Senate would, of course, take into account the concerns of Senator CHAFEE and others. If my colleague does not believe that Congress can write a reasonable flag protection law, why should the American people trust us to do anything?

So, I think this issue has been considered. I think we all understand it. I think we all know what we are doing here. There is just one simple change in the amendment, and I think it is an appropriate change. I agreed to make that change, even though there are many who would prefer not to do so. So instead of both the Congress and the States having the constitutional authority to enact flag protection laws, under the revised amendment, only Congress would be able to do so.

In a very real sense, that is appropriate because we represent the whole country. We would have a uniform flag protection statute. It makes sense, and I would think the distinguished Senator from Rhode Island would be the first to admit that.

Mr. CHAFEE. I wonder if the Senator will be good enough to respond to the specific question.

Mr. HATCH. Sure.

Mr. CHAFEE. Has there been a hearing on the amendment as the Senator is now presenting it to this body?

Mr. HATCH. I think so.

Mr. CHAFEE. Or was it a hearing on the language previous to his changing it here?

Mr. HATCH. I think the hearing was on the all-embracing subject of whether or not we should protect our flag, and the issue of States' rights came up during that hearing. It has been part of the discussion. There is nothing new here.

Frankly, I do not think you need a hearing to determine whether you should have 50 States do it or have the Congress. I think we are totally capable right here in the Senate of the United States to make that determination, and I believe that there are those who feel much more confident that this amendment is the way to go than there were those who supported having 50 States each with the power to enact a statute.

Keep in mind, the reason we did it that way to begin with—and it was part of the hearings—is because before the Johnson case was decided, we had 48 States plus the Federal Government with flag protection statutes. Frankly, this was not something that was ignored or not considered. So, no, there is nothing new here. We hope this change will bring more people on board, thereby enabling us to pass this amendment. Congress will then have the power to pass a flag protection statute, which will hopefully put a stop to desecration of the flag, which I happen to think is a very, very important thing. I am not alone. The vast majority of Senators believe in this. They should not be denigrated, just as we do not denigrate those who disagree. We think you are patriotic, intelligent Members of the Senate, that you believe in the value of the Constitution, in your own sense, and that you are fighting against this for good principles.

Well, we are fighting for it based on our own strongly held principles. This is not a political or partisan issue, as some have suggested. Some of us feel very deeply that the flag needs to be protected by a great Nation, and I am one of them.

Mr. CHAFEE. Mr. President, I do find it interesting that at this time, particularly in this Senate, where the idea of States rights is in such complete sway and we must give the States control over Medicaid, the welfare, and whatever it might be, suddenly there is a reverse of course here in connection with this amendment, the amendment having been presented, in which it was either the Federal Government or the 50 States, has now, in the last 24 hours before the vote arises, been changed to eliminate the States having the power to prohibit the physical desecration of the flag.

Mr. President, it seems to me that we have a lot of things we ought to be doing around this place. What are some of them? Well, I think we all recognize our education system in the United States needs some attention. I think we are all concerned about the recent peace agreement in Bosnia, whether we should commit our troops or whether we should not commit our troops. We are all worried about the budget, how to balance it, what to do, what programs to increase, what programs to reduce. This is a matter of major concern to Americans. I believe our health care system is deserving of all the attention we can give to it. Each of these measures—and there are others we can think of—are deserving of the hard work and attention of this body.

Now, is flag burning an offensive act? Of course, it is; we all recognize that. And rightfully Americans are upset by it. But it seems to me that if we value the freedoms that define us as Americans, we will refrain from taking an action like this to amend our Constitution.

I just want to read two letters, one from a Boy Scout in Rhode Island, who wrote me on this subject:

> DEAR MR. CHAFEE: I am a Boy Scout of troop 1 East Greenwich, and I am a member of the civil air patrol. I am writing to say that I am against amending the Constitution to prohibit burning the flag as a protest. I think this because, in this country, you have the right to protest peacefully. Burning the flag may be offensive. But if everything offensive were to be outlawed, then this country would not be as free as it is today. Thank you for your consideration.
>
> Sincerely,
>
> STEWART FIELDS.

I would like to read another statement, by James Warner, a decorated marine who was held by the North Vietnamese as a prisoner of war for 5½ years. He wrote about his experiences and about the extraordinary power of the idea of freedom. This is what he said:

> I did not appreciate this power before I was a prisoner of war. I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said, "people in your country protest against your cause; that proves that you are wrong." "No," I said, "that proves I am right. In my country, we are not afraid of freedom, even if it means that people disagree with us."
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> The officer was on his feet in an instant, his face purple with rage. He smashed his foot onto the table and screamed at me to "shut up." While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have not forgotten that look nor the satisfaction that I felt at using his tool, the picture of the burning of the flag, against him.

Mr. President, for those various reasons, trivializing of the Constitution, taking this document that provides the great freedoms that we all live by and putting in a provision about burning the flag—that is not the way we deal with the Constitution of the United States. What is next—that you have to stand at attention when they sing the Star Spangled Banner?

Mr. President, we have plenty of work to do around this body, and there are matters that ought to take our time, and we should not be spending it like this. We are dealing with a subject that is hardly an epidemic in the United States—45 instances in 6 years. Yet, we go to all this trouble to enact a constitutional amendment for it.

Mr. President, you cannot mandate respect or pride in the flag. I think it is far better to act from motives of love and respect than out of obedience. So I urge my colleagues to reject the amendment put forth by the Senator from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, first of all, it is not 45 in 6 years; it is 65 in 5 years. I might add that that is just the Congressional Research Service's figure. That does not include numerous other incidents of flag desecration that may have occurred, and it does not account for the millions of people who have seen our flag desecrated.

Some say there is no need for this amendment, that it is not constitutional. Those who say that have not read the Constitution very carefully, particularly article V. Amending the Constitution is the mechanism provided by the Founding Fathers to enable us, among other things, to correct wrongful decisions by the Supreme Court. That is why we have article V in there, to be able to amend the Constitution.

By the way, there are 27 amendments to the Constitution, not 26 as stated by Senator CHAFEE.

I might say this to those who say there is no need for the amendment and that we are not faced with many flag desecrations: First, if we fail to provide legal protection to the American flag, it is we, as Members of Congress, who would be devaluating the flag. As Justice Stevens, one of our more liberal Justices, stated in his dissent in Johnson, "Sanctioning the public desecration of the flag will tarnish its value—both for those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it." One year later, in Eichman, Justice Stevens wrote that the value of the flag as a symbol of the ideas of liberty, equality, and tolerance that Americans have passionately defended throughout our history has already been damaged as a result of this Court's decision to place its stamp of approval on the act of flag burning. We can and should act to correct that damage by restoring to Congress the power to protect our flag against physical desecration.

Moreover, the problem of flag desecration remains with us. I have to say that, earlier this year for example, two American flags were burned in Honolulu as a show of sovereignty for what protesters called the Kingdom of Hawaii and as a protest against statehood. There were other flag burnings during protests in Illinois and Pennsylvania. Last year, there was a flag burning during a demonstration against proposition 187 in California. A college student who tried to prevent a second such desecration was beaten by the protesters. In another instance, an American flag was burned during a news conference outside police headquarters in Cleveland, OH, after the U.S. Supreme Court let stand an Ohio Supreme Court ruling overturning the conviction of an individual who burned an American flag during a protest against the Persian Gulf war. Another flag burning occurred during a demonstration against capital punishment in Nebraska. I suspect there are many others.

To compare the burning of the flag by a Boy Scout—a soiled or otherwise worn out flag—to that of the bearded Gregory Johnson, is, I think, stretching it just a wee bit. Johnson held the flag in contempt, and there is no doubt that his burning of the flag was done for publicity purposes, so that millions of Americans would see and be affected by how he treated our flag.

Perhaps the Senator from Rhode Island sees little difference between the bearded protester burning a flag to start a riot and the Boy Scout who ceremoniously burns a flag to dispose of it, as Boy Scouts are taught to do when flags are soiled or otherwise ruined.

Without this amendment they are both treated exactly the same. I find that offensive and reprehensible that we treat the respectful action of a young Boy Scout in burning a soiled or otherwise wornout flag, the same as the conduct—and it is "action," not speech—of a Gregory Johnson. Without this amendment, they are both treated the same.

Do my friends who make these kinds of arguments want there to be 60 Gregory Johnsons running around defiling the flag without fear of sanction? They may, but 80 percent of Americans disagree with them, and rightfully so. They may, but 312 of our colleagues over in the House disagree with them, and rightfully so. They may, but 49 State legislatures, including that of the Senator's own home State of Rhode Island, disagree with him. And the other supporters of this amendment, Republicans and Democrats alike, disagree with him as well.

I have to respectfully take exception with a few of my colleagues when they ask why we are taking time to consider this amendment when we have so many important things to do. We spend time around here in so many desultory ways that do not amount to a hill of beans; it is about time we spent time on something this significant.

Ask the American Legion, the Veterans of Foreign Wars, the Gold Star Wives of America, and the millions of members of organizations who have joined together in the Citizens Flag Alliance why they brought us this proposal, or why they asked us to debate it.

Mr. President, we are debating legislation these Americans consider a high priority. There are millions of them. I hope that the opponents of this measure would not argue that this citizen-initiated effort is unworthy of the debate by this august body.

I suggest my colleagues would be candid and should get all our work, including this amendment, done. There is nothing that would stop us from doing that; all we have to do is do it.

I would also call to my colleagues' attention the fact that it was a very short time after the Bill of Rights was passed that the 11th amendment to the Constitution was added to it.

Why? It was added to it to overturn a bad Supreme Court decision, Chism versus Jordan. There have been other amendments to the Constitution overturning bad Supreme Court decisions. I think you have to look long and hard to find a Supreme Court decision much worse than the Johnson and Eichman decisions. They were 5-to-4 decisions, hotly contested.

By the way, some of the most liberal people on the Court disagreed with those decisions, such as Justice Stevens. In the past, some of the most liberal Justices on the Court, including Chief Justice Warren, Abe Fortas, Hugo Black, a first amendment absolutist, and Justice Stevens, just to mention four, have all stated we have a right to protect the flag.

Now, all of a sudden, because of a wrong-headed 5-to-4 decision, the law is otherwise. Unfortunately, it cannot be changed by mere statute, as some would like to do so. The fact of the matter is, why do we have any concern at all? Why would we take so much time debating this when we ought to pass it without even much of a debate?

Let the States determine whether they want to ratify this as an amendment to our Constitution. Amending the Constitution is not a simple task. That is why we only have 27 amendments to the Constitution. Not only do we have to have a two-thirds vote in both bodies of congress, but we then have to get three-quarters of the States to ratify any proposed amendment.

The reasons some of my friends do not want this amendment to be adopted are multifold, I am sure. I will not denigrate their reasons or patriotism in the process, but they should not denigrate ours, either, especially since we are in the vast majority, and the vast majority of people in this country feel the way we do.

The fact of the matter is that if three-quarters of the States would vote to ratify this, then it ought to be in the Constitution. I'd bet money that three-quarters of the States would ratify this amendment so fast that it would make the head of my dear friend from Rhode Island spin in the process. The fact of the matter is this is what the American people want, and the reason they want it, is because they value the flag of the United States, and devalue those who would hold it in contempt, as they should.

Mr. CHAFEE. Mr. President, I was interested in the presentation of the Senator from Utah where he stressed I should be impressed that 47 States, or whatever it is, asked Congress to pass this amendment including the legislature in my own State; I should be impressed by that.

It comes from the same Senator who in his own amendment has eliminated the State's power to pass laws in connection with the desecration of the flag.

On one hand, the States are people who should be listened to with great caution and respect; on the other hand, he eliminates them from his amendment 24 hours before it comes up for a vote.

Now, Mr. President, since we are quoting from the Supreme Court, and I might say he quoted extensively from the decision involving *Texas* v. *Johnson*. Johnson has gained greater fame from burning the flag than he ever would if he stood at attention and saluted it.

That, seems to me, Mr. President, is the reason people burn the flag. You make it against the law and they will be out there to a far greater extent than they are now because that will get them attention. That is what they want. These are misguided individuals. Most of all, they want the police to come and seize them and drag them off to jail because they burnt the flag. Mr. Gregory Johnson is now famous, far more famous than if the situation had just been ignored.

This is what the Supreme Court said:

> The way to preserve the flag's special role is not to punish those who feel differently about these matters, it is to persuade them that they are wrong. You courageous self-reliant men with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present unless the incidence of the evil is so imminent that it may fall before there is an opportunity for full discussion. We can imagine no more appropriate response to burning a flag than waving one's own, no better way to counter a flag burner's message than by saluting the flag that burns, no surer means of preserving the dignity even of the flag that is burned, than by, as one witness here did, [referring back to the situation in Texas] according to the remains a respectful burial. We do not desecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents.

We have not discussed here today that the whole reason this is before us is that the Supreme Court of the United States has said this is a limitation on the freedom of expression when you pass statutes such as suggested by the Senator from Utah.

So instead of expanding our freedoms, it is a limitation of our freedom. I think it should be rejected. I certainly hope it is.

Mr. HATCH. Mr. President, my friend quoted the Johnson decision "just persuade them that they are wrong." My goodness, I guess you could apply that to anything. The reason that Gregory Johnson got so much notoriety out of his act of desecration was not because the Texas flag desecration was effectively enforced, it was because the statute was not effectively enforced. It is because he got away with it.

Had that statute been effective in preventing his flag desecration, we would never have heard of Gregory Johnson. The reason we have heard of him is because people were outraged by the action that he committed.

"Persuade them they are wrong"—I guess that is what we should do with regard to marijuana usage. Do not treat our children in such a bad way. Persuade them they are wrong.

A reason we punish people is to persuade them they are wrong. That is one reason why we have criminal laws. Let me tell you, Gregory Johnson would have learned a lot quicker that he is wrong if he had been punished under that Texas statute, instead of getting away with it as he did.

What if we just had 45 murders in this country? Would that mean we would not want to do something about murder? The fact of the matter is, I do not think it is a question of numbers here. It is a question of what is right and what is wrong.

I do not intend to be much longer on this. I notice the distinguished Senator from Alabama wants to speak, and I want to listen to him, because, in my opinion, he is one of the people I most admire in this body. I think he can speak with authority on this issue, as much if not more than any other person.

But for those who have been so critical about this, let me just ask a few questions. The equal protection clause of the 14th amendment is an extremely important part of our Constitution, as is the first amendment. Let us just assume that the year is 1900, just a few years after the Supreme Court's infamous 8-to-1 decision in Plessy versus Ferguson, interpreting the equal protection clause as permitting separate but equal State facilities. Suppose 49 legislatures had called for a constitutional amendment to overturn that decision, which is what is the case here. Suppose 312 Members of the other body had voted for a constitutional amendment that said, "No State shall deny any person equal access to the same transportation, education and other public facilities and benefits on the basis of race"?

Now this amendment is before the Senate. Would my friend be arguing, in 1900, "Oh, I deplore and detest the States' separation of races, but the Supreme Court has just told us by an overwhelming majority that the equal protection clause allows separate but equal facilities, so there is nothing Congress can or should do about it"? Would the Senator view the amendment as amending the equal protection clause, or just reversing a tragically erroneous interpretation of that clause?

Would my friend be arguing that, as much as he disagrees with Plessy versus Ferguson, the equal protection clause is what the Supreme Court says it is at any one time? Would he vote against the amendment overturning Plessy? Of course not. The same situation is now before us. The Supreme Court has misconstrued the first amendment, after all these years, in 1989—misconstrued it.

We do not have to acquiesce in that error. It was a 5-4 decision. They were wrong. Article V gives us a right to amend the Constitution and change that wrongheaded decision, something that has been done before. I cite the 11th amendment, among others. The question is, and I think this is a legitimate question, and in this sense certainly my colleague from Rhode Island raises a good question, and that is: Is it important enough to the Senate to overturn the Supreme Court decisions in Johnson and Eichman? Is it important enough to restore to the American people the power they had for 200 years to protect the national emblem, our American flag?

A majority of this body, and hopefully a constitutional majority of this body, say yes, you are doggone right it is. And I am one of them, and so is the distinguished Senator from Alabama. So I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I can only assume the Senator from Utah was being facetious when he started suggesting that murder is no different from the burning of the flag.

I also would point out, as I am sure the Senator from Utah knows being a constitutional scholar, that the equal protection amendment expanded freedoms in the United States. It did not limit freedoms; it expanded them. Whereas this amendment is a limitation on the freedom of expression, and there is a whale of a difference right there.

So, Mr. President, it is my great hope that this constitutional amendment will be rejected.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, first, let me thank the distinguished Senator from Utah, Senator HATCH, for his kind words that he said about me earlier. Unfortunately, I was not on the floor. I had an appointment on a vital matter. I had to leave, so I did not hear him. But I thank him very much.

I want to make some distinctions. One is the difference between constitutional language and implementing legislation. In the Biden amendment, there is a limitation on what can be done by the Congress if that constitutional amendment is adopted. It says the Congress has the power to enact the following law, and then sets out that law in some specificity.

The Hatch amendment basically allows Congress to be able to enact legislation dealing with the physical desecration of the flag, and all of these matters pertaining to rugs, Boy Scouts and all of that as mentioned by my friend and colleague Senator CHAFEE, can be taken care of in implementing legislation.

There is a distinction between constitutional language and implementing legislation. So, by adopting very brief language which gives authority to Congress to adopt implementing legislation, it does not mean that you are going to have a situation where it would be unlawful to walk on a hooked rug or where it would be unlawful for a Boy Scout to burn a flag in a situation where it has been torn or soiled or something of that nature. That is for implementing legislation to be able to address in order to take care of that situation.

The next matter I want to address is the issue pertaining to triviality. I think we have entered a stage in our society where we look at things that are extremely important sometimes as being trivial. We look to some things and we say that they are trivial, but I think we have trivialized so many values and symbols that, basically, we no longer have anything that is sacred. I think it is time that we have some matters, including symbols, that are sacred in this United States.

We have seen the deterioration of morals, we have seen the deterioration of respect for institutions and for traditions, and I think it is time we look at some of these concerns that are very important to this country. I think the flag is, and I think the flag ought to be sacred.

I have spoken previously and recited statements of the feelings of certain great protectors of the first amendment, such as Justice Hugo Black, Justice John Paul Stevens, and Chief Justice Earl Warren, and their feelings toward the Constitution and the right to protect the flag. I think, when you look at their writings and see how they express themselves on this, that is an answer to those who feel that this is something that will take away from the freedoms or that Congress is invading an area that it should not invade. I think that we also have a right to likewise prohibit desecration of the American flag without impinging on Americans' right to freedom of speech.

I strongly support a constitutional amendment to prevent the desecration of the American flag. As an original cosponsor, along with Senator HATCH, I urge our colleagues to join in protecting the sanctity of this symbol of our great Nation. As I have said before on the Senate floor, I feel that the Supreme Court's decision in Texas versus Johnson, incorrectly places flag burning under the protection of the first amendment. In my judgement, it is our responsibility to change that decision and return the flag to the position of respect it deserves.

Few people would disagree with the argument that the American flag stands as one of the most powerful and meaningful symbols of freedom ever created. Justice Stevens calls the flag a national asset much like the Lincoln Memorial. He states that:

> Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag.

I must agree with Justice Stevens in his belief that the flag should be protected from such desecration. However, I believe that the flag also has a tangible value. I feel that the Court could have expressed an opinion that would have allowed protection to both values.

The flag holds a mighty grip over many people in this country. Its patriotic appeal is as unique to every person as a fingerprint. Thousands of Americans have followed the flag into battle and many, to our sorrow, have left these battles in coffins draped proudly by the American flag. Nothing quite approaches the power of the flag as it drapes those who died for it—or the power of the flag as it is handed to the widow of that fallen soldier. The meaning behind these flags goes far beyond the cloth used to make the flag or the dyes used to color Old Glory—red, white, and blue. The flag reaches to the very heart of what it means to be an American. It would be a tragedy for us to allow the power of the flag to be undermined through desecration. Allowing the burning of that flag creates a mockery of the great respect so many patriotic Americans have for the flag.

As I have stated before, I feel on many different levels that the Supreme Court's decision was wrong. I feel it was wrong for me personally, it was wrong for patriotism, it was wrong for this country, but perhaps most importantly, this decision was judicially wrong.

I want to emphasize that although I am a strong believer in first amendment rights, I recognize that first amendment rights are not absolute and unlimited. There have been numerous decisions of the Supreme Court that limit freedom of expression.

Some of history's great protectors of the freedom of speech have agreed that the first amendment is not absolute. Many of these protectors have agreed that the flag is a symbol of such profound importance that protecting it is permissible. I will be quoting from some of the protectors of the flag and the freedom of speech such as Supreme Court Chief Justice Earl Warren, Justice Hugo Black, Justice John Paul Stevens and Justice Oliver Wendell Holmes.

In a landmark case reflecting the Supreme Court's long-held belief that the freedom of expression is not absolute, the Court in *Shenk* v. *United States*, 249 U.S. 47 (1919), stated that:

> The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.

Justice Oliver Wendell Holmes stated that:

> The question in every case is whether the words [actions] used are used in such clear circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that the Congress has a right to prevent.

Clearly the indignation caused by the Johnson decision and the fisticuffs which have broken out in flag burning attempts show that flag burning should not be protected by the first amendment. What if the flag burning had occurred in wartime? Certainly, a clear and present danger would be present.

Justice Stevens wrote in *Los Angeles City Council* v. *Taxpayers for Vincent*, 466 U.S. 789 (1984), that:

> The first amendment does not guarantee the right to imply every conceivable method of communication at all times and in all places.

Arguments have been made that limitations on the freedom of expression refer only to bodily harm, however, the Supreme Court has recognized the need for individuals to protect their honor, integrity, and reputation when injured by libel or slander. This is seen in *New York Times* v. *Sullivan*, 376 U.S. 254 (1964), which provides standards regarding the libel of public figures and *Time, Inc.* v. *Hill*, 385 U.S. 374 (1967), which provides standards regarding libel of private individuals.

These holdings protect an individual's honor from defamation. I see no reason why the honor of our flag should not be protected.

Arguments have also been made that limitations on free speech involve only civil suits. However, the Court has continually upheld criminal statutes involving obscene language and pornography. This is seen in *New York* v. *Ferber*, 458 U.S. 747 (1982), which upholds a New York statute regarding child pornography and *Miller* v. *California*, 413 U.S. 15 (1973), which provides much of the current legal framework for the regulation of obscenity.

The U.S. Supreme Court has even upheld criminal statutes involving draft card burning. In *United States* v. *O'Brian*, 391 U.S. 367 (1968), the Court upheld the Federal statute which prohibited the destruction or mutilation of a draft card. In reaching this decision the Court expressly stated:

> [w]e cannot accept the view that an apparently limitless variety of conduct can be labeled "speech" whenever the person engaging in the conduct intends thereby to express an idea.

Certainly the people of America have a right to expect that the honor, integrity, and reputation of this Nation's flag should be protected. If draft card burning can be prohibited, surely burning the American flag can also be prohibited. Does a draft card have more honor than the American flag? Certainly not.

In his dissent in *Street* v. *New York*, 394 U.S. 577 (1969), Chief Justice Earl Warren wrote:

> I believe that the states and the federal government do have the power to protect the flag from acts of desecration and disgrace . . . However, it is difficult for me to imagine that, had the court faced this issue, it would have concluded otherwise.

In this same case, Justice Hugo Black dissented stating:

> It passes my belief that anything in the Federal Constitution bars a state from making the deliberate burning of the American flag an offense.

I do not think that anyone can question that Hugo Black and Earl Warren were champions of the first amendment, but they recognized that the flag was something different, something special. The Supreme Court substantiated this view in *Smith* v. *Goguen*, 415 U.S. 566 (1974), when the majority of the court noted that:

> [c]ertainly nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of the United States flag.

Finally I would like to quote from Justice Stevens in *Texas* v. *Johnson*, when he says about the flag:

> It is a symbol of freedom, of equal opportunity, of religious tolerance and of good will for other people who share our aspirations. The symbol carries its message to dissidents both home and abroad who may have no interest at all in our national unity and survival.

I am a strong believer that the rights under the first amendment should be fully protected and do not feel that an amendment changing these rights should be adopted except in very rare instances. The Founding Fathers, in drafting article V of the Constitution, intended that if it would be extremely difficult to amend the Constitution, requiring a two-thirds vote of both Houses of Congress and a difficult ratification process requiring the vote of three-fourths of the States. The history of this country shows that only 27 amendments to the Constitution have been adopted and only 17 after the Bill of Rights was ratified.

Some may ask, Why have a constitutional amendment; Why not try legislation? To those I would say, the Senate has passed statutes concerning flag desecration. As a body, we have tried to oppose the protection of flag desecration, but statutory law has not worked. We have a number of groups that have joined together to form the Citizen's Flag Alliance. There are about 90 organizations in this wide ranging coalition. In addition, 46 States' legislatures have passed memorializing resolutions calling for the flag to be protected by the Congress.

In my judgment, we should heed this call and act decisively to ensure that the American flag remains protected and continues to hold the high place we have afforded it in both our hearts and history. The flag is indeed an important national asset which we must always support as we would support the country herself. In closing, I want to share with you the eloquent words of Henry Ward Beecher's work, "The American Flag," which expresses this sentiment:

> A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself. He reads in the flag the government, the principles, the truths, the history which belong to the nation that sets it forth.

I hope that my colleagues will consider all that the flag means to them, and in so doing support this amendment, which protects those ideals.

I would like to also make a statement concerning the issue pertaining to Judiciary Committee hearings on the amendment. I believe Senator CHAFEE asked if any hearings were held? There was an extensive hearing held on the proposed constitutional amendment.

During that hearing, as is the purpose of congressional hearings, you have criticisms that are made, and you have alternatives that are offered. So, therefore, the committee had alternatives that were presented. The results of the hearing raised some legitimate issues pertaining to the question of having the States have their right to pass statutes banning flag desecration.

The committee did not necessarily hear comments on the exact language of every possible constitutional word that might be considered.

But in the end, you have a record which shows that the hearing generally covered those questions which would apply to the particular issue of whether or not the States ought to have the right to ban flag desecration. So this issue was considered and members of the committee were informed as to the merits of allowing States to adopt implementing legislation.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. HATCH). The Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. I am glad to follow my good friend from Alabama in remarks that he made about the amendment. I want to speak about the amendment as well. So I want it very clear that in speaking today, I do so in strong support of the constitutional amendment to protect the American flag.

I also want to state that there is a pending amendment by the Senator from Kentucky, my good friend, Senator MCCONNELL. And I also want to say that I rise in strong opposition to the statutory approach to protecting the American flag. I believe that Senator MCCONNELL's amendment is either unconstitutional or unnecessary. Either way, I oppose it and stand in strong support of the constitutional amendment.

I want to remind my colleagues that I was one of only three Republicans who opposed Senator BIDEN's statutory attempt to protect the flag when it passed this body several years ago. So I believed then, as I do now, that the only way to permit the American people to protect the flag is to change the Constitution.

The approach advocated by Senator MCCONNELL can be interpreted in two ways. Under one interpretation, this statute provides important new protections for the American flag. If this is the correct interpretation, then the statute is unconstitutional under the Eichman decision which struck down Senator BIDEN's statutory approach, passed by the Congress several years ago.

Under the other interpretation, this statute simply makes explicit protections for the flag which have already existed and which exist, not to protect the flag by the way, but to protect the public peace and property.

For example, the statute would criminalize the destruction of the flag if the destruction would lead to a breach of peace. Well, this probably is the case in most States already, most of which have disorderly conduct crimes already on their statute books.

So in conclusion, I oppose the statute because it is either ineffective as a way of protecting the flag or it is unconstitutional as the Court has already expressed in the Eichman case when it struck down Senator BIDEN's statute that I was one of only three Republicans to vote against at that time.

Even though I am respectful of Senator MCCONNELL's good intentions, I still support the constitutional amendment. This amendment represents American democracy at work and American democracy at its best. I know that there is an overwhelming groundswell of support for this amendment. And I know that that is true because in my home State of Iowa I have seen this expressed. On a daily basis I receive letters and phone calls from concerned Iowans asking that we in the Senate do what it takes to protect the flag. I think it is time then that we do the right thing, and doing the right thing is passing this constitutional amendment.

I also think this debate is timely as the first American troops are now arriving in Bosnia. I am skeptical of the mission to Bosnia, but I support, like all of my colleagues will do, the efforts of our troops there. I support the flag under which those troops will serve.

As a rule, Iowans are very politically active and aware. Any of my colleagues who have tried to run for President, because we are the first caucus State, know that to be a fact. But with this amendment, I have the definite sense that even those Iowans that are not generally politically active have become deeply involved in the efforts to protect the flag.

In other words, this desecration amendment is part of a grassroots effort which has energized segments of our Nation which, for whatever reasons, chose not to participate in the political process. And I think that is a wonderful thing to have happened in our democratic system.

This flag protection amendment is the product of tireless efforts by the American people. I believe it would be wrong for the Senate to stand in the way of the American people on such a very important issue. Now, some may ask, "Why have the American people become so involved in this effort to protect the flag?" I believe the answer lies in the rediscovery of core American values, like respect for authority. Our flag is the ultimate symbol of our great Nation and what America stands for.

For many years, starting with the so-called counterculture in the 1960's, it seemed very fashionable to criticize our Government, to criticize our Nation as a people. That, of course, led to the lack of respect for our great country in general, and, of course, lack of respect for the flag in particular was one way of expressing an antiauthoritarian attitude. But those critics have been proven wrong, and their shrill anti-Americanism has been thoroughly rejected.

With last November's election returns—and those election returns were expressing the view of the American people—they were expressing a view of support of core American values like respect for authority and respect for our country. It seems to me that since last November, then, it is only natural that right now the American people are pushing harder than ever before to protect the American flag.

As far as I am concerned, we as a nation will never realize our full destiny as a great nation and a great people until we instill respect and concern for America in every one of our young people. That is a very important reason to support this amendment. Passing this amendment will not do that by itself, but passing this amendment is going to express at the highest degree that we do have in our society basic constitutional principles that are a basis for our society, a basis for our society for 207 or 208 years.

Finally, we simply cannot discuss the flag without our considering what the flag means to our veterans, to those brave Americans who fought for freedom in far away places.

I have to be somewhat apologetic when I speak about the sentimentalism that is legitimate for our veterans who have fought and died to protect our country, because, Mr. President, as I am sure you know, I have never served in the military.

I have an awesome responsibility when I speak about what our veterans have done to explain that I, as an individual, do not fully understand, not having served in the military, exactly what that is all about. But that does not lessen my respect for what our veterans have gone through, and I praise the Lord that they have sacrificed for the freedom that we all enjoy today.

On the other hand, I have seen the hand of the veteran very much in this grassroots movement to pass this constitutional amendment.

So I say, if any of my colleagues in this body are undecided on this amendment, I encourage each of them to consult with the veterans and to remember all those Americans who have died protecting the American flag, protecting the principles of our great society that the American flag stands for.

Quite frankly, if we do not pass this amendment, I do not see how we can go home and look our veterans square in the eyes. With budgetary cutbacks forcing Congress to make difficult cuts in all Federal programs, even including veterans programs, it seems to me the least we can do is to pass this amendment out of respect for what they have done for our country.

With a President who has restored diplomatic relations with the Communist regime in Vietnam without a full accounting of our war dead and MIA's, it seems to me the least we can do is pass this amendment. And with

American troops soon in harm's way, as they are with 6 million mines in Bosnia, of where we have only discovered 1 million of them thus far, it seems to me that the least we can do is to pass this amendment.

Finally, I want to mention what I think is an ironic situation. Some who oppose this amendment feel that it is dangerous to amend the first amendment. I think this stems from a sincere feeling that the first amendment is sacrosanct and, in fact, it is, Mr. President. But the fact of the matter is that many of these same people who oppose this flag amendment as a constitutional amendment have sponsored another constitutional amendment, or maybe more than one constitutional amendment to change the first amendment in other contexts. But I only want to speak about one of those efforts.

This irony certainly does not apply to everyone in the Senate who opposes this flag protection amendment, but there is a long list of people in past Congresses who opposed a flag amendment, and look at the list of people who have cosponsored or favored a constitutional amendment which amends the first amendment, the same as the flag amendment does, but in this other instance I am speaking of, it overturns the Buckley versus Valeo decision to permit limits on campaign expenditures.

In other words, I am saying to you, Mr. President, that we have Members of this body who say that the first amendment is so well written and historically has never been changed—and the implication is that it should never be changed in the future—that we should not pass an amendment that would protect the flag, thereby somewhat changing the first amendment as it relates to that aspect of free speech.

But those same people would say that it is all right to amend the first amendment when it comes to campaign expenditures and, in fact, if you overturn the Buckley case, it is a very significant limit on true political speech. It would be a limit on verbal free speech as opposed to our amending the first amendment in the case of the flag which, at the most, can be said to be a limit on nonverbal free speech.

So, what we have here is a situation where those of us who favor this amendment and those who say it is wrong to amend the first amendment in the case of the flag, but that it is OK to amend the first amendment if you want to limit verbal free speech when it comes to campaign contributions, that you have more than enough votes right here to pass the amendment.

This amendment, I think, is going to pass anyway, but if there is some doubt about it, there are a few Members of this body who take the position you should not amend the first amendment to protect the American flag, but it is OK to pass an amendment to limit political speech through limits on campaign spending. If you put those together, we have more than enough to pass this amendment.

So there is some inconsistency between people who are making the argument that we should not amend the first amendment in the case of the flag because of what it might do to nonverbal speech—and I do not think that nonverbal speech is protected by the first amendment—and those who are willing to change the Constitution when they overturn the Valeo case. What makes this inconsistency even more ironic, when you tend to limit campaign expenditures, that tends to benefit incumbents rather than challengers. We can support that statistically. That is a very selfish motive for changing the first amendment.

People can be inconsistent. I am probably inconsistent on some things myself, but I think it really weakens the argument against this flag amendment, when you are in favor of amending the Constitution to limit campaign expenditures, which is the ultimate of political speech.

So, in conclusion, Mr. President, it is time that the Senate do the right thing. We tried it once before several years ago, did not get the job done and passed a statute that was declared unconstitutional by the Supreme Court. It seems to me there ought to be ample evidence that if we want to ultimately protect the flag and do it in the surest way possible, then the only right thing to do is for this Senate to pass this constitutional amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, let me just have printed in the RECORD a few items. I have a letter from Harvard Law School from Richard D. Parker, professor of law, with regard to the McConnell law and why it was unconstitutional and why it would become such by the Supreme Court of the United States as a statute. There is no way the statute could be held constitutional under the decisions of Johnson and Eichman.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARVARD LAW SCHOOL,
Cambridge, MA, December 9, 1995.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Recently, I have read two more commentaries on the constitutional validity of the proposed "Flag Protection and Free Speech Act of 1995." One is a letter from Mr. Bruce Fein. The other is a memo from Mr. Robert Peck and two professors of law [hereinafter the Peck Memo]. Both claim that the narrow protection of the American flag afforded by the proposed statute is "content-neutral" and, hence, would be upheld by the Supreme Court under its established principles of First Amendment law.

The advice is inaccurate. The reason is that it is based on misunderstanding of the principles and precedents to be applied. Since the Fein letter is perfunctory and includes no claim not also made in the fuller Peck memo, I'll concentrate on the latter, breaking into three categories its misrepresentation of the view—as crystallized since 1989—of a majority of the Justices.

(1) The Flag Cases: Johnson and Eichman.

The Peck Memo misreads these two decisions by tearing them away from the principle that undergirds them. It portrays parts of the governing doctrine as if they constituted the whole. It mistakes the tip for the whole iceberg. Thus is betrays a fundamental canon of good lawyering: that the parts can be understood only in the context of the whole that makes sense of them.

The Memo observes that neither Johnson nor Eichman involved a proven breach of the peace or incitement to imminent violence through destruction of a flag and that neither involved theft of the flag that was destroyed. It says the Court noted that those factors were not present. Then, it commits an elementary error. It suggests that the principle underlying the two decisions is, therefore, inapplicable when those factors are present—as they would be under the proposed statute. Law students learn, early in their education, that a step in the step-by-step unfolding of law should not be read as if it were the final step, the complete unfolded doctrine. The trick of interpreting court decisions involves discerning the deeper general principle that is immanent in them.

The Peck Memo seems, at times, to suggest that the principled focus of Johnson and Eichman had only to do with a definition of what constitutes "protected" expressive conduct. It insists that the sorts of conduct reached by the proposed statute (incitement of imminent violence through destruction of a flag and destruction of a stolen flag) are not "protected" expression. It thereby obscures the deeper principled focus of modern free speech law—the focus, indeed, of the Johnson and Eichman opinions themselves. That is to say, it obscures the Court's focus on what interest government is serving. In Johnson, the Court made this very clear: "It is, in short, not simply the verbal or nonverbal nature of the expression, but the governmental interest at stake that helps to determine" the validity of a regulation. (491 U.S. at 406–407.) By the same token, the *Eichman* Court located the "fundamental flaw" of the statute in the "concern" of the Congress that gave rise to it. (496 U.S. at 317.) The question, then, is: What kind of governmental interests is it that offends the Court's basic theory of the First Amendment?

The Memo assumes that there are but two sorts of governmental interest that might invite judicial criticism of regulations involving the flag: a direct interest in prohibiting expression and a discriminatory interest in prohibiting advocacy—through destruction of a flag—of some (but not other) particular "points of view." It insists that the interest behind Subsections (b) and (c) of the proposed statute does not involve direct prohibition of expression. And it insists that the interest behind Subsection (a) does not involve prohibition of the expression—through use of a flag to incite violence—of some (but not other) particular "points of view." But it thereby covers up the third kind of governmental interest that triggers that Court's constitutional condemnation, an interest that, in fact, lies behind all three provisions of the proposed statute. That is: an interest in *singling out* certain determinate ideas or certain determinate messages for governmental *protection*.

This was, as is well known, the main point of the seminal scholarship that gave rise to the *Johnson* and *Eichman* decisions. In "Flag Desecration: A Case Study in the Roles of Categorization and Balancing in First Amendment Analysis," John Ely (professor and former Dean of the Stanford Law School) wrote that the flag "represents" a certain set of messages and that, when government "singles out" the flag for any sort of coercive protection, it thereby acts on an impermissible interest in "singling out" those messages for protection. "[A]lthough improper [flag] use statutes do not single out certain messages for *proscription*," he wrote, "they *do* single out one set of messages, namely the set of messages conveyed by the American flag, for *protection*." The same, he went on, "is not true of a law that generally prohibits the interruption of speakers: such a law is neutral not only respecting the content of the interruption but also respecting the content of the *message interrupted*." Protective legislation singling out the flag is definitely *not* "content-neutral" in that very important sense. The distinction, Ely concluded, is "critical." (88 Harvard Law Review at 1505–1507.)

In *Johnson*, the Supreme Court recognized this point. The flag, it stated, is inherently "[p]regnant with expressive content." It expresses a particular message as the "symbol of our country." (491 U.S. At 405.) It is "a symbol of nationhood and national unity, a symbol with a determinate range of meanings." *In Johnson* and *Eichman*, the Court noted that government may "foster" and "encourage" respect for the flag. But the majority of the Justices made clear that they regard use of the criminal law for special government *protection* of the flag—and the "determinate" message it conveys—as something utterly different. (491 U.S. at 418; 496 U.S. at 318.)

When Senator McConnell introduced the proposed "Flag Protection and Free Speech Act of 1995" on the floor of the Senate on October 19, he affirmed that its purpose is not "content-neutral." He affirmed that the interest it is meant to serve is the interest in protecting the particular message the flag represents. He announced that he is "disgusted by those who desecrate our symbol of freedom." Thus—by describing its purpose—the primary sponsor of the proposed statute ensured that, if enacted into law, it would be struck down by the Supreme Court under the foundational principle of the *Johnson* and *Eichman* cases.

In fact, it would have made no difference if the Senator had not spoken. For the impermissible interest behind the proposed statute is clear on its face. It is entitled as an Act for "flag protection." And—tellingly—it does not prohibit the "waving" of a stolen flag or the incitement of violence through the "waving" of a flag. Instead, it would punish only those who "destroy or damage" a flag. Its "content-discrimination—as defined by the majority of the Justices—is thus doubly obvious.

(2) The R.A.V. Decision.

In 1992, in the R.A.V. decision, the Court further elaborated the requirement of "content-neutrality" that would lead it to strike down the proposed statute. The case had to do with a St. Paul ordinance that—like the proposed statute—"singled out" certain "fighting words" for regulation on the basis of their message. Although "fighting words" are not protected by the First Amendment, the Court condemned this "singling out" of some among them. The Peck Memo strains to obscure the fatal relevance of the decision.

First, the Memo suggests that R.A.V. forbids only discrimination among particular "points of view." The proposed flag statute, it claims, applies without regard to the "points of view" expressed through specified uses of the flag. Thus the Memo (again) hides the principle that singling out the flag—and so its determinate message—for protection against such uses (indeed, only for protecting against destructive uses) would, itself, be seen by a majority of the Justices as "content discrimination." In the R.A.V. opinion, the Justices explicitly noted, in fact, that the St. Paul ordinance involved both "viewpoint discrimination" and "content discrimination"—and was to be held unconstitutional on both counts. (505 U.S. At 391.)

Second, the Memo suggests that singling out the flag would not violate R.A.V., because of the Court's recognition in Johnson and Eichman that the flag may be afforded certain sorts of "special attention." What the Memo neglects to mention is what sorts of "special attention" the Court was referring to in those opinions. For the only "special attention" it approved there specifically involved "encouraging" or "fostering" respect for the flag without employing the criminal law. It is the absence of a criminal sanction that, according to the Court, justifies the "special attention" it approves. The proposed statute, by contrast, does employ criminal law to protect the flag against destruction. The ordinance that the Court struck down in R.A.V. employed it as well. The argument made in the Memo is, therefore, a misleading fantasy.

Third, the Memo cites the R.A.V. opinion's statement that it is permissible to single out the President for special protection against threats of violence "since the reasons why threats of violence are outside the First Amendment (protecting individuals from the fear of violence, from the disruption that fear engenders, and from the possibility that the threatened violence will occur) have special force when applied to the person of the President." (505 U.S. at 388.) The Memo then seems to suggest that the "reasons why" theft and destruction of stolen property and incitement to imminent violence are outside the First Amendment have "special force" when applied to thefts of flags, destruction of stolen flags and incitement of violence through flag destruction. The third suggestion is utterly baseless, and the Memo offers no basis for it. The first two are patently ridiculous. The Court, no doubt, would treat these claims as frivolous.

Fourth, the Memo cites the R.A.V. opinion's statement that it is permissible to single out one industry for regulation of price advertising "because the risk of fraud (one of the characteristics of commercial speech that justifies depriving it of full First Amendment protection . . .) is in its view greater there." (Id.) Again, the Memo seems to suggest an analogy. It seems to suggest that the risk of theft and destruction of stolen property is greater when the property involved is a flag and that the risk of violence is greater when a flag is destroyed to incite it than when other means of incitement are employed. And, again, both claims are plainly frivolous.

Finally, two other aspects of the R.A.V. opinion deserve mention. (They are not mentioned in the Peck Memo.) In condemning St. Paul's singling out of certain messages, the Court stated, first of all, that there was a "realistic possibility that official suppression of ideas [was] afoot." (505 U.S. at 390.) To support its suspicion, the Court twice cited statements made by officials of the city. (Id. at 394–395.) Were the Court to be presented with the proposed flag protection statute, it would not have to look beyond Senator McConnell's insistence on "zero tolerance for those who deface the flag" to support a similar—and similarly devastating—suspicion.

Secondly, the R.A.V. Court emphasized that St. Paul had available a "neutral" alternative: It could simply enact a "general" ordinance forbidding all "fighting words," whatever their message. By the same token, the Congress has available the "neutral" alternative of relying on a "general" statute prohibiting all thefts and destruction of all sorts of government property, all thefts and destruction of all sorts of property on government lands, and all sorts of incitement to imminent violence (that may be reached by it under Article I). Of course, such a "neutral" alternative would not do what Senator McConnell wants to do—single out the flag for protection. The majority of the Justices will not, however, allow the Congress to do that now.

(3) The *Mitchell* Decision.

Reaching for its last straw, the Peck Memo cites the *Mitchell* decision. There, the Court upheld a statute under which a "sentence for aggravated battery was enhanced" because the batterer "intentionally selected his victim on account of the victims's race." The Memo claims that a "fair reading" of *Mitchell* indicates that the proposed flag statute would not be struck down under *R.A.V.* Of all the misunderstandings of law in the Memo, this is the wildest. For the basis of *Mitchell* was not just that battery is not covered by the First Amendment. It was, more importantly, that race-discriminatory motivation—penalized under several civil rights statutes—does not involve expression covered by the First Amendment. The point is that the case, as the Court saw it, simply was *not* in any way about singling out *ideas or messages*, whether for prohibition or protection by government. That fully distinguishes *Mitchell* from any relevance to *R.A.V.*—or to the proposed flag protection statute.

The failure of the misleading claims in the Fein Letter and the Peck Memo serves to reinforce one conclusion: The proposed statute, like its predecessor in 1990, would be quickly struck down by the majority of the Justices. They only way to establish the constitutionality of this statute or of a less oddly narrow one—the only way to single out the flag for protection—is to amend the Constitution, as the farmers of Article V meant us to do.

Sincerely,

RICHARD D. PARKER,
Professor of Law.

Mr. HATCH. Mr. President, it comes down to this: will the Senate of the

United States confuse liberty with license? Will the Senate of the United States deprive the people of the United States of the right to decide whether they wish to protect their beloved national symbol, Old Glory? Forty-nine State legislatures have called for a flag protection amendment. By a strong, bipartisan 312–120 vote, the other body has passed an amendment. So it comes down to each individual Senator, no doubt about it.

I will offer an amendment removing the States from the constitutional amendment. Only Congress will have the power to protect the flag. All of the concerns about conflicting or different State laws will not apply to the amendment that I, Senator HEFLIN, Senator FEINSTEIN, and others will ask you to support. We are going more than halfway to meet the concerns of critics. I think it is time for opponents of the amendment to join with us in offering protection of the American flag at the Federal level and to send the revised amendment to the other body where I am sure it will be accepted.

The words of Justice John Paul Stevens, in his dissent in the Texas versus Johnson decision, put it well:

> The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippines Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach. If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration. [491 U.S. at 439].

Put somewhat differently, is it not ridiculous that the American people are denied the right to protect their unique national symbol in the law? If my colleagues step back from all the legal talk on both sides of this issue, I ask, "Is there not room for a little common sense on this issue? Does the law have to be totally divorced from common sense?"

We live in a time when standards have eroded. My colleagues can see this erosion in the movies they, their children, and their grandchildren can watch. I am aware that our colleagues, Senators LIEBERMAN and NUNN, have expressed concerns about the erosion of standards in some aspects of daytime television. We all know the kind of lyrics our children can listen to.

Civility and mutual respect—preconditions for the robust expression of diverse views in society—are in decline.

Individual rights are constantly expanded, but responsibilities are shirked and scorned.

Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

It is ironic that a recent example of this trend involves the physical desecration of the American flag. In Oklahoma this year, a 17-year-old youth stopped at a convenience store and used a full-size American flag to clean oil from his car's dipstick. A veteran saw it; the individual was arrested, but, of course, he will not be charged and prosecuted. When the veteran told the youngster he should not use the flag for that purpose, he replied that he could do whatever he wanted.

I realize, of course, that we pride ourselves on our freedom in the United States. I also understand that the I-can-do-anything-I-want attitude has a legitimate appeal, up to a point, to many Americans, including me. But we all know that freedom has its limits. We all know that there is a difference between liberty and license. I might add that the veteran who witnessed the use of the flag to wipe a car's dipstick, upon learning that the individual would not be charged, said, "you go into battle behind the American flag. There has got to be a way to protect this symbol."

This Oklahoma episode reminds me of the commonsense testimony of R. Jack Powell, executive director of the Paralyzed Veterans of America, before the Senate Judiciary Committee in 1989:

> The members of Paralyzed Veterans of America, all of whom have incurred catastrophic spinal cord injury or dysfunction, have shared the ultimate experience of citizenship under the flag: serving in defense of our Nation. The flag, for us, embodies that service and that sacrifice as a symbol of all the freedoms we cherish, including the First Amendment right of free speech and expression.
>
> Curiously, the Supreme Court in rendering its decision [in Texas v. Johnson] could not clearly ascertain how to determine whether the flag was a 'symbol' that was 'sufficiently special to warrant . . . unique status.' In our opinion and from our experience, there is no question as to the unique status and singular position the flag holds as the symbol of freedom, our Constitution and our Nation. As such it must be defended and provided special protection under the law.
>
> I am concerned that there is some impression, at least in the media and by some others that are around, that the idea of supporting the flag is some idea of just right-wing conservatives, and I have heard some Senators say, those veteran organizations, and that kind of thing.
>
> In fact, the flag is the symbol of a constitution that allows Mr. Johnson to express his opinion. So, to destroy that symbol is again a step to destroy the idea that there is one nation on earth that allows their people to express their opinions whether they happen to be socialist opinions or neo-Nazi opinions or republican opinions.

Mr. Powell then goes on to say something that is so very apt, whether it is to the young man who wiped his car's dipstick with the American flag, or to the American Civil Liberties Union, or to an intemperate American Bar Association whose leader foolishly and wildly questioned the patriotism of flag amendment supporters. Indeed, Mr. Powell's next words say something important to all of us. Here is what else he said:

> Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of unlimited individual freedom so that society can be cohesive and can work. It would deem that those who want to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with. [September 13, 1989 at 432–437].

We seek to teach our children a pride and love of country—a pride that will serve as the basis of good citizenship, and for sacrifice in our country's interests, perhaps even the ultimate sacrifice. We hope our children will feel connected to the diverse people who are their fellow citizens. We ask our schoolchildren—we ask them, we do not compel them—to pledge allegiance to the flag. But five members of the Supreme Court dictate that we must tell them that the very same flag is unworthy of legal protection when it is treated in the most vile, disrespectful, and contemptuous manner.

We also have a very diverse country. We all know the flag is the one overriding symbol that unites a diverse people in a way nothing else can, or ever will. We have no king, we threw him out over 200 years ago. We have no State religion. We have the American flag.

I have to take exception when a few of my colleagues ask why we are taking time to consider this amendment. Ask the American Legion, the Veterans of Foreign Wars, the Gold Star Wives of America, and the millions of members in the organizations in the Citizens Flag Alliance why they brought us this proposal and why they asked us to debate it. Mr. President, we are debating legislation these Americans consider a high priority. I hope that opponents of this measure would not argue that this citizen-initiated effort is unworthy of debate in this body.

I suggest to my colleagues that we can, in fact, get all of our work done, including this amendment.

Now, let us clarify again this point: The flag protection amendment does not amend the first amendment. It reverses two erroneous decisions of the Supreme Court. In listening to some of my colleagues miss this point and talk about how we cannot amend the Bill of Rights or infringe on free speech, I was struck by how many of them voted for the Biden flag protection statute in 1989. They cannot have it both ways. How can they argue that a statute which bans flag burning does not infringe free speech, and turn around and say that an amendment which authorizes a statute banning flag burning does infringe free speech?

Some of my colleagues have said, I regret that the Supreme Court ruled the way it did. But now that it has, we cannot do anything about it. Even though it is difficult to think of flag burning as speech rather than conduct, since the Court says so, to override the Court is to override this newly minted so-called constitutional right. In my view, this concedes too much to the judiciary.

The Supreme Court is not infallible. Its Dred Scott decision is just one example of its fallibility. Let me pose a question to my colleagues.

Let us suppose that the year is 1900. A few years earlier, the Supreme Court had interpreted a very crucial part of the Constitution, the equal protection clause of the 14th amendment. In its 8-1 Plessy versus Ferguson decision, the Court had ruled that separate-but-equal is equal. The Constitution only requires separate-but-equal public transportation and public education. We all know that is not what the equal protection clause means. Suppose the other body, in 1900, had already voted 312-120 to pass a constitutional amendment which says that no State shall deny equal access to the same public transportation, public education, and other public benefits because of race or color.

Would any of my colleagues be arguing, oh, we cannot pass that amendment, that would be amending the sacred 14th amendment? Would they say, we wish the Court had ruled differently, but, the Court voted 8-1 that separate-but-equal is equal, so that must be what the 14th amendment means? Of course not. Would they argue that the amendment I just mentioned amends the 14th amendment? Or would they admit it just overturns a deeply erroneous decision of the Supreme Court misconstruing the equal protection clause? And would my colleagues vote against an amendment overturning Plessy? I think we all know the answer to these questions.

We are faced with a similar situation here. The Court had misconstrued the first amendment. The question is this: Is it important enough to let the American people, through their Congress, decide if they wish to protect the American flag, by overturning erroneous Supreme Court decisions?

Let me be clear. I said this last week. Patriots can disagree about this amendment. Opponents of this amendment love the flag no less than the amendment's supporters. There are war heroes on both sides of this issue, including Members of the Senate. Similarly, supporters of this amendment are strong believers in the first amendment. It is simply a question of judgment on this amendment. Is it important enough to give the American people the right to express their traditional values regarding the protection of their flag? Or is it more important to preserve the right to engage in one particular, narrow mode of expression with respect to this one object, and one object only, our flag? That is our choice.

As Justice Stevens said in his Johnson dissent, "sanctioning the public desecration of the flag will tarnish its value * * * That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available, alternative mode of expression—including uttering words critical of the flag—be employed." [491 U.S. at 437.] I urge my colleagues to view the constitutional amendment in the same way.

The suggestion by some opponent that restoring Congress' power to protect the American flag from physical desecration tears at the fabric of our liberties is so overblown that it is difficult to take seriously. Even one of the principal lawyers some opponents rely upon to make their case, Bruce Fein, himself a strong opponent of the amendment, has said, "The proposed amendment is a submicroscopic encroachment on free expression that would still leave the United States galaxies beyond any other nation in history in tolerating free speech and press."

These overblown arguments ring particularly hollow because until 1989, 48 States and the Federal Government had flag protection laws. Was there a tear in the fabric of our liberties? To ask that question is to answer it. Of course not.

I should add that the American people have a variety of rights under the Constitution. Indeed, if it was not for the right of the people to amend the Constitution, set out in article 5, we would not even have a Bill of Rights in the first place. The amendment process is a difficult one, but it is there. The Framers of the Constitution gave Congress a role in that process. They did not expect us to surrender our judgment on constitutional issues just because the Supreme Court rules a particular way. The Framers did not expect the Constitution to be routinely amended, and it has not been. But the amendment process is there as a check on the Supreme Court in an important enough cause. This is one of those causes.

I know we will debate a few amendments today. I know my friend from Kentucky will offer a statute as a complete substitute for the flag protection amendment. The McConnell amendment is a killer amendment. It will completely displace the flag protection amendment. A vote for the McConnell amendment is a vote to kill the flag protection amendment. Senators cannot vote for both the McConnell amendment and the flag protection amendment.

I know my friend from Kentucky reveres the flag. I know he would like to do something to protect it in law. But I say with great respect, his amendment is a snare and a delusion. We have been down this statutory road before and it is an absolute dead end.

The Supreme Court has told us twice that a statute singling out the flag for special protection is based on the communicative value of the flag and, therefore, in its misguided view, violates the first amendment. Even if one can punish a flag desecrator under a general breach of the peace statute, the McConnell amendment is not a general, Federal breach of the peace statute. It singles out flag desecration involved in a breach of the peace. Johnson and Eichman have told us we cannot do that, we cannot single the flag out in that way. The same goes for protecting only one item of stolen Federal property, a Federal Government-owned flag, in a special way, or protecting a stolen flag desecration on Federal property in a special way. We all know why we would pass such a statute. Do any of my colleagues really believe we are going to fool the Supreme Court? Many of my colleagues, in good faith, voted for the Biden statute and the Court would not buy it. They took less than 30 days after oral argument and less than eight pages and threw the statute out. They will do the same to the McConnell statute. The American people know better and they want to see us take action that can really protect the flag.

Even if the McConnell statute is constitutional—and it is not, with all respect—it is totally inadequate. Far from every flag desecration is intended to create a breach of the peace or occurs in a circumstances in which it constitutes fighting words. And, of course, many desecrated flags are neither stolen from the Federal Government nor stolen from someone else and desecrated on Federal property. Indeed, most of the desecrations that have occurred in recent years do not fit within the McConnell statute.

Just as an illustration of its inadequacy, if the McConnell statute had been on the books in 1989, the Johnson case would have come out exactly the same way. Why? The Supreme Court said that the facts in Johnson do not support Johnson's arrest under either the breach of the peace doctrine or the fighting words doctrine. Morever, the flag was not stolen from the Federal Government. Finally, the flag was not desecrated on Federal property. So the McConnell statute, which my friend from Kentucky will offer to replace completely the flag protection amendment, would not have reached Johnson.

What, then, is the utility of the McConnell statute, as a practical matter, other than to kill the flag protection amendment?

I urge my colleagues to support the substitute flag protection amendment that we will offer and to reject the other amendments to be offered today.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON BOSNIAN SERB SANCTIONS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 101

Under the authority for the order of the Senate of January 4, 1995, the Secretary of the Senate on December 8, 1995, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in and support for groups attempting to seize territory in Croatia and the Republic of Bosnia and Herzegovina by force and violence utilizing, in part, the forces of the so-called Yugoslav National Army (57 *FR* 23299, June 2, 1992). I expanded the national emergency in Executive Order No. 12934 of October 25, 1994, to address the actions and policies of the Bosnian Serb forces and the authorities in the territory of the Republic of Bosnia and Herzegovina that they control.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from May 30, 1995, to November 29, 1995. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and Executive Order No. 12934 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)") and the Bosnian Serbs contained in Executive Order No. 12810 of June 5, 1992 (57 *FR* 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 *FR* 5253, January 21, 1993), Executive Order No. 12846 of April 25, 1993 (58 *FR* 25771, April 27, 1993), and Executive Order No. 12934 of October 25, 1994 (59 *FR* 54117, October 27, 1994).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Government of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of United States persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the United Nations sanctions against the FRY (S&M) adopted in United Nations Security Council (UNSC) Resolution 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S&M) Government property, this order prohibited transactions with respect to the FRY (S&M) involving imports, exports, dealing in FRY (S&M)-origin property, air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or other cultural representation of, or sponsorship by, the FRY (S&M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S&M), and (2) activities related to the United Nations Protection Force (UNPROFOR), the Conference on Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in UNSC Resolution 787 of November 16, 1992. The order revoked the exemption for transshipments through the FRY (S&M) contained in Executive Order No. 12810, prohibited transactions within the United States or by a United States person relating to FRY (S&M) vessels and vessels in which a majority or controlling interest is held by a person or entity in, or operating from, the FRY (S&M), and stated that all such vessels shall be considered as vessels of the FRY (S&M), regardless of the flag under which they sail.

On April 25, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in UNSC Resolution 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for the Republic of Bosnia and Herzegovina and, if they failed to do so by April 26, 1993, called on member states to take additional measures to tighten the embargo against the FRY (S&M) and Serbian-controlled areas of the Republic of Bosnia and Herzegovina and the United Nations Protected Areas in Croatia. Effective April 26, 1993, the order blocked all property and interests in property of commercial, industrial, or public utility undertakings or entities organized or located in the FRY (S&M), including property and interests in property of entities (wherever organized or located) owned or controlled by such undertakings or entities, that are or thereafter come within the possession or control of United States persons.

On October 25, 1994, in view of UNSC Resolution 942 of September 23, 1994, I issued Executive Order No. 12934 in order to take additional steps with respect to the crisis in the former Yugoslavia (59 *FR* 54117, October 27, 1994). Executive Order No. 12934 expands the scope of the national emergency declared in Executive Order No. 12808 to address the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the actions and policies of the Bosnian Serb forces and the authorities in the territory in the Republic of Bosnia and Herzegovina that they control, including their refusal to accept the proposed territorial settlement of the conflict in the Republic of Bosnia and Herzegovina.

The Executive order blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons (including their overseas branches) of: (1) the Bosnian Serb military and paramilitary forces and the authorities in areas of the Republic of Bosnia and Herzegovina under the control of those forces; (2) any entity, including any commercial, industrial, or public utility undertaking, organized or located in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; (3) any entity, wherever organized or located, which is owned or controlled directly or indirectly by any person in, or resident in, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; and (4) any person acting for or on behalf of any person within the scope of the above definitions.

The Executive order also prohibits the provision or exportation of services to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or to any person for the purpose of any business carried on in those areas, either from the United States or by a United States person. The order also prohibits the entry of any U.S.-flagged vessel, other than a U.S. naval vessel, into the riverine ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. Finally, any transaction by any United

States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in the order is prohibited. Executive order No. 12934 became effective at 11:59 p.m., e.d.t., on October 25, 1994.

2. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reproted to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

3. Effective June 30, 1995, the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations"), were amended to implement Executive Order No. 12934 (60 *FR* 34144, June 30, 1995). The name of the Regulations was changed to reflect the expansion of the national emergency to the Bosnian Serbs, and now reads "Federal Republic of Yugoslavia (Serbia & Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations." A copy of the amended Regulations is attached.

Treasury's blocking authority as applied to FRY (S&M) subsidiaries and vessels in the United States has been challenged in court. In *Milena Ship Management Company, Ltd.* v. *Newcomb*, 804 F.Supp. 846, 855, and 859 (E.D.L.A. 1992) *aff'd*, 995 F.2d 620 (5th Cir. 1993), *cert. denied*, 114 S.Ct. 877 (1994), involving five ships owned or controlled by FRY (S&M) entities blocked in various U.S. ports, the blocking authority as applied to these vessels was upheld. In *IPT Company, Inc.* v. *United States Department of the Treasury*, No. 92 CIV 5542 (S.D.N.Y. 1994), the district court also upheld the blocking authority as applied to the property of a Yugoslav subsidiary located in the United States, and the case was subsequently settled.

4. Over the past 6 months, the Departments of State and Treasury have worked closely with European Union (the "EU") member states and other U.N. member nations to coordinate implementation of the U.N. sanctions against the FRY (S&M). This has included continued deployment of Organization for Security and Cooperation in Europe (OSCE) sanctions assistance missions (SAMs) to Albania, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; support for the International Conference on the Former Yugoslavia (ICFY) monitoring missions along the Serbia-Montenegro-Bosnia border; bilateral contacts between the United States and other countries for the purpose of tightening financial and trade restrictions on the FRY (S&M); and ongoing multilateral meetings by financial sanctions enforcement authorities from various countries to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, the Office of Foreign Assets Control (FAC) has exercised its authority to license certain specific transactions with respect to the FRY (S&M), which are consistent with U.S. foreign policy and the Security Council sanctions. During the reporting period, FAC has issued 90 specific licenses regarding transactions pertaining to the FRY (S&M) or assets to owns or controls, bringing the total specific licenses issued as of October 13, 1995, to 1,020. Specific licenses have been issued: (1) for payment to U.S. or third country secured creditors, under certain narrowly defined circumstances, for preembargo import and export transactions; (2) for legal representation or advice to the Government of the FRY (S&M) or FRY (S&M)-located or controlled entities; (3) for the liquidation or protection of tangible assets of subsidiaries of FRY (S&M)-located or controlled firms located in the United States; (4) for limited transactions related to FRY (S&M) diplomatic representation in Washington and New York; (5) for patent, trademark, and copyright protection in the FRY (S&M) not involving payment to the FRY (S&M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S&M)-controlled ships blocked in the United States; (8) for the removal from the FRY (S&M), or protection within the FRY (S&M), of certain property owned and controlled by U.S. entities; (9) to assist the United Nations in its relief operations and the activities of the UNPROFOR; and (10) for payment from funds outside the United States where a third country has licensed the transaction in accordance with U.N. sanctions. Pursuant to U.S. regulations implementing UNSC Resolutions, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S&M).

During the period, FAC addressed the status of the unallocated debt of the former Yugoslavia by authorizing non-blocked U.S. creditors under the New Financing Agreement for Yugoslavia (Blocked Debt) to exchange a portion of the Blocked Debt for new debt (bonds) issued by the Republic of Slovenia. The completion of this exchange will mark the transfer to Slovenia of sole liability for a portion of the face value of the $4.2 billion unallocated debt of the FRY (S&M) for which Slovenia, prior to the authorized exchange, was jointly and severally liable. The exchange will relieve Slovenia of the joint and several liability for the remaining unallocated FRY (S&M) debt and pave the way for its entry into international capital markets.

During the past 6 months, FAC has continued to oversee the liquidation of tangible assets of the 15 U.S. subsidiaries of entities organized in the FRY (S&M). Subsequent to the issuance of Executive Order No. 12846, all operating licenses issued for these U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked, and the net proceeds of the liquidation of their assets placed in blocked accounts.

In order to reduce the drain on blocked assets caused by continuing to rent commercial space, FAC arranged to have the blocked personality, files, and records of the two Serbian banking institutions in New York moved to secure storage. The personality is being liquidated, with the new proceeds placed in blocked accounts.

Following the sale of the M/V Kapetan Martinovic in January 1995, five Yugoslav-owned vessels remain blocked in the United States. Approval of the UNSC's Serbian Sanctions Committee was sought and obtained for the sale of the M/V Kapetan Martinovic (and the M/V Bor, which was sold in June 1994).

With the FAC-licensed sales of the M/V Kapetan Martinovic and the M/V Bor, those vessels were removed from the list of blocked FRY (S&M) entities and merchant vessels maintained by FAC. As of October 12, 1995, five additional vessels have been removed from the list of blocked FRY (S&M) entities and merchant vessels maintained by FAC as a result of sales conditions that effectively extinguished any FRY (S&M) interest: the M/V Blue Star, M/V Budva, M/V Bulk Star, M/V Hanuman, and M/V Sumadija. The new owners of several other formerly Yugoslav-owned vessels, which have been sold in other countries, have petitioned FAC to remove those vessels from the list.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is a possible interest of the Government of the FRY (S&M) or an entity or undertaking located in or controlled from the FRY (S&M), and to stop prohibited transfers to persons in the FRY (S&M). The value of transfers blocked has amounted to $137.5 million since the issuance of Executive Order No. 12808, including some $13.9 million during the past 6 months.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. More than 318 submissions have been reviewed by FAC since the last report, and more than 130 compliance cases are currently open.

6. Since the issuance of Executive Order No. 12810, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S&M) or Bosnian Serb authorities have an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated and appropriate enforcement actions are being taken. Numerous investigations carried over from the prior reporting period are continuing. Since the last report, FAC has collected 10 civil penalties totaling more than $27,000. Of these, five were paid by U.S. financial institutions for violative funds transfers involving the Government of the FRY (S&M), persons in the FRY (S&M), or entities located or organized in or controlled from the FRY (S&M). One U.S. company and one air carrier have also paid penalties related to unlicensed payments to the Government of the FRY (S&M) or other violations of the Regulations. Two companies and one law firm have also remitted penalties for their failure to follow the conditions of FAC licenses.

7. The expenses incurred by the Federal Government in the 6-month period from May 30, 1995, through November 29, 1995, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at about $3.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office, and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and polices of the Government of the FRY (S&M), in its involvement in and support for groups attempting to seize and hold territory in the Republics of Croatia and Bosnia and Herzegovina by force and violence, and the actions and policies of the Bosnian Serb forces and the authorities in the areas of Bosnia and Herzegovina under their control, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of the conflict through implementation of the United Nations Security Council resolutions.

I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S&M) and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 8, 1995.*

REPORT ORDERING THE SELECTED RESERVE OF THE ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM-102

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate on December 8, 1995, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To The Congress of the United States:

I have today, pursuant to section 12304 of title 10, United States Code, authorized the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve to perform such missions the Secretary of Defense may determine necessary. The deployment of United States forces to conduct operational missions in and around former Yugoslavia necessitates this action.

A copy of the Executive order implementing this action is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 8, 1995.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1670. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-1671. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-1672. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-1673. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-1674. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on the Traffic Alert and Collision Avoidance System for the period July 1 through September 30, 1995; to the Committee on Commerce, Science, and Transportation.

EC-1675. A communication from the Secretary of Transportation, transmitting, pursuant to law, report on the recommendations of the National Academy of Sciences and other qualified organizations relative to environmental and operational safety of tank vessels; to the Committee on Commerce, Science, and Transportation.

EC-1676. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1677. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1678. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1679. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1680. A communication from the Administrator of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Rural Health Care Transition Grant Program; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 1462. A bill to amend the Agricultural Adjustment Act to provide that imported tomatoes are subject to packing standards contained in marketing orders issued by the

Secretary of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1463. A bill to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1464. A bill for the relief of certain former employees of the United States whose firefighting functions were transferred from the Department of Energy to Los Alamos County, New Mexico; to the Committee on Governmental Affairs.

By Mr. HELMS (for himself, Mr. DODD, and Mr. KERRY):

S. 1465. A bill to extend au pair programs; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. MACK):

S. 1466. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 1467. A bill to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself, Mr. THOMAS, and Mr. MACK):

S.J. Res. 43. A joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1464. A bill for the relief of certain former employees of the United States whose firefighting functions were transferred from the Department of Energy to Los Alamos County, NM; to the Committee on Governmental Affairs.

LOS ALAMOS FIREFIGHTERS LEGISLATION

Mr. DOMENICI. Mr. President, I introduce legislation that will enable the Federal Government to fulfill an outstanding obligation to a small, dedicated group that has committed years of service in the national interest.

In 1989, firefighting responsibilities in Los Alamos, NM, were transferred from the Department of Energy to Los Alamos County. The transfer was part of a larger, continuing effort to divest the Federal Government of functions normally performed by State and local government that the Federal Government has performed in Los Alamos since the Manhattan Engineering District assumed control of all activities at Los Alamos during World War II.

The transfer affected 43 firefighters who, after years of Federal service that for many of them began in Viet Nam, became Los Alamos County employees. At the time, the firefighters were told by the Department of Energy that they would be transferred "as whole," meaning they would lose no benefits. Unfortunately, that did not happen largely due to changes in administration at the Department of Energy and Los Alamos County.

Each firefighter received a severance payment, in accordance with normal practice, that included reimbursement for moneys each had contributed to the Federal retirement system. However, that payment was significantly less than the amount required to purchase service time in the retirement program available to Los Alamos County employees equivalent to their time of Federal service.

The result is straightforward; these firefighters, who continue to perform exactly the same work today as when they were Department of Energy employees, have lost the majority of their retirement because the Federal Government has failed to meet its obligation to transfer them "as whole." These are dedicated workers who continue to provide vital firefighting service to Los Alamos County and the Los Alamos National Laboratory. They should be treated fairly.

The legislation I am introducing today would remedy this unfairness. It would direct the Federal Government pay to the firefighters current State retirement program a sum that when combined with the severance payment made to the firefighters upon their transfer would provide the firefighters with a service credit in the State program equivalent to their Federal time of service. The result would be that the firefighters retirement would not be impacted by the change from Federal to county status.

Mr. President, there is some urgency to this matter. A number of these firefighters are approaching retirement age. Without the benefits of this legislation, they will be entitle to almost no retirement benefits when they reach the mandatory retirement age for firefighters.

I hope my colleagues will give prompt and considered attention to this matter.

• Mr. BINGAMAN. Mr. President, I am pleased to join with my friend and colleague, the senior Senator from New Mexico, Senator DOMENICI, in introducing legislation today that will fairly compensate a group of dedicated former Federal employees for the loss of retirement benefits that they experienced as a result of the transfer of their duties from the Department of Energy to the County of Los Alamos, NM.

Mr. President, in 1989, the responsibility for the Los Alamos Fire Department, which jointly serves the Los Alamos National Laboratories and Los Alamos County municipality, was transferred from the Department of Energy to the county. As a result of the transfer, some of these firefighters lost more than $20,000 in retirement funds that they had accrued with the Federal Government. And, as a result of the transfer, these individuals, who have served an average of 15 years with the Department of Energy, no longer have retirement benefits. Clearly, this is a situation that must be remedied as soon as possible.

Mr. President, with the support of Senator DOMENICI I am sure that we will finally be able to provide these firefighters with the compensation for lost retirement benefits they have incurred as a result of the transfer of their responsibilities from the Federal Government to the State of New Mexico and I look forward to working for the prompt consideration and passage of this legislation.•

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 1467. A bill to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

THE FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1995

• Mr. BURNS. Mr. President, in July; I introduced S. 1154, a bill to authorize construction of the Fort Peck Rural County Water Supply System in Valley County, MT. Since the introduction of this bill, my staff has been meeting with the Senate Energy Committee staff concerning the bill and its provisions. In addition, I have had discussions with the other members of the Montana congressional delegation about this urgent situation under which hundreds of people must haul their water supplies for miles because of the contamination of the ground water. Based on all of these discussions, the legislation has been redrafted for reintroduction today to reflect the comments of the Energy Committee staff. I want to thank Chairman MURKOWSKI and his staff for their help in streamlining this bill. I am pleased to be joined in the sponsorship of this bill by my colleague, Senator BAUCUS. I appreciated his assistance with this measure. An identical bill will also be introduced in the House of Representatives by Representative PAT WILLIAMS. The Montana delegation is unified in our efforts to obtain congressional authorization for this rural water system to help this depressed area of our

State. We look forward to working with Senator MURKOWSKI to move this bill to hearings and a markup.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Rural County Water Supply System Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term "construction" means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term "District" means the Fort Peck Rural County Water District, Inc., a non-profit corporation in Montana.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District", dated September 1994.

(4) PLANNING.—The term "planning" means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, northeastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (a) shall be 80 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,800,000, to remain available until expended. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act. •

• Mr. BAUCUS. Mr. President, today, I am pleased to join Senator BURNS in introducing legislation to ensure that the over 500 people who live near Fort Peck Reservoir have a safe, dependable domestic water supply. Currently those who live adjacent to one of the largest bodies of water ever developed by the Federal Government in the West, the Fort Peck Reservoir, are forced to travel many miles several times a week to fill tanks and barrels for their domestic water use.

This bill will authorize the development of a rural municipal water system for the residents of the Fort Peck Rural Water District in northeastern Montana. The project will tap into Fort Peck Reservoir to construct a safe and reliable drinking system for both municipal and agricultural purposes. It will also enable this scenic area of Montana to attract economic development which has been stifled due to the lack of water.

I propose that this project be a partnership between the Federal Government, the State of Montana, and local interests. The State and local groups will contribute 20 percent of the cost of the project's completion. A needs assessment and feasibility study conducted by the Bureau of Reclamation [BOR] has completed a needs assessment and feasibility study that estimates the total Federal expenditure will be less than $6 million.

If we can afford to spend millions of dollars developing domestic water supplies in other nations around the world, we can and should be able to do the same for Montanans.

I urge the committee to take prompt action on this critical measure and will work toward expeditious passage through the full Senate.•

ADDITIONAL COSPONSORS

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 704

At the request of Mr. SIMON, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1200, a bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus.

S. 1224

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1224, a bill to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1296

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1296, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

AMENDMENTS SUBMITTED

THE AMERICAN FLAG CONSTITUTIONAL AMENDMENT OF 1995

BIDEN AMENDMENT NO. 3093

Mr. BIDEN proposed an amendment to the joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; as follows:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. The Congress shall have power to enact the following law:

"'It shall be unlawful to burn, mutilate, or trample upon any flag of the United States.

"'This law does not prohibit any conduct consisting of the disposal of the flag when it has become worn or soiled.'.

"SECTION 2. As used in this article, the term 'flag of the United States' means any flag of the United States adopted by Congress by law, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.

"SECTION 3. The Congress shall have the power to prescribe appropriate penalties for the violation of a statute adopted pursuant to section 1.".

HATCH (AND OTHERS) AMENDMENT NO. 3094

Mr. HATCH (for himself, Mr. HEFLIN, and Mrs. FEINSTEIN) proposed an amendment to the joint resolution (S.J. Res. 31) supra; as follows:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

HOLLINGS AMENDMENTS NOS. 3095–3096

Mr. HOLLINGS proposed two amendments to the joint resolution (S.J. Res. 31) supra; as follows:

AMENDMENT NO. 3095

After the first article add the following:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to this section.

"SECTION 7. Total receipts shall include all receipts of the United States government except those derived from borrowing. Total outlays shall include all outlays of the United States government except those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund (as and if modified to preserve the solvency of the funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for the purpose of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later."

AMENDMENT NO. 3096

After the first article add the following:

"ARTICLE —

"SECTION 1. Congress shall have power to set reasonable limit on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION 4. Congress shall have power to implement and enforce this article by appropriate legislation.".

McCONNELL (AND OTHERS) AMENDMENT NO. 3097

Mr. McCONNELL (for himself, Mr. BENNETT, Mr. DORGAN, and Mr. BUMPERS) proposed an amendment to the joint resolution (S.J. Res. 31) supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world.

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the United States Constitution.

(b) PURPOSE.—It is the purpose of this Act to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

"(b) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States and intentionally destroys or damages that flag shall be fined not more than $250,000 or imprisoned not more than 2 years, or both.

"(c) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and intentionally destroys or damages that flag shall be fined not more than $250,000 or imprisoned not more than 2 years, or both.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

"(e) DEFINITION.—As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and would be taken to be a flag by the reasonable observer.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following new item:

"700. Incitement; damage or destruction of property involving the flag of the United States.".

ADDITIONAL STATEMENTS

SENATE HOMEPAGE RATED TOP 5 PERCENT

• Mr. **WARNER.** Mr. President, in October of this year I announced the Senate presence on the World Wide Web. Today I am pleased to announce the Senate's Homepage on the World Wide Web has been rated among the top 5 percent of all Web sites on the Internet by an independent group. This group, Point Survey, called the Senate's Web presentation "the best place to learn about how the Senate really works" and call it "a valuable site."

The Senate Homepage is proving to be a tool that allows citizens to better understand the constitutional and historical role of this institution, and its underlying responsibilities within our society.

Again I would like to acknowledge the hard work of Howard O. Greene, Senate Sergeant at Arms; Kelly D. Johnston, Secretary of the Senate; and Paul D. Steel, director of Information Systems and Technology, Committee on Rules and Administration for making this effort a success.•

PRESIDENT ROBINSON'S ADDRESS ON HUMAN RIGHTS

• Mr. **KENNEDY.** Mr. President, yesterday was International Human Rights Day, a day to mark how far the world has come toward respect for human rights, and also a day to reflect on how far we have to go.

In October, President Mary Robinson of Ireland gave an address at Yale Law School in which she discussed the often inadequate response to extreme human rights crises around the world. She spoke of the universal acceptance of the key principles of the international human rights movement and the value of activities by the United Nations and regional organizations which set human rights standards. Having recently returned from Rwanda and Zaire, she poignantly described the gross human rights violations there and the failure of the world to make an adequate response. At the end of her address, she notes that these basic principles of human rights are also at stake in Bosnia.

When President Clinton visited Ireland 10 days ago, he invited President Robinson to the United States for a state visit in June 1996. I look forward to her visit, and I ask that her address at Yale be printed in the RECORD.

The address follows:

THE NEED TO HONOUR DEVELOPMENT HUMAN RIGHTS COMMITMENTS

SPEECH BY PRESIDENT MARY ROBINSON

It is an enormous pleasure to be here this evening. I recall when I was studying law at a place just outside Boston in the late '60s, this institution was referred to as "that other place in New Haven". The compliment implied in not naming that other place naturally whetted my interest, but this is the first opportunity I have had to visit. I am greatly honoured to be here as the 1995 Sherril lecturer.

The title of my address this evening—the need to honour developing human rights commitments—has been carefully chosen to provide me with an opportunity to comment on the state of our commitment at the end of the century.

I use the term "honour" as opposed to "compliance" or "conformity" because the lives and integrity of human beings are at stake and because it calls on our notions of dignity and moral obligation. The word "commitment" has been chosen because it goes further than both legal or moral obligation—while ecompassing both. It also connotes the idea of being "committed" to a great cause at a higher level of obligation, as well as a preparedness to take steps to promote and further that cause, without interrogating the legal necessity or obligation to do so. In the area of human rights one can find no greater elucidation of the meaning of "commitment" than in the Preamble to the Universal Declaration of Human Rights. Lastly, I am conscious that our human rights commitments are dynamic and not static. They are constantly evolving and developing. At the end of this millennium the honouring of developing human rights commitments, to the best of our abilities and resources, is a first order principle of national and international life.

Yet we are all aware that major problems persist. Torture, inhuman prison conditions, unfair trials, and famine have not been eradicated although we take a certain pride in the institutions and procedures that we have set up to deal with them. Ethnic cleansing and the daily spectacle of civilian casualties in Sarajevo remind us that the evils of the past cast a long shadow. In a real sense the World Conference on Womens' Rights in Beijing was all about the failure to honour our commitments to women, particularly in the areas of protection against violence and sexual abuse.

We do not have cause for satisfaction. The essential theme of my remarks, having returned a few days ago from Rwanda, is that we should reflect even more on our political commitment to invest our human rights mission with the resources that match the strength of our beliefs, and that our failure to do so—when confronted with situations such as that in Rwanda which cry out for a more committed, more integrated and more resourced response—compromises our achievements, blunts our sensitivities to situations where gross violations are taking place and diminishes our capacity to transmit these values meaningfully to succeeding generations. In other words, acquiescence to a low level of response is an affront to the principle of the universality of human rights.

As you will have gathered, I have chosen this title with great anxiety—the anxiety, firstly, of a lawyer confronted by the contradictions between promise and performance. The anxiety, secondly, of a Head of State returning from a visit to Rwanda and Zaire, who has been exposed in the literal sense of that term, and for the second time, to the terrible humanitarian aftermath of genocide and its accompanying social, political and economic disintegration. A witness also to the continued inability of the international community to rouse itself sufficiently to bring greater hope and promise to that land of despair and tragedy. The anxiety, lastly, of a witness left speechless and fumbling for the correct and appropriate response in the face of our own inadequacies as a community of human beings when faced, eyeball to eyeball, with human disaster on such an overwhelming scale.

The contradiction, witnessed painfully in Rwanda, between, our lofty human rights values on the one hand, and the pressure of reality on the other, provokes a natural and human response. I hear the words "Never again"—the call that became the 'leitmotif' for the development of human rights this century—and am deeply dismayed and angered at the human capacity for self-delusion.

But this despair should not lead us to be distracted from the real advances that have been made, at both the regional and the universal level, in the protection and promotion of human rights and in the central position that the concept of human rights now occupies in the world stage.

In a very short space of time three key ideas which underpin the entire international human rights movement have come to be accepted universally. They are all connected to what can be called the principle of universality.

First, that countries can no longer say that how they treat their inhabitants is solely their own business. The concept of human rights has torn down (though not completely destroyed) the sometimes oppressive veil of domestic jurisdiction. The role of the media in showing us the dramatic pictures of civilians being cut down in Sarajevo, of the famine in Somalia or of the genocide in Rwanda, has contributed immeasurably to strengthening this development. The global village has highlighted our global responsibilities.

Second, that the effective protection of human rights is indissociably linked to international peace and security. Internal disorder, civil war, heightened regional and international tension can in our recent history, be causally related to violations of human or minority rights. Respect for human rights is thus essential for genuine peace.

Third, that human rights are universal and indivisible. The principle of universality of human rights was asserted by the Universal Declaration of Human Rights. It is the central pillar on which all else rests and has come under increasing attack over the last decade under the guise of "regional particularities". To the great credit of the World Conference on Human Rights, the principle that the protection of human rights is a duty for all states, irrespective of their political, economical or cultural system, was emphatically re-affirmed. Let me quote from Paragraph 3 of the *Vienna Declaration and Programme of Action*, adopted by consensus by the member states of the United Nations:

"All human rights are universal, indivisible and interdependent and inter-related. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis."

Side by side with the development of what I have called the principle of universality stand the vital standard-setting activities of the United Nations and regional bodies such as the Council of Europe, the Organisation of American States and the Organisation of African Unity. The catalogue of human rights and freedoms set out *inter alia* in the United Nations Covenants, the European Convention on Human Rights, the American Convention on Human Rights, the African Charter of Human and People's Rights and other major human rights treaties form the central core of a corpus of universal human rights standards encompassing both civil and political as well as social, economic and cultural rights.

There are several remarkable features about standard-setting activities which merit being highlighted in an era where the emphasis—quite properly—is on enforcement and effectiveness.

The first is that the relevant treaty standards not only define the States' international obligations to its inhabitants and to the international community at large but also directly impact on the content and quality of national law. In many countries these standards have the force of law and can be enforced directly through local courts. Indeed, some of the most important principles, for example the prohibition against torture and slavery, have become part of the customary law of nations. International norms have also become an essential vade-mecum for NGO's, providing them with a focused set of standards to guide them in their work and judgment. In these different ways, the specificity of international human rights law can exercise a vitally important influence on national arrangements and can lead to an improvement in people's lives. I believe that the role human rights law has played, and continues to play, in shaping the legislative agendas of the new democracies in eastern and central Europe, not to mention the new South Africa, cannot be underestimated. The authoritative interpretation of these standards by the European and American Courts of Human Rights and by other treaty bodies, adds a further important dimension to the effectiveness of this process.

My second observation is central to the theme of developing human rights commitments. Standard-setting, regionally and universally, is a continuous on-going process. The UN Torture Convention and the Convention on the Rights of the Child are examples of the developing nature of the law. But regard must also be had to the numerous and increasingly influential non-treaty standards embodied in instruments such as the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment or the Declaration on the Elimination of Violence against Women.

However it seems clear that it is in responding to the most severe and pressing human rights problems that much progress needs to be made. Can there be any doubt that the credibility of the international community's attachment to the cause of human rights is intimately bound up with its ability to respond effectively to situations where human rights are being grossly violated? The Secretary-General of the United Nations recognized this in his 1992 report on the work of the UN when he observed that while the UN was responding adequately to "normal situations" it had not been able to act effectively in the area of massive human rights violations.

We seem to have created for ourselves the following paradox. The human rights developments that have taken place since the end of the Second World War have led to the creation of international courts of human rights to enforce state obligations, to important standard-setting activities by the UN and regional organisations, to the creation of teams of special rapporteurs to examine disappearances, torture, political executions or situations in particular countries. We have recently created a High Commissioner for Human Rights to be the focal point for human rights action in the UN system. All these positive advancements are in a sense, directly related to the political commitments made following upon gross violations of human rights earlier this century.

Yet the institutions we have created appear to be stricken with inertia and paralysis when confronted with the reoccurrence of the very evils that have led to their foundation. Of course, we cannot stop wars and we may be unable to foresee or forestall outbreaks of violence on a massive scale. And there will always be countries in the world where human rights are trampled underfoot. But doesn't honouring the commitment require us to respond to this unacceptable paradox and to the deep international concern about gross violations? Does it not require us to assume collective responsibility and to develop institutions and processes to anticipate, deter, prevent and terminate gross human rights violations?

It is in our response to these questions that future generations will determine whether our great treaties were merely splendid baubles, worthless pieces of paper or genuine commitments that we sought valiantly to honour.

Central to this concern is the possibility of taking preventive action through the effective operation of early-warning devices. But alarm bells must be listened to. In the case of Rwanda they were loudly rung by the NGO community and by the Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions in his reports prior to the Rwanda genocide in April 1994.

It is difficult to speak of the situation in Rwanda today with restraint and without anger—the more so against a background of what happened there and how the world responded. Could the international community not have done more? Could we not do more today? Has the United Nations honoured its human rights vocation? Has the international community, behind the persona of the United Nations, honoured its human rights commitments?

I ask these questions because my own sense of justice has been outraged by what I have witnessed there in a manner which defies my powers of articulation and explanation. The facts plead for themselves.

A year ago I visited this small country in the aftermath of the genocide of up to a million people and the breakdown of civil society. The structures of government had been destroyed by the killings and the massive exodus which followed. In the capital, Kigali, I saw appalling evidence of that genocide. In many churches thousands who had fled for sanctuary were slaughtered.

Returning a year later I noted courageous progress by the Rwandan Government in rebuilding their society, and appreciated the access they gave me to the places I felt I must see. On this visit I travelled to Nyarabuye, near the Tanzanian border, where a hilltop church and school complex have become a national place of commemoration. The bodies of several thousand men are in mass graves outside, where they had tried to defend the women, the children, the old people. Inside I was shown the heaped, rotted bodies and decayed clothes of those women and children in room after room of dark school buildings.

In witnessing these conditions my mind has been drawn back inexorably to the Irish famine of the last century. I recalled the images given voice by the Irish poet and Nobel Laureate, Seamus Heaney, in his poem "For the Commander of the Eliza". A routine boat patrol off the coast of West Mayo tacks and hails a row boat crew in Gaelic:

". . . O my sweet Christ,
we saw piled in the bottom of their craft
six grown men with gaping mouths and eyes
bursting the sockets like spring onions in drills
six wrecks of bone and pallid, tautened skin,"

On my first visit a year ago the prison population was under 9,000. Now it is over 53,000, in conditions which have been described by NGO's as a humanitarian nightmare. I visited one of the prisons, in the southern city of Butare. It was built for 1,500 inmates, but was home to 6,276 men, 216 women, and 102 youths. Nearly all—except the 56 infants imprisoned with their mothers—are awaiting trial on charges of complicity in last year's genocide. Flying in by helicopter we saw prisoners perched on the tin roofs surrounding a central courtyard. They live there day and night. The courtyard is full. Every building is jammed with inmates, so that there is no room to lie down. Walking through the prison with the Director and a Red Cross official there was no sign of serious malnourishment or dehydration, but the overcrowding is so severe—in some prisons four per square meter—that some suffer from oedema and gangrene. Although there are no exact figures, it has been estimated that there are three hundred deaths every week. In Rwanda, there is a sense among some that only death can bring release from captivity. No trials, national or international, have yet taken place. A Commission set up to screen detainees has led to an insignificant number of releases. The International Committee of the Red Cross—to whom I pay warm tribute—are simply overwhelmed. Its field workers provide food, water, and some health care to these 53,000 detainees held in numerous detention centres.

The human rights situation in Rwanda today is a complex and inter-related one. The principal human rights problems are: arbitrary arrest on the basis of accusation, arbitrary detention with no court process, inhumane conditions of detention, and impunity for past human rights violations. Other violations occur on a lesser scale; they include torture and arbitrary killings.

There have been two particular human rights initiatives in response to the scale of this problem: an International Tribunal to try the main perpetrators of the genocide and a human rights field operation under the High Commissioner for Human Rights. The inadequacies of both initiatives show all too clearly our failure to understand the fundamental necessity to integrate a resourced human rights response with the peacekeeping role and the humanitarian relief.

Following my visit last year I urged upon all Heads of State the importance of establishing the International Tribunal without delay and beginning the healing process through prosecutions of the ringleaders. It was approved by Security Council resolution last November but one year later there has not been a single indictment, although it is hoped to have the first prosecutions before the end of this year or early next year. When I met the Deputy Prosecutor in Kigali last week he confirmed that the problem was lack of resources.

The Human Rights Field Operation in Rwanda was entrusted by the UN system and by the Government of Rwanda with the following integrated mandate: (a) to carry out investigations into violations of human rights and humanitarian law; (b) to monitor the ongoing human rights situation and through its presence, prevent future violations; (c) to co-operate with other international agencies in re-establishing confidence, and thus, to facilitate the return of refugees and displaced persons and the rebuilding of civic society; and (d) to implement programmes of technical co-operation in the field of human rights, particularly in the area of administration of justice as well as of human rights education.

This is a uniquely proactive mandate. But speaking to field officers on the ground I learned of their great frustration in seeking to implement it. Lack of financial resources means that there has been inadequacy in the logistics, in the planning, in the administrative and operational professionalism. Those who know about human rights, who have creative ideas about addressing them, are without a budget for such projects. I am told that what UNAMIR spends in a week, or what is spent in the refugee camps in a week, is more than the human rights budget for a year. The development of a human rights culture is a complex undertaking, especially in post human rights disaster situations. The UN took an important step by creating the human rights field operation. But it needs to go further to build up a corps of professional and creative agents of social change, properly deployed and supported, who have access to the funds and flexibility needed to address effectively human rights problems.

In the context of Rwanda I can see more clearly now how broad based and varied the needs are: whether it is resources to develop an infrastructure for the supreme court judges who have been appointed there within the last few days, or the provision of human rights materials and training for local soldiers and police, or the production of public information campaigns relative to human rights in co-operation with local human rights N.G.O.'s and womens groups, there is above all the challenge to react in a timely and effective fashion to support movement in the direction of compliance with human rights.

I am convinced we have the legal standards, the expertise, the necessary experience and the resources to draw upon in order to honour our commitments. The peace-building operations in Namibia, El Salvador, Cambodia and Haiti and the deployment of trained human rights monitors there have shown this to be the case. Can we justify the lack of commitment to play an active and properly resourced role in helping to reconstruct and redevelop Rwanda?

Tragically the same questions arise when we consider the fate of up to two million refugees, many of whom had participated in acts of genocide, living outside Rwanda's borders in camps in Zaire and Tanzania, of whom more than 50,000 died last year of cholera, dysentery and dehydration. Their continued presence in these countries has transformed the Rwandan problem into a regional crisis which could deteriorate, with unthinkable consequences, at any moment. Yet, apart from bouts of forced repatriation in August 1995, voluntary repatriation has been limited and vulnerable to events in Rwanda. Refugees are afraid to return, many of them fear being accused of having participated in genocide by those who have recently occupied their properties. The apprehension of reprisal killings, the massacre in Kibeho in which thousands of internally displaced persons were killed, the mass arrests, inhuman prison conditions, the lack of an effective judicial system and the control exercised by camp leaders though intimidation and hate propaganda—are all factors which have effectively impeded the process of voluntary repatriation.

An added and poisonous complication is that mixed in which the civilian refugee population are some 20,000 Hutu soldiers and 50,000 militia who are believed to have regrouped and rebuilt their military infrastructure. They have been accused by NGO's of diverting humanitarian aid and effectively holding the refugees hostage. Calls have been made, in an effort to break in logjam, to remove weapons from the camps and to isolate those responsible for incitement to violence and hatred.

The refugee situation is intimately bound up with developments inside Rwanda. The policy of voluntary repatriation can only be implemented when conditions inside Rwanda have sufficiently improved. In a climate where detention, on the basis of finger-pointing only, is perceived as the equivalent of a death sentence, deadlock is inevitable. We should understand therefore that assistance given in helping Rwanda to rebuild its institutions and restore justice and the rule of law is a humanitarian investment which will contribute to break the refugee deadlock, rescue the children from the shadow of the machette and the horrors of genocide. In doing so, to lessen regional tensions and lay the basis for the future.

Should we not listen carefully to those members of the NGO community on the ground who have been telling us, patiently but persistently for many months now, that if more assistance is not given by the international community to managing the refugee crisis by taking appropriate measures, both within and beyond Rwanda's frontiers, a further human disaster will ensue?

I have mentioned earlier that the Vienna Declaration has re-affirmed the vital principle of universality. At the World Conference we had an extraordinary opportunity to evaluate the legal and political structures underpinning our human rights commitments. Rwanda has put to the test our capacity to honour those commitments with the structures and processes we have developed. I fear that we are floundering. Universality has been described as an unblinkered view with no dead angles. But in failing to honour our commitments are we not damaging the very principle of universality? Are we not permitting ourselves a dead angle? And if we so permit, what is the value and worth the principle afterwards? And how will we be judged by succeeding generations if we stand idly by?

In his address on the occasion of the opening of the new Human Rights Building in Strasbourg, Václaving Havel referred to the war that was raging in Bosnia. He made the point—uncomfortably on such a festive occasion—that while we were all watching helplessly, waiting to see who would win, we had completely forgotten that what was happening just a few hundred miles away from the peaceful plains of Alsace was not just a war between the Serbs and others. It was a war for our own future—it was a war that was being waged against us all, against human rights and against the coexistence of people of different nationalities or religious beliefs. It was a war against meaningful human coexistence based on the universality of human rights. As he put it, it was an attack of the darkest past on a decent future, an attack of evil on the moral order.

As usual his perception is unerring. What happened in Bosnia was a conscious assault on the universal human rights ideal. Rwanda is the same type of assault because the genocide was targeted at destroying the agreed political accommodation of the Arusha Accord. We must not think of it as just another tribal war. We cannot distance ourselves from what is happening in the prisons in Rwanda or in the refugee camps. We have stood by and witnessed a genocide of a million people followed by the fastest refugee exodus in recent history. What is happening today in Rwanda is our problem because it interrogates and tests the mettle of our strongest-held convictions. Our capacity to react to this human tragedy is a significant challenge to our commitments to human rights at the end of the century. It is not too late to honour them.•

SECRETARY JESSE BROWN

• Mr. ROBB. Mr. President, I rise today to express my admiration and respect for Secretary Jesse Brown and my appreciation for his achievements on behalf of our Nation's veterans.

In choosing Jesse Brown as Secretary of Veterans Affairs, President Clinton couldn't have made a better choice from the standpoint of America's veterans. A combat-wounded Marine veteran of Vietnam, a former executive director of the Disabled American Veterans, Jesse Brown is a strong and aggressive advocate for the men and women who have served our country.

During his tenure in the Cabinet, Jesse Brown has compiled a truly outstanding record of success. To cite just a few accomplishments, Jesse Brown has:

Expanded the list of Vietnam veterans' diseases for which service-connected compensation is paid based on exposure to agent orange;

Expanded and improved health care services for combat veterans suffering from post-traumatic stress disorder;

Created a presumption of service-connection for ex-prisoners of war who contracted wet beri-beri and later suffered ischemic heart disease;

Established a host of new clinics offering veterans more convenient access to VA health care;

Expanded and improved services for women veterans, which include mammography quality controls and counseling and medical programs for women veterans suffering the after-effects of service-related sexual trauma;

Successfully fought for a law allowing the VA to pay compensation benefits to chronically disabled Persian Gulf veterans with undiagnosed illnesses;

Established environmental research centers focused on the environmental exposures of Persian Gulf veterans and launched extensive epidemiological and other research efforts aimed at identifying the causes of illnesses from which these veterans and their families are suffering;

Made programs for homeless veterans a high priority—more than doubling the budget for specialized programs for homeless veterans, conducting the first National Summit on Homelessness Among Veterans, and carrying out a new program of grants to assist public and non-profit groups to develop new programs assisting homeless veterans;

Established a presumption of service-connection for veterans who experienced full-body exposure to mustard gas or Lewisite as part of our military's testing of these substances;

Conducted an outreach campaign through which 602,000 veterans' home loans were refinanced at lower interest rates, saving these veterans an average of $1,500 per year; and

Wrote to 44,000 Persian Gulf veterans and 47,000 Vietnam veterans notifying them of their potential entitlement to benefits and encouraging them to file claims.

In addition to these efforts, Mr. President, Secretary Brown is working to improve the VA's benefits and health care systems, restructuring both its headquarters and field operations to enhance efficiency.

There's no question Jesse Brown is an untiring and outspoken advocate—both within the administration and on Capitol Hill—for adequate funding for VA medical programs and benefits processing. But as one who strongly supports a balanced budget, Mr. President, I admire those who make us think hard about prioritizing scarce Federal dollars, who help us understand the consequences of the policy decisions we make, and who force us to defend our actions.

Recently, Secretary Brown has been harshly criticized for speaking out on behalf of adequate budgets for the Veterans Administration. But characterizing his support as partisan—as some have done—ignores Jesse Brown's nearly 3 decades of steadfast commitment to our Nation's veterans and their families and his strong personal beliefs in our country's responsibilities to them. It also fails to recognize his own personal experiences as a combat veteran in Vietnam.

Jesse Brown reminds us all that, even in these tight budget times, our Nation has an obligation to its warriors and their survivors that we simply cannot ignore.

And that is why, Mr. President, that I am proud to call Jesse Brown my friend—and why I appreciate his strong support for the veterans of our Nation.•

PAST POLITENESS

Mr. SIMON. Mr. President, Colbert King, a member of the editorial page staff of the Washington Post, recently wrote an op-ed piece about a group of young people who are meeting to establish greater understanding.

It may seem like a small thing to many people, but it is precisely what needs to happen in our country.

I remember many years ago speaking to the Hillel Foundation at the University of Illinois. This is the Jewish student organization there.

It was an anniversary of some sort, and I suggested, among other things, that since at the University of Illinois there were people of both Jewish and Arab backgrounds that a few students getting together regularly might really contribute something. One of the students present said that would be meaningless but, interestingly, a few of the students got together and, for at least a short period of time, held some regular meetings between American Jews, Israeli Jews, and students from Arab countries. These were simply informal discussions long before President Sadat made his dramatic visit to the Knesset in Israel.

I wish I could report to you that something dramatic came out of these student meetings. I do not know that anything came out of them, other than one extremely important thing—greater understanding.

We are in a world that needs that, and I would like more people to read the op-ed by Colbert King, which I ask to be printed in the RECORD.

The op-ed follows:

[From the Washington Post, Dec. 2, 1995]

PAST POLITENESS AND INTO HONESTY

(By Colbert I. King)

While countless adults have been living out the year clenching their teeth by day and hyperventilating at home by night over one racially tinged issue or another, a small group of youngsters have been quietly making sure they don't end up leading the same kind of lives. Seventeen area high school students—nine African American and eight Jewish—have been meeting since January to build a future in which their generation will live without alienation and bitterness. What they have achieved in 12 months should put us to shame.

In a town that worships influence and power, these young people have neither. But when it comes to tolerance, trust, and having friendships that cut across racial and religious lines, they're up there with the best of their elders. Not that they started out that way.

When they joined the first class of Operation Understanding, D.C.—a fledgling non-profit organization out to revive the historical relationship between Jews and African Americans through young peopel—many carried the same heavy baggage that adults well into their autumn years still lug around. To be sure, they were bright, curious, committed to their community, and loaded with leadership potential—all the things Operation Understanding, D.C., was seeking. But they also tracked in a fair amount of ignorance, suspicion and prejudice—some of which they acted out through words and song during an Operation Understanding reception for parents and guests a few weeks ago. A small sample:

Jamie: "I know what it means to be black. How come it seems that the Jews don't know what it means to be Jewish in America?"

Andrew S.: "How come blacks are so lazy? And how come so many are on welfare?

Johnathan: "Isn't there a Jewish Yellow Pages where they can use their own lawyers and doctors and accountants and only go to stores owned by Jews?"

Emily: "Why are black men so scary?"

Atiba: "How come Jews have all that money? They live the good life. How'd they get all that money anyway?"

Mimi: "How come blacks are such great dancers?"

You get the picture: mistrust, misconceptions, misunderstanding. These youngsters stand out, however, because they chose not to remain smug and comfortable with their hangups. They began meeting several times a month to get to know one another, to talk about each other's culture and history, to learn more about their own. They didn't do it through touchy-feely gab sessions. They got into each other's lives.

They went to Daniela's sister's bat mitzvah; it was Tiba's first time in a synagogue, Mimi went to Tiba's church on Palm Sunday—her first time in a black church. Everyone went to Muhammad's mosque in March.

They called on Capitol Hill and heard D.C. Del. Eleanor Holmes Norton and other black and Jewish members of Congress discuss how they coalesced on legislation. They met with a range of local speakers—as a sign they were long-suffering and up for just about anything, they even endured part of an evening with me. But they also got out of Washington and into communities that would give them a deeper understanding of African American and Jewish cultures and collaborative history.

Before their trip, however, they made a Shabbat dinner together. As youngsters of the '90s, they did it their way: a soul food Shabbat—fully equipped with fried chicken, biscuits, greens, sweet potatoes, and challah, backed by lit candles, recitation of the Motzi and prayer over the wine. What can I say?

And off they went to Crown Heights in Brooklyn—both the Lubavitcher and African American sides—Ellis Island and the Jewish Museum, and places that resonate with civil rights history such as Selma, Montgomery, Birmingham and Charleston.

They had hoped to go to Sengal and Israel, but despite the plate-passing at black churches and donations from foundations, corporations, congregations and individuals, they couldn't raise enough money. Maybe next year in Jerusalem and Dakar.

But a lot was learned at home. Jamie could hardly believe what he heard from Holocaust survivors in Atlanta and New Orleans. The visit to the Charleston plantation made Simone cry uncontrollably. "It was as if all the slaves who lived there came to me all at once," she said. They walked across the Edmund Pettus Bridge and spontaneously began singing "We Shall Overcome."

The Class of 1995 ends in April; a new group of high school juniors begins next month. Class No. 1 still meets monthly, but unlike most of us older folks, they're long past being polite with each other; now they're just honest. That's because after all they've gone through, they know respect and trust each other.

Black nationalists and Jewish chauvinists out there, have no fear: Operation Understanding is a life-changing experience, but racial and religious identities don't get lost. If anything, these young people now have a stronger sense of themselves and their own history. They cherish both their similarities and differences. It's America's cultural and racial divides they will abide no longer. And no one's going to tell them who can be their friend. These are strong kids. They even think they can change the world.

This is what Operation Understanding's kinetic (no other word for it) president, Karen Kalish, hoped to achieve when she started the D.C. program. The idea came from United Negro College Fund president and former U.S. representative William Gray III; who started Operation Understanding in Philadelphia with George Ross of the American Jewish Committee 10 years ago. The Class of 1995 is the new generation of bridge builders they had in mind.

As the program ended, Jessica, who is Jewish, began singing "Lift Every Voice and Sing." She was joined by the group—as the eyes of many African American parents and guests began to glisten. Then Bridgette, an African American, began "Oseh Shalom"—and Jewish eyes were full. Those tears tell us a lot about our times.

Schmaltzy? Perhaps. But maybe if a few more Operation Understandings had been at work around the globe long ago, President Clinton wouldn't have had to visit Belfast this week, and 20,000 American troops wouldn't be gearing up for Bosnia. We're leaving our youth a pretty scratchy world. But rest assured, as far as Operation Understanding's graduates are concerned. America is going to be okay in their hands.•

RETIREMENT OF JULIAN GRAYSON

• Mr. BINGAMAN. Mr. President, Julian Grayson has retired from service to the Senate. He worked here longer than most of us ever will, and, unlike many of us, he is universally admired and appreciated.

Mr. Grayson was a waiter for the Senate restaurants, and worked on the caucus lunches as well as in the Senators' private dining room. He started here in 1950, but left in 1964 to devote his full time to the Methodist ministry. After a successful career in that calling, he returned to the Senate in 1983 at age 67.

He is a man of great dignity and spirit, and all of us who are fortunate enough to know him know that he is a man of many parts. I will miss our frequent conversations, and hope that he will, too.•

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of fiscal year 1995 to be printed in the RECORD. The fourth quarter of fiscal year 1995 covers the period of July 1, 1995, through September 30, 1995. The official mail allocations are available for frank mail costs, as stipulated in Public Law 103-283, the Legislative Branch Appropriations Act for fiscal year 1995.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING SEPT. 30, 1995

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	FY 95 Official Mail Allocation
Abraham	0	0.00000	$0.00	$0.00000	$140,289
Akaka	0	0.00000	0.00	0.00000	29,867
Ashcroft	0	0.00000	0.00	0.00000	83,043
Baucus	63,594	0.07718	15,888.68	0.01928	34,694
Bennett	152,600	0.08417	27,117.17	0.01496	30,689
Biden	0	0.00000	0.00	0.00000	28,591
Bingaman	0	0.00000	0.00	0.00000	30,834
Bond	0	0.00000	0.00	0.00000	108,312
Boxer	0	0.00000	0.00	0.00000	582,722
Bradley	0	0.00000	0.00	0.00000	151,392
Breaux	0	0.00000	0.00	0.00000	82,088
Brown	0	0.00000	0.00	0.00000	74,406
Bryan	32,110	0.02420	7,767.39	0.00585	45,030
Bumpers	2,000	0.00083	494.05	0.00021	48,743
Burns	0	0.00000	0.00	0.00000	34,694
Byrd	0	0.00000	0.00	0.00000	34,593
Campbell	0	0.00000	0.00	0.00000	74,406
Chafee	0	0.00000	0.00	0.00000	30,524
Coats	0	0.00000	0.00	0.00000	111,738
Cochran	0	0.00000	0.00	0.00000	48,596
Cohen	0	0.00000	0.00	0.00000	37,937
Conrad	182,300	0.28664	34,705.41	0.05457	25,438
Coverdell	0	0.00000	0.00	0.00000	137,674
Craig	58,100	0.05445	11,452.34	0.01073	31,846
D'Amato	0	0.00000	0.00	0.00000	335,341
Daschle	0	0.00000	0.00	0.00000	27,650
DeWine	931	0.00008	276.72	0.00003	168,128
Dodd	2,458	0.00075	2,003.22	0.00061	66,615
Dole	0	0.00000	0.00	0.00000	51,907
Domenici	1,050	0.00066	262.16	0.00017	30,834
Dorgan	33,050	0.05197	6,086.40	0.00957	25,438
Exon	0	0.00000	0.00	0.00000	32,516
Faircloth	0	0.00000	0.00	0.00000	140,612
Feingold	0	0.00000	0.00	0.00000	97,556
Feinstein	0	0.00000	0.00	0.00000	582,722
Ford	0	0.00000	0.00	0.00000	74,054
Frist	2,400	0.00048	611.18	0.00012	78,686
Glenn	0	0.00000	0.00	0.00000	219,288
Gorton	825	0.00016	214.82	0.00004	106,532
Graham	0	0.00000	0.00	0.00000	323,488
Gramm	0	0.00000	0.00	0.00000	352,339
Grams	166,200	0.03710	35,554.99	0.00794	67,423
Grassley	239,500	0.08517	50,567.26	0.01798	56,381
Gregg	0	0.00000	0.00	0.00000	34,552
Harkin	0	0.00000	0.00	0.00000	56,381
Hatch	0	0.00000	0.00	0.00000	30,689
Hatfield	0	0.00000	0.00	0.00000	62,019
Heflin	213,000	0.05150	40,579.96	0.00981	81,113
Helms	0	0.00000	0.00	0.00000	140,612
Hollings	0	0.00000	0.00	0.00000	72,302
Hutchison	0	0.00000	0.00	0.00000	352,339
Inhofe	0	0.00000	0.00	0.00000	52,475
Inouye	0	0.00000	0.00	0.00000	29,867
Jeffords	14,050	0.02465	3,114.49	0.00546	28,830
Johnston	0	0.00000	0.00	0.00000	82,088
Kassebaum	0	0.00000	0.00	0.00000	51,907
Kempthorne	0	0.00000	0.00	0.00000	31,846
Kennedy	0	0.00000	0.00	0.00000	121,391
Kerrey	0	0.00000	0.00	0.00000	32,516
Kerry	0	0.00000	0.00	0.00000	121,391
Kohl	0	0.00000	0.00	0.00000	97,556
Kyl	0	0.00000	0.00	0.00000	63,581
Lautenberg	0	0.00000	0.00	0.00000	151,392
Leahy	5,349	0.00938	4,339.02	0.00761	23,830
Levin	0	0.00000	0.00	0.00000	182,978
Lieberman	0	0.00000	0.00	0.00000	66,615
Lott	0	0.00000	0.00	0.00000	48,596
Lugar	0	0.00000	0.00	0.00000	111,738
Mack	0	0.00000	0.00	0.00000	323,488
McCain	0	0.00000	0.00	0.00000	82,928
McConnell	0	0.00000	0.00	0.00000	74,054
Mikulski	0	0.00000	0.00	0.00000	91,956
Moseley-Braun	0	0.00000	0.00	0.00000	216,454
Moynihan	0	0.00000	0.00	0.00000	335,341
Murkowski	283,000	0.48211	52,852.73	0.09004	23,179
Murray	136,100	0.02650	29,554.72	0.00575	106,532
Nickles	0	0.00000	0.00	0.00000	68,442
Nunn	0	0.00000	0.00	0.00000	137,674
Packwood	1,600	0.00054	344.71	0.00012	62,019
Pell	0	0.00000	0.00	0.00000	30,524
Pressler	0	0.00000	0.00	0.00000	27,650
Pryor	0	0.00000	0.00	0.00000	48,743
Reid	32,110	0.02420	7,767.39	0.00585	45,030
Robb	0	0.00000	0.00	0.00000	124,766
Rockefeller	50,080	0.02764	17,570.31	0.00970	34,593
Roth	0	0.00000	0.00	0.00000	28,591
Santorum	0	0.00000	0.00	0.00000	182,834
Sarbanes	0	0.00000	0.00	0.00000	91,956
Shelby	0	0.00000	0.00	0.00000	81,113
Simon	0	0.00000	0.00	0.00000	216,454
Simpson	0	0.00000	0.00	0.00000	19,826
Smith	0	0.00000	0.00	0.00000	34,552
Snowe	0	0.00000	0.00	0.00000	29,086
Specter	0	0.00000	0.00	0.00000	238,468
Stevens	3,550	0.00605	1,061.46	0.00181	23,179
Thomas	0	0.00000	0.00	0.00000	15,200
Thompson	0	0.00000	0.00	0.00000	94,111
Thurmond	0	0.00000	0.00	0.00000	72,302
Warner	254,000	0.03983	47,900.03	0.00751	124,766
Wellstone	0	0.00000	0.00	0.00000	87,939•

TOMMY WYCHE: FATHER OF SOUTH CAROLINA'S MOUNTAIN BRIDGE WILDERNESS

• Mr. HOLLINGS. Mr. President, I rise today to salute a native South Carolinian and the "Father of South Carolina's Mountain Bridge Wilderness," C. Thomas Wyche. On December 7, 1995, here in Washington, Tommy Wyche was recognized for his outstanding contributions to environmental conservation when he was awarded one of the Nation's top environmental awards, The Alexander Calder Conservation Award.

Located just 30 miles up the road from Tommy's hometown of Greenville, the rolling red clay hills of the South Carolina piedmont suddenly springs into the foothills of the Great Smokey Mountains. The area, known as South Carolina's Blue Ridge Escarpment, is one of unusual natural beauty. Typified by high cliffs, steep terrain, rushing rivers and dense forests, it is relatively pristine despite being located within 30 miles of one of the Nation's fastest growing communities. It is for preserving this natural wonderland that Tommy Wyche was recognized.

Mr. President, the Mountain Bridge is just one of Tommy's many conservation successes. Over the last quarter century, he has almost singlehandedly led the fight to ensure that the mountains of South Carolina are preserved for the benefit of future generations. He spearheaded efforts to designate the Chattooga River as a wild and scenic river, and drafted the South Carolina Heritage Trust Act, the first in the United States. In addition, he has produced books celebrating the area, a guidebook and a photographic journal, both of which have played an important part in educating the public on the area's natural treasures.

Tommy's crowning achievement, and the basis for the Calder Award, is his work to preserve 40,000 acres along the South Carolina-North Carolina border—the Mountain Bridge Wilderness Area. Tommy began efforts to preserve the area in the early 1970's. As I mentioned earlier, this is an area of rough terrain which contains a number of natural wonders like Raven Cliff Falls, a 400 foot waterfall—one of the highest east of the Mississippi—and a monolith known as Table Rock. A recent biological assessment of just a portion of the wilderness area produced a number of astonishing finds, enormous trees, trophy-size native brook trout, and a stunning variety of birds, reptiles, amphibians and insects, many of them rare or endangered and two new to science. The scientist concluded the area was "the most significant wilderness remaining in South Carolina."

Tommy not only originated the idea of the Mountain Bridge but he is responsible for its success. In the beginning, he organized a nonprofit organization known as the Natureland Trust to preserve the area we now know as the Mountain Bridge. Working with the Natureland Trust, Tommy met with numerous landowners, walked their properties, and developed plans for the donation or bargain sale of their lands to the State. In many instances, he volunteered his expertise as a tax attorney to insure the most beneficial transfer for all parties. Slowly but surely, Tommy's efforts began to pay off—a hundred acres here, a thousand acres there. The wilderness acres began to take shape.

Today the Mountain Bridge is almost complete, although Tommy has recently been working on one last acquisition. Although Tommy and the Natureland Trust are closing in on their goal, I am sure he is looking for other mountains, not to climb, but to preserve—other missions, like the Mountain Bridge which will ensure future generations enjoy the natural beauty of South Carolina.

Mr. President, for a quarter century Tommy Wyche has worked tirelessly and unselfishly to coordinate efforts to preserve this piece of South Carolina's wilderness. I encourage others to follow his lead. Given the severity of the current budget deficit, the Federal Government has limited resources dedicated to preserving wild areas. I encourage others to use Tommy Wyche as a model for cooperative conservation. I commend him for a job well done, congratulate him for the Calder award and encourage him to continue his good works.•

ERNEST BOYER

• Mr. BINGAMAN. Mr. President, it was with great sadness that I learned of the death of Ernest Boyer who was president of the Carnegie Foundation for the Advancement of Teaching.

Ernie Boyer was a friend to many of us in the Senate, and to thousands who will never know his name but who will feel his influence for years to come. His contributions to education are well known. "Ready to Learn" and "The Basic School," his excellent primers on the state of American education, both make the strong case that we can't start too soon in preparing our children—through education—for the world they will face.

It was my good fortune, Mr. President, to have Ernest Boyer as a sounding board, an ally, and a friend. We have lost a remarkable man with his death, and I hope that others of us will be able in some small measure to carry on with his ideas.

Ralph Waldo Emerson wrote about "sensible men and conscientious men all over the world [who] were of one religion of well-doing and daring." I believe, Mr. President, that Ernest Boyer's well-doing and daring sprang from his sensible view and his conscientious approach. He was very fine, and I will miss his counsel and friendship.•

AUTHORIZING APPOINTMENT OF COMMITTEE ON PART OF THE SENATE

Mr. HATCH. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency, Shimon Peres, Prime Minister of Israel, into the House Chamber for a joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, DECEMBER 12, 1995

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Tuesday, December 12; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of Senate Joint Resolution 31, a joint resolution regarding a constitutional amendment on flag desecration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Under the previous order, there will be a period for closing debate on Senate Joint Resolution of 1 hour and 40 minutes equally divided.

Mr. President, I ask unanimous consent that at 10:40 a.m. Tuesday morning, following debate on Senate Joint Resolution 31, the Senate recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—ORDER OF VOTES ON SENATE JOINT RESOLUTION 31

Mr. HATCH. Mr. President, when the Senate reconvenes at 2:15 p.m., there will be 2 minutes of debate, followed by up to five consecutive rollcall votes relating to Senate Joint Resolution 31.

I ask unanimous consent that those votes occur in the order in which they were offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, at 10:40 a.m. tomorrow, the Senate will proceed to the House Chamber to hear an address by Israeli prime minister Shimon Peres to a joint meeting of Congress. When the Senate reconvenes following party conferences at 2:15, under a previous order, the Senate will begin a series of votes on amendments and passage of Senate Joint Resolution 31. Each vote will be preceded by 2 minutes of debate, equally divided. Therefore, the first vote will occur at 2:17 p.m. and will be 15 minutes in length. Each subsequent vote will be 10 minutes each.

Following disposition of Senate Joint Resolution 31, it will be the majority leader's intention to turn to the consideration of Bosnia legislation. Senators are urged to debate the Bosnia legislation on Tuesday into the evening, if necessary.

It is the hope of the majority leader to pass the Bosnia legislation before Wednesday, December 13, at noon. Therefore, further votes are possible on Tuesday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31, adjourned until Tuesday, December 12, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 11, 1995:

DEPARTMENT OF STATE

PRINCETON NATHAN LYMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE, VICE DOUGLAS JOSEPH BENNET, JR., RESIGNED.

ALFRED C. DECOTIIS, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOSEPH LANE KIRKLAND, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOM LANTOS, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JEANNE MOUTOUSSAMY-ASHE, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE LINE OF THE NAVY FOR PERMANENT PROMOTION, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

JEFFRY L. BENNETT [redacted]
AARON C. FLANNERY [redacted]
JAMES M. INGALLS [redacted]
JOHN D. KLAS [redacted]
MARK D. LANE [redacted]
STEVEN A. SWITTE [redacted]

EXTENSIONS OF REMARKS

THE SHIPBUILDING TRADE AGREEMENT ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1995

Mr. CRANE. Mr. Speaker, today, I am pleased to introduce, together with my colleagues Mr. GIBBONS and Ms. DUNN, the Shipbuilding Trade Agreement Act. This bill implements the Shipbuilding Agreement signed December 21, 1994, by key shipbuilding nations after 5 years of negotiation under the auspices of the Organization for Economic Cooperation and Development. I congratulate the administration for negotiating this historic agreement which applies to the construction and repair of self-propelled seagoing vessels of 100 gross tons and above and covers approximately 80 percent of the ships engaged in global shipping.

The agreement is scheduled to enter into force 30 days after all signatories deposit instruments of ratification, acceptance, or approval. In the interim, the signatories are in the process of formal ratification. In the United States, legislation must be enacted by Congress to bring U.S. law into compliance with the agreement.

I believe that it is important to implement this agreement as soon as possible because it should help achieve an international environment that gives the U.S. shipbuilding industry the best chance to compete in world markets that are not distorted through subsidization. The agreement will open up trade in shipbuilding by eliminating distortive government subsidies granted either directly to shipbuilders or indirectly through ship operators. In addition, the agreement contains an injurious pricing code to prevent dumping in the shipbuilding industry and includes a comprehensive discipline in Government financing for exports and domestic ship sales as well as a dispute settlement mechanism. I believe that the hearing held by the Trade Subcommittee in July highlighted the benefits that implementation of this agreement will bring.

The bill uses the antidumping remedies of Title VII of the Tariff Act of 1930, as amended, as the model for the provisions applicable to shipbuilding, revised only where necessary to take into account differences between the agreement and the WTO and differences due to the unique nature of vessels. However, although we applied Title VII without change wherever possible, we will review the entire antidumping scheme as it applies to merchandise in general and shipbuilding in particular at some later time.

The Trade Subcommittee will mark up this legislation on Wednesday, December 13. I hope that after that point, the full Committee on Ways and Means will take up the bill as quickly as possible. Unfortunately, the press of other business has prevented us from considering an implementing bill sooner. However, my commitment to this legislation is solid. I am confident that our trading partners do not doubt our resolve and understand that we will do our best to consider the legislation promptly so that we may implement the agreement as soon in 1996 as possible.

PROPOSED SALE OF ARMY TACTICAL MISSILE SYSTEM TO TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1995

Mr. HAMILTON. Mr. Speaker, on December 1, 1995, the Clinton administration notified the Congress of its proposal to sell 120 Army Tactical Missile Systems [ATACMS], valued at $132 million, to the Government of Turkey. The Congress has 15 days to review this proposed sale to Turkey, a NATO ally.

Because of many concerns in the Congress about human rights in Turkey, I asked the Department of State to write to me with respect to this weapons system, and whether any human rights issues are raised by this proposed sale. The text of the letter from the Department of State follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, November 17, 1995.

Hon. LEE HAMILTON,
House of Representatives

DEAR MR. HAMILTON: I am pleased to respond to your request for further information regarding the Administration's intention to transfer 120 Army Tactical Missile System (ATACMS) missiles to Turkey.

We believe this defensive system is appropriate to the threats faced by Turkey. In particular, with a range of 165 kilometers, ATACMS is designed and tested to be effective against high value targets deep behind the battlefield, including deployed ballistic missile launch sites, surface-to-air missiles and command and control units.

The missile can be launched from the Multiple Launch Rocket System, of which the Turks already possess twelve. This compatibility makes the ATACMs an ideal system for meeting Turkish defense needs. Moreover, the transfer meets NATO defense requirements and it supported by the Commanders-in-Chief of the European Command and Central Command and offers protection against Iran, Iraq, and Syria, all of which have missiles capable of striking Turkey.

We are aware of your concern that arms transfers be used for the uses intended by the U.S. government as stipulated in the Arms Export Control Act and other relevant statutes. We share your concern and wish to emphasize that this is not a weapon likely to be used in the commission of human rights abuses.

First, the high cost of the system, $750,000 per missile, make it highly impractical as a counter-insurgency or anti-personnel weapon. Second, it is designed and optimized as an anti-material weapon; the munitions it carries are designed to pierce electronic equipment and other lightly shielded materiel. Third, in view of the characteristics of the missile, the United States has the ability to monitor the use of the system. Fourth, the distinctive debris and damage pattern it produces make it possible to obtain physical evidence that it has been used.

The use of this system against insurgents does not make financial or military sense and its use could be confirmed by observation and physical evidence. You should also know that, unlike some other sub-munitions weapons it has a very low "dud" rate (4 per cent or less). Therefore, if it is used in wartime, the risk to civilians from unexploded munitions will be very low.

We need to ensure the Turks do not question our security relationship with them. While we have in fact been exceptionally thoughtful in our transfers, it is important now to demonstrate we are a reliable ally and that Turkey's legitimate defense needs will be met.

Our Embassy in Ankara has commented that it is particularly important to go forward with the ATACM sale now to reassure Ankara about the reliability of our security relationship.

I hope we have been responsive to your concerns. Please do not hesitate to contact me if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary Legislative Affairs.

GEORGE LESLIE McCULLEN

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1995

Mr. MONTGOMERY. Mr. Speaker, on Saturday, November 11, 1995, George Leslie McCullen was laid to rest. George was an extraordinarily good and honorable man, a valued friend, and a strong ally.

There is a sweet irony that George was buried on Veterans' Day, the day our Nation sets aside to say "thank you" to those who have served in our Armed Forces. As a veteran of the Korean conflict, George earned our thanks. His service to country did not end, however, when George completed military service. Until his recent retirement, George was employed by the Virginia Department of Education, veterans education. In this capacity, he and his staff were responsible for ensuring that only education programs of the finest quality were approved for veterans using their GI bill benefits. Veteran students receive a superior education in the State of Virginia because of George McCullen's dedication to excellence and commitment to learning.

I noted earlier that George was a strong ally. I first met him during the early days of the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

battle for the new GI bill. At that time, George was legislative director for the National Association of State Approving Agencies [NASAA], a position he held from 1983 to 1990. Although George worked in Richmond, he never hesitated to make the drive to Washington to participate in one of our many strategy sessions. His suggestions for action were always excellent, and his dedication was a major factor in our ultimate success—the implementation of the new GI bill on July 1, 1985. George was determined that the fine young men and women who serve in our All Volunteer Forces should have the opportunity to earn educational assistance benefits, and his unwavering support and assistance were critical to our success.

After enactment of the GI bill, George continued to share his good advice and wise counsel with me and my staff. He was instrumental in the passage of legislation making the GI bill permanent, measures improving other veterans' education programs, and legislation that protected SAA funding and established a superb training curriculum for SAA McCullen left behind an enviable legacy. His was a life of good works, and I feel honored to have known him. I want to extend my deepest sympathy to George's wife, children, and grandchildren.

IN DEFENSE OF DIRECT LENDING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, recently I was discussing Federal policy toward higher education with one of the most thoughtful students of that subject, Father Bartley MacPhaidin, C.S.C., who's president of Stonehill College in Easton, MA. I have long found Father MacPhaidin to be an important source of information on educational policy. I was particularly struck in our conversation by his forceful advocacy of the direct lending program, and of the benefits it provides for the students, whose financial well-being has always been very high on the list of Father MacPhaidin's concerns. He was so cogent and persuasive on the subject that I asked him to share with me in writing some of his thoughts because I believe that providing the best method by which young Americans can receive a college education is a very high priority for us and I think all of our colleagues will benefit substantially from reading Father MacPhaidin's knowledgeable and thoughtful discussion of the benefits of this program as he and his college have experienced them.

IN DEFENSE OF DIRECT LENDING

Stonehill College was one of the 104 colleges chosen to participate in the first year of the new direct lending program for student loans. Today another 1500 institutions are in the program across the country. Based on Stonehill's experience of direct lending, the proposal in Congress radically to curtail or terminate direct lending should be resisted.

In the new program, students and families deal directly and solely with our financial aid office. No longer must borrowers negotiate the often confusing, frustrating and seemingly endless steps in the bank/school/guaranty agency loops to obtain student loans. In direct lending, the College determines eligibility originates loans, provides and processes pormissory notes, requests and receives funds directly from the government and credits student accounts. Virtual one-stop-shopping.

Recently, a junior came to the financial aid office seeking funds to pay the rent on his off-campus apartment. The financial aid office immediately originated a Direct Loan, printed the promissory note on line, which the student completed in the office. Within one week, the funds were in the student's account and he received a check to pay his rent.

In the old program, the student would have gone to his bank, obtained a form, completed the form and sent it back to the bank, the bank would send it to the college for certification, the college would send the certified form to the guaranty agency, the guaranty agency would certify the guarantee and notify the bank. The bank would then, finally, cut the check and mail it to the college. The college would notify the student, the student would come to the financial aid office to co-sign the check which would then be deposited to his account.

Of course, he would probably have been evicted for non-payment of rent before this cumbersome process was completed.

Direct Lending helps students manage their debt better, enables them to borrow only as much as they need when they need it. In the past, the cumbersome bank/guaranty agency process has meant that students borrowed the maximum each time to be sure they had the money they needed when they needed it.

The bank/guaranty agency loop has also meant alumni may have confusion in the repayment cycle. Stonehill has an alumna who called recently to resolve a potential default status. She had borrowed each of her four years at Stonehill from the same bank. But that bank had "sold" her loans to three different servicing companies. She was finding it nearly impossible to figure out which bank holds her loans and how she could obtain payment deferments to attend graduate school.

All Direct Lending loans are "bundled" and handled by the same servicer. While Stonehill's current student loan default rate is only 2.5%, the new simpler system will prevent many defaults, here and nationwide.

There is controversy over whether Direct Lending is a savings or a cost to the taxpayer, the difference arising in large part from the use of different accounting principles. The banking lobby is strong and speaks in deafening tones. The only way to truly compare costs is to let the two systems operate side by side for at least ten years, allowing each school to choose the program which works best for it.

Then, using agreed accounting procedures, the true costs to taxpayers for each program can be assessed, the relative default rates cmopared, and a rational decision made to keep one or both programs. Stonehill urges the Congress to permit such an experiment to take place, allowing market forces to improve both programs while giving ample opportunity for fair comparison. Students, families, and taxpayers can only gain.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 12, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 13

9:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for the Clean Water Act, focusing on municipal issues.
SD–406

Labor and Human Resources
Business meeting, to mark up proposed legislation to authorize funds for the Older Americans Act, and to consider pending nominations.
SD–430

10:00 a.m.
Armed Services
To hold hearings on the nomination of H. Martin Lancaster, of North Carolina, to be an Assistant Secretary of the Army, Department of Defense.
SR–222

10:30 a.m.
Special Committee To Investigate Whitewater Development Corporation and Related Matters
To resume hearings to examine certain issues relative to the Whitewater Development Corporation.
SH–216

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 901, to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, S. 1013, to acquire land for exchange for privately held land for use as wildlife and wetland protection areas, in connection with the Garrison Diversion Unit Project, S. 1154, to authorize the construction of the Fort Peck Rural

Water Supply Sytem, S. 1169, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, and S. 1186, to provide for the transfer of operation and maintenance of the Flathead irrigation and power project.

SD–366

DECEMBER 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1271, to amend the Nuclear Waste Policy Act of 1982.

SD–366

Governmental Affairs

To hold hearings to examine Federal Government financial management.

SD–342

CANCELLATIONS

DECEMBER 12

10:00 a.m.

Armed Services

To hold hearings on the nomination of H. Martin Lancaster, of North Carolina, to be an Assistant Secretary of the Army.

SR–222

SENATE—*Tuesday, December 12, 1995*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation, our Creator, Sustainer, and loving heavenly Father, thank You for these moments of profound communion with You. We come to You just as we are with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us when we trusted You in the past. Now, in the peace of Your presence, we sense a fresh touch of Your spirit. With receptive minds and hearts wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry the heavy responsibilities placed upon us. Humbly we ask for divine inspiration for the decisions of this day. Since we are here to please You in all we do, our hope is that at the end of this day we will hear Your voice sounding in our souls. "Well done, good and faithful servant." In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, this morning until 10:40 a.m. there will be a period for closing debate on Senate Joint Resolution 31. At 10:40 a.m. the Senate will recess until 2:15 p.m. today. At 10:40 a.m. the Senate will proceed to the House Chamber to hear an address by Israeli Prime Minister Shimon Peres to a joint meeting of the Congress which starts at 11 a.m. When the Senate reconvenes at 2:15 p.m., following 2 minutes of debate, the Senate will begin as many as five consecutive votes on amendments on Senate Joint Resolution 31. The first vote will be 15 minutes, the subsequent votes will be 10 minutes each, with 2 minutes of explanation in between each vote.

Following disposition of Senate Joint Resolution 31, it is the hope of the majority leader to turn to the consideration of the Bosnia legislation. In that the majority leader hopes to complete action on that matter by 12 noon on Wednesday, debate may go into the evening today if necessary. Therefore, votes are possible today on the Bosnia legislation.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 31, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Biden amendment No. 3093, in the nature of a substitute.

Hollings amendment No. 3095, to propose a balanced budget amendment to the Constitution of the United States.

Hollings amendment No. 3096, to propose a balanced budget amendment to the Constitution of the United States.

McConnell amendment No. 3097, in the nature of a substitute.

Mr. HATCH. Mr. President, today the Senate must decide whether this is freedom or the abuse of freedom—this right here—evidenced by this picture of the flag being burned by a bunch of antiflag activists.

Mr. President, it comes down to this: Will the Senate of the United States confuse liberty with license? Will the Senate of the United States deprive the people of the United States of the right to decide whether they wish to protect their beloved national symbol, Old Glory?

Is it not ridiculous that the American people are denied the right to protect their unique national symbol in the law?

We live in a time where standards have eroded. Civility and mutual respect—preconditions for the robust views in society—are in decline.

Individual's rights are constantly expanded but responsibilities are shirked and scorned. Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

The commonsense testimony of R. Jack Powell, executive director of the Paralyzed Veterans of America, before the Senate Judiciary Committee in 1989 is appropriate here:

> Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of that unlimited individual freedom so society can be cohesive and work. It would seem that those who want to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with.

We all know that the flag is one overriding symbol that unites a diverse people in a way nothing else can or ever will. We have no king. We have no State religion. We have an American flag.

Today, the Senate must decide whether enough is enough. Today, the Senate must decide whether the American people will once again have the right to say, if they wish to, that when it comes to this one symbol, the American flag, and one symbol only, we draw the line.

The flag protection amendment does not amend the first amendment. It reverses two erroneous decisions of the Supreme Court. In listening to some of my colleagues opposing this amendment, I was struck by how many of them voted for the Biden flag protection statute in 1989. They cannot have it both ways. How can they argue that a statute which bans flag burning does not infringe free speech, and turn around and say an amendment that authorizes a statute banning flag burning does impinge free speech?

The suggestion by some opponents that restoring Congress' power to protect the American flag from physical desecration tears at the fabric of liberty is so overblown it is hard to take seriously. These overblown arguments ring particularly hollow because until 1989, 48 States and the Federal Government had flag protection laws. Was there a tear in the fabric of our liberties? To ask that question is to answer it—of course not. Individual rights expanded during that period while 48 States had the right to ban physical desecration of the flag.

I should add that the American people have a variety of rights under the Constitution. These rights include a right to amend the Constitution. The amendment process is a difficult one. The Framers did not expect the Constitution to be routinely amended, and it has not been. There are only 27 amendments to the Constitution. But

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Framers of the Constitution did not expect the Senate to surrender its judgment on constitutional issues just because the Supreme Court rules a particular way.

The amendment process is there, in part, as a check on the Supreme Court and in an important enough cause. This is one of those causes.

Let me briefly address the pending amendments to Senate Joint Resolution 31. The McConnell amendment is a killer amendment. It would gut this constitutional amendment. It will completely displace the flag protection amendment should it be approved. A vote for the McConnell amendment is a vote to kill the flag protection amendment. Senators cannot vote for both the McConnell amendment and the flag protection amendment and be serious.

I say with great respect the Senator's amendment is a snare and a dilution. We have been down this statutory road before and it is an absolute dead end.

The Supreme Court has told us twice that a statute singling out a flag for special protection is based on the communicative value of the flag and, therefore, its misguided view violates the first amendment.

Even if one can punish a flag desecrator under a general breach-of-the-peace statute, the McConnell amendment is not a general Federal breach-of-the-peace statute. It singles out flag desecration involved in a breach of the peace. Johnson and Eichman have told us we cannot do that, we cannot single out the flag in that way. The same goes for protecting in a special way only one item of stolen Federal property, a Government-owned flag, or protecting in a special way only one item, a stolen flag desecrated on Federal property.

We all know why we would pass such a statute. Do any of my colleagues really believe we are going to fool the Supreme Court? Many of my colleagues, in good faith, voted for the Biden statute and the Court would not buy it. The Court took less than 30 days after oral argument and less than eight pages to throw the statute out, as they will this one.

They will do exactly the same to the McConnell statute. Even if the McConnell statute is constitutional—and it is not, with all respect—it is totally inadequate. Far from every flag desecration is intended to create a breach of the peace or occurs in a circumstance in which it constitutes fighting words.

Of course, many desecrated flags are neither stolen from the Federal Government nor stolen from someone else and desecrated on Federal property. Indeed, most of the desecrations that have occurred in recent years do not fit within the McConnell statute. Just as an illustration of its inadequacy, if the McConnell statute had been on the books in 1989, the Johnson case would have come out exactly the same way. Why? The Supreme Court said that the facts in Johnson do not support Johnson's arrest under either the breach-of-the-peace doctrine or the fighting words doctrine. Moreover, the flag was not stolen from our Federal Government. Finally, the flag was not desecrated on Federal property.

So the McConnell statute would not have even reached Johnson, and the case would have come out exactly the same. What, then, is the utility of the McConnell statute, as a practical matter, other than to kill the flag protection amendment?

The Biden amendment, on the other hand, insists if we are to protect the flag, we must make criminals out of veterans who write the name of their unit on the flag. If the statute that authorizes this had been enacted at the time, Teddy Roosevelt and his Rough Riders would have been criminals. Why? Because they put the name of their unit on the flag they followed up San Juan Hill, the flag which over 1,000 of their comrades died in protecting.

Moreover, the Biden amendment blurs the crucial distinction between our fundamental charter, the Constitution, and a statutory code. Read it. It actually puts a statute into the Constitution and, for the first time, I might add, says Congress can vote up or down on it if it wishes. We have not done that in the 206 years during which we have lived under the Constitution. We cannot do that to our Constitution today.

This same amendment was rejected 93 to 7 in 1990. It has not improved with age.

The two amendments by Senator HOLLINGS on the balanced budget and campaign finance reform are not relevant to the flag protection amendment and therefore are subject to a point of order. They should be debated and voted on at some other time, but do not destroy the flag amendment because of irrelevant matters on this occasion.

So, I urge my colleagues to support the flag protection amendment and reject the other amendments to be offered here today.

I reserve the remainder of our time and ask any time be divided equally.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that 10 minutes in opposition be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I do not believe that we are going to get Americans to stop desecrating our flag as a consequence of amending our Constitution. I just do not believe it is going to happen.

I see the distinguished Senator from Utah has a picture, a very disgusting picture of a young man, I believe, a young boy, perhaps, burning an American flag. Much of the desire to pass this constitutional amendment comes, in fact, from our observation that in some isolated instances, young people, angry about something, will desecrate a flag to make a point. Thus, we say, let us protect ourselves from these acts by amending the Constitution or passing a statute at the State level or passing, in this case, now in an amended form, a law at the Federal level saying that it is now against the law to desecrate the flag.

The respect for the flag is something that is acquired. One makes a choice based upon an understanding of what the flag stands for, and that understanding does not come in some simple fashion. It does not come with a snap of our fingers: Amend the Constitution, pass a law, and thus, all of a sudden, young people all across the Nation—or adults, for that matter—will immediately acquire respect for the flag based upon knowing that they will be punished if they do not.

That is basically the transaction here. We are saying, either respect the flag or we will punish you by invoking the law and perhaps fining you. I do not know, maybe there will be a jail sentence attached, some mandatory minimum perhaps that will be associated with the new criminal law of desecrating the flag.

Let me be clear on this. Many people are very confused, because I heard some people say, "It is against the law to desecrate the dollar bill. Why is it not against the law to desecrate the flag?" It is against the law to desecrate our flag. You cannot go down to the Iwo Jima Memorial or Arlington or up on the hill where the Washington Monument stands and burn a flag that is owned by the people of the United States of America. This issue here, this concern here is with a flag that some individual owns.

If the suspicion occurs, under this new constitutional amendment—I assume enabling legislation will occur as a consequence—that somebody, in their home, is desecrating their flag, it will now fall to the police or to the Federal law enforcement officials, I suspect, depending upon how the statute is written, to go into the home to make sure that individual is not desecrating his or her flag. That is the kind of response we are going to have our law enforcement people now charged with the responsibility of making.

I understand. I have spoken many times with American Legion members in Nebraska who are very enthusiastic about this amendment, or Veterans of Foreign Wars members, or Disabled American Veterans members who are very concerned about the loss of respect. They are very concerned about the loss of character.

Indeed, one of the most impressive things in community service right now, that has been over the course of my life, has been American Legion effort, and VFW and DAV effort, to provide programs for young people, to teach them the history of this country, to teach them about D-day, to teach them about what stands behind this flag, why this flag is so revered by those of us who have served underneath it. But we see in that moment, if it is Legion baseball or a VFW youth program, you see in that moment the kind of effort that is required to teach respect, for a young person to choose to acquire the character necessary to give the kind of reverence due the U.S. flag.

I know this amendment, now that it has been modified, stands an even better chance of passing. But make no mistake, there is going to be a consequence to this vote. This is not one of those deals where you just vote on it and say, Now I have kept faith with the American Legion, the VFW, the DAV, that have been lobbying very hard on it. There will be a consequence. We are going to pass a law and afterward there will be a law enforcement response. We are going to have an opportunity to measure, have we protected our flag as a consequence of amending the Constitution? Is there more reverence and respect? Do the young people of America now say, "Gee, now that Congress has amended the Constitution, passed a law, and provided an environment where it is going to be illegal for us to burn the flag, we are now going to respect the flag more"? I do not think so.

We see an increase today of consumption of illegal drugs by 12- and 13- and 14- and 15-year-old youth who are using marijuana, who are using cocaine, who are using illegal drugs. We already have a law on the books where they will suffer tremendous consequences.

There is a decline in character today with the youth of America for a whole range of reasons, but we are not going to reverse that decline by simply passing a constitutional amendment and issuing a press release saying that we respect the flag and all sorts of other glowing statements that we might make.

I made a list of things that I would put down if I was trying to determine whether or not an individual had acquired, through effort, through work, through discipline, real character. It is not easy to do it. It is not just respect, reverence of the flag; it is respect and reverence for adults, the older people who have served, who put their lives at risk at Iwo Jima, who put their lives at risk at Normandy, who put their lives at risk at the Chosen Reservoir, who put their lives at risk at Khe Sanh, who put their lives at risk in Desert Storm, who put their lives at risk in Bosnia, who put their lives at risk every single day they wear the uniform of the United States of America and train to fly a plane and train to do the work that we ask them to do to protect us.

There are 38,000 people today in South Korea, Americans serving this country, putting themselves at risk as the North Koreans continue to press.

We need to teach our young people what it means to serve, and guide them in the acquisition of character and making the choices necessary to have character. To have character means that you are obedient to something higher than your own willful desire to satisfy short-term concerns. Obedience is not easy. It is not easy to be obedient to your parents. It is not easy to be obedient to your country—to answer the call, and say you are going to give yourself to some higher authority. It is much easier to say, "Well, you know, freedom means to be willful. Freedom means to do whatever I want. It is not just burning a flag. If I want to consume marijuana, or consume cocaine, or do the opposite of what my parents tell me to do, that is what being free is all about. Freedom is not being obedient. That is to be a slave."

Well, Mr. President, we need to teach young people that the pathway to freedom, in fact, is to be obedient to something other than your own desire to satisfy some short-term concern, physical or otherwise. To be an individual that acquires character means that you pay attention to what is going on around you. You do not daydream. To pay attention requires effort to note life around you—to note the passing not just of time. But your own life requires you to pay attention.

We need to help our young people learn what is necessary to do that.

Third, I put down on my list of things for an individual to acquire character is that will have to learn to be considerate about others—not self-centered but considerate.

What the flag burning issue is all about—what the desecration issue is all about—is do not necessarily offend somebody. Do not offend them, not just by burning a flag, but by disrespecting their property rights, or disrespecting their right to speak. Be considerate of other people.

That is one of the things that one needs, if they are going to acquire character. But you need to be conscious of time, and aware of the gift of life.

All of us in this Chamber are old enough to have either been with somebody who is dying, or seen somebody lose their life. And we know how precious life is as a consequence of that loss. We have been with a parent, with a loved one, and have sat with them as the life left them. We have sworn that moment that we would never forget how precious life is. And we committed ourselves, at least for a short period of time, to change our ways, to abolish and banish the habits that cause us to behave in ways that we do not like and are not proud of.

One must acquire, in the words of Albert Schweitzer, "a reverence for life"—a respect for life as opposed to being not just disrespectful but perhaps destructive as well; but all of these things, and more besides.

I made a list this morning. There are others beside the elements of character that we are trying to teach our young people that cause us to be alarmed when we watch daytime television, that lead to our wanting to amend the Constitution to protect the one symbol, the one icon that tends to bind us together as a nation. All of us have had various experiences as a consequence of serving under that flag.

If you force people to respect the flag by amending our Constitution, or by passing a law, you are not going to have people respect the flag more. That is not the pathway to produce less desecration of the flag—something, by the way, that happens very little at all. It is not, in my judgment, a great threat to this country. What is a great threat to this country is when 40 percent of our youth do not know what the cold war was; when 50 percent do not know whether Adolf Hitler was an enemy in the Second World War; when a large percentage of people are unable to associate with any of the narrative of this country—any of the over 200 years of narrative of heroic adventures and life laid down for freedom that causes us in this moment to say, "Well, let us try to establish once and for all that we will have character in this country by amending our Constitution."

Mr. President, I again know there is great desire on the part of the Legion, the VFW, and DAV, and many other well-intended people who are concerned about the flag and want to protect the flag. To protect the flag takes us down a much different and a much more difficult road, one that I believe this country needs to follow. But I do not believe at all that we are going to increase the amount of respect that Americans have for their flag as a consequence of amending our Constitution. Indeed, I believe quite the opposite.

For those who think it is a fairly easy free vote—vote for it, and walk away—there will be consequences. We are going to amend laws. We are going to have the spectacle of people being arrested in their home, the spectacle of law-abiding citizens now being faced with all kinds of new charges and accusations that they do not respect the flag sufficiently.

Mr. President, I hope that there are 34 votes in this Senate to block this because I believe that the flag of the United States of America should not be politicized. And I believe it will—not by the well-intended Senators who are here today on the floor in support of this resolution, but by the actions that will occur as a consequence of this amendment.

Mr. President, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I understand that the time of the opponents on this is controlled by Senator BIDEN.

The PRESIDING OFFICER (Mr. JEFFORDS). We are not certain who is controlling the time.

Mr. MCCONNELL. I am an opponent of the amendment, so I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it will be charged to either side.

Mr. MCCONNELL. Mr. President, when we talk about the American flag, we usually do not think of it as an abstraction. It is not just a design on canvas.

For most of us, the flag means even more than the treasured symbol of our Nation.

Often, we think about a particular American flag we have seen or owned, and the special memories that surround that flag.

Some of us may remember the flag our fathers took out every Fourth of July and displayed from a makeshift flagpole.

Some of us may remember saying the Pledge of Allegiance to the flag in our first grade classroom.

Or we may recall the beautiful sight of an American flag in a foreign country, reminding us of home and safety.

Personally, I think of the American flag that sits on the mantle in my Senate office, folded up into a neat triangle.

There is not a day that goes by without me seeing that flag and thinking about it, if only for a minute or two.

I am very proud of that flag, because it was the flag that draped my father's coffin at his funeral, after he died of cancer in 1990.

For the rest of my life, I will remember seeing that flag and being so proud that my father had earned the right to have an American flag laid upon his casket—the highest military honor—by serving his country courageously in wartime.

My dad was a scout in the U.S. Army, fighting with the Allies in Western Europe during World War II.

D-day had come and gone, and the Germans were aggressively counterattacking, in the desperate hope that the Allies would lose heart and relent, allowing Germany to rearm and retain control over itself. This is what we came to call The Battle of the Bulge.

Being a scout was one of the most dangerous jobs in the Army, because you usually went out alone or in small groups, with minimal firepower.

And the whole purpose of being a scout was to find the enemy—to locate his position and strength, and then report that information back to the unit command.

Since you were virtually defenseless as a scout, you did not want to engage the enemy, but often that was unavoidable given the nature of the task.

In fact, my dad lost two-thirds of his company in one hellish night of fighting; and he himself came home with the Purple Heart.

But at least he came home.

Those were difficult and anxious times, but there was also great clarity of purpose in America's participation in World War II.

And as I look at that folded-up flag in my office, what strikes me over and over again is that my dad voluntarily went to war—risked his life like so many others of his generation—not because he was interested in acquiring a piece of European real estate, but because he believed in the cause of freedom.

Protecting America's freedom—and restoring the freedom of other nations—that is why my dad went to war.

United States Rangers scaled the cliffs of Normandy not to conquer, but to free. General MacArthur returned to the Philippines, not to conquer, but to free.

Even as we speak, American troops are deploying to Bosnia, not to conquer, but to bring freedom from centuries of ethnic violence and bloodshed.

Freedom is and always has been the great cause of America, and we must never forget it.

If we have learned one thing from the astonishing collapse of global communism, it is that freedom eventually wins out over tyranny every time. Ronald Reagan predicted it, and as usual, he was right.

Freedom is the most powerful weapon America has in a watching world. Preserving freedom—even when every impulse we feel goes in the opposite direction—sets an example for other nations to follow when their road to freedom gets rough.

If we allow ourselves to compromise on freedom, what can we expect young democracies like Russia and Ukraine to do, when they are faced with the difficult issues and decisions that freedom brings?

If we want to spread freedom, we need to stand for freedom—without equivocation or compromise.

Just as importantly, freedom is what will preserve our own democracy for the long run. Without freedom, America will cease to be America.

What does our freedom consist of?

Perhaps the most fundamental freedom is the first one enumerated in the Bill of Rights: the freedom of speech. And freedom of speech means nothing unless people are allowed to express views that are offensive and repugnant to others.

The freedom of speech that is protected by the Constitution is not about reaching consensus, it is about conflict and criticism.

Freedom of speech knows no sacred cows.

As all of us here are painfully aware, the high offices we hold provide no insulation from attacks by the media, even those that are completely unfair and inaccurate.

And as much as I do not like it at times, that is the way it ought to be.

As Justice Jackson wrote in the 1943 decision, West Virginia State Board of Education versus Barnette:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters.

The reason we have a first amendment is that the Founders of this Nation believed that, despite all the excesses and offenses that freedom of speech would undoubtedly allow, truth and reason would win out in the end.

As one constitutional scholar put it, the answer to offensive speech is not more repression, but more speech.

To put it another way, the best regulator of freedom—as paradoxical as that sounds—is more freedom.

The Supreme Court also has made it clear that the first amendment does not protect just the written or spoken word.

That is because ideas are often communicated most powerfully through symbols and action.

We do it all the time in political campaigns.

For example, as I have cited on this floor many times, the Supreme Court has held that spending on political speech is constitutionally indistinguishable from the speech itself.

And because campaign spending is so closely linked to political speech—the core of the first amendment—the Court has held that mandatory campaign spending limits are per se unconstitutional.

But that is only one example where something that appears to be conduct has a clear expressive purpose that falls within the ambit of the first amendment.

So to categorize something as conduct doesn't fully answer the question of whether it is also speech, and therefore protected by the Constitution.

Of course, when we see hateful people desecrating the American flag, we are instantly repulsed by it.

It strikes at the core of our emotions.

And it is not only because we love the flag and all that it symbolizes to us; it is also because of what is being communicated by such foul behavior.

Those who willfully desecrate our flag are saying that America is a lousy country, that its faults are beyond repair, and that it deserves to be torn down and reviled.

They are also saying—and this is something I take particular offense at—that men like my father—who spilled their blood to save America and liberate others—were involved in an unworthy cause.

Thus, burning the flag is a uniquely offensive way of disparaging their heroism and trivializing their sacrifice.

Ideas like these are not only reprehensible, they are also demonstrably false.

They are lies: lies about America, and lies about those who fought and died for our country.

Nevertheless, as divisive and distorted as these ideas are, as much as they deserve to be condemned, they are still protected by the first amendment.

The most revolutionary facet of our Constitution—what sets it apart from every other document in history—is that it confers its benefits not only on those who love this land, but also on those who hate it.

For years, people in other countries saw it as a weakness that we tolerated so much vitriolic dissent in America.

Now they are realizing it is our strength.

I think of the powerful testimony of Jim Warner, a prisoner of war in North Vietnam from 1967 to 1973, whom I had the privilege of meeting this year.

During his imprisonment, Jim had been tortured, denied adequate food, and subjected to over a year of solitary confinement.

When he was finally released, he looked up and saw an American flag. To use Jim's own words, "As tears filled my eyes, I saluted it. I never loved my country more than at that moment."

One can only imagine how much it grieved this patriot when a North Vietnamese interrogator showed him a photograph of some Americans protesting the Vietnam war by burning an American flag.

The interrogator taunted Warner by saying, "There. People in your country protest against your cause. That proves you are wrong."

But Jim Warner mustered every bit of strength he had and replied firmly, "No—that proves I am right. In my country we are not afraid of freedom—even if it means that people disagree with us."

As Jim tells the story, the North Vietnamese interrogator reeled back, "His face purple with rage * * *. I was astonished to see pain, confounded by fear, in his eyes."

Drawing on that incredible experience, Jim Warner wrote the following about the issue before us today:

> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom.
>
> When a flag was burned in Dallas to protest the nomination of Ronald Reagan . . . he told us how to spread the idea of freedom, when he said that we should turn America into a "city shining on a hill, a light to all nations."
>
> Do not be afraid of freedom, it is the best weapon we have.

"Spread freedom—spread freedom." If anything is a conservative creed, that is it.

That is why so many die-hard conservatives flatly reject the idea of a constitutional amendment to ban flag burning.

George Will called it a "piddling-fiddling amendment." Cal Thomas said it was "silly, stupid, and unnecessary."

The National Review editorialized against it twice, saying it would "make the flag a symbol of national disunity."

The College Republicans, in their newspaper the Broadside, argued that a flag burning constitutional amendment would not accomplish much of anything.

And Charles Krauthammer warned that it would "punch a hole in the Bill of Rights," concluding that, "If this is conservatism, liberalism deserves a comeback."

And what about the liberals?

Nat Hentoff wrote that a constitutional amendment to ban flag burning would itself be desecration of the flag and the principles for which it stands.

Barbara Ehrenreich wrote a hilarious essay in Time magazine, envisioning all the legal conundrums that a flag desecration amendment would create—especially in an age when flag motifs are used on everything from campaign bumper stickers to underwear.

At some point, flag desecration is in the eye of the beholder.

In all of these writings, from across the ideological spectrum, the theme is the same: to use Jim Warner's deeply-felt words again: "Spread freedom. Don't be afraid of freedom. It's the best weapon we have."

Let me conclude with a brief story. The night of September 13, 1814, was one of the darkest in our Nation's history.

The late Isaac Asimov wrote a fascinating account of this night, which was later published by Reader's Digest. I will attempt to summarize it:

Three weeks before that fateful September night, the British had succeeded in taking Washington, DC, and now they were heading up Chesapeake Bay toward Baltimore.

Their strategy was clear: if the British were able to take Baltimore, they could effectively split the country in two.

Then they would be free to wage war against the two divided sections: from the north, by coming down Lake Champlain to New England; and from the south, by taking New Orleans and coming up the Mississippi.

All that lay in the path of the British Navy was Baltimore. But first they had to get past Fort McHenry, where 1,000 American men were waiting.

On one of the British ships was an American named Dr. Beanes who had been taken prisoner earlier. A lawyer by the name of Francis Scott Key had been dispatched to the ship to negotiate his release.

The British captain was open to the idea, but they would have to wait; the bombardment of Fort McHenry was about to begin.

All through the night, Beanes and Key watched Fort McHenry being pummeled by cannon shells and rocket fire.

They were close enough in to hear the shouts and screams of men in mortal combat.

And all night long, they could see the American flag flying defiantly over the fort, illuminated by the bombs and explosions.

But when dawn came, the bombardment ceased and a dread silence fell over the entire battlescape.

Dr. Beanes and Francis Scott Key strained to see any signs of life from the battered ramparts of Fort McHenry.

And what they saw brought them incredible joy: despite the brutal onslaught of the night before, the American flag—torn and barely visible in the smoke and mist—still streamed gallantly over Fort McHenry.

The message was clear: the British were not going to get to Baltimore—and the war had taken a decisive turn in America's favor.

So let us get one thing straight: our flag survived the British naval guns at Fort McHenry.

Our flag weathered the carnage and cannon-fire of a national civil war.

Our flag still flapped angrily from the front deck of the U.S.S. *Arizona*—even after she had been blown in half and sunk at Pearl Harbor.

And our flag stood tall in the face of machinegun and mortar fire at Iwo Jima.

Make no mistake: this is one tough flag—and it does not need a constitutional amendment to protect it.

All it needs is hardy men and women who believe in freedom and have the courage to stand up for it, whatever the circumstances.

Then we can say together with confidence the words Francis Scott Key penned after that September night in 1814: "And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave."

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened to my friend and colleague. And there are very few people I have as much admiration for as I do the distinguished Senator from Kentucky. I think he is a gracious man and wonderful Senator. He has led the fight on a lot of very good issues.

The McConnell amendment has two fundamental flaws that should convince anyone who supports Senate

Joint Resolution 31 or who wants to protect the flag to vote to reject the Senator's amendment. First, the Supreme Court will certainly strike down the statute as contrary to its decisions in Johnson and Eichman. Second, the McConnell amendment is so narrow that it will offer virtually no protection for the flag. The McConnell amendment would not even have punished Gregory Johnson, which is the cause celebre case that is really involved here, among others.

What message does that send about our society's willingness to defend its values?

The McConnell amendment's primary fault is that the Supreme Court, following its mistaken Johnson and Eichman decisions, will strike it down as a violation of the first amendment. Both Johnson and Eichman make clear that neither Congress nor the States may provide any special protection for the flag. Because the Court views the flag itself as speech, any conduct taken in regard to the flag constitutes protected expression as well.

As Prof. Richard Parker of Harvard University Law School concludes: "Since the flag communicates a message—as it, undeniably, does—any effort by government to single out the flag for protection must involve regulation of expression on the basis of the content of its message." So a careful reading of Eichman bears this point out. Even though the 1989 act was facially content-neutral, the Court found that Congress intended to regulate speech based on its content.

The McConnell amendment is not going to fool anyone, least of all the Supreme Court. Its purpose is clear: to protect the flag from desecration in certain, narrow instances. Unfortunately, the Supreme Court has said that the American people cannot do this, something they had a right to do for almost 200 years, a right they had exercised in 48 States and in Congress up to 1989, with the Johnson decision. Do we need a third Supreme Court decision striking down a third flag protection statute in just 6 years before the Senate gets the message?

Even if the Court were to find that the McConnell amendment was not intended to protect the flag from desecration, it will still find it unconstitutional. Under its decision in R.A.V. versus City of St. Paul, the Court will strike down any statute that draws content-based distinctions, even if, as in R.A.V., those distinctions are made within a category of unprotected speech. Thus, even though fighting words or words that incite a breach of the peace are unprotected, Congress cannot prohibit only certain types of speech within these areas of unprotected speech. However, it is this that the McConnell statute impermissibly does.

In fact, the Court in R.A.V. made clear that this doctrine would be applied to any flag protection statute. As Justice Scalia wrote for the Court: "Burning a flag in violation of an ordinance against outdoor fires could be punishable, whereas burning a flag in violation of an ordinance against dishonoring the flag is not." Since the McConnell amendment is not a law of general applicability, but instead is one that singles out the flag for protection, it will be held to be unconstitutional by the Court.

Mr. President, the McConnell amendment is so narrow that it would not even have punished Gregory Johnson for his desecration of the flag. And in Johnson—this is a pretty good representation of what Johnson and others did.

In Johnson, the Court held that unless there was evidence that a riot ensued, or threatened to ensue, one could not protect the flag under the breach of the peace doctrine. Small protection, that. Do we really want to limit protection of the flag only to those narrow instances when burning it is likely to breach the peace? I think not.

Even if sections (b) and (c) of the McConnell amendment could survive constitutional scrutiny, which I do not believe they can, they are no substitute for real flag protection. Only those who steal and destroy flags that belong to the United States, or only those who steal the flag from others and destroy it on Government property, can be punished under the McConnell amendment. Gregory Johnson did not steal his flag from the United States; it was stolen from a bank building. He did not burn his stolen flag on Federal property. He burned it in front of city hall. If the amendment would not punish Gregory Johnson, who will it punish?

Adoption of the McConnell amendment will amount to the Government's unintended declaration of open season on American flags. Just do not burn it to start a riot. Just do not steal if from the Government. And just don't steal it and then burn it on Government property. Otherwise, the McConnell amendment declares, flag burners are free to burn away, just like they did on this occasion, represented by this dramatic photograph that is true.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I support and cosponsor the MCCONNELL amendment to ban flag burning. I oppose the burning of our U.S. flag. I oppose it today just as I always have.

Mr. President, I feel very strongly about this issue. I have voted for legislation to prohibit flag burning, and I have voted against amending the U.S. Constitution.

But, more than any other time in the past, I have grappled with today's vote to amend the Constitution to stop flag burning. This time the debate is different.

I truly believe that our Nation is in a crisis.

Our country is in a war for America's future. It's that's being waged against our people, against our symbols and against our culture. And I want to help stop it.

I firmly believe that we need a national debate on how to rekindle patriotism, values, and civic duty.

And if there is a way to do that, then I am all for it. It's important to me, and it's important to the future of our Nation.

Mr. President, I do not—and never have—intended or wished to inhibit America's freedom of speech. In fact, the first amendment—and others—got me where I am today.

I feel so strongly about this issue that I seriously considered supporting an amendment to the Constitution.

But, my colleague from Kentucky has offered an alternative to amending the Constitution that would protect the flag and protect the Constitution. I will support that alternative approach today.

Senator MCCONNELL's proposal does not amend the Constitution, but it will get the job done by punishing those people who help wage war against the symbol of this country and everything it stands for.

I know that we have gone down this road before by passing statutory language to ban flag burning only to have the Supreme Court overturn it. But, the McConnell amendment should pass constitutional challenge.

If there is a way to deal with and punish those who desecrate our U.S. flag without amending the Constitution, I am all for it. That is why I support the McConnell amendment.

The McConnell amendment says you cannot get away with abusing the flag of the United States. It means that you can't get away with using the flag to incite violence. The McConnell amendment says you can't use this Nation's symbol of freedom and turn it into a symbol of disrespect.

The McConnell amendment stands for the same things I do. It protects the principles embodied in our Constitution—as well as our U.S. flag.

Mr. SIMPSON. Mr. President, my remarks will last a very few moments. I believe the Senator from Virginia was here before I was and is seeking recognition.

The PRESIDING OFFICER. Does the Senator wish to speak in opposition?

Mr. SIMPSON. No. I will be speaking in accordance with the flag amendment desecration, with Senator HATCH.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would like to make certain very brief comments on this pending resolution. For a number of years, I have listened and been content—well, not always content, but I have listened—to the heated debate surrounding this amendment, and I now feel compelled to interject some rich personal thoughts of my own.

Many of the comments I have heard that are taking issue with this plan to amend the Constitution center around the issue of free speech. Opponents claim that if the flag desecration amendment is adopted, it will chill free speech, or will mean that a small majority will be free to determine exactly what activities constitute desecration. What these often self-proclaimed champions of free speech forget is that certain forms of speech are already regulated, including that category of speech known as fighting words.

Back in the 1950's, I was honored to serve my country in the U.S. Army. I served in the infantry in Germany for 2 years, in the 10th Infantry Regiment of the 5th Division, and with the 2d Armored Division, "Hell on Wheels," serving with the 12th Armored Infantry Battalion. Every single day for over 2 years, I got up in the morning and I saluted that flag, marched in military parades behind it, maneuvered with it on the front of an armored personnel carrier, and was ready to die for it. All of us who served in the military did that, for that was our mission.

So when I see someone who has never been in the military—oftentimes you see that—and someone who does not have a shred of respect for the country, but much cynicism—throw a flag on the ground and urinate on it, or burn it, and claim he or she is exercising his or her right to free speech, it does rise to the level of fighting words to me, in my book. And I would surely be willing to bet it does in the books of a lot of other law-abiding citizens of this great country.

That is where I am coming from, and there are those who have served in the military and those who feel just as strongly on the other side, and I respect those views. But I do have a lot of trouble with people who were never in the military and hearing them express themselves on the issue on either side. That is clear, in my mind. So I more deeply respect the views of those who have worn the colors, who feel just as strongly on the other side, but I have great trouble listening to the prattle of those who have never even served in the Civil Air Patrol.

Recently, I read an article on flag desecration by Paul Greenberg in the July 6 copy of the Washington Times. He made several points I think bear reiterating. He claims, in a witty and substantial style, that "our Intelligentsia" have done their level best to "explain to us yokels again and again that burning the flag of the United States isn't an action, but speech, and therefore a constitutionally protected right," and they cannot understand why a vast majority of the American public continues to want this amendment.

I agree with his conclusion that "it isn't the idea of desecrating the flag that the American people propose to ban." Anyone is free to stand and to state how much they detest the flag, hate the flag and all that it stands for. "It's the physical desecration of the flag of the United States that ought to be against the law."

I could not agree more. For as Mr. Greenberg states so eloquently, some things in a civilized society should not be tolerated—such as vandalizing a cemetery, scrawling anti-Semitic slogans on a synagogue, scrawling obscenities on a church, spray-painting a national monument or, surely, for that matter, burning of the American flag. It really ought to be as simple as that. Period.

Thank you, Mr. President.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I yield myself 5 minutes against the time chargeable to those who oppose the amendment.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBB. Mr. President, I rise with a degree of reluctance because I'm taking the opposite side from so many friends, and veterans, and those who believe very strongly that we ought to have some constitutional protection for the flag.

But I myself feel very strongly that this would be the wrong move for us to make.

I, like many of our fellow Senators, served in the armed services. I served in combat. I am one of those who has always respected the flag. I never fail to rise to render appropriate honors. Indeed, like all others who served, I was willing to die for our flag if necessary—or for the underlying freedoms that our flag represents. And yet I believe that this amendment moves in the wrong direction.

We already have in place rules and regulations and statutes that prohibit desecration of our flag under certain circumstances. If the flag that is being burned does not belong to the individual that is burning it, there are already laws in place to cover that kind of physical destruction—or desecration. If the flag is being burned for the purpose of inciting a riot, or anything along those lines, there are already laws in place to prohibit that kind of activity.

Indeed, the manual that we have on our flag talks about the proper way to dispose of a flag. It is listed under "Respect for the Flag." Section 176, paragraph K talks about the proper way to dispose of a flag that has been rendered no longer useful, one that is either tattered, torn, damaged, or somehow rendered less than an appropriate symbol of our country. The appropriate way to dispose of that flag is to burn that flag.

The difference that we are talking about with this amendment is the difference between an act and an expression of opinion, of speech. And it is in precisely those circumstances where the flag is burned to convey a message that the freedom that the flag represents—the basic democracy of this country—is challenged.

We nominate for the Nobel Peace Prize many in other countries who stand up to dissent peacefully against their government, who say that they believe their government is wrong for whatever reason. We have nominated, or others have nominated, everybody from Aung San Suu Kyi in Burma, who has just been released, to Nguyen Dan Que in Vietnam, Wei Jing Sheng in China, Nelson Mandela in South Africa, many in the former Soviet Union that were honored because they spoke up and spoke out.

And it is precisely when an individual is threatened by his or her government when he or she begins to speak out, that basic freedoms and democracy are most threatened. We know that the first sign that freedom or democracy is in trouble anywhere around the world is when the government starts locking up dissenters, when the freedom of the people to express their political opinions is stifled. And this is the distinction—the distinction between an act and a message—that I hope that we will be able to make when we consider this amendment.

The acid test of democracy is whether or not we can speak out in peaceful dissent against our Government without fear of being arrested, or prosecuted, or punished. And in this case, the amendment goes directly to the heart of that freedom.

Now I know that many who support this amendment—many of my fellow Senators, many other Members of Congress, and certainly leaders of veterans organizations, and others around this country—have a very noble cause and purpose. But I happen to believe that cause and purpose—that expression of devotion to our country—is best served if we don't amend the Constitution in this case.

Now I am not one that is arbitrarily opposed to amending the Constitution, but in this situation the amendment goes directly to the heart of what that Constitution protects for us and for all of our citizens.

So I would respectfully urge all of my colleagues to think long and hard with all due deference to their patriotism and resist the temptation to amend our Constitution in a way that would significantly undermine precisely the freedoms and the democracy that we seek to protect.

With that, Mr. President, I yield the floor and I thank the Chair.

Mrs. MURRAY. Mr. President, as an American, and the daughter of a disabled veteran, I take deep pride in our great Nation. To me, the flag symbolizes our strength, our democracy, and our unprecedented freedoms—freedoms that set us apart from every other country in the world. Our Constitution guarantees all of us this freedom, including the right to free speech. I believe we should be very cautious about altering this document, because to do so alters the fundamental ideals on which our country was built.

I am deeply troubled by the implications of this proposal; namely, that some people believe it is now necessary to force Americans to respect their flag by enacting legislation demanding they do so. That is wrong and unnecessary. I do not believe this constitutional amendment will result in Americans having greater respect for authority, for our Government, or for our flag. Rather, I believe this amendment reinforces the idea that reverence for one's country and the symbols of one's nation must be imposed by law. And, I do not think that is what the American people need, nor do I believe this principle is consistent with our Nation's history of uncoerced respect for our country and flag. Instead, I hope parents will instill in their children, just as I have in mine, a deep respect for the flag. I also pray our Nation will never again be so divided that burning the flag becomes popular or acceptable.

But it is my father who spoke most directly to my heart on this issue. In World War II, my father fought for this Nation in the Pacific theater. He was wounded in battle and some doctors believe that the shrapnel in his leg may even be the cause of the multiple sclerosis from which he has suffered for the last 30 years. When I asked him his feelings about this constitutional amendment, he was saddened and offended. He explained that he had not fought for the U.S. flag; he had fought and suffers still for the freedom that our flag symbolizes. That freedom is what this Congress may vote to limit.

Mr. President, for the ideals embodied in our Constitution, for the respect I have for all our flag represents, and most personally, for my father's sacrifices, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I am deeply concerned about the desecration of the U.S. flag because of what it says about our culture, our values and our patriotism. But I must vote against this amendment to the U.S. Constitution.

Mr. President, I absolutely do not support the desecration of our flag. In 1989, I voted for legislation to prohibit flag desecration. And I regret that law was declared unconstitutional by the Supreme Court.

I not only support the flag. I support what the flag stands for. Our flag stands for our Constitution. The meaning of our flag is embodied in our Constitution—especially the first amendment.

Today, I continue to oppose the desecration of our flag, and I call on Americans to rekindle their patriotism, their values, and their civic duty.

I ask with all the passion and patriotism in me, that those who speak about constitutional rights, who talk about their freedom of speech, who talk about their freedom of expression—that they exercise community responsibility.

By community responsibility, I mean that each person take the right you have to speak, to march, and to organize, but remember when we desecrate symbols, we desecrate each other.

I do not wish to inhibit freedom of expression. But I want us to live in a culture that calls people to their highest and best mode of behavior. But we are not doing that in our society today.

We cannot build a society for the 21st century that advocates permissiveness without responsibility. For every right there is a responsibility. For every opportunity, there is an obligation.

I am very frustrated about what is going on in our country. I believe there is a war being waged—against our people, against our symbols, and against our culture.

When I go into the neighborhoods, moms and dads tell me that the toughest job in this country today is being a parent, providing for their families and teaching their children the values of our society.

Love your neighbor; love your country; be a good kid; honor your father and your mother; respect each other. These moms and dads feel that no one is looking out for them. The very values they teach in the home are being eclipsed and eroded by the culture that surrounds us. And some children do not even get that much attention.

We should—and need to—have a national debate on these issues.

But we cannot change the culture by changing the Constitution. We change the culture by living the Constitution—by speaking out responsibly and by organizing. I support amendments to expand the Constitution, not constrict it.

Mr. President, I am a U.S. Senator because of amendments to the Constitution—amendments that allowed me to organize and to speak—amendments like the 1st amendment and the 19th amendment.

The first amendment allowed me to speak up and speak out in protest to save a Baltimore community whose homes were about to be leveled for a 16-lane highway.

We organized. We protested. We exercised free speech. I challenged the thinking of city hall and all the road planners. The community liked what I was saying. I spoke for them and their frustrations, and they encouraged me to run for political office.

That experience took me into neighborhoods where they said no woman could win. But, I did. And the 19th amendment—which gave women the right to vote—helped me get here. And I made history. That happened because of amendments to the Constitution.

So, I know the power of the Constitution. And I know the power of amending it.

But all the past amendments have expanded democracy and expanded opportunity. This amendment we consider today would constrict the very freedoms that have allowed me to be here.

Mr. President, I am thankful to the people of Maryland who sent me here, and America's veterans should know today I am voting for what they fought for and all the people who work every day to make our country great.

Yes, I believe we can and should have a law to end the desecration of our flag. Yes, we need more community responsibility, more patriotism, more civic participation, values, and virtue.

I hope to cast my vote today to continually use the Constitution to expand democracy and not to constrict it.

Now is not the time to change the course. Now is not the time to tamper with laws, precedents and principles that have kept us in good stead for two centuries.

Mr. President, I take amending the Constitution very seriously, and I will not vote today to change it.

Mr. HATFIELD. Mr. President, I support Senate Joint Resolution 31, the Flag Protection and Free Speech Act of 1995, introduced by the distinguished chairman of the Judiciary Committee, Senator HATCH. Let me compliment my friend from Utah for his steadfastness on this complex and at times emotional issue.

As one who saw the Stars and Stripes go up at Iwo Jima, I can say I share the feelings of pride for our flag that have been sincerely expressed by Senators on both sides of this debate. If the flag symbolizes this Nation and the freedoms it provides, the Constitution is the living legal document under which this nation was created and pursuant to which those freedoms are guaranteed. While I have consistently supported legislative measures to protect the flag from those misguided souls who would deface it, I have been reluctant to amend the Constitution to do so.

Unfortunately, it appears that passage of an amendment to the Constitution is the only avenue available to address this problem given the fairly clear decisions that have been issued by the Supreme Court on this precise legal point. In June 1989, the Supreme Court handed down the landmark decision of Texas versus Johnson, in which it overturned a Texas statute punishing flag desecration on the grounds that it violated the free speech protection guaranteed by the first amendment to the Constitution. This holding had the effect of overturning 48 State flag desecration statutes, including the Texas statute, and one Federal statute.

In October of that same year, this body passed the Flag Protection Act in direct response to the Johnson case. Legal scholars, including Harvard's Lawrence Tribe, advised Congress that the statutory approach being considered would pass constitutional muster. I supported this statutory effort and opposed the constitutional amendment voted on later that month.

On June 11, 1990, the Supreme Court, in U.S. versus Eichman, struck down the flag protection statute which I had supported the prior year. On June 26, 1990, the Senate failed in its attempt to assemble the two-thirds margin necessary to pass the constitutional amendment. However, on this occasion I voted in favor of the constitutional amendment because of the direct rejection of the statutory approach by the Supreme Court.

I intend to support Senate Joint Resolution 31 when it is voted on this week. While I will continue to listen to the arguments in favor of and against the amendment proposed by my friend from Kentucky, Mr. MCCONNELL, I am not convinced it would be upheld by the Supreme Court. Furthermore, I am concerned that it would apply only in rare cases and thus leaves too great a loophole for those who wish to deface the flag.

Mrs. BOXER. Mr. President, this is an important debate we are undertaking here today, in the Senate, because it focuses on changing the cornerstone of American democracy: the U.S. Constitution.

The Constitution's principles transcend the few words which are actually written. Hundreds of thousands of American men and women have made the ultimate sacrifice in defense of these principles. And this remarkable, living document continues to inspire countless others struggling in distant lands for the promise of freedom.

In the 204 years since the ratification of the Bill of Rights, we have never passed a constitutional amendment to restrict the liberties contained therein. In our Nation's history, we have only rarely found it necessary to amend the Constitution. There are only 27 amendments to the Constitution—only 17 of these have passed since the Bill of Rights.

The first amendment to the Constitution states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

The amendment before us would create a new constitutional amendment to enable the Congress to prohibit the physical desecration of the U.S. flag.

Desecration of the flag is reprehensible. The issue for me is since there are countless examples of actions and speech which are, in my opinion, morally reprehensible, are we starting down a path that will lead to amendment after amendment to the Constitution—changing the very nature of that magnificent document. Some of these reprehensible areas for me are: Shouting obscenities at our men and women in uniform; burning a copy of our Constitution or the Declaration of Independence; speaking obscenely about our country or its leaders; demeaning our Nation in any way; burning the Bible; vile speaking about religion or God; and denigrating the Presidency as an institution, no matter who is in office.

All these things are vile to me and I have nothing but contempt for people who do such things. But, I think the question is this: Is it necessary for the greatest Nation in the world to amend the greatest document in the world to outlaw each of these offenses?

The passage of a constitutional amendment to prohibit flag desecration is a priority for this Republican Congress. The House of Representatives led the charge by passing the constitutional amendment in June.

So, I say to my colleagues here in the Senate: We have a choice to make. Do we stand behind Speaker NEWT GINGRICH and the House of Representatives? Or do we stand with the Founding Fathers? I, for one, choose to stand with the Founders—Thomas Jefferson, James Madison, and Ben Franklin, among others.

I believe that many flag burnings can be addressed by existing constitutional statutes passed by the States and localities to prohibit or limit burning and open fires. States and localities have the ability to enforce these fire code provisions, thereby prohibiting or limiting incidents of flag burning for valid safety reasons.

For example, in the city of San Francisco, the city fire code contains a general ban on open burning. It states:

> It shall be unlawful for any person to ignite, kindle, light or maintain, or cause or allow to be ignited, kindled, lighted, or maintained, any open outdoor fire within the city and county of San Francisco.

In the cities of Chula Vista in San Diego County and Fountain Valley in Orange County, CA, open burning may only be conducted by notifying the fire department or obtaining a permit. An individual who fails to comply with the code can be found guilty of a misdemeanor.

In addressing open fires, the fire prevention code of New York City, states:

> It shall be unlawful for any person to kindle, build, maintain or use a fire upon any land or wharf property within the jurisdiction of the city of New York.

Violation of the code results in money fines or imprisonment.

So, it is clear that authority already exists for States and localities to control or limit the burning of flags under their ability to protect the safety of their residents. And while this only covers one form of desecration—burning—where a flag being desecrated belongs to someone else, or the United States, State laws against larceny, theft, or destruction of public property can be invoked against the offender.

In addition, S. 1335, the Flag Protection and Free Speech Act of 1995, introduced by Senators MCCONNELL, BENNETT, and DORGAN, would create new statutory penalties for damage or destruction of the flag. I support S. 1335 as an effort to punish the reprehensible conduct of flag desecration in a manner consistent with the Constitution.

S. 1335 would criminalize the destruction or damage of the flag in three circumstances. Where someone destroys or damages the flag with the intention and knowledge that it is reasonably likely to produce imminent violence or a breach of the peace, under S. 1335, such actions would be punishable with fines up to $100,000 and 1 year of imprisonment.

The McConnell legislation also creates stiff new penalties where an individual intentionally damages a flag belonging to the United States, or steals a flag belonging to someone else and damages it on Federal land. In either situation, the individual could be subject to penalties of up to $250,000 in fines and 2 years of imprisonment.

By creating tough criminal penalties for desecration of the flag through statute, we punish reprehensible conduct without having to amend the Constitution. Moreover, in a Congressional Research Service analysis of the Flag Protection and Free Speech Act of 1995, the American Law Division opined that S. 1335 should survive constitutional challenge based on previous Supreme Court decisions.

Mr. President, desecration of one of our most venerated objects —the American flag—is deeply offensive to me and most Americans. But I do not believe we need to modify our Constitution in order to protect the flag. We can protect the flag with existing laws and through the enactment of new criminal penalties for damage and destruction of the U.S. flag without having to alter our guiding document, the U.S. Constitution.

Mr. KERRY. Mr. President, I went to Vietnam because another Congress told me I had to go to protect freedom—including the first amendment—and defeat communism. I went; and I am honored to have served, but, here I am—today—forced to come to the floor of the U.S. Senate to fight for freedom once again and engage my colleagues in a debate about a flag burning amendment.

Those same colleagues—on one hand—want to amend the first amendment for the first time in 200 years and abridge our most basic freedom in the name of patriotism—and on the other—

cut benefits for veterans which is—in my view—the most unpatriotic thing we can do.

This is the ultimate irony.

Over the last few months—they have come to this floor with endless speeches about preserving this democracy—their agenda does exactly the opposite. It dishonors veterans with the most destructive budget to veterans that I have ever seen in my years here. My Republican colleagues came to the floor with Medicaid cuts this year that would have eliminated coverage for 4,700 Massachusetts veterans—2,300 of them under the age of 65, disabled, and ineligible for Medicare coverage. The remaining 2,400 are over 65 and 1,200 of them are in nursing homes.

Mr. President, if we vote to amend the Constitution and raise the symbols of this Nation to the level of freedom itself, and we chip away at the first amendment to protect the flag—then what next? What other symbol do we raise to constitutional status? We all have special symbols to us that represent America and democracy, but to give them constitutional status is, at best, an extraordinary overreaction to a virtually nonexistent problem. According to the Congressional Research Service there were three—count them—three—incidents of flag burning in the United States in 1993 and 1994. That is not exactly a major problem in our country.

Even Roger Pilon of the Cato Institute, in a recent editorial, said that, and I quote:

> This issue is left-over from the dimmest days of the Bush administration, when a desperate grasp for symbols masked an abject want of ideas.

And it was Ronald Reagan who said, as my colleague from Kentucky, Senator MCCONNELL, pointed out in his editorial yesterday in the Washington Post, "Don't be afraid of freedom; it is the best weapon we have." But here we are again—debating a constitutional amendment to abridge that freedom.

Mr. President, I, like everyone in this Chamber, abhor seeing anyone burning the flag under any circumstances. It hurts me to see it. It has always hurt me. I thought it was wrong in the Vietnam era, just as I do now, but I never saw the act of flag burning—nor could I ever imagine seeing it—as unconstitutional. To burn the flag is exactly the opposite—it is the fundamental exercise of constitutional rights—and we cannot fear it, stop it, or set a precedent that abridges basic freedoms to show our outrage about it.

What we must do is tolerate the right of individuals to act in an offensive, even stupid manner.

Mr. President, as a former prosecutor I know that most flag burning incidents can be prosecuted under existing law. If a person burns a flag that belongs to the Federal Government—that constitutes destruction of Federal property, which is a crime.

Mr. President, 54 years ago last week, was the day that Franklin Roosevelt said would "live in infamy."

And I ask: Do we honor those who have served their country so ably, so bravely—do we honor our veterans by changing the first amendment, by trimming out fundamental freedoms they fought for?

In fact, I suggest that if we pass this constitutional amendment, this day will go down—once again—as a day that will live in infamy. For it will be the day when the greatest country on Earth limited the basic freedoms because of the stupid, incentive, hurtful acts of a very few people on the fringes.

We are better than that, Mr. President. We are smarter than that. We are smart enough to honor our Nation, our liberty, and our veterans without sacrificing our freedom.

In the final analysis, I think if Congress and the country want to do something serious to help our veterans, then we should focus on the quality of veterans benefits, the ability of veterans to have access to health care—on the POW/MIA issue and issues like agent orange. These are the serious bread-and-butter and health issues for those who sacrificed so much for America, and I'm working hard to make sure that America keeps its contract with our veterans.

But I do not believe that keeping the faith with our veterans means changing the first amendment for the first time in 200 years.

Mr. President, the Constitution is hardly a political tool to be pulled from the tool chest when someone needs to tighten a nut or a bolt that holds together one particular political agenda.

This is not an easy vote for me. I've been told that there are veterans in my State—in Massachusetts—who feel so strongly about this issue that they will follow me all over the State if I vote against this amendment; but let me make it very clear that to me the flag is a symbol of this country, it is not the country itself. The Bill of Rights is not a symbol; it is the substance of our rights—and I will not yield on that fundamental belief and I will not yield in my deep and abiding commitment to the men and women who served this country and sacrificed so much for the freedoms symbolized by the Stars and Stripes.

I thank my colleagues and I yield the floor.

Mr. DODD. Mr. President, the Members of this body should not risk the desecration of our Constitution simply to express outrage against those who desecrate the flag.

The issue before us today has absolutely nothing to do with condoning the behavior of those few who choose to defile one of our most cherished national symbols. Every Senator is troubled when someone burns, mutilates, or otherwise desecrates an American flag. There is no question about that. The issue is whether we tinker with the Bill of Rights in an attempt to silence a few extremists who openly express their contempt for our flag.

I am very reluctant to amend our the Constitution. In over 200 years, we have only amended that fundamental text 27 times, and we have never amended the Bill of Rights. In my view, we should not risk undermining the freedoms in the Bill of Rights unless there is a compelling necessity. I do not believe that the actions of a few flag burners has created that necessity.

Throughout our history we have recognized that the best remedy for offensive speech is more speech, and not a limitation on the freedom of speech. Supreme Court Justice Oliver Wendell Holmes expressed this idea very eloquently in his opinion in *Abrams* v. *United States*, 250 U.S. 616, 630 (1919):

> [W]hen men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.

Clearly, flag burning has not fared well in the marketplace of ideas. Across this country, Americans are quick to express their disdain for those who desecrate the flag. The powerful symbolic value of our flag remains unscathed.

In the past, I have supported Federal statutes designed to balance the need to protect the flag with the freedom of speech. In 1989, I joined with other Members of Congress to help pass the Flag Protection Act. In my view, that legislation was a measured response to this issue. Regrettably, the Supreme Court struck down that statute in United States versus Eichman.

This year, Senator MCCONNELL has offered a more narrowly crafted measure. I will support that amendment and I urge my colleagues to do the same. We should continue to try to address this issue statutorily, rather than through the more dramatic step of amending the Constitution.

In closing, I urge my colleagues to oppose this effort to amend the Constitution. We should continue to speak out against those who would desecrate the American flag, but we should not weaken its power by undermining the freedoms for which it stands.

Mr. PELL. Mr. President, today, the Senate is undertaking the solemn task of the considering an amendment to our Nation's Constitution. Indeed, the proposed language we are considering would, according to the Supreme Court and numerous legal observers, amend the Bill of Rights, the very core of personal liberties and freedoms enshrined and protected in our national charter.

The Congress has considered this issue before and while it has assented to statutorial protection of the flag, it rejected amending the Constitution for the same purpose, positions that I supported. I do so again today, believing that the our flag should be cherished and revered and find deliberated acts to desecrate it offensive. I also believe that the flag can be protected without infringing upon our first amendment guarantee of free expression.

In the Congress' last attempt to do so our approach was rejected by the Supreme Court. I believe that this time, however, the more carefully constructed statutes protecting the integrity of the flag offered by Senators BIDEN and MCCONNELL today stand a much better chance of passing constitutional muster and hope that my colleagues will join me in supporting them.

However, when it comes to amending the Constitution to prohibit flag desecration, I simply believe that that approach goes too far. The principles enshrined by our Founding Fathers in the Bill of Rights have not been altered in over 200 years and I cannot support the effort to do so here. Make no mistake: I love and respect the American flag and all that it symbolizes. Nevertheless, as I have often said, I simply believe that our flag will wave more proudly if as we seek to protect it, we also protect the Bill of Rights.

Accordingly, I cannot support the proposed constitutional amendment to prohibit flag descration.

Mr. BRADLEY. Mr. President, our American flag is best protected by preserving the freedom that it symbolized. I cannot support a constitutional amendment that would limit that freedom. At the same time, I believe that anyone who burns the American flag is an ungrateful lowlife who fails to understand how special and unique our country is, and I tremendously respect those New Jerseyans who support this amendment and have urged my support with great dignity and conviction.

Like most Americans, I revere the flag as a symbol of our national unity. I want it protected from abuse. That is why I strongly supported the Flag Protection Act of 1989, which sought to punish those who would destroy our flag. That is why I regretted the Supreme Court's subsequent decision in United States versus Eichman, which declared the law in violation of the first amendment. That is also why I enthusiastically support and today urge passage of another law that would make it illegal for someone to burn a flag, if the act itself would incite violence.

In our system, the first amendment is what the Supreme Court at a particular time says it is. The Court has said that the Flag Protection Act violates freedom of expression. A future Supreme Court may reverse that decision. Although I wish the Supreme Court had ruled the other way, it did not. The question now is whether protecting the flag merits amending the Bill of Rights.

In making the decision to oppose this amendment, I consulted my heart and my mind. My heart says to honor all those who died defending American liberty. My heart conjures up images of the marines holding the flag on Iwo Jima, the crosses in the fields at Flanders, the faces of friends who never came back from Vietnam.

My heart says, what a nation believes in, what it will preserve, what it will sacrifice for, fight for, die for, is rarely determined by words. Often people cannot express in language their feelings about many things. How do I know?

Because I struggle with it every day. Remember the pain you felt when the *Challenger* exploded before your eyes? Remember the joy you felt when World War II and the Korean war ended? Remember the shock you felt when you learned of the assassinations of President Kennedy and Martin Luther King? Remember the feelings of attachment you have for the Lincoln Memorial, the Statue of Liberty, the U.S. flag?

These are symbols and shared memories for places, events, and things that tie us to our past, our country, and to each other, even when there are no words at all. When someone gives respect and recognition to them, we are moved, sometimes to tears. When someone demeans them or shows disrespect, we are outraged.

My heart says honor the flag, and I do. My mind says, when our children ask why America is special among the nations of the world, we tell them about the clear, simple words of the Bill of Rights, about how Americans who won our independence believed that all people were blessed by nature and by God, with the freedom to worship and to express themselves as they please. We found these truths to be self-evident before any other nation in the world did, and even before we created the flag to symbolize them.

Our Founding Fathers believed that fundamental to our democratic process was the unfettered expression of ideas. That is why the amendment that protects your right to express yourself freely is the first amendment, and politicians should never put that right at risk.

Now if this constitutional amendment passes, we will have done something no Americans have ever done—amended the Bill of Rights to limit personal freedom.

Even if you agree with the flag amendment, how can you know that the next amendment will be one you will like? You cannot. So let us not start. Once you begin chipping away, where does it stop? Do not risk long-term protection of personal freedom for a short-term political gain.

America's moral fiber is strong. Flag burning is reprehensive, but our Nation's character remains solid. My best judgment says we are in control of our destiny by what we do every day. We know the truth of Mrs. Barbara Bush's words that America's future will be determined more by what happens in your house than by what happens in the White House.

I have traveled America for over 25 years. I know we still have standards, insist on quality, believe in hard work, honesty, care about our families, have faith in God.

A rapidly changing world looks to us to help them define for themselves what it means to be free. Our leadership depends more than ever on our example. This is the time to be confident enough in our values, conscientious enough in our actions, and proud enough in our spirit to condemn the antisocial acts of a few despicable jerks without narrowing our basic freedoms.

My mind says that the best way to honor those who died to preserve our freedom is to protect those freedoms and then get on with the business of making America a better place.

I took an oath to support and to defend the Constitution of the United States. Each Senator has to decide in her own mind and in his own heart what he feels he must do, to fulfill the promise he made to preserve and to stand by the Constitution. Different Senators will arrive at different answers. For me, this amendment does not preserve the Constitution. To the contrary, it constricts, narrows, limits—makes it less than it was before. To preserve means to keep intact, to avoid decay, but this amendment would leave freedom of expression less intact, less robust, more in a state of decay. To support an amendment which would, for the first time in 204 years, reduce the personal freedom that all Americans have been guaranteed by the Constitution would be, for me, inconsistent with my oath. I will never break my oath.

Finally, in his dissenting opinion on flag burning, Justice Stevens warned us about using the flag "as a pretext for partisan dispute about meaner ends." Politics can be a mean business, but it can also be a glorious business. Sometimes an event has unexpected consequences. Let's be frank; there is patriotism on both sides of this debate. So let me tell you what I believe about patriotism.

Patriotism—I know how it feels to be proud to be an American. I remember how I felt back in 1964 when the United States Olympic basketball team defeated the Soviet Union in the finals—I remember standing on the victory stand, with the gold medal around my neck, chills running up and down my spine, as the flag was raised and the national anthem played.

I was proud to have won—for myself and for my country.

Patriotism—it is like strength. If you have it, you do not need to wear it on your sleeve.

The patriot is not the loudest one in praise of his country, or the one whose chest swells the most when the parade passes by, or the one who never admits we could do anything better.

No, a patriot is one who is there when individual liberty is threatened from abroad, whether it is World War I, World War II, Korea, Vietnam, or even the wrongheaded action in Beirut in 1983—yes, that too. All those who served in these conflicts were defending liberty as our democracy chose, in its sometimes fallible way, to define the need to defend liberty.

But you do not need a war to show your patriotism. Patriotism is often unpretentious greatness. A patriot goes to work every day to make America a better place—in schools, hospitals, farms, laboratories, factories, offices, all across this land. A patriot knows that a welfare worker should listen, a teacher should teach, a nurse should give comfort. A patriot accords respect and dignity to those she meets. A patriot tries, in a secular as well as a spiritual sense, to be his brother's keeper.

When the only grandfather I ever knew came to America, he went to work in a glass factory. He worked with his hands, and he worked long and hard. After work he lived for three things: The first thing he lived for was going to the public library on a Saturday night to check out western novels, which he would read and reread over and over again. The second thing he lived for was to sit on his front porch on summer nights with a railroad whistle in the background and listen on the radio to his real love, baseball. And the third thing he lived for was to tell his grandson—me—what America meant to him.

He said America was great because it was free and because people seem to care about each other. Those two, freedom and caring, are the two inseparable halves of American patriotism. As Americans who love our flag, we must not sacrifice the substance of that freedom for its symbol, and we must learn to care more about each other. We must not restrict our fundamental freedom. To do so, I believe, would betray the meaning of the oath I took to support the Constitution and the promise I made to myself to always do what I thought was right.

I oppose this amendment.

Mr. LEVIN. Mr. President, I cannot support the proposed constitutional amendment. I detest flag burning, but I also love the U.S. Constitution.

This country stands for a set of ideals of human freedom that are embodied in the Constitution and the Bill of Rights, and symbolized by the American flag. There are a handful of individuals who hold these ideals in such disrespect that they choose to express their hostility by taking a copy of the Constitution—or the flag—and burning it or tearing it up. The Supreme Court has ruled that however despicable this action may be, our Constitution protects these misguided individuals in the expression of their views—just as it protects the expression of hateful and despicable ideas by other misguided individuals.

As much as I revere the flag, I love the Constitution, the Bill of Rights, and the liberties that are enshrined in them. In a 1989 Washington Post article, James Warner—who was captured and held as a prisoner of war by the Vietnamese—eloquently explained the vital importance of the principles of freedom embodied in our Bill of Rights. Mr. Warner stated:

> I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."
>
> "No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us."

I cannot let the despicable actions of the few who choose to express their misguided impulses by attacking our flag cause me to amend the Constitution and the Bill of Rights that have served us so well for 200 years. To do so would be to enable those few individuals to achieve something that no power on earth has been able to accomplish for over two centuries—to force us to modify the basic charter of our liberties that are guaranteed in the Bill of Rights.

Our Constitution has been amended only 17 times since the adoption of the Bill of Rights in 1789. The Bill of Rights itself has never been amended. A constitutional amendment is an extremely serious step, which is justified only to address a grave national problem. In this case, the proposed constitutional amendment is directed at an extremely small number of cases that have had no discernible impact on the health or security of the Nation. As the Port Huron Times Herald pointed out on October 14—

> Less than a handful choose flag-burning as their means of protest. It is so distasteful a display that no clear-thinking citizen could endorse it.

We should not agree to amend the Bill of Rights, which protects our most basic freedoms, to address the extreme behavior of a few erratic individuals.

I also do not believe that the proposed amendment is likely to succeed in actually protecting the flag in any case, because people who are so deluded or misguided as to burn a flag simply to get our attention are no less likely to do so just because there is a law against it. Indeed, they may be more likely to burn the flag if they believe that violation of a constitutional amendment will attract more attention to their antics. As the Traverse City Record-Eagle stated on November 2, a constitutional amendment—

> . . . won't even stop those few people who want to raise a ruckus by burning the flag from doing so. In fact, the extra attention a constitutional amendment would focus on the act might even encourage it.

Mr. President, the proposed amendment, as drafted, could also be easily evaded. The amendment does not define the flag. Does it cover Jasper Johns' famous painting of overlapping flags? Does it apply to a T-shirt with a picture of the flag on it? How about wearing a flag T-shirt with holes in it? Is a 49-star flag a flag of the United States? Does it apply if a flag is hung upside down? Would it prohibit the use of the flag in commercial advertisements? These questions, and dozens like them, would be left unanswered.

So the amendment would not only amend our Bill of Rights for the first time, it would do so without realistic prospect of successfully preventing the offensive activity at which it is directed.

Senator BIDEN's substitute amendment, unlike the underlying proposal, would at least address the objective actions of a person who burns or destroys a flag, rather than the subjective state of mind of that individual. I voted for the Biden alternative because it is preferable to the underlying proposal, even though it does not correct most of the problems that I have outlined.

Flag burning is reprehensible. If we could bar it by statute, without amending the bill of rights, I would do so. Indeed, I have voted for a flag-burning statute in the past and I voted for the McConnell-Bennett-Dorgan statute when it comes up for a vote. But I am not willing to tinker with our Bill of Rights and for this reason, I cannot vote for final passage of the proposed constitutional amendment.

In my view, Mr. President, we can show no greater respect to the flag than by showing contempt for those who disrespect it, while preserving the freedoms for which it stands. The constitutional amendment that is before us today is the same amendment that I voted against in 1990. My position has not changed, and I shall again vote against this proposed amendment.

Mr. SMITH. Mr. President, I rise in support of Senate Joint Resolution 31, the flag protection constitutional amendment. As an original cosponsor of Senate Joint Resolution 31, I am pleased to see that this important measure will be coming before the Senate for a final vote today.

Mr. President, the flag of the United States is the central, unifying, and unique symbol of our great Nation. Throughout our history, tens of thousands of Americans have given their lives while serving under our flag in time of war. In my own family, my father, Donald E. Smith, died in a Navy service-related incident during World War II. My family was presented with his burial flag. That flag means a great deal to us.

Desecrating the American flag is a deliberately provocative act. It is also an attack on the Nation itself, as symbolized by our flag. Such acts do not merit the protection of the law. On the contrary, those who commit them deserve to be punished by the law.

Mr. President, this constitutional amendment ought not to be necessary. The need for it became clear, however, when the Supreme Court of the United States struck down as unconstitutional both a State and a Federal flag protection statute. The Court held that such statutes violate the free speech protections of the first amendment to the Constitution.

I strongly disagree with those Supreme Court decisions. As the Court itself has recognized, our Nation's treasured right of free speech is not absolute. One does not have the right to yell fire! in a crowded theater, for example. In exceptional cases when the Government's interests are sufficiently compelling, the right to free speech may be carefully circumscribed. The Government's interest in protecting our Nation's central, unique symbol are sufficiently compelling, in my view, to justify limiting the right of political dissenters to desecrate the flag.

Mr. President, while the great Constitution that the Founders framed has survived many tests, it also has been amended 26 times. The people of the United States are not forced to accept a Supreme Court decision with which they fundamentally disagree. The Constitution itself grants the people, as represented by the Congress and the State legislatures, the right to amend it in order to reverse erroneous decisions by the Court.

I recognize that amending the Constitution is serious business. That is why we took the intermediate step of fashioning a Federal flag protection statute in the wake of the Court's decision striking down Texas's State law. When the Court also struck down the Federal statute, we had no choice but to move forward with this flag protection constitutional amendment.

Mr. President, I urge my colleagues to vote in favor of this constitutional amendment authorizing the Congress to enact legislation to protect our Nation's great flag. I am optimistic that this measure can be passed by the requisite two-thirds majority of the Senate today and will be submitted to the States for prompt ratification.

Thank you, Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I am proud to join Senators HATCH and HEFLIN to urge passage of the proposed constitutional amendment granting Congress the power to prohibit the physical desecration of the flag of the United States.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. Our free speech rights do not entitle us to simply consider the flag as personal property, which can be treated any way we see fit including physically desecrating it as a legitimate form of political protest.

We debate this issue at a very special and important time in our Nation's history.

This year marks the 50th anniversary of the Allies' victory in the Second World War. And, 54 years ago last week, Japanese planes launched an attack on Pearl Harbor that would begin American participation in the Second World War.

During that conflict, our proud marines climbed to the top of Mount Surabachi in one of the most bloody battles of the war. No less than 6,855 men died to put our American flag on that mountain. The sacrifice of the brave American soldiers who gave their life on behalf of their country can never be forgotten. Their honor and dedication to country, duty, freedom, and justice is enshrined in the symbol of our Nation—the American flag.

The flag is not just a visual symbol to us—it is a symbol whose pattern and colors tell a story that rings true for each and every American.

The 50 stars and 13 stripes on the flag are a reminder that our Nation is built on the unity and harmony of 50 States. And the colors of our flag were not chosen randomly: red was selected because it represents courage, bravery, and the willingness of the American people to give their life for their country and its principles of freedom and democracy; white was selected because it represents integrity and purity; and blue because it represents vigilance, perseverance, and justice.

Thus, this flag has become a source of inspiration to every American wherever it is displayed.

For these reasons and many others, a great majority of Americans believe—as I strongly do—that the American flag should be treated with dignity, respect and care—and nothing less.

Unfortunately, not everyone shares this view.

In June 1990, the Supreme Court ruled that the Flag Protection Act of 1989, legislation adopted by the Congress in 1989 generally prohibiting physical defilement or desecration of the flag, was unconstitutional. This decision, a 5-4 ruling in U.S. versus Eichman, held that burning the flag as a political protest was constitutionally protected free speech.

The Flag Protection Act had originally been adopted by the 101st Congress after the Supreme Court ruled in Texas versus Johnson that existing Federal and State laws prohibiting flag-burning were unconstitutional because they violated the first amendment's provisions regarding free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens.

When considering the issue, it is helpful to remember that prior to the Supreme Court's 1989 Texas versus Johnson ruling, 48 States, including my own State of Maine, and the Federal Government, had anti-flag-burning laws on their books for years.

Whether our flag is flying over a ball park, a military base, a school or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great Nation was built on. And our flag has come not only to represent the glories of our Nation's past, but it has also come to stand as a symbol for hope for our Nation's future.

Let me just state that I am extremely committed to defending and protecting our Constitution—from the first amendment in the Bill of Rights to the 27th amendment. I do not believe that this amendment would be a departure from first amendment doctrine.

I strongly urge my colleagues to uphold the great symbol of our nationhood by supporting Senator HATCH and the flag amendment.

Thank you very much.

Mr. KEMPTHORNE. Mr. President, I rise today to express my firm support for Senate Joint Resolution 31. As an original cosponsor of this resolution proposing a constitutional amendment to prohibit the desecration of the flag, I believe enactment of this resolution is an important step in restoring the right of this society to protect the symbol of our Nation.

Mr. President, the people of Idaho have clearly expressed their desire to be able to protect Old Glory. I am pleased to note the Idaho State Legislature passed a resolution to this effect 2 years ago. In asking the Congress to present an antiflag desecration amendment to the States for ratification, the Idaho Legislature stated, ". . . the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal . . .".

Some have claimed the passage of this resolution will weaken the sanctity of the first amendment. To these people I would ask, was the first amendment weak during the first 198 years after its ratification? Until the Supreme Court ruled flag desecration to be protected free speech in 1989, 48 States and the Federal Government had statutes which penalized an individual for desecrating the flag. I do not believe the time in our Nation's history prior to 1989 may realistically be viewed as a dark period in which Americans were denied their constitutional rights. The truth is, protecting the flag of the United States has long been a proud part of our national history. What we are attempting to do today is preserve that history.

In fact, I believe it is interesting to note that the Supreme Court specifically noted in 1974 Smith versus Goguen that flag desecration was not protected speech under the Constitution. In overturning a Massachusetts State law which protected the flag, the Court ruled that the problem was the vagueness of the State law, not the underlying principle of the law. The Court went on to say, "Certainly nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags." The Court further noted that the Federal flag desecration law, which was in effect at the time, was acceptable because it prohibited "only acts that physically damage the flag." This law remained in effect until the Court s 1989 ruling.

As a member of the Senate Armed Services Committee, I have had the opportunity to meet the men and women of our Armed Forces around the world. These individuals put their lives on the line regularly, so that we may live in peace and safety. And while they are serving us, the American public, they do so under the Stars and Stripes. For those who are stationed overseas, the flag represents the rights and freedoms which they stand prepared to defend, even while on foreign ground. It also stands for their home, the Nation which proudly awaits their return when their duties are completed. For those who have finished their service to their country, the flag is a constant reminder that the ideals for which they fought still live, and that their sacrifices were not in vain.

Mr. President, I do not believe any of us here today wants to limit or restrict the right of Americans to speak out in an appropriate manner. In fact, numerous Members of this body on both sides of the aisle have taken advantage of this right to speak out against Government policies, and, undoubtedly, will continue to do so whether or not they are Members of the Senate. I simply believe the physical mutilation of the flag falls outside the range of speech which should be protected. I also believe the citizens of the United States should have the opportunity to decide for themselves, whether they also feel the flag deserves special protection. That is what this resolution is all about. And it is this principle that I ask my colleagues to support today.

Mr. HEFLIN. Mr. President, I rise today in support of the resolution to amend the Constitution of the United States to protect the American flag. We have recently revised the language in order to address the concerns of a few of my colleagues. They have voiced reservations about allowing behavior toward the flag to be governed by a multiplicity of State laws. The language we have added to the amendment establishes that Congress, and not the States, must adopt a uniform standard for prohibited conduct as well as for a definition of the "flag of the United States." I believe the amendment as it now stands is strengthened by these revisions.

Although much has been said about how this amendment will put a muzzle on the first amendment, this is not true. The adoption of this amendment will not diminish the first amendment's hallowed place among our liberties. Prior to the Supreme Court's decision in Johnson, the majority of the States had laws on their books which banned the desecration of the American flag. Prior to Johnson, free speech under the first amendment flourished, including unpopular opinions and political speech. I do not expect this to change once the amendment is adopted.

The opponents have hinged their fight against this amendment on the decisions of the Supreme Court in two opinions. First is the case of Texas versus Johnson, a 5-to-4 decision, in which the Court held that a Texas statute protecting the flag granted it special legal protections which offended the Court's concept of free speech. Second is United States versus Eichman, in which the Supreme Court, again in a 5-to-4 decision, struck down a content neutral statute enacted by the Congress following the Johnson decision.

In their dissent in Johnson, the Justices make clear the reasoning that I believe is behind many of the supporters of the amendment. Chief Justice Rehnquist for himself and Justices O'Connor and White stated:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way respondent Johnson did here.

It is the flag's uniqueness which we realize makes it more than simply a piece of cloth that needs special protection. It is a symbol that stands for patriotism, love of country, sacrifice, freedom—values that are the essence of what it means to be an American.

Senator MCCONNELL has introduced a bill, S. 1335, which is designed as a statutory protection for the flag. While I appreciate the efforts of the Senator from Kentucky, I do not believe that a statute would be upheld under the strict scrutiny of the Supreme Court. The Court in Eichman was clear that no statute will pass muster if it singles out the flag of the United States for protection against contemptuous abuse.

S. 1335 invokes the fighting-words doctrine, and seeks to punish any person who destroys a U.S. flag "with primary purpose and intent to incite or produce imminent violence or breach of the peace." According to legal experts, the Supreme Court in Johnson expressly rejected the application of the fighting words or imminent breach of the peace rationales offered by the Texas statute. This precedence in hand along with other recent decisions of the Court will not allow this statute, if passed, to stand.

It has been suggested that a statute which is facially neutral or content neutral could survive the strict scrutiny of the Supreme Court; I do not believe that is so. First, for the statute to be truly facially neutral it would have to ban any and all forms of destruction of the American flag. Second, a facially neutral statute which did not permit an exception for disposal of a worn or soiled American flag by burning would not be desirable nor acceptable to most Americans.

Unfortunately, for the statute to be truly content or facially neutral, it could not allow for any intentional destruction of the flag, including the burning of a worn or soiled flag. Any variation from completely neutral language would undermine the entire statute and, in all likelihood, would be found to be in violation of the first amendment under the Court's strict scrutiny test.

During the debate surrounding this amendment, a question has been raised as to precisely what conduct is prohibited under the amendment. It has been claimed that by using the term "desecration," we would outlaw almost any use of the flag or its image outside of displaying it in a parade or on a flag pole. I think that this is an incorrect and unfair interpretation of the conduct we are attempting to prohibit.

Those who interpret the language as overly broad have suggested that this amendment should be limited to outlawing only the burning, mutilation, or trampling of the flag. Although these are acts which I find despicable, I find acts such as spitting, urinating, wearing the flag as underwear to be equally outrageous. Unfortunately, under the limitations some have suggested to the amendment, these acts would be allowed. I do not think that this is what the American people had in mind in their support of this amendment.

Since the Supreme Court persists in striking down State and Federal statutes, regardless of how carefully crafted those statutes are, we have no alternative. The only avenue which remains open for protecting the American flag from desecration is through the procedure required to amend the Constitution of the United States. This procedure is difficult, and for very good reasons. The last time an amendment was ratified was almost 4 years ago; that was the 27th amendment, which took over 200 years to ratify.

Because of the sanctity of the Constitution, I do not take lightly an amendment, but as I stated, we have no alternative. I believe that the citizens of this Nation do not want to see the Constitution amended in most instances, but I also believe that they have shown through their actions that the protection of the flag is an important issue. Those actions include the grassroots support of groups such as the Alabama Department of Reserves Officers Association of the United States, which passed a resolution urging the U.S. Congress to pass this amendment.

I urge my colleagues to vote in favor of passage of this resolution. By voting in support of this resolution we send this matter to the States and let the people in each State make the final decision on this important matter.

Mr. SPECTER. Mr. President, I approach any constitutional amendment with hesitancy—especially one induring the first amendment.

At the outset, I believe there is a major difference between an amendment seeking to change the text of the first amendment—as is now pending in the House of Representatives on freedom of religion—and one to overrule a decision of the Supreme Court of the United States.

For me, a 5 to 4 decision on flag burning does not merit the difference due the language of the Bill of Rights. There is nothing in the text on freedom of speech requiring protection for flag burners. While their speech will still be protected, their acts will be prohibited.

In a somewhat analogous context, I have sponsored and pressed for a constitutional amendment to overturn the Supreme Court's decision in Buckley versus Valeo, which extended the protection of freedom of speech to an individual who spends unlimited amounts of his or her own money for a candidacy for public office.

It is accepted that freedom of speech is not absolute or unlimited. Justice Oliver Wendell Holmes articulated the classic statement that a person is not free to cry fire in a crowded theater. In a similar vein, the Supreme Court has interpreted the first amendment to exclude from its protection incitement to imminent lawless action, fighting words, obscenity, libel, and invasions of privacy.

Based on the precedents and general principles of constitutional interpretation, it is my judgment that Texas versus Johnson was incorrectly decided. The burning of the flag is conduct—not speech. I have great respect for robust debate to the extreme. But a speaker may express himself or herself with great vigor without insults or expressions that would be reasonably interpreted as fighting words.

Since I studied Chaplinsky versus New Hampshire in law school, I have been impressed with the import of the fighting-words doctrine. In Chaplinsky, the defendant was criminally charged when his speech angered a mob and almost caused a riot. He claimed his speech was protected by the first amendment. The Supreme Court unanimously rejected his argument, holding:

> . . . the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

I take a back seat to no one in protecting constitutional rights and civil liberties. For years I have stood against those who have sought to strip the Federal courts of their jurisdictional to hear constitutional cases involving subjects such as school prayer and busing. I have opposed efforts to breach the wall of separation between church and state and to weaken the exclusionary rule. Earlier this year, I opposed proposals in the counterterrorism bill to expand wiretap authority and to deport aliens using secret evidence in violation of the basic norm of due process.

Our law acknowledges and respects expectations. People have real, legitimate and reasonable expectations that the flag of the United States will be treated with honor and respect.

Some of the Supreme Court's most liberal Justices, the greatest defenders of our civil liberties, have forcefully held flag burning is not protected speech. Chief Justice Earl Warren:

> . . . the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace.

Justice Hugo Black, the ardent exponent of first amendment absolutism:

> [i]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

Justice Abe Fortas articulated:

> . . . the reasons why the States and the Federal Government have the power to protect the flag from acts of desecration committed in public.

The Bill of Rights has a special sanctity in establishing our Nation's values. There is no part of the text of the Bill of Rights which I would agree to amend.

While substantial deference should be given to Supreme Court decisions on constitutional interpretation, there are some circumstances where amendment is warranted, especially on split decisions like the 5 to 4 vote in the flag-burning case.

Like fighting words in Chaplinsky, libel in Sullivan, incitement of imminent lawless action in Brandenburg, and invasion of privacy in Cantrell, my judgment is that flag burning is not constitutionally protected by the first amendment.

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This is a trend that has had a negative impact on our politics and on the relationship between the Government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, have made it more difficult for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to attend a PTA meeting, march in a parade—or even join a bowling league, as one Harvard professor's study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the U.S. flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle to fight for our Nation, they march under the banner of the flag; each day when our children go to school, they pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic area.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by Iranian fundamentalists during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the fabric of our national life.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment will only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag and the values it represents belong to all of us; in a sense, it is community property. "We the people" maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that "mutilates, cuts, defaces, disfigures, or perforates" a dollar bill can be fined or put in jail for 6 months. Similarly, in O'Brien versus United States the Supreme Court upheld the conviction of a protestor that burned his draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech.

This first amendment absolutism, however, is contrary to our constitutional tradition. The list of types of speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting words, child pornography, deceptive advertising, inciteful speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment's restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted one could still write or say anything about the Government; one could still burn a copy of the Constitution or effigies of political leaders; indeed, one could put a picture of a flag being burned on the Internet and circulate it to millions of people across the world with the push of a button.

Recall the words the protestors chanted while Gregory Lee Johnson set a flag on fire and gave rise to this entire controversy: "Reagan and Mondale, which will it be? Either one means World War III. Ronald Reagan, killer of the hour, perfect example of U.S. power. America, the red, white, and blue, we spit on you, you stand for plunder, you will go under." So regardless of whether we have a flag amendment, there are a multitude of ways to heap contempt on the government, should one choose to do so. The effect of the amendment on free expression would be negligible.

I also want to take issue with the contention that our liberal tradition prohibits us from ever making substantive value judgments about what is good speech and what is not or that we must always remain indifferent or neutral with respect to the ideas and images that bombard us over the airwaves or through the media.

Senator DOLE touched on this in a speech he gave earlier this year criticizing the violent movies being produced in Hollywood these days. It isn't inconsistent with the first amendment to speak out against movies that contain dozens of shootings, or gruesome acts of violence that are then copied in real life only days after the initial screening. It isn't an act of government censorship for politicians to criticize music containing lyrics that denigrate women, glorify cop killers as role models, and promote racial divisiveness.

Likewise, it is not government censorship when the people amend the Constitution to prohibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant exercising power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, "We the people" will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by the people that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in almost every constitutional case it decides. Why is it that we have no qualms about deferring to the value-judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution?

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that the people will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, I trust the people. They understand the value of liberty. They understand that the only way for truth to emerge is through the exchange of ideas. They understand that it is a slippery slope from government-controlled censorship to tyanny. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be improved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens' opinion in *Texas* v. *Johnson*. He said:

> The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate.
>
> Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it. That tarnish is not justified by the trivial burden on free expression occasioned by requiring an available, alternative mode of expression, including words critical of the flag, be employed.

So I support this resolution to send the flag protection amendment to the States for ratification. And I urge my colleagues to support it as well.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

I ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I yield myself such time as I may consume.

How much time do we have on this side?

The PRESIDING OFFICER. Nine minutes.

Mr. GLENN. Mr. President, I gave a more lengthy speech on this subject last Friday. In fact, I talked for about an hour, I guess, because I felt strongly about what was going on with this piece of legislation. Rather than repeating those remarks of last Friday, I call attention to an article that appeared in the Cleveland Plain Dealer earlier this year by a columnist, Dick Feagler, a friend of ours who I have known for a long time. Dick writes sometimes with a humorous bent and a serious twist to it at the same time.

I read this into the RECORD in the time I have remaining here because I think it pretty much says it all. The title is, "Flag Should Stay Sacred in Our Minds, Not Law." His article goes on like this:

> Here they go again. Congressional Republicans, backed by some Democrats, are pushing for a constitutional amendment against burning the flag.
>
> That old bandwagon has more miles on it than your grandma's Edsel. But there are always plenty of new passengers eager to hitch a ride. In our area, freshman Congressman Steven C. LaTourette has climbed aboard for a short trip toward the stoplight of reason.
>
> Every four years or so, I have to write a column about this issue and it always makes me feel bad. I am a flag guy. I was raised on John Wayne movies. I feel good on the Fourth of July, and humble on Memorial Day. I am the kid who, at age 12, slipped a sternly worded note under the door of a merchant who never took his flag down at sunset. There's a grand old flag flying next to my front door 20 feet from where I'm writing this—
>
> So every time this comes up, I ask myself, why don't I just go along with it. It would be so much easier. It would make my feel proud and patriotic and as American as a Marysville, Honda. Why not just support changing the Bill of Rights to keep Old Glory safe from the punks and the fanatics?
>
> Well, because it's dumb, that's why. That's one reason. There's a deeper reason, but I'll deal with the dumbness first. After all, as some of you keep reminding me, I've got enough dumbness in me now without increasing my inventory.
>
> If we make it against the law to destroy a flag, exactly what kind of flag are we talking about? Are we only talking about the official flag, made, I believe, in Taiwan, that you buy at the post office? How about the flag my father still has with 48 stars on it? Is that still THE flag?
>
> Suppose I run up a flag on my Singer and leave off a couple of stripes and a handful of stars? If I burn that, will I land in federal court? Who would go to that much trouble, you ask? Pal, you don't know your punks and fanatics.
>
> How about if I draw a flag on a piece of paper? Can I bum that? Suppose I draw it in black and white but it is still unmistakably a flag? Does it count? How about those little flags on toothpicks you stick in cocktail weenies? If I singe one of those will the FBI come vaulting over the patio hedge to nail me? Are we going to write a brand new amendment to the Constitution the covers the flag on the seat of a biker's britches? Is a flag decal a flag?
>
> Back in the '60s, I covered a dozen rallies where people burned their draft cards. The frequency of draft-card pyromania was so great that nobody bothered to apply for a replacement. When the hippie at the microphone announced it was arson time, the protesters just lit anything they weren't planning to smoke. If I announce I'm burning a flag, does that count, even if I'm not?
>
> Who is going to write the constitutional amendment that sorts all this out? It's beyond my poor powers, Yank George M. Cohan is dead, and even if he was still with us, I doubt he could do better than a C-minus with this assignment.
>
> I said there was a deeper reason. And there is.
>
> you can't destroy the flag. Nobody ever has.
>
> The British tried it twice and gave up forever. The South ripped the flag in two and slipcoverd their half, but we glued it back together with the blood of Gettysburg and Chattanooga. The flag always came through, just like the song about it says.
>
> The Kaiser couldn't damage it. Hilter couldn't; Mussolini couldn't; Tojo gave it a really good try, but he couldn't. The flag survived the Chosen Reservoir and the Mekong muck.
>
> And after all of that, we think we need a constitutional amendment to protect it from some crazy-eyed young idiot with a Bic to flick and a mouth full of narcissistic anti-government claptrap? We think that one match and a TV camera can do something that 200 years of world-class thugs couldn't do? I hope we have more faith than that.
>
> Once in one of my lengthening number of yesteryears, it was my job to remove flags from the caskets of dead soldiers and fold them and present them smartly to mothers and widows. Those were always emotional moments.
>
> But I never thought I was handing over THE flag in exchange for a young man's life. Both I and the woman behind the veil knew that the flag worth dying for is the big one you can't see or touch but you know is there. Right up there under God, like it says in the Pledge of Allegiance.
>
> The only kind of help that flag needs from Congress is a nation worthy of it.

That concludes his writing. It was in the Plain Dealer earlier this year. I think that pretty much says it all.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 8 seconds.

Mr. GLENN. Mr. President, I could not add a whole lot to that.

Let me say this. I do not know how we administer this thing if we do have it put into effect. I always thought we were supposed to be one Nation—one Nation—not a nation that passes amendments that says we are going to break this up and let 50 States make up their own minds about how they want to treat the flag. I think that is our job here, and I think we do it for the Nation right here. I think it is a mistake to let all this go out to the States.

I remember back in 1976 we were celebrating the Bicentennial and we had bikinis, flag bikinis advertised in papers. I remember once watching a rock and roll concert that year, and it was quite a spectacle. It was one to make your blood boil, because the lead guitarist, who was bared from the waist up, did not have a shirt or anything on, but he is going at it and strumming and banging away on this thing. Pretty soon his pants started to slide down, and, lo and behold, you guessed it: He had flag shorts on. The audience went wild.

I find that more objectionable than I do some of the things we are talking about, to protect the flag here from burning it. I do not know whether body fluids get spilled on the flag in situations like that, with the bikinis or whatever. But I find that reprehensible. Is that covered under something like this? We are leaving this up to 50 different States, yet we quote a Pledge of Allegiance that says "one Nation"—one Nation, not a Nation of 50 separate entities, all free to make their own rules about how they want to treat the flag—"under God, indivisible, with liberty and justice for all." We do not say just for some and not for others, and we do not say the flag should have different treatment in different parts of the country either.

So I disagree with this approach that says there is such a big problem out there we somehow need to do something, passing a constitutional amendment to take care of a nonproblem, really. There is not a great, huge rash of flag burnings out there that showed disrespect for the flag. I was told there were none last year. Then I was corrected by some of the veterans who visited me in my office a few days ago last week, and they said, no, they could verify there were three flag burnings this year.

We have just under 270 million people in this country. That means one offense for every 90 million people. I really do not see that as being a tremendous problem for our country. We have a solution here out looking for a problem to solve. That does not make much sense to me.

The flag symbolizes the freedoms we have. It is not the freedoms themselves. It is not the freedoms themselves, and those are the things that are important. Everyone on both sides of this issue, both sides of the aisle love and defend the flag, and if anyone came in here and tried to burn a flag right here there would be enough people to attack that person, I can guarantee you, that we would take care of it ourselves. That is the way most of these things will be taken care of back in our individual States.

Without a doubt, the most important of the values are covered in the Bill of Rights. If we had not had that Bill of Rights put together, you know some of the States were prepared to not approve the Constitution of the United States. In that very first amendment we cover some very, very sacred things. We say in that very first amendment, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech"—which is deemed to mean other examples—"or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." That is all there is in that article. It covers those things, but how important they are. Without that, we would not have had a Constitution of the United States.

My time is up, Mr. President. If anyone wishes to look at my remarks in more detail, the CONGRESSIONAL RECORD of last Friday has it complete. My time is up and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, the July 24, 1995, Washington Post published a letter from Donald D. Irvin of Fairfax, VA. He wrote:

> It is regrettable that a constitutional amendment to protect the flag is necessary as a way to express the will of the people in response to the misconception of the Supreme Court. But this is hardly the first time that this has had to be done.
>
> For example, the Dred Scott decision had to be corrected by the 13th and 14th amendments. Neither should have been necessary, but while the Supreme Court is an indispensable branch of government, on occasion the people have to "explain" the Constitution to it.
>
> Although it is not incorporated within the text of the Constitution itself, Americans cite the pledge of allegiance to the flag "and to the republic for which it stands." The republic is based upon the Constitution, which all naturalized citizens and those serving in military and official positions are sworn to defend. While native-born citizens are not otherwise required formally to make such an oath or to pledge allegiance to the flag—and indeed are free to refuse to do either without legal sanction—neither should they be free physically to desecrate the ultimate symbol of the Nation. . . .
>
> There always will be a few demented souls who may desecrate the flag or violate any law. But arcane legal theories aside, too many people have sacrificed their lives for this country so that the rest of us can live free for us not to honor their memory and our allegiance to the republic by expressing through our highest standard of man-made law that Americans will not tolerate the wanton desecration of the one symbol "for which it stands."

I urge my colleagues to heed the commonsense voices of the American people and send this amendment to the States.

COMMON SENSE

Mr. President, I know there are lawyers and nonlawyers on both sides of the issue before us. But there has been a fair amount of discussion of legal principles involved in the flag protection debate. Frankly, lawyers sometimes make matters more complicated than they really are. That is one way lawyers drive up their market value. Sometimes a healthy dose of common sense goes much farther than lawyer talk in illuminating an issue.

In his trenchant dissent in the Texas versus Johnson case in 1989, Justice John Paul Stevens put the same thought this way:

> The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach. If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration. [491 U.S. at 439].

In other words, denying the American people the right to protect their flag defies common sense.

Now, I wish we did not have to do this by constitutional amendment. We should not have to do so to ensure that the people can protect their flag.

I, like Earl Warren, Abe Fortas, Hugo Black, and Justice Stevens, believe the Constitution empowers Congress to protect the flag from physical desecration. But the Supreme Court twice has made clear that the statutory protection of the flag—because it is the flag—will be struck down under its interpretation of the Constitution. We have no choice here. Once the Supreme Court, by the narrowest of margins—5 to 4—orders us otherwise, and slams the door on us—and they did so twice—only the people can reverse that decision. And, in this process as prescribed under Article V of the Constitution, it is now up to the Senate to give the American people the opportunity to do so, if they so choose.

By sending this amendment to the States for ratification, the Senate opens the door to no other amendment, or statute, precisely because the flag is unique. There is no slippery slope here. The flag protection amendment is limited to authorizing the Federal Government to prohibit physical desecration of a single object, the American flag. It thus would not serve as a precedent for any legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique. Moreover, the difficulty in amending the Constitution serves as a powerful check on any effort to reach other conduct, let alone speech which the Supreme Court has determined is protected by the first amendment.

This amendment does not allow Congress to prohibit any thought or point of view, but rather one narrow method of dramatizing that thought or viewpoint—by prohibiting one form of conduct; regulating action, not speech. No speech and no conduct, other than physical desecration of the American flag, can be regulated under legislation that would be authorized by the amendment.

As former Assistant Attorney General Charles J. Cooper testified:

> . . . if prohibiting flag desecration would place us on [a slippery slope of restrictions on constitutional protection of expression for the thought we hate,] we have been on it for a long time. The sole purpose of the Flag Protection Amendment is to restore the constitutional status quo ante Johnson, a time when 48 states, the Congress, and four Justices of the Supreme Court believed that the legislation prohibiting flag desecration was entirely consistent with the First Amendment. And that widespread constitutional judgment was not of recent origin, it stretched back about 100 years in some states. During that long period before Johnson, when flag desecration was universally criminalized, we did not descend on this purported slippery slope into governmental suppression of unpopular speech. The constitutional calm that preceded the Johnson case would not have been interrupted, I submit, if a single vote in the majority has been cast the other way, and flag desecration statutes had been upheld. Nor will it be interrupted, in my view, if the Flag Protection Amendment is passed and ratified.

That is the testimony of Charles J. Cooper, who, of course, was Assistant Attorney General of the United States, and is one of the leading constitutional experts here in Washington.

Mr. President, this is an extremely important issue. This issue will determine whether the United States wants to return to the values of protecting its national symbol the way it should be.

Should we pass this amendment today by the requisite 66 votes, there being only 99 Members of the Senate at present, this amendment would then be submitted to the States. We will leave it up to the people as to whether or not they want this amendment. My personal belief is that they will ratify this amendment. Three-quarters of the States, if not all of the States, will ratify this amendment so fast our heads will be spinning. I think the people want this. The polls show they want it. Although I do not believe we should do things just because the polls show it, in this case the polls show that the American people understand that this is a value that they want to maintain and uphold, and rightly so. This is a very important value, and, should we pass this amendment today, we will submit it to the States. And those issues of values, those issues of right and wrong, will once again be debated all over this country. It will be a very, very healthy thing in 1995 and 1996 to have these issues debated 207, years after we thought we were establishing values and virtue through the Constitution of the United States.

In all honesty, that debate needs to take place. It will be a much more effective debate, I think, than we have held here on the floor of the U.S. Senate. I believe it is one that is long overdue, and it could lead to a debate on other values in our society—other principles of good versus bad. I think it would be beneficial to the country to start reexamining some of these things, some of the permissive things, that we have allowed to occur in this society that have really denigrated our society. Whether to restore legal protection for our national symbol, the American flag, is an issue of such great constitutional import, one that will help us to start that debate.

I hope that our colleagues will vote for it today. I can accept whatever my colleagues do. But I hope they will vote for it. Should we pass it, the great debate on values will start. Should we not pass it, come 1997 we will be back with it again, and I think we will pass it at that time. But let us hope we can pass it today. I intend to do everything I can to see that it is passed.

Might I ask the Chair how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 13 minutes remaining and the opposite side has no time left.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the argument that authorizing the prohibition of flag desecration violates the first amendment is of recent vintage. I have remarked before that the Johnson and Eichman decisions owe far more to evolving theories of jurisprudence than to the first amendment itself.

I think the Members of the First Congress who voted for the first amendment would be astonished to learn, two centuries later, that they had forbidden Congress from prohibiting flag desecration.

It is even more astonishing to believe that those who enacted the 14th amendment's due process clause, through which the first amendment's free speech guarantee has been applied to the States, believed they were forbidding the States from protecting Old Glory.

Indeed, during the Civil War, Congress awarded the Congressional Medal of Honor to Union soldiers who saved the American flag from falling into Confederate hands.

That Members of Congress who awarded the Medal of Honor for such heroics would also strip States of the right to protect the flag from those who would physically desecrate it seems to me to be far-fetched. As I have mentioned earlier, as recently as 1969, even Chief Justice Earl Warren, whose very name is an eponym for judicial activism among conservatives, wrote: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * *" (*Street* v. *New York*, 394 U.S. 576, 605 (1969) (Warren, C.J., dissenting)). Liberal Justice Abe Fortas agreed. And first amendment absolutist Justice Hugo Black was incredulous at the thought that the Constitution barred laws protecting the flag: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." (394 U.S. at 610).

That five Members of the Supreme Court have now said otherwise does not make their constitutional interpretation in this case wise or persuasive, any more than its decisions in the last century that Dred Scott should be returned to slavery, or that separate-but-equal treatment of the races passes muster under the equal protection clause made sense.

The pending amendment overturns the Johnson and Eichman decisions and clearly establishes in the text of the Constitution the power for Congress to protect the flag from physical desecration that those two decisions erroneously took away. It only addresses the Court's misguided, recent flag jurisprudence. It does nothing else; it does not disturb any other theories the Court has used to construe the Constitution.

THE AMERICAN FLAG DESERVES LEGAL PROTECTION REGARDLESS OF THE NUMBER OF FLAG DESECRATIONS IN RECENT YEARS

The Clinton administration testified that, in light of what it refers to as "* * * only a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals." [Testimony of Mr. Dellinger, June 6, 1995 at p. 1] I find that comment simply wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces its symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag and the American flag and burn them both to dramatize a viewpoint. The law currently treats the two acts as the same. How one can say that this legal state of affairs does not devalue the flag is beyond me.

This concern is shared by others. Justice John Paul Stevens said in his Johnson dissent:

> . . . in my considered judgment, sanctioning the public desecration of the flag will tarnish its value. That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression—including uttering words critical of the flag—be employed. [491 U.S. at 437].

Prof. Richard Parker of Harvard Law School testified after Mr. Dellinger, and in my view, effectively rebutted his argument.

> If it is permissible not just to heap verbal contempt on the flag, but to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying our freedom. The flag we fly in response is no longer the same thing. We are told . . . that someone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost.

Second, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Third, whether the 45-plus flags whose publicly reported desecrations between 1990 and 1994 of which we are currently aware, and the ones which were desecrated so far this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens upon tens of millions of people, see or read or learn of them. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

Physical desecration of the American flag has occurred every year since the Johnson decision. I do not believe there is some threshold of flag desecrations during a specified time period necessary before triggering Congressional action. Certainly, critics of the amendment cite no such threshold. If it is right to empower the American people to protect the American flag, it is right regardless of the number of such desecrations in any 1 year. And no one can predict the number of such desecrations which may be attempted or performed in the future.

If murder rarely occurred, would there not be a need for statutes punishing it? Espionage prosecutions are not everyday occurrences. Treason prosecutions are even more infrequent, but treason is defined in the Constitution itself and no one suggests we repeal that provision or treason statutes.

Our distinguished colleague from Alabama, Senator HEFLIN, also responds to the criticism that there are too few flag desecrations to justify an amendment by noting: "in my judgment, this is the time, in a cool, deliberate, calm manner, and in an atmosphere that is not emotionally charged to evaluate values. I think that is something that makes it appropriate to do it now. I [believe] that there have to be in this Nation some things that are sacred." I think my friend from Alabama is absolutely right.

Mr. President, I believe our time is about all up, and I would be happy to yield it back unless somebody wants to speak.

The PRESIDING OFFICER. I might inform the Senator he has 2 minutes and 30 seconds remaining.

Mr. HATCH. I will be happy to yield it back. I understand the other side's time is consumed.

RECESS

The PRESIDING OFFICER. If there is no objection, the Senate will stand in recess until the hour of 2:15 this afternoon.

There being no objection, the Senate, at 10:37 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 3093

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 3093 offered by the Senator from Delaware. Under the previous order, there are 2 minutes of remaining debate time equally divided.

The Senator from Utah.

Mr. HATCH. Mr. President, I normally would want the distinguished Senator from Delaware to go first, but let me say this. This amendment is doubly flawed. First, it does not offer proper protection to the flag. A veteran writing the name of his or her unit on a flag is a criminal if we pass the statute authorized by this amendment.

Second, we have never in 206 years written a statute into the Constitution. This amendment is a textbook example of blurring the distinction between our fundamental charter, our Constitution, and a statutory code. We cannot do this to our Constitution.

The same amendment was rejected 93 to 7 in 1990. And it has not improved with age. There is a better way to protect the flag: vote down the Biden amendment, and then vote for the Hatch-Heflin-Feinstein amendment.

Mr. President, I suggest the absence of a quorum.

Mr. BIDEN. I ask that you withhold that request.

Mr. HATCH. I withhold.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I understand we have 1 minute.

Mr. President, I believe that the amendment of my friend from Utah is fatally flawed. For the first time ever, it puts the Federal Government in the position of the State governments of choosing what types of speech they think are appropriate. My amendment protects the flag, plain and simple. It is straightforward. It does not allow the Government to choose. It defines it. It says the flag cannot be burned, trampled upon. It is very specific.

I ask that my colleagues look at it closely and, hopefully, support it. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3093 offered by the Senator from Delaware. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mrs. HUTCHISON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 5, nays 93, as follows:

[Rollcall Vote No. 597 Leg.]

YEAS—5

Biden
Hollings
Levin
Nunn
Pell

NAYS—93

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Hutchison

So, the amendment (No. 3093) was rejected.

AMENDMENT NO. 3095

The PRESIDING OFFICER. The question is on amendment 3095, offered by the Senator from South Carolina.

Under the previous order, there will be 2 minutes of debate equally divided. The Senator from South Carolina is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. Mr. President, let me acknowledge a misunderstanding. When I was asked on Friday about the amendment, because I had been stalking my distinguished majority leader, waiting for him to put up a joint resolution all year long, I was asked about amendments, and I told him I had two. They said you would have to be able to debate them on Monday. I said fine. They said there will probably be a time limitation. I said fine.

In no wise was any inference or reference made to relevance. As a result, I understand the distinguished minority leader is going to ask that we vote it down because, when the two leaders, majority and minority, make an agreement, they have to hold fast to their agreements—except, of course, in this case. You cannot take the position of being none whatsoever, because it is not a mistrust of the minority leader. It has been a mistake.

Similarly, if it has been a mistake with this particular Senator, because if I had been asked if it had to be relevant, we would not have a unanimous-consent agreement and would not be voting on the flag.

So we are sort of, as they say in the law, in pari delicto. Point 1: It does not necessarily have to be relevant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DASCHLE. Mr. President, I yield from my leader time, a minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. FORD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. Those having conversations, please take them to the Cloakroom. Others, take your seat. Could I have order in the Senate, please? Will Senators please take their seats or take their conversations to the Cloakroom?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished leader and Members themselves.

Mr. President, I will save the Senate time by withdrawing the one on campaign finance. That is the best evidence that I had relative to the understanding or misunderstanding about relevance.

Point 1: The 10 amendments to the Constitution were originally submitted as 12 amendments, the 11th being the 27th amendment, not relevant, of course, voted on separately. And if a point of order is made, then of course the flag is not relevant to balancing the budget, or balancing the budget is not relevant to the flag. I understand that. But the technical point of constitutional amendments, this has been submitted as a separate article, and on merit I dispute and appeal the ruling of the Chair.

Otherwise, what we have is a glorious opportunity to get No. 1 in the contract performed. They have not been able to get term limitations or the matter of line-item veto or deregulation, and we can go down the list. But you can get, certainly, this No. 1 in the contract by voting today for a balanced budget amendment to the Constitution, word for word, the Dole amendment——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I ask unanimous consent just to get 2 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Word for word, the Dole amendment with the Nunn amendment to it with respect to the limitation on judicial power. Otherwise, the provision that the protection in section 13301 of the United States Code of laws is not repealed, that protection being for Social Security. Section 7 of the original Dole amendment repealed that section. We voted just 3 weeks ago, by 97 to 2, to instruct the conferees that they not use Social Security moneys. So it brings it crystal clear into view now and into a particular vote.

If you really want a balanced budget amendment to the Constitution, this is a wonderful opportunity, because we had five of us on this side of the aisle sign a letter to that effect.

I thank the Chair.

Mr. DASCHLE. Mr. President, I will just use a couple of minutes of my leader time to reiterate what the distinguished Senator from South Carolina has already informed our colleagues. There was a miscommunication last Friday, as the leader and I were negotiating the circumstances under which we would come to closure on the flag amendment. It was our hope we could avoid votes yesterday, stack votes today, but that was contingent on relevant amendments being offered, with some understanding as to how the time would be divided.

I entered into that agreement recognizing the need for relevancy. As a result, even though I support the amendment offered by the Senator from South Carolina, I will also support the point of order. It is not relevant to this amendment. In spite of its merit, it is not an amendment I can support under these circumstances and given the agreement.

So, therefore, I hope our colleagues could support the agreement and look for another day, when we can support as well the Hollings amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Is all time yielded back?

The PRESIDING OFFICER. All time is yielded back.

Mr. DOLE. Mr. President, I raise a point of order that the pending Hollings amendment dealing with a balanced budget amendment violates the consent agreement of December 8, which states that all amendments must be relevant to the subject matter of flag desecration.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HOLLINGS. I appeal, Mr. President. I appeal the ruling of the Chair. And, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 598 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—8

Baucus
Biden
Heflin
Hollings
Johnston
Leahy
Simon
Specter

So the ruling of the Chair was sustained as the judgment of the Senate.

AMENDMENT NO. 3096 WITHDRAWN

The PRESIDING OFFICER. The question is on agreeing to the Hollings amendment No. 3096.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3097

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, there is 1 minute to explain the amendment. Is that correct?

The PRESIDING OFFICER. That is correct. The Senate will suspend until there is order in the Chamber.

The Senator from Kentucky.

Mr. McCONNELL. I ask unanimous consent that Senator MIKULSKI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, my amendment will permit us to protect the flag and the Constitution. My amendment will make flag desecration illegal in three instances:

First, when an individual desecrates a flag with the intent to incite patriotic Americans to imminent violence;

Second, when someone steals a flag belonging to the U.S. Government and desecrates it; and

Third, when someone steals a flag displayed on Federal property and desecrates it.

This amendment differs significantly from previous statutes struck down by the Supreme Court and would be upheld by the Supreme Court, according to the CRS, and a number of other constitutional scholars.

I revere the flag like every Senator, for the history it represents and the values it symbolizes. But let us not constrict freedom in the name of protecting the flag. After all, freedom is the American way of life that the flag embodies. Let us not give flag-burners—the misfits who hate America and the freedom we cherish—more attention than they deserve. Do not let those who dishonor the flag cause us to tamper with the freedom that has made America the Nation we love and the envy of the world.

I urge a vote for my amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has a minute.

Mr. HATCH. Mr. President, the McConnell amendment would displace the flag amendment. It would kill the flag desecration constitutional amendment, the only real way the American people can protect their flag. The McConnell amendment offers a substitute statute. It offers virtually no protection for the flag. It is so narrowly drawn and related to flag desecration in such limited circumstances that it would not have changed the decision in the Johnson case. It does not protect the flag in cases that have not involved the breach of the peace or a flag stolen from the Government or a stolen flag desecrated on Federal property.

Finally, we have been down this dead end before. The Supreme Court will not buy any statute, and it will not buy this statute any more than it bought the 1989 Biden flag statute.

How can we look the American people in the eye if we adopt this ineffective substitute? So the Supreme Court will strike it down. How many times must we have the Supreme Court tell us that a statute will not work? So I hope everybody will vote "no" on the McConnell amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 28, nays 71, as follows:

[Rollcall Vote No. 599 Leg.]

YEAS—28

Akaka
Bennett
Bingaman
Boxer
Bradley
Bumpers
Chafee
Conrad
Daschle
Dodd
Dorgan
Harkin
Jeffords
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Murray
Nunn
Pell
Pryor
Sarbanes
Simon
Specter

NAYS—71

Abraham
Ashcroft
Baucus
Biden
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kyl
Lott
Lugar
Mack
McCain
Moseley-Braun
Moynihan
Murkowski
Nickles
Pressler
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

So the amendment (No. 3097) was rejected.

Mr. HATCH. Mr. President, the Senate must now decide: Is this picture of the flag being desecrated freedom or an abuse of freedom? The American people know the difference. They are counting on the Senate to understand it too.

Do not talk to me about flag bathing suits or T-shirts.

This is what we are talking about. This is the unique symbol of our country.

Only Congress will be able to protect the flag. If we do not trust ourselves to protect the American flag in a responsible way, why should the American people trust us to do anything?

The Supreme Court made a mistake. The Framers gave the people and this Senate the right to correct that mistake, through the justifiably difficult amendment process.

Let the American people have the right to enact one, uniform law which protects one symbol of this great country and one symbol only—Old Glory.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use a couple of minutes of my leader time. I know that people have schedules to keep, but I have not had the opportunity to talk on this amendment. I will attempt to be very brief.

I think everyone understands the repercussions and all the ramifications of the vote we are about to take. This is the first time in history that we would amend the Bill of Rights; the first time in 200 years that we would limit the freedom of speech. And the question really is, why? Last year, three people were arrested or called upon to explain themselves for destroying the flag. In 1993, not one incident of flag desecration occurred.

So, Mr. President, this debate is really about protecting principle versus protecting a symbol. Both are important. Both should be protected. But do we really hold the symbol more important than the principle it represents? Is the flag more important than the freedom it stands for? The flag is important, and should be honored. But our basic freedoms, in my view, Mr. President, are clearly more important. For example, if we hold symbols to be more important than the fundamental right of freedom of speech, what about protecting a cross? What about protecting the Star of David? What about protecting a copy of the U.S. Constitution?

The irony here is that we diminish the very freedom the flag represents by protecting its symbol. Shimon Peres, the acting Prime Minister, spoke of this this morning, and he reminded us of how critical it was that we understand what a model this U.S. Constitution is for the rest of the world. He said the reason it is such a model is because it represents tolerance. That was his word, "tolerance." And in a democracy, sometimes we must find the strength to tolerate actions we abhor.

As I was growing up, whether it was with a teacher, a Cub Scout leader, or my family, we all recognized that perhaps the biggest difference between this country and so many others is that here we teach, elsewhere they compel. It is important that, as we vote on this amendment, we understand the difference between teaching and compelling. Let us leave here with every bit as much resolve to go out and teach the young and teach all in this country the importance of protecting and respecting our flag, but let us not, for the first time in 200 years, undermine the Constitution, the Bill of Rights, and the freedom of speech by compelling people today and abrogating their freedom in the future.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, during the past several days, we have heard a number of important legal arguments, but there has been very little talk about the history of the flag itself.

On June 14, 1777, the Revolutionary Continental Congress decided to create an official and distinctively American flag, passing a resolution declaring that, "The flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars, white in the blue field representing a new constellation."

The colors of the flag were carefully chosen: The red for the sacrifices in blood made for the cause of national independence. The white for the purity of this cause. And the blue for vigilance, perseverance, and justice.

Our Nation was barely 30 years old when it went to war a second time against the British Empire in the war of 1812. As the British fleet attacked Fort McHenry in Baltimore Harbor, the flag waved undaunted throughout the night until the dawn's early light, inspiring Washington lawyer Francis Scott Key to write the words of the our national anthem.

The most tragic chapter in our Nation's history began when the American flag was lowered at Fort Sumter, after a 33-hour bombardment. The Civil War that ensued gave us Barbara Frietchie, whom the poet John Greenleaf Whittier tells us stood face-to-face, eyeball-to-eyeball, with Stonewall Jackson: "Shoot if you must, this old gray head, but spare your country's flag, she said."

Eighty years ago, in 1915, as Europe stood ravaged by World War I, President Woodrow Wilson established June 14 as National Flag Day. The purpose of Flag Day, President Wilson wrote, was to help us "direct our minds with a special desire of renewal to the ideals and principles of which we have sought to make our great Government the embodiment."

One of our most enduring national images comes from the Second World War—the famous picture of six American brave soldiers raising Old Glory at the top of Iwo Jima's Mount Suribachi. Nearly 6,000 Americans gave their lives during their deadly ascent up that hill.

And just 25 years after Iwo Jima, the flag made history again, as it was planted on the Moon by America's astronauts, some 239,000 miles away.

So, the flag itself has a unique and rich history, a history of great sacrifice and great triumph, and one that is the birthright of every American.

Mr. President, there is another point I want to emphasize today: Contrary to what some of my colleagues have said, this debate is not about amending the bill of rights or carving out an exception to the first amendment. It is about correcting a misguided Supreme Court decision that itself amended the bill of rights by overturning 48 State statutes and a Federal law banning the act of flag desecration. Many of these statutes had been on the books for decades, without in any way diminishing our precious first amendment freedoms.

And if we learned anything in 1989, when we first began this debate, it is that we cannot overrule a Supreme Court decision on a constitutional matter simply by passing a statute. Fixing the Supreme Court's red-white-and-blue blunder requires a constitutional amendment. This is the only serious and honest way to correct the Texas versus Johnson decision.

I respect the efforts of my distinguished colleague from Kentucky, Senator MCCONNELL, who has proposed a flag-desecration statute. But as I said back in 1989, the statutory quick-fix just will not work. It failed in 1989, and it will fail again today.

Of course, amending the Constitution should not be taken lightly. This is serious business. That is why the framers intentionally made the amendment process a difficult one, requiring the assent of two-thirds of Congress and three-fourths of the State legislatures. But once these legislative hurdles have been cleared, the American people have spoken. In fact, amending the Constitution is as American as the Constitution itself.

Mr. President, I will conclude today by telling the story of a man named Stephan Ross, who testified earlier this year before the Senate Judiciary Committee.

In 1940, at the age of nine, the Nazis seized Ross from his home in Krasnik, Poland. For the next 5 years, he was held in 10 different Nazi death camps and barely survived.

The U.S. Army eventually liberated Ross from Dachau. As Ross traveled to Munich for medical care, an American tank commander jumped off his vehicle to lend his help to Ross and to the other victims of Nazi brutality. As Ross recounts: "He gave me his own food. He touched my withered body with is hands and heart. His love instilled in me a will to live, and I fell to his feet and shed my first tears in 5 years."

The American soldier then gave Ross what he thought was a handkerchief, but he soon realized it was a small American flag, the first I had ever seen.

Stephan Ross still keeps that same cherished flag at his home in Boston, where he works as a psychologist. Ross says:

> It became my flag of redemption and freedom. . . . It represents the hope, freedom, and life that the American soldiers returned to me when they found me, nursed me to health, and restored my faith in mankind. . . . Even now, 50 years later, I am overcome with tears and gratitude whenever I see our glorious American Flag, because I know what it represents not only to me, but to millions around the world. . . . Protest if you wish. Speak loudly, even curse our country and our flag, but please, in the name of all those who died for our freedoms, don't physically harm what is so sacred to me and to countless others.

And, I might add, to those who are now heading for Bosnia.

Stephan Ross is right: We must protect that which is sacred to us as citizens of this great country. Our flag is sacred because it stands alone as the unique symbol of the principles and ideals that President Woodrow Wilson knew bound us together as one nation, one people.

Throughout our country's history, thousands of brave Americans have followed the flag into battle to defend these principles and ideals. Twenty thousand Americans will serve under our flag in Bosnia. As a testament to the great sacrifices made by our fighting men and women, the flag—America's national symbol—should receive the constitutional protection it so richly deserves.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Rollcall Vote No. 600 Leg.]

YEAS—63

Abraham
Ashcroft
Baucus
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Nunn
Pressler
Reid
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—36

Akaka
Bennett
Biden
Bingaman
Boxer
Bradley
Bumpers
Chafee
Conrad
Daschle
Dodd
Dorgan
Feingold
Glenn
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Robb
Sarbanes
Simon
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 36. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator will wait until we get order.

UNANIMOUS-CONSENT REQUEST

Mr. MCCAIN. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged of further consideration of H.R. 2606 with reference to the use of funds for troops in Bosnia and the Senate then turn to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, I would like to make known the wishes of the majority leader.

Mr. NUNN. Reserving the right to object.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, while they are resolving this difficulty, let me say a few words about the flag amendment. I ask unanimous consent I be given a few minutes to say a few words about the flag amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend until we get the attention of the Senate. I ask that conversations be removed to the Cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I am, of course, disappointed by the outcome. But I predicted at the beginning unless we got three more Democrats, we were not going to be able to prevail, and we could not do that.

I respect the decision of the Senate. I congratulate those on the other side of the issue.

In particular, I congratulate the most important leader of the opposition. Of course, that is President Clinton. President Clinton won this battle. The American people, in my opinion, lost. The President's strong, uncompromising opposition to any amendment protecting the flag whatsoever, expressed on June 6, in testimony before the Constitutional Subcommittee, was too much for the Citizens Flag Alliance and those of us here to overcome.

Had the President supported this amendment, I have no doubt, we would have prevailed. I do not think there is any question about it. So I congratulate the President on this victory.

I assure my colleagues, this amendment is not going to go away. It is a simple amendment. It is a constitutional amendment. It is written in good constitutional form. Frankly, it is not going to go away. The American people are not going to allow it. We will debate it in the next Congress. I hope we have some changes that will enable us to pass it at that time.

I want to particularly thank Senator HEFLIN and Senator FEINSTEIN for their efforts.

I also thank chief counsel Winston Lett, counsel Jim Whiddon, and a former Heflin staffer who worked very hard on this, Gregg Butrus, now at the Notre Dame Law School. I also want to express appreciation to Senator FEINSTEIN and her counsel, Jamie Grodsky.

On my staff, I want to thank John Yoo, Steven Schlesinger, Jasen Adams, and Mark Disler. These people worked long and hard, very sincerely, on this amendment.

This has been not only an important debate but an interesting debate. I think both sides have had a full and fair opportunity to explain their side. I am sorry we lost. On the other hand, we have done the best we can under the circumstances.

Unless there is a change in the U.S. Senate, I do not believe we are going to be able to pass this amendment with the current Senate, so we are hoping in the next Congress we will have enough votes to pass it. Be that as it may, it is going to come up again, whether we do or do not, and we are going to keep bringing it up until we pass it and protect the Nation's national symbol.

I have to say, anybody who really argues this is a denigration of the first amendment just plain does not understand constitutional law, does not understand the more than 21 cases where we have limited the first amendment, and does not understand that this is, full and simple and very plain, to prevent conduct that is offensive to the flag, offensive to the country, and offensive to almost every citizen, and, frankly, the way they have spoken, to every Senator in the U.S. Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take occasion to pay tribute to my senior colleague, Senator HATCH, for his leadership on this debate on the flag amendment. My one regret in this whole debate has been that some people in the State of Utah have characterized this as an issue that has divided Senator HATCH and me and tried to force us into picking sides.

I did, indeed, vote against the amendment. It was a close vote. These votes are always close matters. My reasoning is that the Constitution of the United States is our basic law and, as such, should be held inviolate from legislative activities.

I realize this was enabling legislation, but I have the fear that, if we start the precedent of amending the Constitution every time there is a Supreme Court decision with which we disagree, we run the risk of seeing the Constitution turned into something other than basic law.

Coming out of a political science background and a lifetime of studying the Constitution, that is where I came down on this particular issue. But I want to make it very clear that I am not backing down from my admiration for and respect for my senior colleague and his scholarship and his leadership.

I hope the people of Utah will understand that this has been an intellectual disagreement between us, and not an emotional disagreement between us. We spent many hours with each other—each trying to understand the other's point of view. I am sure Senator HATCH understands and respects my point of view, as I certainly understand and respect his.

So I hope the people of Utah will understand that this is not something that has driven a wedge between their two Senators.

While I am on the floor, I would like to read into the RECORD just one letter that I have received that I think is illustrative of the way this debate has gone in the State of Utah. The proponents of the amendment have been mounting an advertising campaign in Utah putting up television ads urging the people of our State to contact, write, fax, or phone Senator BENNETT and urge that he vote in favor of this amendment. That, of course, is their appropriate constitutional right. I received this letter in response to that campaign. I would like to read it into the RECORD. It is addressed to the Office of Senator BENNETT regarding the flag burning amendment.

> DEAR SENATOR BENNETT: I read the article in this morning's Salt Lake Tribune indicating that your position on the flag burning amendment differs from that of Senator HATCH. I also saw the commercial obviously put on by supporters of the amendment urging that I write you about this issue. I commend you for your independent and thoughtful position as indicated in the Tribune article.
>
> I am a West Point graduate and served with the 3rd Armored Division in Germany and the 5th Special Forces group in Vietnam. I am not in favor of flag burning. But I really don't think we need a constitutional amendment about flag burning. I am strongly convinced that the constitutional provisions should be reserved for only the most important governmental issues, and flag burning just is not such an issue.
>
> I was offended to realize that the television commercial I saw this morning flashed the scene of book burning and a scene of flag burning as if they were the same thing. By my sense of history they are opposite. Book burning denotes the suppression of ideas by government. Flag burning involves the offensive and distasteful expression of protest against government. Nigeria does not tolerate that. But I hope America always will.
>
> I commend you for your courage in taking the position which I suppose is probably contrary to what the opinion polls would tell you to do. Sounds like political courage to me. Wish there were more of us in Washington.
>
> Very truly yours.

It is signed by Chris Wangsgard. I did not know Mr. Wangsgard before he responded to the commercial by sending me this letter.

I can report that a majority of the calls that I have received in response to the commercial have been in support of the position that I have taken. I am grateful to Mr. Wangsgard and those who have so responded.

But I conclude, again as I began, Mr. President, with a sincere statement of respect and admiration for my senior colleague and an assurance to everyone in the State of Utah that, whereas we differ intellectually on this issue, I do not know of two Senators who have worked together better to represent their home State than Senator HATCH and I. I know no senior colleague who has been more supportive or more helpful to his newcomer in the Senate than Senator HATCH has been.

I want, now that the issue is over and settled, to take the opportunity to make sure the people of Utah understand the high regard that I hold for Senator HATCH and the highest esteem that I hold for his scholarship and his leadership.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few moments.

I want to thank my colleague for his wonderful remarks. They mean a lot to me, and I have an equally strong feeling toward him and realize that he did this as a matter of principle and conscience. And I could never find fault with people who do that. I naturally differ with him on this particular issue, and I am sure we will have some differences in the future. But by and large we support each other, support our State together in a very, very good way, and I am very proud to serve with him. And I appreciate his service here. He is one of the more articulate, intelligent and hard-working people in this body. I personally feel honored to have him as a partner as we work together in the best interest of Utah and this Nation.

So I want to thank him for his kind remarks here today.

A VOTE CAST TO PROTECT OUR FLAG

Mr. DORGAN. Mr. President, earlier today, I voted to protect the American flag from desecration. In doing so, I chose a statute rather than a constitutional amendment to achieve this important objective.

For me and for most Americans, our Nation's flag is a symbol of the principles and values which hold this country together. We are appalled and deeply offended when someone burns or in some way destroys this national emblem of freedom and justice.

Brave men and women have given their lives to protect the flag, to preserve as well the freedom and democracy for which it stands. We owe it to those soldiers to keep our flag from desecration. And we owe them our solemn pledge to protect the Bill of Rights given to us by history's greatest guardian of American liberty: Thomas Jefferson.

But in defending our flag, we should not alter the Bill of Rights, and we should not tinker with language of our Constitution, if a simple, direct law can get the job done.

I cosponsored and cast my vote for just such a law. It protects our flag by punishing those who damage or destroy it. Flag desecration, like shouting fire in a crowded theater, would not be protected by the first amendment. This law passes every constitutional test, according to scholars at the Congressional Research Service.

Protecting America's cherished Constitution and Bill of Rights is every bit as important as protecting our beloved flag. We must do both, and take care not to jeopardize one while seeking to protect the other.

It is a delicate balance, and I believe the bill for which I voted, achieves that important and critical balance.

NATIONAL DRUG POLICY

Mr. HATCH. Mr. President, I would like to announce that the Office of National Drug Control Policy has just confirmed that Director Brown will make an announcement at 4:15 today regarding his future career plans. It has been widely reported that he will take a sociology professorship at Rice University in Houston. I wish him well. He is a very fine man.

He was a good selection for this position. I believe he has given his heart and soul to it to the extent that he could. He has done a credible job. But I have to say the administration has barely paid any attention to him and his efforts on this issue.

Unfortunately, under this administration drug control policy is in utter disarray. The number of 12- to 17-year-olds using marijuana has increased from 1.6 million in 1992 to 2.2 million in 1994. The category of "recent marijuana use" increased a staggering 200 percent among 14- and 15-year-olds over the same period. One in three high school seniors now smokes marijuana.

I have to say the President has stood up and condemned smoking cigarettes but has not condemned smoking marijuana.

One in three high school students now smoke marijuana. There has been a 53-percent drop in our ability to interdict and push back drug shipments in the transit zone between 1993 and 1995. Drug purity is way up, street prices are down, and the number of drug-related emergency room admissions is at record levels.

Federal law enforcement is under a very severe strain, and at the very time that the technical sophistication of the Cali Mafia is reaching new heights. Frankly, of those one in three high school students that are using marijuana, 30 percent of those who do it will try cocaine in the future of their lives. That is just a matter of fact. It is a statistic we know. And this has gone up so dramatically fast that I am really concerned about it.

The Gallup Poll as released today showed that 94 percent of Americans view illegal drug use as either a crisis or a very serious problem. These people are right. We simply need to do better.

As a start, I urge President Clinton to appoint a replacement director at the earliest possible date. It is vital to our Nation's effectiveness against drugs that we have a coordinated strategy against drug abuse in our executive branch of Government. Almost 3 years into the administration no nominee has been forwarded to the Senate for the purpose of ONDCP Deputy Director for Supply Reduction—in 3 years. This position should be filled immediately as well.

I believe that whoever is appointed ought to use that bully pulpit to let the American people know that we have had it up to here with drug abuse in our country, with this cancer that has been eating away at our children, and which, naturally because of the permissiveness of our society, is resulting in more and more drug use. We have to do something about it.

I wish Director Brown, Lee Brown, well. I like him personally. I know how frustrating it must have been. The first thing they did when he took over the Office of National Drug Control Policy was to cut his staff almost completely. Frankly, it is hard to do this job without the backing of the President of the United States. I really do not believe this administration has backed him in the way that they should have backed him. Despite that, he has done the best he could.

I personally want to acknowledge that on the floor. I want to pay my respects to him. I have admiration for him. I think his heart was always in the right place, and I think he did the best he could under the circumstances.

I just hope in these next few years—especially this next year—we do something about this, that we replace him and get a deputy for the next Director as soon as we can, and that we start fighting this issue with everything we have.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

THE BOSNIA ISSUE

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be general debate on the Bosnia issue between now and the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, it is the intention of the majority leader at 6 p.m. pending agreement by the other side to turn to H.R. 2606, which concerns the use of funds for troops in Bosnia.

Mr. President, it is also the intention of the majority leader to have the vote fairly early tomorrow, sometime around noon.

So I urge my colleagues to come to the floor at this time—between now and any time this evening—to debate and discuss this issue. There will be limited time tomorrow. The majority leader asked me to announce that. So I hope that we can get to the bulk of the debate on this issue.

Mr. INHOFE. Will the Senator yield?

Mr. MCCAIN. Let me just finish if I could, and I will be glad to yield to the Senator from Oklahoma.

Right now, the tentative plans are to vote on H.R. 2606, which is the use of funds for troops in Bosnia. Following that, a vote on an amendment by, I believe, Senator HUTCHISON and Senator NICKLES, and many others—Senator INHOFE, Senator KYL—on the issue of a resolution concerning Bosnia, and that would be followed, is tentatively scheduled to be followed by a vote on the Dole amendment, the language of which has not been completely worked out.

That is subject to change. There may be amendments, additional amendments from the other side of the aisle on this issue. The Democrat side has reserved the right to propose additional amendments on that side.

I will be glad to yield to the Senator from Oklahoma.

Mr. INHOFE. The question I had was, is it my understanding there will not be debate time tomorrow before the vote will be taken?

Mr. MCCAIN. I believe there will be debate time, but it will be extremely limited. We would like to have the debate and discussion between now and the hour later this evening Members wish to stay in to debate the issue.

Mr. President, it is my understanding that the intention is to have general debate on Bosnia until 6, but then from then on, if we take up 2606, continue debate on Bosnia as well as that bill. So I am not sure we need to restrain Members as far as time of speaking is concerned.

I wish to emphasize that tomorrow morning there will not be sufficient time for every Member to speak on this issue, so again I strongly urge as much as possible to have those statements made this afternoon or this evening.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arizona.

Mr. KYL. Mr. President, I would like to begin this debate. I spoke on this floor, I think I was the first Member to speak after the President spoke to the Nation justifying his decision to commit 20,000 ground troops in Bosnia. I indicated my opposition at that time. I wish to reiterate that opposition now and very briefly indicate the reasons why and why I would support at least one and possibly two of the resolutions that will be before us tomorrow.

I was privileged to serve in the House of Representatives during the time that we debated the issue of whether or not to commence the Desert Storm operation. I cannot think of a more serious debate that I participated in while a Member of the House of Representatives. It was an elevated debate in terms of the arguments that were raised on both sides, and I think that everyone felt at the end of that discussion the issue had been thoroughly debated, the good arguments presented on both sides, and I think the right result came from that vote.

This is a similar issue, Mr. President. This is undoubtedly the most serious issue which we have had to debate in this year of the 104th Congress. In the long-term survivability of our country, I suppose one could talk about the balanced budget and those economic issues, but when one considers the possibility of sending young men and women in the Armed Forces into harm's way, all of us I think become very serious about the subject.

On this particular subject, there is no right or wrong in the sense that reasonable people can have differing views. I would like to focus first on what we have agreed on, and I would like to say I know that although my colleague from Arizona, Senator MCCAIN, and I may have some disagreement about the ultimate resolution that should be passed in this body, we agree on what we are for, and I think I would also say that in response to Senator BENNETT, who said that no senior Senator had offered more assistance to a junior Senator than Senator HATCH had to him, I would suggest that Senator MCCAIN has provided that same kind of assistance to me, and I would wish to commend him for all of his efforts in trying to come to grips with what these resolutions should be all about and how we influence the administration in conducting a sound policy with respect to Bosnia.

All of us, undoubtedly I could say all of us, are for peace in Bosnia, for an end to the slaughter. Many of us believe we have made a commitment to that with the American ships that are steaming in the Adriatic, the planes that are flying under the banner of NATO, the other kind of assistance which we have provided in terms of transport, intelligence, humanitarian assistance, and the monetary assistance that we will be asked to supply in the future.

Second, we are all for the support of our troops. There is no one here who would want to pull the rug out from under our troops once they have been deployed somewhere. Of course, many of us believe the way to support our troops is not to send them in harm's way in the first instance. But once they are there, none of us, obviously, will want to jerk the rug out from under them.

Having said what we are for, peace in Bosnia and support for our troops, I think it is also important for us to say what we oppose. And there are many of us here who oppose what I would characterize as the unreflective and offhanded and premature commitment of troops by the President. Our view is that the President should not have made this commitment, and that is why support for the Hutchison resolution is so important—to express our opposition to that decision.

I would like to discuss why I think this issue arises today. If this were a vital national security interest of the United States, we would not be debating this question. The Senate would have supported it long ago and the American people would be in support of it. But there is no vital national security interest. There is no national security interest of the United States involved. And when there is no national security interest, I think there is a higher threshold that must be met for the commitment of troops into combat situations. Here there is at best what could be characterized as a national interest. Any time there is a moral imperative to stop slaughter, to stop genocide, I think one could say that there is a national interest in seeing that that is stopped.

That does not mean in every case that the United States would send ground troops or we would have ground troops in possibly 20 or 30 or 40 places on the globe today. We do not. There are many situations that cry out for help but we cannot literally be the sheriff of the world. So the mere fact there is a moral imperative in some sense to stop the slaughter, to stop the genocide in different parts of the world, does not automatically mean the United States sends ground troops. We often do other things. There was a moral imperative to send humanitarian assistance to Somalia, and we did that. And there are moral imperatives in other places around the Earth where we have taken action.

This is a moral imperative, but we should not be confused and call it a national security imperative because there is no national security interest of the United States involved here. And because it is only a moral imperative, it seems to me there should have been more debate by the Congress and with the American people about whether or not this is one of those occasions in which we send our people into harm's way. That debate could not occur before the commitment was made because the President made it, as I said, in an offhanded and premature way. Once he made the commitment, it is very difficult for us to argue about it because of the contention that we therefore are embarrassing the President; that we no longer have a foreign policy behind which we stand united in the world and therefore once the commitment was made it is no longer possible for us to debate it.

That kind of catch-22 could occur in the future. There are other situations in the world where there is a possibility of commitment of U.S. troops. I have heard, for example, that if Israel and Syria should make peace, United States troops might be sent to the Golan Heights. I do not know whether that is a good idea or not, Mr. President, but I do believe that before a commitment is made we ought to debate that and come to a resolution of that question and the administration act with the advice and consent of the Senate in that matter. I suggest that probably the same thing will happen there that happened here. A commitment will be made in private. We will be told about it later. And because it was already made, we will be told that we cannot really argue about it because it would undercut American foreign policy. That is not sound decisionmaking and that is really what I object to and why I think it is important for us to have a resolution in opposition to the decision the President made.

There are three basic responses that have been made. One is the so-called Hefley amendment. This is the amendment that passed the House of Representatives overwhelmingly. And it is embodied in a sense-of-the-Senate that was incorporated into the Defense appropriations bill as well, but that was a sense-of-the-Senate rather than actual legislation.

This basically says that there should not be a commitment of funds until the Congress has acted affirmatively on the matter, and I think that is wise policy. That is the way it should have been done here. That is, in effect, the way President Bush did it when he sought Congress' approval to conduct the Desert Storm operation.

The second response to what the President did is the so-called Hutchison amendment. This is an amendment which I have cosponsored which says that we oppose what the

President did. It also says we support the troops. But I think we have to express that opposition.

The third resolution is the one that Senator McCAIN referred to, the Dole resolution, which apparently has not been written yet and therefore obviously I cannot comment on that.

But the point is, Mr. President, in all likelihood none of these three responses will become law. So we will have to do what is necessary to support the troops. And we will do that.

What we are relegated to doing tomorrow when we have our vote is to send a message, and I think the message we send is very important.

First of all, it ought to be a message of unity and support of our troops. Second, it ought to be a message of unity in support of the peace process through a variety of mechanisms that the United States has already been participating in and will in the future be participating in. Third, it ought to be a message that we oppose this particular commitment of troops both in terms of the lack of clarity of mission and exit strategy and of the premise for the mission in the first place; and that is that it is essential for U.S. ground troops to be a part of the so-called peacekeeping effort or else it will fail.

As I said before, Mr. President, if this agreement is so fragile that the sine qua non—that without which—for its success is a commitment of 20,000 American ground troops, then it is probably a peace too fragile to be sustained in any event, and those are the messages I think we should send in the resolutions that we adopt tomorrow.

I think that the bottom-line message should be that the President should not get us into these situations in the future, and it is not fair to those who we ask to do the fighting for the United States of America.

And so, Mr. President, we commend those who have negotiated the peace. We pray for those who will be doing the fighting. We pray for the recovery of the area in which so much turmoil and difficulty has occurred over the last several years. And we certainly hope that while this mission begins in much controversy, that it can end successfully and without loss of life or casualty to our United States troops.

Mr. President, I thank you, and I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wholeheartedly agree with all the comments made by the Senator from Arizona [Mr. KYL]. He and I have talked about this long and hard, and for many, many hours here on the floor of this body, and it is something that has concerned us.

We expressed the concern in the past when we both served in the other body and served at that time on the House Armed Services Committee about the problem that we have and are confronted with when the Commander in Chief, the President of the United States, is able to send troops into areas with a total disregard of Congress, of either House of Congress. It is as if we are totally irrelevant.

We are the expression of the American people. We are the ones who are expressing the sentiments, I think, very clearly that shows up certainly in Oklahoma, and I suspect all over the country. The problem that we have is very simple, that the President sends the troops over on these humanitarian missions that do not relate to our Nation's security, and then he comes back to us and says he wants an emergency supplemental appropriation to pay for it when in fact we would not have incurred that cost if we could have been consulted or been made a part of the decision.

I do not mean this to sound at all partisan because when the decision was made to go to Somalia, it was made in December 1992, which was right after President Bush—he was still in office, but he had been defeated. It was supposed to be for 45 days. In other words, in December, the troops are going to go over and in January they are going to come back. It was to open a roadway for the delivery of humanitarian goods to the people of Somalia who did not want us over there to begin with. I disagreed with President Bush, who was a Republican, like I am, at that time.

Then, of course, right after that, in January, we reminded President Clinton that in fact we should bring our troops home because the intent originally was to send them over for 45 days. And so, each month thereafter, approximately each month, we sent resolutions to President Clinton saying, bring our troops home from Somalia. And he did not do it and did not do it, and months went by, until finally there was the brutal murder of 18 of our Rangers and their mutilated bodies, corpses were dragged through the streets of Mogadishu. Of course, then it was too late and then the American people rose up, and this was enough pressure that we indeed brought our troops back from Somalia.

We sent troops down to Haiti. We were not part of that decision. Haiti was supposed to be considered as the crown jewel of President Clinton's foreign policy. He said he was going to send the troops down there for 12 months. Then we sent them down in September, and 12 months later—this was this past September—they are still not back. Now 3 more months have gone by and things are getting worse down there, not better.

We realize we made a mistake in Haiti. That was not anything that related to our Nation's security. Indeed, it was to go down there—at least it was reported by the President that we were going to go down and get someone who was duly elected back in office. We have been watching in recent weeks, in recent days of the turmoil that exists there, and we still to this day have troops in Haiti.

Just a few weeks ago, we were asked to vote for an emergency supplemental to pay for Somalia and Haiti and some of these humanitarian gestures. I guess Rwanda was in there, too. It was a $1.4 billion appropriation.

So this procedure the Senator from Arizona, Senator KYL, was talking about is what is really wrong because we do not have any voice in it, and yet we have to turn around and vote for a supplemental appropriations to appropriate money that has already been spent on a mission that we did not agree with.

What happens if we do not make that appropriation? The President merely then just goes to the military budget and pulls it out of the operating budget which is already cut down to the bone, down to a level that we cannot defend our Nation on two regional fronts, as it is today. And then we are deleting those very scarce resources and assets, military assets, by these humanitarian gestures.

So I am rising today during this time really to speak on two of the three votes that will be before us tomorrow. The first one, as I understand the order, from the leader is going to be H.R. 2606. Congressman JOEL HEFLEY from Colorado, who incidentally spent the last weekend with me in the State of Oklahoma going around and explaining to the people and participating on nationwide radio talk shows to let people know just what is happening, that the President made a commitment more than 2 years ago to send 25,000 troops in on the ground in Bosnia, and we are now almost out of time. I am not sure there is anything we can do now to stop the President from doing this. But just on the possibility, remote possibility, as it is, that the President may, since he made that statement, have realized what he is doing in sending our troops over there into that incredibly hostile area, that maybe we can give him an out. So we have two efforts to do that.

The first effort is H.R. 2606, as was passed by Congressman HEFLEY in the House of Representatives. I will read just the preamble to this.

> To prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

It is a very simple and straightforward two-page bill. That is all it says. It just says we in Congress are relevant. We in Congress should be heard. After all, we are the ones that appropriate money for our military operations. We are the ones who make the fiscal decisions in this country. The President submits his budget, but we are the ones who get down to the detail of passing budgets that are consistent with the desires of the American people.

And so I strongly support H.R. 2606. I do not think it is going to pass. But I am going the tell you, it is a defining vote. Come the elections in the future, there are going to be people looking back and saying, we had an opportunity, not just intent of Congress. We already passed one of those. Senator GREGG put that on as an amendment. It was voice voted. And, of course, Senator HUTCHISON and myself and some others have a resolution of disapproval that we are going to be trying to pass tomorrow. That is important, too.

But this particular bill has the meaning of law, has the force of law. It says that we are not going to appropriate the funds that are necessary for the mass deployment of troops into Bosnia unless it comes to Congress or Congress approves it.

Now, this does not take away any of the powers of the President. It merely says that the President should not do it unless he has the Congress and the American people behind him. I can tell you right now, Mr. President, he does not have the support of Congress behind him, and he does not have the support of the American people behind him. He does not have the support of the vast majority of the people in this country; I think they are offended—unless Oklahoma is a lot different than any of the other States.

I was all over Oklahoma this past weekend, and I can share the frustration that people all the way from Lawton, to Anadarko, to Tulsa, that they are offended that this has been railroaded through and that we have not had a chance to have the American people be heard.

You might ask, is it really that hostile of an area there? The Senator from Arizona talked about such things as mission creep. You know, we have already had mission creep in this case. This was going to be peacekeeping. Now it is going to be peace implementation. There is a big difference between peacekeeping and peace implementation, because peacekeeping assumes that there is peace today, when there is not peace today. Peace implementation means we must implement peace. There is a big difference. That has seemingly gone unnoticed. This thing about mission creep is that it starts out simple and sounds good to the American people, just like, I suppose, Somalia sounded back in December 1992. It sounded like it was very reasonable. Yet, who could argue at that time against opening up a road in order to send humanitarian goods up to the people who were having all kinds of social problems? So we did it. But that kept creeping and creeping until we lost many American lives.

There are quite a few people in Congress who have been to Sarajevo. Sarajevo is the area people talk about and think about when they think about Bosnia. But that is not the area where our troops are going to be. Our troops are going to be, according to the map that has been drawn out, to the north of that, from the north of Sarajevo, all the way up, almost to Hungary. That is where we are going to have our troops. That is the hostile area.

I had occasion to prevail upon a British general, Rupert SMITH, who was kind enough to take me up, since none of the Americans had been up there. I found out later that even the two fine generals that were training the 1st Armored Division in Germany to go up, General Yates and General Nash, had not personally been in that area at that time, and they are training our troops to go into that area. Then I found out subsequently, the other day—last week, or a week ago today—when we had a Senate Armed Services Committee hearing, that neither General Shalikashvili or Secretary of Defense Perry had been in that area. I know the President has not been in that area. So I have to come to the conclusion that those individuals have not been there to see how hostile it was.

Let me just tell you why, how they happened to discover this. Secretary Perry was talking about how peaceful it is up in the Tuzla area. I said, "Mr. Secretary, I was up in the Tuzla area. There was firepower going around up there, and it has not ceased since the cease-fire took place. When was the last time you were?" He said he had never been there.

General Shalikashvili said, "We are training them in an area and an environment that very nearly represents the environment up in Tuzla."

I said, "I have been to Tuzla and to the training area in Germany, and it is not really analogous to the training area. When was the last time you were there?" He had not been there.

So here we have a hostile area, and we are guessing that there are more than 6 million mines in that area. This is not like it was in the Persian Gulf where you could go in and deactivate mines, because it is not a desert. This is ground that is frozen, and the only way to find out is if you drive an M–1 or an armored vehicle on it and activate it. This is the type of hostility that is there.

We hear a lot about the peace talks that took place in Dayton, OH. I say that maybe the wrong people were there. Sure, Milosevic was there, but it was my experience in the time I spent in Bosnia that he is not the one calling the shots. It is Karadzic occasionally and, of course, many factions have broken away from him. We are dealing with three major factions there—the Croats, the Serbs, and the Bosnian Serbs, and we have the Moslems. In addition to that, you have the Arkan Tigers, a throwoff of the Serbs; the Black Swans, which is related and was at one time a group of Moslems; the mujaheddin is still active; the Iranians are there. We have identified nine subfactions, or rogue elements, that are up in that area where we are talking about having our troops walking around. These elements have been known to fire upon their own troops, murder their own flesh and blood, just to blame it on one of the other elements.

I suggest, Mr. President, if you are dealing with that kind of mentality, what would preclude them from firing on our troops to blame somebody else? The administration says, no, we have a couple of ways we can get out of Bosnia. One is at the end of 12 months. It was interesting that the President started out presenting this program and saying, "We are going to send troops into Bosnia for 12 months."

Well, on October 17, during the Senate Armed Services Committee hearing, I said to General Shalikashvili, the Chairman of the Joint Chiefs of Staff, "I do not understand how you can have an exit strategy that is tied to time." I asked him, "How do you know what is going to happen 12 months from today? Exit strategies are tied to events and our success in the various efforts there, and whatever we are enduring."

He said, "No, it is going to go 12 months. On the 365th day they are coming back."

That did not sound realistic, and I think a lot of people further down in the bureaucracy were trying to withdraw from that 12-month commitment, until a week ago today when they reaffirmed their commitment. General Shalikashvili said, "It is inconceivable that we will be there after 12 months."

Well, then the President, over the weekend, reaffirmed that. They are talking about an exit strategy of 12 months. What if we go over there and we have something—which I do not think we have—but something that relates to our Nation's security interests, or our vital interests, so we engage in combat. We go over there to do whatever we are supposed to be doing there, to contain the civil war, to protect the integrity of NATO, or whatever they say is worth the cost of hundreds of American lives, at the end of the 12th month, they are saying, no matter what, we come home anyway. What if we are almost there? No, we are going to come home.

I had occasion to talk to people who are very familiar with the Bosnians, the former Yugoslavia, the various cults and ethnic groups and the rogue elements that are up there, and they said one thing people do not understand in the United States is that those people do not think like we do. Their conception of time is not what ours is. General Hoagland, who was the general from Norway, up in the Tuzla area where we are talking about sending our troops—and we are as we speak—he said 12 months is absurd; it is like putting your hand in water and leaving it there for 12 months, and when you pull it out, nothing has changed, it is just like it was. And then when I commented to some of the soldiers up there who are familiar with that area, I said, "What about the 12 months and being out in that time?" They said, "Are you sure you are not talking about 12 years?"

So these are the unknowns that we are dealing with. These are the rogue elements. This is the hostility, and these are the chances we are willing to take. If you do not believe what I am saying, Mr. President, I suggest that you go back to that meeting of October 17, when we had Secretary Christopher, Secretary Perry both there at the meeting. That was shortly after Gen. Michael Rose from Great Britain, who was the commanding general in charge of United States forces in Bosnia, certainly there was no greater authority at that time on the conditions in Bosnia than Gen. Michael Rose. He said, if Americans go into Bosnia, they will sustain more loss of lives than they did in the Persian Gulf war. Well, that was 390.

I specifically asked the question, I said, "Secretary of Defense Perry, let us assume that all these experts are right and we are going to lose at least 400 lives over there. Is the mission as you have described it, that is to contain a civil war and to protect integrity of NATO, is that worth 400 American lives?"

He said, "Yes."

Secretary Christopher said yes. I say no. That is the defining issue here. We will have an opportunity to get people on record. I hope the Senators that are preparing to vote on these very significant things understand the seriousness of it.

We have an opportunity to do something to stop it. It is remote. As I said when I began a few minutes ago, maybe we cannot pull it off. If we do, maybe the President, in the case of H.R. 2606, which I strongly support, maybe he would veto it or he would let it sit on his desk until we have the troops over there and then it is too late.

As Senator KYL and others have said, we are in full support of our troops. That is, everyone in this Chamber is in support of our troops. The best way to support our troops is not send them over there in the first place. Those who are over there, a handful, bring them back.

That is essentially what we are attempting to do with H.R. 2606. We are saying we will not appropriate the money to send the troops over unless you come to Congress, present your case to the American people, and sell your case. It is as simple as that.

There is a defining vote. People who vote against H.R. 2606 are saying "No, Mr. President, you go ahead. You don't have to come to Congress. We will go ahead and appropriate the money. We are serving notice we will appropriate the emergency supplemental."

The same thing with the Hutchison-Inhofe resolution. That is a defining vote. People are going to have to answer to that in years to come—I am talking about U.S. Senators—as to whether or not they were supporting the troops being sent to Bosnia. We all support the troops.

Mr. President, this is probably the most significant vote—these two votes will be the most significant votes we will be voting on. I know a lot of people, the families of the thousands of American troops that are going to be sent over there. This is the most defining vote.

I could not find anyone yesterday in the streets of Anadarko, OK, who thought the mission as described to them is worth the loss of one American life, let alone 400 or 1,000 or whatever it ends up being. I think the American people are solidly behind our effort to stop the deployment, even though it is almost too late now.

The President says this is only going to cost $2 billion. They gave a figure of what Somalia would cost, what Rwanda would cost, what Haiti would cost, and they are off by a few billion and had to come back for supplemental appropriations.

Mr. President, we are going to have an opportunity to vote on three issues tomorrow. Two are resolutions without the force of law; one has the force of law. I think the toughest vote will be the vote on H.R. 2606. Those who really feel so strongly that the American people and Congress should have to give permission before the President sends the mass deployment of troops into Bosnia, this is the opportunity for them to cast that vote.

I had a phone call last week from Capt. Jim Smith, who I believe is from New Jersey. He is an American hero. He was a career military officer. He lost his leg in Vietnam. He lost his son in Mogadishu. He said to me, "You know, I had two letters from my son. The first one was concerning the rules of engagement that we were using in Somalia. They said we would have robust rules of engagement," and he characterized those the same way that Captain Smith today is characterizing the rules of engagement that we have.

The last letter he got, his son made the statement to his dad in this letter right before he was one of the 18 Rangers who lost his life over in Somalia and his corpse was dragged through the streets of Mogadishu, and he said, "Dad, over here we cannot tell the good guys from the bad guys."

I suggest that is exactly the situation in Bosnia. I know people who are trying to make that into something that is really relating to our Nation's security. I do not think we can tell the good guys from the bad guys. Take a snapshot in the history of that area in the last 500 years and one is that the Serbs are the bad guys and the next is that the Croats are the bad guys. We saw what happened in the First World War; we saw what happened when Marshal Tito put together a coalition because he was in the unique position of being a Croat and yet was also a Communist, so he was able to break away from Hitler's operation where a lot of the Croats went, and held this very fragile country together against Hitler's onslaught on a ratio, for a 2-year-period, of 1 to 8. What I am saying is, this hostile area we went into, he was able to hold off the very best Hitler had to send in on a ratio of one soldier to eight soldiers. Until you fly over 100 feet off the ground and look down and see the environment and the cliffs and the caves, you cannot really appreciate this.

Unfortunately, the five people who are in charge, the architects of this thing, the various Secretaries and the President himself, none of them at the time the decision was made had ever been in that part of the world. It is understandable why they might not understand the serious danger that lurks up there for our troops.

I stopped by the training area a few weeks ago and talked to a lot of the troops. I went into the mess hall. I have not been in a mess hall since I was in the U.S. Army, and I enjoyed visiting with all of them. It was very difficult for me to answer the question when they asked me: What is the mission? What is so important over there?

I try my best because I am in full support of the troops. I said, if you go over there, you will have a mission. We will have the American people behind you. But I could not answer the question about the mission.

I talked to one James Terry, a young man who would be in the first group. He may be over there now. He is probably part of the logistics team over there. When I came home, I talked to his mother, Estella Terry, in Oklahoma, and I got to thinking that the test that Congressmen heavily used over in the other body was, what do you tell—I guess it is called the mother's test—what do you tell somebody who has lost a son or a daughter or a husband or a wife? What can you tell them they died for? This is the test that the President has failed to meet.

I am hoping that with the two opportunities that we have on voting in the Hutchison-Inhofe resolution of opposition to the deployment of troops and H.R. 2606 to actually stop—this is the litmus test. We will stop the appropriations so they cannot be sent there in the first place, this mass deployment, and bring those who are there back.

This is very, very significant and probably the most significant vote that we will vote on. There is a third vote, and that is the vote that will come up tomorrow that is trying to be conciliatory to the President's plan. I have looked at his plan. I think it is so flawed that it cannot be fixed. I do not think we can fix it. I plan to vote against the resolution that would, for all practical purposes, approve what the President is doing.

Lastly, I will conclude by saying we are behind the troops and the troops are behind us. We are the ones—it says to stand up here and say we support the troops. How can you say we support troops and send them into the environment I just described? I do not think we can do it, and I do not think people are supporting the troops when we do that. We have an opportunity, a last-ditch effort, and after that the opportunity is behind us, and we will have to start watching what is going on, giving full support.

If there is anyone here, Mr. President, who disagrees that the troops are behind what we are trying to do, I suggest you look at the veterans groups. A week ago we had a news conference. Every veterans group I am aware of in America was present. We had the American Legion, the DAV. We had the veterans of the Korean war. We had the veterans of Vietnam. We had the Jewish veterans. They were all there and they all stood up and said, we are for the troops, and the best thing you can do for the troops is keep us out of this fight over there that is not our civil war, because we could very well have some causes that would come up where we need to send troops.

We cannot be depleting our resources. Certainly, people like Saddam Hussein and others around the world are looking at our weakened condition now and the fact we are further weakening our military assets by sending them out on the humanitarian gestures.

Mr. President, I suggest we will have an opportunity tomorrow to cast three votes. I think the votes, the right votes, are to vote against the resolution of support for the President and vote for the resolution and the bill that supports our troops and stops the deployment of troops into Bosnia. I yield the floor.

Mr. THOMAS. I rise to speak on the issue that is before the Senate, that has been before the Senate for some time, and our decision with respect to our role in Bosnia.

This has been going on, of course, for a very long time, nearly 4 years, so we have had a great deal of opportunity to think about it, consider what our role should be, also what great opportunities and, of course, to watch what is happening, watch the tragedy that has, indeed, taken place. So we hear a great deal of conversation about our role in keeping peace, our role in helping to provide freedom, our role in stopping the fighting. Everyone agrees. So the question is not whether you agree with being active in that effort, but how do you best do it? The question is, how do we deal with the crisis that has been there? The question is, what is our role in this particular incident?

What is our role, then, as a matter of policy, in other places where there are similar problems? What is our policy with respect to civil wars? Our policy with respect to ethnic disturbances? Is it going to be our policy to participate in each of these, where we have troops now in the Golan Heights, where we have troops in Algeria, where we have troops around the world, keeping the peace—or, in fact, creating peace?

Where do we not have a policy of that kind? We asked that question to the administration.

"Well, this is separate. We will make each decision separately."

I do not think that is the way it works.

Mr. President, the first concern I have had for some time is with the process that has taken place here. The process has been one that has, either by design or by accident, co-opted the Congress almost entirely. It started 2 years ago. The President said, I think almost offhandedly, "We will put 25,000 troops in to help the United Nations pull out if need be." There was no particular reason for 25. It could have been 10. It could have been 40. But 25 it was. So nothing happened, much, with that. And the United Nations continued, through their dual-key arrangement, not to be particularly effective; not effective at all, as a matter of fact. So the Congress acted finally. The Congress acted, and said we want to raise the arms embargo so we can provide an opportunity for the Moslems to defend themselves and create more of an even field. So we did that.

There was no support from the administration for doing that. However, it did cause, I think, the administration to move. So, then they said to NATO, let us bring in some aircraft strikes. We did that. It did not affect a great deal but it did tend to even the playing field. The Serbs had much of an advantage in heavy weapons.

So the Moslems and Croats got together, which tended also to make the playing field more even, which is really the basic reason the Serbs came to the table. So we said to the administration, What is our policy with regard to this?

"Well, we cannot talk about it now because we are going to have a peace conference and we do not want to get ahead of that."

OK. Did that.

Then there was a peace conference and for whatever sticktoitiveness there is, that one came out, initialed peace conference in Dayton.

We said, after the conference, What is our position? What are we committed to? What can we do? How do we participate as Congress?

You cannot really participate because we have a peace conference and we do not really want to talk about it.

Then the President goes off to Europe, agrees to do the things he has agreed to do, and of course they welcome it with open arms. Why would they not? We are willing to do the heavy lifting. So, then the next thing we know, the troops are there.

Now, the big movement of troops has not taken place, but American troops are there now. So we had a hearing, not long ago, in the Foreign Affairs Committee, and the Secretary of State was there, the Secretary of Defense, and the Chairman of the Joint Chiefs. I asked, "What, in your opinion, is the role of Congress in this matter of foreign policy and in this matter of troops to Bosnia?"

Frankly, I did not get an answer. Finally, the Secretary of State said, "Well, to provide the money."

I think there is a larger role than that. You can debate the Presidential power, Commander in Chief, debate the money—but there is a role in terms of having support for what we are doing and including the Congress; not coming up and telling them what we have already decided to do, but, rather, have a real role.

I was in Bosnia about 6 weeks ago, along with several of my associates here. And we spent a day in Stuttgart with the Supreme Allied Commander. This was 6 weeks ago. I can tell you, in terms of the administration, that decision was already made. It was already made, what we were going to do.

We asked. "We are impressed with what you are doing, general, in terms of training and preparation, but are there alternatives?"

There were no alternatives.

I do not believe that. There are, in fact, alternatives.

So, that is where we are. I happen to oppose the idea of sending troops on the ground to Bosnia. The real, basic question has never been satisfactorily answered, as far as I am concerned.

Let me divert, to say I respect the opinions of everyone who is involved here as being their basic gut-felt feeling about it. But the real question, what is our national interest, has never really been answered. What is our position? What is our policy? What will we do in instances similar to this? Is this what we are going to do hence?

So, until that question is answered, really, all the stuff about how you withdraw, how you are in harm's way, how you enter, how you get out, how many troops, are not really relevant if you have not established the idea that it is in our national interest to be there.

So, I think that question has never been resolved. There are many arguments. One is to stop the genocide. Of course we want to do that. As a matter of fact, it was my strong feeling when we were in Sarajevo, when we were in Croatia, that folks are anxious to stop. They are tired of fighting. You can imagine that. You can imagine that. And if there is real dedication to the peace agreement, it is hard to imagine that we need 80,000 or 90,000 troops on the ground from other places to cause this to happen.

Is this the only alternative? I do not think so. They continue to say nothing would happen if the U.S. does not take leadership. We were also in Brussels, in Belgium, with NATO, and all 16 of the Ambassadors from the NATO countries stood up and said, "Gosh, we just do not think we can do it without the Americans providing the majority—a third of the troops, the basic payments, the heavy lifting to get there."

Of course they could do it. Of course we can continue to participate in NATO. This was not really the mission of NATO originally. NATO is sort of looking for a mission and they are excited about the opportunity, generally, of doing this.

We hear that Bosnia is the heart of Europe and the conflict may spread. It could, of course. Four years—4 years, during the height of the fighting, it has not spread. Bosnia is hardly the heart of Europe. Bosnia is the edge of Europe and, as a matter of fact, the strife that has taken place there has taken place, historically, because someone else has come there.

So, Mr. President, this is a tough issue. We are going to have a chance, finally, to vote on it, as belated as that may be. And, as my friend from Oklahoma said, there will be a number of alternatives and we will have to make that tough choice. But it is my belief we can continue to involve ourselves in the diplomacy.

I congratulate those who have done that diplomacy. We can continue to provide support. We can continue to provide airlift. We can continue the work in NATO. We do not necessarily have to have 30,000 troops on the ground there. It is a very tough area. This idea that you go in and separate them—this morning I sat in for a little time on the civilian aspect of it. What do you do when you are there? There are refugees, thousands of refugees, who will not be in the sector that they live in. And their property is gone. How do you return that? How do you get a Croatian back into the Moslem area to reclaim his home?

They say we are not going to do that. So this morning they are saying we will have to do the policing; we will have to train them on policing; we will have to arm the Moslems. There is really a great deal more to this than separating those two areas and separating the zone, and we are obviously going to end up doing it.

The price now talked about is $1.5 billion, plus another $600 million for nation building. If you would like to bet, it will be at least twice that. Of course it will. Of course it will. So we ought to really talk about the incremental costs and what that is.

But more importantly, Mr. President, and I conclude, what is our role? What is our role in the world? How do we do this in terms of troops on the ground throughout the world? What is the division of understanding here as to what the role of the Congress is?

I think most of us are very close to the people we represent. I can tell you that in our response in Wyoming, I think we have had two calls out of hundreds that favor the administration's position, which does not make it right or wrong, but it is an indication of how people feel.

So, Mr. President, I hope we come to the snubbing post, and decide what our role is. In my view, that role is not 30,000 troops on the ground.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to take this opportunity, as all of my colleagues are doing the rest of the day and tomorrow, to comment on this very important issue of sending troops to Bosnia and, of course, on the specific resolution before us.

Given the President's obvious intention to move ahead regardless of whatever we decide to do in Congress, I am not sure what the effect, or even the need, is for the resolution before us because it seems to me that the train has left the station.

Of course, we all have a constitutional responsibility to let our views be known. We have a responsibility to vote on these issues, and even though the President is moving forward it gives some of those of us who object to his doing that an opportunity to express our views.

Of course President Clinton is touting support for his position from former Presidents, including former President Bush. However, the President does not have support where it counts the most—and that is support from the American people. Even former President Bush, in his qualified support, stated,

> I still have significant misgivings about the mission itself, about exactly what our troops are expected to accomplish, and about when they can get out and come home. In my view, the answers on these points are less than clear.

President Bush has expressed very well what a lot of Americans are thinking who tell us that they have questions about this or that oppose it. It really is not clear-cut. For instance, the President's speech to the Nation and several subsequent speeches to different groups trying to sell this mission has not won over the broad support that a President ought to have when American lives are being put in jeopardy.

Unlike some of my colleagues, as well as the President, I believe Congress does have a leadership role in authorizing a military deployment that involves a large contingency, and a long period of operation. This certainly is not a Grenada or Panama-type of operation that lasts a few days or weeks. As a matter of fact, we know this Bosnia operation will last at least a year, and in reality probably multiple years. Last weekend, the President stated that we would be in Bosnia "about a year." Of course, this President is not know for his accurate statements. This begs the question of what is our exit strategy? Well, the only strategy we have is that we will leave whenever the President decides to leave, which is hardly a strategy at all.

We also do not know the cost of the mission. I have seen Pentagon estimates of around $2 billion. Other estimates double that price. And, even this princely sum amounts for only the 1 year we will supposedly be there.

Even the troop numbers have been misleading. All we hear the administration talk about is the 20,000 troops on the ground.

Obviously, there are going to be many more troops involved even if they are not there right on the ground.

Of course this does not include the 14 to 20,000 additional support troops that will be required. So, we are really talking about closer to 40,000 troops, which is a sizeable number of Americans the administration is putting at risk.

And what are some of these risks? Well, beyond the obvious ones involved with getting stuck in the middle of warring sides that have hated each other for centuries, we know that up to 6 million landmines are in the area, but we only know where 1 million of them are. Major minefields are in or around the area of tuzla, where American troops are to be stationed. That is a fact.

Also, hundreds, and possibly thousands, of Islamic mercenaries who have been helping the Bosnians, and are bankrolled by Iran and others, could now pose terrorist threats to our troops.

Let me say that troops generally who are peacekeepers are in danger in a situation like this, but especially I believe American troops are a special lightning rod that terrorists would love to hit as opposed to maybe troops from other nations.

There is supposed to be an agreement from the Bosnians to remove these mercenaries, but will they be removed? But even with the best of intentions, that will not happen in less than a month.

In addition, there are those that want to train and arm the Bosnians before we do anything. What kind of a message does this send to the other side?

Up to now, I have joined most of my colleagues in providing support for the Bosnian Moslems by reducing, or eliminating, the embargo of arms there. But now we are supposed to be an honest broker, or at least an objective mediator, once the peace agreement is officially signed. So I just do not see how we can be an objective referee when we are arming and training one side of the conflict.

Then we hear the disturbing argument that we have to vote for this resolution in order to support our troops. Well, of course, this argument has absolutely no merit. We all strongly support our troops, and regardless of the outcome of this vote, we will do that just as we all did after the very crucial debate and vote on going to the Persian Gulf war even though there was a great deal of disagreement on the sending of those troops at that time.

I was one of only two Republican Senators to oppose the Persian Gulf resolution, and this administration has provided even less of a need to deploy troops in Bosnia, notwithstanding the fact that this is supposed to be only a peacekeeping mission.

The administration argues that NATO and our leadership of NATO is on the line. This just is not convincing to the American people, because none of our NATO allies—nor is the United States—under any kind of national threat as defined by the NATO treaty of 50 years now. Our European allies should be taking a lead in this matter and sharing more of the financial burden. And, yes, the United States should—and can and will —provide support for their effort, including air and naval assistance.

Finally, what some are now saying is that the vote on this resolution boils down to helping a President keep his commitments. As a Senator, I have my own constitutional responsibilities, and those responsibilities do not include helping a President keep a commitment that many, if not a majority, of the people do not believe should have been made in the first place.

So, Mr. President, the bottom line, as far as I am concerned, is there are a number of unanswered questions and a lot of questionable assertions made by President Clinton that simply do not add up to common sense. And, therefore, I cannot in good conscience support President Clinton's decision to deploy troops to Bosnia.

I thank you. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support the Hutchison-Inhofe resolution. The Hutchison-Inhofe resolution is very simple. It has two parts.

The first part says Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia-Herzegovina to implement the general framework agreement for peace in Bosnia-Herzegovina and to its associated annexes.

Section 2 says:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general agreement for peace in Bosnia and Herzegovina and its associated annexes.

That is it, Mr. President. It is very simple and very clear. I wish to state from the beginning a few parameters around the debate that I am getting ready to make. First, I think there is no politics in the debate on this issue. I truly believe that every Senator is making a vote of conscience. It is a tough decision. It is not easy for anyone. And I do not think anyone's integrity can be impugned by saying there is some political reason for how that person decides to vote. In fact, as you know, anytime you are sponsoring a resolution or an amendment in this body, if you care about it, you ask people for their votes. You try to talk them into voting for your issue, especially if it is something that affects your State.

I have not asked anyone for a vote on this issue. I would not feel right asking someone to vote against his or her conscience on something that important. So this is not a matter where you work the floor to try to get support for what you are doing. What you do is take a position and say this is the way I think we should go, and everyone who agrees with you will be on that resolution. And in fact the Hutchison-Inhofe resolution has 28 cosponsors. I do not know how many votes we will get for the reasons that I have stated. I just have not asked.

Mr. President, I would like to say I respect the President. I think he thinks he is doing the right thing. I think he did a good job of bringing people to the peace table to talk. I disagree with his decision to deploy American troops on the ground in Bosnia, but I certainly respect the office and I think he believes he is doing what is right.

I wish to make the point—and it is what I said to the troops I met with last Saturday night at midnight at Killeen, TX, at Fort Hood, as the troops were getting ready to go to the airplanes to take off for Bosnia. I told them that I believe—and I know it is true, it is a fact—that 100 percent of the Senate is going to support the troops.

Now, we are going to disagree on the policy, but we are not going to disagree that we support the troops, and they are going to have everything they need for their security if they are deployed in this mission. They will have the equipment. They will have the weapons. They will have the shelter. They will have the electric socks if they need them. They will have the training. And most important, they will have the spirit. They will have the spirit of knowing that the American people may disagree with the fact that they are going, but they support the troops 100 percent because they are giving their time and they are putting their lives on the line for our country. We are the greatest country in the world, and we appreciate every single one of them.

I visited with some pregnant wives. I visited with some new wives, two-day-old wives. I visited with parents who had come in from all over the country to say an early goodbye to their loved ones, men and women who were getting ready to take off. They knew I did not want them to go, but they knew I was going to do everything in my power to bring them home safely.

It gives me the greatest feeling in the world to visit with our troops. There is nothing more wonderful than an American in service to his or her country. They have the most wonderful attitude—positive thinking. They are well trained. They are professionals. They are ready to go when the Commander in Chief gives them the call.

So now we must decide if we are going to support what we consider to be a bad decision. I think it is a legitimate question to ask, why oppose now; the troops are on the way. I am opposing now for three reasons. I am opposing because I disagree with this policy, and I wish to discourage future such missions. I disagree with this policy, and I believe it is my constitutional responsibility not to rubberstamp it. I disagree with this policy, and I hope to give the President every opportunity to back away from this decision—the basic tenets of the peace treaty are not in place—before he does the mass deployment.

If the Serbs in Sarajevo continue to burn the American flag, if they are not committed in body and mind to this peace agreement, I hope the President will say, "No. No, we are not going to deploy American troops if the peace treaty is not intact."

That is why I am putting this resolution in with 27 of my colleagues, to make sure that the President has every opportunity to say there is disagreement in Congress on this issue, and I am not going to send the troops into harm's way if a peace agreement is not intact. And if they are burning the American flag, the peace agreement is not intact.

So let me take each one of my reasons and flush them out a little bit.

I disagree with the policy, and I wish to discourage future missions. I do not want this to be a precedent for the future. The President has said NATO will fall if we do not do this. I disagree with that. I think NATO has a place in the post-cold-war era. But NATO was put together as a mutual defense pact when there was a big-time aggressor, the U.S.S.R. There is no big time aggressor, so we must look at our responsibility under the NATO treaty. We must look at the role of NATO in the world we live in today, not the world we lived in in 1945. And we need to say, what is the role? We need to debate it, if we are going to expand it, and we need for Congress to approve it, if we are going to have a new treaty with NATO. And we must do this thinking ahead, not by moving crisis to crisis, not by going to Somalia and saying we are going to try to capture a warlord, and then when we lose 18 rangers walk away, not by going into Haiti without the approval of Congress and $1 billion and 1 year later seeing the same problems arising in Haiti that they had before we landed. And now we have Bosnia, a civil war in a non-NATO country, and we are told NATO is going to fall if we are not there in a non-NATO country, in a civil war.

Mr. President, that does not pass the commonsense test. We should have a strong NATO. To do that, we must determine what NATO's role is in the future, and we must not act crisis to crisis and send our kids into harm's way for a false reason. We could dissipate our strength if we bounce from one civil war to another across the globe because we do not have infinite resources.

We have finite resources, Mr. President, and we have spent $1 billion in Somalia. We are going to spend $3 to $5 billion in Bosnia. What are we going to do when we are really needed in a crisis that does threaten U.S. security?

What if North Korea, with nuclear capabilities, erupts? What if Saddam Hussein decides to take another march? Are we going to have the resources if we have spent $3 to $5 billion in a civil war when we could have spent less helping the people of Bosnia rebuild their country, which we want to do?

Mr. President, we have not thought this through, and one of the reasons it has not been thought through is because Congress was not consulted. Which brings me, Mr. President, to my second reason for continuing to oppose the President's decision, and that is the role of Congress in the declaration of war, or sending our troops into hostilities, which are the equivalent of war under the Constitution.

I do not like to oppose the President on a foreign policy issue, but I have a responsibility as a Member of Congress that was given to me in the Constitution of this country. I want to talk about that because that is a disagreement on this floor. It is not partisan. But many people believe that Congress really does not have a role in this, that the President has the right to do what he is doing.

The President does indeed have the right to command our forces. He is the Commander in Chief, and he has the right to act in an emergency because Congress gave him that right in the War Powers Act. We did not want him to be hamstrung. We did not want him not to be able to send troops in if American lives were at stake, and if he did not have time to come to Congress.

But, Mr. President, sending our troops into Haiti for 1 year without ever asking Congress' permission, or even asking their opinion, is wrong. That is a violation of the Constitution. And we are getting ready to do it again on Bosnia.

I have the Federalist Papers right here. The Federalist Papers, of course, were written by three people who were crucial in the decisionmaking in writing our Constitution. In Federalist Paper No. 69, written by Alexander Hamilton, he discusses the role of the President as Commander in Chief, and he is comparing it to the role of the King of England, which, of course, we had just left and tried to make a better country because many people were dissatisfied with a monarchy. So here is what Alexander Hamilton said about the war powers of the President.

> The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York at the time have at all times the entire command—

Not part—

> . . . of all the militia within their several jurisdictions. In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Second, the President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—

I move to No. 74 by Alexander Hamilton, where he says:

> Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Mr. President, he was speaking to us. He was saying, do not have one person able to declare the war and to run the war. And James Madison said exactly the same thing: Those who were to "conduct a war" could not be safe judges on whether to start one.

James Wilson, a delegate from Pennsylvania, said the checks-and-balances system "will not hurry us into war." He said, "It is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress." He was very clear, as were the others who have spoken on this issue.

They did not want the President to be able to send our troops into distressed situations without consulting with Congress. They wanted it to be hard. They wanted it to be muddy. That is why they put both people in charge, the President and the Congress, and they wanted them to work together so it would be difficult.

Louis Fisher, who wrote an article with some of the quotes that I have just given you, is a professor and an author. He has written the book "Presidential War Power." He says:

> It might be argued that "war power" is not involved because Mr. Clinton will use American forces for peace, not war. "America's role will not be about fighting a war," he said. He said he refused "to send American troops to fight a war in Bosnia," and "I believe we must help to secure the Bosnian peace."

Mr. Fisher says, "Mr. Clinton has already authorized air strikes against the Serbs." He now intends to send ground troops. By making an overwhelming show of force, he says, "American troops will lessen the need to use force." Note the word lessen. Anyone who takes on our troops, he says, "will suffer the consequences."

Mr. President, if that is not the equivalent of what would be considered war when the Constitution was written, what could be more clear?

Mr. Fisher goes on to say:

> Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

I agree with Mr. Fisher: We are not upholding our part in the Constitution if we let this pass.

The third area of disagreement that is very important for why I continue to oppose this deployment is because I want to narrow the mission. I want there to be a time limit. The War Powers Act is supposed to give emergency capabilities to the President to go in when he cannot come to Congress. This President is asking for a year. That is not an emergency. We have been looking at this situation for 3 years.

We have asked the President to lift the arms embargo. He has refused to do it, and now we are put in the position of knowing that if there is going to be any kind of cease-fire that will last in that part of the world, it has to be when there is parity among the three warring factions. We wanted to lift the arms embargo so that parity would be there now. The President said no. In effect, the President did lift the arms embargo, but he made us the ones who used the arms when we started bombing the Serbs.

So I want to narrow the mission, and I want there to be a time limit so that the expectations will not be there any further than 1 year. It is the expectations that got us into this mess because the President, without consulting with Congress, went forward and said, oh, yes, we will put troops on the ground, when he had so many other options. And troops on the ground should have been the last. Instead, they were the first.

So then people come and say, well, the only way you can show your commitment to peace in the Balkans is troops on the ground. When, in fact, there are many ways that we could have shown our commitment to peace in the Balkans that would have been much more effective than American troops on the ground because now the President says we cannot arm and train the Moslems because we are on the ground precisely. We should have said we would arm and train the Moslems and not put troops on the ground so we would not be taking sides at the time that we were trying to bring parity into the region. And we must have parity in the region if, when we leave, there is going to be any equity in the region.

So, Mr. President, many of my colleagues want to speak on this very important issue. I will just close with the last reason that I am going to oppose the President's decision, and that is the Larry Joyce test. One day when I was on the plane going back to Dallas from Washington, DC, a man walked up to me and said, "Hi, Senator. I'm one of your constituents. My name is Larry Joyce." And I said, as I normally would to someone like that, "Well, hi, Larry. How are you doing? What were you doing in Washington?" And he said, "I was burying my son in Arlington National Cemetery." And I said, "Did he die in Somalia?" And he said, "Yes, he did."

And as tears streamed down his face, he said, "Senator, I went to Vietnam twice. I am a military man. And now my only son, on his very first mission as a Ranger, is not coming home. Senator, I would just like to know why."

I did not feel good about an answer to Larry Joyce because I do not think our troops should have been doing what they were doing in Somalia. Now, his son did not die in vain because he was doing what he had signed up to do, and he was doing it with honor, and he was a great kid, Casey Joyce, just the kind of young man or the kind of young woman that I see as I visit our bases across the country. But I said that night I would never vote to send our troops into harm's way if I could not give the mother or father a good answer about why.

Mr. President, sending our troops into Bosnia under these circumstances is not meeting the test. Mr. President, I am urging the President of the United States to reconsider his decision, to make sure that he is sure, before he deploys American troops, that it is a U.S. security interest—not just an interest, which we certainly have and which we can fulfill without American lives on the line. I want the President to reconsider his decision, and I hope that he will.

Thank you, Mr. President.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Colorado.

PRIVILEGE OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that Michael Montelongo, a fellow in Senator HUTCHISON's office, be granted floor privileges during the consideration of the resolution on Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of the Hutchison motion. I want to share with the Senate the concerns that I bring to a deployment of combat troops into Bosnia. Mr. President, I would, first, like to start with some things I think Members will agree on—at least I think they are facts that would be acknowledged by both sides in this debate.

First, the confrontation that we now enter by sending troops into what was the old Yugoslavia is a confrontation that is not new. It is a conflict that is at least 500 years old and, in some respects, goes back 800 years. For those who have talked to the participants, whether Croatian, Bosnian, or Serbian, they well know that those people not only are aware of that conflict, but they can recite to you the names and dates of the battles, going back hundreds and hundreds of years. In many cases, they remember battles that go back before the founding of our own Nation. This is not a new conflict. It is a conflict that predates even the discovery of America.

Second, Mr. President, I think it should be noted that what we enter into is a civil war. We enter into a conflict between the Croatians, the Serbs, and the Bosnians, and potentially other parties as well. But this is different than an effort by Germany to conquer the world. It is different than an effort by the Nazis to impose their will upon the people of the world. It is different than the efforts of the former Soviet Union to spread its influence and control over the world. This is not an invasion of a country, this is a civil war. I think all Members will agree that that is a fair and accurate summarization of the conflict we enter.

Third, Mr. President, I think Members would be remiss if they did not honestly note that the members of this conflict, the parties to this conflict, have not had a record of honoring peace agreements. For over 500 years, this conflict has waged, and people have talked about peace, a truce. For over 500 years, consistently, the peace agreements have been ignored.

When I talked to our troops in Sarajevo over Thanksgiving, one of the things that our troops told me—there was a gathering at the Embassy of the enlisted men of the contingent who have been in Sarajevo for some time. One of them paused and said, "I think I speak for all the people here, I believe, when we say that while we view the Bosnians in this struggle as the victims—and in many ways they have been—all sides have committed atrocities in this confrontation and, frankly, we expect the Bosnians, as well as the others, to break the peace agreement."

Mr. President, it would be a tragic mistake for Americans to go into this conflict without understanding that this peace agreement is not going to last.

Fourth, Mr. President, we now have an estimate from the administration that the cost of this adventure will be at least $2 billion. Frankly, Mr. President, there no presentation of how you are going to pay for it. At a time when we are struggling to bring the deficit under control, we now have a proposal to spend $2 billion over the budget. Mr. President, I must tell you, it is my own estimate that the cost of this will be much higher than $2 billion. If there are Members who disagree and would like to place a friendly wager on that, I welcome them. If anybody seriously believes that $1.5 to $2 billion is all this will cost the American people, I hope they will come forward and say it, and I hope they will back their belief with a wager as well. My own belief is that this will run much higher and could well run $5 billion or more.

The reality is that we are sending combat troops into an area where we do not have barracks, or quarters, or adequate roads to get them there, or adequate equipment, and they do not have water or essential utilities. The reality is that the cost of this project will be much higher.

Fifth, I think most Members would agree that the terrain where American troops will be stationed, around the Tuzla area, is ideal for guerrilla warfare. Americans ought to understand guerrilla warfare. Perhaps we were one of the earliest ones who started it in our combat with the British. We did not put on uniforms. We tended to stand behind trees and shoot at the British, and it worked pretty well. The reality is that we did not fight by the rules the British thought we should fight by in the Revolutionary War. Anybody who thinks the Bosnians, Serbs, or Croats are going to fight by our rules in Bosnia is dreaming.

Mr. President, let me summarize, because I hope all Americans will be aware of these five factors when they go into it. One, this conflict is over 500 years old. Second, we are interfering in a civil war—not an invasion, but a civil war between the parties that have occupied that country.

Three, the parties involved have a history, a continuous history, of not honoring the peace agreements that they enter into. For us to assume that the winter period when they traditionally have truces is going to be a permanent peace is naive, perhaps beyond description.

Four, the cost of this to the American people will be at least $2 billion and perhaps more.

Five, the terrain is ideal for guerrilla warfare. Mr. President, specifically, what that means is the terrain is very rugged and very rough. It means that the area is heavily wooded, forest. In military terms, it means our advantages which are in air power and armored personnel carriers and tanks, will be minimized. The roads are extremely narrow and there are over 3 million mines stated to be in the American sector. Who in the world came up with the idea of deploying U.S. troops in that kind of conflict?

Mr. President, this is goofy. We are standing here and debating this question as if it were a real question. This is not a real question. This is a goofy proposal—send American troops to stand in between warring factions that have been at war for 500 years and never honor a peace agreement, under circumstances where we do not have the advantages that our technology provides, and stand in between them as they shoot at each other? That is not a realistic proposal. That is just plain goofy.

Mr. President, I think every American and perhaps every Member of this body has to answer a question before they vote on this issue. The question is basically this: Under what circumstances do you send American soldiers into combat? We have never had a unanimous feeling on that in this country.

Perhaps defending our own shores, though, has garnered the strongest support of any measure. Americans have been willing to shed their blood to defend the shores of our country. We have been willing to shed our blood to defend freedom around the world, whether it was in World War I or World War II or perhaps even Korea.

We have never shrunk from defending freedom around the world. First, through alliances, for we had an obligation; second, for a country where we did not have a formal alliance but we saw freedom was at stake that could ultimately affect the ability of Americans to obtain their freedom; we have had times where we have been willing to shed blood to deter aggression. We defended our shores in the Revolutionary War. We defended our freedom through alliances in World War II. We defended our freedom overseas in Korea. We defended countries from aggression in the gulf war.

Mr. President, where have we come up with the idea that we would interfere in a civil war? That is without precedence. Deploying American Forces overseas to interfere in the middle of a civil war, this takes it to a new height.

Mr. President, the mistakes we made in the past, and Americans have made mistakes in the past, have led to some guidelines. The Weinberger guidelines came out after Lebanon and after Vietnam. There were a number of factors but the most significant one was this: Before we deploy American troops overseas, before we put their lives in harm's way, before we risk their very lives, we ought to have a clear, achievable, military mission that is accomplishable.

I hope Members will ask themselves if they really think this is a clear, achievable, military mission that can be accomplished? Listen to what they are saying. The first task is to mark the border, the area of confrontation, and secure people moving back 2 kilometers on either side. But that border is not meant to close off traffic across it. How do you ensure people will not get within the 2 kilometers of the border when you have an established policy that allows people to move through the border all of the time?

Mr. President, that is double-talk. If you are going to have a border, and if you are going to have people kept away from it on 2 kilometers on either side, and if you are going to have a policy at the same time that says people can go back and forth at will, how in the world do you make that policy stick? You cannot. It is unrealistic and undefined right from the start.

Who do you stop? Who do you stop? Do you search everybody? It is not clear.

To call in a clear military mission is to play games with words as well as play games with the lives of our troops.

Ultimately, Mr. President, I believe it comes down to this: Are you willing to send American troops overseas and risk their lives for an ill-defined mission that interferes in the middle of a civil war? Are you willing to face their parents, tell them why their son or daughter gave their life?

Are memories so short that Members have forgotten what happened in Vietnam? Does no one remember that we sent hundreds of thousands of American volunteers to Vietnam, as well as draftees, and asked them to put their lives on the line, and our political leaders were not willing to take the risk of making a commitment? I do not know of any American that is proud of that fact but it is the truth. Over 50,000 Americans lost their lives in Vietnam, and for what?

Mr. President, I volunteered to serve in Vietnam and I did because I believed in it. I believed we were there to defend freedom worldwide, and whether it was the face of a Vietnamese or the face of a European-American, blood could be proudly spilled to save their freedom.

Mr. President, our political leaders did not believe that. Our political leaders asked people to give their blood but were not willing to take a chance and make a clear stand. They were not willing to establish a clear military mission.

Mr. President, this is not a PR game. The risks are not good press or bad press. The risks are American lives. The risk is parents losing their child. The risk is a spilling of blood and not standing for a cause.

We made a mistake in Vietnam because our leaders risked American lives for a cause they were not willing to commit themselves to win. Now, not many of us realized that was the case. If you told the people that served in Vietnam their political leaders were not willing to stand up to win the cause they were asked to give their life for, they would not have believed you. Who would have believed you? How could you ask people to give their lives when their political leaders did not believe in the cause? That is what this country did.

Mr. President, it is my belief that the American people when it was over vowed that would never happen again. If the cause was important enough to ask people to sacrifice their lives, it is important enough for us to try to win. Our mistakes did not end there.

President Reagan deployed troops into Lebanon. We were so concerned about PR that the guards at the gate were not even given the bullets for their guns. Let me repeat that because I think most Americans will find it hard to believe. We had a barracks full of Marines, and the guards at the gate were not given bullets for their guns because we were afraid of an incident. Instead of suffering bad publicity for an incident we were willing to sacrifice the safety of troops.

That is what happened. A terrorist truck drove through the gate because the guards did not have bullets to stop him and killed over 250 Americans, or close to 250 Americans. For what? For what? Tell me what they gave their lives for.

We made a political commitment that sounded good but we would not stand behind it. It seems to me before we make a political commitment, before we send U.S. troops, we better have a good reason for doing it, and it ought to be important enough for us to stand behind the people who put the uniform of this country on.

Does anybody believe that we will not stand behind the troops that we send to Bosnia? Come on, now. Yes, this will generate press. Yes, there will be a lot of attention. Does anybody really believe we will not stand behind those young men and women who go over? Does anybody believe the cause of interfering in a civil war is important enough to lose their lives?

Somalia should come to mind to some. President Bush deployed the troops. President Clinton expanded the mission. And when the commander of the troops asked for equipment to do their jobs, to protect the troops, the Secretary of Defense—because the decision went all the way up to the Secretary of Defense—turned them down. He refused to allow them to have armored personnel carriers which had been specifically requested. Why? We asked the Armed Services Committee to ask the Secretary that question. Before he gave the answer, he left office.

But the truth is, the military establishment of this country made a decision to not supply the equipment that was needed to save those boys' lives because they were afraid it would send the wrong public relations signal. That was the word that came out: We did not want to send the wrong signal. Public relations was apparently more important than the lives of the American servicemen that were on the line.

In case anyone has forgotten, that helicopter went down and they defended themselves from attack and they called for reinforcements. And reinforcements tried to come from the airport compound but they did not have armored personnel carriers. And when people shot at them from both sides they pinned down the reinforcements, they could not get through to help them. American forces held out as long as they could and, when their ammunition ran out, when their ammunition ran out the Somalis came and hacked them to pieces. And the armored personnel carriers that they requested and had been turned down by the Secretary of Defense for PR reasons, could have saved their lives.

We are not playing games. This is not a PR move. These are real troops and real bullets in a real civil war. We are risking American lives. For what? Because you are going to end a 500-year-old conflict? Do not be silly.

Because these people, with American troops' presence, will suddenly honor their peace commitments that they have never honored in 500 years? Somebody would like to sell you some land in Florida, if you really believe that.

The truth is, I do not believe we have placed a high enough value on the lives of the Americans who serve our country in uniform. The question is not whether or not they should ever risk their lives. No one should go in the military not knowing they do that. Americans are willing to risk their lives and we are willing to shed our blood for freedom around the world, and we have done it more effectively and more efficiently than any people in modern history. But the line is drawn when you ask Americans to give their lives for nothing. I believe that is morally wrong. I believe it is morally wrong, to have Americans give their lives in Somalia when you do not have a clear military mission and you will not stand behind them.

It is not wrong to ask them to give their lives and shed their blood. It is wrong to ask them to do it for nothing, and that is what we did in Somalia. It is wrong to ask them to do it for nothing in Lebanon, which is precisely what happened. It is wrong to ask them to do it for nothing in Vietnam, when our very leaders would not stand behind the men and women who risked their lives.

I believe it is wrong, it is morally wrong for us to send young people to Bosnia to risk their lives in the middle of a civil war among people who have not honored a peace agreement.

Some would say, if we do it, at least they have had their chance. Tell me how you would feel, looking into the eyes of a parent who had lost his or her only child. "Yes, your son or daughter died, but at least we gave them a chance." Would it not be fair and reasonable to ask, "Was it a good idea? Did it have reasonable prospects to succeed? Did you do everything you could to protect them?"

Mr. President, what we are faced with is a decision that degrades the value of American servicemen and servicewomen. It says that their blood can be shed on a whim; that they are pawns in a chess game; that their lives are not important enough for us to take seriously.

I believe every person who puts on a uniform has an obligation to this country, and the obligation goes to laying down their very lives. But I think it is wrong for us to think that obligation runs in only one direction.

This country has an obligation to those who serve it as well, and that obligation is to make sure we never put them in harm's way unless it is on a clear, achievable, military mission, one that we are committed to win. Then I think we have the right to ask everything in the world from them, everything they can give, because the existence of freedom in this world depends on them. What we see is an effort to cheapen the value of the lives of young Americans who are willing to serve this country. I, for one, will not vote to authorize it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

VISIT TO THE SENATE BY ISRAELI PRIME MINISTER SHIMON PERES

Mr. HELMS. Mr. President, I have the honor, along with Senator PELL from the Foreign Relations Committee, of presenting the new Prime Minister from Israel, Shimon Peres.

I ask unanimous consent the Senate stand in recess for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 5:45 p.m., the Senate recessed until 5:52 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE VISIT OF PRIME MINISTER SHIMON PERES

Mr. NICKLES. Mr. President, I would like to join with my colleagues in complimenting our distinguished guest, Prime Minister Peres, for an outstanding speech to a joint session of Congress. I have heard several of them in my years in the Senate. But the Prime Minister's speech, which called for peace and continuing movement in the peace arena, I think is certainly to be complimented. And we are delighted to have him as our guest both in speaking to a joint session of Congress, but also as our guest this evening in the Senate.

It is an honor to have him in the Senate.

THE BOSNIA ISSUE

Mr. NICKLES. Mr. President, I wish to speak in opposition to the President's decision to deploy ground troops and ground forces in Bosnia.

I first would like to compliment Senator HUTCHISON, Senator INHOFE, Senator BROWN, and Senator THOMAS as well for outstanding speeches. Some of the best speeches that have been made in the Senate have been made this evening. Senator BROWN just concluded with a very moving speech detailing his opposition to the President's move. I agree wholeheartedly with their comments.

I also will make a comment. I have been to Yugoslavia with Senator DOLE. Some people are saying these resolutions are in opposition to each other. I would take issue with that fact. One of the resolutions we are going to be voting on that I had something to do with, or was involved with, said that we state our opposition to the President's decision to deploy ground troops in Bosnia—very clear, very plain, very simple. We think the President is making a mistake, and we want to be on record of it.

Mr. President, I will go further. I wish that we would have had a similar resolution when the President made the decision to deploy our Armed Forces into Haiti. I think he made a mistake. I have heard others in the administration say that was a success, and maybe that is the way they would define success. But I thought it was a mistake to have the invasion and occupation of Haiti.

I wish that we would have had a chance to debate that and that we would have had a sensible debate on it. We did not have that.

So I am pleased that we are going to have debate on these two resolutions today and tomorrow. Some of my colleagues said, "Well, we wish we could have had more extensive debate." I would agree with that. But the President is going to Paris tomorrow evening to sign an accord on Thursday, and not only will the Senate be taking this up but the House will be. So it is important for us to take it up today and dispose of these two resolutions—maybe three resolutions—by tomorrow.

Also, Mr. President, I want to make just a couple of comments on how we got here and why I have decided to oppose the President's decision to deploy these troops.

In the first place, I mentioned my opposition to the President's decision on sending troops into Haiti. Senator BROWN commented on the President's mistaken mission in Somalia where the mission moved from a humanitarian mission into that of peace enforcing, or peacekeeping, and a greatly expanded humanitarian role that resulted in the loss of 18 American lives.

But I want to go back a little bit further. I read in President Clinton's book in 1992, "Putting People First"—then candidate Bill Clinton. He stated his administration would "support the recent more active role of the United Nations in troubled spots around the world, and pursue the establishment of a voluntary U.N. rapid deployment force to deter aggression, provide humanitarian relief, and combat terrorism and drug trafficking."

That is on page 135.

In 1993, the President's proposed PDD-13, an expansion of the U.S. role in U.N. operations, and multinational U.S. forces under a foreign multinational U.N. military command. He proposed creating in the office of the Secretary of Defense an Office of Peacekeeping and Democracy at the Pentagon, talking about having this post be used to coordinate international peacekeeping forces.

I think that is a mistake. I have debated that and raised that on the floor of the Senate in the past.

Let me talk a little bit about my opposition to the President's use and deployment of ground forces in this area. I heard the President's speech to the Nation, and he talked about this is going to be a "clearly defined military mission." I do not see any way that anyone can call this a clearly defined military mission. Maybe I am thinking in more simple terms. But clearly defined military mission would be similar to the Persian Gulf where you had Iraq invade Kuwait, and we said that invasion will not stand, and we are going to kick them out of Kuwait. An army invaded. We are not going to allow that to stand. We are going to knock the army out. That is what we did. President Bush said that is what our objective was. It had a clearly definable military objective. We built the forces necessary to make that happen, and we executed it. Then our forces came home.

That is not the case in Bosnia. This is a map of Bosnia. This is the country of Bosnia. It is under control partly by the Serbs. It is under control partly by the Moslems. It is under control partly by the Croatians. Each of these areas have different ethnic groups that have been fighting for centuries.

So now we are going to have military forces serve as a buffer all around, all throughout Bosnia. That is going to be a very difficult goal.

How is that a clearly definable military objective? We are going to insert our troops between fighting factions. But we are going to allow people to move back and forth. And then there are all kinds of missions and roles. We are going to allow refugees to return to their homes. In some areas right now they are not complying with the accord that has already been signed. We are going to enforce the Dayton agreement. This was a U.S.-led agreement, the Dayton accord. And all three Presidents signed it. The leaders of the Serbians, the leaders of Bosnia, and the leaders of Croatia signed that agreement. They are not complying with it now. But we are going to put U.S. forces in—almost an Americanization of this conflict. And we are going to have U.S. forces in charge of carrying out the Dayton accord.

Since that accord has been signed, I hope my colleagues are aware of some of the violations that have taken place. Bosnian Croat soldiers have defied the peace plan by looting and setting ablaze a couple of towns. Those towns are to be shifted from Croatian control to Bosnian Serb control. They are burning the town. That is not in the Dayton accord, but they are doing it. I guess our troops are going to stop that.

Last week the Croats released from jail Ivica Rajic, who was indicted by the International War Crimes Tribunal in The Hague. Such action is in direct violation of the Dayton accord where all sides pledged to cooperate with the tribunal. They released him.

Mr. President, President Clinton has said, well, we are going to put our troops in. Originally, some time ago, he said we would put U.S. troops in. Then, earlier this year, he said we would put in troops for a reconfiguring and strengthening of U.N. forces in Bosnia. The United Nations has had 30,000 troops there in the Bosnia area. They were not bringing about peace. All sides continued to fight, to move the map around. He said we would commit U.S. forces. He did not ask Congress. He said we will commit U.S. forces to redeploy and reconfigure. Well, that was a mistake.

Mr. President, if you look at this goal, are U.S. forces and the rest of NATO forces now going to be in charge of policing? Are we going to go in and arrest people who are guilty of war crimes?

It seems to me that is what we were trying to do in Somalia. We tried to get General Aideed because he was guilty of some crimes, and the net result was, yes, we had troops going in harm's way and we lost a lot of lives, as Senator BROWN alluded to. We did not provide the military support.

Now the President said, I understand, we are going to send in military support. Is that one of our goals? Are we going to be policemen? Are we going to go and arrest people for crimes against the other sides? Are we going to enforce refugee resettlements? Are we going to tell Serbs in Croat homes they are going to have to get out of those homes, and vice versa, and use force of bayonets?

Are we going to use our forces strictly as a buffer zone in dangerous areas, targets on both sides, allowing people to move back and forth that may have a violent intent either against the other side that they have been fighting for years or maybe against the United States? Are we going to use U.S. forces to clear mines?

And I know I have some Oklahomans now that are trained in that area, so they are going to go in. We are going to use them to clear certain areas for mines. And what if somebody runs away that is guilty of firing on our troops and happens to evade them over a mine field and so we risk more lives? And what about this idea—the President said, well, this is a NATO mission, and I have heard people say this is a vital role for NATO because if we do not do it, this is going to show that NATO has no valuable purpose.

NATO was created as a defensive alliance to deter invasion or aggression from Russia. And now we are taking NATO troops from the NATO allies and saying we are going to put NATO in a peacekeeping force in a non-NATO country. Bosnia was not invaded by Russia. It was not invaded by other non-Yugoslavian countries. The Serbs certainly did take their fair share of the territory and the Croatians are in there as well, but this is Yugoslavia's civil war. But we are now putting an expansion of the NATO role into moving from a defensive alliance, which we have been the leader and the supporter of, that has proven to be so successful for the last 40 or 50 years, now we are putting it into a peacekeeping role, into a non-NATO country, into an area where the U.N. peacekeepers were not successful and so now we are going to greatly expand NATO's role.

I think we need to discuss that and debate it. Is this what NATO's mission is going to be in the future? It looks like NATO creep, mission creep, to me. And one that I have serious reservations about, very serious reservations about.

Some have said, well, this is important; we need to make sure that this war does not expand. There is lots of potential for this war to expand as a result of this effort. Now a lot of the

Serbian areas are going to have Russian troops in them, and a lot of Moslem areas are going to have Western troops including the United States. What happens if some Serbs happen to fire on some Moslems and we try to interject, and so we return fire against the Serbs, and maybe the Russians are in that quarter—and so there is the possibility of some conflict between United States and Russia.

I hope that does not happen. I pray it does not happen. But I see a lot of potential where there can be some spillover from this so-called peacekeeping force.

Mr. President, we call this peacekeeping, but really what this is is peace enforcing, so it has moved a giant step against peacekeeping. If it is really peacekeeping, they would not have to be there. If there was peace, they would not have to be there. As Senator BROWN mentioned, they have been fighting for hundreds and hundreds of years. How in the world are we going to go in and solve this problem in 12 months and then go out?

And what about the 12-month timetable? Is that to say our military objective is going to be totally complete in 12 months or is that a political timetable: Oh, we better get them out before the next election. It sounds a lot more political to me than it does a militarily definable, achievable objective. Oh, in 12 months we are going to be gone regardless of what happens.

Well, that does not seem to make sense. Is there a militarily definable objective? I do not think so. I think we are in the process of getting bogged down in a lot of nation building.

You say, oh, well, how could that be? If you read the Dayton accord, it talks about a lot of things. It talks about policing the agreement. It talks about buffer zones. It talks about refugees and resettlements. It also talks about establishing a constitution and a democracy and a revolving presidency, a revolving presidency between the Croatians, the Moslems, and the Serbs.

That may sound nice and look kind of good on paper in Dayton, OH, but I question whether that is going to work. If you go back a little bit in history in the former Yugoslavia, where you had several republics, they were supposed to have revolving presidencies. Guess what. The Serbs ended up getting control and they revolved or rotated the presidency. They still have it. Mr. Milosevic was still running Greater Serbia, and he wanted to expand Greater Serbia. That is the reason they moved into Bosnia. So this idea of a revolving presidency certainly is nation building, i.e., and that sounds a lot like Somalia. That does not sound like a militarily achievable objective, at least in my opinion.

And so we look at the resolutions that are before us. The resolution that I am speaking on behalf of as well as Senator HUTCHISON and Senator INHOFE Senator BROWN, Senator KYL, and others says we oppose the President's decision to send ground forces into Bosnia to carry out the Dayton accord. I look at the arguments for it, and I think if you look at this map, it looks like a congressional district in Louisiana. And you see a lot of areas. Well, while there are Serbs in this area, they have to move back and the Bosnians will have to take control and Sarajevo Serbs have control in some areas and they say they are not going to give it up.

Does that mean U.S. forces or other forces are going to come in and enforce that agreement? And what if they do not give it up without a fight? And on and on and on. And this is throughout. What if they say, well, before we leave, we are going to raze it or we are going to burn it. And that is what they are doing right now. Or what if there are war criminals and they say, instead of apprehending them, we are going to let them go, as they just did in one case where the Croatians released a person indicted by the international tribunal.

In other words, there are already big, large, gross violations of the Dayton accord, and now we are going to be putting U.S. forces in. Now, U.S. forces, or at least a lot of U.S. forces that I know from Oklahoma, they will not know the difference between the Serbs and the Moslems and Croatians, who are the good guys and bad guys. I tell you, there are lots of bad guys around on all three sides, but yet we are going to be putting U.S. forces under an American general to be making decisions. So we are almost Americanizing this war. But we say we are going to be out in 12 months. I do not see it adding up. I do not see it working. I do see us risking a lot of U.S. lives and a lot of prestige for something I think is clearly not definable.

Now, look at Secretary Christopher's words. He testified in April 1993 before the Appropriations Committee. He said four criteria have to be met before American troops will be deployed.

Now, this proves a couple things. One, they were talking about deploying American troops 2½ years ago. Well, now they have been successful. But they said the goals must be clear and understandable to the American people. Well, that has not happened. That is a big no. You ask the American people, what are our goals? Well, we are going to get out in 12 months. We want to speak for peace, but if we look at all these guidelines where we are going to be the buffer, no, I do not think so. If you say we want American forces to be clearing mines, something like 5 or 6 million mines, landmines, hopefully we will not lose any American troops to landmines, but I am sure that we will.

And Americans are going to start questioning those goals. "Wait a minute. Why are we there? The chances of success must be high." I do not think they are high. I hope they are. I hope there is peace.

But I think just because we have deployed ground forces, what happens when we leave? We may be somewhat successful with 60,000 troops. Putting them into an area smaller than the State of West Virginia, that is a lot of troops for an area that size. Bosnia is a small area, about 60 percent of the size of South Carolina, a little smaller than West Virginia. It has about 4.5 to 5 million people, so it has a lot of people. But we are going to put 60,000 troops in there.

We may successful in restoring some degree of peace for a while. What happens when we leave? We said we are going to be gone in 12 months. I am afraid the war is going to start again. If so, then I say, hey, that has not been successful. If we leave, like we did after Lebanon or like we did after Somalia, I would say that is not a success. We may have alleviated some of the fighting or some of the starvation for a short period of time, but if they start fighting, as they, I am afraid, will in this case, I do not think that we have been successful.

Third, this is Secretary Christopher's criterion: The American people must support the effort. The American people do not support this effort. I do not believe you should manage foreign policy by polls, but I do think, before you commit U.S. ground forces and make a commitment where we are going to be committing U.S. forces and lives, you should have some support of the American people.

The American people are opposing this action by a two-to-one margin. That has not changed since the President has tried the make his case, and the administration people have tried to make his case.

And then, an exit strategy for getting the troops out must be established from the beginning. We do not have an exit strategy. We have a timetable that says we are out in 12 months, not that we accomplished our objective, because our objective is not that clear, is not that definable. It just says we are going to be out. That is a timetable for exit, but it does not say anything has to be accomplished. Again, I think it is a mistake. Under Secretary Christopher's own criteria I think it fails on all four categories.

Mr. President, I do not think we should send U.S. ground forces. I think President Clinton has made a mistake. I think if you look back at the statements that this administration has made, even as a candidate, as the policies go back for the last 3 years, they have been talking about putting U.S. ground forces in international peacekeeping efforts. I am afraid we are making a mistake, like at the date in the accord, the date in the agreement.

I see lots and lots of areas that are nation building. So we are going to be committing United States ground forces into rebuilding a democracy or a government in Bosnia, a government that is very fractured, a government that is very divided, with ethnic divisions, one where there is a lot of hatred, a lot of animosity, and putting United States forces right in the middle. That is not a clearly definable military objective.

Again, I think it is a serious mistake. So I hope that our colleagues will support this resolution.

Mr. President, I ask unanimous consent that an article by Judge Abraham Sofaer that was in the Wall Street Journal, which points out many of the shortcomings of the Dayton accord, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Clinton Needs Congress on Bosnia

(By Abraham D. Sofaer)

President Clinton has appealed to Congress and the American people to support his policy committing 20,000 ground troops to implement the peace agreement reached between Serbia, Croatia and Bosnia. It is a tribute to the American people that the president is accorded the greatest deference when he calls for the greatest sacrifice. Americans respond, at least initially, to such appeals from their president.

But Mr. Clinton is exploiting this quality. He has presented the agreement and the American role in its enforcement as an accomplished fact, though the documents have yet to be signed by the parties, and numerous preconditions to U.S. involvement have yet to be fulfilled. He is consulting with Congress, but he is already sending troops to the area without any form of legislative approval. Indeed, he claims that, while he would welcome Congress's approval, he plans to go ahead regardless.

Presidents often try to get what they want by leading aggressively. Congress nevertheless has a duty to study carefully the proposed operation and then express its view. The essential first step in that debate is to read the documents signed recently in Dayton. The complex agreement, with 12 annexes, calls for Bosnia to remain a single but divided nation, and all the warring factions to withdraw to specific lines. The agreement covers virtually all aspects of future life in Bosnia, including the division of its governments, the contents of its constitution, the selection of its judges, and the manner in which its police force is to be chosen and trained. Of principal interest to Congress, though, are those aspects of the agreement that create obligations and expectations for the U.S. to fulfill.

OUR OBLIGATIONS

These obligations, when carefully examined in context, carry to the ultimate extreme the policy of forcing a settlement on the Bosnians, rather than attempting to create an internal situation that is militarily balanced. Most significantly, the agreement makes the U.S., through the "implementation force" (IFOR), the military guarantor of the overall arrangement.

The role of U.S. troops cannot be characterized as "peacekeeping." Even "implementation" understates our obligation. IFOR will be close to an occupying army, in a conflict that has merely been suspended. We are likely to have as many difficulties acting as occupiers without having won a victory as the U.N.'s war crimes tribunal is having in attempting to apply its decisions in Bosnia without the power to enforce them.

IFOR's principal responsibilities are set out in Annex 1(a) of the agreement:

The parties agree to cease hostilities and to withdraw all forces to agreed lines in three phases. Detailed rules have been agreed upon, including special provisions regarding Sarajevo and Gorazde. But IFOR is responsible for marking the ceasefire lines and the "inter-entity boundary line and its zone of separation," which in effect will divide the Bosnian Muslims and Croats from the Bosnian Serbs. The parties agree that IFOR may use all necessary force to ensure their compliance with these disengagement rules.

The parties agree to "strictly avoid committing any reprisals, counterattacks, or any unilateral actions in response to violations of this annex by another party." The only response allowed to alleged violations is through the procedures provided in Article VIII of the Annex, which establishes a "joint military commission"—made up of all the parties—to consider military complaints, questions and problems. But the commission is only "a consultative body for the IFOR commander," an American general who is explicitly deemed "the final authority in theater regarding interpretation of this agreement. . . ." This enormous power—to prevent even acts of self defense—will carry proportionate responsibility for harm that any party may attribute to IFOR's lack of responsiveness or fairness.

IFOR is also given the responsibility to support various nonmilitary tasks, including creating conditions for free and fair elections; assisting humanitarian organizations; observing and preventing "interference with the movement of civilian populations, refugees, and displaced persons"; clearing the roads of mines; controlling all airspace (even for civilian air travel); and ensuring access to all areas unimpeded by checkpoints, roadblocks or other obstacles. Taken together, these duties essentially give IFOR control of the physical infrastructure of both parts of the Bosnian state. It seems doubtful that the 60,000-man force could meet these expectations.

Article IX of the agreement recognizes the "obligation of all parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." This is an especially sensitive matter. Yet there is no mechanism in the accord for bringing to justice men who haven't been defeated in battle and who aren't in custody. This means that IFOR is almost certain to come under pressure by victims and human rights advocates to capture and deliver up the principal villains. Will it do better than we did in fulfilling our promise to capture Mohammed Farah Aidid in Somalia?

The agreement makes vague promises about reversing "ethnic cleansing" by guaranteeing refugees the right to return to their homes. Since this is in practice impossible, the West will end up paying billions in compensation awards promised in the agreement.

The agreement contains numerous provisions regarding the manner in which Bosnia is to be governed, with checks and balances built in that are based on ethnic or geographic terms. But Americans traditionally have not believed in such divisions of political authority. We fought the Civil War to put into place an undivided nation based on the principle that all people are of equal worth, and all must live in accordance with the law. It took a Tito to keep the ethnically divided Yugoslavia together. Will IFOR now assume his role of enforcing a constitution based on principles abhorrent to Western values? Even if the basic structure of the government works, what role will IFOR have to play in resolving disputes over the numerous sensitive areas that the parties have seen fit to write into the accords? If the parties don't resolve some matters successfully, they are likely to blame IFOR for these failures.

Finally, the agreement draws a vague distinction between "military" and "civilian" matters. Ultimate authority over the latter is allocated to a U.N. high representative, who is to act through a "joint civilian commission" consisting of senior political representatives of the parties and the IFOR commander or his representative. The high representative is to exchange information and maintain liaison on a regular basis with IFOR, and shall attend or be represented at meetings of the joint military commission and offer advice "particularly on matters of a political-military nature." But it is also made clear that the high representative "shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command."

This may seem a reassuring confirmation of IFOR's power to avoid U.N. restrictions on the use of force. Ultimately, however, IFOR's role could be made untenable if it finds itself in a confrontation with the U.N.'s designated representative and the proper handling of a "political" matter. What would happen, for example, if the U.N. high representative determined that U.S. forces had gone too far in defending themselves under President Clinton's policy of effectively responding to attacks "and then some"?

EITHER/OR

Congress cannot redo the agreement reached by the parties. But there is no need for lawmakers to accept President Clinton's either/or approach—either support his plan to implement the agreement, or pull out entirely. If the agreement represents a genuine desire for peace among the warring parties, then presumably the accord is not so fragile as to depend on the oral commitment of U.S. troops made by the administration (and which isn't even part of the agreement). Congress can and should consider other options. The U.S., for example, could assist European forces in demarcating the boundary lines, and could enforce peace in the area through the threat of air strikes on important targets. Or the U.S. could offer greater monetary and diplomatic support for the agreement but not any ground troops.

Whatever happens with the troop commitment, Congress should insist that the agreement's provisions allowing the training and arming of the Bosnian Muslims be rigorously adhered to. A balance of power among the hostile parties is ultimately the only basis for long-term stability in the region. And if American troops are sent to Bosnia, they will be unable to leave responsibly until such a balance has been developed. That would certainly take longer than the yearlong limit imposed by the administration.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I listened very carefully to the last several speakers here on the floor, and I find myself almost at a loss as to where to start. If we go through a factual reality check here, on how this situation developed, I do not find it much like what I hear being discussed here on the floor.

One of the speakers this evening talked about our entry into combat and equated it with Vietnam, equated it with Lebanon, where President Reagan—whose name has not been mentioned here although Clinton's has this evening, that is for sure—put 1,600 troops into Lebanon and said, "We're going to stabilize Lebanon by making an example there, and that will bring them around." That is what got us into the trouble, not thinking the thing through, and thinking that a little bitty show of force would bring an end to what had been very lengthy combat in Lebanon.

So I think we need a reality check here. To equate this whole effort as just some sort of a PR stunt does a disservice to the floor of the U.S. Senate and to our Government. It was even questioned as to whether we would stand behind our troops in Bosnia once they are in there. What a ridiculous statement. I find that abhorrent.

Now, statements were made that we were injecting our people into a civil war, we are putting our people into combat. Now, let us get back to reality here.

I agree completely that there have been long and historical difficulties in the Balkans. We do not need to run through all those this evening except to say some of these problems literally go back to the time of the Caesars. They are that old. The ethnic, political, and religious differences in that area led one of the Caesars to split the area that later became Yugoslavia into the East Roman Empire and West Roman Empire. That is how the orthodox influence came up into that part of the world.

It has been a caldron of problems that contributed to the beginnings of two world wars. We have always had an interest in that area. We have a lot of people in our own country, a lot of people in my home State of Ohio representing the different ethnic groups in that part of the world.

President Clinton said we would send 20,000 people in if—these were big "if's"—if we could get arrangements for fighting to be stopped, so we could move in. We are not going to fight our way in. We did not make a commitment to actually send them in until some other things happened.

What were those other things? And these are very, very important. What happened was that over the past 4 years the war has become so difficult for people in that area, that they wanted peace. They asked us to broker the peace. We did not suggest fighting our way in there. President Clinton has not said we are going to fight our way in there. Quite the opposite. They came to us and said they are tired of war.

My colleagues have asked how can we believe these people who have been fighting all these hundreds of years are not just going to keep on fighting. Well, the big difference now is that they are tired of war. Should we believe them or not?

Bosnia-Herzegovina is an area about one-half the size of the State of Ohio—we are not a huge State; we have about 41,000 square miles of territory in Ohio—Bosnia-Herzegovina is almost 20,000, 19,776 square miles, about half the size of Ohio. In other words, think of Ohio, and Interstate 70 goes across the middle.

If, in that area down between that Interstate 70 and the Ohio River, we had had 250,000 deaths in the last 4 years and we had two million refugees in the last 4 years, would we be ready for peace? That is what occurred over in Bosnia. Even the most ardent warriors over there have become tired of war, of the slaughter and the dislocation of people.

While every individual may not be signed on, 100 percent going to lay down their arms, this is what happened. They came to us. Diplomatic channels said all parties seemed to be ready to have us broker a peace if it was possible.

I must commend Ambassador Holbrooke. I think he did a masterful job over there, stayed at it, stayed at it, stayed at it, back and forth, one capital to another, one group to another until they had an agreement to go to another place and try to negotiate peace. They came to Dayton. Wright Patterson was selected because the facilities were there providing security, some place to live, some appropriate barracks, and so forth. So they came to Dayton.

Let me give my view. I was very dubious of this whole process at that point. I thought they would come to Dayton and it would be a short-lived conference. And what happened? Well, they not only asked to negotiate, but they, the parties involved, came to Dayton. They, the national leaders, the heads of state, did something I would not have thought possible: They stayed at Dayton for 21 days, the heads of state stayed there for 21 days negotiating. They finally hammered this thing out, and they initialed an agreement there, all of them. And they will sign it the day after tomorrow in Paris.

So it is not our peace, it is their peace, with us making suggestions. But they are the ones who initialed it. They are the ones who asked to negotiate to begin with.

What is our part in it? Our part is to help implement what they have agreed to.

Much was made on the floor a few moments ago about what if they back out and the fighting starts again? They back out and what happens? I will say this, if that happens and if they break the peace agreement that they signed, that they wanted, that we brokered, that they agreed to, it is their failure, not ours. We are not there, as the President has said, the Vice President has said, the Secretary of Defense has said, General Shalikashvili has said, General Joulwan in Europe briefed us, to enforce a peace by forcing anyone back across a border. If they have decided this peace is no longer for them and they are going to start fighting again, our commitment at that point is we tried, we gave you people your chance at this thing, and we are out of there. We are not there to conduct large-scale combat. If that were the case, we would be going in with far more than 20,000 people, in my view.

But let us say they do not back out and peace comes to the Balkans. We will have avoided the possibility of this conflict spreading over into Macedonia, down toward Turkey, with all that might entail. We have avoided the possibility of it breaking across borders up toward Europe, maybe into Eastern Europe. And we will maybe, possibly, have peace in that area because they asked for it, they wanted it.

I had doubts when they came to Dayton and I wanted to see two things happen. I said this publicly at the time and talked to the President about it, talked to the Vice President about it, and talked to the Secretary of Defense about it. Two things: First, this agreement could not be wishful thinking. This agreement could not be something where we say, Well, yes, we're going to go in over there, and, yeah, since they want peace we will be able to settle in down there and we'll draw some borders once we get there and then we'll provide some peace.

No, we could not do it that way. I felt that would be a recipe for disaster. I would have bet a sizable amount against the parties at Dayton really drawing up an agreement in sufficient detail that, as I said one night in a meeting at the White House, we have to decide which peach orchard is in what entity when you draw these lines. It had to be in that kind of detail.

A second element was that the firing had to have stopped. That was a commitment agreed to by everybody. The parties had to see that the irregulars also will have stopped firing. And then we go in to maintain the peace.

What came out of the negotiations, as far as detail? I brought along a chart. This is a chart they agreed to in Dayton. The detail was to be 1 to 50,000 scale. This is a brandnew map, just a few days ago. This is the separation zone. This area in here is an area that is an interim zone which the troops will move out of and back to these lines, and that is to occur within a stated time period.

What is the accuracy of this? An inch on this scale would be somewhere around 4,000 feet, and the center line that is the demarcation line that we will monitor, shown in the center of this zone, accurate on this scale map to within 50 meters, close to 160 feet. Now, that is pretty good accuracy.

We have the whole of Bosnia and Herzegovina. All of that area has this kind of a map. I could not bring all the maps, because 1 to 50,000 would have an area about half the size of that wall at the end of the Senate Chamber. But our section will be up in this area, around Tuzla, up in this northeastern part of Bosnia and Herzegovina, depicted here.

This is Tuzla, which will be the American headquarters out of which we will operate. We will be operating to keep these zones clear in here. Why do we need to do that? If they said that they wanted peace, they are tired of war, 250,000 people killed, 2 million refugees in a small area, why can they not all just sit down and say, Stop fighting, and that takes care of that?

One very good reason. The previous cease-fires that they have had in that area have been broken, for the most part, by what are called the irregulars. We were briefed on that when we were over there a few weeks ago. At least 20 percent, and some estimates run as high as 50 percent, of the combatants in this area are what they call irregulars. They are the farmers who go up and shoot, are up there manning a rifle or machinegun a few days, go back to their farm and somebody relieves them. They are not the people who are used to the usual military commands up and down the military structure.

What has happened on most of the past cease-fires, and they have had over 30 of them in these 4 years of war and they have always broken down, is that somebody gets up there, triggers off a few rounds, the firing spreads and pretty soon the cease-fire has broken down.

So the situation we find ourselves in is we have an agreement. I would not have thought it was possible to reach the kind of agreement they did in Dayton. It is detailed. The borders are established. It has been initialed. It is laid out on the 1 to 50,000 chart right here. In the local areas, they will have charts to a bigger scale, of course. The firing must have stopped, and the cease fire held while these negotiations were underway, by and large.

When we go in, it will not be to fight our way in. It will be to go in and man these zones that keep the combatants apart. One reason that is a 4-kilometer wide area is so the small arms fire cannot be used across a zone. There are 2 kilometers on each side of that center mark down the middle of that zone.

We will keep the forces separate. They say—they say, not us—they say that they want peace. We have helped them negotiate an agreement, and surprisingly, it is in enough detail that you can pick out which orchard is going to be where and which road intersection is going to be where. It is in that kind of detail. When we get over there, we will not go into areas where there is any active fighting that may have popped up again. We are not going in to squelch someone, we are not there to fight a war on one side or the other. We are there to set up a separation zone and enforce it.

The question was asked on the floor here, what is our military task? Military tasks were agreed to at Dayton. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff and the Secretary of State have repeated these things over and over again. All parties have agreed that they will cooperate with us in these things that they asked us to enforce.

Let me add one thing here. Why us? Why do they want our involvement? Why did they say they would not go along with just the other members of NATO unless we were involved? It is rather simple. They trust us and they do not trust the Europeans in NATO, and they have said that. This was stated to us in numerous briefings. They do not trust the others, but they do trust the U.S.

Our job will be, first, to go in and supervise the selective marking of cease-fire lines, inter-entity boundary lines, and zones of separation, which is what we are talking about here. First zones will be marked, then military forces will begin moving out of the zones back into these permanent areas here.

Once that has occurred, we will monitor and, if necessary, enforce withdrawal of forces to their respective territories within an agreed period. We will ensure that they have withdrawn behind the zone of separation within 30 days of transfer of authority. That is a clear military task.

Then we will ensure redeployment of forces from areas to be transferred from one entity to the other within 45 days of transfer of authority.

Further, we will ensure no introduction of forces into transferred areas for an additional 45 days, establish and man the 4-kilometer zone of separation, outlined here on the chart, 2 kilometers on either side of the cease-fire interentity boundary line. We will establish liaison with local military and civilian authorities, and we will create joint military commissions to resolve any disputes that there may be between the parties.

Now, the statement was made a while ago on the floor that it smacks of nation building for our military in there. That is not true. Nationbuilding tasks are specifically not included as I-For tasks in the Dayton accords.

Things that will not be I-For tasks are the humanitarian operations. Those will be handled by other international agencies. Nation building, economics, and infrastructure will be handled by others, not by our military. Disarming everyone is not an I-For task. Moving refugees is not a job for our military, nor is policing local towns, and so on.

So this idea that we do not have clearly defined military tasks is just not true.

Once again, I am still somewhat amazed that everybody agreed to all these things in Dayton and has said that they will abide by these commitments. If the parties decide that they want out of the agreement—we are already agreed, the NATO Ambassadors have said, General Joulwan told us during our briefings, and Secretary Christopher and Secretary Perry said, we are not there to fight on one side or the other. We would say that we successfully did our part. We would define our part as being a success if we went in there and manned these zones and kept them apart for a period of time, and they will have failed, not us. They will have failed the peace agreement that they asked us to negotiate, that they came to Dayton for, for which they stayed 3 weeks, 21 days, and they will sign in Paris the day after tomorrow.

Now, where does this leave us? Well, it leaves us, I think, with reasonable risk. Nothing is without some risk, that is true. Even when we have maneuvers in this country, military maneuvers, sometimes something happens. Someone slips off a tank and they are hurt. Nothing is absolutely safe. It is like an old saying in aviation, "The only way you have absolute, complete flight safety is to leave the airplanes in the hangar." I guess that is the situation we find ourselves in.

Will there be some risk? Yes. Will it be tolerable? I think so. If it becomes intolerable and forces build up, and there is a push, we are out of there. I will not see that as being a failure. I will see that as, we did our level best. This year period we are talking about is time enough. If they really want peace and they are serious about it, then all these other humanitarian groups and nationbuilding groups—not our military—will come in immediately after our presence is felt to try to help those people get their country going again. Within a year, the people of Bosnia are certainly going to see the benefits of peace, as opposed to continuing the slaughter, which has been their norm for the last several years.

Can 20,000 troops do it? Yes, I think they can. The 20,000 is not a force to come in for a big military operation. We are not going into a situation like the Persian Gulf, where we knew we were going into combat. It is the opposite. We are going in to help the parties and these irregulars to stay apart for a short period of time while we try, for the first time, to get lasting peace in that part of the world.

Now, what are some of these groups that will be coming in? Well, those are being worked out right now, as to who will do what. But NATO itself will not be responsible—the NATO troops there will not be responsible for all the nationbuilding efforts.

I might add that, as far as risk goes, you know, I wondered one day how many people in the Peace Corps we had lost overseas, so we made an inquiry. It turns out that through all the years of the Peace Corps, which obviously includes many thousands of people and many places around the world, we have lost 224 people in the Peace Corps that have died overseas in accidents, of disease, or whatever. I think that is interesting. I would not have thought it was that high. So we take some small risk any time our people move out on any endeavor anywhere in the world. But the risks, to me, are minimal.

The benefits that can occur for the future are huge. NATO, for the first time, will have been moving out of their normal area. So, in that respect, it is an experiment. What has happened is, our military area that we are going to man as part of this force will be up here in this northeastern part. The British will be up in here. The French will be down around Sarajevo and down in this particular area down here.

So it is not, as was said on the floor a while ago, that we are mixing up our troops all over Bosnia. That is not true. We are responsible for manning a certain area, and that is it.

Now, I was afraid of one other thing. In the Balkan area we had the Soviet Union that through the years has had a special kinship with Serbia. It dates back a long time, a historical connection of heritage there.

I was afraid that if we went in there, and NATO went in there, and we found the Russians having an interest in coming down and supporting people over on the Serbian side, we could wind up with us in this area here with Russia supporting the Serbs in here. We would have had a possible confrontation there between Russia and our forces. That would have been a confrontation with the potential for very major disaster.

Now, what happened? Well, we got the Russians in. The Russians are going to be part of this. They will be manning some of this zone here adjacent to us, and they are cooperating in this effort. I think they, too, realize that if we do not get peace in that part of the world, it is liable to erupt again sometime in the future, and that would not be good for them, or us, or anyone else.

If we cannot begin to see the benefits of peace in a year, then maybe it is impossible. I do not know. Maybe those countries go back to fighting again. But I think we will have been proud at that time that we at least were willing to take the small risks to let peace try and take root in that area of the world.

I would think that some risk now may enhance the long-term leadership of the United States toward peace and freedom around the world and, in the long run, actually save lives.

We have not been hesitant about taking jobs on around the world, and people trust us when we do this, by and large. We have many examples. We stayed in Korea since the Korean war.

With the Marshall plan, the Truman doctrine, back in the post-World War II days, we did not try to take over Europe and make it a 51st, 52d, 53d, or 54th State over there. We helped them. We had the Truman plan, the Marshall plan, all these things to help nations recover from war.

In other words, we have had a history of standing for peace and freedom around the world and, really, to take some minor risks to see that we encourage peace and freedom around the world. It does not always go perfectly.

Did we lose some people we wish we had not lost in Somalia? Of course. I think we probably also in the long run saved a million lives in Somalia with the effort that we were willing to make.

Are we wrong in trying to broker a Mideast peace? We had Prime Minister Shimon Peres here not 20 minutes ago on the floor of the U.S. Senate. He was here and gave a brilliant speech today. We have helped Israel and the Palestinians to bridge some of their differences. We have tried to broker peace in that area.

We did not try to take Japan after World War II. We have tried to advance peace and democracy throughout South and Central America. We have a lot of budding democracies in that part of the world, Cuba being the major exception. We went into Haiti. It was criticized here on the floor a little while ago, but I think we are seeing Haiti come around, it is up and down, up and down, but generally up. It is a more peaceful situation than we might have thought was possible.

Northern Ireland. Nuclear Non-Proliferation Treaty we got permanently extended. We have tried to be a force for good around this world to our everlasting credit.

To those who say we should not even risk going into this area I would say—they wanted the peace, they asked us to broker it, they have initialed it, they are the ones who will sign it in Paris. It is their peace, not ours. We are just trying to help them implement it. So to bring up all these what ifs and dire consequences—I think it is good to think about those things and be prepared for some of these things. But to stay out of that area because some of the things mentioned here on the floor might possibly remotely happen, I just do not think that should be done.

We are, indeed, a nation that wants peace and freedom around the world. We have stood for that and stayed involved around the world. That does not mean at all that we try to take on all the problems of the world. We cannot be the world's policemen. I agree with that. But where we have an area of such historical conflict and importance to Europe, to not seize this opportunity—and I do view it as an opportunity—to not seize this opportunity to try to help them implement the peace that they say they want, I think would be wrong.

I think we are well justified in going in, and I would not have thought this was possible 7 or 8 months ago. I would not have thought we would have such a detailed agreement, that I could stand here with a chart like this on the floor of the United States Senate and say these details have been signed onto by all parties in the Balkans. This is one small part around Tuzla, and the total map on this scale in the Senate would be the whole size of the wall; 50 charts cover Bosnia and Herzegovina.

What we are doing is providing them a structure for implementing the peace they said they wanted and they agreed to. If they decide to opt out, then we are opting out, too. We will have done our job. I personally declare it a success that we tried. If they are dumb enough to break up the peace after all this effort, and all the nation building that will be going on in that area, then I must say I do not have much sympathy for them from that point on. We will not fight our way in. We only go in if all firing has stopped.

Are we do-gooders, trying to do too much around the world? I do not think so myself. We take some risks for potentially huge benefits. The rest of the world looks at us as a nation that has no territorial designs. They trust us. I think we just might be able to implement this agreement and see peace break out in that area for an indefinite time into the future. If so, we will have done a great, great service for the rest of the world and particularly for that particular area.

I know we will be debating this question tomorrow here, I do not think there is a final agreement yet on exactly how long tomorrow we will be debating these issues. But I think if this works out, then we will avoid the possibility of an encroachment down through Macedonia or toward Turkey. We will not see fighting spread across borders into eastern Europe.

We will maybe have been a real instrument for peace. That is the objective here—not another Vietnam, not another Lebanon, not all the things that were mentioned here on the floor a little while ago. Maybe, just maybe, we can be a force for peace in that part of the world. That is the objective.

I think we stand a very good chance of doing that. I support the President's move, and I hope that we can send an overwhelming message of support, because I do not want to have the people over there thinking that we are a divided nation back here. That would be the worst situation that we could possibly have.

Mr. President, I am optimistic at this point. I think we have come a long way. We went through negotiations we did not think were possible. They have agreed to it. Heads of state stayed in Dayton 21 days, something we would have thought was absolutely impossible. They will sign this in Paris. It is their peace. All we do is help them implement it. It is their peace. If it breaks down, it is not our failure; it is their failure. I look forward to the continued debate tomorrow morning.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska.

Mr. STEVENS. Mr. President, I am one of the cosponsors of the Hutchison-Inhofe resolution. It is a brief measure. It makes clear the views of this Senator and, I hope, the majority of this body in opposition to the actions and the decision by the President concerning Bosnia.

In clear and unambiguous language, our resolution presents absolute support for the men and women of the Armed Forces who are being deployed under the President's order related to Bosnia. They are and will do their duty, and they have earned and deserve our country's unqualified support to meet their needs.

We also have to support their families while they are away, and no matter what we do or say regarding Bosnia, it is the duty of this Congress to provide for the security and welfare of the families of these men and women in the defense forces.

Now, virtually every Member of this body, I think, has spoken at least once on this tragic situation in Bosnia. What the Senate is doing now is to focus on the challenges and the threats involved in this Dayton plan for the United States and to determine whether we should, for the first time, mire ground forces in this centuries-long conflict in the Balkans.

I have listened with interest to my friend from Ohio. There is no one for whom I have greater respect and fondness. I find that we have come away from the Balkans—we traveled the Balkans together—we have come away with diametrically opposed views.

I was interested in particular when he mentioned that Bosnia and Herzegovina is 20,000 square miles. Mr. President, my State is 586,000 square miles and we are one-fifth the size of the United States. In other words, I think we should focus on the size of the area involved in this conflict.

More than 2 years ago, I spoke to the Senate on the nature of the conflict in Bosnia, and I paid particular attention at that time to the remarks of General MacKenzie, who was a Canadian and the commander of the U.N. forces that were then struggling to end the fighting.

In an interview about that time, when he was asked what he thought about the calls from some in the Congress to take military intervention, or at least send a strong military backup to the Bosnia area, this is what he said, quoting Gen. Louis MacKenzie:

> Well, what I have to say is that if you're going to jump from chapter to chapter 7 of the U.N. charter and move from peacekeeping to force, then you better get the peacekeeping force out first.
>
> Mind you, Mr. President, you better get the peacekeeping force out of there.
>
> Otherwise, you got 1,500 to 1,600 hostages sitting there 200 kilometers from the nearest secure border. You can't combine these two.
>
> And if you're going to get involved in the Balkans, then we better read a bit of history, because we're talking about an area that gobbled up 30 divisions during the last war. Unsuccessfully, by the way, in keeping the peace in Yugoslavia. Unsuccessful in tracking down Tito and finding him in Macedonia. So you're talking about a very, very major undertaking.
>
> Not only that; when they leave, with the amount of hate that's been generated on both sides, it's going to break out and start all over again unless you come to some sort of political constitutional solution for that country.

Mr. President, there is no constitutional solution in Bosnia. There is no peace, really, in Bosnia.

It is discouraging that, after the 2 years that this has gone on, and the incalculable suffering by the people of Bosnia, the President has finally acted. And in my view he has made the wrong decision.

Two years ago, following a mission in Bosnia with a delegation of Senators to the NATO south headquarters and the Bosnia region and Croatia, I came to the conclusion that only a military balance in the region would bring a permanent end to the fighting. This administration consistently opposed that strategy, long advocated by the majority leader, Senator DOLE. Now, administration officials define a military balance as a key component of our exit strategy from Bosnia. How is it that aiding the legal Government of Bosnia to defend itself was wrong for so long, and now defines success for this deployment?

American soldiers, air crews, marines, and sailors will now be placed in harm's way because this administration failed to do what so many of us urged—permit the legal Government of Bosnia—permit the people of Bosnia—to defend their country, and their lives. The question now is whether we will approve putting the men and women of our Armed Forces at risk, to recover from the mistakes and errors of the past 3 years.

In October, Senator INOUYE and I led a bipartisan delegation to review the NATO peace enforcement plan, and evaluate the situation on the ground in Croatia and Sarajevo. Let me state now that our discussions with military leaders at the United States European Command headquarters in Stuttgart made clear that our troops have been well-trained and well-prepared for what they may face in Bosnia. While I do not agree with the President's decision, I applaud the leadership exercised by General Shalikashvili, Admiral Smith, General Crouch, and General Hawley—they have done everything in their power to prepare our troops to protect their own lives.

We may face casualties in Bosnia—every military commander we met addressed the risks there. But we were assured that those casualties will not be the result of indifference or failures by the Department of Defense to do its job to make the force ready. This is a superb force that the President has ordered to Bosnia, will bring credit to the military, and to our Nation, regardless of the challenges of the Balkans, of that I am sure.

But, if the situation in Bosnia was unique, a compelling case for United States intervention might be made. Sadly, the killing, the suffering, and the devastation in Bosnia represents only one chapter in the growing record of civil strife around the world. Even more troubling is that Bosnia may be only a warning bell for severe disruption and conflict in other former Communist nations, including the former Soviet Union itself. We must not forget the fact that we are watching the disintegration of Yugoslavia.

In Africa, Central Asia, and the Far East, we have witnessed, without deploying United States troops, slaughters and tyranny in Ethiopia, Uganda, Sudan, Mozambique, and Angola. Where we did intervene, in Rwanda and Somalia, our efforts resulted in only a temporary lull in the killing, or in the end, completely failed, as when we tried to mix humanitarian aid with nation building in Somalia. In Asia, we turned away from any responsibility despite the terror in Sri Lanka, in Burma, and the decade of killing in Cambodia. In Cambodia, peace was accomplished when the parties were tired of fighting, and the United Nations provided a framework for reconstruction, led by Japan and Australia—key regional powers.

The former Soviet Union and associated states present an entirely separate category of potential future conflicts. Already, we have witnessed fighting in Georgia, Azerbaijan, Tajikistan, Armenia, and Chechnya. We in Alaska watch closely developments in Siberia, and I predict to the Senate that we will see unrest and perhaps the fragmentation of that corner of the former Soviet Empire before the end of this decade.

Many of these nations are artificial. We should remember that. Within the former Soviet Union, within the former Warsaw Pact, and within the former Yugoslavia, these are not natural nation states. Today in many of the states long simmering rivalries, feuds, and clan conflicts that were suppressed by brutal, authoritarian regimes continue to surface. People did not accept Communist dictatorships, they lived in fear of them. They chafed under that tyranny, under the control of entirely different nation, a nation that erased their traditional boundaries. And now they are acting on desires for self-determination to try to restore the past.

Bosnia is not the first nor will it be the last of such civil wars in former Communist nations. The precedent set by the President on how the United States will respond to these conflicts will haunt the United States for years to come.

I do not know how this administration reached a value judgment that a life in Bosnia is more significant than a life in Chechnya or Armenia. And I would ask, are the threats to Turkey from unrest along the Black Sea of less vital interest than the imagined threats to Greece from the unrest in the Balkans?

I really do not know how the President's equation works yet, Mr. President. What future commitments has the President made by this decision to dispatch forces to this region? Based on our discussions with U.S. military leaders in Europe and the hearing before the defense appropriations subcommittee, which I chaired, I found no basis for any claim that a broader war in Europe could emerge from this conflict. We have heard that again here today.

There is simply no likelihood that troops from this 20,000 square mile area will march on Greece, or that Croatia will march on Italy, as a result of this centuries-long hatred in the Balkans.

Any suggestions that this civil conflict will ignite world war III to me is farfetched and irresponsible. And I say this with no disrespect to Secretary Perry and General Shalikashvili. I told them of my conclusions following our trips to Bosnia, in private meetings and public hearings.

This deployment may be more about fulfilling the President's hasty commitment to NATO leaders. It may be one to assert a new dominating role for the United States in NATO affairs.

To me, it is not a deployment to prevent the spread of war to Southern Europe. I find it very interesting that in the past, many on the other side of the aisle scoffed at the domino theory when it was raised with regard to Europe, Southeast Asia, or the even the Middle East during the gulf war. It is remarkable now to hear that this civil war in 20,000 square miles of Bosnia may spill over and proliferate into conflict in Greece, Turkey, Hungary, Romania, or Albania. All have been mentioned here on the floor, Mr. President.

Procedurally, there is no basis in the NATO Treaty for this mission. The North Atlantic Treaty defines a defensive relationship between the signatories focused on mutual defense. This action takes NATO in a new and uncharted direction. The President does so now under circumstances where the NATO alliance is described as so weak that America choosing not to participate in this mission could destroy that alliance. Those are not my words. That is what we were told at the NATO headquarters when we visited Brussels.

NATO officials told our delegation that defense spending cutbacks by some NATO members have so reduced their military forces that they simply cannot do more than provide token units to the NATO implementation force. NATO ministers presented us a stark choice in Bosnia. We were either to provide a military force for Europe or see NATO collapse.

I do not see why we should provide a military force for Europe because of the threat that NATO would collapse. I think that is one of the most remarkable statements I have heard.

Is it true that our allies that we joined together to defend against the monolithic Soviet Union are incapable of containing a small conflict in 20,000 square miles of Europe?

We are the world's only remaining superpower. The budget that I helped present to the Senate that the President approved for the Department of Defense is a good one, but it does not keep pace with inflation. And I say to the Senate that the bottom line is this Nation cannot provide for Europe's defense and Asia's defense and the Middle East's defense. The American taxpayers should not, cannot, and will not shoulder this burden alone. If NATO cannot do this without us, what is it that NATO can do now?

I have probably attended more NATO meetings than any Member of the Senate still here today, and I have been a firm supporter of NATO all along. But I was appalled to be told by leaders of NATO that if we did not participate in this mission, NATO would collapse.

Mr. President, I will vote for the Hutchison-Inhofe resolution, and I am proud to have worked with them and so many of my colleagues to bring this matter before the Senate. I hope to be able to support also the leader's resolution. I hope it will come before the Senate because I think we must not only make a clear commitment to our Armed Forces, which the leader's resolution will do, but I think we must have a resolution that will go to the President and that he must sign that defines not only our role vis-a-vis the Bosnian Moslems, but also the exit strategy that we should pursue.

I do not enjoy finding myself in opposition to any President. Our Constitution makes the President the Commander in Chief of our military forces, and he has the authority to command. He has the authority to deploy these forces. But the Constitution gives the Congress responsibility also to provide for our common defense.

How can we provide for our common defense if Presidents continue to send our forces throughout the world for humanitarian and peacekeeping efforts to Haiti, to Somalia, or wherever it might be? I believe we are weakening our defense every time we use defense money for peacekeeping measures, and we will pay the price.

I only need to point out the number of ships we are able to build a year. Figure it out someday, Mr. President. We build about six or seven now, and they have about a 20-year average life. How can we possibly keep a 350- or 400-ship Navy with the current rate of procurement for Naval forces? Or look at the Air Force; it is coming down so rapidly. Or look at our tanks; it will not be long until we will have tanks to send people to war that were built by their grandfathers.

The defense budget is not, as the President said, an overloaded budget. It is an underfunded budget from the point of view of modernization, and that is really the problem we have here.

I do not believe the American people want our troops in Bosnia. I think they want a very good defense force. They want us to be able to keep our commitments abroad.

I do not believe a majority of the Congress should support the President's decision to send troops to Bosnia, and I regret the President did not consult the Congress, or consider our views—particularly the views of some of those who were sent to Bosnia to bring back a report to him.

This decision sets a very disturbing precedent for me, Mr. President. I do not think the debate will change the policy the President has embarked on. I hope that some of our allies are listening, and I hope more people question our becoming involved to save NATO rather than to defend our national interest. They are not synonymous any longer, Mr. President.

I believe that the debate should cause our allies in Europe to recognize that our commitment to NATO is not without limits and hinges upon Europe's willingness to act as a full partner in any military or political function.

My hope is that the debate will caution the President also—will caution him not to commit us further without closer consultation with the Congress and its leaders, and without the support of the American people.

It is my fervent hope that the debate will result in policies that will bring these troops home as soon as possible.

I can only say as I started, Mr. President, that I regret deeply the decision to send them there in the first place.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, thank you.

Mr. President, I rise in support of the Hutchison-Inhofe amendment in opposition to the President's decision to send troops to Bosnia.

I, like the Senator from Alaska, would like to be able to support the President in regard to this matter. I think the politics should end at the water's edge whenever possible. I regret that I am not able to do so. But after extensive hearings in the Foreign Relations Committee and others, and after carefully examining all of the arguments and all of the information that is available, I have concluded that there are several reasons for being opposed to the President's action.

I do not believe that they have made a convincing case that it is in our national interest to take this action. I think that policy rewards the aggression that has taken place over the last 4 years in that country. But I think probably the most definitive problem, as presented by the President's action, is that there is no indication—not only have they not carried the burden of proof, in my opinion, but there is simply no indication—that this action will meet with any success. I think the first thing we have to do with regard to that point is define success.

It was pointed out a little earlier this evening that we would be successful even if hostilities broke out before the 12-month period and we left. I respectfully disagree with that assertion. Once you think about it, it is certainly not that simple. If we were there for 2 months, 3 months, or 4 months and hostilities broke out, and we simply took the position that, well, we tried and the people who we are here to help do not want to be helped so we will leave, we would be accused of cutting and running as we have been accused of before. That would be disastrous, Mr. President, for the United States of America.

If, on the other hand, hostilities broke out, we were involved in hostilities before the expiration of the 12-month period, and we stayed, and we were in the middle of those hostilities and engaged in those hostilities, we would be in danger of being in a quagmire, and Vietnam would be talked about a whole lot more than it has been here tonight. So it is not a simple proposition. If this breaks down before the 12-month period, it is not a simple proposition for us to just turn around and leave. It would be a very big black mark as far as the credibility of the United States of America is concerned.

I tend to believe that with the forces that we are putting in there and with the forces that NATO and other countries are putting in there, we can probably keep the lid on it for 12 months. I think there is a much greater likelihood that the day we leave hostilities will resume. They say, well, again, we have tried our best. We will come out all right if that is the case.

I respectfully disagree with that argument. That is not a definition of success either. We will have expended lives, Mr. President. They talk about the estimate of 6 million mines being scattered around in terrain like most of us have never experienced. Our colleagues come back and say you cannot even get a truck, much less a tank, in most of these places. The terrain is vertical. It is not horizontal. We would expend, some people say, upward of $5 to $6 billion, not counting what some people believe will be an extensive foreign aid package as we leave.

Now, I think we would have spent something that is equally important, certainly more important than the money part, and that is our credibility. It would have been in vain. We would have paid a price. We would have had another failed mission, Mr. President, at a time when the U.S. military does not need another failed mission because of the leadership that has been provided to them.

So with that definition of success, what is the likelihood of success? I think that if you look to the past or you look to the present or you look to the future, there is very little, if any, likelihood of success. These people have been warring with each other for hundreds of years. We have had 34 cease-fires before this one. No one has made a credible case yet that they are not just taking another pause in the hostilities to reinforce themselves during the time of a bitter winter when they could not do much anyway.

Also, apparently, none of the parties engaged in this process believe that the other side wants peace. We can never create a peace, Mr. President, until the parties themselves want peace, regardless of the actions that we take. Historically, they have not wanted peace for a long time. With the mass murders that have taken place just within the last few months, apparently, over there and the continued atrocities and ethnic cleansing that continue to go on, those feelings are not going to subside overnight, regardless of what has been put on a piece of paper in Dayton, OH. They are still there. They are going to linger there. Evidently the Croatians and the Bosnians did not think that the Serbs wanted peace. They would not even sit down to the table unless the United States was there. Evidently we do not think the Serbs want peace because one of the conditions that is being talked about so much is that we must equalize the forces. We would not need to be so concerned about that if we did not think the Serbs still had aggressive tendencies and would exercise those tendencies the moment that we left.

What about present circumstances? Are there any indications of success from this policy under present circumstances? You can just look and see what has happened since Dayton and come to the conclusion the answer is no to that particular question. We have the leaders over here, some of whom probably are trying desperately to keep from being branded war criminals, making policies and putting things in an extensive document that their very people back in Sarajevo and other places in the area are denouncing and saying they will never live under—certainly not encouraging conditions.

We are debating whether or not we are nation building, and everyone seems to agree that we certainly do not want to get into nation building. I would suggest it is more than that. It is apparently nation creating. Apparently the document calls for the creation of a new nation, basically divided in half, populated by three ethnic groups which have been warring with each other for centuries.

What is the likelihood that we can go in there and create that kind of new government—or not create it. In all fairness, I must say, it is not our job to create it, but it is our job to monitor and enforce the agreement, whatever that means. Monitor and enforce the agreement. As I understand it, one of the goals is to build down, as they say, the arms on one side of this conflict and build up the arms on the other; presumably those folks who are losing the arms are going to sit back and allow that to happen. Apparently we are to monitor and enforce the understanding with regard to the refugees. As we know, some of these areas and some of these very homes have changed hands. We are going to have people in one group being pushed out by people of another group, going to courts that are being run totally by one group.

That is not going to be a very satisfactory resolution to the people who are kicked out. And then we are supposed to leave a balance of power. If there has ever been an indication where the United States or another country has gone into another area and figured this out from a piece of paper, got the top help involved and figured out how to create and enforce and leave a balance of power, I would like to know what it is.

Nobody seems to ask the other question, too: What does a balance of power do? Does that cause people to lay down those arms? Does it cause them to say we cannot fight now because we have a balance of power? I would not think so.

Some points that really must cause one to think have been made because we are told that this is significant as far as supporting the President's concern but also supporting NATO. I think the Senator from Alaska makes a very good point when he raises the question whether or not this is something that is in our national interest or is it something that is in NATO's interest and we have an interest in NATO, and therefore it is in our national interest.

If that is the logic, it is very questionable. For some time now NATO has acted as if this particular conflict and the resolution of it was not even in the national interest of the countries involved, much less NATO. For some time now they have resisted our attempts to lift the arms embargo, to try to reach some kind of resolution along the lines, as I read it, of what the Dayton accord seeks to do with regard to the arms portion of the agreement.

I think it is important that we have a strong NATO. I think it is important that we cooperate with NATO. But I think it is also important that NATO cooperate with us. And they failed to cooperate with us. The Secretary of State went around to the NATO countries hat in hand and asked for support and help to get this policy through that the U.S. Congress, I believe, was very firmly in support of, the President said he was in support of, and I think the American people were in support of. They turned a deaf ear to us.

Now they have taken the position where apparently they have not seen their own national interest and vital interest of these countries very directly involved and convinced us in one fell swoop that it is in our national interest to send ground troops over there. Not that we do not have any interest at all, but is our national interest sufficient for us to send ground troops? I think probably what this conflict did was catch us in mid-redefinition of the role of NATO and our role in NATO. We have built down from over 300,000 troops in the NATO countries to around 100,000 or so now. Obviously, we see a different situation now that the cold war is over. We do not have that big threat of aggression to the NATO countries from the one superpower. It is a different world that we live in, no less dangerous world but a different world that we live in.

And the question here is a new one for us. That is, what happens, first, when you are engaging in not an aggression situation but a so-called peacekeeping situation and, second, it does not involve a NATO country? It does not involve a NATO country.

I certainly believe a case can be made that we can become involved and we could supply logistics, intelligence, and other areas that we obviously have capabilities that some of these other countries do not have, without supplying ground troops.

Should we be the one to initially step forward with a commitment to supply ground troops simply because we want to have some involvement or support in NATO? I do not think so.

So it is too late now with regard to this particular venture. But I think we are going to have to step back and redefine our role there because we cannot afford to let NATO pull us into any kind of conflict over there in another part of the world, that if they had done the right thing in this particular instance we would probably be in much better shape than we are in right now.

Another argument that has been made, that is pause for concern to those of us who are opposed to the President's policy here, is the charge of isolationism. And the charge is made that those who do not support the President are isolationists and do not see our country's interests go past our own borders. That is not the case. That is not the case at all.

I certainly believe that we must exercise a strong role. One of the things that can be said positively about what the President has done is that he has taken a strong stand. Unfortunately, I think that it is an incorrect stand. But I kind of admire the fact that he has taken a strong stand.

If we had taken a strong stand somewhat earlier in this country with regard to this particular area, and others I might add, we would be in a whole lot better shape. We would have a whole lot more credibility, and so would NATO right now.

So I think many of us see that we have to exercise a leadership role. We do live in one world. We say that we do not want CNN running our Nation's policy, and it should not. But CNN is there. It has arrived. When we watch atrocities in parts of the world, it affects us. It does not mean that we have to be involved in each and every one, but it affects us as a Nation. And when we see in an area where we can take some action, such as lifting an arms embargo, for example, and we sit back year after year and do nothing, I do not think that helps us. I do not think that helps the United States of America and what we are supposed to stand for and what we are as a people. It does not do us any good, I do not think.

So all of that is true. But I feel like the policy here at hand is not only misguided, but will wind up fueling the very isolationist tendencies that the supporters of this policy decry. Because if, in fact, it is isolationism that got us here, because we did not have the strong effort by NATO—and we as a country perhaps made some mistakes in not having a firmer hand in many different respects with regard to this part of the world some time ago.

But now if, as all indications would point toward, this turns out to be a failed policy, if hostilities resume, if we have to leave prematurely or hostilities resume after we have left, having spent billions of dollars and many lives of our young people, that is going to cause people to be very, very reluctant, much more reluctant than otherwise to get into the next conflict where we might have some national interest.

So we must husband our resources with a certain amount of wisdom, discretion. And the President should not come to the U.S. Congress and say that this is a fait accompli, and you should not look to the underlying policy. That is what we are faced with here.

The role of Congress has been rendered essentially a nullity. As far as these resolutions are concerned, I feel like it is important that we express ourselves. But I think it is even more important for this reason. If we express ourselves here and the President knows that we do not take to the idea that we are not entitled to look at the underlying policy, if he knows that underlying policy will be debated—any President—and will have to see the light of day and the details will be examined and will not be rubberstamped, even if the troops are on the way, then perhaps it will change some Presidential actions in the future because those things are going to continue to occur throughout the rest of our history, I would assume. It is a much more dangerous world in many respects that we live in today than ever before.

So we have been presented somewhat with two bad alternatives. One is to support a bad policy; and the other is to do something which the administration would urge might somehow undermine the effort. And none of us want to do that. And I do not like that policy. I mean I do not like that choice, that Hobson's choice.

But on balance, I think it is much worse to establish a precedent that if a President can quietly enough and rapidly enough make commitments and come to the U.S. Congress and say it is a fait accompli, the Congress does not have the right or the obligation to look into the underlying action, that is a bad policy and I do not think we should subscribe to it, and therefore, I will support the resolution. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, from the beginning of the present Bosnian conflict during the Presidency of George Bush, I have opposed an immediate American participation in it in any fashion that would risk the lives of young American men and women.

From the beginning of that conflict, during the Presidency of George Bush, I have favored the lifting of the arms embargo against the Bosnian victims of Serbian aggression, on the premise that it was not only unfair, but immoral to treat identically the aggressors and the victims of that aggression.

The Bosnians, it seemed to me, as it did to most Members of this body, deserved at least the right to fight for their own freedom—a right which they have effectively been denied.

Everything in history and logic and our intuitions told us to oppose the kind of action in which the President is engaged in at the present time. Even the peace treaty we are there in part to enforce is an unjust treaty which leaves the aggressors in possession of most of the areas which they conquered and in which they engaged in some of the most horrible war crimes in recent history.

In 1993, some 2 years ago, President Clinton made what appeared to be a casual remark to our Europe allies. He promised that American Armed Forces, specifically ground troops, would participate in a Bosnian peacekeeping effort as and when such a peace were reached. I am convinced that then, as today, President Clinton did not understand the consequences of that promise, especially as it came as a promise from the leader of the free world.

Mr. Clinton's proclivity to tell people whatever they want to hear at the time in which they want to hear it is well documented here in the United States. But what the American people will perceive simply to be a flaw in the President's character in the rest of the world could precipitate a catastrophe in our foreign policy.

And so, Mr. President, as we meet here this evening, after the President's commitment, not only in abstract terms in 1993, but in concrete terms just a few weeks ago, the question is no longer whether or not we as individual Members of the Senate agreed with that promise or supported the President's policies.

Charles Krauthammer wrote in the Washington Post last Friday:

> It does not matter that we should not have gone into Bosnia in the first place. It now matters only that we succeed.

Regrettably, I find that to be the absolute and incontrovertible truth. Let us not fool ourselves that this is an easy task. We are going into Bosnia to create or perhaps to preserve in part a pause in fighting between bitter, 600-year-old enemies. Success will not be easy. But now that we are there, now that we are the leaders of the NATO forces in Bosnia, it is absolutely essential for the future of this country, as well as for the future of NATO, that we succeed. As a consequence, our first task is to define success.

Are we going to build a parliamentary democracy in Bosnia?

Of course not. Are we going to reconcile six-centuries-old enmities after hundreds of thousands of people have been killed and millions displaced in a 1-year period? Of course not.

Then, Mr. President, what is the definition of "success," assuming that the President keeps his commitment to withdraw our troops at the end of a 1-year period? The only possible definition of success, it seems to me, is that when we leave, the Bosnians are able to defend themselves against further aggression; that a peace, not arising out of reconciliation, can at least arise out of a balance of power and a feeling that the acts of the last 5 years cannot be repeated.

It is exactly at that definition of success that the resolution proposed by our distinguished majority leader, ROBERT DOLE, is aimed. The vague and uncertain promises that the Bosnians be equipped in such a way that they can defend themselves in the agreements in Dayton are sharpened and strengthened in this resolution by the insistence that we assure that these people, these victims, be able successfully to defend themselves at the end of a 1-year period.

If that is the case, Mr. President, and only if that is the case, will we and our NATO allies be able to leave Bosnia without an automatic renewal of the civil war. And only if we are able to leave without that automatic renewal taking place, can either we or NATO claim to have been successful.

The North Atlantic Treaty Organization has been the centerpiece of the foreign policy of the United States since 1948. It has been and it remains vital to the peace not only of Europe but to the rest of the world that NATO continue and that it be credible. As a consequence, even though NATO may have, as I believe it has done, made an erroneous and unwise commitment, and even though the President of the United States may have done and has done, in my view, an unwise thing in entering into this commitment, we now must honor it. We must honor it in a way that protects, to the best of our ability to do so, the security of our troops on the ground during the time that they are there and gives some reasonable degree of assurance that the war will not recommence immediately upon our leaving.

Mr. President, every one of us in this body knows that the Congress of the United States will not and cannot exercise the only full authority it has, and that is to cut off any funding for this Bosnian venture. A Presidential veto on the assumption that there might be a majority in both Houses for cutting off that funding would not be overridden. The President has committed our troops to Bosnia. He is going to carry out that commitment, whatever the oratory on this floor, whatever the resolution that passes this body. We, therefore, if we are to be wiser than the President has been, must try to see to it that the troops who are there are there under the best possible circumstances, as undesirable as those circumstances may be. We must try to see to it that they are there for the shortest period of time possible, and that when they leave, the world can say that their intervention has been a success.

Mr. President, I believe that the distinguished majority leader and those who have worked with him on his resolution have charted the only possible course of action that can meet those goals.

We, as Americans, can have only one President at a time. All Presidents are fallible and, I must say, I think this President is particularly fallible. As a Member of this Senate, I supported President Reagan when he ordered air raids on Libya. I supported President Reagan when he liberated Grenada. And I supported President Bush when he proposed, ultimately successfully, to liberate Kuwait. I must say that none of those decisions was nearly as difficult as this one is, because in each case, I believed that the President was doing the right thing. But in a certain measure, even then that support was granted because the President, who was in charge, was our Commander in Chief and deserved every benefit of the doubt.

I do not believe we can appropriately grant that benefit only to a President of our own party or a President with whom we agree. As a consequence, as reluctant as this assent is, I believe we must assent to what the President has done, at least to the extent of strongly supporting our troops who are faced with an extraordinarily difficult challenge, giving them the greatest possible opportunity to carry out their mission successfully from the perspective of defending their own lives and security and successfully from the perspective of defending their own lines and security and successfully from the perspective of leaving Bosnia at least not as terrible a place as they found it. The only way I have discovered at this point to do that, Mr. President, is to support the initiative of our distinguished majority leader.

Our constituents—all of our constituents—are frustrated by this venture. It has not been appropriately defended by the President. His casual promise of 2 years ago should never have been made. But each of these is a bell we cannot unring and, at this point, we must look forward and do the best we can for our troops, our country, and our alliance. That, I am convinced, we will do by supporting Senator DOLE's resolution.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I rise in support of the Hutchison resolution in opposition—strong opposition—to sending American forces into Bosnia. I was quite interested in the remarks of my friend from the State of Washington. In listening to his remarks—and I know other Senators on the floor, Senator BROWN, served with me in Vietnam—I could not help but think of terms like "Vietnamization." I remember the charts, the McNamara charts and the pointers, how, if we would just supply a little help, we could be there a little while and the South Vietnamese would soon be able to take over the war and fight their own battles; if we could just secure the peace, everything would be all right.

Mr. President, 58,000-plus lives later, we gave it back to the North Vietnamese.

I remember then, very much so, as a young man of draft age volunteering in the Navy to serve, I remember then

Presidents making commitments. And although this is not Vietnam per se, the parallels are very similar because, as the President must know, and as all of us participating in this debate know, and as the American people know full well, the majority of the American people do not support our involvement here. The difference is that we can stand here on the floor and debate this, and we know that, regardless of what we say here or what we debate here, the President is going to—indeed has already begun—proceed to send troops to Bosnia. So perhaps we are wasting our time.

I think it is important that people understand that, yes, we are debating it and, yes, the President made this commitment 2 years ago. But there is somebody's son and there is somebody's daughter that, probably prior to Christmas, is going to be off somewhere in this far-off land without the full support of the American people for having them go there. They will have the support of the American people and this Senator's support when they get there, but that does not mean we have to endorse the policy of sending them there.

I do not take participation in this debate lightly. There have been three or four major issues that I have been involved in since I have been in the Senate for some 5 years and in the House 6 years before that. One was the Persian Gulf war. It is not easy when you stand here, knowing the vote you make may cost American lives. It troubles me very much to take the floor of the U.S. Senate in opposition to any President, including President Clinton.

I served in the Vietnam war under President Johnson. I disapproved of President Johnson's policies. I did not think he conducted the war properly. But I was proud to serve in the military and do my duty. I never had a second thought about that, as most military people do not. But I cannot sit idly by and say nothing and watch our troops being sent into harm's way, Mr. President, without a coherent policy and without a compelling military mission. And there is no coherent policy and there is absolutely no compelling military mission.

These men and women are not trained to be 911 response teams. Police departments do that pretty well. These men and women are trained to fight for the national security of the United States. That is not why they are going there. So they are going to be put in harm's way, doing things they were not trained to do.

Over the past 3 years, many of us in this body have spoken out loudly and clearly on lifting the arms embargo, which has denied the Bosnia Moslems the ability to defend themselves. They have a right to do that. Bosnia is their country. Those of us who have advocated lifting the embargo believe that because it is their country, the Moslems deserve the opportunity to defend it, to protect their families, their property, their culture, against a Serbian onslaught. Do you remember the safe havens? They were not very safe, but they were told they were safe. They were herded into them and executed by the Serbs.

If the President, President Clinton, had accepted this recommendation that many of us made, including the majority leader, here on the floor and exerted firm leadership, we would not be having this debate. We would not be sending troops to Bosnia. They would not be giving up Christmas with their families to go to this far-off land, to be put in harm's way. We would not be doing it. Why? Because the Moslems would have been able to defend themselves if we had just—we did have to arm them. All we had to do was step out of the way and let them be armed. But we did not do it. So I am not swayed emotionally or any other way by the fact that this President made some commitment 2 years ago to NATO allies. I am not swayed in the slightest, because if things go wrong, if it looks bad not to go, how bad is it going to look when we leave, after things get rough?

Are my colleagues here prepared to come down on the Senate floor if, in fact, something goes wrong—and I pray it does not—and when casualties occur? I remember that, too, in Vietnam, Mr. President, very clearly. I remember when there were 2 or 3 a week, and I remember when there were 350 a week coming home dead. The American people then lost interest in the war because they never supported it in the first place, and brave young men and women died because of that. That could happen this time, and I cannot believe that we are allowing it to happen again.

When will we ever learn from history? A year ago, it was widely reported that the President offered up to 25,000 American troops to help withdraw the U.N. protection forces from Bosnia. I joined many of my colleagues right here on this floor voicing serious reservations with that proposal. It is strangely ironic that 1 year later the President has committed roughly the same number of troops from the same service elements to enforce a peace agreement that, as of today, has not even been signed. Maybe it will be signed in the next day or so; maybe it will not. But we are already going to send troops, are we not? We already made the commitment. We hear people from all sides saying we are not going to support it. So we are going to put our American forces there in harm's way, without a peace treaty that we know will work.

Is that our responsibility? Why? Because CNN carries bloody footage every night from the war? There are other places where blood is let every day, and we are not there—Ethiopia, Somalia. We were in Somalia, but we should not have been there either. There is at least the appearance that when Congress closed the front door on Bosnia deployment, the President decided to sneak around the back door to get the American troops involved. That is what he did. He made an incorrect decision.

The President has stated that our troops will only be deployed to Bosnia for a year. He has not articulated what the specific mission will be. He has not defined a concise timetable or sequence of milestones for achieving our military objectives. How can he possibly say that American forces will be there for a year? He does not know that. Sure, he can pull them out in a year, regardless. All sides know that. So if I were an adversary in Bosnia, I would do one of two things. One, I would absolutely harass American forces to try to create as many casualties as I could and get us out, or I would sit back and do nothing and wait for a year. And, in the meantime, during that year, how many landmines do American forces step on? How many people die in simple motor vehicle accidents, or airplane accidents, or other combat-related accidents, in the line of duty?

This is not a safe venture. When you deploy 20,000 troops anywhere in one big operation like this, it is a high-risk operation. I am not sure the President of the United States, to be very blunt about it, who never served in the military, and specifically avoided serving in the military, understands that, to be candid about it. The only argument I hear coming from the White House spin doctors in support of the President's policy is the assertion that President Clinton has made a commitment to our allies, and if Congress were to reject this commitment, it is going to destroy our credibility and destroy our reputation in the international community. That is no consolation, is it, to the mothers and fathers, brothers, sisters and kids of the American personnel that are being sent to Bosnia? Frankly, I think it is a disgrace.

I hope the President will think, as I am going to think, before I vote tomorrow on this. If I have to make that phone call—and I pray to God nobody ever has to make it—or I have to look a mother, or a father, or a brother, or another loved one in the eye, I have to be able to say to that person: Your son, your daughter, your brother, your sister, whatever, died for a good reason.

There was a good reason for us to be there. Can we really say that? I sure cannot. I could not say it. I cannot look that parent or sibling in the eye and say, "Your son or daughter died for a good cause, a good reason, died bravely, yes, died courageously, yes, or was injured in the line of duty, courageous, absolutely."

Know why? Some feel sympathy. Some who have never served in the military do not understand. They feel sympathy toward those people who go. They do not want your sympathy. They go where they are asked. They are the bravest, best, most ready military force in the world, and they do their duty. They do it better than anyone else in the world. That is why we stopped Nazi Germany in World War II.

They do it because it is their duty to do it. It does not mean we should ask them to do it. That is a different story.

The American forces, the Armed Forces, again, are not to be subcontracted out all over the world whenever some crisis erupts. They are the guardians of our security, our liberty, our national security. We ought not to allow them to be needlessly or recklessly endangered, even if the President has boxed himself in a corner.

What is the President supposed to say to Mrs. So-and-so when she loses her son? "I got boxed in a corner, Mrs. Jones. I am very sorry. I made a commitment. I should not have made it, but I sent your loved one anyway, to be killed. I am sorry." That is not good enough, folks. That is not good enough. That is not good enough.

Bosnian peacekeeping is not an appropriate role for the Armed Forces of the United States. It is not what they are trained to do. It is not what they are trained to do.

Now, the administration has also suggested that those of us who do not support turning the American military into a Bosnian police force are somehow isolationists. I resent that charge very much. The issue here is not whether our Armed Forces should be called upon when necessary to defend our interests abroad; rather, the issue is, when, where, and under what circumstances is it appropriate to deploy U.S. military personnel in and out of area operations? That is what the military is all about. It is troubling to me that even after 3 years of on-the-job training the President still—still—does not understand the proper role of our Armed Forces.

I just left a meeting 15 or 20 minutes before I came here to the floor. We were talking about the Defense budget. We were talking back and forth, back and forth among Members of both sides of the aisle. A couple of comments were made. Well, we do not think the President will sign this bill. The President is not going to sign, we are hearing, he is not going to sign the Defense authorization bill which provides the support, increases the pay, by the way, of our military, the people that he is asking to go to Bosnia. He is not going to sign a bill to give them a pay raise. That is what is being threatened, hung over our head every day. But he made a commitment to somebody in NATO without the consent of Congress, without consulting the American people. Without consulting anybody, he made that commitment.

I think he has a commitment to those he is sending that he ought to support. If he vetoes a Defense bill, he is not supporting them. Anybody that says he did not like everything in it, let me tell you, what is in it is the funding for those people that he is sending.

So when we debated here—I do not want anybody to accuse me or anyone else who takes the other side that we are isolationists. I was not an isolationist when I served in Vietnam, and I was not an isolationist when I supported every Defense budget to support our American troops since I have been in the Congress, and when I supported pay raises when he would not support pay raises for members of the military.

We have no military or economic interests—none—in Bosnia. The American people overwhelmingly oppose this policy. They oppose the commitment of 20,000 ground troops. Everybody knows that. Look at any poll. That is the issue. The White House spin does not cut it. Public relations gimmickry does not cut it. It does not work. Nothing is going to change them.

Let me briefly, for the benefit of my colleagues, highlight what I see to be the critical unanswered questions associated with the President's Bosnia policy.

First, what is our exact mission in Bosnia? What are we supposed to do? Are we there to make peace? I ask everyone to listen, are we there to make peace, keep peace, enforce peace, or monitor peace? Which is it? Are we neutral? Are we evenhanded, or are we realigned with the Bosnian Moslems? Which is it: Keep peace, enforce peace, monitor peace, make peace? Are we neutral, are we even handed, or aligning with the Moslems? Does anyone know the answer to that question? No one knows the answer to that question.

What is the difference between making peace, keeping peace, enforcing peace, or monitoring peace? No one knows the answer to that question. The President does not know the answer to that question. It has never been clearly delineated.

Second, why are we deploying for 1 year? Where did that come from? One year—we just pick these guys up, 9-1-1 force, send them over there for 1 year. Why not 10 months? How about a year and a half? Fourteen years, 14 days, 2 years, 11 years—where did 1 year come from?

Can you imagine if Franklin Roosevelt had said after Pearl Harbor, "We will take your boys and send them out for 1 year. If we win the war, we will come back in 1 year. If we lose the war, we will come back in 1 year."

This is not Franklin Roosevelt in the White House right now. He does not understand, you cannot make a commitment like that. You do not tell your enemies what you are going to do ahead of time. If we do not know exactly what the mission is, how do we know how long it will take to complete it? What sequence of milestones have we established to determine our progress?

What happens if after this year, this little arbitrary year goes by, what happens if we have not achieved our objectives—we do not know what the objectives are, but assume we have not achieved them whatever they might be—what do we do then? Pull the plug? Leave and concede that the whole operation was a waste?

How about that phone call? "Mrs. Jones, we stayed there a year, we took some casualties. Unfortunately, your son was one. We did not get it done. Unfortunately, they still want to fight, so we are leaving." Maybe Mrs. Jones should know that now—not tomorrow, not after her son is injured or killed—today. Maybe Private Jones ought to know that now, too.

Are the antagonists not likely to wait us out and launch hostilities as soon as we leave? Is it all for nothing if we have not achieved our goal in a year? Mr. President, 1,000 years these people have been fighting over there, and we will decide it all in a year. We will take care of it all in 1 year. We will come home in 1 year, and that will be it. All that fighting will end, all that 1,000 years, century after century, we will take care of it in a year. Very ambitious.

Maybe the President reneges on his 1-year commitment and he decides to keep the troops there a little longer. How long is a little longer—14 years? How many years were we in Vietnam? The Senator in the chair knows we went there in 1961 to help the South Vietnamese get control of their government against the communist onslaught from the North, and 12 years later we left. And 2 years after that, the North Vietnamese tanks rolled back into South Vietnam.

We saw it in Somalia. If you do not like the Vietnamese example, you think that is too hard on the President, to look at. It is easy to get the troops in. It is a little tough to get them out, though.

The troops are deploying to this treacherous terrain in the middle of the winter, dead winter. There is no infrastructure to support tens of thousands of soldiers. Towns that are being vacated by the Serbs under the peace agreement, told they had to vacate, are being burned and sacked and ravaged. Shermanesque; burned. What are they going to be living in? Tents? Is there housing over there?

If they are not going to live in tents, and many of the houses are being burned, and we have thousands of refugees that the President says are going to come back home, with a shortage of housing, where are we going to quarter our troops? Did anybody think about that?

How are we going to transport the heavy equipment in and around Bosnia with very few roads that are in shape to be able to pass on? Are we going to have to build those roads and build those bridges? While we are building roads and building bridges, who is going to be protecting the folks that are doing the building of the roads and bridges?

The Senator from Tennessee a short while ago talked about this. At what point do we get sucked into the role of nation building? Nation building? He even used the term, the Senator from Tennessee, Senator Thompson, said "nation creating." Arbitrarily, we take a map in Dayton, OH, and we say: "Here is a line here. Here is a line over here. If you are a Serb, you live on this side of the line. If you are a Moslem, you live over here. If you are a Croat, you live here. If three of you live in the same town, we will split the town up a little bit." That did not work in Berlin and it is not going to work here. It is not going to work here. So we are going to have to nation build. What happens when we leave?

What about the Russian brigade that will be serving alongside American forces? There is going to be a Russian brigade of soldiers serving alongside American forces. I can hear the President now. "That's great. We can work with the Russians." Whose side are the Russians on? Who have they been sympathetic to all these years? The Serbs. What have we been doing to the Serbs for the past few months under this President's policy? Bombing the blazes out of them. Are the Russians going to sit back and allow the Moslems the opportunity to achieve military parity? Are they going to let that happen with their clients, the Serbs? I don't think so.

And what happens—I am asking a lot of interrogatories here, but there are a lot of lives at stake, and we ought to ask these interrogatories. If we had asked them in the Vietnam war, we would not have lost 58,000 people.

What if the Russians do not view us as being evenhanded, and they take action to enhance, to boost the Serbs? What happens then? What happens when the Russians and the Americans have a flareup over who is supporting whom? What happens then? How do we increase the military capability of the Moslems without involving or jeopardizing the security of American ground forces?

I remember this debate a couple of years ago. We were talking about it during the Bush administration. We were talking about it during the Clinton administration. The words "ground forces in Bosnia" was like raking your fingers across a blackboard. It just sickened you to think of. You could just feel how much it hurt just to think about it. I never believed that we would get to this point. Yet here we are.

Even if the U.S. forces are not actually delivering the weapons, and even if they are not training the Moslems, how do we avoid being linked to the Moslems? The Serbs know we are linked to the Moslems. They know that. So, ironically, you have a situation where it could be beneficial to the Moslems to instigate some attack and blame it on the Serbs. Or vice versa. It could happen. What do we do then? Is this Lebanon all over again? Do you remember Lebanon?

(Mr. BROWN assumed the chair.)

Mr. SMITH. Another question. What about the thousands—and I mean thousands—of Iranian fundamentalists who are already in the region supporting the Bosnian Moslems? They are not exactly our best friends, Iranian fundamentalists. How do we defend against terrorism or sabotage from these professed anti-American forces?

Do you see what we have put our American troops into? Is that what they are trained to do? Is that why they went to Ranger school? Is that why they joined the Marines and became pilots and learned to fight for the security of their country? Is that what they did it for? Is that what they were trained to do?

Since I have had a lot of "what abouts" here, what about the Croats? How do they fit into this mix, a very fragile mix? How will they view the buildup of Moslem military capabilities? Are they going to be supportive? Or are they going to be threatened? Will they be emboldened to reignite hostilities against the Serbs, knowing that U.S. troops are in their corner either directly or indirectly? Who knows?

Let me go to the final question. What about the cost, not only in American lives or the possibility of lost American lives—and one life, one, is too many; one life. We have already spent billions on military operations in and around the Adriatic. Navy steaming hours, rescue operations, no-fly-zone enforcement, offensive military operations, and now the preliminary ground deployments have been enormously expensive. This has been taxing the military over and over again. Mr. President, 911 in Somalia, 911 in Haiti, 911 in Cuba, 911 now in Bosnia. You think those dollars do not come from somewhere? You think they do not come out of training? Or housing? Or something? Some military equipment? Flying hours? You bet they do.

What does this President want to do? Cut the defense budget. Do not give them the $7 billion; we do not need it. Cut it. Do not sign the defense bill. Threaten us. We have been threatened for the last 3 months by administration personnel here, and I know because I am on the Armed Services Committee and I have been involved in those threats. "We are not going to sign it if you do not do this or you do not do that."

The administration estimates the 1-year cost in dollars will be an additional $2 billion. How are we going to pay for this? What other programs will become the bill payer? How is readiness being affected? How will this deployment affect our ability to fight and win two major regional contingencies, as called for in the Bottom-Up Review conducted by this President? That means two major contingencies. It means, for example, if war broke out in the Persian Gulf and war broke out in Korea, just to use an example, that is two different regions of the world. We are supposed to be able to go right out there and take care of ourselves and protect our interests in both of those regions, while we are cutting the military, while we are cutting readiness, and cutting operation and man-hours. And if the President does not sign the authorization bill, even giving these kids a pay raise to go risk their lives in Bosnia—we are not talking about a big raise either. The American people need to understand that some of the kids who are going to Bosnia are probably on food stamps because they do not make enough money, so they are eligible for food stamps. It is food for thought, Mr. President, before you send them over there.

I just listed a few dozen of the unanswered questions surrounding this debate, and we will not get the answers before we send our troops over there because they are already being sent there. We are supposed to rubber stamp it. Without substantive answers to these questions, it is irresponsible for the Clinton administration to be committing—let alone actually acting to deploy—thousands of United States troops in Bosnia.

If you think of the Somalia situation, when we lost a group of Army Rangers because we did not even have basic equipment because we did not have access to it, we had to ask for it from one of our allies. That was a small operation—a small operation. This is a big operation with thousands of American troops in harm's way without having basic questions answered.

Do you think that President Roosevelt would have sent troops in World War II or President Truman would have sent troops to Korea without having these questions answered? Of course not. Of course not. President Bush in the Persian Gulf had the questions answered before he went. He knew what the mission was. That mission was very simple: drive the Iraqis out of Kuwait. And he was criticized for not going into Baghdad and killing Saddam Hussein. That is easy to criticize after the fact, but that was not the mission. The mission was to drive them out of Kuwait, which is what they did.

Can somebody tell me what the mission is here? Again, peacekeeping, peacemaking? What is it?

I oppose as firmly, as adamantly, as strenuously, and as strongly as I can sending American soldiers on the ground into Bosnia. I do not believe the President has articulated a clearly defined mission. I do not believe he has articulated a rationale. And I believe as deeply in my heart as I can that it is a terrible, terrible mistake to send America's finest to police this region, to intercede and to take sides in a centuries-old conflict.

And if we get out of there and we do not take casualties and we accomplish it, God bless us. I hope that happens. But is it worth the risk? And the answer is, no, it is not, and the American people know it.

We are taking sides in this case. We are not going in there as strictly peacekeepers. We have already taken sides, just as we did in Somalia, and we paid for it when one of the warlords, Aideed, attacked our troops, just as we did in Lebanon when we took casualties. In each case, we paid a terrible price—a terrible price.

When are we going to learn from the mistakes of the past? When are we going to learn from history?

I hate to say this, but I like to call it like it is. It is something that just makes it worse for me, and people are going to accuse me of taking a cheap shot. And I am not; I am just stating a fact.

This President, when he was called to go to Vietnam, went to Europe and protested the war. He now is ordering these people into combat—possible combat, possible harm's way—without a mission clearly defined and without the support of the American people. There is no small irony there, Mr. President.

If we authorize this misguided deployment, and I know we will, or, even worse, if we acquiesce in it, and I know we will, we are just as culpable for its consequences as the President who sent them there—just as culpable.

I ask my colleagues to think it over very carefully. Are you prepared to accept the responsibility for what may occur there? Are the potential costs worth it in dollars, in lives? What do we gain? If we are successful—and I think any reasonable person would say we might have a few years of peace, maybe, if we are lucky—we have a lot to lose, a whole lot to lose.

I have two teenaged sons. I can tell you I have weighed the pros and cons. They are not of military age yet, but they are not far away. No matter how I do the math, no matter how I do the math, each time I come up with one inescapable conclusion: We should not be sending America's finest to Bosnia. And I have to ask myself, would I want to send them there? If the answer to that question is "no"—and it is—then I am not going to send anybody else's there with my vote.

Bosnia is not our home. It is a terrible tragedy. It is not our security in jeopardy. It is not our fight.

When I think of the blood that we shed for Europe over the years, what we did in literally liberating the continent of Europe, half of it, how could we be criticized for passing on this one, Mr. President? Does that make us isolationist? Give me a break. We cannot afford, nor do we have the moral authority, to be the world's policeman. The world's leader, yes; the world's policeman, no.

This is a European conflict. The Europeans themselves ought to resolve it, and they can resolve it. It has nothing to do with NATO—nothing at all to do with NATO. It is a phony issue. The NATO charter does not even mention Bosnia. They are not members of NATO. NATO talks about collective security, collective response when one of the nations of NATO are attacked. It has nothing to do with NATO.

Do not listen to that phony argument. It is not about isolationism. It is not about internationalism. It is about the proper role of the Armed Forces in international affairs. That is what it is about: the proper role of the Armed Forces in international affairs. It is about keeping faith with the men and women who so selflessly serve our Nation in uniform day in and day out, deployed all over the world. That is what this is about.

During this century, we spent hundreds of billions of dollars defending Europe against communism and against fascism. We sacrificed hundreds of thousands of American lives in Europe in World War I and World War II. Then, after we finished, we spent billions more under the Marshall Plan to rebuild it, and then we fought the cold war. We maintained a robust military presence in Europe throughout that cold war, and we equipped our NATO allies with sophisticated state-of-the-art aircraft and weaponry. And they can use it along with their forces to end this conflict, if they think they can end it.

We have done our part. We have done it. How can anybody accuse us of being isolationist because we do not support sending American forces into Bosnia after all we have done for Europe? We have earned the right—we have earned it—to sit this one out.

There is no reason that our allies cannot begin assuming a more direct role in European security, and certainly no reason they cannot handle the Bosnian peacekeeping mission on their own. It is another 20,000 of their troops. That is all. And, if not, if this operation requires the full combat power of the United States of America because somehow this threatens the security of Europe, then we are really talking about something much larger than a peacekeeping mission, are we not?

My colleagues, please, consider this very carefully. The American people are watching. Lives hang in the balance. Perhaps the moral essence of America hangs in the balance, just like it did when we deserted our people in Vietnam while they died and we protested in the streets.

They are the ones who will be in harm's way. They are the ones who are going to be in the mud and the cold and the slush while we stand on the floor of the Senate debating. They are the ones who will be away from their families at Christmas, missing their kids—not us. They are the ones who will be vulnerable to millions of landmines all over that country, put out there by all sides of the conflict. They are going to be vulnerable to anti-American fundamentalists roving the countryside. They are the ones who are going to be subjected to bitter hatred of combatants who have seen their friends and families butchered before their eyes.

Peace and reconciliation in Bosnia is a lofty goal, and I give the President credit for wanting it, as we all want it. But is it something that American sons and daughters should die for? Is it? Because that is the question. There is no other question that we deal with in this debate that matters except that one when you make that vote.

Is it something that those men and women should die for, whether they do or not? And let us pray they do not, but the question is, is it something they should die for? And I submit with the greatest respect to the President, the Commander in Chief, and to my colleagues, the answer to that question is no, it is not.

Let me end on one final observation. I vigorously oppose this policy, as I have said. But irrespective of the outcome of this debate, I will do everything in my power to ensure the safety and security of our troops. Reasonable people can disagree on policy, as many of us do here today, but I will tell you one thing, if this President sends them there, which he is going to do, this Senator is not going to be silent if he hoists that veto pen and decides to veto the defense bill of the United States of America.

No, this Senator is not going to be silent. This Senator is going to speak up head to head with this President if he pulls that stunt. That is not going to happen without the American people being fully aware of what is going on. As Americans, we must support these men and women, whether we disagree with the policy of the President or not. If he sends them there, we have to support them. But we do not have to give him cover by saying he said he was going to send them there; therefore, let us vote and give him the cover. We need to make the President understand it is a mistake. Maybe he will change his mind. This is the chance we have, the only chance we will have. We must support them and provide a unified base of support to ensure their safe and expeditious return home, not like when I was in Vietnam and read about the protests. They have earned it. They are the best.

That is the sad, bitter irony of this whole debate. These are the best, the best of America that are going into harm's way. These are not criminals. They are not people who are dregs of society somewhere, castoffs, failures. These are the best. These are the people who go to the military academies, and I nominate them every year, as do all of my colleagues. These are the best that we are sending into harm's way, and they will have my support if they go, but I will be doggone if I am going to cave in because somebody made a commitment 2 years ago that was wrong, that will put them in harm's way.

Mr. President, in closing, just let me say, I pray that God watches over our men and women in this policy that I bitterly oppose, and I hope that my colleagues will rise to the occasion and send a very strong message, and that message is sent here in this Hutchison resolution because it says very clearly that we oppose you going, we oppose sending troops, Mr. President, but we will support them if you send them.

That is a responsible action, and I hope that the President will heed the debate here and change his mind before it is too late.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank you very much.

I think it is very important on an issue of this magnitude that Members of the Senate take the time to outline why they have come to the conclusions they have. I serve as a member of the Armed Services Committee. We have had a number of hearings dealing with Bosnia. Like the Presiding Officer of the Senate who is currently in the chair, I have gone to Bosnia, to Sarajevo, and have seen the area.

At one of our recent Armed Services hearings, I referenced a Time magazine where it had on the front cover a photograph of a young soldier. There was a caption on the front of Time magazine, and the question was, "Is Bosnia Worth Dying For?"

So I referenced that and asked that question to the witnesses who were there who were advocating that they supported this decision. And they told me that we are beyond that question, that that is not the question today.

I do not believe that a lot of Americans, nor do I believe that a lot of American parents who have sons and daughters in the military, believe we are beyond that question. But in the discussion that took place at that Armed Services hearing, we were told the two vital interests that do require us to send our American military personnel to Bosnia are, No. 1, United States leadership, and, No. 2, European stability. Those were the two vital interests. It was not the question of whether Bosnia is worth dying for.

With regard to leadership, approximately 2 years ago, members of the Armed Services Committee sat down with counterparts of ours from other European parliaments. We met here in Washington, DC, and I remember asking specifically the question of our European counterparts, with regard to Bosnia, the conflict that is taking place there, is that a situation in which you feel the United States should take a leadership role? Are we supposed to go in there and resolve that? And I am paraphrasing, but they said no, that is our problem. That is in our European backyard. We, the European countries, must solve this problem, not the United States.

Then we saw how the United Nations policy began to be implemented. They placed the European peacekeepers in Bosnia. And as we watched, we saw routinely these peacekeepers being taken hostage. We saw these peacekeepers that were being handcuffed to potential target sites that bombing efforts might take out. But here were the peacekeepers handcuffed, held hostage. There was no peace that they were able to keep. Also, Mr. President, tragically, many of these peacekeepers watched as atrocities were inflicted upon different groups in Bosnia because the U.N. rules of engagement did not allow them to do anything else, so they watched these atrocities take place. This policy that was designed to resolve the problems of Bosnia was an absolute failure, a terrible failure.

Congress has been passing resolutions saying lift the arms embargo because one thing that Americans believe in is self-defense. Unfortunately, the effort of passing in both Houses the measure to lift the arms embargo was rejected by the White House.

The allies said, "Absolutely not. You must not lift the arms embargo because that could put our European peacekeepers in peril." Tell me, what greater peril could there be than what was happening to those peacekeepers? But the allies insisted that that would be a mistake to lift the arms embargo.

Just some months ago, Senator DOLE hosted a gathering of Senators with the Prime Minister of Bosnia. I remember very clearly the Prime Minister of Bosnia saying, "We don't want your boys to fight on our soil. We have boys to fight. What we need are weapons." And he said, "We can respect the United States taking a neutral position. We can respect that. But it is not neutral to deny us the weapons for our boys so that they can defend themselves and their families on our soil." But that is what the United States was doing. So much for neutrality. But the allies continued to say, no, no to lifting the arms embargo. So they stayed with a failed policy.

Here is the incredible leap of logic that I just have a hard time grasping. And that is that with this failed United Nations policy, as carried out by our allies, the same ones who said that it was their problem to solve, we are now told causes a real question of U.S. leadership. The failed policy in Bosnia is carried out by the allies, but now we are told it is a U.S. leadership dilemma.

Warren Christopher, the Secretary of State, in fact, said the placement of our troops into Bosnia is the acid test of U.S. leadership. Well, I have to question why we must put 20,000 troops into Bosnia to meet the acid test of U.S. leadership. If there is any question about U.S. leadership in the world, let me just discuss a few items that the United States is doing.

American forces are enforcing the no-fly zone and economic sanctions in the Balkans. American military personnel are enforcing the no-fly zone and economic sanctions against Saddam Hussein. The American troops are helping to restore democracy in Haiti. And 40,000 American troops are preserving peace on the Korean peninsula. Also, 100,000 American military personnel are in Europe fulfilling our commitments to NATO. America took the lead in negotiating the Bosnian peace agreement. And that is significant.

When I was in Bosnia, I saw Ambassador Holbrooke, and I saw his tireless efforts to bring about the settlement. We are the world's only military superpower. We are the world's largest economy. So how in the world does someone then, from this list, draw the conclusion that our placement of 20,000 troops into a piece of real estate called Bosnia is the acid test of United States leadership? And also how can anybody, after reviewing this type of list, which is simply a partial list, state that somehow we are advocating isolationism? This is not the list of isolationists.

Mr. President, we are told that the key to success of the mission is establishing military equilibrium. In other words, in order for us to ultimately complete the mission and return our troops home and the allies to go home, the Bosnians must have military equilibrium with Serbs and the Croats because even as late as today we are told that is the only way they can defend themselves and, if they are not allowed to defend themselves, then it will not work. That is what the administration said.

That is exactly what many of us have been saying for months, that if you do not allow the Bosnians to defend themselves, it will not work. That is why it has not worked. And now we are told that the key to success on this mission is that we must have this rebuilding of the Bosnians. In other words, we need to lift the arms embargo.

Previously, our allies said no, you must not lift the arms embargo. But now apparently by paying the price of putting 20,000 American troops on the ground in Bosnia, now everybody says, this is the right way to go. Now we can achieve military equilibrium, which again is what we have been advocating for months in this body and in the body across the rotunda.

I fail to see why this proposed deployment is the acid test of United States leadership when you consider how we got here. We did not need to get to this point. There were other options, options such as lifting the arms embargo as passed by Congress.

With regard to the second point, on European stability, the argument there is that, if we were to allow this conflict in Bosnia to continue, it would spread, it may spread to Greece, it may spread to Turkey, and then we have vital United States interests, and, therefore, we must contain this conflict, we must not allow the fighting to go on; therefore, we are going to send an overwhelming force into Bosnia so there would be no fighting.

But ironically we are told, if fighting does break out again —and there is that possibility—then the United States will immediately leave and the NATO allies will immediately leave. So the very reason we are going in there is to make sure there is no fighting, but if fighting breaks out, we leave. If that is not a paradox.

I asked the administration if there would not be a great temptation in that instance, with an overwhelming force, if they would not feel compelled to snuff the conflict right then, because if that is the mission, you do not want this to spread, perhaps you need to snuff it right there. But, no, they would not do that.

Therefore, I think that shows you the flaw of this strategy. Instead of putting the troops in there that says, if there is a fight, we would immediately leave, we should have a containment strategy in the surrounding area so it cannot leave. You lift the arms embargo and you allow the Bosnians to defend themselves and, if it spreads, you have the borders and you stop it. We had options, Mr. President.

We are told also with regard to an exit strategy—I asked former Defense Secretary Schlesinger at a recent hearing in the Armed Services Committee, "Do you believe that we have an exit strategy?" And he said, "No. We have an exit hope." That has been the dilemma of so many of our actions that we have taken. We have not had an effective exit strategy.

When we talk about this, again, that the military equilibrium is a key to the exit strategy, with all of the different annexes that were developed in Dayton that have been initialed, which will soon be signed in Paris, volumes of written agreements between these warring factions, is it not ironic that that element dealing with the potential buildup of Bosnian arms is only verbal? It is not in writing. To me that is amazing, if that is the key to the mission and that is the only thing that is verbal.

Mr. President, I do not feel that on an issue like this there is any room for partisanship. I remember when I arrived here approximately 3 years ago, one of the very first pieces of legislation that I embraced and was proud to cosponsor was the legislation by Senator FEINGOLD, a member of the Democratic Party. I am a Republican. It did not bother me at all because he was right. And his legislation was to lift the arms embargo.

I felt passionately about that. I still do, and it was a bipartisan effort. It was passed in a bipartisan effort.

I believe in this current situation, Congress has been brought in too late. The commitment has been made. But I will just add, this Bosnian problem did not just happen when the new administration came into power. It had been there, and we had not dealt effectively with it.

I ask myself to cast my votes based upon what I think is the right thing for the country, the right thing for the troops and what sort of precedent I am establishing for myself in future votes of this nature.

Tonight, we had a meeting at the White House, eight Senators met with the President, Vice President, Secretary of State, Secretary of Defense, Chairman of the Joint Chiefs of Staff, the National Security Adviser, and I appreciate that invitation to have that sort of discussion in that sort of a setting so that we could ask the questions. But I will tell you, Mr. President, after approximately 1 hour and 20 minutes in that setting asking the questions, I came out convinced that we are following the wrong policy, we are following the wrong strategy. We did not exercise the options that I believe firmly we should have exercised and, in a funny, roundabout way, we are beginning now to try to implement those but we are going to put 20,000 troops in there to accomplish, in essence, the lifting of an arms embargo.

But with regard to this situation, like Senator SMITH stated, there will be no question, there will be no doubt about my support of the United States troops, the finest military personnel in the world. They are the finest, and we will do all that is necessary, in the event that they are sent to Bosnia, to make sure they have the equipment, to make sure they have whatever they need. In Somalia, we saw a problem because, for political reasons, they were not given the equipment they needed. That will not happen. We support our troops wherever. We support them.

I believe that the Dole-McCain amendment will be that perfecting resolution that says in the event the troops are sent, then there is going to be a list of reporting requirements to Congress so that we are not left out of milestones that must be met so that mission creep does not happen. I have not seen the final language of that because I believe it is still being worked on, but I believe that will be the intent.

I am a cosponsor of the Hutchison amendment because, Mr. President, the terrible dilemma that we are in is that the options that had merit were not exercised with our allies. And I underscore "with," because we must work with our allies. We have been through too much together for us to not work today and in the future with our allies. But we now find ourselves in the situation where a commitment has been made, and I respectfully and strongly disagree with that action.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I want to share some additional thoughts with Members of the body with regard to the deployment of troops in Bosnia.

Some Members in their busy schedules may have missed articles that appeared in the New York Times and Washington Post, but for those who continue to probe this question and try and analyze whether or not this is a wise move, I wanted to share these quotes.

The first one is from the New York Times, December 3, 1995. It is a page-1 story. The headline is: "Foreign Islamic Fighters in Bosnia Pose Potential Threat for GI's."

The second paragraph reads:

> "The American tanks do not frighten us," said a fighter, standing under a black flag covered with white Arabic script. "We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray that we will one day be martyrs."

The article continues:

> They are even suspected in the shooting death last month of an American civilian employee of the United Nations.

I do not think it was widely covered in the United States, however, the week in which I visited Bosnia, specifically the day before I went up to Tuzla, an American had been killed.

The article continues:

> The mujaheddin have also vowed to kill five British citizens in retaliation for the October 5 killing, by British United Nations

troops, of a mujaheddin fighter who pointed a loaded pistol at them.

Mr. President, I ask unanimous consent to have printed a copy of the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 3, 1995]

Foreign Islamic Fighters in Bosnia Pose a Potential Threat for G.I.'s

(By Chris Hedges)

PODBREZJE, BOSNIA AND HERZEGOVINA, Dec. 2.—On a bleak, wind-swept hilltop, bearded Arab soldiers, many in the traditional black garb of Afghan fighters, stomped their feet to ward off the bitter chill, shifted their automatic rifles and cursed the impending arrival of American soldiers.

"The American tanks do not frighten us," said a fighter, standing under a black flag covered with white Arabic script. "We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray we will one day be martyrs."

With the crease-fire in Bosnia, these militantly Islamic volunteers known as mujahedeen, who fought alongside Bosnian Government soldiers against Serbs and Croats for much of the war, have turned their attention to what they see as the other, often internal, enemies of the faith.

They are even suspected in the shooting death last month of an American civilian employee of the United Nations.

Many of these 3,000 to 4,000 men are veterans of the war in Afghanistan and are often wanted in their own countries, linked to violent Islamic groups struggling to overthrow the Governments in Egypt, Algeria, Saudi Arabia and Yemen. In their zeal to enforce a militant form of Islam that most Bosnian Muslims themselves do not espouse, the fighters, distinctive in their flowing black beards, force United Nations vehicles off the road, smash bottles of alcohol in shop windows and warn Christian families at gunpoint to leave Bosnia.

The mujahedeen have also vowed to kill five British citizens in retaliation for the Oct. 5 killing, by British United Nations troops, of a mujahedeen fighter who pointed a loaded pistol at them.

The killing of the fighter, a Bosnian Muslim named Elvedin Hodzio who had joined the majahedeen, is the kind of event United Nations officials say could easily trigger violent clashes between the Islamic militants and American troops. The British are now locked in a war of nerves with the mujahedeen troops.

Five days after the shooting, a rocket-propelled grenade was fired at a United Nations military observer team along a mountain road. The team's armored car was destroyed, but those inside escaped with slight wounds. Two weeks later a British United Nations patrol in the town of Zavidovici was surrounded by about two dozen heavily armed mujahedeen who threatened to kill the soldiers until Bosnian Government troops intervened.

On Nov. 18, William Jefferson, a native of Camden, N.J., employed by the United Nations, was found shot twice in the head near Banovici. United Nations officials strongly suspect that he was killed by the mujahedeen, who may have mistaken him for a British citizen.

Most British aid workers, whose homes have been attacked and spray-painted with Arabic slogans, have left Zenica. The few who remain ride in unmarked convoys, change their routes and never go out at night. And the British Overseas Development Administration office in Zenica has placed armed guards out front and removed its signs.

"This is worse psychologically than the shelling," said Fred Yallop, the administration director.

The clash with the British has also pointed out to many aid workers the strength of the mujahedeen and the weakness of the local authorities.

"The problem," a senior United Nations official said, "is that the local authorities have no control over the mujahedeen. The mujahedeen are protected by the Bosnian Government. They operate with total impunity. We do not know who controls them, perhaps no one."

Many mujahedeen fighters carry Bosnian identity cards and passports, although they often do not speak the language. And Western aid workers who report the frequent theft of jeeps and vehicles by mujahedeen troops say the Bosnian police are powerless to enter their camps to retrieve the vehicles.

"We see them drive by in vehicles that were stolen from international organizations and the U.N.," said a British aid worker, who insisted on remaining unidentified.

The mujahedeen here are based in a four-story yellow building that was once a factory in the village of Podbrezje, three miles north of Zenica, in what would be the American sector of Bosnia, and they are among the Muslim volunteers who came to Bosnia shortly after the war started in 1992. The fighters are revered in the Arab world, and videotapes that extol their bravery and dedication are sold on street corners from Aden to Cairo.

The mujahedeen served as shock troops for the Bosnian Army and have suffered severe casualties in frontal assaults on Serbian and Croatian positions. All view the West, despite the scheduled deployment of some 60,000 NATO-led troops, as an enemy of the faith they have vowed to give their lives defending.

"The American soldiers will be just like the U.N. soldiers," said a fighter wearing green combat fatigues and speaking in heavily accented Persian Gulf Arabic. "They will corrupt the Muslims here, bring in drugs and prostitution. They will destroy all the work we have done to bring the Bosnians back to true Islam. The Americans are wrong if they think we will stand by and watch them do this."

The Bosnian-Croat Catholics who live near this mujahedeen camp, one of about 10 in Bosnia, have suffered some of the worst harassment. Many have been beaten by mujahedeen fighters and robbed at gunpoint. More than half of the Catholic families in this village have been driven from their homes. When they flee, their houses are promptly seized by the Islamic militiamen.

Jazo Milanovic and his wife, Ivka, sat huddled by their wood stove one recent evening waiting for the police. At the house of their next-door neighbor, mujahedeen fighters were carting out household items. The fighters would finish their looting before the police arrived.

"They walk in and take what they want," the 68-year-old farmer said, "and the one time I protested to them they fired a burst over my head. The bullet holes are still in the wall. We will all be forced out soon."

But it is not just the mujahedeen who have gained a foothold in Bosnia. There are at least 10 Islamic charities in Zenica, including one run by the Iranian Government, that many Western governments view with deep suspicion. The charities have budgets in the tens of millions of dollars and work to build militant grass-roots organizations in Bosnia.

Human Relief International, an Egyptian foundation that is outlawed in Egypt, is one such group.

The 40 Egyptians who work for the charity in Bosnia are all wanted in Egypt on terrorism charges. Western diplomats and United Nations officials say the charities, along with the mujahedeen, have combined to create a powerful militant Islamic force in Bosnia that could be inimical to American interests here.

"We are all code red," said Airman Elhamalaway, who works for the Egyptian charity. "If we ever go back to Egypt, which we will not, our names come up bright red on a computer so the police know we should be immediately arrested."

Mr. BROWN. Mr. President, the point of the article, and the reason I share it with Members, is simply to make a clear point. This is not a benign action. This is an area where there are serious problems that have not been resolved by the peace agreement and where there are forces that can inflict harm on American troops.

I understand and appreciate American troops are willing to face dangers, face combat, but it would be foolish for any Member of this Senate to think that we are sending people into an area that has been cleared of danger because of the peace agreement.

Mr. President, I also ask unanimous consent to have printed in the RECORD a similar article from the Washington Post dated November 30.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 30, 1995]

Foreign Muslims Fighting in Bosnia Considered "Threat" to U.S. Troops

(By Dana Priest)

The Pentagon is seriously concerned about the threat posed to American peacekeeping troops in Bosnia by several hundred Islamic fighters who come from outside the country but are based in the Bosnian region that the U.S. military will control, officials said yesterday.

While land mines, bad roads, soupy weather and disgruntled rogue paramilitary groups also are listed as likely hazards for western troops, it is the freelance groups of religious zealots that particularly worry military planners.

U.S. officials called the non-Bosnian Muslim fighters "hard-core terrorists." Some U.S. officials said they believe some of those Muslims were the ones who killed an American civilian working for the United Nations on Nov. 19 in the northern city of Tuzla, where the U.S. headquarters is to be based. The investigation is continuing.

"Many [of the Muslims] are very brave fighters," one Defense Department analyst said. "They have taken large casualties. They have taken on some important operations and are willing to take some tough action."

They are, in short, the men willing to drive car bombs and take part in other suicide attacks against western soldiers. Worse, there is no obvious way to make them leave the region.

Defense officials estimate that throughout Bosnia, there are "a couple thousand" fighters from Islamic countries—including Algeria, Iran, Saudi Arabia, Afghanistan, Libya, Pakistan and Egypt—who have fought with the army of the Muslim-led Bosnian government against separatist Serbs.

Many of the foreign Muslims are based around Tuzla, which is to become the headquarters for "Sector North" of the NATO-led operation, the area to be controlled by American troops. Many also operate from three towns to the north of Zenica, which is likely to define the southern border of the U.S. sector.

The foreign Muslim groups usually carry small arms and antitank weapons. Some, like the Iranians, are organized into their own brigades. Others have been blended into the regular armed forces and paramilitary groups.

Within the last several weeks, non-Bosnian Islamic troops have stepped up attacks on western troops and civilians. They fired a rocket-propelled grenade at one U.N. vehicle and attacked several others with small arms fire.

Also recently British soldiers who are part of the U.N. peacekeeping mission killed a member of one Islamic group, who they said pulled a pistol on them. Shortly afterward, the group retaliated by killing American civilian worker William Jefferson, 43 of Camden, N.J., whom they mistook for a Briton because he spoke with an accent, defense analysts said. The Bosnian government told United Nations officials it had captured and killed the three Islamic soldiers involved.

Although the Dayton accord calls for all foreign fighters, including mercenaries and trainers, to leave Bosnia, defense officials acknowledge that they have little hope that any of the parties can, or are willing, to persuade the Islamic groups to leave. The Bosnian government has given them tacit approval to operate in its territory because they are good fighters and have helped it win battles.

"There are certain elements of the Bosnian government who don't want to separate themselves from these particular elements," said the defense analyst, who spoke on the condition he not be named. "They will find a way of hiding these elements, to merge them into" the regular armed forces.

A civilian who has worked with the Bosnian government said the United States is trying to "put some heat" on Turkey, Saudi Arabia and other countries with some financial influence over the groups, to make them leave. "These guys are mean," he said. "You've got to control them."

Mr. BROWN. Mr. President, I want to share with Members a concern that I had early on when we began to deploy U.S. forces into Bosnia by the way of aircraft. I was concerned about the ground rules and the rules of engagement with regard to aircraft. I specifically raised with the administration a series of questions as to what we would do if Americans were attacked while they were performing routine air patrols. Frankly, my concern was that we would end up duplicating what happened in Vietnam. Because our actions in Vietnam is relevant, let me summarize that briefly.

U.S. troops were deployed in Vietnam but not given the rules of engagement that allowed them to quickly respond. If a forward air patrol spotted enemy troops on the ground no action against those troops could be taken unless you had been fired on. They could be carrying in supplies or ammunition that would be used against our troops. I recall one particular unit was carrying the North Vietnamese flag. That was not enough to allow engagement of combat or use of airstrikes and naval gunfire in the coastal regions.

What was required was for the air patrol plane to fly low enough so the troops were attempting to fire on you. Once the troops fired on you, then you were allowed to call in an airstrike.

That airstrike called for approval by a variety of commands before a response could be made.

The quickest I ever had a response that allowed action was 2 hours. One time it was over a day before we got a response. In the north, when our fliers went on missions, we had the Pentagon schedule the majority of those flights, and they dictated the road of ingress and the path of egress, and dictated the flight level at which you could come in. If you did not finish a target, you would go back into the cycle for retargeting, done in Washington, not in the field. Generally, the Vietnamese knew how long that cycle took and they knew when you would be coming back, they knew the altitude you would be coming in at, the altitude you would be addressing at, the course you would be taking into the target, and the course you would take away from the target. Mr. President, we set our people up for turkey shoots.

So I thought it was a legitimate question to ask specifically what the rules of engagement for our missions into Bosnia would be. As Members will recall, in Vietnam we ruled out of order some of the best targets. I know of Secretary McNamara's book. I read it. He goes to great length to talk about all the targets he allowed. He left out that the most important targets were ruled off limits. I thought a legitimate question was, if we were attacked by forces from Serbia, would we retaliate against the supply depots, against the bridges, or against the forces that originated the attacks or supported the attacks on the American troops? That is what I asked in the report.

This was a series of discussions on October 5, 1993, before the U.S. planes were shot down.

Senator BROWN. Can you assure me that if our troops are fired on, they will have the right to return fire?

Ambassador Oxman. Yes. The rules of engagement would permit self-defense.

Senator BROWN. We would be able to bomb supply bases of troops that attacked our troops?

Ambassador Oxman. Senator, I think I would not go further than to say there would be rules of engagement which would permit NATO forces to defend themselves and carry out the mission.

Senator BROWN. Let me be specific. In Vietnam, key bridges were put off limits, bridges that carried troops and vital supplies to the North Vietnamese troops. They used those supplies to attack American troops, and yet these key bridges were put off limits, and our planes were not permitted to attack some of the most valuable targets of the enemy. Can you assure me that that will not be the policy if we send troops to Bosnia?

I found it difficult to get an answer, other than "they would have the necessary rules of engagement to defend themselves in order to carry out that agreement."

Mr. President, we have experience in Bosnia already. We detected ground-to-air missiles, SAM missiles. We detected the radar that was following our planes. We knew the locations of Serbian missiles. The U.S. intelligence knew that. We publicly have acknowledged that the Serbs had missiles that were ground-to-air missiles they could use to shoot down our planes. We knew they were in the locations where our flights were going. We had detected the radar from those units, and we still ordered our planes to fly the missions, and one of our planes was shot down. We are all aware of that.

But perhaps what some Members have forgotten is what we did in retaliation. My concern had been, in the October 1993 hearing, that we would not respond, that we would give a message that Americans are a punching bag and will not punch back. For those Members who have forgotten, let me review what happened.

They shot down our plane, even though we knew the missiles were there and did not cancel the mission. We did not go after the missiles. We did not go after the installation. After the plane was shot down, we did not go after those locations. We did not bomb the bridges that brought those missiles to the front. We did not bomb the supply depots where they came from.

Mr. President, what we did when they shot down our plane was nothing. Now, can you come up with reasons for not doing anything? Of course you can. But what I want to call to mind for the Members is this: What kind of message do you think that sends to people who would attack American forces? Does it encourage them to attack us, thinking we will not fight back? What kind of message does it send to the parents of Americans who might die in combat to know that we do not even care enough about our troops to defend them and retaliate when they are attacked?

Mr. President, I think the administration was remiss in, one, not making sure that we moved against installations that would fire SAM missiles against us and, two, when it happened, not following up and retaliating against those who did. What you have, in my belief, is a callous disregard for those who wear the uniform of the United States. They deserve to be defended and protected and stood by. It is a mistake for us to put them into combat unless we are willing to stand with them, and that is part of the problem of this mission. It is not speculation; it is what happened in Bosnia already by this administration—Americans were fired on, and the plane was shot down, and we turned our back on those who wear our uniform in terms of protecting or defending them.

Mr. President, I want to follow up. First, I want to pay tribute to the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. I have made an effort to get all the information I could about this mission, and they have been, frankly, quite helpful in responding. They have taken a great deal of their time to not only try and respond to the questions, but to be helpful in providing information. I think that is to their credit. I have great respect for all three of them.

I want to share with the Senate, specifically, a question and an answer that I had asked because I think it goes to the very heart of this issue of when we stand by our troops when they are in the field.

This was submitted to Secretary of State Warren Christopher on October 17. I received the answer today.

Question:

> If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian government in Belgrade, will we retaliate against Belgrade?

I think that is a reasonable question. If we know they have been involved in attacks against our troops, will we retaliate against Belgrade, or put them off limits like they did in Vietnam?

> A. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?
>
> B. Will our rules of engagement include the authority to take actions to cut off supply lines from Serbia itself?
>
> C. Will strikes into Serbia or Croatia, if necessary to ensure the protection of American troops, be authorized?

That is pretty specific. If they attack us, will we go after those who attacked us?

The response is:

> * * * IFOR will have complete freedom of movement throughout Bosnia.

That is helpful. It does not respond to the question, but I think it is helpful.

But let me share the response to the more specific aspects:

> IFOR commanders will operate under procedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agreement or a threat to IFOR. This would help ensure that violations are dealt with effectively and further violations deterred.

It goes on in the concluding paragraph, specifically, with regard to my questions as to whether we will go after them if they attack our troops. This is the Secretary of State:

> I cannot speculate now on what the U.S. would or would not do against Serbia or Croatia if it were determined that violations of peace accord were supported from outside Bosnia and Herzegovina. Such decisions would be made based on the particulars of the situation.

Mr. President, I want to submit that entire question and response so the record is complete.

I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTION FOR THE RECORD SUBMITTED TO SECRETARY OF STATE WARREN CHRISTOPHER BY SENATOR HANK BROWN, COMMITTEE ON FOREIGN RELATIONS

Question. 5. If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian (Yugoslav) government in Belgrade, will we retaliate against Belgrade?

a. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?

b. Will our Rules of Engagement include the authority to take actions to cut off supply lines from Serbia itself?

c. Will strikes into Serbia or Croatia, if necessary to ensure the protection of American troops, be authorized?

Answer. As specified very clearly in the Dayton agreement, IFOR's mission is to implement the military aspects of that agreement: enforcing the cessation of hostilities, withdrawal to agreed lines, and creation of a zone of separation; and overseeing the return of troops and weapons to cantonments. The forces, their training, their equipment, and their Rules of Engagement (ROE) are geared to these missions. IFOR will have complete freedom of movement throughout Bosnia. This mission will be even-handed. It is important to keep in mind that the parties themselves bear primary responsibility for achieving the peace in Bosnia which they themselves sought, initialled in Dayton on November 21, and will sign in Paris on December 14.

IFOR commanders will operate under procedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agreement or a threat to IFOR. This would help ensure that violations are dealt with effectively and further violations deterred. IFOR's ROE authorize the use of force, up to and including deadly force, to ensure its own safety and fulfillment of its mission.

Obviously, IFOR's mandate and mission focus on Bosnia and Hercegovina. I cannot speculate now on what the United States would or would not do against Serbia or Croatia if it were determined that violations of the peace accord were supported from outside Bosnia and Hercegovina. Such decisions would be made based on the particulars of the situation.

Mr. BROWN. Mr. President, the reason I quote that is because I am concerned about it. I am concerned that, once again, this country will send troops into harm's way and then turn their back on them. Mr. President, I submit this response of the Secretary of State as some indication of what may happen. It is not just the experience we had with the shot down pilot where we did not respond when they shot him down, and we did not go after the surface-to-air missile emplacement—even at the start, they were unwilling to give us a commitment that if Serbia attacks our troops we will go after them.

Mr. President, I believe part of this depends on what Serbs think we will do. If they think if they attack our troops we will ignore it, they will be tempted to take a different course of action than if they know we will respond if they attack us. I think this invites attacks. I think the vagueness of our commitment invites attacks on our troops.

Mr. President, I respect the Secretary of State—and I understand how he does not want to be pinned down—but I respectfully suggest, Mr. President, that this is the problem, a willingness to commit troops, and ask them to make the final commitment, in Abraham Lincoln's words "without our willingness to stand beside them."

In my book, if you are going to be true to those troops, if you commit them to combat and somebody goes after them, we have an obligation to defend them and to go after whoever attacked them. There should be no doubt about it. That is part of what is wrong with this mission, an unwillingness to stand squarely beside young men and women we put in harm's way.

There is one last aspect I want to mention before closing. I heard some very conscientious, intelligent Members who I have enormous respect for come to this floor and say,

> We think it is a mistake to send troops to Bosnia but the Commander in Chief has made the decision and it is not our role to prohibit him acting as Commander in Chief in dispatching troops.

They may have said it in a different way, but in its essence it boils down to that—a deference to the President in this regard. The doubt or concern about the decision the President made but a deferring to the President in terms of the matter of deploying the troops into Bosnia.

Mr. President, I most sincerely have a different view of the American Constitution and frankly of the logic of the governmental process. I do not know how any scholar can read the proceedings of the Constitutional Convention, can understand the struggle for independence that this Nation went through, can understand the cases that have come down from the Supreme Court, and not come to the conclusion that the essence of the American experience in constitutional government is checks and balances.

The Founders believed in and perfected the system of checks and balances as effectively as anyone has in the history of the world, and there have been a lot of attempts. To look at the American experience and assume the President has unlimited authority to commit our troops to combat situations and Congress' only job is to simply go along is to misunderstand the effect of our Constitution.

I believe it is quite clear that Congress has a role to play. Tomorrow we will play that role as we vote. But none of us should be under the impression that the Constitution allows us to duck our responsibility. The truth is, a declaration of war comes from Congress, and the ability to control the purse strings comes from Congress.

If we turn our back on our responsibilities under the Constitution we will be just as responsible for this unfolding tragedy as the misguided President who brought it about.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. COHEN. I listened with interest to the presentation of the Senator from Colorado who is now occupying the chair. He delivered it with great passion. That passion stems from his experience of having been in the fields of Vietnam and having witnessed the kind of policy that we pursued there—in leaving, in many cases, our troops without either the military or moral support that they deserved.

He spoke with great eloquence and passion, and I think his words should be given serious consideration by all of our colleagues as we deliberate and debate this issue tonight, tomorrow, and beyond.

If you watch the evening newscasts, it is very clear our troops are heading into Bosnia as we speak. The anchormen are there cataloging the various vehicles that are rolling by, the numbers of troops, the feelings and sentiments of the men and women who are being sent, the reaction on the part of the citizens that they are being sent to help defend. And various commentaries being offered by military leaders who have served in the past as part of the U.N. force.

It is interesting to get their different perspectives in terms of both the mission and how long it might be before we complete that mission. So our troops are in Bosnia, and we have to ask the questions: How did they get there? What will they do there? When will they leave? How will we ever measure their success?

I think it is fairly clear that the road to Bosnia has been paved with good intentions and poor judgment. The road has been littered with mistakes. We can point to those in the past. I say that the early recognition on the part of a united Germany of Croatia was one of those initial mistakes. I think the new united Germany at that time was feeling its power, its diplomatic initiative, and that prodded a number of countries to follow suit too quickly in recognizing Bosnia-Herzegovina.

The West fell in line to applaud its—the Germans—diplomatic initiative.

When predictable war broke out, the Europeans, who were steeped in Balkan history, said it is a local issue. It is really not our problem. It is a domestic civil war. These tribes as such, these factions, have been making war for centuries. We are not going in.

So the United States was not about to intervene where Europeans feared to tread. If we had any inclination to do so, if the Bush administration had any predisposition to going in to helping solve that particular war, it was discouraged from doing so by domestic politics.

After all, President Bush had come off of a major victory in the Persian Gulf. He was riding very high in the polls at that time but the charges were he was too interested in foreign affairs, he had neglected domestic issues. The Nation was suffering, and therefore he should turn his gaze away from world affairs and concentrate on domestic issues.

So if there were any inclination, and I am not sure there was at the time, but if there were any inclination on President Bush's part to intervene in any significant way in that war, he was discouraged from doing so.

UNPROFOR, the U.N. peacekeeping force was sent in. I have spoken on this floor on a number of occasions, written articles for the Washington Post and other publications, suggesting—no, not suggesting, but declaiming, that it was an inappropriate mission for U.N. forces to send blue helmets into that region. It was inappropriate to send these brave, heroic people wearing blue helmets and flak jackets and carrying very light weapons into a region that was so mired in conflict at that time. It was an inappropriate mission for them to perform. It was a "Mission Impossible," in many ways, for them to perform. But those soldiers performed that mission as well as they could, given their circumstances. But they were put directly in the midst of an ongoing war and asked to keep the peace.

They were attacked without retaliation. They were taken hostage. They were humiliated by the warring factions who demanded that they pay tribute, that they give up half of their fuel, half of their food, half of their weapons, whatever it was, to gain access to the starving population that they were sent to help feed and clothe. They were tied to weapons storage sites to prevent any kind of attack by the United States or Western allies.

We had the anomalous situation—and the presiding officer, Senator BROWN, touched upon this—we had the anomalous situation of the military leaders on the ground saying, "Please send in the cavalry, send in air support, attack the people who are attacking us." But, of course, the planes did not come and the relief did not come because they received some hot air excuses from U.N. diplomats who held the keys to the weapons. It was a so-called dual-key arrangement, which amounted to dual nonsense to those on the ground.

So, we watched the situation unfold with heroic blue helmeted soldiers carrying out their mission as best they could, as atrocity was piled on atrocity, until we could no longer stand it.

The final blow came when the artillery shell was launched into Sarajevo, killing 69 innocent people and wounding some 200 others. We continued to watch the evil of ethnic cleansing, and all the while the world stood by, praying for peace while the innocents were slaughtered.

There were some in this Chamber, I point specifically to Senator DOLE, the majority leader, who said we should lift the embargo, multilaterally if possible, unilaterally if necessary, and strike, if necessary, in order to prevent the Serbs, at that particular time, from continuing their assault upon safe havens, so-called safe havens. Lift the embargo and strike, or simply lift the embargo and let them fight. And on each occasion he was rejected.

The administration said no, you cannot do this and you should not do this. Our allies have said no. The President has said no. The United Nations has said no, it would endanger the UNPROFOR forces who are on the ground. By the way, United States, you do not have any forces on the ground so do not be so quick to lift, or to lift and strike. It would endanger the UNPROFOR forces, and it would lead to more slaughter. And if we should act unilaterally, then NATO would dissolve, the U.N. forces who were there would leave, the United States would no longer have any credibility, and we would endanger the other embargoes that exist on Iraq and other countries who have engaged in, certainly, unfriendly behavior.

So, under the threat that we would endanger NATO, that NATO would dissolve, nothing was done. The slaughter continued and the regions were cleansed of their undesirables.

Last spring, President Clinton made a pledge to commit up to 20,000, perhaps as many as 25,000 troops to aid the extraction of U.N. forces, if it became necessary. That really was a shot across the Senate's bow at that time, saying, "If you are going to insist on lifting the embargo over the objection of the President, over the objection of our allies, over the objection of the United Nations, then I am making a commitment as Commander in Chief. I will commit 20,000 American troops, ground forces, to help extricate the U.N. forces from that situation."

That was a pledge he made publicly. I think, perhaps to his surprise, President DOLE—strike that for the moment—Senator DOLE said, "I agree. If we have to get U.N. peacekeepers out of there in order to allow the Bosnian Moslems to defend themselves, that is a decision we will support."

But that was the marker that was laid down. We are going to commit U.S. forces on the ground in order to extricate the peacekeepers in the event the United States unilaterally decided to lift the embargo or our allies decided the United States was no longer interested in pursuing a multilateral approach and therefore said, "We are getting out." We would help get them out.

So, Congress retreated. We retreated on that issue. We waited. We delayed. We debated. We did nothing, until finally we saw one atrocity too many. We would strike, and we did strike, but we would not lift. And we saw an immediate reaction once we decided to apply air power. The President sent off his chief negotiator, Secretary Holbrooke, to then hammer out a truce.

Again, we hesitated. All of us in this Chamber and the other Chamber as well, we hesitated. "Don't interfere with the President. He conducts foreign policy. Don't cut his legs off with a preemptive vote of disapproval. Allow him to conduct this effort." And we backed away. Once again, we deferred.

We deferred because, No. 1, we assumed, or at least thought, perhaps the negotiations will fail on their own weight. Perhaps the negotiations will be unsuccessful. So why should we take action at this point on a preemptive basis to say, no matter what you arrive at in the way of negotiation, we disapprove your sending American troops to help keep that truce? So we did nothing at that time.

Also, we should be very candid about it, if we had taken so-called preemptive action to assert our constitutional authority, our control over the purse strings, saying, "No funds appropriated under this account may be expended for the deployment of ground forces in Bosnia," and the negotiations then failed, Congress did not want to accept the blame for it. So we backed away and we waited.

Now, I mention this all by way of a preface to the debate over constitutional power. Who has it? Does the President have the undiluted, unilateral power to send troops to Bosnia, or does Congress have the power? That is a debate that cannot be resolved and will not be resolved during the course of this particular discussion.

Who has the power depends upon who lays claim to it, who takes possession of it, who runs with it. I know the Senator from Colorado is an attorney, skilled in tax law and real estate law and may recall from law school days that possession is 90 percent of ownership. Who takes possession of the power and runs with it really determines who has it, ultimately.

The fact is, Congress has yielded its powers to the Executive over the years. "Don't vote to strike. Don't vote to lift. Don't vote to disapprove before the negotiations. Don't vote to disapprove after the negotiations." Much of what we say and do really does not matter at all, does it? Because the President has said, "I really am not too concerned about whether you approve or disapprove, because I am going anyway. The troops are going in anyway." Even if the House and the Senate were to vote overwhelmingly to disapprove the sending of American troops to Bosnia, the President has already indicated they are going in any event. "It is my prerogative. It is my power. I am going to keep the commitment I made to the NATO allies and I don't really"—

He cares, of course; I am oversimplifying. He cares, but not enough to say that he would abide by the decision.

As a matter of fact, during hearings in the Armed Services Committee last week, the Secretary of Defense, Secretary Holbrooke, and the Chairman of the Joint Chiefs of Staff, were there to testify, and they were very candid about it. I specifically asked the question: In the event that Congress should pass a resolution disapproving the sending of American forces into Bosnia, the President does not intend to be bound by that decision, does he?

And the answer was a very clear, "No."

The next question that follows onto that, of course, is, well, what if Congress fashions a resolution that imposes certain conditions, or seeks to define the mission with greater clarity to remove some of the confusion and the ambiguities that exist in the documents that were signed and negotiated in Dayton? Would the President in any way feel constrained by those conditions? And, of course, ultimately the answer is no. Secretary Perry was very clear, very direct. If he felt that any resolution passed by the Congress in any way posed a danger to our troops, he obviously would recommend to the President that he not abide by it. We got into something of a semantic dual with the Administration witnesses saying they will not ignore it, but they certainly will not abide by it.

So this entire debate on what we are going to pass in the way of a resolution has no ultimate, no practical, consequence in terms of preventing the troops from going there. More will be going shortly this week.

So, Mr. President, I raise these issues this evening because it is in stark contrast to what took place back during the debate on the Persian Gulf war. I have a whole sheath of notes. I was going to quote from speeches that were made at that time by my colleagues on the other side. That might seem to be a bit unfair, hitting below the intellectual belt on the eve of a vote. But I sat this afternoon reading through their statements, and I was struck by the passion with which they were delivered, by the intensity of the charges that were made at the time should President Bush ever neglect to come to Congress to get its approval. Some suggested he would be impeached, or should be impeached.

In all candor, President Bush was not eager to come to the Congress. I recall on at least two, possibly three, occasions going to the White House with a group of Senators and Congressmen standing up in the East Room, and urging the President to come to Congress to get our approval. The President's advisers at that time said, "He really does not need your approval. He has approval from the United Nations." I do not know how many of us have sworn allegiance to the U.N.

But we, over a period of time, were able to persuade him that it was important. I think from a constitutional point of view he had the obligation to come to get our approval. But even from a political point of view, it was an imperative that he come and get our approval because you should never send American forces into war, or into the danger of a war zone in which they might be forced into war, without the solid support of the American people. And, if you put our troops in such a dangerous position, if you send them off to war without the broad support of Congress—after all, we reflect the views of our constituents—without that broad consensus, then you can anticipate what will happen.

When people start to die, when they start to be flown back to Dover in their flag-draped coffins, CNN cameras will be there to capture that. And the hearts that beat so loudly and enthusiastically to do something to intervene in areas where there is not an immediate threat to our vital interests, when those hearts that had beaten so loudly see the coffins, then they switch, and they say: "What are we doing there? Why are our young men and women dying in that region?" And the President at that time needs to have the support of the Congress to say, no, once we commit our troops to a region, we have to stand behind them. And the worst thing you can do to American credibility—once you send them into battle and the casualties start to mount—is to leave, to quit and leave before the mission is completed. That will do more to undermine America's credibility as a world power, as a superpower, as a reliable ally, than anything we could possibly do.

So that is the reason it is important, it is critical, for a President to build the support for the deployment prior to making the decision—not the inverse, not putting the troops there first and then coming back and getting support. You have to build the support, give the reasons, persuade the American people that it is our solemn duty and responsibility to take action. And when people start dying, when sons and daughters start dying, we are still going to carry through on the mission. If he does not do that, then he is going to be naked unto his enemies, because the fact of the matter is, unless you have Congress on record in support of such action, when the public turns Congress will be in full pursuit. And that will not bring credit to this institution. It will not bring credit to the United States.

That is why I urged at that time President Bush to come to the Congress. He did so, and he was able by a very thin margin to persuade the Senate and the House—a larger margin in the House but a very thin margin here in the Senate—that it was in our national security interest to see to it that Saddam Hussein did not remain in Kuwait, and that he did not stand astride the oil fields of the Middle East and threaten to go all the way to Riyadh in Saudi Arabia.

We talked about the implications of a tyrant, a dictator of his magnitude, standing astride the oil fields and what it would mean to international stability. We talked about his having biological weapons, chemical weapons, and, yes, even a nuclear capability and the possibility of developing intercontinental ballistic missiles, ICBM's. And still we were only able to persuade a few Members on the other side that it was important that he be removed from Kuwait by force.

I mention all of that tonight because the mood has changed, and the rhetoric has changed. Suddenly we see a support coming forth for the President of the United States on a bipartisan basis thanks to the leadership of Senator DOLE, Senator LIEBERMAN, and others—Senator MCCAIN. It was not a bipartisanship that was shared during the Persian Gulf war even though there was a much greater identifiable national security interest there than there is in Bosnia. This is much closer to a humanitarian interest and a potential national security interest. But it is hardly of the magnitude and the immediacy as posed by the Persian Gulf war.

So what do we do at this point? They are over there. More will be there later this week. What we have to do is to lend our support to the troops. We are not going to undercut them at this point as they are going into a very dangerous mission. We intend to support them but to do so in a way that makes it clear why they are going, what they will do, and when they and we will know that it is time to come home.

So we talk about exit strategies—code word, "exit strategy." Basically it means defining what the mission is; defining the mission so you can measure success, so you can say at the end of their tour of duty that the commitment they made was exactly worth the price they are being asked to pay in order to achieve a certain identifiable goal.

There is some confusion about this. And that is why this debate is important. That is why it is important that we pass a resolution being as definitive as we can, even if the President is going to ignore it. Whatever we say, it is important that we try to define what we believe the application is, and should be.

Secretary Warren Christopher made a statement while in Dayton, and he indicated—at least to me the statement indicated—that the mission was to "assure the continuity of the single state of Bosnia-Herzegovina, with effective federal institutions and full respect of its sovereignty by its neighbors." Mr. President, no such state has ever existed. What he was saying is that we are about to build a nation upon the ashes of a failed nation. No such nation ever existed for any period of time. Almost simultaneous with its recognition as a separate state, war broke out. There has been no single separate state with effective federal institutions whose sovereignty is respected by all neighbors on all sides.

So is this going to be our mission? We raise this issue. The answer is no. That is not our mission.

That is nation building, but nation building is not something we are supposed to be sending our troops to do. So there is to be no nation building. That apparently is clear. There will be no resettlement of refugees under the aegis of American Forces. That is not going to be our task. There will be no organization or monitoring of elections. That is not our task.

In fact, there will be no hunt for war criminals. You may recall that President Clinton indicated he thought those who have been charged with committing atrocities should be brought to justice. In fact, he declared they would be brought to justice—Karadzic, Mladic, to name two. Are we going to hunt them down? Well, not exactly. If they happen to wander into the area of Tuzla or the areas that we will be patrolling, if we happen to stumble across them in that region, then obviously we can grab and apprehend them and bring them to justice. But that is not going to be our mission. We are not going to hunt down war criminals. And so that also has to be excluded as part of the mission of our young men and women.

There are side agreements, annexes, which have caused me some concern and some need to seek clarification. Apparently a part of our effort, contained in Annex 1-B, has to do with something called build-down. We are going to seek an arms build-down in the region.

Now, I have taken issue with this publicly because it is a complete misuse of the term "build-down." Build-down was a phrase that was coined back in 1983 referring to a proposal Senator NUNN and I developed. Beginning with an article I wrote for The Washington Post January, 1983, that talked about how we could force reductions in nuclear forces as we modernized them to make them more survivable, more mobile. We needed to have a more stable relationship with the Soviet Union, and therefore we wanted to get rid of these fixed, big targets that they had and we had. And one way to do that was to have more mobility and fewer numbers, and so we formulated a concept saying, for every one new missile we put into our inventory, we take two old ones out. And that is where the phrase "build-down" came from.

Well, we are not really seeking to put new modern weapons into the region and build them down on a 2-for-1 basis. That is the phrase that has been used. We will use it for convenience sake, but it has no relationship to the actual reality of what we are seeking to do. What we are seeking to do is have the parties in the region reduce their arms.

Now, if you or I, Mr. President, were negotiating an arms control treaty with any of the parties involved that directly affected our security, we would never sign this agreement. We would be run out of office on a rail were we to sign such an agreement, because in essence it relies not upon verification, not upon independent assessments but upon the declarations of the parties. We are going to rely upon the Serbs to tell us how many weapons they have and where they are, and the Croatians and the Moslems, all to make a good-faith statement of the weapons they have in their inventory, and then we will see if we cannot help to negotiate a relative builddown, arms reduction to equal or semi-equal levels.

We have asked people in the business of making these kinds of judgments—former Secretary of Defense James Schlesinger, former National Security Council Adviser Brent Scowcroft, former Defense Under Secretary Paul Wolfowitz—would you trust any of these individuals to declare their inventory, would you rely upon that? Brent Scowcroft said he would not trust any of them. I do not know how many here would trust any of them. The history is not replete with accurate assessments and declarations made by any of the individuals involved, any of the leaders, any of the troops.

Yugoslavia, the former Yugoslavia, in fact, is renowned for having hundreds, if not thousands, of underground caves and caches where thousands of weapons are stored. So now they are going to say, we have them all stored in X, Y and Z and you can go in and take a head count for yourself and we will agree to build down.

Very few people believe that is going to be possible. So the next question is, well, if we cannot really guarantee that there is going to be an arms reduction that will result in some sort of military equilibrium, then we have an obligation to see to it that the Bosnian Moslems are put in a position that, when we leave, they will be capable of defending themselves. Well, that means we are going to arm them in the alternative.

What the resolution of Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others says is we really have that wrong. If you are talking about an exit strategy, the best we can hope to do is maintain a truce, a cease-fire for a year—I will talk about the year's timeframe in just a moment. That is the best we can hope to do. And during that time, we have to see to it that the Moslems are going to be in a position to defend themselves when we leave, if war should break out. Otherwise, we cannot declare that we have been successful in our mission.

If I had my druthers on this, I would do it in reverse. I would say, let us put the parties in a relative state of equilibrium now, let us build up the Bosnian forces now and then see if we can get them to agree to reduce to roughly equal levels and then leave. At least you would have a real incentive at that particular point for everybody to negotiate in good faith.

Right now, we know from listening to the administration and to others that the Bosnian Serbs do not want us to arm the Moslems. The Croatians do not want us to arm the Moslems. Our NATO allies do not want us to arm the Moslems. Article after article is now being written: Do not arm the Moslems; they have plenty. And, by the way, you do not want to upset the stability that has been achieved.

That is one of the areas that we have to remove in terms of our policy. Are we going to use fig leaf phrases to hide our naked ambiguities? Is that what we are about? Saying, well, we have this commitment on the side and a lot of opposition to it, so let us put it out there. In the event we do not get the arms reduction, we will see to it they are able to defend themselves.

Well, how and who? Who is going to provide the weapons? Under what circumstances, under whose aegis? Are we really fooling anyone? I quoted from a soul singer recently: Who is zooming who? Who are we zooming when we say we are totally neutral on this mission, that we are evenhanded and neutral and not favoring one side or the other? We ought to be up front about it. I know that causes concern for many, saying if we in fact are going over to help make sure the Bosnian Moslems can defend themselves, when we leave we are putting ourselves in danger.

That may be the case. That may be the case. But I would submit to you, Mr. President, and to my colleagues, leaving this in a state of suspended ambiguity also puts our troops in danger. We have to be very clear of what we are about. And so the resolution that will be offered tomorrow will in fact seek to define that our goal is to make sure that at the end of this period of time, be it 12 months or longer or less, when we leave, the Moslems will be in a position to at least be on a relatively equal playing field.

Now, is it going to be 12 months or not? Our colleague, Senator WARNER, asked a very important question during the hearings last week. He suggested to Secretary Perry that he was troubled by the 12-month timeframe; there seemed to be some political overtones to that.

Let me say here, as I said before during the hearings, not for a moment do I think that President Clinton made the decision to send troops into Bosnia for any political purpose. There is absolutely no political benefit that I can perceive that will come from that decision. There is not much of an up side, as we say in politics, from that kind of decision. A lot of down side to it. And so he is taking a very big risk. He is exercising what he believes to be leadership in the correct direction. We can challenge that or question that, but he is exercising leadership coming from the Oval Office.

And so I do not for a moment question his motivation. I think he is doing it because he thinks it is the right thing to do, which is not to say there will not be political implications and overtones come next September and October. It is an election year.

Hopefully—and we are going to pray on this and hope on this and be prepared for this—but hopefully we will never have a major confrontation between any of the major parties and U.S. troops. It would be an act of folly on their part in terms of the firepower we can bear.

But that is not the kind of conflict we can anticipate. If there are going to be any attacks launched against the NATO forces, U.S. troops in particular—and we assume there will be efforts to try to see how thin or wide our patience is going to be—they will come in the form of terrorist attacks, they will come in the form of landmines, they will come in the form of car bombs like we saw in Beirut, they will come in the form of a sniper's bullet. Those are the kinds of things that we can anticipate will take place.

Should we start to suffer significant casualties between now and next September or October, then obviously the President will be under pressure to pull the troops out. So I raised the issue with Secretary Perry. And to his credit, he was absolutely direct. He did not try to circumvent and he did not try to hedge and he did not fudge or try to engage in any kind of obfuscation. He simply responded to my question.

I said: Is it unreasonable for me to assume that come next October a tranche of 2,500 troops will be coming home? He said: Not at all. In fact, they intend to start bringing the troops home next October, November, and December.

So, really, it is not a truly 12-month mission, it is going to be, at least partially, a 9-month mission. I raised the 9 months because Secretary Perry said in response to Senator WARNER: "Nine or ten months would have been a time one could have been quite suspicious about. But let me assure you that the question never came to me, it was never raised to me by the President, of lowering this time from 12 down to 9 or 10 months."

So, now at least we understand the troops will be coming home in September or October or certainly by November or December. I say that. It is a reality. It does not question the President's motivation in sending them in. But it raises the issue, if we are really planning on that kind of a strategy of getting them out starting in September or October, then that really does accelerate the timeframe in terms of what we have to do in order to complete the mission.

So we have to be very clear on what we are seeking to do. If you ask any other U.N. commander who has been in that region and say we will be out of there in 12 months, not to mention 9 months, they will shake their head and say, "No, no." The President of France said that we will be there for 20 years. A Canadian commander who has been there as part of the UNPROFOR forces has said that our grandchildren will be there, if we really are serious about carrying out a mission to help build a nation.

But, of course, that is not what we are going to do. We are simply going to maintain a cease-fire to keep the warring parties apart for a period of 9 months-plus.

So, Mr. President, I will not take any longer this evening to discuss this issue. It is getting late. It is not much of an audience that is going to be influenced by whatever I say this evening. But I do think it is important to try to spell out what we believe to be the goal of our forces there, that we make it as clear to the American people as we can, so that if things go awry, if things do not work out as the administration hopes and we pray they work out, that we will at least have defined what we believe the mission to have been and, hopefully, shape the administration's thought process on this so it does not get expanded.

We are worried about mission creep, that once we get there, once an incident starts to take place, once bullets start flying, once there is an action and reaction, once someone is attacked and we respond, that we do not start engaging in mission creep and start to indulge ourselves with the added burdens that will come about under that kind of pressure.

The Chinese leader Mao said, "Power comes out of the end of a gun barrel." Power in this country does not come at the end of a gun barrel; it comes at the end of Pennsylvania Avenue and Capitol Hill. Power, as I suggested before, belongs to whomever claims it and exercises it.

Congress has chosen not to claim the power of deciding when to deploy American forces when our Nation is not under attack and when our vital national interests are not immediately at stake. So, we are where we are because we were not willing to risk the consequences of action. We have deferred, we have debated, we have waited, we have talked, and we have let the President take us to where we are today.

So our duty, as I see it, is now to define the role that our men and women must now play.

Mr. President, I yield the floor.

PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. COHEN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2606, involving the use of funds for troops in Bosnia, and that the Senate now turn to its immediate consideration, with no amendments in order to the bill or motions to commit or recommit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

The Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, I further ask unanimous consent that the bill be advanced to third reading and that final passage occur at 12:30 p.m., on Wednesday, December 13, with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I further ask unanimous consent that at 9 a.m., Wednesday, H.R. 2606 be immediately laid aside, that the Senate proceed to a Senate concurrent resolution to be submitted by Senators HUTCHISON, INHOFE, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COHEN. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE REVEREND DR. RICHARD C. HALVERSON

Mr. DODD. Mr. President, I was deeply saddened by the passing of Dr. Richard C. Halverson, our friend and our Chaplain who served the Senate with distinction for 14 years. Dr. Halverson was a shining example for us all—he embodied all that we seek to be in the eyes of our families, our friends, the Americans we serve, and of course, God.

George Bernard Shaw once wrote: "There is only one religion, though there are a hundred versions of it." Mr. President, I would say this is a fitting description of the community Dr. Halverson so gracefully ministered. There are as many different opinions in this Senate as there are Senators. Yet Dr. Halverson, in his kind and gentle manner, was always able to provide the individual counsel and insight that helped us reach decisions on issues both monumental and mundane. Amid the busy hustle and bustle of events here in the Senate, it is not difficult to lose grounding, and it becomes ever more important to remember our place in the universe. Dr. Halverson, through his daily prayers, helped us to keep our perspective.

Of course, Dr. Halverson served all the Senate employees, and those who knew him loved him just as much as he loved them. He was always available to help and guide people in need, people in pain, or people who just needed to talk.

But Dr. Halverson's work extended far beyond the United States Senate and the Capitol dome. He was minister to the Fourth Presbyterian Church in Bethesda, leader of the prayer breakfast movement and World Vision, and deeply involved in several other evangelical organizations. Dr. Halverson reached out to many, and he will be sorely missed.

I want to extend to his family my condolences, and during this difficult time wish for them the hope and strength that Dr. Halverson inspired in all who knew him.

TRIBUTE TO REVEREND DR. RICHARD HALVERSON

Mr. MURKOWSKI. Mr. President, tomorrow there will be a memorial service for the late Reverend Dr. Richard Halverson. I want to take this opportunity to express my sorrow and sadness over the passing of this man who served not only as Chaplain of the Senate for 14 years, but also as model of the Christian life.

Dr. Halverson came to the Senate after serving churches in Missouri, California, and Maryland. His leadership of World Vision, the Campus Crusade for Christ, Christian College Consortium, and the prayer breakfast movement, established him as a world-renowned figure.

But I always think of him as the Senate family Chaplain. He did not merely try to give guidance and wisdom to Senators. He served all in the Senate, including the family members of staffers at all levels of the Senate.

In moments of great stress, I know many Senators turned to Dr. Halverson for guidance and counsel. And every day, when Dr. Halverson opened proceedings with the prayer, he gave us strength and perspective in understanding the responsibilities we hold as Senators.

I am proud to have known Dr. Halverson and can truly say that I will miss him. I know that his family can be comforted in knowing that today he is with God.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember—one question, one answer.

The question: How many millions of dollars in a trillion? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the enormous Federal debt that is now about $12 billion shy of $5 trillion.

To be exact, as of the close of business yesterday, December 11, the total Federal debt—down to the penny—stood at $4,988,568,481,765.63. Another depressing figure means that on a per capita basis, every man, woman and child in America owes $18,936.69.

Mr. President, back to our quiz (how many million in a trillion?): There are a million million in a trillion, which means that the Federal Government will shortly owe five million million dollars.

Now who's in favor of balancing the Federal budget?

ERNIE BOYER—A GIANT IN EDUCATION

Mr. KENNEDY. Mr. President, the death of Ernie Boyer last week has deprived the Nation of one of its greatest leaders in education. Throughout his long and distinguished career, Ernie was unsurpassed as a champion of education, and I am saddened by the loss of a good friend and great colleague.

In the history of modern American education, Ernie Boyer was a constant leader, working to expand and improve educational opportunities for all Americans. His breadth and depth of knowledge and experience in all areas of education was unsurpassed.

As Commissioner of Education under President Carter, he helped to focus the attention of the entire Nation on these critical issues. He wrote numerous books in support of improvements in elementary, secondary, and higher education. He was a key member of many national commissions, and was a constant source of wisdom and counsel to all of us in Congress concerned about these issues.

Ernie once said he wished he could live to be 200, because he had so many projects to complete. He accomplished more for the Nation's students, parents, and teachers in his 67 years than anyone else could have done in 200 years. They may not know his name, but millions of people—young and old—have better lives today because of Ernie Boyer. Education has lost its best friend.

Mr. President, I ask unanimous consent that an article about Ernie Boyer from the New York Times and excerpts from the Current Biography Yearbook 1988 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 9, 1995]

Ernest L. Boyer, who helped to shape American education as Chancellor of the State University of New York, as United States Commissioner of Education and as President of the Carnegie Foundation for the Advancement of Teaching, died yesterday at his home in Princeton, N.J. He was 67.

Dr. Boyer had been treated for lymphoma for nearly three years, his assistant, Bob Hochstein, said.

Dr. Boyer also was the author of a number of reports for the Carnegie Foundation, a nonprofit policy study center in Princeton that has often set the nation's education agenda.

In 1987, when he detected that one of the major ills of higher education was that research was elbowing aside teaching, he wrote, "College: The Undergraduate Experience in America" (Harper & Row), in which he argued that "at every research university, teaching should be valued as highly as research." The book stimulated the present college movement that holds that much research is pointless and even harmful insofar as it distracts teachers from students.

In 1990, Dr. Boyer developed this theme in another book, "Scholarship Reconsidered" (Carnegie Foundation), in which he maintained that teaching, service and the integration of knowledge across disciplines should be recognized as the equal of research.

Another of his reports, "High School: A Report on Secondary Education" (Harper & Row, 1983), had an impact even before it was published. When officials at the United States Department of Education learned that Dr. Boyer, a former Federal Commissioner of Education, was working on a report describing the inadequacies of secondary public education and proposing a series of changes, they decided to start their own study, which came to be called "A Nation at Risk."

Published a few months ahead of Dr. Boyer's report, "A Nation at Risk" was frequently described as a national wake-up call, spelling out the failure of the public high schools to provide students with basic knowledge and skills.

Dr. Boyer's report helped focus the ensuing discussion on specific plans like raising requirements for high school graduation, improving teacher certification and lengthening the school day.

Because the Carnegie study had been underwritten by a sizeable grant from the Atlantic Richfield Foundation, Dr. Boyer was able to back up his ideas with financial rewards and incentives. In 1983, he dispersed $600,000 to 200 schools that were seen to be striving for "excellence" and two years later, he awarded grants of $25,000 to $50,000 to 25 high schools that were perceived to have improved their curriculums, teacher training and community ties.

Dr. Boyer believed the nation's most urgent education problem was high schools. Pointing to the high dropout rate among minorities, he expressed fear that "the current move to add more course requirements will lead to more failure among inner-city students unless we also have smaller classes, better counseling and more creative teaching."

He also felt that education improvements were bypassing too many impoverished children, with consequences for the future of the country. He advocated programs in nutrition, prenatal care for teen-age mothers, and more day care with summer classes and preschool education.

Among his other books, whose titles reflected his concerns, were "Campus Life" (1990), "Ready to Learn" (1991) and "The Basic School" (1995), all published by the Carnegie Foundation.

Dr. Boyer had been working on a book, "Scholarship Assessed," in which he was attempting to establish a means of measuring successful teaching and service so that they could be better rewarded.

In a statement released yesterday, President Clinton said: "The nation has lost one of its most dedicated and influential education reformers. Ernest Boyer was a distinguished scholar and educator whose work will help students well into the next century."

A compelling orator who never tired of his role as an evangelist of education, Dr. Boyer was a sought-after lecturer on such issues as the need for adult education away from a campus, overbearing academic management ("Bureaucratic mandates from above can, in the end, produce more confusion than programs"), and the decline of teaching civics and government in schools ("Civics illiteracy is spreading, and unless we educate ourselves as citizens, we run the risk of drifting unwittingly into a new Dark Age").

He was also a busy consultant, in recent years having advised governments like the People's Republic of China on educational policy.

Ernest LeRoy Boyer was born in Dayton, Ohio, on Sept. 13, 1928, one of the three sons of Clarence and Ethel Boyer. His father managed a wholesale book store and ran a mail-order greeting-card and office-supply business from the basement of the family home. Dr. Boyer once said that the most influential figure in his early life was his paternal grandfather, William Boyer, who was head of the Dayton Mission of the Brethren in Christ Church and who directed him toward "a people-centered life."

Dr. Boyer attended Greenville College, a small liberal arts school in Illinois, and went on to study at Ohio State University. He received his master's and doctoral degrees from the University of Southern California. He was a post-doctoral fellow in medical audiology at the University of Iowa Hospital.

He then taught and served in administrative posts at Loyola University in Los Angeles, Upland College and the University of California at Santa Barbara. At Upland College, he introduced a widely emulated program in which the mid-year term, the month of January, became a period in which students did not attend classes but pursued individual projects. It was at Upland that he decided to devote his career to educational administration.

In 1965, he moved east to join the vast SUNY system as its first executive dean. Five years later, he became Chancellor of the institution and its 64 campuses, 350,000 students and 15,000 faculty members.

His 7-year term was a period of innovation. He founded the Empire State College at Saratoga Springs and four other locations as noncampus SUNY schools at which adults could study for degrees without attending classes. He also set up an experimental three-year Bachelor of Arts program; established a new rank, Distinguished Teaching Professor, to reward faculty members of educational distinction as well as research, and established one of the first student-exchange programs with the Soviet Union.

Dr. Boyer served on commissions to advise President Richard M. Nixon and President Gerald R. Ford. In 1977, he left SUNY after President Jimmy Carter appointed him to lead the United State Commission on Education, thus becoming the agency's last Commissioner before Congress elevated the position to cabinet rank.

Toward the end of the Carter Administration, disappointed that Congress had failed to elevate the Commission on Education to a cabinet-level department, Dr. Boyer accepted an invitation to succeed Alan Pifer as president of the Carnegie Foundation. He expanded the scope of his position to go beyond the study of higher education and to study education at every level, bringing the resources of the foundation to bear on the earliest years of a child's education.

Even when confined to a hospital bed last month, Dr. Boyer continued to keep up on developments in education, reacting to an announcement by the University of Rochester that it was downsizing both its student body and faculty in order to improve quality and attract better students.

"I think we're headed into a totally new era," he said. "After World War II, we built a nation of institutions of higher learning based on expansion. Research was everything, and undergraduates were marginalized. Now, time is running out on that."

Later in November, responding to the appointment of William M. Bulger, the longtime president of the Massachusetts State Senate, as President of the University of Massachusetts, Dr. Boyer deplored the trend of naming prominent politicians to lead colleges and universities.

"It is disturbing to see university leaders chosen on the basis of their political strengths," Dr. Boyer said. "A university president with strong academic credentials is a symbolic figure who can speak out on the great issues in a way that a political leader cannot."

"If you appoint political figures to these offices," he continued, "you have more political voices being heard, but they're being heard already. You need the other voices. Without the voices with strong academic credentials behind them, you can even imagine a time in the future when a politicized university administration and a politicized board of trustees would be hugely impatient with academic freedom."

Dr. Boyer held more than 130 honorary degrees, including the Charles Frankel Prize in the Humanities, a Presidential citation.

He is survived by his wife Kathryn, and four children, Ernest Jr., of Brookline, Mass., Beverly Coyle of Princeton, N.J., Craig of Belize and Paul, of Chestertown, MD.

[From Current Biography Yearbook 1988]

BOYER, ERNEST L.

Sept. 13, 1928-Educator. Address: b. Carnegie Foundation for the Advancement of Teaching, 5 Ivy Lane, Princeton, N.J. 08540; h. 222 Cherry Valley Rd., Princeton, N.J. 08540.

One of the most influential and respected members of the American educational establishment is Ernest Boyer, who since 1970 has served successively as chancellor of the vast State University of New York (SUNNY), as United States commissioner of education, and as president of the prestigious Carnegie Foundation for the Advancement of Teaching. Along the way, he has managed to accumulate more than sixty awards, trusteeships, and honorary degrees. Since 1983 he has been Senior Fellow of the Woodrow Wilson School, Princeton University. As the head of the Carnegie Foundation, he automatically assures that any topic he may choose to address will achieve a prominent place on the national educational agenda.

Boyer's concerns range beyond the confines of the classroom to such urgent issues as the need for child care in the workplace and for adult education away from the campus. Under his leadership, the Carnegie Foundation has issued two major critical studies, both written by him, on American high schools and colleges. Boyer is now training his sights on the earliest years of a child's education, including prekindergarten, as the target of the next important project of the Carnegie Foundation for the Advancement of Teaching. * * *

While a graduate student Boyer worked as a teaching assistant at the University of Southern California and as an instructor at Upland College, where he became chairman of the speech department. After a year spent at Loyola University (Los Angeles), where he was director of forensics, he became professor of speech pathology and audiology and academic dean at Upland in 1956. His postgraduate research in medical audiology confirmed the effectiveness of a new surgical technique for treating otosclerosis, a disease of the middle ear.

In 1960, reaching what he later recalled as one of the "crucial crossroads" in his life, Boyer switched from teaching and research to administration when he accepted a position with the Western College Association. The California Board of Education had ordered all public schoolteachers to obtain a degree in an academic discipline—a decision that proved to be unpalatable to teachers' colleges—and Boyer was appointed director of the commission that was charged with carrying out the directive. Two years later, he became director of the Center for Coordinated Education at the University of California at Santa Barbara, administering projects to improve the quality of education from kindergarten to college.

In 1965 Boyer moved east to Albany, New York, joining the State University of New York as its first executive dean for university-wide activities—a title created especially for him. In that position he developed an impressive range of intercampus programs, including one providing for scholars-in-residence and another that established the SUNY chancellor's student cabinet. He became vice-chancellor of SUNY in 1968, a post in which he presided over large staff meetings, moderated discussions, and summarized them for Chancellor Samuel Gould, to whom he also made recommendations. Boyer's colleagues praised him for his organizational ability, and one university official described him as "an unassuming man with a firm streak. He's nobody's patsy. But he is a good listener."

On July 30, 1970, Boyer was appointed to succeed the retiring Samuel Gould as the administrative head of a complex system of sixty-four campuses, hundreds of thousands of students, and about 15,000 faculty members. In his inaugural address' which he delivered on April 6, 1971, Boyer proposed that as many as 10 percent of the freshman class of 1972 be allowed to take an experimental three-year program leading to a degree. That initiative was adopted at several SUNY institutions within the year. He also called for the creation of the new rank of university teacher. His proposal was acted upon in 1973 with the introduction of the new rank of distinguished teaching professor in order to reward educational distinction as well as research.

Also quickly put into effect was the establishment of Empire State College, in response to a directive from the SUNY board of trustees to Boyer to investigate new methods of education that would enable mature students to pursue a degree program without having to spend their full time on campus. Such a program, as Boyer noted, would have the advantage of avoiding heavy construction and maintenance costs. Empire State College was established in 1971 with a small faculty core at Saratoga Springs, and with leased faculty at four other locations. Under the general guidance of a faculty member, students were able to work for a degree without attending classes, by means of reading, listening to tapes, watching television, following previously prepared lesson plans, traveling, or doing field work. * * *

Just before the inauguration of Jimmy Carter as president of the United States, Boyer was named federal commissioner of education, responsible for administering education programs involving billions of dollars. The appointment appeared to be ideal for Boyer, even though it meant taking a pay cut from $67,000 to $47,500 a year, since Carter had been the first presidential candidate ever endorsed by the National Education Association and was on record as favoring a cabinet-level department of education. The new department was not established until 1980, however, and in the meantime Boyer found himself under a boss—Secretary of Health, Education, and Welfare Joseph A. Califano Jr.—who did not welcome independence from his subordinates and opposed the creation of a department that would diminish how own agency. * * *

In October 1978 unnamed sources confirmed that Boyer had accepted the position of president of the Carnegie Foundation for the Advance of Teaching, beginning in 1980. * * *

At the Carnegie Foundation, Boyer took the helm of an organization that, in 1985, held income-producing assets worth more than $35 million. "My top priority at Carnegie," he told George Neill in an interview for Phi Delta Kappan (October 1979), "will be efforts to reshape the American high school and its relationship with higher education. . . . I'm convinced that the high school is the nation's most urgent education problem."

On September 15, 1983, Boyer released the results of a $1 million, fifteen-month study of the nation's high schools that was conducted by twenty-eight prominent educators, each of whom visited high schools in several cities. The report estimated that although 15 percent of American high school students were getting "the finest education in the world," about twice that number merely mark time or drop out and that the remainder were attending schools "where pockets of excellence can be found but where there is little intellectual challenge." Among the study's recommendations were adoption of a "core curriculum" for all students, designation of mastery of the English language, including writing, as the central curriculum objective for all students, requiring mastery of a foreign language for all students, a gradual increase in teachers' pay of 25 percent, after making up for inflation, and mandatory community service for students as a requirement for graduation.

The report was issued in book form as High School: A Report on Secondary Education in America (Harper & Row, 1983), with Boyer and the Carnegie Foundation listed as its authors. The academic book-reviewing publication Choice (January 1984) called it "an important contribution to the coming educational policy debate of the 1980's," and, in Commonwealth (April 20, 1984), the reviewer John Ratte wrote, "It is not damning with faint praise to say that Ernest Boyer's book is remarkably clear and well written for a commission study report." Andrew Hacker, writing in the New York Review of Books (April 12, 1984), assessed the report as "less a research project than Boyer's own book" and credited him with trying "to define how education can contribute to a more interesting and thoughtful life—and not just a more competitive one."

In his follow-up interviews and speeches, Boyer stressed the urgent need for better teaching in American high schools. He told Susan Reid of People magazine (March 17, 1986) that "by 1990, 30 percent of all children in the public schools will be minorities," noted the high dropout rate among minorities, and expressed the fear that "the current move to add more course requirements will lead to more failure among inner-city students, unless we also have smaller classes, better counseling, and more creative teaching. . . . To my mind, teaching is the nub of the whole problem. . . . All other issues are secondary." * * *

In December 1987 Boyer and Owen B. Butler, vice-chairman of the Committee for Economic Development, addressed the University/Urban Schools National Task Force, organized by the City University of New York. The two leaders noted that the movement for educational change was bypassing many impoverished children, with consequences that could threaten the future of the United States. To alleviate the situation, Boyer proposed, among other things, improvements in nutrition, prenatal care for teenage mothers more effective day care, including summer programs, and preschool education.

The success of Ernest Boyer's career owes much to a work week that customarily extends to eighty or ninety hours. Although he is a quick study who is adept at drawing out other people and grasping their ideas, he rarely advances into the firing line, preferring to stay a half step behind some of his peers. "He has an unusual ability to bring people together," a former colleague told a reporter for the New York Times [March 16, 1977]. "It's a gift for finding consensus among a diverse group of people where none appeared to exist." * * *

REARRANGING FLOWERS ON THE COFFIN

Mr. MOYNIHAN. Mr. President, we are now in the final days of the 1st session of the 104th Congress. In a short while we will have worked out some accommodations on the budget. We must do this, for we will now be engaged in the establishment of some measure of peace and lawful conduct in the Balkans. It would be unforgivable if we put our military in harm's way abroad without first getting our affairs in some minimal order here at home.

I am fearful, however, that as we close out this session we will also close down the provision for aid to dependent children that dates back 60 years to the Social Security Act of 1935.

If this should happen, and it very likely will, the first and foremost reason will be the monstrous political deception embodied in the term Welfare reform.

In my lifetime there has been no such Orwellian inversion of truth in the course of a domestic debate. "Welfare reform" in fact means welfare repeal. The repeal, that is, of title IV-A of the Social Security Act. Everyone is to blame for this duplicity, everyone is an accomplice.

For practical purposes, we can begin with the celebrated Contract With America, which pledged that within 100 days, a Republican House would vote on 10 bills, including:

> 3. Welfare reform. The government should encourage people to work, not to have children out of wedlock.

This in itself was unexceptional, especially the second clause. By 1994, the nation had become alarmed by an unprecedented rise in illegitimacy, to ratios altogether ahistorical—from practically nil to almost one-third in the course of a half-century. Since illegitimate children commonly end up supported by Aid to Families with Dependent Children (AFDC), a causal connection was inferred. Not proven. We know desperately little about this great transformation, save that it is happening in all the industrial nations of the North Atlantic.

Undeterred, the new House majority promptly passed a bill which repealed AFDC. Such an act would have been unthinkable a year earlier, just as repealing Old Age pensions or Unemployment Compensation, other titles of the Social Security Act, would be today. At minimum, it would have seemed cruel to children. But the new Republicans succeeded in entirely reversing the terms of the debate. Instead of aiding children, AFDC was said to harm them. Last month, a Republican Member of the House remarked on the importance of child care:

> . . . because our welfare reform package is going to remove people from welfare and get them to work. We understand that child care is a critical step to ending the cruelty of welfare dependency.

What once was seen as charity, or even social insurance is redefined as cruelty.

This happens. Social problems are continuously redefined. Malcolm Gladwell of The Washington Post has noted that, "In the 19th century, the assumption had almost always been that a man without a job was either lazy or immoral. But following the depression of the 1890's, the Progressives 'discovered' unemployment." Which is to say, a personal failing became a societal failing instead. This redefinition has wrought what would once have seemed miracles in the stabilization of our economy. Mass unemployment is now history. On the other hand, such cannot be said for the attempt to dissociate welfare dependency from personal attributes, including moral conduct. As we would say in the old Navy, I am something of a plank owner in this regard. It is just 30 years since I and asscciates on the policy planning staff of the Department of Labor picked up the onset of family instability in the nation, in this case among African Americans. Interestingly, this followed our having failed to establish that macroeconomic problems were the source of the trouble. In the event, I was promptly accused of Blaming the Victim. For the 30 years that followed there was an awful tyranny of guilt mongering and accusation that all but strangled liberal debate. One consequence was that when a political force appeared that wished to change the terms of debate altogether, established opinion was effortlessly silenced and displaced. Again, Gladwell:

> But if anything is obvious from the current budget fight and Capitol Hill's commitment to scaling back welfare and Medicaid while lavishing extra billions on the Pentagon, it is that this once formidable confidence has now almost entirely slipped away. This is what has given Washington's current re-examination of the size and shape of government its strange ambivalence. In most revolutions the defenders of the status quo have to be dragged from power, kicking and screaming. In this revolution, the defenders of the old activism toward the poor surrendered willingly, with the shrugs and indifference of those who no longer believed in what they stood for either.

This was painfully evident in the Senate. On August 3, 1995, the Republican majority introduced a Welfare reform bill which abolished AFDC. That same day, the Democratic minority introduced a competing Welfare reform bill—which also abolished AFDC. On the minority side an enormous fuss is now being made over adding a little extra child care, some odd bits of child nutrition aid, perhaps a little foster care. Literally arranging flowers on the coffin of the provision for children in the Social Security Act. Coming from devious persons this would have been a conscious strategy—distracting attention from what was really going on. But these were not, are not, devious persons. Sixty years of program liberalism—a bill for you, a bill for me—had made this legislative behavior seem normal. The enormity of the event was altogether missed.

I hope this is not mere innocence on my part. The Washington Post editorial page has been unblinking on this subject. An editorial of September 14 described the bill on the Senate floor as "reckless," adding with a measure of disdain: "Some new money for child care may . . . be sprinkled onto this confection." Those seeking to define welfare repeal as welfare reform by improving the Republican measure should have known better, but I truly think they did not. In recent years, child care has been something of a mantra among liberal advocates for the poor. For all its merits, it has awesome defects, which are the defects of American social policy. The most important is that it creates two classes of working mothers: one that gets free government provided child care; another that does not.

The Clinton administration arrived in Washington sparking with such enthusiasms. At this time, I was chairman of the Committee on Finance, charged with producing $500 billion in deficit reduction, half through tax increases, half through program cuts. I thought deficit reduction a matter of the first priority, as did my fabled counterpart in the House, Dan Rostenkowski, chairman of Ways and Means. In the end, we got the votes. Barely. Fifty, plus the Vice President in the Senate. But all the while we were taking on this large—and as we can now say hugely successful—effort, we were constantly besieged by administration officials wanting us to add money for this social program or that social program. Immunization was a favorite. Rosty and I were baffled. Our cities had had free immunization for the better part of a century. All children are vaccinated by the time they enter school. If they aren't vaccinated at earlier ages, it is surely the negligence or ignorance of the parents that has most explanatory value. But nothing would do: had to add whatever billion dollars for yet a new Government service.

My favorite in this miscellany was something called family preservation, yet another categorical aid program—there were a dozen in place already—which amounted to a dollop of social services and a press release for some subcommittee chairman. The program was to cost $930 million over 5 years, starting at $60 million in fiscal year 1994. For three decades I had been watching families come apart in our society; now I was being told by seemingly everyone on the new team that one more program would do the trick. The New Family Preservation Program was included in the President's first budget, but welfare reform was not. In fact, the administration presented no welfare plan until June of 1994, a year and a half after the President took office. At the risk of indiscretion, I ask unanimous consent to have printed in the RECORD at this point a letter I wrote to Dr. Laura D'Andrea Tyson, then the distinguished Chairman of the Council of Economic Advisors.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 28, 1993.

DR. LAURA D'ANDREA TYSON,
Council of Economic Advisers, The Old Executive Office Building, Washington, DC.

DEAR DR. TYSON: You will recall that last Thursday when you so kindly joined us at a meeting of the Democratic Policy Committee you and I discussed the President's family preservation proposal. You indicated how much he supports the measure. I assured you I, too, support it, but went on to ask what evidence was there that it would have any effect. You assured me there was such data. Just for fun, I asked for two citations.

The next day we received a fax from Sharon Glied of your staff with a number of citations and a paper, "Evaluating the Results", that appears to have been written by Frank Farrow of the Center for the Study of Social Policy here in Washington and Harold Richman at the Chapin Hall Center at the University of Chicago. The paper is quite direct: ". . . . solid proof that family preservation services can effect a state's overall placement rates is still lacking." Just yesterday, the same Chapin Hall Center released an "Evaluation of the Illinois Family First Placement Prevention Program: Final Report". This was a large-scale study of the Illinois Family First initiative authorized by the Illinois Family Preservation Act of 1987. It was "designed to test effects of this program on out-of-home placement of children and other outcomes, such as subsequent child maltreatment." Data on case and service characteristics were provided by Family First caseworkers on approximately 4,500 cases; approximately 1,600 families participated in the randomized experiment. The findings are clear enough.

"Overall, the Family First placement prevention program results in a slight increase in placement rates (when data from all experimental sites are combined). This effect disappears once case and site variations are taken into account."

In other words, there are either negative effects or no effects.

This is nothing new. Here is Peter Rossi's conclusion in his 1992 paper, "Assessing Family Preservation Programs". Evaluations conducted to date "do not form a sufficient basis upon which to firmly decide whether family preservation programs are either effective or not".

May I say to you that there is nothing the least surprising in either of these findings? From the mid-'60s on this has been the repeated, I almost want to say consistent pattern of evaluation studies. Either few effects or negative effects. Thus, the negative income tax experiments of the 1970s appeared to produce an increase in family break-up.

This pattern of "counterintuitive" findings first appeared in the '60s. Greeley and Rossi, some of my work, Coleman's. To this day I can't decide whether we are dealing here with an artifact of methodology or a much larger and more intractable fact of social programs. In any event, by 1978 we had Rossi's Iron Law. To wit:

"If there is any empirical law that is emerging from the past decade of widespread evaluation research activities, it is that the expected value for any measured effect of a social program is zero."

I write you at such length for what I believe to be an important purpose. In the last six months, I have been repeatedly impressed by the number of members of the Clinton Administration who have assured me with great vigor that something or other is known in an area of social policy which, to the best of my understanding, is not known at all. This seems to me perilous. It is quite possible to live with uncertainty; with the possibility, even the likelihood that once is wrong. But beware of certainty where none exists. Ideological certainty easily degenerates into an insistence upon ignorance.

The great strength of political conservatives at this time (and for a generation) is that they are open to the thought that matters are complex. Liberals have got into a reflexive pattern of denying this. I had hoped twelve years in the wilderness might have changed this; it may be it has only reinforced it. If this is so, current revival of liberalism will be brief and inconsequential.

Respectfully,
DANIEL PATRICK MOYNIHAN.

Mr. MOYNIHAN. Note that concluding paragraph: If we don't get as good at asking questions as conservatives have become, "the current revival of liberalism will be brief and inconsequential." In the course of the recent debate on "Welfare reform," specifically on September 14, I took occasion to note that almost the only serious critique of the Republican proposal, and its Democratic variant, was coming from conservative social analysts and social scientists. Let me cite three such criticisms which in sum, or so I would argue, make a devastating case against what Congress and the administration seem bent on doing.

First George Will, who in the high tradition of conservative thought, asks us to consider the unanticipated consequences of what we are about to do to children in the course of disciplining their parents. He wrote in September:

> As the welfare reform debate begins to boil, the place to begin is with an elemental fact: No child in America asked to be here. * * * No child is going to be spiritually improved by being collateral damage in a bombardment of severities targeted at adults who may or may not deserve more severe treatment from the welfare system.

Let me attach numbers to this statement. In 1968, as part of the social science undertakings associated with the Economic Opportunity Act of 1965, the Federal government helped establish the Panel Study of Income Dynamics at the Survey Research Center of the University of Michigan. The thought was to follow cohorts of real, named individuals over the years to see how income rose and fell over time. Earlier this year, using this data, Greg J. Duncan and Wei-Jun J. Yeung calculated that of children born between 1973 and 1975, some 24 percent received AFDC at some point before turning 18. Among African-Americans this proportion was 66 percent, while for whites it was 19 percent. All told some 39 percent of this cohort received AFDC, Food Stamps, or Supplementary Security Income. (Duncan, Greg J. and Yeung, Wei-Jun J. "Extent and Consequences of Welfare Dependence Among America's Children." Children and Youth Services Review. Vol. 17, Nos. 1-2, pp. 157–182, 1995.)

And so we know what we are talking about. A quarter of our children.

A year ago November, James Q. Wilson gave the Walter Wriston lecture at the Manhattan Institute, entitled "Welfare Reform and Character Development." He began by insisting on how little we know:

> Let me confess at the outset that I do not know what ought to be done and assert that I do not think anyone else knows either. But I think that we can find out, at least to the degree that feeble human reason is capable of understanding some of the most profound features of the human condition. What we may find out, of course, is that we have created a society that can no longer sustain a strong family life no matter what steps we take. I am not convinced of that, for the very people who express the deepest pessimism are themselves leading, in most cases, decent lives amid strong human attachments and competent and caring families.
>
> What we worry about is the underclass. There has always been an underclass and always will be one. But of late its ranks have grown, and its members have acquired greater power to destroy their own children and inflict harm beyond their own ranks. The means for doing so—guns, drugs, and automobiles—were supplied to them by our inventive and prosperous economy. We must either control more rigorously those means or alter more powerfully the lives of those who possess them. I wish to discuss the latter, because the public is rightly dubious about how great a gain in public safety can be achieved by the legal methods at our disposal and is properly indignant about the harm to innocent children that will result from neglecting the processes by which the underclass reproduces itself.
>
> The great debate is whether, how, and at what cost we can change lives—if not the lives of this generation then those of the next.

He then set forth three precepts. Note that the first is precisely where Will began:

> First precept: Our overriding goal ought to be to save the children. Other goals—reducing the cost of welfare, discouraging illegitimacy, and preventing long-term welfare dependency—are all worthy. But they should be secondary to the goal of improving the life prospects of the next generation.
>
> Second precept: Nobody knows how to achieve this goal on a large scale. The debate that has begun about welfare reform is largely based on untested assumptions, ideological posturing, and perverse priorities. We are told that worker training and job placement will reduce the welfare rolls, but we know that worker training and job placement have so far had at best very modest effects on welfare rolls. And few advocates of worker training tell us what happens to children whose mothers are induced or compelled to work, other than to assure us that somebody will supply day care. We are told by others that a mandatory work requirement, whether or not it leads to more mothers working,

> will end the cycle of dependency. We don't know that it will. Moreover, it is fathers whose behavior we most want to change, and nobody has explained how cutting off welfare to mothers will make biological fathers act like real fathers. We are told that ending AFDC will reduce illegitimacy, but that is, at best, an informed guess. Some people produced many illegitimate children long before welfare existed, and others in similar circumstances now produce none, even though welfare has become quite generous. I have pointed out that group homes and boarding schools once provided decent lives for the children of stable, working-class parents who faced unexpected adversity, but I do not know whether such institutions will work for the children of underclass parents enmeshed in a cycle of dependency and despair.
>
> Third precept: The federal government cannot have a meaningful family policy for the nation, and it ought not to try. Not only does it not know and cannot learn from "experts" what to do; whatever it thinks it ought to do, it will try to do in the worst possible way: uniformly, systematically, politically, and ignorantly. Today official Washington rarely bothers even to give lip service to the tattered principle of states' rights. Even when it allows the states some freedom, it does so only at its own pleasure, reserving the right to set terms, issue waivers, and attach conditions. Welfare politics in Washington is driven by national advocacy groups that often derive their energy from the ideological message on which they rely to attract money and supporters. And Washington will find ways either to deny public money to churches (even though they are more deeply engaged in human redemption than any state department of social welfare) or to enshroud those churches that do get public money with constraints that vitiate the essential mission of a church.

Finally, to Wilson's point that any welfare program significantly funded from Washington will be run "uniformly, systematically, politically, and ignorantly." I don't disagree. The Family Support Act of 1988 had two basic premises. The first was that welfare could not be a way of life; that it had to be an interlude in which mothers learn self-sufficiency and fathers learn child support, and also that this goal was to be pursued in as many different ways as State and local governments could contrive. I would like to think that I am not the only person still in Washington who recalls that in debate we would continually refer to the experiments being carried out by a liberal Democratic Governor in Massachusetts, Michael Dukakis, and a conservative Republican Governor of California, George Deukmejian. Our expectations, very much under control I should say, were based on the careful research of such programs by the Manpower Demonstration Research Corporation based in New York.

On December 3rd, Douglas J. Besharov of the American Enterprise Institute, the third of the conservative analysts I will cite, wrote in support of the welfare measure now in conference, stating that the experience of the JOBS program under the Family Support Act showed just how innovative and responsible States can be. He said:

> Since 1992, the federal government has allowed states almost total freedom to reshape their welfare systems through the waiver process. According to the Center for Law and Social Policy (CLASP), as of last week, 42 states had requested waivers and well over half had already been granted.

As some will know, earlier this year I introduced the Family Support Act of 1995, seeking to update the earlier legislation, given seven years experience. In the current issue of The National Journal, in which I am referred to as the "champion" of "left-of-center advocacy groups," this measure, which got 41 votes on the Senate floor, is simply dismissed: ". . . MOYNIHAN's bill is principally a vehicle for defending the status quo . . ." Dreadful charge, but not unwarranted. The status quo is meant to be one of experiment and change. And it is. I so state: the idea of changing welfare has even taken hold in New York City.

Now to what I think of as a constitutional question, the source of my greatest concern.

I have several times now, here on the floor, related an event which took place in the course of a "retreat" which the Finance Committee held last March 18 at the Wye Plantation in Maryland's Eastern shore. Our chairman, Senator Packwood, asked me to lead a discussion of welfare legislation, the House bill, H.R. 4, having by then come over to the Senate where it was referred to our committee.

I went through the House bill, and called particular attention to the provision denying AFDC benefits to families headed by an unwed female under 18 years of age. I said that these were precisely the families we had been most concerned about in the Family Support Act. The welfare population is roughly bi-modal. About half the families are headed by mature women who for one reason or another find themselves alone with children and without income. AFDC is income insurance, just as unemployment compensation is income insurance. Or, if you like, social insurance, which is why we call it Social Security. These persons are typically in and out of the system within 2 years. The other AFDC families, rather more than half, begin as AFDC families. Young women with children typically born out of wedlock. These are the families the Family Support Act was concerned with. There are millions of families in just this circumstance.

A few days later, a colleague on the Finance Committee came up to say that he had checked on this matter at home. In his state there were four such families; two had just moved in from out of state. I can imagine the state welfare commissioner asking if the Senator wanted to know their names.

Here is the point as I see it. Welfare dependency is huge, but it is also concentrated. That portion of the caseload that is on welfare for two years or less is more or less evenly distributed across the land. But three-quarters of children who are on AFDC at a point in time will be on for more than five years. They are concentrated in cities. In Atlanta, 59 percent of all children received AFDC benefits in the course of the year 1993; in Cleveland, 66 percent; in Miami, 55 percent; in Oakland, 51 percent; in Newark, 66 percent; in Philadelphia, 57 percent.

By contrast there are many States that do not have large cities and do not have such concentrations. The Department of Health and Human Services has estimated the number of children who would be denied benefits under the 5-year time limit contained in both the House and Senate welfare bills, now in conference. For California, 849,300. For neighboring Nevada, 8,134. For New York, 300,527. For neighboring Vermont, 6,563.

If welfare were a smallish problem—if this were 1955, or even 1965—an argument could be made for turning the matter back to State Government. But it is now so large a problem that governments of the states in which it is most concentrated simply will not be able to handle it. On December 3rd, Lawrence Mead had an excellent article in the Washington Post in which he described the recent innovations in welfare policy, all provided under the Family Support Act, in Wisconsin. His article is entitled: "Growing a Smaller Welfare State: Wisconsin's Reforms Show That To Cut the Rolls, You Need More Bureaucrats."

It begins:

> The Politicians debating welfare reform would have us believe that their efforts will greatly streamline the current system, help balance the nation's books and reverse the growing tide of unwed pregnancy among the poor. What they aren't telling us is that, at the state and local level, the federal cuts in the offing are apt to increase—not shrink—the size of the welfare bureaucracy.

Mead's point is one we understood perfectly at the time we enacted the Family Support Act. The cheapest thing to do with chronic welfare dependent families is simply to leave them as they are. Changing them in ways that Wilson speaks of is labor intensive, costly and problematic. A nice quality of the Wisconsin experiments is that job search begins the day an adult applies for welfare. But this takes supervision. Mead notes that high performing areas of the state "feature relentless followup of clients to see that they stay on track." The term client is important; it is a term of professional social work. This sort of thing is not for amateurs. Most importantly, he concludes:

> Even with Wisconsin's successes so far, important questions remain unanswered: What happens to the people who were formerly on the welfare rolls? Are they better or worse off than before? Can they sustain themselves long term? Anecdotes don't suggest great hardship, but nobody knows for sure. And

what evidence is there that this approach can flourish in inner cities where the social problems are far more serious? In Milwaukee, which has half the state's welfare caseload, the success has been far more modest than in the rest of the state.

These questions need answers before a case can be made that Wisconsin is the model on which other states should base their reforms. But this much is clear: Wisconsin's fusion of generosity and stringency does represent what the voters say they're looking for.

In Milwaukee, 53 percent of children are on AFDC in the course of a year.

I have been taken to task for suggesting that the time limits in the House and Senate bills will produce a surge in the number of homeless children such that the current problem of the homeless will seem inconsequential. So be it; that is my view. I believe our present social welfare system is all but overwhelmed. Witness the death of Elisa Izquierdo in Brooklyn. If 39 percent of all children in New York City were on AFDC at some point in 1993, I would estimate that the proportion for Brooklyn would have been at least 50 percent, probably higher. Hundreds of thousands—I said hundreds of thousands—of these children live in households that are held together primarily by the fact of welfare assistance. Take that away and the children are blown to the winds. A December 6 administration analysis concludes that the welfare conference agreement will force 1.5 million children into poverty. To say what I have said before here in the Senate: The young males can be horrid to themselves, horrid to one another, horrid to the rest of us.

By way of example, or analogue, or what you will, I have frequently referred to the Federal legislation that commenced the deinstitutionalization of mental patients. I was present at the creation of this movement. Early in 1955, our former esteemed House colleague, Jonathan B. Bingham, at that time secretary to Governor Averell Harriman of New York brought Dr. Paul Hoch, the new commissioner of mental health, in to meet the Governor. I was present, along with Paul H. Appleby, the new budget director. Dr. Hoch, a wonderful, humane man of science, told of a new chemical treatment for mental illness which had been developed by Dr. Nathan Kline at Rockland State Hospital in the lower Hudson Valley. It had been tested clinically. Hoch proposed that it be given to all patients, throughout the New York mental hospital system, which then held some 94,000 patients. Today there are 8,000. Harriman asked what the program would cost. Hoch mentioned a sum in the neighborhood, as I recall, of $4 million. Harriman asked Appleby if he could find the money. Appleby, I cannot doubt having been cued by Bingham, replied that he could find it. Done. said Harriman, I am an investment banker and believe in investment. And so reserpine medication commenced.

Eight years later, on October 22, 1963, in his last public bill-signing ceremony at the White House, President John F. Kennedy signed the Community Health Center Construction Act of 1963. I was present, since I had worked on the legislation, and the President gave me a pen which I have in my hand here. We were going to empty out our great mental hospitals and treat patients in local community centers. We would build 2,000 by the year 1980, and thereafter one for each additional 100,000 persons in the population. Alas, we built some 400 centers, and then just forgot about our earlier plans. But we emptied out the hospitals. A decade or so later, the problem of the homeless appeared, to our general bafflement. I have commented that in New York, with our singular ability for getting problems wrong, homelessness has been defined as a problem of lack of affordable housing. We will very likely think up some equally misleading explanation for the growing numbers of homeless children when they appear, and so I would like to put this on the record now.

On December 3, a newspaper of considerable circulation did just this, however inadvertently. A long article on "welfare reform" was accompanied by a photograph of an overstuffed chair on which a broken, or battered doll had been placed. The caption read: "Republicans blame failed welfare policies for today's problems. Above, an easy chair at a Philadelphia homeless encampment." A photograph, I dread to say, of things to come.

Republicans must look to their own consciences. I would appeal to that of my own party. Last week, our distinguished majority leader, Senator BOB DOLE, stated that he hoped to bring welfare reform to the floor this week.

It is very likely next week there will also be a conference report on welfare reform. I think we have about concluded the conference. [T]he original bill passed in the Senate by a vote of 87 to 12. We believe we have retained most of the Senate provisions in the conference, and I ask my colleagues on both sides—this bill had strong bipartisan support—to take a close look.

Eighty-eight percent of the American people want welfare reform. We will have it on the floor, we hope, next week. We hope the President of the United States will sign it. In my view, it is a good resolution of differences between the House and the Senate. We still have one or two minor—well not minor—issues in disagreement we hope to resolve tomorrow, and then we hope to bring it up by midweek next week.

What is one to say? The Senate bill did indeed have "strong bipartisan support." If we do get a conference committee report, it will pass and will, I am confident, be vetoed. What I fear is that the repeal of the Social Security Act provision will return as part of a general budget reconciliation, and that bill will be signed into law. Should it do so, the Democratic Party will be to blame, and blamed it will be. It will never again be able to speak with any credibility to the central social issue of our age.

We will have fashioned our own coffin. There will be no flowers.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:20 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1787. An act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

The message also announced that the Speaker has signed the following enrolled bill:

ENROLLED BILLS SIGNED

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 8:40 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 42. A concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and an amendment to the title:

S. 602. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from communist domination.

By Mr. SIMPSON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 991. A bill to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1465. A bill to extend au pair programs.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and an amended preamble:

S.J. Res. 43. A joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 14. A concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

S. Con. Res. 25. A concurrent resolution concerning the protection and continued viability of the Eastern Orthodox Ecumenical Patriarchate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Sandra J. Kristoff, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

A. Peter Burleigh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: A. Peter Burleigh.

Post: Ambassador to Sri Lanka and The Maldives.

Contributions, amount, date, and donee:

1. Self: $200, 5/93, HRCF; and $250 12/93, HRCF (Human Rights Campaign Fund).

2. Spouse, N/A.

3. Children and Spouses: N/A.

4. Parents: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: David P. Burleigh (and Mrs. Lougene Burleigh).

7. Sisters and Spouses: Ann Burleigh Boucher.

John Raymond Malott, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

The following is a list of all members of my immediate family and their spouses. I have asked each member of my immediate family to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained is this report is complete and accurate.

Nominee: John R. Malott.

Post: Malaysia.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Hiroko Malott, $100.00, 2–19–92, Paul Tsongas.

3. Children: David Malott, none. Rumi Malott, none.

4. Parents: Raymond Malott, none. Marian Malott, none.

5. Grandparents: all deceased, none.

6. Brothers and Spouses: Merle Barber: $400.00, 1990, MARPAC.[1] $400.00, 1991, MARPAC. $400.00, 1992, MARPAC. $400.00, 1993, MARPAC. $400.00, 1994, MARPAC.

Linda Barber: none.

Tom and Marsha Barber, none. Donald Malott, none.

7. Sisters and Spouses: Ruth Ann and William Henline, none. Kathryn and Maury Wulbrecht, none. Mary Jane and Harold McQueen, none. Margaret and Gordon Reuben, none.

Kenneth Michael Quinn, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth M. Quinn.

Post: Cambodia.

Contributions, amount, date, and donee:

1. Self, $500.00, Spring/Summer 92 Richard S. Williamson.

2. Spouse, LeSon Nguyen Quinn (joint contribution).

3. Children and Spouses: Davin Quinn, Shandon Quinn, and Kelly Quinn. None.

4. Parents: George K. Quinn—deceased. Marie T. Quinn—deceased.

5. Grandparents: Michael and Mary Farrell—deceased. Charles and Grace Quinn—deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Patricia and Andrew Kearney, none. Kathyrn and Martin Cravatta, none.

William H. Itoh, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William H. Itoh.

Post: Thailand.

Contributions, amount, date, and donee:

1. Self: $30.00, 10/19/92, DNC; $35.00, 2/28/93, DNC; $35.00, 12/27/93, DNC; $35.00, 12/27/94, DNC.

2. Spouse Melinda: none.

3. Children and Spouses: Charlotte: none. Caroline: none.

4. Parents: Vera M. Poage: deceased. K. Takashi Itoh: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: no siblings.

7. Sisters and Spouses: no siblings.

Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Frances D. Cook.

Post: Ambassador, Sultanate of Oman.

Contributions, Amount, Date, and Donee:

1. Self, $50.00, 1989, Sen. Hatfield.

2. Spouse, N/A.

3. Children and Souses: N/A.

4. Parents: Names: Mrs. Vivian Cook, $50.00, 1992, Democratic National Committee for Clinton-Gore Election.

Names: Mr. Nash Cook (Deceased).

5. Grandparents: (Deceased).

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: J. Stapleton Roy.

Post: Ambassador to the Republic of Indonesia.

Contributions, date, donee, amount.

1. Self, J. Stapleton Roy, None.

2. Spouse, Elissandra Roy, None.

3. Children and Spouses: Names: Andrew, David, Anthony, none.

4. Parents: Names: Andrew T. Roy:

03/25/91—Dem Sen Campaign Com	$20
12/08/91—Dem Natl Com Fed Acct	$25
05/05/92—Dem Sen Campaign Com	$20
05/29/92—Dem Cong Campaign Com	$20
08/17/92—Dem Natl Com Fed Acct	$25
06/18/93—Dem Sen Campaign Com	$35
11/23/93—Dem Natl Com Fed Acct	$25
11/23/93—Dem Sen Campaign Com	$25
01/22/94—Dem Natl Com Fed Acct	$25
05/02/94—Dem Sen Campaign Com	$35
05/24/94—Dem Cong Campaign Com	$30
08/07/94—Dem Natl Com	$20
12/28/94—Dem Cong Campaign Com	$25
12/28/94—Dem Natl Com	$25
12/28/94—Dem Sen Campaign Com	$25
12/28/94—Penna Dem Victory Fund	$25

Names: Margaret C. Roy (deceased).

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[1] MARPAC is a political action committee of Marriott corporation executives. My stepbrother Merle had no involvement in determining whom the recipients of the MARPAC funds would be, and he is unaware of what part of the fund was used to support candidates for Federal office.

5. Grandparents: Names: (deceased).

6. Brothers and Spouses: Names: David T. Roy, Barbara Roy, (joint), $35, 10/11/92, Dem Nat'l Com, $25, 02/01/94, Netsch for Governor, $25, 03/07/94, Dawn Clark Netsch, Campaign Com, $25, 06/01/94, Netsch for Governor.

7. Sisters and Spouses: None. Names: N/A.

Thomas W. Simons, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas W. Simons, Jr.

Post: Pakistan.

Contributions, Amount, Date, Donee.

1. Self, Thomas W., Jr., none.

2. Spouse, Margaret Q., none.

3. Children and Spouses: Names: Suzzane Deirdre and Benjamin Thomas, both unmarried, none.

4. Parents: Names: Thomas W. (deceased 1990), and Mary Jo Simons, none.

5. Grandparents: Names: All 4 deceased.

6. Brothers and Spouses; Names: No brothers.

7. Sisters and Spouses; Names: Sara R. and Richard Cohen, none.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Henry Jones.

Post: Ambassador to Lebanon.

Contributions, amount, date, donee.

1. Self, none.

2. Spouse, none.

3. Children and Spouses:[1] Joseph A. W. Jones, none. Vera E. W. Jones, none. R. Benjamin W. Jones, none. M. Hope W. Jones, none.

4. Parents: Dailey M. Jones, none (deceased[2]). Sara N. Jones, none.

5. Grandparents: B.O. Jones, none (deceased[2]). E.M. Jones, none (deceased[2]). J.A. Nall, none (deceased[2]). E.M. Nall, none (deceased[2]).

6. Brothers and Spouses: Dailey M. Jones II, none. Irene E. Jones, none. Joseph N. Jones, none (deceased[2]).

7. Sisters and Spouses: Names, none.

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Franklin Collins.

Post: Ambassador-at-Large and Special Advisor to the Secretary for the New Independent States.

Contributions, date, donee, and amount.

1. Self, none.

2. Spouse: Dr. Naomi F. Collins Contributions:

09/90—Dollars for Democrats	$15.00
10/90—Dollars for Democrats	15.00
07/91—Dollars for Democrats	20.00
10/91—Mikulski for Senate	25.00
11/91—Emily's List	35.00
11/91—Maryland Right to Choice	25.00
01/92—Democratic National Committee	10.00
02/92—Feinstein for Senate	25.00
02/92—Boxer for Senate	25.00
02/92—Ferraro for Senate	25.00
02/92—Mikulski for Senate	25.00
04/92—Maryland Right to Choice	35.00
04/92—Braun for Senate	25.00
09/92—Precise donee unknown (fund to elect Women to the Senate)	50.00
06/92—Dollars for Democrats	15.00
01/93—Democratic National Committee	25.00
03/93—Dollars for Democrats	15.00
05/93—DCCC (Democratic Congressional Campaign Committee	15.00
06/93—Bruce Adams for County Council	25.00
10/93—Maryland Democrats	15.00
11/93—Nancy Kopp (candidate for State Legislature)	25.00
01/94—Women's Higher Education Fund	18.00
01/94—Democratic National Committee	25.00
03/94—Emily's List	30.00
03/94—Bruce Adams for County Council	25.00
03/94—Democratic National Committee	20.00
04/94—Elanor Carey for Attorney Gen 1994	25.00
05/94—Pat Williams	30.00
09/94—Nancy Kopp	25.00
09/94—Dollars for Democrats	25.00

3. Children and Spouses: Robert S. Collins, and Deborah Chew (spouse), none.

4. Parents: Johnathan C. Collins, none and Caroline C. Collins, none.

5. Grandparents: Harrison F. Collins, 09/92, John Crawford (Candidate for Illinois Rep.), $50.00, 1994, Democratic National Committee (Precise date and amount unknown), $10.00.

6. Brothers and Spouses: Jefferson C. Collins, none.

7. Sisters and Spouses: No sisters.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles H. Twining.

Post: Ambassador to the Republic of Equatorial Guinea.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, Irene Verann Metz Twining, none.

3. Children and Spouses: Daniel Twining, none. Steven Twining, none.

4. Parents: Charles Twining (deceased), Martha Twining, none.

5. Grandparents: Isaac and Sarah Twining (deceased), Harry Caples (deceased); Margaret Caples (none).

6. Brothers and Spouses: David and July Twining, none.

7. Sisters and Spouses: N.A.

James A. Joseph, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James A. Joseph.

Post: Ambassador to South Africa.

Contributions, amount, date, and donee.

1. Self: $500, 8/17/92, DNC, $200, 3/17/92, DNC, 200, 6/24/94, DNC.

2. Spouse: Doris Joseph—Deceased.

3. Children and Spouses: Jeffery Joseph, none, Denise Joseph, none.

4. Parents: Adam Joseph—Deceased, Julia Joseph—deceased.

5. Grandparents: Deceased—names unknown.

6. Brothers and Spouses: John Joseph, none Katherine Joseph, none.

7. Sisters and Spouses: None.

Don Lee Gevirtz, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Don Gevirtz.

Post: Ambassador to Republic of Fiji.

Contributions, date, donee, and amount.

6/7/90—Jim Solomon—Congress	$500
11/1/90—Anita for Congress	300
4/22/91—Feinstein for Senate	1,000
1/3/92—Clinton for President	500
2/11/92—Feinstein for U.S. Senate	500
2/11/92—Lynn Schenk for Congress	1,000
2/24/92—Clinton for President	500
3/31/92—Huffington for Congress	500
4/17/92—Boxer for U.S. Senate	500
6/17/92—Lynn Schenk for Congress	1,000
7/6/92—Democratic Senatorial Campaign Committee	3,000
8/10/92—DNC Victory Fund	10,000
9/1/92—United Democratic Campaign Headquarters	300
10/5/92—Huffington for Congress	500
11/10/93—Democratic Senatorial Committee	10,000
11/10/93—Democratic Leadership Council	2,000
11/10/93—Feinstein for Senate	1,000
2/22/94—Walter Capps for Congress	1,000
4/4/94—Democratic Leadership Council	8,000

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[1] All children are unmarried.

[2] All deceased relatives died more than four years ago.

4/29/94—Joe Kennedy for Congress	1,000
5/1/92—Clinton for President	125
6/8/94—Walter Capps for Congress	1,000
9/1/94—Lynn Schenk for Congress	500
9/28/94—Tom Andrews for Congress	1,000
10/3/94—Lee Hamilton for Congress	250
2/7/95—Clinton Defense Fund	1,000

Spouse: Marilyn Gevirtz:

6/12/91—Feinstein for Senate	$500
11/1/91—Campell for U.S. Senate	500
2/11/92—Feinstein for Senate	500
2/24/92—Clinton for President	300
4/1/92—Citizens for Joe Kennedy	500
4/14/92—Tom Lantos for Congress	100
5/20/92—Gloria Ochoa for Congress	500
8/1/92—English for Congress	100
8/1/92—Frankel for Congress	50
8/1/92—Mezvinsky for Congress	50
8/1/92—Margolis for Congress	100
9/7/92—Anita Perez Ferguson for Congress	100
9/14/92—Delores DaCosta for Congress	100
10/21/92—Democratic Senatorial Campaign Committee	5,000
11/10/93—Feinstein for Senate	1,000
2/2/94—Walter Capps for Congress	1,000
6/8/94—Walter Capps for Congress	1,000
9/28/94—Tom Andrews for Congress	1,000

3. Children and Spouses: Susan Gevirtz, Steven Gevirtz, Carrie Wicks, Kathy Frankel, Julie Warner, none.

4. Parents: Julia Gevirtz—none, Sydney Gevirtz, deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Sally Shafton, Robert Shafton, 1990-1995, Jane Harmon, $100.00.

Joan M. Plaisted, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joan M. Plaisted.

Post: Ambassador to the Republic of the Marshall Islands and to the Republic of Kiribati.

Contribution, amount, date, and donee:

1. Self, none.

2. Spouse.

3. Children and spouses names.

4. Parents names, Lola M. Plaisted and Dr. Gerald A. Plaisted, none.

5. Grandparents names, Mr. and Mrs. Olaf Plaisted, deceased, Mr. and Mrs. Edward Peters, deceased.

6. Brothers and spouses names.

7. Sisters and spouses names, Pamela Lynn Plaisted; none, Joy Dawn Plaisted, none.

Jim Sasser, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James R. Sasser.

Post: Ambassador to the People's Republic of China.

Contribution, amount, date, and donee:

1. Self, $1,000, June 11, 1995, Kerry Committee; $1,000, August 10, 1995, Clinton-Gore '95.

2. Spouse, Mary B. Sasser, none.

3. Children and Spouses names, James Gray Sasser, none, Elizabeth B. Sasser, none.

4. Parents names, Mary Nell Sasser, none, Joseph Ralph Sasser, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Jo Sasser O'Brien and Dennis O'Brien, $1000 (primary), $1000 (general), July 11, 1994, Friends of Jim Sasse.

FRIENDS OF JIM SASSER CONTRIBUTIONS

Democratic Senatorial Campaign Committee, 5/3/90	$1,000
Tennessee Democratic Party, 6/12/90	1,000
Hoosiers for Tim Roemer, 10/17/90	1,000
Tennessee Democratic Party, 9/28/90	500
Victory 90 Rhode Island, 10/29/90	1,000
Tennessee Democratic Party, 6/1/91	1,000
Citizens for Senator Wofford, 8/1/91	1,000
Tennessee Democratic Party, 5/26/92	1,000
Democratic Senatorial Campaign Committee, 10/20/92	15,000
David Davis for Congress, 9/24/92	1,000
Wyche Fowler for Senate, 11/18/92	1,000
"Unity '92—Federal", 12/23/92	1,000
Tennessee Democratic Party, 7/2/93	1,000
Tennessee Democratic Party, 10/94	60,750
Tennessee Democratic Party, 8/26/94	1,000
Tennessee Democratic Party, 9/21/94	850

LEADERSHIP FOR THE FUTURE CONTRIBUTIONS

Lieberman '94, 8/28/94	$1,000
Oberly for Senate, 7/28/94	1,000
Friends of Tom Andrews, 7/28/94	1,000
Jack Mudd for U.S. Senate, 7/28/94	1,000
Moynihan Committee, 7/28/94	1,000
Sullivan for Senate, 8/3/94	1,000
Lautenberg Committee, 7/15/94	1,000
A Lot of People Who Support Jeff Bingaman, 7/15/94	1,000
Ann Wynia for U.S. Senate, 7/15/94	1,000
Ann Wynia for U.S. Senate, 7/28/94	1,000
Democratic Senatorial Campaign Committee, 7/28/94	5,000
McCurdy for Senate, 8/4/94	1,000
Citizens for Sarbanes, 8/22/94	2,000
Oberly for Senate, 8/25/94	1,000
Friends of Jim Cooper, 9/15/94	1,000
Tennessee Democratic Party, 9/15/94	5,000
Congressman Bart Gordon Committee, 9/15/94	1,000
Harold Byrd for Congress, 9/19/94	1,000
Jeff Whorley for Congress, 9/19/94	1,000
McCurdy for Senate, 9/27/94	1,000
Sims for Senate, 10/6/94	1,000
Coppersmith for Senate, 10/6/94	1,000
Randy Buttons for Congress, 10/21/94	1,000
Dianne Feinstein for Senate, 10/27/94	1,000
Campaign 94–Federal Account, 10/28/94	5,000
Wyoming Co-Ordinated Party, 11/3/94	1,000
New Mexico Democratic Party, 11/3/94	2,000
Sullivan for Senate, 11/3/94	1,000
Montana Democratic Party, 11/3/94	3,000
Oklahoma Democratic Party, 11/3/94	3,000
National Council for Senior Citizens, 11/3/94	5,000

David P. Rawson, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: David P. Rawson.

Post: Bamako, Republic of Mali.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses names, Christina Rawson, none, David J. Rawson, none.

4. Parents names, Amos P. Rawson, none, Lola M. Rawson, deceased.

5. Grandparents names, Edward and Helen Rawson, deceased, Howard and Mary Moore, deceased.

6. Brothers and spouses names, Edward and Joan Rawson, none. Perry and Carol Rawson, $25, summer of '92, to a candidate for Democratic primary election in Oregon to the US Senate; he cannot recall the candidate's name.

7. Sisters and spouses names, none.

Gerald Wesley Scott of Oklahoma, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gerald Wesley Scott.

Post: Banjul, The Gambia.

Contributions, amount, date and donee:

1. Self, amounts of $150, February 1991, March 1992, October 1992, December 1994 and of $100, August 1992 and March 1994, All to the Republican National Committee.

2. Spouse, Frances H. Scott, none.

3. Children and spouses names: Charles Alan Scott and Michael Tacon Scott, both are minors, unmarried and have made no contributions.

4. Parents names, Charles Wesley Scott (deceased) and Dorothy Scott, no contributions made.

5. Grandparents names, William and Georgia Scott; Henry and Mary Heidlage, All deceased for over fifteen years.

6. Brothers and spouses names, Charles Michael Scott and Susan Scott, $50 on July 15, 1994 to the Rob Johnson for Congress campaign.

7. Sisters and spouses names, Joan Tucker and Lyndell Tucker, $20 on January 24, 1995 and March 27, 1995 to the Republican Nat. Committee.

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ralph R. Johnson.

Post: Slovak Republic.

Contributions, Amount, Date, and Donee:

1. Self: Ralph Johnson, none.

2. Spouse: Ann Johnson, none.

3. Children and Spouses: Names: David and Timothy Johnson, none.

4. Parents: Names: Ralph W. Johnson, deceased and Margaret Johnson, deceased.

5. Grandparents: Names: Deceased.

6. Brothers and Spouses: Names: Thomas and Pat Johnson, $180, 1992, Clinton for President ($30), Clinton/Gore Compliance Fund ($150), $50, 1994, Ron Sims for Senate; and $50, 1995, Clinton/Gore 1996 Parkway.

7. Sisters and Spouses: Names: none.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert E. Gribbin III.

Post: Rwanda.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Names: Matt and Mark, none.
4. Parents: Names: Elsie and Emmet Gribbin, none.
5. Grandparents: Names: Deceased.
6. Brothers and Spouses: Names: Joe and Jane Gribbin, none and Scott and Paula Gribbin, none.
7. Sisters and Spouses: Names: Alice and Newt Allen, none and Millie and John Tucker, none.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of September 5, September 22, and October 31, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 5, 22, and October 31, 1995, at the end of the Senate proceedings.)

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

ROBERT L. GELBARD, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

EDWARD GORDON ABINGTON, JR., OF FLORIDA
RICHARD A. BOUCHER, OF MARYLAND
WILLIAM D. CLARKE, OF MARYLAND
RUST M. DEMING, OF THE DISTRICT OF COLUMBIA
DONALD WILLIS KEYSER, OF VIRGINIA
RUSSELL F. KING, OF CALIFORNIA
DANIEL CHARLES KURTZER, OF FLORIDA
JOHN MEDEIROS, OF NEW YORK
BERNARD C. MEYER, M.D., OF FLORIDA
BRUCE T. MULLER, M.D., OF MICHIGAN
RONALD E. NEUMANN, OF VIRGINIA
RUDOLF VILEM PERINA, OF CALIFORNIA
ROBIN LYNN RAPHEL, OF WASHINGTON
SIDNEY V. REEVES, OF TEXAS
CHARLES PARKER RIES, OF TEXAS
NANCY H. SAMBAIEW, OF TEXAS
RICHARD J. SHINNICK, OF NEW YORK
C. DAVID WELCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARSHA E. BARNES, OF KENTUCKY
MARK M. BOULWARE, OF TEXAS
JACQUELYN OWENS BRIGGS, OF MICHIGAN
WILLIAM RIVINGTON BROWNFIELD, OF TEXAS
STEVEN A. BROWNING, OF TEXAS
R. NICHOLAS BURNS, OF NEW HAMPSHIRE
JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY
RICHARD A. CHRISTENSON, OF WISCONSIN
GENE BURL CHRISTY, OF TEXAS
JOHN ALBERT CLOUD, JR., OF VIRGINIA
ROGER J. DALEY, OF NEW YORK
ROBERT EMMETT DOWNEY, OF NEW JERSEY
JAMES J. EHRMAN, OF WISCONSIN
DANIEL TED FANTOZZI, OF VIRGINIA
MICHAEL F. GALLAGHER, OF PENNSYLVANIA
BRUCE N. GRAY, OF CALIFORNIA
JON GUNDERSEN, OF NEW YORK
DOUGLAS ALAN HARTWICK, OF WASHINGTON
CAROLEE HEILEMAN, OF NEBRASKA
CHRISTOPHER ROBERT HILL, OF RHODE ISLAND
SUSAN S. JACOBS, OF MICHIGAN
RICHELE KELLER, OF SOUTH CAROLINA
LAURA-ELIZABETH KENNEDY, OF VIRGINIA
JOHN W. LIMBERT, OF VERMONT
WAYNE K. LOGSDON, OF WASHINGTON
THOMAS A. LYNCH, JR., OF VIRGINIA
FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA
MICHAEL E. MALINOWSKI, OF ILLINOIS
S. AHMED MEER, OF MARYLAND
MICHAEL D. METELITS, OF CALIFORNIA
DAVID FRANCIS ROGUS, OF NEW YORK
VLADIMIR PETER SAMBAIEW, OF TEXAS
BRENDA BROWN SCHOONOVER, OF CALIFORNIA
DEBORAH RUTH SCHWARTZ, OF MARYLAND
CHARLES S. SHAPIRO, OF GEORGIA
CATHERINE MUNNELL SMITH, OF CONNECTICUT
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
JAMES WEBB SWIGERT, OF VERMONT
GRETCHEN GERWE WELCH, OF CALIFORNIA
STEVEN J. WHITE, OF FLORIDA
NICHOLAS M. WILLIAMS, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARNOLD JACKSON CRODDY, JR., OF MARYLAND
SCOTT MARK KENNEDY, M.D., OF CALIFORNIA
FREDERICK M. KRUG, OF NEW JERSEY
THOMAS LAWMAN LUCAS, M.D., OF FLORIDA
ERIC RALPH RIES, OF FLORIDA
JAMIE SUAREZ, M.D., OF LOUISIANA
JAMES VANDERHOFF, OF TEXAS
JOHN G. WILLIAMS JR., M.D., OF MAINE
SANDRA L. WILLIAMS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PAULA O. GODDARD, OF VIRGINIA

DEPARTMENT OF COMMERCE

PETER BOHEN, OF PUERTO RICO

DEPARTMENT OF STATE

ROBERT E. DAVIS, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MARGARET CORKERY, OF THE DISTRICT OF COLUMBIA
RICHARD REED, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

OLA CRISS, OF VIRGINIA
PAUL PETER POMETTO II, OF THE DISTRICT OF COLUMBIA
JOYCE VESTA SEWNARINE, OF MARYLAND
ROSA MARIA WHITAKER, OF THE DISTRICT OF COLUMBIA
TERRENCE K.H. WONG, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GEORGE WILLIAM ALDRIDGE, OF TEXAS
CAROLYN P. ALSUP, OF FLORIDA
DOUGLAS J. APOSTOL, OF VIRGINIA
CONSTANCE C. ARVIS, OF CALIFORNIA
ANTONIA JOY BARRY, OF PENNSYLVANIA
PAMELA MARIE BATES, OF OHIO
VIRGINIA LYNN BENNETT, OF GEORGIA
MARK W. BOCCHETTI, OF MISSOURI
STEVEN C. BONDY, OF FLORIDA
DAVID W. BOYLE, OF VIRGINIA
SANDRA HAMILTON BRITO, OF ARIZONA
NATALIE EUGENIA BROWN, OF VIRGINIA
ANGIE BRYAN, OF TEXAS
JENNIFER LEE CATHCART, OF OHIO
PATRICK LIANG CHOW, OF NEW YORK
MARK DANIEL CLARK, OF ARIZONA
DAVID C. CONNELL, OF THE DISTRICT OF COLUMBIA
GENE CRAIG COOMBS, OF NORTH CAROLINA
ANDREW DAVID CRAFT, OF IOWA
KATHLEEN L. CUNNINGHAM, OF IOWA
CHRISTIAN R. DE ANGELIS, OF NEW JERSEY
MATTHEW BEDFORD DEVER, OF THE DISTRICT OF COLUMBIA
PUSHPINDER S. DHILLON, OF OREGON
WILLIAM D. DOUGLASS, OF NEVADA

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ROBERT L. GELBARD, OF NEW YORK

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THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

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JAMES VANDERHOFF, OF TEXAS
JOHN G. WILLIAMS JR., M.D., OF MAINE
SANDRA L. WILLIAMS, OF MARYLAND
WILLIAM HUIE DUNCAN, OF TEXAS
MAEVE SIOBHAN DWYER, OF MARYLAND
CARI ENAV, OF NEW YORK

STEPHANIE KAY ESHELMAN, OF THE DISTRICT OF COLUMBIA
MICHELLE MARIE ESPERDY, OF PENNSYLVANIA
JANICE RUTH FAIR, OF TEXAS
MOLLY FAYEN, OF ARIZONA
PAUL STEVEN FOLDI, OF DELAWARE
ELEANORE M. FOX, OF CALIFORNIA
MARK EDWARD FRY, OF MICHIGAN
GREGORY D.S. FUKUTOMI, OF CALIFORNIA
MEGAN MARIE GAAL,OF CALIFORNIA
RICHARD B. GAFFIN III, OF ARIZONA
KATHRYN SCHMICH GELNER, OF MISSOURI
BONNIE GLICK, OF ILLINOIS
REBECCA ELIZA GONZALES, OF TEXAS
FORREST J. GOULD, OF NEW HAMPSHIRE
TRACY ALAN HALL, OF NORTH CAROLINA
DAVID E. HANZLIK, OF ILLINOIS
PETER X. HARDING, OF MASSACHUSETTS
JOHN PETER HIGGINS, OF MINNESOTA
MARK T. HILL, OF SOUTH DAKOTA
DAVID ANDREW HODGE, OF TEXAS
MICHAEL W. HOFF, OF CALIFORNIA
EVAN T. HOUGH, OF FLORIDA
JEREMIAH H. HOWARD, OF NEW JERSEY
STEPHEN A. HUBLER, OF PENNSYLVANIA
AUDREY BONITA HUON-DUMENTAT, OF ILLINOIS
ANDREW GRISWOLD HYDE, OF CALIFORNIA
COLLEEN ELIZABETH HYLAND, OF NEW HAMPSHIRE
ANN LANG IRVINE, OF MARYLAND
OLIVER BRAINARD JOHN, OF VIRGINIA
EDWARD B. JOHNS, JR., OF PENNSYLVANIA
JILL JOHNSON, OF CALIFORNIA
MARGARET FRANCES JUDY, OF OREGON
JOHYN LINUS JUNK, OF FLORIDA
CHRISTOPHER KAVANAGH, OF ILLINOIS
ERIC RANDALL KETTNER, OF CALIFORNIA
MARC DANIEL KOEHLER, OF CALIFORNIA
GREGORY F. LAWLESS, OF CALIFORNIA
JILL CATHERINE LUNDY, OF VIRGINIA
PAUL RAMSEY MALIK, OF CALIFORNIA
CAROLINE BRADLEY MANGELSDORF, OF CALIFORNIA
MARYANNE THERESE MASTERSON, OF VIRGINIA
CARYN R. MCCLELLAND, OF CALIFORNIA
RICHARD MARSHALL MCCRENSKY, OF VIRGINIA
JANE S. WILSON MESSENGER, OF VIRGINIA
DAVID SLAYTON MEALE, OF VIRGINIA
KIN WAH MOY, OF MINNESOTA
ANN G. O'BARR-BREEDLOVE, OF GEORGIA
JULIE ANNE O'REAGAN, OF TEXAS
LESLIE MARIE PADILLA, OF NEW MEXICO
JAMES M. PEREZ, OF FLORIDA
MIRA PIPLANI, OF VIRGINIA
SARA ELLEN POTTER, OF VERMONT
DAVID J. RANZ, OF NEW YORK
JOHN THOMAS RATH, OF TEXAS
CHRISTOPHER E. RICH, OF MARYLAND
SCOTT LAIRD ROLSTON, OF FLORIDA
J. BRINTON ROWDYBUSH, OF OHIO
SUSAN LAURA RUFFO, OF WASHINGTON
JULIE RUTERBORIES, OF TEXAS
MICHAEL D. SCANLAN, OF PENNSYLVANIA
JOHN PAUL SCHUTTE, OF NEBRASKA
DAVID L. SCOTT, OF TEXAS
STEPHEN M. SCHWARTZ, OF NEW YORK
JANET DAWN SHANNON, OF WASHINGTON
CECILE SHEA, OF NEVADA
GRACE WHITAKER SHELTON, OF GEORGIA
KENT C. SHIGETOMI, OF WASHINGTON
ROBERT SILBERSTEIN, OF VIRGINIA
CHARLES SKIPWITH SMITH, OF WASHINGTON
MARTIN HENRY STEINER, OF CALIFORNIA
MARGARET L. TAMS, OF COLORADO
JOHN STEPHEN TAVENNER, OF TEXAS
LISA L. TEPPER, OF COLORADO
BRIAN THOMAS WALCH, OF NEW JERSEY
JAMES MICHAEL WALLER, OF MISSOURI
ROBERT WARD, OF VIRGINIA
JAN LIAM WASLEY, OF NEW JERSEY
MYLES E. WEBER, OF MINNESOTA
DAVID J. WHIDDON, OF GEORGIA
ERIC PAUL WHITAKER, OF CALIFORNIA
LYNN M. WHITLOCK, OF PENNSYLVANIA
JOHN KING WHITTLESEY, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JORGAN K. ANDREWS, OF COLORADO
ROBERT D. BANNERMAN, OF MARYLAND
ERIC BARBORIAK, OF WISCONSIN
AMBER M. BASKETTE, OF FLORIDA
KEREM SERDAR RILGE, OF CALIFORNIA
KAREN M. BLACK, OF NEW YORK
BERYL C. BLECHER, OF MARYLAND
IAN P. CAMPBELL, OF CALIFORNIA
THEODORE R. COLEY, OF PENNSYLVANIA
J.A. DIFFILY, OF CALIFORNIA
PETER T. ECKSTROM, OF MINNESOTA
MATTHEW A. FINSTON, OF ILLINOIS
CALLI FULLER, OF TEXAS
CLEMENT R. GAGNE, III, OF MARYLAND
GORY A. GENNARO, OF VIRGINIA
HENRY GRADY GATLIN, III, OF FLORIDA
BINH D. HARDESTY, OF VIRGINIA
J. MARINDA HARPOLE, OF THE DISTRICT OF COLUMBIA
KATHARINE MCCALLIE COCHRANE HART, OF VIRGINIA
MARGARET R. HORAN, OF THE DISTRICT OF COLUMBIA
M. ALLISON INSLEY, OF GEORGIA
PAM R. JENOFF, OF NEW JERSEY
JAN LEVIN, OF NEW YORK
ERVIN JOSE MASSINGA, OF WASHINGTON
IAN JOSEPH MCCARY, OF NEW YORK
MICHAEL L. MCGEE, OF ALABAMA
JANICE C. MCHENRY, OF VIRGINIA
SHARON F. MUSSOMELI, OF VIRGINIA
ROBERT LOUIS NELSON, OF VIRGINIA
DAVID TIMOTHY NOBLES, OF CALIFORNIA
MICHELLE L. O'NEILL, OF THE DISTRICT OF COLUMBIA
CARLA PANCHECO, OF CALIFORNIA
DAVID WILLIAM PITTS, OF VIRGINIA
BRETT GEORGE POMAINVILLE, OF COLORADO
BRIAN B. RHEE, OF VIRGINIA
STEVEN C. RICE, OF WYOMING
ROBERT J. RILEY, OF WASHINGTON
PETER THORIN, OF WASHINGTON
HARRY L. TYNER, OF VIRGINIA
ROBERT A. WEBER, OF FLORIDA
ALAN CURTIS WONG, OF CALIFORNIA
ROBERT EUGENE WONG, OF NEW YORK

THE FOLLOWING-NAMED INDIVIDUAL FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

MICHAEL RANNEBERGER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CAROL A. PEASLEY, OF CALIFORNIA
CHARLES F. WEDEN, JR., OF VIRGINIA
JOHN R. WESTLEY, OF THE DISTRICT OF COLUMBIA
AARON S. WILLIAMS, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KEITH E. BROWN, OF VIRGINIA
MYRON GOLDEN, OF OHIO
JOSEPH B. GOODWIN, OF MISSOURI
WILLIAM T. OLIVER, JR., OF VIRGINIA
CYNTHIA F. ROZELL, OF CALIFORNIA
BARBARA P. SANDOVAL, OF VIRGINIA
KENNETH G. SCHOFIELD, OF THE DISTRICT OF COLUMBIA
WILBUR G. THOMAS, OF OKLAHOMA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ANNE H. AARNES, OF WASHINGTON
GLENN E. ANDERS, OF FLORIDA
GRANT WILLIAM ANDERSON, OF THE DISTRICT OF COLUMBIA
LILIANA AYALDE, OF MARYLAND
PATRICIA K. BUCKLES, OF FLORIDA
JONATHAN M. CONLY, OF PENNSYLVANIA
J. MICHAEL DEAL, OF CALIFORNIA
DIRK WILLEM DIJKERMAN, OF NEW YORK
KENNETH C. ELLIS, OF VIRGINIA
PAULA FEENEY, OF WEST VIRGINIA
LINDA RAE GREGORY, OF FLORIDA
TOBY L. JARMAN, OF VIRGINIA
EDWARD L. KADUNC, OF FLORIDA
DONALD G. KEENE, OF CALIFORNIA
GAIL M. LECCE, OF VIRGINIA
MARY L. LEWELLEN, OF NEVADA
LEWIS W. LUCKE, OF TEXAS
DONALD R. MACKENZIE, OF FLORIDA
TIMOTHY M. MAHONEY, OF VIRGINIA
LAURIER D. MAILLOUX, OF THE DISTRICT OF COLUMBIA
DESAIX B. MYERS III, OF CALIFORNIA
WALTER E. NORTH, OF WASHINGTON
THOMAS E. PARK, OF THE DISTRICT OF COLUMBIA
DONALD L. PRESSLEY, OF VIRGINIA
EMMY B. SIMMONS, OF VIRGINIA
MARCUS L. STEVENSON, OF MARYLAND
KAREN D. TURNER, OF THE DISTRICT OF COLUMBIA
RONALD E. ULLRICH, OF VIRGINIA
ALAN E. VAN EGMOND, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SARAH S. OLDS, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRY LEE BARRETT, OF CALIFORNIA
CAROL E. CARPENTER-YARMAN, OF CALIFORNIA
JOHN R. MORGAN, OF TENNESSEE
DOUGLAS WYLIE PALMER, OF WASHINGTON
WILLIAM R. PARISH III, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PETER H. DELP, OF CALIFORNIA
MARGARET LORRAINE DULA, OF CALIFORNIA
TAMERA ANN FILLINGER, OF CALIFORNIA
NANCY J. LAWTON, OF VIRGINIA
MICHAEL E. SARHAN, OF ARKANSAS
MARY EDITH SCOVILL, OF VIRGINIA
DEE ANN SMITH, OF VIRGINIA
JAMES E. VERMILLION, OF FLORIDA
MICHAEL F. WALSH, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ALONZO SIBERT, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

EMMANUEL BRUCE-ATTAH, OF TENNESSEE
JOSEPH L. DORSEY, OF TEXAS
STEVEN KENNETH DOSH, OF MARIANA ISLANDS
MARSHALL W. HENDERSON, OF CALIFORNIA
MARYANNE HOIRUP-BACOLOD, OF CALIFORNIA
EDITH I. HOUSTON, OF TEXAS
CYNTHIA J. JUDGE, OF OREGON
CEOPUS KENNEDY, OF ALABAMA
JEFFREY RANDALL LEE, OF VIRGINIA
RAYMOND L. LEWMAN, OF WASHINGTON
JENNIFER NOTKIN, OF MASSACHUSETTS
DIANE L. RAWL, OF VIRGINIA

DEPARTMENT OF AGRICULTURE

DAVID W. COTTRELL, OF FLORIDA

UNITED STATES INFORMATION AGENCY

MYUNGSOO MAX KWAK, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SENECA ELIZABETH JOHNSON, OF IDAHO
LAWRENCE J. KAY, OF IOWA
W. HOWIE MUIR, OF CONNECTICUT

UNITED STATES INFORMATION AGENCY

JOSEPH A. BOOKBINDER, OF NEW YORK
JAMES GREGORY CHRISTIANSEN, OF VIRGINIA
JENNIFER L. DENHARD, OF MARYLAND
KATHERINE HOWARD, OF MICHIGAN
MAURA MARGARET KENISTON, OF NEW YORK
JOSEPH PATRICK KRUZICH, OF OREGON
PHILIP THOMAS REEKER, OF NEW YORK
MICHAEL WILLIAM STANTON, OF VIRGINIA
RODNEY MATTHEW THOMAS, OF RHODE ISLAND
MARK TONER, OF PENNSYLVANIA
DALE EDWARD WEST, OF TEXAS
KATHERINE L. WOOD, OF VIRGINIA
JULIET WURR, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SERGE M. ALEKSANDROV, OF MARYLAND
LORI H. ALVORD, OF WISCONSIN
CHARLES S. BAXTER, OF VIRGINIA
DAVID A. BLOCK, OF VIRGINIA
CHESTER WINSTON BOWIE, OR MARYLAND
STEPHEN CRAIG BRADLEY, OF VIRGINIA
KIP ANDREW BRAILEY, OF VIRGINIA
STEPHANIE LYNN BRITT, OF VIRGINIA
MARC R. CARDWELL, OF VIRGINIA
THEODORE D. CARLSON, OF VIRGINIA
STACEY T. COSTLEY, OF MARYLAND
JONATHAN S. DALBY, OF VIRGINIA
DOLLIE N. DAVIS, OF MARYLAND
HELEN DAVIS-DELANEY, OF MARYLAND
CLAUDIA N. DEVERALL, OF VIRGINIA
PAUL R. FELDTMOSE, OF MARYLAND
KERRY L. GAFNEY, OF VIRGINIA
MARC T. GALKIN, OF VIRGINIA
FELIX GONZALEZ, OF VIRGINIA
DAMIAN THOMAS GULLO, OF VIRGINIA
BRUCE R. HARRIS, JR., OF VIRGINIA
ANGE BELLE HASSINGER, OF THE DISTRICT OF COLUMBIA
MARGARET H. HENOCH, OF THE DISTRICT OF COLUMBIA
ROBERT DOUGLAS JENKINS, OF VIRGINIA
RICHARD HILL JOHNSON, OF VIRGINIA
KEITH PATRICK KELLY, OF MICHIGAN
DAVID P. LAWLOR, OF VIRGINIA
STEVEN JON LEVAN, OF VIRGINIA

KEVIN G. LEW, OF VIRGINIA
ALAN LONG, OF VIRGINIA
SHARON ANN LUNDAHL, OF VIRGINIA
DEAN PETERSON, OF SOUTH DAKOTA
MICHAEL H. RAMSEY, OF VIRGINIA
E. ELIZABETH SALLIES, OF THE DISTRICT OF COLUMBIA
LINDA M. SIPPRELLE, OF VIRGINIA
RODNEY D. SMITH, OF VIRGINIA
HARRY L. TYNER, OF VIRGINIA

(THE ABOVE NOMINATIONS WERE REPORTED WITH THE RECOMMENDATION THAT THEY BE CONFIRMED, SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 1468. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mrs. FEINSTEIN):

S. 1469. A bill to extend the United States-Israel free trade agreement to the West Bank and Gaza Strip; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. ROTH, and Mr. DOLE):

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1468. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes, to the Committee on Agriculture, Nutrition, and Forestry.

THE HEFLIN-ROSE PEANUT IMPROVEMENT ACT OF 1995

• Mr. HEFLIN. Mr. President, I introduce the Heflin-Rose Peanut Program Improvement Act of 1995.

Auburn University recently released a study based on the same economic impact model employed by the Base Closure and Realignment Commission to determine the effects of various proposals that were being considered before the Lugar-Armey peanut program compromise was reached and made part of the Roberts farm bill, which is part of the budget reconciliation bill. Using the figures and calculations of the Auburn report, the Lugar-Armey compromise would result in an industry-wide, negative economic impact totalling $375 million and will cause the loss of 5,400 jobs throughout the peanut industry.

While the Lugar-Armey compromise is touted as an effort to achieve a no-net-cost program, in reality it will cost taxpayers $60 million over 7 years. As a matter of fact, the Lugar-Armey compromise actually kills the program over 7 years, encourages peanut imports, and cuts peanut farmer income by nearly 30 percent.

Congressman CHARLIE ROSE and I have worked on a peanut program which we feel is a much better bill. This proposal guarantees a no-net-cost program saves some $43 million above what the Lugar-Armey compromise saved. Our cost savings come from making foreign importers of peanuts pay the same assessments that U.S. peanut farmers have to pay and uses this money to offset the cost of the peanut program. In addition, to imposing assessments on importers, our proposal directs that the NAFTA and GATT revenue derived from imported peanuts go toward paying for the peanut program rather than reducing farmer income.

The Heflin-Rose peanut program refrains from reducing farmer income by cutting the loan rate, and therefore, maintains the current law loan rate for quota and additional peanuts. Unlike the Lugar-Armey peanut program, which would allow unlimited cross-country transfers, the Heflin-Rose bill also measure infrastructure stability by permitting only limited transfers across county lines.

Furthermore, our legislation addresses health and food safety concerns due to the increased level of imports resulting from GATT and NAFTA. The American peanut farmer is held to the highest safety and inspection levels of any domestically-produced commodity. To not require at least an equivalent level of protection from foreign-grown peanuts jeopardizes American consumers.

For example, the Heflin-Rose bill requires that foreign-grown peanuts be inspected to determine whether or not they were produced with pesticides and other chemicals banned for use in this country. This legislation applies the same standards for quality, freedom from aflatoxin and procedures for the inspection and entry of imported peanuts that currently apply to domestically-produced peanuts under Marketing Agreement No. 146.

Peanut farmers strongly support achieving a no-net-cost peanut program. However, this goal can be achieved without slashing farmer income and with consideration to the economic costs on the communities that work and depend on the production of peanuts. If the Republicans are serious about deficit reduction, then this is a plan that saves a significant amount above their proposal, ensures a no-net-cost peanut program, and preserves farmer income while safeguarding American consumers with food safety provisions for imported peanuts and peanut products.•

By Mr. McCAIN (for himself, Mr. ROTH, and Mr. DOLE)

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

THE SENIOR CITIZENS FREEDOM TO WORK ACT OF 1995

• Mr. ROTH. Mr. President, today, with Senator McCAIN, I am introducing the Senior Citizens' Freedom to Work Act. This bill raises the Social Security earnings limit for workers age 65 to 69 to $30,000 by the year 2002. I am happy to say that this increase in the earnings limit is fully paid for over the 7-year period. In addition, this bill will protect the Social Security trust fund from disinvestment or underinvestment by the Secretary of the Treasury or any other Federal officials.

Under current law, seniors in this age group, who earn more than $11,280 this year, are penalized by forfeiting $1 for every $3 they earn over that limit. When coupled with other Federal taxes, these workers who earn above this $11,280 mark face a 56-percent marginal tax rate.

As I have often said, this is not fair. The earnings penalty sends a message to senior citizens that we no longer value their experience and expertise in the work force. I am happy to introduce this legislation that will provide equity to these hard-working seniors.

I must note that a large part of the credit for this legislation in the Senate is due to the efforts of the senior Senator from Arizona, Senator JOHN McCAIN, who has tirelessly championed this cause. I thank him for his work on this issue.•

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL TORT CLAIMS ACT MALPRACTICE COVERAGE FOR HEALTH CENTERS EXTENSION ACT OF 1995

Mr. HATCH. Mr. President, today Senator KENNEDY and I are pleased to introduce S. 1471, the Federal Tort Claims Act Malpractice Coverage for Health Centers Extension Act of 1995. Our bill will make permanent an exemption in current law that provides medical malpractice coverage under the Federal Tort Claims Act [FTCA] to federally funded community health center personnel.

The current law is due to expire on December 31, necessitating speedy consideration of this legislation in the Congress.

I am pleased to announce that the House passed this afternoon a similar bill, H.R. 1747, authored by my good friend from Connecticut, Representative NANCY JOHNSON and I am hopeful the Senate can take up the Johnson bill forthwith.

A brief recitation of the legislative history on this issue may be useful to my colleagues at this point.

In 1992, Senator KENNEDY and I worked with our colleagues in the House to treat community health center [CHC] physicians, nurses, and other personnel as Federal employees under the FTCA for the purpose of defending against malpractice claims.

Substituting the FTCA remedy for private lawsuits relieves CHC's from devoting their limited program funds to purchase costly private malpractice insurance. Purchase of such insurance had proven an extremely costly burden to the centers, which, I believe, have been doing a marvelous job in providing excellent care in underserved areas on what amounts to a shoestring budget.

The Federal Tort Claims Act, which falls under the jurisdiction of the Judiciary Committee, stipulates strict procedural requirements for the consideration of claims. For example, it does not provide for jury trials or the award of punitive damages. These streamlined procedures act to reduce the number of, and costs associated with, tort claims.

By reducing insurance costs, the more than 500 community and migrant health centers can provide more direct medical services to the 5 million Americans who rely on these centers for their primary health care needs.

In the initial 3 years of our experience under the FTCA, it is encouraging to find that all experience suggests that health centers have a lower incidence of malpractice claims than comparable private insurance providers.

Through fiscal year 1995, it has been estimated that only 15 claims have been filed nationwide against the 119 participating health centers. Thus far, no funds have been required to be paid out under the statute to satisfy claims. In fact, the Department of Health and Human Services estimates that the 1992 law has saved over $14.3 million to date. This is consistent with the 1992 House Judiciary Committee report on this topic which noted that the savings from the law would far exceed the costs of coverage.

I want to take a moment to discuss the history of this legislation in the 104th Congress.

As I noted earlier, the House passed a similar bill today under suspension of the rules.

The version reported from the House Commerce Committee on September 27 was very similar to the approach that Senator KENNEDY and I were developing. However, that bill recommended a 3-year extension whereas we believed a permanent extension was warranted.

Ultimately, through discussions with our House colleagues, we were able to reach an agreement and the bill that passed the House today makes the FTCA coverage for CHC's permanent.

The bill that passed the House today also differs from our approach in two other areas.

First, I understand that the House bill makes explicit that centers are not required to operate under the FTCA aegis. In other words, centers are free to purchase insurance on their own if they so desire. I believe this is appropriate, and have no objection to this provision. It clearly was our intent in drafting S. 1471.

Second, in order to address concerns that our claims experience may be too limited in the first 3 years of operation to predict the adequacy of future reserves, we have provided for a General Accounting Office study of the medical liability risk exposure of centers. If—as seems unlikely based on the past experience and future expectations—unforeseen problems develop in this program, this issue can be revisited.

The House bill contains a GAO study provision which is much more detailed than that embodied in the bill we introduce today. Again, I have no objection to the House alternative.

Mr. President, in closing, I note that the administration is supportive of this legislation and of making the program permanent. According to a recent administration report in support of extending FTCA coverage: "Our experience to date * * * is sufficiently positive that we believe that it is advisable to adopt FTCA coverage without a time limitation, rather than to continue to insert sunset provisions."

The legislation that Senator KENNEDY and I are introducing today will result in the delivery of more public health services to underserved areas throughout the country, whether these areas are urban or rural. It is no secret to my colleagues that I am a tremendous fan of the work that CHC's are doing, especially in Utah, and I think it behooves the Congress to give them this added tool to help improve health care services in areas in which access has traditionally suffered.

At the bottom line, the 1992 legislation achieved more public health bang-for-the-buck and should be made permanent.

It is important that a bill be acted upon in the near future to extend coverage so that centers will know whether or not they have to purchase private coverage for 1996. Therefore, I urge my colleagues to support a permanent extension of the legislation authorizing Federal Tort Claims Act coverage of community health centers.

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 901

At the request of Mr. BENNETT, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 901, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and re-use projects and desalination research and development projects, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1289

At the request of Mr. KYL, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 1360

At the request of Mr. LEAHY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25-percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1414

At the request of Mrs. HUTCHISON, the name of the Senator from Maine [Mr.

COHEN] was added as a cosponsor of S. 1414, a bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls.

S. 1429

At the request of Mr. DOMENICI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1429, a bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995.

SENATE JOINT RESOLUTION 43

At the request of Mr. HELMS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

AMENDMENT NO. 3097

At the request of Mr. MCCONNELL the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Amendment No. 3097 proposed to Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, to conduct a markup of S. 1228, Iran Foreign Oil Sanctions Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, December 12, at 2:30 p.m., Hearing room (SD-406) on S. 776, the Atlantic Striped Bass Conservation Act Amendments of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, December 12, at 2:15 p.m. for a markup on the following agenda:

NOMINATIONS

Donald S. Wasserman, to be member, Federal Labor Relations Board.

David Williams, to be Inspector General, Social Security Administration. (Sequential referral. Finance held its hearing on Thursday, November 30, and favorably reported the nominee out).

LEGISLATION

S. 1224, the Administrative Disputes Resolution Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a markup on S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet the session of the Senate for a hearing on Tuesday, December 12, 1995, at 9:30 a.m., in room 428A of the Russell Senate Office Building, to conduct a hearing focusing on "Proposals to Strengthen the SBIC Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to consider S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TIM COUCH

• Mr. MCCONNELL. Mr. President, it is my pleasure to rise today to pay tribute to an outstanding Kentuckian and a record-breaking quarterback. Tim Couch ended his high school football career on a high note with a 1-yard touchdown pass during the state quarterfinals. Some may wonder what is so special about this play. Well, that pass will go down in the record books as the one that put the Leslie County High School quarterback over the top as the national all-time leader in touchdown passes. In 4 years, he has thrown an amazing 12,092 yards—an accomplishment that helped earn Tim honors as National High School Player of the Year.

Leslie County is located in the mountains of eastern Kentucky. The last time the national spotlight shone on the small town of Hyden was in 1978, when President Nixon made his first public appearance since his resignation. He was there to attend a dedication of a gym named in his honor. According to local newspapers, residents said it was an exciting day, because everyone in the nation knew about Hyden. And now history has repeated itself, but this time the spotlight is shining there because of the youth who's become known as "the pride of Hyden" —Tim Couch.

His final game as Leslie County High School quarterback was a memorable one in many ways. Besides breaking the passing record, Tim faced a consistent seven-man rush, he injured his right ankle trying to block an extra point, and he was sacked five times. But check out his numbers: he completed 17 of 34 passes for 223 yards and 2 touchdowns. After the record-breaking pass, the game came to a halt. Fans and the media stormed the field to ask Tim for autographs and interviews.

Fireworks lit up the night sky, and sirens and horns filled the air. And before the game resumed, Tim was handed the game ball. What a night!

Every time Tim took to the gridiron, the entire town of Hyden flocked to Eagle Field to watch the "Air Commander" throw another pass on his way to the record books. Sports Illustrated recently did a profile of the star quaterback. In the article, Tim said of his 374 fellow Hyden residents, "everybody around here is just so happy. They all want to see me go to the NFL and become a big star. It gives me a lot of pride, the way such a small place has rallied around one person."

If you think football is his only game, think again! Not only is Tim an award-winning quarterback, he is also one of the best high school basketball players in Kentucky. He led the state in scoring last season, with 36 points a game, and he is one of the front runners in the race for Kentucky's Mr. Basketball. No wonder he's being recruited by the top colleges in the Nation. However, it is my hope that this superstar decides to stay in the Bluegrass State and make one of Kentucky's fine universities his new home.

Mr. President and my fellow Members of Congress, please join me in congratulating the "Pride of Hyden." Tim Couch has an exciting career ahead of him, and I wish him good luck in the future. Mr. President, I also ask that an article from a recent edition of Sports Illustrated be printed the RECORD.

The article follows:

PRIDE OF HYDEN

(By Steve Rushin)

Elbert Couch parks his white Ford Bronco next to another emblem of American infamy: the Richard M. Nixon Recreation Center in Hyden, Ky. "There's two kinds around here," Couch says. "There's Republicans, and there's Damn Democrats. I'm a Damn Democrat, but we're outnumbered four to one in this county."

This is Leslie County, in the mountains of eastern Kentucky's Cumberland Plateau. It was here, in 1978, that Nixon made his first postexile public appearance, for the dedication of a grand gymnasium that honors his presidency. "Everybody knew us because of Nixon," says Leslie County High School basketball coach Ron Stidham, standing on his home court inside the Tricky Dick. "But that notoriety aside, Tim Couch has made Hyden—well, if not a household name exactly, at least people know where we are again."

Tim Couch, Elbert's son, is the best high school basketball player in Kentucky. He led the state in scoring last season, with 36 points a game as a Leslie County High junior. He is expected to be named Mr. Basketball of the Bluegrass after this season, which is why most Division I basketball coaches want to upholster Couch in their school colors come 1996.

Trouble is, Tim is also the most highly sought after football recruit in the nation, one who almost certainly will break the national record for career passing yardage this Friday night in the state quarterfinals. He is 50 yards away from breaking the mark of 11,700 set two years ago by Josh Booty of Evangel Christian High in Shreveport, La., and Couch needs only five touchdown passes to break that national record as well. "Couch is the best quarterback prospect I've seen in 17 years," drools Tom Lemming, who publishes a national recruiting newsletter. "Better than Jeff George, Ron Powlus and Peyton Manning. He reminds recruiters of John Elway." ESPN draft nitwit Mel Kiper Jr. agrees and considers Tim, who is 6'5" and 215 pounds, one of the best pro quarterback prospects in the nation. And to think that Tim is just 18.

"Everybody around here is just so happy," Tim says of Hyden (pop. 375). "They all want to see me go to the NFL and become a big star. It gives me a lot of pride, the way such a small place has rallied around one person."

Through it all Tim has remained unfailingly polite, genuinely humble and undeniably charismatic. Everywhere one goes in Kentucky, people talk about the closely-cropped Couch. He's like Gump, with a pump fake. And there's another important difference: "He's an A–B student," says Leslie County High principal Omus Shepherd. "In fact, to see him in school, you wouldn't know he's an athlete, you wouldn't know him from any other student. I don't know of any problem we've ever had out of the boy."

The boy was excused from class one afternoon early in the football season when Governor Brereton Jones came to Hyden to make Tim an honorary Kentucky Colonel, one of the youngest recipients of the state's equivalent of knighthood. The next evening the colonel threw for three touchdowns and ran for two more in a 34–27 win a Woodford County High, after which several opponents wanted a piece of him. "I saw them coming at me and thought we were in a fight," says Tim. Instead, they wanted his autograph.

The next day Tim drove 124 miles to Lexington to watch the Kentucky-Louisville football game with his folks. En route, they stopped at a diner. Recently retired Los Angeles Laker center and former Kentucky star Sam Bowie approached Tim's table to say how much he has enjoyed following Tim's career. Emboldened, Adolph Rupp's grandson Chip, who also happened to be in the diner, did the same. After the game the Couches repaired to the Lexington home of Miami Heat guard and ex-Wildcat star Rex Chapman, who simply wanted to meet Tim.

"I told him he was my hero growing up," Tim says of Chapman. "I told him how I dreamed in the backyard about filling his shoes some day at Kentucky."

"Tim used to shoot baskets outside for hours in the winter, until his fingers were bleeding," says Tim's mother, Janice. "I always had to make him come in before he got frostbite."

Come summer, he would throw footballs all afternoon with his older—by four years—brother, Greg. Tim always pretended to be Joe Montana or Dan Marino. Now, Marino aspires to play with Couch. "I hope I'm still in the league when you get here," the Miami Dolphin quarterback told Couch when the two met in Cincinnati, where the Dolphins played the Bengals on Oct. 1.

Tim never played baseball. "He told me in ninth grade, 'Dad, I don't want to stand there and let them throw a ball 60 miles an hour at my head,'" recalls Elbert, who is director of transportation for the county school system. When Greg became the quarterback at Leslie County High, Tim attended practices. "In fifth and sixth grade he was throwing the ball like a rocket," says Eagle football coach Joe Beder, an assistant at the time. "You knew then he would be the quarterback here."

Couch made the high school team as a seventh-grader, backed up his brother as an eighth-grader and became the starting quarterback as a freshman, when Greg went to play football at Eastern Kentucky (where, after redshirting one season, he's now a junior reserve). Tim points to the utility pole in the front yard of his family's comfortable two-story home. "When Greg went to college, I used to throw at that light pole," he says. "I'd take a five-steps drop and try to hit it as if it was a receiver on the run, 30 feet out." Then he would place two garbage cans next to each other and throw "little fade passes" over the first defending can and into the second. "There's not much else to do in Hyden," says Todd Crawford, a physician's assistant who works with the Leslie County team.

So the Hydenites watch Couch. County judge-executive Onzie Sizemore was a star high school quarterback in Hyden in the early 1970s. "Tim is the best athlete I've ever seen in Kentucky," says the judge, deliberating on Tim down at the county court and jailhouse. "He's the best thing that ever happened to Hyden. I just hope he doesn't run for county judge-executive, because then I'm out of a job."

They come from all over Kentucky to see Tim play. On Friday nights cars back up for a mile at the toll booth that guards the Hyden exit of the Daniel Boone Parkway. And when the Eagles play an away game, says Rick Hensley, whose son Ricky is Tim's favorite target, "last one outta town turns out the lights."

There is a sign outside of town that reads Hyden: Home of Osborne Bros. Stars of the Grand Ole Opry, the Osbornes wrote "Rocky Top," which is the football anthem at Tennessee, whose Volunteers are unanimously reviled in Kentucky. When Tim engineered a season-opening 44–42 upset of Fort Thomas Highlands High in Lexington, he came home to find that benevolent vandals had altered the sign so it read Hyden: Home of Tim Couch.

This season Couch has thrown for nearly 3,500 yards and 37 touchdowns in 12 games. Clearly, his numbers are preposterous. Last year he completed 75.1% of his passes, a national record. Against Clark County High in the 1994 season opener, he completed 25 of 27 passes. Against Shelby Valley High this fall, he threw for 533 yards and seven scores and was pulled four minutes into the second half. Likewise, in October he played only one half against one of Kentucky's top-ranked teams, Hopkinsville, when the badly outmanned Eagles were bused seven hours each way and lost 61–0.

Even that defeat didn't cool the ardor of the Couch potatoes, as Hyden's residents have come to call themselves. As he drives home from football practice in his Mercury Cougar on an autumn Thursday, Couch waves like a parade marshal to every passing pedestrian, then enters his house and is handed the telephone. "Tennessee," says Janice, and Tim chats cordially with Volunteer football coach Phillip Fulmer. Bobby Bowden, Terry Bowden, Lou Holtz and Joe Paterno check in weekly as well.

There is enormous pressure on him to play football at Kentucky, and the Cats are on Couch like cats on a couch. Here is a front-page Lexington Herald-Leader headline: Couch To Watch UK Scrimmage. Kentucky basketball coach Rick Pitino met with Tim and promised him a spot on the basketball team if he sign to play football for the Wildcats. And Kentucky football coach Bill

Curry, although forbidden by the NCAA to talk about recruits, called him "the best high school prospect I've ever seen." Every Omus, Onzie and Elbert in Kentucky expects Tim to make the Cats an instant football power. "I may be crazy, but I believe Tim Couch is good enough to get this program back to the Sugar Bowl," writes columnist Dave Barker in The Cats' Pause, a Kentucky sports weekly. "Yes, that's right. From 1–10 to 10–1."

"Lord God, if Tim goes to UK they'll be namin' babies for him before he plays his first game," says Elbert's friend Vic DeSimone. "Every kid in Kentucky will wear a number 2 jersey." DeSimone—a candy manufacturer's rep who has dropped by Leslie County High to chat—furrows his brow before giving voice to every Kentuckian's darkest fear. "You wouldn't let him go to Tennessee, would you?" he asks Elbert. "I mean, the boy can go to Liberty Baptist and still become a pro."

"Have to take the Fifth Amendment on that one," says Elbert, who later concedes: "If Tim does go out of state, we'll have to move out of state."

Wherever Couch goes, if he plays basketball at all in college, it will be as an afterthought to football, and a great many disappointed people will be left in his wake. "It's hard for an 18-year-old kid to tell a coach whom he's grown up adoring that he isn't going to play for him," says Tim, who is still considering Auburn, Florida, Kentucky, Notre Dame, Ohio State and (sigh) Tennessee. "I'm thinking about it all the time," he says of his impending decision. "Even if I'm just lying in bed, it never leaves my mind."

He has made certain of that. Taped above the light switch in his bedroom is a two-sentence note from a football assistant at Northwestern. "Your talent is God's gift to you," it reads. "What you do with your talent is your gift back to God."

It is the last thing that Tim sees each night when he turns out the lights.

A TRIBUTE TO FRANK SINATRA ON HIS 80TH BIRTHDAY

• Mr. LAUTENBERG. Mr. President, I rise today to honor one of New Jersey's favorite sons, and one of America's great personalities who will be celebrating his 80th birthday today: Frank Sinatra. Mr. Sinatra hails from Hoboken, New Jersey, and we are proud to call him one of our own.

Mr. President, Frank Sinatra is one of the most recognized and revered artists in the world, admired not only for his unique style, but for his ability to reach people on a distinctly personal level. As a musician and actor, Mr. Sinatra has distinguished himself as one of the most notable figures in the history of entertainment.

For more than five decades, Frank Sinatra has charmed people all over the world with his exceptional, distinctive voice. He began his impressive career in New Jersey, when he won an amateur singing concert. A few years later, he was the featured vocalist with the bands of Harry James and Tommy Dorsey. It was not long before Mr. Sinatra began to embark on a solo career.

The sounds of Frank Sinatra played throughout the country while the Second World War was being fought abroad. Although he was unable to join the Armed Services, he was able to help the servicemen by entertaining them with his voice, known as the "Voice That Thrilled Millions."

Frank Sinatra made his acting debut in 1943, and he then went on to appear in more than 50 motion pictures, among them, "The Manchurian Candidate," a classic thriller reflecting his versatility as an actor, "The House I Live In," a sensitive documentary for which he received a special Oscar, and "From Here to Eternity," the 1953 motion picture which brought him an Academy Award for Best Supporting Actor.

Today, Frank Sinatra maintains that same high visibility by singing and performing throughout the United States and the world. Over the years, he has received countless awards that attest to the greatness of his multifaceted career, including seven Grammies, a Peabody, an Emmy and an Oscar.

Aside from his performing brilliance, Mr. President, Frank Sinatra should be recognized for his many selfless contributions. He played a key role in raising money for an AIDS program and a center for abused children during a special program taped last month in honor of his Eightieth Birthday Celebration. He also has earned awards for his humanitarian and social justice efforts, including; the Life Achievement Award from the NAACP, the Academy of Motion Picture Arts and Sciences' Jean Hersholt Humanitarian Award, and the Presidential Medal of Freedom.

Mr. President, we are fortunate that Frank Sinatra's music will live on forever, for he is truly one of a kind. His voice penetrated the hearts of many, and changed the face of popular music in 20th Century America. I ask my colleagues to join me today in honoring Frank Sinatra on this monumentous occasion and wish him continued success in the future.•

FRANK SINATRA'S 80th BIRTHDAY

• Mr. LIEBERMAN. Mr. President, I rise to pay tribute to an American who celebrates his 80th birthday on this day. The chairman of the board, Francis Albert Sinatra, legendary performer and American treasure, was born on this day, December 12, in Hoboken, NJ, in 1915.

Frank Sinatra rose from humble, blue-collar roots to superstardom by virtue of a God-given gift: his voice. Through hard work and determination he perfected his talent and sang his way to the top of the entertainment industry. His music dominated the charts from the 1930's through the 1960's. By the 1970's he was an American institution, surviving Elvis, the Beatles, and the rock and roll revolution. Frank Sinatra has performed for audiences around the world. He has influenced virtually everyone who is, or ever wanted to be, a singer. As Harry Connick, Jr., once said, "Frank taught everybody how to sing." A universal entertainer from the old school, he could sing with the likes of Bing Crosby, dance with the likes of Gene Kelly, and act with the likes of Burt Lancaster. From 1941 to 1984 he appeared in 59 motion pictures. In 1953, he won an Oscar for his performance in "From Here To Eternity."

But Frank Sinatra has given more to America than his records and movies. In 1945, he won a special award from the Academy of Motion Picture Arts and Sciences for a short film called "The House I Live In," in which he stressed religious tolerance and racial equality. He had much to do with the desegregation of the entertainment industry by promoting African-American artists, most notably his friend, the late Sammy Davis, Jr.

During World War II he could not serve because of a punctured ear drum, but he performed for troops overseas and assisted the war effort by selling war bonds. As a young man, he involved himself in politics by supporting President Roosevelt in 1932. He campaigned for Democrats throughout the 1950's. In 1960, President Kennedy asked him to direct his inaugural gala. In the 1970's he supported Republicans and again hosted inaugural galas for Preident Reagan in 1980 and 1984. In sum, Frank Sinatra should enjoy bipartisan support from this body.

Frank Sinatra also deserves to be recognized for his work on behalf of charitable causes. He has given millions of dollars to charities and humanitarian causes publicly and anonymously. His donations have built children's hospitals, orphanages, and facilities for the mentally handicapped. In 1985 he was awarded the Presidential Medal of Freedom, the highest civilian honor our Nation bestows. In making the presentation, President Reagan praised him for his generosity toward the less fortunate.

Frank Sinatra is an American institution who has had an undeniable impact on the 20th century. He is part of American culture, one of the great voices of our time. There is probably a Sinatra fan on every block in every town in America, including this one on my block. Sinatra songs have provided the backdrop of our lives for the past 50 years. For most of us, a Sinatra song has the ability to conjure up memories of certain moments of our lives. So many of us can recall where we were when we first heard our favorite Sinatra song.

Now as he reaches the age of 80, the voice has become the elder statesman of entertainment, a comforting presence, and a source of inspiration for younger performers. He is a remarkable and distinguished American, and his art will be with us for decades to come. He did it his way, and we loved it that way. I am as great a fan of his work as anyone, and I am sure I speak for many people in Connecticut, across the country, and around the world when I wish Old Blue Eyes a very happy 80th birthday and hope there will be many more to come.•

JOHN TURNER, CHAIRMAN OF THE AMERICAN COUNCIL OF LIFE INSURANCE

• Mr. GRAMS. Mr. President, on Tuesday, November 14, 1995, Mr. John Turner, chairman and CEO of ReliaStar Financial Corp., a financial services holding company in Minneapolis, MN, became the new chairman of the board of directors of the American Council of Life Insurance [ACLI].

The ACLI represents over 600 companies that write 92 percent of the life insurance and 95 percent of the pension business in the United States. As chairman, Mr. Turner will guide the ACLI as it works with Federal and State legislators, regulators and agencies to ensure the laws and regulations we enact serve the best interest of our Nation's business and individual policyholders and consumers, as well as insurance companies.

I want to take this opportunity to congratulate John on this high honor and also to recognize the many years of community service he and his wife Leslie have played in the Twin Cities. From Leslie's involvement with the Girl Scouts of America and her service on the city council of Edina, MN, to John's work on issues dealing with youth and education, they have made a positive difference in Minnesota.

Professionally, Mr. Turner has been an active member of the ACLI's board of directors for 3 years, and in that capacity, he has given tremendous service to an industry that, in turn, serves this Nation so well.

Life insurance companies provide a necessary service by helping to deliver financial security and peace of mind to millions of American families and individuals. Insurance industry products allow people to keep their homes and businesses, enable children to continue their education, and help support aging parents. The industry's retirement products provide the means by which this Nation's present and future retirees can achieve their financial independence and help fulfill their financial dreams.

Mr. President, this Congress is in the process of returning power and responsibility to States, localities and, most importantly, to individuals. This unprecedented shift in power from Washington to the rest of America was summed up by John Turner in his inaugural speech as Chairman of the ACLI when he said: "Neither Washington nor corporate America will much longer assume the financial burden of underwriting people's retirement security; that responsibility is being transferred to individuals."

As this process continues, a broad range of issues from financial services modernization to tax reform to retirement income security will take center stage. From my seat on the Senate Banking Committee, I look forward to working closely with John on these and many other important issues.

As it provides for fully one-third of this Nation's long-term savings, the life insurance industry is the foundation of financial security for millions of Americans and for our country. I am pleased to see that John Turner will be leading this effort from his new position as chairman of the ACLI.

Again, Mr. President, I would like to congratulate John Turner and the ACLI. I am confident that he will bring to his new post the same dedication, honesty, and integrity he has demonstrated to ReliaStar Financial Corp. and the people of Minnesota. I wish John all the best and look forward to working with him the year ahead.•

CONGRATULATING DAN MORTENSEN ON WINNING THE WORLD TITLE IN SADDLE BRONC RIDING

• Mr. BURNS. Mr. President, I rise today to salute a young man from my State of Montana. This young man, just last week, won his third consecutive world title in saddle bronc riding at the National Finals Rodeo in Las Vegas, NV. Dan Mortensen, I tip my Stetson to you and your dedication.

Dan Mortensen will be 27 years old in 3 days and has accomplished a rare feat in his speciality event saddle bronc riding. He is a classic bronc rider, as is apparent by his three consecutive world titles. Saddle bronc riding is considered the classic event in the sport of rodeo. If you have never had the opportunity, I would suggest that you all take the time to see this event. A good saddle bronc ride is like watching a ballet to a cowboy, as it is a fluid movement between man and beast. In this event, the contestant must stay on a bucking horse for 8 seconds using only the timing of their movement and a bronc rein to keep them in the saddle. The classic style of Dan shows the grace and beauty involved in the sport of rodeo.

The honors that Dan has to his credit are numerous and speak volumes about his dedication to the true American sport of rodeo. Dan won the regular season title for the Montana High School Rodeo Association in saddle bronc riding. In 1990 Dan was awarded the title of Saddle Bronc Rookie of the Year. Four years later, Dan won his first world title in his speciality event. It was during the finals that year that Dan won not only the average in the saddle bronc event, but set a record in the average. The average, is the total score of 10 rounds of riding wild and wooly bucking horses. Truly a world champion accomplishment.

Dan and his wife, Kay, live in the beautiful Gallatin Valley in Manhattan, MT. Residing in this area does take its toll, since it is not the easiest place to make flight arrangements out to the numerous rodeos necessary to win a championship. However, Dan continues to call this home.

Mr. President, I join with the citizens of the State of Montana, and with all that hold our tradition of rodeo dear, in saluting this young man. I congratulate him for his dedication to the great Western tradition and sport of rodeo.•

ORDERS FOR WEDNESDAY, DECEMBER 13, 1995

Mr. COHEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m., Wednesday, December 13; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and Senator HUTCHISON be immediately recognized to offer a Senate concurrent resolution regarding Bosnia.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. COHEN. For the information of all Senators, the Senate will begin debate on Senator HUTCHISON's Bosnia resolution at 9 a.m., and by a previous order, the Senate will vote on H.R. 2606, the Bosnian resolution received from the House, at 12:30 p.m., on Wednesday.

The majority leader has indicated that he hopes the Senate will be able to vote on Senator HUTCHISON's resolution and the Dole Bosnia resolution after a reasonable amount of debate during Wednesday's session. All Members can therefore expect rollcall votes throughout tomorrow's session of the Senate. The Senate may be asked to consider any available appropriations conference reports, the State Department reorganization bill, or any items cleared for action.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. COHEN. Mr. President, if there is no further business to come before the

Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:47 p.m., adjourned until Wednesday, December 13, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 12, 1995:

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

A.E. DICK HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 6 YEARS, VICE LANCE BANNING.

THE JUDICIARY

JAMES P. JONES, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE JAMES H. MICHAEL JR., RETIRED.

CHERYL B. WATTLEY, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

HOUSE OF REPRESENTATIVES—*Tuesday, December 12, 1995*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge this day as always that You are the one who is worthy to be held in reverence by all the people, from the least of us to the greatest, and so, we pray, kindle within each of us the spark of Your love so that all of Your children may know of Your goodness and gracious care. We pray, guide and direct those who are called and selected to be leaders of others, so that choices and decisions will always be based on what will bring dignity and honor to Your people. We pray, show us the great waste of our wrath and our rage, and give us O God, good will to all and peace in our time, peace among nations, and peace in our hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KILDEE] come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Shimon Peres, only the doors immediately opposite the Speaker, and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Childen of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, December 7, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10 o'clock and 53 minutes a.m., the following proceedings were had:

□ 1052

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the State of Israel into the Chamber: the gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Indiana [Mr. BURTON]; the gentleman from Alabama [Mr. CALLAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from New York [Mr. LAZIO]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentleman from California [Mr. FAZIO]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Texas [Mr. FROST]; the gentleman from California [Mr. BERMAN]; and the gentleman from Florida [Mr. HASTINGS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the Prime Minister of the State of Israel into the Chamber: the Senator from Kansas [Mr. DOLE]; the Senator from Mississippi [Mr. LOTT]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Florida [Mr. MACK]; the Senator from South Carolina [Mr. THURMOND]; the Senator from New York [Mr. D'AMATO]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Kentucky [Mr. FORD]; the Senator from Maryland [Ms. MIKULSKI]; the Senator from Rhode Island [Mr. PELL]; the Senator from Vermont [Mr. LEAHY]; the Senator from Michigan [Mr. LEVIN]; the Senator from California [Mrs. FEINSTEIN]; and the Senator from California [Mrs. BOXER].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 9 minutes a.m., the Assistant to the Sergeant at Arms announced the Prime Minister of the State of Israel.

The Prime Minister of the State of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and a personal pleasure to present to you His Excellency Shimon Peres, the Prime Minister of Israel.

[Applause, the Members rising.]

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ADDRESS BY HIS EXCELLENCY, SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

Prime Minister PERES. Mr. Speaker, Mr. Vice President, Members of Congress, my very dear friends, I stand before you stunned and humbled. It was but a year ago that on this very podium there stood before you, in a partnership of hope, King Hussein and Prime Minister Yitzhak Rabin. And Rabin is no more.

It was only 2 years ago that President Bill Clinton hosted Chairman Arafat and Prime Minister Yitzhak Rabin, and we all witnessed a historic handshake. And Yitzhak has gone.

Two weeks and twenty years ago Lyndon Baines Johnson stood on this very spot and said, "All I have, I would have given gladly not to be standing here today."

Mr. Speaker, all I have, I would have given gladly not to be standing here today. My senior partner is gone.

Now, he belongs to the ages. He will enter them as a great leader, as a great soldier, a captain of peace who was assassinated because he was right. That was the reason.

I shared with him days of worry and grief. I shared with him hours of reflection and decision. We complemented each other in a determined pursuit of the only objective worthy of the task bestowed upon us by the people of Israel: to carve a new era of security in peace, to build bridges across an Arab-Israeli divide, an impossible divide. And he, the captain, is no more.

You, dear friends, have honored him in life with an intimate, bipartisan friendship to the man, to the land, to the cause he represented. You have honored him in death with your unprecedented presence which moved our hearts.

May I tell you that the fact that the President, two former Presidents, a Secretary of State, two former Secretaries of State, the leaders of the Senate and the House and many of the Members came on this very sad day to stand at our side is an unforgettable experience in our life. We really thank you. It was great on your part; it will be unforgettable in our history.

Hence, I stand before you with one assignment: In the shadowy light of those candles, in the tearful eyes of our young generation, I heard their appeal, nay, the order, "Carry on. Carry on."

This is my task.

I stand before you with one overriding commitment: to yield to no threats, to stop at no obstacle in negotiating the hurdles ahead, in seeking security for our people, peace for our land and tranquility for our region. And in so doing, I ask you, ladies and gentlemen, for your support, and first and foremost, your moral support. That is what counts mostly.

Nothing but your own conscience is your guide. Your faith in the Almighty and the moral imperative that guides you.

Yitzhak and I were always firm believers in the greatness of America, in the ethic and generosity inherent in your history, in your people. For us, the United States of America is a commitment to values before an expression of might.

For us, the vast discovery of America is its Constitution even more than its continent, the Constitution enriched by its biblical foundation.

From our school days we remembered the proposal of John Adams that the imagery of ancient Israel captivated the Constitutional Congress in 1776.

We recalled Benjamin Franklin's idea to incorporate in the Great Seal of the new Confederation the image of Moses raising his staff, dividing the Red Sea.

We remembered Thomas Jefferson suggesting that the image of the children of Israel struggling through the wilderness, led by a pillar of cloud by day, by a pillar of fire by night, that this image be the symbol of the young Republic, to become the Great Republic.

History did not stop there. The cloud and the fire have accompanied the human experience in this, the most difficult century in the annals of mankind.

As the end of the 20th century is nearing, it could verily be described as the American century, yes, the century of America.

America nurtured a way of life that has made competitive creativeness the engine of economic development practically in every corner of the world. The United States has built strength, has used strength to save the globe from three of its greatest menaces: the Nazi tyranny, the Japanese militarism, and the Communist challenge.

You did it. You brought freedom. You defended it.

Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it.

You enabled many nations to save their democracies even as you strive now to assist nations to free themselves from their nondemocratic past.

Your sons and daughters fought many wars. Your great armies won many victories. Yet wars did not cause you to lose heart, just as triumphs did not corrupt your system.

America remains unspoiled because she has rejected the spoils of victory.

You have a great Constitution, a vast land, a pluralistic civilization. Israel is a small land, 47 years young, 4,000 years deep.

Thanks to the support you have given and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us and feel today strong enough to take measured risks to wage a campaign for peace together with you.

Let me assure you that never shall we ask your sons and daughters to fight instead of us, just as we have never asked you to do so in the past. We shall do our task; we shall enjoy your support.

Indeed, even as I speak before you now, Israeli troops are parting from Palestinian towns and villages in a historic departure, intending never to return there as occupiers. We do not want to occupy anybody.

This, for us, is a victory of moral commitment and for the Palestinians a victory of self-respect. For the first time, they are governing themselves and we are governing ourselves too.

Nobody forced us to do so. Nobody forced us to take these measures, and Israel is neither weak nor afraid. Our choice was freely made.

What we have accomplished, in resonance of your own tradition, we have given, like you, preference to a biblical ethic. We are true to the old pages.

Yet like you, we have rejected the temptation to rule over another people, even though we possess the force to do so.

Before coming here, I visited King Hussein, a real friend of the United States. We discussed the possibilities of transforming the Jordan Rift Valley, which is in fact an elongated, extended desert, into a Tennessee Valley. We learned from you again.

In a single bold sweep, we are and remain resolved to turn back the desert, to stop the war, and to end the hatred once and forever.

I then met with President Mubarak in a highly congenial atmosphere. We agreed to put aside certain bitter memories and to postpone certain disputed issues for a future date. We have time in the future to disagree; now we have to agree.

Then I met Chairman Arafat, and his expression of condolence had the ring of a sincere desire for peace. May I tell you that nothing convinced the Israeli people about the sincerity of the Arabs seeking peace more than the sympathy and condolence they expressed when they learned about the assassination of Rabin, a sad event, a revealing sentiment.

Arafat is engaged in the new realities of his people and he has conveyed to me the solemn promise to intensify his fight against terror, which is, today, as much a danger to him as it is to the peace we are committed together to achieve.

I, on my part, have promised to release prisoners in our custody, as we did agree, so as to enable them to participate in free elections scheduled for the first time in history, to take place on January 20, 1996.

As far as we are concerned, democracy, and that includes Palestinian democracy, is the best and probably the only guarantee for a real and durable peace. Freedom supports this.

I believe in this prospect. Three years ago, such a prospect would have been considered a fantasy; that was part of the accusation against me. Now reality is on our side.

All this would hardly have been attainable were it not for the American involvement and the support of those efforts. President Clinton and his administration, the leadership and the Members of the Congress, practically all of them, the American people at large, have made possible the dawn of peace to rise again over the ancient horizon, over the ancient skies of the Promised Land, to bring promise again to the land.

And by so doing, you have removed the terrifying prospect of evil hands grabbing hold of unconventional weapons.

Mr. Speaker, Members of Congress, international terrorism is a threat to us all. Fundamentalism with a nuclear bomb is the nightmare of our age. We have to stop it.

We understood that in order to ready ourselves to confront the new dangers, we would have to put a stop to the enmity with our neighbors. In our time, more than there are new enemies, there are new dangers. The dangers of our days are not confined to borders; they are common to all of us, Moslems, Christians, and Jews alike. Therefore, we have to try to achieve a comprehensive peace.

Peace with Syria and Lebanon, the two remaining adversaries on our borders, may well prove to be the greatest contribution to the construction of a new Middle East, of a new era in the Middle East.

I must admit that the hurdles are many. We have to negotiate mountains of suspicion. We have to traverse chasms of prejudice. We have to find solutions to an array of genuinely conflicting interests. They are not artificial.

Israel, for its part, is ready to go, to try and do it.

In October next year Israel will go to elections. I here declare that the decision to strive for peace shall be pursued regardless of it. To win peace is more important than to win elections.

We shall try wholeheartedly, we shall try to forge the peace with Syria and Lebanon expeditiously so that before the curtain of the 20th century shall fall, we shall see, all of us, the emergence of a Middle East of peace.

Mr. Speaker, with your permission, therefore, I would like to use this podium, with your permission, ladies and gentlemen, to turn to President Assad of Syria and say to him:

"Without forgetting the past, let us not look back. Let fingertips touch a new untested hope."

Let each party yield to the other, each giving consideration to the respective needs of the other, mutually so, him to us, we to him. Without illusion, but with resolve, we shall stand ready to make demanding decisions if you are, if Assad is.

We shall negotiate relentlessly until all gaps are bridged, if you are, if Assad is.

I believe we face a historic opportunity, perhaps of galloping pace. If we shall find the language of peace between us, we can bring peace to all of us. Surely nothing would capture the imagination of young people everywhere more than a gathering of all of us standing together and declaring, and when I say all of us, I mean all of the leaders of the Middle East, all the 20 of them, not one-by-one, but together, and declaring the end of war, the end of conflict, carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace again. We shall tell them, together as partners, we are going to build a new Middle East, a prosperous economy, that we are going to raise the standard of living, not the standard of violence. We have enough violence, not enough the-right-way-to-live.

What we are going to introduce is light and hope to our people, to their destinies.

Mr. Speaker, permit me a personal word. In my country I have shouldered almost every responsibility. I have tasted almost every title. I have served almost in every position. Today I wish only one thing: to bear the burden of peacemaking.

In the last moment of his life, we stood together to the very last moment, his happiest moment of life, Yitzhak Rabin stood in the Tel Aviv square, me standing on his side and singing, he was singing the song of peace.

The singer, alas, is not with us. The song remains. You cannot kill the song of peace.

Now, distinguished Members of the Congress, I say it sincerely, that I have come here for your advice and consent. I hazard the thought that the world cannot permit itself to be without American leadership in these trying times. Not in the Middle East or in other places.

America, in my judgment, cannot escape what history has laid on your shoulders, on the shoulders of each of you. You cannot escape that which America alone can do. America alone can keep the world free and assist nations to assume the responsibility for their own fate.

Please continue. Go ahead and do it as you did for the whole century; the next century is awaiting your leadership was well.

In this spirit, I can do no better than quote what Yitzhak Rabin said to you when he stood on this rostrum a year ago and he said:

"No words can express our gratitude to you for the years of your generous support, understanding and cooperation which are all but beyond compare in modern history." And Then he said, "Thank you, America."

I, too, say it: Thank you, America, for what you are, for what you have been, for what you shall be. And in so doing, I shall conclude with a prayer:

May the Almighty spread His wings of loving kindness and His tabernacle of peace over the Land of Israel. May He grant His light and truth to all of the leaders of our region, to all of the leaders of America, to the leaders of our time. And You give peace in the land and eternal joy for its habitants.

Mr. Speaker, thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 45 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Associate Justices of the Supreme Court of the United States.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 1 p.m.

Accordingly (at 11 o'clock and 52 minutes a.m.), the House stood in recess until 1 p.m.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 1 p.m.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority leader and minority leader for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders, limited to 5 minutes.

THE TRAGEDY OF JIMMY RYCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Florida [Mr. DIAZ-BALART] is recognized during morning business for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a child is always special. Children are the hope of the world, and every child is blessed with the love of God and the goodness of heaven.

In south Florida we have all, our entire community, has been deeply wounded by the tragedy suffered by one very special child—Jimmy Ryce. And by the suffering, the incalculable suffering, of his wonderful family.

As our prayers go out for Jimmy's family so that God may give them the strength to endure, we also pray for Jimmy in Heaven, with full confidence that he is now at peace in the presence of the Lord.

No one in south Florida will ever forget Jimmy Ryce and we join together as a community to grieve for him.

Jimmy's family—his mom and dad, Claudine and Don, his sister Martha—have shown us all an example of extraordinary strength and of the will to somehow permit this tragedy to shield other children from similar future nightmares on Earth. Even before we all received the ultimately tragic news of the last few days, Don and Claudine Ryce had commenced a petition campaign to the President, a noble campaign that they, and now many in south Florida are continuing, urging him to require agencies in the executive branch to post in public places pictures of endangered children, so that the American people can help in the search for these children, while there is still time to save their lives.

Don and Claudine Ryce have also urged that the media run public service announcements publicizing the photographs and the peril of endangered children.

Together we will remember Jimmy Ryce as we strive to bring down the full weight of justice on monstrous beings who commit crimes against children, and as we work to protect children against such unspeakable crimes in the future.

THE NIGHTMARE OF THE TRAGEDY OF JIMMY RYCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. DEUTSCH] is recognized during morning business for 5 minutes.

Mr. DEUTSCH. Mr. Speaker, I join my colleague, the gentleman from Florida [Mr. DIAZ-BALART], and all the Members from south Florida to rise today with great sadness to share with you the news that my constituent, 9-year-old Jimmy Ryce, was abducted, sexually assaulted, shot, and finally found dead just a few short miles from his Miami home.

What happened to Jimmy Ryce is really the worst imaginable thing anyone could possibly imagine in their wildest nightmares, and all of our community in south Florida, unfortunately, share the hopes and the fears and, to an infinitesimal degree, some of the suffering that the Ryce family is feeling today and will always feel.

One of the things that has happened during this period of time is, unfortunately, I have educated myself a little bit about what is going on in child abductions in this country. On several occasions during the last several months I spoke with the FBI and people involved in the investigation, people involved in the investigation of missing children. Over a thousand a year in this country fall into that category, and, again, unfortunately, there have been strides in what we have done as a society and what we have done as a country to try to help this insufferable tragedy.

In fact, south Florida, unfortunately, was an impetus to this several years ago when Adam Walsh was abducted and killed in south Florida and from the time that Adam Walsh was killed to today, and really through his family's work, there have been changes. There is now, in fact, a missing persons center clearinghouse the Federal Government operates for missing children, abused and abducted children, that has been helpful in solving many cases and actually having children returned to their families.

But, unfortunately, what the Ryce family found is there is still a lot more that we can do operationally as a country and as a government both on the Federal level, but on State and local levels as well, but on the Federal level. Some of the frustration dealing with the Federal Government during this ordeal really is worth hearing and talking about and changing. As the gentleman from Florida [Mr. DIAZ-BALART] pointed out and the Ryce family obviously knows, when they tried to spread the news of Jimmy's abduction, and they did an amazing job, the community did an amazing job, and we also on the floor of this Congress were talking about it and sending photos ourselves, but when they tried to do that through a network that exists in this country of post offices, Federal buildings that are everywhere in this country, they found they could not do it, which really makes no sense at all. And what will happen by the end of this week is that all of us in the south Florida delegation will be introducing legislation to correct that so that we can send out that information.

If I have learned anything about child abductions, it is that the more information that is out there, the more people see a child's face, the more chances that something will be solved, and even in this case, the lead was because of that.

There are other instances where the Ryce family actually had operational problems dealing with the Federal Government in terms of coordination. They found themselves there is no coordinated effort for missing children. There is for criminal fugitives, but there is not for missing children. The family was actually calling law enforcement throughout the State who had not even heard or were aware of what was going on.

I am committed, and I know my colleagues from south Florida, I believe, my colleagues throughout this country are committed to doing everything that we possibly can to make sure that there is less of a chance that something like this will ever happen again in this great country.

I think we all need to really feel and share some of the pain with the Ryce family because we are a community of America, and as a community we need to really work on ourselves as a community to make sure that the sickness that exists and the indescribable sickness is eliminated as much as we possibly can.

To the Ryce family, I can only say to them that their strength and their perseverance will, I am sure, be clear that there will be something that will occur in this time, and we know that Jimmy Ryce's soul is in Heaven, and we pray for its continuation.

UKRAINIAN COMMERCIAL LAUNCH POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. WELDON] is recognized during morning business for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, tomorrow the Clinton administration will give away another U.S. industry: the United States domestic commercial space launch industry.

A decade ago, the United States held nearly 100 percent share of commercial space launches. Today the United States holds 30 percent of the market. This loss of market share is largely due to the fact that our competitors receive heavy subsidies from their governments.

Between 1996 and 2001, it is estimated that there will be 350 commercial satellite launches—120 of these will be geostationary launches. These are the high Earth-orbit, expensive launches that the United States dominated until recent years.

For each of these launches that goes overseas the United States loses $50 million—if we lose all 120, that's about $6 billion that will go overseas.

I'm all for the free-market. But I will aggressively oppose any plan that gives the advantage of foreign competitors that receive heavy subsidies from their governments. Mr. Clinton's plan does just this, and that's why I'm an aggressive opponent of his plan.

This chart shows what may happen to our commercial launch industry.

There will be 120 geostationary launches between 1996 and 2002.

It is a given Arainespace—Europe's subsidized space launch industry—will receive 72. That's 60 percent of these launches. Their subsidies allows them to undercut the United States unsubsidized prices.

Under an existing agreement with the Chinese, the United States will allow 20 satellites to be launched on Chinese-Government subsidized launch vehicles.

Under another existing agreement with the Russians, the United States will allow eight satellites to be launched in Russian-Government subsidized launch vehicles.

This only leaves 20 launches for U.S. companies. Well, that is until tomorrow.

Under the new agreement that the Clinton administration will sign with the Ukrainian Government tomorrow, the Ukranian-Government subsidized space launch company will get the other 20 launches.

This leaves U.S. companies with a grand total of zero.

Yes, it's true that U.S. companies can compete for the launch of these vehicles, but with the billions in subsidies from their governments, our foreign competitors will easily be able to undercut U.S. companies.

It is very possible that of the 120 geostationary launches over the next 6 years, none of them will be launched from U.S. soil.

This is a tragedy for U.S. leadership in space. For the American workers who have dedicated their lives to making these launch vehicles. And, for the dedicated and highly skilled workers at our Nation's space launch facilities.

I, along with others, in a bipartisan effort urged the Clinton administration to renegotiate some of the earlier agreements to ensure that the Ukrainian launches were not in addition to those already allotted to our competitors. This suggestion was soundly ignored by the Clinton administration.

I'm pleased that many of my colleagues have also expressed their concerns about this agreement.

The Florida delegation sent a strong bipartisan letter expressing grave concern over the Clinton-Ukraine Agreement which I would like to submit for the RECORD. The distinguished minority leader, Mr. GEPHARDT of Missouri, let the administration know of his concerns in a letter which I would also like to submit for the RECORD.

The Governor of Florida, Lawton Chiles, has expressed his opposition to this agreement. The Colorado congressional delegation also raised objections to the plan.

Mr. Chairman, this Ukrainian agreement is bad for this nation. And, I am disappointed that the Clinton administration appears to have given no consideration to our concerns. In fact, I'm still waiting for a response to my letter of 3 weeks ago.

America is the loser in this deal.

As vice-chairman of the Space Subcommittee, I have called for a Congressional hearing on this issue. I will continue my aggressive opposition this agreement. I urge my colleagues to take a closer look at this and other international agreements that the Clinton administration is negotiating.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 15, 1995.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: We are very concerned about the direction the Administration is taking regarding United States launch policy. Last year, the Administration issued it's National Space Transportation Policy. This policy contained a commitment to negotiate and to enforce international commercial space launch services agreements with relevant non-market economies (NME's). It also contained a commitment to launch U.S. government payloads on U.S. launch vehicles.

Your office is currently in the process of negotiating an agreement with the government of Ukraine. It is deeply troubling that the Administration is considering giving up even more of our domestic launch industry to competitors who are overly reliant on subsidies by their own governments, which distort the competitive market place. Any U.S.-Ukraine agreement must reflect the realities of the commercial market. U.S. commercial launch providers have relied upon the 1994 National Space Transportation policy and have invested hundreds of millions of dollars to build launch vehicles which are built with virtually 100 percent American components, technology, and labor. It is imperative that the following be observed and acknowledged:

Highly subsidized competitors place U.S. launch providers at an unnecessary and unfair disadvantage.

Both the Ukraine and Russia benefit from any Ukraine launch agreement since much of the content of the Ukraine vehicle is of Russian origin.

The purchase or the launch of any NME-built vehicle by a U.S. entity should be counted against any quantity limitation in the relevant trade agreement.

The basic terms of the current US-China and the US-Russia Space Launch Services Agreements should not be modified before they are due to expire.

Additionally, we understand that the Department of Defense (DoD) may be changing it's current policy which prohibits national security payloads from being launched on non-U.S. launch vehicles. We have serious objections to allowing DoD to use non-U.S. launch vehicles for military payloads. This would seriously erode our nation's ability to launch military space assets during times of crisis and severely jeopardize our nation's domestic commercial launch vehicle business by undermining the U.S. launch industrial base.

These policies have the potential to undermine the U.S. national interest of maintaining our domestic launch capabilities and infrastructure. Florida's long, proud history in the U.S. space launch industry may be seriously jeopardized. For our government to give away this heritage and these high-tech, high-wage jobs is unacceptable to American taxpayers and the Florida Congressional delegation.

The U.S. space launch industry is ready to work hard and fight competitively for their market share. But we shouldn't ask them to do so when its own government changes the rules in the market place. We understand that if the proposed plan goes forward, 70 to 90 percent of the commercial, and potentially national security, launches will occur outside the United States. This would be, in our view, very detrimental both to our national security and to our own prospects for future investments by our own launch industry in this country's space infrastructure.

We request that you brief our delegation on your intentions prior to your upcoming meeting with the Ukraine. We look forward to hearing from you very soon.

Dave Weldon;
Mark Foley;
Dan Miller;
Carrie Meek;
Bill McCollum;
Peter Deutch;
Bud Cramer;
Tillie Fowler;
Bill Young;
Porter Goss;
Clay Shaw;
Alcee Hastings;
Lincoln Diaz-Balart;
Charles Canady;
Cliff Stearns;
John Mica;
Jim Trafficant.

U.S. SENATE,
Washington, DC, November 28, 1995.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you regarding a matter that has already received much attention by our colleagues in Congress as well as many in the U.S. space industry.

It is our understanding that the Administration is in the process of negotiating a bilateral agreement with Ukraine which could allow their nation to launch up to 22 U.S. commercial satellites. It is also our understanding that these discussions have prompted Russia to propose reopening its current agreement with the U.S. in hopes of raising their quota to 20 launches.

Without a doubt, such agreements will have a major impact on the U.S. space launch industry and our nation's trade balance. However, it is not clear to us exactly what the effects would be and what other options could, and perhaps should, be pursued by our government as we explore ways to assist these nations to strengthen their economies without hindering U.S. efforts in this area.

We have not passed judgment on this matter since we have not been briefed by the Administration, nor are we aware of any formal briefings being held for Congress, regarding this issue. It seems reasonable that before an agreement is negotiated that the Administration inform Congress of what is being contemplated for agreement as well as its ramification on the U.S. economy and space industry. Therefore, we ask that finalization of any agreement with Ukraine be delayed until either Congress has been briefed or has had an opportunity to hold hearings in this matter. Consistent with this, we ask that current agreements not be opened for renegotiation until such meetings are held.

Your consideration and cooperation in this matter is much appreciated.

Sincerely,
BOB GRAHAM,

U.S. Senator.
CONNIE MACK,
U.S. Senator.

SPACEPORT FLORIDA AUTHORITY,
COCOA BEACH, FL,
November 9, 1995.

Ambassador MICKAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: I am profoundly concerned that consideration is being given to authorizing the use of excess Ukrainian ballistic missiles for sale to commercial United States payloads. As you know, the American launch industry is attempting to establish a strong commercial launch sector. This is especially critical to the economy of Florida in light of continuing reductions in civil and military launch missions.

It is in America's vital national security and economic interests that a healthy commercial launch industry be developed. Recognizing this, the Department of Defense, NASA, the State of Florida and several other state governments have undertaken an ambitious and expensive program of infrastructure modernization. The major aerospace companies no longer develop launch vehicles in response to federal contracts. A fleet of new vehicles is being developed at great expense to meet the requirements of commercial payload customers over the next twenty years. We believe that in the future, space transportation can be as economically significant as aviation.

Unfortunately, this climate of investment would be seriously disrupted if the assumptions of the market and projected demand are rendered useless by allowing the dumping into the market place artificially priced, non-market, heavily subsidized launch assets. U.S. policy wisely prohibits its surplus military launch vehicles to compete for commercial payloads, in order to prevent just such disruptions and distortions to the market.

The mastery of emerging transportation technology has been the root of national prominence and security throughout history. Surely you will agree that the United States should not cut the development of its commercial launch industry off at the knees in order to accomplish foreign aid objectives through alternative means. The price is simply too high.

Sincerely,
EDWARD A. O'CONNOR, Jr.,
Executive Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 1995.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: Last year, the Administration issued its National Space Transportation Policy. In the policy, a commitment was made to negotiate and to enforce international commercial space launch services agreements with relevant non-market economy countries (NMEs). Your office is currently negotiating such an agreement with the Government of Ukraine.

In making a recent key business decision, my constituent McDonnell Douglas, relied on the Administration's commitment to negotiate agreements that prevent the disruption of the market and avoid seriously jeopardizing a key part of our space infrastructure. In the spring, McDonnell Douglas announced the planned investment of hundreds of millions of dollars in the development of the Delta III launch vehicle. We believe that this private sector investment in upgrading the nation's launch capability is wholly consistent with, and supportive of, the Administration's goals.

Any change in the Administration's policy, or any weakening of the existing space launch services agreements before their expiration dates, would impede McDonnell Douglas' ability to meet required launch rates and put the Delta III program at risk. These capricious changes in policy also serve to discourage private investment in our launch infrastructure.

Offering the Ukraine 22 potential launches of satellites and reopening the Russian trade agreement to raise their limit to 20 satellite launches, would more than double the limit currently agreed to for the NMEs. This is unfair to our domestic industry and the thousand of high tech jobs at risk.

I urge you to postpone the negotiations with the Ukraine until a more thorough assessment of the impact to our domestic industry can be made and to not reopen the Russian agreement signed only a year ago.

Sincerely,
SCOTT MCINNIS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
OFFICE OF DEMOCRATIC LEADER,
Washington, DC, November 1, 1995.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: I understand that serious consideration is being given to revising this country's space launch services trade agreement program in a manner that will severely jeopardize McDonnell Douglas' ability to continue in the commercial launch vehicle business. The change may be recommended in relation to the U.S.-Ukraine Space Launch Services Agreement which your office is currently negotiating.

Specifically, an Interagency Working Group is expected to recommend to you and the White House a substantial change in policy regarding such trade agreements. My constituent, McDonnell Douglas, relied upon the 1994 National Space Transportation Policy when it announced in May, 1995, its decision to invest hundreds of millions of dollars to build a new vehicle—the Delta III. Its existing Delta II vehicle currently has the best reliability record in the increasingly competitive international market. The Delta III will be virtually 100% American in terms of components, technology, and labor. This is significant at a time when other U.S. manufacturers of these strategic assets are purchasing foreign components or buying foreign vehicles off the shelf in lieu of domestic production.

For instance, the Boeing "Sea Launch" proposal would utilize Ukrainian-built vehicles at "dumped" prices. They would be launched from a platform in the Pacific Ocean—not from the States of Florida and California. Similarly, the Lockheed Martin Corporation has joined forces with a Russian entity to offer below market pricing for flights on the Russian Proton vehicle. On the other hand, the McDonnell Douglas commercial space operations are located primarily in California, Colorado, and Florida. They employ approximately 6,000 people in high-technology jobs in those states. We cannot afford to export these jobs which are so important to our national security infrastructure.

If the recommendations are accepted and implemented, 70–90% of commercial launches will occur outside the United States, using foreign assets. This policy shift will significantly affect the viability of McDonnell Douglas' investment to develop the Delta III and any future investments.

I thank you for your thoughtful consideration in this very important matter.

Yours very truly,
RICHARD A. GEPHARDT.

THE GOVERNOR OF THE
STATE OF FLORIDA,
July 12, 1995.

Hon. BILL CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: I appreciate the ongoing efforts of your administration to develop a National Space Policy that recognizes the concerns of Florida and other states that are investing in commercial space launch capabilities. At the invitation of the Office of Science and Technology Policy (OSTP), representatives from Florida, California, Alaska, New Mexico, and Virginia gathered in Washington recently to discuss launch policy issues common to our states. We presented a broad range of issues which are critical to the development of state-sponsored spaceports.

Of particular concern to Florida is the challenge to United States competitiveness for commercial satellite launches. This challenge is due in part to existing bilateral agreements between the U.S. and countries with non-market economies, such as China and Russia, which permit those countries to launch significant numbers of U.S. satellites. We certainly recognize the importance of these agreements and the strategic alliances they represent. In looking at the establishment of new bilateral agreements, such as the one we believe is proposed between the U.S. and the Ukraine, we wish to encourage that careful consideration be given to domestic economic needs; effective enforcement of agreed upon launch quotas and a monitoring program to assure that Florida and other states are able to complete equally with foreign countries.

The State of Florida is committed to building our space industry's competitiveness and we believe strongly that the commercial launch marketplace offers an exciting transition for companies who are experiencing diminishing defense contracts.

Your leadership role on this vital issue will assist the U.S. commercial launch industry in receiving the domestic policy support that is required to increase our international competitiveness. I appreciate your continued attention to space industry issues and look forward to the release of the National Space Policy.

With kind regards, I am
Sincerely,
LAWTON CHILES.

☐ 1315

BUDGET ROBS STRUGGLING FAMILIES TO PAY THE RICH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. OLVER] is recognized during morning business for 5 minutes.

Mr. OLVER. Mr. Speaker, in last month's continuing resolution agreement, Republicans and the President committed to a balanced budget which would include, and I quote, "tax policies to help working families." However, by cutting the earned-income tax credit, the Republicans' balanced budget plan raises taxes on over 12 million working families whose income is less than $30,000 per year.

Now, the Republicans like to give the impression that all earned-income tax credit recipients are so poor that they do not pay income taxes, and therefore, do not deserve a tax credit, however much such people in such low-income working categories need it. Mr. Speaker, that is simply not true.

The Republican budget actually targets tax increases to millions of working families who do pay income taxes, taxes that are withheld from their hard-earned paychecks.

Now, the Republicans also claim that their $500-per-child tax credit makes up for their cuts to the earned-income tax credit, but that is not true either. Even with the child credit, the Republican plan leaves over 7 million families poorer.

Now, that is not a tax policy that helps families; it is one that drives them toward poverty. It does not protect children; it threatens them. And it does not live up to the continuing resolution agreement; it violates that agreement.

The Republicans even had to violate their own House rule requiring a three-fifths majority to raise taxes in order to pass these tax increases.

It was all to give $245 billion in tax breaks that go mostly to the fewer than 10 percent of the wealthiest Americans who make more than $100,000 a year, tax breaks so large that they actually cause the deficit to go up in the first 2 years of the Republican plan, and then, after 7 years, the tax break explodes as far as the eye can see.

So do not believe the Republican plan when they say they have to raise taxes on working families to balance the budget. It is unnecessary. It is unfair. It is wrong, so we should not do it.

The Republicans should live up to their agreement to support a budget that does not rob struggling families to pay the rich.

H.R. 1020 WILL BUST THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nevada [Mr. ENSIGN] is recognized during morning business for 5 minutes.

Mr. ENSIGN. Mr. Speaker, I rise today to talk about H.R. 1020, which has to do with nuclear waste storage. It is also called the "budget buster," because this bill will indeed bust the budget. It will bust the budget by over $4 billion in the next 7 years.

Mr. Speaker, not only is there a problem with this bill as far as the budget is concerned; there is also a problem with this bill as far as safety and as far as States' rights are concerned. Let me address just a few of the points that this bill fails to address.

First of all, the nuclear waste repository was originally put forth in 1982 to be in the State of Nevada or two other sites. In 1987, the famous bill that we in Nevada obviously are very much opposed to eliminated the other two sites from being studied and put it only at Yucca Mountain. This deep geological storage area has been being developed for the last several years.

No good science is being used out there; this is purely a political process. But in the process of developing Yucca Mountain, transportation of the waste to Yucca Mountain has been studied. It had to be made safe.

Well, in the process of developing a safe, reliable way of transporting the nuclear waste to Nevada, lo and behold, it was discovered dry cast storage would also store nuclear waste for the next 100 years in a very safe, reliable manner.

We can actually leave this nuclear waste on site in dry casts for the next 100 years, and if we want to retrieve it, if we develop technology that allows us to use this spent nuclear waste, then we will have it at the sites and be able to retrieve it very easily. If we bury it into the ground, we will not be able to retrieve this waste. Therefore, from an economic standpoint, it is much cheaper to have on-site dry-cast storage.

Yucca Mountain was originally supposed to be $200 to $400 million total. In recent years now, new studies have come out where Yucca Mountain will cost over $30 billion to develop. That is one of the reasons it is a budget-buster, $30 billion versus $200 million, and that is just current estimates. We all know, 10 to 15 years from now, what happens to government estimates; they always go up. So how big will this bill be for the U.S. taxpayer?

Some people say that this is a national security issue. I want to raise that point. Some people say that it is not safe to keep this nuclear waste at all of these storage facilities around the country. Well, if that were the case, why do we not have U.S. troops guarding these places currently?

This is not a national security issue, and therefore, it becomes a States' rights issue. All of these States that have enjoyed nuclear power over the years, Nevada not being one of those States, should have to deal with the waste, because it is not a national security issue. Those States that have benefited from the power and the low-cost power over the years should pay and should have that stuff in their backyard, this nuclear waste Nevada has never had the benefit of; and therefore, it should not be dumped on a small State just because that small State only has two Representatives in the House.

Mr. Speaker, this whole process has never been based on sound science, has never been based on economics, but has been based purely on politics. We in Nevada understand that everybody wants to get nuclear waste out of their backyard and into Nevada's backyard. However, we oppose this measure, because not only will it bust the budget by over $4 billion, and when we are looking at potentially $30 billion total money spent on this deal, the $4 billion actually becomes a very small number, but we also oppose this on States' rights issues.

The 10th amendment clearly states that those powers not given to the Federal Government are reserved for the States and/or the people. Where in the Constitution does it give, when it is not dealing with a national security issue, this Congress the power to ship nuclear waste to a State that does not want it? This is a clear violation of the 10th amendment.

Mr. Speaker, let me conclude by saying that political expediency is not what this new Congress is about. That is not what we were elected to do. We were elected to respect the Constitution, and we were also elected to balance the budget. H.R. 1020 is a violation of everything that we were elected to do.

AMERICANS NEED MEDICAID WORKING FOR THEM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the assumptions by the Congressional Budget Office give us greater flexibility in reaching a budget agreement, and that is indeed great news. However, we know we will not be able to use all of that $135 billion that the Republicans have found, but one of the places where in the budget we ought to at least begin to think about investing those moneys would be Medicaid. Medicaid needs those funds for a variety of reasons, because this is the Federal program that is indeed provided to provide health care for the most vulnerable of our society.

The Republican plan that was rejected and vetoed by the President really ignores the past and hurts senior citizens; it disregards the present and neglects the future. It hurts children, as well as women who suffer under this program.

If the Republicans have their way, you must remember that they would give 245 billion dollars' worth of tax cuts, but at the same time, they would have 163 billion dollars' worth of cuts in Medicaid.

Now, those are not really cuts; to use their words, this is just slowing the growth. Nevertheless, you would have $163 billion less resources to provide health care for the elderly, for children, for mothers and the disabled who need those programs and who are currently using those programs now.

We should be reminded that some 36 million Americans use Medicaid, and that is the only health program that they have available to them; 26 million of those 36 million people are the very poor. Of that 36 million, 26 million of those persons are very poor. They are children, they are elderly and, again, they are the disabled.

Again, if the Republican cuts stand, that would mean that they will underfund a block grant to the States, and those persons who are now covered by Medicaid, currently covered by Medicaid, will now have to compete among others, if they will be covered at all, in the year 2002.

So Medicaid as a program, we must understand, is the underpinning for at least 26 million very, very poor persons, and at least 36 million Americans. Again, who are they? They are the elderly, they are pregnant women, they are children, and they are the disabled; no other health care do they know other than that. So when we reduce that by $163 billion over 7 years, choices will have to be made as to who will be covered and who will not be covered.

States will be forced to make some very difficult decisions with their limited Medicaid funds. They must choose now, who will they offer health care? Which among those who are disabled now will have a health care and which will not have health care? Those are difficult choices to make between people you are now serving; and why should we have to make those difficult choices when there are other options? These choices are unnecessary in the very beginning.

We should remember that when we created Medicaid in the first instance, it was indeed to speak to the most vulnerable of those who need health care. This is not to suggest that Medicaid does not need to be reformed; of course, containment needs to be made. There are ways to have cost containment. There are ways to have better health care and prevention without denying people the opportunity of having health care.

Again, if you have to choose between $245 billion worth of tax cuts at the same time by reducing the growth of $163 billion over 7 years, you will have to make choices between millions of disabled persons, thousands of elderly persons and an unknown number of persons who are covered as mothers and children.

In my judgment, that is no choice, no choice whatsoever. Again, the President has offered a plan that cuts Medicaid by one-third as much as the Republican plan and yet balances the budget, cuts Medicaid by one-third as much and balances the budget. But more important than that, he maintains Medicaid as a Federal program, as entitlement to the people, not to the States, where the Republican plan would be an entitlement to the States. They would say, States, you have a right to this program, not people, not those 36 million people.

We will now be saying, North Carolina, California, Montana, whatever, States, you have that right, not people who live in the State.

So the President's plan would preserve Medicaid as a federally sponsored program that would be provided for those who are least among us and the poor.

Medicaid is indeed an important program. We need to know how to make it more efficient; we need to make sure we serve as many people as we can.

Again, Medicaid as a block grant with no guarantee of health coverage whatsoever will mean that children and older Americans may have no place to turn. Indeed, America can do better than that. America can find a way to keep this entitlement for all of its citizens.

□ 1330

WHY WE NEED A BALANCED BUDGET

The SPEAKER pro tempore (Mr. EWING). Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, for the first day during the budget negotiations to try to come to a compromise for a balanced budget, the administration and Congress, I think, have made some progress. Maybe some of the hopefulness is in what has been suggested, that the CBO has estimated now that approximately $135 billion extra will be available in their new baseline, and that means the differences are less in the dollar amount between the House and Senate.

Here is one problem, though, in the CBO estimate of their prediction of a somewhat rosier economy in the next 3 or 4 years. That is the fact that it is exactly that, it is 3 or 4 years. The projection in the fifth, sixth, and seventh year is so ambiguous that that is not where additional revenues coming into the Government are coming from.

Therefore, when you decide the social programs that are going to be continued and expanded, when you decide the entitlement programs that are going to be continued and expanded, you have to take into consideration what is going to happen the fifth, sixth, and seventh year. Those issues still need to be addressed today.

I particularly am very concerned about what happened on November 15 when the President disinvested the so-called G fund and the thrift savings fund as well as the civil service retirement trust fund for a total of $61 billion.

Congress, who is given the authority in article 1, section 8, of the Constitution to control borrowing, has now had some of that power taken away from them by an administration that has found a special way to increase the debt load of this country by raiding the trust funds, $61 billion.

It took this country the first 160 years of its existence, through Pearl Harbor, into World War II, before we had amassed that kind of a $60 billion debt. In one fell swoop, the President and Mr. Rubin increased the debt load of this country another $61 billion.

What I would suggest is that it is important to try to regain control of spending in this country and the debt ceiling in this country.

Mr. Rubin suggests, well, once we have appropriated the money, it is the responsibility of Congress to come up with whatever is necessary in additional borrowing authority to pay off those debts.

Here is what is being left out of the discussion, Mr. Speaker. It is the fact that most of the spending, most of the cuts to achieve a balanced budget are coming from the entitlement changes. Since a majority in Congress can no longer reduce spending through the entitlement programs without the consent of the President, we have lost some of our authority to control the purse strings of this country. So it is very appropriate to tie the debt ceiling limit to conditions of changing the entitlement programs of this country, to try to have the U.S. Government live within its means.

We need to remind ourselves what we are talking about in terms of what borrowing is doing to our economy and the obligation that that is passing on to our kids and our grandkids.

We are borrowing money now because we think what we are doing and the problems that we face are so important that it justifies us going deeper into debt and telling our kids and our grandkids that they are going to have to pay back this debt out of money they have not even earned yet. They are going to have their own problems.

Most people conceptually say, well, yes, Government should try to live within its means and balance its budget. The fact is, is that it has such an impact, not only on our moral obligations of what we pass on to our kids as far as increasing their obligation and problems, but also its effect on our economy.

Alan Greenspan, our chief banker of this country, head of the Federal Reserve, came into our Budget Committee and said, "Look, if you are able to end up with a balanced budget, interest rates will go down between 1½ and 2 percent."

Two weeks ago, he went to the Senate Banking and Financial Services Committee and said, "Look, if you do not end up with a balanced budget, interest rates could go up another 1 percent," a dramatic difference in the effect of our individual lives, on how much it costs us to buy a home or borrow money to go to school or buy a car.

Let me just say that it is so important to our future, to our economy, to our well-being in this country and the well-being of our kids, that we have got to have a legitimate balanced budget, and I sincerely hope the administration and Congress will get together and achieve that particular goal of a real, no smoke-and-mirrors balanced budget.

RESPONSIBILITY AND ACCOUNTABILITY FOR MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, it is with great pain that I come to this House floor as the senior woman in this House to discuss what I watched yesterday in the press conference coming from Salt Lake City by our colleague. No, I am not here to talk about shedding tears. I have been one to shed tears. In fact, if Members of Congress had corporate sponsors like race car drivers do, my corporate sponsor would probably be Kleenex. But I am here to remind this body that shedding tears does not shed us of our responsibilities that we take when we assume this very solemn task of stewardship for the people in our district when they send us here to represent them.

I watched and was terribly troubled, because I think it is time we as Members of this body realize that when we get elected, we are the ones that get elected. Our spouses do not get elected. Our staffs do not get elected. If we choose to delegate some authority to our spouses or to our staffs, then we must stand and take the responsibility for that delegation. Because only our name is on that ballot, and that ballot is a very, very sacred act in the democracy. When you vote for a person, you are to get that person or that person's judgment, and that is all we have that holds representative government together.

So as I watched yesterday and I heard the many explanations, I was even further troubled by the explanation that, even though everybody knows none of us are allowed to receive more than $1,000 to campaign with from either a spouse or a family member or a friend or anybody. No one is allowed to receive more than $1,000. You can only spend more than that if it happens to be your own money.

And so hearing that, "Oh, well, I did it but, you see, you cannot give an election back, so on with the show."

Well, you may not be able to give an election back, but I must say you can step down. You can step down. If any American went out and procured items with illegally-gotten money and that was discovered, they would have to give it back. They would have to give it back. You can never undo what was wrong, but you try to make recompense.

I think we have these laws that we either honor or, if we are going to ignore them, find out about them later and say, "So be it," it does not work. It does not work.

Saying that you signed blank statements and you are very sorry that they filled them in, hey, let us see the average American be able to use that defense with the Internal Revenue Service: "I just signed a blank 1040. Someone filled it in, and I did not really mean to do it." That does not work. None of us are allowed to delegate our citizen responsibility, our representative responsibility, unless we are willing to stand and take the consequences for it.

So I think in this society where there has been so much talk about people trying to become victims and "Because I am a victim, therefore I am not responsible," that does not work.

This great democracy only works if every one of us stands up and takes responsibility for what we undertook and takes responsibility for being the captain of our own ship and our own lives.

So it is with great pain that I say these things today, because obviously my colleague has been very hurt and been very hurt in love, which many people can be hurt. But that does not give people an excuse to walk away from their duties or to overlook all the different things that went on that should have been warning signals, and I do not think we should allow that to be used in this case, either.

So I hope all of us take that seriously, think about our responsibility seriously and wonder how in the world this democracy can ever work if we allow people to be able to shed tears and be able to shed responsibility, or claim victimhood and therefore shed responsibility.

Responsibility is not another layer of skin like a snake has, and you can just say, "Oops, I am out of there, I am someone new."

No, we must be held accountable for our acts. That is the very, very basis of this Government. And yesterday for me was a very sad day.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2:30 p.m.

Accordingly (at 1 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 2 o'clock and 30 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION PROVIDING FOR THE EXPULSION OF REPRESENTATIVE WALTER R. TUCKER III, FROM THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX of the House of Representatives, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

A resolution providing for the expulsion of Representative Walter R. Tucker, III from the House. *Resolved,* That pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Walter R. Tucker, III, be, and he hereby is expelled, from the House of Representatives.

The SPEAKER pro tempore. The Chair will announce scheduling of that privileged resolution within 2 legislative days.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

SECRETARY OF ENERGY MISUSES PUBLIC FUNDS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, more than a month ago I came to this floor and called upon President Clinton to dismiss the Secretary of Energy, Hazel O'Leary. I said that she should not remain in office for even 1 more day after we learned of her use of public funds to rank news reporters based on their treatment of her.

But, Mr. Speaker, while the White House condemned her conduct the President allowed Secretary O'Leary to remain and to continue spending public funds. Now we learn that she has soaked the taxpayers for millions more by living the high life on foreign junkets—while padding the payroll here at home.

Half a million dollars for a trip to Pakistan? Unbelievable. $850,000 for a trip to China? That's an outrage. No wonder this administration has such difficulty swallowing a balanced budget and letting taxpayers keep more of their own money. Cabinet status ought not entitle one to take a perpetual five-star vacation at taxpayer expense. Instead of dismissing these concerns, this time the President ought to dismiss Secretary O'Leary.

FULL FUNDING FOR LIHEAP

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, winters in Massachusetts can get pretty cold. This Sunday, with the windchill, it went down to below zero—and we're not even half way into December.

These low temperatures mean that a lot of homes can get dangerously cold in the winter—especially if families have trouble paying high heating bills.

That's why the Home Energy Assistance Program, known as LIHEAP, is so important and that's why 180 of my colleagues and I are going to do everything we can to make sure it isn't eliminated. We've written a letter asking for full funding for LIHEAP.

Mr. Speaker, I would tell my colleagues who may vote to kill LIHEAP—It's cold out there. The rich don't need another tax break. Please keep the heat on.

PROTECT THE FUTURE—SUPPORT THE REPUBLICAN BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Dallas Cowboys are losing and the American people are also losing as long as our President puts his priority on spending. The simple truth remains: The President is against a balanced budget because he wants to spend more taxpayer dollars to expand the size and scope of the Government.

The proof is in the details. The President's first and second budgets would leave huge deficits. The President's third budget spends an additional $400 billion, does not balance, and raises your taxes.

Our President is still the same old tax and spend liberal.

That's why House Republicans are standing firm for a balanced budget that ends deficit spending and preserves America's future. A budget that ensures prosperity, ensures stability, and ensures freedom for all Americans. Protect the future—support the Republican balanced budget.

DONALD EUGENE WEBB SHOULD BE BROUGHT TO JUSTICE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, 15 years ago last Monday I was a young television reporter in a small town called Saxonburg, PA, which now happens to be in my congressional district. I was there because in the middle of the afternoon the police chief in that small town, Gregory Adams, was murdered. He was beaten and he was shot with his own gun; and today the perpetrator of that heinous crime remains free.

His name is Donald Eugene Webb, and he is either in the enviable or unenviable position of being on the FBI's 10 Most Wanted list a record amount of times. In 15 years neither the FBI nor any other law enforcement agency has seen Donald Eugene Webb, even though the full efforts of the Pennsylvania State Police and the Federal Bureau of Investigation have been extended.

Webb has been named fugitive of the week by Pennsylvania Crime Stoppers. His story has been told on "America's Most Wanted," on "Unsolved Mysteries," and no one who has seen any of these shows has seen Donald Eugene Webb.

Mr. Webb's family, including two sons who were infants and who are now young teenage men, deserve an answer. His widow has since remarried and deserves an answer. The people of Saxonburg, PA, and all of law enforcement deserve to have an answer, and deserve to have Donald Eugene Webb brought to justice.

SAVE THE AMERICAN DREAM

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, while there are some significant differences between the Republican Balanced Budget Act of 1995 and President Clinton's unbalanced budget act of 1995, both sides in the debate agree that we should spend significantly more on Medicare each year.

Now, the difference between the increased spending in President Clinton's budget and our budget over the next 7 years is, get this, less than 2 percent. So where is the fight?

Under the Republican budget, Medicare spending grows from $178 billion to $289 billion by the year 2002, and spending per senior grows from $4,800 to $7,100 by the year 2002.

Under the President's budget, Medicare spending starts out at $178 billion, just like under the Republican plan, and increases to $294 billion by the year 2002. Spending per senior citizen increases from $4,800, again just like the Republican budget, up to $7,245, a pinch less than 2 percent over the Republican plan. So again I ask, where is the beef? Where is the problem?

Mr. Speaker, it is time that the President stop using imaginary Medicare spending cuts as an excuse for not balancing this budget. It is time for him to help the Republican majority put our House in order and save the American dream for the next generation.

TAXES, TAXES, TAXES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, how can America be bankrupt? There are airport taxes, highway taxes, excise taxes, estate taxes, gas taxes, property taxes, income taxes, sales taxes, luxury taxes, nanny taxes, old taxes, new taxes, hidden taxes, inheritance taxes; there is even now a tax called a sin tax. I say to my colleagues, no wonder the American people are taxed off.

The truth is that Congress as a Congress that taxes everything ultimately will tax freedom and will not balance anything. What is next? A budget tax? Is it any wonder that the American people are saying, kiss my taxes?

Beam me up, Mr. Speaker. I yield back the balance of my taxes.

THREE BUDGETS FOR CONGRESS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the third time is a charm, right? Well, not for this President. Last week he tried, once again, to lay out a balanced budget plan. Unfortunately, the President missed the mark by well, $400 billion.

The simple fact is, the only budget proposal proposed thus far that balances the budget in 7 years, cuts taxes for working families, saves Medicare from bankruptcy, and reforms welfare is the Balanced Budget Act of 1995 which President Clinton vetoed last week.

The President has now presented three budgets to Congress, well, one budget and two sets of talking points; yet none of them comes into balance.

Mr. Speaker, it is time for the President to keep the promise he made 23 days ago: Balance the budget in 7 years using honest numbers. There is only one person standing between the American people and a balanced budget, and that one person is Bill Clinton.

COUNTDOWN TO SHUTDOWN

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, this is day four of the countdown to shutdown. It no longer looks as if shutdown lies ahead for the Federal Government. A CR until January sometime is more likely. For the District of Columbia, a CR is only marginally better than a shutdown.

Mr. Speaker, you cannot run a complicated city on a month-to-month basis. It makes it almost impossible to make rational management and financial decisions.

Thanks to a bipartisan bill, the D.C. Fiscal Protection Act, D.C. may be spared this new atrocity; the subcommittee will mark up a bill tomorrow. The full committee has waived jurisdiction, indicating how important it is to allow the District of Columbia to spend its own money. Yes, its own money; 85 percent of the money in our appropriation is raised from District taxpayers.

Community leaders representing those taxpayers met with me in a town meeting last night. They are the innocent bystanders. They say that there could be no greater waste than forcing the District to pay employees on a CR basis. Free the D.C. 85 percent.

DO NOT BALANCE THE BUDGET ON BACKS OF SENIOR CITIZENS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, as we begin to consider how to balance the budget this week, we must remember people. Let us not balance the budget on the backs of our senior citizens.

We do not need $245 billion in tax breaks for the wealthiest 1 percent of this country and for large corporations. We must keep in mind what our decisions do to ordinary people.

One of my citizens recently wrote to me, and if I can quote from that letter:

> We used all of our life savings on Medicare and doctor bills for our golden years and now we are on Medicaid. If it were not for the help from Medicaid, we would both die. Please help us and do not let the Republicans take this away from us, because I am so afraid of this happening. With all of our medical problems, we still carry our high insurance, even though I have to borrow the money from family, and they really do not have it to give. And our insurance stops at 65. Then where will we be? Please help us.

Let us help the ordinary citizens of this country. Let us repeal the tax breaks for the wealthiest and the large corporations of this country. Let us put people first and not corporate welfare first.

REPUBLICAN BUDGET PUNISHES POOR CHILDREN

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, when it comes to taking care of children, the Gingrich welfare reform bill says, if you are a poor kid, do not get sick. Because we learned today that the Speaker does not have any qualms about taking away children's health insurance. In fact, his welfare reform bill takes Medicaid from AFDC recipients.

This hits home to me, because 28 years ago I was forced to go on welfare to provide my three children with the medical coverage and the health coverage they needed through Medicaid. I know what it is like to lie awake at night, worried to death that one of my children might get sick.

Mr. Speaker, I will not stand by quietly as the Speaker of the House tries to force this agony on other mothers, other mothers who are trying so hard to do what is best for their children.

Mr. Speaker, welfare reform is not supposed to be about punishing poor children. It is about improving their lives by giving their parents the education, the job training and the child care needed to get a job so that they can stay off welfare permanently.

□ 1445

LET US GET THE JOB DONE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, let me remind people one more time that September 30 was the end of the fiscal year, and we did not get our job done. Now to be talking about shutting down Government because we did not do our job is absolutely outrageous. The only people that get hurt by this are the taxpayers. They are going to pay more and get less, which is absolutely the inverse of what they want. They would like to pay less and get more. So we got it wrong.

Now, we ought to move on these bills, get them done, get our work done. It is so late, if any other American had their work that late, they would be fired.

Then we ought to move on to getting this budget put together. It is not about whether we are going to have a balanced budget in 7 years. Both sides agree to that. It is whether we are going to have a huge tax cut for the rich that has been called the crown jewel of the contract.

Well, I am not sure with a country that runs this kind of deficit we need to be giving out jewels to the rich. That is what it is all about. Keep that focus, get the work done, and for heaven's sakes, get this body out of here for the holidays.

DEMOCRATS WILL PROTECT SENIORS AND STUDENTS

(Mr. HILLIARD asked and was given permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, at a time when the Republicans continue to cut, slash, and rip almost all of the programs designed for our seniors and our children, the country should know that the Democrats in this Congress are fighting the extreme forces of right-wing radicals.

While our Republican colleagues have chosen to serve the special interests of the rich by their sponsorship of the greedy and selfish $245 billion tax break for the wealthy, we Democrats are fighting for the many programs that are vital to working Americans. We Democrats are fighting to preserve Medicare, which will cost over $450,000 loss to one hospital, Baptist Princeton in my district, from now and each year thereafter until the year 2002.

While we are fighting to preserve Medicaid, the Republicans are cutting long-term and acute care all across this country. While we are fighting to preserve education, the Republicans are cutting math programs, reading programs, Head Start, and other job-related programs.

Mr. Speaker, it should be obvious that the Democrats are fighting for the working men and women of America and the Republicans are fighting to serve their rich masters.

BALANCED BUDGET SHOULD PROTECT MEDICAID

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, in the budget continuing resolution the Government is operating under, Republicans committed to a balanced budget that must provide adequate funding for Medicaid.

But by slashing Medicaid by $163 billion, their budget plan threatens the health security of disabled and elderly Americans and the income security of the families who love them.

The Republican plan completely eliminates the guarantee of long-term care.

It allows the States to go after every penny—and every piece of property—held by families of those who need nursing care.

And all to give $245 billion in tax breaks mostly to the very wealthiest among us.

Republicans should live up to their agreement and support a budget that protects Medicaid, rather than obliterating it.

BOSNIA PEACEKEEPING MISSION DESERVES SUPPORT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, over the weekend, I joined a fact-finding trip to Bosnia. I left with strong reservations about our military mission there, but I have returned with the knowledge that our troops are ready and our mission is clear. I have also returned with a belief that we have a moral obligation to do what only a U.S.-led force can do: Keep the peace.

One of the highlights of our trip was a stopover in Germany to visit with American troops who will be deployed in the coming weeks. While there, I had a chance to speak with a young soldier from New London, CT, Pvt. Jarion Clarke. Private Clarke told me that he is well trained, has faith in his leaders, and believes in the United States mission in Bosnia.

I asked Private Clarke what I could do for him: "Tell the American people that we are ready and we need their support," he said. So, that is the message I bring. Our soldiers need our support. They deserve our support. The peace-keeping mission in Bosnia deserves our support.

SUPPORT THE TROOPS IN BOSNIA

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I wish to echo the sentiments of the previous speaker, the gentlewoman from Connecticut (Ms. DELAURO). I, too, was on that mission. I, too, had serious reservations of going into the Balkans. We covered five countries in 4 days in that weekend period with a bipartisan delegation of outstanding Members of this U.S. House of Representatives.

I came back most impressed with Snuffy Smith, the admiral, and General Crouch, who have charge of our troops. These men know what they are doing. These troops are ready; they are well trained. It is not risk-free, but the western alliance and America's status in this world is at stake in this matter.

One person said something that will last with me forever, and that is that the people in the Balkans need a period of decency.

I have never seen such devastation as we saw in Sarajevo. I ask of this House when we consider, if we do, any resolution, that we take into consideration the immense need to support the troops of the United States of America.

NOT A BALANCED BUDGET

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, in today's USA Today on page 7 is an ad that contains the following advertisement where the National Republican Party offers a million dollars to the first citizen who can prove that the following statement is false: "In November 1995, the U.S. House and Senate passed a balanced budget bill." Then it goes on to talk about the increases in spending for Medicare.

In November 1995 the House and Senate passed a budget bill that increases the annual operating deficit of this country by $33 billion. You see, next year's annual operating deficit will be $296 billion, of which $118 billion will be stolen from the trust funds that you good people are paying into on your Social Security and other programs.

That is not a balanced budget. Mr. Barber, you can write the check care of the University of Southern Mississippi scholarship fund. You are out $1 million.

DISCHARGING COMMITTEE ON WAYS AND MEANS AND REREFERRAL TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE OF H.R. 2415, TIMOTHY C. McCAGHREN CUSTOMS ADMINISTRATIVE BUILDING

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent the Committee on Ways and Means be discharged from consideration of the bill (H.R. 2415) to designate the U.S. Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, Texas, as the "Timothy C. McCaghren Customs Administrative Building," and that the bill be rereferred to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. EWING). This is the day for the call of the Corrections Calendar.

The Clerk will call the first bill on the Corrections Calendar.

REPEALING SACCHARIN NOTICE REQUIREMENT

The Clerk called the bill (H.R. 1787) to amend the Federal Food, Drug and Cosmetic Act to repeal the saccharin notice requirement.

The Clerk read the bill, as follows:

H.R. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTICE REQUIREMENT REPEAL.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by striking paragraph (p).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1787, legislation to repeal an unnecessary saccharin notice requirement that, with the passage of time, has become redundant and unnecessary.

In 1977 Congress passed a law preventing FDA from banning the use of saccharin. As an interim measure, the law required stores that sold products containing saccharin to post warnings until package labeling would include the required warning.

As warnings are now on all packages containing saccharin, there is no reason to maintain an unnecessary warning requirement. Eliminating this requirement will save retailers—and ultimately consumers—from unnecessary compliance costs.

I want to commend the sponsors of this legislation for bringing this bill forward, especially the gentleman from California [Mr. BILBRAY]. I also want to commend the Speaker's Advisory Group on Corrections that includes the ranking member of the Health and Environment Subcommittee that identified this bill as a candidate for the Corrections Calendar.

I thank my colleagues on both sides of the aisle for their support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. It is a good candidate for the Corrections Day Calendar because this bill would correct a provision in law that requires the posting of a warning sign about the potential dangers of saccharin which is really no longer necessary. It was put into the original law dealing with saccharin at a time when we thought there ought to be a warning until such time as the label itself on the product contained the information to advise consumers.

I think that the gentleman from California [Mr. BILBRAY], my friend and colleague, is to be commended for bringing this issue to our attention. This is a bill that no one should disagree with. It is correcting a problem. I think that it is overdue. I would urge support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 1787. First, I would like to begin by thanking the gentleman from California [Mr. COX] and the gentleman from North Carolina [Mr. BURR], who joined me in introducing this common sense correction bill back in June.

Also, Mr. Speaker, I would like to thank the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY], who have guided this bill through subcommittee and committee and brought it to this process of corrections day with the support of the gentlewoman from Nevada [Mrs. VUCANOVICH].

The focus of this bill's correction is a classic example of the need of the correction day and the intent that was stated by the Speaker in the days that he introduced it. This bill is a good example of how we can streamline existing law and make more sensible, effective law out of a system that needs updating.

H.R. 1787 will eliminate a once-needed but now unnecessary regulation while continuing to provide consumer information and protection to small business owners and consumers alike.

The need for this bill, Mr. Speaker, became apparent last year when 54 retail companies in California were served a complaint under the State's bounty hunter statute. This complaint alleged that the stores had failed to maintain a saccharin warning sign in violation of Federal law. In April of this year, more than 20 supermarket companies in North Carolina were threatened with lawsuits for failure to have the warning signs posted.

Mr. Speaker, many of these stores that are affected are mom-and-pop operations and the signs might have gotten lost, might have been stolen, could have fallen behind the charcoal briquettes in the front of the store. They may have even been unaware that the regulation existed at all.

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In any event, I think we can agree that a lawsuit on this ground would qualify as ridiculous. H.R. 1787 removes this threat from small retailers around the country while continuing to require the consumer warnings continue to be placed on the packages of the products that contain saccharine.

Mr. Speaker, I have here a letter which underscores the need of H.R. 1787, which I would ask to be included in the RECORD, and it describes the writer's intent to sue a food store chain for $2.5 million for violating the saccharine warning notice requirement, and I quote from that letter: "for the direct endangerment of my personal health over the years."

Mr. Speaker, I would like to say my friend and colleague, the gentleman from California [Mr. WAXMAN], who originally wrote the law, has reviewed my bill and agrees that while the warning notice requirement served its purpose in 1977, it is no longer required in 1995. I appreciate the support of the gentleman from California [Mr. WAXMAN], his sense of historical perspective and the strong bipartisan support of my colleagues from this sensible and noncontroversial bill.

In closing, Mr. Speaker, I need to say the American people want to see more bipartisan support, more bipartisan cooperation across the aisle, and they also want us to be brave enough to do what is best no matter which side brings up a good idea. Mr. Speaker, this is one of those things that needs to be improved. The original author recognizes that the time has passed for this regulation to be in force, and I ask the rest of the House to join with the gentleman from California [Mr. WAXMAN] and this gentleman from California [Mr. BILBRAY] in correcting a problem that should not be allowed to exist any further and also to prove that bipartisan support and cooperation is for the benefit of the American people who, after all, we all represent here in the people's House.

Mr. Speaker, the letter is submitted for the RECORD, as follows:

> To whom it may concern: I , Herein wish to submit my intentions to file suit against the following food store chains. For the sum of $2.5 million dollars each. For the direct endangerment to my personal health over the years, through the consumption of hazardous products, and through the non compliance of the F.D.A. regulation 21-101.11. However, after speaking with an attorney in regards to this matter, it was suggested that I may have other opsections available such as (2) Reporting this to the commissioner of the F.D.A. (3) Report to the T.V., and news media how all 22 of the major food chains in the Wilmington area, some how over looked an FDA public health warning regulation for years. Or, (4) Submit this letter to all the food chains or stores involved and hope to come to some kind of discreet, and brief respective financial compensation regarding this matter, on my behalf, without involving the F.D.A. or the publics opinion. Inclosed is a list of the stores, that are currently in direct violation of code 21-101.11 of the F.D.A. regulations.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I want to thank Mr. BILIRAKIS and Chairman BLILEY for all their hard work to see that we have these two bills on the floor for consideration today. The corrections process is dependent on the cooperation of the authorizing committees. Mr. BLILEY and his staff, and Mr. BILIRAKIS and his staff have been very cooperative and have really been key to the success of corrections day. I would also like to thank Congressman WAXMAN, a member of our corrections day process, who has spoken in support of H.R. 1787. H.R. 1787 will repeal a duplicative saccharin labeling requirement. This bill is so simple and makes so much sense it is a wonder we even have to spend time to discuss it, but unless we act this relic of a law will remain on the books causing financial hardship to thousands of small businesses.

The substance of the bill has already been explained, and there is not a lot one can say without belaboring the obvious. So, I will restrict my comments to the need for speedy passage of this bill.

The other body has several bills which have passed this House without any objection under the corrections calendar. in fact, including the two bills which will pass today, we have sent 11 pieces of corrections legislation to the other body in less than 5 months. All but one of those 11 bills passed the House by voice vote or without opposition. Working in a bi-partisan fashion and with the help of our committee chairmen this House has made corrections day successful. It is my hope that before we leave for the Christmans break we can have all of these bills on the President's desk.

I am calling on the other body to take up these bills as quickly as possible. If there are disagreements, we can work them out, but let's not delay these much needed corrections any longer.

Mr. STARK. Mr. Speaker, I would like to compliment my colleagues on identifying a redundancy in Federal law and working together to eliminate it. As has been stated, current law requires grocery stores to post a notice on the potential dangers of saccharin in addition to the labeling of the food product itself. Clearly, one notice is enough.

I am concerned, though, that down the line the remaining notice requirement will be repealed even though it is a necessary consumer protection. Let me tell you why.

Today, in Federal law, there is a requirement that private insurance companies provide notice to Medicare beneficiaries if a health insurance policy they are selling duplicates Medicare benefits. In the Republican Medicare plan, this notification requirement is eliminated.

Again, under the Republican Medicare plan a notification requirement is to be eliminated that alerts Medicare beneficiaries that a policy they are considering purchasing may duplicate insurance coverage they already have under Medicare. The notification requirement isn't a second notice that is eliminated. There is only one requirement of notification, and it is to be repealed.

Let me walk-through why I am raising a word of caution today regarding H.R. 1787. Current Medicare law states that:

> It is unlawful for a person to sell or issue [to a Medicare beneficiary] a health insurance policy with the knowledge that the policy duplicates health benefits to which the person is entitled under Medicare . . . unless there is disclosed in a prominent manner the extent to which benefits under the policy duplicate Medicare benefits.

This simple notice saves senior citizens from wasting millions of dollars each year on what one consumer organization has described as "illusory policies which pay out little or nothing to Medicare beneficiaries."

In contrast to the action taken today with H.R. 325 in full public view, buried in the Republican Medicare bill that passed the Congress last month was a provision that deletes this important notification requirement. Why?

There are a few well-heeled insurance companies that sell these disease specific, or dread-disease policies, and they have an interest in having ignorant consumers. And they have an interest—a stockholder share you might say—in the new Republican majority. These insurance companies expect a return on their investments. To give them that return, the interests of elderly Americans were brushed aside and the notification requirement was erased.

To protect Americans from similar anti-consumer actions in the future by the Republican majority, maybe we need to maintain two of everything in Federal law. When at some point down the line Republicans need to provide a sweetener for a particular special interest, they can delete one provision but leave the second one intact so consumers can maintain needed consumer protections.

I am not opposed to the bill we are considering today. By passing H.R. 1787, we will eliminate a redundancy but maintain a notice that is a necessary consumer protection. The notice to Medicare beneficiaries warning them that they are being sold a worthless or near-worthless insurance policy also is worthy of maintaining.

In fact, in opposing the Republican Medicare effort the National Association of Insurance Commissioners stated that the Republican Medicare bill "would strip seniors of the protections afforded by the disclosure statement."

Again, I'd like to compliment the work of Mr. WAXMAN and Mr. BLILEY on bringing H.R. 1787 to the floor but reiterate my word of caution that we not go to the extreme as was done in case of Medicare. Despite what well-heeled lobbyists may say, ignorance is not bliss. Ignorance can be dangerous to consumers.

Luckily for Medicare beneficiaries, we have a Democratic President in the White House who has made a commitment to protect the physical and financial health of the seniors of America. He has vetoed the Republican Medicare bill. Now, their damaging special-interest provisions can be eliminated and consumer protections maintained.

Mr. GILLMOR. Mr. Speaker, I wish to express my strong support for this legislation and commend the gentlemen from California and North Carolina for their work on this matter. I believe this bill provides a realistic framework for reforming the saccharin notification regulations placed on groceries, while also protecting the public's health and need to know.

Back in the late seventies, when diet-conscience Americans were guzzling Tab soda and putting Sweet and Low in their iced tea, it became important that consumers become aware of any health threats posed by the use of saccharin. Today, however, we are facing a situation in which saccharin has not only been replaced as the main sweetening agent, but labels identifying its use dot the labels of all products that contain it.

H.R. 1787 recognizes that now that market and health forces have diminished the use of saccharin in food and drink, there is no longer a need for information overkill on this subject. This legislation simply allows grocery stores the chance to back away from the requirement of posting warning signs in their stores about saccharin's potential health effects. I believe this prudent progression will still allow consumers the appropriate warning of their favorite product's labels, while at the same time remove this bothersome requirement from our Nation's many grocery stores, from the Kroger's to the Mutach Food Market in Marblehead, OH.

While you can lead a horse to water, Mr. Speaker, you cannot make it drink. While all of us would prefer a risk-free society, it just is not possible. People who are worried about their health will read labels and warnings signs no matter how numerous or large they are. I believe H.R. 1787 recognizes this fact and hopefully will end the new rash of nuisance lawsuits springing up in this country over this matter. I urge all my colleagues to support this bill.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1787, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMPLOYER TRIP REDUCTION PROGRAMS

The Clerk called the bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes.

The Clerk read the bill, as follows:

H.R. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(b) of the Clean Air Act is amended by to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision may require employers subject to a vehicle occupancy requirement to submit a compliance plan to demonstrate compliance with the requirements of this paragraph.".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(B) of the Clean Air Act is amended to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. Any State required to submit a revision under this subparagraph (as in effect before the date of enactment of this sentence) containing provisions requiring employers to reduce work-related vehicle trips and miles travelled by employees may, in accordance with State law, remove such provisions from the implementation plan, or withdraw its submission, if the State notifies the Administrator, in writing, that the State has undertaken, or will undertake, one or more alternative methods that will achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions.".

Mr. BILIRAKIS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the Health and Environment Subcommittee and the full Commerce Committee were able to report H.R. 325, legislation to amend the Clean Air Act regarding the employer-trip-reduction program.

Very briefly, the legislation repeals the current Federal requirement that 11 States and an estimated 28,000 private employers implement the employer-trip-reduction program. The legislation makes the employer-trip-reduction program discretionary on the part of States, and provides a simple and straightforward method by which States can designate alternative methods to achieve equivalent emission reductions.

H.R. 325 removes a Federal Clean Air Act requirement which many have found to be overly burdensome. The present statutory language of section 182(d)(1)(B) requires a specific State implementation plan, or "SIP" revision, for the ETR program. It also requires compliance plans to be filed by private employers and requires a 25-percent increase in the average vehicle occupancy of vehicles driven by employees. All of these Federal mandates are now abolished and replaced with a voluntary program.

Under the reported bill, States will decide for themselves whether they wish to implement employer-trip-reduction programs—known by the acronyms ETR or ECO—as part of their efforts to meet Federal Clean Air Act standards. With regard to current ETR SIP revisions which have already been approved or submitted to the Environmental Protection Agency, a formal SIP revision will not be required. Instead, States will be free to designate alternative efforts they have undertaken or will undertake to achieve equivalent emissions.

I want to acknowledge the hard work and assistance of several Members with regard to this legislation. Representative DONALD MANZULLO introduced the underlying bill and assembled a list of 166 cosponsors from both sides of the aisle.

Chairman JOE BARTON, of the Subcommittee on Oversight and Investigations, devoted an entire hearing to the ECO program and helped to construct a solid committee record which underpins today's legislative effort. Representatives DENNIS HASTERT and JIM GREENWOOD were active participants in the oversight subcommittee hearings and helped to explore several issues through follow-up correspondence with the Environmental Protection Agency.

I would also note that Representative HASTERT offered a successful amendment at the full committee level which had been previously negotiated with ranking minority member HENRY WAXMAN. This amendment is incorporated within H.R. 325 and its approval has allowed us to proceed in a truly bipartisan manner.

Altogether, I believe that H.R. 325, as amended by the Commerce Committee, demonstrates that it is possible to alter provisions of the Clean Air Act without sacrificing environmental goals. We can increase the flexibility of the Clean Air Act and allow States more latitude in meeting standards imposed by the law.

In view of our success with respect to H.R. 325, I also believe it is unfortunate that the present administration has consistently opposed any and all amendments to the Clean Air Act—no matter how necessary or how justified. This position is simply illogical and untenable. Congress has the inherent duty to fix misguided or ineffective legislation.

I hope that the success of this legislative effort will help to promote a reconsideration of this position and I look forward to working with my House colleagues to make further improvements and refinements to the Clean Air Act.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume in discussing this legislation and urging my colleagues to vote for the bill.

I want to congratulate the gentleman from Illinois [Mr. MANZULLO] for this legislation. It would permit the States at their discretion to choose some other alternative manner to achieve their emissions reductions than the car pooling or the ECO arrangement as spelled out in the existing Clean Air Act.

The bill is emissions neutral. It requires States that opt-out of the ECO program to make up the emission reductions from other sources.

The administration, to my knowledge, has expressed no opposition to this legislation. I would urge the President to sign the bill. I think it is a helpful piece of legislation in clarifying and correcting a problem that has come into some controversy in some of the States.

Mr. Speaker, I think that, even with this bill, many areas will retain the ECO programs, and for good reason.

We knew in 1990 that the increases in the number of vehicles on the Nation's roads and the increases in the distances-that these vehicles travel could cancel much of the gain we would expect from the cleaner cars and cleaner fuels mandated by the Clean Air Act. Between 1970 and 1990, the number of vehicle miles traveled in this country doubled. Both total miles and trips per day continue to grow at a rate faster than the population or the economy. If we hold to these present growth rates, automobile-related emissions, currently down due to the tough tail-pipe standards and clean fuel programs of the 1990 Act, and will start to climb within the next 10 years. And the clean air gains we have made will be put in jeopardy.

It should also be emphasized that while this bill allows States the flexibility to implement alternative measures, States can retain their ECO programs. Indeed, I fully expect that many of these programs will be retained. A well-designed and well-run ECO program can provide not only emissions reductions, it can reduce traffic congestion, provide employees with more commuting options, and encourage employer participation in regional transportation planning.

And some employers report more than these successes, they report improved bottom lines. For instance, a California company was able to avoid building a $1 million parking garage due to its trip reduction measures. A Connecticut employer found that sales staff staying later in the day as part of their compressed work week increased West Coast sales. Clearly both employers and the breathing public can benefit from these programs.

Mr. Speaker, I support this bill. I urge my colleagues to support the bill.

I want to reserve the balance of our time on this side of the aisle so that other Members, should they wish to speak on the matter, will have an opportunity and that we can further the debate should there be any issues that need to be clarified.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MANZULLO], the originator of this legislation.

Mr. MANZULLO. Mr. Speaker, the Clean Air Act mandates that in the 14 population centers across the Nation, States require companies with 100 or more employees to reduce the number of automobile work-related trips to and from work. The EPA estimates the number of people impacted to be between 11 and 12 million and that the cost of this would be somewhere between $1.2 billion and $1.4 billion annually. The number of affected businesses ranges in the area of 30,000.

This past January, an Assistant Administrator from the EPA stated that car pooling simply does not work under all circumstances. In fact, the exact words are, "The air emission reductions from these programs are minuscule, so there is not any reason for the EPA to be forcing people to do them from an air quality perspective. We are not going to double check those plans. We are not going to verify them. We are not going to enforce them."

Our bill, H.R. 325, as amended, is a simple commonsense bill that will not change the goals or standards of the Clean Air Act. They will not change the deadlines set up in the act. It simply lets the States decide if they want to use trip reduction in their menu of options for cleaning the air. Thus, it makes this mandate now voluntary.

Working with distinguished Members and staff of the Committee on Commerce, particularly Bob Meyers and Charles Ingebretson, and my colleague from Los Angeles, the gentleman from California [Mr. WAXMAN], Phil Barnett and Phil Schiliro of the staff, we were able to come up with a clarifying amendment that stipulates the emissions reductions committed to in the State implementation plans for trip reduction will be made up in some other fashion.

Where the original bill is implicit, the amended version is now explicit that the emissions will be made up. But, and this is very important, the emissions will not need to be equivalent to those that would have been achieved under a full-scale compliance with the current law. Simply, the State must account for those emissions actually set apart for trip reduction purposes.

□ 1515

In other words, a State may offer any plan that is outside what is required under current law. If a State would have only accomplished removing 2 tons of emissions per day utilizing the current employer trip reduction mandate, a State, with a mandatory—required—program stipulating 15 tons of emission removal per day, may add 2 tons per day to that same activity because anything over and above the mandatory requirement is, by definition, nonmandatory. That basically means that identified reduction may make up for those emissions that go over and above the requirements of the law.

Is that the way the gentleman from Florida [Mr. BILIRAKIS] understands it?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I say to the gentleman that this is my understanding of the amended bill and certainly the intent of it.

Mr. MANZULLO. I thank the gentleman from Florida.

Two years ago I was approached by several business owners in McHenry County, IL, in the congressional district I represent. Jim Allen, Vince Foglia of Dan McMullen Local Leaders, took their time to educate me about this mandate started in the last Congress. Dan McMullen traveled to Washington to testify before our Committee on Small Business Subcommittee on Procurement, Exports, and Business Opportunities. He also testified before a field hearing which the gentleman from Illinois [Mr. POSHARD] chaired in Crystal Lake, IL. The people such as the gentleman from Texas [Mr. BARTON], and the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. HASTERT] are also dramatically responsible for this bill.

Businesses in Illinois will spend between $200 million and $210 million if this mandate had been allowed to exist. But today this shows that, working together, we can maintain the high standards of clean air to which we all ascribe while at the same time giving the States maximum flexibility in order to reach those clean air standards.

Many Governors such as Illinois Governor Jim Edgar have been critical of this mandate and issued moratoriums on the mandate. California recently enacted two laws essentially eliminating the trip reduction mandate from State law. Some States, such as New York, have been enforcing the law by travel to Westchester County, NY, to speak about this with our good colleague, the gentlewoman from New York [Mrs. KELLY]. There are some very real problems in that State as a result of the enforcement of this inflexible law.

I want to close by saying that I am extremely happy and encouraged to know that this body can come together in a bipartisan basis to reach accommodation on this issue. This is a commonsense solution that everybody can support. I deeply appreciate the efforts of all involved and, Mr. Speaker, this also goes to show something else, that when parties recognize a problem, and cross over philosophical and party lines and sit down and work very, very hard; many times into the late evening I recall at one meeting when Bob Myers and I met at midnight in order to make sure this language is correct, that we can achieve a consensus and move forward on passing legislation through the House of Representatives, and I especially want to thank my colleague, the gentleman from California [Mr. WAXMAN], for his graciousness and his tenacity in trying to work with me in steering this through the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I rise in strong support of this legislation. At first I would like to thank the distinguished gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY] for moving this bill so quickly through committee. I would also like to compliment the gentleman from California [Mr. WAXMAN], my good friend, for his good-faith efforts in working with us to perfect and draft perfecting language to the bill. Also my good neighbor to the north, the gentleman from Illinois [Mr. MANZULLO], has helped, and we worked on this bill through finding out from our employers, people who employ over 100 folks in their places, high schools, school districts, that they, quite frankly, could not make this thing work, and it was going to cost a lot of money, and it did not do what it was supposed to do.

Mr. Speaker, the bills before us today deal with the Clean Air Act, an act I voted for in 1990. I believe in the underlying intent of the Clean Air Act—to clean up the air we breathe, and maintain high air quality. Those are worthy goals and I am fully committed to them.

However, the Clean Air Act, although well-intentioned is not perfect. After 4 years of implementation, we know that one particular provision of the act is not working. That provision is commonly referred to as ECO—it is the forced carpooling program. Under this provision, States with severe or extreme ozone nonattainment areas must implement a program which forces workers to carpool. There is no flexibility in this mandate. The way it is written on the books, it is simply unworkable, and it is contributing no significant improvements to air quality.

The USEPA has determined that while the forced carpooling program will cost billions of dollars to implement, it produces only minuscule air quality improvements. After that recognition, USEPA indicated its intent not to enforce the forced carpooling program against individual employers.

Further, the States have given up trying to implement this flawed program. In Illinois, after months of making a good-faith effort to implement this program, our Governor finally gave up and told our employers last March that he will not enforce the forced carpooling program in Illinois. He made that decision after it became clear that Illinois businesses alone would be spending $210 million a year to implement a program which was not working. It was not working because Americans do not want to be told they cannot use their own cars to come in early, or to stay late, or to drop their daughter off at preschool on their way to work.

The program has failed nationwide. Several other Governors and State legislatures have joined Illinois' Governor in deciding not to enforce the forced carpooling program.

But State action and EPA intent can only provide partial relief from this mandate.

One of the things I thought was very, very showing in this piece of legislation:

If my colleagues had a small business on the edge of an urban area, suburban area, and they drew their employees from rural areas, they had to decrease their carpooling and riding from 25 percent, notwithstanding those people did not have mass transportation, there is no way to get in to work. It is a program that just did not work, but yet, if my colleagues were in a high school, and they had 1,000 kids in the high school and 100 teachers, the teachers would have to carpool or find another way to work, but yet every kid could drive. It just did not make sense, it did not work, and this a good piece of legislation to change what does not work.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I rise in strong support of H.R. 325, and I encourage every Member of the House to support this important bipartisan legislation.

The hearings conducted by the House Commerce Committee's Oversight and Investigations Subcommittee, on which I serve, provided us with an important opportunity to identify provisions in the Clean Air Act which were imposing undue hardship and economic costs on the States, businesses, and individual motorists. There was universal agreement that the Employer Trip Reduction [ETR] Program was overly prescriptive and of questionable value in terms of improving overall air quality.

The Employer Trip Reduction Program requires all employers with 100 or more employees in severe or extreme ozone nonattainment areas to reduce work-related vehicle travel by 25 percent.

The Employer Trip Reduction Program is based on the theory that a reduction in the number of employee trips to and from work would result in reduced air emissions from mobile sources. It was assumed by the authors that this reduction in air emissions would, in turn, assist the Nation's most polluted areas in complying with national ambient air quality standards. If these assumptions proved to be true, I would oppose this legislation to repeal the program.

But witness after witness, some of whom have done extensive computer modeling, have made compelling arguments that it is nearly impossible to devise plans which meet the required reductions. Furthermore, EPA's Assistant Administrator for Air and Radiation, Mary Nichols, has stated that the air quality benefits from this program are "minuscule."

In my district, companies have struggled for years and spent millions of dollars to develop plans to comply with the ill-conceived Employer Trip Reduction Program. Nationally, this program has a net social cost of $1.2 to $1.4 billion a year. And for this enormous sum of money, the program would only provide marginal environmental benefits, while imposing real hardships on both employees and employers.

June Barry, vice president of human resources at Betz Laboratories in Trevose, PA, located in my Congressional district, testified in March that:

> Many of our work force are members of dual career families. A significant percentage of our work force goes to school at night to pursue graduate education and undergraduate degrees. Are we responsible in emergency situations dealing with child care and elder care and education and the variety of other problems that people encounter to get the employee to their family when car pools don't work? Since our business is worldwide, the majority of the professional work force cannot leave at a preappointed time, mainly due to customer calls and servicing the customer. What does forcing people into car pools really mean? It means that regardless of whether you have a family obligation, church obligation, night school or a variety of other things that you do to and from work, the Federal Government is going to tell you when you can go to work and when you can leave; that you have to hop into a van pool or a car pool despite your individual needs or obligations * * *.

H.R. 325 makes the ETR program a voluntary program. The States would still have the option of implementing such a program, but this bill would give them the power to develop programs that best meet the needs of their residents.

I commend Chairmen BLILEY, BILIRAKIS, and BARTON, as well as Congressmen MANZULLO and WAXMAN for their efforts, and encourage my colleagues to support this important legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 325. I am an original cosponsor of this bill which makes the employee commute options or the echo provisions of the Clean Air Act voluntary. H.R. 325 would amend the Clean Air Act which requires States and companies in areas where pollutant levels are designated severe to reduce work-related trips by 25 percent. The Chicago area has been classified by the EPA as an area of severe ozone nonattainment as formulated under the Clean Air Act, although the accuracy, I think, of this particular classification is in question. The echo provisions would have forced employees and employers to limit the amount of trips made by employees, a costly and unproven remedy for the ozone problems. A recent congressional research study estimates that nationwide the echo efforts have cost $1.2 billion per year, and yet the annual reductions in emissions attributable to these programs have been less than 1 percent.

The legislation, as approved by the House Committee on Commerce includes an amendment which requires States who choose not to participate in the ECO program, to submit in writing to the Environmental Protection Agency alternative methods it will use to achieve emission reductions that are equivalent to those in the trip-reduction program. In this way, the bill allows maximum flexibility for the States, without compromising air quality.

Mr. Speaker, I would like to thank the gentleman from Illinois [Mr. MANZULLO] for his tenacity and his leadership on this issue. I have been an active participant in a coalition of business groups, other Members of Congress, Governors, and interested parties who studied this problem from the beginning to find a workable solution. I am pleased to see the House consideration of this bill, a perfect candidate for corrections day. I strongly support H.R. 325, and urge a "yea" vote on this legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

□ 1530

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise, as well, in strong support of H.R. 325. I too am an original cosponsor, and as vice chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, we have had 12 hearings on the Clean Air Act, and we have heard repeatedly testimony in support of this commonsense reform and opposed to continuing this unfunded and ineffective mandate.

We ought to call H.R. 325 the Victory for Common Sense Act, because the truth is it relies on our native common sense. The ability to reason, to learn from experience, is what distinguishes human beings from other life forms. If you are doing the same thing over and over again, and you continue to get no results but you continue to waste money in the process, it is time to learn from that experience. It is time to stop and do things a better, a different, another way.

That is what we are setting out to do here today. It is not just the waste of money, yielding no results for businesses that we are worried about. It is the waste of money for our schools, for almost everyone whose employees drive to work.

Listen to some of the comments that we have received from school districts in southern California. The Tustin Unified School District was forced to spend $73,000 for their ride-sharing plan for teachers that did not work.

Another school district wrote: "The mandatory trip reduction plan has been very costly to us. It has diverted already scarce funds away from the education of children, from classroom use," to support a program that does not work.

The Capistrano Unified School District said: "The additional financial hardships we are facing make this mandated program extremely detrimental to meet the educational needs of the children in our districts."

McDonnell Douglas, a big employer of the kind that we have been hearing about on the floor today, tried in earnest to get this Federal mandate to work. They spent millions of dollars training employee coordinators, providing direct financial incentives to workers so they would car pool. They bought bicycles. They built showers and locker rooms so employees could bike, run, or walk to work. None of this, even hosting ride-share events, made even a dent in the average vehicle occupancy rate of their employees.

Today we are saying enough; enough to the vast expense that in California, under our similar program, was costing $200 million a year. Let us spend this money on the education of students. Let us spend it on employee wages. Let us spend it on other efforts to clean up our air that really work.

I congratulate the chairman, the gentleman from Florida [Mr. BILIRAKIS], and the other Members who have brought this legislation to the floor. I look forward to a swift vote on passage.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. McINTOSH].

Mr. McINTOSH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois [Mr. MANZULLO] has done a very good job of correcting one of the problems we have seen in the Clean Air Act. My experience in reviewing various Clean Air Act regulations stems from my work with Vice President Quayle's Competitiveness Council, and then as a Member of Congress looking at that act and saying, do the regulations that are required there make sense; do they use common sense in trying to reach a goal that we all share of having cleaner air in this country?

This regulation, the trip reduction mandate, or what I think of as mandatory carpooling, does not make sense on that commonsense basis. It is extremely costly, anywhere from $1.2 to $1.6 billion to implement, and provides very little benefits in terms of cleaner air for some of the country's areas where we have the most difficulty with air pollution.

I think there are a lot of alternative approaches that have been thought about by the agency, the Environmental Protection Agency, by citizens working on this area. One of the most creative ones is a project that we worked with at the Competitiveness Council called Cash for Klunkers, where the studies showed that older cars actually produced a vast, disproportionate amount of the air pollution in our cities, and if we could pay a bonus for taking those older cars off of our freeways, we could go a lot further in reaching the goal of cleaner air.

Those innovative ideas, frankly, are not possible if we have to devote an enormous amount of our resources in meeting this regulation that provides very little benefit for the environment. I commend the chairman of the committee on his work for this corrections bills. I commend the gentleman from Illinois [Mr. MANZULLO] for his work in taking the leadership in introducing the bill, and I want to urge my colleagues in the House to vote "yes" on H.R. 325.

Mr. STARK. Mr. Speaker, I would like to compliment the chairman and the ranking member of the Commerce Committee's Health and Environment Subcommittee, Mr. BILIRAKIS and Mr. WAXMAN, for bringing H.R. 325 to the floor today.

This legislation gives greater reign to local authorities in determining how best to meet pollution standards. H.R. 325, a balance has been struck between providing greater flexibility while maintaining the commitment to achieving the federal goals.

If the author of H.R. 325, Mr. MANZULLO of Illinois, had come to the floor with a bill that provided flexibility to States but eliminated the Federal standards of performance, there would not be the bipartisan support you see today.

There is a consensus across America that the days of polluted skies should be no more. There is a recognition by citizens across America that what occurs in one State impacts the quality of life in another State.

I am puzzled that in other areas of Federal policy where a national consensus is as strong, the new Majority has taken a different approach. I believe we can learn something from the approach taken in H.R. 325 and carry it to other areas of vital importance to Americans.

I'd like to take just a couple of minutes to do just that—highlight how the example of H.R. 325 can be instructive for legislating in other areas of vital importance to Americans.

The Republican plan for Medicaid provides the greatest contrast in approach to H.R. 325. Flexibility for States abounds. Standards are absent. Rather than maintain the Federal guarantee for Americans of very modest means to a set of health care benefits, under the guise of State flexibility Republicans remove any semblance of accountability.

Republicans intend to send checks to the States totaling $790 billion over the next 7 years with little-to-no requirements on how States must perform. This is in contrast to the structure of H.R. 325 which provides flexibility but maintains standards of performance.

For $790 billion in taxpayer money, it would seem reasonable to require States to guarantee health insurance coverage to low-income Americans.

Does the Republican Medicaid plan guarantee that all kids that live in poverty have comprehensive health insurance coverage? No. Does the Republican Medicaid plan guarantee that the Medicare Part B premiums of low-income senior citizens are paid? No. Does the Republican Medicaid plan guarantee a nursing home bed to those who are entitled today? No. Does the Republican Medicaid plan continue the guarantee of coverage for Medicare-related copayments and deductibles for poor seniors? No. Does the Republican Medicaid plan require States to provide even just one person a comprehensive package of health insurance benefits, something equivalent to what they as Members of Congress receive? No.

Why not apply the model of H.R. 325? Why not hold States accountable? Why shouldn't we guarantee American taxpayers that their taxes will be spent as promised?

H.R. 325 requires that an equivalent level of emission reductions be achieved. The Republican Medicaid plan does not require an equivalency of performance. This difference in standards is not trivial.

The Urban Institute predicts that 4 to 9 million Americans will lose health insurance coverage because of the Republican Medicaid plan. Consumers Union, the publishers of Consumers Reports, has estimated that 395,000 nursing home residents are likely to lose Medicaid payment for their care next year if the Republican Medicaid plan is approved. The Council on the Economic Impact of Health Care Reform—a panel of respected health economists—found that that the uninsured rolls will soar to over 66 million Americans, or one-in-four Americans, under the Republican plans. This is a 70-percent increase in the number of uninsured Americans over today's level.

H.R. 325 extends flexibility in meeting national goals; it does not eliminate them. Likewise, flexibility for States in meeting the health care needs of low-income Americans should not be used as a cover to shred the national commitment to a health care safety net.

While the guarantee to coverage is explicitly eliminated under the Republican Medicaid bill, I'd argue that the spending for Medicaid isn't enough to meet the national commitment either.

I believe that a per person growth rate of under 2 percent isn't wise. It's rationing. Members of Congress would never inflict that type of constraints on their own health care spending. In fact they don't. Under the Republican budget, taxpayer spending for their health insurance will increase right along with health care inflation.

But whatever the amount of health care spending, we should hold States accountable for how they spend the money we give them. As with H.R. 325, there must be accountability.

The balance struck in H.R. 325 between providing broader flexibility to States at the same time requiring that national goals be met should apply to other initiatives as well, like Medicaid. If Republicans tried this approach, they might find themselves with the support of Congressional Democrats. And instead of having their Medicaid bill vetoed, they'd have the support of President Clinton.

Mr. ARCHER. Mr. Speaker, today is a chance for the House to loosen one knot in the woven, tangled mess called the Clean Air Act Amendments of 1990. The employee trip reduction plan for implementation is a costly and confusing mandate that only benefits the argument for regulatory reform and cost/benefit analysis.

Of course I support efforts to reduce pollution, as do the employers and employees of my district. But what I cannot support is an inflexible, ineffective and impractical requirement such as the employee trip reduction plan. It makes no sense to demand compliance with a plan that promises less than a 1-percent reduction in emissions, and guarantees a much larger increase in headaches.

In a city the geographical size of Houston, it is naive to assume public transportation and carpooling are the most practical options for reducing auto emissions. I have heard hundreds of complaints from my constituents who must face a disruption of their work routines and compromise the quality of their private lives to comply with this impotent regulation. H.R. 325 will give States the chance to create programs that suit their communities and still achieve air quality standards.

There are smarter ways for us to reach a common goal of cleaner air. It is imperative, though, that each State decide what is most practical and more importantly, most effective.

Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 325 for a number of reasons. But before, I elaborate on them, let me congratulate my Illinois colleague, Mr. MANZULLO, on introducing this bill and for the determined efforts he has made on its behalf. Also, I wish to express my appreciation to the members of the Commerce Committee, and its Health and Environment Subcommittee in particular, for making today's consideration of H.R. 325 possible.

This is a measure whose time has long since come. However well intentioned, the employee commute reduction program, better known as the ECO Program, would do more harm than good. Based on prior analysis and experience, about the best that could be expected from such an approach is a 2–3 percent reduction in auto emissions, with 1 percent being a more likely figure. Not only that, but the cost of effecting such a minimal reduction in air pollution is very high. In the Chicago area, for instance, it has been estimated that implementation of the ECO Program would cost more than $200 million annually. For all 11 severe ozone nonattainment areas nationwide, the cost of implementing ECO has been pegged at $1.2–$1.4 billion a year by the Environmental Protection Agency.

If money grew on trees or materialized out of thin air, it might be possible to overlook such financial considerations. But when a severe nonattainment area such as Chicago has to reduce its ozone levels by 65 percent, it is difficult, if not impossible, to justify investing so heavily in an effort that will achieve such a small fraction of that amount. Not only that, but the imposition of such costs of employers—an unfunded mandate if there ever was one—could prompt them to relocate to other areas of the country. In that event, some Chicago area workers could find themselves out of more than just a parking place at work; they could be out of job as well.

Nor is that all that would be lost. Gone are the days when, in most American families, one parent stayed at home and was in a position to handle any child care or other emergencies that might arise during the course of the work day. Now we live in an era when working parents need to be able to get home quickly should any of their children get sick or run into trouble at school or at the neighborhood child care center. Federally mandated carpooling not only deprives them of that capability but it leaves them at risk if their job requires overtime and/or unexpected evening work. Finally, the investment of time and effort into arranging carpools or other commuting alternatives could be better directed towards pollution reduction programs having far greater potential for bringing about the desired improvements in air quality.

However, all is not lost. By adopting the bill before us today, we can move away from the Federal Government telling people in certain areas how they should get to and from work and focus instead on the most effective means of reducing ozone levels and achieving compliance with existing air quality standards.

As reported by the Commerce Committee, H.R. 325 would enable us to do just that. If enacted into law, this measure would allow States having severe ozone nonattainment areas to determine for themselves whether to undertake an ECO program. However, a State deciding against the ECO approach would be obliged to identify and implement alternatives that would be at least as effective in reducing emissions. In short, States will be given more freedom to carry out their air pollution control responsibilities. But that does not mean that they will have any less of an obligation to comply with the standards and deadlines established by the Clean Air Act.

Mr. Speaker, H.R. 325 is a good, commonsense bill which is not just timely but long overdue. I urge my colleagues to give it their support.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 325, legislation to make optional the Employee Commute Option [ECO] trip reduction program.

The dilemma facing Zierick Manufacturing Corp. is possibly the best reason why we should pass H.R. 325.

Zierick Manufacturing Corp. is a small manufacturer of electronic connectors and assembly equipment located in Mount Kisco in northern Westchester County, NY. With over 120 employees, they are faced with the impossible task of complying with the Employee Commute Options program.

Part of the problem is the limited availability of public transportation. In addition, the train station and the nearest bus stop are over a mile from the factory. If the employee took a cab from the station to the factory, under the regulations developed by New York State to comply with this Federal mandate, the 1-mile cab ride would be counted as if the employee drove the entire distance from home. In other words, the employee could ride a train for 50 miles, but the cab ride from the train station would be the mode of travel counted under the formula used to calculate employee trips.

Ridesharing opportunities are limited in Mount Kisco, and since Zierick employees are spread out over 12 counties in 3 States, carpools are difficult to form. Zierick is a manufacturing facility, so telecommuting is not an option.

Zierick Manufacturing is clearly faced with a set of circumstances which prevent it from complying with the law, and yet the regulations allow for no flexibility in these situations. As a result, the company presently faces fines of $43,800 per year.

Ms. Gretchen Zierick, the company's corporate secretary, has indicated that their plans for future growth will be directly affected by this legislation.

Mr. Harold Vogt, the chairman and CEO of the Westchester County Chamber of Commerce, wrote to me recently and put this issue into perspective:

> In the last five years, Westchester County has suffered enough as we've seen 40,000 jobs leave our county. The Employee Trip Reduction/Employee Commute Option Mandate gives businesses just one more reason to look elsewhere when making plans to grow. Similarly, businesses looking to relocate to our county may well think twice about moving here. We cannot afford any more disincentives to reviving Westchester's economy. We need relief from this costly and inefficient mandate.

Mr. Chairman, our support for H.R. 325 will send Zierick Manufacturing in Westchester County and the approximately 28,000 other employers around the country affected by the ECO mandate a clear message that we care about their future, and we care about creating jobs. I urge my colleagues to pass this bill.

Thank you, Mr. Chairman.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 325.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE DEMOCRATIC CAUCUS

The SPEAKER pro tempore (Mr. EWING) laid before the House the following communication from the Honorable VIC FAZIO, chairman of the Democratic Caucus.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. Capitol.

DEAR MR. SPEAKER: This letter is to inform you that Jimmy Hayes is no longer a Member of the House Democratic Caucus.

Sincerely,

VIC FAZIO,
Chairman.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' appointment to the Committee on Science has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HENRY A. WAXMAN, Member of Congress:

DECEMBER 7, 1995.

Hon. NEWT GINGRICH,
The Speaker of the House, Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Los Angeles County Superior Court.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Federally Supported Health Centers Assistance Act of 1995".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PERMANENT EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 224(g)(3) (42 U.S.C. 233(g)(3)) is amended by striking the last sentence.

(b) CONFORMING AMENDMENTS.—Section 224(k) (42 U.S.C. 233(k)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "For each of the fiscal years 1993, 1994, and 1995" and inserting "For each fiscal year"; and

(B) by striking "(except" and all that follows through "thereafter)"; and

(2) in paragraph (2), by striking "for each of the fiscal years 1993, 1994, and 1995" and inserting "for each fiscal year".

SEC. 3. CLARIFICATION OF COVERAGE.

Section 224 (42 U.S.C. 233) is amended—

(1) in subsection (g)(1), by striking "an entity described in paragraph (4)" in the first sentence and all that follows through "contractor" in the second sentence and inserting the following: "an entity described in paragraph (4), and any officer, governing board member, or employee of such an entity, and any contractor of such an entity who is a physician or other licensed or certified health care practitioner (subject to paragraph (5)), shall be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under subsection (k)(3) (subject to paragraph (3)). The remedy against the United States for an entity described in paragraph (4) and any officer, governing board member, employee, or contractor"; and

(2) in subsection (k)(3), by inserting "governing board member," after "officer,".

SEC. 4. COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN CENTER PATIENTS.

Section 224(g)(1) (42 U.S.C. 233(g)) is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A); and

(2) by adding at the end thereof the following:

"(B) The deeming of any entity or officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section shall apply with respect to services provided—

"(i) to all patients of the entity, and

"(ii) subject to subparagraph (C), to individuals who are not patients of the entity.

"(C) Subparagraph (B)(ii) applies to services provided to individuals who are not patients of an entity if the Secretary determines, after reviewing an application submitted under subparagraph (D), that the provision of the services to such individuals—

"(i) benefits patients of the entity and general populations that could be served by the entity through community-wide intervention efforts within the communities served by such entity;

"(ii) facilitates the provision of services to patients of the entity; or

"(iii) are otherwise required under an employment contract (or similar arrangement) between the entity and an officer, governing board member, employee, or contractor of the entity.".

SEC. 5. APPLICATION PROCESS.

(a) APPLICATION REQUIREMENT.—Section 224(g)(1) (42 U.S.C. 233(g)(1)) (as amended by section 4) is further amended—

(1) in subparagraph (A), by inserting after "For purposes of this section" the following: "and subject to the approval by the Secretary of an application under subparagraph (D)"; and

(2) by adding at the end thereof the following:

"(D) The Secretary may not under subparagraph (A) deem an entity or an officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section, and may not apply such deeming to services described in subparagraph (B)(ii), unless the entity has submitted an application for such deeming to the Secretary in such form and such manner as the Secretary shall prescribe. The application shall contain detailed information, along with supporting documentation, to verify that the entity, and the officer, governing board member, employee, or contractor of the entity, as the case may be, meets the requirements of subparagraphs (B) and (C) of this paragraph and that the entity meets the requirements of paragraphs (1) through (4) of subsection (h).

"E) The Secretary shall make a determination of whether an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section within 30 days after the receipt of an application under subparagraph (D). The determination of the Secretary that an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section shall apply for the period specified by the Secretary under subparagraph (A).

"(F) Once the Secretary makes a determination that an entity or an officer, governing board member, employee, or contractor of an entity is deemed to be an employee of the Public Health Service for purposes of this section, the determination shall be final and binding upon the Secretary and the Attorney General and other parties to any civil action or proceeding. Except as provided in subsection (i), the Secretary and the Attorney General may not determine that the provision of services which are the subject of such a determination are not covered under this section.

"(G) In the case of an entity described in paragraph (4) that has not submitted an application under subparagraph (D):

"(i) The Secretary may not consider the entity in making estimates under subsection (k)(1).

"(ii) This section does not affect any authority of the entity to purchase medical malpractice liability insurance coverage with Federal funds provided to the entity under section 329, 330, 340, or 340A.

"(H) In the case of an entity described in paragraph (4) for which an application under subparagraph (D) is in effect, the entity may, through notifying the Secretary in writing, elect to terminate the applicability of this subsection to the entity. With respect to such election by the entity:

"(i) The election is effective upon the expiration of the 30-day period beginning on the date on which the entity submits such notification.

"(ii) Upon taking effect, the election terminates the applicability of this subsection to the entity and each officer, governing board member, employee, and contractor of the entity.

"(iii) Upon the effective date for the election, clauses (i) and (ii) of subparagraph (G) apply to the entity to the same extent and in the same manner as such clauses apply to an entity that has not submitted an application under subparagraph (D).

"(iv) If after making the election the entity submits an application under subparagraph (D), the election does not preclude the Secretary from approving the application (and thereby restoring the applicability of this subsection to the entity and each officer, governing board member, employee, and contractor of the entity, subject to the provisions of this subsection and the subsequent provisions of this section.".

(b) APPROVAL PROCESS.—Section 224(h) (42 U.S.C. 233(h)) is amended—

(1) in the matter preceding paragraph (1), by striking "Notwithstanding" and all that follows through "entity—" and inserting the following: "The Secretary may not approve an application under subsection (g)(1)(D) unless the Secretary determines that the entity—"; and

(2) by striking "has fully cooperated" in paragraph (4) and inserting "will fully cooperate".

(c) DELAYED APPLICABILITY FOR CURRENT PARTICIPANTS.—If, on the day before the date of the enactment of this Act, an entity was deemed to be an employee of the Public Health Service for purpose of section 224(g) of the Public Health Service Act, the condition under paragraph (1)(D) of such section (as added by subsection (a) of this section) that an application be approved with respect to the entity does not apply until the expiration of the 180-day period beginning on such date.

SEC. 6. TIMELY RESPONSE TO FILING OF ACTION OR PROCEEDING.

Section 224 (42 U.S.C. 233) is amended by adding at the end thereof the following subsection:

"(l)(1) If a civil action or proceeding is filed in a State court against any entity described in subsection (g)(4) or any officer, governing board member, employee, or any contractor of such an entity for damages described in subsection (a), the Attorney General, within 15 days after being notified of such filing, shall make an appearance in such court and advise such court as to whether the Secretary has determined under subsections (g) and (h), that such entity, officer, governing board member, employee, or contractor of the entity in deemed to be an employee of the Public Health Service for purposes of this section with respect to the actions or omissions that are the subject of such civil action or proceeding. Such advice shall be deemed to satisfy the provisions of subsection (c) that the Attorney General certify that an entity, officer, governing board member, employee, or contractor of the entity was acting within the scope of their employment or responsibility.

"(2) If the Attorney General fails to appear in State court within the time period prescribed under paragraph (1), upon petition of any entity or officer, governing board member, employee, or contractor of the entity named, the civil action or proceeding shall be removed to the appropriate United States district court. The civil action or proceeding shall be stayed in such court until such court conducts a hearing, and makes a determination, as to the appropriate forum or procedure for the assertion of the claim for damages described in subsection (a) and issues an order consistent with such determination.".

SEC. 7. APPLICATION OF COVERAGE TO MANAGED CARE PLANS.

Section 224 (42 U.S.C. 223) (as amended by section 6) is amended by adding at the end thereof the following subsection:

"(m)(1) An entity or officer, governing board member, employee, or contractor of an entity described in subsection (g)(1) shall, for purposes of this section, be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

"(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) shall deem the entity and any officer, governing board member, employee, or contractor of the entity as meeting whatever malpractice coverage requirements such plan may require of contracting providers for a calendar year if such entity or officer, governing board member, employee, or contractor of the entity has been deemed to be an employee of the Public Health Service for purposes of this section for such calendar year. Any plan which is found by the Secretary on the record, after notice and an opportunity for a full and fair hearing, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to receive and to be eligible to receive any Federal funds under title XVIII or XIX of the Social Security Act.

"(3) For purposes of this subsection, the term 'managed care plan' shall mean health maintenance organizations and similar entities that contract at-risk with payors for the provision of health services or plan enrollees and which contract with providers (such as entities described in subsection (g)(4)) for the delivery of such services to plan enrollees.".

SEC. 8. COVERAGE FOR PART-TIME PROVIDERS UNDER CONTRACTS.

Section 224(g)(5)(B) (42 U.S.C. 223(g)(5)(B)) is amended to read as follows:

"(B) in the case of an individual who normally performs an average of less than 32½ hours of services per week for the entity for the period of the contract, the individual is a licensed or certified provider of services in the fields of family practice, general internal medicine, general pediatrics, or obstetrics and gynecology.".

SEC. 9. DUE PROCESS FOR LOSS OF COVERAGE.

Section 224(i)(1) (42 U.S.C. 233(i)(1)) is amended by striking "may determine, after notice and opportunity for a hearing" and inserting "may on the record determine, after notice and opportunity for a full and fair hearing".

SEC. 10. AMOUNT OF RESERVE FUND.

Section 224(k)(2) (42 U.S.C. 223(k)(2)) is amended by striking "$30,000,000" and inserting "$10,000,000".

SEC. 11. REPORT ON RISK EXPOSURE OF COVERED ENTITIES.

Section 224 (as amended by section 7) is amended by adding at the end thereof the following subsection:

"(n)(1) Not later than one year after the date of the enactment of the Federally Supported Health Centers Assistance Act of 1995, the Comptroller General of the United States shall submit to the Congress a report on the following:

"(A) The medical malpractice liability claims experience of entities that have been deemed to be employees for purposes of this section.

"(B) The risk exposure of such entities.

"(C) The value of private sector risk-management services, and the value of risk-management services and procedures required as a condition of receiving a grant under section 329, 330, 340, or 340A.

"(D) A comparison of the costs and the benefits to taxpayers of maintaining medical malpractice liability coverage for such entities pursuant to this section, taking into account—

"(i) a comparison of the costs of premiums paid by such entities for private medical malpractice liability insurance with the cost of coverage pursuant to this section; and

"(ii) an analysis of whether the cost of premiums for private medical malpractice liability insurance coverage is consistent with the liability claims experience of such entities.

"(2) The report under paragraph (1) shall include the following:

"(A) A comparison of—

"(i) an estimate of the aggregate amounts that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) would have directly or indirectly paid in premiums to obtain medical malpractice liability insurance coverage if this section were not in effect; with

"(ii) the aggregate amounts by which the grants received by such entities under this Act were reduced pursuant to subsection (k)(2).

"(B) A comparison of—

"(i) an estimate of the amount of privately offered such insurance that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) purchased during the three-year period beginning on January 1, 1993; with

"(ii) an estimate of the amount of such insurance that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) will purchase after the date of the enactment of the Federally Supported Health Centers Assistance Act of 1995.

"(C) An estimate of the medical malpractice liability loss history of such entities for the 10-year period preceding October 1, 1996, including but not limited to the following:

"(i) Claims that have been paid and that are estimated to be paid, and legal expenses to handle such claims that have been paid and that are estimated to be paid, by the Federal Government pursuant to deeming entities as employees for purposes of this section.

"(ii) Claims that have been paid and that are estimated to be paid, and legal expenses to handle such claims that have been paid and that are estimated to be paid, by private medical malpractice liability insurance.

"(D) An analysis of whether the cost of premiums for private medical malpractice liability insurance coverage is consistent with the liability claims experience of entities that have been deemed as employees for purposes of this section.

"(3) In preparing the report under paragraph (1), the Comptroller General of the United States shall consult with public and private entities with expertise on the matters with which the report is concerned.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the intent of the original Federally Supported Health Centers Assistance Act passed in 1993 was to relieve health centers of the burdensome costs of private malpractice insurance by extending Federal Tort Claims Act coverage to health center employees. The funds saved on these premiums could then be used to provide health care to additional individuals. H.R. 1747 extends current law and enables these health centers to maximize their Federal dollars and provide health care service to more people.

Based upon the current statute, 542 health centers have been approved for FTCA coverage. However, because final regulations were not issued until May 8, 1995 the program has not been fully implemented. This lengthy period of uncertainty regarding the law's scope has made it necessary for many health centers to continue their private malpractice coverage. Despite this delay, 119 health centers have reportedly saved $14.3 million because they have been able to drop private malpractice coverage for one or more of their clinicians.

The amendment before us would make the FTCA coverage permanent. The amendment also clarifies that participation in the FTCA is at the option of the health center and is not mandatory. It also modifies a study of the program so that a true cost-benefit analysis of the program will be done. This amendment was crafted with input from a bipartisan group of Members, the community health centers, and insurance agents who sell private malpractice insurance. I believe this amendment satisfies everyone's objectives for this legislation.

I urge my colleagues to join me in supporting H.R. 1747.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation that would extend the law that allows the community health centers to take advantage of the Federal Tort Claims Act coverage. That will mean and has meant for a number of these community health centers that they will not have to use their scarce resources to go out and buy a private medical malpractice insurance policy, since they will be covered by the Federal law, the same as any other Federal agency would under the circumstances.

This legislation was authored originally by the gentleman from Oregon, Mr. WYDEN, and coauthored by the gentlewoman from Connecticut, Mrs. NANCY JOHNSON. It has worked well, and the bill before us would be to extend the legislation to be able to work in the future.

Mr. Speaker, I support the legislation and urge all our colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman again for his cooperation regarding this legislation, and I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague, the gentleman from Florida [Mr. BILIRAKIS], for his leadership on this issue and for his help in working out the amendment that has made it possible for this bill to offer this program on a permanent basis. He has always been a strong supporter and advocate of community health centers, and I appreciate the gentleman's good help.

I also appreciate the support of my colleague, the gentleman from California, Mr. WAXMAN, his longtime support and hard work on the legislation governing our community health centers, and want to acknowledge the work of my colleague, the gentleman from Oregon, Mr. RON WYDEN, on this issue. He and I introduced the original legislation 3 years ago, which was heavy lifting, as we say in this body, and we are very pleased that this is before us today to make this program permanent. While he cannot be with us at this time, I want to commend the hard work and the real dedication of the gentleman from Oregon [Mr. WYDEN] to ensuring that the important health services that these centers provide are there for people in America.

Mr. Speaker, H.R. 1747, the federally supported Health Centers Assistance Act of 1995, makes permanent, at no additional cost to taxpayers, a highly successful demonstration project offering malpractice coverage for the Nation's community, migrant, and homeless citizens under the Federal Tort Claims Act.

H.R. 1747 will ensure that the maximum amount of the limited Federal funds supporting health centers are spent to provide quality patient care and services, rather than to pay for malpractice insurance premiums. The limited demonstration project saved health centers millions of dollars on malpractice insurance expenses over the past 2 years, allowing health centers to offer their services to an additional 75,000 patients. Federally supported health centers are nonprofit providers of health care to America's medically underserved. They serve the working poor, the uninsured, Medicare and Medicaid recipients, as well as high-risk and vulnerable populations.

Today health centers provide cost-effective primary and preventive care to over 8.8 million people nationwide. Health centers are public-private partnerships, funded in part by grants under the Public Health Service Act, which enable health centers to employ health care professionals and operate over 2,200 health service delivery sites throughout our cities and towns.

Private malpractice insurance has been a significant expense for these nonprofit centers. Prior to the FDCA coverage bill, health centers spent $40 billion annually of their grant funds for private malpractice insurance, yet they had very few claims. By permanently extending coverage for health centers under the FDCA, Congress will enable health centers to use more of their scarce Federal dollars for patient care instead of for malpractice premiums. For each $10 million saved in funds, health centers can serve an additional 100,000 patients with quality care.

Mr. speaker, I am proud to have supported legislation ensuring that standards for health centers ranked among the highest in terms of certification, quality care, and accountability.

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These health centers have a remarkably low incidence of malpractice claims.

Since the fall of 1993, only 30 claims have been filed against the 545 health centers approved for FTCA coverage, a rate consistent with the low rate of claims filed against health centers under private insurance.

More than ever, America's health centers have growing responsibilities for the provision of health care to medically underserved populations and communities, yet your support for the permanent extension of FTCA malpractice coverage for health centers will enable health centers to make cost-effective use of limited Federal grant funds, and I urge the support of my colleagues for this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlewoman for her terrific leadership in this regard.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1747.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. WYDEN. Mr. Speaker, I wish to express my strong support for H.R. 1747, the Federally Supported Health Centers Assistance Act of 1995. I would like to thank members on both sides of the aisle, including Representative BILIRAKIS, Representative WAXMAN, and Representative FRANK for their unflagging support and assistance in moving this important piece of legislation through the House. In particular, I wish to thank Representative NANCY JOHNSON of Connecticut for her years of work and commitment on this bill. She is a true friend of community health centers and has been an outstanding partner in our fight for smarter Government. As always, it was a joy to work with her.

I think we all realize that the Federal Government has to work harder to squeeze every last ounce of service out of each taxpayer dollar allocated to health care. That's exactly what this program accomplishes.

This legislation will be a shot in the arm to struggling community health centers [CHC's]. The bill allows CHC's to reallocate desperately needed health care dollars from the coffers of private medical malpractice insurance companies to direct services for hundreds thousands more poor and rural Americans. Additionally, it will ensure that American taxpayers get the biggest bang for their buck.

When Representative JOHNSON and I first introduced this legislation in 1991, community health centers were paying $58 million a year, most of which came out of their Federal grant fund for medical malpractice insurance—while they only generated about $4 million a year in claims.

Roughly $54 million dollars, allocated by the Federal Government for health care services for poor and rural Americans, was not going for services, but was going as pure profit to large insurance corporations. It seemed to myself and Mrs. JOHNSON that there had to be a better way.

What we discovered was that Federal employees, including health care providers at the Veterans Administration, Department of Defense, and Indian Health Service, are covered by the Federal Tort Claims Act [FTCA] instead of by private insurers. It seemed only natural that community health centers, which receive a substantial sum of their operating budget from the Federal Government and which are strictly regulated by the Department of Health and Human Services, should also be included under this program.

The original Federally Supported Health Centers Assistance Act set up a fund, under the FTCA, to which a portion of the grants for community health centers would be allocated. To date, only 15 claims have been filed against health centers under the FTCA and none of the $11 million set-aside to be expended for coverage of such has been expended.

In fact, since the enactment of this bill in late 1992, coverage under the FTCA has saved community health centers an estimated $14.3 million, allowing about 75,000 more patients to be served.

H.R. 1747 reauthorizes the Federally Supported Health Centers Assistance Act permanently and clarifies portions of the original legislation. In particular, it ensures that doctors who have to do shared call are covered. These are doctors in rural or poor urban communities who all have to share duties at the local hospital.

The legislation also ensures that part-time doctors who work for health centers are covered under the FTCA, and it clarifies that FTCA coverage may apply in managed care arrangements with health centers.

Time is of the essence with this reauthorization. Since the final regulations for this program were not issued until May of this, many community health centers are waiting before they drop their private malpractice coverage to see if this act is reauthorized.

For those 119 health centers that are now covered under the FTCA, the situation is more urgent. If this bill is not reauthorized, they will have to start purchasing expensive private malpractice insurance in the next couple weeks to ensure that they are not left without coverage next year.

In Oregon, the passage of H.R. 1747 will mean a number of health centers will finally feel comfortable dropping their private malpractice insurance. At La Clinica Del Valle in Phoenix, OR, the health center will have as much as $20,000 more to spend on patients—meaning they can serve at least 250 patients. Next year, when they move to a new facility, they will save $40,000 or the equivalent of a part-time doctor—and be able to serve 500 more patients. At the Salud Medical Center in Woodburn, OR, reauthorizing this program will mean that the center will have at a minimum $10,000 more to spend on serving patients.

At the West Salem Clinic in Salem, OR, with the savings from this program, they will be able to hire a part-time nurse practitioner, and the head of the center estimates that this will mean they will be able to take 2,100 more visits from people in the area—or serve about 700 more patients. At the Southeastern Rural Health Network in Chiloquin, OR, the savings will mean the center can repair a leaking roof and build a wheelchair ramp so that handicapped people can enter the clinic to visit the doctor.

It seems to me that this legislation is a prime example of how we can work together, on a bipartisan basis, to come up with creative, cost-effective solutions, to provide people with more medical assistance and to effectively use American's hard-earned tax dollars. Again, I thank the Members who have helped with this important piece of legislation, and urge its speedy approval.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the bill, H.R. 1747, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2243) to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, as amended.

The Clerk read, as follows:

H.R. 2243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995".

SEC. 2. CLARIFICATION OF FINDINGS.

Section 1 of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended, is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) by adding after paragraph (4) the following:

"(5) Trinity Basin fisheries restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration;"; and

(3) by amending paragraph (7), as so redesignated, to read as follows:

"(7) the Secretary requires additional authority to implement a management program, in conjunction with other appropriate agencies, to achieve the long-term goals of restoring fish and wildlife populations in the Trinity River Basin, and, to the extent these restored populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.".

SEC. 3. CHANGES TO MANAGEMENT PROGRAM.

(a) OCEAN FISH LEVELS.—Section 2(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ", in consultation with the Secretary of Commerce where appropriate," after "Secretary"; and

(B) by adding the following after "such levels.": "To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program is intended to aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.".

(b) FISH HABITATS IN THE KLAMATH RIVER.—Paragraph (1)(A) of such section (98 Stat. 2722) is amended by striking "Weitchpec;" and inserting "Weitchpec and in the Klamath River downstream of the confluence with the Trinity River;".

(c) TRINITY RIVER FISH HATCHERY.—Paragraph (1)(C) of such section (98 Stat. 2722) is

amended by inserting before the period the following: ", so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin".

(d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2) of such Act (98 Stat. 2722) is amended by striking "tribe" and inserting "tribes".

SEC. 4. ADDITIONS TO TASK FORCE.

(a) IN GENERAL.—Section 3(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) by striking "fourteen" and inserting "nineteen";

(2) by striking "United States Soil Conservation Service" in paragraph (10) and inserting "Natural Resources Soil and Conservation Service"; and

(3) by inserting after paragraph (14) the following:

"(15) One individual to be appointed by the Yurok Tribe.

"(16) One individual to be appointed by the Karuk Tribe.

"(17) One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen's Associations.

"(18) One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

"(19) One individual to be appointed by the Secretary, in consultation with the Secretary of Agriculture, to represent the timber industry.".

(b) COORDINATION.—Section 3 of such Act (98 Stat. 2722) is further amended by adding at the end thereof the following new subsection:

"(d) Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99–552. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and these two entities.".

(c) REIMBURSEMENT.—Section 3(c)(2) of such Act (98 Stat. 2723) is amended by adding at the end the following: "Members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof), or an Indian tribe, may be reimbursed for such expenses as may be incurred by reason of their service on the Task Force, as consistent with applicable laws and regulations.".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions taken by the Trinity River Basin Fish and Wildlife Task Force on and after 120 days after the date of the enactment of this Act.

SEC. 5. APPROPRIATIONS.

(a) EXTENSION OF AUTHORIZATION.—Section 4(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2723), as amended, is amended—

(1) in paragraph (1), by striking "October 1, 1995" and inserting in lieu thereof "October 1, 1998"; and

(2) in paragraph (2), by striking "ten-year" and inserting in lieu thereof "13-year".

(b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL AND AUDIT REPORTS.—Section 4 of such Act (98 Stat. 2724) is amended—

(1) by designating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)(1).

"(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term 'overhead and indirect costs' means costs incurred in support of accomplishing specific work activities and jobs. Such costs are primarily administrative in nature and are such that they cannot be practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include compensation for administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and replacement expenses on capitalized equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including (but not limited to) preparation of documents in compliance with the National Environmental Policy Act of 1969.

"(f) Not later than December 31 of each year, the Secretary shall prepare reports documenting and detailing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit a report concerning such audit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.".

(c) AUTHORITY TO SEEK APPROPRIATIONS.—Section 4 of such Act, as amended by subsection (b) of this section, is further amended by inserting after subsection (h) the following new subsection:

"(i) Beginning in the fiscal year immediately following the year the restoration effort is completed and annually thereafter, the Secretary is authorized to seek appropriations as necessary to monitor, evaluate, and maintain program investments and fish and wildlife populations in the Trinity River Basin for the purpose of achieving long-term fish and wildlife restoration goals.".

SEC. 6. NO RIGHTS AFFECTED.

The Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended, is further amended by inserting at the end thereof the following:

"PRESERVATION OF RIGHTS

"SEC. 5. Nothing in this Act shall be construed as establishing or affecting any past, present, or future rights of any Indian or Indian tribe or any other individual or entity.".

SEC. 7. SHORT TITLE OF 1984 ACT.

The Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended by section 6 of this Act, is further amended by adding at the end the following:

"SHORT TITLE

"SEC. 6. This Act may be cited as the 'Trinity River Basin Fish and Wildlife Management Act of 1984'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 2243, to extend the Trinity River Basin Fish and Wildlife Act of 1984.

This bill, introduced by our distinguished colleague from California, FRANK RIGGS, will build upon the successes of the past decade and continue the important work of rebuilding valuable fish and wildlife populations in the Trinity River Basin.

Furthermore, the legislation will expand the membership of the Trinity River task force to include representatives from commercial, recreational, and tribal fishing interests. By broadening the membership of the task force, I am confident that the Secretary of the Interior will receive new and valuable advice on innovative ways to improve the Trinity River Basin in the future.

I urge the adoption of H.R. 2243, and I compliment FRANK RIGGS for his tireless work on behalf of his constituents.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague from Alaska in supporting the enactment of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995.

Mr. Speaker, a little over 30 years ago, Federal dams on the Trinity River in northern California began taking up to 90 percent of the river's flow and sending it west through the mountains to the Sacramento Valley. From there, Trinity River water flowed south, ultimately to irrigate cotton and tomato fields in the San Joaquin Valley. Unfortunately, diversions from the Trinity River Basin have devastated fish populations.

The health of the Trinity River is crucial to the well-being of Indian communities and to the commercial and recreational fishing economies. H.R. 2243 will help ensure that future decisions that affect flows in the Trinity River will be based on good science and an understanding of the hydrology and biology of this complex river system.

This bill will clarify the goals of the Trinity River Fish and Wildlife Restoration Program and will extend the authorization of the Trinity River Fish and Wildlife task force.

The restoration program and the task force are strongly supported by commercial fishing interests, including the Pacific Coast Federation of Fishermen's Associations; sport fishing interests; native Americans who depend on the river and its fishery; environmentalists; and other stakeholders in the Trinity River Basin. The restoration program enjoys broad support because it is based on good science and because it is producing results.

While I strongly support the work of the restoration program and the task force, I remain concerned that agricultural interests in the Sacramento and San Joaquin Valleys are still interested in diverting as much water as they can away from the Trinity River Basin. In particular, H.R. 2738, Mr. DOOLITTLE's bill to rewrite the 1992 Central Valley Project Improvement Act, includes provisions that will undermine and perhaps nullify efforts to restore the Trinity, and perhaps even open the way for more water conflicts throughout California. California's Constitution and State laws are clearly designed to protect areas of origin such as the Trinity River Basin, and these concepts were incorporated by Congress into the 1955 law that authorized construction of the Trinity River division of the Central Valley project. I will strongly oppose proposals that violate these precepts, and I caution my colleagues to be aware of plans for further assault on these critical fishery resources.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995. I wish to acknowledge and thank my colleague, FRANK RIGGS, and his staff for their efforts to bring this legislation to the floor. I also wish to thank Chairman SAXTON, Chairman DOOLITTLE, Chairman YOUNG, and their staff for their help and cooperation moving H.R. 2243 through committee.

Mr. Speaker, the reauthorization of the Trinity River restoration program enjoys broad support from the residents of Trinity County in northern California. Congress authorized the restoration program in 1984 to study the effect of increased stream flow and watershed rehabilitation within the Trinity River system. The primary purpose of the program is to restore fish habitat that was lost due to the construction of Lewiston and Trinity Dams. The program gives priority to rehabilitating spawning areas for winter and spring-run chinook salmon.

Mr. Speaker, H.R. 2243 extends the Trinity River program for 3 years. This will authorize completion of an environmental impact statement that the Secretary of the Interior will use to establish an adequate stream flow for salmon populations. It will also authorize additional river bank restoration projects intended to maximize the effectiveness of streamflow modifications.

As members of the California delegation can attest, our State's water supply, particularly within the Central Valley project, is used for a variety of important purposes and is constantly stretched to the limit. Efficient water use is therefore, essential to meeting the demands of the future.

H.R. 2243 will maximize water use within the Trinity River system by helping to establish an appropriate balance between riverbank restoration and stream flow. The benefits of this balance will be rejuvenated fisheries and a more stable long-term supply of water for counties of origin, recreation, agriculture, wildlife habitat, industry, and a host of other important water uses.

Mr. Speaker, this is a good bill, and I urge my colleagues to vote in favor of its passage.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I urge the support of this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased to present to the House of Representatives H.R. 2243, a bill introduced by our colleague from California, FRANK RIGGS, to reauthorize the Trinity River Basin Fish and Wildlife Act of 1984.

During the past 10 years, nearly $60 million has been spent on trying to restore the habitat of the Trinity River Basin in an effort to rebuild the populations of various fish and wildlife species, including chinook and coho salmon and steelhead trout.

Among the accomplishments of the Trinity River Basin Fish and Wildlife Act are the construction of the Buckhorn Debris Dam, the modernization of the Lewiston Hatchery, and the purchase and rehabilitation of 17,000 acres of highly erodible lands along Grass Valley Creek.

H.R. 2243, which was the subject to a hearing before the Subcommittee on Fisheries, Wildlife and Oceans on November 2, will extend the Trinity River Basin Fish and Wildlife Management Program for another 3 years; expand the membership of the task force to include representatives from the timber industry and commercial, recreational, and tribal fishing interests; and will specify that stocking the Trinity River with hatchery fish should not impair efforts to restore naturally reproducing stocks.

At that subcommittee hearing, every witness testified in support of the reauthorization of the act; and there was a consensus that the Trinity River is the principal natural asset of this broad geographic region and crucial component of the economy.

The goal of H.R. 2243 is simple: to restore fish and wildlife populations in the Trinity River Basin. While working with the sponsor of this bill and other interested Members, it has become very clear that this legislation attempts to walk through a mine field of other issues that are not so simple. At the subcommittee markup, the bill was refined to address most of the recommended changes. I hope that we will continue to walk carefully through that mine field without attempting to refight the California water wars of the past.

Mr. Speaker, proponents of this legislation have persuasively argued that restoration of the Trinity River Basin is of paramount importance to the economy and culture of northwestern California. Reauthorization will allow this program to march forward and to complete a number of high priority efforts including the restoration of the Grass Valley Creek watershed, the South Fork fish habitat and watershed, and to implement a wildlife management program.

I strongly support H.R. 2243 and I want to compliment Congressman FRANK RIGGS for his effective leadership in this matter. I urge the adoption of H.R. 2243.

This bill to extend the authorization of the Trinity River Restoration Act for 3 years is extremely important to Northern California, and I ask my colleagues to vote in favor of passage.

I want to thank the managers of this bill—the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommittee, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee. They gave this measure their priority attention.

I ask unanimous consent that my statement in support of the bill be included in the RECORD with the debate on H.R. 2243.

Mr. RIGGS. Mr. Speaker, I strongly recommend that the House approve H.R. 2243, legislation that my colleague from California [Mr. HERGER] and I introduced on August 4th of this year to reauthorize of the Trinity River Restoration Act.

Trinity River water began to be diverted into the Sacramento River basin in 1963. Average annual runoff of 1.2 million acre-feet declined to 120,000 acre-feet. This had a devastating impact on fisheries that historically had produced total spawning escapements of 100,000 Chinook and Coho salmon and steelhead.

Correcting the problem required action in three areas; Stream flow, harvest management, and watershed stabilization. The Secretary of the Interior administratively increased stream flow to 340,000 acre-feet, action subsequently ratified by Congress an amendment I offered to the Central Valley Project Improvement Act. In 1984, Congress passed the Trinity River Basin Fish and Wildlife Act, authorizing appropriations of $57 million over a 10-year period. Another $15 million was approved in 1993 for purchases of 17,000 acres in the Grass Valley Creek watershed and other program needs.

While I was able to include a temporary extension of the Restoration Act in the 1996 Energy and Water Development Appropriations Act, enactment of this legislation is important to continuation of the restoration program, reauthorization will set the stage for the 1996 release by the Secretary of the Interior of the Flow Study required by the 1984 Act.

A restored Trinity river will have an impact well beyond the immediate area. As the largest tributary of the Klamath River, a healthy Trinity will benefit the economy of a wide area of California and Oregon.

Success in our restoration efforts will also demonstrate that the Federal Government is keeping its promise to correct environmental degradation which it has caused.

The bill being considered by the House today was drafted after the Water and Power Subcommittee held an oversight hearing on the Trinity River Restoration Act last July. At that hearing, concerned individuals suggested elements that should be included in any new legislation.

H.R. 2243 incorporates elements of a bill proposed by the Administration last March. It also reflects a consensus of the major Trinity River stakeholders that enhanced fish harvest opportunities both in-river and in the ocean are measures of a healthy Trinity. The fact that a consensus could be reached among such diverse groups as Indian Tribes, commercial fishermen, and environmental organizations is a tribute to their concern for the Trinity.

Mr. Speaker, key provisions of H.R. 2243 include the following.

The findings of the original Act are expanded to emphasize the importance of ocean harvest opportunities, recognizing, of course, that many factors contribute to the health of our ocean fisheries.

Restoration activity is authorized in the Klamath River, downstream from its intersection with the Trinity to the ocean.

The bill clarifies that the purpose of the Trinity River Fish Hatchery is mitigation of fish habitat loss above Lewiston Dam; it should not impair efforts to restore and maintain naturally reproducing fish stocks.

The Trinity River Task Force would be expanded to include representatives of the Yurok and Karuk Tribes, plus commercial fishing, sport fishing, and timber industry interests.

The restoration program is extended for three years under the existing authorization of appropriations. In-kind services can be accepted as match, and overhead and indirect costs are limited to 20 percent.

Mr. Speaker, I am pleased that reauthorization of the Trinity River Restoration Act has broad bipartisan support. I particularly want to thank the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommitted, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee, for giving this measure their priority attention.

I urge my colleagues to vote in favor of H.R. 2243.

Mr. MILLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. the question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1253) to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

The Clerk read as follows:

H.R. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE RENAMED AS DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The San Francisco Bay National Wildlife Refuge (established by the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399 et seq.)), is hereby renamed and shall be known as "the Don Edwards San Francisco Bay National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the San Francisco Bay National Wildlife Refuge is deemed to refer to the Don Edwards San Francisco Bay National Wildlife Refuge.

(c) CONFORMING AMENDMENT.—The Act entitled "An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399 et seq.), is amended by striking "San Francisco Bay National Wildlife Refuge" each place it appears and inserting "Don Edwards San Francisco Bay National Wildlife Refuge".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I watch my California colleagues come to the floor, I do hope that they will recognize the greatest compliment we can give to Mr. Edwards is to make this short. I support H.R. 1253, introduced by the distinguished gentleman and our former colleague from California, Norm Mineta.

H.R. 1253 is a simple, noncontroversial bill that renames the San Francisco Bay National Wildlife Refuge after former Congressman Don Edwards.

Don Edwards served in the House of Representatives with distinction for 32 years. During that time, he was successful in convincing the Congress to authorize the San Francisco Bay National Wildlife Refuge, to expand its boundaries, and to appropriate the necessary funds to acquire the more than 22,000 acres that now comprise this unit.

The San Francisco Bay National Wildlife Refuge is the largest urban refuge in the United States. It contains a number of valuable wetlands, supports hundreds of thousands of shorebirds, and the refuge is visited by more than 250,000 people each year.

It is appropriate to rename this refuge after Don Edwards in recognition of his work and lifelong commitment to this effort. I urge an "aye" vote on H.R. 1253.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, 25 years ago, right after college, I came to Washington, DC, and I became an intern in the office of Congressman Don Edwards. One of the things that I did at that time was work on his dream to have a wildlife refuge in south San Francisco Bay.

Because I worked on his staff, I saw perhaps a different side of the amount of effort that it took for Congressman Don Edwards to actually make this dream a reality. From calling committee chairmen every day for months at a time until he was heard, to working with local governments on zoning issues, and with the business community to make sure that their support would be in place, he did everything that it was possible to do to make this wildlife refuge a reality.

Mr. Speaker, a lot of people know Don Edwards as a defender of civil liberties and civil rights and the Constitution. I heard him introduced as "the Congressman representing the Constitution," and that is a legacy that he has left for our country. But this wildlife refuge is another legacy that he has left for our country.

The educational center in Alviso, CA, near my district, is host to hundreds of thousands of schoolchildren who can learn about the wonder that is the bay and the marshlands, including my own children. Because of Don Edwards, the California clapper rail and the saltwater harvest marsh mouse are household names in my home, and I thank him for that.

I thank him for all that he has done for our community, and I think it is fitting that the schoolchildren who go to visit the wildlife refuge will know of Don Edwards and know that that wonderful resource would not be there but for this wonderful, honorable and fine man's diligent efforts. I thank you, Don Edwards.

I thank my colleagues, and I urge everyone to support this wonderful bill.

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Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I want to thank the distinguished gentleman from Alaska for joining in bringing this bill to the floor. It honors one of the most wonderful persons ever to serve in the House of Representatives.

Don Edwards is a great and caring environmentalist, and it is fit and proper that he be honored by naming the San Francisco Bay National Wildlife Refuge after him. His consistent strong work on behalf of the refuge preserves for the present and future generations one of the great wonders of our Nation.

As a matter of fact, in the field of preservation, it ought to be noted here among his friends that Don Edwards has not done a bad job of preserving himself. I saw him not so long ago, and he looks fine and fit and I am sure he may be watching us today. It may be a very proud time in his life.

As the previous speaker mentioned, Don's main work in Congress was of course in defense of the Bill of Rights. He indeed truly gave the Constitution and the Bill of Rights its own refuge, a safe haven from the whims and angry passions of the moment. Our rights protecting us against Government intrusion and abuse were given a shelter from the storm in Don Edwards' subcommittee. The rights of women, the right to pray without direction from the local majority, the right of speech, were all given protection and refuge by the courage and wisdom of this gentle Congressman from San Jose, CA.

So anyone who has seen the vast sweep of the San Francisco Bay will immediately understand the importance and enduring beauty of the work that Don did in creating the bay refuge. It is a monument to a monumental Congressman. I thank the committee for bringing this bill forward, and join in asking my colleagues to adopt it unanimously.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise to offer my strong support for the legislation offered by the distinguished chairman of the full committee, the gentleman from Alaska [Mr. YOUNG] and the ranking member, the gentleman from California [Mr. MILLER], and thank them for giving this opportunity to us to honor a great person who served in this Congress, indeed, a great American, Don Edwards. It is appropriate that H.R. 1253 would rename the San Francisco Bay Wildlife Refuge after the dean of the California delegation, the former dean, Don Edwards.

Heeding the admonition of the chairman of the committee, I will be brief, Mr. Speaker, because indeed as you can see, many of us from California in particular but from all over the country could speak all day about Don Edwards. As I say, he loved the Constitution, he loved this country, both in its ideas and its physical beauty as well.

The chairman of the full committee went into detail about what the bill would do and why it was important for that legislation to exist and this renaming to take place. I just want to reiterate one concept, that it is now the largest urban refuge in the United States and is visited by over 250,000 people each year.

Renaming the refuge after Congressman Edwards is a fitting token, certainly not enough for the contribution that he has made to this country but a fitting token of appreciation to him for his leadership and the hard work that he did to make this.

As our colleague, the gentlewoman from California [Ms. LOFGREN], said earlier, for generations to come children who visit the refuge will now know who Don Edwards is, for ages to come, and the valuable contribution that he made to our country.

In that spirit, I wish to once again commend the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], and the gentleman from California [Mr. MILLER] for their leadership in making this vote possible today.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1253, to name the San Francisco Bay National Wildlife Refuge for our distinguished former colleague, Don Edwards, who represented the 16th Congressional District of California in this House for three decades.

This is a difficult time in the history of political discourse in our Nation. Rhetoric is inflamed, partisanship persistent, and open anger barely under control as we wrestle with issues that will determine the future course of this Nation and of millions of its most vulnerable citizens. I think it can be fairly said that both parties share the blame for that condition, as do members of the press who pursue the outlandish, the acerbic, and the meanspirited remark.

Don Edwards, who left this Chamber for the last time only a year ago, already seems of a different age—an age when legislators could disagree without being disagreeable, even in discussions of issues that bitterly divided them from each other. He was distinguished without being pompous, fairminded without being neutral, and patriotic without being chauvinistic.

When we think of Don Edwards' legislative achievements, we often think of his work on the Judiciary Committee and especially his chairmanship of the Constitutional Rights Subcommittee. He was a man who could simultaneously champion the constitutional rights of our most despised citizens, while advocating strong punishment of criminal behavior. We also think of his work on international issues, and his deep devotion to peace and an end to the arms race and cold war.

But Don had another great love: the preservation of the wetlands and habitat of San Francisco Bay that had been so affected by decades of development, landfill, and pollution. He fought for the creation of the San Francisco Bay National Wildlife Refuge, and it is that refuge that we seek to name for him today.

Congress authorized the establishment of a 23,000 acre national wildlife refuge in south San Francisco Bay in 1972. On October 28, 1988, President Reagan signed Public Law 100–556 authorizing the acquisition of an additional 20,000 acres, for a total of 43,000 acres. The Fish and Wildlife Service has completed the environmental assessment process for the refuge additions, and work is underway to acquire property for this regional resource.

The objectives of the refuge are to protect the wildlife resources of the south San Francisco Bay area, provide wildlife-oriented recreation, and preserve a natural area in close proximity to a large urban center. The marshes, mudflats, open water, and salt ponds form an ecosystem which supports a rich diversity of fish and wildlife. It is a major nesting and feeding area for waterfowl and shorebirds, hauling out ground for the harbor seal and habitat for three endangered species. The refuge has more than 300,000 visitors annually participating in the many opportunities for fishing, animal and bird observation, research and environmental education.

This great bay area resources exists, in no small part, thanks to the tireless work of Don Edwards, and it is altogether right and fitting that he be memorialized by having it named in his honor. Both those who were fortunate enough to have served with Don, and those who never got to know this consummate legislator and statesman, pay tribute to a life of public service by voting to pass this legislation and, in doing so, we help to honor this House and our profession as legislators.

Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding me the time. I certainly want to congratulate the committee and certainly know this bill will pass with a unanimous vote in naming the San Francisco Bay National Wildlife Refuge after Dan Edwards, a great friend of ours.

Mr. Speaker, I had the pleasure of serving with Don Edwards for a number of years. He was a wonderful Member, a fine friend of ours. He is enjoying life in traveling and visiting friends.

Mr. Speaker, he was the vice chairman of the House Committee on Veterans' Affairs when I was chairman of this great committee. He was a person easy to work with. In fact he could have been the chairman of the Veterans Affairs Committee but he had to take another committee assignment.

I wish that sometime that we could name something else for Don Edwards in the veterans' field, because he was very supportive of all veterans' programs. I am proud to have had the privilege of working with him, so I congratulate the committee, and I rise in strong support for naming this refuge the Don Edwards San Francisco Bay National Wildlife Refuge.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I want to add to those who thought that Don Edwards was one of the finest individual Members ever to set foot in this House of Representatives; his decency, compassion in many fields. I just think this is an important tribute. I want to congratulate the chairman and the ranking member for taking this action.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just like to say that those of us from the bay area certainly believe that we honor our area by naming this grand refuge after Don Edwards, for all of his work.

We also believe, and I think those who had the pleasure of serving with Don and his wife Edie believe that we honor our institution when we think of the grace and the courage that they both brought to public life, in their combined service in and on behalf of so many people who strongly needed the attention of the Government to help make their lives better. People knew that you could always call on Don Edwards and on Edie to provide a voice, to provide support, to provide commitment.

So this is a very proud day for those of us who served with Don and Edie, and certainly those of us from the San Francisco Bay area and from California, as we think we honor ourselves as an institution and Members of the institution and our region with this naming.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can only echo what has been said about Donny Edwards. He called me DONNY YOUNG, he was Donny Edwards. In fact, I had an amendment to the bill. I was going to strike out Edwards and put "Young" after "Don" in each one of them. I am confident that would kill the bill for sure.

But in reality, I would like to suggest that he was an asset to this House when he served, the time that he served with distinction. I know this area, being from California, and being much wiser in going to Alaska. I recognize the importance of this area.

This is a tribute to Mr. Edwards and his support. Maybe someday after I have left this great House, they will be able to take and name the refuge after me.

Just keep that in mind, my fellow colleagues.

I again want to express my support for this legislation in recognition of a good friend that left here. Although he and I were not many times on the same sides of issues, he was a gentleman and indeed he brought a great deal of respect to this House.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, again, I want to thank the gentleman from Alaska [Mr. YOUNG] for all his help and cooperation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, in 1972, Congressman Don Edwards sponsored legislation to establish the San Francisco Bay National Wildlife Refuge. In subsequent years, the Congressman was successful in securing funds to acquire land for the refuge and to expand the boundaries of that unit.

The San Francisco Bay National Wildlife Refuge is more than 21,000 acres, it is a key wintering area for diving ducks along the Pacific flyway, and it supports hundreds of thousands of shorebirds. Furthermore, the refuge is comprised of valuable wetlands located around the bay and it is heavily visited by more than 250,000 people who enjoy its facilities each year. The San Francisco Bay National Wildlife Refuge is the largest urban refuge in the United States.

H.R. 1253 was introduced by then Representative Norm Mineta on March 15, 1995. It was the subject of a subcommittee hearing on May 25, and the sole purpose of this legislation is to rename the refuge as the Don Edwards San Francisco Bay National Wildlife Refuge is recognition of the former Congressman's commitment and dedication to its success.

Mr. Speaker, I support this bill. It is a fitting tribute to a man who tirelessly worked for the good of this refuge for over 20 years. I urge an "aye" vote on H.R. 1253.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1253.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2677) to require the Secretary of the Interior to accept from a State donations of services of State employees to perform, in a period of Government budgetary shutdown, otherwise authorized functions in any unit of the National Wildlife Refuge System or the National Park System, as amended.

The Clerk read as follows:

H.R. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park and National Wildlife Refuge Systems Freedom Act of 1995".

SEC. 2. REQUIREMENT FOR SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES.

(a) REQUIREMENT.—Notwithstanding section 1342 of title 31, United States Code, the Secretary shall accept from any State donations of services of qualified State employees to perform in a Unit, in a period of Government budgetary shutdown, functions otherwise authorized to be performed by Department of Interior personnel.

(b) LIMITATIONS.—An employee of a State may perform functions under this section only within areas of a Unit that are located in the State.

(c) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

(d) ANTI-DEFICIENCY ACT NOT APPLICABLE.—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, qualified State employees under this section.

(e) DEFINITIONS.—In the section—

(1) the term "Government budgetary shutdown" means a period during which there are no amounts available for the operation of the National Wildlife Refuge System and the National Park System, because of—

(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill;

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "Unit" means a unit of—

(A) the National Wildlife Refuge System, or

(B) the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is unfortunate this legislation has to be on the floor, and I say has to be on the floor today.

Mr. Speaker, last month's partial Government shutdown effectively closed the entire National Park System and the National Wildlife Refuge System. For the first time in the history that I can remember, in 24 years, this has occurred. In the process it locked out thousands of visitors who had paid for the parks and paid for the refuges, hundreds that had paid for the refuges, supported by the hunters, fishermen, and bird watchers seeking to enjoy our parks and refuges, by an action of the Secretary of the Interior, by in fact saying the nonessential workers had to go home so we had to shut it down. If they were nonessential then, what are they today?

To prevent the closure of the Grand Canyon National Park, Arizona Governor Fife Symington made a commonsense proposal which would have allowed the park to operate during a shutdown with State employees. Unfortunately, the proposal was rejected by the Interior Department. So visitors from around the world and across the country who came to see the Grand Canyon were locked out.

☐ 1615

Arizona was not alone in its effort to keep Federal lands open to the public. As the gentlewoman from Arkansas will soon tell you, her State and Mississippi had an agreement with the regional director of Fish and Wildlife to operate certain refuges during the shutdown.

I want to stress this, refuges are managed by the States today, under the agreement with the Department of the Interior. But this agreement was rejected by the department's lawyers in the District of Columbia under the direction of Secretary Babbitt.

In a bipartisan effort to help States in an effort to keep the national parks and refuges open during the Government shutdown, I introduced H.R. 2677, the National Parks and National Wildlife System Freedom Act; this bill merely requires the Interior Department to accept, not require, but for them to accept the services of qualified State employees to operate parks and refuges during a Government shutdown. My bill is very similar to H.R. 2706, introduced by the gentlewoman from Arkansas [Mrs. LINCOLN], which limited itself to continuing hunting programs on refuges. This bill has no budget impact, since the States would be supplying funds to operate the parks and refuges.

Moreover, this bill is voluntary for the States. States do not have to do this. This is not a requirement. But when a State steps forward and says, "Yes, we can, in the case of a shutdown," when the Secretary for the first time in history shut down refuges, when a State comes forward and says, "We will because we already set the bag limit, we already set the take, we already set the season, we already set the species. We will operate these refuges."

The bill does not address the issues of liability, which you will hear later. The State employees are stepping into the shoes of Federal employees of allowing our States who normally operate the parks and refuges, and, as a result, the standard liability rules will apply. By the way, when was the last time there was any lawsuit against the Federal Government in a refuge or a park? I hope someone will answer that. I cannot remember it, nor have I seen it; in fact, if it occurs, it does come to my mind maybe we ought to put something else on the endangered species, and that would possibly be the legal profession.

We will hear from some in the minority who are concerned about the expedited process or procedures used to bring this bill to the floor today. I do have some sympathy with that. The full Committee on Resources held a 2½ hour hearing on this bill about last week with the minority members participating very actively. Because of the sense of urgency involved to get this bill to the House and Senate before a possible, and I say possible, Government shutdown in 4 days, it is imperative this bill be on the floor no later than today. As a result, no markup was held.

Under the rules, we can bring the bills to the floor and allow our States to keep the parks and refuges open and require the expedited process to be used.

The bill has bipartisan support. It has been endorsed by the Western Governors' Association, which passed a resolution of support. It is also supported by the Congressional Sportsmen's Caucus.

This is a commonsense proposal to help prevent our constituents from being locked out of parks and refuges during future Government shutdowns.

I urge my colleagues to support this legislation.

Mr. Speaker, if I may say, this bill would not be necessary if this Secretary of the Interior had acted accordingly. Yes, sometimes we have shut down our monuments. Yes, we have shut down some of our parks. When a Governor steps forward and says because of the State activity because of the deadlock between the President and the Congress, let us have the opportunity, but more offensive to me is when a State now has the authority to manage fish and wildlife on a refuge to have one person, one person to say all nonessential employees go home, we are going to shut down these refuges regardless of what the State has done in the past. This legislation is voluntary. It just requires the Secretary to accept a proposal from the State official as is offered to the Secretary of the Interior.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I oppose this bill, and as the chairman knows, I have given him some support lately, but not this time. This is a bad bill.

Mr. Speaker, why do thousands of Americans visit our national parks every year? The answer is because they appreciate and treasure our parks. Last year 270,000 Americans came to our parks. And why do those thousands of Americans appreciate our parks? The reason is because they are successfully managed.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to correct a statement. You said, 270,000?

Mr. RICHARDSON. That is correct, 270 million.

Mr. YOUNG of Alaska. There you go, 270 million.

Mr. RICHARDSON. I thank the gentleman.

This just reinforces my point. Why is the park so successfully managed? And the reason is because we have trained and experienced employees of the National Park Service who dedicate their lives to maintaining our parks.

So why are we here considering a bill which would entrust our parks to individuals who do not have the training or the skills necessary to manage a national park? Because some, and I will not say everyone on the other side, are rushing legislation to draw attention away from the fact that they are planning to force another Government shutdown.

Mr. Speaker, this bill is well intentioned. But it is going to leave our parks in the hands of individuals who lack training, who lack experience, lack the day-to-day knowledge of how to run our parks.

I have just as many hunters and fishermen as my colleague does, and I have not heard from them about the necessity of this dramatic legislation that we are considering today. Temporary State employees who may work hard in other areas of expertise are simply not going to possess the knowledge of national park regulations and management policies necessary to safely maintain our parks.

The bill also raises many questions, such as who is going to accept liability for any accidents or damage to the parks? The fact is this bill is being brought under suspension without the apparent approval of the ranking member, the gentleman from California [Mr. MILLER], and without properly going through the legislative process. Unless the other side has proof of mismanagement within the National Park Service, then there really is not any reason to fix what is not broken.

It is also interesting to see some of my colleagues who have been pushing for a park closure commission now all of a sudden wanting to try to keep them open.

Mr. Speaker, the bottom line is that this is a bad exercise and a bad excuse to shut down the Government. The only way to keep our parks open is for the Congress to strip the Interior appropriations bill from the unnecessary riders so the President can sign the bill. Only then will the employees of the National Park Service be able to use their expertise to properly manage our parks and keep them open.

Mr. Speaker, let us look at some of the attributes in this bill, one of the provisions. While one Governor is eager to assume management of certain national parks, most State park systems are facing severe budget shortfalls. Even on a temporary basis, assuming management of national parks could cripple State park systems as the administration testified.

This bill leaves many management and liability questions unaddressed. Loose ends could jeopardize visitor safety, impair resource protection, which in the long run would likely create more problems than the bill seeks to solve. This proposed transfer which I understand is temporary, is consistent with the long-term agenda of some who have advocated giving management authority of public lands to State and local entities. This is a principle embodied in H.R. 260, a bill to create a national parks closure commission.

There are nationally significant resources which should not be managed on an ad hoc basis in times of budgetary pressure.

Last, here are some alternatives. What do we do about H.R. 2677 as alternatives? Why do not we all work with the administration to reclassify as essential those National Park Service employees necessary to ensure normal operations at all of our 369 national park areas? Why do we not pass a short-term continuing resolution to fund the Department of Interior until after New Year's Day, and last, break the current impasse, take those riders out, and enact H.R. 1977 as we usually do, the Interior appropriations bill for fiscal year 1996?

My chairman has been on a roll on some good bills lately, but on this one he is not on a roll, and I would urge defeat of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I may suggest one thing. The President will have a chance to sign an appropriation bill very soon this week. If he vetoes that bill, that means that the parks will not be open. By the way, I say this, this has not happened before. Yes, in some of the monuments, and the refuges are what really concern me the most when the State manages them. This is an example of this administration, the arrogance of this administration, mismanaging the parks that the taxpayers pay for.

As far as who can do it and who cannot do it, I will put up any State park against the Federal parks right now and how they are run. In fact, in California the one park that is being run right is the Redwoods State Park in California, not the National Redwood Park we made at a cost of $1.4 billion. It is poorly attended, poorly managed, poorly visited.

All we are saying, though, if, in fact, this would happen again, there can be differences of opinion between the Congress of the United States and the President of the United States. But no Secretary of the Interior should deprive any taxpayer the ability to visit that which he paid for because they have decided by the will and whim of any one individual that they are going to shut it down. In fact, they shut down concessionaire stands on the Smokey Ridge over here. They shut them down when the concessionaires themselves had a binding contract. They had people come in and said, "You will shut down." It was Gestapo tactics from the very get go.

This bill will stop the Secretary and this administration when the State says, "We can do it, we will do it, we will pay for it. We are liable, and we are going to keep it open for the American people."

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, as an original cosponsor of H.R. 2677, I am pleased that the House is having an opportunity to debate the merits of the National Parks and National Wildlife Refuge Systems Freedom Act.

Since coming to Congress in 1984, I have proudly represented New Jersey's Third Congressional District, which includes the 40,000 acres of the Edwin B. Forsythe National Wildlife Refuge.

This refuge, which is predominantly an estuarine marsh habitat, is one of the finest in our Nation, and over the years the size of this refuge has increased because of broad public support. Men and women in my district have provided the financial resources to protect this barrier island ecosystem and to acquire the upland forest and fields that have enhanced the biodiversity of the refuge. In addition, thousands of my constituents have enjoyed hunting and fishing on lands that comprise the Edwin B. Forsythe National Wildlife Refuge for generations.

Tuesday, November 14, was a bad day for America and for every person who wanted to visit a national park or national wildlife refuge unit. While my preference would be to complete action on an appropriations bill for the Department of the Interior, there must be a fail-safe or stop-gap procedure in place to avoid another public lands meltdown.

In my judgment, it was ludicrous that the Department of the Interior was unable or unwilling to accept the offer of Governor Symington to keep the Grand Canyon open by using State National Guard troops.

Mr. Speaker, this was just one example of where various State officials expressed willingness to operate our National Parks and Refuges with State employees. Sadly, these offers were rejected.

H.R. 2677 would provide a fail-safe measure and it would help to ensure that the gates to the Edwin B. Forsythe are never again padlocked and shut in the faces of those Americans who paid for these lands with their hard-earned tax dollars.

Mr. Speaker, I urge an "aye" vote on the National Parks and National Wildlife Refuge Systems Freedom Act.

□ 1630

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today I rise to support the purposes behind H.R. 2677. What we experienced in November is not a new phenomenon and there should be a set contingency arrangement for the management of our natural resources should the doors of the Federal Government again close due to the lack of appropriated funds.

I have been involved in the issue because, when the Government shut its doors in November, many of my constituents were refused entrance into the wildlife refuges for a prescheduled deer hunt.

Hunting is one of Arkansas' favorite family pastimes. People take time off work and families plan vacations around hunting trips. Prior to the recent shutdown, refuge managers had scheduled deer hunts at two Arkansas refuges. Hunters in my district went through an extremely competitive permit process, paid $12.50 for each permit, took days off from work, drove up to 6 hours, only to be turned away at the gates of the refuges. Needless to say, the budget crisis in Washington was not of their choosing and they were not happy about the results.

Weeks before the actual shutdown, the Fish and Wildlife Service worked with the Arkansas Game and Fish Commission on an agreement to allow State employees to volunteer their services on the Federal wildlife refuges. This agreement was signed and ready to implement in the event of a Federal Government shutdown. However, days before the actual shutdown, the Interior Department determined that this agreement violated the Antideficiency Act and would not be allowed to go into effect.

I introduced a more narrow bill to reflect a more concise arrangement between the Fish and Wildlife Service and the Arkansas Game and Fish Commission. My bill would mandate a prior agreement between the Federal and State governments before the State could take over the management of hunting on wildlife refuges. The agreement mandated in my bill would ensure that State employees volunteering their services had proper safety training, knowledge of the terrain, knowledge of and adherence to Federal regulations, and ability to protect individuals and the natural resources.

I believe that shutting down the Government is a poor way of running a government or business. Americans who pay their taxes and play by the rules should expect their Federal Government to function properly and perform services that people rely on. They shouldn't be punished for Congress' inability to conduct its housekeeping chores. This bill only takes care of a small portion of the impacts arising from a Federal Government shutdown. However, this approach makes sense because there are currently such arrangements where the States manage Federal lands and historically, the Federal and State governments work closely together in setting hunting seasons.

I understand that we need to move quickly to resolve these issues if we are facing another potential shutdown on December 15. As I believe that there are still outstanding issues that need to be resolved to ensure safety and the protection of our natural resources, I look forward to working with the chairman, the Senate, the Fish and Wildlife Service and the Arkansas Game and Fish Commission on this issue and urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I represent the 19th District in California, and in that district is included Yosemite National Park, Kings and Sequoia National Parks. I understand the magnitude of balancing a budget and coming to shutdowns and agreements, where we have really got to get our act together fiscally and budgetarily.

What I do not agree with is when innocent citizens are caught in the way of a government shutdown, such as the communities of Oakhurst, Aubury, Three Rivers, and Mariposa, those communities whose interests depend heavily on tourism generated by these national parks. It is for that reason that I support this bill.

Those involved in government, those that hang their hat on government, government employees, this body, those people are the ones that should suffer the consequences of a Federal Government unable to function and unable to come to agreements on a 7-year balanced budget scored by CBO; not people in small communities whose economies thrive on open national parks. It is for that reason I support this bill.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this bill. It is an innocent sounding bill. Why can we not do something like leave the parks and the wildlife refuges open when we do not pass the appropriation measure and have them signed into law.

Well, if we do not pass the measure, it has profound impacts. There is not the funding available under the Constitution to in fact fund these functions of Government. Now, I am a little confused today, because in this instance, the new majority, the Republicans, are attempting to cover up and smooth over the problems that the parks and the wildlife refuges are not open under the funding lapse and we will not be able to hunt in them. As a hunter, I am sure that I would be concerned if I had that tag for that deer in Arkansas. I would want to participate and hunt. I understand that particular problem.

But, on the other hand, they want to smooth over that problem, but later today, under the debt ceiling legislation that is to be passed, they want to shut the Government down completely. They want to force Secretary Rubin into relinquishing borrowing authority that he lawfully exercises.

I am confused. What do you want? Do you want to shut the Government down or do you want to keep it open? The fact of the matter is you could answer this particular problem for this park and hunting issue by stripping out all the extraneous riders from the Interior appropriation, the special interest provisions for the mining industry, for the grazing industry, taking out the rules and regulations and the Tongass timber issues in southeast Alaska, which are holding that bill up, and send it to the President without that controversy, come to a compromise and pass and enact it.

You have not done that yet. The G.O.P. hasn't taken step one. That is the reason we are here, nearly 3 months after the date this bill should have been enacted. It is not enacted, and now, we are going to go through this hokey process of trying to suggest that everything will really run just as it is supposed to without funding, because we can enlist the States to run the parks and the wildlife refuges and you can go hunting if you want to, because the Governor from Arizona, for example, is going to be able to operate the park or the refuge.

What happens when someone gets in the Colorado River and they are on the wrong side and the Governor from Utah is not involved with his personnel? This bill does not make it possible to respond. This bill does not work. You have not answered the anti-deficiency questions. You have waived that law. You are fundamentally undercutting the authority and the ability of Congress in terms of controlling the purse strings.

Is that really what this Congress wants to do? I understand the good intention and the practical problems that some of my colleagues are having, but that just underlines the importance of funding. We ought to keep the pressure on to pass the Interior appropriation bill. We ought not to use this as just one more opportunity to gratuitously beat up on Federal employees, on Park Service employees, on the rangers and stewards of these public lands, such as I heard at last week's hearing.

The issue H.R. 2677 had one day of hearing, after little notice with regard to it, and suggesting we have over 400 park personnel in the Grand Canyon to operate it. The entire State of Arizona has 200 Park Service employees. How are they going to run the Grand Canyon? Not very well, I am afraid. The suggestion then is that we do not need those 400 Federal employees to operate the Grand Canyon, that somehow they are not doing their job or any State could do this and we do not need the Federal Government.

That is what this is all about. This is just a political game, a charade we are playing here, with I think a very important issue, the budget, and something very dear to the hearts of the American people, our parks and wildlife refugees. This bill actually creates more problems than it solves. It reminds me of my experience of being pushed off a deep drop off in a lake by a friend who then prevented my drowning and was hailed a hero. Thanks, but no thanks with that swimming experience or this legislation.

The Republican leadership is advancing this bill, H.R. 2677, as a solution to a self-imposed problem due to skewed priorities. The Interior appropriations bill still is not approved 10 weeks after the start of the fiscal year, hence no funding for the park and wildlife refuge operation. If the Republican majority had done its job and drafted a sound appropriation measure without giveaways to the grazing, timber and mining industries, with funds for essential programs we would not be in this crisis situation without funding to keep our national parks and refuges open during a Federal shutdown and we would not be considering H.R. 2677 today. Just symbolically opening the Washington Monument or Grand Canyon won't solve the budget problem.

Not only should this bill be unnecessary, it fails to address many practical issues. I do not question the good intentions of most States or the sincerity of State employees who are willing to do what they can in a difficult situation; however, managing the Washington Monument, Yellowstone, Grand Canyon or any of our parks requires expertise that cannot be acquired on an ad hoc, emergency basis. I was Chairman of the Subcommittee on National Parks, Forests and Public Lands for 10 years and certainly I would like to see the parks open for people to enjoy. However, when our National Parks are open, the public and common sense demand that we ensure adequate public safety and adequate protection of the natural and cultural resources within the unit. H.R. 2677 guarantees neither.

Mr. Speaker, this bill is a shining example of what is wrong with the 104th Congress. The Resources Committee held one hearing on two bills, on short notice last Friday when most Members had plans and had left for their districts. There was no markup session and we have had no opportunity to offer amendments or refine the measure. Such a process makes a mockery of the legislative process. In addition, by pushing this bill through without proper deliberation, the new majority seems to imply that government shutdowns will be the norm. The Congress, rather than placing a band aid on the problem, ought to be busy working to avert the injury by enacting the regular appropriation measure or if we fail in that, a continuing resolution to avert the problem.

Are we going to have to enact a series of separate measures for all Federal programs short of funds, for Social Security claims to be processed, and another for passport services, and many others until we have hundreds of laws for every possible contingency resulting from preventable Federal shutdowns? We could replicate the entire Federal code for funding shortfalls and contract out the services to the States in toto. Mr. Speaker, our Nation faces serious budget constraints, declining incomes and security for working people, and many grave concerns. This measure, H.R. 2677, is make-work legislating, creating additional problems just so we can solve them with bills like the one before us today. I urge the defeat of H.R. 2677. We should reaffirm our support for a host of laws already on the books.

This measure, beyond the misguided and misdirected congressional focus, could have profound impact on the legislative branch of the Federal Government. H.R. 2677 provides a blueprint and an engraved invitation for the executive to sidestep congressional authority to control spending, the purse strings, and the land use policy of the Federal Government. Ironically, Congress has always been very careful to guard land use policy as well, avoiding the frequent requests for administrative flexibility. Congress and its committees have properly asserted an effective role in land use questions and most certainly in the designation and operation of our crown jewels, the park units.

This measure, H.R. 2677, undercuts and weakens congressional control of the funding and budget control. In weeks past, the Republican majority has loudly protested Secretary of Treasury Rubin's authority to borrow and finance from specific accounts to avert default and expand the debt ceiling borrowing capacity of the Federal Government. My question is what way do you want it? Do you want to take away the power of the executive branch on debt ceiling and existing borrowing authority or expand the ability of the executive to avoid the shutdown of the Federal non-exempt entities?

Congress is moving onto a slippery slope when it begins to move land use functions to the States. Frankly, this Congress has just defeated studies, policy measures, even to consider changing the management authority and designation of parks, H.R. 260. Now we are about to back into an ad hoc assumption by States of selected National Park management, especially parks that would not even be considered for a change of management.

This year our Committee on Resources has repeatedly held hearings and heard proposals to strip National Park designation from our parks. Beyond these events, repeated proposals have been introduced to force the Federal Government to transfer public domain lands or prevent the Federal Government from asserting its rights as regards such Federal lands.

Repeatedly as the issues are raised and become instantly controversial, the Republican majority denies any involvement. But just the reading of the hearing record from this measure reflects the radical and extreme views espoused by my colleagues. It is the true and factual source of many of these assertions that engender such serious concern.

Mr. Speaker, this bill solves no problem. In fact, it is a detour on the path to a solution. It needlessly distracts and is harmful to the interests and prerogatives of Congress. It is certain to raise yet more controversy and misunderstandings. H.R. 2677 is a waste of energy and time when we should be resolving our problems of appropriations, not concocting schemes to shroud them within. This lack of funding cannot be wished away or solved without real funding. Let's defeat this bill and get back to work.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2677. It seems to me this is a common sense bill that the American people are crying out for and we hear such silliness here on the floor. The National Parks and National Wildlife Refuge System Freedom Act of 1995 addressed a simple problem, but a problem that can be very severe.

In my State of Arizona, during the last shutdown, we had a tragedy, actually we had many tragedies. People who make their livelihood off the national park were devastated. People would who wanted to visit one of the 7 Wonders of the World, the Grand Canyon, were told they could not do so. And why were they told that? They were told that because the premise is that unless you have a Federal employee employed by the Federal Government standing at your side, you cannot enjoy, indeed, the Federal Government will prohibit you from enjoying the grandeur of the Grand Canyon.

There is nothing more absurd in my lifetime than that notion. The shutdown of the Grand Canyon National Park was itself politics that hurt the American people. At no time in the history of this Nation should politics or political posturing be allowed to injure the American people as they did in that shutdown.

Yet let me bring you a statistic. In the 32 times that the Government has shut down in the last 2 decades, the National Park Service has not once told a private concessionaire that it had to leech the park. Now, ask yourself why did it do it this time? Why did the Government insist that this time concessionaires in private parks must leave the park? I submit to you it was political posturing.

When we asked in the hearing held last Friday the Federal Department of Interior officials the answer to that, their answer was a fascinating one. It was that well, if the shutdown had lasted only 2 days, one could fudge the Anti-deficiency Act. But if it lasted 3 days, one could not.

Now, I asked them to find and their lawyers to find the language in the Anti-deficiency Act which says you can fudge a shutdown for 2 or 3 days, but you cannot fudge it for 3 or 4 days. They could not do it.

There is a tragedy here, a tragedy of arrogance, arrogance at the Federal level. The notion which we have heard on the floor today that the American people should be denied the right and visitors from across this Nation and visitors from around this world who have traveled thousands of miles to visit the Grand Canyon, indeed, one of the 7 Wonders of the World, should be sent away because a Federal bureaucrat is not there to stand beside them as they stand at Mather Point and try to absorb the beauty of the Grand Canyon.

The Governor of my State, Governor Symington, came forward with a simple, common sense idea. He said while you all posture in Washington, let me in the State of Arizona run that park. I take great umbrage at the words said on this floor moments ago that the State of Arizona could not run the park well because it has only 200 employees. Such arrogance at the Federal level is offensive. This bill should pass. I urge my colleagues to support it.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

The previous speaker, of course, talks about arrogance, he talks about posturing, he talks about politics. In 5 seconds we could preclude all of that happening by a simple continuing resolution that says the Republican leadership has not been able to do the job of passing appropriation bills. But we will pass a continuing resolution.

We did it very briefly when you decided it was time to do it. We did it very briefly the time before that when you decided to do it. This whole business of shutting down parks and anything else is political posturing. I called it terrorist tactics, as you may recall, previously. The fact of the matter is I rise in opposition to this legislation which would allow State employees to replace Federal employees during any future Government shutdowns.

While I hope the Republican leadership will not force us into another shutdown, I ask that they stop pretending that shutdowns affect only those programs you do not like. If we like them, well, we ought to fund them. If we do not like them, clearly the State officials in Arizona were concerned about the impact of the closure of the Grand Canyon. I think all of us would agree with that.

On a lesser scale, officials in my own State were concerned about the impact of closure of Green Belt National Park, Catoctin Mountain Park, Fort McHenry and the Smithsonian, which had an obvious impact on tourism in the Maryland suburbs. The Speaker and the leadership would like the American people to think that these national assets can keep going even while they close down the Government, the parts they do not like.

Last week in the Subcommittee on Civil Service, Social Security Commissioner Chater was questioned about why she did not retain more employees to keep critical services moving ahead. My Republican friends must learn you cannot have it both ways. You cannot deliberately shut down the Government and then use backdoor methods to keep open agencies in operation that happen to be especially popular.

In addition to raising a number of serious legal and management questions, this legislation is yet another attack on Federal workers. While many of our parks rely on volunteer help, it is outrageous to suggest that State workers with many other duties to fulfill can instantly qualify to manage our parks and national wildlife refuges.

The Patuxent Wildlife Research Center in my district is renowned for its work with endangered species. I do not believe any volunteer, frankly, without training could come in and operate it. If the leadership is serious about keeping our parks open, if the leadership is serious about keeping our parks open, they ought to do what they should have done by October 1, pass the appropriation bills that the President can accept. If the Republicans are serious about keeping Social Security functioning, they ought to pass a Labor-Health appropriations measure that the President can sign.

Today is December 12 and the leadership has not even brought a bill to the floor in the Senate on this issue. Some 50,000 employees, they are not national parks, but they are people who need programs to make sure that they have housing, make sure that they can eat, make sure their kids can get Head Start programs and other things that may not be as important as seeing the 7th Wonder of the World, but they are important to some.

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I urge the House to reject this measure and keep the pressure on the Republican leadership to take their responsibilities seriously. Do not shut down Government.

BOB DOLE said we ought not to do it, and he is right. And it will take 5 seconds. A unanimous consent to do a continuing resolution to continue the in-existence continuing resolution offered by the Republican leadership just days ago and say that it will go until January 26 or 30. Five seconds and this problem would be eliminated.

Why does it exist? Political posturing.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, before I yield to the gentleman from Arizona, to say that we have just heard one of the most partisan presentations for a subject the gentleman knows nothing about.

It is very, very disturbing to me that before this, this was a debate about refuges and parks and the ability to keep them open to the taxpayer. And it disturbs me, as I have said before, that I have been here long enough to remember before we had these television cameras. If Members want to play the television, that is fine, but we are trying to solve a problem.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I simply want to briefly respond to the remarks we have just heard. The notion that is posited here that this is a one-sided problem, that, indeed, only one party can be blamed for the budgetary impasse that we have before the Nation right now, nothing could be further from the truth.

The simple truth lies in the words which were used. Pass a bill the President can accept. It is a simple proposition. No measure passes this Congress without the votes to pass it, but it does not become law until the President also signs. The budget impasse we face today is of equal burden and falls upon both parties.

I have a discussion with my staffers when I hire them. There are two kinds of people in the world, those who look for ways to solve problems and those who look for excuses why they cannot be solved. What we have heard today is that there is an acknowledged problem. We have a budget impasse. The other side of the aisle says here are excuses why we cannot solve the problem. Our side says we can find a solution. This bill is the solution.

I simply want to add a dimension of the problem. This is a letter written by Susan Morley of Flagstaff, Arizona. It details how her husband died in 1992 of cancer at the age of 41. He asked his ashes to distributed at Ribbon Falls in the Grand Canyon, and then there was scheduled this year a family reunion of their entire family from across the Nation to visit Ribbon Falls in his memory. They were denied the right to do that, and she details in here her 13-year-old crying because she could not go to Ribbon Falls to celebrate her father's passing and his memory because of the Federal Government shutdown.

There is a way to solve this problem and not to look for excuses. It is in this bill. I urge its passage.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

My purpose was not to be partisan in presentation, as is alleged by the chairman, my good friend, the chairman of the committee. My purpose was to say that there is a very simple way to get out of this perceived problem, and that is to say, yes, we have differences, they are substantive differences, and we are debating them, and we will go on debating them for probably weeks to come because there is substantial disagreement within your party and between the President and the Congress.

The simple way to do it is to say we do not intend to shut down the parks or other aspects of Government. The fact of the matter is, we are going to operate Government while we debate these issues.

I would say to the gentleman that that was my point. I think it is a valid point on this bill and others like it that seek to accept certain portions as opposed to making sure that the Government continues to operate.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, this is not the solution, this is a coverup in terms of what the real solution is. The real solution is passing the Interior appropriations bill.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do the parties have left?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Alaska [Mr. YOUNG] has 2½ minutes, and the gentleman from California [Mr. MILLER] has 4 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I have reserved the right to close, I believe, but I yield myself such time as I may consume to suggest if the gentleman had reached his point and not added all the little adjectives to it, I would have been much happier.

I will not disagree with some of the things he says, but I would suggest when he brings in the other appropriations bills, brings my leadership into question, when this is a two-party street, why did the gentleman not mention the President? That is all I suggested.

It means a great deal to me that we solve this problem of refuges and parks. And I hope on that side of the aisle, I hope Members understand if they vote against this bill what they are doing. It is not my fault, it may not be my colleagues' fault, but we are allowing the Secretary for the first time in history to deprive our taxpayers of the utilization of our refuges and parks, and tell me that is not political.

When Secretary Babbitt will run down and campaign in every district that has a Republican, and he has done that, and I have that documented, that is politics. I am tired of politics on this floor. I want to keep the parks open and the refuges open, because that is the taxpayer's right.

If my colleagues want to play politics, we will play politics. But let us leave this part of it out. This is for the parks and the refuges.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Grand Canyon was not closed because of the failure of the budgetary process. the Grand Canyon was closed because the Republican party, which numbers 234 in this House, has not passed an appropriations bill for the Department of the Interior. And the fact of the matter is, that bill was to be passed on October 1 and it is December 12 and it still has not passed. They brought it to the House twice and it was rejected on a bipartisan basis, overwhelmingly rejected because of its extreme nature.

The Republicans are looking for someone to point a finger at and someone to blame. They ought to take some personal responsibility. They have failed to pass the appropriations bill. If the appropriations bill was passed, then the Grand Canyon would be treated by those other agencies of the Federal Government whose bills were passed and they were not affected by the shutdown. But the Republicans have failed and now they want to blame somebody. They are not going to get away with it.

Pass the appropriations bill and pass a bill that, yes, is acceptable to the President of the United States and to the people of this country. That is not what the Republicans have been serving up on the floor of this House, and that is why they have been repudiated twice. Because the people of this country are not going to sacrifice these resources so that the Republicans can open them up some emergency basis.

Mr. Speaker, I know it is a cliche, but we often talk about the defendant that killed his parents and then threw himself on the mercy of the court because he was an orphan. The Republicans here have failed to deliver a bill in a timely fashion. The fact is they have failed, I believe, to deliver every appropriations bill in a timely fashion for, I believe, the first time in modern history in this Congress. And the fact of the matter is that is why the Government was shut down. That is separate from the budgetary process.

Mr. Speaker, the fact of the matter is, we did not have a continuing resolution because the Republican leader, the Speaker of the House, threw a tantrum, and that tantrum resulted in tens of thousands of Federal employees being thrown out of work, and millions of Americans being disappointed, whether they were trying to bury their family in veterans cemeteries or at Ribbon Falls. But that happened for a single reason; because the Republican majority in this House failed to meet the mandates of the laws. It is just that simple. It is just that simple.

If the budget talks collapse tomorrow or the next day or next year, if the Republicans pass the appropriations bill, then those people will not be disappointed and those people will not be punished who are employees and those who wish to take advantage of the services of the Federal Government. So they have cooked up this bill. They have cooked up this bill to cover this trail. This is dragging the tree limbs behind the horse so maybe the people who are following this will not know where they are going. They know exactly where they are going.

The Republicans are planning to shut down the Government again. They are anticipating it, which suggests maybe the good faith bargaining everybody talks about is not taking place, and at the same time they are trying to cover up for the mistakes they made in the past. They were so excited to shut down the Federal Government, they did it prematurely. They did it before there was any controversy. But they went ahead and shut it down, and the American people said what the hell are they doing. This does not make sense. We have not even arrived at the point where we have a serious controversy.

So now they are coming back from that position that they found was so unpopular with the American public, and now they are trying to pretend they are doing something to deal with it. The Republicans can deal with this. Pass the Interior appropriations bill. But if the Republicans are going to load it up, as they have in the past, with a lot of provisions to destroy the forest and destroy the wild lands of this country, it will not be acceptable, and the President is not going to sign it, and they will, again, have enabled people to shut down the Government of this country because of their own failures to meet their deadlines and to meet the guidelines and the laws of this country.

Mr. Speaker, the only reason we are here today with H.R. 2677 is that the Republican majority failed to do its job and pass an acceptable appropriations bill to fund our national parks and wildlife refuges.

The majority has twice failed to generate sufficient votes to pass its own Interior bill. And now, to cover the tracks of that failure, they have cooked up this specious and absurd piece of legislation. Let us be clear: This bill is nothing but camouflage to conceal the Republican leadership's failure to do its job.

H.R. 2766 has been titled the "National Park and Wildlife Refuge Systems Freedom Act of 1995". This bill does not free our national parks or refuges from anything. Instead, it raises more concerns than it answers, and it places our parks, and our citizens, at great risk.

Which parks or refuges would be opened in the event of a Government shut-down?

What services would be provided?

Who would be liable to accidents to visitors or damage to resources? Governor Symington of Arizona tells us he thinks Federal taxpayers should indemnify States for damages and injuries caused when States operate Federal facilities. An interesting feature of the new federalism!

If you are serious seeking the answers to these and other questions about this hastily developed bill, do not look to the Committee on Resources. We have held one, perfunctory hearing, on a day when the House was not even in session; multiple questions about the bill went unanswered. We held no subcommittee mark up; no full committee mark up; there is no report on this bill.

And today, the House is being given no opportunity to amend this bill to address the many concerns and criticisms that have been raised about it.

H.R. 2677 is really a pretty poor solution to the Republican failure to provide an appropriations bill to fund our national parks and wildlife refuges. If you were really serious about this problem, we would be better off passing a law declaring all national park and wildlife refuge employees as emergency employees for the duration of a shutdown. Instead, you are going to have States determine what parks and refuges are open in a shutdown and what services will be provided. I note Governor Symington's offer to assist with Grand Canyon National Park, but what about Saguaro National Park, Petrified Forest National Park, or any of the 17 other national park units in Arizona? The Governor did not answer that one.

Let me tell you what this bill is really about. It is not about keeping the parks open, because it is so poorly drafted and ill-conceived that no one seriously believes it is going to become law. It is polemics, not policy.

No, what this bill is about is the Republican leadership, who demanded that it be prematurely brought to the floor this week, wanting to immunize itself against charges that it shut down the national parks again because Republicans cannot figure out how to pass an Interior appropriations bill. And this bill is a little insurance policy, so they can go home and tell their disappointed constituents: "Oh, I didn't vote to close the parks. Those nasty Democrats did because they refused to pass H.R. 2677."

But the Republicans know, and the American people know, this bill could not become law in time for the possible shut-down this week, and so there is really no rush. It should be given much fuller consideration.

And last, let me mention that many of those who are promoting this bill are also advocates for turning over Federal lands, including protected national parks, to the States so that miners, loggers, and others can exploit them free from the management policies developed on behalf of all Americans by past Congresses.

H.R. 2677 has been conceived as a first step towards the dismantling of our parks, refuges, wilderness areas and other Federal lands. And that is exactly how passage of H.R. 2677 will be interpreted by its supporters.

Do not let the Republicans play dangerous political games with our national parks! Vote "no" on H.R. 2677.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman that just spoke voted twice to recommit the bill. We brought a bill to the floor, an appropriations bill that could pass, to send to the President, and then if he vetoed it, we would know really where the differences lie. But the gentleman was in the minority. He was in the minority. And this House has not done its job because the minority says they know what is best for the majority.

The minority will have an opportunity this week to vote on the same bill. Hopefully, it will pass and it will go to the President and he will probably veto it. Then that is in his ballpark. But the big thing right now is, again, I want to stress that for the first time in history this Secretary, the arrogance of this individual, has taken away the rights of the American people.

All this bill does is say if a State wishes to do so, in the case of a conflict between the Congress and the President of the United States, they, in fact, can offer their services to keep these areas open for the general public.

Mr. Speaker, may I suggest, and correct the gentleman from California, that in 1987 the majority on that side passed, for a full year, 13 continuing resolutions for all 12 months for all 13 agencies. Do not tell me about the law. In fact, in 1974, when Mr. Carter was running around here, 1975 and 1976, in that period of time, 1978, I cannot remember all the years he has been there, each time they, in fact, passed continuing resolutions. They never met the time frame.

I have heard this argument again and again about the Republican party not doing this. The Democrats have failed miserably, and in the meantime put us $6 trillion in debt.

Mr. DINGELL. Mr. Speaker, I rise today in strong opposition to the bill before us. This bill would temporarily place the management of national parks and wildlife refuges under State control, and it raise several concerns. First, as author of the underlying legislation for the National Wildlife Refuge System, I have long opposed any giveaways in Federal authority to the States.

These lands belong to the people of the United States—not any one State, and they must be managed according to the purposes established through Federal legislation.

Second, as a long-time hunter, I, too, wish to see the refuges remain open. There is a simple way to achieve this, and one which the majority has twice failed to do by bringing an appropriations bill to this floor which is so extreme that it cannot pass. The Interior appropriations bill is over 2 months late.

Third, there are unresolved questions about the liability and other matters when the Federal Government hands over the keys of these treasures to the States.

The majority is right! It is irresponsible to close down our national parks and the refuge system. It is a shame that we are facing a second Government shutdown later this week because the majority is unable to pass a reasonable funding bill for parks and refuges.

Now I must say that I have the most respect for the chairman of the Resources Committee, with whom I have worked diligently to assemble a bill which will make improvements in our Refuge System. H.R. 2677 is bad legislation which goes against those things which Chairman YOUNG and I are trying to achieve with legislative reforms to improve our refuges, and does so to try to carve out exemptions for hunters.

As a hunter, I want refuges open. As a legislator, I want good legislation for our refuge system. H.R. 2677 might be good politics, but it is terrible policy. I urge defeat of this bill.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1700

FEDERAL TRADEMARK DILUTION ACT OF 1995

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1295) to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks, as amended.

The Clerk read as follows:

H.R. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trademark Dilution Act of 1995".

SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 and following), shall be referred to as the "Trademark Act of 1946".

SEC. 3. REMEDIES FOR DILUTION OF FAMOUS MARKS.

(a) REMEDIES.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by adding at the end the following new subsection:

"(c)(1) The owner of a famous mark shall be entitled, subject to the principles of equity and upon such terms as the court deems reasonable, to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is distinctive and famous, a court may consider factors such as, but not limited to—

"(A) the degree of inherent or acquired distinctiveness of the mark;

"(B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;

"(C) the duration and extent of advertising and publicity of the mark;

"(D) the geographical extent of the trading area in which the mark is used;

"(E) the channels of trade for the goods or services with which the mark is used;

"(F) the degree of recognition of the mark in the trading areas and channels of trade used by the marks' owner and the person against whom the injunction is sought;

"(G) the nature and extent of use of the same or similar marks by third parties; and

"(H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

"(2) In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief unless the person against whom the injunction is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If such willful intent is proven, the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

"(3) The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.

"(4) The following shall not be actionable under this section:

"(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

"(B) Noncommercial use of a mark.

"(C) All forms of news reporting and news commentary.".

(b) CONFORMING AMENDMENT.—The heading for title VIII of the Trademark Act of 1946 is amended by striking "AND FALSE DESCRIPTIONS" and inserting ", FALSE DESCRIPTIONS, AND DILUTION".

SEC. 4. DEFINITION.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the paragraph defining when a mark shall be deemed to be "abandoned" the following:

"The term 'dilution' means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of—

"(1) competition between the owner of the famous mark and other parties, or

"(2) likelihood of confusion, mistake, or deception.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1295, the Federal Trademark Dilution Act of 1995 and I would like to commend the gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member of the Subcommittee on Courts and Intellectual Property for all of her hard work on this issue.

Mr. Speaker, this bill is designed to protect famous trademarks from subsequent uses that blur the distinctiveness of the mark or tarnish or disparage it, even in the absence of a likelihood of confusion. Thus, for example, the use of DuPont shoes, Buick aspirin, and Kodak pianos would be actionable under this bill.

The concept of dilution dates as far back as 1927, when the Harvard Law Review published an article by Frank I. Schecter in which it was argued that coined or unique trademarks should be protected from the "gradual whittling away of dispersion of the identity and hold upon the public mind" of the mark by its use on noncompeting goods. Today, approximately 25 States have laws that prohibit trademark dilution.

A Federal trademark dilution statute is necessary, because famous marks ordinarily are used on a nationwide basis and dilution protection is only available on a patch-quilt system of protection. Further, some courts are reluctant to grant nationwide injunctions for violation of State law where half of the States have no dilution law. Protection for famous marks should not depend on whether the forum where suit is filed has a dilution statute. This simply encourages forum-shopping and increases the amount of litigation.

H.R. 1295 would amend section 43 of the Trademark Act to add a new subsection (c) to provide protection against another's commercial use of a famous mark which result in dilution of such mark. The bill defines the term "dilution" to mean "the lessening of the capacity of registrant's mark to identify and distinguish goods or services of the presence or absence of (a) competition between the parties, or (b) likelihood of confusion, mistake, or deception."

The proposal adequately addresses legitimate first amendment concerns espoused by the broadcasting industry and the media. The bill would not prohibit or threaten noncommercial expression, such as parody, satire, editorial, and other forms of expression that are not a part of a commercial transaction. The bill includes specific language exempting from liability the "fair use" of a mark in the context of comparative commercial advertising or promotion and all forms of news reporting and news commentary.

The legislation sets forth a number of specific criteria in determining whether a mark has acquired the level of distinctiveness to be considered famous. These criteria include: First, the degree of inherent or acquired distinctiveness of the mark; second, the duration and extent of the use of the mark; and third, the geographical extent of the trading area in which the mark is used.

With respect to remedies, the bill limits the relief a court could award to an injunction unless the wrongdoer willfully intended to trade on the trademark owner's reputation or to cause dilution, in which case other remedies under the Trademark Act become available. The ownership of a valid Federal registration would act as a complete bar to a dilution action brought under State law.

Mr. Speaker, H.R. 1295 is strongly supported by the U.S. Patent and Trademark Office, the International Trademark Association; the American Bar Association; Time Warner; the Campbell Soup Co.; the Samsonite Corp., and many other U.S. companies, small businesses, and individuals. It is solid legislation and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the Intellectual Property Subcommittee chairman, the gentleman from California, in support of H.R. 1295, the Trademark Dilution Act. In particular, I am pleased that the bill before us today includes an amendment I offered in subcommittee to extend the Federal remedy against trademark dilution to unregistered as well as registered famous marks.

At our hearing on H.R. 1295, the administration made a compelling case that limiting the Federal remedy against trademark dilution to those famous marks that are registered is not within the spirit of the United States position as a leader setting the standards for strong worldwide protection of intellectual property. Such a limitation would undercut the United States' position with our trading partners, which is that famous marks should be protected regardless of whether the marks are registered in the country where protection is sought.

In all of our work this year, the Intellectual Property Subcommittee has been strongly committed to making sure that the United States is a leader in setting high standards worldwide for the protection of intellectual property. This bill is fully within that tradition, and will strengthen our hand in our negotiations with our trading partners.

It is also important to recognize, as the Patent and Trademark Office pointed out in its testimony, that existing precedent does not distinguish between registered and unregistered marks in determining whether a mark is entitled to protection as a famous mark. To the extent that dilution has been a remedy available to the owner of a trademark or service mark in the United States under State statutes and the common law, that remedy has not been limited only to registered marks. So it really doesn't make any sense, if we are going to create a Federal statute on trademark dilution, to limit the remedy to registered marks.

For these reasons, I am happy that the bill before us today includes a strong Federal remedy for trademark dilution, not only with respect to registered marks, but also with respect to unregistered famous marks. I urge my colleagues to support this bill.

Mr. Speaker, I have no further speakers on this bill, so I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion of the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1295, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENHANCING FAIRNESS IN COMPENSATING OWNERS OF PATENTS USED BY THE UNITED STATES

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States, as amended.

The Clerk read as follows:

H.R. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUST COMPENSATION.

(a) AMENDMENT.—Section 1498(a) of title 28, United States Code, is amended by adding at the end of the first paragraph the following: "Reasonable and entire compensation shall include the owner's reasonable costs, including reasonable fees for expert witnesses and attorneys, in pursuing the action if the owner is an independent inventor, a nonprofit organization, or an entity that had no more than 500 employees at any time during the 5-year period preceding the use or manufacture of the patented invention by or for the United States. Reasonable and entire compensation described in the preceding sentence shall not be paid from amounts available under section 1304 of title 31, but shall be payable subject to such extent or in such amounts as are provided in annual appropriations Acts.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions under section 1498(a) of title 28, United States Code, that are pending on, or brought on or after, January 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 632, a bill to enhance fairness in compensating owners of patents used by the United States. I ask unanimous consent to revise and extend my remarks and yield myself as much time as I may consume. An amended version of this bill is presented for passage under suspension of the rules. The amendment to the reported bill reflects technical changes which conform to suggestions given after consideration of the bill by the Committee on the Budget.

I would like to thank the ranking member of the Subcommittee on Courts and Intellectual Property, the gentlewoman from Colorado [Mrs. SCHROEDER], for her efforts in bringing this bill before the subcommittee and for her work on the important issue of attorney's fees in patent cases brought against the United States. I would also like to thank the gentleman from Texas [Mr. FROST] for introducing this bill. It was brought to light by one of his constituents, Standard Manufacturing Co. His and Mrs. SCHROEDER's willingness to work on a bipartisan basis to bring this bill to the floor has resulted in a careful and narrow bill specifically addressing the problem at hand. So I congratulate the gentleman from Texas [Mr. FROST] and gentlewoman from Colorado [Mrs. SCHROEDER] for their effort and cooperation.

H.R. 632 is an effort to help small businesses recover some of the legal costs associated with defending their patents when the Federal Government takes and uses them, since small businesses many times cannot afford expensive legal defense fees associated with defending their patents against Government expropriation. The bill applies to patent owners who are independent inventors, nonprofit organizations, or entities with less than 500 employees.

As the law stands, damages do not include attorney's fees and costs. H.R. 632 is a fee-shifting statute that will reimburse a plaintiff's reasonable cost of bringing suit when the Government takes its patent. Congress has already provided for fee-shifting in other property takings cases. This bill extends that concept to patent cases, where a plaintiff's intellectual property has been taken.

This bill is consistent with the legal reform provisions of the Contract With America by extending the loser pays rule to cases where a patent owner is forced to litigate to recover for the infringement of his or her patent. It complements legislation I introduced, H.R. 988, which passed the House last spring, in extending the rule of fairness to cases where the Government is held liable. An identical bill, S. 880, has been introduced in the Senate by Senator KAY BAILEY HUTCHISON.

I urge my colleagues to vote in favor of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the subcommittee chairman in supporting H.R. 632. This bill is critical to the protection of the property rights of the independent inventor, nonprofit organizations, and small businesses.

Current law provides for a patent owner to receive "reasonable and entire compensation" whenever an invention covered by a patent is used or manufactured by or for the United States without license of the owner or without lawful right. But if the patent owner has to bear the costs of litigation to recover compensation for the Government's use of its patent, the owner really isn't getting entire compensation. That is the gap that this legislation will fill.

This bill doesn't just serve to protect the property rights of the private property owner, however; it also ultimately serves the interests of the U.S. Government. Without this bill, companies have little incentive to spend their intellectual resources to help the Government solve its technical problems. As a member of the National Security Committee, I am well aware of some of the circumstances where companies can help us solve technical problems and thus add to our military capabilities, and this bill will be of great help in that regard.

I thank the subcommittee chairman, the gentleman from California, for his efforts on behalf of this bill. I urge my colleagues to support this important bill protecting the property rights of patent owners.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. Speaker, the gentleman is the primary sponsor of this bill, and he has been absolutely dogged in pursuing this. I congratulate him for persevering and I congratulate him on what I think will soon be a victory on this bill. I think all Members will be very happy to have this behind us.

Mr. FROST. Mr. Speaker, first of all, I would like to thank the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] for bringing this bill to the floor and for moving it forward at this time. I sincerely appreciate their efforts on behalf of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 632, a bill long overdue for inventors and small businesses in this country. H.R. 632 will enhance fairness in compensating owners of patents that were used by the U.S. Government.

Inventors whose patents are taken for use by the Federal Government have only one way to obtain payment—they are compelled by statute to bring a lawsuit against the Government to recover their fair compensation. Because of the lack of explicit language in the current statute, they are forced to bear all the costs of the lawsuit even when they win their case. Many small inventors and businesses have been unfairly hurt by this situation. H.R. 632 will permit such inventors to be reimbursed for their reasonable costs.

This bill would expressly authorize the recovery of reasonable costs by a small business or inventor who is forced by statute to litigate against the Government in order to obtain compensation. In each case, though, the costs would be scrutinized by the Claims Court to assure that they were reasonable, but to the extent they were reasonable, they could be recovered.

This problem should have been corrected long ago—when it first became apparent that court interpretations would not permit inventors to obtain a complete recovery. To continue this inequity would be a serious disservice to some of our most productive inventors in fundamentally important industries. We need to be fair with those inventors in order to encourage innovation and make our country more competitive. H.R. 632 would help assure the necessary fairness.

I urge my colleagues to join me today fixing this inequity and support H.R. 632.

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Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 632, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 632, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Crimes Against Children Prevention Act of 1995".

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at lest 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I hope I do not have to object, and I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain to us what is going on here.

Mr. MCCOLLUM. Mr. Speaker, we are waiving the right at the moment for the reading of the amendment. The gentleman from New York [Mr. SCHUMER] is going to reserve the right to object to the bill and we will discuss the bill. Right now we are just waiving the reading of Senate amendment.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. SCHUMER. Mr. Speaker, reserving the right to object, I will not object. I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain the purpose of the request.

Mr. MCCOLLUM. Mr. Speaker, this bill strengthens the punishment for sexual crimes involving children by directing the United States Sentencing Commission to make specific modifications to its sentencing guidelines with respect to these crimes. The House passed this bill last April by a vote of 417-0. The other body has also passed this legislation, but in a slightly different form. On behalf of the Crime Subcommittee, I am satisfied that the changes made in the other body actually strengthen the bill and I have no objection to them.

Accordingly, I bring the bill to the floor today for the purpose of agreeing to the Senate amendment to the bill and to send it to the President for his prompt signature.

Mr. SCHUMER. Mr. Speaker, continuing my reservation of objection, I rise in support of the legislation. I commend the gentleman for proceeding with this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I will not object. I want to make sure I understand what the Senate amendment does.

I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Speaker, it is a very technical change of the time that is involved in this. I do not have it in front of me.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, it seems to me that we deserve to know what we are voting on.

Mr. McCOLLUM. Mr. Speaker, if the gentleman will continue to yield, it changes the short title of the bill, is my understanding. It expands the increased penalties for possession of child pornography.

Mr. WATT of North Carolina. Mr. Speaker, it actually expands the bill that we passed?

Mr. McCOLLUM. Mr. Speaker, by a very slight amount, in the actual definitions that are involved, child pornography, as far as the penalties are concerned.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, as I understand it, and the gentleman from Florida can correct me if I am wrong, there are three changes. Two are very technical. They change the short title of the bill; that is one. The second takes two sentences and makes it into one run-on sentence, which is characteristic of the other body on occasion. And the third one, which is the more serious change, although also technical, makes possession of such pornographic materials subject to the penalty as well as trafficking in them.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2418) to improve the capability to analyze deoxyribonucleic acid, as amended.

The Clerk read as follows:

H.R. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Identification Grants Improvement Act of 1995".

SEC. 2. DNA IDENTIFICATION GRANTS.

Paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended to read as follows:

"(22) There are authorized to be appropriated to carry out part X—

"(A) $1,000,000 for fiscal year 1996;

"(B) $15,000,000 for fiscal year 1997;

"(C) $14,000,000 for fiscal year 1998;

"(D) $6,000,000 for fiscal year 1999; and

"(E) $4,000,000 for fiscal year 2000.".

SEC. 3. RESTRICTION ON GRANT USE.

Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

"(d) DNA PROFILES PROHIBITED.—In no event shall DNA identification records contained in this index be compiled or analyzed in order to formulate statistical profiles for use in predicting criminal behavior.".

SEC. 4. TECHNICAL AMENDMENT.

Effective on the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1994, section 210302(c)(3) of such Act is amended by inserting "(a)" after "Section 1001" and after "3793".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from New York [Mr. SCHUMER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced this bill, the DNA Identification Grants Improvements Act of 1995, at the request of the FBI and the American Society of Crime Laboratory Directors.

Nearly everyone is aware by now of the tremendous utility of DNA identification to the Nation's criminal justice process. Some of the most horrendous crimes, the ones that scream out for justice, often involve few if any witnesses. Child abduction and violent sexual assaults are just two categories of crimes in which the identification of the perpetrator and proof of the crime is extremely difficult. DNA has proven to be a useful tool in establishing investigative leads and as admissible evidence of the commission of a crime.

In addition, DNA analysis has proven to be a useful tool for those accused of committing crimes. In a limited number of cases, defendants have used DNA evidence to prove that they were not the perpetrators of particular crimes. Thus, the DNA identification process is a highly valuable, dual purpose, law enforcement tool.

This is why last year's crime bill, while containing several features I opposed, wisely included a provision to encourage and assist the development of DNA identification procedures. H.R. 2418 will reorder the funding levels of the DNA identification grants authorized in the bill. Those grants provide funding to the FBI to operate its combined DNA index system and to the States to develop and improve DNA testing. H.R. 2418 would merely reorder the amounts authorized to be made available to States over the next several fiscal years so that funds are available to States sooner than is authorized in current law. The total amount authorized is unchanged by this bill.

The FBI has requested that Congress front-load the funds to the States because of the significant start-up costs States incur in creating DNA testing programs and databases. As I have already stated, DNA analysis is an important and rapidly developing area of law enforcement. This bill will help States develop and implement DNA testing capabilities sooner. The result will be that more crimes will be solved, some who have been wrongly accused of crimes will be better able to prove their innocence, and many crimes will be solved sooner than would be the case without this bill.

I hope that in next year's appropriations bill for the Department of Justice, we will be able to fully fund this effort. I realize that there are many competing priorities, but I believe we must be equipping ourselves with the most effective technologies if we are going to cope with the coming storm of violent crime. I intend to work with the gentleman from Kentucky [Mr. ROGERS], who chairs the Commerce-Justice-State Appropriations Subcommittee, to secure the necessary funding.

I also want to point out that this bill contains a restriction on the use of the authorized funds with regard to the practice of criminal profiling. This language was offered successfully by the gentleman from North Carolina [Mr. WATT] in subcommittee. I supported this amendment because I agree with Mr. WATT as a matter of principle and because I am not aware of any attempts by law enforcement authorities to engage in the practice of using DNA data to identify genetic traits associated with criminal behavior. Such scientific endeavors may occur in other academic disciplines, but it is not the role of law enforcement authorities.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Mr. Speaker, this bill, as has been mentioned, amends the DNA grant program that was passed as part of the 1994 crime bill. The DNA grant program provides $40 million in grants to State and local law enforcement agencies to improve their ability to analyze DNA samples, and I am glad that the majority, in their headlong effort to repeal so many sensible parts of the crime bill, is still in favor of this one.

The bill makes a sensible adjustment in the schedule under which the funds will become available for the grant program. Since startup costs are heavier in the early years, it redistributes funding to those years tapering off toward the end of the program. It does not change the total amount of funds available and as the gentleman from Florida [Mr. McCOLLUM] mentioned, it includes the amendment of the gentleman from North Carolina [Mr. WATT] about profiles using this DNA information.

DNA information can be a serious tool in crime fighting, and one of our goals in passing the 1994 crime bill was to help the localities do better in fighting crime but not just give them an empty-ended block grant that would let them do whatever they want with the money.

I do not want to get into the debate on the crime bill now. Well, I do, but I will not.

Mr. McCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT] distinguished member of our Subcommittee on Crime.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

I rise in reluctant opposition to this bill, not because I feel that what I say is going to influence anybody to vote against the bill.

When this DNA bank was set up several years ago, as I recall, I was one of two Members who voted against setting it up in the first place, and I doubt that there is any shift in the public sentiment on that issue since that time.

I thought it would be helpful to use a little bit of time today to at least educate my colleagues about this issue and the potential for abuse related to DNA. Every day there is a new breakthrough in DNA identification technology. But DNA technology can be a classic double-edged sword. It can cut either way, so to speak.

I think my colleagues need to understand that and understand why I insisted in committee on offering an amendment to inhibit the use of DNA information that we are collecting to establish profiles for criminal conduct or any other kind of conduct.

On the one hand, DNA can be used to identify people with the genetic predisposition for certain diseases, which can facilitate treatment. It can be used to prove the innocence of falsely accused persons and help set them free. Of course, the pending habeas corpus reforms which are coming out of the Committee on the Judiciary make such a release unlikely because even if under the habeas corpus reforms, even if you had DNA that conclusively, DNA results that conclusively found somebody not to have been the victim or not to have been the perpetrator of a crime, you still could not use that DNA for the purpose of getting the person out of jail. I do not think we are so intent on using DNA for positive purposes necessarily as much as we are intent on using it for negative purposes.

If DNA technology is allowed to develop without certain safeguards put in place, it could have very, very negative consequences. That is what I have raised the prospect of by offering this amendment in committee and having the committee adopt it.

I want to express my appreciation to the subcommittee chair for including the provision in the bill which makes it clear that the DNA information that the U.S. Government is collecting on our citizens cannot be used to set up criminal profiles that try to predict the propensity of a U.S. citizen to engage in criminal conduct.

□ 1730

I think that would be a dangerous, dangerous level of activity by the U.S. Government. But the reason I have some reservations about this, this bill, is that this DNA bank really is creating a bank of people's blood. If someone gets convicted of a crime, and they go to prison, their DNA is going into this DNA bank. Whether their blood is needed for proof of their guilt or innocence in the case for which they are being tried or not is irrelevant, and I think we have gone beyond the pale of invasion of individual rights when we start taking people's blood unrelated to the case that they are being prosecuted for, and I think in some cases we are abusing our individual rights of our citizens in this country.

The second concern that I have is that we really have not developed in this country a clear way of using DNA. There is a lot of debate, ongoing debate, in the public about how reliable DNA is, how probative it can be in criminal cases, how much of a determining factor it should be. I guess the classic case of that was in the O.J. Simpson case where people started to understand more and more the whole concept of DNA testimony in criminal cases.

Mr. Speaker, we have a long, long way to go in developing an understanding of the effective and reliable use of DNA as evidence in medicine, in criminal cases, the whole range of cases, and the thing that concerns me is that by spending $40 million we are getting ourselves way out in front of this issue before we have any reliable information about how this DNA information ought to be used.

The final point I want to make, and then I will sit down because I do not want to prolong this debate and I know that the outcome of this vote is already programmed, is that $40 million is a lot of money, and if I have the set priorities about how I were going to use $40 million, the establishment and the expansion of a Federal DNA bank and the granting of funds to States and local governments to further expand their DNA capacities, I would tell my colleagues would be way, way down on my list of priorities, and so in a sense I am concerned about the priorities we are setting by setting aside $40 million over this 4- or 5-year period to do this when we have such other critical needs in our country.

With that I will just leave this alone because again I know the outcome of the debate and the outcome of this vote. It would not be on the Suspension Calendar if a substantial number of people did not think this was noncontroversial, but I think we should understand that there is a level of controversy about the reliability of DNA testimony, the potential abuse of individual rights when we start taking the blood of people who, even though they have been convicted of some crime, even though their blood is not needed in that particular case, and we should always be concerned, when we are talking about spending the taxpayers' dollars, about the priorities we are setting for the Federal Government in the spending of those dollars.

Mr. SCHUMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make one comment. I want to remind everybody that this is simply a bill which would reorder the priorities of spending in legislation that has already become law. We are not enacting anything new here, but we are reordering the priorities.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 1995

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2538) to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice, as amended.

The Clerk read as follows:

H.R. 2538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Law Technical Amendments Act of 1995".

SEC. 2. GENERAL TECHNICAL AMENDMENTS.

(a) FURTHER CORRECTIONS TO MISLEADING FINE AMOUNTS AND RELATED TYPOGRAPHICAL ERRORS.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking "fined not more than $5,000" and inserting "fined under this title".

(2) Section 970(b) of title 18, United States Code, is amended by striking "fined not more than $500" and inserting "fined under this title".

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking "fine of under" each place it appears and inserting "fine under".

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking "a fined under this title" and inserting "a fine under this title".

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting "under this title" after "fine"; and

(ii) striking "nor more than $20,000".

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1122. Protection against the human immunodeficiency virus.".

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking "fined not more than $50,000" and inserting "fined under this title".

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking "fined not more than $1,000" each place it appears and inserting "fined under this title".

(9) Section 1917 of title 18, United States Code, is amended by striking "fined not less than $100 nor more than $1,000" and inserting "fined under this title not less than $100".

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking "of not more than $250,000" and inserting "under this title"; and

(B) by striking "of not more than $100,000" and inserting "under this title".

(11) Section 2076 of title 18, United States Code, is amended by striking "fined not more than $1,000 or imprisoned not more than one year" and inserting "fined under this title or imprisoned not more than one year, or both".

(12) Section 597 of title 18, United States Code, is amended by striking "fined not more than $10,000" and inserting "fined under this title".

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a"; and

(C) by striking "36" and inserting "37".

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a";

(C) by striking "36" and inserting "37"; and

(D) by striking "of an escape" and inserting "or an escape".

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking "that title" and inserting "this title".

(4) Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

(5) Section 3553(f) of title 18, United States Code, is amended by striking "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)" and inserting "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)".

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking "21 U.S.C. 848" and inserting "section 408 of the Controlled Substances Act".

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking "2339" and inserting "2332a".

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) Section 844(h) of title 18, United States Code, is amended—

(A) in the first sentence, by striking "be sentenced to imprisonment for 5 years but not more than 15 years" and inserting "be sentenced to imprisonment for not less than 5 nor more than 15 years"; and

(B) in the second sentence, by striking "be sentenced to imprisonment for 10 years but not more than 25 years" and inserting "be sentenced to imprisonment for not less than 10 nor more than 25 years".

(2) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting "or as authorized under section 3401(g) of this title" after "shall proceed by information".

(3) Section 1120 of title 18, United States Code, is amended by striking "Federal prison" each place it appears and inserting "Federal correctional institution".

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking "or" after the semicolon; and

(2) in paragraph (n), by striking "and" where it appears after the semicolon and inserting "or".

(e) CORRECTION CAPITALIZATION OF ITEMS IN LIST.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "the" the first place it appears and inserting "The"; and

(2) in paragraph (3), by striking "the" the first place it appears and inserting "The".

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking "Act,," and inserting "Act,".

(2) Section 1114 of title 18, United States Code, is amended by striking "1112." and inserting "1112,".

(3) Section 504(3) of title 18, United States Code, is amended by striking "importation, of" and inserting "importation of".

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking "section 215 225,," and inserting "section 215, 225,".

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking "1978)" and inserting "1978".

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after "embezzlement".

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking "veterans'" and inserting "veteran's".

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after "District" each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after "Territory".

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking "or" and inserting ", or".

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking "**or**" and inserting "**, or**".

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning "shall be fined" and ending "one year, or both." so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking "centers," and inserting "centers;".

(15) Section 2101(a) of title 18, United States Code, is amended by striking "(1)" and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking "section 841, 952(a), 955, or 959 of title 21" each place it appears and inserting "section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act".

(g) CORRECTIONS OF PROBLEMS ARISING FROM UNCOORDINATED AMENDMENTS.—

(1) SECTION 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting "section 922(x)" before "or section 924(b)"; and

(B) by striking "or (x)".

(2) STRIKING MATERIAL UNSUCCESSFULLY ATTEMPTED TO BE STRICKEN FROM SECTION 1116 BY PUBLIC LAW 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking ", except" and all that follows through the end of such subsection and inserting a period.

(3) ELIMINATION OF DUPLICATE AMENDMENT IN SECTION 1958.—Section 1958(a) of title 18, United States Code, is amended by striking "or who conspires to do so" where it appears following "or who conspires to do so" and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning

of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking "2258" and inserting "2260".

(3) Conforming amendment to cross-reference.—Section 1961(1)(B) of title 18, United States Code, is amended by striking "2258" and inserting "2260".

(j) Redesignation of Duplicate Chapter Number and Conforming Clerical Amendment.—

(1) Redesignation.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.

(2) Conforming clerical amendment.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

(A) by striking "**113B**" and inserting "**113C**"; and

(B) by striking "**2340.**" and inserting "**2340**".

(k) Redesignation of Duplicate Paragraph Numbers and Correction of Placement of Paragraphs in Section 3563.—

(1) Redesignation.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) Conforming connector change.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting "; and".

(3) Placement correction.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) Redesignation of Duplicate Paragraph Numbers in Section 1029 and Conforming Amendments Related Thereto.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103–414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking "or" at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting "or" at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking "or (7)" and inserting "(7), (8), or (9)"; and

(B) in paragraph (2), by striking "or (6)" and inserting "(6), (7), or (8)".

(m) Insertion of Missing Subsection Heading.—Section 1791(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "Consecutive Punishment Required in Certain Cases.—".

(n) Correction of Misspelling.—Section 2327(c) of title 18, United States Code, is amended by striking "delegee" each place it appears and inserting "designee".

(o) Correction of Spelling and Agency Reference.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking "juvenille" and inserting "juvenile", and

(2) by striking "the Federal Bureau of Investigation, Identification Division," and inserting "the Federal Bureau of Investigation".

(p) Correcting Misplaced Word.—Section 1028(a) of title 18, United States Code, is amended by striking "or" at the end of paragraph (4) and inserting "or" at the end of paragraph (5).

(q) Stylistic Correction.—Section 37(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "Bar to Prosecution.—".

SEC. 3. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

(a) Section 709 Amendment.—Section 709 of title 18, United States Code, is amended by striking "Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—".

(b) Section 1014 Amendment.—Section 1014 of title 18, United States Code, is amended—

(1) by striking "Reconstruction Finance Corporation,";

(2) by striking "Farmers' Home Corporation,"; and

(3) by striking "of the National Agricultural Credit Corporation,".

(c) Section 798 Amendment.—Section 798(d)(5) of title 18, United States Code, is amended by striking "the Trust Territory of the Pacific Islands,".

(d) Section 281 Repeal.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) Section 510 Amendment.—Section 510(b) of title 18, United States Code, is amended by striking "that in fact" and all that follows through "signature".

(f) Controlled Substances Act Amendment.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g) through (p) and (r) and paragraphs (1) through (3) of subsection (q).

SEC. 4. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) Replacement for Unexecutable Amendment to Section 844.—

(1) Amendment.—Section 844(f) of title 18, United States Code, is amended by striking "twenty years, or fined under this title" and inserting "40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320106 of the Violent Crime Control and Law Enforcement Act of 1994 on the date of the enactment of such Act.

(b) Elimination of Double Commas in Section 844.—Section 844 of title 18, United States Code, is amended in each of subsections (f) and (i) by striking ",," each place it appears and inserting a comma.

(c) Replacement of Comma With Semicolon in Section 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(d) Clarification of Amendment to Section 922.—

(1) Amendment.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by inserting "the first place it appears" before the period.

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(e) Stylistic Correction to Section 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking "section 922(g)" and inserting "subsection (g)".

(f) Elimination of Unnecessary Words.—Section 922(w)(4) of title 18, United States Code, is amended by striking "title 18, United States Code," and inserting "this title".

(g) Clarification of Placement of Provision.—

(1) Amendment.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by striking "adding at the end" and inserting "inserting after subsection (w)".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(h) Correction of Typographical Errors in List of Certain Weapons.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

"Centerfire Rifles—Lever & Slide",

by striking

"Uberti 1866 Sporting Rilfe"

and inserting the following:

"Uberti 1866 Sporting Rifle";

(2) in the category designated

"Centerfire Rifles—Bolt Action",

by striking

"Sako Fiberclass Sporter"

and inserting the following:

"Sako FiberClass Sporter";

(3) in the category designated

"Shotguns—Slide Actions",

by striking

"Remington 879 SPS Special Purpose Magnum"

and inserting the following:

"Remington 870 SPS Special Purpose Magnum"; and

(4) in the category designated

"Shotguns—Over/Unders",

by striking

"E.A.A/Sabatti Falcon-Mon Over/Under"

and inserting the following:

"E.A.A./Sabatti Falcon-Mon Over/Under".

(i) Insertion of Missing Commas.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after "United States Code".

(j) Correction of Unexecutable Amendments Relating to the Violent Crime Reduction Trust Fund.—

(1) Correction.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "Fund," and inserting "Fund established by section 1115 of title 31, United States Code,".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) Correction of Unexecutable Amendment to Section 923.—

(1) Correction.—Section 201(1) of the Act, entitled "An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be

contacted by firearms dealers before the transfer of any firearm." (Public Law 103–159), is amended by striking "thereon," and inserting "thereon".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(l) CORRECTION OF PUNCTUATION AND INDENTATION IN SECTION 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting "; or"; and

(2) by moving such clause 4 ems to the left.

(m) REDESIGNATION OF SUBSECTION AND CORRECTION OF INDENTATION IN SECTION 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(n) CORRECTION OF TYPOGRAPHICAL ERROR IN AMENDATORY PROVISION.—

(1) CORRECTION.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking "924(a)" and inserting "924"; and

(B) in paragraph (2), by striking "subsections" and inserting "subsection".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(o) ELIMINATION OF DUPLICATE AMENDMENT.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(p) REDESIGNATION OF PARAGRAPH IN SECTION 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(q) ELIMINATION OF COMMA ERRONEOUSLY INCLUDED IN AMENDMENT TO SECTION 924.—

(1) AMENDMENT.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "shotgun," and inserting "shotgun".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(r) INSERTION OF CLOSE PARENTHESIS IN SECTION 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(s) REDESIGNATION OF SUBSECTIONS IN SECTION 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (i), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(t) CORRECTION OF ERRONEOUS CROSS REFERENCE IN AMENDATORY PROVISION.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "110203(a)" and inserting "110503".

(u) CORRECTION OF CROSS REFERENCE IN SECTION 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking "(c)" and inserting "(d)".

(v) CORRECTION OF CROSS REFERENCES IN SECTION 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking "(g)" and inserting "(h)"; and

(2) by striking "(d)" each place such term appears and inserting "(e)".

SEC. 5. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) STYLISTIC CORRECTIONS RELATING TO TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"Sec.
"2261. Interstate domestic violence.
"2262. Interstate violation of protection order.
"2263. Pretrial release of defendant.
"2264. Restitution.
"2265. Full faith and credit given to protection orders.
"2266. Definitions.".

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"521. Criminal street gangs.".

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"2721. Prohibition on release and use of certain personal information from State motor vehicle records.
"2722. Additional unlawful acts.
"2723. Penalties.
"2724. Civil action.
"2725. Definitions.".

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking "Victims'" and inserting "victims'".

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking "paragraph (b)(1)" and inserting "paragraph (1)".

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking "at the end of the section" and inserting "at the end of the subsection".

(3) Section 60003(a)(13) of Public Law 103–322 is amended by striking "$1,000,000 or" and inserting "$1,000,000 and".

(4) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding "or" at the end.

(5) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(6) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting "at the end" after "adding".

(7) Section 160001(f) of Public Law 103–322 is amended by striking "1961(l)" and inserting "1961(1)".

(8) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(9) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(10) Section 230207 of Public Law 103–322 is amended by striking "two" and inserting "2" the first place it appears.

(11) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(12) Section 280005(a) of Public Law 103–322 is amended by striking "Section 991 (a)" and inserting "Section 991(a)".

(13) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(14) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(15) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(16) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking "FAIR HOUSING" and inserting "1968 CIVIL RIGHTS"; and

(B) by striking "of the Fair Housing Act" and inserting "of the Civil Rights Act of 1968".

(17) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before "(a) IN GENERAL".

(18) Section 320602(1) of Public Law 103–322 is amended by striking "whoever" and inserting "Whoever".

(19) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(20) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking "thirteenth" and inserting "14th".

(21) Section 2311 of title 18, United States Code, is amended by striking "livestock" where it appears in quotation marks and inserting "Livestock".

(22) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(23) Section 330002(d) of Public Law 103–322 is amended by striking "the comma" and inserting "each comma".

(24) Section 330004(18) of Public Law 103–322 is amended by striking "the Philippine" and inserting "Philippine".

(25) Section 330010(17) of Public Law 103–322 is amended by striking "(2)(iii)" and inserting "(2)(A)(iii)".

(26) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking "each place" and inserting "the first place"; and

(B) by striking "1169" and inserting "1168".

(27) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is

transferred to appear after the item relating to section 1168.

(28) Section 901 of the Civil Rights Act of 1968 is amended by striking "under this title" each place it appears and inserting "under title 18, United States Code,".

(29) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "law)." and inserting "law)".

(30) Section 250008(a)(2) of Public Law 103–322 is amended by striking "this Act" and inserting "provisions of law amended by this title".

(31) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "403(c)" and inserting "408(c)"; and

(B) in paragraph (2), by striking "Export Control" and inserting "Export".

(32) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding "and" at the end.

(33) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking "of not more than $1,000" and inserting "under this title".

(34) Section 160001(g)(1) of Public Law 103–322 is amended by striking "(a) Whoever" and inserting "Whoever".

(35) Section 290001(a) of Public Law 103–322 is amended by striking "subtitle" and inserting "section".

(36) Section 3592(c)(12) of title 18, United States Code, is amended by striking "Controlled Substances Act" and inserting "Comprehensive Drug Abuse Prevention and Control Act of 1970".

(37) Section 1030 of title 18, United States Code, is amended—

(A) by inserting "or" at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking "and" after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking "the section" and inserting "this section"; and

(D) in subsection (h), by striking "section 1030(a)(5) of title 18, United States Code" and inserting "subsection (a)(5)".

(38) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(39) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows "2319 (relating to copyright infringement)" the first place it appears.

(40) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking "; or" and inserting a semicolon.

(41) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking "3561(b)" and inserting "3561(c)".

(42) Section 330004(3) of Public Law 103–322 is amended by striking "thirteenth" and inserting "14th".

(43) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking "sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)" and inserting "sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)"; and

(B) by striking "subchapter" and inserting "chapter".

(44) Section 1516(b) of title 18, United States Code, is amended by inserting "or" at the end of paragraph (1).

(45) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking "employee's" and inserting "employees'".

(46) Section 330022 of Public Law 103–322 is amended by inserting a period after "communications" and before the close quotation mark.

(47) Section 2721(c) of title 18, United States Code, is amended by striking "covered by this title" and inserting "covered by this chapter".

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking "or any relative defendant, child, or former child of the defendant,".

(2) Section 351(e) of title 18, United States Code, is amended by striking "involved in the use of a" and inserting "involved the use of a".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 6. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking "this title and imprisoned" and inserting "this title or imprisoned".

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "Saving and Loan" and inserting "Savings and Loan".

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking "1461" and inserting "1460".

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking "subparagraph (A)" and inserting "this subparagraph".

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after "attempts to commit any of the foregoing offenses".

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking "3126(2)(A)" and inserting "3127(2)(A)".

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking "title 18, United States Code" and inserting "this title".

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking "government's" and inserting "Government's"; and

(2) in subsection (h)(3), by striking "subpart" and inserting "paragraph".

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 2538, the Criminal Law Technical Amendments Act of 1995, on behalf of myself and the gentleman from New York [Mr. SCHUMER], who is the ranking minority member of the Crime Subcommittee. This bill makes a number of strictly technical amendments to the Federal criminal law, principally in title 18 and title 21 of the United States Code.

Over the past several years, the House Office of Legislative Counsel and the Department of Justice have accumulated a list of technical issues that need to be addressed, mostly as a result of rapid change to Federal criminal law.

Mr. Speaker, I want to assure all of my colleagues that all of the changes made in H.R. 2538 are purely technical in nature. There are no substantive modifications to the criminal law made by this bill. For example, the bill corrects a number of misspelled words, and errors in punctuation and other items of grammar. The bill also corrects a number of cross-references in the criminal law that resulted when several new laws were added to title 18 in last year's crime bill. The bill also deletes several specific statutory fine amounts that unintentionally remain in the printed code, notwithstanding the fact that several years ago Congress deleted specific fine amounts from title 18 in favor of a uniform fine statute applicable to all crimes.

Mr. Speaker, some may ask why we are even bothering to make such changes if they are not substantive in nature. Well, I believe it is appropriate that the Congress ensure that the written Federal law, as read by both practitioners and the public, reflects an appropriate level of care for detail and the true intent of Congress. This, among other benefits, strengthens the public's confidence in the legislative branch.

For example, I mentioned criminal fines. In 1987, Congress established a uniform fine of up to $250,000 for a felony conviction. Criminal offenses established prior to that time contained other specific, and mostly lower, fine amounts. Those amounts are no longer effective as a result of the 1987 act, yet they remain on the books. This can be confusing to those who are unfamiliar with Federal criminal law.

This bill helps us achieve the goals I have outlined. I urge all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to go through it, but this is as uncontroversial a bill as we are going to get. It has been carefully reviewed by our side to make sure it has no substantive changes in our Federal law.

Mr. Speaker, I urge all Members to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 2538, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

INCREASING PENALTY FOR ESCAPING FROM FEDERAL PRISON

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1533) to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

The Clerk read as follows:

H.R. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751(a) of title 18, United States Code, is amended by striking "five" and inserting "10".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is simple and noncontroversial, and yet it makes an important improvement to Federal criminal law. As Federal law enforcement has increased its attack in recent years on serious violent criminals and major drug traffickers by imposing long prison sentences on these most dangerous offenders, the penalty for escaping from prison and other forms of Federal custody has not increased in a corresponding manner.

This presents a risk to the safety of Federal employees who work for the Bureau of Prisons, the Marshals Service, and the other enforcement agencies charged with maintaining the custody of persons convicted of Federal crimes. H.R. 1533 fixes this problem.

This bill was introduced by the gentleman from Tennessee [Mr. BRYANT]. I want to commend him for having the idea and for his initiative.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. BRYANT] so that he may explain his bill.

Mr. BRYANT of Tennessee. Mr. Speaker, I am pleased to have the opportunity today to speak on behalf of H.R. 1533, a bill which I introduced earlier this year. I especially thank the distinguished chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. McCOLLUM] for his help in moving this legislation to this point of consideration for the full House of Representatives.

H.R. 1533 would simply double from 5 years to 10 years the maximum penalty that Federal escapees can receive. The penalty applies to all escapees and attempted escapees who are in the Attorney General's custody. Therefore this penalty would apply to those who escape or attempt to escape from a Federal prison, from the custody of the United States marshals while in transit or from a halfway house or from other non-Federal facilities such as a private prison or local jails.

I might add that the National Sheriffs' Association supports this bill because of that.

Mr. Speaker, it is time to raise the penalty for escaping from Federal custody. Currently a Federal escapee faces a maximum of 5 years in jail. Of course, due to the sentencing guidelines, he received the 5-year maximum penalty.

There are two primary reasons why such an increase is necessary and needed at this time. First, it would serve as a greater deterrent to those people who would be thinking about attempting to escape from jail, and second, it would maintain the alignment, a better alignment, if my colleagues will, with today's longer-based sentences. Federal prison escapes are up, and they have been going up since 1992 when over 550 Federal detainees jumped the fence, or held up a guard, or smuggled themselves out by way of a trash truck, did whatever they had to do to break out, break away from, the law and creep back into the society to resume their unlawful and in too many instances violent ways. That number has continued to increase to around 600 escapees in 1993 and up to 660 escapees last year.

A Federal marshal and a court security officer have already been killed in one of these attempted escapes in a senseless and intolerable act of misbehavior. This occurred in Chicago under circumstances that I happened to be in that city that day on business and followed that case very closely where a man in transit by a marshal in a Federal courthouse in the parking garage part somehow came into possession of a key to handcuffs and escaped and overcame the guard, the marshal that was accompanying him, took the gun and shot that marshal as well as another court security officer, certainly an example of a tragic incident where we need better and tougher laws against people who make attempts to escape.

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Overall, to their credit, the U.S. Marshals Service has already done an outstanding job of handling these cases successfully, recapturing nearly 500 of the 660 prisoners who have escaped. But tracking these criminals certainly is not easy, let alone a criminal who has escaped and is trying to hide out. When an individual knows they are being pursued, just finding out where they are can cost literally hundreds of hours of investigative work and cause quite a few headaches. This successful record that the marshals have still leaves over 150 escapees from 1994 still out on the streets committing more crimes.

I mentioned earlier the consequences and the risks of escaping. Let us consider exactly what those consequences are and then ask ourselves, are these consequences working to deter people from trying to escape? Under current law, the maximum penalty which can be administered to a Federal escapee, either caught trying to escape or caught after escaping, is the 5 years, as I mentioned earlier. Five years, Mr. Speaker, as we all know, due to the sentencing guidelines, few of those actually caught either after they have escaped or attempting to escape would actually receive this full maximum of 5 years.

I ask the question: Are the current penalties for escaping from Federal custody strong enough? I do not believe so. I do not think that when some Federal prisoners are sitting in the back of a squad car or in a transport van or sitting in their jail cells thinking about making a break for it; I do not think they are thinking about what would happen to them if they got caught. If those who escape or are trying to escape are thinking about it, then we are certainly not deterring them from it. The latest most current penalties must not be working, at least not for these particular people. If they are not thinking about what may happen to them if they are caught, then we definitely need to give them something more to think about.

Mr. Speaker, it is past time to raise the stakes for escaping from Federal custody. When this bill passes, it will not take long for the word to circulate among the jails and the prisons in the county, jails where some of these Federal inmates are kept, about this increase in punishment and the higher risks that they will get caught up in if they attempt to make a break. The penalty will be doubled, and they will understand that.

There is another reason why we need to pass this bill. That is to stay consistent with the much tougher penalties we have already put in place for other crimes due to the tougher sentencing guidelines and due to the mandatory sentence. Quite frankly, a lot of these people in jail who are serving the longer sentences that we are getting today are not much deterred, are not much affected by the fact that they might risk another 1 or 2 years on the already long jail sentence, so it is worth the risk to them to attempt to escape.

What we are doing by doubling the punishment is, again, raising the stakes and making it more of a serious threat to them and a deterrent to them, because when they try to escape it is not just simply a matter of scooting out the back door, running away and hiding in society. Very often they injure people, they hurt people, as I mentioned in the incident in Chicago, where two completely innocent people doing their jobs were shot dead by this person. So it is a problem that actually does need to be addressed at this time.

One might say, though, "Well, rather than approaching it from this end, why not just simply tighten up the security at the Federal prisons?" Our Bureau of Federal Prisons, our Bureau of Prisons, those folks like the U.S. marshal are doing a tremendous job, but most of the Federal escapes do not occur out of the Federal prisons. As it was pointed out earlier, the U.S. Marshals have to transport these prisoners back and forth, sometimes as witnesses, sometimes as defendants in their own case. They have to be brought all around the country, sometimes, in airplanes and vehicles to courthouses; again, as in Chicago, the gentleman was being escorted out the Federal building in the courthouse and back to the jail.

Many of these Federal prisoners are also kept in State and local jails and in private penitentiaries where security might not be as strong as the BOP, the Bureau of Prisons, on the federal level. This bill addresses those types of prisoners, too. it might be because the county jail is overcrowded, or that they are in a minimum security temporary holding facility. Resources, quite frankly, are just limited. It makes it easier for some of these folks, again, to risk the additional 1 or 2 years they might get to going over the fence and actually probably hurting somebody while they do that.

This is where the brunt of the problem is. Mr. Speaker, it is our responsibility as a Congress to set a reasonable penalty in place as an effort to reduce the number of escapees from increasing every year with our ever-growing prison population. The fact is we must point our escape policy in a different direction than where the increasing number of escapees have pointed it over the course of the next 4 years. Doubling the current 35-year penalty, I believe, is the correct starting point.

Finally, let me add, the Department of Justice supports this bill because of the reasons I have just outlined. A letter from the Assistant Attorney General for Legislative Affairs says the Department of Justice considers any criminal offense committed during incarceration to be egregious, particularly escape attempts.

I am also pleased to have the bipartisan support from many of my colleagues who have supported this legislation, and it passed out of the Committee on the Judiciary by a voice vote overwhelmingly.

In closing, I want to add my personal thanks to a deputy marshal in Memphis, TN, who worked with me when I was U.S. attorney there, Deputy Marshal Scott Sanders, who suggested this idea to me, to double the penalty there.

Finally, I would urge my colleagues to vote in support of H.R. 1533, as it represents another brick in the wall toward restoring law and order in America. I urge its passage.

Mr. McCOLLUM. Reclaiming my time, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first commend the gentleman from Tennessee [Mr. BRYANT] for offering this legislation to begin with. I do not want to make but a couple of comments, and then I will let the gentleman from New York [Mr. SCHUMER] say his piece on this bill.

I think all of us know that dangerous criminals understand the Federal criminal justice system is much tougher than the State systems. We have broad pretrial detention authority, we have mandatory minimum sentences for serious drug trafficking crimes, crimes involving firearms, and we have no parole. Criminals do not want to be prosecuted in the Federal system. A lot of them are pretty tough-looking criminals who break down and even cry. I would like to see the States have those same types of tough laws.

Because the Federal system is so tough, there is a real risk, as the gentleman from Tennessee [Mr. BRYANT] says, that desperate offenders will attempt to escape. No matter what the professionalism of our skilled law enforcement officials who are doing a difficult job, anytime it happens, public servants and law enforcement personnel are at great risk, so I believe this additional penalty for escapes is very important. I am very proud to support the gentleman's bill that is out here today.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. This bill, as has been stated, increases the maximum penalty for escaping from Federal prison from 5 to 10 years. I strongly support it, and it was strongly supported by the Department of Justice.

There may be lots of disagreements in this Chamber about basic crime strategies, but in my judgment there is little room for disagreement about the danger that prison escapes present. Prison escapes threaten correctional staff, they threaten the communities in which the correctional institutions are located, they threaten the inmates who may be caught up in a given escape scenario.

Although this Congress has steadily increased underlying penalties for many crimes—something, in my judgment, that has a good deal to do with the decrease in crime rates we are seeing; I know some say one has nothing to do with the other, but I do not believe that; I know in my State it has had an effect and it is going to have an effect in places all over America—we have not increased the penalty for prison escape.

This has led to a situation in which, speaking relative to the possibility of punishment, escaping is becoming a low-risk proposition. This bill corrects that situation by making the penalty more severe, and in the judgment of the Department of Justice, severe enough to substantially discourage escape attempts.

Before I conclude, I want to thank the gentleman from Tennessee [Mr. BRYANT] for his diligence in pushing this bill through. It is a needed bill, and I do not know if this is the first bill the gentleman is passing on the floor of the House, but I congratulate the gentleman, whatever bill it is; it is his first one, so I congratulate him on this landmark occasion in his long and distinguished career.

Mr. CONYERS. Mr. Speaker, with all of the problems facing our prison system today—a system which has proven to be a breeding ground for more serious crime—what the majority sends us is a bill increasing the penalties for escaping from prison. And instead of explaining why such a bill is necessary, we hear that the problem is that the judges don't give stiff enough sentences.

H.R. 1533 responds to a non-existent problem. I am unaware of any great rash of prison breaks. In 1993 for example, only 6 people escaped form Federal prisons, 197 people were considered walk aways—people who did not return to halfway houses.

Prison officials are not clamoring for this change in the law. this increased penalty is unnecessary. It is ridiculous to think that potentially higher sentences will deter attempts to escape from prison. Those individuals who attempt such escapes are not thinking about the penalty for getting caught, because they do not think they will get caught. If they thought they would be caught, they wouldn't try to escape in the first place.

There is no way to characterize legislative proposals such as this other than whistling past the graveyard. Just last week the Justice Department released a startling midyear report showing that the incarceration rate in this country had reached an all-time record of 1.1 million people. The number of prisoners grew by 90,000 people last year—another all-time record. The incarceration rate in this country is higher than any other country in the world and is 8 to 10 times higher than other industrialized nations.

And the racial make up of our prison population is even more striking. Last year some 33 percent of black men in their 20's were in prison or on parole. This contrasts with the rate for white men, which was 6.7 percent. Why are such an increasing number of African-Americans serving more time in prison? The Sentencing Project concludes that "the statistics primary reflected changes in law enforcement policies that have resulted in a greater number of defendants receiving prison sentences, especially prison sentences, rather than an increase in the number of crimes committed by black men."

So instead of trying to deal with the very real, very serious problems which face our prisons—like the problem of a disparity in crack cocaine sentences—we will be voting on a bill to increase sentences for attempted escapes from prison. The bill we are considering today is a complete waste of time. I only wish the majority would spend half as much time on the real problems facing our prisons as they do trying to score political points by acting tough on crime.

The SPEAKER pro tempore (Mr. EWING). All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1240, H.R. 2418, and H.R. 1533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Technology Transfer and Advancement Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed $10,000.".

SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to subsection (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure, through such agreement, that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency;

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in the employment or service of the Government; and

"(D) waive, subject to reservation by the Government of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government, in advance, in whole or in part, any right of ownership which the Federal Government may have to any subject invention made under the agreement by a collaborating party or employee of a collaborating party.

"(4) A collaborating party in an exclusive license in any invention made under an agreement entered into pursuant to subsection (a)(1) shall have the right of enforcement under chapter 29 of title 35, United States Code.

"(5) A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement pursuant to subsection (a)(1) may use or obligate royalties or other income accruing to the laboratory under such agreement with respect to any invention only—

"(A) for payments to inventors;

"(B) for purposes described in clauses (i), (ii), (iii), and (iv) of section 14(a)(1)(B); and

"(C) for scientific research and development consistent with the research and development missions and objectives of the laboratory.".

SEC. 5. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) Except as provided in paragraphs (2) and (4), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Federal laboratories under section 12, and from the licensing of inventions of Federal laboratories under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

"(A)(i) The head of the agency or laboratory, or such individual's designee, shall pay each year the first $2,000, and thereafter at least 15 percent, of the royalties or other payments to the inventor or coinventors.

"(ii) An agency or laboratory may provide appropriate incentives, from royalties, or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of such inventions.

"(iii) The agency or laboratory shall retain the royalties and other payments received from an invention until the agency or laboratory makes payments to employees of a laboratory under clause (i) or (ii).

"(B) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

"(i) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

"(ii) to further scientific exchange among the laboratories of the agency;

"(iii) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

"(iv) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

"(v) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

"(C) All royalties or other payments retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury.";

(2) in subsection (a)(2)—

(A) by inserting "or other payments" after "royalties"; and

(B) by striking "for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year" and inserting in lieu thereof "under paragraph (1)(B)";

(3) in subsection (a)(3), by striking "$100,000" both places it appears and inserting "$150,000";

(4) in subsection (a)(4)—

(A) by striking "income" each place it appears and inserting in lieu thereof "payments";

(B) by striking "the payment of royalties to inventors" in the first sentence thereof and inserting in lieu thereof "payments to inventors";

(C) by striking "clause (i) of paragraph (1)(B)" and inserting in lieu thereof "clause (iv) of paragraph (1)(B)";

(D) by striking "payment of the royalties," in the second sentence thereof and inserting in lieu thereof "offsetting the payments to inventors,"; and

(E) by striking "clauses (i) through (iv) of"; and

(5) by amending paragraph (1) of subsection (b) to read as follows:

"(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency, or".

SEC. 6. EMPLOYEE ACTIVITIES.

Section 15(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710d(a)) is amended—

(1) by striking "the right of ownership to an invention under this Act" and inserting in lieu thereof "ownership of or the right of ownership to an invention made by a Federal employee"; and

(2) by inserting "obtain or" after "the Government, to".

SEC. 7. AMENDMENT TO BAYH-DOLE ACT.

Section 210(e) of title 35, United States Code, is amended by striking ", as amended by the Federal Technology Transfer Act of 1986,".

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 10(a)—

(A) by striking "nine" and inserting in lieu thereof "15"; and

(B) by striking "five" and inserting in lieu thereof "10";

(2) in section 15—

(A) by striking "Pay Act of 1945; and" and inserting in lieu thereof "Pay Act of 1945;"; and

(B) by inserting "; and (h) the provision of transportation services for employees of the Institute between the facilities of the Institute and nearby public transportation, notwithstanding section 1344 of title 31, United States Code" after "interests of the Government"; and

(3) in section 19—

(A) by inserting ", subject to the availability of appropriations," after "post-doctoral fellowship program"; and

(B) by striking "nor more than forty" and inserting in lieu thereof "nor more than 60".

SEC. 9. RESEARCH EQUIPMENT.

Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended—

(1) by inserting "loan, lease," after "department, may"; and

(2) by inserting "Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property." after "education and research activities.".

SEC. 10. PERSONNEL.

The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275 note) is extended indefinitely.

SEC. 11. FASTENER QUALITY ACT AMENDMENTS.

(a) SECTION 2 AMENDMENTS.—Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended—

(1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(2) in subsection (a)(7), as so redesignated by paragraph (1) of this subsection, by striking "by lot number"; and

(3) in subsection (b), by striking "used in critical applications" and inserting in lieu thereof "in commerce".

(b) SECTION 3 AMENDMENTS.—Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended—

(1) in paragraph (1)(B) by striking "having a minimum tensile strength of 150,000 pounds per square inch";

(2) in paragraph (2), by inserting "consensus" after "or any other";

(3) in paragraph (5)—

(A) by inserting "or" after "standard or specification," in subparagraph (B);

(B) by striking "or" at the end of subparagraph (C);

(C) by striking subparagraph (D); and

(D) by inserting "or produced in accordance with ASTM F 432" after "307 Grade A";

(4) in paragraph (6) by striking "other person" and inserting in lieu thereof "government agency";

(5) in paragraph (8) by striking "Standard" and inserting in lieu thereof "Standards";

(6) by striking paragraph (11) and redesignating paragraphs (12) through (15) as paragraphs (11) through (14), respectively;

(7) in paragraph (13), as so redesignated by paragraph (6) of this subsection, by striking ", a government agency" and all that follows through "markings of any fastener" and inserting in lieu thereof "or a government agency"; and

(8) in paragraph (14), as so redesignated by paragraph (6) of this subsection, by inserting "for the purpose of achieving a uniform hardness" after "quenching and tempering".

(c) SECTION 4 REPEAL.—Section 4 of the Fastener Quality Act (15 U.S.C. 5403) is repealed.

(d) SECTION 5 AMENDMENTS.—Section 5 of the Fastener Quality Act (15 U.S.C. 5404) is amended—

(1) in subsection (a)(1)(B) and (2)(A)(i) by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(2) in subsection (c)(2) by striking "or, where applicable" and all that follows through "section 7(c)(1)";

(3) in subsection (c)(3) by striking ", such as the chemical, dimensional, physical, mechanical, and any other";

(4) in subsection (c)(4) by inserting "except as provided in subsection (d)," before "state whether"; and

(5) by adding at the end the following new subsection:

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

(e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended by striking "Within 180 days after the date of enactment of this Act, the" and inserting in lieu thereof "The".

(f) SECTION 7 AMENDMENTS.—Section 7 of the Fastener Quality Act (15 U.S.C. 5406) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DOMESTICALLY PRODUCED FASTENERS.—It shall be unlawful for a manufacturer to sell any shipment of fasteners covered by this Act which are manufactured in the United States unless the fasteners—

"(1) have been manufactured according to the requirements of the applicable standards and specifications and have been inspected and tested by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6; and

"(2) an original laboratory testing report described in section 5(c) and a manufacturer's certificate of conformance are on file with the manufacturer, or under such custody as may be prescribed by the Secretary, and available for inspection.";

(2) in subsection (c)(2) by inserting "to the same" after "in the same manner and";

(3) in subsection (d)(1) by striking "certificate" and inserting in lieu thereof "test report"; and

(4) by striking subsections (e), (f), and (g) and inserting in lieu thereof the following:

"(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fasteners from different lots in the same container, except that such manufacturer, importer, or private label distributor may commingle like fasteners of the same type, grade, and dimension from not more than two tested and certified lots in the same container during repackaging and plating operations. Any container which contains fasteners from two lots shall be conspicuously marked with the lot identification numbers of both lots.

"(f) SUBSEQUENT PURCHASER.—If a person who purchases fasteners for any purpose so requests either prior to the sale or at the time of sale, the seller shall conspicuously mark the container of the fasteners with the lot number from which such fasteners were taken.".

(g) SECTION 9 AMENDMENT.—Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is amended by adding at the end the following new subsection:

"(d) ENFORCEMENT.—The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this Act, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.".

(h) SECTION 10 AMENDMENTS.—Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is amended—

(1) in subsections (a) and (b), by striking "10 years" and inserting in lieu thereof "5 years"; and

(2) in subsection (b), by striking "any subsequent" and inserting in lieu thereof "the subsequent".

(i) SECTION 13 AMENDMENT.—Section 13 of the Fastener Quality Act (15 U.S.C. 5412) is amended by striking "within 180 days after the date of enactment of this Act".

(j) SECTION 14 REPEAL.—Section 14 of the Fastener Quality Act (15 U.S.C. 5413) is repealed.

SEC. 12. STANDARDS CONFORMITY.

(a) USE OF STANDARDS.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (2), by striking ", including comparing standards" and all that follows through "Federal Government";

(2) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) to compare standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards adopted or recognized by the Federal Government and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;".

(b) CONFORMITY ASSESSMENT ACTIVITIES.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking "and" at the end of paragraph (11), as so redesignated by subsection (a)(2) of this section;

(2) by striking the period at the end of paragraph (12), as so redesignated by subsection (a)(2) of this section, and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(13) to coordinate Federal, State, local, and private sector standards conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.".

(c) TRANSMITTAL OF PLAN TO CONGRESS.—The National Institute of Standards and Technology shall, by January 1, 1996, transmit to the Congress a plan for implementing the amendments made by this section.

(d) UTILIZATION OF CONSENSUS STANDARDS BY FEDERAL AGENCIES; REPORTS.—(1) To the extent practicable, all Federal agencies and departments shall use, for procurement and regulatory applications, standards that are developed or adopted by voluntary, private sector, consensus standards bodies.

(2) Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies, and shall participate with such bodies in the development of standards, as appropriate in carrying out paragraph (1).

(3) If a Federal agency or department elects to develop, for procurement or regulatory applications, standards that are not developed or adopted by voluntary, private sector, consensus standards bodies, the head of such agency or department shall transmit to the Office of Management and Budget, via the National Institute of Standards and Technology, an explanation of the reasons for developing such standards. The Office of Management and Budget, with the assistance of the National Institute of Standards and Technology, shall annually transmit to the Congress explanations concerning exceptions made under this subsection.

SEC. 13. SENSE OF CONGRESS.

It is the sense of the Congress that the Malcolm Baldrige National Quality Award program offers substantial benefits to United States industry, and that all funds appropriated for such program should be spent in support of the goals of the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. TANNER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Science Committee has a long history of encouraging, in a strong bipartisan manner, the transfer of technology and collaboration between our Federal laboratories and industry.

This afternoon, as we consider H.R. 2196, the National Technology Transfer and Advancement Act of 1995, we are following in that tradition.

I am very pleased to have my distinguished colleagues, Science Committee Chairman WALKER, Science committee ranking Member Congressman BROWN, and my Technology Subcommittee ranking member, Congressman TANNER, as original cosponsors of H.R. 2196. Additionally, S. 1164, the Senate companion bill to H.R. 2196, has been introduced by Senator ROCKEFELLER and has passed the Senate Commerce Committee.

I am also very pleased with the strong outside support H.R. 2196 has received. The administration, and a series of Federal agency officials, Federal laboratory directors, as well as a broad spectrum of industry association representatives and private sector officers have all endorsed passage of the Act as an effective method to enhance our Nation's international competitiveness.

Mr. Speaker, successful technology transfer results in the creation of innovative products or processes becoming available to meet or induce market demand. Congress has long tried to encourage technology transfer to the private sector created in our Federal laboratories.

This is eminently logical since Federal laboratories are considered one of our Nation's greatest assets; yet, they are also a largely untapped resource of technical expertise.

The United States has over 700 Federal laboratories, employing one of six scientists in the Nation and occupying one-fifth of the country's lab and equipment capabilities.

It is, therefore, important to our future economic well-being to make the ideas and resources of our Federal laboratory scientists available to United States companies for commercialization opportunities.

Beginning with the landmark Stevenson-Wydler Technology Innovation Act of 1980, through the Federal Technology Transfer Act of 1986, among others, Congress has promoted technology transfer efforts, especially through a cooperative research and development agreement [CRADA].

The CRADA mechanism allows a laboratory and an industrial company to negotiate patent rights and royalties before they conduct joint research, giving the company patent protection for any inventions and products that result from the collaboration. This patent protection provides an incentive for the companies to invest in turning laboratory ideas into commercial products.

A CRADA provides a Federal laboratory with valuable insights into the needs and priorities of industry, and with the expertise available only in industry, that enhances a laboratory's ability to accomplish its mission.

Since the inception in 1986 of the CRADA legislation, over 2,000 have been signed, resulting in the transfer of technology, knowledge, and expertise back and forth between our Federal laboratories and the private sector.

Despite the success of the CRADA legislation, there are, however, existing impediments to private companies entering into a CRADA.

The law was originally designed to provide a great deal of flexibility in the negotiation of intellectual property rights to both the private sector partner and the Federal laboratory.

The law, however, provides little guidance to either party on the adequacy of those rights a private sector partner should receive in a CRADA. Agencies are given broad discretion in the determination of intellectual property rights under CRADA legislation.

This has often resulted in laborious negotiations of patent rights for certain laboratories and their partners each time they discuss a new CRADA.

With options ranging from assigning the company full patent title to providing the company with only a nonexclusive license for a narrow field of use, both sides must undergo this negotiation on the range of intellectual property rights for each CRADA.

This uncertainty of intellectual property rights, coupled with the time and effort required in negotiation, may now be hindering collaboration by the private sector with Federal laboratories.

This, in essence, has become a barrier to technology transfer. Companies are reluctant to enter into a CRADA, or equally important, to commit substantial investments to commercialize CRADA inventions, unless they have some assurance they will control important intellectual property rights.

The National Technology Transfer and Advancement Act of 1995, addresses these concerns, and others, through the following objectives:

First, by promoting prompt deployment by United States industry of discoveries created in a collaborative agreement with Federal laboratories by guaranteeing the industry partner sufficient intellectual property rights to the invention;

Second, by providing important incentives and rewards to Federal laboratory personnel who create new inventions;

Third, by providing several clarifying and strengthening amendments to current technology transfer laws; and

Fourth, by making legislative changes affecting the Fastener Quality Act, the Federal use of standards, and the management and administration of scientific research and standards measurement at the National Institute of Standards and Technology [NIST].

Specifically, H.R. 2196 seeks to enhance the possibility of commercialization of technology and industrial innovation in the United States by providing assurances that sufficient rights to intellectual property will be granted to the private sector partner with a Federal laboratory.

H.R. 2196 guarantees to the private sector partner the option, at minimum, of selecting an exclusive license in a field of use for a new invention created in a CRADA.

The company would then have the right to use the new invention in exchange for reasonable compensation to the laboratory.

The important factor is that industry selects which option makes the most sense under the CRADA. A company will now have the knowledge that they are assured of having no less than an exclusive license in an application area of its choosing.

These statutory guidelines give companies real assurance that they will receive important intellectual property out of any CRADA they fund.

Knowing they have an exclusive claim to the invention will, consequently, give a company both an extra incentive to enter into a CRADA and the knowledge that they can safely invest further in the commercialization of that invention.

In addition, H.R. 2196 addresses concerns about government rights to an invention created in a CRADA. It provides that the Federal Government will retain minimum statutory rights to use the technology for its own purposes.

H.R. 2196 provides limited government "march-in-rights" if there is a public necessity that requires compulsory licensing of the technology.

It also provides important incentives in royalty sharing to Federal laboratory personnel who create new technologies by enhancing the financial incentives and rewards given to Federal laboratory scientists for technology that results in marketable products.

These new incentives respond to criticism made before the Science Committee that agencies are not sufficiently rewarding laboratory personnel for their inventions.

It is important to note that these incentives are paid from the income the laboratories received for commercialized technology, not from tax dollars.

In addition, the Act provides a significant new incentive by allowing the laboratory to use royalties for related scientific research and development, consistent with the objectives and mission of the laboratory.

In this era of limited Federal fiscal resources, as we seek to balance our budget, these important incentives and administrative provisions can be very important to help a laboratory effectively meet its mission.

H.R. 2196 will help facilitate and speed technology cooperation between industry and our Federal laboratories, thus benefiting our economy and our citizens by making a CRADA more attractive to both American industry and Federal laboratories.

The Act is important because it comes at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our Nation's international competitiveness. With today's House passage, H.R. 2196 can be brought to the Senate for its expedited consideration, and then sent to the President for his signature into law.

□ 1800

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995. I want to commend Chairwoman MORELLA for her continued and strong support of technology transfer from the Federal laboratories. We have worked on this bill in a spirit of bipartisan cooperation and it addresses gaps in our current technology transfer laws.

This is a short bill, the sections dealing with technology transfer are only nine pages, yet it impacts an area of considerable Federal investment. This bill amends and improves existing technology transfer laws affecting more than 700 Federal laboratories. H.R. 2196 enhances the ability of our national laboratories to work with industry to develop and commercialize new technologies.

Cooperative research and development agreements [CRADA's] represent a sizeable investment by the Federal Government and the private sector. Federal laboratories will have more than 6,000 active cooperative research and development agreements with industry and universities in 1995, representing more than $5 billion in Federal investment and matched by private sector partners.

I have witnessed firsthand the importance of technology transfer in maintaining the vitality of our Federal labs and to the economy. Oak Ridge National Laboratory in Tennessee accounts for almost 20 percent of all CRADA's signed by DOE laboratories and contractors. Since 1990, Oak Ridge National Lab has: Invested more than $320 million in cooperative research with industry; signed more than 280 CRADA's—39 percent of them with small businesses; issued more than 152 technology licenses and has a patent portfolio of over 400 licensable technologies; and, applied for almost 100 patents per year.

These activities have resulted in more than $80 million in sales and have generated $3.5 million in royalty payments to Oak Ridge. More importantly, technology transfer activities at Oak Ridge have fostered more than 55 new business and 3,000 private-sector jobs in the past 10 years—17 new businesses have been created as the result of CRADAs in the past 2 years alone.

Additionally, the bill extends the time that Federal labs have to reinvest royalty payments for scientific research and development at the labs. At a time when we are cutting the labs' budgets, we should allow them to benefit from the fruits of their labors.

The Federal labs are a national resource which should benefit all Americans. The labs have worked for the well-being of Americans since their earliest days and not only in terms of national security. It was in the early 1960's that a team of scientists and engineers from the Oak Ridge National Laboratory working with industry developed a machine and a process that have since been credited with saving millions of lives a year worldwide. In less than 1 year this private/public partnership developed a process and machine for isolating and purifying viruses to create vaccines—most notably to treat influenza.

The vaccines produced by this new process eliminated the sometimes severe side effects common with standard vaccines. Severe allergic reaction prevented the administration of the standard vaccine to the young and the old—the very people who needed it. The unique expertise of Oak Ridge scientists and engineers working with their colleagues in industry made this possible.

We should strengthen and build upon the 30-year tradition of cooperation between the national labs and industry. H.R. 21961 makes it easier for the Government and industry to work together—each contributing their respective strengths. We have invested billions of dollars in our research infrastructure and we shouldn't just rely on luck and hope that this investment will be fully utilized.

The bill provides needed incentives to promote public-private technology partnerships. H.R. 2196 deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. TANNER] for his comments and for his support. He does exemplify, as does the gentleman from California [Mr. BROWN], bipartisan cooperation on this bill and in other legislation that enhances our competitiveness.

Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], a very distinguished member of the subcommittee.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman and the chairman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 2196 the National Technology Transfer and Advancement Act of 1995. This legislation will encourage the transfer of basic science and research information from the Federal laboratories to the private sector. This bill also makes important and necessary changes to the Fastener Quality Act.

These changes are of great importance to my constituents who are employed in the fastener industry. One of the fastest growing and best-run companies in the United States is based in Winona, Minnesota. The Fasten all Company is one of the dominant forces in the fastener industry.

Interestingly, Mr. Speaker, they would probably benefit, or probably do benefit, from some of the rules and regulations currently enacted, but they have told me that whether they benefit or not, it actually, in the long run, is bad for business and industry.

In 1990, the 101st Congress enacted the Fastener Quality act to answer concerns that counterfeit and substandard fasteners posed a threat to our national defense and our public safety. In most cases, counterfeit and substandard fasteners are two separate problems.

While well-meaning in nature, the original Fastener Quality Act required that fasteners be tested, inspected, and certified by accredited laboratories before being distributed to the market. Fastener manufacturers were required to register their fastener headmarkings with the Patent and Trademark Office and keep certification of performance and a copy of the test report on file. These requirements are typical of unnecessary regulations which previous Congresses have dictated.

Today, we would be acting on the recommendations which have been made by the Fastener Advisory Committee, amending the Fastener Quality Act. The Fastener Advisory Committee, created by Congress, determined that the Fastener Quality Act will have an unintended detrimental impact on business. The Fastener Advisory committee reported that without these recommended changes, the cumulative burden of cost on the fastener industry could be close to $1 billion for absolute compliance to the Fastener Quality Act.

The Committee has adopted recommendations in this legislation for amending the Fastener Quality Act that were submitted in March of 1992, and then again in February of 1995, to the Congress by the Fastener Advisory Committee.

□ 1815

Such recommendations were the result of nine public meetings by the Fastener Advisory Committee involving more than 2,000 pages of transcript documenting the need for the amendments. Subsequent to the recommendations to Congress, the National Institute of Standards and Technology [NIST] published proposed implementing regulations for public comment in August 1992. More than 300 letters were received from the public. Over 70 percent of the letters supported the recommendations of the Fastener Advisory Committee for amending the act.

I urge all members to support this important legislation.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, the gentleman is correct regarding the great extent we have undertaken to work out these amendments with the fastener industry.

We listened to the Fastener Advisory Committee, its Fastener Public Law Task Force, and other representatives from the manufacturing, importing, and distribution sectors of the United States fastener industry in crafting these amendments to the Fastener Quality Act.

The task force represents 85 percent of all United States companies and their suppliers involved in the manufacture, distribution, and importation of fasteners and over 100,000 employees in all 50 States.

The section focuses mainly on mill heat certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances. The act will maintain safety, reduce the unnecessary burdens on industry, and ensure proper enforcement of the Fastener Quality Act.

In addition to the fastener provisions in the bill, I believe it is important to note the other major provisions in the act. These include some very important administrative and management changes to the National Institute of Standards and Technology (NIST), which include making permanent the NIST Personnel Demonstration Project.

This project has helped NIST recruit and retain the best and the brightest scientists to meet its scientific research and measurement standards mission.

Also, included in the act are provisions affecting the Federal involvement in the use of standards and its development. Standards play a crucial role in all facets of daily life and in the ability of the Nation to compete in the global marketplace.

The United States, unlike the federalized standards system of most other countries, relies heavily on a decentralized, private sector-based, voluntary consensus standards system.

This unique consensus-based voluntary system has served us well for over a century and has contributed significantly to United States competitiveness, health, public welfare, and safety.

Playing an important role in maintaining a future competitive edge is the ability to develop standards which match the speed of the rapidly changing technology of the marketplace.

The key challenge is to update domestic standards activities, in light of increased internationalization of commerce, and to reduce duplication and waste by effectively integrating the Federal Government and private sector resources in the voluntary consensus standards system, while protecting its industry-driven nature and the public good.

Better coordination of Federal standards activities is clearly crucial to this effort. These issues were raised by the National Research Council (NRC) in its March 1995, report entitled, "Standards, Conformity Assessment, and Trade in the 21st Century."

We have adopted some of the recommendations in the NRC report clarifying NIST's lead role in the implementation of a government-wide policy of phasing out the use of federally-developed standards, wherever possible, in favor of standards developed by private sector, consensus standards organizations. We also adopted the recommendation to codify the present requirements of OMB Circular A–119, which requires agencies, through OMB, to report annually to Congress on the reasons for deviating from voluntary consensus standards, when the head of the agency deems that prospective consensus standards are not appropriate to the agency needs.

Mr. Speaker, I thank the gentleman for yielding so that I could put into the RECORD and explain the benefits of the statements that he made with regard to standards.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is a good bill for many reasons. It will create more jobs, it will provide incentives for important scientific inventions, and it is going to make it easier to give or loan equipment to our schools, Federal equipment.

But it is also a bill that is important in another very important technological way, and that is for stimulating commercialization of the research being done in our national laboratories. I represent one of them, Los Alamos National Laboratory, and it is going to benefit enormously from this legislation.

What this bill also does, it extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark at the Los Alamos Laboratory.

The set-aside has provided very stable annual funding to the consortium which has permitted technology transfer officers of the various laboratories to work together. The Federal Laboratory Consortium members are linked together electronically, which enables them to help businesses find out what other Federal laboratories have expertise in specific areas.

So my colleagues know, what we are trying to do is get the labs more into economic competitiveness, into commercialization, so that their science can be used commercially for the best economic interests of the country. For example, if an agriculturally oriented business in New Mexico or Tennessee went to the technology transfer officers at Los Alamos with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior could have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors, who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than $2,000 per year. By changing the calculation so that agencies pay inventors the first $2,000 of the royalties receive by the agency for the inventions, as well as 15 percent of the royalties above that amount, the bill provides incentives that these employees can use and give them more equitable compensation.

Finally, this bill clarifies that a Federal laboratory, agency, or department may give, loan, or lease excess scientific equipment to public and private schools and nonprofit organizations without regard to Federal property disposal laws.

Therefore, if for instance Los Alamos or Sandia or any of our national labs wanted to donate unused equipment to a university, it would not have to go through the bureaucratic redtape that is now required. Some labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

This is a good bill, especially a good bill to all of us who have Federal laboratories in our districts, and that is about 14 States around the country and approximately 130 Members of Congress have lab components in their districts. It advocates technology transfer, it creates incentives for Federal inventors, and it makes it easier to donate equipment to needy schools.

I want to commend the author of the bill, the gentleman from Tennessee [Mr. TANNER], I want to commend the gentlewoman from Maryland [Mrs. MORELLA], and I see the fingerprints of the gentleman from California [Mr. BROWN], the former Science chairman, all over this bill.

Mrs. MORELLA. Mr. Speaker, I include in the RECORD a letter dated December 12, 1995 to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, from the administration, Ron Brown, indicating the administration's support of the Fastener Quality Act as it is contained in H.R. 2196.

THE SECRETARY OF COMMERCE,
Washington, DC, December 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter seeking the Administration's position on the amendments to Public Law No. 101–592, the Fastener Quality Act, contained in H.R. 2196, The National Technology Transfer and Advancement At of 1995. The Administration supports the amendments to the Fastener Quality Act included in H.R. 2196.

Again, thank you for your letter. Please let me know if you have any additional questions.

Sincerely,
RONALD H. BROWN.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding me this time. I would like to engage in a colloquy with the Congresswoman from Maryland [Mrs. MORELLA]. It will cover some of the subjects she has already spoken eloquently about.

There has been concern expressed in parts of the executive branch regarding section 12(d) of this bill which is our committee's codification of OMB Circular A–119 which the gentlewoman has referred to. I would like to be reassured that the Congresswoman's understanding is consistent with my understanding of the scope of Section 12(d).

First, the term "voluntary, private sector, consensus standards bodies" is used throughout the section but is not defined. I assume that the voluntary consensus standards bodies referred to in this section are our nation's standards development organizations such as the American Society for Testing and Materials, the American Society of Mechanical Engineers, the American Petroleum Institute, and the Society of Automotive Engineers and the umbrella organization, the American National Standards Institute.

Mrs. MORELLA. Mr. Speaker, if the gentleman would yield, he is correct. We used voluntary consensus standards in the same manner that it would be used in the engineering and standards communities when they talk about technical, mechanical, or engineering standards. The private sector consensus standards bodies covered by the act are engineering societies and trade associations as well as organizations whose primary purpose is development or promotion of standards. The standards they develop are the common language of measurement, used to promote interoperability and ease of communications in commerce. We meant to cover only those standards which are developed through an open process in which all parties and experts have ample opportunity to participate in developing the consensus embodied in that standard. Our use of the term "private sector" is meant to indicate that these standards are developed by umbrella organizations located in the private sector rather than to preclude government involvement in standards development. In fact, it is my hope that this section will help convince the Federal Government to participate more fully in these organizations' standards developing activities to increase the likelihood that the standards can meet public sector as well as private sector needs.

Mr. BROWN of California. I would assume from your comments that you would expect a rule of reason to prevail in the implementation of this section and that new bureaucratic procedures would be inconsistent with the intent of this section.

Mrs. MORELLA. If the gentleman would yield further, that was our intent in beginning the section with the words "To the extent practicable". For instance, we would expect Government procurements of off-the-shelf commercial products or commodities to be exempted by regulation from any review under the act. We also do not intend through this section to limit the right of the Government to write specifications for what it needs to purchase. Our focus instead is on making sure the Federal Government does not reinvent the wheel. We are merely asking Federal agencies to make all reasonable efforts to use voluntary, private sector, consensus standards unless there is a significant reason not to do so when developing regulations or describing systems, equipment, components, commodities, and other items for procurement. We expect Government specifications to use the private sector's standards language rather than unique government standards whenever practicable to do so. However, as under OMB Circular A–119, agencies would still have broad discretion to decline to use a voluntary standard if the agency formally determined that the standard was inadequate for government, did not meet statutory criteria, or was otherwise inappropriate.

Mr. BROWN of California. I thank the gentlewoman for her clarification. I agree with the gentlewoman and thank her for her explanations. I hope that they will assist in the interpretation of the meaning of the language of the bill.

□ 1830

Mr. Speaker, with the permission of the gentleman from Tennessee, I would like to make a few concluding remarks with regard to my general support of the legislation.

I do rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which does make significant incremental steps in the proper direction in Federal technology and laboratory policies. Previous speakers have indicated the importance of the Federal laboratories as a part of the Nation's scientific and technological infrastructure, and I would like to reinforce those statements in every way that I can.

I would like to also mention again, because the gentlewoman from Maryland has already mentioned it, that there is nothing in this bill more important than the provision which makes the personnel system at the National Institutes of Standards and Technology permanent. A decade has now passed since the Packard committee recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew.

Then science committee chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has strived under a merit-based clone of progressive private sector personnel systems, and the results are obvious, they are impressive, and they are cheaper than the old way of doing business.

One of the lesser known and least controversial provisions of last year's competitive legislation was our attempt to make the NIST experimental personnel system its permanent one.

I am happy the committee has seen fit to report our provisions unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest, and I want to particularly commend the chairwoman of this subcommittee for persevering in getting through the enactment of this very important piece of our bills.

I am also pleased with the standards provisions in the bill, and I will abbreviate my remarks on that somewhat. But it will do a great deal in rationalizing the procurement of all Federal Government needs, particularly in the Defense Department.

The legislation also makes changes that will be beneficial to NIST, to other Federal labs and to the Federal laboratory consortium, some which have been mentioned by both the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from New Mexico [Mr. RICHARDSON].

I do have some reservations about the process really which led to the inclusion of the Fastener Quality Act amendments in this bill. I do believe that the Fastener Quality Act does need some improvements. This bill provides it, but I was not happy with the process with which this was done. I have criticized this before. I will not belabor it. We have brought this same language to the floor several times. It was defective each time because there was not a process of committee hearings and review which would have corrected some of the problems.

I think, but I am still not sure, that all the problems have been corrected. I sincerely trust this is the case because I know the importance of having a good set of rules on the books to deal with this very important problem.

Having said this mild criticism, I want to make it clear the bill is well worth voting for in almost all respects, statutory proof that the two parties can work closely together on important legislation and, when they do so, as in the present case, the American people emerge the winners.

Mr. Speaker, I rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which makes significant incremental steps in the proper direction in Federal technology and laboratory policy.

I consider nothing in the bill more important than the provision which makes the personnel system at the National Institute of Standards and Technology permanent. A decade has now passed since David Packard's recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew. Then Science Committee Chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has thrived under a merit-based clone of progressive private sector personnel systems and the results are obvious, impressive, and cheaper than the old way of doing business. One of the lesser known and least controversial provisions of last year's competitiveness legislation was our attempt to make the NIST experimental personnel system, its permanent one. I am happy that the Committee has seen fit to report our provision unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest.

I am also pleased with the standards provisions contained in this bill. One of Secretary of Defense Perry's biggest achievements is his replacement of most of his Department's military specifications with private sector standards. This action may have put a bigger dent to government waste than any other during my tenure in Washington. It is also one of the biggest victories of common sense over business as usual. Why should the government spend the money to design, test, and procure unique parts and equipment in instances where it can be shown equally good ones have stood the test of the commercial marketplace. What Secretary Perry did was reverse the burden of proof. Anyone who wants to develop a standard or a specification now has to justify why private sector standards won't solve the problem. This bill extends the Perry philosophy to all government regulatory and procurement standards using agency heads, OMB, and NIST as those who must be convinced that a problem is so unique that the private sector does not have a solution. This is a problem that our committee worked on during my entire tenure as chairman and I am happy that our current majority leadership is taking our work a step forward.

This legislation also makes changes that will be beneficial to NIST, to the Federal labs, and to the Federal laboratory consortium. Some came from last Congress' Morella-Rockefeller legislation; some came from our competitiveness bill. All are non-controversial and welcome changes.

There is only one cloud on the horizon—one set of actions which cause me to qualify my endorsement of this legislation ever so slightly. This is the unfortunate way in which the complicated issue of the Fastener Quality Act Amendments has been handled which I might say stands in contrast to the care with which the rest of the bill was handled. I regret that the committee did not see fit to hold hearings or publicly seek advice on these complicated changes to a rather important piece of public health and safety legislation. I expect if we had set up hearings and carefully listened to all sides on this issue that we would have ended up with a stronger bill and without the embarrassment of having to make technical changes on the floor, in the committee, and then on the floor again.

That said, I want to make it clear that HR 2196 in my opinion is a bill well worth voting for and in almost all respects statutory proof that the two parties can work closely together on important legislation and when they do so, as in this case, the American people emerge the winners.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I have no one else who wishes to speak on this bill, but again I want to reiterate what the gentleman from California [Mr. BROWN] said and the gentleman from Tennessee [Mr. TANNER] had said before in the fact that this is an excellent example of bipartisan working together in the best interests of our country and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our competitiveness.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act of 1995, to the floor.

As chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories. Beginning with the Stevenson-Wydler Technology Innovation Act of 1980, the Science Committee has originated legislation which has stimulated and increased the quality of technology in the United States.

The Stevenson-Wydler Act required Federal laboratories to take an active role in technical cooperation and established technology transfer offices at all major Federal laboratories. The landmark Stevenson-Wydler Act legislation was expanded considerably by the Federal Technology Transfer Act of 1986, which allowed a government-owned, government-operated [GOGO] laboratory staffed by Federal employees to enter into a Cooperative Research and Development Agreement [CRADA] with industry, universities, and others. The National Competitiveness Technology Transfer Act of 1989 extended the CRADA authority to a government-owned, contractor-operated [GOCO] laboratory such as the Department of Energy laboratories.

These acts have permitted the private sector to develop cooperative research and development agreements [CRADA] with our Federal laboratories, thereby providing them access to the expertise of the engineers, scientists, and facility resources of our national labs. In a CRADA, the laboratories can contribute people, facilities, equipment, and ideas, but not funding, while the private sector companies contribute people and funding.

H.R. 2196 provides guidelines that simplify the negotiation of a CRADA—addressing a major concern of private sector companies—and, in the process, gives companies greater assurance they will share in the benefits of the research they fund.

As a result, the act will reduce the time and effort required to develop a CRADA, reduce the uncertainty that can deter companies from working with the Government, and thus speed the transfer and commercialization of laboratory technology to the American public. The act is an important step toward making our Government's huge investment in science and technology—made primarily to carry out important Government missions—more useful to interested commercial companies and our economy.

By rethinking and improving the method our Government conducts its business, without the need to invoke new spending authority, H.R. 2196 signals a new approach to government technology policy legislation.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. When this committee marked up the Fastener Quality Act in 1991, I attached an amendment to form the Fastener Advisory Committee. This committee was to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to $1 billion on the fastener industry.

We attempted in the last Congress to amend the law, but unfortunately, were not successful. We had language pass the House and the Senate; however, the language died in conference.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat certification, mixing of like certified fasteners, and sale of minor non-conformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improved the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation, of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I also support the provisions in the act which relate to standards conformity. The act restates existing authorities for National Institute of Standards and Technology [NIST] activities in standards and conformity assessment and requires NIST to coordinate among Federal agencies, survey existing State and Federal practices, and report back to Congress on recommendations for improvements in these activities.

In addition, the act codifies, OMB circular A–119 requiring Federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs. These provisions are very important since they will have the effect of assisting agencies in focusing their attention on the need to work with private sector, voluntary consensus standards bodies.

As an original cosponsor, I urge support for the passage of H.R. 2196, the National Technology Transfer and Advancement Act.

Mr. DINGELL. Mr. Speaker, the bill being considered today includes numerous amendments to the Fastener Quality Act.

The Committee on Energy and Commerce's Subcommittee on Oversight and Investigations conducted a multiyear, indepth investigation of counterfeit and substandard fasteners that ultimately led to the enactment of the Fastener Quality Act on November 16, 1990. Unfortunately, the regulations implementing the law have not yet been issued by the National Institute on Standards and Technology [NIST] and are now more than 4 years overdue.

During the last Congress, as part of the National Competitiveness Act, amendments to the Fastener Quality Act were passed by the House. The amendments adopted related to heat mill certification and minor nonconformance. In its bill, the Senate included the same amendments, plus an additional amendment that would have permitted commingling at all levels of the industry—from manufacturing through distribution. I, as well as the administration, opposed this amendment because it would seriously undermine safety and accountability under the law. Because efforts to pass the underlying bill were unsuccessful, the fastener amendments were not enacted into law and NIST has made no effort to issue the long overdue implementing regulations.

The bill before us includes amendments on heat mill certification, minor nonconformance, commingling, as well as other amendments. The commingling amendment appears to be more limited in scope than the previous Senate provision and allows purchasers to request lot traceability. There are additional amendments to the Fastener Quality Act that also appear in the bill. To my knowledge, no hearings have been held on these amendments by any congressional committee nor has any adequate explanation or justification been advanced for these provisions, other than that certain fastener industry interests support them.

I note that Chairman BLILEY recently wrote Chairman WALKER, making it clear that the Commerce Committee has not waived its jurisdictional concerns about the legislation and requesting that members of the Commerce Committee be named as equal conferees on fastener provisions in any ensuing House-Senate conference. I wish to express my support for Chairman BLILEY's request and trust that we will be able to have an opportunity to participate fully in any conference on these issues of great importance to public safety.

Mr. OXLEY. Mr. Speaker, I rise to address the amendments to the Fastener Quality Act which are in H.R. 2196.

The Fastener Quality Act is the result of a 4-year-long study by the Oversight and Investigations Subcommittee of the Committee on Commerce. The statute requires testing and labeling procedures for certain grades of bolts and fasteners subject to high degrees of stress, such as in military and aerospace applications. The requirements of the Fastener Quality Act were designed to prevent the use of substandard bolts in applications where, if they were to fail, death or injury could occur.

The Commerce Committee and the Science Committee have a long history of working together on this act. After the Commerce Committee Oversight and Investigations Subcommittee investigation, our committees worked together to secure passage of this legislation in the 101st Congress and the amendments to the Fastener Act contained in this legislation.

Mr. Speaker, the amendments to the Fastener Quality Act included in this legislation are almost identical to those passed by the House in H.R. 2405 earlier this year. These amendments simply restore the original intent of the Fastener Quality Act. Additionally, they provide for notice and comment on the appropriate threshold standard to assess a significant alteration with respect to the electroplating of fasteners. The Committee on Commerce has no objection to these amendments and urges their adoption.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and pass the bill, H.R. 2196, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2196, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF REMAINING SENATE AMENDMENT TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–399) on the resolution (H.R. 296) providing for consideration of a motion to dispose of the remaining Senate amendment to the bill (H.R. 1858) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–400) on the resolution (H. Res. 297) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VETERANS HOUSING, EMPLOYMENT PROGRAMS, AND EMPLOYMENT RIGHTS BENEFITS ACT OF 1995

Mr. STUMP. Mr. Speaker, I move the House suspend the rules and pass the bill (H.R. 2289) to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995".

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' HOUSING PROGRAMS

SEC. 101. EXTENSIONS OF CERTAIN VETERANS' HOUSING PROGRAMS.

(a) NEGOTIATED INTEREST RATES.—Paragraph (4) of section 3703(c) is amended by striking out subparagraph (D).

(b) ENERGY EFFICIENT MORTGAGES.—Section 3710(d) is amended—

(1) in paragraph (1), by striking out "to demonstrate the feasibility of guaranteeing" and inserting in lieu thereof "to guarantee"; and

(2) by striking out paragraph (7).

(c) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking out "1995" and inserting in lieu thereof "2000".

(d) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f) is amended by striking out paragraphs (3), (4), and (5).

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735 is amended by striking out subsection (c).

SEC. 102. CODIFICATION OF REPORTING REQUIREMENTS AND CHANGES IN THEIR FREQUENCY.

(a) CODIFICATION OF HOUSING RELATED REPORTING REQUIREMENTS.—(1) Chapter 37 is amended by adding after section 3735 the following new section:

"§ 3736. Reporting requirements

The annual report required by section 529 of this title shall include a discussion of the activities under this chapter. Beginning with the report submitted at the close of fiscal year 1996, and every second year thereafter, this discussion shall include information regarding the following:

"(1) Loans made to veterans whose only qualifying service was in the Selected Reserve.

"(2) Interest rates and discount points which were negotiated between the lender and the veteran pursuant to section 3703(c)(4)(A)(i) of this title.

"(3) The determination of reasonable value by lenders pursuant to section 3731(f) of this title.

"(4) Loans that include funds for energy efficiency improvements pursuant to section 3710(a)(10) of this title.

"(5) Direct loans to Native American veterans made pursuant to subchapter V of this chapter.".

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 3735 the following new item:

"3736. Reporting requirements.".

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.—The Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 106 Stat. 3633) is amended by striking out sections 2(c), 3(b), 8(d), 9(c), and 10(b).

SEC. 103. JOB PLACEMENT FOR HOMELESS VETERANS.

(a) HOMELESS VETERANS EMPLOYMENT PROGRAM.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended—

(1) in subparagraph (A), by striking out "1993" and inserting in lieu thereof "1996";

(2) in subparagraph (B)—

(A) by striking out "$12,000,000" and inserting in lieu thereof "$10,000,000", and

(B) by striking out "1994" and inserting in lieu thereof "1997"; and

(3) in subparagraph (C)—

(A) by striking out "$14,000,000" and inserting in lieu thereof "$10,000,000", and

(B) by striking out "1995" and inserting in lieu thereof "1998".

(b) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 739(a) of such Act (42 U.S.C. 11448(a)) is amended by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "fiscal years 1996, 1997, and 1998".

(c) EXTENSION OF PROGRAM.—Section 741 of such Act (42 U.S.C. 11450) is amended by striking out "1995" and inserting in lieu thereof "1998".

TITLE II—VETERANS' EMPLOYMENT AND TRAINING

SEC. 201. REGIONAL OFFICES FOR VETERANS' EMPLOYMENT AND TRAINING.

Paragraph (1) of section 4102A(e) is amended to read as follows:

"(1) The Secretary of Labor shall assign regional administrators for Veterans' Employment and Training in such regions, which may not be less than five in number, as the Secretary may determine are necessary for the effective administration of the Veterans' Employment and Training Service. Each regional administrator appointed after the date of the enactment of the Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995 shall be a veteran.".

SEC. 202. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 203. DIRECTORS AND ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Subparagraph (B) of section 4103(b)(1) is amended to read as follows:

"(B) A person who serves in the position of Director for Veterans' Employment and Training or Assistant Director of Veterans' Employment Training for any State for not less than two years is eligible for appointment as such a Director or Assistant Director for any State, regardless of the period of the person's residence in that State.".

SEC. 204. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor is authorized to conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary is authorized to suspend or limit application of those provisions of chapter 41 (other than sections 4104 (b)(1) and (c)) of such title that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of chapter 41, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) One year after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "veteran" has the meaning given such term by section 101(2) of title 38, United States Code;

(2) the term "disabled veteran" has the meaning given such term by section 4211(3) of such title; and

(3) the term "active military, naval, or air service" has the meaning given such term by section 101(24) of such title.

(g) AUTHORIZATION.—There is authorized to be appropriated for the pilot program, in the States designated by the Secretary of Labor pursuant to subsection (d), the amount allocated to such States under section 4102A(b)(5) of title 38, United States Code, for fiscal years 1996, 1997, and 1998.

(h) EXPIRATION DATE.—Except as provided by subsection (e), this section shall expire on October 1, 1998.

TITLE III—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 301. PURPOSES.

Section 4301(a)(2) is amended by striking out "under honorable conditions".

SEC. 302. DEFINITIONS.

Section 4303(16) is amended by inserting "national" before "emergency".

SEC. 303. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C).".

SEC. 304. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated".

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or because of a national emergency declared by the President or the Congress as determined by the Secretary concerned;".

(c) Brief, Nonrecurrent Periods of Service.—Section 4312(d)(2)(C) is amended by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(d) Conforming Amendments to Redesignations in Title 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out "section 270" and inserting in lieu thereof "section 10147"; and

(2) in paragraph (4)—

(A) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(B) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(C) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406".

SEC. 305. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out "uniform services" in clause (A)(ii) and inserting in lieu thereof "uniformed services"; and

(2) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

SEC. 306. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual or similar leave during such period of service.".

SEC. 307. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out "(a)(1)(A) subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 308. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

SEC. 309. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) Technical Amendment.—The second sentence of section 4322(d) is amended by inserting "attempt to" before "resolve".

(b) Notification.—Section 4322(e) of is amended—

(1) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint,"; and

(2) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

SEC. 310. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(2) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

SEC. 311. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) Referral.—Section 4324(a)(1) is amended by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency".

(b) Alternative Submission of Complaint.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(c) Relief.—Section 4324(c)(2) is amended—

(1) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) by striking out "employee" and inserting in lieu thereof "Office".

SEC. 312. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out ", alternative employment in the Federal Government under this chapter,"; and

(2) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

SEC. 313. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 314. TRANSITION RULES AND EFFECTIVE DATES.

(a) Reemployment.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) Insurance.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 315. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) Reorganized Title 10 References.—The amendments made by section 304(d) shall take effect as of December 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2289, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, H.R. 2289, would make improvements to several veterans benefit programs.

These would: Extend several VA home loan and housing programs; reduce VA reporting requirements; streamline the operations of the veterans employment and training service; and clarify many of the provisions of the Uniformed Services Employment and Reemployment Rights Act.

Under pay-as-you-go budget rules, this bill would save $14 million over the next 3 fiscal years.

As always, I want to thank the VA Committee's ranking member, my distinguished colleague and good friend, SONNY MONTGOMERY for his hard work and assistance on this bill.

I also want to thank the chairman of the Education, Employment, Training and Housing Subcommittee, STEVE BUYER, and the subcommittee's ranking member, MAXINE WATERS, for their bipartisan work on this measure.

They worked in a very constructive fashion with other members of the committee to resolve differences of opinion and accommodate members' desires in regard to this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], chairman of the Subcommittee on Education, Training, Employment and Housing.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 2289 contains provisions affecting various veterans' benefits. Title I makes several VA home loan pilot programs permanent.

To share with the colleagues, in particular, loans for energy-efficient home improvements, the ability of veterans to negotiate interest rates, the ability of the VA to package its portfolio for resale in the secondary market, automatic review of appraisals by lenders and continuation of authority to provide for foreclosed properties to community homeless providers, and it reduces reporting requirements on VA loan programs.

I would also ask my colleagues to, please, note that the President's budget did not call for an extension of the VA adjustable rate mortgage program. However, the committee looked at that program and of consideration, approved it. Prior to the passage of the committee, the CBO estimated that the ARM cost would be zero. After the committee's passage, CBO reestimated the ARM cost at $37 million dollars. Clearly, we could not find the offset. Therefore, the extension of the VA adjustable rate mortgage program is not in this bill.

However, the Committee on Veterans' Affairs will continue to work to find a way to reauthorize the program.

H.R. 2289 will also rename and promote the homeless veterans' reintegration project. Although the project is unfunded this year, it is important to keep alive so that the Department of Labor can fund it out of its resources.

Title II of this bill focuses on the veterans' employment and training service, VETS. The changes in the law will assist the VETS program in streamlining its approach to finding jobs for veterans and improve the service at the same time. This portion of the bill will, first, reduce the number of regional administrators; second, broaden the support staff responsibilities; third, amend the residency requirements for Federal directors of veterans' employment and training stations in the States. Providing that flexibility is important. And, authorize, fourth, authorize a pilot program to test the VETS participation in the one-stop employment centers.

Title III of this bill makes several technical improvements to the Uniformed Services Employment and Reemployment Rights Act that was passed in the 103d Congress. The changes specifically would clarify the employee and employer responsibilities, the time periods covered by the law, and also clarifies issues such as health care and pension benefits while called to active duty, and define what constitutes both discrimination and reprisal under the law.

Mr. Speaker, I would like to give special recognition to the chairman of the committee and the ranking member for their continued leadership and also the distinguished ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS]. During work on the reemployment rights portion of the bill, she offered an amendment that was very constructive that significantly improved a large portion of title III of the bill. I appreciate her efforts and thank her for the bipartisan way in which she has worked with me on this bill.

I also thank my colleagues in the Subcommittee on Education, Training, Employment and Housing for their dedication on behalf of veterans.

It is a pleasure to bring this bill to the floor and to note that it streamlines the process and saves money.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2289, a measure which would make permanent certain veterans' housing programs, improve, Mr. Speaker, the veterans' employment and training programs, and further improve and clarify veterans' reemployment rights. The veterans' housing and employment programs we have enacted in the last several Congresses are working well. This bill extends the VA authority to make housing loans, a very important benefit for the veteran and for the active-duty personnel.

Mr. Speaker, we are encouraging in this bill and in other legislation to get active-duty persons to use their veterans' home benefits. When they are on active duty, they are veterans, and they still have the privilege of using some of these home loans.

It also allows changes in our veterans' employment programs to go forward. Fewer resources and less staff personnel means these programs must streamline and become more efficient. H.R. 2289 authorizes these necessary changes.

I do want to commend the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Training, Employment and Housing, and also the Ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS], and all members of the subcommittee for really developing an excellent bill.

I also want to thank my good friend, the gentleman from Arizona [Mr. STUMP], for brining this measure to the floor. This bill will help veterans, and I urge my colleagues to support it.

Mr. Speaker, I will yield such time as she may consume to the gentlewoman from California [Ms. WATERS], the ranking member of the subcommittee.

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Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me time and for all of his work and support on this and all of the legislation on behalf of veterans in the Committee on Veterans Affairs.

Mr. Speaker, I, too, rise in strong support of H.R. 2289. Title I of this measure will greatly enhance the ability of veterans to purchase the home of their choice. I am, however, disappointed that we were forced to drop the section which would have extended the VA Adjustable Rate Mortgage [ARM] program. Unfortunately, CBO changed their cost estimate and, two days after the full committee markup, told us we have to come up with over $30 million to fund the ARM. We simply do not have those funds. I fully intend to work with the subcommittee chairman on this matter, however, and expect we will revisit this issue in the future.

The provisions of title II will improve the implementation and administration of veterans' employment programs. I am particularly pleased the bill includes an amendment I offered which would authorize the Secretary of Labor to conduct a pilot program under which the responsibilities of Local Veterans' Employment Representatives [LVER's] would be redirected to focus on case management and direct service to veterans.

Last year, the committee extensively revised chapter 43 of title 38, which provides employment and reemployment rights for members of the uniformed services. Public Law 103-353, the Uniformed Services Employment and Reemployment Rights Act of 1994, was signed into law on October 13, 1994. Because of the complex and technical nature of this measure, the committee anticipated that technical and clarifying amendments would be necessary. Title II of H.R. 2289 responds to the issues and concerns that have thus far been brought to the attention of the committee.

Mr. Speaker, I want to thank the chairman of the subcommittee, my colleague, STEVE BUYER, for the cooperative, bipartisan spirit with which he has conducted the business of the subcommittee. We have had a good year, and the veterans of our Nation will benefit from our joint efforts.

H.R. 2289 is an excellent bill. I am proud of the work we have done on this measure, and I hope our colleagues will support H.R. 2289.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 2289, the Veterans Housing and Educational Benefits Act of 1995, and I commend its sponsor, the gentleman from Indiana, Mr. BUYER, as well as Mr. STUMP, the chairman of the House Veterans' Affairs Committee and the committee's ranking member, Mr. MONTGOMERY for their dedicated work on this important veterans measure.

This bill, H.R. 2289 provides permanent authorization for negotiated interest rates, energy efficient mortgages, and extends the VA's authority for enhanced loan asset sales for an additional 5 years in VA loan programs. This change will improve the secondary market of VA-backed mortgages and thereby eliminates the need for future VA servicing.

Where this bill provides great assistance for our Nation's veterans is in the area of the provision of housing assistance for homeless veterans and for employment services for those who have sacrificed so much for the freedoms we hold so dear.

For our homeless veterans this bill provides $10 million per year to assist them in their plight. For our veterans competing in an increasingly competitive employment market this measure requires the Secretary of Labor to maintain no fewer than five veterans employment and training facilities with which to assist our job training efforts for our veterans.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this important measure which will provide further educational and housing support for our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield myself one minute.

Mr. Speaker, I do so only to point out to the House that the gentleman from Arizona, Chairman STUMP, and I have sent each Member of the House of Representatives a letter pointing out that he and I have been notified by the VA officials that if either the VA-HUD appropriations bills or a continuing resolution has not been passed by December 21, the Veterans Administration says the checks for veterans will be delayed. So I think Members should know that.

We are talking about 2.5 million veterans getting their checks delayed. It is a 2.6-percent cost-of-living increase in those checks. So I certainly hope that the House and the Senate and the President of the United States can get together and we will not delay these veterans' checks as well as other checks that go to people in this country.

Mr. Speaker, this is a fine bill, and I ask support of the House.

Mr. Speaker, I yield back the balance of my time.

Mr. FARR. Mr. Speaker, yesterday the House of Representatives voted for legislation to ensure continued assistance to our Nation's veterans. I voted for this bill, the Veterans Housing and Employment Rights Benefits Act, which would permanently extend programs which provide invaluable assistance to our Nation's veterans and military retirees.

The bill would extend a number of important home-loan programs. One such program permits veterans to negotiate for favorable interest rates and terms for mortgages. Another service allows veterans to get mortgage loans with interest rates fixed by the Department of Veterans Affairs. A third program extended by the bill allows veterans to secure mortgages for energy-saving improvements to their homes.

All of these services allow veterans, who often do not have the collateral or financial resources normally needed to purchase a home, a chance to pursue the American dream of owning and maintaining their own home.

Other programs reauthorized by the bill include the Homeless Veterans Employment Program, and the VA program providing housing assistance to homeless veterans. It also makes changes to current law to help veterans further and prevent discrimination against veterans—such as a measure ensuring that employers cannot force employees to use their vacation time to participate in military training programs.

I thank my colleagues, Chairman BOB STUMP and Representative SONNY MONTGOMERY, for bringing this important legislation to the House floor. It is my hope that we shall soon see this bill signed into law.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2289, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON INQUIRY INTO VARIOUS COMPLAINTS FILED AGAINST REPRESENTATIVE NEWT GINGRICH

Mrs. JOHNSON of Connecticut, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 104-401) on the inquiry into various complaints filed against Representative NEWT GINGRICH, which was referred to the House Calendar and ordered to be printed.

STATEMENT ON REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, today, at the direction of the Committee on Standards of Official Conduct, I have introduced a resolution which eliminates one of the few exceptions to House Rules regarding outside earned income.

As you know, the Rules of the House now restrict the amount of outside income a Member or senior staffer may earn to $20,040 per year. However, copyright royalties and book advances are exempted from this restriction. A Member may publish a book and receive a large cash advance and unlimited royalties.

The resolution introduced today would amend rule 47 of the Rules of the House of Representatives so as to prohibit advances and treat copyright royalties as earned income subject to the $20,040 yearly cap. The new restriction would apply to royalties earned after December 31, 1995, for any book published after the beginning of House service, and would prohibit the deferral or royalties beyond the year in which earned.

It is the committee's hope that this resolution will be considered and approved this year.

As with our necessary reforms, this proposal may cause some momentary financial hardship in individual cases, or even delay the communication of useful ideas. In the long run, however, this proposal, by preventing the perception that book contracts are offered or their terms altered in deference to a Member's position rather than as a reflection of the book's content, will bring added attention to whatever ideas we may put forth.

As has passage of the gift rule resolution and, hopefully, other reform initiatives, this change in our House rules will assure that our actions—both in fact and perception—merit public confidence.

BANK INSURANCE FUND AND DEPOSITOR PROTECTION ACT OF 1995

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1574) to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

The Clerk read as follows:

H.R. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Insurance Fund and Depositor Protection Act of 1995".

SEC. 2 DEFINITION OF DEPOSIT.

Section 3(l)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)(5) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) any liability of an insured depository institution that arises under an annuity contract, the income of which tax deferred under section 72 of the Internal Revenue Code of 1986.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any liability of an insured depository that arises under an annuity contract issued on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1574.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairmwoman of the Financial Institutions & Consumer Credit Subcommittee I would like to commend you and my colleagues for considering H.R. 1574, The Bank Insurance Fund and Depositor Protection Act of 1995, on the suspension calendar.

H.R. 1574 is a bill with broad bipartisan support that would clarify that a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We strongly believe these instruments could pose serious safety and soundness for banks that issue them.

Last year, certain banks received the authority to offer these retirement CDs. Banks that intend to offer them claim these instruments combine the tax-deferred income accumulation and lifetime payout features of a traditional annuity with the Federal deposit insurance guarantee normally associated with bank certificates of deposits [CDs].

The problem is that the lifetime payment feature of the retirement CD exposes the issuing bank to a potential liability with an unknown duration raising safety and soundness issues. In addition, any deferred payments above the amount in the deposit account at maturity will not be federally insured. This is misleading to bank customers.

There is no reason for the Federal Government to forego currently taxing the income produced by an annuity product while at the same time guaranteeing the payment of the principal plus the untaxed interest. This would constitute an expansion of the Federal deposit insurance net and, once again, raises serious safety and soundness concerns. Furthermore, the FDIC has indicated that they are neutral on the matter and understand that expanding the insurance net to these or similar products could have some unknown consequences.

In addition, the Internal Revenue Service has raised other concerns about the instrument's tax-deferred status. After reviewing the components of the retirement CD, the IRS proposed to strip it of its tax-deferred status. Under U.S. tax law, the IRS believes that any favorable tax treatment for these instruments should be eliminated.

In addition, the Congressional Budget Office carefully scrutinized this product and noted, in particular, that, and I quote, that substantial uncertainty exists about its potential tax consequences. The CBO concluded that, taken as a whole, the enactment of H.R. 1574 should result in no significant budgetary impact, and therefore support the bill.

As I stated earlier, this legislation has strong bipartisan support to ban these questionable products. There is strong agreement that these instruments place the insurance industry at a competitive disadvantage, as well pose serious disclosure problems for bank depositors.

Finally, it is worth noting that this bill has companion legislation in the Senate, where it too, has broad support on both sides of the aisle. Given the time constraints that the House is presently under, I appreciate the bipartisan support on this legislation, and urge its adoption.

Mr. Speaker, I include for the RECORD the memorandum I referred to earlier.

NOVEMBER 21, 1995.

Memorandum

To: Steve Johnson, House Banking Committee.

From: Mary Maginniss, Congressional Budget Office.

Subject: H.R. 1574.

As requested, I have reviewed H.R. 1574, the Bank Insurance Fund and Depositor Protection Act of 1995. The bill would amend the Federal Deposit Insurance Act to exclude certain bank products—retirement certificates of deposits—from the definition of a deposit. This exclusion would mean that a bank or thrift would not pay insurance premiums on these liabilities, but neither would the retirement certificate of deposits (CDs) be protected by deposit insurance if an institution were to fail. Based on this review, I would expect that enacting H.R. 1574 would not result in any significant budgetary impact.

Retirement certificates of deposits combine features of a traditional certificate of deposit (CD) with certain payment terms and tax advantages of an annuity contract. The market for annuities with a known maturity is substantial—over $1.6 trillion is outstanding—and the retirement (CD) has been licensed to 12 banks. Nonetheless, the retirement CD has had very limited sales to date. In particular, substantial uncertainty exists about its potential tax consequences. The Internal Revenue Service has issued a proposed ruling that would limit the tax advantage of the retirement CD; a final decision is expected early next year.

Assuming that the final ruling is consistent with the proposed rule, demand for the product would be limited because without the tax advantage, sales of retirement CDs would be expected to have little appeal. CBO projects that the liabilities of banks and thrifts would include few retirement CDs, and only a negligible amount of the premiums such institutions pay for deposit insurance in the future would be to cover losses in retirement CDs. Similarly, I expect the deposit insurance funds to face minimal risk of reimbursing the few depositors who might own retirement CDS in the event of a future bank failure. As a result, enactment of H.R. 1574 should result in no significant budgetary impact.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, as a cosponsor of the legislation, rise in support of this measure and commend the gentlewoman from New Jersey [Mrs. ROUKEMA], our subcommittee chairwoman, for her effort on this matter. This is a bipartisan matter that would clarify that the bank products known as retirement CD's are not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus a significant liability to the U.S. taxpayers.

As my colleagues may be aware, recently several bank and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This has raised serious questions and concerns within the Congress, the Internal Revenue Service, and with those engaged in the business and enterprise providing retirement products without the benefit of Federal deposit insurance.

Mr. Speaker, this is a $1 trillion industry. I think that most of us understand that it has been operating for years without deposit insurance. Those that engage and invest in such instruments take some risk in the process. I do not think it is necessary for the deposit insurance system to be involved in this particular enterprise. As a consequence, I think if we are going to do that, we ought to do it on an affirmative basis.

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That we ought to, in fact, extend the deposit insurance and say we are now going to fold the insurance aspect of anmnities into banks and give them that power and defer the taxation and deal with it on that basis. That, clearly, is not the decision that should be made on an ad hoc basis without the involvement of Congress.

I think most of us have in the background of our mind problems that financial institutions have experienced in recent years, which has involved, obviously, a significant outlay of taxpayers dollars to deal with the shortfalls in terms of deposit insurance funds.

With this in mind, and with the idea that we are working in collaboration and in coordination with, in fact, tax policies and laws, Mr. Speaker, I, of course, rise in support and ask Members to support this important measure.

I yield myself such time as I may consume. As a cosponsor of this legislation, I rise in support of H.R. 1574 and commend our subcommittee chairwomen MARGE ROUKEMA for her effort on this matter. H.R. 1574 is of course a bipartisan bill that would clarify that a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus, a significant liability to U.S. taxpayers.

As my colleagues may be aware, recently, several banking and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax-deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This raised serious concerns within the Congress, the Internal Revenue Services and with those engaged in the business and enterprise of providing retirement products without the benefit of federal deposit insurance.

There is not a solid public policy basis for the Federal Government to forego currently taxing the income produced by an annuity product and at the same time guaranteeing the payment of the principal plus the untaxed interests in a differential manner to other retirement annuities. The annuity market works without the need for Federal deposit insurance guarantees, and there is no reason for the Federal deposit insurance funds to be extended to cover the risk of this trillion dollar market. If it is the congressional policy and loan judgment to extend deposit insurance to such products, then that ought to be a positive decision not an ad hoc action by individual financial institutions.

I would note for the record that from the beginning, we have stressed that the language of the bill does not prevent anyone from offering this product. It simply provides that annuity contracts issued by insured depository institutions on which the income is tax deferred shall not be considered as deposits eligible to receive FDIC deposit insurance coverage.

The U.S. Internal Revenue Service has issued proposed rules making clear that certain bank-issued annuities are not entitled to Federal tax deferral. For products which are determined to be subject to such rules, H.R. 1574 should not have any effect. Unless the product receives tax deferral as an annuity, H.R. 1574 would not be applicable. Thus there is no conflict, duplication, or inconsistency between the prospective IRS ruling expected sometime in the spring of next year and the legislation before us today. The two policies should compliment each other.

We need to enact this legislation now, before Deposit Insurance retirement CD's proliferate, thus exposing the FDIC deposit insurance to the potential of inordinate risk and expenditures in the future. I urge my colleagues to support this legislation and reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER], a member of the committee.

Mr. CHRYSLER. Mr. Speaker, I rise in support of H.R. 1574, as a cosponsor of the Bank Insurance Fund and Depositor Protection Act. This bill, introduced by my colleague on the Committee on Banking and Financial Services, the gentlewoman from New Jersey, Congresswoman MARGE ROUKEMA, would amend the Federal Deposit Insurance Act to exclude from deposit insurance eligibility a select class of investments known as retirement certificates of deposit. This issue is not related to the banks selling insurance discussions, which are presently underway.

Mr. Speaker, I have no objections to banks offering this product. However, I believe these retirement CD's should not be covered under FDIC insurance. There is an uneven playing field when one entity can sell a product, for example the retirement CD's, with FDIC insurance, and another entity can only sell the products without taxpayer-backed insurance.

Mr. Speaker, I would like to commend the gentlewoman from New Jersey [Mrs. ROUKEMA] on her efforts to have this bill reach the floor. I also want to thank the majority leader for placing this bill on a very crowded congressional calendar. I have high hopes that the other body will act on this important legislation in a timely manner.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me time, and with due respect to her and to the gentleman from the other side, I have some questions, at least, about this legislation. I do not intend to oppose it at this time, but the bottom line is that I have looked at this with some degree of care, and I have learned some interesting facts about it.

For example, the Office of the Comptroller of the Currency, which, of course, is the regulatory agency for national banks, has confirmed that national banks have authority to issue the retirement CD under the expressed statutory powers of the National Bank Act, and the FDIC has ruled that the retirement CD qualifies as an insured deposit under the Federal Deposit Act.

It also has been supported, and I assume still is, by the American Bankers Association, the Independent Bankers Association of America, Independent Bankers Associations of various States, and America's community bankers. In fact, the small community banks have found this as a very good asset to be able to offer to their customers, and, as a result, are very supportive of it.

Mr. Speaker, I have heard the arguments here, and have heard them before, concerning the issue of deposit insurance. And while I do not know enough about that to be able to argue it vehemently with anybody, I would suggest that that is a bit of a gray area in terms of what could or could not be done.

Obviously, insurance companies and others who might issue annuities of a different sort might be opposed to this, but I am concerned that we are rushing forward. I must note this piece of legislation did not go through any subcommittee or committee markup at all. I do not even know if it went through any hearings at all at that level. So, as a result, I think we need to post on the RECORD someplace that there perhaps is another side to this and some questions that need to be raised.

So having said that, hopefully, before it is all said and done, whatever legislation comes out of this will be something which is correct and which is in the best interest of all aspects of the community dealing with it.

Mr. KANJORSKI. Mr. Speaker, as an original cosponsor of H.R. 1574, the Bank Insurance Fund and Depositor Protection Act, I rise in strong support of this legislation, and I urge all my colleagues to support it.

It is entirely appropriate that H.R. 1574 is on the Suspension Calendar today, because it is genuinely bipartisan legislation, introduced by Congresswoman MARGE ROUKEMA, the chair of the Financial Institutions Subcommittee, along with the ranking Democratic member of the subcommittee, Congressman BRUCE VENTO, myself, and Congressman BILL MCCOLLUM of Florida.

I want to commend Chairwoman ROUKEMA, as well as full committee Chairman JIM LEACH and full committee and subcommittee ranking members HENRY GONZALEZ and BRUCE VENTO, for their bipartisan cooperation on this legislation. If all legislation considered by the 104th Congress was handled in such a cooperative, bipartisan fashion, we would not be facing gridlock on the budget and so many other issues.

H.R. 1574 is a very short, and simple bill. It is designed to permanently close a loophole which crafty lawyers attempted to use to create an insurance product, commonly known as a retirement CD, with both Federal deposit insurance and special tax-deferred status.

Fortunately, the effort to create this kind of unique retirement CD was largely thwarted by the eagle eyes of the Internal Revenue Service, which has correctly issued proposed rules stipulating that such instruments should not be allowed special tax-deferred status.

While the IRS' action has put a halt to the proliferation of these retirement CD's, there are other important policy reasons why their issuance should not be allowed.

First, they expose federally insured financial institutions to potential liabilities of unknown size which raises safety and soundness concerns for the institutions and the Federal Deposit Insurance Corporation's deposit insurance fund. If Federal deposit insurance for retirement CD's is allowed, the Federal Government would, in effect, become the guarantor of which is now a private pension system. The deposit insurance system should not take on this enormous contingent liability.

Second, the unusual hybrid nature of these instruments, which combine features of traditional uninsured insurance annuities with certificates of deposit, raises serious disclosure issues for consumers who may not understand what they are purchasing and the extent to which it is insured by the FDIC. The FDIC has determined, for example, that deposit insurance coverage would not extend to the lifetime payment feature of such products, because that could constitute a liability substantially in excess of the amount on deposit. This is the kind of nuance most consumers would not understand.

Third, the issuance of these certificates could create an unlevel playing field in which insurance companies are at a severe competitive disadvantage to banks because bank annuity products would be insured by the FDIC, while annuity products offered by insurance companies would not. The market for traditional annuities already exceeds $1.5 trillion, and was $125 billion in 1993 alone. This makes it clear that neither banks nor insurance companies need Federal deposit insurance to induce customers to purchase annuities.

It is for these reasons that the bipartisan leadership of the House Banking Committee believes that this loophole needs to be permanently closed. H.R. 1574 accomplishes this goal by specifically defining this kind of product as ineligible for Federal deposit insurance.

It is important to note, Mr. Speaker, that H.R. 1574 does not preclude anyone from offering this kind of product for sale. It merely stipulates that annuity contracts issued by insured depository institutions on which the income is tax deferred are not simultaneously eligible for Federal deposit insurance.

Mr. Speaker, it is important that we act now, to clear the air, before these kinds of products proliferate. Companion legislation, S. 799, has been introduced by a bipartisan group in the other body, Senator AL D'AMATO, chairman of the Senate Banking Committee, and Senator CHRIS DODD. Consequently there is good reason to believe that if the House approves H.R. 1574 it will be favorably considered by the Senate.

Mr. Speaker, we all learned as children that you can't have your cake and eat it too. That is exactly what the creators of the retirement CD wanted to do, they wanted to create a tax-deferred annuity which also had Federal deposit insurance. H.R. 1574 simply tells them they have to choose one Federal benefit or the other, but they cannot have both. H.R. 1574 is fair, it is equitable, and it should be supported by all Members.

Mrs. ROUKEMA. Mr. Speaker, those who have requested time are not here on the floor at this moment, so I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1574.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 117) concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, as amended.

The Clerk read as follows:

H. CON. RES. 117

Whereas Wei Jingsheng is a writer, political philosopher, and human rights advocate who is widely known and respected in China and throughout the world;

Whereas on November 21, 1995, the Government of the People's Republic of China announced the arrest of Wei Jingsheng and its intention to try him for "attempt[ing] to overthrow the government";

Whereas prior to this announcement Wei had been detained since April 1994 without formal charges or the opportunity to communicate with his family or with legal counsel, in violation of Article 9 of the Universal Declaration of Human Rights and other international standards prohibiting arbitrary arrest and detention;

Whereas the government had previously imprisoned Wei from 1979 until 1993 on a charge of "spreading counterrevolutionary propaganda" for his peaceful participation in the Democracy Wall movement;

Whereas Wei's analysis of democracy in 1979 as a necessary "fifth modernization" was an important theoretical and practical contribution to the movement for freedom and democracy in China and also to modern political philosophy;

Whereas during his long imprisonment Wei was subjected to beatings and other severe ill treatment which left him in extremely poor health;

Whereas after his release in 1993 Wei devoted his time to humanitarian activities, including visiting and assisting the families of victims of the June 4, 1989, massacre at Tiananmen Square, as well as the surviving victims themselves, and assisting the civilian effort to secure compensation for damages caused to the Chinese people by the Japanese Government during World War II;

Whereas, far from advocating an "overthrow" of the Government of China, Wei has been a strong advocate of nonviolence and a peaceful transition to democracy;

Whereas Wei was regarded as a leading candidate for the 1995 Nobel Peace Prize, having been nominated by parliamentarians throughout the world, including 58 members of the United States Congress;

Whereas Wei was also the recipient of the 1995 Olaf Palme Foundation Award, the 1994 Robert F. Kennedy Human Rights Award, and the 1993 Gleitsman Foundation International Activist Award; and

Whereas because of his great courage, the force of his ideas, and his long unjust imprisonment Wei has come to embody the aspirations of the people of China for democracy and for the enjoyment of free speech and other universal and inalienable human rights, and his fate has come to symbolize their fate: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress—

(1) urges the immediate and unconditional release of Wei Jingsheng;

(2) urges, in the event Wei Jingsheng is not immediately released, that he be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice, to assist in the preparation of his defense, and to communicate with his family, and that his trial be open to the domestic and foreign press, to diplomatic observers, and to international human rights monitors;

(3) urges the United States Department of State to make the release of Wei Jingsheng and the protection of his internationally recognized human rights a particularly important objective in relations with the Government of China, and that it raise these issues forcefully and effectively in every relevant bilateral and multilateral forum; and

(4) recognizes that the efforts of Wei Jingsheng once again merit careful consideration for the Nobel Peace Prize in 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 117 and I commend the chairmen and ranking minority members of the Asia and Pacific and International Organizations and Human Rights Subcommittees for expeditiously marking up this resolution. I especially commend the gentleman from New Jersey [Mr. SMITH], for crafting House Concurrent Resolution 117.

During this past summer we were told by the administration that there was a cloud over United States-Sino relations because the Congress insisted that President Lee of Taiwan be allowed to enter the United States. But the storm developed many years ago when the Communist Party took control of China. The so-called cloud was just a smoke ring blown to deflect attention from the root of the problem; democracies and dictatorships are fundamentally different and will always clash.

The case of Wei Jingsheng—Way Ching Shung—is just the tip of an iceberg. According to Asia Watch there are over a thousand peaceful prodemocracy activists imprisoned in China and Tibet. Let us not overlook the hundreds of Christian priests and even a bishop some of whom are serving lengthy terms in prison for just practicing their faith.

Beijing is notorious for arresting and imprisoning high profile prodemocracy advocates so that it can be rewarded for releasing them later. The First Lady went to Beijing to attend the women's conference after American citizen Harry Wu was released after his illegal arrest. Wei Jinsheng was released after serving nearly 15 years in prison in September 1994 so that China would have a better chance at hosting the world Olympics in the year 2000. He was arrested again in February 1994, and has not been heard from since, after meeting with assistant secretary of human rights John Shattuck, in February 1994.

The arrest, release, arrest, release cycle has worked to Beijing's advantage, so we should not be surprised that Wei is going on trial. The trial could be linked to the upcoming discussion at the U.N. subcommission on human rights regarding China's human rights record.

Over the last 5 years in which MFN for China has been debated, the Chinese have engaged in a pattern of releasing prominent dissidents. We have also seen this cynical action taken just before bilateral trade talks. Recently the administration has always jumped at the opportunity to use the prison release as a fig leaf for deflecting substantive action.

Whenever an effort is made by the Congress to have China abide by bilateral agreements on trade, human rights, prison labor, or weapons proliferation we are told that "now is not the time. . . . there is a political transition period underway in China and if we take any strong action we will be strengthening the hand of the hardliners in Beijing."

In addition to the concern about transition periods, the administration sweeps aside China's violations of its many accords and agreements with the United States by dismissing enforcement as an attempt to isolate or contain China.

Accusations and concerns about isolation, containment and transition periods are broad brush-stroke generalizations that avoid the hard question of how to deal pragmatically and effectively with a totalitarian Government that has enormous resources to cause havoc.

Until we hold China accountable for what it does, our response to Beijing's egregious behavior will be manipulated by these arrests, trials, imprisonments, and release incidents.

Wei is just a pawn and Beijing is the only player. If we want to get in the game we need to insist on a seat at the table. At this point we have not done so. Accordingly, I join with my colleagues in deploring the charges brought against Wei and urge my colleagues to fully support House Concurrent Resolution 117.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the House Concurrent Resolution 117 as amended, and certainly commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and also my colleague, the gentleman from New Jersey [Mr. SMITH], who is the chief sponsor of this legislation.

Mr. Speaker, this resolution has broad bipartisan support. I certainly would like to commend also the gentleman from Indiana [Mr. HAMILTON] as the ranking Democrat on the full committee; also my colleague from California [Mr. BERMAN], who is the ranking Democrat of the subcommittee on Asian and Pacific Affairs. I commend these gentlemen and also the gentlewoman from California [Ms. PELOSI], the gentleman from California, [Mr. LANTOS], and the gentleman from Connecticut [Mr. GEJDENSON], all sponsors of this important legislation.

Mr. Speaker, this is an important resolution, and it comes at an extremely opportune time. Tomorrow, Mr. Wei Jingsheng goes on trial for allegations that he attempted to overthrow the Government of the People's Republic of China.

Mr. Wei Jingsheng is probably the leading pro-democracy advocate today in China, Mr. Speaker. For 14 years of his life he was in prison, from 1979 to 1993, and was released in 1993. And yet he was arrested again in April of last year, shortly after his meeting with the Assistant Secretary of State for Human Rights, Mr. John Shattuck.

Mr. Wei Jingsheng, since last year we did not know what was happening to him, until now we find out from the Government that he will have an open trial tomorrow.

Mr. Speaker, I submit that the committee unanimously adopted this resolution last week. The resolution urges the unconditional release of Mr. Wei Jingsheng; and, in the event this does not happen, that he be afforded all the internationally recognized human and legal rights.

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The resolution also urges the State Department to make Mr. Wei's release a particularly important objective in relations with China, and to raise the issue relevant in bilateral and multilateral forums.

Finally, Mr. Speaker, the resolution recognizes Mr. Wei merits careful consideration for the Nobel Peace Prize. The resolution has been changed in a number of respects, and the administration fully supports this resolution, as amended.

Mr. Speaker, the only thing Mr. Wei is guilty of is standing as a symbol for the aspirations of the Chinese people to adhere to the basic and fundamental principles of freedom and democracy.

I am sensitive to China's enormous and difficult task in meeting the needs of her 1.3 billion citizens, while undergoing dramatic economic and social changes. But I also submit, Mr. Speaker, at the same time the People's Republic of China must show more evidence of complying with the basic provisions of the United Nations Charter, specifically that of enhancement and protection of human rights.

Mr. Speaker, it is important that the Congress of the United States speak out in very specific terms on the matter of human rights. We must say to China's political leaders that we expect them to live up to internationally accepted standards of conduct and behavior by all its citizens.

Mr. Speaker, the People's Republic of China, as a full-fledged member of the United Nations, certainly should comply with the basic provisions of human rights as stated in the charter of the United Nations. I urge my colleagues to support the adoption of this resolution, and I commend again the gentleman from New Jersey [Mr. GILMAN], my good friend and chairman of the Committee on International Relations, for bringing this resolution to the floor.

Mr. Speaker, I include for the RECORD articles on Wei Jingsheng.

[From the Washington Post, Dec. 12, 1995]

WHY IS CHINA TAKING ON WORLD BY TRYING DISSENT?

BEIJING.—Nine years ago this month, senior leader Deng Xiaoping urged Communist Party leaders to take a hard line against domestic critics, without concern for China's international image.

"Didn't we arrest Wei Jingsheng?" Deng asked rhetorically about the democracy activist who was sentenced to a 15-year prison term in 1979. "We arrested him and haven't let him go, yet China's image has not suffered."

This week China's leaders put Wei on trial again, charged with attempting to overthrow the government. And many China watchers worry that the trial portends a resurgence of actions by China's hard-line leadership violating internationally recognized human rights.

"There's no way that this can help China internationally," said UCLA political scientist Richard Baum. "It's an unsettling sign, a jarring occurrence for a regime trying to portray itself as having joined the international community."

Like many political prisoners, Wei's reputation and stature has been growing the longer he sits in prison. While many other Chinese political activists have put aside politics to pursue business, Wei has remained an uncompromising advocate of democracy for China. Over the last decade, he has become China's most prominent dissident.

Wei's trial, scheduled for Wednesday at Beijing's Intermediate Court, has mobilized groups anxious about the outcome, which could carry punishment ranging from 10 years in prison to the death penalty. Human rights groups are prodding the U.S. Congress to adopt a resolution calling for Wei's release.

Wei's sister, Wei Shanshan, who lives in Germany, flew to the United States today to lobby lawmakers on her brother's behalf. A demonstration is being organized for Tuesday afternoon in front of the Chinese Embassy on Connecticut Ave.

Human rights groups are pressing the Clinton administration to take a strong stand in defense of Wei. Those groups say that President Clinton, by soft-pedaling human rights issues in his October meeting with Chinese President Jiang Zemin and by severing the link between human rights and trade, might have led the Chinese government to think it could sentence Wei without severe repercussions.

Among those offerring to serve on Wei's defense team are: Nicholas Katzenbach and Richard Thornburgh, attorneys general under presidents Lyndon Johnson and George Bush; for French justice minister Robert Badinter; Singapore's former solicitor general Francis Seow, and former chairman of the Bar of England and Wales Lord Gareth Williams.

A Chinese court spokesman said today that the trial of Wei would be open, an unusual step in political cases. The court said, however, that foreign lawyers would not be allowed to participate. Wei's family has hired Zhang Sishi, who defended dissidents Wang Juntao and Chen Ziming when they were tried for participating in the 1989 democracy demonstrations. Each was sentenced to 13 years in prison. In China, an arrest generally is announced after police and the courts have decided they have enough evidence to convict.

Wei was the most daring and influential of the so-called Democracy Wall activists who in late 1978 printed magazines and pasted democracy manifestoes on a wall just west of the former Forbidden City, now part of the Chinese leadership compound.

At that time, Deng had returned to power and promised to deliver China from the political upheaval of the Cultural Revolution and to undertake four modernizations: in agriculture, industry, science and technology, and national defense.

While many Chinese welcomed Deng's return after a turbulent decade, Wei and other Democracy Wall activists were critical. Wei said Deng's program would fail without a "fifth modernization"—democracy.

Unlike political reformers within the Communist Party, Wei and his associates at Exploration magazine in 1978 totally rejected Marxism-Leninism. He said Marxist countries were "without exception undemocratic and even anti-democratic autocracies."

Wei was convicted of "counter-revolutionary" activities and of leaking secret information about China's war with Vietnam to a reporter. He was sentenced to 15 years in jail and was paroled six months early in September 1993. Unrepentant, he urged the international community to deny the 2000 Olympic Games to Beijing. He was rearrested April 1, 1994, shortly after meeting Assistant Secretary of State for Human Rights John Shattuck, and was held incommunicado until last month—when the government announced charges against him.

Analysts note several possibilities in trying to explain why Wei is being put on trial now.

Some suggest China wants to use a convicted and resentenced Wei as a bargaining chip to persuade other governments to back off from a critical human rights resolution at the United Nations. That concern could also help explain the Chinese government's effort to make the trial look more legitimate.

Others say that China could be preparing to boot Wei out of the country and that it needs to show its toughness by first handing him a long prison term—just as it did with Chinese-born American citizen Harry Wu, who was detained this summer while trying to enter China. Expulsion would give Wei a platform overseas but it would remove him from the Chinese political scene.

A third possibility is that hard-line officials in the Ministry of State Security, the army and the Communist Party propaganda department are using the trial as a vehicle for their political comeback—as well as a warning to anyone contemplating dissent as the 91-year-old Deng fades from power.

Whatever legal motions the government goes through, no observer consulted related Wei's incarceration to what are widely viewed as trumped-up charges. Merle Goldman, a professor of Chinese politics at Boston University, said, "I don't see what evidence they can have since he was followed every single minute he was out of jail."

[From the Reuters News Agency, Dec. 12, 1995]

Chinese Dissident's Trial To Be Open to the West—But Ex-U.S. Officials Can't Defend Wei

(By Jeffrey Parker)

BEIJING, December 1.—In a highly unusual move, China has opened the trial of top dissident Wei Jingsheng to Western reporters—but will not allow him to be defended by two former U.S. attorneys general who have offered to take his case.

The Beijing Intermediate People's Court said Western reporters were asked to submit applications to attend tomorrow's session. The trial will also be open to the public, meaning close relatives and a few court-selected citizens would be allowed in.

But court spokesman Chen Xiong said Mr. Wei could not hire foreign lawyers, thus rejecting an offer by former U.S. Attorneys General Dick Thornburg and Nicholas D. Katzenbach to defend Mr. Wei against what is seen widely in the West as a political charge.

The defendant has retained Beijing lawyer Zhang Sizhi, a relative said.

China meanwhile sentenced three dissident Christian activists to up to 2½ years of reeducation through labor, a form of administrative detention, sources close to the defendants said.

The Beijing Muncipal Re-education Through Labor Committee sentenced the three recently, but the exact date was not clear, the sources said.

Defendants Xu Yonghai, Gao Feng and Liu Fenggang all have been active in Beijing's underground Christian circles, seeking to practice their religion outside state-sanctioned churches.

Mr. Wei's trial technically opened December 1, when presecutors lodged the charge of "conspiring to overthrow the government," which can carry the death penalty on conviction.

The same charge was used to imprison many dissidents arrested when the Communist government crushed the 1989 Tiananmen Square pro-democracy protests.

Widely viewed as a father of China's democracy movement, Mr. Wei was first jailed in the late 1970's Democracy Wall era after proposing that leader Deng Xiao-ping's Four Modernizations drive needed a fifth component—multi-party democracy.

Mr. Wei's relatives have denounced his prosecution, saying he did nothing but exercise his costitutional right to speak his mind.

[From the Washington Post, Nov. 22, 1995]

China Accuses Dissident of Coup Attempt

BEIJING.—China formally arrested its leading critic, Wei Jingsheng, today and charged him with attempting to overthrow the Chinese government.

Under Chinese law, conviction could result in a sentence ranging from 5 years in prison to execution, according to legal experts here. In China, conviction is almost certain after a formal arrest is announced.

Wei, 44, regarded as the father of China's tiny democracy movement, thus was publicly charged nearly 20 months after his detention. He had vanished after being stopped by security agents on a road outside Beijing on April 1, 1994. Despite appeals from world leaders, China has given no indication of Wei's whereabouts nor was he allowed to see family members or attorneys.

The official New China News Agency said "an investigation by Beijing's municipal public security departments showed that Wei had conducted activities in [an] attempt to overthrow the government. * * * His actions were in violation of the criminal law and constituted crimes."

An uncompromising voice for free speech and democracy, Wei has spent all but six months of the last 18 years in detention. This year he was a strong contender for the Nobel Peace Prize. A former soldier and an electrician, Wei was jailed in 1979 for his role in the Democracy Wall movement. At that time he wrote and published an essay that criticized Chinese leader Deng Xleoping for leaving democracy out of his reform program. Wei later branded Deng a "new dictator."

The latest charge appears to signal Beijing's continued determination to stifle overt political dissent as well as its confidence that foreign companies' eagerness to do business in China's booming economy will prevent any foreign trade restrictions in response.

The timing of the announcement—just after Chinese President Jiang Zemin's meetings with President Clinton in New York, German Chancellor Helmut Kohl in Beijing, and leaders of the Asia-Pacific Economic Forum in Osaka—allowed Jiang to sidestep confrontations over China's human rights conditions. But the charge against Wei also suggests that appeals those world leaders said they made on behalf of political prisoners had little effect.

In Washington, a State Department spokesman said, "We regret the government's decision to formally charge Chinese democracy activist Wei Jingsheng. We have expressed our concerns about this latest development in his case to Chinese officials."

Most people familiar with Wei express doubt that any evidence against him exists, apart from a lifetime of bold writing against what he called "political swindlers."

Wei came from a classic Communist "good family background." His parents and siblings were Communist Party cadres and Wei grew up with the party elite. Wei's father, a high-ranking Foreign Ministry official, was a devoted Maoist who forced his son to memorize a page a day from the writings of Chinese Communist Party Chairman Mao Zedong. If Wei failed, he was sent to bed without dinner.

In 1968, Wei was among the millions of youths who went to Tiananmen Square to see Mao review Red Guards * * * the Cultural Revolution. The next year Wei was jailed briefly amid internecine Red Guard strife. After his release, Wei was assigned to work as an electrician at the Bejing zoo. He quit to join the People's Liberation Army, where he spent four years. He later wrote that his military service took him around the country and showed him how peasants suffer. In 1976, he returned to his job at the zoo.

In late 1978, Wei took part in the Democracy Wall movement, when activists plastered posters and political essays on walls in the center of the city. Wei ran a magazine

> called Explorations, produced on a handcranked printer.
>
> While many Democracy Wall activists cautiously couched their essays in the jargon of the day, Wei lambasted the "deafening noise of 'class struggle' slogans." At a time that many Chinese were welcoming Deng's "four modernizations"—agriculture, industry, science and technology, and national defense—Wei said Deng's reform plan would fail without democracy, which he called the "fifth modernization."
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> Arrested in 1979 and sentenced to 15 years in jail, Wei served much of his time in solitary confinement. He also worked in a labor camp.
>
> Released in 1993 when China was trying to persuade the international community to choose Bejing as the site of the 2000 Olympic Games, Wei immediately made new contacts with workers, intellectuals and foreign journalists even though he was closely monitored by Beijing police. Wei spoke out against China's treatment of political prisoners and urged the international community to pick a different site for the Olympics. The latest detention came just after Wei met with Assistant Secretary of State for Human Rights John Shattrick.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, tomorrow the Communist government of the People's Republic of China will put China's leading advocate of democracy on trial. This so-called trial speaks volumes about the abysmal state of human rights and the complete and utter denial of political freedoms in the People's Republic of China.

Wei Jingsheng is China's foremost dissident, and has become a personal target of Deng Xiaoping because he demanded that Deng's "Four Modernizations", agriculture, industry, science, and defense, be supplemented with a very important fifth: Democracy. Wei's magazine, "Exploration", repudiated not just Maoism and Leninism, but Marxism itself.

Mr. Speaker, for this he spent 14½ years of his life in some of Communist China's most brutal and remote prison camps. Much of that time was spent in solitary confinement. His alleged offense was counterrevolutionary activities. The truth is that he led the Democracy Wall Movement. That movement, as the Speaker knows, took its name from the wall near the Forbidden City which activists used to displace their prodemocracy manifestos.

When the People's Republic of China recently was seeking international acceptance so that it could host the Olympic Games, forthcoming in the year 2000, Wei was paroled just 6 months before the expiration of that grueling 15-year sentence. This was done obviously in order to curry favor with Western governments and the International Olympic Committee.

But when Wei was released, he did not stop speaking. He called on the members of the Olympic Committee to punish Beijing for its abysmal human rights record by denying it the opportunity to host the Olympic Games. Shortly after that, in April 1994, Wei disappeared. For the past 20 months the Communist authorities have refused to tell anyone, even his family, his whereabouts.

Mr. Speaker, it is now probable that Wei will be put on trial tomorrow for allegedly plotting to overthrow the government. In truth, the sum total of his offenses against China's Communist Government has been his underlying support for democracy and human rights. His likely punishment will be a minimum of 10 years, and perhaps death.

The Chinese Government may return him to Laogai, the notorious Chinese gulag. They may expel him after imposing a Draconian sentence, which is what they did to Californian Harry Wu.

The Communist regime is no doubt retaliating against Wei because he was nominated for the Nobel Peace Prize, and because the Olympic Committee decided not to award the People's Republic of China the Olympics.

Mr. Speaker, the Wei case demonstrates the nature of justice under the current Communist government in China. Wei was arrested 20 months ago without warning and without explanation. For nearly 2 years he has been held incommunicado. Only afterward did the Communist government initiate its investigation of Wei. Then, and only then, did the Communist government announce the charges against Wei and set his trial for tomorrow.

But sadly, Mr. Speaker, this will be a sham trial. There is no doubt, absolutely none, about the result. Wei will be found guilty. The trial in China's Intermediate People's Court will be anything but the open proceeding announced in the press of the People's Republic of China. It will not be public.

American and European requests to monitor the trial have either been rejected or gone simply unanswered, and the Chinese regime has refused to allow a distinguished international team to assist Wei. In addition, two former United States Attorneys General, Nicholas Katzenbach and Dick Thornburgh, one Republican and one Democrat, have been trying to assist in Wei's defense, and the Chinese Government has told them coldly, harshly, "No."

Wei Jingsheng, like the heroic students of Tiananmen Square, is living proof that China's people are not indifferent to democracy. They are not indifferent to human rights. They are not content with lawlessness, dictatorship and corruption.

Tomorrow, the People's Republic of China will attempt to put Wei Jingsheng on trial, but it will be China's Communist dictatorship that is in fact on trial. Mr. Speaker, the message in this resolution is clear. Wei Jingsheng should be immediately released and his sham trial should be stopped.

The detention and trial of Wei Jingsheng is only the latest and most striking case of China's systematic infringement of political freedoms, individual liberties, and human rights. This Congress and this resolution intends to make clear that communist China's continued violations of human rights will have consequences.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from American Samoa for his leadership, as well as that of the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], the gentleman from California [Mr. BERMAN], and others who have brought this legislation to the floor today. I commend them all, and am pleased to be a sponsor of the resolution before us.

Mr. Speaker, it is most fitting that we consider this bill today, the day before Wei Jingsheng is tried in a Chinese court. Today is also the day on which the U.S. Department of State is celebrating Human Rights Day. On December 5, President Clinton signed a proclamation designating the week of December 10 through 16, 1995 as Human Rights Week. President Clinton said:

> We live in an era of great advances for freedom and democracy. Yet, sadly, it also remains a time of ongoing suffering and hardship in many countries. As a nation long committed to promoting individual rights and human dignity, let us continue our efforts to ensure that people in all regions of the globe enjoy the same freedoms and basic human rights that have always made America great.

Our action today on this legislation demonstrates our congressional commitment to living up to our American values of promoting human rights, basic freedoms and human dignity.

Wei Jingsheng is scheduled to be tried tomorrow, I guess it is in a few hours, taking into consideration the time difference, in a Chinese courtroom on charges of attempting to overthrow the Government, a capital offense. The charges against Wei are spurious, the trial is fixed, and the entire event would be farcical if a man's life were not at stake.

The case of Wei Jingsheng, a key figure in China's pro-democracy movement, once again exposes to world view the flaws in China's judicial system and the alarming pattern of human rights abuses by China's authoritarian Government.

Wei Jingsheng was first imprisoned as a result of his 1979 democracy wall activities. His activities at that time include daring to write and to publicize material critical of Marxist-Leninism and critical of China's Communist Government. For those activities, Wei was sentenced to 15 years in prison.

He was released after serving 14½ years of that 15 year sentence and I might add, much of that in solitary confinement. As part of the public relations campaign by China's dictatorial Government to woo the International Olympic Committee into naming Beijing as an Olympics site.

Wei Jingsheng was detained again by the Chinese Government in 1994, less than 6 months after obtaining his freedom. His crime? Daring to continue to speak out against China's Communist Government.

When Wei met with foreign journalists and officials, including U.S. Assistant Secretary of State for Human Rights John Shattuck. The Chinese Government did not like what Wei had to say or to whom he was saying it and shortly after his meeting with Assistant Secretary of State Shattuck, Wei was thrown once again into the bowels of the Chinese Government penal system.

Wei Jingsheng was held incommunicado for 20 months by China's dictators. During that time, he was nominated for the Nobel Peace Prize by an international group of parliamentarians, including 58 Members of the U.S. Congress. During those 20 months, the Chinese Government held Wei without charging him, in violation of their own laws.

Two days before the U.S. holiday of Thanksgiving, I mention that because it is clear that the Chinese Government knew this would be at a time when Congress was not in session and able to respond to the charges, the Chinese Government finally acknowledged that they were holding Wei and formally charged him with attempting to overthrow the government. Last Friday, they announced that his trial would be on Wednesday, December 13. The charges are absurd; the verdict predictable and predetermined.

Wei's family has hired a talented and dedicated attorney to defend him, the same attorney who defended prominent dissidents Wang Juntao and Chen Ziming. Unfortunately, as of 48 hours before the trial, the attorney had neither been granted access to Wei nor allowed to view the dossier against him. This is but one example of the sham trial which is about to be undertaken.

Chinese authorities had originally announced that the trial would be open. The question here is to whom the word open applies—neither foreign journalists nor U.S. Embassy officials who have requested to attend the trial are being permitted to do so.

Wei Jingsheng's sister, Wei Shanshan, is in Washington, DC this week to appeal for help in freeing her brother. The bill before us today bolsters an international campaign on Wei's behalf. The international efforts include a campaign by prominent and distinguished international jurists, represented in the U.S. by former attorneys General Nicholas Katzenbach and Dick Thornburgh, to defend Wei and a campaign by PEN, the international authors organization, to appeal for Wei's release. House Concurrent Resolution 117 puts the strong voice and the moral authority of the United States House of Representatives on record in support of a fighter for freedom and Democratic reform, a man who embodies the values upon which our own great democracy was built.

As we commemorate human rights week, I call on the administration to live up to its rhetoric on human rights. President Clinton should communicate directly and in no uncertain terms to the Chinese Government at the highest levels that Wei Jingsheng must be released immediately and unconditionally. The United States and China cannot have a normal relationship while China insists upon violating international law and violating international norms of behavior.

I urge my colleagues to support freedom and democracy in China by supporting Wei Jingsheng. Wei is a strong symbol of, to, and for the Chinese dissidents who are risking their lives by bravely speaking out against tyranny.

Mr. Speaker, this morning we cheered the remarks of Shimon Peres as he spoke out in support of democracy and how it was important to peace. Hopefully, our colleagues will now join together in sending another strong message in support of democracy by supporting this resolution.

Once again, I commend the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for giving us this opportunity to vote on this important legislation this evening.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the concurrent resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], the cochairman of the Human Rights Caucus.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

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Mr. PORTER. Mr. Speaker, I thank the gentleman from New York, the chairman of the committee, for yielding time to me.

Mr. Speaker, the world was outraged a month ago when the Government of Nigeria, the Abacha government, executed Ken Sarawiwa and all of the Ogoni Nine. Now China, Mr. Speaker, is conducting a quiet but comprehensive campaign to quash the remainder of China's dissident movement left from the violent 1989 crackdown on democracy protesters.

The trial of human rights advocate and Nobel Peace Prize nominee Wei Jingsheng, scheduled to begin tomorrow, culminates this vicious campaign. Human Rights Watch World Report 1996 reports that the formal arrest of Mr. Wei for conducting activities in an attempt to overthrow the Chinese Government was the most blatant example of the Chinese Government using trumped-up criminal charges against political dissidents.

Mr. Speaker, again and again the Chinese Government flagrantly ignores domestic and international pressure for peaceful political change. Instead relying on its economic attractiveness to foreign investors, Beijing continues to demonstrate its disdain for fundamental human rights guarantees and the rule of law.

It is time, Mr. Speaker, that that change. Mr. Speaker, it is outrageous that Mr. Wei has been detained since April 1994 without formal charges or the opportunity to communicate with his family or legal counsel. The Government of China should unconditionally release Mr. Wei. But at a minimum, Mr. Wei should be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice and to communicate with his family.

Mr. Speaker, to the extent that the world tolerates these outrageous abuses is the extent to which it encourages all repressive governments. But to the extent that we respond strongly against them, this and other governments will be restrained.

I commend the gentleman from New Jersey for offering this resolution. I commend the gentleman from New York for bringing it to the floor. I urge all Members to support its adoption.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Con. Res. 117, a resolution which urges the Government of the People's Republic of China to immediately and unconditionally release Wei Jingsheng, a leader of China's modern democracy movement.

I want to thank the chairman, the gentleman from New York [Mr. GILMAN], and the chairman, the gentleman from New Jersey [Mr. SMITH], for moving this bill quickly.

I would say it is good that the Congress is speaking out both in the House and the Senate. When this comes up for a vote, it will be, hopefully, passed 435 to nothing.

I wonder, where is the business community? Why are they not speaking out on this issue? This indictment of Wei was handed down only 3 days after

Vice President Al Gore met with Chinese President Jiang Zemin in Osaka. Why has Wei been charged with attempting to overthrow the powerful and the repressive and weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs, John Shattuck, shortly after he was released in 1994.

Wei, Mr. Speaker, is the kind of hero and a patriot the United States should be supporting. The Clinton administration unfortunately has just simply expressed regret that the whole incident, a wholly inappropriate response, not even a slap on the wrist. The Vice President, Mr. Speaker, has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America does not have a hand to lend in his struggle for freedom, who does? Wei is like Sakharov or Shcharansky or Solzhenitsyn or someone like this.

I urge a strong and unanimous vote. I want to again thank Chairman Gilman, Chairman Smith, and the gentlewoman from California, Ms. Pelosi, and the others for their efforts to move this bill quickly.

The Chinese Government's formal arrest of Wei in November is a classic example of what happens to China's brave democracy activists when the world turns its back on them. Mr. Speaker, through the de-linking of trade from human rights in May 1994 and the failure of the Senate to take up the China Policy Act of 1995, the United States has indeed turned its back on Wei Jingsheng and the hundreds of other political prisoners, Christians, and Tibetan Buddhists who languish in Chinese jails today. The resolution we are debating today is only a step in the right direction. What the United States really needs is a tougher overall policy towards China. Engagement just isn't working. This indictment of Wei was handed down only 3 days after Vice President Al Gore met with Chinese President Jiang Zemin in Osaka.

Why has Wei Jingsheng been charged with attempting to overthrow the powerful, repressive, weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs John Shattuck shortly after he was released in 1994. Because he dared to tell the world that it should keep pressure on China to address human rights problems. Because he dared to speak to foreign journalists about the need for democracy despite being banned for 3 years from doing so by Chinese authorities.

Wei Jingsheng is the kind of hero and patriot the United States should be supporting. But the Clinton administration has simply expressed regret at the whole incident. A wholly inappropriate response. Not even a slap on the wrist. The Vice President has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America doesn't have a hand to lend to these struggling for freedom, who does? Where do they turn for help?

In July, 410 members of this Chamber supported H.R. 2058, a bill that would have given definition to the administration's China policy and commended brave democracy reformers like Wei Jingsheng. Supporters and opponents of revoking MFN status for China rallied around this unified message of disdain for China's human rights, weapons proliferation, and unfair trade policies.

It's been 6 months and the Senate has not yet taken up the bill. There are some who argue it's not the right time to tweak the Chinese Government's nose. There are some who want only to dialogue and engage and continue to let brave reformers like Wei Jingsheng suffer in jail or worse. If Congress cannot pass a statement of policy like H.R. 2058, what hope do people like Wei Jingsheng have?

I urge my colleagues to vote for H. Con. Res. 117, but I also encourage my colleagues to look inside themselves and decide when enough is enough. When Congress reconvenes in January, perhaps the MFN-human rights fight should begin anew. America must not walk away from these people.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Rohrabacher].

Mr. ROHRABACHER. Mr. Speaker, here we are on the floor of the House of Representatives talking about someone who languishes on in prison halfway around, on the other side of the world.

I would like to point something out here in this Chamber. Here as we stand in this bastion of democracy of the legislative branch, one of the oldest elected legislative branches in the world, we have two pictures on our walls. One is of George Washington; the other is of Lafayette. That suggests something about freedom and the way the American people think of freedom. The fact is that Lafayette heard of our struggle for freedom and democracy in far-off France, a country that was much further away from the United States in those days than we are from China today, and came to our country to help us in our struggle for freedom. We never forgot Lafayette. Years later he returned to the United States and was welcomed as a hero by the American people. Every little city and town and hamlet throughout our country welcomed him as a champion of American freedom.

That is because the people who founded our country understood that the concept of freedom and democracy is universal. It is not something that we hold dear just for Americans, but it is, instead, something that unites all peace-loving and freedom-loving people of the world everywhere.

Today another hero languishes in far-off China, in a prison in far-off China. We are putting the world on notice that we have remained true to the principles of Washington and of Lafayette and of Jefferson because we are on his side. I ask support of this resolution and ask my colleagues to join us in supporting Wei Jingsheng and his struggle for democracy and the people of China's struggle for democracy.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. Smith], the sponsor of this measure, who is also a member of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York [Mr. Gilman], the chairman, for his expeditious passage of this legislation in the full committee. I also thank the gentleman for his very strong leadership on human rights, particularly as it relates to the People's Republic of China.

I would like to thank the gentleman from Nebraska [Mr. Bereuter], the gentleman from American Samoa [Mr. Faleomavaega], the gentleman from California [Mr. Berman], the gentleman from California [Mr. Lantos], and the gentlewoman from California [Ms. Pelosi], who has been a real stalwart when it has come to China, Mr. Lantos, Mr. Berman and the gentleman from California [Mr. Cox], who spoke earlier and, of course, my good friend and colleague with whom I have traveled to China on behalf of human rights, the gentleman from Virginia [Mr. Wolf], who has been tenacious in promoting human rights around the globe.

Mr. Speaker, today the American people stand united in outrage at the latest assaults on freedom, democracy and decency by the government of the People's Republic of China. The ordeal of Wei Jingsheng began in 1979 when he took the Communist government at its word and wrote articles suggesting political reform. For this they sentenced him to a 15-year jail term.

In late 1993, he was unexpectedly released on parole, a few months prior to the end of his sentence. This gesture, I would note parenthetically, was designed to induce the Olympic committee to award Beijing as host of the Olympics 2000. They did not get it, as we all know.

During his long and unjust imprisonment, he has been severely beaten and subjected to other forms of physical and psychological abuse. He was in extremely poor health, but he had also become a hero in the meantime, a symbol of courage and even of hope to a beleaguered people.

It was my privilege, Mr. Speaker, to visit with Wei Jingsheng in Beijing in January 1994, during his very brief period of freedom. I found him to be extremely articulate, compassionate and principled. He spoke of his quest for democracy and human rights with a very keen understanding. Notwithstanding his horrific ordeal in prison, he never once slandered the leadership of the People's Republic of China. I was amazed at his lack of malice and his lack of rancor toward his jailers. I was deeply impressed by his kindness and his goodness.

A few weeks later, after meeting with Assistant Secretary of State for

Human Rights John Shattuck, he was rearrested. For 19 months the Beijing government would not even admit that they had Wei in its custody. He was cut off from communication with his family, with legal counsel, with his colleagues and admirers in the human rights movement. None of us knew for sure whether or not he was dead or alive.

When I visited Beijing in September of this year, I asked to visit Wei in prison. My request was not denied, it was just ignored as if he was persona non grata. Finally on November 21 of this year, the Beijing authorities acknowledged what the world already knew, that Wei was their prisoner. They announced their intention to try him for "attempting to overthrow the government."

This charge is clearly false, Mr. Speaker, unless it is just another way of saying that anyone who believes in freedom and democracy and who is not afraid to say so is a threat to the ultimate survival of a totalitarian regime such as the one in Beijing.

In a free country, Mr. Speaker, Wei Jingsheng would have a place of high honor in society. In today's China, the only question is whether he will be tried for a crime that is punishable by death or by a very, very long imprisonment. Wei is an innocent man, Mr. Speaker. In a free country, this would matter. In Communist China, it is his very innocence that his jailers hate and fear.

Mr. Speaker, there is disagreement among the Members of the United States Congress as to the best way to bring freedom and democracy to the People's Republic of China. Some believe that we must pursue a course of constructive engagement, that if we work closely with the Chinese officials and give them much of what they want from us, we will be in the best position to encourage them to improve their dismal human rights record. Others feel that the last 20 years of U.S. policy towards China amounts to a long and unrequired one-way love affair with a Communist dictatorship. Today, however, we all stand together, Republicans and Democrats, liberals and conservatives, pro- and anti-MFN advocates, united by one simple truth: This decent and gentle man is not a criminal.

The trial of Wei Jingsheng is set to begin in just a few hours and, looking at the clock, probably in just a few minutes. We appeal to President Zemin on his behalf. Release him. Today we pray, we hope and we can tell the truth on the floor of this House about what is happening to Wei Jingsheng. For just this one day, let us let the world know that the United States did not conduct business as usual with a government that brutalizes its own people and dishonors its heroes.

Wei Jingsheng deserves to be free. Let us send a clear, unmistakable expression of our support for him as he goes on trial and again in just a couple of minutes in China.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to again commend the gentleman from New Jersey, [Mr. SMITH] as the chief sponsor of this legislation. Not only that, but I commend him not only as an outstanding leader on our committee but certainly a champion of human rights throughout the world. I want to commend him for his leadership in that capacity.

Certainly I want to thank the gentleman from New York, chairman of our Committee on International Relations, for his leadership. In the spirit of bipartisanship, Mr. Speaker, I urge my colleagues that we support this resolution.

Mr. Speaker, I yield back the balance of my time.

☐ 1945

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspended the rules and agree to the concurrent resolution, House Concurrent Resolution 117, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2243, de novo; H.R. 2677, by the yeas and nays; H.R. 2148, by the yeas and nays; and House Concurrent Resolution 117 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2243, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. RIGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 845]

YEAS—412

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim

King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler

Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster

Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Ackerman
Bryant (TX)
Chapman
Dicks
Dingell
Ford
Hastert

Lofgren
Martini
McInnis
Moakley
Pryce
Roberts
Rush

Studds
Tucker
Velázquez
Volkmer
Wyden
Zimmer

□ 2007

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair had postponed further proceedings.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2677, as amended.

The clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, an there were—yeas 254, nays 156, not voting 22, as follows:

[Roll No. 846]

YEAS—254

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley

Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht

Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum

McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Quillen
Quinn

Radanovich
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns

Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—156

Abercrombie
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt

Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Mollohan
Moran
Morella
Murtha
Nadler

Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Ackerman
Bryant (TX)
Buyer
Chapman
Dicks
Ford

Hastert
Levin
Lofgren
Martini
McInnis
Moakley

Nussle
Pryce
Roberts
Rush

Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

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Mr. BROWN of Ohio changed his vote from "yea" to "nay."

So (two-thirds having not voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote No. 846, I was unavoidably detained. Had I been present I would have voted "nay".

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. LaHood). The pending business is the question of suspending the rules and passing the bill, H.R. 2418, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCollum] that the House suspend the rules and pass the bill, H.R. 2418, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 5, not voting 20, as follows:

[Roll No. 847]

YEAS—407

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—5

Clayton
Clyburn
Scarborough
Waters
Watt (NC)

NOT VOTING—20

Ackerman
Bryant (TX)
Chapman
Clay
Dicks
Ford
Hastert
Lofgren
Markey
Martini
McInnis
Moakley
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

☐ 2025

Mr. SCARBOROUGH and Mr. CLYBURN changed their vote from "yes" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Resolution 117 as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. Gilman] that the House suspend the rules and agree to the concurrent resolution, House Resolution 117, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No 848]

YEAS—409

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel

English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim

King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter

Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller

White
Whitfield
Wicker
Williams
Wilson

Wise
Wolf
Woolsey
Wynn
Yates

Young (AK)
Young (FL)
Zeliff

NOT VOTING—23

Ackerman
Bryant (TX)
Buyer
Chapman
Clay
DeLauro
Dicks
Flake

Ford
Hastert
Lofgren
Martini
McInnis
Moakley
Pickett
Roberts

Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2032

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 848 on House Concurrent Resolution 117, I was unavoidably detained. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 845, 846, 847, and 848 I was unavoidably detained. Had I been present, I would have voted "yea" on each of those votes.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote Nos. 834, 835, 836, 837, 845, 847, and 848, I was unavoidably detained. Had I been present I would have voted "aye."

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2539, ICC ELIMINATION ACT OF 1995

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a conferee on H.R. 2539, the ICC Elimination Act, effective immediately.

Thank you for your prompt attention to this matter. With best wishes and kind regards, I remain.

Sincerely,

WILLIAM O. LIPINSKI,
Member of Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, to fill the vacancy, the Speaker appoints the gentleman from West Virginia [Mr. WISE] for consideration of the House bill and the Senate amendment and modifications committed to conference.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. PETE WILSON,
Governor, State Capitol,
Sacramento, CA.

DEAR MR. GOVERNOR: Obviously, you are aware of the recent turn of events in my life. While I finally received my day in court, I, unfortunately, was not judged by a jury of my peers and in my opinion, did not receive a just verdict. Nevertheless, that verdict is a reality pending appeal.

As I stated to the media immediately after my verdict, it was never my intention to put the Congress through a vote on expulsion if I were convicted. Therefore, I am hereby tending my resignation as representative of the 37th Congressional district effective December 15, 1995.

Contrary to what anyone has ever said or intimated, I have never sold out my constituency or my oath of office. I am fully persuaded that in the near future God will vindicate my name.

Sincerely,

WALTER R. TUCKER III.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2243, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2677, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SITUATION IN BOSNIA

(Mr. DORNAN asked and was given permission to address the House for 1 minute.)

Mr. DORNAN. Mr. Speaker, I spent the greater part of today up in New

Hampshire. I was in California over the weekend. Everywhere I go, along with the budget and Americans telling Republicans, "Either get with it or get out of the way, you will not be reelected if you do not keep your promises," but right up there, coequal and even more impassioned, is Bosnia.

I circulated a letter with 70 signatures, I only needed 50, last week. I have a conference at 9 o'clock in the morning. I do not think it is the most propitious time. I kind of have a suspicion I am being sandbagged. I am putting all of the Republicans on notice, 235.

One cannot go home this Christmas, particularly after the first American steps on a mine, and be truthful and say you did everything you could to support our troops by not sending them in harm's way.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Let me just follow up. There is no excuse for any Republican to say he or she is too busy tomorrow morning, at 9 a.m. in the morning, to make a statement on what is going on in Bosnia, on whether we send young Americans to die in a conflict over Christmas in the snows of Bosnia in a three-way civil war that has been going on 500 years. I thank the gentleman for letting us get involved, and I will certainly be there.

MORE ON BOSNIA

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, as I was saying, there is nothing more important we can be doing tomorrow morning than make a definitive statement on Bosnia.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, there is an aspect to this that can be like one of the best debates in this century, and that was the debate over Desert Storm and Desert Shield.

What I would say, we are not going to yell at anybody that says their vision of supporting the troops is just a cave-in to Clinton. We are going to discuss the Constitution, the powers allocated to the presidency, Republican, Democrat, or prohibition party. This is not an imperial presidency that can send people no matter what the needs to Tibet, Rwanda, Sudan, Somalia, Haiti, and back to all the Balkan countries, without the Congress, both the House and the Senate, weighing in in the debate.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, the question is not whether we support the troops or not. Both the gentleman and I will support the troops, we will salute those troops, we will go over and visit them, in fact, over the holidays if they are in fact sent. But we have a responsibility to ask very difficult questions before we commit troops to get involved in a 500-year civil war.

RICH GET RICHER, POOR GET POORER

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to recommend to all members an article that appeared in the Washington Post business section last week, which I will insert in the RECORD.

The article reported on a bipartisan round-table discussion on the rising gap between rich and poor, and the shrinking middle class in our country.

This trend is no secret. Ask any working American. We have been downsized, laid-off, cut pay, cut jobs to the point that even the Business section reports it.

I was pleased to read that some of the speakers—notably Jack Kemp—emphasized economic growth and economic development as the way to narrow the income gap in our country, not just balancing the budget.

Mr. Kemp continues to be one of the few Republicans willing to address the issue of income inequality and the poor condition of our cities instead of treating them as inconvenient facts that should be ignored or denied.

Beyond balancing the budget, we need to emphasize education and training for our children and make the necessary public investments to help create economic growth.

It is a shame that programs such as the School-to-Work program—which connects high school students to the world of work—could be eliminated by this Congress.

I invite those from the other side of the aisle who believe that the income gap is a real problem to speak up—as Jack Kemp has—and give this issue the attention it deserves.

[From the Washington Post, Dec. 7, 1995]

INCOME GAP IS ISSUE NO. 1, DEBATERS AGREE

(By Steven Pearlstein)

The growing income gap between the rich and the poor has become the central issue in American politics, and the party that figures out what to do about it—or that makes the right noises about it—will dominate American politics.

That was the message from the left and the right, Democrat and Republican, politician and pollster, economist and financier at a forum on inequality held yesterday on Capitol Hill.

"The main cause of America's anxiety is the growing gap between the haves, the have-nots and those in the middle who feel they are on a treadmill in which they have to run faster and faster merely to say in place," said Rep. Charles E. Schumer (D-N.Y.), who organized the event with retiring Sen. Bill Bradley (D-N.J.).

Stanley Greenberg, who conducts polls for the White House and the Democratic National Committee, told the gathering that nearly all recent elections have been decided by "downscale" voters who swing between Republicans, Democrats and independents such as Ross Perot in a desperate search for an answer to their declining economic fortunes.

"There is no more central subject in politics today," Greenberg declared, "and no party will be successful without addressing it successfully."

Kevin Phillips, a free-ranging Republican theorist and author of "The Politics of Rich and Poor," said the reluctance of Republicans to face up to the inequality issue was now costing them the support of one-third of their natural base of voters.

Rather than signaling the rise of a new Republican era, Phillips predicted, last year's Republican takeover of Congress will go down as the last gasp of a Republican era that began with the election of Richard Nixon in 1968, but has now been taken over by a coalition of right-wing ideologues and Wall Street interests. He noted that two earlier Republican eras, the Gilded Age of the 1880s and 1890s and the Roaring Twenties, ended when progressives were able to ride into office on the inequality issue.

Treasury Secretary Robert E. Rubin opened the session by declaring that rising inequality has so torn the social fabric that fixing it amounts to not only a moral or political imperative, but also an economic one.

If no solution is found, Rubin said, angry voters will soon turn to radical measures such as restoring trade barriers or re-regulating entire industries—moves that he predicts would slow economic growth and ultimately be self-defeating.

And former representative Jack F. Kemp, who now heads a Republican tax reform commission, warned that the plight of the urban poor had become morally "unconscionable" and politically unacceptable. For that reason, Kemp said Republicans should make boosting economic growth rates, not balancing the budget, their top political priority.

Nobody at yesterday's session took issue with a raft of recent reports showing that the household incomes of those in the bottom 40 percent of the economy have slipped over the last 20 years, when adjusted for inflation, while all the income growth has been concentrated in the households in the top 20 percent.

But there was a spirited and, in the end, unresolved debate over what to do about it.

Steven Rattner, a managing partner at the Wall Street investment firm of Lazard Freres & Co., argued that they key to narrowing the income gap was more and better training programs to get a better match between the jobs demanded by the new economy and the skills of workers at the bottom of the income scale.

But Louis Jacobson, a researcher at Westat Inc. in Rockville, said his studies found that such programs inevitably reach only a small portion of the work force that could benefit from them.

And Cornell University economist Robert Frank argued that many labor markets now exhibit a "winner take all" quality to them that gives disproportionate salaries to whoever is at the top, no matter how much education and training the people below them have.

Kemp, along with Rattner, argued that it would be folly to address the problem of rising inequality by expanding government efforts to transfer income from the rich to the poor.

"I don't think poor people are poor because rich people are rich," said Kemp in arguing against welfare and other "redistributionist" programs.

But not everyone agreed.

"Redistribution is not a naughty word," said Gary Burtless, an economist at the Brookings Institution in Washington.

Burltess noted that the long-term shift in the government's income support programs from the poor to the elderly middle class was a major contributor to growing inequality in recent years. And he noted that countries such as Germany and Japan had been able to finance much more generous social programs than the United States while still turning in as good or better economic performance over the past 20 years.

Burltess's comment was seconded by Timothy Smeeding, an economist at Syracuse University whose recent study found that although the United States is the richest nation, its poor have a lower standard of living than the poor of all other industrial countries.

"I think we have no choice now but to take greater account of the losers," said Smeeding.

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. JONES). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AGREEMENT NEEDED ON REACHING A BALANCED BUDGET IN 7 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, this is now coming under the third week where we have had an agreement with the administration to work together to achieve a 7-year balanced budget. Again, I need to call attention to the fact that our national debt of over $4.9 trillion remains unaddressed from the standpoint of our ability to come up with a successful budget.

I happened to see an article dated from last week's New York Times, December 6, 1995, an article by David Sanger, with the headline that says "Administration says it can avoid a borrowing crisis through January."

As we all know, the administration is struggling to avoid dealing with the reality of the fact that we must work together to achieve a balanced Federal budget in the next 7 years. The article goes on to say, "Treasury Secretary Robert E. Rubin said today that the administration had found new, though legally untested methods, of keeping the government solvent at least through January."

The article goes on to say "While Mr. Rubin would not discuss how long he could drag out his delicate fiscal balancing act, other administration officials said the Treasury and Justice Department lawyers had been meeting daily to devise a legally defensible strategy for sidestepping the Congressionally set $4.9 trillion limit on Federal borrowing well into the spring." I emphasize that.

It goes on to say, "Mr. Rubin declined to say what method the Treasury had chosen to keep the government paying its bills and the interest and principal due on government securities."

Mr. Speaker, this is an extremely serious matter. As I read into the article, it goes on to say that the extent of borrowing that has been designed to sidestep the debt limit may well exceed $60 billion. That is $60 billion of potentially unauthorized indebtedness.

It goes on to say that, quoting from the article in the New York Times, Wednesday, December 6, by manipulating how the Government retirement funds are invested, the Treasury Secretary has put the Government about $60 billion under the debt ceiling, enough to enable it to borrow the funds to make it through the month of December.

I think this is a serious issue, and I hope that as we try to work together with the administration through the rest of this week, as we work together with the administration to try to reach a balanced budget over the next 7 years, we can come to some complete and final agreement on how Republicans and Democrats can work together to finally balance the Federal budget.

□ 2045

REPRESENTATIVE MFUME SPEAKS TO HIS DECISION TO LEAVE THE CONGRESS TO HEAD UP THE NAACP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 5 minutes.

Mr. MFUME. Mr. Speaker, I actually thought I would wait until later in the week or perhaps later in the month to come before the House and to express to my colleagues who are here and those who are watching in their respective offices a great sense of appreciation, a great deal of loss, and, at the same time, a great deal of anticipation of what, for me, becomes the beginning of a new journey of a thousand miles.

Mr. Speaker, I came to this institution in early 1987 with the class of the historic 100th Congress. It was a different Congress then, and in many respects there were different people. This institution, over the years, long before I got here, and I am sure long after I am gone, will continue, in many respects, to be the scorn in the eyes of some, the hope in the eyes of others, but the only institution that, as Americans, we have in our legislative branch of Government.

So as we contemplate coming and going, for me it was a tough decision and yet an easy decision. I was always taught that we come here with nothing and we leave this life with nothing, and that it is what we do between our birth date and our death date that determines our worth and our value and our substance as a human being.

Those of us who have come to this point to be in service to America and to our colleagues and to people all across this country, whose policies affect countless millions of nameless, faceless Americans, and whose conduct, quite frankly, and whose decorum is watched by persons who want to be here and by those who will never get here. But all of those things in the aggregate essentially determine what kind of government we have and how we, as caretakers of that government, are perceived.

Mr. Speaker, I will miss, obviously, this institution. I have come to love it. I believe in the necessity of an open and free Democratic form of government. I will miss the individuals here, who I have served with on both sides of the aisle, all from different walks of life. We have debated great issues together: The Civil Rights Act of 1991, the gulf war, the great decisions to think of and to ultimately pass an Americans With Disabilities Act, and numbers of other bills and measures that speak to the life style that many of America's people now enjoy.

I will also miss, to some extent, the process. But I think those who know me recognize that because I come from humble beginnings, it really was not a major decision to give up a safe congressional seat, with 82 and 84 percent of the vote election after election, and to walk toward an organization considered by some to be in disarray and perhaps by some to be in disrepair.

Because I have an excitement inside of me that speaks of a new vision, a new vision of hope and possibility, I believe in the aspect of coalition. I know what it will take in this country for us to be a better Nation. I want to be a part of the process. I agonize, like many of my colleagues going home at night, in the comfort of my own surroundings, and knowing that violence still plagues our Nation, that hatred and racial polarization have not gone away, that many people who look like you and look like me, regardless of their station in their life, still have a dose of despair in their eyes, that are young and have given up on themselves, and they plan now for their funerals because they do not expect to reach the age of 25, that drug abuse and spousal abuse and child abuse run rampant in a Nation that ought have been beyond that and ought to have found lessons to have gotten there.

All of those things are also part of the America that we love, but they beckon me in a different way tonight, and they call me in such a way that I cannot say no.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I would be more than happy to yield to the gentleman from California.

Mr. CUNNINGHAM. First of all, there will be a lot of the conservatives that will miss the gentleman. Your willingness, I know on the civil rights bill, and other issues that were very complicated, it does not mean we do not disagree on certain models, but the gentleman will leave this House with integrity, value and substance, Mr. MFUME. And I want to let the gentleman know that of a lot of the Members on that side, the gentleman has been someone that I have been able to sit down with, even with differing issues. The gentleman has been very amenable, very supportive, and I want to thank him.

Mr. MFUME. Mr. Speaker, I thank the gentleman for those kind and heartfelt words.

There is an aspect of service in this America that I talked about, even fraught with all those problems and difficulties, that I also need to say before I yield back any time I have remaining, and that is the relationships, the personal relationships that we develop in here and the desire to always want to believe in the best of other people.

I looked at the gentleman from Missouri, HAROLD VOLKMER, go through the agony of watching his wife, die of cancer over a sustained period of time. I have talked to Members on both sides of the aisle about the birth of a child, or a wedding, or the ability to get a child through college, or the need just to find a way to get away from the day-to-day agonies of the job and to be people again. I would hope that as we all come to grips with what we do in this institution, that we recognize that as individuals and as Americans, aside from party affiliation, it really is what we do between that birth date and that death date that will determine our worth as human beings.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I would be more than happy to yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Speaker, just to add my comments to our friend and colleague from California. I came to the session of the Congress that the gentleman came to and have had the highest respect for him in the 9 years I have known him.

The gentleman will leave this body and will leave a great loss to us because he has been a key leader and someone that all of us respect on both sides of the aisle. But he certainly is the gain for the NAACP and those issues which he will lead this country forward on.

We look forward to working with the gentleman in his new capacity and pledge the gentleman our full cooperation. He has been a real inspiration to Members on both sides of the aisle. We will miss him, but we look forward to his leadership on an even greater height for all of America.

Mr. MFUME. Mr. Speaker, I thank the gentleman very much. I know I am out of time.

The SPEAKER pro tempore (Mr. JONES). The time of the gentleman from Maryland has expired, but we would like to give 3 or 4 additional minutes to the fine gentleman from Maryland.

Mr. MFUME. I thank the Chair for his generosity, and I promise I will not use all of that, because despite the best wishes of some, I am still going to be around here for a few more weeks raising you know what.

I do want to say, before sitting down, that I believe that we have a golden opportunity, and certainly I do, heading up the NAACP, America's oldest and largest civil rights organization, to bring a sense of balance, to add to the dialog, to seek coalition, to give hope to our young people, to defy the odds, to put in place an apparatus for economic empowerment, to do away with some of the disparities in our society, to emphasize again educational excellence and individual responsibility, and to really provide a clear and consistent path that might be visible to other people.

So I welcome that task and I thank all of my colleagues who I have served with, for their friendship over the years, for their counsel, for their ability to engage in debate on those principal issues that they believed in, but most of all for being a part of what I consider to be the greatest institution of American Government, and that is the House of the people.

VOTE ON BOSNIA IS ESSENTIAL BEFORE THURSDAY, DECEMBER 14, 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I would like to discuss today why it is absolutely essential that we have a vote on Bosnia before Thursday. The President will initial and actually sign the peace agreement on Thursday, and I believe it is absolutely vital that we go through this one more time so that we are certain we have done everything that we can to be sure about such things as what is the vital U.S. interest. The President's discussion of that in his speech was absolutely inadequate. It would apply to any trouble spot in the world.

I said during the campaign, and I would say now, I would only support U.S. ground troops anywhere in the world if clearly defined and easily understood vital U.S. issues are clearly threatened. In addition, the President promised specific detailed information on the mission, the objective, and the objective to be achieved so that we can leave in 1 year. Specific detailed information. I have not seen that. It may have been given, but I have not seen it.

Mr. Speaker, sad experiences have taught us it is very easy to move troops in; it is very difficult to accomplish the objective once they are there, and extremely more difficult to get out in a timely and honorable way.

I believe we must do everything we can to prevent funding, to in every way tell the President this is not a good idea and that the American people are not thrilled about this Bosnia adventure. I think we must do this before the signing, before the decision is irrevocable.

We know and the people know, Mr. Speaker, that the Bosnia adventure is folly. The President is ignoring the public, as he ignored the 315 Members of this House that voted asking the President not to make our troops in Bosnia a part of the peace agreement. He went and did it anyway. I think ignoring the people and the Congress is a shocking thing, and I think that we do have to have the vote to either endorse the President's action, which may happen, or tell him clearly that it is not in the public interest.

SECRETARY O'LEARY THE CLINTON ADMINISTRATION'S MATERIAL GIRL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, Secretary O'Leary is the Clinton administration's material girl. Secretary O'Leary has taken 16 overseas trips since she has taken office. She has been gone 130 days. That is, amazingly, 50 percent more time overseas than Secretary of State Warren Christopher, who is responsible for foreign relations and responsible for foreign policy.

There is no material reason why the "material girl" spends so much time overseas. The Secretary of the Department of Defense is responsible for the storage of civilian and Department of Defense nuclear waste. She is responsible for the national energy labs, power marketing administrations, and storage of strategic oil reserves. But Clinton's material girl, all her responsibilities are domestic. Domestic responsibilities.

But Secretary O'Leary has leased a luxury jet, the same luxury jet that Hollywood's material girl, Madonna, uses. Let us look at one of the trips she spent on the Madonna jet. She went to South Africa. She was gone 10 days. She took 51 staffers, 58 guests, a total of 109 people. Photographers were hired. They hired video crews to record the whole event. The cost to the American taxpayer, $560,000.

Now, Vice President GORE has tried to defend Secretary O'Leary's travels, and he has said her trips have created thousands of American jobs and billions of dollars in contracts, so I think it should all be in perspective. Well, early in the year, when I was debating Secretary O'Leary on the MacNeil-Leher report, she stated she had produced $19.7 billion in business contracts. Last month she revised that down to $10 billion. Now we find out it is closer to $1.4 billion, and those are only signed letters of intent, not signed contracts. And a large part of that $1.4 billion is claimed by Secretary Brown. In fact, he is taking full credit.

Well, the gentleman from Ohio [Mr. HOKE] and myself have requested a General Accounting Office audit to find out how this horrible waste can be accounted for. The material girl has spent millions of dollars in travel, but it does not stop there. Secretary O'Leary hired one of her personal friends, after laying off thousands of people, she hired her for a job title she created called the Department of Conflict Resolution Ombudsman at $93,166 per year plus $12,000 a year living expenses.

We did not know about that part of the material girl when 80 of us called for her resignation. We thought that was bad enough, because at that point she had just hired a private investigative firm to develop an unfavorables list, for $56,500. A list of Congressmen and reporters that she could work on a little. That should have been enough, but even after the travel there is more.

We have found out that the material girl has redirected $500,000 from the Department of Interior to the Government of India so that they can clean up the Taj Mahal before she arrived. A half a million dollars to clean up the Taj Mahal.

Well, this is just the tip of the iceberg. This reflects the mismanagement that is going on within the Department of Energy. It is time to turn the lights out at the Department of Energy. It is time for Secretary O'Leary to resign.

□ 2100

RACISM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, it is seldom that I take the floor to do special orders, but today I feel compelled to do so because of the rapidly escalating mean-spirited activities that I have read and heard about that are occurring in our country.

On Saturday morning when I went to my front door to pick up my newspaper I was appalled to see in bold letters the following headline "3 White Soldiers Held in Slaying of Black Couple." According to the news report, Michael James and Jackie Burden were just walking down the street at 12:30 Thursday morning in a black neighborhood in Fayettevelle, NC, when three white paratroopers who were "cruising the streets of Fayetteville searching for blacks to harass" shot them in the head.

The article went on to say that one of the soldiers "made no secret of his white supremacist views . . . and during his off-duty hours . . . associated with four or five other soldiers who all wear black boots with white laces and red suspenders, a style that represented an unofficial skinhead uniform."

A few months ago I was greatly disturbed when it was reported that agents of the Bureau of Alcohol, Tobacco and Firearms displayed racist signs at their summer outing. Earlier, the fact came to light that some employees of the Dennys restaurant chain had refused to serve a busload of black church people and had given clearly discriminatory service to members of the U.S. Secret Service who just happened to be black.

Last week I picked up the Roll Call newspaper and was alarmed to find on the front page an article entitled "Police Probe Anti-Semitic Incident by House Pages" which stated that "The Capitol Police department is conducting a criminal investigation into an act of anti-Semitic vandalism at the House page dorm". It appears that some of the pages got into a dispute and one found a swastika on his door the next day. While it is not unusual for teenagers to sometimes find themselves in disputes with their peers, but it is alarming to see young teenagers resorting to such hateful means of expressing their disagreements.

I have recounted these stories which are a minute illustration of the myriad incidents that are occurring throughout the Nation because I am concerned about America. Nowadays I don't hear the real Americans speaking out against the racism which has been resurrected and is rearing its ugly head with a roar.

I am concerned because when many of those in this body speak of cutting destitute families off welfare, it is not really about the green buck, but about the black face.

I am concerned because when we discuss the issue of school prayer, it may not really be about prayer itself, but about to whom we pray.

I am equally troubled because some misguided black folk are engaging in reactionary hatred. Racism is un-American from whatever source.

As a Nation, we hold ourselves out to be tolerant of others and their beliefs. We pride ourselves on being the melting pot of the world, we declare that all men are created equal and that we each have the unalienable right of life, liberty and the pursuit of happiness; and yet America is allowing these atrocities to continue—and I don't hear the leadership in this Congress or in this country speaking out against them.

We are currently deploying young men and young women in the prime of their lives to Bosnia in an effort to bring peace to that part of the world, while at the same time, some racially-crazed military personnel right here in America are modern-day lynching black folk.

We sing that we are the land of the free and the home of the brave, but black America is not free and those who set out to purposefully do us harm are not brave.

THE 125TH ANNIVERSARY OF SWEARING IN OF FIRST BLACK MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, I see my colleague, the gentleman from Maryland [Mr. MFUME], who is still here in the Chamber, and I extend to my colleague from Maryland, who is my colleague and my friend, I extend to him my sincerest best wishes as he takes on a new challenge in his life in leading the NAACP into the 21st century. Over the last 11 months, I have seen my friend be the consummate professional, and I extend to him my very best wishes in his new endeavor and challenge.

Mr. Speaker, I want to pay tribute tonight to an important anniversary. 125 years ago this very night, the first African-American Congressman was sworn into the U.S. House of Representatives. He was a Republican—a member of the party of Lincoln. He was the Honorable Joseph Hayne Rainey and it was the start of a legacy that continued. Senator Hiram Rhodes Revels of Mississippi was the first black Senator and then Congressman Jefferson Long of Georgia, Robert DeLarge of South Carolina, and Robert Elliot of South Carolina and the list goes on with 20 more Members of Congress serving with Mr. George White of North Carolina serving in the 55th and 56th Congress.

Following the seating of Congressman White in 1897, 15 sessions of Congress passed until another African-American was elected to Congress. In 1928, Oscar De Priest of Illinois became the first African-American elected to Congress from outside the South.

What an odd turn around has occurred and what an important time for us to stop and take stock. Folks, I look forward to the day when all of us will be judged by the content of our character rather than the color of our skin. These people we honor tonight has gone before us as trailblazers—as members of the only party that was founded on an idea—the idea of freedom.

The party of Lincoln believed in equality of opportunity, empowering people, not government, cultural renewal because these are principles which transcend race, creed, color. Lincoln so fervently believed in a government of the people, by the people and for the people that his emancipation proclamation enabled all of us—those who have gone before me and the current African-American Members of this Congress to serve. Freedom also make it possible for every person in this U.S. to have the opportunity to serve regardless of race, creed, or color. Black Americans and white Americans must be full partners in developing policy of this great Nation.

Those were brave souls who first ran after being enslaved. Those were brave souls who against all odds decided they would put their name in the hat for public service. Those were brave souls who went before us in Congress and we must honor them by doing the right thing, now.

Mr. Speaker, we must honor these hallowed Halls and the sacred trust of those who sent us here by telling the truth, by honoring the constitution and by making sure that the ultimate source of power is always with the people of this great Nation.

We must honor those who sent us here by honoring God and seeking his guidance on important issues as those who went before us. We must honor the trust of these Halls by being kind and extending a hand to all people to serve with us.

Mr. Speaker, on this 125th anniversary of the first African-American, Mr. Joseph Rainey from South Carolina to serve in Congress, I thank God for this Nation that allows J.C. Watts, Jr.—the fifth child of J.C., Sr. and Helen Watts to also stand and serve in this Congress. I owe a great debt to those who have gone before me and I hope that we can leave an even better legacy for our children—red, yellow, black, and white.

SEND THE RIGHT MESSAGE: SHOW SUPPORT FOR AMERICAN TROOPS SENT TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening in anticipation of this body voting on a resolution in regard to the situation in Bosnia sometime before the end of this week.

Mr. Speaker, like many of my colleagues in this body, I have expressed grave reservations over the last several months about the possibility of placing our ground troops in the Bosnian theater. I have recorded my vote on at least two occasions in opposition to sending ground troops in, despite having supported the President's use of U.S. forces for air strikes, for the sealift and airlift, and for the command and control and other support necessary for NATO's involvement in that part of the world.

While I have opposed the use of ground forces in Bosnia, and while this body has gone on record on at least two occasions in stating its opposition to the use of ground forces, at one time by a vote that gathered in excess of 300 Members of this body in a bipartisan manner, all of us know that in fact the President has made his own decision to deploy troops and, in fact, that deployment is taking place as we speak here this evening.

Therefore, it would be my hope that the resolution that we consider this week does not, in fact, send in any way a signal to our troops that we do not support them.

Mr. Speaker, I come tonight before our colleagues and I ask them to consider cosponsoring this evening, or tomorrow morning, sometime tomorrow, House Concurrent Resolution 118. This bipartisan legislation was introduced by myself and my good friend, the gentleman from Pennsylvania, PAUL MCHALE, who is also a member of the Committee on National Security.

Mr. Speaker, House Concurrent Resolution 118 is a sense of the Congress resolution that has had its language mirrored in two other pieces of legislation; one that has since been introduced in the House, and a second that has been introduced in the Senate by Senator DOLE, that basically puts this body on record saying that while we have voted against sending ground troops into Bosnia, that in fact the President as Commander in Chief of the military has the authority to do that and has done such.

Therefore, while he has taken actions that we have, in fact, expressed our concern with and oppose, it is time now to support the troops as they follow out the requirements laid out by their Commander in Chief, the President of this country.

So, Mr. Speaker, our resolution states we in fact support the troops, even though we have opposed the policy. But it goes on to state something even more important, Mr. Speaker, something that I think every Member of this body wants to express their support for. That is, now that we have committed troops to Bosnia, and now that this President as Commander in Chief has spoken, we want to make sure that there is no second guessing of the military requirement to support those troops; that in fact when General Joulwan, who is the theater commander for the entire operation in the Bosnian theater, asks for support, troops, or equipment, that there is not a second guessing of that request; that that request is dealt with immediately and is dealt with in a forthright manner.

The reason why it is important for this body to emphasize that support being immediate, Mr. Speaker, is because of what occurred in Somalia, where a similar request came in by the commander in charge of the Somalian theater in August, 1 month before an air fight occurred between American forces and one of the Somali warlords, which caused 18 young Americans to be killed.

There are some who have said that if we had given that commanding officer the support he asked for, perhaps we could have saved those 18 lives. So, while we may disagree with the President's policy, but he has the right to do what he has done, and while we want to support our troops, let us also go on record, Mr. Speaker, in a very emphatic way, and say that we want to make sure that the administration knows, that the Pentagon knows, that when the commanding officer in Bosnia asks for additional backup, that he gets immediate consideration. That is perhaps the most important statement that we can make this week.

Mr. Speaker, I hope our colleagues will cosponsor House Concurrent Resolution 118 and will also vote for it if given the opportunity to consider its passage when it comes to the House floor. House Concurrent Resolution 118 enjoys broad bipartisan support. The gentleman from Pennsylvania, JACK MURTHA, one of our leading members of the minority party on defense, is supportive, as is the gentleman from California, DUKE CUNNINGHAM, as are members of our Committee on National Security, the gentleman from Rhode Island, PATRICK KENNEDY, and the gentleman from Hawaii, NEIL ABERCROMBIE, as well as some of our younger Members, the gentleman from Montgomery County, PA, JON FOX, and others who are joining with us in making this statement.

Mr. Speaker, I would encourage our colleagues to join with us tonight and tomorrow in supporting House Concurrent Resolution 118, to send the right message from this body as to where we stand in terms of full support for a decision that many of us oppose, but now must show that the troops will not be shortchanged when it comes to protecting their lives and their well-being.

□ 2115

FORT BRAGG ATTACKS

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today I wrote a letter to Attorney General Janet Reno, and I would like to share its contents with my colleagues. I wrote:

> I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina.
>
> These senseless slayings were apparently random, inasmuch as the slain couple was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military.
>
> I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.
>
> At least one of the three soldiers held white supremacist views and was known to display a Nazi flag over his barracks bed and to keep a 9mm handgun in his locker. I understand that a bomb-making manual was also found in his room. More disturbingly, all of the suspects appear to be members of a right-wing group called the "Special Forces Underground," which publishes a magazine called the "Resister."
>
> Members of this group have been seen wearing black boots with white laces, red suspenders flight jackets and chains, an unofficial uniform.
>
> I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot in the head, assassination style.
>
> The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.
>
> Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group.
>
> Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group?
>
> Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they?
>
> And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?
>
> Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation.
>
> I look forward to hearing from you soon.

Mr. Speaker, I would like to insert the letter into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. JANET RENO,
Attorney General of the United States,
U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina. These senseless slayings were apparently random, inasmuch as the slain coupe was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military. I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

At least one of the three soldiers held white supremacist views and was known to display a Nazi flag over his barracks bed and to keep a 9mm handgun in his locker. I understand that a bomb-making manual was also found in his room. More disturbingly, all of the suspects appear to be members of a right-wing group called the "Special Forces Underground," which publishes a magazine called the "Resister." Members of this group have been seen wearing black boots with white laces, red suspenders, flight jackets and chains, an unofficial uniform.

I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot, in the head, assassination style. The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.

Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group. Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group? Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they? And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation. I look forward to hearing from you soon.

Thank you for your consideration and cooperation.

Sincerely,

EVA M. CLAYTON,
Member of Congress.

SALUTES TO KWEISI MFUME AND SHIMON PERES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to join my colleagues in making a salute to Congressman KWEISI MFUME, a man of great compassion, a great colleague, a champion for civil rights, a man of passion, integrity and resolve who is accepting the new position of head of the NAACP here in the United States. As its new leader, he will take the NAACP to new heights of accomplishment because of his strength of character, his compassion for others, and his dedication to principle. We all wish him well in his new position.

I would also like to make a salute to Shimon Peres who gave a very stirring speech today before a joint session of Congress. I had the opportunity to meet with now the prime minister, then the foreign minister of Israel this summer in a special congressional delegation visit, only to see his leadership, his vision, his perseverance, his love of Israel and his love of America.

As Prime Minister Shimon Peres said today, he was speaking of his fallen comrade Yitzhak Rabin, he said they "were always firm believers in the greatness of America, in the ethnic generosity inherent in our history and our people. For us, the United States of America is a commitment to values before an expression of might."

He continued by stating that Israel is a small land, 47 years old, but 4000 years deep in history. Before coming here to the United States, Prime Minister Peres visited King Hussein. They discussed the possibilities of transforming the Jordan River Valley which is, in fact, an elongated, extended desert into a Tennessee Valley. He then met with President Mubarak of Egypt in a highly congenial atmosphere. They agreed to put aside bitter memories and to postpone certain disputed issues for a future date.

He finally met with Chairman Arafat of the PLO and his expression of condolence had the ring of a sincere desire for peace.

What is next for Israel? Peace with Syria and Lebanon, the two remaining adversaries on Israel's borders. Peace with these two countries may well prove to be the greatest contribution to the construction of a new Middle East peace.

In Shimon Peres' own words, he said the following:

> Nothing would capture the imagination of young people everywhere than a gathering of, say, 20 Middle East leaders, all of us standing together with you, our American friends and others and declaring the end of the war, the end of the conflict, thereby carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace. We shall tell them together, as partners, we are going to build a new Middle East, a modern economy, that we are going to raise the standard of living, not the standard of violence, that we are going to introduce light and hope to our peoples and their destinies.

Remember the peace rally at Tel Aviv just weeks ago, where we had

Yitzhak Rabin die. The singer, not the song was killed. Though Prime Minister Yitzhak Rabin has died, the dream lives on. For those who believe in a lasting peace for the Middle East and peace across this world, the people of Israel, the people of the United States and the people who believe in Shimon Peres, that he, in fact, is the one who can carry forward in Israel and to work with world leaders like our President and this Congress, we say God bless him on this mission.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, I would like to begin tonight by adding my voice to those who praised the colleague who spoke here a few minutes ago, Mr. MFUME. This institution will be impoverished by his departure, but I am certain that his country will be enriched by his continuing service at the NAACP, a different kind of service, the same ideals he has served us. Please let my voice be added to the record to those who say we will miss him.

Mr. Speaker, as the country watches our continuing debate about the balanced budget, I wanted to say a few words tonight about why a balanced budget is so important beyond Washington bookkeeping or Federal financial statistics. We spent most of our time the last couple of weeks talking about how best to balance the budget. I would firmly stand with those who believe that we can do so without forcing a part B premium on our senior citizens Medicare or by taking reading teachers out of our public school and private school classrooms or without undercutting our ability to protect and enforce our environmental laws. Tonight I would like to talk about why it is so important to balance the budget in terms of the workaday life and family budgets of people all across our country.

I represent an awful lot of people who are struggling an awful lot in 1995, people who are unemployed, people who are barely employed, who are struggling at or just above the minimum wage to try to pay their bills with very little help from the government that assembles here. People who are woefully underemployed, who are making 70 or 80 percent of what their family budgets require. People who are employed but who feel that their employment is hanging by a very thin thread, that they may be the next victim of a corporate downsizing or a massive layoff. People who are retired, who thought that they were going to be able to get by on whatever they had in the bank when they retired, plus their Social Security and, if they had a pension, plus their pension, who have found that those assumptions really do not work for them anymore and they are still in real trouble.

There are people who have never been employed who went to college, went to school, got their job training, got their education and cannot find that first job that puts them on the path to a successful career. How does a balanced budget affect each one of these people?

I would suggest that it affects us, Mr. Speaker, in four ways: First, every dollar that the Federal Government borrows to run its operation from the savings pool of this country is $1 less that an employer, an entrepreneur, a business person has to start a new product, expand his or her business, and hire more people. Every dollar Uncle Sam borrows to meet the payroll is a dollar that cannot go to generating new payroll in companies and employers across this country. It is that simple.

Second, every time we pile up another dollar of debt, we have to spend more money to service that debt, just like if, Mr. Speaker, we raised the amount we owe on our credit cards in our family budget, the amount we have to pay toward that credit card each month continues to rise and rise and rise. This year it is in excess of $200 billion, almost $300 billion by some accountings, just interest on the national debt. What else could we buy with that money if we did not have this huge debt?

We could fully fund Head Start so that every child in this country who is eligible would be in a proper child care program. We would not have to worry about cutting back on Pell grants or student loans because there would be ample money for that. We could give a significant income tax reduction to everyone across the country with that money or perhaps, most importantly, we could start paying down the national debt that has been accumulated over here for such a long time.

Every time we send a dollar to pay, or a bond for this borrowed money, it is a dollar we are not spending on education or the environment or our military or health care or veterans programs or something for children. It is a mistake.

Third, the Federal deficit as it grows, continues to rise and put pressure up on interest rates. That means that every time someone buys a car or takes out a mortgage or makes a purchase on their credit card, it costs them more than it otherwise would. As the supply of money stays the same but the demand for money goes up because of Government borrowing, the price goes up. It is the law of supply and demand. Not even the House of Representatives can repeal that law. It forces interest rates up and forces the costs for family budgets up. We would all be better off if it did not happen.

Finally and perhaps most importantly, we have developed a psychology of borrowing. In my opinion, it is an irresponsible and immoral psychology of borrowing that says that we can give out benefits today. We can spend money today and pass the cost along to future generations in the form of a lower standard of living, higher taxes, jeopardized Social Security benefits and a lower level of Government services.

That is not fair. It is disingenuous and it is wrong.

In the days and weeks ahead, let us work together. Let us find the common ground, and let us finally balance the Federal budget.

ON EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, I would like to go through this special order tonight on education. I would like to cover some of the myths, some of the truths, some of the other, basically the good, bad, and the ugly of the program.

First of all, I covered a little bit of it the other night when we split up, with the gentleman from California [Mr. DORNAN], talking about Bosnia, but I would like to reexamine some of the figures. First of all, the Federal Government provides only 7 percent of the funding for education. Let me repeat that. The Federal Government provides only 7 percent of the education. The other 93 percent is paid for by State revenues.

Now, of that 7 percent that goes down, less than 25 cents on every dollar that we send back here to Washington, less than 25 cents on a dollar goes back and down to the classroom. Why? Because of the bureaucracy that eats up the dollars in between. So it is a very inefficient system.

When people talk about Head Start and Goals 2000 and some of the better programs, it would be much better to get a better return on the dollar at the State level and provide those systems without the Federal intrusion.

□ 2130

Now, also that 7 percent that the Federal Government sends down to the States, that 7 percent takes over 50 percent of the rules and regulations to the States and the schools. Only 7 percent requires over 50 percent of all the State rules and regulations. It requires 75 percent of all the paperwork that a State has to do.

While that is being accomplished, that also affects the 93 cents on a dollar, or 93 percent, that the States fund education itself. If we look at just the State of California, which I am from, and let me go through and you can go through State by State and find out that there are many similarities, but let us look at the State of California. Why is education being shut down right now and programs are being cut? Why can we not get school bonds passed? Why can we not put a tax increase on the State recipients to support our education systems? Why do we have teacher and school programs that are being canceled under the current system as it exists today?

If we ask ourselves those questions and we look at the problems we are having in every State on our education programs, then I would think Members on both sides of the aisle would say there is a lot of room for improvement.

Let me take a look at some of these factors that affect the State of California. Remember, again, 93 cents on a dollar, 93 percent of all education is paid for with a State tax dollar. So that means you have to have people working in the States that are paying taxes.

Let us take a look at the 1993 tax bill under President Clinton. President Clinton cut defense $177 billion. The State of California is one of the largest defense States in the Union. A $177 billion cut as between our military and secondary and defense-related jobs has lost over a million jobs.

Now, let us say that a portion of that million jobs that were lost in the defense industry and our military, they get another job. Well, studies have shown that they do not get the same high scientific-level job but it is something less, so there is even less revenue. But let us take half of that, or even a quarter of that, that those people do not have jobs in the State of California. Now, that means less revenue, 93 percent less revenue that goes into the coffers in Sacramento, CA, for education and for law enforcement and the other infrastructures.

Let us take a look at another factor in the State of California, and primarily on the border States. Mr. Speaker, there are over 800,000 illegal aliens in kindergarten through the 12th grade. I only use the term 400,000. That way it cannot be disputed. But there are nearly a million illegals in kindergarten through 12th grade in the State of California.

Let us take a look at just the school lunch program. Of that 400,000, the majority of them are under 185 percent below the poverty level. At $1.90 a meal, that means if you take that times 400,000, that is over $1.2 million per day just going to illegals in the school lunch program. And then? we talk about that we do not have enough dollars for education. It takes about $5,000, I think the average is around $7,000 nationwide, but it takes about $5,000 a year to educate a child in the State of California. If we take that and multiply it times 400,000, that is over $200 billion out of the coffers that we could be using for education, Mr. Speaker, in the State of California.

We have documented 18,000 illegal felons; these are just the ones that are caught, in California prisons alone. There are actually about 24,000 aliens, but only about 18,000, between 16,000 and 18,000 of those are illegal aliens in the State of California prison system at an average of $25,000 a year to House them. We are spending billions of dollars in a program that could go for education. When they talk about there are more prisons then there are dollars for education. That is the one area that we could really work on is to stop the illegal immigration into the United States and protect our borders.

Over half of the children born in San Diego and Los Angeles hospitals are to illegal aliens. Then that child then becomes an American citizen and qualifies for all of the Federal programs. That, again, is draining the resources out of Sacramento, the dollars that we need for education.

Let me just, Mr. Speaker, let me go through one single, just one single Federal program that was written with good intent, and in many cases has done a lot of good but has gone to the extremes. I would talk about the Endangered Species Act.

You say, "DUKE, how does the Endangered Species Act affect education?" Let me tell you, Mr. Speaker. How many jobs have we lost in the timber industry and the billions of dollars of revenue in the State of California that would go into the Sacramento coffers for education? Billions of dollars.

Look at the gnat catcher and the construction industry in the State of California. It has cost us billions of dollars of revenue that is not going into our coffers for education. I look at the water and the salmon and Central Valley water project that was passed when we were not in the majority. Look how that has affected the farmers in the State of California. California's No. 1 commodity is agriculture. A lot of people do not understand that.

Take a look how it has affected the farmers, avocados and exports and different areas, again revenue. How many jobs, Mr. Speaker, have we lost to the tuna industry because of the porpoise? When we have valuable resources and we have systems in which even in the Panama agreement that have been represented by five of the environmental groups, except for Earth Island, that receives a lot of its money, over a million dollars, just for the Tuna Save, but yet they are one of the organizations that does not support logical reform in the tuna industry.

I look at the kangaroo rat, the least tern vireo, the California desert plan that took millions of acres off of the tax roles that do not go into education, hundreds of thousands of jobs and billions of dollars of revenue that is not going into the coeffers in Sacramento, Mr. Speaker, and then we are having to close down education programs because we do not have the funding.

You will find that library services and media and central and study halls and those areas are being closed down, not just in the State of California but across this land, because of the lack of jobs and because of the lack of money that is going into those coffers from the State level because of Federal systems.

Alan Greenspan, and my colleague just a minute ago spoke eloquently about the need to balance the budget, another reason we do not have dollars for education, Mr. Speaker, Alan Greenspan testified last week before the committee that interest rates have gone down 2 percent primarily because the markets and the lending industries believe that the Republicans can balance the budget in 7 years. He also warned that if that belief goes away, that interest rates will not only rise beyond the 2 percent but will keep spiraling upward.

What does that mean, Mr. Speaker? For example, a college loan, let us talk about an individual family in California or your State or anybody's State, a college loan with 2 percent interest rates over 4 years at $11,000 means $4,500 back in either the student's pocket or the parent that loaned the money in the first place, $4,500.

People are wondering why, why are two people having to work and they cannot make ends meet. I mean, it is crazy. In the State of California, and I am sure across the States, where people are having to work, they are slaving, they are working 10 to 12 hours a day and they are just barely making it on a margin in small business. But if you look at the interest rates, for example, in a home mortgage, why are they paying these excess costs? Why can they not make it? A home mortgage, 2-percent reduction, $90,000 mortgage, which is not real high in the city of San Diego, it is in the inner cities, but a $90,000 mortgage, 8.5 percent fixed over 30 years means $37,500 back in the pocket of that individual, and you can attribute that to the balanced budget, or lack of a balanced budget, because of those interest rates.

Alan Greenspan also said that those interest rates will continue to go down if we balanced the budget by 2 to 4 percent, and think of the dollars that that will put back into the pockets of the American people. They will buy products. The cost of goods will go down. And that will mean there will be more dollars in the coeffers of Sacramento for education.

An auto loan, $15,000, will be a thousand dollars back in the pocket of an individual. I am sure, Mr. Speaker, you would like to have another thousand dollars in your pocket to spend at Christmastime, or whatever, and, by the way, then you are going to buy a hamburger, you are going to go to a movie, and that is going to support the other businesses. That revenue is going to be generated, and it is going to go into, again, 93 percent of the revenue for education, which comes out of the State, and we need to provide that.

But that is another reason why the balanced budget is important to education.

I would like to provide for the RECORD, Mr. Speaker, an article where it says the Endangered Species Act, in the State of California, has added $44,000 per home in the State of California. Let me repeat that: The endangered species has added 7.5 percent to every home, and we are talking about low-income homes for the poor and the impoverished, and we increase it. We just talked about how important 2 percent is. If it is increased 7.5 percent, $44,000 per home. Why? It is because in endangered species, you have got set aside land, and you build on others' lands. Who is going to pay for that? The consumer is going to pay for that, Mr. Speaker, and in doing that, that means less revenue again for education that goes into the coffers, and so on.

I would like to provide that for the RECORD. It is called "Habitat Protection Raises Building Costs." It is "In the Opinion," North County, San Diego. I will give you that in just a little bit. It is very important why we do not have the dollars in education.

Let me tell you about this institution, Mr. Speaker. For the past 40 years, it has been about power. It has been about the power to be reelected so that you can maintain a majority. That power has emanated from the ability of the Federal Government to disburse money down to many groups. I am sure, like myself, every day we have people coming into the offices for dollars. Everything is important. They can find a reason to support their particular Federal program.

But that is why we have ended up, and in all the debate about why the deficit and the debt are important, it comes down to what is important for us in education. But if you take a look at what we are trying to do is take the power out of Washington, DC, because the power to be reelected equates to the power to disburse money out of the Federal Government, which acquires power at a Federal level, and a bigger bureaucracy to disburse those dollars. Those dollars that go down to disburse are as little as 23 cents on every dollar. There is only 30 cents on a dollar in your welfare programs because of the bureaucracies.

Some of my colleagues will tell you, well, look, you are cutting education, you are cutting education, you are cutting the money for the environment, you are cutting the money for Medicare. We zeroed out, Mr. Speaker, the dollars for Goals 2000 on a Federal level. Absolutely, you could say on a Federal level it is accurate to say we cut Goals 2000, zeroed it out. But as Paul Harvey says, the rest of the story is we take the dollars and we send it directly to the State, take those dollars directly to the State, and the State can run a Goals 2000.

The proponents of Goals 2000 will tell you, well, it is a voluntary system. It is the old bait-and-switch, Mr. Speaker. It is voluntary if you do not want the money in the Goals 2000, and I would challenge you to read it. There are 45 instances that says "States will," "States will," mandates from the Federal Government. It set up five, actually six bureaucracies and institutions, new bureaucracies and institutions that the States have to adhere to. You have to file boards. You have to send the reports to the Federal Government, and guess what, Mr. Speaker, while you have got this manpower at the State that is having to do all of these things which takes dollars away from the classroom, you have got a catcher's mitt of bureaucracies on the other end receiving all of those reports and analyzing. Do the States meet those requirements? Do we allow them to run with the dollars just like it is?

The answer is, again, it is a waste of taxpayer dollars. Let us do away with that:

□ 2145

Remember, 7 percent requires over 50 percent of the rules and regulations. Let us send it to the States. Let us let the States run their own Goals 2000, and prosper better. But yet my colleagues on the other side of the aisle will say "You are cutting Goals 2000, a good program." If it is so good, let them run it, but let them run it at the State level, without the Federal bureaucracy and the Federal intrusion.

As I mentioned, there are 45 must-do clauses, while it only has three that said you should do in Goals 2000. Six new bureaucracies and research institutions under Federal control. It is also established and run by the union bosses and the Federal administration.

In 1979, the Department of Education doubled. It went from $14.2 billion to $32.9 billion. If the President's direct loan program were allowed to be affected, it would be the largest lending institution in the United States. That is Federal intrusion, that is Federal control, and it is Federal waste, Mr. Speaker.

Per pupil spending grew 35 percent between 1979 and 1992. Federal programs and taxes have increased threefold. SAT scores have declined 12 percent, and yet we have less than 12 percent of our classrooms that have a single phone jack. We look at the bureaucracy that eats up the dollars, and we look at why we do not have dollars for education.

Let me give you another idea about Goals 2000. The humanities standard at the Federal level, after spending $900,000, $900,000, was suspended, Mr. Speaker. One of the required standards was that English be replaced, English be replaced, Mr. Speaker, with the words "privileged dialect." That type of social engineering and politically correct Federal intrusion is one of the reasons I believe that our school systems are doing poorly.

Look at the Federal history standards. They emphasize everything but the foundations of Western culture. I sat with the creators of those standards, with the gentleman from Michigan, DALE KILDEE, the ranking minority member on the education subcommittee that I serve on, and DALE KILDEE, an ex-history teacher before he came to this body, stood up and said, "It is wrong. You are not teaching history, you are emphasizing non-history issues." For example, there is more in the Federal standards for history on Madonna than there is the Magna Carta. There is more on McCarthyism than there is on the Constitution of the United States.

These are some of the reasons why many of the people do not support Goals 2000 on a Federal level, but where at a State level, where the State establishes the standards, they can establish the same aid standards under Goals 2000, but it does not have the rules and regulations, it does not have the Federal intrusion, and it sure costs a lot less to run.

Mr. Speaker, I have heard some of my colleagues say, "Well, we are cutting student loans." Well, Alice Rivlin of the Clinton administration proposed to eliminate college loan subsidies for a savings of $12.4 billion. Well, that is not done in this body. There is no subsidy taken out.

I heard my colleague just before say, "Well, maybe we will not have to cut Pell grants." Pell grant awards are the highest this year than they have ever been in history.

Mr. Speaker, let me repeat: Pell grants, Pell grants that I believe in, for low income students, is at the highest level it has ever been in its history.

Now, I would also let the Speaker know that it is not enough; that with the rising costs of tuition and with the rising costs of books and college courses, that it does not pay what it was originally intended for with Mr. Pell. But we put $6.5 billion into that program.

Perkins student loans increase by 50 percent, Mr. Speaker, over 7 years. Let me repeat that. They say we are cutting education in this balanced budget. But, again, I give you the Goals 2000. Zero it out at the Federal level, yes. I want to cut most of these things out of the Federal level and put it back to the States.

The same thing with the environment. There is a lot of sand and dirt between San Diego, CA, and Maine, Mr.

Speaker, and to blanket across the Nation with a rule and regulation from the Federal Government that has been obtrusive should not happen. It should be at the State level.

But, again, we are sending the money to the state on the environment. My colleagues will say we are cutting funds for the environment, we are cutting education, we are cutting Federal instruction. Let me repeat, student loans increase by 50 percent, from $25 billion to $50 billion over the next 7 years.

The Republicans will spend $340 billion over 7 years on education, job training and student loans. The last 7 years, the Democrat leadership, when they were in the majority, spent only $315 billion on education, job training, and student loans.

Spending on K through 12 education has increased by 4.1 percent, but yet we bring better management, less rules and regulations, less Federal paper, less Federal reporting, and more local, school and down at the LEA control with the teachers, the parents, and the educators.

From 1983 through 1993, the States put in education $60 billion and have increased that to $115. But yet if you take a look the increase in spending for education across the board, Mr. Speaker, on reading skills, I heard on the television today that a great number, better than 50 percent, of the children do not read up to grade level 4 in the State of Maryland.

California was last in literacy. I think there are different reasons for that. A lot of it is probably the immigration rates and other things. I want to tell you, my wife is a teacher and a principal, and there are a lot of great schools that we have across this Nation. There are some great teachers. But across the board, Mr. Speaker, our education systems are failing our children, and it is not efficient. We can do better. From both sides of the aisle we can do better, by taking the power out of Washington and putting it back at the State level.

Let us look at, for example, title I. I was back in my district this weekend, and one of the teachers said "DUKE, don't take money out of Title I, because it is important."

Well, let me tell you what the Clinton administration said. Title I is not achieving its goals. Comparisons to similar cohorts by grade and poverty levels show that the program's participation does not reduce test scores gapped for disadvantaged students. Indeed, Chapter 1 student scores in all poverty cohorts decline between third and fourth grades. They also go on to say that once a student goes on in education, that any gains made are lost.

Let us look at Head Start. This is again what the Clinton administration says, effective in some areas. I would say in all fairness, Mr. Speaker, I have visited some very good Head Start programs. In the State of California, my district, there is a great Head Start program. Even the administration agrees that there is mismanagement across this country in the field of Head Start. But yet we continue to pump money into it and do not demand that the standards and the values and the management is there for the Head Start program. We have got to change that.

Several studies indicate a short-term cognitive and effective social benefit for poor children. However, the same studies indicate as the child moves into the elementary school the effects decline. They decline to zero. If we are going to put the dollars into education, Mr. Speaker, that are effective, that are long lasting for our children, that teach reading, writing, arithmetic and so on, then I think we need to focus on getting what will get the best bang for the dollars.

Let us look at the student loan program, where we say we have increased student loans by 50 percent. But where did we get our savings from? The Clinton administration, President Clinton's direct student loan program cost $1 billion more than the private industry, like the banks and lending institutions. My colleagues on the other side will say "Well DUKE, that is just for the rich. You are just supporting the special interest groups and taking it away from the Federal Government."

Well, with the Federal Government and its mismanagement, and I think you can look across the board, that is in defense, that is in education, that is in welfare, NIH, anywhere, the mismanagement of dollars the taxpayers give us, and you can save it by privatizing that, then we will do that. So we limit the President's direct loan program to 10 percent and save billions of dollars. That is not including the savings CBO scored. They do not even know what it would take to receive those dollars back. That is just the administration fees on the direct loan program.

So, yes, there are programs that we have eliminated and cut. But, again, Mr. Speaker, those are on a Federal level in driving the dollars back down to the States.

Let me tell you about other savings that we made on the loan program. This country has a law on the books that has been overlooked. I want to separate illegal aliens from legal aliens. We have legal aliens in this country that are going to our colleges and universities. It is to our benefit to educate those aliens at a time, because they plan on becoming American citizens. Over a lifetime, for just completing a bachelor's degree, there is an increase of earnings in that household by over $300,000. Again, that means $300,000 in revenue that that person is going to earn and pay taxes on. Remember, State taxes pay for 93 percent of education, so it is to our benefit.

But, at the same time, almost anyone has been qualifying for those education loans. So what we did, let us say, which I am not, but let us say I was a low-income parent applying for a student loan at a low-income rate, low-interest rate. I would have to show what my earnings are to qualify.

Well, all we have done, Mr. Speaker, is ask the sponsor of that legal alien, because under the current law that sponsor has to sign a document that they will be responsible for the alien, that legal alien, while they reside in the United States and are working for citizenship for this country, their earnings are calculated to see if that student qualifies for a low-income loan, the same as an American citizen would have to do. We think that is fair, either as a citizen or as a legal alien, to qualify to see if you should qualify for a low-income loan.

Say, for example, Imelda Marcos' relatives came to the great State of California. We may to want to give those individuals a low-income loan, because they can pay for it themselves.

But there is an increased cost on lenders, guarantors, and agencies in the secondary markets in the Federal education loan program. We save over $1 billion, Mr. Speaker, I think that is important also.

☐ 2100

Let me speak to something else, and I think we could probably get support from both sides of the aisle on this issue. As I mentioned before, we have less than 12 percent of our classrooms across this Nation that have a single phone jack in it. I think every Member in this body understands the importance of the information age in the 21st century. In the olden days, as my daughters like to report, it used to take 30 years for us to double our knowledge. It now takes 1 year, Mr. Speaker.

Look at the amount of children that are using computers now in many of the homes. Of course, many children are not. Take a look at the information they have available to them. Look at our libraries. Try to get an airline ticket without going down and using a computer. Or even in our classrooms or in our offices. Yet, less than 12 percent of these classrooms have even a single phone jack. If we want to take that 7 percent as a vision and really do something with education on a Federal level, Mr. Speaker, I think there can be a partnership between the Federal Government, between the States, and between private enterprise.

I want to give my colleagues an example. If we really want to help education, if we do not upgrade those classrooms with the technology for our children to learn, then the delta, the difference, between the rich and the poor, as my colleagues on the other side of the aisle like to point to all the time, that delta will increase significantly because we do not provide the skills for our children to go on and apply to the job market.

I have industry and small businessmen across the board come to me and say, DUKE, as little as 25 percent of the people that come to us even qualify for basic entry level into the job market because they cannot read, they cannot write, they cannot do math, or they cannot speak English. We are failing our kids, Mr. Speaker.

Now, let us work at a Federal partnership, let us work with the telecommunications subcommittee with the gentleman from Texas, Mr. JACK FIELDS. Let us create, which they are doing, a market where there is profit sharing, to where the AT&Ts and the Baby Bells, and the IBMs and the Apples work and build up our classrooms. Let us let them make a dollar. Profit is not a dirty word, unless one is a socialist. Let us let them build up our classrooms, provide for our kids, because we cannot do it. We do not have the dollars on the Federal level to invest in our classroom.

Mr. Speaker, walk down here in Washington, DC and look at these schools. These kids are lucky to have books sometimes. Or look at a Federal housing project, where kids are carrying guns. They are not carrying books. If we do not build these classrooms and work with that private partnership, then I think we will be lost.

I talk to Alcoa and I talk to AT&T and the Baby Bells, and the people I am talking about. We have about a 3 percent disintegration of copper wire in our electronic system. We have about another 3 percent where we build new schools and new facilities. That would be a 6 percent investment in this Nation that we could work with the Federal, the State and private enterprise. Six percent a year. And it would not take us that many years to build up our classrooms.

Now, let the AT&Ts and the Baby Bells and the IBMs put the fiber optics in there, and the Alcoas. Let them make a profit from that, but, at the same time, they are investing in our school system. Let us give incentives to do that because again, if we do not do that, Mr. Speaker, our kids are going to be in the big delta between the rich and the poor because they will not hare the skills to go forward.

I want to give my colleagues a classic example. I have a school I have spoken about in the committee. It is Scripts Ranch. The city and private enterprise went in and put fiber optics into the school. Every classroom has a computer. We have boys and girls at the high school level, on the vocational side, that are swinging hammers. They are building modular units, and they sell those units, those classrooms. And if we were to inspect them, they are as good as any tradesman would do, because they are supervised by tradesmen, both union and private, by the way. And they are making sure the kids are safe when they swing their hammers. But they sell those units and they buy other high-technology equipment for that school.

On the other side, the kids that are college bound, not vocational bound, are the engineers, the computer designers and the architects. They are using the computers and they have redesigned the whole school. In the meantime, Mr. Speaker, in the summer, and were chastised for the summer jobs program. Probably not very many jobs were created by the summer jobs program, other than keeping kids busy, but let me tell my colleagues about the summer jobs program at Scripts where they have the computers and they have the kids working in vocational and college bound.

The city of San Diego hires these kids. The unions and private enterprise, under apprenticeship programs, they teach them a skill on the vocational side and they give them a better on-the-job training for their college preparation. And it works, Mr. Speaker. It is a good program. And it is an investment between the Federal, the State, and private enterprise.

This is similar to the model that I can see for this whole country, Mr. Speaker, in investing in our school systems. We can do that, if we can get away from the Federal socialized meddling with States' rights and let the States set their own educational standards, and let the States, if they want, have their own Goals 2000, and let the States do their own Head Start Program and keep the Federal rules and regulations, the inadequacies and the bureaucracy.

But, again, this place is about power. This whole balanced budget, and we will hear over and over and over again, from those that would put a socialist model on education, that this is the only place that can make those decisions. This government, at a Federal level, is the only one, because the States will not do it. We do not trust the States to do it because they want the power here in River City.

And that is what this whole debate is on the balanced budget. Because if the budget is balanced, Mr. Speaker, that power to disburse money and control dollars with rules and regulations down to the State level limits the minority party for reelection. And if we limit reelections, we limit the power. We limit the power to get reelected. It is a self-contained sewer system. That is what the budget debate is. They do not want to balance the budget because it limits their ability to flow dollars down to constituents.

I have told my colleagues about the plaque the President has on his wall during the election that said "It is the economy, stupid." It is not. It should be their pocketbook, stupid. Because when we touch somebody's pocketbook, liberal or conservative, they are up here fighting for those dollars, because the Federal Government is not going to provide it for them. And we should learn that lesson, Mr. Speaker.

Mr. Speaker, I think that my colleagues on the other side of the aisle would agree with this next statement; that part of the problem that we have with education is the current welfare system. I look, and I used to teach at Hinsdale High School in Hinsdale, IL. We have some of the finest schools in the, Chicago, IL, area, and, I think, in the world. We have Hinsdale and Evanston and Nutrier. But any time we look at the good schools, the good teachers, where they have good facilities, we need to look beyond that at the inner cities and some of the areas where the education programs, like Washington, DC, or any great city that we could come across.

There is an area of about 5 miles in Chicago of Federal housing. Those kids do not carry books, Mr. Speaker, they carry guns. It is loaded with pimps and prostitutes. Their pregnancy rates are terrible for unwed mothers. And what hope do those kids have? Do we think if we put computers in those schools that they would learn? Do we think across the country there is a low percentage of our teachers that even know how to turn on or even use those computers to teach those skills?

That is why I think the intereducation program, the Eisenhower grants, even through we get very little of the money back down, I would rather have the State provide it. But if we do not teach and give our teachers the funds, the wherewithal to upgrade their schools, like title 1 and Eisenhower grants, then how can we ask the teachers to perform and teach the kids, especially when they do not have computers in there in the first place. They have to learn those skills to be able to teach our kids.

If we look at the welfare system that we have, and I think it is one of the biggest reasons why education has failed, Mr. Speaker, where we have a system that discourages a parent coming together with a mother, a single mother, and a child or vice versa. If they do, we take that welfare check away from them. We discourage that couple getting together.

And I think my colleagues on the other side of the aisle would agree that every time I have been to a college event for graduation, or someone going to an academy or an education event, where there is success, the overwhelming majority of those successes involve where parents were involved with their kids. And if we do not have the parent involvement, the percentage, of those kids are going down. Yet the welfare system deters people from coming together or even a mother working.

Take a single mother. She wants to go to work. She will have to pay for child care. She is probably going to have to buy a new set of clothes. She will have to probably get some kind of training, because she has not worked in a second or third generation in many cases. But in many cases it is not, it is someone that has lost their job, that is having a hard time and they need to go back and they need the support. But there is a discouragement to get off of the system, because, again, we say go to work. You will have to have all these other costs, but we will take your welfare check away from you.

Well, I think we need to provide that. I also do not think we have provided enough funds for the job training, which my colleagues harp on. Why? Because if we are going to solve the problems of the welfare problem and reform, and if we are asking these people to get off of welfare, then they are saying for what? If I do not have the skills, if I have never worked in my life, or I have limited skills and I cannot read and cannot write, which the statistics show across the country, and I cannot even qualify for an entry-level job, how am I going to go to work and support my family? That is the area where I think, if anything, we need to increase the amount of job training for people, to help them get off of welfare.

I think, also, that when we look at the folks on welfare and look across the board, the low-income child is more likely not to succeed than those that come from higher socioeconomic levels. My colleagues on the other side are exactly correct on that. But the question is, Mr. Speaker, the model. Do we have a socialistic model, where the Federal Government does all and costs us extra dollars to get the dollars down because of the bureaucracy and the power and the rules and the regulations; or do we let the States, where we take away all those other costs?

My colleagues will say we at the Federal Government are the only ones that can do that. Mr. Speaker, I think that is intolerable. I think if we want to clean up our education system, we need to give States more responsibility and more power to do what they need to do. Because like I said, there is a lot of sand between San Diego, California, and Maine.

There are a lot of great programs out there, Mr. Speaker, and the States can still run those programs. But when we are getting as little dollars down that we can, down to the State level, I think that there is a lot of room for error and a lot of room that we can improve.

I want to give my conservative colleagues a caution, however, that I am a conservative. But serving on the Committee on Economic and Educational Opportunities, I have been enlightened in some cases by my collegues on the other side of the aisle, and I see one of them grinning right now. If we try to do this too fast, and we can look at the State of California and the economic situation that I have just talked about. Try and pass a school bond in San Diego County. It is very difficult. Even on a State-wide election or an initiative. Most people check no if we want to increase their taxes or increase their burden. It is very difficult to support that. Try an increase in tax, a gas tax or anything, to pick up that load to the State. People are resistant, Mr. Speaker.

A lot of my conservative friends, and which I consider myself one of, want to chop it off now; want to do totally away with it. If we do that, in my opinion, in my humble opinion, Mr. Speaker, we will damage some of the very programs that we are helping. I say that in the face of only getting 23 cents out of a buck.

But until we have that transition, until we can balance the budget, and it all ties in together, welfare, balanced budget, and education and jobs and revenue. It all ties in. It is called microeconomics. But until we can reduce those interest rates, until we can improve the economy, until we can get more dollars into people's pockets by having a $500 tax rate per child, that goes back into the pockets of people, until they can see where they are not both having to kill themselves just to get by to pay their mortgage, which they are paying $40,000 more for, or they are paying $4,500 more interest on a loan because of the deficit, then I think we will have trouble shifting that power.

□ 2215

And I think over the next 7 years, we ought to look and do so very, very carefully. Are we going to make some mistakes, Mr. Speaker? Yes, we are. But I think the blessings of it are that we are going to return that power to the States. We are going to reduce the size of the Federal bureaucracy back here, which is so key to the Democrat Party and their maintenance of power. And that is why they will blast us night after night saying that we are hurting the environment, we are hurting kids, we are hurting seniors and so on. What we are hurting is their power to get reelected so that they can have the power in River City.

ANNIVERSARY OF FIRST AFRICAN-AMERICAN TO SERVE IN HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me a great deal of pleasure this evening to engage with my colleague from South Carolina and others who may come, a special order dealing with an anniversary tonight of the seating of the United States House of Representatives on December 12 in 1870, 125 years ago, Congressman Rainey, Joseph H. Rainey, was sworn in to the United States House of Representatives. Today being December 12, we celebrate 125 years of that important event.

Let me say that on that day, Representative Rainey broke the color line in the House of Representatives, being the first African-American to be seated. He became a duly elected Member of the 41st Congress. A former State senator from South Carolina, he was born of slave parents. His parents were very successful as a barber and his dad purchased his freedom for him at an early age.

As a young man Joseph Rainey spent all of his free time educating himself. He followed his father as a barber and he continued to increase his education. At an early age he moved to Philadelphia where me met a young lady named Susan, and they were married and he moved back to South Carolina in 1859. Then with the outbreak of the Civil War, Mr. Rainey, Joseph Rainey, was drafted. He had to at that time work in the military.

He worked in an area providing food and serving passengers on a Confederate blockade runner and he worked in the fortification of Charleston, but he did not feel comfortable being a part of the Confederacy as a freeman and what he was able to do with his wife was to escape on a blockade runner and went to Bermuda. In Bermuda he settled in St. Georges, which is a parish in Bermuda and he set up a barber business there and his wife went into dressmaking. Both of them were very, very successful in their business in Bermuda, but as a South Carolinian, Bermuda was fine, business was great, but he yearned to go back to his home State and his hometown.

He started to hear about the fact that after the Civil War there had become opportunities for African-Americans in politics and he became very attracted to the area of politics. He decided to look into some of the opportunities and he became an active member of the South Carolina State Republican Party. He became a member of the State senate there, and in July 1870, they nominated him to fill a vacancy in the House of Representatives created by the resignation of Representative Benjamin Whittemore.

Once in Congress, and there was some time that passed before he was seated, but once in Congress, Representative Rainey was a staunch fighter for the rights of African-Americans. His first speech on the floor of the House was to gain national attention and to support a bill that imposed stiffer penalties against individuals and groups terrorizing African-Americans and white Republicans in former slave States. The speech was delivered on April 1, 1871, in the 42d Congress. The bill that he introduced was designed to enforce the citizenship rights set forth in the 14th Amendment of the Constitution and in the 1866 Civil Rights Act.

The bill, called the KKK Act, made it a Federal crime for two or more persons to conspire through force, intimidation, or threat to keep any person from accepting or discharging a public office, from functioning in court without hindrance, or from voting or otherwise participating in political campaigns under the penalty of a $500 to $5,000 fine and 6 months to 6 years in jail.

The KKK Act was enacted into law on April 20 in 1871, but the law did not immediately stop the bloodbath in the Southern States. Representative Rainey continued his work on the KKK Act by speaking in favor of the appropriations of Federal funds for the Federal courts that were set up under this act to enforce the law.

Representative Rainey was in favor of appropriating funds as necessary to carry on the court's persecution, until every man in the Southern States shall know that the government has a strong arm and that everyone shall be made to obey the law.

In the 43d Congress Representative Rainey concentrated on the civil rights measure to afford equal treatment to all in public accommodations, public transportation, hotels, amusement places, and schools. Representative Rainey's theory was that Federal aid for education was not a regional or racial issue but an issue of national importance.

The debate 125 years ago is similar to the debate that is going on in the House of Representatives today. This proposal that he discussed way back then was heavily discussed near the end of 1873. The saddest fact about this discussion that he talked about of public accommodations is that it was not until 1963, almost 100 years later, that this public accommodations act was finally passed.

Mr. Speaker, in May 1874, when Representative Rainey was a member of the Indian Affairs Committee, he presided over the debate in the House on a proposal to improve conditions on the Indian reservations. Another first in the life of Representative Rainey was that he was the first African-American to ever preside over the House of Representatives. Representative Rainey was defeated in his reelection bid to the 46th Congress after a bitter fight in the House of Representatives with his Democratic opponent from the previous election.

Representative Rainey and his family remained in Washington for a few years before moving back to South Carolina, where he died at the early age of 55. In the obituary the Charleston News and Courier, not a friend to Representative Rainey when he served in active public life, termed him, next to Robert Elliot, the most intelligent of South Carolina Reconstruction delegation politicians, and they thought that if he had been less honest, they say he probably would have attained even greater distinction. so I think that says a lot about a man who stuck to his convictions and in his death was finally given the credit that he should have gotten in life.

Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues and the American people some of the great work of the first African-American to serve in the House of Representatives, the Honorable Joseph Hayne Rainey of South Carolina, leader in the fight for rights of all Americans and minorities in this country.

At this time, I would like to yield time as he may consume to the gentleman from South Carolina, from the Sixth District of South Carolina, Representative JIM CLYBURN.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me to participate in this special order, and I thank him for organizing this special order this evening.

As the gentleman has mentioned, it is my great honor and privilege to serve in this body from the State of South Carolina, and to be here tonight to celebrate the 125th anniversary of Joseph Hayne Rainey's swearing in as a Member of this body is a great honor for me.

As was mentioned, Mr. Rainey was born in Georgetown, SC, though he made the bulk of his political life, at least it started in Charleston, where he moved to work as a barber and there entered political life.

Now, much has been said about Mr. Rainey's early life, but let me say just a little bit about him that has not been said thus far.

When Mr. Rainey took the position, of course he was elected to the State senate in 1870. And, of course, later that same year, he opted to fill an unexpired term in the Congress; and of course, when he came here, he came to represent what was then the First Congressional District, including Charleston and Georgetown, all the way up to Florence. The First District at that time was much like what is now the Sixth Congressional District that I am proud to represent.

Now, Mr. Rainey served for a little over 8 years. During this period, he served longer than any of the other, up until that time, people of color in the House of Representatives. Having been elected in 1870, he staying until around 1879.

Now it is kind of interesting when we look at Mr. Rainey's service. He was, of course, the first of eight African-Americans to serve during this period from 1870 to 1897. The last in that period was George Washington Murray. And when George Washington Murray left in 1897, no other person of color represented the State of South Carolina in this body until January, 1993, when it was my privilege to take the oath some 95 years later.

In 1993, the people of Georgetown honored Mr. Rainey by naming a park in the city for him and erecting in that park a bust of Mr. Rainey. And it was my pleasure to go to Georgetown and to be the keynoter for that occasion, and I am proud of the people of Georgetown for paying that honor, some 123 years after Mr. Rainey took the oath of office.

□ 2230

And, of course, we are here tonight on the 125th anniversary to add to the honor.

If we were to look at Mr. Rainey's service, we have to look to the future, I would hope, We know a bit from 1870 to now, 1995, 125 years, there was not continuous service. As I stated earlier, Mr. George Washington Murray left in 1897 and, of course, he was the last from South Carolina until I came along. Of course, in 1901, George White of North Carolina left and then no one of color served in this body until the 1920's, when there was a representative, Mr. De Priest, if my memory serves me well, elected from the State of Illinois.

Now, Mr. Speaker, I mention the State of Illinois here tonight because I think it helps to make my point. As we talk a little bit about the future, I used to teach history in the public schools of Charleston. I still love to read history. I would like to play interesting games with myself, as I go through history. I want to share with my brethren here this evening and other brothers and sisters who may be watching a little bit of what I feel about what went on during the time Mr. Rainey was elected and served and what has gone on today. There is some interesting similarities.

If we are to take note of recent developments, we know that just last week, the U.S. Supreme Court listened to argument over questions involving congressional districts and whether or not the drawing of congressional districts for the 1992 elections was unconstitutional or, I guess to put it in the positive, whether or not these congressional districts were constitutional. Of course, that hearing last week was precipitated by a decision a year ago by the Supreme Court concerning a case coming out of North Carolina, commonly referred to as Shaw versus Reno, at which time the Court said that the districts drawn in North Carolina were dissolved. It was kind of interesting that for the first time in the history of the country the Court decided that the esthetics of a congressional district would bring into question the constitutionality of those districts.

Until that time, no one had ever worried about what shape a district had. We had always left it up to the States to determine how all this was done. Of course, by constitutional edict, by the court's edict, we have said that political considerations could be taken into account, incumbency could be taken into account, communities of interest, all these things could be taken into account. But all of a sudden, of course, I do not think the court has ever spoken to this, but we all know that in many communities around the country, even religion has been sued in order to determine how lines have been drawn.

The interesting thing about all of this is that, and I would hope that a bit of guidance could be gotten from the Court on this, because if you look at what was going on in 1870, I want to, I do not like to deal with numbers too much. Most people who are lovers of history do not like to deal with numbers. We tend to try to deal with facts and ideas.

But in 1870, at the time Mr. Rainey was elected from South Carolina, there were 415,814 blacks living in South Carolina. Only 289,667 whites lived in South Carolina in 1870 at the time Mr. Rainey was elected.

There is something very interesting about all of this. When the elections for the general assembly were over that year, as I just said, it was in this year that Mr. Rainey was also elected to the State senate. Serving the State senate at that time you only had 31 State senators. Twenty-one of them were white and only 10 were black. Now, not only was the population almost better than 3 to 2 black to white, the registered voters were 3 to 2 black to white. Yet those majority black people elected two-thirds of the senate to be white.

Now, of course, in the lower body, the House of Representatives, it was reversed. There were 72 blacks serving in the House elected in 1870 and 48 whites.

Now, the reason I point this out is because those people, the majority of the general assembly being people of color, decided that they did not want, for whatever reason, to run roughshod over the rights of their white counterparts and so they put in place a system of voting designed to protect the rights of their fellow South Carolinians who happened to have been white. They used a system called cumulative voting.

That system was put in place and it stayed in place from 1870 until 1879. They got rid of cumulative voting in 1879, after the State officials prevailed upon then the President of the United States, Rutherford B. Hayes, to take the Federal troops out of the South and then, according to one writer, who I cannot recall the name of at the moment, but I remember this phrase very well in my study of history, one writer said, Ratherford B. Hayes took the Federal troops out of the South and then left the quote unquote Negro up to the creative devices of white South Carolinians, creative devices.

Sounds like dissolved to me. Well, what happened, through threats, intimidation, through things like poll taxes, literacy tests, they were successful in then rendering black South Carolinians almost voteless. So when Mr. Rainey left in, I believe, March of 1879, it started a domino effect and by 1897, some 18 years later, no other person of color was left to serve in the Congress and, of course, the same year, 1901, that George White left the Congress from North Carolina, a Mr. Bolt, I believe his name was, B-O-L-T, I think was his name, from Georgetown, became the last person of color to serve in the South Carolina general assembly. Having then not only put these new systems in place, they also then, in 1896, wrote a new constitution for South Carolina. Of course, with that they put in place systems of voting that made it impossible for people of color to elect their choices to serve in the body.

Now, cumulative voting is a very interesting concept. It was not just used in South Carolina. It was born in South Carolina. South Carolina was the first State to usher this system on the scene. I believe Horace Greeley of New York initiated cumulative voting for the State of New York. At that time it had nothing to do with race. It had to do with Tammany Hall. Republicans could not get elected because the Democrats around the city of New York controlled Tammany Hall and, of course, they had locked everybody else out.

So Mr. Greeley came up with the concept of cumulative voting around 1870. It failed. He came back, I think in 1872, and this time, using a system they called, we would now call it proportional representation, they, which is a form of cumulative voting, it does not accumulate, but it is a different form of single member districts, it was successful and New York used that system at least in its lower body. It did not use it in the Senate, but they used it in, they did not call it the house of delegates at that time, it was the lower body, the general assembly. That was not the only State. Illinois used cumulative voting.

The interesting thing about Illinois is that Illinois used it because what they found in Illinois was that if you were in the northern part of Illinois, the Democrats controlled. In the southern part of Illinois, the Republicans controlled or vice versa. Do not hold me to which was which. My memory is not that good this evening. But it was divided. In other words, there was never any kind of interaction between the rural part of Illinois and that part of Illinois that was urban and, therefore, you had this polarized voting in the general assembly that had nothing to do with race. So they decided that the best way to approach that was to use the system called cumulative voting. So Illinois put cumulative voting in place in 1870, and it stayed in place until 1979. They did not get rid of cumulative voting in Illinois until 15 years ago.

Now, I am pointing all this out tonight because when Mr. Rainey served in the State Senate of South Carolina, just a few months before coming to this body, he was part of a process that looked for methods beyond winner-take-all elections in order to ensure adequate representation and fairness toward the white South Carolinians. And I tonight believe that it is time for us in this body, in the courts, everywhere else, to begin to look for methods to ensure representation and fairness to the people of color who now represent the minority in these areas. Winner-take-all elections say by their very nature that 49 percent may not ever have their voices heard or their wishes addressed, if you continue on our present course.

So I want to say to you, the chairman of the Congressional Black Caucus, my good friend from New Jersey, that I am appreciative of the fact that you have allowed me to participate here this evening because I think it is important for us to look at the historical context, not just of Mr. Rainey's election to this body but also what was going on in the country at the time of his election and how magnanimous he and other people of color were.

Before I yield back my time, let me explain what this cumulative voting is all about, because some people seem to think it is something very strange. If I might use what they did in, I think it was Illinois, maybe it was New York, where they used three-member districts. They had legislative districts.

☐ 2245

Three members from each legislative district. What you do is that every voter gets three votes. That voter can give all three of his or her votes to one of the members, or can give one-and-a-half to two, or could give one vote to each of the three members in the district. And what they have found, as they found in Peoria, IL, where they use that today, they found it in Texas today, they found it in New Mexico, where they use it there, that it works. It allows everybody to participate.

I will tell you something else it does: It brings people to the polls, because when people feel they are outnumbered in these single member districts, they do not participate, because they do not think they have any chance to win. But when you go to these other methods, it allows for significant participation on the part of voters.

So, I think, as was said here earlier tonight as a part of some other discussions, that there are some things happening in our country today indicating that voters are polarized, that citizens are polarized, political parties are polarized, and we, the people of good will, ought to begin to look at our history a little bit, and hopefully learn from that history, and maybe we can find from the history some ways to bring our people together, as Mr. Rainey and his cohorts did, on behalf of the protection of white South Carolinians and white Americans throughout New York, Illinois and other States, back in the 1870's and just after Reconstruction.

So I want to thank the gentleman for allowing me to participate.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much. I certainly appreciate those remarks from the gentleman from South Carolina, bringing out history. We really appreciate the work the gentleman has done on affirmative action and some of the light that the gentleman has brought into that discussion. I certainly know the gentleman will continue the great work that he has been doing.

I just might also mention, since the gentleman used Illinois so much, that there is an interesting thing happening in Illinois as we speak. The polls have not closed nor has the tally been counted, but there is a feeling that Mr. Jesse Lewis Jackson, Jr., may win the election in the special election in Illinois, the State the gentleman has been talking about.

Well, it is very interesting that Mr. Jesse Lewis Jackson, Jr., happened to be born in South Carolina, and he was born about 30 years ago. Thirty years ago was the march in Selma to talk about voting rights and attempting to get the rights of all people to vote. His father, Jesse Lewis Jackson, Sr., Dr. Martin Luther King, Wyatt T. Walker, many of us and myself, marched in that march to try to get voting rights. So I just mention that, that it would be very interesting if the first person to be seated was a person born in South Carolina, 125 years ago to this date; that if Mr. Jesse Jackson, Jr., is elected, native of South Carolina, to be the last person to be seated tomorrow, it would be very interesting to tie in in just an interesting way, and maybe God meant it to be this way; if he is fortunate to win, for the 125 years to be encompassed with the beginning and the end, sort of the alpha and omega here tonight on December 12.

I thank the gentleman very much.

At this time I would like to yield to the gentleman from the great State of New York [Mr. OWENS], from the 12th Congressional District of New York.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey, the chairman of the Congressional Black Caucus, for convening this special order on Joseph Rainey on the occasion of Joseph Rainey's 125th anniversary upon being elected to the House of Representatives. On December 12, 125 years ago, Mr. Rainey took his seat in this House as the first black to be elected to the House of Representatives. Shortly before that, Mr. Hiram Revels had taken a seat in the Senate, on February 25.

I think it is very important, and I want to thank the gentleman from South Carolina for taking this occasion to give us a brief snapshot of some very important history. It was a lecture that I learned quite a bit from. It was only too short.

One of the advantages in celebrating an occasion like this, the anniversary of the seating of the first African-American to take a seat in the House of Representatives, is you can review some history and deal with some little known facts that are very seldom related, and you can also make an analysis and apply it to our present day problems. I think our friend from South Carolina [Mr. CLYBURN] has just done a marvelous job of not only adding some significant facts to the little known, but also applied it to the present. I think it is very important that we try to envisage the situation that existed when Joseph Rainey came to take his seat here in this House. I think it is important that young people understand what that must have been like. I think it is important for some of us who are caught in the present grip of a situation where there is a driven home to remake America, the Republican majority here is moving to remake America, and they are focusing on the budget right now and making it appear that the most important thing in the remaking of America is a reduction in the expenditures, a balanced budget, which creates a perfect excuse for cutting a lot of programs which benefit African-Americans, the descendants of slaves, because those descendants of slaves happen to be in a situation where economically they are still the poorest of Americans. There is a direct relationship between slavery, the institution of slavery, some people call it an institution, I call it a criminal industry, the criminal industry of slavery which existed for 232 years.

Let me just repeat that. The criminal industry of slavery existed in America for 232 years. Suddenly there was emancipation. Thank God for Abraham Lincoln and the Emancipation Proclamation, which set the stage for the freeing of the slaves, but did not free the slaves. It was the 13th amendment after the surrender of the Southern rebels, the 13th amendment that was enacted by the Congress which freed the slaves across the country.

But the precedent had within set by the Emancipation Proclamation. There was no turning back after Abraham Lincoln made his historic unpopular move in freeing the slaves as a strong President, taking an action that was not approved of by the Congress, that was not approved of by his own cabinet, but it was the right thing to do. It was a shinning moment in American history.

The important thing is to put all those facts together. The 232 years of slavery. We are the descendants of people who were kidnapped and brought here, and for 232 years they were enslaved, 232 years. When Joseph Rainey took his seat, the Civil War had not been over for very long and the slaves had not been free for very long.

It is almost a miracle that you could find anyone among the slaves who could qualify, who could organize, who could go through the political process to the point of going through the State legislature in South Carolina and then coming to the U.S. Congress. It is almost a miracle, because during that 232 years there was a determination to keep the slaves enslaved. There was laws made it a crime to teach a slave to read. Most of the Southern States, had laws, and the Southern States are where most of the slaves were concentrated, had laws which would imprison you, you could be put in prison for teaching someone to read. So the miracle is that you had enough who had learned to read, who had learned something about how to organize, to be able to bring the contingent to Congress that came in during the Reconstruction period. It was a great example of the phenomena that existed from the very first when the slaves were packed into slave ships and brought to the shores of the United States.

They did not come here like other immigrants. Our forefathers did not come here like other immigrants. They were packed into slave ships like sardines. There are disputes about how many came. Very interesting, our friend, the gentleman from South Carolina [Mr. CLYBURN], was talking, and he indicated one time in South Carolina, if I heard him correctly, there were more slaves than there were slave owners and whites, more descendants people of African descent, than there were whites in South Carolina.

I remember reading some figures in several books where Williamsburg in Virginia at one point had a slave population greater than the white population. Many other States had slave populations that were almost equal or perhaps even greater.

I imagine the people that took the census at those times would not let such a situation exist. There was a conflict, of course. Any Southern State wanted to have representation in Congress, so they had three-fifths of a man and each slave was allowed to stand for, which led to probably more an accurate account or, maybe some inflation of the figures sometimes, but it was to their advantage to count the slaves, because those three-fifths added up to more representation in Congress. But in truth in many cases the blacks outnumbered the whites in some Southern localities and in some Southern States, a fact which is seldom revealed.

The laws that made it a crime to teach a black to read were not the only laws. There were other laws that related to any other kind of process which allowed for the socialization of blacks. There were laws which forbade marriage among slaves. For 232 years most of the enslaved population could not even legally get married. It was not surprising then that there were breakdowns in family structures, that slaves struggled so hard to hold together after emancipation. It is not surprising there is a legacy of problems related to families.

It is not surprising there is a legacy of problems related to economics, just plain money. If you came here as a slave, you did not come with any relatives in the old country who could send you money, any relatives who could make arrangements with relatives already living here to take care of you for a little while. If you did not have relatives, some group, other immigrants who came, they found someone here. We were not immigrants, but the immigrants who came, they found someone here they could relate to. Whether they were relatives or not, if they came from the old country, they helped.

So those people were relatively rich compared to slaves, who were deliverately torn from their tribes and torn from their ethnic backgrounds. Deliberate attempts were made to wipe out their identity, to put them together from different tribes so they did not speak the same language, and deliberately chaos was fomented.

This was the heritage they came with, economically, zero, nothing. For 232 years, since slaves were owned by somebody else, they could not accumulate any wealth.

There are recent studies that have shown that blacks in this country right now, even the middle-class blacks who have jobs and incomes which are comparable to whites with comparable education, the income gap has closed a great deal. We can say that we have made great strides and that equality is just over the horizon in terms of the income earned by middle-class, educated blacks, versus middle-class, educated whites. But there is a great gap in wealth.

A recent book shows that the gap in wealth is due to one important phenomena that exists among all other people, and that is inheritance; that even a small inheritance passed down from one generation to another, it builds up wealth. Most of the homes, which account for a large part of the wealth of new couples, most of the homes bought by new couples who are white are paid for by the down payment, or some large part of the home is paid for by the parents of the couple on one side or the other. They help. They pass on that kind of capital. There are many other examples of capital belongings that are passed on which account for wealth.

But here you have slaves, and we are the descendants of slaves who passed on nothing for 232 years. And then 100 years after that 232 years, the oppression was so great that the ability, the capacity to earn anything to pass down, was almost zero still. So is it surprising that the economic conditions of blacks in America at this very point, with all of the efforts that have been made to try to improve them and to close the gaps, they remain very serious in terms of capital and assets. Even the best off blacks, the middle-class blacks, do not have capital assets.

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What does that boil down to? It means that if we streamline and we downsize and we take a job from a middle-class black, in a few months that middle-class black will be in poverty. There are no assets to back them up and to sustain them over a long period of time. So 3 to 6 months can spell disaster for a middle-class black earning a decent salary with a decent education.

The implications of this, I think, are not irrelevant to the discussion of Joseph Rainey. Joseph Rainey happened to be a situation where his father purchased his freedom. And I think it is to the credit of American slavery—there were some features in North American slavery that did not exist in South American slavery.

One of the things about North American slavery versus South American slavery was that in South America, the pattern of slavery for a long time was that slaves were brought over in large numbers and they were worked until they were worked to death. There was no attempt made to try to group slaves together and breed slaves and have offspring from the slaves, et cetera.

The pressure in North America, always there was a pressure, very early, this improvement of slavery so that the numbers that would come in were slowed down. And, finally, there were laws against more slaves coming in. And, finally, a law was passed which made slavery illegal and freed the slaves. There was a law to limit the number coming in. So the slave masters, the slave owners, the slave business in America did breed slaves. It found value in keeping the slaves alive. And in a sort of perverse way, that was a benefit.

Another benefit was, because of the pressure, the moral pressure, there were large numbers of slave owners who began to allow their slaves to purchase their freedom. It was a way to earn some extra income, I guess, in many cases. But for whatever reason, the purchase of the freedom by slaves even in South Carolina was a possibility. And the father of Joseph Rainey purchased his freedom, became a barber. Rainey became a barber. He had some sense of free enterprise.

Rainey was forced into the Confederate war machine later and he escaped. And, of course, I think we have related the story already of how he went to the West Indies and then came back after the war was over.

But the implications are what concern me most. I just want to close by trying to picture, again, and hoping that young people, both black and white, will try to picture a situation where slaves suddenly are able to move into politics. Slaves are begrudgingly admitted to the House of Representatives.

And this House of Representatives, which has always prided itself on being quite civil, was pretty mean and pretty nasty to the first black Congressman who came here. I just want to read from a book, which I will commend to those who are interested. Being a librarian, I cannot help but pass on some knowledge of where one can get some more knowledge. This is book called "Black Americans in Congress, 1870 to 1989." And the book is printed by the Government Printing Office, because it is a product of the Office of the Historian of the U.S. House of Representatives, and it was put together when Lindy Boggs was the chairman of the Bicentennial for Congress.

So this is a very good sketch of all the black Congressman from 1870 to 1989. And the introduction of this is by RON DELLUMS, who was at that time, when the book came out, the chairman of the Congressional Black Caucus. I want to read one or two paragraphs of this.

"The 19th Century black Congressmen, who unanimously adhered to the Republican party"—that is one of the ironies of history, is that all of the Congressmen who came here, Senators and Congressmen, were Republicans, because Abraham Lincoln was a Republican. It was the Republicans who freed the slaves. How history has changed.

> The 19th Century black Congressmen, who unanimously adhered to the Republican party, which had championed the rights of freed men, often found the struggle for political equality continued after their election. Many of them faced contested elections and spent a good deal of their time defending the legitimacy of their claim to a House seat. Others found it difficult to speak on the floor or were subject to the hostility of various colleagues on the floor.

I think our colleague, Mr. CLYBURN, noted before that there were all kinds of tricks employed to get rid of the black Congressmen, and they finally succeeded in getting rid of all of them for a long period of time. But every step of the way there were tricks employed, even in States where there was an overwhelming number of blacks, there were still more whites in many of the State legislatures and political offices than there were blacks, and there was still a situation where Mr. Rainey found himself challenged in election after election when he came here, due to the trickery and the various ways of denying representation.

I will not accuse the Supreme Court of trickery, but sometimes attitudes and postures, leanings, ideological bents, whatever we want to call them, can be just as poisonous as the kind of trickery that kept the number of black Congressmen very low and created misery for those who were here.

The Supreme Court, all of a sudden, as was pointed out by my colleague, Mr. CLYBURN, all of a sudden the Supreme Court has become interested in the aesthetics and the shape of congressional districts. Now, for years, since the beginning of the Republic, the aesthetics have been bad, because always incumbents and people in power, parties in power, drew the lines to get the best benefits for themselves.

So if we look over history, and we have some booklets that have the shapes of congressional districts over history, the worst shaped districts do not exist right now. There have been some far worse ones that have existed. The voting rights area districts that are being challenged now, those that happen to have black congresspersons or persons of African descent elected from them, they are not the worst that exist now. There are much worse, much more oddly shaped districts.

Suddenly the aesthetics have become a problem and we have a Supreme Court ruling that when we have these odd-shaped, strange-shaped districts, then something probably is wrong and we have a right to challenge them. And certainly if race is involved, that becomes a major factor.

We have a problem in this second period of reconstruction, when blacks finally began to get numbers in Congress which are consummate and comparable to the numbers of the population. We have officially, I think, about 13 percent of the population. Probably more, but about 13 percent. But we do not have 13 percent representation in Congress, but we are moving in that direction. We have 10. We are moving toward 10 percent. And as we move in that direction, we have these new challenges and this concern for aesthetics. It is a new kind of trickery.

I will close with the fact that the participation level in history by blacks must be raised. We must look back more carefully and more intensely at our history. Not just blacks but all Americans.

I think a great statement was made today by the Prime Minister of Israel about the greatness of America. We are a great country. There are many great attributes, and the greatness of America flowered in the 20th century. It was not the 19th century, as we came out of slavery, I assure you, but the 20th century.

We have a lot to be proud of, but we should look back on some of the history which is not so glorious and use the lessons of that history to take care of some of the problems that keep manifesting themselves in the mean-spiritedness that is exhibited in the budget debate and in the coming set of diversions that will take place as we move toward the election of 1996.

I thank the gentleman for yielding me this time.

Mr. PAYNE of New Jersey. I want to thank the gentleman very much for those remarks. Very instructive. And let me just say, as we conclude, that as the first African-American to serve in the Congress from the great State of New Jersey, we have to take a look at history, too, in the North.

As the gentleman knows, the North was the great divide and fought against the Confederacy. But in my State of New Jersey slavery was outlawed in 1804, but the law stated that a female at the age of 21 may become free and a male at the age of 25. Well, at the time of the Emancipation Proclamation in New Jersey, there were still slaves and there were still slaves in New Jersey until after the Civil War because there were children.

It went on to say that a child born of a slave, of course, was a slave. So, therefore, before a person would get to be 21 or 25, their child was a slave; and, therefore, they continued to have slavery in New Jersey, although the underground railroad came through New Jersey. As a matter of fact, Harriet Tubman retired in New Jersey and took the little pension that she got to help other people who were more impoverished, even though she was practically penniless.

In our State of New Jersey the 13th, 14th, and 15th amendments were defeated. The 13th amendment was defeated. The 14th amendment was passed, but then it was overturned by the legislature that just ruled out the entire legislature. The party that passed it was the Republican Party. The Democrats came in and won the election by virtue of the fact that New Jersey did not want to have that ratified. And the 15th amendment also failed to be passed.

So we have a history. In 1860, New Jersey, Lincoln lost New Jersey. And again in 1864, because New Jersey opposed his policies of the freeing of slaves. And so in 1868 there was a great meeting in Trenton, NJ, where African-Americans came together to talk about the fact that they were still disenfranchised. It was difficult to vote. There was still slavery.

As a matter of fact, New Jersey supplied the South with a great deal of their products, of leather and copper and brass, because New Jersey was a State that invented some ways of tanning leather and shining brass, and so New Jersey was a key State for enterprise in the South.

So I think it is interesting, as the gentleman indicated, that we remember what happened in history. Of course, it was great that in 1868 it was the black vote that created the victory for the President in that election. As a matter of fact, in 1868 the Presidential nominee lost the majority of the white vote, and it was the 70-percent turnout of blacks in the South that could vote for the first time because of the Emancipation Proclamation in the 1868 election that caused a victory.

So I think that as we conclude here, it has been very instructive. I certainly appreciate the comments from both of the gentlemen; that 232 if a number that should continually be talked about, the years of slavery. We need to have another time.

And just talking about wealth, it was the Homestead Act, where people were able to get property, but African-Americans were restricted from participating in the Homestead Act. There were land grants where people were granted land. If they lived on land in the 1860's for over 5 years, the land was given to them.

I have talked to people who today still own property that their great, great, great grandparents got in the Homestead Act. All an individual did, they got on a horse, or they ran on foot and simply put a stake on the land, and whoever got there first owned the land. African-American blacks could not participate in that. It was not that we could not run, it was just that they would not let us run.

So I would like to, once again, thank my colleagues. I think that probably our time has been consumed, and I certainly appreciate the Speaker's indulgence. Let me say that, once again, we appreciate your comments and we should do this again because there is so much to talk about.

In the gentleman's State of New York, there were riots because people in New York did not want to fight in the Civil War. They did not want to possibly be injured or maimed fighting the South.

Mr. FALEOMAVAEGA. Mr. Speaker, today marks the 125th anniversary of the first African-American elected to the House of Representatives. Joseph Hayne Rainey, was elected to Congress in December 12, 1870, serving four consecutive terms from the First Congressional District of South Carolina. He also was the first black Member of Congress from South Carolina.

From the humbling vocation of his father, a barber, to being drafted by the Confederacy to fortify Charleston, Joseph Hayne Rainey climbed the ranks of the Republican Party, serving as county chairman and as a member of the State executive committee from 1868 to 1876.

While in Congress Joseph Rainey served on the following committees: Freedman's Affairs; Indian Affairs; Invalid Pensions; Selected Enrolled Bills; Select Centennial; and the Celebration of Proposed National Census of 1875.

He was recognized for his gracious and suave manner, never humiliating, always approachable and always in service to his constituents. He demonstrated considerable ability as the expounder of the political aspirations for African-Americans, actively seeking civil rights legislation, including the integration of public schools.

Mr. Speaker, today we pay tribute to Joseph Hayne Rainey, the first elected African-American Representative from South Carolina.

He portrayed the struggle of African-Americans, the struggle to be recognized as people and citizens of the United States. As well as the passage of the 1866 Civil Rights Act, the 13th, 14th, and 15th amendments to our Constitution, Joseph Rainey provided African-Americans a vision of what can be achieved. He fought hard for both African-Americans and caucasians, for the free and those still in chains, for the literate and illiterate, for man and for woman—believing in equal opportunity and equal access, and that race should not be an issue.

Mr. Speaker, I am in admiration of Joseph Rainey's achievement. He entered the political arena 10 to 20 years removed from the bondage of slavery, and his rise to the Halls of Congress helped lift the struggle of African-Americans to a new plain and acknowledgment.

Joseph Hayne Rainey, born June 21, 1832, died August 1, 1887. Elected to the U.S. House of Representatives 125 years ago, December 12, 1870.

Mr. Speaker, I yield back to my colleague from New Jersey, Congressman PAYNE, and thank him for the opportunity to bear testimony on this special occassion.

Mr. SCOTT. Mr. Speaker, this evening, I join my colleagues in commemorating the 125th anniversary of the swearing-in of an outstanding legislator, leader and African-American hero—Congressman Joseph Hayne Rainey of South Carolina. Participating in this commemoration is a special privilege for me because direct descendants of Congressman Joseph Rainey are constituents of mine in the Third District of Virginia.

Congressman Rainey was the first African-American ever elected to the House of Representatives, who actually served in this body. He was elected during the Reconstruction period, in a special election to fill the unexpired term created by the resignation of an incumbent.

Congressman Rainey was born to slave parents in Georgetown, SC, on June 21, 1832. His father purchased his family's freedom and taught Congressman Rainey the barber's trade. Rainey lived for a time in Philadelphia and it was there that he met and married his wife, Susan. During the Civil War, Rainey was drafted and served passengers on a Confederate blockade runner. In 1862, he and his wife escaped on a blockade runner to Bermuda, where slavery had been abolished in 1834.

In 1866, Congressman Rainey returned with his wife to Georgetown, SC, where he became active in the political life of his community. He joined the South Carolina Republican Party and became a representative to the 1868 South Carolina Constitutional Convention. He was elected to a 4-year term in the State senate. Two months later, he was nominated by his party and elected to the 41st Congress. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Congressman Rainey was an active and vocal proponent for social and economic justice during his tenure in office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that outlawed racial discrimination in schools, transportation and public accommodations. In addition, he fought to expand educational opportunities by insisting that Federal aid to education be provided to all citizens and not exclude individuals by either race or region. In the congressional debate on the issue of education, Congressman Rainey stated:

> I would not have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Another historical moment during Rainey's congressional service occurred in 1874, when he became the first African-American to preside over a House session.

Throughout his tenure in the House, opponents of Congressman Rainey challenged his elections. He faced virulent opposition by whites because he represented the interests of both his African-American and white constituents. Eventually, such opposition took its toll and Rainey was defeated in 1878.

Congressman Rainey's service in Congress was noteworthy not only for its historic significance, but for the excellent role model he set, as well, for those of us since privileged to serve in this body. We all owe him a debt of gratitude for his life and the legacy of service he left us.

Ms. JACKSON-LEE. Mr. Speaker, I am delighted to commemorate the life and distinguished congressional career of Joseph Hayne Rainey, the first African-American elected to the U.S. House of Representatives. Joseph Hayne Rainey was elected to Congress in 1870 and served until 1879. Among his achievements, the former Representative from South Carolina was eloquently outspoken in favor of legislation to enforce the 14th amendment. He laid the early ground work for the civil rights movement of the 1960's by demanding that African-Americans be admitted to all public places, and he worked to ensure that African-Americans were given all the civil rights that every other American citizen was entitled to.

Congressman Joseph Hayne Rainey was born and raised in South Carolina. His father had bought freedom for the family, and the young Joseph Rainey secured his limited education through private instruction. During the Civil War, when he was drafted by the Confederate authorities to work on forts in Charleston, Joseph Rainey was able to escape to the West Indies. He returned to South Carolina at the end of the war, and instead of exacting revenge against his oppressors, Joseph Rainey strongly supported amnesty and debt relief for ex-Confederates and white planters.

Joseph Rainey's forward-looking vision serves as a model for political office today. We can all learn from his example of courage in the face of adversity. Indeed, Congressman Joseph Hayne Rainey practiced the politics of inclusion, rather than the politics of divide and conquer.

Congressman Rainey served as a Member of Congress during the difficult era of Reconstruction. His policy was to focus on healing America, by moving the country forward into a new era. Today, the strife and division over race continues. Our work here in Congress and our everyday lives should be devoted to understanding our common goals as a Nation by working together for full citizen participation, progress, and peace. It is with a glad heart that I honor Congressman Rainey's life and career, which exemplified true public service.

Mr. CLAY. I rise in honor of the 125th anniversary of the swearing in of Joseph Hayne Rainey of South Carolina, the first black Member of Congress, into the 41st Congress.

In 1870, Rainey became the first black man actually to be seated in the House. He had been elected to a 4-year term in the State Senate, just 2 months prior to winning the congressional seat, which was being vacated because of the resignation of the incumbent, who had been accused of selling appointments to military academies. Rainey was slated as the Republican nominee and defeated his Democratic opponent in a special election. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Rainey was very active and vocal during his tenure of office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that made racial discrimination in schools, transportation, and public accommodations illegal. He argued that unless certain protections for blacks were firmly established by Federal Law, there should be no amnesty for former Confederate officials.

Rainey also fought to expand educational opportunities. Insisting that Federal aid to education was not a sectional or racial issue, but one of great national import, he produced data showing that 126,946 school-age children in Illinois did not attend school; 308,213 in Indiana were not attending; 666,394 in Louisiana were not enrolled; and in Arkansas, of the 180,000 total school-age population only 40,000 were in daily attendance. In congressional debate, Rainey said,

> I would have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Congressman Rainey was indeed an early advocate for public education, as well as equal opportunity. Thanks to his efforts, and those of other public education advocates, every child in America has access to education. It is now the task of the 104th Congress to make sure that every child has access to a quality education.

I invite our colleagues to join me in celebrating the life of Joseph Hayne Rainey by accepting and meeting this challenge.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in recognition of the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. One hundred and twenty-five years ago today, Mr. Rainey took his place in this great Chamber, beginning what was to become a long and distinguished career in public service.

Through hard work and dedication, Joseph Hayne Rainey rose from a limited educational background in the pre-Civil War South to a position of prominence in South Carolina's State government. On December 12, 1870, he was sworn in as a Member of the U.S. House of Representatives, where he served the citizens of South Carolina until his retirement in 1879.

During his time in Congress, Rainey was a forceful advocate in the battle to achieve and uphold the civil rights of all citizens, particularly African-Americans. An eloquent statesman, his speeches in favor of the 14th amendment, the Ku Klux Klan Act, and the Civil Rights Bill helped energize and give credence to the fight to end racial discrimination within all realms of society, including public and private transportation, our Nation's public schools, and the judicial system.

Congressman Rainey's agenda crossed all boundaries of race and region. As a leader in the fight to expand educational opportunities for all citizens, Rainey confronted issues which still occupy the legislative agenda over a century later. His vision of a nation where a child's future was not based upon background or ethnicity, but upon talents and abilities, is his enduring legacy and it remains a dream that we must continually nurture and struggle to achieve.

On this, the anniversary of Joseph Hayne Rainey's swearing-in as the first African-American Member of Congress, I ask my colleagues to join me in paying tribute to this noted trailblazer whose leadership on important societal issues should serve as an inspiration for all Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. His is a story of struggle and hope, perseverance, and success.

Congressman Joseph Rainey fulfilled the American Dream. No, his is not a story about instant success or one of rags to riches. Mr. Rainey's story is one of struggle, as he was born a slave in Georgetown, SC. Shortly after his birth, Joseph's father bought the Rainey family out of slavery. Soon, the elder Rainey established a prosperous business as a barber. Joseph followed his father's vocation, married and moved to Charleston, SC.

Drafted by the Confederacy in 1862, Joseph built military fortifications until he and his wife escaped to Bermuda. At the end of the war, Joseph returned to South Carolina, where he became active in the Republican Party. After establishing himself politically, Rainey was elected to Congress in 1870.

He went on to serve consecutive terms in Congress, representing his home district of Georgetown. And, as many of us know, that is no simple task even after 100 plus years of Reconstruction. In my State, I am the first African-American Congressman to represent Florida since 1871, when Josiah Walls was elected to serve in Washington. Mrs. MEEK and Ms. BROWN are the first African-American Congresswomen ever to serve our State.

My friends, this is not a fable of the Reconstruction. This is a story of struggle and liberation, this, is the American Dream.

Although my term in this House occurs 125 years after his, Joseph, and I have much in common. While in Congress, Representative Rainey was a very active proponent of civil rights legislation, including the integration of schools. He delivered effective speeches on the enforcement of the 14th amendment and the Ku Klux Klan Act.

The Congressman fought to broaden educational opportunities, believing that Federal aid for education was important to all Americans, regardless of race or region. It is this message that he would probably deliver to the majority in Congress today. Mr. Rainey was fiercely loyal to party and to cause.

And so, Mr. Speaker, it is with great pride that I honor Mr. Joseph Hayne Rainey, the first African-American Member of Congress.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to the gentleman from New Jersey, Congressman DONALD PAYNE, for reserving this special order. DON is doing an outstanding job as chairman of the Congressional Black Caucus. As a founding member of the CBC, I am particularly pleased to join Congressman PAYNE and others as we pay tribute to an individual who was a political trailblazer, and who left his mark on the Halls of Congress and this Nation.

On December 12, 1870, Joseph Hayne Rainey was sworn as a Member of the 41st Congress. In this context, he became the first African-American to serve in the U.S. House of Representatives. He served in this legislative body until March 3, 1879. We gather today, on the 125th anniversary of his significant swearing-in, to recognize the contributions of Joseph Hayne Rainey.

Mr. Speaker, Joseph Rainey's swearing-in was particularly historic in light of the fact that just 2 years earlier, in 1868, a black American was elected to the House of Representatives, but was denied his seat. On November 3, 1868, John Willis Menard was elected to the House of Representatives from the Second Congressional District of Louisiana. Although his credentials were certified by the Governor of that State, Menard's seat was successfully contested and declared vacant on February 27, 1869. As a consequence, John Willis Menard was never permitted to sit in the Congress to which he had been elected. Prior to his departure from the House of Representatives, John Menard became the first black American to deliver a speech on the floor of the House.

History records that America's first black Senator suffered a similar experience. Hiram Revels was elected to the U.S. Senate on January 20, 1870, to fill the unexpired term of Jefferson Davis. Mr. Revels suffered a bitter debate over his right to be seated in the Senate. He faced baseless charges, including the charge that by virtue of his former condition of slavery, that he had not been a U.S. citizen the required 9 years. On February 25, 1870, almost a year to the day after the refusal of the House of Representatives to seat John Menard, Hiram Revels won his seat in the Senate.

It was in this type of setting that Joseph Hayne Rainey entered the Halls of Congress to represent his South Carolina district. Joseph Rainey was born in Georgetown, SC. His father was a barber who brought the freedom to his family. Rainey began his political career as a member of the executive committee of the Republican Party in that State. In 1870, Joseph Rainey was elected to fill the unexpired term of Congressman B.F. Whittenmore. Thus, he became the first black American to be elected and serve as a Member of the U.S. House of Representatives.

In the Congress, Joseph Rainey served with distinction as a member of the Freedmen's Affairs Committee, the Select Enrolled Bills Committee, and the Celebration of Proposed National Census of 1875 Committee, just to name a few. History records that Joseph Rainey was a skilled legislator and orator. He made impressive speeches on the House floor in favor of legislation to enforce the 14th amendment and the Civil Rights Act. Joseph Rainey also fought to expand educational opportunities. It was his belief that this was not an issue involving region or color, but an issue of great national importance.

Joseph Hayne Rainey served in the U.S. Congress until his retirement on March 3, 1879. Following his tenure in Congress, he was appointed as a special agent of the Treasury Department for South Carolina. He died in his hometown of Georgetown, SC, in 1886.

Mr. Speaker, as we gather in the House Chamber today, we pay tribute to Joseph Hayne Rainey. He and many others were trailblazers for the generations of black elected officials who have followed in their path. I applaud our good friend, Congressman DONALD PAYNE, for calling this special order to acknowledge the contributions of Joseph Hayne Rainey. It is certainly fitting and appropriate that we do so.

Ms. ROS-LEHTINEN. Mr. Speaker, I join my colleagues in this tribute to the public service of the Honorable Joseph Rainey of South Carolina, who was sworn in as a Member of the House of Representatives 125 years ago.

I congratulate Congressman DONALD PAYNE, chairman of the Congressional Black Caucus, for organizing this special order in honor of Congressman Rainey.

Born in slavery in 1832, Congressman Rainey joined the Republican Party at the end of the Civil War, and in 1870 was elected to the South Carolina State senate. That same year, a vacancy in the U.S. House of Representatives presented Joseph Rainey with the opportunity to accept the Republican nomination for the First Congressional District in South Carolina. He defeated Democrat C.W. Dudley, and was sworn in as a Member of this House on December 12, 1870.

Congressman Rainey was reelected in 1872, again in 1874, and in 1876. It was only after the tragic political compromise of 1877, in which the rights of black Americans were sacrificed to political expediency, that Congressman Rainey's political career faded. After Federal troops withdrew from the South, the protection of all voter's rights to vote became impossible. The party of Abraham Lincoln was no longer able to protect Congressman Rainey in the increasingly polarized South that emerged after the reconstruction era ended. Mr. Rainey lost the election of 1878, and was never again to serve in public office.

I am proud to be a member of Mr. Rainey's party, and proud of our heritage of racial justice and political courage. Since Mr. Rainey's service in the Congress, we have made great strides toward our goal of making the House of Representatives into a house that truly represents the American people.

We were able to make those strides only because of the political and personal courage of our predecessors in public office. When one studies the social conditions of the late 19th century in a small southern city like Washington, DC, one knows that Mr. Rainey must have been a man of great personal courage and strength.

May we here today always strive to live up to his example.

Mr. SANFORD. Mr. Speaker, 125 years ago today one of my predecessors in the First District of South Carolina, the Honorable Joseph Hayne Rainey, was sworn in as the first African-American Member of the U.S. House of Representatives. I am proud to carry on his tradition of service to our area of South Carolina.

Representative Joseph Hayne Rainey was born in Georgetown, SC in 1832. Although having limited education he became a leader in post-Civil War South Carolina. And, in 1867, Representative Rainey became a member of the executive committee of the newly formed Republican Party of South Carolina. He served as a delegate to South Carolina's constitutional convention, and was later elected to the State senate. In 1870 he was elected to fill a vacant seat in the U.S. House of Representatives and served until 1879.

While in the House of Representatives, he impressed many people with his floor speeches on behalf of the enforcement of the 14th amendment and the civil rights bill. He was a fervent believer in equal rights for all citizens.

But this is what anyone could find out, as I did, through reading the brief biographical sketches that exist of Representative Rainey. What particularly struck me was that Representative Rainey was a man of conviction. He is described, in one of these sketches, as a man who stuck to his principles and was known as a courteous debater who defended his position not through arrogance, but through persuasion. In this respect, I seek to emulate him.

I was also impressed by the fact that Representative Rainey after leaving the House served again in South Carolina and then returned to Washington to work in the banking and brokerage business. In this sense, he also represented what I seek to be, a citizen legislator. And I am honored to be able to follow in his footsteps as a representative of the First District of South Carolina.

Miss COLLINS of Michigan. Mr. Speaker, I am pleased to commemorate the 125th anniversary of the election to Congress of the first African-American Member. Clearly, the highest honor we could bestow on the Honorable Joseph Hayne Rainey is to assure him that the struggle he began in this Congress 125 years ago, is being carried on today by some of us who still recognize that racial inequality and discrimination—two of the issues Congressman Rainey struggled valiantly against—continue to impact important policy decisions of this body. We saw it in our consideration of the sentencing guidelines relating to crack cocaine. We see it in the ongoing emphasis of the majority to put more of our citizens in prison, as opposed to investing in education and jobs. It is visible in the efforts by some to reduce the liability for white collar crime and securities fraud. We see it this week in the foreign operations appropriations measure which provides billions of foreign aid to some individual countries, while completely annihilating aid to the entire region of the sub-Saharan African countries. Another example is the announced effort in the coming session to eliminate affirmative action programs, without taking other effective steps to correct racial discrimination in that all important area of meaningful employment.

I believe that all of these important issues and others like them would be of great concern to Congressman Joseph Hayne Rainey, if he were here today. And I want him to know that partly due to the inspiration of his efforts and memory—many of us are still here working in support of his cause. Thank you Congressman Rainey. We will continue the fight.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–402)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 24, 40, 54, 57, 67, 77, 83, 85, 94, 99, 100, 105, 107, 111, 117, 118, 123, 136, 138, 147, 148, 155, 163, 166, and 169.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 32, 34, 36, 45, 46, 48, 50, 51, 52, 56, 59, 61, 62, 66, 71, 72, 73, 74, 75, 76, 78, 80, 81, 82, 87, 88, 93, 96, 97, 102, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 159, 160, 161, and 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *, and assessment of mineral potential of public lands pursuant to P.L. 96–487 (16 U.S.C. 3150 (a)), $568,062,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows: After the first comma in said amendment insert: *of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of P.L. 96–487 (16 U.S.C. 3150), and*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$568,062,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,115,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$101,500,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,800,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$93,379,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$497,943,000, to remain available for obligation until September 30, 1997*, and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,655,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,900,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Public Law 88–567," insert: *if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 and pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995,* ; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:$1,083,151,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: , *and of which not more than $500,000 shall be available for development of the National Park Service's management plan for the Mojave National Preserve: Provided, That these funds shall be strictly limited to the development activities for the Preserve's management plan* ; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *:$37,649,000* ; and the Senate agree to the same.

Amendment Numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,212,000* ; and the Senate agree to the same.

Amendment Numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,225,000* ; and the Senate agree to the same.

Amendment Numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$4,500,000 of the funds provided herein* ; and the Senate agree to the same.

Amendment Numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,100,000* ; and the Senate agree to the same.

Amendment Numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.*

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to state, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and (Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g and related purposes as authorized by law and to publish and disseminate data; $73,503,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, that none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is* *enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of the fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey;* and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,994,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations; Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function become effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$173,887,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,384,434,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,209,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$71,854,000*; and the Senate agree to the same.

Amendment Numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Before ": *Provided further*" in said amendment, insert: , *to become effective on July 1, 1997*; and the Senate agree to the same.

Amendment Numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,833,000*; and the Senate agree to the same.

Amendment Numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,645,000*; and the Senate agree to the same.

Amendment Numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment Numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the first sum named in said amendment insert: *$4,500,000*.

In lieu of the second sum named in said amendment insert: *$35,914,000*.

In lieu of the third sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment Numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research*; and the Senate agree to the same.

Amendment Numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of "October 1, 1995" named in said amendment insert: *March 1, 1996*; and the Senate agree to the same.

Amendment Numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Sec. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.*

And the Senate agree to the same.

Amendment Numbered, 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian *tribe from and after the time at which such tribe shall—*

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights of way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

And the Senate agree to the same.

Amendment Numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Sec. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.*

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792), including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

And the Senate agree to the same.

Amendment Numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$178.000,000*; and the Senate agree to the same.

Amendment Numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$136,794,000, to remain available until expended, as authorized by law*; and the Senate agree to the same.

Amendment Numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,256,253,000*; and the Senate agree to the same.

Amendment Numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,500,000*; and the Senate agree to the same.

Amendment Numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,200,000*; and the Senate agree to the same.

Amendment Numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Forest Service," in said amendment insert: *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California,* ; and the Senate agree to the same.

Amendment Numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

Amendment Numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

For fiscal years 1996 and 1997, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association), except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity, as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this section, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree notwithstanding any other *provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.*

And the Senate agree to the same.

Amendment Numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert: *and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,169,000*; and the Senate agree to the same.

Amendment Numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$148,786,000*; and the Senate agree to the same.

Amendment Numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$553,293,000*; and the Senate agree to the same.

Amendment Numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$140,696,000*; and the Senate agree to the same.

Amendment Numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,196,000*; and the Senate agree to the same.

Amendment Numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,266,000*; and the Senate agree to the same.

Amendment Numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,747,842,000*; and the Senate agree to the same.

Amendment Numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,958,000*; and the Senate agree to the same.

Amendment Numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$308,188,000*; and the Senate agree to the same.

Amendment Numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,442,000*; and the Senate agree to the same.

Amendment Numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,840,000*; and the Senate agree to the same.

Amendment Numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

And the Senate agree to the same.

Amendment Numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of Subsection (g) insert the following:

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

And the Senate agree to the same.

Amendment Numbered 152:

That the House recede for its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project").

(b)(1) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Energy and Natural Resources of the Senate and Committees on Agriculture, Appropriations, and Resources of the House of Representatives, by April 30, 1996, an assessment on the National Forest System lands and lands administered by the Bureau of Land Management (hereinafter "Federal lands") within the area encompassed by the Project. The assessment shall be accompanied by draft Environmental Impact Statements that are not decisional and not subject to judicial review, contain a range of alternatives, without the identification of a preferred alternative or management recommendations, and provide a methodology for conducting any cumulative effects analysis required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)) in the preparation of such amendment to a resource management plan pursuant to subsection (c)(2). The Executive Steering Committee shall release the required draft Environmental Impact Statements for a ninety day public comment period. A summary of the public comments received must accompany these documents upon its submission to Congress.

(2) The assessment required by paragraph (1) shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest and rangeland health conditions and the implications of such dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density and related social and economic effects.

(3) The assessment and draft Environmental Impact Statements required by paragraph (1) shall not: contain any material other than that required in paragraphs (1) and (2); be the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); or be accompanied by any record of decision or documentation pursuant to section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, each Forest Supervisor of the Forest Service and District Manager of the Bureau of Land Management with responsibility for a national forest or unit of land administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project shall—

(A) review the resource management plan (hereinafter "plan") for such forest, the scientific information and analysis in the report prepared pursuant to subsection (b) which are applicable to such plan, and any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any which is, or is intended to be, of limited duration, and which the Project addresses; and

(B) based on such review, develop a modification of such policy, or an alternative policy which serves the basic purpose of such policy, to meet the specific conditions of such forest.

(2) For each plan reviewed pursuant to paragraph (1), the Forest Supervisor or District Manager concerned shall prepare and adopt an amendment which: contains the modified or alternative policy developed pursuant to paragraph (1)(B); is directed solely to and affects only such plan; and addresses the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions. The Forest Supervisor or District Manager concerned shall consult at a minimum, with the Governor of the State, and the Commissioners of the county or counties, and affected tribal governments in which the forest to which the plan applies is situated during the review of the plan required by paragraph (1) and the preparation of an amendment to the plan required by this paragraph.

(3) To the maximum extent practicable, each amendment prepared pursuant to paragraph (2) shall establish site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any major change in land use allocations within the plan or would reduce the likelihood

of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant change, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), requiring a significant plan amendment or equivalent.

(4) Each amendment prepared pursuant to paragraph (2) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b)(1) shall be deemed to meet any requirement of such Act for such analysis and the scoping conducted by the Project prior to the date of enactment of this section shall substitute for any scoping otherwise required by such Act for such amendment, unless at the sole discretion of the Forest Supervisor or District Manager additional scoping is deemed necessary.

(5) The review of each plan required by paragraph (1) shall be conducted, and the preparation and decision to approve an amendment to each plan pursuant to paragraph (2) shall be made, by the Forest Supervisor or District Manager, as the case may be, solely on: the basis of the review conducted pursuant to paragraph (1)(A), any consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 required by paragraph (6), any documentation required by section 102(2) of the National Environmental Policy Act, and any applicable guidance or other policy issued prior to the date of enactment of this Act.

(6)(A) Any policy adopted in an amendment prepared pursuant to paragraph (2) which is a modification of or alternative to a policy referred to in paragraph (1)(A) and upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973, shall not again be subject to the consultation or conferencing provisions of such section 7.

(B) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2).

(C) No further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on the amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any plan related to such policy or the species to which such policy applies.

(7) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before October 31, 1996: Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before March 31, 1997.

(8) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after March 31, 1997, or after an amendment to the plan which applies to such forest is adopted pursuant to the provisions of this subsection, whichever occurs first.

(9) On the signing of a record decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.

(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands.

And the Senate agreed to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to sub-paragraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 319. GREAT BASIN NATIONAL PARK.

Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) Exchanges.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) Acquisition by donation.—

"(A) In general.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

"(B) Termination.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

Sec. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) Processing Schedule.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and File reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) Mineral Examinations.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *328*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *329*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *330*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 331. (a) Purposes of National Endowment for the Arts.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) Additional Congressional Findings.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) Prohibition on Funding That Is Not Consistent With the Purposes of the Act.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs, and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) Section Not To Affect Other Works.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

And the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

Amendment numbered 171:

That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

Sec. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

And the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

Sec. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan *and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.*

And the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment:

In lieu of the matter proposed by said amendment insert:

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

And the Senate agree to the same.

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
PETE V. DOMENICI,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 1977 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 104–173 or Senate Report 104–125 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not earmarked by individual projects. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the FY 1996 budget, including but not limited to, projects for which capability statements have been prepared.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened and endangered species, $1,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for ALMRS, $500,000 for administrative support, and $834,000 for bureau-wide fixed costs; and increases of $4,981,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines.

Amendment No. 2: Restores House provision stricken by the Senate which provides $599,999 for the management of the East Mojave National Scenic Area. The Senate had no similar provision. The amendment also adds language earmarking $2,000,000 for mineral assessments in Alaska.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates $235,924,000 for wildland fire management as proposed by the House instead of $240,159,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 5: Appropriates $3,115,000 for construction and access instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Sourdough Campground, AK	$584,000
Byington Campground, ID	290,000
West Aravaipa Ranger Station, AZ	200,000
Railroad Flat Campground, CA	218,000
Penitentie Canyon, CO	220,000
James Kipp Campground, MT	345,000
Datil Well Rec Site reconstruction, NM	41,000
Encampment River Rec Area, WY	60,000
Indian Creek Accessibility Rehab, NV	57,000
El Camino Real Int'l Heritage Ctr., NM–A&E	500,000
Flagstaff Hill, OR	600,000
Total	3,115,000

The managers urge BLM and the non-Federal partners to consider during the A&E phase of the El Camino Real International Heritage Center project the fact that future construction funds are likely to be severely constrained.

PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $101,500,000 for payments in lieu of taxes instead of $111,409,000 as proposed by the House and $100,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,500,000 as proposed by the House and $10,550,000 as proposed by the Senate. The $12,800,000 includes $3,250,000 for acquisition management, $1,000,000 for emergency and inholding purchases, and $8,550,000 for land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 8: Appropriates $93,379,000 for Oregon and California grant lands instead of $91,387,000 as proposed by the House and $95,364,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for Jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan for the unemployed timber worker programs.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of employment in the various jobs. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 9: Appropriates $497,943,000 for resource management instead of $497,150,000 as proposed by the House and $501,478,000 as proposed by the Senate.

The net increase above the House consists of increases of $3,800,000 for cooperative conservation agreements, $750,000 for listing, $2,237,000 for habitat conservation, $1,502,000 for migratory bird management, $600,000 for hatchery operations and maintenance, $800,000 for fish and wildlife management, $478,000 for the National Education and Training Center, and $885,000 for vehicle and aircraft purchase; and reductions of $500,000 for recovery, $230,000 for environmental contaminants, $6,542,000 for refuge operations and maintenance, and $2,987,000 for servicewide administrative support.

The conference agreement includes $3,800,000 for cooperative conservation agreements with private landowners to institute effective management measures that make listing unnecessary. The managers intend that these funds also be used to implement the 4(d) rule which is intended to ease endangered species land use restrictions on small landowners. The managers agree that none of the funding for cooperative conservation agreements or listing be used in any way to conduct activities which would directly support listing of species or designating critical habitat.

The managers have included $750,000 under the listing program to be used only for delisting and downlisting of threatened and endangered species in order to ease land use restrictions on private and public lands.

The conference agreement includes a reduction of $200,000 from the gray wolf reintroduction program. The managers expect the Service to continue the cooperative agreement with the Animal and Plant Health Inspection Service to provide assistance to ranchers experiencing livestock losses to wolves.

The managers agree with the Senate position regarding the continued operation of Federal fish hatcheries. However, the funding provided for hatcheries in total is below last year's level, so reductions will be necessary. The managers encourage those non-Federal parties that have expressed an interest in participating in hatchery transfers to continue to pursue this option, and the Service should provide the transitional assistance for such efforts as was contemplated in the budget. Within the funds restored for hatchery operations and maintenance, $500,000 is provided only for maintenance of those hatcheries transferred during fiscal year 1996.

The managers reiterate, however, the need for the working group proposed by the Senate to identify, by March 1, 1996, savings from the fisheries program that equal or surpass the savings associated with the hatchery transfers or closures proposed in the budget. Outyear funding for fisheries and other programs cannot be assured at a time of declining budgets, and future transfer proposals might not involve transitional assistance. The managers expect that there will be significantly fewer Federal fish hatcheries by the end of fiscal year 1997.

The National Fish and Wildlife Foundation is funded at a level of $4,000,000. The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for the Foundation.

The managers direct the Department to reinstate its 1992 policy, modified to reflect public comments received, regarding permit terms and conditions for hunting and fishing guides in Alaska providing permit terms of 5 years with one renewal period of 5 years, transferability under prescribed conditions, and a right of survivorship. At such time as the new policy is implemented, existing permits should be reissued consistent with this policy. The managers note that the existing policy limiting terms to one year makes it impossible to obtain financing for guiding operations while the limit on transferability and survivorship prevent long-time family businesses from continuing upon the death or illness of the permit holder.

The managers recognize the Fish and Wildlife Service's fisheries mitigation responsibilities pursuant to existing law and expect the working group to take into account such responsibilities.

Amendment No. 10. Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: Includes language proposed by the Senate which prohibits listing additional species as threatened or endangered and prohibits designating critical habitat during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION

Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Bear River Migratory Bird Refuge, UT, flood repair	$1,000,000
Bosque del Apache NWR, NM, repair	1,820,000
Hawaii captive propagation facility, HI	1,000,000
Mississippi refuges, bridge repair and equipment	1,120,000
National Education Training Center, WV, construction	24,000,000
Quivira NWR, KS, water management	760,000
Russian River, AK, rehab	400,000
Southeast Louisiana refuges, rehab	1,000,000
Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair	700,000
Dam safety, servicewide inspections	460,000
Bridge safety, servicewide inspections	395,000
Emergency projects—servicewide	1,000,000
Construction management—servicewide	4,000,000
Total	37,655,000

The managers expect the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT

Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reductions below the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION

Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $14,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The $36,900,000 includes $8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increase above the House includes $2,230,000 for habitat management and $20,000 for administration.

The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for this program.

WILDLIFE CONSERVATION AND APPRECIATION FUND

Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $998,000 as proposed by the House.

Amendment No. 17: Deletes matching requirements proposed by the House and stricken by the Senate. The matching requirements of the Partnerships for Wildlife Act will continue to apply, and do not need to be stated in the appropriations act.

ADMINISTRATIVE PROVISIONS

Amendment No. 18: Provides authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House prohibition on purchasing police vehicles. The Senate had no similar provision.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX. The Senate had no similar provision.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to charge reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be used to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modifies Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipates approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Allowing the pesticide use proposal process to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 24: Deletes Senate language providing $145,965,000 for a natural resources science agency and providing guidance on the operation of that agency. This agency would have replaced the National Biological Service. The House had no similar provision. The managers have agreed to eliminate the National Biological Service and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is discussed in more detail under amendment Nos. 42 and 43.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 25: Appropriates $1,083,151,000 for operation of the National park system instead of $1,088,249,000 as proposed by the House and $1,092,265,000 as proposed by the Senate. The reduction from the Senate level reflects the transfer of the equipment replacement account back to the construction account.

In keeping with the demands placed on other Interior bureaus, the managers have not funded uncontrollable costs and expect these costs to be absorbed through reductions to levels of review and management. Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities or field locations with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization effort and strongly urge the NPS to limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying NPS' preliminary allocations for fiscal year 1996. This report will serve as the baseline for any reprogrammings in fiscal year 1996.

In considering these allocations, the managers expect that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative such as those related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers expect that the principle goal of the reorganization plan which is to relocate staff from central and regional offices to the parks, will greatly alleviate the pressures placed on parks by increased visitation.

The managers understand that in September 1995, a delegation from the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization held hearings in Montana regarding Yellowstone National Park and surrounding areas. The managers understand that the World Heritage Committee has neither the authority nor the ability to require the Federal or State governments to change, modify or amend management directions or to create, manage or maintain buffer zones to protect resources. In the event the World Heritage Committee, or any other organization, recommends non-binding steps to protect resources in the Yellowstone area, the managers expect the National Park Service, as well as any other affected Federal agency, to follow the regular planning process, including full public involvement, before implementing any management changes.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment number 151 in Title III.

Amendment No. 26: Revises House language stricken by the Senate to provide for the use of up to $500,000 for the development of a management plan for the Mojave National Preserve.

The National Park Service is directed to develop a long-term management plan for the Mojave National Preserve that incorporates traditional uses and recognizes budgetary constraints. The managers have permitted up to $500,000 to be used for this specific purpose. Such funds must be derived from the Office of the Director of the National Park Service and funds may not be reprogrammed from any other source within the National Park Service or the Department of the Interior to replenish the Office of the Director account.

The management plan shall set forth a vision for public use of and access to the Mojave National Preserve that gives proper balance to:

1. Pre-existing uses of the area:

2. The full range of compatible recreational uses of the Mojave;

3. Modes of transport, including vehicle, bicycle, foot, helicopter, fixed-wing aircraft, and other appropriate means;

4. Legal access for private lands and interests which remain within the boundary of the Preserve;

5. Public education on the history of human use of the desert, on the native biota of the desert, and on the appropriate balance between these sometimes competing elements;

6. The adoption of necessary management policies for the Mojave which assure long-term sustainability of the species, habitats, and ecosystems of the desert, including the humans; and

7. Consideration of ways to assure a continuous Heritage Trail corridor through the Preserve in order to provide public access over the historic route.

It is the intent of the managers during this interim period, while the Park Service prepares this plan, that the Bureau of Land Management manage the day-to-day operations of the Preserve; $599,999 has been provided for this specific purpose. The Department may not transfer any of these operating funds to the National Park Service or any other entity within the Department of the Interior during fiscal year 1996.

At the present of the Bureau of Land Management, the managers do not object to the temporary detail of a small number of seasonal employees from nearby Park Service units.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriates $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $38,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine Acadian Cultural Preservation Commission and a reduction of $442,000 for the Native Hawaiian Culture and Arts program.

Amendment No. 28: Earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are provided for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

HISTORIC PRESERVATION

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

The managers have provided $32,712,000 for State grants and $3,500,000 for the National Trust for Historic Preservation.

The managers agree to a three year period of transition of the National Trust for Historic Preservation to replace Federal funds with private funding.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $114,868,000 as proposed by the House and $116,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Andersonville National Historic Site, GA (prisoner of war museum)	$2,800,000
Assateague National Seashore, MD (erosion control)	300,000
Blackstone River Valley National Heritage Corridor MA/RI (interpretive project)	300,000
Blue Ridge Parkway, Hemphill Knob, NC (administration building)	1,030,000
Cane River Creole National Historic Park, LA (preservation and stabilization)	4,000,000
Chickasaw National Recreation Area, OK (campground rehabilitation)	1,624,000
Chamizal National Monument, TX (rehabilitation)	300,000
Crater Lake National Park, OR (dormitories construction)	10,000,000
Cuyahoga National Recreation Area, OH (site and structure rehabilitation)	2,500,000
Delaware Water Gap National Recreation Area, PA (trails rehabilitation)	1,050,000
Everglades National Park, FL (water delivery system modification)	4,500,000
Fort Necessity National Battlefield, PA (rehabilitation)	265,000
Fort Smith National Historic Site, AR (rehabilitation)	500,000
Gateway National Recreation Area, NY (Jacob Riis Park rehabilitation)	1,595,000
General Grant National Memorial, NY (rehabilitation)	1,000,000
Gettysburg National Military Park, PA (water and sewer lines)	2,550,000
Glacier National Park, MT (rehabilitate chalets)	328,000
Grand Canyon National Park, AZ: Transportation	1,000,000
Gulf Islands National Seashore, MS (erosion control)	600,000
Harpers Ferry National Historical Park, WV (utilities and phone lines)	455,000
Hot Springs NP, AR (stabilization/Lead Point)	500,000
James A. Garfield National Historic Site, OH (rehabilitation/development)	3,600,000
Jean Lafitte National Park and Preserve, LA (complete repairs)	2,100,000
Klondike Gold Rush National Historical Park, AK (restore Skagway historic district	850,000
Lackawanna Valley, PA (technical assistance)	400,000
Lake Chelan National Recreation Area, WA (planning and design for repair of Company Creek Road)	280,000
Little River Canyon National Park, AL (health and safety)	460,000
Mount Rainier National Park, WA (replace employee dormitory)	6,050,000
Natchez Trace Parkway, MS	3,000,000
National Capital Parks—Central, DC (Lincoln/Jefferson memorials rehabilitation)	4,000,000

New River Gorge National River, WV (trails, visitor access and hazardous materials)	625,000
President's Park, DC: Replace White House electrical system	1,100,000
Sagamore Hill National Historic Site, NY (water and sewer lines)	800,000
Salem Maritime National Historic Site, MA (vessel exhibit)	2,200,000
Saratoga National Historical Park, NY (monument rehabilitation)	2,000,000
Sequoia National Park, CA (replace Giant Sequoia facilities)	3,700,000
Southwestern Pennsylvania Commission (various projects)	2,000,000
Stones River National Battlefield, TN (stablization)	200,000
Thomas Stone Historic Site, MD (rehabilitation)	250,000
Western Trails Center, IA	3,000,000
Wrangell-St. Elias National Park and Preserve, AK (Kennicott Mine site safety and rehabilitation)	1,500,000
Yosemite National Park, CA (El Portal maintenance facilities)	9,650,000
Zion National Park, UT (transportation system facilities)	5,200,000
Subtotal, line item construction	90,162,000
Emergency, unscheduled, housing	13,973,000
Planning	17,000,000
Equipment replacement	14,365,000
General management plans	6,600,000
Special resource studies	825,000
Strategic planning office	300,000
Total	143,225,000

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park has identified as high priority. Therefore, it is the intent of the managers that these moneys be used for any transportation related expenditure, including the design of new transportation facilities and the purchase of new buses.

The managers encourage the National Park Service to proceed expeditiously with the necessary work at Cane River Creole NHP, LA.

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 32: Retains the Senate provision indicating Historic Preservation funds may be available until expended to stabilize buildings associated with the Kennicott, Alaska copper mine. The House had no similar provision.

LAND ACQUISITION

Amendment No. 33: Appropriates $49,100,000 for land acquisition instead of $14,300,000 as proposed by the House and $45,187,000 as proposed by the Senate. The $49,100,000 includes $7,200,000 for acquisition management, $3,000,000 for emergency and hardship purchases, $3,000,000 for inholding purchases, $1,500,000 for State grant administration, and $34,400,000 for other land purchases.

Amendment No. 34: Deletes the earmark inserted by the House and stricken by the Senate for Federal assistance to the State of Florida. Authority exists for the Department to use land acquisition funds for a grant to the State of Florida if approved pursuant to the procedures identified for land acquisition in fiscal year 1996.

Amendment No. 35: Modifies language proposed by the Senate which requires that funds which may be made available for the acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress. The House had no similar provision. Consistent with the direction for the land acquisition accounts, no specific earmark is provided for this project. Under the procedures identified for land acquisition, however, funds could be made available for the Elwha and Glines dams.

The Elwha Act, P.L. 102-495, authorizes the purchase of the Elwha and Glines dams by the Secretary of the Interior at a total purchase price of $29,500,000. Recognizing the serious funding constraints under which the Committees are operating, bill language has been included which authorizes funding to be provided over a period of years, as necessary, in order to acquire the dams. The bill language specifies that the appropriated funds may only be used for acquisition. Appropriated funds cannot be expended until the total purchase price of $29,500,000 is appropriated.

Under the Elwha Act, the Secretary is authorized to study the benefits of the removal of both dams, and to assess the costs of such a removal to restore fish runs in the Elwha River. The managers continue to be disturbed greatly by the early projections from the Administration of costs that range from $80-$300 million for dam removal. Due to the lack of available funds, the managers strongly discourage the Administration and those parties supporting dam removal from continuing to support such a policy. Instead, the managers encourage interested parties to pursue other, less costly alternatives to achieve fish restoration. The managers urge parties interested in the Elwha Act to work to find, within the next year, a more fiscally responsible and achievable solution to fishery restoration in lieu of dam removal. If no conclusion can be reached on this issue, the appropriations committee, working with the authorizing committees, will be forced to work to find a legislative solution to the problem.

The managers have included $1,500,000 for administration of the state grant program. These funds are provided only to close down ongoing projects. No funds are provided for new grants and the managers intend that no funds will be provided in the future.

ADMINISTRATIVE PROVISIONS

Amendment No. 36: Retains Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language has been included in previous interior appropriations bills.

Amendment No 37: Modifies language proposed by the Senate to clarify that funds may not be used by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention. The House had no similar provision.

Amendment No. 38: Modifies Senate language to authorize the National Park Service (NPS) to enter into cooperative agreements not only for the American Battlefield Program as proposed by the Senate but also to carry out its other statutory programs. Current authority is not adequate to allow the NPS to pursue a range of partnership opportunities which would benefit our National parks and programs. This language will enable NPS to enter into such agreements with States, local governments and other public and private entities, to accomplish, but not be limited to, such projects as scientific research with universities, joint maintenance operations with adjoining state parks, heritage partnerships, long-range trail development with a variety of entities, and other similar programs. The House had no similar provision.

Amendment No. 39: Modifies Senate language regarding a feasibility study for a northern access route into Denali National Park and Preserve in Alaska. The modification is to require that the study also be submitted to the House and Senate Committees on Appropriations.

Amendment No. 40: Deletes Senate language regarding the Stampede Creed Mine at Denali National Park in Alaska. The House had no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of damages resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to replace the facilities, the Park Service should consider working with the Army to assist in any compensation to which the University of Alaska at Fairbanks may be eligible since the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 41: Appropriates $730,503,000 for surveys, investigations and research instead of $686,944,000 as proposed by the House and $577,503,000 as proposed by the Senate. The amendment also provides authority for minerals information activities formerly conducted in the Bureau of Mines.

Changes to the amount proposed by the House include increases of $24,112,000 for natural resources research, $16,000,000 for minerals information activities transferred from the Bureau of Mines and $4,000,000 for university earthquake research grants, and decreases in Federal water resources investigations of $176,000 for data collection and analysis and $100,000 for hydrology of critical aquifers and a decrease of $277,000 in the National mapping program for cartographic and geographic research.

The managers have provided $4,000,000 for university research in the earthquakes program. If there is a compelling need for additional funds in this program in fiscal year 1996 and an acceptable funding offset can be justified, the USGS should notify the Committees following the existing reprogramming guidelines. The Committees will consider any such request on its merits.

The managers understand that the USGS is constrained from releasing certain information under interagency agreement No. AGP00473.94 with the Bureau of Indian Affairs absent the approval of the BIA. This issue is discussed in more detail in the BIA section of this statement.

The managers have agreed to fund a competitive program for the water resources research institutes with at least a 2 to 1 funding match from non-Federal sources. The managers expect that this approach likely will lead to the closure of some of the institutes. The managers recommend that in fiscal year 1996 a modest base grant of $20,000 per participating institute be provided with the balance of the funding for the program to be competitively awarded based on National program priorities established by the USGS. The need for continuing a small base grant beyond fiscal year 1996 should be carefully examined by the USGS in the context of its fiscal year 1997 budget priorities. The managers do not object to competitions being regionally-based if that approach is determined by the USGS to be the most productive, from the standpoint of meeting the most compelling information needs, and the most cost effective. If a regional approach is selected, the managers suggest that the USGS regions be consolidated so that there are no more than 4 or 5 large regional areas. The competition should not be structured to ensure that every participating institute in a region gets a competitive award. The USGS should report to the Committees in the fiscal year 1997 budget submission on how the competition is to be structured and should report in subsequent budget submissions on the distribution of competitively awarded grants by institute.

Amendment No. 42: Earmarks $137,000,000 for natural resources research and cooperative research units instead of $112,888,000 as proposed by the House. The Senate recommended funding this research under a separate account and at a level of $145,965,000 as discussed in amendment No. 24. The amendment also earmarks $16,000,000 for minerals information activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers agree that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The managers intend the merger of these research activities into the USGS to be permanent. The USGS is directed to plan and manage the restructuring and downsizing of the former National Biological Service. Retrenchments required to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, managerial and other headquarters support functions of that organization so as to maintain, to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the Department's land managers on the ground. The managers are concerned that natural resource research be linked closely to management issues. In addition, attention should be provided to information related to wildlife resources entrusted to the stewardship of the Department; fisheries, including restoration of depleted stocks; fish propagation and riverine studies; aquatic resources; nonindigenous nuisances that affect aquatic ecosystems; impacts and epidemiology of disease on fish and wildlife populations; chemical drug registration for aquatic species; and effective transfer of information to natural resources managers.

During fiscal year 1996, funds appropriated for the functions of the former NBS shall remain a separate entity, titled "natural resources research", within the USGS. Upon completion of the necessary downsizing, and no later than nine months after enactment of this legislation, the managers direct the USGS to provide the Committees with a final plan for the permanent consolidation and integration of natural resources research functions into the USGS. As of October 1, 1996, employees of the former NBS shall be subject to the same administrative guidelines and practices followed by the USGS including peer review of research and investigations, maintenance of objectivity and impartiality, and ethics requirements regarding financial disclosure and divestiture. The managers expect that the USGS budget request for fiscal year 1997 will require amendment subsequent to its submission to reflect appropriately this consolidation. To reiterate, this merger is intended to be permanent and should be implemented fully by October 1, 1996.

During fiscal year 1996 the Department and the USGS are prohibited from reprogramming funds from other USGS programs and activities for any program or activity within the Department for natural resources research activities.

The managers also have agreed to provide $16,000,000 for minerals information activities, transferred from the Bureau of Mines. The funding represents a reduction from the fiscal year 1995 level and may require significant downsizing and restructuring of the program. The USGS should oversee the refocusing of the program. Until such downsizing is completed, the program should remain a separate and distinct budget and organizational entity within the USGS. To the extent job vacancies occur in the transferred program in fiscal year 1996, they should be filled with Bureau of Mines employees subject to termination or reduction-in-force. The managers understand that the existing USGS mineral resources survey activity is undergoing a restructuring and downsizing and expect that effort and the required downsizing of the minerals information program to proceed independently. When both downsizing efforts are completed, a single, refocused minerals program should be created which combines the minerals information activities transferred from the Bureau of Mines with other USGS mineral resources work.

Amendment No. 43: Modifies language inserted by the House and stricken by the Senate providing guidance on the conduct of natural resources research. The change to the House position expands the prohibition on the use of funds for new surveys on private property to include new aerial surveys for the designation of habitat under the Endangered Species Act unless authorized in writing by the property owner. With respect to natural resources research activities, the managers agree that funds may not be used for new surveys on private property without the written consent of the land owner, that volunteers are to be properly trained and that volunteer-collected data are to be verified carefully. The amendment also transfers authority from the Bureau of Mines to the Director of the USGS to conduct mineral surveys, consistent with the funding for that purpose earmarked under amendment No. 42.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 44: Appropriates $182,994,000 for royalty and offshore minerals management instead of $186,556,000 as proposed by the House and $182,169,000 as proposed by the Senate. Changes to the amount proposed by the House include decreases in information management of $151,000 for the absorption of fixed cost increases and $3,000,000 which is offset by the authority to use additional receipts as provided in amendment Nos. 45 and 46; and decreases in general administration of $306,000 for administrative operations and $105,000 for general support services.

The managers agree that the independent review of the royalty management program which was recommended by the House should not be conducted until the disposition of the hardrock minerals program is legislatively resolved. Accordingly, no funds are earmarked for this effort in fiscal year 1996.

Amendment No. 45: Provides for the use of $15,400,000 in increased receipts for the technical information management system as proposed by the Senate instead of $12,400,000 as proposed by the House.

Amendment No. 46: Permits the use of additional receipts for Outer Continental Shelf program activities in addition to the technical information management system as proposed by the Senate. The House had no similar provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 47: Appropriates $64,000,000 for mines and minerals instead of $87,000,000 as proposed by the House and $128,007,000 as proposed by the Senate. The conference agreement provides for the transfer of health and safety research to the Department of Energy (see amendment No. 110). The $64,000,000 provided for mines and minerals is to be used for the orderly closure of the Bureau of Mines.

The managers expect that the health and safety functions in Pittsburgh, PA and Spokane, WA will be continued under the Department of Energy as will the materials partnerships program in Albany, OR. The U.S. Geological Survey will assume responsibility for the minerals information program in Denver, CO and Washington, DC. The Bureau of Land Management will assume responsibility for mineral assessments in Alaska. The managers do not object to a limited number of administrative support personnel being maintained in these locations. All other functions of the Bureau of Mines will be terminated and all other Bureau locations will be closed. The funds provided under this head should be sufficient to provide termination costs and to provide for environmental cleanup costs and for the required oversight and closeout of contracts. The managers understand that some contracts will require oversight through a logical completion point to ensure that the Federal investment is not lost. One example is the construction associated with the Casa Grande in situ copper leaching program. The managers expect that there will be few such cases and expect the Secretary to notify the Committees of the rationale for continuing specific contracts, not transferred to DOE, BLM or USGS, beyond the closure of the Bureau. The managers expect the Secretary to proceed apace with the termination of the Bureau using the funds provided herein.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 48: Appropriates $95,970,000 for regulation and technology as proposed by the Senate instead of $93,251,000 as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 49: Appropriates $173,887,000 for the abandoned mine reclamation fund instead of $176,327,000 as proposed by the House and $170,441,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $500,000 for donations,

$2,000,000 for reclamation program operations, and $93,000 for administrative support; and increases of $13,000 for executive direction and $140,000 for general services.

Amendment No. 50: Deletes House earmark of $5,000,000 for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 51: Deletes House provision that allowed the use of donations for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 52: Includes Senate provision which allows States to use part of their reclamation grants as a funding match to treat and abate acid mine drainage, consistent with the Surface Mining Control and Reclamation Act (SMCRA). The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 53: Appropriates $1,384,434,000 for the Operation of Indian Programs instead of $1,509,628,000 as proposed by the House and $1,261,234,000 as proposed by the Senate. Changes to the amount proposed by the House from Tribal Priority Allocations include decreases of $1,500,000 for contract support, $4,000,000 for small and needy tribes, and a general reduction of $92,136,000.

Changes from Other Recurring Programs include: increases of $1,109,000 for ISEP formula funds, $1,000,000 for student transportation, and $73,000 for Lake Roosevelt; and decreases of $1,109,000 for ISEP adjustments, $1,000,000 for early childhood development, and $1,186,000 for community development—facilities O&M; and a transfer of $3,047,000 from trust services to the Office of Special Trustee for American Indians.

Changes from Nonrecurring Programs include: increases of $400,000 for Self Determination grants, $1,500,000 for community economic development grants, $250,000 for technical assistance, and $1,500,000 for water rights negotiations; and decreases of $442,000 for attorney fees and $125,000 for resources management for absorption of pay costs.

Changes from Central Office Operations include: a decrease of $126,000 for the substance abuse coordination office, a decrease of $2,000,000 for education program management, a $12,477,000 transfer from trust services to the Office of Special Trustee for American Indians, a transfer of $447,000 from general administration to the Office of Special Trustee for American Indians, and a general reduction of $14,400,000.

Changes from Area Office Operations include a transfer of $2,367,000 from trust services to the Office of Special Trustee for American Indians and a general reduction of $14,447,000.

Changes from Special Programs and Pooled Overhead include: increases of $1,337,000 for special higher education scholarships, $962,000 for the Indian Arts and Crafts Board, $1,780,000 for intra-governmental billings, and $57,000 for direct rentals; and decreases of $866,000 for the Indian Child Welfare Act, $1,500,000 for employee displacement costs, $141,000 for personnel consolidation, $664,000 for GSA rentals, $1,666,000 for human resources development, and a $23,000 general reduction.

Amendment No. 54: Deletes Senate earmark of $962,000 for the Indian Arts and Crafts Board. The House had no similar provision. The managers agree that within Special Programs/Pooled Overhead, $962,000 is earmarked for the Indian Arts and Crafts Board. In light of declining budgets, future funding for this program should be provided through non-Federal sources.

Amendment No. 55: Earmarks $104,626,000 for contract support costs as proposed by the Senate instead of $106,126,000 as proposed by the House and adds language earmarking $100,255,000 for welfare assistance.

Amendment No. 56: Earmarks up to $5,000,000 for the Indian Self-Determination fund as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 57: Earmarks $330,711,000 for school operations costs as proposed by the House instead of $330,991,000 as proposed by the Senate.

Amendment No. 58: Earmarks $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools instead of $67,138,000 as proposed by the House and $69,477,000 as proposed by the Senate.

Amendment No. 59: Retains a statutory reference to the Johnson O'Malley Act as proposed by the Senate. The House had no similar provision.

Amendment No. 60: Earmarks $71,854,000 for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House and $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 62: Deletes reference to the statute of limitations language, as proposed by the Senate. This language is included in the Office of Special Trustee for American Indians (amendment No. 80).

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

The managers agree that:

1. Under Other Recurring Programs $409,000 is earmarked for Alaska legal services and salmon studies.

2. Not more than $297,000 shall be available for a grant to the Close Up Foundation.

3. Amounts specifically earmarked within the bill for Tribal Priority Allocations are subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. In addition, the general reduction should not be applied to the $750,000 allocated for the Financial Management Improvement Team and for small and needy tribes. BIA should ensure that compacting and non-compacting tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes.

4. BIA should provide consistent treatment in allocating funds for small and needy tribes and new tribes. Allocations should be based on recommendations of the Joint Reorganization Task Force.

5. No funds are provided for the school statistics initiative. If the BIA wishes to pursue this initiative, the Committees will consider a reprogramming request.

6. Several steps must be completed before schools can adjust salary schedules. For this reason, bill language is included that will provide this authority beginning with the 1997–98 school year. The managers expect that within 30 days after enactment of this Act BIA should provide the Committees with a plan and time schedule advising how BIA will adjust salary schedules by the 1997–98 school year. The managers expect BIA to ensure that all necessary steps are taken to facilitate changes in salary rates for any schools desiring to use non-DOD pay rates.

7. $16,338,000 from the Operation of Indian Programs should be transferred to the Office of Special Trustee for American Indians (see Amendment No. 80).

The managers have agreed to a reduction of $2,000,000 for education program management in the Central Office Operations program. No reduction has been included for area and agency technical support in Other Recurring Programs. The managers expect the Bureau to review education program management at all levels to ensure that resources are properly allocated within the funding provided. If the Bureau wishes to reallocate the funds for these accounts, a reprogramming request should be submitted to the Committees.

The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreement number AGP00473.94 and all related amendments immediately upon completion of the water studies. Within 15 days of enactment of this Act the BIA shall report to the Committees its decision as to whether or not it will direct the USGS to provide for the public release of the information. If the BIA does not allow for the public release of the information, the BIA should immediately cancel the interagency agreement with the USGS.

The managers have not agreed to the Senate amendment regarding a prohibition of the use of funds for travel and training expenses for the BIA. However, the BIA is expected to follow the guidance detailed in the discussion of Amendment No. 163.

CONSTRUCTION

Amendment No. 64: Appropriates $100,833,000 for construction instead of $98,033,000 as proposed by the House and $107,333,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Chief Leschi School, and $2,500,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision.

The managers agree that the Chief Leschi School complex project will be phased in over a two-year period.

The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for contract support.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENT TO INDIANS

Amendment No. 65: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.

Amendment No. 66: Earmarks $78,600,000 for land and water claim settlements as proposed by the Senate instead of $73,100,000 as proposed by the House. Changes to the amount proposed by the House include an increase of $5,500,000 for the Ute Indian settlement.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the Senate and no funds as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

The managers agree that $4,500,000 is for the cost of guaranteed loans and $500,000 is for administrative expenses.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The changers to the amount proposed by the House include a increase of $13,827,000 for territorial assistance and a decrease of $1,044,000 for American Samoa operations grants. The amount provided for territorial assistance includes increases over the House of $5,650,000 for technical assistance, $2,400,000 for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 71: Earmarks $3,527,000 for the Office of Insular Affairs as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Territorial and International Affairs is abolished along with the Office of the Assistant Secretary for Territorial and International Affairs. The funding provided is for staff to carry out the Secretary's mandated responsibilities and is to be located under the Assistant Secretary for Policy, Management and Budget. This action is consistent with the reorganization already approved by the Appropriations Committees.

Amendment No. 72: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

The managers agree that Guam should be compensated for the impact caused by immigration from the freely associated states as authorized under the Compact of Free Association. Funding for compact impact shall be provided by a re-allocation of existing mandatory grant funds as discussed under amendment No. 89.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment Nos. 74 and 75: The managers agree to the Senate language which changes the account name from Office of the Secretary to Departmental Management.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $296,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that coordination of the Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department's programs. However, the managers feel that it is important to restrain these offices at the 1995 level considering that most of the Department's programs have sustained reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Departmental Offices to manage within reduced funding levels and with the displacements and uncertainties caused by reductions-in-force. Therefore, the managers agree that the Department may reprogram funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages each agency to reduce levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 77: Deletes Senate language which prohibits the use of official reception funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House.

The managers agree to retain the core policy function from the Office of Construction Management in Office of Policy, Management and Budget. The balance of the programs are transferred to BIA construction.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 79: Modifies language inserted by the Senate requiring a report detailing information on Indian tribes or tribal organizations with gaming operations. The modification changes the date the report is due to March 1, 1996. The House had no similar provision.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Amendment No. 80: Appropriates $16,338,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agree to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 from Other Recurring Programs for financial trust services; $2,367,000 from Area Office Operations for financial trust services; and $10,924,000 from Central Office Operations, including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lacking such authority, the Trustee cannot be held accountable and the likely result will be simply one more office pointing out the shortcomings of the Bureau of Indian Affairs.

Furthermore, under the current financial constraints facing the Committees and the various downsizing activities taking place in the Department, it is essential that the Committees have a clear understanding of the organizational structure supporting trust programs and an assurance that the significant general reductions proposed to be taken against the Bureau of Indian Affairs do not impair the Secretary's ability to manage trust assets. The managers are aware that there may be additional activities that could be transferred to the Office and encourage the Special Trustee, the Department, the Bureau of Indian Affairs, the tribes, and the Office of Management and Budget to work closely with the appropriations and authorizing committees to identify the activities and related resources to be transferred.

Any increase in funding or staffing for the Office of Special Trustee should be considered within the context of the fiscal year 1997 budget request and with consideration for funding constraints and the downsizing occurring throughout the Department, particularly within the Bureau of Indian Affairs.

The managers have recommended funding in a simplified budget structure to allow the Special Trustee some flexibility in establishing the office and the budget structure. Prior to submission of the fiscal year 1997 budget request, the managers expect the Special Trustee to work with the Committees to establish an appropriate budget structure for the Office.

The managers expect the Special Trustee to provide by December 1, 1996 a detailed operating plan for financial trust services for fiscal year 1996. The plan should detail what specific activities relating to the reconciliation effort will be undertaken, both directly by the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the tribes and the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions are expected to be filled.

Within the funds provided, support should be provided to the Intertribal Monitoring Association (ITMA). The managers expect ITMA to provide the Special Trustee with any information that is provided to the Appropriations or authorizing committees. If the Office of the Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

To the extent possible, the managers expect that administrative support services will continue to be provided by the Bureau of Indian Affairs during fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative services, these activities should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers have not included any funds for overhead costs, such as GSA rent, postage, FTS-2000, PAY/PERS, or workers' compensation. These costs should be paid from the Operation of Indian Programs account during fiscal year 1996. The fiscal year 1997 budget should include appropriate overhead amounts in the Office of the Special Trustee.

ADMINISTRATIVE PROVISIONS

Amendment No. 81: Retains language inserted by the senate changing the name of "Office of the Secretary" to "Department Management".

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language stricken by the Senate granting the Secretary of the Interior authority to transfer land acquisition funds between the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the future management of the Presidio in California and have provided a funding limitation in order for the Congress to consider legislation this fall. In light of declining budgets, the managers recognize the need for an alternative approach for the Presidio that does not require additional appropriations from the Interior bill. Because the authorizing legislation may be enacted early in fiscal year 1996, the managers have included language which restricts how much funding can be obligated on a monthly basis for the first quarter of the fiscal year. However, if legislation is not enacted, the managers also recognize the need for the National Park Service to be able to fulfill its management and resource protection responsibilities at the Presidio. Thus, the obligation limitation would be lifted on December 31, 1995.

Because of concerns about sufficient resources remaining available to address the requirements of any authorization regarding the Presidio Trust, the managers expect the National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the establishment of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate repealing provisions of the Oil Pollution Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 86: Modifies language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts rights of nontribal owners of land within the tribe's reservation. The House had no similar provision. The modification eliminates the requirement that a mutual agreement be reached within 90 days of enactment.

Amendment No. 87: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 88: Retains Senate language authorizing the National Park Service to expend funds for maintenance and repair of the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 89: Revises language proposed by the Senate to reallocate mandatory grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This funding level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects identified in a master plan. The managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high priority needs. The Secretary of the Interior and the American Samoa Governments are reminded that Congress required the creation of a hospital authority as a condition to Federal funding of health care facilities. The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, including funding provided in this bill, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate on several matters including minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual "State of the Islands" report. This report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forestry research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as required to meet the funding reductions. The managers agree that no forest and range experiment station, research program, or research project should be held harmless from decreases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities—including forestry research—that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is not conducted elsewhere, and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization research continue given the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of information directed at forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington, $479,000 for Cook County Ecosystem project, and $200,000 for research at the Olympic Natural Resources Center in Forks, WA.

STATE AND PRIVATE FORESTRY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate but deletes Senate earmarks for cooperative lands fire management and the stewardship incentives program. The House provided $129,551,000 for State and private forestry.

The net increase above the House includes increases of $4,500,000 for the stewardship incentives program, $3,000,000 for forest legacy program, and $5,500,000 for economic action programs; and reductions of $2,000,000 from forest health management, $621,000 from cooperative lands fire management, $1,636,000 for forest stewardship and $1,500,000 for urban and community forestry.

The managers agree to the following distribution of funds within economic action programs:

Forest products conservation and recovery	$1,000,000
Economic recovery	5,000,000
Rural development	4,800,000
Wood in transportation	1,200,000
Columbia River Gorge, economic grants to countries	2,500,000

The managers agree that $2,880,000 within rural development be allocated to the Northeast and Midwest, and that no funds are provided for economic diversification studies.

INTERNATIONAL FORESTRY

The managers agree that up to $4,000,000 of Forest Service funds may be utilized for purposes previously funded through the International Forestry appropriation. Domestic activities requiring international contacts will continue to be funded, as in the past, by the appropriate domestic benefiting program. The managers reiterate their expectations that the Service curtail foreign travel expenditures in light of budget constraints.

Operations formerly funded by International Forestry or other appropriations, other than research activities, of the International Institute of Tropical Forestry, Puerto Rico and the Institute of Pacific Islands Forestry, Hawaii may continue to be funded as appropriate. As with other programs, it may be necessary to reduce funding for these institutes due to budget constraints. Research activities will be funded from the Forest Research appropriation.

The managers also expect the Forest Service to examine the best means to provide leadership in international forestry activities and meet essential representation and liaison responsibilities with foreign governments and international organizations, and agree that the Forest Service should not maintain a separate deputy chief for international forestry.

NATIONAL FOREST SYSTEM

Amendment No. 92: Appropriates $1,256,253,000 for the national forest system instead of $1,266,688,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for wilderness management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management $1,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the land agencies to begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104–19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will produce an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service sale accomplishment level of 5.6 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell products other than sawtimber should continue to report accomplishments in the same manner as used in the forest plans. The reports are to provide information on both green and salvage sales.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104–19. The managers believe that funding such a review can be appropriately undertaken through the timber salvage sale fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103–551 specifically allows Forest Service managers to use scaling when selling salvage sales of thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103–551 for rapidly deteriorating timber, and to use sample weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to undertake a study to identify: (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and whether tree measurement discourages timber theft; (3) which measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency's ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service Handbook cruise standards, including identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contact with an established independent contractor skilled in both cruising and scaling and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish the Midewin National Tallgrass Prairie and Urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation when enacted. The managers also urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years for the unemployed timber worker programs in the President's Forest Plan.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs allowed for under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of each job. The managers expected the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the reprogramming guidelines, and not reallocate funds until the Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible.

The managers are aware that suggestions have been made to withdraw administratively additional lands in Montana in order to prevent timber and oil and gas development. It is the understanding of the managers that wilderness designation for Federal lands can only be accomplished legislatively. However, the Forest Service does have the ability to designate the management of its lands through the forest planning process. The managers expect the Forest Service to comply with existing statutory and regulatory requirements in the management of National forest system lands. Where appropriate, proposed changes in land management practices should be implemented involving public participation and scientific analysis in the land management planning process, including plan amendments as necessary.

WILDLAND FIRE MANAGEMENT

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate; instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House instead of $381,485,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $186,888,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $15,000,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for research.

The managers agree to the following earmarks within recreation construction:

Allegheny NF, rehabilitation	$150,000
Bead Lake, WA, boating access ...	60,000
Bead Lake, WA, roads	176,000
Columbia River Gorge Discovery Center, OR, completion	2,500,000
Cradle of Forestry, NC, utilities ..	500,000
Daniel Boone NF, KY, rehabilitation	660,000
Gum Springs Recreation Area, LA, rehabilitation phase II	400,000
Johnston Ridge Observatory, WA	500,000
Johnston Ridge Observatory, WA, roads	550,000
Lewis and Clark Interpretive Center, MT, completion	2,700,000
Multnomah Falls, OR, sewer system	190,000
Northern Great Lakes Visitor Center, WI	1,965,000
Seneca Rocks, WV visitor center, completion	1,400,000
Timberline Lodge, OR, water system improvements and new reservoir	750,000
Winding Stair Mountain National Recreation and Wilderness Area, OK, improvements	682,000

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for recreation roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and are concerned about the cost of the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional partnerships that can help cost-share required restoration work. The Forest Service should work with the Committees to provide a better understanding of the needs of Grey Towers and explore ways to reduce the cost to the Federal government.

The managers concur in the reprogramming request currently pending for Johnston Ridge Observatory and Timberline Lodge sewer system.

Amendment No. 96: Earmarks $2,500,000 and unobligated project balances for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center," and authorizes the conveyances of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

LAND ACQUISITION

Amendment No. 98: Appropriates $41,200,000 instead of $14,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and in holding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $28,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes Senate earmark for Kane Experimental Forest.

The managers expect that any movement of acquisition funds from one project to another regardless of circumstances must follow normal reprogramming guidelines. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges either nearing completion, or where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $40 million has been spent on land acquisitions in the Gorge, and the Forest Service estimates that nearly $20–$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges in the area, and while several exchanges have been completed, a substantial number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripatrite land-for-timber exchanges.

The managers encourage the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees and adds a provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers agree that any relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by deleting the prohibition on changes to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office to Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance costs associated with the relocation of the Region 5 regional office to excess military property at Mare Island Naval Shipyard at Vallejo, CA, from any Forest Service account. However, the managers expect a reprogramming request which justifies the relocation and identifies the source of funds to be used before funds are reallocated for this purpose. The allocation of other regions are not to be reduced in order to finance the move.

Amendment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the "Jobs in the Woods" program for National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes House provision relating to songbirds on the Shawnee NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment 108: Deletes Senate provision requiring the implementation of the Tongass Land Management Plan (TLMP), Alternative P and replaces it with a requirement that the Tongass Land Management Plan in effect on December 7, 1995 remain in effect through fiscal year 1997. During fiscal years 1996 and 1997, the managers require the Secretary to maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as in Alternative P. The Secretary may continue the TLMP revision process, including preparation of the final EIS and Record of Decision, but is not authorized to implement the Record of Decision before October 1, 1997.

The conference agreement also includes language which allows a change in the offerees or purchasers of one or more timber sales that have already complied with the National Environmental Protection Act (NEPA) and the Alaska National Interest Lands Conservation Act (ANILCA). This language intends that when the Forest Service determines that additional analysis under NEPA and ANILCA is not necessary, the change of offerees or purchasers for whatever reason (including termination of a long term timber sale contract) shall not be considered a "significant new circumstance" under NEPA or ANILCA and shall not be a reason under other law for the sale or sales not to proceed.

The House had no similar provision.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 110: Appropriates $417,169,000 for fossil energy research and development instead of $379,524,000 as proposed by the House and $376,181,000 as proposed by the Senate. The amendment also provides for the transfer of authority for health and safety research in mines and the mineral industry from the Bureau of Mines (see amendment No. 47). Changes to the amount proposed by the House for coal research include an increase of $2,000,000 for Kalina cycle testing and decreases of $1,500,000 in coal preparation research, $1,650,000 for HRI proof of concept testing and $1,000,000 for bench scale research in the direct liquefaction program, $1,000,000 for in house research in the high efficiency integrated gasification combined cycle program, $500,000 for filters testing and evaluation in the high efficiency pressurized fluidized bed program, and $300,000 for international program support and $1,000,000 for university coal research in advanced research and technology development. Changes to the amount proposed by the House for oil technology research include increases of $1,500,000 for a data repository, $250,000 for the gypsy field project and $250,000 for the northern midcontinent digital petroleum atlas in exploration and supporting research, and decreases of $1,000,000 for the National laboratory/industry partnership and $1,000,000 for extraction in exploration and supporting research, $2,000,000 for the heavy oil/unconsolidated Gulf Coast project in the recovery field demonstrations program, and $1,100,000 as a general reduction to the processing research and downstream operations program. Changes to the amount proposed by the House for natural gas research include decreases of $440,000 for conversion of natural gases to liquid fuels, $130,000 for the international gas technology information center and $30,000 for low quality gas upgrading in the utilization program and $1,000,000 for the advanced concepts/tubular solid oxide fuel cell program. Other changes to the House recommended level include increases of $40,000,000 for health and safety research ($35 million) and materials partnerships ($5 million) which are being transferred from the Bureau of Mines, $6,295,000 for cooperative research and development and $5,000,000 for program direction at the energy technology centers and a decrease of $4,000,000 for environmental restoration.

The funds provided for cooperative research and development include $295,000 for technical and program management support and $3,000,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center. Within the funds provided for WRI and UNDEERC, the managers agree that a percentage comparable to the fiscal year 1995 rate may be used for the base research program, and the balance is to be used for the jointly sponsored research program.

The managers have included an increase of $5,000,000 for program direction, which is $1,000,000 less than recommended in the Senate bill. The managers expect the Department to allocate these funds commensurate with the program distributions in this bill. The various program and support functions of the field locations should continue to be funded out of the same line-items as in fiscal year 1995.

The managers are aware of proposals regarding the future field office structure of the fossil energy program. The managers take no position on the specifics of the various aspects of the strategic realignment initiative at this time as many of the details are not yet available. The managers expect the Department to comply fully with the reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the basis for estimated savings, personnel impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek competitively a non-Federal entity to acquire NIPER and to make such investments and changes as may be necessary to enable the private entity to perform high-value research and development services and compete with other organizations for private and public sector work. In the interim, to the extent the program level for oil technology allows, the Department is encouraged to maintain as much of the program at NIPER as possible.

With respect to the functions of the Bureau of Mines which have been transferred to the Department of Energy, the managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Secretary should maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding level provided for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research function should be filled with Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, and particularly the Office of Management and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health.

The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that a clean coal project was recently changed without addressing congressional concerns that were raised before and during the application review period. The managers expect the Secretary, to the extent possible, to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operation when the elemental sulfur is available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with a private entity. The House had no similar provision. The managers expect the Department to make every effort to increase the percentage of non-Federal cost-sharing in its research and development projects.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 112: Appropriates $148,786,000 for the Naval petroleum and oil shale reserves instead of $151,028,000 as proposed by the House and $136,028,000 as proposed by the Senate.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

ENERGY CONSERVATION

Amendment No. 114: Appropriates $553,293,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate. Changes to the amount proposed by the House for the buildings program include increases of $150,000 for the foam insulation project in the building envelope program, $100,000 for lighting and appliance collaboratives in commercial buildings in the building equipment program and $1,140,000 for energy efficiency standards for Federal buildings in the codes and standards program, and decreases of $400,000 for residential buildings/building America, $3,000 for residential energy efficiency/climate change action plan, and $1,500,000 for partnership America/climate change action plan in building systems; $150,000 as a general reduction to materials and structures in building envelope; $450,000 as a general reduction to lighting and $100,000 for appliance technology introduction partnerships/climate change action plan in building equipment; and $3,060,000 as a general reduction to the codes and standards program, consistent with the moratorium on issuing new standards (see amendment No. 157).

Changes to the amount proposed by the House for the industry program include an increase of $3,000,000 in industrial wastes to maintain the NICE3 program at the fiscal year 1995 level and decreases of $300,000 for combustion in the municipal solid waste program, $1,000,000 as a general reduction to the metals initiative in the materials and metals processing program with the expectation that none of the reduction is to be applied to the electrochemical dezincing project, $200,000 as a general reduction for alternative feedstocks and $700,000 as a general reduction for process development in the other process efficiency program, and $2,000,000 for environmental technology partnerships in implementation and deployment.

Changes to the amount proposed by the House for the transportation program include increases of $990,000 for metal matrix composites in vehicle systems materials; $200,000 for turbine engine technologies, $200,000 for the ceramic turbine engine demonstration project, $4,500,000 for automotive piston technologies, and $612,000 for combustion and emissions research and development in heat engine technologies; and $16,228,000 for on-board hydrogen proton exchange membrane fuel cells and $2,900,000 for fuel cell research and development in electric and hybrid propulsion development. Decreases from the House include $1,200,000 for fuel cells/battery materials and $500,000 as a general reduction in materials technology; $1,000,000 as a general reduction in vehicle systems materials; $6,462,000 as a general reduction to light duty engine technologies in the heat engine technologies program; and $500,000 for battery development, $1,000,000 to terminate the phosphoric acid fuel cell bus program and $15,528,000 as a general reduction for fuel cell development in the electric and hybrid propulsion development program.

Changes to the amount proposed by the House for the technical and financial assistance program include an increase of $3,250,000 for the weatherization assistance program and a decrease of $295,000 for the inventions and innovations program.

The managers have agreed to the Senate bill language restricting the issuance of new or amended standards in the codes and standards program (see amendment Nos. 156 and 157).

The managers agree that:

1. The Department should aggressively pursue increased cost sharing;

2. Projects that prove to be uneconomical or fail to produce desired results should be terminated;

3. The fiscal year 1997 budget should continue the trend of program downsizing with the focus on completing existing commitments;

4. Ongoing programs should not be grouped under the umbrella of large initiatives and described as new programs in the budget;

5. There should be no new program starts without compelling justification and identified funding offsets;

6. The home energy rating system pilot program should be continued with the existing pilot States; within the funds available for HERS, the managers expect the Department to work with Mississippi and other non-pilot program States on the States' home energy rating system;

7. There is no objection to continuing the student vehicle competition in the transportation program at the current year funding level;

8. The Department should work with the States to determine what other programs should be included in a block grant type program along with the consolidated State energy conservation program/institutional conservation program;

9. There is no objection to continuing the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income initiatives to the extent that HUD reimburses the Department for this work;

10. The Office of Industrial Technologies may procure capital equipment using operating funds, subject to the existing reprogramming guidelines;

11. The Department should work with the Office of Management and Budget and the General Services Administration to ensure that agencies fund energy efficiency improvements in Federal buildings;

12. The Department should increase private sector investment through energy savings performance contracts in the Federal energy management program and should develop mechanisms to be reimbursed for these efforts;

13. The Department should submit a new five year program plan for the transportation program in light of current funding constraints; and

14. There are no specific restrictions on the number of contracts to be let for the long term battery development effort or activities within the electric and hybrid vehicle program. Given the level of funding provided, the Department should examine carefully its options in these areas in close coordination with its industry cooperators.

Amendment No. 115: Earmarks $140,696,000 for State energy grant programs instead of $148,946,000 as proposed by the House and $168,946,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $137,446,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program as proposed by the House instead of $31,500,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation as proposed by the House instead of $8,038,000 as proposed by the Senate.

The managers agree that the Office of Hearings and Appeals should receive reimbursement for work other than petroleum overcharge cases and related activities as recommended by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 119: Appropriates $72,266,000 for the Energy Information Administration $79,766,000 as proposed by the House and $64,766,000 as proposed by the Senate. The managers expect the reduction to be applied largely to EIA's forecasting efforts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 120: Appropriates $1,747,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,815,373,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $25,000,000 to offset partially the fixed cost increase for health care providers, $1,500,000 for collections and billings, $750,000 for epidemiology centers, $200,000 for the Indians into Psychology program, and decreases of $2,000,000 for Indian health professionals, $3,000,000 for tribal management, and a $400,000 transfer from hospitals and clinics to facilities and environmental health support. The managers direct that the $25,000,000 provided for fixed cost increases be distributed on a pro-rata basis across all activities in the Indian health services and Indian health facilities accounts.

Amendment No. 121: Earmarks $350,564,000 for contract medical care as proposed by the Senate instead of $351,258,000 as proposed by the House.

The managers agree that the Indian Self Determination Fund is to be used only for new and expanded contracts and that this fund may be used for self-governance compacts only to the extent that a compact assumes new or additional responsibilities that had been performed by the IHS.

The managers agree that the fetal alcohol syndrome project at the University of Washington should be funded at the fiscal year 1995 level.

The managers are concerned about the adequacy of health care services available to the Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendment No. 122: Appropriates $238,958,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 for the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS health facilities priority list for inpatient facilities. The Choctaw Nation has developed a financing plan for a replacement facility. The Choctaw Nation proposes various funding sources to support its project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, equip, and operate the newly constructed facility. The managers will consider these operational needs in the context of current budget constraints.

The managers have not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV-AIDS prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $309,471,000 as proposed by the House and $307,988,000 as proposed by the Senate.

The $200,000 increase is provided for the Center for folklife programs specifically for the 1996 Festival of American Folklife featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 127: Appropriates $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation and is not to be used for new exhibits or expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center, $8,700,000 is included to complete the construction and equipping of the Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a proposed master plan and initiate detailed planning and design to allow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan shall specify, in detail, the phasing of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of planning and design, will be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,840,000 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees' concerns are satisfactorily addressed, no funds may be used for this purpose.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

Amendment No. 136: Appropriates $82,259,000 for grants and administration as proposed by the House instead of $88,765,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 138: Appropriates $17,235,000 for matching grants as proposed by the House instead of $21,235,000 as proposed by the Senate.

Amendment No. 139: Deletes House language making funding for NEA contingent upon passage of a House reauthorization bill.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $82,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,180,000 as proposed by the House.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.

While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for designating historic properties, providing financial assistance, overriding other Federal agencies' decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in covering these costs. The managers are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

Franklin Delano Roosevelt Memorial Commission

SALARIES AND EXPENSES

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

Pennsylvania Avenue Development Corporation

SALARIES AND EXPENSES

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

PUBLIC DEVELOPMENT

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct that the orderly shutdown of the Corporation be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996. The managers agree that Pennsylvania Avenue Development Corporation staff associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 147: Appropriates $28,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 148: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103–413.

Amendment No. 150: Includes Senate provision that any funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from granting the NWSA a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of the agencies' missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language stricken by the Senate transferring certain responsibilities from the Pennsylvania Avenue Development Corporation to the General Services Administration, National Capital Planning Commission, and the National Park Service. The modification transfers all unobligated and unexpended balances to the General Services Administration. The Senate had no similar provision.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior Columbia River Basin ecoregion management project (the Project). The House and Senate contained different language on the subject, but both versions were clear in their position that the Project has grown too large, and too costly to sustain in a time of shrinking budgets. In addition, the massive nature of the undertaking, and the broad geographic scope of the decisions to be made as part of a single project has raised concerns about potential vulnerability to litigation and court injunctions with a regionwide impact. The language included in the conference report reflects a compromise between the two versions.

Subsection (b) appropriates $4,000,000 for the completion of an assessment on the National forest system lands and lands administered by the BLM within the area encompassed by the Project, and to publish two draft Environmental Impact Statements on the Project. The Forest Service and BLM should rely heavily on the eastside forest ecosystem health assessment in the development of the assessment and DEIS's, in particular, volume II and IV provide a significant amount of the direction necessary for the development of an ecosystem management plan. This document has already been peer reviewed and widely distributed to the public. Therefore, the collaborative efforts by many scientists can be recognized.

The two separate DEIS's would cover the project region of eastern Washington and Oregon, and the project region of Montana and Idaho, and other affected States. The language also directs project officials to submit the assessment and two DEIS's to the appropriate House and Senate committees for their review. The DEIS's are not decisional and not subject to judicial review. The managers have included this language based upon concern that the publication of DEIS's of this magnitude would present the opportunity for an injunction that would shut down all multiple use activities in the region.

The assessment shall contain a range of alternatives without the identification of a preferred alternative or management recommendation. The assessment will also provide a methodology for conducting any cumulative effects analysis required by section 102(2) of NEPA, in the preparation of each amendment to a resource management plan.

The assessment shall also include the scientific information and analysis conducted by the Project on forest and rangeland health conditions, among other considerations, and the implications of the management of these conditions. Further, the assessment and DEIS's shall not be subject to consultation or conferencing under section 7 of the Endangered Species Act, nor be accompanied by any record of decision required under NEPA.

Subsection (c) states the objective of the managers that the district manager of the Bureau of Land Management or the forest supervisor of the Forest Service use the DEIS's as an information base for the development of individual plan amendments to their respective forest plan. The managers believe that the local officials will do the best plan in preparing plan amendments that will achieve the greatest degree of balance between multiple use activities and environmental protection.

Upon the date of enactment, the land managers are required to review their resource management plan for their forest, together with a review of the assessment and DEIS's, and based on that review, develop or modify the policies laid out in the DEIS or assessment to meet the specific conditions of their forest.

Based upon this review, subsection (c)(2) directs the forest supervisor or district manager to prepare and adopt an amendment to meet the conditions of the individual forest. In an effort to increase the local participation in the plan amendment process, the district manager or forest supervisor is directed to consult with the governor, and affected county commissioners and tribal governments in the affected area.

Plan amendments should be site specific, in lieu of imposing general standards applicable to multiple sites. If an amendment would result in a major change in land use allocations within the forest plan, such an amendment shall be deemed a significant change, and therefore requiring a significant plan amendment or equivalent.

Subsection (c)(5) strictly limits the basis for individual plan amendments in a fashion that the managers intend to be exclusive.

Language has been included to stop duplication of environmental requirements. Subsection (c)(6)(A) states that any policy adopted in an amendment that modifies, or is an alternative policy, to the general policies laid out in the DEIS's and assessment document that has already undergone consultation or conferencing under section 7 of the ESA, shall not again be subject to such provisions. If a policy has not undergone consultation or conferencing under section 7 of the ESA, or if an amendment addresses other matters, however, then that amendment shall be subject to section 7.

Amendments which modify or are an alternative policy are required to be adopted before October 31, 1996. An amendment that is deemed significant, shall be adopted on or before March 31, 1997. The policies of the Project shall no longer be in effect on a forest on or after March 31, 1997, or after an amendment to the plan that applies to that forest is adopted, whichever comes first.

The managers have included language specific to the Clearwater National Forest, as it relates to the provisions of this section. The managers have also included language to clarify that the documents prepared under this section shall not apply to, or be used to regulate non-Federal lands.

Amendment No. 153: Includes a modified version of provisions included by both the House and Senate relating to a recreational fee demonstration program. This pilot program provides for testing a variety of fee collection methods designed to improve our public lands by allowing 80 per cent of fees generated to stay with the parks, forests, refuges and public lands where the fees are collected. There is a tremendous backlog of operational and maintenance needs that have gone unmet, while at the same time visits by the American public continue to rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which provides for the following:

(1) The maximum number of demonstration sites per agency is extended from 30 to 50.

(2) the time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period ends.

(3) Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.

(4) The more simplified accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.

(5) In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of the collection site or on an agency-wide basis. The other fees collected will be treated like they are at non-demonstration sites, except funds withheld to cover fee collection costs for agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.

(6) For those Fish and Wildlife Service demonstrations where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.

(7) The agencies have been provided more latitude in selecting demonstration sites, areas or projects. These demonstrations may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collections would adversely affect visitor use patterns.

(8) The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities on Federal lands, including facility, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.

(9) Vendors may charge a reasonable markup or commission to cover their costs and provide a profit.

(10) Each Secretary shall provide the Congress a brief report describing the selected sites and free recovery methods to be used by March 31, 1996, and a report which evaluates the pilot demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected and how they represent the geographical and programmatic spectrum of recreational sites and habitats managed by the agencies. The diversity of fee collection methods and fair market valuation methods should also be explained.

(11) In order to maximize funding for start-up costs, agencies are encouraged to use existing authority in developing innovative implementation strategies, including cooperative efforts between agencies and local governments.

(12) Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreational fees should reflect the circumstances and conditions of the various States and regions of the county. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing additional data on tourism, recreational use, or rates which may be required by Congress in addressing the fee issue.

(13) The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Pacific Northwest, and substitutes language which makes a technical correction to the emergency salvage timber program, Sec. 2001(a)(2) of Public Law 104–19 that changes the ending date of the emergency period to December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 2001(j). The Senate included no similar provision.

Amendment No. 155: Retains House language stricken by the Senate prohibiting the use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended standards and reducing the codes and standards program in the Department of Energy by $12,799,000 and inserts language regarding grazing at Great Basin National Park. The codes and standards issue is discussed under the energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains Senate alternative language providing for a one-year moratorium on new or amended standards by the Department of Energy. This issue is discussed under the energy conservation portion of this statement.

Amendment No. 158: Modifies House mining patent moratorium that was stricken and replaced by the Senate with fair market legislation for mining patents. The conference agreement continues the existing, straightforward moratorium on the issuance of mining patents that was contained in the fiscal year 1995 Interior and Related Agencies Appropriations Act.

The agreement further requires the Secretary of the Interior within three months of the enactment of this Act to file with the House and Senate Appropriations Committees and authorizing committees a plan which details how the Department will make a final determination on whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of enactment of this Act, and take such actions as necessary to carry out such plan. The conference agreement does not intend for the final determination to presume final adjudication of the contesting of any applications which are deemed not entitled to a patent under the general mining laws.

In order to process patent applications in a timely manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application. The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

Amendment No. 159: Includes the Senate provision which prohibits funding for the Office of Forestry and Economic Development after December 31, 1995. The House had no similar provision.

Amendment No. 160: Retains language inserted by the Senate prohibiting redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets. The House had no similar provision.

Amendment No. 161: Retains language inserted by the Senate authorizing the Secretary of the Interior to exchange land in Washington State with the Boise Cascade Corporation. The House had no similar language.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation of timber sales from the revenues generated from the section 318 timber sales that are released under section 2001(k) of Public Law 104–19. The House included no similar provision.

Amendment No. 163: Deletes language proposed by the Senate which would prohibit use of funds for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

The managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the cost of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funding constraints faced by the Bureau, the managers expect that priority will be given to funding those activities which directly support accreditation of Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 164: Retains language inserted by the Senate prohibiting the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House had no similar provision.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Administration's rangeland reform program until November 21, 1995. The House included no similar provision.

Amendment No. 166: Strikes Senate section 331 pertaining to submission of land acquisition projects by priority ranking. Priorities should continue to be identified in the budget request and justifications.

Amendment No. 167: Includes Senate provision that makes three changes to existing law relating to tree spiking. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree, spiking, real or threatened, may be included as "avoidance costs" in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House had no similar provision.

Amendment No. 168: Modifies Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA and incorporates Senate language from Amendment No. 169 restricting NEA grants for sexually explicit material. The House had no similar provision.

Amendment No. 169: Deletes Senate language restricting NEA grants for sexually explicit material. This issue is addressed in Amendment No. 168.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996 and changes a section number.

Amendment No. 171: Deletes language inserted by the Senate mandating energy savings at Federal facilities and inserts in lieu thereof language that keeps in place only the regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) governing the export of State and federal timber in the western United States. This language has been included so that the Administration, Congress and affected parties can have more time to address policy issues with respect to Public Law 101–382, the Forest Resources Conservation and Shortage Relief Act of 1990. The language prohibits the Secretary of Agriculture or the Secretary of the Interior from reviewing or making modifications to existing sourcing areas. The language prohibits either Secretary from enforcing or implementing regulations promulgated on September 8, 1995 at 36 CFR Part 223. The bill language also directs the Secretary of Commerce to continue the 100 percent ban on the export of logs that originate from Washington State-owned public lands.

The fiscal year 1996 Agriculture Appropriations Act includes language that delayed the implementation of the September 8, 1995 regulations for 120 days, and the managers have extended the prohibition to enforce or implement these regulations for the entire fiscal year. The managers direct the Secretary of Agriculture to continue to solicit public comments on the regulations issued on September 8, 1995 until February 29, 1996. Based, in part, upon a careful review of the public comments, the Secretary is directed to report to the appropriate committees of Congress, including the Appropriations Committees, on the following: Any changes in those regulations the Secretary proposes to make in response to public comments; the appropriations needed to administer and enforce the regulations; the expected cost of the regulations, and other effects on the private sector, including effects on competition for public and private timber and productivity of domestic timber processing facilities; and any recommendations from the Secretary to amend Public Law 101–382 in response to changing circumstances in the timber industry since 1990, when the law was enacted.

Amendment No. 172: Deletes Senate amendment requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision. The conference agreement also inserts language providing for the continued general aviation use and operation on the National Park Service portion of Pearson Airfield in Vancouver, Washington until the year 2022 and for the creation and implementation of a transition plan from general aviation to historic aircraft. This provision is consistent with the Memorandum of Agreement entered into between the United States National Park Service and the City of Vancouver dated November 4, 1994. The managers are aware that legislation to provide a comprehensive partnership agreement for management of the Vancouver Historic Reserve is under consideration. This provision allows the City of Vancouver to develop the Pearson Museum pending completion of the Vancouver Historic Reserve legislation. This language shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Airfield, nor to limit operation or airspace in the vicinity of the Portland International Airport.

Amendment No. 173: Deletes Senate language requiring the Indian Health Service to prepare a report on HIV-AIDS prevention needs, and inserts in lieu thereof a provision which allows the construction of a third telescope on Mount Graham, in the Coronado National Forest, Arizona, to proceed under the terms of the Arizona-Idaho Conservation Act of 1988, P.L. 100–696.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99–177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$13,519,230,000
Budget estimates of new (obligational) authority, fiscal year 1996	13,817,404,000
House bill, fiscal year 1996	11,984,603,000
Senate bill, fiscal year 1996	12,053,099,000
Conference agreement, fiscal year 1996	12,164,636,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−1,354,594,000
Budget estimates of new (obligational) authority, fiscal year 1996	−1,652,768,000
House bill, fiscal year 1996	+180,033,000
Senate bill, fiscal year 1996	+111,537,000

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
PETE V. DOMENICI,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. TATE) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes each day, on December 13, December 14, and December 15.

Mr. CUNNINGHAM, for 5 minutes each day, on December 14 and December 15.

Mr. TIAHRT, for 5 minutes today and each day, on December 13 and December 14.

Mr. RAMSTAD, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on December 13.

Mr. LONGLEY, for 5 minutes each day, on December 14, December 15, and December 16.

Mr. WATTS of Oklahoma, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, on December 13.

Mr. SMITH of New Jersey, for 5 minutes, on December 13.

Mr. MARTINI, for 5 minutes, on December 14.

Mr. RIGGS, for 5 minutes today and each day, on December 12 and December 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ANDREWS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mrs. CLAYTON.
Ms. DELAURO.
Mr. SKELTON.
Mr. SERRANO in two instances.
Mr. KENNEDY of Massachusetts.
Mr. MONTGOMERY.
Mrs. MEEK of Florida.
Mr. STOKES.
Mr. STARK in two instances.
Mr. MORAN.
Mr. ROEMER.
Mr. MENENDEZ.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mr. KENNEDY of Rhode Island.
Mr. LIPINSKI.
Mr. HAMILTON.
Ms. KAPTUR.

(The following Members (at the request of Mr. TATE) and to include extraneous matter:)

Mr. BONO.
Mr. KOLBE.
Mr. BURTON of Indiana.
Mr. DORNAN.
Mr. ROGERS.
Mr. WATTS of Oklahoma in two instances.
Mr. SMITH of New Jersey.
Mrs. VUCANOVICH.
Mr. WOLF.
Mr. LEACH.
Mr. GILMAN.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)

Mr. UNDERWOOD
Mr. GINGRICH.
Mr. DEFAZIO.
Mr. PAYNE of New Jersey.
Mrs. FOWLER.
Mr. DOOLEY.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2076. An act making appropriations for the Departments of Commerce, Justice and State, the judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 13, 1995, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1747. A bill to amend the public Health Services Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes; with amendments (Rept. 104–398). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 296. Resolution providing for consideration of a motion to dispose of the remaining Senate amendments to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–399). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 297. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 104–400). Referred to the House Calendar.

Mrs. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Inquiry into various complaints filed against Representative Newt Gingrich (Rept. 104–401). Referred to the House Calendar.

Mr. REGULA: Committee on Conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–402. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COBURN (for himself, Mr. GANSKE, Mr. GILCHREST, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. WALSH, and Mr. WELDON of Florida:

H.R. 2757. A bill to amend title XVIII of the Social Security Act to require health maintenance organizations participating in the Medicare Program to assure access to out-of-network services to Medicare beneficiaries enrolled with such organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM:

H.R. 2758. A bill to amend title 49, United States Code, relating to required employment investigations of pilots; to the Committee on Transportation and Infrastructure.

By Mr. BONO:

H.R. 2759. A bill to prevent paid furloughs of Federal and District of Columbia employees during periods of lapsed appropriations; to the Committee on Government Reform and Oversight.

By Mr. DOYLE (for himself, Mr. MURTHA, Mr. MASCARA, Mr. KLINK, Mr. COYNE, Mr. BORSKI, Mr. CLINGER, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. FOGLIETTA, Mr. FOX, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. HOLDEN, Mr. KANJORSKI, Mr. MCDADE, Mr. MCHALE, Mr. SHUSTER, Mr. WALKER, and Mr. WELDON of Pennsylvania):

H.R. 2760. A bill to name the nursing care center at the Department of Veterans Affairs medical center in Aspinwall, PA, as the "H. John Heinz, III Department of Veterans Affairs Nursing Care Center"; to the Committee on Veterans' Affairs.

By Mr. GREENWOOD (for himself and Mr. MCHALE:

H.R. 2761. A bill to amend the Internal Revenue Code of 1986 to provide an election for an overpayment in lieu of a basis increase where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 2762. A bill to require additional research prior to the promulgation of a standard for sulfate under the Safe Drinking Water Act, and for other purposes; to the Committee on Commerce.

By Mr. STUDDS (for himself, Mr. TORKILDSEN, Mr. MOAKLEY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, and Mr. BLUTE):

H.R. 2763. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 2764. A bill to amend title 10, United States Code, to authorize veterans who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are authorized to travel on such aircraft; to the Committee on National Security.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 295. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 298. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MCDERMOTT, Mr. CARDIN, Mr. GOSS, Ms. PELOSI, Mr. HOBSON, Mr. BORSKI, Mr. SCHIFF, and Mr. SAWYER):

H. Res. 299. Resolution to amend the Rules of the House of Representatives regarding outside earned income to the Committee on Rules.

By Mr. SENSENBRENNER:

H. Res. 300. Resolution providing for the expulsion of Representative Walter R. Tucker III, from the House; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. SMITH of Texas introduced a bill (H.R. 2765) for the relief of Rocco A. Trecosta; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 142: Mr. CALVERT.

H.R. 249: Mr. FILNER.

H.R. 294: Mr. MEEHAN.

H.R. 359: Mr. BONIOR.

H.R. 580: Mr. FAZIO of California.

H.R. 789: Mr. HOLDEN.

H.R. 864: Mr. LAUGHLIN.

H.R. 969: Mr. KLINK.

H.R. 1023: Mrs. THURMAN.

H.R. 1073: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.

H.R. 1074: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.

H.R. 1227: Mr. GREENWOOD.

H.R. 1416: Mr. COYNE and Mr. MENENDEZ.

H.R. 1458: Mr. OBERSTAR.

H.R. 1512: Mr. DOOLITTLE.

H.R. 1527: Mr. HASTINGS of Washington.

H.R. 1574: Mr. CHRYSLER.

H.R. 1656: Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. COOLEY, Ms. JACKSON-LEE, and Mrs. MALONEY.

H.R. 1684: Mr. MYERS of Indiana, Mr. GEJDENSON, and Mr. HINCHEY.

H.R. 1718: Mr. SHUSTER, Mr. GREENWOOD, Mr. FOGLIETTA, Mr. WALKER, Mr. WELDON of Pennsylvania, and Mr. GOODLING.

H.R. 1803: Mr. SCHIFF.

H.R. 1998: Mr. TALENT.

H.R. 2190: Mr. TALENT, Mr. BACHUS, and Mrs. CLAYTON.

H.R. 2245: Mr. COLEMAN.

H.R. 2326: Mr. HAMILTON.

H.R. 2435: Mrs. LOWEY.

H.R. 2458: Ms. ROYBAL-ALLARD, Mr. WYDEN, Mr. MARKEY, Mr. OBERSTAR, and Mrs. THURMAN.

H.R. 2463: Mr. HILLIARD and Mr. JEFFERSON.

H.R. 2529: Mr. PALLONE.

H.R. 2531: Mr. HOSTETTLER, Mr. WAMP, Mr. EHLERS, Mr. BURR, Mr. WELDON of Florida, Ms. PRYCE, Mr. CALVERT, and Mr. COOLEY.

H.R. 2540: Mr. CHRYSLER, Mr. COOLEY, Mr. PACKARD, Mr. WICKER, Mr. COBLE, Mr. FOLEY, and Mr. NORWOOD.

H.R. 2543: Mr. FOLEY, Mrs. MYRICK, Mr. BARCIA of Michigan, and Mr. CALVERT.

H.R. 2579: Mr. GENE GREEN of Texas, Mr. THOMPSON, Mr. JEFFERSON, Mr. GORDON, Mr. HINCHEY, Mr. BAKER of Louisiana, Mr. REED, and Mr. CRAPO.

H.R. 2582: Mr. SMITH of New Jersey.

H.R. 2597: Mr. BARR, Mr. KINGSTON, and Mr. MCDADE.

H.R. 2651: Mr. JACOBS and Mrs. THURMAN.

H.R. 2654: Mr. MEEHAN, Ms. LOFGREN, Mr. WYNN, Mr. FLAKE, Mrs. MINK of Hawaii, Ms. VELAZQUEZ, and Mr. BARRETT of Wisconsin.

H.R. 2664: Mr. FLAKE, Mr. BROWN of Ohio, Mr. ORTON, Mr. PAYNE of Virginia, Mr. MILLER of Florida, Mr. BLUTE, Ms. SLAUGHTER, and Mrs. MALONEY.

H.R. 2671: Mrs. LINCOLN, Mr. BALDACCI, Ms. RIVERS, Mr. SISISKY, Mr. ENGLISH of Pennsylvania, Mr. BARCIA, Mr. BISHOP, and Ms. DELAURO.

H.R. 2677: Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, and Mr. WELDON of Florida.

H.R. 2682: Mr. FLAKE, Mr. BOEHLERT, Mr. HINCHEY, and Mr. ENGEL.

H.R. 2691: Mr. DELLUMS, Mrs. SCHROEDER, Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. COLEMAN.

H.R. 2694: Mr. GENE GREEN of Texas.

H.R. 2697: Mrs. MEEK of Florida, Ms. NORTON, Mr. FATTAH, Mr. BISHOP, Mr. OWENS, Miss COLLINS of Michigan, Ms. JACKSON-LEE, Mr. HILLIARD, Mr. LEWIS of Georgia, Mr. DELLUMS, and Mr. MORAN.

H.R. 2698: Mr. COOLEY.

H.R. 2723: Mr. CALVERT and Mr. COOLEY.

H.R. 2745: Ms. ROYBAL-ALLARD and Mr. REED.

H.J. Res. 127: Mr. BREWSTER, Mr. FRAZER, and Mr. CALVERT.

H. Con. Res. 102: Mr. DEFAZIO, Mr. FROST, and Mr. TORRICELLI.

H. Con. Res. 117: Mr. HUNTER, Mr. PORTER, Mr. BURTON of Indiana, and Ms. ESHOO.

H. Con. Res. 118: Mr. CALVERT, Mr. GILCHREST, Mr. BROWDER, Mr. MURTHA, Mr. HOLDEN, Mrs. FOWLER, and Mr. FOX.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 13. Page 15, beginning in line 5, strike "originating in Lincoln County, Nevada" insert "originating in Lincoln County, but staying outside of Clark County, Nevada".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 14: Page 15, line 7, insert after the period the following: "The Secretary shall develop such corridor only (1) with the approval of the Governor of each State in which the corridor is located, or (2) after consultation with each such Governor.".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 15: Page 21, insert after line 18 the following:

(1) STATE FEE.—The State of Nevada may impose a fee on the transfer of high level radioactive waste and spent nuclear fuel by rail transportation or intermodal transfer in the State of Nevada. Such fee shall be imposed when the transfer of such waste and fuel crosses the State boundary.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 16: Page 32, line 22, insert before the comma the following: "or if the State of Nevada has communicated to the Secretary its decision to not permit the construction of the repository at the Yucca Mountain site".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 17: Page 66, insert after line 9 the following:

"(g) UNFUNDED MANDATES.—The provisions of the Unfunded Mandates Reform Act of 1995 and all amendments made by that Act shall apply to this Act and the Waste Fund shall be used to pay all of the costs incurred by State and local governments by reason of any Federal intergovernmental mandate contained in this Act. For purposes of this section the term 'Federal intergovernmental mandate' has the same meaning as when used in section 421 of title IV of the Congressional Budget and Impoundment Control Act of 1974."

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 18: Page 66, after line 9 insert the following:

"(g) PRIVATE PROPERTY.—

"(1) FEDERAL POLICY AND DIRECTION.—

"(A) GENERAL POLICY.—It is the policy of the Federal Government that no law or agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste should limit the use of privately-owned property so as to diminish its value.

"(B) APPLICATION TO FEDERAL AGENCY ACTION.—Each Federal agency, officer, and employee should exercise Federal authority to ensure that agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste will not limit the use of privately owned property so as to diminish its value.

"(2) RIGHT TO COMPENSATION.—

"(A) IN GENERAL.—The Federal Government shall compensate an owner of property whose use of any portion of that property has been limited by an agency action, under this Act relating to the transportation, interim storage, or permanent disposition of high-level radioactive waste, that diminishes the fair market value of that portion by 20 percent or more. The amount of the compensation shall equal the diminution in value that resulted from the agency action. If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value.

"(B) DURATION OF LIMITATION ON USE.—Property with respect to which compensation has been paid under this subsection shall not thereafter be used contrary to the limitation imposed by the agency action, even if that action is later rescinded or otherwise vitiated. However, if that action is later rescinded or otherwise vitiated, and the owner elects to refund the amount of the compensation, adjusted for inflation, to the Treasury of the United States, the property may be so used.

"(3) EFFECT OF STATE LAW.—If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this subsection with respect to a limitation on that use.

"(4) EXCEPTIONS.—

"(A) PREVENTION OF HAZARD TO HEALTH OR SAFETY OR DAMAGE TO SPECIFIC PROPERTY.—No compensation shall be made under this subsection with respect to an agency action the primary purpose of which is to prevent an identifiable—

"(i) hazard to public health or safety; or

"(ii) damage to specific property other than the property whose use is limited.

"(5) PROCEDURE.—

"(A) REQUEST OF OWNER.—An owner seeking compensation under this subsection shall make a written request for compensation to the Secretary of the Commission, as the case may be, whose action resulted in the limitation. No such request may be made later than 180 days after the owner receives actual notice of that agency action.

"(B) NEGOTIATIONS.—The Secretary of the Commission, as the case may be, may bargain with that owner to establish the amount of the compensation. If the agency and the owner agree to such an amount, the agency shall promptly pay the owner the amount agreed upon.

"(C) CHOICE OF REMEDIES.—If, not later than 180 days after the written request is made, the parties do not come to an agreement as to the right to and amount of compensation, the owner may choose to take the matter to binding arbitration or seek compensation in a civil action.

"(D) ARBITRATION.—The procedures that govern the arbitration shall, as nearly as practicable, be those established under title 9, United States Code, for arbitration proceedings to which that title applies. An award made in such arbitration shall include a reasonable attorney's fee and other arbitration costs (including appraisal fees). The agency shall promptly pay any award made to the owner.

"(E) CIVIL ACTION—An owner who does not choose arbitration, or who does not receive prompt payment when required by this section, may obtain appropriate relief in a civil action against the agency. An owner who prevails in a civil action under this section shall be entitled to, and the agency shall be liable for, a reasonable attorney's fee and other litigation costs (including appraisal fees). The court shall award interest on the amount of any compensation from the time of the limitation.

"(F) SOURCE OF PAYMENTS.—Any payment made under this section to an owner, and any judgment obtained by an owner in a civil action under this section shall, notwithstanding any other provision of law, be made from the Nuclear Waste Disposal Fund. If insufficent funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

"(6) LIMITATION.—Notwithstanding any other provision of law, any obligation of the United States to make any payment under this subsection shall be subject to the availability of appropriations.

"(7) DUTY OF NOTICE TO OWNERS.—Whenever an agency takes an agency action limiting the use of private property under this Act, the agency shall give appropriate notice to the owners of that property directly affected explaining their rights under this subsection and the procedures for obtaining any compensation that may be due to them under this subsection.

"(8) RULES OF CONSTRUCTION.—

"(A) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—Nothing in this subsection shall be construed to limit any right to compensation that exists under the Constitution or under other laws of the United States.

"(B) EFFECT OF PAYMENT.—Payment of compensation under this subsection (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the Federal Government at the option of the owner) shall not confer any rights on the Federal Government other than the limitation on use resulting from the agency action.

"(9) DEFINITIONS.—For the purposes of this subsection—

"(A) The term 'property' means land and includes the right to use or receive water.

"(B) A use of property is limited by an agency action if a particular legal right to use that property no longer exists because of the action.

"(C) The term 'agency action' has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency.

"(D) The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

"(E) The term 'fair market value' means the most probable price at which property would change hands, in a competitive and open market under all conditions requisite to a fair sale, between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts, at the time the agency action occurs.

"(F) The term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(G) The term 'law of the State' includes the law of a political subdivision of a State.".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 19: Page 80, insert after line 25 the following:

SEC. 510. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

"(a) COVERAGE.—This section does not apply to any of the following:

"(1) A situation that the Secretary or the Commission, as the case may be, determines to be an emergency. In such circumstance, the Secretary or the Commission, as the case may be, shall comply with the provisions of this subsection within as reasonable a time as it is practical.

"(2) Activities necessary to maintain military readiness.

"(b) UNFUNDED MANDATES.—Nothing in this section itself shall, without Federal funding and further Federal agency action, create my new obligation or burden on any State or local government or otherwise impose any financial burden on any State or local government in the absence of Federal funding, except with respect to routine information requests.

"(c) DEFINITIONS.—For purposes of this section:

"(1) Costs.—The term 'costs' includes the direct and indirect costs to the United States Government, to State, local, and tribal governments, and to the private sector, wage earners, consumers, and the economy, of implementing and complying with a rule or alternative strategy.

"(2) Benefit.—The term 'benefit' means the reasonably identifiable significant health, safety, environmental, social and economic benefits that are expected to result directly or indirectly for implementation of a rule or alternative strategy.

"(3) Major rule.—The term 'major rule' means any regulation that is likely to result in an annual increase in costs of $25,000,000 or more. Such term does not include any regulation or other action taken by an agency to authorize or approve any individual substance or product.

"(4) Emergency.—The term 'emergency' means a situation that is immediately impending and extraordinary in nature, demanding attention due to an condition, circumstance, or practice reaonsably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

"(d) Availability of Information Among Federal Agencies.—The Secretary and the Commission shall make existing databases and information developed under this section available to other Federal agencies, subject to applicable confidentiality requirements, for the purpose of meeting the requirements of this section. Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary of the Commission to comply with this section.

"(e) Effective Date: Applicability; Savings Provisions.—

"(1) Effective Date.—Except as otherwise specifically provided in this section, the provisions of this section shall take effect 18 months after the date of enactment of this section.

"(2) Applicability.—

"(A) In general.—Except as provided in subparagraph (C), this title applies to all significant risk assessment documents and significant risk characterization documents, as defined in subparagraph (B).

"(B) Definitions.—

"(i) Significant risk assessment document, significant risk characterization document.—As used in this section, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in clause (ii), and included by the agency in that item or inserted by the agency in the administrative record for that item.

"(ii) Included items.—The items referred to in clause (i) are the following: Any proposed or final major rule, including any analysis or certification promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste; any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this clause shall apply to the requirements of section 404 of the Clean Water Act; any report to Congress; any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency; any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

"(iii) Also included.—The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following: Any such risk assessment and risk characterization documents provided by an covered Federal agency to the public and which are likely to result in an annual increase in costs of $25,000,000 or more; environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

"(iv) Rule.—Within 15 months after the date of the enactment of this section, the Secretary and the Commission shall each promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the Secretary or the Commission, as the case may be, that the Secretary or the Commission, as the case may be, will consider significant risk assessment documents or significant risk characterization documents for purposes of this section. In establishing such categories, the Secretary and the Commission shall consider each of the following: The benefits of consistent compliance by documents of the Secretary and the Commission in the categories; the administrative burdens of including documents in the categories; the need to make expeditious administrative decisions regarding documents in the categories; the possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by the Secretary and the Commission and commonly made available to, or used by, any Federal, State, or local government agency; and such other factors as may be appropriate.

"(3) Exceptions.—This section does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following: A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices or any health, safety, or environmental inspections. No analysis shall be treated as a screening analysis if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(4) Savings provisions.—The provisions of this section shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this section shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this section shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this section shall be construed to require the disclosure of any trade secret or other confidential information.

"(f) Principles for Risk Assessment.—

"(1) In general.—The Secretary and the Commission shall apply the principles set forth in paragraph (2) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

"(2) Principles.—The principles to be applied are as follows:

"(A) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data for sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

"(B) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible: present a representative list and explanation of plausible and alternative assumptions, inferences, or models, explain that basis for any choices, identify any policy or value judgments; fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

"(g) Principles for Risk Characterization and Communications.—Each significant risk charactization document shall meet each of the following requirements:

"(1) Estimates of risk.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

"(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

"(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bounds estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

"(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

"(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

"(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

"(A) a commenter provides the Secretary and the Commission with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the Secretary and the Commission for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the Secretary and the Commission with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

"(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this section, the Secretary or the Commission, as the case may be, shall, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4), or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

"(h) RECOMMENDATIONS OR CLASSIFICATIONS BY A NON-UNITED STATES-BASED ENTITY.—Neither the Secretary or the Commission shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this section. For the purposes of this section, the term 'non-United States—based entity' means—

"(1) any foreign government and its agencies;

"(2) the United Nations or any of its subsidiary organizations;

"(3) any other international governmental body or international standards-making organization; or

"(4) any other organization or private entity without a place of business located in the United States or its territories.

"(i) GUIDELINES AND REPORT.—

"(1) GUIDELINES.—Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary and the Commission consistent with the risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(2) REPORT.—Within 3 years after the date of the enactment of this section, the Secretary and the Commission shall provide a report to the Congress evaluating the categories of policy and value judgments identified under this section.

"(3) PUBLIC COMMENT AND CONSOLATION.—The guidances and report under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(4) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this subsection at least every 4 years.

"(j) RESEARCH AND TRAINING IN RISK ASSESSMENT.—

"(1) EVALUATION.—The Secretary and the Commission shall regularly and systematically evaluate risk assessment research and training needs of the Department and the Commission, including, where relevant and appropriate, the following:

"(A) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

"(B) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

"(C) Emerging and future areas of research, including research on comparative risk analysis, expose to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

"(D) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

"(2) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in paragraph (1).

"(3) REPORT.—Not later than 6 months after the date of the enactment of this section, the Secretary and the Commission shall submit to the Congress a report on the evaluations conducted under paragraph (1) and the strategy and schedule developed under paragraph (2). The Secretary and the Commission shall report to the Congress periodically on the evaluations, strategy, and schedule.

"(k) STUDY OF COMPARATIVE RISK ANALYSIS.—

"(1) IN GENERAL.—

"(A) STUDY.—The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

"(B) CONTRACT.—Not later than 90 days after the date of the enactment of this section, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

"(2) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

"(3) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

"(4) DURATION.—The study shall begin within 180 days after the date of the enactment of this section and terminate within 2 years after the date on which it began.

"(5) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making by the Secretary and the Commission.

"(l) DEFINITIONS.—For purposes of this section:

"(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

"(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

"(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Secretary or the Commission, as the case may be.

"(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

"(5) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

"(m) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

"(1) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

"(A) IN GENERAL.—The President shall require the Secretary and the Commission to prepare the following for each major rule within a program that is proposed or promulgated under this Act after the date of enactment of this section:

"(i) An identification of reasonable alternative strategies, including strategies that require no government action; will accommodate differences among geographic regions and among persons with different levels of resources with which to comply; and employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule; the agency shall consider reasonable alternative strategies proposed during the comment period.

"(ii) An analysis of the incremental costs and incremental risk reduction or other benefits associated with each alternative strategy identified or considered by the agency. Costs and benefits shall be quantified to the extent feasible and appropriate and may otherwise be qualitatively described.

"(iii) A statement that places in context the nature and magnitude of the risks to be addressed and the residual risks likely to remain for each alternative strategy identified or considered by the agency. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Secretary and the Commission resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(iv) For each final rule, an analysis of whether the identified benefits of the rule are likely to exceed the identified costs of the rule.

"(v) An analysis of the effect of the rule on small businesses with fewer than 100 employees; on net employment; and to the extent practicable, on the cumulative financial burden of compliance with the rule and other existing regulations on persons producing products.

"(2) PUBLICATION.—For each major rule referred to in paragraph (1) the Secretary or the Commission, as the case may be, shall publish in a clear and concise manner in the Federal Register along with the proposed and final regulation, or otherwise make publicly available, the information required to be prepared under paragraph (1).

"(3) DECISION CRITERIA.—

"(A) IN GENERAL.—No final rule subject to the provisions of this subsection shall be promulgated unless the Secretary or the Commission, as the case may be, certifies the following:

"(i) That the analyses under this subsection are based on objective and unbiased scientific and economic evaluations of all significant and relevant information and risk assessments provided to the Secretary or the Commission, as the case may be, by interested parties relating to the costs, risks, and risk reduction and other benefits addressed by the rule.

"(ii) That the incremental risk reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

"(iii) That other alternative strategies identified or considered by the agency were found either to be less cost-effective at achieving a substantially equivalent reduction in risk, or to provide less flexibility to State, local, or tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation, along with a brief explanation of why alternative strategies that were identified or considered by the agency were found to be less cost-effective or less flexible.

"(4) EFFECT OF DECISION CRITERIA.—

"(A) IN GENERAL.—Notwithstanding any other provision of Federal law, the decision criteria of paragraph (3) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking otherwise applicable under the statute pursuant to which the rule is promulgated.

"(B) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of Federal law, no major rule shall be promulgated by the Secretary or the Commission under this Act unless the requirements of this section are met and the certifications required herein are supported by substantial evidence of the rulemaking record.

"(5) PUBLICATION.—The agency shall publish in the Federal Register, along with the final regulation, the certifications required by this subsection.

"(6) NOTICE.—Where the Secretary or the Commission, as the case may be, finds a conflict between the decision criteria of this subsection and the decision criteria of an otherwise applicable statute, the Secretary or the Commission, as the case may be, shall so notify the Congress in writing.

"(n) OFFICE OF MANAGEMENT AND BUDGET GUIDANCE.—The Office of Management and Budget shall issue guidance consistent with this section—

"(1) to assist the agencies, the public, and the regulated community in the implementation of this section, including any new requirements or procedures needed to supplement prior agency practice; and

"(2) governing the development and preparation of analyses of risk reduction benefits and costs.

"(o) PEER REVIEW.—

"(1) ESTABLISHMENT.—The Secretary and the Commission shall each develop a systematic program for independent and external peer review required by this section. Such program shall provide for peer review by the Waste Review Board, may provide specific and reasonable deadlines for the Board to submit reports under this subsection, and shall provide adequate protections for confidential business information and trade secrets, including requiring the Board to enter into confidentiality agreements.

"(2) REQUIREMENT FOR PEER REVIEW.—In connection with any rule under this Act that is likely to result in an annual increase in costs of $100,000,000 or more, the Secretary and the Commission shall each provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under this section. In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions of the Secretary and the Commission.

"(3) CONTENTS.—Each peer review under this subsection shall include a report to the Secretary or the Commission, as the case may be, with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

"(4) RESPONSE TO PEER REVIEW.—The Secretary or the Commission, as the case may be, shall provide a written response to all significant peer review comments.

"(5) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the Secretary's or the Commission's response shall be made available to the public and shall be made part of the administrative record.

"(6) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this subsection for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

"(7) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of the Secretary and the Commission under this Act. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

"(p) JUDICIAL REVIEW.—Compliance or noncompliance by the Secretary and the Commission with the requirements of this section shall be reviewable pursuant to this Act and chapter 7 of title 5, United States Code. The court with jurisdiction to review final agency action under this Act shall have jurisdiction to review, at the same time, compliance by the Secretary or the Commission, as the case may be, with the requirements of this section. When a significant risk assessment document or risk characterization document subject to this section is part of the administrative record in a final agency action, in addition to any other matters that the court may consider in deciding whether the action was lawful, the court shall consider the action unlawful if such significant risk assessment document or significant risk characterization document does not substantially comply with the requirements of this section.

"(q) PLAN FOR ASSESSING NEW INFORMATION.—

"(1) PLAN.—Within 18 months after the date of enactment of this section, the Secretary and the Commission shall publish a plan to review and, where appropriate revise any significant risk assessment document or significant risk characterization document published prior to the expiration of such 18-month period if, based on information available at the time of such review, the Secretary or the Commission, as the case may be, head determines that the application of the principles set forth in this section would be likely to significantly alter the results of the prior risk assessment or risk characterization. The plan shall provide procedures for receiving and considering new information and risk assessments from the public. The plan may set priorities and procedures for review and, where appropriate, revision of such risk assessment documents and risk characterization documents and of health or environmental effects values. The plan may also set priorities and procedures for review, and, where appropriate, revision or repeal of major rules promulgated prior to the expiration of such period. Such priorities and procedures shall be based on the potential to more efficiently focus national economic resources within programs carried out under this Act on the most important priorities and on such other factors as the Secretary or the Commission considers appropriate.

"(2) PUBLIC COMMENT AND CONSULTATION.—The plan under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(r) PRIORITIES.—

"(1) IDENTIFICATION OF OPPORTUNITIES.—In order to assist in the public policy and regulation of risk to public health, the President shall identify opportunities to reflect priorities within programs under this Act in a cost-effective and cost-reasonable manner. The President shall identify each of the following:

"(A) The likelihood and severity of public health risks addressed by such programs.

"(B) The number of individuals affected.

"(C) The incremental costs and risk reduction benefits associated with regulatory or other strategies.

"(D) The cost-effectiveness of regulatory or other strategies to reduce risks to public health.

"(E) Intergovernmental relationships among Federal, State, and local governments among program designed to protect public health.

"(F) Statutory, regulatory, or administrative obstacles to allocating national economic resources based on the most cost-effective, cost-reasonable priorities considering Federal, State, and local programs.

"(2) STATE, LOCAL, AND TRIBAL PRIORITIES.—In identifying national priorities, the President shall consider priorities developed and submitted by State, local, and tribal governments.

"(3) BIENNIAL REPORTS.—The President shall issue biennial reports to Congress, after notice and opportunity for public comment, to recommend priorities for modifications to, elimination of, or strategies for existing programs under this Act. Within 6 months after the issuance of the report, the President shall notify the Congress in writing of the recommendations which can be implemented without further legislative changes and the agency shall consider the priorities set forth in the report and priorities developed and submitted by State, local, and tribal governments when preparing a budget or strategic plan for any such program.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 20: Page 24, insert after the period in line 9 the following: "The interim storage facility shall be located at the Savannah River Nuclear site and the Hanford Nuclear site.

H.R. 1745

OFFERED BY: MRS. WALDHOLTZ

AMENDMENT NO. 1: Page 2, line 14 (section 2(a)(1)) (relating to Desolation Canyon), strike "254,478" and insert "291,598".

Page 2, line 16 (section 2(a)(1)), strike "dated " and insert "dated December 3, 1995".

Page 2, line 19 (section 2(a)(2)) (relating to San Rafael Reef), strike "47,786" and insert "57,955".

Page 3, line 1 (section 2(a)(2)), strike "dated " and insert "dated December 12, 1995."

Page 3, line 23 (section 2(a)(6)) (relating to Sids Mountain), strike "41,154" and insert "46,589".

Page 3, beginning on line 25 (section 2(a)(6)), strike "dated " and insert "dated December 12, 1995".

Page 7, line 18 (section 2(a)(22)) (relating to Flume Canyon), strike "37,506" and insert "47,236".

Page 7, line 20 (section 2(a)(22)), strike "dated " and insert "dated December 12, 1995".

Page 7, line 25 (section 2(a)(23)) (relating to Westwater Canyon), strike "25,383" and insert "26,658".

Page 8, line 2 (section 2(a)(23)), strike "dated " and insert "dated December 12, 1995".

Page 9, line 11 (section 2(a)(29)) (relating to Paria-Hackberry), strike "57,641" and insert "94,805".

Page 9, beginning on line 12 (section 2(a)(29)), strike "dated " and insert "December 3, 1995".

Page 14, after line 13 (at the end of section 2(a)), add the following:

(50) Certain lands in the Road Canyon Wilderness Study Area comprised of approximately 34,460 acres, as generally depicted on a map entitled "Grand Gulch Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Road Canyon Wilderness.

(51) Certain lands in the Fish & Owl Creek Wilderness Study Area comprised of approximately 20,925 acres, as generally depicted on a map entitled "Grand Gulch Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Fish & Owl Creek Wilderness.

(52) Certain lands in the Mule Canyon Wilderness Study Area comprised of approximately 5,940 acres, as generally depicted on a map entitled "Mule Canyon Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Mule Canyon Wilderness.

(53) Certain lands in the Turtle Canyon Wilderness Study Area comprised of approximately 27,480 acres, as generally depicted on a map entitled "Desolation Canyon Proposed Wilderness" and dated December 3, 1995, and which shall be known as the Turtle Canyon Wilderness.

(54) Certain lands in the The Watchman Wilderness Study Area comprised of approximately 664 acres, as generally depicted on a map entitled "The Watchman Proposed Wilderness" and dated December 8, 1995, and which shall be known as The Watchman Wilderness.

Page 26, line 18 (section 11(a)(1)), strike "142,041" and insert "242,000".

Page 28, line 2 (section 11(c)(1)), strike "dated " and insert "dated December 6, 1995,".

Page 31, line 7, add the following: "The Secretary shall have the authority to extend any existing leases on such Federal lands prior to consummation of the exchange.".

EXTENSIONS OF REMARKS

DEPLOYMENT OF TROOPS TO BOSNIA AND HERZEGOVINA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. GINGRICH. Mr. Speaker, as we consider the President's decision to deploy United States military forces to Bosnia and Herzegovina, I hope that my colleagues take a moment to read the following editorials. Now is the time to ask some very hard questions about the President's policy, and I believe that these points of view are instructive in reminding us of the difficulty of this issue.

[From the New York Times, Dec. 3, 1995]

THINK HAITI AND BE REALISTIC ON BOSNIA

(By Thomas L. Friedman)

WASHINGTON.—Just a couple of months ago when you asked Administration officials exactly how the Bosnia peacekeeping operation would unfold, they would answer: "Think Haiti"—we go in big, stablize the situation on the ground, bring in civilian reconstruction teams, hold elections and we're out of there in a year.

Well think again, Haiti is no longer being touted as the model for Bosnia, because the U.S.-led effort to restore democracy in Haiti is deteriorating. As we go into Bosnia we should still "Think Haiti"—but as a cautionary tale about the limits of American power to remake a country. The U.S. military accomplished its objectives in Haiti—busting the old regime and restoring basic security. But the political, economic and police objectives, which accompanied that military mission, are all in jeopardy today.

American officials were convinced when they restored Haiti's President, Jean-Bertrand Aristide, to power that he really had abandoned his populist, radical impluses. But several weeks ago he suggested that he would not give up power after elections for a new President on Dec. 17. Then he told U.S. officials he would. Then he told his followers: If you want three more years I will not turn my back on you." Thursday, he said he really, really will step down. In the meantime, though, the other candidates have been afraid to campaign, because it seemed Mr. Aristide might stay on, and the main opposition parties were already boycotting because of complaints that the election process is not impartial.

U.S. officials always said in Haiti that prosperity would be the ultimate peacekeeper. But foreign investors have been reluctant to come in and President Aristide has hesitated to institute the privatization reforms demanded by the I.M.F., so his Government has not received the $125 million in foreign aid for this fiscal year, which is half its budget. The number of boat people fleeing Haiti for Florida is again on the rise.

The military plan in Haiti was for the U.S.-U.N. peacekeepers to hand over control to a newly created, uncorrupted Haitian police force on Feb. 29. Some of those new police have been trained, and put through U.S. human rights courses. Others have not. On Thanksgiving Day one of these new policemen went on a shooting spree that triggered massive rioting in Haiti's Cite Soleil slum. Few police have dared venture there since.

"It is obvious that the Administration would like to tiptoe away from Haiti, declaring it a success, but unless our objectives in the areas of elections, police and economics are more fully achieved, the effort of the international community could easily unravel," said Robert Pastor, President Carter's adviser on Haiti during Mr. Carter's mediation there. "Without a concerted effort to bring the opposition into the presidential elections, the outcome will not be stable or legitimate."

The ultimate lesson of Haiti is not that we should stay out of Bosnia. President Clinton did the right thing in Haiti—trying to restore democracy. Haiti is a better, more secure place today because of that. No, the real lesson of Haiti is a humility. Haiti reminds us that with enough troops and money, we can make some difference for the better. But even that limited improvement is easily eroded or overwhelmed by the habits of generations, unless some foreign peacekeepers, international organizations and aid workers are prepared to stay on the job for a long, long time. Bosnia will be no different.

I phoned Lakhdar Brahimi, who heads U.N. operations in Haiti, and asked him what he's learned there that might be of use in Bosnia. He captured neatly the humbling, ambiguous reality of trying to rebuild failed states. He said: "Look, Haiti is a country with 200 years of horrible history. It would be totally naïve to think you can put it right with 20,000 troops in a year. With operations like Haiti [and Bosnia], the international community is embarking on something completely new for itself, and for which it does not yet have all the skills. It isn't even sure what it wants and certainly doesn't have all the money it needs to do it. So we take a country by the hand and accompany it a little bit, while it tries to stand on its own two feet. We don't do it perfectly, but it's still useful, even if it doesn't create paradise. But no one should kid themselves. It's a constant uphill struggle."

[From the Atlanta Constitution, Dec. 3, 1995]

A PAGE FROM HISTORY

(By Bradford Smith)

American troops are preparing to impose a peace settlement in Bosnia that appears to have arisen largely from the fatigue of the negotiators in Dayton. History and the posture of the Serbs in Sarajevo make it doubtful that this latest agreement will lead to "peace in our time." But how much history can we expect the negotiators to remember after pulling an all-nighter?

Bosnians nearly always have played the pawn in the political games in the Balkans. When was Bosnia last an independent state? For that, we have to look back to the 14th century. Even then, Bosnia was a divided country. In the north, the Kotroman family held sway. In the south, the Subic family ruled. In 1305, the Subic family emerged as the dominant power, but Stjepan Kotromanic seized control with a little help from Hungary—the local "superpower"—and the Serbs. The modern outlines of Bosnia resulted from his conquests.

After Kotromanic's death in 1353, Bosnia fell apart, as local nobles attempted to gain autonomy. Several provinces broke away from the Bosnian state, again with Hungarian assistance. The centers of discontent were the region around Banja Luka and Herzegovina. The political divisions of Bosnia then conformed to the current lines of conflict.

One thing seems clear: Foreign intervention has been more likely to produce disorder than concord. Hungarian involvement consistently prevented the restoration of equilibrium. This was also true in the 1920s, when Comintern and the Italian Fascists exploited the ethnic tensions between Croats and Serbs, leading to chaos, terrorism and assassination.

Given that so many leaders have vowed not to respect the Dayton peace agreement, should we expect a new show of force to convince them otherwise? Is there any lack of foreign interest groups that could further their own agenda by giving aid and comfort to the Serbs?

The rulers of 14th-century Hungary always claimed that they were intervening in Bosnia to support oppressed Catholics from Bosnian heretics. Likewise, our intervention is justified by the ideals of "democracy" and "self-determination."

Bill Clinton is, in fact, merely continuing the policies of his two predecessors, who were trying to undo the legacy of the Cold War. Soviet Premier Nikita Khrushchev long ago stated that as the Soviets supported "wars of national liberation," the United States would be forced to support dictators, on the pretext that they were anti-communist.

The result of that policy was our support for a host of petty tyrants, all of whom eventually caused us much embarrassment. And ultimately we lost in Iran, Nicaragua, Vietnam and nearly everywhere else we got involved. But with Ronald Reagan a turn began when U.S. military force was used to support "freedom fighters."

The invasion of Grenada was our first attempt to "impose" democracy, and the success of that little engagement led to other glorious wars. An episode in Panama and the specter of Manuel Noriega before the Inquisitor bailed out the War on Drugs, preparing Americans for a descent on the Middle East to liberate the oil barons of Kuwait from Saddam Hussein. Soon we had Bob Hope shows and all those things we associated with good wars.

Clinton is merely trying to keep up the pace. Unfortunately, the situation in Bosnia is too ambiguous to provide the basis for a Crusade. Additional U.S. involvement is more likely to upset the balance of power even further. Unless the new Bosnian state can develop its own internal equilibrium, it cannot survive.

The United States must play a role in the negotiating process, but Clinton could find better venues for a military action to redeem his political career.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

How about the Bahamas?

WELCOMING THE PRIME MINISTER OF THE STATE OF ISRAEL, SHIMON PERES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. STOKES. Mr. Speaker, today marks a historic occasion in the halls of Congress. I join my colleagues in welcoming to this Chamber the Prime Minister of the State of Israel, Shimon Peres. Mr. Peres journeyed to the United States to help us pay homage to our friend, the late Israeli Prime Minister Yitzhak Rabin, and to demonstrate the unity that exists between our two nations. As he addresses this joint session of Congress, we express our appreciation to Prime Minister Peres for his willingness to make this important journey on behalf of the people and State of Israel.

The voice of Prime Minister Yitzhak Rabin has been silenced. Hatred took from our midst a strong leader who believed that the time had come to seek peace in the Middle East. Yet, we gather today with a renewed sense of commitment to pursue peace in that region. It is, indeed, the highest tribute we can pay to Yitzhak Rabin.

Mr. Speaker, the man who addresses us as the new Prime Minister of Israel, Shimon Peres, has served his nation with distinction and honor. He brings to the post a record of distinguished service in office, and the highest level of commitment and integrity. Prime Minister Peres is a strong leader to whom we pledge our full support.

Mr. Speaker, I am proud of our Nation's longstanding and close relationship with the people of Israel. Our historic and mutually beneficial relationship is a testament to international cooperation. Indeed, it exists as a model for all peace-loving nations of the world. During this period of mourning for the slain hero, Yitzhak Rabin, we remain committed to that relationship.

In the United States, we applaud President Clinton for his continued leadership in the quest for peace in the Middle East. He has demonstrated America's strong support for this effort, and he stands beside his brother, Shimon Peres, offering a strong arm of support. The leadership of these two individuals and their courage in the pursuit of peace should be encouraged by all Americans and Israelis.

Mr. Speaker, on behalf of the residents of the 11th Congressional District, I take pride in welcoming Israeli Prime Minister Shimon Peres to Washington. As he comes before us, we take this opportunity to again convey our condolences during this time of mourning for Yitzhak Rabin. We hope that Prime Minister Peres will carry back to the people of his nation our words of comfort and support. Our support is extended in the spirit of brotherhood and unity.

BREATHITT COUNTY STATE CHAMPS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. ROGERS. Mr. Speaker, last week, many high schools around the Nation won high school State football championships. But, none were more exciting than Breathitt County, KY's 42–35, 2OT victory over Franklin-Simpson in the Kentucky 2A State football championship.

The Bobcats, whose program is one of the strongest in the State, won their first State championship ever while fishing the first undefeated season—15–0—in the school's long history.

And they won it in thrilling, heart-quickening style.

Trailing by as many as 14 points, the determined Bobcats, led by quarterback Waylon Chapman, stormed back several times, climaxed by a 90-yard drive which tied the score in the game's final minutes.

After matching scores in the first overtime, the Bobcats faced a fourth down play from the 16 yard line. After a scramble, Chapman's pass fell into the hands of a sliding Phillip Watts in the corner of the end zone.

After a short gasp, the covering official signaled touchdown sending the Bobcats and their faithful into a frenzy.

But, it wasn't over. Franklin-Simpson had one more chance to win.

After two plays, the stiff Bobcat defense forced a fumble and recovered it to clinch the victory. and, then the real celebrating began.

Stunned and emotionally drained, Coach Mike Holcomb captured his team's thoughts best. "It's a great feeling for this community," he said. "They poured their hearts out for this team."

Yes, it is wonderful for this great community, but it is even a bigger accomplishment for the fine young athletes at Breathitt County High School. They never quit. Their determination, commitment and perseverance is something everyone in this country can respect with pride.

Coach Vince Lombardi, in his immortal speech, "What It Takes To Be Number One," said, "I firmly believe that man's finest hour—his greatest fulfillment—is that moment when he was worked his heart out and he's exhausted on the field of battle—Victorious."

The Bobcats have been to the top of the mountain, and as ABC's Keith Jackson would say, "Oh Nellie," are we proud.

GIANT HEALTH NET H.M.O. SUES COMPANY THAT GIVES IT A BAD RATING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. STARK. Mr. Speaker, the movement to managed care is sweeping the country, and it is vital that patients know whether the HMO's and other organizations they are being asked to join provide quality care or are financially sound.

A bad sign for consumers is the lawsuit of giant Health Net HMO against the tiny rating firm of Weiss Ratings, Inc. Health Net claims that Weiss' analysis of Health Net's very shakey financial status—a "D−" rating—was harmful to the HMO.

Mr. Speaker, the law suit smacks of intimidation. The financial data was very clear. At the time of the rating, Health Net was in bad shape. Weiss has an excellent reputation for spotting companies in trouble. Customers and investors have a right to know. If lawsuits like this succeed in silencing the analysts and critics, there will be no competitive marketplace because the consumer will have no hope of making an informed decision. Ignorant customers don't make good customers—and Health Net's lawsuit is an effort to keep the public ignorant. The problem is, ignorance in picking a health plan can cause customer bankruptcy or even death.

Enclosed is a portion of the New York Times article of November 24, 1995, that describes the kind of anticonsumer lawsuit that Health Net is pursuing.

[From the New York Times, Nov. 24, 1995]

RATING AGENCIES FACING LAWSUITS FOR LOW GRADES

(By Michael Quint)

Rating agencies that grade the financial strength of companies and local governments are accustomed to lawsuits by investors who say that the ratings failed to alert them to serious problems. But the agencies are not used to being sued by the entities they rate.

Now that is changing, as agencies ranging from the giant Moody's Investors Service in New York, a unit of the Dun & Bradstreet Corporation, to tiny Weiss Group, of Palm Beach Gardens, Fla., are learning that they are vulnerable to suits from companies or governments who say that their ratings were so low as to be libelous.

Rating agencies defend their right to publish opinions as a matter of freedom of the press, regardless of whether they were hired to issue the rating.

But in two current disputes, one by the second-largest health maintenance organization in California and the other by the largest school district in Colorado, rating agencies that issued unsolicited ratings were accused of using their reports to drum up business.

Unsolicited ratings can become an issue when companies and local governments that paid to be rated wanted to choose the agencies that they thought would give them the best ratings, testifying to their strength. If an unsolicited rating was much different from what the company thought it deserved, sparks could fly.

Malik Hasan, a doctor and chairman of Health Net, a California health maintenance organization, said a D− rating by Weiss "made us into their poster boy." Mr. Hasan said that Weiss used the rating to attract attention and sell more of the agency's reports. Late last year, after Weiss gave Health Net the lowest rating of any of the country's 13 largest H.M.O.'s, Health Net filed suit in Federal court in Los Angeles accusing Weiss of interfering with its business, and of defamation, slander and libel.

Martin Weiss, chairman of the rating agency, said he had spent more than $350,000 of his own money defending the agency against the lawsuit and was in no mood to back down. "I am fighting to the bitter end, because if I cave in now, the word would get around that the way to get a better rating or to shut up Weiss is to sue him," he said.

Although Mr. Weiss has sold only 21 reports about Health Net, he hopes that H.M.O. ratings will raise his company's revenues above the $764,000 total for 1994. The financial ratings of H.M.O.'s were important, he said, because the groups were growing and "a group that is under financial pressure could be more likely to cut corners on medical care."

Concern about his reputation led Mr. Weiss to reject a compromise settlement proposal a week ago, because it would not have made clear that Mr. Weiss did not pay any damages to Health Net, nor would he have been able to talk publicly about the case.

Dr. Hasan of Health Net said he was pushing the suit because the criteria for Weiss ratings remained secret and put too much emphasis on measures of financial strength that did not accurately reflect the ability of his company to pay the medical costs of its 1.4 million customers in California.

Mr. Weiss defended his rating formula, saying it was similar to one being developed by state insurance commissioners for H.M.O.'s. He said that his standards did not condemn the entire industry. Nearly half the 385 H.M.O.'s he now rates are in the A or B categories, with another 32 percent in the C rating group.

THE BALANCED BUDGET ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. WATTS of Oklahoma. Mr. Speaker, the Balanced Budget Act of 1995 could be the best holiday gift that we ever give our children and grandchildren. This legislation could be the first step in paying off the ever-mounting debts we have accumulated for future generations. And this legislation could be the catalyst for new and better paying jobs for America's workers and for students who will be entering the job market.

But this legislation can be none of these things until the President joins us in our commitment to a true balanced budget.

The Nation's job-creating businesses are alarmed that the President has not joined the Congress in bringing fiscal discipline to the Federal establishment. Last week, Dr. Richard Lesher, President of the U.S. Chamber of Commerce, wrote to President Clinton to express his views on the veto of the Balanced Budget Act.

I believe that Dr. Lesher has raised important points in his letter to the President, and I would like to share it with my colleagues. Dr. Lesher's letter follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, December 6, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the world's largest business federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 75 American Chambers of Commerce abroad, I am writing to express our extreme disappointment over your vetoing H.R. 2491, the "Balanced Budget Act of 1995."

This historic legislation was the culmination of Herculean efforts by Members of Congress and the American people to bring about real fiscal discipline at the Federal level. It reflected a delicate balance between streamlining the Federal government, providing economic stimulus through tax relief to America's families and businesses, and ensuring that necessary government services remain strong and directed to America's truly needy.

Large and small businesses alike embraced H.R. 2491 as a means of improving the nation's economic climate and job creation. Eliminating our nation's annual deficits will lead to lower interest rates, increased savings and investment, greater productivity, additional and better paying jobs, and an overall higher standard of living for all citizens. Further, tax relief for America's families and businesses will increase capital investment, preserve family-owned businesses, and modernize outdated tax laws while making the goal of a balanced budget more attainable.

From national polls, to town hall meetings, to telephone calls and letters, the American people clearly believe the tax and spend approach of big government is unacceptable. We agree. If H.R. 2491 is not the answer, it is incumbent on you and your Administration to put forth specific proposals which respond to the call for a seven year balanced budget plan.

The impending fiscal crisis threatens every level and aspect of our lives: from our competitive stance, to our standard of living, to those critical services for the needy, nothing escapes its clutches. This moral imperative is too critical to be responded to by political rhetoric and no solutions. All of us must rise above politics, exercising true leadership by coming to a timely agreement.

That is what we expect of you and our congressional leaders. The time is now for you to provide the leadership to finally achieve an agreement to balance the budget for America's future.

Sincerely,

RICHARD L. LESHER.

TRIBUTE TO COL. WILLIAM J. DALECKY, USAF

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. DORNAN. Mr. Speaker, a friend of the Congress and a long time leader in this Nation's Air Force fighter aircraft weapons systems, Col. William J. Dalecky, is retiring from the U.S. Air Force on 1 January 1996. His most recent position has been as the Chief, Weapons Systems Liaison Division, Office of the Secretary of the Air Force, Washington, DC. In this position he has been responsible to the Secretary of the Air Force for legislative liaison for authorization of all Air Force weapon systems budget requests.

Colonel Dalecky has had a distinguished career of nearly 26 years of military service. After being commissioned through the U.S. Air Force Academy in June 1969 and graduating 11th in his class, he attended graduate school at the Anderson School of Management, UCLA and was awarded an MBA degree. He then entered undergraduate pilot training at Webb AFB, TX, graduating with distinction in 1971. Colonel Dalecky's first operational assignment was as an F-4D aircraft commander with the Triple Nickel—555 Tactical Fighter Squadron—Udorn, Royal Thailand AFB. During his tour in Southeast Asia, Colonel Dalecky flew extensively over North Viet Nam, logging 200 combat missions.

His next two decades of service continued to contribute directly to the aerospace defense of our Nation. After his tour at Udorn, Colonel Dalecky served as an F-4 instructor pilot at Luke AFB, as an F-4D Squadron flight commander at Spangdahlem AB, then as a T-41 instructor pilot at the U.S. Air Force Academy, instructing cadets in basic flying skills in preparation for pilot training, and finally, as an A-10 aircraft commander at England AFB. His final operational assignment was as deputy commander for operations and later commander, 52 Operations Group, Spangdahlem AB. During this assignment, he deployed two of three assigned Wild Weasel squadrons to combat against Iraq, with no losses due to enemy activity.

Colonel Dalecky attended the U.S. Army Command & General Staff College in Ft. Leavenworth, KS and the Naval War College, Newport, RI.

Colonel Dalecky also holds an MS degree in International Relations from Troy State University, a masters degree in Military Art and Science from U.S. Army Command and General Staff College, and an MS degree in National Strategic Studies from the Naval War College. Colonel Dalecky has received numerous awards and decorations, including the Distinguished Flying Cross, the Purple Heart, and the Legion of Merit.

Colonel Dalecky is married to the former Elisabeth Houle. They have three daughters, Natalie, Selene, and Amanda.

Colonel Dalecky plans to continue his work in fighter aircraft programs in a civilian capacity in the Washington area. On behalf of my colleagues and the congressional staff who have known and worked with Colonel Dalecky, we wish him and his wife Betty the very best in their future endeavors.

TRIBUTE TO REV. SAMUEL G. SIMPSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Rev. Samuel G. Simpson who was honored by friends and members of the Bronx Baptist Church on Sunday, November 12, for his 31 years of service in this ministry in my South Bronx congressional district.

Reverend Simpson has faithfully led the congregation since the beginnings of the church, when it started as a mission of the First Baptist Church, in Brooklyn. That same year the congregation moved their meeting place at 2024 Honeywell Avenue, in the Bronx. The number of worshippers continue to grow and a larger location was secured, in 1970, at 331 East 187th Street.

Born in Jamaica, Mr. Simpson attended West Indies College. Soon afterward, he moved to New Jersey and obtained a bachelor's degree from Northeastern Bible College. He also holds an M.P.S. from the New York Theological Seminary, a D.D. from Asia Bible College, and a D.D. from Martha's Vineyard Theological Seminary.

Always anxious to learn, Reverend Simpson broadened his education by completing courses at New York University, New York Institute of Photography, and at Oxford University.

Besides his passion for learning, Reverend Simpson has been an active member in the community. He holds numerous memberships and has presided over many religious organizations. Among these Reverend Simpson was the president of the Baptist Convention of New York, the Metropolitan New York Baptist Association Pastor's Conference, and of the Bronx Division of the Council of Churches. He continues to preside over the Clergy Coalition of the 47th Precinct and is the chairman of the board of the Bronx Baptist Day Care and Learning Center.

Reverend Simpson's commitment to spread the gospel and to help the members of the community has been recognized by many organizations. The Bronx Council of churches honored him with the "Man of the Year" award. He was also recognized in "Who is Who, Among Black Americans," and received the Community Services award from the Seventh Day Adventist Church of New York City, and the Community Appreciation award from the Bronx Shepherd Restoration. A highly educated man, Reverend Simpson has published numerous works, including, "Seven Beginnings."

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding accomplishments of Reverend Simpson and his untiring service to the Bronx Baptist Church in the South Bronx community.

RETIREMENT OF DONALD ROACH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to take a moment to express my congratulations and admiration to Mr. Donald Roach of Indianapolis, IN, as he retires from Allison Transmission.

In his nearly 50 years in the work force, Mr. Roach served his community and country in several capacities.

A weapons expert in the U.S. Army in the early 1950's, Mr. Roach brought his military expertise to Allison Transmission in Indianapolis in 1981. He began as a specialist on a battle-tank development project at Allison and then served as Allison's Audit Coordinator at the U.S. Army Tank Plant in Lima, OH, for the balance of the 1980's.

Donald Roach would conclude his years of service as a regional account manager, sharing his lifelong experience and expertise with both customers and fellow Allison employees across the country.

Even in this retirement, Donald Roach will remain active in various community service organizations and social clubs, and especially with his family. He has a wife, four children, and many grandchildren with whom he can enjoy the next phase of his life. I wish Donald Roach the best as he reflects on the many memories of the last 50 years.

NATIONAL FUEL FUNDS DAY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, the safety net for millions of low-income and elderly families striving to keep warm this winter is wearing awfully thin. Budget cuts and funding delays have left the Low Income Home Energy Assistance Program [LIHEAP] struggling to get off the ground as the coldest winter weather approaches. This year as never before, needy households will be turning to private fuel funds to safely warm their homes and make it through the winter.

Today is National Fuel Funds Day. Sponsored by the National Fuel Funds Network, it is a time to remember the more than 285 private fuel funds around the country and to show our support for their work to warm the lives of our fellow citizens. Americans are a generous people. In fact, Americans donated more than $72 million in support of this Nation's private fuel funds in 1993 alone. That figure pales, however, in comparison with the more than $1 billion in fuel assistance provided annually by the Federal Government and the magnitude of the cuts currently being proposed for this vital program. The House has recommended eliminating energy assistance from the 1996 budget while the Senate is contemplating a more than 30 percent reduction in funding.

Let us remember, then, our private fuel funds on National Fuel Funds Day and support them as they fight against the tide to shore up the safety net for millions of needy American men, women, and children.

1995 ORDER OF EXCELLENCE FOR BEST NURSING HOME

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MONTGOMERY. Mr. Speaker, I would like to congratulate the Department of Veterans Affairs and particularly the Tucson VA Nursing Home for being awarded the 1995 Order of Excellence for Best Nursing Home by the nursing home industry journal, Contemporary Long Term Care, which sponsors the annual competition.

The Tucson facility scored first among both public and private nursing homes around the country with fewer than 135 beds. Tucson is the first VA nursing home to win the award. In fact, this is the first time the award has been given to a public facility.

The Tucson 120-bed center serves more than 600 elderly veterans in southern Arizona through a variety of special rehabilitation programs aimed at returning the veterans home or achieving independence. In addition to physical rehabilitation, the center provides interim neurologic treatment for dementia and stroke, psychiatric and hospice care, and respite care.

I am very proud that a VA facility has won recognition as a nationally outstanding care provider. Congratulations, Tucson, and the Department of Veterans Affairs.

OPPOSE THE SALE OF ADVANCED MISSILES TO TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SMITH of New Jersey. Mr. Speaker, on December 1, DOD's Defense Security Assistance Agency notified the House International Affairs Committee of the sale of 120 Army Tactical Missile Systems [ATACMS] to Turkey. Essentially a massive, guided cluster bomb, each missile is accurate at a range of up to 100 miles and delivers 950 small bombs. Many of the munitions fail to detonate, remain on the ground, and become a mortal threat to noncombatants. I rise today to voice grave concerns about this sale and question the rationale and timing of this deal. I also want to point out possible consequences of this sale and underscore the danger of unconditional military support for an unstable regime which routinely commits massive human rights abuses against its own citizenry.

Mr. Speaker, my main concern about this sale is that Turkey's regime could use these missiles against civilians as it pursues its ruthless campaign against Kurdish guerrillas. Tragically, Kurdish terrorists have killed hundreds of innocent civilians. Yet in response, Turkey's military has killed thousands, tortured and maimed countless others, destroyed almost 3,000 Kurdish villages and forced 3 million people from their homes. On November 20, 1995, Human Rights Watch detailed in a 171-page report the Turkish military's widespread use of United States-supplied equipment in campaigns which inflict death and destruction against civilians. The atrocities detailed in this report are appalling. The report cites more than two dozen eyewitness accounts and substantiates a June 1995 State Department report which also concluded that U.S. equipment was used to violate the human rights of civilians.

Mr. Speaker, advocates of the missile sale argue that Turkey would not use ATACMS against civilians because of the system's high cost and because such use can be easily detected. Both rationales are preposterous. Over recent years, Turkey has spent an estimated $7 billion per annum fighting its internal war. The supposed deterrence due to United States detection capabilities also rings hollow given that this administration, despite overwhelming evidence that Turkey uses United

States-supplied weapons against civilians, refuses to condition Turkey's use of United States equipment. I am particularly disturbed that the State Department's Office on Democracy, Labor and Human Rights has lent its support to this sale when it had opposed the sale of ordinary cluster bombs to Turkey earlier this year. The sale of such weapons appears to indicate that the United States Government is willing to ignore Turkey's ruthless suppression of its Kurdish population because of Turkey's value as a strategic and economic partner. It is worth pointing out, Mr. Speaker, that the prime beneficiary of this $132 million contract will be the LORAL Corp., which manufactures ATACMS in Camden, AR.

Mr. Speaker, Turkey is undeniably located in a troubled and unstable region of the world. But Mr. Speaker, extending assistance to a fellow member of NATO does not mean we must shut our eyes to their violations of basic human rights. This administration has prioritized the halt of missile proliferation, and I would further question the introduction of advanced missile technology into this unstable region on these grounds.

On October 17 of this year, Mr. Speaker, a New York Times editorial entitled "America Arms Turkey's Repression" concluded that "[A]ny further [military] aid should carry human rights conditions that would promote a political solution to a war that has undermined Turkish democracy, boosted the power of the military, drained the economy and divided Turkey from its European allies. Placing such conditions on assistance would also reduce America's complicity in Turkey's repressive internal war." Administration representatives, many of my colleagues, and political leaders around the world are urging the Government of Turkey to pursue nonmilitary solutions to the Kurdish crisis because Turkey's purely military approach has failed to do anything but prolong the bloody, divisive and costly conflict. Mr. Speaker, I would also ask how the transfer of an advanced, destructive weapons system serves long-term United States interests in promoting nonmilitary solutions to Turkey's internal conflict?

Mr. Speaker, on December 24, national elections will be held in Turkey which will have far reaching implications for United States-Turkish relations and the course of democracy in Turkey. Most observers believe the Islamic-based Welfare Party is poised to win more votes than any other party and will play an important role in, if not lead, Turkey's post-election government. This anti-Western party has declared its intentions to reevaluate the foundations of Turkey's strategic and economic relationship with the United States. This raises the question of whether United States policy makers have thought about the consequences should Turkish voters bring the fundamentalists to power? If the Turkish military is to remain subordinated to civilian authorities, then should we not think twice about providing sophisticated weaponry to a regime whose leaders have stated their opposition to United States interests in the region?

Mr. Speaker, I want to reiterate my opposition to this sale on the grounds that it is amoral and undermines U.S. security interests. Turkey's leaders have not sought to assuage concerns that such weapons would be used internally, by publicly committing to nonuse of this United States-supplied weapon on its own territory, against its own citizens. Mr. Speaker, I believe the sale of ATACMS to Turkey is a mistake we will come to regret. It is shameful that these implements of civilian death and destruction will be labeled "Made in the USA."

REMARKS BY MARVIN LENDER ABOUT THE TRAGIC DEATH OF YITZHAK RABIN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Ms. DELAURO. Mr. Speaker, today I rise to share a statement made by my dear friend Marvin Lender about the tragic assassination of Yitzhak Rabin. A resident of Woodbridge, CT, Mr. Lender is the former national chairman of the United Jewish Appeal and has a long and distinguished record in helping others. He has made countless contributions to community and civic affairs, but has concentrated his efforts on the Jewish community and the people of Israel.

Before assuming the chairmanship of the United Jewish Appeal [UJA], Mr. Lender was UJA's national chairman for major gifts, and contributed greatly to the Passage to Freedom Special Campaign for Soviet Jewry and Operation Exodus. The success of Soviet Jewry's settlement in Israel in freedom and dignity is due to his extraordinary efforts on their behalf. He served as UJA's cochairman for the northeast region, general chairman of New Haven's Combined Jewish Appeal, and president and chairman of the boards of directors of the United Israel Appeal and the American Jewish Joint Distribution Committee.

Mr. Lender currently resides in Woodbridge with his wife and three children. He serves on the board of trustees at Yale New Haven Hospital and is the cochairman of the annual drive for the New Haven chapter of the Juvenile Diabetes Foundation. Mr. Lender cochairs the New Haven Holocaust and Prejudice Reduction program which helps eliminate prejudice by making school-age children aware of the horrors of the Holocaust.

Through his following statement, it is clear that his countless efforts on behalf of the Jewish Community and the people of Israel were inspired by the achievements and the example of Yitzhak Rabin. I applaud Mr. Lender's heartfelt statement remembering and honoring Yitzhak Rabin. Mr. Rabin's life and his achievements will be remembered and revered for many years to come.

I am returning to Israel after just arriving back in the states on Friday. Sleeping on the flight is impossible. My mind never stops thinking about Prime Minister Rabin. The times that I had the privilege of being with him are so vivid to me. I have feelings of sadness. I feel that the Jewish people have experienced another major tragedy. Israel is at the center of it all again—the bombing of a bus in Tel Aviv or Beit Leit—soldiers being killed in South Lebanon—and now the taking of the life of the Prime Minister of the State of Israel. Israel, the homeland of the Jewish people. And to make matters worse, if that is possible, Rabin was murdered by a Jew. For many reasons, I felt I needed to be there—to attend his funeral—to pay my respects and personally say good-bye—to be there as a representative of the United Jewish Appeal, as a strong supporter of Israel, as a Jew, and most of all, as a friend and admirer of Yitzhak Rabin. In fact, ironically, after many years of interacting with him, and especially over these last two years, I had come to know him more intimately, and to some extent he began to know more about me and how I felt about what he was doing.

Our first meeting was on the day after he was elected Prime Minister. I remember it as though it were yesterday. I remember September 13, 1993, on the lawn of the White House. I will never forget his demeanor. He was so uncomfortable. His body language was so obvious. He did not want to be there, but he knew he had to be in order to lead our people to a new phase in our history. This was the first significant step in the peace process. Rabin had the courage to take this momentous step, beginning the long rocky road that he would travel to achieve peace. He spoke, and you could hear his concern, his emotion and his passion. He concluded his poignant remarks with the Hebrew words so familiar to us, "Ose sholom binromov hu yasase sholom Olaynu v'al kol yisroayl v'imru omayn." And at the end, which was a beginning, he shook hands with Arafat, symbolizing a time for change and peace.

Immediately after the signing, Brian Lurie, executive vice president, United Jewish Appeal, Joel Tauber, president, United Jewish Appeal, and I, flew to Israel and met with the Prime Minister to define UJA's role in peace. He was very clear about our responsibility to Aliyah and Klitah (immigration and absorption). After watching the historic vote in the Knesset, we took the message back to America. Our meeting with Mr. Rabin once again demonstrated his ties as well as expectations vis-a-vis Jews in the Diaspora. From that moment, Mr. Rabin was under a different kind of pressure. Every time an Israeli died or was injured in a terrorist attack, it was like losing his own child. He despised fanaticism and terrorism by all people. There were no distinctions between Jews and non-Jews. The Baruch Goldstein event was a tragedy for him, not unlike any Arab terrorist activity.

My image of Prime Minister Rabin is that of a shy man. One who preferred not to make speeches. He was direct and focused—yet one could sense his strong feeling and sensitivity every time he spoke. If you were fortunate to be with him in a small group, it became even more evident how bright, intelligent, sharp and knowledgeable he was about any subject. It did not matter whether it related to the United Jewish Appeal, the Jewish Agency for Israel, or any other subject matter, the Prime Minister would always offer a solution. Peace was his focus. It impacted on all of the issues that he talked about during his campaign and his term in office—the economy, immigration and absorption—as well as the social issues of the country.

A year ago, I heard the Prime Minister speak at a meeting in London. That evening, he recounted a number of significant events of the week. He spoke of the arrival of the Chief Rabbi of Syria, marking the end of a movement to free Syrian Jews, as well as the signing of the Jordanian Peace Accord in Arava.

But he spoke most emotionally as he recounted the shiva call that he had made to the family of Nachon Waxman. I saw his tears and pain as he described the attack that he authorized in an attempt to release a Jewish hostage.

There were many meetings over the last three years—from the day after he won the election, to our meetings in Washington several days ago. He was always focused, determined and very clear about his mission. However, one could see the passion and compassion that this great man possessed. He knew, and so did we, that he was making great progress on the road to peace, albeit with great sacrifice and pain. He was deeply hurt by the demonstrations and personal attacks on him by the right wing in Israel and America. But he was a man driven by his desire for peace. He did not want the children to die in a war. Little did he know that he would give his own life for peace. Yitzhak Rabin was a warm, caring man—a husband, father, grandfather, and a friend. He loved his country. He loved Jerusalem.

On October 25, in Washington, D.C., in the Rotunda, how proud I was when the Prime Minister spoke about "my Jerusalem." His words were those of a poet. How beautiful. How poignant. It really is his Jerusalem. That evening, he presented President Clinton with the Isaiah Peace Award on behalf of the United Jewish Appeal. It was truly their peace. The strong feeling of affection that they had for each other were very obvious.

At the funeral, I will always remember the siren blasting for two minutes. I watched Israelis, dignitaries from around the world, and representatives of world Jewry, as they bowed their heads in sorrow. His loss will be felt by all. When President Clinton walked by the casket and bowed his head, I cried. When I listened to Shimon Sheves, his granddaughter, and Etan Haber, I cried. The people who spoke reflected the true feelings of all of us, and all those from around the world honored him with their attendance, attesting to his greatness.

We appreciate and are grateful for having had him as our leader. Yitzhak, we will truly miss you—I will truly miss you. May your life and commitment to peace be an inspiration to all mankind.

VIEW FROM CALIFORNIA: THROW PEOPLE OFF MEDICAID TO MAKE THEM GO TO WORK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. STARK. Mr. Speaker, the Republican budget cuts Federal support for Medicaid by an unprecedented $163 billion—over 10 times anything ever enacted by any Republican or Democratic President. The Republican plan achieves these savings by capping overall spending. This means that spending growth per beneficiary would fall from the current 7 to 1.6 percent annually—far below the rate of inflation. States cannot sustain coverage when Federal funds are increasing at only 1.6 percent per beneficiary. States will be forced to reduce benefits and/or provider payments and eliminate coverage for millions of people on Medicaid.

A recent column in the November 28 edition of the Sacramento Bee leaves me fearful for the poor in our California. The author, Mr. Dan Walters, was commenting on California's plans for Medi-Cal if the Republican welfare bill becomes law.

Currently, more than 5 million Californians receive their medical care through Medi-Cal. If the Republican welfare bill becomes law, California and other States will have to decide whether to maintain current eligibility and make up the shortfall with their own money or begin cutting caseloads. California may well slash Medi-Cal recipient rolls by hundreds of thousands.

The column reports that Eloise Anderson, California's social services director, is urging the Wilson administration to adopt a policy that would focus Medi-Cal benefits on some subgroups and deny benefits to others. She advocates a program of varying benefits that depends on one's suitability to obtain employment. Anderson is quoted as saying:

> By denying or limiting Medi-Cal availability, families could be further encouraged to exercise personal responsibility and to obtain self-sufficiency through full or part-time work.

This philosophy is frightening. What will happen when a poor, non-Medicaid person gets sick? Won't those eliminated simply turn up in hospital emergency rooms? Are they supposed to go to work sick?

Ms. Anderson recommends cutting Medicaid for people on welfare or trying to leave welfare as a way to prod them into work. What if they have a minimum wage job—how much would it cost to buy a health insurance policy for a mother and a child? Is it realistic to expect that to happen? What about the extensive medical literature which shows that people who don't have health insurance tend to be sicker and less dependable workers? Are the types of jobs a welfare mom is likely to get the ones that offer employer-paid health insurance? Of course not.

The reduction in Federal support under the Republican plan could force States to deny coverage for nearly 8 million Americans in 2002 alone. California is considering a dramatic reduction in eligibility. How will other States respond? Will they also cut their program, to be competitive with California's reduced tax expenditures? Who knows—the Republicans have stripped away the Medicaid guarantee for the sick, elderly, poor, blind, or disabled. The States will have the choice whether to cover these vulnerable citizens. Statements like Ms. Anderson's point to a "race to the bottom"—a race which will leave the most vulnerable in our society sick or dead.

TRIBUTE TO LT. COLONEL PETER R. McCARTHY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MORAN. Mr. Speaker, I rise today to recognize a long time friend and constituent of mine, Lt. Colonel Peter R. McCarthy, USMC, retired.

He has made an excellent transition from a Marine officer to a private sector businessman, providing continued support to the military, much of which is on a pro bono basis.

His philosophy is simply to pass on to the next generation for their benefit, all of the professional transition knowledge and know how that he has gained. He has been highly successful in this regard.

I am placing in the RECORD an article describing his efforts which appeared in a recent Washington Post Sunday magazine.

[From the Washington Post, June 11, 1995]

BASIC RETRAINING

(By Brigid Schultz)

"In the '60s, '70s and '80s you could carpet-bomb the marketplace with résumés and get a response." Peter McCarthy is conducting a briefing. "You could shoot a shotgun in the sky and ducks would come down." His voice is loud though his audience is small. "You could spray machine-gun fire and you'd get a hit." Eight officers are sitting posture-perfect behind oversize cards with names like Warren, Dick and Mark scrawled in big letters.

"Today you've got to be an Olympic rifle shooter." McCarthy's voice quiets and his face grows stern. "You've only got two magazines." He slams an imaginary cartridge into an imaginary rifle and holds it to his shoulder. He squints one eye, takes a step forward and aims. "You pick your targets, and boom!" He pulls an imaginary trigger. "Into the black, boom!" He fires again. "Into the black. Every time."

The officers—seven men and one woman—nod solemnly. They have reported to this room at the Radisson Executive Retreat Center in Alexandria expecting grim news, and they are getting it. The U.S. military is downsizing. These officers—Army colonels, Marine Corps majors and Navy captains—will be among those to go. They have come to learn how to search for a job.

As McCarthy's report sinks in, some of them twist their bulbous service-academy rings and stare out the window.

"P and L." He is pacing in front of them. He served in the Marine Corps for 20 years, some of them in Vietnam. "To you, that has meant professionalism and loyalty. But in the private sector, it's the 23rd of December, you've got a number of kids, and on your desk you find a pink slip. There's P and L for you: profit and loss. A knife in the back. . . . You guys are so used to knowing who's in the next foxhole, counting on him, that you've got a built-in naivete."

McCarthy has made his own foray into the private sector as a consultant specializing in helping service personnel cross to the other side. Many of them have been in uniform since the day they got out of school. Most of them are only in their forties. After 20 years in, they can draw a pension of half their base pay; for people with children and mortgages, that isn't enough. Civilian firms are eliminating the middle-management jobs for which they would be best suited.

"There's a psychological bridge between you and the private sector. At the top of the bridge is a granite wall 12 feet high and 12 feet thick. Once you walk over that bridge, it's a whole different culture. . ."

The first lesson is in "creative research." Before the officers arrived, they were asked to fill out a form titled "Understanding You." McCarthy asks them to identify their hidden skills, assets and interests that may translate to a civilian enterprise. "If you were recruiters, you're great salesmen," he says. The group brainstorms about growing opportunities in law enforcement, leisure, finance. "Child-abuse counseling seems to be a growth industry," offers one Marine colonel. McCarthy hands out a reading list: *Age Wave, Megatrends 2000, Powershift, What Color is Your Parachute?*

For the "primary attack," he says, you have to research companies, figure out what they need and tailor your résumé, appearance and demeanor to fit. But don't be too hasty: Get your act together first.

"Look, you're a battleship heading up this way." He draws a pencil-shaped ship steaming head-on toward enemy targets. "I don't want you to fire now. You've got one gun firing at the target. Instead, I want you to come here." He positions the ship closer to the target and swings it around, broadside. "Fire all your guns at all the targets. Mass your fire, just like a column of artillery. Get ready, get organized and—boom!"

Networking is next. McCarthy tells them to run their friends, family, neighbors and acquaintances as if they were intelligence agents, using them as "listening posts" doing "recon" on the marketplace. Their "secondary attack" is to "explode" these "intel" networks, adding more and more listening posts to report back to them.

Then, résumés. McCarthy tells them not to use acronyms like CINCEUR and JIB and LANTCOM. Instead of saying Marine Corps, say "large international organization." He turns to the board and begins writing an outline: Situation. Goals. Parameters. Execution. Administration. Control. "This look familiar to you guys?"

Relief washes over their faces.

"This plan was used by Moses to cross the desert, by Arthur Andersen to expand globally, and by Norman Schwarzkopf to go into Kuwait." It is the field order that the military uses for combat and just about every other situation. McCarthy takes them through it point by point, and after "Control," he also asks them to add a "love statement"—family considerations.

After lunch, the officers study how to dress. For this representatives of Nordstrom has been enlisted to outfit some mannequins with dark blue and gray suit coats, red patterned ties and braces. McCarthy shows off his own Hickey-Freeman suit and wingtips.

They start with the basics: Never wear a brown or olive suit to an interview. Never wear a plastic running watch. Do wear pressed French cuffs with gold cuff links, but skip the monogram. Do wear natural fibers . . .

The officers are scribbling in their briefing books.

. . . Never wear pilot's glasses or shoulder pads. Always wear over-the-calf socks. Unbutton your suit coat when you sit down so the collar doesn't ride up. Get used to clothes that fit more loosely than your uniform. Do not accent your new suit with Corfam military shoes.

Next, interviewing. McCarthy's first advice is to scope out where you're going the day before. "It's just like in an operation. I can remember in Vietnam, if you could go out and helicopter along the line—you've been out there, you've seen it, it makes you more comfortable when going out on attack."

And loosen up: No more yes sir, no ma'am. Get rid of the 82nd Airborne Shuffle or the Eighth & I Walk. "You're no longer the captain of the fleet on the bridge. You need to soften up." But not too much: "They may be waiting to hear your spouse say, 'Joe's worked so hard in the Army, he's ready to take his pack off'."

Recon your interviewer. Maybe he protested against the Vietnam War. Maybe she thinks military personnel are automatons. "Assess the situation, suck up to the ego if you have to. You guys are flexible enough to adjust, because that's what you do on the battlefield."

He closes the seminar day with tips on writing thank-you notes and negotiating compensation. The officers have two more days of this to go, and already they look worn out.

TRIBUTE TO REV. RUBEN DARIO COLÓN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Ruben Dario Colón who was honored on Sunday by members of the community in celebration of his 45th ordination anniversary at the Resurrection Lutheran Church in the Bronx.

Reverend Colón has lived a life of help those who have needed him. His long and fruitful career as a pastor, counselor, police chaplain, and community activist has touched thousands of individuals in our community.

Born in Puerto Rico, Reverend Colón spent most of his youth on the island. He attended the University of Puerto Rico and in 1947, he married Ms. Ramonita Orabona with whom he had a son and a daughter. Years later, he came to the United States and obtained a bachelor's degree from Alelphi University. He also holds a master of divinity from the Lutheran Theological Seminary and completed courses at Fordham University.

Reverend Colón has served as pastor in many Lutheran churches in New York, including the Bronx Evangelical Lutheran Church of the Resurrection which he leads today. His ministry is faithfully committed to bringing spiritual enlightenment to the community.

As a psychiatric social worker, Reverend Colón has provided psychiatric therapy for adults and families at many institutions, including Covenant House, the Bronx Psychiatric Center, and the Puerto Rican Children Hospital. He also serves as chaplain at the Veterans Administration Hospital and is a member of the board of the Morrisania Diagnostic and Treatment Center of the New York City and Hospital Corporation.

Among the many honors bestowed upon him, Reverend Colón was sworn in as chaplain of the New York City Police Department with the rank of inspector by former Police Commissioner Benjamin Ward. He is also the first Puerto Rican to receive the Silver Medal of the Academic Society of Arts, Science and Literature of France.

Mr. Speaker, I ask my colleagues to join me in recognizing Rev. Ruben Dario Colón for his remarkable career serving the community and bringing hope to the many individuals he has touched.

LEWIS AND EULA ALLEN CELEBRATE THEIR GOLDEN WEDDING ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a wonderful couple in my district whose exemplary lives evoke the kind of family values and commitment this Nation can really be proud of. Lewis and Eula Allen, an extraordinary couple, celebrated their 50th wedding anniversary last November 29, 1995.

There are two individuals who genuinely epitomize the down-to-earth human qualities that ordinary Americans, the unsung heroes and heroines of our Nation, have always engendered into their children since time immemorial. I would not feel right at all if I did not share with the Congress the hallmark of excellence and commitment that this couple left to consecrate their godly home in the service of our fellowmen. The Allens are residents of Dade Country since 1945. Into this union were born four God-fearing children, Louis Larry, Francina, and Linda, who is now deceased. Five grandchildren came to bring more joys into the Allen household, Jacob, Maya, Emory, LaDona, and Louis.

A brief description of what this couple meant to the lives of their children is so compelling as to tug at the heartfelt simplicity and awesome beauty of what countless families all over America give to their children daily, nurturing them into becoming responsible, conscientious, and productive members of society. To the Allen children, Lewis and Eula, transformed their home into as oasis of love and support and encouragement. Incessantly they prayed to have God bless their parents to weather the storms and obstacles that mark up life's vicissitudes.

With this basic belief the Allens consecrated themselves to rearing their children. As their daughter, Francina, put it succinctly, "* * * mother represented the integrity of God." It was she who instilled Judaeo-Christian principles and demanded moral excellence at all times. "Mother was our role model," she continues, "and exacted from us to do right, to be good and tell the truth—come what may."

Academic achievement in the pursuit of scholastic excellence was very important to the Allens. Mediocrity was unacceptable. The Allen children were taught to strive to be among the best. While Eula taught her children these life-long lessons. Lewis nurtured in his children's malleable minds social development and political awareness. It was Lewis who sacrificed to bring his children to PTA meetings, and chaperoned their school field trips, took them to football games, and all sorts of kiddie parties as well as taught them how to handle money by bringing them to Burger King on Fridays.

When election time came Mr. Allen, who read the newspaper daily, would gather around the table his wife and children and discuss with them for whom they were going to vote. These family discussions enhanced the power of people's voting rights, especially when he impressed upon them that at no other time was equality exercised than during election time when the vote of the poor and the humble all over this Nation had the same worth as the vote of the rich and the powerful. As the children were old enough to exercise their right of suffrage, they looked forward to go to the polls and vote for their chosen candidates, knowing full well the issues and priorities on which they stand.

As we enter into the spirit of this holiday season, the Allen children are mindful of the wonderful times they celebrate with their parents. They are deeply thankful of the gift of love God has showered them through the blessings of such noble parents. I know that there are countless more like the Allens across this Nation. But I am indeed honored on one hand, and humbled on the other, to have been equally blessed with having the Allens give me their trust and confidence in representing them in the hallowed halls of the Congress. Truly it is people like the Allens that dignify my role as a public servant.

To Lewis and Eula Allen on their golden wedding anniversary, I say: "Warmest congratulations and best wishes. May God shower you with many more years to grace your wonderful union."

I would like to share with my colleagues a recent article that appeared in the Miami Times celebrating Lewis and Eula Allen's 50th wedding anniversary.

[From the Miami Times]

THE ALLENS CELEBRATE GOLDEN YEAR

(By Traci Y. Pollock)

They grew up together in a small Georgia town. They got married in their late teens and shared the good, the bad and the indifferent days.

And, through it all, Eula and Lewis Allen, both 69, have stayed together, comfortable in each other's company as they grew older.

This Wednesday they celebrated their 50th wedding anniversary.

"At my age," joked Mrs. Allen, "there's no sense of my quitting. I know what I got. I don't know what's out there."

"When you got a good wife, keep her," advises Mr. Allen.

"And she's a good cook and she keeps a good house," Mrs. Allen interjects with a slight laugh.

"She's a good everything," Mr. Allen continues, "If you ask about her shortcomings, I haven't gotten to them yet. I believe through that what the Lord put together let no one separate us."

The Allens grew up together in Andersonville, Ga., population about 900. At age 19, they married and, a year later, left their closely knit community where everyone knew each other by first name.

Mrs. Allen wanted to move to Cleveland, Ohio, where her elder brother lived, But, in 1946, the couple decided to move to Miami, where her sister and two brothers resided.

She said that every once in a while she gets a chance to go up North.

"We used to work together, play together and went to school together in Georgia," Mrs. Allen said. "We really got together when he was traveling while in the service. We did more communicating then. Then, when he got out, we courted for three years before we got married.

"I had some rough days when I came to Dade County. But I made up in my mind I was going to go through it. I was going to stay hold of my vow, I was going through it, I wasn't going around it or by pass it.

"I made it this far with God's help. I told Him what I wanted to do and that I would need His help. And since I chose to live my life for the Lord, God saved me. And that should be for anyone who wants to do something; they have to make up in their minds to do it.

"I had a lot of sad days, happy days and bad day. We've fussed. We've fought But I just put them all together and stuck hold to him. And he's been the only man in my life.

"I had desires. There were times I wanted to give it up but I would think about my vows, 'for richer or for poorer, through sickness and in health, 'til death do us part.' And he sure ain't rich. He's poor."

Mr. Allen said there was one occasion "when we had come near to separating."

"That was when I had just left the Army and I wanted to move somewhere it wasn't cold. She wanted to go North and I wanted to stay South. I probably would have done better up North, though, but I just don't like the cold weather."

Mrs. Allen describes her husband as an honest and hardworking man, who did not have to rob or steal to provide for the family.

And he says he stayed with his wife because of her positive qualities and her caring ways.

Staying together, they have seen their children, Louis, Larry, Francina Bolden and Linda Mays grow to become productive residents of Dade County. They have watched their grandchildren, Jacob Goldwire, Maya Mays, Ladonna, Emory and Louis James Allen attend school and become active in their community.

And they renewed their marital vows in 1989, on their 44th anniversary.

Asked why they did not wait until their golden anniversary, Mrs. Allen replied with a laugh, "We didn't know we would live that long."

AMERICA'S TRAVEL AND TOURISM INDUSTRY: CONGRESSMAN ROTH'S VISION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. VUCANOVICH. Mr. Speaker, last January the members of the Congressional Travel and Tourism Caucus selected Congressman TOBY ROTH to be its new chairman. The wisdom of our choice is underscored by the fact that just 11 months later, TOBY ROTH has doubled the size of the caucus, to 305 members. Travel and Tourism is now the largest caucus in Congress.

This is but one measure of TOBY ROTH's tireless efforts to invigorate the caucus and to provide our Nation's $400 billion travel and tourism industry with an effective voice on Capitol Hill. I applaud Chairman ROTH's efforts, because the travel and tourism industry, as vibrant as it is, very much needs an effective advocate within the Congress.

It is clear that with TOBY ROTH's energetic leadership, the caucus will meet this need. This same judgment also has been reached by the leadership of the travel and tourism industry. Two weeks ago, Congressman ROTH addressed the annual meeting of the Travel Business Roundtable, which is comprised of the Nation's top 100 travel industry executives.

TOBY ROTH's speech sets forth a clear vision and specific goals for the travel industry, our Nation's second largest employer. I urge all Members of the House to read his insightful address.

REMARKS BY CONGRESSMAN TOBY ROTH

It's an honor to be here, because in this room, we have the leaders of America's fastest growing, most dynamic industry. Last year, your companies brought in $400 billion in revenues. That makes travel and tourism the second-largest industry in America.

The 44 million international visitors that come to use your facilities bring in $78 billion in revenues. That means you generate 11 percent of all our exports. You employ 6 million people directly. And another 7 million jobs depend on you. So you account for 13 million American jobs. Do you know that today, there are 40 million children in this country under the age of 10. Over the next two decades, we have to find jobs for these people, or we will face a social and economic catastrophe.

When people ask where the jobs will be in the 21st century, the answer is: Travel and tourism. So you are vitally important to our country's future—and that's no overstatement. These figures are impressive, but when I say you are the most dynamic industry in America, I am really talking about you, as business people, as industry leaders and as a real force in the American economy. That's what has always impressed me about travel and tourism—the people.

What's more, that is what is attracting so many Members of Congress to our Travel and Tourism Caucus. In January, when I became chairman, we had 127 members. Today, we have 305—making Travel and Tourism the largest caucus in Congress. We have had an aggressive organizing effort these past 10 months. But what has brought us the new members is really your industry. And on behalf of the caucus, I want to tell that we are ready to work with you.

But my friends, I must tell you something that you may not realize about your industry. After having worked for years in Capitol Hill for travel and tourism, I have come to the realization that the industry is a sleeping giant. The whole is not the sum of its parts. How many people in America know how big you are? How many Americans realize that you are the Nation's second-largest industry? And how many people in the media are writing about travel and tourism as the key element in our future economic growth? The answer is, not enough.

That's what makes this organization so important. Simply put, the industry needs you, and we in Congress need you. That's not to put down the current industry representation in Washington. Travel and tourism has a number of very effective voices in Washington, both in the companies and in the associations. I know them and I work with them. But the Travel Business Roundtable brings an ingredient that, frankly, has been missing: the active involvement of the industry leaders.

We need a sharper focus on a few top priorities. We need the clout and the access that you bring. And we need the visibility, in the media and in the Halls of Congress, that only top executives like you can attract. It is your active involvement that will set the roundtable apart—and make it an effective force for the industry. Later on in the agenda, you will focus on setting a couple of priorities. I think this is a wise course.

Success will come by taking a couple of issues—issues that really mean something to the industry—and concentrating your time and energy on winning those points. It's the same principle that each of you follows in your own business: focus, concentrate and win. Today I want to suggest what one of those priorities should be, and to propose a game plan for success. As we look to the future, the key question is: where will the growth come from? Today, travel and tourism is a $400 billion industry—that's 6 percent of our GDP. Our task is to work together to insure that you become even bigger.

To reach that goal, the international market is critical. The industry cannot rely on the domestic travel market alone. That's the underlying message of the White House conference. One of the key recommendations is to strengthen our promotional efforts in the overseas market. As you all know better than I, promotion translates into revenues.

The White House conference proposed a "public-private partnership". The idea is to combine together the creativity and talents of the private sector with the resources of government—local, State and Federal—to better promote the United States as a travel destination. This is an urgent matter. Two years ago, we had 18 percent of the world market. Today, we have 16 percent.

This year, we will have 44 million international visitors. That's down 2 million from just 2 years ago. Yet the world market is growing steadily. It has tripled over the last 10 years, and will double again in the next 10. So we are losing share in a growing market.

The bottom line is: The industry won't grow if we keep on losing ground in the international travel market. And the hard reality is, with our current promotion effort, our share will keep on going down. It is projected to keep on going down, to less than 14 percent by the year 2000.

So the question is: How do we turn this around? And the answer is clear: A stronger, more creative promotion campaign. After all, we are being outclassed and outgunned by all of our major competitors. Our tourism promotion budget is $16 million, a small fraction of what European countries spend. And we see the result in our declining market share. So the partnership concept was developed and ratified at the White House conference. I have taken that concept and drafted a bill.

In your folder, you have a copy of the bill, a summary and my comments from the Congressional Record. We already have support from the Clinton administration. And, thanks to an effective job by Tom Kershaw, Jon Tisch, Darryl, and a few others, we have support from Newt Gingrich and Bob Dole. But to get something enacted into law, much more needs to be done.

This is where you can play a key role, on a proposal that will bring tangible results to the industry. Now, you are all business people. That's where I come from—a business background. So I thought you would appreciate having a specific proposal for how the roundtable can play the critical role in winning enactment of this legislation. In your folders, you have a one-page "Game Plan for Enactment" of the Travel, and Tourism Partnership Act. This lays out a strategy for winning enactment of the partnership plan by next summer. This game plan will work, if we work together and make this a priority.

The plan is to kick off the campaign with a big hearing by my subcommittee and the other House panel which has jurisdiction. This hearing is already in the planning stages. We would use this hearing to demonstrate what we could achieve through the partnership—in other words to show the kind of sophisticated, effective promotional effort that the private sector can produce. Building on that hearing, we would work together to corral the votes to get our bill through the two House committees and onto the House floor.

Just prior to the House floor vote, we would have a concentrated day of Capitol Hill visits by industry leaders. Once through the House, we would use the same strategy in the Senate, working with Senator Bryan, who is our lead Senate sponsor. The idea is to use your contacts and clout at the key points in the game. It would require two visits to Washington and some phone calls at the right time. The bottom line is that a well-conceived plan, together with a modest investment of your time and effort at the right points will win the game.

Let me close with a business proposition. If you will adopt this as a priority for the roundtable and make a commitment to this plan, then I will devote myself to this project in Congress. Together, we can win and achieve something that will bring credit to you and the travel business roundtable—and will be a major achievement for the future of the industry. If travel and tourism is a sleeping giant, then it's time for us to wake up that giant.

Together, we can make a difference for this great industry, for the millions of Americans who work in you companies, and for our country's future.

AMERICA WELCOMES PRIME MINISTER PERES

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. ROEMER. Mr. Speaker, I rise to welcome the remarks made earlier today by Prime Minister Shimon Peres before the joint session of Congress.

In appearing before the joint session, Prime Minister Peres joins a small group of foreign leaders who have been asked to speak before the combined House and Senate. Mr. Peres richly deserves this honor. He is the leader of Israel, one of our most important allies, and he now bears the heavy burden of following the footsteps of Yitzhak Rabin in promoting a strong Israel and a lasting peace in the Middle East.

While listening to Mr. Peres's tribute to Prime Minister Rabin, one could not help but remember the great loss suffered by the people of Israel and the cause of peace.

Although Rabin's leadership is sorely missed, I take heart in the thought that the cause of peace continues. Indeed, our most fitting tribute to Mr. Rabin would be a continued effort to promote peace, democracy, and freedom in the Middle East and across the globe.

The United States and Israel must continue to work together toward a brighter future; a future of peace and security. Israel, our steadfast ally in times of peace or war, deserves our strong support in pursuing this goal.

There is now a new impetus toward peace in the Middle East. We should not miss this opportunity to end the hatred and violence that have plagued that region. This would be a fitting legacy to Yitzhak Rabin and everyone who has sacrificed for a just peace.

IN HONOR OF FRANCIS ALBERT SINATRA ON HIS 80TH BIRTHDAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Hoboken's favorite native son, Francis Albert Sinatra, who will celebrate his 80th birthday on December 12, 1995. No voice in America today brings with it more sweet memories.

No speech could possibly do justice to the "Chairman of the Board." Sinatra has redefined American popular music with such classics as "Strangers in the Night," "Summer Wind," "The Lady Is a Tramp," "Witchcraft," "Young at Heart," "My Way" and countless others. Every generation of Americans from the late 1930's onward has been wowed by his magnetic voice and unique ability to tell a story through his music.

In addition, to a spectacular singing career, Sinatra has distinguished himself on the big screen, with starring roles in "The Manchurian Candidate," "From Here To Eternity" and "Pal Joey." His performance in "From Here to Eternity" earned him an Academy Award for Best Supporting Actor in 1953. Prior to that, Sinatra earned a special Oscar for "The House I Live In," a sensitive documentary that made an eloquent plea for an end to all prejudice.

His accomplishments in the field of entertainment are legendary, but of equal importance, although less well known, are his charitable and philanthropic work. He has performed benefit concerts for among others, the Red Cross, the Palm Springs' Desert Hospital, the New York Police Athletic League, Cabrini Medical Center, the World Mercy Fund, and the National Multiple Sclerosis Society.

Frank Sinatra is a cultural icon, but even more than that he is a hero to millions of Americans of all races and nationalities, most particularly, of course, to Italian-Americans. Please join me in honoring a true American legend, who will always be an honorary citizen of Hoboken and the 13th Congressional District, on his 80th birthday.

COMMEMORATING THE LIFE OF DR. G.K. BUTTERFIELD

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. CLAYTON. Mr. Speaker, on Tuesday, November 28, 1995, at 2 p.m., the family and legions of friends gathered to acclaim the life of their beloved, Dr. George Kenneth Butterfield. A near centurion, he spent 95 years of life before God called him to rest and to reside in a place of total peace.

I regret that official business did not allow me to attend the celebration of Dr. Butterfield's life, however, he has left a lasting impression on me, and the principles which guided him now serve as guideposts for those he leaves behind.

Dr. Butterfield began his legacy in a foreign land, when he was born in St. George's, Bermuda, on February 9, 1900. He left Bermuda in search of a better life and migrated to the United States. He soon enlisted in the army and served in World War I before being honorably discharged on March 18, 1919. During his service, in the midst of a bitter, cold winter, he fought at the battle of Alsace-Lorraine in France.

Following military service, he attended and graduated from Shaw University in Raleigh, NC, and later attended and graduated, with a doctor of dental surgery degree, from Meharry Medical College in Nashville, TN. Upon graduating from dental school, however, he was not able to afford the equipment to establish a dental practice, and he worked for a period of time in maintenance at a hotel. Fate, however, joined him with an aging dentist in Henderson, NC, and a dental practice which spanned 50 years was launched.

An advocate of justice, equal treatment and fair play, Dr. Butterfield was on the cutting edge of many important changes throughout North Carolina. He fought for integration, pushed for voting rights, led the way in opening up employment opportunities and still managed time for important civic duties. Through it all, he remained a caring friend, a devoted family member, a loving brother, a committed father, and a dedicated husband.

May God comfort and help his family and friends to hold on to treasured yesterdays; and reach out with courage and hope for tomorrow, knowing that their beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Rest, Brother George, you have labored long.

LEBANON MAYOR KENNETH COWAN DIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SKELTON. Mr. Speaker, a leading Missouri citizen, the mayor of Lebanon, and a good friend, Kenneth Cowan, died October 17, 1995. He was 79 years of age. During his tenure as mayor, Cowan led the city of Lebanon into an era of major growth. He was known for his vision and devotion to duty.

Cowan had served on the city council during the administration of mayor Wallace Earp. Earp resigned on April 18, 1977, and Cowan was elected mayor in a special election on June 7, 1977. He was re-elected to office in 1980, 1984, 1988 and 1992.

He was born in Richland, Missouri where he graduated from high school. He attended Southwest Missouri State University in Springfield and served in the U.S. Air Force during World War II.

Cowan entered into public service in Richland in 1948 when he was elected to the city council. He served in that capacity 10 years. He moved to Lebanon in 1958 and bought Burley's Department Store, which he operated until he was elected mayor.

During his years in office, he received the support of Lebanon voters on key issues including a sales tax, transportation sales tax, and a capital improvements sales tax.

Mayor Cowan set a high standard for public service. His ability to lead and to get things done for his community should inspire those who follow. The people of Lebanon have lost an exceptional leader, and I have lost a friend.

DEVELOPMENTS IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent exchange of letters I had with the Department of State regarding the situation in Lebanon.

I wrote the State Department October 27 to express concerns about the extra-Constitutional means used to extend the term of the President of Lebanon and the role of Syria in this matter. The State Department replied December 5 indicating that our concerns over interference in Lebanon's Democratic processes have been expressed directly to the Syrians.

The correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, December 5, 1995.

Hon. LEE HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: On behalf of Secretary Christopher, I am writing in response to your letter of October 27, concerning the extension of Lebanese President Harawi's term and other developments in Lebanon.

We share entirely your view that our interests are served by a free and independent Lebanon, and we have firmly maintained that no peace in the Middle East will be lasting or comprehensive without an agreement between Israel and an independent Lebanon. In an effort to support this objective, we continue to do much to further Lebanese political reconciliation and lend support to the reconstruction of Lebanon's economy and institutions. Last year, we provided Lebanon approximately six million dollars in development assistance and half million dollars to support military training.

We agree that the growth of Lebanon's democratic political institutions requires free elections which the Lebanese people believe to be credible, and the results of which can be accepted as credible. We have made this point very clear in public positions, and directly to the Governments of Lebanon and Syria. Indeed, Secretary Christopher's concern over interference in Lebanon's democratic process led him to make this point personally at senior levels of the Syrian government, as did other senior U.S. officials in the period leading up to President Harawi's extension. Despite our interest in maintaining Syrian engagement in peace negotiations with Israel, we are not conditioning our policy toward Lebanon on Syrian reaction.

Prime Minister Rabin's recent, tragic death only underscores the fragility of the process we wish to advance in the Middle East. But, as important as we hold the freedom and independence of Lebanon, this is not a goal we can pursue in a vacuum. Lebanon's future, its stability and independence, can only be assured through broader progress toward extending the circle of peace in the region.

We look forward to working with you and other members of Congress to ensure such progress, in Lebanon and the region, during the important year ahead.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY, I write to express deep concerns about recent developments in Lebanon and to urge you and the President to speak out publicly in opposition to recent political developments in that country.

The Syrian decision to push for extra-Constitutional means to extend the term of President Harawi for three years undercuts Lebanon's independence. In addition, such a term extension will not be viewed as credible by a majority of the Lebanese people of all faiths who want to preserve Lebanon's independence and who wanted free elections this fall.

There are steps which the Lebanese can and must take to insure their future as a free and independent state. The national interest of the United States is served by a strong, free, and independent Lebanon. Conversely, our national interest is not helped when Lebanon is weak and its independence compromised. Therefore, I believe that it is incumbent upon us to disassociate ourselves from, and express opposition to, such manipulation of the political process in Lebanon. Millions of Lebanese inside the country, and around the world, are looking to the United States for leadership. Silence will send the wrong message to the entire region and only further undermine Lebanon's position.

Lebanon's independence will be eroded if the United States is silent when that very independence is threatened. The Taif Accords became dead letter in part because the United States did not speak out for implementation of the Accords when Syria moved to undercut them. We now risk further undermining that independence again.

United States policy toward, and statements on, Lebanon should not be conditioned by what we think might be the reaction in Syria. We should be acting on the basis of our own interests and what is best for Lebanon and the Lebanese people. On the face of it, this action to extend the President's term does not promote democracy in Lebanon, and it goes against the wishes of the people. It should be condemned for what it is.

I appreciate your consideration of this letter and hope the United States will speak out on this matter.

With best regards.

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

IN HONOR OF MARIE BOLLINGER VOGT FOR HER PRODUCTION OF "NUTCRACKER" BALLET

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Ms. KAPTUR. Mr. Speaker, for 55 years in Toledo, hundreds of young boys and girls have danced and scampered across area stages and dozens of principal dancers have graced the stage with their artistry in a yearly production of "The Nutcracker" ballet. Thousands of northwest Ohioans have delighted in the Christmastime event. A production of enormous proportion has been given to us through the vision and talent of one woman, Marie Bollinger Vogt, who I rise today to honor. This year's production will be her last. Marie is retiring as the artistic director of the Toledo Ballet Association, which she founded.

Intent on imbuing her own love of dance into youngsters, Marie founded the Toledo Ballet School over 50 years ago. Under her direction, the company has performed hundreds of productions throughout our region, "The Nutcracker" being its premiere performance. During her tenure, Marie brought to the school not only her own creative choreography but also that of internationally famous artists. She also brought to northwest Ohio world renowned dance companies and performers.

Altruistic as well as artistic, under Marie's direction, the Toledo Ballet Association is involved in community service. The company stages free performances in the schools and local public housing authority. One performance of "The Nutcracker" is presented at no cost for children. Scholarships are provided by the school for children who could not otherwise afford lessons. These acts are surely fueled by Marie's passionate desire to inspire dance in young people.

Although retiring as artistic director of the Toledo Ballet Association, Marie intends to continue in her first love, that of teaching, and will remain the Toledo Ballet School's director. She also begins the ambitious project of bringing to fruition her lifelong dream of building a professional ballet company in Toledo.

In this, its 55th year, many of Marie's former students are returning to dance under her tutelage one last time. The 1995 "Nutcracker" performance will be a reunion for all who studied dance under her direction. Such a tribute gives testament to her teaching and quiet inspiration.

We thank Marie Bollinger Vogt for her yearly Christmas gift to all of us in northwest Ohio; a family evening lost in the enchantment of "The Nutcracker," her legacy.

HONORING THE RETIREMENT OF WALTER B. KIRKWOOD

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. LEACH. Mr. Speaker, today I would like to salute on the true professionals who has represented his employers' interests before Congress for almost four decades. At the end of this month, Walter B. Kirkwood will be retiring after 37 years of service in the banking industry. During this period, Walter has always conducted himself in a way that does credit to his employers and also reflects a broader concern for the public interest.

Many of us came to know Walter's work and appreciate his low-key style over the many years that represented Banc One Corp. of Columbus, OH, as vice president, government affairs, and earlier while he was governmental affairs representative for American Fletcher National Bank in Indianapolis prior to its acquisition by Bank One Corp. Most recently, Walter has been ably representing Bank One Indiana Corp., the successor to American Fletcher in Indianapolis.

Walter has made many contributions to the furtherance of constructive banking legislation. Among his most signal efforts was his active involvement during 1993–94 in the interstate banking and branching bill, while his boss, John B. McCoy, chairman of Banc One Corp., was serving as chairman of an industry task force on the legislation. Walter also worked successfully on key parts of the Federal Deposit Insurance Corporation Improvement Act of 1991 and several important provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, to mention two other occasions when Walter's knowledge and ability came into play to produce outcomes which had the effect of modernizing America's financial services industry.

The fact that Walter combines the best attributes of a vigorous advocate representing his company's and his industry's interests, coupled with a keen concern for the public interest, is attested to by the fact that he has been widely honored by his peers. Walter served as chairman of the Government Relations Committee of the former Association of Bank Holding Companies as well as chairman of the Legislative Liaison Advisory Committee [LLAC] of the American Bankers Association, a position he currently holds.

On behalf of the Committee on Banking and Financial Services, I would like to thank Walter for his thoughtful advice over the years and look forward in keeping in touch.

UNICEF SAVES THE LIVES OF CHILDREN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. GILMAN. Mr. Speaker, on Monday, December 11, I was privileged to participate in a ceremony at the Lime Kiln Elementary School in my district in Rockland County to celebrate the 50th anniversary of the founding of UNICEF, at which I made the following remarks:

Today marks the 50th anniversary of the founding of UNICEF, one of the world's most effective organizations for saving and improving the lives of children who are at risk. At a time when the role of many international organizations, including the United Nations itself, is under scrutiny, there is no question about the role of UNICEF.

The years since its founding have seen great strides on behalf of children in health, nutrition, education and child rights. Thanks to UNICEF programs, two and a half million fewer children are dying annually from malnutrition and disease than died in 1990. The number of children who will be disabled, blinded, crippled or mentally retarded is down by 750,000.

Primary school enrollment has gone from 48 percent in 1960 to 77 percent this year, child immunization rates have gone from less than 10 percent in the late 1970's to 80 percent in most countries, and polio, once a scourge of children, is nearing eradication.

As we address the crises in hunger, health and education that beset the world's children, we are improving the circumstances for their parents, as well.

Our progress towards achieving democratic societies will be limited as long as a quarter of the world's population is unable to meet even its most basic human needs. Absolute poverty, which deprives people of their human rights, their dignity, and a voice in the affairs of their society, ultimately is a major obstacle to democracy.

That is why it is so important to recognize that America has vital interests abroad that are advanced by our foreign aid program.

It is in the interest of every American to help avoid and to redress human rights disasters such as we have seen in Somalia and Bosnia. It is clearly in our Nation's interest to see incomes rise in developing countries so that they can afford to buy our exports.

It is in the interest of every American to help countries become economically and politically stable so that we can avoid being drawn into armed conflicts.

UNICEF's programs are now saving millions of children's lives each year. Other powerful and tested strategies that reduce hunger and poverty—such as microenterprise—are also available and affordable to most developing countries.

Rather than merely reacting to situations after they become critical, we now have the opportunity to make effective social investments that can convert despair into hope and prevent future crises while building healthy, stable societies.

That is why UNICEF remains one of the most effective arguments in favor of foreign assistance, and I am pleased that, despite budgetary reductions in other areas, we have been able to provide for an increase in the U.S. contribution to this very important agency, so that it can continue the good work that it began 50 years ago today.

A TRIBUTE IN MEMORY OF GUADALUPE MONTOYA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. DOOLEY. Mr. Speaker, I ask my colleagues to join me today in remembering Guadalupe Montoya, a special woman from my district who died recently after years of contributing to her community.

Lupe came from a family that has roots in California dating back to the early 1800s. Although born in Texas, Lupe's family returned to Southern California in the 1920s, where she spent most of her life. Despite a limited knowledge of English and only an eighth grade education, the example of community activism she set instilled in her children and her neighbors a desire to take part in the political process that endures to this day.

As a neighborhood campaigner for a young Edward Roybal—then a candidate for Los Angeles County Supervisor—Lupe demonstrated how issues important to her Hispanic community could be addressed through political activism.

By trade, Lupe was a seamstress and had several important clients from throughout the Los Angeles area. Along with her job, she managed to raise five children who have become active in their own communities.

When Lupe retired, she became an active senior volunteer, receiving numerous certificates of appreciation from the City of Los Angeles. In addition, she earned a commendation from the California Assembly for her volunteer work. And she was recognized by the

United States Retired Volunteer Program and received a letter of congratulations from former Speaker of the House Thomas "Tip" O'Neill.

But perhaps the greatest testament to her legacy is the respect and admiration she commands among her friends and family, and the sense of community involvement she has left behind.

Again, I ask my colleagues to join me in paying tribute to the memory of Guadalupe Montoya.

RECOGNITION OF THE NEWPORT FIRE DEPARTMENT'S 100TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to recognize the Newport Fire Department—Station No. 5. Located in the heart of historic Newport, RI, Station 5 recently celebrated its Centennial anniversary with a weekend full of festivities.

Station 5 traces its roots back to 1794, when Company 5 was founded. During those days the Station was based on the corner of Spring and Mary Streets. Throughout the next 100 years, the Company would move two times before building its current home on West Marlborough Street. The West Marlborough Street location was dedicated on December 7, 1895, making it the oldest continually operated fire station in the city.

Included in the Centennial celebration was a dinner honoring the station and past members. During the celebration the same menu was served as the original dedication ceremony 100 years ago.

It is my pleasure to pay tribute today to the years of selfless, devoted service that Company 5 has given to the city of Newport.

YOU'RE A GOOD MAN, RAY MILAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a unique individual who was honored this past weekend with a surprise appreciation dinner. That person is Raymond Milam. This tribute focused on Mr. Milam's role in the education of the children of New Jersey, especially those children living in urban areas.

Ray Milam coordinates the professional services of the New Jersey School Boards Association's Technical Assistance Unit. The unit helps the 30 special needs school districts identified in a New Jersey Supreme Court decision on the State's school funding laws. In addition, the Technical Assistance Unit services the remaining 32 urban boards of education in 17 of the State's 21 countries. Ray Milam is an active advocate and service provider for parents, children, and urban educators. Mr. Miram is a graduate of Hampton University. He received his graduate degree from the University of Iowa. Throughout his professional career he has been a teacher, consultant, trainer, local school district administrator, and State Department of Education director.

During his tenure with the New Jersey School Boards Association, Mr. Milam has had the opportunity to impact on our urban school districts in many positive ways. Understanding the special needs of our urban young people, he has been able to develop training programs that have helped sensitize members of school boards, as well as school administrators and faculty. More importantly, he has used his position to recommend and introduce highly qualified professionals to urban school districts which were looking for candidates to fill important vacancies. He has been particularly successful in matching school boards with superintendents in many urban districts around the State.

I wish I had the opportunity to share personally with my colleagues the wonderful thoughts, remembrances and sentiments that filled the program and "Memories to Cherish" booklet. It was evident from these expressions of friendship—personal and professional, respect, gratitude, and love that Ray Milam has truly earned and deserves the recognition he received on Saturday, December 9, 1995. What was mentioned time and time again was the gentleness of a man who has been able to consistently and clearly focus on the problem at hand and develop a solution where all are able to rededicate themselves to working for the benefit of our school children. When we talk of the measure of the man; in the case of Mr. Raymond Milam it is his strong commitment to helping our children prepare for responsible and productive citizenry in the 21st century.

Mr. Speaker, I am sure my colleagues will join me as I congratulate Raymond Milam for an outstanding career in the field of education and wish him and his family: his wife Jean Stewart Milam; his children Pamela, Maria and Kenneth; and his grandson Damon all the best in the future.

UNREASONABLE SHIPPING RATE PROVISION HARMS OFFSHORE AREAS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. UNDERWOOD. Mr. Speaker, I rise today to voice my concerns with the maritime provisions of H.R. 2539, legislation to abolish the Interstate Commerce Commission and the Federal Maritime Commission. As the conferees meet on this legislation, I urge them to strike the section defining a "zone of reasonableness" for rates.

This provision would allow carriers to raise their rates 10 percent per year, plus 7.5 percent in the version passed by the other body. Such increases would be deemed reasonable and no challenge would be allowed. It does not matter if costs decrease, the price of fuel is cut in half, more efficient ships can do the job at half the price, labor costs are significantly lowered, or economic factors cause all other prices to decrease.

To call this a zone of reasonableness is an oxymoron. I know of no other industry which is guaranteed a yearly increase of 10 percent plus inflation. I know of no other law that guarantees in statute a formula for increasing prices year after year. Such a guarantee is not a move toward deregulation of the transportation industry as the legislation is designed to do.

For those of us who receive a majority of our goods by ocean carrier, this provision would significantly impact our economy. We do not have other transportation options. If enacted, this legislation would encourage businesses on Guam to buy fewer goods from the mainland because of the unprecedented increases in rates. It would result in an increase in the importation of goods from foreign nations because we would have no other choice. People on Guam want to buy goods from the mainland, but not if the shipping costs make consumer prices increase at an astonishing rate.

As the conferees meet on H.R. 2539, I urge the conferees to consider the economic effects of enacting such an anti-competitive provision, under the mantle of deregulation, and the dangerous precedent it sets. I encourage the conferees to strike this provision.

TRIBUTE TO MICHAEL BRUTON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today with great sadness at the recent passing of Michael Bruton at the age of 59. Michael Bruton, president of the Chicago Federation of Labor, died Sunday, November 12, from complications caused by cancer.

Michael held numerous positions with the CFL and the International Brotherhood of Electrical Workers. He was elected president of the CFL in 1994, and had been assistant to the president since January 1986. He served as vice president of the CFL.

Michael started his union career in 1954, when he became an apprentice electrician with Local 134. He was a 1954 graduate of De La Salle High School in Chicago. He attended Washburne Trade School and received his journeyman credentials in 1958. He also attended the Kennedy Electronics School and the University of Illinois Labor Program from 1972 to 1976. In 1989, he was appointed to the board of directors of the Metropolitan Pier and Exposition Authority by Mayor Richard Daley. Michael was a former member of the Illinois State Board of Education. He served as secretary of the board and vice chairman of its Equal Employment Opportunity Committee.

Michael was a member of St. Daniel the Prophet Church on Chicago's Southwest Side and its Holy Name Society. He coached basketball at St. Daniel in the 1980's, and was active in the Boy Scouts of America. Michael served on the board of the United Way/Crusade of Mercy Catholic Charities, the Board of

Governors of the Metropolitan Planning Council and the Chicago Convention and Tourism Bureau. He also was a labor representative on the Chicago Private Industry Council and served several other charitable and civic organizations.

Mr. Speaker, I extend my condolences to his wife, Marilyn; three sons, Michael, Timothy, and Thomas; six daughters, Susan Cerebona, Mary Beth Carroll, Nancy Herbster, Sharon, Denise, and Karen; three brothers, Lawrence, Patrick, and James; and two sisters, Ann Howell and Pauline Thomas.

HOUSE OF REPRESENTATIVES—*Wednesday, December 13, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 13, 1995.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In our best moments, O God, we are aware that Your Word points the way to the purposes of life—those standards of peace and justice and fairness and freedom that should be the heritage of all. Yet we know too that we are expected to use the abilities that we have received to conceive and design programs that bring righteousness to people and to extend the gifts of living to our communities and to our world. As You have entrusted to us this responsibility, O God, so give us the wisdom and the grace to be good messengers of Your Word and discerning stewards of all Your gifts. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per each side.

SOME FRIENDLY ADVICE FOR THE DEMOCRATS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last week the contest for California's 15th Congressional District was a national test of whether Americans had grown weary of this Congress' effort to balance the budget, reform welfare, and save Medicare from bankruptcy. One Democrat political consultant said, "This is a test run, the sample for the campaigns of next year."

This morning you would need a magnifying glass to find the results of what was only days ago a special election of national significance. Maybe it is because the Democrats ended up losing a seat they held for decades after waging one of the most negative campaigns in recent memory.

I have some friendly advice for my colleagues on the other side of the aisle. Stop the character assassination. Stop basing your campaigns on fear and fiction. Stop the boiler room operations that call senior citizens at night to scare them into voting Democrat.

Instead, tell people what you stand for. If my colleagues believe a bigger Federal Government is the key to prosperity, make their case.

If you think the proper role of government is to redistribute income through the tax system, make your case. I know that most Americans may not agree with that point of view in this day and age, but at least it makes for a honest public debate.

Tom Campbell told the voters of California what he stood for. He told them he wanted to come here to help balance the budget for the first time in 30 years and to save Medicare for the next generation. In the end, the people rejected the hatred and the negative attacks, and voted for a positive vision of the future. Do your party and the Nation a favor, and learn from his success.

PRESIDENT CLINTON, STAND STRONG ON MEDICAID COVERAGE FOR THOSE WHO ARE ENTITLED TO IT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Democrats favor a balanced budget, but they also want to make sure the priorities such as Medicare, Medicaid, the environment, and education are protected during these budget negotiations. The President drew the line last week when he vetoed the Republican budget bill and unveiled a new plan of his own, but one of the things that President Clinton stressed is that we must have a Federal guarantee of Medicaid coverage for those low-income Americans, pregnant women, children, the disabled, who right now do have health care coverage under Medicaid.

Mr. Speaker, during these budget negotiations one of the most important things that must happen is that we guarantee health care for those low-income citizens. The Republicans' plan to eliminate that guarantee, and send money to the States in a block grant and give them the discretion to decide who will be eligible for Medicaid, and whether anyone, or what categories of people would be eligible for Medicaid is certainly the wrong way to go, and I want to commend the President and ask him to stand strong on the notion that we must guarantee Medicaid coverage for those who are entitled to it today.

STILL NO EXIT STRATEGY

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, yesterday I returned from Bosnia. Even a short visit left me with two powerful reactions. Seeing Sarajevo evoked a strong emotional response. The devastation is indescribable; it is surreal. Anyone seeing that firsthand would want to help end the suffering. The people want peace.

My second reaction was analytical. As a Member of Congress, my job is to try to strip away the emotion and ask legitimate questions so I can analyze the President's decision to deploy ground troops.

Here is what I found: First, we have no clear mission; second, the expectations of our troops are all over the map, some even expect our troops to be assigned the deadly task of finding 6 million land mines; and third, we still have no exit strategy at all.

Mr. Speaker, this is troubling beyond words. Our troops are being placed between warring factions on the unrealistic assumption that peace will suddenly break out in the next 12 months after centuries of fighting.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I implore the President, before signing an agreement in Paris, please define the mission, clarify the expectations, and develop a credible exit strategy. It is the least that should be done for the troops we are committing to this impossible task.

WHY WE NEED TO GET INVOLVED IN BOSNIA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. RICHARDSON. Mr. Speaker, why get involved in Bosnia? The answer is that America's interests, values, and leadership are at stake. But we should ask the question, "What if we don't?" Then we surrender our leadership role. And we must ask the question, "Are we still prepared to lead?"

Mr. Speaker, our troops are going to enforce a peace, not start a war. There are risks, but manageable risks.

What if we do not? NATO will be destroyed. Is it worth preserving? Yes. Balkan stability is important for Greece and Turkey. And what about Eastern Europe? What if Russia gets strong again and poses threats to Eastern Europe? How are they going to feel if we vote no today?

What happens if we do not vote with the President? War will break out again. There will be genocide, rapes, Srebrenicas.

Mr. Speaker, this is not a popular issue, and the President should not be accused of politics. This is a risk. This is America's moral leadership, and we should do the right thing and support our troops and support the President.

GINGRICH'S WAY IS NOT THE AMERICAN WAY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we all remember last month when Speaker GINGRICH closed down the Government because he did not like his seats on Air Force One. Well, here we go again.

Yesterday, an aide to Speaker GINGRICH says that Mr. GINGRICH is prepared to shut down the Government again, if he does not get his way on the budget. The problem is that GINGRICH's way is not the American way.

America does not support the Gingrich budget priorities. The American people do not want a balanced budget which devastates Medicare, education, and the environment, in order to finance a massive tax break to the wealthy.

So, Mr. Speaker, spare us the theatrics and give the American people an early Christmas present: a balanced budget which reflects our priorities, not yours.

CBO'S NEW PLOY: RABBITS POPPING OUT OF A HAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when it comes to the budget, Congress has seen it all: smoke, mirrors. We have read lips. We have even dated Rosy Scenario around here.

But now there is a new ploy. Rabbits, Mr. Speaker. The Congressional Budget Office just announced that they have found $130 billion, $130 billion that just popped up like a rabbit out of the hat.

Now let us see if this adds up. We have a $5 trillion national debt, $300 billion annual budget deficits, and a Congressional Budget Office that at the very last minute just happens to find $130 billion that has been overlooked.

Beam me up, Mr. Speaker. Someone is inhaling around here all right. Someone is definitely inhaling. I say if they are going to find $130 billion and pull it out of a hat like a rabbit, why do we not just hire David Copperfield, Congress, and furlough all these workers at the Congressional Budget Office?

I yield back the balance of these ploys.

GET YOUR HANDS OUT OF OUR POCKETS

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 2539, the ICC Termination Act of 1995, which passed the House and Senate and is now in conference committee, has as its noble purpose the deregulation of the trucking and rail industries. The shipping industry remains regulated, and for offshore areas like Guam, our consumers remain a captive market for the shipping lines.

Buried deep in the details of H.R. 2539, in the Senate version, is a provision that would raid the wallets of consumers in Guam and other offshore areas. The shipping companies cut some sort of deal to allow, by statute, rates to increase by 7.5 percent every year for these port to port movements. They created a loophole to allow the rates to be increased in a zone of reasonableness, which is so wide you can drive a ship through it.

The shipping companies are not hurting for profits in the captive domestic offshore markets. They are literally rolling in dough. They charge four times more for a shipment to Guam than they do to Japan.

Shame on the American President Lines, Sealand, and Matson. They should get their hands out of our pockets.

KEEP THE FEDERAL GOVERNMENT OPEN THROUGH THE HOLIDAY SEASON

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, chestnuts roasting on an open fire, "Silent Night" humming in the background, and families embracing and loving during this holiday season. However, the Republican majority says no to all of that because they want to force another Government shutdown on the backs of working Americans. This will happen because of the Republicans' harsh refusal to stop the cuts of $270 billion in Medicare and the $182 billion cut of Medicaid. It is the American safety net for our children and seniors, and yet the Republicans want to force 9 million children and seniors off of a good health care. The Democratic budget plan, however, does continue to guarantee health care for our children, the elderly, and the disabled.

I would say to my colleagues, Mr. Speaker, that that is truly the spirit of this approaching season, and I would say to my colleagues again, Mr. Speaker, that we need to understand that the American people want to have the spirit of this holiday season to reflect on the least of those.

Might I add as well, Mr. Speaker, that the election held in California yesterday did not show that the Democrats lost. It is just that the Republican candidate that ran was prochoice and progun control—Democratic issues—and I would imagine he would also vote for the American children to have good health care.

Let us stop the cuts in Medicare and Medicaid. Let us make this season what it is. It is the season of giving and sharing, it is the season for all Americans. It is not what the Republican majority wants to do—cutting good health care for the elderly, the disabled, and our poor children.

Mr. Speaker, I urge my colleagues across the aisle to do the right and responsible thing and keep the Federal Government open. This is no time to let working people pay the price for petty partisan politics.

Let's pass another clean continuing resolution, if necessary, and work toward a balanced budget that is not built on the backs of the average, hard working Americans. A budget that protects the things we value: Medicare, Medicaid, education, and our environment.

Leaders in the other body have already agreed that there should not be another Government shutdown. We in the House need to join them in that agreement.

Mr. Speaker, don't be responsible for forcing thousands of decent, hard working people to wallow in doubt and uncertainty during what should be a joyous season. Don't make the American people pay because the Republican majority has not finished the budget work that should have been completed by them in October.

THE CRUEL REPUBLICAN AGENDA

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. BROWN of Florida. Mr. Speaker, the Republicans are now threatening to shut down the Government unless President Clinton signs on to the Republican plan to abandon our Nation's poorest, sickest, and most disabled citizens by repealing Medicaid.

This cruel Republican agenda will hurt children, veterans, pregnant women, and seniors. Two-thirds of Florida's nursing home residents get help from Medicaid. Almost a million children in Florida get emergency health care from Medicaid every year. These seniors, these children, and many of Florida's 2 million veterans may look to Medicaid in the next few years and find that they are out of luck.

When it comes to family values, the Republican Party talks the talk but they certainly do not walk the walk. And this budget proves it.

□ 1015

REPUBLICANS SHOULD SUPPORT A BALANCED BUDGET THAT PROTECTS THE ENVIRONMENT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, in the continuing budget resolution agreement last month, the Republicans and the President committed to a balanced budget that "must protect the environment," but the current Republican budget plan declares war on the environment. It gives away millions to mining companies in the West. It allows massive timber harvesting in the Tongass National Forest and oil drilling in the Arctic National Wildlife Refuge. The Republican plan guts the EPA's budget for enforcing our clean air and clean water laws and for continuing the cleanup of the Housatonic and Connecticut Rivers in my district, all this to give billions in tax breaks to the already wealthy who do not need them. Not a very good trade, Mr. Speaker.

Republicans should live up to their agreement and support a balanced budget that protects the environment, rather than sacrificing it.

EXTREME REPUBLICAN AGENDA

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, on Friday, legislation temporarily funding the Government expires, and hundreds of thousands of Government workers may be given another paid vacation. Last month this cost us $800 million. Speaker GINGRICH and House Republicans have decided they want to use the threat of a Government shutdown as a leverage in the ongoing budget battle, flatly dismissing the importance of keeping many of our crucial programs up and running.

Let us make it absolutely clear the Republicans cannot force these mean-spirited cuts on the American people by holding the Government shutdown over our heads. They have targeted such programs as education cuts that help children, the COPS Program to help my Houston community hire over 375 new police officers, and veterans programs, which will result in 600 fewer VA medical center beds, 203,000 fewer inpatient visits, and 430,000 fewer outpatient visits at VA medical centers.

The American people do not want a Government shutdown. Let us extend this continuing resolution and finish the job we should have completed 2 months ago. Let us not hold another shutdown over our citizens' heads to try to pass these bills.

CALIFORNIANS AGREE WITH REPUBLICAN REFORMS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise this morning to talk about the results of an election in California that was held yesterday in a Democrat district where a Republican won by almost a 2 to 1 margin. Clearly, the people in that district, a Democrat district, understand that we are not cutting Medicare, we are slowing the rate of growth of Medicare, and they clearly understand that it is extremely important that the situation here in Washington has to change. We cannot continue to have runaway spending, runaway growth of programs. We have to balance our budget, and we have to balance our budget now.

In sending Tom Campbell to the U.S. Congress, the people of that Democrat district are saying the Democrats are not going to get the job done, they are going to continue to spend, we are going to continue to have deficits, and that we really do need to continue this change, this revolution that began in November 1994.

There will be one more voting with us beginning in a few days, and the people in California say they agree with what we are doing.

TRIAL AND SENTENCING OF WEI JINGSHENG IS GROSS VIOLATION OF IDEALS OF DEMOCRACY AND FREEDOM

(Mr. KENNEDY of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Speaker, it took a Chinese court less than 6 hours on Wednesday to convict 1995 Nobel Peace Prize nominee Wei Jingsheng of conspiring to subvert the Government. He was sentenced to 14 years in the gulag, following Henry Wu.

The trial and sentencing of Wei Jingsheng is a gross violation of the core ideals of democracy and freedom. In April 1994 Wei disappeared in the Beijing bureaucracy. For 19 months he was not allowed to communicate with his family, with legal counsel, or with his colleagues. In December 1995 Wei had only a few days to prepare a trial and obtain a lawyer.

The only crime that Wei had committed was calling for democracy and human rights in China. Despite international pressure and opposition, people in China continue to be detained and sentenced for standing up for their fundamental rights.

I applaud Wei's courage and strength to speak out in opposition to the tyranny of his government. I appeal to the Government of China to release this man, guilty only of believing in freedom and democracy. And I call on the President of the United States to continue to press for the release of Wei Jingsheng, and not to relent until he is freed.

REPUBLICANS STAND WITH THE AMERICAN PEOPLE FOR A BALANCED BUDGET AND LIMITED GOVERNMENT

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the Democrats have tried to make an election in California a referendum on our Republican agenda of a balanced budget and limited government.

Their tactic was simple.

Offer a campaign of obstruction—devoid of ideas.

Mr. Speaker, I'm proud to report they failed miserably.

And they failed in a district that's been held by their party for 20 years.

There were two winners in yesterday's election:

Obviously Tom Campbell, but equally important, the American people. They won because we proved that you cannot win an election by screaming about what you are against—you must proclaim what you are for.

The truth is, Mr. Speaker, we won yesterday and we've been winning all year.

We started the 104th Congress with 230 Republicans. We now have 236.

We have five new Republicans—who like millions of Americans, left the Democrats because they have no ideas and no hope for the future.

We are going to continue to win Mr. Speaker, adding 20 to 30 seats to our majority because we stand with the American people for a balanced budget and limited Government while Democrats have no ideas and stand for nothing.

ANOTHER CLINTON FOREIGN POLICY MISTAKE AND TRAGEDY

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, last night I heard our Ambassador to the United Nations tell Americans that there is a "moral imperative" to send our soldiers into Bosnia. All I can say to the Ambassador is, your administration displays mighty selective morality.

The same officials who are now beating the war drums in Bosnia saw no such moral imperative in Kuwait, Panama, Cambodia, and Vietnam. In the last two cases millions died in wars which make Bosnia's troubles look like a picnic. Mrs. Albright, Bill Clinton, and Strobe Talbot were silent in seven languages when Vietnamese Communists forced their entire ethnic Chinese population into the sea. You heard not one word from them when Moscow and Beijing locked tens of millions away in the gulag. So their words today are hollow.

Mark it down, Christmastime 1995: the beginning of another Clinton foreign policy mistake and tragedy. I stand with the people in opposition to ground troops being in Bosnia.

EPA SECRETARY O'LEARY, A "MATERIAL GIRL"

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the President has a "Material Girl" in his Cabinet. Secretary O'Leary has leased the very same plane that Madonna used for a trip to South Africa. She took 51 of her staff and she took 68 guests, and they all got in first class and flew down to South Africa at a cost to the taxpayers of $560,000.

Vice President GORE tried to defend this terrible waste of taxpayers' money by saying she is creating all these jobs in America and that there are lots of contracts being written. The truth is there are only signed letters of intent; no jobs, no contracts. This is just the tip of the iceberg.

The Department of Energy has terrible mismanagement. Vice President GORE himself, in the National Performance Review, says the environmental management is 40 percent inefficient and it is going to cost taxpayers $70 billion over the next 30 years. We need to do something about this. It is time to turn the lights out at the Department of Energy and it is time for Secretary O'Leary to resign.

CONGRATULATIONS TO TOM CAMPBELL AND THE NEW MAJORITY

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, what a beautiful day it is, because in California last night, despite 9 inches of rain, we had another Republican victory. I just want to congratulate Tom Campbell for his tremendous victory by over 23 points in an election that was supposed to be a Democrat victory, but was, instead, a victory for the new order here in the House.

Mr. Speaker, the victory was the American people saying, "We want to go back to the basics. We don't want," in Ben Franklin's words, in George Washington's words, "any more foreign entanglements." That means, Mr. President, get out of Bosnia. We do not want a government that continues to spend beyond its means. The American people in the 15th Congressional District in California said, "Balance the Federal budget."

Mr. Speaker, the elderly are not stingy in California. They want the Medicare system to be preserved and protected, not only for themselves but for future generations. Pass the Medicare reform, pass the free market reforms, not more government control and constraint. The American people in California are well ahead of us. Congratulations, Mr. Tom Campbell. Congratulations, new majority.

UPCOMING DEMOCRAT RETIREMENTS?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today, I anticipate a number of Democrat retirements because of Haley Barbour's offer. The offer, as Members of the House know, is for $1 million for any member of the public, including Members of the Democrat Party, who can prove that Republicans, in fact, do cut Medicare.

What is so interesting about this, Mr. Speaker, is that just about every Democrat we have heard this year says Republicans are going to cut Medicare. Since they have an outside income limitation, they will all have to retire to get their $1 million check. I do not think that is what Mr. Barbour intended, but it could be a very nice consequence of this generous offer.

I am confident that Democrat Members will be just flocking over to the NRCC today to meet with Mr. Barbour and collect their $1 million, because time after time from this well right here, Mr. Speaker, they have told the American people, including their own mothers and fathers, that Republicans are cutting Medicare. Well, now it is time to put their money where their mouth is and go get their $1 million, Democrats. In case they cannot get it, we will continue to try to get them to help us on Medicare reform, because we need to preserve and protect it, instead of demagoguing it.

THE OUTCOME OF CALIFORNIA'S 15TH DISTRICT SPECIAL ELECTION

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I rise today to commend the voters of California for looking behind the outrageous smear campaign run by the Democrats for California's 15th District special election. My colleagues across the aisle are in desperate straits these days and they, unfortunately, have resorted to desperate tactics. Nevertheless, California voters yesterday cast a strong vote for fiscal responsibility, for straight talk on the problems our country faces, and for a new vision.

Make no mistake, Tom Campbell won on the issues. His impressive victory reaffirms my belief that the big truth beats the big lie any day of the week, especially on election day. I would like to welcome Tom as the 236th member of the Republican Conference. I look forward to working with him to truly address the concerns of all Americans.

CALIFORNIANS SEE THE TRUTH ABOUT REPUBLICAN REFORMS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, where are our friends this morning from the other side of the aisle? Where is the celebrating that they expected to be taking place? It was not 6 weeks ago that the head of the Democratic Congressional Campaign Committee, the gentleman from Texas [Mr. FROST], said, "And we will, we do, expect to win in California." Did they have a bad day yesterday? Did they have a bad night? Was it a bad week? Has it been a bad year? Is it going to be a bad decade? I think it is, because the American people have spoken.

Maybe the media will wake up. Maybe the media will tell the truth. Twenty-three points, was that close? Is that a close election? Twenty-three points in what was supposedly going to be a Democratic victory. Why is it? Because the American people are too smart to be demagogued on this stuff. They are too smart to believe the pack of half-truths and distortions and untruths that are being fed to them. They will not buy it. They will not stand for it. They have spoken. Today we have something very great to celebrate in California.

□ 1030

SUPPORT OUR TROOPS IN BOSNIA

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I came here to talk about Bosnia, but in response to my friend let me remind him that one election does not necessarily a majority make.

I congratulate the Republicans for their victory, but there are going to be some more, and in Florida we are going to have one evermore big-time fight. The question keeps being asked around here, what is the United States stake in Bosnia and why does the United States participation make a difference.

Let me answer through the words of Adm. Snuffy Smith. "The question is about United States leadership in the world," he said. "If we don't go in, our credibility goes to rock bottom. The next time when vital United States interests are engaged, are our allies and friends going to be with us? Probably not. If we don't go in there, there will be more killing, the war can spread. Do not underestimate the volatility of the Balkans."

This gentleman is the commander in charge of our troops. Our troops are ready and well-trained. Let us support the United States troops that are being deployed to Bosnia.

FRIVOLOUS CHARGES CLOUD DEBATE ON REAL ISSUES

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, let me first of all congratulate my colleague Tom Campbell from California for his stunning victory in California. He and I came in together in 1988 and I am just very pleased to have him return here to Congress.

Former Speaker Sam Rayburn quipped, "A jackass can kick a barn down, but it takes a carpenter to build one."

Well, the truth of Mr. Rayburn's words has never been more apparent as it is today. The donkeys are kicking at the barn doors, but we have a carpenter trying to work, trying to build a better form of government, and that carpenter is NEWT GINGRICH, our Speaker.

Despite all their efforts to the contrary, they are trying to offer these frivolous charges. Instead of working on the difficult issues ahead, they trump up another bogus ethics charge against the Speaker.

They, in fact, have fabricated a total of 65 charges against the Speaker. All but one of these charges have been dismissed. The remaining charge simply pertains to a technical section of the IRS code. In time it will be resolved.

The Democrats' attempt in the Campbell election to demonize the Speaker has not worked. I call on all our Members to welcome Tom Campbell again in to our fold.

REPUBLICAN BUDGET CUTS HEALTH CARE TO PAY FOR TAX BREAKS TO WELL OFF

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, one only has to examine the priorities in the Gingrich budget to understand for whom the Republican Party stands. The $500 billion in corporate welfare is going untouched while seniors, pregnant women, and the disabled are expected to absorb $433 billion in health care cuts.

And yes, these are health care cuts because Medicare and Medicaid spending will not keep pace with medical inflation. When you consider that Medicare and Medicaid care for the oldest and sickest people in our society, any reductions that do not keep pace with medical inflation are cuts, plain and simple.

So now, Mr. Haley Barbour, please send your million dollars to Grady Hospital in Atlanta, with an explanation that the Gingrich budget does not cut Medicare and Medicaid to pay for tax breaks to the well off.

DISPOSING OF SENATE AMENDMENT 115 TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendment numbered 115 thereto, and to consider in the House the motion printed in section 2 of this resolution. The Senate amendment and the motion shall be considered as read. All points of order against the motion are waived. The motion shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on that motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. The motion to dispose of the amendment of the Senate numbered 115 is as follows:

Mr. Callahan (or his designee) moves that the House recede from its amendment to the amendment of the Senate numbered 115, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Authorization of Population Planning

"SEC. 518A. Section 526 of this Act shall not apply to funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or to funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA).".

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for a motion—to be offered by Foreign Operations Appropriations Subcommittee Chairman CALLAHAN or his designee—to dispose of the remaining amendment in disagreement to the conference report on H.R. 1868. This is a straightforward and fair rule, providing for an hour of debate and an up-or-down vote on the motion. As you recall, the House passed the Foreign Operations conference report on October 31. This legislation makes tremendous improvements in the way we allocate our limited tax dollars to overseas interests. H.R. 1868 significantly reduces total foreign aid spending, and it takes steps to shrink the Government bureaucracy that has funded many wasteful and duplicative foreign aid projects. The Senate has also passed the conference report for H.R. 1868—and for the past 7 weeks, the two Chambers have been trying to resolve a single disagreement over Senate amendment No. 115, concerning funding for population planning.

Mr. Speaker, the House has voted four times in favor of its position on this issue. Each time the Senate has disagreed. Chairman CALLAHAN's motion would make the population planning funds in the bill subject to authorization—or a later waiver—allowing the ultimate decision on population planning policy to be made in the foreign aid authorization bill, which is after all, the appropriate place for it. Chairman CALLAHAN's notion is a reasonable effort to move beyond the stalemate and finally pave the way for the foreign operations bill to be sent to the President's desk.

Mr. Speaker, in light of the recent visit by Israeli Prime Minister Peres, I would also note that the funding for the Middle East peace process is contained in this bill. The negotiations are at a critical phase, and despite the tragic assassination of Prime Minister Rabin, there is real hope that further progress towards a lasting peace can be made. I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from Florida [Mr. GOSS] for bringing this resolution to the floor.

House Resolution 296 is a rule which provides for the offering of a motion to dispose of the one amendment reported in disagreement by the conferees on the fiscal 1996, foreign operations appropriations bill.

As my colleague from Florida has ably described, this rule provides 1 hour general debate, equally divided between the proponent and an opponent of the motion.

The motion to be offered under this rule would require funds for the population planning activities of AID, and for the U.S. contribution to the U.N. Population Fund, to be authorized before they could be obligated.

Though the House has already passed the conference agreement and this morning's debate is over one narrow related issue, I want to take the opportunity to again thank Mr. CALLAHAN, the chairman of the Foreign Operations Appropriations Subcommittee, for the emphasis he placed on children throughout this appropriations process. I am pleased that the final conference agreement has paid special attention to children's programs such as child survival, UNICEF, and basic education.

While the conference report did not include many earmarks, there was a strong recommendation that UNICEF would receive $100 million. In response to my question during the Rules Committee hearing last night, Mr. CALLAHAN again reaffirmed the desire of the conferees that UNICEF should receive the recommended $100 million. I appreciate Mr. CALLAHAN's continued support on this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I would advise the distinguished gentleman from Ohio that I have no requests for time, and I will reserve my time. If he has no requests, I would be prepared to yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, if one ever wanted an example of why this Congress has failed to pass its appropriation bills on time, necessitating plunging the country into a needless Government shutdown and silly political arguments about continuing resolutions, this bill, and the way it is being handled today, is a spectacular example.

First of all, in terms of scheduling, we were told this bill was going to be up this afternoon. Now with virtually no notice to the committee, we find it on the floor.

Second, we are told on this side of the aisle that the committee intended to offer a compromise proposal which contained compromise language. Instead, what we get is the most confrontational approach that could possibly be taken, virtually assuring that this turkey is going to go nowhere.

Now, we have a serious problem in this country. The problem is that this Congress has not finished a number of appropriation bills, and because of that, we face an imminent Government shutdown again on the 15th of this month.

I had thought that the proper way to address that problem would be to try to find ways to compromise out these bills so that you can get more of them signed by the President and reduce the lack of performance on the part of this Congress.

We have already had the Foreign Operations bill tied up for over 2 months because Republicans in the House have not been able to agree with the Republicans in the Senate on what to do on family planning. Now the wizards who put together this strategy this morning are now saying, "Well, I'll tell you what we're going to do. What we're going to do is to send over, not compromise language to the Senate, but language which shuts down all family planning funds internationally."

What is more, this rule proposes to make in order an amendment on international programs which the House already turned down on domestic programs by a vote of 221–207.

Obviously family planning programs are important within the borders of the United States, but they are even more important on a substantive basis internationally because population growth in many countries around the world is flatly out of control, and if we do not find a way to rationally reduce that curve, that upward curve, we are going to have an even greater hunger problem, an even greater environmental problem, an even greater problem of social disruption than you have today in many parts of the world. Yet today the wizards who proposed this language are saying the way out of it is to send over to the Senate language you know they will not accept in 100 years.

☐ 1045

There is not a chance of a snowball in you know where that this language is going to be approved by the Senate, and yet the House, at a time when we ought to be working out ways to compromise our differences is in essence throwing a "Hail Mary" to the Senate knowing full well that the Senate is not going to swallow it. That is not a constructive way to do business.

This rule is going to inflame the situation. This approach is going to inflame the situation. It is going to make it much harder to pass a bill than it has been to date, and I see absolutely no constructive purpose whatsoever for proceeding in this manner.

Now, I think my record shows that whether this House has been controlled by Republicans or Democrats I have tried to help further the passage of this legislation in a bipartisan way, but the approach that is being taken here this morning is tactically idiotic, and I would urge the Members of the majority, if you are interested in finding any way at all to reconcile your differences with Members of your own party in the other body, you ought not to be doing this this morning.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, Members, I agree largely with the points that the gentleman from Wisconsin made concerning procedure.

But just addressing the merits of this legislation as it is currently drafted would mean it would eliminate all family planning funds that the United States provides all over the world. Now, I remember our colleague, our excolleague, Mr. Lehman from Florida, one late night we were doing a markup, and he remarked that if you took the family planning money out of the foreign operations bill you might as well not have a foreign operations bill, because there is nothing more important in Third World countries bettering their standard of living than family planning. This would eliminate family planning for all of the Third World countries that have enormous birth rates and thereby hinder their economic growth and hinder their hope for prosperity and their hope for a better way of life.

Finally, I would just like to say, in my opinion, this will actually slow down the progress of this legislation, because we absolutely know we are certain that the Senate will not accept it, and we are certain that if the Senate did accept it that is would be vetoed. So to me it is sort of an exercise in futility without any logical purpose.

So, therefore, I would urge a vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask the gentleman from Alabama [Mr. CALLAHAN] a question or two. I understand that the legislation before us today is simply to address one issue. However, I wish to clarify one aspect of the conference report, the funding level for UNICEF and for basic education.

The gentleman has been a leader with respect to children with this particular subcommittee appropriation bill, and I know that there has been some very strong language that has gone back and forth in the committee report, and one of the things that was put in the conference committee report that was pretty firm in both the Senate and House, that UNICEF would get $100 million and that basic education would get a substantial appropriation of about $108 million, as I remember, and I just want to ask you: Is it still your intention to push for that?

Mr. CALLAHAN. If the gentleman will yield, certainly, it is my full intention to support both. I had not heard before our conversation just yesterday that there might be a plan under foot to do otherwise. But the bill very clearly states that it is the intent to send $100 million to UNICEF and $108 million for child education.

Mr. HALL of Ohio. I thank the gentleman for his assurance. I appreciate very much his support.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 296, the resolution now under consideration.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 849]

YEAS—241

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—178

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
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Miller (CA)
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Obey
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
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Slaughter
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Studds
Tanner
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Torkildsen
Torres
Torricelli
Towns
Traficant
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—13

Brewster
Brown (OH)
Engel
Lewis (CA)
McInnis
Mfume
Morella
Olver
Roth
Stockman
Tucker
Velazquez
Vento

☐ 1111

Messrs. FROST, BOEHLERT, SHAYS, and HOBSON changed their vote from "yea" to "nay."

Ms. DANNER and Mr. LaFALCE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CALLAHAN. Mr. Speaker, pursuant to House Resolution 296, I call up from the Speaker's table the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendment numbered 115 thereto, and to consider the motion printed in section 2 of the resolution.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KINGSTON). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment 115:

Page 44, line 19, after "lizations" insert: ":*Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion".

MOTION OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CALLAHAN moves that the House recede from its amendment to the amendment of the Senate numbered 115, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Authorization of Population Planning

"Sec. 518A. Section 526 of this Act shall not apply to funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or to funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA).".

The SPEAKER pro tempore. Pursuant to House Resolution 296, the gentleman from Alabama [Mr. CALLAHAN] will be recognized for 30 minutes, and a Member opposed, the gentleman from Texas [Mr. WILSON], will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

□ 1115

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the disposition of Senate amendment number 115, and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker. I do not want to take any more time on this matter than what is necessary. We have already had this matter, population assistance and abortion, before the House four times previously this year. I want to be sure, however, that all Members understand what the motion does and does not do.

The motion provided for by the rule does not cut population funding. It freezes obligations under the fiscal 1996 bill for population funding until it has been authorized or a further waiver of the statutory authorization requirement has been enacted. It does not halt the hundreds of millions of dollars of population funding from prior year bills that has not yet been spent.

This motion does not ask the Senate to agree to enact a funding cutoff for foreign private groups that decline to comply with the Mexico City policy restrictions. The Senate does not have the votes to do that.

Mr. Speaker, I want the Members to be aware of another proposal that I offered to the Senate managers of the foreign assistance bill several weeks ago.

Mr. Speaker, as the Members may be aware, we have had various differences with the Senate on this proposition. As a matter of fact, the original bill that was sent to the Senate came back with 193 amendments. We were able to resolve 192 of the differences between the House and Senate. The only one that could not be resolved is the issue on abortion. We have tried, and tried with frustration, to look at a possible way to pass the foreign operations bill for 1996, to satisfy those that are concerned about abortion worldwide, that are concerned about planned parenthood, to no avail. We simply have been unable to get the votes in the Senate to make this reality come true for the 1996 foreign operations bill.

We are in a situation now that we will send another bill to the Senate and ask that they, with their great wisdom, find a way to pass something that can pass through the Senate and that also can be acceptable to the House. I, for example, have offered what I think was a reasonable compromise to the pro-life forces in the House, and that was to cut the funding capability of any organization to 50 percent of its 1995 level until they sign the Mexico City policy language. In my opinion, that is a fair resolve in this House of compromise.

If we do not get something to the Senate and get something from the Senate that we can concur on, that will satisfy us, we are not going to have a 1996 appropriation bill for foreign operations.

Instead, we are going to be dealing in a continuing resolution, a CR that more than likely will not include any protection for those of us that are concerned about abortion worldwide. A CR may not protect anything that has to do with child survival. We could lose many things, including the prohibition of USAID from moving into a Taj Mahal downtown and paying each month hundreds of thousands of dollars in unnecessary rent. A CR will not reduce funding to USAID. It will not cut the funding that we were successful in passing through this House, unless we get something realistic that both sides can work with.

In a sense, Mr. Speaker, I chastise those Members of Congress who are so hell-bent and determined to have their way that they are interfering, in my opinion, with the due process and with the compromise that this body must occasionally represent.

Mr. Speaker, this measure is another vehicle going back to the Senate. We do not expect the Senate to accept it. I would not think that the President would sign the bill if the Senate passed it, so it is futile, in a sense, to think that we are going to enact this legislation with this language in here, but it is the only opportunity we have to send this train back to the Senate and ask them to look at it and to take into account those of us who are concerned about abortion being funded or encouraged by any American moneys.

I want Members to be aware of another proposal that I offered to the Senate managers of the foreign assistance bill several weeks ago. I suggested that they accept what I call an incentive program for private groups to accept the Mexico City policy language.

Under my proposal, which is not in this rule, all groups which now receive A.I.D. population money could continue to receive up to 50 percent of current funding. However, there would be no funding limits on foreign private groups which agreed to comply with Mexico City principles. That would be the incentive for many is not most population assistance providers to sign on to the Mexico City principles again, as they did prior to 1993.

I recognize that the gentleman from New Jersey opposes the approach that I just described. Yet another pro-life Members of this body and the Senate continue to express interest in it. I just wanted the House to know that many of us have been working on a compromise that will enable us to send this appropriations bill to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, again we are here because the committee has still not finished its work. We are here because there are still six appropriation bills which have not yet crossed the finish line and become law. The foreign operations bill which we are discussing today is one of those bills. We are going to be in a big fight over whether or not we should pass the CR come Friday, a continuing resolution to prevent the Government from closing down. And we are going to be in that fight because we have not yet finished our appropriations work. I would think that under those circumstances what we would be looking for is ways to find compromise between the House and Senate so we can move more of these bills forward.

That is what I very much want to do on this bill, but this language, as the gentleman who just spoke clearly indicated, this language has no chance whatsoever of being accepted by the Senate or becoming law. So my question is, why on earth should we do this?

Mr. Speaker, this proposal meets somebody's strategic idea that what we have to do is send another piece of legislation to the Senate which we know will not pass. I think all that does is to harden each side, rather than make each side more flexible. I would point out, the practical effect of this strategy is to ask 221 Members of this House from both sides of the aisle who voted against this proposition on the Labor-HEW bill to vote for it today.

What this proposition essentially does is to eliminate all international family planning money. This is not an abortion issue. I support efforts, for instance, to shut off funding for the U.N. population program if it continues to operate in China. I agree with the gentleman from New Jersey [Mr. SMITH] on that issue. However, I do not agree with, and I do not think most Members of this House do, and I know that many Members on the Republican side of the aisle do not agree with the idea of eliminating all authority for any family planning programs internationally.

The following Members voted against this amendment when it was offered by the gentleman from Louisiana, Mr. LIVINGSTON, from the HEW bill. I am going to read everybody's name:

Messrs. ABERCROMBIE, ACKERMAN, BAESLER, BALDACCI, BARRETT of Wisconsin, BASS, BECERRA, BEILENSON, BENTSEN, BEREUTER, BERMAN, BILBRAY, BISHOP, BLUTE, BOEHLERT, BONIOR, BORSKI, BOUCHER, BROWDER, and BROWN TIOF CALIFORNIA, Ms. BROWN of Florida, Messrs. BROWN of Ohio, BRYANT of Texas, CARDIN, CASTLE, CHAPMAN, and CLAY, Ms. CLAYTON, Messrs. CLEMENT, CLINGER, CLYBURN, and COLEMAN, Mrs. COLLINS of Illinois, Miss COLLINS of Michigan, Messrs. CONDIT, CONYERS, COYNE, and CRAMER, Ms. DANNER, Mr. DAVIS, and Mr. DE LA GARZA.

I am reading now the names of all Members of the House who voted against this proposition last time: Mr. DEFAZIO, Ms. DELAURO, Messrs. DELLUMS, DEUTSCH, DICKS, DINGELL, DIXON, DOGGETT, DOOLEY, and DOYLE, Ms. DUNN of Washington, Messrs. DURBIN, EDWARDS, EHRLICH, and ENGLE, Ms. ESHOO, Messrs. EVANS, FARR, FATTAH, FAWELL, FAZIO of California, FIELDS of Louisiana, FILNER, FLAKE, FOGLIETTA, FOLEY, and FORD, Mrs. FOWLER, Messrs. FRANK of Massachusetts, FRANKS of Connecticut, FRANKS of New Jersey, FRELINGHUYSEN, and FROST.

Continuing reading the names of all Members who voted against this last time:

Ms. FURSE, Messrs. GANSKE, GEJDENSON, GEKAS, GEPHARDT, PETE GEREN of Texas, GIBBONS, GILCHREST, GILMAN, GONZALEZ, GORDON, GENE GREEN of Texas, GREENWOOD, GUNDERSON, GUTIERREZ, and HAMILTON, Ms. HARMAN, Messrs. HASTINGS of Florida, HEFNER, HILLIARD, HINCHEY, HOBSON, HORN, HOUGHTON, and HOYER, Ms. JACKSON-LEE, Mr. JACOBS, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSTON of Florida, and Mr. KANJORKSI, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY, Messrs. KLECZKA, KLINK, KLUG, KOLBE, LANTOS, LAZIO of New York, LEACH, LEVIN, LEWIS of California, and LEWIS of Georgia, Mrs. LINCOLN, Ms. LOFGREN, Mr. LONGLEY, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY, Messrs. MARKEY, MARTINEZ, MARTINI, and MATSUI, Ms. MCCARTHY, Messrs. MCDERMOTT, MCHALE, and MCINNIS, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Messrs. MFUME, MILLER of California, MINETA, and MINGE, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. MORAN, and Mrs. MORELLA.

Continuing to read the names of all Members who voted against this proposition the last time:

Messrs. NADLER, NEAL, OBEY, OLVER, OWENS, PALLONE, PASTOR, PAYNE of New Jersey, and PAYNE of Virginia, Ms. PELOSI, Messrs. PETERSON of Florida, PICKETT, POMEROY, and PORTER, Ms. PRYCE, Messrs. RAMSTAD, RANGEL, REED, REGULA, RICHARDSON, and RIGGS, Ms. RIVERS, Mr. ROEMER, Mr. ROSE, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Messrs. RUSH, SABO, SANDERS, SAWYER, and SCHIFF, Mrs. SCHROEDER, Messrs. SCHUMER, SCOTT, SERRANO, SHAW, SHAYS, SISISKY, and SKAGGS, Ms. SLAUGHTER, Messrs. SPRATT, STARK, STOKES, STUDDS, TANNER, THOMAS, THOMPSON, THORNTON, TORKILDSEN, TORRES, TORRICELLI, TOWNS, TRAFICANT, and UPTON, Ms. VELÁZQUEZ Messrs. VENTO, VISCLOSKY, and WARD, Ms. WATERS, Messrs. WATT of North Carolina, WAXMAN, WHITE, WILLIAMS, WILSON, and WISE, Ms. WOOLSEY, Messrs. WYDEN, WYNN, YATES, ZELIFF, and ZIMMER.

All of those Members voted against this proposition when the gentleman from Louisiana [Mr. LIVINGSTON] offered language which in essence cut off funding for all family planning domestically.

Mr. Speaker, I would submit that cutting off all family planning funds for international programs is even worse, because if you do, you know that that will disarm us in our ability to try to do something about uncontrolled population growth in many sectors of the world. If you are for compromise, you ought to be looking for compromise language. You should not swallow language which the manager of the bill himself indicates has no chance whatsoever of becoming law. All that is going to do is guarantee that we have to have a continuing resolution for this bill. I do not think we ought to be doing that. We ought to be trying to find ways to pass this bill.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might say that this does not deny funding to Planned Parenthood or to any of the agencies. It just simply says what we have heard over and over again in this House: that the Committee on Appropriations ought not to be authorizing items, so we have appropriated the money in this bill. We just simply say that until such time as the Congress of the United States authorizes it through an authorization bill, that the money cannot be spent.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of our committee.

□ 1130

Mr. LIVINGSTON. Mr. Speaker, I was glad to see the chart from the gentleman from Wisconsin once again. In fact, that chart is looking better every day. All those black lines mean that the appropriations bills are working their way through the process.

It may take a little bit longer than we might have hoped, but they are getting there and that chart is going to be complete someday, hopefully within the next week. We will find out at Christmastime, either this Christmas or next Christmas, as to whether or not the chart is complete.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would be happy to buy the gentleman the biggest scotch in town if all of those bills are passed by Christmas.

Mr. LIVINGSTON. We will see.

Actually the fact is the administration is negotiating, of course, with the Congress to see whether or not we can come to a package deal and complete business on all of these appropriations bills. I want to ask the gentleman's indulgence and allow me to draw the lines to complete the chart when the package is complete.

The point is, though, that we have indeed passed seven entire appropriations subcommittee bills and they have been signed into law. The eighth, the Commerce-Justice-State bill, goes to the President today for his signature or his veto. The VA-HUD bill, the Foreign Ops bill which is on the floor today and the Interior bill are all working their way through various processes and should be complete by, if not the end of this week, certainly by the end of next week, we hope.

The District of Columbia bill, likewise, has one or two issues in conference that remain to be dealt with. I think that that bill will be on the floor very shortly.

So the only bill that really is far from passage, and that is because the other party as filibustering it in the Senate, is the Labor-HHS bill.

We are working our way through these bills. This bill unfortunately has been to the floor twice before. This is the third time. This is a conference report that has been hung up on the issue of abortion. We have come to an impasse. The Senate does not want to adopt the language that the House has offered. So we have offered some new language which we hope they will consider and which we hope that they will adopt. They may or may not. But we have to move the process forward.

In the spirit of doing exactly that, I would ask all of our Members to join with us, pass this bill one more time, get it to the Senate and let them work their will and hopefully let us get this bill to the President for his signature.

There has been some disagreement on exactly what the language was that disallowed funding for family planning, international family planning. I would say in response to what the gentleman from Wisconsin said that that amendment really had little to do with this provision. This deals with UNFPA, U.N. family planning operations, and all it does is freeze the money in place. It says the money is there but that the money will be frozen until such time as the authorization bill is passed.

Frankly, it would be better if the issue of abortion were handled in the authorization bills. Because it is policy that should be handled by the authorization bills. And so what this does is to remove the issue of abortion and transfer it to the place it belongs, to the authorization committees for them to consider, for them to assess the policy ramifications and for them to ultimately pass the law.

This is an attempt to take abortion out of the appropriations process and say to the authorizers, you do the job, and let us not hang up the appropriations bills in this House and in the Senate up any longer so that we can get the country's business done and so that we can get the functions of government funded and so that we do not have to waste any more time and be here at Christmastime.

Mr. WILSON. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Texas.

Mr. WILSON. I was just going to ask the chairman if he understands and remembers that it has been 10 years since we had an authorization bill on foreign aid.

Mr. LIVINGSTON. Reclaiming my time, the gentleman has reminded me that it has been a very long time, but I am very hopeful and optimistic that we are going to pass one this year or certainly within the next 3 months. Certainly before the gentleman retires.

Mr. WILSON. I hope so.

Mr. LIVINGSTON. And we do not want him to retire, we hope he decides to stay around, but if that is his decision, I hope that by the time he retires, he will have confidence and knowledge that the Foreign Affairs authorization bill has been passed by both Houses and enacted into law so he can take that with him back to Texas.

Mr. WILSON. I thank the gentleman.

Mr. LIVINGSTON. Mr. Speaker, I urge all my colleagues to vote for this bill.

Mr. WILSON. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this amendment because it will effectively eliminate funding for international family planning. Our colleagues on the far right continue to hold up this bill with their extreme legislative agenda. This has got to stop. Let us pass this bill.

After all, this amendment is just another way to masquerade the issue and stop all family planning funding. Let us stop it and let us get this bill passed today.

Our chairman, the gentleman from Alabama [Mr. CALLAHAN], has crafted an excellent foreign aid bill. This extreme language, I say to the chairman, is preventing this critical bill from being enacted.

Let me tell my colleagues exactly what is happening here. Our antichoice colleagues have attempted to place restrictions on the international family planning programs in this bill, despite the fact that abortion funding overseas has been prohibited since 1973. Their restrictions have been rejected by the Senate three times. We have heard the message loud and clear.

Now their solution to the Senate's refusal to accept their extreme restrictions is to do something even more extreme, to eliminate the programs altogether.

This bill is already 2½ months late, and rather than offer a true compromise or simply accept that their restrictions have failed 3 times, our colleagues on the right now offer an amendment that they know both the Senate and the administration will reject.

Why do they insist on wasting our time with this? This is the fourth time that we have voted on this appropriations bill. Why do they continue to play politics with a bill that contains funding for so many vital programs throughout the world?

Their amendment will effectively end one of the most important forms of aid that we provide to other countries, family planning assistance. The amendment exempts the family planning program, and only the family planning program, from the waiver in the bill that allows funds to be appropriated even though the foreign aid authorization bill has not passed.

What our colleagues have not told you is that the foreign aid authorization bill has not passed in a dozen years, and I know the chairman is optimistic. The Senate has already indicated that it will not pass the authorization bill this year.

The reality is, it could be years before an authorization bill is signed into law. We know that. In the meantime, we will have failed to fund vital family planning programs throughout the world.

No one can deny that the need for family planning services in developing countries is urgent. The aid we provide is valuable and worthwhile.

The world's population is growing at an unprecedented rate. In 40 years our planet's population will more than double. As a responsible world leader, the United States must do more to deter the environmental, political and health consequences of this explosive growth.

Let us not forget what family planning assistance means to women around the world. Complications of pregnancy, childbirth, unsafe abortion are the leading killers of women of reproductive age. One million women die each year as a result of reproductive health problems. Each year 250,000 women die from unsafe abortions. Only 20 to 35 percent of women in Africa and Asia receive prenatal care. Five hundred million married women want contraceptives but cannot obtain them. Most of these disabilities and deaths could be prevented.

This amendment will stop us from continuing our fight against these tragedies. Simply put, this amendment will end our family planning programs. Period. that is what it would do.

I urge my colleagues, once again, oppose this amendment. We cannot let them eliminate international family planning. There is too much at stake. Let us pass this excellent appropriations bill. Let us take off this extreme amendment. Let us not vote on this again. We need this bill.

I again salute the chairman on this outstanding bill. Let us pass it here today. Let us not bow to the right that continues to tack on the extreme amendments. Let us not do it. Let us join and pass this bill today.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Responding to the kind gentlewoman from New York, let me thank her for her help during this past year or so, too, and to tell her that I am optimistic that the Senate is going to bring up the authorization bill either today or tomorrow under a unanimous-consent agreement.

I think for the first time in the 10 years that they have not been able to pass a bill, they are finally going to have a bill that passes the House and the Senate and goes to conference. This is the argument that we always hear, those of us who are appropriators: Do not authorize, do not authorize, you are appropriators.

In this bill, we appropriate the money. What we simply say is it cannot be spent until it is authorized by the proper committee.

Mrs. LOWEY. If the gentleman will yield, let me just say that I am happy the holidays are coming and we all have wishes. I do wish the authorization bill would pass as well as you do but it has not passed in 12 years and I would rather deal with fact rather than fiction, although I wish you and the authorization bill well.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me the time and appreciate his leadership on this issue.

Incidentally, and this is not so incidentally, I rise in strong support for this conference report and for its passage. But I do want to refer to, first of all, the chart that the gentleman from Wisconsin [Mr. OBEY] brought out. I do like the looks of that chart. It is getting better.

It is because we are working a lot harder to get to a point of success. None of this is very easy. The chairman referred to the fact that we had 193 amendments in the conference committee. We completed and agreed upon 192. The one remaining, of course, is the one we are dealing with today.

This language, I think, ensures that any expenditure of funds for population planning or the UNFPA must be, as has been pointed out here, specifically authorized by this body, which has not been done.

Somebody on the other side made the comment about it has not been done in 10 years. Well, that is not to say it should not be done. I think it should be. We have an opportunity perhaps where that will take place.

We have to be able to debate these things or we will not get anywhere. So maybe this is, in the eyes of the gentlewoman from New York, an extraneous matter, should be done away with, forgotten about, so we can pass this beautiful bill. Well, it is important to a lot of us. It is worth debate. It is something that we want to carry on and come to some conclusion, a successful conclusion.

I would not suggest to you that it is guaranteed, as the gentleman from Wisconsin [Mr. OBEY] stated, that the Senate will just let this thing float and die. We do not know that yet entirely. There is some idea here that may be beginning to impress them, that there is perhaps more to this and we can come to a conclusion that will satisfy everybody.

As I have said many times before, I strongly support this conference report. It balances fiscal restraint and the needs of foreign policy, and it reflects the reasoned compromise and considerable cooperation that did take place between all of the Members from both sides in committee and also in the conference committee. It deserves bipartisan support.

I think we are at a point now where we can get to a position of passing a bill that is in dire need of being passed. I agree with the sense of urgency but I do not agree that this is an unimportant matter. It is very important to may of us, and it does allow for the continuation of funding at the appropriate time for the specific family planning ideas. It just has to be authorized.

H.R. 1868 allows us to continue to remain active in world events while it reflects our budgetary constraints, and you all know that. This conference report reflects, I believe, what is best for this body. We will send it to the Senate. They will make their decision. I support this conference report and urge all of my colleagues to vote for it.

Mrs. LOWEY. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Speaker, I just want to reassure the gentleman from Michigan that I respect your views on the issues of abortion, just as I respect the views of every one of my colleagues. I just think it is so unfortunate that every appropriations bill is tied up in abortion. I do wish we could isolate that issue, have a real debate, and move this appropriations bill now.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. I thank the gentleman for yielding me the time.

Mr. Speaker, I think we should be very clear. This amendment is simply a way to freeze the family planning funds. This amendment targets only family planning, that portion of the legislation.

Family planning works. No one wants abortion to be the only way to control pregnancy. Family planning gets us beyond abortion. It allows people to control the size of their families and thereby control their economies. Family planning is absolutely profamily.

□ 1145

It is truly the most pro-family thing we can do, because it allows families to make the decisions. It is so ridiculous. You know, if I asked my constituents, many, many of them say to me, "You know the greatest problem in this world is over population," over population because of use of resources, because of the stress it puts on communities, overpopulation is a great threat.

Family planning allows us to move beyond. Family planning is one of the greatest parts of getting us to peace and prosperity internationally, because it allows families to decide on how many children they are having. So we really need to defeat this anti-family amendment.

I urge my colleagues to do that.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the Committee on Appropriations.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, the House has voted four times to support the pro-life provisions which would ensure that international family planning assistance will be abortion neutral. The first provision prohibits tax dollars from being used by the United Nations Population Fund—which currently helps manage China's brutal one-child-per-one-family policy unless it ceases family planning activities in the People's Republic of China or unless China's family planning activities in China cease to be coercive.

The second provision would ensure that none of the moneys sent to the UNPF may be used to fund any private, nongovernmental, or multilateral organizations that directly or through a subcontractor perform abortions in any foreign country—except to save the life of the mother or in cases of rape or incest.

Now some may claim that this is a gag rule on family planning assistance. However, this is not the case. Abortion is not considered a family planning method and should not be promoted as one, especially by the United States. Recently, the State Department decided that the promotion of abortion should be a priority in advancing U.S. population-control efforts. This is unacceptable to the millions of Americans who do not view abortion as a legitimate method of family planning and do not support Federal funding of abortion except to save the life of the mother or in cases of rape or incest.

The Callahan motion does not eliminate or even reduce the appropriations for population assistance but will leave the appropriations levels in H.R. 1868 intact. However it will delay the use of these appropriated funds until these expenditures are authorized. It will also delink pro-life issues from other important provisions such as aid to Israel, child survival programs and other foreign aid programs.

I urge my colleagues Mr. Speaker to support this motion and allow this important legislation to move forward and fund vital foreign aid programs.

Mr. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, in the 19th century at the height of the Industrial Revolution, there arose a political group which frankly was opposed to the change and progress of the Industrial Revolution. They were known as the Luddites. The Luddites would try to wreck the machinery of the Industrial Revolution to stop the change that was taking place. They objected to it, and they used violence and terrorism for that purpose. Theirs was a mindless opposition to the reality of change, a resistance to accepting the world as it existed.

What we hear on the floor today is the same mentality when it comes to family planning, a mindless opposition to family planning from groups which characterize themselves as pro-life. Anyone who has taken the time to study the issue understands that the greatest world threats to our children are nuclear proliferation and overpopulation.

Take a look at the expanding population in continents around the world, whether in Asia, Africa, South America. You will find that those expanding populations not only create human suffering for the people living there, but they, in fact, lead to environmental disasters which visit themselves on the entire world as well as to military confrontations which ultimately drag the United States and other civilized nations into the vortex of the conflict. Overpopulation is a major problem.

What we are doing with this motion today is literally shutting down America's commitment to family planning around the world. We are not talking about abortion. I hold in my hand a penny, one penny; not one penny is being spent of Federal money to fund abortions in any country of the world. You would never know that from this debate. You would think we were setting out to fund abortions and the pro-life people wanted to stop it. It has nothing to do with it. Not a penny of Federal funds are being used for that purpose. What we are doing, in closing down this $450 million of family planning is adding to degradation and personal disaster around the world and, sadly, adding to the likelihood that move abortion will result.

Several years ago I traveled with Congressman Mike Synar to Bangladesh, one of the poorest countries in the world. Far away in a distant, dusty village we met a 19-year-old woman holding a baby. It was her third child. Through an interpreter she told us with great pride it would be her last child. Because of world health efforts which the United States supported, her children were healthy, and she did not have to bear any more children and through family planning efforts, that we spend pennies on, she was able to control the size of her family.

She and so many other women around the world, given a chance for their own personal dignity, will be denied that chance because of this terrible motion. I urge my colleagues, do not give in to this extremism. Oppose this motion.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the Callahan motion, which represents yet another sincere attempt by Chairman CALLAHAN to seek a compromise approach to this issue on which so many of us feel so very strongly.

As most of my colleagues know, I have been a very strong supporter of the pro-life Mexico City policy which is designed to protect innocent unborn children around the world by barring United States family planning funds to foreign organizations that perform or promote abortion overseas. The House has voted four times, four times, in favor of that legislation this year. It should be clear by now, Mr. Speaker, that one way or the other pro-lifers will not stand by. We will not allow the abortion industry to get an infusion of literally hundreds of millions of dollars in foreign aid for the promotion of the killing of unborn children in other lands or by lobbying to bring down their statutes.

More than 95, closer to 100, countries of the world have pro-life statutes, and these nongovernmental organizations, some, not all, get into these countries, begin networking, and they have been working aggressively to bring down those pro-life statutes.

I do not think the U.S. taxpayer should be making these organizations the dominant force in these capitals around the world. Family planning, yes; abortion promotion, and abortion performance except in the cases of rape, incest, and life of the mother, which is what the original language had in it, they are the exception; but family planning, yes; abortion, no.

I would also remind Members that I have been a very strong supporter of linking UNFPA funding, U.N. Population Fund, to withdrawal of UNFPA from the program in China where forced abortion is commonplace and prevalent and where the UNFPA has been the dominant cheerleader for the population program in Beijing, in the People's Republica of China. Again, if the Senate or the White House will not budge on this at this time, pro-lifers are not going to cave.

We will allow the money, we will push the money for family planning, but will not allow it to be used in any way, shape, or form for the promotion of abortion or for promoting this coercion in the People's Republican of China. The pro-life Members are willing to support this motion which deletes these two provision, but says we have got the wait until the authorizers take it up and then the bill will pass, I believe, and will be signed. Otherwise, we go back. We put the language back into the appropriations bill. That is fine with me.

If the Senate will not budge, we stay here until hell freezes over, because unborn children are precious and the women in the People's Republic of China, who have been victimized by the brutality of that program are precious as well.

I absolutely and categorically reject those who stand on the floor and say we are stopping all family planning funding. During the many years that the Mexico City program was in effect, 350 plus nongovernmental organizations, more NGO's than we had the money to fund, accepted the Mexico City clauses of no abortion promotion and got their money for family planning in Bangladesh, in Africa, in Central America. Planned Parenthood, Western Hemisphere, got, if I remember correctly, about $10 million when they agreed they would no longer be promoting abortion. They got their money to stay on point, and that is family planning, not abortion.

We are insisting on very modest language that says we are not going to be in the business of promoting abortion or performing it except in those very rare cases. We are not going to allow these organizations to be lobbying to bring down these anti-abortion statutes around the globe.

The family planning money will then flow. Nobody will object to it, and condoms and some of the other things that are disseminated will go out without any impediment, but we will not be in the business of empowering the abortion industry.

Vote for the Callahan motion.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time.

This amendment is a gross misuse of the political process to thwart the will of the American people who overwhelmingly support family planning in this country and around the world.

Once again, the new majority is attempting to put the radical right's agenda ahead of good government and global responsibility. It is clear that their actions show little concern for women's health, pre and postnatal care, health and nutrition for children, families, and stabilizing global population, and the problems that flow from it, including the massive increases recently in refugees.

The Callahan measure would make it illegal to appropriate funds for international family planning programs unless they are authorized. We need to vote to save international family planning programs. We need to vote to protect families, children, and women around the world. We need to defeat this politically motivated action by anti-family, anti-women Members here. It goes against everything this country agreed upon, and I might add, 187 other countries agreed upon at the International Conference for Women in Beijing.

Supporting international family planning programs is socially responsible, fiscally sound, and it serves our national purposes.

Vote to support women and families around the world. Defeat the Callahan motion.

Mr. CALLAHAN. Mr. Speaker, so eloquent is the gentleman from Illinois and so knowledgeable of this subject is the gentleman from Illinois, it would be immoral to deny him any restriction on time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], but remind him that we are down to about 5 minutes.

Mr. HYDE. Mr. Speaker, I suggest the gentleman correct the RECORD when it comes around for his extravagance in introducing me.

You know, when you get in this debate, you have to expect to be called names, and I have been called some wonderful names, some colorful names. Today it was mindless Luddite, and, you know, you can play that game. I would call people who think abortion is a good idea or an acceptable idea, or something the American taxpayer ought to pay for, I would not call them mindless, but I might call them heartless. I might call them unthinking. But I do not want to get into that game.

I want to just try to talk a little reality here. Family planning is not abortion, and abortion is not family planning, and when you link the two together you have got real problems, because many of us do not want to have American tax dollars go to pay for killing unborn children even if they are in Bangladesh or if they are in Toledo. We think human life ought to be special and ought to be sacred, and killing it, exterminating it, however you do it, is wrong and ought not to be paid for with tax dollars. That is what the struggle is about, and we are entitled to access to the political process to try and make our point.

But when misstatements are made, we have to wonder who is being mindless. For example, family planning flourishes under our program. Forty percent of all the dollars that are spent worldwide on family planning come from the United States and did under Reagan and Bush.

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It is simply two organizations that will not accept the money because they want to continue promoting abortion. So there are 300-some organizations that are happy to take our family planning money. Meanwhile around the world family planning, properly understood, which is either helping someone to get pregnant or keeping them from getting pregnant; it is not exterminating the pregnancy once it has occurred, and that is what my colleagues are talking about, and we are asking those gentlemen from Mount Olympus across the rotunda to please understand we are for family planning, we are for foreign aid. It is abortion we are not for. We think that is despicable, we think it is wrong, and we do not think tax dollars ought to go pay for it.

So overpopulation; we have heard two speakers bemoan that as one of the great problems in the world. I suggest that is an unsophisticated look at a serious problem. Density is what we should look at, how many people per square mile. There are countries on the globe with a higher density than many of these countries that have overpopulation problems and yet a high standard of living. Japan, Switzerland, Holland have high density, high standard of living. Maybe it is something more than the number of people, maybe it is the economy, maybe it is the kind of government, maybe it is society. But that is a rather superficial look at the problem of overpopulation.

The money is fungible. If we give the money to the International Planned Parenthood of London, and they say, "We're going to spend our money on abortion and not your money," that is a bookkeeping transaction and does not fool anybody.

So I suggest that we stand fast, we continue to tell the gentleman and gentleladies across the rotunda we do not want to fund abortion.

Mr. WILSON. Mr. Speaker, please let the RECORD reflect that this gentleman has not called the gentleman from Illinois [Mr. HYDE] any names.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I certainly want to express my respect for my chairman, for the gentleman from New Jersey, and of course for my wonderful colleague, the gentleman from Illinois [Mr. HYDE].

Mr. Speaker, the language of this proposed amendment is simply not going to fly. We know, everyone knows, that the Senate will not accept this approach. Even if they did, the President would veto the bill. We are wasting our time, we are tying up the House, we are tying up this legislation. We are delaying programs that ought to be going forward, we are delaying our commitment to Camp David that we have always observed, and I think it is totally disingenuous to say, as some on the opposite side are saying that our side is delaying the bill. They are delaying the bill.

Mr. Speaker, my colleague from Illinois just said family planning is not abortion. That is exactly right. It is against current law to spend any U.S. funds for abortion, and those of us who are arguing this matter are supporters of family planning, and not supporters of abortion. To hold all family planning funding hostage to legislative language that will not be agreed to by the Senate or by the President is to hold this entire bill hostage. And, to hold up other bills over this issue is to hold those bills hostage as well.

Mr. Speaker, we do not fund abortion. We have never funded abortion. I have always supported the Hyde amendment both domestically and internationally.

This issue is not going to be resolved with this proposal. This issue is simply delaying this entire bill from going forward, and it seems to me that we should defeat this proposal and strip all language on both sides of this issue out of this bill, and let the legislation go forward and become law.

Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Alabama for yielding this time to me, and I applaud the subcommittee chairman for this amendment. I think it is a very reasonable approach to dealing with this problem.

There are a lot of things that go on up here in Washington, and it is, I believe, very hard for the American public to keep a watch on everything. One of the amazing things that has gone on up here in Washington is immediately after this President was inaugurated he started funneling a lot of foreign aid dollars into programs that promote abortion on an international scale, and the American people, in this environment that we are in of huge deficits, a huge national debt, I believe clearly do not want taxpayer dollars being used for this kind of a purpose.

The gentleman from Alabama [Mr. CALLAHAN] has come up with a very reasonable approach. He is saying that we can continue to give these organizations money but that the ones that are actively out there promoting abortion, particularly the forced abortion like we have in China, which I would imagine 99 percent of Americans find reprehensible, and it is amazing that this administration would want to pump money into those kinds of organizations. It is saying that we will not do that unless the authorizing committee actually authorizes this.

Now our colleagues on the other side of the aisle who like to put money into these kinds of programs know that they can never get authorizing language for something like this, so they are going to fight this tooth and nail, but I think it is a very reasonable approach in the part of the committee, the subcommittee chairman. I applaud him for coming up with this solution to the problem.

We need to get this bill through. I support the bill. I support all my colleagues who would stand up and rise in support of this bill, and it is a good solution to the problem.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, this is unfortunate that this debate has gone along these lines with linkages that should not be made. We should not be discussing family planning dash abortion. This is a family planning issue. And we are talking about no international funds can be appropriated to any international societies unless an authorization bill is passed. Well, we have not had an authorization bill for a number of years, and if my colleagues want this amendment passed, it should be attached to the authorization bill.

But this is unfortunate, that we have to be doing this, because for years and years people around this world understood that the way to deal with population problems, health problems, children who are born into families where they are not wanted, is through family planning, and to do this today means we do not realize that family planning works, and eliminating this aid would hurt countless families throughout the world and increase the number of unintended pregnancies.

We do not want abortions; we want pregnancies not to happen. Countless women around this world have no access to health care screening and do not have information on how to plan a family, how to avoid an unwanted pregnancy. Denying U.S. funds for these services does not make sense. It is an arbitrary denial, dealing with something that we all, as world citizens, should be dealing with.

Mr. Speaker, right here I have a statement of the administration's policy. We are all trying to deal with legislation, we all know we should be going forward and not getting into these kinds of discussions, and the administration says:

> If the previous House-passed language on population contained in section 518 and the substitute language were dropped, the Secretary of State would recommend that the President sign the bill.

One more problem eliminated, and we could go for it. We really should not be debating the way we are today. We should just be getting on with the business of the House.

Mr. CALLAHAN. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the Callahan motion. This motion is worse than the original amendment—it would prohibit any funding for family planning until the foreign aid authorization bill is approved—legislation which historically has not been enacted into law. Thus, this motion effectively kills all family planning funding for the rest of this fiscal year.

One point must be reiterated in this debate—this amendment attempts to address a nonissue—foreign aid dollars do not currently pay for any abortions and never have. For 20 years, foreign aid policy and law has clearly stated that U.S. funds cannot be used to pay for abortion services or to lobby on the issue.

What this amendment does do is kill family planning programs—resulting in more abortions.

Mr. Speaker, this foreign aid bill already includes drastic cuts in funding for population assistance overseas. The Callahan motion will further endanger women's health and will deny women and couples access to family planning information. It will increase, not reduce, abortions.

Mr. Speaker, I urge my colleagues to join me in opposing this motion.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I am not here to call anyone any names. I think this is a debate that really is for world health. Family planning is good health. It is good for the world's families. It is instructive that over the years this type of family planning has saved more lives, and it has done so because the world's women and families have been eligible for family planning education. It is good health.

Mr. Speaker, we do not need to encourage these misstatements that have been offered about the facts that family planning is promoting abortion and forced abortions in China. Mr. Speaker, I have gone on record saying that the atrocities in China should not be tolerated. None of us are accepting of that.

But with this legislation, it would be illegal to appropriate funds for international family planning programs. That is all, that is the bottom line, of what their policy does help implement world family planning.

Organizations like International Planned Parenthood offer health care screening and information on family planning. Denying funds to organizations like International Planned Parenthood is nonsensical. This language would implement an international gag rule. The people that would be suffering would be millions of women and families across this world. One million women die each year as a result of reproductive health problems.

I started out saying this is a health bill, we want to support family planning because it is good health. This debate has nothing to do with abortion and current law which, as we all know, prohibits for the last 20 years the use of U.S. funds for abortion. It is time to err on the side of families, women, and good health.

Defeat this legislation. We want to keep what the law says, good health, good family planning, and support for our world's family of women and our world's families. In this season of caring and giving, Mr. Speaker, can we do any less?

Mr. Speaker, I rise in opposition to this motion which would eliminate all funding for international family planning organizations. This motion exempts family planning programs from the waiver in the bill that permits appropriations for foreign aid programs without passage of the foreign aid authorization bill, a bill that has not been passed in 12 years.

In other words, it would be illegal to appropriate funds for international family planning programs—and only international family programs—until the passage of the stalled foreign aid authorization bill. This new tactic by my antifamily colleagues is even more drastic than the restrictions they have been attempting to impose on the bill. This new approach will effectively kill the international family planning programs at issue by denying them funding.

Organizations like International Planned Parenthood offer basic health care screening and information on family planning. Denying funds to organizations like International Planned Parenthood is nonsensical. This language would implement an international gag rule.

With the world's population growing at an unprecedented rate, one of the most important forms of aid that we provide to other countries is family planning assistance. As a world leader, the United States must work to reduce the complications of pregnancy, childbirth, and unsafe abortions, which are the leading killers of women of reproductive age throughout the Third World. One million women die each year as a result of reproductive health problems.

But this debate has nothing to do with abortion itself. Current law prohibits—and has for 20 years—the use of U.S. funds for abortion. Foreign aid policy and law clearly states that U.S. funds may not be used to pay for abortion procedures or to lobby on the issue.

Thus, the proposed motion would simply eliminate funding for legal, and essential, health and family planning services—not abortion. Legitimate and effective international health organizations would be prohibited from providing valuable and desperately needed family planning information to women around the globe. I urge my colleagues to defeat this dangerous motion.

Mr. WILSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

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Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for the gentleman's leadership on this issue.

Mr. Speaker, I rise in complete respect, as our chairman knows, for his leadership on our Foreign Operations Subcommittee. As a member of that subcommittee, I have seen him shepherd our bill through many storms. We have this one remaining obstacle.

As Members know, we have gone back and forth and back and forth on the issue of family planning in this bill. Frankly, I do not see any reason for us to have to go through this, because this controversy is based on a false premise, the premise that $1 in this bill would be spent to fund abortions. That funding is not allowed by U.S. law, and we do not need any language to further prohibit it.

Let us all say that we all agree in this Congress that we abhor, we abhor the family planning methods used in China. I mention that issue because I see my colleague, the gentleman from New Jersey, rising, and I know that issue is a bone of contention in this bill, but shouldn't be in this Congress. We all agree that it is a gross violation of human rights for the women, indeed, for the families, the people of China, to have to be subjected to China's family planning methods. The practices are atrocious and I will not go into them, except to say that no funding from this bill supports the China program.

With that in mind, Mr. Speaker, that first, none of the funds would be used for abortion, and second, that none of the funds will be used to support the family planning program which we all abhor in China, the question arises: Why are we holding the poorest of the poor people in the world who depend on family planning funds that are provided in this bill hostage to the Chinese regime's policy.

Mr. Speaker, I call this, with all due respect to my colleague, the gentleman from Albama [Mr. CALLAHAN], our distinguished chairman, the make matters worse amendment. We had a situation which was a challenge to us about funding for family planning. We have been fighting that fight. Many people who support family planning but do not support every medical option available to women to terminate a pregnancy support us in oposition to this rule. I am very pleased that staunch anti-choice Members, and I do not say that as a badge of honor, oppose this amendment. The gentleman from Ohio, TONY HALL, and I have been on opposite sides of the choice issue, and he voted against the rule on this bill because of the restrictions it places on family planning. Restrictions that are not per se in the bill, but restrictions which are by way of procedure. If we do not get the funding through this bill now and if we have to wait for an authorization at the end of the session, as we are, waiting to go out for the holidays, what will happen to the family planning funds that are so desperately needed so very soon for so many people in the world?

That is why I call this the make matters worse amendment. It tries to resolve a conflict that I do not think should be there in the first place, because we all agree that China's policy is abhorrent and none of our funds should go to it. And because we all know that there is no funding for abortion allowed under United States law. So why can we not come to a sensible conclusion which enables as to fund family planning?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to my colleague, the gentleman from New Jersey [Mr. SMITH], because although we differ on the issue of choice, he has been a champion on funding for child survival issues and the like; but as a tactic, I think the way that the chairman has decided to proceed on this will present huge obstacles to getting our family planning money out there when it is needed.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding. We do work together on a number of other issues, but unfortunately, on this one we have a difference.

Let me reiterate, and make this so very clear to everyone who may be listening to this debate, that we will provide family planning funds, as we did during the Reagan and Bush years when we provided in excess of 40 percent of all the subsidies globally for family planning, but we did it in a way that did not promote or perform abortions. That is the key.

Ms. PELOSI. Reclaiming my time and in conclusion, Mr. Speaker, let me say, if Members abhor abortion, as we all do, they should support family planning and vote against this amendment.

Mr. CALLAHAN. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DORNAN].

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from California [Mr. DORNAN] is recognized for 3 minutes.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Missouri [Mr. VOLKMER], the conscience of the minority party, who is pro-family, pro-defense, and prosecond amendment.

Mr. VOLKMER. Mr. Speaker, I would like to announce that I rise in favor of the motion of the gentleman from Alabama, in strong support of it, and I urge the House to adopt this motion.

Mr. DORNAN. Mr. Speaker, I hope as Missouri goes, so goes the House.

Mr. Speaker, I also rise in support of what the gentleman from Alabama [Mr. CALLAHAN] is trying to do, and with great respect for human rights voices like the gentlewoman from California [Ms. PELOSI], on the other side of the aisle, and to try and clarify here for the 1,300,000 audience that watches this on C-SPAN that would think we are debating two different issues here today. Everybody suddenly gets up and says they are all against abortion.

Now, a gentleman on the minority side from Illinois held up a penny, so I will hold up a penny. All pennies today are Lincoln pennies. Lincoln, our greatest President from the State of the gentlemen from Illinois, Mr. HYDE and Mr. DURBIN, finally came to realize that the greatest evil in our country since its founding was slavery. We now have great religious leaders all over the world talking about the culture of death in the womb, of the elderly, of the infirm, of the physically challenged.

Since our country first met with the House of Representatives 206 years and 9 months ago, two enormous evils have confronted us: slavery and the taking of innocent life through abortion. There is a benchmark in this House as of November 1: 139 people a few on my side of the aisle, stood up and said that execution-style coup de grace to the base of the skull, removing the brains, partial birth abortion, was OK. Those in the medical profession that do nothing but abort, nothing but abort, and in the other Chamber one of our lady Senators objected to us calling them abortionists instead of doctors. If that is all they do, they are not doctors in this Member's eyes, they are abortionists. So we start with a benchmark of 139 who find even a coup-de-grace abortion OK.

Now we have this group that stands up and says: "I am against abortion, but do not listen to the pro-lifers on this side or that side of the aisle." Money is fungible, down to a penny. If we free up money with all sorts of U.S. restrictions and we know they are not going to be obeyed, then it is going to drive abortion and the political undermining of the laws, and the majority of the 185 nations in the U.N., over 100, will have their laws undermined by these people who are driven almost as a religious conviction about abortion.

Mr. Speaker, Dr. James Timothy McMahon, who with Dr. Haskell worked out partial birth abortion, is buried near my parents in Holy Cross Cemetery in Culver City. I visited that cemetery Sunday. He renounced his whole life to abortion. Money is fungible; listen to the pro-lifers.

Mr. SPENCE. Mr. Speaker, I wish to commend my colleagues on the Foreign Operations Appropriations Subcommittee for their work on this year's Foreign Operations Appropriations Act (H.R. 2666). On balance, H.R. 2666 moves us in the right direction as we seek to come to grips with the role of the United States in the post-cold war world.

However, I rise to express my opposition to a specific provision adopted by the conference that would impose a moratorium on the use of antipersonnel landmines by the U.S. military.

This provision does nothing to address the problem that led to its adoption—namely, the tens of thousands of unexploded non-self-destructing landmines that are taking a tragic toll on civilian noncombatants around the world. Instead, it unilaterally bars the United States from using a legitimate weapon in combat for defensive purposes while other nations are not similarly restricted.

Even the administration, which has made a global ban on the use of antipersonnel landmines one of its foreign policy objectives, is vigorously opposed to this moratorium. No less an authority than the Chairman of the Joint Chiefs of Staff, General Shalikashvili, has noted that "antipersonnel landmines will be required by U.S. forces for safe defense in the foreseeable future" and that a prohibition on their use would place American forces at risk.

General Shalikashvili expressed his concerns in a letter to me on September 12. I find his arguments logical and persuasive, and request at this point that a copy of his letter be inserted in the RECORD.

Landmines are an integral part of current U.S. war-fighting doctrine and an important economy of force multiplier. They played a critical role in defending our troops during the decisive final stage of the Persian Gulf war by protecting General Schwartzkopf's forces as they closed in to defeat Saddam Hussein's army deep within Iraqi territory.

The U.S. military uses antipersonnel landmines in strict accordance with the international laws of armed conflict. This moratorium would place unreasonable and unprecedented restrictions on the use of a lawful weapon.

Other countries, most notably China and Russia, have made it clear that they consider landmines to be an integral part of their overall military posture, and have refused to forswear their use.

In summary, a unilateral moratorium on antipersonnel landmines use by the United States will diminish U.S. ability to conduct ground combat operations. It would put our soldiers at greater risk and require increased expenditures to maintain an equivalent level of battlefield protection. The potential cost of this moratorium is likely to be measured not only in dollars, but in American soldiers' lives.

We should all oppose this moratorium, and should instead continue to ensure that we provide our fighting men and women in uniform the tools they need to accomplish the missions they are called upon to perform.

THE CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, September 12, 1995.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I solicit your support on the topic of landmines during the forthcoming FY96 Authorization Bill Conference. The proposed legislation in the Senate bill would ban use of anti-personnel landmines by US forces except in narrowly defined scenarios. I have significant concerns because, as written, American personnel would be placed at risk.

The proposed legislation, beginning 3 years after enactment, would prohibit the use for 1 year of anti-personnel landmines by US forces, except in marked and guarded minefields along internationally recognized national borders and demilitarized zones.

The legislation would effectively prohibit the use of all self-destructing mine systems because they employ a combination of anti-tank and anti-personnel mines. Self-destructing anti-personnel mines represent approximately 65 percent of the US total anti-personnel mine inventory. Mines were an indispensable component of the coalition's ability to conduct the maneuver warfare that made such an important contribution to victory in DESERT STORM. Significantly, mines secured the right flank of General Schwarzkopf's ground offensive in western Iraq.

I wish to emphasize that mines used by US Armed Forces self-destruct a short period of time after emplacement with a high degree of reliability and do not pose a significant humanitarian problem. Restricting anti-personnel landmines to "internationally recognized national borders" and demilitarized zones effectively prohibits their use by US forces in most combat scenarios. Defensive minefields around sensitive military installations such as Naval Station Guantanamo Bay, Cuba, would also be precluded. US forces are heavily dependent upon such minefields for security.

The US military strongly opposes the illegal and irresponsible use of these mines and is a proponent of humanitarian demining activities to alleviate suffering caused by them. However, anti-personnel landmines will be required by US forces for safe defense in the foreseeable future. Congress and the American people expect us to fight and win conflicts with minimum casualties. That goal requires the retention of the capabilities provided by the advanced, self-destructing mine systems which would be prohibited under the proposed legislation.

While I wholeheartedly support US leadership in the long-term goal of anti-personnel landmine elimination, unilateral actions which needlessly place our forces at risk now will not induce good behavior from irresponsible combatants. As practical solutions are pursued, our priorities must be to maintain warfighting superiority while concurrently protecting the safety of US service men and women. I consider this to be a critical force protection issue and request your support to defeat the proposed legislation.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman.

The SPEAKER pro tempore. All time has expired. Pursuant to House Resolution 296, the previous question is ordered.

The question is on the motion offered by the gentleman from Alabama [Mr. CALLAHAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 201, not voting 5, as follows:

[Roll No. 850]

YEAS—226

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gallegly
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Nethercutt
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (TX)
Spratt

Stark
Stokes
Studds
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—5

Brown (OH)
McInnis
Mfume
Tucker
Velazquez

□ 1243

The Clerk announced the following pair:

On this vote:

Mr. McInnis for, with Mr. Brown of Ohio against.

Mr. LAZIO of New York and Ms. DUNN of Washington changed their vote from "yea" to "nay."

Mr. EWING and Mr. KILDEE changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on Wednesday, December 13 on rollcall vote No. 850, H.R. 1868, the conference report making appropriations for Foreign operations for fiscal year 1996, I was inadvertently recorded as a "yes" vote.

PERSONAL EXPLANATION

Mr. SMITH of Texas. Mr. Speaker, on Wednesday, December 13, I was recorded as voting "no" on the motion offered by Mr. CALLAHAN disposing of Senate amendment 115 to H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1996. I intended to support this amendment and offer this Extension of Remarks to reflect my support for this motion.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mrs. WALDHOLTZ, from the Committee on Rules, submitted a privileged report (Rept. No. 104–403) on the resolution (H. Res. 301) waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON FARMINGTON RIVER PURSUANT TO WILD AND SCENIC RIVERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Farmington River in the States of Massachusetts and Connecticut. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The Farmington River Study was authorized by Public Law 99–590.

The study was conducted by the National Park Service, with invaluable assistance from a congressionally mandated study committee. The National Park Service determined that the 11-mile study segment in Massachusetts and the 14-mile study segment in Connecticut were eligible for designation based upon their free-flowing character and recreational, fish, wildlife and historic values.

The 14-mile Connecticut segment of the river has already been designated as a Wild and Scenic River pursuant to Public Law 103–313, August 26, 1994. The purpose of this transmittal is to inform the Congress that, although eligible for designation, I do not recommend that the Massachusetts segment be designated at this time due to lack of support by the towns adjoining it. If at some future date the towns should change their position and the river has retained its present characteristics, the Congress could reconsider the issue. Also, for 3 years from the date of this transmittal, the Massachusetts segment will remain subject to section 7(b) of the Wild and Scenic Rivers Act. Section 7(b) prohibits licensing of projects by the Federal Energy Regulatory Commission and Federal or federally assisted water resource development projects that would have a direct and adverse effect on the values for which the river might be designated. Finally, the report includes the Upper Farmington River Management Plan that is referenced in Public Law 103–313 as the plan by which the designated river will be managed.

The plan demonstrated a true partnership effort of the type that we believe will be increasingly necessary if we are to have affordable protection of our environment in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 13, 1995.*

□ 1245

WAIVING THE PROVISIONS OF CLAUSE 4(b) OF HOUSE RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 297

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee for the remainder of the first session of the One Hundred Fourth congress providing for consideration or disposition of any of the following measures:

(1) A bill making general appropriations for the fiscal year ending September 30, 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making further continuing appropriations for the fiscal year 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(3) A bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(4) A bill to provide for a balanced budget by 2002, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(5) A bill or resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], I know he is going to support this rule which will get all of our Members home by Christmas, pending which I yield myself such time as I may consume.

Mr. Speaker, during the consideration of the resolution, all time yielded, of course, is for debate only.

Mr. Speaker, this rule is similar to rules we granted prior to the Thanksgiving recess for the consideration of general appropriations bills, continuing appropriations resolutions, the debt limit bill, and the Balance Budget Act.

In this instance, we would be waiving clause 4(b) of rule XI, which requires a two-thirds vote for the same day consideration of special rules reported from this committee, for rules that deal with bills, resolutions, amendments, and conference reports dealing with five separate matters:

First, general appropriations bills; second, continuing appropriations measures; third, debt limit measures; fourth, the Balanced Budget Act; and fifth, measures relating to United States troops in Bosnia.

At the request of the minority leadership, we have dropped two provisions from an earlier draft that would have waived the layover requirement for all conference reports and created special suspension days on days other than Mondays and Tuesdays.

As Members may be aware, there is already a standing House rule that permits the same day consideration of special rules for any matter during the last 3 days of a session. But that rule is not activated until we have adopted a sine die adjournment resolution since that is the only way we can determine with certainly which are the final days of a session.

Mr. Speaker, I would like to refer to this rule as the "family friendly, holiday get-away rule" since we are attempting to expedite the business of this House so that Members can return as soon as possible to their districts and families for their holiday celebrations.

We still have several appropriations matters to complete action on as well as the Balanced Budget Act which is now the subject of negotiations between the Congress and the White House.

The expedited consideration of a possible rule relating to the deployment of United States troops in Bosnia was included in this rule. We anticipate bringing such a rule to the floor today that will make in order up to three measures on Bosnia. This rule permits those measures to be considered today.

The Senate is considering three different measures as well today. It is important that both Houses act today since tomorrow is the signing of the Paris peace agreement in Paris.

Finally, Mr. Speaker, I want to point out that the minority on the Rules Committee expressed the hope that there would be ample time available to see any emergency matters that we do the same-day rules on so that Members can study them before voting—both on the rules and the bills they make in order. We think that is a reasonable request and will do all in our power to see that this emergency authority is not abused.

With that assurance, Mr. Speaker, this rule was adopted by unanimous voice vote in the Rules Committee. I urge that the House follow suit by adopting this rule to permit us to get on with out business in an expeditious fashion.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from New York for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to this rule.

I am sorry we have to do this rule in the first place. I am sorry my Republican colleagues have not finished the appropriations bills. I am sorry that they spent so much time on the contract on America instead of on the business of the House that the Federal Government actually shut down for 6 days.

But as Walter Cronkite used to say, "That's the way it is." It is the middle of December and five appropriations bills still have not even gotten to the President.

Those appropriations bills are probably Congress' most serious responsibility and I am certainly willing to help my Republican colleagues get them done. But Mr. Speaker, this rule is far too dangerous in fact it is already being misused.

I have just been told that the Rules Committee will be meeting this afternoon to consider a very serious, very far-reaching profound Bosnia resolution that very few people have seen.

Mr. Speaker, we are talking about American lives. We are talking about American national security. We are talking about an awesome responsibility, the responsibility to authorize the President to commit our troops to the peacekeeping effort in Bosnia. This responsibility absolutely must be borne with the gravity and solemn consideration it deserves.

But, Mr. Speaker, the legislation that Members will be asked to vote on, later today, legislation to give the President this authority, has just been written. Mr. Speaker, that is absolutely inexcusable.

And, Mr. Speaker, to make matters worse, the reason we are doing this rule is simply because my Republican colleagues are disastrously behind in the appropriations cycle. This work needs to get done and it needs to get done now. In fact it needed to get done 3 months ago. But not at this price.

Mr. Speaker, I urge my colleagues to oppose this dangerous rule. For matters of this importance, thoughtful, responsible legislating should take precedence over speed.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I urge Members to come over and vote for this very fair rule.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 186, not voting 16, as follows:

[Roll No. 851]

YEAS—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas

Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—186

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Ballenger
Brown (OH)
Franks (NJ)
Gallegly
Hayes
Hostettler
Johnston
McInnis
Mfume
Schiff
Stockman
Tucker
Velazquez
White
Whitfield
Wilson

□ 1317

Mr. DIXON and Mr. MCNULTY changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, on December 13, 1995, I was unavoidably detained and missed rollcall vote No. 851, the adoption of House Resolution 297, a rule to permit the House to adopt, by a simple majority, rules for certain legislation on the same day that they are reported by the Rules Committee. Had I been present for vote No. 851, I would have voted "aye."

WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules and pursuant to House Resolution 297, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved. That upon adoption of this resolution it shall be in order to consider the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996 and for other purposes. All points of order against the conference report and against its consideration are waived.

The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the distinguished gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is their objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor today this rule providing for the consideration of the further conference report on H.R. 1977, the Department of the Interior and related agencies appropriations bill for fiscal year 1996. This is a simple, fair rule which waives all points of order against the conference report, and against its consideration.

The blanket waiver includes a waiver of clause 2 of rule XX, as well as a waiver of clause 3 of rule XXVIII, which will permit the House to discuss provisions which may exceed the scope of differences between the House and the Senate.

Under the normal rules of the House, we will have one hour of debate on the conference report itself, in addition to the minority's traditional right to offer a motion to recommit, with or without instructions.

Mr. Speaker, despite recent press reports to the contrary, we are making progress toward completing our work on the thirteen regular appropriations bills. Seven of the thirteen bills have thus far been enacted into law, and passing this bill, and this rule today will bring us one step closer to our goal of balancing the Federal budget and avoiding any unnecessary shutdown of the Federal Government.

Clearly, the task of finishing all of the spending bills on time has not been easy, and the Interior appropriations bill is certainly no exception. Issues related to the development and stewardship of America's natural resources often spark great controversy, as we have seen with regard to mining patents and the management of national forests with this particular piece of legislation.

But, under the leadership of my friend and colleague from Ohio, Mr. REGULA, who is the distinguished chairman of the Interior Subcommittee, the conferees have reached a new a hopefully final agreement on these two very sensitive issues.

First, the conference report continues the existing moratorium on issuing mining patents, and there is no trigger that would cancel the moratorium. Any repeal would be contained in separate mining law reform legislation. In addition, the conference agreement extends the schedule for processing grandfathered applications from 2 to 5 years.

Second, with regard to the Tongass National Forest, it is my understanding that the conference agreement actually lowers the annual harvest ceiling in the forest's current management plan, and maintains the size of the current timber base for 2 years.

I would also add, Mr. Speaker, that in response to the administration's request, conferees restored a significant amount of funding for Indian-related programs. The conference agreement restores a total of $137 million to these programs, which is $27 million above the administration's request.

Other than these modifications, the conference report is essentially unchanged. It still provides funding for the core programs and missions of the agencies covered by this legislation, including funding to operate the National Park System and all of our public lands, and for the health care and education needs of native Americans.

Overall, total spending in this year's conference agreement is more than one billion dollars less than the amount provided in last year's legislation. That is the fiscally responsible thing to do, and I commend Chairman REGULA and members of the Appropriations Committee for crafting a bill that honors our commitment to the American people to achieving meaningful deficit reduction and a limited, but effective Federal Government.

In closing Mr. Speaker, I believe it is only fair and proper that we do everything we can to move the budget and appropriations process forward—not only to keep the Government up and running, but to give future generations of Americans the kind of financial stability and economic prosperity that can only come from a balanced Federal budget.

Finally, Mr. Speaker, House Resolution 301 is the customary rule granted by the Rules Committee this year for conference reports on general appropriations bills, and it is entirely appropriate for this debate. The Rules Committee reported this rule by unanimous voice vote earlier today. I urge my colleagues to adopt the rule and to pass the conference report without any further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we oppose this rule and the measure it makes in order, the conference report on Interior appropriations for fiscal year 1996. As Members know, this is the third time this conference report has been brought to the House floor. Our good friend, the gentleman from Ohio [Mr. REGULA], has our greatest respect for the difficult and time-consuming process he has had to endure from the beginning with this bill, but unfortunately, this legislation remains highly objectionable to many of us. Although the new conference report finally extends the moratorium on processing new mining patents for the duration of the fiscal year, as the House has called for through repeated votes, it contains questionable provisions for processing some 370 claims that had reached a certain stage in the patenting process.

On the other issue the conferees were specifically directed to address, the Tongass National Forest, the conference report clearly fails to respond to the House's direction. The new provision would increase timber harvests from an average 315 million board feet annually to 418 million board feet, which is the same amount that would have occurred under the previous version of this legislation.

The rule before us waives all points of order against the conference report and against its consideration. One major reason why the conference report needs such a rule is that it contains numerous violations of clause 2 of rule XXI, the rule that prohibits legislation, that is, policy matters, in an appropriations bill. We acknowledge that it is very difficult to avoid violating rule XXI entirely in an appropriations bill, but the Committee on Rules usually tries, or we did try, at least, in previous Congresses to minimize the extent to which appropriations bills contain policy matters. Not only did those efforts prevent flagrant intrusions on the jurisdiction of the authorizing committees, but they also kept appropriations bills from getting bogged down in disagreements over issues that are unrelated to the amount of funding being provided to government agencies.

This rule, however, sanctions the use of the appropriations process to make far-reaching changes in policies governing the use of our Nation's resources. It makes it possible for the House to consider a bill that the Los Angeles Times has said is "swollen with hidden attacks on the public lands, national parks, and the environment."

Many egregious provisions that were contained in the original conference report remain in the new version. For example, the conference report removes the Mojave preserve in California from the protection of the National Park Service by prohibiting the Park Service from spending more than $1 on it in 1996. New report language accompanying the conference report allows the National Park Service to use a half million dollars to develop a management plan for the east Mohave area which is an increase over the second version of the conference report, but the legislation itself would still shift authority for the area back to the Bureau of Land Management, whose rules are much more lenient than are the Park Service's on mining, grazing, dirt biking, and other potentially detrimental activities.

It prohibits adding new species of plants and animals to the Endangered Species Act list, despite clear scientific evidence that hundreds of species awaiting listing are headed toward extinction. It cripples a joint Forest Service-BLM ecosystem management project for the Columbia River Basin in the Northwest, a project that was intended to allow a sustainable flow of timber from that region. This provision threatens the protection of salmon and other critical species and guarantees continued court battles over logging in that region. It places a moratorium on the development of Federal energy efficiency standards, and it delays implementation of the Interior Department's new grazing regulations.

In addition, this latest version adds a brandnew provision waiving certain environmental laws to expedite the construction of a telescope and supporting infrastructure on Mount Graham on the Coronado National Forest in Arizona, a site that contains rare and valuable ecological resources.

In addition to all these troubling provisions, the conference report endangers resource protection by reducing spending for many critical activities. The conference report cuts spending on the Interior Department and related agencies as a whole by 10 percent from this year's level, but within that reduction are much more severe cuts in many valuable programs, including wildlife protection, energy conservation, land acquisition, support for the arts and humanities, and support for native Americans, despite the modest increase in the new version for that issue.

Mr. Speaker, these are programs that do an enormous amount of good for our Nation for a relatively small sum, and they ought to be sustained at adequate levels. These are also programs that are strongly supported by the American people. I recently sent a survey to my own constituents asking them to chose what they would cut from a list of virtually everything the Federal Government spends money on.

In response, and there were about 20,000 voters in our area who responded, and even though they wanted us to cut spending in many other areas, a full 87 percent, Mr. Speaker, 87 percent of the respondents opposed cutting spending on national parks, forests, and wildlife refuges. Eighty percent opposed cutting spending on environmental protection, 78 percent opposed cutting energy conservation and other energy research programs, and 59 percent opposed cutting Federal support for the arts and humanities. I have little doubt that if the same questions were asked almost anywhere else in the country, the results would be close to the ones that I received.

Defenders of these cuts, Mr. Speaker, say they are necessary to help balance the budget, but in fact, the $1.4 billion cut this bill makes from last year's level of spending is necessary only in the sense that the majority's budget plan needs it to help pay for the defense appropriations bill's additional $7 billion in spending that Pentagon officials themselves say they do not want or need.

□ 1330

It is necessary only because the majority's budget plan needs it to help pay for a 7-year, $245 billion tax cut that the vast majority of Americans believe should not be provided until the Federal budget is actually balanced.

The real significance of this legislation is not its contribution to reducing the Federal budget deficit but rather its contribution to the comprehensive assault on environmental protection that has been launched by the Republican leadership in the House. When this legislation is viewed in the context of other antienvironmental measures the House has already passed, its negative impacts are even more apparent.

This conference report follows House passage of several so-called regulatory reform bills, the Contract With America bills that would cripple Federal regulatory agencies' ability to implement and enforce environmental protection laws.

It follows House passage of the amendments to the Clean Water Act that would permit more water pollution and allow the destruction of more than half the Nation's remaining wetlands.

It follows enactment of a provision included in the fiscal 1995 rescission bill which already has dramatically increased logging in national forests.

It follows House passage of an appropriations bill that cuts funding dramatically for the Environmental Protection Agency.

It follows House passage of the budget reconciliation bill that would open the Arctic National Wildlife Refuge to oil and gas drilling, and would provide special deals for industries that want to use the natural resources that belong to all Americans—mining, ranching, timber, and oil and gas interests—and special deals for concessionaires in our national parks.

Mr. Speaker, to repeat, the conference report this rule makes in order is severely flawed. It fails to provide the necessary funding and safeguards for our Nation's natural resources that the American people overwhelmingly want us to provide.

I urge Members to vote "no" on the rule and "no" on the conference report.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I rise in opposition to this rule. And, Mr. Speaker, every single Member of this House who voted for a constitutional amendment to balance the budget should oppose this rule.

Now is the time for Members who voted to balance the budget, no matter what the cost no matter how painful, to show that they mean what they say. Now is the time for my Republican colleagues to show that they can live within their own budget.

Because, Mr. Speaker, this bill is a budget buster. This bill will cost $21 million more than my Republican colleagues said this country could afford. It is $21 million over budget and $21 million over the 602b allocation.

Mr. Speaker, I want to state for the RECORD that never, in the history of Democratic control of the House did we waive the 602b requirement on an appropriations conference report. Every single one of our appropriations conference reports stayed well within its limits. I wonder why my Republican colleagues cannot do the same and I wonder how on Earth they can vote for this rule.

I urge my colleagues to defeat this rule. If you voted to balance the budget, now is your chance to do so.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the Appropriations Subcommittee.

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to congratulate him upon a magnificent and accurate statement of what this bill contains and why it should be defeated.

But I rise, Mr. Speaker, to read from a book review that appeared in the Washington Post last August on a book that is entitled "The Making of a Conservative Environmentalist":

> In 1992, an American-Canadian agency charged with overseeing the health of the Great Lakes surprised the White House, never mind governors in 8 States bordering the lakes, by making a radical proposal. Convinced that the toxic by-products of chlorine-based industrial compounds were harming wildlife and perhaps poisoning people, the panel called for phasing out one of the basic chemical feedstocks of modern manufacturing straight elemental chlorine.
>
> One might assume that the man behind such a noble gambit was a learned statesman and veteran environmentalist. Hardly. The recommendation's main champion was Gordon K. Durnil, the panel's American chairman, a Rush Limbaugh-loving conservative Republican from Indiana.
>
> Here was a plain, middle-aged guy who freely admits that before being appointed by George Bush in 1989 to the International Joint Commission, a little-known but influential oversight agency that watches the Great Lakes—

He had done little. Those last few words are mine, but I go back to the quote.

> In fact, Mr. Durnil acknowledges in "The Making of a Conservative Environmentalist" that he possessed absolutely no qualifications for one of the continent's senior environmental posts, other than having served as Republican Party chairman in Indiana and cultivated a close political friendship with former Vice President Dan Quayle.
>
> How could such a naif advance one of the single boldest environmental policy ideas of the 1990s? The answer, we are told, is a simple tale of personal discovery. A Midwestern party operative late in life suddenly awakens to find truth in the popular concern for the safety of the earth. The message is that someone as conventional and as conservative as Mr. Durnil can latch on to one of the great social transformations of the American century, then so can every other Republican in the country.
>
> The fact that they have not, particularly this year when Republican leaders in the House and the Senate are desperately trying to unravel 25 years of environmental regulation, has Mr. Durnil in a gentlemanly lather—

And so forth. It continues.

The reason I read that, of course, Mr. Speaker, is the fact that Mr. Durnil would have been very much upset by the attack that our bill makes upon the natural resources of our country.

A third more of our ancient forests are being cut in this bill than were authorized for cutting in the previous bill. The Indian people have not received the kind of funding that they should have received, in spite of the fact that additional funds were made available in the last session of the conference committee. Environmental damage is being done to our forests, to our streams, to our parks, to every other natural resource.

I would urge, Mr. Speaker, that the rule be defeated, and if the rule is not defeated, that the bill then be defeated.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. I might say that Mr. Durnil could very well come from Ohio as well as from Indiana.

Mr. REGULA. Mr. Speaker, a lot of conservative environmentalists come from Ohio.

Mr. YATES. That is true. I wonder why they are not on the committee.

Mr. REGULA. I think one of them chairs it.

Mr. Speaker, I am intrigued by the gentleman from Massachusetts complaining that we are spending too much money. It is the new math that we have in Washington, DC, as near as I can figure out, since this bill is $1.3 billion less than in 1995. It is about a 10-percent reduction from 1995 funding. It is responsive to the movement to a balanced budget.

We have had to make tough decisions, of course. But as I have said previously, we divided the responsibilities into three parts: The must-do's, the need-to-do's, and the nice-to-do's.

The must-do's we took care of. We kept the parks at level funding, the forests at level funding and operations. The Smithsonian, the National Gallery, the Kennedy Center, the things that the people enjoy, that they want to use, are nearly level-funded.

Certainly, in order to save $1.3 billion, we had to eliminate or substantially downsize some other activities. But I simply point out again that in terms of the budget and the deficit reduction which I think the American people very much want to see, this bill is extremely responsible. I do not think that in any way it is environmentally detrimental.

It responds to the motion to recommit. We have made adjustments on the mining issue of the moratorium. We have made adjustments on Tongass. All the parties involved and both sides worked on the language, and I will address that more in the general debate.

On the matter of the Indians, we have added $50 million, $25 million for health services, $25 million for tribal priorities. In fact, this is more than the administration requested. They wanted something like $125 million over the Senate level. We are at about $111 million over the Senate level.

So I think we have a very responsible bill here. I hope that the Members will support the rule, I hope that the Members will support the bill, and that the administration will sign it.

There are 130,000 employees that are directly affected by this bill, and what a great gift we could give them by passing this excellent, responsible bill that has been developed with a lot of give-and-take, so that those 130,000 employees would know on Friday that their jobs would be secure, that they can go out and open the gates to the parks, to the forests, to the Smithsonian, to the fish and wildlife facilities.

If Members are concerned about the environment, the way to support the environmental issues is to vote for this bill so the funding will be available to these dedicated people who do truly take care of the environment as they provide the services in the Department of the Interior, to the cultural institutions, to the Department of Energy.

I would strongly urge the Members to support the rule and support the bill. I think, given the restraints that we had on the funding levels, that we have done a responsible job of meeting the needs of this Nation.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think every Member of the House needs to know that if you vote for this rule today and if you vote for this bill today, you will be voting to bust the budget.

Just a week ago, on December 5, the gentleman from Louisiana [Mr. LIVINGSTON] filed on behalf of the Committee on Appropriations the Report on Budget Allocations Between Subcommittees as required by 602 of the Budget Act. That act sets the ceiling above which no appropriation bill may go without being subjected to being knocked off the floor by a point of order lodged by any Member.

Yet 1 week after they did that, and just a few short days before we are going to confront the need for a continuing resolution, or else see the Government shut down because the Speaker of the House is still at this point talking about using the leverage of the continuing resolution to force settlement of the overall budget issues, in the long-range budget talks that are now taking place, after being told that that is important enough to shut the Government down to get to a balanced budget, we are being asked to pass a proposition here today which busts the budget.

□ 1345

The filing by the committee on December 5 indicated that the ceiling for spending in this bill would be $12,213,000,000 in budget authority. The ceiling reported in this bill, 8 days later, is $12,234,476,000. That means it is $21.5 million above the allowable ceiling.

Now, we tried on three different occasions to get the committee to adopt a different 602 allocation to make room for additional funding in this and other bills. We were turned down by the majority in the committee, and yet today we are being asked to put that limitation aside.

I would ask Members of the House on both sides of the aisle, how many times do you remember having the gentleman from Pennsylvania [Mr. WALKER] come to the House floor and berate the then majority Democratic Party for waiving budget rules when they brought rules to the floor under which appropriation bills would be debated? the answer is time and time and time again we were told by the gentleman from Pennsylvania and many others that we were waiving the Budget Act. Now, today, we are being asked not only to waive the Budget Act, but to waive spending ceilings within that budget.

If you take a look at the history of this House on regular appropriation bills, you will find that it ha been a rare experience, indeed, when we were asked on a regular appropriation bill to waive those ceilings. It just seems to me that when we are facing a situation which may lead again to a Government shutdown, it is a very odd thing, indeed, for the committee to ask us to bust the budget ceiling to the tune of $21.5 billion. I do not think that is the orderly way to proceed. A much better way to proceed would have been to adjust those 602 allocations so that we are behaving as we are supposed to behave in a situation like this.

I also make the point this rule will allow us to proceed to consideration of a bill which allows for a significant increase in timber cutting in the Tongass Forest, one of a handful of temperate rain forests in the entire world, and yet this bill is going to accelerate that cutting. I do not believe we ought to do that. I do not think most persons concerned with preserving the environment think we ought to do that, certainly not in this appropriation bill.

So I would urge both on environmental grounds and because this bill breaks the very budget ceilings which were imposed on us just 8 days ago by the majority party, I would urge Members to vote "no" on the rule.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I listened attentively to my friend from Wisconsin who, throughout this last year, has been complaining that we have not been spending enough money on one program or another, on babies, on children, on old people, on Indians. The gentleman from Illinois sitting over there wants to help the Indians. In fact, the administration wanted to help the Indians, too. They wanted at the outset of the conference $110 million above the Senate level to help the Indians.

This bill provides, I think, $137 million for the Indians above the Senate level. This bill provides more than the administration asked for them, and still the administration is threatening to veto it because now they still say there is not enough money for the Indians.

The gentleman from Illinois is opposing it because there is not enough money for the Indians. The gentleman from Wisconsin has opposed this bill because we are not spending enough money. He is not here arguing against the bill. He is just saying, well, we technically exceeded our budget allocations. Well, we did, in trying to accommodate his side, in trying to accommodate his administration, and we can cure the technicality, we can rearrange the budget allocations. In fact, we are in the process of working on that, and that is a technical glitch, and technically we are in error.

But do not say that we are not spending enough money and then attack us because we spent too much money. It does not make sense. But that is the position of the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is not the position of the gentleman from Wisconsin. The position of the gentleman from Wisconsin is that if we have budget ceilings, we ought to live by them. But in my view, as you know, I tried twice or three times in the committee to try to adjust those ceilings in the proper way so that we could get that money from another place. I do not believe in busting the budget in order to fund the Interior bill. What I do believe is bills that are too high should be brought down to make room for the spending in this bill. I do not believe in spending $7 billion more than the White House asked on the military budget and then also exceeding the spending authority in this bill.

Mr. LIVINGSTON. Reclaiming my time, Mr. Speaker, the gentleman knows the Defense budget has been enacted into law. I think it called for spending about $400 million less than we spent last year, even though the administration wanted $700 million less than we appropriated, and he still wanted to send the troops to Bosnia. But the Defense bill is not before us.

The gentleman is technically correct. I concede the gentleman's technical assertion. He is absolutely technically correct, but substantively we are giving him more money than he asked for in the first place. This is a ridiculous objection.

I urge adoption of the rule.

Mr. FARR. Mr. Speaker, I rise today to speak in opposition to the Interior appropriations conference report for fiscal year 1996. One of the main reasons for my opposition is the severe cuts to the National Endowment for the Arts and the National Endowment for the Humanities. For a modest investment of $162 million, the preservation of our cultural resources outweigh the small cost to the government each year.

Recently, this Republican Congress proposed the elimination of Federal funding for these institutions. The purpose of these agencies is to provide support for arts organizations. In turn, these groups offer the community many activities such as plays, festivals, and seminars that cannot occur without Federal assistance. Furthermore, no arts organizations receive grants from the NEA or the NEH without providing matching funds.

On July 17, the House voted to approve the fiscal year 1996 Interior appropriations bill which cut Federal funding to the National Endowment for the Arts by 40 percent, leaving only $99 million. There were three amendments to the bill which would have cut all funding to the endowment and thus, completely phase out the agency at the end of this year. Fortunately, bipartisan efforts defeated the amendments.

However, in this era of Federal budget constraints, every Federal program, whether it is worthy or not, is subject to cuts. While we must work toward a balanced budget, we must not make indiscriminate and arbitrary cuts in the NEA budget. Recently, Chairman Jane Alexander has had to implement a 47 percent reduction of staff. Because of these reductions, the number of applications will have to be significantly cut and viable arts organizations will be hurt.

During my tenure in the California legislature, I continually met with business leaders who supported the arts. I believe that support for the arts is essential and contributes to our economic edge. The same hands that mold clay or play the piano can also program computers and start new businesses. It is our creativity which must be nurtured from an early age. We cannot afford to abolish the NEA and the NEH. It is an investment in our future.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify Members.

The vote was taken by electronic device, and there were—yeas 231, nays 188, not voting 13, as follows:

[Roll No. 852]

YEAS—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Brewster
Brown (OH)
Buyer
Dickey
McInnis
Menendez
Mfume
Sisisky
Smith (NJ)
Tauzin
Tucker
Velazquez
Wilson

□ 1413

Mr. ORTIZ changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1745, UTAH PUBLIC LANDS MANAGEMENT ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–404) on the resolution (H. Res. 303) providing for the consideration of the bill (H.R. 1745) to designate certain public lands in the State of Utah as wilderness, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1415

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 301, I call up the conference report on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 301, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of December 12, 1995 at page H14288.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, this is the conference report on Interior. As my colleagues know, it was recommitted once on the question of the moratorium on mining, and the second time on the mining issue and also on the Tongass timber program.

Mr. Speaker, the questions on mining and the Tongass, I will address, but let me say at the outset I think what we have is a very fair bill. For example, we had dozens and dozens of requests from Members for various things that might impact in their districts, and the number on the Democratic side that we responded to is actually a few more than on the Republican side. We made an effort to respond on the merits of the issues without regard to partisanship, and I would hope that my colleagues on the minority side would support this legislation. I think likewise that the majority Members should do the same, and I think, as I explain what we made in the way of changes, that my colleagues will understand we have responded to the concerns of the Members.

Also I think it is very important that we get this bill down to the President, and I would hope he would sign it. There are 130,000 employees who are waiting and hoping that this legislation will become law so they can get on with the job of managing the parks, keeping the gates open for the public to enjoy these wonderful facilities; likewise in managing our forests, our public lands, the grazing lands, the fish and wildlife facilities, the Smithsonian, the National Gallery. Many of my colleagues probably had their visitors here experience the fact that the doors were closed on the Smithsonian, the National Gallery, the Kennedy Center during the period of time, the 5 days or so, that we did not have funding, and, if we can get this conference report passed in the House and the Senate, get it to the President, I think to examine the merits of the bill, that the executive branch, the President, will recognize that we have been as fair as possible, that we have addressed the problems.

I want to say also at the outset that there is some talk about a budget buster. That has got to be the new math in this town, because this bill is $1.3 billion under 1995 in budget authority. It is about 10 percent below 1995, and it causes some tough decisions, but if we are to get to a balanced budget in 7 years, we have to look at each expenditure and say can we do this more efficiently, and we have tried to apply the policies of total quality management to the responsibilities that we have.

Let me address the issues that caused the recommittal, the first being the Tongass, the rain forest in the State of Alaska. A statement was made during the debate on the rule that actually we were increasing the cut. Exactly the opposite is happening. In the modified language, which I might say was worked over and agreed to by both sides of this issue on the Tongass, we reduced the allowable cut from 450 million board feet to 418 million board feet in the Tongass, so this is a reduction of the amount that can be allowed as far as cutting the timber. The practical matter is that the money in the bill, because of reduced funding, is only enough to allow for about 310 million board feet, and the same will likely be true in the 1997 bill. So, as far as the amount of cut that is allowed, it is substantially below what had been allowed prior to this time, so I think that is one of the ways we responded to those who have a concern for the Tongass.

Second, we removed the sufficiency language. Sufficiency language insulates actions from the courts from the requirements for environmental evaluation, and in the original bill that was language that was placed in there by the other body. We remove that so that the cuts in the Tongass, with one exception, are subject to all the rules, regulations, the actions of the courts, the Environmental Protection Agency, the endangered species law, the whole 9 yards, and therefore I think for those who are concerned about the environmental impacts, Mr. Speaker, we have made every effort to insure that environmental concerns are addressed. The one sale has already gone through all this, and we would allow that sale to be transferred to another buyer.

We have also allowed the planning process by the Forest Service to continue. They can go forward in their planning process to determine what should be the allowable cut and how it should be handled in the future, and that plan, we would hope, would be developed in the next several months. We give the Department a totally free hand in the planning process.

We removed the language concerning the Goshawk and permanently prohibiting establishing certain habitat conservable areas. The administration strongly objected to this permanent provision and it has been deleted.

I think on balance what we have done in the Tongass represents a very good compromise between those who are concerned about providing the jobs in Alaska, allowing a cut, and those who want to protect the environment, protect this forest, and as I said earlier, this represents a compromise among the interested parties.

On the mining issue, which was also part of the motion to recommit, we removed the triggers that would lift the moratorium so what we have is a moratorium with no triggers. We also provide that the Department of Interior, or BLM, has a 5-year period to process the grandfathered patents, and I know that is of an interest to those who have concern about the mining proposals. But, the moratorium that has been in place in the 1995 bill remains in place in the 1996 bill, and I think this is the important fact that I want to convey to all members:

We responded to the motion to recommit exactly as has been requested in that motion. It also provides that the Secretary of Interior should give us a report in the year as to what success they are having in getting the grandfather patents in which people have a proprietary interest effectuated or out to the applicants.

On the question of the Indians, I know the gentleman from Wisconsin, the minority leader on the Committee on Appropriations, was concerned about adequate funding for the Indians, and we had a request from the administration. Actually they requested $110 million over the Senate level. We end up here with $11 million. We have added $50 million from the second conference report to this one, $25 for tribal priorities. This allows the Indian tribes to use these funds in the way that will best serve their individual tribes and the people that are members thereof, and we put $25 million in Indian health, recognizing again that this is extremely important as we discharge our responsibility. One of the treaty obligations, the really true major obligations we have under the treaties, one is to provide health services, and the second is to provide education, and we have addressed those, and we have added the $50 million.

We have some other changes in the conference report. They are not big items, and I would be happy to address those in response to any questions. One of these would be requested by the Department of Interior, to allow them to work out agreements in cooperation with other levels of government. Also, a requirement that limits the log exports for an additional period of time in the Western States, and most of the other changes were agreed on, but I think the important thing I want to impress on the Members is that we responded to the motion to recommit. On the Tongass, on the mining moratorium, we responded in a way in which I think those who are interested parties will tell the Members during this debate that they are very well pleased with what we have been able to do, and the bill itself, I believe, responds, given the fiscal constraints we had, very effectively in meeting the needs of the people.

So I would hope that we can get this passed and get on with it. our responsibilities, and we can say to those 130,000 employees, "We know your job is important, we know the public depends on you to provide the services in the parks, the forests and so on, and we want to let you know that we are behind you by supporting this legislation."

Mr. Speaker, I ask unanimous consent that the RECORD include a table on the various accounts in the bill, as agreed to by the conference managers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The table on the various accounts in the bill is as follows:

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	597,236,000	616,547,000	570,017,000	563,936,000	568,062,000	-29,174,000
Fire protection	114,748,000	114,763,000	....	....	....	-114,748,000
Emergency Department of the Interior firefighting fund	121,176,000	131,482,000	....	....	....	-121,176,000
Wildland fire management	....	....	235,924,000	240,159,000	235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	10,000,000	10,000,000	-3,409,000
Construction and access	12,068,000	3,019,000	2,515,000	2,615,000	3,115,000	-8,953,000
Payments in lieu of taxes	101,409,000	113,911,000	111,409,000	100,000,000	101,500,000	+91,000
Land acquisition	14,757,000	24,473,000	8,500,000	10,550,000	12,800,000	-1,957,000
Oregon and California grant lands	97,364,000	112,752,000	91,387,000	95,364,000	93,379,000	-3,985,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	9,113,000	9,113,000	-1,237,000
Service charges, deposits, and forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	8,993,000	8,993,000	+110,000
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	....
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	1,048,335,000	1,050,491,000	-48,514,000
United States Fish and Wildlife Service						
Resource management	511,334,000	535,018,000	497,150,000	501,478,000	497,943,000	-13,391,000
Construction	53,768,000	34,095,000	26,355,000	38,775,000	37,655,000	-16,113,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	6,019,000	4,000,000	4,000,000	-2,687,000
Land acquisition	67,141,000	62,912,000	14,100,000	32,031,000	36,900,000	-30,241,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	8,085,000	8,085,000	-898,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	10,779,000	10,779,000	-1,198,000
Rewards and operations	1,167,000	1,169,000	600,000	600,000	600,000	-567,000
North American wetlands conservation fund	8,983,000	12,000,000	4,500,000	6,750,000	6,750,000	-2,233,000
Lahonton Valley and Pyramid Lake fish and wildlife fund	....	152,000	152,000	152,000	152,000	+152,000
Rhinoceros and tiger conservation fund	....	400,000	200,000	200,000	200,000	+200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	998,000	800,000	800,000	-198,000
Total, United States Fish and Wildlife Service	671,038,000	702,817,000	568,938,000	603,650,000	603,864,000	-67,174,000
Natural Resources Science Agency						
Research, inventories, and surveys	162,041,000	172,696,000	....	145,965,000	....	-162,041,000
National Park Service						
Operation of the national park system	1,077,900,000	1,157,738,000	1,088,249,000	1,092,265,000	1,083,151,000	+5,251,000
National recreation and preservation	42,941,000	39,305,000	35,725,000	38,094,000	37,649,000	-5,292,000
Historic preservation fund	41,421,000	43,000,000	37,934,000	38,312,000	36,212,000	-5,209,000
Construction	167,688,000	179,883,000	114,868,000	116,480,000	143,225,000	-24,463,000
Urban park and recreation fund	6,000	2,300,000	....	....	....	-6,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	....
Land acquisition and state assistance	87,373,000	82,696,000	14,300,000	45,187,000	49,100,000	-38,273,000
Crime Trust Fund	....	15,200,000	....	....	....	....
Total, National Park Service (net)	1,387,329,000	1,490,122,000	1,261,076,000	1,300,338,000	1,319,337,000	-67,992,000
United States Geological Survey						
Surveys, investigations, and research	571,462,000	586,369,000	686,944,000	577,503,000	730,503,000	+159,041,000
Minerals Management Service						
Royalty and offshore minerals management	188,181,000	193,348,000	186,556,000	182,169,000	182,994,000	-5,187,000
Oil spill research	6,440,000	7,892,000	6,440,000	6,440,000	6,410,000	....
Total, Minerals Management Service	194,621,000	201,240,000	192,996,000	188,609,000	189,434,000	-5,187,000
Bureau of Mines						
Mines and minerals	152,427,000	132,507,000	87,000,000	128,007,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,795,000	107,152,000	92,751,000	95,470,000	95,470,000	-14,325,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	500,000	500,000	-689,000
Subtotal	110,984,000	107,653,000	93,251,000	95,970,000	95,970,000	-15,014,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	176,327,000	170,441,000	173,887,000	-8,536,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	266,411,000	269,857,000	-23,550,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Bureau of Indian Affairs						
Operation of Indian programs	1,519,012,000	1,609,842,000	1,509,828,000	1,261,234,000	1,384,434,000	-134,578,000
Construction	120,450,000	125,424,000	98,033,000	107,333,000	100,833,000	-19,617,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	75,145,000	82,745,000	80,645,000	+3,549,000
Navajo rehabilitation trust fund	1,996,000					-1,996,000
Technical assistance of Indian enterprises	1,966,000	1,966,000		900,000	500,000	-1,466,000
Indian direct loan program account	779,000					-779,000
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
Indian guaranteed loan program account	9,671,000	9,684,000		7,700,000	5,000,000	-4,671,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)		(50,680,000)	(35,914,000)	(-10,986,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,682,806,000	1,459,912,000	1,571,412,000	-159,558,000
Territorial and International Affairs						
Assistance to territories	50,481,000	41,512,000	24,685,000	40,468,000	37,468,000	-13,013,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal	78,201,000	69,232,000	52,405,000	68,188,000	65,188,000	-13,013,000
Trust Territory of the Pacific Islands	19,800,000					-19,800,000
Compact of Free Association	13,574,000	10,038,000	14,618,000	10,038,000	10,038,000	-3,536,000
Mandatory payments	10,000,000	14,900,000	14,900,000	14,900,000	14,900,000	+4,900,000
Subtotal	23,574,000	24,938,000	29,518,000	24,938,000	24,938,000	+1,364,000
Total, Territorial and International Affairs	121,575,000	94,170,000	81,923,000	93,126,000	90,126,000	-31,449,000
Departmental Offices						
Departmental management	62,479,000	64,772,000	53,919,000	57,796,000	57,796,000	-4,683,000
Office of the Solicitor	34,608,000	35,361,000	34,608,000	34,608,000	34,608,000	
Office of Inspector General	23,939,000	25,485,000	23,939,000	23,939,000	23,939,000	
Construction Management	1,996,000	2,000,000		500,000	500,000	-1,496,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Office of Special Trustee for American Indians				16,338,000	16,338,000	+16,338,000
Total, Departmental Offices	124,022,000	128,618,000	113,466,000	134,181,000	134,181,000	+10,159,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,000,190,000	5,946,037,000	6,023,205,000	-484,692,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,030,190,000)	(5,976,037,000)	(6,053,205,000)	(-484,692,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)		(50,680,000)	(35,914,000)	(-10,986,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	193,748,000	203,796,000	182,000,000	177,000,000	178,000,000	-15,748,000
State and private forestry	154,268,000	187,459,000	129,551,000	136,794,000	136,794,000	-17,474,000
Emergency pest suppression fund	17,000,000					-17,000,000
International forestry	4,987,000	10,000,000				-4,987,000
National forest system	1,328,893,000	1,348,755,000	1,266,688,000	1,247,543,000	1,256,253,000	-72,640,000
Forest Service fire protection	159,285,000	164,285,000				-159,285,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000				-226,200,000
Emergency appropriations	450,000,000					-450,000,000
Wildland Fire Management			385,485,000	381,485,000	385,485,000	+385,485,000
Construction	199,215,000	192,338,000	120,000,000	186,888,000	163,500,000	-35,715,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Land acquisition	63,882,000	65,311,000	14,600,000	41,167,000	41,200,000	-22,682,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	1,069,000	1,069,000	-181,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	3,976,000	3,976,000	-599,000
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	92,000	92,000	+3,000
Total, Forest Service	2,803,602,000	2,416,539,000	2,103,671,000	2,176,224,000	2,166,579,000	-637,023,000
DEPARTMENT OF ENERGY						
Clean coal technology	-337,879,000	-155,019,000				+337,879,000
Fossil energy research and development	423,701,000	436,508,000	379,524,000	376,181,000	417,169,000	-6,532,000
(By transfer)	(17,000,000)					(-17,000,000)
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	-2,400,000	-2,400,000	+1,500,000
Naval petroleum and oil shale reserves	187,048,000	101,028,000	151,028,000	136,028,000	148,786,000	-38,262,000
Energy conservation	755,751,000	923,561,000	556,371,000	576,976,000	553,293,000	-202,458,000
Biomass Energy Development (transfer)		-16,000,000	-16,000,000	-16,000,000	-16,000,000	-16,000,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Economic regulation	12,413,000	10,500,000	6,297,000	8,038,000	6,297,000	-6,116,000
Emergency preparedness	8,233,000	8,219,000				-8,233,000
Strategic Petroleum Reserve	135,954,000	25,689,000				-135,954,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+96,236,000)
Energy Information Administration	84,566,000	84,689,000	79,766,000	64,766,000	72,266,000	-12,300,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,154,586,000	1,143,589,000	1,179,411,000	-86,476,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,709,780,000	1,816,350,000	1,725,792,000	1,815,373,000	1,747,842,000	+38,062,000
Indian health facilities	253,282,000	242,672,000	236,975,000	151,227,000	238,958,000	-14,324,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	1,966,600,000	1,986,800,000	+23,738,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	81,341,000	84,785,000	52,500,000	54,660,000	52,500,000	-28,841,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	24,888,000	26,345,000	21,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution						
Salaries and expenses	313,853,000	329,800,000	309,471,000	307,988,000	308,188,000	-5,665,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,000,000	3,250,000	3,250,000	+208,000
Repair and restoration of buildings	23,954,000	34,000,000	24,954,000	33,954,000	33,954,000	+10,000,000
Construction	21,857,000	38,700,000	12,950,000	27,700,000	27,700,000	+5,843,000
Total, Smithsonian Institution	362,706,000	407,450,000	350,375,000	372,892,000	373,092,000	+10,386,000
National Gallery of Art						
Salaries and expenses	52,902,000	54,566,000	51,315,000	51,844,000	51,844,000	-1,058,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	5,500,000	7,385,000	6,442,000	+2,426,000
Total, National Gallery of Art	56,918,000	64,451,000	56,815,000	59,229,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,373,000	9,800,000	10,323,000	10,323,000	
Construction	8,983,000	9,000,000	8,983,000	8,983,000	8,983,000	
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,878,000	10,070,000	5,140,000	6,537,000	5,840,000	-3,038,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	133,846,000	143,675,000	82,259,000	88,765,000	82,259,000	-51,587,000
Matching grants	28,512,000	28,725,000	17,235,000	21,235,000	17,235,000	-11,277,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	110,000,000	99,494,000	-62,864,000
National Endowment for the Humanities						
Grants and administration	146,131,000	156,087,000	82,469,000	94,000,000	94,000,000	-52,131,000
Matching grants	25,913,000	25,913,000	17,025,000	16,000,000	16,000,000	-9,913,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services						
Grants and administration	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	219,988,000	241,000,000	230,494,000	-132,623,000
Commission of Fine Arts						
Salaries and expenses	834,000	879,000	834,000	834,000	834,000	
National Capital Arts and Cultural Affairs						
Grants	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,947,000	3,063,000	3,063,000	2,500,000	2,500,000	-447,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
National Capital Planning Commission						
Salaries and expenses	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	48,000	147,000	48,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,738,000	3,043,000	2,000,000			-2,738,000
Public development	4,084,000	2,445,000				-4,084,000
Land acquisition and development fund		1,388,000				
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000			-6,822,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	26,609,000	28,707,000	+2,098,000
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	5,997,212,000	6,107,062,000	6,141,431,000	-869,902,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
TITLE III - GENERAL REDUCTION						
General reduction, Energy conservation			-12,799,000			
Grand total:						
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	11,984,603,000	12,053,099,000	12,164,636,000	-1,354,594,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(12,027,402,000)	(12,083,099,000)	(12,194,636,000)	(-1,354,594,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+79,236,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	1,048,335,000	1,050,491,000	-48,514,000
United States Fish and Wildlife Service	671,038,000	702,817,000	568,938,000	603,650,000	603,864,000	-67,174,000
National Biological Service	162,041,000	172,696,000		145,965,000		-162,041,000
National Park Service	1,387,329,000	1,490,122,000	1,261,076,000	1,300,338,000	1,319,337,000	-67,992,000
United States Geological Survey	571,462,000	586,369,000	686,944,000	577,503,000	730,503,000	+159,041,000
Minerals Management Service	194,621,000	201,240,000	192,996,000	188,609,000	189,434,000	-5,187,000
Bureau of Mines	152,427,000	132,507,000	87,000,000	128,007,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	266,411,000	269,857,000	-23,550,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,682,806,000	1,459,912,000	1,571,412,000	-159,558,000
Territorial and International Affairs	121,575,000	94,170,000	81,923,000	93,126,000	90,126,000	-31,449,000
Departmental Offices	124,022,000	128,618,000	113,466,000	134,181,000	134,181,000	+10,159,000
Total, Title I - Department of the Interior	6,507,897,000	6,855,935,000	6,000,190,000	5,946,037,000	6,023,205,000	-484,692,000
TITLE II - RELATED AGENCIES						
Forest Service	2,803,602,000	2,416,539,000	2,103,671,000	2,176,224,000	2,166,579,000	-637,023,000
Department of Energy	1,265,887,000	1,416,775,000	1,154,586,000	1,143,589,000	1,179,411,000	-86,476,000
Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	1,966,600,000	1,986,800,000	+23,738,000
Indian Education	81,341,000	84,785,000	52,500,000	54,660,000	52,500,000	-28,841,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	21,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution	362,706,000	407,450,000	350,375,000	372,892,000	373,092,000	+10,386,000
National Gallery of Art	56,918,000	64,451,000	56,815,000	59,229,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	5,140,000	6,537,000	5,840,000	-3,038,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	110,000,000	99,494,000	-62,864,000
National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Commission of Fine Arts	834,000	879,000	834,000	834,000	834,000	
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	3,063,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	48,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000			-6,822,000
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	26,609,000	28,707,000	+2,098,000
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	5,997,212,000	6,107,062,000	6,141,431,000	-869,902,000
TITLE III - GENERAL REDUCTION						
General reduction, Energy conservation			-12,799,000			
Grand total	13,519,230,000	13,817,404,000	11,984,603,000	12,053,099,000	12,164,636,000	-1,354,594,000

Mr. REGULA. Mr. Speaker, I reserve the balance of my time.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

My good friend, the gentleman from Ohio [Mr. REGULA], has done as good a job as one can do with the assets that were at hand, a reasonable job, but it still is a very, very bad bill, and I intend to vote against it. He said that the conferees had responded to the motions of the House by making appropriate changes to Tongass and mining. The mining change does restore the moratorium, but the change to Tongass is so small as to be infinitesimal, and it still will be environmentally unsound.

Mr. Speaker, the song asks where have all the flowers gone, and the poem asks where are the snows of yesteryear. I ask where are all the Republican moderates going? Will the Republicans reject a bill that is as environmentally disgraceful as the previous bill? It appears that the Republican leadership has pressured their moderate members to swallow hard and support this bill, and that is too bad because this bill is not worthy of their support, nor is it worthy of the support of any of us in the House.

□ 1430

The conference report before us still puts our precious natural resources at grave risk. This conference report mandates the Forest Service implement the discredited alternative P management plan in the Tongass National Forest in Alaska, and this bad plan is not forced upon the Forest Service for 1 year, but it mandates alternative P be employed as well in fiscal year 1997.

I think most Members now know that alternative P is a radical forest management plan that was rejected by the Forest Service and rejected by the Governor of Alaska because it would wreak ecological havoc on the Tongass. Currently the Forest Service allows 310 million board feet of timber to be cut from the Tongass each year. Alternative P does not recognize that limitation, although my good friend, the gentleman from Ohio, indicated that the funds that are made available for the cut in this year will only allow a cut of 310 million board feet. Nevertheless, the spurs will be put to the Forest Service, the whip will be lashed upon its employees to exceed the 310 million board feet, because alternative P puts that pressure upon them.

In addition, the Tongass provisions are fiscally irresponsible. The Tongass is a notorious below-cost forest. In the last 3 years the Government lost $102 million in timber sales there. If the timber harvest increases, the loss to the taxpayers increases. It will go up dramatically. What is more, this conference report also contains sufficiency language concerning which my good friend, the gentleman from Ohio, spoke. It is aimed at overturning the 9th Circuit Court ruling that blocks the sale of 280 million board feet of timber. If this sufficiency language is approved, no environmental laws will be in effect for the large sale, the large sale for which the sufficiency language is placed in the bill.

That means, Mr. Speaker, the Endangered Species Act is dismissed, the National Environmental Policy Act is waived, the Clean Water Act is ignored, and all other applicable laws are considered irrelevant. In addition, this sufficiency language prevents all citizens, environmentalists and private landowners alike, from exercising their right for a fair hearing before the courts.

If we do not recommit this conference report, we will be rejecting the judgment of the Forest Service. We will be putting a great forest at risk, and we will be setting a dangerous legal precedent.

Mr. Speaker, I intend to offer a motion to recommit at the appropriate time, and I hope that motion may be sustained, with the help of the moderate Republicans, again.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 4 minutes and 30 seconds to the gentleman from Arizona [Mr. KOLBE], a member of the subcommittee.

Mr. KOLBE. Mr. Speaker, I rise in strong support of the Interior appropriations conference report. This $12.1 billion appropriations bill is the result of a lot of hard work, and yes, a lot of compromise. As we know, this bill has been recommitted twice because of concerns that have been expressed regarding two of the provisions that have already been mentioned here today, the mining patent moratorium and statutory language regarding the Tongass National Forest. But those two issues have been resolved after a lot of tough negotiations. Now it is time we pass this important legislation and send it to the President.

Putting together a workable budget for the Department of the Interior, the Department of Energy, the Forest Service, and numerous other independent agencies under this subcommittee's jurisdiction has not been an easy one. There have been a lot of roadblocks. Some of them have been legitimate, some of them frivolous. But here we are with a conference report that is fair, it is fiscally conservative, and I think it represents an excellent starting point for the 7-year journey toward a balanced budget that both the Congress and the President have now committed themselves to doing.

The gentleman from Ohio [Mr. REGULA], chairman of the committee, has informed us of the various provisions that are in this bill. I just want to reemphasize a couple of them. We have attempted to place an emphasis on preserving natural and cultural resources, the maintenance of scientific and research functions, our commitment to the health and educational needs of Native Americans. The conference report also ensures that adequate resources are allocated for our Nation's public parks and, our crown jewels, our National Park System. In fact, in an era of decreasing budgets, this bill actually contains an increase in the operational account of the National Park Service. This is going to prove invaluable to the management of America's parks. Contrary to some published reports, the subcommittee never, never considered or even contemplated closing any of our Nation's parks.

I have spoken previously about some of the projects and programs in this report. A couple, though, deserve to be highlighted again. An important and much needed initiative is the recreational fee demonstration program. This innovative program will give the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Forest Service, the opportunity to establish a 1-year pilot program that allows these land management agencies to charge and utilize onsite recreational use and access fees. The conference report directs each agency to establish up to 50 demonstration sites where broad fee authorities are established.

The best aspect of this program is that the bulk of the fees that are collected stay at the site which collects them. Allowing 80 percent of the fees that are collected to be used in that particular park is a way to give park managers an incentive to collect fees and make visitor driven improvements.

Another important aspect of this conference report is the level of funding for the Bureau of Indian Affairs. Is it as much as the House initially provided? No. Compromises did have to be made. I think the level of funding proposed in this report is fair and it goes a long way to providing the necessary infrastructure services our tribal communities depend upon.

Under this bill, the BIA will receive $1.3 billion in fiscal year 1996. This represents an additional $25 million we added during the third conference for the tribal priority allocation program. It will now have $653 million in fiscal year 1996. That is $111 million above what the Senate had proposed. Conferees also added another $25 million to the Indian Health Service Account, bringing their 1996 funding level to $1.747 billion.

In addition to the preceding, the conference report contains a provision which is vitally important to the astrophysical community and certainly to the State of Arizona. This provision will allow the Mt. Graham Observatory project to continue construction of the world's largest ground-based telescope, the large binocular telescope. This legislative clarification was needed because of constant and often frivolous lawsuits that have beset the project, even though Congress spoke clearly on this matter when it passed the Arizona-Idaho Wilderness Act in 1988, authorizing the construction of these three telescopes.

I want to thank the chairman of the committee, Senator GORTON, and all my colleagues on the conference committee for supporting this effort. Mr. Speaker, the conference report provides a sound and fiscally conservative blueprint for the continued management of our public lands. As stewards of these lands, it is incumbent upon us to ensure that they are preserved for future generations to enjoy. Let us stop the demagoguing and political posturing. It is a good bill, it is one that merits our support. Let us send it to the President. Support this conference report and let us defeat any motion to recommit.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a member of our subcommittee.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as we begin debate on this conference report, the third time we have had a conference report on this measure, I want to join my other colleagues in both paying my respect and expressing my affection toward our chairman, the gentleman from Ohio [Mr. REGULA], even as I express my dislike for his bill. I suspect that perhaps the chairman would rather have affection for his bill, rather than for him. But be that as it may, we are back again for the third time on this particular measure, and the Republican leadership's third try for an acceptable conference report on this important appropriations bill.

The first two times this bill was brought to the floor, the House did the right thing. We rejected the conference report and told the conferees to go back and try again. It was the right thing to do because neither of those conference reports deserved to pass.

This version is not quite so bad, but it still falls short, in my opinion, and I cannot support it. The Republican leadership would not let the conferees even try to improve many of the funding provisions in the previous conference report. While this version does provide somewhat more funding for native American programs, which I endorse heartily, the other provisions remain unchanged. The report still has all of the previous version's antienvironmental riders, like the ban on any new listings under the Endangered Species Act.

The report does a much better job dealing with a moratorium on bargain basement sales of mineral lands. But as the ranking member, the gentleman from Illinois, has already pointed out, what about Tongass? The previous report called for increased timbering, including in areas that the Forest Service wants to put off limits in order to protect fish and wildlife, and would make permanent some of the temporary restrictions on protecting habitat that were misguidedly included in the rescissions bill earlier this year. This conference report with respect to Tongass is almost as bad, and on this point alone, if for no other reason, we should send it back so we may try again.

Regarding the National Endowment for the Arts, the conferees voted again to retain the so-called Helms language. That is a sad decision, and it should not be accepted.

In short, Mr. Speaker, this third conference report still is a bad bill, still deserves to be defeated. We should not pass it. If we do, the President should veto it and we should sustain that veto.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I would ask, where are the timber jobs of yesteryear? We asked where the flowers were and where the moderate Republicans are, but where are the timber jobs of yesteryear? The gentleman from Illinois [Mr. YATES] had the privilege of serving at one time as the chairman, and knows full good and well, he voted for the Tongass agreement to allow us, in fact, to have a sound economy, yet leaving over 15 million acres in southeast Alaska out of the mutiple-use timber base.

Good fiction never dies, especially fiction about the Tongass Forest that is being spread on this floor today. I can hardly believe my ears. Such a distinguished gentleman saying this would destroy the last standing rain forest of the great southeast Alaska, when there are 15 million acres already off limits to logging, and he has twice voted in this Congress to do so.

But we have lost 42 percent of our timber workers since the last act of this Congress on the Tongass in 1990.

This bill, as I suggested to the conference and the gentleman from Ohio [Mr. REGULA], is not everything I would want. In fact, this Tongass issue is truly a red herring. All we are asking in this agreement is to freeze a land base of 1.7 million acres, the amount of land agreed to in 1990 that would be available for timber over a 100-year period. The amendment says that the land base can no longer be taken away. And remember, we have 15 million acres of land available for wildlife and old growth habitat today. We are talking about a very small, tiny land base for timber.

Harvesting does not change, in fact, what can be harvested, does not increase at all under the provision. It does not tell the Forest Service what they can do, other than the fact it says "You can no longer take away any of that land base that we made available in two previous acts of Congress."

This, in fact, is further than I would have gone, but my senior Senator in fact has agreed to this. He sits on the conference. I am going to suggest, this conference report must pass.

I listened to the gentleman from Maryland [Mr. HOYER] yesterday saying "We can solve these problems if we just send the appropriation bills to the President." We are going to do that today. We will send him a bill that should be signed, a bill that does take care of the problem, a bill, in fact, that does keep a moratorium on mining, which the gentleman wishes to do. That is what he wanted.

This is good legislation, but I again would like to put to rest this constant misinformation, this constant fiction about the Tongass National Forest. We are talking about 1.7 million acres available for harvest but not cut, and we are talking about 15 million acres of rain forest unavailable for logging, 15 million acres for the future generations to study those great old trees and watch them become gray and fall down. We have already done that. Let us vote for this conference report. This is good legislation. Let us support the chairman.

□ 1445

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, today I rise in opposition to H.R. 1977, the Department of Interior appropriations for fiscal year 1996. As my colleagues all know, this is now the third time the House has considered this measure. Twice before, we sent it back to conferees and demanded that they place a moratorium on the sale of Federal lands for as little as $2.50 an acre. Today, we have a third try at the Interior conference report which could stop this giveaway temporarily, but still contains some dangerous provisions.

When I look at the conference provisions to eliminate the Bureau of Mines, I am dismayed that Congress is rushing to dismantle the agency. As a child in Harlan County, KY, I was aware of mine disasters regularly occurring with great loss of life. Mining is considered the most dangerous of jobs. It took President Franklin Roosevelt to care enough about working people to intervene and impose worker safety standards.

Now, deciding that businesses know better, the 104th Congress has already crippled worker safety programs in the Labor Department. Under this legislation today, we will approve eliminating the Bureau of Mines, and accept a vague promise that health and safety research will be transferred to the Energy Department; itself slated to be demolished.

Another grave mistake in this conference report is the destruction of the NEA. When I see provisions to slash funding for the arts, I cannot understand the sense of this Congress to phase out an agency which costs about 64 cents a year per taxpayer and yields $3.4 billion a year in tax revenue. I urge my colleagues to realize how much economic growth results from a modest investment in the arts.

Just last week, an article in the New York Times described the annual storytelling festival held in Jonesborough, TN, which drew crowds from all 50 States and generated over $5 million in economic activity.

All across the country, cities and convention centers are forming partnerships with arts councils and museums, realizing the revenue possibilities with increased tourism.

In October, the White House Conference on Travel and Tourism devoted a day long session to cultural tourism, and the conference overwhelmingly agreed that arts and museum attractions were vital to any city's competition for tourists.

Besides the economic reasons to support the arts, we have to realize the arts' impact on our children's education. In a recent survey of public elementary and secondary schools conducted by the Department of Education, teachers and administrators viewed the arts, music, and creative writing as essential to a child's education. If we vote today to approve these cuts to the NEA, the educational and economic impact to our cities would be greater than we could ever imagine.

Mr. Speaker, a vote for the Interior appropriations bill sends a message that we approve of clearcutting and logging; that we accept rolling back protection for mine workers; and that we feel secure sacrificing Federal support for our Nation's cultural programs. Vote against this bill.

Mr. REGULA. Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in support of this conference report. We did not get it right the first two times. We have made some significant improvements this time.

Once again I want to extend my appreciation to Chairman REGULA, who did truly Herculean work in brokering this compromise. For weeks he engaged in a sort of shuttle diplomacy that would put Henry Kissinger to shame. He has my deepest appreciation.

We have heard a lot about the moratorium on the mining. That is a plus, because that moratorium is in this legislation. And I believe the language on the Tongass National Forest in this bill is a reasonable compromise. Certainly I would prefer that the bill have no Tongass provision at all, but I believe we needed to reach an agreement to move this appropriation forward, and it is a fair compromise.

The compromise removes the sufficiency language that would have insulated alternative P from legal challenges. That is an important victory for the environment.

The compromise removes the prohibition against setting up habitat conservation areas. That is an important victory for the environment.

The compromise removes the constraints on future planting in the Tongass, allowing science to determine the content of future forest management plans. That, too, is an important victory for the environment.

These are all important advances that will protect the forest from excessive logging and permit science to be the basis for future planning.

I want to emphasize that nothing in this bill in any way limits the ability of the Forest Service to make decisions about the future of the Tongass, including reducing the timber acreage or timber sale quantity. Science, that means peer review science conducted in line with standard scientific procedures. Science will determine those figures.

The managers' language makes clear that the Forest Service is empowered to continue with its planning, including filing a final environmental impact statement and record of decision.

The only limitation is that no revisions can be implemented before September 30, 1997. So this is a reasonable compromise.

And my good colleague and friend from Illinois with whom I worked closely on this issue has asked, where have the moderates gone? The moderates have gone into the conference room to sit down with all the players to work out something that makes sense, that protects the environment and gets us the progress we want. Those who oppose this conference report should consider the alternative, and that alternative is not very friendly to anyone, most likely a continuing resolution with lower funding and more restrictions. We do not want that.

I urge my colleagues to support this conference report, and I thank the distinguished gentleman from Ohio [Mr. REGULA], the chairman, He deserves our praise.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, this is one of the clearest cut, so to speak, examples of corporate welfare that we see padded in our Federal budget.

What we have here is plain and simple, a recognition that while this bill goes about cutting a program to provide low-income people and moderate-income people weatherization funds which are cut by 47 percent, in the same bill we go back in and provide subsidies to the biggest lumber companies in this country, of hundreds of millions of dollars to go in so that they can cut down virgin trees in our most pristine areas of our national forests.

We use Forest Service employees to go in and identify trees, that then the big companies come in cut the trees down, take the trees over to Japan, they mulch them up into fiberboard, we bring them back, buy them in the United States, build our homes with Japanese-supported improvements on our own trees, and then what we do is send the bill to the American taxpayer.

We sit here on the House floor and watch time and time again while the Republican Party stands up and condemns black women on welfare, and yet when it comes to corporate welfare, all of a sudden they lose their tongues.

It is time for this country to come to grips with where the money goes in the Federal budget, whether or not we are willing to stand up to those that have and want more, or whether or not we want to provide a meager opportunity to those that are struggling to put their house in order and to try to be part of the American dream.

I think that this bill demonstrates when we start throwing hundreds of millions of dollars at the Tongass, the Tongass, the most pristine and most beautiful place that I have ever been in the United States of America, and we are extending the amount of land that the Tongass has to be allowed to be cut down by our lumber companies by a third in this bill.

Why would we possibly destroy America's forests and not come to grips with the cost to the American taxpayer?

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS], a member of the full committee.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding me the time.

I want to say to Chairman REGULA and his subcommittee members and staff that I know it has been a very difficult process finally putting this conference report together. I think the kind of work that has been done by our chairman in connection with making compromises can best be illustrated by pointing to a very serious problems that relates to the work that is being done in the California desert.

As all of your know, the last Congress, we spent many hours on this floor debating the future of the California desert. No small part of that debate centered around the fact that some of us were concerned that the Park Service was being asked to become the new managers of a region that they had very little experience in managing. The Park Service by statute is a single use agency. The desert, however, is unique area that for generations has a long and successful history of multiple use management.

I was very much concerned about the National Park Service's ability to handle these responsibilities. Indeed, we have learned in recent months that they need a good deal more preparation for that management.

Let me share with my colleagues an unfortunate problem that developed recently. The Park Service, in classic form, decided to run their new responsibilities at the Mojave Preserve in a single purpose fashion. In doing so, they essentially excluded many volunteer wildlife organizations that had been very helpful in managing the California desert. The California Department of Fish and Game was excluded as were volunteers from the Society for the Conservation of Bighorn Sheep. These volunteers have worked for years to build a fantastic success story in dealing with the bighorn sheep. Unfortunately, the Park Service excluded them from the Mojave Preserve. As a direct result of Park Service mismanagement, water guzzlers that were voluntarily developed in conjunction with the Bureau of Land Management and the California Department of Fish and Game to help build up our bighorn sheep population malfunctioned. As a result of restricted access by the Park Service, 38 bighorn sheep were killed.

What that really means is our efforts to build that herd up to some 2,000 animals by the year 2000 probably has been undermined because of frankly a lack of experience on managing a multipurpose area.

There is absolutely no doubt that this bill begins to meet that challenge by directing the Park Service to rethink where they have been, come forward with a management plan that will recognize the traditional multiple uses of the Mojave region so that we can save the wildlife success stories that we have had in the eastern Mojave Desert.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, this bill started out terrible and it is slowly getting better. I think maybe the third time is the charm, although I still do not support it because I still believe it is a bad bill that undercuts essential American efforts, it is still environmentally unsound, although incrementally getting better thanks to the efforts of Democrats, being joined by a few moderate Republicans.

However, this bill still savages the National Endowment for the Humanities and the National Endowment for the Arts and still contains language that on its own merit, the Helms language, would not pass even this Congress because it is unconstitutional. But the bill is getting better.

I want to commend both sides for adding funds for Native Americans. Frankly the Democrats embarrassed the Republicans into putting this additional money in here and even though it is not enough, it improves the bill.

I want to take a moment now, however, to mention a matter of great importance to my constituents in Montana and also other Americans. The Senate is going to place in the report, Senate committee report, language which, although it does not have the force of law, is very disturbing. The Senate report language represents an attempt to discourage the efforts of our Secretary of Agriculture to protect the best wild places left in the northern Rocky Mountains in Montana.

Secretary Glickman, a number of weeks ago, announced his intention to issue a directive which will protect the wildest remaining roadless lands in Montana. Those are lands, by the way, which just a year and some ago this House voted overwhelmingly to place in wilderness.

In the last session of Congress, the House voted to place 1.7 million acres of Montana's wildest remaining roadless lands in wilderness. Secretary Glickman is determined, on behalf of President Clinton, to follow the intention of that Congress in which 308 members voted to provide ultimate protection to those wild lands.

Those lands are now under threat. They are under threat from oil and gas leasing, they are under threat from green harvest, most particularly under threat from the salvage sale because of the bill that was supported, sadly, by a majority in this House and Senate.

□ 1500

Those areas are now under threat of being roaded, blasted and gouged. Secretary Glickman has announced his intention to issue an order protecting those areas under his discretion as Secretary of Agriculture until finally both the House and Senate can move, as the House did, alone, in the last Congress.

The Senate report language, in effect, asks the Secretary of Agriculture not to do that, asks that development go ahead in this the last best place of America.

I simply want the RECORD to show that in the last Congress by a vote of almost 3 to 1. This House voted that those areas receive the ultimate protection of wilderness and I am convinced that this Congress might do no less if it had the opportunity.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, as the old saying goes,three times is a charm.

This is the third time this body is considering the conference report on the fiscal year 1996 Interior appropriation.

And, by golly, this time they have finally got it right, at least, as right as they'll ever get it in terms of maintaining the moratorium on the issuance of mining claim patents.

This version of the conference agreement basically extends the moratorium on the Interior Department issuing mining claim patents that was in place during fiscal year 1995.

In recognition that some patent applications are far enough along the process where the right to a patent may have vested, as with the fiscal year 1995 moratorium, the pending language grandfathers those claims.

While I would prefer to see no patents issued, I cannot quarrel with this grandfather provision as it is aimed at protecting the taxpayer from expensive takings claims.

I also would prefer not to see language in the moratorium requiring an expedited processing of the grandfathered claims. Frankly, the deadline set in the legislation will be impossible for the Department to meet so I do not place a great deal of weight on it.

I am going to support this conference agreement. I am not enthused about the Tongass provision or the Mount Graham telescope language.

I strongly support the designation of Yellowstone National Park as a world heritage site in danger, and note that the conferees simply wrote report language against this proposal. This report language does not carry the weight of law.

And finally, if I had my preference, the appropriations for the Office of Surface Mining and the National Park Service would be a lot different than what is contained in this bill.

However, in light of the fact that the conferees have finally addressed the important issue of mining claim patents in a suitable fashion, and that we must provide funding for the many important programs within the Interior Department, I intend to support this conference agreement although not the bill I would have written, but then rarely is a bill so written.

Mr. Speaker, I do strongly commend the gentleman from Ohio [Mr. REGULA], the subcommittee chairman, as well as the ranking member, the gentleman from Illinois [Mr. YATES], for their years and years of dedicated effort to try to enact true mining law reform, and absent that we have had to go along with this moratorium as it exists, and as it exists in this particular bill, I will support it.

Mr. YATES. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I yield myself this time to bring to the attention of the House the letter I have just received from the Executive Office of the President, OMB, dated December 13, 1995, relating to H.R. 1977, the Department of Interior and related agencies appropriations bill, and I quote:

> This statement of administration policy provides the administration's views on H.R. 1977, the Department of the Interior and related agencies appropriations bill, FY 1996, as approved in conference December 12, 1995.
>
> In the November 6, 1995, statement of administration policy to the House, the administration identified the most troublesome provisions in the original conference report with the goal of arriving at a bill that serves specific vital interests and that could be signed by the President.

Regrettably, the third conference report does not adequately address the significant funding shortfalls and objectionable legislative riders. If the bill, as approved by the third conference, were it presented to the President, he would veto it. With few exceptions, the issues that were identified in the November 6 statement of administration policy remain serious problems and are described below.

And there are three pages of objections.

Mr. Speaker, I am including the full statement of administration policy as a part of the RECORD at this point.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, December 13, 1995.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 1977—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1996

Sponsors: Livingston (R) Louisiana; Regula (R) (Ohio).

This Statement of Administration Policy provides the Administration's views on H.R. 1977, the Department of the Interior and Related Agencies Appropriations Bill, FY 1996, as approved in conference on December 12, 1995. Your consideration of the Administration's views would be appreciated.

In the November 6, 1995, Statement of Administration Policy to the House, the Administration identified the most troublesome provisions in the original conference report with the goal of arriving at a bill that serves specific, vital interests and that could be signed by the President.

Regrettably, the third conference report does not adequately address the significant funding shortfalls and objectionable legislative riders. If the bill, as approved by the third conference, were presented to the President, he would veto it. With few exceptions, the issues that were identified in the November 6th Statement of Administration Policy remain serious problems and are described below.

Funding Issues

While the Administration appreciates the $50 million in funding restored for the Bureau of Indian Affairs and the Indian Health Service, this additional funding falls short of the levels needed to maintain these important programs. In addition, the third conference has done nothing to restore funds for the Department of Energy's (DOE's) energy conservation programs.

The Bureau of Indian Affairs (BIA) budget has been increased in the third conference $25 million above the previous conference level. That would still leave the program $111 million short of the House mark and $159 million below the FY 1995 enacted level. The most significant effect of this action remains the crippling reductions targeted at tribal priority allocation programs, which support essential tribal government, law enforcement, housing improvement, general assistance, Indian child welfare, adult vocational training, road maintenance, and other basic reservation services. The Administration's view is that funding must be restored more substantially for these programs.

DOE's energy conservation programs are still funded at a net level of $536 million. There has been no increase from the first or second conference levels. This funding level is $187 million, or 26 percent, below the net FY 1995 enacted level of $723 million, and 38 percent below the President's request. Funding for these programs must be restored significantly in order to reach acceptable levels.

In addition to the satisfactory resolution of the language issues addressed below, the President will not sign an Interior appropriations bill unless funding for these programs is significantly restored without harming in other high-priority programs or unless there is an overall agreement between the Congress and the Administration on budget priorities that addresses the Administration's fundamental concerns about spending priorities both in this bill and elsewhere.

Language Issues

The conference committee has made few changes to the numerous legislative riders in the bill that the Administration finds seriously objectionable. Except for the continuation of the existing mining patent moratorium, the riders that were cited in the November 6th Statement of Administration Policy has not been significantly improved in the third conference. These provisions are so seriously flawed that the Administration sees no way to remedy them, short of removing them altogether. The most serious problems are:

The Tongass (Alaska) forest management provisions. These provisions would dictate the use of the current forest plan for FY 1996 and FY 1997, require unsustainable timber sale levels, and not allow the plan to be updated during this period;

The Interior Columbia River Basin provision. This provision would continue to impede implementation of the comprehensive plan for management of public lands by prohibiting the publication of the final Environmental Impact Statement or Record of Decision and limiting the contents to exclude information on fisheries and watersheds, although it would extend by 90 days the due date for the assessment project. The provision would risk a return to legal gridlock on timber harvesting, grazing, mining, and other economically desirable activities;

Bill language that provides $500,000 from available funds for the National Park Service (NPS) to develop the Mojave National Preserve's management plan. This provision would still limit funding to $1 for NPS land management operations within the Preserve, while providing $599,000 for operational funding to be managed by the Bureau of Land Management (BLM). Report language adopted by the third conference calling for more studies by the Park Service, and prohibiting any transfer of funds to NPS to augment operations, does not change the fact that the Preserve would be starved of funding, and the purposes of the California Desert Act would be undercut; and

No change in language from the first conference in a rider to make permanent the protocol for identification of marbled murrelet nests that was included in the FY 1995 rescission bill, thereby eliminating normal flexibility to use new scientific information as it develops.

In addition, the Administration has previously expressed concern about other legislative riders, including the moratorium of future listings and critical habitat designations under the Endangered Species Act, the Department of Energy efficiency standards one-year moratorium, and the provision affecting the Lummi Tribe and seven other self-governance tribes in Washington State.

An additional funding issue concerns the severe cuts (nearly 40 percent) to the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). These significantly reduced funding levels would jeopardize NEA's and NEH's ability to continue to provide important cultural, educational, and artistic programs for communities across America.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this Interior appropriation bill. Unfortunately, what has occurred here as we have marched through 3 months of off and on floor consideration of this Interior appropriation is that the House has on two occasions, on one occasion by over a 2-to-1 vote, sent this back to conference because of the mining patent problems, has sent it back to conference because of the Tongass language, and not only has the conference not dealt effectively with those issues, they have made some cosmetic changes in terms of them, but the substance and thrust of them, the effect that they would have in terms of the policy initiatives, remains intact, that it is and remains intact in terms of its micromanagement and, of course, according to the mineral rights and patents of the various claims that were filed before 1994. The effect is to make the effect of having a moratorium on mining patients null and void in this insofar as anything that occurred before September 30, 1994. That is probably the ball game. That is the ball game in terms of what is going on.

In the Tongass, the national forest bill modified the language but the levels of timber, 418 million board feet out of the Tongass, is exactly what the language was before. It may be modified in some respects, but it has the same effect.

Worst than that, Mr. Speaker, it seems like this measure has become a moving target, this particular legislation, and I lament that it has become a moving target to attach any legislative matters that the Republican majority thinks that they need to get done, they do not want to have considered or voted on the floor in an up-or-down vote and debated in an open way.

We have maintained log exports from the Northwest, regulations limiting log exports from the Pacific Northwest is set aside. There is authorizing law; a designation of the Vancouver national historic site, an issue that is being and should be considered in the resources authorizing committee. It has changes in the Columbia River Basin assessment. It has new National Park Service authorities. It has managers' language in terms of what the park service may do with regard to the protection of Yellowstone, one of the crown jewels of the National Park System in terms of how we can protect the areas around it because there is development in terms of goldmining and that is going to affect the watersheds and this national park. This legislation bars protection or action to monitor.

And so apparently that is of paramount concern to the new majority to protect that degradation of Yellowstone National Park in this legislation.

It talks about wilderness designation and limiting such designation to law. I always thought we legislated wilderness designation. Apparently, at best this measure is the redundant reiteration of the self-evident with regard to what we do with wilderness designation, but I do not know what the language does, or its purpose.

Far more, it goes on to keep all the other riders and limitations preventing the Secretary to exercise his stewardship responsibilities with regard to grazing, preventing the Secretary from trying to attain the recordation of roads and the degradation of the environment.

This bill deserves to be defeated once more today because it has grown worse, not better, in the bad faith effort on the part of the Republican majority party. Today they point to the date and the pressure to enact funding for the departments and agencies in this measure, but the basis for not acting to pass this measure in October or November have not changed. The mining provisions have not changed, the Tongass timber language retains all the limits on the ability to reasonably regulate grazing, road rights of ways and the Endanged Species Act persist in this measure and to add insult to injury the measure piles on new riders and limits—it was not right in September, October, or November and even this crock of December does not justify and warrant passing an appropriation that has grown worst with age not better.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I want to thank my friend, the gentleman from Ohio, for his incredible patience in working this bill through. This is the third time we have tried to get this through the House, and as the gentleman who preceded me in the well has vigorously pointed out, some people are never going to be satisfied with this bill. He is not, and there will be others who will vote against it.

But we have massaged this bill under the leadership of the gentleman from Ohio. He has worked with the environmentalists. He has worked with the people in the West who are concerned about mining. He has worked with the people in Alaska who are concerned about the Tongass and the environmentalists who are concerned about the same issue on the other side. We have worked with people concerned about the Mohave Desert, and one issue after another, and we have brought them together in the spirit of compromise. That is the legislative process.

The Senate and the House have come together, Republicans and Democrats have come together to agree. Liberals and conservatives, environmentalists and other people who may not consider themselves quite within the environmental mode, all of these people have come together, and today is the day.

The bill did not pass the first time, because one group or another was unhappy. The bill did not pass the second time because other people were unhappy. Today, for crying out loud, let us pass this bill. Send it to the Senate and send it to the President for his signature, yes, for his signature. I know he is threatening a veto, as the gentleman from Illinois has pointed out, but he threatened a veto on the defense bill, too, and he ended up letting that become law.

This is as good a bill as we can get. We have got all the interests competing. We have worked, we have massaged, and we have tried to mold this bill and satisfy everyone's concerns. It is a reasonable bill. It is a good bill. The President of the United States should sign it into law.

I urge the adoption of this conference report.

Mr. Speaker, earlier the technical 602(b) violation was discussed. I just want to make clear the committee is well within its overall 602 allocation. This particular subcommittee's subdivision however is in technical violation of the so-called 602(b) at this time. The committee has not had an opportunity to revise its latest allocation to shift the necessary funds into the Interior subcommittee. In order to make this new conference report comply with the allocation we will have to shift some $22 million in budget authority and some $36 million in outlays. Even with this shift in funds the committee's domestic allocation would still be some $2.1 billion in budget authority below the ceiling and some $570 million in outlays below the ceilings.

The committee has always stayed within its overall allocation, and will redirect the funds accordingly.

Mr. REGULA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, Members, my colleagues, this is a good bill. We have addressed your concerns. You have heard the gentleman from New York [Mr. BOEHLERT] speak and the gentleman from Alaska [Mr. YOUNG] who had some differences on the Tongass and on mining, and they both agreed that this represents a reasonable compromise, as was clearly pointed out by the chairman.

I would just point out, also, that in terms of the Tongass, we have reduced the cut from 450 million board feet to 418 and as a practical matter, it will be about 310.

Likewise, we have addressed the mining concerns. The issues that were in the recommittals, I think, have been very thoroughly addressed, and this is quite evident by the fact that the people who have an interest on both sides have spoken in favor of this bill.

Also, I would address the question the President raises in his message about not enough money is being spent. Well, obviously earlier we heard that it was a budget buster. Now, I think that message is a bit in conflict. The truth of the matter is it is a responsible bill, and it does reduce spending, but it uses the funds available in a very prudent way.

As far as the Bureau of Indian Affairs, we have addressed the needs of education, of health. We are actually above the President's request in one of his last statements.

Overall I think that we have a very good bill. I think it is important we get this down to the White House, and I hope that they would sign this so that the 130,000 people that serve all of us in the parks and forests can get on with the job and serve the American people in the way that they would like.

Let me strongly urge the members on both sides to reject the recommittal motion which will be again on the Tongass. We have already, as you have heard from other speakers, we have addressed the problems in the Tongass. Let us reject the recommittal motion and pass the bill.

Mr. FAZIO. Mr. Speaker, once again, I cannot support this Interior appropriations conference agreement, It is a bad deal. Not only are the mining provisions a sham, but once again the bill is a back door attempt to repeal the California Desert Protection Act.

In addition to retaining the $1 limit on the Park Service budget to manage the Mojave Preserve, this version goes even further by capping their planning money as well. While this third attempt provides a nominal increase to $500,000 in planning money, it does nothing to restore the protections needed to ensure the park is properly maintained.

When Congress passed the California Desert Protection Act, it placed much of California's desert wilderness under the jurisdiction of the National Park Service. This provided much greater environmental protection than previously afforded under the Bureau of Land Management.

Last year the National Park Service improved visitor services, resource protection, and law enforcement in the Mojave resulting in significantly increased visitation and revenues for the surrounding communities. During the 14 years that the BLM managed the Mojave as a national scenic area, open pit mining, motorcycle races, and general environmental degradation led to widespread protest.

I understand my good friend and colleague Mr. LEWIS' concern that the Park Service not become overzealous in its oversight of the preserve. However, even the local chamber of commerce has conceded that the new management of the park has enhanced tourism and made the Mojave more enjoyable for everyone. They endorse the changes made by the California Desert Protection Act and oppose the language in this appropriations measure. Not only is the BLM funding level for the preserve inadequate in this measure—a mere $600,000—but the Park Service's ability to devise a plan to manage the preserve in the future is severely restricted both in dollars and in time. Unless a plan is devised in the next few months, management of the Mojave will in all probability stay in BLM clutches.

I urge my colleagues to once again send the message on this measure that major policy changes affecting the environment—regarding both mining and the Mojave—should be conducted through an open and deliberative legislative process, not shortcutted through the appropriations bills. Vote "no" on the Interior appropriations conference report.

Mr. MARKEY. Mr. Speaker, I rise in strong opposition to the conference report on Interior and related agencies appropriations.

There are a number of reasons to oppose this ill-conceived legislation, and I have discussed some of them in previous debates on this bill. Today, I would like to focus on one shortcoming that is particularly disturbing about the legislation, and that is its failure to provide adequate funding for energy efficiency programs at the Energy Department.

DOE's efficiency programs support the development of new energy efficient technologies that prevent pollution, create jobs, make our economy more competitive, and save consumers precious dollars. Unfortunately, the Republican majority has elected to slash funding for our energy efficiency efforts by 28 percent from the fiscal year 1995 enacted budget.

Of particular concern is the nearly 50 percent cut in low-income weatherization assistance. This program leverages over $100 million in outside money, enabling low-income Americans to better handle winter and summer energy costs. Because of these debilitating cuts, many thousand fewer homes will become energy efficient this year.

President Clinton has vowed to veto the fiscal year 1996 Interior appropriations bill if and when a conference report clears the Congress. A recent statement of administration policy on the Interior bill stated that, "Funding for [energy efficiency] programs must be restored significantly in order to reach acceptable levels." I strongly encourage the President to stand firm on his commitment to energy efficiency as a solution which protects the environment and helps the economy.

The President is quite right to criticize this legislation for failing to adequately fund the energy conservation programs within the DOE. The level of funding in H.R. 1977 is inadequate to carry on the important work of these programs.

Many House Members continue to support the President's position on this matter. I urge defeat of the conference report and request that the attached letter to the President, which was signed by 68 House Members, be included in the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 6, 1995.

Re H.R. 1977—energy conservation programs

Hon. WILLIAM J. CLINTON,
The President, The White House

DEAR MR. PRESIDENT: We want to take this opportunity to strongly endorse the Statements of Administration Policy of November 7, 1995 and October 19, 1995, in which you indicated that the Department of Interior and Related Agencies Appropriations Bill for Fiscal Year 1996 (H.R. 1977) should and would be vetoed for a variety of reasons. We share your concern that this legislation does not adequately fund the energy conservation programs within the Department of Energy (DOE).

The funding level for these programs of $553 million is identical to the first conference report funding level and remains $215 million (or 28 percent) below fiscal year 1995 appropriations and 38 percent below your budget request.

We believe that this level of funding is inadequate to carry on the important work of these programs. As you know, DOE's energy conservation programs help every American by saving consumers precious dollars, making the economy more efficient and internationally competitive, and improving the environment by preventing pollution. These programs largely work with the private sector to develop and deploy new and more efficient technologies, as well as saving energy on the local level through state energy conservation programs (SECP) and low-income weatherization. We concur with OMB Director Alice Rivlin's statement that "funding for these programs must also be restored significantly to reach acceptable levels."

The approximately 50 percent reduction in funding for low-income weatherization and SECP is of special concern to us. Many thousand fewer homes will receive economically empowering energy efficiency improvements this winter because of the proposed Congressional cuts.

We applaud your continuing leadership in this area and stand ready to support you in insisting on a strong federal energy efficiency program.

Sincerely,

Edward J. Markey; Sidney R. Yates; Frank Pallone, Jr.; Martin Olav Sabo; Barney Frank; John D. Dingell; Joe Moakley; Vic Fazio; Ronald V. Dellums; John W. Olver; Jerrold Nadler; Patrick J. Kennedy; Lucille Roybal-Allard; Bernard Sanders; Dale E. Kildee; Alcee Hastings; Sam Farr; James P. Moran; Earl Hilliard; Maurice Hinchey; Jim McDermott; Robert T. Matsui; Harry Johnston II; James A. Traficant; Carolyn Maloney; Nita M. Lowey; Ike Skelton; Charles E. Schumer; Thomas J. Manton; John Lewis; William Clay; José Serrano; Anthony C. Beilenson; Lane Evans; Gerry E. Studds; Sam Gejdenson; Jack Reed; Nydia Velazquez; Ed Towns; John Conyers; Richard E. Neal; George E. Brown, Jr.; Rosa DeLauro; Ed Pastor; Peter DeFazio; David E. Skaggs; Sherrod Brown; Eliot Engel; Tom Barrett; Bill Richardson; Elizabeth Furse; Sander Levin; Henry Waxman; George Miller; James Oberstar; Ron Wyden; Louis Stokes; Louise Slaughter; Lynn Rivers; Bruce Vento; Earl Pomeroy; Barbara Kennelly; Major Owens; Patricia Schroeder; David R. Obey; Benjamin L. Cardin; David Bonior; Tim Johnson.

Mr. MILLER of California. Mr. Speaker, I rise in strong opposition to this conference report.

There are many reasons to vote against this report, and there are lots of reasons for the President to veto this bill, which he certainly will in its present form.

Let me focus on just one of the important reasons why Members should vote against the conference report and that is because of the language which will lead to increased Federal spending and accelerated logging in the Tongass National Forest.

On November 15, the House voted 230 to 199 to instruct the conferees to drop the Tongass logging rider from this legislation. They haven't done that. What they have done instead is to return to the floor with a cosmetic coverup of more taxpayer subsidies for clearcutting this rainforest.

As one of the architects of the Tongass Timber Reform Act of 1990, I can assure you that this rider is offensive to the goal of that act, which was to modernize forest management. This rider tries to turn the clock back to the days when subsidized clearcutting took priority over all other uses of the forest.

The Tongass rider requires that an outdated, scientifically discredited draft timber plan shall govern management of the National Forest for the next 2 years. What that means is that logging is authorized at a rate of 418 million board feet per year, 100 million board feet over the historic average. Even though the Forest Service already has a solid scientific basis and has rejected this plan as allowing an unsustainable, environmentally destructive rate of harvest, the rider would impose the plan by congressional edict for 2 years.

To add further insult, the rider has sufficiency language which is intended to overturn environmental lawsuits applying to existing sales.

Even at current rates of logging, the Tongass has the Nation's most heavily subsidized timber program. According to GAO, between 1992 and 1994, the cash flow deficit to the Treasury was $102 million. If we adopt this rider, losses to the Treasury could increase by another $18 million annually.

And what are we getting for the taxpayer's money? We're taking 400-year-old trees from the rainforest and turning them into pulp. I don't recall that provision being in the Republican Contract With America.

I do recall that during the timber salvage sale debate on the rescissions bill last March, Members were told that the amendment jointly applied to dead, dying, and burnt trees. What has happened is that we got a lot more than we were told about, including cutting of healthy, green old-growth timber in the Northwest.

Don't get fooled again. Vote against this conference report.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this conference report. While this bill contains many important elements for natural resource dependent communities, I want to highlight one very important provision that was included in the conference committee yesterday by Senator GORTON.

This provision calls for the National Park Service to extend the lease at Pearson Airpark in the city of Vancouver past the year 2002. This is a key element in my legislation (H.R. 2172) to create the Fort Vancouver National Historic Reserve. While I anticipate that my legislation will pass the House next year, I am supportive of efforts to expedite the process with respect to Pearson Airpark. The designation of the Fort Vancouver National Historic Reserve will, of course, go through the normal authorizing process.

It was important to expedite the extension of the lease to give the city of Vancouver and the M.J. Murdock trust the certainty they need to forge ahead with the construction of the Murdock Aviation Museum. This will be a

Smithsonian quality museum that will highlight the rich aviation history in the city of Vancouver. This legislation will go a long way to making this museum a reality.

I urge my colleagues to support this conference report.

Mr. SMITH of Texas. Mr. Speaker, I am pleased to rise in strong support of the conference report on the Department of the Interior Appropriations Act. This appropriations bill contains a moratorium on new listings of endangered or threatened species or new designations of critical habitat under the Endangered Species Act. This moratorium is based on my Farm, Ranch and Homestead Protection Act.

The Endangered Species Act has destroyed the rights of hardworking, taxpaying American families for the sake of blind cave spiders, fairy shrimp, and golden-cheeked warblers. Until Congress reauthorizes the Endangered Species Act to balance the rights of landowners and common sense with environmental concerns, we must protect American landowners by putting regulators on a leash. This amendment would extend the regulatory moratorium on listing of endangered or threatened species or designation of critical habitat until Congress reauthorizes the Endangered Species Act.

Miss COLLINS of Michigan. Mr. Speaker, we must recognize mining subsidies for what they are—corporate welfare. In light of the several extremist appropriation bills put before this Congress, cutting back essential programs that improve the quality of life for all Americans; we cannot spend another tax dollar to give big businesses a free ride. This Congress cannot with a clear conscience, stop assisting mothers with buying milk for their infants; while at the same time giving away more than $15 billion worth of publicly owned minerals. How can we claim not to find the funds to protect elderly citizens from going into complete poverty because of out of pocket medical expenses, yet we can give away precious minerals at bargain basement prices?

To eliminate programs that meet human needs and that provide tangible results, under the guise of conserving Government funds, without terminating wasteful programs such as mining subsidies, is hypocritical. This is yet another example of the butchery of social and environmental progress, while corporate welfare is being spared the budget ax. To allow this hypocrisy is not only fiscally irresponsible, it is unforgivable. The American voters will not forget.

Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. YATES. Mr. Speaker, very much.

The SPEAKER pro tempore. The clerk will report the motion.

The clerk read as follows:

Mr. YATES moves to recommit the conference report on the bill H.R. 1977 to the committee of conference with instructions to the managers on the part of the House to insist on the House position on the amendment of the Senate numbered 108. In order to protect the Tongass National Forest from increased timber harvests.

□ 1515

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 187, nays 241, not voting 4, as follows:

[Roll No. 853]

YEAS—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—241

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Torkildsen
Traficant
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

McInnis
Tucker
Velazquez
Waldholtz

□ 1535

The Clerk announced the following pair:

On this vote:

Ms. Velázquez for, with Mr. McInnis against.

Mr. PACKARD changed his vote from "yea" to "nay".

Ms. WATERS and Messrs. FARR, BERMAN, CHAPMAN, and PETERSON of Florida, changed their vote from "nay" to "yea".

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

Pursuant to the provisions of clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 7, as follows:

[Roll No. 854]

YEAS—244

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart

Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn

Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal

Nethercutt
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema

Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner

Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cubin
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gallegly
Gejdenson

Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Holden
Hostettler
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neumann
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Rangel
Richardson
Rivers
Roemer
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Callahan
Chenoweth
Hancock

McInnis
Tucker
Velazquez

Waldholtz

□ 1553

The Clerk announced the following pair:

On this vote:

Mr. McInnis for, with Ms. Velázquez against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsidered was laid on the table.

ANNOUNCEMENT ON AMENDMENTS TO THE COMPREHENSIVE ANTITERRORISM ACT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, the Rules Committee may be meeting as soon as this Saturday, December 16, to grant a rule which may limit the amendments to be offered to H.R. 1710, the Comprehensive Antiterrorism Act of 1995.

Subject to the approval of the Rules Committee, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by 4 p.m. on Friday, December 15, to the Rules Committee, at room H-312 in the Capitol.

Amendments should be drafted to the text of the Hyde-Barr substitute, which has been printed in the CONGRESSIONAL RECORD of December 5, and which has also been introduced as a separate bill (H.R. 2703). The rule is likely to self-execute in the Hyde-Barr amendment as a new base text for H.R. 1710.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

FURTHER CONFERENCE REPORT ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE submitted the following conference report and statement on the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

REPORT ON RESOLUTION PROVIDING FOR DEBATE AND CONSIDERATION OF THREE MEASURES RELATING TO U.S. TROOP DEPLOYMENTS IN BOSNIA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–405) on the resolution (H. Res. 304) providing for debate and for consideration of three measures relating to the deployment of U.S. Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR DEBATE AND CONSIDERATION OF THREE MEASURES RELATING TO UNITED STATES TROOP DEPLOYMENTS IN BOSNIA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 304, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 304

Resolved, That upon the adoption of this resolution it shall be in order to debate the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

SEC. 2. After debate pursuant to the first section of this resolution it shall be in order to consider in the House the bill (H.R. 2770) to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force. The bill shall be debatable for one hour equally divided and controlled by Representative Dornan of California and an opponent. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 3. After disposition of or postponement of further proceedings on H.R. 2770, it shall be in order to consider in the House the resolution (H. Res. 302) relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina. The resolution shall be debatable for one hour equally divided and controlled by Representative Buyer of Indiana and an opponent. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

SEC. 4. After disposition of or postponement of further proceedings on House Resolution 302, it shall be in order to consider in the House a resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina offered by the Minority Leader or his designee. The resolution shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

Mr. Speaker, the rule before us is designed to enable the House to debate the President's policy of deploying American ground troops to Bosnia as part of a NATO peacekeeping contingent.

Because the peace agreement is scheduled to be signed in Paris tomorrow, and because the President has asked the Congress to vote on the deployment of U.S. troops before the peace agreement is signed, we are taking this unusual action of a same-day consideration, rulemaking this debate in order. It, therefore, can be legitimately argued this qualifies as an urgent or emergency matter on those grounds.

Having said that, however, I want to make clear that my own preference would have been that we not vote on anything today since the House has already twice expressed its overwhelming opposition to send American troops in Bosnia. That should have been sufficient. I seriously doubt that many minds have been changed since our last vote on November 17—less than a month ago.

However, it was the feeling of our conference, and of many Members on the other side of the aisle, that the House should vote again on the President's policy, because it was not officially and fully unveiled or presented, until after that last vote took place on this floor. That's an understandable argument for today's debate and votes, even if I don't happen to agree with it.

The rule before us will give the House ample time to both debate the President's Bosnia policy, and to vote on three distinct alternatives measures. Under the rule before us, there will first be 1 hour of general debate on the subject of deploying American troops to Bosnia, equally divided between the chairman and ranking minority member of the International Relations Committee.

Following that debate, the rule first makes it in order to consider in the House a bill introduced by Representative DORNAN of California, H.R. 2770, which prohibits the use of appropriated funds for deploying American troops to Bosnia. That bill will be debated for 1 hour, divided between Mr. DORNAN and an opponent. It will not be subject to amendment, but will be subject to one motion to recommit which may contain instructions.

Following the disposition of the Dornan bill, the House will consider a sense-of-the-House resolution, House Resolution 302, by Representative BUYER of Indiana. The Buyer resolution first calls attention to the previous two House votes in opposition to sending our troops to Bosnia, and the President's subsequent decision to do so anyway, notwithstanding those votes.

The resolution then reiterates, and this is important, the concerns and the opposition of the House to the President's policy, but goes on to express for American servicemen and women who will be deployed to Bosnia and calls for their full protection, and the supply of sufficient resources to carry out the mission.

The Buyer resolution will be debated in the House for 1 hour, and is not subject to amendment or to a motion to recommit.

Finally, the rule allows the minority leader or his designee to offer a resolution in the House on the subject of United States troop deployment to Bosnia, debatable under the same terms and conditions as the Buyer resolution.

Let me emphasize that we are talking about three, free-standing measures, each of which will have a separate vote, regardless of the outcome of votes on the other measures. This is not a king-of-the-hill or most-votes procedure. It is conceivable that all three measures could pass, that all three measures could be defeated, or that only one or two could pass.

The House will be able to work its will on all three.

Mr. Speaker, I know there will be some who will still criticize this process for one reason or another. It is not perfect, but it does allow for substantial debate on at least three options. I say "at least three options" since the minority is also protected in its right to offer a motion to recommit the Dornan bill with amendatory instructions subject to 10 minutes of debate. So, there could actually be four alternatives before the House today.

Mr. Speaker, the process will still be criticized by some, I suppose, because none of the measures has been reported for a committee or is subject to amendment.

But the President's Bosnia policy has been the subject of considerable hearings and discussions in several committees of the House and Senate, as well as the subject of the previous debates and votes on this floor which I have already referred to.

So, while this may not be a perfect process, I think it is still fair and open in giving this House the ample amount of debate time that many have asked for on the President's Bosnia policy, and the opportunity to choose among several alternatives in response to that policy. By the end of the day today, there should be no question as to where this House stands. I personally remain adamantly opposed to the present policy of placing American troops in harm's way in a place where they are not wanted and do not belong.

□ 1600

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from New York, Mr. SOLOMON, for bringing this resolution to the floor.

House Resolution 304 is a rule which would permit the consideration of three, free-standing bills in response to our commitment to use United States troops to bring peace to Bosnia and implement the Dayton peace accord. The three bills are H.R. 2770, introduced by Mr. DORNAN; House Resolution 302, introduced by Mr. BUYER and Mr. SKELTON, and a Democratic alternative, offered by the minority leader or his designee.

As my colleague from New York has ably described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule further provides for 1 hour of debate for each of the other three proposals. No amendments are permitted.

I must express my disappointment with the process on this rule. We all knew that the President asked Congress for a vote of support for the troops. We have had weeks to plan this rule. However, not even 3 hours ago, key decisions had not been made on this process. Now we are debating this on this floor. As a matter of fact we just debated on the rule 15 minutes ago. This is a vital matter of war and peace. Ram-rodding this issue through the House on such a grave issue does a disservice to Members on both sides of this question.

Mr. Speaker, there are two issues of substance at stake here. The first issue is whether the United States will be a leader for world peace. We have an opportunity to bring peace to a turbulent region in Europe that has been ravaged by war for 4 years. Opportunities like this do not come about easily or often. We should seize the chance for peace while we have it.

The second issue is whether we will support our President and retain credibility in the international community. Or will we tie the hands of our President, embarrass ourselves, and let down our supporters and friends in Europe. President Clinton has taken a bold step for peace. We should back him up.

This past summer, I traveled to the former Yugoslavia and witnessed the terrible conditions there. When I visited refugees in Tuzla and Zenica, I saw many children that had not only lost their homes. They had lost hope. When I looked into the eyes of these children, I saw pain, confusion, and sadness. I found that many of these children had not been immunized or educated during the 4 years of the Bosnian war.

When I returned to America, I called Carol Bellamy, the executive director of UNICEF, and asked her to help implement a plan to immunize the children of Bosnia. She quickly pulled together a detailed proposal.

Two weeks ago, I was with President Clinton at the White House when he endorsed the proposal and he pledged funding. This humanitarian initiative is now going on. I compliment the President for supporting the children.

My constituents and I have a special reason for wanting the peace process to go forward. The treaty between the warring factions was negotiated at Wright-Patterson Air Force Base, which is partly in my district. We are proud of the role that we played in the crafting of this agreement.

Two days ago, the mayor of the city of Dayton and all the city commissioners signed a proclamation expressing pride and support for the men and women of our Armed Forces who are helping to implement the Dayton peace agreement. The resolution also calls on "all nations of the world to support the Dayton peace agreement."

I would like to insert the text of the proclamation in the RECORD.

The rule before us will give House Members an opportunity to support he President and peace. I regret that the rule did not make in order a proposal by Mr. KENNEDY that would have required our NATO allies to pick up the costs associated with this mission.

Mr. Speaker, our national security interests are at stake. I urge defeat of the Dornan bill, defeat of the Buyer/Skelton resolution, and support of the Democratic alternative.

Mr. Speaker, I include for the RECORD the proclamation to which I referred.

PROCLAMATION

Whereas, The Dayton Peace Agreement represents an opportunity for all parties within Bosnia and Herzegovina to work toward building a lasting peace for its people; and

Whereas, the last four years have yielded untold suffering of families and innocent victims who have lost homes, friends, and a way of life to the worst atrocities and war in Europe since World War II; and

Whereas, The Dayton Peace Agreement calls for free and democratic elections to be held throughout Bosnia and Herzegovina, and commits all parties, including Serbia and Croatia, to cooperate fully and abide by international humanitarian law; and

Whereas, The Dayton Peace Agreement also commits all parties in Bosnia and Herzegovina to respect the highest level of internationally recognized human rights; and

Whereas, The Dayton Peace Agreement acknowledges the need for international assistance to help the people of Bosnia and Herzegovina rebuild communities after the devastation of four years of war; and

Whereas, The Dayton Peace Agreement is testimony to the leadership that The United States and its allies must play not only to preserve peace, but to build peace in the world.

Now, therefore, be it resolved, that the City of Dayton Ohio, and its citizens commend all the parties in Bosnia and Herzegovina for courageously agreeing to peace for all its people; and

Be it further resolved, that the City of Dayton, where, through leadership of the United States and its allies, terms and conditions for a fair and just peace were forged, extends its hopes and prayers to the people of Bosnia and Herzegovina that their peace may be lasting and free; and

Be it further resolved, that the City of Dayton with pride and support wish the men and women well, of our armed forces, who will assist the North Atlantic Treaty Organization in implementing the Dayton Peace Agreement; and

Be it further resolved, that the City of Dayton commits to working with Sister Cites International in providing a network of cities to assist our counterparts in further building the peace in Bosnia and Herzegovina; and

Be it further resolved, that the City of Dayton encourages all nations of the world to support the Dayton Peace Agreement.

Signed and presented to the President of the United States, William J. Clinton, December 11, 1995.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I have to take exception to the statement of my very good friend, the gentleman from Ohio [Mr. HALL], that we are ramming these measures through the House.

My colleagues, let us be perfectly clear about it, the reason we are on this floor here today over my objections, I might add, because I do not think we should be here, period, is because President Clinton has asked Speaker GINGRICH to have this body take another vote on this issue before the Paris signing tomorrow. That is why we are here today. If it were not for that request, I can guarantee you that I would not have let this matter come before this body today.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. DIAZ-BALART], a very respected new member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I will support this rule because it gives ample opportunity to the Congress to support the very serious question of the Bosnia intervention. In the last 2 weeks, in multiple discussions held with colleagues in this House about the imposition of the Clinton administration of the new Secretary General, Mr. Solana, of NATO, various colleagues have stated to me that that decision by the Clinton administration seriously and legitimately calls into question the foreign policy judgment of the administration.

Mr. Speaker, NATO of course is the military wing of the western alliance.

It was greatly responsible for maintaining the security of Europe throughout the cold war and, of course, today we are poised to intervene militarily in an armed conflict in Europe for the first time since World War II and in the Balkans under the military shield and utilizing the military structure of NATO for the first time in history.

Thus even though NATO was always important, it is perhaps even more important today. So who is the man who was named last week in Brussels as the new Secretary general, the head of NATO? Javier Solana is the foreign minister of the Spanish Socialist Workers party government. Mr. Solana opposed NATO with vehemence throughout the 1970's and the 1980's. As late as 1986, when a Socialist-sponsored referendum was held in Spain to determine whether it would remain in NATO, Mr. Solana, then culture minister in the Spanish Government, was one of the most outspoken opponents of Spain remaining in NATO.

He also opposed the presence of United States military bases on Spanish soil. As late as 1985, precisely on that subject of the presence of United States bases on Spanish soil, he I think somewhat contemptuously stated, and I quote, If need be, we will send a copy of the Spanish Constitution to Washington so they will know what a sovereign country is.

Until September 29, 1979, Mr. Solana was formerly a Marxist. That is the date that his party, the Socialist Workers Party, erased the word Marxist from its political program so as to help and win the next Spanish general election. Despite the opposition of almost all western Europe, the Clinton administration, Mr. Speaker, insisted upon Mr. Solana to be the new NATO Secretary General.

Much of the military and intelligence community of the NATO countries simply could not understand why the Clinton administration would insist on Solana as the new NATO head with other available candidates in contention such as Mr. Ruud Lubbers, former Dutch Prime Minister, who was endorsed by France and Germany and Great Britain and was always a dedicated supporter of NATO with exemplary security credentials.

The Clinton administration insisted on imposing the Spanish Socialist Solana as we prepare to use NATO to intervene militarily in Europe for the first time since World War II, despite the fact that the Spanish Government is being wracked by unprecedented corruption, despite the fact that Solana, while Spanish Foreign Minister, just ended a 6-month stint as chairman of the European Union and during that time named a buddy of his, Mr. Garcia Vargas, a former defense minister in the Spanish Cabinet, who was so personally affected by corruption, including illegal wiretapping that he had to resign from the Spanish Cabinet. Mr. Solana named him European Union Special Envoy to Basnia.

□ 1615

Most importantly, Mr. Speaker, despite the fact that Spain is not part of the military structure of NATO, that was the candidate, that Foreign Minister of that government that is not part of the military wing of NATO, was the imposition of the Clinton administration for Secretary General of NATO, and that is the administration that is now asking the American people and the Congress to trust it with respect to Bosnia. I think this debate is long overdue, Mr. Speaker.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say before I yield to my friend, the gentleman from California [Mr. BEILENSON], that the chairman, the gentleman from New York [Mr. SOLOMON], took issue with the fact that I said that we were ramrodding this rule through this process. I say to the gentleman, I really believe that, Mr. SOLOMON, and I know that the gentleman is trying to react to the fact that the President is going to the peace signing tomorrow, but I must say that we have known about the fact that we wanted to have this debate, and it has been many weeks in coming, and what has happened is that we had a Committee on Rules in which we just passed a rule 20 minutes ago of which we have three amendments; not three amendments, three bills and one rule. Only one amendment has any teeth in it; it is the Dornan amendment, because in fact it is really law if it would pass. The other two are sense of Congress. But of the other two, one is changing, and probably as I am talking, the Skelton-Buyer amendment. At least it was changing as of 110 minutes ago. I just got the Democratic alternative, which to me as I read very quickly is I wish it could be stronger, and the fact is that it is being ramrodded, and it is a heck of a way to debate probably one of the more important issues that we re debating this whole year, is the commitment of troops.

So, it is being ramrodded. I realize the pressure that the chairman is under, but I must stick by my original comment, that this is a heck of a way to bring up a serious issue like this, and I very much object to it.

Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. BEILENSON], a very distinguished member of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I thank the distinguished gentleman for yielding me such a generous amount of time.

Mr. Speaker, the rule before us provides for consideration of what is clearly one of the most significant foreign policy measures we shall take up in the foreseeable future, the measure dealing with congressional support, or disapproval, of the President's decision to send troops to Bosnia-Herzegovina to participate in the peacekeeping operation there. This is a decision we all hope will mark the beginning of the end of the tragic conflict.

With respect to the rule itself, our main concern in fashioning it was enough time be provided so that Members on both sides of the aisle and on all sides of the issue have an adequate opportunity to offer their arguments and to hear the opinions and arguments of other Members. We should have preferred more debate time, and many of us felt that a full day of debate was necessary for a measure of this significance. We do hope that every Member who has a desire to be heard during this important debate is given the opportunity to speak during the time that is provided under this rule.

Mr. Speaker, for almost 4 years now most Americans have been angered and sickened by the seemingly endless savagery and destruction being perpetrated in the lands that comprise the former Yugoslavia—and have urged and prayed that someone, somewhere, would try to put an end to the suffering.

Finally, after years of failure of the combatants themselves and of their neighbors in Europe to stop the fighting, the United States has stepped in and done what every decent and caring American has wanted.

We have asserted our leadership of NATO and participated in air strikes that sent an unmistakable signal for the first time that continued aggression would be punished forcefully, and we have asserted the moral authority that only the United States seems to represent to many people throughout the world and have brokered a peace treaty between the former combatants.

Finally there has been a cessation of hostilities; finally,a peace agreement has been approved by all the warring parties.

I hope one can assume, up to this point at least, virtually all Americans approve of and applaud what we have done. Yet many Americans are voicing unalterable opposition to sending any U.S. personnel to help enforce this newly achieved peace agreement, and even more are questioning the advisability of such further involvement by us in attempting to help keep this tragic conflagration from restarting.

That is an entirely proper and normal concern, it seems to me. In fact, it should be part of the debate that we have not really had since the end of the cold war, about what the international role of the United States should be, and when and where, and under what circumstances, we should use our Armed Forces other than to repel a direct attack upon our own Nation.

It has, understandably, been difficult since the end of the cold war to agree upon a role for the United States to play in world affairs. The threats to us, and to much of the rest of the free world, are certainly less obvious and less specific than they used to be. But it has become painfully clear over the past few years that concerted efforts to help bring about the results most of us in the United States would hope for seem unable to be brought about successfully without active involvement and, in fact, leadership from the United States.

Now we are faced with a peace agreement that was made possible by American-led NATO air strikes and American diplomacy, and one that all of the parties want American forces to help carry out. One could argue that it does not necessarily follow that we cannot now walk away from a truly hopeful situation that we were instrumental in creating, but if Americans really want us to do just that, it probably would have been better for us not to have tried to end the fighting in the first place.

Not everyone agrees, of course, but some of us like the idea that the world looks to us for leadership so long as we determine how, and when, and whether we should respond. In this case we are not faced with the situation confronted by the British, French, and other nations' troops under the banner of the United Nations, who have tried to enforce a peace on warring parties that required their being in the middle of an ongoing war.

The parties have now agreed to stop fighting, and our troops will be in the position, finally, of peacekeepers, rather than peacemakers, which was sadly the position in which the United States troops found themselves both in Somalia and in Lebanon. In this current case, too, the Pentagon itself is satisfied with the role our troops will play and the circumstances in which they will be deployed which represents a complete about-face from their position, quite a proper one it seems too, I think all of us over the past couple of years were against committing United States troops to Bosnia for war-fighting purposes.

If our military, which is far and away the most capable, best-trained, and best-equipped in the world, is ever to be deployed for purposes other than defending our own territory, this, it seems to many of us, is the best possible use.

We are proud of the fine men and women of our Armed Forces, and if we are ever to use them at all, we can think of no better way than that of honest peace-keeping in a situation where our presence, United States presence, literally will make all the difference.

There is no one here in Washington who wants us to be the policeman of the world, or solely responsible for enforcing the peace in Bosnia or anywhere else, but this is the kind of cooperative and multilateral effort that many Americans have, for many years now, called for and insisted upon, and it is being done under rules of engagement that provide that American troops will be under American command, and that they will have the authority to respond immediately, and with overwhelming force.

It may not be possible for us to define to our own satisfaction, and in advance, exactly when and in what capacity American troops should be used in this new and more complicated—if oftentimes less threatening—world than we used to face during the cold war, but we are a moral, and a caring, and a peace-seeking people; we take our ideals and beliefs seriously; and, when our involvement, with others, will stop the kind of terrible suffering that has been going on in this corner of Eastern Europe for 4 years now, common decency and concern for other human beings dictates that we do what we can.

President Clinton, in fact, offered a useful, pragmatic, and yet moral policy for this Nation to follow in the years immediately ahead, and I quote him, if I may, Mr. Speaker: "We cannot stop war for all time, but we can stop some wars. We cannot save all women and all children, but we can save many of them. We can't do everything, but we must do what we can."

This is something we can do, and it is something we must do, if we are to have any respect for ourselves and for this great Nation whose people we are privileged to represent.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], a very distinguished member of the Committee on Rules who has been very much involved in this issue.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of the Rules Committee from Glens Falls, Mr. SOLOMON, for yielding me this time.

Mr. Speaker, let me begin by saying that I support the rule to allow this critical debate to come to the floor. The rule provides for ample debate time especially since this body has debated and spoken clearly twice recently, and it provides for consideration of a range of motions, fairly representing—in my opinion—the broad range of views and conflicting positions held by Members of this body. There is no question that the President has used his authority to deploy troops—against the clear wishes of this House of Congress. Nevertheless, we must deal with the situation as it exists. It is a curious situation. Why is the President flying to Paris on December 13 when we are in budget crisis that threatens to shutdown Government Friday? Where do the President's priorities lie?

But Mr. Speaker, as we prepare to begin this debate that has national and international ramifications, I want to take a minute to talk about individuals—those I represent in southwest Florida and those who will be spending a cold winter in the hills of war-ravaged Bosnia under the Dayton agreement and the President's plan. This past weekend I held two town meetings, and the topic that evoked the sharpest response from my constituents at these meetings was Bosnia. Not Medicare, not the budget, but Bosnia. And the questions were direct and heartfelt and to the point: Why are we putting our young men and women on the ground in Bosnia? These were not political people asking political questions—these were honest folks demanding an answer.

I have listened to the President and his advisors and his spokesmen, and I still cannot find a convincing answer. I have yet to be convinced that the United States has a compelling reason to put people on the ground in Bosnia. I say "people," because these are individuals—sons and daughters—who will be put in harm's way. And it is not a country or an army that will suffer casualties and loss of life if things go wrong; it is those individual people.

In considering where to go from here, I cannot support a complete withdrawal of funds and support for the United States troops who are already on the ground in the former Yugoslavia. These men and women are wearing the uniform of the U.S. military and obeying orders, and we cannot leave them stranded in hostile territory. I would like to see them brought home, however, and I certainly will not give the President a blanket approval to continue as he sees fit. Because too many Americans have taken the time to tell me that they strongly disagree with the President's actions so far. In addition I have serious questions about the role of NATO in this operation, and the arrangements for burden sharing that have been put together. Our forces have been trained in conventional warfare, and are the best in the world—however, the greatest threat in Bosnia comes from unconventional sources. And I am concerned that when it comes time to withdraw our troops under the President's plan, extraction will be extremely difficult.

Finally, Mr. Speaker, I do want to draw attention to the parallel that many inside and outside the administration are drawing between the mission in Bosnia and the mission in Haiti. I think this is a good comparison, but not, I suspect, for the same reasons as the White House. It is a useful comparison because despite a virtual media blackout and attempts by the Clinton administration to spin the situation otherwise, the conditions in Haiti are deteriorating and could very well collapse as soon as our troops leave. We are reminded that efforts at nation building are not as simple as they seem, and that internal problems of foreign countries spanning many generations cannot be solved by a year of occupation by the United States Armed Forces, especially in difficult terrain, harsh climate, and the dangerous atmosphere we know is Bosnia. And we are disarming in Haiti and rearming in Bosnia. I urge my colleagues to support the rule.

□ 1630

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Ohio [Mr. HALL], for yielding time to me.

Mr. Speaker, I oppose this rule because it promotes wishy-washiness. The gentleman from New York, [Mr. SOLOMON], the chairman of the committee, has commented on the fact that we have had hearings in other committees. We have, but not about the particular language that we are getting ready to vote on. There have been no committee hearings in that regard. I have been to every hearing on the Committee on International Relations that was officially held concerning Bosnia. It does not permit any amendments, and then we are just seeing the language, as I speak. It is a work in progress. We do not have any idea what we are getting ready to vote on. This is political posturing in the extreme.

Mr. Speaker, we were sent here to lead, not to seek cover for our political, personal safety. What do we have with this rule? Cut off the troops. The other body just voted something like that. We voted on Hefley here on authorization. The other body just rejected that soundly, 77 to 22. Trash the President but support the troops. You all trash the President every day around here, so what else is new about that? Support the troops? But we have some reservations.

Is this leadership? We should support the President, any President, Republican or Democrat, when they deploy troops under their constitutional aegis, and we should promote and praise the troops that I saw when I was in Croatia this past weekend. These children are magnificent, and we should reject this rule. Here is why.

Let me quote, for those who keep asking, "What is the stake for the United States, and why does United States participation make a difference?" Admiral Leighton Smith, a four-star in charge of every American child in that theater, said:

> The question is about United States leadership in the world. If we don't go in, our credibility goes to rock bottom.

Let me repeat again what Admiral Leighton Smith said, in response to the question "What is the United States' stakes in Bosnia, and why does United States participation make a difference?" He said:

> The question is about United States leadership in the world. If we don't go in, our credibility goes to rock bottom. The next time, when vital U.S. interests are engaged, our allies and friends are not going to be with us. If we don't go in, there will be more killing and the war can spread. Do not underestimate the volatility of the Balkans.

What I saw in the way of destruction in Sarajevo, no man or woman in this body can say that we should not somehow or other, as the leader of the world, promote a period of decency and give peace a chance.

Reject this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend, the gentleman from Florida, ALCEE HASTINGS, who is leaving the floor there, and he is a good friend, but I have just about heard all I am going to hear on this. This bill is on this floor because the President asked for it to be here. Mr. Speaker, I would just as soon pull this rule. We do not need to debate this today. However, if you are going to continue trashing us, we might as well do that. Keep that in mind. We are bending over backwards to be fair, I want to tell the gentleman, and he can trust my sincerity in that.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield 2 minutes to the gentleman from California.

Mr. DORNAN. Mr. Speaker, we have 97 people on the ground in Tuzla, 97, scouts, that is all. It snowed 2½ feet yesterday. There were 16 flights ready to go in, not big C-141's and certainly not C-5 Galaxies, Hercules, hard landing aircraft. One got in out of 16. I am waiting for a weather report right now. I do not think anybody got in today. It is snowing again.

I am the one who drove this, so we could have one more vote before we start the First Armored moving. I do not want this on the floor today after what I have just heard. I really do not. I want to give you time to study it all night.

Mr. HASTINGS of Florida. Mr. Speaker will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I will be very brief. I share with the gentleman from California [Mr. DORNAN] the concern about that snow. The weather or the elements there are the most serious threat to our troops, but you do not pick your theater when you are trying to preserve some kind of semblance of peace. It is going to be a difficult theater. No war is risk free, and nobody here knows that better than he does, I would say to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I thank the gentleman for saying that. My problem is basically constitutional. I testified to this up at the Committee on Rules. Bless everybody's heart around here for loving our men and women in uniform going in harm's way.

I have spoken on this floor about the atrocities in Bosnia as much as anybody. I begged President Bush to do something, to hit those concentration camps with an air assault using Blackhawks with Cobra and Apache gunship support, and extract the people from the concentration camps. I did not want, and it is a rough word, but it is fair, I did not want the current President to dither away 3 years.

The other sides are not going to kill one another with three feet of snow. You cannot find your own land mines without landmarks, and I do not give Bill Clinton much advice, but if he wanted to be a hero with the First Armored Division, he could very easily, at Paris tomorrow, say:

> We are holding off the deployment because of the severe weather, and I am telling my young dads and moms in Europe that are on their way there, enjoy Christmas with your children and your wives. We will start moving on the 6th or 7th.

Imagine the cheer that would go up in the day rooms in Germany, which will probably have half a foot of snow, and nobody knows what the buildup in weather is going to be until Christmas. I just heard a European weather projection. They are predicting the worst weather since the winter of 1944 and 1945, which was the worst in 50 years, so I do not want this on the floor if we are going to have all this angst. Jerk it, and we can do it tomorrow, or better yet, Friday.

Mr. HALL of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I appreciate hearing my friend, the gentleman from Florida [Mr. HASTINGS], and his spirited comments a few moments ago. I would point out a phrase that he used: "No war is risk free." Mr. Speaker, this is not a war. We are told that our troops are being sent there as peacekeepers, but I am afraid and I will explain this further in debate on the general bill and during the amendments, why this is not an evenhanded, impartial peacekeeping operation, and how it may very well end up in a very high-risk situation as far as our troops are concerned.

I would also point out that the bill that the gentleman from Indiana [Mr. BUYER] and I put forth, and on which there will be a vote later this evening, is based upon hearings that we had in the Committee on National Security. We had numerous hearings there. What is in there, we took from the hearings the testimony and combined it into this bill that we have put forth as number 302.

I also wish to point out that early on November 11, I set forth some eight conditions under which we could deploy troops to the country of Bosnia. I gave full expression of my concern in those eight conditions as of that moment. I tell this body, Mr. Speaker, that six of those conditions have been met, two have not been met.

As a result, I have chosen to be a principal cosponsor with my friend, the gentleman from Indiana, and I hope that when we reach that, that there will be a sizeable, sizeable vote in favor of it. I also will vote for this rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Greensboro, NC, Mr. HOWARD COBLE, a very distinguished Member of this body.

Mr. COBLE. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I am fresh off the Christmas parade circuit back home. I rode in nine Christmas parades. While these parades are not scientific polls, they are accurate barometers of public opinion. The consistent theme I heard from thousands at these Christmas parades was twofold: Do not back down on your effort to balance the budget, and stay out of Bosnia.

I spoke with many of these constituents personally, Mr. Speaker. They oppose our presence in Bosnia, not because they are insensitive or uncaring about the problems that plague Bosnia, but rather because they view it as a lose-lose proposition for the United States.

The reasons for this conclusion are apparent: No vital national interest in Bosnia; fighting that has endured over the centuries there is not likely to cease with the presence of 20,000 American men and women on the ground; severe, unforgiving inclement weather in a country generously laced with land mines located Lord only knows where.

Our Bosnian operation, Mr. Speaker, in my opinion is a recipe for failure at its best, a recipe for disaster at its worst. The arms embargo should have been lifted months ago, but that cannot be corrected at this late date.

America cannot continue, Mr. Speaker, to be the world's peacekeeper eternally. American men and women should not be placed in harm's way at this time, and virtually nothing, Mr. Speaker, has been said about the enormous cost to the American taxpayer. It has been estimated at $2 billion. All of us know that is the low end. It will exceed probably $3 to $4 billion, money that we do not have.

Finally, Mr. Speaker, I reiterate the message of Christmas parade goers in the Sixth District of North Carolina: Stay out of Bosnia.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is the most important national security vote that we have cast since the Persian gulf war. We have to ask ourselves, and that is what we are doing, why is United States involvement in Bosnia in the national interest? There are three reasons:

First, America's values are at stake, and we can stop genocide and war in the Balkans.

Second, America's interests are at stake. We need a stable Europe, and Europe's stability is in danger if this war simmers.

Third, America's leadership is at stake. The peace agreement that we pushed, initialed, and fathered would collapse.

If we do not support the President on this issue, our credibility in other crisis areas, North Korea, the Middle East, Northern Ireland, and many other arenas will be eroded.

Mr. Speaker, over the last 4 years more than half of Bosnia' pre-war population has been murdered, starved, or driven from their homes. One million are homeless; one million. The people of Bosnia have witnessed Europe's worst human rights atrocities since the end of World War II: ethnic cleansings, mass executions, torture, rape. The only way to stop this killing for good is to make peace.

☐ 1645

Our conscience demands that we seize this chance. America needs a strong Europe as our partner in fighting security threats from terrorism to proliferation of mass weapons of destruction, and Europe's stability is in danger if this war continues. Without United States participation, the peace agreement would literally collapse and the war would reignite and spread through Greece, Turkey, Macedonia. That is not in our interest. NATO would collapse literally.

Third, America's leadership brokered this cease-fire and brought the parties to Dayton to make peace. Now we have to take the lead in securing that peace.

This vote is not popular. My constituents let me know their views, too. But once in a while when national security and America's interests are at stake, we must take the tough votes. If we fail to keep our commitment in Bosnia, what is going to happen on North Korea and the nuclear issue? What are the North Koreans going to think? Or in containing Saddam Hussein in Iraq? Or in Northern Ireland and the Middle East where we are brokering peace?

If we fail to keep our commitment in Bosnia, the credibility of our leadership in Europe and around the world will suffer and with it our ability to protect America's interests.

Mr. Speaker, all of us here want to do the right thing. I cast no aspersions on any Members' motives. Therefore, we should do the right thing and support the President as we have done with President Bush in the Persian Gulf and other important national security votes.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to the time.

Mr. Speaker, just like the statement of the gentleman from North Carolina about the numbers of his constituents who have registered there opposition to the deployment of troops in Bosnia, I am here to report to the Congress that the same is true in my district. Even the gentleman who just preceded me in the well acknowledged that of his constituents. The question that was posed to our people by the action of the President is: Should we support deployment of troops in Bosnia? The answer is no.

But the next question now has to be asked, since the president has decided once and for all, without looking back and without any chance of changing his mind, that the troops will be deployed. So the question now that the people must register there opinions on is as follows: Shall we abandon our troops in Bosnia? The answer to that is no.

I cannot vote under any circumstances to abandon our troops. Not to fund them? Unheard of. I cannot support that. Not to supply them with foods, materiel, ammunition, all the weapons that they require to do their mission? All the accoutrements of carrying on a peacekeeping mission? I will not be a party of not supplying all that is needed to our troops. I will not abandon our troops. I deplore the action of the President, but it is his decision and I will abide by that decision and support it, but know well that it is a tragedy about to unfold.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I take a back seat to no one in the House. For years I have fought, as chairman of Military Construction, for quality of life for our troops and for better living conditions. And I have served on the Defense Subcommittee for a lot of years with my good friend, the gentleman from Florida [Mr. YOUNG].

This is not a political argument. In my view we should not be trashing the President of the United States. This is the price that we pay for being who we are, the most powerful country on the face of the Earth, the only superpower that is left.

Our negotiators went to a part of the country where people had been fighting for 4 years, and we saw on our television screens the precious old grandmothers that were crying and trying to find their place and trying to get across the street to get water. We saw in the marketplace where they were being shelled, we saw the children with their limbs blown away. Total devastation. Something that would make any honest human being cringe at the atrocities that were being committed on these human beings.

There people all came together, and our negotiators said, "We want you to come. You are tired of war, and we want you to come to Dayton, Ohio," in the great United States of America, in our chairman's home district. "We want you to come, and you are going to sit down and we are going to talk about trying to come to grips with this, because we are so tired of war. We have people being slaughtered."

The city of Sarajevo where we saw the beautiful winter games many years ago, the stadium now has now been turned into a cemetery, the buildings destroyed, people absolutely ravaged. Thousands have been buried in the skating rinks and the coliseum and all the places where we had the beautiful games. They have been turned into graveyards, and the stadium seats, the wood has been used to make coffins.

People were tired of war. So our negotiators said, "Would you come to Dayton, Ohio? We will sit down, we will try come to some kind of a peace accord." They came and they hammered out and all the parties signed on to a peace agreement.

Every other time we have been involved in a confrontation, we have fought our way in, we have gone in with guns blazing. This is different. It may not work. But is it not worth, for God's sakes, to go in with other countries to try to make some effort to establish peace and to police a peace process for these people that have been so devastated in the past few years?

I would hope and pray at this time close to Christmastime that we should talk about peace on Earth and good will to men, that we would bypass the political cheap shots and at least make an effort to establish some peace in a part of the world that has been so devastated by the havoc that has been perpetrated on these citizens for so many years.

I would hope that we would support our troops and our effort to proclaim peace on Earth and good will to men this time at Christmastime.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise today to support the effort to try to keep the peace and to send troops to Bosnia as part of the peace agreement recently reached in Dayton.

The United States has committed troops to serve in Bosnia as part of the NATO peacekeeping force.

The United States has been able to broker a peace agreement in Dayton among the various factions in Bosnia. As the President stated in his address to the Nation November 27, America's mission will not be fighting a war. "It will be about helping the people of Bosnia to secure their own peace agreement."

The United States mission in Bosnia is limited, focused, and under the command of the American general.

This deployment of troops in the United States's national interest. The United States mediated the Dayton peace accord. If we want to be credible in future international negotiations, we must take the necessary steps to implement that which we have arranged. If we do not follow through in this instance, we will not have much credibility in any future negotiations.

Furthermore, the United States has a vital interest in maintaining stability in Europe. Instability in any part of that region can not only intensify but expand to include other countries as well. As we all know, events in Sarajevo earlier this century led to World War I and the eventual involvement of the United States in a very wide conflict. Only 20 years later, the United States was inescapably drawn into war in Europe again. And for most of the last 50 years, the United States has been involved in NATO because its national interests were threatened by the prospect of Soviet hegemony over Europe. Even today, when Soviet Union has collapsed, the United States has a powerful interest in promoting peace, democracy, and free trade within Europe and around the world.

It is important to point out that the emphasis in this deployment is peace—U.S. troops will be part of a peacekeeping force which is implementing a peace agreement made by the various warring factions. We will be administering a peace, not imposing one.

We now have an opportunity to make peace in a conflict which could—and I believe would—eventually widen and draw us into it. We must consider whether the eventual cost of standing idly by and allowing the war to continue might not eventually far exceed the cost of this peacekeeping mission.

We should also not forget that we are implementing a peace agreement which will end the continuing murder of innocent civilians. These crimes against humanity have been so horrible that the United Nations has established an international tribunal to investigate them. We can not claim to be a civilized nation if we turn our backs on torture and murder when we have the power in our hands to stop it.

In closing, I urge my colleagues to support the agreement in Dayton and support the U.S. military in its mission as a peacekeeping force in Bosnia.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this past weekend in Friedberg, Germany, I visited our troops of the 1st Armored Division, U.S. Army, who are being deployed to Bosnia.

One young soldier who served in both Somalia and Haiti told me, "The Bosnian mission is so much harder to understand. We're going in as neutral peacekeepers but also to get the Bosnian Muslims armed. You can't have it both ways!"

Mr. Speaker, this young soldier points out the inherent contradiction in the Administration's Bosnia policy.

As Vice President GORE said on Meet the Press Sunday, "We're going to make sure it (referring to arming the Bosnian Muslims) gets done."

The President is putting 20,000 American lives in harm's way, as neutral peacekeepers, while simultaneously helping arm one of the combatants. You cannot have it both ways!

This past weekend, as part of the congressional fact finding mission to the Balkans, I also heard Admiral "Snuffy" Smith, IFOR Commander, say that he does not want to be involved in any way with equipping, arming or training the Bosnian Moslems. And he also said we're not neutral because the Serbs don't think we're neutral. After all, Mr. Speaker, we just bombed them into submission.

My overriding concern is that we are placing our troops in an untenable position and committing them to "mission impossible."

As Serbian President Milosevic told our delegation, "If the Bosnians are armed, peace will be endangered and the treaty will fail."

Mr. Speaker, the Dayton peace accord has a rigid formula on weaponry that, relatively speaking, ensures the Bosnian Moslems remain weak.

Therein lies the basic problem with the President's Bosnia policy. If a balance of power in the Balkans is not established, how in the world can we ever expect long-term peace and stability in the region?

Yes, we should lift the arms embargo. Yes, we should train and equip the Bosnian Moslems to defend themselves.

But, no, Mr. Speaker, not with 20,000 U.S. troops on Bosnia soil at the same time.

Let us establish the equilibrium of power in the Balkans by creating a stable military balance. But let us arm, equip and train the Bosnian Moslems in a neutral country and out of harm's way for 20,000 American troops.

Mr. Speaker, as we heard from every military officer on our recent trip to the Balkans, this is a very dangerous mission.

There are as many as 6 million land mines awaiting our troops in the snow where they are almost impossible to find.

Also, Bosnian Serb mortar and sniper positions are well-established. Our troops are being deployed primarily to Tuzla where 71 civilians were killed in a single mortar attack in May.

The mujahadeen—some 4,000 Islamic extremists—represent a real threat to our troops as well.

And as one commander put it, "The threat of guerrilla warfare with grenades is very real."

Mr. Speaker, our ambassador to Croatia told us that the biggest problem is Serb Sarajevo. He said, "We can expect big trouble if the Serbs there don't accept the peace agreement."

Yesterday, the Serbs in Sarajevo overwhelmingly rejected the agreement in a referendum.

As one Serb woman in Sarajevo told me, "I would rather kill myself than accept the new boundaries."

Mr. Speaker, I stand here with a heavy heart because I want to support our Commander in Chief on foreign policy matters, especially those involving U.S. troops.

However, Mr. Speaker, my first obligation is to our troops and their safety. I cannot and will not support a policy that is fundamentally flawed and inherently inconsistent.

But if our troops are deployed, as it now appears they will be, I will support them 100 percent and do everything I can to see than they return home safely and as soon as possible.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Youngstown, OH [Mr. TRAFICANT].

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio is recognized for 2½ minutes.

Mr. TRAFICANT. Mr. Speaker, we forgot about some of these cities. Maybe that is the way to start this debate. There are great problems in Bosnia. There are great problems in America.

I support the rule. I commend the chairman for bringing the rule forward. He is trying to help the President. The President asked for this vote. This is a nonbinding, after-the-fact vote. The President has already decided to send troops into Bosnia.

I oppose sending troops into Bosnia for the following reasons: First, our generals have told us that Bosnia does not pose a security threat to the United States of America. Second, Europe has adequate manpower and money to handle this problem.

And, ladies and gentleman, we have been subsidizing Europe for too long as it is. These countries just dial 911 and we send over our troops to fight their problems, whether or not they have the money and the personnel or not. Then we send a credit card with them, an American Express card.

☐ 1700

I am opposed to sending our troops. If, in fact, Europe cannot contain this civil war and it would spread. I would then support ground troops. But I cannot at this point.

Let me also say this: The Constitution speaks to these issues. Everybody who continues to talk about the history of Vietnam should take a look at the debate that is occurring in the House here tonight. Vietnam started with some trainers, some consultants, some technicians. That is about what we have.

But I think it is time to look at the Constitution. The Constitution is explicit. The founders took great pains to debate one issue: No one person could ever place America and our troops at war. And the potential for hostilities here is very great, folks.

So I do not think we are sending peacekeepers over to Bosnia. I think we are sending over targets, with bull's-eyes on their backs, and I believe this is a flawed policy.

But what bothers me in America anymore, the people do not govern. If the people govern, the House of Representatives and the other body would not allow for a nonbinding, after-the-fact vote on placing troops in harm's way. I think this is a very bad move for us to make.

I am going to support the Dornan amendment, folks. I do not believe it will pass, and I will probably vote for every one of these nonbinding, after-the-fact, feel-good, kiss-your-sister types of votes here tonight. But it is not good policy, and the Congress of the United States should govern and the American people should govern, and right now, ladies and gentlemen, the American people do not govern anymore; governance comes from the White house.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska [Mr. BEREUTER], one of the very most distinguished members of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, a few minutes ago one of our Members stood up and said that he was opposed to sending ground troops to Bosnia, but once and for all the President has made the decision, so he is not going to be involved in abandoning our troops. That is pure nonsense, and I am sorry to say it came from this side of the aisle. I am appalled to hear something like that.

It can be stipulated that everyone in this body supports our troops, but we have a constitutional responsibility. It is to serve as a check on this President or any other President from the inappropriate deployment of American troops abroad. That is what we are here discussing in the Bosnia resolution that follows.

We will support our troops. That is clear.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, President Kennedy said in 1961 we must face the fact that the United States is neither omnipotent nor omniscient, that we are only 6 percent of the world's population, that we cannot impose our will upon the other 94 percent, that we cannot right every wrong or reverse each adversity, and that there cannot be an American solution to every world problem. Mr. Speaker, President Kennedy was right.

Twice in the last few days I have spoken on this floor to say something that I want to emphasize once again: There is absolutely no threat whatsoever to our national security because of what is going on in Bosnia.

Second, there is no vital United States interest in Bosnia, and we should never send young American soldiers to foreign battlefields or participate in any military adventure unless one of these conditions is unquestionably, unequivocally clear and certain. And there are many questions about, and much opposition to, our involvement in Bosnia.

I know that the pack mentality of those in our very liberal national news media has produced a drumbeat to try to gain support for this very ill-advised operation, but I really believe that this has much more to do with political correctness than it does with anything else. It is simply not politically fashionable today to be labeled as an isolationist. Yet someone who is not an isolationist and who wants good relations with and close ties to other nations still should be strongly against sending transportation to Bosnia.

First, Time magazine asked a few days ago on its cover the question: "Is Bosnia worth dying for?" It may be for Bosnians, but they should solve their own problems. It is not worth even one American life to temporarily stop this age-old conflict.

Second, even if by some miracle, for which I hope, we have no casualties, we still should oppose this mission.

We are $5 trillion in debt, Mr. Speaker, and almost everyone believes we will crash in a few years if we do not turn this around. Yet now we are going to spend billions we do not have in Bosnia, and we are going to, further, very seriously jeopardize the futures of our own children and grandchildren.

I feel sorry for the people in Bosnia. Humanitarian aid, yes; military aid, no. We can prove world leadership in many other ways.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, President Clinton ought to know that the American foreign policy has been to defend our democratic allies against external military attack that threatens the sovereignty of those nations that we are treaty-allied with or where America has a strong national interest that is threatened.

Mr. Speaker, there is no vital American national interest that would justify the taking of even one American life. President Clinton says we will hurt our standing with our NATO allies.

Well, if that were true, I would say, "So what?" It is still not worth one American life.

But even that is not true, Mr. Speaker. I have worked with our NATO allies as a member of the North Atlantic Assembly, the political arm of NATO, for the last 17 years. I am the chairman of the political foreign affairs committee of that body, and I can tell you that they are shocked that we would even consider putting American troops in harm's way when there is only a European interest and no American interest there. That is why we should do everything in our power to stop President Clinton from putting those troops there.

Because he has made the decision, I do believe that we are going to have to support the Buyer amendment, the Buyer resolution, because it does say that we oppose the policy but we support our troops, and that is something that we absolutely must do.

So let us get on with it. Let us pass this rule and then take up the general debate on the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 70, not voting 5, as follows:

[Roll No. 855]

YEAS—357

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—70

Andrews
Baldacci
Becerra
Brown (OH)
Bryant (TX)
Cardin
Clay
Collins (IL)
Collins (MI)
Costello
Coyne
DeFazio
Dellums
Deutsch
Durbin
Edwards
Engel
Fattah
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gonzalez
Hall (OH)
Harman
Hefner
Jefferson
Johnson (SD)
Kennedy (MA)
Kennedy (RI)
Lantos
Livingston
Lofgren
Lowey
McHale
Meehan
Miller (CA)
Moran
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Rangel
Richardson
Sanders
Sawyer
Schroeder
Schumer
Skaggs
Slaughter
Stark
Stokes
Stupak
Torres
Towns
Vento
Visclosky
Waters
Waxman
Weldon (PA)
Wyden
Zimmer

NOT VOTING—5

McInnis
Tucker
Velazquez
Waldholtz
Wilson

□ 1728

Messrs. NEAL of Massachusetts, JEFFERSON, and TOWNS changed their vote from "yea" to "nay."

Ms. ESHOO, Mr. QUILLEN, Mr. WATT of North Carolina, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STUDDS, Mr. RUSH, and Mr. YATES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES TROOP DEPLOYMENTS IN BOSNIA

The SPEAKER pro tempore. Pursuant to the first section of House Resolution 304, it is now in order to debate the subject of the deployment of Armed Forces in Bosnia.

The gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

□ 1730

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have come to this point in our debate over United States policy on Bosnia because the Clinton administration has resolutely declined to provide the necessary leadership.

In this campaign for President, Mr. Clinton stated that he favored using military force, if necessary, to ensure that food and other relief supplies could reach the desperate people of Bosnia. After his election in November 1992, President Clinton followed the lead of the United Nations and our European allies.

During that period, a number of us in the Congress sought to ease the suffering of the Bosnian Moslems by repealing the arms embargo that put them at such a terrible disadvantage.

Our legislation would have permitted the equipping and training of the Bosnians so that they could defend themselves.

The Government of Bosnia pleaded with our Government to do just that, to lift the immoral arms embargo the United Nations imposed with our Government's support.

In meetings with the President, again and again we strongly urged lifting the arms embargo, but the President did not act because our NATO allies opposed it.

The best we could obtain was enactment of legislation late last year that required our Nation to stop enforcing the embargo against other countries.

Had the arms embargo been lifted, we would not now be confronted with sending our troops to enforce a peace plan that raises more questions than it has answered.

Hundreds of our troops are now in Bosnia even as we speak. Thousands more will soon follow. Short of passing a law to cut off funds—which the Senate has declined to do—and which the President would veto anyway—we cannot prevent this deployment.

The administration has yet to convince the American people that we have a vital national interest in Bosnia that warrants the possible sacrifice of American lives there.

The American people have registered their overwhelming opposition to sending our forces on a mission whose purposes remain murky, and whose outcome is uncertain.

As the House debates the measures before it today, we must consider how to balance our opposition to the policy of deploying our forces to Bosnia with our support for the men and women who are being ordered into a real-life Mission Impossible.

In his speech to the Nation, the President stated that providing more than 20,000 American ground troops for the NATO implementation force is vital for the Bosnian peace plan to succeed.

The President stated that our mission would have realistic goals achievable in a definite period of time—1 year.

While the President has specified a time frame, he has not spelled out the criteria for success, or our options if those criteria are not met. There is an exit date, but no exit strategy.

The peace plan is complex and complicated. It states that our main military task will be to separate the warring factions from the lines of confrontation, and keep them behind boundaries that will partition Bosnia into two entities. If the factions do not comply, our troops are authorized to forcibly remove them. How does this differ from fighting a war, which the President has assured us is not our objective?

Justice Richard Goldstone, the Chief Prosecutor of the War Crimes Tribunal, has told us that there can be no peace in Bosnia without justice for the victims of war crimes.

The peace plan describes an elaborate framework for investigating and assigning responsibility for human rights abuses, but is silent on how its findings will be enforced. Will our troops be called upon to bring the guilty to justice? If not, who will?

The President has argued that failure to keep his commitment to send troops to Bosnia will undermine future United States leadership and NATO's credibility.

But what will happen if, when the year is up and the President prepares to withdraw our troops, our NATO allies object, saying that the mission is incomplete? Do we stay, or go anyway?

Mr. Speaker, the votes we cast today will long be remembered in the history books of our Nation. Our votes must reflect our best judgments of the risks that this mission entails, of the soundness of the policy behind it, the potential for success and the price of failure.

How many Members of Congress who voted for the Tonkin Gulf resolution in 1964 have since said that was the one vote they wished they could take back?

Mr. Speaker, let us hope that, in the months ahead, our colleagues do not say that they wish they could have back any of the votes they cast on this issue today.

Mr. HAMILTON. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, this is an important debate for the House today. Putting American troops in harm's way is as serious a decision as government makes. It is a decision that should be made not only by the President, but also by the Congress, so it is good that we are having the debate.

I should say at the outset that my preference is that the House vote today to support the U.S. troops and the mission in Bosnia. I think that kind of a decision should be a collective judgment of the Congress and the President; and when the Congress shares responsibility, the decision is stronger, sounder, and better able to withstand the shifting political winds and circumstance.

Let me state, as briefly as I can, why I think the deployment of troops to Bosnia is worthwhile. First, I think it is quite clear that the United States participation is essential to peace. All of the parties here, the Muslims, the Croats, the Serbs, and so far as I know all the countries in the world, none in opposition, agree that without American leadership, there would be no peace agreement; that without American troop participation, the peace agreement would simply fall apart; and that without U.S. involvement, the killing would resume and the war risks spread.

I also think that U.S. interests are very much at stake here. The question of Bosnia is now bigger than Bosnia. It has become a key test of American leadership, and having brokered the peace agreement, we cannot walk away. Bosnia is a test of U.S. leadership in the world. If we do not go in, our credibility sinks and our reliability collapses.

This Dayton agreement is not perfect. Some say it is not just. But the president of Bosnia has it right: This peace agreement is more just than a continuation of the war, peace is better than more war.

Mr. Speaker, this agreement supports U.S. interests in many ways. it stops the killing, it maintains a single unitary Bosnia state, it protects human rights, it reunifies Sarajevo, it allows refugees to return, it obligates the parties to participate and cooperate fully with the War Crimes Tribunal, it certainly avoids more war, it strengthens and preserves NATO and maintains U.S. leadership in NATO.

I believe the mission is doable. The mission for IFOR will be limited with a clearly states military task. The mission will be NATO-led, operating under clear, unified command and control with robust rules of engagement. heavily armed, well-trained U.S. troops will take their orders from an American general who commands NATO. Its mission is limited and targeted.

The purpose of this limited military mission is to establish a stable and secure environment so that others, not IFOR, can do the important tasks of reconstruction and reconciliation.

It is important to recognize what the mission is not, and there must be no mission creep. Our troops must not deliver humanitarian assistance, they must not serve as a nation-building force, they must not be a police force, they must not be responsible for election security. Those are all important and even critical tasks, but they will be performed by the civilian component of the peace process, and the Europeans will play the leading role there and pick up most of the costs.

I believe, Mr. Speaker, that the risks here are shared and acceptable. There is not any doubt that the U.S. troops will face risks, but those risks are acceptable and the mission can be achieved.

The costs and risks of failing to act are far greater: war instead of peace, not only in Bosnia but possibly in Europe, a crippled NATO alliance, and the United States not leading but staying on the sidelines.

We do not bear these risks alone. We share these risks with our closest NATO allies. We supply one-third of the troops. NATO and other countries provide the other two-thirds. I believe that there is no real alternative that has been enunciated by the opponents of the President's policy.

□ 1745

Mr. HAMILTON. So far as I can determine, those who oppose the present policy simply do not have an alternative. What would they have us do? how would they maintain U.S. leadership, U.S. credibility, and U.S. reliability? How would they stop the fighting? How would they aid the injured? How would they create stability? How old they provide hope?

I believe, in this situation, that the United States can make a difference. Americans are understandably conflicted about this mission, and they have every right to be skeptical and to demand answers to their concerns. They do not want the United States to become the world's policeman, and there are many conflict in the world where we are not involved. But where we can make a difference for peace, where our action can stop a war, where our action can stop the killing, where the costs and the risks are manageable, we should act.

Finally, the United States, and this may be the most important point of all, must remain, in the conduct of its American foreign policy, reliable and credible. When we come right down to it, foreign policy is all about reliability. The United States will only be taken seriously in the world if we are seen as reliable; if we are viewed as standing up to our commitments in Bosnia or elsewhere. If the United States does not participate in IFOR, the United States will not taken seriously, its standing in the world is weakened. The consequence then of not voting to support the policy in Bosnia is, in my view, to undermine U.S. security because we undermine the reliability and the credibility of U.S. foreign policy.

No one knows whether this effort will succeed. no one is satisfied with all aspects of the Dayton agreement. There are no guarantees. But I urge the Members to support the policy and, of course, to support the troops.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABCHER] a member of the Committee on International Relations.

Mr. ROHRABACHER. I respectfully disagree with the gentleman from Indiana [Mr. HAMILTON]. We have advocated an alternative to this policy for years. We have had a policy in the United States of an arms embargo against the victims of aggression for all of these years. The years go on and on, and yet the architects of that failed policy, which brought genocide, which brought mass killings, which brought aggression, now those architects of that failed policy tell us we have to send our young people into the Balkans, and we have not had an alternative.

We have been advocating an alternative all along. The fact is the architects of that failed policy now want to deploy tens of thousands of young Americans into the bloody Balkans when they helped make the bloody Balkans, and they want to put then right in the heart of the conflict.

I will be supporting the Dornan bill, which is the only binding legislation that we have to choose from of the three bills that we will choose from today. The other bills, just for the public knowledge, are show bills. They will give Members a chance for cover. The bill offered by the gentleman from California [Mr. DORNAN] is the only one that will stop a deployment, if indeed, it was enacted into law.

I will have to let my fellow Members know what that means. The House of Representatives should understand that the vote that we will take that is going to take place will be characterized by the President, if the Dornan bill goes down, as support of his deployment of Americans into the Balkans. That is what he has done with the vote in the Senate.

When the Senate voted down the Hefley bill today, the White House said, "That was probably the strongest statement of support they could possibly make. Having voted overwhelmingly not to shut off funding, is in a sense supporting the President's judgement."

If my colleagues want it on their record that they voted for the Gulf of Tonkin resolution of the Balkans, go right ahead and vote against the bill offered by the gentleman from California. We do not want to send our young people into that meat grinder that has absolutely no goals in mind, just to have an American presence. That is insane.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, yesterday, in a very uplifting and inspiring address, Prime Minister Peres of Israel characterized the 20th century as the American Century. As the end of the 20th century approaches, Americans can look back and feel proud of what we have accomplished in the past 96 years. The United States has compiled a list of foreign policy successes which is unrivaled in the modern world, including squelching the threats of nazism and communism, and the recent strides made toward lasting peace in the Middle East, South Africa, and Northern Ireland. All of these successes share the same values—American values—on which this great country was built: freedom and democracy. Yes, this truly is the American Century.

Now, the United States has been called on again, not to make war, but to make peace. Peace in a place where many felt it would never be achieved. We have all seen the atrocities on television, the rapes and murders of innocent civilians. After 3½ years, the fighting in Bosnia has left 250,000 people dead and 2 million more homeless. Yet here we are, on the verge of a unilateral peace agreement in war-torn Bosnia which will be formally signed tomorrow in Paris. We should be proud as Americans that our country's leadership has made this settlement possible. Now that the leaders of Bosnia, Croatia, and Serbia have reached agreement on the principles of freedom and democracy, it is up to the United States to take the next step, and following through with our commitment to help enforce these peace provisions. Let us all pray that this peace agreement will be kept by all parties.

The political upheaval of the former Soviet Union has left the United States, and its democratic foundation, in a position of world leadership. We are the last superpower. With this leadership comes responsibilities, and helping to ensure the stability of Europe.

I find it reprehensible that when the dawn of peace in Central Europe is upon us and our troops are already risking their lives to forge out this peace in Bosnia's hilly and dangerous terrain, some of my colleagues wish to cut off funding to the American troops.

Congress has the opportunity to do the right thing. Support the President, support the troops, support American values, and support peace in Bosnia. My colleagues, it is time to give peace a chance. The American Century is far from over.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise to express strong concern about sending U.S. troops to Bosnia and in support of the Dornan amendment.

Mr. Speaker, I have said that I would not object to sending troops to Bosnia if we had a really rock-solid peace agreement, but we do not have a rock-solid peace agreement.

President Tudjman has signed for Croatia, but he had an agenda. They got Slavonia back. President Milosevic has signed for Serbia, but he also had an agenda. He wanted to end the embargo. The only one who has signed for Bosnia is President Izetbegovic. No one has spoken for the Bosnian Serbs; no one for the Bosnian Croats. I think that, in fact, Mladic has spoken against this agreement on behalf of the Bosnian Serbs.

The argument about not abandoning the troops in the field I think is just not valid. The troops are not there yet. We have maybe 100 troops in Tuzla. By this time 6 months from now, we will have thousands there. Now is the time to speak.

Mr. Speaker, this war and the Vietnam war were very different, but in some ways, in one way at least, they are very similar. Do we never learn anything? We found out in Vietnam that we cannot and we should not fight a war that the American people do not support. I do not think that that support is here.

Finally, Mr. Speaker, I think we should look at what will we accomplish? I firmly believe that if we leave in a year, and I say if we leave in a year, the fighting will not only resume, but will be much more violent, because all the parties will have had a year to rearm and to develop supplies.

Mr. Speaker, I support the Dornan amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Speaker, the debate here today is not about sending troops to Bosnia. Our troops are in Bosnia, and tomorrow more will go, and Friday even more will go. In fact, yesterday afternoon I was with many of my colleagues having lunch with those troops in Frankfurt, Germany, and what they asked is for us to support what they are doing.

Mr. Speaker, those troops are trained. They are prepared to go. They are eager to go. In fact, the ones I had lunch with said, "I want to do the job that I am trained for."

This debate here tonight is not about war in Bosnia. It is a debate about whether Americans will stand up to implement a peace plan—a peace plan that we led. The agreement was written in Dayton. This agreement is one of the most interesting contracts ever done in the modern world. It sets out a whole process for how the military aspects will be involved in the peace settlement; how to stabilize the region; how to enter into boundary disputes; how to prepare for elections; a new constitution is written.

It sets up a system of arbitration of differences and sets up a commission for human rights and petitioning that commission. It is how to deal with refugees and displaced persons, including just compensation for taken property. It sets up a commission to preserve the national monuments and sets up public corporations for Bosnia and Herzegovina.

It sets up a civilian implementation plan to transfer from war to civil governments; it sets up an international policy for police task forces.

Mr. Speaker, this is an agreement that is signed by all the leaders. This is a contract on how we get from here to there. And when it is over, we stabilize the Balkans. Sure, there is some risk. But we are in a world where leadership is about getting something done, and the United States has gotten something done. We have ended the war; peace has broken out.

Mr. Speaker, to walk away from this would be a travesty. All the generals that we talked to, and the admirals that are going to be involved in this, urged our delegation to support the troops. As Admiral Snuffy Smith, who is going to be in command, told us, "I'll tell you why I want you to support us. Because we're big, we're good, and we deliver. We'll get in, we'll get the job done, and we'll get out."

Twenty-eight nations are already involved in the IFOR process. It would be a travesty for our military to walk away from all of those other troops whose mothers and fathers are just as concerned as our mothers and fathers about their sons and daughters serving there.

Mr. Speaker, it would be a travesty for diplomacy. Every ambassador that we talked to said this is the right thing. This peace accord is amazing. It is a great document. We ought to be supporting.

Last, the Presidents whose countries are involved, whose citizens suffered the war, all stated, "We signed this document. We are going to implement it. We want it to work. We are sick and tired of war. We do not want it to continue. We want to be back in the nation of economic prosperity. We have the talent to do that. Give us the chance."

Let peace prevail. Support our troops. Reject the Dornan amendment.

Mr. GILMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I have one North Star that my eyes are going to be fixed on during the next 3 hours, and that is what I will say to a young widow or Gold Star Mother or some young child who has lost their dad or their mom for the rest of their life.

There has been a lot of confusion around here in the last couple of hours. It appears that Clinton is on his way to Europe again. The plane takes off in about a minute from Andrews. He is going to be calling the Democratic cloakroom, or somewhere, regularly to see if this House is going to give him the power that he took unconstitutionally, without coming to the Senate or the U.S. House of Representatives for permission to do this.

I remember when the Vietnam war went down the tubes and the fight transferred from the jungles and the fields and the central highlands of Vietnam to the Halls of this Congress. I remember when liberal Democrats were on this floor saying that Johnson, and then Nixon, did not have the constitutional power to absorb 300 and 400 killed in action every week.

□ 1800

Every time I thought they are half right, I was suppressed by loyal Americans saying you must support the men in the field. The last speaker talked about the enthusiasm of our young men and now women who want to do the job they were trained to do.

How many people are left in this House who talked to the 18,000 Vietnamese-speaking Green Berets who John F. Kennedy sent to Vietnam in 1963, 1964 and 1965? They were over there because of his orders in 1961 and 1962. How many thought that they should be allowed to do the job then? Talk to some of the fighter pilots here like the gentleman from California, DUKE CUNNINGHAM, the gentleman from Texas SAM JOHNSON, and the gentleman from Florida, PETE PETERSON, on this side. Ask how they were not allowed to hit serious targets in Vietnam and paid for it with years out of their life and their friends dead.

This is going to be, as the man in the Speaker's chair said today, at the Republican conference the most important vote of 1995, maybe 1995–1996. Clinton does not have the constitutional authority to do this. We have not even properly debated the constitutionality of it, let alone the weather report that I am looking at at Tuzla, which is sickening to put our men in there. Ninety-seven people are on the ground only right now.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], distinguished dean of the Florida delegation.

Mr. GIBBONS. Mr. Speaker, I have learned a few things in life. One of the things that sticks out I guess in all of our minds is that anything that is worth doing is not without risk, and certainly this mission is not without risk. But after long consideration, I rise to support the Hamilton resolution, support the mission and support the troops that are involved.

I was here on the House floor and voted for the Gulf of Tonkin resolution. This is not a Gulf of Tonkin resolution. The Gulf of Tonkin resolution was a thinly disguised declaration of war against the Vietnamese forces. We go this time to keep peace, not to make war. There is a plan. There is a large support from the nations of the world to support this plan. There is acquiescence by the leaders of the combatants involved. Nothing that we do is without risk. We are going to have some casualties, for which we will all feel very sorry. But we cannot sit here or stand here idly and not do anything. Too much is at stake.

I often think that World War II could have been avoided had there just been any resolve on the organized world community to resist the aggression that took place in the guise of Hitler and Mussolini and Tojo. In the beginning, we could have said no, if we had had the physical ability or the will to do it, but we did not and the world did not. That conflagration, that combat grew and grew and grew.

I do not know that what we are doing here today is similar, but if we fail to act, the fault will be on our part. There is a time in which civilized people must act and must act together and must act in accordance with a plan. This is the best plan that we have come up with. I think it is time that we go ahead with it, facing the risk of facing the challenges that are there and be resolved to support our troops and to take whatever action is necessary in bringing about peace in that area of the world. If we do not, the fault will be on us. If we do, there will be plenty of other people to help claim whatever victory there is in all of this. But we must move. We must move together and we must move resolutely. Let us support our armed forces.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, like the gentleman from Tennessee, I was terribly moved yesterday as Prime Minister Peres extolled the United States of America for what it means to the entire world community. We all stood and applauded the eloquence, even though maybe that was self-serving, because he was talking about us.

This country, after having deferred to our European allies for 1991 until into this year, finally became fully engaged. Because it became engaged, our NATO Forces commenced their strikes against the Bosnian Serbs.

Following that, there was a cease-fire and, following that, an agreement that the leaders of the warring factions would come to this country to try and work out a negotiated peace. None of that would have happened but for American leadership. There is no substitute for American leadership.

Having brought about a cease-fire, now having brought about an agreement under our sponsorship, based upon a commitment that our forces would be committed, we make a terrible error if we now renege on that commitment. There are things about the commitment, the degree of the commitment and blemishes in the commitment that I think are unfortunate. But the bedrock of the matter is that we stand committed. If we renege upon it, our vital national security interests will be very materially and significantly adversely affected.

We are the sole remaining world power, and we cannot be engaged militarily certainly anywhere and everywhere where there is strife in this world. But certainly if, having given this commitment, we renege upon it, say goodbye to the NATO alliance. Others may tell you otherwise, but I have no doubt that what it will, cripple it. Say goodbye to America playing a role and being credible in all of the far-flung corners of the globe, where the United States can make a difference in terms of promoting stability and peace, which are in our national security interests.

I must oppose the Dornan resolution.

There is not and has not been a substantial question as to whether America has a role to play in seeking a peaceful conclusion to the war in Bosnia. It is an immutable fact of history that our country is the world's premier superpower. We did not seek that role; it has devolved upon us as a by-product of history in this century.

The international activism of President Theodore Roosevelt, followed by our being compelled to enter World War I to facilitate the triumph over the forces of aggression and totalitarianism, had consequences. We were right recognized as a major would power.

Unfortunately, after World War I, we withdrew from the world stage. We refused to participate in the League of Nations despite the fact that it was our creation. We stood by and watched Fascism come to power in Italy and Germany. We offered no meaningful opposition to Hitler as he marched into the Rhineland or to Mussolini as he attacked Ethiopia and marched into Croatia. We offered no resistance to Hitler's dismemberment of Czechoslovakia or to the invasion of Poland, which ultimately lead England and France to belatedly challenge Nazi Germany after it had rearmed.

Only after the treacherous attack on Pearl Harbor did we enter World War II and again make possible the defeat of aggressive and repressive totalitarianism. Based on the disastrous agreement struck with Stalin at Yalta, we saw all the Balkan, Eastern Europe and Baltic states come under the yoke of communism and an iron curtain descend across Europe. We committed ourselves to helping Greece and Turkey from falling prey to communism. We initiated the Marshall Plan to save Western Europe from sinking into economic collapse and communist influence. We negotiated the North Atlantic Treaty Organization [NATO] as a bulwark against the expansion of the Soviet Union. In 1950, we led a United Nations' effort to defeat the conquest of South Korea by the North Korean communists.

It could be argued that we could—or should—have remained disengaged from these situations because they were not our problems. Fortunately, we did not. Soviet influence was contained after a struggle of more than 40 years. We led the free world in defeating Soviet imperial designs and the nations of Eastern Europe were freed of Communist regimes accountable to Moscow. This is an incredible record; one every American should reflect on with pride.

There is no disputing that the historic events of this century have conferred upon the United States a status that is significant and unavoidable. We are the superpower. what our country thinks, the position it takes, and how it acts are vitally important factors in every area of the globe. Only a fully engaged United States could have put together the grand coalition that defeated Iraq in the Gulf war, when Sadaam Hussein's aggression threatened our security interests. No one can conclude that this aggression would have been resolved without American leadership.

The break up of powerful empires has throughout history been attended by political and economic instability, which is anathema to democratic governments and inimical to the maintenance of peace. Surely, few would argue that we have no interest in encouraging democracy and peace. The absence of either runs counter to our moral view and, as history has shown in certain areas—as in Europe—contrary to our national security interest.

None of this argues that we are the world's policeman, or should conduct ourself as an international busybody. We should, however, be engaged where our influence serves a constructive purpose in spreading or supporting democracy, even if no American military or economic commitment is contemplated or appropriate. Against this background, I approach the question of what is the role of this country in the Balkans and in seeking to end the war in Bosnia and Herzegovenia. Due to the troubled history of this region through the centuries, and the nature of the ethnic, religious, and nationalistic forces at play there, the peace of Europe has not only been threatened but conflict has occurred.

When the former Yugoslavia broke up in 1991, the United States remained largely detached and chose to defer to its European allies to deal with the problem. This was an understandable view, but events have proven it unrealistic. Without the United States taking an active part, there exists a deficiency in leadership adequate to bring about an end to the war in Bosnia and to discourage its spread. NATO allies deployed thousands of troops on the ground and sustained a number of casualties, but the troops and their diplomacy failed to produce a comprehensive peace agreement.

With Americans successfully insisting upon NATO air strikes against the Bosnia Serbs, and Croatian-Bosnian Moslem successes, the warring parties were induced by U.S. diplomacy to come to the bargaining table. But for the stature of the United States, this would not have happened, and vital to it happening was a commitment that the United States would play a part in the peacekeeping forces that would be put in place following the signing of a peace agreement. That such an agreement has been concluded is a triumph of American diplomacy and a tribute to this country's standing as a force for good, for peace, and for democracy. How can we bring the parties to the bargaining table based on a commitment of our involvement, induce them to agree to peace, and then walk away from that commitment?

If we refuse to honor the commitment, it will have consequences. These consequences would be significant and would affect our vital national security interest. If we falter, it would have deleterious implications for our most important national security relationship: the NATO alliance. It would be a low blow from which the alliance could likely never recover. That presents a clear and vital national security concern for this country.

Should we shrink from our proper role in implementing the peace agreement negotiated under and as a result of our sponsorship, this country will have lost not face, but credibility throughout the world. It would have an impact in this hemisphere, throughout Europe, Asia, and the Middle East—in short, everywhere. A superpower sought as a force for stability and peace that chooses to disengage, especially when it made a commitment to be involved, defaults as a leader. Such a default creates a vacuum of power no other nation is capable of filling. Such a circumstance is the basis from which instability and conflict are born and this defeats our vital national interests.

We have supported expansion of NATO over the reluctance of some of our NATO allies. If we refuse to lead in implementing the peace agreement we procured our policy of expanding NATO will be nullified. NATO could well contract, not expand. Resumption of the conflict between Bosnian Serbs, Bosnian Muslims, and Croats will not necessarily lead to expansion of conflicts throughout the Balkans, but if it resumes because the United States refuses to play it proper role, the risk of new and wider conflict in the Balkans increases. A signal that we are not concerned and are unwilling to take some risk for peace is a signal that we would not regard conflict between Albanian, Macedonian, Bulgarian, Greek, or Turkish ethnic, religious, or nationalistic elements as adversely affecting our national interest. To send such a signal would be a tragic mistake, for there are those who would certainly receive that signal and become more inclined to act upon it.

I repeat, the issue should not be whether there is an important role we need and should play in bringing peace to Bosnia and Herzegovena. We do, we should, we must play our proper role. President Clinton deserves recognition for ultimately becoming engaged and for using our unique standing to bring the warring parties to the negotiating table. He was right to do so. In fact, it should have been done earlier. President Clinton was correct to signal that, if a peace agreement was reached, we would play a role in seeing it implemented.

To have specified a commitment of 20,000 to 25,000 American ground forces, even before the military mission and the size of the total force could be determined, however, was a ridiculous mistake. We will undoubtedly have a very heavy responsibility for the air- and sealift for the peace implementation force. We will provide the medical care, command and control, most of the intelligence function and the combat air support. This being the case, there should have been no need for us to comprise a third or more of the ground forces. This is a disproportionate burden for us, measured by what our NATO and other allies can and should be expected to do. The President should be seeking to reduce the burden we accepted to a more equitable level.

American and the other forces deployed to implement the peace agreement must be perceived and in fact be neutral, not protagonists of one or the other of the warring parties. To be viewed as favoring one side risks the permanence of the peace and enhances the risk of casualties for the American forces.

There are provisions of the Dayton peace agreement that wisely impose a moratorium for a period of months on the acquisition of arms by the formerly warring parties. It properly calls for negotiation of a disarmament regime to bring the conflicting parties to a state of parity in aggregate military capability, which should serve to deter renewal of the conflict. This is eminently sound, and we must exert intense diplomatic influences to promote military parity through disarmament. If the effort succeeds, there would be no need for us to arm and train the Muslims unless it was done within the framework of such an agreement. If the disarmament effort does not succeed, the Dayton agreement, by its items, provides that after 180 days there should be an agreed self-executing military parity between the parties using as a baseline the military resources of the Federal Republic of Yugoslavia. Based on the terms of the agreement, the Federal Republic of Yugoslavia would be permitted 75 percent of the baseline, with the Republic of Croatia and the Republic of Bosnia and Herzegovenia each allocated 30 percent of the baseline.

If we make it clear that we will not provide arms to any faction except under the specific condition that it is done to provide and protect the military parity to which the parties have agreed, we can preserve the mutual, even-handed posture our role as a peacekeeper requires. The earlier the President spells it out, the less likely any role we ultimately undertake to arm and train Muslim forces will be perceived as constituting a hostile presence by the other parties.

Our NATO allies have opposed arming the Bosnian Muslims. Should the United States proceed to do so while there is an ongoing NATO deployment, and without the concurrence of the North Atlantic Council, it would threaten alliance solidarity. This would place us on a slippery slope we would do well to avoid. If we do as I suggest it should be acceptable to our NATO allies because our actions would be consistent with the Dayton agreement that they have endorsed.

I oppose any American forces being deployed to implement the peace agreement negotiated in Dayton until or unless it has been formally accepted by all the parties. Our role is not to make peace when the parties wish to continue the conflict. Our mission is to implement and help build mutual confidence among former warring factions who purport to want and have agreed to peace. If those parties by their conduct cast doubt upon whether they indeed desire the peace they ask us to implement, we should not put our forces in harm's way.

The agreement initialed in Dayton spells out a number of specific measures the warring parties pledged to implement within a specified period of time. Those measures include the departure of foreign forces such as the Islamic fundamentalists, whose presence is a threat to NATO troops. The warring parties also agreed to comply with the October 5, 1995, ceasefire and to refrain from all offensive operations of any kind, to disarm and disband all armed civilian groups and to avoid committing reprisals or counterattacks in response to violations of the agreement. The parties committed to begin promptly and proceed steadily to withdraw all forces behind a zone of separation. The parties are to account for all prisoners and to release them no later than 30 days after the date of the "transfer of authority," which is the date on which the U.N. commander transfers authority to the Implementation Force [I–FOR] commander.

The I–FOR implementation of the military aspects of the agreement should be delayed until the warring parties have demonstrated their willingness to discharge the obligations spelled out in Dayton by their leaders. If this is not done it will signify that they do not accept and will not comply with the reasonable measures required of them. In that event there will be no peace to implement and I–FOR, from the outset, would be injected into a combat mission.

The Clinton administration is insisting that our deployment of forces in Bosnia will last approximately 1 year. That is not an exit strategy, only a more or less arbitrary date. I am sympathetic to the declaration of a date for the withdrawal of American military forces from Bosnia, and it should be understood that if the need exists for a continued deployment beyond 1 year that the forces that remain will be comprised from contingents supplied from other nations. While establishment of fixed dates to conclude operations is generally ill-advised, a 1-year deadline for participation of American forces should be sufficient to ensure that the conditions in Bosnia are stabilized to the extent that any continued deployment could be sustained by non-United States forces.

As I have said, we do have a role to play in bringing peace to Bosnia. In 1 year we will have fairly and fully played that role and will have created conditions where non-U.S. forces should be fully adequate. The President should immediately communicate this position to our allies.

Our commitment of ground forces is based upon more than the initialing of words on a piece of paper. It is predicated upon the premise that the warring parties truly desire peace and will comply with the actions they have pledged to take. If they do not, the conditions for our commitment of forces will not have been met and U.S. personnel should not be deployed. In this context, the recent repudiation of the Dayton agreement by Bosnian Serb military leaders and the statements of French Gen. Jean-Rene Bachelet are particularly worrisome. Before we proceed with the deployment of our personnel, we should insist on assurances through confidence-building measures that the Bosnian Serbs want peace and under the terms of the Dayton agreement.

The securing of peace in Bosnia and stability in the Balkans is a noble objective that serves American interests and justifies our accepting some measured risk of casualties. Every drop of blood of American military personnel is precious, yet to shrink from our forces being engaged because there might be some casualties argues for doing away with our military. An American policy that shrinks from honoring commitments because there might be casualties is an invitation to future disaster. Our national interests throughout the globe would be imperiled if we prove unwilling to honor a major commitment.

If we are steadfast, we reenforce freedom, decency and stability throughout the world. To be otherwise would lead to instability and upheaval in many areas that are important to our Nation's peace and security.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut, [Ms. DELAURO] with whom I visited Bosnia this past weekend.

Ms. DELAURO. Mr. Speaker, I stand in support of American troops and in support of the United States mission in Bosnia.

The debate we have here today is as much about America's future as it is about Bosnia. Our vote today will send a message about our country's future role in NATO. If we walk away today, we will have relinquished our leadership role in the international community.

The human tragedy in Bosnia is beyond description. A quarter of a million people have been killed in 3 years of senseless slaughter. If we fail to enforce the Dayton peace agreement, we turn our backs on those who have suffered from mass rape, ethnic cleansing, and other unspeakable horrors.

In the face of this moral crisis, we must be willing to step forward and lead. It is what great nations such as ours have always done. Moral leadership in the world is part of the price of being the world's sole superpower.

Over the weekend, I joined a factfinding trip to Bosnia. I admit that I went with strong reservations about our military mission there, but I have returned with the knowledge that our troops are ready and our mission is clear. I have also returned with a belief that we have a moral obligation to do what only a U.S.-led force can do: keep the peace.

One of the highlights of our trip was a stopover in Germany to visit with American troops who will be deployed in the coming weeks. While there, I had a chance to speak with a young soldier from New London, CT, Private Jarion Clarke. Private Clark told me that he is well-trained, has faith in his leaders, and believes in the United States mission in Bosnia.

I asked Private Clarke what I could do for him: "Tell the American people that we are ready and we need their support," he said. So, that is the message I bring. Our soldiers need our support. They deserve our support.

I urge my colleagues to vote against the Dornan, and Buyer resolution. Vote for the Hamilton resolution. The only measure that clearly says to American men and women in uniform is that we stand behind them.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I too, just returned from Bosnia. Let me summarize what I learned.

First, no one in the Balkans wants to be part of a minority. Minorities get raped and killed. This fact caused the refugee problem. My impression is that there is a difference in commitment by the signers of the treaty on how to handle these refugees. One party wants them to return to their homes and villages. The other argues that this will re-create the conditions that led to the conflict in the first place. They argue for humanitarian aid to resettle these refugees in safer places. This is a crucial difference that bears on the long-term chances for success and peace.

Second, there is clearly unhappiness with the territorial provisions of the accord by both the Bosnians and the Serbs. The Bosnian Serbs feel they were betrayed, and the Bosnian Moslems do not like the territorial provisions either. They only signed on with the condition that the United States arm and train them.

This brings us to the third major area of disagreement, the level of rearming of the Bosnian Serbs. There were reports in the press indicating that the Bosnian Moslems want training for 18 brigades and want to be supplied with 200 tanks and 200 armed vehicles. Mr. Milosevic on the other hand thinks that all parties should proportionally downsize. This difference of interpretation of the treaty does not bode well for long-term peace.

Mr. Speaker, the technical requirements of the plan are contradictory. Will our troops be policemen or not? Nation builders or not? I asked a senior military official what would happen if in his sector the Bosnians or the Serbs started to harass a civilian population, would he respond or not. He said, why yes. Well, if he does, then he has now taken sides. We now have the U.S. military in a civil war.

Mr. Speaker, there is an alternative. Lift the arms embargo, provide relief aid, provide the same air support, the same logistical support. It is not too late. The best answer is Dornan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, this past weekend I was fortunate to lead, with Congressman DENNIS HASTERT of Illinois, a codel which visited Italy, Croatia, Bosnia, Serbia, and Germany. We met with the President of Croatia, the Prime Minister of Bosnia, the President of Serbia, IFOR commanders, and U.S. troops who were preparing for deployment. The codel sought to answer six questions: What is the United States stake in Bosnia? Can the IFOR mission be accomplished? Are there risks to our troops? How do you separate military from civilian responsibilities? How do you measure the success of the missions, and what happens if they are not working? What should be done to maximize IFOR's success?

Adm. Leighton Smith, commander of the American forces south, and the other American generals and officers who briefed the codel were confident that the IFOR mission is achievable because IFOR has a clear mandate, substantial firepower, and the desire of the parties involved to settle this conflict. Each head of government with whom we met also expressed confidence that the Dayton signatories would meet their obligations because, as President Tudjman said, "Without the direct involvement of the United States, peace in Bosnia is not possible.

Implementation of the Dayton agreement is necessary and only the United States and NATO can do it.

There are risks. The roads are poor and the danger of accidents is high. Snipers, car bombs, land mines, and mortar fire are all potential threats. The presence of an unknown number of Mujahedeen fighters may be a problem, especially if they decide they do not want to leave Bosnia.

Clearly, there are many unknowns. Neither the U.S. Congress, our military leaders, our NATO allies, or the signatories to the Dayton agreement can promise that our involvement is without risk. But we do know that the Dayton signatories, both the politicians and the people they represent, said they want peace. And they believe that peace and stability can be reached only with our assistance. As Prime Minister Silajdzic of Bosnia said, "This move by your President is a courageous move, a far-reaching move. It is extremely important to grasp this change for peace. Because if Dayton doesn't work, nothing will work. We cannot have peace without a stable buffer, a bridge. That is why we need NATO troops. No other organization can do it. We need your help to make peace, not war."

Mr. Speaker, this debate is as much about our role in the world as it is about our role in this conflict. Today we are deciding how involved we want to be in shaping the world around us. In the past 72 hours two persons have put our role into perspective for me. The first was Admiral Smith. When asked about the United States national interest in Bosnia, he replied that the wrong question was being posed. He stated: "The question is about U.S. leadership in the world. If we don't go in our credibility goes to rockbottom. The next time when vital U.S. interests are engaged, are our allies and friends going to be with us? Probably not."

The second person was Israeli Prime Minister Shimon Peres, during his address to the joint session of Congress, when he said that the United States has ". . . save[d] the globe from three of its greatest menaces: nazi tyranny, Japanese militarism and the communist challenge." When he spoke of Palestinian democracy and peace with Israel's enemies, he said "three years ago such a prospect would have been a fantasy. All of this would not be attainable were it not for the American involvement and support for our efforts."

Mr. Speaker, every person voting in this Chamber today must decide right now what kind of world he or she wants to live in. We are clearly the most powerful country in the world. We have a strong military, a stable government, robust civil rights, and a reputation for constantly recreating ourselves to make America a better, more equitable country. And it is because of our vibrant, democratic traditions that the rest of the world looks to us for leadership. We talk a good game in this body, passing resolutions to say this and sense of Congress to say that, but if we do not support our good intentions with actions, then our words will lose meaning and our good intentions and strong words will be a joke worldwide.

I, for one, believe in American leadership and I believe, as one of the American generals said to me, that the people of Bosnia, Serbia, and Croatia, need a period of decency. I want to give them that period of decency by helping to secure their peace.

□ 1815

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of our Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I also was in Bosnia last weekend, and I met some of the troops that are going to carry out this plan. I had my picture taken with them, and I got a medal from them, from the First Armored Division. They are good people, and they deserve our support.

They were sent by the President to work with NATO to separate warring parties and hopefully keep those people from killing one another.

Now those parties have gone to Dayton, and they have signed a peace accord, and that accord says that our troops are there to assure the peace, not to make war, not to rebuild Bosnia, not to aid refugees, not to remove mines, not to disarm the parties, not to arm or train the Muslims. They are there to keep the peace, and they are well-trained, and well-equipped. They are prepared for the mission, and they will shoot to defend themselves, if necessary.

But hopefully they will not have to. Now, I have opposed the circumstances which have brought us to this point. I cannot change history, however. The Commander in Chief of our Armed Forces has deployed our troops in what he says is in our national interest, and at this point I can only repeat what the local commander of our forces told me as recently as this Monday. He said, "Don't let the Congress do anything which sends a message to these kids that you in Congress aren't in full support of their efforts." Mr. Speaker, I intend to follow his advice, and I intend to support our troops in and out of Bosnia.

Mr. Speaker, I will vote for the Buyer resolution, I will vote for the Hamilton resolution, and I will give our troops the resources that they need to do their job and come home.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to another Floridian, Mr. PETERSON, a distinguished veteran who, I might add, had a very significant hand in allowing that the fighter pilots from France were released.

Mr. PETERSON of Florida. Mr. Speaker, we have a peace treaty. We did not sign it, we did not initial it, but the combatants in the war in Bosnia, all three, did.

This is an unusual opportunity for America. We have always had the opportunity to risk war, and we have done so every time that there was any national interest at stake. We have done that willingly, we have done that as a governmental body, we have done that as a nation.

What a wonderful opportunity to have today. We can risk peace. Yes, we can risk peace.

What happens if we fail? What happens if we fail in our effort to seek peace? We have war.

This is a no-brainer to me. Never have I in my career had the opportunity to go for peace. Our troops are going to Bosnia to implement a peaceful settlement that all three of the combatants have agreed to.

No one, I do not think can say that anything that happens in Europe is not of interest to us. The cost of being a superpower is that virtually anything that happens on this planet affects this Nation, and what is happening in Bosnia and in the Balkans right now is in fact affecting this Nation, and it will affect it even more if we do nothing. We have a very shallow window of opportunity to grab peace, and we should grab it with both hands, wrap our arms around it, and take it to the Balkans.

If we fail to do so, my colleagues, there is no doubt in my mind, having just visited that area, that we will have an expansion of this war to Kosovo, which will then trigger the Albanian input, which will then probably bring Macedonia in, which will then bring in Turkey, which will then bring in Greece, and then what do we have? We have the potential for World War III.

Mr. Speaker, we have history behind us that takes us back to World War I and World War II, both of which began in the Balkans. Do not let us help that start World War III. Support our troops and support the policy.

Mr. GILMAN. Mr. Speaker, I yield 1 minute, 30 seconds to the gentleman from Illinois [Mr. MANZULLO], a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Speaker, I would encourage the Members of Congress to examine the exact document which is called the peace agreement, especially the military annex which is attached to it, and to compare the rules of engagement there with the statement put out by the Joint Chiefs of Staff of the United States, and those rules of engagement contradict each other. In the one put out by the Joint Chiefs of Staff it says we are not to be involved in moving any people or equipment out of the demilitarized zone, we are not to be involved in any type of disarmament, and yet the NATO troops, in the military annex attached to the peace agreement, gives our troops that type of power.

Mr. Speaker, this is a matter of defining the mission to send our beloved troops to a country that has experienced war for 1,500 years. I support the troops. I do not believe it is wise to send them, but I support the troops.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of our time.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Speaker, having just returned from Bosnia, I was appalled at the devastation in Sarajevo. I did not see a single building that had not been damaged by the shelling or the sniper fire, and it is very, very clear that something has to be done, but I came back convinced that the President had made a horrible mistake in the decision to send our troops there.

We had an opportunity to listen to our military commanders tell us about how the troops are going to get in and how we are going to deal with the planning for casualties, how we have planned for communications, but when we asked about the exit strategy, there was no plan. We do not have a plan, how we are going to get our troops out of there. There was an alternative, and the plan was to lift the arms embargo and allow the Bosnians to defend themselves, and in meetings with the leaders in Bosnia the vice-president of Bosnia said point blank, "We didn't ask for your troops, we didn't need your troops. What we needed was the ability to defend ourselves, and you denied us that."

Nevertheless we need to understand today that there are troops there and troops on the way. Nothing we do tonight is going to stop the deployment. We are beyond that now. Congress is often faced with bad options, and President Clinton has given us bad options, but tonight we can choose to support the troops.

I am going to vote "no" on Dornan and support the alternative so we can do everything possible to allow our troops who are well trained and well equipped to do a job that they should not have been asked to do.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

□ 1830

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

There has been a fair amount of confusion on the floor here today about the thought process. One idea is we should support the troops by sending them there. The best way to support the troops is to keep them from going there.

Then there was a statement about how we are there to wage peace. I have never seen it waged with tanks and guns and bullets. I think if you are going to wage peace, you do not send in the U.S. Army. The U.S. Army goes into places to crush, kill, and destroy. That is what they are real good at. I do not understand this idea of waging peace with tanks and weapons. If there is a peace, there is no need for peacekeepers. They have peace. If there is not a peace, then our people are peacemakers and that makes them, I think, combatants in a centuries-old civil war.

Then there is the thought we have to contain the conflict. It is like World War II, we are told. Think again. World War II, two key differences: No. 1, a pernicious, expansionistic ideology that wanted to control the world. There is no pernicious, expansionistic ideology here. This is the normal inhumanity of man against man, normal hatred. It is around the globe. It is in Rwanda, it is in China, it is all over. No pernicious expansionistic ideology.

The second key difference between World War II and now, in World War II we were not prepared. Now we are prepared. We learned after World War II you prepare for peace by preparing for war, and you stand ready with that strength under control. We can contain the conflict no matter where it goes in that region.

The sober judgment we need to bring right now is very simple: Is there an American security interest at risk? I would submit, that is the threshold question before you send troops anywhere: Is there an American security interest at risk? Clearly there is not in the Balkans. The only way to send that message is to support the gentleman's alternative.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for me the most important priority is to support our service men and women. The President has made his decision. While I am angry that he has made it without consultation to Congress and with the American people, we need to back up our troops 100 percent. Our actions tonight should send this message loudly and clearly to them as they prepare to go, because 25 years ago I was one of them in Vietnam. I was sent on a mission that bitterly divided this country and this House, but I learned then, as I know now, that our troops deserve nothing less than the undivided support of this House and all the resources necessary to support their mission. Please support the Buyer resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, in 1954 one of my heroes, Senator John Stennis, spoke against sending American mechanics to a little country called South Vietnam. He said that we would get drawn into a land war that we could not win, in a part of the world that people did not care about. John C. Stennis was right. We did get sucked into it. Then when that happened, he did his constitutional duty to support those troops.

What I am asking this body to do tonight is to prevent us from getting sucked into another war where other brave young Americans will die, be maimed, in a part of the world that Americans just do not care about. It is not a right or wrong decision, it is what is best for the American young men and women who have sworn to defend this country.

The best thing for those fine young people is not to waste their lives, and above all, do not abuse their trust. They swore to defend the Constitution of this country. They swore to defend this country. We are not even a participant on this treaty. Vote for the Dornan alternative.

Mr. GILMAN. Mr Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from California [Mr. DELLUMS], the ranking member of the Committee on National Security.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from California [Mr. DELLUMS] is recognized for 4¾ minutes.

Mr. DELLUMS. Mr. Speaker, we come to the end of the general debate on this very significant and important issue. All of us in this room come to this debate from our various reference points. My reference point in this debate is as a peace advocate who came here 25 years ago to challenge militarism and to challenge the concept of military intervention. We opposed the war in Vietnam, military intervention in El Salvador, Nicaragua, Grenada, opposed our military intervention in the Persian Gulf.

We now find ourselves in the throes of a new era, an era referred to as the post-cold-war era, a period marked with change, with transition, a period pregnant with challenges and with opportunities.

But I would hasten to observe, Mr. Speaker, that there is a very interesting and fascinating disconnect in this country at this moment. At the grassroots level, the bedrock of a democracy, the American people look to Washington to say, "What do we do, leaders, in this new post-cold-war era?" The leaders in Washington, us being politicians who tend to poll, measure, count the votes, weight the mail and count the telephone calls, are saying, "No, you tell us," so there is a great disconnect. Most politicians are not willing to step into a period of transition to lead. That is risky. Many American people are saying in this period of transition, "Tell us where to go." It is very difficult.

I am prepared to accept the challenge. I step into this breach. My argument, Mr. Speaker, is that yes, this is a period of change and transition, challenge and opportunity; perhaps wrongly, but I believe that this post-cold-war era has presented us with a significant enemy, and that enemy is war itself, war itself. The great challenge is the challenge of peace. The great opportunity is to bring the world, kicking and screaming, to peace.

Perhaps wrongly, Mr. Speaker, but I believe that in my entire adult lifetime we have been given a magnificent gift, the gift of the post-cold-war world, an opportunity to step forward boldly and bring about significant change in America and in the world. I believe that this is the first opportunity, Mr. Speaker, that we truly have to challenge the whole notion of the use of force and the making of war as an instrument of foreign policy, the first time; the first time we truly, as adults, can challenge these whole bizarre and barbaric ideas of using force to kill and maim and harm, and using war as an instrument of foreign policy.

I have lived long enough, Mr. Speaker, to come to this moment where we now truly have an opportunity to talk about the issue of peace. The transition that we are in, the pain that we feel, I believe is that we are witnessing the transition from war to peace, from warmaking to peacekeeping, from risking war to risking peace. These painful steps into the future, into the unknown, into transition, into change, are fraught with challenges. They are difficult.

Peacekeeping is a new concept, a new lexicon, not worn easily by politicians, not understood by the American people. It is not something we have done, but I believe that it is something that we need to do as we move into the post-cold-war world with respect to Bosnia. The moral imperative is as follows: If you encourage a group of people to come off the bloody battlefield of killing and maiming and raping and plundering, and move them to the negotiating table, and they come with a product, perfect or imperfect, good or bad, liked or disliked, a product, a peace plan, and then they say to you, "He has murdered my son, I murdered his daughter, he murdered my mother, I murdered his father, we murdered 16,000 of our children and 250,000 of our neighbors. So while we have come to a peace plan, we do not rest easy with each other. We are paranoid about each other. We are fearful about each other. So stand in the way for a while to allow a period of transition as we move from the bloody battlefield to the issue of peace; so help us at this moment, because we are fearful. We have killed many of them."

The moral question then is do you reject that notion? What is a peace advocate in a post-cold-war world? Do we walk away from that?

Finally, Mr. Speaker, when 6 million Jews were being killed during the period of Nazi Germany, as we looked back at that moment we said, "How could that have occurred? Killing 6 million people is terrible." But there are 250,000 people dying in Bosnia. So what triggers your moral imperative? Six million people? Two hundred fifty thousand people? Where do you get upset?

Mr. Speaker, I would conclude by saying I think our role is one of peace. I think we have a responsibility to walk into this period as peacekeepers. I think we must address the moral imperative to play our significant role in the world. I think we ought to reject any effort to do anything less than that.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also went to Bosnia to meet our troops on the way in Germany and to receive a coin from the First Armored Division. This coin I plan to carry for the next 12 months, so I keep them in my thoughts and prayers. But this is a civil war. This is not a religious war. Only three of the five parties have initialed off this peace agreement.

Today, Bosnian Croats who did not initial this agreement are burning Bosnian Herzegovinian villages. This week they released a known war criminal. Bosnian Serbs, who also did not sign this peace agreement or initial this peace agreement, have two war criminals still commanding troops. This is an incomplete agreement. There will be no peace without justice. These people must be brought to justice.

This is just a trial separation before the divorce. We are giving them the opportunity to rest and rearm. We need to create other opportunities for peace, opportunities that will be there without sacrificing our young men and women. That is why I support the Dornan bill.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I am truly amazed at how the sides change here. Many of the same people who have been telling us for 20 years that we can no longer be the world's policeman are now coming to the floor saying, "We must be the world's policeman," even when there is not a direct vital American interest worth dying for. Who said that? The Secretary of Defense, Secretary Perry, in Philadelphia, said there was not a direct vital American interest involved. So do we as a Congress have a right to stand up and say something? Yes. That is our constitutional right. Yet it amazes me that Republicans as well as Democrats say it is all the President's prerogative.

James Madison, the framer of the Constitution, in 1792 wrote to Thomas Jefferson and said the following:

> The Constitution supposes what the history of all governments demonstrate: that the executive is the branch of power most interested in war and most prone to it. It has, accordingly, with studied care, vested the question of war in the legislature.

It is our responsibility. Support Dornan and support the troops.

Mr. GILMAN. Mr. Speaker, I am pleased to yield the remainder of our time to the gentleman from California [Mr. CUNNINGHAM].

The SPEAKER pro tempore. The gentleman from California [Mr. CUNNINGHAM] is recognized for 3¼ minutes.

Mr. CUNNINGHAM. Mr. Speaker, this is a very difficult subject for me to even speak about. It is wrapped with emotion, it is wrapped with anger, and it is wrapped with pain. I do not think, no matter what you vote for today, if you vote for the gentleman from California [Mr. DORNAN], I am against sending the troops to Bosnia. I think if you vote for the gentleman from California [Mr. DORNAN], that is a message, again, that you do not want to do that. The Senate is not going to pick it up. I think that is an acceptable vote.

If you vote for the gentleman from Indiana [Mr. BUYER] and the gentleman from Missouri [Mr. SKELTON] to support our troops in what they are doing, I think that is acceptable, also, and the gentleman from Indiana [Mr. HAMILTON] as well. I am not concerned so much about the vote today, Mr. Speaker, as I am in the future.

Many of us served overseas. In 1968, President Johnson stopped the bombing over in North Vietnam. Our hands were tied.

□ 1845

I watched friends of mine die. They did not have to die. We had Mogia and Van Kari and Ban Nappi Pass where we could see supplies coming through, and we could not stop them.

There was an ROE that you had to wait until a MiG shot at you first before you could shoot back. No Member of Congress ever devised that ROE. They never strapped their rear end into a fighter.

I looked at the thousands of my friends that died over there when we could not hit the SAM sites and we could not mine the harbors. Yet when President Nixon came up, he let us do that.

My concern is in the future because there are going to be some tough votes. There are a lot of people here in this body that will do anything they can to cut defense. It is a legitimate issue. They would rather put it in social spending. But in the future, we are going to have to vote, ladies and gentlemen, on supporting our troops. Make sure that you do.

Another area that kills me, not just under this President. Lebanon was a disaster, to tie down our Marines. Those kids died and they did not have to die. In Somalia, we have gone through the reasons why our troopers died. It is because we did not give them the support, the votes in this Congress and the President. Not just this President but other Presidents.

My real concern, Mr. Speaker, is the future. Because the votes are going to be tough. You are going to have to increase defense dollars probably if we get tied in there. I would ask my colleagues that want to cut defense, that want to cut defense, think about the amendments and the bills that you are going to vote for and all of them, because what you are saying is that you are going to support these kids. It is important. Do not forget the way you vote today.

Most of us have lost too many friends. There are 30 kids that fought in Vietnam and in Desert Storm that because of Tailhook are not passing and making Captain or Commander because there are certain people that would exacerbate that. Some of these kids had nothing to do with Tailhook. But yet the Senate failed to confirm them.

I would ask you, when we ask our men and our women to place their lives on the line, do not forget those sacrifices. Because we have over and over and over again, Mr. Speaker, and I would ask, think about your vote but carry it on after today.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to voice my opposition to the deployment of United States troops to the former Yugoslavia.

I have consistently voted to lift the arms embargo levied on the Bosnian Moslems. I firmly believe that President Bush and President Clinton were wrong in their policy to continue the arms embargo on Bosnia. The Bosnians have the right, as a sovereign people, to defend themselves against any form of aggression. By continuing the arms embargo, the United States and its allies have perpetuated the slaughter of innocent people.

I applaud the Dayton peace agreement initialed by the warring factions and the agreement to begin to re-arm the Bosnian Moslems in an attempt to return a balance of power to the region. However, I am skeptical of the agreement because all parties have not initialed the agreement and I have viewed very vocal and extremely aggressive anti-American sentiments in Bosnia. The peace is tenuous at best.

I have long questioned the role of the United States as the policeman of the world. Clearly there are other conflicts around the world that need policing, yet, no one has called for the use of the United States military.

Not one Member of Congress has claimed that these conflicts are in the national interest of the United States or worth one drop of American blood. Still, Members call for American troops to sacrifice for the Bosnian civil war.

During the debate surrounding the deployment of United States troops to the Persian Gulf, many of my colleagues on the other side of the aisle derided the deployment as the United States in the role of world policeman. These same Members are now supporting the deployment of troops to Bosnia because they claim that it is the duty of the United States to lead the world in policing the civil war.

Let me simply suggest to those Members: this is not the Persian Gulf. The United States deployed troops to the Persian Gulf as a direct result of military aggression by Iraq against Kuwait. The Bosnian deployment is a result of a weak peace agreement between warring factions of a centuries-old civil war that represents no risk to United States national security.

I do not support the deployment of troops to Bosnia because the President has not convinced me, my constituents, or the majority of Americans of the need for this military action. Yes, I recognize the authority of the President to commit troops, but I also recognize the authority of the U.S. Congress to authorize the use of the military. The President, after repeated requests by this body, has neglected to seek Congressional authorization for the deployment of the troops. For this reason I supported Mr. DORNAN'S bill to refuse to fund the military action in Bosnia.

The President has truly failed in his attempt to convince the American people that one American life is worth peace in Bosnia. My constituency is not convinced. Overwhelmingly, my constituents have written to me to oppose the deployment of troops to Bosnia. I will not allow this Nation to become the policeman for a regional civil war that has raged for hundreds of years and still simmers below the surface of this peace agreement.

I have supported the use of United States technical support and related assistance in the Bosnian theater. I did not oppose the use of United States airpower to protect the peackeepers in Bosnia because this is where the United States expertise lies. As the world leader in military technology, this is an acceptable role for the United States. However, I will not support the use of United States ground forces in the Bosnian theater. Ground support in the Balkans is the sole responsibility of the European nations. Europe has the singular obligation to protect the European continent and provide the force necessary to maintain peace in the European theater.

Due to the lack of a cohesive mission strategy and the inability of the President to convince the majority of the American people that deployment of United States troops to Bosnia is essential, I cannot support the deployment.

Mr. LIPINSKI. Mr. Speaker, the peace that was brokered in Dayton that is supposed to resolve the civil war in Bosnia and Herzegovina is nothing but a thin, glass wall waiting to be shattered. It is just another cease-fire that will once again be broken by discontented parties. To send American ground troops into the thick tension that still prevails is nothing short of a kamikaze mission.

Many Bosnians want Americans to come and help enforce the peace established in Dayton. Unfortunately, this is not true peace. True peace does not require 60,000 foreign soldiers to police the streets. Bosnian Serbs living in Sarajevo are staging daily protests hoping that the peace settlement will be renegotiated. They are dissatisfied because under the Dayton agreement the suburbs of Sarajevo that they call home will be turned over to the newly created Croat-Muslim Federation, which most view as a fate worse than death. This one provision in a multifaceted agreement is enough for some to pick up arms once again. Because Bosnian Serbs are so discontent with the agreement, their leaders announced they would hold a referendum on December 12, to ask their citizens whether or not they should accept the Dayton peace plan.

The fact that Croatian President Franco Tudjman, Serbian President Slobodan Milosevic and Bosnian President Alija Izetbegovic were able to sit down in one room together and over the course of a few weeks, create a plan for peace is, of course, nothing short of a miracle. President Clinton and his administration ought to be commended for accomplishing the unthinkable. The problem though is that only presidents and foreign ministers present agreed to stop the war; no one consulted the people. It is the people who have festered hatred in their hearts which has caused this civil war. There cannot be a workable peace solution unless the people want it, unless they are willing to put away their deep-seated hatred for one another and say enough is enough.

This tenuous peace which 60,000 NATO troops must enforce will be led by American troops and was promised to the warring factions before the American public could have its say. In fact, the understanding of the three warring parties before they came to the peace table was that America would be there to monitor the final agreement. But we cannot send 20,000 of your young, vibrant men and women to enforce a peace that is not going to last. President Clinton has promised Bosnia the lives of thousands of our young people for 1 year. Does President Clinton really believe that hatred which spans to course of hundreds of years is going to be resolved in 1 year?

Why do we want to subject our soldiers to the wrath of the Serbs? What will these young men and women be to angry Serbs? Targets. Targets of their frustration of being bombed by American-led NATO war planes. Targets for their frustration of losing large amounts of territory to Croatia this past summer. Targets for their frustration of being forced to accept a peace plan they do not agree to. Targets for the anger of Serbs who were bombed by Americans in Sarajevo. Targets along the slim stretch of land, Brcko, that the Serbs want expanded and handed over to them. And when our soldiers are not the targets of snipers they will be subject to the threat of thousands upon thousands of landmines that will be covered by the winter snow, Yes, the best way for factions who are reluctant to go along with the Dayton agreement to sabotage peace is for them to attack Americans.

And why should Americans be deliberately put in harms way? What vital interest does America have in Bosnia? None. We have no vital interest in Bosnia. Secretary of State Warren Christopher called Bosnia "the problem from Hell." Political leader for the Bosnian Serbs, Radovan Karadzic, who has the responsibility of drumming up support for the agreement said, "What is wrong with the Dayton agreement is that it has created a new Beirut in Europe. It is going to bleed for decades." Why does this require that we put American lives on the ground in a country whose hatred is older than our Republic? This is a civil war that must be resolved by its own citizens. It took nothing short of a totalitarian regime to maintain the peace during this century. One year of peacekeeping will not solve their problems or further any of our interests. For this reason, Mr. Speaker, I will vote today for H.R. 2770 to prohibit the use of Federal funds from being used for the deployment of United States Armed Forces on the grounds of the Republic of Bosnia and Herzegovina.

Mr. DICKS. Mr. Speaker, tomorrow the President will be in Paris to witness the signing of the peace accord that will officially end the 43-month war in Bosnia. The United States will be standing proud as the instigator of the process that took place last month in Dayton, at which the leaders of Serbia, Croatia, and Bosnia agreed to end the savage ethnic warfare that has claimed more than 250,000 lives over the past 4 years. This will be a great day for the people of Bosnia, and certainly a proud moment for those nations involved in the peace process. There is much work ahead in implementing the vision of peaceful coexistence in the Balkans, but with the determination of all of the NATO countries to extend the guarantee of European stability, it is truly a cause worth the effort.

Under this agreement one state with a unified, constitutional government will be created. Free elections will be held throughout Bosnia next year. Territorial issues within Bosnia have been resolved, and within these boundaries, all Bosnians will have the right to move freely. Those displaced from their homes by the fighting will finally be able to return home. Best of all, perhaps, is that the parties have agreed to respect the human rights of all persons, and those individuals who have been responsible for the heinous crimes perpetrated against the Bosnian people will be brought to justice.

This agreement represents great progress. While some of my colleagues here in the House today have expressed skepticism, I firmly believe that this peace can and will work. The leaders of all sides in this conflict have affirmed a true desire for peace on behalf of their people who are weary from the harshness of the conflict they've experienced. The people themselves have encouraged their respective leaders to follow the course of reconciliation.

What is required to make this plan work is simple: a neutral intermediary to enforce the peace accords for a time sufficient to allow the establishment of the new government. Clearly, this role can only be served by NATO. No other international organization has the capacity and respect to undertake such a critical operation. The mission itself is one that NATO is particularly capable of accomplishing. But it is equally true that NATO cannot accomplish the task without the direct and substantial participation of the United States. We have an obligation to participate and we have a direct interest in doing so because of the impact on the stability of Europe. Without our agreement to join NATO on this endeavor, other nations would decline to participate and the peace would assuredly fail. And then the fierce fighting would resume.

I am confident that our participation in this peacekeeping mission will be both limited and well-defined. U.S. troops, serving under an American commander, have been given rules of engagement sufficient to provide them with the ability to protect themselves and carry out their assigned tasks. Our role in the implementation force, although significant, will be limited to about one-third of the NATO contingent, with more than 60,000 troops coming from European and other nations. And our role will be limited in duration: the President has expressed the clear intent of withdrawing American troops in a year.

Mr. DEUTSCH. Mr. Speaker, the President's decision to send United States troops to Bosnia is an appropriate and necessary use of power by the world's only superpower designed to bring peace to the Balkans. It is a mission we neither sought nor savor. These troops are not being sent into a war. Rather, they are going to support a peace treaty. Last month, in Dayton, OH, the three Balkan leaders initialized a peace treaty that would halt the fighting between the Serbians, Croatians, and Bosnians. Two months ago, while the fighting was raging across the former Yugoslavia, I would have refused to endorse a plan sending American troops to Bosnia. Today, however, American troops are not being sent to Bosnia to engage in an active military conflict. Instead, they form the backbone of a peacekeeping mission that will at long last bring stability to an area of the world that has only seen violence and misery for so many years. Surely there is risk in sending our soldiers overseas. However, it serves our national interest to help bring peace and stability to the Balkans and to Europe.

Before we send our soldiers to Bosnia, however, it is imperative that we develop a comprehensive exit strategy to guarantee that our troops will not fall into another intractable quagmire. As wisely highlighted by the Senate Majority Leader BOB DOLE, if we leave Bosnia without allowing all the parties to stand on equal ground, we will find ourselves debating these same issues in the very near future. The United States must ensure that before our soldiers return home, the Bosnian Army has the ability to defend itself and its people.

Mr. MARTINI. Mr. Speaker, I rise today to strongly support tonight's efforts to prevent American troops from serving on the ground in Bosnia.

This Congress has voted repeatedly in Congress and told President Clinton that we had no desire to send Americans to participate in a peacekeeping mission that is of no vital interest to us, of questionable prospects for lasting success, and that puts at risk thousands of American lives.

I hope peace prevails in that troubled region, and that the recently negotiated peace holds and the bloodshed and misery in the Balkans soon ends.

But we have no vital interests at stake in the region, and should not get involved.

There is no overriding strategic or economic threat to the United States there.

The war has not yet spilled outside of the former Yugoslavia, and we have already taken steps toward containing the fighting.

And NATO won't fall apart if we do not participate.

NATO is a strong alliance, a collection of Western democracies bound together by common interest.

That common interest will not go away if we do not go to Bosnia.

As for our prospects for success, exactly how will a 1 year deployment of peacekeeping troops solve a conflict that has raged for centuries?

It took the iron fists of one empire after another to keep the underlying ethnic tensions in this area under control.

It is unfortunate, but true: signatures on a piece of paper and a brief intervention of foreign troops will not quell the hatreds that dominate the former Yugoslavia.

Yet to pursue this questionable objective, we are asked to risk the lives of 20 thousand American troops.

The President wants to put them in the crosshairs of sniper's rifles, and subject them to the jeopardy that comes with the thousands of land mines that are buried over there.

Angry mobs are already gathering in the streets to demonstrate against our mission.

We are sending our men and women into an unfamiliar and dangerous hornet's nest, and for the wrong reasons.

I support the troops, and am grateful for their efforts on our behalf.

They have a very difficult mission to carry out, and I am sure they will do a fine job when they do.

But it is a mission that will come at great cost, and it is one we should try to avoid for them completely.

Mr. SKAGGS. Mr. Speaker, tonight, this House faces a choice. We can choose to support the President of the United States in his decision to help end the tragic war in Bosnia, in his decision to act with our NATO allies to stop the killing in Europe for the third time this century, in his decision to nurture a peace that without question will be fraught with its own risks and dangers. Or, we can choose to desert the President at this time of challenge to American leadership, to seek moral comfort for this country in the failure of Europeans to end the slaughter, to watch the war resume content that the vital interest of the United States might this time escape the blight of war in Europe. As between a problematic peace and a horrific war, I choose to support the President's courageous work for peace.

Mr. Speaker, many of the people I represent have contacted me to express their concerns about the Dayton peace plan for Bosnia and the risks our troops may face as part of an international force to implement that plan. I've had many of the same concerns myself.

Earlier this month I joined 14 other members of the House on a bipartisan fact-finding tour of Bosnia and other countries in the region to address these concerns. We met with American, NATO and U.N. military commanders and diplomats, soldiers from Colorado, and the presidents of Serbia, Croatia and Bosnia and Herzegovina. I've also met with the President; the Vice President; Richard Holbroke, the Assistant Secretary of State who negotiated the Dayton accords; Samuel Berger, the Deputy Assistant to the President for National Security Affairs; and Lt. Gen. Howell Estes and Lt. Gen. Wes Clark of the Joint Staff. I asked them the same questions that Coloradans have been asking me.

At a town meeting this past Saturday, I heard again from people in my district, and I talked with them about what I had seen and learned.

Based on all that I've been able to learn, I believe the American role in leading the NATO implementation force is essential and that the mission of the implementation force is well-planned and appropriate.

I'm well aware that as we go down the path envisioned by the Dayton agreement, there is no guarantee of success. I have questions about having the new civil and political institutions up and running after the one year NATO deployment concludes, progress that will be important to sustaining the peace. Nevertheless, our contribution to the peacekeeping deployment gives us the best chance we have had to stop a dangerous war that has been raging for four years in Europe.

Critics of this mission have said that the war in Bosnia is really a European problem and that we should let the Europeans solve it. But the truth is that we cannot afford to duck our responsibility as the leader of NATO during this defining moment in Europe's post-cold war history. We have largely deferred to the Europeans on this problem for 4 years, and they have never been able to reach a consensus on how to solve it. Without United States leadership the war in Bosnia will continue. Two tragic world wars should have taught us what can happen when we turn our back on Europe in a time of crisis.

Our military mission in Bosnia will not be risk free; there will no doubt be casualties. But the mission has been carefully planned and trained for; American military leaders have been preparing for this mission for 18 months and helped to write the military annex to the Dayton agreement. The 1-year time frame for the military deployment is part of the plan that our military leaders helped craft—it is not some arbitrary deadline imposed from the outside for purely political reasons. The mission statement is clear, and our commanders in the field have unprecedented authority to respond to challenges and threats with overwhelming and decisive force. While it is impossible to plan for every contingency, I'm persuaded most have been anticipated.

Our troops are well-trained in the recognition, detection, and clearing of land mines. They'll be equipped with sophisticated detection equipment and protective gear. Protection from the hazard of mines is a key reason our military planners chose a heavy armored division for this assignment. And keep in mind that the Dayton agreement calls for the warring factions to clear the mines they have planted. Yet, there will no doubt be casualties from mines.

Our troops will likely face attack from some rogue elements outside the chain of command of the regular armies. We will have a remarkable capability to detect and track hostile elements, however, and overwhelming force to deter and repel attack.

The question of an exit strategy has been repeatedly raised by critics of the plan. This strikes me as a false issue. Exit after 1 year is expressly built into the Dayton agreement, with time-defined tasks and objectives. U.S. military commanders were quite clear that they have no question about when and how they'll depart. They also made it clear that if the parties to the agreement aren't serious about keeping peace and fighting resumes, we will withdraw our troops.

There are risks and problems in the civil-political parts of the Dayton agreement, too. It includes an ambitious timetable for economic reconstruction, humanitarian activities and the formulation of new political institutions, and the power arrangements crafted to create the new Bosnian state seem awkward at best. But a massive international effort has already been launched by the London conference to coordinate the myriad of humanitarian and political projects that will have to be undertaken to support the agreement. We can only hope that enough will be in place to sustain the peace when the troops go home at the end of next year. And it may well make sense at that time, under circumstances then very different from the last 4 years, for some international police authority to assist with security for a longer period.

We should be under no illusion that Presidents Milosevic, Izetbegovic, and Tudjman entered this agreement out of altruism. Just as self-interest brought these three leaders to the table in Dayton, it will be self-interest that will encourage them to keep their bargain and make peace work. All three have calculated that their future lies with the West. Izetbegovic is struggling to find a way for his country to survive as an independent state. Milosevic is desperate to put a permanent end to the devastating international embargo that has destroyed the Serbian economy. And Tudjman wants to expand trade with Europe and to press for admission to European institutions.

So, the peace reached at Dayton is a messy, pragmatic arrangement. Sadly it is not a just peace, because it ratifies the gains of war. But I believe this peace is better than continued war with its horrors and injustices.

Mindful of all these risks and uncertainties and imperfections, if we don't keep our commitment to help enforce the Dayton peace agreement, we'll pay a great price. The war will resume, and we will have forfeited American leadership and credibility. If the war spills over to Kosovo and Macedonia, it would cause enormous damage to our security interests in Europe by drawing Albania, Bulgaria, Greece, and Turkey into the conflict. This risk of conflict between NATO member states and a broader European war can't be lightly dismissed.

Ten days ago in Sarajevo, we encountered a group of the long-suffering people of that city outside the Presidential Palace. An older woman, tears spilling from her eyes, told us that she had lost her son in the war; she pleaded that only America had the trust of the Bosnian people and the power to end the war. It was a poignant reminder that this is not a problem that can be solved by Europeans without American leadership.

The next day I had lunch with two impressive young Army troopers from Colorado awaiting final orders to Bosnia at their 1st Armored Division base in Germany. One of these men had taken his Thanksgiving leave to visit the former Nazi concentration camp at Dachau. Referring to the mission ahead of him, he said, "Congressman, if we have the power to keep that from happening again, we have to do it." A reminder of an earlier problem that could not be solved by Europeans without American leadership.

So, it is important to remember that this is not just about Bosnia. Other actors around the world are watching these events and will be taking their cue. If leaders of dispossessed ethnic groups elsewhere in Europe and in the new states of the former Soviet Union see that the international community is unable to act effectively, they may well challenge the political compromises that have been worked out in their states. Eventually, much of what we won in the cold war could be put at risk.

The President has not done an adequate job in making the case for the deployment of American soldiers in Bosnia. This surely makes it harder for members of Congress to support him, because it makes it harder for the American people to understand what's at stake. Still, the President's commitment to send a U.S. military force to help to enforce peace has been clear for a long time.

The President has shown courage in taking on this difficult responsibility in the face of political risks and public opposition. A vote for this resolution to oppose the mission will only serve to encourage both the enemies of peace in Bosnia and the enemies of United States leadership in pursuit of a decent international order.

Mrs. MORELLA. Mr. Speaker, I have deep concerns about the mission which the President has assigned to our Armed Forces to implement the Bosnia agreement reached in Dayton last month.

I remain deeply troubled by the President's decision to deploy United States troops in support of the Bosnia peace agreement. First of all, this is an unworkable agreement—that it is the best agreement attainable does not make it a good agreement. I have serious doubts that this agreement, even if it were fully implemented, would be successful in the long term. Moreover, the President has failed to make a convincing case that the conflict in Bosnia threatens our national security interests, or that implementation of the Dayton accords will resolve those concerns. He has also blurred the distinction between peacekeeping and peacemaking.

I am also deeply concerned about the conditions on the ground for our troops. Bosnia, particularly the area around Tuzla where United States troops will be based, is heavily mined. The great majority of these minefields are not mapped, and many of the mines in use in Bosnia are not easily detected. Furthermore, United States troops who may be taken prisoner will not be afforded the protections of the Geneva Convention for prisoners of war; they will not even have the legal status and guarantees of POW's.

Lastly, does anyone really believe that this mission will last only 1 year? Timetables on many international agreements in recent years have been much too ambitious, and inevitably have been revised and extended. I have serious doubts that this agreement, as contentious and entailed as it is, can meet its timetable.

Last month, I voted for legislation in the House forbidding the use of appropriated funds for the President's proposed Bosnia peacekeeping mission unless he requested a specific authorization of appropriations for the mission. I believe that the Commander-in-Chief, although not constitutionally required to do so in all cases, should always come to Congress for approval of the deployment of U.S. troops in area of conflict. However, I will not vote to cut off funding for our service men and women when they have already been deployed; I will give our troops as much support as they need to carry out their mission to the best of their ability. I oppose H.R. 2770; I support the Buyer resolution.

Mr. EWING of Illinois. Mr. Speaker, I rise in strong support of the bills in opposition to President Clinton's misguided Bosnia policies. I support these bills because I support the men and women troops being asked by President Clinton to put their lives at risk.

The President believes he may conduct this policy without the approval of Congress. However, Congress does have a responsibility to address this issue, particularly when Congress is expected to provide the funding for this endeavor. This House has already voted twice advising the President not to send ground troops into Bosnia, but he has ignored that advice. I see no reason why we should now give him our consent.

The President has failed to explain to the American people clearly what our goals and objectives are in Bosnia or what national security issues are at stake there. He simply offers vague statements about securing peace. We are all deeply concerned about the terrible ethnic warfare occurring in Bosnia, but we cannot send American troops into a deadly situation without a clearly defined military mission, a firm timetable for their commitment, and a plan for getting them out. Furthermore, the President has failed to tell us how much this endeavor will cost the American taxpayers.

I commend the various parties involved in the civil war for finally reaching a peace agreement recently, at least on paper. However, the long history of violence in Bosnia demonstrates that this agreement could easily fall apart. If it does, this time thousands of American troops will be in the firing line.

Finally, and perhaps most importantly, the American people are strongly opposed to the President's policy. In my own congressional district, constituent phone calls to my offices have been more than 5 to 1 against sending ground troops into Bosnia. We should have learned from the Vietnam war that a successful military mission requires strong support from the American people.

Mr. KLECZKA. Mr. Speaker, there is not a Member of this House that does not hope the Dayton peace agreement ends the bloodshed in Bosnia and Hercegovina. Three-and-a-half years of war and destruction must end, so that thousands more innocent lives are spared.

However, I do not believe that the United States must or should send ground troops to continue to be a leader in implementing this agreement. Thus far, we have provided essential air, naval, and logistic support activities to our NATO allies. We could continue to operate in this capacity in order to make sure the peace is kept.

Only a few months ago, we led the NATO air strikes against the Bosnian Serbs. How can our troops now be seen as neutral peacekeepers? Being viewed as partisans is a major threat to their safety, and already there is dissension among the parties to the peace agreement.

The first bill considered today, offered by Mr. DORNAN, expresses the position I have held on this issue from the beginning. This is the view that hundreds of my constituents have voiced, as well. They believe that there is no compelling argument for sending ground troops. This conflict is replete with many ethnic and historical issues which will not be resolved by deploying our service members.

As a Member of Congress, I could never turn my back on the men and women who so bravely serve our country. Preceding the gulf war, I voted against similar resolutions to send in American troops. After they were sent, however, they needed and deserved the support of Congress. That is why the resolutions offered by Messrs. SKELTON and HAMILTON will also receive my vote today. We have a responsibility to give these brave and dedicated men and women our unqualified backing in their mission and these two resolutions accomplish that purpose.

Mr. DELAY. Mr. Speaker, already patriotic American young men and women are in the former Yugoslavia preparing for the arrival of thousands of troops to help implement the recent peace agreement. President Clinton, without the support of the American people or the Congress, has exercised his Presidential authority to send troops into action without the consent of Congress.

Republicans don't question the President's authority as Commander-in-Chief to send United States troops to Bosnia. We do question his judgment.

I believe the President has made a grave mistake. He has put Americans in danger without clearly articulating what national security interest requiring the use of United States forces is at stake in Bosnia. The President's promise to send some 20,000 United States ground forces into war-torn Bosnia was made in an off-hand remark more than 2 years ago. It became a commitment in search of a mission.

President Clinton made the promise without seeking the support of the American people. As a result, both the American public and the Congress have been shut out of the process that now involves sending American men and women into a very dangerous situation. This fact is highlighted by numerous polls indicating that close to 60 percent of Americans continue to disapprove of the Clinton plan.

There is no doubt that Republicans will unconditionally support our troops now and throughout the entire time they are deployed. We will make sure they are properly armed and have every resource available so they can adequately defend themselves.

However, the President needs to understand that he has not successfully made his case, as is demonstrated by the fact that the House has voted three times in opposition to his policy. Unfortunately, the President has chosen to ignore our counsel. Today will mark the House's final attempt prior to the signing of the peace agreement in Paris to express to the President the will of the American people with regard to sending our young Americans to Bosnia.

Mr. President, please take heed this time.

Mr. RICHARDSON. Mr. Speaker, we must support our troops. We cannot fail to support our troops. If we cut off funds to our troops we are failing to support them.

We must also support the President. He has created an environment for peace through the Dayton Agreement that hasn't been seen for 4 years in Bosnia. Four years of relentless killing; 4 years of non-stop ethnic cleansing; 4 years of unspeakable horror.

Every soldier knows that his chain of command is vital to his well being. The President is the Commander in Chief. Therefore the well being of our troops depends on support for the President.

The leaders of the warring sides have agreed to a peace. NATO is the only body that can enforce that peace. America is NATO's leader. Without NATO, the peace plan for Bosnia will collapse. NATO may collapse if the United States fails to lead in Bosnia. Turkey and Greece, both strong members of NATO, have conflicting sympathies in Bosnia. If the United States fails to act in Bosnia the war there may reignite, and it may drag members of NATO into it on opposing sides. Without American leadership, the peace agreement can not survive.

The opportunity for peace is at hand. We need to act now. We need to support the President's initiative for peace.

The Dayton Peace Agreement settles the territorial issues that caused the war. The Dayton Peace Agreement commits all parties to the conflict to cooperate with the investigation and prosecution of war criminals.

If we fail to act now to enforce the peace, we may later find ourselves with no choice but to once again become involved in a broader European war. The Balkans have been an historically volatile place. We are presented with an historic opportunity to contain that volatility.

The peace agreement is now larger than Bosnia. It is about America's leadership in the world. It is about America keeping its word. If America fails to lead a peace plan brokered in the heartland of America, America's credibility around the world is irreparably damaged. North Korea, Iraq, and other countries that have aggressive intentions will no longer take America at its word. Failing to act in Bosnia opens a Pandora's box of worldwide troubles. American is only as good as her word. We must remain reliable in order to be taken seriously by every country with whom we conduct foreign policy, and that is every country in the world.

Do not vote to cut America's soldiers off. Support the troops. Support the soldiers. Support the President. Support America's leadership role in the world. Support the peace.

MR. SCHAEFER. Mr. Speaker, as President Clinton Boards Air Force One for Paris to sign the Bosnian Peach accords, 20,000 American troops prepare to embark on a trip to Bosnia. They will spend the holidays in a strange and hostile land. Though I Know they will serve with distinction and honor, I cannot support President Clinton's unilateral decision to deploy these young men and women without first seeking approval from Congress.

President Clinton is sending our troops to Bosnia to enforce an agreement that many Bosnians themselves reject. Look at a map and see how difficult it will be to police an effective peace. There are pockets of Croat-controlled areas, there are pockets of Moslem-controlled areas and there are Serb-Controlled areas forming a virtual horseshoe around half of Bosnia. It would be necessary to deploy hundreds of thousands of troops throughout these various area for many, many years—perhaps decades, in order to effectively separate and pacify these warring factions. President Clinton's politically inspired withdrawal deadline of 1 year almost seems to ensure that in the long-term, open hostilities will resume once foreign troops are removed.

Now I do not pretend to have the key to peace in Bosnia, nor do I wish the suffering to continue. That is why I salute President Clinton's attempts to mediate a peace accord. However, I regret that he was unable to Broker a peace treaty that would essentially be self-enforcing—one which would give all Bosnians incentives to uphold its terms and conditions without the necessity of massive foreign troop involvement. If most Bosnians are not convinced that peace is in their best interest, then I fear that the Dayton peace accords will be short-lived. And our troops will be at risk from the day they arrive in Bosnia.

I would like to remind President Clinton and my friends who support his unilateral troop deployment that Congress has spoken twice in recent months on this issue with a clear voice: On October 20, by a vote of 315–103, the House voted for the nonbinding Buyer-McHale resolution opposing deployment of United States troops to Bosnia. On November 17, less than a month ago, the House once again spoke on this issue, voting 241–171 for Mr. HEFLEY'S binding resolution stating that no money is to be spent on deployment to Bonsnia unless it is specifically authorized by Congress.

In recent polls the American people have spoken on Bosnia. In a "CBS News poll" on November 27, 58 percent of Americans said they were opposed to sending United States troops to Bosnia as part of an international peacekeeping force.

My constituents have spoken on Bosnia. As of December 8, my office has received 603 letters and phone calls opposing United States involvement in Bosnia. How many have called or written in favor of deployment? All of 18.

Mr. Speaker, I cannot in good conscience support the President's troop deployment to Bosnia which might result in the loss of American lives in an ill-defined and dangerous attempt at nation-building.

As our failed intervention in Somalia demonstrated, American troops cannot force peace and good-neighborliness on a reluctant local population.

Mr. BUNNING. Mr. Speaker, once again the House is going to express the will of the American people regarding the Clinton policy in Bosnia. The American people do not want our troops to go to Bosnia.

Mr. Clinton and his followers have never made the case that this country's vital interests are at stake in Bosnia. That is why this House has repeatedly voted to oppose the deployment of U.S. forces there.

There is simply no compelling reason for one drop of American blood to be shed in that troubled country. Contrary to Mr. Clinton's contention that this is a NATO matter, there is no threat to NATO from Bosnia.

NATO is a mutual defense pact. The members of NATO are pledged to treat an invasion or attack on one of the members as an attack on all. There is not threat of an invasion of any NATO country by Bosnia. Bosnia is not going to invade Canada or Germany or England.

What is happening in Bosnia is a civil war. It has been a horrible bloody affair with thousands of innocent people killed or hurt. But, it makes no sense to inject U.S. forces into that situation when we do not have any vital interest at stake.

In my book, the injury or death of even one American soldier is not acceptable if there is no threat to the security of the United States. Clearly, there is no such threat in the case of the civil war in Bosnia.

I feel for the people of Bosnia and I hate the fact that they have been suffering during this war. It has been brutal. But, there are brutal civil wars going on in several countries and we are not contemplating putting our military personnel into those fights; we should not.

There is no more moral imperative to intervene in Bosnia than there is for United States intervention in Sri Lanka or Sudan. It is horrible that there is evil in the world and that men do wretched things to one another. But, it is not the job of the U.S. military to act as the world's security guard.

Our military exists to protect our national security, not for enforcing other people's peace treaties.

History is not on the side of those who, in my estimation, naively believe that we can solve the Bosnians' problems for them. The ethnic, religious, and territorial rivalries among the Serbs, Croats, and Moslems are many centuries old.

The battles that the Bosnians are fighting today have their roots in the atrocities committed over the centuries. Bosnia has been conquered, controlled, traded, and oppressed by the various empires, kingdoms, and dictatorships that have ruled the region.

We cannot change their history and we cannot assuage their mutual grievances. The peace that was brokered in Dayton, OH, may make us feel good about ourselves but it is a paper peace and our soldiers will be shot at with real bullets.

We have all seen the old films of British Prime Minister Neville Chamberlain coming down the steps of the airplane waiving the peace treaty with Hitler and boldly proclaiming peace in our time. Let's not repeat that mistake.

We intervened in the civil war in Vietnam. Let's not forget the lesson we learned from that. Congress should not give a blank check for the use of our forces to a President who has not spelled out exactly why they should be sent and what they are to accomplish and how we are to get them out.

The policy is wrong. The American people do not want it. This House has repeatedly rejected it; but, Mr. Clinton has ignored us.

I urge my friends and colleagues to vote to support the troops and to oppose the Clinton intervention policy.

Mr. BROWNBACK. Mr. Speaker, I continue to oppose President Clinton's plan to deploy 20,000 United States troops to Bosnia. While I want to end the genocide that has plagued the Balkan Peninsula for the last 4 years, the administration's plan for achieving peace in Bosnia is severely flawed, and, I fear, destined to fail.

We would not be debating whether the United States should send troops to Bosnia if Presidents Bush and Clinton had not supported the misguided international arms embargo imposed upon Bosnia. If we had lifted the arms embargo several years ago and imposed a no-fly-zone over Bosnia, the outnumbered Bosnian Serb forces would never have achieved military superiority over the Bosnian Government troops.

Instead, we prevented the Bosnian Government forces from defending themselves while Serbia armed the Bosnian Serbs. This policy led to more than 200,000 deaths and created more than 2 million refugees.

Having suffered the consequences of one bad policy decision, we now face another. However, this time, we are risking not only more Bosnian lives, but American lives as well.

The greatest flaw in the administration's current strategy is that peace has not yet been achieved. There will be no peace as long as there are 4,000 or more foreign Moslem fighters in Bosnia. There will be no peace as long as the Bosnia Croats refuse to fully cooperate with the International War Crimes Tribunal. In addition, there will be no peace as long as rank-and-file Bosnina Serbs continue to oppose the peace plan.

All sides in this conflict have a considerable amount of work to do before peace can be achieved. Until all of the parties demonstrate their commitment to ending the bloodshed, long-term peace will not be possible, regardless of the number of troops that are used to separate the warring parties.

As long as there is no meaningful peace, United States troops deployed in Bosnia will serve as convenient targets for rogue units frustrated by their inability to attack their real enemy. Even though, as Commander in Chief, the President has the constitutional authority to commit United State soldiers to Bosnia, I cannot support a plan that does not minimize the risks to, and maximize the security of, our troops, especially a deployment that is not vital to our national security interest.

I fully support every man and woman who has volunteered to serve in our armed services. I have the greatest admiration for these men and women, and they enjoy my unequivocal support, whether they are here or abroad. By deciding to deploy our troops in Bosnia under the current plan for a mission that is not vital to our national security interests, the President has not properly minimized the risks in military duty, and has jeopardized the credibility that our political leaders enjoy with our Armed Forces.

Mr. COSTELLO. Mr. Speaker, I rise today to articulate my position on the President's policy of sending 20,000 American troops to Bosnia.

I oppose, and have voted consistently in Congress to oppose, the introduction of United States ground troops into Bosnia. I do not believe that American soldiers should be on the frontlines of a multiethnic, quasi-religious conflict that dates back several hundred years. My position has been that we should have lifted the arms embargo against the Bosnians long ago, so that they could have defended themselves against Serbian aggression and helped put an end to the slaughter. It was clear that one reason the three parties came to the table in Dayton was the increasing strength of the Bosnian resistance.

I believe that this war, which has raged for 3 years with massive losses of life, is in the heart of Europe and is primarily a European responsibility. That is why I have opposed sending our soldiers into the heart of Bosnia to police the peace agreement signed in Dayton.

Let me make it clear, however, that I do believe the United States has a responsibility to our NATO allies and the world to assist in this effort. This terrible slaughter can and should end, and our diplomatic efforts to bring about a peace agreement have been admirable. With a real, signed agreement at hand, our European allies would use our air support, intelligence capability, and humanitarian efforts to accomplish this mission.

Unfortunately, the President believes the United States has a responsibility to put our soldiers—along with the French and the British—on the Bosnian frontlines. It is a policy I do not agree with.

Today, we are voting on three different resolutions.

The Dornan resolution would cut off funding to the troops stationed in Bosnia, some of which are already in or on their way to that country.

The Skelton resolution would express opposition to this policy, in particular the introduction of ground troops into Bosnia, but would also express support for our troops there.

Finally, the Hamilton resolution would express approval for the President's policy of sending ground troops to Bosnia and unequivocal support for the men and women of the United States Armed Forces who have been stationed there by their Commander in Chief, President Clinton.

I oppose the Dornan resolution for two reasons: First, our troops are on their way to Bosnia with some already in the Balkans, and to cut off their funding while they are in Bosnia would put them in serious danger; and second, the President has said he would veto the legislation if approved by the Congress, and given that fact, passage of this particular resolution would tell our troops, our soldiers, that they do not have the full support of the American people or their representatives. That is reminiscent of Vietnam and a wrong message to send to our troops.

However, given my opposition to ground troops in Bosnia, I will support the Skelton-Buyer resolution. The President has the authority to dispatch these troops just as President Bush dispatched troops to the Middle East in 1990. However, I have an obligation to let the President know that I disagree with this policy. I have voted consistently against this policy and believe it is not in the best interest of our Nation.

Finally, I cannot support the Hamilton resolution, which expresses support for the President's Bosnia policy.

Mr. Speaker, I do not agree with the President's policy. I believe the United States should lend air and other support to our European allies, to enforce this peace agreement. However, as our troops are now stationed or en route to Bosnia, I believe the Congress has a responsibility to let the President know that public opinion is extremely wary of his policy. He should also know that at the first opportunity, we should bring home our troops and let Bosnian soldiers take their place, a policy I believe we should have implemented all along.

Mr. FRELINGHUYSEN. Mr. Speaker, for me, the most important priority is to support our servicemen and women. The President has made the decision, and while I am angry that he made it without consultation with Congress and the American people, we need to back them 100 percent.

Our actions tonight should send this message loudly and clearly to them as they prepare to go. Because 25 years ago, I was one of them in Vietnam. I was sent on a mission that bitterly divided this country and this House.

But I learned then, as I know now, that our troops deserve nothing less than the undivided support of this House and all the resources necessary to support their mission.

Please support the Buyer resolution.

We have all seen vivid and shockingly graphic pictures from Bosnia, but my visit there made the issue intensely human. I spoke with our troops on their way to the region from Germany, met with the Balkan leaders, wore a flak jacket, and took a bumpy bus ride into war-torn Sarajevo. No doubt, watching CNN and seeing things live are completely different. No longer is this a civil war in a faraway land, it is 32,000 American troops going into a historically troubled region as peacemakers.

President Clinton made that decision. He made it without congressional approval, but as Commander in Chief he has the authority to do this. In fact, it became clear that he made this decision long ago, since we learned from our troops that their training for this mission began more than 6 to 8 months prior to the Dayton peace talks. We are going to Bosnia, and in some areas our soldiers are already there.

On November 30, I was selected to join a bipartisan congressional delegation to survey the Bosnian situation. Our trip was organized in response to concerns in Congress that the White House had not kept us informed of this major policy decision in a proper and timely manner. Indeed, State Department and Pentagon officials were dispatched to Capitol Hill just 1 day before we boarded our plane to Serbia.

We went with objectives—ours was a true fact-finding mission. Before leaving, we were briefed by Ambassador Richard Holbrooke, the chief U.S. negotiator at the Dayton peace accords. We were to meet with Serbian, Bosnian, and Croatian leaders to solidify their support for the peace accord and to get their assurances that United States forces would be protected. Our foremost objective was to verify that our troops would have the training, equipment, and resources necessary to defend and protect themselves.

We met with Serbian President Milosevic, Croatian President Tudjman and Bosnian President Izetbegovic. They remain committed to the peace agreement, pledged their support of protection for U.S. troops, and shared the fact that their citizens were truly weary from war. They said Americans were considered to be even-handed and that our military presence was vital for peace. Despite their words, they remain suspect due to past broken promises, and because facts show that these were indeed the very warmakers that caused 250,000 deaths in over 3½ years of ethnic and religious strife. As President Reagan used to say, "trust but verify."

Our trip to Sarajevo is one I'll never forget. We landed at the airport which was little more than a small pitted concrete platform surrounded by sandbags and bunkers. After an escort of U.N. armored vehicles was assembled, we boarded a bus and headed toward the city. We went through four Bosnian Serb armed checkpoints and saw defused land mines along the roadside which had previously lined our path. Along our well-protected route, the pictures came to life—buildings blown apart, people milling around, and everywhere burned out buses, trolleys, and cars. The 8-mile trip took almost 45 minutes.

What was left of the architectural beauty of structures from the time of the Austro-Hungarian Empire, or the towering high-rise buildings built during Marshall Tito's 30-year-reign, was now a twisted combination of bombed-out building shells, collapsed factories, or acres of roofless and pockmarked houses. Sarajevo is undoubtedly a scarred survivor.

I remember, too, the stories of no food, heat, or fresh water, and the chilling testimonials of snipers killing pedestrians in the street and marketplace. There were constant reminders of the 2½ million refugees who were either burned and bombed out of their houses and communities, or simply fled the area with terror.

After this eye-opener, we flew to Naples, Italy, for a briefing by the U.S. Southern Commander of NATO forces, Adm. Leighton Smith. He told us that our troops would be able to defend themselves, would be fully equipped, and that the military mission was limited to a year. "American troops would be enforcing a peace", he said, "not fighting a war." He was honest, however, and reminded us that this mission was not without risk.

Our final stop was the most moving—meeting with our young soldiers in Germany who will go to Bosnia in mid-December. I had lunch with two soldiers from New Jersey, one a very young woman, perhaps early 20's, from Burlington County and the other a slightly older man from Bergen County. Both were professional, well-trained, and motivated. Still, I sensed apprehension—the same apprehension I felt 25 years ago as a young private headed to Vietnam.

This encounter placed everything in perspective and literally put a human face on this situation. For me, the most important priority for us is to support our servicemen and women. They are Americans, with over 80,000 family members on the homefront.

No question, the President should better define our national interest in Bosnia and explain what our total commitment will be. I feel he has an obligation to the families of our troops and all Americans to outline the specific objectives of this mission.

But while we can argue about his policy, which I do remain skeptical about, the fact is that the decision has been made and American soldiers, our soldiers, are going. And since they are going, we need to support them 100 percent. They deserve nothing less.

Mr. REED. Mr. Speaker, I rise in support of the Hamilton resolution, and in opposition to H.R. 2770 and H. Res. 302. I, like most Americans, still have concerns about the deployment of United States troops in Bosnia-Herzegovina, but I believe that we need to support our troops.

I visited the former Yugoslavia in 1993. That visit alerted me to the dangers of American involvement in the conflict that has consumed the former Yugoslavia for the last 4 years. The animosities are profound, the terrain is difficult, and the underlying problems are political rather than simply military. Nevertheless, the Dayton Agreement is the last chance for a peaceful resolution of this war, and that Agreement rests on the participation of NATO as the implementation force. As a member of NATO, the United States is faced with a choice between making peace work or letting the contending forces slip inexorably back into the abyss of war.

I believe that the vast majority of Americans want us to choose peace. But they also want us to ensure that our involvement is limited in scope, complementary to the efforts of our European allies and not a substitute for their involvement, militarily prudent, and consistent with our national security interests.

Over the past few weeks, I have expressed these concerns to the administration. In particular, I have stressed the need for a more detailed exit strategy for disengagement of our forces, the need to ensure that we do not shoulder a disproportionate burden, the need to clearly identify our interests in the region and, most importantly, the need to take every reasonable precaution to protect our forces.

The administration has responded with a more focused and compelling discussion of their plans. They have laid out a more detailed exit strategy. They have made a more convincing case that the scale of American involvement is justified by the mission and by the comparative strengths of United States Military Forces versus those of our allies. Although I remain skeptical of claims that our national interest is implicated because our prestige is on the line or the survival of NATO is at stake, I do feel that a resumption of fighting could precipitate an expansion of the conflict. Such a development, with its very real potential to involve Greece and Turkey, would pose a significant threat to our national interest.

The administration and our military leaders have made repeated assertions that the forces are well trained, the mission is well defined, the rules of engagement are clear and permissive of preemptory action, and that more than adequate resources are available for our forces. Moreover, they have stressed that the primary mission of our forces is self-protection.

These factors, and particularly the testimony of professional military officers, strengthens the claim that we have taken all reasonable precautions to protect our forces. Nevertheless, given the nature of this mission and the hostile environment of the former Yugoslavia, no one can rule out the possibility of casualties.

Although the foregoing efforts by the administration to justify the deployment of American ground forces have allayed opposition to the commitment of American forces, significant concerns remain. It will be incumbent upon the Congress to ensure that the limited scope and definite duration of the mission is maintained. It will be incumbent upon the Congress to ensure that our forces are continuously protected. These concerns will persist beyond this vote until our forces are withdrawn from Bosnia.

The Hamilton resolution clearly expresses our support for our forces while signaling our concerns. It is the right message to send to our forces and to those in the former Yugoslavia that may wish them harm. It stands in stark contrast to H.R. 2770 which would cut off all funding for United States Forces in Bosnia. This measure would put our forces already in Bosnia at risk. It would end any chance of a peaceful settlement of the conflict. It is a reckless and politically expedient measure unworthy of the American soldiers who are ready to do their duty. The Hamilton resolution is also in contrast to H. Res. 302 which opposes the President's policy while purporting to support the troops. Serious and sincere opposition to a policy requiring the deployment of American forces is incompatible with wishing them well on their mission. Rather, it represents a political straddle.

Finally, it is important to note that today's vote is not about authorizing the commencement of offensive operations by United States Forces. It is about peacekeeping. Our forces are entering a dangerous arena, but one in which the parties have already initiated a peace agreement. The President's constitutional authority to order our forces into Bosnia has not been seriously challenged. Thus, this vote is about our support of peacekeeping and our support of our forces. I believe that both are worthy of our support and, in the days ahead, our hard and unyielding scrutiny to ensure that neither the peace nor our soldiers are sacrificed needlessly.

Mr. EVERETT. Mr. Speaker, Caspar Weinberger, Secretary of Defense under the Reagan administration, developed a much touted six-point test that must be satisfied before the use of military force is warranted. The first, and perhaps most important point of the test is "does the United States have vital, national interests at stake." The answer in Bosnia is clearly no. The international community has allowed the most recent fighting of this centuries-old civil war to carry on for nearly 3 years before air strikes directed by the United Nations were ordered. Now, some 4 years later, President Clinton has decided to assume Europe's responsibility and help bolster NATO's standing by sending United States troops into a tentative and unwarranted peacekeeping mission.

To conduct a peacekeeping mission successfully and safely, the peacekeepers must be perceived as neutral by the warring parties. How can United States forces be seen as neutral when U.N. air strikes against Serb positions have largely been conducted by the United States for the past year? To add fuel to the fire, President Clinton has promised that the United States would be simultaneously involved in training and equipping Bosnian Moslem forces so that they may be better able to defend themselves against possible Serb attacks.

Other dangers facing American service men and women serving as peacekeepers in the Balkans involves the very real threat of terrorism from Islamic fundamentalists, thousands of land mines—most of which are unaccounted, and the risks of traveling over the snow- and ice-covered mountainous terrain of this area.

Although the President has determined that U.S. peacekeepers will be withdrawn from this mission area in 1 year, I find the exit strategy to be lacking and full of holes that could leave U.S. forces bogged down in this effort for a much longer period of time.

Mr. Speaker, the United States cannot conduct foreign policy by deploying our troops around the globe to interject our morals, values, and way of life upon warring nations. It won't be successful, and we could lose the credibility that we currently enjoy as the lone superpower. There are many ways we can support peace in the Balkans without putting young Americans in harms way. It is not too late to halt any further troop movements to this region, so I urge all of my colleagues to support the Dornan legislation.

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the opportunity to address the deployment of United States troops to Bosnia. I would first like to try to put the situation in a more personal context.

It is early evening. The sun set about an hour ago, it is dark, and you are looking forward to a short rest stop as you make your way from western to eastern Iowa to spend Christmas with family and friends.

The roadside sign says you are entering the city of Ottumwa, population 24,488.

Something is wrong. The city appears to be in nearly total darkness. The only illumination visible is from a few scattered street lights. Not a single home has a light showing. How can this be? It's only 7 p.m. on Christmas Eve and the town should be a hive of activity preparing for the Christmas celebration.

A strange, eerie feeling grips your chest. You cannot believe your eyes. No one is in Ottumwa. No policemen are on the streets, the fire station is closed, stores are dark. You search in vain for just one house with a light on.

Even the all-night convenience store is dark. Its Christmas lights are unlit. No one is in sight. No Christmas lights are showing in the downtown area or out at the mall. Deserted. Everyone has disappeared.

Is this something out a science fiction movie? Where have all the people gone?

This fictional scenario is the equivalent of the 24,000 American homes that will have an empty chair at the Christmas dinner table. The missing sons and daughters, brothers and sisters, and husbands and wives are in Bosnia.

Why?

In my opinion, for no good reason.

The decision has been made by the President to send our troops into harm's way on an alleged peacekeeping mission. Perhaps in some other countries of the world this might be a possibility, but in Bosnia the hatred runs centuries deep.

Ask any policeman on the beat, in a civil disturbance, regardless of how much the combatants hate each other, they resent an outsider even more. It is human nature.

Unfortunately, the Balkans teach hatred from childhood. The sniper rifle bullet to the head is to avenge great, great, grandpa. Once that score is settled we still have all the rest of the family carrying a grudge. And thus the carnage goes on.

Our American troops are the cop going into this senseless civil feud that has raged for centuries.

Senator DOLE and former Presidents Bush and Ford say we must support the troops. I agree. The way we do that is by bringing them home.

This Christmas I would ask each of you to set an empty chair at your Christmas dinner table as a reminder of the young men and women who will follow their orders to the letter. Brave young people who didn't join the military to be used as policemen in a civil dispute in which we have no national interest. Young Americans who take their duty to country very seriously and did not run away when called to action. Tremendous people who will not be home for Christmas.

One additional request: Each in your own words and your own way, please offer a prayer for these young folks.

Mr. COLEMAN. Mr. Speaker, we are facing an important and difficult moment: Should we send United States troops into Bosnia? Deploying U.S. troops to foreign territory and possibly into harm's way is always a difficult decision.

There is, however, one compelling rationale for United States participation in the international peacekeeping force; Bosnia has been the victim of international aggression and of crime against humanity that the Bosnian Serbs, supported by the Milosevic regime in Belgrade, have committed against hundreds of thousands of predominately Moslem Bosnians.

The American people are rightly outraged by the atrocities suffered by the Bosnian people: mass executions, ethnic cleansing, concentration camps, rape and terror, disease and starvation. Numerous accounts report on the slaughter of innocent civilians in Srebrenica. Peace is the only way to end the terrible human toll of this year. Now, with the official signing of the peace agreement in Paris this week, the warring factions have agreed to peace and the principles of the settlement. We finally have a chance to end the violence that has been so perniciously directed at specific groups because of their faith.

President Bill Clinton, and U.S. diplomatic effort brought the parties to the peace table. The progress we have made toward peace has been the result of American leadership. NATO's bombing campaign, led by American pilots, stopped Serb attacks against the safe areas. In Dayton, our single-minded pursuit of peace helped the parties reach an overall settlement. The Presidents of Croatia, Serbia, and Bosnia have made a serious commitment to peace. We must help them to make it work.

After 4 years of war, a credible international military presence is needed to give the parties confidence to live up to their agreement and breathing room to begin reconciliation and rebuilding. NATO, proven strong and effective, is that military presence. And the U.S. is the heart of NATO. If we fail to do our part in implementation, we would undermine our leadership of NATO. We would weaken the alliance itself. We would also undercut the chance for peace in Bosnia to the detriment of our own interests. At this pivotal point in time, our U.S. troops and our Commander in Chief deserve our complete support and confidence.

President Clinton has clearly defined the objectives of the implementation force [I-For] and stated our exact role in the international peacekeeping mission. I-For's mission is limited to assisting the parties in executing the military aspects of the peace agreement. These efforts, in turn, will help create a secure environment that will enable the people of Bosnia to get on with the job of rebuilding. To ensure a stable Bosnia, we must be committed, publicly and resolutely, to the I-For mission, and most importantly to our United States troops.

Ms. DANNER. Mr. Speaker, I continue to have grave reservations about the United States' mission to Bosnia and this concern is reflected in my votes on this issue. I do not believe we should agree to the placement of American men and women in harm's way without the support of the American people, which I do not believe exists. I fear that the mission could result in a significant loss of American lives without accomplishing the goal of peace in the Balkans.

I have listened closely to the arguments made in support of sending troops. I have not yet been convinced that the parties to the agreement are completely willing to accept the terms of the agreement, nor am I convinced that they have complete control over the people they represent.

One of my chief concerns with the peace agreement continues to be the individual interpretations of the terms by the leaders. For example, Croat authorities released a jailed military commander who was under indictment by the international war crimes tribunal for atrocities. This action knowingly violated one of the major provisions of the Balkan peace agreement. This type of blatant and self-serving disregard for the terms of the agreement certainly does not bode well for the peace agreement and the United States mission. Because of this, I am concerned that a mission intended to keep the peace could quickly become a military engagement similar to what transpired in Somalia.

In closing, however, it is important to note that like the many other Americans opposed to the mission, I will be supportive of our troops as they are committed to Bosnia.

Mr. KOLBE. Mr. Speaker, today, we asked to vote on three measures regarding the deployment of United States troops to Bosnia. Ten days ago, I joined 14 of my colleagues from the House and Senate on a factfinding trip to Bosnia and Herzogovenia, Serbia, and Croatia. I did so because I wanted to fully understand the implications of the United States being involved in the Balkans. We meet with the Presidents of the Yugoslav Republic, Croatia, and Bosnia, the United States Army, and NATO Commanders, as well as U.N. military authorities. And we all saw images in Sarejevo I'm sure we'll never forget.

The devastation is staggering beyond comprehension around Sarajevo—the host of the 1984 Winter Olympics. Once a city of 500,000, its population, it has been reduced in half. Virtually every building is damaged. Electricity, water, sewer, and other basic services are sporadic. Most troubling, however, is the human toll—many thousands of civilians have been killed in the conflict and there are perhaps as many as 3 million Balkan refugees scattered across Europe. They are the innocent victims of this conflict. It was obvious to all on our trip that life will never be the same for those who live in this troubled region of the world.

Now, the President has made a decision to send 20,000 Americans to Bosnia to join with other NATO Forces in implementing the peace agreement. I think the policy that led to this decision was wrong. But the question of whether we should have gone there is largely moot. It now matters only that we succeed. This raises the question of how we should define success.

I believe that success should be defined as minimizing casualties to U.S. troops and ensuring the peace we enforce for 12 months can endure beyond that period. Regarding the safety of our troops, I am convinced our military is capable of protecting themselves and enforcing peace while they are there. Make no mistake, this is a tough assignment and it carries with it the dangers inherent to any military operation in a potentially hostile environment. However, our troops are well-trained, their mission is well-defined, and they have the requisite firepower and clear rules of engagement to protect themselves. Morale is high and I am confident they are well-prepared for the mission ahead.

I remain, however, doubtful about the prospects for long-term peace in the region. The NATO Forces have established a self-imposed 1-year deadline for the departure of troops. It hardly seems plausible that a 1-year respite in the fighting will be sufficient to secure the lasting peace contemplated by the Dayton Agreement and coveted by the people of that war-torn region.

It has been my consistent view that a stable military balance is essential to achieve lasting peace in the Balkans. That means, in my view, during the next year, the Bosnian military must be armed and trained in the use of weapons. If the deployment of American peacekeepers is inconsistent with an active effort to arm the Bosnians—by whomever—as some of our allies and some in Congress assert, then American peacekeepers should not be deployed because lasting peace cannot be achieved because of the extreme military imbalance that exists today. We must have a commitment from our allies on this issue in advance or this mission will almost certainly be doomed to failure. It is impossible to imagine the Bosnian Republic living in harmony without a sufficiently armed and trained Bosnian military force. I am disappointed that, in the House of Representatives, we have not had the opportunity to consider initiatives to compel the administration to extract such a commitment from our allies.

Furthermore, I see little in the peace accord to address the monumental problem of the nearly 3 million refugees who have been displaced from their homes. While the agreement calls for these people to return to their homes and villages in territories controlled by former enemies, it provides no guarantees of security for them. If the Bosnians, Serbs, and Croats cannot return to their homes with assurances of safety, it is a virtual certainty that they will remain refugees, with all the attendant problems such a massive population displacement will cause. It could easily lead to a situation similar to that which has plagued Israel and Palestine for over 40 years.

Despite my reservations about the wisdom of the President's decision to deploy United States forces to Bosnia, now that the decision to deploy them has been made, I am committed to providing full support to our troops. I will vote now, and in the future, to provide them with whatever resources are deemed necessary to allow them to accomplish their mission. Certainly, the brave men and women serving in our Armed Forces deserve no less.

Mr. ROEMER. Mr. Speaker, I rise in strong support of House Resolution 302 as introduced by Representatives SKELTON and BUYER that would reiterate our serious concerns about the planned deployment of 20,000 United States ground troops to Bosnia to help implement the Dayton peace accord. This resolution also expresses the deep pride and confidence of our Nation in the brave and courageous U.S. troops supporting this complicated and dangerous mission. This is certainly the message that we want to send to our proud men and women in uniform.

Without question, the decision to send United States troops to Bosnia is one of the most difficult foreign policy choices our Nation must confront. The risk our troops will face is real, and the long-term success of the Dayton agreement is far from certain. From the outset, I have been opposed to sending United States troops because the situation in Bosnia does not involve a vital and compelling national interest. This mission is not clearly defined, other than the exit date, and there is a great deal of potential danger and confusion entailed in nation-building. The Dayton accord involves assuring fair and free elections and resettling the refugees. As horrible as this strategy has been, the current situation in Bosnia could be solved with NATO and United Nations assistance.

However, in the event that the remaining 20,000-member contingent of U.S. troops is deployed, we must ensure that our military commanders have everything they need to do their job effectively. Furthermore, we must be certain that the requests of the military commanders in Bosnia will be addressed immediately and completely. Moreover, in the interest of maintaining the moral and confidence in our young men and women in uniform, we must make them understand that their Government and their Nation completely supports their cause and stands behind them in this mission, once the President has sent them into Bosnia.

I certainly welcome all efforts to reach a peace in Bosnia, but I oppose any increased

United States military role in this volatile area. American soldiers should be deployed when and if American national interests are at stake. We should deploy our forces when treaties are broken and when our troops are threatened. There may be other circumstances for U.S. involvement. We should reflect these principles in a thoughtful doctrine or policy, not a pick and choose method.

U.S. foreign policy has always come to the defense of sovereign democratic allies that came under external military attack. This is not consistent with the current situation in Bosnia. As heart-wrenching as this tragedy has been, this does not seem to justify the loss of American lives. It is certainly not something I can justify to my constituents, who have sons and daughters who may not come home.

One can only wonder how meaningful a peace agreement is when it requires 60,000 foreign troops, including 20,000 Americans to enforce it. As horrible as this tragedy has been, the current situation in Bosnia might be solved without American troops. In fact, General Shalikashvili testified that from a strictly military perspective, the task of implementing a peace accord in Bosnia could be accomplished solely by European forces. The United States can and probably should bring some unique support capabilities to any peacekeeping operation, but these would not require a ground presence of up to 20,000 U.S. troops.

We were also told that the United States must play a leading role on the ground because the United States is the leader of NATO and that Alliance solidarity would crumble if we did not. However, to argue that the credibility and effectiveness of NATO rest upon committing American forces to an ill-defined peacekeeping mission is suspect. In fact, the strains of a prolonged military deployment, in support of ambiguous objectives could do more to pull the alliance apart in the long run than to solidify it.

Our message should be, "Do not send our young men and women to Bosnia," and I agree strongly with that message. This body should say "No" right now to a mission that lacks concrete strategic objectives. I have voted twice to do this.

As we have learned from Somalia and Haiti, we cannot put troops in harm's way in a foreign country without a clear, achievable objective and a clearly defined exit strategy. It is a recipe for disaster and we certainly cannot put those lives on the line without an American chain of command.

I do not rise in support of this resolution to undermine our President. I am an ardent supporter of our Armed Forces, and I am a strong supporter of humanitarian aid to the people of Bosnia. I support the resolution for the same reason that I voted against lifting the arms embargo against the Governments of Bosnia and Herzegovenia: to prevent the Americanization of the Balkan conflict and save American lives. I urge my colleagues to support this resolution.

Mr. SCHUMER. Mr. Speaker, I support House Resolution 302, but with one important objection. I support it because I have severe reservations about the President's policy and implementation plan. Specifically, it is not at all clear to me that the situation in Bosnia will be any better after our troops depart 1 year from now. This is because, in my view, the plan fails to articulate the kind of explicit objectives and success criteria necessary for the success of such a deployment. What exactly do we expect to achieve over the next 12 months in order to preserve peace, and how will we know whether we've succeeded when the appointed exit time arrives? Unless these questions are answered more satisfactorily, our troops could very well be placed in harm's way on a mission based more on good intentions than on reasoned expectations.

The resolution also declares that the House "is confident that the members of the United States Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage," a confidence I fully share and wish deeply to express.

However, I object to paragraph (5) of section 2 of the resolution, which states that "the United States Government in all respects should be impartial and evenhanded with all parties to the conflict." I disagree with this provision because of my longstanding support of lifting the arms embargo to permit the Bosnian Government to defend itself against Bosnian Serb aggression, a cause for which I also have supported United States financial assistance. In fact, I believe that if anything of lasting value can be achieved by the President's plan, it is to achieve this necessary military balance. This paragraph contradicts that essential objective and I must object to its inclusion in a resolution otherwise deserving of support.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). All time for debate pursuant to the first section of House Resolution 304 has expired.

Pursuant to section 2 of House Resolution 304, it is now in order to consider the bill, H.R. 2770.

PROHIBITION OF FUNDS FOR DEPLOYMENT OF ARMED FORCES IN BOSNIA

Mr. DORNAN. Mr. Speaker, pursuant to House Resolution 304, I call up the bill (H.R. 2770) to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF FUNDS FOR DEPLOYMENT ON THE GROUND OF UNITED STATES ARMED FORCES IN THE REPUBLIC OF BOSNIA AND HERZEGOVINA AS PART OF ANY PEACEKEEPING OPERATION OR IMPLEMENTATION FORCE.

Notwithstanding any other provision of law, no Federal funds shall be appropriated or otherwise available for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 304, the gentleman from California [Mr. DORNAN] will be recognized for 30 minutes and a Member opposed, the gentleman from Indiana [Mr. HAMILTON], will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, those Members that were on the floor and missed the evening ABC news tonight missed some very graphic videotape from Tuzla.

The airport at Sarajevo has been closed all day today and the better part of yesterday. No C-5's or C-141's, our biggest transport airplanes, will go into either the Tuzla airport or to Sarajevo. It is going to be all tough C-130 Hercs or the C-17 at some point in the future when the runways are perfected.

Tuzla has 2½ feet of snow, it is snowing at this moment, it is going to snow all night. There is a frontal system throughout the whole Balkan area. The mountains, where the mines are, are all in dense fog. The winds are 25 knots gusting to 35 causing snow drifts, and they expect 28 degrees at the city levels, much less up in the hills, and the 2 foot of snow will stay for weeks if not months to come, and more will be added to it.

I wish someone in this Chamber could explain to me why this operation, Task Force Eagle, could not have been implemented the day after Christmas. Why do we take all these families, including mothers, away from their kids and their mates in Germany and a lot of reserve units having their civilian employment interrupted to go over there, 12 days before Christmas?

I am going to vote, of course, for the amendment of the gentleman from Indiana [Mr. BUYER] and the gentleman from Missouri [Mr. SKELTON]. IKE has two sons on active duty. I have two Dornan nephews, a lieutenant in the Air Force and a lieutenant commander in the Navy who has 35 some missions in the gulf war.

They tell me privately, all the military people I meet with, that this is a terrible way to put men and women in harm's way, but once they get the call, they are ready to try and do their best.

This is going to come back to haunt a lot of Members, their Dornan vote tonight. December 13, 1995 is going to come back to haunt people, Mr. Speaker.

When a Gold Star mother comes to a Member in this House and says that you do everything to keep Americans from going back to Europe after 50 years of keeping their peace and two bloody wars, and the Pope did not tell anybody to put American ground troops in there so that this century would not end in Sarajevo the way it began in 1914.

The factor of supporting the troops is a given in this House. I do not know anybody in this House, the most liberal

Member, the most conservative, I do not know anybody at this point after Desert Storm and what we did to our forces in Vietnam and tragedies like Beirut and the fact that thousands of young men and women die every year in training, I do not know anybody in this Chamber who does not truly have intense, deep affection for our troops.

But many Members have not met Herb Shugart, the father of one of our two last Medal of Honor winners from the streets of Mogadishu. He would not shake Clinton's hand.

Herb Shugart told me the whole story. He said, "Mr. President, why do you fly a warlord Aideed on our airplanes with Marine guard? You wouldn't ask my son's Army to guard him just days after he had killed 19 of our men. Why did you fly him to Addis Ababa?"

Clinton said to him, "It was a good military operation, Mr. Shugart. You son did not die in vain."

He said, "How would you know what a good military operation was?"

It went on from there, and finally he said, "I have nothing more to say to you."

The press, some of the press, most of the press, suppressed that story. I do not think there are five Members in this Chamber that know that our two Medal of Honor winners, Gary Gordon, buried in Lincoln, ME, and Randy Shugart, buried in Carlisle, PA, were not just dragged through the streets before our eyes but their bodies were horribly mutilated and then burned and then dumped on the steps of the U.N. every 2 days.

And then I am told by nice men like Christopher and Perry and Shalikashvili that, "Well, we've learned our lessons from Somalia." Learned our lessons from Somalia? Did we not learn anything from Reagan's mistake in Beirut? Did we not learn anything from Vietnam? Did we not learn anything from the cold in Korea? Ask CHARLIE RANGEL about trying to concentrate to fight when you are freezing to death.

No, we did not have to rush in to rescue our European NATO friends when we are doing over 90 percent of the airlift, 90 percent of the sea lift, 90 percent of the sea power in the Adriatic. More like 95. The air strikes were 95 percent ours in August and September. Ninety percent of the food, the logistics, 100 percent of the hospital at Zagreb in Croatia. And when it comes to intelligence, it is all ours, from the unmanned aerial vehicles to the super architecture of our big satellites. Is that not a Treasury commitment of the American people?

I am not an isolationist, far from it. I went up to Walter Reed Hospital and met all the wounded men up there. Chris Reed was trying to rescue the bodies, not the men, the bodies of a helicopter that went down September 25, 1993, days before the horrible firefight, and he lost his arm and his leg. His fiancee married him anyway—beautiful ceremony up at Walter Reed. I flew over 200 flags on the roof of this Capitol with my 5 oldest grandchildren. I sent little Medals of Honor to the parents of Shurgart and Gordon because the Army had forgotten that parents raise the young heroes. The wives get the Medals of Honor posthumously.

This is a Gold mother, a Gold mother vote tonight. It is a widow vote. It is a vote to tell a couple of young kids and a handsome young father why their mother was hit by a sniper in Tuzla or some area in those hills.

I wish all Members could get the intelligence briefing I had today. By the way, you can. Every one of us has a top secret briefing. Go get the briefing that I got today on who are our friends there and who are not our friends. The war criminals are on their best behavior, the victims are furious that they lost 49 percent of their country, and the older politicians who cut the best deal they could to have their nation partitioned in half, and we are going to enforce the partition, they cannot sell their younger people on the anger that they have lost what they wanted, not to be a multicultural state but an Islamic state.

The intensity of the hatred with some of these folks reminds you of the 8, 14-way split in Afghanistan, reminds you of the worst of Lebanon, the worst of Vietnam.

I am going to vote against Mr. HAMILTON's amendment, because I think it is naive and a fig leaf and it acts like all 20,000 troops are in there. The news tonight said, I stand corrected, it is not 97, it is about 150 people are on the ground. Period. Nobody is getting in tonight.

Mr. Speaker, I am going to call this the Dornan-Scarborough—because he has led my freshman—Freshmen amendment, "freshmen" for the baker's dozen, the 13 of you over there, because I predict, without any fear of being wrong, that some seats are going to be lost in November based on how people vote here.

I want everybody to realize that we are a pretty elite group here now. Almost all of our kids go to college. This blue collar warfare that we started, putting our men and women in harm's way, started in Korea and it was perfected in Vietnam.

I am going to give some time to the gentleman from Ohio [Mr. TRAFICANT] to speak out for the families who have their sons and daughters wear our uniforms as police, fire people, deputy sheriffs, and in all of our services. Then I am going to give 1 minute to as many freshmen as I can who were on the trip this weekend, last weekend, or the weekend before who have a totally different opinion than some of the people who have already spoken.

Mr. HAMILTON. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the Dornan resolution as the only crystal-clear vote this House will cast on this precedent-setting U.S. military involvement of our ground forces in an unstable former Soviet bloc nation.

I rise in support of the Dornan resolution as the only crystal clear vote this House will cast on this precedent-setting U.S. military involvement of our ground forces in an unstable former Soviet bloc nation. The most assured way of maintaining our troops' safety is not sending them there in the first place.

Moreover, there is no possibility that the age-old hatreds that have fueled the killings and plunder in the former Yugoslavia will be calmed in 1 year. Reestablishing civility in that region will require years of dedicated commitment, and the resources to back it up. Other instabilities in that corner of the globe are likely to bubble up in years ahead. Unless Europe, now rebuilt 50 years after World War II, seizes its proper leadership role, the United States cannot keep filling the vacuum. The initial cost of U.S. ground force involvement is projected at $2.6 billion including an initial $600 million for rebuilding roads, bridges and infrastructure. The cost in American lives tonight is uncertain. This operation is high risk and its ultimate resolution unclear. Thus, before committing U.S. forces, it is critical to ask the Clinton administration:

Under what constitutional authority is your administration committing 20,000 United States ground forces to Bosnia and thousands more to adjacent nations?

Under what specific treaty obligation and amended obligations is your administration committing United States ground forces to Bosnia?

Please define peace-keeping.

Please outline the mission in Bosnia and when our Nation will know it has succeeded and thus withdraw.

Please define peace-making.

In the past, when, where and through what legal or treaty authority has the U.S. deployed ground forces through NATO, or other European Security institutions for "peace-keeping" operations in the former Soviet bloc?

Since the administration's Bosnia initiative is precedent-setting—United States ground forces in a former, unstable Soviet nation—on what basis will our forces be committed to other internal civil wars in the future? What will be the U.S. military "peacekeeping" relationship to the United Nations, NATO and other such international entities in the future?

Has the Conference on Security and Cooperation in Europe formally requested NATO assistance in Bosnia? Please provide the document requesting such involvement.

What is the role of the Western European Union, if any, in the Bosnia deployment?

Is Eurocorps functional and what force level has it committed to Bosnia?

Describe the Bosnian Commission that is to settle property disputes and its legal structure.

Is it operational? If not, when will it become functional?

How does the United States role in Bosnia differ from our role in Lebanon?

Do the three parties to the peace accord—Presidents Milosevic, Izetbegovic, Tudjamn—represent legitimate authority for their respective constituencies? Through what legal process was each elected to preside over those countries? Please detail the nature of their respective elections.

Finally, why in this post cold war era—when the U.S. citizenry has been clamoring for more defense-burden sharing by United States allies—has the U.S. again been asked to assume the central role in resolving this situation, even convening the peace talks in Dayton, OH, rather than on the European continent.

This matter is a defining moment in U.S. foreign policy in that the U.S. is being asked to substitute for European resolve.

In the NATO nations of Europe we have thousands of European trained, deployable troops that could be dispatched immediately to the Bosnia region in the event a final peace accord is signed in Paris.

Let me read to you the countries and the number of their combat ready troops:

Belgium	63,000
Denmark	27,000
France	409,000
Germany	367,300
Greece	159,300
Italy	322,300
Luxembourg	800
Netherlands	70,900
Norway	33,500
Portugal	50,700
Spain	206,500
Turkey	503,800
United Kingdom	254,300
Total	2,468,400

The Administration states that Europe, since 1914, has been unable to effectively maintain the peace and there was no other recourse but for the U.S. to assume the lead in bringing the warring factions to peaceful resolution. We are urged not to become "isolationist".

The truth is the long-term prospects for peace in this troubled region are slim. Once the NATO troops withdraw, it will require 50 years of cooling off between warring factions and maintenance of borders by external forces to give peace a chance, not a one-year quick fix. And who will commit to that? Who will pay for it?

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise in strong opposition to the Dornan resolution. At a time when U.S. troops are in the field, right at this very moment, the Dornan resolution would deny American troops the resources they need to carry out their mission.

This is a naked political ploy that, despite all the rhetoric, pulls the rug right out from under the feet of the very troops that most if not all the Members in this body want to support. You cannot have it both ways.

The gentleman from California [Mr. DORNAN] says there are now 150 troops on the ground. If this bill were to reach the President over the next several days, there would be at least 2,000 troops on the ground before it would be presented to him.

At a time when we already have a significant number of people there; what kind of message does this send, when Members of this Congress act to strip American troops of the resources they need? Could we even evacuate the area of those who have already arrived and will over the next several days be arriving?

□ 1900

I do not believe this bill would permit it. The Dornan resolution represents, I believe, a direct assault on every U.S. soldier on the ground in Bosnia and those who will soon be there. This resolution essentially could take the weapons out of the hands of the troops and put, unfortunately, and maybe unintentionally, our men and women directly in harm's way.

I think we should stop playing politics with the lives of the young men and women who are there. If we really support our troops, there are opportunities ahead to vote for that. There is no question that this bill is not necessary and, in fact, could do a lot of damage. I think it is the height of irresponsibility, and I personally believe this resolution is far too far to the extreme. I believe it is really an attempt to embarrass this President.

But, more importantly, to those of us who will be voting here shortly, I believe it will, in the long run, embarrass those of us who choose to vote for it. I do not intend to be one of them. I think there are other alternatives available to us this evening, whether you are for or against this effort in Bosnia, that have a more effective and less destructive way of expressing the opinion of this Congress.

I wish this resolution had not been presented, but I think those of us who have the courage to stand with our troops need to oppose it.

Mr. DORNAN. Mr. Speaker, I yield myself 30 seconds to remind the gentleman who just spoke that there will be a lot of conscience voting on the other side. I respect that. But I believe all of the leadership over there, including you, voted against Desert Storm and voted against our troops. So let us not inject politics and hypocrisy here. Let us all speak with our brains and our hearts and respect one another.

I looked up how you voted.

Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I must tell you I am highly offended that the Member from California would call this a naked political ploy, when we in Congress are simply doing what is our constitutional right to do, questioning whether we send young Americans to die in the snows of Bosnia.

I sit on the Committee on National Security; make no mistake of it, every single person that has testified in front of the Committee on National Security has said young Americans will die in that battle. We have that right to ask the question.

How many times have we heard since the end of the Vietnam war, "Why didn't our leaders step forward earlier and stop it?" The troops are not in at such a degree that we cannot get them out. We have more Americans in Central America fighting the drug war right now than we have over in Bosnia. We have a right, and for those who say how dare we do it now, these are the same people that were telling us during the Dayton peace talks that we had no right to do it; then that we had to wait until after the Dayton peace talks. Now they are telling us we as Congress do not have the right to do it now.

Let me tell you, if not now, when? And if we do not have the right to do it, then who has the right to stand up and ask the President why he is sending Americans to die in a conflict that his own Secretary of Defense says does not pose a vital threat to America?

The Constitution is clear. James Madison, one of the three drafters of the Constitution, said that the Constitution supposes, with the history of Governments to declare, that the executive branch of power is the most interested in war and the most prone to it. It has, accordingly, with studied care, vested the power of war in the legislature. That was from James Madison to Thomas Jefferson.

I want the Member from California, I want those who vote against the only true bill that can do something to stop the bloodshed now, to tell me during this debate what will they tell the parents of those children who die in Bosnia? What is the reason that we have sent them over there to die? Tell the gentleman from Kentucky [Mr. BUNNING], what is the vital American interest in sending his son over to die?

These troops are not cowards. People from my district have been over there for months flying missions. We are not isolationists. But tell us the vital American interest that is worth the death of Americans. And make no mistake of it, the President will tell you, the Vice President said it today, as many as 50 Americans will die over there.

So when you vote against Dorman, you are voting to wash your hands of this issue, and if you are comfortable with that, if you feel there is a compelling vital American interest, if you truly believe in your heart that a 500-year-old civil war with no vital American interest, according to our own Secretary of Defense, is worth spilling American blood, that is fine. But convince me, because nobody in the administration has convinced me or 75 percent of Americans that we have a vital American interest over there.

I certainly respect those who will vote against the Dornan amendment. I know this is a highly emotional issue. Nobody has made a case yet that it is worth spilling American blood.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, for the last 4 years a horrible war has been ranging in the former Yugoslavia. It is a war that, with each passing day threatens to become wider and more dangerous, not just for the people in that country but for other countries in the surrounding region and for the world itself.

Already that war has claimed several hundred thousand lives. There are 2 million refugees in country and another 800,000 refugees outside of country.

On the Serbian side, there are already volunteers, including high-ranking officers, serving with the Serbians from former Soviet-bloc countries. On the Bosnian side, there have been volunteers from other countries, particularly in the Middle East. The war is becoming more dangerous, more complicated and more involved all the time.

A month ago our President invited the leaders of those three countries to come to this country. They sat down in Dayton, and after 3 weeks they signed a peace agreement. The fighting has stopped. Now they ask us to come and stand between them to make sure that the fighting continues to stop while they have an opportunity to rebuild their countries and settle their differences peaceably among themselves. They need NATO.

They said to us, and I was in Bosnia as others of us have been over the last weekend, they told us directly,

> No one can ensure that this happens, that this peace continues, other than NATO, and there is no one that can lead NATO except for the United States. We need the United States. We trust the United States. We respect the United States. We want you to come here and make sure that this peace continues.

Our troops are on their way. They are already now on trains heading for the staging area in lower Hungary. Hundreds of them are on the ground in Tuzla.

This resolution cuts off all funding for American troops in the field. I met with those troops in Frankfurt just yesterday, had lunch with them in the mess hall. What they said to us, from officers down to privates, the two privates that I sat next to in that lunch hall, was this:

> We need the support of the American people. We are going for this mission. We understand it is dangerous. We are prepared for it. Our morale is high. We can do the job, but, don't deprive us, don't deprive us of the means to achieve the objectives that you have set forth for us.

That is what this bill does. Unfortunately, it deprives them precisely and specifically of the means to carry out the mission that they have been sent there to accomplish. It would cut off all of their funding. Let us not do that to them.

We are sending them there on a mission that is dangerous and important for our country, for the NATO countries, and for the rest of the world to keep peace.

More than 60 years ago, a kind of ethnic cleansing swept through Europe. We did not step in in time. Let us not make that mistake again. We are there to maintain this peace. Let us not cut off the funds for the troops who are there to do the job.

Vote "no" on Dornan.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, the holiday season is a time for us to count our blessings, and it was in this spirit that I came before the House last week to urge my colleagues to reflect upon the efforts of the peacemakers. I felt that the words found in the Bible expressed it best, "Blessed are the peacemakers."

After 3 years of starvation, mass executions, sniper fire, indiscriminate shelling and rape, the children of Sarajevo are ready to enjoy their first Christmas free of fear and violence. For the first time in years, families have an opportunity to share the holidays together without worrying that a father or a son will be dragged off in the dead of night never to be seen again.

In large part, our Nation, our President, its leaders, its diplomats, its men and women in uniform and its people are responsible for this state of affairs.

While I strongly support the humanitarian goals of this mission, I also support this mission because it is in our national interest. Is not preservation of the North Atlantic Alliance, which has kept the peace in Europe for over 40 years, important to America's national security? Is not keeping the war in the Balkans from spreading to engulf our important allies, Turkey and Greece, important to America's national security? The answer is "yes."

It is also a national interest to protect the constitutional powers, not just of this President but of future Presidents.

After 3 years, our President and our European allies have finally pulled the warring parties in Bosnia off the battlefield and to the negotiating table to end the bloodshed and death which has claimed the lives of so many innocent women and children.

Mr. Speaker, let us be messengers of peace and goodwill and support. Let us support our troops, America's national interests, our President, and the peacemakers. Let us support the Hamilton amendment.

Mr. DORNAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, blessed are the peacemakers. Peacemakers? Maybe targets.

There is only one vote on the House floor tonight; I am going to vote for Mr. HAMILTON'S, but I am going to vote for Mr. SKELTON'S and Mr. BUYER'S.

They are after-the fact, nonbinding votes. They mean nothing. Yes, there may be 2,000 troops in Bosnia before the Dornan amendment may pass. I do not think it will pass. But if it did, the President would veto it, and we could not override the veto.

Because, Congress, we know our history in Vietnam. What was the sense to it? What was the binding vote that declared war in Southeast Asia? There was none.

Congress does not govern anymore. I hear all of this superpower business. We are not the only power. Europe is not exactly a Third World military pushover, folks.

I want you to just think of this, while our young men and women, while there is no security national security threat in Bosnia, No. 1, and our experts tell us Europe has enough military personnel and money to provide the peace, while our personnel, ground troops, are over in Bosnia, French soldiers will be visiting Disneyland.

This is ridiculous. I keep hearing about NATO. NATO was designed and, in fact, created to prevent a Soviet invasion. It is time for Congress to realign NATO. Let the Europeans put up the big money. Let the Europeans put up the military. Let us support them.

My God, this is contained, and if we needed to send troops, if it would be exported out of Bosnia, we could send ground troops.

This is the only vote you have. These other votes have absolutely no meaning. I am going to vote for them, but you have just given the authority to declare war to one person, the President. I do not want to hurt the President. But it is not the President's authority to do this. By God, if we do not challenge it over Bosnia, we will continue to look in our history, at Vietnam, Bosnia, Beirut, Lebanon, Somalia. What is next here?

Wise up, Congress.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS], the distinguished deputy whip.

□ 1915

Mr. LEWIS of Georgia. Mr. Speaker, I urge may colleagues to support the peace agreement between the warring parties of Bosnia. Blessed are the peacemakers, for they shall be called the children of God.

This was not an easy decision for the President. This is not an easy vote for any of us. It is not popular, and it is not easy. But we are leaders. We are not called to do what is popular, to put our fingers to the wind is blowing. Our mission, our responsibility is to do what is right.

For 3 years, we have heard the cries of anguish from the people of Bosnia. We have been deeply troubled by the accounts of rape, torture, and murder. We wanted to help stop the violence, stop the fighting. But we did not want to get involved in a war that seemed to have no end.

But now—finally—we have an opportunity to support peace. This mission is not for war. It is not Vietnam. It is a mission to uphold the peace.

Only yesterday, the Prime Minister of Israel thanked America for leading the way. For fighting fascism and championing democracy. He urged us to continue our leadership, not just in the Middle East, but elsewhere, in places where our leadership—American leadership—can make a difference. America has always stood for peace and freedom because it is right.

If we fail to act, we lose our moral compass. We lose our sense of purpose, our sense of direction as a great nation.

We now live in a global village. What happens in Bosnia affects people in Boston, in Chicago, in Detroit and in Atlanta.

But I believe—I truly believe—we cannot, we must not stand idly by. To do so would undermine our position in NATO and throughout the world. Our involvement can make the difference between war and peace, between death and life.

How in God's name can we stand by? We have seen the ethnic cleansing, the slaughter of young children, and the rape of women. More than 250,000 people have lost their lives. More than 2 million people have been uprooted and made refugees.

If we fail to respond to the Macedonian call—to lend a helping hand for those in trouble—then the cycle of violence will continue.

At long last, we can make a difference—to give peace a chance. I plead with you my colleagues—stand with us. Stand with our troops. Stand up for what is right and just. Support our mission for peace. Oppose this amendment, support Hamilton.

Blessed are the peacemakers, Mr. Speaker, for they shall be called the children of God.

Mr. DORNAN. Mr. Speaker, since communism killed more people in Cambodia, Laos, and Vietnam than the entire population of Bosnia and Herzegovina, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this is not about peace and war; it is about war. That is what is going on over there, and they are not going to stop fighting just because we go in there.

I wholeheartedly support withholding funds from President Clinton's Bosnia mission. Although it is a drastic step and ties the President's hands, I do not feel like we have any other choice. The President has tied our hands, gone against the wishes of the American people, and this is the last best way I know how to show my respect for our American service men and women. They are helpless, following orders. But we, we are in a position to stop this terrible mistake before it happens.

I know how those soldiers are feeling. I was in the military for 29 years, and I recognize that we used to say "Let's go to war. Let's go fight that war, it is the only one we have got." And that is what some of them are doing. However, I was told by Senator HUTCHISON that the guys down in Fort Hood did not say that. They said "Why are we going there? Can't you stop us?" She said she would try.

Thirty years ago when I was sent to Vietnam in a similar situation, Vietnam started out as a peace type mission, no defined goal, no exit strategy, no idea whose side we were on, and a created incident to gain support of the Congress. A peacekeeping mission? Come on. Does this not sound just like a carbon copy? I think it is.

What is going to happen when our guys get over there, and if the rules of engagement apply, and they get shot at, and we start shooting back, what are their people going to say when we start killing them, killing Bosnians, killing Croatians, killing Serbs? We will do it, and we will get chastised for it.

Let me just ask one more thing for the guys over here voting against it: What are you going to do when one of our women soldiers get captured?

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS.]

Mr. OWENS. Mr. Speaker, I rise in opposition to the Dornan amendment. There is no more noble a purpose and no more practical a purpose for the use of American military strength than the purpose for which the troops are being deployed in Bosnia. Blessed are the peacemakers and peacekeepers. All armies are created and mobilized for the purpose of achieving peace. Troops fight to win wars in order to realize peace. To conquer an enemy is to achieve peace.

If peace is always the objective, then why do we belittle and challenge a use of American troops to maintain the peace in a situation where peace has been negotiated? Every soldier who serves in Bosnia should be saluted as a hero. The soldiers who keep the peace deserve all the medals and as much glory as the soldiers who fight hot wars.

Peace is always the objective of honorable military action. Certainly there are great risks. From day one in training camp, every soldier enters a world where risks are far greater than in the civilian world. In any foreign theater, a soldier's risks are greatly increased. But in Bosnia the risks are being taken to feed the hungry, to clothe the naked, and to provide shelter for those who have been made homeless over and over again by the actions of military criminals.

We spend nearly $250 billion a year to maintain the world's greatest military force. The American Armed Forces of 1995 should be declared an Army for peace. For all the years to come it should be understood that we are armed to promote and preserve peace. Bosnia should not be seen as a waste. The deployment of troops in Bosnia is a necessity to send a message to the military criminals of the world that thugs will not be allowed to rule any part of the world and go unchallenged.

American soldiers should not be asked again and again to do this in the world, but this is a clear and present situation. This is a situation that has been negotiated. This is a situation where peace is achievable. Let our Army help to achieve that peace.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, imagine for a moment that you are an American soldier who said good-bye to his family and you are on your way to Bosnia. Word reaches you tonight that the Dornan resolution has passed in the U.S. House of Representatives. The House of Representatives has voted to cut off all funds for Bosnian peacekeeping.

The gentleman from California [Mr. DORNAN] knows and everyone knows on this floor his resolution will not go any further than this House of Representatives, but it will reach these troops on their way to represent America.

This is a cruel resolution. It will say to the men and women whom we ask to wake up tomorrow to dress in their military uniform and to represent the United States that we do not stand behind them.

I think we have learned many lessons through our lifetime. We have certainly learned that when we have made the commitment to put our troops in the field, we in the United States Congress must stand behind them.

The gentleman from California likes to recount the fact that many of us voted against the Persian Gulf war. I did. The gentleman should also recount the fact that immediately thereafter there was offered a bipartisan resolution, which passed I believe without a dissenting vote, where we stood resolutely behind those men and women, regardless of our vote on the Persian Gulf war. That was the appropriate and proper thing for us to do as Americans.

Regardless of the fact that I do disagree with some aspects of this Bosnian peacekeeping, I think the President was wrong in not seeking

Congressional approval, the fact is the troops are committed. The fact is they will look to us, Mr. DORNAN, and they will look to you as to whether you support them. And your answer to them is not a badge you wear on your lapel or any fancy ribbon that you wear on your suit, but how Members will vote.

Mr. Speaker, I hope Members will join me in voting to make sure those men and women in the field know that we stand behind them. This is serious, it is a serious commitment of this country. These men and women are putting their lives on the line. We owe it to them to take it very seriously. I urge my colleagues, whether you agree with the President or not, to defeat this cruel Dornan resolution.

Mr. DORNAN. Mr. Speaker, I will not be goated yet. Mr. Speaker, my 22 years and 4 months in the Air force prevents me from rising to that fight.

Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho, Mrs. HELEN CHENOWETH, a freshman who has just come back from a recent trip to Sarajevo.

Mrs. CHENOWETH. Mr. Speaker, I want to make it clear that the Dornan resolution and the resolutions and bills that we have passed already in this Congress is not a message to our boys who are preparing to be deployed. It is a message to our boys who are preparing to be deployed. It is a message to the President of the United States, who is acting like a dictator. When is he going to get the message?

Mr. Speaker, yes, I was in Sarajevo, and I sat with Prime Minister Siladjic, who said very clearly, we have not asked for your troops. We have only asked that the arms embargo be lifted. We do not want to be an occupied nation. We want to be able to defend ourselves. We want to have military parity.

Mr. Speaker, they will only be able to have peace over there when everyone is equally armed. Let us not make a cheap political trick out of this by distorting the issue and using our boys in a political discourse. We are behind our men and women who will be deployed. There is no doubt about that. But, again, the Congress is saying no to President Clinton.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I, too, want to urge my colleagues tonight to think of the troops that we have in the process of deploying to Bosnia. I think a resolution that would cut off all money for ground forces would be widely misunderstood with the troops in the field, and I think would be a tragic mistake in undercutting of the U.S. Presidency and of the Dayton agreement.

I would hope that my colleagues would give President Clinton what he needs tonight, and that is a resolution which strongly supports the troops, strongly supports the men and women who will be going to Bosnia, and I think the Hamilton resolution gives us that exact message and is what this Congress should rally behind.

I do remember the gulf war debate. After that debate was finished, we had a bipartisan effort to support the troops. I might recall to my friends on the other side, Speaker Foley did not call for a vote on this until after 500,000 troops were deployed to the gulf war. That was an appropriate time to do this. But to take this hard approach, to cut off all money, no money shall be spent, I think would be a terrible mistake. I think it would weaken the Presidency, it will weaken our leadership in the world, it will weaken NATO and our leadership of NATO, and I think it is one of the most serious mistakes we will have made in this Congress.

So, again, I urge my colleagues to vote "no" on the Dornan amendment and support Hamilton, which is well written and very supportive of the men and women who will be serving us so well in the Persian Gulf.

□ 1930

Mr. DORNAN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina, [Mr. FUNDERBURK], the Member of this House or the Senate who spent the most time on the ground, 4 years in Romania, as Ambassador Funderburk.

Mr. FUNDERBURK. Mr. Speaker, 1 year in Bosnia's 600 year old war and out, and peace is to be permanently established? What a joke. U.S. leadership is at stake in the world? What a joke. NATO will collapse if we do not go? World War III? What a joke.

U.S. troops must be supported. True, we all agree, but the President can send troops anywhere and then say if we do not support this unilateral Federal Executive action we are not for our troops. Shame on the one who never supported our troops until he was Commander-in-Chief, and until he seeks leadership credentials. He should have tried getting support of the American people and Congress first, before he committed.

Mr. Speaker, saying our mission was a moral imperative are hollow words coming from people who, for the last 30 years, have turned a blind eye to atrocities in Cambodia, Vietnam, China, Romania, Iraq, and Syria. What about America's moral imperative to intervene in Bosnia? Bosnia is a nightmare, but why should American soldiers stop at Bosnia? Why not Sri Lanka, Peru, China, Nigeria, Indonesia, the Sudan, the Philippines, Western Sahara, Afghanistan, Algeria, wherever there is blood and fighting? The list is endless.

Our policy has always been and it must be to selectively engage our forces where we can do the most good but with the goal of protecting the national security of the United States. On those grounds, Bosnia misses the mark. We have no interest there, plain and simple.

I have lived in that part of the world, the sad part. The Dayton peace accord is a prescription for disaster. Its Byzantine arrangement of one Bosnia with two governments and three independent armies is farcical. Margaret Thatcher had it right when she said the best thing we can do in the Balkans is arm the Moslems and stay out of the direct fight.

Mr. Speaker, I strongly support our only option here tonight for the Congress and the people, the Dornan bill.

Mr. HAMILTON. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I intend to vote against the Dornan bill. I do so because I feel to support it would be a vote in favor of cutting our troops off at the knees. They are on their way. They are going to be there.

Mr. Speaker, in a later moment I will explain, in great detail, problems that I have with the U.S. policy, but this is not the time nor the moment to do that. I will explain why we should vote for the Buyer-Skelton resolution, which will put this entire matter in perspective.

Mr. DORNAN. Mr. Speaker, I yield myself such time as I may consume to say that I appreciate my good friend, the gentleman from Indiana [Mr. HAMILTON], setting the standard here. There are so many distinguished people on his side and mine that want to speak, and so I am going to limit all my speakers to 30 seconds so that everybody gets a chance to be heard on this, and then they may join my special order tonight for an hour to extend their remarks. Let us give it our best shot on both sides.

Mr. Speaker, I yield 30 seconds to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, it is very clear our troops understand what is going on. I talked to them on my way back from Bosnia. They know it is our job to argue policy, and by supporting the Dornan resolution it does not cut them off at the knees. It is shameless to say that it does.

Our troops took an oath to defend the Constitution and our borders, and we have extended that to America's vital interests across this world, but none of that is here in Bosnia. None of it. We are asking them to go above and beyond the call of duty, outside what they have taken an oath and sworn to do. I think we should realize that.

I am carrying a coin, and I am going to keep the First Armored Division in mind for 12 months. And I hope the guy that gave me this does not come back in a coffin.

Mr. HAMILTON. Mr. Speaker, I reserve the balance of my time.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Colorado [Mr. HEFLEY], who was discussed at great length on the senate floor today.

Mr. HEFLEY. Mr. Speaker, I think it is disgraceful that Members would get up in the well of this House and talk about cutting the knees out from under our troops. No one wants to hurt the troops. No one wants to hurt the troops. We want to get the troops there out, and we do not want to send any more troops.

When we debated Hefley back before Thanksgiving, the Democrats said it is a good idea but it was not the right time. Now they say this is not the right time because the troops are already there. When is the right time to say, Mr. Clinton, this is a stupid idea and we do not want you to do it?

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I approach this with some trepidation. I have never been one who likes to use our American troops to do things outside of what is absolutely necessary for the protection of this country. I take a look at this and I ask myself did we get the best deal for the troops that are being sent out there? Is this really the peace accord that is the mother of peace accords, that will guarantee us that the parties will finally agree to what they have said? I ask if those paramilitary forces that are out there, under the control of no one, are really going to be stopped? And I ask do we really know how we will get our troops out should this operation fail

At the same time, I know what I do not want to send a signal to the men and women who are going to Bosnia that I am not prepared to support them. Mr. Speaker, as I look at this vote, and I weigh the chance that I am sending people that are like me, in their thirties and twenties and forties, to go face off with people that we have never seen before, I do this with some trepidation.

I will probably support the Hamilton resolution. I cannot, in good conscience, support the Dornan resolution, and I would urge all the Members to not support the Dornan resolution. What we must do is do the right thing for those that are going. And I do not believe, at this stage, we can say that cutting off funds is the way we want to send our troops to Bosnia.

So I would urge Members to consider the fact this is them going. This is our chance to tell them that we support them, because they have no choice but to go, and it is our opportunity to say we will live up to our responsibility to do the right thing.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Speaker, I rise in strong support of the Dornan resolution.

Article 1, section 8 clearly enumerates the powers of the U.S. Congress and it clearly lays forth the power of the Congress to make rules for the regulation and the government of land and naval forces. It speaks very limited to the power of the President as Commander in Chief.

It is time to end the concession of this Congress to the executive branch in matters of policy as relates to the military. Support the Dornan language.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, 30 seconds is a very short amount of time to say how I feel on this. But let me make a couple of things perfectly clear. I am 100-percent supportive of our troops. It is the policy and the idea of our troops risking their lives without our national interest at stake that I am opposed to.

So the message out of here, in 30 short seconds: We support our troops 100 percent; we do not want them in Bosnia. We have sent this message early in the summer, in the middle of the summer, late in the summer, again this fall. In case the President does not get it yet, we do not want our troops in Bosnia; we do not want our young people to lose their lives in Bosnia.

Mr. DORNAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. BUNNING). The gentleman from California [Mr. DORNAN] has 8 minutes remaining.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Ohio, Mr. STEVE CHABOT.

Mr. CHABOT. Mr. Speaker, I am not convinced that the deployment of our brave soldiers in Bosnia will accomplish any lasting purpose other than to have put valiant American men and women in harm's way in a centuries-old civil war.

I will support the troops once they are there, but I want to state, in the strongest possible terms, that those troops should not be sent to Bosnia in the first place.

I am concerned that one of two things will happen. President Clinton says they will be out in 1 year. Either they will come back in 1 year and the bloodshed will begin anew, or they will be over there for a long, long time; and that is not acceptable to the American people, and it is not acceptable to me.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Long Beach, CA, Mr. STEVE HORN, who went over there 5 times as a professor to try to convince them to vote instead of kill one another.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me.

This is not a partisan issue. Anyone that says we are not supporting the troops has to be either a rogue or a scoundrel. That is utter nonsense. This is a constitutional issue; this is an institutional issue. The House of Representatives must authorize the money.

This is not England. This is not the Roman Empire. This is not some dictatorship. If we have Presidents of both parties, and that is true, that have roamed the world in election years to look better rather than grapple with the problems at home, let us tell them that they must start here for the authority. They have no authority as Commander in Chief.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I am not a war hero and so I cannot stand here with any credibility that might in any way match some of my colleagues, one of whom is proposing this resolution. I am however an American, and I am a human being and a supporter of world peace.

I am a mother as well, and I had the opportunity just this past week to talk to some of the parents of some of the troops who are now in Germany, prepared to liberate those in the former Yugoslavia and Croatia and Bosnia.

What I am, however, is an expert on life and the quality of life and what it means to live in a democracy. I would venture to say that the wrongest resolution we could ever have is the one that is on the floor right now: Cutting off the money, telling our troops we do not care, and simply saying to people who want peace, "The heck with you."

I do not know if we are aware of the human suffering that has gone on in Bosnia, some 3.2 million refugees, 200,000 dead, 6,000 elderly; homeless, and the mass graves that USA Today indicated, where dozens of family members gathered in the morgue of Splits Clinical Hospital to try to identify remains of loved ones, including watches, crucifixes, and pieces of clothing found with the bodies.

The article reveals that a BMW car key found on body number 28 was given to a woman who claims her husband, hotel manager Steko, age 33, had a similar car. The woman, Bozana Steko, 32, races home to see if the car starts, and it does.

I am not sure what we are debating here. I did not have the privilege to rise to the House floor and debate whether or not we should have gone into Kuwait when we had a Republican President. But I know there are many of my colleagues here that rose with all articulateness and emotional fervor, saying there was a reason to go to Kuwait. As a Texan, I know that we were talking about oil.

□ 1945

Today, Mr. Speaker, we are talking about peace. The American people have never run away from peace. They have run away from the loss of human life and the memories of Vietnam.

Mr. Speaker, this is not Vietnam. We have a military that is enormously prepared. We have young soldiers who are committed to the principles of peace. We have a strategy of rules of engagement that allows our troops to shoot to kill. We do not have sitting ducks at the line of demarcation. We are sending armored divisions, and yes the Americans are in areas that they know they can cover.

There are those who are cynical. There will be dangers, sniper fire, possibilities of land mines, but Americans and people of the world have never been able to gain peace without taking risks.

But most of all, I would say to my colleagues who want to throw in the faces of our troops that we will cut off the money but yet, we are for you, as I have heard my colleagues say, I want them to simply tell the truth. If my colleagues are for peace, they have got to stand for peace. They have got to take risks for peace.

Having gone to Bosnia, I will tell my colleagues that the people there want peace. They want to be part of peace. They begged us for peace as we stood in the streets with Bosnian children.

Mr. Speaker, this is the wrong way to go. We must support our troops. We must be strong for peace. Let us act like Americans. Take a risk and take a stand. Stand strong for peace.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. HOKE] who has one of the best chiefs of staff on the Hill.

Mr. HOKE. Mr. Speaker, this is not so complex. Our troops are not in Bosnia. Our troops are in Germany. If my colleagues want our troops to stay in Germany and not go to Bosnia because this policy is wrong, dead wrong, this vote tonight is the only opportunity to do that.

If this vote passes by two-thirds of this House and two-thirds in the other body, it is veto-proof. It is the only opportunity that we have, with 66 percent of these two bodies acting out the will of 85 percent of the American people, to prevent this travesty from happening.

Mr. HAMILTON. Mr. Speaker, we have only one remaining speaker, and I will yield the balance of my time to him. I understand the gentleman from California has the right to close.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland [Mr. BARTLETT], a scholar.

Mr. BARTLETT of Maryland. Mr. Speaker, with the gentleman from California [Mr. DORNAN] leading this effort, it is patently ridiculous to assert that this vote could be construed as a statement for nonsupport for our troops. Please do not use this argument. With Mr. DORNAN leading this debate, there is no way our intentions could be misunderstood.

Mr. DORNAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the White House and the public will take a vote against Dornan as a vote for Gulf of Tonkin-like powers for a Presidential deployment of American troops to Bosnia. That is what this debate is all about.

Should we give the President the power to send these troops to Bosnia? If some nut or ruthless gang unleashes biological or chemical weapons or in some other way kills hundreds if not thousands of young American defenders, those opposed to this bill will bear a share of the responsibility with the President.

The President is sending them there. We have a chance to act. We are now in the chain of command. If my colleagues vote against the Dornan proposal, they are sending a message to the President that he can send the troops to the Balkans.

The cold war is over. The American people deserve better treatment than this. We should not be sending young Americans all over the world in every conflict. It is not fair to them. It is not good policy, and it will not lead to a more peaceful world.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, it is difficult in a half-minute to sum up all the arguments. Suffice it to say, clearly and unequivocally, we stand in support of our American troops. It is for that reason that we do not ask those troops to put on referee stripes to go and try to mediate a peace that is not a reality.

We call in American fighting men and women to defend this country and our legitimate national interests. There are no legitimate national interests at stake in Bosnia. Mark Twain said it best, Mr. Speaker: History does not repeat itself, but it rhymes.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, Winston Churchill said that nothing that ever starts in the Balkans ever ends there. I think that when we think about making peace with tanks, bullets, guns, rifles, and missiles, we are not fooling ourselves. We are not going over there to make peace. We are going to go in there and prolong and probably start a bigger conflict than has been going on there already for over 100 years.

So, I proudly support the Dornan amendment and will say this: If anybody thinks there is a Member of Congress who cares about our men and women in armed services more than the gentleman from California [Mr. DORNAN], they are only fooling themselves.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. PACKARD], just back from Sarajevo and all points thereabouts.

Mr. PACKARD. Mr. Speaker, I rise in support of this resolution. It is the only way that I can express my view and the overwhelming views of my constituents to our President. The best way to support our troops is to not send them at all.

Mr. Speaker, the President's policy to send United States troops to Bosnia is simply wrong. I have recently returned from Bosnia and I can tell my colleagues firsthand that the situation there is grave. The destruction that I witnessed is horrifying.

We will not have peace in Bosnia with or without our troops, in my judgment. I opposed the President's policy before I went to Bosnia, and I oppose it more even after returning.

The SPEAKER pro tempore. The gentleman from California [Mr. DORNAN] has 3½ minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia [Mr. NORWOOD], someone who not only supports the troops; he is one of the troops, a Vietnam veteran.

Mr. NORWOOD. Mr. Speaker, I rise tonight with a troubled heart. I rise tonight to ask my colleagues to support our troops. Support them by bringing the 150 home. Bring them home now, before we get into a mess like I personally had to live through 30 years ago.

Mr. Speaker, I served one "Mission Impossible" in Vietnam where we waged political war and no one really knew who the enemy was, and we had no political will to flight. Let us stop this madness. Is it not better we embarrass the President than to lose one American life?

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from New Mexico [Mr. SCHIFF], a member of our conference who just made First Bird Eagle Colonel.

Mr. SCHIFF. Mr. Speaker, there is a vital U.S. interest in peace in Europe, but there is more of an interest in peace in Europe to the Europeans. The case has never been made as to why the Europeans cannot themselves send 60,000 ground troops to quell the situation in Bosnia. No case has been made why U.S. troops are needed to help them.

Mr. Speaker, just because we are a superpower should not make us a superpatsy to do the Europeans' job for them. If there is a threat that the war will spread further in Europe, that is even more of a reason for the Europeans to supply the ground troops themselves.

Mr. Speaker, the best way to support our troops is not to send them to Bosnia in the first place.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, even if I only save 30 seconds for myself, does that mean that the gentleman from Pennsylvania [Mr. MURTHA], this very distinguished Marine, once and forever, gets to go right before me, or could I ask the gentleman to speak now?

The SPEAKER pro tempore. No, the gentleman from Pennsylvania could be yielded to speak now. It depends.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. ROTH], a senior Member and a chairman of the Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, these things never change. I have been in many of these debates. The American people are always conned. That is the truth of it, and that is happening again tonight.

Mr. Speaker, a year from now, I want to predict what is going to happen. When there are yellow ribbons all over America and the American people say, "When are our boys going to come home," these people are going to say, "We cannot leave now. Look what is going to happen to NATO. Who is going to take care of the American sector? It is going to be war all over again."

Mr. Speaker, if we move in tonight, we are going to be there for a good long time, and all of my colleagues know it.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, this so called mission is not—as the President would have us think—a peacekeping mission—this is a peacemaking mission. How can we commit our troops to keep a peace that does not even exist? Why should U.S. blood be spilled for a cause that is not in the interest of the American people?

Mr. Speaker, what will we tell these brave soldiers' parents that their children died for? Remember the lessons of Somalia and Beirut. Vote for the Dornan bill.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, every once in a great while there is a policy that is so misguided, so ill-conceived, so poorly planned, and so deceptively presented to the American people that drastic measures are called for. The Bosnian policy pursued by this Presidency unfortunately, Mr. Speaker, falls directly into that category, and there is only one way to stop it.

Mr. Speaker, there is only one thing to do and that is to pass a bill that has some teeth in it. Not just mere words; some teeth in it. That is what the gentleman from California [Mr. DORNAN] has presented here this evening, and that is what we must do in order to stop this misguided and ill-conceived policy now.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, there are no vital United States interests threatened in Bosnia. Sad experience has taught us that it is real easy to move in the troops, it is very difficult to accomplish the objective after we are in there, and extremely difficult to get out in a timely and honorable way.

We must do everything possible, and that is what we are doing now, to prevent this folly before the signing, before the decision is irrevocable.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

(Mr. DEFAZIO asked and was given permission to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I rise in opposition to the Dornan proposal.

Mr. Speaker, I stand in reluctant opposition to the legislation by the gentleman from California [Mr. DORNAN] to cut off funding for United States armed forces already on the ground in the territory of the former Yugoslavia.

The basic problem is this: the President has already placed United States troops on the ground in Bosnia. That is a fact, though I maintain that he had no proper constitutional authority to do so without advance congressional authorization. But despite my opposition to this policy, I believe we owe those troops our support and our blessing. Therefore, in this instance, I will reluctantly oppose Mr. DORNAN's resolution and support the resolution offered by Mr. BUYER which once again expresses our disapproval of the President's policy, but stands behind the well-being and safety of our young men and women in the Armed Forces.

The sorry chain of events leading up to this vote only serves to underscore the need to revamp the legal relationship between the White House and Congress in matters of war and peace. I've introduced legislation to reassert Congress' constitutional authority to place troops into war or warlike situations. The key to my legislation is a binding requirement for prior congressional authorization for the use of U.S. forces in hostilities except in those cases where the President must act to protect the United States, its troops, citizens, or territories abroad. Until we in Congress act to reaffirm our prerogatives, we will find ourselves faced with this kind of HOBSON's choice again and again.

Frankly, I do not believe this peace accord will succeed in the long run, though I pray it will at least stop the blood letting for awhile. We are dealing here with an ethnic and religious war that is hundreds of years old. The best intentions of the Western powers are not likely to cool the flames of hatred in the region.

Furthermore, our Nation should not assume the lion's share of the financial burden and military risk in this attempt to bring peace to the former Yugoslavia. For more than 40 years, the United States has provided for the security of Europe. We have spent as much as $100 billion each year to protect the European democracies from the threats posed by the Soviet Union and its Warsaw Pact allies. It's time for the European community to own up to its responsibilities and take up its share of the burden.

Mr. HAMILTON. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, a year ago we stood on the floor and we debated the Haiti resolution. This House had a very good debate on deploying United States forces to Haiti. We heard the same kind of concerns. We heard that people were going to come back in body bags. We heard all kinds of recriminations about the policy, about the United States deployment, about the ability of the United States Commander in Chief to put United States forces in Haiti.

□ 2000

Not long ago, I became concerned about what was going on in Haiti. I went down there on Saturday. I found out that Aristide is going to step aside. They are going to have an election, that the human rights violations have receded substantially, that the 22,000 troops we had there at one time have been reduced to 2,500. In 2½ months we will have all the troops, all the United States forces out of Haiti, and we will not have had one casualty.

Now, will it be a long-term success? All we did was allow them to have an opportunity to have a free election and to get their country in order. It will take a long time for them to straighten this out.

I have been involved in the Bosnia situation for almost 4 years. When the Bush administration was in their last year, I went to Sarajevo. I could not get from the airport into town because the shelling was so heavy. The shells were landing in the houses. Two young children were killed not far from where I was. The next time I went in, I stopped at the location where 70 people were killed with one mortar shell in town. The people were in disarray. The buildings were destroyed. There was no heat, no electricity, and the people did not know where to go. The British commander, General Rose, said to me, stay out of it. We can handle it. The U.S. forces do not need to be involved. And I listened to that.

I told President Clinton that I did not think we should be involved as long as the fighting is going on; I adamantly opposed any U.S. intervention. I did not think we had any business going in as long as they were fighting.

Then the President took a real risk. A year later, I went over and talked to Gen. Rupert Smith. He thought it was time that something could happen there. Our emissaries went to Bosnia. Our emissaries talked to all the parties, and they did a marvelous job. I do not have the highest regard for the State Department, but in this particular case, they did a marvelous job in getting the parties to agree to a ceasefire, which has held for a period of time.

When I was there, I saw every single building in Sarajevo had been destroyed or in some way hit by shellfire.

People were starting to feel better about what had happened. And the British commander said, we cannot do it. Only the Americans can cause peace in Bosnia. The British and the French and the Germans have to many long-term animosities. If you want stability in Europe, you are going to have to have American troops involved.

I still doubted it. I still had concerns. I believed there had to be a peace agreement where the troops withdrew. I felt the Russians had to be involved. I thought the terrorists had to be pushed out. And all those things have been agreed to.

Now we stand on the threshold of a very serious decision by the United States Congress, very similar to what we did in Saudi Arabia with a difference. We were going to war in Saudi Arabia. We are going to make peace in Bosnia.

I do not think that any of us take it lightly. I have no concerns about the patriotism of the gentleman from California [Mr. DORNAN] or his feeling or anybody else's motives in why they believe that they should vote one way or the other. But there is no question in my mind that if the United States is not involved, that if we do not take the chance, and I sat down with the President of the United States for an hour and a half and with my year in Vietnam, with my different experiences in the Congress of the United States, like the distinguished gentleman from California [Mr. CUNNINGHAM], wounded twice when I was over there, I know something about the fighting. I know how difficult it is. But the President listened to my objections and concerns. I told him of the military concerns. I told him that politically he could be making the biggest mistake of his Presidential career. And I said, I do not expect you to make this decision based on politics. I would hope you would make it based on what is right and wrong, but I am just telling you the danger you are getting involved in.

He listened to me and obviously made what he considered was the right decision as the Commander in Chief.

There is no one in this country that I have a greater regard for than the majority leader of the U.S. Senate or the other body, no one who has taken a more courageous position in this incident, even though he has the same concerns that every person in here has about putting American troops in harm's way. But he made a decision based on the American commitment.

The President of the United States made a very tough decision, a decision he considered was right, a decision he considered was in the best interest of this country. It behooves us not to undercut that President as he goes forward to sign or to agree or to witness a peace treaty by the participants who have been fighting.

No question we will have casualties. But I would ask all of my colleagues to think about the involvement of the United States in world affairs. We cannot be the policemen of the world, but we can, when we see an opportunity, exert our moral force and insert our troops, who are so well trained, to do a job to make peace and not war.

I would urge my colleagues not to cut off the funds for these valiant troops who are on their way to Bosnia at this very minute. Defeat my good friend's amendment. Vote down the Dornan bill and vote for the support of the troops later on.

Mr. DORNAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, a word to my dear friend, the gentleman from Pennsylvania [Mr. MURTHA]. In the streets of Kuwait City a week after the war eight of us had people come up to us and thank us for bringing peace to Kuwait. And they watched our debate from their hidden rooftop antenna on this House floor, amazing. We brought peace there.

This is the gold mother, the gold widow, the child who loses a dad in the snow of Sarajevo, Tuzla forever. Vote for the gold mother vote.

If I were a Democrat, I would vote for all three. If I were a Republican, and I am, I would vote for mine and then I would vote to support the troops, the gentleman from Indiana [Mr. BUYER] and the gentleman from Missouri [Mr. SKELTON], my pal.

This is a tough vote. I will respect whatever Members do on either side. But believe me, history is going to come back to bite us on this one. We are going to be asked to account for our votes on December 13, 1995.

Good luck. Vote your conscience.

Mr. STOKES. Mr. Speaker, I rise in support of President Clinton's Bosnia peace initiative. This evening the U.S. House of Representatives debated several legislative measures addressing the issue of President Clinton's deployment of peacekeeping troops to Bosnia. I do not believe that it is constructive for the Congress of the United States to undermine the authority of the President and the confidence of our troops on the ground by challenging the powers granted to the President under the Constitution of the United States.

Though I will always be wary of the deployment of American troops overseas I am confident that President Clinton has exercised his prerogative and authority under the Constitution of the United States to deploy American troops to Bosnia as part of an international peacekeeping force.

Mr. Speaker, during my tenure in Congress, I have been consistent in my opposition and votes against the deployment of American troops in places such as the Persian Gulf and Grenada for the purposes of combat. The circumstances in Bosnia, however, warrant unique consideration of U.S. involvement.

The President has made it clear that the mission of the peace implementation for [IFOR] under the command of NATO is well defined and limited. American forces will be under American command, the deployment has a clear exit strategy and the mission will be limited to the implementation of the historic Dayton Peace Agreement.

Because of the peace mission the President is implementing and because of our strategy of integration, the entire continent can share the blessings of peace that unite our community of free nations. As we strive with our partners to overcome the division in Bosnia, we can also help overcome the remaining division of Europe. Bosnia, once the symbol of Europe's post-cold war disintegration and holocaust, can be the proving ground for a broader and deeper transatlantic community.

Today, we know the extent of war crimes committed against innocent human beings in Bosnia. The atrocities are particularly disturbing when we consider the children of Bosnia and those who know no safe refuge. Finally, thanks to the leadership of President Clinton we are presented with an opportunity to ameliorate a horrific situation. American leadership will clearly save the lives of many of Bosnia's innocents that would have surely perished without our help. Hopefully, this peace effort will restore stability to their lives.

The President took a historic step when he invited the Balkans leaders to the Dayton peace talks. At that conference, the parties agreed to pursue peace as opposed to war. In light of this pivotal development, I deem it important that we support President Clinton's peacekeeping initiative and support the American troops who are on foreign soil as part of an international peacekeeping force.

Mr. Speaker, in Cleveland and communities throughout the Nation, our hearts and prayers are with our men and women in uniform and their families. The world will always remember their unselfish dedication to this peacekeeping challenge.

Mr. WILLIAMS. Mr. Speaker, with our troops on the move, and our national commitment clear, we cannot, should not, vote to cut off the funding of our military.

To do so would both abandon our men and women who are under arms and negate our world leadership.

Thus, I will vote to support our efforts; Concerned? Yes! Determined to preserve our strength? Always!

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the Dornan bill which prohibits funding for the deployment of United States armed forces on the ground in the Republic of Bosnia.

Tomorrow the Presidents of Bosnia and Herzegovina, Croatia, and Serbia will sign the Dayton peace agreement which assumes the commitment of 60,000 NATO troops to implement its provisions. At least 20,000 of those troops will be American soldiers. Advance troops have already been sent into Bosnia, and the President has said that the troops are committed regardless of whether Congress grants its approval.

For 2½ years President Clinton turned his back on his campaign promises to take decisive action against the aggressors, and his administration further compounded the flawed policy—which had begun in the Bush administration—when it failed to focus, in a meaningful way, on the conflict and the atrocities, and the pleas of the Bosnian Government to permit the means to protect themselves. In fact, I introduced the legislation calling for the unilateral lifting of the embargo against Bosnia. A similar bill, the Bosnia and Herzegovina Self-Defense Act of 1995, was overwhelmingly supported in both the House and Senate. The President chose to veto the bill on August 11.

The Dayton agreement—with the commitment of troops embedded into its fiber—has become the President's answer to the dilemma in the former Yugoslavia. Mr. Speaker, the President left no alternatives for the American people and the Congress.

The President prematurely made commitments to send U.S. troops to Bosnia, first to enforce the Vance-Owen plan, then the Vance-Stoltenberg plan, then the Contact Group plan, then the evacuation of UNPROFOR, and now the Dayton agreement. The President raised the expectations of our allies as well as those of the parties to the conflict that American ground forces would indeed be deployed in Bosnia.

Mr. Speaker, I am not prepared to approve the deployment of our ground troops to this mission.

The White House asserts that failure to deploy ground troops would have serious consequences for our status as a leading force in the world. Perhaps, but any loss of prestige is a consequence the record shows of the President's hasty promise and eagerness to deploy U.S. ground troops to enforce any plan. The premature withdrawal of troops—either in response to military losses or simply in compliance with the convenient time frame set by the administration—without completing a realizable mission is damaging to the morale of the American military forces and the credibility of the United States. Questions remain about the agreement the troops are being sent to implement. Details about how and who will train and provide arms to the Bosnians are being provided piecemeal with the latest understanding being provided in a letter from the President. Will there be a clear delineation between the role of the NATO forces and the agreement's assurances of creating a climate conducive to elections, the return of refugees to their homes and reconstruction of the region?

The President has prematurely committed our troops without providing the Congress and the American people enough confidence that the military strategy has been thoroughly examined, defined and structured. Therefore, I feel I must vote in favor of H.R. 2707 prohibiting the deployment of U.S. ground forces to Bosnia.

Mr. FLANAGAN. Mr. Speaker, I rise in support of the gentleman from California [Mr. DORNAN]. Before I begin, however, I would like to associate myself with the remarks of the gentleman from North Carolina [Mr. FUNDERBURK], our former Ambassador to Romania.

President Clinton gave a speech before the American people November 27, 1995. He did not make a compelling case for sending United States ground troops into Bosnia. I do not believe that American interests are at stake or that our national security is being threatened in Bosnia. Therefore, I do not agree with the President's decision to send American troops into Bosnia-Herzegovina.

As a veteran of 5 years of active duty as a combat arms army officer, I am well aware of the risks associated with the deployment of a large force into a hostile environment. Our sons and daughters and brothers and sisters in the military are an extraordinary resource that we must not place at needless risk.

Some say America's international prestige is on the line, and that if we do not send the troops it will be diminished in the eyes of the world. But, I believe that our prestige will be weakened much more if young American men and women start coming home as fallen victims of a failed and poorly outlined foreign policy.

The situation in Bosnia-Herzegovina is deplorable, but the basic fact remains that America's vital interests are in no way threatened by that internal conflict. Allowing our young men and women to fight and die for anything less than our vital interests is immoral and reprehensible and I will not support it.

When the loved ones of those who will have needlessly given their lives for the Bosnia mission come to see us, will we honestly be able to tell them that their loved one sacrificed their life on a mission which served a noble purpose and that they did not die in vain? Can we tell them that their sacrifice advanced the cause of world freedom? Can we tell them that their effort was absolutely vital in protecting the security interests of our great Republic? We all know the true answer to these questions.

The administration has yet to really define America's mission in Bosnia, including a detailed explanation of why it would serve our national security interest. No such definition has been forthcoming, nor is one likely to be, in my opinion.

The situation in Bosnia strikes me as being a lot like the situation preceding the Lebanon fiasco of the early 1980's where over 200 young marines lost their lives in a hopeless crusade for peace when one of the chief belligerents of the conflict viewed the United States not as a peacemaker, but as an ally of another belligerent force. No, Mr. Chairman, sending American troops to Bosnia is not good foreign policy, it's a recipe for disaster and we in Congress have an obligation to prevent it.

Sending our troops to Bosnia may achieve one particular result, it may well unite all the warring factions. And they will all be united against us as their common enemy.

It was just last month that I, and the majority of the House, supported H.R. 2606, a bill which prohibited the use of funds appropriated to the Department of Defense from being used for the ground deployment of United States armed forces in the Republic of Bosnia-Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law. On October 30, 1995, I also supported, as did the majority of the House, House Resolution 247 expressing the sense of the House that no United States ground forces should be deployed to Bosnia without congressional approval. Tonight, I continue in my steadfast opposition to sending our troops to Bosnia and believe the best way of showing that opposition is by supporting H.R. 2770.

The war in Bosnia-Herzegovina is an 800-year-old struggle which is not ours. There is nothing going on in the Balkans that is worth losing one American life. I will never vote to send my neighbors' kids into that meat grinder. There is no discernable American interest, therefore there will be no American lives lost with my vote. There is no price in the Balkans which I am willing to pay with the blood of our military men and women.

By passing H.R. 2770, the House will be exercising its Article I power of the purse and ensuring that we have a say in whether the taxpayer will pay to have American troops thrown into the quagmire in Bosnia. And what we are saying is that we will not appropriate funds for this needless mission that has no vital American interest at stake.

The best way to support our troops is not to send them to Bosnia, and without the necessary funding they will be unable to go. That is the best way we can show our support for our troops. Should it wind up, however, that they have to go, we must ensure that we give them, and pay for, the best logistical support. We want them to be as well equipped as possible so that they will be able to finish the mission and return home as quickly as this President may permit.

Mr. Chairman, colleagues on both sides of the aisle, for the sake of America's sacred military honor and lives, we must pass H.R. 2770 and pass it tonight.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Pursuant to section 2 of House Resolution 304, the previous question is ordered on the bill.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAMILTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 218, not voting 4, as follows:

[Roll No. 856]

YEAS—210

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bonilla
Bono
Bryant (TN)
Bryant (TX)
Bunning
Burton
Buyer
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilman
Goodling
Gordon
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock

Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Parker
Peterson (MN)
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Ramstad
Regula
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wise
Young (AK)
Young (FL)
Zeliff

NAYS—218

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bunn
Burr
Callahan
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Durbin
Edwards
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Kolbe
LaFalce
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Livingston
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Vucanovich
Ward
Waters
Watt (NC)
Waxman
White
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—4

McInnis
Riggs
Tucker
Velazquez

□ 2029

Mr. BRYANT of Texas changed his vote from "nay" to "yea."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 856, I was unable to be present because of a prior family commitment. Had I been present, I would have voted "nay."

□ 2030

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Pursuant to section 3 of House Resolution 304, it is now in order to consider House Resolution 302.

RELATING TO DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA TO ENFORCE PEACE AGREEMENT

Mr. BUYER. Mr. Speaker, pursuant to House Resolution 304, I call up the resolution (H. Res. 302) relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 302 is as follows:

H. RES. 302

Resolved,

SECTION 1. FINDINGS.

The House of Representatives finds the following:

(1) On October 30, 1995, the House of Representatives agreed to H. Res. 247, which expressed the sense of the House of Representatives that in the negotiations of any peace agreement regarding the conflict in the Republic of Bosnia and Herzegovina there should not be a presumption that United States Armed Forces would be deployed to that country to enforce such an agreement, and that in any event, no United States Armed Forces should be deployed on the ground in the territory of the Republic of Bosnia and Herzegovina to enforce such an agreement until the Congress has approved such a deployment.

(2) On November 17, 1995, the House of Representatives passed H.R. 2606, which provided that none of the funds appropriated or otherwise made available to the Department of Defense could be obligated or expended for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina unless funds for such deployment were specifically appropriated by law.

(3) Despite the expressed will of the House of Representatives heretofore mentioned, the President has chosen to proceed with the deployment of approximately 20,000 members of the United States Armed Forces on the ground in the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement among the parties to the conflict in the Republic of Bosnia and Herzegovina initialed in Dayton, Ohio, on November 21, 1995.

SEC. 2. DECLARATIONS OF POLICY.

The House of Representatives declares that—

(1) it reiterates serious concerns and opposition to the President's policy that results in the deployment of 20,000 members of the United States Armed Forces on the ground in the territory of the Republic of Bosnia and Herzegovina;

(2) it is confident that the members of the United States Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage;

(3) the President and the Secretary of Defense should rely on the judgment of the commander of the United States Armed Forces that are deployed in and around the territory of the Republic of Bosnia and Herzegovina in all matters affecting the safety, support, and well-being of such members of the Armed Forces;

(4) the President and the Secretary of Defense should ensure that the commander of the United States Armed Forces that are deployed in and around the territory of the Republic of Bosnia and Herzegovina is furnished the resources and support that he needs to ensure the safety, support, and well-being of such members of the Armed Forces; and

(5) the United States Government in all respects should be impartial and evenhanded with all parties to the conflict in the Republic of Bosnia and Herzegovina as necessary to assure the safety and protection of the United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 304, the gentleman from Indiana [Mr. BUYER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes. The gentleman from New Jersey [Mr. TORRICELLI] will be recognized in opposition.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, there are many in this body, both Republicans and Democrats, who fundamentally agree that the President's policy in the Balkans is ill-conceived, poorly defined, and highly dangerous. The House has been heard on this issue.

It is ill-conceived, because the President 2 years ago promised 25,000 U.S. troops to enforce a future peace agreement without knowing what the situation would be on the ground. This commitment of 25,000 United States troops on the ground also is ill-conceived because the United States has lost the protection of neutrality after having bombed Bosnian Serbs and promising to arm and train Bosnia Moslems. The United States troops could become targets and casualties.

The implementation has been poorly defined in that the President has set a date certain as an exit strategy. If there are vital national security interests to place troops on the ground in the Balkans, then that is what is used to define your exit strategy. What is the success and what is the failure? You see, there are also other concerns, whether it is mission creep, whether it is the issue of the Nation-building exercises.

Let me also state this: The implementation plan we all understand will be highly dangerous, but it makes no sense to place U.S. troops on the ground that have lost the protection of neutrality.

Many of us recognize the threat to the U.S. forces will not come from actual company or battalion size or platoon size attacks upon U.S. forces. It will come through cowardly acts of terror, whether it be by snipers, whether it be by bombings, whether it be by booby traps or accidents.

Let me share that this House has already been heard on this issue twice. First, we sent an overwhelming message, a bipartisan message, in that 315 Members of this body said "Mr. President, do not negotiate a peace agreement based on the precondition that the U.S. troops will be there to implement whatever agreement you sign." He ignored that and he went forward. Then we had the Hefley amendment, and again the President ignored the Hefley amendment and proceeded anyway.

So now what we are doing here today is sending another message to the President: "Mr. President, we reiterate our prior positions and also oppose United States ground troops in Bosnia."

It is now our congressional oversight responsibility to narrow the parameters, and that is exactly what we do. We are saying as to matters on the field, listen to the commanders, give them the resources they need, make sure that we protect our force by making sure they are impartial and evenhanded to the conflict, and also we have the confidence in the U.S. Armed Forces to do their mission.

Mr. TORRICELLI. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my colleague from New Jersey for yielding me this time.

Mr. Speaker, for the past 3 years, we have heard colleagues on both sides of the aisle, but particularly the Republican side of the aisle, say that the United States has not been forceful. We have been hearing for the past 3 years that the United States has not been forceful, that we have left the European allies to do the job in Bosnia, and they have been doing it ineffectively.

Now the President takes the bull by the horns and hammers out an agreement in Dayton and we are second-guessing and undermining and playing totally politics with the President.

Mr. Speaker, I was one of the Democrats that crossed party lines and supported President Bush during the Persian Gulf war. I did so because I believed that it was in the best interests of America not to undermine the President of the United States at such a crucial time in foreign policy. I believed that then, and I believe it now.

I would no more undermine President Clinton than I would undermine President Bush. We have been watching for nearly 4 years now, and we have seen visions of a new Holocaust rearing its ugly head in Europe again, 50 years after the end of the worst Holocaust in world history. We have seen ethnic cleansing, emaciated people, rapes, pillages. I think America does have a moral obligation to act. I do think that the stability of Europe is certainly in the vital interests of the United States.

The NATO alliance is certainly important. If we were to do nothing now, the NATO alliance would be rendered impotent and go down the drain. So I do think we have a vital interest there. We are the leaders of the free world and we have to lead. We have seen in other parts of the world that things do not move until the United States acts, in the Middle East, South Africa, and Ireland. If we do not act, war will break out again, and it could such more countries into a greater war. We saw what appeasement did in the 1930's with Hitler, and when the United States and other nations did not step in, it led to a larger war.

When we talk about the Persian Gulf war, I remember my Republican colleagues at that time saying support the President, support the President. My God, during the Persian Gulf war we sent 50,000 troops to fight in a war, and the Republicans cheered. This is 20,000 troops to keep a peace. All the warring factions have invited us in. The mission is clearly defined, and the Pentagon, which is usually skeptical about peacekeeping, supports this and says it is doable and will be successful.

The same people who predicted doom and gloom in Haiti and were wrong are predicting gloom and doom again. So my colleagues, let us not undermine our troops, let us not undermine our President. We are the leaders of the free world, not an isolationist nation.

Mr. Speaker, we should defeat the Buyer resolution and support the Hamilton resolution, which supports our troops. The button I am wearing says blessed are the peacemakers, and blessed are the peacemakers. Blessed are our brave men and women, blessed are our troops, and blessed is our Nation in the undertaking we are about to do. Nothing could be more noble than what this country does, and nothing can be more noble than to end the carnage in Bosnia.

We are coming in as peacemakers. We are making peace. We are not fighting a war. We are giving that nation a chance to put itself together. In doing so we are strengthening NATO and we are strengthening ourselves. This is not the time to turn to isolationism. We accept the leadership of the free world. Nobody anointed us with it. We wanted it. We have it. We are to act like leaders, and here in Congress, no matter what the polls say, we are elected leaders, and we have to lead.

Mr. Speaker, I think what is going on now is in the best defining interests of our country. This is a great Nation, it has always stood for what is right, and as the President says, what we are doing is the right thing to do. Defeat this resolution. Support Mr. HAMILTON.

Mr. BUYER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, I rise as many of my colleagues before me have done, with grave reservations about the President's policy towards Bosnia and particularly has commitment to deploying at least 20,000 American service men and women to police the Bosnian peace agreement.

We all condemn the brutality perpetrated against innocent civilians in Bosnia, but President Clinton has yet to clearly explain to the American people what direct United States interest is at stake that warrants risking the lives of our servicemen and women. And, had none of our soldiers already arrived in Bosnia, I would stand here before you and argue that, without the full support of the American people behind sending United States troops to Bosnia, one lost life is one too many.

Let us not forget that, although the United States is attempting to be neutral as this peace goes forward, the United States was heavily involved in the NATO airstrikes that debilitated Serbian forces and led them to take a seat at the negotiating table. How can we be sure that American forces will not be targeted for retaliation by angry Serbians? Moreover, any attempt on our part to arm and train the Bosnian Moslems in preparation for our departure would directly contradict our spoken neutrality and put our troops at a much greater risk than that which they already face.

If our purpose in policing this peace agreement is to allow for the rebuilding of Bosnia, how can we put an arbitrary time limit of one year on United States occupation? This will accomplish little more than the unnecessary and unjustified loss of American lives, and could very well lead to a resumption of fighting once our troops are withdrawn. The ethnic and religious hatreds, in Bosnia have caused civil war and bloodshed for over 500 years. Ending this bloodshed would require an occupation force of unlimited duration, not merely 12 months. And, the argument that the war would spread to other parts of Europe without United States involvement does not carry much weight in my eyes, for how much has it spread over the past 4 years?

Congress has already voiced its overwhelming opposition to putting American ground troops in Bosnia by passing legislation that prohibits sending United States forces abroad unless Congress approves the appropriate funds for the operation.

However, the President has decided to send 20,000 servicemen and women to Bosnia over the objections of both Congress and the American people. We have a responsibility, a moral obligation, to support our Armed Forces in order to ensure that we in no way undermine their efforts but hopefully expedite their safe return home. We must offer unwavering support to the men and women of our U.S. forces, the greatest military in the world. Anything less on our part risks damaging the morale of our soldiers and, as we all know, strong unwielding morale is essential to unit coherence and success.

My colleagues, in closing, let me say that any of us can oppose the President's decision, as I most certainly do, but all of us must support the mission of our American forces.

□ 2045

Mr. BUYER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri, the Honorable IKE SKELTON, coauthor of this amendment, who is well respected in this body.

Mr. SKELTON. Mr. Speaker, it has been said the more emotion, the less reason. Emotion reigns. The cry is, stop the bloodshed. Fine. But it should be done right, not in a way that defies common sense and puts our troops at a high and unacceptable risk.

On November 11 I set forth eight conditions under which American forces could go to Bosnia. Two of those conditions have not been met by the U.S. policy.

One, there is no clear and understandable exit plan or policy. This gives me great concern that we could find ourselves stuck like flies stuck to flypaper. Second, the United States has formally guaranteed to arm and train the Bosnian Moslems. The United States has formally agreed to coordinate the arming and the training of these Moslem forces. This policy defies common sense, because it will cause U.S. troops to be viewed as favoring one side over the other. It will destroy our impartiality and puts our troops in danger.

The Americans will be seen as the enemy by the Serbs; the Moslems will expect a wink and a favor, and when they do not get it, they will be angry. This policy causes our troops to become targets of anger and vengeance. This policy of arming and training Bosnian Moslems, even though through a third party but guaranteed and supervised by us, concerns me.

There are three points to be considered. First, already there exits a parity between the warring factions, the Serbs on the one hand and the Croat-Moslem federation on the other. Note the recent battlefield successes by the federation.

Second, our allies and our military leaders in this country are not in favor of arming and training the Moslem forces. The French and British in particular are against it.

In order to have peacekeeping work, there must be trust. Trust of the former belligerents, of the impartiality of the peacekeepers. This trust and confidence will not exist so long as our government pursues the policy of supervising the arming and training of the Moslems. The U.S. field manual regarding peacekeeping states peacekeeping requires an impartial evenhanded approach. I have raised this issue with the President.

Mr. Speaker, we are sending our troops into Bosnia and putting them into an atmosphere of hostility. Serbian President Milosevic told the gentleman from Minnesota [Mr. RAMSTAD] and the gentlewoman from Missouri [Mrs. DANNER] the following: "Provisions to equip and train Bosnian Muslims are not part of the Dayton agreements. Such an effort would not be evenhanded and would be a mistake for the U.S." He went on to say, "I would ask the U.S. to reconsider the equip and train effort, as it will have no positive effect and be a waste of money. It will establish the wrong psychology in the area, preparing for war instead of preparing for peace."

Mr. Speaker, the only resolution before us to address this issue of the United States arming and training the Moslems is the Buyer-Skelton measure. It calls for the United States, in all respects, to be impartial. This present U.S. policy is placing our soldiers into the snake pit of the Balkans and angering half of the snakes. Our troops deserve to be put in an atmosphere that they expect, that of impartiality, as evenhanded peacekeepers; an atmosphere where all the warring sides will see the soldiers wearing American flags as truly impartial, where the warring sides will not see Americans as enemies and put targets on their backs.

Mr. Speaker, this policy is putting the American corporal, who is trying to settle a problem between a Serb soldier and a Moslem soldier, in an impossible and dangerous position. I urge a strong vote for the Buyer-Skelton measure.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr SKAGGS. Mr. Speaker, tonight this House faces a choice. We can choose to support the President of the United States in his decision to help end the tragic war in Bosnia, in his decision to act with our NATO allies to stop the killing in Europe for the third time in this century, in his decision to nurture a peace that, without question, will be fraught with its own risks and dangers. Or, we can choose to desert the President at this time of challenge to American leadership, to seek moral comfort for this country in the failure of Europeans to end the slaughter, to watch the war resume, content that the vital interests of the United States might, this time, escape the blight of war in Europe. As between a problematic peace and a horrific war, I choose to support the President's courageous work for peace.

Mr Speaker, 10 days ago, in Sarajevo, with the gentleman from Indiana and 13 others, we encountered a moving scene outside the Presidential palace in Sarajevo. The long-suffering people there, tears flowing from the eyes of an older woman who had lost her son in the war, pleaded with us that only America could solve this disaster. It was a poignant reminder that this is not a problem that can be solved by Europeans without American leadership.

At lunch the next day, with Army troopers in Germany, another poignant reminder, as I listened to one young Army specialist who told me he had taken his Thanksgiving leave to visit Dachau. And he said, "Congressman, if this country has the power to prevent that from happening again, we must do what we can." Another reminder of an earlier problem that could not be solved by the Europeans without American leadership.

So, Mr. Speaker, it is important to remember that this is not just about Bosnia. Other actors around the world are watching these events and will be taking their cue. If leaders of dispossessed ethnic groups elsewhere in Europe and in the new states of the Soviet Union see the international community unable to act effectively here, they may well challenge the compromises that have been worked out in their states and, eventually, we may lose much of what we had won in the cold war.

This President has shown courage for taking on this difficult responsibility in the face of political risks and public opposition. A vote for this resolution to oppose this mission will only serve to encourage both the enemies of peace in Bosnia and the enemies of United States leadership in the pursuit of a decent international order.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from California. [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I stand in strong support of the Buyer-Skelton resolution.

Mr. Speaker, I rise in support of the Buyer-Skelton resolution regarding the deployment of U.S. ground forces to Bosnia. I am concerned, however, that this resolution could provide a blank check for the further deployment of United States forces beyond the 20,000 we have been told are being sent.

It should come as no surprise to you that I share the strong skepticism and opposition of many of my colleagues with respect to the commitment of United States ground forces to Bosnia. I voted for the Dornan resolution because I felt that the most emphatic way to express my opposition to the President's decision was to deny any funding for sending our troops to Bosnia before they actually began arriving in that country.

I believe the Buyer-Skelton resolution is acceptable because it does express our opposition to the President's decision while at the same time saying that the House will support the troops once they are deployed.

Even the Hamilton resolution can be acceptable because it goes directly to the issue of supporting our troops whether we agreed with the President or his decision or not.

I do not share our Commander in Chief's position. However, I do appreciate the dilemma he faces as a full partner in the NATO alliance and the responsibilities which come with that partnership.

While I agree with the President's claim that we have an interest in the future of Bosnia, I see absolutely no vital national security interest, domestic or military, being served by sending American troops into this hostile and volatile place.

Make no mistake, our troops, which will be heavily armed and expertly trained, are not going into Bosnia to keep the peace. They are going in to enforce the peace. And the act of enforcement often comes at a price. This deployment is especially dangerous because many Serbs will see our troops as being there, not as impartial arbiters, but as protectors of the Muslims.

Mr. Speaker we are at the point where the deployment of U.S. ground forces is a fait accompli. Nevertheless, it is our duty to the citizens of this Nation to express our views on this matter and my view is that we should not be sending our troops to Bosnia.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I rise in strong support of my friends, the gentleman from Missouri, IKE SKELTON, and the gentleman from Indiana, Major BUYER. And for me, obviously, I support the troops and I will be there with them at Christmas. Join me.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI] who accompanied me on a trip to the Balkans.

Ms. MOLINARI. Mr. Speaker, I support this resolution very clearly, because it does clearly state our opposition to the policy that has brought us here today.

This is a policy which began with an unfair, uneven arms embargo that left a people crippled, at war. It continued with a policy that reneged on the threats of air strikes to stop an aggressor waging war against civilians, and it has become a policy that allows the most vicious of war criminals to remain in the region with our troops in harm's way.

Nevertheless, despite Congress' prior stands against this policy, our troops will be in the region within a week. So tonight we are not only reiterating our opposition to that flawed policy that brought us here; we are also saying to our troops, Godspeed with your mission. It is a terrible policy, but it is a noble mission that may bring peace to a region that has not known peace and hope to a people afraid now to hope.

But, Mr. President, we are also saying in this resolution that we will be watching to make certain that everything possible is being done to ensure the safety of our troops and to see that the civilian side of rebuilding stays on course. So, you see, since there is nothing Congress can do to change the President's course, I think we have an obligation to make sure that our troops are not caught in the middle of two wars, one in Bosnia and one in Washington; and I believe that the Buyer resolution, as opposed to the other resolutions, fulfills that.

Last and most importantly, this resolution clearly states to our troops that regardless of our position on policy or on mission, that we are with them; that we are proud of them; that we are cheering for them; and that we are praying for them.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I had three serious questions I needed answered when I went to the Balkans 2 weeks ago. Do the people, including the leadership of Bosnia, Serbia, and Croatia, really want peace? Has our military mission been planned to minimize every possible risk to our men and women who are going there? And is this mission, this policy, the right thing for America?

I felt strongly the first two questions were answered affirmatively, but it is the third question, the question of policy, which I want to address. And it was on the streets of Sarajevo that the rightness of this policy became clear to me.

A crowd gathered around us in the street in front of the President's office; an elderly lady in tears, pouring out her heart, was telling us of her whole family being killed, of the babies in the building where she lived being killed by mortars.

In the anguish of an elderly man, standing not far from her, came these words. He said, "Do you not understand that only America can ensure the peace? Only if America comes will we have peace. We trust America."

Mr. Speaker, I was an 18-year-old kid in Korea, 32 years ago, 12 years after the war, with the First Cav Division keeping the peace in Korea. I remember walking around the streets of Munsani and Yongigo, and the Korean people coming up to us and saying, "Thank you for being here. If not for America, we would have no peace." I remember understanding very clearly then what America meant to people who want peace and freedom.

For the past 32 years, I have intellectualized the role of America in the world. I voted on authorizations and appropriations for foreign policy and military policy, but not until the streets of Sarajevo was I reminded again of what America means to people who are without hope.

Why did they say that only America can ensure the peace? Why did they say, standing there in the midst of ruins, knowing that 250,000 of their people were killed, that 2 million were homeless, why did they say they trust America?

What do they trust? Our superior military forces? Yes. Our leadership of the free world? Yes. Our democratic institutions? Yes. But more than that, they trust the experience of America. They trust the history of America, which no other country can match.

Look around this Chamber. We have come to this country from every nation in the world, from every background, every ethnic, every religious, every racial background.

□ 2100

And we have shown the world that we can live together in brotherhood, tolerating our differences and finding common ground, rather than battlegrounds, upon which to build.

We have chosen to live together, to overcome our differences, and they know that. If we, among all nations, cannot send one division among all the divisions we have in Europe to Bosnia to enforce a peace, to give people a chance to live again with one another, then what nation will stand in our stead? What nation will give others the hope that only America can give?

If we think people, given the chance in Sarajevo, cannot live together in peace and overcome the forces of hate which inflame passions of ethnic and religious pride, then I tell my colleagues, look at Belfast, look at the Middle East. We cannot go to Sarajevo and fail to understand the faith that people have in the experiment and the experience that is America.

Mr. Speaker, the tears of that grandmother on the streets of Sarajevo are the tears of every grandmother for all time who has lost her son or daughter to wars of injustice. But they are only, in part, tears of regret. They are also tears of hope that at some time in the future someone else's grandson or granddaughter will be walking down the streets of Sarajevo glad that years ago America came and peace came with her. Oppose this resolution.

Mr. BUYER. Mr. Speaker, I yield myself 15 seconds to respond to the last speaker. I would say that foreign policy must be guided by our heads, not our hearts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS] in the spirit of bipartisanship that brings the Buyer-Skelton amendment.

Mr. EVANS. Mr. Speaker, I oppose sending ground troops to Bosnia and support this resolution and hope that my colleagues will also.

Mr. Speaker, I oppose the decision to send ground forces to Bosnia because it will put our soldiers in the middle of an ethnic powderkeg that could explode again at any moment.

Neither the Dayton Agreement nor military force can erase the centuries of ethnic unrest and dissension that has fueled this conflict. This hatred will not cease. Even as the warring parties prepare for the implementation of the agreement, different factions have burned and looted property that will be turned back to their opponents. Can we expect the peace to last considering this level of animosity or the history of the region?

This leads me to believe that this agreement will unravel. If it does, our soldiers will be in the middle of the conflict. But even if it does last, this operation is a risky proposition. Our soldiers will face the dangers posed by some 6 million landmines, many of them scattered indiscriminately throughout the unforgiving terrain of the region. And numerous armed terrorist groups, who may not be easily controlled by the signers of the agreement, may attack our forces for their own political gains.

Considering the history of the region and the many threats our soldiers face, I cannot support this mission. I urge my colleagues to vote for the resolution.

Mr. BUYER. Mr. Speaker, I yield 1 minute and 20 seconds to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I was told today that the reason the President is sending troops to Bosnia is to "break the cycle of violence." This, alone, is not an acceptable reason to risk the lives of young Americans.

Four conditions must be met before we commit United States ground troops anywhere: First, there must be a vital national interest at stake. Mr. Speaker, there is no vital national interest at stake in Bosnia. Second, there must be a clear mission and a reasonable change of success Mr. Speaker, there is no clear mission and no reasonable chance of success. Third, there must be a clear exit strategy. Mr. Speaker, a time line to withdraw before the next election is not an exit strategy.

Fourth, and most importantly, we must have the support of the American people, whose husbands, wives, sons, and daughters are asked to sacrifice their lives to achieve the mission.

Mr. Speaker, I have listened to the debate this evening and I have heard not one Member of Congress even pretend that the American people support this deployment.

During this season of peace on Earth and good will toward men, I can understand the desire to bring peace to a war torn nation. However, Mr. Speaker, I have two sons in their twenties and a daughter who just turned 18. I would not send them to die in the snows of Bosnia in support of this policy, and therefore I cannot, in good conscience, support asking other parents to do so.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, like the majority of my colleagues, I wish that our Bosnia policy had been focused and clear 4 years ago, before a quarter of a million people died and 3 million more became refugees.

Mr. Speaker, two Presidents hesitated and the results were an arms embargo that ratified arms imbalance, a hobbled United Nations, and a belated bombing campaign. Another Holocaust was occurring, but the world held back.

Time and again the Congress warned the President, and I did too. "Lift the arms embargo," we said. "Do not make a commitment of troops a precondition to peace," we said, but he chose otherwise. Now, the options are fewer, but I am clear on what course is morally correct. We must support peace.

The Dayton accord, though far from perfect, is the last option for peace in an exhausted region. I too was there last weekend and Sarajevo broke my heart. I gave my word to Gen. Bill Crouch, Commander of the U.S. Army in Europe, to Adm. Layton "Snuffy" Smith, Commander of the NATO operation, and to Cpl. Patricia Villa, Sgt. Marie LaRue, and Pfc. Don Bradley, all of California, that I would vote to support them.

Mr. Speaker, I cannot vote for a resolution that sends a confused message. I cannot vote for a resolution that prevents a separate effort to achieve military parity so the future aggression will be deterred.

I would prefer a more just peace, but it is not available. This is the peace we can achieve, and it is unpardonable to let it pass by.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I am directing this to those Americans who are watching. I want to clear up what this debate is about. Is it about America's leadership? Absolutely not. Our leadership brought the warring factions of this evil war to Dayton in an attempt to resolve their differences, but diplomacy does not include sending American troops.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman must address his remarks to the Chair, and not to people watching on television. The gentleman may proceed.

Mr. FOLEY. Mr. Speaker, diplomacy does not include sending American troops—our finest men and women—into danger. Deployment of troops relates to national security and I don't believe a national security risk exists in the Balkans.

To be the leader of the free world does not require our troops to face a brutal winter in a war zone that is littered with as many as 6 million land mines.

Is it about supporting our troops—No. I will not, nor should one Member of this Congress, allow our troops to be left to hang out to dry. I will fight to ensure that we have no more tragedies like Somalia.

This deployment is a 2-year-old promise that the administration made, and I believe it has made our troops a bargaining chip in the negotiations.

I oppose sending Americans to Bosnia and urge my colleagues to do the same.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, if NATO had acted and punished Serbian aggression when it first occurred 4 years ago, we would not be here tonight; the West would not have repeated the mistakes of Munich; and, more than 200,000 people would not have died.

After almost 4 years of NATO drift, Croatian military success and NATO bombing of Serbian forces have enabled the Clinton administration to stop the killing and negotiate a peace. I steadfastly opposed the use of American ground forces there during the wartime situation, but our troops and our allies' troops are now going to police a peace.

Mr. Speaker, if they go under the Buyer approach, we will be sending a signal of uncertainty that will in my view increase the risk of attack on our troops by those who read congressional opposition as a signal that if they just kill a few Americans, we will pull the plug, just as we did in Somalia.

If my colleagues vote for Buyer, it seems to me they logically should have voted for Dornan in order to prevent the financing of the operation in the first place.

Mr. Speaker, I would urge my colleagues to lay down that uncertain trumpet and pass the Hamilton amendment clean without Buyer. Send a clear message that we will leave no doubt about the strength of our resolve.

Mr. Speaker, but by the grace of God, our souls at birth could have been infused into a body born in Bosnia rather than one born on American soil. Only an accident of birth makes us lucky enough to live out our lives as Americans.

Now our troops are going to make peace, not war in an act of mercy toward many of our fellow human beings on this globe. Do our duty tonight. It may not be popular, but it will be right and it will make our troops safer.

Support Hamilton clean, defeat Buyer. That is the best way to help our troops.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I rise in support of the Buyer bill, supporting the troops, opposing the President's policy.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, we all have concerns and trepidations about the President's ill-defined policy in that war-torn part of the world. But we have had two votes in this House that sent an unequivocal message on where we stand on that issue.

Mr. Speaker, it seems to me tonight we are way beyond that now, and for those of us who believe that the President has the constitutional authority to deploy these troops, and who oppose the War Powers Act as unconstitutional and abrogating the President's power, we must support the Buyer-Skelton resolution.

We must recognize that as we speak tonight, the planes are landing, the troops are on the ground, and many thousands more are en route. Young Americans in harm's way. Regardless of our criticism of this policy, it is time tonight to rally behind our troops and send them and any potential adversary, the message that we stand behind them 100 percent and the Congress of the United States is behind them in their mission.

Vote for Buyer-Skelton and vote for our young men and women in Bosnia.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, for 4 years, Americans have seen in CNN detail the concentration camps and the ethnic cleansing and the systematic slaughter of civilians. Who dares forget the mass slaughter of the males in Srebrenica, thousands of men and boys, when that U.S.-designated safe haven, swelled with refugees, was overrun by the Bosnia Serbs, all because the United Nations proved that it could not and would not stop the genocide.

Events have shown that the United States is the only power in the world that can stop such crimes. To secure peace, President Clinton has courageously put himself and America's conscience on the line. America led NATO to stop the war, America led the negotiations for peace, and now America must lead NATO in securing the peace so that wounds can heal and justice can evolve.

The United States wields such power morally as well as militarily because of how the world perceives us. As has been eloquently written, America is seen as a "good and tolerant country; a country that leaves people alone, but does not leave evil alone; a country that will find the courage to act where the courage to act is wanting. We are not the world's policeman, but we are not the world's innocent bystander. To do nothing about Bosnia would steal the meaning from the American victory in the cold war."

In the year that NATO will be in Bosnia, boundaries will be secured, warring factions separated, and 2 million refugees who want to return to their homes will be secured in their return.

Those are NATO's purposes. But the purpose of America's presence and participation with NATO is stability in Europe and peace in Bosnia to give Bosnia the opportunity to become again the multireligious, multicultural society that this tragic manufactured war was designed to destroy.

Mr. Speaker, there was a wonderful photo in the New York Times this past Sunday. Mr. Speaker, 3,000 Sarajevans, Bosnians of Catholic and Moslem and Orthodox faith, demonstrating in unity to show that after all the suffering and horror of 4 years, the idea of a multiethnic, multireligious Bosnia has survived.

The ultimate test for peace is whether Bosnians will use wisely the opportunity provided by the 1-year NATO mission to grow those 3,000 to 30,000 to 300,000 and beyond in rebuilding Bosnia. This is our time to act.

Mr. Speaker, I urge my colleagues to defeat the Buyer resolution and to pass the Hamilton resolution.

Mr. BUYER. Mr. Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BUYER] has 18 minutes and 10 seconds, and the gentleman from New Jersey [Mr. TORRICELLI] has 12½ minutes.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise today in support of the Buyer-Skelton resolution.

I have long opposed the deployment of United States troops to Bosnia. I have twice voted against such a deployment, and have written the President, urging him not to send troops.

I believe that our Nation's interests in Bosnia are important. I have supported the involvement of our sea and air forces, our intelligence and logistics assets, and our most diligent diplomatic efforts. But I have never felt our interests were so vital that they warranted putting our ground troops at risk.

Accordingly, I voted for the Dornan measure to oppose the provision of funds to carry out this mission.

However, while I supported the Dornan legislation, I recognize that the President will disregard it. Thus, I will also vote for the Buyer-Skelton resolution. If our troops are going to go—and there is no doubt that they will—the first are already there they should be certain of our commitment to ensure they have every resource necessary to accomplish their mission.

I urge the House to support this measure.

☐ 2115

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security.

Mr. SPENCE. Mr. Speaker, I have heard Members say on the floor this evening that we should support peace. When I think back, we have supported peace all over this world in recent times. We supported peace in Lebanon, in Somalia. We had people killed in both places because of it. We withdrew.

It is easy for Members to get up here and say that they have concern for people who are being killed in other places throughout the world. Somehow or another they divorce that from the killing of our own people in the process. Mr. Speaker, I do not represent those people in Bosnia. I represent people back here. The lives of our people are more important than the others. It just comes down to that.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in strong support of the Buyer-Skeleton resolution.

Bosnia, a name, that up until a few years ago, was rarely mentioned on the House floor, and most of us probably couldn't have found it on a map. Yet, today, U.S. troops are going there to help make sure it continues to exist because it has suddenly become in our national security interest to do so.

None of use who've searched our hearts can say that there haven't been crimes against humanity in Bosnia. None of us want to see those crimes ever happen again.

The President has decided that committing the United States and our NATO allies will put a stop to the slaughter of innocent Bosnians. Perhaps, but for how long?

However, when committing a democratic government, such as ours, to a policy, Congress too has to show a commitment. In the last Congress, we urged the President to lift the arms embargo. In this Congress, we've told the President on several occasions not to send ground troops unless he gets our approval first. Yet, the President took no action on the embargo and ignored us regarding the troops.

We're being asked now to support this policy because the troops are on their way to Bosnia.

This begs the question: Can we support the troops knowing that the policy they, and we, are being asked to uphold is wrong? Can a civil war that has been raging for centuries be cured by a 1-year stay of foreign forces?

The White House has claimed the President is showing leadership, that as the leader of NATO we, as a nation, must also show leadership, that as the only remaining world's superpower, we must show leadership.

But, is being lead into a swamp with no clear path out leadership? Will NATO remain intact when this policy fails? Will the world question our leadership even more when we pull out and Bosnia resumes its bloody civil and ethnic war?

Our troops could end up paying the price of our leadership with their lives. Our troops must understand that we will support them, as we've always done, but that we have no confidence in the President's policy that put them there. This message must be made crystal clear to the President and our troops.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Mississippi [Mr. Montgomery], a very respected Member of this institution.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the bipartisan Buyer-Skelton resolution that expresses opposition to the President's policy to deploy 20,000 members of the United States Armed Forces to Bosnia.

Mr. Speaker, I do not support putting American forces on the ground but since the deployment has begun, I agree with the Buyer provisions that say that the President and Secretary of Defense shall rely on the judgment of the United States commander in Bosnia.

This resolution, Mr. Speaker, makes it very clear that despite our opposition to the President's mission, we stand behind the brave men and women who serve in Bosnia and, also, God bless these great Americans.

I point out to this group tonight, they are all volunteers and they are serving under the American flag.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, [Mr. Levin].

Mr. LEVIN. Mr. Speaker, if I might, let me share what I learned in Bosnia. First, Dayton is a declaration of peace, not war. Second, there are serious self-interests on the part of all the three parties. The Dayton agreement was reached but not primarily made in America. For each of those parties, there is a clear self-interest.

Third, the U.S. military is supported. As one general said to us, we can do the job. It is a task defined, limited and achievable, and they have authority to take whatever force is necessary to protect our troops.

If Members vote to reject Dayton, what they are saying is not only no to the Commander in Chief but no to the military leadership of our nation. They helped draft this plan.

There is some risk in peace. There is also risk in renewed war, the risk of a renewed war in Europe spilling over beyond Bosnia and the renewed risk of genocide.

I would like to say to my friend from Indiana, yes, we have to make policy with our heads, hard-headed ways. Americans also have a heart, and the prospect of renewed genocide is something that should not be ignored.

Finally, I want to say there is an exit strategy. It is very clear. If the parties who have chosen peace continue on that path, we will help them. If they choose to renew war, we are going to get out and get out fast.

I urge support of Hamilton and that we vote against Buyer.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. LONGLEY] a comrade of mine from the Gulf war.

Mr. LONGLEY. Mr. Speaker, I rise in opposition to the President's policies and in support of the troops.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I rise in support of the Buyer-Skelton resolution. This is not a Tonkin Gulf resolution. The situation we are debating here is not about Beirut. It is not about Somalia. It is not about Haiti.

There are risks in this policy of our intervention. There are profound unknowns. Does the military, and this is the question we need to ask, have the force necessary to meet those risks, to meet those unknowns? We want to make sure that they do. Is there a chance in this situation for a profound change in a positive way in this world as a result of our efforts? The answer should be yes, can be yes, must be yes.

The policy up to this point, in my judgment, has been haphazard and indecisive. The Buyer-Skelton resolution allows us from this point on to be decisive, clear. And as we go through this dark tunnel together, let us all hold this torch high to light the way and chase away the demons.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, tonight we are at a very important point in the history of the United States of America, the point that many would not have chosen to come upon. But now is that moment and we must involve ourselves. Why?

Mr. Speaker, yesterday in this Chamber, Shimon Peres, Israel's prime minister, appealed for American leadership in the world. Today, as we debate the appropriate use of American power in bringing an end to 4 years of bloodshed and suffering in Bosnia, we would do well to remember the prime minister's words. "You cannot escape that which America alone can do," he said. "America alone can keep the world free . . ."

We are, as is frequently observed, the world's only superpower. We possess a potent combination of military and moral authority. But possession is not enough: we must also exercise our authority when the occasion demands it. This administration has done that.

American leadership brought the warring parties to the peace table, and American leadership must ensure that this peace process survives. Failure to lead would guarantee the continuation—even the expansion of bloodshed. It would endanger the future of NATO, an organization that has brought nearly four decades of peace to Europe.

But perhaps worst, failure to lead would undercut our reputation for steadfastness in the pursuit of peace throughout the world. It would signal that we shrink from our responsibilities, instead of shouldering the burdens that accompany leadership.

We must demand more of ourselves. As President Clinton said, "We cannot stop all war for all time; but we can stop some wars. We cannot save all women and all children; but we can save many of them. We can't do everything; but we must do what we can."

In the three wars that shaped this century—World War I, World War II, and the cold war—America achieved victory because we were willing to exercise leadership. Now we have another opportunity to lead—this time to shape the peace that will govern the next century. I urge my colleagues to shoulder this responsibility and seize this opportunity. I will oppose the Buyer resolution which does not support this opportunity to preserve a lasting peace. I urge my colleagues to support the Hamilton resolution and ensure that peace will remain in Bosnia.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The Chair would advise that the gentleman from Indiana [Mr. BUYER] has 14 minutes and 10 seconds remaining, and the gentleman from New Jersey [Mr. TORRICELLI] has 8½ minutes remaining.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of the Buyer-Skelton resolution which recognizes the fact that the American public still has reservations about the President's policy in Bosnia but wholeheartedly supports our troops who are there. There are serious reservations about what the precise mission of our forces is, what are the specific rules of engagement, what will happen when NATO forces leave and what is our national interest there. While questions remain regarding these questions I have raised, we support our troops, our sons and daughters that have been sent to Bosnia. We completely back them to make sure that they have equipment, the resources and tools that they need. We need to make sure we protect them so that the mission will be speedily and successfully handled.

Finally, Mr. Speaker, I hope and pray that we will soon see a permanent end to the hostilities and atrocities, relief for the war's victims, justice at the war crimes tribunal, and the safe and speedy return of our brave soldiers. Support Buyer-Skelton.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. McCOLLUM], former naval commander.

Mr. McCOLLUM. Mr. Speaker, I rise tonight in very strong support of the Buyer resolution. I think it is very clear, despite the opposition of many of us, that the President is going to put the troops in Bosnia and that the votes today are not here to avoid that happening.

I want to join with my colleagues in supporting our men and women in uniform over there. I believe while they are there we owe them that obligation. But that in no measure means that I, nor many of you, believe they should be there. It is a very dangerous and I think highly inappropriate use of military force. It is dangerous because our troops on the ground in Bosnia are going to be the subject and targets of radical Moslem terrorists who have another agenda, and it is inappropriate because there is no vital United States military interest there.

We cannot afford to be the policemen of the world. And there is no realistic expectation that when our troops leave, there will not be a resumption of the civil war over there. I believe in supporting our men and women, but I simply cannot condone nor support the operation that is going on over there. I think the Buyer resolution strikes the right balance under the circumstances tonight. I strongly support it.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON], prospective and former Army sergeant.

Mr. BURTON of Indiana. Mr. Speaker, observation. Our troops are going and there is nothing we are going to be able to do about it. One of the things that concerns me is that we do not profit from history.

We went into Beirut and we lost 241 Marines blown all to heck, trying to solve their problems that are of an ageold nature. We went into Somalia and got involved in a civil conflict there and guys driving around on pickup trucks with machine guns in the back drove us out of there. Aideed, the tyrant, the tribal leader, is still in power over there and we spent hundreds of millions of dollars. And we pulled out and we did not solve that problem.

And now we are going into a quagmire much greater than either one of those, believing that we are going to solve those problems. We are not going to solve those problems. A year from now we will probably pull out and the war will go on and people will continue to die and we will have lost a lot of young men and women unnecessarily.

So tonight all I want to say, because this is a fait accompli, is God bless those soldiers and God bless their parents and loved ones.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Speaker, I rise today to speak on the president's plan to deploy United States troops to Bosnia.

While I am opposed to sending troops to enforce a fragile peace in a region plagued by war and mired in ethnic conflict, I do want to be clear that I am fully supportive of the troops that will be on the ground.

I believe, Mr. Speaker, that the troops on the ground need and deserve our full support, so that as they head into harm's way they will have the assurance that the thoughts of those at home are with them.

Offering support for the troops, however, does not mean that Congress has no role in the troop deployment or is relinquishing its role in the area of foreign policy.

Mr. SPEAKER. I would also like to mention that my constituent, Sgt. Mathew Chipman, of Beardstown, IL, was one of the first army personnel to set foot on Bosnian soil.

His picture was in the front page of every newspaper in the country.

Sgt. Chipman is a long time veteran of the army with many years of service. Mr. Speaker, I am very proud of Sgt. Chipman and his family. He will be in our thoughts and prayers.

Indeed, Congress does have a role in foreign policy. At the very least. It is incumbent on the President to come before both Houses of Congress and present his plan on deploying troops to the former Yugoslavia, as well as his plan defining the mission and exit strategy for those troops.

Historically, before committing large numbers of U.S. troops to crisis areas overseas, it has been customary for the President to seek the consent of Congress before initiating a deployment of military forces.

In this case, the President has not sought approval of Congress for his actions, yet, the President intends to fly to Paris today for the purpose of signing a treaty that will obligate over 20,000 troops for operations in Bosnia.

If the President, with or without Congressional approval, intends to place American troops in harm's way—and it appears that this is what he intends to do—then I urge the President, in consultation with Congress, to articulate a clear mission statement and to define an achievable exit strategy.

Our troops on the ground need to know precisely what it is that they are being asked to do—and Congress deserves a role in making that determination.

Mr BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, [Mr. CHAMBLISS], a member of the Committee on National Security.

Mr. CHAMBLISS. Mr. Speaker, this has been a very difficult decision that we have had to deal with, the deployment of troops to Bosnia. I, along with the gentleman from Missouri [Mr. SKELTON], and the gentleman from Indiana [Mr. BUYER], have sat in the Committee on National Security over the last several weeks and we have asked very serious questions of the administration.

Those are the same questions that have been alluded to by Mr. SKELTON earlier. Those questions simply have not been answered. I voted in favor of the Dornan amendment earlier. That vote by me in favor of the Dornan amendment was a statement. It was a statement that, Mr. President, you have not provided the information satisfactory to this Congress to authorize this Congress to vote in favor of deploying troops to Bosnia.

□ 2130

In spite of that, that decision has been made. That decision is behind us now, as the gentleman from Indiana [Mr. BURTON], just said. It is time now to move on. When we move on, we must leave this House, leaving nothing unturned, but giving our unconditional support to the troops, the brave men and women in Bosnia. The Buyer-Skelton resolution does that. I urge support of that resolution.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, 50 years ago when the reality of the holocaust came to light, people of conscience said never again to ethnic cleansing and to genocide. These abhorrent actions have continued despite this promise. I believe that the world can no longer turn a blind eye to Bosnia and the tragedies that are there. That is why I commend President Clinton for his leadership, support the troops for their courage, and will support the Hamilton amendment.

I rise in opposition to the resolution on the floor at this time, because I believe our country can be proud of the leadership in bringing the warring parties to the conflict in Bosnia to the negotiating table and for the successful conclusion of the Bosnian peace talks. Now we should join with other nations in ensuring that the peace agreement can be implemented.

Mr. Speaker, the United States does have a national interest in peace in the former Yugoslavia. As the world's lone superpower, we have the obligation to lead. Several hundred thousand innocent children, men and women have died in the conflict in Bosnia. The war must stop.

At stake if the United States does not participate in the Bosnian peace process are the role of the United States as a world leader, the future viability of NATO, and the risk of reigniting the conflagration in Bosnia. A continuing Bosnian conflict threatens to spread killing and destruction to other European states. The terrible acts of ethnic cleansing and brutal atrocities challenge the conscience of us all.

Is the Bosnian mission without danger and risk? No. With strong leadership, there are always risks. These risks have been minimized, and they are risks for peace, risks for ending years of bloodshed, risks for freedom. We risk far more by failing to act. We risk far more if we allow the tenuous peace to collapse and watch the flames of war ignite again.

For this reason I oppose this resolution, urge support of the Hamilton resolution, and commend President Clinton for this leadership.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER] for the perspective of a former Army infantry first lieutenant.

Mr. BEREUTER. Mr. Speaker, I think we need to have a summary of what the Buyer-Skelton resolution really does for I think it is being lost in some of the rhetoric here. It has two parts.

First is a reiteration of votes that the House has already taken on October 30 and November 17. The second is a policy statement which I think all Members should be able to support. First of all, it is an expression of confidence, pride and admiration in members of the U.S. armed services.

Second, it reinforces the need to respect the judgment of the military leadership in the field. After Somalia, that kind of debacle suggests this kind of policy advice from the Congress is essential.

Third, it reinforces the policy that proper weaponry and logistical support must be provided to our troops in the field. Again, after the Somalia debacle, that kind of advice from the Congress is entirely essential and appropriate.

Mr. Speaker, there is no vital interest for the United States in Bosnia. I very much approve of the Buyer-Skelton resolution, and ask all of my colleagues to support it.

Mr. TORRICELLI. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise in support of the Hamilton resolution as one who has spoken out for the last 4 years urging that we do the one thing that would enable the people of Bosnia to defend themselves against organized aggression, violence, rape, torture and genocide; lift the arms embargo. This was not done. Tragically, the war and the mass murders continued.

By maintaining the arms embargo, which prevented the Bosnians from defending themselves against aggression and genocide, we incurred a heavy moral burden. We now have one final chance to meet that burden, to end the killing, to stop the genocide, and to restore peace. Let us meet the obligation we incurred, least it be said the United States did nothing to stop the genocide. Let us give peace a chance, let us support the President, let us support the Hamilton resolution.

The SPEAKER pro tempore. (Mr. BUNNING of Kentucky). The gentleman from Indiana [Mr. BUYER] has 8½ minutes remaining and the right to close, and the gentleman from New Jersey [Mr. TORRICELLI] has 5½ minutes remaining.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN] a present colonel in the U.S. Army Reserve.

Mr. LAUGHLIN. Mr. Speaker, I supported the Dornan amendment because I believe the President of the United States, our Commander-in-Chief, has not given us the vital national interest reasons to put our troops in Bosnia.

On the very day President Kennedy stopped the Russian troops off the coast of Cuba, many of my classmates and I signed our contracts to be members of the U.S. Army. History proved President Kennedy right.

Later my three brothers and I volunteered during the Vietnam era. All three of my brothers went to Vietnam. I was sent elsewhere. History proved us wrong when we believed vital national interests were involved there.

Later I supported the Persian Gulf war. History proved us right on vital national interests there.

Today we are asking young men and women of America to become targets of opportunity for a civil war in Bosnia, and history will provide those of us who oppose this policy right. The President of the United States, our Commander-in-Chief, has not demonstrated any vital national interest for the brave young men and women who have risked their lives in defense of freedom to go to Bosnia. I ask support of the Buyer-Skelton resolution.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MCHALE] a comrade of mine from the Persian Gulf war, for the perspective of a lieutenant colonel in the Marine Corps.

Mr. MCHALE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the Buyer-Skelton resolution. As I have listened to the oppositions voiced by many of my good friends and colleagues, I have to wonder whether they have read the resolution. In fact, there are two elements, Mr. Speaker, contained in this resolution.

The first element is one of opposition to the policy. The simple fact of the matter is the vast majority of the Members of the House opposed the decision to deploy. But the second element is far more important. Let me speak with passion on that issue. A few days ago I watched an interview on CNN of a lieutenant colonel named Bronco Lane, and he said whatever people think of the mission, he urged support for his men, for his soldiers.

We are a good and powerful Nation, and whatever may divide us in the House this evening, the message we communicate to Colonel Lane and to those who might inflict harm upon his soldiers is that once Americans go to war, we come together as a Nation. The resources necessary to accomplish the mission, those requested by the field commander, will be provided. Those are the elements of this resolution.

Mr. Speaker, I urge strong support for our soldiers. I urge an affirmative vote on the Buyer-Skelton resolution.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I rise in favor of the Buyer-Skelton resolution.

Mr. Speaker, I rise in strong support of the Buyer-Skelton resolution. The President has developed a policy committing our troops without the consultation of Congress or the consent of the American people. Young men like Kempty Watson and Todd Beeson, both from Arkansas City, KS, have been required to go above and beyond the call of duty.

Mr. Watson and Mr. Beeson, are not defending the border of this great country. Nor are they being required to defend the Constitution of the United States of America. There is no vital American interest in Bosnia. This mission is truly above and beyond the call of duty. They are heroes, as is every American who served in Bosnia. They serve regardless of the policy.

Watson, Beeson, and others, like those men and women who serve in the 1st Armored Division, follow the Commander in Chief and do so professionally like no others in the world.

This resolution supports all our fine men and women in the U.S. Armed Forces, 100 percent.

But this resolution also strongly opposed the policy the President has forced on the American public.

Mr. Speaker, I disapprove of the President's policy. There are many ways to lead the world, lead NATO, present peace, without putting our troops in harm's way.

Therefore I support the Buyer-Skelton resolution and our troops.

Mr. TORRICELLI. Mr. Speaker, I yield 1 minute to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I do not want to make a play on words with the issue that is now before this body. Mr. Speaker, I was moved by the remarks earlier made by the gentleman from California [Mr. CUNNINGHAM]. We share a similar sense of anger and frustration in our experiences as Vietnam veterans, although I was not a war hero like my good friend from California. But all I know is that we could have been among the 58,000 dead soldiers and sailors whose names are honored at the Vietnam Memorial.

Mr. Speaker, our problem with Vietnam, Lebanon, and Somalia was not because we did not have the resources to protect and sustain our troops. It was because of poor military planning and execution by both our civilian and military leaders here in Washington.

Mr. Speaker, I hope to God we will not have another Secretary of Defense make a confession to the world and to the American people that it was wrong for us to be in Vietnam. I consider it an insult to the names of every soldier who died in Vietnam to tell that to the faces of the parents and relatives of those who died there in Vietnam.

Mr. Speaker, it is obvious the Dayton agreement is not perfect. Our President has spoken well, given leadership. I ask that we sustain the Hamilton resolution with caution, as expressed by the gentleman from Missouri [Mr. SKELTON].

Mr. Speaker, I don't want to make a play on words with the issue that is now before this body.

I believe it is appropriate that Congress fulfills its constitutional responsibility by deliberating the merits of the resolution now before us.

Mr. Speaker, I was moved by the remarks expressed earlier by the gentleman from California [Mr. CUNNINGHAM]. We share a similar sense of anger and frustration in our experiences as Vietnam veterans, although I was not a war hero like my friend from California. But all I know is that we could have been among the 58,000 dead soldiers and sailors whose names are honored at the Vietnam Memorial.

Mr. Speaker, our problems with Vietnam, Lebanon, and Somalia was not because we did not have the resources to protect and sustain our troops. It was because of poor military planning and execution by both our civilian and military leaders here in Washington.

Mr. Speaker, I hope to God we will not have another Secretary of Defense make a confession to the world and the American people—and that is after the fact, that the United States was wrong to be in Vietnam. I consider it an insult to the names of every soldier who died in Vietnam. Perhaps former Secretary McNamara should tell that to the faces of the parents and relatives of those brave soldiers who gave their lives because of misguided policies that our political leaders dreamed up here in Washington.

Mr. Speaker, it is obvious that the Dayton agreement is not a perfect document, and I sincerely hope our President will not be blinded by the concerns appropriately addressed by the gentleman from Missouri [Mr. SHELTON].

Mr. Speaker, it is quite obvious that our President is not running an opinion poll or is trying to compete in a popularity contest. I commend our President for his global leadership on this important issue.

Mr. Speaker, I ask my colleagues to support the Hamilton resolution, but to recognize also the concerns raised earlier by the gentleman from Missouri [Mr. SHELTON].

Mr. Speaker, without United States leadership and participation, no peace is possible in Bosnia.

For nearly 4 years, a horrifying war has torn Bosnia apart. The world has witnessed the murder of 250,000 innocent men, women, and children there, while over 2 million people have been forced from their homes and made refugees.

Yesterday, like many other members, I was deeply touched by Israeli Prime Minister Shimon Peres' address before Congress. Prime Minister Peres noted the United States has saved the world from three of its greatest menaces: German Nazism, Japanese Militarism, and Soviet communism.

In honoring America, Prime Minister Peres stated, "You did it. You brought freedom. You defended it. Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or ready to do it. You enabled many nations to save their democracies even as you strive now to assist nations to free themselves from their nondemocratic past."

"America," stated Prime Minister Peres, "In my judgment, cannnot escape what history has laid on your shoulders, on the shoulders of each and every one of you. You cannot escape that which America can alone do. America alone can keep the world free and assist nations to assume the responsibility for their own fate."

Mr. Speaker, Prime Minister Peres has it right. Throughout history, America has always stood for peace and freedom and what is right. In Bosnia, we and our allies are not going to fight a war, but to protect a peace.

Without American Leadership, there would be no peace agreement. Without American troop participation, this peace agreement will not be carried out. As the leader of the free world, America cannot shirk its responsibility to end the suffering in Bosnia, to stop the spread of war to Europe, and to ensure a lasting peace.

The President has committed the United States to the Bosnia mission. As former Secretary of State Henry Kissinger recently stated, "I now believe that if we do not honor the President's words, the threat to our security would be greater because nobody would believe that we are capable of conducting a serious foreign policy.

Mr. Speaker, with American leadership and credibility on the line, we cannot just cut and run from our duty to lead. It is time that we support our President and our troops in providing light and hope to this dark part of the world.

Mr. TORRICELLI. Mr. Speaker, I yield the balance of our time to the gentleman from Maryland [Mr. HOYER], the gentleman who has served as the conscience of this Congress on the carnage in Bosnia.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Maryland is recognized for 4½ minutes.

Mr. HOYER. Mr. Speaker, in August 1990, Saddam Hussein invaded Kuwait. The President, a few days later, determined that he would deploy troops to oppose aggression in the Persian gulf, and we as a Nation and as a Congress were united in that deployment. That deployment occurred during August, September, October, November, and December, and over 400,000 troops were sent. The Democratic leadership and the Republican leadership stood together in support of that deployment to oppose aggression.

We did so as a united nation. Yes; there was a vote in January as to whether to go to war, and in a bipartisan vote we determined that the President would have the authority to do so. The President acted, and the Congress shortly thereafter, some few days, passed a resolution, with over 400 of us voting to support the troops and their success.

Mr. Speaker, I believe it is in our national interest to participate in the effort in Bosnia for several reasons. First, our President has told our allies and the warring parties that we would do so. America's credibility and our leadership in the world would be severely undermined if we do not.

The risk for peace is one that the Western alliance and the United States should be willing to take now and in the future. The NATO alliance under United States leadership remains, my colleagues, the stabilizing force in Europe, and it must be kept ready, united, and maintain its will to deter aggression and establish peace.

I suggest to you, my friends, it would be immoral to stand by in the face of the carnage and the rape and the murder and the genocide and the tragedy that is Bosnia.

My colleagues on the Republican side of the aisle, my fellow Americans, if you will, President George Bush recently stated:

> It is in our national interest to maintain the integrity of the United States; credibility in the world. If the President shifts direction now or if it is seen that the President does not have the support of Congress, our standing as leader of the free world and the standing of NATO would be dramatically diminished.

President Bush concluded his remarks by saying "That must not happen."

I will oppose the Buyer-Skelton resolution. They are men of integrity, and they serve their people well. But I am not opposed to the President's policy. It is not my policy. I wanted to lift the arms embargo. I wanted to give to the Bosnian people the right and the ability to defend their homes. I think President Bush and President Clinton were wrong in not supporting that policy. But the issue today is that the

President has chosen a policy, and it is not Somalia, where there was no agreement among the warring parties, it is not Lebanon, where there was no agreement among the factions. It is a place in this world where parties brought together by the President of the United States have agreed on peace.

□ 2145

I believe it is worth a risk for peace.

I hope many of my colleagues were here yesterday. Shimon Peres spoke to a joint session of Congress. He said to us, as a country, that we saved freedom. He went on to say that wars did not cause us to lose heart, triumphs did not corrupt us, and we remained unspoiled because we rejected the spoils of victory.

He then talked about the risks for peace taken by his friend Yitzhak Rabin and his country, and he observed that just a few years ago he could not have conceived of reaching out to Yasser Arafat, a Palestinian, his enemy of centuries. Not the Arab and the Jews. For centuries. And now he believes there is a chance for peace, and he said that it was worth risking peace because it was more important to win the peace than to win elections.

Mr. Speaker, I think that is the decision our President has made. That is the decision I will support, and that is why I will oppose this resolution.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri, [Mr. SKELTON], for a dialog.

Mr. SKELTON. Mr. Speaker, I would ask the gentleman, does he agree with me that there has been no credible answer or response to my raising the issue of arming and training the Bosnian Moslems, which puts our troops at risk?

Mr. BUYER. Mr. Speaker, if the gentleman will yield, I would respond to the gentleman that there has been no credible response in this debate to his question.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, HENRY HYDE, for the perspective of a former commander of the naval reserves, a hero of World War II.

Mr. HYDE. Mr. Speaker, very simply, this is a good resolution. It does two things: It expresses the dissent that so many of us feel from the policy implemented by the President in Bosnia. That is all it does.

It does not cut any funds, as the Dornan resolution did. In fact, it supports giving our troops all of the resources necessary to carry out their mission safely. So it fully expresses my own views, although I did support the Dornan resolution as the last, best, and only opportunity to keep our young men from going into this morass of ethnic and religious hatred that has been simmering for over 500 years on the off chance that they are out of breath now and they have a cease-fire.

Mr. Speaker, this resolution perfectly states my views in opposition but in support of the troops. So I strongly support and urge my colleagues support for the Buyer-Skelton resolution.

Mr. BUYER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, first of all, let me extend a compliment to my friend and colleague, the gentleman from New Jersey [Mr. TORRICELLI], for his demeanor and his statesmanlike conduct in how he has handled the debate. Just let me compliment the gentleman for that.

This is a debate about two very distinct views of foreign policy. There are those of us who tie the use of military to vital national security interests because we believe that placing troops in harm's way on foreign soil is of no ordinary magnitude. The other is the Clinton administration would like for the United States to become the world's policeman and the guarantor of global security.

U.S. troops should only be used on the ground to ensure regional security, not to intervene in civil wars which have no real threat of spreading to that instability of a region. While I have heard the argument, it rings hollow.

The United States, as the world's only superpower must exercise a policy of restraint in our involvement in conflicts overseas. Ours is a responsibility to provide overall military and economic security to regions of the world. If the United States intervenes in intracontinental conflicts, regional powers are allowed to escape their responsibilities.

When will Europe take a role in policing its own region? The answer is when Europe no longer has the expectation that the United States will be there to rescue them whenever they have a problem.

Mr. Speaker, we are closing this century now. For the fourth time, the United States will be on the ground in Europe. Think of that, for the fourth time. Truly, Europe can be a quarrelsome bunch and the United States leadership in NATO unifies and strengthens Europe. But as my colleagues know, the United States must send a message that the post-cold-war policies and doctrine for the security of Europe must reflect 1995, not 1945.

The United States has a key and vital role to play in the peace process, and I compliment the President of the United States for bringing the parties to the table. The role for which we should play is do not put troops on the ground.

The United States should act responsibly in the cohesion of NATO; the I-For commander should be a commander from Europe, not the United States. The United States should supply our air power, our seapower, our airlift, our sealift, our intelligence, the architecture of intelligence from the sky and our satellites and logistics, but not that on the ground. However, when U.S. forces deploy on the ground as peacekeepers, we go there without the protection of neutrality, and they become targets and casualties.

There are those who have claimed the moral obligation. Well, let me say this. When we view disasters in this country, whether it be by tornado, hurricane, earthquake, fire, you name it, we see that destruction and it is repulsive to us, but we understand it because we say it is a natural disaster. However, when we look and view what mankind can do to one another, it is violent to our values. But if we permit our foreign policy to be guided by our hearts, then the United States will find our troops in over 67 hot spots throughout the world.

If we want the United States to become the world's policeman, just say so. I do not believe that the United States can be the world's policeman.

When I was in Sarajevo, a mother, yes, cried and wept in my arms to communicate to me that she lost a son. That is moving to me. But it is also just as moving when I go to the funerals of American soldiers and have to be able to look into the eyes of an American mother and be able to communicate to her that her son or her daughter has given that life to protect vital national security interests. That is why we tie foreign troops' commitments to vital national security interests, because we cannot be everywhere in the world.

Mr. Speaker, this resolution is very clear. It is clear because we say we are reiterating a policy from before, where we stated we oppose U.S. ground troops. We want to intervene, but we do not agree with that policy. We believe we have the confidence in these troops that they will do their job. They are gallant, they are brave and they are courageous.

We also do not want a repeat of Somalia. I have spoken with a father who lost his son. We do not want that.

We want the President and the Secretary of Defense to rely upon the field commanders when they make military decisions. We also want to make sure they get the resources and the equipment they need to do their job.

Last is a paradox, and that is if we are going to arm and train the Moslems, then we should take sides. And if we do that, then we do not go on the ground. If we want to go on the ground, then we do not arm and train the Moslems. But to do both or to claim that somehow we will get other countries to do it, and our pawprints are all over it, subjects and opens our American soldiers to become targets and casualties, and it is wrong.

Please support the Buyer-Skelton resolution. God bless us all.

Mr. PORTMAN. Mr. Speaker, as the tragedy of the Balkan conflict has unfolded before us in the newspapers, on television, and here, on the floor of the House, I have spent many hours talking with constituents, talking to colleagues, and thinking through the appropriate United States response, as well as the appropriate role for Congress. I continue to believe that the deployment of U.S. ground troops is the wrong approach. I do think the United States has an interest in stopping the fighting and in preserving NATO. But I also believe that military instability in Bosnia and Herzegovina presents tantamount risk to our ground troops and throws into question the achievability of our mission there. A more appropriate U.S. role might have been limited to logistical support and providing air cover.

It is, of course, crucial that Congress voice its support for our troops, for our young men and women who are already in Bosnia. And as much as I disagree with President Clinton about some of his foreign policy decisions, I think when you elect a President as Commander in Chief, you have to give some flexibility.

Tonight I will reluctantly vote against H.R. 2770, Representative DORAN's bill to cut off all funding for our troops, primarily because I think it is not fair to our men and women in uniform who are already there. It would be irresponsible for Congress to jeopardize the safety of those already deployed and the thousands more that are in the process of being deployed—regardless of this vote—in the coming weeks. I think of Annah Castellini, a constituent and graduate of West Point, who is headed to Bosnia soon as a platoon leader. Remembering the Vietnam era, she worries about whether the American people will support her.

Further, I do feel that the passage of H.R. 2770 begins to infringe on the President's power as Commander in Chief and could threaten confidence in U.S. leadership. I think it would be unwise at this time to send conflicting messages to the factions of the Balkan conflict and the rest of the world.

In my opinion, the Buyer resolution, House Resolution 302, strikes a better balance between opposing the decision to send them, yet supporting our troops in their duties. I will support Buyer. I cannot support House Resolution 306, the Hamilton resolution, because it implicitly expresses support, not just for the troops, but also for the President's decision to send them.

Former President Bush said recently, "Sincere people can have honest differences as to whether President Clinton has made the right decision. I am nevertheless certain in my mind that at this point we must support our troops—and that support should come from Republicans and Democrats alike." I agree. As one who believes President Clinton made the wrong decision, I nonetheless will support our troops in any way I can and pray for their safe return.

Mr. TORKILDSEN. Mr. Speaker, I rise this evening in support of the resolution offered by my colleagues from Indiana and Missouri.

Earlier tonight, I voted against the resolution sponsored by my colleague from California because it sent the wrong message to our troops already in Bosnia, as well as those on their way in the coming days. We cannot take away their ability to defend themselves.

I strongly support the Buyer-Skelton resolution which expresses our opposition to the President's Bosnia mission. Yet, this resolution does so without undermining our troops already there, and those troops that will be there by the time this resolution is agreed to by both the House and Senate. This resolution specifically states that our troops in Bosnia will have the resources and support they need to protect themselves until we bring them home.

The SPEAKER pro tempore (Mr. BUNNING). Pursuant to section 3 of House Resolution 304, the previous question is ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 287, nays 141, answered "present" 1, not voting 4, as follows:

[Roll No. 857]

YEAS—287

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Dickey
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Luther
Manton
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zimmer

NAYS—141

Ackerman
Baesler
Barr
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Engel
Eshoo
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Houghton
Hoyer
Jackson-Lee
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Moran
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Poshard
Quillen
Rahall
Rangel
Reed
Richardson
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sawyer
Scarborough
Scott
Sisisky
Skaggs
Slaughter
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wynn
Yates
Zeliff

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—4

Lucas
McInnis
Tucker
Velazquez

□ 2214

Mr. SCARBOROUGH changed his vote from "yea" to "nay."

Mr. TAYLOR of North Carolina changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. VELÁZQUEZ. Mr. Speaker, due to the death of a close personal friend, I was absent during the following rollcall votes. Had I been present I would have voted as follows: On 847 "yea," 846 "nay," 845 "yea," 857 "nay," 856 "nay," 855 "yea," 854 "nay," 853 "yea," 852 "nay," 851 "nay," 850 "nay," and 849 "nay."

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I wish unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just considered, and that I may include extraneous material for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore (Mr. BUNNING). Pursuant to section 4 of House Resolution 304, it is now in order to consider a resolution offered by the minority leader, or his designee.

□ 2215

SENSE OF HOUSE REGARDING DEPLOYMENT OF ARMED FORCES TO BOSNIA

Mr. HAMILTON. Mr. Speaker, pursuant to House Resolution 304, I offer a resolution (H. Res. 306) expressing the Sense of the House of Representatives regarding the deployment of United States Armed Forces in Bosnia, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 306 is as follows:

H. RES. 306

Whereas the President of the United States pledged to commit the United States Armed Forces to participate in implementing a peace agreement in Bosnia and Herzegovina;

Whereas the United States hosted Proximity Talks in Dayton, Ohio, from November 1, 1995 through November 21, 1995, for the purpose of allowing the negotiation of a peaceful settlement to the longstanding conflict in the former Yugoslavia;

Whereas the Proximity Talks concluded with the Presidents of the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialing a General Framework Agreement for Peace on November 21, 1995;

Whereas the Presidents of the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia have requested a NATO-led implementation force with United States participation and have pledged full cooperation with this force;

Whereas some Members of Congress have questions and concerns about certain aspects of the peace implementation process; and

Whereas the Congress joins the President in wanting to minimize the risks to the United States Armed Forces helping to implement the peace agreement in the former Yugoslavia by ensuring that they have the necessary resources and other support to perform their mission effectively: Now, therefore, be it

Resolved, That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 304, the gentleman from Indiana, [Mr. HAMILTON], and the gentleman from New York, [Mr. GILMAN], each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support House Resolution 306. It is a very simple and straightforward resolution. Its purpose is simply to support the troops and to praise them for the work they are doing and will do. It does two things in its operative clause. It gives unequivocal support to the men and women of the United States Armed Forces and praises them for the work that they are doing and will do in support of peace in Bosnia. The resolution is intended to be silent with regard to policy, and the whereas clauses of the resolution merely recite facts. The resolution is intended to be silent with regard to policy, neither for the policy nor against it. It recites the historical facts without editorial comment.

The resolution does mention that all Members of this body have questions and concerns about the effort in Bosnia. It emphasizes that we want to do all that we can to minimize the risks to U.S. forces by ensuring that they have the resources necessary to perform their mission. So it only calls for unequivocal support of our troops. With all of the doubts and the questions and uncertainties that exist in this Chamber and in the country with respect to Bosnia, the effort here is to come forward with one certainty. That certainty is that we support the troops.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I feel constrained to speak against this in light of the fact that the last vote passed and it passed overwhelmingly. If this should happen to pass, we would have the most mixed message going out to America possible.

These are nice words. Paraphrasing them, they are pabulum. But we support the troops more than adequately in the previous resolution. We stated more correctly when we speak of their courage and of their professionalism in the previous resolution. This one would have no effect except to confuse the people we represent and of course confuse those wonderful troops that are going to be in Bosnia. I am constrained, Mr. Speaker, to vote against this.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I do not believe there has been an issue in my 3 years here that the depth of feeling has been such as there is on this movement into Bosnia. I spoke to a group two Mondays ago and had a senior gentleman walk up to me, a businessman. He said, when the first person dies and comes back in a body bag, it will be because of what we did not do yesterday. I said, what was that? He said, you did not speak out in opposition.

This is a very, very dicey prospect. I have heard Members compare this movement to what happened in Vietnam 20-plus years ago. I said this is not Vietnam. This is Afghanistan. It is much, much more dangerous. This war has been going on since 1389. C.B. Hackworth, the most decorated military officer still alive in this Nation, led a group, he said recently on television, into this very area for 1 year, for 1 year in 1949, and they came out 9 years later.

I honestly listened to the President's speech on this subject with an open mind a couple of Monday nights ago because I had to speak about it on radio the next morning. I thought he gave a good speech, but he always gives a good speech. So the next morning I got up early and I read what he said. It was much different in black and white than it was on a TV picture tube. What he said essentially was that Americans should be for peace. Are we not? I thought that was inane.

Then he said, we must do this out of respect for NATO. My colleagues, NATO is a very large military bureaucracy with nothing to do. It is looking for something to do. My judgment, it is time to recognize that NATO expired in August 1989. It is time for us to give it a decent burial with full military honors and find a new policy and a new arrangement because the old threats are no longer there.

I read the Hamilton resolution. I understand the purpose of it. But if it is anything different in terms of support for the troops than we just voted for, why does it not say, we support the policy? Why does not the President's own party say, we support the policy? Does anybody support the policy?

It does not say that, but there are fine words in here that would let the

President tomorrow draw an inference that indeed we do. It says here that the House unequivocally supports the men and women of the United States Armed Forces carrying out their mission in support of Bosnia. I am absolutely convinced that the President can construe that to mean tomorrow that we support the policy. My colleagues, this is not our time. This is not our place. This is not our war. This is the wrong resolution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], distinguished whip.

Mr. BONIOR. Mr. Speaker, we have heard a lot of emotion on this floor tonight and it is not hard to understand why. The decision to commit troops is one of the toughest decisions any of us will have to make. And none of us takes it lightly.

There comes a time when America—and only America—can lead. Now is one of those times.

For 4 long years, we watched as 250,000 people were killed, 16,000 children were slaughtered, and nearly 3 million people were left homeless in Bosnia.

And through it all, there has been very little reason to hope. But finally, peace is at hand.

Finally, we have a real chance to end the bloodshed. For the first time in 4 years, there is hope in Sarajevo because there is faith in America.

And I, for one, am proud of the fact that American troops are saving lives tonight in Bosnia.

For 220 years we have sent American men and women overseas, not just to defend American interest, but to defend American values. To stand up for freedom and democracy and human rights.

And if those things are not worth defending any more then I do not know what America stands for.

The people of Bosnia are tired of war. They want peace, but they need help to keep the peace. America is not undertaking this mission alone. But only America can lead it.

As Shimon Peres said from the podium behind me yesterday: Only America can provide the compass and the lantern that the world so desperately needs in Bosnia today.

This century began with bloodshed in Sarajevo. And we have it in our power today to make sure that it does not end with bloodshed in Sarajevo.

I would hate to think that someday, historians will look back on this day and wonder why, when we had a chance to keep the peace in Bosnia, the House of Representatives turned its back and let the killing begin again.

We can avoid that fate here today. I urge my colleagues: support our troops. Support the President. And support this resolution.

□ 2230

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the distinguished chairman for yielding me time.

Mr. Speaker, with all due respect to the distinguished minority whip, this resolution is much more or much less, depending on one's point of view, than an expression of support for our troops. As someone in the delegation that just returned from Bosnia last night, I have to say that that trip to that incredibly war-torn region raised more questions in my mind than it answered.

That is the problem with the Hamilton resolution. It glosses over those questions in one more "whereas" clause. Until we honestly address those questions and concerns, I do not see how this House can vote for the Hamilton resolution.

Let me just say what I think are the questions which absolutely need addressing in a forthright manner by every Member of this body. First of all, it is not clear if we have defined that criteria for ending this mission successfully, and I think we all know that an exit date is not an exit strategy.

Second, there is a very real concern in talking to the leaders of these three countries whether they are doing everything at this moment to stop war crimes as they promised to do in Dayton. Just look at the scorched Earth policy that the Croatians are carrying out in the areas they promised in Dayton to turn over to the Serbians.

There is also a very real concern whether we will be able to achieve greater equality between the heavily armed Serbian and Croatian forces and their underarmed Bosnian counterparts. That military parity, that greater equality, is absolutely essential to a lasting peace.

Lastly, we are in for an untold open-ended financial commitment here. The American people need to be told the true cost of this peacekeeping mission, all that it entails, including the economic and humanitarian assistance necessary to rebuild Bosnia.

So the Hamilton resolution comes up short. It does not address these questions and concerns. It glosses over them with another "whereas" clause, and the American people deserve better.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, tonight we are defining who America is and who we will be in the 21st century. Clearly we are a blessed Nation, protected on both sides by oceans, rich with natural resources, and, more importantly, rich with the diversity of immigrants driven by their pioneer spirit. But to whom much is given, much must be expected.

The Bosnians have cried out for American involvement for three and a half years, partly because we have more military capability than all the nations of Europe combined. But, far more importantly, they look to us because of our heroic character because they know that it was America's heart that saved Europe's soul; because they know that it was our grandfathers and our fathers who were willing to risk their lives, not for any selfish materialistic cause, but for the noblest of reasons, for the cause of human freedom, democracy, justice, and religious and ethnic tolerance.

It is precisely these same causes that are at stake in Bosnia today. We should not, in fact, we must not, profane the legacy of our grandfathers who saved Europe in World War I, or the legacy of our fathers who saved Europe from fascism in World War II and then set up NATO to prevent a World War III. But we would profane their legacy if we let the affluence and the comfortable security that their sacrifice has brought us weaken our resolve to uphold the principles that still define America.

Heroic leaders do not shrink from their moral instincts because their own personal security is not directly threatened. They act when they know that only they can make a difference. They act, because it is the right and the principled thing to do.

After a quarter of a million people have been slaughtered, 40,000 women have been raped, and 2.8 million people have been driven from their homes, it is the right and the principled thing to do to put a stop to this ethnic cleansing, the slaughter that will clearly continue, unless America shows its heroic character once again.

Our troops are the clear expression of our national heroic character, and that is why we should support them by voting for the Hamilton resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, having just returned from Bosnia and having met with each of the three Presidents and many of the other leaders of the different factions there, I came away convinced that the leaders do not understand the peace agreement, the Dayton accord, the same way. Each of them looks at it differently. There are serious misunderstandings among the leaders that put their initials on the accord and will be signed perhaps tomorrow.

Those differences are major and significant differences. If they exist among the leaders, they surely will exist among the people. The expectations of the people and the leaders there of the United States is that we will be much more involved in the cost, the payment, and the providing of different activities than what the peace accord calls for.

Some of them feel that we will be responsible as Americans to pay for many things that we have no responsibility to do. The refugees, the rebuilding, the building of the infrastructure, the paying for the free elections and for the many commissions that this peace accord calls for, they expect the American people, the American taxpayers, to support all of these functions. Yet that is not the intent of the accord and the American people are not expected to do so.

These confusing understandings from the leaders are not going to lead to a peaceful condition there. I foresee that peace will not come to that region, with or without the American troops. I do not understand how they can have peace with the feelings that they have. There are some that are today rejecting the peace accord.

Mr. Speaker, I think that it is a tragedy and a mistake for us to send troops there. I do not support the President's policy. This resolution implies support of the President's policy.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, for the past 4 years, we have witnessed systematic ethnic cleansing in the former Yugoslavia. The United States and its allies have done precious little. It is an outrage to humanity that Europe and the United States stood on the sidelines, watching the aggressors willfully violate international standards of human rights.

It can be argued that it is too late to help the people of Bosnia. That Sarajevo lies in rubble. That Europe is primarily to blame for the failure to act. That the United States should have exercised its leadership earlier. In my opinion, all of these concerns are true.

However, it is never too late to act to stop human atrocities. President Clinton deserves the international community's appreciation for bringing the warring parties together.

Although all of us hope these recent peace efforts will succeed, I have serious questions about this NATO mission. The territorial boundaries that have been agreed upon lack historical confidence. The will of the leadership in the former Yugoslavia for peace is uncertain. Yet, this agreement presents the only hope for peace and an end to the massive human rights abuses.

There are those who believe that we have no national interest in Bosnia. I disagree. Stability in the Balkans is important to a stable Europe and a stable Europe is important to the economic and security interests of the United States. It is also in the national interest to speak loudly against the continuation of ethnic cleansing.

Others say correctly that the United States cannot act in all parts of the world when human rights are violated. However, that should not be a justification for failing to act when we can.

Mr. Speaker, I have serious reservations about the military strategy of this mission. I am concerned as to whether the time table is reasonable and as to whether we can achieve peace. I am disappointed that the President has chosen not to precede under the war powers act, to seek congressional approval to send our troops to a foreign hostile area.

In addition, the house leadership has regrettably failed to allow us to consider a resolution, similar to what is being considered by the other body, which speaks to an appropriate exit policy. An appropriate exit policy clearly would ensure the arming and training of the Bosnian Moslems, the primary victims of aggression, It is imperative for NATO forces to exit the region with the Bosnian Moslems adequately prepared and knowing that a long-term NATO presence is not necessary because there is an equal military balance among the formerly warring factions.

However, the three resolutions that are before us today do not speak to these military concerns. Therefore, I voted against the rule in which these resolutions where made in order.

It is clear from court decisions that the President has the constitutional authority to commit U.S. troops to this mission. All of us, regardless of our views as to whether the President should commit the United States to the NATO implementation force, stand behind our troops, therefore, the only resolution that I can support is the Hamilton resolution which speaks to the support of our troops and points out concerns raised by Members.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would hope that the Members before voting take their responsibility seriously enough to read the Hamilton resolution. The Hamilton resolution states where we are. It states that the President has committed the troops. This House has refused to cut off the funding to place troops in the field by failing to support the Dornan resolution, the Dornan legislation, and so today before us the only solid support for the troops in the field comes from the Hamilton resolution.

Now, there are debates about the policy. I for one think the policy has succeed to date. The fighting has stopped, America has used its air power, as many argued that it could not, to bring the sides to the peace table. The President brought them to the United States and to Ohio, and achieved a ceasefire.

All of us are concerned about casualties. That is the only question that remains. If the Congress, House, and Senate, wanted not to send troops to Bosnia, they needed to vote to cut off the funding to make sure no troops would go there. In the Senate that was rejected some 70 votes to less than 30. In the House it was rejected as well.

So tonight, as we look at the opportunities for peace in the former Yugoslavia republic, the debate before us is a simple one: Do we or do we not support the troops as they enter that field of operation?

The Hamilton resolution resolves that the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of the peace in Bosnia and Herzegovina with professional excellence, dedication, patriotism, and extreme bravery.

General Scowcroft and former U.N. Ambassador Fitzpatrick agree with that posture. They believe that America must fulfill this commitment. But today it seems some would like to have it both ways. They would like to wring their hands about the policy, say that they support the troops, but, on the other hand, take no real action.

Mr. Speaker, it seems to me the only real action before us that we can consider today and seriously give support to our troops is not one that wrings its hands about the potential dangers that we are all concerned about. But if you read that Resolution 302 that was read, it does not state strong support for our military. I know the Members that voted for it meant to do it, but they have not done it, unless they vote for the Hamilton resolution.

Mr. Speaker, this is the right thing to do tonight. The question of the security and safety of our men is one that will stay with each and every one of us for the time they are in the field. But the right thing to do as they go off is to give them the support of this Congress as this Congress gave its troops support as they entered Desert Storm.

Mr. GILMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the resolution before us has been carefully crafted. I urge my colleagues to read it throughout. Although carefully written, I believe it is flawed. Not so much for what it says, but for what it fails to say. It fails to state what a majority of this House believes—that our troops are being deployed on a seriously flawed mission.

We all fully support our troops, strongly unequivocally. the vote we just concluded unmistakably demonstrates that.

I urge our Members not to weaken that message. Accordingly, I submit that the Hamilton resolution is redundant and should be defeated.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, voting whether or not to send American troops abroad is the most difficult decision that any Member of Congress will ever face.

I still have questions and concerns about our exit strategy and about the dangers our troops will face on the ground in Bosnia. The peace agreement we will help enforce is not perfect. The risks and the dangers are real.

But what is the alternative?

We have all been horrified at the events in Bosnia over the last several years. Mass executions. Torture. Systematic rape. Ethnic cleansing.

For the past 3 years, we called for an end to the horrors. We condemned. We impose sanctions and embargoes. We bombed.

And finally the prestige and the armed might of America brought both sides to the negotiating table to achieve peace.

So what now, now that peace is won?

Will we turn our heads and look the other way as Central Europe descends further into barbarism? Will we shut our eyes to the ethnic cleansing and the genocide? Will we walk away and doom this peace agreement to failure?

We dare not. Make no mistake: Refusal to send United States troops to Bosnia will end the peace. There will be no peace without the leadership of the United States.

Some argue that we have no national interest at stake in Bosnia. I must disagree.

We have a national interest in assisting and supporting our NATO allies. We have a strong national interest in preserving peace in Central Europe. And we have a compelling national interest in stopping ethnic cleansing and genocide.

At stake today is whether the United States will continue to assume a leadership role in the world, or whether we will retreat into isolationism. This debate is about our national character, our moral leadership

Mr. Speaker, the United States still stands for something very special in this world. Since World War II this Nation has maintained freedom's watch around the globe. We have paid a heavy price for our vigilance—but that is the price we must pay to ensure the success of liberty. We are the world's moral leader—and we must not shirk that leadership.

Our troops are the world's best. They are brave—and they are ready.

Mr. Speaker, we must help bring peace to Bosnia. The United States has the ability to respond, we have the obligation to respond, and we must respond.

Let's support this resolution. Let's support our troops.

□ 2245

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, it is an honor to speak here on this subject.

Mr. Speaker, our foreign policy is flawed. The State Department told us that the people of Yugoslavia could not get along, so we had to divide Yugoslavia. We set up Croatia, we set up Bosnia and we set up Macedonia. We broke up Yugoslavia because the people there could not get along.

But in Bosnia, the map makers, not unlike the gerrymanderers that ran this place for 40 years, drew an intricate map in Bosnia and said, these people are all going to live under each other and they will live in harmony and peace. And the killing goes on.

And the folks in Sarajevo took a poll, and the Serbians, who comprise about 33 percent of Sarajevo and have for 500 years, said we will not live under the Moslems. So they do not like the plan.

The Mujahedian, who have been imported from the Middle East, 4,000 strong, are there to protect Islam. And they do not care about us and they do not care about the Croatians and they do not care about the Serbians. They have a different agenda. But our State Department says, we are going to recognize this new central government and, by golly, they are all going to live in peace, and we are going to go there and enforce this peace. It is a flawed foreign policy.

If we really believe these people can live in peace, go back to one Yugoslavia and at least give them some territory, where Croatia, Serbia and the Muslims can live with some distance between them.

We used to have a resolution that said the President has asked us to support his policy and, mysteriously, that was dropped out of the resolution because now we have nothing left but pretty words. Now we say, we, some Members of Congress, have questions. We have reservations.

I cannot get up the first question when I try to make a list of questions, and that is, how the heck do we get out of here? How do we keep from being enmeshed in this quagmire that has gone on for 500 years? How do we save the lives of our young men and women? This Democratic alternative is a fig leaf under any word.

Please vote no.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the Hamilton resolution, and I think the Members of this body ought to support it, too.

We had our vote on cutting off the funds; and we said we did not want to cut off the funds. Now we are suggesting we are going to send a mixed message. I suggest some in this body want to have it both ways.

We suggest that we want a peace accord that has no risk. If there were no risk, we would not need military troops in Europe; we would certainly not need them in Bosnia.

Surely, there is risk involved in this, but the fact is, we did not start this foreign policy in November of 1995, such as the resolutions that many Members referred to were initiated at that point. In fact, of course, the commitments in this particular instance, in Bosnia, Yugoslavia, go back to the former administration, and certainly at least 2 years with this administration.

No, the right posture here is to vote for this resolution to provide the type of support and to understand that, indeed, there are risks. There are going to be incidents. There are going to be accidents. We should be very concerned about it, but the goal they are trying to accomplish is a reasonable one and one that this Nation should stand behind, Mr. Speaker.

I rise today to support both our peace-keeping troops and the decision to commit them in support of the Bosnian peace agreement. The conflict in Bosnia has brought many images of pain and suffering. Reports indicate that over 200,000 people have been killed in the conflict, mostly civilians as well as military personnel. Millions of people in Bosnia were forced to leave their homes in this war on civilians and cities. In fact an estimated half the population are refuges. Now with American leadership, and the demonstrated re-energized military capacity in Croatia and Bosnia this past spring, negotiations have led to a peace agreement that offers hope to the people of the Balkans. In order to monitor this agreement and create the basis for a lasting peace, the United States and its NATO allies have been asked by the parties involved to contribute a peacekeeping force and have agreed to enforce the peace.

Because of the instability caused by the Balkan conflict, repercussions from a continued conflict go far beyond the Balkans and threaten United States interests in all of Europe, Greece, and Turkey. This area has been freed from the control of communism and now faces the re-emergence of ethnic and religious tensions, and an unpredictable and dangerous nationalism. The harsh conflicts among peoples and nations in this region seriously risk the new found liberty and the hope of a lasting peace. In such a situation, an opportunity to bolster peace cannot be discarded, especially in light of the past 4 years of suffering.

The Dayton peace agreement gives the U.S.-led NATO forces the ability and authority to accomplish their mission of peace. I support this peacekeeping operation as it is truly a peacekeeping mission. Our peacekeeping forces will be in a dangerous environment, but one in which the parties have agreed to a peace settlement. This separates and establishes a distinct difference with the deployments in Lebanon or Somalia, and the Persian Gulf action, which in essence was a full fledged action to repel Iraq.

The Dayton peace agreement provides for the withdrawal of foreign parties, the removal of heavy weapons, and the reduction in the numbers of forces and such material. Important negotiations will further define and limit armaments and armed forces in the region. Hopefully the militaries can be built down to an improved parity; instead of built up for future instability and conflict.

Ironically, the insistence by some to condition their support on United States assurances of supplying and training of the Bosnian Moslems may in fact compromise the neutral role that the United States seeks to offer as peacekeepers. This factor could indeed raise the risks associated with the U.S. peacekeeping role, and that apparent risk initially has caused significant angst by the same Members of Congress who promote the training and supplying proposal. This confuses and tends to contradict the issue they advance.

The decision to send U.S. troops is not one to be taken lightly. Each soldier's life is important, for family, friends, and our Nation. The troops being sent will have the ability to defend themselves. Their training has prepared them for this situation. No doubt there will be accidents and some incidents in which soldiers lives may be lost. I am very concerned but am hopeful that the Dayton protocols will work to prevent the loss of peacekeepers lives.

The mission of peace, given the circumstances shaped with American participation and support, is important and justifies this U.S. peacekeeping role and contribution. U.S. leadership is necessary to move the peace that has been started into a new future for the people of the region. I urge my colleagues to support the resolution offered by Representative Hamilton.

Mr. GILMAN. Mr. Speaker, may I inquire how much time we have consumed?

The SPEAKER pro tempore [Mr. BUNNING of Kentucky]. The gentleman from New York [Mr. GILMAN] has 19½ minutes and the gentleman from Indiana [Mr. HAMILTON] has 15 minutes.

Mr. GILMAN. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, first of all, let me say why I oppose the well-meaning, but I think flawed resolution of the gentleman from Indiana [Mr. HAMILTON]. It will be interpreted as fully supporting the President's policy. Even though it does not say so, and wisely so, I think that is the way the press is spinning it, as the Dornan resolution, cut off all the funds, a middle ground expressing opposition but supporting the troops in the Buyer-Skelton resolution; and this is the other edge of the spectrum, namely supporting the President.

But having voted for Buyer-Skelton and having voted for Dornan, mostly I cannot support this because purporting to cover the waterfront, it is very benign as to objections the whole policy. The language is, Whereas some Members of Congress have questions and concerns about certain aspects of the peace implementation process. I do not have questions or concerns, I oppose it, and so do most of the people; in fact, everybody who voted for Buyer-Skelton, because it said, we oppose the policy.

So to say we have questions and concerns is just too mild. It is too gossamer. It just does not cover it. So for that reason, I cannot support it, although otherwise it has good language supporting our troops; but the Buyer-Skelton resolution did that, too.

Now, clearly, Mr. Speaker, I oppose putting 20,000-plus troops in extreme and certain danger during what I believe to be a time-out in a series of wars that have been fueled by ethnic and religious hatreds, spawned centuries ago. But the key to all this is our national interest, our national interest.

Now, somebody has decided our national interest is not at play in Rwanda, even though millions of people have been killed, even though there is no democracy there, but our national interests are not involved. The same thing is true in the Sudan. Millions of people have been killed there, refugees, dislocations, starvation, racial and religious hatreds, but our national interests are not involved there.

So that becomes very important. And so we look at Bosnia-Herzegovina and we say, where are our national interests there?

By way of comparison, we look at Desert Storm and our national interests were clearly involved. We had a defined enemy, a potential nuclear power with other weapons of mass destruction out waging an aggressive war against Kuwait and putting at risk the major petroleum reserves in the world in the Persian Gulf. If Kuwait had fallen, Saudi Arabia would have fallen and the economies of the world would have been in the vice-like grip of Saddam Hussein.

So, for me, and I am not a particularly bright fellow, I could see our national interest bristling in that situation. And the President saw it and the President wanted to commit troops over there. But those of us with some institutional memory, not all, I am sure, remember the vote of January 12 of 1991 where we got 86 Democrat votes yes and 179 no, and not one Democrat leader supported President Bush.

I am not going to take the time, Mr. Speaker, to discuss the bills of impeachment, three of them, that were brought against President Reagan and President Bush by various people, as well as litigation. I have the bills of impeachment and I have the complaints in my office. But I would like to note parenthetically that one of the charges in the bill of impeachment against Reagan was the abuse of the United States press in perpetuating a disinformation campaign against Colonel Qadhafi of Libya during the summer of 1986. That, I think, is classic.

In looking over the CONGRESSIONAL RECORD at the debates over Desert Storm, and I grant Members they are not identical at all, one was war and this is peace, sort of. Sort of. We are going in with lots of armament, though, to protect. To enforce, not protect the peace. But our national interests, in my judgment, others may wish what they want or think what they want, were directly involved in Desert Storm.

Let me read from the debate what one of the gentlewomen from Michigan had to say, and I quote, and this is January 12, 1991, the CONGRESSIONAL RECORD. I will give Members the pages if they want them, but here is what she said.

> In a time of limited resources to rebuild our cities, feed and house our homeless, educate our young, why is this administration so eager to spend billions in a far-off land that will have no meaningful impact on resolving the social and economic problems confronting every American every day right here at home?

Another gentleman, who was recently a senatorial candidate in the far west, in a primary, says:

> Today, a large American force sits uneasily in the Arabian desert. They do not have a clear idea why they are there, the American people do not have a clear idea why they are there, and Congress does not have a clear idea why they are there. Mr Speaker, if we learned anything from the military misadventures of the last 40 years, it is that U.S. military might should not be committed to battle without a clear statement of U.S. objectives and the broad support of the American people.

Another senatorial candidate from a State very near and dear to me. Here is what he had to say:

> I certainly do not know that I could go up and tell someone who has lost a husband that it was more important for this Congress to show unity than patience. But I would hope that this Congress would not squander its constitutional birth right over some ambiguous possibility or partisan loyalty to any President, Democrat or Republican.

The ranking member on the Committee on International Relations was very clear when he said in that debate, "We have a constitutional responsibility to vote at the time when and if the President concludes force is necessary. That decision must be made jointly."

Then we have a gentleman from California, a long-standing member of the Congress, who said, and I quote:

> I have not heard any of you say a single thing for which I would vote to send even one American to die. The only valid issue is whether to give Bush authority to order thousands, even tens of thousands to their death. For those who persist, it should suffice to point out the United States is insolvent. To increase our deficit and debt by over $50 billion should turn the most aggressive warriors away from combat.

Now, we have a man from Massachusetts, who is skilled in the field of telecommunications and others, and very articulate, and here is what he said:

> No one could explain to me what the war in Vietnam was all about. I swore then that if I were ever in any position of power, I would do everything I could to assure that before any young persons were asked to lay down his or her life for our country, we would be able to explain to that young man's friends and family the reasons why. So far I

have not heard any explanations that would satisfy the loved ones of the new generation who now stand poised to fight in the Persian Gulf. It is a shame.

MODIFICATION TO HOUSE RESOLUTION 306 OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the resolution be modified by deleting the preamble and all of the test before the resolved clause so that the resolution be modified by deleting the preamble and all of the text before the resolved clause so that the resolution would simply read, "*Resolved*, That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BAKER of California. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HAMILTON. Mr. Speaker, I wonder if the gentleman who objected would permit me to explain why I made the request.

Mr. BAKER of California. Mr. Speaker, I think we can save a lot of time by saying in the Buyer resolution we have done this.

☐ 2300

Mr. HAMILTON. Would the gentleman permit me to explain?

The SPEAKER pro tempore (Mr. BUNNING). Objection is heard.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, this is a wrenching decision. It is a decision that will have to be made this evening in its purest sense. I beg to differ with my colleagues, because they are skating the issue. This is a weighty decision. I can respect the disagreement of colleagues; I cannot accept the hypocrisy.

The gentleman rose just a few minutes ago to ask that we go on record standing here tonight unequivocally supporting the men and women headed to Bosnia. The resolution just passed was one of hypocrisy, albeit I respect the diversity of opinion and certainly do respect all who would not want to put those in harm's way, but nowhere in the Buyer amendment did it say unequivocally, with no question, do we support the troops going to Bosnia.

I do not know about my colleagues, but I am not going home to my constituents, to the American people, for me to tell them that Shane Hadley and Dwayne Case and Jeffrey Burkette, Texans who are on their way to Bosnia, do not have my support.

So, I would ask those who have a difference of opinion than I might have who may have gone to Bosnia, as I did, who may have talked to the people there who said Americans are the only ones who could give peace, and my colleagues may not have gone, I simply say to my colleagues that we have a serious decision to make.

I would ask that my colleagues follow a little child. The Holy Ghost Catholic School, on December 11, in Houston, TX, asked me to join them to pray for our troops. They asked me as a Congresswoman to take their words to this House as they lit candles and prayed. They said, "We support our troops. Will you do that, Congresswomen?" And I said to them, as I said to our troops in Germany, unequivocally, this Congress will go on record.

My colleagues, I ask you to simply put aside the partisan politics. Let us join together and unequivocally support our troops.

Mr. Speaker, I want to take this opportunity to express my strong support for our young men and women who will be serving in Bosnia. They deserve our utmost support and admiration. They are on a mission of peace that is in the true spirit of what our country was founded on: life, liberty, and the pursuit of happiness.

For the past several years, all Americans have been horrified by the atrocities that have occurred in the Balkans. Over this time, many different cease fires and peace agreements have come and gone. We all prayed for a European solution, but none was forthcoming. The time for American leadership has once again arisen.

As the leaders of the free world, we need to be part of maintaining a stable and secure Europe. We stepped in and made a difference in World War I. And, we saved Europe, and the world from tyranny by defeating Hitler in World War II. Now, as the 20th century draws to a close, our Nation must once again enter the European theater and promote freedom. We must learn the lessons of history and speak firmly and act decisively to create a lasting peace.

I was part of the first bipartisan delegation to visit Bosnia, and have seen first hand the devastation there. I was told by the citizens of Sarajevo about the 3.2 million refugees, the over 200,000 people that have been murdered, and the over 6,000 elderly who have been left homeless. I am confident that our military will be able to meet the challenges that will be faced in Bosnia. I am confident because when I personally met with those troops who were in Germany and headed to Bosnia, they said that they were ready. However, they also said to me, "We want the American people behind us." To those troops and the troops from Texas in particular—Shane Hadley, Dwayne Case, Jeffrey Burkette—I promise that I will work for that support.

The peace agreement has been negotiated with NATO as the military enforcer. As the leading power in NATO, and in the world, we have a moral and duty-bound obligation to work with our European allies in ensuring peace in Bosnia. This is not another Vietnam, and our troops will be able to defend themselves. We are the only Nation that has the technology and ability to deploy the large numbers of forces that are necessary to set up a large-scale military operation in a short amount of time. The Germans, the French, the British, and the Belgians have all failed. The citizens of Bosnia want us to help.

As 20,000 American troops prepare to depart for Bosnia, let us give our full support to this mission that is about peace, leadership, and stability. While our troops will work with soldiers of other NATO countries, they will be under the leadership of an American commander at all times. Some would argue that we must ignore the problems of the world. But I say, let us be a part of a larger battle; the battle for human rights and justice.

I want to applaud the children of the Holy Ghost Catholic School in my home State of Texas who in their wisdom came together December 11 to pray for our troops. The children read letters, praying for peace. That's the true American spirit. I thank them for their courage, sincerity, and love of what America stands for.

We in Congress have a very difficult decision to make tonight, but it is not a decision to send troops to war. It is rather a decision to uphold the ideas of democracy, to stop the shooting and the slaughter; to clear the way for peace.

Like the children of the Holy Ghost School, we should stand up and give our troops our support tonight. And we should pray for peace and pray for the safety of our young men and women.

My colleagues, I implore you to support our troops, support the President, support what is morally right, and above all, put an end to the madness. Support the Hamilton resolution, House Resolution 305.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, the gentleman from Indiana knows that I have high regard for him. So I took your last resolved clause, and I personalized it. Because I am going to vote against the amendment, but I am going on the record with a single, "I person" version of your resolved.

"I, Congressman ROBERT K. DORNAN, unequivocally support the 151 men," there are no women in there yet, "of the United States Armed Forces who are carrying out this near-impossible mission in support of temporary peace in a gang fight in Bosnia and Herzegovina with their Reagan-trained professional excellence, dedicated patriotism, and exemplary bravery, that they will be called upon to show if they start stepping on land mines or start taking sniper fire."

That is about it. I support that. I just came back from the Senate. Only 7 Republicans out of 53 voted against the amendment offered by KAY BAILEY HUTCHISON and JIM INHOFE. Only seven. Mr. Speaker, 46 voted for it, and 1 Democrat who has a tough election coming up.

Over here, the amendment of the gentleman from Indiana [Mr. BUYER], 287. That is about as strong a support for the troops as the gentleman from Missouri, IKE SKELTON, whom the troops love, chairman of Subcommittee on Military Personnel, exemplary Member, loves the men and women in uniform. And the gentleman from Indiana [Mr. BUYER] is not only supporting the troops, he is one of the troops. He has been with them in dangerous areas.

Mr. Speaker, I beg my colleagues tomorrow to get that top intelligence briefing, and I want my colleagues to look at this this way. If you were a young man in Bosnia and you were a Moslem and you had a country in the United Nations that the United States and the European Union recognized as a nation on April 7, 4 years ago this coming April, and suddenly your country is cleaved in half, partitioned, and your sister was raped for 3 days by 50 people and then set on fire and burned alive, are you going to write it all off and keep the peace? I would not, and neither would my colleagues. And grudges are going to be filled out, these blood debts, after we are gone.

I predict we will keep some sort of a peace for 10½ months and then they will all come home, and Clinton will roll the dice trying to get reelected.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in strong support of the Hamilton resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I rise in strong support of the Hamilton amendment. The deployment of American troops in Bosnia is a very serious undertaking. It is a very risky action. As policymakers, it is appropriate that we move with reluctance and hesitation, but this serious risky action is a vitally necessary action.

Military criminals, thugs with weapons of mass destruction, should not be allowed to butcher innocent thousands of civilians as they recklessly grab for power. On Tuesday in this Chamber, Prime Minister Shimon Peres of Israel paid tribute to America with the following words:

> As the end of this twentieth century is nearing, it can verily be described as the American century. The United States has built strength and used it to save the globe from three of its greatest menaces: Nazi tyranny, Japanese militarism, and the Communist challenge. You saved freedom. You enabled many nations to save their democracies, even as you strive now to assist many nations to free themselves from their nondemocratic past. You fought many wars. You won many victories. Wars did not cause you to lose heart. Triumphs did not corrupt you. You remained unspoiled, because you rejected the spoils of victory.

End of quote by Shimon Peres.

The American people and its armies should not again and again be called upon to make great sacrifices in order to save the civilized world. Our Nation should make it known that American resources and American soldiers will not always be available for every just cause.

But Bosnia, we have a most appropriate time to respond. This is a landmark in modern civilization. Our troops are being deployed within the context of a well-developed blueprint for peace. Our troops are being deployed to smother and contain the virus of ethnic cleansing and racism. Our troops are being deployed to provide an opportunity to survive for hundreds of thousands of grieving men, women, and children. Mr. Speaker, I urge a "yes" vote on the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, may I inquire how much time we have consumed?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 9½ minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 11 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KIM].

(Mr. KIM asked and was given permission to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I have a high respect for our ranking member the gentleman from Indiana [Mr. HAMILTON], but I rise in opposition to this resolution.

We are missing the discussion here tonight.

First, it goes without saying that everyone in Congress strongly supports America's troops.

In every speech and in every resolution we have passed about Bosnia, this Congress has gone on record of providing unquestionable support for our troops.

We just passed a resolution with the same language supporting our troops.

This resolution does not address the underlying policy issue. But, while I support our troops, I have serious reservations about the underlying policy that is sending these troops to Bosnia.

By silencing any policy concerns, this resolution is sending a confusing, mixed message. It might be used by some to claim that there is congressional support for this Bosnia questionable adventure. That claim would be totally inaccurate—but they would cite this resolution.

This resolution does not address 3 important questions:

First, why should the United States provide over one-third of all the NATO troops? Many NATO countries are sending as few as 500 troops. Why 20,000 Americans, the lion's share?

Second, why don't we just provide logistical and support troops like Germany—and Germany is only sending 4,000 supporting troops.

Third, why are we sending troops to Bosnia when the American public is overwhelmingly opposed to this operation? In my office alone, the calls are 100 to 4 opposing the deployment of troops.

Again, we all strongly support the troops, it's the policy we question and we cannot afford to send a mixed message as this resolution would surely do.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I think, unfortunately, some with this obsession to embarrass the President are going to cause the House to embarrass itself. When the American troops land in Bosnia, there is going to be no doubt by those who face some 20,000 well-armed, well-trained American troops what American policy is. We only confuse ourselves by this action that we are engaged in this evening.

Mr. Speaker, I would hope that we would support the resolution in front of us. It is difficult to understand the contradiction where we could stand and give a round of applause to the Prime Minister of Israel as he talked about taking risks for peace, and then given our own opportunity here this evening, we would muffle our message about what our role is in Bosnia.

The President has taken the leadership. This Congress has refused to eliminate funds for those troops. Therefore, the result is that our troops are going to be there. They are there to enforce a peace and that peace is well worthy of the best of America's efforts.

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I am opposed to the Hamilton resolution, not because those who are supporting it voted against the Defense Appropriations Act, but I am voting against it because it is going to be misinterpreted as supporting the President's policy.

Mr. Speaker, I do not support the President's policy. I sat in Zagreb in a hotel after being in Bosnia, in Sarajevo, and I talked to Marine Lt. Col. Mark Sifford and his wife, Marianne. They have 3 children. He is going to spend his Christmas in Sarajevo away from his family. The question that his children have are, "Why is Daddy not going to be home?" Why are we sending our parents of these kids at Christmastime to a war-torn country? What is the reason? What is the vital American interest? Why are we defending this?

I think there are many ways to lead the world, but sending our men and women is not one of them. We can lead in many ways.

Mr. Speaker, I have with me this coin from the 1st Armored Division. It was given to me by Sgt. Kempty Watson. He has a mother that has been crippled by a car accident. He is the only son that she has. We are sending American sons to defend them. It is a failed policy. I oppose the policy. Vote against Hamilton, because it will be misinterpreted.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

□ 2315

Mr. TORRICELLI. Mr. Speaker, in a few moments when this debate ends, the lights are dimmed across the country, thousands of American families are still going to sit in fear for those they love who are in our Armed Forces. They need to know that we are a proud and a very grateful Nation. They also need to understand the historic nature of this mission.

When the 20th century concludes, Mr. Speaker, we will close the chapter on nearly 300 wars. Despite all of our science and our culture and the advances of our times, this has been the most deadly period of human history. Our troops go to Bosnia to preserve the peace, to end the genocide, but also because they are the best hope that the future is going to be different from the past. In the Persian Gulf we proved that the world could fight together for justice. In Bosnia we proved that we can stand together to preserve the peace.

Mr. Speaker, we all wish that it could be different. But the lessons of European wars still burn in our memory. And there have been too many nights in too many churches and too many synagogues where we prayed that never again would the world experience genocide. Now we are left with the question, did all of that have meaning? Those memories stay with us for a reason. Yet my colleagues argue that it is not fair, it is not right that America should bear the burden.

Mr. Speaker, it has never been fair. It was not fair in Flanders. It was not fair in Okinawa or Normandy.

Mr. Speaker, we are not everybody else. We are Americans. We have never accepted history. We have changed it. Others might accept 250,000 people dying in their homelands. Other people might see genocide and slaughter and learn to look away. We are different. That is a difference that I am grateful for every day.

The determination of those who sat in this Chamber before us, colleagues who were here before us, led to a triumph of democracy in the world in the 20th century. My colleagues, if we have the same determination, if we have the same strength, we can lead to the triumph of peace in the 21st century. That judgment, Mr. Speaker, holds in the balance.

Mark Twain once said that in a world where physical courage is so common, it is tragic that moral courage should be so rare. Our troops have the physical courage to answer the call of our Nation. In the Hamilton resolution we determine whether we have the moral courage to lead, whether, indeed, Mr. Speaker, we are equal to those who answer the call of our country tonight.

I urge support of the resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, this measure asks us to ignore the policy. My colleagues, how can we ignore the policy? How can we ignore this ultimate policy failure of this administration and this President? How can we ignore the failed policy of Somalia that turned a humanitarian mission into a nation-building fiasco that left dozens of Americans dead and United States taxpayers still paying billions?

How can we ignore the failed policy of Haiti, where we sailed into Port-au-Prince Harbor, retreated, imposed an embargo on the poorest of the poor, sat by while the opposition was exterminated? We destroyed any shred of the economy and we spent and we are spending billions and billions, only to watch 1,100 flee just in the last few weeks and dozens die at sea because of our policy. And we are still paying billions.

How can we tonight ignore the failed policy of Rwanda where this administration ignored Butros Bugalis who begged and pleaded for action to avoid a slaughter of three-quarters of a million people and they died. And then we sent troops and then we spent millions.

How can we tonight deny and ignore a failed policy where for 3 years Bosnians begged us to change our policy? This week is Sarajevo, a Bosnian leader said to me, we did not ask for your troops. We asked for the policy to allow us to defend ourselves.

Where was our policy when 12,000 Sarajevo men, women and children were slaughtered? I saw the countless graves across the landscape of Sarajevo just in the last few days and another quarter of a million people were killed in the Balkans. Where was our policy?

Bosnians ask me, where was our policy when the United Nations told Bosnian citizens at Srebrenica to lay down their arms and their women and children are slaughtered. How tonight can we ignore this policy?

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining and has the right to close, and the gentleman from New York [Mr. GILMAN] has 4 minutes remaining.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, because this Congress must stand for a clear policy, I rise in support of the President's policy to keep the peace in Bosnia, and I rise in support of the Hamilton resolution.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, on Saturday night near midnight, I said goodbye to several dozen soldiers from my district leaving their families to go to Bosnia. It was not easy. It was not easy for me to say to them face to face that I had serious reservations about this mission.

To their credit, they were not bothered by that admission from me. Because I said one thing they could count on is just as Congress after a vote on Desert Storm came together and in support of our soldiers, you could be assured that Congress, after our votes on conscience, would come together to support our troops.

Yet I am ashamed that because of the action of one Republican Member of this House tonight we will be denied the opportunity to show unanimous support for our troops.

Let me read to the American people what that one Member kept us from being able to vote on tonight.

> Resolved that the House of Representatives unequivocally supports the men and women of the United States armed forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery.

It is shameful we will not have the opportunity to vote on that tonight.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. YOUNG], distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, one of the earlier proponents of the President's policy used the word "hypocrisy" when referring to some of the statements on the Republican side of the House. The word "hypocrisy" called to attention something of interest to me; that is, how do we really support the American troops?

The real vote in supporting the American troops, the soldiers of our Nation, wherever they might be, came when we voted on the appropriations bill to pay for their training, to pay for their technology, to pay their salaries, their health care, their educational benefits, their quality of life. That is where we voted to support the American troops.

Hypocrisy, one after the other on this side who come here now to support the President's policy, most of them are the very Members who voted against funding training, technology, quality of life for our troops, and refused to support the troops, but they want to send them to Bosnia to get involved in a war.

Another of the speakers mentioned history. Let me say something about history. I read a statement to the President in the Cabinet Room a short time ago at a meeting. Subsequently that same day my distinguished minority leader read the same statement on the floor. Let me read it again just for a few seconds.

No language can describe adequately the condition of that large portion of the Balkan peninsula, Serbia, Bosnia, Herzegovina, and other provinces, political intrigues, constant rivalries, a total absence of all public spirit, hatred of all races, animosities of rival religions and an absence of any controlling power, nothing short of an army of 50,000 of the best troops would produce anything like order in these parts.

History, my colleagues. That was said by British Prime Minister Benjamin Disraeli in the House of Lords in August 1878, and history proved his wisdom.

Pray God that history does not prove this a disaster with Americans in Bosnia. We support our troops wherever they might be.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I am going to oppose this resolution. Assistant Secretary of State Richard Holbrooke told me that to get this treaty signed he had to twist arms.

There is a statement in this resolution that is at the heart of my objections to the treaty. That has to do with full cooperation. As earlier this evening I said, after my visit to Bosnia, I had some serious reservations about the commitment. My impression is that there is a difference of commitment by the signers of this treaty on how to handle the refugees.

My impression is that there is clearly unhappiness by the participants about the territorial provisions. My impression is that there is major disagreement that will lead to significant lack of cooperation related to the rearming of the Bosnian Serbs.

Maybe this is why President Milosevic over cocktails with the Assistant Secretary, is quoted in the news magazines as saying, "Richard, you are a BS artist."

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. BUYER].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BUYER] is recognized for 1 minute.

Mr. BUYER. Mr. Speaker, I wish I could stand here and support my colleague, the gentleman from Indiana. I cannot because his resolution obfuscates the issue. I can understand also why my colleague, the gentleman from Texas [Mr. EDWARDS] came to the floor here upset because he also understands that all these whereas clauses in the Hamilton resolution makes it a flawed resolution. That is why so many are upset here today. This is not just one of these issues of just support the troops. This bill has a lot of flawed statements in it. We understand that.

Let me share with my colleagues, we have voted on this issue. We just voted on it. Let me tell Members what it says. It says that this Congress is confident that members of the U.S. armed forces in who it has the greatest pride and admiration will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage.

We have just voted to support these troops. We will support these troops. We grow the defense budgets and provide for them every day and we will continue to do that in the future.

Do not support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Missouri, [Mr. GEPHARDT], minority leader.

Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding to me.

I simply wanted to explain why I was offering the unanimous consent that I did. The objection on the other side of the aisle has been that our resolution sent a mixed message, implied support, was redundant, obfuscated. None of those charges have been spelled out in language, but I take them as genuine concerns on the part of the other side.

□ 2330

So I wanted to strip all of that out and leave simply the language of unequivocal support.

Now, the striking thing about the Buyer-Skelton amendment is that the word support does not appear in it. Expressing confidence in the troops is not the same the Congress supporting the troops. If we finish our work tonight with the Buyer-Skelton resolution adopted and the Hamilton resolution defeated, we will have not supported the troops by a specific resolution of this Congress.

Mr. PETERSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Florida, who served 6½ years in a prison in Vietnam.

Mr. PETERSON of Florida. First of all, let me say to my friend from Missouri, I did vote for the appropriations bill, so what I say is with that kind of support to the troops.

I served in Vietnam for a long time. I did not have a unanimous or, if you will, magnanimous, unequivocal support from this Congress while I served in Vietnam. The troops that are going to Bosnia will not have one either because of one objection. We have missed an opportunity to do a bipartisan, unequivocal support of our troops in Bosnia.

The only thing, incidentally, that General Crouch asked us to give him when we were in Freiburg, we asked what can we do for you? He said "Give me something I can give to my troops that says you support them."

Mr. GILMAN. Mr. Speaker will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would just like to clarify, the gentleman from Indiana [Mr. HAMILTON] said there was nothing in the Buyer resolution to show support. On page 4 of that resolution, it says, " * * * is furnished the resources and support that he needs to ensure the safety, support, and well-being of such members of the Armed Forces."

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, let me say to the Members tonight, I think we have gone up and down the hill of whether this says support. The real important vote tonight was whether or not we would cut off the funds, and I know there were many Members in the body that voted to do that. I respect their vote.

Once that decision was made, we then had a resolution which set out people's concerns about what was happening and did, I agree, set out a measure of support for the troops.

Our intent in presenting this resolution was not to change the editorial content, not to go back over the decision of whether or not we would cut off the funds but, as we did after the Persion Gulf debate in 1991, try to get a bipartisan, unanimous if we could, expression of this body that we support the troops, so that the people in the field leading the troops could have a piece of paper that would say unequivocally that the people of the United States, however they may be divided on what was happening and how it was happening, supported, without question, what they were doing.

We passed almost identical wording in 1991, 399 to 6. And I would ask the gentleman from Indiana, if we have an opportunity before we quit, to ask unanimous consent again, and I would ask the Members who wanted to object to rethink it, because I think it would be a good thing for us as a Congress tonight to say to our people there, who will be in harm's way, everybody agrees, we hope no one dies, we hope no one is injured, but that Congress in a bipartisan way wants to unequivocally say tonight, after all of our disputes have been settled one way or the other, that we stand behind our troops.

Let me just say one thing in closing, and then I will try to get out of the way so the gentleman can perhaps try to do this again. Alexis de Tocqueville once talked about America's morality. He said this:

> I sought for the greatness and generosity of America in her commodious harbors and ample rivers, and it was not there. I sought for it in her democratic Congress and her matchless Constitution, and it was not there. Not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her generosity and power. America is a great country because she is good, and if America ever ceases to be good, America will cease to be great.

Ladies and gentlemen of the Congress, this is a good country, and it is a great country, and for all of our differences tonight on what is happening, we have made a choice not to stop this deployment. I ask the Members to try to come together tonight in a bipartisan way and in an unequivocal way to say to our troops, however we may differ about what is happening, we stand behind each of you through every minute and day of this great exercise.

Mr. DIXON. Mr.Speaker, I rise in support of the resolution offered by the gentleman from Indiana [Mr. HAMILTON]. No member of this body takes lightly the decision to place the lives of American troops at risk. In this case, I believe President Clinton has done his best to minimize the risk and there is strong justification for joining the NATO peacekeeping force.

People in the Balkan region have suffered greatly over the last 4 years as a result of the Bosnian conflict. In the quiet of our living rooms, we have seen and read about many of the horrors of the war. The killing of civilians, mass executions, and shortages of food, shelter, and other basic necessities have evoked outrage and sympathy from around the world.

Over the past few months, United States negotiators have succeeded in persuading the warring parties in Bosnia to agree to a peace plan. Now is not the time to turn our backs on the important role we play in the success of this agreement. The parties have agreed to tough compromises, yet it is the presence of the NATO peace implementation force that gives each party the confidence that the others will uphold their parts of the agreement. The United States must join its NATO allies in an effort to give the people of Bosnia the chance to peacefully coexist, build s democracy, and ensure that the horrors of war do not reoccur.

The United States has a vital interest in ensuring that peace in the region is sustained. Renewed war would not only exacerbate the suffering of the Bosnian people, the conflict could spread to nearby nations. Expansion of the war may draw us into a future conflict that requires a greater U.S. commitment—one which might not be limited to a peacekeeping role.

As a leader in the world and NATO, the United States must show willingness to work with our allies. Our participation in NATO has contributed to stability in Europe and to our victory in the cold war. NATO is an integrated military structure whose effectiveness depends on the United States, its largest member. Neglecting our leadership role in efforts to end the Bosnian conflict could erode our standing with our international partners and call into question our commitment to longstanding allies. We cannot afford to undermine those alliances.

The safety of U.S. military personnel on this mission is of paramount importance. I have been impressed with the administration's efforts to pursue a peace agreement that our military could implement and enforce. The mission has been narrowly defined and the President has ensured that the troops will be able to react with force if threatened. While there are risks to this mission, efforts have been made to minimize the possibility of harm.

We are all aware of the atrocities committed in this war. The United States has been actively involved in the peace process. Participation in the NATO peacekeeping is a final step we must take to give the parties in the Bosnian conflict a chance to live in peace.

Mr. FAZIO of California. Mr. Speaker; I rise in support of the resolution offered by the gentleman from Indiana [Mr. HAMILTON]. This well-considered resolution offers unequivocal support for the men and women of the U.S. Armed Forces as they prepare to carry out their mission in Bosnia.

My colleagues, over the last 4 years, more than half of Bosnia's prewar population has been murdered, starved, or driven out of their homes. With American leadership, a cease-fire has finally been brokered which will bring an end to Bosnia's suffering.

The Hamilton resolution acknowledges the questions and concerns that many members of the House have about this policy, but it affirms congressional support for our troops.

If we fail to keep our commitment in Bosnia, the credibility of our leadership elsewhere in Europe and throughout the world will be called into question.

I urge my colleagues to support our troops in Europe by supporting the Hamilton resolution.

Ms. ESHOO. Mr. Speaker, I rise to urge my colleagues to support the Hamilton resolution on American troops in Bosnia.

My decision on what is the proper course of action for the United States to take in this Balkan conflict is the most difficult one I have faced since coming to Congress. I have searched my conscience to do what is best for my country, understanding that many of my constituents do not support American troops in the Balkans.

I have been horrified by the violations of human rights that have taken place in Bosnia—the ethnic cleansing, the concentration camps, the rapes, the mass murders, the wanton military attacks against unarmed civilians.

At the same time, I could not support the provision of American arms for the Bosnian Moslems or Croats, because I feared it would lead to more killings, more disregard for human rights and human life.

This is a crisis that has defied easy answers. If there were a simple solution to bringing this bloodshed to an end, our European allies would have accomplished it.

They were not able to bring an end to this war and, are a result, the United States has lead the effort for peace, bringing the parties in conflict, at their request, to the negotiating table.

The President, in his capacity as Commander in Chief has exercised his constitutional authority. The Congress will now decide whether or not we will support American Troops, already being deployed on the Ground.

American troops deserve the unequivocal support of the Congress in this effort for peace, for peace, not war.

I recognize fully that there are risks attendant to this peace mission, but the United States of America must be on the side of peace and lead—demonstrate to the world that we can and will live up to our great heritage and place a moral force for peace on the blood-stained soil of the Balkans. The pursuit of peace must rise above the pursuit of reelection.

Two of the resolutions before us tonight do not provide complete support for American troops. The Dornan resolution purports to back our peacekeepers, but refuses to give them funds to do their job. The Buyer/Skelton resolution expresses confidence in our forces but undercuts the justification for their deployment.

Anything less than our total commitment to backing the women and men of the United States Armed Forces at a time when they are trying to bring peace to Bosnia injects politics, not statesmanship. While the United States of America cannot be a policeman of the world, we cannot be bystanders either. The exhortation "Blessed are the peacemakers" moves me to support this effort.

Only the Hamilton resolution expresses our support clearly and without reservation and I support it.

Mrs. CLAYTON. Mr. Speaker, tonight America stands at a crossroads. Tonight we must decide whether we are going to honor our global commitments and responsibilities, or are we going to retreat into the muddy waters of isolationism, turning our back on our friends and allies. Tonight, Mr. Speaker, this body must decide if we are going to stand firmly behind our troops or are we going to point fingers and make a stance for political gain?

The choice is simple, Mr. Speaker, tonight we must act to honor our global commitments and stand firmly behind our American troops.

Mr. Speaker, the case for United States military involvement in Bosnia is clear, it is compelling, and it is credible. First, the Dayton Peace Accord is an American brokered peace agreement. Failure by the United States to participate in enforcing this agreement will greatly diminish American leadership and call into question the viability of NATO. Second, faith in our democratic ideals obliges us to act. Over 250,000 men, women, and children have died in this war, while 2 million more have been forced into becoming refugees through "ethnic cleansing" and torture. Third, American troops will make up one-third of a much larger contingent of British, French, German, Russian, and other troops whose mission it will be to enforce a peace agreement that the Presidents of Bosnia, Croatia, and Serbia have willingly entered into. Accordingly, the risk to these troops will be much less than if they were being used as combatants to militarily impose an American solution. Fourth, American participation now, will prevent the war from reigniting and spreading into neighboring NATO allies and struggling new democracies. Widespread conflict in Europe would threaten our security and require a far different and more costly American intervention in the future.

At stake, Mr. Speaker, is nothing less than the ability of the United States to influence, shape, and guide the complex forces that are tearing at the seams of not only the United States, but of the world. For, make no mistake about it, Mr. Speaker, a failure of the United States to share in the burden of enforcing the peace in Bosnia will be a direct abrogation of American leadership—leadership, that we have earned through the sweat and blood of hundreds of thousands of our young men and women, who died and sacrificed so that we may know peace and prosperity.

However, as I have said before, placing the lives of American soldiers at risk is something that should never be done lightly. They are the living embodiment of our collective desires and dreams for a better tomorrow. As the symbolic custodians of the public will, this body has an obligation to ensure that these young men and women are supported and that they are given the very best chance to successfully fulfill their mission. The Dayton Peace Accord does these things.

Mr. Speaker, Bosnia is a test. It is a test of our willingness to lead in an uncertain world. And, it is a test of our commitment to our NATO and Russian allies.

Some of my colleagues, Mr. Speaker, will argue that the conflict in Bosnia does not threaten our vital national security interests sufficiently enough to merit risking the lives of 25,000 American soldiers. But, I ask, who among us, Mr. Speaker, does not believe that the viability and vitality of NATO as an entity will be called into question if the United States fails to act now, at this crucial period in our history when Europe is experiencing its most brutal conflict since World War II? Who among us does not believe that our enemies will be emboldened to act in the face of American inaction and indecision? Who among us, Mr. Speaker, believes that the United States will be able to influence and coerce other nations to act when we ourselves are unwilling to commit our own sons and daughters?

Mr. Speaker, leadership requires much more than words—it demands action. Through American-led NATO airstrikes and consistent American diplomacy, the Presidents of Serbia, Bosnia and Croatia came to Dayton, OH, to pursue peace. It is that peace agreement that we must now act to enforce. History has taught us that in the absence of American leadership and involvement in Europe, aggressive regimes rise to threaten, not only the security of European neighbors, but our own vital national security interests. American inaction now, Mr. Speaker, will without doubt bring to an end the fragile peace that we are now witnessing blossom in Bosnia. Have we forgotten the horrible pictures of the malnourished and underclothed men waiting to die in the concentration camps spread across the remains of Yugoslavia? Have we forgotten the testimony of the thousands of women who were viciously raped or helplessly watched as their young sons, brothers, husbands, or fathers were dragged from their homes and villages never to be seen again? By doing nothing, Mr. Speaker, do we condemn these people to relive the horror of the past 4 years? Peace is at hand, Mr. Speaker, and leadership demands that we act to protect and foster it.

Yes, Mr. Speaker, Bosnia is a test. But, it is a test that we can and we must pass! The political and military objectives are clear. Unlike Vietnam, American troops will not be acting to militarily impose an American solution, but rather, they will be working in tandem with 40,000 Russian, British, French, German, and other European troops over a limited timeframe to enforce the terms of a negotiated peace—a peace that the Presidents of Bosnia, Serbia, and Croatia, have agreed upon. Neither, Mr. Speaker will our forces suffer the same fate as the United Nations Protection Force—left ineffective and ultimately irrelevant, unable to defend themselves let alone protect United Nations designated safe areas. Our forces and their European and Russian counterparts will have the military capability and authority to repel any threats to their security or violations of the Peace Agreement.

Further, Mr. Speaker, American troops will not be asked to mediate a centuries-old ethnic conflict, rather, we are intervening with our allies at the behest of the warring parties themselves, to conclude this most recent and bloodiest chapter of that conflict. Through our actions, we are giving the Bosnians, Serbs, and Croats time and space to nurture and foster peace. It is incumbent upon them to build upon this peace and shape a society in which different ethnicities and religious beliefs are seen as strengths and are embraced, rather than as weaknesses and rejected.

Accordingly, Mr. Speaker, let us not, in our rightful concentration on our own domestic problems, abrogate our global responsibilities and leadership. Let us not, Mr. Speaker, forget about the 250,000 Bosnians, Serbs, and Croats who have lost their lives in this bloody conflict and the countless others who have been wounded or have been forced to flee their homes because of ethnic cleansing. Let us not, in our desire to protect our brave sons and daughters, allow this war to spread beyond its current constraints and threaten Macedonia or Greece. Let us not, Mr. Speaker, forget about the lessons of history that have taught us to carefully guard ourselves against naive calls for isolationism. For we have learned, through the sweat and blood of our young men and women that freedom is not free and leadership requires more than words—it demands action.

Mr. POMEROY. Mr. Speaker, I rise today in support of the resolution offered by Mr. HAMILTON to express the support of Congress for the United States troops who will be deployed to Bosnia.

The deployment of U.S. troops is one of the most solemn and difficult decisions a country must make. Even when the mission is not to do battle but to preserve peace as is the case in Bosnia, the deployment of our Armed Forces involves inherent risk. No President and no Member of Congress could ever lightly consider the question of sending U.S. soldiers overseas in support of our national interests.

I would have preferred that the implementation of the Bosnian peace accord would not have required the deployment of U.S. troops. However, the President has made the commitment of our forces and, tonight, several hundred United States troops are in Bosnia and several thousand more are on their way. The choice for the House is whether to support those troops and the mission they seek to accomplish.

In my view, the Hamilton resolution is the only option before us that provides clear and unambiguous support for the brave American men and women who will be serving in Bosnia. While acknowledging that members of Congress continue to have concerns about the implementation of the Dayton Peace Accord, the Hamilton motion says that our soldiers deserve the unequivocal support of the U.S. Congress and the American people. Only the Hamilton motion sets aside the differences in policy that have brought us to this point and simply tells our troops that we support you and the job you are being called to do.

The actions of this House have real consequences for both our foreign policy and our troops who will serve in Bosnia. If we reject our proud tradition of bipartisanship in foreign relations, we will dishearten our friends and embolden our enemies. If, as some suggest, we say to U.S. troops that we support you as individuals but reject the job you are trying to do, it is an empty gesture. What's worse, an equivocating message from Congress that calls into question U.S. resolve threatens U.S. troops by encouraging isolated rogue elements who would resort to violence to derail the peace agreement.

I urge my colleagues to support the Hamilton resolution.

MODIFICATION TO HOUSE RESOLUTION 306 OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the resolution be modified by deleting the preamble and all of the text before the resolved clause, so that the resolution would simply read "Resolved, that the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BAKER of California. Mr. Speaker, I reserve the right to object. On page 3 of the Buyer resolution, it says without any equivocation that the House of Representatives declares; Second, it is confident that the members of the U.S. Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated pratriotism, and exemplary courage.

Paragraph number 4 was written by the staff of the gentleman from Missouri [Mr. GEPHARDT], and that has already been referred to earlier. We have covered this over and over.

Mr. HAMILTON. Mr. Speaker, will the gentleman yield?

Mr. BAKER of California. Reserving the right to object, I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, there is nothing in the Buyer-Skelton resolution which specifically puts the Congress of the United States on record in support of the troops. The gentleman correctly points out that we express confidence in those trooops, and that is an important thing to do. In the clause mentioned by my friend, the gentlemen from New York [Mr. GILMAN], where he uses the word "support" a couple of times, that refers not to the Congress, but to the President and the Secretary of Defense ensuring that the commander of U.S. forces that are deployed in and around the republic, that they are furnished resources and support.

That does not put the Congress on record in support.

My friends, I think this is an important matter. We have troops in the field. We have all kinds of differences in this body about the policy. They have been very well debated in this institution today. But I beg you, let us conclude on a unanimous note with a simple support of the troops. We will strip out all other language that raises quesions for Members on the other side.

Mr. BAKER of California. Mr. Speaker, respectfully reclaiming my time, both paragraph 4 which the gentleman read and which mentions "support" three times, on line 4, page 3, the House of Representatives declares that. Then it goes to four and says it supports, supports, supports.

I am very respectful of the gentleman's original resolution which states the following: "Whereas the President has asked the people and the Congress of the United States to support the placement of United States Armed Forces on the ground," et cetera.

The gentleman rightfully struck that. That was the original intent of this resolution, sir, not thanking the troops. The Buyer resolution thanks the troops.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BAKER of California. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to point out to my firend from Indiana, and this perhaps has already been pointed out, but line 20 on page 3 says the President and Secretary of Defense should rely on the judgment of the commander of the United States Armed Forces deployed in and around the territory of the Republic of Bosnia and Herzegovina in all matters affecting the safety, support, and well-being of such members of the Armed Forces.

Then, four, the President and the Secretary of Defense should ensure the commander of the U.S. Armed Forces that are deployed in and around the territory of the Republic of Bosnia and Herzegovina are furnished the resources and support that he needs to ensure the safety, support and well-being of such members of the Armed Forces.

Mr. BAKER of California. Mr. Speaker, reclaiming my time, the greatest way to support our troops would have been to keep them home. We lost that by five votes.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Florida. Mr. Speaker, does any Member of the House of Representatives who supports the troops in this matter have the right to seek modification, such that he or she could make a representation that they wish to request unanimous consent that we do exactly what the gentleman from Indiana [Mr. HAMILTON] set forth?

The SPEAKER pro tempore. The Chair would state that that is not a parliamentary inquiry.

ORDER OF BUSINESS

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that tomorrow morning the first order of business be the Senate resolution sponsored by the majority leader, Mr. DOLE.

Mr. FRISA. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. Mr. Speaker, the objector has to stand so we know who it is.

The SPEAKER pro tempore. The gentleman who objected will please stand.

The gentleman from New York [Mr. FRISA] stood.

Mr. DICKS. Mr. Speaker, point of order. The gentleman did not stand and object. He sat and objected.

The SPEAKER pro tempore. The gentleman from New York [Mr. FRISA] objected.

Pursuant to section 4 of House Resolution 304, the previous question is ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. COLEMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 190, nays 237, answered "present" 1, not voting 4, as follows:

[Roll No. 858]

YEAS—190

Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gonzalez
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
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Menendez
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Miller (CA)
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Mollohan
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Morella
Murtha
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Nethercutt
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Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
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Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
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Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates

NAYS—237

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn

Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—4

Gillmor
McInnis
Tucker
Young (AK)

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on resolutions concerning Bosnia considering this evening.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

OPPOSING THE NUCLEAR WASTE POLICY ACT OF 1995

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, today I rise to talk about House Resolution 1020, the nuclear waste issue for a deep repository and interim storage that will be located in Nevada. Mr. Speaker, House Resolution 1020 busts the Federal budget. I have a letter here from the gentleman from Ohio, JOHN KASICH, chairman of the Committee on the Budget, which says he will not give a budget waiver to this bill. The importance of that is because this bill does bust the Federal budget by over $4 billion in the next 7 years.

This bill has many other things that are wrong with it, but right now we are waging the biggest budget debate in anybody's recent memory on the budget in the United States. This would be a totally inappropriate time to go busting the budget by an additional $4 billion when we are trying to balance the Federal budget in the next 7 years.

Mr. Speaker, I must oppose severely, for the people of the State of Nevada, this bill which will target Yucca Mountain and nuclear waste in Nevada.

Mr. Speaker, I include for the RECORD the letter from the chairman of the Committee on the Budget.

COMMITTEE ON THE BUDGET,
December 8, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 1020, the "Integrated Spent Nuclear Fuel Management Act of 1995". In its present form the bill violates the Congressional Budget Act of 1974 and could trigger automatic cuts in key entitlement programs under pay-as-you-go (PAYGO) requirements.

As you are probably aware, H.R. 1020 is designed to establish an interim nuclear waste storage facility at Yucca Mountain, Nevada as well as set up procedures for the eventual development of a permanent high-level radioactive waste storage site. I am concerned with Section 401(a)(2) of the bill that replaces the current mandatory fee paid by electric utilities for nuclear waste disposal with a discretionary fee that could vary subject to the level of appropriations provided for the program.

As currently written, the bill violates Section 311(a) of the Budget Act by providing new budget authority rules in excess of the levels set forth in the conference report accompanying H. Con. Res. 67. This bill, in the absence of further legislative action, would increase budget authority by $585 million in fiscal year 1996 and approximately $3.0 billion over the five year period from fiscal year 1996 through 2000.

By changing the nuclear waste disposal fee from mandatory to discretionary, a PAYGO (Section 252 of the Deficit Control Act of 1985) issue arises. The nuclear waste disposal fee change results in approximately $600 million per year in foregone offsetting receipts, a loss of $4.2 billion over the period from fiscal year 1996 through 2002. Absent other legislation, this could trigger a sequester of critical mandatory spending programs.

Furthermore, unless the discretionary spending caps are reduced, this legislation could increase the amount that can be spent under the discretionary spending caps. Increased discretionary spending would lead to higher budget deficits. This would occur because the measure authorizes offsetting collections, and the income generated by these offsetting collections creates room under the discretionary spending caps as set forth in current law for increased spending.

During our negotiations with the Administration, we have emphasized the need to reduce spending in order to achieve a balanced budget. I am concerned that passage of this bill in its current form would send the wrong signal to the Administration.

Thank you for your consideration, and I look forward to working with you to solve the problems in this bill.

Sincerely,
JOHN R. KASICH,
Chairman.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the bill from the House (H.R. 2606) "An Act to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law" did fail to pass the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 44. Joint resolution concerning the Deployment of United States Armed Forces in Bosnia and Herzegovina.

CONFERENCE REPORT (H. REPT. 104-406)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1996".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Federal Acquisition Reform.

(5) Division E—Information Technology Management Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Procurement of OH-58D Armed Kiowa Warrior helicopters.
Sec. 112. Repeal of requirements for armored vehicle upgrades.
Sec. 113. Multiyear procurement of helicopters.
Sec. 114. Report on AH-64D engine upgrades.
Sec. 115. Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement.

Subtitle C—Navy Programs

Sec. 131. Nuclear attack submarines.
Sec. 132. Research for advanced submarine technology.
Sec. 133. Cost limitation for Seawolf submarine program.
Sec. 134. Repeal of prohibition on backfit of Trident submarines.
Sec. 135. Arleigh Burke class destroyer program.
Sec. 136. Acquisition program for crash attenuating seats.
Sec. 137. T–39N trainer aircraft.
Sec. 138. Pioneer unmanned aerial vehicle program.

Subtitle D—Air Force Programs

Sec. 141. B–2 aircraft program.
Sec. 142. Procurement of B–2 bombers.
Sec. 143. MC–130H aircraft program.

Subtitle E—Chemical Demilitarization Program

Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
Sec. 152. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 153. Administration of chemical demilitarization program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Modifications to Strategic Environmental Research and Development Program.
Sec. 204. Defense dual use technology initiative.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Tactical manned reconnaissance.
Sec. 213. Joint Advanced Strike Technology (JAST) program.
Sec. 214. Development of laser program.
Sec. 215. Navy mine countermeasures program.
Sec. 216. Space-based infrared system.
Sec. 217. Defense Nuclear Agency programs.
Sec. 218. Counterproliferation support program.
Sec. 219. Nonlethal weapons study.
Sec. 220. Federally funded research and development centers and university-affiliated research centers.
Sec. 221. Joint seismic program and global seismic network.
Sec. 222. Hydra–70 rocket product improvement program.
Sec. 223. Limitation on obligation of funds until receipt of electronic combat consolidation master plan.
Sec. 224. Obligation of certain funds delayed until receipt of report on science and technology rescissions.
Sec. 225. Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation.
Sec. 226. Advanced Field Artillery System (Crusader).
Sec. 227. Demilitarization of conventional munitions, rockets, and explosives.
Sec. 228. Defense Airborne Reconnaissance Program.

Subtitle C—Ballistic Missile Defense Act of 1995

Sec. 231. Short title.
Sec. 232. Findings.
Sec. 233. Ballistic Missile Defense policy.
Sec. 234. Theater Missile Defense architecture.
Sec. 235. National Missile Defense system architecture.
Sec. 236. Policy regarding the ABM Treaty.
Sec. 237. Prohibition on use of funds to implement an international agreement concerning Theater Missile Defense systems.
Sec. 238. Ballistic Missile Defense cooperation with allies.
Sec. 239. ABM Treaty defined.
Sec. 240. Repeal of Missile Defense Act of 1991.

Subtitle D—Other Ballistic Missile Defense Provisions

Sec. 251. Ballistic Missile Defense program elements.
Sec. 252. Testing of Theater Missile Defense interceptors.
Sec. 253. Repeal of missile defense provisions.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Sec. 261. Precision-guided munitions.
Sec. 262. Review of C^{4}I by National Research Council.
Sec. 263. Analysis of consolidation of basic research accounts of military departments.
Sec. 264. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.
Sec. 265. Aeronautical research and test capabilities assessment.

Subtitle F—Other Matters

Sec. 271. Advanced lithography program.
Sec. 272. Enhanced fiber optic guided missile (EFOG-M) system .
Sec. 273. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.
Sec. 274. Cruise missile defense initiative.
Sec. 275. Modification to university research initiative support program.
Sec. 276. Manufacturing technology program.
Sec. 277. Five-year plan for consolidation of defense laboratories and test and evaluation centers.
Sec. 278. Limitation on T–38 avionics upgrade program.
Sec. 279. Global Positioning System.
Sec. 280. Revision of authority for providing Army support for the National Science Center for Communications and Electronics.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.

Subtitle B—Depot-Level Activities

Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.
Sec. 312. Management of depot employees.
Sec. 313. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 314. Modification of notification requirement regarding use of core logistics functions waiver.

Subtitle C—Environmental Provisions

Sec. 321. Revision of requirements for agreements for services under environmental restoration program.
Sec. 322. Addition of amounts creditable to Defense Environmental Restoration Account.
Sec. 323. Use of Defense Environmental Restoration Account.
Sec. 324. Revision of authorities relating to restoration advisory boards.
Sec. 325. Discharges from vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 331. Operation of commissary system.
Sec. 332. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.
Sec. 333. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
Sec. 334. Transportation by commissaries and exchanges to overseas locations.
Sec. 335. Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations.
Sec. 336. Operation of combined exchange and commissary stores.
Sec. 337. Deferred payment programs of military exchanges.
Sec. 338. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.
Sec. 339. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
Sec. 340. Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities.
Sec. 341. Disposition of excess morale, welfare, and recreation funds.
Sec. 342. Clarification of entitlement to use of morale, welfare, and recreation facilities by members of reserve components and dependents.

Subtitle E—Performance of Functions by Private-Sector Sources

Sec. 351. Competitive procurement of printing and duplication services.
Sec. 352. Direct vendor delivery system for consumable inventory items of Department of Defense.
Sec. 353. Payroll, finance, and accounting functions of the Department of Defense.
Sec. 354. Demonstration program to identify overpayments made to vendors.
Sec. 355. Pilot program on private operation of defense dependents' schools.
Sec. 356. Program for improved travel process for the Department of Defense.
Sec. 357. Increased reliance on private-sector sources for commercial products and services.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

Sec. 361. Quarterly readiness reports.
Sec. 362. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
Sec. 363. Report regarding reduction of costs associated with contract management oversight.
Sec. 364. Reviews of management of inventory control points and Material Management Standard System.
Sec. 365. Report on private performance of certain functions performed by military aircraft.
Sec. 366. Strategy and report on automated information systems of Department of Defense.

Subtitle G—Other Matters

Sec. 371. Codification of Defense Business Operations Fund.
Sec. 372. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
Sec. 373. Prohibition on capital lease for Defense Business Management University.
Sec. 374. Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property.
Sec. 375. Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps.
Sec. 376. Personnel services and logistical support for certain activities held on military installations.
Sec. 377. Retention of monetary awards.
Sec. 378. Provision of equipment and facilities to assist in emergency response actions.
Sec. 379. Report on Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades.
Sec. 403. Certain general and flag officers awaiting retirement not to be counted.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Counting of certain active component personnel assigned in support of reserve component training.
Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Reserves on active duty in support of cooperative threat reduction programs not to be counted.
Sec. 416. Reserves on active duty for military-to-military contacts and comparable activities not to be counted.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.
Sec. 432. Authorization for increase in active-duty end strengths.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Joint officer management.
Sec. 502. Retired grade for officers in grades above major general and rear admiral
Sec. 503. Wearing of insignia for higher grade before promotion.
Sec. 504. Authority to extend transition period for officers selected for early retirement.
Sec. 505. Army officer manning levels.
Sec. 506. Authority for medical department officers other than physicians to be appointed as Surgeon General.
Sec. 507. Deputy Judge Advocate General of the Air Force.
Sec. 508. Authority for temporary promotions for certain Navy lieutenants with critical skills.
Sec. 509. Retirement for years of service of Directors of Admissions of Military and Air Force academies.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Extension of certain Reserve officer management authorities.
Sec. 512. Mobilization income insurance program for members of Ready Reserve.
Sec. 513. Military technician full-time support program for Army and Air Force reserve components.
Sec. 514. Revisions to Army Guard Combat Reform Initiative to include Army Reserve under certain provisions and make certain revisions.
Sec. 515. Active duty associate unit responsibility.
Sec. 516. Leave for members of reserve components performing public safety duty.
Sec. 517. Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises.

Subtitle C—Decorations and Awards

Sec. 521. Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962.
Sec. 522. Authority to award decorations recognizing acts of valor performed in combat during the Vietnam conflict.
Sec. 523. Military intelligence personnel prevented by secrecy from being considered for decorations and awards.
Sec. 524. Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.
Sec. 525. Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador.
Sec. 526. Procedure for consideration of military decorations not previously submitted in timely fashion.

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES

Sec. 531. Revision of service obligation for graduates of the service academies.
Sec. 532. Nominations to service academies from Commonwealth of the Northern Marianas Islands.
Sec. 533. Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies.
Sec. 534. Repeal of requirement for program to test privatization of service academy preparatory schools.

PART II—RESERVE OFFICER TRAINING CORPS

Sec. 541. ROTC access to campuses.
Sec. 542. ROTC scholarships for the National Guard.
Sec. 543. Delay in reorganization of Army ROTC regional headquarters structure.
Sec. 544. Duration of field training or practice cruise required under the Senior ROTC program.
Sec. 545. Active duty officers detailed to ROTC duty at senior military colleges to serve as Commandant and Assistant Commandant of Cadets and as tactical officers.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Sec. 551. Report concerning appropriate forum for judicial review of Department of Defense personnel actions.
Sec. 552. Comptroller General review of proposed Army end strength allocations.
Sec. 553. Report on manning status of highly deployable support units.
Sec. 554. Review of system for correction of military records.
Sec. 555. Report on the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation.

Subtitle F—Other Matters

Sec. 561. Equalization of accrual of service credit for officers and enlisted members.
Sec. 562. Army ranger training.
Sec. 563. Separation in cases involving extended confinement.
Sec. 564. Limitations on reductions in medical personnel.
Sec. 565. Sense of Congress concerning personnel tempo rates.
Sec. 566. Separation benefits during force reduction for officers of commissioned corps of National Oceanic and Atmospheric Administration.
Sec. 567. Discharge of members of the Armed Forces who have the HIV-1 virus.
Sec. 568. Revision and codification of Military Family Act and Military Child Care Act.
Sec. 569. Determination of whereabouts and status of missing persons.
Sec. 570. Associate Director of Central Intelligence for Military Support.

Subtitle G—Support for Non-Department of Defense Activities

Sec. 571. Repeal of certain civil-military programs.
Sec. 572. Training activities involving support and services for eligible organizations and activities outside the Department of Defense.
Sec. 573. National Guard civilian youth opportunities pilot program.
Sec. 574. Termination of funding for Office of Civil-Military Programs in Office of the Secretary of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1996.
Sec. 602. Limitation on basic allowance for subsistence for members residing without dependents in Government quarters.
Sec. 603. Election of basic allowance for quarters instead of assignment to inadequate quarters.
Sec. 604. Payment of basic allowance for quarters to members in pay grade E-6 who are assigned to sea duty.
Sec. 605. Limitation on reduction of variable housing allowance for certain members.
Sec. 606. Clarification of limitation on eligibility for family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses for reserve forces.
Sec. 612. Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.

Sec. 614. Codification and extension of special pay for critically short wartime health specialists in the Selected Reserves.
Sec. 615. Hazardous duty incentive pay for warrant officers and enlisted members serving as air weapons controllers.
Sec. 616. Aviation career incentive pay.
Sec. 617. Clarification of authority to provide special pay for nurses.
Sec. 618. Continuous entitlement to career sea pay for crew members of ships designated as tenders.
Sec. 619. Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Repeal of requirement regarding calculation of allowances on basis of mileage tables.
Sec. 622. Departure allowances.
Sec. 623. Transportation of nondependent child from member's station overseas after loss of dependent status while overseas.
Sec. 624. Authorization of dislocation allowance for moves in connection with base realignments and closures.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 631. Effective date for military retiree cost-of-living adjustments for fiscal years 1996, 1997, and 1998.
Sec. 632. Denial of non-regular service retired pay for Reserves receiving certain court-martial sentences.
Sec. 633. Report on payment of annuities for certain military surviving spouses.
Sec. 634. Payment of back quarters and subsistence allowances to World War II veterans who served as guerilla fighters in the Philippines.
Sec. 635. Authority for relief from previous overpayments under minimum income widows program.
Sec. 636. Transitional compensation for dependents of members of the Armed Forces separated for dependent abuse.

Subtitle E—Other Matters

Sec. 641. Payment to survivors of deceased members for all leave accrued.
Sec. 642. Repeal of reporting requirements regarding compensation matters.
Sec. 643. Recoupment of administrative expenses in garnishment actions.
Sec. 644. Report on extending to junior noncommissioned officers privileges provided for senior noncommissioned officers.
Sec. 645. Study regarding joint process for determining location of recruiting stations.
Sec. 646. Automatic maximum coverage under Servicemen's Group Life Insurance.
Sec. 647. Termination of Servicemen's Group Life Insurance for members of the Ready Reserve who fail to pay premiums.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Modification of requirements regarding routine physical examinations and immunizations under CHAMPUS.
Sec. 702. Correction of inequities in medical and dental care and death and disability benefits for certain Reserves.
Sec. 703. Medical care for surviving dependents of retired Reserves who die before age 60.
Sec. 704. Medical and dental care for members of the Selected Reserve assigned to early deploying units of the Army Selected Reserve.
Sec. 705. Dental insurance for members of the Selected Reserve.
Sec. 706. Permanent authority to carry out specialized treatment facility program.

Subtitle B—TRICARE Program

Sec. 711. Definition of TRICARE program.
Sec. 712. Priority use of military treatment facilities for persons enrolled in managed care initiatives.
Sec. 713. Staggered payment of enrollment fees for TRICARE program.
Sec. 714. Requirement of budget neutrality for TRICARE program to be based on entire program.
Sec. 715. Training in health care management and administration for TRICARE lead agents.
Sec. 716. Pilot program of individualized residential mental health services.
Sec. 717. Evaluation and report on TRICARE program effectiveness.
Sec. 718. Sense of Congress regarding access to health care under TRICARE program for covered beneficiaries who are medicare eligible.

Subtitle C—Uniformed Services Treatment Facilities

Sec. 721. Delay of termination of status of certain facilities as Uniformed Services Treatment Facilities.
Sec. 722. Limitation on expenditures to support Uniformed Services Treatment Facilities.
Sec. 723. Application of CHAMPUS payment rules in certain cases.
Sec. 724. Application of Federal Acquisition Regulation to participation agreements with Uniformed Services Treatment Facilities.
Sec. 725. Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense.
Sec. 726. Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities.
Sec. 727. Elimination of unnecessary annual reporting requirement regarding Uniformed Services Treatment Facilities.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Sec. 731. Maximum allowable payments to individual health-care providers under CHAMPUS.
Sec. 732. Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility.
Sec. 733. Personal services contracts for medical treatment facilities of the Coast Guard.
Sec. 734. Identification of third-party payer situations.
Sec. 735. Redesignation of Military Health Care Account as Defense Health Program Account and two-year availability of certain account funds.
Sec. 736. Expansion of financial assistance program for health-care professionals in reserve components to include dental specialties.
Sec. 737. Applicability of limitation on prices of pharmaceuticals procured for the Coast Guard.
Sec. 738. Restriction on use of Department of Defense facilities for abortions.

Subtitle E—Other Matters

Sec. 741. Triservice nursing research.
Sec. 742. Termination of program to train military psychologists to prescribe psychotropic medications.
Sec. 743. Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility.
Sec. 744. Demonstration program to train military medical personnel in civilian shock trauma units.
Sec. 745. Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel.
Sec. 746. Report on improved access to military health care for covered beneficiaries entitled to medicare.
Sec. 747. Report on effect of closure of Fitzsimons Army Medical Center, Colorado, on provision of care to military personnel, retired military personnel, and their dependents.
Sec. 748. Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities.
Sec. 749. State recognition of military advance medical directives.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Reform

Sec. 801. Inapplicability of limitation on expenditure of appropriations to contracts at or below simplified acquisition threshold.
Sec. 802. Authority to delegate contracting authority.
Sec. 803. Quality control in procurements of critical aircraft and ship spare parts.
Sec. 804. Fees for certain testing services.
Sec. 805. Coordination and communication of defense research activities.
Sec. 806. Addition of certain items to domestic source limitation.
Sec. 807. Encouragement of use of leasing authority.
Sec. 808. Cost reimbursement rules for indirect costs attributable to private sector work of defense contractors.
Sec. 809. Subcontracts for ocean transportation services.
Sec. 810. Prompt resolution of audit recommendations.
Sec. 811. Test program for negotiation of comprehensive subcontracting plans.
Sec. 812. Procurement of items for experimental or test purposes.
Sec. 813. Use of funds for acquisition of designs, processes, technical data, and computer software.
Sec. 814. Independent cost estimates for major defense acquisition programs.
Sec. 815. Construction, repair, alteration, furnishing, and equipping of naval vessels.

Subtitle B—Other Matters

Sec. 821. Procurement technical assistance programs.
Sec. 822. Defense facility-wide pilot program.
Sec. 823. Treatment of Department of Defense cable television franchise agreements.
Sec. 824. Extension of pilot mentor-protege program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

Sec. 901. Organization of the Office of the Secretary of Defense.
Sec. 902. Reduction in number of Assistant Secretary of Defense positions.
Sec. 903. Deferred repeal of various statutory positions and offices in Office of the Secretary of Defense.
Sec. 904. Redesignation of the position of Assistant to the Secretary of Defense for Atomic Energy.
Sec. 905. Joint Requirements Oversight Council.
Sec. 906. Restructuring of Department of Defense acquisition organization and workforce.
Sec. 907. Report on Nuclear Posture Review and on plans for nuclear weapons management in event of abolition of Department of Energy.
Sec. 908. Redesignation of Advanced Research Projects Agency.
Sec. 909. Naval nuclear propulsion program.

Subtitle B—Financial Management

Sec. 911. Transfer authority regarding funds available for foreign currency fluctuations.
Sec. 912. Defense Modernization Account.
Sec. 913. Designation and liability of disbursing and certifying officials.
Sec. 914. Fisher House trust funds.
Sec. 915. Limitation on use of authority to pay for emergency and extraordinary expenses.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Improved funding mechanisms for unbudgeted operations.
Sec. 1004. Operation Provide Comfort.
Sec. 1005. Operation Enhanced Southern Watch.
Sec. 1006. Authority for obligation of certain unauthorized fiscal year 1995 defense appropriations.
Sec. 1007. Authorization of prior emergency supplemental appropriations for fiscal year 1995.
Sec. 1008. Authorization reductions to reflect savings from revised economic assumptions.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Iowa class battleships.
Sec. 1012. Transfer of naval vessels to certain foreign countries.
Sec. 1013. Contract options for LMSR vessels.
Sec. 1014. National Defense Reserve Fleet.
Sec. 1015. Naval salvage facilities.
Sec. 1016. Vessels subject to repair under phased maintenance contracts.
Sec. 1017. Clarification of requirements relating to repairs of vessels.
Sec. 1018. Sense of Congress concerning naming of amphibious ships.
Sec. 1019. Sense of Congress concerning naming of naval vessel.
Sec. 1020. Transfer of riverine patrol craft.

Subtitle C—Counter-Drug Activities

Sec. 1021. Revision and clarification of authority for Federal support of drug interdiction and counter-drug activities of the National Guard.
Sec. 1022. National Drug Intelligence Center.

Subtitle D—Civilian Personnel

Sec. 1031. Management of Department of Defense civilian personnel.
Sec. 1032. Conversion of military positions to civilian positions.
Sec. 1033. Elimination of 120-day limitation on details of certain employees.
Sec. 1034. Authority for civilian employees of Department of Defense to participate voluntarily in reductions in force.
Sec. 1035. Authority to pay severance payments in lump sums.
Sec. 1036. Continued health insurance coverage.
Sec. 1037. Revision of authority for appointments of involuntarily separated military reserve technicians.
Sec. 1038. Wearing of uniform by National Guard technicians.
Sec. 1039. Military leave for military reserve technicians for certain duty overseas.
Sec. 1040. Personnel actions involving employees of nonappropriated fund instrumentalities.
Sec. 1041. Coverage of nonappropriated fund employees under authority for flexible and compressed work schedules.
Sec. 1042. Limitation on provision of overseas living quarters allowances for nonappropriated fund instrumentality employees.
Sec. 1043. Elections relating to retirement coverage.
Sec. 1044. Extension of temporary authority to pay civilian employees with respect to the evacuation from Guantanamo, Cuba.

Subtitle E—Miscellaneous Reporting Requirements

Sec. 1051. Report on fiscal year 1997 budget submission regarding Guard and reserve components.
Sec. 1052. Report on desirability and feasibility of providing authority for use of funds derived from recovered losses resulting from contractor fraud.
Sec. 1053. Report on national policy on protecting the national information infrastructure against strategic attacks.
Sec. 1054. Report on Department of Defense boards and commissions.
Sec. 1055. Date for submission of annual report on special access programs.

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

Sec. 1061. Miscellaneous provisions of law.
Sec. 1062. Reports required by title 10, United States Code.
Sec. 1063. Reports required by defense authorization and appropriations Acts.
Sec. 1064. Reports required by other provisions of law.

Subtitle G—Department of Defense Education Programs

Sec. 1071. Continuation of Uniformed Services University of the Health Sciences.
Sec. 1072. Additional graduate schools and programs at Uniformed Services University of the Health Sciences.
Sec. 1073. Funding for adult education programs for military personnel and dependents outside the United States.
Sec. 1074. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 1075. Sharing of personnel of Department of Defense domestic dependent schools and defense dependents' education system.
Sec. 1076. Increase in reserve component Montgomery GI Bill educational assistance allowance with respect to skills or specialties for which there is a critical shortage of personnel.
Sec. 1077. Date for annual report on reserve component Montgomery GI Bill educational assistance program.
Sec. 1078. Scope of education programs of Community College of the Air Force.
Sec. 1079. Amendments to education loan repayment programs.

Subtitle H—Other Matters

Sec. 1081. National defense technology and industrial base, defense reinvestment, and defense conversion programs.
Sec. 1082. Ammunition industrial base.
Sec. 1083. Policy concerning excess defense industrial capacity.
Sec. 1084. Sense of Congress concerning access to secondary school student information for recruiting purposes.
Sec. 1085. Disclosure of information concerning unaccounted for United States personnel from the Korean Conflict, the Vietnam era, and the Cold War.
Sec. 1086. Operational support airlift aircraft fleet.
Sec. 1087. Civil Reserve Air Fleet.
Sec. 1088. Damage or loss to personal property due to emergency evacuation or extraordinary circumstances.
Sec. 1089. Authority to suspend or terminate collection actions against deceased members.
Sec. 1090. Check cashing and exchange transactions for dependents of United States Government personnel.
Sec. 1091. Designation of National Maritime Center.
Sec. 1092. Sense of Congress regarding historic preservation of Midway Islands.
Sec. 1093. Sense of Senate regarding Federal spending.
Sec. 1094. Extension of authority for vessel war risk insurance.

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

Sec. 1101. Short title.
Sec. 1102. References to Uniform Code of Military Justice.

Subtitle A—Offenses

Sec. 1111. Refusal to testify before court-martial.
Sec. 1112. Flight from apprehension.
Sec. 1113. Carnal knowledge.

Subtitle B—Sentences

Sec. 1121. Effective date for forfeitures of pay and allowances and reductions in grade by sentence of court-martial.
Sec. 1122. Required forfeiture of pay and allowances during confinement.
Sec. 1123. Deferment of confinement.

Subtitle C—Pretrial and Post-Trial Actions

Sec. 1131. Article 32 investigations.
Sec. 1132. Submission of matters to the convening authority for consideration.
Sec. 1133. Commitment of accused to treatment facility by reason of lack of mental capacity or mental responsibility.

Subtitle D—Appellate Matters

Sec. 1141. Appeals by the United States.
Sec. 1142. Repeal of termination of authority for Chief Justice of United States to designate Article III judges for temporary service on Court of Appeals for the Armed Forces.

Subtitle E—Other Matters

Sec. 1151. Advisory committee on criminal law jurisdiction over civilians accompanying the Armed Forces in time of armed conflict.
Sec. 1152. Time after accession for initial instruction in the Uniform Code of Military Justice.
Sec. 1153. Technical amendment.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec. 1201. Specification of Cooperative Threat Reduction programs.
Sec. 1202. Fiscal year 1996 funding allocations.
Sec. 1203. Prohibition on use of funds for peacekeeping exercises and related activities with Russia.
Sec. 1204. Revision to authority for assistance for weapons destruction.
Sec. 1205. Prior notice to Congress of obligation of funds.
Sec. 1206. Report on accounting for United States assistance.
Sec. 1207. Limitation on assistance to nuclear weapons scientists of former Soviet Union.
Sec. 1208. Limitations relating to offensive biological warfare program of Russia.
Sec. 1209. Limitation on use of funds for chemical weapons destruction facility.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

Sec. 1301. Placement of United States forces under United Nations operational or tactical control.
Sec. 1302. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.

Subtitle B—Humanitarian Assistance Programs

Sec. 1311. Overseas humanitarian, disaster, and civic aid programs.
Sec. 1312. Humanitarian assistance.
Sec. 1313. Landmine clearance program.

Subtitle C—Arms Exports and Military Assistance

Sec. 1321. Defense export loan guarantees.
Sec. 1322. National security implications of United States export control policy.
Sec. 1323. Department of Defense review of export licenses for certain biological pathogens.
Sec. 1324. Annual reports on improving export control mechanisms and on military assistance.
Sec. 1325. Report on personnel requirements for control of transfer of certain weapons.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

Sec. 1331. Accounting for burdensharing contributions.
Sec. 1332. Authority to accept contributions for expenses of relocation within host nation of United States Armed Forces overseas.
Sec. 1333. Revised goal for allied share of costs for United States installations in Europe.
Sec. 1334. Exclusion of certain forces from European end strength limitation.
Sec. 1335. Cooperative research and development agreements with NATO organizations.
Sec. 1336. Support services for the Navy at the port of Haifa, Israel.

Subtitle E—Other Matters

Sec. 1341. Prohibition on financial assistance to terrorist countries.
Sec. 1342. Judicial assistance to the International Tribunal for Yugoslavia and to the International Tribunal for Rwanda.
Sec. 1343. Semiannual reports concerning United States-People's Republic of China Joint Defense Conversion Commission.

TITLE XIV—ARMS CONTROL MATTERS

Sec. 1401. Revision of definition of landmine for purposes of landmine export moratorium.
Sec. 1402. Reports on and certification requirement concerning moratorium on use by Armed Forces of antipersonnel landmines.
Sec. 1403. Extension and amendment of counterproliferation authorities.
Sec. 1404. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1405. Sense of Congress on ABM treaty violations.
Sec. 1406. Sense of Congress on ratification of Chemical Weapons Convention and START II Treaty.
Sec. 1407. Implementation of arms control agreements.
Sec. 1408. Iran and Iraq arms nonproliferation.

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

Sec. 1501. Amendments related to Reserve Officer Personnel Management Act.
Sec. 1502. Amendments to reflect name change of Committee on Armed Services of the House of Representatives.
Sec. 1503. Miscellaneous amendments to title 10, United States Code.
Sec. 1504. Miscellaneous amendments to annual defense authorization Acts.
Sec. 1505. Miscellaneous amendments to other laws.
Sec. 1506. Coordination with other amendments.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

Sec. 1601. Short title.

Subtitle A—Establishment and Operation of Corporation

Sec. 1611. Establishment of the Corporation.
Sec. 1612. Conduct of Civilian Marksmanship Program.
Sec. 1613. Eligibility for participation in Civilian Marksmanship Program.
Sec. 1614. Issuance, loan, and sale of firearms and ammunition by the Corporation.
Sec. 1615. Transfer of firearms and ammunition from the Army to the Corporation.
Sec. 1616. Reservation by the Army of firearms and ammunition for the Corporation.
Sec. 1617. Army logistical support for the program.
Sec. 1618. General authorities of the Corporation.
Sec. 1619. Distribution of Corporate assets in event of dissolution.

Subtitle B—Transitional Provisions

Sec. 1621. Transfer of funds and property to the Corporation.
Sec. 1622. Continuation of eligibility for certain civil service benefits for former Federal employees of Civilian Marksmanship Program.
Sec. 1623. Certification of completion of transition.
Sec. 1624. Repeal of authority for conduct of Civilian Marksmanship Program by the Army.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Revision of fiscal year 1995 authorization of appropriations to clarify availability of funds for large anechoic chamber facility, Patuxent River Naval Warfare Center, Maryland.
Sec. 2206. Authority to carry out land acquisition project, Hampton Roads, Virginia.
Sec. 2207. Acquisition of land, Henderson Hall, Arlington, Virginia.
Sec. 2208. Acquisition or construction of military family housing in vicinity of San Diego, California.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Retention of accrued interest on funds deposited for construction of family housing, Scott Air Force Base, Illinois.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military family housing private investment.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Limitations on use of Department of Defense Base Closure Account 1990.
Sec. 2407. Modification of authority to carry out fiscal year 1995 projects.
Sec. 2408. Reduction in amounts authorized to be appropriated for fiscal year 1994 contingency construction projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Reduction in amount authorized to be appropriated for fiscal year 1994 Air National Guard Projects.
Sec. 2603. Correction in authorized uses of funds for Army National Guard projects in Mississippi.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1993 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1992 projects.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Housing Privatization Initiative

Sec. 2801.Alternative authority for construction and improvement of military housing.
Sec. 2802. Expansion of authority for limited partnerships for development of military family housing.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

Sec. 2811. Special threshold for unspecified minor construction projects to correct life, health, or safety deficiencies.
Sec. 2812. Clarification of scope of unspecified minor construction authority.
Sec. 2813. Temporary authority to waive net floor area limitation for family housing acquired in lieu of construction.
Sec. 2814. Reestablishment of authority to waive net floor area limitation on acquisition by purchase of certain military family housing.
Sec. 2815. Temporary authority to waive limitations on space by pay grade for military family housing units.
Sec. 2816. Rental of family housing in foreign countries.
Sec. 2817. Clarification of scope of report requirement on cost increases under contracts for military family housing construction.
Sec. 2818. Authority to convey damaged or deteriorated military family housing.
Sec. 2819. Energy and water conservation savings for the Department of Defense.
Sec. 2820. Extension of authority to enter into leases of land for special operations activities.
Sec. 2821. Disposition of amounts recovered as a result of damage to real property.
Sec. 2822. Pilot program to provide interest rate buy down authority on loans for housing within housing shortage areas at military installations.

Subtitle C—Defense Base Closure and Realignment

Sec. 2831. Deposit of proceeds from leases of property located at installations being closed or realigned.
Sec. 2832. In-kind consideration for leases at installations to be closed or realigned.
Sec. 2833. Interim leases of property approved for closure or realignment.
Sec. 2834. Authority to lease property requiring environmental remediation at installations approved for closure or realignment.
Sec. 2835. Final funding for Defense Base Closure and Realignment Commission.
Sec. 2836. Exercise of authority delegated by the Administrator of General Services.
Sec. 2837. Lease back of property disposed from installations approved for closure or realignment.
Sec. 2838. Improvement of base closure and realignment process regarding disposal of property.
Sec. 2839. Agreements for certain services at installations being closed.
Sec. 2840. Authority to transfer property at military installations to be closed to persons who construct or provide military family housing.
Sec. 2841. Use of single base closure authorities for disposal of property and facilities at Fort Holabird, Maryland.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

Sec. 2851. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2852. Transfer of jurisdiction, Fort Bliss, Texas.
Sec. 2853. Transfer of jurisdiction and land conveyance, Fort Devens Military Reservation, Massachusetts.
Sec. 2854. Modification of land conveyance, Fort Belvoir, Virginia.
Sec. 2855. Land exchange, Fort Lewis, Washington.
Sec. 2856. Land exchange, Army Reserve Center, Gainesville, Georgia.
Sec. 2857. Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee.
Sec. 2858. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2859. Land conveyance, Fort Ord, California.
Sec. 2860. Land conveyance, Parks Reserve Forces Training Area, Dublin, California.
Sec. 2861. Land conveyance, Army Reserve Center, Youngstown, Ohio.
Sec. 2862. Land conveyance, Army Reserve Property, Fort Sheridan, Illinois.
Sec. 2863. Land conveyance, property underlying Cummins Apartment Complex, Fort Holabird, Maryland.
Sec. 2864. Modification of existing land conveyance, Army property, Hamilton Air Force Base, California.

PART II—NAVY CONVEYANCES

Sec. 2865. Transfer of jurisdiction, Naval Weapons Industrial Reserve Plant, Calverton, New York.
Sec. 2866. Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York.
Sec. 2867. Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California.
Sec. 2868. Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas.
Sec. 2869. Land conveyance, Naval Surface Warfare Center, Memphis, Tennessee.
Sec. 2870. Land conveyance, Navy property, Fort Sheridan, Illinois.
Sec. 2871. Land conveyance, Naval Communications Station, Stockton, California.
Sec. 2872. Lease of property, Naval Air Station and Marine Corps Air Station, Miramar, California.

PART III—AIR FORCE CONVEYANCES

Sec. 2874. Land acquisition or exchange, Shaw Air Force Base, South Carolina.
Sec. 2875. Land conveyance, Elmendorf Air Force Base, Alaska.
Sec. 2876. Land conveyance, Radar Bomb Scoring Site, Forsyth, Montana.
Sec. 2877. Land conveyance, Radar Bomb Scoring Site, Powell, Wyoming.
Sec. 2878. Land conveyance, Avon Park Air Force Range, Florida.

Subtitle E—Land Conveyances Involving Utilities

Sec. 2881. Conveyance of resource recovery facility, Fort Dix, New Jersey.
Sec. 2882. Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia.
Sec. 2883. Conveyance of electricity distribution system, Fort Irwin, California.
Sec. 2884. Conveyance of water treatment plant, Fort Pickett, Virginia.

Subtitle F—Other Matters

Sec. 2891. Authority to use funds for certain educational purposes.
Sec. 2892. Department of Defense Laboratory Revitalization Demonstration Program.
Sec. 2893. Authority for Port Authority of State of Mississippi to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi.
Sec. 2894. Prohibition on joint use of Naval Air Station and Marine Corps Air Station, Miramar, California.
Sec. 2895. Report regarding Army water craft support facilities and activities.
Sec. 2896. Residual value reports.
Sec. 2897. Sense of Congress and report regarding Fitzsimons Army Medical Center, Colorado.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

Sec. 2901. Short title.
Sec. 2902. Definitions.

Subtitle A—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

Sec. 2911. Principles of transfer.
Sec. 2912. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 2913. Responsibility and liability.
Sec. 2914. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 2915. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 2916. Special transfer rules for certain Arsenal parcels intended for MNP.

Subtitle B—Other Land Conveyances Involving Joliet Army Ammunition Plant

Sec. 2921. Conveyance of certain real property at Arsenal for a national cemetery.
Sec. 2922. Conveyance of certain real property at Arsenal for a county landfill.
Sec. 2923. Conveyance of certain real property at Arsenal for industrial parks.

Subtitle C—Miscellaneous Provisions

Sec. 2931. Degree of environmental cleanup.
Sec. 2932. Retention of property used for environmental cleanup.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.

Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Authority to conduct program relating to fissile materials.
Sec. 3132. National Ignition Facility.
Sec. 3133. Tritium production program.
Sec. 3134. Payment of penalties.
Sec. 3135. Fissile materials disposition.
Sec. 3136. Tritium recycling.
Sec. 3137. Manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile.
Sec. 3138. Hydronuclear experiments.
Sec. 3139. Limitation on authority to conduct hydronuclear tests.
Sec. 3140. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
Sec. 3141. Limitation on use of funds for certain research and development purposes.
Sec. 3142. Processing and treatment of high-level nuclear waste and spent nuclear fuel rods.
Sec. 3143. Protection of workers at nuclear weapons facilities.
Sec. 3144. Department of Energy Declassification Productivity Initiative.

Subtitle D—Other Matters

Sec. 3151. Report on foreign tritium purchases.
Sec. 3152. Study on nuclear test readiness postures.
Sec. 3153. Master plan for the certification, stewardship, and management of warheads in the nuclear weapons stockpile.
Sec. 3154. Prohibition on international inspections of Department of Energy facilities unless protection of restricted data is certified.
Sec. 3155. Review of certain documents before declassification and release.
Sec. 3156. Accelerated schedule for environmental restoration and waste management activities.
Sec. 3157. Sense of Congress regarding certain environmental restoration requirements.
Sec. 3158. Responsibility for Defense Programs Emergency Response Program.
Sec. 3159. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1996.
Sec. 3160. Report on hydronuclear testing.
Sec. 3161. Applicability of Atomic Energy Community Act of 1955 to Los Alamos, New Mexico.
Sec. 3162. Sense of Congress regarding shipments of spent nuclear fuel.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorization of Disposals and Use of Funds

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic.
Sec. 3304. Restrictions on disposal of manganese ferro.
Sec. 3305. Titanium initiative to support battle tank upgrade program.

Subtitle B—Programmatic Change

Sec. 3311. Transfer of excess defense-related materials to stockpile for disposal.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Subtitle A—Administration of Naval Petroleum Reserves

Sec. 3401. Authorization of appropriations.
Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1996.

Subtitle B—Sale of Naval Petroleum Reserve

Sec. 3411. Definitions.
Sec. 3412. Sale of Naval Petroleum Reserve Numbered 1.
Sec. 3413. Effect of sale of reserve.
Sec. 3414. Conditions on sale process.
Sec. 3415. Treatment of State of California claim regarding reserve.
Sec. 3416. Study of future of other naval petroleum reserves.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Expenditures in accordance with other laws.

Subtitle B—Reconstitution of Commission as Government Corporation

Sec. 3521. Short title.
Sec. 3522. Reconstitution of Commission as Government corporation.
Sec. 3523. Supervisory Board.
Sec. 3524. General and specific powers of Commission.
Sec. 3525. Congressional review of budget.
Sec. 3526. Audits.
Sec. 3527. Prescription of measurement rules and rates of tolls.
Sec. 3528. Procedures for changes in rules of measurement and rates of tolls.
Sec. 3529. Miscellaneous technical amendments.
Sec. 3530. Conforming amendment to title 31, United States Code.

DIVISION D—FEDERAL ACQUISITION REFORM

Sec. 4001. Short title.

TITLE XLI—COMPETITION

Sec. 4101. Efficient competition.
Sec. 4102. Efficient approval procedures.
Sec. 4103. Efficient competitive range determinations.
Sec. 4104. Preaward debriefings.
Sec. 4105. Design-build selection procedures.

TITLE XLII—COMMERCIAL ITEMS

Sec. 4201. Commercial item exception to requirement for cost or pricing data.
Sec. 4202. Application of simplified procedures to certain commercial items.
Sec. 4203. Inapplicability of certain procurement laws to commercially available off-the-shelf items.
Sec. 4204. Amendment of commercial items definition.
Sec. 4205. Inapplicability of cost accounting standards to contracts and subcontracts for commercial items.

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Subtitle A—Additional Acquisition Reform Provisions

Sec. 4301. Elimination of certain certification requirements.
Sec. 4302. Authorities conditioned on FACNET capability.
Sec. 4303. International competitiveness.
Sec. 4304. Procurement integrity.
Sec. 4305. Further acquisition streamlining provisions.
Sec. 4306. Value engineering for Federal agencies.
Sec. 4307. Acquisition workforce.
Sec. 4308. Demonstration project relating to certain personnel management policies and procedures.
Sec. 4309. Cooperative purchasing.
Sec. 4310. Procurement notice technical amendments.
Sec. 4311. Micro-purchases without competitive quotations.

Subtitle B—Technical Amendments

Sec. 4321. Amendments related to Federal Acquisition Streamlining Act of 1994.
Sec. 4322. Miscellaneous amendments to Federal acquisition laws.

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

Sec. 4401. Effective date and applicability.
Sec. 4402. Implementing regulations.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

Sec. 5001. Short title.
Sec. 5002. Definitions.

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

Sec. 5101. Repeal of central authority of the Administrator of General Services.

Subtitle B—Director of the Office of Management and Budget

Sec. 5111. Responsibility of Director.
Sec. 5112. Capital planning and investment control.
Sec. 5113. Performance-based and results-based management.

Subtitle C—Executive Agencies

Sec. 5121. Responsibilities.
Sec. 5122. Capital planning and investment control.
Sec. 5123. Performance and results-based management.
Sec. 5124. Acquisitions of information technology.
Sec. 5125. Agency Chief Information Officer.
Sec. 5126. Accountability.
Sec. 5127. Significant deviations.
Sec. 5128. Interagency support.

Subtitle D—Other Responsibilities

Sec. 5131. Responsibilities regarding efficiency, security, and privacy of Federal computer systems.
Sec. 5132. Sense of Congress.

Subtitle E—National Security Systems

Sec. 5141. Applicability to national security systems.
Sec. 5142. National security system defined.

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Sec. 5201. Procurement procedures.
Sec. 5202. Incremental acquisition of information technology.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

Sec. 5301. Authority to conduct pilot programs.
Sec. 5302. Evaluation criteria and plans.
Sec. 5303. Report.
Sec. 5304. Recommended legislation.
Sec. 5305. Rule of construction.

Subtitle B—Specific Pilot Programs

Sec. 5311. Share-in-savings pilot program.
Sec. 5312. Solutions-based contracting pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

Sec. 5401. On-line multiple award schedule contracting.

Sec. 5402. Identification of excess and surplus computer equipment.
Sec. 5403. Access of certain information in information systems to the directory established under section 4101 of title 44, United States code.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

Sec. 5501. Period for processing protests.
Sec. 5502. Availability of funds following GAO resolution of challenge to contracting action.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

Sec. 5601. Amendments to title 10, United States Code.
Sec. 5602. Amendments to title 28, United States Code.
Sec. 5603. Amendment to title 31, United States Code.
Sec. 5604. Amendments to title 38, United States Code.
Sec. 5605. Provisions of title 44, United States Code, relating to paperwork reduction.
Sec. 5606. Amendment to title 49, United States Code.
Sec. 5607. Other laws.
Sec. 5608. Clerical amendments.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

Sec. 5701. Effective date.
Sec. 5702. Savings provisions.
Sec. 5703. Rules of construction.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,558,805,000.

(2) For missiles, $865,555,000.

(3) For weapons and tracked combat vehicles, $1,652,745,000.

(4) For ammunition, $1,093,991,000.

(5) For other procurement, $2,763,443,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,572,394,000.

(2) For weapons, including missiles and torpedoes, $1,659,827,000.

(3) For shipbuilding and conversion, $6,643,958,000.

(4) For other procurement, $2,414,771,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $458,947,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for Navy and the Marine Corps in the amount of $430,053,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $7,349,783,000.

(2) For missiles, $2,938,883,000.

(3) For ammunition, $343,848,000.

(4) For other procurement, $6,268,430,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,124,379,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $160,000,000.

(2) For the Air National Guard, $255,000,000.

(3) For the Army Reserve, $85,700,000.

(4) For the Naval Reserve, $67,000,000.

(5) For the Air Force Reserve, $135,600,000.

(6) For the Marine Corps Reserve, $73,700,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of $672,250,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $288,033,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF OH–58D ARMED KIOWA WARRIOR HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $140,000,000 for the procurement of not more than 20 OH–58D Armed Kiowa Warrior aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHICLE UPGRADES.

Subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761) is repealed.

SEC. 113. MULTIYEAR PROCUREMENT OF HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for procurement of the following:

(1) AH–64D Longbow Apache attack helicopters.

(2) UH–60 Black Hawk utility helicopters.

SEC. 114. REPORT ON AH–64D ENGINE UPGRADES.

No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters. The report shall include—

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in fiscal year 1996; and

(2) a detailed timeline and statement of funding requirements for the engine upgrade program described in paragraph (1).

SEC. 115. REQUIREMENT FOR USE OF PREVIOUSLY AUTHORIZED MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY SMALL ARMS PROCUREMENT.

(a) REQUIREMENT.—The Secretary of the Army (subject to the provision of authority in an appropriations Act) shall enter into a multiyear procurement contract during fiscal year 1997 in accordance with section 115(b)(2) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681).

(b) TECHNICAL AMENDMENT.—Section 115(b)(1) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681) is amended by striking out "2306(h)" and inserting in lieu thereof "2306b".

Subtitle C—Navy Programs

SEC. 131. NUCLEAR ATTACK SUBMARINES.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized by section 102 to be appropriated for Shipbuilding and Conversion, Navy, for fiscal year 1996—

(A) $700,000,000 is available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class, which shall be the final vessel in that class; and

(B) $804,498,000 is available for long-lead and advance construction and procurement of components for construction of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the New Attack Submarine), of which—

(i) $704,498,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which shall be built by Electric Boat Division; and

(ii) $100,000,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which shall be built by Newport News Shipbuilding.

(2) Of the amount authorized by section 201(2), $10,000,000 shall be available only for participation of Newport News Shipbuilding in the design of the submarine previously designated by the Navy as the New Attack Submarine.

(b) COMPETITION, REPORT, AND BUDGET REVISION LIMITATIONS.—(1) Of the amounts specified in subsection (a)(1), not more than $200,000,000 may be obligated or expended until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines to be constructed beginning—

(A) after fiscal year 1999, or

(B) if four submarines are procured as provided for in the plan described in subsection (c), after fiscal year 2001,

will be under one or more contracts that are entered into after competition between potential competitors (as defined in subsection (k)) in which the Secretary solicits competitive proposals and awards the contract or contracts on the basis of price.

(2) Of the amounts specified in subsection (a)(1), not more than $1,000,000,000 may be obligated or expended until the Secretary of Defense, not later than March 15, 1996, accomplishes each of the following:

(A) Submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives in accordance with subsection (c) the plan required by that subsection for a program to produce a more capable, less expensive nuclear attack submarine than the submarine design previously designated by the Navy as the New Attack Submarine.

(B) Notwithstanding any other provision of law, or the funding level in the President's budget for each year after fiscal year 1996, the Under Secretary of Defense (Comptroller) shall *incorporate the costs of the plan required by subsection (c) in the Future Years Defense Program (FYDP) even if the total cost of that Program exceeds the President's budget.*

(C) Directs that the Under Secretary of Defense for Acquisition and Technology conduct oversight over the development and improvement of the nuclear attack submarine program of the Navy. Officials of the Department of the Navy exercising management oversight of the program shall report to the Under Secretary of Defense for Acquisition and Technology with respect to that program.

(c) Plan for Fiscal Year 1998, 1999, 2000, and 2001 Submarines.—(1) The Secretary of Defense shall, not later than March 15, 1996, develop (and submit to the committees specified in subsection (b)(2)(A)) a detailed plan for development of a program that will lead to production of a more capable, less expensive submarine than the submarine previously designated as the New Attack Submarine.

(2) As part of such plan, the Secretary shall provide for a program for the design, development, and procurement of four nuclear attack submarines to be procured during fiscal years 1998 through 2001, the purpose of which shall be to develop and demonstrate new technologies that will result in each successive submarine of those four being a more capable and more affordable submarine than the submarine that preceded it. The program shall be structured so that—

(A) one of the four submarines is to be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(B) in order to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines are to be constructed by the Electric Boat Division and the fiscal year 1999 and the fiscal year 2001 submarines are to be constructed by Newport News Shipbuilding;

(C) the design designated by the Navy for the submarine previously designated as the New Attack Submarine will be used as the base design by both contractors;

(D) each contractor shall be called upon to propose improvements, including design improvements, for each successive submarine as new and better technology is demonstrated and matures so that—

(i) each successive submarine is more capable and more affordable; and

(ii) the design for a future class of nuclear attack submarines will incorporate the latest, best, and most affordable technology; and

(E) the fifth and subsequent nuclear attack submarines to be built after the SSN-23 submarine shall be procured as required by subsection (b)(1).

(3) The plan under paragraph (1) shall—

(A) set forth a program to accomplish the design, development, and construction of the four submarines taking maximum advantage of a streamlined acquisition process, as provided under subsection (d);

(B) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003, with such submarine to be procured as required by subsection (b)(1);

(C) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates to be incorporated into the plan to design, develop, and procure the submarines;

(D) designate the fifth submarine to be procured as the lead ship in the next generation submarine class, unless the Secretary of the Navy, in consultation with the special submarine review panel described in subsection (f), determines that more submarines should be built before the design of the new class of submarines is fixed, in which case each such additional submarine shall be procured in the same manner as is required by subsection (b)(1); and

(E) identify the impact of the submarine program described in paragraph (1) on the remainder of the appropriation account known as "Shipbuilding and Conversion, Navy", as such impact relates to—

(i) force structure levels required by the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review";

(ii) force structure levels required by the 1995 report on the Surface Ship Combatant Study that was carried out for the Department of Defense; and

(iii) the funding requirements for submarine construction, as a percentage of the total ship construction account, for each fiscal year throughout the FYDP.

(d) Streamlined Acquisition Process.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of the submarine program under this section.

(e) Annual Revisions to Plan.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual update to the plan required to be submitted under subsection (b). Each such update shall be submitted concurrent with the President's budget submission to Congress for each of fiscal years 1998 through 2002.

(f) Special Submarine Review Panel.—(1) The plan under subsection (c) and each annual update under subsection (e) shall be reviewed by a special bipartisan congressional panel working with the Navy. The panel shall consist of three members of the Committee on Armed Services of the Senate, who shall be designated by the chairman of that committee, and three members of the Committee on National Security of the House of Representatives, who shall be designated by the chairman of that committee. The members of the panel shall be briefed by the Secretary of the Navy on the status of the submarine modernization program and the status of submarine-related research and development under this section.

(2) Not later than May 1 of each year, the panel shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the panel's findings and recommendations regarding the progress of the Secretary in procuring a more capable, less expensive submarine. The panel may recommend any funding adjustments it believes appropriate to achieve this objective.

(g) Linkage of Fiscal Year 1998 and 1999 Submarines.—Funds referred to in subsection (a)(1)(B) that are available for the fiscal year 1998 and fiscal year 1999 submarines under this section may not be expended during fiscal year 1996 for the fiscal year 1998 submarine (other than for design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the fiscal year 1999 submarine.

(h) Contracts Authorized.—The Secretary of the Navy is authorized, using funds available pursuant to paragraph (1)(B) of subsection (a), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1996 for—

(1) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine under this section; and

(2) advance construction of such components and other components for such submarines.

(i) Advanced Research Projects Agency Development of Advanced Technologies.—(1) Of the amount provided in section 201(4) for the Advanced Research Projects Agency, $100,000,000 is available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the plan developed under subsection (c). Such advanced technologies shall include the following:

(A) Electric drive.

(B) Hydrodynamic quieting.

(C) Ship control automation.

(D) Solid-state power electronics.

(E) Wake reduction technologies.

(F) Superconductor technologies.

(G) Torpedo defense technologies.

(H) Advanced control concept.

(I) Fuel cell technologies.

(J) Propulsors.

(2) The Director of the Advanced Research Projects Agency shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies under paragraph (1). Such acquisition strategy shall be developed and implemented in concert with Electric Boat Division and Newport News Shipbuilding and the Navy.

(j) References to Contractors.—For purposes of this section—

(1) the contractor referred to as "Electric Boat Division" is the Electric Boat Division of the General Dynamics Corporation; and

(2) the contractor referred to as "Newport News Shipbuilding" is the Newport News Shipbuilding and Drydock Company.

(k) Potential Competitor Defined.—For purposes of this section, the term "potential competitor" means any source to which the Secretary of the Navy has awarded, within 10 years before the date of the enactment of this Act, a contract or contracts to construct one or more nuclear attack submarines.

SEC. 132. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Of the amount appropriated for fiscal year 1996 for the National Defense Sealift Fund, $50,000,000 shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

(a) Limitation of Costs.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 Seawolf class submarines may not exceed $7,223,659,000.

(b) Automatic Increase of Limitation Amount.—The amount of the limitation set forth in subsection (a) is increased by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after September 30, 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1995.

(c) Repeal of Superseded Provision.—Section 122 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2682) is repealed.

SEC. 134. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

Section 124 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2683) is repealed.

SEC. 135. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) Authorization for Procurement of Six Vessels.—The Secretary of the Navy is authorized to construct six Arleigh Burke class destroyers in accordance with this section. Within

the amount authorized to be appropriated pursuant to section 102(a)(3), $2,169,257,000 is authorized to be appropriated for construction (including advance procurement) for the Arleigh Burke class destroyers.

(b) CONTRACTS.—(1) The Secretary is authorized to enter into contracts in fiscal year 1996 for the construction of three Arleigh Burke class destroyers.

(2) The Secretary is authorized, in fiscal year 1997, to enter into contracts for the construction of the other three Arleigh Burke class destroyers covered by subsection (a), subject to the availability of appropriations for such destroyers.

(3) In awarding contracts for the six vessels covered by subsection (a), the Secretary shall continue the contract award pattern and sequence used by the Secretary for the procurement of Arleigh Burke class destroyers during fiscal years 1994 and 1995.

(4) A contract for construction of a vessel or vessels that is entered into in accordance with paragraph (1) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessel or vessels.

(c) USE OF AVAILABLE FUNDS.—(1) Subject to paragraph (2), the Secretary may take appropriate actions to use for full funding of a contract entered into in accordance with subsection (b)—

(A) any funds that, having been appropriated for shipbuilding and conversion programs of the Navy other than Arleigh Burke class destroyer programs pursuant to the authorization in section 102(a)(3), become excess to the needs of the Navy for such programs by reason of cost savings achieved for such programs;

(B) any unobligated funds that are available to the Secretary for shipbuilding and conversion for any fiscal year before fiscal year 1996; and

(C) any funds that are appropriated after the date of the enactment of the Department of Defense Appropriations Act, 1996, to complete the full funding of the contract.

(2) The Secretary may not, in the exercise of authority provided in subparagraph (A) or (B) of paragraph (1), obligate funds for a contract entered into in accordance with subsection (b) until 30 days after the date on which the Secretary submits to the congressional defense committees in writing a notification of the intent to obligate the funds. The notification shall set forth the source or sources of the funds and the amount of the funds from each such source that is to be so obligated.

SEC. 136. ACQUISITION PROGRAM FOR CRASH ATTENUATING SEATS.

(a) PROGRAM AUTHORIZED.—The Secretary of the Navy shall establish a program to procure for, and install in, H-53E military transport helicopters commercially developed, energy absorbing, crash attenuating seats that the Secretary determines are consistent with military specifications for seats for such helicopters.

(b) FUNDING.—To the extent provided in appropriations Acts, of the unobligated balance of amounts appropriated for the Legacy Resource Management Program pursuant to the authorization of appropriations in section 301(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2706), not more than $10,000,000 shall be available to the Secretary of the Navy, by transfer to the appropriate accounts, for carrying out the program authorized in subsection (a).

SEC. 137. T-39N TRAINER AIRCRAFT.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract, using funds appropriated for fiscal year 1996 for procurement of aircraft for the Navy, for the acquisition of the aircraft described in subsection (b) until 60 days after the date on which the Under Secretary of Defense for Acquisition and Technology submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(1) an analysis of the proposed acquisition of such aircraft; and

(2) a certification that the proposed acquisition during fiscal year 1996 (A) is in the best interest of the Government, and (B) is the most cost effective means of meeting the requirements of the Navy for aircraft for use in the training of naval flight officers.

(b) COVERED AIRCRAFT.—Subsection (a) applies to certain T–39 trainer aircraft that as of November 1, 1995 (1) are used by the Navy under a lease arrangement for the training of naval flight officers, and (2) are offered for sale to the Government.

SEC. 138. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.

Not more than one-sixth of the amount appropriated pursuant to this Act for the activities and operations of the Unmanned Aerial Vehicle Joint Program Office (UAV–JPO), and none of the unobligated balances of funds appropriated for fiscal years before fiscal year 1996 for the activities and operations of such office, may be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that funds have been obligated to equip nine Pioneer Unmanned Aerial Vehicle systems with the Common Automatic Landing and Recovery System (CARS).

Subtitle D—Air Force Programs

SEC. 141. B-2 AIRCRAFT PROGRAM.

(a) REPEAL OF LIMITATIONS.—The following provisions of law are repealed:

(1) Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2339).

(2) Sections 131(c) and 131(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1569).

(3) Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688).

(b) CONVERSION OF LIMITATION TO ANNUAL REPORT REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) is amended—

(1) by striking out subsection (a);

(2) by striking out the matter in subsection (b) preceding paragraph (1) and inserting in lieu thereof the following:

"(a) ANNUAL REPORTING REQUIREMENT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that sets forth the finding of the Secretary (as of January 1 of such year) on each of the following matters:";

(3) by striking out "That" in paragraphs (1), (2), (3), (4), and (5) and inserting in lieu thereof "Whether";

(4) in paragraph (1), by striking out "latest" and all that follows through "100–180" and inserting in lieu thereof "Requirements Correlation Matrix found in the user-defined Operational Requirements Document (as contained in Attachment B to a letter from the Secretary of Defense to Congress dated October 14, 1993)";

(5) in paragraph (3), by striking out "congressional defense";

(6) in paragraph (4), by striking out "such certification to be submitted";

(7) by adding at the end the following:

"(b) FIRST REPORT.—The Secretary shall submit the first annual report under subsection (a) not later than March 1, 1996."; and

(8) by amending the section heading to read as follows:

"SEC. 112. ANNUAL REPORT ON B-2 BOMBER AIRCRAFT PROGRAM.".

(c) REPEAL OF CONDITION ON OBLIGATION OF FUNDS IN ENHANCED BOMBER CAPABILITY FUND.—Section 133(d)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688) is amended by striking out "If," and all that follows through "bombers, the Secretary" and inserting in lieu thereof "The Secretary".

SEC. 142. PROCUREMENT OF B-2 BOMBERS.

Of the amount authorized to be appropriated by section 103 for the B-2 bomber procurement program, not more than $279,921,000 may be obligated or expended before March 31, 1996.

SEC. 143. MC-130H AIRCRAFT PROGRAM.

The limitation on the obligation of funds for payment of an award fee and the procurement of contractor-furnished equipment for the MC–130H Combat Talon aircraft set forth in section 161(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1388) shall cease to apply upon determination by the Director of Operational Test and Evaluation (and submission of a certification of that determination to the congressional defense committees) that, based on the operational test and evaluation and the analysis conducted on that aircraft to the date of that determination, such aircraft is operationally effective and meets the needs of its intended users.

Subtitle E—Chemical Demilitarization Program

SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDITIOUSLY WITH DEVELOPMENT OF CHEMICAL DEMILITARIZATION CRYOFRACTURE FACILITY AT TOOELE ARMY DEPOT, UTAH.

Subsection (a) of section 173 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1393) is repealed.

SEC. 152. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL.—The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.

(b) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(c) ASSESSMENT OF ALTERNATIVES.— (1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce significantly the total cost of the program, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to

those that would minimize the risk to the public. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such an assessment under any provision of law.

(2) The assessment shall be conducted in coordination with the National Research Council.

(3) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.

(4) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees an interim report assessing the current status of the chemical stockpile demilitarization program, including the results of the Army's analysis of the physical and chemical integrity of the stockpile and implications for the chemical demilitarization program, and providing recommendations for revisions to that program that have been included in the budget request of the Department of Defense for fiscal year 1997. The Secretary shall submit to the congressional defense committees with the submission of the budget request of the Department of Defense for fiscal year 1998 a final report on the assessment conducted in accordance with paragraph (1) and recommendations for revision to the program, including an assessment of alternative demilitarization technologies and processes to the baseline incineration process and potential reconfiguration of the stockpile that should be incorporated in the program.

(d) ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMUNITIES AFFECTED BY BASE CLOSURE.—(1) The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

(2) The review shall include the following:

(A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.

(B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.

(3) The Secretary shall submit to the congressional defense committees a report on the review and evaluation under this subsection. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) TRAVEL FUNDING FOR MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—Section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note) is amended to read as follows:

"(g) PAY AND EXPENSES.—Members of each commission shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for Citizens' Advisory Commissioners, when such travel is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition).".

(b) QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CITIZENS' ADVISORY COMMISSIONERS.—Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)), is amended—

(1) by striking out "(g) ANNUAL REPORT.—" and inserting in lieu thereof "(g) PERIODIC REPORTS.—";

(2) in paragraph (2)—

(A) by striking out "Each such report shall contain—" and inserting in lieu thereof "Each annual report shall contain—"

(B) in subparagraph (B)—

(i) by striking out "and" at the end of clause (iv);

(ii) by striking out the period at the end of clause (v) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(vi) travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report."; and

(5) in paragraph (4), as redesignated by paragraph (3)—

(A) by striking out "this subsection" and inserting in lieu thereof "paragraph (1)"; and

(B) by adding at the end the following: "No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).".

(c) DIRECTOR OF PROGRAM.—Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)), is amended by inserting "or civilian equivalent" after "general officer".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,737,581,000.

(2) For the Navy, $8,474,783,000.

(3) For the Air Force, $12,914,868,000.

(4) For Defense-wide activities, $9,693,180,000, of which—

(A) $251,082,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $22,587,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201, $4,088,879,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MODIFICATIONS TO STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) COUNCIL MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out "thirteen" and inserting in lieu thereof "12";

(2) by striking out paragraph (3);

(3) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively; and

(4) in paragraph (8), as redesignated, by striking out ", who shall be nonvoting members".

(b) ANNUAL REPORT.—(1) Section 2902 of such title is amended in subsection (d)—

(A) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) To prepare an annual report that contains the following:

"(A) A description of activities of the strategic environmental research and development program carried out during the fiscal year before the fiscal year in which the report is prepared.

"(B) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

"(C) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year."; and

(B) in paragraph (4), by striking out "Federal Coordinating Council on Science, Engineering, and Technology" and inserting in lieu thereof "National Science and Technology Council".

(2) Section 2902 of such title is further amended—

(A) by striking out subsections (f) and (h);

(B) by redesignating subsection (g) as subsection (f); and

(C) by adding at the end the following new subsection:

"(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense the annual report prepared pursuant to subsection (d)(3).

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit such annual report to Congress, along with such comments as the Secretary considers appropriate.".

(3) The amendments made by this subsection shall apply with respect to the annual report prepared during fiscal year 1997 and each fiscal year thereafter.

(c) POLICIES AND PROCEDURES.—Section 2902(e) of such title is amended in paragraph (3) by striking out "programs, particularly" and all that follows through the end of the paragraph and inserting in lieu thereof "programs;".

(d) COMPETITIVE PROCEDURES.—Section 2903(c) of such title is amended—

(1) by striking out "or" after "contracts" and inserting in lieu thereof "using competitive procedures. The Executive Director may enter into"; and

(2) by striking out "law, except that" and inserting in lieu thereof "law. In either case,".

(e) CONTINUATION OF EXPIRING AUTHORITY.—(1) Section 2903(d) of such title is amended in paragraph (2) by striking out the last sentence.

(2) The amendment made by paragraph (1) shall take effect as of September 29, 1995.

SEC. 204. DEFENSE DUAL USE TECHNOLOGY INITIATIVE.

(a) FISCAL YEAR 1996 AMOUNT.—Of the amount authorized to be appropriated in section 201(4), $195,000,000 shall be available for the defense dual use technology initiative conducted under chapter 148 of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR EXISTING TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense shall use amounts made available for the defense dual use technology initiative under subsection (a) only for the purpose of continuing or completing technology reinvestment projects that were initiated before October 1, 1995.

(c) NOTICE CONCERNING PROJECTS TO BE CARRIED OUT.—Of the amounts made available for the defense dual use technology initiative under subsection (a)—

(1) $145,000,000 shall be available for obligation only after the date on which the Secretary of Defense notifies the congressional defense committees regarding the defense reinvestment projects to be funded using such funds; and

(2) the remaining $50,000,000 shall be available for obligation only after the date on which the Secretary of Defense certifies to the congressional defense committees that the defense reinvestment projects to be funded using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated pursuant to the authorization in section 201(3), $50,000,000 shall be available for a competitive reusable rocket technology program.

(b) LIMITATION.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1996 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program.

SEC. 212. TACTICAL MANNED RECONNAISSANCE.

(a) LIMITATION.—None of the amounts appropriated or otherwise made available pursuant to an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission until the report required by subsection (b) is submitted to the congressional defense committees.

(b) REPORT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth in detail information about the manner in which the funds authorized by section 201 of this Act and section 201 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2690) are planned to be used during fiscal year 1996 for research, development, test, and evaluation for the Air Force tactical manned reconnaissance mission. At a minimum, the report shall include the sources, by program element, of the funds and the purposes for which the funds are planned to be used.

SEC. 213. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated pursuant to the authorizations in section 201, $200,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $83,795,000 shall be available for program element 63800N in the budget of the Department of Defense for fiscal year 1996;

(2) $85,686,000 shall be available for program element 63800F in such budget; and

(3) $30,675,000 shall be available for program element 63800E in such budget.

(b) ADDITIONAL ALLOCATION.—Of the amounts made available under paragraphs (1), (2), and (3) of subsection (a)—

(1) $25,000,000 shall be available from the amount authorized to be appropriated pursuant to the authorization in section 201(2) for the conduct, during fiscal year 1996, of a 6-month program definition phase for the A/F117X, an F-117 fighter aircraft modified for use by the Navy as a long-range, medium attack aircraft; and

(2) $7,000,000 shall be available to provide for competitive engine concepts.

(c) LIMITATION.—Not more than 75 percent of the amount appropriated for the Joint Advanced Strike Technology program pursuant to the authorizations in section 201 may be obligated until a period of 30 days has expired after the report required by subsection (d) is submitted to the congressional defense committees.

(d) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, not later than March 1, 1996, that sets forth in detail the following information for the period 1997 through 2005:

(1) The total joint requirement, assuming the capability to successfully conduct two nearly simultaneous major regional contingencies, for the following:

(A) Numbers of bombers, tactical combat aircraft, and attack helicopters and the characteristics required of those aircraft in terms of capabilities, range, and low-observability.

(B) Surface- and air-launched standoff precision guided munitions.

(C) Cruise missiles.

(D) Ground-based systems, such as the Extended Range-Multiple Launch Rocket System and the Army Tactical Missile System (ATACMS), for joint warfighting capability.

(2) The warning time assumptions for two nearly simultaneous major regional contingencies, and the effects on future tactical attack/fighter aircraft requirements using other warning time assumptions.

(3) The requirements that exist for the Joint Advanced Strike Technology program that cannot be met by existing aircraft or by those in development.

SEC. 214. DEVELOPMENT OF LASER PROGRAM.

Of the amount authorized to be appropriated by section 201(2), $9,000,000 shall be used for the development by the Naval High Energy Laser Office of a continuous wave, superconducting radio frequency free electron laser program.

SEC. 215. NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended—

(1) by striking out "Director, Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(2) by striking out "fiscal years 1995 through 1999" and inserting in lieu thereof "fiscal years 1996 through 1999".

SEC. 216. SPACE-BASED INFRARED SYSTEM.

(a) PROGRAM BASELINE.—The Secretary of Defense shall establish a program baseline for the Space-Based Infrared System. Such baseline shall—

(1) include—

(A) program cost and an estimate of the funds required for development and acquisition activities for each fiscal year in which such activities are planned to be carried out;

(B) a comprehensive schedule with program milestones and exit criteria; and

(C) optimized performance parameters for each segment of an integrated space-based infrared system;

(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;

(3) ensure integration of the Space and Missile Tracking System into the architecture of the Space-Based Infrared System; and

(4) ensure that the performance parameters of all space segment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unnecessary redundancy and cost.

(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program baseline established under subsection (a).

(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for the Space-Based Infrared System shall be set forth in accordance with the following program elements:

(1) Space Segment High.

(2) Space Segment Low (Space and Missile Tracking System).

(3) Ground Segment.

(d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts authorized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System:

(1) $265,744,000 for demonstration and validation, of which $249,824,000 shall be available for the Space and Missile Tracking System.

(2) $162,219,000 for engineering and manufacturing development, of which $9,400,000 shall be available for the Miniature Sensor Technology Integration program.

SEC. 217. DEFENSE NUCLEAR AGENCY PROGRAMS.

(a) AGENCY FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense in section 201, $241,703,000 shall be available for the Defense Nuclear Agency.

(b) TUNNEL CHARACTERIZATION AND NEUTRALIZATION PROGRAM.—Of the amount made available under subsection (a), $3,000,000 shall be available for a tunnel characterization and neutralization program to be managed by the Defense Nuclear Agency as part of the counterproliferation activities of the Department of Defense.

(c) LONG-TERM RADIATION TOLERANT MICROELECTRONICS PROGRAM.—(1) Of the amount made available under subsection (a), $6,000,000 shall be available for the establishment of a long-term radiation tolerant microelectronics program to be managed by the Defense Nuclear Agency for the purposes of—

(A) providing for the development of affordable and effective hardening technologies and for incorporation of such technologies into systems;

(B) sustaining the supporting industrial base; and

(C) ensuring that a use of a nuclear weapon in regional threat scenarios does not interrupt or defeat the continued operability of systems of the Armed Forces exposed to the combined effects of radiation emitted by the weapon.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how the long-term radiation tolerant microelectronics program is to be conducted and funded in the fiscal years after fiscal year 1996 that are covered by the future-years defense program submitted to Congress in 1995.

(d) ELECTROTHERMAL GUN TECHNOLOGY PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the electrothermal gun technology program of the Defense Nuclear Agency.

SEC. 218. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $138,237,000 shall be available for the Counterproliferation Support Program, of which $30,000,000 shall be available for a tactical antisatellite technologies program.

(b) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 to

counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1845). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations transferred under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 219. NONLETHAL WEAPONS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) The role of the United States military in operations other than war has increased.

(2) Weapons and instruments that are nonlethal in application yet immobilizing could have widespread operational utility and application.

(3) The use of nonlethal weapons in operations other than war poses a number of important doctrine, legal, policy, and operations questions which should be addressed in a comprehensive and coordinated manner.

(4) The development of nonlethal technologies continues to spread across military and agency budgets.

(5) The Department of Defense should provide improved budgetary focus and management direction to the nonlethal weapons program.

(b) RESPONSIBILITY FOR DEVELOPMENT OF NONLETHAL WEAPONS TECHNOLOGY.—Not later than February 15, 1996, the Secretary of Defense shall assign centralized responsibility for development (and any other functional responsibility the Secretary considers appropriate) of nonlethal weapons technology to an existing office within the Office of the Secretary of Defense or to a military service as the executive agent.

(c) REPORT.—Not later than February 15, 1996, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The name of the office or military service assigned responsibility for the nonlethal weapons program by the Secretary of Defense pursuant to subsection (b) and a discussion of the rationale for such assignment.

(2) The degree to which nonlethal weapons are required by more than one of the armed forces.

(3) The time frame for the development and deployment of such weapons.

(4) The appropriate role of the military departments and defense agencies in the development of such weapons.

(5) The military doctrine, legal, policy, and operational issues that must be addressed by the Department of Defense before such weapons achieve operational capability.

(d) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(4), $37,200,000 shall be available for nonlethal weapons programs and nonlethal technologies programs.

(e) DEFINITION.—For purposes of this section, the term "nonlethal weapon" means a weapon or instrument the effect of which on human targets is less than fatal.

SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.

(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by FFRDCs and UARCs and establish a framework for the future workload of such centers.

(2) The plan shall—

(A) set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, implementation by FFRDCs and UARCs of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers; and

(B) include an assessment of the number of personnel needed in each FFRDC and UARC during each year over the five years covered by the plan.

(3) Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan required by this subsection.

SEC. 221. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

Of the amount authorized to be appropriated under section 201(3), $9,500,000 shall be available for fiscal year 1996 (in program element 61101F in the budget of the Department of Defense for fiscal year 1996) for continuation of the Joint Seismic Program and Global Seismic Network.

SEC. 222. HYDRA–70 ROCKET PRODUCT IMPROVEMENT PROGRAM.

(a) FUNDING AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(1) for Other Missile Product Improvement Programs, $10,000,000 is authorized to be appropriated for a Hydra–70 rocket product improvement program and to be made available under such program for full qualification and operational platform certification of a Hydra–70 rocket described in subsection (b) for use on the Apache attack helicopter.

(b) HYDRA–70 ROCKET COVERED.—The Hydra–70 rocket referred to in subsection (a) is any Hydra–70 rocket that has as its propulsion component a 2.75-inch rocket motor that is a nondevelopmental item and uses a composite propellant.

(c) COMPETITION REQUIRED.—The Secretary of the Army shall conduct the product improvement program referred to in subsection (a) with full and open competition.

(d) SUBMISSION OF TECHNICAL DATA PACKAGE REQUIRED.—Upon the full qualification and operational platform certification of a Hydra–70 rocket as described in subsection (a), the contractor providing the rocket so qualified and certified shall submit the technical data package for the rocket to the Secretary of the Army. The Secretary shall use the technical data package in competitions for contracts for the procurement of Hydra–70 rockets described in subsection (b) for the Army.

(e) DEFINITIONS.—For purposes of this section, the terms "full and open competition" and "nondevelopmental item" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 223. LIMITATION ON OBLIGATION OF FUNDS UNTIL RECEIPT OF ELECTRONIC COMBAT CONSOLIDATION MASTER PLAN.

(a) LIMITATION.—Not more than 75 percent of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for test and evaluation program elements 65896A, 65864N, 65807F, and 65804D in the budget of the Department of Defense for fiscal year 1996 may be obligated until 14 days after the date on which the congressional defense committees receive the plan specified in subsection (b).

(b) PLAN.—The plan referred to in subsection (a) is the master plan for electronic combat consolidation described under Defense-Wide Programs under Research, Development, Test, and Evaluation in the Report of the Committee on Armed Services of the House of Representatives on H.R. 4301 (House Report 103–499), dated May 10, 1994.

SEC. 224. OBLIGATION OF CERTAIN FUNDS DELAYED UNTIL RECEIPT OF REPORT ON SCIENCE AND TECHNOLOGY RESCISSIONS.

(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.—None of the amounts appropriated or otherwise made available pursuant to the authorization in section 201(4) may be obligated until 14 days after the date on which the congressional defense committees receive a report by

the Under Secretary of Defense (Comptroller) that sets forth in detail the allocation of rescissions for science and technology described in subsection (b).

(b) DESCRIPTION OF RESCISSIONS.—The rescissions for science and technology covered by subsection (a) are the Army, Navy, Air Force, and Defense-wide science and technology (1995/1996) rescissions that are made by the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6), as set forth in the Joint Explanatory Statement of the Committee of Conference in the conference report accompanying that Act (House Report 104–101).

SEC. 225. OBLIGATION OF CERTAIN FUNDS DELAYED UNTIL RECEIPT OF REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.—Not more than 50 percent of the amounts appropriated or otherwise made available pursuant to the authorization in section 201(4) may be obligated until 14 days after the date on which the congressional defense committees receive a report by the Under Secretary of Defense (Comptroller) that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

(b) DESCRIPTION OF REDUCTIONS.—The reductions for research, development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996:

(1) General reductions.

(2) Reductions to reflect savings from revised economic assumptions.

(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers.

(4) Reductions for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 226. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader; and

(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader program after August 15, 1996, unless—

(1) the report required by subsection (c) has been submitted by that date; and

(2) such report includes documentation of significant progress, as determined by the Secretary, toward meeting the objectives for the liquid propellant portion of the program, as set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995.

(c) REPORT REQUIRED.—Not later than August 1, 1996, the Secretary of the Army shall submit to the congressional defense committees a report containing documentation of the progress being made in meeting the objectives set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995. The report shall specifically address the progress being made toward meeting the following objectives:

(1) Establishment of breech and ignition design criteria for rate of fire for the cannon of the Crusader.

(2) Selection of a satisfactory ignition concept for the next prototype of the cannon.

(3) Selection, on the basis of modeling and simulation, of design concepts to prevent chamber piston reversals, and validation of the selected concepts by gun and mock chamber firings.

(4) Achievement of an understanding of the chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone, and achievement, on the basis of modeling and simulation, of an ignition process that is predictable.

(5) Completion of an analysis of the management of heat dissipation for the full range of performance requirements for the cannon, completion of concept designs supported by that analysis, and proposal of such concept designs for engineering.

(6) Development, for integration into the next prototype of the cannon, of engineering designs to control pressure oscillations in the chamber of the cannon during firing.

(7) Completion of an assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon, and documentation of predictable reactions of contaminated or sensitized liquid propellant.

(d) ADDITIONAL MATTERS TO BE COVERED BY REPORT.—The report required by subsection (c) also shall contain the following:

(1) An assertion that all the known hazards associated with liquid propellant have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader (the cannon, vehicle, and crew module), including, for each performance goal of the Crusader program (including the goal for total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader after August 1, 1996, and the cost of each unit of the Crusader in the year the Crusader will be completed.

SEC. 227. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in section 201 for explosives demilitarization technology, $15,000,000 shall be available to establish an integrated program for the development and demonstration of conventional munitions and explosives demilitarization technologies that comply with applicable environmental laws for the demilitarization and disposal of unserviceable, obsolete, or nontreaty compliant munitions, rocket motors, and explosives.

SEC. 228. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) LIMITATION.—Not more than three percent of the total amount appropriated for research and development under the Defense Airborne Reconnaissance program pursuant to the authorizations of appropriations in section 201 may be obligated for systems engineering and technical assistance (SETA) contracts until—

(1) funds are obligated (out of such appropriated funds) for—

(A) the upgrade of U–2 aircraft senior year electro-optical reconnaissance sensors to the newest configuration; and

(B) the upgrade of the U–2 SIGINT system; and

(2) the Under Secretary of Defense for Acquisition and Technology submits the report required under subsection (b).

(b) REPORT ON U–2-RELATED UPGRADES.—(1) Not later than April 1, 1996, the Under Secretary of Defense for Acquisition and Technology shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on obligations of funds for upgrades relating to airborne reconnaissance by U–2 aircraft.

(2) The report shall set forth the specific purposes under the general purposes described in subparagraphs (A) and (B) of subsection (a)(1) for which funds have been obligated (as of the date of the report) and the amounts that have been obligated (as of such date) for those specific purposes.

Subtitle C—Ballistic Missile Defense Act of 1995

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".

SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The emerging threat that is posed to the national security interests of the United States by the proliferation of ballistic missiles is significant and growing, both in terms of numbers of missiles and in terms of the technical capabilities of those missiles.

(2) The deployment of ballistic missile defenses is a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of the means of their delivery and to defend against the consequences of such proliferation.

(3) The deployment of effective Theater Missile Defense systems can deter potential adversaries of the United States from escalating a conflict by threatening or attacking United States forces or the forces or territory of coalition partners or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(4) United States intelligence officials have provided intelligence estimates to congressional committees that (A) the trend in missile proliferation is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within five years, and (C) although a new, indigenously developed ballastic missile threat to the continental United States is not foreseen within the next ten years, determined countries can acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(5) The development and deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(6) The concept of mutual assured destruction (based upon an offense-only form of deterrence), which is the major philosophical rationale underlying the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) The development and deployment of a National Missile Defense system against the threat of limited ballistic missile attacks—

(A) would strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaty (START–I); and

(B) would further strengthen deterrence if reductions below the levels permitted under START–I should be agreed to and implemented in the future.

(8) The distinction made during the Cold War, based upon the technology of the time, between strategic ballistic missiles and nonstrategic ballistic missiles, which resulted in the distinction made in the ABM Treaty between strategic defense and nonstrategic defense, has become obsolete because of technological advancement (including the development by North Korea of long-range Taepo-Dong I and Taepo-Dong II missiles) and, therefore, that distinction in the ABM Treaty should be reviewed.

SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States—

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States;

(2) to—

(A) deploy a National Missile Defense system that—

(i) is affordable and operationally effective against limited, accidental, or unauthorized ballistic missile attacks on the territory of the United States; and

(ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats;

(B) initiate negotiations with the Russian Federation as necessary to provide for the National Missile Defense system specified in section 235; and

(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of that treaty, subject to consultations between the President and the Congress;

(3) to ensure congressional review, before deployment of the system specified in paragraph (2), of (A) the affordability and operational effectiveness of such system, (B) the threat to be countered by such a system, and (C) ABM Treaty considerations with respect to such a system; and

(4) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve the specified capabilities:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) during fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000.

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and deploying the theater missile defense systems specified in subsection (a).

(c) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system of the Navy;

(B) airborne sensors; and

(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstration/Validation stage of development unless the Secretary designates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notification a report describing—

(A) the requirements for the system and the specific threats that such system is designed to counter;

(B) how the system will relate to, support, and build upon existing core systems;

(C) the planned acquisition strategy for the system; and

(D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

(e) PROGRAM ACCOUNTABILITY REPORT.—(1) As part of the annual report of the Ballistic Missile Defense Organization required by section 224 of Public Law 101–189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the schedule, and the cost of each phase of development and acquisition (together with total estimated program costs) for each core and follow-on theater missile defense program.

(2) As part of such report, the Secretary shall describe, with respect to each program covered in the report, any variance in the technical milestones, program schedule milestones, and costs for the program compared with the information relating to that program in the report submitted in the previous year and in the report submitted in the first year in which that program was covered.

(f) REPORTS ON TMD SYSTEM LIMITATIONS UNDER ABM TREATY.—(1) Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular Theater Missile Defense system with the ABM Treaty, the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a copy of such certification. Such transmittal shall be made not later than 30 days after the date on which such certification is issued, except that in the case of a certification issued before the date of the enactment of this Act, such transmittal shall be made not later than 60 days after the date of the enactment of this Act.

(2) If a certification under paragraph (1) is based on application of a policy concerning United States compliance with the ABM Treaty that differs from the policy of the United States specified in section 237(b)(1), the Secretary shall include with the transmittal under that paragraph a report providing a detailed assessment of—

(A) how the policy applied differs from the policy of the United States specified in section 237(b)(1); and

(B) how the application of that policy (rather than the policy specified in section 237(b)(1)) will affect the cost, schedule, and performance of that system.

SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in paragraph (2) of section 233, the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) Ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the type of space-based sensors known as ABM-adjunct sensors (and specifically including the system known as the Space and Missile Tracking System), such ABM-adjunct sensors—

(A) not being prohibited by the ABM Treaty; and

(B) being capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

(4) Battle management, command, control, and communications (BM/C^3).

(c) IMPLEMENTATION.—The Secretary shall—

(1) during fiscal year 1996 initiate required preparatory and planning actions (such as initial site surveys and selection and planning for the necessary environmental impact studies) that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in subsection (a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C^3 elements) that are representative of and traceable to the national missile defense system architecture specified in subsection (b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in subsection (b); and

(4) develop an affordable NMD follow-on program which—

(A) leverages off of the NMD system specified in subsection (a), and

(B) can augment that system, as the threat changes, to provide for a layered defense.

(d) REPORT ON PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:

(1) The Secretary's plan for carrying out this section.

(2) The Secretary's estimate of the appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in subsection (a).

(3) A sensitivity analysis of options to improve the effectiveness of such system by adding one or a combination of the following:

(A) Additional ground-based interceptors.

(B) Sea-based missile defense systems.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(4) A determination of the point at which any activity that is required to be carried out under this section and section 233(2) would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in subsection (a).

SEC. 236. POLICY REGARDING THE ABM TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article XIII of the ABM Treaty envisions "possible changes in the strategic situation which have a bearing on the provisions of this treaty".

(2) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(3) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice "if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests".

(4) The policies, programs, and requirements of this subtitle can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

(5) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

(b) ABM TREATY NEGOTIATIONS.—In light of the findings in subsection (a), Congress urges the President to pursue high-level discussions with the Russian Federation to amend the ABM Treaty to allow—

(1) deployment of multiple ground-based ABM sites to provide effective defense of the territory of the United States against limited ballistic missile attack;

(2) the unrestricted exploitation of sensors based within the atmosphere and in space; and

(3) increased flexibility for development, testing, and deployment of follow-on NMD systems.

SEC. 237. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—

(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

(B) the statement in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2700) that the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(2) Congress also finds that the demarcation standard described in subsection (b)(1) for compliance of a missile defense system, system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty ; and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement, or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, 1995, that—

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operation, or deployment of United States theater missile defense systems.

(d) EXCEPTIONS.—Subsection (c) does not apply—

(1) to the extent provided by law in an Act enacted after this Act;

(2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or

(3) to expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

(e) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 238. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states;

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

SEC. 239. ABM TREATY DEFINED.

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 240. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is repealed.

Subtitle D—Other Ballistic Missile Defense Provisions

SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) The Corps Surface-to-Air Missile (SAM) system.

(6) Other Theater Missile Defense Activities.

(7) National Missile Defense.

(8) Follow-On and Support Technologies.

(b) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Amounts requested for core theater missile defense programs specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such programs shall be available only for activities covered by those program elements.

(c) BM/C^3I PROGRAMS.—Amounts requested for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C^3I) shall be included in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.

(d) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:

"(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.

"(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—

"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

"(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".

SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

(7) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1603; 10 U.S.C. 2431 note).

(8) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).

(9) Section 2609 of title 10, United States Code.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 261. PRECISION-GUIDED MUNITIONS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall perform an analysis of the full range of precision-guided munitions in production and in research, development, test, and evaluation in order to determine the following:

(1) The numbers and types of precision-guided munitions that are needed to provide complementary capabilities against each target class.

(2) The feasibility of carrying out joint development and procurement of additional types of munitions by more than one of the Armed Forces.

(3) The feasibility of integrating a particular precision-guided munition on multiple service platforms.

(4) The economy and effectiveness of continuing the acquisition of—

(A) interim precision-guided munitions; or

(B) precision-guided munitions that, as a result of being procured in decreasing numbers to meet decreasing quantity requirements, have increased in cost per unit by more than 50 percent over the cost per unit for such munitions as of December 1, 1991.

(b) REPORT.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the findings and other results of the analysis.

(2) The report shall include a detailed discussion of the process by which the Department of Defense—

(A) approves the development of new precision-guided munitions;

(B) avoids duplication and redundancy in the precision-guided munitions programs of the Army, Navy, Air Force, and Marine Corps;

(C) ensures rationality in the relationship between the funding plans for precision-guided munitions modernization for fiscal years following fiscal year 1996 and the costs of such modernization for those fiscal years; and

(D) identifies by name and function each person responsible for approving each new precision-guided munition for initial low-rate production.

(c) FUNDING LIMITATION.—Funds authorized to be appropriated by this Act may not be expended for research, development, test, and evaluation or procurement of interim precision-guided munitions after April 15, 1996, unless the Secretary of Defense has submitted the report under subsection (b).

(d) INTERIM PRECISION-GUIDED MUNITION DEFINED.—For purposes of subsection (c), a precision-guided munition is an interim precision-guided munition if the munition is being procured in fiscal year 1996, but funding is not proposed for additional procurement of the munition in the fiscal years after fiscal year 1996 that are covered by the future years defense program submitted to Congress in 1995 under section 221(a) of title 10, United States Code.

SEC. 262. REVIEW OF C^4I BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C^4I) with a special focus on cross-service and inter-service issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

(1) The match between the capabilities provided by current service and defense-wide C^4I programs and the actual needs of users of these programs.

(2) The interoperability of service and defense-wide C^4I systems that are planned to be operational in the future.

(3) The need for an overall defense-wide architecture for C^4I.

(4) Proposed strategies for ensuring that future C^4I acquisitions are compatible and interoperable with an overall architecture.

(5) Technological and administrative aspects of the C^4I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The review shall be conducted over the two-year period beginning on the date on which the National Research Council and the Secretary of Defense enter into a contract or other agreement for the conduct of the review.

(d) REPORTS.—(1) In the contract or other agreement for the conduct of the review, the Secretary of Defense shall provide that the National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C^4I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

SEC. 263. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of the cost and effectiveness of consolidating the basic research accounts of the military departments. The analysis shall determine potential infrastructure savings and other benefits of co-locating and consolidating the management of basic research.

(b) DEADLINE.—On or before March 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the analysis conducted under subsection (a).

SEC. 264. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361(c)(2) of title 10, United States Code, is amended—

(1) by striking out "calendar year" and inserting in lieu thereof "fiscal year"; and

(2) by striking out "the year after the year" and inserting in lieu thereof "the fiscal year after the fiscal year".

SEC. 265. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) It is in the Nation's long-term national security interests for the United States to maintain preeminence in the area of aeronautical research and test capabilities.

(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.

(3) It is in the national security and economic interests of the United States and the budgetary interests of the Department of Defense for the department to encourage the establishment of active partnerships between the department and other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities.

(b) REVIEW.—The Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b).

(2) The report shall include the following:

(A) The options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry.

(B) The projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).

(C) Recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

Subtitle F—Other Matters

SEC. 271. ADVANCED LITHOGRAPHY PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693) is amended—

(1) in subsection (a), by striking out "to help achieve" and all that follows through the end of the subsection and inserting in lieu thereof "to ensure that lithographic processes being developed by United States-owned companies or United States-incorporated companies operating in the United States will lead to superior performance electronics systems for the Department of Defense.";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) The Director of the Defense Advanced Research Projects Agency may set priorities and funding levels for various technologies being developed for the ALP and shall consider funding recommendations made by the Semiconductor Industry Association as being advisory in nature.";

(3) in subsection (c)—

(A) by inserting "Defense" before "Advanced"; and

(B) by striking out "ARPA" both places it appears and inserting in lieu thereof "DARPA"; and

(4) by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) The term 'United States-owned company' means a company the majority ownership or control of which is held by citizens of the United States.

"(2) The term 'United States-incorporated company' means a company that the Secretary of Defense finds is incorporated in the United States and has a parent company that is incorporated in a country—

"(A) that affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

"(B) that affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and

"(C) that affords adequate and effective protection for the intellectual property rights of United States-owned companies.".

SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG-M) SYSTEM.

(a) LIMITATIONS.—(1) The Secretary of the Army may not obligate more than $280,000,000 (based on fiscal year 1995 constant dollars) to develop and deliver for test and evaluation by the Army the following items:

(A) 44 enhanced fiber optic guided test missiles.

(B) 256 fully operational enhanced fiber optic guided missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the enhanced fiber optic guided missile (EFOG-M) system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date and at a cost not greater than the amount set forth in paragraph (1).

(3) The Secretary of the Army may not enter into an advanced development phase for the EFOG-M system unless—

(A) an advanced concept technology demonstration of the system has been successfully completed; and

(B) the Secretary certifies to the congressional defense committees that there is a requirement for the EFOG-M system that is supported by a cost and operational effectiveness analysis.

(b) GOVERNMENT-FURNISHED EQUIPMENT.—The Secretary of the Army shall ensure that all Government-furnished equipment that the Army agrees to provide under the contract for the EFOG-M system is provided to the prime contractor in accordance with the terms of the contract.

SEC. 273. STATES ELIGIBLE FOR ASSISTANCE UNDER DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Subparagraph (A) of section 257(d)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended to read as follows:

"(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be (to be determined in consultation with the Secretary of Defense);".

SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.

(b) COORDINATION WITH BALLISTIC MISSILE DEFENSE EFFORTS.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting.

(c) DEFENSES AGAINST EXISTING AND NEAR-TERM CRUISE MISSILE THREATS.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.

(d) DEFENSES AGAINST ADVANCED CRUISE MISSILES.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(e) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:

(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.

(2) The technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.

(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.

(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.

(f) DEFINITION.—For the purposes of this section, the term "cruise missile defense programs" means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.

SEC. 275. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701) is amended—

(1) in subsections (a) and (b), by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

(2) in subsection (e), by striking out the sentence beginning with "Such selection process".

SEC. 276. MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended—

(A) by striking out "Science and"; and

(B) by inserting after the first sentence the following: "The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program.".

(3) Subsection (c) is amended—

(A) by inserting "(1)" after "(c) EXECUTION.—"; and

(B) by adding at the end the following:

"(2) The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

(4) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out "or" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) will be carried out by an institution of higher education."; and

(B) by adding at the end the following new paragraphs:

"(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient cost to Government cost is two to one."

"(4) If the requirement of paragraph (3) cannot be met by July 15 of a fiscal year, the Under Secretary of Defense for Acquisition and Technology may waive the requirement and obligate the balance of the funds available for the program for that fiscal year on a cost-share basis under which the ratio of recipient cost to Government cost is less than two to one. Before implementing any such waiver, the Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the reasons for the waiver.".

(b) CLERICAL AMENDMENT.—The item relating to section 2525 in the table of sections at the beginning of subchapter IV of chapter 148 of title 10, United States Code, is amended to read as follows:

"2525. Manufacturing Technology Program.".

SEC. 277. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) FIVE-YEAR PLAN.—The Secretary of Defense, acting through the Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, and the Vice Chief of Staff of the Air Force (in their roles as test and evaluation executive agent board of directors) shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) OBJECTIVE.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) PREVIOUSLY DEVELOPED DATA REQUIRED TO BE USED.—In developing the plan, the Secretary shall use the following:

(1) Data and results obtained by the Test and Evaluation Joint Cross-Service Group and the Laboratory Joint Cross-Service Group in developing recommendations for the 1995 report of the Defense Base Closure and Realignment Commission.

(2) The report dated March 1994 on the consolidation and streamlining of the test and evaluation infrastructure, commissioned by the test and evaluation board of directors, along with all supporting data and reports.

(d) MATTERS TO BE CONSIDERED.—In developing the plan, the Secretary shall consider, at a minimum, the following:

(1) Consolidation of common support functions, including the following:

(A) Aircraft (fixed wing and rotary) support.

(B) Weapons support.

(C) Space systems support.

(D) Support of command, control, communications, computers, and intelligence.

(2) The extent to which any military construction, acquisition of equipment, or modernization of equipment is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The total cost to the Federal Government of continuing to operate the laboratories and centers.

(5) The cost savings and program effectiveness of locating laboratories and centers at the same sites.

(6) Any loss of expertise resulting from the consolidations.

(7) Whether any legislation is neccessary to provide the Secretary with any additional authority necessary to accomplish the downsizing and consolidation of the laboratories and centers.

(e) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan. The report shall include an identification of any additional legislation that the Secretary considers necessary in order for the Secretary to accomplish the downsizing and consolidation of the laboratories and centers.

(f) LIMITATION.—Of the amounts appropriated or otherwise made available pursuant to an authorization of appropriations in section 201 for the central test and evaluation investment development program, not more than 75 percent may be obligated before the report required by subsection (e) is submitted to Congress.

SEC. 278. LIMITATION ON T-38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T-38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

(1) in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to similar contract solicitations in that country to United States entities; and

(2) in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term "United States entity" means an entity that is owned or controlled by persons a majority of whom are United States citizens.

SEC. 279. GLOBAL POSITIONING SYSTEM.

(a) CONDITIONAL PROHIBITION ON USE OF SELECTIVE AVAILABILITY FEATURE.—Except as provided in subsection (b), after May 1, 1996, the Secretary of Defense may not (through use of the feature known as "selective availability") deny access of non-Department of Defense users to the full capabilities of the Global Positioning System.

(b) PLAN.—Subsection (a) shall cease to apply upon submission by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of a plan for enhancement of the Global Positioning System that provides for—

(1) development and acquisition of effective capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system, together with a specific date by which those capabilities could be operational; and

(2) development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption, together with a specific date by which those receivers and other techniques could be operational with United States military forces.

SEC. 280. REVISION OF AUTHORITY FOR PROVIDING ARMY SUPPORT FOR THE NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) PURPOSE.—Subsection (b)(2) of section 1459 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 763) is amended by striking out "to make available" and all that follows and inserting in lieu thereof "to provide for the management, operation, and maintenance of those areas in the national science center that are designated for use by the Army and to provide incidental support for the operation of those areas in the center that are designated for general use.".

(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such section is amended to read as follows:

"(c) NATIONAL SCIENCE CENTER.—(1) The Secretary may manage, operate, and maintain facilities at the center under terms and conditions prescribed by the Secretary for the purpose of conducting educational outreach programs in accordance with chapter 111 of title 10, United States Code.

"(2) The Foundation, or NSC Discovery Center, Incorporated, a nonprofit corporation of the State of Georgia, shall submit to the Secretary for review and approval all matters pertaining to the acquisition, design, renovation, equipping, and furnishing of the center, including all plans, specifications, contracts, sites, and materials for the center.".

(c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND FUNDRAISING.—Subsection (d) of such section is amended to read as follows:

"(d) GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3), the Secretary may accept a conditional or unconditional donation of money or property that is made for the benefit of, or in connection with, the center.

"(2) Notwithstanding any other provision of law, the Secretary may endorse, promote, and assist the efforts of the Foundation and NSC Discovery Center, Incorporated, to obtain—

"(A) funds for the management, operation, and maintenance of the center; and

"(B) donations of exhibits, equipment, and other property for use in the center.

"(3) The Secretary may not accept a donation under this subsection that is made subject to—

"(A) any condition that is inconsistent with an applicable law or regulation; or

"(B) except to the extent provided in appropriations Acts, any condition that would necessitate an expenditure of appropriated funds.

"(4) The Secretary shall prescribe in regulations the criteria to be used in determining whether to accept a donation. The Secretary shall include criteria to ensure that acceptance of a donation does not establish an unfavorable appearance regarding the fairness and objectivity with which the Secretary or any other officer or employee of the Department of Defense performs official responsibilities and does not compromise or appear to compromise the integrity of a Government program or any official involved in that program.".

(d) AUTHORIZED USES.—Such section is amended—

(1) by striking out subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in paragraph (1) of subsection (f), as redesignated by paragraph (2), by inserting "areas designated for use by the Army in" after "The Secretary may make".

(e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND MANAGEMENT.—Such section, as amended by subsection (d), is further amended by adding at the end the following:

"(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT AND MANAGEMENT OF THE CENTER.—(1) The Secretary may enter into an agreement with NSC Discovery Center, Incorporated, to develop, manage, and maintain a national science center under this section. In entering into an agreement with NSC Discovery Center, Incorporated, the Secretary may agree to any term or condition to which the Secretary is authorized under this section to agree for purposes of entering into an agreement with the Foundation.

"(2) The Secretary may exercise the authority under paragraph (1) in addition to, or instead of, exercising the authority provided under this section to enter into an agreement with the Foundation.".

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,746,695,000.

(2) For the Navy, $21,493,155,000.

(3) For the Marine Corps, $2,521,822,000.

(4) For the Air Force, $18,719,277,000.

(5) For Defense-wide activities, $9,910,476,000.

(6) For the Army Reserve, $1,129,191,000.

(7) For the Naval Reserve, $868,342,000.

(8) For the Marine Corps Reserve, $100,283,000.

(9) For the Air Force Reserve, $1,516,287,000.

(10) For the Army National Guard, $2,361,808,000.

(11) For the Air National Guard, $2,760,121,000.

(12) For the Defense Inspector General, $138,226,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.

(14) For Environmental Restoration, Defense, $1,422,200,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.

(16) For Medical Programs, Defense, $9,876,525,000.

(17) For support for the 1996 Summer Olympics, $15,000,000.

(18) For Cooperative Threat Reduction programs, $300,000,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.

(2) For the National Defense Sealift Fund, $1,024,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1996 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. CIVIL AIR PATROL.

Of the amounts authorized to be appropriated pursuant to this Act, there shall be made available to the Civil Air Patrol $24,500,000, of which $14,704,000 shall be made available for the Civil Air Patrol Corporation.

Subtitle B—Depot-Level Activities

SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR FOR THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense does not have a comprehensive policy regarding the performance of depot-level maintenance and repair of military equipment.

(2) The absence of such a policy has caused the Congress to establish guidelines for the performance of such functions.

(3) It is essential to the national security of the United States that the Department of Defense maintain an organic capability within the department, including skilled personnel, technical competencies, equipment, and facilities, to perform depot-level maintenance and repair of military equipment in order to ensure that the Armed Forces of the United States are able to meet training, operational, mobilization, and emergency requirements without impediment.

(4) The organic capability of the Department of Defense to perform depot-level maintenance and repair of military equipment must satisfy known and anticipated core maintenance and repair requirements across the full range of peacetime and wartime scenarios.

(5) Although it is possible that savings can be achieved by contracting with private-sector sources for the performance of some work currently performed by Department of Defense depots, the Department of Defense has not determined the type or amount of work that should be performed under contract with private-sector sources nor the relative costs and benefits of contracting for the performance of such work by those sources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a compelling need for the Department of Defense to articulate known and anticipated core maintenance and repair requirements, to organize the resources of the Department of Defense to meet those requirements economically and efficiently, and to determine what work should be performed by the private sector and how such work should be managed.

(c) REQUIREMENT FOR POLICY.—Not later than March 31, 1996, the Secretary of Defense shall develop and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive policy on the performance of depot-level maintenance and repair for the Department of Defense that maintains the capability described in section 2464 of title 10, United States Code.

(d) CONTENT OF POLICY.—In developing the policy, the Secretary of Defense shall do each of the following:

(1) Identify for each military department, with the concurrence of the Secretary of that military department, those depot-level maintenance and repair activities that are necessary to ensure the depot-level maintenance and repair capability as required by section 2464 of title 10, United States Code.

(2) Provide for performance of core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(3) Provide for the core capabilities to include sufficient skilled personnel, equipment, and facilities that—

(A) is of the proper size (i) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to mobilizations and military contingencies, and (ii) to provide for rapid augmentation in time of emergency; and

(B) is assigned sufficient workload to ensure cost efficiency and technical proficiency in time of peace.

(4) Address environmental liability.

(5) In the case of depot-level maintenance and repair workloads in excess of the workload required to be performed by Department of Defense depots, provide for competition for those workloads between public and private entities when there is sufficient potential for realizing cost savings based on adequate private-sector competition and technical capabilities.

(6) Address issues concerning exchange of technical data between the Federal Government and the private sector.

(7) Provide for, in the Secretary's discretion and after consultation with the Secretaries of the military departments, the transfer from one military department to another, in accordance with merit-based selection processes, workload that supports the core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(8) Require that, in any competition for a workload (whether among private-sector sources or between depot-level activities of the Department of Defense and private-sector sources), bids are evaluated under a methodology that ensures that appropriate costs to the Government and the private sector are identified.

(9) Provide for the performance of maintenance and repair for any new weapons systems defined as core, under section 2464 of title 10, United States Code, in facilities owned and operated by the United States.

(e) CONSIDERATIONS.—In developing the policy, the Secretary shall take into consideration the following matters:

(1) The national security interests of the United States.

(2) The capabilities of the public depots and the capabilities of businesses in the private sector to perform the maintenance and repair work required by the Department of Defense.

(3) Any applicable recommendations of the Defense Base Closure and Realignment Commission that are required to be implemented under the Defense Base Closure and Realignment Act of 1990.

(4) The extent to which the readiness of the Armed Forces would be affected by a necessity to construct new facilities to accommodate any

redistribution of depot-level maintenance and repair workloads that is made in accordance with the recommendation of the Defense Base Closure and Realignment Commission, under the Defense Base Closure and Realignment Act of 1990, that such workloads be consolidated at Department of Defense depots or private-sector facilities.

(5) Analyses of costs and benefits of alternatives, including a comparative analysis of—

(A) the costs and benefits, including any readiness implications, of any proposed policy to convert to contractor performance of depot-level maintenance and repair workloads where the workload is being performed by Department of Defense personnel; and

(B) the costs and benefits, including any readiness implications, of a policy to transfer depot-level maintenance and repair workloads among depots.

(f) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—(1) Sections 2466 and 2469 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking out the items relating to sections 2466 and 2469.

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date (after the date of the enactment of this Act) on which legislation is enacted that contains a provision that specifically states one of the following:

(A) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved."; or

(B) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved with the following modifications:" (with the modifications being stated in matter appearing after the colon).

(g) ANNUAL REPORT.—If legislation referred to in subsection (f)(3) is enacted, the Secretary of Defense shall, not later than March 1 of each year (beginning with the year after the year in which such legislation is enacted), submit to Congress a report that—

(1) specifies depot maintenance core capability requirements determined in accordance with the procedures established to comply with the policy prescribed pursuant to subsections (d)(2) and (d)(3);

(2) specifies the planned amount of workload to be accomplished by the depot-level activities of each military department in support of those requirements for the following fiscal year; and

(3) identifies the planned amount of workload, which—

(A) shall be measured by direct labor hours and by amounts to be expended; and

(B) shall be shown separately for each commodity group.

(h) REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (c) through (e) of this section.

(2) Not later than 45 days after the date on which the Secretary submits to Congress the report required by subsection (c), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under such subsection.

(i) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall, to the maximum extent practicable, include the following:

(1) An analysis of the need for and effect of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Governmental personnel, including a description of the effect on military readiness and the national security resulting from that requirement and a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.

(2) An analysis of the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution.

(3) A projection of the distribution during the five fiscal years beginning with fiscal year 1997 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution that would be accomplished under a new policy as required under subsection (c).

(j) OTHER REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (i). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

(2) Not later than 45 days after the date on which the Secretary of Defense submits to Congress the report required under subsection (i), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the report submitted under that subsection.

SEC. 312. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2472. Management of depot employees

"(b) ANNUAL REPORT.—Not later than December 1 of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds are expected to be provided for that fiscal year for performance by Department of Defense employees.".

(b) TRANSFER OF SUBSECTION.—Subsection (b) of section 2466 of title 10, United States Code, is transferred to section 2472 of such title, as added by subsection (a), redesignated as subsection (a), and inserted after the section heading.

(c) SUBMISSION OF INITIAL REPORT.—The report under subsection (b) of section 2472 of title 10, United States Code, as added by subsection (a), for fiscal year 1996 shall be submitted not later than March 15, 1996 (notwithstanding the date specified in such subsection).

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Management of depot employees.".

SEC. 313. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

SEC. 314. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

"(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

Subtitle C—Environmental Provisions

SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

(a) REQUIREMENTS.—(1) Section 2701(d) of title 10, United States Code, is amended to read as follows:

"(d) SERVICES OF OTHER AGENCIES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements on a reimbursable or other basis with any other Federal agency, or with any State or local government agency, to obtain the services of the agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

"(2) LIMITATION ON REIMBURSABLE AGREEMENTS.—An agreement with an agency under paragraph (1) may not provide for reimbursement of the agency for regulatory enforcement activities.".

(2)(A) Except as provided in subparagraph (B), the total amount of funds available for reimbursements under agreements entered into under section 2710(d) of title 10, United States Code, as amended by paragraph (1), in fiscal year 1996 may not exceed $10,000,000.

(B) The Secretary of Defense may pay in fiscal year 1996 an amount for reimbursements under agreements referred to in subparagraph (A) in excess of the amount specified in that subparagraph for that fiscal year if—

(i) the Secretary certifies to Congress that the payment of the amount under this subparagraph is essential for the management of the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code; and

(ii) a period of 60 days has expired after the date on which the certification is received by Congress.

(b) REPORT ON SERVICES OBTAINED.—The Secretary of Defense shall include in the report submitted to Congress with respect to fiscal year

1998 under section 2706(a) of title 10, United States Code, information on the services, if any, obtained by the Secretary during fiscal year 1996 pursuant to each agreement on a reimbursable basis entered into with a State or local government agency under section 2701(d) of title 10, United States Code, as amended by subsection (a). The information shall include a description of the services obtained under each agreement and the amount of the reimbursement provided for the services.

SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code is amended to read as follows:

"(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

"(1) Amounts recovered under CERCLA for response actions of the Secretary.

"(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.".

SEC. 323. USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

(a) GOAL FOR CERTAIN DERA EXPENDITURES.—It shall be the goal of the Secretary of Defense to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to Congress a report that contains specific, detailed information on—

(1) the extent to which the Secretary has attained the goal described in subsection (a) as of the date of the submission of the report; and

(2) if the Secretary has not attained such goal by such date, the actions the Secretary plans to take to attain the goal.

SEC. 324. REVISION OF AUTHORITIES RELATING TO RESTORATION ADVISORY BOARDS.

(a) REGULATIONS.—Paragraph (2) of subsection (d) of section 2705 of title 10, United States Code, is amended to read as follows:

"(2)(A) The Secretary shall prescribe regulations regarding the establishment, characteristics, composition, and funding of restoration advisory boards pursuant to this subsection.

"(B) The issuance of regulations under subparagraph (A) shall not be a precondition to the establishment of restoration advisory boards under this subsection.".

(b) FUNDING FOR ADMINISTRATIVE EXPENSES.—Paragraph (3) of such subsection is amended to read as follows:

"(3) The Secretary may authorize the commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to pay routine administrative expenses of a restoration advisory board established for that installation. Such payments shall be made from funds available under subsection (g).".

(c) TECHNICAL ASSISTANCE.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) TECHNICAL ASSISTANCE.—(1) The Secretary may, upon the request of the technical review committee or restoration advisory board for an installation, authorize the commander of the installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to obtain for the committee or advisory board, as the case may be, from private sector sources technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and the restoration activities conducted, or proposed to be conducted, at the installation. The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) shall use funds made available under subsection (g) for obtaining assistance under this paragraph.

"(2) The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) may obtain technical assistance under paragraph (1) for a technical review committee or restoration advisory board only if—

"(A) the technical review committee or restoration advisory board demonstrates that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained; or

"(B) the technical assistance—

"(i) is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

"(ii) is likely to contribute to community acceptance of environmental restoration activities at the installation.".

(d) FUNDING.—(1) Such section is further amended by adding at the end the following new subsection:

"(g) FUNDING.—The Secretary shall, to the extent provided in appropriations Acts, make funds available for administrative expenses and technical assistance under this section using funds in the following accounts:

"(1) In the case of a military installation not approved for closure pursuant to a base closure law, the Defense Environmental Restoration Account established under section 2703(a) of this title.

"(2) In the case of an installation approved for closure pursuant to such a law, the Department of Defense Base Closure Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(2)(A) Subject to subparagraph (B), the total amount of funds made available under section 2705(g) of title 10, United States Code, as added by paragraph (1), for fiscal year 1996 may not exceed $6,000,000.

(B) Amounts may not be made available under subsection (g) of such section 2705 after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations required under subsection (d) of such section, as amended by subsection (a).

(e) DEFINITION.—Such section is further amended by adding after subsection (g) (as added by subsection (d)) the following new subsection:

"(h) DEFINITION.—In this section, the term 'base closure law' means the following:

"(1) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

(f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW COMMITTEES AND RESTORATION ADVISORY BOARDS.—Section 2706(a)(2) of title 10, United States Code, is amended by adding at the end the following:

"(J) A statement of the activities, if any, including expenditures for administrative expenses and technical assistance under section 2705 of this title, of the technical review committee or restoration advisory board established for the installation under such section during the preceding fiscal year.".

SEC. 325. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

"(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

"(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

"(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with such section. The Secretary of Defense shall require the use of a marine pollution control device on board a vessel of the Armed Forces in any case in which it is determined that the use of such a device is reasonable and practicable.

"(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

"(i) the nature of the discharge;

"(ii) the environmental effects of the discharge;

"(iii) the practicability of using the marine pollution control device;

"(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

"(v) applicable United States law;

"(vi) applicable international standards; and

"(vii) the economic costs of the installation and use of the marine pollution control device.

"(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of

section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with such section.

"(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

"(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

"(i) distinguish among classes, types, and sizes of vessels;

"(ii) distinguish between new and existing vessels; and

"(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

"(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

"(5) DEADLINES; EFFECTIVE DATE.—

"(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

"(i) make the initial determinations under paragraph (2) not later than 2 years after the date of the enactment of this subsection; and

"(ii) every 5 years—

"(I) review the determinations; and

"(II) if necessary, revise the determinations based on significant new information.

"(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

"(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

"(ii) every 5 years—

"(I) review the standards; and

"(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

"(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

"(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

"(6) EFFECT ON OTHER LAWS.—

"(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

"(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

"(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control discharges from a vessel of the Armed Forces.

"(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

"(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

"(A) STATE PROHIBITION.—

"(i) IN GENERAL.—After the effective date of—

"(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

"(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

"(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

"(B) PROHIBITION BY THE ADMINISTRATOR.—

"(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

"(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

"(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

"(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

"(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

"(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—A prohibition under this paragraph—

"(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

"(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

"(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

"(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

"(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

"(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.".

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking "or"; and

(ii) by inserting "or agency of the United States," after "association,";

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(12) 'discharge incidental to the normal operation of a vessel'—

"(A) means a discharge, including—

"(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

"(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

"(B) does not include—

"(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

"(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

"(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of the enactment of subsection (n));

"(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

"(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

"(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

"(14) 'vessel of the Armed Forces' means—

"(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

"(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).".

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking "of this section or" and inserting a comma; and

(B) by striking "of this section shall" and inserting ", or subsection (n)(8) shall".

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking "'sewage from vessels'" and inserting "'sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces'".

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal Water Pollution Control Act (as added by subsection (b)), including the use of the resources—

(1) to determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) to establish performance standards for marine pollution control devices on vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. OPERATION OF COMMISSARY SYSTEM.

(a) COOPERATION WITH OTHER ENTITIES.—Section 2482 of title 10, United States Code, is amended—

*(1) in the section heading, by striking out "**private**";*

(2) by inserting "(a) PRIVATE OPERATION.—" before "Private persons"; and

(3) by adding at the end the following new subsection:

"(b) CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES.—(1) The Defense Commissary Agency, and any other agency of the Department of Defense that supports the operation of the commissary system, may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide services beneficial to the efficient management and operation of the commissary system.

"(2) A commissary store operated by a nonappropriated fund instrumentality of the Department of Defense shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency or any other agency of the Department of Defense that supports the operation of the commissary system to a nonappropriated fund instrumentality for the operation of a commissary store.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2482. Commissary stores: operation.".

SEC. 332. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: "unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor".

SEC. 333. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ECONOMICAL DISTRIBUTION.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after "most competitive source" the following: "and distributed in the most economical manner".

(b) DETERMINATION OF MOST ECONOMICAL DISTRIBUTION METHOD.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund instrumentality of the Department of Defense provides the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including costs associated with management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

"(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless of the results of the determination under paragraph (1).

"(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection.".

SEC. 334. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§2643. Commissary and exchange services: transportation overseas

"The Secretary of Defense shall authorize the officials responsible for operation of commissaries and military exchanges to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2643. Commissary and exchange services: transportation overseas.".

SEC. 335. DEMONSTRATION PROJECT FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) DEMONSTRATION PROJECT REQUIRED.—(1) The Secretary of Defense shall conduct a demonstration project to evaluate the feasibility of using only nonappropriated funds to support morale, welfare, and recreation programs at military installations in order to facilitate the procurement of property and services for those programs and the management of employees used to carry out those programs.

(2) Under the demonstration project—

(A) procurements of property and services for programs referred to in paragraph (1) may be carried out in accordance with laws and regulations applicable to procurements paid for with nonappropriated funds; and

(B) appropriated funds available for such programs may be expended in accordance with laws applicable to expenditures of nonappropriated funds as if the appropriated funds were nonappropriated funds.

(3) The Secretary shall prescribe regulations to carry out paragraph (2). The regulations shall provide for financial management and accounting of appropriated funds expended in accordance with subparagraph (B) of such paragraph.

(b) COVERED MILITARY INSTALLATIONS.—The Secretary shall select not less than three and not more than six military installations to participate in the demonstration project.

(c) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project shall terminate not later than September 30, 1998.

(d) EFFECT ON EMPLOYEES.—For the purpose of testing fiscal accounting procedures, the Secretary may convert, for the duration of the demonstration project, the status of an employee who carries out a program referred to in subsection (a)(1) from the status of an employee paid by appropriated funds to the status of a nonappropriated fund instrumentality employee, except that such conversion may occur only—

(1) if the employee whose status is to be converted—

(A) is fully informed of the effects of such conversion on the terms and conditions of the employment of that employee for purposes of title 5, United States Code, and on the benefits provided to that employee under such title; and

(B) consents to such conversion; or

(2) in a manner which does not affect such terms and conditions of employment or such benefits.

(e) REPORTS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress an interim report on the implementation of this section.

(2) Not later than December 31, 1998, the Secretary shall submit to Congress a final report on the results of the demonstration project. The report shall include a comparison of—

(A) the cost incurred under the demonstration project in using employees paid by appropriated funds together with nonappropriated fund instrumentality employees to carry out the programs referred to in subsection (a)(1); and

(B) an estimate of the cost that would have been incurred if only nonappropriated fund instrumentality employees had been used to carry out such programs.

SEC. 336. OPERATION OF COMBINED EXCHANGE AND COMMISSARY STORES.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2490a. Combined exchange and commissary stores

"(a) AUTHORITY.—The Secretary of Defense may authorize a nonappropriated fund instrumentality to operate a military exchange and a

commissary store as a combined exchange and commissary store on a military installation.

"(b) LIMITATIONS.—(1) Not more than ten combined exchange and commissary stores may be operated pursuant to this section.

"(2) The Secretary may select a military installation for the operation of a combined exchange and commissary store under this section only if—

"(A) the installation is to be closed, or has been or is to be realigned, under a base closure law; or

"(B) a military exchange and a commissary store are operated at the installation by separate entities at the time of, or immediately before, such selection and it is not economically feasible to continue that separate operation.

"(c) OPERATION AT CARSWELL FIELD.—Combined exchange and commissary stores operated under this section shall include the combined exchange and commissary store that is operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas, under the authority provided in section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

"(d) ADJUSTMENTS AND SURCHARGES.—Adjustments to, and surcharges on, the sales price of a grocery food item sold in a combined exchange and commissary store under this section shall be provided for in accordance with the same laws that govern such adjustments and surcharges for items sold in a commissary store of the Defense Commissary Agency.

"(e) USE OF APPROPRIATED FUNDS.—(1) If a nonappropriated fund instrumentality incurs a loss in operating a combined exchange and commissary store at a military installation under this section as a result of the requirement set forth in subsection (d), the Secretary may authorize a transfer of funds available for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss.

"(2) The total amount of appropriated funds transferred during a fiscal year to support the operation of a combined exchange and commissary store at a military installation under this section may not exceed an amount that is equal to 25 percent of the amount of appropriated funds that was provided for the operation of the commissary store of the Defense Commissary Agency on that installation during the last full fiscal year of operation of that commissary store.

"(f) DEFINITIONS.—In this section:

"(1) The term 'nonappropriated fund instrumentality' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

"(2) The term 'base closure law' has the meaning given such term by section 2667(g) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490a. Combined exchange and commissary stores.".

(b) CONFORMING AMENDMENT.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out ", until December 31, 1995,".

SEC. 337. DEFERRED PAYMENT PROGRAMS OF MILITARY EXCHANGES.

(a) USE OF COMMERCIAL BANKING INSTITUTION.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a commercial banking institution under which the institution agrees to finance and operate the deferred payment program of the Army and Air Force Exchange Service and the deferred payment program of the Navy Exchange Service Command. The Secretary shall use competitive procedures to enter into an agreement under this paragraph.

(2) In order to facilitate the transition of the operation of the programs referred to in paragraph (1) to commercial operation under an agreement described in that paragraph, the Secretary may initially limit the scope of any such agreement so as to apply to only one of the programs.

(b) REPORT.—Not later than December 31, 1995, the Secretary shall submit to Congress a report on the implementation of this section. The report shall also include an analysis of the impact of the deferred payment programs referred to in subsection (a)(1), including the impact of the default and collection procedures under such programs, on members of the Armed Forces and their families.

SEC. 338. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not less than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of the United States Armed Forces assigned to permanent duty ashore in Europe.

SEC. 339. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement options identified in the study to achieve the greater efficiencies referred to in subsection (a).

SEC. 340. REPEAL OF REQUIREMENT TO CONVERT SHIPS' STORES TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) REPEAL.—Section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report that reviews the report on the costs and benefits of converting to operation of Navy ships' stores by nonappropriated fund instrumentalities that the Navy Audit Agency prepared in connection with the postponement of the deadline for the conversion provided for in section 374(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

SEC. 341. DISPOSITION OF EXCESS MORALE, WELFARE, AND RECREATION FUNDS.

Section 2219 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "a military department" and inserting in lieu thereof "an armed force";

(2) in the second sentence—

(A) by striking out ", department-wide"; and

(B) by striking out "of the military department" and inserting in lieu thereof "for that armed force"; and

(3) by adding at the end the following: "This section does not apply to the Coast Guard.".

SEC. 342. CLARIFICATION OF ENTITLEMENT TO USE OF MORALE, WELFARE, AND RECREATION FACILITIES BY MEMBERS OF RESERVE COMPONENTS AND DEPENDENTS.

(a) IN GENERAL.—Section 1065 of title 10, United States Code, is amended to read as follows:

"§1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents

"(a) MEMBERS OF THE SELECTED RESERVE.—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use MWR retail facilities on the same basis as members on active duty.

"(b) MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use MWR retail facilities on the same basis as members serving on active duty.

"(c) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

"(d) DEPENDENTS.—(1) Dependents of a member who is permitted under subsection (a) or (b) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members on active duty.

"(2) Dependents of a member who is permitted under subsection (c) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

"(e) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facilities' means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 54 of such title is amended to read as follows:

"1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents.".

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) REQUIREMENT FOR COMPETITIVE PROCUREMENT.—Except as provided in subsection (b), the Secretary of Defense shall, during fiscal year 1996 and consistent with the requirements of title 44, United States Code, competitively procure printing and duplication services from private-sector sources for the performance of at least 70 percent of the total printing and duplication requirements of the Defense Printing Service.

(b) EXCEPTION FOR CLASSIFIED INFORMATION.—The requirement of subsection (a) shall not apply to the procurement of services for printing and duplicating classified documents and information.

SEC. 352. DIRECT VENDOR DELIVERY SYSTEM FOR CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

(a) IMPLEMENTATION OF DIRECT VENDOR DELIVERY SYSTEM.—Not later than September 30, 1997, the Secretary of Defense shall, to the maximum extent practicable, implement a system under which consumable inventory items referred to in subsection (b) are delivered to military installations throughout the United States directly by the vendors of those items. The purpose for implementing the system is to reduce the expense and necessity of maintaining extensive warehouses for those items within the Department of Defense.

(b) COVERED ITEMS.—The items referred to in subsection (a) are the following:

(1) Food and clothing.

(2) Medical and pharmaceutical supplies.

(3) Automotive, electrical, fuel, and construction supplies.

(4) Other consumable inventory items the Secretary considers appropriate.

SEC. 353. PAYROLL, FINANCE, AND ACCOUNTING FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) PLAN FOR PRIVATE OPERATION OF CERTAIN FUNCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan for the performance by private-sector sources of payroll functions for civilian employees of the Department of Defense other than employees paid from nonappropriated funds.

(2)(A) The Secretary shall implement the plan referred to in paragraph (1) if the Secretary determines that the cost of performance by private-sector sources of the functions referred to in that paragraph does not exceed the cost of performance of those functions by employees of the Federal Government.

(B) In computing the total cost of performance of such functions by employees of the Federal Government, the Secretary shall include the following:

(i) Managerial and administrative costs.

(ii) Personnel costs, including the cost of providing retirement benefits for such personnel.

(iii) Costs associated with the provision of facilities and other support by Federal agencies.

(C) The Defense Contract Audit Agency shall verify the costs computed for the Secretary under this paragraph by others.

(3) Subject to paragraph (2), the Secretary shall implement the plan not later than October 1, 1996.

(4) At the same time the Secretary submits the plan required by paragraph (1), the Secretary shall submit to Congress a report on other accounting and finance functions of the Department that are appropriate for performance by private-sector sources.

(b) PILOT PROGRAM FOR PRIVATE OPERATION OF NAFI FUNCTIONS.—(1) The Secretary shall carry out a pilot program to test the performance by private-sector sources of payroll and other accounting and finance functions of nonappropriated fund instrumentalities and to evaluate the extent to which cost savings and efficiencies would result from the performance of such functions by those sources.

(2) The payroll and other accounting and finance functions designated by the Secretary for performance by private-sector sources under the pilot program shall include at least one major payroll, accounting, or finance function.

(3) To carry out the pilot program, the Secretary shall enter into discussions with private-sector sources for the purpose of developing a request for proposals to be issued for performance by those sources of functions designated by the Secretary under paragraph (2). The discussions shall be conducted on a schedule that accommodates issuance of a request for proposals within 60 days after the date of the enactment of this Act.

(4) A goal of the pilot program is to reduce by at least 25 percent the total costs incurred by the Department annually for the performance of a function referred to in paragraph (2) through the performance of that function by a private-sector source.

(5) Before conducting the pilot program, the Secretary shall develop a plan for the program that addresses the following:

(A) The purposes of the program.

(B) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in paragraph (4).

(C) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(D) A mechanism to evaluate the program.

(E) A provision for all payroll, accounting, and finance functions of nonappropriated fund instrumentalities of the Department of Defense to be performed by private-sector sources, if determined advisable on the basis of a final assessment of the results of the program.

(6) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this subsection.

(c) LIMITATION ON OPENING OF NEW OPERATING LOCATIONS FOR DEFENSE FINANCE AND ACCOUNTING SERVICE.—(1) Except as provided in paragraph (2), the Secretary may not establish a new operating location for the Defense Finance and Accounting Service during fiscal year 1996.

(2) The Secretary may establish a new operating location for the Defense Finance and Accounting Service if—

(A) for a new operating location that the Secretary planned before the date of the enactment of this Act to establish on or after that date, the Secretary reconsiders the need for establishing that new operating location; and

(B) for each new operating location, including a new operating location referred to in subparagraph (A)—

(i) the Secretary submits to Congress, as part of the report required by subsection (a)(4), an analysis of the need for establishing the new operating location; and

(ii) a period of 30 days elapses after the Congress receives the report.

(3) In this subsection, the term "new operating location" means an operating location that is not in operation on the date of the enactment of this Act, except that such term does not include an operating location for which, as of such date—

(A) the Secretary has established a date for the commencement of operations; and

(B) funds have been expended for the purpose of its establishment.

SEC. 354. DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration program to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense in order to identify overpayments made to vendors by the Department. The demonstration program shall be conducted for the Defense Logistics Agency and include the Defense Personnel Support Center.

(b) PROGRAM REQUIREMENTS.—(1) Under the demonstration program, the Secretary shall, by contract, provide for one or more persons to audit the accounting and procurement records of the Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995. The Secretary may enter into more than one contract under the program.

(2) A contract under the demonstration program shall require the contractor to use data processing techniques that are generally used in audits of private-sector records similar to the records audited under the contract.

(c) AUDIT REQUIREMENTS.—In conducting an audit under the demonstration program, a contractor shall compare Department of Defense purchase agreements (and related documents) with invoices submitted by vendors under the purchase agreements. A purpose of the comparison is to identify, in the case of each audited purchase agreement, the following:

(1) Any payments to the vendor for costs that are not allowable under the terms of the purchase agreement or by law.

(2) Any amounts not deducted from the total amount paid to the vendor under the purchase agreement that should have been deducted from that amount on account of goods and services provided to the vendor by the Department.

(3) Duplicate payments.

(4) Unauthorized charges.

(5) Other discrepancies between the amount paid to the vendor and the amount actually due the vendor under the purchase agreement.

(d) BONUS PAYMENT.—To the extent provided for in a contract under the demonstration program, the Secretary may pay the contractor a bonus in addition to any other amount paid for performance of the contract. The amount of such bonus may not exceed the amount that is equal to 25 percent of all amounts recovered by the United States on the basis of information obtained as a result of the audit performed under the contract. Any such bonus shall be paid out of amounts made available pursuant to subsection (e).

(e) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available for the demonstration program.

SEC. 355. PILOT PROGRAM ON PRIVATE OPERATION OF DEFENSE DEPENDENTS' SCHOOLS.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to evaluate the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) SELECTION OF SCHOOL FOR PROGRAM.—If the Secretary conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program and provide for the operation of the school by a private contractor for not less than one complete school year.

(c) REPORT.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

SEC. 356. PROGRAM FOR IMPROVED TRAVEL PROCESS FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) The Secretary of Defense shall conduct a program to evaluate options to improve the Department of Defense travel process. To carry out the program, the Secretary shall compare the results of the tests conducted

under subsection (b) to determine which travel process tested under such subsection is the better option to effectively manage travel of Department personnel.

(2) The program shall be conducted at not less than three and not more than six military installations, except that an installation may be the subject of only one test conducted under the program.

(3) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this section.

(b) CONDUCT OF TESTS.—(1) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) implements the changes proposed to be made with respect to the Department of Defense travel process by the task force on travel management that was established by the Secretary in July 1994;

(B) manages and uniformly applies that travel process (including the implemented changes) throughout the Department; and

(C) provides opportunities for private-sector sources to provide travel reservation services and credit card services to facilitate that travel process.

(2) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) enters into one or more contracts with a private-sector source pursuant to which the private-sector source manages the Department of Defense travel process (except for functions referred to in subparagraph (B)), provides for responsive, reasonably priced services as part of the travel process, and uniformly applies the travel process throughout the Department; and

(B) provides for the performance by employees of the Department of only those travel functions, such as travel authorization, that the Secretary considers to be necessary to be performed by such employees.

(3) Each test required by this subsection shall begin not later than 60 days after the date of the enactment of this Act and end two years after the date on which it began. Each such test shall also be conducted in accordance with the guidelines for travel management issued for the Department by the Under Secretary of Defense (Comptroller).

(c) EVALUATION CRITERIA.—The Secretary shall establish criteria to evaluate the travel processes tested under subsection (b). The criteria shall, at a minimum, include the extent to which a travel process provides for the following:

(1) The coordination, at the time of a travel reservation, of travel policy and cost estimates with the mission which necessitates the travel.

(2) The use of fully integrated travel solutions envisioned by the travel reengineering report of the Department of Defense dated January 1995.

(3) The coordination of credit card data and travel reservation data with cost estimate data.

(4) The elimination of the need for multiple travel approvals through the coordination of such data with proposed travel plans.

(5) A responsive and flexible management information system that enables the Under Secretary of Defense (Comptroller) to monitor travel expenses throughout the year, accurately plan travel budgets for future years, and assess in the case of travel of an employee on temporary duty, the relationship between the cost of the travel and the value of the travel to the accomplishment of the mission which necessitates the travel.

(d) PLAN FOR PROGRAM.—Before conducting the program, the Secretary shall develop a plan for the program that addresses the following:

(1) The purposes of the program, including the achievement of an objective of reducing by at least 50 percent the total cost incurred by the Department annually to manage the Department of Defense travel process.

(2) The methodology and anticipated cost of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount that does not exceed 50 percent of the total amount saved in excess of the objective specified in paragraph (1).

(3) A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) The evaluation criteria established pursuant to subsection (c).

(5) A provision for implementing throughout the Department the travel process determined to be the better option to effectively manage travel of Department personnel on the basis of a final assessment of the results of the program.

(e) REPORT.—After the first full year of the conduct of the tests required by subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the implementation of the program. The report shall include an analysis of the evaluation criteria established pursuant to subsection (c).

SEC. 357. INCREASED RELIANCE ON PRIVATE-SECTOR SOURCES FOR COMMERCIAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—The Secretary of Defense shall endeavor to carry out through a private-sector source any activity to provide a commercial product or service for the Department of Defense if—

(1) the product or service can be provided adequately through such a source; and

(2) an adequate competitive environment exists to provide for economical performance of the activity by such a source.

(b) APPLICABILITY.—(1) Subsection (a) shall not apply to any commercial product or service with respect to which the Secretary determines that production, manufacture, or provision of that product or service by the Government is necessary for reasons of national security.

(2) A determination under paragraph (1) shall be made in accordance with regulations prescribed under subsection (c).

(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall be prescribed in consultation with the Director of the Office of Management and Budget.

(d) REPORT.—(1) The Secretary shall identify activities of the Department (other than activities specified by the Secretary pursuant to subsection (b)) that are carried out by employees of the Department to provide commercial-type products or services for the Department.

(2) Not later than April 15, 1996, the Secretary shall transmit to the congressional defense committees a report on opportunities for increased use of private-sector sources to provide commercial products and services for the Department.

(3) The report required by paragraph (2) shall include the following:

(A) A list of activities identified under paragraph (1) indicating, for each activity, whether the Secretary proposes to convert the performance of that activity to performance by private-sector sources and, if not, the reasons why.

(B) An assessment of the advantages and disadvantages of using private-sector sources, rather than employees of the Department, to provide commercial products and services for the Department that are not essential to the warfighting mission of the Armed Forces.

(C) A specification of all legislative and regulatory impediments to converting the performance of activities identified under paragraph (1) to performance by private-sector sources.

(D) The views of the Secretary on the desirability of terminating the applicability of OMB Circular A-76 to the Department.

(4) The Secretary shall carry out paragraph (1) in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States. In carrying out that paragraph, the Secretary shall consult with, and seek the views of, representatives of the private sector, including organizations representing small businesses.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

SEC. 361. QUARTERLY READINESS REPORTS.

(a) IN GENERAL.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§452. Quarterly readiness reports

"(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

"(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

"(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

"(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

"(b) MATTERS TO BE INCLUDED.—Each such report shall—

"(1) specifically describe identified readiness problems or deficiencies and planned remedial actions; and

"(2) include the key indicators and other relevant data related to the identified problem or deficiency.

"(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"452. Quarterly readiness reports.".

(b) EFFECTIVE DATE.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted.

SEC. 362. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

"SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

"(a) ANNUAL REPORTS.—During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for each budget activity specified in subsection (d) (hereinafter in this section referred to as 'covered budget activities'). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.

"(b) MIDYEAR REPORTS.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.

"(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include for each covered budget activity the following:

"(1) A statement, for the period covered by the report, of—

"(A) the total amount of transfers into funds available for that activity;

"(B) the total amount of transfers from funds available for that activity; and

"(C) the net amount of transfers into, or out of, funds available for that activity.

"(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

"(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

"(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

"(A) Combat Units.

"(B) Tactical Support.

"(C) Force-Related Training/Special Activities.

"(D) Depot Maintenance.

"(E) JCS Exercises.

"(2) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Flight Operations.

"(B) Mission and Other Ship Operations.

"(C) Fleet Air Training.

"(D) Ship Operational Support and Training.

"(E) Aircraft Depot Maintenance.

"(F) Ship Depot Maintenance.

"(3) The budget activity groups (known as 'subactivities'), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

"(A) Primary Combat Forces.

"(B) Primary Combat Weapons.

"(C) Global and Early Warning.

"(D) Air Operations Training.

"(E) Depot Maintenance.

"(F) JCS Exercises.".

SEC. 363. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 364. REVIEWS OF MANAGEMENT OF INVENTORY CONTROL POINTS AND MATERIEL MANAGEMENT STANDARD SYSTEM.

(a) REVIEW OF CONSOLIDATION OF INVENTORY CONTROL POINTS.—(1) The Secretary of Defense shall conduct a review of the management by the Defense Logistics Agency of all inventory control points of the Department of Defense. In conducting the review, the Secretary shall examine the management and acquisition practices of the Defense Logistics Agency for inventory of repairable spare parts.

(2) Not later than March 31, 1996, the Secretary shall submit to the Comptroller General of the United States and the congressional defense committees a report on the results the review conducted under paragraph (1).

(b) REVIEW OF MATERIEL MANAGEMENT STANDARD SYSTEM.—(1) The Comptroller General of the United States shall conduct a review of the automated data processing system of the Department of Defense known as the Materiel Management Standard System.

(2) Not later than May 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the results of the review conducted under paragraph (1).

SEC. 365. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility of providing for the performance by private-sector sources of functions necessary to be performed to fulfill the requirements of the Department of Defense for air transportation of personnel and cargo.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A cost-benefit analysis with respect to the performance by private-sector sources of functions described in subsection (a), including an explanation of the assumptions used in the cost-benefit analysis.

(2) An assessment of the issues raised by providing for such performance by means of a contract entered into with a private-sector source.

(3) An assessment of the issues raised by providing for such performance by means of converting functions described in subsection (a) to private ownership and operation, in whole or in part.

(4) A discussion of the requirements for the performance of such functions in order to fulfill the requirements referred to in subsection (a) during wartime.

(5) The effect on military personnel and facilities of using private-sector sources to fulfill the requirements referred to in such subsection.

(6) The performance by private-sector sources of any other military aircraft functions (such as non-combat inflight fueling of aircraft) the Secretary considers appropriate.

SEC. 366. STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy for the development or modernization of automated information systems for the Department of Defense.

(b) MATTERS TO CONSIDER.—In developing the strategy required under subsection (a), the Secretary shall consider the following:

(1) The use of performance measures and management controls.

(2) Findings of the Functional Management Review conducted by the Secretary.

(3) Program management actions planned by the Secretary.

(4) Actions and milestones necessary for completion of functional and economic analyses for—

(A) the Automated System for Transportation data;

(B) continuous acquisition and life cycle support;

(C) electronic data interchange;

(D) flexible computer integrated manufacturing;

(E) the Navy Tactical Command Support System; and

(F) the Defense Information System Network.

(5) Progress made by the Secretary in resolving problems with respect to the Defense Information System Network and the Joint Computer-Aided Acquisition and Logistics Support System.

(6) Tasks identified in the review conducted by the Secretary of the Standard Installation/Division Personnel System-3.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT ON STRATEGY.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the development of the strategy required under subsection (a).

(2) In the case of the Air Force Wargaming Center, the Air Force Command Exercise System, the Cheyenne Mountain Upgrade, the Transportation Coordinator Automated Command and Control Information Systems, and the Wing Command and Control Systems, the report required by paragraph (1) shall provide functional economic analyses and address waivers exercised for compelling military importance under section 381(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2739).

(3) The report required by paragraph (1) shall also include the following:

(A) A certification by the Secretary of the termination of the Personnel Electronic Record Management System or a justification for the continued need for such system.

(B) Findings of the Functional Management Review conducted by the Secretary and program management actions planned by the Secretary for—

(i) the Base Level System Modernization and the Sustaining Base Information System; and

(ii) the Standard Installation/Division Personnel System-3.

(C) An assessment of the implementation of migration systems and applications, including—

(i) identification of the systems and applications by functional or business area, specifying target dates for operation of the systems and applications;

(ii) identification of the legacy systems and applications that will be terminated;

(iii) the cost of and schedules for implementing the migration systems and applications; and

(iv) termination schedules.

(D) A certification by the Secretary that each information system that is subject to review by the Major Automated Information System Review Committee of the Department is cost-effective and supports the corporate information management goals of the Department, including the results of the review conducted for each such system by the Committee.

Subtitle G—Other Matters

SEC. 371. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§2216. Defense Business Operations Fund

"(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed or converted to management through the Fund.

"(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are the following:

"(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

"(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

"(3) The Defense Finance and Accounting Service.

"(4) The Defense Commissary Agency.

"(5) The Defense Reutilization and Marketing Service.

"(6) The Joint Logistics Systems Center.

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

"(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity.

"(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

"(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided through the Fund shall include the following:

"(A) Amounts necessary to recover the full costs of the goods and services, whenever practicable, and the costs of the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense.

"(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

"(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

"(2) Charges for goods and services provided through the Fund may not include the following:

"(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

"(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.

"(3)(A) The Secretary of Defense may submit to a customer a bill for the provision of goods and services through the Fund in advance of the provision of those goods and services.

"(B) The Secretary shall submit to Congress a report on advance billings made pursuant to subparagraph (A)—

"(i) when the aggregate amount of all such billings after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 reaches $100,000,000; and

"(ii) whenever the aggregate amount of all such billings after the date of a preceding report under this subparagraph reaches $100,000,000.

"(C) Each report under subparagraph (B) shall include, for each such advance billing, the following:

"(i) An explanation of the reason for the advance billing.

"(ii) An analysis of the impact of the advance billing on readiness.

"(iii) An analysis of the impact of the advance billing on the customer so billed.

"(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

"(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

"(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

"(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

"(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

"(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

"(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

"(3) A comparison of the amounts actually expended for the operation of the Fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

"(4) A report on the capital asset subaccount of the Fund that contains the following information:

"(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

"(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

"(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

"(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

"(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

"(i) DEFINITIONS.—In this section:

"(1) The term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $50,000:

"(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Automatic data processing equipment, software.

"(C) Equipment other than equipment described in subparagraph (B).

"(D) Other capital improvements.

"(2) The term 'Fund' means the Defense Business Operations Fund.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2215 the following new item:

"2216. Defense Business Operations Fund.".

(b) CONFORMING REPEALS.—The following provisions of law are hereby repealed:

(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).

(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

(3) Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note).

(4) Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note).

(5) Section 8121 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 10 U.S.C. 2208 note).

SEC. 372. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b)(1) of title 10, United States Code, is amended by striking out "not needed by the armed forces" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

"(A) Similar items held by any individual, organization, institution, agency, or nation.

"(B) Conservation supplies, equipment, facilities, or systems.

"(C) Search, salvage, or transportation services.

"(D) Restoration, conservation, or preservation services.

"(E) Educational programs.".

SEC. 373. PROHIBITION ON CAPITAL LEASE FOR DEFENSE BUSINESS MANAGEMENT UNIVERSITY.

None of the funds appropriated to the Department of Defense for fiscal year 1996 may be used to enter into any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University if the lease would be treated as a capital lease for budgetary purposes.

SEC. 374. PERMANENT AUTHORITY FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PROPERTY.

(a) PERMANENT AUTHORITY.—Section 2575 of title 10 is amended—

(1) by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

"(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

"(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.

"(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts."; and

(2) by adding at the end the following:

"(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from

the morale, welfare, and recreation account for the installation that received the proceeds.

"(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Comptroller General of the United States for proceeds covered into the Treasury under subsection (b)(2).

"(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Comptroller General of the United States (in the case of a claim filed under paragraph (2)).".

(b) REPEAL OF AUTHORITY FOR DEMONSTRATION PROGRAM.—Section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is repealed.

SEC. 375. SALE OF MILITARY CLOTHING AND SUBSISTENCE AND OTHER SUPPLIES OF THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

"§7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

"(a)(1) The Secretary of the Navy shall procure and sell, for cash or credit—

"(A) articles designated by the Secretary to members of the Navy and Marine Corps; and

"(B) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

"(2) An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

"(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

"(c) The Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces for the buyers' use in the service. The prices at which the supplies are sold shall be the same prices at which like property is sold to members of the Navy and Marine Corps.

"(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

"(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged honorably or under honorable conditions from the Navy or Marine Corps, at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify sections 772 or 773 of this title.

"(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

"(g)(1) The Secretary may provide for the procurement and sale of stores designated by the Secretary to such civilian officers and employees of the United States, and such other persons, as the Secretary considers proper—

"(A) at military installations outside the United States; and

"(B) subject to paragraph (2), at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain such stores from commercial enterprises without impairing the efficient operation of military activities.

"(2) Sales to civilian officers and employees inside the United States may be made under paragraph (1) only to civilian officers and employees residing within military installations.

"(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of such members and their families.".

(2) The table of sections at the beginning of chapter 651 of such title is amended by adding at the end the following:

"7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.".

(b) CONFORMING AMENDMENTS FOR OTHER ARMED FORCES.—(1) Section 4621 of such title is amended—

(A) by striking out "The branch, office, or officer designated by the Secretary of the Army" in subsection (a) and inserting in lieu thereof "The Secretary of the Army";

(B) by striking out "The branch, office, or officer designated by the Secretary" both places it appears in subsections (b) and (c) and inserting in lieu thereof "The Secretary"; and

(C) by inserting before the period at the end of subsection (f) the following: "or by commercial credit".

(2) Section 9621 of such title is amended—

(A) by striking out "The Air Force shall" in subsection (b) and inserting in lieu thereof "The Secretary shall"; and

(B) by inserting before the period at the end of subsection (f) the following: "or by commercial credit".

SEC. 376. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) In the case of a Boy Scout Jamboree held on a military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).".

SEC. 377. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§2610. Competitions for excellence: acceptance of monetary awards

"(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept a monetary award given to the Department of Defense by a nongovernmental entity as a result of the participation of the Department in a competition carried out to recognize excellence or innovation in providing services or administering programs.

"(b) DISPOSITION OF AWARDS.—A monetary award accepted under subsection (a) shall be credited to one or more nonappropriated fund accounts supporting morale, welfare, and recreation activities for the command, installation, or other activity that is recognized for the award. Amounts so credited may be expended only for such activities.

"(c) INCIDENTAL EXPENSES.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred by the Department to participate in a competition described in subsection (a) or to accept a monetary award under this section.

"(d) REGULATIONS AND REPORTING.—(1) The Secretary shall prescribe regulations to determine the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(2) At the end of each year, the Secretary shall submit to Congress a report for that year describing the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(e) TERMINATION.—The authority of the Secretary under this section shall expire two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2610. Competitions for excellence: acceptance of monetary awards.".

SEC. 378. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST IN EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary of Defense"; and

(2) by adding at the end the following new subsection:

"(b) EMERGENCIES INVOLVING CHEMICAL AND BIOLOGICAL AGENTS.—(1) In addition to equipment and facilities described in subsection (a), the Secretary may provide an item referred to in paragraph (2) to a Federal, State, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents if the Secretary determines that the item is not reasonably available from another source.

"(2) An item referred to in paragraph (1) is any material or expertise of the Department of Defense appropriate for use in preparing for or responding to an emergency involving chemical or biological agents, including the following:

"(A) Training facilities.

"(B) Sensors.

"(C) Protective clothing.

"(D) Antidotes.".

SEC. 379. REPORT ON DEPARTMENT OF DEFENSE MILITARY AND CIVIL DEFENSE PREPAREDNESS TO RESPOND TO EMERGENCIES RESULTING FROM A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR ATTACK.

(a) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense and the Secretary of Energy shall submit to Congress a joint report on the military and civil defense plans and programs of the Department of Defense to prepare for and respond to the effects of an emergency in the United States resulting from a chemical, biological, radiological, or nuclear attack on the United States (hereinafter in this section referred to as an "attack-related civil defense emergency").

(2) The report shall be prepared in consultation with the Director of the Federal Emergency Management Agency.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A discussion of the military and civil defense plans and programs of the Department of Defense for preparing for and responding to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has a primary responsibility to respond.

(2) A discussion of the military and civil defense plans and programs of the Department of

Defense for preparing for and providing a response to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has responsibility to provide a supporting response.

(3) A description of any actions, and any recommended legislation, that the Secretaries consider necessary for improving the preparedness of the Department of Defense to respond effectively to an attack-related civil defense emergency.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996, as follows:

(1) The Army, 495,000, of which not more than 81,300 may be commissioned officers.

(2) The Navy, 428,340, of which not more than 58,870 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 388,200, of which not more than 75,928 may be commissioned officers.

(b) FLOOR ON END STRENGTHS.—(1) Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

"§691. Permanent end strength levels to support two major regional contingencies

"(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

"(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

"(1) For the Army, 495,000.

"(2) For the Navy, 395,000.

"(3) For the Marine Corps, 174,000.

"(4) For the Air Force, 381,000.

"(c) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.

"(d) For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to the number applicable to that armed force under subsection (b), the Secretary of Defense may reduce that number by not more than 0.5 percent.

"(e) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"691. Permanent end strength levels to support two major regional contingencies.".

(c) ACTIVE COMPONENT END STRENGTH FLEXIBILITY.—Section 115(c)(1) of title 10, United States Code, is amended by striking out "0.5 percent" and "inserting in lieu thereof "1 percent".

SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORCE AND NAVY OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Air Force serving on active duty in the grades of major, lieutenant colonel, and colonel shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996	15,566	9,876	3,609
1997	15,645	9,913	3,627

(b) NAVY OFFICERS.—In the administration of the limitation under section 523(a)(2) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Navy serving on active duty in the grades of lieutenant commander, commander, and captain shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant commander	Commander	Captain
1996	11,924	7,390	3,234
1997	11,732	7,297	3,188

SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT NOT TO BE COUNTED.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.".

(b) NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.".

(c) CLARIFICATION.—Section 601(b) of such title is amended—

(1) in the matter preceding paragraph (1), by striking out "of importance and responsibility designated" and inserting in lieu thereof "designated under subsection (a) or by law";

(2) in paragraph (1), by striking out "of importance and responsibility";

(3) in paragraph (2), by striking out "designating" and inserting in lieu thereof "designated under subsection (a) or by law"; and

(4) in paragraph (4), by inserting "under subsection (a) or by law" after "designated".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,894.

(4) The Marine Corps Reserve, 42,274.

(5) The Air National Guard of the United States, 112,707.

(6) The Air Force Reserve, 73,969.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.

(2) The Army Reserve, 11,575.

(3) The Naval Reserve, 17,587.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,066.

(6) The Air Force Reserve, 628.

SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNEL ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAINING.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.".

SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	643	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	412	188	274	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	603	202	366	20
E–8	2,585	429	890	94".

SEC. 415. RESERVES ON ACTIVE DUTY IN SUPPORT OF COOPERATIVE THREAT REDUCTION PROGRAMS NOT TO BE COUNTED.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following:

"(8) Members of the Selected Reserve of the Ready Reserve on active duty for more that 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(b)).".

SEC. 416. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES NOT TO BE COUNTED.

Section 168 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

"(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

"(B) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

"(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

"(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section.".

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.

(2) The Navy, 44,238.

(3) The Marine Corps, 26,095.

(4) The Air Force, 33,232.

(b) SCOPE.—The average military training student loads authorized for an armed force under subsection (a) apply to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $69,191,008,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) EFFECT ON END STRENGTHS.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

TITLE V—MILITARY PERSONNEL POLICY

[Title V—Mil Pers Policy]

Subtitle A—Officer Personnel Policy

SEC. 501. JOINT OFFICER MANAGEMENT.

(a) CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d)(2)(A) of title 10, United States Code, is amended by striking out "1,000" and inserting in lieu thereof "800".

(b) ADDITIONAL QUALIFYING JOINT SERVICE.—Section 664 of such title is amended by adding at the end the following:

"(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—(1) In the case of an officer who completes service in a qualifying temporary joint task force assignment, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, may (subject to the criteria prescribed under paragraph (4)) grant the officer—

"(A) credit for having completed a full tour of duty in a joint duty assignment; or

"(B) credit countable for determining cumulative service in joint duty assignments.

"(2)(A) For purposes of paragraph (1), a qualifying temporary joint task force assignment of an officer is a temporary assignment, any part of which is performed by the officer on or after the date of the enactment of this subsection—

"(i) to the headquarters staff of a United States joint task force that is part of a unified command or the United States element of the headquarters staff of a multinational force; and

"(ii) with respect to which the Secretary of Defense determines that service of the officer in that assignment is equivalent to that which would be gained by the officer in a joint duty assignment.

"(B) An officer may not be granted credit under this subsection unless the officer is recommended for such credit by the Chairman of the Joint Chiefs of Staff.

"(3) Credit under paragraph (1) (including a determination under paragraph (2)(A)(ii) and a recommendation under paragraph (2)(B) with respect to such credit) may be granted only on a case-by-case basis in the case of an individual officer.

"(4) The Secretary of Defense shall prescribe by regulation criteria for determining whether an officer may be granted credit under paragraph (1) with respect to service in a qualifying temporary joint task force assignment. The criteria shall apply uniformly among the armed forces and shall include the following requirements:

"(A) For an officer to be credited as having completed a full tour of duty in a joint duty assignment, the length of the officer's service in the qualifying temporary joint task force assignment must meet the requirements of subsection (a) or (c).

"(B) For an officer to be credited with service for purposes of determining cumulative service in joint duty assignments, the officer must serve at least 90 consecutive days in the qualifying temporary joint task force assignment.

"(C) The service must be performed in support of a mission that is directed by the President or that is assigned by the President to United States forces in the joint task force involved.

"(D) The joint task force must be constituted or designated by the Secretary of Defense or by the commander of a combatant command or of another force.

"(E) The joint task force must conduct combat or combat-related operations in a unified action under joint or multinational command and control.

"(5) Officers for whom joint duty credit is granted pursuant to this subsection may not be taken into account for the purposes of any of the following provisions of this title: section 661(d)(1), section 662(a)(3), section 662(b), subsection (a) of this section, and paragraphs (7), (8), (9), (11), and (12) of section 667.

"(6) In the case of an officer credited with having completed a full tour of duty in a joint duty assignment pursuant to this subsection, the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of this title that the tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section. The provisions of subparagraphs (C) and (D) of section 661(c)(3) of this title shall apply to such a waiver in the same manner as to a waiver under subparagraph (A) of that section.".

(c) INFORMATION IN ANNUAL REPORT.—Section 667 of such title is amended by striking out paragraph (16) and inserting after paragraph (15) the following new paragraph (16):

"(16) The number of officers granted credit for service in joint duty assignments under section 664(i) of this title and—

"(A) of those officers—

"(i) the number of officers credited with having completed a tour of duty in a joint duty assignment; and

"(ii) the number of officers granted credit for purposes of determining cumulative service in joint duty assignments; and

"(B) the identity of each operation for which an officer has been granted credit pursuant to section 664(i) of this title and a brief description of the mission of the operation.".

(d) APPLICABILITY OF LIMITATION ON WAIVER AUTHORITY.—Section 661(c)(3) of such title is amended—

(1) in the third sentence of subparagraph (D), by striking out "The total number" and inserting in lieu thereof "In the case of officers in grades below brigadier general and rear admiral (lower half), the total number"; and

(2) by adding at the end the following new subparagraph:

"(E) There may not be more than 32 general and flag officers on active duty at the same time *who were selected for the joint specialty while holding a general or flag officer grade and for whom a waiver was granted under this subparagraph.''.*

(e) LENGTH OF SECOND JOINT TOUR.—Section 664 of such title is amended—

(1) in subsection (e)(2), by inserting after subparagraph (B) the following:

''(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.''; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking out ''completion of—'' and inserting in lieu thereof ''completion of any of the following:'';

(B) by striking out ''a'' at the beginning of paragraphs (1), (2), (4), and (5) and inserting in lieu thereof ''A'';

(C) by striking out ''cumulative'' in paragraph (3) and inserting in lieu thereof ''Cumulative'';

(D) by striking out the semicolon at the end of paragraphs (1), (2), and (3) and ''; or'' at the end of paragraph (4) and inserting in lieu thereof a period; and

(E) by adding at the end the following:

''(6) A second joint duty assignment that is less than the period required under subsection (a), but not less than two years, without regard to whether a waiver was granted for such assignment under subsection (b).''.

(f) TECHNICAL AMENDMENT.—Section 664(e)(1) of such title is amended by striking out ''(after fiscal year 1990)''.

SEC. 502. RETIRED GRADE FOR OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out ''and below lieutenant general or vice admiral''; and

(2) in the first sentence of subsection (d)(2)(B), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''and below lieutenant general or vice admiral''.

(b) RETIREMENT IN HIGHEST GRADE UPON CERTIFICATION OF SATISFACTORY SERVICE.—Subsection (c) of such section is amended to read as follows:

''(c) OFFICERS IN O–9 AND O–10 GRADES.—(1) An officer who is serving in or has served in the grade of general or admiral or lieutenant general or vice admiral may be retired in that grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and Congress that the officer served on active duty satisfactorily in that grade.

''(2) In the case of an officer covered by paragraph (1), the three-year service-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under that subsection—

''(A) while the officer is under investigation for alleged misconduct; or

''(B) while there is pending the disposition of an adverse personnel action against the officer for alleged misconduct.''.

(c) REPEAL OF SUPERSEDED PROVISIONS.—Sections 3962(a), 5034, 5043(c), and 8962(a) of such title are repealed.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 3962(b) and 8962(b) of such title are amended by striking out ''(b) Upon'' and inserting in lieu thereof ''Upon''.

(2) The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

(e) EFFECTIVE DATE FOR AMENDMENT TO PROVISION TAKING EFFECT IN 1996.—The amendment made by subsection (a)(2) shall take effect on October 1, 1996, immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect under section 1691(b)(1) of the Reserve Officer Personnel Management Act (108 Stat. 3026).

(f) PRESERVATION OF APPLICABILITY OF LIMITATION.—Section 1370(a)(2)(C) of title 10, United States Code, is amended by striking out ''The number of officers in an armed force in a grade'' and inserting in lieu thereof ''In the case of a grade below the grade of lieutenant general or vice admiral, the number of members of one of the armed forces in that grade''.

(g) STYLISTIC AMENDMENTS.—Section 1370 of title 10, United States Code, is further amended—

(1) in subsection (a), by striking out ''(a)(1)'' and inserting in lieu thereof ''(a) RULE FOR RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—(1)'';

(2) in subsection (b), by inserting ''RETIREMENT IN NEXT LOWER GRADE.—'' after ''(b)''; and

(3) in subsection (d), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''(d)(1)'' and inserting in lieu thereof ''(d) RESERVE OFFICERS.—(1)''.

SEC. 503. WEARING OF INSIGNIA FOR HIGHER GRADE BEFORE PROMOTION.

(a) AUTHORITY AND LIMITATIONS.—(1) Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

''§777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions

''(a) AUTHORITY.—An officer who has been selected for promotion to the next higher grade may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that next higher grade. An officer who is so authorized to wear the insignia of the next higher grade is said to be 'frocked' to that grade.

''(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

''(1) the Senate has given its advice and consent to the appointment of the officer to that grade; and

''(2) the officer is serving in, or has received orders to serve in, a position for which that grade is authorized.

''(c) BENEFITS NOT TO BE CONSTURED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of the next higher grade may not be construed as conferring authority for that officer to—

''(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

''(B) assume any legal authority associated with that grade.

''(2) The period for which an officer wears the insignia of the next higher grade under such authority may not be taken into account for any of the following purposes:

''(A) Seniority in that grade.

''(B) Time of service in that grade.

''(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of colonels and Navy captains on the active-duty list who are authorized as described in subsection (a) to wear the insignia for the grade of brigadier general or rear admiral (lower half), as the case may be, may not exceed the following:

''(A) During fiscal years 1996 and 1997, 75.

''(B) During fiscal year 1998, 55.

''(C) After fiscal year 1998, 35.

''(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions.''.

(b) TEMPORARY VARIATION OF LIMITATIONS ON NUMBERS OF FROCKED OFFICERS.—In the administration of section 777(d)(2) of title 10, United States Code (as added by subsection (a)), the percent limitation applied under that section for fiscal year 1996 shall be 2 percent (instead of 1 percent).

(c) REPORT.—Not later than September 1, 1996, the Secretary of Defense shall submit to Congress a report providing the assessment of the Secretary on the practice, known as ''frocking'', of authorizing an officer who has been selected for promotion to the next higher grade to wear the insignia for that next higher grade. The report shall include the Secretary's assessment of the appropriate number, if any, of colonels and Navy captains to be eligible under section 777(d)(1) of title 10, United States Code (as added by subsection (a)), to wear the insignia for the grade of brigadier general or rear admiral (lower half).

SEC. 504. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) SELECTIVE RETIREMENT OF WARRANT OFFICERS.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.''.

(b) SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY OFFICERS.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.''.

SEC. 505. ARMY OFFICER MANNING LEVELS.

(a) IN GENERAL.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

''§3201. Officers on active duty: minimum strength based on requirements

''(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided

for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

"(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

"(c) In this section:

"(1) The term 'programmed manpower structure' means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

"(2) The term 'programmed force structure' means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after "Sec." the following new item:

"3201. Officers on active duty: minimum strength based on requirements.".

(b) ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—The Secretary of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).

SEC. 506. AUTHORITY FOR MEDICAL DEPARTMENT OFFICERS OTHER THAN PHYSICIANS TO BE APPOINTED AS SURGEON GENERAL.

(a) SURGEON GENERAL OF THE ARMY.—The third sentence of section 3036(b) of title 10, United States Code, is amended by inserting after "The Surgeon General" the following: "may be appointed from officers in any corps of the Army Medical Department and".

(b) SURGEON GENERAL OF THE NAVY.—Section 5137 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "in the Medical Corps" and inserting in lieu thereof "in any corps of the Navy Medical Department"; and

(2) in subsection (b), by striking out "in the Medical Corps" and inserting in lieu thereof "who is qualified to be the Chief of the Bureau of Medicine and Surgery".

(c) SURGEON GENERAL OF THE AIR FORCE.—The first sentence of section 8036 of such title is amended by striking out "designated as medical officers under section 8067(a) of this title" and inserting in lieu thereof "in the Air Force medical department".

SEC. 507. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

(a) TENURE AND GRADE OF DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(d)(1) of such title is amended—

(1) in the second sentence, by striking out "two years" and inserting in lieu thereof "four years"; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any appointment to the position of Deputy Judge Advocate General of the Air Force that is made after the date of the enactment of this Act.

SEC. 508. AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 5721 of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) LIMITATION.—Such section is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—(1) An appointment under this section may only be made for service in a position designated by the Secretary of the Navy for purposes of this section. The number of positions so designated may not exceed 325.

"(2) Whenever the Secretary makes a change to the positions designated under paragraph (1), the Secretary shall submit notice of the change in writing to Congress.".

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report providing the Secretary's assessment of that continuing need for the promotion authority under section 5721 of title 10, United States Code. The Secretary shall include in the report the following:

(1) The nature and grade structure of the positions for which such authority has been used.

(2) The cause or causes of the reported chronic shortages of qualified personnel in the required grade to fill the positions specified under paragraph (1).

(3) The reasons for the perceived inadequacy of the officer promotion system (including "below-the-zone" selections) to provide sufficient officers in the required grade to fill those positions.

(4) The extent to which a bonus program or some other program would be a more appropriate means of resolving the reported chronic shortages in engineering positions.

(d) CLERICAL AMENDMENTS.—Section 5721 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting "PROMOTION AUTHORITY FOR CERTAIN OFFICER WITH CRITICAL SKILLS.—" after "(a)".

(2) Subsection (b) is amended by inserting "STATUS OF OFFICERS APPOINTED.—" after "(b)".

(3) Subsection (c) is amended by inserting "BOARD RECOMMENDATION REQUIRED.—" after "(c)".

(4) Subsection (d) is amended by inserting "ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—" after "(d)".

(5) Subsection (e) is amended by inserting "TERMINATION OF APPOINTMENT.—" after "(e)".

(6) Subsection (g), as redesignated by subsection (b)(1), is amended by inserting "TERMINATION OF APPOINTMENT AUTHORITY.—" after "(g)".

(e) EFFECTIVE DATE.—Subsection (f) of section 5721 of title 10, United States Code, as added by subsection (b)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply to any appointment under that section after the end of such period.

SEC. 509. RETIREMENT FOR YEARS OF SERVICE OF DIRECTORS OF ADMISSIONS OF MILITARY AND AIR FORCE ACADEMIES.

(a) MILITARY ACADEMY.—(1) Section 3920 of title 10, United States Code, is amended to read as follows:

"§3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy

"(a) The Secretary of the Army may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Military Academy.

"(2) The Director of Admissions of the United States Military Academy.".

(2) The item relating to such section in the table of sections at the beginning of chapter 367 of such title is amended to read as follows:

"3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.".

(b) AIR FORCE ACADEMY.—(1) Section 8920 of title 10, United States Code, is amended to read as follows:

"§8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy

"(a) The Secretary of the Air Force may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Air Force Academy.

"(2) The Director of Admissions of the United States Air Force Academy.".

(2) The item relating to such section in the table of sections at the beginning of chapter 867 of such title is amended to read as follows:

"8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy.".

Subtitle B—Matters Relating to Reserve Components

SEC. 511. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Section 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

SEC. 512. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

"CHAPTER 1214—READY RESERVE MOBILIZATION INCOME INSURANCE

"Sec.
"12521. Definitions.
"12522. Establishment of insurance program.
"12523. Risk insured.
"12524. Enrollment and election of benefits.
"12525. Benefit amounts.
"12526. Premiums.
"12527. Payment of premiums.
"12528. Reserve Mobilization Income Insurance Fund.
"12529. Board of Actuaries.
"12530. Payment of benefits.
"12531. Purchase of insurance.
"12532. Termination for nonpayment of premiums; forfeiture.

"§12521. Definitions

"In this chapter:

"(1) The term 'insurance program' means the Ready Reserve Mobilization Income Insurance Program established under section 12522 of this title.

"(2) The term 'covered service' means active duty performed by a member of a reserve component under an order to active duty for a period of more than 30 days which specifies that the member's service—

''(A) is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent; or

''(B) is in support of forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

''(3) The term 'insured member' means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with section 12524 of this title.

''(4) The term 'Secretary' means the Secretary of Defense.

''(5) The term 'Department' means the Department of Defense.

''(6) The term 'Board of Actuaries' means the Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title.

''(7) The term 'Fund' means the Reserve Mobilization Income Insurance Fund established by section 12528(a) of this title.

"§12522. Establishment of insurance program

''(a) ESTABLISHMENT.—The Secretary shall establish for members of the Ready Reserve (including the Coast Guard Reserve) an insurance program to be known as the 'Ready Reserve Mobilization Income Insurance Program'.

''(b) ADMINISTRATION.—The insurance program shall be administered by the Secretary. The Secretary may prescribe in regulations such rules, procedures, and policies as the Secretary considers necessary or appropriate to carry out the insurance program.

''(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—The Secretary and the Secretary of Transportation shall enter into an agreement with respect to the administration of the insurance program for the Coast Guard Reserve.

"§12523. Risk insured

''(a) IN GENERAL.—The insurance program shall insure members of the Ready Reserve against the risk of being ordered into covered service.

''(b) ENTITLEMENT TO BENEFITS.—(1) An insured member ordered into covered service shall be entitled to payment of a benefit for each month (and fraction thereof) of covered service that exceeds 30 days of covered service, except that no member may be paid under the insurance program for more than 12 months of covered service served during any period of 18 consecutive months.

''(2) Payment shall be based solely on the insured status of a member and on the period of covered service served by the member. Proof of loss of income or of expenses incurred as a result of covered service may not be required.

"§12524. Enrollment and election of benefits

''(a) ENROLLMENT.—(1) Except as provided in subsection (f), upon first becoming a member of the Ready Reserve, a member shall be automatically enrolled for coverage under the insurance program. An automatic enrollment of a member shall be void if within 60 days after first becoming a member of the Ready Reserve the member declines insurance under the program in accordance with the regulations prescribed by the Secretary.

''(2) Promptly after the insurance program is established, the Secretary shall offer to members of the reserve components who are then members of the Ready Reserve (other than members ineligible under subsection (f)) an opportunity to enroll for coverage under the insurance program. A member who fails to enroll within 60 days after being offered the opportunity shall be considered as having declined to be insured under the program.

''(3) A member of the Ready Reserve ineligible to enroll under subsection (f) shall be afforded an opportunity to enroll upon being released from active duty in accordance with regulations prescribed by the Secretary if the member has not previously had the opportunity to be enrolled under paragraph (1) or (2). A member who fails to enroll within 60 days after being afforded that opportunity shall be considered as having declined to be insured under the program.

''(b) ELECTION OF BENEFIT AMOUNT.—The amount of a member's monthly benefit under an enrollment shall be the basic benefit under subsection (a) of section 12525 of this title unless the member elects a different benefit under subsection (b) of such section within 60 days after first becoming a member of the Ready Reserve or within 60 days after being offered the opportunity to enroll, as the case may be.

''(c) ELECTIONS IRREVOCABLE.—(1) An election to decline insurance pursuant to paragraph (1) or (2) of subsection (a) is irrevocable.

''(2) The amount of coverage may not be increased after enrollment.

''(d) ELECTION TO TERMINATE.—A member may terminate an enrollment at any time.

''(e) INFORMATION TO BE FURNISHED.—The Secretary shall ensure that members referred to in subsection (a) are given a written explanation of the insurance program and are advised that they have the right to decline to be insured and, if not declined, to elect coverage for a reduced benefit or an enhanced benefit under subsection (b).

''(f) MEMBERS INELIGIBLE TO ENROLL.—Members of the Ready Reserve serving on active duty (or full-time National Guard duty) are not eligible to enroll for coverage under the insurance program. The Secretary may define any additional category of members of the Ready Reserve to be excluded from eligibility to purchase insurance under this chapter.

"§12525. Benefit amounts

''(a) BASIC BENEFIT.—The basic benefit for an insured member under the insurance program is $1,000 per month (as adjusted under subsection (d)).

''(b) REDUCED AND ENHANCED BENEFITS.—Under the regulations prescribed by the Secretary, a person enrolled for coverage under the insurance program may elect—

''(1) a reduced coverage benefit equal to one-half the amount of the basic benefit; or

''(2) an enhanced benefit in the amount of $1,500, $2,000, $2,500, $3,000, $3,500, $4,000, $4,500, or $5,000 per month (as adjusted under subsection (d)).

''(c) AMOUNT FOR PARTIAL MONTH.—The amount of insurance payable to an insured member for any period of covered service that is less than one month shall be determined by multiplying $1/30$ of the monthly benefit rate for the member by the number of days of the covered service served by the member during such period.

''(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary shall determine annually the effect of inflation on benefits and shall adjust the amounts set forth in subsections (a) and (b)(2) to maintain the constant dollar value of the benefit.

''(2) If the amount of a benefit as adjusted under paragraph (1) is not evenly divisible by $10, the amount shall be rounded to the nearest multiple of $10, except that an amount evenly divisible by $5 but not by $10 shall be rounded to the next lower amount that is evenly divisible by $10.

"§12526. Premiums

''(a) ESTABLISHMENT OF RATES.—(1) The Secretary, in consultation with the Board of Actuaries, shall prescribe the premium rates for insurance under the insurance program.

''(2) The Secretary shall prescribe a fixed premium rate for each $1,000 of monthly insurance benefit. The premium amount shall be equal to the share of the cost attributable to insuring the member and shall be the same for all members of the Ready Reserve who are insured under the insurance program for the same benefit amount. The Secretary shall prescribe the rate on the basis of the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors.

''(b) LEVEL PREMIUMS.—The premium rate prescribed for the first year of insurance coverage of an insured member shall be continued without change for subsequent years of insurance coverage, except that the Secretary, after consultation with the Board of Actuaries, may adjust the premium rate in order to fund inflation-adjusted benefit increases on an actuarially sound basis.

"§12527. Payment of premiums

''(a) METHODS OF PAYMENT.—(1) The monthly premium for coverage of a member under the insurance program shall be deducted and withheld from the insured member's pay for each month.

''(2) An insured member who does not receive pay on a monthly basis shall pay the Secretary directly the premium amount applicable for the level of benefits for which the member is insured.

''(b) ADVANCE PAY FOR PREMIUM.—The Secretary concerned may advance to an insured member the amount equal to the first insurance premium payment due under this chapter. The advance may be paid out of appropriations for military pay. An advance to a member shall be collected from the member either by deducting and withholding the amount from basic pay payable for the member or by collecting it from the member directly. No disbursing or certifying officer shall be responsible for any loss resulting from an advance under this subsection.

''(c) PREMIUMS TO BE DEPOSITED IN FUND.—Premium amounts deducted and withheld from the pay of insured members and premium amounts paid directly to the Secretary shall be credited monthly to the Fund.

"§12528. Reserve Mobilization Income Insurance Fund

''(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'Reserve Mobilization Income Insurance Fund', which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance the liabilities of the insurance program on an actuarially sound basis.

''(b) ASSETS OF FUND.—There shall be deposited into the Fund the following:

''(1) Premiums paid under section 12527 of this title.

''(2) Any amount appropriated to the Fund.

''(3) Any return on investment of the assets of the Fund.

''(c) AVAILABILITY.—Amounts in the Fund shall be available for paying insurance benefits under the insurance program.

''(d) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to the Fund.

''(e) ANNUAL ACCOUNTING.—At the beginning of each fiscal year, the Secretary, in consultation with the Board of Actuaries and the Secretary of the Treasury, shall determine the following:

"(1) The projected amount of the premiums to be collected, investment earnings to be received, and any transfers or appropriations to be made for the Fund for that fiscal year.

"(2) The amount for that fiscal year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

"(3) The amount for that fiscal year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

"§12529. Board of Actuaries

"(a) ACTUARIAL RESPONSIBILITY.—The Board of Actuaries shall have the actuarial responsibility for the insurance program.

"(b) VALUATIONS AND PREMIUM RECOMMENDATIONS.—The Board of Actuaries shall carry out periodic actuarial valuations of the benefits under the insurance program and determine a premium rate methodology for the Secretary to use in setting premium rates for the insurance program. The Board shall conduct the first valuation and determine a premium rate methodology not later than six months after the insurance program is established.

"(c) EFFECTS OF CHANGED BENEFITS.—If at the time of any actuarial valuation under subsection (b) there has been a change in benefits under the insurance program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board of Actuaries shall determine a premium rate methodology, and recommend to the Secretary a premium schedule, for the liquidation of any liability (or actuarial gain to the Fund) resulting from such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

"(d) ACTUARIAL GAINS OR LOSSES.—If at the time of any such valuation the Board of Actuaries determines that there has been an actuarial gain or loss to the Fund as a result of changes in actuarial assumptions since the last valuation or as a result of any differences, between actual and expected experience since the last valuation, the Board shall recommend to the Secretary a premium rate schedule for the amortization of the cumulative gain or loss to the Fund resulting from such changes in assumptions and any previous such changes in assumptions or from the differences in actual and expected experience, respectively, through an increase or decrease in the payments that would otherwise be made to the Fund.

"(e) INSUFFICIENT ASSETS.—If at any time liabilities of the Fund exceed assets of the Fund as a result of members of the Ready Reserve being ordered to active duty as described in section 12521(2) of this title, and funds are unavailable to pay benefits completely, the Secretary shall request the President to submit to Congress a request for a special appropriation to cover the unfunded liability. If appropriations are not made to cover an unfunded liability in any fiscal year, the Secretary shall reduce the amount of the benefits paid under the insurance program to a total amount that does not exceed the assets of the Fund expected to accrue by the end of such fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

"(f) DEFINITION OF PRESENT VALUE.—The Board of Actuaries shall define the term 'present value' for purposes of this subsection.

"§12530. Payment of benefits

"(a) COMMENCEMENT OF PAYMENT.—An insured member who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis beginning not later than one month after the 30th day of covered service.

"(b) METHOD OF PAYMENT.—The Secretary shall prescribe in the regulations the manner in which payments shall be made to the member or to a person designated in accordance with subsection (c).

"(c) DESIGNATED RECIPIENTS.—(1) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest, as determined in accordance with the regulations prescribed by the Secretary) to receive payments of insurance benefits under the insurance program.

"(2) A member may direct that payments of insurance benefits for a person designated under paragraph (1) be deposited with a bank or other financial institution to the credit of the designated person.

"(d) RECIPIENTS IN EVENT OF DEATH OF INSURED MEMBER.—Any insurance payable under the insurance program on account of a deceased member's period of covered service shall be paid, upon the establishment of a valid claim, to the beneficiary or beneficiaries which the deceased member designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member's domicile.

"§12531. Purchase of insurance

"(a) PURCHASE AUTHORIZED.—The Secretary may, instead of or in addition to underwriting the insurance program through the Fund, purchase from one or more insurance companies a policy or policies of group insurance in order to provide the benefits required under this chapter. The Secretary may waive any requirement for full and open competition in order to purchase an insurance policy under this subsection.

"(b) ELIGIBLE INSURERS.—In order to be eligible to sell insurance to the Secretary for purposes of subsection (a), an insurance company shall—

"(1) be licensed to issue insurance in each of the 50 States and in the District of Columbia; and

"(2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least one percent of the total amount of insurance that all such insurance companies have in effect in the United States.

"(c) ADMINISTRATIVE PROVISIONS.—(1) An insurance company that issues a policy for purposes of subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

"(2) For the purposes of carrying out this chapter, the Secretary may use the facilities and services of any insurance company issuing any policy for purposes of subsection (a), may designate one such company as the representative of the other companies for such purposes, and may contract to pay a reasonable fee to the designated company for its services.

"(d) REINSURANCE.—The Secretary shall arrange with each insurance company issuing any policy for purposes of subsection (a) to reinsure, under conditions approved by the Secretary, portions of the total amount of the insurance under such policy or policies with such other insurance companies (which meet qualifying criteria prescribed by the Secretary) as may elect to participate in such reinsurance.

"(e) TERMINATION.—The Secretary may at any time terminate any policy purchased under this section.

"§12532. Termination for nonpayment of premiums; forfeiture

"(a) TERMINATION FOR NONPAYMENT.—The coverage of a member under the insurance program shall terminate without prior notice upon a failure of the member to make required monthly payments of premiums for two consecutive months. The Secretary may provide in the regulations for reinstatement of insurance coverage terminated under this subsection.

"(b) FORFEITURE.—Any person convicted of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces shall forfeit all rights to insurance under this chapter.".

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

"1214. Ready Reserve Mobilization Income Insurance .... 12521".

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1214 of title 10, United States Code, as added by subsection (a), and the requirement for deductions and contributions for that program shall take effect on September 30, 1996, or on any earlier date declared by the Secretary and published in the Federal Register.

SEC. 513. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) REQUIREMENT OF ANNUAL AUTHORIZATION OF END STRENGTH.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title.".

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

(b) AUTHORIZATION FOR FISCAL YEARS 1996 AND 1997.—For each of fiscal years 1996 and 1997, the minimum number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) Army National Guard, 25,500.

(2) Army Reserve, 6,630.

(3) Air National Guard, 22,906.

(4) Air Force Reserve, 9,802.

(c) ADMINISTRATION OF MILITARY TECHNICIAN PROGRAM.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§10216. Military technicians

"(a) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

"(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

"(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

"(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

"(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to

achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

"(3) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

"(b) DUAL-STATUS REQUIREMENT.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called 'dual-status' technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the Selected Reserve if such loss of membership was not due to the failure to meet military standards.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10216. Military technicians.".

(d) REVIEW OF RESERVE COMPONENT MANAGEMENT HEADQUARTERS.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of the annual funding required to support those positions for the purpose of creating new positions or filling existing positions in the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

"(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

"(2) Within each of the numbers under paragraph (1)—

"(A) the number applicable to a reserve component management headquarter organization; and

"(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

"(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).".

SEC. 514. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

"(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section."; and

(3) by striking out subsections (d) and (e).

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out "National Guard" before the period at the end and inserting in lieu thereof "Selected Reserve".

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out "National Guard" both places it appears and inserting in lieu thereof "Selected Reserve"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

"(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.".

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve"; and

(2) in subsection (c)—

(A) by striking out "a member of the Army National Guard enters the National Guard" and inserting in lieu thereof "a member of the Army Selected Reserve enters the Army Selected Reserve"; and

(B) by striking out "from the Army National Guard".

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve".

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting "and the Army Reserve" before the period at the end.

SEC. 515. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—Subsection (a) of section 1131 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2540) is amended to read as follows:

"(a) ASSOCIATE UNITS.—The Secretary of the Army shall require—

"(1) that each ground combat maneuver brigade of the Army National Guard that (as determined by the Secretary) is essential for the execution of the National Military Strategy be associated with an active-duty combat unit; and

"(2) that combat support and combat service support units of the Army Selected Reserve that (as determined by the Secretary) are essential for the execution of the National Military Strategy be associated with active-duty units.".

(b) RESPONSIBILITIES.—Subsection (b) of such section is amended—

(1) by striking out "National Guard combat unit" in the matter preceding paragraph (1) and inserting in lieu thereof "National Guard unit or Army Selected Reserve unit that (as determined by the Secretary under subsection (a)) is essential for the execution of the National Military Strategy"; and

(2) by striking out "of the National Guard unit" in paragraphs (1), (2), (3), and (4) and inserting in lieu thereof "of that unit".

SEC. 516. LEAVE FOR MEMBERS OF RESERVE COMPONENTS PERFORMING PUBLIC SAFETY DUTY.

(a) ELECTION OF LEAVE TO BE CHARGED.—Subsection (b) of section 6323 of title 5, United States Code, is amended by adding at the end the following: "Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.".

(b) PAY FOR PERIOD OF ABSENCE.—Section 5519 of such title is amended by striking out "entitled to leave" and inserting in lieu thereof "granted military leave".

SEC. 517. DEPARTMENT OF DEFENSE FUNDING FOR NATIONAL GUARD PARTICIPATION IN JOINT DISASTER AND EMERGENCY ASSISTANCE EXERCISES.

Section 503(a) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.".

Subtitle C—Decorations and Awards

SEC. 521. AWARD OF PURPLE HEART TO PERSONS WOUNDED WHILE HELD AS PRISONERS OF WAR BEFORE APRIL 25, 1962.

(a) AWARD OF PURPLE HEART.—For purposes of the award of the Purple Heart, the Secretary concerned (as defined in section 101 of title 10, United States Code) shall treat a former prisoner of war who was wounded before April 25, 1962, while held as a prisoner of war (or while being taken captive) in the same manner as a former prisoner of war who is wounded on or after that date while held as a prisoner of war (or while being taken captive).

(b) STANDARDS FOR AWARD.—An award of the Purple Heart under subsection (a) shall be made in accordance with the standards in effect on the date of the enactment of this Act for the

award of the Purple Heart to persons wounded on or after April 25, 1962.

(c) Eligible Former Prisoners of War.—A person shall be considered to be a former prisoner of war for purposes of this section if the person is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code.

SEC. 522. AUTHORITY TO AWARD DECORATIONS RECOGNIZING ACTS OF VALOR PERFORMED IN COMBAT DURING THE VIETNAM CONFLICT.

(a) Findings.—Congress makes the following findings:

(1) The Ia Drang Valley (Pleiku) campaign, carried out by the Armed Forces in the Ia Drang Valley of Vietnam from October 23, 1965, to November 26, 1965, is illustrative of the many battles during the Vietnam conflict which pitted forces of the United States against North Vietnamese Army regulars and Viet Cong in vicious fighting.

(2) Accounts of those battles that have been published since the end of that conflict authoritatively document numerous and repeated acts of extraordinary heroism, sacrifice, and bravery on the part of members of the Armed Forces, many of which have never been officially recognized.

(3) In some of those battles, United States military units suffered substantial losses, with some units sustaining casualties in excess of 50 percent.

(4) The incidence of heavy casualties throughout the Vietnam conflict inhibited the timely collection of comprehensive and detailed information to support recommendations for awards recognizing acts of heroism, sacrifice, and bravery.

(5) Subsequent requests to the Secretaries of the military departments for review of award recommendations for such acts have been denied because of restrictions in law and regulations that require timely filing of such recommendations and documented justification.

(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces deserve appropriate and timely recognition by the people of the United States.

(7) It is appropriate to recognize acts of heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

(b) Waiver of Time Limitations for Recommendations for Awards.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award to any person for actions by that person in the Southeast Asia theater of operations while serving on active duty during the Vietnam era. The waiver of time limitations under this paragraph applies only in the case of awards for acts of valor for which a request for consideration is submitted under subsection (c).

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act, was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to members of the Armed Forces for acts of valor.

(c) Review of Requests for Consideration of Awards.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (b) that are received by the Secretary during the one-year period beginning on the date of enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for award of decorations to members of the Armed Forces under the Secretary's jurisdiction for valorous acts.

(d) Report.—(1) Upon completing the review of each such request under subsection (c), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration received, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(e) Definition.—For purposes of this section:

(1) The term "Vietnam era" has the meaning given that term in section 101 of title 38, United States Code.

(2) The term "active duty" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 523. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) Waiver on Restrictions of Awards.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award, to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) Review of Requests for Consideration of Awards.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (a) that is received by the Secretary during the one-year period beginning on the date of the enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the Armed Forces under the Secretary's jurisdiction for acts, achievements, or service.

(c) Report.—(1) Upon completing the review of each such request under subsection (b), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration reviewed, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(D) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(d) Definition.—For purposes of this section, the term "active duty" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 524. REVIEW REGARDING UPGRADING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE.

(a) Review Required.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the medal of honor.

(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the medal of honor to that person.

(b) Waiver of Time Limitations.—A medal of honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the medal of honor; or

(B) the awarding of the medal of honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

(c) Definition.—For purposes of this section, the term "Native American Pacific Islander" means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 525. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) In General.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) Individual Determination.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 526. PROCEDURE FOR CONSIDERATION OF MILITARY DECORATIONS NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

(a) In General.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation

"(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal

for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and the other determinations necessary to comply with subsection (b).

"(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:

"(1) The award or presentation of the decoration does not warrant approval on the merits.

"(2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.

"(3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.

"(4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decison of the Secretary.

"(c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

"(d) In this section:

"(1) The term 'Member of Congress' means—

"(A) a Senator; or

"(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

"(2) The term 'decoration' means any decoration or award that may be presented or awarded to a member or unit of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation.".

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES

SEC. 531. REVISION OF SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4348(a)(2)(B) of title 10, United States Code, is amended by striking out "six years" and inserting in lieu thereof "five years".

(b) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out "six years" and inserting in lieu thereof "five years".

(c) AIR FORCE ACADEMY.—Section 9348(a)(2)(B) of such title is amended by striking out "six years" and inserting in lieu thereof "five years".

(d) REQUIREMENT FOR REVIEW AND REPORT.—(1) The Secretary of Defense shall review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies.

(2) Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings under the review, together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(e) APPLICABILITY.—The amendments made by this section apply to persons first admitted to the United States Military Academy, United States Naval Academy, and United States Air Force Academy after December 31, 1991.

SEC. 532. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

SEC. 533. REPEAL OF REQUIREMENT FOR ATHLETIC DIRECTOR AND NONAPPROPRIATED FUND ACCOUNT FOR THE ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4357 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 403 of such title is amended by striking out the item relating to section 4357.

(b) UNITED STATES NAVAL ACADEMY.—Section 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) is amended by striking out subsections (b) and (e).

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9356 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 903 of such title is amended by striking out the item relating to section 9356.

SEC. 534. REPEAL OF REQUIREMENT FOR PROGRAM TO TEST PRIVATIZATION OF SERVICE ACADEMY PREPARATORY SCHOOLS.

Section 536 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 4331 note) is repealed.

PART II—RESERVE OFFICER TRAINING CORPS

SEC. 541. ROTC ACCESS TO CAMPUSES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts

"(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS AND CONTRACTS.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

"(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

"(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

"(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

"(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

"(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

"(d) ANTI-ROTC POLICY.—In this section, the term 'anti-ROTC policy' means a policy or practice of an institution of higher education that—

"(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

"(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.".

SEC. 542. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting "full-time" before "active duty" in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: "A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.".

SEC. 543. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

SEC. 544. DURATION OF FIELD TRAINING OR PRACTICE CRUISE REQUIRED UNDER THE SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking out "not less than six weeks' duration" and inserting in lieu thereof "a duration".

SEC. 545. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) IN GENERAL.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§2111a. Detail of officers to senior military colleges

"(a) DETAIL OF OFFICERS TO SERVE AS COMMANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1) Upon the request of a senior military college, the Secretary of Defense may detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

"(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

"(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.

"(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon the request of a senior military college, the Secretary of Defense may authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

"(c) DETAIL OF OFFICERS.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

"(d) SENIOR MILITARY COLLEGES.—The senior military colleges are the following:

"(1) Texas A&M University.

"(2) Norwich College.

"(3) The Virginia Military Institute.

"(4) The Citadel.

"(5) Virginia Polytechnic Institute and State University.

"(6) North Georgia College.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2111a. Detail of officers to senior military colleges.".

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 551. REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an advisory committee to consider issues relating to the appropriate forum for judicial review of Department of Defense administrative personnel actions.

(b) MEMBERSHIP.—(1) The committee shall be composed of five members, who shall be appointed by the Secretary of Defense after consultation with the Attorney General and the Chief Justice of the United States.

(2) All members of the committee shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) DUTIES.—The committee shall review, and provide findings and recommendations regarding, the following matters with respect to judicial review of administrative personnel actions of the Department of Defense:

(1) Whether the existing forum for such review through the United States district courts provides appropriate and adequate review of such actions.

(2) Whether jurisdiction to conduct judicial review of such actions should be established in a single court in order to provide a centralized review of such actions and, if so, in which court that jurisdiction should be vested.

(d) REPORT.—(1) Not later than December 15, 1996, the committee shall submit to the Secretary of Defense a report setting forth its findings and recommendations, including its recommendations pursuant to subsection (c).

(2) Not later than January 1, 1997, the Secretary of Defense, after consultation with the Attorney General, shall transmit the committee's report to Congress. The Secretary may include in the transmittal any comments on the report that the Secretary or the Attorney General consider appropriate.

(e) TERMINATION OF COMMITTEE.—The committee shall terminate 30 days after the date of the submission of its report to Congress under subsection (d)(2).

SEC. 552. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General's analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

SEC. 553. REPORT ON MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

(a) REPORT.—Not later than September 30, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units of the Armed Forces under the Secretary's jurisdiction—

(1) that (as determined by the Secretary of the military department concerned) are high-priority support units that would deploy early in a contingency operation or other crisis; and

(2) that are, as a matter of policy, managed at less than 100 percent of their authorized strengths.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) the number of such high-priority support units (shown by type of unit) that are so managed;

(2) the level of manning within such high-priority support units; and

(3) with respect to each such unit, either the justification for manning of less than 100 percent or the status of corrective action.

SEC. 554. REVIEW OF SYSTEM FOR CORRECTION OF MILITARY RECORDS.

(a) REVIEW OF PROCEDURES.—The Secretary of Defense shall review the system and procedures for the correction of military records used by the Secretaries of the military departments in *the exercise of authority under section 1552 of title 10, United States Code, in order to identify potential improvements that could be made in the process for correcting military records to ensure fairness, equity, and (consistent with appropriate service to applicants) maximum efficiency. The Secretary may not delegate responsibility for the review to an officer or official of a military department.*

(b) Issues Reviewed.—In conducting the review, the Secretary shall consider (with respect to each Board for the Correction of Military Records) the following:

(1) The composition of the board and of the support staff for the board.

(2) Timeliness of final action.

(3) Independence of deliberations by the civilian board.

(4) The authority of the Secretary of the military department concerned to modify the recommendations of the board.

(5) Burden of proof and other evidentiary standards.

(6) Alternative methods for correcting military records.

(7) Whether the board should be consolidated with the Discharge Review Board of the military department.

(c) Report.—Not later than April 1, 1996, the Secretary of Defense shall submit a report on the results of the Secretary's review under this section to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain the recommendations of the Secretary for improving the process for correcting military records in order to achieve the objectives referred to in subsection (a).

SEC. 555. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) Report.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau's criminal history identification files. The report shall be prepared in consultation with the Director of the Federal Bureau of Investigation.

(b) Matters To Be Included.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;

(2) compare the fingerprint cards and final disposition forms filled out to all judicial and nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;

(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;

(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;

(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and

(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) Submission of Report.—The report shall be submitted not later than one year after the date of the enactment of this Act.

(d) Definition.—For the purposes of this section, the term "criminal history identification files", with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

Subtitle F—Other Matters

SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) Enlisted Service Credit.—Section 972 of title 10, United States Code, is amended—

(1) by inserting "(a) Enlisted Members Required To Make Up Time Lost.—" before "An enlisted member";

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or"; and

(3) by redesignating paragraph (5) as paragraph (4).

(b) Officer Service Credit.—Such section is further amended by adding at the end the following:

"(b) Officers Not Allowed Service Credit for Time Lost.—In the case of an officer of an armed force who after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996—

"(1) deserts;

"(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

"(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

"(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.".

(c) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§972. Members: effect of time lost

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"972. Members: effect of time lost.".

(d) Conforming Amendments.—(1) Section 1405(c) is amended—

(A) by striking out "Made Up.—Time" and inserting in lieu thereof "Made Up or Excluded.—(1) Time";

(B) by striking out "section 972" and inserting in lieu thereof "section 972(a)";

(C) by inserting after "of this title" the following: ", or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,"; and

(D) by adding at the end the following:

"(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(2) Chapter 367 of such title is amended—

(A) in section 3925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 3926 the following new subsection:

"(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

"§6328. Computation of years of service: voluntary retirement

"(a) Enlisted Members.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.

"(b) Officers.—Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this chapter any time identified with respect to that officer under that section.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

"6328. Computation of years of service: voluntary retirement.".

(4) Chapter 867 of such title is amended—

(A) in section 8925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 8926 the following new subsection:

"(d) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(e) Effective Date and Applicability.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date.

SEC. 562. ARMY RANGER TRAINING.

(a) In General.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

"§4303. Army Ranger training: instructor staffing; safety

"(a) Levels of Personnel Assigned.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Ranger Training Brigade (or other organizational element of the Army primarily responsible for ranger student training) are not less than 90 percent of the required manning spaces for officers, and for enlisted members, respectively, for that brigade.

"(2) In this subsection, the term 'required manning spaces' means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

"(b) Training Safety Cells.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a 'safety cell' as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

"(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily 'go' and 'no-go' decisions regarding training in light of all relevant

conditions, including conditions of terrain, weather, water, and climate and other conditions.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4302 the following new item:

"4303. Army Ranger training: instructor staffing; safety.".

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act, the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade are not each at (or above) the requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army shall—

(A) take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

(B) submit to Congress, not later than 90 days after such date of enactment, a plan to achieve and maintain that requirement.

(2) The requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), shall expire two years after the date (on or after the date of the enactment of this Act) on which the required manning levels referred to in paragraph (1) are first attained.

(c) GAO ASSESSMENT.—(1) Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report providing a preliminary assessment of the implementation and effectiveness of all corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp, including an evaluation of the implementation of the required manning levels established by subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(2) At the end of the two-year period specified in subsection (b)(2), the Comptroller General shall submit to Congress a report providing a final assessment of the matters covered in the preliminary report under paragraph (1). The report shall include the Comptroller General's recommendation as to the need to continue required statutory manning levels as specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(d) SENSE OF CONGRESS.—In light of requirement that particularly dangerous training activities (such as Ranger training, Search, Evasion, Rescue, and Escape (SERE) training, SEAL training, and Airborne training) must be adequately manned and resourced to ensure safety and effective oversight, it is the sense of Congress—

(1) that the Secretary of Defense, in conjunction with the Secretaries of the military departments, should review and, if necessary, enhance oversight of all such training activities; and

(2) that organizations similar to the safety cells required to be established for Army Ranger training in section 4303 of title 10, United States Code, as added by subsection (a), should (when appropriate) be used for all such training activities.

SEC. 563. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT.

(a) SEPARATION.—(1)(A) Chapter 59 of title 10, United States Code, is amended by inserting after section 1166 the following new section:

"§1167. Members under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a member sentenced by a court-martial to a period of confinement for more than six months may be separated from the member's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of six months.".

(B) The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1166 the following new item:

"1167. Members under confinement by sentence of court-martial: separation after six months confinement.".

(2)(A) Chapter 1221 of title 10, United States Code, is amended by adding at the end the following:

"§12687. Reserves under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a Reserve sentenced by a court-martial to a period of confinement for more than six months may be separated from that Reserve's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the Reserve has served in confinement for a period of six months.".

(B) The table of sections at the beginning of chapter 1221 of such title is amended by inserting at the end thereof the following new item:

"12687. Reserves under confinement by sentence of court-martial: separation after six months confinement.".

(b) DROP FROM ROLLS.—(1) Section 1161(b) of title 10, United States Code, is amended by striking out "or (2)" and inserting in lieu thereof "(2) who may be separated under section 1178 of this title by reason of a sentence to confinement adjudged by a court-martial, or (3)".

(2) Section 12684 of such title is amended—

(A) by striking out "or" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or".

SEC. 564. LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129b the following new section:

"§129c. Medical personnel: limitations on reductions

"(a) LIMITATION ON REDUCTION.—For any fiscal year, the Secretary of Defense may not make a reduction in the number of medical personnel of the Department of Defense described in subsection (b) unless the Secretary makes a certification for that fiscal year described in subsection (c).

"(b) COVERED REDUCTIONS.—Subsection (a) applies to a reduction in the number of medical personnel of the Department of Defense as of the end of a fiscal year to a number that is less than—

"(1) 95 percent of the number of such personnel at the end of the immediately preceding fiscal year; or

"(2) 90 percent of the number of such personnel at the end of the third fiscal year preceding the fiscal year.

"(c) CERTIFICATION.—A certification referred to in subsection (a) with respect to reductions in medical personnel of the Department of Defense for any fiscal year is a certification by the Secretary of Defense to Congress that—

"(1) the number of medical personnel being reduced is excess to the current and projected needs of the Department of Defense; and

"(2) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of this title.

"(d) POLICY FOR IMPLEMENTING REDUCTIONS.—Whenever the Secretary of Defense directs that there be a reduction in the total number of military medical personnel of the Department of Defense, the Secretary shall require that the reduction be carried out so as to ensure that the reduction is not exclusively or disproportionatly borne by any one of the armed forces and is not exclusively or disproportionatly borne by either the active or the reserve components.

"(e) DEFINITION.—In this section, the term 'medical personnel' means—

"(1) the members of the armed forces covered by the term 'medical personnel' as defined in section 115a(g)(2) of this title; and

"(2) the civilian personnel of the Department of Defense assigned to military medical facilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129b the following new item:

"129c. Medical personnel: limitations on reductions.".

(b) SPECIAL TRANSITION RULE FOR FISCAL YEAR 1996.—For purposes of applying subsection (b)(1) of section 129c of title 10, United States Code, as added by subsection (a), during fiscal year 1996, the number against which the percentage limitation of 95 percent is computed shall be the number of medical personnel of the Department of Defense as of the end of fiscal year 1994 (rather than the number as of the end of fiscal year 1995).

(c) REPORT ON PLANNED REDUCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the reduction of the number of medical personnel of the Department of Defense over the five-year period beginning on October 1, 1996.

(2) The Secretary shall prepare the plan through the Assistant Secretary of Defense having responsibility for health affairs, who shall consult in the preparation of the plan with the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force.

(3) For purposes of this subsection, the term "medical personnel of the Department of Defense" shall have the meaning given the term "medical personnel" in section 129c(e) of title 10, United States Code, as added by subsection (a).

(d) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 115 note).

(2) Subsection (b) of section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 115 note).

(3) Section 518 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 12001 note).

SEC. 565. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.

(2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.

(3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is defined and managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of service, unit, or assignment.

SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:

"(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).".

(b) TECHNICAL CORRECTIONS.—Such section is further amended—

(1) by striking out "Coast and Geodetic Survey" in subsections (a) and (b) and inserting in lieu thereof "commissioned officer corps of the National Oceanic and Atmospheric Administration"; and

(2) in subsection (a), by striking out "including changes in those rules made after the effective date of this Act" in the matter preceding paragraph (1) and inserting in lieu thereof "as those provisions are in effect from time to time".

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 relating to the retirement of members of such commissioned officer corps.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV–1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§1177. Members infected with HIV–1 virus: mandatory discharge or retirement

"(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

"(b) FORM OF SEPARATION.—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

"(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(d) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

"(e) ENTITLEMENT TO HEALTH CARE.—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

"(f) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(g) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus–1 (HIV–1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.".

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

"1177. Members infected with HIV–1 virus: mandatory discharge or retirement.".

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 568. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter	Sec.
"I. Military Family Programs	1781
"II. Military Child Care	1791

"SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.
"1781. Office of Family Policy.
"1782. Surveys of military families.
"1783. Family members serving on advisory committees.
"1784. Employment opportunities for military spouses.
"1785. Youth sponsorship program.
"1786. Dependent student travel within the United States.
"1787. Reporting of child abuse.

"§1781. Office of Family Policy

"(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) DUTIES.—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) STAFF.—The Office shall have not less than five professional staff members.

"§1782. Surveys of military families

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

"§1783. Family members serving on advisory committees

"A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

"§1784. Employment opportunities for military spouses

"(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces *stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.*

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

“(1) to implement such measures as the President orders under subsection (a);

“(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

“(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

“(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

“(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

“§1785. Youth sponsorship program

“(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

“(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

“§1786. Dependent student travel within the United States

“Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

“§1787. Reporting of child abuse

“(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

“(b) DEFINITION.—In this section, the term ‘child abuse and neglect’ has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

“SUBCHAPTER II—MILITARY CHILD CARE

“Sec.
“1791. Funding for military child care.
“1792. Child care employees.
“1793. Parent fees.
“1794. Child abuse prevention and safety at facilities.
“1795. Parent partnerships with child development centers.
“1796. Subsidies for family home day care.
“1797. Early childhood education program.
“1798. Definitions.

“§1791. Funding for military child care

“It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

“§1792. Child care employees

“(a) REQUIRED TRAINING.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

“(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

“(3) The training program established under this subsection shall cover, at a minimum, training in the following:

“(A) Early childhood development.

“(B) Activities and disciplinary techniques appropriate to children of different ages.

“(C) Child abuse prevention and detection.

“(D) Cardiopulmonary resuscitation and other emergency medical procedures.

“(b) TRAINING AND CURRICULUM SPECIALISTS.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

“(2) The duties of such employees shall include the following:

“(A) Special teaching activities at the center.

“(B) Daily oversight and instruction of other child care employees at the center.

“(C) Daily assistance in the preparation of lesson plans.

“(D) Assistance in the center's child abuse prevention and detection program.

“(E) Advising the director of the center on the performance of other child care employees.

“(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

“(c) COMPETITIVE RATES OF PAY.—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

“(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

“(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

“(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

“(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1794 of this title, in the same geographic area as the military child development center.

“(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term ‘competitive service position’ means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

“§1793. Parent fees

“(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

“(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

“§1794. Child abuse prevention and safety at facilities

“(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

“(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

“(2) The Secretary shall publicize the existence of the number.

“(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

“(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

“(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

“(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

“(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the

military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

"§1795. Parent partnerships with child development centers

"(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

"(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

"§1796. Subsidies for family home day care

"The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

"§1797. Early childhood education program

"The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

"§1798. Definitions

"In this subchapter:

"(1) The term 'military child development center' means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

"(2) The term 'family home day care' means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

"(3) The term 'child care employee' means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

"(4) The term 'child care fee receipts' means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"88. Military Family Programs and Military Child Care .... 1781".

(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

(c) PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

(d) CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) REPEALER.—The following provisions of law are repealed:

(1) The Military Family Act of 1985 (title VIII of Public Law 99–145; 10 U.S.C. 113 note).

(2) The Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

SEC. 569. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces (and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders) who becomes missing or unaccounted for is ultimately accounted for by the United States and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

"Sec.
"1501. System for accounting for missing persons.
"1502. Missing persons: initial report.
"1503. Actions of Secretary concerned; initial board inquiry.
"1504. Subsequent board of inquiry.
"1505. Further review.
"1506. Personnel files.
"1507. Recommendation of status of death.
"1508. Judicial review.
"1509. Preenactment, special interest cases.
"1510. Applicability to Coast Guard.
"1511. Return alive of person declared missing or dead.
"1512. Effect on State law.
"1513. Definitions.

"§1501. System for accounting for missing persons

"(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

"(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion); and

"(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

"(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

"(3) The office shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery (including search, rescue, escape, and evasion).

"(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

"(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

"(A) the determination of the status of persons described in subsection (c); and

"(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

"(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

"(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

"(4) As part of such procedures, the Secretary may provide for the extension, on a case by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person prescribed in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary concerned shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

"(e) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED

FOR.—The provisions of this chapter relating to boards of inquiry and to the actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon the person becoming accounted for or otherwise being determined to be in a status other than missing.

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.

"§1502. Missing persons: initial report

"(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts and status of a person described in section 1501(c) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

"(1) recommend that the person be placed in a missing status; and

"(2) not later than 48 hours after receiving such information, transmit a report containing that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(b) of this title.

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.

"(c) SAFEGUARDING AND FORWARDING OF RECORDS.—A commander making a preliminary assessment under subsection (a) with respect to a missing person shall (in accordance with procedures prescribed under section 1501 of this title) safeguard and forward for official use any information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person. The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.

"§1503. Actions of Secretary concerned; initial board inquiry

"(a) DETERMINATION BY SECRETARY.—Upon receiving a recommendation under section 1502(b) of this title that a person be placed in a missing status, the Secretary receiving the recommendation shall review the recommendation and, not later than 10 days after receiving such recommendation, shall appoint a board under this section to conduct an inquiry into the whereabouts and status of the person.

"(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the Secretary who appoints a board under this section that the absence or missing status of two or more persons is factually related, the Secretary may appoint a single board under this section to conduct the inquiry into the whereabouts and status of all such persons.

"(c) COMPOSITION.—(1) A board appointed under this section to inquire into the whereabouts and status of a person shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.

"(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the individual access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

"(4) A Secretary appointing a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

"(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts and status of a missing person under this section shall—

"(1) collect, develop, and investigate all facts and evidence relating to the disappearance or whereabouts and status of the person;

"(2) collect appropriate documentation of the facts and evidence covered by the board's investigation;

"(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

"(4) with respect to each person covered by the inquiry, recommend to the Secretary who appointed the board that—

"(A) the person be placed in a missing status; or

"(B) the person be declared to have deserted, to be absent without leave, or (subject to the requirements of section 1507 of this title) to be dead.

"(e) BOARD PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

"(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts and status of each person covered by the inquiry;

"(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts and status of the person arising from such actions; and

"(3) maintain a record of its proceedings.

"(f) COUNSEL FOR MISSING PERSON.—(1) The Secretary appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry or, in a case covered by subsection (b), one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel' and represents the interests of the person covered by the inquiry (and not any member of the person's family or other interested parties).

"(2) To be appointed as a missing person's counsel, a person must—

"(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial;

"(B) have a security clearance that affords the counsel access to all information relating to the whereabouts and status of the person or persons covered by the inquiry; and

"(C) have expertise in the law relating to missing persons, the determination of the death of such persons, and the rights of family members and dependents of such persons.

"(3) A missing person's counsel—

"(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(B) shall observe all official activities of the board during such proceedings;

"(C) may question witnesses before the board; and

"(D) shall monitor the deliberations of the board.

"(4) A missing person's counsel shall assist the board in ensuring that all appropriate information concerning the case is collected, logged, filed, and safeguarded.

"(5) A missing person's counsel shall review the report of the board under subsection (h) and submit to the Secretary concerned who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

"(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to the person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person of the person).

"(h) REPORT.—(1) A board appointed under this section shall submit to the Secretary who appointed the board a report on the inquiry carried out by the board. The report shall include—

"(A) a discussion of the facts and evidence considered by the board in the inquiry;

"(B) the recommendation of the board under subsection (d) with respect to each person covered by the report; and

"(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

"(2) A board shall submit a report under this subsection with respect to the inquiry carried out by the board not later than 30 days after the date of the appointment of the board to carry out the inquiry. The report may include a classified annex.

"(3) The Secretary of Defense shall prescribe procedures for the release of a report submitted under this subsection with respect to a missing person. Such procedures shall provide that the report may not be made public (except as provided for in subsection (j)) until one year after the date on which the report is submitted.

"(i) DETERMINATION BY SECRETARY.—(1) Not later than 30 days after receiving a report from a board under subsection (h), the Secretary receiving the report shall review the report.

"(2) In reviewing a report under paragraph (1), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report, including whether the person shall—

"(A) be declared to be missing;

"(B) be declared to have deserted;

"(C) be declared to be absent without leave; or

"(D) be declared to be dead.

"(j) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary concerned makes a determination of the status of a person under subsection (i), the Secretary shall take reasonable actions to—

"(1) provide to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person—

"(A) an unclassified summary of the unit commander's report with respect to the person under section 1502(a) of this title; and

"(B) the report of the board (including the names of the members of the board) under subsection (h); and

"(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts and status of the person on or about one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that may result in a change in status of the person.

"(k) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (i) shall be treated as the determination of the status of the person by all departments and agencies of the United States.

"§1504. Subsequent board of inquiry

"(a) ADDITIONAL BOARD.—If information that may result in a change of status of a person covered by a determination under section 1503(i) of this title becomes available within one year after the date of the transmission of a report with respect to the person under section 1502(a)(2) of this title, the Secretary concerned shall appoint a board under this section to conduct an inquiry into the information.

"(b) DATE OF APPOINTMENT.—The Secretary concerned shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the transmission of a report concerning the person under section 1502(a)(2) of this title.

"(c) COMBINED INQUIRIES.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts and status of such persons.

"(d) COMPOSITION.—(1) A board appointed under this section shall be composed of at least three members as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry.

"(2) The Secretary concerned shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

"(3) One member of each board appointed under this subsection shall be an individual who—

"(A) has a occupational specialty similar to that of one or more of the persons covered by the inquiry; and

"(B) has an understanding of and expertise in the type of official activities that one or more such persons were engaged in at the time such person or persons disappeared.

"(4) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, with the same qualifications as specified in section 1503(c)(4) of this title.

"(e) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts and status of a person shall—

"(1) review the reports with respect to the person transmitted under section 1502(a)(2) of this title and submitted under section 1503(h) of this title;

"(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person under section 1503 of this title;

"(3) draw conclusions as to the whereabouts and status of the person;

"(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

"(5) submit to the Secretary concerned a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts and status of the person.

"(f) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary concerned appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

"(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

"(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

"(g) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by a inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the person may attend the proceedings of the board during the inquiry.

"(2) The Secretary concerned shall take reasonable actions to notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

"(3) An individual who receives notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not later than 21 days after the date on which the individual receives the notice.

"(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

"(A) in the case of a individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;

"(B) shall have access to the personnel file of the missing person, to unclassified reports, if any, of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

"(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

"(D) subject to paragraph (5), shall be given the opportunity to submit in writing an objection to any recommendation of the board under subsection (i) as to the status of the missing person.

"(5)(A) Individuals who wish to file objections under paragraph (4)(D) to any recommendation of the board shall—

"(i) submit a letter of intent to the president of the board not later than 15 days after the date on which the recommendations are made; and

"(ii) submit to the president of the board the objections in writing not later than 30 days after the date on which the recommendations are made.

"(B) The president of a board shall include any objections to a recommendation of the board that are submitted to the president of the board under subparagraph (A) in the report of the board containing the recommendation under subsection (i).

"(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

"(h) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

"(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

"(A) declassify to an appropriate degree classified information; or

"(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

"(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, or if the classification markings cannot be removed before release from the information covered by the request, or if the material cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the president of the board making the request and the counsel for the missing person appointed under subsection (f).

"(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

"(i) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts and status of each missing person covered by the inquiry.

"(2) A board may not recommend under paragraph (1) that a person be declared dead unless in making the recommendation the board complies with section 1507 of this title.

"(j) REPORT.—A board appointed under this section shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

"(k) ACTIONS BY SECRETARY CONCERNED.—(1) Not later than 30 days after the receipt of a report from a board under subsection (j), the Secretary shall review—

"(A) the report;

"(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

"(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(5).

"(2) In reviewing a report under paragraph (1) (including the objections described in subparagraph (C) of that paragraph), the Secretary concerned shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

"(l) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 60 days after the date on which the Secretary concerned makes a determination with respect to a missing person under subsection (k), the Secretary shall—

"(1) provide the report reviewed by the Secretary in making the determination to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person; and

"(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts and status of the person as specified in section 1505 of this title.

"(m) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (k) shall supersede the determination of the status of the person under section 1503 of this title and shall be treated as the determination of the status of the person by all departments and agencies of the United States.

"§1505. Further review

"(a) SUBSEQUENT REVIEW.—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.

"(c) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the office established under section 1501 of this title.

"(2) Upon receipt of information under paragraph (1), the head of the office established under section 1501 of this title shall as expeditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing person's counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

"(3) The head of the office established under section 1501 of this title, with the advice of the missing person's counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.

"(d) CONDUCT OF PROCEEDINGS.—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

"§1506. Personnel files

"(a) INFORMATION IN FILES.—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a missing person contains all information in the possession of the United States relating to the disappearance and whereabouts and status of the person.

"(b) CLASSIFIED INFORMATION.—The Secretary concerned may withhold classified information from a personnel file under this section. If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

"(1) A notice that the withheld information exists.

"(2) A notice of the date of the most recent review of the classification of the withheld information.

"(c) PROTECTION OF PRIVACY.—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.

"(d) PRIVILEGED INFORMATION.—(1) The Secretary concerned shall withhold from personnel files under this section, as privileged information, debriefing reports provided by missing persons returned to United States control which are obtained under a promise of confidentiality made for the purpose of ensuring the fullest possible disclosure of information.

"(2) If a debriefing report contains non-derogatory information about the status and whereabouts of a missing person other than the source of the debriefing report, the Secretary concerned shall prepare an extract of the non-derogatory information. That extract, following a review by the source of the debriefing report, shall be placed in the personnel file of the missing person in such a manner as to protect the identity of the source providing the information.

"(3) Whenever the Secretary concerned withholds a debriefing report from a personnel file under this subsection, the Secretary shall ensure that the file contains a notice that withheld information exists.

"(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

"(f) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the primary next of kin, the other members of the immediate family, or any other previously designated person of the person.

"§1507. Recommendation of status of death

"(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1503, 1504, or 1505 of this title may not recommend that a person be declared dead unless—

"(1) credible evidence exists to suggest that the person is dead;

"(2) the United States possesses no credible evidence that suggests that the person is alive; and

"(3) representatives of the United States—

"(A) have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

"(B) have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

"(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1503, 1504, or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under that section the following:

"(1) A detailed description of the location where the death occurred.

"(2) A statement of the date on which the death occurred.

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

"§1508. Judicial review

"(a) RIGHT OF REVIEW.—A person who is the primary next of kin (or the previously designated person) of a person who is the subject of *a finding described in subsection (b) may obtain judicial review in a United States district court of that finding, but only on the basis of a claim that there is information that could affect the status of the missing person's case that was not adequately considered during the administrative review process under this chapter. Any such review shall be as provided in section 706 of title 5.*

''(b) FINDINGS FOR WHICH JUDICIAL REVIEW MAY BE SOUGHT.—Subsection (a) applies to the following findings:

''(1) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

''(2) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

''(c) SUBSEQUENT REVIEW.—Appeals from a decision of the district court shall be taken to the appropriate United States court of appeals and to the Supreme Court as provided by law.

“§1509. Preenactment, special interest cases

''(a) REVIEW OF STATUS.—In the case of an unaccounted for person covered by section 1501(c) of this title who is described in subsection (b), if new information that could change the status of that person is found or received by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title, that information shall be provided to the Secretary of Defense with a request that the Secretary evaluate the information in accordance with sections 1505(c) and 1505(d) of this title.

''(b) CASES ELIGIBLE FOR REVIEW.—The cases eligible for review under this section are the following:

''(1) With respect to the Korean conflict, any unaccounted for person who was classified as a prisoner of war or as missing in action during that conflict and who (A) was known to be or suspected to be alive at the end of that conflict, or (B) was classified as missing in action and whose capture was possible.

''(2) With respect to the Cold War, any unaccounted person who was engaged in intelligence operations (such as aerial ''ferret'' reconnaissance missions over and around the Soviet Union and China) during the Cold War.

''(3) With respect to Indochina war era, any unaccounted for person who was classified as a prisoner of war or as missing in action during the Indochina conflict.

''(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KIA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.

''(d) DEFINITIONS.—In this section:

''(1) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on January 31, 1955.

''(2) The term 'Cold War' means the period beginning on September 2, 1945, and ending on August 21, 1991.

''(3) The term 'Indochina war era' means the period beginning on July 8, 1959, and ending on May 15, 1975.

“§1510. Applicability to Coast Guard

''(a) DESIGNATED OFFICER TO HAVE RESPONSIBILITY.—The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within the Department of Transportation for matters relating to missing persons who are members of the Coast Guard.

''(b) PROCEDURES.—The Secretary of Transportation shall prescribe procedures for the determination of the status of persons described in section 1501(c) of this title who are members of the Coast Guard and for the collection, analysis, review, and update of information on such persons. To the maximum extent practicable, the procedures prescribed under this section shall be similar to the procedures prescribed by the Secretary of Defense under section 1501(b) of this title.

“§1511. Return alive of person declared missing or dead

''(a) PAY AND ALLOWANCES.—Any person (except for a person subsequently determined to have been absent without leave or a deserter) in a missing status or declared dead under subchapter VII of chapter 55 of title 5 or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

''(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

“§1512. Effect on State law

''(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

''(b) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

“§1513. Definitions

''In this chapter:

''(1) The term 'missing person' means—

''(A) a member of the armed forces on active duty who is in a missing status; or

''(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

''(2) The term 'missing status' means the status of a missing person who is determined to be absent in a category of any of the following:

''(A) Missing.

''(B) Missing in action.

''(C) Interned in a foreign country.

''(D) Captured.

''(E) Beleaguered.

''(F) Besieged.

''(G) Detained in a foreign country against that person's will.

''(3) The term 'accounted for', with respect to a person in a missing status, means that—

''(A) the person is returned to United States control alive;

''(B) the remains of the person are recovered and, if not identifiable through visual means as those of the missing person, are identified as those of the missing person by a practitioner of an appropriate forensic science; or

''(C) credible evidence exists to support another determination of the person's status.

''(4) The term 'primary next of kin', in the case of a missing person, means the individual authorized to direct disposition of the remains of the person under section 1482(c) of this title.

''(5) The term 'member of the immediate family', in the case of a missing person, means the following:

''(A) The spouse of the person.

''(B) A natural child, adopted child, step child, or illegitimate child (if acknowledged by the person or parenthood has been established by a court of competent jurisdiction) of the person, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child.

''(C) A biological parent of the person, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored.

''(D) A brother or sister of the person, if such brother or sister has attained the age of 18 years.

''(E) Any other blood relative or adoptive relative of the person, if such relative was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

''(6) The term 'previously designated person', in the case of a missing person, means an individual designated by the person under section 655 of this title for purposes of this chapter.

''(7) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

''(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

''76. Missing Persons .... 1501''.

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out ''When a member'' and inserting in lieu thereof ''Except as provided in subsection (d), when a member''; and

(B) by adding at the end the following new subsection:

''(d) This section does not apply in a case to which section 1502 of title 10 applies.''.

(2) Section 552 is amended—

(A) in subsection (a), by striking out ''for all purposes,'' in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof ''for all purposes.'';

(B) in subsection (b), by inserting ''or under chapter 76 of title 10'' before the period at the end; and

(C) in subsection (e), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title''.

(3) Section 553 is amended—

(A) in subsection (f), by striking out ''the date the Secretary concerned receives evidence that'' and inserting in lieu thereof ''the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that''; and

(B) in subsection (g), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title''.

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

''Paragraphs (1), (5), (6), and (7) only apply with respect to a case to which section 555 of this title applies.'';

(B) in subsection (b), by inserting '', in a case to which section 555 of this title applies,'' after ''When the Secretary concerned''; and

(C) in subsection (h)—

(i) in the first sentence, by striking out "status" and inserting in lieu thereof "pay"; and

(ii) in the second sentence, by inserting "in a case to which section 555 of this title applies" after "under this section".

(d) DESIGNATION OF PERSONS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§655. Designation of persons having interest in status of a missing member

"(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

"(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"655. Designation of persons having interest in status of a missing member.".

(e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CONTRACTORS OF THE UNITED STATES.—(1) The Secretary of State shall carry out a comprehensive study of the provisions of subchapter VII of chapter 55 of title 5, United States Code (commonly referred to as the "Missing Persons Act of 1942) (5 U.S.C. 5561 et seq.) and any other law or regulation establishing procedures for the accounting for of civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field. The purpose of the study shall be to determine the means, if any, by which those procedures may be improved.

(2) The Secretary of State shall carry out the study required under paragraph (1) in consultation with the Secretary of Defense, the Secretary of Transportation, the Director of Central Intelligence, and the heads of such other departments and agencies of the United States as the President designates for that purpose.

(3) In carrying out the study, the Secretary of State shall examine the procedures undertaken when a civilian employee referred to in paragraph (1) becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for, including procedures for—

(A) search and rescue for the employee;

(B) determining the status of the employee;

(C) reviewing and changing the status of the employee;

(D) determining the rights and benefits accorded to the family of the employee; and

(E) maintaining and providing appropriate access to the records of the employee and the investigation into the status of the employee.

(4) Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the study carried out by the Secretary under this subsection. The report shall include the recommendations, if any, of the Secretary for legislation to improve the procedures covered by the study.

SEC. 570. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

"(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.".

Subtitle G—Support for Non-Department of Defense Activities

SEC. 571. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—The following provisions of law are repealed:

(1) Section 410 of title 10, United States Code.

(2) Section 1081(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note).

(b) REPEAL OF RELATED PROVISION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs, is repealed.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 20 of title 10, United States Code, is amended—

(1) by striking out the table of subchapters after the chapter heading;

(2) by striking out the subchapter heading for subchapter I; and

(3) by striking out the subchapter heading for subchapter II and the table of sections following that subchapter heading.

SEC. 572. TRAINING ACTIVITIES RESULTING IN INCIDENTAL SUPPORT AND SERVICES FOR ELIGIBLE ORGANIZATIONS AND ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§2012. Support and services for eligible organizations and activities outside Department of Defense

"(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non-Department of Defense organizations and activities specified in subsection (e), but only if—

"(1) such assistance is authorized by a provision of law (other than this section); or

"(2) the provision of such assistance is incidental to military training.

"(b) SCOPE OF COVERED ACTIVITIES SUBJECT TO SECTION.—This section does not—

"(1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or

"(2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

"(c) REQUIREMENT FOR SPECIFIC REQUEST.—Assistance under subsection (a) may only be provided if—

"(1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and

"(2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

"(d) RELATIONSHIP TO MILITARY TRAINING.—(1) Assistance under subsection (a) may only be provided if the following requirements are met:

"(A) The provision of such assistance—

"(i) in the case of assistance by a unit, will accomplish valid unit training requirements; and

"(ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military occupational specialty of the member.

"(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

"(C) The provision of such assistance will not result in a significant increase in the cost of the training.

"(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man-hours.

"(e) ELIGIBLE ENTITIES.—The following organizations and activities are eligible for assistance under this section:

"(1) Any Federal, regional, State, or local governmental entity.

"(2) Youth and charitable organizations specified in section 508 of title 32.

"(3) Any other entity as may be approved by the Secretary of Defense on a case-by-case basis.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

"(1) Rules governing the types of assistance that may be provided.

"(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

"(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

"(A) meets a valid need; and

"(B) does not duplicate other available public services.

"(4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

"(g) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this section from persons who are knowledgeable about regional, State, and local conditions and needs.

"(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

"(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

"(h) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

"(1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or

"(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2012. Support and services for eligible organizations and activities outside Department of Defense.".

SEC. 573. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) TERMINATION.—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act and such authority shall terminate as of the end of that period.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

SEC. 574. TERMINATION OF FUNDING FOR OFFICE OF CIVIL-MILITARY PROGRAMS IN OFFICE OF THE SECRETARY OF DEFENSE.

No funds may be obligated or expended after the date of the enactment of this Act (1) for the office that as of the date of the enactment of this Act is designated, within the Office of the Assistant Secretary of Defense for Reserve Affairs, as the Office of Civil-Military Programs, or (2) for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 2012 of title 10, United States Code, as added by section 572.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS RESIDING WITHOUT DEPENDENTS IN GOVERNMENT QUARTERS.

(a) PERCENTAGE LIMITATION.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

"(4) In the case of enlisted members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The Secretary concerned shall achieve the percentage limitation specified in this paragraph as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.".

(b) STYLISTIC AMENDMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) by inserting "(1)" after "(b)";

(3) by designating the text composed of the second, third, and fourth sentences as paragraph (2); and

(4) by designating the text composed of the fifth and sixth sentences as paragraph (3).

(c) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out "the third sentence of subsection (b)" and inserting in lieu thereof "subsection (b)(2)"; and

(B) in paragraph (2), by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(2)".

(2) Section 1012 of title 37, United States Code, is amended by striking out "the last sentence of section 402(b)" and inserting in lieu thereof "section 402(b)(3)".

(d) REPORT REQUIRED.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and Marine Corps—

(1) the number of members who reside without dependents in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;

(2) such number as a percentage of the total number of members who reside without dependents in Government quarters;

(3) a recommended maximum percentage of the members residing without dependents in Government quarters at their permanent duty station who should receive a basic allowance for subsistence; and

(4) the reasons such maximum percentage is recommended.

SEC. 603. ELECTION OF BASIC ALLOWANCE FOR QUARTERS INSTEAD OF ASSIGNMENT TO INADEQUATE QUARTERS.

(a) ELECTION AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by designating the second sentence as paragraph (2) and, as so designated, by striking out "However, subject" and inserting in lieu thereof "Subject"; and

(3) by adding at the end the following new paragraph:

"(3) A member without dependents who is in pay grade E–6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for the member's pay grade by this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 604. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO MEMBERS IN PAY GRADE E–6 WHO ARE ASSIGNED TO SEA DUTY.

(a) PAYMENT AUTHORIZED.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "E–7" and inserting in lieu thereof "E–6"; and

(2) in the second sentence, by striking out "E–6" and inserting in lieu thereof "E–5".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 605. LIMITATION ON REDUCTION OF VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS.

(a) LIMITATION ON REDUCTION IN VHA.—(1) Subsection (c)(3) of section 403a of title 37, United States Code, is amended by adding at the end the following new sentence: "However, so long as a member of a uniformed service retains uninterrupted eligibility to receive a variable housing allowance within an area and the member's certified housing costs are not reduced (as indicated by certifications provided by the member under subsection (b)(4)), the monthly amount of a variable housing allowance under this section for the member within that area may not be reduced as a result of systematic adjustments required by changes in housing costs within that area.".

(2) The amendment made by paragraph (1) shall apply for fiscal years after fiscal year 1995.

(b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: "In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional amounts of variable housing allowance necessary as a result of the requirements of the second sentence of subsection (c)(3).".

(c) REPORT ON IMPLEMENTATION.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

(d) RESOLVING VHA INADEQUACIES IN HIGH HOUSING COST AREAS.—If the Secretary of Defense determines that, despite the amendments made by this section, inadequacies exist in the provision of variable housing allowances under section 403a of title 37, United States Code, the Secretary shall submit to Congress a report containing a legislative proposal to address the inadequacies. The Secretary shall make the determination required by this subsection and submit the report, if necessary, not later than May 31, 1996.

SEC. 606. CLARIFICATION OF LIMITATION ON ELIGIBILITY FOR FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended in the first sentence by inserting "paragraph (1)(A) of" after "not entitled to an allowance under".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is

amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1997".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(e) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in section 301b(b) of title 37, United States Code, who executes an agreement described in paragraph (2) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) taken effect on October 1, 1995.

(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code.

(3) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) SPECIAL PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

"§302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

"(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

"(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

"(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

"(d) REFUND REQUIREMENT.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

"(e) INAPPLICABILITY OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

"(f) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after September 30, 1997.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

"302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.".

(b) CONFORMING AMENDMENT.—Section 303a of title 37, United States Code is amended by striking out "302, 302a, 302b, 302c, 302d, 302e," each place it appears and inserting in lieu thereof "302 through 302g,".

(c) CONFORMING REPEAL.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note) is repealed.

(2) The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply to agreements entered into under such section before such date.

SEC. 615. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT OFFICERS AND ENLISTED MEMBERS SERVING AS AIR WEAPONS CONTROLLERS.

(a) INCLUSION OF ADDITIONAL MEMBERS.—Subsection (a)(11) of section 301 of title 37, United States Code, is amended by striking out "an officer (other than a warrant officer)" and inserting in lieu thereof "a member".

(b) CALCULATION OF HAZARDOUS DUTY INCENTIVE PAY.—The table in subparagraph (A) of subsection (c)(2) of such section is amended to read as follows:

"Pay grade	Years of service as an air weapons controller						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
"O–7 and above	$200	$200	$200	$200	$200	$200	$200
"O–6	225	250	300	325	350	350	350
"O–5	200	250	300	325	350	350	350
"O–4	175	225	275	300	350	350	350
"O–3	125	156	188	206	350	350	350
"O–2	125	156	188	206	250	300	300
"O–1	125	156	188	206	250	250	250
"W–4	200	225	275	300	325	325	325
"W–3	175	225	275	300	325	325	325
"W–2	150	200	250	275	325	325	325
"W–1	100	125	150	175	325	325	325
"E–9	200	225	250	275	300	300	300
"E–8	200	225	250	275	300	300	300
"E–7	175	200	225	250	275	275	275
"E–6	156	175	200	225	250	250	250
"E–5	125	156	175	188	200	200	200
"E–4 and below	125	156	175	188	200	200	200

	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
"O–7 and above	$200	$200	$200	$200	$200	$200	$200	$110
"O–6	350	350	350	350	300	250	250	225
"O–5	350	350	350	350	300	250	250	225
"O–4	350	350	350	350	300	250	250	225

"Pay grade	Years of service as an air weapons controller							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
"O–3	350	350	350	300	275	250	225	200
"O–2	300	300	300	275	245	210	200	180
"O–1	250	250	250	245	210	200	180	150
"W–4	325	325	325	325	276	250	225	200
"W–3	325	325	325	325	325	250	225	200
"W–2	325	325	325	325	275	250	225	200
"W–1	325	325	325	325	275	250	225	200
"E–9	300	300	300	300	275	230	200	200
"E–8	300	300	300	300	265	230	200	200
"E–7	300	300	300	300	265	230	200	200
"E–6	300	300	300	300	265	230	200	200
"E–5	250	250	250	250	225	200	175	150
"E–4 and below	200	200	200	200	175	150	125	125".

(c) CONFORMING AMENDMENTS.—Subsection (c)(2) of such section is further amended—

(1) by striking out "an officer" each place it appears and inserting in lieu thereof "a member"; and

(2) by striking out "the officer" each place it appears and inserting in lieu thereof "the member".

SEC. 616. AVIATION CAREER INCENTIVE PAY.

(a) YEARS OF OPERATIONAL FLYING DUTIES REQUIRED.—Paragraph (4) of section 301a(a) of title 37, United States Code, is amended in the first sentence by striking out "9" and inserting in lieu thereof "8".

(b) EXERCISE OF WAIVER AUTHORITY.—Paragraph (5) of such section is amended by inserting after the second sentence the following new sentence: "The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.".

SEC. 617. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NURSES.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "or" after "Air Force,"; and

(2) by inserting before the semicolon the following: ", an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse".

SEC. 618. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREW MEMBERS OF SHIPS DESIGNATED AS TENDERS.

Subparagraph (A) of section 305a(d)(1) of title 37, United States Code, is amended to read as follows:

"(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and—

"(i) while serving on a ship the primary mission of which is accomplished while under way;

"(ii) while serving as a member of the off-crew of a two-crewed submarine; or

"(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or".

SEC. 619. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: "In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REPEAL OF REQUIREMENT REGARDING CALCULATION OF ALLOWANCES ON BASIS OF MILEAGE TABLES.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out ", based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense".

SEC. 622. DEPARTURE ALLOWANCES.

(a) ELIGIBILITY WHEN EVACUATION AUTHORIZED BUT NOT ORDERED.—Section 405a(a) of title 37, United States Code, is amended by striking out "ordered" each place it appears and inserting in lieu thereof "authorized or ordered".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after October 1, 1995.

SEC. 623. TRANSPORTATION OF NONDEPENDENT CHILD FROM MEMBER'S STATION OVERSEAS AFTER LOSS OF DEPENDENT STATUS WHILE OVERSEAS.

Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—

(1) by striking out "who became 21 years of age" and inserting in lieu thereof "who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member"; and

(2) by inserting "still" after "shall".

SEC. 624. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof "; or"; and

(3) by inserting after paragraph (4)(B) the following new paragraph:

"(5) the member is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.".

(b) CONFORMING AMENDMENTS.—(1) The last sentence of such subsection is amended—

(A) by striking out "clause (3) or (4)(B)" and inserting in lieu thereof "paragraph (3) or (4)(B)"; and

(B) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1) or (5)".

(2) Subsection (b) of such section is amended—

(A) by striking out "subsection (a)(3) or (a)(4)(B)" in the first sentence and inserting in lieu thereof "paragraph (3) or (4)(B) of subsection (a)"; and

(B) by striking out "subsection (a)(1)" in the second sentence and inserting in lieu thereof "paragraph (1) or (5) of subsection (a)".

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEARS 1996, 1997, AND 1998.

(a) ADJUSTMENT OF EFFECTIVE DATES.—Subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended to read as follows:

"(B) SPECIAL RULES FOR FISCAL YEARS 1996 AND 1998.—

"(i) FISCAL YEAR 1996.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1995, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1996.

"(ii) FISCAL YEAR 1998.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September 1998.".

(b) CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—(1) If a civil service retiree cola that becomes effective during fiscal year 1998 becomes effective on a date other than the date on which a military retiree cola during that fiscal year is specified to become effective under subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, as amended by subsection (a), then the increase in military retired and retainer pay shall become payable as part of such retired and retainer pay effective on the same date on which such civil service retiree cola becomes effective (notwithstanding the date otherwise specified in such subparagraph (B)).

(2) Paragraph (1) does not apply with respect to the retired pay of a person retired under chapter 61 of title 10, United States Code.

(3) For purposes of this subsection:

(A) The term "civil service retiree cola" means an increase in annuities under the Civil Service Retirement System either under section 8340(b) of title 5, United States Code, or pursuant to a law providing a general increase in such annuities.

(B) The term "military retiree cola" means an adjustment in retired and retainer pay pursuant to section 1401a(b) of title 10, United States Code.

(c) REPEAL OF PRIOR CONDITIONAL ENACTMENT.—Section 8114A(b) of Public Law 103–335 (108 Stat. 2648) is repealed.

SEC. 632. DENIAL OF NON-REGULAR SERVICE RETIRED PAY FOR RESERVES RECEIVING CERTAIN COURT-MARTIAL SENTENCES.

(a) IN GENERAL.—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

"§12740. Eligibility: denial upon certain punitive discharges or dismissals

"A person who—

"(1) is convicted of an offense under the Uniform Code of Military Justice (chapter 47 of this title) and whose sentence includes death; or

"(2) is separated pursuant to sentence of a court-martial with a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal,

is not eligible for retired pay under this chapter.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12740. Eligibility: denial upon certain punitive discharges or dismissals.".

(b) EFFECTIVE DATE.—Section 12740 of title 10, United States Code, as added by subsection (a), shall apply with respect to court-martial sentences adjudged after the date of the enactment of this Act.

SEC. 633. REPORT ON PAYMENT OF ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the number of potential beneficiaries there would be if Congress were to enact authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component who died during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of death would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—As part of the study under subsection (a), the Secretary shall determine the following:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study under this section. The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1), together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

SEC. 634. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERILLA FIGHTERS IN THE PHILIPPINES.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) COVERED INDIVIDUALS.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured on the Island of Bataan in the territory of the Philippines by Japanese forces;

(2) participated in the Bataan Death March;

(3) escaped from captivity; and

(4) served as a guerilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) AMOUNT TO BE PAID.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (4) of subsection (b) and which was not paid to that individual. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) PAYMENT TO SURVIVORS.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

SEC. 635. AUTHORITY FOR RELIEF FROM PREVIOUS OVERPAYMENTS UNDER MINIMUM INCOME WIDOWS PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may waive recovery by the United States of any overpayment by the United States described in subsection (b). In the case of any such waiver, any debt to the United States arising from such overpayment is forgiven.

(b) COVERED OVERPAYMENTS.—Subsection (a) applies in the case of an overpayment by the United States that—

(1) was made before the date of the enactment of this Act under section 4 of Public Law 92–425 (10 U.S.C. 1448 note); and

(2) is attributable to failure by the Department of Defense to apply the eligibility provisions of subsection (a) of such section in the case of the person to whom the overpayment was made.

SEC. 636. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) COVERAGE OF PROGRAM.—Subsection (a) of section 1059 of title 10, United States Code, is amended by adding at the end the following: "Upon establishment of such a program, the program shall apply in the case of each such member described in subsection (b) who is under the jurisdiction of the Secretary establishing the program.".

(b) CLARIFICATION OF PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking out "any case of a separation from active duty as described in subsection (b)" and inserting in lieu thereof "the case of any individual described in subsection (b)"; and

(B) by striking "former member" and inserting in lieu thereof "individual";

(2) in paragraph (1)—

(A) by striking out "former member" and inserting in lieu thereof "individual"; and

(B) by striking out "member" and inserting in lieu there of "individual";

(3) in paragraph (2), by striking out "former member" both places it appears and inserting in lieu thereof "individual described in subsection (b)";

(4) in paragraph (3), by striking out "former member" and inserting in lieu thereof "individual described in subsection (b)"; and

(5) in paragraph (4), by striking out "member" both places it appears and inserting in lieu thereof "individual described in subsection (b)".

(c) EFFECTIVE DATE.—Section 554(b) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 1059 note) is amended—

(1) in paragraph (1), by striking out "on or after the date of the enactment of this Act" and inserting in lieu thereof "after November 29, 1993"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Payments of transitional compensation under that section in the case of any person eligible to receive payments under that section shall be made for each month after November 1993 for which that person may be paid transitional compensation in accordance with that section.".

Subtitle E—Other Matters

SEC. 641. PAYMENT TO SURVIVORS OF DECEASED MEMBERS FOR ALL LEAVE ACCRUED.

(a) INAPPLICABILITY OF 60-DAY LIMITATION.—Section 501(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out the third sentence; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection.".

(b) CONFORMING AMENDMENT.—Section 501(f) of such title is amended by striking out ", (d)," in the first sentence.

SEC. 642. REPEAL OF REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—(1) Section 406 of title 37, United States Code, is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (i), (j), (k), (l), and (m), respectively.

(2) Section 2634(d) of title 10, United States Code, is amended by striking out "section 406(l) of title 37" and inserting in lieu thereof "section 406(k) of title 37".

(b) ANNUAL REVIEW OF PAY AND ALLOWANCES.—Section 1008(a) of title 37, United States Code, is amended by striking out the second sentence.

(c) REPORT ON QUADRENNIAL REVIEW OF ADJUSTMENTS IN COMPENSATION.—Section 1009(f) of such title is amended by striking out "of this title," and all that follows through the period at the end and inserting in lieu thereof "of this title.".

SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN GARNISHMENT ACTIONS.

(a) IN GENERAL.—Subsection (j) of section 5520a of title 5, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) Such regulations shall provide that an agency's administrative costs incurred in executing legal process to which the agency is subject under this section shall be deducted from the amount withheld from the pay of the employee concerned pursuant to the legal process.".

(b) INVOLUNTARY ALLOTMENTS OF PAY OF MEMBERS OF THE UNIFORMED SERVICES.—Subsection (k) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Regulations under this subsection may also provide that the administrative costs incurred in establishing and maintaining an involuntary allotment be deducted from the amount withheld from the pay of the member of the uniformed services concerned pursuant to such regulations.".

(c) DISPOSITION OF AMOUNTS WITHHELD FOR ADMINISTRATIVE EXPENSES.—Such section is further amended by adding at the end the following:

"(l) The amount of an agency's administrative costs deducted under regulations prescribed pursuant to subsection (j)(2) or (k)(3) shall be credited to the appropriation, fund, or account from which such administrative costs were paid.".

SEC. 644. REPORT ON EXTENDING TO JUNIOR NONCOMMISSIONED OFFICERS PRIVILEGES PROVIDED FOR SENIOR NONCOMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress a report containing the determinations of the Secretary regarding whether, in order to improve the working conditions of noncommissioned officers in pay grades E–5 and E–6, any of the privileges afforded noncommissioned officers in any of the pay grades above E–6 should be extended to noncommissioned officers in pay grades E–5 and E–6.

(b) SPECIFIC RECOMMENDATION REGARDING ELECTION OF BAS.—The Secretary shall include in the report a determination on whether noncommissioned officers in pay grades E–5 and E–6 should be afforded the same privilege as noncommissioned officers in pay grades above E–6 to elect to mess separately and receive the basic allowance for subsistence.

(c) ADDITIONAL MATTERS.—The report shall also contain a discussion of the following matters:

(1) The potential costs of extending additional privileges to noncommissioned officers in pay grades E–5 and E–6.

(2) The effects on readiness that would result from extending the additional privileges.

(3) The options for extending the privileges on an incremental basis over an extended period.

(d) RECOMMENDED LEGISLATION.—The Secretary shall include in the report any recommended legislation that the Secretary considers necessary in order to authorize extension of a privilege as determined appropriate under subsection (a).

SEC. 645. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the feasibility of—

(1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and

(2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study. The report shall include a recommended method for measuring the efficiency of individual recruiting stations, such as cost per accession or other efficiency standard, as determined by the Secretary.

SEC. 646. AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Effective April 1, 1996, section 1967 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out "$100,000" each place it appears and inserting in lieu thereof in each instance "$200,000";

(2) by striking out subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

SEC. 647. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANCE FOR MEMBERS OF THE READY RESERVE WHO FAIL TO PAY PREMIUMS.

(a) AUTHORITY.—Section 1969(a)(2) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) If an individual who is required pursuant to subparagraph (A) to make a direct remittance of costs to the Secretary concerned fails to make the required remittance within 60 days of the date on which such remittance is due, such individual's insurance with respect to which such remittance is required shall be terminated by the Secretary concerned. Such termination shall be made by written notice to the individual's official address and shall be effective 60 days after the date of such notice. Such termination of insurance may be vacated if, before the effective date of termination, the individual remits all amounts past due for such insurance and demonstrates to the satisfaction of the Secretary concerned that the failure to make timely remittances was justifiable.".

(b) CONFORMING AMENDMENT.—Section 1968(a) is amended by inserting "(or discontinued pursuant to section 1969(a)(2)(B) of this title)" in the matter preceding paragraph (1) after "upon the written request of the insured".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1996.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

"(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

"(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;".

SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVES.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out "or" at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence; or".

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 204 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or" at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

SEC. 703. MEDICAL CARE FOR SURVIVING DEPENDENTS OF RETIRED RESERVES WHO DIE BEFORE AGE 60.

(a) CHANGE IN ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 1076(b) of title 10, United States Code, is amended—

(1) by striking out "death (A) would" and inserting in lieu thereof "death would"; and

(2) by striking out ", and (B) had elected to participate in the Survivor Benefit Plan established under subchapter II of chapter 73 of this title".

(b) CONFORMING AMENDMENTS.—Such paragraph is further amended—

(1) in the matter following paragraph (2), by striking out "clause (2)" the first place it appears and inserting in lieu thereof "paragraph (2)"; and

(2) by striking out the second sentence.

SEC. 704. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE ASSIGNED TO EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.

(a) ANNUAL MEDICAL AND DENTAL SCREENINGS AND CARE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out "this section" and inserting in lieu thereof "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the

Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

"(A) An annual medical screening.

"(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

"(C) An annual dental screening.

"(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

"(2) The services provided under this subsection shall be provided at no cost to the member.".

(b) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.

SEC. 705. DENTAL INSURANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

"§1076b. Selected Reserve dental insurance

"(a) AUTHORITY TO ESTABLISH PLAN.—The Secretary of Defense shall establish a dental insurance plan for members of the Selected Reserve of the Ready Reserve. The plan shall provide for voluntary enrollment and for premium sharing between the Department of Defense and the members enrolled in the plan. The plan shall be administered under regulations prescribed by the Secretary of Defense.

"(b) PREMIUM SHARING.—(1) A member enrolling in the dental insurance plan shall pay a share of the premium charged for the insurance coverage. The member's share may not exceed $25 per month.

"(2) The Secretary of Defense may reduce the monthly premium required to be paid by enlisted members under paragraph (1) if the Secretary determines that the reduction is appropriate in order to assist enlisted members to participate in the dental insurance plan.

"(3) A member's share of the premium for coverage by the dental insurance plan shall be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.

"(4) The Secretary of Defense shall pay the portion of the premium charged for coverage of a member under the dental insurance plan that exceeds the amount paid by the member.

"(c) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services, and emergency oral examinations.

"(d) TERMINATION OF COVERAGE.—The coverage of a member by the dental insurance plan shall terminate on the last day of the month in which the member is discharged, transfers to the Individual Ready Reserve, Standby Reserve, or Retired Reserve, or is ordered to active duty for a period of more than 30 days.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following:

"1076b. Selected Reserve dental insurance.".

(b) IMPLEMENTATION.—Beginning not later than October 1, 1996, the Secretary of Defense shall offer members of the Selected Reserve the opportunity to enroll in the dental insurance plan required under section 1076b of title 10, United States Code (as added by subsection (a)). During fiscal year 1996, the Secretary shall collect such information and complete such planning and other preparations as are necessary to offer and administer the dental insurance plan by that date. The activities undertaken by the Secretary under this subsection during fiscal year 1996 may include—

(1) surveys; and

(2) tests, in not more than three States, of a dental insurance plan or alternative dental insurance plans meeting the requirements of section 1076b of title 10, United States Code.

SEC. 706. PERMANENT AUTHORITY TO CARRY OUT SPECIALIZED TREATMENT FACILITY PROGRAM.

Section 1105 of title 10, United States Code, is amended by striking out subsection (h).

Subtitle B—TRICARE Program

SEC. 711. DEFINITION OF TRICARE PROGRAM.

For purposes of this subtitle, the term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 712. PRIORITY USE OF MILITARY TREATMENT FACILITIES FOR PERSONS ENROLLED IN MANAGED CARE INITIATIVES.

Section 1097(c) of title 10, United States Code, is amended in the third sentence by striking out "However, the Secretary may" and inserting in lieu thereof "Notwithstanding the preferences established by sections 1074(b) and 1076 of this title, the Secretary shall".

SEC. 713. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICARE PROGRAM.

Section 1097(e) of title 10, United States Code, is amended by adding at the end the following new sentence: "Without imposing additional costs on covered beneficiaries who participate in contracts for health care services under this section or health care plans offered under section 1099 of this title, the Secretary shall permit such covered beneficiaries to pay, on a quarterly basis, any enrollment fee required for such participation.".

SEC. 714. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE PROGRAM TO BE BASED ON ENTIRE PROGRAM.

(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Subsection (c) of section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note) is amended—

(1) by striking out "each managed health care initiative that includes the option" and inserting in lieu thereof "the TRICARE program"; and

(2) by striking out "covered beneficiaries who enroll in the option" and inserting in lieu thereof "members of the uniformed services and covered beneficiaries who participate in the TRICARE program".

(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Subsection (d) of such section is amended to read as follows:

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered beneficiary' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

"(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

SEC. 715. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.

(a) PROVISION OF TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall implement a professional educational program to provide appropriate training in health care management and administration—

(1) to each commander of a military medical treatment facility of the Department of Defense who is selected to serve as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program; and

(2) to appropriate members of the support staff of the treatment facility who will be responsible for daily operation of the TRICARE program.

(b) REPORT ON IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the professional educational program implemented pursuant to this section.

SEC. 716. PILOT PROGRAM OF INDIVIDUALIZED RESIDENTIAL MENTAL HEALTH SERVICES.

(a) PROGRAM REQUIRED.—(1) During fiscal year 1996, the Secretary of Defense, in consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, shall implement a pilot program to provide residential and wraparound services to children described in paragraph (2) who are in need of mental health services. The Secretary shall implement the pilot program for an initial period of at least two years in a military health care region in which the TRICARE program has been implemented.

(2) A child shall be eligible for selection to participate in the pilot program if the child is a dependent (as described in subparagraph (D) or (I) of section 1072(2) of title 10, United States Code) who—

(A) is eligible for health care under section 1079 or 1086 of such title; and

(B) has a serious emotional disturbance that is generally regarded as amenable to treatment.

(b) WRAPAROUND SERVICES DEFINED.—For purposes of this section, the term "wraparound services" means individualized mental health services that are provided principally to allow a child to remain in the family home or other least-restrictive and least-costly setting, but also are provided as an aftercare planning service for children who have received acute or residential care. Such term includes montraditional mental health services that will assist the child to be maintained in the least-restrictive and least-costly setting.

(c) PILOT PROGRAM AGREEMENT.—Under the pilot program the Secretary of Defense shall enter into one or more agreements that require a mental health services provider under the agreement—

(1) to provide wraparound services to a child described in subsection (a)(2);

(2) to continue to provide such services as needed during the period of the agreement even if the child moves to another location within the same TRICARE program region during that period; and

(3) to share financial risk by accepting as a maximum annual payment for such services a case-rate reimbursement not in excess of the amount of the annual standard CHAMPUS residential treatment benefit payable (as determined in accordance with section 8.1 of chapter 3 of volume II of the CHAMPUS policy manual).

(d) REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the program carried out under this section. The report shall contain—

(1) an assessment of the effectiveness of the program; and

(2) the Secretary's views regarding whether the program should be implemented throughout the military health care system.

SEC. 717. EVALUATION AND REPORT ON TRICARE PROGRAM EFFECTIVENESS.

(a) Evaluation Required.—The Secretary of Defense shall arrange for an on-going evaluation of the effectiveness of the TRICARE program in meeting the goals of increasing the access of covered beneficiaries under chapter 55 of title 10, United States Code, to health care and improving the quality of health care provided to covered beneficiaries, without increasing the costs incurred by the Government or covered beneficiaries. The evaluation shall specifically address—

(1) the impact of the TRICARE program on military retirees with regard to access, costs, and quality of health care services; and

(2) identify noncatchment areas in which the health maintenance organization option of the TRICARE program is available or is proposed to become available.

(b) Entity To Conduct Evaluation.—The Secretary may use a federally funded research and development center to conduct the evaluation required by subsection (a).

(c) Annual Report.—Not later than March 1, 1997, and each March 1 thereafter, the Secretary shall submit to Congress a report describing the results of the evaluation under subsection (a) during the preceding year.

SEC. 718. SENSE OF CONGRESS REGARDING ACCESS TO HEALTH CARE UNDER TRICARE PROGRAM FOR COVERED BENEFICIARIES WHO ARE MEDICARE ELIGIBLE.

(a) Findings.—Congress finds the following:

(1) Medical care provided in facilities of the uniformed services is generally less expensive to the Federal Government than the same care provided at Government expense in the private sector.

(2) Covered beneficiaries under the military health care provisions of chapter 55, United States Code, who are eligible for medicare under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) deserve health care options that empower them to choose the health plan that best fits their needs.

(b) Sense of Congress.—In light of the findings specified in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should develop a program to ensure that such covered beneficiaries who reside in a region in which the TRICARE program has been implemented continue to have adequate access to health care services after the implementation of the TRICARE program; and

(2) as a means of ensuring such access, the budget for fiscal year 1997 submitted by the President under section 1105 of title 31, United States Code, should provide for reimbursement by the Health Care Financing Administration to the Department of Defense for health care services provided to such covered beneficiaries in medical treatment facilities of the Department of Defense.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1996" in the first sentence and inserting in lieu thereof "September 30, 1997".

SEC. 722. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (f) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended to read as follows:

"(f) Limitation on Expenditures.—The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed $300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such fiscal year.".

SEC. 723. APPLICATION OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense may require, by regulation, a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the private CHAMPUS provider provides to a member of the uniformed services who is enrolled in a health care plan of a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)) when the health care is provided outside the catchment area of the facility.

"(2) In this subsection:

"(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

"(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

"(3) The Secretary of Defense shall prescribe regulations under this subsection after consultation with the other administering Secretaries.".

SEC. 724. APPLICATION OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out "A participation agreement" and inserting in lieu thereof "Except as provided in paragraph (4), a participation agreement";

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) Application of Federal Acquisition Regulation.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.".

(b) Sense of Congress.—(1) Congress finds that the Uniformed Services Treatment Facilities provide quality health care to the 120,000 Department of Defense beneficiaries enrolled in the Uniformed Services Family Health Plan provided by these facilities.

(2) In light of such finding, it is the sense of Congress that the Uniformed Services Family Health Plan provided by the Uniformed Services Treatment Facilities should not be terminated for convenience under provisions of the Federal Acquisition Regulation by the Secretary of Defense before the expiration of the current participation agreements.

(3) For purposes of this subsection, the term "Uniformed Services Treatment Facility" means a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

SEC. 725. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORMED SERVICES TREATMENT FACILITIES IN MANAGED CARE PROGRAMS OF DEPARTMENT OF DEFENSE.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by inserting after paragraph (4), as added by section 722, the following new paragraph:

"(5) Plan for integrating facilities.—(A) The Secretary of Defense shall develop a plan under which Uniformed Services Treatment Facilities could be included, before the expiration date of the participation agreements entered into under this section, in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

"(B) The Secretary shall submit the plan developed under this paragraph to Congress not later than March 1, 1996.

"(C) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

"(D) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).".

SEC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Time for Fee Implementation.—The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only after the later of—

(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or

(2) the end of the 180-day period beginning on the date of the enactment of this Act.

(b) Submission of Actuarial Estimates.—Paragraph (2) of subsection (a) shall operate as a condition on the extension of the uniform managed care benefit fee and copayment schedule to the Uniformed Services Treatment Facilities only if the Uniformed Services Treatment Facilities submit to the Comptroller General of

the United States, within 30 days after the date of the enactment of this Act, actuarial estimates in support of their contention that the extension of such fees and copayments will have an adverse effect on the operation of the Uniformed Services Treatment Facilities and the enrollment of participants.

(c) EVALUATION.—(1) Except as provided in paragraph (2), not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of an evaluation of the effect on the Uniformed Services Treatment Facilities of the extension of the uniform benefit fee and copayment schedule to the Uniformed Services Treatment Facilities. The evaluation shall include an examination of whether the benefit fee and copayment schedule may—

(A) cause adverse selection of enrollees;

(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or

(C) result in an enrolled population dissimilar to the general beneficiary population.

(2) The Comptroller General shall not be required to prepare or submit the evaluation under paragraph (1) if the Uniformed Services Treatment Facilities fail to satisfactorily comply with subsection (b), as determined by the Comptroller General.

SEC. 727. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENT REGARDING UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out subsection (d).

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

(a) MAXIMUM PAYMENT.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) Payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the lesser of—

"(A) the amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during the base period; or

"(B) an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(b) COMPARISON TO MEDICARE PAYMENTS.—Such subsection is further amended by adding at the end the following new paragraph:

"(3) For the purposes of paragraph (1)(B), the appropriate payment amount shall be determined by the Secretary of Defense, in consultation with the other administering Secretaries.".

(c) EXCEPTIONS AND LIMITATIONS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (b), the following new paragraphs:

"(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide for such exceptions to the payment limitations under paragraph (1) as the Secretary determines to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts higher than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered emergency services from nonparticipating providers. To provide a suitable transition from the payment methodologies in effect before the date of the enactment of this paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent below the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

"(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to the limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).".

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1)(A)".

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

SEC. 732. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. In developing the notification mechanism, the administering Secretaries shall consult with the administrator of the Health Care Financing Administration.".

SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL TREATMENT FACILITIES OF THE COAST GUARD.

(a) CONTRACTING AUTHORITY.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting after "Secretary of Defense" the following: ", with respect to medical treatment facilities of the Department of Defense, and the Secretary of Transportation, with respect to medical treatment facilities of the Coast Guard when the Coast Guard is not operating as a service in the Navy,"; and

(2) by striking out "medical treatment facilities of the Department of Defense" and inserting in lieu thereof "such facilities".

(b) RATIFICATION OF EXISTING CONTRACTS.—Any exercise of authority under section 1091 of title 10, United States Code, to enter into a personal services contract on behalf of the Coast Guard before the effective date of the amendments made by subsection (a) is hereby ratified.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1995.

SEC. 734. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations providing for the collection of information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

"(2) The collection of information under regulations prescribed under paragraph (1) shall be conducted in the same manner as is provided in section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining from the Commissioner of Social Security employment information comparable to the information provided to the Administrator of the Health Care Financing Administration pursuant to such section. Such regulations may require the mandatory disclosure of social security account numbers for all covered beneficiaries.

"(3) The Secretary may disclose relevant employment information collected under this subsection to fiscal intermediaries or other designated contractors.

"(4) The Secretary may provide for contacting employers of covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)). Notwithstanding clause (iii) of such section, clause (ii) of such section regarding the imposition of civil money penalties shall apply to the collection of information under this paragraph.

"(5) Information obtained under this subsection may not be disclosed for any purpose other than to carry out the purpose of this section and sections 1079(j)(1) and 1086(d) of this title.".

SEC. 735. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT AS DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEAR AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) REDESIGNATION.—Section 1100 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "Military Health Care Account" and inserting in lieu thereof "Defense Health Program Account"; and

(B) by striking out "the Civilian Health and Medical Program of the Uniformed Services" and inserting in lieu thereof "medical and health care programs of the Department of Defense"; and

(2) in subsection (b)—

(A) by striking out "entering into a contract" and inserting in lieu thereof "conducting programs and activities under this chapter, including contracts entered into"; and

(B) by inserting a comma after "title".

(b) TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.—Subsection (a)(2) of such section is amended to read as follows:

"(2) Of the total amount appropriated for a fiscal year for programs and activities carried out under this chapter, the amount equal to three percent of such total amount shall remain available for obligation until the end of the following fiscal year.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1100. Defense Health Program Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1100. Defense Health Program Account.".

SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "AND DENTISTS" after "PHYSICIANS";

(2) in paragraph (1)(A), by inserting "or dental school" after "medical school";

(3) in paragraphs (1)(B) and (2)(B), by inserting "or dental officer" after "medical officer"; and

(4) in paragraph (1)(C), by striking out "physicians in a medical specialty" and inserting in lieu thereof "physicians or dentists in a medical or dental specialty".

SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

(a) INCLUSION OF COAST GUARD.—Section 8126(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Coast Guard.".

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4971).

SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is amended—

(1) by inserting "(a) RESTRICTION ON USE OF FUNDS.—" before "Funds available"; and

(2) by adding at the end the following:

"(b) RESTRICTION ON USE OF FACILITIES.—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1093. Performance of abortions: restrictions".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1093. Performance of abortions: restrictions.".

Subtitle E—Other Matters

SEC. 741. TRISERVICE NURSING RESEARCH.

(a) PROGRAM AUTHORIZED.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§2116. Military nursing research

"(a) DEFINITIONS.—In this section:

"(1) The term 'military nursing research' means research on the furnishing of care and services by nurses in the armed forces.

"(2) The term 'TriService Nursing Research Program' means the program of military nursing research authorized under this section.

"(b) PROGRAM AUTHORIZED.—The Secretary of Defense may establish at the University a program of military nursing research.

"(c) TRISERVICE RESEARCH GROUP.—The TriService Nursing Research Program shall be administered by a TriService Nursing Research Group composed of Army, Navy, and Air Force nurses who are involved in military nursing research and are designated by the Secretary concerned to serve as members of the group.

"(d) DUTIES OF GROUP.—The TriService Nursing Research Group shall—

"(1) develop for the Department of Defense recommended guidelines for requesting, reviewing, and funding proposed military nursing research projects; and

"(2) make available to Army, Navy, and Air Force nurses and Department of Defense officials concerned with military nursing research—

"(A) information about nursing research projects that are being developed or carried out in the Army, Navy, and Air Force; and

"(B) expertise and information beneficial to the encouragement of meaningful nursing research.

"(e) RESEARCH TOPICS.—For purposes of this section, military nursing research includes research on the following issues:

"(1) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of peace.

"(2) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of war.

"(3) Issues regarding how to prevent complications associated with battle injuries.

"(4) Issues regarding how to prevent complications associated with the transporting of patients in the military medical evacuation system.

"(5) Issues regarding how to improve methods of training nursing personnel.

"(6) Clinical nursing issues, including such issues as prevention and treatment of child abuse and spouse abuse.

"(7) Women's health issues.

"(8) Wellness issues.

"(9) Preventive medicine issues.

"(10) Home care management issues.

"(11) Case management issues.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:

"2116. Military nursing research.".

SEC. 742. TERMINATION OF PROGRAM TO TRAIN MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) TERMINATION.—Not later than June 30, 1997, the Secretary of Defense shall terminate the demonstration pilot program for training military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1897).

(b) PROHIBITION ON ADDITIONAL ENROLLEES PENDING TERMINATION.—After the date of the enactment of this Act, The Secretary of Defense may not enroll any new participants for the demonstration pilot program described in subsection (a).

(c) EFFECT ON CURRENT PARTICIPANTS.—The requirement to terminate the demonstration pilot program described in subsection (a) shall not be construed to affect the training or utilization of military psychologists in the prescription of psychotropic medications who are participating in the demonstration pilot program on the date of the enactment of this Act or who have completed such training before that date.

(d) EVALUATION.—As soon as possible after the date of the enactment of this Act, but not later than April 1, 1997, the Comptroller General of the United States shall submit to Congress a report evaluating the success of the demonstration pilot program described in subsection (a). The report shall include—

(1) a cost-benefit analysis of the program;

(2) a discussion of the utilization requirements under the program; and

(3) recommendations regarding—

(A) whether the program should be extended so as to continue to provide training to military psychologists in the prescription of psychotropic medications; and

(B) any modifications that should be made in the manner in which military psychologists are trained and used to prescribe psychotropic medications so as to improve the training provided under the program, if the program is extended.

SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF WAIVER AUTHORITY.—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) DEFINITIONS.—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) DEMONSTRATION PROGRAM.—(1) Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through one or more public or nonprofit hospitals. The Secretary shall carry out the program pursuant to an agreement with such hospitals.

(2) Under the agreement with a hospital, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement.

(3) The agreement shall require, as consideration for the services provided by military medical personnel under the agreement, that the hospital provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of the demonstration program in providing shock trauma training for military medical personnel.

SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study

to evaluate the reasonableness of the models used by each military department for determining the appropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of the study conducted under subsection (a).

SEC. 746. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report evaluating the feasibility, costs, and consequences for the military health care system of improving access to the system for covered beneficiaries under chapter 55 of title 10, United States Code, who have limited access to military medical treatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) of such title. The alternatives that the Secretary shall consider to improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

SEC. 747. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS ARMY MEDICAL CENTER, COLORADO, ON PROVISION OF CARE TO MILITARY PERSONNEL, RETIRED MILITARY PERSONNEL, AND THEIR DEPENDENTS.

(a) EFFECT OF CLOSURE ON MEMBERS EXPERIENCING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN GULF SYNDROME.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) assesses the effects of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide appropriate and adequate health care to members and former members of the Armed Forces who suffer from undiagnosed illnesses (or combination of illnesses) as a result of service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf conflict; and

(2) describes the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such members for such illnesses (or combination of illnesses).

(b) EFFECT OF CLOSURE ON OTHER COVERED BENEFICIARIES.—The report required by subsection (a) shall also include—

(1) an assessment of the effects of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide appropriate and adequate health care to the dependents of members and former members of the Armed Forces and retired members and their dependents who currently obtain care at the medical center; and

(2) a description of the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such persons, as called for in the recommendations of the Secretary of Defense for the closure of Fitzsimons Army Medical Center.

SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES ADVERSELY AFFECTED BY CLOSURES OF MILITARY MEDICAL TREATMENT FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) Military installations selected for closure in the 1991 and 1993 rounds of the base closure process will soon close.

(2) Additional military installations have been selected for closure in the 1995 round of the base closure process.

(3) Some of the military installations selected for closure include military medical treatment facilities.

(3) As a result of these base closures, tens of thousands of covered beneficiaries under chapter 55 of title 10, United States Code, who reside in the vicinity of such installations will be left without immediate access to military medical treatment facilities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should take all appropriate steps necessary to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military installations.

SEC. 749. STATE RECOGNITION OF MILITARY ADVANCE MEDICAL DIRECTIVES.

(a) REQUIREMENT FOR RECOGNITION BY STATES.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

"§1044c. Advance medical directives of members and dependents: requirement for recognition by States

"(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—An advance medical directive executed by a person eligible for legal assistance—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

"(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

"(b) ADVANCE MEDICAL DIRECTIVES.—For purposes of this section, an advance medical directive is any written declaration that—

"(1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or

"(2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, an advance medical directive prepared by an attorney authorized to provide legal assistance shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to an advance medical directive that does not include a statement described in that paragraph.

"(d) STATES NOT RECOGNIZING ADVANCE MEDICAL DIRECTIVES.—Subsection (a) does not make an advance medical directive enforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

"(e) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

"(2) The term 'person eligible for legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

"(3) The term 'legal assistance' means legal services authorized under section 1044 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following:

"1044c. Advance medical directives of members and dependents: requirement for recognition by States.".

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act and shall apply to advance medical directives referred to in that section that are executed before, on, or after that date.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Reform

SEC. 801. INAPPLICABILITY OF LIMITATION ON EXPENDITURE OF APPROPRIATIONS TO CONTRACTS AT OR BELOW SIMPLIFIED ACQUISITION THRESHOLD.

Section 2207 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Money appropriated"; and

(2) by adding at the end the following new subsection:

"(b) This section does not apply to a contract that is for an amount not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

SEC. 802. AUTHORITY TO DELEGATE CONTRACTING AUTHORITY.

(a) REPEAL OF DUPLICATIVE AUTHORITY AND RESTRICTION.—Section 2356 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking out the item relating to section 2356.

SEC. 803. CONTROL IN PROCUREMENTS OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 804. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting "and indirect" after "recoup the direct" in the second sentence.

SEC. 805. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out "milestone O, milestone I, and milestone II" and inserting in lieu thereof "acquisition program"; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) The term 'acquisition program decision' has the meaning prescribed by the Secretary of Defense in regulations.".

SEC. 806. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURCE LIMITATION.

(a) LIMITATION.—(1) Paragraph (3) of section 2534(a) of title 10, United States Code, is amended to read as follows:

"(3) COMPONENTS FOR NAVAL VESSELS.—(A) The following components:

"(i) Air circuit breakers.

"(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

"(iii) Vessel propellers with a diameter of six feet or more.

"(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed lifeboats.".

(2) Subsection (b) of section 2534 of such title is amended by adding at the end the following:

"(3) MANUFACTURER OF VESSEL PROPELLERS.—In the case of a procurement of vessel propellers referred to in subsection (a)(3)(A)(ii), the manufacturer of the propellers meets the requirements of this subsection only if—

"(A) the manufacturer meets the requirements set forth in paragraph (1); and

"(B) all castings incorporated into such propellers are poured and finished in the United States.".

(3) Paragraph (1) of section 2534(c) of such title is amended to read as follows:

"(1) COMPONENTS FOR NAVAL VESSELS.—Subsection (a) does not apply to a procurement of spare or repair parts needed to support components for naval vessels produced or manufactured outside the United States.".

(4) Section 2534 of such title is amended by adding at the end the following new subsection:

"(h) IMPLEMENTATION OF NAVAL VESSEL COMPONENT LIMITATION.—In implementing subsection (a)(3)(B), the Secretary of Defense—

"(1) may not use contract clauses or certifications; and

"(2) shall use management and oversight techniques that achieve the objective of the subsection without imposing a significant management burden on the Government or the contractor involved.".

(5) Subsection (a)(3)(B) of section 2534 of title 10, United States Code, as amended by paragraph (1), shall apply only to contracts entered into after March 31, 1996.

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 2000".

(c) TERMINATION OF VESSEL PROPELLER LIMITATION.—Section 2534(c) of such title is amended by adding at the end the following new paragraph:

"(4) VESSEL PROPELLERS.—Subsection (a)(3)(A)(iii) and this paragraph shall cease to be effective on the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(d) ADDITIONAL WAIVER AUTHORITY.—Section 2534(d) of such title is amended by adding at the end the following new paragraph:

"(9) Application of the limitation would result in a retaliatory trade action by a foreign country against the United States, as determined by the Secretary of Defense after consultation with the United States Trade Representative.".

(e) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "This section"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings), notwithstanding section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429).".

SEC. 807. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Section 2401a of title 10, United States Code, is amended—

(A) by inserting before "The Secretary of Defense" the following subsection heading: "(b) LIMITATION ON CONTRACTS WITH TERMS OF 18 MONTHS OR MORE.—";

(B) by inserting after the section heading the following:

"(a) LEASING OF COMMERCIAL VEHICLES AND EQUIPMENT.—The Secretary of Defense may use leasing in the acquisition of commercial vehicles and equipment whenever the Secretary determines that leasing of such vehicles is practicable and efficient."; and

(C) by amending the section heading to read as follows:

"§2401a. Lease of vehicles, equipment, vessels, and aircraft".

(2) The item relating to section 2401a in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2401a. Lease of vehicles, equipment, vessels, and aircraft.".

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth changes in legislation that would be required to facilitate the use of leasing in the acquisition of equipment by the Department of Defense.

(c) PILOT PROGRAM.—(1) The Secretary of the Army may conduct a pilot program for leasing commercial utility cargo vehicles in accordance with this subsection.

(2) Under the pilot program—

(A) the Secretary may trade existing commercial utility cargo vehicles of the Army for credit against the costs of leasing new replacement commercial utility cargo vehicles for the Army;

(B) the quantities and trade-in value of commercial utility cargo vehicles to be traded in shall be subject to negotiation between the Secretary and the lessors of the new replacement commercial utility cargo vehicles;

(C) the lease agreement for a new commercial utility cargo vehicle may be executed with or without an option to purchase at the end of the lease period;

(D) the lease period for a new commercial utility cargo vehicle may not exceed the warranty period for the vehicle; and

(E) up to 40 percent of the validated requirement for commercial utility cargo vehicles may be satisfied by leasing such vehicles, except that one or more options for satisfying the remainder of the validated requirement may be provided for and exercised (subject to the requirements of paragraph (6)).

(3) In awarding contracts under the pilot program, the Secretary shall comply with section 2304 of title 10, United States Code.

(4) The pilot program may not be commenced until—

(A) the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that contains the plans of the Secretary for implementing the program and that sets forth in detail the savings in operating and support costs expected to be derived from retiring older commercial utility cargo vehicles, as compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(B) a period of 30 calendar days has elapsed after submission of such report.

(5) Not later than one year after the date on which the first lease under the pilot program is entered into, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the pilot program. Such report shall be based on at least six months of experience in operating the pilot program.

(6) The Secretary may exercise an option provided for under paragraph (2) only after a period of 60 days has elapsed after the submission of the report.

(7) No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

SEC. 808. COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS.

(a) DEFENSE CAPABILITY PRESERVATION AGREEMENT.—The Secretary of Defense may enter into an agreement, to be known as a "defense capability preservation agreement", with a defense contractor under which the cost reimbursement rules described in subsection (b) shall be applied. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy objectives set forth in section 2501(b) of title 10, United States Code.

(b) COST REIMBURSEMENT RULES.—(1) The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

(A) The Department of Defense shall, in determining the reimbursement due a contractor for its indirect costs of performing a defense contract, allow the contractor to allocate indirect costs to its private sector work only to the extent of the contractor's allocable indirect private sector costs, subject to subparagraph (C).

(B) For purposes of subparagraph (A), the allocable indirect private sector costs of a contractor are those costs of the contractor that are equal to the sum of—

(i) the incremental indirect costs attributable to such work; and

(ii) the amount by which the revenue attributable to such private sector work exceeds the sum of—

(I) the direct costs attributable to such private sector work; and

(II) the incremental indirect costs attributable to such private sector work.

(C) The total amount of allocable indirect private sector costs for a contract in any year of the agreement may not exceed the amount of indirect costs that a contractor would have allocated to its private sector work during that year in accordance with the contractor's established accounting practices.

(2) The cost reimbursement rules set forth in paragraph (1) may be modified by the Secretary of Defense if the Secretary of Defense determines that modifications are appropriate to the particular situation to facilitate achievement of the policy set forth in section 2501(b) of title 10, United States Code.

(c) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish application procedures and procedures for expeditious consideration of defense capability preservation agreements as authorized by this section.

(d) CONTRACTS COVERED.—An agreement entered into with a contractor under subsection (a) shall apply to each Department of Defense contract with the contractor in effect on the date on which the agreement is entered into and each Department of Defense contract that is awarded to the contractor during the term of the agreement.

(e) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(1) the number of applications received and the number of applications approved for defense capability preservation agreements; and

(2) any changes to the authority in this section that the Secretary recommends to further facilitate the policy set forth in section 2501(b) of title 10, United States Code.

SEC. 809. SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included before May 1, 1996, on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

SEC. 810. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Section 6009 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3367) is amended to read as follows:

"SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS.

"(a) MANAGEMENT DECISIONS.—(1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

"(2) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the agency receives the report.

"(b) COMPLETION OF FINAL ACTION.—The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general's report under subsection (a)(1) within 12 months after the date of the inspector general's report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general's semiannual reports pursuant to section 5(a)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) until final action on the management decision is completed.".

SEC. 811. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) REVISION OF AUTHORITY.—Subsection (a) of section 834 of National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Secretary of Defense shall establish a test program under which contracting activities in the military departments and the Defense Agencies are authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive subcontracting plans will reduce administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. In selecting the contracting activities to undertake demonstration projects, the Secretary shall take such action as is necessary to ensure that a broad range of the supplies and services acquired by the Department of Defense are included in the test program.".

(b) COVERED CONTRACTORS.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $5,000,000.".

(c) TECHNICAL AMENDMENTS.—Such section is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

SEC. 812. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR TEST PURPOSES.

Section 2373(b) of title 10, United States Code, is amended by inserting "only" after "applies" in the second sentence.

SEC. 813. USE OF FUNDS FOR ACQUISITION OF DESIGNS, PROCESSES, TECHNICAL DATA, AND COMPUTER SOFTWARE.

Section 2386(3) of title 10, United States Code, is amended to read as follows:

"(3) Design and process data, technical data, and computer software.".

SEC. 814. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434(b)(1)(A) of title 10, United States Code, is amended to read as follows:

"(A) be prepared—

"(i) by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; or

"(ii) if the decision authority for the program has been delegated to an official of a military department, Defense Agency, or other component of the Department of Defense, by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and".

SEC. 815. CONSTRUCTION, REPAIR, ALTERATION, FURNISHING, AND EQUIPPING OF NAVAL VESSELS.

(a) APPLICABILITY OF CERTAIN LAW.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7297 the following:

"§7299. Contracts: applicability of Walsh-Healey Act

"Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to the Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the President determines that this requirement is not in the interest of national defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7297 the following:

"7299. Contracts: applicability of Walsh-Healey Act.".

Subtitle B—Other Matters

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1996 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. DEFENSE FACILITY-WIDE PILOT PROGRAM.

(a) AUTHORITY TO CONDUCT DEFENSE FACILITY-WIDE PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program, to be known as the "defense facility-wide pilot program", for the purpose of determining the potential for increasing the efficiency and effectiveness of the acquisition process in facilities by using commercial practices on a facility-wide basis.

(b) DESIGNATION OF PARTICIPATING FACILITIES.—(1) Subject to paragraph (2), the Secretary may designate up to two facilities as participants in the defense facility-wide pilot program.

(2) The Secretary may designate for participation in the pilot program only those facilities that are authorized to be so designated in a law authorizing appropriations for national defense programs that is enacted after the date of the enactment of this Act.

(c) SCOPE OF PROGRAM.—At a facility designated as a participant in the pilot program, the pilot program shall consist of the following:

(1) All contracts and subcontracts for defense supplies and services that are performed at the facility.

(2) All Department of Defense contracts and all subcontracts under Department of Defense contracts performed elsewhere that the Secretary determines are directly and substantially related to the production of defense supplies and services at the facility and are necessary for the pilot program.

(d) CRITERIA FOR DESIGNATION OF PARTICIPATING FACILITIES.—The Secretary shall establish criteria for selecting a facility for designation as a participant in the pilot program. In developing such criteria, the Secretary shall consider the following:

(1) The number of existing and anticipated contracts and subcontracts performed at the facility—

(A) for which contractors are required to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(B) which are administered with the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(2) The relationship of the facility to other organizations and facilities performing under contracts with the Department of Defense and subcontracts under such contracts.

(3) The impact that the participation of the facility under the pilot program would have on competing domestic manufacturers.

(4) Such other factors as the Secretary considers appropriate.

(e) NOTIFICATION.—(1) The Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of each facility proposed to be designated by the Secretary for participation in the pilot program.

(2) The Secretary shall include in the notification regarding a facility designated for participation in the program a management plan addressing the following:

(A) The proposed treatment of research and development contracts or subcontracts to be performed at the facility during the pilot program.

(B) The proposed treatment of the cost impact of the use of commercial practices on the award and administration of contracts and subcontracts performed at the facility.

(C) The proposed method for reimbursing the contractor for existing and new contracts.

(D) The proposed method for measuring the performance of the facility for meeting the management goals of the Secretary.

(E) Estimates of the annual amount and the total amount of the contracts and subcontracts covered under the pilot program.

(3)(A) The Secretary shall ensure that the management plan for a facility provides for attainment of the following objectives:

(i) A significant reduction of the cost to the Government for programs carried out at the facility.

(ii) A reduction of the schedule associated with programs carried out at the facility.

(iii) An increased used of commercial practices and procedures for programs carried at the facility.

(iv) Protection of a domestic manufacturer competing for contracts at such facility from being placed at a significant competitive disadvantage by the participation of the facility in the pilot program.

(B) The management plan for a facility shall also require that all or substantially all of the contracts to be awarded and performed at the facility after the designation of that facility under subsection (b), and all or substantially all of the subcontracts to be awarded under those contracts and performed at the facility after the designation, be—

(i) for the production of supplies or services on a firm-fixed price basis;

(ii) awarded without requiring the contractors or subcontractors to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(iii) awarded and administered without the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(f) EXEMPTION FROM CERTAIN REQUIREMENTS.—In the case of a contract or subcontract that is to be performed at a facility designated for participation in the defense facility-wide pilot program and that is subject to section 2306a of title 10, United States Code, or section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), the Secretary of Defense may exempt such contract or subcontract from the requirement to obtain certified cost or pricing data under such section 2306a or the requirement to apply mandatory cost accounting standards under such section 26(f) if the Secretary determines that the contract or subcontract—

(1) is within the scope of the pilot program (as described in subsection (c)); and

(2) is fairly and reasonably priced based on information other than certified cost and pricing data.

(g) SPECIAL AUTHORITY.—The authority provided under subsection (a) includes authority for the Secretary of Defense—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot program before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such program—

(A) the authority provided in section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act or the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) (or an amendment made by a provision of either Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(h) APPLICABILITY.—(1) Subsections (f) and (g) apply to the following contracts, if such contracts are within the scope of the pilot program at a facility designated for the pilot program under subsection (b):

(A) A contract that is awarded or modified during the period described in paragraph (2).

(B) A contract that is awarded before the beginning of such period, that is to be performed (or may be performed), in whole or in part, during such period, and that may be modified as appropriate at no cost to the Government.

(2) The period referred to in paragraph (1), with respect to a facility designated under subsection (b), is the period that—

(A) begins 45 days after the date of the enactment of the Act authorizing the designation of that facility in accordance with paragraph (2) of such subsection; and

(B) ends on September 30, 2000.

(i) COMMERCIAL PRACTICES ENCOURAGED.—With respect to contracts and subcontracts within the scope of the defense facility-wide pilot program, the Secretary of Defense may, to the extent the Secretary determines appropriate and in accordance with applicable law, adopt commercial practices in the administration of contracts and subcontracts. Such commercial practices may include the following:

(1) Substitution of commercial oversight and inspection procedures for Government audit and access to records.

(2) Incorporation of commercial oversight, inspection, and acceptance procedures.

(3) Use of alternative dispute resolution techniques (including arbitration).

(4) Elimination of contract provisions authorizing the Government to make unilateral changes to contracts.

SEC. 823. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

Not later than 180 days after the date of the enactment of this Act, the chief judge of the United States Court of Federal Claims shall transmit to Congress a report containing an advisory opinion on the following two questions:

(1) Is it within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.)?

(2) If the answer to the question in paragraph (1) is in the affirmative, is the executive branch required by law to so treat such franchise agreements?

SEC. 824. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831 (j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "1995" and inserting in lieu thereof "1996".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The statutory provisions that as of the date of the enactment of this Act govern the organization of the Office of the Secretary of Defense have evolved from enactment of a number of executive branch legislative proposals and congressional initiatives over a period of years.

(2) The May 1995 report of the congressionally mandated Commission on Roles and Missions of the Armed Forces included a number of recommendations relating to the Office of the Secretary of Defense.

(3) The Secretary of Defense has decided to create a special Department task force and to conduct other reviews to review many of the Commission's recommendations.

(4) The Secretary of Defense has decided to institute a 5 percent per year reduction of civilian personnel assigned to the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, for the period from fiscal year 1996 through fiscal year 2001.

(5) Over the ten-year period from 1986 through 1995, defense spending in real dollars has been reduced by 34 percent and military end-strengths have been reduced by 28 percent. During the same period, the number of civilian employees of the Office of the Secretary of Defense has increased by 22 percent.

(6) To achieve greater efficiency and to revalidate the role and mission of the Office of the Secretary of Defense, a comprehensive review of the organizations and functions of that Office and of the personnel needed to carry out those functions is required.

(b) REVIEW.—The Secretary of Defense shall conduct a further review of the organizations and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, and the personnel needed to carry out those functions. The review shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out his responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the advantages and disadvantages of the use of political appointees to fill the positions of the various Under Secretaries of Defense, Assistant Secretaries of Defense, and Deputy Under Secretaries of Defense.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(5) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(6) An assessment of the appropriate number of positions referred to in paragraph (3) and of Deputy Assistant Secretaries of Defense.

(7) An assessment of whether some or any of the functions currently performed by the Office of Humanitarian and Refugee Affairs are more properly or effectively performed by another agency of Government or elsewhere within the Department of Defense.

(8) An assessment of the efficacy of the Joint Requirements Oversight Council and whether it is advisable or necessary to establish a statutory charter for this organization.

(9) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(10) An assessment of the appropriate size, number, and functional responsibilities of the Defense Agencies and other Department of Defense support organizations.

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report containing —

(1) his findings and conclusions resulting from the review under subsection (b); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as a result of the review.

(d) PERSONNEL REDUCTION.—(1) Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the number of OSD personnel as of October 1, 1994.

(2) For purposes of this subsection, the term "OSD personnel" means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(3) In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(4) If the Secretary of Defense determines, and certifies to Congress, that the limitation in paragraph (1) would adversely affect United States national security, the limitation under paragraph (1) shall be applied by substituting "80 percent" for "75 percent".

SEC. 902. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) REDUCTION.—Section 138(a) of title 10, United States Code, is amended by striking out "eleven" and inserting in lieu thereof "ten".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking out "(11)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(10)".

SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY POSITIONS AND OFFICES IN OFFICE OF THE SECRETARY OF DEFENSE.

(a) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

(b) TERMINATION OF SPECIFICATION BY LAW OF ASD POSITIONS.—Subsection (b) of section 138 of title 10, United States Code, is amended to read as follows:

"(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.".

(c) REPEAL OF CERTAIN OSD PRESIDENTIAL APPOINTMENT POSITIONS.—The following sections of chapter 4 of such title are repealed:

(1) Section 133a, relating to the Deputy Under Secretary of Defense for Acquisition and Technology.

(2) Section 134a, relating to the Deputy Under Secretary of Defense for Policy.

(3) Section 134a, relating to the Director of Defense Research and Engineering.

(4) Section 139, relating to the Director of Operational Test and Evaluation.

(5) Section 142, relating to the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(d) DIRECTOR OF MILITARY RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of such title is amended by striking out subsection (d).

(e) CONFORMING AMENDMENTS RELATING TO REPEAL OF VARIOUS OSD POSITIONS.—Chapter 4 of such title is further amended—

(1) in section 131(b)—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively;

(2) in section 138(d), by striking out "the Under Secretaries of Defense, and the Director of Defense Research and Engineering" and inserting in lieu thereof "and the Under Secretaries of Defense"; and

(3) in the table of sections at the beginning of the chapter, by striking out the items relating to sections 133a, 134a, 137, 139, and 142.

(f) CONFORMING AMENDMENTS RELATING TO REPEAL OF SPECIFICATION OF ASD POSITIONS.—(1) Section 176(a)(3) of title 10, United States Code, is amended—

(A) by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs"; and

(B) by striking out "Chief Medical Director of the Department of Veterans Affairs" and inserting in lieu thereof "Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 1216(d) of such title is amended by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs".

(3) Section 1587(d) of such title is amended by striking out "Assistant Secretary of Defense for Manpower and Logistics" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for personnel and readiness".

(4) The text of section 10201 of such title is amended to read as follows:

"The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.".

(5) Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out "the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" and inserting in lieu thereof "the official designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict".

(g) CONFORMING AMENDMENTS RELATING TO OPERATIONAL TEST AND EVALUATION AUTHORITY.—(1) Subsection (a) of section 2399 of title 10, United States Code, is amended—

(A) by inserting "a conventional weapons system that" after "means" in the matter in paragraph (2) preceding subparagraph (A);

(B) by striking out "a conventional weapons system that" in paragraph (2)(A); and

(C) by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall designate an official of the Department of Defense to perform the duties of the position referred to in this section as the 'designated OT&E official'.".

(2) Subsection (b) of such section is amended—

(A) by striking out "Director of Operational Test and Evaluation of the Department of Defense" in paragraph (1) and inserting in lieu thereof "designated OT&E official"; and

(B) by striking out "Director" each place it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof "designated OT&E official".

(3) Subsection (c)(1) of such section is amended by striking out "Director of Operational Test and Evaluation of the Department of Defense" and inserting in lieu thereof "designated OT&E official".

(4) Subsection (e) of such section is amended by striking out "Director" each place it appears and inserting in lieu thereof "designated OT&E official".

(5) Such section is further amended—

(A) by striking out subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(h) REPEAL OF MINIMUM NUMBER OF SENIOR STAFF FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

SEC. 904. REDESIGNATION OF THE POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

(a) IN GENERAL.—(1) Section 142 of title 10, United States Code, is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"§142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs";

(B) in subsection (a), by striking out "Assistant to the Secretary of Defense for Atomic Energy" and inserting in lieu thereof "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs"; and

(C) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Assistant to the Secretary shall—

"(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

"(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

"(3) perform such additional duties as the Secretary may prescribe.".

(2) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.".

(b) CONFORMING AMENDMENTS.—(1) Section 179(c)(2) of title 10, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy" and inserting in lieu thereof "The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs".

(2) Section 5316 of title 5, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy, Department of Defense." and inserting in lieu thereof the following:

"Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.".

SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§181. Joint Requirements Oversight Council

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Requirements Oversight Council in the Department of Defense.

"(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

"(1) assist the Chairman of the Joint Chiefs of Staff in identifying and assessing the priority of joint military requirements (including existing systems and equipment) to meet the national military strategy;

"(2) assist the Chairman in considering alternatives to any acquisition program that has been identified to meet military requirements by evaluating the cost, schedule, and performance criteria of the program and of the identified alternatives; and

"(3) as part of its mission to assist the Chairman in assigning joint priority among existing and future programs meeting valid requirements, ensure that the assignment of such priorities conforms to and reflects resource levels projected by the Secretary of Defense through defense planning guidance.

"(c) COMPOSITION.—(1) The Joint Requirements Oversight Council is composed of—

"(A) the Chairman of the Joint Chiefs of Staff, who is the chairman of the Council;

"(B) an Army officer in the grade of general;

"(C) a Navy officer in the grade of admiral;

"(D) an Air Force officer in the grade of general; and

"(E) a Marine Corps officer in the grade of general.

"(2) Members of the Council, other than the Chairman of the Joint Chiefs of Staff, shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for such selection by the Secretary of the military department concerned.

"(3) The functions of the Chairman of the Joint Chiefs of Staff as chairman of the Council may only be delegated to the Vice Chairman of the Joint Chiefs of Staff.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"181. Joint Requirements Oversight Council.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) RESTRUCTURING REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the acquisition organization and workforce of the Department of Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructuring options described in subsection (c).

(b) PLAN FOR RESTRUCTURING.—(1) The Secretary shall include in the report under subsection (a) a plan on how to restructure the current acquisition organization of the Department of Defense in a manner that would enable the Secretary to accomplish the following:

(A) Reduce the number of military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as defined by the Secretary) by 25 percent over a period of five years, beginning on October 1, 1995.

(B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.

(C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the Federal Acquisition Reform Act of 1995 (division D of this Act), and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) ASSESSMENT OF SPECIFIED RESTRUCTURING OPTIONS.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:

(1) Consolidation of certain functions of the Defense Contract Audit Agency and the Defense Contract Management Command.

(2) Contracting for performance of a significant portion of the workload of the Defense Contract Audit Agency and other Defense Agencies that perform acquisition functions.

(3) Consolidation or selected elimination of Department of Defense acquisition organizations.

(4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 15,000.

(2) For purposes of this subsection, the term "defense acquisition personnel" means military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992) with the exception of personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions.

SEC. 907. REPORT ON NUCLEAR POSTURE REVIEW AND ON PLANS FOR NUCLEAR WEAPONS MANAGEMENT IN EVENT OF ABOLITION OF DEPARTMENT OF ENERGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report concerning the nuclear weapons complex. The report shall set forth—

(1) the Secretary's views on the effectiveness of the Department of Energy in managing the nuclear weapons complex, including the fulfillment of the requirements for nuclear weapons established for the Department of Energy in the Nuclear Posture Review; and

(1) the Secretary's recommended plan for the incorporation into the Department of Defense of the national security programs of the Department of Energy if the Department of Energy should be abolished and those programs be transferred to the Department of Defense.

(b) DEFINITION.—For purposes of this section, the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the report entitled "Report of the Secretary of Defense to the President and the Congress", dated February 19, 1995, or in subsequent such reports.

(c) SUBMISSION OF REPORT.—The report under subsection (a) shall be submitted not later than March 15, 1996.

SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECTS AGENCY.

(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act be designated as the Defense Advanced Research Projects Agency.

(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.

SEC. 909. NAVAL NUCLEAR PROPULSION PROGRAM.

(a) REPEAL OF PROVISION GIVING PERMANENT STATUS TO EXECUTIVE ORDER.—Effective October 1, 1998, section 1634 of the Department of Defense Authorization, 1985 (Public Law 98–525; 42 U.S.C. 7158 note), is repealed.

(b) NOTICE-AND-WAIT FOR CHANGES TO EXECUTIVE ORDER.—An Executive order that includes a provision that after the effective date of subsection (a) would amend, modify, or repeal Executive order 12344 (42 U.S.C. 7158 note) may not be issued until 60 days after the date on which notice of the intent to issue an Executive order containing such a provision (together with the text of that provision) is submitted in writing to the congressional defense committees.

Subtitle B—Financial Management

SEC. 911. TRANSFER AUTHORITY REGARDING FUNDS AVAILABLE FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS AUTHORIZED.—Section 2779 of title 10, United States Code, is amended by adding at the end the following:

"(c) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS.—The Secretary of Defense may transfer funds to military personnel appropriations for a fiscal year out of funds available to the Department of Defense for that fiscal year under the appropriation 'Foreign Currency Fluctuations, Defense'.".

(b) REVISION AND CODIFICATION OF AUTHORITY FOR TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—Section 2779 of such title, as amended by subsection (a), is further amended by adding at the end the following:

"(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—(1) The Secretary of Defense may transfer to the appropriation 'Foreign Currency Fluctuations, Defense' unobligated amounts of funds appropriated for operation and maintenance and unobligated amounts of funds appropriated for military personnel.

"(2) Any transfer from an appropriation under paragraph (1) shall be made not later than the end of the second fiscal year following the fiscal year for which the appropriation is provided.

"(3) Any transfer made pursuant to the authority provided in this subsection shall be limited so that the amount in the appropriation 'Foreign Currency Fluctuations, Defense' does not exceed $970,000,000 at the time the transfer is made.".

(c) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Section 2779 of such title, as amended by subsection (b), is further amended by adding at the end the following:

"(e) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Amounts transferred under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.".

(d) REPEAL OF SUPERSEDED PROVISIONS.—(1) Section 767A of Public Law 96–527 (94 Stat. 3093) is repealed.

(2) Section 791 of the Department of Defense Appropriation Act, 1983 (enacted in section 101(c) of Public Law 97–377; 96 Stat. 1865) is repealed.

(e) TECHNICAL AMENDMENTS.—Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) TRANSFERS BACK TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIATION.—(1)";

(2) in subsection (a)(2), by striking out "2d fiscal year" and inserting in lieu thereof "second fiscal year"; and

(3) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) FUNDING FOR LOSSES IN MILITARY CONSTRUCTION AND FAMILY HOUSING.—(1)".

(f) EFFECTIVE DATE.—Subsections (c) and (d) of section 2779 of title 10, United States Code, as added by subsections (a) and (b), and the repeals made by subsection (d), shall apply only with respect to amounts appropriated for a fiscal year after fiscal year 1995.

SEC. 912. DEFENSE MODERNIZATION ACCOUNT.

(a) ESTABLISHMENT AND USE.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§2216. Defense Modernization Account

"(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Defense Modernization Account'.

"(b) TRANSFERS TO ACCOUNT.—(1)(A) Upon a determination by the Secretary of a military department or the Secretary of Defense with respect to Defense-wide appropriations accounts of the availability and source of funds described

in subparagraph (B), that Secretary may transfer to the Defense Modernization Account during any fiscal year any amount of funds available to the Secretary described in that subparagraph. Such funds may be transferred to that account only after the Secretary concerned notifies the congressional defense committees in writing of the amount and source of the proposed transfer.

"(B) This subsection applies to the following funds available to the Secretary concerned:

"(i) Unexpired funds in appropriations accounts that are available for procurement and that, as a result of economies, efficiencies, and other savings achieved in a carrying out a particular procurement, are excess to the requirements of that procurement.

"(ii) Unexpired funds that are available during the final 30 days of a fiscal year for support of installations and facilities and that, as a result of economies, efficiencies, and other savings, are excess to the requirements for support of installations and facilities.

"(C) Any transfer under subparagraph (A) shall be made under regulations prescribed by the Secretary of Defense.

"(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account if—

"(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

"(B) the balance of funds in the account, after transfer of funds to the account, would exceed $1,000,000,000.

"(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.

"(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 may not be extended by transfer into the Defense Modernization Account.

"(c) Scope of Use of Funds.—Funds transferred to the Defense Modernization Account from funds appropriated for a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for transfer to funds available for that military department, Defense Agency, or other element.

"(d) Authorized Use of Funds.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used for the following purposes:

"(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

"(2) For research, development, test, and evaluation and for procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

"(e) Limitations.—(1) Funds in the Defense Modernization Account may not be used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

"(A) result in procurement of a total quantity of items or services in excess of—

"(i) a specific limitation provided by law on the quantity of the items or services that may be procured; or

"(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

"(B) result in an obligation or expenditure of funds in excess of a specific limitation provided by law on the amount that may be obligated or expended, respectively, for that procurement program.

"(2) Funds in the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

"(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

"(A) making an expenditure for which there is no corresponding obligation; or

"(B) making an expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

"(f) Transfer of Funds.—(1) The Secretary of Defense may transfer funds in the Defense Modernization Account to appropriations available for purposes set forth in subsection (d).

"(2) Funds in the Defense Modernization Account may not be transferred under paragraph (1) until 30 days after the date on which the Secretary concerned notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

"(3) The total amount of transfers from the Defense Modernization Account during any fiscal year under this subsection may not exceed $500,000,000.

"(g) Availability of Funds by Appropriation.—In addition to transfers under under subsection (f), funds in the Defense Modernization Account may be made available for purposes set forth in subsection (d) in accordance with the provisions of appropriations Acts, but only to the extent authorized in an Act other than an appropriations Act.

"(h) Secretary To Act Through Comptroller.—The Secretary of Defense shall carry out this section through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

"(i) Quarterly Reports.—(1) Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on the Defense Modernization Account. Each such report shall set forth the following:

"(A) The amount and source of each credit to the account during that quarter.

"(B) The amount and purpose of each transfer from the account during that quarter.

"(C) The balance in the account at the end of the quarter and, of such balance, the amount attributable to transfers to the account from each Secretary concerned.

"(2) The committees referred to in paragraph (1) are the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

"(j) Definitions.—In this section:

"(1) The term 'Secretary concerned' includes the Secretary of Defense with respect to Defense-wide appropriations accounts.

"(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

"(3) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(2) The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2215 the following new item:

"2216. Defense Modernization Account.".

(b) Effective Date.—Section 2216 of title 10, United States Code (as added by subsection (a)), shall apply only to funds appropriated for fiscal years after fiscal year 1995.

(c) Expiration of Authority and Account.—(1) The authority under section 2216(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account terminates at the close of September 30, 2003.

(2) Three years after the termination date specified in paragraph (1), the Defense Modernization Account shall be closed and any remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(d) GAO Reviews.—(1) The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(2) Not later than March 1, 2000, the Comptroller General shall—

(A) complete the first review; and

(B) submit to the specified committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(3) Not later than March 1, 2003, the Comptroller General shall—

(A) complete the second review; and

(B) submit to the specified committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(4) Each such report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.

(5) For purposes of this subsection, the term "specified committees of Congress" means the congressional committees referred to in section 2216(i)(2) of title 10, United States Code, as added by subsection (a).

SEC. 913. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS.

(a) Disbursing Officials.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Department of Defense.".

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph(1), by striking out "With the approval of a Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department" and inserting in lieu thereof "Subject to paragraph (3), a disbursing official of the Department of Defense"; and

(ii) by adding at the end the following new paragraph:

"(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department."; and

(B) in subsection (b)(1), by striking out "any military department" and inserting in lieu thereof "the Department of Defense".

(b) Designation of Members of the Armed Forces To Have Authority To Certify Vouchers.—Section 3325(b) of title 31, United States Code, is amended to read as follows:

"(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so.".

(c) Conforming Amendments.—(1) Section 1012 of title 37, United States Code, is amended

by striking out "Secretary concerned" both places it appears and inserting in lieu thereof "Secretary of Defense".

(2) Section 1007(a) of title 37, United States Code, is amended by striking out "Secretary concerned" and inserting in lieu thereof "Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31".

(3)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out "disbursements of public moneys or" and "the money was paid or"; and

(ii) in the second sentence, by striking out "disbursement or".

(B)(i) The heading of such section is amended to read as follows:

"§7863. Disposal of public stores by order of commanding officer".

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

"7863. Disposal of public stores by order of commanding officer.".

(4) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) by striking out "a disbursing official of the armed forces" and inserting in lieu thereof "an official of the armed forces referred to in subsection (a)";

(B) by striking out "records," and inserting in lieu thereof "records, or a payment described in section 3528(a)(4)(A) of this title,";

(C) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), and realigning such clauses four ems from the left margin;

(D) by inserting before clause (i), as so redesignated, the following:

"(A) in the case of a physical loss or deficiency—";

(E) in clause (iii), as so redesignated, by striking out the period at the end and inserting in lieu thereof "; or"; and

(F) by adding at the end the following:

"(B) in the case of a payment described in section 3528(a)(4)(A) of this title, the Secretary of Defense or the Secretary of the appropriate military department, after taking a diligent collection action, finds that the criteria of section 3528(b)(1) of this title are satisfied.".

SEC. 914. FISHER HOUSE TRUST FUNDS.

(a) ESTABLISHMENT.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2221. Fisher House trust funds

"(a) ESTABLISHMENT.—The following trust funds are established on the books of the Treasury:

"(1) The Fisher House Trust Fund, Department of the Army.

"(2) The Fisher House Trust Fund, Department of the Air Force.

"(b) INVESTMENT.—Funds in the trust funds may be invested in securities of the United States. Earnings and gains realized from the investment of funds in a trust fund shall be credited to the trust fund.

"(c) USE OF FUNDS.—(1) Amounts in the Fisher House Trust Fund, Department of the Army, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Army.

"(2) Amounts in the Fisher House Trust Fund, Department of the Air Force, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Air Force.

"(3) The use of funds under this section is subject to section 1321(b)(2) of title 31.

"(d) FISHER HOUSE DEFINED.—In this section, the term 'Fisher house' means a housing facility that—

"(1) is located in proximity to a medical treatment facility of the Army or the Air Force; and

"(2) is available for residential use on a temporary basis by patients at such facilities, members of the family of such patients, and others providing the equivalent of familial support for such patients.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2221. Fisher House trust funds.".

(b) CORPUS OF TRUST FUNDS.—(1) The Secretary of the Treasury shall—

(A) close the accounts established with the funds that were required by section 8019 of Public Law 102–172 (105 Stat. 1175) and section 9023 of Public Law 102–396 (106 Stat. 1905) to be transferred to an appropriated trust fund; and

(B) transfer the amounts in such accounts to the Fisher House Trust Fund, Department of the Army, established by subsection (a)(1) of section 2221 of title 10, United States Code, as added by subsection (a).

(2) The Secretary of the Air Force shall transfer to the Fisher House Trust Fund, Department of the Air Force, established by subsection (a)(2) of section 2221 of title 10, United States Code (as added by section (a)), all amounts in the accounts for Air Force installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses (as defined in subsection (d) of such section 2221).

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) by adding at the end of subsection (a) the following:

"(92) Fisher House Trust Fund, Department of the Army.

"(93) Fisher House Trust Fund, Department of the Air Force."; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in the second sentence, by striking out "Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')" and inserting in lieu thereof "Except as provided in paragraph (2), amounts accruing to these funds";

(C) by striking out the third sentence; and

(D) by adding at the end the following:

"(2) Expenditures from the following trust funds may be made only under annual appropriations and only if the appropriations are specifically authorized by law:

"(A) Armed Forces Retirement Home Trust Fund.

"(B) Fisher House Trust Fund, Department of the Army.

"(C) Fisher House Trust Fund, Department of the Air Force.".

(d) REPEAL OF SUPERSEDED PROVISIONS.—The following provisions of law are repealed:

(1) Section 8019 of Public Law 102–172 (105 Stat. 1175).

(2) Section 9023 of Public Law 102–396 (106 Stat. 1905).

(3) Section 8019 of Public Law 103–139 (107 Stat. 1441).

(4) Section 8017 of Public Law 103–335 (108 Stat. 2620; 10 U.S.C. 1074 note).

SEC. 915. LIMITATION ON USE OF AUTHORITY TO PAY FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Section 127 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Funds may not be obligated or expended in an amount in excess of $500,000 under the authority of subsection (a) or (b) until the Secretary of Defense has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives of the intent to obligate or expend the funds, and—

"(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or

"(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

"(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect to an obligation or expenditure under the preceding sentence, the Secretary shall immediately notify the committees referred to in paragraph (1) that such obligation or expenditure is necessary and provide any relevant information (in classified form, if necessary) jointly to the chairman and ranking minority member (or their designees) of such committees.

"(3) A notification under paragraph (1) and information referred to in paragraph (2) shall include the amount to be obligated or expended, as the case may be, and the purpose of the obligation or expenditure.".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee on conference to accompany the bill H.R. 1530 of the One Hundred Fourth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.

(a) REVISION OF FUNDING MECHANISM.—(1) Section 127a of title 10, United States Code, is amended to read as follows:

"§127a. Operations for which funds are not provided in advance: funding mechanisms

"(a) IN GENERAL.—(1) The Secretary of Defense shall use the procedures prescribed by this section with respect to any operation specified in paragraph (2) that involves—

"(A) the deployment (other than for a training exercise) of elements of the armed forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

"(B) the provision of humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

"(2) This section applies to—

"(A) any operation the incremental cost of which is expected to exceed $50,000,000; and

"(B) any other operation the expected incremental cost of which, when added to the expected incremental costs of other operations that are currently ongoing, is expected to result in a cumulative incremental cost of ongoing operations of the Department of Defense in excess of $100,000,000.

Any operation the incremental cost of which is expected not to exceed $10,000,000 shall be disregarded for the purposes of subparagraph (B).

"(3) Whenever an operation to which this section applies is commenced or subsequently becomes covered by this section, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).

"(4) This section does not provide authority for the President or the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) The Secretary of Defense shall direct that, when a unit of the armed forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund (or a successor fund), such unit of the armed forces may not be required to reimburse that element for the incremental costs incurred by that element in providing such services, notwithstanding any other provision of law or any Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to an element of the Department of Defense (or a fund) shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(c) TRANSFER AUTHORITY.—(1) Whenever there is an operation of the Department of Defense described in subsection (a), the Secretary of Defense may transfer amounts described in paragraph (3) to accounts from which incremental expenses for that operation were incurred in order to reimburse those accounts for those incremental expenses. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred.

"(2) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal year is $200,000,000.

"(3) Transfers under this subsection may only be made from amounts appropriated to the Department of Defense for any fiscal year that remain available for obligation, other than amounts within any operation and maintenance appropriation that are available for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

"(4) The authority provided by this subsection is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense. However, the Secretary may not use any such authority under another provision of law for a purpose described in paragraph (1) if there is authority available under this subsection for that purpose.

"(5) The authority provided by this subsection to transfer amounts may not be used to provide authority for an activity that has been denied authorization by Congress.

"(6) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

"(d) REPORT UPON DESIGNATION OF AN OPERATION.—Within 45 days after the Secretary of Defense identifies an operation pursuant to subsection (a)(2), the Secretary of Defense shall submit to Congress a report that sets forth the following:

"(1) The manner by which the Secretary proposes to obtain funds for the cost to the United States of the operation, including a specific discussion of how the Secretary proposes to restore balances in—

"(A) the Defense Business Operations Fund (or a successor fund), or

"(B) the accounts from which the Secretary transfers funds under the authority of subsection (c),

to the levels that would have been anticipated but for the provisions of subsection (c).

"(2) If the operation is described in subsection (a)(1)(B), a justification why the budgetary resources of another department or agency of the Federal Government, instead of resources of the Department of Defense, are not being used for carrying out the operation.

"(3) The objectives of the operation.

"(4) The estimated duration of the operation and of any deployment of armed forces personnel in such operation.

"(5) The estimated incremental cost of the operation to the United States.

"(6) The exit criteria for the operation and for the withdrawal of the elements of the armed forces involved in the operation.

"(e) LIMITATIONS.—(1) The Secretary may not restore balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

"(2) The Secretary may not restore balances in the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an operation and maintenance appropriation that are available within that appropriation for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

"(f) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—(1) Whenever there is an operation described in subsection (a), the President shall submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section.

"(2) A request under paragraph (1) shall be submitted not later than 45 days after the date on which notification is provided pursuant to subsection (a)(3). The request shall be submitted as a separate request from any other legislative proposal.

"(g) REQUIREMENTS RELATING TO ADDITIONAL SUPPLEMENTAL APPROPRIATIONS.—If, after a supplemental appropriation has been requested for an operation under subsection (f) and has been provided by law, enactment of an additional supplemental appropriation becomes necessary for the operation before the withdrawal of all armed forces personnel from the operation, the Secretary of Defense shall submit to Congress a revised report described in subsection (d) and the President shall submit to Congress an additional request for enactment of a supplemental appropriation as described in subsection (f). The revised report and the request shall be submitted as soon as it is determined that the additional supplemental appropriation is necessary.

"(h) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation). Incremental costs do not include the cost of property or services acquired by the Department that are paid for by a source outside the Department or out of funds contributed by such a source.

"(i) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

"(j) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.".

(2) The item relating to section 127a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"127a. Operations for which funds are not provided in advance: funding mechanisms.".

(b) EFFECTIVE DATE.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any operation of the Department of Defense that is in effect on or after that date, whether such operation is begun before, on, or after such date of enactment. In the case of an operation begun before such date, any reference in such section to the commencement of such operation shall be treated as referring to the effective date under the preceding sentence.

SEC. 1004. OPERATION PROVIDE COMFORT.

(a) AUTHORIZATION OF AMOUNTS AVAILABLE.—Within the total amounts authorized to be appropriated in titles III and IV, there is

hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Provide Comfort—

(1) $136,300,000 for operation and maintenance costs; and

(2) $7,000,000 for incremental military personnel costs.

(b) REPORT.—Not more than $70,000,000 of the amount appropriated under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees a report on Operation Provide Comfort which includes the following:

(1) A detailed presentation of the projected costs to be incurred by the Department of Defense for Operation Provide Comfort during fiscal year 1996, together with a discussion of missions and functions expected to be performed by the Department as part of that operation during that fiscal year.

(2) A detailed presentation of the projected costs to be incurred by other departments and agencies of the Federal Government participating in or providing support to Operation Provide Comfort during fiscal year 1996.

(3) A discussion of available options to reduce the involvement of the Department of Defense in those aspects of Operation Provide Comfort that are not directly related to the military mission of the Department of Defense.

(4) A plan establishing an exit strategy for United States involvement in, and support for, Operation Provide Comfort.

(c) OPERATION PROVIDE COMFORT.—For purposes of this section, the term "Operation Provide Comfort" means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Provide Comfort.

SEC. 1005. OPERATION ENHANCED SOUTHERN WATCH.

(a) AUTHORIZATION OF AMOUNTS AVAILABLE.—Within the total amounts authorized to be appropriated in titles III and IV, there is hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Enhanced Southern Watch—

(1) $433,400,000 for operation and maintenance costs; and

(2) $70,400,000 for incremental military personnel costs.

(b) REPORT.—(1) Of the amounts specified in subsection (a), not more than $250,000,000 may be obligated until the Secretary of Defense submits to the congressional defense committees a report designating Operation Enhanced Southern Watch, or significant elements thereof, as a forward presence operation for which funding should be budgeted as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(2) The report shall set forth the following:

(A) The expected duration and annual costs of the various elements of Operation Enhanced Southern Watch.

(B) Those elements of Operation Enhanced Southern Watch that are semi-permanent in nature and should be budgeted in the future as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(C) The political and military objectives associated with Operation Enhanced Southern Watch.

(D) The contributions (both in-kind and actual) by other nations to the costs of conducting Operation Enhanced Southern Watch.

(c) OPERATION ENHANCED SOUTHERN WATCH.—For purposes of this section, the term "Operation Enhanced Southern Watch" means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Enhanced Southern Watch.

SEC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1995 defense appropriations except as otherwise provided in subsection (c).

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1995 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1995 defense authorizations.

(c) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in subsection (b) which remain available for obligation on the date of the enactment of this Act may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1995 defense appropriations):

(1) The TARTAR support equipment program under "Weapons Procurement, Navy" in the amount of $2,400,000.

(2) The natural gas utilization equipment program under "Other Procurement, Navy" in the amount of $8,000,000.

(3) The munitions standardization-plasma furnace technology program under "Research, Development, Test, and Evaluation, Army" in the amount of $7,500,000.

(4) The logistics technology-cold pasteurization/sterilization program under "Research, Development, Test, and Evaluation, Army" in the amount of $2,000,000.

(5) The logistics technology-air beam tents program under "Research, Development, Test, and Evaluation, Army" in the amount of $500,000.

(d) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.—The term "fiscal year 1995 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1995 in the Department of Defense Appropriations Act, 1995 (Public Law 103–335).

(2) FISCAL YEAR 1995 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1995 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

SEC. 1007. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6; 109 Stat. 73).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act (109 Stat. 79) is hereby authorized.

SEC. 1008. AUTHORIZATION REDUCTIONS TO REFLECT SAVINGS FROM REVISED ECONOMIC ASSUMPTIONS.

(a) REDUCTION.—The total amount authorized to be appropriated in titles I, II, and III of this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions. Such reduction shall be made from accounts in those titles as follows:

Operation and Maintenance, Army, $54,000,000.

Operation and Maintenance, Navy, $80,000,000.

Operation and Maintenance, Marine Corps, $9,000,000.

Operation and Maintenance, Air Force, $51,000,000.

Operation and Maintenance, Defense-Wide, $36,000,000.

Operation and Maintenance, Army Reserve, $4,000,000.

Operation and Maintenance, Navy Reserve, $4,000,000.

Operation and Maintenance, Marine Corps Reserve, $1,000,000.

Operation and Maintenance, Air Force Reserve, $3,000,000.

Operation and Maintenance, Army National Guard, $7,000,000.

Operation and Maintenance, Air National Guard, $7,000,000.

Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000.

Environmental Restoration, Defense, $11,000,000.

Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000.

Former Soviet Union Threat Reduction, $2,000,000.

Defense Health Program, $51,000,000.

Aircraft Procurement, Army, $9,000,000.

Missile Procurement, Army, $5,000,000.

Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000.

Procurement of Ammunition, Army, $6,000,000.

Other Procurement, Army, $17,000,000.

Aircraft Procurement, Navy, $29,000,000.

Weapons Procurement, Navy, $13,000,000.

Shipbuilding and Conversion, Navy, $42,000,000.

Other Procurement, Navy, $18,000,000.

Procurement, Marine Corps, $4,000,000.

Aircraft Procurement, Air Force, $50,000,000.

Missile Procurement, Air Force, $29,000,000.

Other Procurement, Air Force, $45,000,000.

Procurement, Defense-Wide, $16,000,000.

Chemical Agents and Munitions Destruction, Defense, $5,000,000.

Research, Development, Test and Evaluation, Army, $20,000,000.

Research, Development, Test and Evaluation, Navy, $50,000,000.

Research, Development, Test and Evaluation, Air Force, $79,000,000.

Research, Development, Test and Evaluation, Defense-Wide, $57,000,000.

Research, Development, Test and Evaluation, Defense, $2,000,000.

(b) REDUCTIONS TO BE APPLIED PROPORTIONALLY.—Reductions under this section shall be applied proportionally to each budget activity, activity group, and subactivity group and to each program, project, and activity within each account.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. IOWA CLASS BATTLESHIPS.

(a) RETURN TO NAVAL VESSEL REGISTER.—The Secretary of the Navy shall list on the Naval Vessel Register, and maintain on such register, at least two of the Iowa-class battleships that were stricken from the register in February 1995.

(b) SUPPORT.—The Secretary shall retain the existing logistical support necessary for support of at least two operational Iowa class battleships in active service, including technical manuals, repair and replacement parts, and ordnance.

(c) SELECTION OF SHIPS.—The Secretary shall select for listing on the Naval Vessel Register under subsection (a) Iowa class battleships that

are in good material condition and can provide adequate fire support for an amphibious assault.

(d) REPLACEMENT FIRE-SUPPORT CAPABILITY.—(1) If the Secretary of the Navy makes a certification described in paragraph (2), the requirements of subsections (a) and (b) shall terminate, effective 60 days after the date of the submission of such certification.

(2) A certification referred to in paragraph (1) is a certification submitted by the Secretary of the Navy in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Navy has within the fleet an operational surface fire-support capability that equals or exceeds the fire-support capability that the Iowa class battleships listed on the Naval Vessel Register pursuant to subsection (a) would, if in active service, be able to provide for Marine Corps amphibious assaults and operations ashore.

SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The Secretary of the Navy is authorized to transfer on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Bahrain, the guided missile frigate Jack Williams (FFG 24).

(2) To the Government of Egypt, the frigate Copeland (FFG 25).

(3) To the Government of Turkey, the frigates Clifton Sprague (FFG 16) and Antrim (FFG 20).

(b) TRANSFERS BY LEASE OR SALE.—The Secretary of the Navy is authorized to transfer on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Egypt, the frigate Duncan (FFG 10).

(2) To the Government of Oman, the guided missile frigate Mahlon S. Tisdale (FFG 27).

(3) To the Government of Turkey, the frigate Flatley (FFG 21).

(4) To the Government of the United Arab Emirates, the guided missile frigate Gallery (FFG 26).

(c) FINANCING FOR TRANSFERS BY LEASE.—Section 23 of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing for any transfer by lease under subsection (b) in the same manner as if such transfer were a procurement by the recipient nation of a defense article.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) or (b) shall be charged to the recipient.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) and under subsection (b) shall expire at the end of the two-year period beginning on the date of the enactment of this Act, except that a lease entered into during that period under any provision of subsection (b) may be renewed.

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRANT BASIS.—(1) Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended by adding at the end the following new subsection:

"(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRANT BASIS.—(1) The President may not transfer on a grant basis under this section a vessel that is in excess of 3,000 tons or that is less than 20 years of age.

"(2) If the President determines that it is in the national security interests of the United States to transfer a particular vessel on a grant basis under this section, the President may request that Congress enact legislation exempting the transfer from the prohibition in paragraph (1).".

(2) The amendment made by paragraph (1) shall apply with respect to the transfer of a vessel on or after the date of the enactment of this Act (other than a vessel the transfer of which is authorized by subsection (a) or by law before the date of the enactment of this Act).

SEC. 1013. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) A requirement for the Department of the Navy to acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vessels was established by the Secretary of Defense in the Mobility Requirements Study conducted after the Persian Gulf War pursuant to section 909 of the National Defense Authorization Act for Fiscal Year 1991 (Public law 101–510; 104 Stat. 1623) and was revalidated by the Secretary of Defense in the report entitled "Mobility Requirements Study Bottom-Up Review Update", submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element of the national military strategy calling for the Nation to be able to fight and win two nearly simultaneous major regional contingencies.

(3) The Secretary of the Navy has entered into contracts with shipyards covering acquisition of a total of 17 such LMSR vessels, of which five are vessel conversions and 12 are new construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred to in subsection (a)(1)), rather than only 17 such vessels (the number of vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(3) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise during 1995, 1996, or 1997.

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1996, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

SEC. 1014. NATIONAL DEFENSE RESERVE FLEET.

(a) AVAILABILITY OF NATIONAL DEFENSE SEALIFT FUND.—Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

(A) by striking out "only for—" in the matter preceding subparagraph (A) and inserting in lieu thereof "only for the following purposes:";

(B) by capitalizing the first letter of the first word of subparagraphs (A), (B), (C), and (D);

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period;

(D) by striking out "; and" at the end of subparagraph (C) and inserting in lieu thereof a period; and

(E) by adding at the end the following new subparagraph:

"(E) Expenses for maintaining the National Defense Reserve Fleet under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels built in United States shipyards."; and

(2) in subsection (i), by inserting "(other than subsection (c)(1)(E))" after "Nothing in this section".

(b) CLARIFICATION OF EXEMPTION OF NDRF VESSELS FROM RETROFIT REQUIREMENT.—Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) is amended by adding at the end the following new subsection:

"(e) Vessels in the National Defense Reserve Fleet are exempt from the provisions of section 3703a of title 46, United States Code.".

(c) AUTHORITY TO USE NATIONAL DEFENSE SEALIFT FUND TO CONVERT TWO VESSELS.—Of the amount authorized to be appropriated in section 302 for fiscal year 1996 for the National Defense Sealift Fund under section 2218 of title 10, United States Code, not more than $20,000,000 shall be available for conversion work on the following two roll-on/roll-off vessels, which were acquired by the Maritime Administration during fiscal year 1995:

(1) M/V Cape Knox (ON-1036323).

(2) M/V Cape Kennedy (ON-1036324).

SEC. 1015. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended to read as follows:

"CHAPTER 637—SALVAGE FACILITIES

"Sec.
"7361. Authority to provide for necessary salvage facilities.
"7362. Acquisition and transfer of vessels and equipment.
"7363. Settlement of claims.
"7364. Disposition of receipts.

"§7361. Authority to provide for necessary salvage facilities

"(a) AUTHORITY.—The Secretary of the Navy may provide, by contract or otherwise, necessary salvage facilities for public and private vessels.

"(b) COORDINATION WITH SECRETARY OF TRANSPORTATION.—The Secretary shall submit to the Secretary of Transportation for comment each proposed contract for salvage facilities that affects the interests of the Department of Transportation.

"(c) LIMITATION.—The Secretary of the Navy may enter into a term contract under subsection (a) only if the Secretary determines that available commercial salvage facilities are inadequate to meet the requirements of national defense.

"(d) PUBLIC NOTICE.—The Secretary may not enter into a contract under subsection (a) until the Secretary has provided public notice of the intent to enter into such a contract.

"§7362. Acquisition and transfer of vessels and equipment

"(a) AUTHORITY.—The Secretary of the Navy may acquire or transfer for operation by private salvage companies such vessels and equipment as the Secretary considers necessary.

"(b) AGREEMENT ON USE.—Before any salvage vessel or salvage gear is transferred by the Secretary to a private party, the private party must agree in writing with the Secretary that the vessel or gear will be used to support organized offshore salvage facilities for a period of as many years as the Secretary considers appropriate.

"(c) REFERENCE TO AUTHORITY TO ADVANCE FUNDS FOR IMMEDIATE SALVAGE OPERATIONS.—For authority for the Secretary of the Navy to advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations, see section 2307(g)(2) of this title.

"§7363. Settlement of claims

"The Secretary of the Navy may settle any claim by the United States for salvage services rendered by the Department of the Navy and may receive payment of any such claim.

"§7364. Disposition of receipts

"Amounts received under this chapter shall be credited to appropriations for maintaining naval salvage facilities. However, any amount received under this chapter in any fiscal year in excess of naval salvage costs incurred by the Navy during that fiscal year shall be deposited into the general fund of the Treasury.".

SEC. 1016. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that any vessel that is covered by the contract referred to in subsection (b) remains covered by that contract, regardless of the operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy.

(b) COVERED CONTRACT.—The contract referred to in subsection (a) is the contract entered into before the date of the enactment of this Act for the phased maintenance of AE class ships.

SEC. 1017. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting "or Guam" after "the United States" the second place it appears.

SEC. 1018. SENSE OF CONGRESS CONCERNING NAMING OF AMPHIBIOUS SHIPS.

It is the sense of Congress that the Secretary of the Navy—

(1) should name the vessel to be designated LHD–7 as the U.S.S. Iwo Jima; and

(2) should name the vessel to be designated LPD–17, and each subsequent ship of the LPD–17 class, after a Marine Corps battle or a member of the Marine Corps.

SEC. 1019. SENSE OF CONGRESS CONCERNING NAMING OF NAVAL VESSEL.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph Vittori (1929–1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15–16, 1951.

SEC. 1020. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in the case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel to be transferred is of no further use to the United States for national security purposes.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

Subtitle C—Counter-Drug Activities

SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD.

(a) FUNDING ASSISTANCE AUTHORIZED.—Subsection (a) of section 112 of title 32, United States Code, is amended to read as follows:

"(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for—

"(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of druginterdiction and counter-drug activities;

"(2) the operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities; and

"(3) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.".

(b) REORGANIZATION OF SECTION.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by redesignating subsection (d) as subsection (g) and transferring that subsection to appear before subsection (h), as redesignated by paragraph (1); and

(3) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

(c) STATE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES PLAN.—Subsection (c) of such section, as redesignated by subsection (b)(3), is amended—

(1) in the matter preceding paragraph (1), by striking out "A plan referred to in subsection (a)" and inserting in lieu thereof "A State drug interdiction and counter-drug activities plan";

(2) by striking out "and" at the end of paragraph (2); and

(3) in paragraph (3)—

(A) by striking out "annual training" and inserting in lieu thereof "training";

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

"(5) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.".

(d) EXAMINATION OF STATE PLAN.—Subsection (d) of such section, as redesignated by subsection (b)(3), is amended—

(1) in paragraph (1)—

(A) by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) by inserting after "Before funds are provided to the Governor of a State under this section" the following: "and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).".

(e) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

"(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.".

(f) END STRENGTH LIMITATION.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

"(f) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

"(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or

"(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

"(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.".

(g) DEFINITIONS.—Subsection (h) of such section, as redesignated by subsection (b)(1), is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The term 'drug interdiction and counter-drug activities', with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities authorized by the law of the State and requested by the Governor of the State.".

(h) TECHNICAL AMENDMENTS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking out "sections 517 and 524" and inserting in lieu thereof "sections 12011 and 12012"; and

(2) in paragraph (2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act *may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.*

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

Subtitle D—Civilian Personnel

SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "man-year constraint or limitation" and inserting in lieu thereof "constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees"; and

(B) by adding at the end the following new sentence: "The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection.";

(2) in subsection (b)(2), by striking out "any end-strength" and inserting in lieu thereof "any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees"; and

(3) by adding at the end the following new subsection:

"(d) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.".

SEC. 1032. CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

(a) CONVERSION REQUIREMENT.—(1) By September 30, 1997, the Secretary of Defense shall convert at least 10,000 military positions to civilian positions.

(2) At least 3,000 of the military positions converted to satisfy the requirement of paragraph (1) shall be converted to civilian positions not later than September 30, 1996.

(3) In this subsection:

(A) The term "military position" means a position that, as of the date of the enactment of this Act, is authorized to be filled by a member of the Armed Forces on active duty.

(B) The term "civilian position" means a position that is required to be filled by a civilian employee of the Department of Defense.

(b) IMPLEMENTATION PLAN.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

SEC. 1033. ELIMINATION OF 120-DAY LIMITATION ON DETAILS OF CERTAIN EMPLOYEES.

(a) ELIMINATION OF LIMITATION.—Subsection (b) of section 3341 of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The 120-day limitation in paragraph (1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(A) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(B) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(c) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); and

"(C) the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of that paragraph, has the meaning given such term in section 2910(4) of such Act.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to details made before the date of the enactment of this Act but still in effect on that date and details made on or after that date.

SEC. 1034. AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) The Secretary of Defense or the Secretary of a military department may—

"(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

"(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee in a similar position who would otherwise be released in the reduction in force under such criteria.

"(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

"(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary release under paragraph (1) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) The authority under paragraph (1) may not be exercised after September 30, 1996.".

SEC. 1035. AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) In the case of an employee of the Department of Defense who is entitled to severance pay under this section, the Secretary of Defense or the Secretary of the military department concerned may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

"(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Defense (for the military department that formerly employed the employee, if applicable) an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

"(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

"(C) Amounts repaid to an agency under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

"(3) If an employee fails to repay to an agency an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.

"(4) This subsection applies with respect to severance pay payable under this section for separations taking effect on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999.".

SEC. 1036. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or a voluntary separation from a surplus position," after "an involuntary separation from a position"; and

(2) by adding at the end the following new subparagraph:

"(C) For the purpose of this paragraph, 'surplus position' means a position which is identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.".

SEC. 1037. REVISION OF AUTHORITY FOR APPOINTMENTS OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) REVISION OF AUTHORITY.—Section 3329 of title 5, United States Code, as added by section 544 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2415), is amended—

(1) in subsection (b), by striking out "be offered" and inserting in lieu thereof "be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c)(1) The position for which placement consideration shall be provided to a former military technician under subsection (b) shall be a position—

"(A) in either the competitive service or the excepted service;

"(B) within the Department of Defense; and

"(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a

reserve component of the armed forces as a condition of employment.

"(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.".

(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1) The section 3329 of title 5, United States Code, that was added by section 4431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2719) is redesignated as section 3330 of such title.

(2) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 3329, as added by section 4431(b) of such Act (106 Stat. 2720), and inserting in lieu thereof the following new item:

"3330. Government-wide list of vacant positions.".

SEC. 1038. WEARING OF UNIFORM BY NATIONAL GUARD TECHNICIANS.

(a) REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended to read as follows:

"(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed—

"(1) be a member of the National Guard;

"(2) hold the military grade specified by the Secretary concerned for that position; and

"(3) wear the uniform appropriate for the member's grade and component of the armed forces while performing duties as a technician.".

(b) UNIFORM ALLOWANCES FOR OFFICERS.—Section 417 of title 37, United States Code, is amended by adding at the end the following:

"(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

"(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.".

(c) CLOTHING OR ALLOWANCES FOR ENLISTED MEMBERS.—Section 418 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following:

"(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the President shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

"(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which a uniform allowance is paid under section 415 or 416 of this title.".

SEC. 1039. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code is amended by adding at the end the following new subsection:

"(d)(1) A military reserve technician described in section 8401(30) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

"(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.".

SEC. 1040. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CLARIFICATION OF DEFINITION OF NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE.—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following new sentence: "Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.".

(b) DIRECT REPORTING OF VIOLATIONS.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: "and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense".

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking out "Navy Resale and Services Support Office" and inserting in lieu thereof "Navy Exchange Service Command".

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1587. Employees of nonappropriated fund instrumentalities: reprisals".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1587. Employees of nonappropriated fund instrumentalities: reprisals.".

SEC. 1041. COVERAGE OF NONAPPROPRIATED FUND EMPLOYEES UNDER AUTHORITY FOR FLEXIBLE AND COMPRESSED WORK SCHEDULES.

Paragraph (2) of section 6121 of title 5, United States Code, is amended to read as follows:

"(2) 'employee' has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;".

SEC. 1042. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), an overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1997; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term "nonappropriated fund instrumentality employee" has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

SEC. 1043. ELECTIONS RELATING TO RETIREMENT COVERAGE.

(a) IN GENERAL.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "of the Department of Defense or the Coast Guard" in the matter before subparagraph (A); and

(ii) by striking "3 days" and inserting "1 year"; and

(B) in paragraph (2)(C)—

(i) by striking "3 days" and inserting "1 year"; and

(ii) by striking "in the Department of Defense or the Coast Guard, respectively,".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "of the Department of Defense or the Coast Guard" in the matter before subparagraph (A); and

(ii) by striking "3 days" and inserting "1 year"; and

(B) in paragraph (2)(C)—

(i) by striking "3 days" and inserting "1 year"; and

(ii) by striking "in the Department of Defense or the Coast Guard, respectively,".

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management (and each of the other administrative authorities, within the meaning of subsection (c)(2)(C)(iii)) shall prescribe any regulations (or make any modifications in existing regulations) necessary to carry out this section and the amendments made by this section, including regulations to provide for the notification of individuals who may be affected by the enactment of this section. All regulations (and modifications to regulations) under the preceding sentence shall take effect on the same date.

(c) APPLICABILITY; RELATED PROVISIONS.—

(1) PROSPECTIVE RULES.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to moves occurring on or after the effective date of the regulations under subsection (b). Moves occurring on or after the date of the enactment of this Act and before the effective date of such regulations shall be subject to applicable provisions of title 5, United States Code, disregarding the amendments made by this section, except that any individual making an election pursuant to this sentence shall be ineligible to make an election otherwise allowable under paragraph (2).

(2) RETROACTIVE RULES.—

(A) IN GENERAL.—The regulations under subsection (b) shall include provisions for the application of sections 8347(q) and 8461(n) of title 5, United States Code, as amended by this section, with respect to any individual who, at any time after December 31, 1965, and before the effective date of such regulations, moved between positions in circumstances that would have qualified such individual to make an election under the provisions of such section 8347(q) or 8461(n), *as so amended, if such provisions had then been in effect.*

(B) DEADLINE; RELATED PROVISIONS.—An election pursuant to this paragraph—

(i) shall be made within 1 year after the effective date of the regulations under subsection (b), and

(ii) shall have the same force and effect as if it had been timely made at the time of the move, except that no such election may be made by any individual—

(I) who has previously made, or had an opportunity to make, an election under section 8347(q) or 8461(n) of title 5, United States Code (as in effect before being amended by this section); however, this subclause shall not be considered to render an individual ineligible, based on an opportunity arising out of a move occurring during the period described in the second sentence of paragraph (1), if no election has in fact been made by such individual based on such move;

(II) who has not, since the move on which eligibility for the election is based, remained continuously subject (disregarding any break in service of less than 3 days) to CSRS or FERS or both seriatim (if the move was from a NAFI position) or any retirement system (or 2 or more such systems seriatim) established for employees described in section 2105(c) of such title (if the move was to a NAFI position); or

(III) if such election would be based on a move to the Civil Service Retirement System from a retirement system established for employees described in section 2105(c) of such title.

(C) TRANSFERS OF CONTRIBUTIONS.—

(i) IN GENERAL.—If an individual makes an election under this paragraph to be transferred back to a retirement system in which such individual previously participated (in this section referred to as the "previous system"), all individual contributions (including interest) and Government contributions to the retirement system in which such individual is then currently participating (in this section referred to as the "current system"), excluding those made to the Thrift Savings Plan or any other defined contribution plan, which are attributable to periods of service performed since the move on which the election is based, shall be paid to the fund, account, or other repository for contributions made under the previous system. For purposes of this section, the term "current system" shall be considered also to include any retirement system (besides the one in which the individual is participating at the time of making the election) in which such individual previously participated since the move on which the election is based.

(ii) CONDITION SUBSEQUENT RELATING TO REPAYMENT OF LUMP-SUM CREDIT.—In the case of an individual who has received such individual's lump-sum credit (within the meaning of section 8401(19) of title 5, United States Code, or a similar payment) from such individual's previous system, the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) unless such lump-sum credit is redeposited or otherwise paid at such time and in such manner as shall be required under applicable regulations. Regulations to carry out this clause shall include provisions for the computation of interest (consistent with section 8334(e)(2) and (3) of title 5, United States Code), if no provisions for such computation otherwise exist.

(iii) CONDITION SUBSEQUENT RELATING TO DEFICIENCY IN PAYMENTS RELATIVE TO AMOUNTS NEEDED TO ENSURE THAT BENEFITS ARE FULLY FUNDED.—

(I) IN GENERAL.—Except as provided in subclause (II), the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) if the actuarial present value of the future benefits that would be payable under the previous system with respect to service performed by such individual after the move on which the election under this paragraph is based and before the effective date of the election, exceeds the total amounts required to be transferred to the previous system under the preceding provisions of this subparagraph with respect to such service, as determined by the authority administering such previous system (in this section referred to as the "administrative authority").

(II) PAYMENT OF DEFICIENCY.—A determination of a deficiency under this clause shall not render an election ineffective if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the full amount of the deficiency described in subclause (I).

(D) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN FERS.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in FERS; and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph, determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying NAFI service of such individual treated as creditable service for purposes of any annuity under FERS payable out of the Civil Service Retirement and Disability Fund.

(iii) QUALIFYING NAFI SERVICE.—For purposes of this subparagraph, the term "qualifying NAFI service" means any service which, but for this subparagraph, would be creditable for purposes of any retirement system established for employees described in section 2105(c) of title 5, United States Code.

(iv) SERVICE CEASES TO BE CREDITABLE FOR NAFI RETIREMENT SYSTEM PURPOSES.—Any qualifying NAFI service that becomes creditable for FERS purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of any retirement system referred to in clause (iii).

(v) CONDITIONS.—An election under this subparagraph shall be subject to requirements, similar to those set forth in subparagraph (C), to ensure that—

(I) appropriate transfers of individual and Government contributions are made to the Civil Service Retirement and Disability Fund; and

(II) the actuarial present value of future benefits under FERS attributable to service made creditable by such election is fully funded.

(E) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN A NAFI RETIREMENT SYSTEM.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in any retirement system established for employees described in section 2105(c) of title 5, United States Code (in this subparagraph referred to as a "NAFI retirement system"); and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph (determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein) based on a move from FERS.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying FERS service of such individual treated as creditable service for purposes of determining eligibility for benefits under a NAFI retirement system, but not for purposes of computing the amount of any such benefits except as provided in clause (v)(II).

(iii) QUALIFYING FERS SERVICE.—For purposes of this subparagraph, the term "qualifying FERS service" means any service which, but for this subparagraph, would be creditable for purposes of the Federal Employees' Retirement System.

(iv) SERVICE CEASES TO BE CREDITABLE FOR PURPOSES OF FERS.—Any qualifying FERS service that becomes creditable for NAFI purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of the Federal Employees' Retirement System.

(v) FUNDING REQUIREMENTS.—

(I) IN GENERAL.—Except as provided in subclause (II), nothing in this section or in any other provision of law or any other authority shall be considered to require any payment or transfer of monies in order for an election under this subparagraph to be effective.

(II) CONTRIBUTION REQUIRED ONLY IF INDIVIDUAL ELECTS TO HAVE SERVICE MADE CREDITABLE FOR COMPUTATION PURPOSES AS WELL.—Under regulations prescribed by the appropriate administrative authority, an individual making an election under this subparagraph may further elect to have the qualifying FERS service made creditable for computation purposes under a NAFI retirement system, but only if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the amount necessary to fully fund the actuarial present value of future benefits under the NAFI retirement system attributable to the qualifying FERS service.

(3) INFORMATION.—The regulations under subsection (b) shall include provisions under which any individual—

(A) shall, upon request, be provided information or assistance in determining whether such individual is eligible to make an election under paragraph (2) and, if so, the exact amount of any payment which would be required of such individual in connection with any such election; and

(B) may seek any other information or assistance relating to any such election.

(d) CREDITABILITY OF NAFI SERVICE FOR RIF PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 3502(a)(C) of title 5, United States Code, is amended by striking "January 1, 1987" and inserting "January 1, 1966".

(2) EFFECTIVE DATE.—Notwithstanding any provision of subsection (c), the amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to any reduction in force carried out on or after such date.

SEC. 1044. EXTENSION OF TEMPORARY AUTHORITY TO PAY CIVILIAN EMPLOYEES WITH RESPECT TO THE EVACUATION FROM GUANTANAMO, CUBA.

(a) EXTENSION OF AUTHORITY.—The Secretary of Defense may, until the end of January 31, 1996 and without regard to the time limitations specified in subsection (a) of section 5523 of title 5, United States Code, make payments under the provisions of such section from funds available for the pay of civilian personnel in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary. This section shall take effect as of October 1, 1995, and shall apply with respect to payments made for periods occurring on or after that date.

(b) MONTHLY REPORT.—On the first day of each month beginning after the date of the enactment of this Act and ending before March 1996, the Secretary of the Navy shall transmit to

the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the payment of employees pursuant to subsection (a). Each such report shall include, for the month preceding the month in which the report is transmitted, a statement of the following:

(1) The number of the employees paid pursuant to such section.

(2) The positions of employment of the employees.

(3) The number and location of the employees' dependents and immediate families.

(4) The actions taken by the Secretary to eliminate the conditions which necessitated the payments.

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. REPORT ON FISCAL YEAR 1997 BUDGET SUBMISSION REGARDING GUARD AND RESERVE COMPONENTS.

(a) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time that the President submits the budget for fiscal year 1997 under section 1105(a) of title 31, United States Code, a report on amounts requested in that budget for the Guard and Reserve components.

(b) CONTENT.—The report shall include the following:

(1) A description of the anticipated effect that the amounts requested (if approved by Congress) will have to enhance the capabilities of each of the Guard and Reserve components.

(2) A listing, with respect to each such component, of each of the following:

(A) The amount requested for each major weapon system for which funds are requested in the budget for that component.

(B) The amount requested for each item of equipment (other than a major weapon system) for which funds are requested in the budget for that component.

(C) The amount requested for each military construction project, together with the location of each such project, for which funds are requested in the budget for that component.

(c) INCLUSION OF INFORMATION IN NEXT FYDP.—The Secretary of Defense shall specifically display in the next future-years defense program (or program revision) submitted to Congress after the date of the enactment of this Act the amounts programmed for procurement of equipment and for military construction for each of the Guard and Reserve components.

(d) DEFINITION.—For purposes of this section, the term "Guard and Reserve components" means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

SEC. 1052. REPORT ON DESIRABILITY AND FEASIBILITY OF PROVIDING AUTHORITY FOR USE OF FUNDS DERIVED FROM RECOVERED LOSSES RESULTING FROM CONTRACTOR FRAUD.

(a) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report on the desirability and feasibility of authorizing by law the retention and use by the Department of Defense of a specified portion (not to exceed three percent) of amounts recovered by the Government during any fiscal year from losses and expenses incurred by the Department of Defense as a result of contractor fraud at military installations.

(b) MATTERS TO BE INCLUDED.—The report shall include the views of the Secretary of Defense regarding—

(1) the degree to which such authority would create enhanced incentives for the discovery, investigation, and resolution of contractor fraud at military installations; and

(2) the appropriate allocation for funds that would be available for expenditure pursuant to such authority.

SEC. 1053. REPORT OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks. The report shall include the following:

(1) A description of the national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) An assessment of the future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including a discussion of—

(A) whether there is a Federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE BOARDS AND COMMISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study of the boards and commissions described in subsection (c). As part of such study, the Secretary shall determine, with respect to each such board or commission that received support from the Department of Defense during fiscal year 1995, whether that board or commission merits continued support from the Department.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study. The report shall include the following:

(1) A list of each board and commission described in subsection (c) that received support from the Department of Defense during fiscal year 1995.

(2) With respect to the boards and commissions specified on the list under paragraph (1)—

(A) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department of Defense is merited; and

(B) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department if not merited.

(3) For each board and commission specified on the list under paragraph (2)(A), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995;

(C) the nature and duration of the support that the Secretary proposes to provide to the board or commission;

(D) the anticipated cost to the Department of providing such support; and

(E) a justification of the determination that the board or commission merits the continued support of the Department.

(4) For each board and commission specified on the list under paragraph (2)(B), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995; and

(C) a justification of the determination that the board or commission does not merit the continued support of the Department.

(c) COVERED BOARDS AND COMMISSIONS.—Subsection (a) applies to any board or commission (including any board or commission authorized by law) that operates within or for the Department of Defense and that—

(1) provides only policy-making assistance or advisory services for the Department; or

(2) carries out only activities that are not routine activities, on-going activities, or activities necessary to the routine, on-going operations of the Department.

(d) SUPPORT DEFINED.—For purposes of this section, the term "support" includes the provision of any of the following:

(1) Funds.

(2) Equipment, materiel, or other assets.

(3) Services of personnel.

SEC. 1055. DATE FOR SUBMISSION OF ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.

Section 119(a) of title 10, United States Code, is amended by striking out "February 1" and inserting in lieu thereof "March 1".

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

SEC. 1061. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are each amended by striking out the item relating to chapter 89.

(b) SECURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (1);

(B) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3); and

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C);

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) and striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

(5) by redesignating subsection (g) as subsection (e).

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1) The second sentence of

each of sections 173(b) and 174(b) of such title is amended to read as follows: "Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.".

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are amended by striking out "is entitled to not more than $5 a day and".

(f) Annual Budget Information Concerning Recruiting Costs.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 227.

(g) Expired Authority Relating to Peacekeeping Activities.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I of chapter 20 of such title is amended by striking out the item relating to section 403.

(h) Procurement of Gasohol for Department of Defense Motor Vehicles.—(1) Subsection (a) of section 2398 of such title is repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)".

(i) Requirement of Notice of Certain Disposals and Gifts by Secretary of Navy.—Section 7545 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) Annual Report on Biological Defense Research Program.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to such section.

(k) Reports and Notifications Relating to Chemical and Biological Agents.—Subsection (a) of section 409 of Public Law 91–121 (50 U.S.C. 1511) is repealed.

(l) Annual Report on Balanced Technology Initiative.—Subsection (e) of section 211 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(m) Report on Environmental Restoration Costs for Installations To Be Closed Under 1990 Base Closure Law.—Section 2827 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(n) Limitation on American Diplomatic Facilities in Germany.—Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

SEC. 1062. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

(a) Annual Report on Relocation Assistance Programs.—Section 1056 of title 10, United States Code, is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) Notice of Salary Increases for Foreign National Employees.—Section 1584 of such title is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) Waiver of Employment Restrictions for Certain Personnel.—".

(c) Notice Regarding Contracts Performed for Periods Exceeding 10 Years.—(1) Section 2352 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2352.

(d) Report on Low-Rate Production Under Naval Vessel and Military Satellite Programs.—Section 2400(c) of such title is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating clauses (A) and (B) as clauses (1) and (2), respectively.

(e) Report on Waivers of Prohibition on Employment of Felons.—Section 2408(a)(3) of such title is amended by striking out the second sentence.

(f) Report on Determination Not To Debar for Fraudulent Use of Labels.—Section 2410f(a) of such title is amended by striking out the second sentence.

(g) Notice of Military Construction Contracts on Guam.—Section 2864(b) of such title is amended by striking out "after the 21-day period" and all that follows through "determination".

SEC. 1063. REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.

(a) Public Law 99–661 Requirement for Report on Funding for Nicaraguan Democratic Resistance.—Section 1351 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3995; 10 U.S.C. 114 note) is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) Limitation.—".

(b) Annual Report on Overseas Military Facility Investment Recovery Account.—Section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) Science, Mathematics, and Engineering Education Master Plan.—Section 829 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1444; 10 U.S.C. 2192 note) is repealed.

(d) Report Regarding Heating Facility Modernization at Kaiserslautern.—Section 8008 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1438), is amended by inserting "but without regard to the notification requirement in subsection (b)(2) of such section," after "section 2690 of title 10, United States Code,".

SEC. 1064. REPORTS REQUIRED BY OTHER PROVISIONS OF LAW.

(a) Requirement Under Arms Export Control Act for Quarterly Report on Price and Availability Estimates.—Section 28 of the Arms Export Control Act (22 U.S.C. 2768) is repealed.

(b) Annual Report on National Security Agency Executive Personnel.—Section 12(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out paragraph (5).

(c) Reports Concerning Certain Federal Contracting and Financial Transactions.—Section 1352 of title 31, United States Code, is amended—

(1) in subsection (b)(6)(A), by inserting "(other than the Secretary of Defense and Secretary of a military department)" after "The head of each agency"; and

(2) in subsection (d)(1), by inserting "(other than in the case of the Department of Defense or a military department)" after "paragraph (3) of this subsection".

(d) Annual Report on Water Resources Project Agreements.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) Annual Report on Construction of Tennessee-Tombigbee Waterway.—Section 185 of the Water Resources Development Act of 1976 (33 U.S.C. 544c) is amended by striking out the second sentence.

(f) Annual Report on Monitoring of Navy Home Port Waters.—Section 7 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle G—Department of Defense Education Programs

SEC. 1071. CONTINUATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) Policy.—Congress reaffirms—

(1) the prohibition set forth in subsection (a) of section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2829; 10 U.S.C. 2112 note) regarding closure of the Uniformed Services University of the Health Sciences; and

(2) the expression of the sense of Congress set forth in subsection (b) of such section regarding the budgetary commitment to continuation of the university.

(b) Personnel Strength.—During the five-year period beginning on October 1, 1995, the personnel staffing levels for the Uniformed Services University of the Health Services may not be reduced below the personnel staffing levels for the university as of October 1, 1993.

(c) Budgetary Commitment to Continuation.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health Sciences during fiscal year 1997 at a level at least equal to the level of operations conducted at the University during fiscal year 1995.

SEC. 1072. ADDITIONAL GRADUATE SCHOOLS AND PROGRAMS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) Additional Schools and Programs.—Subsection (h) of section 2113 of title 10, United States Code, is amended to read as follows:

"(h) The Secretary of Defense may establish the following educational programs at the University:

"(1) Postdoctoral, postgraduate, and technological institutes.

"(2) A graduate school of nursing.

"(3) Other schools or programs that the Secretary determines necessary in order to operate the University in a cost-effective manner.".

(b) Conforming Amendments to Reflect Advisory Nature of Board of Regents.—(1) Section 2112(b) of such title is amended by striking out ", upon recommendation of the Board of Regents,".

(2) Section 2113 of such title is amended—

(A) in subsection (a)—

(i) by striking out "a Board of Regents (hereinafter in this chapter referred to as the 'Board')" in the first sentence and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by inserting after the first sentence the following new sentence: "To assist the Secretary in an advisory capacity, there is a Board of Regents for the University.";

(B) in subsection (d), by striking out "Board" the first place it appears and inserting in lieu thereof "Secretary";

(C) in subsection (e), by striking out "of Defense";

(D) in subsection (f)(1), by striking out "of Defense";

(E) in subsection (g)—

(i) by striking out "Board is authorized to" in the first sentence and inserting in lieu thereof "Secretary may";

(ii) by striking out "Board is also authorized to" in the third sentence and inserting in lieu thereof "Secretary may"; and

(iii) by striking out "Board may also, subject to the approval of the Secretary of Defense," in the fifth sentence and inserting in lieu thereof "Secretary may"; and

(F) by striking out "Board" each place it appears in subsections (f), (i), and (j) and inserting in lieu thereof "Secretary".

(3) Section 2114(e)(1) of such title is amended by striking out "Board, upon approval of the Secretary of Defense," and inserting in lieu thereof "Secretary of Defense".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 2113 of such title is amended to read as follows:

"§2113. Administration of University".

(2) The item relating to such section in the table of sections at the beginning of chapter 104 of such title is amended to read as follows:

"2113. Administration of University.".

SEC. 1073. FUNDING FOR ADULT EDUCATION PROGRAMS FOR MILITARY PERSONNEL AND DEPENDENTS OUTSIDE THE UNITED STATES.

Of amounts appropriated pursuant to section 301, $600,000 shall be available to carry out adult education programs, consistent with the Adult Education Act (20 U.S.C. 1201 et seq.), for the following:

(1) Members of the Armed Forces who are serving in locations—

(A) that are outside the United States; and

(B) for which amounts are not required to be allotted under section 313(b) of such Act (20 U.S.C. 1201b(b)).

(2) The dependents of such members.

SEC. 1074. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1996.—(1) Of the amounts authorized to be appropriated in section 301(5)—

(A) $30,000,000 shall be available for providing educational agencies assistance (as defined in paragraph (4)(A)) to local educational agencies; and

(B) $5,000,000 shall be available for making educational agencies payments (as defined in paragraph (4)(B)) to local educational agencies.

(2) Not later than June 30, 1996, the Secretary of Defense shall—

(A) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(B) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(3) The Secretary of Defense shall disburse funds made available under subparagraphs (A) and (B) of paragraph (1) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to paragraph (2).

(4) In this section:

(A) The term "educational agencies assistance" means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note).

(B) The term "educational agencies payments" means payments authorized under subsection (d) of that section, as amended by subsection (d).

(b) SPECIAL RULE FOR 1994 PAYMENTS.—The Secretary of Education shall not consider any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, as funds available to such agency for purposes of making a determination for fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on September 30, 1994).

(c) REDUCTION IN IMPACT THRESHOLD.—Subsection (c)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out "30 percent" and inserting in lieu thereof "20 percent"; and

(2) by striking out "counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238)" and inserting in lieu thereof "counted under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))".

(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—Subsection (d) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 28 U.S.C. 238 note) is amended to read as follows:

"(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—To assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall, in consultation with the Secretary of Education, make payments to local educational agencies that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall reduction of not less than 20 percent in the number of military dependent students as a result of the closure or realignment of military installations.".

(e) EXTENSION OF REPORTING REQUIREMENT.—Subsection (e)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended by striking out "and 1995" and inserting in lieu thereof "1995, and 1996".

(f) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—Subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking "only if such agency" and inserting "if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency"; and

(B) by adding at the end the following new subparagraph:

"(D) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

"(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

"(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State."; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "(other than any amount received under paragraph (2)(B))" after "subsection";

(ii) in subclause (I) of clause (i), by striking "or the average per-pupil expenditure of all the States";

(iii) by amending clause (ii) to read as follows:

"(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency."; and

(iv) by amending clause (iii) to read as follows:

"(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

"(I) under this Act; or

"(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses."; and

(B) by amending subparagraph (B) to read as follows:

"(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

"(i) the product of—

"(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

"(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

"(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.".

(g) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

"(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

"(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) shall derive the per pupil expenditure amount for such year for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.".

(h) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) in subsection (e)(2)—

(A) in subparagraph (C), by inserting after "et seq.)," the following: "title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.),"; and

(B) in subparagraph (D)(iii), by striking out "under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238)"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking out "section 14101 of the Elementary and Secondary Education Act of 1965" and inserting in lieu thereof "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))"; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) The term 'State' means each of the 50 States and the District of Columbia.".

SEC. 1075. SHARING OF PERSONNEL OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS AND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 2164(e) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) The Secretary may, without regard to the provisions of any law relating to the number, classification, or compensation of employees—

"(i) transfer employees from schools established under this section to schools in the defense dependents' education system in order to provide the services referred to in subparagraph (B) to such system; and

"(ii) transfer employees from such system to schools established under this section in order to provide such services to those schools.

"(B) The services referred to in subparagraph (A) are the following:

"(i) Administrative services.

"(ii) Logistical services.

"(iii) Personnel services.

"(iv) Such other services as the Secretary considers appropriate.

"(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shall provide appropriate compensation for employees so transferred.

"(D) The Secretary may provide that the transfer of an employee under this paragraph occur without reimbursement of the school or system concerned.

"(E) In this paragraph, the term 'defense dependents' education system' means the program established and operated under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).".

SEC. 1076. INCREASE IN RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE ALLOWANCE WITH RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THERE IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(2) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of title 38 and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 16132(a)(1) of this title, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of title 38 as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries concerned under regulations prescribed by the Secretary of Defense.".

SEC. 1077. DATE FOR ANNUAL REPORT ON RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PROGRAM.

Section 16137 of title 10, United States Code, is amended by striking out "December 15 of each year" and inserting in lieu thereof "March 1 of each year".

SEC. 1078. SCOPE OF EDUCATION PROGRAMS OF COMMUNITY COLLEGE OF THE AIR FORCE.

(a) Limitation to Members of the Air Force.—Section 9315(a)(1) of title 10, United States Code, is amended by striking out "for enlisted members of the armed forces" and inserting in lieu thereof "for enlisted members of the Air Force".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

SEC. 1079. AMENDMENTS TO EDUCATION LOAN REPAYMENT PROGRAMS.

(a) General Education Loan Repayment Program.—Section 2171(a)(1) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(b) Education Loan Repayment Program for Enlisted Members of Selected Reserve With Critical Specialties.—Section 16301(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(c) Education Loan Repayment Program for Health Professions Officers Serving in Selected Reserve With Wartime Critical Medical Skill Shortages.—Section 16302(a) of such title is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

Subtitle H—Other Matters

SEC. 1081. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION PROGRAMS.

(a) National Security Objectives for National Technology and Industrial Base.—(1) Section 2501 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out "Defense Policy" in the subsection heading and inserting in lieu thereof "National Security"; and

(ii) by striking out paragraph (5);

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

"§2501. National security objectives concerning national technology and industrial base".

(b) National Defense Technology and Industrial Base Council.—Section 2502(c) of such title is amended—

(1) in paragraph (1), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) programs for achieving such national security objectives; and";

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) Modification of Defense Dual-Use Critical Technology Partnerships Program.—Section 2511 of such title is amended to read as follows:

"§2511. Defense dual-use critical technology program

"(a) Establishment of Program.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by encouraging and providing for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in furtherance of the program. The Secretary shall identify projects to be conducted as part of the program.

"(b) Assistance Authorized.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.

"(c) Financial Commitment of Non-Federal Government Participants.—(1) The total amount of funds provided by the Federal Government for a project conducted under the program may not exceed 50 percent of the total cost of the project. However, the Secretary of Defense may agree to a project in which the total amount of funds provided by the Federal Government exceeds 50 percent if the Secretary determines the project is particularly meritorious, but the project would not otherwise have sufficient non-Federal funding or in-kind contributions.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a project conducted under the program for the purpose of calculating the share of the project costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of project activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the project from non-Federal sources.

"(3) The Secretary shall consider a project proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated project costs. Upon the selection of a project proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the project from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated project costs, *the Secretary shall revoke the selection of the project proposal submitted by the small business concern.*

"(d) SELECTION PROCESS.—Competitive procedures shall be used in the conduct of the program.

"(e) SELECTION CRITERIA.—The criteria for the selection of projects under the program shall include the following:

"(1) The extent to which the proposed project advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the proposed project.

"(3) The qualifications of the personnel proposed to participate in the research activities of the proposed project.

"(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed project other than through the project.

"(5) The potential effectiveness of the project in the further development and application of each technology proposed to be developed by the project for the national technology and industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed project.

"(7) The extent to which the project does not unnecessarily duplicate projects undertaken by other agencies.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.".

(d) FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out "referred to in section 2511(b) of this title"; and

(2) in subsection (f), by striking out "section 2511(f)" and inserting in lieu thereof "section 2511(e)".

(e) MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.—Subsection (b) of section 2525 of such title is amended to read as follows:

"(b) PURPOSE OF PROGRAM.—The Secretary of Defense shall use the program—

"(1) to provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

"(2) to direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

"(3) to improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

"(4) to promote dual-use manufacturing processes;

"(5) to disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

"(6) to sustain and enhance the skills and capabilities of the manufacturing work force;

"(7) to promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

"(8) to ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.".

(f) REPEAL OF VARIOUS ASSISTANCE PROGRAMS.—Sections 2512, 2513, 2520, 2521, 2522, 2523, and 2524 of such title are repealed.

(g) REPEAL OF MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516 of such title is repealed.

(h) REPEAL OF OBSOLETE DEFINITIONS.—Section 2491 of such title is amended—

(1) by striking out paragraphs (11) and (12); and

(2) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (11) (12), (13), and (14), respectively.

(i) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2501 and inserting in lieu thereof the following new item:

"2501. National security objectives concerning national technology and industrial base.".

(2) The table of sections at the beginning of subchapter III of such chapter is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

"2511. Defense dual-use critical technology program."; and

(B) by striking out the items relating to sections 2512, 2513, 2516, and 2520.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2521, 2522, 2523, and 2524.

SEC. 1082. AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT PROGRAMS.—The Secretary of Defense shall carry out a review of the programs of the Department of Defense for the procurement of ammunition. The review shall include the Department of Defense management of ammunition procurement programs, including the procedures of the Department for the planning for, budgeting for, administration, and carrying out of such programs. The Secretary shall begin the review not later than 30 days after the date of the enactment of this Act.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include an assessment of the following:

(1) The practicability and desirability of (A) continuing to use centralized procurement practices (through a single executive agent) for the procurement of ammunition required by the Armed Forces, and (B) using such centralized procurement practices for the procurement of all such ammunition.

(2) The capability of the ammunition production facilities of the Government to meet the requirements of the Armed Forces for procurement of ammunition.

(3) The practicability and desirability of converting those ammunition production facilities to ownership or operation by private sector entities.

(4) The practicability and desirability of integrating the budget planning for the procurement of ammunition among the Armed Forces.

(5) The practicability and desirability of establishing an advocate within the Department of Defense for matters relating to the ammunition industrial base, with such an advocate to be responsible for—

(A) establishing the quantity and price of ammunition procured by the Armed Forces; and

(B) establishing and implementing policy to ensure the continuing capability of the ammunition industrial base in the United States to meet the requirements of the Armed Forces.

(6) The practicability and desirability of providing information on the ammunition procurement practices of the Armed Forces to Congress through a single source.

(c) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall include the following:

(1) The results of the review.

(2) A discussion of the methodologies used in carrying out the review.

(3) An assessment of various methods of ensuring the continuing capability of the ammunition industrial base of the United States to meet the requirements of the Armed Forces.

(4) Recommendations of means (including legislation) of implementing those methods in order to ensure such continuing capability.

SEC. 1083. POLICY CONCERNING EXCESS DEFENSE INDUSTRIAL CAPACITY.

No funds appropriated pursuant to an authorization of appropriations in this Act may be used for capital investment in, or the development and construction of, a Government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to the Congress that no similar capability or minimally used capacity exists in any other Government-owned, Government-operated defense industrial facility.

SEC. 1084. SENSE OF CONGRESS CONCERNING ACCESS TO SECONDARY SCHOOL STUDENT INFORMATION FOR RECRUITING PURPOSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the States (with respect to public schools) and entities operating private secondary schools should not have a policy of denying, or otherwise effectively preventing, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to any secondary school or access to students at any secondary school equal to that of other employers; or

(B) access to directory information pertaining to students at secondary schools equal to that of other employers (other than in a case in which an objection has been raised as described in paragraph (2)); and

(2) any State, and any entity operating a private secondary school, that releases directory information secondary school students should—

(A) give public notice of the categories of such information to be released; and

(B) allow a reasonable period after such notice has been given for a student or (in the case of an individual younger than 18 years of age) a parent to inform the school that any or all of such information should not be released without obtaining prior consent from the student or the parent, as the case may be.

(b) REPORT ON DOD PROCEDURES.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on Department of Defense procedures for determining if and when a State or an entity operating a private secondary school has denied or prevented access to students or information as described in subsection (a)(1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and (if available) the most recent previous educational program enrolled in by the student.

(2) The term "student" means an individual enrolled in any program of education who is 17 years of age or older.

SEC. 1085. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, THE VIETNAM ERA, AND THE COLD WAR.

Section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 50 U.S.C. 401 note) is amended—

(1) in subsection (b)(3)(A), by striking out "cannot be located after a reasonable effort." and inserting in lieu thereof "cannot be located by the Secretary of Defense—

"(i) in the case of a person missing from the Vietnam era, after a reasonable effort; and

"(ii) in the case of a person missing from the Korean Conflict or Cold War, after a period of 90 days from the date on which any record or other information referred to in paragraph (2) is received by the Department of Defense for disclosure review from the Archivist of the United States, the Library of Congress, or the Joint United States-Russian Commission on POW/MIAs."; and

(2) in subsection (c)(1), by striking out "not later than September 30, 1995" and inserting in lieu thereof "not later than January 2, 1996".

SEC. 1086. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report that, as of the date of the enactment of this Act, is in preparation by the Chairman of the Joint Chiefs of Staff on operational support airlift aircraft.

(b) CONTENT OF REPORT.—(1) The report referred to in subsection (a) shall contain findings and recommendations on the following:

(A) Requirements for the modernization and safety of the operational support airlift aircraft fleet.

(B) The disposition of aircraft that would be excess to that fleet upon fulfillment of the requirements referred to in subparagraph (A).

(C) Plans and requirements for the standardization of the fleet, including plans and requirements for the provision of a single manager for all logistical support and operational requirements.

(D) Central scheduling of all operational support airlift aircraft.

(E) Needs of the Department for helicopter support in the National Capital Region, including the acceptable uses of that support.

(2) In preparing the report, the Chairman of the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the operational support airlift aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of operational support airlift aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of such aircraft.

(3) The regulations shall apply uniformly throughout the Department.

(4) The regulations shall not require exclusive use of such aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown during fiscal year 1996 by operational support airlift aircraft does not exceed the number equal to 85 percent of the number of hours flown during fiscal year 1995 by operational support airlift aircraft.

(2) The Secretary should ensure that the number of hours flown in the National Capital Region during fiscal year 1996 by helicopters of the operational support airlift aircraft fleet does not exceed the number equal to 85 percent of the number of hours flown in the National Capital Region during fiscal year 1995 by helicopters of the operational support airlift aircraft fleet.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds appropriated pursuant to section 301 for the operation and use of operational support airlift aircraft, not more than 50 percent is available for obligation until the Secretary submits to Congress the report referred to in subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term "operational support airlift aircraft" means aircraft of the Department of Defense designated within the Department as operational support airlift aircraft.

(2) The term "National Capital Region" has the meaning given such term in section 2674(f)(2) of title 10, United States Code.

SEC. 1087. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out "full Civil Reserve Air Fleet" in subsections (b)(2) and (e) and inserting in lieu thereof "Civil Reserve Air Fleet".

SEC. 1088. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE TO EMERGENCY EVACUATION OR EXTRAORDINARY CIRCUMSTANCES.

(a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Section 3721(b)(1) of title 31, United States Code, is amended by inserting after the first sentence the following: "If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to claims arising before, on, or after the date of the enactment of this Act.

(c) REPRESENTMENTS OF PREVIOUSLY PRESENTED CLAIMS.—(1) A claim under subsection (b) of section 3721 of title 31, United States Code, that was settled under such section before the date of the enactment of this Act may be represented under such section, as amended by subsection (a), to the head of the agency concerned to recover the amount equal to the difference between the actual amount of the damage or loss and the amount settled and paid under the authority of such section before the date of the enactment of this Act, except that—

(A) the claim shall be represented in writing within two years after the date of the enactment of this Act;

(B) a determination of the actual amount of the damage or loss shall have been made by the head of the agency concerned pursuant to settlement of the claim under the authority of such section before the date of the enactment of this Act;

(C) the claimant shall have proof of the determination referred to in subparagraph (B); and

(D) the total of all amounts paid in settlement of the claim under the authority of such section may not exceed $100,000.

(2) Subsection (k) of such section shall not apply to bar representment of a claim described in paragraph (1), but shall apply to such a claim that is represented and settled under that section after the date of the enactment of this Act.

SEC. 1089. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS.

Section 3711 of title 31, United States Code, is amended by adding at the end the following:

"(g)(1) The Secretary of Defense may suspend or terminate an action by the Secretary or by the Secretary of a military department under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, or Marine Corps if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

"(2) In this subsection, the term 'active duty' has the meaning given that term in section 101 of title 10.".

SEC. 1090. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR DEPENDENTS OF UNITED STATES GOVERNMENT PERSONNEL.

(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Subsection (b) of section 3342 of title 31, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) a dependent of personnel of the Government, but only—

"(A) at a United States installation at which adequate banking facilities are not available; and

"(B) in the case of negotiation of negotiable instruments, if the dependent's sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation.".

(b) PAY OFFSET.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The amount of any deficiency resulting from cashing a check for a dependent under subsection (b)(3), including any charges assessed against the disbursing official by a financial institution for insufficient funds to pay the check, may be offset from the pay of the dependent's sponsor.".

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

"(e) Regulations prescribed under subsection (d) shall include regulations that define the terms 'dependent' and 'sponsor' for the purposes of this section. In the regulations, the term 'dependent', with respect to a member of a uniformed service, shall have the meaning given that term in section 401 of title 37.".

SEC. 1091. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the "National Maritime Center".

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "National Maritime Center".

SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC PRESERVATION OF MIDWAY ISLANDS.

(a) FINDINGS.—Congress makes the following findings:

(1) September 2, 1995, marks the 50th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed

Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to erect a memorial to the Battle of Midway that is suitable to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Midway Islands and the surrounding seas deserve to be memorialized;

(2) the historic structures related to the Battle of Midway should be maintained, in accordance with the National Historic Preservation Act (16 U.S.C. 470–470t), and subject to the availability of appropriations for that purpose.

(3) appropriate access to the Midway Islands by survivors of the Battle of Midway, their families, and other visitors should be provided in a manner that ensures the public health and safety on the Midway Islands and the conservation of the natural resources of those islands in accordance with existing Federal law.

SEC. 1093. SENSE OF SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced Federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the executive branch and in proposing new programs.

SEC. 1094. EXTENSION OF AUTHORITY FOR VESSEL WAR RISK INSURANCE.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294), is amended by striking "June 30, 1995" and inserting in lieu thereof "June 30, 2000".

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Military Justice Amendments of 1995".

SEC. 1102. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

Subtitle A—Offenses

SEC. 1111. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended—

(1) in the first sentence, by inserting "indictment or" after "shall be tried on"; and

(2) in the second sentence, by striking out "shall be" and all that follows and inserting in lieu thereof "shall be fined or imprisoned, or both, at the court's discretion.".

SEC. 1112. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

"§895. Art. 95. Resistance, flight, breach of arrest, and escape

"Any person subject to this chapter who—

"(1) resists apprehension;

"(2) flees from apprehension;

"(3) breaks arrest; or

"(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.".

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

"895. Art. 95. Resistance, flight, breach of arrest, and escape.".

SEC. 1113. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

"(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

"(1) who is not that person's spouse; and

"(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.".

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

"(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

"(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

"(B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.

"(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.".

Subtitle B—Sentences

SEC. 1121. EFFECTIVE DATE FOR FORFEITURES OF PAY AND ALLOWANCES AND REDUCTIONS IN GRADE BY SENTENCE OF COURT-MARTIAL.

(a) EFFECTIVE DATE OF SPECIFIED PUNISHMENTS.—Subsection (a) of section 857 (article 57) is amended to read as follows:

"(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

"(A) the date that is 14 days after the date on which the sentence is adjudged; or

"(B) the date on which the sentence is approved by the convening authority.

"(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. Such a deferment may be rescinded at any time by the convening authority.

"(3) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect.

"(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

SEC. 1122. REQUIRED FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.

(a) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR MORE THAN SIX MONTHS.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following:

"§858b. Art. 58b. Sentences: forfeiture of pay and allowances during confinement

"(a)(1) A court-martial sentence described in paragraph (2) shall result in the forfeiture of pay and allowances due that member during any period of confinement or parole. The forfeiture pursuant to this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred as provided in that section. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds of all pay and allowances due that member during such period.

"(2) A sentence covered by this section is any sentence that includes—

"(A) confinement for more than six months or death; or

"(B) confinement for six months or less and a dishonorable or bad-conduct discharge or dismissal.

"(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

"(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a)(2), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.".

(2) The table of sections at the beginning of subchapter VIII is amended by adding at the end the following new item:

"858b. 58b. Sentences: forfeiture of pay and allowances during confinement.".

(b) APPLICABILITY.—The section (article) added by the amendment made by subsection (a)(1) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 1123. DEFERMENT OF CONFINEMENT.

(a) DEFERMENT.—Subchapter VIII is amended—

(1) by inserting after subsection (c) of section 857 (article 57) the following:

"§857a. Art. 57a. Deferment of sentences";

(2) by redesignating the succeeding two subsections as subsection (a) and (b);

(3) in subsection (b), as redesignated by paragraph (2), by striking out "postpone" and inserting in lieu thereof "defer"; and

(4) by inserting after subsection (b), as redesignated by paragraph (2), the following:

"(c) In any case in which a court-martial sentences a person to confinement and the sentence to confinement has been ordered executed, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 857 (article 57) the following new item:

"857a. 57a. Deferment of sentences.".

Subtitle C—Pretrial and Post-Trial Actions

SEC. 1131. ARTICLE 32 INVESTIGATIONS.

Section 832 (article 32) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) If evidence adduced in an investigation under this article indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused—

"(1) is present at the investigation;

"(2) is informed of the nature of each uncharged offense investigated; and

"(3) is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b).".

SEC. 1132. SUBMISSION OF MATTERS TO THE CONVENING AUTHORITY FOR CONSIDERATION.

Section 860(b)(1) (article 60(b)(1)) is amended by inserting after the first sentence the following: "Any such submission shall be in writing.".

SEC. 1133. COMMITMENT OF ACCUSED TO TREATMENT FACILITY BY REASON OF LACK OF MENTAL CAPACITY OR MENTAL RESPONSIBILITY.

(a) APPLICABLE PROCEDURES.—(1) Subchapter IX is amended by inserting after section 876a (article 76a) the following:

"§876b. Art. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment

"(a) PERSONS INCOMPETENT TO STAND TRIAL.—(1) In the case of a person determined under this chapter to be presently suffering from a mental disease or defect rendering the person mentally incompetent to the extent that the person is unable to understand the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case, the general court-martial convening authority for that person shall commit the person to the custody of the Attorney General.

"(2) The Attorney General shall take action in accordance with section 4241(d) of title 18.

"(3) If at the end of the period for hospitalization provided for in section 4241(d) of title 18, it is determined that the committed person's mental condition has not so improved as to permit the trial to proceed, action shall be taken in accordance with section 4246 of such title.

"(4)(A) When the director of a facility in which a person is hospitalized pursuant to paragraph (2) determines that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the Attorney General and to the general court-martial convening authority for the person. The director shall send a copy of the notification to the person's counsel.

"(B) Upon receipt of a notification, the general court-martial convening authority shall promptly take custody of the person unless the person covered by the notification is no longer subject to this chapter. If the person is no longer subject to this chapter, the Attorney General shall take any action within the authority of the Attorney General that the Attorney General considers appropriate regarding the person.

"(C) The director of the facility may retain custody of the person for not more than 30 days after transmitting the notifications required by subparagraph (A).

"(5) In the application of section 4246 of title 18 to a case under this subsection, references to the court that ordered the commitment of a person, and to the clerk of such court, shall be deemed to refer to the general court-martial convening authority for that person. However, if the person is no longer subject to this chapter at a time relevant to the application of such section to the person, the United States district court for the district where the person is hospitalized or otherwise may be found shall be considered as the court that ordered the commitment of the person.

"(b) PERSONS FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY.—(1) If a person is found by a court-martial not guilty only by reason of lack of mental responsibility, the person shall be committed to a suitable facility until the person is eligible for release in accordance with this section.

"(2) The court-martial shall conduct a hearing on the mental condition in accordance with subsection (c) of section 4243 of title 18. Subsections (b) and (d) of that section shall apply with respect to the hearing.

"(3) A report of the results of the hearing shall be made to the general court-martial convening authority for the person.

"(4) If the court-martial fails to find by the standard specified in subsection (d) of section 4243 of title 18 that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect—

"(A) the general court-martial convening authority may commit the person to the custody of the Attorney General; and

"(B) the Attorney General shall take action in accordance with subsection (e) of section 4243 of title 18.

"(5) Subsections (f), (g), and (h) of section 4243 of title 18 shall apply in the case of a person hospitalized pursuant to paragraph (4)(B), except that the United States district court for the district where the person is hospitalized shall be considered as the court that ordered the person's commitment.

"(c) GENERAL PROVISIONS.—(1) Except as otherwise provided in this subsection and subsection (d)(1), the provisions of section 4247 of title 18 apply in the administration of this section.

"(2) In the application of section 4247(d) of title 18 to hearings conducted by a court-martial under this section or by (or by order of) a general court-martial convening authority under this section, the reference in that section to section 3006A of such title does not apply.

"(d) APPLICABILITY.—(1) The provisions of chapter 313 of title 18 referred to in this section apply according to the provisions of this section notwithstanding section 4247(j) of title 18.

"(2) If the status of a person as described in section 802 of this title (article 2) terminates while the person is, pursuant to this section, in the custody of the Attorney General, hospitalized, or on conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the provisions of this section establishing requirements and procedures regarding a person no longer subject to this chapter shall continue to apply to that person notwithstanding the change of status.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 876a (article 76a) the following:

"876b. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment.".

(b) CONFORMING AMENDMENT.—Section 802 (article 2) is amended by adding at the end the following new subsection:

"(e) The provisions of this section are subject to section 876b(d)(2) of this title (article 76b(d)(2)).".

(c) EFFECTIVE DATE.—Section 876b of title 10, United States Code (article 76b of the Uniform Code of Military Justice), as added by subsection (a), shall take effect at the end of the six-month period beginning on the date of the enactment of this Act and shall apply with respect to charges referred to courts-martial after the end of that period.

Subtitle D—Appellate Matters

SEC. 1141. APPEALS BY THE UNITED STATES.

(a) APPEALS RELATING TO DISCLOSURE OF CLASSIFIED INFORMATION.—Section 862(a)(1) (article 62(a)(1)) is amended to read as follows:

"(a)(1) In a trial by court-martial in which a military judge presides and in which a punitive discharge may be adjudged, the United States may appeal the following (other than an order or ruling that is, or that amounts to, a finding of not guilty with respect to the charge or specification):

"(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

"(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

"(C) An order or ruling which directs the disclosure of classified information.

"(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

"(E) A refusal of the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information.

"(F) A refusal by the military judge to enforce an order described in subparagraph (E) that has previously been issued by appropriate authority.".

(b) DEFINITIONS.—Section 801 (article 1) is amended by inserting after paragraph (14) the following new paragraphs:

"(15) The term 'classified information' means (A) any information or material that has been determined by an official of the United States pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security, and (B) any restricted data, as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(16) The term 'national security' means the national defense and foreign relations of the United States.".

SEC. 1142. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.

Subsection (i) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 942 note) is repealed.

Subtitle E—Other Matters

SEC. 1151. ADVISORY COMMITTEE ON CRIMINAL LAW JURISDICTION OVER CIVILIANS ACCOMPANYING THE ARMED FORCES IN TIME OF ARMED CONFLICT.

(a) ESTABLISHMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly appoint an advisory committee to review and make recommendations concerning the appropriate forum for criminal jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict.

(b) MEMBERSHIP.—The committee shall be composed of at least five individuals, including experts in military law, international law, and federal civilian criminal law. In making appointments to the committee, the Secretary and the Attorney General shall ensure that the members of the committee reflect diverse experiences in the conduct of prosecution and defense functions.

(c) DUTIES.—The committee shall do the following:

(1) Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field.

(2) Based upon such review and other information available to the commitee, develop specific recommendations concerning the advisability and feasibility of establishing United States criminal law jurisdiction over persons who as civilians accompany the Armed Forces in the field outside the United States during time of armed conflict not involving a war declared by Congress, including whether such jurisdiction should be established through any of the following means (or a combination of such means depending upon the degree of the armed conflict involved):

(A) Establishing court-martial jurisdiction over such persons.

(B) Extending the jurisdiction of the Article III courts to cover such persons.

(C) Establishing an Article I court to exercise criminal jurisdiction over such persons.

(3) Develop such additional recommendations as the committee considers appropriate as a result of the review.

(d) REPORT.—(1) Not later than December 15, 1996, the advisory committee shall transmit to the Secretary of Defense and the Attorney General a report setting forth its findings and recommendations, including the recommendations required under subsection (c)(2).

(2) Not later than January 15, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the report of the advisory committee to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "Article I court" means a court established under Article I of the Constitution.

(2) The term "Article III court" means a court established under Article III of the Constitution.

(f) TERMINATION OF COMMITTEE.—The advisory committee shall terminate 30 days after the date on which the report of the committee is submitted to Congress under subsection (d)(2).

SEC. 1152. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out "within six days" and inserting in lieu thereof "within fourteen days".

SEC. 1153. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out "Courts of Military Review" both places it appears and inserting in lieu thereof "Courts of Criminal Appeals".

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

SEC. 1202. FISCAL YEAR 1996 FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For elimination of strategic offensive weapons in Russia, Ukraine, Belarus, and Kazakhstan, $90,000,000.

(2) For weapons security in Russia, $42,500,000.

(3) For the Defense Enterprise Fund, $0.

(4) For nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan, $35,000,000.

(5) For planning and design of a storage facility for Russian fissile material, $29,000,000.

(6) For planning and design of a chemical weapons destruction facility in Russia, $73,000,000.

(7) For activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan, $10,000,000.

(8) For activities designated as Other Assessments/Support $20,500,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraph (2), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph, but not in excess of 115 percent of that amount. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress a notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(c) REIMBURSEMENT OF PAY ACCOUNTS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may be transferred to military personnel accounts for reimbursement of those accounts for the amount of pay and allowances paid to reserve component personnel for service while engaged in any activity under a Cooperative Threat Reduction program.

SEC. 1203. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPING EXERCISES AND RELATED ACTIVITIES WITH RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for the purpose of conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

SEC. 1204. REVISION TO AUTHORITY FOR ASSISTANCE FOR WEAPONS DESTRUCTION.

Section 211 of Public Law 102–228 (22 U.S.C. 2551 note) is amended by adding at the end the following new subsection:

"(c) As part of a transmission to Congress under subsection (b) of a certification that a proposed recipient of United States assistance under this title is committed to carrying out the matters specified in each of paragraphs (1) through (6) of that subsection, the President shall include a statement setting forth, in unclassified form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, as to whether that proposed recipient is at that time in fact carrying out the matter specified in that paragraph.".

SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) INFORMATION TO BE INCLUDED.—Each report under this section shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

SEC. 1207. LIMITATION ON ASSISTANCE TO NUCLEAR WEAPONS SCIENTISTS OF FORMER SOVIET UNION.

Amounts appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may not be obligated for any program established *primarily to assist nuclear weapons scientists in states of the former Soviet Union until 30 days after the date on which the Secretary of Defense certifies in writing to Congress that the funds to be obligated will not be used (1) to contribute to the modernization of the strategic nuclear forces of such states, or (2) for research, development, or production of weapons of mass destruction.*

SEC. 1208. LIMITATION RELATING TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for the purpose stated in section 1202(a)(6), $60,000,000 may not be obligated or expended until the President submits to Congress either a certification as provided in subsection (b) or a certification as provided in subsection (c).

(b) CERTIFICATION WITH RESPECT TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.—A certification under this subsection is a certification by the President of each of the following:

(1) That Russia is in compliance with its obligations under the Biological Weapons Convention.

(2) That Russia has agreed with the United States and the United Kingdom on a common set of procedures to govern visits by officials of the United States and United Kingdom to military biological facilities of Russia, as called for under the Joint Statement on Biological Weapons issued by officials of the United States, the United Kingdom, and Russia on September 14, 1992.

(3) That visits by officials of the United States and United Kingdom to the four declared military biological facilities of Russia have occurred.

(c) ALTERNATIVE CERTIFICATION.—A certification under this subsection is a certification by the President that the President is unable to make a certification under subsection (b).

(d) USE OF FUNDS UPON ALTERNATIVE CERTIFICATION.—If the President makes a certification under subsection (c), the $60,000,000 specified in subsection (a)—

(1) shall not be available for the purpose stated in section 1202(a)(6); and

(2) shall be available for activities in Ukraine, Kazakhstan, and Belarus—

(A) for the elimination of strategic offensive weapons (in addition to the amount specified in section 1202(a)(1)); and

(B) for nuclear infrastructure elimination (in addition to the amount specified in section 1202(a)(4)).

SEC. 1209. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for planning and design of a chemical weapons destruction facility, not more than one-half of such amount may be obligated or expended until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study to determine the feasibility of an appropriate technology for destruction of chemical weapons of Russia.

(2) That Russia is making reasonable progress, with the assistance of the United States (if necessary), toward the completion of a comprehensive implementation plan for managing and funding the dismantlement and destruction of Russia's chemical weapons stockpile.

(3) That the United States and Russia have made substantial progress toward resolution, to the satisfaction of the United States, of outstanding compliance issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term "1989 Wyoming Memorandum of Understanding" means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term "1990 Bilateral Destruction Agreement" means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

SEC. 1301. PLACEMENT OF UNITED STATES FORCES UNDER UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.

(a) FINDINGS.—Congress finds the following:

(1) The President has made United Nations peace operations a major component of the foreign and security policies of the United States.

(2) The President has committed United States military personnel under United Nations operational control to missions in Haiti, Croatia, and Macedonia that could endanger those personnel.

(3) The President has committed the United States to deploy as many as 25,000 military personnel to Bosnia-Herzegovina as peacekeepers under NATO operational control in the event that the parties to that conflict reach a peace agreement.

(4) Although the President has insisted that he will retain command of United States forces at all times, in the past this has meant administrative control of United States forces only, while operational control has been ceded to United Nations commanders, some of whom were foreign nationals.

(5) The experience of United States forces participating in combined United States-United Nations operations in Somalia, and in combined United Nations-NATO operations in the former Yugoslavia, demonstrate that prerequisites for effective military operations such as unity of command and clarity of mission have not been met by United Nations command and control arrangements.

(6) Despite the many deficiencies in the conduct of United Nations peace operations, there may be unique occasions when it is in the national security interests of the United States to participate in such operations.

(b) POLICY.—It is the sense of Congress that—

(1) the President should consult closely with Congress regarding any United Nations peace operation that could involve United States combat forces and that such consultations should continue throughout the duration of such activities;

(2) the President should consult with Congress before a vote within the United Nations Security Council on any resolution which would authorize, extend, or revise the mandate for any such activity;

(3) in view of the complexity of United Nations peace operations and the difficulty of achieving unity of command and expeditious decisionmaking, the United States should participate in such operations only when it is clearly in the national security interest to do so;

(4) United States combat forces should be under the operational control of qualified commanders and should have clear and effective command and control arrangements and rules of engagement (which do not restrict their self-defense in any way) and clear and unambiguous mission statements; and

(5) none of the Armed Forces of the United States should be under the operational control of foreign nationals in United Nations peace enforcement operations except in the most extraordinary circumstances.

(c) DEFINITIONS.—For purposes of subsections (a) and (b):

(1) The term "United Nations peace enforcement operations" means any international peace enforcement or similar activity that is authorized by the United Nations Security Council under chapter VII of the Charter of the United Nations.

(2) The term "United Nations peace operations" means any international peacekeeping, peacemaking, peace enforcement, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

(d) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§405. Placement of United States forces under United Nations opertional or tactical control: limitation

"(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f).

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations operational or tactical control if the President, not less than 15 days before the date on which such United Nations operational or tactical control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations operational or tactical control, the President may place such forces under such operational or tactical control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such operational or tactical control becomes effective.

"(c) ADDITIONAL EXCEPTIONS.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations operational or tactical control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations operational or tactical control.

"(2) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that it is in the national security interests of the United States to place any element of the armed forces under United Nations operational or tactical control.

"(2) A report setting forth the following:

"(A) A description of the national security interests that would be advanced by the placement of United States forces under United Nations operation or tactical control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(E) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(F) The extent to which the United States forces involved will rely on forces of other countries for security and defense and an assessment of the capability of those other forces to provide adequate security to the United States forces involved.

"(G) The exit strategy for complete withdrawal of the United States forces involved.

"(H) The extent to which the commander of any unit of the Armed Forces proposed for placement under United Nations operational or tactical control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with.

"(I) The extent to which the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(J) The anticipated monthly incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations operational or tactical control.

"(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations operational or tactical control if—

"(1) that element is under the operational or tactical control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty.

"(g) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation; and

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under United Nations operational or tactical control: limitation.".

(e) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (d), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 1302. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 1301, the following new section:

"§406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(1) for the costs of a United Nations peacekeeping activity; or

"(2) for any United States arrearage to the United Nations.

"(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 405, as added by section 1301, the following new item:

"406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.".

Subtitle B—Humanitarian Assistance Programs

SEC. 1311. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) COVERED PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

(b) GAO REPORT.—Not later than March 1, 1996, the Comptroller General of the United States shall provide to the congressional defense committees a report on—

(1) existing funding mechanisms available to cover the costs associated with the Overseas Humanitarian, Disaster, and Civic Assistance activities through funds provided to the Department of State or the Agency for International Development, and

(2) if such mechanisms do not exist, actions necessary to institute such mechanisms, including any changes in existing law or regulations.

SEC. 1312. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in lieu thereof the following:

"(c) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

"(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

"(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

"(A) The total amount of funds obligated for humanitarian relief under this section.

"(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

"(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.";

(4) by redesignating subsection (f) as subsection (d) and in that subsection striking out "the Committees on" and all that follows through "House of Representatives of the" and inserting in lieu thereof "the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the";

(5) by redesignating subsection (g) as subsection (e); and

(6) by adding at the end the following new subsection:

"(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1) and (d) are the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.".

SEC. 1313. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PROGRAM.—Subsection (e) of section 401 of title 10, United States Code, is amended—

(1) by striking out "means—" and inserting in lieu thereof "means:";

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

"(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.".

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF ARMED FORCES.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5)—

"(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

"(B) provides such assistance as part of a military operation that does not involve the armed forces.".

(c) REPEAL.—Section 1413 of the National Defense Authorization Act for Fiscal Year 1995

(Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401 note) is repealed.

Subtitle C—Arms Exports and Military Assistance

SEC. 1321. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

"Sec.
"2540. Establishment of loan guarantee program.
"2540a. Transferability.
"2540b. Limitations.
"2540c. Fees charged and collected.
"2540d. Definitions.

"§2540. Establishment of loan guarantee program

"(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

"(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

"(1) A member nation of the North Atlantic Treaty Organization (NATO).

"(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

"(3) A country in Central Europe that, as determined by the Secretary of State—

"(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or

"(B) is in the process of changing its form of national government from a nondemocratic form of government to a democratic form of government.

"(4) A noncommunist country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

"(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

"§2540a. Transferability

"A guarantee issued under this subchapter shall be fully and freely transferable.

"§2540b. Limitations

"(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

"(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

"§2540c. Fees charged and collected

"(a) EXPOSURE FEES.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

"(b) AMOUNT OF EXPOSURE FEE.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under subsection (a) with respect to a loan guarantee shall be fixed in an amount that is sufficient to meet potential liabilities of the United States under the loan guarantee.

"(c) PAYMENT TERMS.—The fee under subsection (a) for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

"(d) ADMINISTRATIVE FEES.—The Secretary of Defense shall charge a fee for each guarantee issued under this subchapter to reflect the additional administrative costs of the Department of Defense that are directly attributable to the administration of the program under this subchapter. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

"§2540d. Definitions

"In this subchapter:

"(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

"(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).".

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VI. Defense Export Loan Guarantees .. 2540".

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.

(c) FIRST YEAR COSTS.—The Secretary of Defense shall make available, from amounts appropriated to the Department of Defense for fiscal year 1996 for operations and maintenance, such amounts as may be necessary, not to exceed $500,000, for the expenses of the Department of Defense during fiscal year 1996 that are directly attributable to the administration of the defense export loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code, as added by subsection (a).

(d) REPLENISHMENT OF OPERATIONS AND MAINTENANCE ACCOUNTS FOR FIRST YEAR COSTS.—The Secretary of Defense shall, using funds in the special account referred to in section 2540c(d) of title 10, United States Code (as added by subsection (b)), replenish operations and maintenance accounts for amounts expended from such accounts for expenses referred to in subsection (c).

SEC. 1322. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES EXPORT CONTROL POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Export controls remain an important element of the national security policy of the United States.

(2) It is in the national security interest that United States export control policy be effective in preventing the transfer, to potential adversaries or combatants of the United States, of technology that threatens the national security or defense of the United States.

(3) It is in the national security interest that the United States monitor aggressively the export of militarily critical technology in order to prevent its diversion to potential adversaries or combatants of the United States.

(4) The Department of Defense relies increasingly on commercial and dual-use technologies, products, and processes to support United States military capabilities and economic strength.

(5) The maintenance of the military advantage of the United States depends on effective export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should evaluate license applications for the export of militarily critical commodities the export of which is controlled for national security reasons if those commodities are to be exported to certain countries of concern;

(2) the Secretary of Defense should identify the dual-use items and technologies that are critical to the military capabilities of the Armed Forces, including the military use made of such items and technologies;

(3) upon identification by the Secretary of Defense of the dual-use items and technologies referred to in paragraph (2), the President should ensure effective export controls or use unilateral export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces (regardless of the availability of such items or technologies overseas) with respect to the countries that—

(A) pose a threat to the national security interests of the United States; and

(B) are not members in good standing of bilateral or multilateral agreements to which the United States is a party on the use of such items and technologies; and

(4) the President, upon recommendation of the Secretary of Defense, should ensure effective controls on the re-export by other countries of dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(c) ANNUAL REPORT.—(1) Not later than December 1 of each year through 1999, the President shall submit to the committees specified in paragraph (4) a report on the effect of the export control policy of the United States on the national security interests of the United States.

(2) The report shall include the following:

(A) A list setting forth each country determined by the Secretary of Defense, the intelligence community, and other appropriate agencies to be a rogue nation or potential adversary or combatant of the United States.

(B) For each country so listed, a list of—

(i) the categories of items that the United States currently prohibits for export to the country;

(ii) the categories of items that may be exported from the United States with an individual license, and in such cases, any licensing conditions normally required and the policy grounds used for approvals and denials; and

(iii) the categories of items that may be exported under a general license designated "G-DEST".

(C) For each category of items listed under subparagraph (B)—

(i) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed pursuant to an international multilateral agreement or is unilateral;

(ii) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed by the other members of an international agreement or is unilateral;

(iii) when the answer under either clause (i) or clause (ii) is unilateral, a statement concerning the efforts being made to ensure that the prohibition, control, or licensing requirement is made multilateral; and

(iv) a statement on what impact, if any, a unilateral prohibition is having, or would have, on preventing the rogue nation or potential adversary from attaining the items in question for military purposes.

(D) A description of United States policy on sharing satellite imagery that has military significance and a discussion of the criteria for determining the imagery that has that significance.

(E) A description of the relationship between United States policy on the export of space launch vehicle technology and the Missile Technology Control Regime.

(F) An assessment of United States efforts to support the inclusion of additional countries in the Missile Technology Control Regime.

(G) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime to meet the guidelines established by the Missile Technology Control Regime.

(H) A discussion of the history of the space launch vehicle programs of other countries, including a discussion of the military origins and purposes of such programs and the current level of military involvement in such programs.

(3) The President shall submit the report in unclassified form, but may include a classified annex.

(4) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(5) For purposes of this subsection, the term "Missile Technology Control Regime" means the policy statement announced on April 16, 1987, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendment thereto.

SEC. 1323. DEPARTMENT OF DEFENSE REVIEW OF EXPORT LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.

(a) DEPARTMENT OF DEFENSE REVIEW.—Any application to the Secretary of Commerce for a license for the export of a class 2, class 3, or class 4 biological pathogen to a country identified to the Secretary under subsection (c) as a country that is known or suspected to have a biological weapons program shall be referred to the Secretary of Defense for review. The Secretary of Defense shall notify the Secretary of Commerce within 15 days after receipt of an application under the preceding sentence whether the export of such biological pathogen pursuant to the license would be contrary to the national security interests of the United States.

(b) DENIAL OF LICENSE IF CONTRARY TO NATIONAL SECURITY INTEREST.—A license described in subsection (a) shall be denied by the Secretary of Commerce if it is determined that the export of such biological pathogen to that country would be contrary to the national security interests of the United States.

(c) IDENTIFICATION OF COUNTRIES KNOWN OR SUSPECTED TO HAVE A PROGRAM TO DEVELOP OFFENSIVE BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall determine, for the purposes of this section, those countries that are known or suspected to have a program to develop offensive biological weapons. Upon making such determination, the Secretary shall provide to the Secretary of Commerce a list of those countries.

(2) The Secretary of Defense shall update the list under paragraph (1) on a regular basis. Whenever a country is added to or deleted from such list, the Secretary shall notify the Secretary of Commerce.

(3) Determination under this subsection of countries that are known or suspected to have a program to develop offensive biological weapons shall be made in consultation with the Secretary of State and the intelligence community.

(d) DEFINITION.—For purposes of this section, the term "class 2, class 3, or class 4 biological pathogen" means any biological pathogen that is characterized by the Centers for Disease Control as a class 2, class 3, or class 4 biological pathogen.

SEC. 1324. ANNUAL REPORTS ON IMPROVING EXPORT CONTROL MECHANISMS AND ON MILITARY ASSISTANCE.

(a) JOINT REPORTS BY SECRETARIES OF STATE AND COMMERCE.—Not later than April 1 of each of 1996 and 1997, the Secretary of State and the Secretary of Commerce shall submit to Congress a joint report, prepared in consultation with the Secretary of Defense, relating to United States export-control mechanisms. Each such report shall set forth measures to be taken to strengthen United States export-control mechanisms, including—

(1) steps being taken by each Secretary (A) to share on a regular basis the export licensing watchlist of that Secretary's department with the other Secretary, and (B) to incorporate the export licensing watchlist data received from the other Secretary into the watchlist of that Secretary's department;

(2) steps being taken by each Secretary to incorporate into the watchlist of that Secretary's department similar data from systems maintained by the Department of Defense and the United States Customs Service; and

(3) a description of such further measures to be taken to strengthen United States export-control mechanisms as the Secretaries consider to be appropriate.

(b) REPORTS BY INSPECTORS GENERAL.—(1) Not later than April 1 of each of 1996 and 1997, the Inspector General of the Department of State and the Inspector General of the Department of Commerce shall each submit to Congress a report providing that official's evaluation of the effectiveness during the preceding year of the export licensing watchlist screening process of that official's department. The reports shall be submitted in both a classified and unclassified version.

(2) Each report of an Inspector General under paragraph (1) shall (with respect to that official's department)—

(A) set forth the number of export licenses granted to parties on the export licensing watchlist;

(B) set forth the number of end-use checks performed with respect to export licenses granted to parties on the export licensing watchlist the previous year;

(C) assess the screening process used in granting an export license when an applicant is on the export licensing watchlist; and

(D) assess the extent to which the export licensing watchlist contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 655. ANNUAL REPORT ON MILITARY ASSISTANCE, MILITARY EXPORTS, AND MILITARY IMPORTS.

"(a) REPORT REQUIRED.—Not later than February 1 of each of 1996 and 1997, the President shall transmit to Congress a report concerning military assistance authorized or furnished for the fiscal year ending the previous September 30.

"(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, authorized or furnished by the United States to each foreign country and international organization. The report shall specify, by category, whether those articles and services, and that education and training, were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Export Control Act or were authorized by commercial sale licensed under section 38 of the Arms Export Control Act.

"(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items of non-United States manufacture that were imported into the United States during the fiscal year covered by the report. The report shall show the country of origin, the type of item being imported, and the total amount of items.".

SEC. 1325. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress referred to in subsection (c) of section 1154 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1761) the report required under subsection (a) of that section. The Secretary of Defense and the Secretary of Energy shall include with the report an explanation of the failure of such Secretaries to submit the report in accordance with such subsection (a) and with all other previous requirements for the submittal of the report.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out "a report to the congressional defense committees" and inserting in lieu thereof "to the congressional committees specified in subsection (g) a report"; and

(2) by adding at the end the following new subsection:

"(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

SEC. 1332. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§2350k. Relocation within host nation of elements of armed forces overseas

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions from any nation because of or in support of the relocation of elements of the armed forces from or to any location within that nation. Such contributions may be accepted in dollars or in the currency of the host nation. Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (b). The Secretary shall establish a separate account for such purpose for each country from which such contributions are accepted.

"(b) USE OF CONTRIBUTIONS.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs incurred in connection with the relocation concerning which the contribution was made. Those costs include the following:

"(1) Design and construction services, including development and review of statements of work, master plans and designs, acquisition of construction, and supervision and administration of contracts relating thereto.

"(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

"(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

"(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

"(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

"(6) All other clearly identifiable expenses directly related to relocation.

"(c) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following forms:

"(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

"(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

"(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

"(d) ANNUAL REPORT TO CONGRESS.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

"(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.".

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"2350k. Relocation within host nation of elements of armed forces overseas.".

(b) EFFECTIVE DATE.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

SEC. 1333. REVISED GOAL FOR ALLIED SHARE OF COSTS FOR UNITED STATES INSTALLATIONS IN EUROPE.

Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2890) is amended—

(1) by inserting "(1)" after "so that"; and

(2) by inserting before the period at the end the following: ", and (2) by September 30, 1997, those nations have assumed 42.5 percent of such costs".

SEC. 1334. EXCLUSION OF CERTAIN FORCES FROM EUROPEAN END STRENGTH LIMITATION.

(a) EXCLUSION OF MEMBERS PERFORMING DUTIES UNDER MILITARY-TO-MILITARY CONTACT PROGRAM.—Paragraph (3) of section 1002(c) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended to read as follows:

"(3) For purposes of this subsection, the following members of the Armed Forces are excluded in calculating the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO:

"(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

"(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.".

SEC. 1335. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

Section 2350b(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or a NATO organization" after "a participant (other than the United States)"; and

(2) in paragraph (2), by striking out "a cooperative project" and inserting in lieu thereof "such a cooperative project or a NATO organization".

SEC. 1336. SUPPORT SERVICES FOR THE NAVY AT THE PORT OF HAIFA, ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should promptly seek to undertake such actions as are necessary—

(1) to ensure that suitable port services are available to the Navy at the Port of Haifa, Israel; and

(2) to ensure the availability to the Navy of suitable services at that port in light of the continuing increase in commercial activities at the port.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on the availability of port services for the Navy in the eastern Mediterranean Sea region. The report shall specify—

(1) the services required by the Navy when calling at the port of Haifa, Israel; and

(2) the availability of those services at ports elsewhere in the region.

Subtitle E—Other Matters

SEC. 1341. PROHIBITION ON FINANCIAL ASSISTANCE TO TERRORIST COUNTRIES.

(a) PROHIBITION.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

"§2249a. Prohibition on providing financial assistance to terrorist countries

"(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

"(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 App. 2405(j));

"(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

"(3) any other country that, as determined by the President—

"(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

"(B) otherwise supports international terrorism.

"(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines—

"(A) that it is in the national security interests of the United States to do so; or

"(B) that the waiver should be granted for humanitarian reasons.

"(2) The President shall—

"(A) notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

"(B) publish a notice of the waiver in the Federal Register.

"(c) DEFINITION.—In this section, the term 'international terrorism' has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2249a. Prohibition on providing financial assistance to terrorist countries.".

SEC. 1342. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United

States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after "foreign or international tribunal" the following: ", including criminal investigations conducted before formal accusation".

(c) DEFINITIONS.—For purposes of this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "International Tribunal for Yugoslavia" means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "Agreement Between the United States and the International Tribunal for Yugoslavia" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "Agreement between the United States and the International Tribunal for Rwanda" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

SEC. 1343. SEMIANNUAL REPORTS CONCERNING UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

(a) REPORTS REQUIRED.—The Secretary of Defense shall submit to Congress a semiannual report on the United States-People's Republic of China Joint Defense Conversion Commission. Each such report shall include the following:

(1) A description of the extent to which the activities conducted in, through, or as a result of the Commission could have directly or indirectly assisted, or may directly or indirectly assist, the military modernization efforts of the People's Republic of China.

(2) A discussion of the activities and operations of the Commission, including—

(A) United States funding;

(B) a listing of participating United States officials;

(C) specification of meeting dates and locations (prospective and retrospective);

(D) summary of discussions; and

(E) copies of any agreements reached.

(3) A discussion of the relationship between the "defense conversion" activities of the People's Republic of China and its defense modernization efforts.

(4) A discussion of the extent to which United States business activities pursued, or proposed to be pursued, under the imprimatur of the Commission, or the importation of western technology in general, contributes to the modernization of China's military industrial base, including any steps taken by the United States or by United States commercial entities to safeguard the technology or intellectual property rights associated with any materials or information transferred.

(5) An assessment of the benefits derived by the United States from its participation in the Commission, including whether or to what extent United States participation in the Commission has resulted or will result in the following:

(A) Increased transparency in the current and projected military budget and doctrine of the People's Republic of China.

(B) Improved behavior and cooperation by the People's Republic of China in the areas of missile and nuclear proliferation.

(C) Increased transparency in the plans of the People's Republic of China's for nuclear and missile force modernization and testing.

(6) Efforts undertaken by the Secretary of Defense to—

(A) establish a list of enterprises controlled by the People's Liberation Army, including those which have been successfully converted to produce products solely for civilian use; and

(B) provide estimates of the total revenues of those enterprises.

(7) A description of current or proposed mechanisms for improving the ability of the United States to track the flow of revenues from the enterprises specified on the list established under paragraph (6)(A).

(b) SUBMITTAL OF REPORTS.—A report shall be submitted under subsection (a) not later than August 1 of each year with respect to the first six months of that year and shall be submitted not later than February 1 of each year with respect to the last six months of the preceding year. The first report under such subsection shall be submitted not less than 60 days after the date of the enactment of this Act and shall apply with respect to the six-month period preceding the date of the enactment of this Act.

(c) FINAL REPORT UPON TERMINATION OF COMMISSION.—Upon the termination of the United States-People's Republic of China Joint Defense Conversion Commission, the Secretary of Defense shall submit a final report under this section covering the period from the end of the period covered by the last such report through the termination of the Commission, and subsection (a) shall cease to apply after the submission of such report.

TITLE XIV—ARMS CONTROL MATTERS

SEC. 1401. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1832) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by striking out "by remote control or";

(3) by inserting "(1)" before "For purposes of"; and

(4) by adding at the end the following new paragraph:

"(2) The term does not include command detonated anti-personnel land mines (such as the M18A1 "Claymore" mine).

SEC. 1402. REPORTS ON AND CERTIFICATION REQUIREMENT CONCERNING MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

(a) REPORT ON EFFECTS OF MORATORIUM.—Not later than April 30 of each of 1996, 1997, and 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the projected effects of a moratorium on the defensive use of antipersonnel mines and antitank mines by the Armed Forces. The report shall include a discussion of the following matters:

(1) The extent to which current doctrine and practices of the Armed Forces on the defensive use of antipersonnel mines and antitank mines adhere to applicable international law.

(2) The effects that a moratorium would have on the defensive use of the current United States inventory of remotely delivered, self-destructing antitank systems, antipersonnel mines, and antitank mines.

(3) The reliability of the self-destructing antipersonnel mines and self-destructing antitank mines of the United States.

(4) The cost of clearing the antipersonnel minefields currently protecting Naval Station Guantanamo Bay, Cuba, and other United States installations.

(5) The cost of replacing antipersonnel mines in such minefields with substitute systems such as the Claymore mine, and the level of protection that would be afforded by use of such a substitute.

(6) The extent to which the defensive use of antipersonnel mines and antitank mines by the Armed Forces is a source of civilian casualties around the world, and the extent to which the United States, and the Department of Defense particularly, contributes to alleviating the illegal and indiscriminate use of such munitions.

(7) The extent to which the threat to the security of United States forces during operations other than war and combat operations would increase as a result of such a moratorium.

(b) CERTIFICATION REQUIRED BEFORE OBSERVANCE OF MORATORIUM.—Any moratorium imposed by law (whether enacted before, on, or after the date of the enactment of this Act) on the use of antipersonnel landmines by the Armed Forces may be implemented only if (and after) the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that—

(1) the moratorium will not adversely affect the ability of United States forces to defend against attack on land by hostile forces; and

(2) the Armed Forces have systems that are effective substitutes for antipersonnel landmines.

SEC. 1403. EXTENSION AND AMENDMENT OF COUNTERPROLIFERATION AUTHORITIES.

(a) ONE-YEAR EXTENSION OF PROGRAM.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal years 1994 and 1995";

(2) in subsection (e)(1), by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect"; and

(3) by adding at the end the following new subsection:

"(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.".

(b) PROGRAM AUTHORITIES.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out "the On-Site Inspection Agency" and inserting in lieu thereof "the Department of Defense".

(2) Subsection (c)(3) of such section is amended by striking out "will be counted" and all that follows and inserting in lieu thereof "will be counted as discretionary spending in the national defense budget function (function 050).".

(c) AMOUNT OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "for fiscal year 1994" the first place it appears and all that follows through the period at the end of the second sentence and inserting in lieu thereof "for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year."; and

(B) by striking out "referred to in this paragraph"; and

(2) in paragraph (3)—

(A) by striking out "may not exceed" and all that follows through "1995"; and

(B) by inserting before the period at the end the following: ", may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996".

SEC. 1404. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, unless and until the START II Treaty enters into force, the Secretary of Defense should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) LIMITATION ON USE OF FUNDS.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1996 for retiring or dismantling, or for preparing to retire or dismantle, any of the strategic nuclear delivery systems specified in subsection (a).

SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING TREATY VIOLATIONS.

(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KRASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the "Krasnoyarsk radar" stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543)), hereby reaffirms those findings as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(b) FURTHER REFERENCE TO 1987 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 902 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) Congress also—

(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty.

(c) FURTHER REFERENCE TO 1989 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 1006(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543) Congress also—

(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsk radar expeditiously and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

(d) ADDITIONAL FINDINGS.—Congress also finds, with respect to the Krasnoyarsk radar, that retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated—

(1) that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition by Soviet authorities that the location of such a radar at that location would be a clear violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(e) SENSE OF CONGRESS CONCERNING SOVIET TREATY VIOLATIONS.—It is the sense of Congress that the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests.

(f) SENSE OF CONGRESS CONCERNING COMPLIANCE BY RUSSIA WITH ARMS CONTROL OBLIGATIONS.—In light of subsections (a) through (e), it is the sense of Congress that the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

SEC. 1406. SENSE OF CONGRESS ON RATIFICATION OF CHEMICAL WEAPONS CONVENTION AND START II TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten United States citizens at home and abroad.

(2) Events such as the March 1995 terrorist release of a chemical nerve agent in the Tokyo subway, the threatened use of chemical weapons during the 1991 Persian Gulf War, and the widespread use of chemical weapons during the Iran-Iraq War of the 1980's are all potent reminders of the menace posed by chemical weapons, of the fact that the threat of chemical weapons is not sufficiently addressed, and of the need to outlaw the development, production, and possession of chemical weapons.

(3) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons, if ratified and fully implemented, as signed, by all signatories.

(4) United States military authorities, including Chairman of the Joint Chiefs of Staff General John Shalikashvili, have stated that United States military forces will deter and respond to chemical weapons threats with a robust chemical defense and an overwhelming superior conventional response, as demonstrated in the Persian Gulf War, and have testified in support of the ratification of the Chemical Weapons Convention.

(5) The United States intelligence community has testified that the Convention will provide new and important sources of information, through regular data exchanges and routine and challenge inspections, to improve the ability of the United States to assess the chemical weapons status in countries of concern.

(6) The Convention has not entered into force for lack of the requisite number of ratifications.

(7) Russia has signed the Convention, but has not yet ratified it.

(8) There have been reports by Russian sources of continued Russian production and testing of chemical weapons, including a statement by a spokesman of the Russian Ministry of Defense on December 5, 1994, that "We cannot say that all chemical weapons production and testing has stopped altogether.".

(9) The Convention will impose a legally binding obligation on Russia and other nations that possess chemical weapons and that ratify the Convention to cease offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

(10) The United States must be prepared to exercise fully its rights under the Convention, including the request of challenge inspections when warranted, and to exercise leadership in pursuing punitive measures against violators of the Convention, when warranted.

(11) The United States should strongly encourage full implementation at the earliest possible date of the terms and conditions of the United States-Russia bilateral chemical weapons destruction agreement signed in 1990.

(12) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to United States-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(13) It is in the national security interest of the United States to take effective steps to make

it more difficult for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(14) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(15) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the United States national interest and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States, Russia, and all other parties to the START II Treaty and the Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

SEC. 1407. IMPLEMENTATION OF ARMS CONTROL AGREEMENTS.

(a) FUNDING.—Of the amounts appropriated pursuant to authorizations in sections 102, 103, 104, 201, and 301, the Secretary of Defense may use an amount not to exceed $239,941,000 for implementing arms control agreements to which the United States is a party.

(b) LIMITATION.—(1) Funds made available pursuant to subsection (a) for the costs of implementing an arms control agreement may not (except as provided in paragraph (2)) be used to reimburse expenses incurred by any other party to the agreement for which (without regard to any executive agreement or any policy not part of an arms control agreement)—

(A) the other party is responsible under the terms of the arms control agreement; and

(B) the United States has no responsibility under the agreement.

(2) The limitation in paragraph (1) does not apply to a use of funds to carry out an arms control expenses reimbursement policy of the United States described in subsection (c).

(c) COVERED ARMS CONTROL EXPENSES REIMBURSEMENT POLICIES.—Subsection (b)(2) applies to a policy of the United States to reimburse expenses incurred by another party to an arms control agreement if—

(1) the policy does not modify any obligation imposed by the arms control agreement;

(2) the President—

(A) issued or approved the policy before the date of the enactment of this Act; or

(B) entered into an agreement on the policy with the government of another country or approved an agreement on the policy entered into by an official of the United States and the government of another country; and

(3) the President has notified the designated congressional committees of the policy or the policy agreement (as the case may be), in writing, at least 30 days before the date on which the President issued or approved the policy or has entered into or approved the policy agreement.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "arms control agreement" means an arms control treaty or other form of international arms control agreement.

(2) The term "executive agreement" means an international agreement entered into by the President that is not authorized by law or entered into as a Treaty to which the Senate has given its advice and consent to ratification.

(3) The term "designated congressional commitees" means the following:

(A) The Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(B) The Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1408. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;".

(d) NOTIFICATION OF CERTAIN WAIVERS UNDER MTCR PROCEDURES.—Section 73(e)(2) of the Arms Export Control Act (22 U.S.C. 2797b(e)(2) is amended—

(1) by striking out "the Congress" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives"; and

(2) by striking out "20 working days" and inserting in lieu thereof "45 working days".

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1501. AMENDMENTS RELATED TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT.

(a) PUBLIC LAW 103–337.—The Reserve Officer Personnel Management Act (title XVI of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)) is amended as follows:

(1) Section 1624 (108 Stat. 2961) is amended—

(A) by striking out "641" and all that follows through "(2)" and inserting in lieu thereof "620 is amended"; and

(B) by redesignating as subsection (d) the subsection added by the amendment made by that section.

(2) Section 1625 (108 Stat. 2962) is amended by striking out "Section 689" and inserting in lieu thereof "Section 12320".

(3) Section 1626(1) (108 Stat. 2962) is amended by striking out "(W–5)" in the second quoted matter therein and inserting in lieu thereof ", W–5,".

(4) Section 1627 (108 Stat. 2962) is amended by striking out "Section 1005(b)" and inserting in lieu thereof "Section 12645(b)".

(5) Section 1631 (108 Stat. 2964) is amended—

(A) in subsection (a), by striking out "Section 510" and inserting in lieu thereof "Section 12102"; and

(B) in subsection (b), by striking out "Section 591" and inserting in lieu thereof "Section 12201".

(6) Section 1632 (108 Stat. 2965) is amended by striking out "Section 593(a)" and inserting in lieu thereof "Section 12203(a)".

(7) Section 1635(a) (108 Stat. 2968) is amended by striking out "section 1291" and inserting in lieu thereof "section 1691(b)".

(8) Section 1671 (108 Stat. 3013) is amended—

(A) in subsection (b)(3), by striking out "512, and 517" and inserting in lieu thereof "and 512"; and

(B) in subsection (c)(2), by striking out the comma after "861" in the first quoted matter therein.

(9) Section 1684(b) (108 Stat. 3024) is amended by striking out "section 14110(d)" and inserting in lieu thereof "section 14111(c)".

(b) SUBTITLE E OF TITLE 10.—Subtitle E of title 10, United States Code, is amended as follows:

(1) The tables of chapters preceding part I and at the beginning of part IV are amended by striking out "Repayments" in the item relating to chapter 1609 and inserting in lieu thereof "Repayment Programs".

(2)(A) The heading for section 10103 is amended to read as follows:

"§10103. Basic policy for order into Federal service".

(B) The item relating to section 10103 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

"10103. Basic policy for order into Federal service.".

(3) The table of sections at the beginning of chapter 1005 is amended by striking out the third word in the item relating to section 10142.

(4) The table of sections at the beginning of chapter 1007 is amended—

(A) by striking out the third word in the item relating to section 10205; and

(B) by capitalizing the initial letter of the sixth word in the item relating to section 10211.

(5) The table of sections at the beginning of chapter 1011 is amended by inserting "Sec." at the top of the column of section numbers.

(6) Section 10507 is amended—

(A) by striking out "section 124402(b)" and inserting in lieu thereof "section 12402(b)"; and

(B) by striking out "Air Forces" and inserting in lieu thereof "Air Force".

(7)(A) Section 10508 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking out the item relating to section 10508.

(8) Section 10542 is amended by striking out subsection (d).

(9) Section 12004(a) is amended by striking out "active-status" and inserting in lieu thereof "active status".

(10) Section 12012 is amended by inserting "**the**" in the section heading before the penultimate word.

(11)(A) The heading for section 12201 is amended to read as follows:

"§12201. Reserve officers: qualifications for appointment".

(B) The item relating to that section in the table of sections at the beginning of chapter 1205 is amended to read as follows:

"12201. Reserve officers: qualifications for appointment.".

(12)(A) The heading for section 12209 is amended to read as follows:

"§12209. Officer candidates: enlisted Reserves".

(B) The heading for section 12210 is amended to read as follows:

"§12210. Attending Physician to the Congress: reserve grade while so serving".

(13)(A) The headings for sections 12211, 12212, 12213, and 12214 are amended by inserting "**the**" after "**National Guard of**"

(B) The table of sections at the beginning of chapter 1205 is amended by inserting "the" in the items relating to sections 12211, 12212, 12213, and 12214 after "National Guard of".

(14) Section 12213(a) is amended by striking out "section 593" and inserting in lieu thereof "section 12203".

(15) The table of sections at the beginning of chapter 1207 is amended by striking out "promotions" in the item relating to section 12243 and inserting in lieu thereof "promotion".

(16) The table of sections at the beginning of chapter 1209 is amended—

(A) in the item relating to section 12304, by striking out the colon and inserting in lieu thereof a semicolon; and

(B) in the item relating to section 12308, by striking out the second, third, and fourth words.

(17) Section 12307 is amended by striking out "Ready Reserve" in the second sentence and inserting in lieu thereof "Retired Reserve".

(18)(A) The table of sections at the beginning of chapter 1211 is amended by inserting "the" in the items relating to sections 12401, 12402, 12403, and 12404 after "Army and Air National Guard of".

*(B) The headings for sections 12402, 12403, and 12404 are amended by inserting "**the**" after "**Army and Air National Guard of**"*

(19) Section 12407(b) is amended—

(A) by striking out "of those jurisdictions" and inserting in lieu thereof "State"; and

(B) by striking out "jurisdictions" and inserting in lieu thereof "States"

(20) Section 12731(f) is amended by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "October 5, 1994,".

(21) Section 12731a(c)(3) is amended by inserting a comma after "Defense Conversion".

*(22) Section 14003 is amended by inserting "**lists**" in the section heading immediately before the colon.*

(23) The table of sections at the beginning of chapter 1403 is amended by striking out "selection board" in the item relating to section 14105 and inserting in lieu thereof "promotion board".

(24) The table of sections at the beginning of chapter 1405 is amended—

(A) in the item relating to section 14307, by striking out "Numbers" and inserting in lieu thereof "Number";

(B) in the item relating to section 14309, by striking out the colon and inserting in lieu thereof a semicolon; and

(C) in the item relating to section 14314, by capitalizing the initial letter of the antepenultimate word.

(25) Section 14315(a) is amended by striking out "a Reserve officer" and inserting in lieu thereof "a reserve officer".

(26) Section 14317(e) is amended—

(A) by inserting "OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—" after "(e)"; and

(B) by striking out "section 10213 or 644" and inserting in lieu thereof "section 123 or 10213".

(27) The table of sections at the beginning of chapter 1407 is amended—

(A) in the item relating to section 14506, by inserting "reserve" after "Marine Corps and"; and

(B) in the item relating to section 14507, by inserting "reserve" after "Removal from the"; and

(C) in the item relating to section 14509, by inserting "in grades" after "reserve officers".

(28) Section 14501(a) is amended by inserting "OFFICERS BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—" after "(a)".

*(29) The heading for section 14506 is amended by inserting a comma after "**Air Force**".*

(30) Section 14508 is amended by striking out "this" after "from an active status under" in subsections (c) and (d).

(31) Section 14515 is amended by striking out "inactive status" and inserting in lieu thereof "inactive-status".

(32) Section 14903(b) is amended by striking out "chapter" and inserting in lieu thereof "title".

(33) The table of sections at the beginning of chapter 1606 is amended in the item relating to section 16133 by striking out "limitations" and inserting in lieu thereof "limitation".

(34) Section 16132(c) is amended by striking out "section" and inserting in lieu thereof "sections".

(35) Section 16135(b)(1)(A) is amended by striking out "section 2131(a)" and inserting in lieu thereof "sections 16131(a)".

(36) Section 18236(b)(1) is amended by striking out "section 2233(e)" and inserting in lieu thereof "section 18233(e)".

(37) Section 18237 is amended—

(A) in subsection (a), by striking out "section 2233(a)(1)" and inserting in lieu thereof "section 18233(a)(1)"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(c) OTHER PROVISIONS OF TITLE 10.—Effective as of December 1, 1994 (except as otherwise expressly provided), and as if included as amendments made by the Reserve Officer Personnel Management Act (title XVI of Public Law 103–360) as originally enacted, title 10, United States Code, is amended as follows:

(1) Section 101(d)(6)(B)(i) is amended by striking out "section 175" and inserting in lieu thereof "section 10301".

(2) Section 114(b) is amended by striking out "chapter 133" and inserting in lieu thereof "chapter 1803".

(3) Section 115(d) is amended—

(A) in paragraph (1), by striking out "section 673" and inserting in lieu thereof "section 12302";

(B) in paragraph (2), by striking out "section 673b" and inserting in lieu thereof "section 12304"; and

(C) in paragraph (3), by striking out "section 3500 or 8500" and inserting in lieu thereof "section 12406".

(4) Section 123(a) is amended—

(A) by striking out "281, 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 3352(a) (last sentence),", "5414, 5457, 5458, 5506,", and "8217, 8218, 8219,"; and

(B) by striking out "and 8855" and inserting in lieu thereof "8855, 10214, 12003, 12004, 12005, 12007, 12202, 12213(a) (second sentence), 12642, 12645, 12646, 12647, 12771, 12772, and 12773".

(5) Section 582(1) is amended by striking out "section 672(d)" in subparagraph (B) and "section 673b" in subparagraph (D) and inserting in lieu thereof "section 12301(d)" and "section 12304", respectively.

(6) Section 641(1)(B) is amended by striking out "10501" and inserting in lieu thereof "10502, 10505, 10506(a), 10506(b), 10507".

(7) The table of sections at the beginning of chapter 39 is amended by striking out the items relating to sections 687 and 690.

(8) Sections 1053(a)(1) and 1064 are amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(9) Section 1063(a)(1) is amended by striking out "section 1332(a)(2)" and inserting in lieu thereof "section 12732(a)(2)".

(10) Section 1074b(b)(2) is amended by striking out "section 673c" and inserting in lieu thereof "section 12305".

(11) Section 1076(b)(2)(A) is amended by striking out "before the effective date of the Reserve Officer Personnel Management Act" and inserting in lieu thereof "before December 1, 1994".

(12) Section 1176(b) is amended by striking out "section 1332" in the matter preceding paragraph (1) and in paragraphs (1) and (2) and inserting in lieu thereof "section 12732".

(13) Section 1208(b) is amended by striking out "section 1333" and inserting in lieu thereof "section 12733".

(14) Section 1209 is amended by striking out "section 1332", "section 1335", and "chapter 71" and inserting in lieu thereof "section 12732", "section 12735", and "section 12739", respectively.

(15) Section 1407 is amended—

(A) in subsection (c)(1) and (d)(1), by striking out "section 1331" and inserting in lieu thereof "section 12731"; and

(B) in the heading for paragraph (1) of subsection (d), by striking out "CHAPTER 67" and inserting in lieu thereof "CHAPTER 1223".

(16) Section 1408(a)(5) is amended by striking out "section 1331" and inserting in lieu thereof "section 12731".

(17) Section 1431(a)(1) is amended by striking out "section 1376(a)" and inserting in lieu thereof "section 12774(a)".

(18) Section 1463(a)(2) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(19) Section 1482(f)(2) is amended by inserting "section" before "12731 of this title".

(20) The table of sections at the beginning of chapter 533 is amended by striking out the item relating to section 5454.

(21) Section 2006(b)(1) is amended by striking out "chapter 106 of this title" and inserting in lieu thereof "chapter 1606 of this title".

(22) Section 2121(c) is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207", effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(23) Section 2130a(b)(3) is amended by striking out "section 591" and inserting in lieu thereof "section 12201".

(24) The table of sections at the beginning of chapter 337 is amended by striking out the items relating to section 3351 and 3352.

(25) Sections 3850, 6389(c), 6391(c), and 8850 are amended by striking out "section 1332" and inserting in lieu thereof "section 12732".

(26) Section 5600 is repealed, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(27) Section 5892 is amended by striking out "section 5457 or section 5458" and inserting in lieu thereof "section 12004 or section 12005".

(28) Section 6410(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(29) The table of sections at the beginning of chapter 837 is amended by striking out the items relating to section 8351 and 8352.

(30) Section 8360(b) is amended by striking out "section 1002" and inserting in lieu thereof "section 12642".

(31) Section 8380 is amended by striking out "section 524" in subsections (a) and (b) and inserting in lieu thereof "section 12011".

(32) Sections 8819(a), 8846(a), and 8846(b) are amended by striking out "sections 1005 and 1006" and inserting in lieu thereof "sections 12645 and 12646".

(33) Section 8819 is amended by striking out "section 1005" and "section 1006" and inserting in lieu thereof "section 12645" and "section 12646", respectively.

(d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

(1) Section 337(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717) is amended by inserting before the period at the end the following: "or who after November 30, 1994, transferred to the Retired Reserve under section 10154(2) of title 10, United States Code, without having completed the years of service required under section 12731(a)(2) of such title for eligibility for retired pay under chapter 1223 of such title".

(2) Section 525 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190, 105 Stat. 1363) is amended by striking out "section 690" and inserting in lieu thereof "section 12321".

(3) Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 10 U.S.C. 12681 note) is amended—

(A) in section 4415, by striking out "section 1331a" and inserting in lieu thereof "section 12731a";

(B) in subsection 4416—

(i) in subsection (a), by striking out "section 1331" and inserting in lieu thereof "section 12731";

(ii) in subsection (b)—

(I) by inserting "or section 12732" in paragraph (1) after "under that section"; and

(II) by inserting "or 12731(a)" in paragraph (2) after "section 1331(a)";

(iii) in subsection (e)(2), by striking out "section 1332" and inserting in lieu thereof "section 12732"; and

(iv) in subsection (g), by striking out "section 1331a" and inserting in lieu thereof "section 12731a"; and

(C) in section 4418—

(i) in subsection (a), by striking out "section 1332" and inserting in lieu thereof "section 12732"; and

(ii) in subsection (b)(1)(A), by striking out "section 1333" and inserting in lieu thereof "section 12733".

(4) Title 37, United States Code, is amended—

(A) in section 302f(b), by striking out "section 673c of title 10" in paragraphs (2) and (3)(A) and inserting in lieu thereof "section 12305 of title 10"; and

(B) in section 433(a), by striking out "section 687 of title 10" and inserting in lieu thereof "section 12319 of title 10".

(e) CROSS REFERENCES IN OTHER LAWS.—

(1) Title 14, United States Code, is amended—

(A) in section 705(f), by striking out "600 of title 10" and inserting in lieu thereof "12209 of title 10"; and

(B) in section 741(c), by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(2) Title 38, United States Code, is amended—

(A) in section 3011(d)(3), by striking out "section 672, 673, 673b, 674, or 675 of title 10" and inserting in lieu thereof "section 12301, 12302, 12304, 12306, or 12307 of title 10";

(B) in sections 3012(b)(1)(B)(iii) and 3701(b)(5)(B), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10";

(C) in section 3501(a)(3)(C), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10"; and

(D) in section 4211(4)(C), by striking out "section 672(a), (d), or (g), 673, or 673b of title 10" and inserting in lieu thereof "section 12301(a), (d), or (g), 12302, or 12304 of title 10".

(3) Section 702(a)(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 592(a)(1)) is amended—

(A) by striking out "section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10" and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10"; and

(B) by striking out "section 672(d) of such title" and inserting in lieu thereof "section 12301(d) of such title".

(4) Section 463A of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1) is amended in subsection (a)(10) by striking out "(10 U.S.C. 2172)" and inserting in lieu thereof "(10 U.S.C. 16302)".

(5) Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended in subsection (a)(2)(C) by striking out "section 216(a) of title 5" and inserting in lieu thereof "section 10101 of title 10".

(f) EFFECTIVE DATES.—

(1) Section 1636 of the Reserve Officer Personnel Management Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 1672(a), 1673(a) (with respect to chapters 541 and 549), 1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall take effect on the effective date specified in section 1691(b)(1) of the Reserve Officer Personnel Management Act (notwithstanding section 1691(a) of such Act).

(3) The amendments made by this section shall take effect as if included in the Reserve Officer Personnel Management Act as enacted on October 5, 1994.

SEC. 1502. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 503(b)(5), 520a(d), 526(d)(1), 619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A), 1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h), 2391(c), 2430(b), 2432(b)(3)(B), 2432(c)(2), 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1), 4342(g), 7307(b)(1)(A), and 9342(g) are amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c), 7426(e), 7431(a), 7431(b)(1), 7431(c), 7438(b), 12302(b), 18235(a), and 18236(a) are amended by striking out "Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(3) Section 113(j)(1) is amended by striking out "Committees on Armed Services and Committees on Appropriations of the Senate and" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(4) Section 119(g) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations, and the National Security Subcommittee of the Committee on Appropriations, of the House of Representatives.".

(5) Section 127(c) is amended by striking out "Committees on Armed Services and Appropriations of the Senate and" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of".

(6) Section 135(e) is amended—

(A) by inserting "(1)" after "(e)";

(B) by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each" and inserting in lieu thereof "each congressional committee specified in paragraph (2) is"; and

(C) by adding at the end the following:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(7) Section 179(e) is amended by striking out "to the Committees on Armed Services and Appropriations of the Senate and" and inserting in lieu thereof "to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(8) Sections 401(d) and 402(d) are amended by striking out "submit to the" and all that follows through "Foreign Affairs" and inserting in lieu thereof "submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations".

(9) Section 2367(d)(2) is amended by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(10) Sections 2306b(g), 2801(c)(4), and 18233a(a)(1) are amended by striking out "the Committees on Armed Services and on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(11) Section 1599(e)(2) is amended—

(A) in subparagraph (A), by striking out "The Committees on Armed Services and Appropriations" and inserting in lieu thereof "The Committee on National Security, the Committee on Appropriations,"; and

(B) in subparagraph (B), by striking out "The Committees on Armed Services and Appropriations" and inserting in lieu thereof "The Committee on Armed Services, the Committee on Appropriations,".

(12) Sections 4355(a)(3), 6968(a)(3), and 9355(a)(3) are amended by striking out "Armed Services" and inserting in lieu thereof "National Security".

(13) Section 1060(d) is amended by striking out "Committee on Armed Services and the Committee on Foreign Affairs" and inserting in lieu thereof "Committee on National Security and the Committee on International Relations".

(14) Section 2215 is amended—

(A) by inserting "(a) CERTIFICATION REQUIRED.—" at the beginning of the text of the section;

(B) by striking out "to the Committees" and all that follows through "House of Representatives" and inserting in lieu thereof "to the congressional committees specified in subsection (b)"; and

(C) by adding at the end the following:

"(b) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(15) Section 2218 is amended—

(A) in subsection (j), by striking out "the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives" and inserting in lieu thereof "the congressional defense committees"; and

(B) by adding at the end of subsection (k) the following new paragraph:

"(4) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(16) Section 2342(b) is amended—

(A) in the matter preceding paragraph (1), by striking out "section—" and inserting in lieu thereof "section unless—";

(B) in paragraph (1), by striking out "unless"; and

(C) in paragraph (2), by striking out "notifies the" and all that follows through "House of Representatives" and inserting in lieu thereof "the Secretary submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives notice of the intended designation".

(17) Section 2350a(f)(2) is amended by striking out "submit to the Committees" and all that follows through "House of Representatives" and inserting in lieu thereof "submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives".

(18) Section 2366 is amended—

(A) in subsection (d), by striking out "the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "the congressional defense committees"; and

(B) by adding at the end of subsection (e) the following new paragraph:

"(7) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(19) Section 2399(h)(2) is amended by striking out "means" and all the follows and inserting in lieu thereof the following: "means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(20) Section 2401(b)(1) is amended—

(A) in subparagraph (B), by striking out "the Committees on Armed Services and on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committees on Appropriations of the"; and

(B) in subparagraph (C), by striking out "the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "those committees".

(21) Section 2403(e) is amended—

(A) by inserting "(1)" before "Before making";

(B) by striking out "shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "shall submit to the congressional committees specified in paragraph (2) notice"; and

(C) by adding at the end the following new paragraph:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(22) Section 2515(d) is amended—

(A) by striking out "REPORTING" and all that follows through "same time" and inserting in lieu thereof "ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report on the activities of the Office. The report shall be submitted each year at the same time"; and

(B) by adding at the end the following new paragraph:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(23) Section 2662 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(ii) in the matter following paragraph (6), by striking out "to be submitted to the Committees on Armed Services of the Senate and House of Representatives";

(B) in subsection (b), by striking out "shall report annually to the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "shall submit annually to the congressional committees named in subsection (a) a report";

(C) in subsection (e), by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the congressional committees named in subsection (a)"; and

(D) in subsection (f), by striking out "the Committees on Armed Services of the Senate and the House of Representatives shall" and inserting in lieu thereof "the congressional committees named in subsection (a) shall".

(24) Section 2674(a) is amended—

(A) in paragraph (2), by striking out "Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (3)"; and

(B) by adding at the end the following new paragraph:

"(3) The committees referred to in paragraph (2) are—

"(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

"(B) the Committee on National Security and the Committee on Transportation and Infrastructure of the House of Representatives.".

(25) Section 2813(c) is amended by striking out "Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(26) Sections 2825(b)(1) and 2832(b)(2) are amended by striking out "Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(27) Section 2865(e)(2) and 2866(c)(2) are amended by striking out "Committees on Armed Services and Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(28)(A) Section 7434 of such title is amended to read as follows:

"§7434. Annual report to congressional committees

"Not later than October 31 of each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the production from the naval petroleum reserves during the preceding calendar year.".

(B) The item relating to such section in the table of contents at the beginning of chapter 641 is amended to read as follows:

"7434. Annual report to congressional committees.".

(b) TITLE 37, UNITED STATES CODE.—Sections 301b(i)(2) and 406(i) of title 37, United States Code, are amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(c) ANNUAL DEFENSE AUTHORIZATION ACTS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in sections 2922(b) and 2925(b) (10 U.S.C. 2687 note) by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(2) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended—

(A) in section 326(a)(5) (10 U.S.C. 2301 note) and section 1304(a) (10 U.S.C. 113 note), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in section 1505(e)(2)(B) (22 U.S.C. 5859a), by striking out "the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce".

(3) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note) is amended by striking out "the Committees on Armed Services and Foreign Affairs" and inserting in lieu thereof "the Committee on National Security and the Committee on International Relations".

(4) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended as follows:

(A) Section 402(a) and section 1208(b)(3) (10 U.S.C. 1701 note) are amended by striking out "Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(B) Section 1403 (50 U.S.C. 404b) is amended—

(i) in subsection (a), by striking out "the Committees on" and all that follows through "each year" and inserting in lieu thereof "the congressional committees specified in subsection (d) each year"; and

(ii) by adding at the following new subsection:

"(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

"(2) The Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.".

(C) Section 1457 (50 U.S.C. 404c) is amended—

(i) in subsection (a), by striking out "shall submit to the" and all that follows through "each year" and inserting in lieu thereof "shall submit to the congressional committees specified in subsection (d) each year";

(ii) in subsection (c)—

(I) by striking out "(1) Except as provided in paragraph (2), the President" and inserting in lieu thereof "The President"; and

(II) by striking out paragraph (2); and

(iii) by adding at the end the following new subsection:

"(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.".

(D) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(A), by striking out "the Committee on Armed Services, the Committee on

Appropriations, and the Defense Subcommittees" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, and the National Security Subcommittee"; and

(ii) in subsection (g)(2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(5) Section 613(h)(1) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note), is amended by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended in subsections (b)(4) and (k)(2), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(7) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives".

(8) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended—

(A) in subsection (d), by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives"; and

(B) in subsection (e), by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "congressional committees specified in subsection (d)".

(d) BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Sections 2902(e)(2)(B)(ii) and 2908(b) are amended by striking out "Armed Services" the first place it appears and inserting in lieu thereof "National Security".

(2) Section 2910(2) is amended by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(e) NATIONAL DEFENSE STOCKPILE.—The Strategic and Critical Materials Stock Piling Act is amended—

(1) in section 6(d) (50 U.S.C. 98e(d))—

(A) in paragraph (1), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in paragraph (2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "such congressional committees"; and

(2) in section 7(b) (50 U.S.C. 98f(b)), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(f) OTHER DEFENSE-RELATED PROVISIONS.—

(1) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note), is amended by striking out "Committees on Appropriations and Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Appropriations and the Committees on Armed Services of the Senate and the Committee on Appropriations and the Committees on National Security of the House of Representatives".

(2) Section 9047A of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2687 note), is amended by striking out "the Committees on Appropriations and Armed Services of the House of Representatives and the Senate" and inserting in lieu thereof "the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives".

(3) Section 3059(c)(1) of the Defense Drug Interdiction Assistance Act (subtitle A of title III of Public Law 99–570; 10 U.S.C. 9441 note) is amended by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(4) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note) is amended by striking out "Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(5) Section 104(d)(5) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(3), by striking out "Committees on Armed Services and Government Operations" and inserting in lieu thereof "Committee on National Security and the Committee on Government Reform and Oversight";

(B) in subsection (b)(4), by striking out "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (3)";

(C) in subsection (f)(1), by striking out "Committees on Armed Services and Government Operations" and inserting in lieu thereof "Committee on National Security and the Committee on Government Reform and Oversight"; and

(D) in subsection (f)(2), by striking out "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (1)".

(7) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)) is amended by striking out "Committees on Armed Services of the Senate and of the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

SEC. 1503. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) SUBTITLE A.—Subtitle A of title 10, United States Code, is amended as follows:

(1) Section 113(i)(2)(B) is amended by striking out "the five years covered" and all that follows through "section 114(g)" and inserting in lieu thereof "the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221".

(2) Section 136(c) is amended by striking out "Comptroller" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(3) Section 526 is amended—

(A) in subsection (a), by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1) For the Army, 302.

"(2) For the Navy, 216.

"(3) For the Air Force, 279.";

(B) by striking out subsection (b);

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d);

(D) in subsection (b), as so redesignated, by striking out "that are applicable on and after October 1, 1995"; and

(E) in paragraph (2)(B) of subsection (c), as redesignated by subparagraph (C), is amended—

(i) by striking out "the" after "in the";

(ii) by inserting "to" after "reserve component, or"; and

(iii) by inserting "than" after "in a grade other".

(4) Section 528(a) is amended by striking out "after September 30, 1995,"

(5) Section 573(a)(2) is amended by striking out "active duty list" and inserting in lieu thereof "active-duty list".

(6) Section 661(d)(2) is amended—

(A) in subparagraph (B), by striking out "Until January 1, 1994" and all that follows through "each position so designated" and inserting in lieu thereof "Each position designated by the Secretary under subparagraph (A)";

(B) in subparagraph (C), by striking out "the second sentence of"; and

(C) by striking out subparagraph (D).

(7) Section 706(c)(1) is amended by striking out "section 4301 of title 38" and inserting in lieu thereof "chapter 43 of title 38".

(8) Section 1059 is amended by striking out "subsection (j)" in subsections (c)(2) and (g)(3) and inserting in lieu thereof "subsection (k)".

(9) Section 1060a(f)(2)(B) is amended by striking out "(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))" and inserting in lieu thereof ", as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(10) Section 1151 is amended—

(A) in subsection (b), by striking out "(20 U.S.C. 2701 et seq.)" in paragraphs (2)(A) and (3)(A) and inserting in lieu thereof "(20 U.S.C. 6301 et seq.)"; and

(B) in subsection (e)(1)(B), by striking out "not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995" and inserting in lieu thereof "not later than October 5, 1995".

(11) Section 1152(g)(2) is amended by striking out "not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995" and inserting in lieu thereof "not later than April 3, 1994,".

(12) Section 1177(b)(2) is amended by striking out "provison of law" and inserting in lieu thereof "provision of law".

(13) The heading for chapter 67 is amended by striking out "**NONREGULAR**" and inserting in lieu thereof "**NON-REGULAR**".

(14) Section 1598(a)(2)(A) is amended by striking out "2701" and inserting in lieu thereof "6301".

(15) Section 1745(a) is amended by striking out "section 4107(d)" both places it appears and inserting in lieu thereof "section 4107(b)".

(16) Section 1746(a) is amended—

(A) by striking out "(1)" before "The Secretary of Defense"; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(17) Section 2006(b)(2)(B)(ii) is amended by striking out "section 1412 of such title" and inserting in lieu thereof "section 3012 of such title".

(18) Section 2011(a) is amended by striking out "TO" and inserting in lieu thereof "TO".

(19) Section 2194(e) is amended by striking out "(20 U.S.C. 2891(12))" and inserting in lieu thereof "(20 U.S.C. 8801)".

(20) Sections 2217(b) and 2220(a)(2) are amended by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(21) Section 2401(c)(2) is amended by striking out "pursuant to" and all that follows through "September 24, 1983,".

(22) Section 2410f(b) is amended by striking out "For purposes of" and inserting in lieu thereof "In".

(23) Section 2410j(a)(2)(A) is amended by striking out "2701" and inserting in lieu thereof "6301".

(24) Section 2457(e) is amended by striking out "title III of the Act of March 3, 1933 (41 U.S.C. 10a)," and inserting in lieu thereof "the Buy American Act (41 U.S.C. 10a)".

(25) Section 2465(b)(3) is amended by striking out "under contract" and all that follows through the period and inserting in lieu thereof "under contract on September 24, 1983.".

(26) Section 2471(b) is amended—

(A) in paragraph (2), by inserting "by" after "as determined"; and

(B) in paragraph (3), by inserting "of" after "arising out".

(27) Section 2524(e)(4)(B) is amended by inserting a comma before "with respect to".

(28) The heading of section 2525 is amended by capitalizing the initial letter of the second, fourth, and fifth words.

(29) Chapter 152 is amended by striking out the table of subchapters at the beginning and the headings for subchapters I and II.

(30) Section 2534(c) is amended by capitalizing the initial letter of the third and fourth words of the subsection heading.

(31) The table of sections at the beginning of subchapter I of chapter 169 is amended by adding a period at the end of the item relating to section 2811.

(b) OTHER SUBTITLES.—Subtitles B, C, and D of title 10, United States Code, are amended as follows:

(1) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(2) Section 6241 is amended by inserting "or" at the end of paragraph (2).

(3) Section 6333(a) is amended by striking out the first period after "section 1405" in formula C in the table under the column designated "Column 2".

(4) The item relating to section 7428 in the table of sections at the beginning of chapter 641 is amended by striking out "Agreement" and inserting in lieu thereof "Agreements".

(5) The item relating to section 7577 in the table of sections at the beginning of chapter 649 is amended by striking out "Officers" and inserting in lieu thereof "officers".

(6) The center heading for part IV in the table of chapters at the beginning of subtitle D is amended by inserting a comma after "SUPPLY".

SEC. 1504. MISCELLANEOUS AMENDMENTS TO ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) PUBLIC LAW 103–337.—Effective as of October 5, 1994, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) is amended as follows:

(1) Section 322(1) (108 Stat. 2711) is amended by striking out "SERVICE" in both sets of quoted matter and inserting in lieu thereof "SERVICES".

(2) Section 531(g)(2) (108 Stat. 2758) is amended by inserting "item relating to section 1034 in the" after "The".

(3) Section 541(c)(1) is amended—

(A) in subparagraph (B), by inserting a comma after "chief warrant officer"; and

(B) in the matter after subparagraph (C), by striking out "this".

(4) Section 721(f)(2) (108 Stat. 2806) is amended by striking out "revaluated" and inserting in lieu thereof "reevaluated".

(5) Section 722(d)(2) (108 Stat. 2808) is amended by striking out "National Academy of Science" and inserting in lieu thereof "National Academy of Sciences".

(6) Section 904(d) (108 Stat. 2827) is amended by striking out "subsection (c)" the first place it appears and inserting in lieu thereof "subsection (b)".

(7) Section 1202 (108 Stat. 2882) is amended—

(A) by striking out "(title XII of Public Law 103–60" and inserting in lieu thereof "(title XII of Public Law 103–160"; and

(B) in paragraph (2), by inserting "in the first sentence" before "and inserting in lieu thereof".

(8) Section 1312(a)(2) (108 Stat. 2894) is amended by striking out "adding at the end" and inserting in lieu thereof "inserting after the item relating to section 123a".

(9) Section 2813(c) (108 Stat. 3055) is amended by striking out "above paragraph (1)" both places it appears and inserting in lieu thereof "preceding subparagraph (A)".

(b) PUBLIC LAW 103–160.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in section 1603(d) (22 U.S.C. 2751 note)—

(1) in the matter preceding paragraph (1), by striking out the second comma after "Not later than April 30 of each year";

(2) in paragraph (4), by striking out "contributes" and inserting in lieu thereof "contribute"; and

(3) in paragraph (5), by striking out "is" and inserting in lieu thereof "are".

(c) PUBLIC LAW 102–484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 326(a)(5) (106 Stat. 2370; 10 U.S.C. 2301 note) is amended by inserting "report" after "each".

(2) Section 3163(1)(E) is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "subparagraphs (A) through (D)".

(3) Section 4403(a) (10 U.S.C. 1293 note) is amended by striking out "through 1995" and inserting in lieu thereof "through fiscal year 1999".

(d) PUBLIC LAW 102–190.—Section 1097(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1490) is amended by striking out "the Federal Republic of Germany, France" and inserting in lieu thereof "France, Germany".

SEC. 1505. MISCELLANEOUS AMENDMENTS TO OTHER LAWS.

(a) OFFICER PERSONNEL ACT OF 1947.—Section 437 of the Officer Personnel Act of 1947 is repealed.

(b) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 8171—

(A) in subsection (a), by striking out "903(3)" and inserting in lieu thereof "903(a)";

(B) in subsection (c)(1), by inserting "section" before "39(b)"; and

(C) in subsection (d), by striking out "(33 U.S.C. 18 and 21, respectively)" and inserting in lieu thereof "(33 U.S.C. 918 and 921)";

(2) in sections 8172 and 8173, by striking out "(33 U.S.C. 2(2))" and inserting in lieu thereof "(33 U.S.C. 902(2))"; and

(3) in section 8339(d)(7), by striking out "Court of Military Appeals" and inserting in lieu thereof "Court of Appeals for the Armed Forces".

(c) PUBLIC LAW 90–485.—Effective as of August 13, 1968, and as if included therein as originally enacted, section 1(6) of Public Law 90–485 (82 Stat. 753) is amended—

(1) by striking out the close quotation marks after the end of clause (4) of the matter inserted by the amendment made by that section; and

(2) by adding close quotation marks at the end.

(d) TITLE 37, UNITED STATES CODE.—Section 406(b)(1)(E) of title 37, United States Code, is amended by striking out "of this paragraph".

(e) BASE CLOSURE LAWS.—(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in section 2905(b)(1)(C), by striking out "of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))" and inserting in lieu thereof "to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code";

(B) in section 2906(d)(1), by striking out "section 204(b)(4)(C)" and inserting in lieu thereof "section 204(b)(7)(C)"; and

(C) in section 2910—

(i) by designating the second paragraph (10), as added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 108 Stat. 4352), as paragraph (11); and

(ii) in such paragraph, as so designated, by striking out "section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4))" and inserting in lieu thereof "section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4))".

(2) Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "section 204(b)(4)(C)" and inserting in lieu thereof "section 204(b)(7)(C)".

(3) Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended

(A) in subsection (b)(1)(C), by striking out "of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))" and inserting in lieu thereof "to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code"; and

(B) in subsection (b)(7)(A)(i), by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(f) PUBLIC LAW 103–421.—Section 2(e)(5) of Public Law 103–421 (108 Stat. 4354) is amended—

(1) by striking out "(A)" after "(5)"; and

(2) by striking out "clause" in subparagraph (B)(iv) and inserting in lieu thereof "clauses".

(g) ATOMIC ENERGY ACT.—Section 123a. of the Atomic Energy Act (42 U.S.C. 2153a.) is amended by striking out "144b., or 144d." and inserting ", 144b., or 144d.".

SEC. 1506. COORDINATION WITH OTHER AMENDMENTS.

For purposes of applying amendments made by provisions of this Act other than provisions of this title, this title shall be treated as having been enacted immediately before the other provisions of this Act.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SEC. 1601. SHORT TITLE.

This title may be cited as the "Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

Subtitle A—Establishment and Operation of Corporation

SEC. 1611. ESTABLISHMENT OF THE CORPORATION.

(a) Establishment.—There is established a private, nonprofit corporation to be known as the "Corporation for the Promotion of Rifle Practice and Firearms Safety" (in this title referred to as the "Corporation").

(b) Private, Nonprofit Status.—(1) The Corporation shall not be considered to be a department, agency, or instrumentality of the Federal Government. An officer or employee of the Corporation shall not be considered to be an officer or employee of the Federal Government.

(2) The Corporation shall be operated in a manner and for purposes that qualify the Corporation for exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code.

(c) Board of Directors.—(1) The Corporation shall have a Board of Directors consisting of not less than nine members.

(2) The Board of Directors may adopt by-laws, policies, and procedures for the Corporation and may take any other action that the Board of Directors considers necessary for the management and operation of the Corporation.

(3) Each member of the Board of Directors shall serve for a term of two years. Members of the Board of Directors are eligible for reappointment.

(4) A vacancy on the Board of Directors shall be filled by a majority vote of the remaining members of the Board.

(5) The Secretary of the Army shall appoint the initial Board of Directors. Four of the members of the initial Board of Directors, to be designated by the Secretary at the time of appointment, shall (notwithstanding paragraph (3)) serve for a term of one year.

(d) Director of Civilian Marksmanship.—(1) The Board of Directors shall appoint an individual to serve as the Director of Civilian Marksmanship.

(2) The Director shall be responsible for the performance of the daily operations of the Corporation and the functions described in section 1612.

SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) Functions.—The Corporation shall have responsibility for the overall supervision, oversight, and control of the Civilian Marksmanship Program, pursuant to the transfer of the program under subsection (d), including the performance of the following:

(1) The instruction of citizens of the United States in marksmanship.

(2) The promotion of practice and safety in the use of firearms, including the conduct of matches and competitions in the use of those firearms.

(3) The award to competitors of trophies, prizes, badges, and other insignia.

(4) The provision of security and accountability for all firearms, ammunition, and other equipment under the custody and control of the Corporation.

(5) The issue, loan, or sale of firearms, ammunition, supplies, and appliances under section 1614.

(6) The procurement of necessary supplies, appliances, clerical services, other related services, and labor to carry out the Civilian Marksmanship Program.

(b) Priority for Youth Activities.—In carrying out the Civilian Marksmanship Program, the Corporation shall give priority to activities that benefit firearms safety, training, and competition for youth and that reach as many youth participants as possible.

(c) Access to Surplus Property.—(1) The Corporation may obtain surplus property and supplies from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program.

(2) Any transfer of property and supplies to the Corporation under paragraph (1) shall be made without cost to the Corporation.

(d) Transfer of Civilian Marksmanship Program to Corporation.—(1) The Secretary of the Army shall provide for the transition of the Civilian Marksmanship Program, as defined in section 4308(e) of title 10, United States Code (as such section was in effect on the day before the date of the enactment of this Act), from conduct by the Department of the Army to conduct by the Corporation. The transition shall be completed not later than September 30, 1996.

(2) To carry out paragraph (1), the Secretary shall provide such assistance and take such action as is necessary to maintain the viability of the program and to maintain the security of firearms, ammunition, and other property that are transferred or reserved for transfer to the Corporation under section 1615, 1616, or 1621.

SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN MARKSMANSHIP PROGRAM.

(a) Certification Requirement.—(1) Before a person may participate in any activity sponsored or supported by the Corporation, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any Federal or State felony or violation of section 922 of title 18, United States Code.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require any person to attach to the person's affidavit a certification from the appropriate State or Federal law enforcement agency for purposes of paragraph (1)(A).

(b) Ineligibility Resulting From Certain Convictions.—A person who has been convicted of a Federal or State felony or a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(c) Authority To Limit Participation.—The Director of Civilian Marksmanship may limit participation as necessary to ensure—

(1) quality instruction in the use of firearms;

(2) the safety of participants; and

(3) the security of firearms, ammunition, and equipment.

SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND AMMUNITION BY THE CORPORATION.

(a) Issuance and Loan.—For purposes of training and competition, the Corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program to the following:

(1) Organizations affiliated with the Corporation that provide training in the use of firearms to youth.

(2) The Boy Scouts of America.

(3) 4-H Clubs.

(4) Future Farmers of America.

(5) Other youth-oriented organizations.

(b) Sales.—(1) The Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, repair parts, and accouterments to organizations affiliated with the Corporation that provide training in the use of firearms.

(2) Subject to subsection (e), the Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, ammunition, targets, repair parts and accouterments, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club affiliated with the Corporation. In addition to any other requirement, the Corporation shall establish procedures to obtain a criminal records check of the person with appropriate Federal and State law enforcement agencies.

(c) Limitations on Sales.—(1) The Corporation may not offer for sale any repair part designed to convert any firearm to fire in a fully automatic mode.

(2) The Corporation may not sell rifles, ammunition, or any other item available for sale to individuals under the Civilian Marksmanship Program to a person who has been convicted of a felony or a violation of section 922 of title 18, United States Code.

(d) Oversight and Accountability.—The Corporation shall be responsible for ensuring adequate oversight and accountability of all firearms issued or loaned under this section. The Corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with Federal, State, and local laws.

(e) Applicability of Other Law.—(1) Subject to paragraph (2), sales under subsection (b)(2) are subject to applicable Federal, State, and local laws.

(2) Paragraphs (1), (2), (3), and (5) of section 922(a) of title 18, United States Code, do not apply to the shipment, transportation, receipt, transfer, sale, issuance, loan, or delivery by the Corporation of any item that the Corporation is authorized to issue, loan, sell, or receive under this title.

SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION FROM THE ARMY TO THE CORPORATION.

(a) Transfers Required.—The Secretary of the Army shall, in accordance with subsection (b), transfer to the Corporation all firearms and ammunition that on the day before the date of the enactment of this Act are under the control of the Director of the Civilian Marksmanship Program, including—

(1) all firearms on loan to affiliated clubs and State associations;

(2) all firearms in the possession of the Civilian Marksmanship Support Detachment; and

(3) all M-1 Garand and caliber .22 rimfire rifles stored at Anniston Army Depot, Anniston, Alabama.

(b) Time for Transfer.—The Secretary shall transfer firearms and ammunition under subsection (a) as and when necessary to enable the Corporation—

(1) to issue or loan such items in accordance with section 1614(a); or

(2) to sell such items to purchasers in accordance with section 1614(b).

(c) Parts.—The Secretary may make available to the Corporation any part from a rifle designated to be demilitarized in the inventory of the Department of the Army.

(d) Vesting of Title in Transferred Items.—Title to an item transferred to the Corporation under this section shall vest in the Corporation—

(1) upon the issuance of the item to a recipient eligible under section 1614(a) to receive the item; or

(2) immediately before the Corporation delivers the item to a purchaser of the item in accordance with a contract for a sale of the item that is authorized under section 1614(b).

(e) COSTS OF TRANSFERS.—Any transfer of firearms, ammunition, or parts to the Corporation under this section shall be made without cost to the Corporation, except that the Corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND AMMUNITION FOR THE CORPORATION.

(a) RESERVATION OF FIREARMS AND AMMUNITION.—The Secretary of the Army shall reserve for the Corporation the following:

(1) All firearms referred to in section 1615(a).

(2) Ammunition for such firearms.

(3) All M-16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.

(4) Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) STORAGE OF FIREARMS AND AMMUNITION.—Firearms stored at Anniston Army Depot, Anniston, Alabama, before the date of the enactment of this Act and used for the Civilian Marksmanship Program shall remain at that facility, or another storage facility designated by the Secretary of the Army, without cost to the Corporation, until the firearms are issued, loaned, or sold by, or otherwise transferred to, the Corporation.

(c) LIMITATION ON DEMILITARIZATION OF M-1 RIFLES.—After the date of the enactment of this Act, the Secretary may not demilitarize any M-1 Garand rifle in the inventory of the Army unless that rifle is determined by the Defense Logistics Agency to be unserviceable.

(d) EXCEPTION FOR TRANSFERS TO FEDERAL AND STATE AGENCIES FOR COUNTERDRUG PURPOSES.—The requirement specified in subsection (a) does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 10 U.S.C. 372 note).

SEC. 1617. ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.

(a) LOGISTICAL SUPPORT.—The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program and for competitions and other activities conducted by the Corporation. The Corporation shall reimburse the Secretary for incremental direct costs incurred in providing such support. Such reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide such support.

(b) RESERVE COMPONENT PERSONNEL.—The Secretary shall provide, without cost to the Corporation, for the use of members of the National Guard and Army Reserve to support the National Matches as part of the performance of annual training pursuant to titles 10 and 32, United States Code.

(c) USE OF DEPARTMENT OF DEFENSE FACILITIES FOR NATIONAL MATCHES.—The National Matches may continue to be held at those Department of Defense facilities at which the National Matches were held before the date of the enactment of this Act.

(d) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

SEC. 1618. GENERAL AUTHORITIES OF THE CORPORATION.

(a) DONATIONS AND FEES.—(1) The Corporation may solicit, accept, hold, use, and dispose of donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) The Corporation may impose, collect, and retain such fees as are reasonably necessary to cover the direct and indirect costs of the Corporation to carry out the Civilian Marksmanship Program.

(3) Amounts collected by the Corporation under the authority of this subsection, including the proceeds from the sale of firearms, ammunition, targets, and other supplies and appliances, may be used only to support the Civilian Marksmanship Program.

(b) CORPORATE SEAL.—The Corporation may adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) CONTRACTS.—The Corporation may enter into contracts, leases, agreements, or other transactions.

(d) OBLIGATIONS AND EXPENDITURES.—The Corporation may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid and may incur, allow, and pay such obligations and expenditures.

(e) RELATED AUTHORITY.—The Corporation may take such other actions as are necessary or appropriate to carry out the authority provided in this section.

SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN EVENT OF DISSOLUTION.

(a) DISTRIBUTION.—If the Corporation dissolves, then—

(1) upon the dissolution of the corporation, title to all firearms stored at Anniston Army Depot, Anniston, Alabama, on the date of the dissolution, all M-16 rifles that are transferred to the Corporation under section 1615(a)(2), that are referred to in section 1616(a)(3), or that are otherwise under the control of the Corporation, and all trophies received by the Corporation from the National Board for the Promotion of Rifle Practice as of such date, shall vest in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of such items;

(2) assets of the Corporation, other than assets described in paragraph (1), may be distributed by the Corporation to an organization that—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code; and

(B) performs functions similar to the functions described in section 1612(a); and

(3) all assets of the Corporation that are not distributed pursuant to paragraphs (1) and (2) shall be sold, and the proceeds from the sale of such assets shall be deposited in the Treasury.

(b) PROHIBITION.—Assets of the Corporation that are distributed pursuant to the authority of subsection (a) may not be distributed to an individual.

Subtitle B—Transitional Provisions

SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE CORPORATION.

(a) FUNDS.—(1) On the date of the submission of a certification in accordance with section 1623 or, if earlier, October 1, 1996, the Secretary of the Army shall transfer to the Corporation—

(A) the amounts that are available to the National Board for the Promotion of Rifle Practice from sales programs and fees collected in connection with competitions sponsored by the Board; and

(B) all funds that are in the nonappropriated fund account known as the National Match Fund.

(2) The funds transferred under paragraph (1)(A) shall be used to carry out the Civilian Marksmanship Program.

(3) Transfers under paragraph (1)(B) shall be made without cost to the Corporation.

(b) PROPERTY.—The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:

(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before the date of the enactment of this Act (other than property to which section 1615(a) applies).

(2) Title to property under the control of the National Match Fund on such day.

(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) OFFICES.—The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of the date of the enactment of this Act by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) COSTS OF TRANSFERS.—Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) CONTINUATION OF ELIGIBILITY.—Notwithstanding any other provision of law, a Federal employee who is employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation and is offered employment by the Corporation as part of the transition described in section 1612(d) may, if the employee becomes employed by the Corporation, continue to be eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense. The employer's contribution for such benefits shall be paid by the Corporation.

(b) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe regulations to carry out subsection (a).

SEC. 1623. CERTIFICATION OF COMPLETION OF TRANSITION.

(a) CERTIFICATION REQUIREMENT.—Upon completion of the appointment of the Board of Directors for the Corporation under section 1611(c)(5) and of the transition required under section 1612(d), the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification of the completion of such actions.

(b) PUBLICATION OF CERTIFICATION.—The Secretary shall take such actions as are necessary to ensure that the certification is published in the Federal Register promptly after the submission of the certification under subsection (a).

SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM BY THE ARMY.

(a) REPEALS.—(1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

(b) CONFORMING AMENDMENTS.—(1) Section 4313 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) in subsection (a)—

(i) by striking out "(a) JUNIOR COMPETITORS.—" and inserting in lieu thereof "(a) ALLOWANCES FOR PARTICIPATION OF JUNIOR COMPETITORS.—"; and

(ii) in paragraph (3), by striking out "(3) For the purposes of this subsection" and inserting in lieu thereof "(b) JUNIOR COMPETITOR DEFINED.—For the purposes of subsection (a)".

(2) Section 4316 of such title is amended by striking out ", including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,".

(3) Section 925(a)(2)(A) of title 18, United States Code, is amended by inserting after "section 4308 of title 10" the following: "before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623; or

(2) October 1, 1996.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1996".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$5,900,000
	Redstone Arsenal	$5,000,000
Arizona	Fort Huachuca	$16,000,000
California	Fort Irwin	$25,500,000
	Presidio of San Francisco	$3,000,000
Colorado	Fort Carson	$30,850,000
District of Columbia	Fort McNair	$13,500,000
Georgia	Fort Benning	$37,900,000
	Fort Gordon	$5,750,000
	Fort Stewart	$8,400,000
Hawaii	Schofield Barracks	$30,000,000
Kansas	Fort Riley	$7,000,000
Kentucky	Fort Campbell	$10,000,000
	Fort Knox	$5,600,000
New Jersey	Picatinny Arsenal	$5,500,000
New Mexico	White Sands Missile Range	$2,050,000
New York	Fort Drum	$8,800,000
	United States Military Academy	$8,300,000
	Watervliet Arsenal	$680,000
North Carolina	Fort Bragg	$29,700,000
Oklahoma	Fort Sill	$14,300,000
South Carolina	Naval Weapons Station, Charleston	$25,700,000
	Fort Jackson	$32,000,000
Texas	Fort Hood	$32,500,000
	Fort Bliss	$56,900,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Eustis	$16,400,000
Washington	Fort Lewis	$32,100,000
CONUS Classified	Classified Location	$1,900,000
	Total:	$478,230,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$4,150,000
	Camp Hovey	$13,500,000
	Camp Pelham	$5,600,000
	Camp Stanley	$6,800,000
	Yongsan	$4,500,000
Overseas Classified	Classified Location	$48,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$102,550,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Kentucky	Fort Knox	150 units	$19,000,000
New York	United States Military Academy, West Point	119 units	$16,500,000
Virginia	Fort Lee	135 units	$19,500,000
Washington	Fort Lewis	84 units	$10,800,000
		Total:	$65,800,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $48,856,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,147,427,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $478,230,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $102,550,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $34,194,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, $116,656,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,337,596,000.

(6) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	*Installation or location*	*Amount*
California	*Marine Corps Air-Ground Combat Center, Twentynine Palms*	*$2,490,000*
	Marine Corps Base, Camp Pendleton	*$27,584,000*
	Naval Command, Control, and Ocean Surveillance Center, San Diego	*$3,170,000*
	Naval Air Station, Lemoore	*$7,600,000*
	Naval Air Station, North Island	*$99,150,000*
	Naval Air Warfare Center Weapons Division, China Lake	*$3,700,000*
	Naval Air Warfare Center Weapons Division, Point Mugu	*$1,300,000*
	Naval Construction Batallion Center, Port Hueneme	*$9,000,000*
	Naval Station, San Diego	*$19,960,000*
Florida	*Naval School Explosive Ordinance Disposal, Eglin Air Force Base*	*$16,150,000*
	Naval Technical Training Center, Corry Station, Pensacola	*$2,565,000*
Georgia	*Strategic Weapons Facility, Atlantic, Kings Bay*	*$2,450,000*
Hawaii	*Honolulu Naval Computer and Telecommunications Area, Master Station Eastern Pacific*	*$1,980,000*
	Intelligence Center Pacific, Pearl Harbor	*$2,200,000*
	Naval Submarine Base, Pearl Harbor	*$22,500,000*
Illinois	*Naval Training Center, Great Lakes*	*$12,440,000*
Indiana	*Crane Naval Surface Warfare Center*	*$3,300,000*
Maryland	*Naval Academy, Annapolis*	*$3,600,000*
New Jersey	*Naval Air Warfare Center Aircraft Division, Lakehurst*	*$1,700,000*
North Carolina	*Marine Corps Air Station, Cherry Point*	*$11,430,000*
	Marine Corps Air Station, New River	*$14,650,000*
	Marine Corps Base, Camp LeJeune	*$59,300,000*
Pennsylvania	*Philadelphia Naval Shipyard*	*$6,000,000*
South Carolina	*Marine Corps Air Station, Beaufort*	*$15,000,000*
Texas	*Naval Air Station, Corpus Christi*	*$4,400,000*
	Naval Air Station, Kingsville	*$2,710,000*
	Naval Station, Ingleside	*$2,640,000*
Virginia	*Fleet and Industrial Supply Center, Williamsburg*	*$8,390,000*
	Henderson Hall, Arlington	*$1,900,000*
	Marine Corps Combat Development Command, Quantico	*$3,500,000*
	Naval Hospital, Portsmouth	*$9,500,000*
	Naval Station, Norfolk	*$10,580,000*
	Naval Weapons Station, Yorktown	*$1,300,000*
Washington	*Naval Undersea Warfare Center Division, Keyport*	*$5,300,000*

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Puget Sound Naval Shipyard, Bremerton	$19,870,000
West Virginia	Naval Security Group Detachment	$7,200,000
CONUS Classified	Classified Locations	$1,200,000
	Total:	$427,709,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Computer and Telecommunications Area, Master Station Western Pacific	$2,250,000
	Navy Public Works Center, Guam	$16,180,000
Italy	Naval Air Station, Sigonella	$12,170,000
	Naval Support Activity, Naples	$24,950,000
Puerto Rico	Naval Security Group Activity, Sabana Seca	$2,200,000
	Naval Station, Roosevelt Roads	$11,500,000
	Total	$69,250,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Base, Camp Pendleton	138 units	$20,000,000
	Marine Corps Base, Camp Pendleton	Community Center	$1,438,000
	Marine Corps Base, Camp Pendleton	Housing Office	$707,000
	Naval Air Station, Lemoore	240 units	$34,900,000
	Pacific Missile Test Center, Point Mugu	Housing Office	$1,020,000
	Public Works Center, San Diego	346 units	$49,310,000
Hawaii	Naval Complex, Oahu	252 units	$48,400,000
Maryland	Naval Air Test Center, Patuxent River	Warehouse	$890,000
	US Naval Academy, Annapolis	Housing Office	$800,000
North Carolina	Marine Corps Air Station, Cherry Point	Community Center	$1,003,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	Housing Office	$300,000
Puerto Rico	Naval Station, Roosevelt Roads	Housing Office	$710,000
Virginia	Naval Surface Warfare Center, Dahlgren	Housing Office	$520,000
	Public Works Center, Norfolk	320 units	$42,500,000
	Public Works Center, Norfolk	Housing Office	$1,390,000
West Virginia	Security Group Naval Detachment, Sugar Grove	23 units	$3,590,000
		Total:	$207,478,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,390,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $290,831,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,119,317,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $427,709,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,515,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $522,699,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,048,329,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $7,700,000 (the balance of the amount authorized under section 2201(a) for the construction of a bachelor enlisted quarters at the Naval Construction Batallion Center, Port Hueneme, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in

such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION OF APPROPRIATIONS TO CLARIFY AVAILABILITY OF FUNDS FOR LARGE ANECHOIC CHAMBER FACILITY, PATUXENT RIVER NAVAL WARFARE CENTER, MARYLAND.

Section 2204(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3033) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,591,824,000" and inserting in lieu thereof "$1,601,824,000" and

(2) by adding at the end the following:

"(6) For the construction of the large anechoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,000,000.".

SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION PROJECT, HAMPTON ROADS, VIRGINIA.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended—

(1) in the item relating to Damneck, Fleet Combat Training Center, Virginia, by striking out "$19,427,000" in the amount column and inserting in lieu thereof "$14,927,000"; and

(2) by inserting after the item relating to Damneck, Fleet Combat Training Center, Virginia, the following new item:

	Hampton Roads	$4,500,000

SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) AUTHORITY TO ACQUIRE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including an abandoned mausoleum, consisting of approximately 0.75 acres and located in Arlington, Virginia, the site of Henderson Hall.

(b) DEMOLITION OF MAUSOLEUM.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may—

(1) demolish the mausoleum located on the parcel acquired under subsection (a); and

(2) provide for the removal and disposition in an appropriate manner of the remains contained in the mausoleum.

(c) AUTHORITY TO DESIGN PUBLIC WORKS FACILITY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may obtain architectural and engineering services and construction design for a warehouse and office facility for the Marine Corps to be constructed on the property acquired under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2208. ACQUISITION OR CONSTRUCTION OF MILITARY FAMILY HOUSING IN VICINITY OF SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO USE LITIGATION PROCEEDS.—Upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82–0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. At the request of the Secretary of the Navy, the Secretary of the Treasury shall make available amounts in the account to the Secretary of the Navy solely for the acquisition or construction of military family housing, including the acquisition of land necessary for such acquisition or construction, for members of the Armed Forces and their dependents stationed in, or in the vicinity of, San Diego, California. In using amounts in the account, the Secretary of the Navy may use the authorities provided in subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801 of this Act.

(b) UNITS AUTHORIZED.—Not more than 150 military family housing units may be acquired or constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any other units of military family housing authorized to be acquired or constructed in, or in the vicinity of, San Diego, California.

(c) PAYMENT OF EXCESS INTO TREASURY.—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

(d) LIMITATION.—The Secretary may not enter into any contract for the acquisition or construction of military family housing under this section until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the congressional defense committees a report containing the details of such contract.

(e) REPEAL OF EXISTING AUTHORITY.—Section 2848 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1666) is repealed.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the project described in section 2304(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$5,200,000
Alaska	Eielson Air Force Base	$7,850,000
	Elmendorf Air Force Base	$9,100,000
	Tin City Long Range RADAR Site	$2,500,000
Arizona	Davis-Monthan Air Force Base	$4,800,000
	Luke Air Force Base	$5,200,000
Arkansas	Little Rock Air Force Base	$2,500,000
California	Beale Air Force Base	$7,500,000
	Edwards Air Force Base	$33,800,000
	Travis Air Force Base	$26,700,000
	Vandenberg Air Force Base	$6,000,000
Colorado	Buckley Air National Guard Base	$5,500,000
	Peterson Air Force Base	$4,390,000
	US Air Force Academy	$12,874,000
Delaware	Dover Air Force Base	$5,500,000
District of Columbia	Bolling Air Force Base	$12,100,000
Florida	Cape Canaveral Air Force Station	$1,600,000
	Eglin Air Force Base	$13,500,000
	Tyndall Air Force Base	$1,200,000
Georgia	Moody Air Force Base	$25,190,000
	Robins Air Force Base	$12,400,000
Hawaii	Hickam Air Force Base	$10,700,000

Air Force: Inside the United States—Continued

State	*Installation or location*	*Amount*
Idaho	*Mountain Home Air Force Base*	*$18,650,000*
Illinois	*Scott Air Force Base*	*$12,700,000*
Kansas	*McConnell Air Force Base*	*$9,450,000*
Louisiana	*Barksdale Air Force Base*	*$2,500,000*
Maryland	*Andrews Air Force Base*	*$12,886,000*
Mississippi	*Columbus Air Force Base*	*$1,150,000*
	Keesler Air Force Base	*$6,500,000*
Missouri	*Whiteman Air Force Base*	*$24,600,000*
Nevada	*Nellis Air Force Base*	*$17,500,000*
New Jersey	*McGuire Air Force Base*	*$16,500,000*
New Mexico	*Cannon Air Force Base*	*$13,420,000*
	Holloman Air Force Base	*$6,000,000*
	Kirtland Air Force Base	*$9,156,000*
North Carolina	*Pope Air Force Base*	*$8,250,000*
	Seymour Johnson Air Force Base	*$5,530,000*
North Dakota	*Grand Forks Air Force Base*	*$14,800,000*
	Minot Air Force Base	*$1,550,000*
Ohio	*Wright Patterson Air Force Base*	*$4,100,000*
Oklahoma	*Altus Air Force Base*	*$4,800,000*
	Tinker Air Force Base	*$11,100,000*
South Carolina	*Charleston Air Force Base*	*$12,500,000*
	Shaw Air Force Base	*$1,300,000*
South Dakota	*Ellsworth Air Force Base*	*$7,800,000*
Tennessee	*Arnold Air Force Base*	*$5,000,000*
Texas	*Dyess Air Force Base*	*$5,400,000*
	Goodfellow Air Force Base	*$1,000,000*
	Kelly Air Force Base	*$3,244,000*
	Laughlin Air Force Base	*$1,400,000*
	Randolph Air Force Base	*$3,100,000*
	Sheppard Air Force Base	*$1,500,000*
Utah	*Hill Air Force Base*	*$8,900,000*
Virginia	*Langley Air Force Base*	*$1,000,000*
Washington	*Fairchild Air Force Base*	*$15,700,000*
	McChord Air Force Base	*$9,900,000*
Wyoming	*F.E. Warren Air Force Base*	*$9,000,000*
CONUS Classified	*Classified Location*	*$700,000*
	Total:	*$504,690,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	**Installation or location**	**Amount**
Germany	Spangdahlem Air Base	$8,380,000
	Vogelweh Annex	$2,600,000
Greece	Araxos Radio Relay Site	$1,950,000
Italy	Aviano Air Base	$2,350,000
	Ghedi Radio Relay Site	$1,450,000
Turkey	Ankara Air Station	$7,000,000
	Incirlik Air Base	$4,500,000
United Kingdom	Lakenheath Royal Air Force Base	$1,820,000
	Mildenhall Royal Air Force Base	$2,250,000
Overseas Classified	Classified Location	$17,100,000
	Total:	$49,400,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State/Country	Installation	Purpose	Amount
Alaska	Elmendorf Air Force Base	Housing Office/Maintenance Facility	$3,000,000
Arizona	Davis-Monthan Air Force Base	80 units	$9,498,000
Arkansas	Little Rock Air Force Base	Replace 1 General Officer Quarters	$210,000
California	Beale Air Force Base	Family Housing Office	$842,000
	Edwards Air Force Base	127 units	$20,750,000
	Vandenberg Air Force Base	Family Housing Office	$900,000
	Vandenberg Air Force Base	143 units	$20,200,000
Colorado	Peterson Air Force Base	Family Housing Office	$570,000
District of Columbia	Bolling Air Force Base	32 units	$4,100,000
Florida	Eglin Air Force Base	Family Housing Office	$500,000
	Eglin Auxiliary Field 9	Family Housing Office	$880,000
	MacDill Air Force Base	Family Housing Office	$646,000
	Patrick Air Force Base	70 units	$7,947,000
	Tyndall Air Force Base	82 units	$9,800,000
Georgia	Moody Air Force Base	1 Officer & 1 General Officer Quarter	$513,000
	Robins Air Force Base	83 units	$9,800,000
Guam	Andersen Air Force Base	Housing Maintenance Facility	$1,700,000
Idaho	Mountain Home Air Force Base	Housing Management Facility	$844,000
Kansas	McConnell Air Force Base	39 units	$5,193,000
Louisiana	Barksdale Air Force Base	62 units	$10,299,000
Massachusetts	Hanscom Air Force Base	32 units	$4,900,000
Mississippi	Keesler Air Force Base	98 units	$9,300,000
Missouri	Whiteman Air Force Base	72 units	$9,948,000
Nevada	Nellis Air Force Base	102 Units	$16,357,000
New Mexico	Holloman Air Force Base	1 General Officer Quarters	$225,000
	Kirtland Air Force Base	105 units	$11,000,000
North Carolina	Pope Air Force Base	104 units	$9,984,000
	Seymour Johnson Air Force Base	1 General Officer Quarters	$204,000
South Carolina	Shaw Air Force Base	Housing Maintenance Facility	$715,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$580,000
	Lackland Air Force Base	67 units	$6,200,000
	Sheppard Air Force Base	Management Office	$500,000
	Sheppard Air Force Base	Housing Maintenance Facility	$600,000
Turkey	Incirlik Air Base	150 units	$10,146,000
Washington	McChord Air Force Base	50 units	$9,504,000
		Total:	$198,355,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,735,086,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $504,690,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $49,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,835,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $298,303,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $849,213,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $5,400,000 (the balance of the amount authorized under section 2301(a) for the construction of a corrosion control facility at Tinker Air Force Base, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) RETENTION OF INTEREST.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1874) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) RETENTION OF INTEREST.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.".

(b) LIMITATION ON UNITS CONSTRUCTED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: "The number of units constructed using the transferred funds (and interest accrued on such funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993.".

(c) EFFECT OF COMPLETION OF CONSTRUCTION.—Such section is further amended by adding at the end the following new subsection:

"(d) COMPLETION OF CONSTRUCTION.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a), and the remaining interest accrued on such funds, shall be deposited in the general fund of the Treasury of the United States.".

(d) REPORTS ON ACCRUED INTEREST.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS ON ACCRUED INTEREST.—Not later than March 1 of each year following a year in which funds available to the County under this section are used by the County for the purpose referred to in subsection (c), the Secretary shall submit to the congressional defense committees a report setting forth the amount of interest that accrued on such funds during the preceding year.".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency/State	*Installation or location*	*Amount*
Ballistic Missile Defense Organization		
Texas	*Fort Bliss*	*$13,600,000*
Defense Finance & Accounting Service		
Ohio	*Columbus Center*	*$72,403,000*
Defense Intelligence Agency		
District of Columbia	*Bolling Air Force Base*	*$498,000*
Defense Logistics Agency		
Alabama	*Defense Distribution Anniston*	*$3,550,000*
California	*Defense Distribution Stockton*	*$15,000,000*
	DFSC, Point Mugu	*$750,000*
Delaware	*DFSC, Dover Air Force Base*	*$15,554,000*
Florida	*DFSC, Eglin Air Force Base*	*$2,400,000*
Louisiana	*DFSC, Barksdale Air Force Base*	*$13,100,000*
New Jersey	*DFSC, McGuire Air Force Base*	*$12,000,000*
Pennsylvania	*Def Distribution New Cumberland—DDSP*	*$4,600,000*
Virginia	*Defense Distribution Depot—DDNV*	*$10,400,000*
Defense Mapping Agency		
Missouri	*Defense Mapping Agency Aerospace Center*	*$40,300,000*
Defense Medical Facility Office		
Alabama	*Maxwell Air Force Base*	*$10,000,000*
Arizona	*Luke Air Force Base*	*$8,100,000*
California	*Fort Irwin*	*$6,900,000*
	Marine Corps Base, Camp Pendleton	*$1,700,000*
	Vandenberg Air Force Base	*$5,700,000*
Delaware	*Dover Air Force Base*	*$4,400,000*
Georgia	*Fort Benning*	*$5,600,000*
Louisiana	*Barksdale Air Force Base*	*$4,100,000*
Maryland	*Bethesda Naval Hospital*	*$1,300,000*
	Walter Reed Army Institute of Research	*$1,550,000*
Texas	*Fort Hood*	*$5,500,000*
	Lackland Air Force Base	*$6,100,000*
Virginia	*Northwest Naval Security Group Activity*	*$4,300,000*
National Security Agency		
Maryland	*Fort Meade*	*$18,733,000*
Office of the Secretary of Defense		
Inside the United States	*Classified location*	*$11,500,000*
Department of Defense Dependents Schools		
Alabama	*Maxwell Air Force Base*	*$5,479,000*
Georgia	*Fort Benning*	*$1,116,000*
South Carolina	*Fort Jackson*	*$576,000*
Special Operations Command		
California	*Camp Pendleton*	*$5,200,000*
Florida	*Eglin Air Force Base (Duke Field)*	*$2,400,000*
	Eglin Auxiliary Field 9	*$14,150,000*
North Carolina	*Fort Bragg*	*$23,800,000*
Pennsylvania	*Olmstead Field, Harrisburg IAP*	*$1,643,000*
Virginia	*Dam Neck*	*$4,500,000*
	Naval Amphibious Base, Little Creek	*$6,100,000*

Defense Agencies: Inside the United States—Continued

Agency/State	*Installation or location*	*Amount*
	Total:	*$364,602,000*

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency/Country	Installation Name	Amount
Defense Logistics Agency		
Puerto Rico	Defense Fuel Support Point, Roosevelt Roads	$6,200,000
Spain	DFSC Rota	$7,400,000
Defense Medical Facility Office		
Italy	Naval Support Activity, Naples	$5,000,000
Department of Defense Dependents Schools		
Germany	Ramstein Air Force Base	$19,205,000
Italy	Naval Air Station, Sigonella	$7,595,000
National Security Agency		
United Kingdom	Menwith Hill Station	$677,000
Special Operations Command		
Guam	Naval Station, Guam	$8,800,000
	Total:	$54,877,000

SEC. 2402. MILITARY FAMILY HOUSING PRIVATE INVESTMENT.

(a) Availability of Funds for Investment.—Of the amount authorized to be appropriated pursuant to section 2405(a)(11)(A), $22,000,000 shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code (as added by section 2801 of this Act).

(b) Use of Funds.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by subchapter IV of chapter 169 of such title (as added by such section) with respect to military family housing.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,629,491,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $329,599,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $47,900,000.

(4) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $28,100,000.

(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United State Code, $68,837,000.

(9) For energy conservation projects authorized by section 2404, $40,000,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,897,892,000.

(11) For military family housing functions:

(A) For construction and acquisition and improvement of military housing and facilities, $25,772,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation of Total Cost of Construction Projects.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

SEC. 2406. LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

(a) Set Aside for 1995 Round.—Of the amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), $784,569,000 shall be available only for the purposes described in section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) with respect to military installations approved for closure or realignment in 1995.

(b) Construction.—Amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10) may not be obligated to carry out a construction project with respect to military installations approved for closure or realignment in 1995 until after the date on which the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation contained in this subsection shall not prohibit site surveys, environmental baseline surveys, environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and planning and design work conducted in anticipation of such construction.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$3,000,000" in the amount column and inserting in lieu thereof "$115,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$12,000,000" in the amount column and inserting in lieu thereof "$186,000,000".

SEC. 2408. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 CONTINGENCY CONSTRUCTION PROJECTS.

Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1876) is amended—

(1) in the matter preceding paragraph (1), by striking out "$3,268,394,000" and inserting in lieu thereof "$3,260,263,000"; and

(2) in paragraph (10), by striking out "$12,200,000" and inserting in lieu thereof "$4,069,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 2501, in the amount of $161,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1995, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $134,802,000; and

(B) for the Army Reserve, $73,516,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,055,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $170,917,000; and

(B) for the Air Force Reserve, $36,232,000.

SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 AIR NATIONAL GUARD PROJECTS.

Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended by striking out "$236,341,000" and inserting in lieu thereof "$229,641,000".

SEC. 2603. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

(a) IN GENERAL.—Subject to subsection (b), amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

(b) NOTICE AND WAIT.—The amounts referred to in subsection (a) shall not be available for construction with respect to a facility referred to in that subsection until 21 days after the date on which the Secretary of the Army submits to Congress a report describing the construction (including any land acquisition) to be carried out with respect to the facility.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1999 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act or in section 2201 of that Act (as amended by section 2206 of this Act), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000
Hawaii	Schofield Barracks	Add/Alter Sewage Treatment Plant	$17,500,000

Navy: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Treatment Plant Modifications	$19,740,000
Maryland	Patuxent River Naval Warfare Center	Large Anechoic Chamber, Phase I	$60,990,000
Mississippi	Meridian Naval Air Station	Child Development Center	$1,100,000
Virginia	Hampton Roads	Land Acquisition	$4,500,000

Air Force: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Little Rock Air Force Base	Fire Training Facility	$710,000
District of Columbia	Bolling Air Force Base	Civil Engineer Complex	$9,400,000
Mississippi	Keesler Air Force Base	Alter Student Dormitory	$3,100,000
North Carolina	Pope Air Force Base	Construct Bridge Road and Utilities	$4,000,000
	Pope Air Force Base	Munitions Storage Complex	$4,300,000
Virginia	Langley Air Force Base	Base Engineer Complex	$5,300,000
Guam	Andersen Air Base	Landfill	$10,000,000
Portugal	Lajes Field	Water Wells	$865,000
	Lajes Field	Fire Training Facility	$950,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Tuscaloosa	Armory	$2,273,000
	Union Springs	Armory	$813,000
Oregon	La Grande	Organizational Maintenance Shop	$1,220,000
	La Grande	Armory Addition	$3,049,000
Pennsylvania	Indiana	Armory	$1,700,000
Rhode Island	North Kingston	Add/Alter Armory	$3,330,000

Army Reserve: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
West Virginia	Bluefield	United States Army Reserve Center	$1,921,000
	Clarksburg	United States Army Reserve Center	$1,566,000
	Grantville	United States Army Reserve Center	$2,785,000
	Lewisburg	United States Army Reserve Center	$1,631,000
	Weirton	United States Army Reserve Center	$3,481,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act, and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or Location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities	$7,500,000

Army National Guard: Extension of 1992 Project Authorization

State	Installation or Location	Project	Amount
Ohio	Toledo	Armory	$3,183,000

Army Reserve: Extension of 1992 Project Authorization

State	Installation or Location	Project	Amount
Tennessee	Jackson	Joint Training Facility	$1,537,000

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Housing Privatization Initiative

SEC. 2801. ALTERNATIVE AUTHORITY FOR CONSTRUCTION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND IMPROVE MILITARY HOUSING.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING

"Sec.
"2871. Definitions.
"2872. General authority.
"2873. Direct loans and loan guarantees.
"2874. Leasing of housing to be constructed.
"2875. Investments in nongovernmental entities.
"2876. Rental guarantees.
"2877. Differential lease payments.
"2878. Conveyance or lease of existing property and facilities.
"2879. Interim leases.
"2880. Unit size and type.
"2881. Ancillary supporting facilities.
"2882. Assignment of members of the armed forces to housing units.
"2883. Department of Defense Housing Funds.
"2884. Reports.
"2885. Expiration of authority.

"§2871. Definitions

"In this subchapter:

"(1) The term 'ancillary supporting facilities' means facilities related to military housing units, including child care centers, day care centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

"(2) The term 'base closure law' means the following:

"(A) Section 2687 of this title.

"(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(3) The term 'construction' means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

"(4) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this subchapter.

"(5) The term 'Fund' means the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund established under section 2883(a) of this title.

"(6) The term 'military unaccompanied housing' means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

"(7) The term 'United States' includes the Commonwealth of Puerto Rico.

"§2872. General authority

"In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by private persons of the following:

"(1) Family housing units on or near military installations within the United States and its territories and possessions.

"(2) Military unaccompanied housing units on or near such military installations.

"§2873. Direct loans and loan guarantees

"(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary concerned may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

"(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) the amount equal to 80 percent of the value of the project; or

"(B) the amount of the outstanding principal of the loan.

"(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

"(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7)), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

"§2874. Leasing of housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary concerned may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this subchapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

"§2875. Investments in nongovernmental entities

"(a) INVESTMENTS AUTHORIZED.—The Secretary concerned may make investments in nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) FORMS OF INVESTMENT.—An investment under this section may take the form of an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

"(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary concerned) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary concerned conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(d) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§2876. Rental guarantees

"The Secretary concerned may enter into agreements with private persons that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

"(1) the occupancy of such units at levels specified in the agreements; or

"(2) rental income derived from rental of such units at levels specified in the agreements.

"§2877. Differential lease payments

"Pursuant to an agreement entered into by the Secretary concerned and a private lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

"§2878. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

"(b) INAPPLICABILITY TO PROPERTY AT INSTALLATION APPROVED FOR CLOSURE.—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

"(c) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) Section 2667 of this title.

"(2) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(3) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (40 U.S.C. 303b).

"(4) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401).

"§2879. Interim leases

"Pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units under this subchapter, the Secretary concerned may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

"§2880. Unit size and type

"(a) CONFORMITY WITH SIMILAR HOUSING UNITS IN LOCALE.—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

"(b) INAPPLICABILITY OF LIMITATIONS ON SPACE BY PAY GRADE.—(1) Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter.

"(2) The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter unless the unit is located on a military installation.

"§2881. Ancillary supporting facilities

"Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

"§2882. Assignment of members of the armed forces to housing units

"(a) IN GENERAL.—The Secretary concerned may assign members of the armed forces to housing units acquired or constructed under this subchapter.

"(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

"(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§2883. Department of Defense Housing Funds

"(a) ESTABLISHMENT.—There are hereby established on the books of the Treasury the following accounts:

"(1) The Department of Defense Family Housing Improvement Fund.

"(2) The Department of Defense Military Unaccompanied Housing Improvement Fund.

"(b) COMMINGLING OF FUNDS PROHIBITED.—(1) The Secretary of Defense shall administer each Fund separately.

"(2) Amounts in the Department of Defense Family Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military family housing.

"(3) Amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military unaccompanied housing.

"(c) CREDITS TO FUNDS.—(1) There shall be credited to the Department of Defense Family Housing Improvement Fund the following:

"(A) Amounts authorized for and appropriated to that Fund.

"(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing.

"(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing.

"(D) Income derived from any activities under this subchapter with respect to military family housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(2) There shall be credited to the Department of Defense Military Unaccompanied Housing Improvement Fund the following:

"(A) Amounts authorized for and appropriated to that Fund.

"(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military unaccompanied housing.

"(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military unaccompanied housing.

"(D) Income derived from any activities under this subchapter with respect to military unaccompanied housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(d) USE OF AMOUNTS IN FUNDS.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Family Housing Improvement Fund to carry out activities under this subchapter with respect to military family housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

"(2) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under this subchapter with respect to military unaccompanied housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

"(3) Amounts made available under this subsection shall remain available until expended. The Secretary of Defense may transfer amounts made available under this subsection to the Secretaries of the military departments to permit such Secretaries to carry out the activities for which such amounts may be used.

"(e) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreement entered into under this subchapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

"(f) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

"(g) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed—

"(1) $850,000,000 for the acquisition or construction of military family housing; and

"(2) $150,000,000 for the acquisition or construction of military unaccompanied housing.

"§2884. Reports

"(a) PROJECT REPORTS.—(1) The Secretary of Defense shall transmit to the appropriate committees of Congress a report describing—

(A) each contract for the acquisition or construction of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter; and

(B) each conveyance or lease proposed under section 2878 of this title.

(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 30 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

"(b) ANNUAL REPORTS.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

"(1) A report on the expenditures and receipts during the preceding fiscal year covering the Funds established under section 2883 of this title.

"(2) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

"(3) A description of the objectives of the Department of Defense for providing military family housing and military unaccompanied housing for members of the armed forces.

"§2885. Expiration of authority

"The authority to enter into a contract under this subchapter shall expire five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(2) The table of subchapters at the beginning of such chapter is amended by inserting after the item relating to subchapter III the following new item:

"IV. Alternative Authority for Acquisition and Improvement of Military Housing .... 2871".

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Secretary of Defense and the Secretaries of the military departments of the authorities provided by subchapter IV of chapter 169 of title 10, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

SEC. 2802. EXPANSION OF AUTHORITY FOR LIMITED PARTNERSHIPS FOR DEVELOPMENT OF MILITARY FAMILY HOUSING.

(a) PARTICIPATION OF OTHER MILITARY DEPARTMENTS.—(1) Subsection (a)(1) of section 2837 of title 10, United States Code, is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(2) Subsection (b)(1) of such section is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(b) ADMINISTRATION.—(1) Subsection (a)(1) of such section is further amended by striking out "the Secretary of the Navy" in the first sentence and inserting in lieu thereof "the Secretary of a military department".

(2) Subsections (a)(2), (b), (c), (g), and (h) of such section are amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary concerned".

(c) ACCOUNT.—Subsection (d) of such section is amended to read as follows:

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Defense Housing Investment Account'.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account;

"(B) any proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under subsection (a); and

"(C) any unobligated balances which remain in the Navy Housing Investment Account as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(3) From such amounts as are provided in advance in appropriation Acts, funds in the Account shall be available to the Secretaries concerned in amounts determined by the Secretary of Defense for contracts, investments, and expenses necessary for the implementation of this section.

"(4) The Secretary concerned may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Account is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.".

(d) TERMINATION OF NAVY HOUSING INVESTMENT BOARD.—Such section is further amended—

(1) by striking out subsection (e); and

(2) in subsection (h)—

(A) by striking out "AUTHORITIES" in the subsection heading and inserting in lieu thereof "AUTHORITY";

(B) by striking out "(1)"; and

(C) by striking out paragraph (2).

(e) REPORT.—Subsection (f) of such section is amended—

(1) by striking out "the Secretary carries out activities" and inserting in lieu thereof "activities are carried out"; and

(2) by striking out "the Secretary shall" and inserting in lieu thereof "the Secretaries concerned shall jointly".

(f) EXTENSION OF AUTHORITY.—Subsection (h) of such section is further amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2000".

(g) CONFORMING AMENDMENT.—Subsection (g) of such section is further amended by striking out "NAVY" in the subsection heading.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

SEC. 2811. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY DEFICIENCIES.

(a) SPECIAL THRESHOLD.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military construction project may have an approved cost equal to or less than $3,000,000."; and

(2) in subsection (c)(1), by striking out "not more than $300,000." and inserting in lieu thereof "not more than—

"(A) $1,000,000, in the case of an unspecified military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(B) $300,000, in the case of any other unspecified military construction project.".

(b) TECHNICAL AMENDMENT.—Section 2861(b)(6) of such title is amended by striking *out "section 2805(a)(2)" and inserting in lieu thereof "section 2805(a)(1)".*

SEC. 2812. CLARIFICATION OF SCOPE OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

Section 2805(a)(1) of title 10, United States Code, as amended by section 2811 of this Act, is further amended by striking out "(1) that is for a single undertaking at a military installation, and (2)" in the second sentence.

SEC. 2813. TEMPORARY AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION FOR FAMILY HOUSING ACQUIRED IN LIEU OF CONSTRUCTION.

Section 2824(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

SEC. 2814. REESTABLISHMENT OF AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION ON ACQUISITION BY PURCHASE OF CERTAIN MILITARY FAMILY HOUSING.

Section 2826(e) of title 10, United States Code, is amended by striking out the second sentence.

SEC. 2815. TEMPORARY AUTHORITY TO WAIVE LIMITATIONS ON SPACE BY PAY GRADE FOR MILITARY FAMILY HOUSING UNITS.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to military family housing units constructed, acquired, or improved during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(2) The total number of military family housing units constructed, acquired, or improved during any fiscal year in the period referred to in paragraph (1) shall be the total number of such units authorized by law for that fiscal year.".

SEC. 2816. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "300 units" in the first sentence and inserting in lieu thereof "450 units"; and

(B) by striking out "220 such units" in the second sentence and inserting in lieu thereof "350 such units"; and

(2) in paragraph (2), by striking out "300 units" and inserting in lieu thereof "450 units".

SEC. 2817. CLARIFICATION OF SCOPE OF REPORT REQUIREMENT ON COST INCREASES UNDER CONTRACTS FOR MILITARY FAMILY HOUSING CONSTRUCTION.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

"(d) The limitation on cost increases in subsection (a) does not apply to the settlement of a contractor claim under a contract.".

SEC. 2818. AUTHORITY TO CONVEY DAMAGED OR DETERIORATED MILITARY FAMILY HOUSING.

(a) AUTHORITY.—(1) Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2854 the following new section:

"§2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds

"(a) AUTHORITY TO CONVEY.—(1) The Secretary concerned may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

"(2) The authority of this section does not apply to family housing facilities located at military installations approved for closure under a base closure law or family housing facilities located at installation outside the United States at which the Secretary of Defense terminates operations.

"(3) The aggregate total value of the family housing facilities conveyed by the Department of Defense under the authority in this subsection in any fiscal year may not exceed $5,000,000.

"(4) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such facility.

"(b) CONSIDERATION.—(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

"(2) The Secretary concerned shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determination shall be final.

"(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not enter into an agreement to convey a family housing facility under this section until—

"(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

"(A) an estimate of the consideration to be provided the United States under the agreement;

"(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

"(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

"(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

"(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

"(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the appropriate fund established under section 2883 of this title and shall be available—

"(A) to construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed;

"(B) to repair or restore existing military family housing; and

"(C) to reimburse the Secretary concerned for the costs incurred by the Secretary in conveying the family housing facility.

"(2) Notwithstanding section 2883(d) of this title, proceeds derived from a conveyance of a family housing facility under this section shall be available under paragraph (1) without any further appropriation.

"(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary concerned considers satisfactory, including by survey in the case of real property.

"(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2854 the following new item:

"2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds.".

(b) CONFORMING AMENDMENT.—Section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10, United States Code.".

SEC. 2819. ENERGY AND WATER CONSERVATION SAVINGS FOR THE DEPARTMENT OF DEFENSE.

(a) INCLUSION OF WATER EFFICIENT MAINTENANCE IN ENERGY PERFORMANCE PLAN.—Paragraph (3) of section 2865(a) of title 10, United States Code, is amended by striking out "energy efficient maintenance" and inserting in lieu thereof "energy efficient maintenance or water efficient maintenance".

(b) SCOPE OF TERM.—Paragraph (4) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking out "'energy efficient maintenance'" and inserting in lieu thereof "'energy efficient maintenance or water efficient maintenance'";

(2) in subparagraph (A), by striking out "systems or industrial processes," in the matter preceding clause (i) and inserting in lieu thereof "systems, industrial processes, or water efficiency applications,"; and

(3) in subparagraph (B), by inserting "or water cost savings" before the period at the end.

SEC. 2820. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 2680 of title 10, United States Code, is amended in the first sentence by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 2000".

(b) REPORTING REQUIREMENT.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on the Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that—

"(1) identifies each leasehold interest acquired during the previous fiscal year under subsection (a); and

"(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) during such fiscal year.".

(c) CONFORMING REPEAL.—Section 2863 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out subsection (b).

SEC. 2821. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

"§2782. Damage to real property: disposition of amounts recovered

"Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

"2782. Damage to real property: disposition of amounts recovered.".

SEC. 2822. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

(a) SHORT TITLE.—This section may be cited as the "Military Housing Assistance Act of 1995".

(b) MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

"§3708. Authority to buy down interest rates: pilot program

"(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (6), or (10) of section 3710(a) of this title.

"(b) An individual is an eligible veteran for the purposes of this section if—

"(1) the individual is a veteran, as defined in section 3701(b)(4) of this title;

"(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

"(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O–3 or below;

"(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

"(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

"(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

"(1) provide for a buy down period of not more than three years in duration;

"(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

"(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

"(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

"(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

"(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

"(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.".

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

"3708. Authority to buy down interest rates: pilot program.".

(c) AUTHORITY OF SECRETARY OF DEFENSE.—(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mortgagees under section 3708 of title 38, United States Code, as added by subsection (b).

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than March 30, 1998, the Secretary shall submit to Congress a report regarding the effectiveness of the authority provided in section 3708 of title 38, United States Code, in ensuring that members of the Armed Forces and their dependents have access to suitable housing. The report shall include the recommendations of the Secretary regarding whether the authority provided in this subsection should be extended beyond the date specified in paragraph (5).

(4) EARMARK.—Of the amount provided in section 2405(a)(11)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

Subtitle C—Defense Base Closure and Realignment

SEC. 2831. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) EXCEPTION TO EXISTING REQUIREMENTS.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting "or (5)" after "paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the account established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) CORRESPONDING AMENDMENTS TO BASE CLOSURE LAWS.—(1) Section 207(a)(7) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended—

(A) in subparagraph (C), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal"; and

(B) in subparagraph (D), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

SEC. 2832. IN-KIND CONSIDERATION FOR LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary concerned may accept under subsection (b)(5) services of a lessee for an entire installation to be closed or realigned under a base closure law, or for any part of such installation, without regard to the requirement in subsection (b)(5) that a substantial part of the installation be leased.".

SEC. 2833. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding after paragraph (4), as added by section 2832 of this Act, the following new paragraph:

"(5)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

"(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final disposal decision with respect to the property, even if final disposal of the property is delayed until completion of the term of the interim lease. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

"(C) Subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

"(i) significantly affect the quality of the human environment; or

"(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.".

SEC. 2834. AUTHORITY TO LEASE PROPERTY REQUIRING ENVIRONMENTAL REMEDIATION AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended in the matter following subparagraph (C)—

(1) by striking out the first sentence; and

(2) by adding at the end, flush to the paragraph margin, the following:

"The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the real property is transferred is a potentially responsible party with respect to such property. The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to

whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.".

SEC. 2835. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary may transfer not more than $300,000 from unobligated funds in the account referred to in subparagraph (B) for the purpose of assisting the Commission in carrying out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

"(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

SEC. 2836. EXERCISE OF AUTHORITY DELEGATED BY THE ADMINISTRATOR OF GENERAL SERVICES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "Subject to subparagraph (C)" in the matter preceding clause (i) and inserting in lieu thereof "Subject to subparagraph (B)"; and

(B) by striking out "in effect on the date of the enactment of this Act" each place it appears in clauses (i) and (ii);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph (B):

"(B) The Secretary may, with the concurrence of the Administrator of General Services—

"(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

"(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority."; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

(a) AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) A lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.".

(b) USE OF FUNDS TO IMPROVE LEASED PROPERTY.—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by subsection (a), may improve the leased property using funds appropriated or otherwise available to the department or agency for such purpose.

SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS REGARDING DISPOSAL OF PROPERTY

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended to read as follows:

"(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6).".

(b) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(ii)(I) of such section is amended in the second sentence by striking out "the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)" and inserting in lieu thereof "the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)".

(c) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended—

(1) in clause (i)(II), by inserting "the Secretary of Defense and" before "the Secretary of Housing and Urban Development"; and

(2) in clause (ii), by striking out "the Secretary of Housing and Urban Development" and inserting in lieu thereof "such Secretaries".

(d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

"(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

"(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

"(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

"(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

"(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

"(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

"(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

"(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

"(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

"(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

"(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In

preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

"(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

"(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(e) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting "or (L)" after "subparagraph (K)".

(f) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following new subparagraph:

"(P) For purposes of this paragraph, the term 'other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.".

SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) 1988 LAW.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.".

(b) 1990 LAW.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.".

SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

"(3) Notwithstanding section 207(a)(7), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(b) 1990 LAW.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as property essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

"(3) Notwithstanding paragraph (2) of section 2906(a), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the congressional defense committees a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the congressional defense committees receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2841. USE OF SINGLE BASE CLOSURE AUTHORITIES FOR DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION OF BASE CLOSURE AUTHORITIES.—In the case of the property and facilities at Fort Holabird, Maryland, described in subsection (b), the Secretary of Defense shall dispose of such property and facilities in accordance with section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2838 of this Act.

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), but have not been disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that were approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that were prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

SEC. 2851. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2852. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2853. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsections (b) and (c), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation, Massachusetts, that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge.

(b) LAND CONVEYANCE.—Subject to subsection (c), the Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) REQUIREMENTS RELATING TO TRANSFER AND CONVEYANCE.—(1) The transfer under subsection (a) and the conveyance under subsection (b) may not be made unless the property to be transferred and conveyed is determined to be excess to the needs of the Department of Defense.

(2) The transfer and conveyance shall be made as soon as practicable after the date on which the property is determined to be excess to the needs of the Department of Defense.

(d) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectman of the Town. The cost of the survey shall be borne by the Town.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under subsection (a) and the conveyance under subsection (b) as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) DESIGNATION OF RECIPIENT.—Subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658) is amended by striking out "any grantee selected in accordance with subsection (e)" and inserting in lieu thereof "the County of Fairfax, Virginia (in this section referred to as the 'grantee'),".

(b) CONSIDERATION.—Subsection (b)(1) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) grant title, free of liens and other encumbrances, to the Department to such facilities and, if not already owned by the Department, to the underlying land; and".

(c) CONTENT OF AGREEMENT.—Subsection (c) of such section is amended to read as follows:

"(c) CONTENT OF AGREEMENT.—An agreement entered into under this section shall include the following:

"(1) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

"(2) A requirement that the construction of facilities and infrastructure improvements referred to in paragraph (1) be carried out in accordance with plans and specifications approved by the Secretary.

"(3) A requirement that the Secretary retain a lien or other security interest against the property conveyed to the grantee in the amount of the fair market value of the property, as determined under subsection (b)(2). The agreement will specify the terms for releasing the lien or other security interest, in whole or in part. In the event of default by the County on its obligations under the terms of the agreement, the Secretary shall enforce the lien or security interest. The proceeds obtained through enforcing the lien or security interest may be used by the Secretary to construct facilities and make infrastructure improvements in lieu of those provided for in the agreement.".

(d) SURVEYS.—Subsection (g) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: "The grantee shall be responsible for completing any such survey without cost to the United States.".

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking out "Subject to subsections (b) through (h), the" and inserting in lieu thereof "The";

(2) in subsection (b)(1), by striking out "subsection (c)(1)(D)" both places it appears and inserting in lieu thereof "subsection (c)(1)(A)";

(3) by striking out subsections (e) and (f); and

(4) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

SEC. 2855. LAND EXCHANGE, FORT LEWIS, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as "WRECO"), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Steilacoom Road, consisting of approximately 1.23 acres), and Tract 26E (consisting of 0.03 acre).

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States, by warranty deed acceptable to the Secretary, a 0.39 acre parcel of real property located adjacent to Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of the land conveyed under subsection (a).

(c) DETERMINATION OF FAIR MARKET VALUE.—The determinations of the Secretary regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by WRECO.

(e) EFFECT ON EXISTING REVERSIONARY INTEREST.—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 4.2 acres and located on Shallowford Road in Gainesville, Georgia, the site of the Army Reserve Center, Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres located in the Atlas Industrial Park, Gainesville, Georgia, that is acceptable to the Secretary;

(2) design and construct on such real property suitable facilities (as determined by the Secretary) for training activities of the Army Reserve to replace facilities conveyed under subsection (a);

(3) carry out, at cost to the City, any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the land conveyances under subsection (a) and paragraph (1) and the construction under paragraph (2);

(4) pay the Secretary the amount (as determined by the Secretary) equal to the cost of relocating Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed under paragraph (2); and

(5) if the fair market value of the real property conveyed by the Secretary under subsection (a) exceeds the fair market value of the consideration provided by the City under paragraphs (1) through (4), pay the United States the amount equal to the amount of such excess.

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be furnished by the City under subsection (b). Such determination shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 6.5 acres located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and a portion of the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army such amounts as may be necessary to cover morale, welfare, and recreation activities at Army installations in the general vicinity of Fort Ord during fiscal years 1996 through 2000. The amount deposited by the Secretary into the Account shall not exceed the fair market value, as established under subsection (b), of the two Fort Ord Golf Courses conveyed under subsection (a). The Secretary shall notify Congress of the amount to be deposited not later than 90 days after the date of the conveyance.

(2) The Secretary shall deposit the balance of any funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2860. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 31 acres located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the real property to be conveyed.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with the following services at the portion of Parks Reserve Forces Training Area retained by the Army:

(A) Relocation of the main gate of the retained Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on Dougherty Road, construction of a security facility, and construction of a roadway from the new entrance to Fifth Street.

(B) Enclosing and landscaping of the southern boundary of the retained Training Area installation located northerly of Dublin Boulevard.

(C) Enclosing and landscaping of the eastern boundary of the retained Training Area from Dublin Boulevard to Gleason Drive.

(D) Resurfacing of roadways within the retained Training Area.

(E) Provision of such other services in connection with the retained Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines, construction of drainage improvements, and construction of buildings, as the Secretary and the County may determine to be appropriate.

(F) Provision for and funding of any environmental mitigation that is necessary as a result of a change in use of the conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behalf of the Secretary by the Commander of Parks Reserve Forces Training Area. The preparation costs of such specifications shall be borne by the County.

(3) The fair market value of improvements and services received by the United States from the County under paragraph (1) must be equal to or exceed the appraised fair market value of the real property to be conveyed under subsection (a)(1). The appraisal of the fair market value of the property shall be subject to Secretary review and approval.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) TIME FOR TRANSFER OF TITLE.—The transfer of title to the County under subsection (a)(1) may be executed by the Secretary only upon the satisfactory guarantee by the County of completion of the services to be provided under subsection (b).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2861. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for the use and benefit of the Youngstown Fire Department.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms

and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) Conveyance Authorized.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) Requirement for Federal Screening of Property.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) Consideration.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) Requirements Relating to Property To Be Conveyed to United States.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) Interim Relocation of Army Personnel.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(f) Determination of Fair Market Value.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) Selection of Transferee.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(h) Descriptions of Property.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (g).

(i) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) Conveyance Authorized.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, that consists of approximately 6 acres, and any interest the United States may have in the improvements thereon.

(b) Consideration.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. MODIFICATION OF EXISTING LAND CONVEYANCE, ARMY PROPERTY, HAMILTON AIR FORCE BASE, CALIFORNIA.

(a) Application of Section.—The authority provided in subsection (b) shall apply only in the event that the purchaser purchases only a portion of the Sale Parcel referred to in section 9099 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1924) and exercises the purchaser's option to withdraw from the sale as to the rest of the Sale Parcel.

(b) Conveyance Authority in Event of Partial Sale.—The Secretary of the Army may convey to the City of Novato, California (in this section referred to as the "City")—

(1) that portion of the Sale Parcel (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site) that is not purchased as provided in subsection (a); and

(2) any of the land referred to in subsection (e) of such section 9099 that is not purchased by the purchaser.

(c) Consideration and Conditions on Conveyance.—The conveyance under subsection (b) shall be made as a public benefit transfer to the City for the sum of One Dollar, subject to the condition that the conveyed property be used for school, classroom, or other educational purposes or as a public park or recreation area.

(d) Subsequent Conveyance by the City.—(1) If, within 10 years after the conveyance under subsection (b), the City conveys all or any part of the conveyed property to a third party without the use restrictions specified in subsection (c), the City shall pay to the Secretary of the Army an amount equal to the proceeds received by the City from the conveyance, minus the demonstrated reasonable costs of making the conveyance and of any improvements made by the City to the property following its acquisition of the land (but only to the extent such improvements increase the value of the property conveyed). The Secretary of the Army shall deliver into the applicable closing escrow an acknowledgement of receipt of the proceeds and a release of the reverter right under subsection (e) as to the affected land, effective upon such receipt.

(2) Until one year after the completion of the cleanup of contaminated soil in the Landfill located on the Sale Parcel and completion of the groundwater treatment facilities, any conveyance by the City must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification for the purchase of the Sale Parcel by the purchaser. Thereafter, any conveyance by the City must be at a price at least equal to the fair market value of the portion sold.

(3) This subsection shall not apply to a conveyance by the City to another public or quasi-public agency for public uses of the kind described in subsection (c).

(e) Reversion.—If the Secretary of the Army determines that the City has failed to make a payment as required by subsection (d)(1) or that any portion of the conveyed property retained by the City or conveyed under subsection (d)(3) is not being utilized in accordance with subsection (c), title to the applicable portion of such property shall revert to the United States at the election of the Administrator of the General Services Administration.

(f) Special Conveyance Regarding Building 138 Parcel.—The Secretary of the Army may convey to the purchaser of the Sale Parcel the Building 138 parcel, which has been designated by the parties as Parcel A4. The per-acre price for the portion conveyed under this subsection shall be at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, dated September 25, 1990, as amended.

PART II—NAVY CONVEYANCES

SEC. 2865. TRANSFER OF JURISDICTION, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) Transfer Authorized.—Notwithstanding section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3058), the Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 150 acres located adjacent to the Calverton National Cemetery, Calverton, New York, and comprising a portion of the buffer zone of the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) Use of Property.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Calverton National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) Survey.—The cost of any survey necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2866. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended to read as follows:

"(c) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Community Development Agency in exchange for security services, fire protection services, and maintenance services provided by the Community Development Agency for the property.".

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a) or a lease under subsection (c)".

SEC. 2867. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614), as amended by section 2833 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1896) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3057), is further amended by adding at the end the following new paragraphs:

"(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under that paragraph, the Secretary may convey, without consideration, the property described in that paragraph to the City of Oakland, California, the Port of Oakland, California, the City of Alameda, California, or the City of Richmond, California, under such terms and conditions as the Secretary considers appropriate.

"(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to the Secretary. The cost of each survey shall be borne by the recipient of the property.".

SEC. 2868. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing the Naval Weapons Industrial Reserve Plant, McGregor, Texas.

(2) After screening the facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel for other uses by the Department of the Navy, the Secretary may include in the conveyance under paragraph (1) any facilities, equipment, and fixtures on the parcel not to be so used if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance under paragraph (1).

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection services, and maintenance services provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2869. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2870. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating members of the Armed Forces residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such members under subsection (e); and

(E) carry out such activities for the operation, maintenance, and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES.—In providing for the education of dependents of members of the Armed Forces under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(1) meet such standards for schools and schools districts as the Secretary shall establish; and

(2) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF MEMBERS OF THE ARMED FORCES.—Pending completion of the

construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate—

(1) members of the Armed Forces residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B); and

(2) other Government tenants located on such property to other facilities.

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (i).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2871. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to the Port of Stockton, California (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station, Stockton, California.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions satisfactory to the Secretary.

(d) CONSIDERATION.—The conveyance may be made as a public benefit conveyance for port development as defined in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) if the Port satisfies the criteria in such section and the regulations prescribed to implement such section. If the Port fails to qualify for a public benefit conveyance and still desires to acquire the property, the Port shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(e) FEDERAL LEASE OF CONVEYED PROPERTY.—As a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port lease to the Department of Defense or any other Federal agency all or any part of the property being used by the Federal Government at the time of conveyance. Any such lease shall be made under the same terms and conditions as in force at the time of the conveyance. Such terms and conditions will continue to include payment to the Port for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State, and local laws and ordinances.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LEASE OF PROPERTY, NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) LEASE AUTHORIZED.—Notwithstanding section 2692(a)(1) of title 10, United States Code, the Secretary of the Navy may lease to the City of San Diego, California (in this subsection referred to as the "City"), the parcel of real property, including improvements thereon, described in subsection (b) in order to permit the City to carry out activities on the parcel relating to solid waste management, including the operation and maintenance of one or more solid waste landfills. Pursuant to the lease, the Secretary may authorize the City to construct and operate on the parcel facilities related to solid waste management, including a sludge processing facility.

(b) COVERED PROPERTY.—The parcel of property to be leased under subsection (a) is a parcel of real property consisting of approximately 1,400 acres that is located at Naval Air Station, Miramar, California, or Marine Corps Air Station, Miramar, California.

(c) LEASE TERM.—The lease authorized under subsection (a) shall be for an initial term of not more than 50 years. Under the lease, the Secretary may provide the City with an option to extend the lease for such number of additional periods of such length as the Secretary considers appropriate.

(d) FORM OF CONSIDERATION.—The Secretary may provide in the lease under subsection (a) for the provision by the City of in-kind consideration under the lease.

(e) USE OF MONEY RENTALS.—In such amounts as are provided in advance in appropriation Acts, the Secretary may use money rentals received by the Secretary under the lease authorized under subsection (a) to carry out the following programs at Department of the Navy installations that utilize the solid waste landfill or landfills located on the leased property:

(1) Environmental programs, including natural resource management programs, recycling programs, and pollution prevention programs.

(2) Programs to improve the quality of military life, including programs to improve military unaccompanied housing and military family housing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) DEFINITIONS.—In this section, the terms "sludge", "solid waste", and "solid waste management" have the meanings given such terms in paragraphs (26A), (27), and (28), respectively, of section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

PART III—AIR FORCE CONVEYANCES

SEC. 2874. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SOUTH CAROLINA.

(a) LAND ACQUISITION.—By means of an exchange of property, acceptance as a gift, or other means that do not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) LAND EXCHANGE AUTHORIZED.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and interest of the United States in and to a parcel of real property in the possession of the Air Force if—

(1) the Secretary determines that the land exchange is in the best interests of the Air Force; and

(2) the fair market value of the parcel to be conveyed by the Secretary does not exceed the fair market value of the parcel to be acquired by the Secretary.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b). Such determinations shall be final.

(d) REVERSION OF GIFT CONVEYANCE.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2875. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE TO PRIVATE PERSON AUTHORIZED.—The Secretary of the Air Force may convey to such private person as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Alaska, and identified in land lease W–95–507–ENG–58.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the purchaser

shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W-95-507-ENG-58, with an expiration date of June 13, 2024.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the purchaser of the property—

(1) permit the lease of the apartment complex located on the property by members of the Armed Forces stationed at Elmendorf Air Force Base and their dependents; and

(2) maintain the apartment complex in a condition suitable for such leases.

(d) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the amount received from the purchaser under subsection (b) in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser of the real property.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2876. LAND CONVEYANCE, RADAR BOMB SCORING SITE, FORSYTH, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Forsyth, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of property (including any improvements thereon) consisting of approximately 58 acres located in Forsyth, Montana, which has served as a support complex and recreational facilities for the Radar Bomb Scoring Site, Forsyth, Montana.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with paragraph (1) or paragraph (2) of subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2877. LAND CONVEYANCE, RADAR BOMB SCORING SITE, POWELL, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Northwest College Board of Trustees (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 24 acres located in Powell, Wyoming, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Powell, Wyoming.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board use the property conveyed under that subsection for housing and recreation purposes and for such other purposes as the Secretary and the Board jointly determine appropriate.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date that the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed property is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2878. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the County, directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Land Conveyances Involving Utilities

SEC. 2881. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Burlington County, New Jersey (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately six acres and containing a resource recovery facility, known as the Fort Dix resource recovery facility.

(b) RELATED EASEMENTS.—The Secretary may grant to the County any easement that is necessary for access to and operation of the resource recovery facility conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the resource recovery facility authorized by subsection (a) unless the County agrees to accept the facility in its existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance of the resource recovery facility authorized by subsection (a) is subject to the following conditions:

(1) That the County provide refuse and steam service to Fort Dix, New Jersey, at the rate established by the appropriate Federal or State regulatory authority.

(2) That the County comply with all applicable environmental laws and regulations (including any permit or license requirements) relating to the resource recovery facility.

(3) That the County assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the resource recovery facility.

(4) That the County not commence any expansion of the resource recovery facility without approval of such expansion by the Secretary.

(e) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements to be granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2882. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the water and wastewater treatment plants and distribution and collection systems conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water and wastewater treatment plants and distribution and collection systems authorized by subsection (a) unless the City agrees to accept the water and wastewater

treatment plants and distribution and collection systems in their existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the City comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the real property conveyed under subsection (a).

(3) That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

(4) That the City not commence any expansion of the water and wastewater treatment plants and distribution and collection systems without approval of such expansion by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2883. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the "Company"), all right, title, and interest of the United States in and to the electricity distribution system located at Fort Irwin, California.

(b) DESCRIPTION OF SYSTEM AND CONVEYANCE.—The electricity distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electricity distribution lines (including poles, switches, reclosers, transformers, regulators, switchgears, and service lines) and includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electricity services at Fort Irwin. The system does not include any real property.

(c) RELATED EASEMENTS.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electricity distribution system conveyed under subsection (a).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the electricity distribution system authorized by subsection (a) unless the Company agrees to accept the electricity distribution system in its existing condition at the time of the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the Company provide electricity service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the Company comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the electricity distribution system.

(3) That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electricity distribution system.

(4) That the Company not commence any expansion of the electricity distribution system without approval of such expansion by the Secretary.

(f) DESCRIPTION OF EASEMENT.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2884. CONVEYANCE OF WATER TREATMENT PLANT, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at Fort Pickett, Virginia:

(A) A parcel of real property consisting of approximately 10 acres, including a reservoir and improvements thereon, the site of the Fort Pickett water treatment plant.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are jointly identified by the Secretary and the Town as owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Pickett.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the finished water lines from the system to the Town.

(3) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal, State, or municipal agency relating to the maintenance of a buffer zone around the water distribution system.

(c) WATER RIGHTS.—The Secretary shall grant to the Town as part of the conveyance under subsection (a) all right, title, and interest of the United States in and to any water of the Nottoway River, Virginia, that is connected with the reservoir referred to in paragraph (2)(A) of such subsection. The grant of such water rights shall not impair the right that any other local jurisidiction may have to withdraw water from the Nottoway River, on or after the date of the enactment of this Act, pursuant to the law of the Commonwealth of Virginia.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized under subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the system to be conveyed under this section before carrying out the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town reserve for provision to Fort Pickett, and provide to Fort Pickett on demand, not less than 1,500,000 million gallons per day of treated water from the water distribution system.

(2) That the Town provide water to and distribute water at Fort Pickett at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Town maintain and operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), of any easements granted under subsection (b), and of any water rights granted under subsection (c) shall be determined by a survey and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the Town.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a), the easements granted under subsection (b), and the water rights granted under subsection (c) that the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2891. AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATIONAL PURPOSES.

Section 2008 of title 10, United States Code, is amended by striking out "section 10" and all that follows through the period at the end and inserting in lieu thereof "construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.".

SEC. 2892. DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program (to be known as the "Department of Defense Laboratory Revitalization Demonstration Program") for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For purpose of any military construction project carried out under the program—

(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall—

(A) designate the Department of Defense laboratories at which construction may be carried out under the program; and

(B) establish procedures for the review and approval of requests from such laboratories to carry out such construction.

(2) The laboratories designated under paragraph (1)(A) may not include Department of Defense laboratories that are contractor owned.

(3) The Secretary shall notify Congress of the laboratories designated under paragraph (1)(A).

(d) REPORT.—Not later than February 1, 1998, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendations regarding the desirability of extending the authority set forth in subsection (b) to cover all Department of Defense laboratories.

(e) EXCLUSIVITY OF PROGRAM.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

(f) DEFINITIONS.—In this section:

(1) The term "laboratory" includes—

(A) a research, engineering, and development center;

(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

(C) a supporting facility of a laboratory.

(2) The term "supporting facility", with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

(g) EXPIRATION OF AUTHORITY.—The Secretary may not commence a construction project under the program after September 30, 1998.

SEC. 2893. AUTHORITY FOR PORT AUTHORITY OF STATE OF MISSISSIPPI TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the "Port Authority"), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (in this section referred to as the "Center").

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the Port Authority shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration of the roads, railways, and facilities serving the Center.

(2) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY PORT AUTHORITY.—The Secretary may authorize the Port Authority to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the Port Authority and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2894. PROHIBITION ON JOINT USE OF NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that provides for or permits civil aircraft to regularly use Naval Air Station or Marine Corps Air Station, Miramar, California.

SEC. 2895. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report setting forth—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to respond affirmatively to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

SEC. 2896. RESIDUAL VALUE REPORTS.

(a) REPORTS REQUIRED.—The Secretary of Defense, in coordination with the Director of the Office of Management and Budget, shall submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany. Such status reports shall be submitted within 30 days after the receipt of such reports by the Office of Management and Budget.

(b) CONTENT OF STATUS REPORTS.—The status reports required by subsection (a) shall include the following information:

(1) The estimated residual value of United States capital value and improvements to facilities in Germany that the United States has turned over to Germany.

(2) The actual value obtained by the United States for each facility or installation turned over to Germany.

(3) The reasons for any difference between the estimated and actual value obtained.

SEC. 2897. SENSE OF CONGRESS AND REPORT REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) Fitzsimons Army Medical Center in Aurora, Colorado, was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services.

(3) Reuse of the Fitzsimons Army Medical Center at the earliest opportunity would provide significant benefit to the cities of Aurora, Colorado, and Denver, Colorado.

(4) Reuse of the Fitzsimons Army Medical Center by the communities in the vicinity of the center will ensure that the center is fully utilized, thereby providing a benefit to such communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) determinations as to the use by other departments and agencies of the Federal Government of buildings and property at military installations approved for closure under the Defense Base Closure and Realignment Act of 1990, including Fitzsimons Army Medical Center, Colorado, should be completed as soon as practicable;

(2) the Secretary of Defense should consider the expedited transfer of appropriate facilities (including facilities that remain operational) at such installations to the redevelopment authorities for such installations in order to ensure continuity of use of such facilities after the closure of such installations, in particular, the Secretary should consider the expedited transfer of the Fitzsimons Army Medical Center because of the significant preparation underway by the redevelopment authority concerned;

(3) the Secretary should not enter into leases with redevelopment authorities for facilities at such installations until the Secretary determines that such leases fall within the categorical exclusions established by the Secretary pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the closure and redevelopment of Fitzsimons Army Medical Center.

(2) The report shall include the following:

(1) The results of the determinations as to the use of buildings and property at Fitzsimons Army Medical Center by other departments and agencies of the Federal Government under section 2905(b)(1) of the Defense Base Closure and Realignment Act of 1990.

(2) A description of any actions taken to expedite such determinations.

(3) A discussion of any impediments raised as a result of such determinations to the transfer or lease of Fitzsimons Army Medical Center.

(4) A description of any actions taken by the Secretary to lease Fitzsimons Army Medical Center to the redevelopment authority.

(5) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army.

(6) The results of the environmental baseline survey regarding Fitzsimons Army Medical Center and a finding of suitability or nonsuitability.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

SEC. 2901. SHORT TITLE.

This title may be cited as the "Illinois Land Conservation Act of 1995".

SEC. 2902. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) AGRICULTURAL PURPOSES.—The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) ARSENAL.—The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) ARSENAL LAND USE CONCEPT.—The term "Arsenal land use concept" means the land use proposals that were developed and unanimously approved on May 30, 1995, by the Joliet Arsenal Citizen Planning Commission.

(5) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(6) ENVIRONMENTAL LAW.—The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment. Such term includes CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) MNP.—The term "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 2914 and managed as a part of the National Forest System.

(9) PERSON.—The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) RELEASE.—The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) RESPONSE ACTION.—The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

Subtitle A—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

SEC. 2911. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this title shall be in accordance with sections 2914 and 2915 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary, unless the Secretary of the Army and the Secretary of Agriculture agree otherwise. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) GENERAL RULE FOR TRANSFER OF JURISDICTION.—

(1) TRANSFER REQUIRED SUBJECT TO RESPONSE ACTIONS.—Subject to subsection (d), not later than 270 days after the date of the enactment of this title, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture those portions of the Arsenal that—

(A) are identified on the map described in subsection (e)(1) as appropriate for transfer under this subsection to the Secretary of Agriculture; and

(B) the Secretary of the Army and the Administrator concur in finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) EFFECT OF LESS THAN COMPLETE TRANSFER.—If the concurrence requirement in paragraph (1)(B) results in the transfer, within such 270-day period, of less than all of the Arsenal property covered by paragraph (1)(A), the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the additional response actions necessary to allow fulfillment of the concurrence requirement with respect to such Arsenal property. The memorandum of understanding shall be entered into within 60 days of the end of such 270-day period and shall include a schedule for the completion of the additional response actions as soon as practicable. Subject to subsection (d), the Secretary of the Army shall transfer Arsenal property covered by this paragraph to the Secretary of Agriculture as soon as possible after the Secretary of the Army and the Administrator concur that all additional response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this paragraph on a parcel-by-parcel basis.

(3) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—For the purpose of reaching the concurrences required by this subsection and subsection (b), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(b) SPECIAL TRANSFER REQUIREMENTS FOR CERTAIN PARCELS.—Subject to subsection (d), the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture the Arsenal property known as LAP Area Sites L2, L3, and L5 and Manufacturing Area Site 1. The transfer shall occur as soon as possible after the Secretary of the Army and the Administrator concur that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this subsection on a parcel-by-parcel basis.

(c) DOCUMENTATION OF ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) DOCUMENTATION.—The Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all documentation and information that exists on the date the documentation and information is provided relating to the environmental condition of the Arsenal property proposed for transfer under subsection (a) or (b), including documentation that supports the finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) ASSESSMENT.—The Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) on the Arsenal property proposed for transfer under subsection (a) or (b).

(3) TIME FOR SUBMISSION OF DOCUMENTATION AND ASSESSMENT.—The documentation and assessments required to be submitted to the Secretary of Agriculture under this subsection shall be submitted—

(A) in the case of the transfers required by subsection (a), not later than 210 days after the date of the enactment of this title; and

(B) in the case of the transfers required by subsection (b), not later than 60 days before the earliest date on which the property could be transferred.

(4) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of property to be transferred under subsection (a) or (b) as such information becomes available.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE IMMEDIATE TRANSFER.—If a parcel of Arsenal property to be transferred under subsection (a) or (b) includes property for which the assessment under subsection (c)(2) concludes further action is required under any environmental law (other than CERCLA), the Secretary of Agriculture may decline immediate transfer of the parcel. With respect to such a parcel, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment. The

memorandum of understanding shall be entered into within 90 days after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—In the case of a parcel of Arsenal property that the Secretary of Agriculture declines immediate transfer under paragraph (1), the Secretary may accept transfer of the parcel at any time after the original finding with respect to the parcel that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the terms of any memorandum of understanding have been satisfied.

(e) IDENTIFICATION OF ARSENAL PROPERTY FOR TRANSFER.—

(1) MAP OF PROPOSED TRANSFERS.—The lands subject to transfer to the Secretary of Agriculture under subsections (a) and (b) and section 2916 are depicted on the map dated September 22, 1995, which is on file and available for public inspection at the Office of the Chief of the Forest Service and the Office of the Assistant Secretary of the Army for Installations, Logistics and the Environment.

(2) METHOD OF EFFECTING TRANSFER.—The Secretary of the Army shall effect the transfer of jurisdiction of Arsenal property under subsections (a) and (b) and section 2916 by publication of notices in the Federal Register. The Secretary of Agriculture shall give prior concurrence to the publication of such notices. Each notice published in the Federal Register shall refer to the parcel being transferred by legal description, references to maps or surveys, or other forms of description mutually acceptable to the Secretary of the Army and the Secretary of Agriculture. The Secretary of the Army shall provide, without reimbursement, to the Secretary of Agriculture copies of all surveys and land title information on lands transferred under this section or section 2916.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 2913. RESPONSIBILITY AND LIABILITY.

(a) CONTINUED LIABILITY OF SECRETARY OF THE ARMY.—The transfers of Arsenal property under sections 2912 and 2916, and the requirements of such sections, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in this section. The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary of the Army has under CERCLA or other environmental laws. Following transfer of a portion of the Arsenal under this subtitle, the Secretary of the Army shall be accorded any easement or access to the property that may be reasonably required by the Secretary to carry out the obligation or satisfy the liability.

(b) SPECIAL PROTECTIONS FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be liable under any environmental law for matters which are related directly or indirectly to activities of the Secretary of the Army at the Arsenal or any party acting under the authority of the Secretary of the Army at the Arsenal, including any of the following:

(1) Costs or performance of response actions required under CERCLA at or related to the Arsenal.

(2) Costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant or contaminant, hazardous waste, or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum products or their derivatives.

(3) Costs or performance of actions necessary to remedy noncompliance or another problem specified in paragraph (2).

(c) LIABILITY OF OTHER PERSONS.—Nothing in this title shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in subsection (b) with respect to the Secretary of Agriculture.

(d) PAYMENT OF RESPONSE ACTION COSTS.—A Federal agency that had or has operations at the Arsenal resulting in the release or threatened release of a hazardous substance or pollutant or contaminant for which that agency would be liable under any environmental law, subject to the provisions of this subtitle, shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or the derivatives of the products, including motor oil and aviation fuel.

(e) CONSULTATION.—

(1) RESPONSIBILITY OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the management by the Secretary of Agriculture of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(2) RESPONSIBILITY OF SECRETARY OF THE ARMY.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and the other provisions of sections 2914 and 2915.

SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 2912(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 2912(b) or 2916 or acquired under section 2914(d).

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Natural Resources and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this title after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 2915(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) AVAILABILITY OF LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the Secretary of Agriculture may use monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) for the acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire lands or interests therein for inclusion in the Midewin National Tallgrass Prairie by donation, purchase, or exchange, except that the acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate, and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any

portion of the Midewin National Tallgrass Prairie. Nothing in this title shall preclude construction and maintenance of roads for use within the MNP, the granting of authorizations for utility rights-of-way under applicable Federal law, or such access as is necessary. Nothing in this title shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this title.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 2912 or 2916 there exists any lease issued by the Secretary of the Army or the Secretary of Defense for agricultural purposes upon the parcel transferred, the Secretary of Agriculture shall issue a special use authorization to supersede the lease. The terms of the special use authorization shall be identical in substance to the lease that the special use authorization is superseding, including the expiration date and any payments owed the United States. On issuance of the special use authorization, the lease shall become void.

(2) In addition to the authority provided in paragraph (1), the Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date 20 years from the date of the enactment of this title, except that nothing in this title shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this title for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received under a special use authorization issued under subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Act of May 23, 1908, and section 13 of the Act of March 1, 1911 (16 U.S.C. 500). All monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund (to be known as the "MNP Rental Fee Account"). The Secretary of Agriculture may use amounts in the fund, until expended and without fiscal year limitation, to cover the cost to the United States of prairie improvement work at the Midewin National Tallgrass Prairie. Any amounts in the fund that the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which the transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this title.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund (to be known as the "Midewin National Tallgrass Prairie Restoration Fund"). The Secretary of Agriculture may use amounts in the fund, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP. The Secretary of Agriculture shall include the MNP among the areas under the jurisdiction of the Secretary selected for inclusion in any cost recovery or any pilot program of the Secretary for the collection, use, and distribution of user fees.

SEC. 2916. SPECIAL TRANSFER RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—The following areas of the Arsenal may be transferred under this section:

(1) Study Area 2, explosive burning ground.
(2) Study Area 3, flashing ground.
(3) Study Area 4, lead azide area.
(4) Study Area 10, toluene tank farms.
(5) Study Area 11, landfill.
(6) Study Area 12, sellite manufacturing area.
(7) Study Area 14, former pond area.
(8) Study Area 15, sewage treatment plan.
(9) Study Area L1, load assemble packing area, group 61.
(10) Study Area L4, landfill area.
(11) Study Area L7, group 1.
(12) Study Area L8, group 2.
(13) Study Area L9, group 3.
(14) Study Area L10, group 3A.
(15) Study Area L14, group 4.
(16) Study Area L15, group 5.
(17) Study Area L18, group 8.
(18) Study Area L19, group 9.
(19) Study Area L33, PVC area.
(20) Any other lands proposed for transfer as depicted on the map described in section 2912(e)(1) and not otherwise specifically identified for transfer under this subtitle.

(b) INFORMATION REGARDING ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) INFORMATION.—Not later than 180 days after the date on which the Secretary of the Army and the Administrator concur in finding that, with respect to a parcel of Arsenal property described in subsection (a), all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the parcel, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all information that exists on such date regarding the environmental condition of the parcel and the implementation of any response action, including information regarding the effectiveness of the response action.

(2) ASSESSMENT.—At the same time as information is provided under paragraph (1) with regard to a parcel of Arsenal property described in subsection (a), the Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) with respect to the parcel.

(3) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of a parcel of the Arsenal property described in subsection (a) as such information becomes available.

(c) OFFER OF TRANSFER.—Not later than 180 days after the date on which information is provided under subsection (b)(1) with regard to a parcel of the Arsenal property described in subsection (a), the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the parcel, without reimbursement, to be added to the Midewin National Tallgrass Prairie. The transfer shall be subject to the terms and conditions of this subtitle, including the liability provisions contained in section 2913. The Secretary of Agriculture has the option to accept or decline the offered transfer. The transfer of property under this section may be made on a parcel-by-parcel basis.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE TRANSFER.—If a parcel of Arsenal property described in subsection (a) includes property for which the assessment under subsection (b)(2) concludes further action is required under any other environmental law, the Secretary of Agriculture may decline any transfer of the parcel. Alternatively, the Secretary of Agriculture may decline immediate transfer of the parcel and enter into a memorandum of understanding with the Secretary of the Army providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment with respect to the parcel. The memorandum of understanding shall be entered into within 90 days, or such later date as the Secretaries may establish, after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—The Secretary of Agriculture may accept or decline at any time for any reason the transfer of a parcel covered by this section. However, if the Secretary of Agriculture and the Secretary of the Army enter into a memorandum of understanding under paragraph (1) providing for transfer of the parcel, the Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the requirements of the memorandum of understanding have been satisfied.

(e) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—For the purpose of the reaching the concurrence required by subsection (b)(1), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(f) INCLUSIONS AND EXCEPTIONS.—

(1) INCLUSIONS.—The parcels of Arsenal property described in subsection (a) shall include all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the manufacturing and load assembly and packing sites of the Arsenal as shown in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant, Joliet, Illinois (May 30, 1993, Contract No. DAAA15–90–D–0015 task order No. 6 prepared for the United States Army Environmental Center).

(2) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for transfer or conveyance under subtitle B.

Subtitle B—Other Land Conveyances Involving Joliet Army Ammunition Plant

SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery operated as part of the National Cemetery System of the Department of Veterans Affairs under chapter 24 of title 38, United States Code.

(b) DESCRIPTION OF PROPERTY.—The real property authorized to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31, Jackson Township, Township 34 North, Range 10 East, and part of sections 25 and 36, Channahon Township, Township 34 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

SEC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property authorized to be conveyed under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8, 9, 16, and 17, Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Department of the Army, the Department of Veterans Affairs, and the Department of Agriculture (or their agents or assigns) may use the landfill established on the real property conveyed under subsection (a) for the disposal of construction debris, refuse, and other materials related to any restoration and cleanup of Arsenal property. Such use shall be subject to applicable environmental laws and at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—If, at the end of the five-year period beginning on the date of the conveyance under subsection (a), the Secretary of Agriculture determines that the conveyed property is not opened for operation as a landfill, then, at the option of the Secretary of Agriculture, all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. Upon any such reversion, the property shall be included in the Midewin National Tallgrass Prairie. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property.

(e) INFORMATION REGARDING ENVIRONMENTAL CONDITIONS.—At the request of the Secretary of Agriculture, Will County, the Secretary of the Army, and the Administrator shall provide to the Secretary of Agriculture all information in their possession at the time of the request regarding the environmental condition of the real property to be conveyed under this section. The liability and responsibility of any person under any environmental law shall remain unchanged with respect to the landfill, except as provided in this title, including section 2913.

(f) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by Will County, Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR INDUSTRIAL PARKS.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey to the State of Illinois, all right, title, and interest of the United States in and to the parcels of real property at the Arsenal described in subsection (b), which shall be used as industrial parks to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property at the Arsenal authorized to be transferred under subsection (a) consists of the following parcels:

(1) A parcel of approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511 feet by 596 feet around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal land use concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993.

(2) A parcel of approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, and 18 in Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONSIDERATION.—

(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the State of Illinois shall pay to the United States an amount equal to fair market value of the conveyed property as of the time of the conveyance.

(2) EFFECT OF RECONVEYANCE BY STATE.—If the State of Illinois reconveys all or any part of the conveyed property during such 20-year period, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the State.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Secretary of the Army may treat a lease of the property within such 20-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (2).

(5) DEPOSIT OF PROCEEDS.—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(d) CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois, in consultation with the Mayor of the Village of Elwood, Illinois, and the Mayor of the City of Wilmington, Illinois, establish a redevelopment authority to be responsible for overseeing the development of the industrial parks on the conveyed property.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this title.

(e) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by the State of Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle C—Miscellaneous Provisions

SEC. 2931. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this title shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under subtitle A and the additional real property transfers or conveyances authorized under subtitle B shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under subtitle B shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

SEC. 2932. RETENTION OF PROPERTY USED FOR ENVIRONMENTAL CLEANUP.

(a) RETENTION OF CERTAIN PROPERTY.—Unless and until the Arsenal property described in this subsection is actually transferred or conveyed under this title or other applicable law, the Secretary of the Army may retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(1) water treatment;

(2) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(3) other purposes related to any response action at the Arsenal; and

(4) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(b) Conditions.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this section and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and with the other provisions of sections 2914 and 2915.

(c) Priority of Response Actions.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action required under CERCLA, or any other action required under any other environmental law, including actions to remediate petroleum products or their derivatives, the response action or other action shall take priority.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) Stockpile Stewardship.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,567,175,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,159,708,000, to be allocated as follows:

(A) For operation and maintenance, $1,078,403,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,305,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $17,995,000.

(2) For inertial fusion, $240,667,000, to be allocated as follows:

(A) For operation and maintenance, $203,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $37,400,000:

Project 96–D–111, national ignition facility, location to be determined, $37,400,000.

(3) For technology transfer and education, $160,000,000.

(4) For Marshall Islands, $6,800,000.

(b) Stockpile Management.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,025,083,000, to be allocated as follows:

(1) For operation and maintenance, $1,911,458,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.

Project 96–D–126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex–21, various locations, $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $13,400,000.

(c) Program Direction.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $115,000,000.

(d) Adjustments.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) $37,200,000, for savings resulting from procurement reform; and

(2) $209,744,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) Environmental Restoration.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,635,973,000.

(b) Waste Management.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,470,598,000, to be allocated as follows:

(1) For operation and maintenance, $2,295,994,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $174,604,000, to be allocated as follows:

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $42,000,000.

Project 96–D–407, mixed waste/low-level waste treatment projects, Rocky Flats Plant, Golden, Colorado, $2,900,000.

Project 96–D–408, waste management upgrades, various locations, $5,615,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland Washington, $1,000,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,000,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $6,606,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $5,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $19,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River Site, Aiken, South Carolina, $1,000,000.

(c) Technology Development.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and

waste management activities necessary for national security programs in the amount of $440,510,000.

(d) Transportation Management.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $13,158,000.

(e) Nuclear Materials and Facilities Stabilization.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,561,854,000 to be allocated as follows:

(1) For operation and maintenance, $1,447,108,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $114,746,000, to be allocated as follows:

Project 96–D–457, thermal treatment system, Richland Washington, $1,000,000.

Project 96–D–458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–468, residue elimination project, Rocky Flats Plant, Golden, Colorado, $33,100,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savannah River Site, South Carolina, $6,000,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and plant annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(f) Compliance and Program Coordination.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $46,251,000, to be allocated as follows:

(1) For operation and maintenance, $31,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of a project authorized in prior years, and land acquisition related thereto):

Project 95–E–600, hazardous materials training center, Richland, Washington, $15,000,000.

(g) Analysis, Education, and Risk Management.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $78,522,000.

(h) Adjustments.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (g) reduced by the sum of—

(1) $652,334,000, for use of prior year balances; and

(2) $37,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) Other Defense Activities.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,351,975,600, to be allocated as follows:

(1) For verification and control technology, $428,205,600, to be allocated as follows:

(A) For nonproliferation and verification research and development, $224,905,000.

(B) For arms control, $160,964,600.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $20,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $17,679,000.

(6) For worker and community transition assistance, $82,500,000.

(7) For fissile materials disposition, $70,000,000.

(8) For emergency management, $23,321,000.

(9) For naval reactors development, $682,168,000, to be allocated as follows:

(A) For operation and infrastructure, $652,568,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $29,600,000, to be allocated as follows:

Project GPN–101, general plant projects, various locations, $6,600,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,000,000.

(b) Adjustment.—The total amount authorized to be appropriated pursuant to this section is the amount authorized to be appropriated in subsection (a) reduced by $70,000,000, for use of prior year balances.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $248,400,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) In General.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) Report.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Limitations.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) In General.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) Report to Congress.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS.

(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF FUNDS.—(1) Not later than 30 days after the date of the enactment of this Act, and thereafter not later than April 1 and October 1 of each year, the Secretary of Energy shall submit to Congress a report on each obligation during the preceding six months of funds appropriated for a program described in subsection (a).

(2) Each such report shall specify—

(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;

(B) the amount of the obligation;

(C) the activities and forms of assistance for which the Secretary anticipates obligating funds during the six months immediately following the report, and the amount of each such anticipated obligation; and

(D) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy has obligated funds referred to in subparagraph (A).

SEC. 3132. NATIONAL IGNITION FACILITY.

None of the funds authorized to be appropriated pursuant to this title for construction of the National Ignition Facility may be obligated until—

(1) the Secretary of Energy determines that the construction of the National Ignition Facility will not impede the nuclear nonproliferation objectives of the United States; and

(2) the Secretary of Energy notifies the congressional defense committees of that determination.

SEC. 3133. TRITIUM PRODUCTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall—

(1) complete the tritium supply and recycling environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(2) assess alternative means for tritium production, including production through—

(A) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the plutonium disposition requirements of the United States for nuclear weapons;

(B) an accelerator; and

(C) multipurpose reactor projects carried out by the private sector and the Government.

(b) FUNDING.—Of funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $50,000,000 shall be available for the tritium production program established pursuant to subsection (a).

(c) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(d) COST-BENEFIT ANALYSIS.—(1) The Secretary shall include in the statements referred to in paragraph (2) a comparison of the costs and benefits of carrying out two projects for the separate performance of the tritium production mission of the Department and the plutonium disposition mission of the Department with the costs and benefits of carrying out one multipurpose project for the performance of both such missions.

(2) The statements referred to in paragraph (1) are—

(A) the environmental impact statement referred to in subsection (a)(1);

(B) the plutonium disposition environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(C) assessments related to the environmental impact statements referred to in subparagraphs (A) and (B).

(e) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the tritium production program established pursuant to subsection (a). The report shall include a specification of—

(1) the planned expenditures of the Department during fiscal year 1996 for any of the alternative means for tritium production assessed under subsection (a)(2);

(2) the amount of funds required to be expended by the Department, and the program milestones (including feasibility demonstrations) required to be met, during fiscal years 1997 through 2001 to ensure tritium production beginning not later than 2005 that is adequate to meet the tritium requirements of the United States for nuclear weapons; and

(3) the amount of such funds to be expended and such program milestones to be met during such fiscal years to ensure such tritium production beginning not later than 2011.

(f) TRITIUM TARGETS.—Of the funds made available pursuant to subsection (b), not more than $5,000,000 shall be available for the Idaho National Engineering Laboratory for the test

and development of nuclear reactor tritium targets for the types of reactors assessed under subsection (a)(2)(A).

SEC. 3134. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties in the amount of $350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Colorado.

SEC. 3135. FISSILE MATERIALS DISPOSITION.

(a) IN GENERAL.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 pursuant to section 3103, $70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition (including storage and disposition through the use of advanced light water reactors and gas turbine gas-cooled reactors) of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States.

(b) AVAILABILITY OF FUNDS FOR MULTIPURPOSE REACTORS.—Of funds made available pursuant to subsection (a), sufficient funds shall be made available for the complete consideration of multipurpose reactors for the disposition of fissile materials in the programmatic environmental impact statement of the Department.

(c) LIMITATION.—Of funds made available pursuant to subsection (a), $10,000,000 shall be available only for a plutonium resource assessment.

SEC. 3136. TRITIUM RECYCLING.

(a) IN GENERAL.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) EXCEPTION.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the defense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

SEC. 3137. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) MANUFACTURING PROGRAM.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the capabilities of meeting the following objectives as specified in the Nuclear Posture Review:

(1) To provide a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To fabricate and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y-12 Plant, Oak Ridge, Tennessee.

(3) The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.

(4) The non-nuclear component capabilities of the Kansas City Plant.

(c) NUCLEAR POSTURE REVIEW.—For purposes of subsection (a), the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), $143,000,000 shall be available for carrying out the program required under this section, of which—

(1) $35,000,000 shall be available for activities at the Pantex Plant;

(2) $30,000,000 shall be available for activities at the Y-12 Plant, Oak Ridge, Tennessee;

(3) $35,000,000 shall be available for activities at the Savannah River Site; and

(4) $43,000,000 shall be available for activities at the Kansas City Plant.

(e) PLAN AND REPORT.—The Secretary shall develop a plan for the implementation of this section. Not later than March 1, 1996, the Secretary shall submit to Congress a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1996 for the program referred to in subsection (a).

SEC. 3138. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available to prepare for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site, Nevada. The purpose of the program shall be to maintain confidence in the reliability and safety of the nuclear weapons stockpile.

SEC. 3139. LIMITATION ON AUTHORITY TO CONDUCT HYDRONUCLEAR TESTS.

Nothing in this Act may be construed to authorize the conduct of hydronuclear tests or to amend or repeal the requirements of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1343; 42 U.S.C. 2121 note).

SEC. 3140. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) ELIGIBLE INDIVIDUALS.—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) COVERED FACILITIES.—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y-12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) ADMINISTRATION.—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) ALLOCATION OF FUNDS.—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

SEC. 3141. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

SEC. 3142. PROCESSING AND TREATMENT OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) PROCESSING OF SPENT NUCLEAR FUEL RODS.—Of the amounts appropriated pursuant to section 3102, there shall be available to the Secretary of Energy to respond effectively to new requirements for managing spent nuclear fuel—

(1) not more than $30,000,000, for the Savannah River Site for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with aluminum clad spent fuel rods and foreign spent fuel rods; and

(2) not more than $15,000,000, for the Idaho National Engineering Laboratory for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste and spent nuclear fuel (including naval spent nuclear fuel), nonaluminum clad fuel rods, and foreign fuel rods for interim storage and final disposition.

(b) IMPLEMENTATION PLAN.—Not later than April 30, 1996, the Secretary shall submit to Congress a five-year plan for the implementation of the programs referred to in subsection (a). The plan shall include—

(1) an assessment of the facilities required to be constructed or upgraded to carry out the processing, separation, reduction, isolation and interim storage of high-level nuclear waste;

(2) a description of the technologies, including stabilization technologies, that are required to be developed for the efficient conduct of the programs;

(3) a projection of the dates upon which activities under the programs are sufficiently completed to provide for the transfers of such waste to permanent repositories; and

(4) a projection of the total cost to complete the programs.

(c) ELECTROMETALLURGICAL WASTE TREATMENT TECHNOLOGIES.—Of the amount appropriated pursuant to section 3102(c), not more than $25,000,000 shall be available for development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

(d) USE OF FUNDS FOR SETTLEMENT AGREEMENT.—Funds made available pursuant to subsection (a)(2) for the Idaho National Engineering Laboratory shall be considered to be funds made available in partial fulfillment of the terms and obligations set forth in the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement.

SEC. 3143. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, $10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3144. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, $3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

Subtitle D—Other Matters

SEC. 3151. REPORT ON FOREIGN TRITIUM PURCHASES.

(a) REPORT.—Not later than May 1, 1996, the President shall submit to the congressional defense committees a report on the feasibility of, the cost of, and the policy, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3152. STUDY ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the costs, programmatic issues, and other issues associated with sustaining the capability of the Department of Energy—

(1) to conduct an underground nuclear test 6 months after the date on which the President determines that such a test is necessary to ensure the national security of the United States;

(2) to conduct such a test 18 months after such date; and

(3) to conduct such a test 36 months after such date.

SEC. 3153. MASTER PLAN FOR THE CERTIFICATION, STEWARDSHIP, AND MANAGEMENT OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) MASTER PLAN REQUIREMENT.—Not later than March 15, 1996, the President shall submit to Congress a master plan for maintaining the nuclear weapons stockpile. The President shall submit to Congress an update of the master plan not later than March 15 of each year thereafter.

(b) PLAN ELEMENTS.—The master plan and each update of the master plan shall set forth the following:

(1) The numbers of weapons (including active and inactive weapons) for each type of weapon in the nuclear weapons stockpile.

(2) The expected design lifetime of each weapon type, the current age of each weapon type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon type.

(3) An estimate of the lifetime of the nuclear and nonnuclear components of the weapons (including active weapons and inactive weapons) in the nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active and inactive weapons) in the nuclear weapons stockpile and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship and management programs, including a detailed project plan that demonstrates the manner by which the Government will develop by 2002 the capability to refabricate and certify warheads in the nuclear weapons stockpile and to design, fabricate, and certify new warheads.

(c) FORM OF PLAN.—The master plan and each update of the master plan shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3154. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

(a) PROHIBITION ON INSPECTIONS.—(1) The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no restricted data will be revealed during such inspection.

(2) For purposes of paragraph (1), the term "restricted data" has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(b) EXTENSION OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.—Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3092) is amended by striking out "December 31, 1995" and inserting in lieu thereof "October 1, 1996".

SEC. 3155. REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.

(a) IN GENERAL.—The Secretary of Energy shall ensure that, before a document of the Department of Energy that contains national security information is released or declassified, such document is reviewed to determine whether it contains restricted data.

(b) LIMITATION ON DECLASSIFICATION.—The Secretary may not implement the automatic declassification provisions of Executive Order 12958 if the Secretary determines that such implementation could result in the automatic declassification and release of documents containing restricted data.

(c) RESTRICTED DATA DEFINED.—In this section, the term "restricted data" has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

SEC. 3156. ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

(a) ACCELERATED CLEANUP.—The Secretary of Energy shall accelerate the schedule for environmental restoration and waste management activities and projects for a site at a Department of Energy defense nuclear facility if the Secretary determines that such an accelerated schedule will achieve meaningful, long-term cost savings to the Federal Government and could substantially accelerate the release of land for local reuse.

(b) CONSIDERATION OF FACTORS.—In making a determination under subsection (a), the Secretary shall consider the following:

(1) The cost savings achievable by the Federal Government.

(2) The amount of time for completion of environmental restoration and waste management activities and projects at the site that can be reduced from the time specified for completion of such activities and projects in the baseline environmental management report required to be submitted for 1995 under section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k).

(3) The potential for reuse of the site.

(4) The risks that the site poses to local health and safety.

(5) The proximity of the site to populated areas.

(c) REPORT.—Not later than May 1, 1996, the Secretary shall submit to Congress a report on each site for which the Secretary has accelerated the schedule for environmental restoration and waste management activities and projects under subsection (a). The report shall include an explanation of the basis for the determination for that site required by such subsection, including an explanation of the consideration of the factors described in subsection (b).

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect a specific statutory requirement for a specific environmental restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment.

SEC. 3157. SENSE OF CONGRESS REGARDING CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

(1) an individual acting within the scope of that individual's employment with a Federal agency should not be personally subject to civil or criminal sanctions (to the extent such sanctions are provided for by law) as a result of the failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under a comparable Federal, State, or local law, in any circumstance under which such failure to comply is due to an insufficiency of funds appropriated to carry out such requirement;

(2) Federal and State enforcement authorities should refrain from an enforcement action in a circumstance described in paragraph (1); and

(3) if funds appropriated for a fiscal year after fiscal year 1995 are insufficient to carry out any such environmental cleanup requirement, Congress should elicit the views of Federal agencies, affected States, and the public, and consider appropriate legislative action to address personal criminal liability in a circumstance described in paragraph (1) and any related issues pertaining to potential liability of a Federal agency.

SEC. 3158. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

SEC. 3159. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture

Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) Required Detail.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(c) Definition.—In this section, the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

SEC. 3160. REPORT ON HYDRONUCLEAR TESTING.

(a) Report.—The Secretary of Energy shall direct the joint preparation by the Directors of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages with respect to the safety and reliability of the nuclear weapons stockpile of permitting alternative limits to the current limit on the explosive yield of hydronuclear and other explosive tests. The report shall address the following explosive yield limits:

(1) 4 pounds (TNT equivalent).

(2) 400 pounds (TNT equivalent).

(3) 4,000 pounds (TNT equivalent).

(4) 40,000 pounds (TNT equivalent).

(5) 400 tons (TNT equivalent).

(b) Funding.—The Secretary shall make available funds appropriated to the Department of Energy pursuant to section 3101 for preparation of the report required under subsection (a).

SEC. 3161. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) Date of Transfer of Utilities.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out "not later than five years after the date it is included within this Act" and inserting in lieu thereof "not later than June 30, 1998".

(b) Date of Transfer of Municipal Installations.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out "not later than five years after the date it is included within this Act" and inserting in lieu thereof "not later than June 30, 1998".

(c) Recommendation for Further Assistance Payments.—Section 91d. of such Act (42 U.S.C. 2391) is amended—

(1) by striking out ", and the Los Alamos School Board;" and all that follows through "county of Los Alamos, New Mexico" and inserting in lieu thereof "; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico"; and

(2) by adding at the end the following new sentence: "If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.".

(d) Contract To Make Payments.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out "June 30, 1996" each place it appears in the proviso in the first sentence and inserting in lieu thereof "June 30, 1997"; and

(2) by striking out "July 1, 1996" in the second sentence and inserting in lieu thereof "July 1, 1997".

SEC. 3162. SENSE OF CONGRESS REGARDING SHIPMENTS OF SPENT NUCLEAR FUEL.

(a) Findings.—Congress makes the following findings:

(1) The United States has entered into a settlement agreement with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, regarding shipment of naval spent nuclear fuel to Idaho, examination and storage of such fuel in Idaho, and other matters.

(2) Under this court enforceable agreement—

(A) the State of Idaho has agreed—

(i) to accept 575 shipments of naval spent nuclear fuel from the Navy into Idaho between October 17, 1995 and 2035;

(ii) to accept certain shipments of spent nuclear fuel from the Department of Energy into Idaho between October 17, 1995 and 2035; and

(iii) to allow the Navy and the Department of Energy, on an interim basis, to store the spent nuclear fuel in Idaho over the next 40 years; and

(B) the United States has made commitments—

(i) to remove all spent nuclear fuel (except certain quantities for testing) from Idaho by 2035; and

(ii) to facilitate the cleanup and stabilization of radioactive waste at the Idaho National Engineering Laboratory.

(3) The settlement agreement allows the Department of Energy and the Department of the Navy to meet responsibilities that are important to the national security interests of the United States.

(4) Authorizations and appropriations of funds will be necessary in order to provide for fulfillment of the terms and obligations set forth in the settlement agreement.

(b) Sense of Congress.—(1) Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement referred to in subsection (a)(1) and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement in accordance with those terms, conditions, rights, and obligations.

(2) It is the sense of Congress that funds requested by the President to carry out the settlement agreement and such consent order should be appropriated for that purpose.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorization of Disposals and Use of Funds

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) Limitations.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

(a) Domestic Upgrading.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) Domestic Ferroalloy Upgrader Defined.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3304. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) Disposal of Lower Grade Material First.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) Requirement for Remelting by Domestic Ferroalloy Producers.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) may be sold only for remelting by a domestic ferroalloy producer unless the President determines that a domestic ferroalloy producer is not available to acquire the material.

(c) Domestic Ferroalloy Producer Defined.—For purposes of this section, the term "domestic ferroalloy producer" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3305. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer *from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.*

Subtitle B—Programmatic Change

SEC. 3311. TRANSFER OF EXCESS DEFENSE-RELATED MATERIALS TO STOCKPILE FOR DISPOSAL.

(a) TRANSFER AND DISPOSAL.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this Act uncontaminated materials that are in the Department of Energy inventory of materials for the production of defense-related items, are excess to the requirements of the Department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

"(2) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this subsection, are suitable for disposal through the stockpile, and are uncontaminated.".

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by adding at the end the following:

"(10) Materials transferred to the stockpile under subsection (c).".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Subtitle A—Administration of Naval Petroleum Reserves

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $101,028,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

Subtitle B—Sale of Naval Petroleum Reserve

SEC. 3411. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "Naval Petroleum Reserve Numbered 1" and "reserve" mean Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912.

(2) The term "naval petroleum reserves" has the meaning given that term in section 7420(2) of title 10, United States Code, except that the term does not include Naval Petroleum Reserve Numbered 1.

(3) The term "unit plan contract" means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

(4) The term "effective date" means the date of the enactment of this Act.

(5) The term "Secretary" means the Secretary of Energy.

(6) The term "appropriate congressional committees means the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives.

SEC. 3412. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) SALE OF RESERVE REQUIRED.—Subject to section 3414, not later than one year after the effective date, the Secretary of Energy shall enter into one or more contracts for the sale of all right, title, and interest of the United States in and to all lands owned or controlled by the United States inside Naval Petroleum Reserve Numbered 1. Chapter 641 of title 10, United States Code, shall not apply to the sale of the reserve.

(b) EQUITY FINALIZATION.—(1) Not later than five months after the effective date, the Secretary shall finalize equity interests of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

(2) The Secretary shall retain the services of an independent petroleum engineer, mutually acceptable to the equity owners, who shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zone and establish final equity interest in Naval Petroleum Reserve Numbered 1 in accordance with the recommendation, or the Secretary may use such other method to establish final equity interest in the reserve as the Secretary considers appropriate.

(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b) of the unit plan contract, the dispute shall be resolved in the manner provided in the unit plan contract within five months after the effective date. The resolution shall be considered final for all purposes under this section.

(c) NOTICE OF SALE.—Not later than two months after the effective date, the Secretary shall publish a notice of intent to sell Naval Petroleum Reserve Numbered 1. The Secretary shall make all technical, geological, and financial information relevant to the sale of the reserve available to all interested and qualified buyers upon request. The Secretary, in consultation with the Administrator of General Services, shall ensure that the sale process is fair and open to all interested and qualified parties.

(d) ESTABLISHMENT OF MINIMUM SALE PRICE.—(1) Not later than two months after the effective date, the Secretary shall retain the services of five independent experts in the valuation of oil and gas fields to conduct separate assessments, in a manner consistent with commercial practices, of the value of the interest of the United States in Naval Petroleum Reserve Numbered 1. The independent experts shall complete their assessments within six months after the effective date. In making their assessments, the independent experts shall consider (among other factors)—

(A) all equipment and facilities to be included in the sale;

(B) the estimated quantity of petroleum and natural gas in the reserve; and

(C) the net present value of the anticipated revenue stream that the Secretary and the Director of the Office of Management and Budget jointly determine the Treasury would receive from the reserve if the reserve were not sold, adjusted for any anticipated increases in tax revenues that would result if the reserve were sold.

(2) The independent experts retained under paragraph (1) shall also determine and submit to the Secretary the estimated total amount of the cost of any environmental restoration and remediation necessary at the reserve. The Secretary shall report the estimate to the Director of the Office of Management and Budget, the Secretary of the Treasury, and Congress.

(3) The Secretary, in consultation with the Director of the Office of Management and Budget, shall set the minimum acceptable price for the reserve. The Secretary may not set the minimum acceptable price below the higher of—

(A) the average of the five assessments prepared under paragraph (1); and

(B) the average of three assessments after excluding the high and low assessments.

(e) ADMINISTRATION OF SALE; DRAFT CONTRACT.—(1) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section. Costs and fees of retaining the investment banker may be paid out of the proceeds of the sale of the reserve.

(2) Not later than six months after the effective date, the investment banker retained under paragraph (1) shall complete a draft contract or contracts for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the solicitation of offers and describe the terms and provisions of the sale of the interest of the United States in the reserve.

(3) The draft contract or contracts shall identify—

(A) all equipment and facilities to be included in the sale; and

(B) any potential claim or liability (including liability for environmental restoration and remediation), and the extent of any such claim or liability, for which the United States is responsible under subsection (g).

(4) The draft contract or contracts, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget. Each of those officials shall complete the review of, and approve or disapprove, the draft contract or contracts not later than seven months after the effective date.

(f) SOLICITATION OF OFFERS.—(1) Not later than seven months after the effective date, the Secretary shall publish the solicitation of offers for Naval Petroleum Reserve Numbered 1.

(2) Not later than 10 months after the effective date, the Secretary shall identify the highest responsible offer or offers for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that, in total, meet or exceed the minimum acceptable price determined under subsection (d)(3).

(3) The Secretary shall take such action immediately after the effective date as is necessary to obtain from an independent petroleum engineer within six months after that date a reserve report prepared in a manner consistent with commercial practices. The Secretary shall use the reserve report in support of the preparation of the solicitation of offers for the reserve.

(g) FUTURE LIABILITIES.—To effectuate the sale of the interest of the United States in Naval Petroleum Reserve Numbered 1, the Secretary may extend such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser from claims arising from the ownership in the reserve by the United States.

(h) MAINTAINING PRODUCTION.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the

reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract.

(i) NONCOMPLIANCE WITH DEADLINES.—At any time during the one-year period beginning on the effective date, if the Secretary determines that the actions necessary to complete the sale of the reserve within that period are not being taken or timely completed, the Secretary shall transmit to the appropriate congressional committees a written notification of that determination together with a plan setting forth the actions that will be taken to ensure that the sale of the reserve will be completed within that period. The Secretary shall consult with the Director of the Office of Management and Budget in preparing the plan for submission to the committees.

(j) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the appropriate congressional committees any findings on such actions that the Comptroller General considers appropriate to report to the committees.

(k) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

SEC. 3413. EFFECT OF SALE OF RESERVE.

(a) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of the production shall not exceed the anticipated closing date for the sale of the reserve.

(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE–ACO1–85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve.

(b) EFFECT ON ANTITRUST LAWS.—Nothing in this subtitle shall be construed to alter the application of the antitrust laws of the United States to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under section 3412 upon the completion of the sale.

(c) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this subtitle shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

(d) TRANSFER OF OTHERWISE NONTRANSFERABLE PERMIT.—The Secretary may transfer to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 the incidental take permit regarding the reserve issued to the Secretary by the United States Fish and Wildlife Service and in effect on the effective date if the Secretary determines that transfer of the permit is necessary to expedite the sale of the reserve in a manner that maximizes the value of the sale to the United States. The transferred permit shall cover the identical activities, and shall be subject to the same terms and conditions, as apply to the permit at the time of the transfer.

SEC. 3414. CONDITIONS ON SALE PROCESS.

(a) NOTICE REGARDING SALE CONDITIONS.—The Secretary may not enter into any contract for the sale of Naval Petroleum Reserve Numbered 1 under section 3412 until the end of the 31-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a written notification—

(1) describing the conditions of the proposed sale; and

(2) containing an assessment by the Secretary of whether it is in the best interests of the United States to sell the reserve under such conditions.

(b) AUTHORITY TO SUSPEND SALE.—(1) The Secretary may suspend the sale of Naval Petroleum Reserve Numbered 1 under section 3412 if the Secretary and the Director of the Office of Management and Budget jointly determine that—

(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve; or

(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States.

(2) Immediately after making a determination under paragraph (1) to suspend the sale of Naval Petroleum Reserve Numbered 1, the Secretary shall submit to the appropriate congressional committees a written notification describing the basis for the determination and requesting a reconsideration of the merits of the sale of the reserve.

(c) EFFECT OF RECONSIDERATION NOTICE.—After the Secretary submits a notification under subsection (b), the Secretary may not complete the sale of Naval Petroleum Reserve Numbered 1 under section 3412 or any other provision of law unless the sale of the reserve is authorized in an Act of Congress enacted after the date of the submission of the notification.

SEC. 3415. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING RESERVE.

(a) RESERVATION OF FUNDS.—After the costs incurred in the conduct of the sale of Naval Petroleum Reserve Numbered 1 under section 3412 are deducted, nine percent of the remaining proceeds from the sale of the reserve shall be reserved in a contingent fund in the Treasury for payment to the State of California for the Teachers' Retirement Fund of the State in the event that, and to the extent that, the claims of the State against the United States regarding production and proceeds of sale from Naval Petroleum Reserve Numbered 1 are—

(1) settled by agreement with the United States under subsection (c); or

(2) finally resolved in favor of the State by a court of competent jurisdiction, if a settlement agreement is not reached.

(b) DISPOSITION OF FUNDS.—In such amounts as may be provided in appropriation Acts, amounts in the contingent fund shall be available for paying a claim described in subsection (a). After final disposition of the claims, any unobligated balance in the contingent fund shall be credited to the general fund of the Treasury. If no payment is made from the contingent fund within 10 years after the effective date, amounts in the contingent fund shall be credited to the general fund of the Treasury.

(c) SETTLEMENT OFFER.—Not later than 30 days after the date of the sale of Naval Petroleum Reserve Numbered 1 under section 3412, the Secretary shall offer to settle all claims of the State of California against the United States with respect to lands in the reserve located in sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, and production or proceeds of sale from the reserve, in order to provide proper compensation for the State's claims. The Secretary shall base the amount of the offered settlement payment from the contingent fund on the fair value for the State's claims, including the mineral estate, not to exceed the amount reserved in the contingent fund.

(d) RELEASE OF CLAIMS.—Acceptance of the settlement offer made under subsection (c) shall be subject to the condition that all claims against the United States by the State of California for the Teachers' Retirement Fund of the State be released with respect to lands in Naval Petroleum Reserve Numbered 1, including sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, or production or proceeds of sale from the reserve.

SEC. 3416. STUDY OF FUTURE OF OTHER NAVAL PETROLEUM RESERVES.

(a) STUDY REQUIRED.—The Secretary of Energy shall conduct a study to determine which of the following options, or combinations of options, regarding the naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1) would maximize the value of the reserves to the United States:

(1) Retention and operation of the naval petroleum reserves by the Secretary under chapter 641 of title 10, United States Code.

(2) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of another Federal agency for administration under chapter 641 of title 10, United States Code.

(3) Transfer of all or a part of the naval petroleum reserves to the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain an independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the value to be derived by the United States from the transfer or sale of the naval petroleum reserves shall include an assessment and estimate of the fair market value of the interest of the United States in the naval petroleum reserves. The assessment and estimate shall be made in a manner consistent with customary property valuation practices in the oil and gas industry.

(d) REPORT AND RECOMMENDATIONS REGARDING STUDY.—Not later than June 1, 1996, the Secretary shall submit to Congress a report describing the results of the study and containing such recommendations (including proposed legislation) as the Secretary considers necessary to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to the United States.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1996".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in

accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $50,741,000 for administrative expenses, of which—

(1) not more than $15,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama) at a cost per vehicle of not more than $19,500. A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Reconstitution of Commission as Government Corporation

SEC. 3521. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Amendments Act of 1995".

SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERNMENT CORPORATION.

(a) IN GENERAL.—Section 1101 of the Panama Canal Act of 1979 (22 U.S.C. 3611) is amended to read as follows:

"ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE OF COMMISSION

"SEC. 1101. (a) For the purposes of managing, operating, and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission (hereinafter in this Act referred to as the 'Commission') is established as a wholly owned government corporation (as that term is used in chapter 91 of title 31, United States Code) within the executive branch of the Government of the United States. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

"(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish branch offices in such other places as it considers necessary or appropriate for the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia and the eastern judicial district of Louisiana.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

"1101. Establishment, Purposes, Offices, and Residence of Commission.".

SEC. 3523. SUPERVISORY BOARD.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by striking out so much as precedes subsection (b) and inserting in lieu thereof the following:

"SUPERVISORY BOARD

"SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members of the Board shall be nationals of the Republic of Panama. Three members of the Board who are nationals of the United States shall hold no other office in, and shall not be employed by, the Government of the United States, and shall be chosen for the independent perspective they can bring to the Commission's affairs. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or a designee of the Secretary of Defense.".

SEC. 3524. GENERAL AND SPECIFIC POWERS OF COMMISSION.

(a) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1102 the following new sections:

"GENERAL POWERS OF COMMISSION

"SEC. 1102a. (a) The Commission may adopt, alter, and use a corporate seal, which shall be judicially noticed.

"(b) The Commission may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law.

"(c) The Commission may sue and be sued in its corporate name, except that—

"(1) the amenability of the Commission to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 1401 of this Act, and otherwise by law;

"(2) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5, United States Code, and sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, 662), or as otherwise specifically authorized by the laws of the United States; and

"(3) the Commission is exempt from the payment of interest on claims and judgments.

"(d) The Commission may enter into contracts, leases, agreements, or other transactions.

"(e) The Commission—

"(1) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid; and

"(2) may incur, allow, and pay its obligations and expenditures, subject to pertinent provisions of law generally applicable to Government corporations.

"(f) The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

"(g) The authority of the Commission under this section and section 1102B is subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code.

"SPECIFIC POWERS OF COMMISSION

"SEC. 1102b. (a) The Commission may manage, operate, and maintain the Panama Canal.

"(b) The Commission may construct or acquire, establish, maintain, and operate such activities, facilities, and appurtenances as necessary and appropriate for the accomplishment of the purposes of this Act, including the following:

"(1) Docks, wharves, piers, and other shoreline facilities.

"(2) Shops and yards.

"(3) Marine railways, salvage and towing facilities, fuel-handling facilities, and motor transportation facilities.

"(4) Power systems, water systems, and a telephone system.

"(5) Construction facilities.

"(6) Living quarters and other buildings.

"(7) Warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith.

"(8) Recreational facilities.

"(c) The Commission may use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.

"(d) The Commission may take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 1102 the following new items:

"1102a. General powers of Commission.

"1102b. Specific powers of Commission.".

SEC. 3525. CONGRESSIONAL REVIEW OF BUDGET.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended—

(1) in subsection (c)—

(A) by striking out "and subject to paragraph (2)" in paragraph (1);

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) In accordance with section 9104 of title 31, United States Code, Congress shall review the annual budget of the Commission.".

SEC. 3526. AUDITS.

(a) IN GENERAL.—Section 1313 of the Panama Canal Act of 1979 (22 U.S.C. 3723) is amended—

(1) by striking out the heading for the section and inserting in lieu thereof the following: "AUDITS";

(2) in subsection (a)—

(A) by striking out "Financial transactions" and inserting in lieu thereof "Notwithstanding any other provision of law, and subject to subsection (d), financial transactions";

(B) by striking out "pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)";

(C) by striking out "audit pursuant to such Act" in the second sentence and inserting in lieu thereof "such audit";

(D) by striking out "An audit pursuant to such Act" in the last sentence and inserting in lieu thereof "Any such audit"; and

(E) by adding at the end the following new sentence: "An audit performed under this section is subject to the requirements of paragraphs (2), (3), and (5) of section 9105(a) of title 31, United States Code.";

(3) in subsection (b), by striking out "The Comptroller General" in the first sentence and inserting in lieu thereof "Subject to subsection (d), the Comptroller General"; and

(4) by adding at the end the following new subsections:

"(d) At the discretion of the Board provided for in section 1102, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b).

"(e) In addition to auditing the financial statements of the Commission, the Comptroller General (or the independent auditor if one is employed pursuant to subsection (d)) shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission's financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

"1313. Audits.".

SEC. 3527. PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS.

Section 1601 of the Panama Canal Act of 1979 (22 U.S.C. 3791) is amended to read as follows:

"PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

"SEC. 1601. The Commission may, subject to the provisions of this Act, prescribe and from time to time change—

"(1) the rules for the measurement of vessels for the Panama Canal; and

"(2) the tolls that shall be levied for use of the Panama Canal.".

SEC. 3528. PROCEDURES FOR CHANGES IN RULES OF MEASUREMENT AND RATES OF TOLLS.

Section 1604 of the Panama Canal Act of 1979 (22 U.S.C. 3794) is amended—

(1) in subsection (a), by striking out "1601(a)" in the first sentence and inserting in lieu thereof "1601";

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) After the proceedings have been conducted pursuant to subsections (a) and (b), the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall publish notice of any such change in the Federal Register not less than 30 days before the effective date of the change."; and

(3) by striking out subsections (d) and (e) and redesignating subsection (f) as subsection (d).

SEC. 3529. MISCELLANEOUS TECHNICAL AMENDMENTS.

The Panama Canal Act of 1979 is amended—

(1) in section 1205 (22 U.S.C. 3645), by striking out "appropriation" in the last sentence and inserting in lieu thereof "fund";

(2) in section 1303 (22 U.S.C. 3713), by striking out "The authority of this section may not be used for administrative expenses.";

(3) in section 1321(d) (22 U.S.C. 3731(d)), by striking out "appropriations or" in the second sentence;

(4) in section 1401(c) (22 U.S.C. 3761(c)), by striking out "appropriated for or" in the first sentence;

(5) in section 1415 (22 U.S.C. 3775), by striking out "appropriated or" in the second sentence; and

(6) in section 1416 (22 U.S.C. 3776), by striking out "appropriated or" in the third sentence.

SEC. 3530. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(P) the Panama Canal Commission.".

DIVISION D—FEDERAL ACQUISITION REFORM

SEC. 4001. SHORT TITLE.

This division may be cited as the "Federal Acquisition Reform Act of 1995".

TITLE XLI—COMPETITION

SEC. 4101. EFFICIENT COMPETITION.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304 of title 10, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

"(j) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government's requirements.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government's requirements.".

(c) REVISIONS TO NOTICE THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(A) by striking out "subsection (f)—" and all that follows through the end of the subparagraph and inserting in lieu thereof "subsection (b); and"; and

(B) by inserting after "property or services" the following: "for a price expected to exceed $10,000, but not to exceed $25,000,".

SEC. 4102. EFFICIENT APPROVAL PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(f)(1)(B) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by striking out "$100,000 (but equal to or less than $1,000,000)" and inserting in lieu thereof "$500,000 (but equal to or less than $10,000,000)"; and

(B) by striking out "(ii), (iii), or (iv)" and inserting in lieu thereof "(ii) or (iii)";

(2) in clause (ii)—

(A) by striking out "$1,000,000 (but equal to or less than $10,000,000)" and inserting in lieu thereof "$10,000,000 (but equal to or less than $50,000,000)"; and

(B) by adding "or" at the end;

(3) by striking out clause (iii); and

(4) by redesignating clause (iv) as clause (iii).

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking out "$100,000 (but equal to or less than $1,000,000)" and inserting in lieu thereof "$500,000 (but equal to or less than $10,000,000)"; and

(B) by striking out "(ii), (iii), or (iv);" and inserting in lieu thereof "(ii) or (iii); and";

(2) in clause (ii)—

(A) by striking out "$1,000,000 (but equal to or less than $10,000,000)" and inserting in lieu thereof "$10,000,000 (but equal to or less than $50,000,000)"; and

(B) by striking out the semicolon after "civilian" and inserting in lieu thereof a comma; and

(3) in clause (iii), by striking out "$10,000,000" and inserting in lieu thereof "$50,000,000".

SEC. 4103. EFFICIENT COMPETITIVE RANGE DETERMINATIONS.

(a) ARMED SERVICES ACQUISITIONS.—Paragraph (4) of 2305(b) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out "(C)", by transferring the text to the end of subparagraph (B), and in that text by striking out "Subparagraph (B)" and inserting in lieu thereof "This subparagraph";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting before subparagraph (C) (as so redesignated) the following new subparagraph (B):

"(B) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under subparagraph (A)(i) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting before paragraph (3) (as so redesignated) the following new paragraph (2):

"(2) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under paragraph (1)(A) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.".

SEC. 4104. PREAWARD DEBRIEFINGS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (F) of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (9); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6)(A) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within three days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) of this section only if that offeror requested and was refused a preaward debriefing under subparagraph (A) of this paragraph.

"(C) The debriefing conducted under this subsection shall include—

"(i) the executive agency's evaluation of the significant elements in the offeror's offer;

"(ii) a summary of the rationale for the offeror's exclusion; and

"(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(D) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(7) The contracting officer shall include a summary of any debriefing conducted under paragraph (5) or (6) in the contract file.

"(8) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by striking out paragraph (6) of subsection (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (i), (j), (k), and (l), respectively; and

(3) by inserting after subsection (e) the following new subsections:

"(f)(1) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(2) The contracting officer is required to debrief an excluded offeror in accordance with subsection (e) of this section only if that offeror requested and was refused a preaward debriefing under paragraph (1) of this subsection.

"(3) The debriefing conducted under this subsection shall include—

"(A) the executive agency's evaluation of the significant elements in the offeror's offer;

"(B) a summary of the rationale for the offeror's exclusion; and

"(C) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(4) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(g) The contracting officer shall include a summary of any debriefing conducted under subsection (e) or (f) in the contract file.

"(h) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract.".

SEC. 4105. DESIGN-BUILD SELECTION PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§2305a. Design-build selection procedures

"(a) AUTHORIZATION.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (41 U.S.C. 541 et seq.) is used or another acquisition procedure authorized by law is used, the head of an agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

"(b) CRITERIA FOR USE.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

"(1) The extent to which the project requirements have been adequately defined.

"(2) The time constraints for delivery of the project.

"(3) The capability and experience of potential contractors.

"(4) The suitability of the project for use of the two-phase selection procedures.

"(5) The capability of the agency to manage the two-phase selection process.

"(6) Other criteria established by the agency.

"(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

"(2) The contracting officer solicits phase-one proposals that—

"(A) include information on the offeror's—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

"(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

"(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

"(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with paragraphs (2), (3), and (4) of section 2305(a) of this title.

The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

"(5) The agency awards the contract in accordance with section 2305(b)(4) of this title.

"(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

"(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

"(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

"(2) regarding the factors that may be used in selecting contractors; and

"(3) providing for a uniform approach to be used Government-wide.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding after the item relating to section 2305 the following new item:

"2305a. Design-build selection procedures.".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303L the following new section:

"SEC. 303M. DESIGN-BUILD SELECTION PROCEDURES.

"(a) AUTHORIZATION.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (title IX of this Act) is used or another acquisition procedure authorized by law is used, the head of an executive agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

"(b) CRITERIA FOR USE.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

"(1) The extent to which the project requirements have been adequately defined.

"(2) The time constraints for delivery of the project.

"(3) The capability and experience of potential contractors.

"(4) The suitability of the project for use of the two-phase selection procedures.

"(5) The capability of the agency to manage the two-phase selection process.

"(6) Other criteria established by the agency.

"(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

"(2) The contracting officer solicits phase-one proposals that—

"(A) include information on the offeror's—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

"(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

"(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

"(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with subsections (b), (c), and (d) of section 303A. The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

"(5) The agency awards the contract in accordance with section 303B of this title.

"(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

"(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

"(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

"(2) regarding the factors that may be used in selecting contractors; and

"(3) providing for a uniform approach to be used Government-wide.".

(2) The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303L the following new item:

"Sec. 303M. Design-build selection procedures.".

TITLE XLII—COMMERCIAL ITEMS

SEC. 4201. COMMERCIAL ITEM EXCEPTION TO REQUIREMENT FOR CERTIFIED COST OR PRICING DATA.

(a) ARMED SERVICES ACQUISITIONS.—(1) Subsections (b), (c), and (d) of section 2306a of title 10, United States Code, are amended to read as follows:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition; or

"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate functions under this paragraph.

"(d) SUBMISSION OF OTHER INFORMATION.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

"(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

"(A) Reasonable limitations on requests for sales data relating to commercial items.

"(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

"(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 2306a of such title is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Subsections (b), (c) and (d) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) are amended to read as follows:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competitiion; or

"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate the functions under this paragraph.

"(d) SUBMISSION OF OTHER INFORMATION.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

"(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

"(A) Reasonable limitations on requests for sales data relating to commercial items.

"(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

"(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 304A of such Act is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

SEC. 4202. APPLICATION OF SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2304(g) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking out "shall provide for special simplified procedures for purchases of" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "shall provide for—

"(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

"(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items."; and

(B) by adding at the end the following new paragraph:

"(4) The head of an agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).".

(2) Section 2305 of title 10, United States Code, is amended in subsection (a)(2) by inserting after "(other than for" the following: "a procurement for commercial items using special simplified procedures or".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(A) in paragraph (1), by striking out "shall provide for special simplified procedures for purchases of" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "shall provide for—

"(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

"(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items."; and

(B) by adding at the end the following new paragraph:

"(5) An executive agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).".

(2) Section 303A of such Act (41 U.S.C. 253a) is amended in subsection (b) by inserting after "(other than for" the following: "a procurement for commercial items using special simplified procedures or".

(c) ACQUISITIONS GENERALLY.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) in subsection (a), by striking out "shall provide for special simplified procedures for purchases of" and all that follows through the end of the subsection and inserting in lieu thereof the following: "shall provide for—

"(1) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

"(2) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items."; and

(2) by adding at the end the following new subsection:

"(g) SPECIAL RULES FOR COMMERCIAL ITEMS.—The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items using special simplified procedures, an executive agency—

"(1) shall publish a notice in accordance with section 18 and, as provided in subsection (b)(4) of such section, permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) which shall be considered by the agency;

"(2) may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with section 2304 of title 10, United States Code, or section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), as applicable; and

"(3) shall include in the contract file a written description of the procedures used in awarding the contract and the number of offers received.".

(d) SIMPLIFIED NOTICE.—(1) Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(A) in subsection (a)(6), by inserting before "submission" the following: "issuance of solicitations and the"; and

(B) in subsection (b)(6), by striking out "threshold—" and inserting in lieu thereof "threshold, or a contract for the procurement of commercial items using special simplified procedures—".

(e) EFFECTIVE DATE.—The authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section, shall expire three years after the date on which such amendments take effect pursuant to section 4401(b). Contracts may be awarded pursuant to solicitations that have been issued before such authority expires, notwithstanding the expiration of such authority.

SEC. 4203. INAPPLICABILITY OF CERTAIN PROCUREMENT LAWS TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) LAWS LISTED IN THE FAR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401) et seq.) is amended by adding at the end the following:

"SEC. 35. COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITIONS: LISTS OF INAPPLICABLE LAWS IN FEDERAL ACQUISITION REGULATION.

"(a) LISTS OF INAPPLICABLE PROVISIONS OF LAW.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items.

"(2) A provision of law that, pursuant to paragraph (3), is properly included on a list referred to in paragraph (1) may not be construed as being applicable to contracts referred to in paragraph (1). Nothing in this section shall be construed to render inapplicable to such contracts any provision of law that is not included on such list.

"(3) A provision of law described in subsection (b) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Administrator for Federal Procurement Policy makes a written determination that it would not be in the best interest of the United States to exempt such contracts from the applicability of that provision of law. Nothing in this section shall be construed as modifying or superseding, or as being intended to impair or restrict authorities or responsibilities under—

"(A) section 15 of the Small Business Act (15 U.S.C. 644); or

"(B) bid protest procedures developed under the authority of subchapter V of chapter 35 of title 31, United States Code; subsections (e) and (f) of section 2305 of title 10, United States Code; or subsections (h) and (i) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b).

"(b) COVERED LAW.—Except as provided in subsection (a)(3), the list referred to in subsection (a)(1) shall include each provision of law that, as determined by the Administrator, imposes on persons who have been awarded contracts by the Federal Government for the procurement of commercially available off-the-shelf items Government-unique policies, procedures, requirements, or restrictions for the procurement of property or services, except the following:

"(1) A provision of law that provides for criminal or civil penalties.

"(2) A provision of law that specifically refers to this section and provides that, notwithstanding this section, such provision of law shall be applicable to contracts for the procurement of commercial off-the-shelf items.

"(c) DEFINITION.—(1) As used in this section, the term 'commercially available off-the-shelf item' means, except as provided in paragraph (2), an item that—

"(A) is a commercial item (as described in section 4(12)(A));

"(B) is sold in substantial quantities in the commercial marketplace; and

"(C) is offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace.

"(2) The term 'commercially available off-the-shelf item' does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following:

"Sec. 35. Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.".

SEC. 4204. AMENDMENT OF COMMERCIAL ITEMS DEFINITION.

Section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended by inserting "or market" after "catalog".

SEC. 4205. INAPPLICABILITY OF COST ACCOUNTING STANDARDS TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.

Paragraph (2)(B) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

"(i) Contracts or subcontracts for the acquisition of commercial items."; and

(2) by striking out clause (iii).

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Subtitle A—Additional Acquisition Reform Provisions

SEC. 4301. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1) Section 2410b of title 10, United States Code, is amended in paragraph (2) by striking out "certification and".

(2) Section 1352(b)(2) of title 31, United States Code, is amended—

(A) by striking out subparagraph (C); and

(B) by inserting "and" after the semicolon at the end of subparagraph (A).

(3) Section 5152 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) is amended—

(A) in subsection (a)(1), by striking out "has certified to the contracting agency that it will" and inserting in lieu thereof "agrees to";

(B) in subsection (a)(2), by striking out "contract includes a certification by the individual" and inserting in lieu thereof "individual agrees"; and

(C) in subsection (b)(1)—

(i) by striking out subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph by striking out "such certification by failing to carry out"; and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(b) ELIMINATION OF CERTAIN REGULATORY CERTIFICATION REQUIREMENTS.—

(1) CURRENT CERTIFICATION REQUIREMENTS.—(A) Not later than 210 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue for public comment a proposal to amend the Federal Acquisition Regulation to remove from the Federal Acquisition Regulation certification requirements for contractors and offerors that are not specifically imposed by statute. The Administrator may omit such a certification requirement from the proposal only if—

(i) the Federal Acquisition Regulatory Council provides the Administrator with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(ii) the Administrator approves in writing the retention of the certification requirement.

(B)(i) Not later than 210 days after the date of the enactment of this Act, the head of each executive agency that has agency procurement regulations containing one or more certification requirements for contractors and offerors that are not specifically imposed by statute shall issue for public comment a proposal to amend the regulations to remove the certification requirements. The head of the executive agency may omit such a certification requirement from the proposal only if—

(I) the senior procurement executive for the executive agency provides the head of the executive agency with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(II) the head of the executive agency approves in writing the retention of such certification requirement.

(ii) For purposes of clause (i), the term "head of the executive agency" with respect to a military department means the Secretary of Defense.

(2) FUTURE CERTIFICATION REQUIREMENTS.—(A) Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is amended—

(i) by amending the heading to read as follows:

"SEC. 29. CONTRACT CLAUSES AND CERTIFICATIONS.";

(ii) by inserting "(a) NONSTANDARD CONTRACT CLAUSES.—" before "The Federal Acquisition"; and

(iii) by adding at the end the following new subsection:

"(c) PROHIBITION ON CERTIFICATION REQUIREMENTS.—(1) A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation unless—

"(A) the certification requirement is specifically imposed by statute; or

"(B) written justification for such certification requirement is provided to the Administrator for Federal Procurement Policy by the Federal Acquisition Regulatory Council, and the Administrator approves in writing the inclusion of such certification requirement.

"(2)(A) A requirement for a certification by a contractor or offeror may not be included in a procurement regulation of an executive agency unless—

"(i) the certification requirement is specifically imposed by statute; or

"(ii) written justification for such certification requirement is provided to the head of the executive agency by the senior procurement executive of the agency, and the head of the executive agency approves in writing the inclusion of such certification requirement.

"(B) For purposes of subparagraph (A), the term 'head of the executive agency' with respect to a military department means the Secretary of Defense.".

(B) The item relating to section 29 in the table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) (41 U.S.C. 401 note) is amended to read as follows:

"Sec. 29. Contract clauses and certifications.".

(c) POLICY OF CONGRESS.—Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is further amended by adding after subsection (a) the following new subsection:

"(b) CONSTRUCTION OF CERTIFICATION REQUIREMENTS.—A provision of law may not be construed as requiring a certification by a contractor or offeror in a procurement made or to be made by the Federal Government unless that provision of law specifically provides that such a certification shall be required.".

SEC. 4302. AUTHORITIES CONDITIONED ON FACNET CAPABILITY.

(a) COMMENCEMENT AND EXPIRATION OF AUTHORITY TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCEDURES.—Subsection (j) of section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note; 108 Stat. 3355) is amended to read as follows:

"(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall take effect on January 1, 1997, and shall expire on January 1, 2001. A contract entered into before such authority expires in an agency pursuant to a test shall remain in effect, in accordance with the terms of the contract, the notwithstanding of expiration the authority to conduct the test under this section.".

(b) USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Subsection (e) of section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out "ACQUISITION PROCEDURES.—" and all that follows through "(B) The simplified acquisition" in paragraph (2)(B) and inserting in lieu thereof "ACQUISITION PROCEDURES.—The simplified acquisition"; and

(2) by striking out "pursuant to this section" in the remaining text and inserting in lieu thereof "pursuant to section 2304(g)(1)(A) of title 10, United States Code, section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)), and subsection (a)(1) of this section".

SEC. 4303. INTERNATIONAL COMPETITIVENESS.

(a) ADDITIONAL AUTHORITY TO WAIVE RESEARCH, DEVELOPMENT, AND PRODUCTION COSTS.—Subject to subsection (b), section 21(e)(2) of the Arms Export Control Act (22 U.S.C. 2761(e)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraphs:

"(B) The President may waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for a particular sale if the President determines that—

"(i) imposition of the charge or charges likely would result in the loss of the sale; or

"(ii) in the case of a sale of major defense equipment that is also being procured for the use of the Armed Forces, the waiver of the charge or charges would (through a resulting increase in the total quantity of the equipment purchased from the source of the equipment that causes a reduction in the unit cost of the equipment) result in a savings to the United States on the cost of the equipment procured for the use of the Armed Forces that substantially offsets the revenue foregone by reason of the waiver of the charge or charges.

"(C) The President may waive, for particular sales of major defense equipment, any increase in a charge or charges previously considered appropriate under paragraph (1)(B) if the increase results from a correction of an estimate (reasonable when made) of the production quantity base that was used for calculating the charge or charges for purposes of such paragraph.".

(b) CONDITIONS.—Subsection (a) shall be effective only if—

(1) the President, in the budget of the President for fiscal year 1997, proposes legislation that if enacted would be qualifying offsetting legislation; and

(2) there is enacted qualifying offsetting legislation.

(c) EFFECTIVE DATE.—If the conditions in subsection (b) are met, then the amendments made by subsection (a) shall take effect on the date of the enactment of qualifying offsetting legislation.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "qualifying offsetting legislation" means legislation that includes provisions that—

(A) offset fully the estimated revenues lost as a result of the amendments made by subsection

(a) for each of the fiscal years 1997 through 2005;

(B) expressly state that they are enacted for the purpose of the offset described in subparagraph (A); and

(C) are included in full on the PayGo scorecard.

(2) The term "PayGo scorecard" means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4304. PROCUREMENT INTEGRITY.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

"SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

"(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(2) Paragraph (1) applies to any person who—

"(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

"(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

"(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(c) ACTIONS REQUIRED OF PROCUREMENT OFFICERS WHEN CONTACTED BY OFFERORS REGARDING NON-FEDERAL EMPLOYMENT.—(1) If an agency employee who is participating personally and substantially in a Federal agency procurement for a contract in excess of the simplified acquisition threshold contacts or is contacted by a person who is a bidder or offeror in that Federal agency procurement regarding possible non-Federal employment for that employee, the employee shall—

"(A) promptly report the contact in writing to the employee's supervisor and to the designated agency ethics official (or designee) of the agency in which the employee is employed; and

"(B)(i) reject the possibility of non-Federal employment; or

"(ii) disqualify himself or herself from further personal and substantial participation in that Federal agency procurement until such time as the agency has authorized the employee to resume participation in such procurement, in accordance with the requirements of section 208 of title 18, United States Code, and applicable agency regulations on the grounds that—

"(I) the person is no longer a bidder or offeror in that Federal agency procurement; or

"(II) all discussions with the bidder or offeror regarding possible non-Federal employment have terminated without an agreement or arrangement for employment.

"(2) Each report required by this subsection shall be retained by the agency for not less than two years following the submission of the report. All such reports shall be made available to the public upon request, except that any part of a report that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public.

"(3) An employee who knowingly fails to comply with the requirements of this subsection shall be subject to the penalties and administrative actions set forth in subsection (e).

"(4) A bidder or offeror who engages in employment discussions with an employee who is subject to the restrictions of this subsection, knowing that the employee has not complied with subparagraph (A) or (B) of paragraph (1), shall be subject to the penalties and administrative actions set forth in subsection (e).

"(d) PROHIBITION ON FORMER EMPLOYEE'S ACCEPTANCE OF COMPENSATION FROM CONTRACTOR.—(1) A former employee of a Federal agency may not accept compensation from a contractor as an employee, officer, director, or consultant of the contractor within a period of one year after such former employee—

"(A) served, at the time of selection of the contractor or the award of a contract to that contractor, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team in a procurement in which that contractor was selected for award of a contract in excess of $10,000,000;

"(B) served as the program manager, deputy program manager, or administrative contracting officer for a contract in excess of $10,000,000 awarded to that contractor; or

"(C) personally made for the Federal agency—

"(i) a decision to award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order in excess of $10,000,000 to that contractor;

"(ii) a decision to establish overhead or other rates applicable to a contract or contracts for that contractor that are valued in excess of $10,000,000;

"(iii) a decision to approve issuance of a contract payment or payments in excess of $10,000,000 to that contractor; or

"(iv) a decision to pay or settle a claim in excess of $10,000,000 with that contractor.

"(2) Nothing in paragraph (1) may be construed to prohibit a former employee of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph.

"(3) A former employee who knowingly accepts compensation in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

"(4) A contractor who provides compensation to a former employee knowing that such compensation is accepted by the former employee in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

"(5) Regulations implementing this subsection shall include procedures for an employee or former employee of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether the employee or former employee is or would be precluded by this subsection from accepting compensation from a particular contractor.

"(e) PENALTIES AND ADMINISTRATIVE ACTIONS.—

"(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of subsection (a) or (b) for the purpose of either—

"(A) exchanging the information covered by such subsection for anything of value, or

"(B) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.

"(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting a violation of subsection (a), (b), (c), or (d). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

"(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d), the Federal agency shall consider taking one or more of the following actions, as appropriate:

"(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

"(ii) Rescission of a contract with respect to which—

"(I) the contractor or someone acting for the contractor has been convicted for an offense punishable under paragraph (1), or

"(II) the head of the agency that awarded the contract has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

"(iii) Initiation of suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

"(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

"(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

"(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), (c), or (d) affects the present responsibility of a Government contractor or subcontractor.

"(f) DEFINITIONS.—As used in this section:

"(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Cost or pricing data (as defined by section 2306a(h) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(h)), with respect to procurements subject to that section).

"(B) Indirect costs and direct labor rates.

"(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

"(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

"(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter *into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:*

"(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

"(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

"(C) Source selection plans.

"(D) Technical evaluation plans.

"(E) Technical evaluations of proposals.

"(F) Cost or price evaluations of proposals.

"(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

"(H) Rankings of bids, proposals, or competitors.

"(I) The reports and evaluations of source selection panels, boards, or advisory councils.

"(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

"(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

"(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

"(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to subchapter V of chapter 35 of title 31, United States Code.

"(g) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging a violation of subsection (a), (b), (c), or (d), nor may the Comptroller General of the United States consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement, no later than 14 days after the person first discovered the possible violation, the information that the person believed constitutes evidence of the offense.

"(h) SAVINGS PROVISIONS.—This section does not—

"(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

"(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

"(4) prohibit individual meetings between a Federal agency employee and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

"(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

"(6) authorize the withholding of information from, nor restrict its receipt by, the Comptroller General of the United States in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

"(7) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.".

(b) REPEALS.—The following provisions of law are repealed:

(1) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 33 of the Federal Energy Administration Act of 1974 (15 U.S.C. 789).

(3) Section 281 of title 18, United States Code.

(4) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(5) The first section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5918).

(6) Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218).

(7) Section 308 of the Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977 (42 U.S.C. 5816a).

(8) Section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392).

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(4) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

(5) The table of contents for the Energy Policy and Conservation Act is amended by striking out the item relating to section 522.

SEC. 4305. FURTHER ACQUISITION STREAMLINING PROVISIONS.

(a) PURPOSE OF OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) REVISED STATEMENT OF PURPOSE.—Section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404) is amended to read as follows:

"(a) There is in the Office of Management and Budget an Office of Federal Procurement Policy (hereinafter referred to as the 'Office') to provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies and to promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government.".

(2) REPEAL OF FINDINGS, POLICIES, AND PURPOSES.—Sections 2 and 3 of such Act (41 U.S.C. 401 and 402) are repealed.

(b) REPEAL OF REPORT REQUIREMENT.—Section 8 of the Office of Federal Procurement Policy Act (41 U.S.C. 407) is repealed.

(c) OBSOLETE PROVISIONS.—

(1) RELATIONSHIP TO FORMER REGULATIONS.—Section 10 of the Office of Federal Procurement Policy Act (41 U.S.C. 409) is repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of such Act (41 U.S.C. 410) is amended to read as follows:

"SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for the Office of Federal Procurement Policy each fiscal year such sums as may be necessary for carrying out the responsibilities of that office for such fiscal year.".

(d) CLERICAL AMENDMENTS.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by striking out the items relating to sections 2, 3, 8, and 10.

SEC. 4306. VALUE ENGINEERING FOR FEDERAL AGENCIES.

(a) USE OF VALUE ENGINEERING.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4203, is further amended by adding at the end the following new section:

"SEC. 36. VALUE ENGINEERING.

"(a) IN GENERAL.—Each executive agency shall establish and maintain cost-effective value engineering procedures and processes.

"(b) DEFINITION.—As used in this section, the term 'value engineering' means an analysis of the functions of a program, project, system, product, item of equipment, building, facility, service, or supply of an executive agency, performed by qualified agency or contractor personnel, directed at improving performance, reliability, quality, safety, and life cycle costs.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

"Sec. 36. Value engineering.".

SEC. 4307. ACQUISITION WORKFORCE.

(a) ACQUISITION WORKFORCE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4306, is further amended by adding at the end the following new section:

"SEC. 37. ACQUISITION WORKFORCE.

"(a) APPLICABILITY.—This section does not apply to an executive agency that is subject to chapter 87 of title 10, United States Code.

"(b) MANAGEMENT POLICIES.—

"(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator for Federal Procurement Policy, shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in section 2301(b) of title 5, United States Code.

"(2) UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

"(3) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that such policies are consistent with the policies and procedures established and enhanced system of incentives provided pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 263 note). The Administrator shall evaluate the implementation of the provisions of this section by executive agencies.

"(c) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES AND RESPONSIBILITIES.—Subject to

the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

"(d) MANAGEMENT INFORMATION SYSTEMS.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementation of this section. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.

"(e) APPLICABILITY TO ACQUISITION WORKFORCE.—The programs established by this section shall apply to the acquisition workforce of each executive agency. For purposes of this section, the acquisition workforce of an agency consists of all employees serving in acquisition positions listed in subsection (g)(1)(A).

"(f) CAREER DEVELOPMENT.—

"(1) CAREER PATHS.—The head of each executive agency shall ensure that appropriate career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition positions. The head of each executive agency shall make information available on such career paths.

"(2) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

"(3) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency shall also encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

"(4) PERFORMANCE INCENTIVES.—The head of each executive agency shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce which rewards performance of employees that contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

"(A) relate pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 313(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(b))); and

"(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

"(g) QUALIFICATION REQUIREMENTS.—

"(1) IN GENERAL.—(A) Subject to paragraph (2), the Administrator shall establish qualification requirements, including education requirements, for the following positions:

"(i) Entry-level positions in the General Schedule Contracting series (GS–1102).

"(ii) Senior positions in the General Schedule Contracting series (GS–1102).

"(iii) All positions in the General Schedule Purchasing series (GS–1105).

"(iv) Positions in other General Schedule series in which significant acquisition-related functions are performed.

"(B) Subject to paragraph (2), the Administrator shall prescribe the manner and extent to which such qualification requirements shall apply to any person serving in a position described in subparagraph (A) at the time such requirements are established.

"(2) RELATIONSHIP TO REQUIREMENTS APPLICABLE TO DEFENSE ACQUISITION WORKFORCE.—The Administrator shall establish qualification requirements and make prescriptions under paragraph (1) that are comparable to those established for the same or equivalent positions pursuant to chapter 87 of title 10, United States Code, with appropriate modifications.

"(3) APPROVAL OF REQUIREMENTS.—The Administrator shall submit any requirement established or prescription made under paragraph (1) to the Director of the Office of Personnel Management for approval. If the Director does not disapprove a requirement or prescription within 30 days after the date on which the Director receives it, the requirement or prescription is deemed to be approved by the Director.

"(h) EDUCATION AND TRAINING.—

"(1) FUNDING LEVELS.—(A) The head of an executive agency shall set forth separately the funding levels requested for education and training of the acquisition workforce in the budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31, United States Code.

"(B) Funds appropriated for education and training under this section may not be obligated for any other purpose.

"(2) TUITION ASSISTANCE.—The head of an executive agency may provide tuition reimbursement in education (including a full-time course of study leading to a degree) in accordance with section 4107 of title 5, United States Code, for personnel serving in acquisition positions in the agency.".

(2) The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

"Sec. 37. Acquisition workforce.".

(b) ADDITIONAL AMENDMENTS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405), is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), and (12) (as transferred by section 4321(h)(1)) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (5)—

(A) in subparagraph (A), by striking out "Government-wide career management programs for a professional procurement work force" and inserting in lieu thereof "the development of a professional acquisition workforce Government-wide"; and

(B) in subparagraph (B)—

(i) by striking out "procurement by the" and inserting in lieu thereof "acquisition by the";

(ii) by striking out "and" at the end of the subparagraph; and

(iii) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

"(D) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

"(E) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

"(F) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

"(G) evaluate the effectiveness of training and career development programs for acquisition personnel;

"(H) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

"(I) facilitate, to the extent requested by agencies, interagency intern and training programs; and

"(J) perform other career management or research functions as directed by the Administrator."; and

(3) by inserting before paragraph (7) (as so redesignated) the following new paragraph (6):

"(6) administering the provisions of section 37;".

SEC. 4308. DEMONSTRATION PROJECT RELATING TO CERTAIN PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

(a) COMMENCEMENT.—The Secretary of Defense is encouraged to take such steps as may be necessary to provide for the commencement of a demonstration project, the purpose of which would be to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5, United States Code, and all other provisions of such title that apply with respect to any demonstration project under such section.

(2) EXCEPTIONS.—Subject to paragraph (3), in applying section 4703 of title 5, United States Code, with respect to a demonstration project described in subsection (a)—

(A) "180 days" in subsection (b)(4) of such section shall be deemed to read "120 days";

(B) "90 days" in subsection (b)(6) of such section shall be deemed to read "30 days"; and

(C) subsection (d)(1)(A) of such section shall be disregarded.

(3) CONDITION.—Paragraph (2) shall not apply with respect to a demonstration project unless it—

(A) involves only the acquisition workforce of the Department of Defense (or any part thereof); and

(B) commences during the 3-year period beginning on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "acquisition workforce" refers to the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of title 10, United States Code.

SEC. 4309. COOPERATIVE PURCHASING.

(a) DELAY IN OPENING CERTAIN FEDERAL SUPPLY SCHEDULES TO USE BY STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS.—The Administrator of General Services may not use the authority of section 201(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b)(2)) to provide for the use of Federal supply schedules of the General Services Administration until after the later of—

(1) the date on which the 18-month period beginning on the date of the enactment of this Act expires; or

(2) the date on which all of the following conditions are met:

(A) The Administrator has considered the report of the Comptroller General required by subsection (b).

(B) The Administrator has submitted comments on such report to Congress as required by subsection (c).

(C) A period of 30 days after the date of submission of such comments to Congress has expired.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Administrator of General Services and to Congress a report on the implementation of section 201(b) of the Federal Property and Administrative Services Act of 1949. The report shall include the following:

(1) An assessment of the effect on industry, including small businesses and local dealers, of providing for the use of Federal supply schedules by the entities described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(2) An assessment of the effect on such entities of providing for the use of Federal supply schedules by them.

(c) COMMENTS ON REPORT BY ADMINISTRATOR.—Not later than 30 days after receiving the report of the Comptroller General required by subsection (b), the Administrator of General Services shall submit to Congress comments on the report, including the Administrator's comments on whether the Administrator plans to provide any Federal supply schedule for the use of any entity described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(d) CALCULATION OF 30-DAY PERIOD.—For purposes of subsection (a)(2)(C), the calculation of the 30-day period shall exclude Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days.

SEC. 4310. PROCUREMENT NOTICE TECHNICAL AMENDMENT.

Section 18(c)(1)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by inserting after "requirements contract" the following: ", a task order contract, or a delivery order contract".

SEC. 4311. MICRO-PURCHASES WITHOUT COMPETITIVE QUOTATIONS.

Section 32(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as redesignated by section 4304(c)(3), is amended by striking out "the contracting officer" and inserting in lieu thereof "an employee of an executive agency or a member of the Armed Forces of the United States authorized to do so".

Subtitle B—Technical Amendments

SEC. 4321. AMENDMENTS RELATED TO FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

(a) PUBLIC LAW 103–355.—Effective as of October 13, 1994, and as if included therein as enacted, the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3243 et seq.) is amended as follows:

(1) Section 1073 (108 Stat. 3271) is amended by striking out "section 303I" and inserting in lieu thereof "section 303K".

(2) Section 1202(a) (108 Stat. 3274) is amended by striking out the closing quotation marks and second period at the end of paragraph (2)(B) of the subsection inserted by the amendment made by that section.

(3) Section 1251(b) (108 Stat. 3284) is amended by striking out "Office of Federal Procurement Policy Act" and inserting in lieu thereof "Federal Property and Administrative Services Act of 1949".

(4) Section 2051(e) (108 Stat. 3304) is amended by striking out the closing quotation marks and second period at the end of subsection (f)(3) in the matter inserted by the amendment made by that section.

(5) Section 2101(a)(6)(B)(ii) (108 Stat. 3308) is amended by replacing "regulation" with "regulations" in the first quoted matter.

(6) Section 2351(a) (108 Stat. 3322) is amended by inserting "(1)" before "Section 6".

(7) The heading of section 2352(b) (108 Stat. 3322) is amended by striking out "PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—" and inserting in lieu thereof "PROCEDURES.—".

(8) Section 3022 (108 Stat. 3333) is amended by striking out "each place" and all that follows through the end of the section and inserting in lieu thereof "in paragraph (1) and ', rent,' after 'sell' in paragraph (2).".

(9) Section 5092(b) (108 Stat. 3362) is amended by inserting "of paragraph (2)" after "second sentence".

(10) Section 6005(a) (108 Stat. 3364) is amended by striking out the closing quotation marks and second period at the end of subsection (e)(2) of the matter inserted by the amendment made by that section.

(11) Section 10005(f)(4) (108 Stat. 3409) is amended in the second matter in quotation marks by striking out "SEC. 5. This Act" and inserting in lieu thereof "SEC. 7. This title".

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2220(b) is amended by striking out "the date of the enactment of the Federal Acquisition Streamlining Act of 1994" and inserting in lieu thereof "October 13, 1994".

(2)(A) The section 2247 added by section 7202(a)(1) of Public Law 103–355 (108 Stat. 3379) is redesignated as section 2249.

(B) The item relating to that section in the table of sections at the beginning of subchapter I of chapter 134 is revised to conform to the redesignation made by subparagraph (A).

(3) Section 2302(3)(K) is amended by adding a period at the end.

(4) Section 2304(f)(2)(D) is amended by striking out "the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act," and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.),".

(5) Section 2304(h) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.).".

(6)(A) The section 2304a added by section 848(a)(1) of Public Law 103–160 (107 Stat. 1724) is redesignated as section 2304e.

(B) The item relating to that section in the table of sections at the beginning of chapter 137 is revised to conform to the redesignation made by subparagraph (A).

(7) Section 2306a is amended—

(A) in subsection (d)(2)(A)(ii), by inserting "to" after "The information referred";

(B) in subsection (e)(4)(B)(ii), by striking out the second comma after "parties"; and

(C) in subsection (i)(3), by inserting "(41 U.S.C. 403(12))" before the period at the end.

(8) Section 2323 is amended—

(A) in subsection (a)(1)(C), by inserting a closing parenthesis after "1135d–5(3))" and after "1059c(b)(1))";

(B) in subsection (a)(3), by striking out "(issued under" and all that follows through "421(c))";

(C) in subsection (b), by inserting "(1)" after "AMOUNT.—"; and

(D) in subsection (i)(3), by adding at the end a subparagraph (D) identical to the subparagraph (D) set forth in the amendment made by section 811(e) of Public Law 103–160 (107 Stat. 1702).

(9) Section 2324 is amended—

(A) in subsection (e)(2)(C)—

(i) by striking out "awarding the contract" at the end of the first sentence; and

(ii) by striking out "title III" and all that follows through "Act)" and inserting in lieu thereof "the Buy American Act (41 U.S.C. 10b–1)"; and

(B) in subsection (h)(2), by inserting "the head of the agency or" after "in the case of any contract if".

(10) Section 2350b is amended—

(A) in subsection (c)(1)—

(i) by striking out "specifically—" and inserting in lieu thereof "specifically prescribes—"; and

(ii) by striking out "prescribe" in each of subparagraphs (A), (B), (C), and (D); and

(B) in subsection (d)(1), by striking out "subcontract to be" and inserting in lieu thereof "subcontract be".

(11) Section 2372(i)(1) is amended by striking out "section 2324(m)" and inserting in lieu thereof "section 2324(l)".

(12) Section 2384(b) is amended—

(A) in paragraph (2)—

(i) by striking "items, as" and inserting in lieu thereof "items (as"; and

(ii) by inserting a closing parenthesis after "403(12))"; and

(B) in paragraph (3), by inserting a closing parenthesis after "403(11))".

(13) Section 2400(a)(5) is amended by striking out "the preceding sentence" and inserting in lieu thereof "this paragraph".

(14) Section 2405 is amended—

(A) in paragraphs (1) and (2) of subsection (a), by striking out "the date of the enactment of the Federal Acquisition Streamlining Act of 1994" and inserting in lieu thereof "October 13, 1994"; and

(B) in subsection (c)(3)—

(i) by striking out "the later of—" and all that follows through "(B)"; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and realigning those subparagraphs accordingly.

(15) Section 2410d(b) is amended by striking out paragraph (3).

(16) Section 2410g(d)(1) is amended by inserting before the period at the end the following: "(as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))".

(17) Section 2424(c) is amended—

(A) by inserting "EXCEPTION.—" after "(c)"; and

(B) by striking out "drink" the first and third places it appears in the second sentence and inserting in lieu thereof "beverage".

(18) Section 2431 is amended—

(A) in subsection (b)—

(i) by striking out "Any report" in the first sentence and inserting in lieu thereof "Any documents"; and

(ii) by striking out "the report" in paragraph (3) and inserting in lieu thereof "the documents"; and

(B) in subsection (c), by striking "reporting" and inserting in lieu thereof "documentation".

(19) Section 2461(e)(1) is amended by striking out "the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O'Day Act" and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 47)".

(20) Section 2533(a) is amended by striking out "title III of the Act" and all that follows through "such Act" and inserting in lieu thereof "the Buy American Act (41 U.S.C. 10a)) whether application of such Act".

(21) Section 2662(b) is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

(22) Section 2701(i)(1) is amended—

(A) by striking out "Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act'," and inserting in lieu thereof "Miller Act (40 U.S.C. 270a et seq.)"; and

(B) by striking out "such Act of August 24, 1935" and inserting in lieu thereof "the Miller Act".

(c) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 632 et seq.) is amended as follows:

(1) Section 8(d) (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1), by striking out the second comma after "small business concerns" the first place it appears; and

(B) in paragraph (6)(C), by striking out "and small business concerns owned and controlled by the socially and economically disadvantaged individuals" and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women".

(2) Section 8(f) (15 U.S.C. 637(f)) is amended by inserting "and" after the semicolon at the end of paragraph (5).

(3) Section 15(g)(2) (15 U.S.C. 644(g)(2)) is amended by striking out the second comma after the first appearance of "small business concerns".

(d) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Section 3551 is amended—

(A) by striking out "subchapter—" and inserting in lieu thereof "subchapter:"; and

(B) in paragraph (2), by striking out "or proposed contract" and inserting in lieu thereof "or a solicitation or other request for offers".

(2) Section 3553(b)(3) is amended by striking out "3554(a)(3)" and inserting in lieu thereof "3554(a)(4)".

(3) Section 3554(b)(2) is amended by striking out "section 3553(d)(2)(A)(i)" and inserting in lieu thereof "section 3553(d)(3)(C)(i)(I)".

(e) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The Federal Property and Administrative Services Act of 1949 is amended as follows:

(1) The table of contents in section 1 (40 U.S.C. 471 prec.) is amended—

(A) by striking out the item relating to section 104;

(B) by striking out the item relating to section 201 and inserting in lieu thereof the following:

"Sec. 201. Procurements, warehousing, and related activities.";

(C) by inserting after the item relating to section 315 the following new item:

"Sec. 316. Merit-based award of grants for research and development.";

(D) by striking out the item relating to section 603 and inserting in lieu thereof the following:

"Sec. 603. Authorizations for appropriations and transfer authority."; and

(E) by inserting after the item relating to section 605 the following new item:

"Sec. 606. Sex discrimination.".

(2) Section 303(f)(2)(D) (41 U.S.C. 253(f)(2)(D)) is amended by striking out "the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act," and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.),".

(3) The heading for paragraph (1) of section 304A(c) (41 U.S.C. 254b(c)) is amended by changing each letter that is capitalized (other than the first letter of the first word) to lower case.

(4) Subsection (d)(2)(A)(ii) of section 304A (41 U.S.C. 254b) is amended by inserting "to" after "The information referred".

(5) Section 304C(a)(2) is amended by striking out "section 304B" and inserting in lieu thereof "section 304A".

(6) Section 307(b) is amended by striking out "section 305(c)" and inserting in lieu thereof "section 305(d)".

(7) The heading for section 314A (41 U.S.C. 264a) is amended to read as follows:

"SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF COMMERCIAL ITEMS.".

(8) Section 315(b) (41 U.S.C. 265(b)) is amended by striking out "inspector general" both places it appears and inserting in lieu thereof "Inspector General".

(9) The heading for section 316 (41 U.S.C. 266) is amended by inserting at the end a period.

(f) WALSH-HEALEY ACT.—

(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.) is amended—

(A) by transferring the second section 11 (as added by section 7201(4) of Public Law 103–355) so as to appear after section 10; and

(B) by redesignating the three sections following such section 11 (as so transferred) as sections 12, 13, and 14.

(2) Such Act is further amended in section 10—

(A) in subsection (b), by striking out "section 1(b)" and inserting in lieu thereof "section 1(a)"; and

(B) in subsection (c), by striking out the comma after "'locality'".

(g) ANTI-KICKBACK ACT OF 1986.—Section 7(d) of the Anti-Kickback Act of 1986 (41 U.S.C. 57(d)) is amended—

(1) by striking out "such Act" and inserting in lieu thereof "the Office of Federal Procurement Policy Act"; and

(2) by striking out the second period at the end.

(h) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6 (41 U.S.C. 405) is amended by transferring paragraph (12) of subsection (d) (as such paragraph was redesignated by section 5091(2) of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–355; 108 Stat. 3361)) to the end of that subsection.

(2) Section 6(11) (41 U.S.C. 405(11)) is amended by striking out "small business" and inserting in lieu thereof "small businesses".

(3) Section 18(b) (41 U.S.C. 416(b)) is amended by inserting "and" after the semicolon at the end of paragraph (5).

(4) Section 26(f)(3) (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out "Not later than 180 days after the date of enactment of this section, the Administrator" and inserting in lieu thereof "The Administrator".

(i) OTHER LAWS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended as follows:

(A) Section 126(c) (107 Stat. 1567) is amended by striking out "section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note)." and inserting in lieu thereof "section 2401 or 2401a of title 10, United States Code.".

(B) Section 127 (107 Stat. 1568) is amended—

(i) in subsection (a), by striking out "section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note)." and inserting in lieu thereof "section 2401 or 2401a of title 10, United States Code."; and

(ii) in subsection (e), by striking out "section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note)." and inserting in lieu thereof "section 2401a of title 10, United States Code.".

(2) The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is amended by striking out section 824.

(3) Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 2431 note) is amended by striking out subsection (c).

(4) The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is amended by striking out section 825 (10 U.S.C. 2432 note).

(5) Section 11 of Public Law 101–552 (5 U.S.C. 581 note) is amended by inserting "under" before "the amendments made by this Act".

(6) The last sentence of section 6 of the Federal Power Act (16 U.S.C. 799) is repealed.

(7) Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(A)) is amended by striking out "the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46 et seq.)" and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)".

(8) The first section 5 of the Miller Act (40 U.S.C. 270a note) is redesignated as section 7 and, as so redesignated, is transferred to the end of that Act.

(9) Section 3737(g) of the Revised Statutes of the United States (41 U.S.C. 15(g)) is amended by striking out "rights of obligations" and inserting in lieu thereof "rights or obligations".

(10) The Act of June 15, 1940 (41 U.S.C. 20a; Chapter 367; 54 Stat. 398), is repealed.

(11) The Act of November 28, 1943 (41 U.S.C. 20b; Chapter 328; 57 Stat. 592), is repealed.

(12) Section 3741 of the Revised Statutes of the United States (41 U.S.C. 22), as amended by section 6004 of Public Law 103–355 (108 Stat. 3364), is amended by striking out "No member" and inserting in lieu thereof "SEC. 3741. No Member".

(13) Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701(a)(1)) is amended by striking out "as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)" and inserting in lieu thereof "(as defined in section 4(12) of such Act (41 U.S.C. 403(12)))".

SEC. 4322. MISCELLANEOUS AMENDMENTS TO FEDERAL ACQUISITION LAWS.

(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6(b) (41 U.S.C. 405(b)) is amended by striking out the second comma after "under subsection (a)" in the first sentence.

(2) Section 25(b)(2) (41 U.S.C. 421(b)(2)) is amended by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(b) OTHER LAWS.—

(1) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking out the second comma after "Community Service".

(2) Section 908(e) of the Defense Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking out "section 2325(g)" and inserting in lieu thereof "section 2326(g)".

(3) Effective as of August 9, 1989, and as if included therein as enacted, Public Law 101–73 is amended in section 501(b)(1)(A) (103 Stat. 393) by striking out "be," and inserting in lieu thereof "be;" in the second quoted matter therein.

(4) Section 3732(a) of the Revised Statutes of the United States (41 U.S.C. 11(a)) is amended by striking out the second comma after "quarters".

(5) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended in paragraphs (3), (5), (6), and (7), by striking out "The" and inserting in lieu thereof "the".

(6) Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsections (d) and (e) by inserting after "United States Code" each place it appears the following: "(as in effect on September 30, 1995)".

(7) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(A) in subsection (a), by striking out "section 1302 of the Act of July 27, 1956, (70 Stat. 694, as

amended; 31 U.S.C. 724a)" and inserting in lieu thereof "section 1304 of title 31, United States Code"; and

(B) in subsection (c), by striking out "section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)" and inserting in lieu thereof "section 1304 of title 31, United States Code,".

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 4401. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as otherwise provided in this division, this division and the amendments made by this division shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—

(1) SOLICITATIONS, UNSOLICITED PROPOSALS, AND RELATED CONTRACTS.—An amendment made by this division shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) OTHER MATTERS.—An amendment made by this division shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) DEMARCATION DATE.—The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be January 1, 1997, or any earlier date that is not within 30 days after the date on which such final regulations are published.

SEC. 4402. IMPLEMENTING REGULATIONS.

(a) PROPOSED REVISIONS.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this Act may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) SAVINGS PROVISIONS.—

(1) VALIDITY OF PRIOR ACTIONS.—Nothing in this division shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 4401(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) RENEGOTIATION AND MODIFICATION OF PREEXISTING CONTRACTS.—Except as specifically provided in this division, nothing in this division shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) CONTINUED APPLICABILITY OF PREEXISTING LAW.—Except as otherwise provided in this division, a law amended by this division shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, January 1, 1997.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the "Information Technology Management Reform Act of 1995".

SEC. 5002. DEFINITIONS.

In this division:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(3) INFORMATION TECHNOLOGY.—(A) The term "information technology", with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term "information technology" includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term "information technology" does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) INFORMATION RESOURCES.—The term "information resources" has the meaning given such term in section 3502(6) of title 44, United States Code.

(5) INFORMATION RESOURCES MANAGEMENT.—The term "information resources management" has the meaning given such term in section 3502(7) of title 44, United States Code.

(6) INFORMATION SYSTEM.—The term "information system" has the meaning given such term in section 3502(8) of title 44, United States Code.

(7) COMMERCIAL ITEM.—The term "commercial item" has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

SEC. 5101. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

Subtitle B—Director of the Office of Management and Budget

SEC. 5111. RESPONSIBILITY OF DIRECTOR.

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this title with respect to the specific matters covered by this title.

SEC. 5112. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) FEDERAL INFORMATION TECHNOLOGY.—The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44, United States Code.

(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

(c) USE OF BUDGET PROCESS.—The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, United States Code, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.—The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.—The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) TRAINING.—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) INFORMING CONGRESS.—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) PROCUREMENT POLICY AND ACQUISITIONS OF INFORMATION TECHNOLOGY.—The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

SEC. 5113. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall issue clear and concise direction to the head of each executive agency—

(A) to establish for the executive agency and each of its major components effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) to determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) to analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) to ensure that the information security policies, procedures, and practices are adequate.

(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) ENFORCEMENT OF ACCOUNTABILITY.—

(A) IN GENERAL.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an executive agency may include—

(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

Subtitle C—Executive Agencies

SEC. 5121. RESPONSIBILITIES.

In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

SEC. 5122. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) CONTENT OF PROCESS.—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

SEC. 5123. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

SEC. 5124. ACQUISITIONS OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 PROGRAM.—Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

SEC. 5125. AGENCY CHIEF INFORMATION OFFICER.

(a) DESIGNATION OF CHIEF INFORMATION OFFICERS.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking out "senior official" and inserting in lieu thereof "Chief Information Officer";

(B) in paragraph (2)(B)—

(i) by striking out "senior officials" in the first sentence and inserting in lieu thereof "Chief Information Officers";

(ii) by striking out "official" in the second sentence and inserting in lieu thereof "Chief Information Officer"; and

(iii) by striking out "officials" in the second sentence and inserting in lieu thereof "Chief Information Officers"; and

(C) in paragraphs (3) and (4), by striking out "senior official" each place it appears and inserting in lieu thereof "Chief Information Officer"; and

(2) in subsection (c)(1), by striking out "official" in the matter preceding subparagraph (A) and inserting in lieu thereof "Chief Information Officer".

(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this division, consistent with chapter 35 of title 44, United States Code, and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an agency that is listed in section 901(b) of title 31, United States Code, shall—

(1) have information resources management duties as that official's primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under section 306 of title 5, United States Code, and sections 1105(a)(29), 1115, 1116, 1117, and 9703 of title 31, United States Code—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

(D) report to the head of the agency on the progress made in improving information resources management capability.

(d) INFORMATION TECHNOLOGY ARCHITECTURE DEFINED.—In this section, the term "information technology architecture", with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Chief Information Officer, Department of Agriculture.

"Chief Information Officer, Department of Commerce.

"Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

"Chief Information Officer, Department of Education.

"Chief Information Officer, Department of Energy.

"Chief Information Officer, Department of Health and Human Services.

"Chief Information Officer, Department of Housing and Urban Development.

"Chief Information Officer, Department of the Interior.

"Chief Information Officer, Department of Justice.

"Chief Information Officer, Department of Labor.

"Chief Information Officer, Department of State.

"Chief Information Officer, Department of Transportation.

"Chief Information Officer, Department of Treasury.

"Chief Information Officer, Department of Veterans Affairs.

"Chief Information Officer, Environmental Protection Agency.

"Chief Information Officer, National Aeronautics and Space Administration.

"Chief Information Officer, Agency for International Development.

"Chief Information Officer, Federal Emergency Management Agency.

"Chief Information Officer, General Services Administration.

"Chief Information Officer, National Science Foundation.

"Chief Information Officer, Nuclear Regulatory Agency.

"Chief Information Officer, Office of Personnel Management.

"Chief Information Officer, Small Business Administration.".

SEC. 5126. ACCOUNTABILITY.

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

SEC. 5127. SIGNIFICANT DEVIATIONS.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

SEC. 5128. INTERAGENCY SUPPORT.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

Subtitle D—Other Responsibilities

SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY, SECURITY, AND PRIVACY OF FEDERAL COMPUTER SYSTEMS.

(a) STANDARDS AND GUIDELINES.—

(1) AUTHORITY.—The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)), promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) EXERCISE OF AUTHORITY.—The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) WAIVER OF STANDARDS.—The standards determined under subsection (a) to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

(d) DEFINITIONS.—In this section, the terms "Federal computer system" and "operator of a Federal computer system" have the meanings given such terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)).

(e) TECHNICAL AMENDMENTS.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3504(g)—

(A) in paragraph (2), by striking out "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and inserting in lieu thereof "sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3 and 278g-4), section 5131 of the Information Technology Management Reform Act of 1995, and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)"; and

(B) in paragraph (3), by striking out "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and inserting in lieu thereof "the standards and guidelines promulgated under section 5131 of the Information Technology Management Reform Act of 1995 and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)"; and

(2) in section 3518(d), by striking out "Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or" and inserting in lieu thereof "section

5131 of the Information Technology Management Reform Act of 1995 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or''.

SEC. 5132. SENSE OF CONGRESS.

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

Subtitle E—National Security Systems

SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYSTEMS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not apply to national security systems.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 5123, 5125, and 5126 apply to national security systems.

(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of executive agencies shall apply sections 5112 and 5122 to national security systems to the extent practicable.

(3) PERFORMANCE AND RESULTS OF INFORMATION TECHNOLOGY INVESTMENTS.—(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 5113 to national security systems to the extent practicable.

(B) National security systems shall be subject to section 5113(b)(5) except for subparagraph (B)(iv) of that section.

SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.

(a) DEFINITION.—In this subtitle, the term "national security system" means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

(b) LIMITATION.—Subsection (a)(5) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SEC. 5201. PROCUREMENT PROCEDURES.

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) POLICY.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SEC. 35. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.

"(a) IN GENERAL.—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

"(b) MODULAR CONTRACTING DESCRIBED.—Under modular contracting, an executive agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

"(c) IMPLEMENTATION.—The Federal Acquisition Regulation shall provide that—

"(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

"(A) are easier to manage individually than would be one comprehensive acquisition;

"(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

"(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

"(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

"(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

"(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following new item:

"Sec. 35. Modular contracting for information technology.".

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

SEC. 5301. AUTHORITY TO CONDUCT PILOT PROGRAMS.

(a) IN GENERAL.—

(1) PURPOSE.—The Administrator for Federal Procurement Policy (hereinafter referred to as the "Administrator"), in consultation with the Administrator for the Office of Information and Regulatory Affairs, may conduct pilot programs in order to test alternative approaches for acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this title to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 5311 and 5312.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), any pilot program may be carried out under this title for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 5302. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 5301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 5301, the Administrator shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 5303. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this title, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 5304. RECOMMENDED LEGISLATION.

If the Director determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.

SEC. 5305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this title.

Subtitle B—Specific Pilot Programs

SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) REQUIREMENT.—The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out

one project and enter into not more than five contracts for the project.

(c) SELECTION OF PROJECTS.—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

SEC. 5312. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2), to carry out a pilot program to test the feasibility of using solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DESCRIBED.—For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, together with a contracting officer and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) MONITORING BY GAO.—The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide through the Federal Acquisition Computer Network (in this section referred to as "FACNET"), not later than January 1, 1998, Government-wide on-line computer access to information on products and services that are available for ordering under the multiple award schedules. If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) and meets the requirement of subsection (b)(2).

(b) ADDITIONAL FACNET FUNCTIONS.—(1) In addition to the functions specified in section 30(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(b)), the FACNET architecture shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The FACNET architecture shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) STREAMLINED PROCEDURES.—

(1) PILOT PROGRAM.—Upon certification by the Administrator of General Services that the FACNET architecture meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

(3) COMPTROLLER GENERAL REVIEW AND REPORT.—(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(d) DEFINITION.—In this section, the term "FACNET" means the Federal Acquisition Computer Network established under section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS COMPUTER EQUIPMENT.

Not later than six months after the date of the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.

SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44, United States Code. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 5501. PERIOD FOR PROCESSING PROTESTS.

Title 31, United States Code, is amended as follows:

(1) Section 3553(b)(2)(A) is amended by striking out "35" and inserting in lieu thereof "30".

(2) Section 3554 is amended—

(A) in subsection (a)(1), by striking out "125" and inserting in lieu thereof "100"; and

(B) in subsection (e)—

(i) in paragraph (1), by striking out "Government Operations" and inserting in lieu thereof "Government Reform and Oversight"; and

(ii) in paragraph (2), by striking out "125" and inserting in lieu thereof "100".

SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RESOLUTION OF CHALLENGE TO CONTRACTING ACTION.

(a) IN GENERAL.—Section 1558 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting "or other action referred to in subsection (b)" after "protest" the first place it appears;

(B) by striking out "90 working days" and inserting in lieu thereof "100 days"; and

(C) by inserting "or other action" after "protest" the second place it appears; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Subsection (a) applies with respect to—

"(1) any protest filed under subchapter V of chapter 35 of this title; or

"(2) an action commenced under administrative procedures or for a judicial remedy if—

"(A) the action involves a challenge to—

"(i) a solicitation for a contract;

"(ii) a proposed award of a contract;

"(iii) an award of a contract; or

"(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and

"(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement.".

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§1558. Availability of funds following resolution of a formal protest or other challenge".

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 15 of title 31, United States Code, is amended to read as follows:

"1558. Availability of funds following resolution of a formal protest or other challenge.".

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) PROTEST FILE.—Section 2305(e) is amended by striking out paragraph (3).

(b) MULTIYEAR CONTRACTS.—Section 2306b of such title is amended—

(1) by striking out subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

(c) LAW INAPPLICABLE TO PROCUREMENT OF INFORMATION TECHNOLOGY.—Section 2315 of title 10, United States Code, is amended by striking out "Section 111" and all that follows through "use of equipment or services if," and inserting in lieu thereof the following: "For the purposes of the Information Technology Management Reform Act of 1995, the term 'national security systems' means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which".

SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) REFERENCES TO BROOKS AUTOMATIC DATA PROCESSING ACT.—Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out "section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)" and inserting in lieu thereof "the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1995";

(2) in subsection (g), by striking out "sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)" and inserting in lieu thereof "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)";

(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

(b) REFERENCES TO AUTOMATIC DATA PROCESSING.—Section 612 of title 28, United States Code, is further amended—

*(1) in the heading, by striking out the second word and inserting in lieu thereof "**Information Technology**";*

(2) in subsection (a), by striking out "Judiciary Automation Fund" and inserting in lieu thereof "Judiciary Information Technology Fund"; and

(3) by striking out "automatic data processing" and inserting in lieu thereof "information technology" each place it appears in subsections (a), (b), (c)(2), (e), (f), and (h)(1).

SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 3552 of title 31, United States Code, is amended by striking out the second sentence.

SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code, is amended to read as follows:

"§310. Chief Information Officer

"(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

"(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and the Information Technology Management Reform Act of 1995.".

SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the term 'information technology' has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1995 but does not include national security systems as defined in section 5142 of that Act;".

(b) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 3504(h)(1)(B) of such title is amended by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1995".

(c) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out "sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)" and inserting in lieu thereof "the Information Technology Management Reform Act of 1995 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)".

(d) COLLECTION OF INFORMATION.—Section 3507(j)(2) of such title is amended by striking out "90 days" in the second sentence and inserting in lieu thereof "180 days".

SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out "or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies".

SEC. 5607. OTHER LAWS.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(1) in subsection (a)—

(A) by striking out "section 3502(2) of title 44" each place it appears in paragraphs (2) and (3)(A) and inserting in lieu thereof "section 3502(9) of title 44"; and

(B) in paragraph (4), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1995";

(2) in subsection (b)—

(A) by striking out paragraph (2);

(B) in paragraph (3), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1995"; and

(C) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5); and

(3) in subsection (d)—

(A) in paragraph (1)(B)(v), by striking out "as defined" and all that follows and inserting in lieu thereof a semicolon; and

(B) in paragraph (2)—

(i) by striking out "system'—" and all that follows through "means" in subparagraph (A) and inserting in lieu thereof "system' means"; and

(ii) by striking out "; and" at the end of subparagraph (A) and all that follows through the end of subparagraph (B) and inserting in lieu thereof a semicolon.

(b) COMPUTER SECURITY ACT OF 1987.—

(1) PURPOSES.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724) is amended by striking out "by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))".

(2) SECURITY PLAN.—Section 6(b) of such Act (101 Stat. 1729; 40 U.S.C. 759 note) is amended—

(A) by striking out "Within one year after the date of enactment of this Act, each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949," and inserting in lieu thereof "Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Information Technology Management Reform Act of 1995,"; and

(B) by striking out "Copies" and all that follows through "Code.".

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended by striking out paragraph (3).

(d) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 6(h)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(h)(1)) is amended by striking out "of automatic data processing and telecommunications equipment and services or".

(e) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(f) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 5608. CLERICAL AMENDMENTS.

(a) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The table of contents in section 1(b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item relating to section 111.

(b) TITLE 38, UNITED STATES CODE.—The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Chief Information Officer.".

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

SEC. 5701. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act.

SEC. 5702. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under the section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this division,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS.—

(1) PROCEEDINGS GENERALLY.—This division and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

(2) ORDERS.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) OTHER AUTHORITY AND PROHIBITION.—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

(5) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) STANDARDS AND GUIDELINES FOR FEDERAL COMPUTER SYSTEMS.—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act.

SEC. 5703. RULES OF CONSTRUCTION.

(a) RELATIONSHIP TO TITLE 44, UNITED STATES CODE.—Nothing in this division shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

(b) RELATIONSHIP TO COMPUTER SECURITY ACT OF 1987.—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100–235) and the amendments made by such Act.

And the Senate agree to the same.

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96) and the Senate amendment (except for sections 801–03, 815–18, 2851–57, and 4001–4801), and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
R.K. DORNAN,
JOEL HEFLEY,
JIM SAXTON,
RANDY DUKE CUNNINGHAM,
STEVE BUYER,
PETER G. TORKILDSEN,
TILLIE FOWLER,
JOHN M. MCHUGH,
J.C. WATTS, Jr.,
WALTER B. JONES, Jr.,
JIM LONGLEY,

G.V. MONTGOMERY,
IKE SKELTON,
NORMAN SISISKY,
SOLOMON P. ORTIZ,
OWEN PICKETT,
JOHN TANNER,
GLENN BROWDER,
GENE TAYLOR,
NEIL ABERCROMBIE,

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
J.C. WATTS, Jr.,

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
JOEL HEFLEY,
WALTER B. JONES, Jr.,
G.V. MONTGOMERY,

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
PETER G. TORKILDSEN,
J.C. WATTS, Jr.,
JIM LONGLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

LARRY COMBEST,
BILL YOUNG,

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

PAT ROBERTS,
WAYNE ALLARD,
RAY LAHOOD,
E DE LA GARZA,
TIM JOHNSON,

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided, Mr. Oxley is appointed in lieu of Mr. Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment:

MICHAEL G. OXLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment:

MICHAEL BILIRAKIS,

Provided, Mr. Hastert is appointed in lieu of Mr. Schaefer for consideration of sections 2851–1–57 of the Senate amendment:

J. DENNIS HASTERT,

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

WILLIAM F. GOODLING,
FRANK RIGGS,
BILL CLAY,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–33, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
JOHN L. MICA,
C.F. BASS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

BILL CLINGER,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEVEN SCHIFF,
BILL ZELIFF,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PAT ROBERTS,
STENY HOYER,

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

BENJAMIN, A. GILMAN,
WILLIAM F. GOODLING,
TOBY ROTH,
DOUG BEREUTER,
CHRIS SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
GEORGE W. GEKAS,

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

JERRY SOLOMON,
DAVID DREIER,

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
JAMES F. SENSENBRENNER, Jr.,

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
JERRY WELLER,

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
TIM HUTCHINSON,
JOE KENNEDY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

BILL ARCHER,
WILLIAM THOMAS,
PETE STARK,
Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
JIM INHOFE,
RICK SANTORUM,
SAM NUNN,
ROBERT C. BYRD,
CHUCK ROBB,
JOSEPH LIEBERMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of $264.7 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill in fiscal year 1996 and, in addition, summarizes the national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications		
							House	Senate	Conference
DIVISION A									
TITLE I									
Aircraft Procurement, Army	1,223.067	1,423.067	1,396.451	335.738	1,558.805	1,223.067	1,423.067	1,396.451	1,558.805
Missile Procurement, Army	676.430	862.830	894.430	189.125	865.555	676.430	862.830	894.430	865.555
Procurement of Weapons and Tracked Combat Vehicles,	1,298.986	1,359.664	1,547.964	353.759	1,652.745	1,298.986	1,359.664	1,547.964	1,652.745
Procurement of Ammunition, Army	795.015	1,062.715	1,120.115	298.976	1,093.991	795.015	1,062.715	1,120.115	1,093.991
Other Procurement, Army	2,256.601	2,545.587	2,811.101	506.842	2,763.443	2,256.601	2,545.587	2,811.101	2,763.443
Aircraft Procurement, Navy	3,886.488	4,106.488	4,916.588	685.906	4,572.394	3,886.488	4,106.488	4,916.588	4,572.394
Weapons Procurement, Navy	1,787.121	1,626.411	1,771.421	(127.294)	1,659.827	1,787.121	1,626.411	1,771.421	1,659.827
Shipbuilding and Conversion, Navy	5,051.935	6,227.958	7,111.935	1,592.023	6,643.958	5,051.935	6,227.958	7,111.935	6,643.958
Procurement of Ammunition, Navy and Marine Corps	-	461.779	-	430.053	430.053	-	461.779	-	430.053
Other Procurement, Navy	2,396.080	2,461.472	2,471.861	18.691	2,414.771	2,396.080	2,461.472	2,471.861	2,414.771
Procurement, Marine Corps	474.116	399.247	683.416	(15.169)	458.947	474.116	399.247	683.416	458.947
Aircraft Procurement, Air Force	6,183.886	7,031.952	6,318.586	1,165.897	7,349.783	6,183.886	7,031.952	6,318.586	7,349.783
Missile Procurement, Air Force	3,647.711	3,430.083	3,627.499	(708.828)	2,938.883	3,647.711	3,430.083	3,627.499	2,938.883
Procurement of Ammunition, Air Force	-	321.328	-	343.848	343.848	-	321.328	-	343.848
Other Procurement, Air Force	6,804.696	6,784.801	6,516.001	(536.266)	6,268.430	6,804.696	6,784.801	6,516.001	6,268.430
Procurement, Defense-wide	2,179.917	2,205.917	2,118.324	(55.538)	2,124.379	2,179.917	2,205.917	2,118.324	2,124.379
National Guard and Reserve Equipment	-	770.000	777.400	777.000	777.000	-	770.000	777.400	777.000
Chemical Agents and Munitions Destruction, Army									
O&M	393.850	393.850	393.850	(40.000)	353.850	393.850	393.850	393.850	353.850
Proc	299.448	299.448	224.448	(34.448)	265.000	299.448	299.448	224.448	265.000
R&D	53.400	53.400	53.400	-	53.400	53.400	53.400	53.400	53.400
Defense Production Act Purchases	-	-	-		-	-			
Defense Health, Procurement	288.033	288.033	288.033	-	288.033	-			
Office of the Inspector General, Procurement	1.000	1.000	1.000	-	1.000	-			
Total Procurement	39,697.780	44,117.030	45,043.823	5,180.315	44,878.095	39,408.747	43,827.997	44,754.790	44,589.062
TITLE II									
Research, Development, Test, and Evaluation, Army	4,444.175	4,774.947	4,845.097	293.406	4,737.581	4,444.175	4,774.947	4,845.097	4,737.581

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization					Request	BA Implications		
	Request	House	Senate	Conference	Conference	BA			
Account Title	1996	Authorized	Authorized	Change	Authorization	1996	House	Senate	Conference
Research, Development, Test, and Evaluation, Navy	8,204.530	8,516.509	8,624.230	270.253	8,474.783	8,204.530	8,516.509	8,624.230	8,474.783
Research, Development, Test, and Evaluation, Air Force	12,598.439	13,184.102	13,087.389	316.429	12,914.868	12,598.439	13,184.102	13,087.389	12,914.868
Research, Development, Test, and Evaluation, Defense-w	8,802.881	9,287.058	9,271.220	616.630	9,419.511	8,802.881	9,287.058	9,271.220	9,419.511
Operational Test and Evaluation, Defense	22.587	22.587	22.587	-	22.587	22.587	22.587	22.587	22.587
Developmental Test and Evaluation, Defense	259.341	239.341	239.341	(8.259)	251.082	259.341	239.341	239.341	251.082
Undistributed Reduction			(40.000)	-	-			(40.000)	
FFRDC Reduction	-	(90.097)	(90.000)	(90.000)	(90.000)	-	(90.097)	(90.000)	(90.000]
Total Research & Development	34,331.953	35,934.447	35,959.864	1,398.459	35,730.412	34,331.953	35,934.447	35,959.864	35,730.412
TITLE III									
Operation and Maintenance, Army	18,184.736	19,339.936	18,064.436	561.959	18,746.695	18,184.736	19,339.936	18,064.436	18,746.695
Operation and Maintenance, Navy	21,225.710	21,677.510	21,346.910	267.445	21,493.155	21,225.710	21,677.510	21,346.910	21,493.155
Operation and Maintenance, Marine Corps	2,269.722	2,603.622	2,405.722	252.100	2,521.822	2,269.722	2,603.622	2,405.722	2,521.822
Operation and Maintenance, Air Force	18,256.597	18,984.162	18,230.097	462.680	18,719.277	18,256.597	18,984.162	18,230.097	18,719.277
Operation and Maintenance, Defense-wide	10,366.782	10,680.371	10,035.867	(456.306)	9,910.476	10,366.782	10,681.871	10,035.867	9,910.476
Defense Health Program,O&M	9,865.525	9,876.525	9,943.825	11.000	9,876.525	9,865.525	9,876.525	9,943.825	9,876.525
Defense Health Program,PROC	-	-	-	-	-	288.033	288.033	288.033	288.033
Operation and Maintenance, Army Reserve	1,068.591	1,139.591	1,062.591	60.600	1,129.191	1,068.591	1,139.591	1,062.591	1,129.191
Operation and Maintenance, Navy Reserve	826.042	838.042	840.842	42.300	868.342	826.042	838.042	840.842	868.342
Operation and Maintenance, Marine Corps Reserve	90.283	91.783	90.283	10.000	100.283	90.283	91.783	90.283	100.283
Operation and Maintenance, Air Force Reserve	1,485.947	1,507.447	1,482.947	30.340	1,516.287	1,485.947	1,507.447	1,482.947	1,516.287
Operation and Maintenance, Army National Guard	2,304.108	2,394.108	2,304.108	57.700	2,361.808	2,304.108	2,394.108	2,304.108	2,361.808
Operation and Maintenance, Air National Guard	2,712.221	2,734.221	2,734.221	47.900	2,760.121	2,712.221	2,734.221	2,734.221	2,760.121
Office of the Inspector General, O&M	138.226	177.226	138.226		138.226	138.226	177.226	138.226	138.226
Office of the Inspector General, Proc						1.000	1.000	1.000	1.000
United States Courts of Appeals for the Armed Forces	6.521	6.521	6.521		6.521	6.521	6.521	6.521	6.521
Environmental Restoration, Defense	1,622.200	1,422.200	1,601.800	(200.000)	1,422.200	1,622.200	1,422.200	1,601.800	1,422.200
Drug Interdictión and Counter-drug Activities, Defense	680.432	680.432	680.432		680.432	680.432	680.432	680.432	680.432
Former Soviet Union Threat Reduction Account	371.000	200.000	365.000	(71.000)	300.000	371.000	200.000	365.000	300.000
Summer Olympics	15.000	15.000	15.000	-	15.000	15.000	15.000	15.000	15.000
Contributions for International Peacekeeping and Peace E	65.000	-	-	(65.000)	-	65.000	-	-	-

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization					Request	---BA Implications---		
Account Title	Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	BA 1996	House	Senate	Conference
Humanitarian Assistance	79.790	-	60.000	(79.790)	-	79.790	-	60.000	-
Disposal and Lease of DOD Real Property	-	-	-		-	8.000	8.000	8.000	8.000
DOD 50th Anniversary of World War II Commemoration	-	-	-		-	0.100	0.100	0.100	0.100
Overseas Humanitarian, Disaster, & Civic Aid	-	50.000	-	50.000	50.000	-	50.000	-	50.000
National Science Center, Army	-	-	-	-	-	0.085	0.085	0.085	0.085
Total Operation & Maintenance	91,634.433	94,418.697	91,408.828	981.928	92,616.361	91,931.651	94,717.415	91,706.046	92,913.579
Revolving Funds									
Defense Business OperationsFund	878.700	878.700	878.700	-	878.700	878.700	878.700	878.700	878.700
National Defense Sealift Fund	974.220	1,574.220	1,084.220	50.000	1,024.220	974.220	1,574.220	1,084.220	1,024.220
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
Stockpile Fund-Public Enterprise	-	-	-	-	-	(202.000)	(202.000)	(202.000)	(202.000)
Totals	1,852.920	2,452.920	1,962.920	50.000	1,902.920	1,500.920	2,100.920	1,610.920	1,550.920
TITLE IV-V-VI-VII									
Total Military Personnel (Sec 431)		68,951.663	68,814.863	494.345	69,191.008	68,696.663	68,951.663	68,814.863	69,191.008
GENERAL PROVISIONS DIVISION B									
Military Construction, Army	472.724	631.608	547.877	144.865	617.589	472.724	631.608	547.877	617.589
Military Construction, Navy	488.086	588.243	542.885	60.203	548.289	488.086	588.243	542.885	548.289
Military Construction, Air Force	495.655	586.841	587.517	91.915	587.570	495.655	586.841	587.517	587.570
Military Construction, Defense-wide	857.405	728.332	601.450	(235.179)	622.226	857.405	728.332	601.450	622.226
North Atlantic Treaty Organization Infrastructure	179.000	161.000	179.000	(18.000)	161.000	179.000	161.000	179.000	161.000
Military Construction, Army Reserve	42.963	42.963	79.895	30.553	73.516	42.963	42.963	79.895	73.516
Military Construction, Naval Reserve	7.920	19.655	7.920	11.135	19.055	7.920	19.655	7.920	19.055
Military Construction, Air Force Reserve	27.002	31.502	35.132	9.230	36.232	27.002	31.502	35.132	36.232
Military Construction, Army National Guard	18.480	72.537	148.586	116.322	134.802	18.480	72.537	148.586	134.802
Military Construction, Air National Guard	85.647	118.267	160.807	78.570	164.217	85.647	118.267	160.807	164.217
Foreign Currency Fluctuations, Construction	-	-	-	-	-	-	-	-	-
Base Realignment and Closure Account	3,897.892	3,897.892	3,799.192	-	3,897.892	3,897.892	3,897.892	3,799.192	3,897.892

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
Total Military Construction	6,572.774	6,878.840	6,690.261	289.614	6,862.388	6,572.774	6,878.840	6,690.261	6,862.388
Family Housing, Army	43.500	126.400	66.552	73.156	116.656	43.500	126.400	66.552	116.656
Family Housing Support, Army	1,337.596	1,333.596	1,337.596	-	1,337.596	1,337.596	1,333.596	1,337.596	1,337.596
Family Housing, Navy and Marine Corps	465.755	531.289	486.247	56.944	522.699	465.755	531.289	486.247	522.699
Family Housing Support, Navy and Marine Corps	1,048.329	1,045.329	1,048.329		1,048.329	1,048.329	1,045.329	1,048.329	1,048.329
Family Housing, Air Force	249.003	294.503	287.965	49.300	298.303	249.003	294.503	287.965	298.303
Family Housing Support, Air Force	849.213	846.213	849.213		849.213	849.213	846.213	849.213	849.213
Family Housing, Defense-wide	25.772	25.772	25.772	-	25.772	25.772	25.772	25.772	25.772
Family Housing Support, Defense-wide	30.467	40.467	30.467	10.000	40.467	30.467	40.467	30.467	40.467
Homeowners Assistance Fund, Defense	75.586	75.586	75.586	-	75.586	75.586	75.586	75.586	75.586
Sec 2809-Authority to convey Family Housing	-		5.000		-	-	-	-	-
Total Family Housing	4,125.221	4,319.155	4,212.727	189.400	4,314.621	4,125.221	4,319.155	4,207.727	4,314.621
DIVISION C									
TITLE XXXI, XXXII									
Weapons Activities	3,540.175	3,610.914	3,666.219	(79.861)	3,460.314	3,540.175	3,610.914	3,666.219	3,460.314
Defense Nuclear Waste Disposal	198.400	198.400	198.400	50.000	248.400	198.400	198.400	198.400	248.400
Defense Environmental Restoration and Waste Managem	6,008.002	5,265.478	5,905.955	(450.470)	5,557.532	6,008.002	5,265.478	5,905.955	5,557.532
Other Defense Activities	1,432.159	1,328.841	1,408.162	(80.183)	1,351.976	1,432.159	1,328.841	1,408.162	1,351.976
Salaries and Expenses	18.500	17.000	18.500	(1.500)	17.000	18.500	17.000	18.500	17.000
Total DOE	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222	11,197.236	10,420.633	11,197.236	10,635.222
TITLE XXXIII									
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
OTHER									
Salaries and Expenses	44.006	-	-	(44.01)	-	44.006	-	-	-
Emergency Management Planning and Assistance	24.025	-	-	(24.03)	-	24.025	-	-	-
FEMA Civil Defense (Total)	68.031	-	-	(68.031)	-	68.031	-	-	-

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
RECAPITULATION									
Department of Defense (Division A)	167,517.086	245,425.942	243,190.298	8,105.047	244,318.796	236,019.934	245,682.442	242,996.483	244,124.981
Department of Defense (Division B)	10,697.995	11,197.995	10,902.988	479.014	11,177.009	10,697.995	11,197.995	10,897.988	11,177.009
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
Other Funds	28.010	-	-	(28.010)	-	482.995	454.985	454.985	454.985
Offsetting Receipts	-	-	-	-	-	(1,207.785)	(1,207.785)	(1,207.785)	(1,207.785)
General Provisions (Sec. 1008)	-	-	-	(832.000)	(832.000)	-	-	-	(832.000)
Total DoD Military (051)	178,243.091	256,623.937	254,093.286	7,724.051	254,663.805	245,843.139	255,977.637	252,991.671	253,567.190
Total Atomic Energy Defense Act (053)	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222	11,197.236	10,420.633	11,197.236	10,635.222
Total Other Defense (054)	68.031	-	-	(68.031)	-	562.261	494.230	494.230	494.230
Total National Defense Function (050)	189,508.358	267,044.570	265,290.522	7,094.006	265,299.027	257,602.636	266,892.500	264,683.137	264,696.642
Total National Defense Function (050)/Outlays									
Military Retirement Trust Fund	-	403.000	-	-	-	-	403.000	-	-

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Defense Authorization and Appropriations Committees of the Senate and House of Representatives.

DIVISION A: DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1996 contained an authorization of $39,697.8 million for procurement in the Department of Defense. The House bill would authorize $44,117.0 million. The Senate amendment would authorize $45,043.8 million. The conferees recommended an authorization of $44,878.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	**Authorization Request 1996**	**House Authorized**	**Senate Authorized**	**Conference Change**	**Conference Authorization**
TITLE I					
Aircraft Procurement, Army	1,223.067	1,423.067	1,396.451	335.738	1,558.805
Missile Procurement, Army	676.430	862.830	894.430	189.125	865.555
Procurement of Weapons and Tracked Combat Vehicles,	1,298.986	1,359.664	1,547.964	353.759	1,652.745
Procurement of Ammunition, Army	795.015	1,062.715	1,120.115	298.976	1,093.991
Other Procurement, Army	2,256.601	2,545.587	2,811.101	506.842	2,763.443
Aircraft Procurement, Navy	3,886.488	4,106.488	4,916.588	685.906	4,572.394
Weapons Procurement, Navy	1,787.121	1,626.411	1,771.421	(127.294)	1,659.827
Shipbuilding and Conversion, Navy	5,051.935	6,227.958	7,111.935	1,592.023	6,643.958
Procurement of Ammunition, Navy and Marine Corps	-	461.779	-	430.053	430.053
Other Procurement, Navy	2,396.080	2,461.472	2,471.861	18.691	2,414.771
Procurement, Marine Corps	474.116	399.247	683.416	(15.169)	458.947
Aircraft Procurement, Air Force	6,183.886	7,031.952	6,318.586	1,165.897	7,349.783
Missile Procurement, Air Force	3,647.711	3,430.083	3,627.499	(708.828)	2,938.883
Procurement of Ammunition, Air Force	-	321.328	-	343.848	343.848
Other Procurement, Air Force	6,804.696	6,784.801	6,516.001	(536.266)	6,268.430
Procurement, Defense-wide	2,179.917	2,205.917	2,118.324	(55.538)	2,124.379
National Guard and Reserve Equipment	-	770.000	777.400	777.000	777.000
Chemical Agents and Munitions Destruction, Army					
O&M	393.850	393.850	393.850	(40.000)	353.850
Proc	299.448	299.448	224.448	(34.448)	265.000
R&D	53.400	53.400	53.400	-	53.400
Defense Production Act Purchases	-	-	-		-
Defense Health, Procurement	288.033	288.033	288.033	-	288.033
Office of the Inspector General, Procurement	1.000	1.000	1.000	-	1.000
Total Procurement	39,697.780	44,117.030	45,043.823	5,180.315	44,878.095

Overview

The budget request for fiscal year 1996 contained an authorization of $1,223.1 million for Aircraft Procurement, Army in the Department of Defense. The House bill would authorize $1,423.1 million. The Senate amendment would authorize $1,396.5 million. The conferees recommended an authorization of $1,558.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
1	ARL (TIARA)	1	18,403	1	18,403	1	18,403			1	18,403
2	C21A AIRCRAFT		-		-		-				-
3	C-XX (MEDIUM RANGE) AIRCRAFT		-		-	4	23,000		23,000	4	23,000
4	GUARDRAIL COMMON SENSOR (TIARA)		6,014		6,014		6,014				6,014
	ROTARY										
5	TOTAL PACKAGE FIELDING		-		-		-				-
6	AH-64 ATTACK HELICOPTER (APACHE)		3,268		3,268		3,268				3,268
7	UH-60 BLACKHAWK (MYP)	60	526,041	60	526,041	50	472,825			60	526,041
7	LESS: ADVANCE PROCUREMENT (PY)		(191,161)		(191,161)		(191,161)				(191,161)
8	ADVANCE PROCUREMENT (CY)		-		75,000		-		70,000		70,000
9	HELICOPTER NEW TRAINING		458		458		458				458
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
10	TRACTOR DEW		-		-		-				-
11	GUARDRAIL MODS (TIARA)		48,969		48,969		48,969		9,000		57,969
12	AHIF MODS		2,165		2,165		2,165				2,165
13	AH-64 MODS		53,596		53,596		53,596				53,596
14	CH-47 CARGO HELICOPTER MODS (MYP)		14,081		14,081		14,081				14,081
15	C-12 CARGO AIRPLANE MODS		675		675		675				675
16	OH-58 MODS		2,886		2,886		2,886				2,886
17	C-20 AIRCRAFT MODS		929		929		929				929
18	LONGBOW		421,406		421,406		503,406		76,200		497,606
18	LESS: ADVANCE PROCUREMENT (PY)		(79,438)		(79,438)		(79,438)				(79,438)
19	ADVANCE PROCUREMENT (CY)		12,879		12,879		12,879				12,879
20	UH-1 MODS		4,975		4,975		4,975				4,975
21	UH-1 HUEY SLEP		-		-		-				-
22	UH-60 MODS		19,300		19,300		19,300				19,300
23	KIOWA WARRIOR		71,334		196,334	20	196,334		140,000	20	211,334
24	EH-60 QUICKFIX MODS		38,049		38,049		38,049				38,049
25	AIRBORNE AVIONICS		30,424		30,424		30,424				30,424
26	ASE MODS		4,215		4,215		4,215				4,215
27	MODIFICATIONS < $2.0M		1,882		1,882		1,882				1,882
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
28	SPARES AND REPAIR PARTS		49,177		49,177		49,177		(14,562)		34,615
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
	GROUND SUPPORT AVIONICS										
29	AIRCRAFT SURVIVABILITY EQUIPMENT		22,304		22,304		22,304		32,100		54,404
	OTHER SUPPORT										
30	AIRBORNE COMMAND & CONTROL		3,981		3,981		3,981				3,981
31	AVIONICS SUPPORT EQUIPMENT		22,168		22,168		22,168				22,168
32	TRAINING DEVICES		37,206		37.206		37,206				37,206
33	COMMON GROUND EQUIPMENT		30,539		30,539		27,139				30,539
34	AVIATION LIFE SUPPORT EQUIPMENT (ALSE)		9,732		9,732		9,732				9,732
35	AIR TRAFFIC CONTROL		8,187		8,187		8,187				8,187
36	INDUSTRIAL FACILITIES		2,826		2,826		2,826				2,826

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
37	AIRBORNE COMMUNICATIONS		25,597		25,597		25,597				25,597
38	CLOSED ACCOUNT ADJUSTMENT				-		-				-
	AIRCRAFT PROCUREMENT, ARMY -TOTAL		1,223,067		1,423,067		1,396,451		335,738		1,558,805

Airborne reconnaissance low

The budget request included $18.4 million to procure one additional aircraft.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize the budget request and express a continued strong support for the Airborne Reconnaissance Low (ARL) program, to include the procurement of a total of 9 aircraft as soon as possible.

The conferees expect the Department to evaluate the advantages of linking the airborne workstations of the ARL to an Unmanned Aerial Vehicle, to provide for airborne analysis and assured dissemination of information.

UH–60 Black Hawk helicopter

The budget request included $526.0 million for the procurement of 60 Black Hawk helicopters in the final year of a five-year multiyear procurement. No funds were requested for advance procurement.

The House bill would approve the budget request and add $75.0 million for advance procurement.

The Senate amendment would decrease procurement funds to $475.8 million to procure 50 helicopters, and would not provide funds for advance procurement.

The conferees agree to authorize $526.0 million for the procurement of 60 Black Hawk helicopters and $70.0 million for advance procurement. The conferees also agree to provide authority for multiyear procurement for the Black Hawk helicopter program.

Overview

The budget request for fiscal year 1996 contained an authorization of $676.4 million for Missile Procurement, Army in the Department of Defense. The House bill would authorize $862.8 million. The Senate amendment would authorize $894.4 million. The conferees recommended an authorization of $865.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	MISSILE PROCUREMENT, ARMY										
	OTHER MISSILES										
	SURFACE-TO-AIR MISSILE SYSTEM										
1	HAWK SYSTEM SUMMARY		-		-		-				-
2	PATRIOT SYSTEM SUMMARY		5,070		5,070		5,070				5,070
3	STINGER SYSTEM SUMMARY		-		-		-				-
4	AVENGER SYSTEM SUMMARY		31,441		31,441		31,441				31,441
4	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	AIR-TO-SURFACE MISSILE SYSTEM										
5	HELLFIRE SYS SUMMARY	352	209,460		249,460	1102	249,460		37,225	1102	246,685
	ANTI-TANK/ASSAULT MISSILE SYSTEM										
6	JAVELIN (AAWS-M) SYSTEM SUMMARY	557	171,428		210,428	1010	210,428		35,500	1010	206,928
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	TOW 2 SYSTEM SUMMARY		7,378		27,378	1000	27,378		5,000	500	12,378
8	MLRS ROCKET		3,086		46,086	1500	46,086		43,000	1500	46,086
9	MLRS LAUNCHER SYSTEMS		48,158		64,558		96,158		50,400		98,558
10	ARMY TACTICAL MSL SYS (ATACMS) - SYS	91	106,971		124,971	120	124,971		18,000	120	124,971
10	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	MODIFICATION OF MISSILES										
	MODIFICATIONS										
11	PATRIOT MODS		6,988		6,988		6,988				6,988
12	STINGER MODS		10,095		20,095		20,095				10,095
13	AVENGER MODS		-		-		-				
14	TOW MODS		33,358		33,358		33,358				33,358
15	MLRS MODS		17,996		17,996		17,996				17,996
16	MODIFICATIONS LESS THAN $2.0M		-		-		-				-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
17	SPARES AND REPAIR PARTS		11,841		11,841		11,841				11,841
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
	SUPPORT EQUIPMENT AND FACILITIES										
18	AIR DEFENSE TARGETS		6,791		6,791		6,791				6,791
19	ITEMS LESS THAN $2.0M (MISSILES)		1,000		1,000		1,000				1,000
20	MISSILE DEMILITARIZATION		1,693		1,693		1,693				1,693
21	PRODUCTION BASE SUPPORT		3,676		3,676		3,676				3,676
22	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	MISSILE PROCUREMENT, ARMY-TOTAL		676,430		862,830		894,430		189,125		865,555

Hellfire missile

The budget request included $197.5 million to procure 352 Longbow Hellfire missiles and $12.0 million for post-production support.

The House bill and the Senate amendment would provide an additional $40.0 million, which when combined with $12.0 million of post-production funds, would enable the Army to buy 750 Hellfire II missiles.

The conferees agree to provide an additional $37.2 million for the procurement of 750 Hellfire II missiles.

Javelin medium anti-tank weapon

The budget request included $171.4 million to procure 557 Javelin missiles.

The House bill and the Senate amendment would authorize an increase of $39.0 million for an additional 453 Javelin missiles.

The conferees agree to authorize an additional $35.5 million, which when added to the budget request of $171.4 million, will procure a total of 1,010 Javelin missiles.

TOW missile

The budget request included $7.4 million for plant closure and production support of prior year TOW missile deliveries. No funds were requested for additional missile production.

The House bill and the Senate amendment would authorize an increase of $20.0 million for procurement of 1,000 TOW 2B missiles.

The conferees agree to authorize an increase of $5.0 million for procurement of 500 TOW 2B missiles.

Multiple launch rocket system

The budget request included $48.2 million for annual support and fielding of the Army's Multiple Launch Rocket System (MLRS), but this amount did not include funding for procurement of any new launchers.

The House bill would authorize an increase of $16.4 million to procure MLRS launchers to complete equipping a National Guard MLRS battalion, for which funds were authorized in fiscal year 1995.

The Senate amendment would authorize an increase of $16.4 million to complete fielding the same National Guard battalion described in the House bill. In addition, the Senate amendment would authorize an increase of $48.0 million to recondition sufficient MLRS lanuchers and ancillary equipment for one additional National Guard MLRS battalion.

The conferees agree to authorize $98.6 million to provide sufficient reconditioned MLRS launchers and ancillary equipment to complete the fielding of the National Guard battalion authorized in fiscal year 1995, and to fully equip another National Guard battalion in fiscal year 1996.

Overview

The budget request for fiscal year 1996 contained an authorization of $1,298.9 million for Weapons and Tracked Combat Vehicles Procurement, Army in the Department of Defense. The House bill would authorize $1,359.7 million. The Senate amendment would authorize $1,547.9 million. The conferees recommended an authorization of $1,652.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
1	ABRAMS TRNG DEV MOD		3,115		3,115		3,115				3,115
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		-		-		-				-
3	BRADLEY BASE SUSTAINMENT		138,308		138,308		138,308				138,308
4	BRADLEY FVS TRAINING DEVICES		-		-		-				-
5	BRADLEY FVS TRAINING DEVICES (MOD)		1,872		1,872		1,872				1,872
6	ABRAMS TANK TRAINING DEVICES		6,259		6,259		6,259				6,259
7	ARMORED GUN SYSTEM (AGS)	26	141,551	26	141,551	26	141,551		6,000	26	147,551
8	M1 ABRAMS TANK SERIES (MYP)		-		-		15,000		3,000		3,000
9	COMMAND & CONTROL VEHICLE		-		-		-				-
	MODIFICATION OF TRACKED COMBAT VEHICLES										
10	CARRIER, MOD		48,067		48,067		48,067		1,600		49,667
11	BFVS SERIES (MOD)		74,336		88,336		88,336		14,000		88,336
11a	BFV ARMOR TILES		-		-		-				-
12	HOWITZER, MED SP FT 155MM M109A6 (MOD)		220,239		220,239		220,239		81,800		302,039
13	HOWITZER, MED SP FT 155MM M109A5 (MOD)		131		131		131				131
14	FAASV PIP TO FLEET		4,065		4,065		4,065				4,065
15	IMPROVED RECOVERY VEHICLE (M88 MOD)		23,492		23,492		57,392		33,900		57,392
16	BREACHER SYSTEM (MOD)		-		-		-				-
17	HEAVY ASSAULT BRIDGE (HAB) SYS (MOD)		15,095		15,095		15,095				15,095
18	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)		-		-		-				-
19	M1 ABRAMS TANK (MOD)		77,076		46,754		51,754		(25,322)		51,754
20	ABRAMS UPGRADE PROGRAM		393,884		393,884		503,884		110,000		503,884
20	LESS: ADVANCE PROCUREMENT (PY)		(52,973)		(52,973)		(52,973)				(52,973)
21	ADVANCE PROCUREMENT (CY)		132,959		132,959		132,959				132,959
22	ABRAMS UPGRADE PROGRAM (MCR)		-		-		-				-
23	MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		581		581		581				581
	SUPPORT EQUIPMENT AND FACILITIES										
24	SPARES AND REPAIR PARTS		-		-		-				-
25	ITEMS LESS THAN $2.0M (TCV-WTCV)		152		152		152				152
26	TANK ENGINE INDUSTRIAL BASE		-		-		-				-
27	PRODUCTION BASE SUPPORT (TCV-WTCV)		11,619		11,619		11,619		(6,119)		5,500
28	REGIONAL MAINTENANCE TRAINING SITES-EQUIP		1,452		1,452		1,452				1,452
	FAASV				-				44,000		44,000
	WEAPONS AND OTHER COMBAT VEHICLES				-		-				
	WEAPONS AND OTHER COMBAT VEHICLES										
29	PERSONAL DEFENSE WEAPON (ROLL)		-		2,000	10000	4,000	4660	2,000	4660	2,000
30	HOWITZER, LIGHT, TOWED, 105MM, M119		-		-		-				-
31	MACHINE GUN, 5.56MM (SAW)		-		28,500	10420	28,500	10265	28,500	10265	28,500
32	GRENADE LAUNCHER, AUTO, 40MM, MK19-3		-		20,000	2100	33,900		33,900	2100	33,900
33	MORTAR, 120MM		3,007		3,007		3,007				3,007
34	M16 RIFLE		-		13,500	27500	13,500		13,500	27500	13,500
35	5.56 CARBINE M4		-		6,500	12000	13,500		6,500	12000	6,500
35a	MED MACHINE GUN MOD		-		6,500	1434	6,500		6,500	1434	6,500
	MODIFICATION OF WEAPONS AND OTHER COMBAT VEH										
36	M4 CARBINE MODS		930		930		930				930
37	SQUAD AUTOMATIC WEAPON (MOD)		-		-		-				-
38	M16 RIFLE MODS		2,842		2,842		2,842				2,842

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
39	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV)		1,383		1,383		2,883				1,383
	SUPPORT EQUIPMENT AND FACILITIES										
40	SPARES AND REPAIR PARTS		-		-		-				-
41	ITEMS LESS THAN $2.0M (WOCV-WTCV)		1,150		1,150		1,150				1,150
42	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,049		6,049		6,049				6,049
43	INDUSTRIAL PREPAREDNESS		5,574		5,574		5,574				5,574
44	SMALL ARMS (SOLDIER ENH PROG)		2,428		2,428		2,428				2,428
	SPARE AND REPAIR PARTS				-		-				
	SPARES										
45	SPARES AND REPAIR PARTS (WTCV)		34,343		34,343		34,343				34,343
	PROCUREMENT OF W&TCV, ARMY-TOTAL		1,298,986		1,359,664		1,547,964		353,759		1,652,745

Direct support electronic system test sets

The budget request included $1.5 million for calibration of the direct support electronic system test sets (DSESTS).

The House bill included no additional funding for DSESTS.

The Senate amendment would authorize an increase of $15.0 million for additional procurement of DSESTS for M1 Abrams series tanks and Bradley infantry fighting vehicles.

The conferees agree to authorize an increase of $15.0 million for DSESTS for both procurement and research and development, as indicated below:

	Million
Procurement:	
M1 Abrams tank series	$3.0
Armored Gun System	6.0
Research & Development:	
PE23735A Abrams Block Improvements	4.0
PE23735A Armored Gun System	2.0

M113 Carrier modifications

The budget request included $48.1 million for modification of M113 personnel carriers.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize an increase of $1.6 million for an additional 12 carrier modification upgrades to be used as opposing force vehicles at the National Training Center.

M109A6 Paladin 155mm howitzer, self-propelled

The budget request included $220.2 million for retrofitting 215 M109A6 Paladin howitzer systems.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize an increase of 81.8 million to procure an additional 48 Paladin retrofits to equip two additional National Guard battalions and to retrofit the fire control processor for 340 systems.

Improved Recovery Vehicle

The budget request included $23.5 million to procure nine M88A1E1 Improved Recovery Vehicles (IRV).

The House bill would approve the budget request.

The Senate amendment would authorize an increase of $33.9 million to procure an additional 12 IRVs.

The House recedes.

M1 Abrams tank upgrade program

The budget request included $473.8 million for 100 M1A2 tank upgrades for the Army.

The House bill would approve the budget request.

The Senate amendment would authorize an increase of $110.0 million for 24 additional M1A2 tank upgrades and, in accordance with the Statement of Managers accompanying the National Defense Authorization Act of Fiscal Year 1995 (H. Rept. 103–701), would direct the Army to transfer 24 M1A1 tanks to the Marine Corps Reserve.

The House recedes.

The conferees continue to support a multiyear procurement for M1A2 tank upgrades, as authorized in the National Defense Authorization Act of Fiscal Year 1995. However, the conferees agree with guidance and direction to the Army Acquisition Executive (AAE) regarding the need to maintain an appropriate balance between the heavy and medium portions of the tracked combat vehicle fleets, included in the Senate report (S. Rept. 104–112). The conferees expect the AAE to comply with that guidance and direction.

Mark-19 universal mounting bracket

The budget request included $1.4 million for program modifications under $2.0 million.

The Senate amendment would recommend an increase of $1.5 million to begin initial production of a nondevelopmental universal bracket.

The House bill would authorize the budget request.

The Senate recedes.

The conferees encourage the Army to reprogram funds to provide $1.5 million to initiate production of a nondevelopmental universal mounting bracket for the Mark-19 automatic grenade launcher.

The conferees provide $.5 million in PE 64802A to type classify this bracket.

Overview

The budget request for fiscal year 1996 contained an authorization of $795.0 million for Ammunition Procurement, Army in the Department of Defense. The House bill would authorize $1,062.7 million. The Senate amendment would authorize $1,120.1 million. The conferees recommended an authorization of $1,093.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	PROCUREMENT OF AMMUNITION, ARMY										
	AMMUNITION										
	SMALL/MEDIUM CAL AMMUNITION										
1	CTG, 5.56MM, ALL TYPES		58,579		58,579		58,579				58,579
2	CTG, 7.62MM, ALL TYPES		2,573		12,573		12,573		5,000		7,573
3	CTG, 9MM, ALL TYPES		3,837		3,837		3,837				3,837
4	CTG, .50 CAL, ALL TYPES		27,584		27,584		27,584				27,584
5	CTG, 20MM, ALL TYPES		-		-		-				-
6	CTG, 25MM, ALL TYPES		35,139		55,139		35,139		35,000		70,139
6a	CTG, 25MM, HEIT M792		-				20,000				
7	CTG, 30MM, ALL TYPES		4,289		4,289		4,289				4,289
8	CTG, 40MM, ALL TYPES		40,278		50,278		40,278		10,000		50,278
	CTG, 40MM, M430A1		-				10,000				
	MORTAR AMMUNITION										
9	CTG MORTAR 60MM 1/10 PRAC M766		-		-		-				-
10	CTG MORTAR 60MM ILLUM M721	31	13,021		23,021		20,021		10,000		23,021
11	CTG MORTAR 81MM PRAC 1/10 RANGE M880		-		6,600		-		6,600		6,600
12	CTG MORTAR 120MM FULL RANGE PRACTICE XM931	45	18,768		18,768		18,768			45	18,768
13	CTG MORTAR 120MM HE XM933 W/PD FUZE		-		-		-				-
14	CTG MORTAR 120MM SMOKE XM929 W/MO FUZE	44	47,704		69,704		67,704		20,000		67,704
	TANK AMMUNITION										
15	CTG TANK 35MM SUBCAL PRAC M968		-		-		-				-
16	CTG 120MM APFSDS-T M829A2		-		82,100		87,100		82,100		82,100
17	CTG 120MM HEAT-MP-T M830A1		-		-		20,000				-
18	CTG TANK 120MM TP-T M831/M831A1	41	29,400		29,400		29,400			41	29,400
19	CTG TANK 120MM TPCSDS-T M865	136	91,041		91,041		91,041			136	91,041
	ARTILLERY AMMUNITION										
20	CTG ARTY 75MM BLANK M337A1	102	3,749		3,749		3,749		(2,249)	102	1,500
21	CTG ARTY 105MM DPICM XM915		-		-		-				-
22	CTG ARTY 105MM HERA M913		-		-		-				-
23	PROJ ARTY 155MM SMOKE WP M825		10,607		10,607		10,607		(5,475)		5,132
24	PROJ ARTY 155MM HE M795	75	37,040		57,040		57,040		20,000	75	57,040
25	PROJ ARTY 155MM SADARM XM898	77	24,284		24,284		24,284		18,000		42,284
26	PROJ ARTY 155MM PRAC M804		-		22,000		-				-
	MINES										
27	MINE, TRAINING, ALL TYPES		3,853		3,853		3,853				3,853
28	MINE AT/AP M87 (VOLCANO)		-		30,000		30,000		30,000		30,000
29	WIDE AREA MINE	134	15,000		15,000		15,000			134	15,000
	ROCKETS										
30	BUNKER DEFEATING MUNITION (BDM)		-		15,000		15,000		15,000		15,000
31	ROCKET, HYDRA 70, ALL TYPES		28,087		48,087		48,087				28,087
	OTHER AMMUNITION										
32	DEMOLITION MUNITIONS, ALL TYPES		26,269		26,269		32,269		6,000		32,269
33	GRENADES, ALL TYPES		27,496		27,496		27,496				27,496
34	SIGNALS, ALL TYPES		18,314		18,314		18,314				18,314
35	SIMULATORS, ALL TYPES		6,070		6,070		6,070				6,070
35a	SELECTABLE LIGHTWEIGHT ATTACK MUNITIONS, XM94				-		11,000				-
	MISCELLANEOUS										
36	AMMO COMPONENTS, ALL TYPES		4,100		4,100		4,100				4,100

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
37	M483 TO M864 CONVERSION		-		-		-				-
38	UPGRADE/IMPROVEMENT OF AT4		-		-		-				-
39	CAD/PAD ALL TYPES		3,523		3,523		3,523				3,523
40	ITEMS LESS THAN $2 MILLION		855		855		855				855
41	EOD EXPLOSIVE ITEMS		-		-		-				-
42	AMMUNITION PECULIAR EQUIPMENT		5,000		5,000		5,000				5,000
43	FIRST DESTINATION TRANSPORTATION (AMMO)		3,925		3,925		3,925				3,925
	AMMUNITION PRODUCTION BASE SUPPORT				-		-				
	PRODUCTION BASE SUPPORT										
44	PROVISION OF INDUSTRIAL FACILITIES		41,906		41,906		41,906				41,906
45	COMPONENTS FOR PROVE-OUT		1,456		1,456		1,456				1,456
46	LAYAWAY OF INDUSTRIAL FACILITIES		13,663		13,663		13,663				13,663
47	PROVING GROUND MODERNIZATION		-		-		-				-
48	MAINTENANCE OF INACTIVE FACILITIES		51,325		51,325		51,325				51,325
48a	ARMAMENT RETOOLING & MANUFACTURING SUPPORT (ARMS)				-		45,000		45,000		45,000
49	CONVENTIONAL AMMO DEMILITARIZATION		96,280		96,280		100,280		4,000		100,280
50	FLEXIBLE MANUFACTURING CENTERS		-		-		-				-
	PROCUREMENT OF AMMUNITION, ARMY-TOTAL		795,015		1,062,715		1,120,115		298,976		1,093,991

Overview

The budget request for fiscal year 1996 contained an authorization of $2,256.6 million for Other Procurement, Army in the Department of Defense. The House bill would authorize $2,545.6 million. The Senate amendment would authorize $2,811.1 million. The conferees recommended an authorization of $2,763.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	OTHER PROCUREMENT, ARMY										
	TACTICAL AND SUPPORT VEHICLES										
	TACTICAL VEHICLES										
1	TACTICAL TRAILERS/DOLLY SETS		13,803		13,803		13,803				13,803
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T		-		-		-				-
3	SEMITRAILER, TANK, 5000G		-		-		-				-
4	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2	58	3,179		3,179		3,179			58	3,179
5	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	546	57,690		96,690	1846	129,690		72,000	1846	129,690
6	FAMILY OF MEDIUM TACTICAL VEH (MYP)		39,692		149,692		149,692		110,000		149,692
7	HEAVY EQUIPMENT TRANSPORTER SYS		-		-		-				-
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)		596		100,596		125,596		125,000		125,596
9	ARMORED SECURITY VEHICLES (COMBAT SPT) TAC		-		-		-				-
10	MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV S		-		-		30,000		20,000		20,000
11	MODIFICATION OF IN SVC EQUIP		2,802		2,802		2,802				2,802
12	ITEMS LESS THAN $2.0M (TAC VEH)		200		200		200				200
	NON-TACTICAL VEHICLES										
13	PASSENGER CARRYING VEHICLES	41	994	41	994	41	994			41	994
14	GENERAL PURPOSE VEHICLES		993		993		993				993
15	SPECIAL PURPOSE VEHICLES		993		993		993				993
	SUPPORT EQUIPMENT AND FACILITIES										
16	SYSTEM FIELDING SUPPORT PEO		4,189		4,189		4,189				4,189
17	PROJECT MANAGEMENT SUPPORT		697		697		697				697
18	SYSTEM FIELDING SUPPORT (TACOM)		2,000		2,000		2,000				2,000
19	SPARES AND REPAIR PARTS		-		-		-				-
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				-		-				
	COMM - JOINT COMMUNICATIONS										
20	JCSE EQUIPMENT (USREDCOM)		2,271		2,271		2,271				2,271
	COMM - SATELLITE COMMUNICATIONS										
21	DEFENSE SATELLITE COMMUNICATIONS SYSTEM		78,232		78,232		78,232				78,232
22	SAT TERM, EMUT	618	17,498	618	17,498	618	17,498			618	17,498
23	NAVSTAR GLOBAL POSITIONING SYSTEM	15,025	32,502	15025	32,502	15025	32,502		17,500		50,002
24	GROUND COMMAND POST		1,049		1,049		1,049				1,049
25	SMART-T		66,714		66,714		66,714				66,714
26	SCAMP		25,816		25,816		25,816				25,816
27	MOD OF IN-SVC EQUIP (TAC SAT)		4,166		4,166		4,166				4,166
	COMM - COMBAT SUPPORT COMM										
28	MSE MOD IN SERVICE		14,683		14,683		14,683				14,683
	COMM - C3 SYSTEM										
29	COMMAND CENTER IMPROVEMENT PROG (CCIP)		920		920		920				920
30	SOUTHCOM C3 UPGRADE		11,424		11,424		11,424				11,424
31	STD THEATER CMD & CONTROL SYS (STACCS)		14,526		14,526		17,826				14,526
	COMM - COMBAT COMMUNICATIONS										
32	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		19,968		44,968		44,968		25,000		44,968
33	MOBILE SUBSCRIBER EQUIP (MSE)		3,477		3,477		3,477				3,477
34	SINCGARS FAMILY		310,620		310,620		364,720		54,100		364,720
35	SW ASIA COMM INFRASTRUCTURE		-		-		-				-
36	EAC COMMUNICATIONS		5,896		5,896		45,896		40,000		45,896
37	MOD OF IN-SVC EQUIP (EAC COMM)		11,637		11,637		11,637				11,637
38	TAC RADIO	700	24,803	700	24,803	700	24,803			700	24,803

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
39	C-E CONTINGENCY/FIELDING EQUIP		5,108		5,108		5,108				5,108
	INFORMATION SECUTITY										
40	TSEC - INFORMATION SYSTEM SECURITY		11,105		11,105		11,105				11,105
41	TSEC - JCSE EQIP		-		-		-				-
	COMM - LONG HAUL COMMUNICATIONS										
42	TERRESTRIAL TRANSMISSION		9,596		9,596		9,596				9,596
43	BASE SUPPORT COMMUNICATIONS		2,205		2,205		2,205				2,205
44	DEFENSE DATA NETWORK (DDN)		4,927		4,927		4,927				4,927
45	ELECTROMAG COMP PROG (EMCP)		498		498		498				498
46	WW TECH CON IMP PROG (WWTCIP)		4,811		4,811		4,811				4,811
	COMM - BASE COMMUNICATIONS										
47	INFORMATION SYSTEMS		64,142		64,142		64,142		(12,000)		52,142
48	DEFENSE MESSAGE SYSTEM (DMS)		7,963		7,963		10,763				7,963
49	LOCAL AREA NETWORK (LAN)		61,547		61,547		61,547		(10,000)		51,547
50	PENTAGON TELECOM CTR (PTC)		2,741		2,741		2,741				2,741
	ELECT EQUIP - NAT FOR INT PROG (NFIP)										
51	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		536		536		536				536
52	GENERAL DEFENSE INTELL PROG (GDIP)		29,409		29,409		29,409		(5,221)		24,188
53	ITEMS LESS THAN $2.0M (INTEL SPT) - TIARA		2,826		2,826		2,826				2,826
	ELECT EQUIP - TACT INT REL ACT (TIARA)										
54	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		9,886		9,886		16,286				9,886
55	COMMANDERS TACTICAL TERM (CTT) (TIARA)	33	11,314		30,014		30,014		18,700		30,014
56	HF COMINT SYSTEM (TIARA)		-		-		-				-
57	IEW - GND BASE COMMON SENSORS (TIARA)		46,937		46,937		46,937				46,937
58	DEFENSE AIRBORNE RECONN PROGRAM (DARP)		-		-		-				-
59	JOINT STARS (ARMY) (TIARA)		82,984		82,984		82,984				82,984
60	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	5	6,954	5	6,954	5	6,954			5	6,954
61	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		-		-		-				-
62	TACTICAL EXPLOITATION OF NATIONAL CAPABILI		4,617		4,617		4,617				4,617
63	JOINT TACTICAL GROUND STATION		30,914		-		30,914				30,914
64	TROJAN (TIARA)		19,313		19,313		19,313				19,313
65	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		19,491		19,491		19,491				19,491
66	ITEMS LESS THAN $2.0M (TIARA)		517		517		517				517
	ELECT EQUIP - ELECTRONIC WARFARE (EW)										
67	MOD OF IN-SVC EQUIP (EW)		-		-		-				-
68	COUNTERINTELLIGENCE/SECURITY COUNTERMEASUR		2,582		2,582		2,582				2,582
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)										
69	LT SPEC DIV INTERIM SENSOR (LSDIS)		-		-		-				-
70	FAAD GBS		44,678		63,878		63,878		19,200		63,878
71	NIGHT VISION DEVICES		77,132		77,132		85,132		8,000		85,132
72	PHYSICAL SECURITY SYSTEMS		-		-		-				-
73	ARTILLERY ACCURACY EQUIP		12,364		12,364		12,364				12,364
74	MOD OF IN-SVC EQUIP (TAC SURV)		26,860		26,860		26,860				26,860
75	LIGHTWEIGHT LEADER COMPUTER (LLC)		-		-		-				-
76	COMPUTER BALLISTICS: MORTAR XM-23		5,019		5,019		5,019				5,019
77	INTEGRATED MET SYS SENSORS (IMETS) - TIARA	12	7,029	12	7,029	12	7,029			12	7,029
	ELECT EQUIP - TACTICAL C2 SYSTEMS										
78	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	221	30,897	221	30,897	221	30,897		(1,500)	221	29,397
79	FIRE SUPPORT ADA CONVERSION		-		-		-				-

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
80	INITIAL FIRE SPT AUTOMATIC SYSTEM (IFSAS)		-		-		-				-
81	CMBT SVC SUPT CONTROL SYS (CSSCS)	29	5,915	29	5,915	29	5,915			29	5,915
82	CORPS/THEATER ADP SVC CTR (CTASC)		-		-		-				-
83	FAAD C2	5	32,942	5	32,942	5	32,942		7,400	5	40,342
84	FORWARD ENTRY DEVICE (FED)		-		-		-				-
85	COMMON HARDWARE SOFTWARE		-		-		-				-
86	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		2,096		2,096		2,096				2,096
87	LOGTECH		4,534		4,534		4,534				4,534
88	ISYSCON EQUIPMENT		13,178		13,178		13,178				13,178
89	MANEUVER CONTROL SYSTEM (MCS)		13,808		13,808		18,808		5,000		18,808
90	STAMIS TACTICAL COMPUTERS (STACOMP)	1,830	23,465	1830	23,465	1830	23,465			1830	23,465
91	STANDARD INTEGRATED CMD POST SYSTEM		28,914		28,914		28,914				28,914
	ELECT EQUIP - AUTOMATION										
92	AUTOMATED DATA PROCESSING EQUIP		132,751		120,751		132,751				132,751
93	RESERVE COMPONENT AUTOMATION SYS (RCAS)		83,174		83,174		83,174				83,174
	ELECT EQUIP - AUDIO VISUAL SYS (A/V)										
94	AFRTS		2,586		2,586		2,586				2,586
95	ITEMS LESS THAN $2.0M (A/V)		5,102		5,102		5,102				5,102
	ELECT EQUIP-TEST MEAS&DIAG EQUIP (TMDE)										
96	CALIBRATION SETS EQUIPMENT		11,457		11,457		11,457				11,457
97	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		26,449		46,449		26,449		18,500		44,949
98	TMDE MODERNIZATION (TMOD)		9,470		9,470		9,470				9,470
	ELECT EQUIP - SUPPORT										
99	INITIAL SPARES - PEO CCS		-		-		-				-
100	INITIAL SPARES - PEO COMM		-		-		-				-
101	INITIAL SPARES - PEO IEW		-		-		-				-
102	INITIAL SPARES - PEO STAMIS		-		-		-				-
103	INITIAL SPARES - NON PEO		-		-		-				-
104	ARMY PRINTING AND BINDING EQUIPMENT		-		-		-				-
105	INSTALLATION C4 UPGRADE (ICU)		1,762		1,762		1,762				1,762
106	PRODUCTION BASE SUPPORT (C-E)		717		717		717				717
	OTHER SUPPORT EQUIPMENT				-		-				
	CHEMICAL DEFENSIVE EQUIPMENT										
107	SIMP COLL PROT EQUIP M20		-		-		-				-
108	COLL PROT EQUIP, NBC TEMPER, TENT M28		-		-		-				-
109	MASK, PROTECTIVE, NBC M40/M42		-		-		-				-
110	REMOTE SENSING CHEMICAL AGENT ALARM XM21		-		-		-				-
111	IMPROVED CHEMICAL AGENT MONITOR		-		-		-				-
112	AUTO CHEMICAL AGENT ALARM (ACADA), XM22		-		-		-				-
113	DECONTAMINATE APP PWR DR LT WT M17		-		-		-				-
114	GEN SMK MECH:MTRZD DUAL PURP XM56		-		-		-				-
115	GENERATOR, SMOKE, MECH XM58	34	12,698	34	12,698	34	12,698			34	12,698
116	GEN SET, SMOKE, MECH: PUL JET,XM157	170	5,214	170	5,214	170	5,214			170	5,214
117	RADIATION MONITORING SYSTEM (OPA-3)		-		-		-				-
118	JOINT BIOLOGICAL DEFENSE PROGRAM		-		-		-				-
	BRIDGING EQUIPMENT										
119	RIBBON BRIDGE		3,828		3,828		3,828				3,828
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
120	DISPENSER, MINE M139		953		953		953				953

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
121	METALLIC MINE DETECTOR, VEHICLE MOUNTED		-		-		-				-
	COMBAT SERVICE SUPPORT EQUIPMENT										
122	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		3,176		3,176		3,176				3,176
123	STANDARD INTEGRATED CMD POST SYSTEM		-		-		-				-
124	CHEM/BIO PROTECTIVE SHELTER		-		-		-				-
125	SPACE HEATER	290	1,440	290	1,440	290	1,440			290	1,440
126	SOLDIER ENHANCEMENT		-		-		-				-
127	FORCE PROVIDER	2	12,275	2	12,275	2	12,275			2	12,275
128	REFRIGERATION EQUIPMENT		2,562		2,562		2,562				2,562
129	ITEMS LESS THAN $2.0M (CSS-EQ)		2,222		2,222		2,222				2,222
	PETROLEUM EQUIPMENT										
130	LAB PETROLEUM MODULAR BASE	1	2,786	1	2,786	1	2,786			1	2,786
131	INLAND PETROLEUM DISTRIBUTION SYSTEM		1,115		1,115		1,115				1,115
132	HEMTT AVIATION REFUELING SYSTEM	21	546	21	546	21	546			21	546
133	ITEMS LESS THAN $2.0M (POL)		5,537		5,537		5,537		(837)		4,700
	WATER EQUIPMENT										
134	FWD AREA WTR POINT SUP SYSTEM	148	2,692	148	2,692	148	2,692			148	2,692
135	SMALL MOBILE WATER CHILLER (SMWC)	387	3,953	387	3,953	387	3,953			387	3,953
136	ITEMS LESS THAN $2.0M (WATER EQ)		2,394		2,394		2,394				2,394
	MEDICAL EQUIPMENT										
137	COMBAT SUPPORT MEDICAL		14,310		14,310		14,310				14,310
	MAINTENANCE EQUIPMENT										
138	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	71	1,778	71	1,778	71	1,778			71	1,778
139	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MTD		-		-		-				-
140	ITEMS LESS THAN $2.0M (MAINT EQ)		1,450		1,450		1,450				1,450
	CONSTRUCTION EQUIPMENT										
141	COMPACTOR HI-SPEED TAMP SELF PROP (CCE)		-		-		-				-
142	ROLLER, VIBRATORY, SELF-PROPELLED (CCE)	47	7,115	47	7,115	47	7,115			47	7,115
143	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS	18	9,938	18	9,938	18	9,938			18	9,938
144	CRANE, WHEEL MTD, 25T, 3/4 CU YD, RT	7	1,987	7	1,987	7	1,987			7	1.987
145	ITEMS LESS THAN $2.0M (CONST EQUIP)		1,981		1,981		1,981				1,981
	RAIL FLOAT CONTAINERIZATION EQUIPMENT										
146	PUSHER TUG, SMALL	1	3,576	1	3,576	1	3,576			1	3,576
147	FLOATING CRANE, 100-250 TON		-		-		-				-
148	CAUSEWAY SYSTEMS		-		-		-				-
149	RAILWAY CAR, FLAT, 100 TON	238	11,767	238	11,767	238	11,767			238	11,767
150	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		3,602		3,602		3,602		(1,000)		2,602
	GENERATORS										
151	GENERATORS AND ASSOCIATED EQUIP		13,761		13,761		48,761				13,761
	MATERIAL HANDLING EQUIPMENT										
152	TRUCK, FORK LIFT, DE, PT, RT, 50000 LB	33	10,928	33	10,928	33	10,928			33	10,928
153	ALL TERRAIN LIFTING ARTICULATING SYSTEM	112	14,403	112	14,403	112	14,403			112	14,403
154	ITEMS LESS THAN $2.0M (MHE)		2,843		2,843		2,843				2,843
	TRAINING EQUIPMENT										
155	COMBAT TRAINING CENTERS SUPPORT		22,208		22,208		22,208				22,208
156	TRAINING DEVICES, NONSYSTEM		71,561		71,561		71,561		4,500		76,061
157	SIMNET/CLOSE COMBAT TACTICAL TRAINER		30,655		30,655		30,655				30,655
158	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINE		-		-		-				-
	OTHER SUPPORT EQUIPMENT										

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
159	RECONFIGURABLE SIMULATORS		12,616		12,616		12,616				12,616
160	PHYSICAL SECURITY SYSTEMS (OPA3)		6,190		6,190		6,190				6,190
161	SYSTEM FIELDING SUPPORT (OPA-3)		10,030		10,030		10,030				10,030
162	BASE LEVEL COM'L EQUIPMENT		-		-		-				-
163	ARMS CONTROL COMPLIANCE		-		-		-				-
164	COMBINED DEFENSE IMPROVEMENT PROJECT (CDIP		-		-		-				-
165	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		21,911		21,911		21,911		(7,500)		14,411
166	PRODUCTION BASE SUPPORT (OTH)		1,835		1,835		1,835				1,835
167	INDUSTRIAL MODERNIZATION INCENTIVE PROG		-		-		-				-
168	SPECIAL EQUIPMENT FOR USER TESTING		9,165		9,165		9,165				9,165
169	ITEMS LESS THAN $2.0M (OTH SPT EQ)		-		-		-				-
170	OPA INITIAL SPARES		-		-		-				-
171	TRACTOR VAPOR		2,223		2,223		2,223				2,223
172	NATURAL GAS UTILIZATION		-		-		-				-
173	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	SPARE AND REPAIR PARTS				-		-				
	OPA1										
174	INITIAL SPARES - TSV		1,093		1,093		1,093				1,093
	OPA2										
175	INITIAL SPARES - C&E		82,994		82,994		82,994				82,994
	OPA3										
176	INITIAL SPARES - OTHER SUPPORT EQUIP		2,038		2,038		2,038				2,038
	OTHER PROCUREMENT, ARMY-TOTAL		2,256,601		2,545,587		2,811,101		506,842		2,763,443

High mobility multipurpose wheeled vehicle

The budget request included $57.7 million for 546 high mobility multipurpose wheeled vehicles (HMMWVs).

The House bill would authorize an increase of $39.0 million to procure approximately 700 additional HMMWVs.

The Senate amendment would authorize an increase of $72.0 million to procure approximately 1300 additional HMMWVs.

The House recedes.

The conferees agree that additional HMMWVs are required for both the Army and the Marine Corps, and expect the military services to include in future budget requests adequate funds to procure sufficient HMMWVs to meet validated service requirements and to meet minimum annual required production rates necessary to sustain the essential elements of the HMMWV industrial base.

Family of heavy tactical vehicles

The budget request included $0.6 million for the family of heavy tactical vehicles (FHTV).

The House bill would authorize an increase of $100.0 million for the FHTV program.

The Senate amendment would authorize an increase of $125.0 million for the FHTV program.

The House recedes.

The conferees agree to authorize an increase to the budget request of $125.0 million to procure the heavy tactical vehicles, as indicated below:

	Dollars (in millions)	Quantity
Heavy equipment transporter	$40.0	83
Heavy expanded mobility tactical transporter	33.0	115
Palletized loading system	52.0	147

Medium truck extended service program

The budget request did not include funds for the medium truck extended service program (ESP).

The House bill would not authorize funds for medium truck ESP.

The Senate amendment would authorize $30.0 million for medium truck ESP.

The conferees agree to authorize $20.0 million for medium truck ESP. The conferees express their concern regarding the possibility of initiating multiple truck remanufacture programs, thereby creating excess capacity in the industry. The conferees prefer that maximum use be made of the medium truck ESP currently underway, that separate, additional procurements be kept to a minimum to avoid industrial overcapacity, and that, for future procurements, consideration be given to reliable manufacturers with demonstrated capabilities to produce military trucks.

GUARDRAIL tactical information broadcast service

The budget request included $48.9 million for the GUARDRAIL common sensor program.

Both the House bill and the Senate amendment would authorize funding at the requested level.

The conferees have determined that there is a need for GUARDRAIL aircraft to be equipped with improved intelligence data dissemination capability and interoperability with other intelligence data producers. Therefore, the conferees agree to authorize an increase of $9.0 million to the budget request for procurement and integration of tactical information broadcast service to provide this capability for existing GUARDRAIL aircraft.

Nonsystem training devices

The budget request included $71.6 million for nonsystem training devices.

The House bill and the Senate amendment authorized the request.

The conferees are concerned that the Army is currently training firefighters using fossil-fueled techniques that are not only hazardous to the trainees but, in some cases, in violation of environmental regulations. Moreover, the conferees are aware that there are computer-controlled natural gas/propane firefighter training systems, currently used by other services, that provide safe training for individuals and minimize destruction to the environment. Accordingly, the conferees authorize $4.5 million to procure an initial set of these systems.

Further, the conferees believe that the Army should develop a plan to replace current firefighting training sites in regions where multiple commands can take advantage of a single site.

Overview

The budget request for fiscal year 1996 contained an authorization of $3,886.5 million for Aircraft Procurement, Navy in the Department of Defense. The House bill would authorize $4,106.5 million. The Senate amendment would authorize $4,916.6 million. The conferees recommended an authorization of $4,572.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
	COMBAT AIRCRAFT										
1	EA-6B/REMFG (ELECTRONIC WARFARE) PROWLER		-		-		180,000				-
2	AV-8B (V/STOL)HARRIER	4	163,582	12	323,582	8	263,582	4	81,251	8	244,833
2	LESS: ADVANCE PROCUREMENT (PY)		(15,419)		(15,419)		(15,419)				(15,419)
3	ADVANCE PROCUREMENT (CY)		21,582		21,582		21,582				21.582
4	F/A-18C/D (FIGHTER) HORNET	12	694,101	12	694,101	24	1,258,101	6	212.765	18	906,866
4	LESS: ADVANCE PROCUREMENT (PY)		(84,197)		(84,197)		(84,197)				(84,197)
5	ADVANCE PROCUREMENT (CY)		-		-		-				-
6	F/A-18E/F (FIGHTER) HORNET		-		-		-				-
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	ADVANCE PROCUREMENT (CY)		236,882	-	236,882		236,882				236,882
8	CH/MH-53E (HELICOPTER) SUPER STALLION		-		-	3	90,000				-
8	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
9	V-22 (MEDIUM LIFT)		-		-		-				-
9	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
10	ADVANCE PROCUREMENT (CY)		48,022		48,022		48,022				48,022
11	AH-1W (HELICOPTER) SEA COBRA		10,385		10,385		10,385		64,615	6	75,000
12	SH-60B (ASW HELICOPTER) SEAHAWK		13,744		13,744		13,744				13,744
12	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
13	SH-60F CV (ASW HELICOPTER)		-		-		-				-
13	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
14	E-2C (EARLY WARNING) HAWKEYE	3	212,589	4	282,589	3	212,589			3	212,589
14	LESS: ADVANCE PROCUREMENT (PY)		(41,376)		(41,376)		(41,376)				(41,376)
15	ADVANCE PROCUREMENT (CY)		43,020		43,020		43,020				43,020
	TRAINER AIRCRAFT				-		-				
	TRAINER AIRCRAFT										-
16	T-45TS (TRAINER) GOSHAWK	12	317,143	12	317,143	12	317,143			12	317,143
16	LESS: ADVANCE PROCUREMENT (PY)		(30,961)		(30,961)		(30,961)				(30,961)
17	ADVANCE PROCUREMENT (CY)		29,902		29,902		29,902				29,902
17a	T-39N		-		-				45,000	17	45,000
	OTHER AIRCRAFT				-		-				
	OTHER AIRCRAFT										
18	HH-60H (HELICOPTER)		23,750		23,750		23,750				23,750
	MODIFICATION OF AIRCRAFT				-		-				
	MODIFICATION OF AIRCRAFT										
19	A-6 SERIES		-		-		-				-
20	EA-6 SERIES		-		-		36,000		165,000		165,000
21	AV-8 SERIES		16,007		16,007		16,007				16,007
22	F-14 SERIES		59,047		59,047		76,147		42,475		101,522
23	ADVERSARY		153		153		153				153
24	ES-3 SERIES		20,608		20,608		20,608				20,608
25	F-18 SERIES		91,606		91,606		91,606				91,606
26	H-46 SERIES		83,665		83,665		83,665				83,665
27	H-53 SERIES		46,152		46,152		46,152				46,152
28	SH-60 SERIES		66,770		66,770		66,770				66,770
29	H-1 SERIES		54,530		54,530		67,530		13,000		67,530
30	H-3 SERIES		6,975		6,975		6,975				6,975

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
31	EP-3 SERIES		32,405		32,405		32,405				32,405
32	P-3 SERIES		178,557		178,557		178,557		31,800		210,357
33	S-3 SERIES		40,232		40,232		40,232				40,232
34	E-2 SERIES		19,636		19,636		19,636				19,636
35	TRAINER A/C SERIES		727		727		727				727
36	C-130 SERIES		6,939		6,939		6,939				6,939
37	FEWSG		550		550		550				550
38	CARGO/TRANSPORT A/C SERIES		31,354		31,354		31,354				31,354
39	E-6 SERIES		112,904		112,904		112,904				112,904
40	EXECUTIVE HELICOPTERS SERIES		35,965		35,965		35,965				35,965
41	T-45 SERIES		4,949		4,949		4,949				4,949
42	POWER PLANT CHANGES		17,525		17,525		17,525				17,525
43	MISC FLIGHT SAFETY CHANGES		167		167		167				167
44	COMMON ECM EQUIPMENT		4,234		4,234		34,234		30,000		34,234
45	COMMON AVIONICS CHANGES		73,947		73,947		73,947				73,947
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
46	SPARES AND REPAIR PARTS		784,782		784,782		784,782				784,782
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE				-		-				
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				-		-				
47	COMMON GROUND EQUIPMENT		367,017		357,017		367,017				367,017
48	AIRCRAFT INDUSTRIAL FACILITIES		30,656		30,656		30,656				30,656
49	WAR CONSUMABLES		20,191		20,191		20,191				20,191
50	OTHER PRODUCTION CHARGES		21,881		21,881		21,881				21,881
51	SPECIAL SUPPORT EQUIPMENT		11,743		11,743		11,743				11,743
52	FIRST DESTINATION TRANSPORTATION		1,865		1,865		1,865				1,865
53	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	AVIATION MULTIYEAR FUND				-						
	AIRCRAFT PROCUREMENT, NAVY-TOTAL		3,886,488		4,106,488		4,916,588		685,906		4,572,394

AV-8B remanufacture

The budget request included $148.2 million for the remanufacture of four Marine Corps AV-8B aircraft.

The House bill would add $160.0 million for the remanufacture of eight additional aircraft.

The Senate amendment would authorize an additional $100.0 million for the remanufacture of four more aircraft.

The conferees agree to authorize a total of $229.4 million, $81.3 million above the budget request, for the remanufacture of four additional aircraft.

Electronic warfare

The budget request included no funds to either expand the Navy's fleet of EA-6B block 89 aircraft to accommodate the retirement of the EF-111 jammer aircraft or to improve the capabilities of the existing Block 89 EA-6B fleet.

The House bill would approve the budget request.

The Senate amendment would authorize $216.0 million to modernize airborne electronic warfare (EW) capabilities of the EA-6B Block 89 aircraft and to expand the number of Block 89 aircraft by 20.

The conferees agree that modernization of the Department's tactical electronic warfare aircraft fleet is a priority item of special interest. Accordingly, the conferees agree to authorize $165.0 million to initiate procurement of EA-6B modifications, as set forth below:

(1) $100.0 million to modernize up to 20 older EA-6B Block 82 aircraft to the newer Block 89 configuration to offset EF-111 retirements;

(2) $40.0 million to procure 60 band 9/10 transmitters; and

(3) $25.0 million for 30 USQ-113 enhanced radio countermeasure sets.

The conferees also authorize an increase of $10.0 million to Navy EW development (PE 64270N), to develop a low-cost, reactive jamming capability for the EA-6B. The conferees are especially interested in the Navy's completion of an affordable upgrade to the EA-6B reactive processor capability.

The conferees note the inconsistent nature of the Navy's actions regarding airborne tactical EW in recent years and are deeply concerned with the Navy's vacillating commitment and support for meaningful upgrades to the EA-6B aircraft. Accordingly, the Secretary of the Navy is directed to:

(1) initiate the EA-6B modifications identified above.

(2) provide the congressional defense committees with the following:

(a) a program and budget plan for completing the directed modifications.

(b) the Joint Tactical Airborne EW Study (JTAEWS).

In addition, the conferees agree that the Secretary of the Navy shall not obligate more than 75 percent of funds appropriated for procurement of the F/A-18C/D for fiscal year 1996 until he has accomplished the actions specified above.

F-14 modifications

The budget request included $59.0 million for F-14 modifications. This amount did not include any funds for a forward-looking infrared (FLIR)/laser designator system for the F-14. The budget request included $25.4 million in research and development funds for a precision strike upgrade, an effort to integrate the joint direct attack munition (JDAM) into the F-14.

The House bill would approve the budget request for F-14 modifications.

After completion of the House bill, the Navy informed the Senate that the requirements validation process had documented an operational requirement for a FLIR/laser designator system for the F-14, in lieu of the JDAM integration. The Senate considered this requirement to be a high priority for carrier operations. Therefore, the Senate amendment would authorize an increase of $17.1 million for F-14 aircraft modifications in fiscal year 1996. This action was taken with the understanding that the Department of Defense would provide funding for the system in future budget requests.

The conferees agree to provide $101.5 million for F-14 modifications, with an increase of $42.5 million provided for the FLIR/laser designator effort. The conferees also agree to reduce the F-14 research and development request by $25.4 million.

Additionally, the conferees agree to invite the Navy to reprogram funds originally authorized for JDAM integration into the FLIR/laser designator procurement effort, to expedite meeting the need for improving F-14 strike capability.

Overview

The budget request for fiscal year 1996 contained an authorization of $1,787.1 million for Weapons Procurement, Navy in the Department of Defense. The House bill would authorize $1,626.4 million. The Senate amendment would authorize $1,771.4 million. The conferees recommended an authorization of $1,659.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	WEAPONS PROCUREMENT, NAVY										
	BALLISTIC MISSILES										
	BALLISTIC MISSILES		-		-		-				
1	TRIDENT I		-		-		-				-
2	TRIDENT II	6	343,392	6	343,392	6	343,392			6	343,392
2	LESS: ADVANCE PROCUREMENT (PY)		(15,960)		(15,960)		(15,960)				(15,960)
3	ADVANCE PROCUREMENT (CY)		190,920		190,920		190,920				190,920
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
4	MISSILE INDUSTRIAL FACILITIES		2,199		2,199		2,199				2,199
	OTHER MISSILES				-		-				-
	STRATEGIC MISSILES				-		-				
5	TOMAHAWK	164	161,727	164	161,727	164	120,027		(41,700)	164	120,027
	TACTICAL MISSILES				-		-				
6	AMRAAM	115	81,691	115	81,691	115	77,691		(4,200)	115	77,491
7	HARPOON	30	46,368	30	86,368	30	46,368		40,000	75	86,368
8	JSOW		26,218		26,218		26,218				26,218
9	STANDARD MISSILE	151	231,540	151	231,540	151	231,540			151	231,540
10	RAM	230	69,208	230	69,208	230	69,208			230	69,208
11	HELLFIRE		-		-		-				-
12	AERIAL TARGETS		68,620		68,620		68,620				68,620
13	DRONES AND DECOYS		-		-		-				-
14	OTHER MISSILE SUPPORT		22,203		22,203		22,203				22,203
	MODIFICATION OF MISSILES				-		-				
15	TOMAHAWK MODS		684		684		684		49,316		50,000
16	SPARROW MODS		4,338		4,338		4,338				4,338
17	SIDEWINDER MODS		17,861		17,861		17,861				17,861
18	HARPOON MODS		4,370		4,370		4,370				4,370
19	HARM MODS		-		-		-				-
20	STANDARD MISSILES MODS		35,055		35,055		35,055				35,055
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
21	WEAPONS INDUSTRIAL FACILITIES		13,094		13,094		13,094		30,000		43,094
22	FLEET SATELLITE COMM (MYP)		51,764		51,764		81,764				51,764
	ORDNANCE SUPPORT EQUIPMENT				-		-				
23	ORDNANCE SUPPORT EQUIPMENT		5,012		5,012		5,012				5,012
	TORPEDOES AND RELATED EQUIPMENT				-		-				
	TORPEDOES AND RELATED EQUIPMENT				-		-				
24	MK-48 ADCAP TORPEDO (MYP)		-		-		-				-
24	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
25	MK-50 ALWT		-		-		-				-
26	ASW TARGETS		652		652		652				652
27	VERTICAL LAUNCHED ASROC (VLA)		-		-		-				-
27	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	MOD OF TORPEDOES AND RELATED EQUIP				-		-				
28	MK-46 TORPEDO MODS		3,613		3,613		3,613				3,613
29	MK-48 TORPEDO ADCAP MODS		61,022		61,022		61,022				61,022
30	QUICKSTRIKE MINE		-		-		-				-
	SUPPORT EQUIPMENT				-		-				
31	TORPEDO SUPPORT EQUIPMENT		31,237		31,237		31,237			-	31,237
32	ASW RANGE SUPPORT		18,128		18,128		18,128			-	18,128

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	DESTINATION TRANSPORTATION				-		-				
33	FIRST DESTINATION TRANSPORTATION		4,032		4,032		4,032				4,032
	OTHER WEAPONS				-		-				
	GUNS AND GUN MOUNTS				-		-				
34	SMALL ARMS AND WEAPONS		922		922		922				922
	MODIFICATION OF GUNS AND GUN MOUNTS				-		-				
35	CIWS MODS		37,328		37,328		37,328				37,328
36	5/54 GUN MOUNT MODS		2,605		2,605		2,605				2,605
37	MK-75 76MM GUN MOUNT MODS		901		901		901				901
38	MODS UNDER $2 MILLION		1,645		1,645		1,645				1,645
	OTHER										
39	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	OTHER ORDNANCE				-		-				
	AIR LAUNCHED ORDNANCE				-		-				
40	GENERAL PURPOSE BOMBS		46,142		-		46,142		(46,142)		-
41	2.75 INCH ROCKETS		14,806		-		14,806		(14,806)		-
42	MACHINE GUN AMMUNITION		11,469		-		11,469		(11,469)		-
43	PRACTICE BOMBS		11,195		-		11,195		(11,195)		-
44	CARTRIDGES & CART ACTUATED DEVICES		17,974		-		17,974		(17,974)		-
45	AIRCRAFT ESCAPE ROCKETS		10,586		-		10,586		(10,586)		-
46	AIR EXPENDABLE COUNTERMEASURES		22,828		-		22,828		(22,828)		-
47	MARINE LOCATION MARKERS		871		-		871		(871)		-
48	JATOS		4,940		-		4,940		(4,940)		-
	SHIP ORDNANCE				-						
49	5 INCH/54 GUN AMMUNITION		21,501		-		21,501		(21,501)		
50	CIWS AMMUNITION		93		-		93		(93)		-
51	76MM GUN AMMUNITION		6,432		-		6,432		(6,432)		-
52	OTHER SHIP GUN AMMUNITION		5,148		-		5,148		(5,148)		-
	OTHER ORDNANCE				-		-				
53	SMALL ARMS & LANDING PARTY AMMO		5,814		-		5,814		(5,814)		-
54	PYROTECHNIC AND DEMOLITION		11,253		-		11,253		(11,253)		-
55	MINE NEUTRALIZATION DEVICES		787		-		787		(787)		-
56	SHIP EXPENDABLE COUNTERMEASURES		8,871		-		8,871		(8,871)		-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS				-		-				
57	SPARES AND REPAIR PARTS		64,022		64,022		64,022				64,022
	WEAPONS PROCUREMENT, NAVY-TOTAL		1,787,121		1,626,411		1,771,421		(127,294)		1,659,827

Overview

The budget request for fiscal year 1996 contained an authorization of $5,051.9 million for Shipbuilding and Conversion Procurement, Navy in the Department of Defense. The House bill would authorize $6,227.9 million. The Senate amendment would authorize $7,111.9 million. The conferees recommended an authorization of $6,643.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	SHIPBUILDING & CONVERSION, NAVY										
	OTHER WARSHIPS										
	OTHER WARSHIPS										
1	CARRIER REPLACEMENT PROGRAM		-		-		-				
1	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
2	SSN-21	1	1,876,102		368,625	1	1,876,102		(807,477)	1	1,068,625
2	LESS: ADVANCE PROCUREMENT (PY)		(368,625)		(368,625)		(368,625)				(368,625)
3	NEW SSN		704,498		704,498		814,498		100,000		804,498
3a	ENHANCED SSN CAPABILITIES		-		1,000,000						-
4	CVN REFUELING OVERHAULS		221,988		221,988		221,988				221,988
5	CGN REFUELING OVERHAULS		1,719		1,719		1,719				1,719
5	LESS: ADVANCE PROCUREMENT (PY)		(1,719)		(1,719)		(1,719)				(1,719)
6	DDG-51	2	2,162,457	3	2,812,457	4	2,812,457			3	2,162,457
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	ADVANCE PROCUREMENT (CY)		6,800		6,800		6,800				6,800
	AMPHIBIOUS SHIPS				-		-				
	AMPHIBIOUS SHIPS				-		-				
8	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)		-		-	1	1,400,000		1,400,000	1	1,400,000
8	LESS: ADVANCE PROCUREMENT (PY)		-		-		(100,000)		(100,000)		(100,000)
8a	LPD-17				974,000		-		974,000	1	974,000
9	ADVANCE PROCUREMENT (CY)		-		-		-				-
	MINE WARFARE AND PATROL SHIPS				-		-				-
	MINE WARFARE AND PATROL SHIPS				-		-				
10	MCS CONV		-		-		-				
10a	FAST PATROL CRAFT		-		9,500				9,500		9,500
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGR				-		-				
	AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM COS				-		-				
11	AE(C)	2	62,130	2	62,130	2	62,130			2	62,130
12	OCEANOGRAPHIC SHIPS		-		-		-				-
12a	T-AGS 64		-		70,000				16,000		16,000
12b	LSD-52 SELF DEFENSE								20,000		20,000
13	SERVICE CRAFT		16,996		16,996		16,996				16,996
14	OUTFITTING		144,791		134,791		144,791		(10,000)		134,791
15	POST DELIVERY		174,991		164,991		174,991		(10,000)		164,991
16	AFS (C)	2	47,096	2	47,096	2	47,096			2	47,096
17	FIRST DESTINATION TRANSPORTATION		2,711		2,711		2,711				2,711
18	SSN MAIN STEAM CONDENSERS		-		-		-				-
	SHIPBUILDING & CONVERSION, NAVY-TOTAL		5,051,935		6,227,958		7,111,935		1,592,023		6,643,958

Overview

The budget request for fiscal year 1996 contained an authorization of $0 million for Ammunition Procurement, Navy and Marine Corps in the Department of Defense. The House bill would authorize $461.8 million. The Senate amendment would authorize $0 million. The conferees recommended an authorization of $430.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP										
	PROC AMMO, NAVY										
	NAVY AMMUNITION										
1	GENERAL PURPOSE BOMBS		-		46,142		-		43,000		43,000
2	2.75 INCH ROCKETS		-		14,806		-		14,806		14,806
3	MACHINE GUN AMMUNITION		-		11,469		-		11,469		11,469
4	PRACTICE BOMBS		-		11,195		-		19,000		19,000
5	CARTRIDGES & CART ACTUATED DEVICES		-		17,974		-		17,974		17,974
6	AIRCRAFT ESCAPE ROCKETS		-		10,586		-		10,586		10,586
7	AIR EXPENDABLE COUNTERMEASURES		-		22,828		-		24,828		24,828
8	MARINE LOCATION MARKERS		-		871		-		871		871
9	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
10	JATOS		-		4,940		-		4,940		4,940
	NAVY AMMUNITION						-				
11	5 INCH/54 GUN AMMUNITION		-		51,701		-		36,000		36,000
12	CIWS AMMUNITION		-		93		-		93		93
13	76MM GUN AMMUNITION		-		6,432		-		6,432		6,432
14	OTHER SHIP GUN AMMUNITION		-		5,148		-		10,148		10,148
	NAVY AMMUNITION						-				
15	SMALL ARMS & LANDING PARTY AMMO		-		5,814		-		5,814		5,814
16	PYROTECHNIC AND DEMOLITION		-		11,253		-		11,253		11,253
17	MINE NEUTRALIZATION DEVICES		-		787		-		787		787
18	SHIP EXPENDABLE COUNTERMEASURES		-		8,871		-		8,871		8,871
	PROC AMMO, MC				-		-				
	MARINE CORPS AMMUNITION						-				
19	5.56 MM, ALL TYPES		-		28,487		-		28,487		28,487
20	7.62 MM, ALL TYPES		-		12,082		-		12,082		12,082
21	.50 CALIBER		-		66,688		-		45,000		45,000
22	40 MM, ALL TYPES		-		3,939		-		3,939		3,939
23	60 MM HE M888		-		9,855		-		9,855		9,855
24	81 MM HE		-		4,724		-		14,724		14,724
25	81 MM SMOKE SCREEN		-		5,445		-		5,445		5,445
26	81MM ILLUMINATION (M853)		-		-		-		-		-
26a	81MM ILLUMINATION (M816)		-		6,700				6,700		6,700
27	120MM TPCSDS-T M865		-		8,902		-		8,902		8,902
28	120 MM TP-T M831		-		3,314		-		3,314		3,314
	155MM CHG, PROP, RED BAG								16,000		16,000
	155MM PROP CHARGE M203A1				32,000		-		-		-
29	FUZE, ET, XM762		-		10,000		-		10,000		10,000
30	CTG 25MM, ALL TYPES		-		6,724		-		6,724		6,724
31	9 MM ALL TYPES		-		2,979		-		2,979		2,979
32	ROCKETS, ALL TYPES		-		7,034		-		7,034		7,034
33	AMMO MODERNIZATION		-		9,611		-		9,611		9,611
	GRENADES, ALL TYPES				1,174				1,174		1,174
	MARINE CORPS AMMUNITION						-				
34	ITEMS LESS THAN $2 MIL		-		11,211		-		11,211		11,211
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP		-		461,779		-		430,053		430,053

Overview

The budget request for fiscal year 1996 contained an authorization of $2,396.1 million for Other Procurement, Navy in the Department of Defense. The House bill would authorize $2,461.5 million. The Senate amendment would authorize $2,471.9 million. The conferees recommended an authorization of $2,414.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	OTHER PROCUREMENT, NAVY										
	SHIPS SUPPORT EQUIPMENT										
	SHIP PROPULSION EQUIPMENT										
1	LM-2500 GAS TURBINE		7,973		7,973		7,973				7,973
2	ALLISON 501K GAS TURBINE		7,143		7,143		7,143				7,143
3	STEAM PROPULSION IMPROVEMENT		781		781		781				781
4	OTHER PROPULSION EQUIPMENT		3,185		3,185		3,185				3,185
	GENERATORS				-		-				
5	OTHER GENERATORS		7,754		7,754		7,754				7,754
	PUMPS				-		-				
6	OTHER PUMPS		1,014		1,014		1,014				1,014
7	SUBMARINE PUMP RETROFIT KITS		-		-		-				-
	AIR COMPRESSORS				-		-				
8	HIGH PRESSURE AIR COMPRESSORS		-		-		-				-
	PROPELLERS				-		-				-
9	SUBMARINE PROPELLERS		-		-		-				
10	OTHER PROPELLERS AND SHAFTS		1,543		1,543		1,543				1,543
	NAVIGATION EQUIPMENT				-		-				
11	ELEC SUSPENDED GYRO NAVIGATOR		4,108		-		1,608		(4,108)		-
12	OTHER NAVIGATION EQUIPMENT		17,688		27,688		27,688		10,000		27,688
	UNDERWAY REPLENISHMENT EQUIPMENT				-		-				
13	UNDERWAY REPLENISHMENT EQUIPMENT		14,008		14,008		14,008				14,008
	PERISCOPES				-		-				
14	SUB PERISCOPES & IMAGING EQUIP		24,157		24,157		24,157				24,157
	OTHER SHIPBOARD EQUIPMENT				-		-				
15	FIREFIGHTING EQUIPMENT		19,652		19,652		19,652				19,652
16	COMMAND AND CONTROL SWITCHBOARD		4,702		4,702		4,702				4,702
17	POLLUTION CONTROL EQUIPMENT		104,493		104,493		104,493				104,493
18	SUBMARINE SILENCING EQUIPMENT		4,539		4,539		4,539				4,539
19	SURFACE SHIP SILENCING EQUIPMENT		-		-		-				-
20	SUBMARINE BATTERIES		7,347		7,347		7,347				7,347
21	SSN21 CLASS SUPPORT EQUIPMENT		4,982		4,982		4,982				4,982
22	STRATEGIC PLATFORM SUPPORT EQUIP		4,500		4,500		4,500				4,500
23	DSSP EQUIPMENT		6,622		6,622		6,622				6,622
24	MINESWEEPING EQUIPMENT		12,985		12,985		12,985		(6,000)		6,985
25	HM&E ITEMS UNDER $2 MILLION		43,389		33,389		43,389		(10,000)		33,389
26	LASER ARTICULATION ROBOTIC SYSTEM (LARS)		-		-		-				-
27	SURFACE IMA		1,407		1,407		1,407				1,407
28	DEGAUSSING EQUIPMENT		-		-		-				-
29	RADIOLOGICAL CONTROLS		151		151		151				151
30	MINI/MICROMINI ELECTRONIC REPAIR		990		990		990				990
31	SUBMARINE LIFE SUPPORT SYSTEM		-		-		-				-
	REACTOR PLANT EQUIPMENT				-		-				
32	REACTOR POWER UNITS		-		-		-				-
33	REACTOR COMPONENTS		187,943		187,943		187,943				187,943
	OCEAN ENGINEERING				-		-				
34	DIVING AND SALVAGE EQUIPMENT		8,234		8,234		8,234				8,234
35	NAVAL SPECIAL WARFARE EQUIPMENT		4,784		4,784		4,784				4,784
	SMALL BOATS				-		-				

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
36	STANDARD BOATS		8,072		8,072		8,072				8,072
	TRAINING EQUIPMENT				-		-				-
37	OTHER SHIPS TRAINING EQUIPMENT		5,388		5,388		5,388				5,388
	PRODUCTION FACILITIES EQUIPMENT				-		-				
38	PRODUCTION SUPPORT FACILITIES		3,258		3,258		3,258				3,258
39	OPERATING FORCES IPE		821		821		821				821
	OTHER SHIP SUPPORT				-		-				
40	NUCLEAR ALTERATIONS		120,452		120,452		120,452				120,452
41	FLEET MODERNIZATION PROGRAM		-		3,000		-		3,000		3,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				-		-				
	SHIP RADARS				-		-				
42	AN/SPS-40		-		-		-				-
43	AN/SPS-48		2,167		2,167		2,167				2,167
44	AN/SPS-49		10,038		10,038		10,038				10,038
45	AN/SYS-()		311		311		311				311
46	MK-23 TARGET ACQUISITION SYSTEM		5,283		5,283		5,283				5,283
47	RADAR SUPPORT		466		9,466		466		9,000		9,466
48	SURFACE ELECTRO-OPTICAL SYSTEM		3,542		3,542		3,542				3,542
	SHIP SONARS				-		-				
49	SURFACE SONAR SUPPORT EQUIPMENT		9,349		9,349		9,349				9,349
50	AN/SQQ-89 SURF ASW COMBAT SYSTEM		30,297		30,297		30,297		(5,000)		25,297
51	SSN ACOUSTICS		42,269		42,269		42,269				42,269
52	SURFACE SONAR WINDOWS AND DOME		-		6,000		-		6,000		6,000
53	SONAR SUPPORT EQUIPMENT		25,836		25,836		25,836				25,836
54	SONAR SWITCHES AND TRANSDUCERS		9,069		9,069		9,069				9,069
55	FBM SYSTEM SONARS		-		-		-				-
	ASW ELECTRONIC EQUIPMENT				-		-				
56	SUBMARINE ACOUSTIC WARFARE SYSTEM		7,973		7,973		7,973				7,973
57	SSTD		13,751		13,751		13,751				13,751
58	ACOUSTIC COMMUNICATIONS		225		225		225				225
59	SOSUS		19,725		19,725		19,725				19,725
60	AN/SQR-18 TOWED ARRAY SONAR		-		-		-				-
61	SURTASS		18,513		18,513		18,513				18,513
62	ASW OPERATIONS CENTER		8,358		8,358		8,358				8,358
63	CARRIER ASW MODULE		169		169		169				169
	ELECTRONIC WARFARE EQUIPMENT				-		-				
64	AN/SLQ-32		19,076		19,076		42,076				19,076
65	AN/WLR-1		2,898		2,898		2,898				2,898
66	AN/WLR-8		-		-		-				-
67	ICAD SYSTEMS		1,449		1,449		1,449				1,449
68	EW SUPPORT EQUIPMENT		8,351		8,351		8,351				8,351
69	C-3 COUNTERMEASURES		9,540		9,540		9,540		15,000		24,540
	RECONNAISSANCE EQUIPMENT				-		-				
70	COMBAT DF		4,967		4,967		4,967				4,967
71	OUTBOARD		1,505		1,505		1,505				1,505
72	BATTLE GROUP PASSIVE HORIZON EXTEN		-		-		-				-
	SUBMARINE SURVEILLANCE EQUIPMENT				-		-				
73	AN/WLQ-4		2,977		2,977		2,977				2,977
74	SUBMARINE SUPPORT EQUIPMENT PROG		4,432		4,432		4,432				4,432

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	OTHER SHIP ELECTRONIC EQUIPMENT				-		-				
75	NAVY TACTICAL DATA SYSTEM		301		301		301				301
76	TACTICAL FLAG COMMAND CENTER		15,330		15,330		15,330				15,330
77	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		31,380		31,380		31,380				31,380
78	LINK 16 HARDWARE		15,452		15,452		15,452				15,452
79	MINESWEEPING SYSTEM REPLACEMENT		5,019		5,019		5,019				5,019
80	SHALLOW WATER MCM		398		398		398				398
81	EMSP (MYP)		26,100		26,100		26,100				26,100
82	NAVSTAR GPS RECEIVERS		1,487		1,487		1,487				1,487
83	HF LINK-11 DATA TERMINALS		3,578		3,578		3,578				3,578
84	ARMED FORCES RADIO AND TV		3,549		3,549		3,549				3,549
85	STRATEGIC PLATFORM SUPPORT EQUIP		10,007		10,007		10,007				10,007
	TRAINING EQUIPMENT				-		-				
86	OTHER SPAWAR TRAINING EQUIPMENT		2,298		2,298		2,298				2,298
87	OTHER TRAINING EQUIPMENT		11,602		11,602		11,602				11,602
	AVIATION ELECTRONIC EQUIPMENT				-		-				
88	MATCALS		1,588		1,588		1,588				1,588
89	SHIPBOARD AIR TRAFFIC CONTROL		7,704		7,704		7,704				7,704
90	AUTOMATIC CARRIER LANDING SYSTEM		6,659		6,659		6,659				6,659
91	NATIONAL AIR SPACE SYSTEM		-		-		-				-
92	TACAN		28		28		28				28
93	AIR STATION SUPPORT EQUIPMENT		5,801		5,801		5,801				5,801
94	MICROWAVE LANDING SYSTEM		507		507		507				507
95	FACSFAC		6,388		6,388		6,388				6,388
96	ID SYSTEMS		10,202		10,202		10,202		(500)		9,702
97	SURFACE IDENTIFICATION SYSTEMS		10,248		10,248		10,248				10,248
	OTHER SHORE ELECTRONIC EQUIPMENT				-		-				-
98	TADIX-B		4,450		4,450		4,450				4,450
99	NAVAL SPACE SURVEILLANCE SYSTEM		-		-		-				-
100	NATIONAL IMAGERY SUPPORT		1,292		1,292		1,292				1,292
101	NCCS ASHORE		7,730		7,730		7,730				7,730
102	RADIAC		4,877		4,877		4,877				4,877
103	GPETE		13,452		13,452		13,452				13,452
104	INTEG COMBAT SYSTEM TEST FACILITY		6,164		6,164		6,164				6,164
105	CALIBRATION STANDARDS		2,384		2,384		2,384				2,384
106	EMI CONTROL INSTRUMENTATION		5,917		5,917		5,917				5,917
107	SHORE ELEC ITEMS UNDER $2 MILLION		8,558		8,558		8,558				8,558
	SHIPBOARD COMMUNICATIONS				-		-				
108	SHIPBOARD TACTICAL COMMUNICATIONS		6,635		6,635		10,135		6,300		12,935
109	PORTABLE RADIOS		1,436		1,436		1,436				1,436
110	SINCGARS		3,132		3,132		3,132				3,132
111	SHIP COMMUNICATIONS AUTOMATION		6,110		6,110		6,110				6,110
112	SHIP COMM ITEMS UNDER $2 MILLION		11,104		11,104		11,104				11,104
	SUBMARINE COMMUNICATIONS				-		-				
113	SHORE LF/VLF COMMUNICATIONS		4,288		4,288		4,288				4,288
114	SUBMARINE COMMUNICATION EQUIPMENT		17,961		17,961		17,961				17,961
	SATELLITE COMMUNICATIONS				-		-				
115	SATCOM SHIP TERMINALS		98,099		98,099		112,499		14,400		112,499
116	SATCOM SHORE TERMINALS		12,228		12,228		12,228				12,228

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	SHORE COMMUNICATIONS						-				
117	JCS COMMUNICATIONS EQUIPMENT		1,551		1,551		1,551				1,551
118	ELECTRICAL POWER SYSTEMS		-		-		-				-
119	SHORE HF COMMUNICATIONS		795		795		795				795
120	WWMCCS COMMUNICATIONS EQUIPMENT		2,361		2,361		2,361				2,361
121	NAVAL SHORE COMMUNICATIONS		34,160		34,160		34,160				34,160
	CRYPTOGRAPHIC EQUIPMENT				-		-				
122	SECURE VOICE SYSTEM		4,204		4,204		4,204				4,204
123	SECURE DATA SYSTEM		8,636		8,636		8,636		(2,599)		6,037
124	KEY MANAGEMENT SYSTEMS		12,913		12,913		12,913				12,913
125	SIGNAL SECURITY		-		-		-				-
126	CRYPTOGRAPHIC ITEMS UNDER $2 MILL		-		-		-				-
	CRYPTOLOGIC EQUIPMENT										
127	CRYPTOLOGIC COMMUNICATIONS EQUIP		5,925		5,925		5,925				5,925
128	CRYPTOLOGIC ITEMS UNDER $2 MILLION		-		-		-				-
129	CRYPTOLOGIC FIELD TRAINING EQUIP		-		-		-				-
	OTHER ELECTRONIC SUPPORT										
130	ELEC ENGINEERED MAINT (NAVSEA)		-		-		-				-
131	ELECT ENGINEERED MAINTENANCE		1,781		1,781		1,781				1,781
	DRUG INTERDICTION SUPPORT				-		-				
132	OTHER DRUG INTERDICTION SUPPORT		-		-		-				-
	AVIATION SUPPORT EQUIPMENT				-		-				-
	SONOBUOYS				-		-				
133	AN/SSQ-36 (BT)		-		-		200		200		200
134	AN/SSQ-53 (DIFAR)		8,902		-		-		(8,902)		-
135	AN/SSQ-62 (DICASS)		-		-		4,100		4,090		4,090
136	AN/SSQ-110 (EER)		-		8,902		21,900		21,910		21,910
137	AN/SSQ-86 (DLC)		-		-		-				-
138	SIGNAL, UNDERWATER SOUND (SUS)		-		-		-				-
	AIR LAUNCHED ORDNANCE										
139	CARTRIDGES & CART ACTUATED DEVELOP		-		-		-				-
140	AIRCRAFT ESCAPE ROCKETS		-		-		-				-
141	AIR EXPENDABLE COUNTERMEASURES		-		-		-				-
142	MARINE LOCATION MARKERS		-		-		-				-
143	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
144	JATOS		-		-		-				-
	AIRCRAFT SUPPORT EQUIPMENT				-		-				
145	WEAPONS RANGE SUPPORT EQUIPMENT		40,280		40,280		40,280				40,280
146	EXPEDITIONARY AIRFIELDS		4,924		4,924		4,924				4,924
147	AIRCRAFT REARMING EQUIPMENT		7,505		7,505		7,505				7,505
148	CATAPULTS & ARRESTING GEAR		15,876		15,876		15,876				15,876
149	METEOROLOGICAL EQUIPMENT		20,196		20,196		20,196				20,196
150	OTHER PHOTOGRAPHIC EQUIPMENT		732		732		732				732
151	AVIATION LIFE SUPPORT		17,708		17,708		17,708				17,708
152	AIRBORNE MINE COUNTERMEASURES		19,506		19,506		19,506				19,506
153	LAMPS MK III SHIPBOARD EQUIPMENT		17,914		17,914		17,914		(1,200)		16,714
154	REWSON PHOTOGRAPHIC EQUIPMENT		612		612		612				612
155	JSIPS-N		-		-		-				-
156	STOCK SURVEILLANCE EQUIPMENT		1,518		1,518		1,518				1,518

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
157	OTHER AVIATION SUPPORT EQUIPMENT		12,577		12,577		12,577				12,577
	ORDNANCE SUPPORT EQUIPMENT				-		-				
	SHIP GUN SYSTEM EQUIPMENT				-		-				
158	GUN FIRE CONTROL EQUIPMENT		4,076		4,076		4,076				4,076
	SHIP MISSILE SYSTEMS EQUIPMENT				-		-				
159	MK-92 FIRE CONTROL SYSTEM		739		739		739				739
160	HARPOON SUPPORT EQUIPMENT		2,952		2,952		2,952				2,952
161	TARTAR SUPPORT EQUIPMENT		-		-		-				-
162	POINT DEFENSE SUPPORT EQUIPMENT		-		-		-				-
163	AIRBORNE ECM/ECCM		520		520		520				520
164	ENGAGEMENT SYSTEMS SUPPORT		24,994		24,994		24,994				24,994
165	NATO SEASPARROW		6,619		6,619		6,619				6,619
166	RAM GMLS		50,037		50,037		50,037				50,037
167	SHIP SELF DEFENSE SYSTEM		15,643		15,643		15,643				15,643
168	AEGIS SUPPORT EQUIPMENT		64,288		64,288		64,288				64,288
169	SURFACE TOMAHAWK SUPPORT EQUIPMENT		71,293		71,293		71,293		(10,000)		61,293
170	SUBMARINE TOMAHAWK SUPPORT EQUIP		1,391		1,391		1,391				1,391
171	VERTICAL LAUNCH SYSTEMS		10,617		10,617		8,700				10,617
	FBM SUPPORT EQUIPMENT				-		-				
172	STRATEGIC PLATFORM SUPPORT EQUIP		-		-		-				-
173	STRATEGIC MISSILE SYSTEMS EQUIP		106,189		137,689		106,189				106,189
	ASW SUPPORT EQUIPMENT				-		-				
174	MK-117 FIRE CONTROL SYSTEM		12,917		12,917		12,917				12,917
175	SUBMARINE ASW SUPPORT EQUIPMENT		6,730		6,730		6,730				6,730
176	SURFACE ASW SUPPORT EQUIPMENT		8,169		8,169		8,169				8,169
177	ASW RANGE SUPPORT EQUIPMENT		5,118		5,118		5,118				5,118
	OTHER ORDNANCE SUPPORT EQUIPMENT				-		-				
178	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		9,690		9,690		9,690				9,690
179	UNMANNED SEABORNE TARGET		4,333		4,333		4,333				4,333
180	ANTI-SHIP MISSILE DECOY SYSTEM		15,199		15,199		15,199		(12,600)		2,599
181	INDUSTRIAL FACILITIES (CALIBRATION EQUIPMENT)		5,316		5,316		5,316				5,316
182	STOCK SURVEILLANCE EQUIPMENT		1,483		1,483		1,483				1,483
183	OTHER ORDNANCE TRAINING EQUIPMENT		-		-		-				-
	OTHER EXPENDABLE ORDNANCE				-		-				
184	FLEET MINE SUPPORT EQUIPMENT		4,452		4,452		4,452		1,700		6,152
185	MINE NEUTRALIZATION DEVICES		-		-		-				-
186	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
187	SHIP EXPENDABLE COUNTERMEASURE		-		-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT				-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT				-		-				
188	PASSENGER CARRYING VEHICLES	213	2,881	213	2,881	213	2,881			213	2,881
189	SPECIAL PURPOSE VEHICLES		6,298		6,298		6,298				6,298
190	GENERAL PURPOSE TRUCKS		7,045		7,045		7,045				7,045
191	TRAILERS/TRUCK TRACTORS		1,345		1,345		1,345				1,345
192	EARTH MOVING EQUIPMENT		2,293		2,293		2,293				2,293
193	CONSTRUCTION & MAINTENANCE EQUIP		1,329		1,329		1,329				1,329
194	FIRE FIGHTING EQUIPMENT		2,224		2,224		2,224				2,224
195	WEIGHT HANDLING EQUIPMENT		1,017		1,017		1,017				1,017
196	AMPHIBIOUS EQUIPMENT		3,010		3,010		3,010				3,010

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
197	COMBAT CONSTRUCTION SUPPORT EQUIP		1,026		1,026		1,026				1,026
198	MOBILE UTILITIES SUPPORT EQUIPMENT		710		710		710				710
199	COLLATERAL EQUIPMENT		577		577		577				577
200	OCEAN CONSTRUCTION EQUIPMENT		139		139		139				139
201	FLEET MOORINGS		-		-		-				-
202	POLLUTION CONTROL EQUIPMENT		18,141		18,141		18,141				18,141
203	OTHER CIVIL ENG SUPPORT EQUIPMENT		100		100		100				100
204	NATURAL GAS UTILIZATION EQUIPMENT		-		-		-				-
	SUPPLY SUPPORT EQUIPMENT				-		-				-
	SUPPLY SUPPORT EQUIPMENT				-		-				
205	FORKLIFT TRUCKS		3,750		3,750		1,750		(2,000)		1,750
206	OTHER MATERIALS HANDLING EQUIPMENT		1,559		1,559		1,559				1,559
207	OTHER SUPPLY SUPPORT EQUIPMENT		48		48		48				48
208	FIRST DESTINATION TRANSPORTATION		6,827		6,827		6,827				6,827
209	SPECIAL PURPOSE SUPPLY SYSTEMS		74,934		74,934		88,934				74,934
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT				-		-				
	TRAINING DEVICES				-		-				
210	SUBMARINE SONAR TRAINERS		-		-		-				-
211	SURFACE COMBAT SYSTEM TRAINERS		745		745		745				745
212	SHIP SYSTEM TRAINERS		-		-		-				-
213	TRAINING SUPPORT EQUIPMENT		2,622		2,622		2,622				2,622
214	TRAINING DEVICE MODIFICATIONS		21,954		21,954		21,954				21,954
	COMMAND SUPPORT EQUIPMENT				-		-				
215	COMMAND SUPPORT EQUIPMENT		33,298		33,298		33,298				33,298
216	EDUCATION SUPPORT EQUIPMENT		385		385		385				385
217	MEDICAL SUPPORT EQUIPMENT		7,462		7,462		7,462				7,462
218	INTELLIGENCE SUPPORT EQUIPMENT		-		-		-				-
219	ITEMS UNDER $2 MILLION		-		-		-				-
220	OPERATING FORCES SUPPORT EQUIPMENT		-		-		-				-
221	NAVAL RESERVE SUPPORT EQUIPMENT		596		596		596				596
222	ENVIRONMENTAL SUPPORT EQUIPMENT		647		647		647				647
223	PHYSICAL SECURITY EQUIPMENT		4,567		4,567		4,567				4,567
224	INDUSTRIAL DEPOT MAINTENANCE EQUIP		6,953		6,953		6,953				6,953
	COMPUTER ACQUISITION PROGRAM				-		-				
225	COMPUTER ACQUISITION PROGRAM		-		-		-				-
	OTHER				-		-				-
226	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
226a	SAFETY AND SURVIABLITY ITEMS		-		20,000				10,000		10,000
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS				-		-				
227	SPARES AND REPAIR PARTS		210,213		210,213		210,213		(20,000)		190,213
	OTHER PROCUREMENT, NAVY-TOTAL		2,396,080		2,461,472		2,471,861		18,691		2,414,771

Submarine navigation sets

The budget request included $4.1 million for the electrically suspended gyro navigator (ESGN), the navigation system currently installed on Navy submarines. It also included $17.7 million for other navigation equipment.

The House bill would reduce ESGN funding by $4.1 million and increase funding for other navigation equipment by $10.0 million to purchase and install MK-49 ring laser gyro (RLG) navigators on Navy submarines.

The Senate amendment would reduce ESGN funding by $2.5 million, the amount budgeted for ESGN reliability modifications. It would also increase funding for other navigation equipment by $10.0 million to purchase and install MK-49 RLG navigators on Navy submarines.

The Senate recedes.

AN/BPS-16 submarine radar

The budget request included $0.5 million for ship radar support .

The House bill would add $9.0 million for procurement of AN/BPS-16 submarine radar systems because of a concern about the reliability and operational suitability of the existing AN/BPS-15 submarine navigation radar.

The Senate amendment would authorize the budget request.

The conferees are aware that there is a commercial off-the-shelf (COTS) variant of the AN/BPS-16 that could be procured and installed at a substantially lower cost than the AN/BPS-16 built to military specifications. The conferees are also aware that the reliability and maintenance challenges associated with the existing AN/BPS-15 have induced many Navy submarine crews to procure inexpensive commercial navigation radars with limited capability.

Based on these considerations, the conferees agree to authorize an increase of $9.0 million for the procurement and installation of AN/BPS-16 submarine radar sets. The conferees encourage the Navy to take advantage of the new COTS variant of the AN/BPS-16 to achieve the maximum benefit from this additional funding.

Afloat planning system

The conferees have fully supported the Tomahawk cruise missile program and the associated support systems necessary for employment of Tomahawk for precision strike missions. The conferees note that the Tomahawk afloat planning system (APS) complements the Tomahawk mission planning system, located at the shore-based mission planning centers, and provides afloat battle group and battle force commanders or deployed joint staffs with an organic capability to plan for the tactical employment of the conventional Tomahawk land attack missile (TLAM). APS is also an integral part of the Joint Service Imagery Processing System—Navy (JSIPS-N) and Challenge Athena systems. These systems support Tomahawk strike planning, but can also provide mission planning support for other precision guided munitions.

The conferees encourage the Department of Defense to:

(1) continue support and funding for APS; and

(2) consider extending APS's targeting and mission planning capabilities to other tactical command echelons, in order to meet the expanding requirement for tactical utilization of the Tomahawk system and improve its responsiveness to the demands of land battle.

Overview

The budget request for fiscal year 1996 contained an authorization of $474.1 million for Marine Corps Procurement, Navy in the Department of Defense. The House bill would authorize $399.2 million. The Senate amendment would authorize $683.4 million. The conferees recommended an authorization of $458.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	PROCUREMENT, MARINE CORPS										
	AMMUNITION										
	AMMUNITION										
1	5.56 MM, ALL TYPES		28,487		-		28,487		(28,487)		-
2	7.62 MM, ALL TYPES		2,082		-		12,082		(2,082)		-
3	LINEAR CHARGES, ALL TYPES		-		-		-				-
4	.50 CALIBER		8,588		-		8,588		(8,588)		-
4a	.50 CALIBER SLAP				-		10,000				-
4b	.50 CALIBER 4 & 1				-		15,000				-
5	40 MM, ALL TYPES		3,939		-		3,939		(3,939)		-
6	60 MM HE M888		9,855		-		9,855		(9,855)		-
7	81 MM HE		4,724		-		4,724		(4,724)		-
7a	81 MM HE M889A1				-						-
8	81 MM SMOKE SCREEN		5,445		-		5,445		(5,445)		-
8a	81 MM IR M 816				-		11,400				-
9	120MM TPCSDS-T M865		8,902		-		8,902		(8,902)		-
10	120 MM TP-T M831		3,314		-		3,314		(3,314)		-
10a	CTG TANK 120MM APFSDS-T M7829A2		-		-		5,000				-
10b	CTG TANK 120MM MP-T M830A1		-		-		5,000				-
11	FUZE, ET, XM762		-		-		-				-
12	FUZE, ET, XM767		-		-		-				-
13	CTG 25MM, ALL TYPES		6,724		-		6,724		(6,724)		-
14	9 MM ALL TYPES		2,979		-		2,979		(2,979)		-
15	MINES, ALL TYPES		-		-		-				-
16	GRENADES, ALL TYPES		474		-		474		(474)		-
17	ROCKETS, ALL TYPES		7,034		-		7,034		(7,034)		-
18	AMMO MODERNIZATION		9,611		-		9,611		(9,611)		-
	PROP CHARGE M203A1				-		26,000				-
	GRENADE, SMOKE VIOLET				-		700				-
	IGNITER M776				-		400				-
	DEMO SHEET				-		2,200				-
	OTHER SUPPORT				-		-				
19	ITEMS LESS THAN $2 MIL		8,711		-		8,711		(8,711)		-
	WEAPONS AND COMBAT VEHICLES				-		-				-
	TRACKED COMBAT VEHICLES				-		-				
20	AAV7A1 PIP		11,779		11,779		11,779				11,779
21	LAV PIP		23,291		23,291		23,291				23,291
22	LIGHT ARMORED VEHICLE		-		-		-				-
23	MODIFICATION KITS (TRKD VEH)		3,273		3,273		17,773		12,300		15,573
24	ITEMS UNDER $2M (TRKD VEH)		100		100		100				100
	ARTILLERY AND OTHER WEAPONS										
25	MOD KITS (ARTILLERY)		498		498		498				498
26	ITEMS UNDER $2M (ALL OTHER)		120		120		120				120
	GUIDED MISSILES AND EQUIPMENT										
	GUIDED MISSILES										
27	HAWK MOD		3,040		3,040		4,640				3,040
28	AAWS-MEDIUM		-		-		-				-
29	PEDESTAL MOUNTED STINGER (PMS) (MYP)		25,833		25,833		25,833				25,833
	OTHER SUPPORT										

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
30	MODIFICATION KITS		1,991		1,991		1,991				1,991
31	ITEMS LESS THAN $2 MILLION		100		100		100				100
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										-
	MANPACK RADIOS										
32	MANPACK RADIOS AND EQUIP		9,735		9,735		12,735		3,000		12,735
33	GPS		-		-		-				-
	VEHICLE MOUNTED RADIOS AND EQUIPMENT										
34	VEHICLE MTD RADIOS & EQUIP (MYP)		-		-		-				-
35	TSC-96 PIP FLEET SATCOM TERMINAL		-		-		-				-
	TELEPHONE AND TELETYPE EQUIPMENT										
36	UNIT LEVEL CIRCUIT SWITCH (ULCS)		-		-		-				-
37	TACT COMM CENTER EQUIP		-		-		-				-
38	TACTICAL DATA NETWORK		-		-		-				-
39	JOINT TACT INFO DIST SYS (CL I)		5,375		5,375		5,375				5,375
40	GROUND MOBILE FORCES		-		-		-				-
	REPAIR AND TEST EQUIPMENT										
41	AUTO TEST EQUIP SYS		9,747		9,747		9,747				9,747
42	ELECTRONIC TEST EQUIP (TEL)		6,184		6,184		6,184				6,184
	OTHER COMM/ELEC EQUIPMENT										
43	SINGLE CHAN GRD & AIR RADIO		48,027		48,027		48,027				48,027
	OTHER SUPPORT (TEL)				-		-				
44	MODIFICATION KITS (TEL)		1,095		1,095		1,095				1,095
45	ITEMS LESS THAN $2M (TEL)		1,443		1,443		2,443				1,443
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
46	POS LOCATING RPTG SYSTEM (PLRS)		-		-		-				-
47	TACTICAL AIR OPER MODULE (TAOM)		2,421		2,421		2,421				2,421
48	ADVANCED TACT AIR COMMAND CENTER		7,214		7,214		7,214				7,214
49	MARINE TACTICAL C2		-		-		-				-
50	MULTI-SERV ADF FIELD ART TACTICAL DATA SYS	188	12,140		12,140		23,140			188	12,140
51	TACTICAL COMBAT OPERATIONS SYS		11,025		11,025		11,025				11,025
	INTELL/COMM EQUIPMENT (NON-TEL)										
52	AN/TPQ-36 FIRE FINDER RADAR UPGRADE		-		-		-				-
53	METEOROLOGICAL SYSTEMS	7	3,393		3,393		3,393			7	3,393
54	INTELLIGENCE SUPPORT EQUIPMENT		6,283		6,283		6,283		29,000		35,283
55	MOD KITS (INTEL)		943		943		943				943
56	ITEMS LESS THAN $2M (INTELL)		1,755		1,755		1,755				1,755
	REPAIR AND TEST EQUIPMENT (NON-TEL)										
57	ELECTRONIC TMDE REPAIR FACILITY		-		-		-				-
58	MECH TEST TMDE		3,042		3,042		3,042				3,042
59	SHOP SET ELECT AN/GRM-32		-		-		-				-
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
60	NIGHT VISION EQUIPMENT		2,283		2,283		4,283		2,000		4,283
61	ADP EQUIPMENT		22,839		22,839		44,439				22,839
	OTHER SUPPORT (NON-TEL)										
62	MARINE ENHANCEMENT PROGRAM		3,401		3,401		6,401		3,000		6,401
63	TEST CALIB & MAINT SPT		-		-		-				-
64	MODIFICATION KITS (NONTEL)		6,738		6,738		6,738				6,738
65	ITEMS LESS THAN $2M (NONTEL)		1,480		1,480		1,480				1,480
	SUPPORT VEHICLES										

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	ADMINISTRATIVE VEHICLES										
66	COMMERCIAL PASSENGER VEHICLES	194	2,824		2,824		2,824				2,824
67	COMMERCIAL CARGO VEHICLES		9,771		9,771		9,771				9,771
	TACTICAL VEHICLES										
68	5/4T TRUCK HMMWV (MYP)		-		-		-				-
68a	Light Recon Vehicle		-		2,000						-
69	LOGISTICS VEHICLE SYSTEM		-		-		-				-
70	TRAILERS		4,932		4,932		10,432		5,500		10,432
	OTHER SUPPORT										
71	MODIFICATION KITS		6,496		6,496		6,496		1,000		7,496
72	ITEMS LESS THAN $2 MIL		100		100		100				100
	ENGINEER AND OTHER EQUIPMENT				-		-				
	ENGINEER AND OTHER EQUIPMENT										
73	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,338		2,338		2,338				2,338
74	TACTICAL FUEL SYSTEM (TFS) EQUIP		-		-		2,400				-
75	POWER EQUIPMENT ASSORTED		2,372		2,372		2,372				2,372
76	MINE/COUNTERMEASURES SYSTEM		-		-		-				-
77	AUTOMATIC BUILDING MACHINES		-		-		-				-
78	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	MATERIALS HANDLING EQUIPMENT										
79	COMMAND SUPPORT EQUIPMENT		-		-		-				-
80	AMPHIBIOUS RAID EQUIPMENT		257		257		257				257
81	PHYSICAL SECURITY EQUIPMENT		1,839		1,839		1,839				1,839
82	GARRISON MOBILE ENGR EQUIP		5,169		5,169		5,169				5,169
83	TELEPHONE SYSTEM		8,268		8,268		8,268				8,268
84	WAREHOUSE MODERNIZATION		2,927		2,927		2,927				2,927
85	MATERIAL HANDLING EQUIP		3,105		3,105		3,105				3,105
86	FIRST DESTINATION TRANSPORTATION		1,726		1,726		1,726				1,726
	GENERAL PROPERTY										
87	FIELD MEDICAL EQUIPMENT		3,215		3,215		3,215				3,215
88	TRAINING DEVICES		17,792		51,792		51,792		34,000		51,792
89	CONTAINER FAMILY		-		-		-				-
	OTHER SUPPORT										
90	MODIFICATION KITS		1,471		1,471		1,471				1,471
91	CHEMICAL AGENT MONITOR		-		-		-				-
92	ITEMS LESS THAN $2 MIL		75		75		75				75
93	DRUG INTERDICTION		-		-		-				-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
94	SPARES AND REPAIR PARTS		51,982		51,982		51,982				51,982
	PRECISION GUNNERY TRAINING SYSTEMS								5,900		5,900
	M240 MACHINE GUN MODS										
	ASSET TRACKING LOGISTICS SYSTEM										
	LIGHT COMPUTER UNITS										
	PROCUREMENT, MARINE CORPS-TOTAL		474,116		399,247		683,416		(15,169)		458,947

Commander's Tactical Terminal

The budget request included no funding for USMC procurement of Commander's Tactical Terminal (CTT) radios.

Neither the House bill nor the Senate amendment authorized additional funding for CTT radios.

The conferees note that the Department's integrated (intelligence) broadcast service plan included migration to an interoperable family of transceivers known as the Joint Tactical Terminal. The conferees have been informed that Marine Corps procurement of CTTs will play a vital role in this plan, and therefore authorize an increase of $12.5 million for this purpose.

Marine Corps intelligence support equipment

The budget request did not include funds for Marine Corps procurement of Joint Surveillance and Target Attack Radar System (JSTARS) ground support module.

Neither the House bill nor the Senate amendment included additional funds for this purpose.

The conferees believe the Marine Corps should have more responsibility over its own procurement actions, and therefore agree to authorize an increase of $16.5 million for Marine procurement of two JSTARS ground support modules.

Light reconnaissance/strike vehicles

The budget request did not include funds for procurement of any light reconnaissance/strike vehicles (LRV/LSV).

The House bill would add $2.0 million to buy LRVs for the Marine Corps and $6.0 million to buy LSVs for the special operations forces.

The conferees agree to authorize $6.0 million for LSVs for the special operations forces.

The conferees understand that the Marine Corps has completed a mission needs statement (MNS) for an LRV. The MNS calls for fielding an LRV with the Fleet Marine Forces by fiscal year 1995. However, the Marine Corps has neither established a formal requirement nor budgeted any resources against a possible requirement.

Therefore, the conferees direct the Secretary of the Navy to report to the congressional defense committees on whether the Marine Corps will translate the MNS into an operational requirement and the risks the Fleet Marine Force will incur if an LRV is not procured. The conferees expect the Secretary to submit this report by February 28, 1996.

Overview

The budget request for fiscal year 1996 contained an authorization of $6,183.9 million for Aircraft Procurement, Air Force in the Department of Defense. The House bill would authorize $7,032.0 million. The Senate amendment would authorize $6,318.6 million. The conferees recommended an authorization of $7,349.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	AIRCRAFT PROCUREMENT, AIR FORCE										
	COMBAT AIRCRAFT										
	STRATEGIC OFFENSIVE										
1	B-1B (MYP)		56,336		56,336		141,336				56,336
2	B-2A (MYP)		279,921		832,921		279,921		493,000		772,921
	TACTICAL FORCES										
3	ADVANCED TACTICAL FIGHTER		-		-		-				-
4	F-15A		-		-		-				-
4a	F-15E		-		250,000		-		311,210		311,210
4b	F-15E Adv Proc				-				50,190		50,190
5	F-16 C/D (MYP)		-		175,000		-		159,400		159,400
5	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	AIRLIFT AIRCRAFT				-		-				
	TACTICAL AIRLIFT										
6	C-17 (MYP)	8	2,592,391	8	2,592,391	8	2,592,391			8	2,592,391
6	LESS: ADVANCE PROCUREMENT (PY)		(189,900)		(189,900)		(189,900)				(189,900)
7	ADVANCE PROCUREMENT (CY)		-		-		-				-
	OTHER AIRLIFT										
8	C-130H		-		-		-				-
9	C-130J	2	88,608	2	88,608	2	88,608			2	88,608
9a	WC-130				-				132,700	3	132,700
	STRATEGIC AIRLIFT										
10	STRATEGIC AIRLIFT		183,757		183,757		183,757				183,757
10a	NONDEVELOPMENTAL AIRLIFT AIRCRAFT		-		70,000						-
	NON DEVELOPMENT AIRLIFT										
11	NON DEVELOPMENT AIRLIFT AIRCRAFT		-		-		-				-
	TRAINER AIRCRAFT				-		-				
	OPERATIONAL TRAINERS										
12	ENHANCED FLIGHT SCREENER		-		-		-				-
13	JPATS	3	54,968	3	54,968	3	54,968			8	54,968
14	TANKER, TRANSPORT, TRAINER SYSTEM		4,374		4,374		4,374				4,374
	OTHER AIRCRAFT				-		-				
	MISSION SUPPORT AIRCRAFT										
15	CIVIL AIR PATROL A/C	27	2,597	27	2,597	27	2,597			27	2,597
16	DRUG INTERDICTION		-		-		-				-
	OTHER AIRCRAFT										
17	E-8B	2	536,334	2	536,334	2	536,334		(17,200)	2	519,134
17	LESS: ADVANCE PROCUREMENT (PY)		(141,700)		(141,700)		(141,700)				(141,700)
18	ADVANCE PROCUREMENT (CY)		97,140		97,140		97,140				97,140
19	SOF A/C CSE		-		-		-				-
	MODIFICATION OF INSERVICE AIRCRAFT				-		-				
	STRATEGIC AIRCRAFT										
20	B-2A		17,286		17,286		17,286				17,286
21	B-1B		75,383		75,383		86,983		(6,900)		68,483
22	B-52		4,908		4,908		4,908				4,908
23	F-117		47,660		47,660		47,660				47,660
	TACTICAL AIRCRAFT										
24	A-10		79,424		79,424		79,424		(38,400)		41,024
25	F/RF-4		61		61		61				61

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
26	F-15		79,488		79,488		79,488		(1,200)		78,288
27	F-16		118,606		118,606		118,606				118,606
28	EF-111		1,900		1,900		1,900				1,900
29	F-111		-		-		-				-
30	T/AT-37		502		502		502				502
	AIRLIFT AIRCRAFT										
31	C-5		45,431		45,431		45,431				45,431
32	C-9		4,066		4,066		4,066				4,066
33	C-17A		12,687		12,687		12,687				12,687
34	C-21		4,654		4,654		4,654				4,654
35	C-22		670		670		670				670
36	C-STOL		298		298		298				298
37	C-137		2,402		2,402		2,402				2,402
38	C-141		95,162		95,162		95,162				95,162
	TRAINER AIRCRAFT										
39	T-1		5,762		5,762		5,762				5,762
40	T-3 (EFS) AIRCRAFT		78		78		78				78
41	T-38		11,487		11,487		11,487				11,487
42	T-41 AIRCRAFT		25		25		25				25
43	T-43		5,441		5,441		5,441				5,441
	OTHER AIRCRAFT										
44	KC-10A (ATCA)		20,690		20,690		20,690				20,690
45	C-12		3,237		3,237		3,237				3,237
46	C-18		2,675		2,675		2,675				2,675
47	C-20 MODS		7,765		7,765		7,765				7,765
48	VC-25A MOD		7,772		7,772		7,772				7,772
49	C-130		84,399		84,399		84,399		10,000		94,399
50	C-135		142,764		132,764		142,764		96,000		238,764
51	E-3		230,439		220,439		230,439				230,439
52	E-4		957		957		957				957
53	H-1		6,160		6,160		6,160				6,160
54	H-60		-		-		-				-
55	OTHER AIRCRAFT		29,433		29,433		29,433				29,433
	OTHER MODIFICATIONS										
56	CLASSIFIED PROJECTS		-		-		-				-
57	DARP		-		37,000		48,000		53,000		53,000
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
	AIRCRAFT SPARES + REPAIR PARTS										
58	SPARES AND REPAIR PARTS		603,619		598,112		583,719		(17,338)		586,281
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE				-		-				
	COMMON AGE										
59	COMMON AGE		216,048		223,248		216,048		(3,538)		212,510
	POST PRODUCTION SUPPORT										
60	F-15 POST PRODUCTION SUPPORT		13,955		-		13,955		(6,977)		6,978
61	F-16 POST PRODUCTION SUPPORT		194,672		-		194,672		(68,050)		126,622
	INDUSTRIAL PREPAREDNESS										
62	INDUSTRIAL PREPAREDNESS		48,694		48,694		48,694				48,694
63	BOMBER INDUSTRIAL BASE SUPPORT		-		-		-				-
	WAR CONSUMABLES										

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
64	WAR CONSUMABLES		25,479		25,479		10,479				25,479
	OTHER PRODUCTION CHARGES										
65	OTHER PRODUCTION CHARGES		167,676		157,676		192,676		20,000		187,676
66	CANCELLED ACCOUNT ADJUSTMENTS										
	COMMON ECM EQUIPMENT										
67	COMMON ECM EQUIPMENT		4,871		4,871		4,871				4,871
	DARP										
68	DARP		194,374		194,374		194,374				194,374
	AIRCRAFT PROCUREMENT, AIR FORCE-TOTAL		6,183,886		7,031,952		6,318,586		1,165,897		7,349,783

Air Force fighter aircraft data link

The budget request included $79.5 million for F–15 modifications.

The House bill would authorize the requested amount based on assurances from the Department of Defense that Air Force efforts to procure a tactical information data link for a portion of the F–15 fleet would be conducted within the scope of the Department's multifunction information distribution system (MIDS) program.

The Senate amendment would authorize the budget request. The Senate report (S. Rept. 104–112) expressed support for the Air Force's efforts to equip its fighter aircraft with "Link 16" data link capability, but questioned the Air Force's decision to pursue this capability for only a portion of the F–15 fleet. The Senate report also recommended that the Department continue MIDS acquisition and stated that it would not support any Air Force effort to start a new program, redundant to MIDS, to meet similar requirements.

The conferees note that the Under Secretary of Defense for Acquisition and Technology has terminated the F–15 data link procurement and that the Air Force now intends to pursue a MIDS variant data link to meet its requirements. The Department has informed the conferees that this program is to be a competitive solicitations that will require adherence to the MIDS architecture, MIDS software modularity, MIDS hardware modulatory as a design objective, and, for the F–15, reduced hardware and software functionality to reduce costs.

The conferees agree to authorize $78.3 million for F–15 modifications. The conferees direct the Under Secretary of Defense for Acquisition and Technology to ensure that the Department for Acquisition and Technology to ensure that the Department uses a competitive acquisition strategy for fighter data link procurement. The strategy should promote full opportunity for U.S. companies to compete within the competitive solicitation outlined by the Under Secretary.

Defense support program procurement

The budget request included $102.9 million for Defense Support Program (DSP) procurement.

The Senate amendment would authorize $67.0 million, a reduction of $35.9 million to the budget request.

The House bill would authorize the budget request.

The House recedes. The conferees are aware that $35.9 million in fiscal year 1995 funds are excess and subject to consideration for reprogramming for non-DSP purposes. Therefore, the conferees agree to reduce the fiscal year 1996 DSP procurement budget by $35.9 million, leaving $67.0 million. The conferees direct the Air Force to use the excess fiscal year 1995 omnibus reprogramming request to fulfill fiscal year 1996 DSP requirements. Given that the fiscal year 1995 DSP procurement source has been denied as part of this year's omnibus reprogramming, the conferees direct that the full amount be restored to DSP.

RC–135 re-engining

The budget request included no funding for the Defense Airborne Reconnaissance Program (DARP) modifications line (P–1), line 57) in the Aircraft Procurement Air Force account.

The House bill would authorize an increase of $37.0 million for modification of an existing C–135 aircraft to the RC–135 RIVET JOINT configuration.

The Senate amendment would authorize an increase of $48.0 million for re-engining of two existing RIVET JOINT aircraft. The Senate amendment would also authorize an increase of $31.5 million in PE 64268F for nonrecurring integration activity to facilitate an affordable program for converting two retired EC–135 aircraft to the RIVET JOINT configuration.

ENGINES AND INSTALLATION

The conferees concur with the cost effectiveness and increase in operational effectiveness that could be provided by re-engining the existing fleet of RIVET JOINT aircraft and agree to authorize an increase of $48.0 million to procure and install re-engining kits for two existing RIVET JOINT aircraft.

The conferees note that the theater Commanders-in-Chief (CINCs) have addressed additional RIVET JOINT aircraft as one of their highest intelligence priorities. The need for additional RIVET JOINT aircraft is further reinforced by the extremely high operational tempo currently experienced by this reconnaissance asset. The conferees support the theater CINCs' requirements for additional RIVET JOINT aircraft and strongly urge the Department to seek reprogramming authority to modify other existing C–135 assets to the RC–135 configuration.

SR–71

The conferees agree to provide an additional $5.0 million for costs associated with the refurbishment of SR–71 aircraft.

ENGINE COMPONENT IMPROVEMENT PROGRAM

The conferees agree to authority $133.2 million for the engine component improvement program, an increase of $29.5 million, consisting of two adjustments: (1) an additional $31.5 million for the integration activity described in the Senate report (S. Rept. 104–112); and (2) a reduction of the $2.0 million requested for the B–2 engine.,

Overview

The budget request for fiscal year 1996 contained an authorization of $3,647.7 million for Missile Procurement, Air Force in the Department of Defense. The House bill would authorize $3,430.1 million. The Senate amendment would authorize $3,627.5 million. The conferees recommended an authorization of $2,938.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	MISSILE PROCUREMENT, AIR FORCE										
	BALLISTIC MISSILES										
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC										
1	MISSILE REPLACEMENT EQ-BALLISTIC		18,749		18,749		18,749				18,749
	OTHER MISSILES				-		-				
	STRATEGIC										
2	HAVE NAP		-		39,000	50	38,000		38,000	54	38,000
3	TRI-SERVICE ATTACK MISSILE		-		-		-				
4	ADVANCED CRUISE MISSILE		1,873		1,873		1,873				1,873
	TACTICAL										
5	GPS AIDED MUNITION		-		-		-				-
6	JOINT STANDOFF WEAPON		-		-		-				-
7	AMRAAM	291	190,672	291	190,672	291	182,672		(8,000)	291	182,672
8	AGM-130 POWERED GBU-15		69,303		109,303		109,303		40,000	100	109,303
8a	Interim JSOW				-		10,400				-
	TARGET DRONES										
9	TARGET DRONES	88	39,150	88	39,150	88	39,150		(3,000)	88	36,150
10	INDUSTRIAL FACILITIES		8,100		8,100		8,100				8,100
	MISSILE REPLACEMENT EQUIPMENT - OTHER										
11	MISSILE REPLACEMENT EQ-OTHER		147		147		147				147
	MODIFICATION OF INSERVICE MISSILES				-		-				
	CLASS IV										
12	CONVENTIONAL ALCM		-		27,200		27,200		15,000	100	15,000
13	PEACEKEEPER (M-X)		-		-		-				-
14	AIM-9 SIDEWINDER		15,379		15,379		15,379				15,379
15	MM III MODIFICATIONS		19,344		29,344		29,344		10,000		29,344
16	AGM-65D MAVERICK		-		-		-				-
17	AGM-88A HARM		1,602		1,602		1,602				1,602
18	MODIFICATIONS UNDER $2.0M		1,370		1,370		1,370				1,370
	SPARES AND REPAIR PARTS				-		-				
	MISSILE SPARES + REPAIR PARTS										
19	SPARES AND REPAIR PARTS		53,914		53,914		53,914				53,914
	OTHER SUPPORT				-		-				
	SPACE PROGRAMS										
20	SPACEBORNE EQUIP (COMSEC)		19,158		19,158		19,158				19,158
21	GLOBAL POSITIONING (MYP)	4	202,910	4	202,910	4	202,910		(10,000)	4	192,910
21	LESS: ADVANCE PROCUREMENT (PY)		(66,850)		(66,850)		(66,850)				(66,850)
22	ADVANCE PROCUREMENT (CY)		38,412		33,412		-		(5,000)		33,412
23	SPACE SHUTTLE OPERATIONS		56,963		56,963		56,963				56,963
23	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
24	SPACE BOOSTERS		464,953		459,953		449,953		(31,100)		433,853
25	ADVANCE PROCUREMENT (CY)		-		-		-				-
26	MEDIUM LAUNCH VEHICLE	4	179,493	4	179,493	4	179,493			4	179,493
26	LESS: ADVANCE PROCUREMENT (PY)		(28,564)		(28,564)		(28,564)				(28,564)
27	ADVANCE PROCUREMENT (CY)		38,856		38,856		38,856				38,856
28	DEF METEOROLOGICAL SAT PROG		29,265		29,265		29,265				29,265
29	DEFENSE SUPPORT PROGRAM (MYP)		102,911		102,911		67,011		(35,900)		67,011
29	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
30	ADVANCE PROCUREMENT (CY)		-		-		-		-		-

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
31	DEFENSE SATELLITE COMM SYSTEM		25,666		23,166		18,166		(2,500)		23,166
	SPECIAL PROGRAMS										
32	IONDS (MYP)	4	29,045	4	29,045	4	29,045			4	29,045
32	LESS: ADVANCE PROCUREMENT (PY)		(9,954)		(9,954)		(9,954)				(9,954)
33	ADVANCE PROCUREMENT (CY)		-		-		-				-
34	SPECIAL UPDATE PROGRAMS		218,751		218,751		218,751				218,751
35	SPECIAL PROGRAMS		1,605,765		1,605,765		1,534,765		(395,000)		1,210,765
	MUNITIONS & RELATED EQUIPMENT				-		-				-
	ROCKETS + LAUNCHERS				-		-				
36	2.75 INCH ROCKET MOTOR	30,000	10,402		-		10,402		(10,402)		-
37	2.75	24,320	1,993		-		1,993		(1,993)		-
38	ITEMS LESS THAN $2,000,000		950		-		950		(950)		-
	CARTRIDGES				-		-				
39	5.56 MM	13,835	5,534		-		5,534		(5,534)		-
40	20MM TRAINING		-		-		-				-
41	30 MM TRAINING	1,360	14,480		-		14,480		(14,480)		-
42	CARTRIDGE CHAFF RR-180	720	10,030		-		10,030		(10,030)		-
43	CARTRIDGE CHAFF RR-188	903	1,192		-		1,192		(1,192)		-
44	SIGNAL MK-4 MOD 3		-		-		-				-
45	CART IMP 3000 FT/LBS		-		-		-		-		-
46	ITEMS LESS THAN $2,000,000		5,162		-		5,162		(5,162)		-
	BOMBS				-		-				
47	MK-82 INERT/BDU-50	12,586	8,253		-		8,253		(8,253)		-
48	TIMER ACTUATOR FIN FUZE	10,000	6,242		-		6,242		(6,242)		-
49	BOMB PRACTICE 25 POUND	400,000	5,928		-		5,928		(5,928)		-
50	MK-84 BOMB-EMPTY	3,718	9,261		-		9,261		(9,261)		-
51	SENSOR FUZED WEAPON	500	165,447		-		165,447		(165,447)		-
	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-		30,000				-
52	CBU-89 GATOR INERT	236	6,531		-		6,531		(6,531)		-
53	ITEMS LESS THAN $2,000,000		1,500		-		1,500		(1,500)		-
	OTHER ITEMS				-		-				-
54	FLARE, IR MJU-7B	945,049	21,859		-		21,859		(21,859)		-
55	MJU-23 FLARE	7,426	6,483		-		6,483		(6,483)		-
56	MJU-10B	110,436	7,204		-		7,204		(7,204)		-
57	M-206 CARTRIDGE FLARE	331,564	11,250		-		11,250		(11,250)		-
58	INITIAL SPARES		621		-		621		(621)		-
59	REPLENISHMENT SPARES		2,329		-		2,329		(2,329)		-
60	MODIFICATIONS		2,340		-		2,340		(2,340)		-
61	ITEMS LESS THAN $2,000,000		11,289		-		11,289		(11,289)		-
	FUZES										-
62	JOINT PROGRAMMABLE FUSE(JPF)		-		-		-				-
	OTHER WEAPONS										
63	M-16 A2 RIFLE		5,048		-		5,048		(5,048)		-
	MISSILE PROCUREMENT, AIR FORCE-TOTAL		3,647,711		3,430,083		3,627,499		(708,828)		2,938,883

Overview

The budget request for fiscal year 1996 contained an authorization of $0 million for Ammunition Procurement, Air Force in the Department of Defense. The House bill would authorize $321.3 million. The Senate amendment would authorize $0 million. The conferees recommended an authorization of $343.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	PROCUREMENT OF AMMO, AIR FORCE										
	PROC AMMO, AF										
1	2.75 INCH ROCKET MOTOR		-		10,402		-		10,402		10,402
1a	2.75 INCH HEAD SIGNATURE				1,993				1,993		1,993
2	ITEMS LESS THAN $2,000,000		-		950		-		950		950
	CARTRIDGE CHAFF RR-180										-
3	5.56 MM		-		5,534		-		5,534		5,534
4	20MM TRAINING		-		-		-				-
5	30 MM TRAINING		-		14,480		-		7,000		7,000
6	CARTRIDGE CHAFF RR-180		-		10,030		-		10,030		10,030
7	CARTRIDGE CHAFF RR-188		-		1,192		-		1,192		1,192
8	SIGNAL MK-4 MOD 3		-		-		-				-
	CART IMP 3000 FT/LBS		-		-		-				-
9	ITEMS LESS THAN $2,000,000		-		5,162		-		5,162		5,162
9a	MK-82 INERT/BDU-50		-		8,253				8,253		8,253
	TIMER ACTUATOR FIN FUZE										
10	TIMER ACTUATOR FIN FUZE		-		6,242		-		6,242		6,242
11	GBU-15		-		-		-				-
12	BOMB PRACTICE 25 POUND		-		5,928		-		5,928		5,928
12a	MK-84 BOMB EMPTY				9,261				9,261		9,261
13	SENSOR FUZED WEAPON		-		165,447		-		165,447		165,447
13a	CBU-89 GATOR INERT				6,531				6,531		6,531
13b	CBU COMBINED EFFECTS MUNITIONS										
14	ITEMS LESS THAN $2,000,000		-		1,500		-		1,500		1,500
	ITEMS LESS THAN $2,000,000										
15	ITEMS LESS THAN $2,000,000		-		-		-				-
	FLARE, IR MJU-7B										
16	FLARE, IR MJU-7B		-		21,859		-		21,859		21,859
16a	MJU-23 FLARE				6,483				6,483		6,483
16b	MJU-10B				7,204				7,204		7,204
17	PARACHUTE FLARE LUU-2 B/B		-		-		-				-
18	M-206 CARTRIDGE FLARE		-		11,250		-		11,250		11,250
19	INITIAL SPARES		-		621		-		621		621
20	REPLENISHMENT SPARES		-		2,329		-		2,329		2,329
21	MODIFICATIONS		-		2,340		-		2,340		2,340
22	ITEMS LESS THAN $2,000,000		-		11,289		-		11,289		11,289
	FMU-139 FUZE										
23	FMU-139 FUZE		-		-		-				-
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	MUNITIONS UNDISTRIBUTED										
25	M-16 A2 RIFLE		-		5,048		-		5,048		5,048
	CBU 87(Combined Effects Munitions)		-		-				30,000		30,000
	PROCUREMENT OF AMMUNITION, AIR FORCE		-		321,328		-		343,848		343,848

Overview

The budget request for fiscal year 1996 contained an authorization of $6,804.7 million for Other Procurement, Air Force in the Department of Defense. The House bill would authorize $6,784.8 million. The Senate amendment would authorize $6,516.0 million. The conferees recommended an authorization of $6,268.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	OTHER PROCUREMENT, AIR FORCE										
	MUNITIONS AND ASSOCIATED EQUIPMENT										
	ROCKETS + LAUNCHERS										
1	ITEMS LESS THAN $2,000,000		-		-		-				-
	CARTRIDGES (THOUSANDS)				-		-				
2	5.56 MM		-		-		-				-
3	20MM TRAINING		-		-		-				-
4	30 MM TRAINING		-		-		-				-
5	CARTRIDGE CHAFF RR-180		-		-		-				-
6	CARTRIDGE CHAFF RR-188		-		-		-				-
7	SIGNAL MK-4 MOD 3		-		-		-				-
8	CART IMP 3000 FT/LBS		-		-		-				-
9	ITEMS LESS THAN $2,000,000		-		-		-				-
	MK-82 INERT/BDU-50		-		-		-				-
	BOMBS		-		-		-				-
10	BSU-49 INFLATABLE RETARDER		-		-		-				-
11	GBU-15		-		-		-				-
12	BOMB PRACTICE 25 POUND		-		-		-				-
13	SENSOR FUZED WEAPON		-		-		-				-
14	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-		-				-
15	ITEMS LESS THAN $2,000,000		-		-		-				-
	TARGETS				-		-				
16	ITEMS LESS THAN $2,000,000		-		-		-				-
	OTHER ITEMS		-		-		-				-
17	FLARE, IR MJU-7B		-		-		-				-
	MJU-28 FLARE		-		-		-				-
18	MJU-10B		-		-		-				-
19	ALA-17 FLARE		-		-		-				-
20	SPARES AND REPAIR PARTS		-		-		-				-
21	MODIFICATIONS		-		-		-				-
22	ITEMS LESS THAN $2,000,000		-		-		-				-
	FUZES		-		-		-				-
23	FMU-139 FUZE		-		-		-				-
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	OTHER WEAPONS				-		-				
25	M-16 A2 RIFLE		-		-		-				-
26	.50 CAL RIFLE		-		-		-				-
	VEHICULAR EQUIPMENT				-		-				
	PASSENGER CARRYING VEHICLES				-		-				
27	SEDAN, 4 DR 4X2	186	1,798	186	1,798	186	1,798			186	1,798
28	STATION WAGON, 4X2	69	1,053	69	1,053	69	1,053			69	1,053
29	BUS, 28 PASSENGER		-		-		-				-
30	BUS - 32-44 PASSENGER		-		-		-				-
31	BUSES	43	2,339	43	2,339	43	2,339			43	2,339
32	AMBULANCE, BUS		-		-		-				-
33	AMBULANCES		-		-		-				-
34	MODULAR AMBULANCE		-		-		-				-
35	14-23 PASSENGER BUS		-		-		-				-
36	LAW ENFORCEMENT VEHICLE	86	1,327	86	1,327	86	1,327			86	1,327

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
37	ARMORED SEDAN	1	202	1	202	1	202		58	1	260
	CARGO + UTILITY VEHICLES										
38	TRUCK, CARGO-UTILITY, 3/4T, 4X4	134	2,760	134	2,760	134	2,760			134	2,760
39	TRUCK, PICKUP, 1/2T, 4X2	235	2,469	235	2,469	235	2,469			235	2,469
40	TRUCK, PICKUP, COMPACT	435	4,777	435	4,777	435	4,777			435	4,777
41	TRUCK MULTI-STOP 1 TON 4X2	164	3,671	164	3,671	164	3,671			164	3,671
42	TRUCK CARRYALL		-		-		-				-
43	TRUCK, CARGO, 2 1/2T, 6X6, M-35	50	2,705	50	2,705	50	2,705			50	2,705
44	MEDIUM TACTICAL VEHICLE	56	5,860	56	5,860	56	5,860			56	5,860
45	TRUCK TRACTOR, OVER 5T	57	2,799	57	2,799	57	2,799			57	2,799
46	CAP VEHICLES		781		781		781				781
47	ITEMS LESS THAN $2,000,000		7,258		7,258		7,258				7,258
	SPECIAL PURPOSE VEHICLES										
48	TRUCK TANK FUEL R-11	154	22,339	154	22,339	154	22,339			154	22,339
49	HMMWV, ARMORED	56	7,170	56	7,170	56	7,170			56	7,170
50	TRACTOR, TOW, FLIGHTLINE	152	4,460	152	4,460	152	4,460			152	4,460
51	ITEMS LESS THAN $2,000,000		6,603		6,603		6,603				6,603
	FIRE FIGHTING EQUIPMENT										
52	TRUCK CRASH P-23		-		-		-				-
53	TRUCK WATER P-26 (P-18)		-		-		-				-
54	HEAVY RESCUE VEHICLE	15	2,616	15	2,616	15	2,616			15	2,616
55	TRUCK PUMPER P-24		-		-		-				-
56	TRUCK PUMPER P-22		-		-		-				-
57	ITEMS LESS THAN $2,000,000		1,314		1,314		1,314				1,314
	MATERIALS HANDLING EQUIPMENT										
58	TRUCK, F/L 10,000 LB		-		-		-				-
59	60K A/C LOADER	28	35,336	28	35,336	28	35,336	8	7,000	36	42,336
60	50K CONTAINER HANDLER		-		-		-				-
61	ITEMS LESS THAN $2,000,000		1,670		1,670		1,670				1,670
	BASE MAINTENANCE SUPPORT										
62	WELL DRILLING SYSTEM		-		-		-				-
63	SPARES AND REPAIR PARTS		-		-		-				-
64	MODIFICATIONS		200		200		200				200
65	ITEMS LESS THAN $2,000,000		2,352		2,352		2,352		11,824		14,176
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP				-		-				
	COMM SECURITY EQUIPMENT(COMSEC)										
66	COMSEC EQUIPMENT		39,422		39,422		39,422				39,422
67	SPARES AND REPAIR PARTS		-		-		-				-
68	MODIFICATIONS (COMSEC)		462		462		462				462
	INTELLIGENCE PROGRAMS										
69	INTELLIGENCE DATA HANDLING SYS		11,966		11,966		11,966				11,966
70	INTELLIGENCE TRAINING EQUIPMENT		2,368		2,368		2,368				2,368
71	INTELLIGENCE COMM EQUIP		5,510		5,510		5,510				5,510
72	ITEMS LESS THAN $2,000,000		995		995		995				995
	ELECTRONICS PROGRAMS										
73	AIR TRAFFIC CTRL/LAND SYS (ATCALS)		-		-		-				-
74	NATIONAL AEROSPACE SYSTEM		-		-		-				-
75	THEATER AIR CONTROL SYS IMPROVEMENT		32,345		32,345		32,345		(4,600)		27,745
76	WEATHER OBSERV/FORCAST		7,103		7,103		7,103				7,103

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
77	DEFENSE SUPPORT PROGRAM		36,909		36,909		36,909				36,909
78	STRATEGIC COMMAND AND CONTROL		67,596		67,596		67,596		(9,501)		58,095
79	CHEYENNE MOUNTAIN COMPLEX		8,667		8,667		8,667				8,667
80	SPACE BASED IR SENSOR PROG		19,895		-		-		(19,895)		-
81	NAVSTAR GPS		1,170		1,170		1,170				1,170
82	DEFENSE METEOROLOGICAL SAT PROG		14,350		14,350		14,350				14,350
83	TAC SIGINT SUPPORT		5,879		5,879		5,879				5,879
84	DRUG INTERDICTION PROGRAM		-		-		-				-
85	NUDET DETECTION SYSTEM (NDS)		5,770		5,770		5,770				5,770
86	DARP		-		-		-				-
	SPECIAL COMM-ELECTRONICS PROJECTS										
87	AUTOMATIC DATA PROCESSING EQUIP		23,958		23,958		23,958				23,958
88	ADP OPERATIONS CONSOLIDATION		-		-		-				-
89	WWMCCS/GLOBAL COMMAND & CONTROL SYS		5,173		5,173		5,173				5,173
90	MOBILITY COMMAND AND CONTROL		-		-		-				-
91	PENTAGON RENOVATION		-		-		-				-
92	AIR FORCE PHYSICAL SECURITY SYSTEM		15,247		15,247		15,247				15,247
93	COMBAT TRAINING RANGES		2,079		2,079		2,079				2,079
94	C3 COUNTERMEASURES		7,548		7,548		7,548				7,548
95	BASE LEVEL DATA AUTO PROGRAM		26,851		26,851		26,851				26,851
96	AIR FORCE SATELLITE CONTROL NETWORK		25,495		25,495		25,495				25,495
97	THEATER BATTLE MGT C2 SYS		52,616		52,616		52,616				52,616
98	EASTERN/WESTERN RANGE I&M		114,505		114,505		114,505				114,505
	AIR FORCE COMMUNICATIONS										
99	INFORMATION TRANSMISSION SYSTEMS		-		-		-				-
100	BASE INFORMATION INFRASTRUCTURE		73,138		73,138		58,138		(16,753)		56,385
101	USCENTCOM		2,219		2,219		2,219				2,219
102	AUTOMATED TELECOMMUNICATIONS PRG		18,058		18,058		18,058				18,058
103	MILSATCOM		43,362		43,362		43,362				43,362
104	SATELLITE TERMINALS		-		-		-				-
	DISA PROGRAMS										
105	WIDEBAND SYSTEMS UPGRADE		-		-		-				-
106	MINIMUM ESSENTIAL EMER COMM NET		-		-		-				-
	ORGANIZATION AND BASE										
107	TACTICAL C-E EQUIPMENT		24,628		24,628		24,628				24,628
108	RADIO EQUIPMENT		7,172		7,172		7,172				7,172
109	TV EQUIPMENT (AFRTV)		2,492		2,492		2,492				2,492
110	CCTV/AUDIOVISUAL EQUIPMENT		5,764		5,764		5,764				5,764
111	BASE COMM INFRASTRUCTURE		-		-		-				-
112	SPARES AND REPAIR PARTS		-		-		-				-
113	CAP COM & ELECT		-		-		-				-
114	ITEMS LESS THAN $2,000,000		6,638		6,638		6,638				6,638
	MODIFICATIONS										
115	COMM ELECT MODS		20,424		20,424		20,424		(10,700)		9,724
116	ANTIJAM VOICE		-		-		-				-
117	SPACE MODS		37,142		37,142		37,142				37,142
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP				-		-				
	TEST EQUIPMENT										-
118	BASE/ALC CALIBRATION PACKAGE		10,024		10,024		10,024				10,024

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
119	PRIMARY STANDARDS LABORATORY PACKAGE		1,604		1,604		1,604				1,604
120	ITEMS LESS THAN $2,000,000		11,820		11,820		11,820				11,820
	PERSONAL SAFETY AND RESCUE EQUIP										-
121	NIGHT VISION GOGGLES		976		976		976				976
122	BREATHING APPARATUS TWO HOUR		3,134		3,134		3,134				3,134
123	UNIVERSAL WATER ACTIVATED REL SYS		7,460		7,460		7,460				7,460
124	CHEMICAL/BIOLOGICAL DEF PROG		-		-		-				-
125	ITEMS LESS THAN $2,000,000		4,802		4,802		4,802				4,802
	DEPOT PLANT + MATERIALS HANDLING EQ										
126	MECHANIZED MATERIAL HANDLING EQUIP		3,525		3,525		3,525				3,525
127	BASE MECHANIZATION EQUIPMENT		-		-		-				-
128	AIR TERMINAL MECHANIZATION EQUIP		-		-		-				-
129	ITEMS LESS THAN $2,000,000		4,090		4,090		4,090				4,090
	ELECTRICAL EQUIPMENT										-
130	GENERATORS-MOBILE ELECTRIC		3,186		3,186		3,186				3,186
131	FLOODLIGHTS SET TYPE NF2D		325		325		325				325
132	ITEMS LESS THAN $2,000,000		3,294		3,294		3,294				3,294
	BASE SUPPORT EQUIPMENT										
133	BASE PROCURED EQUIPMENT		-		-		-				-
134	NATURAL GAS UTILIZATION EQUIPMENT		-		-		-				-
135	MEDICAL/DENTAL EQUIPMENT		12,843		12,843		12,843				12,843
136	ENVIRONMENTAL PROJECTS		-		-		-				-
137	AIR BASE OPERABILITY		4,316		4,316		4,316				4,316
138	PALLET AIR CARGO	4,000	3,677	4000	3,677	4000	3,677			4000	3,677
139	NET ASSEMBLY, 108		1,952		1,952		1,952				1,952
140	BLADDERS FUEL		3,933		3,933		3,933				3,933
141	AERIAL BULK FUEL DELIVERY SYSTEM		-		-		-				-
142	PHOTOGRAPHIC EQUIPMENT		6,231		6,231		6,231				6,231
143	PRODUCTIVITY ENHANCEMENT		-		-		-				-
144	PRODUCTIVITY INVESTMENTS		-		-		-				-
145	MOBILITY EQUIPMENT		17,670		17,670		17,670		11,900		29,570
146	WARTIME HOST NATION SUPPORT		1,699		1,699		1,699		(1,699)		-
147	SPARES AND REPAIR PARTS		-		-		-				-
148	DEPLOYMENT/EMPLOYMENT CONTAINERS		3,320		3,320		3,320				3,320
149	SPATIAL DISORIENTATION DEMONSTRATOR		-		-		-				-
150	AIR CONDITIONERS		-		-		-				-
151	ITEMS LESS THAN $2,000,000		9,269		9,269		9,269				9,269
	SPECIAL SUPPORT PROJECTS										
152	INTELLIGENCE PRODUCTION ACTIVITY		67,928		67,928		61,228		1,200		69,128
153	TECH SURV COUNTERMEASURES EQ		1,049		1,049		1,049				1,049
154	SR YR GROUND STATIONS		-		-		-				-
155	DARP		74,051		74,051		74,051				74,051
156	SELECTED ACTIVITIES		5,409,357		5,409,357		5,162,257		(505,100)		4,904,257
157	SPECIAL UPDATE PROGRAM		158,402		158,402		158,402				158,402
158	INDUSTRIAL PREPAREDNESS		1,156		1,156		1,156				1,156
159	MODIFICATIONS		199		199		199				199
160	FIRST DESTINATION TRANSPORTATION		12,914		12,914		12,914				12,914
	SPARE AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
161	SPARES AND REPAIR PARTS		61,715		61,715		61,715				61,715
	OTHER PROCUREMENT, AIR FORCE-TOTAL		6,804,696		6,784,801		6,516,001		(536,266)		6,268,430

Overview

The budget request for fiscal year 1996 contained an authorization of $2,179.9 million for Defense-wide Procurement in the Department of Defense. The House bill would authorize $2,205.9 million. The Senate amendment would authorize $2,118.3 million. The conferees recommended an authorization of $2,124.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT										
	MAJOR EQUIPMENT, OSD/WHS										
1	MOTOR VEHICLES		304		304		304				304
2	MAJOR EQUIPMENT, OSD		193,321		193,321		193,321				193,321
3	MAJOR EQUIPMENT, WHS		15,670		15,670		15,670				15,670
4	ARMED FORCE INFORMATION SERVICE		4,907		4,907		4,907				4,907
5	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY		1,612		1,612		1,612				1,612
6	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION		770		770		770				770
7	DARP		179,307		179,307		183,807		(17,732)		161,575
8	CORPORATE INFORMATION MANAGEMENT		4,933		4,933		4,933				4,933
9	DEFENSE INFORMATION INFRASTRUCTURE		54,234		54,234		54,234		4,500		58,734
	MAJOR EQUIPMENT, NSA										
11	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		16,978		16,978		16,978				16,978
	MAJOR EQUIPMENT, DNA										
12	VEHICLES		130		130		130				130
13	OTHER MAJOR EQUIPMENT		7,971		7,971		7,971				7,971
	MAJOR EQUIPMENT, DISA										
14	WWMCCS ADP SYSTEMS		4,446		4,446		4,446				4,446
15	INFORMATION SERVICES TRANSFER		-		-		-				-
16	PLANS & PROGRAM ANALYSIS SUPPORT CENTER		1,498		1,498		1,498				1,498
17	ITEMS LESS THAN $2 MILLION		294		294		294				294
18	DRUG INTERDICTION SUPPORT		-		-		-				-
	MAJOR EQUIPMENT, DIA				-		-				
	MAJOR EQUIPMENT, DLA										
21	DEFENSE SUPPORT ACTIVITIES		7,291		7,291		7,291				7,291
21a	AUTOMATED DOCUMENT CONVERSION SYSTEM		-		20,000						-
	MAJOR EQUIPMENT, DMA										
22	COMMUNICATION EQUIPMENT		-		-		-				-
23	AUTOMATED INFORMATION SYSTEM EQUIPMENT		-		-		-				-
24	VECTOR PRODUCT EQUIPMENT		-		-		-				-
25	DEVELOPMENT TEST FACILITY										
26	MC & G MAINFRAME UPGRADE										
27	VEHICLES		1,211		1,211		1,211				1,211
28	OTHER CAPITAL EQUIPMENT		-		-		-				-
29	DEFENSE HYDROGRAPHIC EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, DIS										
30	VEHICLES	333	3,117	333	3,117	333	3,117			333	3,117
31	OTHER CAPITAL EQUIPMENT		6,801		6,801		6,801				6,801
	MAJOR EQUIPMENT, DCAA										
32	ITEMS LESS THAN $2 MILLION		3,980		3,980		3,980				3,980
	MAJOR EQUIPMENT, DSPO				-		-				
33	MAJOR EQUIPMENT , DSPO		25,104		25,104		25,104				25,104
34	MAJOR EQUIPMENT , DSPO		-		-		-				-
35	MAJOR EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, TJS										
36	MAJOR EQUIPMENT, TJS		38,717		38,717		38,717				38,717
	ON-SITE INSPECTION AGENCY										
37	VEHICLES		-		-		-				-

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
38	OTHER CAPITAL EQUIPMENT		2,941		2,941		2,941				2,941
	BALLISTIC MISSILE DEFENSE ORGANIZATION										
40	C4I		32,242		32,242		32,242				32,242
41	HAWK BN/C3 MODS		5,106		5,106		5,106				5,106
	CENTRAL IMAGERY OFFICE										
	CLASSIFIED PROGRAMS										
	SPECIAL OPERATIONS COMMAND										
	AVIATION PROGRAMS										
44	RADIO FREQUENCY MOBILE ELECTRONIC TEST SET		29,801		29,801		29,801				29,801
45	SOF ROTARY WING UPGRADES		9,042		9,042		9,042				9,042
46	SOF TRAINING SYSTEMS		26,818		26,818		26,818				26,818
47	MC-130H COMBAT TALON II		12,134		12,134		12,134				12,134
48	AC-130U GUNSHIP ACQUISITION		57,165		57,165		57,165				57,165
49	C-130 MODIFICATIONS		115,518		115,518		115,518				115,518
49	LESS: ADVANCE PROCUREMENT (PY)		(5,101)		(5,101)		(5,101)				(5,101)
50	ADVANCE PROCUREMENT (CY)		-		-		-				-
51	HH-53 MODIFICATIONS		-		-		-				-
52	MH-47/MH-60 MODIFICATIONS		-		-		-				-
53	OH-6 PROCUREMENT & MODIFICATIONS		-		-		-				-
54	AIRCRAFT SUPPORT		5,946		5,946		5,946				5,946
	SHIPBUILDING										
55	PC,CYCLONE CLASS		-		-		-		20,000		20,000
56	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		-		-		-				-
57	MK VIII MOD 1 - SEAL DELIVERY VEHICLE	4	11,115	4	11,115	4	11,115			4	11,115
58	SUBMARINE CONVERSION		6,770		6,770		6,770				6,770
58	LESS: ADVANCE PROCUREMENT (PY)		(2,086)		(2,086)		(2,086)				(2,086)
59	ADVANCE PROCUREMENT (CY)		-		-		-				-
60	MK V SPECIAL OPERATIONS CRAFT (MK V SOC)	2	19,501	2	19,501	4	37,201	2	17,700	4	37,201
	AMMUNITION PROGRAMS										
61	SOF PYRO/DEMO		23,887		23,887		23,887				23,887
62	SOF PLATFORM GUN AMMUNITION		-		-		-				-
63	SOF INDIV WEAPONS AMMUNITION		45,412		45,412		45,412				45,412
	OTHER PROCUREMENT PROGRAMS										
64	MARITIME EQUIPMENT MODIFICATIONS		8,559		8,559		8,559				8,559
65	SPARES AND REPAIR PARTS		35,876		35,876		35,876				35,876
66	COMM EQUIPMENT & ELECTRONICS		32,824		32,824		32,824				32,824
67	SOF INTELLIGENCE SYSTEMS		19,510		19,510		19,510				19,510
68	SOF SMALL ARMS & WEAPONS		9,972		9,972		9,972				9,972
69	SPECIAL WARFARE EQUIPMENT		11,776		11,776		7,483		(4,293)		7,483
69a	LIGHT STRIKE VEHICLE				6,000		-		6,000		6,000
70	DRUG INTERDICTION		-		-		-				-
71	MISCELLANEOUS EQUIPMENT		809		809		809				809
72	SOF PLANNING AND REHEARSAL SYSTEM (SOFPARS)		595		595		595				595
73	CLASSIFIED PROGRAMS		77,656		77,656		77,656				77,656
74	PSYOP EQUIPMENT		28,106		28,106		28,106				28,106
	CHEMICAL/BIOLOGICAL DEFENSE				-		-				-
	CBDP										
75	PROTECTIVE MASK		24,819		24,819		24,819				24,819
76	AIRCREW MASK		-		-		-				-

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
77	REMOTE CHEM AGT ALARM (RSCAAL)		4,190		4,190		4,190				4,190
78	IMPROVED CHEM AGENT MONITOR (ICAM)	237	7,232	237	7,232	237	7,232			237	7,232
79	AUTO CHEM AGENT ALARM (ACADA)		-		-		-				-
80	NBC RECON SYS (NBCRS) MODS		46,033		46,033		46,033				46,033
81	MODULAR DECON SYSTEM		-		-		-				-
82	M17 DECON MODS		3,165		3,165		3,165				3,165
83	POCKET RADIAC AN/UDR- 13	4,636	3,729	4636	3,729	4636	3,729			4636	3,729
84	CB PROTECTIVE SHELTER	62	11,494	62	11,494	62	11,494			62	11,494
85	JOINT BIO DEFENSE PRGM		22,860		22,860		22,860				22,860
86	CHME/BIO DEFENSE EQ (AF)		11,049		11,049		11,049				11,049
87	CHEM WARFARE DETECTORS		5,455		5,455		5,455				5,455
88	CB HELO NDI		-		-		-				-
89	CBR EQUIP-SHIPBOARD	-	498		498		498				498
999	CLASSIFIED PROGRAMS		844,903		844,903		765,403		(81,713)		763,190
	PROCUREMENT, DEFENSE-WIDE-TOTAL		2,179,917		2,205,917		2,118,324		(55,538)		2,124,379

Defense airborne reconnaissance program procurement

The budget request included $179.3 million in procurement for the Defense airborne reconnaissance program (DARP).

The House bill would approve the budget request.

The Senate amendment would increase the requested amount by $4.5 million, and would direct the Department to change the priorities of some program elements. The conferees agree to an authorization of $161.6 million, a reduction of $17.7 million from the budget request.

JOINT TACTICAL UAV

The conferees agree to authorize a total of $42.4 million for the joint tactical UAV (JT-UAV), a reduction of $17.7 million from the budget request.

The conferees are particularly concerned about the continuing problems with the Hunter UAV in the JT-UAV program. Therefore, the conferees direct that none of the funds appropriated for fiscal year 1996 be used to procure production Hunter systems or additional low-rate initial production units, beyond those already ordered, until the Secretary of Defense provides to the Congressional defense committees the results of the Defense Acquisition Board (DAB) review of the Hunter program.

PIONEER UAV

Of the funds authorized and appropriated for defense-wide procurement, Defense Airborne Reconnaissance Programs (DARP), the conferees direct that the Department use $4.5 million to equip nine Pioneer UAV systems with the common automatic landing and recovery system (CARLS).

The conferees note the Department's continuing failure to equip UAVs with the CARLS system. The conferees are concerned with this result, particularly since the Department agrees that CARLS installation on UAVs in general, and Pioneer in particular, would reduce landing accidents and associated losses.

Automated document conversion system

The budget request did not include any additional funds for the automated document conversion system (ADCS). This is a program for converting the Department of Defense's engineering drawings from hard copy to electronic format.

The House bill would authorize $20.0 million for this purpose.

The Senate amendment would approve the budget request.

The conferees are concerned with the lack of progress by the Department toward achieving major cost savings through the adoption of automated document conversion technology. The conferees are encouraged, however, that the Department has recently acknowledged such savings and has produced a roadmap to realize these savings by changing from raster to vector conversion. The conferees also understand this plan brings an upgrade and expansion of UNIX-based systems and will test several personal computer (PC)-based systems.

However, the conferees are concerned with the Department's plan for using $10.0 million of these funds for "bulk" conversion purposes, since these funds were specifically appropriated for the purchase of ADCS equipment. the conferees are concerned that there may be a greater requirement for ADCS software and equipment than the Department currently has planned and that some or all of the funds planned for bulk conversion may be needed for software and equipment. Should the results of the Department's ongoing conversion survey confirm that additional software and equipment is needed, the conferees feel that the Department should address first the needs of UNIX-based engineering systems as the UNIX-based system has undergone extensive testing per Congressional direction. The conferees direct that the Secretary of Defense provide a report to the congressional defense committees by march 29, 1996, on the results of the PC-based system testing.

Overview

The budget request for fiscal year 1996 contained no authorization for National Guard and Reserve Procurement in the Department of Defense. The House bill would authorize $770.0 million. The Senate amendment would authorize $777.4 million. The conferees recommended an authorization of $777.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	NATIONAL GUARD & RESERVE EQUIPMENT										
	RESERVE EQUIPMENT										
	ARMY RESERVE		-								
	TACTICAL VEHICLES		-		20,000		-		15,000		15,000
	SINCGARS		-		3,500		5,000		3,000		3,000
	MEDIUM TRUCK ESP		-		-		10,000		10,000		10,000
	HEAVY TRUCK MODERNIZATION		-		-		15,000		10,000		10,000
	NIGHT VISION EQUIPMENT		-		5,800		5,000		5,700		5,700
	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT		-		-		2,000		2,000		2,000
	ENGINEER EQUIPMENT		-		10,000		-		10,000		10,000
	VARI-REACH LIFT TRUCKS		-		4,500		-				-
	ALL-TERRAIN FORK LIFT TRUCKS										4,500
	CH-47D		-		16,000		-		16,000		16,000
	ENGINE SERVICE ADAPTERS		-		500		-		500		500
	GENERATORS/POWER EQUIP/SPT EQUIP		-		5,000		-		5,000		5,000
	MK-19 GRENADE LAUNCHERS		-		10,000		-				-
	SIMULATORS		-		2,000		-		2,000		2,000
	MEDICAL EQUIPMENT		-		2,000		-		2,000		2,000
	MISCELLANEOUS EQUIPMENT		-		5,000		25,000				-
	NAVY RESERVE										
	DECM EQUIPMENT		-		8,000		-		8,000		8,000
	F/A-18 UPGRADES		-		28,000		24,000		24,000		24,000
	MIUW TSW-108		-		10,000		10,000		10,000		10,000
	C-9 AIRCRAFT AVIONIC UPGRADE		-		35,000		25,000		25,000		25,000
	MISCELLANEOUS EQUIPMENT		-		5,000		15,000				-
	MARINE CORPS RESERVE										
	CBT VEHICLE TRAINER		-		3,800		-		3,800		3,800
	CH-53 HELICOPTERS		-		30,000		-		50,000	2	50,000
	DIGITAL COMMAND & CONTROL NETWORK		-		4,300		-		4,300		4,300
	COMM COMPANY EQUIPMENT		-		5,000		-		5,000		5,000
	UH-1N NAV/FLIR UPGRADES		-		2,600		-		2,600		2,600
	AH-1W HELICOPTERS (3)		-		-		35,000				-
	SINCGARS		-		-		5,000		3,000		3,000
	NIGHT VISION EQUIPMENT		-		-		5,000		5,000		5,000
	MISCELLANEOUS EQUIPMENT		-		5,000		10,000				-
	AIR FORCE RESERVE										
	KC-135R REEINGINING		-		26,000		-				-
	C-130H		-	4	145,200		-		135,600	4	135,600
	C-130J		-		-		210,000				-
	C-20G		-		-		30,000				-
	MISCELLANEOUS EQUIPMENT		-		-		-				-
	TOTAL RESERVE EQUIPMENT		-		392,200		431,000		362,000		362,000
	NATIONAL GUARD EQUIPMENT										
	ARMY NATIONAL GUARD										
	AVENGER		-		-		54,000		50,000		50,000
	PALADIN/FAASV		-		-		55,000				-
	MLRS		-		-		16,400				-
	M113A3 UPGRADES		-		-		10,000		10,000		10,000

Line	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
No		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	M113A3 NIGHT VIEWERS		-		-		2,000		2,000		2,000
	MEDIUM TRUCK ESP		-		-		10,000		15,000		15,000
	HEAVY TRUCK MODERNIZATION		-		-		10,000		10,000		10,000
	TACTICAL TRUCK PROC/SLELP		-		-		-				-
	TACTICAL VEHICLES										10,000
	NEW PROCUREMENT		-		10,000		-				-
	SLEP (5 TON)		-		10,000		-				-
	SLEP (2 1/2 TON)		-		10,000		-				-
	SINCGARS		-		10,000		5,000		5,000		5,000
	M109 ACE		-		10,000		-		5,000		5,000
	IFTE		-		10,000		-		10,000		10,000
	NIGHT VISION EQUIPMENT		-		10,000		5,000		5,000		5,000
	CHEM/BIO EQUIPMENT		-		5,000		2,000		2,000		2,000
	HIGH CAPACITY AIR AMBULANCE		-		30,000		-				-
	AH-1 (C-NITE)		-		10,000		-				-
	FADEC		-		10,000		-		5,000		5,000
	TRNG & SIM EQUIPMENT		-		-		-				-
	AH-64 COMBAT MISSION SIMULATOR		-		15,000		15,000		15,000		15,000
	UH-1 SLEP		-		-		-				-
	AH-1 BORESIGHT EQUIPMENT		-		-		5,000		5,000		5,000
	FULL AUTHORITY DIGITAL ELECTRONIC CONTROL (CH-47)		-		-		5,000				-
	C-26									2	11,000
	MISCELLANEOUS EQUIPMENT		-		10,000		15,000				-
	AIR NATIONAL GUARD										
	F-16 220E ENGINES		-		10,000		-		5,000		5,000
	C-130H		-	4	145,200		102,000	6	203,400	6	203,400
	AIRLIFT DEFENSIVE SYSTEMS		-		10,000		-		10,000		10,000
	KC-135R REENGINING		-		26,000		26,000				-
	KC-135 MODS		-		-		-				-
	AIRLIFT REPLACEMENT RADAR		-		6,600		-		6,600		6,600
	C-20G		-		30,000		-		30,000		30,000
	C-26		-		-		9,000				-
	MISCELLANEOUS EQUIPMENT		-		-		-				-
	TOTAL NATIONAL GUARD EQUIPMENT		-		377,800		346,400		415,000		415,000
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		-								
	MISC EQUIPMENT GUARD & RESERVE AIRCRAFT										
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT				770,000		777,400		777,000		777,000

Overview

The budget request for fiscal year 1996 contained an authorization of $746.7 million for Chemical Agent and Munitions Destruction, Army in the Department of Defense. The House bill would authorize $746.7 million. The Senate amendment would authorize $671.7 million. The conferees recommended an authorization of $672.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	CHEM AGENTS & MUNITIONS DESTRUCTION, DEF										
	CHEM AGENTS & MUNITIONS DESTRUCT-RDT&E										
	RESEARCH AND DEVELOPMENT										
1	CHEM DEMILITARIZATION - RDTE		53,400		53,400		53,400				53,400
			53,400		53,400		53,400				53,400
	CHEM AGENTS & MUNITIONS DESTRUCT-PROC										
	PROCUREMENT										265,000
2	CHEM DEMILITARIZATION - PROC		299,448		299,448		224,448		(34,448)		265,000
	CHEM AGENTS & MUNITIONS DESTRUCT-O&M										
	OPERATION AND MAINTENANCE										
3	CHEM DEMILITARIZATION - O&M		393,850		393,850		393,850		(40,000)		353,850
			393,850		393,850		393,850		(40,000)		353,850

ITEMS OF SPECIAL INTEREST

Aerial targets

The budget request included $68.6 million for aerial targets.

The House bill and the Senate amendment authorized the request.

The conferees understand the Navy's current acquisition strategy for subscale subsonic aerial targets is to procure only the BQM-74E. However, the conferees understand the contractor may have taken some recent cost reduction initiatives on the BQM-34S subscale target. Therefore, the conferees believe that the Navy's non-competitive procurement of the BQM-74E may not provide the service with the best value target. Accordingly, the conferees urge the Navy to reassess its acquisition strategy for this target and conduct a competition based upon meeting a performance specification. The conferees believe that such a competition could result in buying a target that truly represents the best value to the Navy.

AN/ALE-47

The conferees are concerned that the current Air Force acquisition strategy for the follow-on production of lots IV through VII of the AN/ALE-47 Countermeasure Dispenser System may involve significant and unnecessary risks for the program. The conferees direct the Air Force to delay any procurement action regarding lots IV through VIII of the AN/ALE-47 until 14 days after the date on which the Air Force has provided the congressional defense committees with a report that assesses the cost and acquisition strategy related to the introduction of new suppliers for the system.

Engineer construction equipment

The conferees are aware of the significant contribution National Guard engineer construction units have made to securing the southwest border. The construction efforts of the National Guard have been of singular assistance in providing for increased safety for U.S. Border Patrol agents and in facilitating the U.S. Border Patrol efforts to counter illegal drugs and illegal immigration along the southwest border. The conferees agree that sufficient funds should be allocated by the National Guard to purchase appropriate loaders, dozers, and road-grading equipment for use by National Guard engineer construction units that rotate to continue construction on projects along the United States-Mexican border.

The conferees have indicated elsewhere in this statement of managers, that the Department of Defense should, through normal reprogramming procedures, use available funds provided for counterdrug activities to continue construction to extend the fence constructed by the National Guard on the southwest border.

LPD-17 radio communications systems engineering support

The conferees note that, as a result of the base realignment and closure decisions, the Navy has reorganized and consolidated its radio communications systems (RCS) engineering, production, testing, integration, and training support activities. In assigning RCS engineering support workload for the LPD-17 class of ships, the conferees expect that the Navy will assign such workload to the most appropriate facility.

SH-60 modifications

The conferees understand that there are at least 60 AN/AQS-13F dipping sonars currently installed in the Navy's SH-60F helicopters that will not be replaced under the SH-60R program. These sonars could be upgraded to meet current shallow water operational requirements based on a modification already developed through the FMS program.

The conferees direct the Secretary of the Navy to evaluate the cost effectiveness of a modification program for the AQS-13F dipping sonars that will not be replaced in conjunction with the SH-60R program, and report the results to the congressional defense committees by March 15, 1996.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Subtitle B—Army Programs

Procurement of OH-58D Armed Kiowa Warrior helicopters (sec. 111)

The House bill contained a provision (sec. 111) that would modify current law to permit procurement of twenty additional OH-58D AHIP scout helicopters.

The Senate amendment contained an identical provision (sec. 122).

The conferees understand that the procurement of twenty additional OH-58D Armed Kiowa Warrior helicopters will cost up to $140.0 million and agree to amend the provision to authorize $140.0 million to procure these helicopters.

Repeal of requirements for armored vehicle upgrades (sec. 112)

The House bill contained a provision (sec. 112) that would repeal subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761).

The Senate amendment contained no similar provision.

The Senate recedes.

Multiyear procurement of helicopters (sec. 113)

The budget request included $354.0 million to buy 18 AH-64D aircraft and 13 Longbow fire control radars.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 111) that would authorize an increase of $82.0 million and the multiyear procurement of Longbow Apache helicopters.

The House recedes with an amendment.

The conferees agree to authorize an increase of $76.2 million for the Longbow Apache attack helicopter program and multiyear procurement contracts for both the AH-64D Longbow Apache attack helicopter program and the UH-60 Black Hawk utility helicopter program.

Report on AH-64D engine upgrades (sec. 114)

The Senate amendment contained a provision (sec. 114) that would require the Secretary of the Army to submit a report to Congress on plans to procure T700-701C engine upgrade kits for Army AH-64D helicopters.

The House bill contained no similar provision.

The House recedes.

Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement (sec. 115)

The budget request did not include any funds for procurement of small arms.

The House bill and the Senate amendment would authorize funds for the following small arms programs as indicated below:

[In millions of dollars]

	House	Senate
M–16 rifle	$13.5	$13.5
M4 carbine	6.5	13.5
M9 personal defense weapon	2.0	4.0
M249 squad automatic weapon	28.5	28.5
MK–19 grenade launcher	20.0	33.9
Medium machine gun (mod kits)	6.5	6.5

The conferees agree to provide funds for small arms programs as indicated below:

[Dollars amounts in millions]

		Quantity
M–16 rifle	$13.5	27,500
M4 carbine	6.5	12,000
M9 personal defense weapon	2.0	4,660
M249 squad automatic weapon	28.5	10,265
MK–19 grenade launcher	33.9	2,100
Medium machine gun (mod kits)	6.5	1,434

The conferees express their concern that the Army did not include funds for small arms programs in the fiscal year 1996 budget request, despite specific direction regarding multiyear procurement for small arms included in the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1995 (S. Rept. 103-701). The conferees expect the Secretary of the Army to comply with both the letter and intent of the law in this regard. The conferees further expect the Secretary of the Army to ensure that small arms programs are funded at levels approximating those in this report until requirements for each separate class of small arms are fully achieved and that appropriate multiyear contracts are executed. The conferees include a provision (sec. 116) that would direct the Secretary of the Army to enter into multiyear procurement contracts during fiscal year 1997, in accordance with section 115(b)(2) of the National Defense Authorization Act for Fiscal Year 1995.

Subtitle C—Navy Programs

Nuclear attack submarines (sec. 131)

The budget request reflected a policy, adopted by the Department of Defense as a consequence of its Bottom Up Review, that would cause all future nuclear submarines to be constructed by General Dynamics Electric Boat Division (Electric Boat). The budget request included the following funding for submarine construction programs:

(1) $1.5 billion for SSN-23, the final increment required for full funding of this *Seawolf* class submarine;

(2) $704.5 million advance procurement for the first of a new class of nuclear attack submarines, designated as the new attack submarine (NAS), whose construction would begin in fiscal year 1998; and

(3) a total of $455.4 million for research, development, test, and evaluation for the NAS program.

The House report (H. Rept. 104-131) reflected the view that changes in the Navy's plan for acquisition of nuclear attack submarines should be made to incorporate advanced technologies into these submarines' designs. These recommendations were based on an underlying premise that the Navy's NAS program would not provide an adequate technological advantage over foreign submarines presently under construction or in design. The House bill would:

(1) not authorize SSN-23;

(2) authorize $550.0 million for Electric Boat to design, build, and incorporate a hull section into SSN-22 to create a lengthened, expanded capability variant of the basic *Seawolf* design, while retaining its full weapons load;

(3) authorize $704.5 million advance procurement for the fiscal year 1998 submarine that would be built by Electric Boat;

(4) authorize $300.0 million for Electric Boat to design and build a second hull section that would be incorporated into a fiscal year 1998 submarine, and convert that submarine from the lead ship of a serial-production class, based on the current NAS design, into an additional, one-of-a-kind, expanded capability platform that would be derived from the current NAS design;

(5) directs that $10.0 million of the funds in the budget request for NAS detailed design work be used only for establishing and maintaining a cadre of Newport News submarine designers at Electric Boat and for transfer of all submarine designers at Electric Boat's design data base to Newport News';

(6) authorize $150.0 million to begin an effort at Newport News to design, develop, and build prototype versions of major submarine components that would result in a follow-on submarine design for serial production that represents a substantial improvement in affordability and capability over the current NAS design;

(7) direct the Advanced Research Projects Agency (ARPA) and the national laboratories to make new technologies available to both Electric Boat and Newport News that show potential for achieving a follow-on submarine design for serial production that represents a substantial improvement over the current NAS design; and

(8) include a provision (sec. 133) that would direct the Secretary of the navy to award, on a competitive basis, contracts for attack submarines built after the fiscal year 1998 submarine.

The Senate amendment reflected an alternate view on how to acquire nuclear attack submarines. It contained a provision (sec. 121) that would:

(1) authorize the SSN-23 at $1.5 billion, the budget request;

(2) limit the ability of the Secretary of the Navy to obligate or expend funds for SSN-23 until he restructures the NAS program to provide for:

(a) procurement of the lead NAS from Electric Boat in fiscal year 1998;

(b) procurement of the second NAS from Newport News Shipbuilding and Drydock (Newport News) in fiscal year 1999; and

(c) competitive procurement of any additional NAS vessels after the second. Potential competitors for these additional vessels would be contractors that have been awarded a contract by the Secretary of the Navy for construction of nuclear attack submarines during the past 10 years;

(3) place additional limits on the total amount of funds that may be expended for SSN-23 in fiscal years 1996, 1997, 1998, and 1999;

(4) direct the Secretary of the Navy to solicit competitive proposals and award the contract or contracts for NAS, after the second NAS, on the basis of price;

(5) direct the Secretary of the Navy to take no action that would impair the design, engineering, construction, and maintenance competencies of either Electric Boat or Newport News to construct the NAS;

(6) direct the Secretary of the Navy to report every six months to the Committee on Armed Services of the Senate and the Committee on National Security of the House the obligation and expenditure of funds for SSN-23 and the NAS;

(7) authorize $814.5 million in fiscal year 1996 for design and advance procurement of the lead and second NAS, of which $10.0 million would be available only for participation of Newport News in the NAS design, and $100.0 million would be available only for advance procurement and design of the second submarine under the NAS program;

(8) place limits on the expenditure of advance procurement funds in fiscal year 1996 for the lead NAS, unless funds are also obligated or expended for the second NAS;

(9) authorized $802.0 million in fiscal year 1997 for advance procurement of the lead and second NAS, of which $75.0 million would be available only for participation by Newport News in the design of the NAS, and $427.0 million would be available only for advance procurement and design of the second submarine under the NAS program; and

(10) authorized $455.4 million, the budget request, for research, development, test, and evaluation for the NAS program.

The conferees agree to adopt a new provision dealing with the design and procurement of future Navy attack submarines. This provision would:

(1) authorize the SSN-23 at $700.0 million;

(2) authorize $804.5 million in fiscal year 1996 for design and advance procurement of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the NAS), of which;

(a) $704.5 million would be available only for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which would be built by Electric Boat; and

(b) $100.0 million would be available only for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which would be built by Newport News;

(3) authorize $10.0 million only for participation of Newport News in the design of the submarine previously designated by the Navy as the NAS;

(4) establish a special bipartisan congressional panel that would be briefed, at least annually, by the Secretary of the Navy on the status of the submarine modernization program and submarine-related research and development;

(5) direct the Secretary of Defense, not later than March 15, 1996, to accomplish the following:

(a) develop and submit a detailed plan for development of a program that will lead to production of more capable, less expensive submarines than the submarine previously designated as the NAS;

(b) ensure the plan includes a program for the design, development, and procurement of four nuclear attack submarines that would be procured during fiscal years 1998 through 2001 with each successive submarine being more capable and more affordable;

(c) structure the program so that:

(i) one of the four submarines would be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(ii) to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines would be constructed by Electric Boat and the fiscal year 1999 and the fiscal year 2001 submarines would be constructed by Newport News;

(iii) the design previously designated as the NAS would be used as the base design by both contractors:

(iv) each contractor would be called on to propose improvements, including design improvements, for each successive submarine so that each of them would be more capable, more affordable, and their design would lead to a design for a future class of nuclear attack submarines that would possess the latest, best, and most affordable technology; and

(v) the fifth and subsequent nuclear attack submarines, proposed for construction after SSN-23, would be procured after a competition based on price;

(d) the Secretary of Defense's plan would also:

(i) set forth a program to accomplish the design, development, and construction of the four submarines that would take maximum advantage of a streamlined acquisition process;

(ii) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003 with procurement to occur after a competition based on price;

(iii) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates for incorporation into the plan to design, develop, and procure the submarines;

(iv) designate the fifth submarine procured after SSN-23 to be the lead ship in a next generation submarine class, unless the Secretary of the Navy, in consultation with the special congressional submarine review panel, determines that more submarines should be built before the design of a new class of submarines is fixed, in which case the fifth and each successive submarine would be procured after a competition based on price; and

(v) identify the impact of the submarine program on the remainder of the Navy's shipbuilding account;

(6) impose certain limits on the amounts that can be obligated and expended on the SSN-23 and the fiscal year 1998 and 1999 submarines until:

(a) the Secretary of the Navy has certified in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House that procurement of future nuclear attack submarines, except as stipulated elsewhere in this provision, would be accomplished through a competition based on price; and

(b) the Secretary of Defense, not later than March 15, 1996, has:

(i) submitted the submarine design and procurement plan that would be required by the provision;

(ii) directed the Under Secretary of Defense (Comptroller) to incorporate the costs of the submarine design and procurement plan into the future years defense program, even if the total cost of the plan's program exceeds the President's budget; and

(iii) directed that the Under Secretary of Defense for Acquisition and Technology conduct oversight of the development and improvement of the nuclear attack submarine program of the Navy and established reporting procedures to ensure that officials of the Department of the Navy, who exercise management oversight of the program, report to the Under Secretary of Defense for Acquisition and Technology with respect to that program;

(7) direct the Secretary of Defense to use streamlined acquisition policies to reduce the cost and increase the efficiency of the submarine program;

(8) direct the Secretary of Defense to submit to Congress an annual update of the submarine design and procurement plan with the submission of the President's budget, for each of fiscal years 1998 through 2002;

(9) direct that funds authorized for fiscal year 1996 by this provision may not be obligated or expended during fiscal year 1996 for the fiscal year 1998 submarine unless funds are also obligated and expended during fiscal year 1996 for the fiscal year 1999 submarine;

(10) authorize the Secretary of the Navy to enter into contracts with Electric Boat and Newport News, and suppliers of components during fiscal year 1996 for:

(a) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine; and

(b) advance construction of long-lead components and other components for such submarines;

(11) authorize that, of the amount provided in section 201(4) of this Act for ARPA, that $100.0 million would be available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the submarine design and procurement plan specified under this provision, to include electric drive, hydrodynamic quieting, ship control automation, solid-state power electronics, wake reduction technologies, superconductor technologies, torpedo defense technologies, advanced control concepts, fuel cell technologies, and propulsors;

(12) direct that the Director of ARPA shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies in concert with Electric Boat and Newport News: and

(13) define potential competitors, for the purposes of this provision, as those that have been awarded a contract by the Secretary of the Navy for construction of nuclear attack submarines during the past 10 years.

Research for advanced submarine technology (sec. 132)

The conferees agree to adopt a new provision that would direct that, of the amount appropriated for fiscal year 1996 for the national defense sealift fund, $50.0 million would be available only for the Director of the Advance Research Projects Agency for advanced submarine technology activities.

Cost limitation for Seawolf submarine program (sec. 133)

The Senate amendment would authorize the third *Seawolf* class submarine SSN-23. Consistent with this authorization, the Senate amendment included a provision (sec. 125) that would establish a combined cost cap on all three *Seawolf* submarines (SSN-21), SSN-22 and SSN-23). This cost cap would be in addition to a cost cap that Congress imposed on the first two *Seawolf* class submarines SSN-21 and SSN-22, in fiscal year 1995.

The House bill included a provision (sec. 132) that would repeal the cost cap on SSN-21 and SSN-22.

The conferees agree to adopt a new provision that would:

(1) establish a combined cost cap on the three *Seawolf* submarines (SSN-21, SSN-22, and SSN-23); and

(2) repeal the combined cost cap on SSN-21 and SSN-22 that was imposed by the National Defense Authorization Act for Fiscal Year 1995.

Repeal of prohibition on backfit of Trident submarines (sec. 134)

The House bill contained a provision (sec. 131) that would repeal the provision of law that prohibits the backfit of Trident II (D-5) missiles into Trident I (C-4) missile-carrying submarines.

The Senate amendment contained an identical provision (sec. 122).

The conference agreement contains this provision.

The conferees endorse on all D-5 fleet of Trident submarines. But the conferees also believe that it is premature to rule out the option of retaining all 18 Trident submarines. Although the Nuclear Posture Review recommended a force of 14 Trident submarines equipped with the D-5 missile, circumstances may require the United States to retain a higher number of such submarines or, alternatively, reduce to a lower level.

Given this uncertainty, the conferees direct the Secretary of the Navy to take several actions: (1) fully fund all activities necessary for the backfitting of Trident II missiles into at least four west coast Trident submarines on the schedule recommended in the Nuclear Posture Review; and (2) continue to fund, in the fiscal year 1997 budget and in the Future Years Defense Program, adequate operational support for Trident I missiles to ensure the option of retaining all 18 Trident submarines on full operational status, assuming backfits of the final four submarines with D-5 missiles following the completion of the first four conversions.

Arleigh Burke class destroyer program (sec. 135)

The Senate amendment contained a provision (sec. 123) that would:

(1) authorize $650.0 million as the first increment of split funding for two *Arleigh Burke* class destroyers in accordance with a split funding provision (sec. 124) that was included elsewhere in the Senate amendment; and

(2) express the sense of Congress that the Secretary of the Navy should plan for and request the final increment of funding for the two *Arleigh Burke* class destroyers in fiscal year 1997, also in accordance with the split funding provision (sec. 124) of the Senate amendment.

The House bill contained no similar provision.

The conferees adopt a new provision that would:

(1) authorize six *Arleigh Burke* class destroyers;

(2) authorize $2.17 billion, the budget request, for the construction, including advance procurement, for *Arleigh Burke* class destroyers;

(3) authorize the Secretary of the Navy to enter into contracts in fiscal year 1996 for the construction of three *Arleigh Burke* class destroyers;

(4) authorize the Secretary of the Navy to enter into contracts in fiscal year 1997 for the construction of three *Arleigh Burke* class destroyers, subject to the availability of appropriations for such destroyers;

(5) continue the contract award pattern and sequence used by the Navy for the procurement of *Arleigh Burke* class destroyers in fiscal years 1994 and 1995;

(6) limit the liability of the government for these vessels to the amounts appropriated for them; and

(7) encourage, subject to a prior notification to the congressional defense committees, the Secretary of the Navy to use shipbuilding and conversion savings, that become excess to the needs of the Navy from other programs, to fully fund *Arleigh Burke* class destroyers contracts entered into under the terms of the provision.

Acquisition program for crash attenuating seats (sec. 136)

The Senate amendment contained a provision (sec. 126) that would allow the Secretary of the Navy to establish a program to procure and install commercially developed, energy absorbing, crash attenuating seats in H-53E helicopters. The Senate provision would allow the Secretary to use up to $10.0 million for the program out of unobligated balances in the Legacy Resource Management Program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to establish such a program.

The conferees acknowledge the potential value of crash attenuating seats for passengers in military helicopters, and expect the Department to proceed quickly to define the technical specification and qualification for non-developmental seats. The conferees further expect the Department to ensure the acquisition program incorporates full and open competition.

T-39N trainer aircraft (sec. 137)

The budget request did not include funds to purchase the T-39N aircraft the Department of the Navy now uses to train naval flight officers. The government leases these aircraft as part of a service contract. The lessor has offered to sell these aircraft to the government, rather than continue the current leasing arrangement.

The House bill and the Senate amendment would support the budget request.

The Senate report (S. Rept 104-112) would direct the Secretary of the Navy to provide analysis of the contractor's proposal to the Armed Services Committee of the Senate, so the proposal and the analysis could be reviewed for possible further action.

The conferees recommend $45.0 million for purchasing T-39N aircraft, subject to certain conditions. The conferees believe that the proposal deserves further review before purchasing these aircraft. The conferees expect the Department's analysis to answer, at a minimum, the following questions:

(1) What would be the status of the training program for which T-39Ns are currently leased?

(2) For what purpose would the Navy spend procurement funds in fiscal year 1996?

(3) Is funding for this project contained anywhere in the future years defense program (FYDP)? If there is funding, how much?

(4) Is there an approved requirement in the Navy for acquiring this capability? Does this requirement supplant or supplement the current mission that is being filled by the T-39N leasing program?

(5) How much funding beyond $45.0 million would be required to enable the T-39N system to meet future training requirements? If additional funds are required, how much of the additional cost is budgeted in the FYDP?

(6) What savings, in terms of both current and constant dollars, would accrue to the Navy by purchasing aircraft for this requirement on a non-competitive basis in fiscal year 1996, rather than selecting an aircraft under competitive procedures when the current lease program expires in fiscal year 1998? If savings will accrue, are they attributable to factors other than inflation? Are there savings in life cycle support costs beyond the initial acquisition costs?

(7) Would additional funding for the project now interfere with the Navy's opportunity to conduct a competitive procurement or better define the program's requirements?

(8) Are there other reasons that would prevent executing the program in fiscal year 1996?

(9) The conferees understand that the T-39N leasing contract provided for amortizing the full purchase price of the aircraft over the first five years of the lease. Since the contractor has already been reimbursed in full for purchase price, why would it be in the government's interests to pay more than a nominal amount for aircraft?

The conferees believe that the proposal to buy the aircraft could have merit; however, the conferees recommend a provision that would prohibit obligation of these acquisition funds until 60 days after the Under Secretary of Defense for Acquisition and Technology has submitted the analysis described above and has certified to the Armed Services Committee of the Senate and the National Security Committee of the House of Representatives that acquisition of the T-39N aircraft is in the best interest of the government and is the most cost effective alternative in meeting the requirements for training naval flight officers.

Pioneer unmanned aerial vehicle program (sec. 138)

The Senate amendment contained a provision (sec. 132) that would prohibit the Secretary of the Navy from spending more than one-sixth of the funds appropriated for fiscal year 1996, or any unobligated balances available from previous years, until the Secretary certifies that funds have been obligated to equip nine Pioneer Unmanned Aerial vehicle systems with the Common Automatic Landing and Recovery System (CARLS).

The House bill contained no similar provision.

The House recedes.

Subtitle D—Air Force Programs

Repeal of limitations (secs. 141 and 142)

The budget request included $279.9 million for B–2 procurement and $623.6 million for B–2 research and development for a B–2 program consisting of twenty aircraft. The House bill contained a provision (sec. 141) that would repeal limitations on the B–2 program, and provide an increase of $553 million for B–2 procurement. The House bill would repeal:

Section 112 of the National Defense Act for Fiscal Years 1990 and 1991, which requires certification from the Secretary of Defense that the B–2 is meeting certain performance criteria.

Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993, which limits B–2 procurement to 20 bombers and one test aircraft.

Section 131(c) of the National Defense Authorization Act for Fiscal Year 1994, which reaffirms the twenty one aircraft limitation.

Section 131(d) of the National Defense Authorization Act for Fiscal Year 1994, which limits the total program costs to $28,968,000,000 in Fiscal Year 1981 constant dollars.

Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995, which provides that none of the $125.0 million authorized and appropriated for the Enhanced Bomber Capability Fund may be obligated for advance procurement of new B–2 aircraft (including long lead items).

The Senate amendment contained no additional funds, nor did it contain any repeal of the limitations provision.

The conferees agree to an amendment that would repeal the limitations imposed on the scope of the B–2 program, while retaining requirements for B–2 performance compliance in both the present authorization and any possible future acquisition of the aircraft.

The conferees agree to authorize the budget request for research and development and to increase the authorization for procurement by $493.0 million. The conferees further agree that the $493.0 million may not be spent until March 31, 1996.

The conferees believe that the B–2 bomber represents a major technological advance in strategic bomber capabilities. However, if a decision were made to acquire additional B–2 bombers, their high cost would result in funding reductions in the Administration's five year defense program. Therefore, the Senate conferees believe that the increased authorization of $493.0 million provided for the B–2 bomber program may be expended only for procurement of B–2 components, upgrades, and modifications that would be of value for the existing fleet of B–2 bombers.

The conferees are concerned over the cost of producing modern, highly capable, long range bombers, and therefore strongly urge the Secretary of Defense to: (1) complete the study called for in section 133(d)(3) of the National Defense Act of 1995 (Public Law 103–337) for requirements formulation and conceptual studies for a conventional-conflict-oriented, lower-cost, next generation bomber; and (2) explore options, including adoption of streamlined acquisition policies and procedures, for reducing the costs of producing long-range bombers. Accordingly, the conferees agree to repeal the requirements contained in section 133(d)(3), which states that such a study may be carried out only if the previously-produced bomber force study found bomber capabilities to be inadequate.

The conferees note that section 133(d) permitted the Secretary to obligate up to $25.0 million of the $125.0 million authorized and appropriated in fiscal year 1995 for the Enhanced Bomber Capability Fund for such a study. The conferees direct that any remaining unobligated fiscal year 1995 funds from the $125.0 million made available for B–2 bomber industrial base preservation and next-generation bomber study shall promptly be merged with the $493.0 million in additional B–2 funds authorized in this Act.

In order to compare force capabilities with relative costs, the conferees urge the Secretary of Defense to provide a summary and detailed listing of program reductions and adjustments to the fiscal year 1997 budget request and the future years' defense program (FYDP) required by the possible acquisition of additional B–2 bombers. The Secretary should use the standard cost analysis approach used in the March 1995 Air Force cost estimate for further B–2 acquisition of one and one-half and three aircraft per year.

MC–130H Aircraft Program (sec. 143)

The conference agreement includes a new provision that would amend section 161 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (P.L. 101–189) to enable obligation of funds for award fee and procurement of contractor furnished equipment.

The conferees understand that the Air Force desires to grant an award fee to the MC–130H Combat Talon II development contractor, but is prohibited from doing so by a provision of Public Law 101–189. The conferees note that the prohibitive legislative provision requires the Director of Operational Test and Evaluation (DOT&E) to certify that the MC–130H Combat Talon II terrain avoidance radar performs in accordance with requirements outlined in the test and Evaluation Master Plan (TEMP) approved by the DOT&E in September 1988. The conferees have been informed that the aircraft cannot be certified as having met TEMP criteria because a specific test criterion referred to in the TEMP has been determined to be unmeasurable.

The conferees agree to include a provision that would allow the DOT&E to certify to the congressional defense committees that the MC–130H terrain avoidance radar is operationally effective in order to release the award fee for the MC–130H. The conferees direct the DOT&E to report all unmeasurable test criteria included in the September 1988 TEMP that have been appropriately corrected.

Subtitle E—Chemical Demilitarization Program

Chemical agents and munitions destruction program (secs. 107, 151–153)

The budget request contained $746.7 million for operation and maintenance, research and development and procurement, for the defense chemical agents and munitions destruction program.

The House bill contained a series of provisions (secs. 106, 151–153, and 2407) that would: authorize the budget request; repeal a legislative requirement to develop a chemical demilitarization cryofracture facility; express congressional concern about the cost growth of destroying the unitary chemical stockpile and express a view that the Secretary of Defense should consider measures to reduce the overall cost; direct the Secretary of Defense to conduct a review and evaluation of issues associated with closure and reuse of the Department of Defense facilities that are co-located with the unitary chemical stockpile and demilitarization operations; and prohibit the obligation or expenditure of fiscal year 1996 funds, prior to March 1, 1996, for the construction of a chemical munitions incinerator facility at Umatilla Army Depot, Oregon.

The Senate amendment contained provisions (sec. 107 and 1099C) that would authorize $671.7 million for the chemical agents and munitions destruction program, and direct the Department of Defense to review and assess the risk associated with the transportation of any portion of the unitary chemical stockpile, such as drained chemical agents or munitions from one location to another within the continental United States, and review and evaluate issues associated with closure and reuse of the Department of Defense facilities that are co-located with the unitary chemical stockpile and demilitarization operations. The Senate report (S. Rept. 104–112) would recommend the use of unobligated fiscal years 1994 and 1995 procurement funds for procurement of equipment at Pine Bluff, Arkansas and Umatilla, Oregon.

The conferees agree to provisions that would authorize $672.3 million for the defense chemical agents and munitions program, to include: $265.0 million for procurement; $353.8 million for operations and maintenance; and $53.4 million for research and development. The provision would repeal the legislative requirement to develop a chemical demilitarization cryofracture facility.

Further, the conferees agree to provisions that would direct the Secretary of Defense to proceed with the destruction of the U.S. chemical stockpile using the current baseline technology. The conferees would also require the Secretary to ensure that support measures have been provided at each installation where a chemical agent and munitions demilitarization facility would be constructed, as required by the Department of Defense and the Department of Army regulations, the chemical demilitarization plans, and the Solid Waste Disposal Act permit. The conferees direct the Secretary to conduct an assessment of the current chemical demilitarization program and recommend measures that could reduce the total cost of the program. The provision would also direct the Secretary to review and evaluate issues associated with the closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

The conferees agree to authorize the use of funds appropriated for the defense chemical agents and munitions destruction program to support travel and associated travel costs of Commissioners of the Citizens' Advisory Commissions, when such travel is conducted at the invitation of the Assistant Secretary of the Army for Research, Development and Acquisition. The provision would modify existing law to permit the appointment of a civilian as project manager for the chemical agent and munitions destruction program. The Department would also be required to provide a quarterly report to Congress on the use of such funds to pay for the travel and associated travel costs.

COST OF THE CHEMICAL AGENTS AND MUNITIONS DESTRUCTION PROGRAM

The conferees remain concerned about the escalating costs associated with the chemical agents and munitions destruction program. The program has grown from its original estimate of $1.7 billion in 1986 to the current estimated cost of $11.9 billion, with expectations that costs will further increase. Continued delays in proceeding with the demilitarization and destruction of the chemical stockpile have added to the overall increases in the program. The conferees believe that the program should proceed expeditiously and utilize technology that minimizes risks to the public and the environment.

The conferees are concerned that continued delays, related to site operation systemization, environmental permits, and construction of the demilitarization and destruction facilities, would increase the overall program costs and risks to the public and the environment.

Finally, as the Department reviews measures that could be implemented to reduce the growth of the program costs, the conferees expect the Secretary to consider the potential for reconfiguration of the stockpile, as described in the October 19, 1995 letter from the Assistant Secretary of the Army for Research, Development and Acquisition, and to ensure protection of the public and environment.

ALTERNATIVE TECHNOLOGIES

The Department of the Army is currently conducting research and development of chemical neutralization and biodegradation, in conjunction with neutralization, for use at the bulk-only storage sites. The conferees believe there is potential for the implementation of these processes at future demilitarization and destruction sites, which could reduce the requirement for a liquid incinerator. The conferees support the National Research Council's (NRC's) recommendation that the Army continues its current baseline incineration program until such time as the evaluation of these alternative technologies is concluded.

If the evaluation of the alternative technologies research and development program proves successful, the conferees would support inclusion of this process into the baseline process. In conducting the chemical demilitarization and destruction program and assessing measures to significantly reduce program costs, the conferees expect the Department to consider a wide range of alternatives to the current baseline incineration program, to include the use of alternative technologies.

Additionally, the conferees expect the Secretary's assessment of the current chemical demilitarization program and measures to reduce the overall cost of the program, to include a risk analysis specific to each chemical stockpile storage and demilitarization site, the results of the stockpile surveillance and stability analysis related to the physical and chemical integrity of the stockpile, and the potential reconfiguration of the chemical stockpile. In making such an assessment, the Secretary shall ensure the maximum protection of the environment, the general public, and the personnel involved in the destruction of the chemical stockpile, while minimizing total program costs. The conferees expect the assessment to yield potential revisions to the chemical agents and munitions destruction program that could reduce program costs and increase public safety.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of limitation on total cost for SSN–21 and SSN–22 Seawolf submarines

The budget request included $1.5 billion for construction of the third *Seawolf* class submarine, SSN–23.

The House bill would not authorize SSN–23. However, consistent with other actions taken by the House on SSN–22, the House bill contained a provision (sec. 132) that would eliminate the existing cost cap on the first two *Seawolf* class submarines.

The Senate amendment would authorize SSN–23. It did not contain a provision that would repeal the cost cap on SSN–21 and SSN–22.

The House recedes.

Competition required for selection of shipyards for construction of vessels for next generation attack submarine program

The House bill contained a provision (sec. 133) that would:

(1) require the Secretary of the Navy to select on a competitive basis the shipyard for construction of each vessel of the next generation attack submarine program; and

(2) stipulate that the next generation attack submarine program shall begin with the first submarine that is programmed to be constructed after the submarine that is programmed to be constructed in fiscal year 1998.

The Senate amendment contained a provision (sec. 121) that would address competition as an integral part of the broader issue of current and future nuclear submarine construction programs.

The House recedes.

The conferees agree to incorporate the issue of competition for future submarines into a new, more comprehensive provision dealing with future submarine development and procurement.

Sonobuoy programs

The budget request included $8.9 million for the procurement of AN/SSQ–53 sonobuoys and no funding for the procurement of AN/SSQ–110 sonobuoys.

The House bill contained a provision (sec. 134) that would:

(1) stipulate that no fiscal year 1996 funds could be used for procurement of AN/SSQ–53 sonobuoys; and

(2) authorize $8.9 million for AN/SSQ–110 sonobuoys.

While the Senate amendment contained no similar provision, it did recommend funding adjustments to these two sonobuoy programs that would accomplish the intent underlying the House provision.

The conferees agree that the funding adjustment included in the House provision should be adopted, but do not believe that a legislative provision to that effect is necessary.

The House recedes.

Split funding for construction of naval vessels and incremental funding of procurement items

The Senate amendment contained a provision (sec. 124) that would authorize the Secretary of Defense to employ split funding for construction of certain naval vessels when developing the future years defense program. The provision would permit the Secretary to provide funding for these vessels over two years, but enter into a contract based on the first increment of funding. The intent of the provision would be to provide the Secretary with more flexibility to develop a uniform and cost effective shipbuilding program.

The House bill contained a provision (sec. 1007) that would prohibit the use of incremental funding, including split funding, for:

(1) the procurement of aircraft, missiles, or naval vessels;

(2) the procurement of tracked combat vehicles;

(3) the procurement of other weapons, and

(4) the procurement of naval torpedoes and related support equipment.

The House provision would not apply to funding classified as advance procurement funding.

These provisions were not included in the conference agreement.

Tier II predator unmanned aerial vehicle program

The Senate amendment contained a provision (sec. 131) that would prohibit the obligation of funds appropriated or otherwise made available for the Department of Defense in fiscal year 1996 for the Tier II Predator Unmanned Aerial Vehicle.

The House bill contained no similar provision.

The Senate recedes.

Joint primary aircraft training system program

The budget request included $55.0 million for three joint primary aircraft training system (JPATS) aircraft. At the time of the budget submission, the Department of Defense (DOD) had not completed the JPATS competition. This amount was derived from an estimate of funding required to procure three aircraft from any of the potential competitors. After source selection, the Department determined that it could procure eight JPATS aircraft with the requested funds.

The Senate amendment contained a provision (sec. 133) that would increase the number of aircraft that the Department could procure, from three to eight, without changing the amount of the authorization.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that the Air Force should buy up to eight aircraft with authorized funds.

Weapons industrial facilities

The budget request included $13.1 million for naval weapons industrial facilities.

The Senate amendment included a provision (sec. 391) that would authorize an increase of $2.0 million in operations and maintenance accounts for essential safety functions for the Allegany Ballistics Laboratory.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to provide an increase of $30.0 million for naval weapons industrial facilities for continuation of the facility restoration program at Allegany Ballistics Laboratory.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Overview

The budget request for fiscal year 1996 contained an authorization of $34,331.9 million for Research and Development in the Department of Defense. The House bill would authorize $35,934.5 million. The Senate amendment would authorize $35,959.9 million. The conferees recommended an authorization of $35,730.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE II					
Research, Development, Test, and Evaluation, Army	4,444.175	4,774.947	4,845.097	293.406	4,737.581
Research, Development, Test, and Evaluation, Navy	8,204.530	8,516.509	8,624.230	270.253	8,474.783
Research, Development, Test, and Evaluation, Air Force	12,598.439	13,184.102	13,087.389	316.429	12,914.868
Research, Development, Test, and Evaluation, Defense-	8,802.881	9,287.058	9,271.220	616.630	9,419.511
Operational Test and Evaluation, Defense	22.587	22.587	22.587	-	22.587
Developmental Test and Evaluation, Defense	259.341	239.341	239.341	(8.259)	251.082
Undistributed Reduction			(40.000)	-	-
FFRDC Reduction	-	(90.000)	(90.000)	(90.000)	(90.000)
Total Research & Development	34,331.953	35,934.544	35,959.864	1,398.459	35,730.412

Overview

The budget request for fiscal year 1996 contained an authorization of $4,444.2 million for Army, Research and Development in the Department of Defense. The House bill would authorize $4,774.9 million. The Senate amendment would authorize $4,845.1 million. The conferees recommended an authorization of $4,737.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL ARMY					
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	14,340	14,340	14,340		14,340
0601102A	2	DEFENSE RESEARCH SCIENCES	127,565	127,565	127,565		127,565
0601104A	3	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	62,715	62,715	62,715	(14,936)	47,779
0602104A	4	TRACTOR ROSE	2,618	2,618	2,618		2,618
0602105A	5	MATERIALS TECHNOLOGY	10,176	14,176	14,176		10,176
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	21,918	27,918	21,918	6,000	27,918
0602122A	7	TRACTOR HIP	5,885	5,885	5,885		5,885
0602211A	8	AVIATION TECHNOLOGY	20,381	20,381	23,381	(1,911)	18,470
0602270A	9	EW TECHNOLOGY	15,311	15,311	15,311		15,311
0602303A	10	MISSILE TECHNOLOGY	17,985	17,985	22,985		17,985
0602307A	11	LASER WEAPONS TECHNOLOGY	-	4,000	-		-
0602308A	12	MODELING AND SIMULATION	23,770	23,770	23,770	(3,244)	20,526
0602601A	13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	39,207	39,207	39,207		39,207
0602618A	14	BALLISTICS TECHNOLOGY	28,126	35,126	28,126	8,000	36,126
0602622A	15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	1,891	1,891	1,891		1,891
0602623A	16	JOINT SERVICE SMALL ARMS PROGRAM	5,114	5,114	5,114		5,114
0602624A	17	WEAPONS AND MUNITIONS TECHNOLOGY	23,968	25,968	26,968		23,968
0602705A	18	ELECTRONICS AND ELECTRONIC DEVICES	17,525	20,525	17,525	2,000	19,525
0602709A	19	NIGHT VISION TECHNOLOGY	17,086	17,086	19,086		17,086
0602716A	20	HUMAN FACTORS ENGINEERING TECHNOLOGY	12,534	12,534	12,534		12,534
0602720A	21	ENVIRONMENTAL QUALITY TECHNOLOGY	21,304	21,304	24,304		21,304
0602727A	22	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	-	-	-		-
0602782A	23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	15,726	15,726	17,726	(2,148)	13,578
0602783A	24	COMPUTER AND SOFTWARE TECHNOLOGY	3,992	3,992	3,992		3,992
0602784A	25	MILITARY ENGINEERING TECHNOLOGY	35,220	35,220	35,220		35,220
0602785A	26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	7,500	7,500	7,500		7,500
0602786A	27	LOGISTICS TECHNOLOGY	28,036	28,036	28,036		28,036
0602787A	28	MEDICAL TECHNOLOGY	56,658	61,658	56,658		56,658
0602788A	29	TRACTOR FLOP	-	-	-		-
0602789A	30	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,166	2,166	2,166		2,166
0603001A	31	LOGISTICS ADVANCED TECHNOLOGY	10,569	13,669	10,569	(1,862)	8,707
0603002A	32	MEDICAL ADVANCED TECHNOLOGY	11,760	11,760	14,760	9,000	20,760
0603003A	33	AVIATION ADVANCED TECHNOLOGY	48,593	65,093	48,593	8,000	56,593
0603004A	34	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	18,518	20,518	18,518	9,000	27,518
0603005A	35	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	30,616	30,616	30,616	(2,445)	28,171
0603006A	36	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	16,922	16,922	23,922	9,000	25,922
0603007A	37	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	4,826	4,826	4,826		4,826
0603009A	38	TRACTOR HIKE	14,588	31,588	24,588	10,000	24,588

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0603012A	39	TRACTOR HOLE	-	-	-		-
0603013A	40	TRACTOR DIRT	1,805	1,805	1,805		1,805
0603017A	41	TRACTOR RED	5,663	5,663	5,663		5,663
0603020A	42	TRACTOR ROSE	4,513	4,513	18,013		4,513
0603105A	43	ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) RESEARCH	2,946	2,946	2,946		2,946
0603122A	44	TRACTOR HIP	-	-	-		-
0603238A	45	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY DEMONSTRATION	39,824	43,824	39,824	(1,500)	38,324
0603270A	46	EW TECHNOLOGY	4,022	4,022	4,022		4,022
0603313A	47	MISSILE AND ROCKET ADVANCED TECHNOLOGY	123,913	111,813	135,913	(5,000)	118,913
0603322A	48	TRACTOR CAGE	8,530	8,530	8,530		8,530
0603606A	49	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	18,820	28,820	18,820	6,000	24,820
0603607A	50	JOINT SERVICE SMALL ARMS PROGRAM	4,487	6,487	7,487		4,487
0603654A	51	LINE-OF-SIGHT, ANTITANK (LOSAT)	14,727	14,727	14,727		14,727
0603710A	52	NIGHT VISION ADVANCED TECHNOLOGY	37,969	42,969	37,969	(4,166)	33,803
0603734A	53	MILITARY ENGINEERING ADVANCED TECHNOLOGY	12,380	12,380	18,380		12,380
0603759A	54	CHEMICAL BIOLOGICAL DEFENSE AND SMOKE ADVANCED TECHNOLOGY	-	-	-		-
0603771A	55	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	17,776	-	17,776	(17,776)	-
0603772A	56	ADVANCED TACTICAL COMPUTER SCIENCE AND TECHNOLOGY	33,989	33,989	33,989	(5,037)	28,952
0603018A	57	TRACTOR TREAD	14,930	14,930	14,930		14,930
0603019A	58	TRACTOR DUMP	15,025	15,025	15,025	(15,025)	-
0603308A	59	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	2,985	2,985	2,985	21,000	23,985
0603604A	60	NUCLEAR MUNITIONS - ADV DEV	-	-	-		-
0603617A	61	NON-LINE OF SIGHT (N-LOS)	-	-	-		-
0603619A	62	LANDMINE WARFARE AND BARRIER - ADV DEV	32,839	32,839	32,839		32,839
0603627A	63	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	3,248	3,248	3,248		3,248
0603639A	64	ARMAMENT ENHANCEMENT INITIATIVE	61,491	61,491	61,491		61,491
0603640A	65	ARTILLERY PROPELLANT DEVELOPMENT	10,946	30,546	21,646	11,000	21,946
0603645A	66	ARMORED SYSTEM MODERNIZATION - ADV DEV	201,513	201,513	201,513	(10,000)	191,513
0603647A	67	TRACTOR DIRT	-	-	-		-
0603649A	68	ENGINEER MOBILITY EQUIPMENT ADVANCED DEVELOPMENT	5,615	10,115	10,115	4,500	10,115
0603653A	69	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	9,955	9,955	9,955		9,955
0603713A	70	ARMY DATA DISTRIBUTION SYSTEM	6,694	6,694	6,694		6,694
0603730A	71	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	-	-	-		-
0603745A	72	TACTICAL ELECTRONIC SUPPORT SYSTEMS - ADV DEV	2,937	5,937	2,937	3,000	5,937
0603746A	73	SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS)	-	3,000	-		-
0603747A	74	SOLDIER SUPPORT AND SURVIVABILITY	33,848	33,848	33,848	(25,935)	7,913
0603760A	75	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ADVANCED DEVELOPMENT	-	-	-		-
0603766A	76	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	28,369	28,369	28,369		28,369
0603774A	77	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	2,960	2,960	2,960		2,960

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0603801A	78	AVIATION - ADV DEV	8,430	14,430	8,430	6,000	14,430
0603802A	79	WEAPONS AND MUNITIONS - ADV DEV	-	-	5,000	1,000	1,000
0603804A	80	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	7,427	7,427	7,427		7,427
0603805A	81	COMBAT SERVICE SUPPORT COMPUTER SYSTEM EVALUATION AND ANALYSIS	13,969	13,969	13,969		13,969
0603806A	82	NBC DEFENSE SYSTEM-ADV DEV	-	-	-		-
0603807A	83	MEDICAL SYSTEMS - ADV DEV	10,576	10,576	10,576		10,576
0603851A	84	TRACTOR CAGE (DEM/VAL)	3,411	3,411	3,411		3,411
0603889A	85	COUNTERDRUG RDT&E PROJECTS	-	-	-		-
0604018A	87	TRACTOR TREAD	-	-	-		-
0604201A	88	AIRCRAFT AVIONICS	22,044	33,044	33,044		22,044
0604220A	89	ARMED, DEPLOYABLE OH-58D	726	726	726		726
0604223A	90	COMANCHE	199,103	299,103	373,103	100,000	299,103
0604270A	91	EW DEVELOPMENT	65,222	65,222	65,222		65,222
0604315A	92	TRI-SERVICE STANDOFF ATTACK MISSILE	-	-	-		-
0604321A	93	ALL SOURCE ANALYSIS SYSTEM	52,698	52,698	52,698		52,698
0604325A	94	ADVANCED MISSILE SYSTEM-HEAVY	995	-	995		995
0604328A	95	TRACTOR CAGE	-	-	-		-
0604604A	96	MEDIUM TACTICAL VEHICLES	-	-	10,000	1,500	1,500
0604609A	97	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV	2,000	2,000	2,000		2,000
0604611A	98	JAVELIN	-	2,000	-	1,000	1,000
0604619A	99	LANDMINE WARFARE	31,028	31,028	31,028		31,028
0604622A	100	HEAVY TACTICAL VEHICLES	-	2,745	1,900	2,745	2,745
0604633A	101	AIR TRAFFIC CONTROL	1,813	1,813	1,813		1,813
0604640A	102	ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	18,238	18,238	18,238		18,238
0604641A	103	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	-	-	-		-
0604642A	104	LIGHT TACTICAL WHEELED VEHICLES	2,187	2,187	7,187	2,000	4,187
0604645A	105	ARMORED SYSTEMS MODERNIZATION (ASM)-ENG. DEV.	38,465	43,825	43,825	1,600	40,065
0604649A	106	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	21,831	35,984	35,984	2,600	24,431
0604710A	107	NIGHT VISION SYSTEMS - ENG DEV	39,697	39,697	39,697		39,697
0604713A	108	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	17,959	17,959	17,959		17,959
0604715A	109	NON-SYSTEM TRAINING DEVICES - ENG DEV	55,303	55,303	55,303	(3,000)	52,303
0604716A	110	TERRAIN INFORMATION - ENG DEV	9,011	9,011	9,011		9,011
0604726A	111	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	-	-	-		-
0604740A	112	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	-	3,100	3,000	3,000	3,000
0604741A	113	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV	22,030	32,030	32,030	(1,200)	20,830
0604746A	114	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,437	15,437	5,437	10,000	15,437
0604760A	115	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENGINEERING DEVELOPMENT	-	-	-		-
0604766A	116	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ENG DEV	24,699	24,699	24,699		24,699
0604768A	117	TRACTOR BAT	193,303	200,303	200,303	7,000	200,303

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0604770A	118	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	18,771	18,771	18,771	9,500	28,271
0604778A	119	POSITIONING SYSTEMS DEVELOPMENT	460	460	460		460
0604780A	120	COMBINED ARMS TACTICAL TRAINER (CATT)	59,475	59,475	59,475		59,475
0604801A	121	AVIATION - ENG DEV	5,142	5,142	5,142		5,142
0604802A	122	WEAPONS AND MUNITIONS - ENG DEV	15,928	20,228	16,428	2,100	18,028
0604804A	123	LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	20,756	22,756	20,756		20,756
0604805A	124	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	13,432	13,432	13,432		13,432
0604806A	125	NBC DEFENSE SYSTEM-ENG DEV	-	-	-		-
0604807A	126	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - ENG DEV	4,738	4,738	4,738		4,738
0604808A	127	LANDMINE WARFARE/BARRIER - ENG DEV	7,382	7,382	7,382		7,382
0604814A	128	SENSE AND DESTROY ARMAMENT MISSILE - ENG DEV	16,617	16,617	16,617		16,617
0604816A	129	LONGBOW - ENG DEV	23,590	23,590	23,590		23,590
0604817A	130	NON-COOPERATIVE TARGET RECOGNITION - ENG DEV	30,466	30,466	30,466	(8,000)	22,466
0604818A	131	ARMY TACTICAL COMMAND & CONTROL SYSTEMS (ATCCS) ENG DEV	18,769	18,769	18,769		18,769
0604820A	132	RADAR DEVELOPMENT	-	-	-		-
0604256A	133	THREAT SIMULATOR DEVELOPMENT	14,397	14,397	14,397		14,397
0604258A	134	TARGET SYSTEMS DEVELOPMENT	14,292	14,292	14,292		14,292
0604759A	135	MAJOR T&E INVESTMENT	66,874	66,874	56,874		66,874
0605103A	136	RAND ARROYO CENTER	21,872	21,872	16,872	(3,000)	18,872
0605104A	137	LOS ALAMOS MESON PHYSICS FACILITY	-	-	-		-
0605301A	138	ARMY KWAJALEIN ATOLL	149,769	149,769	149,769		149,769
0605502A	139	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605601A	140	ARMY TEST RANGES AND FACILITIES	147,330	147,330	147,330		147,330
0605602A	141	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	27,600	27,600	27,600		27,600
0605604A	142	SURVIVABILITY/LETHALITY ANALYSIS	34,535	34,535	34,535		34,535
0605605A	143	DOD HIGH ENERGY LASER TEST FACILITY	3,000	3,000	34,800	32,000	35,000
0605606A	144	AIRCRAFT CERTIFICATION	2,976	2,976	2,976		2,976
0605702A	145	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,660	6,660	6,660		6,660
0605706A	146	MATERIEL SYSTEMS ANALYSIS	17,864	17,864	17,864		17,864
0605709A	147	EXPLOITATION OF FOREIGN ITEMS	8,869	8,869	8,869		8,869
0605710A	148	JOINT NUCLEAR BIOLOGICAL CHEMICAL TEST, ASSESSMENT & SURVIVABILITY	-	-	-		-
0605712A	149	SUPPORT OF OPERATIONAL TESTING	46,491	47,991	46,491		46,491
0605801A	150	PROGRAMWIDE ACTIVITIES	63,649	63,649	63,649		63,649
0605802A	151	INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT	1,606	1,606	1,606		1,606
0605803A	152	TECHNICAL INFORMATION ACTIVITIES	16,401	16,401	16,401	(2,564)	13,837
0605805A	153	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	6,903	6,903	6,903		6,903
0605810A	154	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	-	-	-		-
0605853A	155	ENVIRONMENTAL CONSERVATION	2,533	2,533	2,533		2,533
0605854A	156	POLLUTION PREVENTION	13,005	13,005	13,005		13,005

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0605856A	157	ENVIRONMENTAL COMPLIANCE	66,101	66,101	66,101		66,101
0605876A	158	MINOR CONSTRUCTION (RPM) - RDT&E	5,497	5,497	5,497		5,497
0605878A	159	MAINTENANCE AND REPAIR (RPM) - RDT&E	95,696	95,696	95,696		95,696
0605896A	160	BASE OPERATIONS - RDT&E	329,978	329,978	309,978	(10,500)	319,478
0605898A	161	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	8,766	8,766	8,766		8,766
0909999A	162	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	-	-	-		-
0603778A	163	MLRS PRODUCT IMPROVEMENT PROGRAM	68,786	72,486	72,486	3,700	72,486
0203726A	164	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	39,422	45,622	45,622	(3,000)	36,422
0203735A	165	COMBAT VEHICLE IMPROVEMENT PROGRAMS	197,669	198,978	198,978	17,334	215,003
0203740A	166	MANEUVER CONTROL SYSTEM	38,327	51,327	38,327	13,000	51,327
0203744A	167	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	2,326	2,326	2,326		2,326
0203752A	168	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,012	3,012	3,012		3,012
0203758A	169	DIGITIZATION	88,567	88,567	88,567	1,500	90,067
0203801A	170	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	17,069	26,869	61,869	44,800	61,869
0203802A	171	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	57,949	57,949	57,949	10,000	67,949
0203806A	172	TRACTOR RIG	3,215	3,215	3,215		3,215
0203808A	173	TRACTOR CARD	10,156	10,156	10,156		10,156
0208010A	174	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	13,368	13,368	20,568		13,368
0301359A	175	SPECIAL ARMY PROGRAM	8,690	11,690	8,690		8,690
0303140A	176	INFORMATION SYSTEMS SECURITY PROGRAM	3,644	3,644	3,644		3,644
0303142A	177	SATCOM GROUND ENVIRONMENT	56,355	56,355	58,655		56,355
0303152A	178	WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEMS, INFORMATION SYSTEM	-	-	-		-
0305127A	179	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	-	-	-		-
0305150A	180	AIR RECONNAISSANCE LOW	-	-	-		-
0708045A	181	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	-	27,776	-	26,776	26,776
		Depressed Altitude Guided Gun Round System			5,000		
		Undistributed Reduction			(5,000)		
		TASK FORCE XXI					
		TASK FORCE XXI - Soldier .				30,000	30,000
XXXXXXXXXX	999	Classified Programs	-	-	-		-
		Total Army RDT&E	4,444,175	4,774,947	4,845,097	293,406	4,737,581

Passive millimeter wave camera

The budget request did not include funds for the passive millimeter wave camera.

The House bill would add $6.0 million in PE 62120A for continuation of the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Tractor Rose

The budget request included $4.5 million for Tractor Rose.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $13.5 million.

The conferees are aware of recent progress in the activities related to this program. As a consequence, the conferees recommend authorization of this project at the level of funds appropriated in fiscal year 1996. In addition, the conferees urge the Department of the Army to consider reprogramming funds below threshold to capitalize on the potential of this technology.

Electric gun technology

The budget request included $9.0 million for the electric gun exploratory development program.

The House bill would authorize an additional $6.0 million in PE 62618A to complete research team data gathering and assessment in order to refocus the effort on the most promising technologies.

The conferees agree to authorize an additional $7.0 million for electric gun technology and an additional $1.0 million for the electrothermal chemical gun.

Objective individual combat weapon (OICW)

The budget request included $5.1 million in PE 62623A and $4.5 million in PE 63607A for continuation of the joint service small arms program.

The House bill would authorize an additional $2.0 million in PE 63607A for an advanced technology demonstration of lightweight, medium caliber, multi-shot, antiarmor weapon technology for application to a next-generation objective individual combat weapon system (OICW) for the Army and the Marines. The House report (H. Rept. 104–131) expressed the concern that funds requested for the OICW in fiscal year 1996 are insufficient to adequately conduct this advanced technology program. The House report also encouraged the Secretary of the Army to examine the current development strategy for the OICW to support the joint small arms master plan (JSAMP) and to request reprogramming of funds to carry out the plan.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees strongly support the development of advanced technology for advanced individual weapons systems, as outlined in the JSAMP, and share the concerns expressed in the House report regarding adequacy of funding for development of the OICW. The conferees encourage the Secretary of the Army to request reprogramming of additional funds to compensate for any fiscal year 1996 funding shortfalls in the OICW program. The conferees also encourage the Secretary to include additional funds in the fiscal year 1997 budget request for OICW.

Advanced battery technology

The budget request did not include funding for advanced batteries.

The House bill would authorize $3.0 million in PE 62705A for non-metallic lithium and low-cost reusable alkaline batteries.

The Senate amendment contained no similar provision.

The conferees agree to the House authorization, but agree to provide only $2.0 million in PE 62705A.

Environmental policy simulation laboratory

The conferees agree that $3.0 million of the funds appropriated in PE 62720A shall be authorized for the establishment of an environmental policy simulation lab under the direction of the Army Environmental Policy Institute. The conferees further direct the Department of Defense to comply with the direction contained in the Senate report (S. Rept. 104–112) regarding the establishment of this lab.

Command, control, and communications technology

The budget request included $15.7 million in PE 62782A for the exploratory development of command, control, and communications technology.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $2.0 million in PE 62782A as part of a general increase to address underfunding in the Army technology base.

The Senate recedes.

The conferees agree that the Army technology base has been underfunded in recent years. The conferees urge the Army leadership and the Office of the Secretary of Defense provide for balanced funding of the Army technology base program, as related to other Defense program accounts in the fiscal year 1997 budget request.

Medical advanced technology

The budget request included $11.8 million for medical advanced technology.

The House bill would include an additional $5.0 million for continuation of the battlefield tissue replacement program.

The Senate amendment would include an additional $3.0 million for telemedicine.

The conferees agree to authorize an additional $8.0 million for both of these programs and an additional $1.0 million for Army standardized testing of Trichloromelamine (TCM) in PE 63002A.

Aviation advanced technology

The budget request included $48.6 million for aviation advanced technology.

The House bill provided an additional authorization of $6.5 million for evaluation of the Starstreak missile and $10.0 million for tactical mobility technologies and designs, particularly related to the CH–47.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $4.0 million in PE 63003A for the completion of the phase II air-to-air test and evaluation for Starstreak during fiscal year 1996 and $4.0 for modernization technologies and improvement designs for the CH–47D.

The Army is encouraged to provide sufficient funding in its fiscal year 1997 budget request for completion of the air-to-air Starstreak evaluation program and continuation of the CH–47D modernization program.

Weapons and munitions-advanced technology

The budget request included $18.8 million for weapons and munitions advanced technology.

The House bill would authorize an additional $2.0 million for the XM 982/155mm projectile development.

The Senate amendment would authorize the request.

The conferees agree to authorize $2.0 million for the XM 982/155mm projectile development, an additional $6.0 million for the precision guided mortar munition, and an additional $1.0 million for electrorheological fluid recoil in PE 63004A.

Command, control, and communications-advanced technology

The budget request included $16.9 million in PE 63006A for advanced development of command, control, and communications technology.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $3.0 million to partially address funding shortfalls in the Army technology base for fiscal year 1996. The Senate amendment would also authorize an increase of $4.0 million in PE 63006A to develop and test wave net technology for possible application to the Army's digitization initiatives.

The conferees agree to authorize the additional $4.0 million to PE 63006A for development and testing of wave net technology.

Space applications technology program

The budget request included $16.9 million in PE 63006A for command, control, and communications advanced technology, including $498,000 for the Army's space applications technology program.

Both the House bill and the Senate amendment would authorize the budget request for the Army's space applications technology program.

The conferees agree to an additional $5.0 million in PE 63006A for the space applications technology program. The conferees are aware of the program's success in demonstrating global positioning system and Wrasse weather data receivers during Operation Desert Storm/Desert Shield and other space technology applications, such as, the location of high value targets using hyperspectral sensing techniques, high data rate satellite communications on the move, and down link weather satellite technology. The conferees encourage the Army to continue support to the program in future budget requests.

Acquired immune deficiency syndrome

The budget request included $2.9 million in PE 63105A.

Both the House bill and the Senate amendment authorized the requested amount.

The conferees agree to authorize the requested amount and concur with the Senate report (S. Rept. 104–112) that directed at least $1.0 million of the authorized amount be used to continue domestic clinical HIV programs.

Joint precision strike demonstration programs

The budget request included $34.1 million in PE 63238A for the joint air-land-sea precision strike demonstration (JPSD) program.

The House bill would direct that the JPSD program be expanded into a jointly manned program, with participation by all military services, and would recommend an increase of $4.0 million for this purpose.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees agree with the views expressed in the House report (H. Rept. 104–131) on the progress made by the Army in demonstrating advanced concepts for attack of time-critical targets. The conferees also agree with the House report recommendations for increased participation by the other military services in the JPSD. Attack of time-critical targets on the battlefield is a joint issue which requires the coordinated efforts of all the military services.

Missile and rocket advanced technology

The budget request included $123.9 million in PE 63313A for missile and rocket advanced technology.

The House bill would reduce the requested amount by $12.1 million by making the following adjustments: adding $2.5 million for low cost autonomous attack submunition (LOCAAS) and $5.0 million for low-cost guidance development for the multiple launch rocket system (MLRS); and reducing the amount requested for the rapid force projection initiative by $19.6 million.

The Senate amendment would increase the requested amount by $12.0 million, with $5.0 million for LOCAAS and $7.0 million for low-cost guidance for MLRS.

The conferees agree to authorize a total of $118.9 million in PE 63313A. The conferees agree to reduce the requested amount by $7.5 million for the Enhanced-Fiber Optic Guided (E-FOG) missile system, as a result of concerns expressed in the House report (H. Rept. 104–131), and to add $2.5 million for LOCAAS within PE 63313A. The conferees would also increase the requested amount by $2.5 million for LOCAAS in PE 63601F for the Air Force. The conferees continue to support low-cost guidance for the MLRS and urge the Army to reprogram funds for this program in fiscal year 1996 and to request adequate funds in the fiscal year 1997 budget request.

Landmine warfare and barrier advanced technology

The budget request included $18.8 million for landmine warfare, and barrier advanced technology.

The House bill would authorize an additional $10.0 million for continuation of the landmine neutralization program.

The Senate amendment would approve the budget request.

The conferees agree to authorize an increase of $6.0 million for PE 63604A. Of this increase, $3.0 million will be used for landmine detection and clearance technology development, and $3.0 million will be used for the accelerated development and testing of the Ground Penetrating Radar.

Intelligence fusion analysis demonstration

The budget request included $2.9 million in PE 63745A for the Intelligence Fusion Analysis Demonstration program.

The House bill would authorize an additional $3.0 million for development and evaluation in Army Warfighter Experiments and the joint precision strike demonstration program of advanced large screen, automated graphical displays that would provide enhanced situational awareness for tactical commanders.

The Senate amendment would authorize the requested amount.

The Senate recedes.

Aviation advanced development

The budget request contained $8.4 million for aviation advanced development.

The House bill would authorize an additional $6.0 million for the common helicopter helmet development in PE 63801A.

The Senate amendment would authorize the budget request.

The Senate recedes.

Comanche helicopter (RAH-66)

The budget request included $199.1 million to continue development of the Comanche scout/attack helicopter.

The House bill would authorize an increase of $100.0 million for Comanche research and development.

The Senate amendment would authorize an increase of $174.0 million and require the Department of Defense and the Department of the Army to develop a plan to provide for procurement of Comanche helicopters, not later than fiscal year 2001, with initial operating capability by fiscal year 2003.

The Senate recedes.

The conferees agree to authorize an increase of $100.0 million to accelerate development of the electro-optical system and integrated communication navigation package, and mission equipment software development for the second aircraft.

Medium truck extended service program

The House bill would authorize an additional $9.4 million for the Marine Corps medium truck variant.

The Senate amendment would add $10.0 million to PE 64604A for initiation of a five-ton truck extended service program (ESP), and $9.4 million to PE 26624M for additional medium truck variants and development of simulation models and testing.

The conferees agree to provide $1.5 million in PE 64604A for the Army's five-ton ESP and $3.5 million for the Marine Corps in PE 26624M for initiation of a medium tactical vehicle replacement (MTVR).

The conferees agree with the section of the Senate Report (S. Rept. 104–112) that deals with the medium tactical truck extended service program, including the requirements for a report from the Secretary of the Army on the medium truck ESP.

As the manager of tactical vehicles for the Department of Defense, the conferees expect the Army to manage the Army five-ton truck ESP and the Marine Corps MTVR program and ensure that Air Force and Navy requirements are included in executing the Army ESP. The conferees expect the Army to take maximum advantage of medium truck ESP currently underway, to minimize additional procurements to avoid industrial overcapacity, and to give consideration to reliable manufacturers that have demonstrated capabilities to produce military trucks.

Heavy tactical vehicles

The House bill would provide an increase of $2.75 million in PE 64622A, $1.9 million for water heater/chiller development for the Army's water tank semitrailer, and $.85 million for a palletized loading system technology demonstration.

The Senate amendment would provide an increase of $1.9 million in PE 64622A for water heater/chiller development for the Army's water tank semitrailer.

The Senate recedes.

High mobility multipurpose wheeled vehicle extended service program

The Senate amendment would include an increase of $5.0 million in PE 64642A to initiate an extended service program (ESP) for the high mobility multipurpose wheeled vehicle (HMMWV).

The conferees recognize that the HMMWV fleet is reaching age and mileage levels leading to increased maintenance and operating costs and lower reliability. The conferees agree to provide an increase of $2.0 million for initiation and prototype development for HMMWV ESP.

The conferees direct the Secretary of the Army to submit, with the fiscal year 1997 budget request, a report to the congressional defense committees that describes a program to develop and test prototypes, and to initiate a joint program to remanufacture HMMWV's for the Army and the Marine Corps, harmonizing their requirements for ESP. The conferees further direct the Secretary of the Army and the Secretary of the Navy to ensure this program is fully funded in future budgets.

Automated test equipment development

The budget request included $5.4 million for automated test equipment development.

The House bill would authorize an additional $10.0 million in PE 64746A for the integrated family of test equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Joint surveillance target attack radar system

The budget request included $18.8 million for the Army and $169.7 million for the Air Force for the Joint Surveillance Target Attack Radar System (JSTARS).

The House bill would authorize an increase in the Air Force requested amount, $14.0 million to establish a NATO program office and $20.0 million for development of an improved data modem and satellite communications capability.

The Senate amendment would authorize no additional funding for these programs.

The conferees agree to authorize an additional $9.5 million in PE 64770A for the Army Ground Station Module, in support of the NATO Alliance Ground Surveillance program, and an additional $24.5 million in PE 64770F, with $4.5 million for the Air Force portion of the JSTARS NATO Alliance Ground Surveillance program and $20.0 million for development of an improved data modem and satellite communications capability.

Weapons and munitions-engineering development

The budget request included $15.9 million for weapons and munitions-engineering development.

The House bill would authorize an additional $2.7 million for type classification of a soft mount for the MK–19 and $1.6 million for the 120mm practice cartridge XM–931 training round.

The Senate amendment would authorize $0.5 million for type classification of a non-developmental universal mounting bracket for the MK–19 grenade machine gun.

The conferees agree to authorize $0.5 million for the type classification of the MK–19 mounting bracket and $1.6 million for the 120mm practice cartridge in PE 64802A.

Battlefield combat identification system (BCIS)

The conferees are disappointed with the fiscal constraints that precluded full funding of the administration's $30.5 million request for non-cooperative target recognition (PE 64817A), particularly in relation to the battlefield combat identification system (BCIS). Fratricide on the battlefield is of great concern to our fighting forces, and BCIS is expected to significantly enhance the Army's ability to deal with this critical issue. The system has performed extremely well in Army testing to date, and the program enjoys widespread support, both within the military services and the warfighting Commanders-in-Chief. The conferees encourage the Secretary of the Army to aggressively pursue the program, and would entertain a reprogramming request to fund additional BCIS units or accelerated BCIS development.

Joint warfighter interoperability demonstration

The budget request included $46.5 million in PE 65712A for support of Army operational testing.

The House bill would recommend an additional $1.5 million for support of a joint warfighter interoperability demonstration, one of the key fiscal year 1996 funding shortfalls identified during evaluation of the Department of the Army budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $1.5 million in PE 23758A for support of the joint warfighting interoperability demonstration, as recommended in the House bill.

Missile/air defense product improvement

The budget request included $17.1 million for the missile/air defense product improvement program element.

The House bill would authorize an increase of $9.8 million for the evaluation of Stinger block II.

The Senate amendment would also authorize $9.8 million for Stinger, and an additional $35.0 million for Patriot cruise missile defense.

The conferees agree to authorize $61.9 million in PE 23801A, an increase of $44.8 million for both programs.

Instrumented factory for gear development

The budget request did not include funding for the continuation of the instrumented factory gear (INFAC).

The House bill would authorize an additional $5.0 million for INFAC in PE 78045A.

The Senate amendment contained no similar provision.

The Senate recedes.

Polycrylonitrile carbon fibers

The budget request did not include funding for polycrylonitrile (PAN) fiber development.

The House bill would authorize an additional $4.0 million for PAN fibers in the Army MANTECH program.

The Senate amendment would authorize an additional $4.0 million for PAN fibers in the Army materials technology program.

The conferees agree to authorize an additional $4.0 million for this PAN fibers program in PE 78045A.

Rotary winged aircraft repair

The budget request included no funding for manufacturing technology related to rotary winged aircraft repair.

The House bill would fence $1.5 million of the Army MANTECH program for technologies related to industrial-academic partnerships for repair technology development and insertion for rotary winged aircraft.

The Senate amendment contained no similar provision.

The conferees agree to authorize $1.5 million for the program in PE 78045A.

Task Force XXI Soldier

The conferees agree to authorize $30.0 million for a program that consolidates the Army's Land warrior and Generation II (GEN II) soldier programs. The conferees agree to the following adjustment for the purpose of program consolidation:

	Millions
PE 63001A—Logistics Advanced Technology	−$4.9
PE 63710A—Night Vision Advanced Technology	−4.2
PE 63772A—Advanced Tactical Computer Science and Technology	−5.0
PE 63747A—Soldier Support and Survivability	−25.9
Task Force XXI Soldier	+30.0

The conferees believe that the Army must examine and consider a full range of alternatives, including expansion of the dismounted soldier system of the applique program, execution of the Land Warrior program, and acceleration of the GEN II advanced technology demonstrator, to the extent that they support the new consolidated program.

Overview

The budget request for fiscal year 1996 contained an authorization of $8,204.5 million for Navy, Research and Development in the Department of Defense. The House bill would authorize $8,516.5 million. The Senate amendment would authorize $8,624.2 million. the conferees recommended an authorization of $8,474.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL NAVY					
0601152N	1	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	16,084	16,084	16,084		16,084
0601153N	2	DEFENSE RESEARCH SCIENCES	385,917	391,917	373,917	(12,000)	373,917
0602111N	3	SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	32,658	36,658	42,058	2,000	34,658
0602121N	4	SURFACE SHIP TECHNOLOGY	36,786	52,786	42,786	31,000	67,786
0602122N	5	AIRCRAFT TECHNOLOGY	22,238	24,738	22,238	2,500	24,738
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	17,623	18,623	17,623		17,623
0602232N	7	COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY	60,090	64,090	60,090		60,090
0602233N	8	READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	40,511	43,211	40,511		40,511
0602234N	9	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	74,849	77,849	74,849	3,000	77,849
0602270N	10	ELECTRONIC WARFARE TECHNOLOGY	18,341	18,341	18,341		18,341
0602314N	11	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	51,182	51,682	55,982	5,300	56,482
0602315N	12	MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	43,384	43,384	43,384		43,384
0602435N	13	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	45,526	50,526	45,526	2,500	48,026
0602633N	14	UNDERSEA WARFARE WEAPONRY TECHNOLOGY (H)	35,582	35,582	35,582		35,582
0603217N	15	AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	17,082	52,082	26,082	54,000	71,082
0603238N	16	PRECISION STRIKE AND AIR DEFENSE	64,502	64,502	124,502		64,502
0603270N	17	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	14,532	14,532	14,532		14,532
0603508N	18	SHIP PROPULSION SYSTEM	43,544	17,986	17,986	(25,558)	17,986
0603528N	18a	NON-ACOUSTIC ANTI-SUBMARINE WARFARE		23,200		10,000	10,000
0603640M	19	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	25,896	25,896	25,896		25,896
0603706N	20	MEDICAL DEVELOPMENT	27,754	27,754	27,754	3,000	30,754
0603707N	21	MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	17,797	19,297	17,797		17,797
0603712N	22	ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	21,504	33,504	21,504		21,504
0603747N	23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	51,816	51,816	51,816	(3,323)	48,493
0603771N	24	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	41,251	-	41,251	(41,251)	-
0603782N	25	SHALLOW WATER MCM DEMOS	50,958	50,958	50,958	(10,000)	40,958
0603792N	26	ADVANCED TECHNOLOGY TRANSITION	96,825	99,825	96,825	(15,825)	81,000
0603794N	27	C3 ADVANCED TECHNOLOGY	26,794	26,794	26,794		26,794
0603207N	28	AIR/OCEAN TACTICAL APPLICATIONS	16,621	16,621	16,621		16,621
0603208N	29	TRAINING SYSTEM AIRCRAFT	3,069	3,069	3,069		3,069
0603216N	30	AVIATION SURVIVABILITY	7,477	14,877	7,477	7,400	14,877
0603254N	31	ASW SYSTEMS DEVELOPMENT	30,202	30,202	30,202		30,202
0603261N	32	TACTICAL AIRBORNE RECONNAISSANCE	18,924	18,924	18,924		18,924
0603382N	33	ADVANCED COMBAT SYSTEMS TECHNOLOGY	2,803	2,803	2,803		2,803
0603451N	34	TACTICAL SPACE OPERATIONS	1,383	1,383	1,383		1,383
0603502N	35	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	54,527	56,177	62,027	1,650	56,177
0603504N	36	ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	21,281	28,181	21,281	6,900	28,181
0603506N	37	SURFACE SHIP TORPEDO DEFENSE	10,049	10,049	10,049		10,049

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0603512N	38	CARRIER SYSTEMS DEVELOPMENT	16,164	16,164	16,164	(3,400)	12,764
0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	16,804	16,804	16,804		16,804
0603514N	40	SHIP COMBAT SURVIVABILITY	11,649	11,649	11,649		11,649
0603525N	41	PILOT FISH	78,960	78,960	78,960		78,960
0603536N	42	RETRACT JUNIPER	10,002	10,002	10,002		10,002
0603542N	43	RADIOLOGICAL CONTROL	3,202	3,202	3,202		3,202
0603553N	44	SURFACE ASW	6,655	6,655	6,655		6,655
0603561N	45	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	35,748	48,848	35,748	20,000	55,748
0603562N	46	SUBMARINE TACTICAL WARFARE SYSTEMS	5,070	5,070	5,070		5,070
0603563N	47	SHIP CONCEPT ADVANCED DESIGN	16,736	16,736	16,736		16,736
0603564N	48	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	9,708	9,708	9,708		9,708
0603570N	49	ADVANCED NUCLEAR POWER SYSTEMS	141,835	141,835	141,835		141,835
0603573N	50	ADVANCED SURFACE MACHINERY SYSTEMS	39,156	86,214	64,714	43,708	82,864
0603576N	51	CHALK EAGLE	114,175	114,175	114,175		114,175
0603582N	52	COMBAT SYSTEM INTEGRATION	5,414	5,414	5,414		5,414
0603609N	53	CONVENTIONAL MUNITIONS	31,537	31,537	31,537		31,537
0603610N	54	ADVANCED WARHEAD DEVELOPMENT (MK-50)	2,993	2,993	2,993		2,993
0603611M	55	MARINE CORPS ASSAULT VEHICLES	34,157	40,157	40,157	6,000	40,157
0603612M	56	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	2,470	2,470	2,470		2,470
0603634N	57	ELECTROMAGNETIC EFFECTS PROTECTION DEVELOPMENT	-	-	-		-
0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	46,733	50,933	50,933	4,200	50,933
0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,298	7,298	7,298		7,298
0603709N	60	ADVANCED MARINE BIOLOGICAL SYSTEM	-	-	-		-
0603711N	61	FLEET TACTICAL DEVELOPMENT	4,268	4,268	4,268		4,268
0603713N	62	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	5,166	5,166	5,166		5,166
0603721N	63	ENVIRONMENTAL PROTECTION	65,947	65,947	65,947		65,947
0603724N	64	NAVY ENERGY PROGRAM	1,976	1,976	1,976		1,976
0603725N	65	FACILITIES IMPROVEMENT	1,803	1,803	1,803		1,803
0603734N	66	CHALK CORAL	71,085	71,085	71,085		71,085
0603746N	67	RETRACT MAPLE	82,932	90,932	87,932	5,000	87,932
0603748N	68	LINK PLUMERIA	17,879	17,879	21,879	3,700	21,579
0603751N	69	RETRACT ELM	32,561	32,561	32,561	(1,000)	31,561
0603755N	70	SHIP SELF DEFENSE	245,620	245,620	288,120	42,500	288,120
0603763N	71	WARFARE SYSTEMS ARCHITECTURE AND ENGINEERING	-	-	-		-
0603785N	72	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE ASSESSMENT	16,042	16,042	16,042		16,042
0603787N	73	SPECIAL PROCESSES	72,251	72,251	72,251		72,251
0603795N	74	GUN WEAPON SYSTEM TECHNOLOGY	12,028	37,028	31,228	22,000	34,028
0603800N	75	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	149,295	123,795	324,295	(65,500)	83,795
0604707N	76	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SPT	5,742	5,742	5,742		5,742

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0603889N	77	COUNTERDRUG RDT&E PROJECTS	-	-	-		-
0604212N	78	ASW AND OTHER HELO DEVELOPMENT	91,803	80,175	91,803	(2,167)	89,636
0604214N	79	AV-8B AIRCRAFT - ENG DEV	11,309	26,909	11,309	15,600	26,909
0604215N	80	STANDARDS DEVELOPMENT	10,567	10,567	10,567		10,567
0604217N	81	S-3 WEAPON SYSTEM IMPROVEMENT	12,872	27,872	26,072		12,872
0604218N	82	AIR/OCEAN EQUIPMENT ENGINEERING	6,182	6,182	6,182		6,182
0604221N	83	P-3 MODERNIZATION PROGRAM	1,945	16,945	1,945	15,000	16,945
0604231N	84	TACTICAL COMMAND SYSTEM	27,389	27,389	27,389	(2,639)	24,750
0604261N	85	ACOUSTIC SEARCH SENSORS	9,680	9,680	9,680		9,680
0604262N	86	V-22A	762,548	762,548	762,548	(5,000)	757,548
0604264N	87	AIR CREW SYSTEMS DEVELOPMENT	9,788	17,688	9,788	7,900	17,688
0604265N	88	AIR LAUNCHED SATURATION SYSTEM (ALSS)	-	-	-		-
0604270N	89	EW DEVELOPMENT	87,440	87,440	112,440	10,000	97,440
0604301N	90	MK 92 FIRE CONTROL SYSTEM UPGRADE	-	-	-		-
0604307N	91	AEGIS COMBAT SYSTEM ENGINEERING	105,683	89,883	105,683	(11,000)	94,683
0604312N	92	TRI-SERVICE STANDOFF ATTACK MISSILE	-	37,500	-		-
0604366N	93	STANDARD MISSILE IMPROVEMENTS	8,572	8,572	8,572		8,572
0604372N	94	NEW THREAT UPGRADE	-	-	-		-
0604373N	95	AIRBORNE MCM	42,226	42,226	42,226	(7,758)	34,468
0604503N	96	SSN-688 AND TRIDENT MODERNIZATION	70,315	70,315	70,315		70,315
0604504N	97	AIR CONTROL	7,815	7,815	7,815		7,815
0604507N	98	ENHANCED MODULAR SIGNAL PROCESSOR	8,342	8,342	8,342	6,500	14,842
0604512N	99	SHIPBOARD AVIATION SYSTEMS	11,343	11,343	11,343		11,343
0604516N	100	SHIP SURVIVABILITY	4,907	4,907	4,907		4,907
0604518N	101	COMBAT INFORMATION CENTER CONVERSION	15,859	15,859	15,859		15,859
0604524N	102	SUBMARINE COMBAT SYSTEM	43,302	37,151	43,302		43,302
0604558N	103	NEW DESIGN SSN	347,415	347,415	347,415		347,415
0604561N	104	SSN-21 DEVELOPMENTS	83,503	83,503	83,503		83,503
0604562N	105	SUBMARINE TACTICAL WARFARE SYSTEM	38,479	20,487	38,479		38,479
0604567N	106	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	17,994	17,994	17,994		17,994
0604574N	107	NAVY TACTICAL COMPUTER RESOURCES	5,499	5,499	5,499		5,499
0604601N	108	MINE DEVELOPMENT	3,045	3,045	3,045		3,045
0604603N	109	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	40,517	40,517	40,517		40,517
0604610N	110	LIGHTWEIGHT TORPEDO DEVELOPMENT	22,027	22,027	22,027		22,027
0604612M	111	MARINE CORPS MINE COUNTERMEASURES SYSTEMS - ENG DEV	263	263	263		263
0604618N	112	JOINT DIRECT ATTACK MUNITION	37,832	37,832	37,832	475	38,307
0604654N	113	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	5,408	5,408	5,408		5,408
0604703N	114	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,043	1,043	1,043		1,043
0604710N	115	NAVY ENERGY PROGRAM	2,628	2,628	2,628		2,628

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0604719M	116	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	15,380	10,380	15,380		15,380
0604721N	117	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	7,600	7,600	7,600		7,600
0604727N	118	JOINT STANDOFF WEAPON SYSTEMS	81,837	81,837	81,837		81,837
0604755N	119	SHIP SELF DEFENSE	165,997	165,997	184,497	17,500	183,497
0604761N	120	INTELLIGENCE ENGINEERING	-	-	-		-
0604771N	121	MEDICAL DEVELOPMENT	3,402	3,402	3,402		3,402
0604777N	122	NAVIGATION/ID SYSTEM	56,472	56,472	56,472	(2,368)	54,104
0604784N	123	DISTRIBUTED SURVEILLANCE SYSTEM	93,507	103,507	93,507	10,000	103,507
0604256N	124	THREAT SIMULATOR DEVELOPMENT	25,911	25,911	25,911		25,911
0604258N	125	TARGET SYSTEMS DEVELOPMENT	24,364	24,364	24,364		24,364
0604759N	126	MAJOR T&E INVESTMENT	46,586	46,586	46,586		46,586
0605152N	127	STUDIES AND ANALYSIS SUPPORT - NAVY	9,281	9,281	9,281	(2,281)	7,000
0605154N	128	CENTER FOR NAVAL ANALYSES	44,429	44,429	44,429		44,429
0605155N	129	FLEET TACTICAL DEVELOPMENT	2,620	2,620	2,620		2,620
0605502N	130	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605804N	131	TECHNICAL INFORMATION SERVICES	2,027	2,027	2,027		2,027
0605853N	132	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	20,371	20,371	20,371	(1,949)	18,422
0605856N	133	STRATEGIC TECHNICAL SUPPORT	3,584	3,584	3,584	(584)	3,000
0605861N	134	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	61,001	61,001	61,001		61,001
0605862N	135	RDT&E INSTRUMENTATION MODERNIZATION	8,278	8,278	8,278		8,278
0605863N	136	RDT&E SHIP AND AIRCRAFT SUPPORT	63,232	63,232	63,232		63,232
0605864N	137	TEST AND EVALUATION SUPPORT	245,911	247,911	240,911	(6,000)	239,911
0605865N	138	OPERATIONAL TEST AND EVALUATION CAPABILITY	5,675	5,675	5,675		5,675
0605866N	139	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	3,638	3,638	3,638		3,638
0605867N	140	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	12,134	12,134	12,134		12,134
0605871M	141	MARINE CORPS TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES	2,984	2,984	2,984		2,984
0605873M	142	MARINE CORPS PROGRAM WIDE SUPPORT	5,914	5,914	5,914		5,914
0101221N	143	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	39,511	39,511	41,711	(2,902)	36,609
0101224N	144	SSBN SECURITY TECHNOLOGY PROGRAM	25,078	34,578	25,078	5,500	30,578
0101226N	145	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,937	7,937	7,937		7,937
0101402N	146	NAVY STRATEGIC COMMUNICATIONS	20,416	20,416	20,416		20,416
0102427N	147	NAVAL SPACE SURVEILLANCE	752	752	752		752
0204136N	148	F/A-18 SQUADRONS	919,484	919,484	919,484		919,484
0204152N	149	E-2 SQUADRONS	52,965	52,965	52,965		52,965
0204163N	150	FLEET TELECOMMUNICATIONS (TACTICAL)	24,032	24,032	24,032		24,032
0204229N	151	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	141,440	141,440	141,440	4,000	145,440
0204311N	152	INTEGRATED SURVEILLANCE SYSTEM	16,440	16,440	16,440		16,440
0204413N	153	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,364	4,364	4,364		4,364
0204571N	154	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	48,058	51,058	48,058	3,000	51,058

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0205601N	155	HARM IMPROVEMENT	3,348	6,348	3,348		3,348
0205604N	156	TACTICAL DATA LINKS	54,869	54,869	54,869		54,869
0205620N	157	SURFACE ASW COMBAT SYSTEM INTEGRATION	9,955	9,955	9,955		9,955
0205632N	158	MK-48 ADCAP	22,214	22,214	22,214		22,214
0205633N	159	AVIATION IMPROVEMENTS	66,875	66,875	66,875		66,875
0205658N	160	NAVY SCIENCE ASSISTANCE PROGRAM	6,036	6,036	6,036		6,036
0205667N	161	F-14 UPGRADE	44,490	44,490	44,490	(25,375)	19,115
0205675N	162	OPERATIONAL NUCLEAR POWER SYSTEMS	58,065	58,065	58,065		58,065
0206313M	163	MARINE CORPS COMMUNICATIONS SYSTEMS	3,250	3,250	3,250		3,250
0206623M	164	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	13,386	13,386	23,386		13,386
0206624M	165	MARINE CORPS COMBAT SERVICES SUPPORT	3,915	16,315	13,315	3,500	7,415
	165a	ATV	-	-	-		-
0206625M	166	MARINE CORPS INTELLIGENCE/ELECTRONICS WARFARE SYSTEMS	5,131	5,131	5,131		5,131
0206626M	167	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	19,793	19,793	19,793		19,793
0207161N	168	TACTICAL AIM MISSILES	29,721	29,721	29,721		29,721
0207163N	169	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	4,491	4,491	4,491		4,491
0303109N	171	SATELLITE COMMUNICATIONS	38,472	38,472	38,472		38,472
0303140N	172	INFORMATION SYSTEMS SECURITY PROGRAM	25,848	25,848	25,848		25,848
0305160N	174	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	18,416	18,416	18,416		18,416
0708011N	175	INDUSTRIAL PREPAREDNESS	-	51,251	-	88,000	88,000
XXXXXXXXXX	999	Classified Programs	539,680	579,680	545,480	45,800	585,480
		FREE ELECTRON LASER PROGRAM	-	9,000		9,000	9,000
		Total Navy RDT&E	8,204,530	8,525,509	8,624,230	270,253	8,474,783

Long-range guided projectile technology

The budget request contained $32.7 million for development and demonstration of the advanced global positioning system/inertial navigation system (GPS/INS) guidance and control technology for long range precision guided munitions used by Navy surface fire support and Army long-range artillery.

The House bill would authorize an additional $9.0 million to accelerate the development and demonstration of the GPS/INS.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to an additional $2.0 million in PE 62111N for the purposes indicated in the House report (H. Rept. 104–131). The conferees are aware of a demonstrated rapid progress in the development and demonstration of miniaturized, gun-hardened GPS/INS technology in the Army's Low-Cost Competent Munition (LCCM) Program, the Navy's advanced technology demonstration program for an extended range guided projectile, and the cooperative LCCM technology program established between Departments of the Army and the Navy. The conferees believe that the technology may significantly improve the accuracy of existing and future gun-fired projectiles, missiles, and rockets, and that an opportunity exists to accelerate development and demonstration in these areas. The conferees strongly encourage increased funding in this area in future Army and Navy budget requests.

Surface ship technology

The budget request included $36.8 million for surface ship technology.

The House bill would authorize an additional $6.0 million for power electronics building blocks and $10.0 million for advanced submarine technology development.

The Senate amendment would authorize an additional $6.0 million for power electronics building blocks.

The conferees agree to authorize $67.8 million in PE 62121N; an increase of $31.0 million. That authorization includes $6.0 million for power electronics building blocks, $10.0 million for advanced submarine technology development and $15.0 million for curved plate technology for ship construction.

Power electronic building blocks

The budget request did not include funding for the power electronic building blocks project.

Both the House bill and the Senate amendment contained $6.0 million in PE 62121N to initiate a power electronics program based on metal oxide semiconductor (MOS) control thyristors for high speed switching.

The conferees agree that the program should be affiliated with academic institutions and, as recommended by the Senate, involve a computational test bed for system simulation. The conferees agree that at least one-third of the funding should be for university participation.

Flat panel, helmet-mounted display

The budget request included $7.0 million in PE 62122N for exploratory development of air vehicle technology.

The House bill would authorize an additional $2.5 million to continue exploratory development of flat panel, helmet-mounted displays for air crew helmets.

The Senate amendment would authorize the budget request.

The Senate recedes.

Communications technology

The budget request included $9.2 million in PE 62232N to continue development of key communications technologies for air, ship, and submarine platforms.

The House bill would authorize an additional $4.0 million for support of wireless and satellite communications research in the areas of integrated antenna systems, communications hardware design, communication algorithm development and high-frequency device modeling and measurements.

The Senate amendment contained no similar recommendation.

The House recedes. The conferees recognize the importance of continued wireless and satellite communications research in the areas recommended in the House report (H. Rept. 104–131).

Air crew adaptive automation technology

The budget request included $40.5 million in PE 62233N for exploratory development of enabling readiness, training, and environmental technologies that support the manning, operation, and maintenance of fleet assets, and that provide the necessary training, facilities, and equipment to maintain operational forces in a high state of readiness.

The House bill would authorize an additional $2.7 million to continue development of adaptable automation technology for management of air crew workloads.

The Senate amendment would authorize the budget request.

The House recedes.

Embedded sensors

The budget request included $74.8 million in PE 62234N for exploratory development in the areas of materials, electronics, and computer technology in support of Navy advanced weapon and platform systems.

The House bill would authorize an additional $3.0 million to complete the exploratory development of embedded, remotely queried, microelectromechanical sensors in thick composites, which would be suitable for use in submarine, ships, and armored vehicles.

The Senate amendment would authorize the budget request.

The Senate recedes.

Parametric airborne dipping sonar

The budget request included $51.2 million for exploratory development of undersea surveillance and weapons technology.

The Senate amendment would authorize an additional $4.8 million in PE 62314N to expand to current scope of the demonstration and evaluation of parametric sonar technology to provide three dimensional stabilized steerable beams, around 360 degrees, at full source level, further characterize the technology for mine avoidance implications, and evaluate whether parametric sonar technology merits further development.

The House bill contained no similar provision.

The House recedes. The conferees agree that the Navy should complete evaluation of the limited capability laboratory prototype, in-depth technical review and assessment of the potential of parametric sonar for helicopter application, and in-water testing and evaluation of the parametric airborne dipping sonar prototype.

Polar Ozone Aerosol Monitor III

The budget request included $45.5 million for exploratory development of oceanographic and atmospheric technology, in support of joint warfare mission area capabilities.

The House bill would authorize an additional $5.0 million to complete engineering, integration and test of the Polar Ozone Aerosol Monitor (POAM) III payload on the SPOT 4 spacecraft, in anticipation of system launch in 1997.

The Senate amendment included no similar provision.

The conferees agree to authorize an additional $2.5 million in PE 62435N to continue engineering, integration and test of the POAM III payload on the SPOT 4 spacecraft. The conferees encourage the Secretary of the Navy to reprogram those funds necessary to complete the program and launch the POAM III payload on the SPOT 4 spacecraft in 1997.

Air crew protective clothing and devices

The budget request included $1.7 million in PE 63216N for demonstration and validation of air crew protective clothing and devices.

The House bill would authorize an additional $7.4 million to the budget request to continue development of the advanced integrated life support system and of an advanced technology escape system for air crews. The House report (H. Rept. 104–131) also directed the Navy to provide, by March 2, 1996, a report that would describe the program plan for these two programs and the coordination of each plan with programs under consideration in the Air Force and the Army.

The Senate amendment would authorize the budget request.

The Senate recedes.

The conferees direct the Secretary of the Navy to submit the report described in the House report (H. Rpt. 104–131).

Air systems and weapons advanced technology

The budget request included $17.1 million for air systems advanced technology in PE 63217N. The request contained no specific funding for the maritime avionics subsystems and technology (MAST) program. MAST is a fiscal year 1995 "new start" that focuses on the development of scaleable, open, fault-tolerant, and common avionics architectures.

The House bill would authorize an additional $35.0 million for the advanced anti-radiation guided missile (AARGM). The House report (H. Rept. 104–131) encouraged the Navy and the Air Force to pursue the technology objectives of the MAST program under respective avionics technology development programs and the Joint Advanced Strike Technology (JAST) program.

The Senate amendment would authorize an additional $9.0 million for rapid response technologies.

The conferees agree to authorize an additional $35.0 million in PE 63217N for AARGM and $9.0 million for rapid response technologies for the specific purposes detailed in the respective House and Senate reports (H. Rept. 104–131; S. Rept. 104–112). The conferees also agree to authorize an additional $10.0 million for continuation of the MAST program in fiscal year 1996, and recommend that the Secretary of the Navy consider requirements for continuation of the MAST program in the Navy's fiscal year 1997 budget request.

Mobile off-shore base (MOBS)

The budget request included $14.7 million in PE 63238N to begin using ARPA developed technology for a mobile offshore base (MOB) and to initiate sub-scale tests of a complete system for the purpose of evaluating risks associated with full scale construction.

The House bill would authorize the budget request. The House report (H. Rept. 104–131), citing the potential cost of the MOBS system, noted that the Department of Defense had failed to comply with guidance provided in the Statement of Managers (H. Rept. 103–

701) accompanying the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The House report directed that any fiscal year 1996 funds authorized and appropriated for MOBS or for the Landing Ship Quay/Causeway not be obligated until the Department provides the reports and certification previously directed by Congress.

The Senate amendment would authorize the budget request.

The House recedes from its restriction on the obligation of fiscal year 1996 funds for the MOBS project. The conferees note, however, the point made in the House report (H. Rept. 104-131) about the large potential cost of the MOBS program if carried to completion. The conferees further note that, in accordance with section 2430, title 10, United States Code, MOBS qualifies as an Acquisition Category I major defense acquisition program. Therefore, it is subject to the review and approval procedures for major defense acquisition programs established in Department of Defense instructions, regulations, and procedures. Under these review and approval procedures, a Milestone 0 (concept exploration and definition) review of the MOBS project is required by the Defense Acquisition Board (DAB). The conferees direct the Secretary of Defense to report to the congressional defense committees, by March 31, 1996, the plan and schedule for incorporating MOBS into the DAB process and accomplishing a Milestone 0 review.

Medical development

The conferees agreed to authorize an additional $1.0 million (PE 63706N) for acceleration of blood storage development and an additional $3.0 million (PE 63706N) for the Naval Biodynamics Laboratory (NBDL) for infrastructure transfer activities.

Sensor integration and decision support systems

The budget request contained $17.8 million in PE 63707N for advanced development of manpower, personnel, and training technology, including $1.1 million for air human factors engineering.

The House bill would authorize an additional $1.5 million in PE 63707N for development and evaluation of intelligent, multisource, multi-platform sensor integration and cockpit decision support systems.

The Senate amendment would authorize the budget request.

The House recedes.

Navy advanced technology demonstration

The budget request included $96.8 million in PE 63792N for advanced development and demonstration of high payoff, emerging technologies that could significantly improve Navy warfighting capabilities.

Both the House bill and the Senate amendment would authorize the budget request.

The conferees agree that the program for advanced technology demonstration of low cost, highly accurate guidance and control for improved naval surface fire support from surface 5" guns shall be fully funded at the level established in the budget request.

Remote controlled minehunting vehicle

The budget request included $7.6 million in PE 63502N for development and demonstration of improvements in minehunting sonar and remotely controlled minehunting systems.

The House bill would authorize an additional $1.65 million in PE 63502N to accelerate the remote minehunting operational prototype (RMOP) development program and provide an interim operational capability to the fleet.

The Senate amendment would authorize an additional $7.5 million in PE 63502N to accelerate development of RMOP.

The Senate recedes. The conferees agree that the mine detection and location capability demonstrated by the RMOP vehicle during a joint amphibious exercise in March-April 1995 suggests that it has the potential to fill a gap in the Navy's mine countermeasures operational capabilities. Therefore, the conferees conclude that the RMOP program should be accelerated to provide a contingency capability for fleet use. The conferees encourage the Secretary of the Navy to include additional funds for this purpose in the fiscal year 1997 budget request.

Non-acoustic antisubmarine warfare program

The House bill would authorize $23.2 million to reestablish a separate Navy non-acoustic antisubmarine warfare (NAASW) program in PE 63528N that would be on par with the Department of Defense's advanced sensor applications program.

The Senate amendment contained no funding for a Navy specific research and development program. However, the Senate amendment did provide $10.0 million of additional funding in PE 63714D, the Department of Defense's advanced sensor applications program, to continue development for a NAASW program, ATD-111, that is being executed by the Navy.

The conferees authorize an increase of $10.0 million in PE 63528N for the ATD-111 NAASW program. The funding is authorized to: (1) test system upgrades; (2) correct system defects identified during field tests; (3) bring the test systems to a common configuration; and (4) evaluate carriage on alternate airborne platforms.

The conferees recommend that the Navy conduct a comparative evaluation of the ATD-111 laser radar (LIDAR) system with other approaches. Comparative testing of competing non-acoustic approaches to antisubmarine warfare and other applications should provide a basis for establishing a firm requirement for follow-on systems.

The conferees also agree that there is a need for two viable, independent, but coordinated and complementary NAASW programs, one in the Navy and one in the Office of the Secretary of Defense. To reestablish the Navy's independent NAASW program, the conferees encourage the Secretary of the Navy to provide funding for it in the fiscal year 1997 budget request. Further guidance with respect to the NAASW program is contained in the classified annex.

Advanced submarine technology development

The budget request included $18.4 million in PE 62121N for exploratory development of submarine systems technology and $30.9 million in PE 63561N for advanced submarine systems development.

The House bill would authorize an increase of $10.0 million in PE 62121N. Of this amount, $7.0 million is to continue the transfer of technology to the Navy for active control of machinery platforms demonstrated in the Advanced Research Projects Agency's (ARPA's) Project M. The House bill would also authorize an additional $13.1 million in PE 63561N. The House report (H. Rept. 104-131) expressed concern over the overall reduction in submarine research and development funding, reflecting in the budget request, and the belief that this level of funding would be inadequate to support the type of long-term research necessary to ensure the availability of advanced technologies that could maintain the superior technological capability of the U.S. submarine force. The House report directed the Secretary of Defense to develop a plan for long-term submarine research and development aimed at ensuring U.S. technological superiority and to report this plan to the congressional defense committees with the submission of the fiscal year 1997 budget request.

The Senate amendment would approve the budget request.

The conferees agree to an increase of $10.0 million in PE 62121N. This increase would not include any reservations for ARPA's Project M. The conferees would authorize the transition effort associated with Project M in PE 63569E. The conferees also agree to an increase of $20.0 million in PE 63561N. The conferees would also adopt a provision, discussed in greater detail in the procurement section of the conference report, that would direct the Secretary of the Defense to develop a plan for long-term submarine research and development aimed at ensuring U.S. technological superiority and to report this plan to the congressional defense committees no later than March 15, 1996.

Intercooled recuperated gas turbine engine

The budget request included $25.6 million in PE 63508N, a technology base program element, for continued development of the intercooled recuperated (ICR) gas turbine.

The House bill expressed concern that the budget request had transferred the ICR gas turbine engine from the Advanced Surface Machinery (ASM) Program (PE 63573N), where it had been previously budgeted, because of the possibility of disruption in the relationship between the ICR program and other elements of the ASM program. In order to restore ASM program integrity, the House bill would direct the transfer of $25.6 million from PE 63508N to PE 63573N. Additionally, the House bill would increase funding for the ICR engine by $21.5 million to support ICR engine tests at the Navy's land-based test site and, based on elements of the Navy's revised ICR development plan, direct the Navy to proceed with a second 500 hour engine test and other associated testing at the site.

The Senate amendment also directed transfer of $25.6 million from PE 63508N to PE 63573N, but did not increase funding for the ICR engine.

The conferees agree to a funding level of $82.9 million in PE 63573N. The conferees direct that, of the total amount authorized for PE 63573N, $41.0 million is authorized for the ICR program.

Cooperative engagement capability

The budget request included $180.0 million in PE 63755N for development of the cooperative engagement capability (CEC).

The House bill would authorize the requested amount, but would direct that no more than $102.0 million be obligated until the Secretary of Defense notifies the congressional defense committees that the test and evaluation master plan for the CEC program has been approved by the Director, Operational Test and Evaluation.

The Senate amendment would add $22.5 million to continue accelerated development of the airborne component of CEC and an additional $20.0 million to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile defense.

The conferees agree to an additional $42.5 million for CEC for the purposes described in Senate amendment. The House recedes from its funding limitation. The conferees note the concerns expressed in the House report (H. Rept. 104-131) regarding developmental testing and independent operational testing required to insure that the CEC is operationally effective and suitable when deployed to the fleet. They direct the Secretary of the

Navy to submit to the congressional defense committees, by March 31, 1996, a report on the status of plans for developmental and independent operational testing of the CEC.

Naval surface fire support

The Navy's budget request included $12.0 million in PE 63795N to develop the gun weapon system technology needed by the Navy to resolve major deficiencies in its ability to provide naval surface fire support (NSFS) to amphibious operations.

The House report (H. Rept. 104–131) noted that the budget request was sharply reduced during the budget formulation process. It further observed that the future years defense plan for gun system technology had been left under funded by over $160 million and did not include an adequate plan to meet long-term requirements for advanced NSFS weapons systems. To address these concerns the House bill would increase funding in PE 63795N by $25.0 million to:

(1) accelerate the development of a long range guided projectile that would incorporate advanced low cost global positioning system/inertial navigation system (GPS/INS) guidance;

(2) improve the existing MK–45 5-inch naval gun; and

(3) permit the Navy to place increased emphasis on satisfying long-term requirements for advanced gun systems in addition to its near-term focus on modifications to the MK–45 gun.

The Senate amendment would add $19.2 million to PE 63795N. The Senate's evaluation noted in the Senate report (S. Rept. 104–112) of the Navy's NSFS program, as reflected in the budget request, yielded conclusions similar to those of the House.

The conferees note that in May 1995 the Secretary of the Navy, based on a recently completed cost and operational effectiveness analysis (COEA), reported the following conclusions to Congress regarding NSFS:

(1) a 155 millimeter/60-caliber naval gun, employing precision guided munitions, is the most cost effective NSFS solution; and

(2) a combination of guns, missiles, and tactical aviation is needed to fully meet NSFS requirements.

The Secretary also reported that, as a result of the NSFS COEA, the Navy's NSFS program had been structured to:

(1) proceed with the long-term development of a 155 millimeter gun;

(2) develop a gun-launched precision guided munition; and

(3) modify the Navy's existing MK–45, 5-inch gun to deal with long-term and near-term challenges.

However, as reflected in the budget request, affordability constraints and a desire to field an enhanced NSFS capability prior to Fiscal Year 2001 have moved the Navy to embrace a near-term program reflecting the following priorities:

(1) develop a global positioning system/inertial navigation system 5-inch guided projectile;

(2) improve the existing MK–45 5-inch gun; and

(3) demonstrate the NSFS capabilities of Army Tactical Missile System (ATACMS), Sea Standoff Land Attack Missile (SLAM), and STANDARD Missiles.

To confirm the cost effectiveness of this near-term approach, which was not thoroughly evaluated in the NSFS COEA, the Navy has directed the Center for Naval Analysis to perform supplemental analysis to evaluate its cost effectiveness. The need for this supplemental analysis was reinforced by the General Accounting Office, which strongly recommended in May 1995 that the Navy revalidate its NSFS requirements and conduct a comprehensive supplemental analysis to the COEA that would include all available gun and missile alternatives.

The conferees agree to authorize $34.0 million, an increase of $22.0 million, in PE 63795N. Over the past several years, the conferees have repeatedly stressed the issue of NSFS, but have found the Navy's response to be highly variable as new programs or approaches have succeeded one another from year to year. Because of a strong need and the Navy's apparent commitment to pursue the program to completion, the conferees are willing to provide initial support, in fiscal year 1996, to the Navy's effort to upgrade the capability of its 5-inch guns and projectiles. The conferees take this action based on the Navy leadership's assurances that the Navy will follow through with consistent, stable, and adequate future years funding.

The conferees affirm their conclusion that the Navy needs to place increased emphasis on pursuing a long-term program to satisfy NSFS mission requirements. The conferees direct that the Secretary of the Navy include a report on the plans for such a program in the fiscal year 1997 budget submission. The conferees also affirm the need for an updated COEA that considers all available gun and missile alternatives, including extended range multiple launch rockets and existing and improved 5-inch guns, to support future acquisition milestone decisions related to the Navy's near-term and long-term programs.

AH-1W integrated weapons system upgrade

The budget request included $14.9 million in PE 64212N for engineering and manufacturing development of upgrades to the AH–IW Cobra attack helicopter for the Marine Corps.

The House bill recommended a reduction of $11.6 million to the budget request, based on the understanding that the Marine Corps had decided to suspend development of the integrated weapon system (IWS) for the AH–1W.

The Senate amendment would authorize the budget request.

The House recedes. The conferees understand that the Department of the Navy has suspended the IWS upgrade, based on identification of other urgent requirements for modification of Marine Corps helicopters. The upgrade program would now focus on the adaptation of both the AH–1W attack helicopter and the UH–1N utility helicopter, and their respective power trains, to a 4–blade rotor system which will increase the operational safety power margin and useful mission payload of both helicopters. The IWS upgrade for the AH–1W will be deferred until later in the program. The conferees further understand, based upon the Department's analysis, that the revised program will provide growth potential to bridge the gap until the joint replacement aircraft would become available around the year 2020, and is reportedly more cost effective than the adoption of other, more modern attack and utility helicopters that have already been fielded or are under development.

The conferees note that the Department plans a defense acquisition milestone II decision to proceed with engineering and manufacturing development in late fiscal year 1996 and also plans to use the fiscal year 1996 funds made available for the program for pre-milestone IV/II engineering studies. The conferees are aware of a Department of the Navy experience with harmonic coupling problems encountered during a previous major helicopter power train upgrade that contributed to a number of aircraft mishaps. Accordingly, this issue must be addressed in detail during pre-milestone engineering studies and in the milestone II decision process, and the absence of the problem demonstrated prior to milestone III. The Secretary of the Navy is directed to report the results of these engineering studies and the milestone II decision with the submission of the fiscal year 1998 budget request.

AV–8B Harrier weapons system improvements

The budget request included $11.3 million in PE 64214N for integration and testing of weapons and aircraft improvements for the AV–8B Harrier aircraft.

The House bill would authorize an increase of $15.6 million to the budget request to support the United States' share of the AV–8B production memorandum of understanding between the United States, Spain, and Italy, and for concurrent integration of the AIM–120 missile and 1760 data bus during remanufacture of the day-only AV–8As to the AV–8B radar configuration.

The Senate amendment would authorize the budget request.

The Senate recedes. The conferees agree to authorize the increase of $15.6 million to the budget request with the increase of $15.6 million to the budget request with the understanding that the Department of the Navy would include in the fiscal year 1997 budget request the balance of the $11.7 million required by the memorandum of understanding.

S–3B Project Gray Wolf

The budget request included $12.9 million in PE 64217N for continued development of weapon system improvements for the S–3 aircraft.

The House bill would authorize an additional $15.0 million for continued evaluation and potential establishment of an advanced concept technology demonstration of "Project Gray Wolf", a fleet proof of concept demonstration of the ability of an S–3B aircraft equipped with a multi-mode synthetic aperture radar designed to provide real time stand-off surveillance, targeting, and strike support for littoral operations.

The Senate amendment would authorize an additional $13.2 million for the same purpose.

The conferees agree to authorize the requested amount.

The conferees agree that "Project Gray Wolf" demonstrates potential for providing the Department of the Navy with a versatile carrier-based capability provide real time, stand-off surveillance, targeting, and strike support. The conferees encourage the Secretary of the Navy to consider a reprogramming request to support this program, should any funds become available during fiscal year 1996. The conferees further encourage the Secretary to include funds for the program in his fiscal year 1997 budget request.

P–3 maritime patrol aircraft sensor integration

The budget request included $1.9 million in PE 64221N for the P–3 maritime patrol aircraft (MPA) modernization program.

The House bill would authorize an increase of $15.0 million to the budget request. That increase would include $12.0 million to restore the schedule for integration of the improved extended echo ranging (IEER) and the anti-surface warfare improvement program (AIP) capabilities in the P–3, and $3.0 million for upgrade of P–3 stores management, to permit integration of advanced weapons systems. In relation to the fiscal year 1995 budget projections for fiscal year 1996, the House report (H. Rept. 104–131) noted that sharp funding reductions in the P-3 modernization program would result in an overall program cost increase and multi-year delays in fielding capability improvements needed to offset decreases in MPA force structure. The House report also expressed the House's expectation that the Navy's future budget requests would include the increased funding necessary to complete the IEER and AIP capabilities integration in the P-3, the P-3 stores management upgrades, and procurement of sufficient quantities of the AIP and update III kits to appropriately outfit the active and reserve MPA force.

The Senate amendment would authorize the budget request.

The Senate recedes.

Air crew systems development

The budget request included $9.8 million in PE 64264N for the development of aviation life support systems for air crews.

The House bill would authorize an increase of $7.9 million to transition the Navy's Day/Night/All Weather Helmet Mounted Display to operational evaluation in F/A-18 and AV-8B aircraft, to upgrade current escape systems, and to develop crashworthy troop seats in the H-1, H-3 and H-46 helicopters.

The Senate amendment would authorize the budget request.

The Senate recedes.

AEGIS combat systems engineering

The budget request included $105.9 million in PE 64307N, including $90.0 million for continued development of improvements in the AEGIS combat system.

The House bill would authorize $89.9 million, a reduction of $15.8 million from the requested amount. In support of the funding reduction, the House report (H. Rept. 104-131) cited the deferred release of fiscal year 1995 funds, which led to a corresponding, but unnecessary, increase in the Navy's budget request. The House report (H. Rept. 104-131) also expressed concern about the Navy's revised strategy for development of the AEGIS baseline 6.

The Senate amendment would authorize the requested amount.

The conferees agree to a reduction of $11.0 million in PE 64307N for AEGIS combat systems engineering. The conferees note that the Navy included the $11.0 million in its budget request in anticipation of losing $15.8 million of fiscal year 1995 funds through the omnibus reprogramming process. The use of these fiscal year 1995 funds as a reprogramming source has been specifically denied by Congress. The conferees direct the Office of the Secretary of Defense to return these funds to the Navy without delay to permit orderly execution of the AEGIS program. Further, the navy should review its program for development of the AEGIS baseline 6 with a view to minimizing concurrency.

Enhanced modular signal processor

The budget request included $8.3 million in PE 64507N for development and risk mitigation testing of the AN/UYS-2 enhanced modular signal processor (EMSP) and software development, integration, testing, and critical engineering design support in the airborne low-frequency sonar (ALFS), surveillance towed array sensor system (SURTASS), AN/SQQ-89 surface combat system, and AN/BSY-2 submarine combat system.

Both the House bill and the Senate amendment would authorize the budget request.

The conferees understand that the Navy is considering development of a commercial-off-the-shelf (COTS) variant of the EMSP, as discussed in the House report (H. Rept. 104-131). The conferees authorize an increase of $6.5 million in PE 64507N for development of this COTS variant. The conferees encourage the Navy to include additional funds that may be required to complete the EMSP COTS development in its fiscal year 1997 budget request.

Submarine combat system

The budget request included $42.3 million in PE 64524N for development of the AN/BSY-2 submarine combat system.

The House bill would reduce the authorization by $6.2 million, the amount requested for delivery of the AN/BSY-2 system for the SSN-23.

The Senate amendment would authorize the budget request.

The House recedes.

Submarine tactical warfare system

The budget request included $38.5 million in PE 64562N for continued development of improvements in SSN combat control systems.

The House bill recommended a reduction of $18.0 million to the budget request.

The Senate amendment would authorize the requested amount.

The House recedes.

Advanced tactical air command central

The budget request included $8.4 million in PE 604719M to continue development of the advanced tactical air command central (ATACC) for the Marine Corps.

The House bill would reduce the PE by $5.0 million and direct that the details of the operational requirement and a revised program plan be provided with the fiscal year 1997 budget request. The house report (H. Rept. 104-131) expressed concerns regarding the marked growth in program costs for fiscal year 1996 and succeeding years, changes in the acquisition strategy, and significant revisions in the program schedule. These concerns raise questions regarding how well the operational requirement is defined and whether the system should continue in engineering and manufacturing systems development, or whether a demonstration/validation program would be more appropriate.

The Senate amendment would authorize the requested amount.

The House recedes.

The conferees agree that the concerns expressed by the House should be addressed following submission of the fiscal year 1997 defense budget request.

Ship self-defense system

SUMMARY

The budget request included $166.0 million in PE 64755N for the ship self-defense program.

The House bill would approve the budget request. The House report (H. Rept. 104-131) expressed concern that the Navy had failed to include funding in its budget request to continue development of either the infrared search and track (IRST) system or NULKA, an electronic warfare countermeasures system, despite the apparently high priority that the Navy has placed on these systems in the past. The House report argued that such funding lapses point to the absence of clearly defined program baselines in the ship self-defense programs.

The Senate amendment would authorize $184.5 million in PE 64755N, an increase of $18.5 million. It would authorize an additional $9.5 million for IRST and $9.0 million for NULKA. The Senate report (S. Rept. 104-112) also discussed evaluation of existing self-defense systems, such as the BARAK 1 missile system, for installation on active and new construction Navy ships.

The conferees agree to authorize $183.5 million for the ship self-defense program in PE 64755N. Funding increases and areas of emphasis are discussed in the following paragraphs. The conferees also agree that the year-to-year volatility of the Navy's budget requests for ship self-defense programs appear to contradict the Navy's oft stated emphasis on littoral warfare. Therefore, the conferees direct the Secretary of the Navy to provide to the congressional defense committees, as a part of the annual update of the "Ship Anti-Air Warfare (AAW) Report", an assessment of progress in establishing program baselines for the ship self-defense program and the degree to which these baselines are being met.

IRST

The budget requested reduced funding for and restructured the infrared search and track (IRST) program for affordability reasons. The conferees believe that the IRST system has the potential to play a very important role in defending naval ships against sea skimming antiship missiles. A recently completed cost and operational effectiveness analysis (COEA) supports this conclusion. The conferees agree that the Navy should emphasize early integration of the IRST system with both Aegis and non-Aegis ships, and place priority on early completion of its development. Therefore, the conferees authorize an increase of $9.5 million in PE 64755N to accelerate plans for combat system integration and design of the IRST system.

NULKA

NULKA is a joint United States/Australian project to develop an anti-ship missile decoy system. Increased funding in fiscal year 1996 would allow the Navy to integrate NULKA with the ship self-defense system (SSDS), for installation on amphibious ships and other self-defense ships, to conduct testing of the integrated system, and to commence development of improvements to the payload needed to counter improvements in anti-ship missile technology. The conferees strongly support these objectives and authorize an increase of $8.0 million in PE 64755N.

BARAK 1

The Senate report expressed concern about the need to protect Navy ships from the proliferation of maneuvering, sea-skimming, low observable, anti-ship cruise missiles. It also recognizes the fact that the Navy's evaluation of existing systems, such as the BARAK 1 missile, as candidates for the LPD-17 class's self-defense suite, could produce the most cost-effective solution to this threat. Development costs could be avoided through such an approach.

While addressing ship self-defense in some detail, the House report did not discuss this aspect of the requirement.

The conferees agree that the incorporation of weapons systems that are already in production, such as BARAK 1, into the combat systems of active or new construction ships could be a cost effective means to deal with a rapidly proliferating and evolving cruise missile threat. The conferees desire to be kept informed on the progress and results of the LPD-17 cost and operational effectiveness analysis (COEA). Furthermore, the conferees direct the Navy to present, by February 1996, a plan that could lead to testing of the BARAK 1 system in the United States during fiscal year 1996, should the LPD-17 COEA demonstrate that self-defense systems such as BARAK 1 would be cost effective.

Because of the advantage to the fleet of an early deployment of a robust ship self-defense system, the committee directs the

Navy to also examine and report on BARAK 1 applicability to other ship classes. The results of this analysis should be provided to the congressional defense committees by February 1996.

Fixed distributed system—deployable

The budget request included $93.5 million in PE 64784N for the fixed distribution surveillance system (FDS), but included no funding for the deployable (FDS–D) prototype.

The House bill would add $10.0 million to the budget request to refurbish the FDS–D prototype and improve its capability to provide an interim deployable undersea surveillance, until the Advanced Deployable System becomes available.

The Senate amendment would authorize the budget request.

The conferees authorize $103.5 million in PE 64784N, of which $10.0 million would be used to refurbish the FDS–D prototype and improve its surveillance capability. Further guidance is contained in the classified annex.

SSBN security and survivability program

The budget request included $25.1 million in PE 12224N for the SSBN security and survivability program.

The House bill would provide an increase of $9.5 million to the budget request. The House bill would also direct the Secretary of the Navy to provide to the congressional defense committees, within 60 days of enactment, an assessment of the potential threat to the U.S. SSBN force an analysis of the SSBN security program needed to counter that threat.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $5.5 million in PE 12224N for the SSBN security and survivability program. The conferees agree with the House direction to the Secretary of Defense regarding the SSBN security program, contained in the House report (H. Rept. 104–131). Further guidance regarding the program is provided in the classified annex.

Cryptologic system trainer

The budget request included $7.0 million in PE 24571N to continue development and evaluation of the Navy's surface tactical team trainer.

The House bill would authorize an additional $3.0 million for:

(1) integration and evaluation of the cryptologic systems trainer in the battle force tactical training system; and

(2) the development of related information warfare/command and control warfare shipboard training systems.

The Senate amendment would authorize the budget request.

The conferees authorize $10.0 million in PE 24571N. Of this amount, $3.0 million is for the purposes discussed in the House report (H. Rept. 104–131).

Optoelectronics

The budget request did not include funding for optoelectronics manufacturing.

The House bill would provide $10.0 million to initiate partnerships with industry, government laboratories and other research organizations to allow the development of manufacturing technologies that would support optoelectronics devices and components.

The Senate amendment contained no similar provision.

The conferees agree to authorize an additional $10.0 million for this program in PE 78011N. The conferees also agree to authorize an additional $2.0 million for advanced bulk manufacturing of mercury cadmium telluride (MCT) for low cost sensors, also in PE 78011N.

Overview

The budget request for fiscal year 1996 contained an authorization of $12,598.4 million for Air Force, Research and Development in the Department of Defense. The House bill would authorize $13,184.1 million. The Senate amendment would authorize $13,087.4 million. The conferees recommended an authorization of $12,914.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL AF					
0601101F	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	-	-	-		-
0601102F	2	DEFENSE RESEARCH SCIENCES	239,893	244,893	235,893	9,585	249,478
0602101F	3	GEOPHYSICS	-	-	-		-
0602102F	4	MATERIALS	74,534	82,534	75,284		74,534
0602201F	5	AEROSPACE FLIGHT DYNAMICS	66,268	66,268	66,268	(1,918)	64,350
0602202F	6	HUMAN SYSTEMS TECHNOLOGY	90,311	90,311	75,311	(3,400)	86,911
0602203F	7	AEROSPACE PROPULSION	78,592	81,592	81,592	(3,522)	75,070
0602204F	8	AEROSPACE AVIONICS	74,256	74,256	74,256	(5,756)	68,500
0602205F	9	PERSONNEL, TRAINING AND SIMULATION	-	-	-		-
0602206F	10	CIVIL ENGINEERING AND ENVIRONMENTAL QUALITY	-	-	-		-
0602269F	11	HYPERSONIC TECHNOLOGY PROGRAM	19,900	19,900	19,900		19,900
0602302F	12	ROCKET PROPULSION AND ASTRONAUTICS TECHNOLOGY	-	-	-		-
0602601F	13	ADVANCED WEAPONS	124,446	130,446	124,446	11,000	135,446
0602602F	14	CONVENTIONAL MUNITIONS	44,954	44,954	44,954		44,954
0602702F	15	COMMAND CONTROL AND COMMUNICATIONS	98,477	96,477	98,477	(2,000)	96,477
0603106F	16	LOGISTICS SYSTEMS TECHNOLOGY	17,960	17,960	17,960		17,960
0603112F	17	ADVANCED MATERIALS FOR WEAPON SYSTEMS	23,283	23,283	23,283		23,283
0603202F	18	AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	29,818	29,818	29,818		29,818
0603203F	19	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	32,131	32,131	32,131		32,131
0603205F	20	AEROSPACE VEHICLE TECHNOLOGY	10,793	10,793	10,793		10,793
0603211F	21	AEROSPACE STRUCTURES	13,269	13,269	13,269		13,269
0603216F	22	AEROSPACE PROPULSION AND POWER TECHNOLOGY	41,779	41,779	41,779		41,779
0603227F	23	PERSONNEL, TRAINING AND SIMULATION TECHNOLOGY	8,930	8,930	8,930		8,930
0603231F	24	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	18,953	21,953	18,953	3,000	21,953
0603238F	25	GLOBAL SURVEILLANCE	2,483	2,483	2,483		2,483
0603245F	26	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	12,491	12,491	12,491		12,491
0603250F	27	LINCOLN LABORATORY	-	-	-		-
0603253F	28	ADVANCED AVIONICS INTEGRATION	20,421	20,421	20,421	(2,800)	17,621
0603269F	29	NATIONAL AERO SPACE PLANE TECHNOLOGY PROGRAM	-	-	-		-
0603270F	30	EW TECHNOLOGY	25,079	25,079	25,079	(2,500)	22,579
0603302F	31	SPACE AND MISSILE ROCKET PROPULSION	15,203	20,203	15,203	5,000	20,203
0603311F	32	BALLISTIC MISSILE TECHNOLOGY	3,085	8,785	8,085	5,700	8,785
0603319F	33	AIRBORNE LASER TECHNOLOGY	-	-	-		-
0603401F	34	ADVANCED SPACECRAFT TECHNOLOGY	32,627	140,127	52,627	70,000	102,627
0603410F	35	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	3,479	3,479	3,479		3,479
0603428F	36	SPACE SUBSYSTEMS TECHNOLOGY	-	-	-		-
0603601F	37	CONVENTIONAL WEAPONS TECHNOLOGY	31,637	34,137	31,637	2,500	34,137
0603605F	38	ADVANCED RADIATION TECHNOLOGY	47,919	47,919	47,919		47,919

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0603707F	39	WEATHER SYSTEMS TECHNOLOGY	4,577	4,577	4,577		4,577
0603723F	40	CIVIL AND ENVIRONMENTAL ENGINEERING TECHNOLOGY	9,835	9,835	9,835	(1,000)	8,835
0603726F	41	C3I SUBSYSTEM INTEGRATION	12,008	12,008	12,008		12,008
0603728F	42	ADVANCED COMPUTING TECHNOLOGY	11,005	11,005	11,005		11,005
0603771F	43	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	53,332	-	53,332	(53,332)	-
0603789F	44	C3 ADVANCED DEVELOPMENT	12,617	12,617	12,617		12,617
0603260F	45	INTELLIGENCE ADVANCED DEVELOPMENT	5,109	5,109	5,109		5,109
0603307F	46	AIR BASE OPERABILITY ADVANCED DEVELOPMENT	-	-	-		-
0603319F	47	AIRBORNE LASER TECHNOLOGY	19,954	19,954	19,954		19,954
0603402F	48	SPACE TEST PROGRAM	-	-	-		-
0603430F	49	ADVANCED MILSATCOM	30,038	30,038	30,038		30,038
	49a	POLAR SATCOM	-	-	58,000	58,000	58,000
0603434F	50	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM	23,861	18,861	13,861	(5,000)	18,861
0603438F	51	SATELLITE SYSTEMS SURVIVABILITY	-	-	-		-
0603440F	52	BRILLIANT EYES	-	-	-		-
0603441F	53	SPACE BASED INFRARED ARCHITECTURE (SBIR) - DEM/VAL	130,744	265,744	265,744	135,000	265,744
0603617F	54	COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	6,437	6,437	6,437		6,437
0603714F	55	DOD PHYSICAL SECURITY EQUIPMENT - EXTERIOR	-	-	-		-
0603742F	56	COMBAT IDENTIFICATION TECHNOLOGY	4,571	4,571	4,571		4,571
0603800F	57	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	151,186	125,686	151,186	(65,500)	85,686
0603851F	58	INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL	20,265	34,765	24,565		20,265
0603852F	60	C-130J - DEM/VAL	-	-	-		-
0603853F	61	EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV) PROGRAM - DEM/VAL	39,226	39,226	39,226		39,226
0604201F	62	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	16,892	16,892	16,892		16,892
0604212F	63	AIRCRAFT EQUIPMENT DEVELOPMENT	-	-	-		-
0604218F	64	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	756	756	756		756
0604222F	65	NUCLEAR WEAPONS SUPPORT	4,822	4,822	4,822		4,822
0604226F	66	B-1B	173,838	194,838	287,638	28,600	202,438
0604227F	67	TRAINING SYSTEMS DEVELOPMENT	8,786	8,786	8,786		8,786
0604231F	68	C-17 PROGRAM	85,753	85,753	85,753	(11,950)	73,803
0604233F	69	SPECIALIZED UNDERGRADUATE PILOT TRAINING	63,042	63,042	63,042		63,042
0604237F	70	VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT	-	-	-		-
0604239F	71	F-22 EMD	2,138,718	2,138,718	2,138,718		2,138,718
0604240F	72	B-2 ADVANCED TECHNOLOGY BOMBER	623,616	623,616	623,616		623,616
0604243F	73	MANPOWER, PERSONNEL AND TRAINING DEVELOPMENT	5,300	5,300	5,300		5,300
0604249F	74	NIGHT/PRECISION ATTACK	8,708	8,708	8,708		8,708
0604268F	75	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	-	-	-		-
0604270F	76	EW DEVELOPMENT	50,203	50,203	50,203		50,203
0604321F	77	COMBAT INTELLIGENCE SYSTEM -EMD	3,938	3,938	3,938		3,938

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0604441F	78	SPACE BASED INFRARED ARCHITECTURE (SBIR) - EMD	152,219	162,219	162,219	10,000	162,219
0604479F	79	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS	649,666	649,666	577,666	(72,000)	577,666
0604480F	80	GLOBAL POSITIONING SYSTEM BLOCK IIF	19,699	19,699	29,699		19,699
0604600F	81	MUNITIONS DISPENSER DEVELOPMENT	53,254	53,254	53,254		53,254
0604601F	82	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	-	-	-		-
0604602F	83	ARMAMENT/ORDNANCE DEVELOPMENT	8,075	8,075	8,075		8,075
0604604F	84	SUBMUNITIONS	4,953	4,953	14,953	10,000	14,953
0604609F	85	R&M MATURATION/TECHNOLOGY INSERTION	-	-	-		-
0604617F	86	AIR BASE OPERABILITY	9,692	9,692	9,692		9,692
0604618F	87	JOINT DIRECT ATTACK MUNITION	92,161	92,161	99,161	475	92,636
0604703F	88	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	6,235	6,235	6,235		6,235
0604704F	89	COMMON SUPPORT EQUIPMENT DEVELOPMENT	1,167	1,167	1,167		1,167
0604706F	90	LIFE SUPPORT SYSTEMS	4,035	4,035	4,035		4,035
0604707F	91	WEATHER SYSTEMS - ENG DEV	-	-	-		-
0604708F	92	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENGINEERING	2,737	2,737	2,737		2,737
0604711F	93	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	37	-	37	(37)	-
0604727F	94	JOINT STANDOFF WEAPONS SYSTEMS	44,025	44,025	44,025		44,025
0604733F	95	SURFACE DEFENSE SUPPRESSION	-	5,000	-		-
0604735F	96	COMBAT TRAINING RANGES	10,418	10,418	10,418		10,418
0604740F	97	COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	2,166	2,166	2,166		2,166
0604750F	98	INTELLIGENCE EQUIPMENT	1,294	1,294	1,294		1,294
0604754F	99	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	10,146	10,146	10,146		10,146
0604770F	100	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	169,702	203,702	169,702	12,500	182,202
0604779F	101	JOINT INTEROPERABILITY OF TACTICAL COMMAND & CONTROL SYSTEMS (JINTACCS)	6,356	6,356	6,356		6,356
0604851F	102	INTERCONTINENTAL BALLISTIC MISSILE - EMD	192,719	200,719	192,719		192,719
0303606F	103	UHF SATELLITE COMMUNICATIONS	15,568	13,068	9,068	(2,500)	13,068
0603402F	104	SPACE TEST PROGRAM	57,710	64,710	57,710	(10,710)	47,000
0604256F	105	THREAT SIMULATOR DEVELOPMENT	53,377	53,377	53,377		53,377
0604258F	106	TARGET SYSTEMS DEVELOPMENT	5,362	5,362	5,362		5,362
0604759F	107	MAJOR T&E INVESTMENT	37,879	37,879	37,879		37,879
0605101F	108	RAND PROJECT AIR FORCE	25,924	25,924	25,924		25,924
0605306F	109	RANCH HAND II EPIDEMIOLOGY STUDY	3,139	3,139	3,139		3,139
0605502F	110	SMALL BUSINESS INNOVATIVE RESEARCH (H)	-	-	-		-
0605708F	111	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	-	-	-		-
0605712F	112	INITIAL OPERATIONAL TEST & EVALUATION	24,506	24,506	24,506		24,506
0605807F	113	TEST AND EVALUATION SUPPORT	454,067	444,167	424,167	(19,900)	434,167
0605808F	114	DEVELOPMENT PLANNING	6,745	6,745	6,745		6,745
0605853F	115	ENVIRONMENTAL CONSERVATION	14,169	4,169	14,169	(10,000)	4,169
0605854F	116	POLLUTION PREVENTION	14,046	14,046	14,046		14,046

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0605856F	117	ENVIRONMENTAL COMPLIANCE	26,423	26,423	26,423		26,423
0605860F	118	ROCKET SYSTEMS LAUNCH PROGRAM (RSLP)	5,949	5,949	5,949		5,949
0605863F	119	RDT&E AIRCRAFT SUPPORT	-	-	-		-
0605876F	120	MINOR CONSTRUCTION (RPM) - RDT&E	-	-	-		-
0605878F	121	MAINTENANCE AND REPAIR (RPM) - RDT&E	-	-	-		-
0605896F	122	BASE OPERATIONS - RDT&E	117,083	126,983	126,983	6,900	123,983
0604268F	125	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	103,700	103,700	135,200	29,530	133,230
0101113F	126	B-52 SQUADRONS	16,505	16,505	36,505	4,500	21,005
0101120F	127	ADVANCED CRUISE MISSILE	7,060	7,060	7,060		7,060
0101213F	128	MINUTEMAN SQUADRONS	-	-	-		-
0102325F	129	JOINT SURVEILLANCE SYSTEM	4,711	4,711	4,711		4,711
0102411F	130	NORTH ATLANTIC DEFENSE SYSTEM	9,351	9,351	9,351		9,351
0102412F	131	NORTH WARNING SYSTEM (NWS)	1,015	1,015	1,015		1,015
0207129F	132	F-111 SQUADRONS	597	597	597		597
0207133F	133	F-16 SQUADRONS	175,600	175,600	175,600		175,600
0207134F	134	F-15E SQUADRONS	171,337	171,337	171,337		171,337
0207136F	135	MANNED DESTRUCTIVE SUPPRESSION	2,908	12,908	2,908		2,908
0207141F	136	F-117A SQUADRONS	3,881	3,881	3,881		3,881
		JASSM	-	-	50,000	25,000	25,000
0207160F	137	TRI-SERVICE STANDOFF ATTACK MISSILE	-	37,500	-		-
0207161F	138	TACTICAL AIM MISSILES	20,082	20,082	20,082		20,082
0207163F	139	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	42,311	50,311	47,311	5,000	47,311
0207217F	140	FOLLOW-ON TACTICAL RECONNAISSANCE SYSTEM	-	-	-		-
0207247F	141	AF TENCAP	21,966	21,966	21,966		21,966
0207248F	142	SPECIAL EVALUATION PROGRAM	87,184	87,184	87,184		87,184
0207411F	143	OVERSEAS AIR WEAPON CONTROL SYSTEM	-	-	-		-
0207412F	144	THEATER AIR CONTROL SYSTEMS	290	290	290		290
0207417F	145	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	96,696	96,696	96,696		96,696
0207419F	146	TACTICAL AIRBORNE COMMAND AND CONTROL SYSTEMS	2,093	2,093	2,093		2,093
0207422F	147	DEPLOYABLE C3 SYSTEMS	-	-	-		-
0207423F	148	ADVANCED COMMUNICATIONS SYSTEMS	1,934	1,934	1,934		1,934
0207424F	149	EVALUATION AND ANALYSIS PROGRAM	77,688	77,688	77,688		77,688
0207433F	151	ADVANCED PROGRAM TECHNOLOGY	157,397	157,397	157,397		157,397
0207438F	152	THEATER BATTLE MANAGEMENT (TBM) C4I	24,813	24,813	24,813		24,813
0207579F	153	ADVANCED SYSTEMS IMPROVEMENTS	105,548	105,548	65,548	(41,800)	63,748
0207590F	154	SEEK EAGLE	17,390	17,390	17,390		17,390
0207591F	155	ADVANCED PROGRAM EVALUATION	140,571	140,571	140,571		140,571
0207601F	156	USAF WARGAMING AND SIMULATION	19,762	19,762	19,762		19,762
0208006F	157	MISSION PLANNING SYSTEMS	20,585	20,585	20,585		20,585

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0208060F	159	THEATER MISSILE DEFENSES	25,102	25,102	53,102		25,102
0303110F	166	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	32,555	32,555	32,555		32,555
0303131F	167	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	15,777	15,777	15,777		15,777
0303140F	168	INFORMATION SYSTEMS SECURITY PROGRAM	11,261	11,261	12,761	1,500	12,761
0303144F	169	ELECTROMAGNETIC COMPATIBILITY ANALYSIS CENTER (ECAC)	-	-	-		-
0303601F	170	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	42,591	42,591	42,591		42,591
0303605F	171	SATELLITE COMMUNICATIONS TERMINALS	-	-	-		-
0305110F	173	SATELLITE CONTROL NETWORK	89,717	89,717	89,717	(5,100)	84,617
0305111F	174	WEATHER SERVICE	5,771	5,771	5,771		5,771
0305114F	175	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	3,968	3,968	3,968		3,968
0305119F	176	MEDIUM LAUNCH VEHICLES	21,898	21,898	21,898		21,898
0305128F	178	SECURITY AND INVESTIGATIVE ACTIVITIES	299	299	299		299
0305137F	179	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	13,759	13,759	13,759		13,759
0305138F	180	UPPER STAGE SPACE VEHICLES	3,554	3,554	3,554		3,554
0305144F	182	TITAN SPACE LAUNCH VEHICLES	140,514	140,514	140,514	(5,000)	135,514
0305145F	183	ARMS CONTROL IMPLEMENTATION	998	998	998		998
0305158F	184	CONSTANT SOURCE	3,089	3,089	3,089		3,089
0305160F	185	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	21,464	21,464	21,464		21,464
0305164F	186	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	17,371	17,371	17,371		17,371
0305165F	187	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	26,921	26,921	26,921	(1,000)	25,921
0305181F	189	WESTERN SPACE LAUNCH FACILITY (WSLF)	-	-	-		-
0305182F	190	EASTERN SPACE LAUNCH FACILITY (ESLF)	52,272	52,272	52,272		52,272
0305887F	191	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	-	-	-		-
0305905F	193	IMPROVED SPACE BASED TW/AA	-	-	-		-
0305906F	194	NCMC - TW/AA SYSTEM	60,897	60,897	60,897	7,900	68,797
0305910F	195	SPACETRACK	35,583	35,583	35,583		35,583
0305911F	196	DEFENSE SUPPORT PROGRAM	43,672	43,672	38,672	(6,231)	37,441
0305913F	197	NUDET DETECTION SYSTEM	16,277	16,277	16,277	(3,000)	13,277
0401119F	198	C-5 AIRLIFT SQUADRONS	-	-	-		-
0401218F	199	KC-135S	12,727	12,727	12,727		12,727
0401840F	200	AMC COMMAND AND CONTROL SYSTEM	-	-	-		-
0404102F	201	AEROSPACE RESCUE AND RECOVERY	5,369	5,369	5,369		5,369
0701111F	202	SUPPLY DEPOT OPERATIONS (NON-IF)	-	-	-		-
0702207F	203	DEPOT MAINTENANCE (NON-IF)	1,464	1,464	1,464		1,464
0708011F	204	INDUSTRIAL PREPAREDNESS	-	53,332	-	60,932	60,932
0708012F	205	LOGISTICS SUPPORT ACTIVITIES	-	-	-		-
0708026F	206	PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN. PROG OFC (PRAMPO)	15,719	15,719	15,719		15,719
0708054F	207	POLLUTION PREVENTION	-	-	-		-
0708611F	208	SUPPORT SYSTEMS DEVELOPMENT	5,906	5,906	5,906		5,906

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0804734F	209	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAINING	1,139	1,139	1,139		1,139
0901218F	210	CIVILIAN COMPENSATION PROGRAM	5,827	5,827	5,827		5,827
1001004F	211	INTERNATIONAL ACTIVITIES	3,713	3,713	3,713		3,713
		Joint Seismic Program and Global Seismic Network		-	9,500		
		FY95 Unobligated Balances		-	(9,500)		
XXXXXXXXXX	999	Classified Programs	3,203,479	3,396,479	3,312,079	149,763	3,353,242
		POLAR SATCOM					-
		Total Air Force RDT&E	12,598,439	13,182,102	13,087,389	316,429	12,914,868

Defense research sciences

The budget request included $239.893 million for defense research sciences in PE 61102F.

The House bill would authorize an additional $5.0 million for adaptive optics research.

The Senate amendment would reduce the budget request by $9.0 million and authorize $5.0 million for adaptive optics research.

The conferees agree, that of the $249.5 million authorized in this program element, $5.0 million shall be authorized for adaptive optics research.

Robotics corrosion inspection system

The House bill would authorize $8.0 million in PE 62102F to conduct a competitive program to demonstrate the feasibility of non-contact robotic corrosion inspection for detection of hidden corrosion and metal fatigue.

The Senate amendment did not include such authorization.

The conferees strongly encourage the Air Force to consider environmentally benign technologies that demonstrate the potential to provide a 25 percent savings in cargo and fighter aircraft inspection and repair costs through the use of non-contact robotic corrosion inspection.

Firefighting clothing

The conferees encourage the Department of Defense to continue to make greater use of commercial off-the-shelf technologies that meet military requirements without extensive development programs. The conferees are aware of recent commercial developments in thermal absorbing materials that would have the potential to significantly increase personnel protection for fighting aircraft, ship-board, and chemical fires. Accordingly, the conferees authorize an additional $1.25 million in PE 62201F for the development of a firefighting suit that would incorporate these technologies.

Aerospace propulsion

The budget request included $3.7 million in PE 62203F for the high thermal stability and the endothermic hydrocarbon fuels project 3048.

The House bill and Senate amendment would authorize an additional $3.0 million for the acceleration of this project.

The conferees agree that of the $75.0 million authorized for this program element that $6.7 million be authorized for project 3048.

Rocket propulsion technology

The House bill would authorize an additional $13.0 million for rocket propulsion technology programs in PE 62601F, PE 63302F, and PE 62111N.

The Senate amendment contained no similar provision.

The conferees agree to provide an additional $13.0 million, as specified in the House report (H. Rept. 104–131).

Computer security

The budget request included $98.5 million for Command, Control, and Communications in PE 62702F.

The House bill would authorize an additional $3.0 million to evaluate voice recognition computer security systems.

The Senate amendment contained no similar authorization.

The conferees direct that, of the $96.5 million authorized, $3.0 million be authorized for evaluation of voice recognition computer security systems, as specified in the House report (H. Rept. 104–131).

Aircraft ejection seats

The budget request included $19.0 million in PE 63231F for crew systems and personnel protection technology.

The House bill would authorize an additional $3.0 million to test existing Navy, Marine Corps, and Air Force front-line trainer and tactical aircraft ejection seats. Ejection seat tests would be conducted to verify predicted performance and to identify existing problems and the required corrective action.

The Senate amendment had no similar provision.

The conferees agree to authorize an additional $3.0 million in PE 63231F for the purposes specified in the House report (H. Rept. 104–131).

Micro-satellite development program

The budget request included $32.6 million in PE 63401F for Advanced Spacecraft Technology.

The Senate amendment would authorize an additional $20.0 million for a micro-satellite development program.

The House bill would authorize the budget request.

The House recedes.

The Air Force Phillips Laboratory, in conjunction with the Air Force Space Command's Space Warfare Center, has initiated a small satellite program to develop and demonstrate a variety of miniaturized space technologies. The micro-satellite program builds upon the highly successful Clementine satellite program. The conferees strongly support this effort and direct that it be placed under the control of the Space Warfare Center and be executed by the Clementine Team (Phillips Laboratory, Naval Research Laboratory, and Lawrence Livermore National Laboratory).

Intercontinental ballistic missile (ICBM) research and development and associated issues

ICBM DEMONSTRATION/VALIDATION

The budget request included $20.3 million in PE 63851F for six Minuteman-related projects.

The House bill would authorize an additional $14.5 million to complete acquisition and requirement documentation efforts and to conduct missile guidance technology experiments. The House report (H. Rept. 104–131) expressed concern that the budget request failed to include pre-milestone 0 and phase 0 funding for the command signal decoder, the modified miniature receive terminal for launch control centers, the safety enhanced reentry vehicle, and inertial measurement modifications.

The Senate amendment would authorize an additional $4.3 million to bolster the Air Force reentry vehicle applications project. The Senate report (S. Rept. 104–112) expressed concern that the reentry vehicle nose tip requirements were not adequately funded.

The conferees agree to authorize the budget request. The conferees also reiterate the concerns expressed in the House and Senate reports. The conferees understand that the Air Force is considering options to address these concerns from within their existing fiscal year 1996 budget, in particular the documentation issues identified in the House report. The conferees strongly urge the Air Force to fulfill these requirements.

ICBM ENGINEERING AND MANUFACTURING DEVELOPMENT

The budget request contained $192.7 million in PE 64851F to fund the Minuteman guidance and propulsion replacement programs.

The House bill would authorize an additional $8.0 million to fund the initial integration design and testing of the capability to integrate the Mk21 warhead on the new Minuteman guidance set. The House report (H. Rept. 104–131) endorsed using the Mk21, the safest warhead in the inventory, on the Minuteman, if and when it becomes available as a result of arms control treaties. The House report expressed concern that the current guidance replacement program fails to fund the design and testing necessary to ensure the Mk21 capability prior to initiation of the guidance set production.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request. The conferees, however, reiterate the concerns expressed in the House report (H. Rept. 104–131), and support the recommendations made therein. The conferees are concerned that the Department of Defense and the Air Force have failed to take the necessary action to ensure that the safest nuclear warheads are compatible with the new Minuteman guidance sets. Therefore, the conferees direct that, of the funds authorized for fiscal year 1996 in PE 64851F, up to $4.0 million shall be available to initiate efforts to ensure that the new Minuteman guidance sets are capable of accommodating the Mk21 warhead. The conferees further direct the Secretary of Defense to ensure that the funds necessary to continue this effort are included in the fiscal year 1997 budget request.

REENTRY VEHICLE MATERIALS

The Senate amendment would authorize $750,000 above the budget request in PE 62102F for the Thermal Protection Materials Reentry Vehicle project to purchase, test, and evaluate three nose tip billets and related technologies.

The House bill would not authorize additional funds for reentry vehicle materials.

The Senate recedes. Nevertheless, the conferees reiterate the concerns expressed in the Senate report (S. Rept. 104–112) regarding the adequacy of the reentry vehicle applications program, and, in particular, the reentry vehicle materials program. Therefore, the conferees direct that, of the funds available in PE 62102F, up to $750,000 shall be available for the Thermal Protection Materials Reentry Vehicle project to purchase, test, and evaluate three ICBM reentry vehicle nose tip billets and related thermal technologies.

BALLISTIC MISSILE TECHNOLOGY

The budget request contained $3.1 million in PE 63311F to conduct guidance and range safety technology experiments.

The House bill would authorize an additional $5.7 million for Minuteman class range tracking and safety equipment based on Global Positioning System (GSP) equipment developments.

The Senate amendment would authorize an additional $5.0 million for suborbital flight testing conducted at White Sands Missile Range for ballistic missile guidance, range tracking, and safety equipment, based on existing GPS equipment.

The conferees agree to authorize $5.7 million above the budget request to enhance ballistic missile technology experiments and to proceed with a follow-on to the successful Missile Technology Demonstration Flight 1 (MDT–1). The conferees commend the participants in this joint effort and encourage the Air Force, the Ballistic Missile Defense Organization, the Defense Nuclear Agency, and the Phillips Laboratory to continue to pursue such joint efforts. Prior to completing plans for a MTD follow-on, the conferees direct the Air Force to consult with the Senate Committee on Armed Services and the House Committee on National Security on the issues and options associated with the following: (1) the technologies to be tested; (2) the type of booster configuration to be employed; and (3) the test range to be used.

PEACEKEEPER CONTINGENCY PLANNING

The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees, by March 1, 1996, that outlines the Air Force's current plans for retiring Peacekeeper, and maintaining the system in the interim. The report should also address the additional actions and funding that would be required to maintain the option of retaining up to 50 Peacekeeper ICBMs in an operational status beyond 2003. The report should include a timetable that outlines when such actions and funding would be needed.

Weapon impact assessment system

The conferees are aware of innovative technologies that may significantly resolve the battlefield damage assessment problems related to tactical aviation. The conferees support the priorities established in the fiscal year 1996 Department of Defense Small Business Innovative Research Program solicitation (96.1) to expeditiously pursue weapon impact assessment technology. Accordingly, the conferees authorize $950,000, distributed equally between PE 64618N and PE 64618F, for a joint Navy-Air Force flight demonstration of a weapon impact assessment system that uses a video sensor-transmitter with precision guided munitions.

Stand-off land attack missiles

The budget request contained $40.5 million in PE 64603N for continued development of the stand-off land attack missile-enhanced response (SLAM-ER) as an interim replacement for the canceled tri-service stand-off attack missile (TSSAM) for the Navy.

The House bill would authorize the budget request for SLAM-ER. However, the House report (H. Rept. 104–131) would prohibit the Navy from obligating more than $10.0 million for the program without specific approval by the congressional defense committees.

The House bill would also provide an additional $37.5 million in PE 64312N for the Navy and an additional $37.5 million in PE 27160F for the Air Force to establish a joint program for accelerated development and evaluation of candidate joint air-to-surface stand-off missile (JASSM) systems as a near-term replacement for TSSAM. The House report would direct the Secretary of Defense to establish immediately such a program and would further direct the Secretary to report to the congressional defense committees within 60 days of the enactment of the Act on:

(1) the Department's plan to address near-term Navy and Air Force requirements for an interim TSSAM replacement;

(2) the Department's plans to satisfy these near-term requirements; and

(3) the long-term plan for development of a TSSAM replacement that will satisfy the requirements of both services.

The Senate amendment would authorize the budget request in PE 64603N for continued development of SLAM-ER, and would provide an additional $50.0 million for the Air Force in PE 27160F to initiate a JASSM program, with the expectation that the Department of Defense would establish a joint program to meet Air Force and Navy needs for a replacement for TSSAM.

The House recedes with an amendment. The conferees agree to:

(1) authorize the SLAM-ER budget request;

(2) provide $25.0 million for JASSM in the Air Force budget; and

(3) require the Department to report on plans for meeting near-term and long-term Air Force and Navy requirements for stand-off weapons systems.

JOINT AIR-TO-SURFACE STAND-OFF MISSILE (JASSM)

In testimony before the Congress this year, the Air Force and the Navy continued to support the requirement for a survivable, precision strike stand-off weapon. The DOD decision to cancel the TSSAM program exacerbated an already significant shortfall in this capability. The conferees stress the urgent need for the operational capability that would be provided by the TSSAM, and expect the Secretary of Defense to establish a joint program in the Air Force and the Navy for development of a TSSAM replacement, as recommended in both the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112).

The conferees are concerned about the approach the services may pursue to fulfill the JASSM requirement. The conferees note that there are a number of competing alternatives upon which the JASSM could be based. The conferees believe that JASSM could evolve from a existing, or planned interim weapons system. The conferees believe that, if the Department decides that a new weapon development is appropriate, the new development program should be based on technologies that have already been developed in the TSSAM program, or in other existing or planned stand-off weapons systems, including technologies relating to low and very low observability/stealth.

The conferees note that there are a number of competing alternatives upon which the JASSM could be based, and want to ensure that due consideration is given to all competing approaches. Therefore, the conferees direct the Department to consider the following in conducting the JASSM program: (1) the results of the TSSAM development program, and the potential for using technology and components derived from that program; and (2) the results of programs for development of other stand-off weapons systems, and the potential for using technologies derived from those programs. The conferees direct the Secretary of Defense to include, in his report on precision guided munitions, information on the extent to which the Department may avail itself of TSSAM-derivative components and technology, as well as, components and technologies derived from other stand-off weapons programs, in meeting the JASSM requirement.

REQUIRED REPORT

The conferees direct the Secretary of Defense to include in the report on the analysis required by the provision on precision guided munitions, the Department's plan for meeting near-term Navy and Air Force requirements for an interim TSSAM replacement and the long-term plan for development of a TSSAM replacement that will meet the requirements of both services. The conferees expect that the Department would establish the following for JASSM weapons system at the next milestong: design-to-unit cost goals; minimum performance parameters; and interface requirements between JASSM and launch platforms.

Mobile missile launch detection and tracking

The conferees are aware of a proposal to use specialized processing techniques on synthetic aperture radar data to detect medium-rage ballistic missiles shortly after launch. The conferees urge the Air Force to consider this promising concept and agree to authorize the use of up to $1.0 million in funds made available in PE 28060F to demonstrate the feasibility of this concept.

Rivet joint technology transfer program

The Senate amendment recommended a $28.0 million increase to the theater missile defense program element (PE 28060F) to initiate the migration of the Cobra Ball medium wave infrared acquisition technology for the Rivet Joint RC–135 tactical reconnaissance fleet.

The House bill did not contain a similar recommendation.

The Senate recedes.

The conferees encourage the Air Force to move forward with this near term, cost effective program. With the transfer of this mature technology, the Rivet Joint fleet would offer early deployment and provide a significant improvement to the Department of Defense's capabilities in long range surveillance, warning, rapid cueing for attack operations, and impact point prediction. To achieve this goal, the conferees would consider a reprogramming in fiscal year 1996. The conferees understand that funds for the completion of this technology migration are included in the Air Force future year defense plans for this program.

Information systems security

The budget request included $11.3 million in PE 33140F for the Air Force's Information Systems Security program.

The Senate amendment would authorize an additional $1.5 million to complete research and development of the Trusted RUBIX multi-level security database management system.

The House bill would authorize the budget request.

The House recedes.

Computer-assisted technology transfer

The conferees agree to authorize $7.2 million in PE 78011F to continue the computer-assisted technology transfer program.

Overview

The budget request for fiscal year 1996 contained an authorization of $8.802.9 million for Defense-Wide, Research and Development in the Department of Defense. The House bill would authorize $9,287.1 million. The Senate amendment would authorize $9,271.2 million. The conferees recommended an authorization of $9,419.5 million. Unless noted explicity in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL DEFENSE-WIDE				-	
0601101D	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	3,551	3,551	3,551		3,551
0601101E	2	DEFENSE RESEARCH SCIENCES	89,732	84,732	89,732	(8,400)	81,332
0601103D	3	UNIVERSITY RESEARCH INITIATIVES	236,165	256,165	231,165	(5,000)	231,165
0601110D	4	FOCUSED RESEARCH INITIATIVES	14,009	9,009	14,009	(5,000)	9,009
0601384BP	5	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	23,947	28,547	23,947	4,600	28,547
0602160D	6	COUNTERPROLIFERATION SUPPORT	9,952	9,952	9,952		9,952
0602173C	7	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES EXPLORATORY DEVELOPMENT	93,308	93,308	93,308		93,308
0602227D	8	MEDICAL FREE ELECTRON LASER	13,258	13,258	21,258	13,000	26,258
0602228D	9	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE AND ENGINEER	14,779	14,779	14,779		14,779
0602234D	10	LINCOLN LABORATORY RESEARCH PROGRAM	19,903	10,000	19,903	(7,000)	12,903
0602301E	11	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	403,875	389,875	406,875	(7,550)	396,325
0602384BP	12	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	60,665	84,165	60,665	7,850	68,515
0602702E	13	TACTICAL TECHNOLOGY	113,168	122,868	101,818	(4,350)	108,818
0602708E	14	INTEGRATED COMMAND AND CONTROL TECHNOLOGY	48,000	48,000	48,000		48,000
0602712E	15	MATERIALS AND ELECTRONICS TECHNOLOGY	226,045	253,545	242,045	16,000	242,045
0602715H	16	DEFENSE NUCLEAR AGENCY	219,003	223,003	242,003	22,700	241,703
0602787D	17	MEDICAL TECHNOLOGY	7,501	7,501	7,501		7,501
0305108K	18	COMMAND AND CONTROL RESEARCH	1,999	1,999	1,999		1,999
		DEFENSE HEALTH R&D					-
0603002D	19	MEDICAL ADVANCED TECHNOLOGY	4,088	4,088	4,088		4,088
0603104D	20	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	-	-	-	15,000	15,000
0603122D	21	COUNTERTERROR TECHNICAL SUPPORT	12,044	12,044	14,044	2,000	14,044
0603160D	22	COUNTERPROLIFERATION SUPPORT - ADV DEV	55,331	55,331	91,631		55,331
		ASAT PROGRAM		-		30,000	30,000
0603173C	23	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES - ADVANCED TECHNOLOGY	79,387	79,387	149,387	50,000	129,387
0603215C	24	LIMITED DEFENSE SYSTEM	-	-	-		-
0603216C	25	THEATER MISSILE DEFENSE ADVANCED DEVELOPMENT	-	-	-		-
0603218C	26	RESEARCH AND SUPPORT ACTIVITIES	-	-	-		-
0603225D	27	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,799	31,799	16,799	5,000	21,799
0603226E	28	EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES	618,005	673,805	626,005	(14,300)	603,705
0603384BP	29	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT	25,684	38,284	25,684	10,000	35,684
0603569E	30	ADVANCED SUBMARINE TECHNOLOGY	7,473	30,473	7,473	23,000	30,473
0603570D	31	DEFENSE LABORATORY PARTNERSHIP PROGRAM	16,106	-	10,106	(16,106)	-
0603570E	32	DEFENSE DUAL USE TECHNOLOGY INITIATIVE	500,000	-	238,000	(305,000)	195,000
0603704D	33	SPECIAL TECHNICAL SUPPORT	18,187	18,187	18,187		18,187
0603711H	34	VERIFICATION TECHNOLOGY DEMONSTRATION	33,971	33,971	33,971		33,971
0603716D	35	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	58,435	54,155	58,435	(280)	58,155
0603724D	36	BIOLOGICAL DEFENSE - ADVANCED DEVELOPMENT	-	-	-		-

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603725D	37	COMPUTERS & COMMUNICATIONS TO REDUCE MEDICAL COSTS	-	-	-		-
0603726D	38	JOINT TECHNOLOGY INSERTION PROGRAM	4,976	-	4,976	(1,500)	3,476
0603736D	39	CALS INITIATIVE	6,545	6,545	18,545	12,000	18,545
0603738D	40	COOPERATIVE DOD/VA MEDICAL RESEARCH	-	-	-		-
0603739E	41	ADVANCED ELECTRONICS TECHNOLOGIES	419,863	421,221	369,863	(10,845)	409,018
0603744E	42	ADVANCED SIMULATION	5,799	5,799	5,799		5,799
0603745E	43	SEMICONDUCTOR MANUFACTURING TECHNOLOGY	89,554	89,554	89,554		89,554
0603746E	44	MARITIME TECHNOLOGY	49,657	49,657	49,657		49,657
0603747E	45	ELECTRIC VEHICLES	-	-	-		-
0603748E	46	NATURAL GAS VEHICLES	-	-	-		-
0603749E	47	EARTH CONSERVANCY	-	-	-		-
0603750D	48	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	63,251	71,251	59,851	(18,400)	44,851
0603755D	49	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	89,682	89,682	89,682		89,682
0603756D	50	CONSOLIDATED DOD SOFTWARE INITIATIVE	-	-	-		-
0603771S	51	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	7,007	-	7,007	(7,007)	-
0603800E	52	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	30,675	30,675	30,675		30,675
0603832D	53	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	77,690	77,690	77,690		77,690
0305889E	55	COUNTERDRUG INTELLIGENCE SUPPORT	-	-	-		-
0603228D	56	PHYSICAL SECURITY EQUIPMENT	20,092	27,092	20,092		20,092
0603708D	57	INTEGRATED DIAGNOSTICS	10,266	10,266	10,266		10,266
0603709D	58	JOINT ROBOTICS PROGRAM	17,382	27,382	17,382	5,000	22,382
0603714D	59	ADVANCED SENSOR APPLICATIONS PROGRAM	25,923	35,923	35,923		25,923
0603715D	60	AIM-9 CONSOLIDATED PROGRAM	-	-	-		-
0603734J	61	ISLAND SUN SUPPORT	1,584	1,584	1,584		1,584
0603790D	62	NATO RESEARCH AND DEVELOPMENT	45,642	25,642	40,642	(22,142)	23,500
0603851D	63	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	14,939	14,939	26,939	12,000	26,939
0603861C	64	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - DEM/VAL	576,327	576,327	576,327		576,327
0603862C	65	THEATER MISSILE DEFENSE GROUND BASED RADAR (GBR-T) - DEM/VAL	-	-	-		-
0603863C	66	HAWK UPGRADES THEATER MISSILE DEFENSE ACQUISITION - DEM/VAL	23,188	23,188	23,188		23,188
0603864C	67	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - DEM/VAL	24,231	24,231	24,231		24,231
0603867C	68	NAVY LOWER TIER TMD ACQUISITION - DEM/VAL	-	-	-	185,000	185,000
0603868C	69	NAVY UPPER TIER TMD - DEM/VAL	30,442	200,442	200,442	170,000	200,442
0603869C	70	CORPS SURFACE-TO-AIR MISSILE - TMD - DEM/VAL	30,442	20,442	-	(10,000)	20,442
0603870C	71	BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISITION	49,061	29,061	-	(49,061)	-
0603871C	72	NATIONAL MISSILE DEFENSE - DEM/VAL	370,621	820,621	670,621	450,000	820,621
0603872C	73	OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES ACQUISITION	460,470	423,470	475,470	(22,000)	438,470
0603884BP	74	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL	32,461	36,861	32,461	1,600	34,061
0604225C	75	THEATER MISSILE DEFENSE ACQUISITION EMD PROGRAMS	-	-	-		-
0604705D	76	MOBILE OFFSHORE BASE ANALYSIS	-	-	-		-

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0201135J	77	CINC C2 INITIATIVES	-	-	-		-
0604160D	78	COUNTERPROLIFERATION SUPPORT - EMD	2,786	2,786	2,786		2,786
0604384BP	79	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	95,324	107,324	95,324	(3,707)	91,617
0604771D	80	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	62,068	62,068	62,068		62,068
0604861C	81	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	-	50,000	-		-
0604864C	82	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - EMD	14,301	14,301	14,301		14,301
0604865C	83	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	247,921	247,921	352,421	104,500	352,421
0604866C	84	ERINT/PATRIOT PAC-3 RISK REDUCTION - TMD - EMD	19,485	19,485	19,485		19,485
0604867C	85	NAVY LOWER TIER TMD ACQUISITION - EMD	237,473	282,473	282,473	(140,000)	97,473
0604889K	86	COUNTERDRUG ENGINEERING AND MANUFACTURING DEVELOPMENT PROJECTS	-	-	-		-
0603710D	87	CLASSIFIED PROGRAM - C3I	2,510	2,510	2,510		2,510
0603712S	88	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	16,800	16,800	16,800	(4,500)	12,300
0605104D	89	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	39,302	24,302	34,302	(15,000)	24,302
0605110D	90	TECHNICAL SUPPORT TO USD(A)--CRITICAL TECHNOLOGY	2,651	2,651	2,651		2,651
0605114E	91	BLACK LIGHT	4,745	4,745	4,745		4,745
0605117D	92	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	46,338	46,338	46,338		46,338
0605129D	93	TECHNICAL ASSISTANCE	4,927	-	-	(4,927)	-
0605160D	94	COUNTERPROLIFERATION SUPPORT	6,468	6,468	6,468		6,468
0605218C	95	BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT AND SUPPORT	185,542	165,542	155,542	(30,000)	155,542
0605384BP	96	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	4,936	4,936	4,936		4,936
0605502D	97	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605790D	98	SMALL BUSINESS INNOVATIVE RESEARCH ADMINISTRATION	1,574	1,574	-		1,574
0605798S	99	DEFENSE SUPPORT ACTIVITIES	14,752	14,752	14,752		14,752
0605801S	100	DEFENSE TECHNICAL INFORMATION CENTER	42,989	42,989	42,989		42,989
0605898E	101	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	32,643	32,643	32,643		32,643
0305154D	102	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	10,000	-	30,000		10,000
0305889D	103	COUNTERDRUG INTELLIGENCE SUPPORT	-	-	-		-
0708011S	104	INDUSTRIAL PREPAREDNESS	-	17,007	-	7,007	7,007
0201135J	105	CINC C2 INITIATIVES	200	200	200		200
0208045K	106	C3 INTEROPERABILITY (JOINT TACTICAL C3 AGENCY)	25,338	25,338	25,338		25,338
0302016K	109	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	2,153	2,153	2,153		2,153
0302019K	110	JOINT/DEFENSE INFORMATION SYSTEMS ENGINEERING AND INTEGRATION	5,138	5,138	5,138		5,138
0303126K	111	LONG-HAUL COMMUNICATIONS (DCS)	20,538	20,538	20,538		20,538
0303127K	112	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM	4,062	4,062	4,062		4,062
0303131K	113	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	2,269	2,269	2,269		2,269
0303140D	114	INFORMATION SYSTEMS SECURITY PROGRAM	23,884	23,884	23,884	(6,470)	17,414
0303153K	116	JOINT SPECTRUM CENTER	4,859	4,859	4,859		4,859
0303154J	117	WWMCCS ADP MODERNIZATION	-	-	-		-
0305139B	122	DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTION SYSTEM IMPR	80,131	98,131	80,131	(5,386)	74,745

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0305141D	123	JOINT REMOTELY PILOTED VEHICLES PROGRAM	-	-	-		-
0305154D	124	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	515,148	646,748	528,148	115,800	630,948
0305154I	126	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	-	-	-		-
0305157I	127	LAND REMOTE SENSING SATELLITE SYSTEM	-	-	-		-
0305159B	128	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	-	-	-		-
0305159I	130	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	59,183	59,183	59,183		59,183
0305190D	131	C3I INTELLIGENCE PROGRAMS	7,907	7,907	7,907		7,907
1160401BB	136	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	4,090	4,090	4,090		4,090
1160402BB	137	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,288	14,788	13,288	1,500	14,788
1160404BB	138	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	101,602	107,102	109,895	8,293	109,895
	138a	ATV	-	-	-		-
1160405BB	139	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	2,901	2,901	2,901		2,901
1160407BB	140	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,891	1,891	1,891		1,891
1160408BB	141	SOF OPERATIONAL ENHANCEMENTS	16,534	16,534	16,534		16,534
		NON-LETHAL WEAPONS TECHNOLOGIES		-	37,200	37,200	37,200
XXXXXXXXXX	999	Classified Programs	1,194,090	1,237,401	1,224,890	31,511	1,225,601
		READINESS FOR PROCUREMENT TECH ASST(Transfer to O&M)		-	(12,000)		
		Total Defense Wide	8,802,881	9,280,058	9,271,220	616,630	9,419,511
ACCOUNT		DIRECTOR OF TEST & EVAL DEFENSE					
0604940D	1	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	119,714	119,714	109,714	(5,000)	114,714
0605130D	2	FOREIGN COMPARATIVE TESTING	34,062	14,062	34,062	(1,609)	32,453
0605131D	3	LIVE FIRE TESTING	-	-	-		-
0605804D	4	DEVELOPMENT TEST AND EVALUATION	105,565	105,565	95,565	(1,650)	103,915
			259,341	239,341	239,341	(8,259)	251,082
ACCOUNT		DIRECTOR OF OPERATIONAL TEST & EVALUATION					
0605118D	1	OPERATIONAL TEST AND EVALUATION	12,183	12,183	12,183		12,183
0605131D	2	LIVE FIRE TESTING	10,404	10,404	10,404		10,404
			22,587	22,587	22,587		22,587

University research initiative

The budget request included $236.2 million in PE 61103D.

The House bill would authorize an additional $20.0 million above the requested amount for the continuation of the Defense Experimental Program to Stimulate Competitive Research (DEPSCoR).

The Senate amendment would apply a general reduction of $15.0 million to the requested amount and would add $10.0 million for the acceleration of research activities at universities affecting combat readiness. The Senate amendment would also authorize $10.0 million within the authorized amount for the continuation of the DODDS Director's fund for Science, Mathematics, and Engineering.

The conferees agree to an authorization of $231.2 million in PE 61103D, of which $20.0 million shall be for the continuation of the DEPSCoR program and $10.0 million for the continuation of the DODDS Director's fund for Science, Mathematics and Engineering. The conferees also agree to authorize an additional $10.0 million for the Combat Readiness Research program described on page 169 of the Senate report (104–112) and direct that an institution awarded a contract, grant or agreement under the program be required to contribute at least three times the amount provided by the Federal government to execute the program.

Chemical-biological defense program

The budget request contained $383.5 million for the Department of Defense chemical-biological defense program, including $243.0 million for research, development, test and evaluation and $140.5 million for procurement of chemical and biological defense non-medical and medical systems.

The House bill would authorize a $57.1 million increase to the budget request for the following chemical-biological defense research and development programs: $4.6 million for PE 61384BP; $23.5 million for PE 62384BP; $12.6 million for PE 63384BP; $4.4 million for PE 63884BP; and $12.0 million for PE 64384BP. The House bill would also authorize a total of an additional $50.0 million in operations and maintenance funding for chemical defense training and chemical medical defense training in the Army, Navy, Marine Corps, and Air Force.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase to the budget request in the following program elements: $4.6 million for PE 61384BP; $7.8 million for PE 62384BP; $10.0 million for PE 63384BP; and $1.6 million for PE 63884BP. The increased authorizations would augment and accelerate research and development in medical and non-medical chemical and biological defense. Prior to obligation or expenditure of funds authorized above the budget request, the conferees direct the Department to report on the projected use of these funds.

The conferees also agree to a $50.0 million increase in the military services operations and maintenance accounts for chemical defense training and chemical medical defense training. The conferees direct the Department to provide a report to Congress on the use of this increased funding in the Department's chemical defense training and chemical medical defense training. Additionally, the Department is directed to notify Congress 15 days in advance of obligation or expenditure of funds, and to provide a justification for the use of such funds in connection with the procurement of chemical-biological defense equipment.

Computing systems and communications technology

The budget request included $403.9 million for computing systems and communications technology in PE 62301E.

The House bill would reduce the budget request by $25.0 million. The House bill would authorize an additional $11.0 million for accelerated development of improved nuclear detection and forensic analysis capabilities.

The Senate amendment would authorize an additional $3.0 million for software reuse activities and $30.0 million in procurement for the global broadcast service.

The conferees agree to authorize $396.3 million in PE 62301E, to includg: $11.0 million for nuclear monitoring and detection; $8.0 million for global broadcast service; $7.5 million for software reuse; and a general reduction of $29.6 million.

Global broadcast service

The budget request contained no funds for global broadcast service (GBS).

The Senate amendment would authorize $30.0 million in weapons procurement, Navy, for a GBS pilot program. The Senate report (S. Rept. 104–112) endorsed insertion of this technology into the military communications master plan and the Navy's proposal to use the ultra-high frequency follow-on (UFO) satellite system as a host for an interim GBS capability.

Neither the House bill nor the House report (H. Rept. 104–131) addressed the subject.

The Senate recedes on the $30.0 million authorization in weapons procurement, Navy. The conferees, however, agree to authorize $8.0 million for fiscal year 1996 in PE 62301E to support this effort.

The conferees endorse the Senate language regarding the insertion of DBS/GBS technology into the communications master plan. The conferees, however, do not believe that the Department of Defense (DOD) has adequately evaluated all alternatives and associated issues. The conferees support proceeding swiftly with this program, but require additional information before endorsing any particular technical approach or acquisition strategy.

The conferees are aware of the time-sensitivity surrounding the Navy's proposal to use UFO satellites 8, 9, and 10 as host platforms, and that a protracted period of study and review may preclude this option (insofar as it is dependent on use of satellite 8, which is currently scheduled to be launched no later than December 1997). The conferees are also aware that the Deputy Under Secretary of Defense for Space has tentatively endorsed the UFO approach as an interim bridge to an objective GBS system.

Nonetheless, the conferees remain concerned that no detailed analysis of options and requirements has been presented to Congress. Not wanting to prematurely endorse any particular GBS option nor preclude any promising alternative, the conferees direct the Under Secretary of Defense for Acquisition and Technology to submit a report to the congressional defense committees that addresses the following issues regarding the development and deployment of interim and objective GBS capabilities: (1) the military requirement to be satisfied; (2) the cost, schedule, technical risk, and operational effectiveness of all hosted and free-flyer options; (3) the issues involved with the use of competitive procedures or other than competitive procedures; and (4) the role of GBS capabilities in the DOD's future military satellite communications architecture and the Department's strategy for acquiring and integrating such capabilities.

The conferees encourage early involvement by the Commanders-in-Chief (CINCs) to ensure that GBS capabilities support a broad range of joint missions in the CINCs' areas of responsibility. The conferees also believe that the Under Secretary for Acquisition and Technology should conduct a broad survey of the capabilities and views of industry prior to selecting a particular technical approach or acquisition strategy.

Once the congressional defense committees have received the report described above, the conferees would consider a reprogramming request to satisfy any outstanding fiscal year 1996 funding requirements. The conferees' approval of such a request would depend largely on the content of the report submitted, the offsets identified, and the degree to which the chosen GBS acquisition strategy is funded in the Secretary of Defense's fiscal year 1997 budget request and Future Years Defense Program.

Materials and electronics technology

The budget request included $226.1 million for material and electronics technology.

The House bill would authorize an additional $3.0 million for chemical vapor deposition (CVD) and $2.0 million for chemical vapor composite (CVC) deposition. The bill would also provide an additional $5.0 million for higher transition temperature superconducting (HTS) materials, $7.5 million for seamless high off-chip connectivity (SHOCC) and $10.0 million for non-woven aramide fiber packaging.

The Senate amendment would authorize an additional $8.0 million for CVD and $8.0 million for HTS.

The conferees agree to authorize $242.0 million in PE 62712E, an increase of $16.0 million. This increase provides $4.0 million each for CVC deposition and CVD diamond material development and $8.0 million for HTS. The HTS authorization shall include HTS wire applications and precision band pass filters and high "Q" antennae for military communication systems that operator in signal rich environments.

Counterterror technical support

The budget request included $12.0 million for the counterterror technical support program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.0 million to the budget request for the continued development of pulsed fast neutron analysis (PFNA) cargo inspection technology.

The House recedes.

Joint Department of Defense/Department of Energy munitions technology development

The budget request included $16.8 million for the joint Department of Defense and Department of Energy munitions program.

The House bill would authorize $31.8 million for the program, a $15.0 million increase to the budget request for environmentally compliant demilitarization and disposal of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors, and explosives.

The Senate amendment would authorize the budget request.

The conferees agree to a $5.0 million increase to the budget request for joint DOD/DOE munitions technology development (PE 63225D). In addition, the conferees agree to provide $15.0 million for explosives demilitarization technology (PE 63104D), discussed elsewhere in the report.

Experimental evaluation of major innovative technologies (EEMIT)

The budget request included $618.0 million for Experimental Evaluation of Major Innovative Technologies (EEMIT).

The House bill would authorize an additional $55.8 million for several programs, to includg: global grid communications ($5.0 million); safety and survivability ($2.0 million); synthetic theater of war ($6.8 million); cruise missile defense ($35.0 million); and antisubmarine warfare (ASW) ($7.0 million).

The Senate amendment would authorize an increase of $18.0 million for several programs, to includg: cruise missile defense ($10.0 million); thermophotovoltaics ($5.0 million); and funding for a large millimeter wave telescope ($3.0 million). The Senate would also authorize a general reduction of $10.0 million to the EEMIT program element.

The conferees agree to authorize $613.7 million in PE 63226E, the highest level of appropriation, and specifically identify the following programs for authorization: cruise missile defense ($10.0 million); large millimeter wave telescope ($3.0 million); safety and survivability ($2.0 million); ASW ($5.0 million); deep ocean relocation ($2.5 million); and Crown Royal ($5.0 million).

Safety and survivability

The House bill would authorize an additional $2.0 million in PE 65864N and an additional $2.0 million in PE 63226E for safety and survivability enhancements.

The Senate amendment contained no additional authorization for these purposes.

The conferees direct that of the funds authorized in PE 64864N and PE 63226E, $2.0 million each shall be used for safety and survivability enhancements, as specified in the House report (H. Rept. 104–131).

Shallow water anti-submarine warfare

The budget request included $16.5 million in PE 63226E for development and demonstration of advanced technologies for shallow water anti-submarine warfare operations.

The House bill would authorize an additional $7.0 million to begin an assessment by ARPA and the Navy of the use of newly developed and maturing multi-static acoustic, electromagnetic and electro-optic sensor technologies integrated into existing aircraft, ship, and submarine platforms in a combined system of sensors to provide the joint amphibious operational commander an integrated picture of the littoral maritime environment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to authorize an additional $5.0 million to the budget request to continue the development and demonstration of advanced technologies for shallow water anti-submarine warfare.

Synthetic theater of war

The budget request included $79.1 million in PE 63226E for the Advanced Distributed Simulation program.

The House bill would authorize an additional $6.8 million to maintain the program and schedule for the 1997 Synthetic Theater of War (STOW–97) advanced concept technology demonstration.

The Senate amendment would authorize the budget request.

The House recedes. The conferees are impressed by the results of the STOW–95 demonstration and the potential to meet the warfighting commanders' requirements for development and integration of improved simulation technologies for training and mission rehearsal. The conferees recognize that the STOW program could prove to be the foundation for the future Joint Simulations System for all the military services. The conferees strongly encourage the Secretary of Defense to maintain funding levels necessary to sustain the objectives and schedule of the STOW–97 advanced concept technology demonstration.

Tactical technology

The budget request included $113.2 million for this tactical technology program.

The House bill would authorize an additional $7.0 million for the tactical landing system project and an additional $7.0 million for a high resolution, mobile multiple object tracking system project.

The Senate amendment would authorize an additional $6.5 million for the tactical landing system project.

The conferees agree to authorize an additional $6.5 million in PE 63226E for completion of the tactical landing system project and an additional $7.0 million in PE 63226E for a high resolution, mobile multiple object tracking system.

Advanced submarine technology development

The budget request included $7.5 million in PE 63569E for the Advanced Research Projects Agency's (ARPA's) advanced submarine technology program.

The House bill would authorize an additional $23.0 million in PE 63569E. This increase would permit ARPA to pursue innovative technologies that could improve the capability of Navy submarines to operate in littoral regions, develop and demonstrate new concepts for structural acoustics and management of submarine signatures, and enhance the multi-mission capabilities of Navy submarines.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $30.5 million in PE 63569E, an increase of $23.0 million. Of the $23.0 million, $7.0 million shall only be available to continue transfer of technology to the Navy for active control of machinery platforms demonstrated in ARPA's Project M.

Rapid acquisition of manufactured parts

The House bill would authorize an increase of $12.0 million above the requested amount of $21.5 million in PE 63712N for the continuation of the rapid acquisition of manufactured parts (RAMP) program.

The Senate amendment would authorize an increase of $12.0 million above the requested amount of $6.5 million in PE 63736D for the RAMP program.

The House recedes.

Advanced lithography program

The budget request included $39.0 million in PE 63739E for advanced lithography programs.

The House bill would authorize an additional $25.0 million in PE 63739E for advanced lithography programs.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize $6.0 million, an additional $21.0 million, in PE 63739E, for advanced lithography programs.

Advanced electronics technologies

The budget request included $420.0 million for advanced electronics technologies in PE 63739E.

The House bill would authorize an additional $25.0 million for advanced lithography and a reduction of $23.6 million in project MT–07.

The Senate amendment reduced the budget request by a cumulative $50.0 million for three separate programs.

The conferees agree to a funding level of $409.0 million, which includes an additional $21.0 million for advanced lithography, $7.5 million for seamless high off-chip connectivity, and full funding for project MT–08. The conferees consider the work of the Center for Advanced Technologies to be worthy of continuation. The conferees note that the Department of Defense may, at its discretion, use funds authorized in PE 61101E to continue the program at the requested level.

Joint robotics program

The budget request included $17.4 million for the joint robotics program.

The House bill would authorize an additional $10.0 million for the mobile detection assessment response system (MDARS).

The Senate amendment contained no similar provision.

The conferees agree to an increased funding authorization of $5.0 million for MDARS in PE 63709D.

Advanced sensor applications program

The budget request included $17.4 million in PE 63714D for the advanced sensor applications program.

The House bill would authorize an increase of $10.0 million to the budget request, including $5.0 million for continued development of a research prototype laser radar anti-submarine warfare (LIDAR ASW) system concept, which is being investigated by the Office of the Secretary of Defense advanced sensor applications program (OSD ASAP), and $5.0 million for continued development of the Navy ATD–111 LIDAR ASW system. The House bill would encourage comparative testing of the two systems as a basis for establishing the requirement for a follow-on system.

The Senate amendment would authorize an additional $10.0 million for upgrade test and evaluation of the ATD–111 system, and would direct the Secretary of the Navy to prepare a plan for acquisition and deployment of the ATD–111.

The conferees have agreed to provide $10.0 million in PE 63528N for the Navy ATD–111 non-acoustic anti-submarine warfare program, as discussed elsewhere in this statement of managers. The conferees strongly support the comparative evaluation of the LIDAR ASW alternatives, and direct the Department of the Navy and the OSD ASAP to develop jointly a plan for testing these two alternative approaches to LIDAR ASW. The conferees expect that funds to complete the evaluation will be included in the fiscal year 1997 defense budget request.

Industrial preparedness (manufacturing technology) programs

The budget request included $17.8 million for the Army, $41.2 million for the Navy, $53.3 million for the Air Force, and $7.0 million for the Defense Agencies to fund the manufacturing technology (MANTECH) programs within these agencies.

The House bill would include an additional $10.0 million for the Army, an additional $10.0 million for the Navy, and approve the requested amount for the Air Force and the Defense. The House bill would also transfer funding from advanced development (6.3) program elements to industrial preparedness (7.8) program elements.

The Senate amendment would authorize all the manufacturing technology programs at the requested amounts and would transfer the funding from the program elements in the budget request.

The conferees agree to authorize funding for manufacturing technology programs, as follows:

	Millions
Army (PE 78045A)	$26.8
Navy (PE 78011N)	88.0
Air Force (PE 78011F)	60.9
Def. Ag. (PE 78011S)	7.0

Integrated bridge system for MK V special operations craft

The budget request included $13.3 million in PE 1160402BB for special operations advanced technology development.

The House bill would authorize an additional $1.5 million for development of a prototype maritime integrated bridge system for the MK V special operations craft to demonstrate the potential for advanced display and control technologies to enhance mission performance.

The Senate amendment would authorize the budget request.

The Senate recedes.

Quiet Knight advanced concept and technology demonstration

The budget request included $101.6 million in PE 116040BB for Special Operations tactical systems development, to include $3.5 million allocated by the U.S. Special Operations Command to continue the Quiet Knight advanced avionics technology demonstration.

The House bill would authorize the budget request. The House report (H. Rept. 104–131) expressed strong support for a Phase I (component development and demonstration) of an advanced concept technology demonstration of Quiet Knight for both fixed and rotary wing aircraft, and the continuation to a Phase II full scale demonstration and flight test of the integrated Quiet Knight capability. The House report also expressed the expectation that funding requirements for completion of the Phase II demonstration would be included in the fiscal year 1997 budget request.

The Senate amendment would authorize the budget request.

The conferees support completion of the Quiet Knight technology demonstration, and encourage the Department of Defense to validate the requirements for advanced low probability of intercept/low probability of detection avionics for special operations aircraft.

Advanced SEAL delivery system

The budget request included $24.6 million in PE 1160404BB to complete fabrication and integration of the first Advanced SEAL Delivery System (ASDS) and begin system level testing.

The House bill would authorize an additional $4.0 million to complete evaluation of the ASDS employed on the SSN–688 class submarine.

The Senate amendment contained a similar provision.

The conferees are pleased with the joint efforts of the U.S. Special Operations Command and the Navy in the development of ASDS. The conferees agree to increase the budget request by $4.0 million to complete evaluation of the ASDS.

Rigid hull inflatable boat

The budget request contained $11.7 million for procurement of special warfare equipment, including $10.1 million for procurement of the Naval Special Warfare 10 meter Rigid Hull Inflatable Boat (RHIB).

The House bill would authorize the budget request.

The Senate amendment noted that the U.S. Special Operations Command had reported that the 10 meter RHIB, on which initial developmental effort had been focused, performed unsatisfactorily during operational testing. As a result, a new strategy was adopted for development of a RHIB to meet Special Operations Forces' requirements. The Senate amendment would authorize an increase of $4.3 million in PE 1160404BB to support this developmental effort and would direct a corresponding reduction in the procurement account for special warfare equipment to offset the increase.

The House recedes. The conferees understand that the $4.3 million increase in PE 1160404BB for this purpose will support the competitive procurement of three to four prototype RHIBs for developmental testing and early operational assessment. The remaining $5.8 million authorized for procurement of special warfare RHIBs will be used to procure approximately 30 interim 24-foot RHIBs to alleviate deficiencies caused by the estimated three-year delay in initial operation capability for the new RHIBs.

Ballistic missile defense funding and programmatic guidance

The budget request contained $2,912.9 million for the Ballistic Missile Defense Organization (BMDO), including $2,442.2 million for Research, Development, Test, and Evaluation (RDT&E), $453.7 million for Procurement, and $17.0 million for Military Construction.

The House bill would authorize an additional $628.0 million for BMDO.

The Senate amendment would authorize an additional $490.5 million for BMDO.

The conferees agree to authorize a total of $3,516.9 million for BMDO, an increase of $603.9 million for BMDO, an increase of $603.9 million above the budget request. The conferees set forth funding allocations and programmatic guidance below.

BMDO FUNDING ALLOCATION

[In thousands of dollars]

Program	Budget Request	House Change	Senate Change	Conference Change	Conference Outcome
Support Tech	93,308				93,308
Support Tech	79,387		+70,000	+50,000	129,387
THAAD Dem/Val	576,327				576,327
Hawk	23,188				23,188
BM/C3 Dem/Val	24,231				24,231
Navy LT Dem/Val				+185,000	185,000
Navy UT Dem/Val	30,442	+170,000	+170,000	+170,000	200,442
Corps SAM	30,442	−10,000	+4,558	−10,000	20,442
BPI	49,061	−20,000	−49,061	−49,061	
NMD	370,621	+450,000	+300,000	+450,000	820,621
Other TMD	460,470	−37,000	+15,000	−22,000	438,470
THAAD EMD		+50,000			
BM/C3 EMD	14,301				14,301
PAC-3 EMD	247,921		+104,500	+104,500	352,421
PAC-3 EMD/RR	19,485				19,485
Navy LT EMD	237,473	+45,000	+45,000	−140,000	97,473
Management	185,542	−20,000	−30,000	−30,000	155,542
Patriot Proc	399,463		−104,500	−104,500	294,963
Navy LT Proc	16,897				16,897
Hawk Proc	5,106				5,106
BM/C3 Proc	32,242				32,242
BMDO Milcon	17,009				17,009

Theater High Altitude Area Defense (THAAD)—The conferees agree to authorize the budget request of $576.3 million in PE 63861C for THAAD Demonstration/Validation (Dem/Val).

The conferees endorse the language in the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) regarding the THAAD User Operational Evaluation System (UOES) option, and the need to ensure a smooth and timely transition from the Dem/Val phase to the Engineering and Manufacturing Development (EMD) phase. The conferees direct the Secretary of Defense to restructure the THAAD program so as to achieve a First Unit Equipped (FUE) by fiscal year 2000. The conferees believe that this objective can be facilitated by making only minor modifications to the UOES design and beginning Low-Rate Initial Production as soon as the EMD missiles have been adequately tested. Subsequent performance improvements to the initial system configuration should be incorporated through block upgrades, as appropriate and necessary. The conferees note that this approach would reduce overall THAAD development costs while significantly accelerating fielding of an operational system. Therefore, the conferees urge the Secretary of Defense to release the THAAD engineering and manufacturing development (EMD) request for proposal. Finally, the conferees direct the Secretary of Defense to promptly initiate development of all battle management software for the THADD system, including that necessary to receive cuing information from external sensors.

Navy Upper Tier—The budget request included $30.4 million in PE 63868C for the Navy Upper Tier program.

The conferees agree to authorize an increase of $170.0 million for a total Navy Upper Tier authorization of $200.4 million. The conferees direct the Secretary of Defense to include the Navy Upper Tier program in the core theater missile defense (TMD) program and to structure the Navy Upper Tier development and acquisition program so as to achieve an initial operational capability (IOC) not later than fiscal year 2001, with a UOES capability not later than fiscal year 1999. The conferees look forward to receiving the results of the various studies that are assessing Navy Upper Tier technical issues and deployment options. The conferees agree to require the Director of BMDO to provide a status report to the congressional defense committees, not later than March 1, 1996, that summarizes the findings and recommendations (as available) of these analyses. The Director of BMDO should include in such report an assessment of options for reducing risk and enhancing competition in the Navy Upper Tier program, including the option of establishing a competitive development and flight test program between the Lightweight Exoatomospheric Projectile (LEAP) and THAAD kill vehicles.

The conferees believe that competition within the Navy Upper Tier program is desirable, but do not support the notion of competition between the Navy Upper Tier and THAAD programs. The conferees are convinced that the United States can and should develop and deploy both sea-based and land-based upper tier programs. Although there may be an opportunity to reduce the number of TMD programs being developed by the Department of Defense, the conferees strongly oppose the notion of a competition and down-select between the THAAD and Navy Upper Tier systems. The conferees view these as critical and complementary systems.

Patriot—The budget request included $247.9 in PE 64865C for PAC–3 EMD, $19.5 million in PE 64866C for PAC–3 risk reduction, and $399.5 million for Patriot procurement.

The conferees agree to authorize the overall amount requested for the Patriot program and related activities. Within this overall authorization, the conferees agree to transfer $104.5 million from Patriot procurement to PAC–3 EMD, a total authorization of $352.4 million in PE 64865C.

Navy Lower Tier—The budget request included $237.5 million in PE 64867C for Navy Lower Tier EMD and $16.9 million for Navy Lower Tier procurement.

The conferees agree to authorize an increase of $45.0 million for Navy Lower Tier Dem/Val and to transfer $140.0 million from Navy Lower Tier EMD to Navy Lower Tier Dem/Val, a total of $185.0 million in PE 63867C.

Corps SAM—The budget request included $30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system.

The conferees agree to authorize $20.4 million for Corps SAM, a reduction of $10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The conferees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC–3 and THAAD, reintegration of existing systems and technologies may offer an achievable, cost-effective, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than $15.0 million may be obligated until such report has been submitted to the congressional defense committees.

Boost-Phase Intercept—The budget request included $49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept (BPI) program.

The House bill would authorize $29.1 million for the kinetic BPI program.

The Senate amendment would authorize no funds for the kinetic BPI program in PE 63870C. However, the Senate amendment would authorize $15.0 million in the Other TMD (OTMD) program element (PE 63872C) to initiate a joint United States-Israel BPI program based on unmanned aerial vehicles (UAVs).

The conferees agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferees agree to authorize the use of up to $15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferees support a joint U.S.-Israel UAV-BPI program focused on risk mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of both sides. The conferees also support continuation of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferees authorize the use of up to $30.0 million, from within funds made available in the OTMD program element, to continue the AIT program. The conferees are disappointed that the Department has not completed its review of BPI programs and options in time to inform the conferees' deliberations and decisions. Therefore, the conferees agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV BPI program.

Other TMD—The budget request contained $460.5 million in PE 63872C for OTMD programs, projects, and activities.

The House bill would authorize $423.5 million for OTMD.

The Senate amendment would authorize $475.5 million, including the $15.0 million for the UAV-BPI program cited above.

The conferees agree to authorize $438.5 million for OTMD. Of this amount, the conferees authorize the use of up to $15.0 million to explore a UAV–BPI program and up to $30.0 million to continue the AIT advanced kill vehicle program.

National Missile Defense—The budget request contained $370.6 million in PE 63871C for National Missile Defense (NMD).

The House bill would authorize $820.6 million for NMD.

The Senate amendment would authorize $670.6 million for NMD.

The conferees agree to authorize $820.6 million for NMD. The conferees provide detailed programmatic guidance on NMD elsewhere in this Statement of Managers.

Support Technologies—The budget request contained $93.3 million in PE 62173C and $79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.

The House bill would authorize the budget request for BMD Support Technologies.

The Senate amendment would authorize an increase of $70.0 million in PE 63173C for the Space-Based Laser (SBL) program.

The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of $50.0 million, for a total authorization of $129.4 million in PE 63173C. The conferees believe that it is critical for the United States to continue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Alpha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; (3) produce the concept of operations and design requirements for a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.

The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to increase funding for advanced technology development. However, the conferees note that such increases will require an overall increase in the funds allocated to BMDO. The conferees support such an increase in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities endorsed by the conferees.

BMDO is required to set aside 2.15 percent of extramural research, development, test, and evaluation authorized and appropriated (RDT&E) funds for Small Business Innovative Research (SBIR) efforts. Since the conferees recommend a level of funding for BMD programs exceeding the budget request, and programmed funding for SBIR represents a level below the mandated percentage, the Director of BMDO is authorized to transfer such funds as necessary from BMD program elements into PE 62173C to achieve the required percentage for SBIR.

BMDO Management—The budget request contained $185.5 million in PE 65218C for BMD Management.

The House bill would authorize $165.5 million for BMDO Management.

The Senate amendment would authorize $155.5 million for BMDO Management.

The conferees agree to authorize $155.5 million for BMDO Management. The conferees recognize that BMDO must maintain the integrity of its oversight of the overall BMD program. The conferees are concerned, however, that BMD management infrastructure may be unnecessarily duplicated in one or more of the services. Therefore, the conferees direct that BMDO identify any such duplication and take actions to eliminate it. The conferees request that the Director of BMDO consult with the Senate Committee on Armed Services and the House Committee on National Security regarding the Director's findings and proposed actions. The conferees further direct that BMDO show no increase in fiscal year 1997, after adjustments for inflation and any change in mission, over the level appropriated for management in fiscal year 1996.

Cruise missile defense funding

The House bill would authorize an increase of $76.0 million above the budget request for cruise missile defense programs, projects, and activities.

The Senate amendment would authorize an increase of $145.0 million above the budget request for a similar group of programs, projects, and activities.

The conferees agree to authorize an increase of $85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex.

ITEMS OF SPECIAL INTEREST

Anti-submarine warfare program

The conferees share the concerns raised in the House report (H. Rept. 104-131), and in the classified annex to that report, regarding the apparent decline in priority of the Navy's anti-submarine warfare (ASW) program. The conferees agree that there is a need for an assessment of the nation's overall ASW program. The conferees' concerns are addressed further in the classified annex to this Statement of Managers.

The conferees direct the Secretary of Defense to assess the current and projected United States ASW capability in light of the continuing development of quieter nuclear submarines, the proliferation of very capable diesel submarines, the sale of sophisticated, submarine launched weapons, and the declining trend in budget resources associated with ASW programs. This assessment should identify both short-term and long-term improvements that are needed to cope with the evolving submarine threat in both littoral and open ocean areas. The results of this assessment and the plan for the United States ASW program shall be reported to the congressional defense committees by July 1, 1996.

Geosat follow-on program

The House report (H. Rept. 104-131) addressed the issue of converging the Navy's Geosat Follow-On (GFO) altimetry program with the National Aeronautics and Space Administration's TOPEX/Poseidon Follow-On (TPFO) altimetry program.

The Senate report (S. Rept. 104-112) did not address the issue.

The conferees share the concerns raised in the House report. The conferees are dismayed that the report to Congress on altimetry convergence was submitted more than three months later than an already extended deadline. The conferees are also troubled that the report recommends proceeding with the TPFO option, despite the fact that this approach would cost more, not involve U.S. construction and control of the satellite, and not provide the same level of data security. The TPFO option would require the Navy to spend an additional $5.2 million, for which it has not budgeted, to add global positioning system (GPS) and direct downlink capabilities critical for satisfying Navy requirements. The conferees direct that no funds authorized for the Department of Defense be obligated or expended during fiscal year 1996 for activities associated with adding GPS and direct downlink capabilities to TPFO.

High performance computing modernization program

In addition to supporting efforts to reduce the RDT&E infrastructure, the conferees continue to support investment in high performance computing (HPC) resources for use in the developmental test and evaluation (DT&E) community and recognize the need for a transition to HPC-based resources, integrated DT&E, and operational test and evaluation (OT&E). The conferees direct the Secretary of Defense to prepare a long-term plan for modernization of HPC resources at test and evaluation centers, and for the integration of HPC-based models, advanced data bases, and other decision support resources into the RDT&E infrastructure. In preparing the plan, the Secretary should rely on the collaborative input from the Director of Defense Research and Engineering, the Director of Test Systems Engineering and Evaluation, and the Director of Operational Test and Evaluation. The plan shall address budgeting options that provide for a realistic program and propose financing methods that can insure that needed infrastructure investments are made in a timely manner. The conferees direct the Secretary to submit the proposed plan with the Department of Defense budget recommendations to the congressional defense committees, no later than March 31, 1996.

Low-low frequency acoustics

The conferees share the understanding expressed in the House report (H. Rept. 104-131) that of the funds authorized and appropriated in fiscal year 1994 and 1995 for the low-low frequency acoustics (LLFA) technology program approximately $30.0 million remain available and are sufficient to continue the program through fiscal year 1996. The conferees further understand that the fiscal year 1996 program will focus on operational concepts for the LLFA, technical performance, command and control, environmental considerations, and the transition of the LLFA technology to existing fleet platforms. The conferees agree with the House that based on the emerging results of the fiscal year 1996 program consideration of additional funding for LLFA technology program, should be deferred until the fiscal year 1997 budget request.

Machine tool controller

The conferees are aware of a recent cooperative research and development agreement, entered into by the Department of Energy, two national laboratories, and a private sector consortium, to develop and test an open-architecture machine tool controller. The conferees encourage the Secretary of Defense to develop a plan to ensure a thorough evaluation of the technology and its application to the specific needs of defense contractors.

National security space policy, management, and oversight

The House report (H. Rept. 104-131) and the Senate report (S. Rept. 104-112) each contained reporting requirements concerning policy, management, and oversight of U.S. national security space programs. In lieu of the reporting requirements contained in those reports, the conferees direct the Secretary of Defense to submit a report to the Congress, not later than April 15, 1996, that addresses in detail the following matters:

(1) *The results of the Administration's reviews of U.S. national and military space policies*—The conferees direct that copies of any updated policy directives (including unclassified and classified forms) that result from the reviews be included as attachments to the Secretary's report. The conferees view the Administration's decision to initiate such reviews as appropriate in light of changes in the international security environment, and expect the reviews will be completed in time to permit Departmental witnesses to discuss the results in hearings on the President's fiscal year 1997 budget request.

(2) *The activities of the Joint Department of Defense Intelligence Community Space Management Board (JSMB)*—The report shall include a copy of the charter for the Board and a description of its planned functions, operations, and staffing. The report shall address the responsibilities for the development of an integrated national security space architecture and the integrated acquisition of national security space systems. In addition, the report shall describe the Board's plans for reviewing military and intelligence satellite communications architectures and systems. The conferees endorse the establishment of the JSMB, noting that improved integration of military and intelligence satellite architectures and systems can result in significant cost-savings and efficiencies in the acquisition and operation of those systems.

(3) *The status of and plans for completing a national security space master plan to guide investments in military and intelligence space architectures and systems for the coming decade*—The conferees note with concern that the Department failed in a similar, but more narrowly focused, undertaking when, in the Statement of Managers to accompany the National Defense Authorization Act for Fiscal Year 1993 the National Defense Authorization Act for Fiscal Year 1993 (H. Rept. 102-966), the conferees directed the Department to develop "a comprehensive acquisition strategy for developing, field, and operating DOD space programs." Nonetheless, the conferees applaud the decision of the Deputy Under Secretary of Defense for Space to begin drafting such a master plan, and request that the report include an estimated completion date for the plan.

(4) *The Department's plans for ensuring that, even as oversight of national security space acquisition and planning is centralized, each of the military services is able to influence decisions regarding space architectures and systems*—The conferees direct that the report includg: (a) an assessment of progress to date in centralizing DOD space management; (b) the organizational structure that will be achieved upon completion of the planned consolidation, and an estimated completion date for such consolidation; (c) a description of how the DOD plans to protect service-unique interests and other equities in the new centralized organization; (d) the anticipated reductions in personnel and infrastructure that will result from such consolidation; and (e) the degree to which effectiveness and efficiency will be enhanced by the new structure and associated procedures.

The conferees are aware that the Department has established a Space Architect Office as part of the space management reorganization. Given that this is a new function and organization, budget planning was not completed prior to submittal of the amended fiscal year 1996 budget request. Therefore, the conferees agree to authorize the use of up to $10.0 million in Air Force research, development, test, and evaluation funds to operate the Space Architect Office in fiscal year 1996.

Shortstop

The conferees stress the need to move forward without delay on the Shortstop countermeasure system, and encourage the Secretary of the Army to maintain funding for the currently planned program leading to procurement.

Softwar operations

The conferees direct the Air Force's Phillips Laboratory Combat Space Operations

Program Office to examine the use of commercially developed Information Warfare Systems that use television enhanced situational awareness for "softwar" operations. The Secretary of the Air Force shall report to the congressional defense committees by January 1, 1996 on the results of the Phillips Laboratory examination and the possibility to fund a technology demonstration in "softwar" operations. The conferees direct the Secretary to pursue this technology if the examination results in a favorable recommendation.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Modifications to strategic environmental research and development program (sec. 203)

The House bill contained a provision (sec. 203) that would make certain modifications to chapter 172 of title 10, United States Code, which governs the Strategic Environmental Research and Development Program.

Senate amendment contained no similar provision.

The Senate recedes with an amendment that would streamline and simplify program activities, facilitate program management, and promote cost effectiveness. The existing annual reporting requirement would continue until fiscal year 1997, at which point an abbreviated annual reporting requirement would become effective. The Senate amendment would ensure that the level of participation by the Secretary of Energy would not be subject to change. The conferees agree that there is a continuing need for Department of Energy participation in the program, and the retention of some reporting requirements.

Defense dual-use technology initiative (sec. 204)

The House bill would deny the entire funding request of $500.0 million for the Defense Reinvestment Program (PE 63570E).

The Senate amendment would rename the program the Defense Dual-Use Technology Initiative and reduce the requested authorization for the program by $262.0 million.

The conferees agree to change the name of the program and to authorize $195.0 million for the program. The conferees have included a provision that would limit the availability of the funds authorized in PE 63570E only for the purpose of continuation or completion of projects initiated before October 1, 1995. The conferees have also included language that would require the Secretary of Defense, prior to obligation of funds, to provide the congressional defense committees with notice regarding the projects to be funded with $145.0 million of the amount authorized for the program. The conferees have also required that, for the remaining $50.0 million of the total amount authorized, the Secretary should certify, prior to obligation of funds, that the projects that would be carried out using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

Space launch modernization (sec. 211)

The House bill contained a provision (sec. 211) that would authorize $100.0 million for a competitive reusable rocket technology program, and $7.5 million for evaluation of prototype hardware of low-cost expendable launch vehicles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $50.0 million for a competitive reusable rocket technology programs, provided that the National Aeronautics and Space Administration allocates at least an equal amount for its reusable space launch program.

Tactical manned reconnaissance (sec. 212)

The House bill contained a provision (sec. 213) that would prohibit the Air Force from conducting any research and development on tactical manned reconnaissance systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report explaining the Air Force's planned uses of funds for the tactical manned reconnaissance mission.

Joint advanced strike technology (JAST) program (sec. 213)

The budget request included three requests for research and development funding for the joint advanced strike technology (JAST) program: $149.3 million for the Navy, 151.2 million for the Air Force, and $30.7 million for the Advanced Research Projects Agency.

The House bill contained a provision (sec. 216) that would reduce the request for JAST by $51.0 million, evenly divided between the Navy and the Air Force, and limit to 75 percent the obligation of fiscal year 1996 appropriations until the Secretary of Defense provides a report to the congressional defense committees. The provision would require that the Secretary's report specify the numbers and capabilities of JAST-derivative aircraft and related weapons systems necessary to support two major regional contingencies.

The Senate amendment would approve the JAST request. The Senate amendment also contained a provision (sec. 211) that would require the Navy to evaluate a variant of the F-117 stealth fighter to fulfill Navy requirements within the JAST program. The Senate amendment would add $175.0 million to the Navy program for this propose, with $25.0 million to provide initial engineering analysis and specific risk reduction efforts, and $150.0 million to develop a flying prototype. Authorization of a flying prototype would be contingent on approval by the Secretary of the Navy's approval of results of initial analytical efforts.

The Senate report (S. Rept. 104-112) questioned whether the program could fulfill the needs of the three services, and directed the Department to include two separate approaches in the JAST program to reduce program risk. The Senate amendment directed the Secretary of the Navy to:

(1) ensure that the JAST program leads to competitive demonstration involving tests of full scale, full thrust aircraft by competitors to provide test data for evaluation by the services; and

(2) evaluate at least two propulsion concepts from competing engine companies as part of those demonstrations.

Subsequent to passage of the Senate amendment and the House bill, the Department redefined the JAST program. Although additional resources will be necessary, from fiscal year 1997 onward, to execute this new program, these changes have led to fiscal year 1996 deferral of $131.0 million.

The conferees share the concerns expressed in the Senate report (S. Rept. 104-112) regarding the lack of engine competition and the size of flying prototypes. The conferees direct the Under Secretary of Defense (Acquisition & Technology) (USD (A&T)) to ensure that: (1) the Department's JAST program plan provides for adequate engine competition in the program; and (2) the scale of the proposed demonstrator aircraft is consistent with both adequately demonstrating JAST concepts and lowering the risk of entering engineering and manufacturing development (EMD). The conferees direct the Secretary of Defense to include in the report required by section 213(d) the Department's plan for competitive engine programs and demonstrator aircraft.

The conferees recommend authorization of funds reflecting these changes, and agree to a provision (sec. 213) that would:

(1) require that the Secretary of Defense provide a report to the congressional defense committees specifying thg:

(a) the numbers and capabilities of JAST-derivative aircraft and related weapons systems required to support two major regional contingencies; and

(b) the department's plan for competitive engine programs and demonstrator aircraft;

(2) limit obligations for the JAST program to no more than 75 per cent of fiscal year 1996 appropriations, until the Secretary of Defense provides this report;

(3) authorize up to $25.0 million from Navy Research, Development, Test and Evaluation to conduct a six month program definition phase for the A/F-117X to determine whether such an aircraft could affordably meet the Navy's next generation aircraft strike requirements;

(a) if the USD (A&T) determines that a six month definition phase is warranted, he shall provide a report on the results of the concept definition phase to the congressional defense committees, not later than May 1, 1996;

(b) if the USD (A&T) determines otherwise and certifies that an A/F-117X aircraft is not needed to meet the Navy requirements and is not a cost effective approach to meeting Navy needs, the provision would allow the Department to use the $25.0 million for other JAST activities.

(4) authorize $7.0 million for competitive engine concepts.

Continous wave, superconducting radio frequency, free electron laser (sec. 214)

The House bill contained a provision (sec. 217) that would authorize $9.0 million in PE 62111N for the establishment of a continuous wave, superconducting radio frequency, free electron laser program within the Office of the Secretary of the Navy.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy mine countermeasure program (sec. 215)

The Senate amendment contained a provision (sec. 212) that would transfer primary responsibility for developing and testing naval mine countermeasures from the Director, Defense Research and Engineering to the Under Secretary of Defense for Acquisition and Technology. It would provide for the exercise of this responsibility during fiscal years 1997 through 1999.

The House bill contained no similar provision.

The House recedes with an amendment that would establish fiscal years 1996 through 1999 as the period for exercise of the responsibility.

The conferees note that section 216(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) provides that the Secretary of Defense may waive this assignment of responsibility if he annually certifies the adequacy of:

(1) the mine countermeasures master plan prepared by the Department of the Navy; and

(2) the budget resources provided for implementation of the plan.

Space-Based Infrared System (sec. 216)

The Senate amendment contained a provision (sec. 214) that would accelerate development and deployment of the Space and Missile Tracking System (SMTS), formerly known as Brilliant Eyes, and that would require the Secretary of the Air Force to obtain the concurrence of the Director of the Ballistic Missile Defense Organization (BMDO) before implementing any decision that would impact the SMTS program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a program baseline for the overall Space-Based Infrared System (SBIRS) program. The baseline would include the following:

(1) overall program structure, including: (A) program cost and an estimate of the funds required in each fiscal year in which development and acquisition activities are planned, (B) a comprehensive schedule with program milestones and exit criteria, and (C) optimized performance parameters for each segment of the integrated system;

(2) a development schedule for SMTS structured to achieve the first launch of a Block I satellite in fiscal year 2002, and initial operational capability (IOC) of the system in fiscal year 2003;

(3) full integration of SMTS into the overall SBIRS architecture; and

(4) establishment of the performance parameters of all space segment components so as to optimize the performance of the integrated system while minimizing unnecessary redundancy and cost.

The provision adopted by the conferees would require the Secretary of Defense to provide a report to the congressional defense committees on the SBIRS program baseline not later than 60 days after the enactment of this Act.

The conference provision would also establish the following program elements for the SBIRS program:

(1) Space Segment High;
(2) Space Segment Low (SMTS); and
(3) Ground Segment.

The conference provision requires the SBIRS baseline to include an SMTS IOC by fiscal year 2003 to support national and theater missile defenses. The conferees understand that the Air Force has defined this IOC as consisting of 12–18 satellites. The conferees urge the Air Force to make every effort to achieve an 18 satellite IOC by fiscal year 2003.

In accelerating the SMTS program, it is not the conferees' intent to reduce the priority and importance of the SBIRS High components. The conferees endorse the schedule that the Air Force has established for the SBIRS High components. The SBIRS program should feature complementary and mutually supportive elements that do not include excessive technical and functional redundancy.

Although SMTS can, over time, become a multi-functional sensor system capable of fulfilling missions such as technical intelligence and battlespace characterization, the conferees direct the Air Force to ensure that the SMTS Flight Demonstration System (FDS) and Block I system be designed primarily to satisfy the missile defense mission. Missions not related to theater and/or national ballistic missile defense should not be allowed to add significant cost, weight or delay to the SMTS FDS or Block I system. This scaled-down approach will ameliorate the technical challenges associated with an accelerated schedule while contributing to overall affordability.

To support this schedule and missile defense focus, the conferees direct the Secretary of Defense to commence SMTS pre-engineering and manufacturing development (EMD) activities in fiscal year 1996 and to ensure that the FDS and Block I satellites are equipped with long-wave infrared sensors. The conferees endorse the design characteristics specified in the Senate report (S. Rept. 104–112) regarding the objective SMTS system. The conferees have authorized sufficient funds in fiscal year 1996 to commence these activities and to prepare the way for a fiscal year 1998 FDS launch.

Over time, as the Air Force gains operational experience with the High and Low Block I systems, it is likely that SMTS will be able to assume a much larger share of the SBIRS requirements burden. In the meantime, the conferees urge the Secretary of Defense to initiate technical and cost trade studies among the SBIRS space systems and include any preliminary findings and recommendations in the SBIRS baseline report.

The budget request for SBIRS included $130.7 million for demonstration/validation (Dem/Val), $152.2 million for EMD, and $19.9 million for procurement. Of the funds requested for Dem/Val, $114.8 million was for SMTS. The conferees agree on the following authorizations:

(1) $265.7 million in PE 63441F for SBIRS Dem/Val, of which $249.8 million is for SMTS; and

(2) $162.2 million in PE 64441F for SBIRS EMD, of which $9.4 million is for the Miniature Sensor Technology Integration (MSTI) program.

The conferees are aware of a recent proposal to increase competition and reduce risk in the SMTS program through a low-cost flight experiment. The conferees direct the Air Force and BMDO to carefully assess the merits of this concept and to include their joint findings and recommendations in the SBIRS baseline report. * * *

Defense Nuclear Agency programs (sec. 217)

The budget request contained $219.0 million for research and development at the Defense Nuclear Agency (DNA).

The Senate amendment contained a provision (sec. 216) that would authorize $242.0 million for fiscal year 1996 for research and development programs (PE 62715H), a $23.0 million increase to the budget request. The increase would providg: $3.0 million for the establishment of a tunnel characterization/neutralization program; $6.0 million for the establishment of a long-term radiation tolerant microelectronics program and require the Secretary to report to Congress on the program and future year funding; $4.0 million for the exlectro-thermal gun program; and transfer the Air Force thermionics program and any unobligated funds to the DNA and provide $10.0 million to accelerate that program.

The House report (H. Rept. 104–131) would provide a $4.0 million increase to the budget request for the electro-thermal gun technology.

The conferees agree to a provision that would authorize $241.7 million, a $22.7 million increase above the budget request, for DNA research and development programs (PE 0602715H). Of that amount, $3.0 million shall be available for a tunnel characterization/neutralization program, $4.0 million shall be available for the electro-thermal gun technology program, $6.0 million shall be available for the establishment of a long-term radiation tolerant microelectronics program and development of long pulse, high power microwave technology; and $4.0 million shall be available for the counterterror explosives research program. Additionally, the Secretary is directed to provide a report to Congress, 120 days after enactment of this Act, on the conduct of the long-term radiation tolerant microelectronics program and future years funding for this program. The remainder of the increase should be used to supplement the tunnel characterization/neutralization program and the long-term radiation tolerant microelectronics program, as appropriate.

TUNNEL CHARACTERIZATION/NEUTRALIZATION PROGRAM

The conferees understand that the Department of Defense has allocated $10.0 million of funds requested in the budget for the counterproliferation support program for a tunnel characterization/neutralization program. Although the DNA tunnel characterization/neutralization target tests and program would be executed independently of the Department's counterproliferation efforts, the conferees expect close coordination between the two programs to ensure that common concerns are addressed. The acceleration, the conferees authorize the use of up to $40.0 million of the funds authorized for SMTS in fiscal year 1996 to begin a low-cost flight experiment.

The conferees congratulate the Air Force and BMDO for reaching agreement on the acquisition management relationship for execution of the SMTS program. In light of the Memorandum of Agreement between the Air Force Acquisition Executive and the Director of BMDO, the Senate recedes on its language dealing with management oversight of the SMTS program. As with all aspects of the SMTS program, however, the conferees will continue to monitor management oversight with great interest. If the present management structure does not fulfill the expectations of the conferees, or lead to implementation of the guidance provided above, the conferees will reconsider transferring SMTS back to BMDO.

* * * * *

THERMIONICS

The conferees direct the transfer of the thermionics conversion technology from the Air Force Weapons program (PE 62601F), together with all unobligated funds authorized and appropriated in prior years, totalling around $12.0 million, to the Defense Nuclear Agency program (PE 62715H).

Counterproliferation support program (sec. 218)

The budget request contained $108.2 million for the defense counterproliferation support program.

The Senate amendment contained a provision (sec. 217) that would authorize $144.5 million for the program, a $36.3 million increase to the budget request. Of the funds authorized in this section, $6.3 million would be available to the Special Operations Command (SOCOM) for purposes of broadening SOCOM's counterproliferation activities and $30.0 million would be available for the continuation of the Army tactical antisatellite technologies (ASAT) program (PE 63392A) for a user operation evaluation system (UOES) contingency capability. The provision would authorize the Department of Defense to transfer up to $50.0 million from fiscal year 1996 defense research and development accounts for counterproliferation support activities.

The House bill would authorize the budget request for the counterproliferation support program and include $11.0 million for the development of improved nuclear detection and forensics analysis by the Advanced Projects Research Agency (ARPA).

The conferees agree to a provision that would authorize $138.2 million for the counterproliferation support program, of which $30.0 million shall be available for the continuation of the Army tactical antisatellite technologies program. Of the funds authorized in fiscal year 1996, the conferees recommend that $1.5 million be available for the exploration of the "deep digger" concept for hard target characterization, and that $5.0 million be available for the high frequency active auroral research program (HAARP).

The conferees acknowledge concerns raised in the Senate report (S. Rept. 104–112) regarding the need for the Department to continue the aggressive pursuit of discriminate detection and attack capabilities of deep underground structures. The Department should continue to develop the capability to detect and defend against biological agents through the use of technologies, available through universities and non-profit industries, that have been developed for biological detection, emergency preparedness and response. The Department should also continue to develop a capability to counter technological gains by proliferant countries that could gain access to a broad mix of commercial-off-the-shelf space technologies which could provide these countries with significant space capabilities or access to space-derived data and could negatively impact a spectrum of multi-service and joint warfighting capabilities.

TACTICAL ANTISATELLITE TECHNOLOGY

The conferees direct the Secretary of Defense to include sufficient resources in fiscal year 1997, and throughout the future year defense plan (FYDP), for the following: a user operation evaluation system (UOES) contingency capability to produce 10 kill vehicles with the appropriate boosters by fiscal year 1999; a review to determine the appropriate management structure and military service responsibility; report on the current status of antisatellite development worldwide and the degree to which United States antisatellite development efforts may contribute to similar development among other nations and their impact on U.S. operational capabilities; and to report the Department's recommendations to Congress in the fiscal year 1997 budget request. To avoid significant or lengthy delays in developing a needed capability, the conferees direct the Department to leverage, or build upon the current Army tactical antisatellite technology program. The conferees note that authorization of funds for continued development of the tactical antisatellite system does not constitute a decision to deploy the system.

MISSION PLANNING AND ANALYSIS

The conferees recommend that $2.5 million from Air Force operation and maintenance (O&M) be made available for Strategic Air Command (STRATCOM) mission planning and analysis. The STRATCOM program provides support to the regional commanders-in-chief (CINCs) in advance planning for counterproliferation contingencies. This program aids commanders in identifying and characterizing current and emerging proliferation threats. In instances in which proliferation activities challenge the interests of the United States and its military forces and operations, STRATCOM mission planning and analysis capabilities allow defense planners to: identify a variety of potential military targets; assess the effectiveness, consequences and costs of military options; and develop alternative contingency plans that would maximize mission effectiveness, and minimize the risks, costs, and collateral effects.

IMPROVED NUCLEAR DETECTION AND FORENSIC ANALYSIS CAPABILITIES

Due to an increase in international terrorism and attempts by criminal elements to acquire weapons-grade nuclear material, the conferees recommend $11.0 million to accelerate the development of improved nuclear detection and forensic analysis capabilities in PE 62301E, project ST23. The conferees direct the ARPA to closely coordinate its efforts in this area with the counterproliferation support program manager in the Department of Defense and the interagency group on counterproliferation.

Nonlethal Weapons Program (sec. 219)

The Senate bill contained a provision (sec. 218) that would establish a new, consolidated program for non-lethal systems and technology. The program would be managed by the Office of Strategic and Tactical Systems of the Under Secretary of Defense for Acquisition and Technology. The provision would create a new program element within the defense budget for this program, and transfer funds from PE 603570D, PE 603750D, PE 603702E, and PE 603226E into this new program element.

The House bill contained no similar provision.

The House recedes with an amendment that would express congressional recognition of the U.S. armed forces increasing role in operations other than war, recognition of support for the use of nonlethal weapons and systems across the spectrum of conflict, and concern that development of these technologies is being spread across the budgets of the military services and defense agencies. The conferees direct the Department of Defense to submit a report to Congress by February 15, 1996 and direct the Secretary of Defense to assign responsibility for the nonlethal weapons program to an existing office within the Office of the Secretary of Defense or designate an executive agent from the military services, to establish centralized responsibility for development and fielding of nonlethal weapons technology. The conferees authorize $37.2 million in a new defense program element for nonlethal weapons programs and nonlethal technologies programs.

The conferees believe that centralized responsibility for the nonlethal weapons program will ensure effective program management and expeditious development, acquisition, and fielding of nonlethal weapons and systems. The conferees further understand that both the Department of the Army and the Marine Corps are the primary users of these technologies and recommend the designation of either military service as the executive agent for this important program. Further, the conferees understand that the Department of the Army and the Marine Corps have closely coordinated their efforts in this area and expect this coordination to continue to ensure centralized management and improved budgetary focus for the nonlethal weapons program. The provision would also require the Department of report to Congress by February 15, 1996 on the designation of the executive agent for oversight of the program, the acquisition plan, the time frame for fielding systems, current and anticipated military requirements, and the Department of Defense policy regarding the nonlethal weapons program.

Federally-Funded Research and Development Centers (sec. 220)

The House bill contained a provision (sec. 257) that would require the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to reevaluate the functions of Federally-Funded Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to $1.15 billion and reduce funding for FFRDCs and University-Affiliated Research Centers (UARC) by $90.1 million.

The Senate amendment contained a provision (sec. 219) that would require an undistributed reduction in FFRDC funding of $90.0 million, below the ceiling for fiscal year 1995, and would establish a statutory ceiling for FFRDCs of $1.2 billion in fiscal year 1996.

The Senate recedes with an amendment. The conferees agree to reduce the funding for FFRDCs and UARCs by $90.0 million in fiscal year 1996 and direct that not more than $9.0 million of this reduction be applied to funding for UARCs. The conferees have included language that would require the Secretary of Defense to manage the UARCs at the fiscal year 1995 level. The conferees direct the Secretary of Defense to ensure adequate funding in fiscal year 1996 for those FFRDCs that engage in studies and analysis for the Office of the Secretary of Defense and the services. The conferees also direct the Secretary to examine the possibility of increasing the use of the Software Engineering Institute in support of command, control, communications, computing, and intelligence programs managed by the Office of the Secretary of Defense.

Joint seismic program and global seismic network (sec. 221)

The Senate amendment contained a provision (sec. 224) that would authorize $9.5 million of unobligated fiscal year 1995 funds in Air Force research and development for the joint seismic program (JSP) and the global seismic network (GSN) to provide more robust monitoring research and expanded seismic monitoring of potential nuclear tests.

The House bill contained no similar provision.

The conferees agree to a provision that would authorize $9.5 million in fiscal year 1996 for the joint seismic and global seismic network programs. The conferees understand that no future year funds would be required for this program. Further, the conferees direct the Department of Defense Comptroller to release the funds in a timely manner so that the programs can be completed.

Hydra–70 rocket product improvement program (sec. 222)

The Senate amendment contained a provision (sec. 113) that would prohibit the obligation of funds to procure Hydra–70 rockets until the Secretary of the Army submitted certifications regarding: identification of causes and technical corrections of Hydra–70 rocket failures; comparative cost of correcting all Hydra–70 rockets versus the non-recurring costs of acquiring improved rockets; review and qualification of commercial, non-developmental systems to replace Hydra–70 rockets; the availability of training rockets to meet Army requirements; and the attainment of competition in future procurements of training rockets.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to authorize up to $10.0 million for full qualification and operational platform certification of a Hydra-70 rocket with a 2.75-inch rocket motor with composite propellant, for use on the AH-64D Apache helicopter.

Limitation on obligation of funds until receipt of electronic combat consolidation master plan (sec. 223)

The conferees agree to a provision that limits the obligation of appropriations for PE 65896A, PE 65864N, PE 65807F, and PE 65804D until 14 days after the Department of Defense submits to the congressional defense committees its master plan for the consolidation of electronic combat test and evaluation assets.

The House report (H. Rept. 103-499) directed the Secretary of Defense to develop a master plan for future consolidation of all DOD electronic combat test and evaluation assets. Further, the House report directed that no fiscal year 1995 or prior year funds be used to transfer or consolidate electronic combat test and evaluation assets until 30 days after the submission of the master plan to the congressional defense committees. To date, the master plan has not been provided to the congressional defense committees and funds continue to be obligated for purposes that contravene the House report language.

Obligation of certain funds delayed until receipt of report on science and technology rescissions (sec. 224)

The conferees agree to a provision that limits the obligation of appropriations for Department of Defense research, development, test and evaluation until 14 days after the Under Secretary of Defense (Comptroller) submits a report to the congressional defense committees detailing the allocation of rescissions for science and technology required by the Emergency Supplemental Appropriations and Rescissions to Preserve and Enhance Military Readiness of the Department of Defense for Fiscal Year 1995 (Public Law 104-6).

Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation (sec. 225)

The conferees agree to a provision that limits to 50 percent the obligation of appropriations in section 201(4) until 14 days after the Under Secretary of Defense (Comptroller) submits a report to the congressional defense committees detailing the allocation of the following reductions in research, development, test, and evaluation required by the Department of Defense Appropriations Act of 1996: (1) general reductions; (2) reductions to reflect savings from revised economic assumptions; (3) reductions to reflect the funding ceiling for federally funded research and development centers; and (4) reductions for savings through improved management of contractor automatic data processing cost charged through indirect rates on Department of Defense acquisition contracts.

Advanced field artillery system (Crusader) (sec. 226)

The House bill contained a provision (sec. 255) that would impose spending authority limitations on the Secretary of the Army, unless certain technical performance criteria are achieved in the Crusader program. The provision would permit the Secretary to significantly alter the Crusader acquisition plan for the cannon propellant, if it is required to achieve the objectives of the Advanced Field Artillery System, provided notification is given to the defense committees of the Senate and House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would terminate funding for the liquid propellant portion of the Crusader program in the event that the Secretary fails to provide a report to the congressional defense committees by August 1, 1996, documenting that significant progress has been made in the liquid propellant and regenerative liquid propellant gun, in accordance with the acquisition program baseline objectives.

Demilitarization of conventional munitions, rockets, and explosives (sec. 227)

The House bill contained a provision (sec. 263) that would authorize $15.0 million for the establishment of an integrated program for the development and demonstration of environmentally compliant technologies for the demilitarization of conventional munitions, explosives, and rocket motors, and indicated specific technologies that should be considered in the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete reference to specific technologies that should be considered in the program. The amendment reflects a conference agreement to authorize $15.0 million in PE 63104D for the Conventional Munitions, Rockets, and Explosives Demilitarization account.

The conferees are concerned about requirements for disposal by the military services and defense agencies of growing numbers of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors and explosives. As environmental constraints increasingly restrict the traditional disposal methods of open burning or open detonation, development and demonstration of environmentally compliant technologies for this purpose become even more urgent.

The conferees believe that a centralized conventional munitions and explosives disposal program should be established for this purpose within the Department of Defense (DOD) under a single program element, and that consideration should be given to the model of the Large Rocket Motor Demilitarization program, centrally managed by the Army as executive agent, with the requirements of the military services integrated through the Joint Ordnance Commanders' Group. In such a program, the conferees encourage the consideration of a range of competitively selected potential resource recovery and alternative demilitarization technologies, including (but not limited to) cryogenic washout, supercritical water oxidation, molten metal pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt oxidation, incineration, critical fluid extraction and ingredient recovery, and underground contained burning.

The conferees direct the Secretary of Defense to submit a report of the DOD plan for the establishment of such a program to the congressional defense committees by March 31, 1996.

Defense airborne reconnaissance program (sec. 228)

The budget request included $525.2 million for research and development for the Defense airborne reconnaissance program (DARP).

The House bill would add a total of $121.6 million to the requested amount. The Senate amendment would increase the request by $33.0 million. Details of the adjustments in the House bill and the Senate amendment, as well as the final conference agreement, are displayed in the table below:

	Budget request	House bill	Senate amendment	Conference agreement
Total	$525.2	+$121.6	+$33.0	+$114.8
UAV programs:				
Joint tactical maneuver		−36.8	....	−10.0
Hunter	....	....	....	....
Navy variant (VTOL)	....	....	....	+12.5
Tier II	....	+25.9	....	+25.3
Tier II+	....	+60.0	....	....
Tier III	....	+35.0	....	+18.0
U-2 upgrade programs:				
SYERS	....	+14.0	....	+14.0
Defensive systems	....	....	+13.0	+10.0
SIGINT	....	....	+20.0	+20.0
PGMs	....	−10	....	....
Other programs:				
CIGGS	....	+16.0	....	+11.0
Common data link	....	+0.5	....	....
EO framing sensors	....	+5.0	....	+7.0
MSAG	....	+12.0	....	+8.0

MANNED AND UNMANNED RECONNAISSANCE SYSTEMS

The conferees remain optimistic about the future contributions of unmanned aerial vehicle (UAV) systems to the Department of Defense's (DOD) reconnaissance missions. However, the conferees remain unwilling to sacrifice proven manned systems in the near-term for the promise of unproven future systems. Further, the conferees believe five major UAV programs are overly redundant. The conferees are aware of the Department's intent to reduce the number of UAVs to satisfy the tactical, theater, and strategic missions. The conferees agree that it is important for the Department to satisfy these three distinct missions.

Further, the conferees believe the Department's endurance UAV programs must be viewed in the larger context of the broad area search/wide area surveillance missions. The conferees are concerned that the current and projected array of sensors (including Tier II+ and Tier III− UAVs, SR-71, U-2, and national systems) are not simply "complementary", but are "duplicative". The conferees will, therefore, remain extremely interested in the Department's future directions with respect to high altitude endurance UAV efforts.

MANEUVER UAV

The budget request included $36.8 million for the maneuver UAV.

The House will would deny any authorization for the maneuver UAV because the Department had failed to provide either a joint operational requirements document (JORD) or a cost and operational effectiveness analysis (COEA) in a timely manner.

The Senate amendment would approve the budget request.

The conferees agree to authorize $26.8 million for the maneuver UAV. The conferees are disappointed that the Department took so long to complete the JORD and the COEA. The conferees hope that the results of the ongoing review of the various UAV programs will be provided to the congressional defense and intelligence committees in a more timely fashion.

JOINT TACTICAL UAV

The conferees remain particularly concerned about the Department's inability to develop and pursue a cohesive joint tactical UAV (JT-UAV) master plan for longer than a four month period. The conferees direct the Department not to use appropriated fiscal year 1996 funds to procure production Hunter UAV systems or additional low rate initial production units beyond those already ordered. The conferees intend that this prohibition remain in effect until the Department provides the congressional defense and intelligence committees with the results of its

UAV program review. Accordingly, if the Department's review results in the cancellation of one or more of the currently planned UAV programs, the conferees direct the Department to seek reprogramming actions to use those funds to satisfy other CINC near-term reconnaissance support requirements. Any funds made available as a result of Department decisions on UAVs will remain within the DARP account. Of any resources made available from UAV restructuring, the conferees direct that the Department use them to fully fund the U-2 sensor upgrades described later in this section. Any additional excess resources over those used for U-2 sensor upgrades may be used for the naval variant (VTOL). Further, the conferees specifically deny authorization of any fiscal year 1996 funds for marinization of the Hunter UAV.

NAVAL VARIANT UAV

The conferees agree that development and evaluation of a joint tactical UAV (JT-UAV) short or vertical take-off and landing (STOL/VTOL) variant for naval applications should be continued and structured on existing successful efforts. The conferees agree to authorize an additional $12.5 million to support continued development and evaluation of VTOL JT-UAV variants, as detailed in the Senate report (S. Rept. 104-112). The conferees intend that the Department limit its air vehicle evaluation to items that are low risk, currently available off-the-shelf, and have the demonstrated potential to meet joint tactical UAV interoperability and performance requirements.

MEDIUM ALTITUDE ENDURANCE UAV (PREDATOR)

The House bill would authorize an additional $25.9 million for the Tier II medium altitude endurance UAV (Predator).

The Senate amendment included a provision (sec. 131) that would deny funds for the Tier II system.

The Senate recedes.

The conferees agree to authorize an additional $25.3 million for another Predator system (air vehicles and ground station) and replacement air vehicles. The conferees are encouraged by the successes of the Predator advanced concept technology program, and particularly by the theater commanders' praise for its contributions in the Bosnia area. The conferees strongly support continuation of this ACTD, and encourage the Department to take the necessary steps to make a full production decision. The conferees believe this vehicle could satisfy multiple operational roles, including the theater and maritime roles. The conferees encourage the Department to develop plans for a maritime use of this vehicle. Such planning should include conducting an operational demonstration at sea. Finally, the conferees agree to authorize all prior year allocated funds.

HIGH ALTITUDE ENDURANCE UAVS

The House bill would authorize an additional $60.0 million for the Tier II+ and $35.0 million for the Tier III-.

The Senate amendment would authorize the budget request for both programs.

The House recedes on Tier II+. The Senate recedes on the Tier III-. The conferees agree to authorize an additional $18.0 million for Tier III-.

As with the JT-UAV, the conferees expect the Department to make acquisition decisions on this issue based on operational requirements. However, the conferees emphasize that the Department needs a more capable, low observable vehicle. The conferees agree that the Department should use the additional $18.0 million for Tier III- to buy the third air vehicle in fiscal year 1996, instead of fiscal year 1997. The conferees direct the Department to provide the congressional defense and intelligence committees with a report on the operational user needs for such a vehicle. If the current estimate of the Tier III- system capabilities fall short of those needs, the Department should outline its technical proposals to improve this vehicle, in response to those user requirements.

U-2 SENSOR UPGRADES

The House bill would authorize an additional $14.0 million to upgrade all Senior Year electro-optical reconnaissance sensors (SYERS) to the newest configuration, upgrade existing ground stations, and improve geolocational accuracy through various product improvements.

The Senate amendment would authorize an additional $20.0 million to initiate the remote airborne SIGINT system upgrade program.

The Senate report (S. Rept. 104-112) contained a technical error in the table for Research, Development, Test, and Evaluation (RDT&E), Defense-Wide, that shows an increase in the DARP PE 35154D, line 102, rather than in line 124. This error was facilitated by the Department's budget exhibit for RDT&E programs (R-1) in which both of these budget lines are associated with the same program element. The conferees encourage the Defense Airborne Reconaissance Office (DARO) to carry a single R-1 line for an individual program element in the future.

The conferees view with concern the DARO's lack of emphasis on manned reconnaissance upgrades, and include a provision that requires the Director of the DARO to expeditiously carry out those upgrades. The conferees agree to authorize $34.0 million to meet U-2 sensor upgrade requirements, and direct the Secretary of Defense to provide a report on the Department's plans to obligate funds for U-2 upgrades prior to February 1, 1996.

U-2 DEFENSIVE SYSTEMS

The conferees agree to authorize $10.0 million to upgrade U-2 defensive systems for the purposes specified in the Senate Report (S. Rept. 104-112).

COMMON IMAGERY GROUND/SURFACE SYSTEM (CIGSS)

The budget request included $161.8 million for the CIGSS effort.

The House bill would authorize an additional $16.0 million. This increase would be used to mitigate a near-term funding shortfall for DARO's "migration" of the various imagery ground stations to a common architecture.

The Senate amendment would approve the budget request.

The conferees agree to authorize an additional $11.0 million for this effort.

INTELLIGENCE DISSEMINATION

The budget request included funds for numerous intelligence dissemination systems and data links.

The House bill would restrict the use of funds pending the Department's development of a coherent, long-term intelligence dissemination architecture and a plan for development of a joint tactical transceiver (JTT).

The Senate amendment would authorize the requested amounts.

The House recedes.

The conferees are pleased with the Department's response to the House bill provision. The conferees believe that the Department is moving in the right direction to ensure service interoperability and to reduce the number of unique tactical intelligence transceivers. Additionally, the conferees are aware that the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence is monitoring efforts to develop advanced software reprogrammable radios. The conferees strongly encourage continued involvement in this technology development, as it appears to have great potential for future application in the JTT program. The conferees will continue to monitor the progress of the Department's approach.

ELECTRO-OPTICAL FRAMING SENSOR DEVELOPMENT

The House would authorize an additional $5.0 million to continue development and evaluation of airborne electro-optic framing senor and multi-spectral framing technologies with on-chip forward motion compensation. These improved capabilities could be used to support precision targeting.

The Senate amendment included no similar adjustment.

The conferees agree to authorize $7.0 million for this purpose.

The conferees are pleased with the results of the four million picture element (four mega-pixel) framing demonstration. The conferees encourage the Department to program funding to accelerate the four mega-pixel and the 25 mega-pixel sensor initiatives.

MULTI-FUNCTION SELF-ALIGNED GATE TECHNOLOGY

The conferees agree to authorize $8.0 million for multi-function self-aligned gate (MSAG) technology for the purposes specified in the House report (H. Rept. 104-131).

JOINT AIRBORNE SIGINT ARCHITECTURE

The budget request included $88.8 million for the joint airborne signals intelligence (SIGINT) architecture (JASA) program.

The House bill would restrict obligation of fiscal year 1996 funds for JASA to no more than 25 percent of available funds until the Department submits an analysis and report that includes a comparison of future years defense programs (FYDP) and life cycle costs for development and fielding of the joint airborne SIGINT system (JASS), and that address a more conventional, evolutionary, product-improvement approach.

The Senate amendment would authorize the requested amount.

The House recedes on the funding restrictions.

Despite their support for the evolving concept and development of JASA, the conferees remain concerned about several issues:

(1) the Department's ability to sustain current operational systems;

(2) elimination of the potential for airborne SIGINT modernization gaps prior to fielding JASA components;

(3) the projected costs of the JASS program; and

(4) the risk that current approaches may sacrifice near and mid-term operational requirements for promised long-term common solutions.

The conferees believe that there is a need to continue interim, affordable, incremental upgrades, and to provide quick reaction capability improvements to meet emerging requirements, while continuing the JASA architectural approach. The conferees encourage competitive evolutionary solutions to satisfy existing and projected SIGINT requirements, and urge the earliest delivery of architecturally compliant components for evolving current and future systems. The conferees expect future budget requests for the DARO to include funding for these efforts. The conferees direct the DARO Director to certify to the congressional defense and intelligence committees that the individual SIGINT systems will be upgraded to incorporate these interim needs, as identified by the operational users.

The conferees direct the Department to provide an interim report by March 1, 1996, with a completed report by August 1, 1996, that includes:

(1) an independent cost and operational effectiveness analysis that compares the FYDP and life-cycle costs of the JASS program to an evolutionary product improvement approach, based on equivalent system performance;

(2) an evaluation of cost, technical and schedule risks, as well as a comparison of technical requirements and JASS performance; and

(3) the Department's assessment of its ability to predict both the future threat and technology environments necessary to determine whether a single approach is viable and in the nation's best interests.

Finally, to ensure that there are no airborne SIGINT capability gaps during the transition to JASA, DARO is directed to determine and implement necessary quick-reaction improvements to existing airborne systems. The conferees intend that the Department pursue a balanced approach to JASA development that allows the services to program funds for such evolutionary upgrades, provided there is compliance with an overall migration to the JASA architecture.

Subtitle C—Ballistic Missile Defense Act of 1995

Ballistic missile defense policy (secs. 231–253)

The House bill contained eight provisions (secs. 231–238) that collectively would be called the "Ballistic Missile Defense Act of 1995". The House bill contained four additional provisions (secs. 241–244) that would also deal with matters related to ballistic missile defense (BMD).

The Senate amendment contained eleven provisions (secs. 231–241) that collectively would be called the "Missile Defense Act of 1995". The Senate amendment contained two additional provisions (secs. 227 and 243) that would also deal with matters related to BMD.

The conference agreement combines the House and the Senate BMD provisions into two subtitles as described below.

Short title (sec. 231)

The House bill contained a provision (sec. 231) that would entitle this group of provisions the "Ballistic Missile Defense Act of 1995."

The Senate amendment contained a provision (sec. 231) that would use a different title—"Missile Defense Act of 1995"—reflecting the fact that the Senate version included a provision dealing with cruise missile defense.

The Senate recedes.

Findings (sec. 232)

The Senate amendment contained a provision (sec. 232) that would establish a series of congressional findings as the rationale for developing and deploying theater and national ballistic missile defenses.

The House bill contained a provision (sec. 242) that would make several similar findings.

The House recedes with an amendment merging the House and Senate findings.

Ballistic Missile Defense Policy (sec. 233)

The House bill contained a provision (sec. 232) that would establish a United States policy to: (1) deploy at the earliest practical date highly effective theater missile defenses; and (2) deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

The Senate amendment contained a similar provision (sec. 233) that would establish a United States policy to: (1) deploy as soon as possible affordable and operationally effective theater missile defenses; (2) develop for deployment a multiple-site national missile defense system (that can be augmented to a layered defense over time) while initiating negotiations to amend the Anti-Ballistic Missile (ABM) Treaty; (3) ensure congressional review prior to a decision to deploy the NMD system; (4) improve existing cruise missile defense systems and deploy as soon as practical defenses against advanced cruise missiles; (5) pursue a focused research and development program to provide follow-on ballistic missile defense options; (6) employ streamlined acquisitions procedures in developing and deploying missile defenses; (7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and (8) carry out the policies, programs, and requirements of the Missile Defense Act through processes specified within, or consistent with, the ABM Treaty.

The House recedes with an amendment to establish a United States policy to: (1) deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the armed forces of the United States and to complement and support the missile defense capabilities of the forces of coalition partners and allies of the United States; (2) deploy a National Missile Defense system that is affordable and operationally effective against limited, accidental, or unauthorized attacks on the territory of the United States and can be augmented over time as the threat changes to provide a layered defense; (3) initiate negotiations with the Russian Federation as necessary to provide for deployment of the NMD system required by this Act; (4) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of that treaty; (5) ensure congressional review, before deployment of an NMD system, of the affordability and operational effectiveness of such a system, the threat to be countered by such a system, and ABM Treaty considerations with respect to such a system; and (6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis of strategic stability.

Theater Missile Defense Architecture (sec. 234)

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems. The House bill contained another provision (sec. 236) that would establish a ballistic missile defense program accountability report.

The Senate amendment contained a provision (sec. 234) that would provide detailed policy guidance related to theater missile defense. The provision would establish a core theater missile defense program (the Theater High Altitude Area Defense system, the Navy Upper Tier system, the Patriot PAC–3 system, and the Navy Lower Tier system) with programmatic milestones for each core system, require that the systems in the core program be interoperable and mutually supporting, establish guidelines for creating new core systems, and require the Secretary of Defense to provide the congressional defense committees a TMD Architecture report along with the fiscal year 1997 budget submission.

The House recedes with an amendment to integrate elements of the House's ballistic missile defense program accountability provision into a revised TMD reporting requirement, and to make technical and clarifying changes. Included is a requirement that the Secretary of Defense report on the following matters to the Senate Committee on Armed Services and the House Committee on National Security whenever the Secretary issues an ABM Treaty compliance certification for any TMD system: (1) the compliance policy applied in preparing such a certification; (2) how the policy applied differs from the policy stated in section 237(b)(1) of this Act (the so-called "demonstrated standard"); and (3) how the application of that compliance policy (rather than the "demonstrated standard") will affect the cost, schedule, and performance of the TMD system being considered.

National missile defense architecture (sec. 235)

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop for deployment at the earliest practical date a national missile defense system consisting of: (1) up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary; (2) fixed, ground-based radars; (3) space based sensors, including those sensor systems that are capable of cuing ground-based interceptors and providing initial targeting vectors; and (4) battle management, command, control, and communications.

The Senate amendment contained a provision (sec. 235) that would direct the Secretary of Defense to take the following steps regarding NMD: (1) develop for deployment an affordable and operationally effective NMD system (consisting of ground-based interceptors capable of being deployed at multiple sites, ground-based radars, space-based sensors, and battle management, command, control, and communications) to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability by the end of 2003; (2) develop an interim operational capability plan that would give the United States the ability to field a limited NMD system by the end of 1999; (3) prescribe and use streamlined acquisition procedures; (4) employ additional cost saving measures; and (5) report on his plan for NMD deployment and an analysis of options for supplementing the initial NMD architecture to improve cost and operational effectiveness. The Senate amendment also contained a provision (sec. 235(d)(2)) that would prohibit the use of Minuteman boosters in any NMD architecture.

The House recedes with an amendment requiring the Secretary of Defense to take the following steps regarding NMD: (1) develop for deployment an NMD system which shall achieve an IOC by the end of 2003 and which shall include ground-based interceptors capable of being deployed at multiple-sites, ground-based radars, space-based sensors, and BM/C3; (2) begin preparatory and planning actions and take other actions necessary to achieve an IOC by the end of 2003; and (3) submit a report on NMD to the congressional defense committees.

The Senate recedes on its provision prohibiting the use of Minuteman boosters in any NMD architecture. The conferees support the development of a new optimized booster for the NMD mission. The conferees direct BMDO to consult with the Senate Committee on Armed Services and the House Committee on National Security prior to developing or implementing any plans to expend significant funds on any activities associated with the use of Minuteman boosters for NMD-related purposes.

Policy regarding the ABM Treaty (sec. 236)

The Senate amendment contained a provision (sec. 237) that would clarify that the policies, programs, and requirements of the "Missile Defense Act of 1995" (subtitle C of title II of the Senate amendment) can be accomplished through processes specified in the ABM Treaty, and that would express the Sense of Congress that the Senate should review the continuing value and validity of the ABM Treaty.

The House bill contained a provision (sec. 242(c)(2)) that would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty.

The Senate recedes with an amendment urging the President to pursue high-level discussions with the Russian Federation to amend the ABM Treaty to allow: (1) deployment of multiple ground-based ABM sites; (2) the unrestricted exploitation of sensors; and (3) increased flexibility for development, testing, and deployment of follow-on NMD systems.

Prohibition on use of funds to implement an international agreement concerning theater missile defense systems (sec. 237)

The House bill contained a provision (sec. 235) that would establish a theater missile defense demarcation standard (the so-called "demonstrated standard" based on the range and speed of the target) and would prohibit the obligation or expenditure of funds appropriated for the Department of Defense to implement or employ any other standard.

The Senate amendment contained a related provision (sec. 238) that would: (1) express the sense of Congress that the "demonstrated standard" is the appropriate standard for defining a TMD demarcation; and (2) prohibit the use of funds appropriated for the Department of Defense in fiscal year 1996 to implement an international agreement that is inconsistent with this standard, unless such agreement receives Senate advice and consent to ratification, or is specifically approved in a subsequent Act.

The House recedes with a clarifying amendment.

Ballistic missile defense cooperation with allies (sec. 238)

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the Alliance; and (3) seek agreement with U.S. allies and selected other states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision.

ABM Treaty Defined (sec. 239)

The House bill contained a provision (sec. 237) that would define the ABM Treaty.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Repeal of Missile Defense Act of 1991 (sec. 240)

The House bill contained a provision, (sec. 238) that would repeal the Missile Defense Act of 1991.

The Senate amendment contained a similar provision (sec. 241(1)).

The senate recedes.

Subtitle D—Other Ballistic Missile Defense Provisions

Ballistic Missile Defense Program Elements (sec. 251)

The Senate amendment contained a provision (sec. 239) that would establish seven program elements for the Ballistic Missile Defense Organization's budget.

The House bill contained no similar provision.

The House recedes with an amendment creating eight program elements.

Testing of theater missile defense interceptors (sec. 252)

The house bill contained a provision (sec. 243) that would amend subsection (a) of section 237 of Public Law 103–160, pertaining to the testing of theater missile defense interceptors.

The Senate amendment contained a similar provision (sec. 227) that also would relate to the testing of theater missile defense interceptors.

The Senate recedes.

Repeal of missile defense provisions (sec. 253)

The Senate amendment contained a provision (sec. 241) that would repeal ten outdated BMD-related provisions of law.

The House bill contained a similar provision (sec. 244) that would repeal six outdated BMD-related provisions of law.

The House recedes with an amendment. The Conferees agree to repeal nine outdated BMD-related provisions of law.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Precision guided munitions (sec. 261)

The Senate amendment contained a provision (sec. 215) that would require the Secretary of Defense, not later than February 1, 1996, to submit a report that contains an analysis of the full range of precision guided munitions (PGM) in production, and in research, development, test and evaluation. The analysis would address the following:

(1) The types of precision guided munitions needed to destroy various service target classes;

(2) The feasibility of joint development programs to meet the needs of various Services; and

(3) The economy and effectiveness of continued acquisition of "interim" PGMs.

The House bill contained no legislative provision on PGMs, but directed the Secretary to conduct a similar analysis in its report (H. Rept. 104–131) accompanying the bill.

The conferees agree to the Senate provision, with an amendment that would extend the reporting deadline to April 15, 1996.

Review of C4I by National Research Council (sec. 262)

The House bill contained a provision (sec. 256) that would direct the Secretary of Defense to enter into a contract with the National Research Council of the National Academy of Sciences to conduct a review of Department of Defense programs for command, control, communications, computers, and intelligence. The study would be conducted over a two-year period and $900.0 thousand would be available for the cost of the study.

The Senate amendment contained no similar provision.

The Senate recedes.

Analysis of consolidation of basic research accounts of military departments (sec. 263)

The House bill contained a provision (sec. 252) that would direct the Secretary of Defense to fund the equivalent of a cost and operational effectiveness study of the consolidation of the indivdiual services' basic research accounts to determine potential infrastructure savings.

The Senate amendment contained no similar provision.

The Senate recedes.

Change in the annual reporting period, from calendar to fiscal year, on certain contracts with colleges and universities. (sec. 264)

The House bill contained a provision (sec. 253) that would amend section 2361 of title 10, United States Code, to change the annual reporting period from the preceding "calendar" year to each preceding "fiscal" year on the use of competitive procedures for awards of research and development contracts, and the award of construction contracts to colleges and universities.

The Senate amendment contained no similar provision.

The Senate recedes.

Aeronautical research and test capabilities assessment (sec. 265)

The House bill contained a provision (sec. 260) that would require the Secretary of Defense to assess aeronautical research and test facilities and capabilities of the United States, and to provide a report to the congressional defense committees detailing the findings and recommendations of the assessment.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle F—Other Matters

Advanced lithography program (sec. 271)

The House bill contained a provision (sec. 214) that would amend section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The provision would permit the Director of the Advanced Research Projects Agency (ARPA) to consider Semiconductor Industry Association and Semiconductor Technology Council recommendations as advisory and would allow ARPA to establish priorities and funding levels for the program, consistent with the best interests of national security. The provision would also add a goal that the program ensure that the use of lithographic processes, being developed by American-owned manufacturers in the United States, would lead to superior performance electronics systems for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the term "American-owned manufacturer" to mean that it would be consistent with the definition of "United States-owned company" and "United States incorporated company" in section 278 (n) of title 15, United States Code.

Enhanced fiber optic guided missile system (sec. 272)

The House bill contained a provision (sec. 215) that would require the Secretary of the Army to certify whether there is a requirement for the enhanced fiber optic guided missile (EFOG–M) system, and whether there is a cost and effectiveness analysis supporting such requirement. The provision would also limit funding for the EFOG–M program if the test of operational missiles and associated fire units are not delivered on time and within current cost estimates.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the certification of the Secretary of the Army regarding a requirement and a cost and effectiveness analysis to support the requirement for the EFOG–M system to be provided following completion of the Advanced Concept Technology Demonstration (ACTD), instead of before the ACTD, as proposed by the House.

States eligible for assistance under Defense Experimental Program to Stimulate Competitive Research (DEPSCoR) (sec. 273)

The Senate amendment contained a provision (sec. 220) that would modify the graduation criteria for states participating in the Department of Defense EPSCoR program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for the use of a three year average to determine, on a state-by-state basis, whether a state institution of higher learning receives 60 percent of the average amounts for research and engineering obligated by the Department of Defense.

Cruise missile defense initiative (sec. 274)

The Senate amendment contained a provision (sec. 236) that would establish a cruise missile defense initiative. The provision would require the Secretary of Defense to strengthen and coordinate the cruise missile defense programs of the Department of Defense, and provide Congress with a report describing the Secretary's plans for implementing this provision.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

University research initiative support program (sec. 275)

The House bill contained a provision (sec. 254) that would amend Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). The provision would change the university research initiative support program from a mandatory program to a voluntary program and provide for improved review procedures.

The Senate amendment contained no similar provision.

The Senate recedes.

Revisions of manufacturing of science and technology program (sec. 276)

The House bill contained a provision that would eliminate the technology-based focus for the manufacturing of science and technology program, and provide new emphasis on near-term cost reduction applications. The provision would also require a larger non-federal government cost share for 25 percent of the program appropriation, and eliminate cost share for academic institutions.

The Senate amendment contained a provision (sec. 222) that would amend section 2525 of title 10, United States Code, in two ways. The provision clarified the role of the Joint Directors of Laboratories in establishing the Manufacturing Science and Technology Program. The provision included a requirement that manufacturing equipment producers be more directly involved in projects funded under this program.

The conferees agree to an amendment that would combine the House and Senate provisions.

The conferees support the transfer of the MANTECH program from advanced development to a Research, Development, Test & Evaluation (RDT&E) production support account to ensure direct impact of manufacturing technology on reduction of production and repair costs for todays systems. However, the conferees direct that a balance be maintained between near-term manufacturing solutions for weapons systems and the long range manufacturing design needs, such as implementing Integrated Products and Process Development (IPPD) in future systems.

The conferees would include the House provision to set aside 25 percent of the funding for the manufacturing technology program for entering into contracts and cooperative agreements, on a cost-share basis, in which the ration of funding provided by non-federal and federal participants is 2 to 1. The conferees have included a provision that would allow the Under Secretary of Defense for Acquisition and Technology to waive the requirement after July 15 of each fiscal year. The conferees direct that contracts and cooperative agreements awarded to meet this requirement be on a project-by-project basis. The conferees direct that the Department maximize the number of contracts and cooperative agreements, to the extent practicable.

The conferees expect the Department of Defense and the services to request an aggressive fiscal year 1997 MANTECH budget that reflects program needs. As a goal, the Department should consider funding this program at approximately one percent of the services' RDT&E budgets. The conferees also believe that the Secretary of Defense should place the highest priority on addressing the management and budget process issues that have adversely affected the MANTECH program.

Five-year plan for consolidation of defense laboratories and test and evaluation centers (sec. 277)

The House bill contained a provision (sec. 259) that would require the Secretary of Defense to prepare a five year strategic plan to consolidate and restructure the Department's research and development laboratories and test and evaluation centers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include additional study parameters and to adjust the limitation on funding obligations; from 40 percent to 75 percent for the central test and evaluation investment development program pending submission of the report to Congress.

Limitation on T–38 avionics upgrade program (sec. 278)

The House bill contained a provision (sec. 261) that would allow the Department of the Air Force to consider foreign companies for the award of the contract for the T–38 aircraft avionics upgrade program only if such companies are headquartered in countries that allow equal access to United States companies for such contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Global Positioning System (sec. 279)

The Senate amendment contained a provision (sec. 1081) that would require the Secretary of Defense to suspend use of the selective availability feature of the Global Positioning System (GPS) by May 1, 1996, unless the Secretary develops a plan for dealing with the challenges associated with GPS jamming and denial.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Army support for the National Science Center for Communications and Engineering (sec. 280)

The Senate amendment contained a provision (sec. 1085) that would modify the authority of the Army to provide support to the National Science Center outreach program.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Maneuver variant unmanned aerial vehicle

The House bill contained a provision (sec. 212) that would prohibit the obligation of funds appropriated or otherwise made available pursuant to authorizations in fiscal year 1996 for the Maneuver Variant Unmanned Aerial Vehicle.

The Senate amendment contained no similar provision.

The House recedes.

Ballistic missile defense follow-on technology research and development

The House bill contained a provision (sec. 234) that would provide guidance on follow-on technology development for theater and national ballistic missile defense programs.

The Senate amendment contained no similar provision.

The House recedes.

Ballistic missile defense funding

The House bill contained a provision (sec. 241) that would authorize $3.070 billion in Defensewide research, development, test, and evaluation (RDT&E) funds for ballistic missile defense programs.

The Senate amendment contained no similar provision.

The House recedes. The conferees discuss funding for ballistic missile defense programs elsewhere in this Statement of Managers.

Allocation of funds for medical counter-measures against biowarfare threats

The House bill contained a provision (sec. 251) that would amend section 2370a of title 10, United States Code, to permit the obligation or expenditure of up to 50 percent of funds authorized for the medical component of the Department of Defense Biological Defense Research program for product development, or for research, development, test, or evaluation of medical countermeasures related to mid-term or far-term validated biowarfare threat agents.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note with concern that the recent progress in bio-technology could potentially lead to the development of new biological warfare agents and capabilities among potential adversaries of the United States. The conferees direct that the Department report to the congressional defense committees by March 1, 1996 on the national security threats posed by such potential developments of new agents through advances in bio-technology and genetic engineering. The report should also include recommendations related to reducing the impact of progress in these areas, examine the utility of increased emphasis on research and development of medical countermeasures related to mid-term or far-term biowarfare threat agents; and identify other measures that could reduce the threat of these technological advances and reduce the threat of biological agent and weapons proliferation.

Cross reference to congressional defense policy concerning national technology and industrial base, reinvestment, and conversion in operation of defense research and development programs

The House bill contained a provision (sec. 262) that would cross-reference sections 2358(a)(2)(B) and 2371(a) with section 2501 of title 10, United States Code, to encourage the use of dual-use technology programs in defense research and technology programs.

The Senate amendment contained no similar provision.

The House recedes.

Fiber optic acoustic sensor system

The budget request included $21.3 million in PE 63504N for the advanced submarine combat systems development program.

The House bill contained a provision (sec. 264) that would authorize $28.2 million for the advanced submarine combat systems development program in fiscal year 1996, including $6.9 million for research and development for a fiber optic acoustic sensor system and common optical towed array. The provision also reduced funding for the advanced submarine systems development program (PE 63561N) by $6.9 million.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to the authorization of an additional $6.9 million above the budget request in PE 63504N for advanced development of fiber optic acoustic sensor systems, including the development of common optical towed arrays.

Joint targeting support system testbed

The budget request included $141.4 million in PE 24229N for the Tomahawk missile and the Tomahawk mission planning center programs.

The House bill contained a provision (sec. 265) that would reallocate project funding within PE 24229N. The provision would increase funding for Tomahawk theater mission planning by $10.0 million in order to establish a joint targeting support system testbed and would reduce funding for Tomahawk missile development by $10.0 million, as an offset.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to an additional authorization of $4.0 million in PE 24229N to initiate development of a joint targeting support system testbed (JTSST) for demonstration of potential joint targeting operations. The conferees understand that an initial study would investigate the relative roles of the existing systems installed in the Tomahawk mission planning center and other mission planning systems that are being developed by the individual military services. It is recognized that these systems are projected to have embedded precision weapons planning capabilities.

The conferees expect that the results of the initial JTSST study and follow-on demonstrations will contribute to the definition of long-term objectives, guidelines, and schedule milestones for convergence of the Navy/Marine Corps tactical aircraft mission planning systems and the Air Force mission support system, and should lead to the development of a joint mission planning system architecture for the military services.

The conferees direct the Secretary of Defense to report to the congressional defense committees as soon as possible, but no later than the submission of the fiscal year 1998 budget request. This report shall describe the Secretary's plan for implementing the recommendations that result from the study.

Battlefield Integration Center

The Senate amendment contained a provision (sec. 201(4)(C)) that would authorize the use of up to $25.0 million in Defensewide research, development, test, and evaluation (RDT&E) funds made available for Other Theater Missile Defense activities for the Army's Battlefield Integration Center (BIC).

The House bill contained no similar provision.

The Senate recedes. The conferees agree to authorize an increase of $21.0 million in PE 63308A for the BIC.

Marine Corps shore fire support

The Senate amendment contained a provision (sec. 213) that would not allow more than fifty percent of the funds appropriated in fiscal year 1996 for the Tomahawk Baseline Improvement Program to be obligated until the Secretary of the Navy certifies that a program has been established and fully funded. That program would lead to a live fire test of an Army Extended Range Multiple Launch Rocket from an Army launcher on a Navy ship before October 1, 1997.

The House bill contained no similar provision.

The Senate recedes. Further guidance relative to the consideration of the Army Extended Range Multiple Launch Rocket System in the Navy Surface Fire Support program is contained elsewhere in the Statement of Managers.

Depressed altitude guided gun round (DAGGR)

The budget request contained no funds for the depressed altitude guided gun round (DAGGR).

The Senate amendment contained a provision (sec. 225) that would authorize $5.0 million for continued development of the DAGGR system.

The House bill contained no similar provision.

The Senate recedes. DAGGR technology has indicated potential capability which might be used to counter threats such as 122-millimeter rockets and cruise missiles. The conferees encourage the Secretary of the Army to include this program in the fiscal year 1997 budget request, and, if warranted, consider a reprogramming request to provide funding for DAGGR in fiscal year 1996.

Army echelon above corps communication

The budget request included $5.9 million for Army echelon above corps communications.

The House bill would authorize the budget request.

The Senate amendment included a provision (sec. 226) that would provide an increase of $40.0 million to procure additional communications equipment for the Army's echelons above corps.

The Senate recedes.

The conferees agree to authorize the increase of 40.0 million for the procurement of additional communications equipment for the Army's echelons above corps.

Sense of the Senate on the Director of Operational Test and Evaluation

The Senate amendment contained a provision (sec. 242) that would express a sense of the Senate that would discourage any attempt to diminish or eliminate the Office of the Director of Operational Test and Evaluation or its functions.

The House bill contained no similar provision.

The Senate recedes.

Ballistic missile defense technology center

The Senate amendment contained a provision (sec. 243) that would establish a ballistic missile defense technology center within the Space and Strategic Defense Command of the Army.

The House bill contained no similar provision.

The Senate recedes.

TITLE III—OPERATION AND MAINTENANCE

Overview

The budget request for fiscal year 1996 contained an authorization of $91,634.4 million for Operation and Maintenance in the Department of Defense and $1,852.9 for Working Capital Fund Accounts in fiscal year 1996. The House bill would authorize $94,420.2 million for Operation and Maintenance and $2,452.9 for Working Capital Fund Accounts. The Senate amendment would authorize $91,408.8 million for Operation and Maintenance and $1,962.9 for Working Capital Fund Accounts. The conferees recommended an authorization of $92,616.4 million for Operation and Maintenance and $1,902.9 for Working Capital Fund Accounts for fiscal year 1996. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE III					
Operation and Maintenance, Army	18,184.736	19,339.936	18,064.436	561.959	18,746.695
Operation and Maintenance, Navy	21,225.710	21,677.510	21,346.910	267.445	21,493.155
Operation and Maintenance, Marine Corps	2,269.722	2,603.622	2,405.722	252.100	2,521.822
Operation and Maintenance, Air Force	18,256.597	18,984.162	18,230.097	462.680	18,719.277
Operation and Maintenance, Defense-wide	10,366.782	10,680.371	10,035.867	(456.306)	9,910.476
Defense Health Program,O&M	9,865.525	9,876.525	9,943.825	11.000	9,876.525
Defense Health Program,PROC	-	-	-	-	-
Operation and Maintenance, Army Reserve	1,068.591	1,139.591	1,062.591	60.600	1,129.191
Operation and Maintenance, Navy Reserve	826.042	838.042	840.842	42.300	868.342
Operation and Maintenance, Marine Corps Reserve	90.283	91.783	90.283	10.000	100.283
Operation and Maintenance, Air Force Reserve	1,485.947	1,507.447	1,482.947	30.340	1,516.287
Operation and Maintenance, Army National Guard	2,304.108	2,394.108	2,304.108	57.700	2,361.808
Operation and Maintenance, Air National Guard	2,712.221	2,734.221	2,734.221	47.900	2,760.121
Office of the Inspector General, O&M	138.226	177.226	138.226		138.226
Office of the Inspector General, Proc					
United States Courts of Appeals for the Armed Forces	6.521	6.521	6.521		6.521
Environmental Restoration, Defense	1,622.200	1,422.200	1,601.800	(200.000)	1,422.200
Drug Interdiction and Counter-drug Activities, Defense	680.432	680.432	680.432		680.432
Former Soviet Union Threat Reduction Account	371.000	200.000	365.000	(71.000)	300.000
Summer Olympics	15.000	15.000	15.000	-	15.000
Contributions for International Peacekeeping and Peace E	65.000	-	-	(65.000)	-
Humanitarian Assistance	79.790	-	60.000	(79.790)	-
Disposal and Lease of DOD Real Property	-	-	-		-
DOD 50th Anniversary of World War II Commemoration	-	-	-		-
Overseas Humanitarian, Disaster, & Civic Aid	-	50.000	-	50.000	50.000
National Science Center, Army	-	-	-	-	-
Total Operation & Maintenance	91,634.433	94,418.697	91,408.828	981.928	92,616.361

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, ARMY							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	LAND FORCES	9,069,646	300,000	9,369,646	25,000	9,094,646	191,270	9,260,916
10	COMBAT UNITS	1,882,069		1,882,069		1,882,069		1,882,069
20	TACTICAL SUPPORT	1,165,970		1,165,970		1,165,970		1,165,970
30	THEATER DEFENSE FORCES	178,670		178,670		178,670		178,670
40	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,271,154		1,271,154		1,271,154		1,271,154
50	FORCE COMMUNICATIONS	73,584		73,584		73,584		73,584
60	DEPOT MAINTENANCE	861,426	100,000	961,426		861,426	89,270	950,696
70	JCS EXERCISES	54,467		54,467		54,467		54,467
80	BASE SUPPORT	3,582,306	200,000	3,782,306	25,000	3,607,306	100,000	3,684,306
	NTC INTERIM AIRHEAD						2,000	
85	REPROGRAMMING/CREDITS	0		0		0		0
	LAND OPERATIONS SUPPORT	251,301	0	251,301	0	251,301	0	251,301
90	COMBAT DEVELOPMENTS	214,364		214,364		214,364		214,364
100	UNIFIED COMMANDS	36,937		36,937		36,937		36,937
105	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	9,320,947	300,000	9,620,947	25,000	9,345,947	191,270	9,512,217
	BUDGET ACTIVITY 2: MOBILIZATION							
	MOBILITY OPERATIONS	696,760	0	696,760	29,500	726,260	60,000	756,760
110	POMCUS	86,830		86,830		86,830		86,830
120	STRATEGIC MOBILIZATION	393,923		393,923		393,923		393,923
130	WAR RESERVE ACTIVITIES	72,166		72,166		101,666	60,000	132,166
	SWA AWR ACCELERATION	0		0	29,500			
140	INDUSTRIAL PREPAREDNESS	143,841		143,841		143,841		143,841
145	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 2:	696,760	0	696,760	29,500	726,260	60,000	756,760
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	ACCESSION TRAINING	314,798	0	314,798	0	314,798	0	314,798
150	OFFICER ACQUISITION	58,328		58,328		58,328		58,328
160	RECRUIT TRAINING	11,228		11,228		11,228		11,228
170	ONE STATION UNIT TRAINING	17,008		17,008		17,008		17,008
180	RESERVE OFFICER TRAINING CORPS (ROTC)	109,789		109,789		109,789		109,789
190	BASE SUPPORT (ACADEMY ONLY)	118,445		118,445		118,445		118,445
195	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILL/ ADVANCE TRAINING	2,060,143	20,000	2,080,143	45,000	2,105,143	75,000	2,135,143
200	SPECIALIZED SKILL TRAINING	236,760		236,760		236,760		281,760
	CHEMICAL DEFENSE TRAINING	0	10,000	10,000		0	10,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	10,000	10,000		0	10,000	
	TNET						4,000	
	SIMULATION ENHANCEMENTS						21,000	
210	FLIGHT TRAINING	218,514		218,514		218,514		218,514
220	PROFESSIONAL DEVELOPMENT EDUCATION	68,981		68,981		68,981		68,981
230	TRAINING SUPPORT	375,528		375,528		375,528		375,528
240	BASE SUPPORT (OTHER TRAINING)	1,160,360		1,160,360	45,000	1,205,360	30,000	1,190,360
245	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING/OTHER TRAINING	691,154	0	691,154	4,000	695,154	5,000	696,154
250	RECRUITING AND ADVERTISING	211,375		211,375	4,000	215,375	5,000	216,375
260	EXAMINING	64,333		64,333		64,333		64,333
270	OFF-DUTY AND VOLUNTARY EDUCATION	103,812		103,812		103,812		103,812
280	CIVILIAN EDUCATION AND TRAINING	81,108		81,108		81,108		81,108
290	JUNIOR ROTC	74,506		74,506		74,506		74,506
300	BASE SUPPORT (RECRUITING LEASES)	156,020		156,020		156,020		156,020
305	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	3,066,095	20,000	3,086,095	49,000	3,115,095	80,000	3,146,095
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SECURITY PROGRAMS (ARMS CONTROL)	362,333	12,000	374,333	(6,000)	356,333	(6,000)	356,333
310	SECURITY PROGRAMS (ARMS CONTROL)	362,333		362,333	(6,000)	356,333	(6,000)	356,333
	CLASSIFIED PROGRAMS	0	12,000	12,000				
	LOGISTICS OPERATIONS	1,630,274	0	1,630,274	0	1,630,274	3,750	1,634,024

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
320	SERVICEWIDE TRANSPORTATION	542,910		542,910		542,910		542,910
330	CENTRAL SUPPLY ACTIVITIES	487,281		487,281		487,281		491,031
	ACQUISITION WORKFORCE SAVINGS/ACQUISITION REFORM						(12,000)	
	DEPOT MAINTENANCE LOGISTICS TAIL						15,750	
340	LOGISTIC SUPPORT ACTIVITIES	299,230		299,230		299,230		299,230
350	AMMUNITION MANAGEMENT	300,853		300,853		300,853		300,853
355	REPROGRAMMING/CREDITS	0		0		0		0
	SERVICEWIDE SUPPORT	2,826,103	10,000	2,836,103	0	2,826,103	7,000	2,833,103
360	ADMINISTRATION	275,238		275,238		275,238		275,238
	WASTE WATER TREATMENT PLANNING							
370	SERVICEWIDE COMMUNICATIONS	686,446		686,446		686,446		686,446
380	MANPOWER MANAGEMENT	124,676		124,676		124,676		124,676
390	OTHER PERSONNEL SUPPORT	175,832		175,832		175,832		182,832
	PERSONNEL MANAGEMENT EFFICIENCIES						(3,000)	
	NEW PARENT SUPPORT	0	10,000	10,000		0	10,000	
400	OTHER SERVICE SUPPORT	568,225		568,225		568,225		568,225
	CONSERVATION AND ECOSYSTEM MANAGEMENT							
410	ARMY CLAIMS ACTIVITIES	173,290		173,290		173,290		173,290
420	REAL ESTATE MANAGEMENT	86,930		86,930		86,930		86,930
430	BASE SUPPORT	735,466		735,466		735,466		735,466
	PENTAGON RENOVATION TRANSFER							
432	ENVIRONMENTAL RESTORATION	0		0		0		0
435	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SUPPORT OF OTHER NATIONS	282,224	0	282,224	0	282,224	0	282,224
440	INTERNATIONAL MILITARY HEADQUARTERS	252,778		252,778		252,778		252,778
450	MISC SUPPORT OF OTHER NATIONS	29,446		29,446		29,446		29,446
455	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	5,100,934	22,000	5,122,934	(6,000)	5,094,934	4,750	5,105,684
	UNDISTRIBUTED		813,200	813,200	(217,800)	(217,800)	225,939	225,939
	CIVILIAN PAY				(233,000)	(116,000)	(116,000)	(116,000)
	HISTORICAL BLACK COLLEGES FELLOWSHIPS				(300)	(300)		
	REAL PROPERTY MAINTENANCE		350,000	350,000	110,000	167,000	235,000	235,000
	CLASSIFIED PROGRAMS				500	500	4,789	4,789
	FOREIGN CURRENCY FLUCATION		329,000				59,300	59,300

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	MILITARY/CIVILAIN CONVERSION		130,000				19,350	19,350
	PENTAGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	UNDISTRIBUTED (DSATS)		0	0	(15,000)	(15,000)		
	CIVILIAN UNDEREXECUTION		(65,000)	(65,000)	(67,000)	(67,000)	(67,000)	(67,000)
	EXCHANGE TRANSPORT MANAGEMENT		35,000	35,000			35,000	35,000
	MWR PORTABILITY		25,000	25,000			0	0
	AAFESS DOWNSIZING COMPENSATION		70,000	70,000			70,000	70,000
	EDCARS/DSREDS		2,000	2,000			2,000	2,000
	ADVANCE BILLING RELIEF		62,000	62,000			0	0
	MILITARY END STRENGTH		54,400	54,400			54,400	54,400
	PRINTING EFFICIENCIES		(3,000)	(3,000)			(3,000)	(3,000)
	INSPECTOR GENERAL CONSOLIDATION		(12,500)	(12,500)				
	REDUCED AUDITS		(10,000)	(10,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(26,200)	(26,200)			(26,200)	(26,200)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)				
	AAFES 2nd DESTIONATION TRANSPORTATION		(17,500)	(17,500)			(17,500)	(17,500)
	FAMILY HOUSING SURVEY & DEFICIT REDUCTION PROGRAM						3,500	3,500
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						87,300	87,300
	SUPPLY MANAGEMENT REFORMS						(8,500)	(8,500)
	TOTAL, OPERATION AND MAINTENANCE, ARMY	18,184,736	1,155,200	19,339,936	(120,300)	18,064,436	561,959	18,746,695
	OPERATION AND MAINTENANCE, NAVY							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	4,266,628	125,000	4,391,628	10,000	4,276,628	132,295	4,398,923
10	MISSION AND OTHER FLIGHT OPERATIONS	1,788,301		1,788,301		1,788,301		1,796,301
	P-3 FORCE STRUCTURE						8,000	
20	FLEET AIR TRAINING	627,871		627,871		627,871		642,166
	PACIFIC MISSILE RANGE FACILITY						14,295	
30	INTERMEDIATE MAINTENANCE	68,070		68,070		68,070		68,070
40	AIR OPERATIONS AND SAFETY SUPPORT	59,060		59,060		59,060		59,060
50	AIRCRAFT DEPOT MAINTENANCE	489,443	75,000	564,443		489,443	70,000	559,443

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
60	AIRCRAFT DEPOT OPERATIONS SUPPORT	28,232		28,232		28,232		28,232
70	BASE SUPPORT	1,205,651	50,000	1,255,651	10,000	1,215,651	40,000	1,245,651
75	REPROGRAMMING/CREDITS	0		0		0		0
	SHIP OPERATIONS	6,879,010	175,000	7,054,010	25,400	6,904,410	190,400	7,069,410
80	MISSION AND OTHER SHIP OPERATIONS	1,885,234		1,885,234	400	1,885,634	400	1,885,634
90	SHIP OPERATIONAL SUPPORT AND TRAINING	462,396		462,396		462,396		462,396
100	INTERMEDIATE MAINTENANCE	401,812		401,812		401,812		401,812
110	SHIP DEPOT MAINTENANCE	2,261,190	125,000	2,386,190		2,261,190	150,000	2,411,190
120	SHIP DEPOT OPERATIONS SUPPORT	758,320		758,320		758,320		758,320
130	BASE SUPPORT	1,110,058	50,000	1,160,058	25,000	1,135,058	40,000	1,150,058
135	REPROGRAMMING/CREDITS	0		0		0		0
	COMBAT OPERATIONS/SUPPORT	1,581,800	0	1,581,800	11,900	1,593,700	11,900	1,593,700
140	COMBAT COMMUNICATIONS	198,415		198,415		198,415		198,415
150	ELECTRONIC WARFARE	7,396		7,396		7,396		7,396
160	SPACE SYSTEMS AND SURVEILLANCE	153,881		153,881		153,881		153,881
170	WARFARE TACTICS	138,256		138,256		138,256		138,256
180	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	198,719		198,719		198,719		198,719
190	COMBAT SUPPORT FORCES	339,888		339,888		336,788		336,788
	NIMITZ CENTER			0	(3,100)		(3,100)	
200	EQUIPMENT MAINTENANCE	145,820		145,820		145,820		145,820
210	DEPOT OPERATIONS SUPPORT	1,127		1,127		1,127		1,127
220	BASE SUPPORT	398,298		398,298	15,000	413,298	15,000	413,298
225	REPROGRAMMING/CREDITS	0		0		0		0
	WEAPONS SUPPORT	2,119,219	10,000	2,129,219	0	2,119,219	(80,000)	2,039,219
230	CRUISE MISSILE	96,656		96,656		96,656		96,656
240	FLEET BALLISTIC MISSILE	788,463		788,463		788,463		788,463
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	25,945		25,945		25,945		35,945
	INSTALLATION SUPPORT AN/UYQ-70						10,000	
260	WEAPONS MAINTENANCE	401,879		411,879		401,879		411,879
	NAVY ORDNANCE		10,000				10,000	
270	BASE SUPPORT	111,176		111,176		111,176		111,176
275	REPROGRAMMING/CREDITS	0		0		0		0
276	DBOF SUPPORT	695,100		695,100		695,100	(100,000)	595,100
277	BRAC IV PROJECTED SAVINGS	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, BUDGET ACTIVITY 1:	14,846,657	310,000	15,156,657	47,300	14,893,957	254,595	15,101,252
	BUDGET ACTIVITY 2: MOBILIZATION							
	READY RESERVE AND PREPOSITIONING FORCES	511,034	0	511,034	0	511,034	0	511,034
280	SHIP PREPOSITIONING AND SURGE	511,034		511,034		511,034		511,034
285	REPROGRAMMING/CREDITS	0		0		0		0
	ACTIVATIONS/INACTIVATIONS	479,601	0	479,601	0	479,601	0	479,601
290	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,215		7,215		7,215		7,215
300	SHIP ACTIVATIONS/INACTIVATIONS	472,386		472,386		472,386		472,386
305	REPROGRAMMING/CREDITS	0		0		0		0
	MOBILIZATION PREPAREDNESS	39,593	0	39,593	0	39,593	0	39,593
310	FLEET HOSPITAL PROGRAM	16,162		16,162		16,162		16,162
320	INDUSTRIAL READINESS	1,917		1,917		1,917		1,917
330	COAST GUARD SUPPORT	21,514		21,514		21,514		21,514
335	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 2:	1,030,228	0	1,030,228	0	1,030,228	0	1,030,228
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	249,069	0	249,069	0	249,069	0	249,069
340	OFFICER ACQUISITION	66,755		66,755		66,755		66,755
350	RECRUIT TRAINING	4,667		4,667		4,667		4,667
360	RESERVE OFFICERS TRAINING CORPS (ROTC)	64,836		64,836		64,836		64,836
370	BASE SUPPORT	112,811		112,811		112,811		112,811
375	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	1,087,406	10,000	1,097,406	0	1,087,406	10,000	1,097,406
380	SPECIALIZED SKILL TRAINING	212,121		212,121		212,121		222,121
	CHEMICAL DEFENSE TRAINING	0	5,000	5,000		0	5,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000	5,000		0	5,000	
390	FLIGHT TRAINING	273,004		273,004		273,004		273,004
400	PROFESSIONAL DEVELOPMENT EDUCATION	61,214		61,214		61,214		61,214
410	TRAINING SUPPORT	125,237		125,237		125,237		125,237
420	BASE SUPPORT	415,830		415,830		415,830		415,830

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
425	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING, AND OTHER TRAINING AND EDUCATION	225,217	0	225,217	0	225,217	5,000	230,217
430	RECRUITING AND ADVERTISING	122,820		122,820		122,820	5,000	127,820
440	OFF-DUTY AND VOLUNTARY EDUCATION	54,970		54,970		54,970		54,970
450	CIVILIAN EDUCATION AND TRAINING	22,223		22,223		22,223		22,223
460	JUNIOR ROTC	24,382		24,382		24,382		24,382
470	BASE SUPPORT	822		822		822		822
475	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	1,561,692	10,000	1,571,692	0	1,561,692	15,000	1,576,692
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE SUPPORT	1,758,993	5,600	1,764,593	27,000	1,785,993	32,000	1,790,993
480	ADMINISTRATION	605,287		605,287		605,287		605,287
490	EXTERNAL RELATIONS	21,684		21,684		21,684		21,684
500	CIVILIAN MANPOWER AND PERSON MANAGEMENT	63,166		63,166		63,166		61,166
	PERSONNEL MANAGEMENT EFFICIENCIES						(2,000)	
510	MILITARY MANPOWER AND PERSON MANAGEMENT	139,864		139,864		139,864		139,864
520	OTHER PERSONNEL SUPPORT	395,629		401,229		395,629		402,629
	NEW PARENT SUPPORT		5,600			0	7,000	
530	SERVICEWIDE COMMUNICATIONS	261,463		261,463		261,463		288,463
	CHALLENGE ATHENA	0			27,000	27,000	27,000	
540	BASE SUPPORT	271,900		271,900		271,900		271,900
542	MEDICAL ACTIVITIES (DRUG TESTING LABS)	0		0		0		0
545	REPROGRAMMING/CREDITS	0		0		0		0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT	1,453,266	0	1,453,266	0	1,453,266	(13,500)	1,439,766
550	SERVICEWIDE TRANSPORTATION	147,132		147,132		147,132		147,132
560	PLANNING, ENGINEERING AND DESIGN	249,620		249,620		249,620		249,620
570	ACQUISITION AND PROGRAM MANAGEMENT	426,404		426,404		426,404		412,904
	ACQUISITION WORKFORCE SAVINGS/ACQUISITION REFORM						(17,000)	
	REVERSE OSMOSIS DESALINATIORS						3,500	
580	AIR SYSTEMS SUPPORT	302,011		302,011		302,011		302,011
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,022		60,022		60,022		60,022
600	COMBAT/WEAPONS SYSTEMS	41,632		41,632		41,632		41,632

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,111		68,111		68,111		68,111
620	BASE SUPPORT	158,334		158,334		158,334		158,334
625	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SECURITY PROGRAMS	567,479	5,500	572,979	(7,000)	560,479	(2,000)	565,479
630	SECURITY PROGRAMS (ARMS CONTROL)	556,805		562,305	(7,000)	549,805	(2,000)	554,805
	CLASSIFIED PROGRAMS	0	5,500			0		
640	BASE SUPPORT	10,674		10,674		10,674		10,674
	SUPPORT OF OTHER NATIONS	7,395	0	7,395	0	7,395	0	7,395
650	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,395		7,395		7,395		7,395
	TOTAL, BUDGET ACTIVITY 4:	3,787,133	11,100	3,798,233	20,000	3,807,133	16,500	3,803,633
	UNDISTRIBUTED	0	120,700	120,700	53,900	53,900	(18,650)	(18,650)
	REAL PROPERTY MAINTENANCE		150,000	150,000	110,000	110,000	155,000	155,000
	CLASSIFIED PROGRAMS				(10,100)	(10,100)	2,350	2,350
	PENATGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	ALLEGANNY BALLASTICS LAB				2,000	2,000		
	UNDISTRIBUTED(ALLEGANNY BALLASTICS LAB)				(2,000)	(2,000)		
	CIVILIAN UNDEREXECUTION		(125,000)	(125,000)	(33,000)	(33,000)	(17,000)	(17,000)
	FOREIGN CURRENCY FLUCTUATION		77,000	77,000			5,000	5,000
	MILITARY/CIVILIAN CONVERSIONS		60,000	60,000			9,000	9,000
	MWR PORTABILITY		10,000	10,000			0	0
	ADVANCE BILLING RELIEF		87,000	87,000			0	0
	MILITARY END STRENGTH		20,400	20,400			20,400	20,400
	PRINTING EFFICIENCIES		(4,000)	(4,000)			(4,000)	(4,000)
	INSPECTOR GENERAL CONSOLIDATION		(20,000)	(20,000)				
	REDUCED AUDITS		(10,000)	(10,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(7,200)	(7,200)			(7,200)	(7,200)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)			(100,000)	(100,000)
	NEXCOM 2nd DESTINATION TRANSPORTATION		(7,500)	(7,500)			(7,500)	(7,500)
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	NSIPS						2,500	2,500
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						75,300	75,300
	TOMAHAWK MISSILE RECERTIFICATION						(9,000)	(9,000)
	SUPPLY MANAGEMENT REFORMS						(37,000)	(37,000)

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, OPERATION AND MAINTENANCE, NAVY	21,225,710	451,800	21,677,510	121,200	21,346,910	267,445	21,493,155
	OPERATION AND MAINTENANCE, MARINE CORPS							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	EXPEDITIONARY FORCES	1,544,019	105,000	1,649,019	94,000	1,638,019	130,000	1,674,019
10	OPERATIONAL FORCES	334,133		334,133		334,133		344,133
	OPERATING TEMPO						10,000	
20	FIELD LOGISTICS	158,299		158,299		158,299		158,299
30	DEPOT MAINTENANCE	148,574	55,000	203,574	54,000	202,574	54,000	202,574
40	BASE SUPPORT	903,013	25,000	953,013	30,000	933,013	25,000	969,013
	PERSONNEL SUPPORT EQUIPMENT	0	25,000			0	25,000	
	EXTENDED COLD WEATHER CLOTHING/INITIAL ISSUE EQUIP	0		0	10,000	10,000	16,000	
45	REPROGRAMMING/CREDITS	0		0		0		0
	USMC PREPOSITIONING	85,435	0	85,435	(4,000)	81,435	(2,100)	83,335
50	MARITIME PREPOSITIONING	77,416		77,416		77,416		77,416
60	NORWAY PREPOSITIONING	8,019		8,019	(4,000)	4,019	(2,100)	5,919
65	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	1,629,454	105,000	1,734,454	90,000	1,719,454	127,900	1,757,354
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	74,165	4,000	78,165	0	74,165	5,000	79,165
70	RECRUIT TRAINING	7,343		7,343		7,343		7,343
80	OFFICER ACQUISITION	268		268		268		268
90	BASE SUPPORT	66,554		70,554		66,554		71,554
	NEW PARENT SUPPORT	0	4,000			0	5,000	
95	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	175,769	10,000	185,769	0	175,769	10,000	185,769
100	SPECIALIZED SKILLS TRAINING	25,057		35,057		25,057		35,057
	CHEMICAL DEFENSE TRAINING	0	5,000			0	5,000	

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000			0	5,000	
110	FLIGHT TRAINING	165		165		165		165
120	PROFESSIONAL DEVELOPMENT EDUCATION	5,792		5,792		5,792		5,792
130	TRAINING SUPPORT	74,964		74,964		74,964		74,964
140	BASE SUPPORT	69,791		69,791		69,791		69,791
145	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING AND OTHER TRAINING EDUCATION	93,176	6,800	99,976	5,000	98,176	4,000	97,176
150	RECRUITING AND ADVERTISING	61,037	6,800	67,837	5,000	66,037	4,000	65,037
160	OFF-DUTY AND VOLUNTARY EDUCATION	11,055		11,055		11,055		11,055
170	JUNIOR ROTC	7,588		7,588		7,588		7,588
180	BASE SUPPORT	13,496		13,496		13,496		13,496
185	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	343,110	20,800	363,910	5,000	348,110	19,000	362,110
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE SUPPORT	297,158	0	297,158	0	297,158	0	297,158
190	LOGISTICS SUPPORT	95,596		95,596		95,596		95,596
200	SPECIAL SUPPORT	131,023		131,023		131,023		131,023
210	SERVICEWIDE TRANSPORTATION	31,931		31,931		31,931		31,931
220	ADMINISTRATION	28,523		28,523		28,523		28,523
230	BASE SUPPORT	10,085		10,085		10,085		10,085
235	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	297,158	0	297,158	0	297,158	0	297,158
	UNDISTRIBUTED		208,100	208,100	41,000	41,000	105,200	105,200
	REAL PROPERTY MAINTENANCE		100,000	100,000	40,000	40,000	100,000	100,000
	CLASSIFIED PROGRAMS				1,000	1,000	0	0
	FOREIGN CURRENCY FLUCTUATION		35,000	35,000			1,000	1,000
	MILITARY/CIVILIAN CONVERSIONS		20,000	20,000			10,000	10,000
	MWR PORTABILITY		2,000	2,000			0	0
	ADVANCED BILLING RELIEF		37,400	37,400			0	0
	MILITARY END STRENGTH		6,800	6,800			6,800	6,800
	TRANSPORTATION IMPROVEMENTS		(3,100)	(3,100)			(3,100)	(3,100)
	ADMINISTRTATIVE TRAVEL SAVINGS						(9,500)	(9,500)

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	INCLEMENT WEATHER GEAR		10,000	10,000			0	0
	TOTAL, O&M, MARINE CORPS	2,269,722	333,900	2,603,622	136,000	2,405,722	252,100	2,521,822
	OPERATION AND MAINTENANCE, AIR FORCE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	7,260,977	100,000	7,360,977	25,000	7,285,977	70,200	7,331,177
10	PRIMARY COMBAT FORCES	2,684,913		2,684,913		2,684,913		2,720,113
	EXCESS FUNDED CARRYOVER						(27,000)	
	MISSION READINESS TRAINING						25,200	
	PRECISION WEAPONS						1,000	
	SPARES FUNDING						36,000	
20	PRIMARY COMBAT WEAPONS	409,701		409,701		409,701	(20,000)	389,701
30	COMBAT ENHANCEMENT FORCES	257,139		257,139		257,139		257,139
40	AIR OPERATIONS TRAINING	647,570		647,570		647,570		655,470
	CARIBEAN BASIN RADARS						3,000	
	SIMULATION ENHANCEMENTS						4,900	
50	COMBAT COMMUNICATIONS	854,442		854,442		854,442	(7,900)	846,542
60	BASE SUPPORT	2,407,212	100,000	2,507,212	25,000	2,432,212	55,000	2,462,212
65	REPROGRAMMING/CREDITS	0		0		0		0
	COMBAT RELATED OPERATIONS	1,509,701	0	1,509,701	0	1,509,701	4,000	1,513,701
70	GLOBAL C3I AND EARLY WARNING	826,526		826,526		826,526		830,526
	RIVET JOINT						4,000	
80	NAVIGATION/WEATHER SUPPORT	128,374		128,374		128,374		128,374
90	OTHER COMBAT OPS SUPPORT PROGRAMS	210,481		210,481		210,481		210,481
100	JCS EXERCISES	41,793		41,793		41,793		41,793
110	MANAGEMENT/OPERATIONAL HEADQUARTERS	111,914		111,914		111,914		111,914
120	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	190,613		190,613		190,613		190,613
				0				
	SPACE OPERATIONS	1,245,644	0	1,245,644	0	1,245,644	0	1,245,644
130	LAUNCH FACILITIES	254,590		254,590		254,590		254,590
140	LAUNGH VEHICLES	117,482		117,482		117,482		117,482
150	SPACE CONTROL SYSTEMS	341,862		341,862		341,862		341,862
160	SATELLITE SYSTEMS	49,132		49,132		49,132		49,132

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
170	OTHER SPACE OPERATIONS	79,989		79,989		79,989		79,989
180	BASE SUPPORT	402,589		402,589		402,589		402,589
	TOTAL, BUDGET ACTIVITY 1:	10,016,322	100,000	10,116,322	25,000	10,041,322	74,200	10,090,522
	BUDGET ACTIVITY 2: MOBILIZATION							
	MOBILITY OPERATIONS	2,523,373	0	2,523,373	0	2,523,373	(31,000)	2,492,373
190	AIRLIFT OPERATIONS	1,544,785		1,544,785		1,544,785		1,533,785
	KC-135s						2,000	
	EXCESS FUNDING CARRYOVER						(13,000)	
200	AIRLIFT OPERATIONS C3I	10,961		10,961		10,961		10,961
210	MOBILIZATION PREPAREDNESS	160,110		160,110		160,110		160,110
220	PAYMENTS TO TRANSPORTATION BUSINESS AREA	293,027		293,027		293,027	(20,000)	273,027
230	BASE SUPPORT	514,490		514,490		514,490		514,490
	TOTAL, BUDGET ACTIVITY 2:	2,523,373	0	2,523,373	0	2,523,373	(31,000)	2,492,373
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	183,970	0	183,970	0	183,970	0	183,970
240	OFFICER ACQUISITION	49,197		49,197		49,197		49,197
250	RECRUIT TRAINING	3,881		3,881		3,881		3,881
260	RESERVE OFFICER TRAINING CORPS (ROTC)	39,226		39,226		39,226		39,226
270	BASE SUPPORT (ACADEMIES ONLY)	91,666		91,666		91,666		91,666
275	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	1,230,608	10,000	1,240,608	0	1,230,608	0	1,230,608
280	SPECIALIZED SKILL TRAINING	204,465		204,465		204,465		214,465
	CHEMICAL DEFENSE TRAINING	0	5,000	5,000		0	5,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000	5,000		0	5,000	
290	FLIGHT TRAINING	336,956		336,956		336,956		326,956
	UNDERGRADUATE PILOT TRAINING						(10,000)	
300	PROFESSIONAL DEVELOPMENT EDUCATION	78,688		78,688		78,688		78,688
310	TRAINING SUPPORT	65,048		65,048		65,048		65,048
320	BASE SUPPORT (OTHER TRAINING)	545,451		545,451		545,451		545,451
325	REPROGRAMMING/CREDITS	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	RECRUITING, AND OTHER TRAINING AND EDUCATION	226,182	16,700	242,882	5,000	231,182	9,000	235,182
330	RECRUITING AND ADVERTISING	44,827	6,000	50,827	5,000	49,827	5,000	49,827
340	EXAMINING	3,122		3,122		3,122		3,122
350	OFF DUTY AND VOLUNTARY EDUCATION	75,537		75,537		75,537		79,537
	TUITION ASSISTANCE	0	10,700	10,700		0	4,000	
360	CIVILIAN EDUCATION AND TRAINING	77,304		77,304		77,304		77,304
370	JUNIOR ROTC	25,392		25,392		25,392		25,392
375	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	1,640,760	26,700	1,667,460	5,000	1,645,760	9,000	1,649,760
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	LOGISTICS OPERATIONS	2,280,043	97,680	2,377,723	0	2,280,043	(36,020)	2,244,023
380	LOGISTICS OPERATIONS	790,324	85,000	875,324		790,324		754,304
	ACQUISITION WORKFORCE SAVINGS	0		0		0	(40,000)	
	B-1 MAINTENANCE	0	3,980	3,980		0	3,980	
390	TECHNICAL SUPPORT ACTIVITIES	365,535		365,535		365,535		365,535
400	SERVICEWIDE TRANSPORTATION	234,836		234,836		234,836		234,836
410	BASE SUPPORT	889,348		898,048		889,348	(9,200)	889,348
	TICARRS	0	8,700				8,700	
	CAMS/REMIS						500	
415	REPROGRAMMING/CREDITS	0		0		0		0
	SERVICEWIDE ACTIVITIES	1,335,859	3,600	1,339,459	0	1,335,859	(500)	1,335,359
420	ADMINISTRATION	118,319		118,319		118,319		112,819
	ADMINISTRATIVE EFFICIENCIES						(8,000)	
	STRATCOM						2,500	
430	SERVICEWIDE COMMUNICATIONS	318,240		318,240		318,240		318,240
440	PERSONNEL PROGRAMS	84,766		84,766		84,766	(3,000)	81,766
450	RESCUE AND RECOVERY SERVICES	40,426		40,426		40,426	4,400	44,826
460	SUBSISTENCE-IN-KIND	48,429		48,429		48,429		48,429
470	ARMS CONTROL	34,645		34,645		34,645		34,645
480	OTHER SERVICEWIDE ACTIVITIES	396,155		396,155		396,155		396,155
490	OTHER PERSONNEL SUPPORT	32,080		32,080		32,080		32,080
500	CIVIL AIR PATROL CORPORATION	14,704		14,704		14,704		14,704

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
510	BASE SUPPORT	248,095		248,095		248,095		251,695
	NEW PARENT SUPPORT	0	3,600	3,600		0	3,600	
515	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SECURITY PROGRAMS	447,218	(18,515)	428,703	(8,000)	439,218	(2,000)	445,218
520	SECURITY PROGRAMS (ARMS CONTROL)	447,218		447,218	(8,000)	439,218	(2,000)	445,218
	CLASSIFIED PROGRAMS	0	(18,515)	(18,515)		0	0	0
	SUPPORT TO OTHER NATIONS	13,022	0	13,022	0	13,022	0	13,022
530	INTERNATIONAL SUPPORT	13,022		13,022		13,022		13,022
	TOTAL, BUDGET ACTIVITY 4:	4,076,142	82,765	4,158,907	(8,000)	4,068,142	(38,520)	4,037,622
	UNDISTRIBUTED		518,100	518,100	(48,500)	(48,500)	449,000	449,000
	REAL PROPERTY MAINTENANCE		320,000	320,000	15,000	15,000	205,000	205,000
	CLASSIFIED PROGRAMS				13,400	13,400	18,100	18,100
	REDUCTION(Civil Air Patrol)				(2,900)	(2,900)	0	0
	PENTAGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	CIVILIAN UNDEREXECUTION		(65,000)	(65,000)	(61,000)	(61,000)	(72,000)	(72,000)
	FOREIGN CURRENCY FLUCTUATION		203,000	203,000			7,200	7,200
	MILITARY/CIVILIAN CONVERSIONS		90,000	90,000			13,500	13,500
	MWR PORTABILITY		13,000	13,000			0	0
	ADVANCE BILLING RELIEF		87,000	87,000			0	0
	MILITARY END STRENGTH		20,400	20,400			20,400	20,400
	EDCARS/DSREDS		2,000	2,000			2,000	2,000
	PRINTING EFFICIENCIES		(3,000)	(3,000)			(3,000)	(3,000)
	INSPECTOR GENERAL CONSOLIDATION		(11,000)	(11,000)				
	REDUCED AUDITS		(13,000)	(13,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(15,300)	(15,300)			(15,300)	(15,300)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)				
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						393,200	393,200
	SUPPLY MANAGEMENT REFORMS						(13,600)	(13,600)
	TOTAL, O&M, AIR FORCE	18,256,597	727,565	18,984,162	(26,500)	18,230,097	462,680	18,719,277

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, DEFENSE-WIDE							
	BUDGET ACTIVITY 1: OPERATING FORCES	1,494,453	100,000	1,594,453	0	1,494,453	64,500	1,558,953
10	JOINT CHIEFS OF STAFF	475,977		475,977		475,977		530,977
	MOBILITY ENHANCEMENTS		100,000	100,000			50,000	
	NORTHERN EDGE						5,000	
20	SPECIAL OPERATIONS COMMAND	1,018,476		1,018,476		1,018,476		1,027,976
	SEAL DELIVERY VEHICLE TEAM ONE						1,000	
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						8,500	
	TOTAL, BUDGET ACTIVITY 1:	1,494,453	100,000	1,594,453	0	1,494,453	64,500	1,558,953
	BUDGET ACTIVITY 2: MOBILIZATION	71,438	0	71,438	(45,438)	26,000	(45,438)	26,000
30	DEFENSE LOGISTICS AGENCY	26,000		26,000		26,000		26,000
35	OFFICE OF THE SECRETARY OF DEFENSE	0		0		0		0
40	WASHINGTON HQ SERVICES (DISASTER RELIEF)	45,438	0	45,438	(45,438)	0	(45,438)	0
	TOTAL, BUDGET ACTIVITY 2:	71,438	0	71,438	(45,438)	26,000	(45,438)	26,000
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING		0					121,160
50	DEFENSE ACQUISITION UNIVERSITY	112,991		112,991	0	112,991	(11,500)	101,491
60	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	19,669		19,669	0	19,669		19,669
	TOTAL, BUDGET ACTIVITY 3:	132,660	0	132,660	0	132,660	(11,500)	121,160
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	8,599,036	(36,678)	8,517,020	(245,982)	8,353,054	(372,806)	8,226,230
70	AMERICAN FORCES INFORMATION SERVICE	90,892	0	90,892		90,892		90,892
80	CORPORATE INFORMATION MANAGEMENT	127,967		127,967		127,967		139,167
	JOINT ANALYTIC MODEL IMPROVEMENT PLAN	0		0	11,200	11,200	11,200	
90	CLASSIFIED AND INTELLIGENCE	3,350,037	452	3,350,489		3,350,037		3,350,037
100	DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	45,631		45,631		45,631	(2,400)	43,231
110	DEFENSE CONTRACT AUDIT AGENCY	342,926		342,926		342,926		332,126
	ACQUISITION WORK FORCE SAVINGS					0	(10,800)	
120	DEFENSE INVESTIGATIVE SERVICE	201,582		201,582		201,582	(2,000)	199,582
130	DEFENSE LOGISTICS AGENCY	1,055,996		1,070,996	(3,000)	1,052,996		1,059,296
	HOMELESS INITIATIVE						(3,000)	
	ACQUISITION WORK FORCE SAVINGS						(10,700)	
	PROCUREMENT TECHNICAL ASSISTANCE PROGRAM	0	10,000		12,000	12,000	12,000	

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	DEBT COLLECTION DEMONSTRATION	0	5,000			0	5,000	
140	DEFENSE LEGAL SERVICES AGENCY	6,540		6,540		6,540		6,540
150	DEFENSE MAPPING AGENCY	734,438		734,438		734,438		714,538
	MINOR EQUIPMENT						(13,800)	
	INTERNET ACCESS						(600)	
	PRODUCTIVITY IMPROVEMENTS						(4,500)	
	PERSONNEL REGIONALIZATION						(1,000)	
160	DEFENSE NUCLEAR AGENCY	96,105		96,105		96,105		96,105
170	DEFENSE POW/MIA OFFICE	13,486		13,486		13,486		13,486
180	FEDERAL ENERGY MANAGEMENT PROGRAM	234,682		234,682	(184,682)	50,000	(184,682)	50,000
190	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,292,684		1,292,684		1,292,684		1,281,129
	OVERHEAD						(10,000)	
	RELOCATION ASSITANCE						(2,055)	
	DoDDS MATHMATICS TEACHERS LEADERSHIP PROJECT						500	
200	DEFENSE SUPPORT ACTIVITIES	82,562		82,562		82,562		82,562
210	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,858		10,858		10,858		10,858
220	JOINT CHIEFS OF STAFF	97,873		97,873		97,873		97,873
230	OFFICE OF ECONOMIC ADJUSTMENT	59,078	1,500	60,578		59,078	1,500	60,578
240	OFFICE OF THE SECRETARY OF DEFENSE	349,291		297,161		349,291		213,422
	ACQUISITION WORK FORCE SAVIINGS						(400)	
	DFAS SAVINGS						(20,000)	
	ACQUISITION PROGRAM GROWTH						(4,200)	
	MANAGEMENT EFFICIENCIES						(24,669)	
	CONSULTING SERVICIES						(20,700)	
	STAFFING REDUCTIONS						(6,400)	
	NG YOUTH & CIVIL/MILITARY COOPERATION PROGRAMS	0	(68,830)		(69,500)	(69,500)	(69,500)	
	JOINT RECRUITING ADVERTISING PROGRAM	0	16,700			0	10,000	
245	OFFICE OF THE SECRETARY OF DEFENSE (NO YEAR)	0		0		0		0
250	ON SITE INSPECTION AGENCY (ARMS CONTROL)	97,987		97,987	(12,000)	85,987	(12,000)	85,987
260	WASHINGTON HEADQUARTERS SERVICES	308,421		263,083		308,421		298,821
	INVENTORY GROWTH						(9,600)	
	PENTAGON RENOVATION TRANSFER							
	DISASTER RELIEF		(45,338)					
	TOTAL, BUDGET ACTIVITY 4:	8,599,036	(80,516)	8,518,520	(245,982)	8,353,054	(372,806)	8,226,230
	BUDGET ACTIVITY 5: INTEREST							
270	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	0	0	0	0	0	0	0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, BUDGET ACTIVITY 5:	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	BUDGET ACTIVITY 6: CAPITAL LEASE							
280	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	69,195	(69,195)	0	0	69,195	(69,195)	0
	TOTAL, BUDGET ACTIVITY 6:	**69,195**	**(69,195)**	**0**	**0**	**69,195**	**(69,195)**	**0**
	UNDISTRIBUTED	**0**	**364,800**	**364,800**	**(39,495)**	**(39,495)**	**(21,867)**	**(21,867)**
	CLASSIFEID PROGRAMS				(18,500)	(18,500)	(9,867)	(9,867)
	TROOPS TO TEACHERS				42,000	42,000	0	0
	TROOPS TO COPS				10,000	10,000	0	0
	UNDISTRIBUTED (JROTC)				(12,295)	(12,295)		
	PENTAGON RENOVATION				(14,000)	(14,000)	(14,000)	(14,000)
	UNDISTRIBUTED REDUCTION (Air Force Reserve)				(10,000)	(10,000)		
	UNDISTRIBUTED (OHDACA)				(40,000)	(40,000)		
	MULTI-TECH AUTO READER CARD				8,000	8,000	8,000	8,000
	CIVILIAN UNDEREXECUTION		(125,000)	(125,000)	(57,700)	(57,700)	(45,000)	(45,000)
	TRAVEL				(72,000)	(72,000)	(33,500)	(33,500)
	ONGOING OPERATION (Not Budgeted)				125,000	125,000	5,300	5,300
	JOINT MARKET RESEARCH PROGRAM		2,000	2,000			2,000	2,000
	FAMILY ADVOCACY		30,000	30,000			30,000	30,000
	FOREIGN CURRENCY FLUCTUATION		56,000	56,000			6,400	6,400
	INNOVATIVE PROCESSES		350,000	350,000			0	0
	EDUCATIONAL IMPACT AID		58,000	58,000			35,000	35,000
	CONTRACTOR OUTSOURCING TRAINING		10,000	10,000			0	0
	DIGITAL IMAGING I.D.		2,000	2,000			0	0
	TRANSPORTATION IMPROVEMENTS		(18,200)	(18,200)			(18,200)	(18,200)
	INFORMATION TECHNOLOGY						12,000	12,000
	TOTAL, O&M, DEFENSE-WIDE	**10,366,782**	**315,089**	**10,681,871**	**(330,915)**	**10,035,867**	**(456,306)**	**9,910,476**
	OPERATION AND MAINTENANCE, ARMY RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION OPERATIONS	**958,790**	**44,000**	**1,002,790**	**0**	**958,790**	**44,000**	**1,002,790**
10	BASE SUPPORT	284,036		284,036		284,036		284,036

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
20	DEPOT MAINTENANCE	57,377		57,377		57,377		57,377
30	RECRUITING AND RETENTION	43,963	4,000	47,963		43,963	4,000	47,963
40	TRAINING OPERATIONS	573,414	40,000	613,414		573,414	40,000	613,414
	TOTAL, BUDGET ACTIVITY 1:	958,790	44,000	1,002,790	0	958,790	44,000	1,002,790
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	109,801	0	109,801	0	109,801	0	109,801
50	INFORMATION MANAGEMENT	17,492		17,492		17,492		17,492
60	PUBLIC AFFAIRS	423		423		423		423
70	PERSONNEL ADMINISTRATION	61,941		61,941		61,941		61,941
80	STAFF MANAGEMENT	29,945		29,945		29,945		29,945
	TOTAL, BUDGET ACTIVITY 4:	109,801	0	109,801	0	109,801	0	109,801
	UNDISTRIBUTED		27,000	27,000	(6,000)	(6,000)	16,600	16,600
	CIVILIAN UNDEREXECUTION				(6,000)	(6,000)	(6,000)	(6,000)
	REAL PROPERTY MAINTENANCE		17,000	17,000			17,000	17,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		5,000	5,000			5,000	5,000
	MEDICAL/DENTAL COMPENSATION		5,000	5,000			5,000	5,000
	RESERVE COMPONENT AUTOMATION SYSTEM						(4,400)	(4,400)
	TOTAL, O&M, ARMY RESERVE	1,068,591	71,000	1,139,591	(6,000)	1,062,591	60,600	1,129,191
	OPERATION AND MAINTENANCE, NAVY RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	RESERVE AIR OPERATIONS	491,949	0	491,949	14,800	506,749	19,800	511,749
10	MISSION AND OTHER FLIGHT OPERATIONS	291,673		291,673		291,673		306,473
	P-3 SQUADRON OPERATIONS	0		0	14,800	14,800	14,800	
20	INTERMEDIATE MAINTENANCE	17,813		17,813		17,813		17,813
30	AIR OPERATION AND SAFETY SUPPORT	1,915		1,915		1,915		1,915
40	AIRCRAFT DEPOT MAINTENANCE	49,338		49,338		49,338	5,000	54,338
50	AIRCRAFT DEPOT OPS SUPPORT	356		356		356		356
60	BASE SUPPORT	130,854		130,854		130,854		130,854

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	RESERVE SHIP OPERATIONS	157,940	0	157,940	0	157,940	0	157,940
70	MISSION AND OTHER SHIP OPERATIONS	60,895		60,895		60,895		60,895
80	SHIP OPERATIONAL SUPPORT AND TRAINING	658		658		658		658
90	INTERMEDIATE MAINTENANCE	23,990		23,990		23,990		23,990
100	SHIP DEPOT MAINTENANCE	70,930		70,930		70,930		70,930
110	SHIP DEPOT OPERATIONS SUPPORT	1,467		1,467		1,467		1,467
	RESERVE COMBAT OPERATIONS SUPPORT	78,434	0	78,434	0	78,434	0	78,434
120	COMBAT COMMUNICATIONS	817		817		817		817
130	COMBAT SUPPORT FORCES	25,207		25,207		25,207		25,207
140	BASE SUPPORT	52,410		52,410		52,410		52,410
	RESERVE WEAPONS SUPPORT	5,641	0	5,641	0	5,641	0	5,641
150	WEAPONS MAINTENANCE	5,641		5,641		5,641		5,641
	TOTAL, BUDGET ACTIVITY 1:	733,964	0	733,964	14,800	748,764	19,800	753,764
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	92,078	0	92,078	0	92,078	0	92,078
160	ADMINISTRATION AND SERVICEWIDE ACTIVITIES			0				0
170	ADMINISTRATION	8,029		8,029		0		8,029
180	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	3,222		3,222		8,029		3,222
190	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	31,209		31,209		3,222		31,209
200	OTHER PERSONNEL SUPPORT	21,247		21,247		31,209		21,247
210	SERVICEWIDE COMMUNICATIONS	25,723		25,723		21,247		25,723
220	BASE SUPPORT	2,648		2,648		25,723		2,648
	COMBAT/WEAPONS SYSTEMS					2,648		0
	TOTAL, BUDGET ACTIVITY 4:	92,078	0	92,078	0	92,078	0	92,078
	UNDISTRIBUTED	0	12,000	12,000	0	0	22,500	22,500
	REAL PROPERTY MAINTENANCE		12,000	12,000			20,000	20,000
	NSIPS						2,500	2,500
	TOTAL, O&M, NAVY RESERVE	826,042	12,000	838,042	14,800	840,842	42,300	868,342

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION FORCES	55,235	0	55,235	0	55,235	6,300	61,535
10	TRAINING	13,617		13,617		13,617	900	14,517
20	OPERATING FORCES	21,237		21,237		21,237	4,400	25,637
30	BASE SUPPORT	18,059		18,059		18,059		18,059
40	DEPOT MAINTENANCE	2,322		2,322		2,322	1,000	3,322
45	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	55,235	0	55,235	0	55,235	6,300	61,535
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	35,048	0	35,048	0	35,048	2,200	37,248
50	RECRUITING AND ADVERTISING	7,609		7,609		7,609		7,609
60	SPECIAL SUPPORT	9,064		9,064		9,064		9,064
70	SERVICEWIDE TRANSPORTATION	5,381		5,381		5,381		5,381
80	ADMINISTRATION	6,274		6,274		6,274		6,274
90	BASE SUPPORT	6,720		6,720		6,720	2,200	8,920
	TOTAL, BUDGET ACTIVITY 4:	35,048	0	35,048	0	35,048	2,200	37,248
	UNDISTRIBUTED		1,500				1,500	1,500
	REAL PROPERTY MAINTENANCE	0	1,500	1,500	0	0	1,500	1,500
	OPERATIONAL SUPPORT AIRCRAFT							0
	TOTAL, O&M, MARINE CORPS RESERVE	90,283	1,500	91,783	0	90,283	10,000	100,283
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	1,420,914	0	1,420,914	0	1,420,914	11,840	1,432,754
10	AIRCRAFT OPERATIONS	1,103,593		1,103,593		1,103,593	11,840	1,115,433
20	MISSION SUPPORT OPERATIONS	35,073		35,073		35,073		35,073
30	BASE SUPPORT	282,248		282,248		282,248		282,248
33	DEPOT MAINTENANCE	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
35	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	1,420,914	0	1,420,914	0	1,420,914	11,840	1,432,754
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	65,033	0	65,033	0	65,033	0	65,033
40	ADMINISTRATION	33,107		33,107		33,107		33,107
50	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	17,746		17,746		17,746		17,746
60	RECRUITING AND ADVERTISING	7,743		7,743		7,743		7,743
70	OTHER PERSONNEL SUPPORT	6,063		6,063		6,063		6,063
80	AUDIOVISUAL	374		374		374		374
85	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	65,033	0	65,033	0	65,033	0	65,033
	UNDISTRIBUTED		21,500	21,500	(3,000)	(3,000)	18,500	18,500
	CIVILIAN UNDER EXECUTION				(3,000)	(3,000)	(3,000)	(3,000)
	REAL PROPERTY MAINTENANCE		13,500	13,500			13,500	13,500
	RESERVE MILITARY/CIVILIAN TECHICIAN RESTORATION		8,000	8,000			8,000	8,000
	TOTAL, O&M, AIR FORCE RESERVE	1,485,947	21,500	1,507,447	(3,000)	1,482,947	30,340	1,516,287
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION OPERATIONS	2,110,418	60,000	2,170,418	0	2,110,418	42,600	2,153,018
10	TRAINING OPERATIONS	1,720,134	60,000	1,780,134		1,720,134	40,000	1,760,134
20	RECRUITING AND RETENTION	20,110		20,110		20,110		20,110
30	MEDICAL SUPPORT	19,109		19,109		19,109		19,109
40	DEPOT MAINTENANCE	100,687		100,687		100,687		100,687
50	BASE SUPPORT	250,378		250,378		250,378	2,600	252,978
	TOTAL, BUDGET ACTIVITY 1:	2,110,418	60,000	2,170,418	0	2,110,418	42,600	2,153,018
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	193,690	0	193,690	0	193,690	(14,900)	178,790
60	INFORMATION MANAGEMENT	59,496		59,496		59,496	(14,900)	44,596
70	PUBLIC AFFAIRS	1,461		1,461		1,461		1,461
80	PERSONNEL ADMINISTRATION	89,665		89,665		89,665		89,665
90	STAFF MANAGEMENT	43,068		43,068		43,068		43,068
	TOTAL, BUDGET ACTIVITY 4:	193,690	0	193,690	0	193,690	(14,900)	178,790
	UNDISTRIBUTED		30,000	30,000	0	0	30,000	30,000
	REAL PROPERTY MAINTENANCE		21,000	21,000			21,000	21,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		9,000	9,000			9,000	9,000
	TOTAL, O&M, ARMY NATIONAL GUARD	2,304,108	90,000	2,394,108	0	2,304,108	57,700	2,361,808
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	2,704,107	0	2,704,107	38,000	2,742,107	30,400	2,734,507
10	AIRCRAFT OPERATIONS	1,977,786		1,977,786		1,977,786	28,900	2,006,686
	ANG PAA STRUCTURE				38,000	38,000		
20	MISSION SUPPORT OPERATIONS	346,687		346,687		346,687		346,687
30	BASE SUPPORT	361,224		361,224		361,224		361,224
40	DEPOT MAINTENANCE	18,410		18,410		18,410	1,500	19,910
45	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	2,704,107	0	2,704,107	38,000	2,742,107	30,400	2,734,507
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE ACTIVITIES	8,114	0	8,114	0	8,114	0	8,114
50	ADMINISTRATION	3,127		3,127		3,127		3,127
60	RECRUITING AND ADVERTISING	4,987		4,987		4,987		4,987
	TOTAL, BUDGET ACTIVITY 4:	8,114	0	8,114	0	8,114	0	8,114
	UNDISTRIBUTED		22,000	22,000	(16,000)	(16,000)	17,500	17,500

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request.	Conference Agreement
	REAL PROPERTY MAINTENANCE		15,000	15,000			15,000	15,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		7,000	7,000			18,500	18,500
	CIVILIAN UNDER EXECUTION				(16,000)		(16,000)	(16,000)
	TOTAL, O&M, AIR NATIONAL GUARD	2,712,221	22,000	2,734,221	22,000	2,734,221	47,900	2,760,121
	MISCELLANEOUS	12,843,694	(415,790)	12,427,904	(32,890)	12,810,804	(354,790)	12,488,904
				0				
10	INSPECTOR GENERAL	138,226	39,000	177,226		138,226		138,226
10	RIFLE PRACTICE, ARMY	0		0		0		0
10	COURT OF MILITARY APPEALS	6,521		6,521		6,521		6,521
10	SUMMER OLYMPICS	15,000		15,000		15,000		15,000
10	SPECIAL OLYMPICS	0		0		0		0
10	ENVIRONMENTAL RESTORATION	1,622,200	(200,000)	1,422,200	(20,400)	1,601,800	(186,600)	1,422,200
	DEFENSE AND STATE MOU				(15,900)		(10,900)	
	RESTORATION ADVISORY BOARDS				(3,500)		(1,500)	
	ENVIRONMENTAL MANAGEMENT				(1,000)		(1,000)	
10	HUMANITARIAN ASSISTANCE	79,790	(79,790)	0	(19,790)	60,000	(79,790)	
10	DRUG INTERDICTION	680,432		680,432		680,432		680,432
10	INTERNATIONAL PEACEKEEPING	65,000	(65,000)	0	(65,000)	0	(65,000)	0
10	PAYMENT TO KAHO'OLAWE ISLAND	0		0		0		0
10	WORLD UNIVERSITY GAMES	0		0		0		0
10	WORLD CUP	0		0		0		0
10	DEFENSE HEALTH PROGRAM	9,865,525	11,000	9,876,525	78,300	9,943,825	11,000	9,876,525
10	DISASTER RELIEF	0				0		
	OVERSEAS HUMAN , DISASTER & CIVIC AID	0	50,000	50,000			50,000	50,000
10	FORMER SOVIET UNION THREAT REDUCTION	371,000	(171,000)	200,000	(6,000)	365,000	(71,000)	300,000
	TOTALS	91,634,433	2,785,764	94,420,197	(225,605)	91,408,828	981,928	92,616,361

PACER COIN

The budget request included $5.5 million in procurement and $19.5 million in operations and maintenance funding for the PACER COIN aircraft.

The House bill would deny all funding, effectively terminating this program.

The Senate amendment would authorize the Department's request.

The House recedes.

The conferees are aware of the conflicting positions of responsible officials within the Department of Defense. Although the regional Commander in Chief has made a recent statement of need for continuing the PACER COIN mission, the conferees understand that the National Guard Bureau has requested that the Air Force terminate the PACER COIN program. The conferees also understand that the Air Force intends to phase out the PACER COIN aircraft and mission in fiscal year 1998, and that the National Guard Bureau intends to shift the mission of the Reno Air National Guard C–130 unit to flying air drop missions. Finally, the conferees understand there is current direction which restricts the Reno Guard from beginning air drop training until the PACER COIN mission is terminated.

The conferees agree to authorize the budget request. Nevertheless, the conferees remain unconvinced that the PACER COIN program, within its current mission tasking, provides such unique intelligence collection as to justify continued spending of limited resources on this mission. However, the conferees agree that:

(1) terminating the PACER COIN program immediately this fiscal year would place unacceptable stresses on the personnel system;

(2) the Department has already obligated fiscal year 1996 funds for this mission; and

(3) the Air Force would need funds to terminate the program and provide proper aircraft/equipment disposition.

The conferees direct the Department to determine whether or not the PACER COIN aircraft could be used in a dual use role. The conferees believe that the analysis should answer several questions, including at least the following:

(1) Could the aircraft be used, without certain PACER COIN systems, in an air drop role?

(2) Could the aircraft be configured to simultaneously perform the PACER COIN mission and carry the SENIOR SCOUT tactical intelligence system?

(3) What alternatives are there for filling the. . . .

ITEMS OF SPECIAL INTEREST

DBOF transfers

The conferees reduced the civilian personnel funding request by $226.0 million. Of this amount, the conferees expect that $96.0 million will be realized from projected savings from Defense Business Operations Fund (DBOF) activities. The conferees direct that $96.0 million be transferred from the DBOF to the accounts from which the reductions are taken.

The conferees also reduced the operation and maintenance (O&M) accounts of the services by $180.0 million, in anticipation of savings from efficiencies in the management of Department of Defense inventories. The conferees direct that $180.0 million be transferred from the DBOF to the following O&M accounts: Army, $60.0 million; Navy, $60.0 million; Air Force, $60.0 million.

Restriction on devolving the Defense Environmental Restoration Account to the military services

In a memorandum dated May 3, 1995, the Deputy Secretary of Defense announced a proposal to devolve the Defense Environmental Restoration Account (DERA), a single transfer account administered by the Department of Defense, to four separate transfer accounts administered by the individual military services. The execution of the Deputy Secretary of Defense's proposal would require modification of the DERA statutory framework.

The conferees are concerned the devolution of DERA would impede congressional oversight of the management and use of funds authorized for and appropriated to the account. In relation to development, the conferees desire a thorough description of the means by which the Department of Defense would ensure consistent funding and accountability for environmental restoration activities. Moreover, the Department of Defense needs to identify the monetary savings and administrative efficiencies associated with DERA development. The Department of Defense also must specify funding and staffing reductions for the office of the Deputy Under Secretary of Defense for Environmental Security that would result from DERA devolution.

The conferees agree that, in the event that the Department of Defense intends to pursue legislation to authorize devolvement for fiscal year 1997, the Secretary of Defense must submit a report to Congress, no later than March 31, 1996. The report should provide full justification for DERA devolvement and address the matters outlined above. In the absence of the requested information this year, the conferees decline to authorize a change to the existing statutory scheme for DERA at this time.

National defense sealift fund

SUMMARY

The budget request included $974.2 million in the national defense sealift fund (NDSF) for the procurement of two new strategic sealift ships, operations and maintenance of the national defense reserve fleet (NDRF), acquisition and modification of additional ships for the ready reserve force (RRF) of the NDRF, and research and development of mid-term sealift ship technologies.

The House bill would authorize $974.2 million for the NDSF, the budget request.

The Senate amendment would authorize $1.08 billion for the NDSF, an increase of $110.0 million. This increase would be for the purpose of purchasing and converting one additional ship for enhancement of the Marine Corps' maritime prepositioning ship (MPS) program.

The conferees agree to authorize $1.02 billion for the NDSF, an increase of $50.0 million. Items of special interest are discussed in the following sections.

NATIONAL DEFENSE FEATURES

The House bill did not authorize the $70.0 million included in the NDSF budget request for the procurement and modification of additional roll-on/roll-off (RO/RO) ships for the RRF. Instead, it would authorize $70.0 million for the procurement and installation of national defense features (NDF) on commercial vehicle carriers built in and documented under the laws of the United States, as required by section 2218, title 10, United States Code.

The Senate amendment dealt with the $70.0 million included in the NDSF budget request for the procurement and modification of RRF RO/RO vessels as follows:

(1) $20.0 million to modify RO/RO vessels purchased in fiscal year 1995; and

(2) $50.0 million to procure and install defense features on commercial RO/RO vessels that would be built in United States shipyards.

The conferees agree that, of the amount authorized for the NDSF, $50.0 million shall be for the procurement and installation of NDF and $20.0 million shall be for modification of the RRF RO/RO vessels purchased in fiscal year 1995. The conferees also restrict the obligation of the $20.0 million authorized for the modification of RRF RO/RO vessels until 30 days after the Secretary of Defense has notified the congressional defense committees that a NDF program has been formally established and that at least $50.0 million has been made available to fund it.

MARITIME PREPOSITIONING SHIP ENHANCEMENT

The budget request of $974.2 million for the national defense sealift fund (NDSF) did not include funding for any enhancements to the Marine Corps' maritime prepositioning force.

In order to continue a program initiated last year, the Senate amendment would authorize $110.0 million above the NDSF budget request to purchase and convert an additional MPS ship.

The House bill would authorize the budget request. It did not address the issue of MPS enhancement.

The conferees would not authorize funds for MPS enhancement in the conference agreement. However, the conferees reaffirm their strong support for the MPS enhancement program. This program will enable the marine Corps to add additional tanks, and expeditionary airfield, additional Navy construction battalion equipment, a fleet hospital, and other supplies to each MPS squadron, to better sustain the marine Corps as an expeditionary force.

The conferees believe that there are substantial benefits inherent in an MPS enhancement program. Consequently, the conferees are troubled by the department's failure to include funding for a second MPS enhancement ship in the fiscal year 1996 budget request, and by the lack of progress in acquiring and converting the MPS enhancement ship authorized and appropriated in fiscal year 1995.

The conferees note, however, that the Navy appears to have made some recent progress in developing a well-defined program. In view of the above, the conferees strongly encourage the Secretary of Defense to accelerate the pace at which additional sealift capability is acquired (to include funding for a second MPS enhancement ship in fiscal year 1997). However, the conferees expect the Secretary to adhere to the prepositioning, surge, and RRF priorities established by the Mobility Requirements Study (MRS) and validated by the MRS Bottom Up Review Update.

The conferees also expect the Navy to aggressively pursue all possible procurement options, including multi-ship and commercial procurement, to achieve the cost savings associated with the acquisition, conversion, and delivery of MPS enhancement vessels. The Secretary of Defense is directed to report on the progress made in meeting this goal when he submits the fiscal year 1997 budget request.

ADVANCED SUBMARINE TECHNOLOGY RESEARCH

The conferees agree that, of the amount appropriated for fiscal year 1996 for the NDSF, $50.0 million shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

National Security Agency Oversight

The budget request included $5.0 million in operations and maintenance (O&M) funds and 82 new personnel billets for National Security Agency (NSA) oversight of tactical signals intelligence (SIGINT) system development.

The House bill would not authorize the $5.0 million O&M request.

The Senate amendment would authorize the budget request.

The conferees question the necessity for 82 persons to perform a function that could be significantly facilitated by automation and improved electronic connectivity, but recognize both the importance of the program and the commitment of the Deputy Secretary of Defense and the Director of NSA to this effort. Accordingly, the conferees agree to authorize the budget request, but direct that the 82 billets be transferred from the Consolidated Cryptological Program (CCP) to the Defense Cryptological Program (DCP), resulting in no net gain in United States SIGINT System activities. The conferees understand that this billet transfer may temporarily force NSA to exceed its personnel ceilings. The conferees agree to authorize NSA to remain above its personnel ceiling through fiscal year 1997 for this purpose, but expect that, as of September 30, 1997, NSA will meet its congressionally mandated 17.5 percent reduction target. The conferees also urge NSA to review the requirements for each of these billets for validity and consistency.

Department of Defense next generation weather radar-doppler

The Department of the Air Force operates 21 next generation weather radar-doppler (NEXRAD) weather radar equipment in CONUS that primarily function to protect military locations. Additionally, Department of Defense (DOD) radar provides supplementary data to the National Weather Service (NWS) and its national radar network.

DOD NEXRADs are maintained at operational standards that meet military requirements. Due to increasing NWS reliance on the DOD NEXRADS for primary and back-up coverage, efforts have been made to increase the reliability of the DOD radar to meet NWS operating standards.

The conferees direct the Secretary of the Air Force to report by March 31, 1996, on the measures needed to conform the operation of the NEXRADS to the NWS operating standards. The report should address any resource requirements, including personnel and funds.

Reengineering household goods moves

The conferees commend the Department of Defense for initiating efforts to incorporate efficient business practices in its household goods moving operations. The objective of these efforts should be to procure commercial services at the lowest possible cost while ensuring service members and their families receive the best possible service.

Current procurement practices are cumbersome and inefficient, resulting in clearly unacceptable costs for both DOD and the moving industry. It is not apparent that the time and expense associated with processing redundant paperwork and administering a government-unique system are necessary to ensure a level of service for DOD customers that meets the industry standard.

Further, current practices are structured in such a way that service members and their families are subjected to unnecessary administrative burdens. Claims procedures and the evaluation system are outdated and seemingly disconnected from the concept of quality control, and can be frustrating to customers. Because military relocations account for a substantial share of moving industry work, DOD should be able to implement simple, cost-effective procedures which simultaneously assure first class service for customers.

However, current DOD practices do not reflect best industry practices, such that the DOD operation should be reengineered, rather than simply reorganized. The conferees direct the Secretary of Defense to initiate a pilot program to reengineer household goods moves. The Secretary should direct the incorporation of commercial practices, and report on the program not later than February 15, 1996, prior to implementation of any element of the pilot program. The report should be accompanied by comments from the industry.

The Secretary may not implement any element of the pilot program that could adversely affect small businesses, including extension or application of Federal Acquisition Regulations into this matter, until 90 days after the submission of the report.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Armed Forces Retirement Home (sec. 303)

The House bill contained a provision (sec. 303) that would authorize an appropriation from the Armed Forces Retirement Home (AFRH) Trust Fund for operation of the AFRH in fiscal year 1996.

The Senate amendment contained a provision (sec. 303) that would authorize an identical appropriation from the trust fund, and authorize a new appropriation of $45.0 million to the trust fund. The recommendation for this new appropriation directly to the trust fund would address the problem of its potential insolvency due to unanticipated decreases in the long-established funding stream approved by Congress for operation of the AFRH.

The Senate recedes.

Congress established a funding program whereby the AFRH would be self-sustaining, and not dependent on public funds. The U.S. Soldiers' and Airmen's Home in Washington, DC, has operated successfully according to this program since its inception in 1851. The U.S. Naval Home (established in 1834 and located since 1976 in Gulfport, MS) had been funded differently, relying on public funds from 1935 until 1991, when both homes were incorporated into the AFRH (Armed Forces Retirement Home Act of 1991; P.L. 101-510). The Act brought both homes under the unified management of the Armed Forces Retirement Home Board and merged the trust funds of the two homes.

Subsequent to incorporation, the annual operating costs for both homes of the AFRH have been authorized by Congress, to be drawn (appropriated) from a single trust fund. Since the funding program provided that interest from the trust fund, fines and forfeitures, and a monthly assessment from the pay of active duty enlisted service members and warrant officers would maintain the solvency of the trust fund, no appropriation outside the fund was envisioned to be necessary.

However, Congress did not anticipate the magnitude of reductions in the armed forces prompted by the end of the Cold War. These reductions caused a decrease in the funding stream as the income derived from assessments decreased. The high quality of the force resulted in fewer disciplinary problems, which in turn resulted in less income from fines and forfeitures. This is significant because fines and forfeitures account for more than half the income.

The trust fund now has a negative cash flow because more money is required for operation of the AFRH than is available from income. The corpus of the trust fund is being depleted, and the conferees recognize the need to implement changes to prevent insolvency. The conferees believe it would be easier, preferable, and more advantageous to implement corrective measures in the next few years, rather than wait for the problem to become much more serious.

The conferees note that Congress addressed the funding problem in the National Defense Authorization Act for Fiscal Year 1995 by providing authority for an increase in the monthly assessment. The 1995 provision also established a schedule of increases for resident fees and required a comprehensive study by the Board on funding alternatives for the AFRH. However, the study will not be completed until December 1995, and the Department of Defense has declined to increase the assessment prior to completion of the study. The conferees note that an increase in the assessment, from 50 cents to one dollar per month, may not of itself resolve the cash flow problem. A combination of efficiencies and funding program changes may be appropriate.

The conferees strongly support the fine work of the Board, and agree to wait for the outcome of the study in order not to restrict the consideration of efficiencies. The conferees encourage the Secretary of Defense and the Board to continue their efforts to examine alternative methods of meeting the long-term financial requirements of the AFRH, while maintaining high quality service for the residents.

Transfer from National Defense Stockpile Transaction Fund (sec. 304)

The Senate amendment contained a provision (sec. 304) that would authorize the transfer of $150.0 million from the National Defense Stockpile Transition fund to the operation and maintenance accounts of the services.

The House bill contained no similar provision.

The House recedes.

Civil Air Patrol (sec. 305)

The Senate amendment contained a provision (sec. 305) that would reduce the level of Department of Defense support to the Civil Air Patrol (CAP) by $2.9 million from the budget request of $27.5 million.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

This reduction would realize savings by accelerating a CAP reorganization in which many of the functions performed by Air Force personnel in the past would then be performed by employees of the CAP. This reorganization, which was originally planned to be completed in fiscal year 1997, will not be completed during fiscal year 1996.

Subtitle B—Depot-Level Activities

Policy regarding performance of depot-level maintenance and repair for the Department of Defense (sec. 311)

The House bill contained a provision (sec. 395) that would amend current law to establish the importance to national security of maintaining a core depot-level maintenance and repair capability within Department of Defense (DOD) facilities. The provision would address core work determinations, interservicing, competition, and an exclusion from workload limitations for large individual maintenance projects. It would also repeal two limitations on the performance of depot-level work (10 U.S.C. 2466 and 2469), effective December 31, 1996.

The Senate amendment contained a provision (sec. 311) that would require the Secretary of Defense to develop a comprehensive policy on the performance of depot-level maintenance and repair, and submit a report on the policy to the congressional defense committees by March 31, 1996. The provision would condition the repeal of the two current limitations on congressional approval of the recommended policy.

The House recedes with an amendment that would clarify both the content of the policy and considerations to be made by the Secretary. The amendment would also affirm that it is the sense of Congress that DOD must articulate core workload requirements as a necessary first step toward developing a policy.

The conferees believe that it would be extremely difficult for Congress to approve a policy that does not provide for the performance of core depot-level workload in public facilities.

Although the conferees do not wish to prescribe more than a broad outline of the areas to be addressed by the Secretary, the conferees believe it is useful to direct the Secretary to consider numerous matters in developing the policy, and to report on items of interest.

The conferees believe it is both preferable and entirely possible for DOD to develop an acceptable, comprehensive policy that will serve the best interests of national security. The conferees also believe that such a policy could achieve efficiencies, and result in resolving the constant debate over how to apportion work between the public and private sectors.

With respect to the exclusion for large individual maintenance projects contained in the House provision, the conferees note that certain projects may account for a large share of a military department's maintenance and repair budget. This is the case with respect to complex overhauls of naval vessels, particularly nuclear-powered aircraft carriers, whose overhaul and refueling can absorb a large percentage of the Navy's maintenance and repair budget in a given fiscal year. Amounts expended for such large projects could, if counted against the limitation prescribed under current law (10 U.S.C. 2466), affect the application of the formula for the apportionment of work between the public and private sectors.

The conferees note that the impact of large maintenance projects could have unintended consequences on the application of section 2466. Until the workload limitations are repealed, the conferees direct the Secretary of the Navy to monitor the assignment of large individual maintenance projects closely and continue to administer depot maintenance programs to avoid unintended imbalances in workload distribution insofar as practicable.

Management of depot employees (sec. 312)

The House bill contained a provision (sec. 332) that would prohibit the management of depot employees by endstrength constraints.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services (sec. 313)

The Senate amendment contained a provision (sec. 312) that would extend through fiscal year 1996 the authority provided by section 1425 of the National Defense Authorization Act of 1991, as amended, for naval shipyards and aviation depots of all the services to bid on defense-related production and services.

The House bill contained no similar provision.

The House recedes.

Modification of notification requirement regarding use of core logistics functions waiver (sec. 314)

The House bill contained a provision (sec. 374) that would modify section 2464(b) to title 10, United States Code, concerning notification to Congress regarding the effective date of the subject waiver.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Environmental Provisions

Revision of requirements for agreements for services under the defense environmental restoration program (sec. 321)

The Senate amendment contained a provision (sec. 321) that would amend section 2701(d) of title 10, United States Code, to ensure Department of Defense accountability for reimbursements provided to states or territories. The Senate amendment would limit the basis for state reimbursement. First, states or territories participating in agreements under the defense environmental restoration program would only receive reimbursement for providing technical and scientific services. Second, the provision would require the submission of a reprogramming request for amounts in excess of $5.0 million.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the funding authorization to $10.0 million.

Addition of amounts creditable to the defense environmental remediation account (sec. 322)

The House bill contained a provision (sec. 322) that would provide for transfer account credit of amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601, et. seq.) or from other reimbursements to the Department of Defense for environmental restoration activities.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress on use of defense environmental restoration account (sec. 323)

The House bill contained a provision (sec. 326) that would express the sense of Congress that by the end of fiscal year 1997 no more than 20 percent of the annual funding for the Defense Environmental Restoration Account should be spent for administration, support, studies, and investigations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a goal that by the end of fiscal year 1997 no more than 20 percent of the annual funding for the Defense Environmental Restoration Account should be spent for administration, support, studies, and investigations. The amendment would also require the Department of Defense to submit a report to Congress by April 1, 1996. The report would specify issues related to attaining the 20 percent goal.

Revision of authorities relating to restoration advisory boards (sec. 324)

The Senate amendment contained a provision (sec. 323) that would amend section 2705 of title 10, United States Code, which authorizes establishment of restoration advisory boards (RABs) to assist the Department of Defense with environmental restoration activities at military installations. Section 2705 also provides a funding framework for local community members of RABs and existing technical review committees.

About 200 Restoration Advisory Boards have been established at operational and closing installations and formerly used defense sites. Under current law, the RAB funding sources for local community member participation and for technical assistance are the Defense Environmental Restoration Account (DERA) and the Base Realignment and Closure Account (BRAC). Section 2705(e)(3)(B) provides a $7.5 million limit on the use of DERA and BRAC funds to pay for RAB technical assistance and community participation in fiscal year 1995. Under section 2705(d)(3), routine administrative expenses for RABs may be paid out of funds available for the operation and maintenance of an installation, without any limit on the amount of funds that may be expended for that purpose.

The Senate amendment would amend section 2705 to limit funding sources to BRAC and DERA, not to exceed $4.0 million in fiscal year 1996. Funds would be made available only for routine administrative expenses and technical assistance. The installation commander could obtain technical assistance for a RAB to interpret scientific and engineering issues related to the environmental restoration activities at the installation where the RAB is functioning.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the funding authorization to $6.0 million. As part of the amendment, the conferees have included language that would make funds unavailable after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations. Based on section 2705(d)(2) of title 10, United States Code, the conferees anticipate that the Department would already have made some progress in the promulgation of regulations.

Funding for private sector sources of technical assistance would be contingent on the following: (1) a demonstration that the existing technical resources of the Federal, state, and local agencies responsible for overseeing environmental restoration at an installation could not serve the objective for which technical assistance is requested; or (2) outside assistance is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration at an installation; and (3) outside assistance is likely to contribute to community acceptance of environmental restoration activities at an installation.

The conferees intend that the funds authorized pursuant to this section would be the primary funding source for technical assistance and administrative expenses associated with RABs. The conferees strongly encourage the Secretary of Defense to ensure that funds authorized for RABs are expended in a manner that is consistent with obtaining technical assistance and with payment of administrative expenses, and is dispensed in accordance with the funding mechanism established in this section. The RAB program should not serve as a drain on the Superfund.

Discharge from vessels of the Armed Forces (sec. 325)

The Senate amendment contained a provision (sec. 322) that would address incidental discharges from vessels of the armed forces through the development of uniform national discharge standards. The Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., and implementing regulations currently exempt incidental vessel discharges from permitting requirements. Incidental discharges remain subject to varying state regulation. The lack of uniformity has presented operational problems for the Navy.

The Senate amendment is modeled after section 312 of the Federal Water Pollution Control Act, 33 U.S.C. 1322, which establishes uniform national discharge standards for sewage discharges from all vessels. The standards provision would extend this model to regulate non-sewage incidental discharges from vessels of the armed forces.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Operation of commissary system (sec. 331)

The House bill contained a provision (sec. 341) that would revise the operation of the commissary store system, allow contracts with other agencies, and revise payments to vendor agents.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the revision of payments to vendor agents.

The conferees are concerned about the high cost of the Defense Finance and Accounting Service procedures to process the 1.5 million annual commissary invoices. The conferees believe that innovative practices need to be pursued to reduce this burden. The administrative costs consume funding that could otherwise be used to improve patron services or reduce costs.

The conferees direct the Secretary of Defense to conduct a review of innovative practices to reduce this cost. Included in this review should be an examination of the relationship between the current distribution and invoicing practices. The Secretary of Defense should report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996 on the recommended actions, if any, to reduce these costs and how any savings will be used.

Additionally, the conferees note that the Defense Commissary Information System and the Point-of-Sale Modernization programs are essentially off-the-shelf commercial grocery systems designed to improve patron service and increase efficiency of commissary operations. As such, the conferees believe the Secretary of Defense should get these systems on line and operating with the minimum of review required to ensure interface with other government data systems and compliance with legislation and regulations essential to protect the interests of the government.

Limited release of commissary store sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency (sec. 332)

The House bill contained a provision (sec. 343) that would amend the procedures for the release of commissary stores sales information.

The Senate amendment contained no similar provision.

The Senate recedes.

Economical distribution of distilled spirits by nonappropriated fund instrumentalities (sec. 333)

The House bill contained a provision (sec. 344) that would amend the procedures for the determination of the most economical distribution of distilled spirits.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Transportation by commissaries and exchanges to overseas locations (sec. 334)

The House bill contained a provision (sec. 345) that would allow officials responsible for the operation of commissaries and military exchanges the authority to negotiate directly with private carriers for the most cost-effective transportation of supplies by sea, without relying on the Military Sealift Command or the Military Traffic Management Command.

The Senate amendment contained no similar provision.

The Senate recedes.

Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations (sec. 335)

The House bill contained a provision (sec. 346) that would require the Secretary of Defense to conduct a demonstration program at six military installations under which funds appropriated for the support of morale, welfare, and recreation programs at the installations are combined with nonappropriated funds available for these programs and treated as nonappropriated funds.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would extend the test to two years.

Operation of combined exchange and commissary stores (sec. 336)

The House bill contained a provision (sec. 347) that would permit the continued operation of the base exchange mart at Fort Worth Naval Air Station, Texas, and would allow for the expansion of the Base Exchange Mart Program.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees approve this expansion with the understanding that they do not intend that exchange marts replace viable commissaries. When a commissary is identified for closure, the exchange system will be permitted to conduct a market survey to determine the viability of an exchange mart in the closing commissary facility. The conferees do not expect that an exchange mart would be in direct competition with a commissary operating in close proximity to a proposed exchange mart.

The conferees expect that exchange marts will operate in a manner in which nonappropriated funds are not required to sustain their operation. The conferees expect that every effort will be made to operate the exchange marts in a manner which requires only a minimal amount of appropriated fund support.

Deferred payment programs of military exchanges (sec. 337)

The House bill contained a provision (sec. 348) that would require the Secretary of Defense to establish a uniform exchange credit program that could use commercial banking institutions to fund and operate the deferred payment programs of the Army and Air Force Exchange Service and the Navy Exchange Service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision by ensuring that any proposal be competitively awarded and that prior to entering into any commercial program the Secretary determine that it is in the best interests of the exchange systems.

Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe (sec. 338)

The House bill contained a provision (sec. 349) that would require that the Secretary of Defense transfer not more than $70 million to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of military personnel in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

In order to avoid disruption of operations associated with currency fluctuations and, in recognition of the unique direct appropriation nature of commissaries as an entity of the Defense Business Operations Fund, the conferees direct that the military exchanges, other nonappropriated fund instrumentalities, and commissaries be permitted to be included in the Department of Defense foreign currency fluctuation fund.

Associated with the drawdown in Europe was an initiative to transfer operations of the Stars and Stripes Bookstores to the military exchanges. This transfer has a residual impact upon certain employees. The conferees direct that the Army and Air Force Exchange Service accept responsibility for resolving the issue of employment, severance, and back pay for the 15 local national employees formerly employed by the Stars and Stripes. The conferees expect that the Army and Air Force Exchange Service can, in conjunction with the Army and Air Force headquarters in Europe, resolve the current job action concerning these 15 local national employees using funds provided in this section.

Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores (sec. 339)

The House bill contained a provision (sec. 350) that would require the Secretary of Defense to conduct a study and submit a report to Congress regarding the manner in which greater efficiencies can be achieved in the operation of military exchanges, commissary stores, and other morale, welfare, and recreation activities.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree with the findings and scope of the study called for in the House report (H. Rept 104–131). The conferees believe that the Department of Defense should seek opportunities to reduce labor costs in resale activities and to reduce excessive overhead. Additionally, the conferees agree that significant economies and revenue potential can be realized in the area of management and oversight of overseas slot machine operations. The conferees direct the Secretary of Defense consider and, if appropriate, submit a plan to have one service serve as the executive agent for the consolidated management and operation of this function.

Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities (sec. 340)

The House bill contained a provision (sec. 351) that would extend, to December 31, 1996, the deadline for the conversion of all Navy ships' stores to operate as nonappropriated fund activities.

The Senate amendment contained a provision (sec. 373) that would repeal section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) requiring the Navy to convert ships' stores operations to a Navy Exchange System agency.

The House recedes with an amendment that would require the Inspector General of the Department of Defense to complete a review of the Navy Audit Agency report regarding the conversion of the Ships Stores pursuant to section 374 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

Disposition of excess morale, welfare, and recreation (MWR) funds (sec. 341)

The Senate amendment contained a provision (sec. 371) that would amend section 373 of the National Defense Authorization Act for Fiscal Year 1995 to permit the Marine Corps to retain the MWR funds transferred from Marine Corps installations.

The House bill contained no similar provision.

The House recedes.

Clarification of entitlement to use of morale, welfare, and recreation facilities by members of Reserve components and dependents (sec. 342)

The Senate amendment contained a provision (sec. 633) that would amend section 1065 of title 10, United States Code, to give members of the retired reserve who would be eligible for retired pay but for the fact that they are under 60 years of age the same priority of use of morale, welfare, and recreation facilities of the military services as members who retired after active duty careers.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Performance of Functions by Private-Sector Sources

Competitive procurement of printing and duplication services (sec. 351)

The House bill contained a provision (sec. 359) that would direct the Defense Printing Service to procure at least 70 percent of printing and duplication work competitively.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would exempt classified printing and duplication work from this calculation.

Direct vendor delivery system for consumable inventory items of Department of Defense (sec. 352)

The House bill contained a provision (sec. 360) that would require the Department of Defense (DOD) to arrange for delivery of consumable inventory items directly from vendors to military installations in the United States. Complete implementation of this system would be required by September 30, 1997.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require DOD to use direct vendor delivery of consumable inventory items whenever practicable.

Payroll, finance, and accounting functions of the Department of Defense (sec. 353)

The House bill contained a provision (sec. 362) that would require the Secretary of Defense to submit a plan to Congress for the privatization of the payroll functions for civilian employees of the Department of Defense and to implement the plan not later than October 1, 1996.

The House bill contained a provision (sec. 368) that would require the Secretary of Defense to conduct a pilot program to test and evaluate the cost savings and efficiencies of private operation of accounting and payroll functions of nonappropriated fund instrumentalities of the Department of Defense.

The Senate amendment contained a provision (sec. 352) that would require the department of Defense to conduct a review of the need for further expansion of Defense Finance and Accounting Service (DFAS) operating locations, and to report to the appropriate committees of the Congress prior to establishing any new DFAS operating locations.

The House recedes with an amendment that would combine and clarify the three provisions.

Demonstration program to identify overpayments made to vendors (sec. 354)

The House bill contained a provision (sec. 363) that would require the Secretary of Defense to conduct a demonstration program at the Defense Personnel Support Center, Philadelphia, Pennsylvania, to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program on private operation of defense dependents' schools (sec. 355)

The House bill contained a provision (sec. 364) that would allow the Secretary of Defense to conduct a pilot program to assess the feasibility of using private contractors to operate overseas dependents' schools and to report the results of the pilot program to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Program for improved travel process for the Department of Defense (sec. 356)

The House bill contained a provision (sec. 365) that would require the Secretary of Defense to conduct a pilot program including two prototype tests of commercial travel applications to improve management of the Department of Defense Travel System.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to conduct a two-year test at a minimum of three sites and a maximum of six sites, and to report to the Senate Committee on Armed Services and the House Committee on National Security at the conclusion of the first year.

The conferees do not intend this provision to be viewed as authority for the Secretary of Defense to circumvent the requirement for civilians to use adequate government quarters where they are available.

Increases reliance on private-sector sources for commercial products and services (sec. 357)

The House bill contained a provision (sec. 367) that would require the Secretary of Defense to endeavor to obtain products and services from the private sector. The provision would require the Secretary of Defense to describe functions that can be performed by the private sector and specify impediments to outsourcing.

The Senate amendment contained no provision (sec 386) that would require the Secretary to report on the use of private sector contractors to perform functions not essential to the warfighting mission of the Department of Defense

The Senate recedes with an amendment.

The conferees agree that DOD should make a maximum effort to rely upon the private sector for commercial functions whenever the same level of service can be obtained at a reduced cost to the government, and the national security does not require the activity to be retained in-house. The conferees note with approval the many steps the Department has already taken in this direction and encourage the Department to continue in its efforts. The conferees urge the Department to maintain close coordination with the Committee on Armed Services of the Senate and the Committee on National Security of the House regarding its efforts to downsize the federal government while placing greater reliance upon the private sector.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

Quarterly readiness reports (sec. 361)

The House bill contained a provision (sec. 371) that would require the Secretary of Defense to report quarterly to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the military readiness of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations (sec. 362)

The House bill contained a provision (sec. 373) that would amend section 361 of the National Defense Authorization Act for Fiscal Year 1995 in order to provide more detailed guidance on the report required.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees are disappointed that the Department of Defense has not been sufficiently thorough in reporting on transfers from high-priority readiness appropriations and expect future reports to be more substantive.

Report regarding reduction of costs associated with contract management oversight (sec. 363)

The House bill contained a provision (sec. 376) that would require the Comptroller General to submit a report to Congress that would identify methods to reduce the cost of Department of Defense management and oversight of contracts in connection with major defense acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Reviews of management of inventory control points and Material Management Standard System (sec. 364)

The House bill contained a provision (sec. 391) that would direct the Secretary of Defense to conduct a review regarding consolidation of all inventory control points (ICP) under the Defense Logistics Agency. The provision would also prohibit implementation of the Materiel Management Standard System (MMSS) until submission of the Secretary's report to the Congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to report by March 31, 1996, on the advisability of consolidating all ICP. The General Accounting

Office would review the Secretary's report, and review the MMSS. The amendment would not impose a restriction on implementation of the MMSS.

Report on private performance of certain functions performed by military aircraft (sec. 365)

The Senate amendment contained a provision (sec. 390) that would require the Secretary of Defense to report on the feasibility of meeting requirements of VIP transportation, airlift, air cargo, in-flight refueling and other functions by using private contractors in lieu of military aircraft.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Strategy and report on automated information systems of Department of Defense (sec. 366)

The House bill contained a provision (sec. 375) that would prohibit the Secretary of Defense from obligating or expending amounts greater than $2.4 billion for the development and modernization of automated data processing programs pending a report by the Inspector General of the Department of Defense (DOD).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the restriction on obligation of funds. The conferees believe that off-the-shelf automated information systems can improve DOD property management. This includes software, laminate barcode printers, barcode readers, and storage devices.

The conferees also endorse the requirement contained in Title III of the House report (H. Rept. 104–131) in a paragraph of the Items of Special Interest section, entitled "Off-the-shelf systems". The conferees direct the Secretary to include in this report a discussion of functional processes that can use existing private sector technology.

Subtitle G—Other Matters

Codification of Defense Business Operations Fund (sec. 371)

The House bill contained several provisions pertaining to the Defense Business Operations Fund (DBOF).

Section 311 would modify DBOF by adding or precluding various DBOF activities. The provision would also require certain costs to be included in DBOF charges, and revise the capital purchase authority threshold from $50,000 to $15,000. Further, the provision would extend discretionary authority to the Secretary of Defense or the Secretary of a military department to purchase goods and services from non-DBOF activities, if they are available at a more competitive rate.

Section 312 would require the Secretary of Defense to manage DBOF under the immediate authority of the Under Secretary of Defense (Comptroller). This would include central management of cash balances. The provision would also prohibit further expansion of the DBOF by adding new functions, activities, funds or accounts to the DBOF.

Section 313 would require the inclusion of the costs of military personnel, who perform duty in industrial fund activities, in determining costs in DBOF activities. The provision would also terminate the practice of billing in advance for goods and services provided through the DBOF.

The Senate amendment contained no similar provisions.

The Senate recedes with a single amendment that would codify DBOF, but amend the activities listed in the House bill (sec. 312), not revise the capital purchase threshold, and retain the prohibition on further expansion.

The amendment also would direct the Comptroller General of the United States to determine the advisability of managing DBOF at the Department of Defense (DOD) level. The conferees recommend the defense committees review this matter in fiscal year 1996 and consider the advisability of central management in light of the Comptroller General's report and improvements in the condition of the DBOF.

The amendment would permit advance billing for compelling reasons, but require DOD to notify the defense committees of the Congress after September 30, 1996 in the event the aggregate total of advance billing exceeds $100.0 million subsequent to enactment of the National Defense Authorization Act for Fiscal Year 1996. Another report would be required each time the aggregate amount of advance billing increases by $100.0 million after the date of the preceding report.

The conferees previously expressed support for the DOD plan to eliminate advance billing in fiscal year 1995 in the conference report accompanying the National Defense Authorization Act for Fiscal Year 1995. The practice of advance billing appears to cause DBOF customers to refrain from purchasing goods and services and it appears to promote confusion, rather than good business, at the unit or installation level.

The conferees also support the effort to capture total costs in order to conduct business operations in accordance with generally accepted business practices. The conferees direct the Secretary of Defense to annotate the justification books accompanying subsequent budget submissions for DBOF activities, to reflect the total costs for both military and civilian personnel. These costs should include items such as salaries, benefits, and retirement plans. The conferees believe it is necessary for Congress to evaluate the consequences of including such costs in DBOF rates and pricing.

Clarification of services and property exchanged to benefit the historical collection of the armed forces (sec. 372)

The House bill contained a provision (sec. 321) that would clarify the law concerning the exchange of services and property for the benefit of the historical collection of the armed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on capital lease for Defense Business Management University (sec. 373)

The House bill contained a provision (sec. 381) that would prohibit the use of funds for any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University (DBMU) if the lease would be treated as a capital lease for budgetary purposes.

The Senate amendment contained a provision (sec. 351) that would require the Secretary of Defense to certify the need for the Center for Financial Management Education and Training of the DBMU, and report on Department of Defense financial management training, 90 days prior to obligating funds for a capital lease.

The Senate recedes.

Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property (sec. 374)

The House bill contained a provision (sec. 388) that would provide permanent authority for a successful demonstration program for the disposal of certain personal property.

The Senate amendment contained a provision (sec. 383) that would provide similar permanent authority, but would provide further authority to credit the operation and maintenance account of a relevant installation for the costs incurred to collect, transport, store, protect, or sell such property. Net proceeds from a sale would be covered into the Treasury. A mechanism for subsequent claims by an owner, heir, etc., would also be provided.

The House recedes with a clarifying amendment.

Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps (sec. 375)

The House bill contained a provision (sec. 393) that would provide to Navy and Marine Corps personnel the same authority that Army an Air Force personnel currently have to purchase replacement subsistence and other supplies.

The Senate amendment contained a similar provision (sec. 384).

The House recedes with a technical amendment.

Personnel services and logistical support for certain activities held on military installations (sec. 376)

The House bill contained a provision (sec. 385) that would clarify the authority of the Secretary of Defense in regard to jamborees conducted by the Boy Scouts of America on military installations.

The Senate amendment contained no similar provision.

The Senate recedes.

Retention of Monetary awards (sec. 377)

The House bill contained a provision (sec. 386) that would permit the Secretary of Defense to accept any monetary award for excellence, given to the Department of Defense by a nongovernmental entity, as an award in a competition recognizing excellence or innovation in providing services or administering programs. Such an award would be credited to the appropriation of the command, installation, or activity that is recognized in the award, as provided in appropriation act. Not more than 50 percent of the monetary award may be disbursed to the persons who are responsible for earning the award, up to $10.0 thousand per person.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary to accept such monetary awards and disburse the award to the morale, welfare, and recreation nonappropriated fund account of the command, installation, or activity involved in earning the award. Certain incidental expenses could be reimbursed from the award amount.

Provision of equipment and facilities to assist in emergency response actions (sec. 378)

The House bill contained a provision (sec. 383) that would amend section 372 of title 10, United States Code, to authorize the Department of Defense to provide assistance in the form of training facilities, sensors, protective clothing, antidotes, and other materials and expertise to appropriate federal, state, or local law enforcement agencies for responding to emergencies involving chemical or biological agents.

The Senate amendment did not contain a similar provision.

The Senate recedes with a technical amendment.

Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack (sec. 379)

The Senate amendment contained a provision (sec. 223) that would require the Secretaries of the Departments of Defense and Energy, in consultation with the Federal Emergency Management Agency (FEMA), to submit a report to Congress that would describe the military and civil defense plans and programs to respond to the use of chemical, biological, nuclear, and radiological agents or weapons against a civilian population located in the United States or near a U.S. military installation.

The House bill did not contain a similar provision.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Office of Economic Adjustment

The House bill contained a provision (sec. 304) that would increase the amount of funds available to the Office of Economic Adjustment by $1.5 million.

The Senate amendment contained no similar provision.

The House recedes.

Annual proposed budget for operation of defense business operations fund

The House bill contained a provision (sec. 314) that would require that the budget request for the Department of Defense include the amount of funds necessary to cover the operating losses of the Defense Business Operations Fund for the previous year.

The Senate amendment contained no similar provision.

The House recedes.

Reduction in requests for transportation funded through Defense Business Operations Fund

The House bill contained a provision (sec. 315) that would direct a reduction in requests for purchasing transportation through the Defense Business Operations Fund during fiscal year 1996 by $70.0 million from the amount purchased in fiscal year 1995. The provision would also require a report on achieving certain efficiencies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned about the amount of overhead carried by the Department of Defense (DOD) to support its transportation infrastructure. The conferees direct the Secretary of Defense to submit a report to Congress by March 1, 1996. The Secretary should address changes to the transportation infrastructure and implementation of consolidation proposals, such as the elimination of duplication in component command structure. The Secretary should also address measures to reduce transportation overhead without adversely affecting operational and mobilization requirements. The conferees recommend a $70.0 million reduction in anticipation of savings from improvements and efficiencies.

Repeal of certain environmental education programs

The House bill contained a provision (sec. 323) that would repeal sections 1333 and 1334 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701, note).

The Senate amendment contained no similar provision.

The House recedes.

Repeal of limitation on obligation of amounts transferred from environmental restoration transfer account

The House bill contained a provision (sec. 324) that would eliminate the statutory's "fence" that precludes the transfer of funds from the Defense Environmental Restoration Account (DERA) for purposes unrelated to environmental remediation.

The Senate amendment contained no similar provision.

The House recedes.

Elimination of authority to transfer amounts for toxicological profiles

The House bill contained a provision (sec. 325) that would amend section 2704 of title 10, United States Code. The provision would eliminate authority for the Department of Defense to use Defense Environmental Restoration Account funds to reimburse the Agency for Toxic Substance and Disease Registry (ATSDR), a branch of the U.S. Public Health Service. Reimbursement is currently provided to ATSDR for performing statutorily required health assessments and health risk studies at Defense installations listed on the National Priorities List (NPL).

The Senate amendment contained no similar provision.

The House recedes.

Pricing policies for commissary store merchandise

The House bill contained a provision (sec. 342) that would reduce administrative costs in pricing commissary merchandise.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that there may be potential savings for the Defense Commissary Agency (DeCA) if variable pricing was permitted. Therefore, the conferees direct that the Secretary of Defense submit a report to the Senate Committee on Armed Services and the House Committee on National Security not later than May 1, 1996 describing how a variable pricing policy would be implemented; the estimated savings, if any; the impact on customers and suppliers; and a recommended legislative proposal, if appropriate.

Procurement of electricity from most economical source

The House bill contained a provision (sec. 357) that would require the Department of Defense (DOD) to procure electricity from the most economical source.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Department of Defense to consult with the Federal Energy Regulatory Commission (FERC) on methods to obtain lower prices for the electricity procured by the DOD, including procurement of such electricity through competitive sources. Decisions with regard to procurement of electricity by the DOD and the FERC should take into consideration the cost savings potential to the DOD and the recovery of the specific cost of utility investment that is directly attributable to existing arrangements and understandings with the DOD.

The conferees direct the Department of Defense to submit a report to Congress by March 1, 1996 on the feasibility of attaining the most economical price for electricity under existing statutes. In addition, the DOD shall report on all legislative or regulatory impediments to procuring electricity from the most economical source and the potential cost savings inherent to the elimination of such impediments. The report shall also identify those bases or facilities that are in the best position to use competitive sources of electricity.

Procurement of certain commodities from most economical source

The House bill contained a provision (sec. 358) that would enable the Department of Defense (DOD) to procure commodities from a source other than the General Services Administration (GSA) if the source can provide the commodities at a lower cost.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that the requirement for DOD to purchase commodities from GSA denies DOD the flexibility to pursue good business practices by preventing DOD from procuring items at the lowest cost. This inflexibility seems to run counter to the desire of Congress, and it does not promote good business practices within DOD. Encouraging managers at all levels to make sound business decisions is an underlying fundamental of the Defense Business Operations Fund concept.

The conferees direct the Secretary of Defense to report to the congressional defense committees by March 1, 1995, regarding the advisability of obtaining the authority to bypass GSA. The Secretary should identify any statutory relief necessary.

Private operation of functions of Defense Reutilization and Marketing Service

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to solicit for performance, by commercial entities, of selected functions of the Defense Reutilization and Marketing Service (DRMS). The provision would require the Secretary to report on those functions that should continue to be performed by Department of Defense (DOD) civilian employees not later than July 1, 1996.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Secretary to address the privatization of DRMS functions as part of the DOD-wide review and report, regarding increased reliance on private sector sources for commercial products and services, required elsewhere in this bill.

Pilot program for private operation of consolidated information technology functions of Department of Defense

The House bill contained a provision (sec. 366) that would require the Secretary of Defense to enter into negotiations for contracting-out the workload of three Defense Megacenters. This effort would serve as a three-year pilot program to determine the advisability of having this type of work performed by the private sector. The goal of the program would be to achieve savings of at least 35 percent over current practices. Further consolidation of megacenters, to fewer than the 16 currently identified, would be prohibited until completion of the pilot program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe there is significant potential to make improvements in the efficiency and effectiveness of the Department of Defense (DOD) data processing operations, to include the data megacenters. The conferees also believe there may be significant potential to achieve savings from contracting-out work that is not military-essential or otherwise unique to government. However, judgments on the advantages of contracting-out work should be based on economic and mission analyses, which the DOD has not performed.

The conferees direct the Secretary to submit a report on this matter to the defense committees by May 31, 1996. The report should include: the rationale for contracting-out work; an analysis of the costs and benefits of contracting-out a portion of the workload; a detailed description of information technology functions and services performed by megacenters that are not considered military essential; and the amount of savings anticipated to be achieved by contracting-out. The conferees note that functions considered to be military-essential, and those that pertain to information security, military readiness, certain aspects of training, and warfighting, are not required to be addressed in this report.

Authority of Inspector General over investigations of procurement fraud

The House bill contained a provision (sec. 382) that would consolidate responsibility for all investigations of procurement fraud within the Department of Defense under the Inspector General.

The Senate amendment contained no similar provision.

The House recedes. Under the Inspector General Act of 1978, as amended, the overall responsibility for investigations within the DOD, including procurement fraud investigations, rests with the Inspector General. The Inspector General has full authority to investigate any allegations of procurement fraud involving a DOD contractor. Day-to-day responsibility for the conduct of procurement fraud investigations is divided among the investigative organizations of the Department of Defense and each of the military departments. The Inspector General also has full authority to assume responsibility for any procurement fraud investigation initiated by one or more of the military departments.

The Defense Advisory Board on the Investigative Capabilities of the DOD unanimously recommended that fraud investigations be consolidated into the Office of the Inspector General. The recommendation was based on several objectives that would include eliminating joint investigations, eliminating confusion over joint investigations, and increasing the capability to identify multiple acts of fraud by the same contractors.

The conferees note that there have been continuing concerns about duplication and coordination between the Department of Defense Inspector General and the investigative components of the military departments with respect to major procurement fraud investigations. The conferees agree that the Department must endeavor to concentrate procurement fraud efforts on investigations rather than jurisdictional disputes. Therefore, the conferees believe that the Secretary of Defense should make every effort to ensure that this important function is performed in the most efficient and effective manner, avoiding the necessity for joint investigations to the maximum extent practicable.

The conferees are encouraged to note that the Department recently established a coordinating council, headed by the DOD Inspector General, to address some of the concerns raised by the Defense Advisory Board. To ensure the effectiveness of the new procedures, the conferees direct that the Secretary review the newly constituted Secretary's Board on Investigations, with a particular emphasis on maximizing the efficiency and effectiveness of major procurement fraud investigations. As part of this review, the Secretary should assess: (1) the optimal level of resources required to ensure a robust oversight function within the Department; (2) which DOD investigative components should conduct procurement fraud investigations; and (3) the optimal organization required to increase the DOD capability to maximize procurement fraud recoveries and indictments.

The conferees direct the Secretary to provide a report by May 1, 1996, to the congressional defense committees on the results of this review. The conferees will assess this report to ascertain whether further legislation is necessary to address remaining concerns over duplication and coordination problems among the DOD investigative components.

Transfer of excess personal property to support law enforcement activities

The House bill contained a provision (sec. 389) that would amend section 1208(a)(1)(A) of the National Defense Authorization Act for Fiscal Years 1990 and 1991, concerning the transfer of excess personal property. This provision would expand current authority to permit the Secretary of Defense to transfer excess property to state and other federal agencies for use in law enforcement activities. Current authority contained in the above section addresses only transfers to such agencies for their use in counter-drug activities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that numerous avenues currently exist to transfer excess property to state and other federal agencies, including law enforcement agencies which do not have explicit counternarcotics responsibilities. However, there appears to be no coherent policy, priority, or central data base which allows such agencies to learn what is available at a given time, or to effect a transfer without inordinate administrative work.

The conferees direct the Secretary of Defense to review this matter and report to the defense committees of the Congress not later than March 30, 1996, on developing a comprehensive policy and establishing procedures which would assist state and federal law enforcement agencies in identifying and obtaining such equipment. The Secretary should consider Memoranda of Understanding as a means to effect transfers.

The Secretary should also give high priority consideration to state and federal law enforcement agencies that demonstrate their need for such equipment.

Development and implementation of innovative processes to improve operation and maintenance

The House bill contained a provision (sec. 390) that would direct that $350.0 million, of the funds authorized and appropriated for defense-wide operation and maintenance, be available for the development or acquisition of information technologies and reengineered functional processes.

The Senate amendment contained no similar provision.

The House recedes.

Sale of 50 percent of current war reserve fuel stocks and prepositioned war reserves

The House bill contained a provision (sec. 392) that would require the Secretary of Defense to reduce war reserve fuel stocks of the Department of Defense to a level equal to 50 percent of the level of such stocks on January 1, 1995.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the DOD has made considerable progress in identifying its fuel requirements necessary for wartime operations. This has led to a reduction in the required level of war reserves. The conferees urge the DOD to continue its efforts in this area in order to save money while maintaining military readiness.

The conferees further believe that there is considerable opportunity to address critical afloat and ashore war reserve deficiencies. The conferees agree to add $60 million for purchases of critical war reserve stocks. This funding is authorized in the operation and maintenance, defense-wide activities account for application to high priority war reserve requirements. The Secretary of Defense is requested to report on the expenditure of these funds to the congressional defense committees prior to their allocation and should seek the views of theater commanders-in-chief in determining the application of these resources.

Southwest border states anti-drug information system

The House bill included a provision (sec. 396) that indicated that the Southwest Border States Anti-Drug Information Systems program is an important element of the Department of Defense support of law enforcement agencies in the fight against illegal trafficking of narcotics.

The Senate amendment contained no similar provision.

The House recedes. The Southwest Border States Anti-Drug Information System is addressed elsewhere in this statement of managers.

Elimination of certain restrictions on purchases and sales of items by exchange stores and other morale, welfare, and recreation (MWR) facilities

The Senate amendment contained a provision (sec. 372) that would eliminate the cost, price, size, and country of origin limitations on purchases and sales of items sold in the military exchanges and morale, welfare, and recreation facilities.

The House bill contained no similar provision.

The Senate recedes.

Funding for Troops to Teachers and Troops to Cops Programs

The Senate amendment contained a provision (sec. 388) that would authorize $42.0 million for the Troops-to-Teachers program and $10.0 million for the Troops-to-Cops program from amounts authorized for military personnel for fiscal year 1996.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize that these programs address the economic dislocation among service members caused by the defense drawdown. Therefore, the conferees invite the Department of Defense to determine whether use of existing resources, if available, is appropriate to continue these programs.

Authorization of amounts requested in the budget for Junior ROTC

The Senate amendment contained a provision (sec. 389) that would restore the authorization to fund Junior Reserve Officer's Training Corps (JROTC) at the budget request.

The House bill authorized the JROTC program at the budget request.

The Senate recedes.

The conferees agree to authorize the JROTC program at the budget request.

Use of commissary stores by members of the ready reserve

The Senate amendment contained a provision (sec. 631) that would permit members of the ready reserve to use commissaries on the same basis as members on active duty.

The House bill contained no similar provision.

The Senate recedes.

Use of commissary stores by retired reserves under age 60 and their survivors

The Senate amendment contained a provision (sec. 632) that would permit survivors of "gray area" retirees, members of the retired reserve who have not attained the age of 60 years, to use commissaries as if the sponsor had attained 60 years of age and was receiving retirement benefits.

The House bill contained no similar provision.

The Senate recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

ITEMS OF SPECIAL INTEREST

Minimum force structure levels for Navy Light Airborne Multipurpose System helicopters

The conferees note that the Navy Light Airborne Multipurpose System (LAMPS) antisubmarine warfare helicopter fleet provides an essential element to the Nation's overall antisubmarine warfare capability. The conferees understand that the Navy has no plans to reduce the number of active or reserve LAMPS squadrons below the 14 currently in the force structure during fiscal years 1996 or 1997. The conferees believe that 14 LAMPS squadrons is the minimum structure necessary and fully expect the Navy to continue to support that level of force structure.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would establish active duty end strengths for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 401), but would include an increase of 340, of which 65 would be officers, in Navy end strength to permit the Navy to retain an active P-3 squadron scheduled for inactivation in fiscal year 1996.

The following table summarizes the authorized active duty end strengths for fiscal year 1996.

	Fiscal year		
	1995 Authorization	1996 Request	1996 Recommendation
Army:			
Total	510,000	495,000	495,000
Officer		81,300	81,300
Navy:			
Total	441,641	428,000	428,340
Officer		58,805	58,870
Marine Corps:			
Total	174,000	174,000	174,000
Officer		17,978	17,978
Air Force:			
Total	400,051	388,200	388,200
Officer		75,928	75,928
Total	1,525,692	1,485,200	1,485,540
Officer		234,011	234,076

The House bill also contained a provision (sec. 521) that would establish permanent end strength levels beginning in fiscal year 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would integrate the House bill provision (sec. 521) into this section.

Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades (sec. 402)

The House bill contained a provision (sec. 402) that would authorize a temporary increase in the number of officers who can serve on active duty in the grade of major in the Air Force and in the grades of lieutenant commander, commander, and captain in the Navy until September 30, 1997.

The Senate amendment contained a similar provision (sec. 402).

The House recedes.

The conferees fully expect the Secretary of Defense to provide a comprehensive proposal to restructure the authorized strength tables for commissioned officers on active duty in time for the committee to address, in the National Defense Authorization Act for Fiscal Year 1997, a permanent solution to perceived recurring shortages of officers in controlled grades for each service.

Certain general and flag officers awaiting retirement not to be counted (sec. 403)

The Senate amendment contained a provision (sec. 403) that would exempt a retiring Chairman of the Joint Chiefs, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps from being included in the number of general and flag officers on active duty, authorized to be serving in the grade of general and admiral, during the period when they would complete those activities necessary to transition to the retired list after they have been relieved from their former position.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that the five positions in this provision represent the totality of the critical positions for which an exemption of this type is appropriate. The conferees expect that the Department will not request exemptions for any additional general/flag officer positions.

The conferees intend that this authority would not be used for more than 60 calendar days.

Subtitle B—Reserve Forces

End Strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize selected reserve end strength levels for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 411).

The following table summarizes the authorized end strength levels for the selected reserve for fiscal year 1983.

	Fiscal year		
	1995 Authorization	1996 Request	1996 Recommendation
The Army National Guard of the United States	400,000	373,000	373,000
The Army Reserve	242,000	230,000	230,000
The Naval Reserve	102,960	98,602	98,894
The Marine Corps Reserve	42,000	42,000	42,274
The Air National Guard of the United States	115,581	109,458	112,707
The Air Force Reserve	78,706	73,969	73,969
The Coast Guard Reserve	8,000	8,000	8,000

The conferees have approved an increase in the Naval Reserve end strength, which reflects the recommendation that the Navy retain one reserve P-3 squadron currently scheduled for inactivation in fiscal year 1996.

The conferees have approved an increase in the Marine Corps Reserve end strength, which reflects the conferees' recommendation that the authorized number or reservists on active duty in support of the Marine Corps Reserve be increased.

The conferees have approved an increase in the Air National Guard end strength, which reflects the conferees' recommendation that the Air Force maintain the PAA squadrons at 15 aircraft per squadron in fiscal year 1996.

End strengths for the Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize reserve full-time support end strength levels for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 412).

The following table summarizes the reserve full-time support end strength levels for fiscal year 1996.

	Fiscal year		
	1995 authorization	1996 request	1996 recommendation
The Army National Guard of the United States	23,650	23,390	23,390
The Army Reserve	11,940	11,575	11,575
The Naval Reserve	17,510	17,490	17,587
The Marine Corps Reserve	2,285	2,285	2,559
The Air National Guard of the United States	9,389	9,817	10,066
The Air Force Reserve	648	628	628

The conferees have approved an increase in the authorized number of reservists on active duty (AR's) in support of the Marine Corps Reserve. The conferees note that this increase is intended to complement existing active duty support, and is not a substitute for any portion of the active duty support that is part of the Inspector-Instructor system. Therefore, the conferees direct that the Inspector-Instructor support system not be reduced as a result of any AR increase. Further, the conferees direct that the AR increase of 274 personnel be utilized to the extent that it is supported by a specific appropriation. The conferees do not support increasing the AR program if it means reducing any other reserve programs.

The increases in the number of reservists on active duty in support of the Naval Reserve reflects the conferees' approval of additional selected reserve strength to enable the Navy to retain a reserve P-3 squadron.

The increase in the number of reservists on active duty in support of the Air National Guard reflects the conferees' approval of selected reserve strength to enable the Air National Guard to retain the PAA squadrons at 15 aircraft per squadron.

Counting of certain active component personnel assigned in support of Reserve component training (sec. 413)

The House bill contained a provision (sec. 413) that would permit active duty personnel assigned to active duty units, that have been and continue to be established for the principal purpose of providing dedicated training support to reserve component units, to be counted toward the number of advisers required by section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in the number of members in certain grades authorized to serve on active duty in support of the Reserves (sec. 414)

The Senate amendment contained a provision (sec. 413) that would temporarily increase the number of members of certain grades authorized to serve on active duty in support of the reserves.

The House bill contained no similar provision.

The House recedes.

Reserves on active duty in support of Cooperative Threat Reduction Programs not to be counted (sec. 415)

The Senate amendment contained a provision (sec. 414) that would exempt members of a reserve component who participate in Cooperative Threat Reduction Act programs from being counted against the authorized active duty end strength.

The House bill contained no similar provision.

The House recedes.

Reserves on active duty for military-to-military contacts and comparable activities not to be counted (sec. 416)

The Senate amendment contained a provision (sec. 415) that would amend section 168 of title 10 United States Code, to exempt members of a reserve component who participate in activities or programs specified in section 168, for over 180 days, from counting against the end strengths for members of the armed services on active duty, authorized by section 115(a)(1) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Military Training Student Loads

Authorization of training student loads (sec. 421)

The House bill contained a provision (sec. 421) that would approve the training students loads contained in the President's budget.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

Subtitle D—Authorization of Appropriations

Authorization for increase in active duty end strengths (sec. 432)

The House bill contained a provision (sec. 432) that would authorize $112.0 million in additional funds available for increasing military personnel end strengths within the Department of Defense above those levels requested by the President's budget.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Funding for the Family Advocacy Program and the New Parent Support Program

The conferees are concerned about the adequacy of funding requested by the Department of Defense for the Family Advocacy Program (FAP) and the lack of funding for the New Parent Support Program (NPSP). The conferees agree to provide an increase of $30.0 million for the FAP and $25.6 for the NPSP. The conferees direct that the NPSP increase be allocated as follows: Army—$10.0 million; Navy—$7.0 million; Marine Corps—$5.0 million; Air Force—$3.6 million. The conferees take this action in response to the significant strains placed on military families as a result of the high operations tempo in all services. The conferees consider the FAP and the NPSP critical to the readiness and retention of quality people.

The conferees recognize that there is fierce competition within the Department of Defense, and among the services, for scarce operations and maintenance funds. The conferees are concerned that the FAP and NPSP funding may be used for other purposes. If the Department or a service attempt to reduce, divert, or reprogram the FAP or NPSP funding for some other purpose, the conferees would consider such an action to be in direct contravention of congressional intent.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Officer Personnel Policy

Joint officer management (sec. 501)

The Senate amendment contained a provision (sec. 501) that would amend joint officer management policies in four areas: (1) the number of required critical joint duty assignment positions; (2) joint duty assignment credit for certain qualifying joint task force positions; (3) the education and experience sequencing requirement for the award of the joint specialty to general and flag officers; and (4) tour length requirements for certain officers on a second joint tour.

The House bill contained no similar amendment.

The House recedes with a clarifying amendment.

The conferees note that this amendment is intended to provide to the civilian and military leadership of the Department of Defense some flexibility to manage the various joint officer programs, without undermining the fundamental tenets and goals of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Therefore, none of the changes included in the conference agreement should be perceived as diminishing the importance of joint duty assignments or the importance of rigorous preparation before the award of the joint specialty or the need for judicious management of those officers to whom that designator has been awarded. The conferees revised the Department's original proposal to preclude the Department from rapidly rotating officers through joint task force assignments and thereby circumventing the fundamental intent of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

Regarding credit for service in joint task force and multinational force positions, the conferees recognize that certain positions will provide real-world joint experience equal to or greater than that provided by some positions on the Joint Duty Assignment List. Additionally, the conferees believe that authorizing the Secretary of Defense to award joint duty credit for certain officers serving in joint task force positions will permit deserving in-service assignments to receive joint duty assignment credit. The conferees fully expect the Secretary of Defense to closely manage the award of joint duty credit for such positions.

Retired grade for officers in grades above major general and rear admiral (sec. 502)

The Senate amendment contained a provision (sec. 505) that would permit the retirement of three- and four-star generals and flag officers to be considered under the same standards and procedures as general and flag officer retirements at the one- and two-star level.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Wearing of insignia for higher grade before promotion (sec. 503)

The Senate amendment contained a provision (sec. 507) that would define "frocking" and limit the numbers of officers that could be frocked to grades 0–4 through 0–7.

Frocking is the practice of allowing an officer to wear the insignia of a higher grade prior to appointment to that higher grade. While the Department of Defense has attempted to control the extent of frocking through regulation, the practice remains a means by which the services routinely circumvent the statutory limits on the number of officers authorized to serve in certain grades.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to extend transition period for officers selected for early retirement (sec. 504)

The House bill contained a provision (sec. 501) that would authorize the secretaries of the military departments to defer the date of retirement for officers selected for early retirement for up to 90 days, to avoid personal hardship or for other humanitarian reasons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the service secretary to make the decision on a case-by-case basis and would prohibit any delegation of this authority.

The conferees expect the Secretary of Defense and the service secretaries to modify the instructions, regulations, and policies pertaining to enlisted personnel in order to provide an equivalent benefit for enlisted personnel.

Army officer manning levels (sec. 505)

The House bill contained a provision (sec. 522) that would require that, beginning in fiscal year 1999 and thereafter, the annual Army end strength be sufficient to meet at least 90 percent of active Army officer manpower requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Authority for medical department officers other than physicians to be appointed as Surgeon General (sec. 506)

The Senate amendment contained a provision (sec. 503) that would amend sections 3036, 5137, and 8036 of title 10, United States Code, to permit educationally and professionally qualified officers, such as dentists, nurses, and clinical psychologists, as well as doctors, to be appointed as surgeon general of an armed force.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Deputy Judge Advocate General of the Air Force (sec. 507)

The Senate amendment contained a provision (sec. 504) that would amend section 8037 of title 10, United States Code, to adjust the tenure of the Deputy Judge Advocate General of the Air Force from two years to four years and authorize the grade of major general for that position.

The House bill contained no similar provision.

The House recedes.

Authority for temporary promotions for certain Navy lieutenants with critical skills (sec. 508)

The House bill contained a provision (sec. 552(d)) that would extend the authority for the Navy to "spot promote" certain lieutenants serving in positions involving critical skills.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority until September 30, 1996 and limit the number of positions to which an officer could be promoted under this authority.

Retirement for years of service of Directors of Admissions of Military and Air Force Academies (sec. 509)

The Senate amendment contained a provision (sec. 508) that would authorize the Secretary of the Army to involuntarily retire the Director of Admissions, United States Military Academy, after 30 years of service as a commissioned officer.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Air Force Academy subject to the application of the provision.

Subtitle B—Matters Relating to Reserve Components

Extension of certain reserve officer management authorities (sec. 511)

The House bill contained a provision (sec. 552) that would extend authorities that provide for the appointment, promotion, and retirement of reserve officers (sec. 552a–c), and the promotion of certain officers on active duty in the Navy (sec. 552d).

The Senate amendment contained an identical provision (sec. 506), except for the authority to provide for the promotion of certain officers on active duty in the Navy.

The conference agreement includes the identical provisions.

The promotion of certain officers on active duty in the Navy is addressed elsewhere in the conference report.

Mobilization Income Insurance Program for members of Ready Reserve (sec. 512)

The House bill contained a provision (sec. 517) that would authorize an income protection insurance plan for members of the Ready Reserve.

The Senate amendment contained a similar provision (sec. 511).

The conference agreement includes this provision.

Military technician full-time support program for Army and Air Force Reserve components (sec. 513)

The House bill contained a provision (sec. 511) that would restore military technician end strength to nearly the fiscal year 1995 level and require that the Secretary of Defense, in the future, manage military technicians by annual end strength. This section would also prohibit military technicians in certain high priority units and activities, but not those at management-level headquarters, from being subject to broad civilian personnel reductions. In addition, this section would require the Secretary of Defense, within six months of enactment, to initiate measures to consolidate and streamline management-level headquarters at the National, regional, and state level in the Air Force and Army Reserve and National Guard. This section would also require that, after the date of enactment, only dual-status technicians be hired.

The Senate amendment contained a provision (sec. 331) that would establish a floor for military technicians in the Army and Air Force Reserve and National Guard for fiscal years 1996 and 1997.

The Senate recedes with an amendment that would establish a floor for military technicians in the Army and Air Force Reserve and National Guard at the House level.

The conferees recognize the critical importance of military technicians to reserve component readiness, and direct the use of end-strength floors to manage this special category of personnel. The conferees urge the Secretary of Defense and the Secretaries of the military departments to provide the requisite funding to ensure that the correct number of qualified military technicians are available to ensure a significant contribution to operational readiness.

Revisions to Army Guard combat reform initiative to include Army reserve under certain provisions and to make certain revisions (sec. 514)

The House bill contained a provision (sec. 513) that would change the requirement of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484). As revised, the section would require the Army to annually provide at least 150 officers and 1,000 soldiers, with at least two years prior active duty experience, to national guard units.

This section would also expand the Army selected reserve requirements of sections 1112(b), 1113, 1115, 1116, and 1120 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484).

The Senate amendment contained no similar provision.

The Senate recedes.

Active duty associate unit responsibility (sec. 515)

The House bill contained a provision (sec. 519) that would amend section 1131 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484). As revised, the provision would require that each Army National Guard brigade and Army Selected Reserve unit, considered essential for execution of the national strategy, be associated with an active duty unit.

The Senate amendment contained no similar provision.

The Senate recedes.

Leave for members of reserve components performing public safety duty (sec. 516)

The Senate amendment contained a provision (sec. 513) that would amend section 6323(b) of title 5, United States Code, that would permit employees who elect, when performing public safety duty, to use either military leave, annual leave, or compensatory time, to which they are otherwise entitled.

The House bill contained no similar provision.

The House recedes.

Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises (sec. 517)

The Senate amendment contained a provision (sec. 361) that would provide funding authority for National Guard units to participate in joint exercises to prepare them to respond to civil emergencies or disasters.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Decorations and Awards

Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962 (sec. 521)

The Senate amendment contained a provision (sec. 541) that would authorize award of the Purple Heart to prisoners of war captured before April 1962 who were injured or wounded in conjunction with their capture or imprisonment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to award decorations recognized acts of valor performed in combat during the Vietnam conflict (sec. 522)

The Senate amendment contained a provision (sec. 542) that would authorize the Secretary of Defense or the secretaries of the military departments to award a decoration for an act, achievement, or service performed during the Vietnam era for which there was no award provided. The provision would establish a one-year period in which award recommendations could be submitted for consideration and existing award review procedures would be used. At the end of one year, the Secretary would be required to report to the Congress on the results on this review.

The House bill contained no similar provision.

The House recedes with an amendment to limit consideration of decorations for acts of valor.

Military intelligence personnel prevented by secrecy from being considered for decorations and awards (sec. 523)

The Senate amendment contained a provision (sec. 543) that would require the secretaries of the military departments, upon application, to review the records of personnel who performed military intelligence duties during the Cold War period.

The House bill contained no similar provision.

The House recedes.

The conferees expect the secretaries of the military departments to take reasonable actions to widely publicize the opportunity to submit requests for consideration of awards and decorations under this provision.

Review regarding upgrading of Distinguished Service Crosses and Navy Crosses awarded to Asian Americans and Native American Pacific Islanders for World War II Service (sec. 524)

The Senate amendment contained a provision (sec. 544) that would require the Secretary of Defense to review that records of Asian Americans who received the Distinguished Service Cross during World War II to determine if, except for racial prejudice, the act(s) would have merited award of the Medal of Honor.

The House bill contained no similar provision.

The House recedes with an amendment which would make all the services subject to the application of the provision.

Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador (sec. 525)

The House bill contained a provision (sec. 559) that would designate the country of El Salvador, during the period beginning on January 1, 1981, and ending on February 1, 1992, as an area and a period of time in which members of the Armed forces participated in operations in significant numbers and otherwise met the general requirements for award of the Armed Forces Expeditionary Medal.

The Senate amendment contained no similar provision.

The Senate recedes.

Procedure for consideration of military decorations not previously submitted in timely fashion (sec. 526)

The conference agreement includes a provision that would establish procedures under which Members of Congress can forward to the secretary of a military department a recommendation for a military award or decoration, including an upgrade of a previously approved award or decoration, for consideration by the Secretary, without regard to time limits established in law or policy. The secretary concerned will make a recommendation concerning the merits of the request to the Senate Committee on Armed

Services and the House Committee on National Security.

In accordance with established standards, the conferees believe that the burden and costs for researching and assembling documentation to support approval of requested awards and decorations should rest with the requestor and should not cause an undue administrative burden within the Legislative or Executive Branch.

The conferees note that the Department of Defense has traditionally avoided consideration of requests for review of military awards on the merits by citing the expiration of various time limits. The conferees, in general, do not support the provision of military awards or decorations through private relief bills. The conferees intend that the secretaries' recommendations would be the basis for consideration of a waiver of time limits, if appropriate.

Subtitle D—Officer Education Programs

Revision of service obligation for graduates of the services academies (sec. 531)

The Senate amendment contained a provision (sec. 502) that would reduce the service obligation for graduates of the service academies from six years to five years.

The House bill contained no similar provision.

The House recedes.

Nomination to service academies from Commonwealth of the Northern Marianas Islands (sec. 532)

The House bill contained a provision (sec. 564) that would authorize the Resident Representative of the Commonwealth of the Northern Marianas Islands to nominate one cadet for attendance at each of the service academies.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies (sec. 533)

The Senate amendment contained a provision (sec. 557) that would repeal sections 4357 and 9356 of title 10, United States Code, and subsections (b), (d) and (e) of sections 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

The House bill contained a similar provision (sec. 1032r).

The conference report includes this provision.

Repeal of requirement for program to test privatization of service academy preparatory schools (sec. 534)

The Senate amendment contained a provision (sec. 558) that would terminate any test program for determining the cost effectiveness of transferring, in whole or in part, the mission of the military academy preparatory schools to the private sector.

The House bill contained no similar provision.

The House recedes with a technical amendment.

ROTC access to campuses (sec. 541)

The House bill contained a provision (sec. 1034) that would deny Department of Defense grants and contracts to any institution that has an anti-ROTC policy, as determined by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

ROTC scholarships for the National Guard (sec. 542)

The House bill contained a provision (sec. 514) that would authorize the Secretary of the Army, with the agreement of the ROTC cadet involved, to redesignate ongoing scholarships as scholarships leading toward service in the Army National Guard and to make other technical changes.

The Senate amendment contained no similar provision.

The Senate recedes.

Delay in reorganization of Army ROTC regional headquarters structure (sec. 543)

The House bill contained a provision (sec. 518) that would delay the closure of an Army ROTC regional headquarters until the Secretary of the Army determines whether such closure is in the best interests of the Army.

The Senate amendment contained a similar provision (sec. 560).

The conference agreement includes this provision.

Duration of field training or practice cruise required under the Senior ROTC program (sec. 544)

The Senate amendment contained a provision (sec. 554) that would permit the secretary of a military department to prescribe the length of the field training portion or practice cruise that must be completed for enrollment in the Reserve Officers' Training Corps Advance Course by persons who have not participated in the first two years of Reserve Officers' Training Corps.

The House bill contained no similar provision.

The House recedes.

Active duty officers detailed to ROTC duty at senior military colleges to serve as commandant and assistant commandant of cadets and as tactical officers (sec. 545)

The House bill contained a provision (sec. 516) that would require that, upon the request of any of the six senior military colleges, the Secretary of Defense shall detail active duty officers to serve as the commandant or assistant commandant of cadets, and as tactical officers at the institution.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary discretion in responding to a request from a senior military college.

The conferees expect that the service secretaries will respond positively to any request, from a senior military college, to provide an officer to serve as the commandant or assistant commandant, or as a tactical officer.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Report concerning appropriate forum for judicial review of Department of Defense personnel actions (sec. 551)

The Senate amendment contained a provision (sec. 559) that would establish a panel to examine whether the existing practices with regard to judicial review of DOD administrative personnel actions are appropriate and adequate, whether a centralized judicial review of administrative personnel actions should be established, and whether the United States Court of Appeals for the Armed Forces should conduct such reviews. This approach has been recommended by the American Bar Association.

The House bill contained no similar provision.

The House recedes with an amendment that would require the panel to examine whether a single federal court should conduct such reviews, and, if so, which federal court should be assigned that responsibility. The amendment would provide the Secretary of Defense with the responsibility to establish the panel. The conference agreement required that the Secretary consult with the Attorney General and the Chief Justice of the United States concerning appointments to the panel. The conferees also required that the Secretary consult with the Attorney General prior to sending the report to Congress.

Comptroller General review of proposed Army end strength allocations (sec. 552)

The House bill contained a provision (sec. 523) that would require the Comptroller General of the United States to determine the extent to which the Army is able to fully man the combat and support forces required to carry out the national security strategy and operations other than war for fiscal years 1996 through 2001.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on manning status of highly deployable support units (sec. 553)

The House bill contained a provision (sec. 524) that would direct each of the secretaries of the military departments to conduct a study to determine whether high-priority support units, that would deploy early in a crisis, are, as a matter of policy, manned at less than 100 percent of authorized strengths. The provision would further require the secretaries of the military departments to report the findings of their studies not later than September 30, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Review of system for correction of military records (sec. 554)

The Senate amendment contained a provision (sec. 555) that would require the secretaries of the military departments to review the composition of the Boards for the Correction of Military Records and the procedures used by those boards. The provision would require the submission of a report to the appropriate committees of the Senate and the House of Representatives by April 1, 1996.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned that the Boards for the Correction of Military Records are perceived to be unresponsive, bureaucratic extensions of the uniformed services.

Report of the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation (sec. 555)

The House bill contained a provision (sec. 565) that would require the Secretary of Defense to submit a report on the consistency with which fingerprint cards and final disposition forms are reported by the Defense Criminal Investigation Organizations to the Federal Bureau of Investigation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle F—Other Matters

Equalization of accrual of service credit for officers and enlisted members (sec. 561)

The House bill contained a provision (sec. 551) that would make the criteria for accrual of service credit for officers consistent with the criteria established for enlisted members.

The Senate amendment contained a similar provision (sec. 552).

The conference agreement includes this provision.

Army ranger training (sec. 562)

The House bill contained a provision (sec. 557) that would establish a baseline number of officers and enlisted personnel that would have to be assigned to the Army Ranger Training Brigade and would give the Secretary of the Army one year to achieve that level. This provision would also require that training safety cells be established in each of the three major phases of the Ranger training course.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would require the Ranger Training Brigade to be manned at 90 percent of the requirements for two years, at which time the statutory requirement would expire. The amendment would also require the Comptroller General to assess the effectiveness of corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp. The amendment also expresses the sense of the Congress that the Secretary of Defense review and enhance, if necessary, oversight of all high-risk training and consider establishment of safety cells similar to those prescribed in the Ranger Training Brigade.

The conferees direct the secretary of defense to undertake a comprehensive analysis of high-risk training activities, to include, but not limited to the following: Army-Ranger; Navy SEAL; Navy and Air Force Survival, Evasion, Resistance, and Escape; and Airborne training. The study should identify key contributing factors prejudicial to personnel safety. This study shall include sensitivity analysis for each high-risk training program, with particular emphasis on officer-enlisted ratios and instructor-student ratios. The conferees direct the Secretary to submit the study results to the Senate Committee on Armed Services and the House Committee on National Security not later than December 31, 1996.

Separation in cases involving extended confinement (sec. 563)

The Senate amendment contained a provision (sec. 553) that would authorize the administrative separation of a service member who is sentenced by court-martial to a period of confinement for one year or more.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize such a separation if the member has been sentenced to a period of confinement for more than six months.

Limitations on reductions in medical personnel (sec. 564)

The Senate amendment contained a provision (sec. 556) that would amend section 711 of the National Defense Authorization Act for Fiscal Year 1991, section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, and section 518 of the National Defense Authorization Act for Fiscal Year 1993 to modify the limitations on reductions in medical personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress concerning personnel tempo rates (sec. 565)

The House bill contained a provision (sec. 525) that would express the sense of Congress that the Secretary of Defense should continue to improve the Department's personnel tempo management techniques so that all personnel can expect a reasonable personnel tempo rate.

The Senate amendment contained no similar provision.

The Senate recedes.

Separation benefits during force reduction for officers of the commissioned corps of National Oceanic and Atmospheric Administration (sec. 566)

The House bill contained a provision (sec. 566) that would, at the discretion of the Secretary of Commerce, authorize for officers of the Commissioned Corps of the National Oceanic and Atmospheric Administration, the separation benefits available to the other uniformed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Discharge of members of the armed forces who have the HIV-1 virus (sec. 567)

The House bill contained a provision (sec. 561) that would require the Secretary of Defense to separate or retire service members who are identified as HIV-positive.

The Senate amendment contained no similar provision

The Senate recedes with an amendment that would provide the discharged member with an entitlement to medical and dental care within the Military Health Care System, to the same extent and under the same conditions as a military retiree.

Revision and codification of Military Family Act and Military Child Care Act (sec. 568)

The House bill contained a provision (sec. 560) that would codify in title 10, United States Code, updated provisions of The Military Family Act of 1985 (title VII, Public Law 99-145), and The Military Child Care Act of 1989 (title XV, Public Law 101-189), which were instrumental in focusing Department of Defense attention on the needs of military families and on the importance of effective child care programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate a reporting requirement.

Determination of whereabouts and status of missing persons (sec. 569)

The House bill contained a provision (sec. 563) that would require the Secretary of Defense to centralize at the Department of Defense level, the oversight and policy responsibility for accounting for missing persons.

The Senate amendment contained a similar provision (sec. 551).

The Senate recedes with an amendment that would clarify and integrate the two provisions.

The conferees' intention in requiring the creation of the Office for Missing Persons (section 1501) is that this office will have a broad range of responsibilities that include those of all the individual offices that currently have responsibilities for POW/MIA matters.

The conferees expect that the Secretary of Defense will organize this new office to serve as the single focal point in the Department of Defense for POW/MIA matters and consolidate the formulation and oversight of search, rescue, escape and evasion and accountability policies. The conferees further expect that the Secretary of Defense will make every effort to ensure a close working relationship with the national intelligence agencies.

In relation to the Special Rule for Persons Classified as KIA/BNR, the conferees believe that the evidence referred to in section 1509(c) should be compelling evidence, such as post-incident letters written by the supposedly-dead person while in captivity or United States or other archival evidence that directly contradicts earlier United States Government determinations.

Associate Director of Central Intelligence for Military Support (sec. 570)

The Senate amendment contained a provision (sec. 1096) that would exempt the position of Associate Director of Central Intelligence for Military Support from counting against the numbers and percentages of officers authorized to be serving in the rank and grade of such officer for the armed force of which such officer is a member when neither the Director for Central Intelligence or the Deputy Director for Central Intelligence is a military officer.

The House bill contained no similar provision.

The House recedes.

Subtitle G—Support for Non-Department of Defense Activities

Repeal and revision of certain Civil-Military Programs (secs. 571, 572, 573 and 574)

The House bill contained a provision (sec. 558) that would repeal the authority for three programs established by the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484): the Civil-Military Cooperative Action Program; the National Guard Youth Opportunities Program; and the Pilot Outreach Program to Reduce the Demand for Illegal Drugs. Additionally, this provision would preclude Department of Defense support to the Civilian Conservation Corps.

The Senate amendment contained several provisions that would address Civil-Military Programs as follows: (1) prohibit the use of funds for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs (sec. 362); (2) revise section 410 of title 10, United States Code, the Civil-Military Cooperative Action Program (sec. 363); (3) extend the authorization for the National Guard Youth Opportunities Program through Fiscal Year 1997 (sec. 1083); and (4) extend the duration of the Pilot Outreach Program to Reduce the Demand for Illegal Drugs for two additional years (sec. 1099A).

The conference agreement includes several provisions (secs. 571, 572, 573, and 574) that would: (1) replace section 410 of title 10, United States Code, with a new section, that would authorize support and services for certain eligible organizations and activities outside of the Department of Defense (sec. 2012); (2) prohibit the use of funds for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs or for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 572 of this Act; (3) extend that authorization for the National Guard Youth Opportunities Program for 18 months from enactment and limit the number of programs to the number in effect on September 30, 1995. The Conference Agreement did not extend the duration of the Pilot Outreach Program to Reduce Demand for Illegal Drugs.

Regarding the repeal of specific authority for the Civil-Military Cooperative Program and the absence of an extension of the Pilot Outreach Program to Reduce the Demand for Illegal Drugs, the conferees note that the

Young Marines, the Seaborne Conservation Corps, and other programs operated under Department of Defense and service policy prior to the October 1992 enactment of the statutory authorities for the various civil-military programs. The conferees expect that the Young Marines, the Seaborne Conservation Corps and other similar programs should be able to continue operations in accordance with the pre-October 1992 authorities.

The conferees intend that the 18-month extension of the National Guard Youth Opportunities Program would permit these programs to develop non-Department of Defense sources of funding in order to continue operation after the authority in this extension expires.

Regarding support and services for eligible organizations and activities outside of the Department of Defense, the conferees intend that the "custody community relations and public affairs activities", referred to in section 572(b)(1), provide for the use of Department of Defense resources to support public events, including such activities as the honor guards, static displays of equipment, bands, and demonstrations, and rely heavily on volunteer support. Department of Defense resources should be considered available for community relations support only after all military needs have been met. Additionally, the conferees expect that, concerning the exception to the relationship to military training, referred to in section 572(d)(2), most manpower requests for assistance under this exception will be met by volunteers, and that any assistance other than manpower will be extremely limited. With respect to such exception, Government vehicles may be used, but only to provide transportation of military manpower to and from the work site. The use of government aircraft in assistance under this exception is prohibited.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on feasibility of providing education benefits protection insurance for service academy and ROTC scholarship students who become medically unable to serve

The House bill contained a provision (sec. 515) that would require the Secretary of Defense to conduct a study on the need and feasibility of establishing a no cost to the government disability insurance plan for service academy and Reserve Officers' Training Corps scholarship students.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that private insurance companies could provide the needed coverage without requiring further study by the Secretary of Defense. Accordingly, the conferees direct the Secretary to cooperate with private insurers and to make insurance information available to students in a manner that the Secretary determines to be essentially consistent with the way private insurance information is handled elsewhere within the Department of Defense.

Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired) to the grade of major general on the retired list

The House bill contained a provision (sec. 562) that would authorize the President to advance Brigadier General Charles E. Yeager (retired) to the grade of major general on the retired list.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Pay and Allowances

Military pay raise for fiscal year 1996 (sec. 601)

The House bill contained a provision (sec. 601) that would provide a 2.4 percent military pay raise for all the uniformed services, except the National Oceanic and Atmospheric Administration. Additionally, the provision would increase by 5.2 percent the rates of the basic allowance for quarters for members of the uniformed services. These increases would be effective January 1, 1996.

The Senate amendment contained a similar provision that would apply to all uniformed services (sec. 601).

The House recedes.

Limitation on basic allowance for subsistence for members residing without dependents in government quarters (sec. 602)

The House bill contained a provision (sec. 602) that would require the secretaries of the military departments to allow no more than 12 percent of the service members without dependents who reside in government quarters to receive basic allowance for subsistence (BAS). The provision would also require the Secretary of Defense to submit a report to confirm the current number of service members in this category and to establish a standard for the appropriate percentage of personnel who are eligible to receive BAS.

The Senate amendment contained no similar provision.

The Senate recedes.

Election of basic allowance for quarters instead of assignment to inadequate quarters (sec. 603)

The Senate amendment contained a provision (sec. 602) that would authorize payment of the basic allowance for quarters (BAQ) and variable housing allowance (VHA) (and overseas housing allowance (OHA) if assigned overseas) to single members in the paygrade E–6 and above who have been assigned to quarters that do not meet minimum adequacy standards established by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Payment of basic allowance for quarters to members in pay grade E–6 who are assigned to sea duty (sec. 604)

The House bill contained a provision (sec. 603) that would authorize payment of basic allowance for quarters and variable housing allowance to single E–6 personnel assigned to shipboard sea duty.

The Senate amendment contained a similar provision (sec. 603).

The conference agreement includes this provision.

Limitation on reduction of variable housing allowance for certain members (sec. 605)

The House bill contained a provision (sec. 604) that would authorize the Secretary of Defense to establish a minimum amount of variable housing allowance (VHA) to meet the cost of adequate housing in high cost areas. The provision would also prevent the reduction of the amount of VHA paid to an individual, as long as the member retains uninterrupted eligibility to receive VHA in the housing area and the member's housing costs are not reduced.

The Senate amendment contained a provision (sec. 604) that would prevent reduction of the amount of variable housing allowance (VHA) paid to an individual, as long as the service member retains uninterrupted eligibility to receive VHA in the housing area and the service member's housing costs are not reduced.

The House recedes with a technical amendment.

The conferees believe that, if the current mechanism for determining VHA rates is inadequate, the Secretary of Defense should notify the Committee on Armed Services of the Senate and the Committee on National Security of the House. Such notification should include a recommended solution and all appropriate justification.

Clarification of limitation on eligibility for Family Separation Allowance (sec. 606)

The House bill contained a provision (sec. 605) that would authorize the payment of family separation allowance to service members on board a ship that is away from homeport, even though the service member elected to remain unaccompanied by dependents at the permanent duty station.

The Senate amendment contained a similar provision (sec. 605) that also authorized payment of family separation allowance when members are on temporary duty away from permanent duty station.

The House recedes.

Subtitle B—Bonuses and Special and Incentive Pays

Extension of certain bonuses for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend until September 30, 1998 the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus.

The Senate amendment contained a similar provision (sec. 611) that would provide for extensions to September 30, 1997.

THe House recedes.

Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 612)

The House bill contained a provision (sec. 612) that would extend until September 30, 1998 the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive special pay for nurse anesthetists.

The Senate amendment contained a similar provision (sec. 612) that would provide for extensions to September 30, 1997.

The House recedes.

Extension of authority relating to payment of other bonuses and special pays (sec. 613)

The House bill contained a provision (sec. 613) that would extend until September 30, 1998 the authority for the aviation officer retention bonus, the reenlistment bonus for active members, enlistment bonuses for critical skills, special pay for enlisted members of the selected reserve assigned to certain high-priority units, special pay for nuclear-qualified officers extending the period of active service, and the nuclear career accession bonus. The provision would also extend the authority for repayment of education loans for certain health professionals who serve in the selected reserve and the nuclear career annual incentive bonus to October 1, 1998.

The Senate amendment contained a similar provision (sec. 613) that would provide for extensions to September 30 and October 1, 1997.

The House recedes with a clarifying amendment.

Codification and extension of special pay for critically short wartime health specialists in the selected reserves (sec. 614)

The House bill contained a provision (sec. 614) that would amend title 37, United States Code, to include authorization of special pay for critically short wartime health specialists in the selected reserves and extend the authority for the special pay to September 30, 1998.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to limit the extension of authority to September 30, 1997.

Hazardous duty incentive pay for warrant officers and enlisted members serving as air weapons controllers (sec. 615)

The Senate amendment contained a provision (sec. 614) that would authorize special hazardous duty incentive pay for enlisted members serving as air weapons controllers aboard airborne warning and control systems.

The House bill contained no similar provision.

The House recedes.

Aviation career incentive pay (sec. 616)

The House bill contained a provision (sec. 615) that would reduce the initial operational flying requirement for Aviation Career Incentive Pay from 9 of the first 12 years to 8 of te first 12 years of aviation service.

The Senate amendment contained a similar provision (sec. 615) that would also restrict to the service secretary the authority to grant waivers of the number of years.

The House recedes.

Clarification of authority to provide special pay for nurses (sec. 617)

The Senate amendment contained a provision (sec. 616) that would add military nurses to the list of health care professionals who are eligible to receive a special pay for being board certified in their specialty.

The House bill contained no similar provision.

The House recedes.

Continuous entitlement to career sea pay for crew members of ships designated as tenders (sec. 618)

The House bill contained a provision (sec. 616) that would authorize personnel assigned to tenders to receive career sea pay.

The Senate amendment contained a similar provision (sec. 617).

The conference agreement includes this provision.

Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters (sec. 619)

The House bill contained a provision (sec. 617) that would authorize payment of a maximum monthly rate of $375 of additional special duty assignment pay to recruiters.

The Senate amendment contained an identical provision (sec. 618).

The conference agreement includes this provision.

Subtitle C—Travel and Transportation Allowances

Repeal of requirement regarding calculation of allowances on basis of mileage tables (sec. 621)

The Senate amendment contained a provision (sec. 621) that would amend section 104(d)(1)(A) of title 37, United States Code, to repeal the requirement that travel mileage tables be prepared under the direction of the Secretary of Defense.

The House bill contained no similar provision.

The House recedes.

Departure allowances (sec. 622)

The Senate amendment contained a provision (sec. 622) that would equalize evacuation allowances to ensure equitable treatment of military dependents, civilians and their dependents, when officially authorized or ordered to evacuate an overseas area.

The House bill contained no similar provision.

The House recedes.

Transportation of nondependent child from member's station overseas after loss of dependent status while overseas (sec. 623)

The House bill contained a provision (sec. 621) that would authorize dependent children, who lose eligibility as dependents for any reason while overseas, to return to the United States one time at government expense prior to the sponsor receiving permanent-change-of-station orders.

The Senate amendment contained a similar provision (sec. 624).

The conference agreement includes this provision.

Authorization of dislocation allowance for moves in connection with base realignments and closures (sec. 624)

The House bill contained a provision (sec. 622) that would authorize the payment of dislocation allowance for service members directed to move as a result of the closure or realignment of an installation.

The Senate amendment contained a similar provision (sec. 623).

The conference agreement includes this provision.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Effective date for military retiree cost-of-living adjustments for fiscal years 1996, 1997 and 1998 (sec. 631)

The House bill contained a provision (sec. 633) that would conform the military retired pay cost-of-living adjustment (COLA) payment date with the payment date established for Federal civilian retirees by making the military retired pay COLA first payable during March 1996, rather than September 1996.

The Senate amendment contained a provision (sec. 641) that would provide that the 1996 military retired pay cost-of-living adjustment be effective the first day of March 1996. In subsequent years, the cost-of-living adjustment would be effective the first day of December of each year.

The House recedes with an amendment that would provide that the military retired pay COLAs for fiscal years 1996 and 1997 be effective the first day of March, 1996, and the first day of December, 1996, respectively. The provision would also require that the effective date for COLAs during fiscal year 1998 conform to the date prescribed for Federal civilian retirees.

The conferees acknowledge that restoring equity to the payment of COLAs to military retirees has been a priority concern since passage of the Omnibus Budget Reconciliation Act of 1993 which caused military retirees to receive their COLAs later than their civilian counterparts. The solution specified in this provision is a welcome end to the inequity between the two groups of retirees.

Denial of non-regular service retired pay for reserves receiving certain court-martial sentences (sec. 632)

The Senate amendment contained a provision (sec. 642) that would authorize the Secretaries of the military departments to deny retired pay to non-regular service members who are convicted of an offense under the Uniform Code of Military Justice and whose sentence includes death, a dishonorable discharge, a bad conduct discharge, or dismissal. The provision would treat both regular and non-regular service members equitably.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on payment of annuities for certain military surviving spouses (sec. 633)

The Senate amendment contained a provision (sec. 648) that would require the Secretary of Defense to determine the number of surviving spouses of retired careerists who died before March 21, 1974 and retired pay eligible reserve retirees under age 60 who died before September 30, 1978, and report to the Senate Committee on Armed Services and the House Committee on National Security. These groups of surviving spouses have become known as "Forgotten Widows" since they were widowed before provisions of the Survivor Benefit Plan were applicable to them.

The House bill contained no similar provision.

The House recedes.

Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines (sec. 634)

The conference agreement includes a provision that would require the service secretaries, on request, to pay the quarters and subsistence allowance that was not paid to certain guerrilla fighters in the Philippines during World War II.

Authority for relief from previous overpayments under minimum income widows program (sec. 635)

The conference agreement includes a provision that would permit the Secretary of Defense to waive the recovery of any overpayment made before enactment of the conference report and that is attributable to a failure by the Department of Defense to apply eligibility requirements correctly.

The conferees expect the Secretary of Defense to direct the Defense Finance and Accounting Service to stop sending collection letters to widows expected to be covered under this provision.

Transitional compensation for dependents of members of the armed forces separated for dependent abuse (sec. 636)

The House bill contained a provision (sec. 556) that would require the Secretary of Defense to retroactively provide compensation to certain eligible dependents inadvertently excluded from the program.

The Senate amendment contained a provision (sec. 649) that would amend section 1059(d) of title 10, United States Code, to include transitional compensation for dependents whose sponsor forfeited all pay and allowances, but was not separated from the service.

The Senate recedes with a clarifying amendment.

Subtitle E—Other Matters

Payment to survivors of deceased members for all leave accrued (sec. 641)

The Senate amendment contained a provision (sec. 647) that would permit survivors of deceased members of the uniformed services to be paid for all leave accrued. This provision will enable survivors to be paid for leave accrued above the 60 day limit.

The House bill contained no similar provision.

The House recedes.

Repeal of reporting requirements regarding compensation matters (sec. 642)

The House bill contained a provision (sec. 631) that would eliminate a report on dependents accompanying members on assignments to overseas locations and simplify the requirement for the President to submit to the Congress recommendations on military pay matters.

The Senate amendment contained a similar provision (sec. 1072(d)).

The Senate recedes with an amendment that would combine the two provisions.

Recoupment of administrative expenses in garnishment actions (sec. 643)

The Senate amendment contained a provision (sec. 643) that would amend section 5502 of title 5, United States Code, to shift the burden for payment of administrative costs, incurred incident to garnishment actions, from the employee to the creditor.

The House bill contained no similar provision.

The House recedes.

Report on extending to junior noncommissioned officers privileges provided for senior noncommissioned officers (sec. 644)

The Senate amendment contained a provision (sec. 646) that would require the Secretary of Defense to study and report to the Congress on methods of improving the working conditions of noncommissioned officers in pay grades E-5 and E-6. This report, and the accompanying legislative recommendations, should provide the committee a road map to continue quality of life improvements.

The House bill contained no similar provision.

The House recedes.

Study regarding joint process for determining location of recruiting stations (sec. 645)

The House bill contained a provision (sec. 632) that would require the Secretary of Defense to conduct a study of the process for determining the location and manning of recruiting stations. The study would be based on market research and analysis conducted jointly by the military departments.

The Senate amendment contained no similar provision.

The Senate recedes.

Automatic maximum coverage under Servicemen's Group Life Insurance (sec. 646)

The Senate amendment contained a provision (sec. 644) that would automatically enroll service members at the maximum insurance level of $200,000, instead of the $100,000 level currently in law.

The House bill contained no similar provision.

The House recedes with an amendment that would delay implementation until April 1, 1996.

Termination of servicemen's group life insurance for members of the Ready Reserve who fail to pay premiums (sec. 647)

The Senate amendment contained a provision (sec. 645) that would authorize the Secretary of Defense to terminate coverage under the Servicemen's Group Life Insurance for members of the ready reserve who fail to make premium payments for 120 days.

The House bill contained no similar provision.

The House recedes with an amendment that would delay implementation until April 1, 1996.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of prohibition on payment of lodging expenses when adequate Government quarters are available

The House bill contained a provision (sec. 623) that would repeal the prohibition on payment of lodging expenses when adequate government quarters are available.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VII—HEALTH CARE PROVISIONS

ITEMS OF SPECIAL INTEREST

Follow-on medical care for certain members of former members of the Armed Forces and their dependents

The conferees note that same service members, as a result of receiving transfusions at military hospitals were placed at risk of contracting a serious communicable disease and subsequently transmitting it to their dependents.

The case of Douglas Simon of Eden Prairie, Minnesota, and his family, is an example of the very tragic situation that can arise following a transfusion of contaminated blood. In 1983, while serving in the Army National Guard, Mr. Simon was infected with the AIDS virus after undergoing a blood transfusion at Fort Benning, Georgia. Subsequently, he unknowingly transmitted the virus to his spouse, Nancy, who in turn, transmitted the virus to their daughter Candace. Candace became ill and died of AIDs in 1993 at the age of five. Both Mr. and Mrs. Simon are now in the terminal stages of AIDS and their two remaining children Brian, 11, and Eric, 9, will be orphaned. To date, the Department of Defense has not accepted any financial responsibility for the treatment of Mr. or Mrs. Simon, or the future of the two children. The conferees direct the Secretary of Defense to review the Department's role in this case and to determine whether the Department of Defense should provide fair compensation to these and other similarly affected persons.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Health Care Services

Modifications of requirements regarding routine physical examinations and immunizations under CHAMPUS (sec. 701)

The House bill contained a provision (sec. 701) that would amend section 1079(a) of title 10, United States Code, by expanding "well-baby visits" and immunizations to dependents under the age of six, by authorizing immunizations at age six and above and by adding coverage of health promotion and disease prevention visits associated with immunizations, pap smears and mammograms.

The Senate amendment contained a similar provision (sec. 703).

The conference agreement includes this provision.

Correction of inequities in medical and dental care and death and disability benefits for certain reservists (sec. 702)

The House bill contained a provision (sec. 702) that would authorize reservists the same death and disability benefits as active duty members, during off-duty periods between successive inactive duty training periods performed at locations outside the reasonable commuting distance from the member's residence.

The Senate amendment contained no similar provision.

The Senate recedes.

Medical care for surviving dependents of retired Reserves who die before age 60 (sec. 703)

The Senate amendment contained a provision (sec. 701) that would permit survivors of "gray area" retirees, members of the retired reserve who have not attained the age of 60 years, to receive medical care as if the sponsor had attained 60 years of age and was receiving retirement benefits.

The House bill contained no similar provision.

The House recedes.

Medical and dental care for members of the Selected Reserve assigned to early deploying units of the Army Selected Reserve (sec. 704) and dental insurance for members of the Selected Reserve (sec. 705)

The House bill contained a provision (sec. 703) that would require the Secretary of the Army to provide medical and dental screenings, physical exams for members over 40, and the dental care required to meet dental readiness standards for units scheduled for deployment within 75 days of mobilization.

The provision would also require the Secretary of Defense to conduct a demonstration program to offer members of the selected reserve dental readiness insurance on a voluntary basis, at no cost to the Department of Defense.

The Senate amendment contained a provision (sec. 702) that would require the Secretary of Defense to establish a dental insurance plan for members of the selected reserve. The provision would require a plan, similar to the active duty dependent dental insurance plan, with voluntary enrollment and premium sharing by the member.

The House recedes with two amendments. One requires the Secretary of Defense to establish a dental insurance plan for members of the selected reserve in fiscal year 1997. The amendment also provides authority for the Secretary to conduct the necessary surveys, preparation work, and a test of the plan in fiscal year 1996. The other amendment requires the Secretary of the Army to provide medical and dental care to members of early deploying units of the selective reserve.

Permanent authority to carry out Specialized Treatment Facility Program (sec. 706)

The Senate amendment contained a provision (sec. 704) that would amend section 1105 of title 10, United States Code, by repealing subsection (h), the sunset provision, to make the Specialized Treatment Facility Program permanent.

The House bill contained no similar provision.

The House recedes.

Subtitle B—TRICARE Program

Definition of TRICARE Program (sec. 711)

The Senate amendment contained a provision (sec. 711) that would define the TRICARE program and other terms of art in the statute.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Priority use of military treatment facilities for persons enrolled in managed care initiatives (sec. 712)

The House bill contained a provision (sec. 711) that would amend title 10, United States Code, to require the Secretary of Defense, as an incentive for enrollment, to establish reasonable priorities for services provided at military treatment facilities for TRICARE-enrolled beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Staggered payment of enrollment fees for TRICARE program (sec. 713)

The House bill contained a provision (sec. 712) that would amend section 1097(e) of title

10, United States Code, to require the Secretary of Defense to allow beneficiaries to pay any required enrollment fees on a monthly or quarterly basis, at no additional cost to the beneficiary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment limiting the payments to a quarterly basis.

The conferees direct the Secretary of Defense to establish procedures for retired service members to pay enrollment fees by allotment.

Requirement of budget neutrality for TRICARE program to be based on entire program (sec. 714)

The House bill contained a provision (sec. 713) that would clarify the requirement for the TRICARE HMO option to be budget neutral by requiring that the combined effect of all three TRICARE options be budget neutral.

The Senate amendment contained no similar provision.

The Senate recedes.

Training in health care management and administration for TRICARE lead agents (sec. 715)

The House bill contained a provision (sec. 714) that would direct the Secretary of Defense to ensure that military medical treatment facility commanders, selected to serve as lead agents for the Department's managed health-care program, TRICARE, receive appropriate training in health-care management and administration.

the Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add key subordinates to the training requirement.

Pilot program of individualized residential mental health services (sec. 716)

The House bill contained a provision (sec. 746) that would direct the Secretary of Defense to study the feasibility of expanding mental health services to include "wraparound" services, and to include the requirement that providers share financial risk through case-rate reimbursement, and then to report the results of the study to Congress by March 1, 1996.

The Senate amendment contained a provision (sec. 714) that would direct the Secretary of Defense to implement a program of residential treatment for seriously emotionally disturbed and complex-needs adolescents. This treatment would incorporate the concept of "wraparound services" in one TRICARE region. The Secretary would be required to report on the evaluation of this program not later than eighteen months after the program is implemented.

The House recedes with a clarifying amendment.

Evaluation and report on TRICARE program effectiveness (sec. 717)

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to obtain an ongoing independent evaluation of the TRICARE program and to provide an annual report to Congress on the results of the evaluation. The evaluation should report on efforts to make TRICARE Prime, the HMO option, available in noncatchment and rural areas.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress regarding access to health care under TRICARE program for covered beneficiaries who are Medicare eligible (sec. 718)

The Senate amendment contained a provision (sec. 713) that would express the sense of the Senate that the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for Medicare and who reside in a region in which TRICARE has been implemented have access to health care services under TRICARE and that the Department of Defense be reimbursed for those services.

The house bill contained no similar provision.

The House recedes with an amendment that makes the provision a sense of Congress.

Subtitle C—Uniformed Services Treatment Facilities

Delay of termination of status of certain facilities as Uniformed Services Treatment Facilities (sec. 721)

The Senate amendment contained a provision (sec. 721) that would extend until September 30, 1997, the designation of Uniformed Services Treatment Facilities (USTF) as military treatment facilities (MTF).

The House bill amendment contained no similar provision.

The House recedes.

Limitation on expenditures to support Uniformed Services Treatment Facilities (sec. 722)

The House bill contained a provision (sec. 721) that would amend the National Defense Authorization Act for Fiscal Year 1984 (Public Law 98-94) to limit the amount authorized to $300.0 million for the Department of Defense Uniformed Services Treatment Facilities (USTFs) managed care plan. This section would limit beneficiary enrollment in the USTF program to the number enrolled as of September 30, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the limit on the number of enrollees.

Application of CHAMPUS payment rules in certain cases (sec. 723)

The Senate amendment contained a provision (sec. 723) that would amend section 1074 of title 10, United States Code, to include the Uniformed Services Treatment Facilities (USTF) in the authority under which a USTF could be reimbursed for care provided to a Department of Defense eligible enrollee who receives care out of the local area of the USTF in which they are enrolled.

The House bill contained no similar provision.

The House recedes.

Application of federal acquisition regulation to participation agreements with Uniformed Services Treatment Facilities (sec. 724)

The House bill contained a provision (sec. 722) that would amend the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by repealing the Federal Acquisition Regulation (FAR) exemption granted to the Uniformed Services Treatment Facilities (USTFs).

The Senate amendment contained a similar provision (sec. 722).

The Senate recedes.

Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense (sec. 725)

The House bill contained a provision (sec. 723) that would amend section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to require the Secretary of Defense to submit to Congress a plan under which the 10 Uniformed Services Treatment Facilities (USTFs) would be integrated into the Department of Defense's managed health-care program by September 30, 1997. In addition, this section would require the Secretary to assess the feasibility of implementing a modified version of USTF option II.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities (sec. 726)

The House bill contained a provision (sec. 724) that would direct the Secretary of Defense to apply uniform cost shares to each of the 10 Uniformed Services Treatment Facilities (USTFs) only upon regional implementation of the TRICARE managed health care program in the USTF's service area. It would also direct the GAO to evaluate the effect of TRICARE cost shares on USTFs.

The Senate amendment contained a provision (sec. 712) that would require the Uniformed Services Treatment Facilities to implement the TRICARE uniform benefit concurrent with the implementation of TRICARE in that region. The recommended provision would exempt a covered beneficiary who has been continuously enrolled on and after January 1, 1995.

The Senate recedes.

Elimination of unnecessary annual reporting requirements regarding Uniformed Services Treatment Facilities (sec. 727)

The House bill contained a provision (sec. 736) that would eliminate unnecessary annual reporting requirements regarding military health care.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Maximum allowable payments to individual health-care providers under CHAMPUS (sec. 731)

The House bill contained a provision (sec. 731) that would amend title 10, United States Code, to codify a provision of the Department of Defense Appropriations Act for Fiscal Year 1995 (Public Law 103-335) that establishes a process for gradually reducing CHAMPUS maximum payment amounts to those limits for similar services under Medicare.

The Senate amendment contained a similar provision (sec. 732).

The conference agreement includes this provision.

Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility (sec. 732)

The House bill contained a provision (sec. 743) that would direct the administering secretaries to develop a mechanism for notifying beneficiaries of their ineligibility for CHAMPUS health benefits when the loss of CHAMPUS eligibility is due to disability status.

The Senate amendment contained no similar provision.

The Senate recedes.

Personal services contracts for medical treatment facilities of the Coast Guard (sec. 733)

The Senate amendment contained a provision (sec. 733) that would authorize the Secretary of Transportation to use the personal services contract authority, currently available to the Secretary of Defense, to contract for health care providers in support of the Coast Guard.

The House bill contained no similar provision.

The House recedes.

Identification of third-party payer situations (sec. 734)

The House bill contained a provision (sec. 733) that would authorize the Secretary of Defense to prescribe regulations for the collection of information from covered beneficiaries regarding insurance, medical service, or health plans of third-party payers.

The Senate amendment contained no similar provision.

The Senate recedes.

Redesignation of Military Health Care Account as Defense health Program Account and two-year availability of certain account funds (sec. 735)

The House bill contained a provision (sec. 734) that would amend section 1100 of title 10, United States Code, to allow the Secretary of Defense to carry over three percent of the defense health plan annual operation and maintenance appropriations to the end of the next fiscal year.

The Senate amendment contained a similar provision (sec. 731).

The conference agreement includes this provision.

Expansion of financial assistance program for health care professionals in reserve components, to include dental specialties (sec. 736)

The House bill contained a provision (sec. 735) that would authorize financial assistance for qualified dentists engaged in training for a dental specialty which is critically needed in wartime.

The Senate amendment contained a similar provision (sec. 512).

The conference agreement includes this provision.

Applicability of limitation on prices of pharmaceuticals procured for Coast Guard (sec. 737)

The Senate amendment contained in provision (sec. 743) that would include the Coast Guard in the pharmaceutical purchase program administered by the Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Expansion of existing restriction on use of defense funds for abortions (sec. 738)

The House bill contained a provision (sec. 732) that would amend section 1093 of title 10, United States Code, to restrict the Department of Defense (DOD) from using medical treatment facilities or other DOD facilities, as well as DOD funds, to perform abortions, unless necessary to save the life of the mother.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the use of Department of Defense facilities to perform abortions except in cases where the pregnancy is the result of rape or incest or in cases when the life of the mother is endangered. The amendment would retain the prohibition on the use of Department of Defense funds for abortions except in cases when the life of the mother in endangered.

Subtitle E—Other Matters

Tri-service nursing research (sec. 741)

The Senate amendment contained a provision (sec. 741) that would authorize establishment of a tri-service research program at the Uniformed Services University of the Health Sciences.

The House bill contained no similar provision.

The House recedes.

Termination of program to train military psychologists to prescribe psychotropic medications (sec. 742)

The House bill contained a provision (sec. 741) that would direct the Department of Defense to terminate the pilot demonstration program and to withdraw the authority to prescribe psychotropic drugs from psychologists who participated in the demonstration program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit any new enrollments, permit current students to complete the training, and require a General Accounting Office evaluation of the program.

Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility (sec. 743)

The House bill contained a provision (sec. 742) that would authorize the Secretaries of Defense, Transportation and Health and Human Services to waive the collection of certain payments described for beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This waiver would apply to CHAMPUS beneficiaries who lost their CHAMPUS eligibility prior to Medicare entitlement because of a disability or end-stage renal disease.

The Senate amendment contained no similar provision.

The Senate recedes.

Demonstration program to train military medical personnel in civilian shock trauma units (sec. 744)

The House bill contained a provision (sec. 744) that would require the Secretary of Defense to conduct a demonstration program, through arrangements with civilian hospitals, to evaluate the feasibility of providing additional shock trauma training for military medical personnel.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect the Secretary of Defense to ensure that the program would be budget neutral and that the Department would receive compensation, payment in kind, or services of equivalent value to the government costs for providing services to the non-DOD agencies. The conferees further direct the Comptroller General to evaluate the costs and value of services or reimbursements to the government.

Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel (sec. 745)

The House bill contained a provision (sec. 745) that would direct the Comptroller General of the United States to evaluate the effectiveness of the modeling efforts of each of the three service surgeons general related to determination of the appropriate wartime military medical force-level requirements, and then to submit to Congress a report on this evaluation, not later than March 1, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on improved access to military health care for covered beneficiaries entitled to Medicare (sec. 746)

The House bill contained a provision (sec. 747) that would require the Secretary of Defense to report on possible alternatives to improving access to the military health care system for those beneficiaries who are Medicare eligible and ineligible for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

The Senate amendment contained no similar provision.

The Senate recedes.

Report on effect of closure of Fitzsimons Army Medical Center, Colorado, on provision of care to military personnel, retired military personnel, and their dependents (sec. 747)

The Senate amendment contained a provision (sec. 744) that would require the Secretary of Defense to report to the Congress on the effect of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide health care for members and former members of the armed services, and their dependents who suffer from undiagnosed illness as a result of service in the Persian Gulf War.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the requirement to include a report on the effect of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide health care for all military members, retired military personnel, and their dependents.

Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities (sec. 748)

The House bill contained a provision (sec. 748) that would express the sense of Congress that the Secretary of Defense should take all appropriate steps to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

State recognition of military advance medical directives (sec. 749)

The House bill contained a provision (sec. 555) that would ensure advanced medical directives, prepared by members of the armed forces, their spouses, or other persons eligible for legal assistance, are recognized as valid by all states and possessions of the United States.

The Senate amendment contained a similar provision (sec. 1092).

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Waiver of Medicare Part B late enrollment penalty and establishment of special enrollment period for certain military retirees and dependents

The Senate amendment contained a provision (sec. 705) that would amend the Social Security Act to authorize a waiver of the penalty for late enrollment in Medicare Part B for Medicare-eligible Department of Defense beneficiaries who reside in geographic areas affected by the closure of military hospitals under the Base Realignment and Closure process.

The House bill contained no similar provision.

The Senate recedes.

Disclosure of information in Medicare and Medicaid coverage data bank to improve collection from responsible parties for health care services furnished under CHAMPUS

The Senate amendment contained a provision (sec. 734) that would amend section 1144 of the Social Security Act to extend to the Department of Defense access to information in the data bank to enhance the effectiveness of the Department of Defense third party collection program.

The House bill contained no similar provision.

The Senate recedes.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

ITEMS OF SPECIAL INTEREST

Ship repair contracts

The conferees are concerned with continued reports that Navy ship repair contractors are not being paid by the prime contractor in a timely manner. The House report accompanying H.R. 1530 (H. Rept. 104–131) addressed this issue by asking the Navy to pursue remedies necessary to ensure that the subcontractor community will be able to support the United States Navy fleet properly. The conferees support this language and urge the Navy to monitor this problem carefully and explore available remedies to ensure that Navy ship repair subcontractors are properly and promptly compensated for their services.

The conferees are similarly concerned with the Navy's practice of bundling ship repair contracts that include only a small number of drydocking requirements within several ship repair availabilities. The conferees are concerned that this may unnecessarily preclude competition for repair work that does not require a drydock. The conferees believe that if the Navy continues to bundle multiyear ship repair contracts that would in part require the use of a drydock, the Navy should give strong consideration to making available, at a reasonable cost, a public drydock, to ensure adequate competition.

Workers compensation coverage on overseas contracts

The conferees agree with the requirement contained in the Senate report (S. Rept. 104–112) that would direct the Secretary of Defense to review the efforts of the State Department and the Agency for International Development to consolidate worker's compensation insurance coverage on overseas contracts. The conferees note that chapter 12 of title 42, United States Code, mandates that all United States citizens and legal permanent residents, employed for any duration by a defense contractor, be covered by uniform worker's compensation insurance.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Acquisition Reform

Limitation on expenditure of appropriations (sec. 801)

The House bill contained a provision (sec. 821(b)) that would repeal section 2207 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would apply section 2207 of title 10, United States Code, solely to contracts valued above the simplified acquisition threshold.

Delegation authority (sec. 802)

The Senate amendment contained a provision (sec. 806) that would repeal section 2356 of title 10, United States Code, which unnessarily duplicates inherent authority of the Secretary of Defense to delegate research contracting authorities.

The House bill contained an identical provision.

The conference agreement includes this provision.

Critical spare parts (sec. 803)

The House bill contained a provision (sec. 821(d)) that would repeal section 2383 of title 10, United States Code, regarding quality requirements for critical spare parts of ships or aircraft. The provision was intended to assist the Department of Defense in shifting from reliance on outdated military specifications and standards to the use of modern industrial manufacturing methods that would ensure quality in critical spare parts.

The Senate amendment contained an identical provision (sec. 809).

The conference agreement includes this provision.

Fees for certain testing services (sec. 804)

The House bill contained a provision (sec. 822) that would provide flexibility for the Secretary of Defense to require reimbursement of indirect, as well as direct costs, from private sector uses of Department of Defense testing facilities.

The Senate amendment contained an identical provision (sec. 812).

The conference agreement includes this provision.

Coordination and communication of defense research activities (sec. 805)

The House bill contained a provision (sec. 824) that would amend section 2364 of title 10, United States Code, to require that papers prepared by a defense research facility on a technological issue relating to a major weapon system be available for consideration at all decision reviews.

The Senate amendment contained an identical provision (sec. 807).

The conference agreement includes this provision.

Addition of certain items to domestic source limitation (sec. 806)

The House bill contained a provision (sec. 825) that would add certain named vessel components to domestic source limitations, as provided in section 2534(a) of title 10, United States Code. The provision would also extend, through October 1, 2000, current limitations related to anti-friction bearings and would require that these limitations be applicable to contracts and subcontracts below the simplified acquisition threshold, as well as for commercial subcontracts.

The Senate contained no similar provision.

The Senate recedes with an amendment that would modify the list of vessel components to be added to the domestic source limitations in section 2534 of title 10, United States Code. The provision includes language that would restrict the application of the domestic source limitations to the additional vessel components for contracts entered into after March 31, 1996. The provision would allow the Secretary of the navy additional waiver authority for the application of such limitations based on a determination that such application would result in retaliatory trade action by a foreign country against the United States.

The conferees have included language that would require, for a two-year period beginning on the date of enactment of this Act, a similar limitation on the purchase of propellers with a diameter of six feet or more. The conferees direct the Secretary of the Navy to provide the congressional defense committees by March 1, 1996 with an assessment of the impact on the Navy's ability to maintain and modernize the fleet, and address the impact of the limitation on the purchase of and the castings for such propellers. The conferees also remain concerned over the pressing need to sustain a robust ship propeller repair and maintenance commercial base. Therefore, the conferees strongly urge the Navy to take this critical objective fully into account in allocating propeller repair work in the future.

Encouragement of use of leasing authority for commercial vehicles (sec. 807)

The House bill contained a provision (sec. 827) that would direct the Secretary of Defense to use lease agreements for acquisition of equipment, whenever practicable and otherwise authorized by law. The House provision would also direct the Secretary to submit to Congress, within 90 days after enactment of this bill, a report indicating changes in legislation required to facilitate the Department of Defense use of leases for the acquisition of equipment.

The Senate amendment contained a provision (sec. 392), similar to the House provision, that would also provide authority for the Secretary of Defense to conduct a pilot program for lease of commercial utility cargo vehicles under certain prescribed conditions.

The House recedes with a clarifying amendment.

Cost reimbursement rules for indirect costs attributable to private sector work of defense contractors (sec. 808)

The House bill contained a provision (sec. 844) that would authorize the Secretary of Defense to enter into agreements with contractors performing or seeking to perform private sector work. The House provision would apply modified accounting rules with respect to the allocation of indirect costs associated with a contractor's private sector work.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the method for allocation of indirect costs to contractor private sector work and would require the Secretary of Defense to report on the use of the authority contained in this provision. The conferees expect the Secretary to act expeditiously on each defense contractor application for an agreement under this section.

Subcontracts for ocean transportation services (sec. 809)

The Senate amendment contained a provision (sec. 802(b)) that would delay, until May 1, 1996, the inclusion of section 1241(b) of title 46, United States Code, or section 2631 of title 10, United States Code, on a list promulgated under section 430(b) of title 41, United States Code.

The House bill contained no similar provision.

The House recedes.

Prompt resolution of audit recommendations (sec. 820)

The Senate amendment contained a provision (sec. 803) that would conform section 6009 of the Federal Acquisition Streamlining Act of 1994 to the reporting requirements of the Inspector General Act of 1978.

The House bill contained no similar provision.

The House recedes.

Test programs for negotiation of comprehensive subcontracting plans (sec. 811)

The Senate amendment contained a provision (sec. 804) that would amend the test authority to remove the limitation on the activities that may be included in a test. The provision would also reduce the number of contracts and the aggregate dollar value of those contracts required to establish a condition for a contractor's participation in the test program.

The House bill contained no similar provision.

The House recedes.

Authority to procure for test or experimental purposes (sec. 812)

The Senate amendment contained a provision (sec. 808) that would amend section 2373 of title 10, United States Code, to conform the newly-codified section to the scope of the service-specific statutes it replaced.

The House bill contained no similar provision.

The House recedes.

Use of funds for acquisition of rights to use designs, processes, technical data and computer software (sec. 813)

The Senate amendment contained a provision (sec. 810) that would clarify section 2386 of title 10, United States Code, regarding the types of information the Secretary of Defense may acquire from Department of Defense contractors.

The House bill contained no similar provision.

The House recedes.

Independent cost estimates for major defense acquisition programs (sec. 814)

The Senate amendment contained a provision (sec. 811) that would permit the military departments or defense agencies, independent of their respective acquisition executives, to prepare independent cost estimates for major defense acquisitions assigned to individual components for oversight. The provision would align the responsibility for independent cost estimates with the level of the decision authority.

The House bill contained no similar provision.

The House recedes.

Construction, repair, alteration, furnishing, and equipping of naval vessels (sec. 815)

The Senate amendment contained a provision (sec. 813) that would restore the policy regarding the application of the Walsh-Healey Act, repealed by the Federal Acquisition Streamlining Act 1994, to contracts for the construction, alteration, furnishing, or equipping of naval vessels.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle B—Other Matters

Procurement technical assistance programs (sec. 821)

The Senate amendment contained a provision (sec. 821) that would add $12.0 million to continue the procurement technical assistance center program in fiscal year 1996.

The House bill contained no similar provision, but authorized $10.0 million to continue the program in fiscal year 1996.

The House recedes.

Additional Department of Defense pilot programs (sec. 822)

The conferees have adopted a provision that would set forth criteria for designating a facility to participate in a Department of Defense pilot program and require that the Congress approve the designation in legislation enacted after the enactment of the National Defense Authorization Act for Fiscal Year 1996. The conferees intended that the pilot program be used to test, among other initiatives, the expansion of commercial practices throughout a facility in which work is being performed under contracts with the Department of Defense. Nothing in this provision is intended to authorize or award a contract, or to exempt a facility from competition requirements in the award of a contract.

Treatment of Department of Defense cable television franchise agreements (sec. 823)

The Senate amendment included a provision (sec. 822) that would require cable television franchise agreements between cable television operators and the Department of Defense to be considered contracts for the telecommunications services under Part 49 of the Federal Acquisition Regulation (FAR).

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would require the United States Court of Federal Claims to render an advisory opinion to Congress on the power of the executive branch to treat cable franchise agreements as contracts under the FAR and, if so, whether the executive branch is required by law to treat these agreements as contracts under the FAR. If the answer to both questions is affirmative, the conferees expect the Department of Defense to implement regulations treating cable franchise agreements as contracts for purposes of the FAR. If the Court renders an affirmative answer to the first question, the conferees will regard that as significant basis for enacting a provision similar to that in the Senate amendment.

Mentor-protege program authority (sec. 824)

The conferees have adopted a provision that would extend for one year the authority for eligible businesses under the Mentor-Protege program to enter into new agreements. The conferees agree that this extension does not prejudge the outcome of ongoing reviews of programs with similar objectives.

LEGISLATIVE PROVISIONS NOT ADOPTED

Testing of defense acquisition programs

The House bill contained a provision (sec. 823) that would amend section 2366 of title 10, United States Code, regarding requirements for operational testing in defense acquisition programs.

The Senate amendment contained no similar provision.

The House recedes.

Waivers from cancellation of funds

The Senate amendment contained a provision (sec. 801) that would make funds available for satellite on-orbit incentive fees until such fees would be earned.

The House bill contained no similar provision

The Senate recedes.

Repeal of duplicative authority for simplified acquisition purchases

The Senate amendment contained a provision (sec. 817) that would repeal the authority for simplified acquisition purchases in section 427 of title 41, United States Code.

The House bill contained no similar provision.

The Senate recedes.

Restriction on reimbursement of costs

The Senate amendment contained a provision (sec. 819) that would prohibit reimbursement of allowable costs above $250,000 for individual compensation in fiscal year 1996. The provision also expressed the sense of the Senate that Congress should consider making such prohibition permanent.

The House bill contained no similar provision.

The Senate recedes.

The conferees question the appropriateness of the level of industry executive compensation reimbursement as an allowable expense under government contracts. The conferees direct the Secretary of Defense to conduct a thorough assessment of its current policies and procedures regarding standards of allowability, allocability, and reasonableness of compensation reimbursement by the Department of Defense. In carrying out such assessment, the Secretary should conduct a survey of the executive compensation practices of comparable non-defense firms involved with similar industries, taking into consideration size and geographic location.

The conferees direct the Secretary to submit a report to the congressional defense committees not later than March 31, 1996. The report should detail the results of the Secretary's assessment and any changes to current policies and procedures, implemented as a result of the assessment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISION ADOPTED

SUBTITLE A—GENERAL MATTERS

Reorganization of the Office of the Secretary of Defense (sec. 901–903 and 905)

The House bill contained a provision (sec. 901) that would require that direct support activities and similar functions be included in the mandated personnel reduction. This provision would also reduce the number of authorized assistant secretaries of defense by two and require that the Secretary of Defense provide Congress with a comprehensive reorganization plan for the office. Additionally, it would repeal a number of the current statutorily mandated offices and positions within OSD.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a detailed review of the organization and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Agencies. The amendment would also direct the following: a 25 percent reduction of the Office of the Secretary of Defense over five years; reduction of the number of Assistant Secretaries of Defense by one, from eleven to ten; and, on January 31, 1997, repeal certain statutory mandated offices and positions within the Office of the Secretary of Defense. Additionally, the amendment would establish a charter for the Joint Requirements Oversight Council (JROC) effective January 31, 1997.

Redesignation of the position of Assistant to the Secretary of Defense for Atomic Energy (sec. 904)

The Senate amendment contained a provision (sec. 901) that would change the name of the Assistant to the Secretary of Defense for Atomic Energy to be the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

The House bill contained no similar provision.

The House recedes.

Restructuring of Department of Defense acquisition organization and workforce (sec. 906)

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to submit a report to Congress including a plan for restructuring the current acquisition organizations in the Department of Defense as well as an assessment of specified restructuring options. The provision would also mandate a reduction of the acquisition workforce by 25 percent from October 1, 1995 to October 1, 1998, and require a reduction of 30,000 acquisition workforce positions in the Department of Defense in fiscal year 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring the Secretary to submit the report on a plan to reduce by October 1, 1998 the acquisition workforce, as defined by the Secretary, 25 percent below the baseline of October 1, 1994. The provision would also require the Secretary to reduce the number of acquisition personnel by 15,000 in fiscal year 1996.

Report on nuclear posture review and on plans for nuclear weapons management in event of abolition of Department of Energy (sec. 907)

The House bill contained a provision (sec. 903) that would require the Secretary of Defense to prepare and submit a report to Congress that describes the Secretary's plan to incorporate the national security programs of the Department of Energy (DOE) into the Department of Defense. In developing the plan the Secretary would be required to make every effort to preserve the integrity, mission, and functions of these programs. The Senate amendment contained a provision (sec. 3151) that would require the Secretary of Defense to provide the congressional defense committees with an assessment of the effectiveness of the DOE. The assessment should include: (1) maintaining the nuclear weapons stockpile; (2) management of its environmental, health, and safety requirements, and national security research and development, as compared with similar DoD operations; and (3) the fulfillment of DOE's Nuclear Posture Review requirements.

The Senate recedes with an amendment that combines both provisions.

Redesignation of Advanced Research Projects Agency (sec. 908)

The House bill contained a provision (sec. 908) that would change the designation of the Advanced Research Projects Agency to the Defense Advanced Research Projects Agency.

The Senate amendment contained no similar provision.

The Senate recedes.

Naval nuclear propulsion program (sec. 909)

The House bill contained a provision (sec. 909) that would establish that no department or agency may regulate or direct any change in function for facilities under the Naval Nuclear Propulsion Program unless otherwise permitted or specified by law. It contained a second provision (sec. 1032(m)) that would repeal section 1634 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 98-525, 42 U.S.C. 7158 note). Section 1634 stipulates that the provisions of Executive Order 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

The Senate amendment contained no similar provision.

The conferees agree to a new provision that would provide that:

(1) Effective October 1, 1998, section 1634 of the National Defense Authorization Act for Fiscal Year 1985 is repealed.

(2) An Executive order that includes a provision that, after October 1, 1998, would amend, modify, or repeal Executive Order 12344 (42 U.S.C. 7158 note) may not be issued until 60 days after notification of an intent to modify Executive Order 12344 has been submitted in writing to the congressional defense committees.

Subtitle B—Financial Management

Transfer authority regarding funds available for foreign currency fluctuation (sec. 911)

The Senate amendment contained a provision (sec. 1006) that would authorize a foreign currency fluctuation account for the military personnel appropriation. This authorization would be limited to fiscal year 1996 and subsequent appropriations.

The House bill contained no similar provision.

The House recedes.

Defense Modernization Account (sec. 912)

The Senate amendment contained a provision (sec. 1003) that would establish a Defense Modernization Account to encourage savings within the Department of Defense and to make those savings available to address the serious shortfall in funding for modernization.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Under the conference agreement, the Secretary of Defense could place in the Defense Modernization Account funds saved from achieving economies and efficiencies in: (1) investment programs; and (2) installation management (to the extent that unobligated balances in installation management are available during the last 30 days of the fiscal year). The conferees fully expect the Department to protect current readiness of the forces, particularly in regard to funds for budget activities one and two in the operation and maintenance appropriations accounts.

In order to encourages savings by the military departments and the Department of Defense, funds placed in the account would be reserved for use by the department or component that generated the savings. No funds could be made available from the account by the department of defense except through established reprogramming procedures. Reprogramming procedures could not be used to exceed the statutory funding authorization or statutory quantity ceiling applicable to a given program. The amount of funds that could be reprogrammed by the Department of Defense could not exceed $500.0 million in any one fiscal year.

Disbursing and certifying officials (sec. 913)

The House bill contained a provision (sec. 1004) that would provide for the designation and appointment of disbursing and certifying officials within the Department of Defense.

The Senate bill contained a similar provision (sec. 1002) that would authorize the designation and appointment of disbursing and certifying officials, and would grant relief from liability in certain specific circumstances. Relief from liability would be based on demonstrated accountability for the loss is determined and diligent efforts to collect money owed to the government has been made.

The House recedes.

Fisher House Trust Funds (sec. 914)

The Senate amendment contained a provision (sec. 742) that would establish trust funds on the books of the Treasury for Fisher Houses. The interest earned by these trust funds would be used for the administration, operation, and maintenance of Fisher Houses within the Army and Air Force.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Limitation on use of authority to pay for emergency and extraordinary expenses (sec. 915)

The House bill contained a provision (sec. 372) that would require the Secretary of Defense to submit to Congress a quarterly report of expenditures for emergency and extraordinary expenses. The provision would also require the Secretary of Defense to provide congressional notification prior to an obligation or expenditure of $1.0 million or more.

The Senate amendment included a provision (sec. 1005) that would require the Secretary of Defense to notify Congress five days prior to an obligation or expenditure of emergency and extraordinary expenses authority in excess of $500,000 and 15 days prior to an obligation or expenditure of $1.0 million. The provision would allow the Secretary of Defense to waive the time period required for notification prior to obligation or expenditure of funds if a determination were made that such prior notification would compromise national security objectives. In the event the Secretary uses the authority to waive notification for national security reasons, notification would be required 30 days after the expenditure of funds or on the date the activity is completed.

The House recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees five days in advance of obligation or expenditure of funds in excess of $500,000 or 15 days in advance of obligation or expenditure of funds in excess of $1.0 million. In the event the Secretary determines that prior notification of the obligation or expenditure of funds would compromise national security objectives, the provision would allow the Secretary to waive the waiting period. In the event a national security waiver is necessary, the Secretary shall immediately notify the congressional defense committees of the need to expend funds, and provide the chairman and ranking member, or their designees, with any relevant information, including the amount and purposes for the obligation or expenditure.

The conferees remain concerned about the use of Department of Defense funds for purposes that are more appropriately funded through the international affairs budget. The conferees urge the administration to refrain recommending the use of the Department of Defense emergency and extraordinary expenses authority for non-defense purposes. The conferees also caution the Department to exercise minimal and judicious use of the national security waiver.

LEGISLATIVE PROVISIONS NOT ADOPTED

Change in titles of certain Marine Corps general officer billets resulting from reorganization of the Headquarters, Marine Corps

The House bill contained a provision (sec. 904) that would change references in current law to reflect the reorganization of Headquarters, Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

Inclusion of Information Resources Management College in the National Defense University

The House bill contained a provision (sec. 905) that would authorize the Secretary of Defense to establish a personnel system for the Information Resources Management College that is consistent with the personnel system for other institutions within the National Defense University.

The Senate amendment contained no similar provision.

The House recedes.

Employment of civilians at the Asia-Pacific Center for Security Studies

The House bill contained a provision (sec. 906) that would authorize the Secretary of Defense to establish a personnel system for the Asia-Pacific Center for Security Studies.

The Senate amendment contained no similar provision.

The House recedes.

Aviation testing consolidation

The House bill contained a provision (sec. 910) that would prevent the Secretary of the Army from consolidating the Aviation Technical Test Center, Fort Rucker, Alabama, with any other aviation testing facility until 60 days after the date on which a report was received.

The Senate amendment contained no similar provision.

The House recedes.

Office of Humanitarian and Refugee Affairs

The Senate amendment contained a provision (sec. 364) that would eliminate the Office of Humanitarian and Refugee Affairs within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

The House bill contained no similar provision.

The Senate recedes.

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Assistance to local educational agencies when installation housing is located on leased land

The conferees note that the Secretary of Education has declined to recognize military connected students as residing on Federal property if the government owned housing in which they reside is located on leased land. In one case, recognition of on-installation residency was denied even though the housing is located within the security perimeter of the installation and is managed in the same manner as government housing located on government owned land.

The conferees believe that, for purposes of assistance to local educational agencies, residents of government owned housing, located on land leased by the government and managed in the same manner as government housing on government owned land, shall be considered residents of federal property.

Authority to conduct personnel demonstration projects

The National Defense Authorization Act for Fiscal Year 1995 made permanent the authority of the Secretary of the Navy to continue personnel demonstration projects at the Naval Air Warfare Center Weapons Division, China Lake, California, and the Naval Command, Control, and Ocean Center, San Diego, California, and at successor organizations resulting from the reorganization of Naval Air Warfare Center Weapons Division or the Naval Command, Control, and Ocean Center. Additionally, the National Defense Authorization Act for Fiscal Year 1995 provided expanded authority for the Secretary of Defense to conduct personnel demonstration projects at Science and Technology Reinvention Laboratories.

The conferees are concerned about what appears to be a lack of real progress in this area over the past year. Therefore, the conferees direct the Department of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security, not later than February 1, 1996, the extent to which these expanded authorities have been used in each of the military departments. As a minimum, this report should include those demonstration projects proposed by the military departments, the status of each such proposal, and the projected date for final action on each proposal.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

Transfer Authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would allow the Department of Defense to transfer up to $2.0 billion between accounts using normal reprogramming procedures.

The Senate amendment contained a similar provision (sec. 1001).

The House recedes.

Incorporation of classified annex (sec. 1002)

The House bill contained a provision (sec. 1002) that would incorporate by reference the classified annex to the bill. In addition, the provision would authorize the expenditure of funds made available for programs, projects, and activities referred to in the classified annex according to the terms, conditions, limitations, restrictions, and requirements of those programs, projects, and activities.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Improved funding mechanisms for unbudgeted operations (sec. 1003), Operation Provide Comfort (sec. 1004), and Operation Enhanced Southern Watch (sec. 1005)

The House Bill contained a provision (sec. 1003) that would establish a procedure for the funding of contingency operations out of accounts other than those which are normally known as operational readiness accounts. This provision would also require the President to budget for any operations that are ongoing in the first quarter of a fiscal year and are expected to continue into the next fiscal year. If the President were to fail to request the necessary funds in his annual budget, then funding for these operations would be denied at the start of the next fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include three separate provisions that would: (1) modify the funding mechanism proposed by the House for contingency operations; (2) authorize $503.8 million for Enhanced Southern Watch and require that semi-permanent elements of this operation be designated as forward presence operations; and (3) authorize $143.3 million for Provide Comfort and require the Secretary of Defense to provide a report on this operation. The authorization includes both military personnel and operations and maintenance funding.

The conferees have observed with concern, the continuing growth of the Department of Defense involvement in unbudgeted peacekeeping and humanitarian contingency operations that negatively impact upon military readiness. The Secretary of Defense initially estimated the unbudgeted fiscal year 1996 costs to the Department for ongoing operations in Iraq, Haiti and Bosnia to be $1.2 billion. This amount excludes the estimated $1.5 billion incremental cost of the proposed deployment of U.S. ground forces to Bosnia. Lacking the budgeted resources, the Department has resorted to the practice of financing the cost of these operations from the military services' operational readiness accounts. This practice has resulted in the cancellation or deferral of some training exercises, necessary equipment maintenance, and other routine activities that degrade the readiness of the force. Depending on what activities are foregone, this adverse impact could be significant.

In recognition of this problem, the Administration's fiscal year 1996 legislative proposal contained a request to grant the Secretary of Defense extraordinary authority to transfer funds between accounts. The conferees instead recommend a provision that would more fully address this mater by providing new funding mechanisms for unforeseen and unbudgeted contingency operations.

To address unforeseen and unbudgeted operations, the provision would revise existing provisions of law to require the Secretary of Defense to draw upon the Defense Business Operating Fund (DBOF) to provide much of the funding for these operations. In addition, the provision authorizes a targeted transfer authority of $200.0 million from non-readiness accounts. These accounts are intended to serve as interim funding mechanisms until Congress approves a supplemental appropriations package to replenish the DBOF cash balances or other accounts from which funds were transferred.

To address ongoing operations in southern Iraq, the conferees recommend a provision that would authorize $503.8 million for Enhanced Southern Watch during fiscal year 1996 and would require that before obligating more than $250 million of this amount, the Secretary of Defense shall provide the Congressional Defense Committees with a report designating any elements of Operation Enhanced Southern Watch that are semi-permanent in nature as forward presence operations that should be budgeted in the future in the same manner as other forward present operations routinely budgeted as part of the annual defense budget. The conferees believe that the aftermath of the Persian Gulf War has fundamentally altered the security situation in the region in a manner that will require a significant U.S. presence for years to come.

To address the operation designated as Provide Comfort, the conferees recommend a provision that would authorize $143.3 million in fiscal year 1996. This provision would also require the Secretary of Defense to submit a report that details the expected fiscal year 1996 costs of that operation, and the missions and functions expected to be performed by the Department of Defense and other agencies of the Federal Government. In addition, this report should discuss the options related to reduction of the level of the military involvement in the operation, and include an exit strategy for the United States.

Finally, the conferees express the view that costs borne by the Department of Defense in conducting contingency operations in support of another agency's mission, such as humanitarian relief, law enforcement and immigration control, should not be assessed against the defense budget topline. The conferees are concerned with the increasing cost of these operations at a time of declining defense budgets and the negative impact this has had upon military readiness. The conferees endorse the historical principle of maintaining a peacetime defense budget designed to adequately fund the activities of the Department of Defense to organize, train and equip military forces in a manner sufficient to meet national security requirements.

In addition, the conferees note that the five year defense program remains underfunded relative to the national security strategy and recommended military force structure. The negative impact of these shortfalls will grow in the years ahead and threaten our ability to maintain adequate levels of short and long-term readiness, including sorely needed equipment modernization. Therefore, the conferees believe that funding for contingency operations should be provided in addition to what would have otherwise been made available for the Department of Defense for its normal peacetime activities.

Unauthorized appropriations for fiscal year 1995 (sec. 1006)

The House bill contained a provision (sec. 1005) that would allow the Department of Defense to obligate funds for all fiscal year 1995 programs, projects, and activities for which the amount appropriated exceeded the amount authorized.

The Senate amendment contained no such provision.

The Senate recedes with an amendment that provides exceptions as specifically cited in this section.

Authorization of prior year emergency supplemental appropriations for fiscal year 1995 (sec. 1007)

The House bill contained a provision (sec. 1006) that would authorize the emergency supplemental appropriations enacted in the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104-6). This Act provided funding for fiscal year 1995 expenses related to military operations in Southwest Asia, Haiti, Cuba, Somalia, Bosnia, and Korea.

The Senate amendment contained a similar provision (sec. 1004).

The Senate recedes.

Authorization reductions to reflect savings from revised economic assumptions (sec. 1008).

The conferees agree to a provision that would reflect revised economic assumptions that were not available prior to the conference report.

Subtitle B—Naval Vessels and Shipyards

Iowa class battleships (sec. 1011)

In February 1995 the Secretary of the Navy made a decision to strike the Navy's four inactive *Iowa* class battleships from the naval register. The Senate amendment contained a provision (sec. 1011) that would direct the Secretary of the Navy to restore at least two *Iowa* class battleships to the naval register in an inactive status. The Secretary would be required to retain them on the register until he is prepared to certify that the Navy has within the fleet an operational surface fire support capability that equals or exceeds the fire support capability that the battleships could provide if returned to active service.

The Senate provision would recognize the fact that battleships could provide a surface fire support capability unmatched by any other Navy weapons system and that there is an ongoing concern regarding the Department of the Navy's apparent lack of commitment to provide for the surface fire support capability necessary for amphibious assaults. The ability of the Marine Corps and the Navy to conduct forcible entry by amphibious assault is an essential element of the Department of the Navy's strategic concept for littoral warfare.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees believe that the Department of the Navy's future years defense program, presented with the fiscal year 1996 budget, could not produce a replacement fire support capability comparable to the battleships until well into the next century. The conferees consider retention of two battleships in the fleet's strategic reserve a prudent measure.

Transfer of naval vessels to certain foreign countries (sec. 1012)

The Senate amendment included a provision (sec. 1012) that would authorize the Secretary of the Navy to transfer eight FFG-7 class guided missile frigates to various countries. Seven of the frigates would be transferred by grant, and one by lease.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) reduce the number of grant transfers from seven to four, and the remaining frigates would be transferred by lease or sale;

(2) require that, as a condition of the transfer of the eight frigates, any repair or refurbishment needed before the transfer, be performed at a shipyard located in the United States;

(3) amend section 2763 of title 22, United States Code, to permit foreign countries to use foreign assistance funds to lease vessels;

(4) amend section 2321j of title 22, United States Code, to prohibit future grant transfers of any vessel that is in excess of 3,000 tons or that is less than 20 years old.

The conferees are aware that in some cases U.S. national security will be best served by a grant transfer, particularly when the recipient is an important coalition defense partner that is making valuable contributions to U.S. security or lacks the resources to obtain a vessel by lease or sale. Accordingly, the amendment to section 2321j would permit the President to request a future grant transfer if it is determined that it is in the national security interest of the United States.

Contract options for LMSR vessels (sec. 1013)

The House bill contained a provision (sec. 1021) that would recommend that the Secretary of the Navy negotiate a contract option price for a seventh large medium speed roll-on/roll-off (LMSR) strategic sealift ship at each of the two shipyards that currently have construction contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

National Defense Reserve Fleet (sec. 1014)

The Senate amendment contained a provision (sec. 381) that would permit the use of the National Defense Sealift Fund (NDSF) to budget for expenses of the national defense reserve fleet (NDRF). Beginning with the fiscal year 1996 request, funds for NDRF expenses would be included in the NDSF budget request within budget function 051.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) clarify that NDRF vessels would not require retrofit to a double hull configuration as a consequence of this change in budgeting procedure;

(2) clarify that NDSF funds shall not be used for the acquisition of ships for the NDRF that are built in foreign shipyards; and

(3) permit the use of NDSF funds to complete the modifications needed to prepare two roll-on/roll-off ships that were purchased in fiscal year 1995 for incorporation into the ready reserve force of the NDRF.

The conferees intend that the Department of Defense seek and obtain specific legislative authorization prior to obligating and expending any funds for the acquisition of any vessels for the NDRF.

Naval salvage facilities (sec. 1015)

The Senate amendment contained a provision (sec. 805) that would consolidate all sections in chapter 637 of title 10, United States Code, relating to naval salvage facilities.

The House bill contained no similar provision.

The House recedes with an amendment.

Vessels subject to repair under phased maintenance contracts (sec. 1016)

The House bill contained a provision (sec. 1022) that would require the Secretary of the Navy to ensure that vessels or classes of vessels, covered by phased maintenance contracts while in active Navy service, would continue to be covered by those contracts after being transferred to other operating commands, such as the Military Sealift Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would restrict this requirement to type AE ships covered by phased maintenance contracts as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1996.

Clarification of requirements relating to repairs of vessels (sec. 1017)

Section 7310 of title 10, United States Code, places limits on the type of repairs that can be performed by foreign shipyards on Navy ships that are homeported in the United States. The House bill contained a provision (sec. 1023) that would amend section 7310 by designating Guam a United States homeport for purposes of that section.

The Senate recedes.

Naming amphibious ships (sec. 1018)

The Senate amendment contained a provision (sec. 1013) that would make the following findings:

(1) this is the fiftieth anniversary of the battle of Iwo Jima, one of the greatest victories in the Marine Corps' illustrious history;

(2) the Navy has recently retired the ship that honored that battle, U.S.S. *Iwo Jima* (LPH-2), the first ship in a class of amphibious assault ships;

(3) this Act authorizes the LHD-7, the final ship of the *Wasp* class of amphibious assault ships, to replace the *Iwo Jima* class of ships;

(4) the Navy is planning to start building a new class of amphibious transport docks, now called the LPD-17 class, and this Act also authorizes funds that will lead to procurement of these vessels;

(5) there has been some confusion in the rationale behind naming new naval vessels, with traditional naming conventions frequently violated; and

(6) although there have been good and sufficient reasons to depart from naming conventions in the past, the rationale for such departures has not always been clear.

The Senate amendment would also express the sense of the Senate that:

(1) the LHD-7, authorized in the Senate amendment, should be named the U.S.S. *Iwo Jima*; and

(2) the ships of the LPD-17 class amphibious ships should be named after a Marine Corps battle or a member of the Marine Corps.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees agree to endorse the sense of the Senate expressed as a sense of Congress.

Naming of naval vessel (sec. 1019)

The House bill contained a provision (sec. 1024) that would express the sense of Congress that the Secretary of the Navy should name an appropriate naval vessel the U.S.S. Joseph Vittori.

The Senate amendment contained no similar provision.

The Senate recedes.

Transfer of riverine patrol craft (sec. 1020)

The House bill contained a provision (sec. 1025) that would authorize the Secretary of the Navy to transfer one Swift class riverine patrol craft to the Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Counter Drug Activities

Counter-drug activities

The budget request for drug interdiction and counterdrug activities totals $680.4 million, plus $131.5 million for operational tempo which is included within the operating budgets of the military services.

Both the House bill and the Senate amendment would authorize the budget request of $680.4 million, with marginal differences in the allocation of these funds.

Both the House bill and the Senate amendment would delete funding for the Community Outreach Programs ($8.2 million). In addition, the Senate amendment included a provision (sec. 1022) that would prohibit continued Department of Defense (DOD) funding of the National Drug Intelligence Center (NDIC) ($34.0 million).

The House bill would authorize increased funding for the Tethered Aerostat Radar System ($1.5 million), Counterdrug Analysis ($1.2 million), Southcom Radars ($1.5 million), Special Operations Forces (SOF) Counterdrug Support ($2.5 million), and CARIBROC Communications ($1.5 million).

The Senate amendment would authorize an increase in funding for procurement of non-intrusive inspection devices for the Customs Service ($25.0 million), Source Nation Support Initiatives ($15.2 million) and the Gulf States Counterdrug Initiative ($2.0 million).

The conferees agree to delete DOD funding for the Community Outreach Programs and the National Drug Intelligence Center.

The conferees agree to authorize additional funding for Law Enforcement Agency Support, with a $4.0 million increase to expand the intelligence activities of the Gulf States Coast Initiative and a $2.5 million increase for the Southwest Border States Information System. The conferees support continued DOD assistance for the Southwest Border States Anti-Drug Information System and urge the Secretary of Defense to continue to monitor and support this system through completion of the current program.

The conferees further agree to authorize an additional increase of $28.0 million for other Law Enforcement Agency Support. The conferees urge the Secretary of Defense, through normal reprogramming procedures, to use up to $25.0 million of these funds to procure low-energy/backscatter x-ray equipment for use as non-intrusive inspection devices. The conferees are aware that 70 percent of the illegal drugs that enter the United States come, primarily by air, into Mexico and then across the southwest border by truck and automobile. The conferees believe that the fielding of non-intrusive detection devices at the southwest border would significantly contribute to the fight against illegal drug trafficking across the United States-Mexican border. The conferees also urge the Secretary of Defense, through normal reprogramming procedures, to consider using available funds for improvements and extension of the existing fence along the San Diego Border Patrol Sector.

The conferees agree to authorize an additional $7.7 million for other Source Nation Initiatives. These funds could be used for refurbishment and relocation of U.S. ground-based radars, high frequency secure communications among allied (Andean Ridge) nations, night vision goggles and global positioning systems, flight plan computers, podded radars, direction-finding capability, secure tactical field and aircraft radios, and other critical requirements associated with source nations.

Allocation of funds for counterdrug activities are indicated below:

Drug interdiction and counterdrug activities, operations and maintenance

	Thousands
Fiscal year 1996 drug and counterdrug request	$680,400
Source nation support	127,300
Dismantling cartels	64,300
Detection and monitoring	111,700
Law enforcement agency support	279,300
Demand reduction	97,800
Reductions:	
Community outreach programs	8,236
National Drug Intelligence Center	34,000
Increases, law enforcement agency support:	
Gulf States counterdrug initiative	4,000
Southwest border States information system	2,500
Other	28,000
Increases, source nation support	7,736
Total	680,400

Revision and clarification of authority for Federal support of drug interdiction and counter-drug activities of the National Guard (sec. 1021)

The Senate amendment contained a provision (sec. 1021) that would revise and clarify authority for federal support of drug interdiction and counter-drug activities of the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment which would further clarify the legal status of National Guard personnel participating in these programs.

National Drug Intelligence Center (sec. 1022)

The Senate amendment included a provision (sec. 1022) that would prohibit further Department of Defense (DOD) funding of the National Drug Intelligence Center (NDIC), but would allow the Secretary of Defense to continue to provide DOD intelligence personnel to support intelligence activities at NDIC, as long as the number of personnel provided by DOD does not exceed the number used to support intelligence activities at NDIC as of the date of enactment of this bill.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Civilian Personnel

Management of Department of Defense civilian personnel (sec. 1031)

The House bill contained a provision (sec. 331) that would prohibit the use of full-time equivalent personnel ceilings in the management of the Department of Defense's civilian workforce.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996, on plans to manage civilian personnel in consideration of this provision.

Conversion of military positions to civilian positions (sec. 1032)

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to convert not less than 10,000 military positions to performance by civilian employees of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the conversion to be phased over two fiscal years.

Elimination of 120-day limitation on details of certain employees (sec. 1033)

The Senate amendment contained a provision (sec. 338) that would amend section 3341 of title 5, United States Code, to eliminate the requirement that the administration of details for civilian employees be managed in 120-day increments.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority of civilian employees of the Department of Defense to participate voluntarily in reductions in force (sec. 1034)

The Senate amendment contained a provision (sec. 340) that would allow employees who are not affected by a reduction-in-force (RIF) to volunteer to be RIF separated in place of other employees who are scheduled for RIF separation.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to pay severance payments in lump sums (sec. 1035)

The Senate amendment contained a provision (sec. 341) that would amend section 5595 of title 5, United States Code, to permit the lump-sum payment of severance pay.

The House bill contained no similar provision.

The House recedes.

Continued health insurance coverage (sec. 1036)

The House bill contained a provision (sec. 337) that would extend continued health insurance coverage for certain employees affected by a force reduction or a base realignment and closure action.

The Senate amendment contained a similar provision (sec. 337).

The Senate recedes.

Revision of authority for appointments of involuntarily separated military reserve technicians (sec. 1037)

The Senate amendment contained a provision (sec. 336) that would amend section 3329 of title 5, United States Code, to eliminate the requirement regarding separated technicians.

The House bill amendment contained no similar provision.

The House recedes.

Wearing of uniform by National Guard technicians (sec. 1038)

The Senate amendment contained a provision (sec. 333) that would require military technicians to wear military uniforms in their jobs. The provision would also place technician officers on the same footing as Active Guard and Reserve officers for purposes of qualifying for a uniform allowance.

The House bill contained no similar provision.

The House recedes.

Military leave for military reserve technicians for certain duty overseas (sec. 1039)

The House bill contained a provision (sec. 512) that would authorize military technicians an additional 44 workdays of leave, without loss of pay and other benefits, for periods the technician would serve on active duty, without pay, while in support of noncombat operations outside the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Personnel actions involving employees of nonappropriated fund instrumentalities (sec. 1040)

The House bill contained a provision (sec. 334) that would clarify the definition of nonappropriated fund instrumentality employees and permit the direct reporting of violations by nonappropriated fund employees to the Department of Defense Inspector General.

The Senate amendment contained no similar provision.

The Senate recedes.

Coverage of nonappropriated fund employees under authority for flexible and compressed work schedules (sec. 1041)

The House bill contained a provision (sec. 336) that would provide the same overtime exemption for nonappropriated fund employees as applies to other civilian employees of the Department of Defense.

The Senate amendment contained a similar provision (sec. 343).

The House recedes.

Limitation on provision of overseas living quarters allowances for nonappropriated fund instrumentality employees (sec. 1042)

The House bill contained a provision (sec. 335) that would, as of September 30, 1997, conform the allowance for overseas living quarters for nonappropriated fund employees to that provided for civilian employees of the Department of Defense paid from appropriate funds.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Elections relating to retirement coverage (sec. 1043)

The House bill contained a provision (sec. 338) that would increase the number of employees eligible to transfer between nonappropriated fund and appropriated fund morale, welfare, recreation programs without significant loss of benefits.

he Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for portability of retirement benefits by allowing: (1) election by employees of the nonappropriated fund or the Federal Employees Retirement System; (2) credit for years of service either as a nonappropriated fund employee or a civil service employee; (3) government-wide eligibility; and (4) creditability of nonappropriated fund service for reduction-in-force purposes.

Extension of temporary authority to pay civilian employees with respect to the evacuation from Guantanamo, Cuba (sec. 1044)

The Senate amendment contained a provision (sec. 334) that would extend the authorization for the Navy to continue to pay evacuation allowances until January 31, 1996 to civilian employees whose dependents were evacuated from Guantanamo, Cuba, in August and September 1994. The provision would also require a monthly report which would include the actions that the Secretary of the Navy is taking to eliminate the conditions making the payments necessary.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Miscellaneous Reporting Requirements

Report on budget submission regarding reserve components (sec. 1051)

The Senate amendment contained a provision (sec. 1007) that would require the Secretary of Defense to submit a report that describes measures taken within the Department of Defense to ensure that the reserve components are appropriately funded, and, for fiscal year 1997, lists the major weapons and items of equipment, as well as, the military construction projects provided for the National Guard and Reserves.

The House bill included no similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the report included in the original Senate provision, and would require the Secretary of Defense to display in all future-years defense programs the amounts requested for procurement of equipment and military construction for each of the reserve components.

Report on desirability and feasibility of providing authority for use of funds derived from recovered losses resulting from contractor fraud (sec. 1052)

The Senate amendment contained a provision (sec. 382) that would allow the secretary of a military department to receive an allocation from funds recovered in contractor fraud cases, for use by installations that carried out or supported investigations or litigation involving contractor fraud.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report on the desirability and feasibility of authorizing the retention and use of a portion of such recovered amounts.

Review of national policy on protecting the national information infrastructure against strategic attack (sec. 1053)

The Senate amendment contained a provision (sec. 1097) that would require the President to submit a report that would set forth the national policy and architecture governing plans to protect the national information infrastructure against strategic attack.

The House bill contained no similar provision.

The House recedes.

The conferees intend that the President rely, to the maximum extent practicable, on the executive agent for the national communications system in the preparation and submission of the report.

Report on Department of Defense boards and commissions (see 1054)

The Senate amendment contained a provision (sec. 1084) that would require the Department of Defense to prepare a report listing certain boards and commissions. The Department would be required to indicate whether each board or commission merits continued support.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Change in reporting date (sec. 1055)

The Senate amendment contained a provision in its classified annex that would change the date that the Department of Defense is required to submit annually its budget materials for Special Access Programs, from February 1 to March 1.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

Miscellaneous provisions of law (sec. 1061)

The House bill contained a provision (sec. 1032) that would repeal numerous provisions of law that have expired or are obsolete, or that were inconsistent with other provisions recommended by the House.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain portions of the suggested deletions.

Reports required by Title 10, United States Code (sec. 1062)

The Senate amendment contained seven provisions (secs. 1071–1077) that would delete a total of 67 reports currently required of the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would retain several of the reporting requirements.

Subtitle G—Department of Defense Education Programs

Continuation of the Uniformed Services University of the Health Sciences (sec. 1071)

The House bill contained a provision (sec. 907) that would require the Secretary of Defense to budget for ongoing operations at the Uniformed Services University of the Health Sciences.

The Senate amendment contained a similar provision (sec. 1031) that would reaffirm the prohibition of the closure of the University, and establish minimum staffing levels.

The House recedes with a clarifying amendment.

Additional graduate schools and programs at the Uniformed Services University of the Health Sciences (sec. 1072)

The Senate amendment contained a provision (sec. 1032) that would authorize additional graduate schools and programs at the Uniformed Services University of the Health Sciences. This provision would permit the Board of Regents to establish a graduate school of nursing at the University.

The House bill contained no similar provision.

The House recedes.

Funding for adult education programs for military personnel and dependents outside the United States (sec. 1073)

The Senate amendment contained a provision (sec. 1033) that would authorize appropriations for the military continuing education programs of the armed services, and for adult members of military families stationed or residing outside the United States.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 1074)

The House bill contained a provision (sec. 394) that would authorize the appropriation of $58.0 million for assistance to local educational agencies in areas where there is an impact to school systems caused by dependents of members of the armed forces and Department of Defense (DOD) civilians.

The Senate amendment contained a provision (sec. 387) that would prohibit the Secretary of Education from considering payments to a local educational agency from DOD funds when determining the amount of impact aid to be paid from Department of Education funds. Additionally, the recommended provision would make technical changes to the previous year authorizations of impact aid.

The conferees agree to combine and clarify the two provisions and to change the authorized funding to $35.0 million.

Sharing of personnel of Department of Defense domestic dependent schools and defense dependents' education system (sec. 1075)

The Senate amendment contained a provision (sec. 335) that would authorize the Secretary of Defense to direct the sharing of personnel resources between the Department of Defense Overseas School System and the Defense Dependents' Education System, and to provide other support services to either system, for a period to be prescribed by the Secretary.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Increase in reserve component Montgomery GI Bill educational assistance allowance with respect to skills or specialities for which there is a critical shortage of personnel (sec. 1076)

The House bill contained a provision (sec. 553) that would authorize increased rates of educational assistance allowance for reserve members with specialities or skills in which there are critical shortages.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the authority to include certain former active duty personnel with critical specialities or skills who become members of a selected reserve unit.

Date for annual report on reserve component Montgomery GI Bill educational assistance program (sec. 1077)

The Senate amendment contained a provision (sec. 1035) that would change the date on which the annual report on selected reserve educational assistance program is due to the Congress, from December 15 to March 1 of each year.

The House bill contained no similar provision.

The House recedes.

Scope of the education programs of Community College of the Air Force (sec. 1078)

The Senate amendment contained a provision (sec. 1034) that would amend section 9315 of title 10, United States Code, to limit the scope of the Community College of the Air Force (CCAF) to Air Force personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees do not consider expanding the CCAF as an appropriate means of establishing a defense-wide community college. If the Secretary of Defense believes that establishment of a defense-wide community college is appropriate, he should forward such a recommendation, complete with justification, to the Congress.

Amendments to education loan repayment programs (sec. 1079)

The House bill contained a provision (sec. 554) that would authorize the repayment of loans that were made under the William D. Ford Federal Direct Loan Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle H—Other Matters

Termination and modification of authorities regarding national defense technology and industrial base, defense reinvestment, and defense conversion programs (sec. 1081)

The House bill contained a provision (sec. 1031) that would repeal portions of chapter 148 of title 10, United States Code, that would establish authorities similar to those provided elsewhere in law.

The Senate amendment contained a similar provision (sec. 221).

The conferees agree to a provision that would adopt both House and Senate provisions, with an amendment. The conferees have included a provision that would repeal subsection 2501 (b) and sections 2512, 2513, 2516, 2520, 2521, 2522, 2523, and 2524 of title 10, United States Code. The provision would also amend section 2525 of title 10, United States Code, by adding a series of guidelines to the requirement for the preparation of the manufacturing science and technology master plan. Finally, the conferees have included language that would modify the defense dual-use critical technology program authorized by section 2511 of title 10, United States Code. In using the authority under this section, the conferees expect the Secretary of Defense to give equal consideration to the development of both product and process technologies.

Ammunition industrial base (sec. 1082)

The Senate amendment contained a provision (sec. 823) that would require the Secretary of Defense to review ammunition procurement and management programs and report the findings to the congressional defense committees by April 1, 1996.

The House bill contained no similar provision.

The House recedes.

Policy concerning excess defense industrial capacity (sec. 1083)

The House bill contained a provision (sec. 1033) that would prohibit the use of appropriated funds for capital investment in, or the development and construction of, a government-owned, government-operated defense industrial facility unless the Secretary of Defense certifies to Congress that no similar capability or minimally used capability exists in another similar facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Sense of Congress concerning access to secondary school student information for recruiting purposes (sec. 1084)

The Senate amendment contained a provision (sec. 1091) that would express the sense of the Senate that educational institutions, including secondary schools, should not deny military recruiters the same access to their campuses and directory information that is allowed other employers.

The House bill contained no similar provision.

The House recedes with an amendment expressing the sense of Congress.

Disclosure of information concerning unaccounted for United States personnel from the Korean Conflict, the Vietnam Era and the Cold War (sec. 1085)

The conference agreement includes a provision that would modify section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to change the criteria under which limitations to disclosure of information concerning United States personnel classified as prisoner of war or missing in action during the Vietnam conflict would not apply and to change the date by which a report is required to be delivered to the Congress.

Operational support airlift aircraft fleet (sec. 1086)

The Senate amendment contained a provision (sec. 1099E) that would require the Secretary of Defense to submit a Joint Chiefs of Staff report on operational support aircraft (OSA) to the congressional defense committees, and to reduce the flying hours of such aircraft in fiscal year 1996.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to examine central scheduling and management of such aircraft in the report.

The conferees believe that the review of OSA operations should focus on savings and scheduling rationalization. The conferees believe that the Department of Defense can achieve efficiencies by revamping the current OSA program, and have included a reduction in OSA flying hours for fiscal year 1996 in this provision.

While prior studies of OSA organization have recommended realigning OSA management, the conferees refrain from directing the Department to make specific organizational changes at this time.

Civil Reserve Air Fleet (sec. 1087)

The House bill contained a provision (sec. 387) that would clarify the conditions under which a contractor under the Civil Reserve Air fleet program is required to commit aircraft for use by the Department of Defense.

The Senate amendment contained a similar provision (sec. 814).

The House recedes.

Damage or loss to personal property due to emergency evacuation or extraordinary circumstances (sec. 1088)

The Senate amendment contained a provision (sec. 1087) that would provide for an increased level of reimbursement for claims that arise from emergency evacuations or extraordinary circumstances. The new limits would be retroactive to June 1, 1991.

The House contained no similar provision.

The House recedes with an amendment that would provide for retroactive application of the increased level of reimbursement when certain conditions are met.

Authority to suspend or terminate collection actions against decreased members (sec. 1089)

The Senate amendment contained a provision (sec. 1086) that would amend section 3711 of title 31, United States Code, to authorize the Secretary of Defense to suspend or terminate collection action against the estates of service members who die on active duty while indebted to the government.

The House bill contained no similar provision.

The House recedes.

Check cashing and exchange transactions for dependents of United States Government personnel (sec. 1090)

The Senate amendment contained a provision (sec. 1088) that would authorize United States disbursing personnel to extend check-cashing and currency exchange services to the dependents of military and civilian personnel at government installations that do not have adequate banking facilities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

National Maritime Center (sec. 1091)

The Senate amendment contained a provision (sec. 1099D) that would designate the Nauticus building, located at one Waterside Drive, Norfolk, Virginia, as the National Maritime Center.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding historic preservation of Midway Islands (sec. 1092)

The Senate amendment contained a provision (sec. 1099b) that would express the sense of the Senate that Midway Island be memorialized and the historic structures relating to the Battle of Midway be maintained in accordance with the National Historic Preservation Act.

The House bill contained no similar provision.

The House recedes with an amendment that would make the provision a Sense of the Congress.

Sense of the Senate regarding federal spending (sec. 1093)

The Senate amendment contained a provision (sec. 1095) that would express a sense of the Senate regarding federal spending.

The House bill contained no similar provision.

The House recedes.

Extension of authority for vessel war risk insurance (sec. 1094)

The conferees agree to a new provision that would amend section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) to extend the Secretary of Transportation's authority to provide insurance against loss or damage as a result of marine war risks from June 30, 1995 to June 30, 2000. The conferees acknowledge the cooperation of the Committee on Commerce, Science, and Transportation of the Senate, the committee of jurisdiction in the Senate, for permitting inclusion of this important authority in the National Defense Authorization Act for Fiscal Year 1996.

LEGISLATIVE PROVISIONS NOT ADOPTED

Application of Buy America Act principles

The House bill contained a provision (sec. 1035) that would apply Buy American principles to reciprocal defense procurement memoranda of understanding with other countries.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 849 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) contains identical language that is the operative law in this area.

Repeal of requirements for part-time career opportunity employment reports

The Senate amendment contained a provision (sec. 339) that would eliminate the requirement in section 3407 of title 5, United States Code, that agencies provide progress reports on the part-time career employment program.

The House bill contained no similar provision.

The Senate recedes.

Holidays for employees whose basic work week is other than Monday through Friday

The Senate amendment contained a provision (sec. 342) that would amend section 6103(b)(2) of title 5, United States Code, to authorize agencies some discretion in designating holidays for employees whose basic work week is other than Monday through Friday.

The House bill contained no similar provision.

The Senate recedes.

Assistance to Customs Service

The Senate amendment included a provision (sec. 1023) that would authorize the Department of Defense to procure or transfer funds to the Customs Service for procurement of non-intrusive inspection devices for use at the ports of entry on the southwest border of the United States.

The House bill contained no similar provision.

The Senate recedes. The conferees agree, as stated elsewhere in this statement of managers, to urge the Secretary of Defense to procure non-intrusive inspection devices with funds available through reprogramming procedures.

Establishment of Junior ROTC units in Indian reservation schools

The Senate amendment contained a provision (sec. 1036) that would express the Sense of the Congress that secondary schools on Indian reservations be afforded full opportunity to be selected as locations for establishing new Junior Reserve Officers' Training Corps units.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that current law affords full opportunity for secondary schools on Indian reservations to be selected as locations for establishing new Junior Reserve Officers' Training Corps units.

Defense Cooperation Between the United States and Israel

The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas.

The House bill contained no similar provision.

The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States' continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles.

International military education and training

The Senate amendment contained a provision (sec. 1058) that would, subject to the provisions of the Foreign Assistance Act of 1961, grant discretionary authority to the Secretary of Defense to provide up to $20.0 million for the provision of international military education and training (IMET) for countries allied and friendly with the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees strongly support Department of Defense funding for and management of the IMET program. IMET is a unique military program that fosters military-to-military relationships and contributes to greater inter-operability and coalition-building with the military organizations of allied and friendly nations. IMET has suffered in recent years from being part of the State Department's budget which has become increasingly unpopular with the American public and their elected representatives. The conferees are pleased to note, however, that the Foreign Operations Appropriations Conference Report for Fiscal Year 1996 fully funds the administration's IMET request.

The conferees intend to address this matter next year with a view towards transferring budgetary and execution responsibility for IMET to the Department of Defense. Accordingly, the conferees encourage the Secretary of Defense and the Secretary of State to work out a process for such a transfer to ensure smooth and effective functioning with robust future funding.

Sense of the Senate on protection of United States from ballistic missile attack

The Senate amendment contained a provision (sec. 1062) that would express the Sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, and that front line troops of the United States should be protected from missile attacks. The Senate provision would also provide funding for the Corps surface-to-air missile (SAM) program.

The House bill contained no similar provision.

The Senate recedes. Although the conferees fully support the views expressed in the Senate provision, they believe that such views are adequately represented elsewhere in the conference report. The conferees also address the Corps SAM issue elsewhere in the conference report.

Travel of disabled veterans on military aircraft

The Senate amendment contained a provision (sec. 1089) that would permit veterans eligible for compensation for a service-connected disability the same entitlement to space-available transportation as retired members of the Armed Forces.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the unreliable nature of space-available flight, and that such flights would normally involve cargo-type aircraft, which are not equipped for handicapped access, seating and care. The conferees agree that concerns for the safety of disabled veterans were overriding in this decision.

Transportation of crippled children in the Pacific Rim region to Hawaii for medical care

The Senate amendment contained a provision (sec. 1090) that would authorize the Secretary of Defense to permit space-available transportation of crippled children in the Pacific Rim region to Hawaii for medical care in non-military medical facilities.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to conduct a study, consulting with the Shriners Hospitals in the Pacific region, to determine the viability and potential liabilities of such a program. The report should be provided to the Senate Committee on Armed Services and the House Committee on National Security not later than May 1, 1996.

Sense of Senate regarding Ethics Committee investigations

The Senate amendment contained a provision (sec. 1094) expressing the Sense of the Senate concerning proceedings before the Senate Ethics Committee with respect to Senator Packwood.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

References to Uniform Code of Military Justice (sec. 1102)

The House bill contained a provision (sec. 541) that would clarify references to the Uniform Code of Military Justice in the bill.

The Senate amendment contained an identical provision (sec. 521).

The conference agreement includes this provision.

Subtitle A—Offenses

Refusal to testify before courts-martial (sec. 1111)

The Senate amendment contained a provision (sec. 524) that would provide Federal District Courts the same power to punish individuals who fail to appear at courts-martial as they currently have to punish individuals who do not appear in civilian cases.

The House bill contained no similar provision.

The House recedes.

Flight from apprehension (sec. 1112)

The House bill contained a provision (sec. 544) that would make it clear that the offense of "resisting apprehension" under Article 95 of the Uniform Code of Military Justice includes flight from apprehension.

The Senate amendment contained an identical provision (sec. 531).

The conference agreement includes this provision.

Carnal knowledge (sec. 1113)

The Senate amendment contained a provision (sec. 532) that would amend Article 120(b) of the Uniform Code of Military Justice (10 U.S.C. 920 (b)) by making the crime of carnal knowledge gender neutral, bringing Article 120 into conformance with the Sexual Abuse Act of 1986. The provision also would add an affirmative defense of mistake of fact to conform Article 120 to federal civilian law (18 U.S.C. 2243).

The House bill contained a similar provision (sec. 545).

The House recedes.

Subtitle B—Sentences

Effective date for forfeitures of pay and allowances and reductions in grade by sentence of court-martial (secs. 1121 and 1122)

The Senate amendment contained provisions (secs. 526(a) and 526(b)) that would require those portions of a court-martial sentence extending to forfeiture of pay and allowances or reduction in grade to be effective 14 days after the date the sentence is adjudged or upon approval by the convening authority, whichever occurs earlier. The amendment would also require that sentences containing a punitive discharge, death, or more than 6 months confinement, result in total forfeitures of pay and allowances. If an accused were to make application to the convening authority, the forfeitures of pay and allowances, or reduction in grade or both could be deferred until the date on which the sentence is approved. Also under this provision, when convening authorities take action on sentences, any or all of the forfeitures of pay and allowances to be forfeited could be used to provide transitional compensation for the dependents of the accused.

The House bill contained a similar provision (sec. 542).

The House recedes with an amendment which would apply the automatic forfeitures to a sentence of death, punitive discharge, or confinement in excess of six months. The forfeiture in the case of a special court-martial would be limited to two-thirds of the pay due, which is the maximum punishment limitation of a special court-martial.

Deferment of confinement (sec. 1123)

The Senate amendment contained a provision (sec. 527) that would allow for the deferment of confinement adjudged by courts-martial in two situations beyond those authorized under current law. One would permit deferment of confinement while the case is being reviewed by the United States Court of Appeals for the Armed Forces under Article 67(a)(2). The other circumstance that would lead to deferment concerns individuals who are serving civilian confinement while they have a sentence pending that has been adjudged by a court-martial. The Senate amendment would defer the running of the court-martial sentence until completion of the civilian sentence, if the convening authority so directs.

The House bill contained no similar amendment.

The House recedes.

Subtitle C—Pretrial and Post-Trial Actions

Article 32 investigations (sec. 1131)

The Senate amendment contained a provision (sec. 523) that would revise the procedures for authorizing investigation of misconduct uncovered during a pretrial investigation under Article 32 of the Uniform Code of Military Justice.

The House bill contained no similar provision.

The House recedes. Under Article 32 of the Uniform Code of Military Justice, a formal pretrial investigation is conducted when a court-martial convening authority refers charges to an Article 32 investigating officer. Under current law, if the Article 32 officer uncovers evidence of additional misconduct in the course of the investigation, the information must be provided to the convening authority and then referred back to the Article 32 officer before it can be investigated by the Article 32 investigating officer.

The conferees agree that current law should be changed to permit the investigating officer to investigate new misconduct uncovered during the Article 32 investigation without requiring further administrative action by the convening authority. This change should reduce the time, delay, and administrative burden associated with obtaining the convening authority's approval for investigation of additional misconduct. The conferees emphasize, however, that the additional misconduct may not be investigated under Article 32 unless the accused is afforded the same rights as under current law with respect to investigation of the charges, presentation of evidence in defense or mitigation, and cross-examination as apply to the charges that were the basis of the Article 32 investigation.

Submission of matters to the convening authority for consideration (sec. 1132)

The Senate amendment contained a provision (sec. 528) that would require all post-trial material submitted to the convening authority by the accused to be in writing. Current law does not specify the medium for such submissions.

The House bill contained no similar provision.

The House recedes. The conferees agree that the intent of this section is not to restrict the accused's communications with the convening authority, but to ensure that formal submissions under Article 60(b) are made through a standard medium. The convening authority, in his or her discretion, may take into consideration other communications by the accused, such as a personal appearance or a videotape. The convening authority, however, is not required to review such other matters under Article 60, and a convening authority's decision to refuse consideration of matters other than written submissions is not subject to review. The conferees direct the Secretary of Defense to ensure that the explanatory "Discussion" accompanying the Manual for Courts-Martial reflect that this amendment does not restrict the ability of the convening authority to consider communications from the accused that are not written submissions.

Commitment of accused to treatment facility by reason of lack of mental capacity or mental reponsibility (sec. 1133)

The Senate amendment contained a provision (sec. 525) that would establish procedures for handling individuals who are mentally incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

The House bill contained no similar provision.

The House recedes.

This provision is in no way intended to conflict with Rule 706 of the Rules for Courts-Martial. To the extent that there is a provisions overlap, section 706 should be reviewed to make certain that it conforms with the new provision.

Subtitle D—Appellate Matters

Appeals by the United States (sec. 1141)

The Senate amendment contained a provision (sec. 530) that would apply to courts-martial the same protections with regard to classified information as apply to orders or rulings issued in Federal District Courts under the Classified Information Procedures Act (18 U.S.C. App. 7). This section incorporates Senate amendment section 522 concerning certain definitions.

The House bill contained no similar provision.

The House recedes with an amendment.

Repeal of termination of authority for Chief Justice of United States to designate Article III judges for temporary service on Court of Appeals for the Armed Forces (sec. 1142)

The House bill contained a provision (sec. 549) that would make permanent the authority of the Chief Justice of the United States to fill temporary vacancies on the United States Court of Appeals for the Armed Forces. Section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 authorized the Chief Judge of the United States Court of Appeals for the Armed Forces to request the Chief Justice to make such appointments through September 30, 1995. This provision would eliminate the "sunset" provision.

The Senate amendment contained a similar provision (sec. 535).

The Senate recedes.

Subtitle E—Other matters

Advisory committee on criminal law jurisdiction over civilians accompanying the Armed Forces in time of armed conflict (sec. 1151)

The Senate amendment contained a provision (sec. 536) that would create an advisory panel to determine which courts should have criminal jurisdiction over civilians accompanying the military outside the United States during times of armed conflict, including conflicts other than a declared war.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Time after accession for initial instruction in the Uniform Code of Military Justice (sec. 1152)

The House bill contained a provision (sec. 546) that would increase the time after accession for initial instruction in the Uniform Code of Military Justice.

The Senate amendment (sec. 533) contained an identical provision.

The conference agreement includes this provision.

Technical amendment (sec. 1153)

The House bill contained a provision (sec. 550) that would amend article 66(f) of the Uniform Code of Military Justice (10 U.S.C. 866) by striking out "Courts of Military Review" in both places it appears, and inserting in lieu thereof "Courts of Criminal Appeals".

The Senate amendment contained an identical provision (sec. 534).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Persons who may appear before the United States Court of Appeals for the Armed Forces

The House bill contained a provision (sec. 547) that would provide that only attorneys and properly certified law students could practice and appear before the United States Court of Appeals for the Armed Forces.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that the question of who should be authorized to appear before the Court of Appeals for the Armed Forces normally should be addressed through the rules promulgated by the court, rather than through legislation. The conferees are concerned, however, that the Court has permitted undergraduate students to appear before the Court as amicus curiae. However laudable it may be to afford such students practical experience appearing before a federal court, the conferees believe such considerations are outweighed by the requirement that the Court of Appeals for the Armed Forces maintain the highest standards of judicial practice and procedure. The conferees are aware that the Court presently has this matter under review and look forward to a change in the Court's rules of procedure that will obviate the need for legislation on this subject.

Discretionary representation by government appellate defense counsel in petitioning the Supreme Court for writ of certiorari

The House bill contained a provision (sec. 548) that would amend section 870 of title 10, United States Code, to provide that representations of an accused, in the preparation of a petition for a writ of certiorari before the United States Supreme Court, shall be at the discretion of military appellate defense counsel. Current law requires appellate defense counsel to represent the accused before the Supreme Court when requested by the accused.

The Senate amendment contained no similar provision.

The House recedes.

Proceedings in revision

The Senate amendment contained a provision (sec. 529) that would authorize a proceeding in revision at courts-martial prior to authentication of the record under certain conditions.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cooperative threat reduction program (secs. 1201–1209)

The budget request included $371.0 million in defense operation and maintenance for the Cooperative Threat Reduction (CTR) Program.

The House bill contained provisions (secs. 1101–1108) related to the CTR program that would include the following: authorize $200.0 million for the CTR program, a $171.0 million reduction to the budget request (sec. 1101); place specific limitations on all CTR programs for fiscal year 1996 (sec. 1102); repeal authority for the Demilitarization Enterprise Fund (DEF) (sec. 1103); prohibit the use of CTR funds for peacekeeping exercises and related activities with Russia (sec. 1104); revise authority for assistance for weapons destruction (sec. 1105); require prior notice of obligation of funds (sec. 1106); require an annual accountability report to ensure that assistance is being used for its intended purpose (sec. 1107); and prohibit the obligation or expenditure of fiscal year 1996 funds until the President provides written certification to Congress that Russia has terminated its offensive biological weapons program.

The Senate amendment included several provisions (sec. 1041–1044) related to the CTR program that would include the following: authorize $365.0 million for the CTR program, a $6.0 million reduction to the budget request (sec. 1041); limit the obligation of CTR funds that would assist nuclear weapons scientists in the former Soviet Union, pending a written certification from the Secretary of Defense that funds would not contribute to the modernization of strategic nuclear forces or for research, development or production of weapons of mass destruction (sec. 1042); limit the obligation of $50.0 million, pending a written certification from the President that Russia is in compliance with its obligations under the Biological Weapons Convention (BWC); and limit the use of more than $52.0 million of fiscal year 1996 funds available for CTR, pending a presidential certification that a joint laboratory study to evaluate the Russian neutralization proposal has been completed and the United States agrees with that proposal, that Russia is in the process of preparing a comprehensive destruction and dismantlement plan for its chemical weapons stockpile, and that Russia is committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

The conferees agree to the CTR provisions, as follows: authorize $300.0 million in fiscal year 1996 for CTR and place limitations on the CTR projects in fiscal year 1996; provide authority for individual limitations to be exceeded by a specified percentage; authorize use of CTR funds to reimburse pay accounts for U.S. military reserve members participating in CTR activities; prohibit the use of CTR funds for peacekeeping activities and related activities with Russia; require a presidential determination that each recipient country is observing the criteria for assistance provided under the CTR program; require the Secretary of Defense to provide congressional defense committees with advance notification of obligation of funds; require an annual audit and examination report; limit assistance to nuclear weapons scientists; and limit the obligation of $60.0 million in fiscal year 1996 CTR funds for Russia, pending presidential certification that Russia is complying with its BWC obligations and that Russia has agreed to, and implemented, agreements and visits per the September 14, 1992 Joint Statement on Biological Weapons and that visits to the four declared military biological facilities of Russia by officials of the U.S. and United Kingdom have occurred. If the President is unable to certify Russian compliance with its BWC obligations, or that visits agreed to under the Joint Statement have not occurred, he may certify that fact and related funds would then be available for strategic offensive weapons elimination in Ukraine, Kazakhstan or Belarus. The provision would also prohibit obligation of more than half the funds authorized for chemical weapons destruction-related activities in Russia, pending a presidential certification.

The conferees direct that none of the funds authorized for CTR in fiscal year 1996 may be used to reimburse other departments and agencies for the travel and other expenses incurred by employees of those departments and agencies, even if those employees are engaged in CTR-related activities.

The Conventional Forces in Europe (CFE) Treaty requires signatories to be in full compliance with their obligations to reduce treaty limited equipment by November 16, 1995. The Russian government has generally been in overall compliance with its obligations since the treaty has been in force provisionally. Russia's compliance with the limits in the northern and southern flank zones has caused concern for a number of the signatories. Russian officials have indicated that they will not be in compliance with the flank limits in these zones because of the instability along their southern borders.

If Russia refuses to honor its legal and political obligations under the CFE Treaty, the conferees question the ability of the President to certify Russia's commitment to complying with its arms control obligations, necessary to make it eligible to receive CTR assistance. Further, the conferees believe that the President would only be in a position to certify Russia's commitment to comply with its arms control obligations under the following circumstances: (1) through an agreement to comply with a NATO-endorsed flank limit proposal and substantial progress toward withdrawing any excess equipment by the May 1996 Treaty Review Conference; (2) demonstrated fulfillment of obligations to meet agreed-upon reductions in levels of military equipment in the naval infantry and coastal defense forces, and in holdings east of the Ural mountains; and (3) through an agreement on an offset package that would add to the flank limit proposal additional verification measures, additional information sharing arrangements on the flank areas, and additional constraints on Treaty-limited equipment contained in areas formerly defined as flank areas.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

ITEMS OF SPECIAL INTEREST

Waiver of foreign assistance reimbursement requirements to the Department of Defense and the armed forces

The conferees are concerned about the inadequate funding in the fiscal year 1996 international affairs budget for activities identified by the administration as presidential priorities, such as drawdown authority for defense articles and services for Jordan and the transfer of non-lethal defense articles to Central European countries.

While the conferees are generally supportive of both activities, the conferees do not support efforts to waive requirements under Sections 519(f) and 632(d) of the Foreign Assistance Act of 1961. Those provisions of the Foreign Assistance Act require reimbursement of the Department of Defense and military services for costs to transport defense articles, or replace defense items that are not excess to the military services.

The conferees appreciate the role that Jordan played in the Middle East peace process and believe that the Government of Jordan should have the defense items, services, and military training, that would enable them to protect their borders and respond to terrorist threats. However, the conferees are concerned by the use of defense funds to pay for this authority.

In a letter supporting the special drawdown authority for Jordan, the Secretary of Defense stated that military readiness would suffer unless the non-excess defense items are replaced and the military services are reimbursed for transportation and other costs. The conferees direct the Secretary of Defense to provide a report to the congressional defense committees 60 days after enactment of this Act that would address the cost to replace non-excess defense items provided to Jordan and an identification of funds included in the President's fiscal year 1997 budget for this purpose.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Peacekeeping Provisions

Placement of United States forces under United Nations operational or tactical control (sec. 1301)

The House bill contained a provision (sec. 1201) that would limit the use of Department of Defense funds and the circumstances under which the President could commit U.S. armed forces to United Nations (UN) command and control, and provide exceptions under which armed forces could be placed under UN command and control. The President would be required to certify to the Congress, prior to the placement of U.S. armed forces under UN command and control, the following: that U.S. national security interests require the placement of Armed Forces under UN command and control; that U.S. armed forces commander would retain the right to report independently to U.S. military authorities and decline orders that are illegal, militarily imprudent, or beyond the scope of the mission; that U.S. forces would remain under U.S. administrative command; and that U.S. forces involved would retain the authority to withdraw and take necessary protective actions, if engaged by hostile forces.

The Senate amendment contained a provision (sec. 1061) that would express the sense of Congress that: U.S. armed forces should not be placed under the operational control of the UN without close and prior consultation with Congress; U.S. armed forces should only be placed under UN command and control when clearly in the national interest; U.S. armed forces should only be placed under qualified commanders with clear and effective command and control; and that U.S. armed forces should only be placed under operational control of foreign commanders in peace enforcement missions, except in the most extraordinary circumstances.

The conferees agree to consolidate the significant elements of both the House bill and the Senate amendment. In comparison to the provision contained in the House bill, the new provision would narrow the required Presidential certification standard to one that would establish: the existence of U.S. national security interests and narrow the definition for UN command and control to exclude conditions where the senior U.S. commander does not have adequate independent authority over subordinate U.S. forces; drop the required report on the constitutionality of placing U.S. forces under UN command and control and the certification requirement that U.S. commanders retain the right to decline to obey orders deemed to be "militarily imprudent".

The conferees remain gravely concerned over the administration's stated willingness, as articulated by Presidential Decision Directive 25, to place U.S. forces under UN operational control during peacekeeping operations. The conferees are pleased to note that the administration's planning assumption for a proposed peacekeeping deployment to Bosnia does not contemplate any such arrangement. The conferees strongly urge the Secretary of Defense to ensure that clearly defined and effective command and control relationships are established for any planned U.S. forces participation in such deployments.

Limitation on use of Department of Defense funds for international peacekeeping assessments and drawdown of Department of Defense articles (sec. 1302)

The House bill contained a provision (sec. 1202) that would amend chapter 20 of title 10, United States Code, to prohibit the use of Department of Defense funds for voluntary or assessed financial contributions to the United Nations for the United States share of peacekeeping costs, effective October 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Humanitarian Assistance Programs

Overseas humanitarian, disaster, and civic aid (secs. 1311–1312)

The House bill contained a provision (sec. 1211) that would specify five programs operated by the Department of Defense to be funded through the budget account known as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA).

The House bill also contained a provision (sec. 1212) that would eliminate the current authority to transfer funds from DOD to the Department of State to provide for the administrative costs associated with the transportation of humanitarian supplies. In addition, this provision would remove the Secretary of State's authority over the DOD's program for the transportation of humanitarian relief, and it would provide for technical changes to the existing reporting requirements for the DOD's humanitarian programs.

The Senate amendment contained a provision (sec. 365) that would require the General Accounting Office (GAO) to submit a report to Congress on existing funding mechanisms that would facilitate the funding of programs within the OHDACA account through the Department of State or the Agency for International Development. If such mechanisms do not currently exist, the GAO would be required to identify those actions necessary to institute such mechanisms.

The conference agreement includes these provisions.

The conferees agree that although the DOD is uniquely capable of performing some humanitarian or disaster relief operations, these operations are fundamentally the responsibility of the Department of State and the Agency for International Development and, in general, are more appropriately funded through these agencies. Therefore, the conferees have reduced the amount of DOD funds available to the OHDACA account for fiscal year 1996 and have requested that the GAO provide a report that would identify necessary changes in existing law or regulations to transfer the funding responsibility for these programs, where appropriate, to other federal agencies, beginning in fiscal year 1997.

Landmine clearance program (sec. 1313)

The House bill contained a provision (sec. 1213) that would amend humanitarian and civic assistance authorities in section 401 of title 10 United States Code to include humanitarian demining activities.

The Senate amendment contained a provision (sec. 1054) that would amend section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) to include the following: require the Secretary of Defense to certify to the Congress that humanitarian activities satisfy military training requirements for the personnel involved; authorize $20.0 million in fiscal year 1996 for the humanitarian landmine clearing assistance program; terminate authority for the Department of Defense to provide funds for the humanitarian landmine clearing assistance program after fiscal year 1996; and revise the definition of a landmine.

The conferees agree to a provision that would amend section 401 of title 10 United States Code to include humanitarian demining activities; limit activities of United States military personnel participating in humanitarian landmine clearing activities; and, repeal section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

Unlike other types of humanitarian and civic assistance activities, the conferees realize that the activities of detection and clearing of landmines will often be the sole or primary focus of the military operation in question. In such cases, the approving authority would have to determine that the specific operational readiness skills of the participating United States forces—usually special operations forces whose skills are based upon the activities listed in section 167(j) of title 10, United States Code—will be promoted by participation in those activities.

Subtitle C—Arms Export and Military Assistance

Defense export loan guarantees (sec. 1321)

The House bill contained a provision (sec. 1224) that would require the Secretary of Defense to create a defense export loan guarantee program for certain eligible countries.

The Senate amendment contained a similar provision (sec. 1053) with different criteria for eligible countries.

The House recedes with an amendment that would authorize use of fees generated under the program for payment of start-up costs for administration of the program and for payment of ongoing administrative expenses. The conferees intend to monitor the administration of this program closely to ensure that the method of funding the administrative fees does not impact the process of approval of the loan guarantees.

National security implications of United States export control policy (secs. 1322–1323)

The Senate amendment contained a provision (sec. 1052) that would express the sense of Congress regarding the national security implications of maintaining effective export controls on dual-use items and technologies that are critical to the military capabilities of the United States. This provision would require the Department to review export licenses for class 2, 3, and 4 biological pathogens with a potential use in biological warfare programs and to determine if export would be contrary to U.S. national security interests.

The House bill did not contain a similar provision.

The House recedes. The conferees concur with concerns identified in the Senate report (S. Rept 104–112) that the lowering of export controls on dual-use items and technologies may place current U.S. technologies and defense capabilities at risk. The conferees continue to be concerned with administration support for admittance of nations into the Missile Technology Control Regime (MTCR) and the New Forum absent a record of compliance with the spirit of these regimes prior to their inclusion.

Two years ago in the House report (H. Rept. 103–357), the conferees expressed concern that ". . . loosening the restrictions on space launch vehicle technology within the MTCR could, over time, result in the proliferation of offensive ballistic missiles . . ." and expressed particular concern about the new MTCR members being permitted to retain space launch vehicle programs. Despite written administration assurances that Congress would be consulted on MTCR-related issues, to include the addition of new members, the conferees were disappointed to learn in the summer of 1995 that new countries would be admitted to the MTCR, despite retention of a SLV program and a history of evading program controls. The conferees believe that the current administration approach facilitates a growing and perhaps irreversible danger that the MTCR, despite its auspicious early history, will increasingly become an avenue for technology proliferation.

The conferees strongly encourage the administration to emphasize the use of controls on sensitive technologies in any new administration proposals to reauthorize the Export Administration Act, and that no attempts be made to repeal or substantially alter the missile sanction provisions in Title XVII of the National Defense Authorization Act for Fiscal Year 1991, as was the case in the administration proposal submitted in the last Congress.

American firms are conducting discussions and negotiations with a number of foreign governments, or other entities, on the purchase of high-resolution U.S. commercial reconnaissance and imaging satellites and high-resolution imagery or imagery distribution systems. The conferees understand that the Secretary of Defense is authorized under Presidential Directive/National Security Council-23 and the Remote Sensing Act of 1992 to determine when national security interests call for controls on such satellite imagery. The Secretary of State is similarly empowered to determine when international obligations would require imagery controls. The conferees emphasize the following: that determinations on national security and international obligations should be communicated to U.S. firms in discussions regarding issuance of operating licenses to U.S. firms, to the extent such determinations can be made in advance of the actual operation of the satellites; that the Secretary of Defense or the Secretary of State should ensure that license agreements and distribution agreements include adequate provisions to ensure that the sharing of imagery or procurement of U.S. commercial imagery systems or products with foreign governments or foreign entities would not be used against U.S. military forces deployed overseas; and that provisions in the license agreements should deny terrorist governments and entities controlled by these governments access to imagery of neighboring countries. The conferees continue to be concerned that the national security issues involved in the proliferation of high-resolution satellites and satellite imagery have not been adequately thought through by the executive branch and hope that the report mandated by this section will serve to clarify DoD policy on these issues.

The conferees also note the recent decision to relax export restrictions on supercomputers and are concerned about the potential impact of this decision on the United States' nonproliferation efforts and the maintenance of the U.S. military technological edge. The conferees direct the Secretary of Defense to submit a report, not later than December 31, 1995, that describes the impact of the export decision on the ability of nations to acquire and use high-performance computing capabilities to develop advanced conventional weaponry, weapons of mass destruction, and delivery vehicles, including missiles.

Reports on arms export control and military assistance (sec. 1324)

The Senate amendment contained a provision (sec. 1064) that would require the following reports to be submitted to Congress: (1) a report by the Secretary of State on the firms that are on the Department of State watch list for export of sensitive or dual use technologies, and a description of the measures taken to strengthen United States export controls; (2) an evaluation of the watch list screening process by the Department of State Inspector General; and (3) an annual report on the aggregate dollar value and quantity of defense articles, services, and military education and training furnished by the United States to each foreign country and international organization.

The House bill did not contain a similar provision.

The conferees agree to a provision that would require the Department of State and the Department of Commerce, in consultation with the Department of Defense, to report jointly to the Congress on United States export control mechanisms and measures taken to strengthen export controls. The provision would also require the President to submit a report to Congress on military assistance and military exports authorized or furnished to foreign countries and international organizations.

Report on personnel requirements for control of transfer of certain weapons (sec. 1325)

The Senate amendment contained a provision (sec. 1093) that would require the Secretary of Defense and the Secretary of Energy to report to the Congress on the personnel resources necessary to implement nonproliferation policy responsibilities of both departments and would require both Secretaries to explain the failure to provide the report, as previously required by legislation.

The House bill did not contain a similar provision.

The House recedes.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and Nato

Accounting for burdensharing contributions (sec. 1331)

The House bill contained a provision (sec. 1225) that would authorize the United States to accept burdensharing contributions in the currency of the host nation or in United States dollars. This provision would maintain this funding in a separate account that would be available until expended.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to accept contributions for expenses of relocation within host nations of United States armed forces overseas (sec. 1332)

The House bill contained a provision (sec. 1226) that would establish authorization and procedures to accept contributions from host nations for the purpose of relocating United States armed forces within the host nation.

The Senate amendment contained no similar provision.

The Senate recedes.

Revised goal for allied share of costs for United States installations in Europe (sec. 1333)

The House bill contained a provision (sec. 1228) that would require the Department of Defense to reduce United States military personnel assigned in European North Atlantic Treaty Organization (NATO) countries during fiscal years 1996–1999. Military personnel would be reduced by 1,000 for each scheduled percentage point that allied contributions in cash and in-kind payments fail to offset U.S. non-personnel costs of operating military installations in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would amend section 1304 of the National Defense Authorization Act of 1995 (Public Law 103–337) to require the President to seek an agreement with European member states of NATO to increase to 42.5 percent by September 30, 1997 their share of the nonpersonnel costs for United States military installations in those nations.

Exclusion of certain forces from European end strength limitation (sec. 1334)

The conference agreement includes a provision that would exclude personnel performing duties in Europe for more than 179 days under a military-to-military contact program.

Cooperative research and development agreements with NATO organizations (sec. 1335)

The Senate bill contained a provision (sec. 1051) that would make a technical and conforming amendment to section 2350b of title 10, United States Code, to make it consistent with section 2350a, which was amended in the National Defense Authorization Act for Fiscal Year 1995.

The House bill did not contain a similar provision.

The House recedes.

Support services for the Navy at the Port of Haifa (sec. 1336)

The Senate amendment contained a provision (sec. 1056) that would express the sense of Congress that the Secretary of the Navy should promptly undertake actions to:

(1) improve the services available to the Navy at the Port of Haifa; and

(2) ensure that the continuing increase in commercial activities at the Port of Haifa does not have an adverse impact on the services required by the Navy at Haifa.

The House bill contained no similar provision.

The House recedes with an amendment.

SUBTITLE E—OTHER MATTERS

Prohibition on financial assistance to terrorist countries (sec. 1341)

The Senate amendment contained a provision (sec. 1057) that would prohibit the use of any Department of Defense funds to assist nations that support acts of terrorism. A determination to prohibit funds may be based on a determination by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; or that a nation provided significant support for international terrorism, as identified in a report to Congress, pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Year 1988 and 1989; or a determination by the President that a nation has supported international terrorism or has granted sanctuary from prosecution to a group or individual that has committed an act of international terrorism.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Judicial assistance to the International Tribunal for Yugoslavia and to the International Tribunal for Rwanda (sec. 1342)

The Senate amendment contained a provision (sec. 1098) that would provide authority for the United States to surrender persons and provide judicial assistance to the International Tribunals for Yugoslavia and Rwanda, pursuant to the agreement between the Government of the United States and the International Tribunals.

The House bill did not contain a similar provision.

The House recedes with a technical amendment.

United States-China Joint Defense Conversion Commission (sec. 1343)

The House bill included a provision (sec. 1223) that would prohibit the use of funds authorized in fiscal year 1996 for the Department of Defense activities associated with the United States-People's Republic of China Joint Defense Conversion Commission.

The Senate bill did not include a similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the Secretary of Defense to submit semi-annual reports to Congress on the United States-People's Republic of China (PRC) Joint Defense Conversion Commission. The report shall include: a description of activities that could directly, or indirectly, assist the military modernization efforts of the PRC; information on the activities and operations of the Commission; a discussion of the relationship of PRC defense conversion activities and PRC defense modernization efforts; steps taken by the United States to safeguard against use of western technology to modernize the PRC military industrial base; and an assessment of U.S. benefits derived from participation in the commission, to include an increase in the transparency of the military budget and doctrine of the PRC. In preparing the reports required by this section, the Secretary shall seek and obtain the views of appropriate U.S. intelligence agencies and shall be consulted on the matters assessed in the reports and those views shall be included as an annex to the reports.

The conferees agree that a continued dialogue on security matters between the United States and the PRC can promote stability in the region, and help protect American interests and the interests of America's Asian allies. The conferees note that the Senate Armed Services Committee and the House National Security Committee intend to review the status of the U.S.-PRC security dialogue on a regular basis to determine the extent to which the dialogue has produced tangible results in the areas of human rights, transparency in military spending and doctrine, missile and nuclear nonproliferation, and other important security issues.

TITLE XIV—ARMS CONTROL MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of definition of landmine for purposes of landmine export moratorium (sec. 1401)

The House bill contained a provision (sec. 1221) that would amend the definition of "anti-personnel landmine", contained in section 1423(d)(3) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), by deleting "remote controlled, manually-emplaced munitions or devices".

The Senate amendment contained a provision (sec. 1054) that would include a subsection to redefine the definition of an anti-personnel landmine.

The conferees agree to an amendment that would amend section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), to redefine an anti-personnel landmine to exclude command detonated anti-personnel landmines, such as M18A1 "Claymore" mines, from the definition.

Reports on and certification requirement concerning moratorium on use by Armed Forces of antipersonnel landmines (sec. 1402)

The Senate amendment contained a provision (sec. 1099) that would express the sense of Congress that the President should actively support proposals to modify protocol II on landmines in the 1980 Conventional Weapons Convention at the United Nations Conference, to immediately implement the United States goal of eventual elimination of antipersonnel landmines, and place a one year moratorium on the use of antipersonnel landmines by the United States military, except along internationally recognized borders and demilitarized zones. Consistent with the provision, the President should also encourage governments of other nations to implement a moratorium on the use of antipersonnel landmines.

The House bill did not contain a similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the Chairman of the Joint Chiefs of Staff to provide an annual report to Congress on the projected effects of a moratorium on the defensive use of antipersonnel landmines and antitank mines by the United States military forces. The provision would also require a certification by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, prior to implementation of a legislated moratorium, that the moratorium will not adversely affect United States military forces defensive capabilities, and that effective substitutes for antipersonnel landmines are available to the U.S. military forces.

Extension and amendment of counterproliferation authorities (sec. 1403)

The House bill contained a provision (sec. 1222) that would extend, through fiscal year 1996, the authorities in section 1505 of title XV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484). The provision would authorize the Department of Defense to provide up to $15.0 million to support international nonproliferation activities, such as, the United Nations Special Commission on Iraq (UNSCOM). Authority for the Secretary of Defense to provide assistance under this section would terminate at the end of fiscal year 1996.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees understand that the extension of authority in fiscal year 1996 for the Department of Defense support of international nonproliferation activities would be used primarily to support the United Nations Special Commission on Iraq (UNSCOM). The conferees do not intend to provide the Department of Defense with authority to use defense funds to support chemical weapons and ballistic missile dismantlement, nuclear materials control and removal, or to destroy weapons of mass destruction and their delivery systems in foreign countries, such as Brazil, South Africa, or countries in Africa or the Middle East generally. These disarmament activities are more appropriately funded from the international affairs budget. Authorities for dismantlement of weapons of mass destruction in the former Soviet Union are provided elsewhere in this Act.

In accordance with the conference report to accompany the National Defense Authorization Act for Fiscal Year 1994, the conferees direct the Secretary of Defense to provide to the congressional defense committees, 30 days in advance of any U.S. commitment to support international nonproliferation activities, a report on the international nonproliferation activities which the Department seeks to support. The report should identify potential future funding for this support, the extent to which the United States is obligated to provide such support, the extent to which funds are provided for in the international affairs budget, and the national security objective for providing the support.

Limitation on retirement or dismantlement of strategic nuclear delivery systems (sec. 1404)

The Senate amendment contained a provision (sec. 1082) that would express the sense of Congress that until the START II Treaty enters into force, the Secretary of Defense should not retire or dismantle any B–52H bombers, Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles (ICBMs), or Peacekeeper ICBMs. The provision would also prohibit the use of funds appropriated to the Department of Defense during fiscal year 1996 for retiring or dismantling any such systems.

The House bill contained a similar provision (sec. 1229) that would express the sense of Congress that the Secretary of Defense should not implement any reduction in strategic forces that is called for in the START II Treaty unless and until that treaty enters into force.

The House recedes.

The conferees reiterate the importance of not having the United States unilaterally and prematurely begin to implement reductions under the START II Treaty. Until it is clear that the treaty will actually enter into force, the United States must retain options for maintaining a larger force of strategic nuclear delivery systems, to include 500 Minuteman III ICBMs, 50 Peacekeeper ICBM's 18 Trident II ballistic missile submarines, and 94 B–52H bombers. The conferees believe that by retaining such options, the United States increases Russia's incentives to ratify and fully implement the START II Treaty.

Additionally, the conferees believe that it is prudent to delay, beyond fiscal year 1996, the decision to retire or dismantle 28 B–52H bombers, as currently planned by the Department of Defense. At the same time, the conferees do not believe that the Air Force should take any action that prejudge a decision in fiscal year 1997 to retire or dismantle those 28 B-52H bombers. Therefore, the conferees direct the Secretary of Defense to retain 94 B-52H bombers during fiscal year 1996, while minimizing additional expenditures on the 28 aircraft that may be retired in the near future.

The conferees understood that the Air Force would require $17.4 million in procurement funds, $45.3 million in operations and maintenance funds, and $4.3 million in military personnel funds to retain the 28 B-52H bombers in a fully operational status and to provide them with system updates and modifications. The conferees believe that with system updates and modifications. The conferees believe that this level of funding may not be required merely to preserve the option of retaining the 28 aircraft for one more year. In particular, it may not be necessary to expand procurement funds on aircraft that may be retired in fiscal year 1997. Therefore, the conferees agree to authorize the use of up to $17.4 million in Air Force procurement funds, up to $45.3 million in Air Force operations and maintenance funds, and up to $4.3 million in Air Force personnel funds to retain in an attrition reserve status the 28 B-52H bombers that would otherwise be retired in fiscal year 1996.

Congressional findings and Sense of Congress concerning treaty violations (sec. 1405)

The House bill contained a provision (sec. 1227) that would express a sense of Congress that the government of the former Soviet Union intentionally violated its legal obligation under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests, and that the United States should remain vigilant to ensure compliance with arms control obligations.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would outline the legislative history behind the provision.

Sense of Congress on ratification of the Chemical Weapons Convention and the Strategic Arms Reduction Talks (sec. 1406)

The House bill contained a provision (sec. 1230) that would express the sense of Congress that the United States should ratify the Chemical Weapons Convention (CWC) as a signal of its commitment to reduce the threat posed by chemical weapons.

The Senate amendment contained a provision (sec. 1099F) that would express the sense of Congress that it is in the national security interests of the United States and Russia, as signatories of the Strategic Arms Reduction Talks (START II), and the United States and all parties to the Chemical Weapons Convention (CWC), to ratify and fully implement the agreements, as negotiated.

The conferees agree to a provision that would express the sense of Congress that it is in the national security interests of the United States, that the United States and Russia, as parties to START II and the CWC, and all other signatories to the CWC, to ratify and fully implement these arms control agreements, as negotiated.

The conferees note that a full Senate debate on the ratification of START and the CWC treaties has not taken place. It is not the intention of the Congress, through this provision, to predetermine the outcome of the Senate debate on the advice and consent to ratification of the two arms control treaties.

Implementation of arms control agreements (sec. 1407)

The budget request included $261.9 million in procurement, operation and maintenance, and research and development in the defense and military service accounts for the implementation of arms control agreements.

The Senate amendment contained a provision (sec. 1060) that would authorize $228.9 million for implementing arms control agreements, a $33.0 million reduction to the budget request. The provision would also prohibit the use of defense funds to reimburse expenses of signatories to arms control treaties, other than the United States, pursuant to treaties or agreements with the United States that have entered into force, if the Congress has not received 30-day notice prior to agreement between the parties.

The House bill did not contain a similar provision, but would provide $261.9 million for implementation of arms control agreements.

The House recedes with an amendment that would make available up to $239.9 million for implementing arms control agreements, a $22.0 million reduction to the budget request. The reductions are reflected in the following table. The conferees endorse the views stated in the Senate report (S.Rept. 104–112), that reiterate the concern expressed in the conference report accompanying the National Defense Authorization Act for Fiscal Year 1994 (H.Rept. 103–357). That conference report required the Congress to be notified 30 days in advance of a U.S. agreement to accept the recommendations of any consultative commissions that result in either technical changes to a treaty or agreement affecting inspections and monitoring provisions, or that result in increased U.S. implementation costs.

The conferees limit the expenditure of funds to provide reimbursement for arms control implementation inspections costs borne by the inspected party to a treaty or agreement. Funds may only be expended if the Congress has been notified 30 days in advance of an agreement by the President to a policy or policy agreement, and that policy or policy agreement does not modify any obligation imposed by the arms control agreement.

The provision would not prohibit the use of funds to implement two policy agreements under the Intermediate-Range Nuclear Forces (INF) Treaty and strategic Arms Reductions Treaty (START), concluded in May 1994 and February 1995. The conferees understand that the Department of Defense agreed to reimburse Belarus, Kazakhstan, and Ukraine for the costs of U.S. inspections conducted within those territories for each six-month period, expenses for which those countries are obligated under the treaties, if Belarus, Kazakhstan, and Ukraine do not conduct inspections in the United States. Further, the conferees understand that if Belarus, Kazakhstan, or Ukraine conduct an inspection of a U.S. facility, the U.S. will not provide reimbursement during the applicable six-month time period.

The Intermediate Range Nuclear Forces Treaty and Strategic Arms Reduction Treaty permit the United States to conduct inspections to verify compliance with the treaties within the territories of Belarus, Kazakhstan, and Ukraine. The conferees are concerned about assertions by the administration that failure to reimburse Belarus, Kazakhstan, and Ukraine would prevent the United States from conducting INF and START inspections in these countries in the future. The Senate provided its advice and consent to ratification of INF and START based on the ability of the United States to fully exercise its inspection rights.

In a September 21, 1994 letter from the Secretary of Defense to Congress, the Secretary emphasized that the policy statements exchanged between the United States and the three Parties expressed ". . . strictly a policy understanding." He also stated "that they are not legally binding" and that no treaty provisions would be changed. Further, the Secretary stated "[T]he Administration would not consider this to be a precedent for any other area of START implementation."

The conferees express their continuing concern that arms control consultative commissions are being used to facilitate changes or modifications to arms control treaties and agreements that should be brought to the Senate for its review and subsequent advice and consent. There may be very good reasons for changes in implementation of specific arms control treaties or agreements. However, if a change or modification to the treaty or agreement would result in a change to the understanding under which the Senate provided its advice and consent to ratification, the Congress must be consulted about the recommended change or modification in advance of any agreement in the consultative commissions, and must provide its subsequent agreement to the change or modification.

FISCAL YEAR 1996 ARMS CONTROL IMPLEMENTATION BUDGET

Account	Program	Request	Recomm	Rec Auth
WPN	Arms control compliance.	14.800	0.000	14.800
OPAF	Spares & repairs	0.467	0.000	0.467
PDA	OSIA	2.941	0.000	2.941
RDT&E, AF	Arms control implementation.	0.998	0.000	0.998
RDT&E, DA	Ver tech dem, DNA (603711).	33.971	0.000	33.971
O&M, Army		40.778	−6.000	34.778
O&M, Navy		35.354	−2.000	33.354
O&M, AF		34.645	−2.000	32.645
O&M, DA	OSIA	97.987	−12.000	85.987
Total		261.941	−22.000	239.941

Iran and Iraq arms nonproliferation (sec. 1408)

The Senate amendment included a provision (sec. 1063) that would amend sections 1604(a) and 1605(a) of Title XVI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484), to apply sanctions and controls to persons or countries who transfer or retransfer goods or technology that would contribute to the Iran or Iraq efforts to acquire chemical, biological, or nuclear weapons, in addition to sanctions and controls on the acquisition of destabilizing advanced conventional weapons. The provision would also amend section 1608(7) to clarify the meaning of "United States assistance" to conform to the definition of such term in the Foreign Assistance Act of 1961 (section 2151 et seq. of Title 10, United States Code).

The House bill did not contain a similar provision.

The House recedes with an amendment.

The conferees also agree to an amendment to section 73(e)(2) of the Arms Export Control Act (section 2797b(e)(2) of title 22, United States Code) that would require that the notification of certain waivers under the Missile Technology Control Regime procedures be submitted to the congressional defense committees and the congressional foreign relations committees, not less than 45 working days before issuance of the waiver.

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Technical and clerical amendment (sec. 1501–1506)

The Senate amendment contained eight sections (secs. 1101 through 1108) that made numerous technical and clerical amendments to existing laws.

The House bill contained no similar provision.

The House recedes.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Corporation for the Promotion of Rifle Practice and Firearms Safety (secs. 1601–1624)

The House bill contained a provision (sec. 384) that would convert the Civilian Marksmanship Program (CMP) to a federally chartered nonprofit corporation.

The Senate amendment contained a similar provision (sec. 385) that would convert the CMP to a nonappropriated fund instrumentality.

The Senate recedes with an amendment that would convert the CMP to a private, nonprofit corporation. The provision would require the Secretary of the Army to provide for the transition of the CMP from an appropriated fund activity of the Department of Defense to a viable nonprofit corporation.

The conferees recognize the value of the CMP, and believe the program should continue as a non-federal government entity.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The budget request for fiscal year 1996 included $10,697,955,000 for military construction and family housing.

The House bill would authorize $11,197,995,000 for military construction and family housing.

The Senate amendment would provide $10,902,988,000 for this purpose.

The conferees recommend authorization of appropriations of $11,177,009,000 for military construction and family housing, including general reductions and termination of prior year projects.

The conferees are deeply concerned about the current quality of facilities at military installations and the condition of the housing stock for military families and unaccompanied personnel. The conferees are concerned about the possible long-term deleterious effects of deteriorating military infrastructure and military housing on the readiness of the armed forces and the retention of personnel. The conferees are especially concerned about the backlog of construction, repair, and maintenance required to resolve serious problems affecting the quality of life for personnel and their families. The increases in funding recommended by the conferees is targeted at enhancing quality of life programs, particularly housing and needed operational requirements for the military services.

The conferees are pleased with the attention the Secretary of Defense has devoted to improving family housing, housing for unaccompanied personnel, and other quality of life improvements. The conferees note the Secretary's proposal to establish new authorities for alternative means to construct or improve military housing. The conferees have worked closely with the Secretary in the development of the proposal and have agreed to include these authorities in this Act.

The conferees have also included a provision to expand the authority previously granted to the Department of the Navy to enter into limited partnerships with the private sector to acquire family housing. The conferees note the efforts of the Navy to utilize existing authority to provide critically needed housing in Corpus Christi, Texas and Everett, Washington. The conferees understand that agreements to provide housing in those two locations may be ready for contract execution in fiscal year 1996.

In addition to these new initiatives, the conferees also support a pilot program that provides qualified junior enlisted and junior officer personnel with greater access to private home ownership opportunities through an interest rate buydown program managed by the Department of Veterans' Affairs. The conferees encourage the Secretary of Defense to promote this program and to continue exploring creative ways to stimulate interest in and availability of home ownership among servicemembers.

The conferees recognize that these authorities have the long-term potential to produce critically needed housing for the armed forces. To rectify immediate problems, the conferees recommend $417,169,000 above the Administration's budget request for family housing, unaccompanied personnel housing, child development centers, health care facilities, and other projects to enhance the quality of life for currently serving personnel.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Authorization
DIVISION B				
Military Construction, Army	472.724	631.608	547.877	617.589
Military Construction, Navy	488.086	588.243	542.885	548.289
Military Construction, Air Force	495.655	586.841	587.517	587.570
Military Construction, Defense-wide	857.405	728.332	601.450	622.226
North Atlantic Treaty Organization Infrastructure	179.000	161.000	179.000	161.000
Military Construction, Army Reserve	42.963	42.963	79.895	73.516
Military Construction, Naval Reserve	7.920	19.655	7.920	19.055
Military Construction, Air Force Reserve	27.002	31.502	35.132	36.232
Military Construction, Army National Guard	18.480	72.537	148.586	134.802
Military Construction, Air National Guard	85.647	118.267	160.807	164.217
Foreign Currency Fluctuations, Construction	-	-	-	-
Base Realignment and Closure Account	3,897.892	3,897.892	3,799.192	3,897.892
Total Military Construction	6,572.774	6,878.840	6,690.261	6,862.388
Family Housing, Army	43.500	126.400	66.552	116.656
Family Housing Support, Army	1,337.596	1,333.596	1,337.596	1,337.596
Family Housing, Navy and Marine Corps	465.755	531.289	486.247	522.699
Family Housing Support, Navy and Marine Corps	1,048.329	1,045.329	1,048.329	1,048.329
Family Housing, Air Force	249.003	294.503	287.965	298.303

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Authorization
Family Housing Support, Air Force	**849.213**	**846.213**	**849.213**	**849.213**
Family Housing, Defense-wide	**25.772**	**25.772**	**25.772**	**25.772**
Family Housing Support, Defense-wide	**30.467**	**40.467**	**30.467**	**40.467**
Homeowners Assistance Fund, Defense	**75.586**	**75.586**	**75.586**	**75.586**
Sec 2809-Authority to convey Family Housing	**-**		**5.000**	**-**
Total Family Housing	**4,125.221**	**4,319.155**	**4,212.727**	**4,314.621**

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
1 Alabama	Army	Ft. Rucker	Ammunition Supply Point	0	5,900	0	5,900
2 Alabama	Army	Redstone Arsenal	Hypervelocity Ballistic Range Facility	0	5,000	0	5,000
3 Alabama	Air Force	Maxwell AFB	Child Development Center Complex	3,700	3,700	3,700	3,700
4 Alabama	Air Force	Maxwell AFB	Computer Software Facility	0	0	1,500	1,500
5 Alabama	Section 6 Schools	Maxwell AFB	Add/Alter Maxwell Elementary School	5,479	5,479	5,479	5,479
6 Alabama	Defense Medical Facilities Office	Maxwell AFB	Ambulatory Healthcare Center (Phase I)	0	0	10,000	10,000
7 Alabama	Defense Logistics Agency	Defense Dist Anniston	Vehicle Storage Shelter	3,550	3,550	3,550	3,550
8 Alabama	Air National Guard	Birmingham Mun Airport (ANG)	Alter KC-135 Aircraft Shops	4,400	4,400	4,400	4,400
9 Alabama	Air National Guard	Dannelly Field (ANG)	Fire Station	1,445	1,445	1,445	1,445
10 Alabama	Army Reserve	USARC Jasper	Add/Alter USARC/OMS/AMSA	2,500	2,500	2,500	2,500
11 Alabama	Air Force Reserve	Maxwell AFB	Composite Maintenance Shops	3,608	3,608	3,608	3,608
12 Alaska	Air Force	Eielson AFB	Alter Dormitory	3,850	3,850	3,850	3,850
13 Alaska	Air Force	Eielson AFB	Boiler Rehabilitation	0	0	4,000	4,000
14 Alaska	Air Force	Elmendorf AFB	Visiting Officers Quarters	7,350	7,350	7,350	7,350
15 Alaska	Air Force	Elmendorf AFB	MILSTAR Communications Ground Terminal	850	850	850	850
16 Alaska	Air Force	Elmendorf AFB	Repair Airfield Taxiway	900	900	900	900
17 Alaska	Air Force	Tin City LRRS	Aboveground Fuel Tanks	2,500	2,500	2,500	2,500
18 Alaska	Defense Medical Facilities Office	Elmendorf AFB	Hospital Replacement (Phase IV)	28,100	28,100	28,100	28,100
19 Alaska	Air National Guard	Eielson AFB	Aircraft Engine Shop	0	0	2,550	2,550
20 Alaska	Air National Guard	Eielson AFB	Base Engineering Maintenance Facility	0	0	4,400	4,400
21 Alaska	Army Reserve	Ft. Wainwright	USARS/OMS/STORAGE	4,779	4,779	4,779	4,779
22 Arizona	Army	Ft. Huachuca	Whole Barracks Complex Renewal	16,000	16,000	16,000	16,000
23 Arizona	Army	Ft. Huachuca	Child Development Center	0	2,550	0	0
24 Arizona	Air Force	Davis-Monthan AFB	Dormitory	3,800	3,800	3,800	3,800
25 Arizona	Air Force	Davis-Monthan AFB	Alter Aircraft Corrosion Control Facility	1,000	1,000	1,000	1,000
26 Arizona	Air Force	Luke AFB	Dormitory	5,200	5,200	5,200	5,200
27 Arizona	Defense Medical Facilities Office	Luke AFB	Add/Alter Hospital Life Safety Upgrade	8,100	8,100	8,100	8,100
28 Arizona	Air National Guard	Tucson IAP	Add/Alter Aircraft Spt. Equipment Shop	600	600	600	600
29 Arizona	Army National Guard	Papago Military Reservation (Phoenix)	Medical Facility	0	1,084	0	1,084
30 Arkansas	Air Force	Little Rock AFB	Upgrade Sanitary Sewer System	2,500	2,500	2,500	2,500
31 Arkansas	Chemical Demilitarization	Pine Bluff Arsenal	Ammunition Demilitarization Fac (Phase II)	40,000	40,000	0	0
32 Arkansas	Army National Guard	Camp Robinson	Military Ops in Urban Terrain Facility	0	0	2,853	0
33 Arkansas	Air National Guard	Little Rock AFB	Base Supply Complex	0	0	4,800	4,800
34 California	Army	Ft. Irwin	Consolidated Maintenance Facility	15,500	15,500	15,500	15,500
35 California	Army	Ft. Irwin	National Training Center Airfield (Phase II)	0	10,000	0	10,000
36 California	Army	Presidio, San Francisco	Regional Sewer System	3,000	3,000	3,000	3,000
37 California	Navy	MCB Camp Pendleton	Sensitive Compartmented Info Facility Add	2,246	2,246	2,246	2,246
38 California	Navy	MCB Camp Pendleton	Child Development Center	3,000	3,000	3,000	3,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
39 California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters	11,940	11,940	11,940	11,940
40 California	Navy	MCB Camp Pendleton	Water Distribution System	1,410	1,410	1,410	1,410
41 California	Navy	MCB Camp Pendleton	Tactical Vehicle Maintenance Facility	1,088	1,088	1,088	1,088
42 California	Navy	MCB Camp Pendleton	Multi-Purpose Machine Gun Range	3,800	3,800	3,800	3,800
43 California	Navy	MCB Camp Pendleton	Physical Fitness Center	4,100	4,100	4,100	4,100
44 California	Navy	NCCOSC RDT&E Div, San Diego	Test Facility Demolition	3,170	3,170	3,170	3,170
45 California	Navy	MCAGCC Twentynine Palms	Infantry Squad Battle Course	2,490	2,490	2,490	2,490
46 California	Navy	NAWCWD Point Mugu	Child Development Center	1,300	1,300	1,300	1,300
47 California	Navy	NAWCWD China Lake	Industrial Wastewater Collect /Treatment Fac	3,700	3,700	3,700	3,700
48 California	Navy	Naval Station, San Diego	Oily Waste Collection and Treatment Facility	19,960	19,960	19,960	19,960
49 California	Navy	NAS North Island	Controlled Industrial Facility	42,500	42,500	42,500	42,500
50 California	Navy	NAS North Island	Berthing Wharf	56,650	56,650	56,650	56,650
51 California	Navy	NAS Lemoore	Jet Engine Test Cell	7,600	7,600	7,600	7,600
52 California	Navy	Port Hueneme NCBC	Bachelor Enlisted Quarters (Phase I)	0	16,700	0	9,000
53 California	Air Force	Beale AFB	Landfill Closure	7,500	7,500	7,500	7,500
54 California	Air Force	Edwards AFB	Dormitory	10,600	10,600	10,600	10,600
55 California	Air Force	Edwards AFB	Add/Alter F-22 Engineering Test Facility	12,100	12,100	12,100	12,100
56 California	Air Force	Edwards AFB	Add/Alter Anechoic Chamber	11,100	11,100	11,100	11,100
57 California	Air Force	Travis AFB	Dormitories	10,500	10,500	10,500	10,500
58 California	Air Force	Travis AFB	Dormitory	6,400	6,400	6,400	6,400
59 California	Air Force	Travis AFB	Squadron Operations/Aircraft Maintenance Unit	7,400	7,400	7,400	7,400
60 California	Air Force	Travis AFB	KC-10 Add to Flight Simulator Facility	2,400	2,400	2,400	2,400
61 California	Air Force	Vandenberg AFB	Fire Station	2,000	2,000	2,000	2,000
62 California	Air Force	Vandenberg AFB	SLFI - Chemical Test and Analysis Lab	4,000	4,000	4,000	4,000
63 California	Defense Logistics Agency	DFSC, Point Mugu	Fuel Storage	750	750	750	750
64 California	Defense Logistics Agency	Defense Dist Stockton	General Purpose Whse Replacement	15,000	15,000	15,000	15,000
65 California	Defense Medical Facilities Office	MCB Camp Pendleton	Environmental Health/Industrial Hygiene	1,700	1,700	1,700	1,700
66 California	Defense Medical Facilities Office	Vandenberg AFB	Life Safety/Seismic/Utility Upgrade	5,700	5,700	5,700	5,700
67 California	Defense Medical Facilities Office	Ft. Irwin	Ambulatory Healthcare Clinic	6,900	6,900	6,900	6,900
68 California	Special Operations	Camp Pendleton	SOF Training Complex	5,200	5,200	5,200	5,200
69 California	Air National Guard	Sepulveda ANG Station	Replace Underground Fuel Storage Tanks	320	320	320	320
70 California	Air National Guard	Sepulveda ANG Annex (Van Nuys)	Supply and Civil Engineer Complex	0	1,800	0	1,800
71 California	Army Reserve	Parks RFTA	Battle Projection Center	5,868	5,868	5,868	5,868
72 California	Air Force Reserve	March ARB	Fire Training Facility	1,550	1,550	1,550	1,550
73 Colorado	Army	Ft. Carson	Sanitary Sewer Line	1,750	1,750	1,750	1,750
74 Colorado	Army	Ft. Carson	Whole Barracks Renewal (Phase I)	0	20,000	0	20,000
75 Colorado	Army	Ft. Carson	Sewer Treatment Plant	9,100	9,100	9,100	9,100
76 Colorado	Air Force	Peterson AFB	Add/Alter Dormitory	3,000	3,000	3,000	3,000
77 Colorado	Air Force	Peterson AFB	Fire Station	1,390	1,390	1,390	1,390

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
78	Colorado	Air Force	USAF Academy	Upgrade Facilities Heating System	4,950	4,950	4,950	4,950
79	Colorado	Air Force	USAF Academy	Child Development Center	4,200	4,200	4,200	4,200
80	Colorado	Air Force	USAF Academy	Sailplane Hangar	3,724	3,724	0	3,724
81	Colorado	Air Force	Buckley ANGB	Troop Support Facilities	5,500	5,500	5,500	5,500
82	Colorado	Air National Guard	Buckley ANGB	Upgrade Heating Systems	950	950	950	950
83	Colorado	Air National Guard	Buckley ANGB	Base Engineer Pavements and Grounds Facility	450	450	450	450
84	Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	0	0	3,150	0
85	Delaware	Air Force	Dover AFB	C-5 Sqd Operations/ACFT Maint	5,500	5,500	5,500	5,500
86	Delaware	Defense Logistics Agency	DFSC, Dover AFB	Replace Hydrant Fuel System	15,554	15,554	15,554	15,554
87	Delaware	Defense Medical Facilities Office	Dover AFB	Life Safety Upgrade	4,400	4,400	4,400	4,400
88	Delaware	Air National Guard	New Castle County AP	Fire Station	0	0	2,300	0
89	District of Columbia	Army	Ft. McNair	Whole Barracks Complex Renewal	5,500	5,500	5,500	5,500
90	District of Columbia	Army	Ft. McNair	National Defense Univ Fac Renovation (Phase I)	8,000	8,000	8,000	8,000
91	District of Columbia	Army	Walter Reed Medical Center	Fitness Center	0	0	4,300	0
92	District of Columbia	Air Force	Bolling AFB	Alter Dormitory	6,500	6,500	6,500	6,500
93	District of Columbia	Air Force	Bolling AFB	Honor Guard Dormitory	5,600	5,600	5,600	5,600
94	District of Columbia	Defense Intelligence Agency	Bolling AFB	Boiler DIAC	498	498	498	498
95	District of Columbia	Defense Intelligence Agency	Bolling AFB	Parking DIAC	1,245	1,245	1,245	0
96	Florida	Navy	NTTC Corry Station	Child Development Center	2,565	2,565	2,565	2,565
97	Florida	Navy	Naval School EOD, Eglin AFB	Explosive Ordnance Disposal Trng Complex	14,200	14,200	14,200	14,200
98	Florida	Navy	Naval School EOD, Eglin AFB	Underwater Ordnance Disposal Trng Fac	1,950	1,950	1,950	1,950
99	Florida	Air Force	Eglin AFB	Repair Runway	6,200	6,200	6,200	6,200
100	Florida	Air Force	Eglin AFB	Upgrade Dormitory	0	7,300	8,300	7,300
101	Florida	Air Force	Tyndall AFB	Fire Training Facility	1,200	1,200	1,200	1,200
102	Florida	Air Force	Cape Canaveral AFS	Fire Training Facility	1,600	1,600	1,600	1,600
103	Florida	Defense Logistics Agency	DFSC, Eglin AFB	SOF Fuel Storage	2,400	2,400	2,400	2,400
104	Florida	Special Operations	Eglin AFB	SOF Squadron Operations/AMU	2,400	2,400	2,400	2,400
105	Florida	Special Operations	Eglin Aux Field 9	SOF Benson Tanks Storage Facility	1,550	1,550	1,550	1,550
106	Florida	Special Operations	Eglin Aux Field 9	SOF Squadron Ops/AMU MH-53	7,100	7,100	7,100	7,100
107	Florida	Special Operations	Eglin Aux Field 9	SOF Helicopter Hangar	5,500	5,500	5,500	5,500
108	Florida	Army National Guard	Camp Blanding	Water Distribution System Upgrade	0	4,200	4,200	4,200
109	Florida	Army National Guard	Camp Blanding	Wastewater Treatment Plant (Phase II)	0	5,300	5,300	5,300
110	Georgia	Army	Ft. Benning	Whole Barracks Complex Renewal	33,000	33,000	33,000	33,000
111	Georgia	Army	Ft. Benning	Close Combat Tactical Trainer Building	4,900	4,900	4,900	4,900
112	Georgia	Army	Ft. Gordon	Battalion Headquarters	3,150	3,150	3,150	3,150
113	Georgia	Army	Ft. Gordon	General Purpose Warehouse	2,600	2,600	2,600	2,600
114	Georgia	Army	Ft. Stewart	Deployment Staging Area	8,400	8,400	8,400	8,400
115	Georgia	Navy	Marine Corps Logistics Base, Albany	Child Development Center (Phase II)	0	1,300	0	0
116	Georgia	Navy	Strategic Weapons Facility, LANT	Security Force Facility	2,450	2,450	2,450	2,450

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
117	Georgia	Air Force	Moody AFB	Upgrade Storm Drainage System	690	690	690	690.
118	Georgia	Air Force	Moody AFB	Child Development Center	0	3,800	0	0
119	Georgia	Air Force	Moody AFB	C-130 Squadron Operations/AMU	3,200	3,200	3,200	3,200
120	Georgia	Air Force	Moody AFB	Alter Dormitory	0	2,500	0	0
121	Georgia	Air Force	Moody AFB	C-130 Aerial Delivery Facility	4,600	4,600	4,600	4,600
122	Georgia	Air Force	Moody AFB	C-130 Aircraft Washrack Facility	1,700	1,700	1,700	1,700
123	Georgia	Air Force	Moody AFB	Control Tower	2,700	2,700	2,700	2,700
124	Georgia	Air Force	Moody AFB	Repair and Extend Runway	0	0	12,300	12,300
125	Georgia	Air Force	Robins AFB	JSTARS Aircraft Fuel System Maintenance Dock	6,900	6,900	6,900	6,900
126	Georgia	Air Force	Robins AFB	Upgrade Dormitory (Phase I)	0	0	11,000	5,500
127	Georgia	Defense Medical Facilities Office	Ft. Benning	Life Safety Upgrade	5,600	5,600	5,600	5,600
128	Georgia	Section 6 Schools	Ft. Benning	Faith Middle School Addition	1,116	1,116	1,116	1,116
129	Georgia	Air National Guard	Savannah IAP	Alter Aircraft Maintenance Shops	1,300	1,300	1,300	1,300
130	Georgia	Air National Guard	Glynn County ANGS (Brunswick)	Upgrade Communication Squadron Complex	0	5,000	0	3,000
131	Georgia	Air National Guard	Glynn County ANGS (Brunswick)	Replace Underground Fuel Storage Tanks	320	320	320	320
132	Georgia	Air National Guard	Hunter ANG Station No. 2	Replace Underground Fuel Storage Tanks	400	400	400	400
133	Hawaii	Army	Schofield Barracks	Whole Barracks Complex Renewal (Phase I)	0	15,000	35,000	30,000
134	Hawaii	Navy	Naval SUBASE Pearl Harbor	Berthing Pier	22,500	22,500	22,500	22,500
135	Hawaii	Navy	NAVCAMS EASTPAC, Honolulu	Fire Protection System	1,980	1,980	1,980	1,980
136	Hawaii	Navy	Intel Center Pacific, Pearl Harbor	Operations Building Alterations	2,200	2,200	2,200	2,200
137	Hawaii	Air Force	Hickam AFB	Repair Airfield Pavements	4,550	4,550	4,550	4,550
138	Hawaii	Air Force	Hickam AFB	Alter Dormitory	3,100	3,100	3,100	3,100
139	Hawaii	Air Force	Hickam AFB	Alter Transient Dormitory	3,050	3,050	3,050	3,050
140	Idaho	Air Force	Mountain Home AFB	Idaho Training Range (North Site)	8,000	8,000	0	0
141	Idaho	Air Force	Mountain Home AFB	Large Aircraft Maintenance Hangar	0	0	8,000	8,000
142	Idaho	Air Force	Mountain Home AFB	Upgrade Storm Drainage System	800	800	800	800
143	Idaho	Air Force	Mountain Home AFB	Wastewater Treatment and Disposal Plant	9,850	9,850	9,850	9,850
144	Idaho	Air Force	Mountain Home AFB	Avionics Shop	0	0	4,900	0
145	Idaho	Air Force	Mountain Home AFB	Base Civil Engineering Warehouse	0	0	1,800	0
146	Idaho	Air National Guard	Boise Air Term (Gowen Field)	Remove Underground Fuel Storage Tanks	320	320	320	320
147	Idaho	Air National Guard	Boise Air Term (Gowen Field)	Maint Hangar Upgrade	0	0	4,000	4,000
148	Illinois	Navy	NTC Great Lakes	Uniform Issue Building	12,440	12,440	12,440	12,440
149	Illinois	Air Force	Scott AFB	Dormitory	8,000	8,000	8,000	8,000
150	Illinois	Air Force	Scott AFB	Global Reach Planning Center Visiting Quarters	4,700	4,700	4,700	4,700
151	Illinois	Army National Guard	ARNG Marseilles Training Area	TRNG Site, Util Upgrade	1,350	1,350	1,350	1,350
152	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add to Aircraft Parking Apron	630	630	630	630
153	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add/Alter Squadron Operations Facility	970	970	970	970
154	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add to Aircraft Maintenance Hangar	1,200	1,200	1,200	1,200
155	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Alter Aerial Port Training Facility	710	710	710	710

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
156	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Aircraft Deicing Facility	400	400	400	400
157	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Alter Aircraft Maintenance Shops	1,450	1,450	1,450	1,450
158	Illinois	Army Reserve	Ft Sheridan	Add/Alter RTS-Intelligence	3,300	3,300	3,300	3,300
159	Illinois	Army Reserve	USARC Arlington Heights	Battle Projection Center	4,860	4,860	4,860	4,860
160	Indiana	Navy	Crane Naval Surface Warfare Center	Hydroacoustics Test Complex	0	3,300	0	3,300
161	Indiana	Army National Guard	Stout Field (Indianapolis)	Combined Support Maintenance Shop	0	10,846	10,846	10,846
162	Indiana	Air National Guard	Hulman Field (Terre Haute)	Base Civil Engineer Maintenance Complex	0	4,100	0	4,100
163	Indiana	Air Force Reserve	Grissom AF Reserve Base	Fire Station	0	4,250	0	4,250
164	Indiana	Air Force Reserve	Grissom AF Reserve Base	Fire Training Facility	1,500	1,500	1,500	1,500
165	Iowa	Air National Guard	Sioux City Airport (185th ANG)	Runway Upgrade	0	4,050	4,000	4,000
166	Iowa	Air National Guard	Sioux City Gateway AP	Access Taxiway	0	0	750	0
167	Kansas	Army	Ft. Riley	Whole Barracks Renewal (Phase I)	0	0	15,300	7,000
168	Kansas	Air Force	McConnell AFB	Dormitory	0	6,500	0	0
169	Kansas	Air Force	McConnell AFB	Alter Dormitory	2,200	2,200	2,200	2,200
170	Kansas	Air Force	McConnell AFB	Deicing Pad	1,150	1,150	1,150	1,150
171	Kansas	Air Force	McConnell AFB	KC-135 Squadron Operations/AMU	6,100	6,100	6,100	6,100
172	Kansas	Army National Guard	Ft. Leavenworth	Corps Sim Center (Phase II)	4,400	4,400	4,400	4,400
173	Kansas	Air National Guard	McConnell AFB	Alter B-1 Squadron Operations Facility	800	800	800	800
174	Kansas	Air National Guard	McConnell AFB	B-1 Fuel Maintenance Hangar	0	0	7,900	7,900
175	Kansas	Air National Guard	Forbes Field	Medical Training Communications Facility	0	0	5,200	5,200
176	Kansas	Army Reserve	Olathe	Land Acquisition	539	539	539	539
177	Kansas	Army Reserve	USARC Topeka	USARC/OMS/AMSA	6,487	6,487	6,487	6,487
178	Kansas	Army Reserve	Wichita ARNG	HQ 89th ARCOM (Phase I)	0	0	8,389	8,389
179	Kansas	Air Force Reserve	McConnell AFB	KC-135 Operation/Training	0	0	4,960	4,960
180	Kentucky	Army	Ft. Campbell	Whole Barracks Renewal (Phase I)	0	0	10,000	10,000
181	Kentucky	Army	Ft. Knox	Close Combat Tactical Trainer Building	5,600	5,600	5,600	5,600
182	Kentucky	Army National Guard	W. Kentucky Training Range	Training Complex	0	0	4,656	4,656
183	Louisiana	Air Force	Barksdale AFB	B-52 Training Complex	2,500	2,500	2,500	2,500
184	Louisiana	Defense Agencies	Naval Support Activity, New Orleans	SOF Small Craft Breakwater	0	730	0	0
185	Louisiana	Defense Logistics Agency	DFSC, Barksdale AFB	Replace Hydrant Fuel System	13,100	13,100	13,100	13,100
186	Louisiana	Defense Medical Facilities Office	Barksdale AFB	Life Safety Upgrade	4,100	4,100	4,100	4,100
187	Louisiana	Army National Guard	Plaquemine	OMS (Rehab/Renovation)	0	0	776	0
188	Louisiana	Army National Guard	Ruston	OMS #2	0	0	1,638	1,638
189	Louisiana	Naval Reserve	Joint Reserve Base, NAS New Orleans	Bachelor Enlisted Quarters Addition	0	5,035	0	5,035
190	Louisiana	Naval Reserve	Naval Support Activity New Orleans	Bachelor Enlisted Quarters	0	6,100	0	6,100
191	Maryland	Navy	Naval Academy, Annapolis	Bachelor Enlisted Quarters	3,600	3,600	3,600	3,600
192	Maryland	Air Force	Andrews AFB	Dormitory	6,000	6,000	6,000	6,000
193	Maryland	Air Force	Andrews AFB	Underground Fuel Storage Tanks	6,886	6,886	6,886	6,886
194	Maryland	Defense Medical Facilities Office	WRAIR, Forest Glen	Armed Forces Inst of Path Repository Add	1,550	1,550	1,550	1,550

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars In Thounsands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
195 Maryland	Defense Medical Facilities Office	WRAIR, Forest Glen	Army Institute of Research (Phase III)	119,000	27,000	27,000	27,000
196 Maryland	Defense Medical Facilities Office	Bethesda NNMC	Potable Water Line Replacement	1,300	1,300	1,300	1,300
197 Maryland	National Security Agency	Ft. Meade	SPL Steam Generation Plant	632	632	632	632
198 Maryland	National Security Agency	Ft. Meade	Friendship Airport Annex II Purchase	14,800	14,800	14,800	14,800
199 Maryland	National Security Agency	Ft. Meade	Critical Utilities Control (Phase I)	3,301	3,301	3,301	3,301
200 Maryland	Army National Guard	Camp Frettard	OMS	0	0	2,700	2,700
201 Massachusetts	Air National Guard	Barnes Mun Airport (ANG)	Vehicle Maintenance Complex	2,000	2,000	2,000	2,000
202 Massachusetts	Air National Guard	Worcester ANG Station	Paint and Refueling Vehicle Maint Bays	350	350	350	350
203 Massachusetts	Naval Reserve	MCRTC Camp Edwards	Rescen/Combat Vehicle Maintenance Fac Addition	3,130	3,130	3,130	3,130
204 Michigan	Air National Guard	Alpena City RAP	Airfield Pavements Additions	0	0	6,400	6,400
205 Michigan	Air National Guard	Selfridge ANGB	Upgrade Heating Systems	2,900	2,900	2,900	2,900
206 Michigan	Air National Guard	Selfridge ANGB	Sanitary Sewer Upgrade	0	0	520	0
207 Minnesota	Air National Guard	Minneapolis St. Paul IAP	Upgrade Heating System	780	780	780	780
208 Minnesota	Air National Guard	Minneapolis St. Paul IAP	Aircraft Deicing Facility	400	400	400	400
209 Minnesota	Air National Guard	Camp Ripley	CSMS (Phase II)	0	0	8,150	0
210 Mississippi	Air Force	Columbus AFB	Fire Training Facility	1,150	1,150	1,150	1,150
211 Mississippi	Air Force	Keesler AFB	Dormitory	0	8,300	0	0
212 Mississippi	Air Force	Keesler AFB	Upgrade Student Dormitory	6,500	6,500	6,500	6,500
213 Mississippi	Army National Guard	Camp Shelby	Multipurpose Range Complex (Phase I)	0	0	5,000	5,000
214 Mississippi	Army National Guard	Gulfport	AVCRAD Equipment Electronic Test Facility	1,100	1,100	1,100	1,100
215 Mississippi	Air National Guard	Gulfport-Biloxi RAP	Road Relocation	0	0	10,200	5,100
216 Mississippi	Air National Guard	Thompson Field	Add/Alter Communications Facility	0	2,400	0	2,400
217 Mississippi	Air National Guard	Key Field ANGB	Add/Alter Base Communications Facility	0	1,500	0	1,500
218 Missouri	Army	Ft. Leonard Wood	Child Development Center	0	3,900	0	0
219 Missouri	Air Force	Whiteman AFB	B-2 Aircraft Maintenance Docks/Hydrant Fuel Sys	15,500	15,500	15,500	15,500
220 Missouri	Air Force	Whiteman AFB	B-2 Add to ACFT Apron/Convoy Road/Taxiway	1,500	1,500	1,500	1,500
221 Missouri	Air Force	Whiteman AFB	B-2 Add to Flight Simulator Training Facility	4,100	4,100	4,100	4,100
222 Missouri	Air Force	Whiteman AFB	B-2 Add/Alter Dock Fire Protection	3,500	3,500	3,500	3,500
223 Missouri	Defense Mapping Agency	DMA Aerospace Center	Replace Destroyed/Damaged Fac w/Land Acq	40,300	40,300	40,300	40,300
224 Missouri	Army National Guard	Jefferson City	Multipurpose Baffle Range	0	0	2,238	2,238
225 Missouri	Air National Guard	Jefferson Barracks	Upgrade Sewer Systems	0	0	2,700	2,700
226 Montana	Army National Guard	Ft. Harrison	Training Site Improvements	0	0	681	681
227 Montana	Army National Guard	Ft. Harrison	Training Site Support Facility	0	0	7,854	7,854
228 Montana	Army National Guard	Regional Airport Helena	Army Aviation Support Facility	0	0	12,506	12,506
229 Nebraska	Army National Guard	Camp Ashland	Admin/Education/Medical/Supply Facility	0	0	1,408	1,408
230 Nebraska	Army National Guard	Hastings Training Range	Instructional Facility	0	0	761	0
231 Nevada	Air Force	Nellis AFB	Upgrade Storm Drainage System	600	600	600	600
232 Nevada	Air Force	Nellis AFB	Visiting Quarters	9,900	9,900	9,900	9,900
233 Nevada	Air Force	Nellis AFB	Transient Housing	0	0	9,550	7,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

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234	Nevada	Army Reserve	Las Vegas	Armed Forces Reserve Center/OMS (Phase II)	0	0	9,000	9,000
235	New Hampshire	Army Reserve	Manchester	AMSA/OMS	0	0	17,893	12,376
236	New Jersey	Army	Picatinny Arsenal	Upgrade Electrical System (Phase II)	0	5,500	0	5,500
237	New Jersey	Navy	NAWCAD Lakehurst	Child Development Center	1,700	1,700	1,700	1,700
238	New Jersey	Air Force	McGuire AFB	Fire Training Facility	1,600	1,600	1,600	1,600
239	New Jersey	Air Force	McGuire AFB	Dining Facility	0	5,000	0	0
240	New Jersey	Air Force	McGuire AFB	KC-10 Squadron Operations/AMU	7,600	7,600	7,600	7,600
241	New Jersey	Air Force	McGuire AFB	Dormitory	0	7,300	7,300	7,300
242	New Jersey	Defense Logistics Agency	DFSC, McGuire AFB	Replace Hydrant Fuel System	12,000	12,000	12,000	12,000
243	New Jersey	Air National Guard	McGuire AFB	Fuel Cell and Corrosion Control Facility	5,700	5,700	5,700	5,700
244	New Jersey	Air National Guard	Warren Grove Range	Composite Range Operations Facility	1,100	1,100	1,100	1,100
245	New Jersey	Air National Guard	Atlantic City Airport (ANG)	Upgrade Sanitary and Water System	650	650	650	650
246	New Mexico	Army	WSMR - Stallion Range Center	Stallion Range Center Water Development	0	2,050	0	2,050
247	New Mexico	Air Force	Cannon AFB	Upgrade Storm Drainage System	620	620	620	620
248	New Mexico	Air Force	Cannon AFB	Wastewater Treatment and Disposal Plant	9,800	9,800	9,800	9,800
249	New Mexico	Air Force	Cannon AFB	Add/Alter Dormitory	0	3,000	0	3,000
250	New Mexico	Air Force	Holloman AFB	Academic Center	0	0	6,000	6,000
251	New Mexico	Air Force	Kirtland AFB	Upgrade Storm Drainage System	1,500	1,500	1,500	1,500
252	New Mexico	Air Force	Kirtland AFB	Upgrade Electrical Distribution System	7,656	7,656	7,656	7,656
253	New Mexico	Air National Guard	Kirtland AFB	Composite Engine and NDI Shop	2,700	2,700	2,700	2,700
254	New Mexico	Air National Guard	Kirtland AFB	LANTIRN Maintenance Facility	620	620	620	620
255	New Mexico	Air National Guard	Kirtland AFB	Aircraft Corrosion Control Facility	1,800	1,800	1,800	1,800
256	New Mexico	Air National Guard	Kirtland AFB	Alter Aircraft Maint Hanger and Shops	900	900	900	900
257	New York	Army	Ft. Drum	Shipping and Receiving Building	0	2,650	0	0
258	New York	Army	Ft. Drum	Anti-Armor Tracking and Live-Fire Range	0	5,000	0	5,000
259	New York	Army	Ft. Drum	Infantry Platoon Battle Course	0	3,800	0	3,800
260	New York	Army	USMA	Child Development Center	0	8,300	0	8,300
261	New York	Army	Watervliet ARS	Oil Runoff Containment Facility	680	680	680	680
262	New York	Air National Guard	Hancock Field (ANG)	Composite Medical Training Facility	1,990	1,990	1,990	1,990
263	New York	Air National Guard	Niagara Falls IAP	Upgrade Storm Water and Sanitary Sewer System	400	400	400	400
264	New York	Air National Guard	Niagara Falls IAP	Upgrade Runway Overrun	1,950	1,950	1,950	1,950
265	New York	Air National Guard	Stratton ANGB (Schenectady)	Maintenance Hanger and Shops	0	10,000	0	10,000
266	New York	Naval Reserve	NMCRC Buffalo	Reserve Training Building Addition	3,836	3,836	3,836	3,836
267	New York	Air Force Reserve	Niagara Falls ARS	Fuel System Maintenance Hangar	4,895	4,895	4,895	4,895
268	North Carolina	Army	Ft. Bragg	Staging Area Complex	11,200	11,200	11,200	11,200
269	North Carolina	Army	Ft. Bragg	Whole Barracks Complex Renewal	18,500	18,500	18,500	18,500
270	North Carolina	Navy	MCAS Cherry Point	Jet Engine Test Cell	7,730	7,730	7,730	7,730
271	North Carolina	Navy	MCAS Cherry Point	Missile Magazine	1,650	1,650	1,650	1,650
272	North Carolina	Navy	MCAS Cherry Point	Enclose Water Survival Training Tank	2,050	2,050	2,050	2,050

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
273	North Carolina	Navy	MCAS New River	Bachelor Enlisted Quarters	14,650	14,650	14,650	14,650
274	North Carolina	Navy	MCB Camp LeJeune	Bachelor Enlisted Quarters	8,300	8,300	8,300	8,300
275	North Carolina	Navy	MCB Camp LeJeune	Infantry Platoon Battle Course	5,500	5,500	5,500	5,500
276	North Carolina	Navy	MCB Camp LeJeune	Wastewater Treatment Plant (Phase II)	45,500	45,500	45,500	45,500
277	North Carolina	Air Force	Pope AFB	Underground Fuel Storage Tanks	2,150	2,150	2,150	2,150
278	North Carolina	Air Force	Pope AFB	C-130 Squadron Ops/AMU and Audiovisual Svs Ctr	6,100	6,100	6,100	6,100
279	North Carolina	Air Force	Seymour Johnson AFB	Upgrade Storm Drainage System	830	830	830	830
280	North Carolina	Air Force	Seymour-Johnson AFB	Visiting Officers Quarters	0	2,000	0	0
281	North Carolina	Air Force	Seymour-Johnson AFB	Dining Hall and Troop Issue Warehouse	0	4,700	0	4,700
282	North Carolina	Special Operations	Ft. Bragg	SOF Group Headquarters Building	2,600	2,600	3,900	2,600
283	North Carolina	Defense Agencies	Ft. Bragg	COSCOM Health Clinic	0	13,200	0	13,200
284	North Carolina	Defense Agencies	Ft. Bragg	SOF Barracks	0	8,000	0	8,000
285	North Carolina	Defense Agencies	Ft. Bragg	SOF Barracks	0	0	5,500	0
286	North Carolina	Air National Guard	Charlotte ANGB	Aeromedical Evacuation Training Facility	0	1,900	0	1,900
287	North Carolina	Army Reserve	Hickory	USARC	2,713	2,713	2,713	2,713
288	North Dakota	Air Force	Grand Forks AFB	Dormitory	8,500	8,500	8,500	8,500
289	North Dakota	Air Force	Grand Forks AFB	KC-135 Squadron Operations/AMU	6,300	6,300	6,300	6,300
290	North Dakota	Air Force	Minot AFB	Underground Fuel Storage Tanks	1,550	1,550	1,550	1,550
291	North Dakota	Army National Guard	Camp Grafton (Devils Lake)	Combined Support Maintenance and Paint Shop	0	2,050	2,050	2,050
292	Ohio	Air Force	Wright-Patterson AFB	Upgrade Electrical Distribution System	4,100	4,100	4,100	4,100
293	Ohio	Defense Finance & Accounting Svc	Columbus Center	DFAS Operations Facility (Phase I)	72,403	37,400	37,400	37,400
294	Ohio	Army National Guard	Rickenbacker ANGB	Barracks	0	1,750	0	1,750
295	Ohio	Air National Guard	Blue Ash ANG Station	Replace Underground Fuel Storage Tanks	380	380	380	380
296	Ohio	Air National Guard	Camp Perry ANG Station	Replace Underground Fuel Storage Tanks	320	320	320	320
297	Ohio	Air National Guard	Rickenbacker ANGB	Replace Underground Fuel Storage Tanks	310	310	310	310
298	Ohio	Air National Guard	Rickenbacker ANGB	Squadron Operations Building	0	0	6,100	0
299	Ohio	Air Force Reserve	Youngstown ARS	Add/Alter Electric Substation	4,230	4,230	4,230	4,230
300	Ohio	Air Force Reserve	Youngstown ARS	Upgrade Base Water Distribution System	1,000	1,000	1,000	1,000
301	Ohio	Air Force Reserve	Youngstown ARS	Construct Aircraft Parking Apron	3,350	3,350	3,350	3,350
302	Oklahoma	Army	Ft. Sill	Whole Barracks Complex Renewal	0	8,000	0	8,000
303	Oklahoma	Army	Ft. Sill	Central Vehicle Wash Facility	6,300	6,300	6,300	6,300
304	Oklahoma	Air Force	Altus AFB	Fire Training Facility	1,200	1,200	1,200	1,200
305	Oklahoma	Air Force	Altus AFB	Child Development Center	0	4,000	3,600	3,600
306	Oklahoma	Air Force	Tinker AFB	Add/Alter Dormitories	5,100	5,100	5,100	5,100
307	Oklahoma	Air Force	Tinker AFB	Corrosion Control Facility (B-2) (Phase I)	0	0	11,400	6,000
308	Oklahoma	Army National Guard	Ft. Sill	Organizational Maintenance Shop (MLRS)	2,400	2,400	2,400	2,400
309	Oklahoma	Air National Guard	Tulsa IAP	Composite Communications Facility	1,900	1,900	1,900	1,900
310	Oklahoma	Air National Guard	Will Rogers World Airport	Composite Fire Station	1,950	1,950	1,950	1,950
311	Oklahoma	Air National Guard	Will Rogers World Airport	Aerial Port Training Facility	2,550	2,550	2,550	2,550

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
312 Oklahoma	Air National Guard	Will Rogers World Airport	Petroleum Operations Facility	400	400	400	400
313 Oregon	Chemical Demilitarization	Umatilla Depot	Ammunition Demilitarization Facility (Phase II)	55,000	55,000	0	0
314 Oregon	Army National Guard	Camp Withycombe	CSMS	0	0	4,769	4,769
315 Oregon	Army National Guard	Salem	Airfield Operations Building	0	0	2,972	2,972
316 Oregon	Air National Guard	Klamath Falls	Operations/Training Facility	0	0	4,600	4,600
317 Pennsylvania	Navy	Philadelphia Naval Shipyard	Foundry Renovation and Modernization (Phase III)	0	6,000	0	6,000
318 Pennsylvania	Defense Logistics Agency	Def Dist New Cumberland - DDSP	Transport Control Facility	4,600	4,600	4,600	4,600
319 Pennsylvania	Special Operations	Olmstead Field, Harrisburg IAP	SOF Mobility Storage Warehouse	1,200	1,200	1,200	1,200
320 Pennsylvania	Special Operations	Olmstead Field, Harrisburg IAP	SOF Refueling Vehicle Shop	443	443	443	443
321 Pennsylvania	Army National Guard	Indiantown Gap Annville	Military Training/Barracks/Dining (Phase III)	0	0	9,877	9,877
322 Pennsylvania	Army National Guard	Scranton Regional Maintenance Facility	Regional Maintenance Shop	0	3,320	0	3,320
323 Pennsylvania	Air National Guard	Greater Pittsburgh IAP (ANG)	Fuel Systems Maintenance Facility	5,332	5,332	5,332	5,332
324 Rhode Island	Navy	Naval War College, Newport	Strategic Maritime Center (Phase II)	0	0	18,000	0
325 South Carolina	Army	Ft. Jackson	Whole Barracks Complex Renewal	32,000	32,000	32,000	32,000
326 South Carolina	Army	NWS Charleston	Army Strategic Maint Complex (Phase II)	16,500	16,500	16,500	16,500
327 South Carolina	Army	NWS Charleston	Wharf Additions	9,200	9,200	9,200	9,200
328 South Carolina	Navy	Beaufort MCAS	Bachelor Enlisted Quarters	0	15,000	15,000	15,000
329 South Carolina	Air Force	Shaw AFB	Upgrade Storm Drainage System	1,300	1,300	1,300	1,300
330 South Carolina	Air Force	Charleston AFB	Dormitory	5,600	5,600	5,600	5,600
331 South Carolina	Air Force	Charleston AFB	C-17 Squadron Operations/AMU	5,600	5,600	5,600	5,600
332 South Carolina	Air Force	Charleston AFB	C-17 Add to Flight Simulator Facility	1,300	1,300	1,300	1,300
333 South Carolina	Section 6 Schools	Ft. Jackson	Pierce Terrace Elem School Addition	576	576	576	576
334 South Carolina	Army National Guard	Eastover	Region C Leadership Brigade Facility	0	0	15,229	15,229
335 South Dakota	Air Force	Ellsworth AFB	Consolidated Admin. Support Complex	0	0	7,600	7,600
336 South Dakota	Army National Guard	Camp Rapid (Rapid City)	Combined Battalion Barracks/Mess/Admin. Area	0	2,650	2,631	2,631
337 South Dakota	Army National Guard	Rapid City	AASF Ramp	0	0	3,100	0
338 South Dakota	Air National Guard	Joe Foss Field (ANG)	Base Supply Complex	4,000	4,000	4,000	4,000
339 South Dakota	Air National Guard	Joe Foss Field (ANG)	Vehicle Maintenance and Storage Complex	0	0	4,400	0
340 Tennessee	Air Force	Arnold AFB	Upgrade Fire Protection Systems	2,700	2,700	2,700	2,700
341 Tennessee	Air Force	Arnold AFB	Upgrade Engine Test Facilities Refrigeration	2,300	2,300	2,300	2,300
342 Tennessee	Army National Guard	Johnson City	OMS/AMSA/VMF	0	1,937	1,937	1,937
343 Tennessee	Army National Guard	Tullahoma Training Site	Modified Record Fire Range	0	2,623	0	2,623
344 Tennessee	Air National Guard	McGhee Tyson Airport	PMEC School Training Quarters	4,400	4,400	4,400	4,400
345 Tennessee	Air National Guard	McGhee Tyson Airport	Squadron Operations Facility	0	0	4,400	4,400
346 Tennessee	Air National Guard	Memphis IAP	Add/Alter Security Police Operations Facility	1,100	1,100	1,100	1,100
347 Tennessee	Air National Guard	Memphis IAP	Add/Alter Base Engineer Maintenance Complex	990	990	990	990
348 Texas	Army	Ft. Bliss	Dining Facility	0	4,900	0	4,900
349 Texas	Army	Ft. Bliss	Child Development Center	0	4,000	0	4,000
350 Texas	Army	Ft. Bliss	Whole Barracks Complex Renewal	48,000	48,000	48,000	48,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
351 Texas	Army	Ft. Hood	Whole Barracks Complex Renewal	17,500	17,500	17,500	17,500
352 Texas	Army	Ft. Hood	Whole Barracks Renewal (Phase I)	0	15,000	15,000	15,000
353 Texas	Army	Ft. Sam Houston	IH-35 Overpass	0	7,000	0	7,000
354 Texas	Navy	Corpus Christi NAS	Bachelor Enlisted Quarters Expansion and Upgrade	0	4,400	0	4,400
355 Texas	Navy	Ingleside NS	Small Craft Berthing Pier	0	2,640	0	2,640
356 Texas	Navy	Kingsville NAS	Land Acquisition for Airfield Safety Clear Zones	0	2,710	0	2,710
357 Texas	Air Force	Dyess AFB	Add/Alter Dormitories	0	5,400	5,400	5,400
358 Texas	Air Force	Goodfellow AFB	Child Development Center Addition	0	1,000	0	1,000
359 Texas	Air Force	Kelly AFB	Wing Headquarters Facility	3,244	3,244	3,244	3,244
360 Texas	Air Force	Laughlin AFB	Fire Training Facility	1,400	1,400	1,400	1,400
361 Texas	Air Force	Randolph AFB	Fire Training Facility	1,200	1,200	1,200	1,200
362 Texas	Air Force	Randolph AFB	Upgrade Airfield Lighting	1,900	1,900	1,900	1,900
363 Texas	Air Force	Reese AFB	Fire Training Facility	1,200	1,200	1,200	0
364 Texas	Air Force	Sheppard AFB	Upgrade Airfield Lighting	1,500	1,500	1,500	1,500
365 Texas	Ballistic Missile Defense Org.	Ft. Bliss	Theater Area Defense Facilities	13,600	13,600	13,600	13,600
366 Texas	Defense Medical Facilities Office	Ft. Hood	Consolidated Troop Medical Clinic	5,500	5,500	5,500	5,500
367 Texas	Defense Medical Facilities Office	Lackland AFB	Add/Alter Emergency Department	6,100	6,100	6,100	6,100
368 Texas	Defense Medical Facilities Office	Reese AFB	Life Safety/Utility Upgrade	1,000	1,000	1,000	0
369 Texas	Air National Guard	Kelly AFB	Upgrade Heating and Cooling Systems	1,400	1,400	1,400	1,400
370 Utah	Air Force	Hill AFB	Consolidated Range/Dormitory/Operations Facility	0	0	8,900	8,900
371 Utah	Air Force	Hill AFB	Depot Fire Protection	0	0	3,700	0
372 Utah	Army National Guard	Camp Williams (Lehi)	Training Site, Storage Facility	340	340	340	340
373 Utah	Army National Guard	Camp Williams (Lehi)	Region V Barracks	0	5,197	0	0
374 Utah	Army National Guard	Camp Williams (Lehi)	Replace/Upgrade Potable Water Distribution Sys	0	800	800	800
375 Vermont	Air National Guard	Burlington IAP	Add/Alter Operations/Training Facility	0	0	2,650	2,650
376 Virginia	Army	Ft. Eustis	Deployment Training Facility	5,400	5,400	5,400	5,400
377 Virginia	Army	Ft. Eustis	Whole Barracks Complex Renewal	0	11,000	11,000	11,000
378 Virginia	Army	Ft. Myer	Army Museum Land Acquisition	17,000	17,000	0	0
379 Virginia	Navy	Fleet & Indus Supply Cen, Williamsburg	Bachelor Enlisted Quarters	6,140	6,140	6,140	6,140
380 Virginia	Navy	Fleet & Indus Supply Cen, Williamsburg	Electrical Distribution Sys Alterations	2,250	2,250	2,250	2,250
381 Virginia	Navy	Henderson Hall, Arlington	Land Acquisition	0	0	1,900	1,900
382 Virginia	Navy	MCCDC Quantico	Ammunition Storage Facility	3,500	3,500	3,500	3,500
383 Virginia	Navy	Naval Hospital, Portsmouth	Bachelor Enlisted Quarters	9,500	9,500	9,500	9,500
384 Virginia	Navy	Naval Station, Norfolk	Oily Waste Collection System (Phase I)	10,580	10,580	10,580	10,580
385 Virginia	Navy	NWS Yorktown	Explosive Ordnance Disposal Ops Fac	1,300	1,300	1,300	1,300
386 Virginia	Navy	Norfolk Naval Station	Bachelor Enlisted Quarters	0	18,000	0	0
387 Virginia	Air Force	Langley AFB	Upgrade Storm Drainage System	1,000	1,000	1,000	1,000
388 Virginia	Defense Logistics Agency	Defense Dist Depot - DDNV	General Purpose Whse Replacement	10,400	10,400	10,400	10,400
389 Virginia	Defense Medical Facilities Office	Portsmouth Naval Hospital	Hospital Replacement (Phase VII)	71,900	47,900	47,900	47,900

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thounsands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
390	Virginia	Defense Medical Facilities Office	Northwest NAVSECGRUACT	Medical/Dental Clinic	4,300	4,300	4,300	4,300
391	Virginia	Special Operations	Dam Neck	SOF Amphibious Operations Support Building	4,500	4,500	4,500	4,500
392	Virginia	Special Operations	Little Creek	SOF Operations Support Facility	6,100	6,100	6,100	6,100
393	Virginia	Army National Guard	Danville	Expand Squire Armory	0	0	1,789	0
394	Virginia	Air National Guard	Camp Pendleton Mil Res	Vehicle Maintenance Complex	2,000	2,000	2,000	2,000
395	Virginia	Air National Guard	Richmond IAP (Byrd Field)	Add/Alter F-16 AC Maintenance Complex	2,700	2,700	2,700	2,700
396	Washington	Army	Ft. Lewis	Tank Trail Erosion Mitigation (Yakima)	2,000	2,000	2,000	2,000
397	Washington	Army	Ft. Lewis	Consolidated Fuel Station	3,400	3,400	3,400	3,400
398	Washington	Army	Ft. Lewis	Multi-Purpose Training Range (Yakima)	8,500	8,500	8,500	8,500
399	Washington	Army	Ft. Lewis	Tactical Equipment Shop	15,000	15,000	15,000	15,000
400	Washington	Army	Ft. Lewis	Rail Spur and Tank Trails (Yakima)	3,200	3,200	3,200	3,200
404	Washington	Navy	NUWC Division, Keyport	Metal Treatment Facility	5,300	5,300	5,300	5,300
401	Washington	Navy	Puget Sound NSY Bremerton	Fleet Support Facilities	6,870	6,870	6,870	6,870
402	Washington	Navy	Puget Sound Naval Shipyard	Physical Fitness Center	0	10,400	10,400	10,400
403	Washington	Navy	Puget Sound NSY Bremerton	Metal Preparation Fac Improvements	2,600	2,600	2,600	2,600
405	Washington	Air Force	Fairchild AFB	Alter Dormitories	7,500	7,500	7,500	7,500
406	Washington	Air Force	Fairchild AFB	Dormitory	0	8,200	0	8,200
407	Washington	Air Force	McChord AFB	Squadron Operations/AMU	5,600	5,600	5,600	5,600
408	Washington	Air Force	McChord AFB	Dormitory	4,300	4,300	4,300	4,300
409	West Virginia	Navy	NSGD Sugar Grove	Bachelor Enlisted Quarters	0	0	7,200	7,200
410	Wisconsin	Army National Guard	West Bend	Army Aviation Complex	0	0	5,235	0
411	Wisconsin	Air National Guard	Truax Field	Alter Munitions Facility	670	670	670	670
412	Wisconsin	Army Reserve	USARC Green Bay	USARC/OMS/AMSA	6,523	6,523	6,523	6,523
413	Wyoming	Air Force	F E Warren AFB	Upgrade Central Heat Plant	3,500	3,500	3,500	3,500
414	Wyoming	Air Force	F E Warren AFB	Alter Dormitories	5,500	5,500	5,500	5,500
415	Wyoming	Air Force	F.E. Warren AFB	Child Development Center	0	4,000	0	0
416	Wyoming	Army National Guard	Camp Guernsey	Utility Upgrade	0	0	6,055	6,055
417	Wyoming	Army National Guard	Cody	Organizational Maintenance Subshop	342	342	342	342
418	Wyoming	Army National Guard	Newcastle	Organizational Maintenance Subshop	348	348	348	348
419	CONUS Classified	Army	CONUS Classified	Classified Project	1,900	1,900	1,900	1,900
420	CONUS Classified	Air Force	Classified Location	Special Tactical Unit Detachment Facility	700	700	700	700
421	CONUS Classified	OSD	Classified Location	Classified Location	11,500	11,500	11,500	11,500
422	CONUS Various Loc	Navy	Various Locations	Supply Warehouse	1,200	1,200	1,200	1,200
423	Germany	Air Force	Vogelweh Annex	Child Development Center	2,600	2,600	2,600	2,600
424	Germany	Air Force	Spangdahlem AB	Dormitory	5,900	5,900	5,900	5,900
425	Germany	Air Force	Spangdahlem AB	Add to Missile Maintenance Facility	930	930	930	930
426	Germany	Air Force	Spangdahlem AB	Sound Suppressor Foundation	950	950	950	950
427	Germany	Air Force	Spangdahlem AB	Sound Suppressor Foundation	600	600	600	600
428	Germany	DODDS	Ramstein AFB	Elementary/Junior High School Additions	19,205	19,205	19,205	19,205

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
429 Greece	Air Force	Araxos RRS	Dormitory	1,950	1,950	1,950	1,950
430 Guam	Navy	NPWC Guam	Wastewater Treatment Plant Upgrades	16,180	16,180	16,180	16,180
431 Guam	Navy	NAVCAMS WESTPAC	Bachelor Enlisted Quarters Modernization	2,250	2,250	2,250	2,250
432 Guam	Special Operations	Naval Station, Guam	SOF Operations Support Facility	8,800	8,800	8,800	8,800
433 Italy	Navy	Naval Support Activity, Naples	Quality of Life Facilities (Phase III)	14,950	14,950	14,950	14,950
434 Italy	Navy	Naval Support Activity, Naples	Operations Support Center	10,000	10,000	10,000	10,000
435 Italy	Navy	NAS Sigonella	Fire Protection System	870	870	870	870
436 Italy	Navy	NAS Sigonella	Bachelor Enlisted Quarters	11,300	11,300	11,300	11,300
437 Italy	Air Force	Aviano AB	Communications Maintenance Facility	1,400	1,400	1,400	1,400
438 Italy	Air Force	Ghedi RRS	Dormitory	1,450	1,450	1,450	1,450
439 Italy	Air Force	Aviano AB	Squadron Operations Facility	950	950	950	950
440 Italy	Defense Medical Facilities Office	Naval Support Activity, Naples	Dispensary (Capodichino)	5,000	5,000	5,000	5,000
441 Italy	DODDS	NAS Sigonella	Elementary/High School Additions	7,595	7,595	7,595	7,595
442 Korea	Army	Camp Casey	Dining Facility	4,150	4,150	4,150	4,150
443 Korea	Army	Camp Hovey	Whole Barracks Complex Renewal	7,300	7,300	7,300	7,300
444 Korea	Army	Camp Hovey	Whole Barracks Complex Renewal	6,200	6,200	6,200	6,200
445 Korea	Army	Camp Pelham	Whole Barracks Complex Renewal	5,600	5,600	5,600	5,600
446 Korea	Army	Camp Stanley	Whole Barracks Complex Renewal	6,800	6,800	6,800	6,800
447 Korea	Army	Yongsan	Child Development Center	0	1,450	4,500	4,500
448 Puerto Rico	Navy	NAVSECGRUACT Sabana Seca	Road Improvements	2,200	2,200	2,200	2,200
449 Puerto Rico	Navy	Naval Station, Roosevelt Roads	Sanitary Landfill	11,500	11,500	11,500	11,500
450 Puerto Rico	Defense Logistics Agency	DFSP, Roosevelt Roads	Fuel Storage	6,200	6,200	6,200	6,200
451 Puerto Rico	Air National Guard	Puerto Rico IAP	Munitions Maintenance and Storage Complex	3,800	3,800	3,800	3,800
452 Puerto Rico	Air National Guard	Puerto Rico IAP	Add/Alter Composite Support Facility	510	510	510	510
453 Puerto Rico	Air National Guard	Puerto Rico IAP	Upgrade Security System	1,350	1,350	1,350	1,350
454 Spain	Defense Logistics Agency	DFSC Rota	Hydrant Fuel System	7,400	7,400	7,400	7,400
455 Turkey	Air Force	Incirlik AB	Child Development Center	1,600	1,600	1,600	1,600
456 Turkey	Air Force	Incirlik AB	Upgrade Sewage Treatment Plant	2,900	2,900	2,900	2,900
457 Turkey	Air Force	Ankara AS	Long Period Seismic Array	3,000	3,000	3,000	3,000
458 Turkey	Air Force	Ankara AS	Short Period Seismic Array	4,000	4,000	4,000	4,000
459 United Kingdom	Air Force	RAF Mildenhall	Add/Alter Child Development Center	2,250	2,250	2,250	2,250
460 United Kingdom	Air Force	RAF Lakenheath	Add to Missile Maintenance Facility	1,820	1,820	1,820	1,820
461 United Kingdom	National Security Agency	Menwith Hill Station	Warehouse Sprinklers	677	677	677	677
462 Overseas Classified	Army	Classified Location - Outside U.S.	Strategic Logistical Prepo Complex (Phase I)	48,000	48,000	48,000	48,000
463 Overseas Classified	Air Force	Classified Location - Outside U.S.	Vehicle Maintenance Facility	1,600	1,600	1,600	1,600
464 Overseas Classified	Air Force	Classified Location - Outside U.S.	War Readiness Material Warehouses	15,500	15,500	15,500	15,500
465 Unspecified Worldwide	Army	Unspecified Worldwide Locations	Host Nation Support	20,000	20,000	20,000	20,000
466 Unspecified Worldwide	Army	Unspecified Worldwide Locations	Unspecified Minor Construction - Army	9,000	9,000	9,000	9,000
467 Unspecified Worldwide	Army	Unspecified Worldwide Locations	Planning and Design - Army	32,894	50,778	36,194	34,194

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thounsands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
468	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(6,245)	0
469	Unspecified Worldwide	Army	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
470	Unspecified Worldwide	Special Operations	Unspecified Worldwide Locations	Planning and Design - Special Operations	5,407	5,407	5,407	5,407
471	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	Unspecified Minor Construction - Navy	7,200	7,200	7,200	7,200
472	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	Planning and Design - Navy	46,477	66,184	48,774	50,515
473	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
474	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Planning and Design - Air Force	30,835	49,021	34,980	30,835
475	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction - Air Force	9,030	9,030	9,030	9,030
476	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(16,005)	0
477	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
478	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Unspecified Minor Construction - OSD	23,007	23,007	23,007	23,007
479	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Contingency Construction Projects - OSD	11,037	11,037	11,037	11,037
480	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Energy Conservation	50,000	50,000	50,000	40,000
481	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Planning and Design - OSD	13,000	13,000	13,000	13,000
482	Unspecified Worldwide	Ballistic Missile Defense Office	Unspecified Worldwide Locations	Planning and Design - BMDO	500	500	500	500
483	Unspecified Worldwide	Defense Medical Facilities Office	Unspecified Worldwide Locations	Planning and Design - DMFO	28,330	28,330	28,330	28,330
484	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1991 Projects	0	0	(3,234)	0
485	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1994 Projects	0	0	(8,131)	(8,131)
486	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(6,800)	0
487	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1993 Projects	0	0	(8,590)	0
488	Unspecified Worldwide	Homeowners Assistance Fund	Unspecified Worldwide Locations	Homeowners Assistance Fund	75,586	75,586	75,586	75,586
489	Unspecified Worldwide	NATO	Unspecified Worldwide Locations	NATO Security Investment Program	179,000	161,000	179,000	161,000
490	Unspecified Worldwide	Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction - Army National Guard	5,300	5,300	5,300	5,300
491	Unspecified Worldwide	Army National Guard	Unspecified Worldwide Locations	Planning and Design - Army National Guard	2,900	15,200	5,000	5,100
492	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction - Air National Guard	4,100	4,100	4,100	4,100
493	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Planning and Design - Air National Guard	4,580	6,450	8,566	6,450
494	Unspecified Worldwide	Army Reserve	Unspecified Worldwide Locations	Planning and Design - Army Reserve	3,694	3,694	5,344	4,482
495	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Termination Fiscal Year 1994 Projects	0	0	(6,700)	(6,700)
496	Unspecified Worldwide	Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction - Army Reserve	1,700	1,700	1,700	1,700
497	Unspecified Worldwide	Naval Reserve	Unspecified Worldwide Locations	Planning and Design - Naval Reserve	954	1,554	954	954
498	Unspecified Worldwide	Air Force Reserve	Unspecified Worldwide Locations	Planning and Design - Air Force Reserve	2,700	2,950	2,700	2,700
499	Unspecified Worldwide	Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction - AF Reserve	4,169	4,169	4,169	4,169
500	Unspecified Worldwide	BRAC II	BRAC Act Part II	Base Realignment & Closure Part II	964,843	964,843	964,843	964,843
501	Unspecified Worldwide	BRAC III	BRAC Act Part III	Base Realignment & Closure Part III	2,148,480	2,148,480	2,148,480	2,148,480
502	Unspecified Worldwide	BRAC IV	BRAC Act Part IV	Base Realignment & Closure Part IV	784,569	784,569	685,869	784,569
503	Various Locations	Chemical Demilitarization	Various Locations	Planning and Design - Chemical Demilitarization	13,000	13,000	13,000	13,000
504	Various Locations	Defense Finance & Accounting Svc	Various Locations	Planning and Design - DFAS	8,600	8,600	8,600	8,600
505	Alabama	Army-FHC	Redstone Arsenal	Family Housing Replacement Construction (118 units)	0	12,000	0	0
506	Alaska	Army-FHC	Ft. Wainwright	Neighborhood Improvement (44 units)	0	0	7,300	0

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
507	Alaska	Air Force-FHC	Elmendorf AFB	Housing Office and Maintenance Facility	3,000	3,000	3,000	3,000
508	Arizona	Air Force-FHC	Davis-Monthan AFB	Replace 80 Military Family Housing Units	9,498	9,498	9,498	9,498
509	Arkansas	Air Force-FHC	Little Rock AFB	Replace 1 General Officer's Quarters Unit	210	210	210	210
510	California	Navy-FHC	MCB Camp Pendleton	Family Housing Construction (69 units)	0	20,080	0	10,000
511	California	Navy-FHC	MCB Camp Pendleton	Community Center	1,438	1,438	1,438	1,438
512	California	Navy-FHC	MCB Camp Pendleton	Housing Office	707	707	707	707
513	California	Navy-FHC	MCB Camp Pendleton	69 Units New Construction Family Housing	10,000	10,000	10,000	10,000
514	California	Navy-FHC	NAS Lemoore	Replace 240 Military Family Housing Units	34,900	34,900	34,900	34,900
515	California	Navy-FHC	PMTC, Point Mugu	Housing Office/Self Help (New Construction)	1,020	1,020	1,020	1,020
516	California	Navy-FHC	PWC San Diego	Replace 346 Military Family Housing Units	49,310	49,310	49,310	49,310
517	California	Air Force-FHC	Beale AFB	Construct Family Housing Management Office	842	842	842	842
518	California	Air Force-FHC	Edwards AFB	Replace 67 Military Family Housing Units	11,350	11,350	11,350	11,350
519	California	Air Force-FHC	Edwards AFB	Replace 60 Family Housing Units	0	9,400	0	9,400
520	California	Air Force-FHC	Vandenberg AFB	Replace 143 Military Family Housing Units	20,200	20,200	20,200	20,200
521	California	Air Force-FHC	Vandenberg AFB	Family Housing Management Office	900	900	900	900
522	Colorado	Air Force-FHC	Peterson AFB	Family Housing Office	570	570	570	570
523	District of Columbia	Air Force-FHC	Bolling AFB	Replace 32 Military Family Housing Units	4,100	4,100	4,100	4,100
524	Florida	Air Force-FHC	Eglin AFB	Construct Family Housing Management Facility	500	500	500	500
525	Florida	Air Force-FHC	Eglin Aux Field 9	Family Housing Office & Maintenance Facility	880	880	880	880
526	Florida	Air Force-FHC	Patrick AFB	Replace 70 Military Family Housing Units	7,947	7,947	7,947	7,947
527	Florida	Air Force-FHC	MacDill AFB	Construct Housing Office	646	646	646	646
528	Florida	Air Force-FHC	Tyndall AFB	Replace 52 Military Family Housing Units	5,500	5,500	5,500	5,500
529	Florida	Air Force-FHC	Tyndall AFB	Replace 30 Family Housing Units	0	4,300	0	4,300
530	Georgia	Air Force-FHC	Moody AFB	3 General and Senior Officer's Quarters	513	513	513	513
531	Georgia	Air Force-FHC	Robins AFB	Replace 83 Family Housing Units	0	0	9,800	9,800
532	Hawaii	Navy-FHC	Naval Complex, Oahu	Replace 252 Military Family Housing Units	48,400	48,400	48,400	48,400
533	Idaho	Air Force-FHC	Mountain Home AFB	Construct Housing Management Facility	844	844	844	844
534	Kansas	Air Force-FHC	McConnell AFB	Replace 39 Military Family Housing Units	5,193	5,193	5,193	5,193
535	Kentucky	Army-FHC	Ft. Knox	Family Housing Replacement Construction (150 units)	0	19,000	0	19,000
536	Louisiana	Air Force-FHC	Barksdale AFB	Replace 62 Military Family Housing Units	10,299	10,299	10,299	10,299
537	Maryland	Navy-FHC	US Naval Academy, Annapolis	Housing Office/Self Help (New Construction)	800	800	800	800
538	Maryland	Navy-FHC	NATC Patuxent River	Warehouse/Self Help (New Construction)	890	890	890	890
539	Massachusetts	Air Force-FHC	Hanscom Air Force Base	Replace 32 Family Housing Units	0	4,900	5,200	4,900
540	Mississippi	Air Force-FHC	Keesler AFB	Replace 96 Military Family Housing Units	9,300	9,300	9,300	9,300
541	Missouri	Air Force-FHC	Whiteman AFB	Construct 72 Military Family Housing Units	9,948	9,948	9,948	9,948
542	Nevada	Air Force-FHC	Nellis AFB	Family Housing Replacement (96 units)	0	21,000	0	15,000
543	Nevada	Air Force-FHC	Nellis AFB	Replace 6 Senior Officers Housing	1,357	1,357	1,357	1,357
544	Nevada	Air Force-FHC	Nellis AFB	45 Units	0	0	6,000	0
545	New Mexico	Army-FHC	White Sands	Whole Neighborhood House Improvements (36 units)	0	0	3,400	0

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thounsands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
546	New Mexico	Air Force-FHC	Holloman AFB	Replace 1 General Officer's Housing	225	225	225	225
547	New Mexico	Air Force-FHC	Kirtland AFB	Replace 105 Family Housing Units, Phase 2	11,000	11,000	11,000	11,000
548	New York	Army-FHC	USMC West Point	Family Housing Replacement Construction (119 Units)	16,500	16,500	16,500	16,500
549	North Carolina	Navy-FHC	MCAS Cherry Point	Community Center	1,003	1,003	1,003	1,003
550	North Carolina	Air Force-FHC	Pope AFB	Construct 104 Military Family Housing Units	9,984	9,984	9,984	9,984
551	North Carolina	Air Force-FHC	Seymour Johnson AFB	Replace 1 General Officers Quarters	204	204	204	204
552	Ohio	Air Force-FHC	Wright Patterson AFB	66 Units	0	0	5,900	0 [2]
553	Pennsylvania	Navy-FHC	NSPCC Mechanicsburg	Housing Office (New Construction)	300	300	300	300
554	South Carolina	Air Force-FHC	Shaw AFB	Housing Maintenance Facility	715	715	715	715
555	Texas	Air Force-FHC	Dyess AFB	Construct Housing Maintenance Facility	580	580	580	580
556	Texas	Air Force-FHC	Lackland AFB	Replace 67 Military Family Housing Units	6,200	6,200	6,200	6,200
557	Texas	Air Force-FHC	Sheppard AFB	Construct Management Office	500	500	500	500
558	Texas	Air Force-FHC	Sheppard AFB	Replace Family Housing Maintenance Facility	600	600	600	600
559	Virginia	Army-FHC	Ft. Lee	Replace 135 Family Housing Units	0	19,500	0	19,500
560	Virginia	Navy-FHC	NSWC Dahlgren	Housing Office/Self Help (New Const)	520	520	520	520
561	Virginia	Navy-FHC	PWC Norfolk	Replace 320 Military Family Housing Units	42,500	42,500	42,500	42,500
562	Virginia	Navy-FHC	PWC Norfolk	Housing Office/Warehouse	1,390	1,390	1,390	1,390
563	Washington	Army-FHC	Ft. Lewis	Family Housing (84 Units)	10,800	10,800	10,800	10,800
564	Washington	Navy-FHC	Bangor NSB	141 Units	0	0	4,890	0 [3]
565	Washington	Air Force-FHC	McChord AFB	Replace 50 Family Housing Units, Phase I	9,504	9,504	9,504	9,504
566	West Virginia	Navy-FHC	Sugar Grove NSGD	23 Units	0	0	3,590	3,590
567	Guam	Air Force-FHC	Andersen AFB	Housing Maintenance Facility	1,700	1,700	1,700	1,700
568	Puerto Rico	Navy-FHC	Naval Station, Roosevelt Roads	Housing Office (New Construction)	710	710	710	710
569	Turkey	Air Force-FHC	Incirlik AB	Replace 150 Military Family Housing Units	10,146	10,146	10,146	10,146
570	Unspecified Worldwide	Army-FHC	Unspecified Worldwide Locations	Planning/Army FH	2,000	2,000	2,340	2,000
571	Unspecified Worldwide	Army-FHC	Unspecified Worldwide Locations	Construction Improvements/Army FH	14,200	46,600	26,212	46,856
572	Unspecified Worldwide	Navy-FHC	Unspecified Worldwide Locations	Construction Improvements/Navy FH	247,477	292,931	259,489	290,831
573	Unspecified Worldwide	Navy-FHC	Unspecified Worldwide Locations	Planning/Navy FH	24,390	24,390	24,390	24,390
574	Unspecified Worldwide	Air Force-FHC	Unspecified Worldwide Locations	Planning/Air Force FH	8,989	8,989	9,039	8,989
575	Unspecified Worldwide	Air Force-FHC	Unspecified Worldwide Locations	Construction Improvements/Air Force FH	85,059	90,959	97,071	90,959
576	Unspecified Worldwide	Defense Logistics Agency-FHC	Unspecified Worldwide Locations	Construction Improvements/DLA FH	3,722	3,722	3,722	3,722
577	Unspecified Worldwide	Def. Fam. Housing Impr. Fund-FHC	Unspecified Worldwide Locations	Private Sector Housing Ventures - FH	22,000	22,000	22,000	22,000
578	Unspecified Worldwide	National Security Agency-FHC	Unspecified Worldwide Locations	Construction Improvements/NSA FH	50	50	50	50
579	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Leasing - AFH	243,840	243,840	243,840	243,840
580	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Army FH	11	11	11	11
581	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Operations/Army FH	459,453	455,453	459,453	459,453
582	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Maintenance/Army FH	634,292	634,292	634,292	634,292
583	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Navy FH	82	82	82	82
584	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Leasing/Navy FH	103,582	103,582	103,582	103,582

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
585	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/Navy FH	534,023	534,023	534,023	534,023
586	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Operating Expenses/Navy FH	410,642	407,642	410,642	410,642
587	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/Air Force FH	408,971	408,971	408,971	408,971
588	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Operating Expenses/Air Force FH	324,548	321,548	324,548	324,548
589	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Air Force FH	29	29	29	29
590	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Leasing/Air Force FH	115,665	115,665	115,665	115,665
591	Unspecified Worldwide	OSD-FHS	Unspecified Worldwide Locations	VA Loan Buy Down Pilot Project	0	10,000	0	10,000
592	Unspecified Worldwide	OSD-FHS	Unspecified Worldwide Locations	Authority to Convey Family Housing	0	0	5,000	0
593	Unspecified Worldwide	Defense Intelligence Agency-FHS	Unspecified Worldwide Locations	Leasing/DIA FH	13,638	13,638	13,638	13,638
594	Unspecified Worldwide	Defense Intelligence Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/DIA FH	2,590	2,590	2,590	2,590
595	Unspecified Worldwide	Defense Logistics Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/DLA FH	566	566	566	566
596	Unspecified Worldwide	Defense Logistics Agency-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/DLA FH	574	574	574	574
597	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Leasing/NSA FH	11,236	11,236	11,236	11,236
598	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/NSA FH	223	223	223	223
599	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/NSA FH	1,640	1,640	1,640	1,640
				Totals	10,697,995	11,197,995	10,902,988	11,177,009

1 - Funded as 7,300 in Construction Improvements/Army FH.

2 - Funded as 5,900 in Construction Improvements/Air Force FH.

3 - Funded as 4,890 in Construction Improvements/Navy FH.

TITLE XXI—ARMY

FISCAL YEAR 1996

OVERVIEW

The House bill would authorize $2,167,190,000 for Army military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $2,027,613,000 for this purpose.

The conferees recommend authorization of $2,147,427,000 for Army military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Army military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military construction authorized by title XXI of this Act.

Planning and design, Army

The conferees direct that, within authorized amounts for planning and design, the Secretary of the Army conduct planning and design activities for the following project:

Pohakuloa Training Site, Hawaii, Road Improvement—$2,000,000.

The conferees note that this project is required to correct hazardous road conditions which impact readiness. The conferees urge the Secretary to make every effort to include this project in the fiscal year 1997 budget request.

Aerial Port and Intermediate Staging Base, The National Training Center, Fort Irwin, California

The budget request included no military construction funds to expand the airport at Barstow-Daggett, California, to meet the operational and training requirements of the National Training Center, Fort Irwin, California.

The House bill would authorize $10.0 million for phase II of the Barstow-Daggett expansion project.

The Senate amendment included no funding for phase II of this project.

The conferees agree to authorize $10.0 million for phase II of the Barstow-Daggett expansion project, contingent upon the Secretary of Defense's certification that the project best meets the operational and training requirements of the National Training Center, Fort Irwin, California.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improvements to military family housing units (sec. 2103)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Army execute the following projects:

Fort Wainwright, Alaska, Whole Neighborhood Revitalization—$7,300,000.

Fort Campbell, Kentucky, Whole Neighborhood Revitalization—$17,356,000.

Fort Bragg, North Carolina, Whole Neighborhood Revitalization—$10,000,000.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduction in amounts authorized to be appropriated for fiscal year 1992 military construction projects

The Senate amendment contained a provision (sec. 2105) that would rescind $6.25 million from the amount authorized for the Department of the Army in section 2105 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190).

The House bill amendment contained no similar provision.

The Senate recedes.

TITLE XXII—NAVY

FISCAL YEAR 1996

OVERVIEW

The House bill would authorize $2,164,861,000 for Navy military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $2,077,459,000 for this purpose.

The conferees recommend authorization of $2,119,317,000 for Navy military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Navy military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel and military construction authorized by title XXII of this Act.

Planning and design, Navy

The conferees direct that, within authorized amounts for planning and design, the Secretary of the Navy conduct planning and design activities for the following projects:

Naval Station, Mayport, Florida, Wharf Improvements—$2,340,000.

Naval Air Station, Fallon, Nevada, Galley—$50,000.

Naval Air Station, Fallon, Nevada, Child Development Center—$150,000.

The conferees note that the projects at Naval Air Station, Fallon, Nevada, are necessary to correct facility deficiencies which impact readiness, quality of life, and productivity. The conferees urge the Secretary to make every effort to include these projects in the fiscal year 1997 budget request.

Improvements to military family housing units (sec. 2203)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Navy execute the following projects:

Naval Station, Mayport, Florida, Whole House Revitalization—$7,300,000.

Public Works Center, Great Lakes, Illinois, Whole House Revitalization—$15,300,000.

Naval Education Training Command, Newport, Rhode Island, Whole House Improvements—$8,795,000.

Marine Corps Air Station, Beaufort, South Carolina, Whole House Rehabilitation—$6,784,000.

Naval Submarine Base, Bangor, Washington, Construction Improvements—$4,890,000.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of fiscal year 1995 authorization of appropriations to clarify availability of funds for large anechoic chamber, Patuxent River Naval Warfare Center, Maryland (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would amend section 2204 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–307) to authorize the $10.0 million appropriated for the Large Anechoic Chamber Facility at the Naval Air Warfare Center, Patuxent River, Maryland in the Military Construction Appropriations Act for Fiscal Year 1995 (Public Law 103–307).

The Senate provision would permit the Navy to proceed with the award of a contract in the amount of $30.0 million for the first phase of the $61.0 million project.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to carry out land acquisition project, Hampton Roads, Virginia (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would amend section 2201(a) of the National Defense Authorization Act for Fiscal Year 1993 to authorize the Secretary of the Navy to acquire 191 acres of land in Hampton Roads, Virginia. This acquisition is in addition to the land acquisition at Dam Neck, Virginia, authorized in the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees direct the Secretary of Navy to make every possible attempt to acquire both parcels of land using the $4.5 million previously authorized. If additional funds are required, the conferees expect the Secretary to utilize cost variation and reprogramming procedures.

Acquisition of land, Henderson Hall, Arlington, Virginia (sec. 2207)

The Senate amendment contained a provision (sec. 2207) that would authorize the Secretary of the Navy to acquire a 0.75 acre parcel of land located at Henderson Hall, Arlington, Virginia. The parcel, which is currently occupied by an abandoned and vandalized mausoleum, is required to construct a public works complex to support the Headquarters Battalion, United States Marine Corps. The provision would authorize the demolition of the mausoleum and the use of appropriated funds to remove and provide appropriate disposal of the remains abandoned in the mausoleum.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Acquisition or construction of military family housing in the vicinity of San Diego, California (sec. 2208)

The conferees include a new section that would direct the Secretary of the Treasury to make available, upon request from the Secretary of the Navy, funds paid to the United States upon final settlement in the case of Rossmoor Liquidating Trust, initiated against the United States, in the United States District Court for the Central District of California. From those funds, the Secretary of the Navy would be authorized to acquire or construct no more than 150 military family housing units in the San Diego, California region for the Department of the Navy. The authority would be subject to the expiration of a 21-day period, beginning on the day on which the Secretary transmits to the congressional defense committees a report containing the details of the contract to acquire or construct the units authorized by this section.

TITLE XXIII—AIR FORCE

FISCAL YEAR 1996

Overview

The House bill would authorize $1,727,557,000 for Air Force military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $1,724,699,000 for this purpose.

The conferees recommend authorization of $1,735,086,000 for Air Force military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Air Force military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military construction authorized by title XXIII of this Act.

Improvements to military family housing units (sec. 2303)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Air Force execute the following project:

Wright-Patterson Air Force Base, Ohio, Family Housing Improvements	$5,900,000

ITEMS OF SPECIAL INTEREST

Bonaire housing complex, Presque Isle, Maine

The conferees are aware of the economic impact and the difficult redevelopment effort facing Limestone, Maine, as a result of the closure of Loring Air Force Base. To ensure that the community has maximum flexibility in its redevelopment effort, the conferees direct the Secretary of the Air Force to obtain written concurrence of the designated local reuse authority, or its designee, before any land, tangible property or interest in the Air Force property known as the Bonaire housing complex in Presque Isle, Maine, is transferred to the Department of Interior, or to any other entity. The conferees believe that a cooperative effort should be maintained by all parties seeking property and that the designated local redevelopment authority is the most appropriate entity to coordinate reuse efforts.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Retention of accrued interest on funds deposited for construction of family housing, Scott Air Force Base, Illinois (sec. 2305)

The House bill contained a provision (sec. 2305) that would amend section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–160) to permit the retention of accrued interest on funds previously transferred to the County of St. Clair, Illinois, for the purpose of constructing military family housing at Scott Air Force Base. Upon completion of construction all funds remaining, and any interest accrued thereon, shall be deposited in the general fund of the United States Treasury.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Air Force to submit to congressional defense committees an annual report describing the amount of interest accrued and retained by the County for the housing project. The Secretary would be required to submit the report by March 1 of each year, until the construction project is completed.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduction in amounts authorized to be appropriated for fiscal year 1992 military construction projects

The Senate amendment contained a provision (sec. 2305) that would rescind $16.0 million from the amount authorized for the Department of the Air Force in section 2305 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190).

The House bill contained no similar provision.

The Senate recedes.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1996

Overview

The House bill would authorize $4,692,463,000 for Defense Agencies military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $4,456,883,000 for this purpose.

The conferees recommend authorization of $4,629,491,000 for Air Force military construction and family housing for fiscal year 1996.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military family housing private investment (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to enter into agreements to construct, acquire, and improve family housing, for the purpose of encouraging private investment, in the amount of $22,000,000.

The Senate amendment contained a similar provision.

The House recedes.

Energy conservation projects (sec. 2404)

The House bill contained a provision (sec. 2404) that would authorize the Secretary of Defense to carry out energy conservation projects using funds authorized pursuant to the authorization of appropriations in section 2405.

The Senate amendment contained a similar provision.

The Senate recedes.

Limitations on use of Department of Defense Base Closure Account 1990 (sec. 2406)

The conferees include a new section that would prohibit the obligation of funds authorized for appropriation in section 2405 (a)(10) of this Act, to carry out a construction project with respect to military installations approved for closure or realignment in 1995, until after the date the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation would not preclude any activities associated with environmental cleanup activities or planning and design for such construction projects.

Modification of authority to carry out fiscal year 1995 projects (sec. 2407)

The House bill contained a provision (sec. 2406) that would amend the table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103–337) to provide for full authorization of projects to support chemical weapons and munitions destruction at Pine Bluff Arsenal, Arkansas and Umatilla Army Depot, Oregon.

The Senate amendment contained a similar provision.

The Senate recedes.

Reduction in amounts authorized to be appropriated for fiscal year 1994 contingency construction projects (sec. 2408)

The Senate amendment contained a provision (sec. 2407) that would terminate authorization of appropriations for prior year projects including:

(1) $3.2 million from the amount authorized for the Department of Defense in section 2405(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Division B of Public Law 101–510);

(2) $6.8 million from the amount authorized for the Department of Defense in section 2404(a) of the Military Construction Authorization Act for Fiscal Year 1992 (Division B of Public Law 102–190);

(3) $8.6 million from the amount authorized for the Department of Defense in section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102–484).

The House bill contained no similar provision.

The House recedes with an amendment that would reduce $8.1 million from the amount authorized to be appropriated for the Department of Defense in section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–160).

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation of expenditures for a construction project at Umatilla Army Depot, Oregon

The House bill contained a provision (sec. 2407) that would prohibit the expenditure of funds prior to March 1, 1996, for the construction of a chemical weapons and munitions incinerator facility at Umatilla Army Depot, Oregon.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATIONS INFRASTRUCTURE

FISCAL YEAR 1996

Overview

The House bill would authorize $161,000,000 for the U.S. contribution to the NATO Infrastructure program for fiscal year 1996.

The Senate amendment would authorize $179,000,000 for this purpose.

The conferees authorize $161,000,000 for the U.S. contribution to the NATO Infrastructure program.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize funding for the North Atlantic Treaty Organization Infrastructure program in the amount of $161.0 million.

The Senate amendment contained a provision (sec. 2502) that would authorize funding for the North Atlantic Treaty Organization Infrastructure program in the amount of $179.0 million.

The Senate recedes.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

FISCAL YEAR 1996

Overview

The House bill would authorize $284,924,000 for military construction and land acquisition for fiscal year 1996 for the National Guard and reserve components.

The Senate amendment would authorize $432,339,000 for this purpose.

The conferees recommend authorization of $436,522,000 for military construction and land acquisition for fiscal year 1996. This authorization would be distributed as follows:

Army National Guard	$134,802,000
Army Reserve	73,516,000
Naval/Marine Corps Reserve	19,055,000
Air National Guard	170,917,000
Air Force Reserve	36,232,000

Planning and design, Guard and Reserve Forces

The conferees direct that, within authorized amounts for planning and design, the Guard and Reserve Forces conduct planning and design activities for the following projects:

Army Reserve:	
Fort Dix, New Jersey, Intelligence Training Center	$788,000
Army National Guard:	
Lincoln, Nebraska, Medical Training Facility	$200,000
Fort Dix, New Jersey, Technical Training Facility	$750,000
Billings, Montana, Armed Forces Reserve Center	$1,200,000
Air National Guard:	
Robins Air Force Base, Georgia, B-1 Site and Utility Upgrades	$270,000
Hickam Air Force Base, Hawaii, Squadron Operations Facility	$790,000

The conferees note that these projects are required to accommodate new missions and to correct facility deficiencies that impact readiness, quality of life, and productivity. The conferees urge the service secretaries to make every effort to include these projects in the fiscal year 1997 budget request.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reduction in amount authorized to be appropriated for fiscal year 1994 Air National Guard Projects (sec. 2602)

The Senate amendment contained a provision (sec. 2602) that would rescind funds authorized for appropriation by the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) for land acquisition for the Idaho Training Range.

The House bill contained no similar provision.

The House recedes.

Correction in authorized uses of funds for Army National Guard projects in Mississippi (sec. 2603)

The House bill contained a provision (sec. 2602) that would clarify amounts authorized to be appropriated in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-360) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi. The House provision would direct the use of authorized funds for the addition, alteration, or new construction of armory facilities and an operations and maintenance shop, including the acquisition of land for such facilities at such locations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to submit a report to congressional defense committees that would describe the intended use of funds and to wait 21 days before any of the funds could be obligated.

TITLE XXVIII—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Damage to facilities from Hurricane Opal

The conferees note that, on October 5, 1995, military facilities in the Southeastern United States sustained damage as a direct result of Hurricane Opal. The conferees direct the Secretary of Defense to conduct a comprehensive assessment of infrastructure and facilities at installations affected by Hurricane Opal, to include: Fort Benning and Fort McPherson in Georgia; Fort Rucker, Fort McClellan, and Anniston Army Depot in Alabama; Tyndall Air Force Base, Eglin Air Force Base, and Hulbert Field and facilities in and around Naval Air Station, Pensacola, Florida. The Secretary shall submit a report on the Department's findings to the congressional defense committees, no later than February 15, 1996.

The assessment should include:

(1) a report on all property damage;

(2) the estimated cost to repair or replace damaged or destroyed facilities;

(3) the impact on operations and readiness caused by any loss of facilities;

(4) any actions taken to repair or replace damaged or destroyed facilities; and

(5) recommendations for funding the required facility repairs or replacements.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Military Housing Privatization Initiative

Alternative authority for construction and improvement of military housing (sec. 2801)

The House bill contained a provision (sec. 2801) that would authorize a series of authorities, as alternative methods of acquiring and improving family housing and support facilities for the armed forces. Such authorities would include the ability to contract and lease family housing. Use of the authorities would be targeted at installations where there is a shortage of suitable family housing. For housing acquired under the authorities provided in this section, the unit size and type limitations in current law would be waived to encourage private sector development of military family housing. The Department of Defense (DOD) would be authorized to contribute up to 35 percent of the investment cost in any project. Such investment could take a number of forms, including cash, existing housing, and/or real property. The provision would also establish the Defense Family Housing Improvement Fund as the sole source of funding for projects constructed or renovated under the authorities of this provision. The provision would require DOD to submit a 21-day notice-and-wait announcement to Congress before entering into contract agreements associated with these new authorities and would require DOD to submit a 30-day notice-and-wait announcement before transferring funds from the family housing construction accounts to the Fund. Each of the authorities contained in this provision would expire on September 30, 2000.

The Senate amendment contained a similar provision (sec. 2811) that would expand the authorities to include acquisition or renovation of unaccompanied housing on or near military installations. The provision would also establish a Department of Defense Housing Improvement Fund, for use as the sole source to finance costs associated with the acquisition of housing and support facilities.

The House recedes with an amendment that would establish the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement Fund as the sources to finance costs associated with the acquisition of housing and supporting facilities, including costs defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). The provision would also establish certain reporting requirements for the DOD and would limit the transfer of funds previously authorized and appropriated to funds associated with the construction of family housing or unaccompanied housing. The provision would also limit the obligation of funds by DOD to $850.0 million for family housing and $150.0 million for unaccompanied housing.

Expansion of authority for limited partnerships for development of military family housing (sec. 2802)

The Senate amendment contained a provision (sec. 2807) that would provide each of the military services with the limited partnership authority provided to the Department of the Navy by section 2803 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The provision would also extend the expiration of the authority to September 30, 2000.

The House bill contained a similar provision.

The House recedes with a technical amendment.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

Special threshold for unspecified minor construction projects to correct life, health, or safety deficiencies (sec. 2811)

The Senate amendment contained a provision (sec. 2801) that would amend 2805 of title 10, United States Code, to include as a minor military construction project any military construction project intended solely to correct a life, health, or safety deficiency, if the approved cost is equal to or less than $3.0 million. The provision would authorize the expenditure of operation and maintenance funds to carry out projects to correct a life, health, or safety deficiency costing no more than $1.0 million.

The House bill contained a similar provision.

The House recedes.

Clarification of scope of unspecified minor construction authority (sec. 2812)

The Senate amendment contained a provision (sec. 2802) that would amend section 2805(a)(1) of title 10, United States Code, to clarify the definition of minor military construction.

The House bill contained a similar provision.

The House recedes.

Temporary authority to waive net floor area limitation for family housing acquired in lieu of construction (sec. 2813)

The Senate amendment contained a provision (sec. 2803) that would waive, for a five year period, beginning in fiscal year 1996, the net floor area limitation established in section 2826 of title 10, United States Code, if existing family housing is acquired in lieu of construction.

The House bill contained no similar provision.

The House recedes with an amendment that would give the service secretary discretionary authority to waive the floor limitation.

Reestablishment of authority to waive net floor area limitation on acquisition by purchase of certain military family housing (sec. 2814)

The Senate amendment contained a provision (sec. 2804) that would make permanent section 2826(e) of title 10, United States Code, that allows a waiver for a 20 percent increase in the square footage limitation when acquiring, through purchase, military family housing units for members of the Armed Forces in pay grades below 0-6.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Temporary authority to waive limitations on space by pay grade for military family housing units (sec. 2815)

The Senate amendment contained a provision (sec. 2805) that would waive section 2826 of title 10, United States Code, for housing authorized for construction for five years, beginning in fiscal year 1996. The waiver would permit the construction of family housing units without regard to space limitations, as long as the total number of housing units is the same as authorized by law.

The House bill contained no similar provision.

The House recedes with an amendment that would give the service secretary discretion to waive the authority for five years beginning in fiscal year 1996.

Rental of family housing in foreign countries (sec. 2816)

The House bill contained a provision (sec. 2805) that would authorize an increase in the number of high-cost family housing units that may be leased in foreign countries.

The Senate amendment contained a similar provision.

The Senate recedes.

Clarification of scope of report requirement on cost increases under contracts for military family housing construction (sec. 2817)

The Senate amendment contained a provision (sec. 2808) that would amend section 2853 to title 10, United States Code, by eliminating the requirement for congressional notification on cost increases that exceed established limitations when the increase is related to settlement of a court ordered contract claim.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to convey damaged or deteriorated military family housing (sec. 2818)

The Senate amendment contained a provision (sec. 2809) that would authorize the secretaries of the military departments to sell, at fair market value, family housing facilities at non-base closure installations that have deteriorated beyond economical repair, or are no longer required. The sale may include the parcel of land on which the family housing facilities are located.

The provision directs that the proceeds from the sale of the property be used to replace or revitalize housing at the existing installation, or at another installation. The provision also requires the secretary concerned to notify Congress before proceeding with conveyance of family housing facilities under this authority.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Energy and water conservation savings for the Department of Defense (sec. 2819)

The Senate amendment contained a provision (sec. 2810) that would amend section 2865 of title 10, United States Code, to include water conservation in the Department of Defense's comprehensive energy conservation plan.

The House bill contained no similar provision.

The House recedes.

Extension of authority to enter into leases of land for special operations activities (sec. 2820)

The Senate amendment contained a provision (sec. 2812) that would make permanent the authority provided in section 2680 of title 10, United States Code, which grants the Secretary of Defense the authority to lease property required for special operations activities conducted by the Special Operations Command.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority to lease property required for special operations until September 30, 2000.

Disposition of amounts recovered as a result of damage to real property (sec. 2821)

The House bill contained a provision (sec. 2804) that would authorize the military departments to retain the proceeds recovered as a result of damages to real property instead of depositing those proceeds into the miscellaneous receipts account in the United States Treasury. Such proceeds would be made available for repair or replacement of damages to real property.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to provide interest rate buy down authority on loans for housing within housing shortage areas at military installations (sec. 2822)

The House bill contained a provision (sec. 2806) that would authorize a three-year pilot program to provide additional housing assistance to military personnel. Under the program, as administered by the Secretary of Veterans Affairs (VA), the VA would buy down the interest rate on VA home loans for qualified applicants. The Secretary of Defense would reimburse the VA for the costs of the interest rate buy down. Authorization of the program would be limited to $10.0 million and could only be utilized at military installations which the Secretary of Defense considers to have a military family housing deficit.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the scope of the program to active duty enlisted members, warrant officers, and officers at a pay grade of 0–3 and below.

Subtitle C—Defense Base Closure and Realignment

Deposit of proceeds from leases of property located at installations being closed or realigned (sec. 2831)

The House bill contained a provision (sec. 2812) that would authorize the Secretary of Defense to deposit proceeds from leases of property located at installations being closed or realigned into the relevant account established in the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510).

The Senate amendment contained a similar provision.

The Senate recedes.

In-kind consideration for leases at installations to be closed or realigned (sec. 2832)

The Senate amendment contained a provision (sec. 2821) that would permit the service secretaries to accept in-kind services (improvements, maintenance, protection, repair, or restoration services performed on any portion of the installation) from a lessee in lieu of cash rental payments for leases of property that will be disposed of as a result of a base closure or realignment.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Interim leases of property approved for closure or realignment (sec. 2833)

The Senate amendment contained a provision (sec. 2830B) that would facilitate the use of limited term leases (one to five years) by the Department of Defense in connection with reuse of military installations selected for closure. The provision would make it clear that any environmental impact analysis prepared in connection with an interim lease of Department of Defense property approved for closure or realignment shall be limited to the scope of environmental consequences related to the lease activities.

The House bill contained no similar provision.

The House recedes.

The conferees agree that under current law the Department of Defense has been reluctant to enter into limited term leases before an environmental review has been completed, pursuant to the National Environmental Policy Act (42 U.S.C. 4321, et. seq.), that would address the disposal of the entire installation. Such concerns have impeded private sector use of base closure property for short term capital investments.

Authority to lease property requiring environmental remediation at installations approved for closure or realignment (sec. 2834)

The Senate amendment contained a provision (sec. 2824) that would allow the Department of Defense to enter into long-term lease agreements at military installations selected for closure, while environmental restoration is ongoing. Specifically, the section would provide that section 120(h)(3)(B) of the Comprehensive Environmental response Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9620(h)(3)(B)) does not apply to leases at Department of Defense installations. The provision would also provide for Environmental Protection Agency consultation on the determination that property is suitable for lease in those instances involving long term leases at installations approved for closure under a base closure law.

The House bill contained no similar provision.

The House recedes.

The conferees agree that the provision is necessary to ensure that the Department may enter into long-term leases while cleanup is ongoing. The provision addresses a recent federal district court decision that could undermine reuse plans at military installations selected for closure with similar reuse plans. The provision serves to clarify the legislative intent on this issue.

Final funding for Defense Base Closure and Realignment Commission (sec. 2835)

The Senate amendment contained a provision (sec. 2825) that would amend section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, 10 U.S.C. 2657) to authorize the Secretary of Defense to transfer unobligated funds from the Department of Defense Base Closure Account to fund the operations of the Defense Base Closure and Realignment Commission until December 31, 1995.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the transfer authority to $300,000.

Exercise of authority delegated by the Administrator of General Services (sec. 2836)

The Senate amendment contained a provision (sec. 2827) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to expand the authority of the Secretary of Defense, with the concurrence of the Administrator of the General Services Administration, to prescribe general policies and issue regulations for utilizing excess property and disposing of surplus property. The provision would also make certain technical changes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Lease back of property disposed from installations approved for closure or realignment (sec. 2837)

The Senate amendment contained a provision (sec. 2828) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) to allow base closure property that is still needed by the Department of Defense or another federal agency to be transferred to the local redevelopment authority, providing that the redevelopment authority leases back the property to the Department of Defense or federal agency. Such a lease should not exceed 50 years and could not require rental payments by the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Improvement of base closure and realignment process regarding disposal of property (sec. 2838)

The House bill contained a provision (sec. 2814) that would amend the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687). The provision would preclude consideration of Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) in the transfer or disposal of real property located at military installations closed or realigned under the base closure law.

The Senate amendment contained a provision (sec. 2826) that would amend the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687) to authorize the Secretary of Defense to approve local redevelopment authorities' base reuse plans. Before making any property disposal decisions, the Secretary of Defense would be required to consult with the Secretary of Housing and Urban Development to determine if the needs of the homeless were appropriately considered. In reviewing disposal plans, the Secretary of Defense could give deference to local communities' plans in making the final property disposal decisions.

The House recedes with a technical amendment that would recognize the preeminence of local redevelopment authorities' plans for reuse of properties and facilities on installations closed or realigned under the base closure procedures. The amendment would further enhance the ability of the Secretary of Defense to give final approval of local communities' base reuse plans.

Agreements for certain services at installations being closed (sec. 2839)

The House bill contained a provision (sec. 2813) that would clarify current law that authorizes the Secretary of Defense to enter into agreements with local governments for the provision of police, security, fire protection, air field operations, or other community services provided by such governments at military installations scheduled to be closed.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Authority to transfer property at military installations to be closed to persons who construct or provide military family housing (sec. 2840)

The House bill contained a provision (sec. 2811) that would authorize the Secretary of Defense to enter into an agreement to transfer property or facilities at a closed installation, or an installation designated to be closed, under current law, to a person who agrees to provide, in exchange for the property or facilities, housing units located at another military installation where there is a shortage of suitable housing. Under the provision, the Secretary would not be permitted to select property or facilities for transfer that have been identified in the redevelopment plan for the installation as essential for base reuse and development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Use of single base closure authorities for disposal of property and facilities at Fort Holabird, Maryland (sec. 2841)

The Senate amendment contained a provision (sec. 2830) that would consolidate disposal of all property affected by the 1988 and 1995 base closure actions at Fort Holabird, Maryland under the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103-421).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

Transfer of jurisdiction, Fort Sam Houston, Texas (sec. 2851)

The House bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to transfer, without reimbursement, approximately 53 acres, with improvements, to the Secretary of Veterans Affairs. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting the reversionary interest of the Secretary of the Army in the property.

Transfer of jurisdiction, Fort Bliss, Texas (sec. 2852)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Army to transfer to the Secretary of Veteran Affairs jurisdiction of approximately 22 acres, comprising a portion of Fort Bliss, Texas. The property transferred would be used as an addition to the Fort Bliss National Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the Secretary of the Army's reversionary interest in the property.

Tranfer of jurisdiction and land conveyance, Fort Devens Military Reservation, Massachusetts (sec. 2853)

The House bill contained a provision (sec. 2831) that would require the Secretary of the Army to convey to the Secretary of the Interior, without reimbursement, a portion of the Fort Devens Military Reservation, Massachusetts, at any time after the date on which the property is determined to be excess to the needs of the Department of Defense. The property is to be conveyed for inclusion in the Oxbow National Wildlife Refuge. The cost of any surveys necessary for the conveyance shall be borne by the Secretary of the Interior.

This section would also require the Secretary of the Army to convey to the Town of Lancaster, Massachusetts, without reimbursement, a parcel of real property consisting of approximately 100 acres of the parcel available for transfer to the Secretary of the Interior. The cost of any surveys necessary for the conveyance would be borne by the town.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of land conveyance, Fort Belvoir, Virginia (sec. 2854)

The Senate amendment contained a provision (sec. 2863) that would require the Secretary of the Army to submit a report to the Senate Armed Services Committee and the House National Security Committee on the status of the negotiations related to the land conveyance at the Engineer Proving Grounds, Fort Belvoir, Virginia authorized by subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189).

The House bill contained no similar provision.

The House recedes with an amendment that would delete the reporting requirement and would amend section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 to authorize the Secretary of the Army to convey to the County of Fairfax, Virginia, all right, title and interest of the United States in and to all or a portion of the parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground. In consideration, the County shall construct facilities for the Department of the Army; grant title, free of liens and other encumbrances, to the facilities and, if not already owned by the Department, to the underlying land; and make infrastructure improvements for the Department of the Army, as may be specified by the Secretary of the Army. The value of the consideration provided by the County shall not be less than the fair market value of the property conveyed to the County, as determined by the Secretary. The amendment would prohibit the Secretary from entering into any agreement under this provision until the expiration of 60 days following the date on which the Secretary transmits to the congressional defense committees a report containing details of the agreement between the Army and the County.

Land exchange, Fort Lewis, Washington (sec. 2855)

The House bill contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey to Weyerhaeuser Real Estate Company, Tacoma, Washington two parcels of real property at Fort Lewis, Washington totaling 1.26 acres. As consideration the Weyerhaeuser Real Estate Company would convey 0.39 acres located within the boundaries of Fort Lewis together with other considerations acceptable to the Secretary. The total consideration conveyed to the United States would be no less than the fair market value of the property conveyed by the Army.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Land exchange, Army Reserve Center, Gainsville, Georgia (sec. 2856)

The Senate amendment contained a provision (sec. 2846) that would authorize the Secretary of the Army to convey to the City of Gainesville, Georgia, a 4.2 acre parcel of real property, including a reserve center, located on Shallowford Road in Gainsville, Georgia. As consideration, the City of Gainesville would convey to the Secretary approximately 8 acres of real property located in the Atlas Industrial Park in Gainesville. The City would construct replacement facilities in accordance with the requirements of the Secretary of the Army for training activities of the Army Reserve, and fund the costs of relocating the Reserve units to the new location. The City's contribution of land and facilities would be no less than the fair market value of the property conveyed by the Secretary.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee (sec. 2857)

The House bill contained a provision (sec. 2829) that would authorize the Secretary of the Army to convey to the City of Mount Carmel, Tennessee, without reimbursement, a parcel of real property consisting of approximately 6.5 acres. The property would be conveyed for expansion of the existing Mount Carmel Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana (sec. 2858)

The House bill contained a provision (sec. 2825) that would authorize the Secretary of the Army to convey to the State of Indiana, without consideration, a parcel of real property, with improvements, consisting of approximately 1,125 acres. The property to be conveyed would be used for recreational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Fort Ord, California (sec. 2859)

The House bill contained a provision (sec. 2824) that would authorize the Secretary of the Army to convey to the City of Seaside, California, at fair market value, all right, title, and interest in approximately 477 acres of real property (comprising the Black House and Bayonet gold courses and a portion of the Hayes Housing Facilities) comprising a portion of the former Fort Ord Military Complex. From the amount paid by the City in consideration for the conveyance, the Secretary would deposit in the Morale, Welfare, and Recreation Fund (MWR) account of the Department of the Army an amount equal to the fair market value of the golf courses conveyed under this section. The balance of the amount paid by the City would be deposited in the Department of Defense Base Closure Account 1990.

The Senate amendment contained a provision (sec. 2841) that would require the Secretary of Defense, within 60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 1996, to provide to Congress a report that would describe the disposal plans for the 477 acres of property at the former Fort Ord Military Complex.

The Senate recedes to Senate amendment, section 2841. The Senate recedes with an amendment to House bill section 2824. The amendment to section 2824 would direct the Secretary to deposit into the MWR account only those proceeds from the sale of golf courses that are required to support MWR activities in the vicinity of Fort Ord for the next five years. The amount deposited into the MWR account would not exceed the fair market value of golf courses conveyed to the City. The amendment would also require the Secretary to certify his findings on the disposition of the proceeds in a report to Congress 90 days after the date of the conveyance.

Land conveyance, Parks Reserve Forces Training Area, Dublin, California (sec. 2860)

The House bill contained a provision (sec. 2828) that would authorize the Secretary of the Army to convey to the County of Alameda, California, approximately 31 acres, with improvements, located at the Parks Reserve Forces Training Area, Dublin, California. The conveyance shall not include any oil, gas, or mineral interests of the United States, and shall be subject to the condition that the County would pay for road improvements, utility upgrades, and construction improvements at the portion of the Army Training Area retained by the Army.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Land conveyance, Army Reserve Center, Youngstown, Ohio (sec. 2861)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey to the City of Youngstown, Ohio, without consideration, a parcel of real property. The property is located at 399 Miller Street in Youngstown, Ohio, and comprises the vacant Kefurt Army Reserve Center.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Army Reserve property, Fort Sheridan, Illinois (sec. 2862)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey to a transferee, selected through a competitive process, all right, title, and interest of the United States in a parcel of real property, and improvements thereon, at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising two Army Reserve areas. As consideration, the transferee would convey to the United States a parcel of land, acceptable to the Secretary, located not more than 25 miles from Fort Sheridan and in an area having similar social and economic conditions as the area in which Fort Sheridan is located. The transferee would also be required to construct replacement facilities and infrastructure, and pay the cost of relocating the Army personnel. The Secretary of the Army would be required to ensure that the fair market value of the consideration provided by the transferee is not less than the fair market value of the real property conveyed by the Secretary.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Land conveyance, property underlying Cummins Apartment Complex, Fort Holabird, Maryland (sec. 2863)

The Senate amendment contained a provision (sec. 2830A) that would authorize the Secretary of the Army to convey to the owner of the Cummins Apartment Complex, at fair market value, six acres of real property at Fort Holabird, Maryland that underlies the Cummins Apartment Complex.

The House bill contained no similar provision.

The House recedes.

Modification of existing land conveyance, Army property, Hamilton Air Force Base, California (sec. 2864)

The House bill contained a provision (sec. 2837) that would modify section 9099(e) of the National Defense Appropriations Act for Fiscal Year 1993 (Public Law 102–396), which permitted the Secretary of the Army to sell certain parcels of property at the former Hamilton Air Force Base, California, as described in the Agreement and Modification, dated September 25, 1990, between the Department of the Defense, the General Services Administration, and the purchaser. The House provision would authorize the Secretary of the Army to convey to the City of Novato, California, any unpurchased property described in section 9099(e) of the National Defense Appropriations Act for Fiscal Year 1993 (Public Law 102–396), for use in establishing schools and park areas. Under this provision, the City would be required to provide any proceeds received from subsequent sale of the property, within the next ten years, to the Secretary of the Army.

The Senate amendment contained no similar provision.

The Senate recedes with technical amendment.

PART II—NAVY CONVEYANCES

Transfer of jurisdiction, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2865)

The House bill contained a provision (sec. 2823) that would authorize the Secretary of the Navy to transfer to the Secretary of Veterans Affairs, without reimbursement, approximately 150 acres at the Naval Weapons Industrial Reserve Plant, Calverton, New York. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2866)

The House bill contained a provision (sec. 2835) that would modify the condition of conveyance of the Naval Weapons Industrial Reserve Plant, Calverton, New York, as authorized in the Military Construction Authorization Act for Fiscal 1995 (Division B of Public Law 103–335; 108 Stat. 3061). The modification would amend the purpose of the conveyance. The provision would also strike the Department of Navy's reversionary interest in the property, and, in lieu thereof, authorize the Secretary to lease the facility to the Community Development Agency, in exchange for security, fire protection, and maintenance services, until the property is conveyed by deed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the purpose of the conveyance, as currently authorized by law.

Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2866)

The House bill contained a provision (sec. 2835) that would modify the condition of conveyance of the Naval Weapons Industrial Reserve Plant, Calverton, New York, as authorized in the Military Construction Authorization Act for Fiscal 1995 (Division B of Public

Law 103-335; 108 Stat. 3061). The modification would amend the purpose of the conveyance. The provision would also strike the Department of Navy's reversionary interest in the property, and, in lieu thereof, authorize the Secretary to lease the facility to the Community Development Agency, in exchange for security, fire protection, and maintenance services, until the property is conveyed by deed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the purpose of the conveyance, as currently authorized by law.

Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California (sec. 2867)

The House bill contained a provision (sec. 2833) that would amend section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993, (Division B of Public Law 103-160) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103-337) to authorize the Secretary of the Navy to convey to the City of Oakland, California, the Port of Oakland, California, or the City of Alameda, California, without consideration, in lieu of an existing lease, property at the Naval Supply Center, under such terms as the Secretary considers appropriate. The exact acreage of the real property that would be conveyed would be determined by a survey that is satisfactory to the Secretary, and the cost for such survey shall be borne by the recipient of the property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the City of Richmond, California as an authorized recipient of the property to be conveyed.

Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas (sec. 2868)

The House bill contained a provision (sec. 2830) that would authorize the Secretary of the Navy to convey to the City of McGregor, Texas, without consideration, all right, title, and interest of the United States in a parcel of real property, including improvements thereon, containing the Naval Weapons Industrial Reserve Plant. The conveyed property would be used for purposes of economic redevelopment. Until the real property is conveyed by deed, the Secretary would be permitted to lease the facility of the City in exchange for security, fire protection, and maintenance services. The Secretary would be authorized to convey other fixtures located on the property if such equipment can be reinstituted after the conveyance.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Naval Surface Warfare Center, Memphis, Tennessee (sec. 2869)

The Senate amendment contained a provision (sec. 2838) that would authorize the Secretary of the Navy to convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee, 26 acres of land, including a 1250 ton stiff leg derrick crane, located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, President's Island, Memphis, Tennessee. As consideration for the conveyance, the Port Commission shall grant a restrictive easement consisting of approximately 100 acres that is adjacent to the Memphis Detachment. If the value of the easement granted by the Port is less than the fair market value of the real property conveyed by the Navy, the Secretary and the Port would jointly determine the appropriate additional compensation. The Secretary would deposit any cash proceeds received as part of the transaction, into the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Navy property, Fort Sheridan, Illinois (sec. 2870)

The Senate amendment contained a provision (sec. 2842) that would authorize the Secretary of the Navy to convey to a transferee, selected through a competitive process, all right, title, and interest of the United States in a parcel of real property, and improvements thereon, at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan. As consideration, the transferee would convey to the United States a parcel of land, acceptable to the Secretary, located not more than 25 miles from the Great Lakes Naval Training Center, Illinois, and located in an area having similar social and economic conditions as the area in which Fort Sheridan is located. The transferee would also be required to: construct replacement housing, support facilities, and infrastructure; pay the cost of relocating the Navy personnel; and provide for the education of dependents in schools that meet, and would continue to meet, standards established by the Secretary of the Navy, even after the enrollment of dependents, regardless of the receipt of federal impact aid by such schools or school districts. The Secretary of the Navy would be required to ensure that the fair market value of the consideration provided by the transferee is not less than the fair market value of the real property conveyed by the Secretary.

The House bill contained no similar provision.

The House recedes with technical amendment.

Land conveyance, Naval Communications Station, Stockton, California (sec. 2871)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy, with the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, to convey to the Port of Stockton, California, all right, title, and interest in approximately 1,450 acres of real property at the Naval Communications Station, Stockton, California. The conveyance may be as a public benefit conveyance if the Port satisfies the criteria established in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484). If the Port does not satisfy such criteria, the conveyance would be for fair market value. As a condition for the conveyance, the Port would be required to agree to maintain, under current terms and conditions, existing Federal leases of property at the Station. The Secretary would be authorized to lease the property to the Port until the property is conveyed by deed.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement that the conveyance be subject to the concurrence of the Administrator of General Service and the Secretary of Housing and Urban Development. The conferees intend that the Secretary would not carry out the conveyance unless it is determined that no department or agency of the Federal Government will accept the transfer of the property.

Lease of property, Naval Air Station and Marine Corps Air Station, Miramar, California (sec. 2872)

The conferees include a new section that would authorize the Secretary of the Navy to enter into a lease agreement with the City of San Diego, California, that would provide for the City's use of land at the Naval Air Station or Marine Corps Air Station Miramar, California, as a municipal solid waste landfill, and for other purposes related to the management of solid waste. The provision would also allow the Secretary to receive in-kind consideration under the lease, and to use any rental money received to carry out environmental programs or improvement projects to enhance quality of life programs for personal stationed at the Naval Air Station or Marine Corps Air Station. This provision would provide the sole authority for entering into the described lease with the City of San Diego.

PART III—AIR FORCE CONVEYANCES

Land acquisition or exchange, Shaw Air Force Base, South Carolina (sec. 2874)

The House bill contained a provision (sec. 2822) that would authorize the Secretary of the Air Force to acquire, by means of an exchange of property, acceptance as a gift, or other means that would not require the use of appropriated funds, all right, title, and interest in a parcel of real property, with improvements, consisting of approximately 1,100 acres adjacent to Shaw Air Force Base, Sumter, South Carolina.

The Senate amendment contained an identical provision. The conference agreement includes this provision.

Land conveyance, Elmendorf Air Force Base, Alaska (sec. 2875)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Air Force to sell to a private person a parcel of real property consisting of approximately 32 acres located at Elmendorf Air Force Base, Alaska. As consideration for the sale, the purchaser would be required to provide approximate maintenance for the apartment complex located on the property to be conveyed and used by members of the armed forces and their dependents stationed at the Elmendorf Air Force Base. The cost of any surveys necessary for the sale of real property would be borne by the purchaser.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Land conveyance, Radar Bomb Scoring Site, Forsyth, Montana (sec. 2876)

The Senate amendment contained a provision (sec. 2839) that would authorize the Secretary of the Air Force to convey to the City of Forsyth, Montana, without consideration, approximately 58 acres, with improvements, comprising the support complex and recreational facilities of the former Radar Bomb Scoring Site, Forsyth, Montana. The conveyance would be subject to the condition that the City use the property for housing and recreational purposes.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Radar Bomb Scoring Site, Powell, Wyoming (sec. 2877)

The Senate amendment contained a provision (sec. 2840) that would authorize the Secretary of the Air Force to convey to the Northwest College Board of Trustees, without consideration, approximately 24 acres, with improvements, comprising the support complex, recreational areas, and housing facilities at the former Radar Bomb Scoring Site, Powell, Wyoming. The conveyance would be subject to the condition that the Board use the property conveyed for housing and recreational purposes, and for such other purposes as the Secretary and the Board jointly determine appropriate.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Avon Park Air Force Range, Florida (sec. 2878)

The House bill contained a provision (sec. 2827) that would authorize the Secretary of the Air Force to convey, without consideration, a parcel of real property, with improvements, within the boundaries of the Avon Park Air Force Range near Sebring, Florida to Highlands County, Florida. The property would be conveyed for the operation of a juvenile or other correctional facility.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle E—Land Conveyances Involving Utilities

Conveyance of resources recovery facility, Fort Dix, New Jersey (sec. 2881)

The House bill contained a provision (sec. 2841) that would authorize the Secretary of the Army to convey to Burlington County, New Jersey, a parcel of real property at Fort Dix, New Jersey, consisting of approximately two acres and containing the Fort Dix resource recovery facility.

The Senate amendment contained a similar provision.

The Senate recedes with an amendment that would increase the acreage to be conveyed to six acres and would make other technical corrections.

Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia (sec. 2882)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Army to convey to the City of Augusta, Georgia, all rights, title, and interest of the United States in several parcels of real property consisting of approximately seven acres each and containing water and wastewater treatment plants and distribution and collection systems. In consideration of the conveyance, the City of Augusta would accept the water and wastewater treatment plants and distribution and collection systems in their existing condition and provide water and sewer service to Fort Gordon, Georgia at a rate established by the appropriate State or Federal regulatory authority.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Conveyance of electricity distribution system, Fort Irwin, California (sec. 2883)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey to the Southern California Edison Company, California, all right, title, and interest of the United States in the electrical distribution system located at Fort Irwin, California. In consideration for the conveyance, the Southern California Edison Company would be required to accept the electrical distribution system in its existing condition and provide electrical service to Fort Irwin at a rate established by the appropriate State or Federal regulatory authority.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Conveyance of water treatment plant, Fort Pickett, Virginia (sec. 2884)

The Senate amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey to the Town of Blackstone, Virginia, without reimbursement, the water treatment plant located at Fort Pickett, Virginia. In exchange, the town would provide water and sewer services to Fort Pickett, at a rate negotiated by the Secretary of the Army and approved by the appropriate federal and state regulatory authorities.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of the Army to convey to the Town of Blackstone, Virginia, the water treatment plant located at Fort Pickett, Virginia. The amendment would also modify paragraph (c) by clarifying that the water rights granted to the town would be determined pursuant to the law of the Commonwealth of Virginia.

SUBTITLE F—OTHER MATTERS

Authority to use funds for certain educational purposes (sec. 2891)

The Senate amendment contained a provision (sec. 2813) that would amend section 2008 of title 10, United States Code, to authorize the Department of Defense to continue the use of appropriated funds for repair, maintenance, and construction of Department of Education school facilities located on military installations.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Department of Defense Laboratory Revitalization Demonstration Program (sec. 2892)

The Senate amendment contained a provision (sec. 2861) that would establish a test program to allow the heads of selected defense laboratories greater flexibility to undertake facility modernization initiatives. For test program laboratories, the provision would raise the minor construction threshold, from $1.5 million to $3.0 million, for projects that the Secretary of Defense may carry out without specific authorization. The provision would also raise the threshold for minor military construction projects requiring prior approval of the Secretary of Defense, from $500,000 to $1.5 million. Finally, the provision would raise, for the selected laboratories, the threshold, from $300,000 to $1.0 million, for the value of any unspecified military construction project for which operation and maintenance funds may be used.

The provision would provide for the expiration of the test authority on September 30, 2000. It would also require the Secretary of Defense to designate participating laboratories before the test may begin, establish a review procedure for each project to be funded under this section, and report to Congress on the lessons learned from the test program one year before the program is terminated.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for Port Authority of State of Mississippi to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi (sec. 2893)

The House bill contained a provision (sec. 2852) that would authorize the Secretary of the Navy to enter into an agreement with the Port Authority of the State of Mississippi to permit joint use of real property and associated improvements comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi. The requirement would be for a period not to exceed 15 years, and the Port Authority would be required to pay fair market rental value as determined by the Secretary. The Secretary could not enter into any agreement until after the end of a 21-day period beginning on the date on which the Secretary submits a report to Congress explaining the terms of the proposed agreement and describing the consideration that the Secretary would expect to receive under the agreement.

The Senate amendment contained a similar provision.

The Senate recedes.

Prohibition on joint use of Naval Air Station and Marine Corps Air Station, Miramar, California (sec. 2894)

The House bill contained a provision (sec. 2853) that would prohibit the Secretary of the Navy from entering into any agreement that would provide for the regular use of Naval Air Station, Miramar, California, by civil aircraft.

The Senate amendment contained a similar provision.

The Senate recedes with a clarifying amendment.

Report regarding Army water craft support facilities and activities (sec. 2895)

The House bill contained a provision (sec. 2854) that would require the Secretary of the Army to submit, not later than February 15, 1996, a report describing the Army's water craft support facilities and activities. The report would include actions that can be taken to close the Army Reserve Facility located in Marcus Hook, Pennsylvania.

The Senate amendment contained a similar provision.

The Senate recedes.

Residual value reports (sec. 2896)

The Senate amendment contained a provision (sec. 2864) that would require the Secretary of Defense, in coordination with the Director of the Office of Management and Budget, to submit to the congressional defense committees a status report on the results of residual value negotiations between the United States and Germany. The report would be provided within 30 days after the Office of Management and Budget receives the results of the negotiations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Sense of Congress and report regarding Fitzsimmons Army Medical Center, Colorado (sec. 2897)

The Senate amendment contained a provision (sec. 2830C) that would express the Sense of Congress that the Secretary of the military departments should consider the expedited transfer of facilities to local redevelopment authorities while the facilities are still operational. The provision would also require the Secretary of the Army to provide a report, within 180 days of enactment of the National Defense Authorization Bill for Fiscal Year 1996, on the actions taken to convey the Fitzsimmons Army Medical Center, Colorado.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that this section is intended to support current efforts to redevelop the Fitzsimmons Army Medical Center. The conferees agree that this section is not intended to circumvent the 1995 recommendations of the Defense Base Closure and Realignment Commission, or other applicable laws.

LEGISLATIVE PROVISIONS NOT ADOPTED

Land conveyance, Naval Air Station, Pensacola, Florida

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey to West Florida Developers, Inc. a parcel of unimproved real property, consisting of approximately 135 acres. As consideration for the conveyance of real property, West Florida Developers, Inc. would agree to restrict the use of all lands located within the Accident Potential Zone of Naval Air Station Pensacola, owned by West Florida Developers, Inc. The cost of any surveys necessary for the conveyance shall be borne by West Florida Developers, Inc.

The Senate amendment contained no similar provision.

The House recedes.

Expansion of authority to sell electricity

The House bill contained a provision (sec. 2851) that would amend section 2483(a) of title 10, United States Code, to expand the authority of the Department of Defense to permit the military departments to take advantage of changing electric power marketing conditions by increasing the available option to outsource for energy on military installations.

The Senate amendment contained no similar provision.

The House recedes.

Clarification of funding for environmental restoration at installations approved for closure or realignment in 1995

The Senate amendment contained a provision (sec. 2823) that would authorize the Department of Defense to fund environmental restoration at installations selected for closure by the 1995 Defense Base Closure and Realignment Commission with funds authorized for the Defense Environmental Restoration Account for fiscal year 1996. After fiscal year 1996, environmental restoration for these installations would be funded using the Defense Base Closure and Realignment Account.

The House bill contained no similar provision.

The Senate recedes.

Report on the disposal of property, Fort Ord Military Complex, California

The Senate amendment contained a provision (sec. 2841) that would require the Secretary of Defense to submit a report to the Congress describing the plans for the disposal of a parcel of real property consisting of approximately 477 acres at the former Fort Ord Military Complex.

The House bill contained no similar provision.

The Senate recedes.

Land conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota

The Senate amendment contained a provision (sec. 2845) that would authorize the Administrator of the General Services Administration to convey to the Job Development Authority of the City of Rolla, without consideration, approximately 9.77 acres of real property, comprising the former Army-owned William Langer Jewel Bearing Plant, Rolla, North Dakota. The property and facility are to be used for economic development in order to replace economic activity lost at the plant.

The House bill contained no similar provision.

The Senate recedes.

Renovation of the Pentagon Reservation

The Senate amendment contained a provision (sec. 2865) that would require the Secretary of Defense to take such actions necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1.1 billion.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that, as required by section 8149 of the Fiscal Year 1995 Department of Defense Appropriations Act (Public Law 103-335), the Secretary of Defense certified on December 19, 1994 that the total cost of the renovation would not exceed $1.2 billion. Although the department is in the fifth year of a 15 year renovation of the Pentagon, the conferees reiterate their view that this project should be executed at the lowest cost possible. Earlier this year, the Secretary of Defense appointed a steering committee to review the ongoing renovation project. The Secretary of Defense is directed to submit a report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996 on the findings of the steering committee review and on opportunities to achieve further savings.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Title XXIX—Land Conveyances involving Joliet Army Ammunition Plant, Illinois

The Senate amendment contained provisions (secs. 2851-2857) that would authorize the Secretary of the Army to transfer to the Secretary of Agriculture approximately 19,000 acres of land located at the Joliet Army Ammunition Plant to establish the Midewin Tallgrass Prairie. The provision would also authorize the Secretary of the Army to convey, without compensation, to the Secretary of Veterans Affairs, 910 acres of land at Joliet Army Ammunition Plant to establish a national cemetery.

The provision would further authorize the Secretary of the Army to convey to the County of Will, Illinois, without consideration, 425 acres of land at Joliet Army Ammunition Plant to be used for a landfill. As a part of this conveyance, the County of Will would be required to permit Federal Government use of the landfill at no cost.

The provision would also authorize the Secretary of the Army to convey, at fair market value, 1,900 acres and 1,100 acres of land located at the Joliet Army Ammunition Plant to the Village of Elwood, Illinois, and the City of Wilmington, Illinois, respectively, to establish industrial parks. All proceeds from any future sale of these parcels or portions of these parcels would be remitted to the Secretary of the Army.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the language contained in H.R. 714, an act that would establish the Midewin National Tallgrass Prairie in the State of Illinois, as passed by the House of Representatives in the 104th Congress. The House amendment would modify H.R. 714 to:

(1) make technical corrections;

(2) authorize the Secretary of the Army to transfer 982 acres of real property to the Secretary of Veterans Affairs to establish a national cemetery;

(3) authorize the Secretary of the Army to convey to Will County, Illinois, without consideration, 455 acres of real property for use as a landfill;

(4) authorize the Secretary of the Army to convey to the State of Illinois, at fair market value, 3,000 acres of real property to the State of Illinois for economic redevelopment. The State of Illinois would be required to pay the Army fair market value for the property within twenty years after the date of the conveyance;

(5) require the Governor of the State of Illinois to consult with the Mayors of the Village of Elwood, Illinois, and the City of Wilmington, Illinois, in establishing a redevelopment authority to oversee the development of the real property conveyed to the State; and

(6) clarify the responsibility of the Department of the Army, and other parties to the conveyance, for environmental remediation and restoration of the real property comprising the Joliet Army Ammunition Plant.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

OVERVIEW

The budget request for fiscal year 1996 contained an authorization of $11,178.5 million for the Department of Energy National Security Programs. The House bill would authorize $10,403.6 million. The Senate amendment would authorize $11,178.7 million. The conferees recommended an authorization of $10,618.2 million. The funding level was largely due to a reduced funding in Environmental Restoration and Waste Management. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
Weapons Activities	3,540.175	3,610.914	3,666.219	(79.861)	3,460.314
Defense Nuclear Waste Disposal	198.400	198.400	198.400	50.000	248.400
Defense Environmental Restoration and Waste Manage	6,008.002	5,265.478	5,905.955	(450.470)	5,557.532
Other Defense Activities	1,432.159	1,328.841	1,408.162	(80.183)	1,351.976
Salaries and Expenses	18.500	17.000	18.500	(1.500)	17.000
Total Defense Nuclear Activities	**11,197.236**	**10,420.633**	**11,197.236**	**(562.014)**	**10,635.222**

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
ATOMIC ENERGY DEFENSE ACTIVITIES							
WEAPONS ACTIVITIES							
A. Stockpile stewardship							
1. Core stockpile stewardship							
Operating expenses	948,548	-948,548	0	-948,548	0	-948,548	0
Capital equipment	67,355	-67,355	0	-67,355	0	-67,355	0
Subtotal	1,015,903	-1,015,903	0	-1,015,903	0	-1,015,903	0
Operations & Maintenance	0	1,098,403	1,098,403	1,305,308	1,305,308	1,078,403	1,078,403
Construction:							
GPD -101 General plant projects, various locations	12,500	-12,500	0	-12,500	0	-12,500	0
96-D-102 Stockpile stewardship facilities revitalization, phase VI, various locations	2,520	0	2,520		2,520	0	2,520
96-D-103 ATLAS, Los Alamos National laboratory	8,400	0	8,400		8,400	0	8,400
96-D-104 Process and environmental technology laboratory, SNL	1,800	0	1,800		1,800	0	1,800
96-D-105 Contained firing facility addition, LLNL	6,600	0	6,600		6,600	0	6,600
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL	9,940	0	9,940		9,940	0	9,940
94-D-102 Nuclear weapons research, development and testing facilities revitalization, phase V, VL	12,200	0	12,200		12,200	0	12,200

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
93-D-102 Nevada support facility, NV	15,650	0	15,650		15,650	0	15,650
90-D-102 Nuclear weapons research, development and testing facilities revitalization, phase III, various locations	6,200	0	6,200		6,200	0	6,200
88-D-106 Nuclear weapons research, development and testing facilities revitalization, phase II, VL	17,995	10,000	27,995	0	17,995	0	17,995
Total, Construction	93,805	-2,500	91,305	-12,500	81,305	-12,500	81,305
Total, Core stockpile stewardship	1,109,708	80,000	1,189,708	276,905	1,386,613	50,000	1,159,708
2. Inertial fusion							
Operating expenses	195,349	-195,349	0	-195,349	0	-195,349	0
Capital equipment	7,918	-7,918	0	-7,918	0	-7,918	0
Operations & Maintenance		203,267	203,267	193,267	193,267	203,267	203,267
Construction:							
96-D-111 National ignition facility, TBD	37,400	0	37,400	0	37,400	0	37,400
Total, Inertial fusion	240,667	0	240,667	-10,000	230,667	0	240,667
3. Technology transfer/education							
Operating expenses		25000	25000		0	0	0
Technology transfer	225405	-225405	0	-225405	0	-75,405	150,000
Education	20000	-20000	0	-20000	0	-10,000	10,000
Total, Operating expenses	245405	-220405	25000	-245405	0	-85,405	160000

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Capital equipment	4,000	-4,000	0	-4,000	0	-4,000	0
Total, Technology transfer/education	249,405	-224,405	25000	-249,405	0	-89,405	160,000
4. Marshall island/Dose reconstruction							
Operating expenses	6,330	-6,330	0	-6,330	0	-6,330	0
Capital equipment	470	-470	0	-470	0	-470	0
Operations and Maintenance	0	6,800	0	6,800	6800	6,800	6,800
Total, Marshall Island/Dose reconstruction	6,800	0	0	0	6,800	0	6,800
Total, Stockpile stewardship	1,606,580	-144,405	1462175	17,500	1,624,080	-39,405	1,567,175
B. Stockpile management							
Operating expenses	1,762,168	-1,762,168	0	-1,762,168	0	-1,762,168	0
Capital equipment	33,290	-33,290	0	-33,290	0	-33,290	0
Subtotal	1,795,458	-1,795,458	0	-1,795,458	0	-1,795,458	0
Operations & Maintenance	0	2,028,458	2,028,458	1,911,858	1,911,858	1,911,458	1,911,458
Construction:							
Core stockpile management							
Stockpile support facilities:							
GPD-121 General plant projects, various locations	10,000	-10,000	0	0	10,000	-10,000	0
Production Base							
88-D-122 Facilities capability assurance Program (FCAP), various locations	8,660	0	8,660	0	8,660	0	8,660
96-D-126 Tritium Loading Line Modifications,							

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah River Site, South Carolina	0	12,200	12,200	12,200	12,200	12,200	12,200
Total Production Base	18,660	2,200	20,860	12,200	30,860	2,200	20,860
Environmental, safety and health							
96-D-122 Sewage treatment quality upgrade (STQU), Pantex plant	600	0	600	0	600	0	600
96-D-123 Retrofit HVAC and chillers, for ozone protection, Y-12 plant	3,100	0	3,100	0	3,100	0	3,100
95-D-122 Sanitary sewer upgrades, Y-12 plant	6,300	0	6,300	0	6,300	0	6,300
94-D-124 Hydrogen fluoride supply system, Y-12 plant	8,700	0	8,700	0	8,700	0	8,700
94-D-125 Upgrade life safety, Kansas City plant	5,500	0	5,500	0	5,500	0	5,500
94-D-127 Emergency notification system, Pantex plant	2,000	0	2,000	0	2,000	0	2,000
94-D-128 Environmental safety and health analytical laboratory, Pantex plant	4,000	0	4,000	0	4,000	0	4,000
93-D-122 Life safety upgrades, Y-12 plant	7,200	0	7,200	0	7,200	0	7,200
Total, Environmental, safety and health	37,400	0	37,400	0	37,400	0	37,400

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Safeguards and Security							
88-D-123 Security enhancement, Pantex plant	**13,400**	**0**	**13,400**	**0**	**13,400**	**0**	**13,400**
Nuclear Weapons Incident Response							
96-D-125 Washington measurement operations facility, Andrew Air Force Base, MD	**900**	**0**	**900**	**0**	**900**	**0**	**900**
Reconfiguration							
93-D-123 Non-nuclear reconfiguration various locations	**41,065**	**0**	**41,065**	**0**	**41,065**	**0**	**41,065**
Total, Construction	111,425	2,200	113,625	12,200	123,625	2,200	113,625
Total, Stockpile management	1,906,883	235,200	2,142,083	128,600	2,035,483	118,200	2,025,083

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
C. Program Direction							
Weapons program direction - OE	136,169	-136,169	0	-136,169	0	-136,169	0
Capital equipment	1,887	-1,887	0	-1,887	0	-1,887	0
Operations & Maintenance	0	118,000	118,000	118,000	118,000	115,000	115,000
Total, Program direction	138,056	-20,056	118,000	-20,056	118,000	-23,056	115,000
Subtotal, Weapons activities	3,651,519	70,739	3,722,258	126,044	3,777,563	55,739	3,707,258
Adjustments							
Use of prior year balances	-86,344	0	-86,344	0	-86,344	-123,400	-209,744
Streamline DOE Contractors (undistributed)	-25,000	0	-25,000	0	-25,000	-12,200	-37,200
Total, Adjustments	-111,344	0	-111,344	0	-111,344	-135,600	-246,944
TOTAL, WEAPONS ACTIVITIES	3,540,175	70,739	3,610,914	126,044	3,666,219	-79,861	3,460,314

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT							
A. Corrective Activities							
Construction:							
93-D-103 Environment, safety and health improvements, weapons R&D complex, LANL	3,406	0	3,406	0	3,406	-3,406	0
Total, Corrective activities	3,406	0	3,406	0	3,406	-3,406	0
B. Environmental Restoration							
Operating Expenses	1,575,973	0	1,575,973	-25,047	1,550,926	60,000	1,635,973
C. Waste management							
Operating expenses	2,196,766	-2,196,766	0	-2,196,766	0	-2,196,766	0
Capital equipment	91,500	-91,500	0	-91,500	0	-91,500	0
Subtotal	2,288,266	-2,288,266	0	-2,288,266	0	-2,288,266	0
Operations & Maintenance	0	2,168,994	2,168,994	2,151,266	2,151,266	2,295,994	2,295,994
Construction:							
GP-D-171 General plant projects, various locations	30,728	-30,728	0	-15,000	15,728	-30,728	0
96-D-400 Replace industrial waste piping, Kansas City Plant, Kansas City, MO	200	-200	0	0	200	-200	0
96-D-401 Comprehensive treatment & management plan immobilization of miscellaneous wastes, Rocky Flats Environmental Technology Site, Golden, CO	1,400	-1,400	0	0	1,400	-1,400	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
96-D-402 Comprehensive treatment & management plan building 374/774 sludge immobilization, Rocky Flats Environmental Technology Site, Golden, CO	1,500	-1,500	0	0	1,500	-1,500	0
96-D-403 Tank farm service upgrades, Savannah River, S	3,315	-3,315	0	0	3,315	-3,315	0
96-D-405 T-Plant secondary containment & leak detection upgrades, Richland, WA	2,100	-2,100	0	0	2,100	-2,100	0
96-D-406 K-Basin operations program, Richland, WA	26,000	0	26,000	15,000	41,000	16,000	42,000
96-D-407 Mixed waste, low level waste treatement projects, Rocky Flats, CO	0	2,900	2,900	0	0	2,900	2,900
96-D-408 Waste Management upgrades/various locations	0	5,615	5,615	0	0	5,615	5,615
96-D-409 Advance mixed waste treatment facility, Idaho National Engineering Lab, Idaho	0	0	0	5,000	5,000	0	0
96-D-410 Specific manufacturing characterization facility assesment and upgrade, Idaho National Engineering Laboratory, Idaho	0	0	0	2,000	2,000	0	0
95-D-402 Install permanent electrical service, WIPP, New Mexico	4,314	0	4,314	0	4,314	0	4,314
95-D-405 Industrial landfill V and construction/							

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
demolition landfill VII, Y-12 Plant, Oak Ridge, TN	4,600	0	4,600	0	4,600	0	4,600
95-D-406 Road 5-01 reconstruction, area 5, NV	1,023	0	1,023	0	1,023	0	1,023
95-D-407 219-S Secondary containment upgrade, Richland, WA	0	0	0	0	0	1,000	1,000
94-D-400 High explosive wastewater treatment system, LANL	4,445	0	4,445	0	4,445	0	4,445
94-D-402 Liquid waste treatment system, NTS	282	0	282	0	282	0	282
94-D-404 Melton Valley storage tank capacity increase, ORNL	11,000	0	11,000	0	11,000	0	11,000
94-D-407 Initial tank retrieval systems, Richland, WA	9,400	0	9,400	0	9,400	2,600	12,000
94-D-411 Solid waste operation complex, Richland, WA	5,500	0	5,500	0	5,500	1,106	6,606
94-D-417 Intermediate-level and low-activity waste vaults, Savannah River, SC	2,704	0	2,704	0	2,704	-2,704	0
93-D-178 Building 374 liquid waste treatment facility, Rocky Flats Plant, CO	3,900	0	3,900	0	3,900	0	3,900
93-D-181 Radioactive liquid waste line replacement, Richland, WA	0	0	0	0	0	5,000	5,000

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
93-D-182 Replacement of cross-site transfer system, Richland, WA	19,795	0	19,795	0	19,795	0	19,795
93-D-183 Multi-function waste remediation facility, Richland, WA	31,000	0	31,000	0	31,000	-31,000	0
93-D-187 High level waste removal from filled waste tanks, Savannah River, SC	19,700	0	19,700	15,000	34,700	0	19,700
92-D-171 Mixed waste receiving and storage facility, LANL	1,105	0	1,105	0	1,105	0	1,105
92-D-188 Waste management ES&H, and compliance activities, various locations	1,100	0	1,100	0	1,100	0	1,100
90-D-172 Aging waste transfer line, Richland, WA	2,000	0	2,000	0	2,000	0	2,000
90-D-177 RWMC transuranic (TRU) waste characterization and storage facility, ID	1,428	0	1,428	0	1,428	0	1,428
90-D-178 TSA retrieval enclosure, ID	2,606	0	2,606	0	2,606	0	2,606
89-D-173 Tank farm ventilation upgrade, Richland, WA	800	0	800	0	800	0	800
89-D-174 Replacement high level waste evaporator, Savannah River, SC	11,500	0	11,500	0	11,500	0	11,500

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	8,885	0	8,885	0	8,885	0	8,885
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	1,000	0	1,000	0	1,000	0	1,000
Total, Construction	213,330	-30,728	182,602	22,000	235,330	-38,726	174,604
Total, Waste management	2,501,596	-150,000	2,351,596	-115,000	2,386,596	-30,998	2,470,598
D. Technology development		390,510	390,510	505,510	505,510	440,510	440,510
Operating expenses	367,587	-367,587	0	-367,587	0	-367,587	0
Capital equipment	22,923	-22,923	0	-22,923	0	-22,923	0
Construction:	0	0	0	0	0	0	0
Total, Technology development	390,510	0	390,510	115,000	505,510	50,000	440,510
E. Transportation management	0	10,158	10,158	16,158	16,158	13,158	13,158
Operating expenses	15,918	-15,918	0	-15,918	0	-15,918	0
Capital equipment	240	-240	0	-240	0	-240	0
Total, Transportation management	16,158	-6,000	10,158	0	16,158	-3,000	13,158
F. Program direction							
Operating expenses	0	0	0	0	0	0	0
Capital equipment	0	0	0	0	0	0	0
Total, Program direction	0	0	0	0	0	0	0

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
G. Nuclear materials and facilities stabilization							
Operating expenses	1,413,987	-1,413,987	0	-1,413,987	0	-1,413,987	0
Capital equipment	53,397	-53,397	0	-53,397	0	-53,397	0
Subtotal	1,467,384	-1,467,384	0	-1,467,384	0	-1,467,384	0
Operations & Maintenance	0	1,427,108	1,427,108	1,463,384	1,463,384	1,447,108	1,447,108
Construction:							
GP-D-171 General plant projects, var. locations	34,724	-34,724	0	-20,000	14,724	-34,724	0
96-D-457 Thermal treatment system, Richland, WA	0	0	0	0	0	1,000	1,000
96-D-458 Site drainage control, Mound Plant, Miamisburg, OH	885	0	885	0	885	0	885
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	1,539	0	1,539	0	1,539	0	1,539
96-D-462 Health physics instrument laboratory, Idaho National Engineering Laboratory, ID	1,126	0	1,126	0	1,126	-1,126	0
96-D-463 Central facilities area (CFA) craft shop Idaho National Engineering Laboratory, ID	724	-724	0	0	724	-724	0
96-D-464 Electrical & utility systems upgrades, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID	4,952	0	4,952	0	4,952	0	4,952
96-D-465 200 Area sanitary sewer system, Richland, W	1,800	-1,800	0	0	1,800	-1,800	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
96-D-468 Residue Elimination Project, Rocky Flats, CO	0	0	0	0	0	33,100	33,100
96-D-470 Environmental monitoring laboratory, Savannah River Site, Aiken , SC	3,500	0	3,500	0	3,500	-3,500	0
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken,SC	1,500	0	1,500	0	1,500	0	1,500
96-D-472 Plant engineering & design, Savannah River Site, Aiken, SC	4,000	-4,000	0	0	4,000	-4,000	0
96-D-474 Dry Fuel Storage Facility, INEL	0	0	0	15,000	15,000	0	0
96-D-475 High Level Waste Volume Reduction Demo (Pentaborane), INEL	0	0	0	5,000	5,000	0	0
96-D-473 Health physics site support facility, Savannah River, South Carolina	2,000	0	2,000	0	2,000	-2,000	0
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	2,900	0	2,900	0	2,900	0	2,900
95-D-156 Radio trunking system, Savannah River, SC	6,000	0	6,000	4,000	10,000	0	6,000
95-D-454 324 Facility compliance/renovation, Richland, WA	3,500	0	3,500	0	3,500	0	3,500
95-D-456 Security facilities consolidation, Idaho							

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Chemical Processing Plant, INEL, Idaho	8,382	0	8,382	0	8,382	0	8,382
94-D-122 Underground storage tanks, Rocky Flats Plant, CO	5,000	0	5,000	0	5,000	0	5,000
94-D-401 Emergency response facility, INEL, ID	5,074	0	5,074	0	5,074	0	5,074
94-D-412 300 area process sewer piping system upgrade, Richland, WA	1,000	0	1,000	0	1,000	0	1,000
94-D-415 Idaho national engineering laboratory medical facilities, INEL, ID	3,601	0	3,601	0	3,601	0	3,601
94-D-451 Infrastructure replacement, Rocky Flats Plant, CO	2,940	0	2,940	0	2,940	0	2,940
93-D-147 Domestic water system upgrade, Phase I & II, Savannah River, South Carolina	7,130	0	7,130	0	7,130	0	7,130
93-D-172 Idaho national engineering laboratory electrical upgrade, INEL, ID	124	0	124	0	124	-124	0
92-D-123 Plant fire/security alarm system replacement, Rocky Flats Plant, Golden, CO	9,560	0	9,560	0	9,560	0	9,560
92-D-125 Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, CO	7,000	0	7,000	0	7,000	0	7,000

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
92-D-181 Idaho national engineering laboratory fire and life safety improvements, INEL, ID	6,883	0	6,883	0	6,883	0	6,883
91-D-127 Criticality alarm & plant annunciation utility replacement, Rocky Flats plant, Golden, CO	2,800	0	2,800	0	2,800	0	2,800
Total, Construction	128,644	-41,248	87,396	4,000	132,644	-13,898	114,746
Total, Nuclear materials and fac. stabilization	1,596,028	-81,524	1,514,504	0	1,596,028	-34,174	1,561,854
H. Compliance and program coordination							
Operating expenses	65,551	-65,551	0	-65,551	0	-65,551	0
Capital equipment	700	-700	0	-700	0	-700	0
Subtotal	66,251	-66,251	0	-66,251	0	-66,251	0
Operations & Maintenance	0	16,251	16,251	66,251	66,251	31,251	31,251
Construction:							
95-E-600 Hazardous materials training center, Richland, Washington	15,000	0	15,000	0	15,000	0	15,000
Total, Compliance and program coordination	81,251	-50,000	31,251	0	81,251	-35,000	46,251
I. Analysis, education, and risk management		77,022	77,022	80,022	80,022	78,522	78,522
Operating expenses	155,616	-155,616	0	-155,616	0	-155,616	0
Capital equipment	1,406	-1,406	0	-1,406	0	-1,406	0
						0	
Total, Analysis, education, and risk management	157,022	-80,000	77,022	-77,000	80,022	-78,500	78,522
Subtotal, Defense environment restoration & waste mgmt	6,321,944	-367,524	5,954,420	-102,047	6,219,897	-75,078	6,246,866

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah river pension refund	-37,000	0	-37,000	0	-37,000	0	-37,000
Use of prior year balances	-276,942	-375,000	-651,942	0	-276,942	-375,392	-652,334
TOTAL, DEFENSE ENVIRONMENTAL REST. & WASTE MG	6,008,002	-742,524	5,265,478	-102,047	5,905,955	-450,470	5,557,532
A. Other national security programs							
1. Verification and control technology							
a. Nonproliferation and verification R&D	0	163,500	163,500	226,142	226,142	224,905	224,905
Operating expenses	212,642	-212,642	0	-212,642	0	-212,642	0
Capital equipment	13,500	-13,500	0	-13,500	0	-13,500	0
Total, Nonproliferation & verification R&D	226,142	-62,642	163,500	0	226,142	-1,237	224,905
b. Arms control	0	147,364	147,364	162,364	162,364	160,965	160,965
Operating expenses	138,391	-138,391	0	-138,391	0	-138,391	0
Capital equipment	23,973	-23,973	0	-23,973	0	-23,973	0
Total, Arms Control	162,364	-15,000	147,364	0	162,364	-1,399	160,965
c. Intelligence	0	42,336	42,336	42,336	42,336	42,336	42,336
Operating expenses	40,936	-40,936	0	-40,936	0	-40,936	0
Capital equipment	1,400	-1,400	0	-1,400	0	-1,400	0
Total, Intelligence	42,336	0	42,336	0	42,336	0	42,336
Total, Verification and Control Technology	430,842	-77,642	353,200	0	430,842	-2,636	428,206
2. Nuclear safeguards and security	0	83,395	83,395	83,395	83,395	83,395	83,395
Operating expenses	86,121	-86,121	0	-86,121	0	-86,121	0
Capital equipment	3,395	-3,395	0	-3,395	0	-3,395	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Total, Nuclear Safeguards and Security	89,516	-6,121	83,395	-6,121	83,395	-6,121	83,395
3. Security investigations - OE	33,247	-8,247	25,000	-8,247	25,000	-13,247	20,000
4. Security evaluations - OE	14,707	0	14,707	0	14,707	0	14,707
5. Office of Nuclear Safety	0	15,050	15,050	15,050	15,050	17,679	17,679
Operating expenses	24,629	-24,629	0	-24,629	0	-24,629	0
Capital equipment	50	-50	0	-50	0	-50	0
Total, Office of Nuclear Safety	24,679	-9,629	15,050	-9,629	15,050	-7,000	17,679
6. Worker and community transition	100,000	-25,000	75,000	0	100,000	-17,500	82,500
7. Fissile materials control and disposition	0	70,000	70,000	70,000	70,000	70,000	70,000
Operating expenses	69,500	-69,500	0	-69,500	0	-69,500	0
Capital equipment	500	-500	0	-500	0	-500	0
Total, Fissile Materials Control and Disposition	70,000	0	70,000	0	70,000	0	70,000
8. Emergency Management	0	23,321	23,321	0	0	23,321	23,321
Total, Other National Security Programs	762,991	-103,318	659,673	-23,997	738,994	-23,183	739,808
B. Naval reactors							
1. Naval reactors development	0	659,168	659,168	659,168	659,168	652,568	652,568
a. Plant development - OE	127,000	-127,000	0	-127,000	0	-127,000	0
b. Reactor development - OE	327,851	-327,851	0	-327,851	0	-327,851	0

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
c. Reactor operation and evaluation - OE	135,517	-135,517	0	-135,517	0	-135,517	0
d. Capital equipment	43,000	-43,000	0	-43,000	0	-43,000	0
e. Construction:							
GPN-101 General plant projects, various locations	6,600	-6,600	0	-6,600	0	0	6,600
95-D-200 Laboratory systems and hot cell upgrades, various locations	11,300	0	11,300	0	11,300	0	11,300
95-D-201 Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, ID	4,800	0	4,800	0	4,800	0	4,800
93-D-200 Engineering services facilities Knolls Atomic Power Laboratory, Niskayuna, NY	3,900	0	3,900	0	3,900	0	3,900
90-N-102 Expended core facility dry cell project, Naval Reactor Facility, ID	3,000	0	3,000	0	3,000	0	3,000
Total, Construction	29,600	-6,600	23,000	-6,600	23,000	0	29,600
f. Program direction - OE	19,200	-19,200	0	-19,200	0	-19,200	0
Total, Naval Reactors Development	682,168	0	682,168	0	682,168	0	682,168
2. Enrichment materials - OE	0	0	0	0	0	0	0
Total, Naval Reactors	682,168	0	682,168	0	682,168	0	682,168

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah river pension refund	0	0	0	0	0	0	0
Use of prior year balances	-13,000	0	-13,000	0	-13,000	-57,000	-70,000
Total, Adjustments	-13,000	0	-13,000	0	-13,000	-57,000	-70,000
TOTAL, OTHER DEFENSE ACTIVITIES	1,432,159	-103,318	1,328,841	-23,997	1,408,162	-80,183	1,351,976
DEFENSE NUCLEAR WASTE DISPOSAL							
Defense nuclear waste disposal	198,400	0	198,400	0	198,400	50,000	248,400
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	11,178,736	-775,103	10,403,633	0	11,178,736	-560,514	10,618,222

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

Weapons Activities (sec. 3101)

The budget request included $3.540 billion for weapons activities. The House bill contained a provision (sec. 3101) that would authorize $3.599 billion for operating expenses, plant projects, and capital equipment for activities necessary to carry out the Department of Energy stockpile stewardship and stockpile management programs.

The Senate amendment contained a provision (sec. 3101) that would authorize Department of Energy weapons activity funding for fiscal year 1996 in the amount of $3.654 billion.

The conferees agree to authorize $3.460 billion for weapons activities, a reduction of $80.0 million from the requested amount. This overall net reduction is the result of a $55.7 million increase to the requested amount for all authorized weapons activities, combined with $135.6 million in adjustment reductions. The adjustment reductions are primarily based on larger amounts of prior year balances than those proposed in the Department of Energy (DOE) budget request. The $55.7 million increase in weapons activities is necessary to fund the requirements levied on the DOE as a result of the Nuclear Posture Review. The increase is required for two major reasons: to fund a modern stockpile refabrication capacity sized to the requirements of the Nuclear Posture Review and to fund a means to assure confidence in stockpile reliability and safety without full-scale, underground nuclear testing. The increase is also appropriate given the historic downward trend in funding for weapons activities (75% from fiscal year 1985 to fiscal year 1995).

The conferees remain concerned about the near-term viability of U.S. strategic deterrence, particularly if the United States refrains from remanufacturing the weapons in the nuclear stockpile with the most efficient fabrication techniques. In relation to the needs of nuclear weapons refabrication and recertification, the conferees recommend that the DOE laboratories and plants enter into appropriate industrial partnerships of mutual benefit.

The budget request included $1.016 billion for core stockpile stewardship. The conferees agree to authorize $1.078 billion for core stockpile stewardship. The conferees authorize the use of stockpile stewardship funds, as follows: (1) accelerated strategic computing initiative, $40.0 million; (2) hydronuclear experiment preparation, $30.0 million; (3) dual revalidation, $10.0 million.

Of the $150.0 million authorized for a redirected technology transfer program, the conferees recommend the following amounts: (1) advanced design & production technology (ADAPT), $20.0 million; (2) AMTEX, $10.0 million; (3) enhanced stockpile surveillance, $20.0 million; (4) industrial partnerships in direct support of stockpile stewardship program, $25.0 million; (5) industrial partnerships in direct support of stockpile management program, $25.0 million; (6) completion of highest priority CRADA's that remain from fiscal year 1995, $50.0 million.

The budget request included $1.907 billion for the stockpile management program. The conferees agree to authorize $2.025 billion for the stockpile management program. The conferees authorize the following: (1) manufacturing infrastructure/technology modernization at the four production plants, $143.0 million; (2) fellowship program (four plants), $10.0 million; (3) radiological/nuclear accident response, $70.9 million; (4) tritium source, $50.0 million.

The conferees agree to authorize an additional $118.2 million for stockpile management activities. The increase is necessary to remedy weapons refabrication planning deficiencies identified at the DOE production complex. These remedies are required to begin meeting the objectives of the Nuclear Posture Review.

The conferees recommend that in following fiscal years the Department request the full amount required to meet Department of Defense and programmatic requirements for weapons activities. The conferees find that the DOE Five Year National Security Budget Plan, which assigns major, arbitrary, outyear budget cuts to weapons activities, and to other critical programs within Atomic Energy Defense Activities, does not adequately address the budget requirements necessary to implement the Nuclear Posture Review.

Environmental restoration and waste management (sec. 3102)

The budget request included $6.008 billion for environmental restoration and waste management.

The House bill contained a provision (sec. 3102) that would authorize $5.265 billion for operating expenses, plant projects, and capital equipment for defense environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3102) that would authorize $5.906 billion.

The conferees authorized $5.557 billion for defense environmental restoration and waste management activities, a reduction of $451.0 million from the request. The reduction would be partially offset by the availability of prior year funds that have not been obligated, or if obligated, have not been expended and would not be needed for the projects that were the basis for obligation.

The conferees support the recent Department of Energy strategic realignment initiatives, taken in connection with the Department's headquarters functions, to include the consolidation of space, the elimination of duplication between field and headquarters activities, and the reduction of headquarters support service contractors. The conferees direct that funding cuts, to the maximum extent possible, continue to be absorbed through reduction of headquarters personnel and activities. With limited budgets, it is critical that every available dollar be used for actual cleanup activities in the field and that the Department continue its efforts to reduce bureaucratic layers and organizational redundancies at headquarters.

The conferees understand that the Department has employed support service contractors to perform inherently governmental or core governmental functions at the headquarters level. The conferees direct the Department to discontinue that practice and to transfer savings to filed operations. The conferees recognize that in some cases it may be more cost effective to seek outside technical expertise rather than employ permanent government personnel.

the conferees authorize an additional $60.0 million above the budget request in the environmental restoration sub-account to initiate an accelerated cleanup program at sites where such action could result in long-term cost savings to the Department. The conferees intend for the Department to carefully evaluate opportunities for such savings at all Department of Energy sites. Guidelines for selection of sites that are eligible for accelerated cleanup are discussed elsewhere in this report.

The conferees are particularly concerned about the projected use of several Department of Energy facilities for additional responsibilities with respect to the processing, treatment, and interim storage of foreign and domestic source spent fuel rods. Therefore, the conferees direct, elsewhere in this statement of managers, the initiation of several projects to mitigate these effects. The conferees also direct the initiation of the preconstruction design and engineering for dry storage and advanced mixed waste treatment facilities at the Idaho National Engineering Laboratory. In this regard, the conferees agree to authorize additional funding for the spent nuclear fuels canister storage and stabilization facility at Hanford, Washington.

Prior to, and during conference, the Department submitted to the Congress several separate amendments (additions and deletions) to the list of projects included in the original budget request. Consistent with the amended budget submission, the conferees agree to provide additional funding for certain projects and to delete a number of other projects. Given the lead times associated with budget preparation, the conferees recognize that it is difficult to accurately project the status or requirements for every activity. However, the conferees encourage the Department to refrain from submitting multiple amendments to budget requests during conference.

In an effort to track carryover balances, the conferees direct the Department to submit a report to the congressional defense committees, contemporaneous with the fiscal year 1997 budget request. The report should contain the following: (1) an end of current fiscal year projection of uncosted and unobligated carryover balances; (2) target end of current fiscal year carryover balances, by program, based on a model of the minimum amount necessary for program operations and continuity; (3) a comparison of the differences between the projected and target carryover balances, by program; (4) a justification for the difference between the projected and targeted carryover balances; and (5) the amount of unjustified carryover balances, based on the calculation in (2). The conferees direct the Department to report the carryover balances within the Environmental Restoration and Waste Management Program, and those balances across all Atomic Energy Defense Activities accounts. The conferees believe that unjustified carryover balances should be applied to reduce the Department's budget request for the next fiscal year.

Other Defense Activities (sec. 3103)

The budget request included $1.432 billion for Other Defense Activities of the Department of Energy (DOE) for fiscal year 1996. The House bill contained a provision (sec. 3104) that would authorize $1.329 billion for Other Defense Activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $1.408 billion for this group of programs, a decrease of $24.0 million below the requested amount.

The conferees agree to authorize $1.352 billion for these programs.

The conferees also direct that the five-year plans for the following activities be provided, not later than January 15, 1996, to the congressional defense committees: security investigations; nuclear safeguards and security; nuclear safety; worker and community transition; fissile materials disposition; naval reactors; nonproliferation; and arms control.

Naval Reactors

The conferees urge the Naval Reactors Program to maintain the high health and safety standards that have resulted in both an unprecedented record of safe operation and have become the standard for safe nuclear power operations around the world. The conferees also support the program's continued use of the Advanced Test Reactor (ATR). This facility is completely unique in the United States and is essential to the continuation of the advanced materials subprogram. This subprogram provides experimental data that is the basis for both present safety standards and future power plant designs.

Other National Security Programs

Nuclear Safeguards and Security

The conferees believe that the Secretary of Energy should carefully balance investment within the sub-programs of the Nuclear Safeguards and Security Program to safeguard Department of Energy nuclear weapons, nuclear materials, and facilities against theft, sabotage, and terrorist activity. Such a balanced approach should remain the highest priority of the program. The conferees authorize additional funding for declassification activities elsewhere in this statement of managers, but this should not be construed as an indication that the Congress in any way is indifferent to the protection of these DOE properties. In view of the growing severity of domestic and international terrorism, the conferees urge the DOE to take increased steps to safeguard the weapons grade material and weapons under its control.

Office of Security Investigations

As a result of recent major incidents of domestic and international terrorism, the conferees believe that the Office of Security Investigations should determine the need for more frequent reinvestigations of individuals with actual access to weapons grade material. The conferees direct that the Secretary provide the congressional defense committees with a description of the determination rendered, not later than March 30, 1996. The Secretarial submission should include the Department's recommendations and the rationale for the determination. The conferees also recommend a more detailed treatment of any new initiatives and emphases in the fiscal year 1997 budget submission.

Office of Security Evaluations

The conferees believe that the Office of Security Evaluations should reevaluate its present policies, and evaluate and develop new policies and actions, if required, to improve the effectiveness of its program. The conferees direct that the Secretary provide an explanation of the results of this reevaluation to the appropriate congressional defense committees, not later than March 30, 1996. The conferees also recommend a more detailed treatment of the results of its policies in the fiscal year 1997 budget submission.

Office of Nuclear Safety

The conferees believe that the Office of Nuclear Safety should implement the program with an overall cost/benefit analysis applied as a major consideration. That approach would ensure that available resources would be used in a fiscally responsible manner, and provide reductions in significant risks to employees. Resources should not be used to fund marginal improvements that provide minimal safety benefits. The conferees direct the Secretary to implement cost/benefit performance as a criterion for the Office of Nuclear Safety.

Workers and Community Transition

The conferees direct the Worker and Community Transition program to provide more detailed information on the effectiveness of its activities, through the end of fiscal year 1995, in the fiscal year 1997 budget request.

Fissile Materials Control and Disposition

The conferees are concerned that the Fissile Materials Control and Disposition Program does not have a wide range of technology and cost effectiveness assessments in its programmatic environmental impact statement (PEIS). Specific direction is provided in this Act to consider a variety of nuclear reactors in this regard. The committees of jurisdiction intend to explore these issues in greater depth with the Department of Energy during future congressional hearings.

Emergency Response

The conferees direct that the funds for the Office of Emergency Response, within the Office of Non-proliferation and National Security, shall be allocated within the Other Defense Programs category, not from within any other part of the Atomic Energy Defense Activities. The conferees further direct that in fiscal year 1997, and subsequent fiscal years, the funding requested for Atomic Energy Defense Activities Program Direction should be allocated separately within each of the four top level categories of that account, and not aggregated within one such category, as was done in the fiscal year 1996 budget request.

Nonproliferation and verification research and development and arms control

The budget request included $226.1 million for nonproliferation and verification research and development, and $162.3 million for arms control.

The House bill would authorize $163.5 million for nonproliferation and verification research and development, a $62.6 million reduction to the budget request; and $147.4 million for arms control, a $14.9 million reduction to the budget request.

The Senate amendment would authorize the budget request.

The conferees authorize $224.9 million for nonproliferation and verification research and development, consistent with the amended budget request from the Department of Energy, and $161.0 million for arms control.

Due to the increase in international terrorism and attempts to acquire weapons grade nuclear materials by criminal organizations, the conferees authorize $3.0 million be available from nonproliferation and verification research and development for the development of forensics capability to detect and track shipments abroad. Further, the conferees direct the Secretary of Energy to broaden involvement in this area to include the entire Department of Energy weapons complex, including the Savannah River Site, Pacific Northwest Laboratory, Idaho National Engineering Laboratory, and industry.

The conferees direct the Secretary of Energy to submit a five-year nonproliferation research and development program plan to Congress by March 30, 1996. The plan shall include a program strategy, description of the program and project objectives, deliverables, and milestones for each project within the program. The plan shall also identify the specific organization customers for each project and subprogram.

The conferees concur with recommendations in the Senate report (S. Rept. 104–112) that the Department of Energy, in coordination with the International Atomic Energy Agency (IAEA), should conduct a study on nuclear reactor safety issues in the Ukraine and report, with recommendations, to Congress on the safety issues that need to be addressed. The conferees direct that the report be broadened to include nuclear reactors in Russia. However, the conferees agree that funding to conduct a study on nuclear reactor safety study in Ukraine and Russia would more appropriately be funded in the international affairs budget and the civilian nuclear reactor portion of the energy budget and the civilian nuclear reactor portion of the energy budget, and therefore, no funds are authorized to conduct this study from nonproliferation and verification research and development or any other Atomic Energy Defense Activities account.

Defense nuclear waste disposal (sec. 3104)

The budget request included $198.4 million for defense nuclear waste disposal activities of the Department of Energy for fiscal year 1996.

The House bill contained a provision (sec. 3105) that would authorize $198.4 million for this purpose.

The Senate amendment contained an identical provision.

The conference agreement includes a provision that would authorize $248.4 million for defense nuclear waste disposal activities of the Department of Energy for fiscal year 1996.

Subtitle B—Recurring General Provisions

Reprogramming (sec. 3121)

The House bill contained a provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 110 percent of the amount authorized for the program concerned, or in excess of $1.0 million above the amount authorized for the program unless the Secretary of Energy notifies the congressional defense committees and a period of 30 days has elapsed subsequent to the receipt of notification. Should the Department demonstrate that it has improved its procedures for handling reprogramming requests, the Armed Services Committee of the Senate and the National Security Committee of the House would consider a return to a more flexible reprogramming process.

The Senate amendment contained a similar provision.

The Senate recedes.

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would limit the initiation of "general plant projects" authorized by the bill if the current estimated cost for any project exceeds $2.0 million. However, the provision would require the Secretary of Energy to provide the congressional defense committees with notification and an explanation for a general plant project cost variation that raises the cost of any project above $2.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

Limits on construction projects (sec. 3123)

The House bill contained a provision (sec. 3123) that would permit initiation and continuation of a Department of Energy construction project if the estimated cost for the project does not exceed 125 percent of the higher of: (1) the funds authorized for the project; or (2) the most recent total estimated cost presented to the Congress as justification for such project. The Secretary of

Energy would submit a detailed report to the congressional defense committees for any project that exceeds such limits, and the report would be submitted within the 30 legislative days following a decision to initiate or continue such a project.

The House provision would also specify that the 125 percent limitation would not apply to any project with an estimated cost below $5.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

Fund transfer authority (sec. 3124)

The Senate amendment contained a provision (sec. 3124) that would authorize the transfer of Department of Energy funds to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit another agency to merge the transferred funds with that agency's authorized and appropriated funds.

The provision would also authorize the Department to transfer funds internally among its appropriations accounts, up to a limit of five percent of the authorized amount.

The House bill contained a similar provision.

The House recedes with an amendment that would stipulate that, for any such internal transfers or reprogrammings pursuant to this section, weapons activities shall be regarded by the Department as having higher priority than environmental management activities or other defense activities.

Authority for conceptual and construction design (sec. 3125)

The House bill contained a provision (sec. 3125) that would limit the Secretary of Energy's authority to request construction funding until the Secretary has certified a conceptual design. If the cost of the conceptual design exceeds $3.0 million, the Secretary must request the amount from Congress before submitting a request for the construction project. The Secretary may carry out construction design services if their cost is less than $0.6 million. Greater costs for construction design would be required to be authorized by law.

The Senate amendment contained a similar provision.

The Senate recedes.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would permit the Secretary of Energy to utilize available funds to perform planning and design for any unauthorized Department of Energy national security program construction project based on the Secretary's determination that the design must proceed expeditiously for the protection of public health, safety, and property, or to meet the needs of the national defense.

The Senate amendment contained a similar provision (sec. 3126).

The Senate recedes.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The House bill contained a provision (sec. 3127) that would authorize amounts appropriated for management and support activities and for general plant projects to be made available for use, when necessary, in connection with all national security programs of the Department of Energy.

The Senate amendment contained a similar provision.

The Senate recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses or for plant and capital equipment to remain available until expended.

The Senate amendment contained a similar provision.

The Senate recedes.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Authority to conduct a program relating to fissile materials (sec. 3131)

The House bill contained a provision (sec. 3131) that would authorize the Secretary of Energy to conduct a program to improve fissile material protection, control, and accountability in Russia. The provision would also require notification to the Congress prior to obligation of funds.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would authorize the Secretary of Energy to conduct a program to improve fissile material protection, control, and accountability in Russia. The provision would also require the Secretary to provide a semi-annual report to Congress on the obligation of funds for the preceding six month period and on the plans for obligation of those funds.

The conferees direct that each report shall include the following: a forecast of planned expenditures, broken out by major program elements and program achievements; and a description of procedures to ensure that funds are used for the purposes and activities for which they were authorized. The report shall be submitted in classified and unclassified forms.

National Ignition Facility (sec. 3132)

The House bill contained a provision (sec. 3132) that would limit the expenditure of funds appropriated for the National Ignition Facility (NIF) until the Secretary of Energy determines that the NIF does not impede U.S. nuclear non-proliferation objectives and then notifies the Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the expenditure of construction funds for the NIF until the Secretary makes the determination and notifies the Congress.

Tritium Production Program (sec. 3133)

The House bill contained a provision (sec. 3133(a)) that would authorize $50.0 million, for a project that would provide a long-term source of tritium, subsequent to the Secretary of Energy's completion of a record of decision on the tritium production program and the conclusion of congressional hearings.

The Senate amendment contained a provision (sec. 3131) that would authorize $50.0 million to conduct an assessment of various types of reactors and an accelerator. The provision would ensure that any new tritium production facility would be located at the Savannah River Site. It would also authorize $5.0 million from weapons activity funds for tritium target work in reactors.

The Senate recedes with an amendment that would provide for: $50.0 million to establish a program to provide a tritium production source; $5.0 million for tritium target work to be administered by the Idaho National Engineering Laboratory; a new tritium facility at the Savannah River Site; the Secretary's cost/benefit comparison between performance of the tritium production mission and the fissile materials disposition mission with a single multi-purpose reactor project and performance of these missions with two separate projects; and a long-term tritium production funding plan to Congress within 45 days of enactment of this Act.

The conferees direct the Secretary of Energy to establish both headquarters and field offices for the national tritium production program within Defense Programs. The conferees direct that these offices be adequately staffed by Federal technical experts in accelerators, reactors, and other relevant areas of science and technology. The conferees further direct that the Savannah River Operations Office be designated as the tritium production field office.

Payment of penalties assessed against Rocky Flats site (sec. 3134)

The House bill contained a provision (sec. 3103) that would authorize the Secretary of Energy to pay for civil penalties assessed in accordance with a federal facility agreement and consent order against the Rocky Flats site in Colorado.

The Senate amendment contained a similar provision (sec. 3105).

The Senate recedes.

As indicated in the Senate report (S. Rept. 104–112), the conferees are concerned about the diversion of Department of Energy funds for payment of fines and penalties. The conferees agree that this is an issue that warrants continued monitoring.

Fissile materials disposition (sec. 3135)

The budget request included $70.0 million for the fissile materials disposition program.

The Senate amendment contained a provision (sec. 3132) that would authorize $70.0 million for the storage and disposition of fissile materials that are excess to U.S. national security needs. Of this amount, $10.0 million would be available for a plutonium resource assessment.

The House bill contained a provision (sec. 3133(b)) that would authorize $70.0 million for plutonium storage and disposition, including the multipurpose advanced light water reactor. Of that amount, $5.0 million would be available for evaluating the conversion of plutonium to oxide fuel material for the multipurpose reactor. Sufficient funds would also be made available to fully assess the multipurpose reactor in the Department of Energy's (DOE's) programmatic environmental impact statement on fissile materials disposition.

The Senate recedes with an amendment.

The conferees authorize $70.0 million be made available for evaluation and implementation of interim- and long-term storage and disposition of plutonium, highly enriched uranium, and other fissile materials that are excess to the national security needs of the U.S. The conferees direct that the evaluation include full consideration of light water and gas turbine reactors. The conferees further direct that sufficient funds be made available for the complete consideration of multipurpose reactors in the DOE programmatic environmental impact statement on fissile materials disposition. The conferees endorse the views expressed in the House Report (H. Rept. 104–131) regarding the National Resource Center for Plutonium.

Tritium recycling (sec. 3136)

The Senate amendment contained a provision (sec. 3133) that would require Department of Energy weapons program tritium recycling to be carried out at the Savannah River Site. The Senate provision would allow the Los Alamos National Laboratory to conduct the following activities related to tritium: (1) research on tritium properties; (2)

inertial confinement fusion tritium research; (3) technical assistance for the Savannah River Site regarding the weapons surveillance program, as directed by the Savannah River Site Office. Except as noted above, the Savannah River Site Office and its on-site contractor would be responsible for all tritium-related national security activities of the U.S. Department of Energy.

The House bill contained no similar provision.

The House recedes.

Manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile (sec. 3137)

The Senate amendment included a provision (sec. 3134) that would authorize $143.0 million to carry out a program to meet the manufacturing infrastructure requirements of the President's Nuclear Posture Review through near-term modernization of technology at the four production plants cited in this section.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees require that this initiative provide for enhanced stockpile surveillance, advanced manufacturing, and core stockpile management activities at these plants. This requirement includes fundamental initiatives in advanced manufacturing, and additional emphasis on advanced computerized manufacturing and revalidation techniques at these plants. The conferees direct the Secretary of Energy to ensure that requirements for primary pit refabrication are addressed in the on-going Programmatic Environmental Impact Statement (PEIS) on Stockpile Stewardship and Management. Should it be determined, based on the PEIS, that there is a need for such a capacity, the conferees require the Secretary to undertake a conceptual design study of an appropriately sized weapon primary pit refabrication, manufacturing and reuse facility and to consider the Savannah River Site for that role. Up to $5.0 million would be available for this study from the stockpile management program resources.

The conferees direct the Secretary to treat this initiative as a high weapons activity program priority with new budget authority. Further, the conferees authorize $118.2 million above the DOE Stockpile Management budget request to pursue this initiative in fiscal year 1996 at the four production plants, without an impact on the current planned program activities at these plants. The conferees further direct that the remaining $24.8 million required for this initiative be made available from core stockpile management, reconfiguration and materials surveillance funds. The conferees recommend that the rate of expenditure for this initiative at each plant be proportionate to the plant's allocation of the entire initiative.

Hydronuclear experiments (sec. 3138)

The Senate amendment contained a provision (sec. 3135) that would authorize $50.0 million in fiscal year 1996 to prepare the Nevada Test Site for hydronuclear experiments that would yield four pounds (TNT equivalent) or less. The experiments would be conducted to maintain confidence in the safety and reliability of the nuclear weapons stockpile. Zero yield experiments could be included in the fiscal year 1996 experiments as part of the test site preparation.

The House bill contained no similar provision.

The House recedes with an amendment providing $30.0 million for such purposes.

Limitation on authority to conduct hydronculear tests (sec. 3139)

The Senate amendment contained a provision (sec. 3108) that would limit this Act by confirming that nothing in this Act authorizes hydronuclear tests and that nothing in this Act amends or repeals the Exon-Hatfield Amendment (section 507 of Public Law 102-377) which places limitations on U.S. nuclear testing.

The House bill contained no similar provision.

The House recedes with an amendment.

Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex (sec. 3140)

The Senate amendment contained a provision (sec. 3136) that would provide $10.0 million from Stockpile Management funds to begin a science and engineering fellowship program for the Pantex Plant, the Kansas City Plant, the Savannah River Site and the Y-12 Plant. The program would provide educational and research assistance to attract scientists and engineers with the skills most relevant to plant employment opportunities and mission requirements.

The House bill contained no similar provision.

The House recedes.

Limitation on use of funds for certain research and development purposes (sec. 3141)

The Senate amendment contained a provision (sec. 3138) that would limit the obligation of fiscal year 1996 Atomic Energy Defense Activity funds for the Department of Energy laboratory directed research and development (LDRD) program and the Department of Energy technology transfer programs, unless such activities support the national security missions of the Department.

The House bill contained no similar provision.

The House recedes.

The conferees believe the scientific and engineering challenges embodied in the emerging stockpile stewardship and stockpile management programs are more than sufficient to maintain the laboratories' preeminence in science and engineering. Therefore, the laboratories should expeditiously begin to focus the program resources on the pressing needs of the nuclear weapons program.

Processing and treatment of high level nuclear waste and spent nuclear fuel rods (sec. 3142)

The Senate amendment contained a provision (sec. 3139) that would recommend $2.5 million for the electrometallurgical processing activities at the Idaho National Engineering Laboratory. This amendment would also recommend $45.0 million to develop technologies for the processing of spent fuel rods at the Savannah River Site and at the Idaho National Engineering Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $45.0 million for the development of a program to respond effectively to the new management requirements for spent fuel. These new requirements are the result of a decision set forth in the Department of Energy's Record of Decision, dated May 30, 1995, prepared in relation to the Department's spent nuclear fuel management program. That decision provided for the consolidation at the Savannah River Site and at the Idaho National Engineering Laboratory of spent nuclear fuel that has been transported from various sites in the United States, spent fuel from naval reactors, and spent fuel from foreign reactors. The conferees authorize $30.0 million for the Savannah River Site for the development of a program for the processing and interim storage of aluminum clad spent fuel rods and foreign spent fuel rods. The conferees authorize $15.0 million for the Idaho National Engineering Laboratory for a similar program for nonaluminum clad spent fuel rods, foreign spent fuel rods, and naval spent fuel. The conferees require the Secretary of Energy to submit to Congress a detailed five-year implementation plan that would provide cost estimates, completion dates, and technological requirements for completion of the program.

The conferees also authorize, from technology development program funds within Environmental Restoration and Waste Management, $25.0 million for the development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

Protection of workers at nuclear weapons facilities (sec. 3143)

The Senate amendment contained a provision (sec. 3142) that would authorize $10.0 million from the operations and maintenance resources of the Environmental Restoration and Waste Management Program to carry out activities related to worker protection at nuclear weapons facilities.

The House bill contained no similar provision.

The House recedes.

Department of Energy declassification productivity initiative (sec. 3144)

The budget request did not identify funding for the Declassification Productivity Initiative that began in fiscal year 1995.

The Senate amendment contained a provision (sec. 3140) that would authorize $3.0 million from other national security programs for the Declassification Productivity Initiative (DPI) at the Department of Energy.

The House bill contained no similar provision.

The House recedes.

The conferees note that Executive Order 12958, signed by the President on April 9, 1995, mandates that millions of classified documents be declassified by the year 2000. While it remains paramount that the Department maintain the integrity of its national security information, the conferees agree that substantial savings can be realized by reducing the volumes of unduly classified documents, and by modifying unnecessary and overly-burdensome classification policies. The conferees authorize $3.0 million for the DPI and recommend that the Department request appropriate funding for the initiative in future budget submissions.

Subtitle D—Other Matters

Report on foreign tritium purchases (sec. 3151)

The House bill contained a provision (sec. 3141) that would require the President to submit a report to Congress by February, 1996, on the feasibility, cost, and ramifications of purchasing tritium for the nuclear weapons program from foreign suppliers.

The Senate amendment contained a similar provision (sec. 3163) that would require the President to submit the same report to the congressional defense committees by May 30, 1997.

The Senate recedes with an amendment that would require the report by May 1, 1996.

Study on nuclear test readiness postures (sec. 3152)

The House bill contained a provision (sec. 3142) that would require the Secretary of Energy to submit a report to Congress by February 15, 1996. The report would address cost and other issues related to the Department of Energy's capability to conduct underground nuclear testing within 6 months, 18 months, and 36 months from the date that the President determines that such testing is necessary to ensure the national security of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Master plan for the certification, stewardship, and management of warheads in the nuclear weapons stockpile (sec. 3153)

The House bill contained a provision (sec. 3143) that would require the Secretary of Defense, in consultation with the Secretary of Energy, to submit a plan to Congress that would describe in detail the proposed means of demonstrating the capability to refabricate and certify old warheads and to design and build new warheads. The provision would require submission of the report not later than March 15, 1996.

The Senate amendment contained a provision (sec. 3165) that would require the Secretary of Energy to produce, by March 15, 1996, and every year thereafter, a plan for maintaining the enduring nuclear weapons stockpile. That plan would involve at least six specific elements, to include a plan for the manufacturing infrastructure, necessary to maintain the nuclear weapons stockpile stewardship and management programs.

The House recedes with an amendment that would explicitly incorporate the requirements of the House provision into the manufacturing infrastructure requirements section of the Senate provision. Both sets of requirements are based on the Department of Energy infrastructure requirements section of the Nuclear Posture Review.

Prohibition on international inspections of Department of Energy facilities unless protection of restricted data is certified (sec. 3154)

The House bill included a provision (sec. 3144) that would prohibit international inspections of Department of Energy facilities unless the Secretary of Energy certifies that sensitive and/or restricted data has been adequately safeguarded.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would prohibit an inspection of a nuclear weapons facility by the International Atomic Energy Agency (IAEA) until the Secretary of Energy certifies to Congress that no restricted data would be revealed during the inspection.

The conferees direct the Secretary to ensure that the certification to Congress is made prior to the inspection. If the Secretary of Energy cannot provide certification in advance of an inspection because of a short-notice (24-hour) request, the Secretary shall provide certification no later than seven days after the inspection has been conducted. The certification shall also describe the steps taken by the Secretary to ensure the protection of the restricted data during the inspection.

Review of certain documents before declassification and release (sec. 3155)

The conference agreement includes this provision to strongly urge the President to immediately review and revise Executive Order 12958, which provides for the automatic declassification and public release of documents containing National Security Information within five years, regardless of prior review. Included under this order are Department of Energy documents that potentially contain restricted data on nuclear weapons design, production and testing, and Department of Defense documents that potentially contain information on nuclear weapons operations and support. Automatic declassification thereby creates the risk of releasing nuclear weapons information to potential proliferators. This would constitute a grave risk to U.S. national security and to non-proliferation efforts.

The conferees believe that the automatic declassification of national security records that contain restricted data would constitute a violation of the legal protections for restricted data, mandated by the Atomic Energy Act of 1954, as amended. The conferees recognize that the Executive Order provides an exemption for the automatic declassification of restricted data. However, the conferees are concerned that some classified documents may contain restricted data information without reflecting that fact on the classification records. Therefore, there is no practical means to ensure the protection of restricted data and apply an automatic declassification system.

Acclerated schedule for environmental management activities (sec. 3156)

The House bill contained a provision (sec. 3145) that would permit the Secretary of Energy to accelerate the schedule for environmental management activities and projects for any specific Department of Energy defense nuclear facility site, if such efforts would yield substantial long-term cost savings and speed up the release of land for development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The amended provision would require the Secretary of Energy to submit a report to Congress by May 1, 1996 regarding site selection for the accelerated program.

Sense of Congress on certain environmental restoration requirements (sec. 3157)

The Senate amendment contained a provision (sec. 3107) that would express the sense of Congress that individuals in the executive branch should not be held personally liable for failure to comply with an environmental cleanup requirement when the failure to comply is due to congressional appropriations decisions.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that no individual acting within the scope of employment with a Federal agency or department should be personally subject to civil or criminal sanctions for any failure to comply with an environmental cleanup requirement that is the result of inadequate funding.

Responsibility for defense programs emergency response program (sec. 3158)

The Senate amendment contained a provision (sec. 3161) that would require the Assistant Secretary of Energy for Defense Programs to retain the responsibility for the Defense Programs Radiological/Nuclear Accident Response Program. That program includes the seven emergency response assets needed to carry out the mission: the Aerial Measuring System; the Atmospheric Release Advisory Capability; the Accident Response Group; the Federal Radiological Monitoring and Assessment Center; the Nuclear Emergency Search Team; the Radiological Assistance Program; and the Radiation Emergency Assistance Center/Training Site.

The House bill contained no similar provision.

The House recedes.

Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1996 (sec. 3159)

The Senate amendment contained a provision (sec. 3162) that would require the Department of Energy (DOE) to remedy past and present items of congressional criticism related to the clarity of the Department's budget submission. The Senate provision would require the Department to explicitly relate its budget submission to the requirements of the Nuclear Posture Review.

The House bill contained no similar provision.

The House recedes.

Report on hydronuclear testing (sec. 3160)

The Senate amendment contained a provision (sec. 3164) that would require the Secretary of Energy to direct the Los Alamos and Lawrence Livermore National Laboratories to prepare a report that would assess the advantages and disadvantages of permitting alternative limits for nuclear test yields, from at least four pounds to 20 tons, as related to the safety and reliability of the nuclear weapons stockpile. In addition to the yields explicitly cited, the report would address other yields, as appropriate, but would remain focused on the advantages and disadvantages of sub-kiloton testing, as related to stockpile safety and reliability.

The House bill contained no similar provision.

The House recedes with an amendment that adjusts the nuclear test yields of interest.

Applicability of Atomic Energy Community Act of 1955 to Los Alamos, New Mexico (sec. 3161)

The Senate amendment contained a provision (sec. 3166) that would amend and specify certain requirements of the Atomic Energy Community Act of 1955 for the community of Los Alamos, New Mexico.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding shipments of spent nuclear fuel (sec. 3162)

The Senate amendment contained a provision (sec. 3167) that would express a sense of the Senate that the Secretary of Defense, the Secretary of Energy, and the Governor of the State of Idaho should continue good faith negotiations for the purpose of reaching an agreement on the issue of shipments of spent nuclear fuel from naval reactors.

The House bill included no similar provision.

The House recedes with an amendment that would express the sense of Congress that: (1) the Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement reached between the United States and the State of Idaho regarding shipment, examination, and storage of naval spent nuclear fuel at Idaho; and (2) that funds requested by the President to carry out the settlement agreement and consent order should be appropriated for that purpose.

LEGISLATIVE PROVISIONS NOT ADOPTED

Education program for personnel critical to the nuclear weapons complex

The Senate amendment contained a provision (sec. 3137) that would authorize $10.0 million from the Stockpile Stewardship Program to conduct an education program designed to establish a long-term supply of personnel with skills critical to the nuclear weapons complex. The program would: (1) encourage and assist students in the study of science, mathematics, and engineering; (2) enhance teaching skills in critical areas; and (3) increase scientific understanding of the general public.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize $10.0 million from the Stockpile Stewardship Program. The conferees note that because existing legislation authorizes such activities, up to $10.0 million would be authorized for this purpose, without a separate authorization provision.

Authority to reprogram funds for disposition of certain spent nuclear fuel

The Senate amendment contained a provision (sec. 3141) that would authorize the Secretary of Energy to reprogram up to $5.0 million in fiscal year 1996 funds available to the Department for the disposition of spent nuclear fuel in the Democratic People's Republic of Korea (DPRK), in order to meet International Atomic Energy Agency (IAEA) safeguard standards and fulfill the October 21, 1994 agreement between the United States and the DPRK.

The House bill did not contain a similar provision.

The Senate recedes.

In order to meet International Atomic Energy Agency safeguard standards and fulfill the October 21, 1994 agreement between the United States and the DPRK, the conferees recommend $3.6 million for the disposition of spent nuclear fuel. In authorizing these funds, the conferees make no judgment regarding the merits of the October 1994 agreement.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $17.0 million for the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

The conferees recommend $17.0 million for the Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Disposals and Use of Funds

Disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic (sec. 3303)

The House bill contained a provision (sec. 3302) that would require the granting of right of first refusal to domestic ferroalloy upgraders, for certain disposals.

The Senate amendment contained a similar provision (sec. 3403).

The House recedes with a technical amendment regarding the definition of a domestic ferroalloy upgrader.

Restrictions on disposal of manganese ferro (sec. 3304)

The House bill contained a provision (sec. 3303) that would require that certain grade manganese ferro not be disposed of from the National Defense Stockpile until the disposal of lower grade inventory material had been completed. The provision would also require that certain grade manganese ferro only be sold for remelting in a submerged arc ferromanganese furnace.

The Senate amendment contained a similar provision (sec. 3404) that would require certain grade manganese ferro to be sold only for remelting by a domestic ferroalloy producer.

The House recedes.

Titanium initiative to support battle tank upgrade program (sec. 3305)

The House bill contained a provision (sec. 3304) that would direct the transfer of titanium sponge from the National Defense Stockpile to the Army for use in the weight reduction portion of the main battle tank upgrade program. The transfer would be without cost to the Army, except for transportation and similar costs.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Programmatic Change

Transfer of excess defense-related materials to stockpile for disposal (sec. 3311)

The Senate amendment contained a provision (sec. 3405) that would direct the transfer of suitable, uncontaminated Department of Energy inventory items to the National Defense Stockpile for disposal.

The House bill contains no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Disposal of obsolete and excess materials contained in the National Defense Stockpile

The Senate amendment contained a provision (sec. 3402) that would authorize the disposal of materials from the National Defense Stockpile.

The House bill contained no similar provision.

The Senate recedes.

The defense committees and the conferees have recommended that new disposal authority be granted in the reconciliation process, rather than authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Administration of Naval Petroleum Reserves

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize fiscal year 1996 appropriations for the operation of the Naval Petroleum Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

Price requirement on sale of certain petroleum during fiscal year 1996 (sec. 3402)

The House bill contained a provision (sec. 3402) that would require that the sale of any oil produced at the Naval Petroleum Reserves be transacted for a price that is not less than 90 percent of the sales price of comparable petroleum from the same area, as estimated by the Secretary of Energy.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Sale of Naval Petroleum Reserve

Future of Naval Petroleum and Oil Shale Reserves (secs. 3411–3416)

The House bill contained a provision (sec. 3403) that would provide for the sale of the Naval Petroleum Reserve Numbered 1 (NPR–1), also known as Elk Hills located in Kern County, California. The House bill also contained a provision (sec. 3404) that would require the Secretary of Energy to conduct a study to determine what should be done with the other five remaining reserves in the Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained similar provisions (secs. 3301 and 3302).

The conference agreement includes several provisions related to the future of the Naval Petroleum and Oil Shale Reserves that would provide for the sale of NPR–1 by competitive bid within one year of enactment. The agreement would also require the Secretary of Energy to submit a report that would recommend a course of action that would maximize the value of the five remaining reserves to the federal government.

The conferees believe that the sale of NPR–1 can be justified based on the fact that there is no longer a military need for these reserves. Since the Arab oil embargo, the likelihood of a sustained interruption in supply has fallen and the market has shown itself to be responsive in pricing and allocating oil during periods of uncertain supply.

In addition, the conferees are concerned about the long-term implications of government participation in what has become a commercial oil business. The conferees believe that producing and selling oil and natural gas should be performed within the private sector. That belief is shared by the administration which also proposed the sale of the reserve.

The sale of NPR–1 will help save the federal government over a billion dollars in operating costs and several hundred million dollars in interest payments. These savings are in addition to the increased tax revenues and the $1.5 to $2.5 billion in receipts that will result from the sale. Even after deducting the lost annual revenues resulting from the sale, these savings and receipts will result in a substantial net increase to the Treasury.

The conference agreement contains a number of safeguards so that the sale of NPR–1 will ensure the government realizes the maximum amount of revenues possible. The provisions would require the Secretary of Energy to obtain credible appraisals of the value of the reserve before setting a minimum acceptable sales price. In addition, the valuation must include all existing infrastructure, the estimated quantity of petroleum and natural gas in the reserve, and the anticipated revenue stream that the Treasury would receive if the reserve was not sold. The Secretary could not accept bids lower than the minimum acceptable price and could not enter into contracts for sale until the end of a 31-day period following notification to Congress. The proceeds from the sale would be deposited in the Treasury.

In addition, if the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that the sale of NPR–1 is proceeding in a manner that is inconsistent with the best interests of the United States, the Secretary may suspend the sale. The Secretary must then wait for further legislation authorizing the continuation of the sale. The conferees believe the Secretary should suspend the sale only after all efforts have been made to ameliorate any difficulties in the sale of the reserve.

In the event the Secretary is not able to comply with the deadlines included in these provisions, the Secretary and the Director of the OMB would be required to notify Congress and submit a plan of alternative action.

The conference agreement provides for the transfer of a current environmental permit (50 CFR 13.25) in order to allow the purchaser to continue the operation of the field with all the environmental safeguards provided by the federal government. In addition, the conferees expect that this will ensure that the value of the field will not be diminished by the uncertain timing of obtaining a new permit.

In response to a potential legal claim by the State of California, on behalf of the California State Teachers Retirement Fund, the provisions would set aside nine percent of the net proceeds in a contingent fund. These funds would be available, subject to appropriations, for the payment of any valid claims resulting from a settlement between the Secretary of Energy and the State of California or a judgement by a court of competent jurisdiction. The conferees expect that California's release of its claim would be contingent upon an appropriation of funds per any settlement agreement or court decision.

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Panama Canal Commission (Title XXXV)

The House call contained several provisions (secs. 3501–3503) that would provide the authorization of expenditures for the Panama Canal Commission revolving fund.

The Senate amendment contained similar provisions (secs. 3501–3502).

The Panama Canal Commission does not draw from U.S. taxpayer funds for operation of the Canal, but operates on a self-sustaining basis, utilizing tolls and other revenues to cover its operating, administrative, and capital improvements expenses. The Senate amendment would provide for slightly greater allowances for official representation expenses than the House bill. The Senate amendment would also limit the cost of vehicles purchased for use by the Commission. The House bill contained a requirement that the vehicles be built in the United States.

The House recedes on these items. However, the conferees note that the Commission has in the past purchased vehicles built in the United States and would encourage that practice to continue.

The House bill included additional provisions (secs. 3521–3531), not in the Senate amendment, that would facilitate the transition and the operation of the Canal as an autonomous entity after it is transferred to Panama at the end of 1999. Section 3522 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) required that the President review and report on possible changes that would ease the transition process. The legislative provisions contained in sections 3521–3531 of the House bill would implement, with only minor clarifying changes, the administration's recommendations contained in the report transmitted to the Congress on April 12, 1994.

The Senate recedes with an amendment that would delete section 3524 of the House bill entitled "International Advisors".

The conferees agree that the Canal's governing board of supervisors can consult with and obtain expert advice from those in the international shipping and financial community without the necessity of a legislative provision.

DIVISION D—FEDERAL ACQUISITION REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

Acquisition reform provisions with government-wide application were included in title VIII of the House bill. Subsequently, the House passed H.R. 1670, a freestanding bill which addressed many of the same, as well as, other issues. The Senate amendment contained a number of acquisition policy provisions. The conferees considered all of these provisions before agreeing to include the following legislation in the conference agreement. The following is a section-by-section description of the provisions adopted by the conferees.

TITLE XLI—COMPETITION

Efficient competition (sec. 4101)

The conference agreement includes a provision that would amend section 2304 of title 10 and section 253 of title 41, United States Code. The provision would direct that the Federal Acquisition Regulation ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the government's requirements. This provision makes no change to the requirement for full and open competition or to the definition of full and open competition.

Efficient approval procedures (sec. 4102)

The conference agreement includes a provision that would amend section 2304 of title 10 and section 253 of title 41, United States Code, by raising the dollar thresholds for contracts that require the approval of the use of other than competitive procedures by higher level agency officials.

Efficient competitive range determinations (sec. 4103)

The conference agreement includes a provision that would allow a contracting officer, in procurements involving competitive negotiations, to limit the number of proposals in the competitive range to the greatest number that would permit an efficient competition among the most highly rated competitors. The conferees intend that the determination of the competitive range be made after the initial evaluation of the proposals, on the basis of the rating of those proposals. The rating shall be made on the basis of price, quality and other factors specified in the solicitation for the evaluation of the proposals.

Preaward debriefings (sec. 4104)

The conference agreement includes a provision that would require that, prior to a contract award, a contracting officer provide a debriefing to any interested offerors on the reasons for that offeror's exclusion from the competitive range in a competitive negotiation. The provision would specify information that must be provided to an unsuccessful offeror upon written request for a debriefing, as well as limitations on the types of information that may be provided. The provision also would require the Federal Acquisition Regulation to include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest.

Design-build selection procedures (sec. 4105)

The conference agreement includes a provision that would authorize the use of two-phase selection procedures for entering into contracts for the design and construction of a public building, facility, or work. The provision details the considerations that would be used by a contracting officer to determine whether to use two-phase selection procedures and describes the process to be followed under the two-phase selection procedure. The provision would also limit the number of proposals to be considered in the second phase to no more than five, unless the agency determines that a greater number is in the government's interest. This provision is not intended to modify the Brooks Architect-Engineers Act.

TITLE XLII—COMMERCIAL ITEMS

Commercial item exception to requirement for cost or pricing data (sec. 4201)

The conference agreement includes a provision that would amend section 2306a of title 10 and section 254b of title 41, United States Code, to exempt suppliers of commercial items under contracts and subcontracts with federal agencies from the requirement to submit certified cost and pricing data. The provision would include the requirement that, in the cases of such contracts or subcontracts, contracting officers shall require the submission of data other than certified cost or pricing data to the extent necessary to determine price reasonableness. In recognition of the authority of the General Accounting Office to audit contractor records, the conferees have removed the specific audit authorities in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that relate to information supplied by commercial suppliers in lieu of certified cost and pricing data.

Application of simplified procedures to certain commercial items (sec. 4202)

The conference agreement includes a provision that would allow the use of simplified procedures for the acquisition of commercial items with a purchase value of $5.0 million or less when a contracting officer reasonably expects that offers in response to a solicitation would only include commercial items. The provision would specify that implementing regulations provide that all responsible offerors in procurements conducted under this authority be permitted to submit a bid, proposal, or quotation that shall be considered by the agency. The conferees intend that the flexible notice provision be implemented in a manner that would provide offerors with a reasonable opportunity to respond. The provision would also prohibit sole source procurement unless the need is justified in writing in accordance with section 2304 of title 10 or section 253 of title 41, United States Code. The authority for the use of simplified procedures under this section would expire at the end of the three-year period, beginning on the date of the issuance of the final implementing regulations.

Inapplicability of certain procurement laws to commercially available off-the-shelf items (sec. 4203)

The conference agreement includes a provision that would require that the Federal Acquisition Regulation include a list of provisions that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. The list would be required to include each provision of law that, in the opinion of the Administrator of the Office of Federal Procurement Policy, imposes on persons who have been awarded contracts by the federal government for the procurement of commercially available off-the-shelf products government-unique policies, procedures, requirements, or restrictions for the procurement of property or services unless the Administrator determines that to do so would not be in the best interest of the United States. The list would include provisions of law uniquely applicable to government contractors, but would not include generally applicable provisions of law. The provision would specifically preclude several categories of statutes from being included on the list, such as any provision of law that provides for civil or criminal penalties. The provision would define commercially available off-the-shelf items as commercial items that are sold in substantial quantities to the general public and that are offered to the federal government in the same form in which they have been sold to the general public. The provision would specifically exclude from that definition bulk cargo such as agricultural products and petroleum products.

Amendment to commercial items definition (sec. 4204)

The conference agreement includes a provision that would make a clarifying amendment to the definition of "commercial services" in section 403(12)(F) of title 41, United States Code. For the purpose of this section, market prices are current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated from sources independent of the offeror.

Inapplicability of cost accounting standards to contracts and subcontracts for commercial items (sec. 4205)

The conference agreement includes a provision that would exempt contracts and subcontracts for commercial items from the application of the cost accounting standards promulgated under section 422 of title 41, United States Code. The Cost Accounting Standards Board, in consultation with the Director of the Defense Contract Audit Agency, shall establish guidance, consistent with commercial accounting systems and practices, to ensure that contractors appropriately assign costs to contracts (other than firm, fixed-price contracts) that are covered by the exemption for contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public. The conferees direct that the Board issue standards to implement this provision.

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Substitle A-Additional Acquisition Reform Provisions

Elimination of certain certification requirements (sec. 4301)

The conference agreement includes a provision that would eliminate a number of statutory certification requirements for contractors and subcontractors with the federal government. The conferees note that the underlying requirement to comply with the specified statutes is not affected by the elimination of the contractor or subcontractor certification requirements. The conferees have included a general requirement that the Administrator of the Office of Federal Procurement Policy (OFPP) amend the Federal Acquisition Regulation to remove regulation-based certification requirements after a suitable period for public notice and comment. The provision would mandate the heads of executive agencies to follow a similar process. The provision also includes a prohibition on the imposition of future contractor and subcontractor certification requirements, unless such certification is imposed by statute or is justified in writing and approved by the Federal Acquisition Regulatory Council and the Administrator of OFPP.

Authorities conditioned on Federal Acquisition Computer Network (FACNET) capability (sec.4302)

The conference agreement includes a provision that would amend section 5061 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–484) to allow a test of alternative procurement procedures. The amendment would remove a requirement that the test of alternative procurement procedures be contingent on the implementation of full federal acquisition computer network (FACNET) electronic commerce procedures. The Provision would also amend subsection (e) of section 427 of title 41, United States Code, to limit the linkage between full FACNET implementation and federal agency use of simplified acquisition procedures to a requirement that an agency must deploy a full FACNET capability by December 31, 1999 or revert back to a threshold of $50,000 on the value of procurements below which simplified procedures are authorized.

International competitiveness (sec. 4303)

The conference agreement includes a provision that would amend section 21(e)(2) of the Arms Export Control Act to allow the President to waive recoupment charges for non-recurring research and development costs on foreign military sales of major defense equipment under certain conditions. The provision would authorize the presidential waiver if it is determined that the levy of charges would likely result in the loss of a sale or the elimination of charges would result in savings to the government in the form of lower per unit costs for a particular item of equipment. Under this provision, the President would also be authorized to waive any portion of a recoupment charge attributable to a correction in an earlier estimate of a production quantity base used to calculate the pro rata recoupment charges for a particular item. The provision includes language that would render the use of the waiver subject to the President's identification and Congressional appropriation of an offset for any revenue lost as a result of the waiver authority, from fiscal year 1997 through fiscal year 2005.

Procurement integrity (sec. 4304)

The conference agreement includes a provision that would amend section 423 of title 41, United States Code, to revise the restrictions on obtaining or disclosing contractor bid or proposal information or source selection information. The provision would prohibit, except as provided by law, present or former federal employees from knowingly obtaining or disclosing such information before the award of a contract to which information relates. This provision would authorize criminal penalties for a violation of such prohibition when such information is exchanged for something of value or for the purpose of allowing anyone to obtain a competitive advantage in the award of a federal contract. The provision would authorize civil and administrative penalties for such violations as well.

The provision would also replace the current agency-specific recusal and post-employment restrictions applicable to agency employees involved in certain specified procurement actions with uniform standards applicable to all federal agencies. The post-employment restrictions would apply to designated officials involved in procurements over $10.0 million for a one-year period.

The recusal requirements apply to employees who are participating personally and substantially in a procurement. These requirements cover employees who participate personally and substantially in one or more of the following activities: the drafting of a specification developed for that procurement; the review and approval of a specification developed for that procurement; the preparation or issuance of a procurement solicitation in that procurement; the evaluation of bids or proposals for that procurement; the selection of sources for that procurement; the conduct of negotiations in the procurement; the review and approval of the award, modification, or extension of a contract in that procurement; such other specific procurement actions as may be specified in implementing regulations.

The provision also would provide civil and administrative penalties for contractors as well as for agency employees who violate the recusal requirements or the post-employment restrictions.

Further acquisition streamlining provisions (sec. 4305)

The conference agreement includes a provision that would consolidate a number of provisions in the Office of Federal Procurement Policy Act concerning findings, policies, and purposes. The provision would also repeal the reporting requirements in section 8 of the Act as well as make clarifying changes to section 11 of the Act regarding the permanent authorization of appropriations for the Office of Federal Procurement Policy.

Value engineering for federal agencies (sec. 4306)

The conference agreement includes a provision that would amend the Office of Federal Procurement Policy Act by adding a new section that would require federal agencies to establish and maintain cost-effective value engineering procedures and processes.

Acquisition workforce (sec. 4307)

The conference agreement includes a provision that would establish a series of policies and procedures for the management of the acquisition workforce in executive agencies other than the Department of Defense. The provision would require the head of each executive agency, after consultation with the Administrator of the Office of Federal Procurement Policy, to establish procedures and policies for the accession, educating, training, and career development and performance incentives for the acquisition workforce of the agency. The provision would place primary management authority for the acquisition workforce under the control of the senior procurement executive of each agency. The provision would establish statutory standards for the executive agencies in areas such as career development and worker qualification requirements. The provision would also require each agency to establish separate funding levels for acquisition workforce education and training, and would authorize tuition reimbursement programs for personnel serving in acquisition positions.

Demonstration projects relating to certain personnel management policies and procedures (sec. 4308)

The conference agreement includes a provision that would encourage the Secretary of Defense to embark on a demonstration program, or programs, to test the feasibility and desirability of proposals to improve personnel management policies or procedures for the Department of Defense acquisition workforce. The provision would modify authority under section 4703 of title 5, United States Code, with respect to a demonstration project carried out under this section for the three-year period, beginning on the date of enactment of this Act.

Cooperative purchasing (sec. 4309)

The conference agreement includes a provision that would suspend the authority the Administrator of General Services under section 481(b)(2) of title 40, United States Code, to allow state and local governments to use the federal supply schedules. The provision would suspend the authority until the later of the period ending 18 months after the date of enactment of this Act or the period ending 30 days after the date after the Administrator has reviewed a General Accounting Office report that assesses the effects of state and local governments use of the federal supply schedules and has submitted the report and comments on the report to Congress. The conferees direct that the General Accounting Office include an assessment of the impact on costs to federal agencies from the use of federal supply schedules by state and local governments.

Procurement notice technical amendment (sec. 4310)

The conference agreement includes a provision that would make a clarifying amendment to section 18(c)(1)(E) to the Office of Federal Procurement Policy Act.

Micro-purchases without competitive quotations (sec. 4311)

The conference agreement includes a provision that would amend section 428 of title 41, United States Code, to provide greater flexibility to executive agencies in determining who may make purchases below $2,500 without being required to receive competitive quotations.

Subtitle B—Technical Amendments

Amendments related to Federal Acquisition Streamlining Act of 1994 (sec. 4321)

The conference agreement includes a provision that would make a series of technical and clarifying changes to the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

Miscellaneous amendments to federal acquisition laws (sec. 4322)

The conference agreement includes a provision that would make a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

Effective date and applicability (sec. 4401)

The conference agreement includes a provision that would provide that amendments made by this division would take effect on the date of enactment except as otherwise provided. The provision would provide that amendments made by this division apply to solicitations issued, unsolicited proposals received, any contract entered into pursuant to such a solicitation or proposal, and ongoing contracting actions, on or after the date 30 days after final implementing regulations are published but no later than January 1, 1997.

Implementing regulations (sec. 4402)

The conference agreement includes a provision that would establish a regulatory implementation schedule for the amendments within this division.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

The Senate amendment contained provisions with government-wide acquisition and management issues related to information technology. The House bill also contained provisions relating to bid protest jurisdictions. The conferees considered all of these provisions before agreeing to include Division E in the conference agreement.

The conferees agree that:

(1) federal information systems are critical to the lives of every American;

(2) the efficiency and effectiveness of the federal government is dependent upon the effective use of information;

(3) the federal government annually spends billions of dollars operating obsolete information systems;

(4) the use of obsolete information systems severely limits the quality of the services that the federal government provides, the efficiency of federal government operations, and the capabilities of the federal government to account for how taxpayer dollars are spent;

(5) the failure to modernize federal government information systems and the operations they support, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered;

(6) despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement;

(7) poor planning and program management and an overburdened acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of $200,000,000,000 on information systems during the decade preceding the enactment of this Act;

(8) the federal government's investment control processes focus too late in the system lifecycle, lack sound capital planning, and pay inadequate attention to business process improvement, performance measurement, project milestones, or benchmarks against comparable organizations;

(9) many federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions;

(10) federal regulations governing information technology acquisitions are outdated, focus on paperwork and process rather than results, and prevent the federal government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry;

(11) buying, leasing, or developing information systems should be a top priority for federal agency management because of the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public; and,

(12) structural changes in the federal government, including elimination of the Brooks Act (section 111 of the Federal Property and Administrative Services Act of 1949, as amended), are necessary in order to improve federal information management and to facilitate federal government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of federal government operations.

The conferees agree that action is necessary on the part of Congress in order to:

(1) create incentives for the federal government to strategically use information technology in order to achieve efficient and effective operations of the federal government, and to provide cost effective and efficient delivery of federal government services to the taxpayers;

(2) provide for the cost effective and timely acquisition, management, and use of effective information technology solutions;

(3) transform the process-oriented procurement system of the federal government, as it relates to the acquisition of information technology, into a results-oriented procurement system;

(4) increase the responsibility and authority of officials of the Office of Management and Budget and other federal government agencies, and the accountability of such officials to Congress and the public, in the use of information technology and other information resources in support of agency missions;

(5) ensure that federal government agencies are responsible and accountable for achieving service delivery levels and project management performance comparable to the best in the private sector;

(6) promote the development and operation of multiple-agency and government-wide, inter-operable, shared information resources to support the performance of federal government missions;

(7) reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, federal government information systems;

(8) increase the capability of the federal government to restructure and improve processes before applying information technology;

(9) increase the emphasis placed by federal agency managers on completing effective capital planning and process improvement before applying information technology to the executing of plans and the performance of agency missions;

(10) coordinate, integrate, and, to the extent practicable, establish uniform federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of federal government programs and the delivery of services to the public;

(11) strengthen the partnership between the federal government and state, local, and tribal governments for achieving federal government missions, goals, and objectives;

(12) provide for the development of a well-trained core of professional federal government information resources managers; and,

(13) improve the ability of agencies to share expertise and best practices and coordinate the development of common application systems and infrastructure.

The following is a section-by-section description of the provisions adopted by the conferees. Section 5001 sets forth a short title "The Information Technology Management Reform Act of 1995" and Section 5002 sets forth definitions.

TITLE LI—RESPONSIBILITY FOR ACQUISITION OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

Repeal of central authority of the Administrator of General Services (sec. 5101)

The conference agreement includes a provision that would repeal section 111 of the Federal Property and Administrative Services Act of 1949, as amended.

Subtitle B—Director of the Office of Management and Budget

Responsibility of Director (sec. 5111)

The conference agreement includes a provision that would require the Director of the Office of Management and Budget to comply with this title. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees agree that in undertaking activities and issuing guidance in accordance with this subtitle, the Director shall promote the integration of information technology management with the broader information resource management processes in the agencies.

The conferees encourage the establishment of interagency groups to support the Director by examining areas of information technology, to include: telecommunications, software engineering, common administrative and programmatic applications, computer security and information policy, all of which would benefit from a government-wide or multi-agency perspective; the promotion of cooperation among agencies in information technology matters; the review of major or high risk information technology acquisitions; and the promotion of the efficient use of information technology that supports agency missions. The interagency groups should: identify common goals and requirements; develop a coordinated approach to meeting certain agency requirements, such as budget estimates and procurement programs; identify opportunities to share information that would improve the agency performance and reduce costs of agency programs; make recommendations regarding protocols and other standards for information technology, including security standards; and make recommendations concerning interoperability among agency information systems. The conferees also encourage the establishment of temporary special advisory groups, composed of experts from industry, academia, and the Federal Government, to review government-wide information technology programs, major or high risk information technology acquisitions, and information technology policy.

Capital planning and investment control (sec. 5112)

The conference agreement includes a provision that would describe the Director's responsibilities under 44 USC 3504(h) that relate to promoting and sustaining responsibility and accountability for improvement of the acquisition, use, and disposal of information technology by executive agencies.

The conferees agree that the Director, in developing a process related to major agency capital investments, should: ensure that the process identifies opportunities for interagency cooperation; ensure the success of high risk and high return investments; develop requirements for agency submission of investment information needed to execute the process; ensure that agency information resources management plans are integrated into the agency's program plans, financial management plans, and budgets for the acquisition and use of information technology designed to improve agency performance and the accomplishment of agency missions; and identify three categories of information systems investments—(1) high risk—those projects that, by virtue of their size, complexity, use of innovative technology, or other factors, have an especially high risk of failure; (2) high return—those projects that by virtue of their total potential benefits, in proportion to their costs, have particularly unique value to the public; and (3) cross-cutting—those projects of individual agencies, with shared benefit to or impact on other federal agencies and state or local governments, that require enforcement of operational standards or elimination of redundancies. Finally, the conferees also agree that the Director, to encourage the use of best business and administrative practices, should identify and collect information regarding best practices, to include information on the development and implementation of best practices by the executive agencies. The Director should provide the executive agencies with information on best practices, and advice and assistance regarding the use of best practices.

Performance-based and results-based management (sec. 5113)

The conference agreement includes a provision that would require the Director to encourage performance and results-based management for agency information technology programs. The Director is required to review agency management practices based on the performance and results of its information technology programs and investments. The Director is required to issue clear and concise directions to ensure that agencies have effective and efficient capital planning processes that are used to select, control, and evaluate the results of major information systems investments and to ensure that agency information security is adequate.

The conferees agree that the Director's direction to agencies regarding performance and results-based management of information technology resources shall contain the following: (1) that each executive agency and its major subcomponents institute effective and efficient capital planning processes for selecting, controlling, and evaluating the results of all of its major information systems investments; (2) that the agency maintain a current and adequate information resources management plan, and to the maximum extent practicable, specifically identify the method for acquisition of information technology expected to improve agency operations, and otherwise benefit the agency; (3) that the agency provide for adequate integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and the agency budgets for the acquisition and use of information technology and other information resources. In addition, the conferees agree that OMB shall provide the needed oversight, through the budget process and other means, to ensure that executive agencies assume responsibility, and effectively implement suitable performance and results-based management practices.

Subtitle C—Executive Agencies

Responsibilities (sec. 5121)

The conference agreement includes a provision that would require the head of each executive agency to comply with this subtitle. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees encourage the establishment and support of independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the agency head, to advise an agency head about information systems programs.

Capital planning and investment control (sec. 5122)

The conference agreement includes a provision that would require agencies to develop a process for furthering their responsibilities under 44 U.S.C. 3506(h). The head of the agency is required to design and develop a process for maximizing the value and assessing and managing the risk of the agency's information technology acquisitions.

Performance and results-based management (sec. 5123)

The conference agreement includes a provision that would require agencies to establish goals for and report on the progress of improving efficiency and effectiveness of agency operations through use of information technology, as required by 44 U.S.C. 3506(h). The head of an executive agency must ensure that performance measures are established to support evaluating the results and benefits of information technology investments.

The conferees agree that, in fulfilling the responsibilities under this section, agency heads should ensure that: (1) before investing in information technology to support a function, the agency determines whether that function should be performed in the private sector or by an agency of the federal government; (2) the agency adequately provides for the integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and adequately prepares budgets for the acquisition and use of information technology; (3) the agency maintains a current and adequate information resources management plan, and to the maximum extent practicable, specifically identifies how acquired information technology would improve agency operations and otherwise benefit the agency; and (4) the agency invests in efficient and effective interagency and government-wide information technology to improve the accomplishment of common agency missions or functions.

Acquisitions of information technology (sec. 5124)

The conference agreement includes a provision that would authorize the head of an executive agency to acquire information technology and, upon approval of the Director of OMB, enter into multi-agency information technology investments. The conferees intend that the requirements and limitations of the Economy Act, and other provisions of law, apply to these multiagency acquisition. This section also authorizes the General Services Administration (GSA) to continue the management of the FTS-2000 program and coordinate the follow-on effort to FTS-2000.

Agency chief information officer (sec. 5125)

The conference agreement includes a provision that would amend the Paperwork Reduction Act of 1995 by replacing the "senior information resources management official position" established within each executive agency with an agency Chief Information Officer (CIO). The agency CIO is responsible for providing information and advice regarding information technology and information resources management to the head of the agency, and for ensuring that the management and acquisition of agency information technology is implemented consistent with the provisions of this law.

The conferees anticipate that agencies may establish CIOs for major subcomponents or bureaus, and expect agency CIOs will possess knowledge of, and practical experience in, information and information technology management practices of business or government entities. The conferees also intend that deputy chief information officers be appointed by agency heads that have additional experience in business process analysis, software and information systems development, design and management of information technology architectures, data and telecommunications management at government or business entities. The conferees intend that CIOs, in agencies other than those listed in 31 U.S.C. 901(b), perform essentially the same duties as CIOs in agencies listed in 31 U.S.C. 901(b).

The conferees expect that an agency's CIO will meet periodically with other appropriate agency officials to advise and coordinate the information technology and other information resources management activities of the various agencies.

Accountability (sec. 5126)

The conference agreement includes a provision that would require the head of each agency, in consultation with agency Chief Information Officers and Chief Financial Officers, to ensure the integration of financial and information systems. The conferees intend that the information resources management plan, required under 44 U.S.C. 3506 (b)(2), support the performance of agency missions through the application of information technology and other information resources, and include the following: (1) a statement of goals to improve the extent to which information resources contribute to program productivity, efficiency, and effectiveness; (2) the development of methods to measure progress toward achieving the goals; (3) the establishment of clear roles, responsibilities, and accountability to achieve the goals; (4) a description of an agency's major existing and planned information technology components (such as information systems and telecommunications networks); (5) the relationship among the information technology components, and the information architecture; and (6) a summary of the project's status and any changes in name, direction or scope, quantifiable results achieved, and current maintenance expenditures for each ongoing or completed major information systems investment from the previous year. The conferees also intend that agency heads will periodically evaluate and improve the accuracy, security, completeness, and reliability of information maintained by or for the agency.

Significant deviations (sec. 5127)

The conference agreement includes a provision that would require agencies to identify in their information resources management plans any major information technology acquisition program, or phase or increment of such program, that has significantly deviated from the established cost, performance, or schedule baseline.

Interagency support (sec. 5128)

The conference agreement includes a provision that would authorize the utilization of funds for interagency activities in support of the Information Technology Reform Act.

Subtitle D—Other Responsibilities.

Responsibilities regarding efficiency, security, and privacy of federal computer systems (sec. 5131)

The conference agreement includes a provision that would set forth the authority for the Secretary of Commerce, in consultation with the National Institute of Standards and Technology, to promulgate standards to improve the operation, security, and privacy of Federal information technology systems.

Sense of Congress (sec. 5132)

The conference agreement includes a provision stating that agencies, over the next five years, should achieve a five percent per year decrease in costs incurred for operation and maintenance of information technology, and a five percent increase in operational efficiency through improvements in information resources management.

Subtitle E—National Security Systems

The conference agreement includes a provision that would exclude national security systems from provisions of this Act, unless otherwise provided in this Act.

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Procurement procedures (sec. 5201)

The conference agreement includes a provision that would direct the Federal Acquisition Regulatory Council to ensure, to the maximum extent practicable, that the information technology process is simplified, clear, and understandable. The process should specifically address the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

The conferees agree that, in performing oversight of information technology acquisitions, the Director of the Office of Management and Budget, agency heads, and agency inspectors general should emphasize program results and established performance measurements, rather than reviews of the acquisition process.

Incremental acquisition of information technology (sec. 5202)

The conference agreement includes a provision that would provide for procedures in the Federal Acquisition Regulations for the incremental acquisition of major information technology systems by the Department of Defense and the civilian executive agencies.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

The conference agreement includes provisions that would authorize the Administrator of Office of Federal Procurement Policy, in consultation with the Administrator of Office of Information and Regulatory Affairs, to: conduct pilot programs to test alternative acquisition approaches for information technology; conduct no more than two pilots, not to exceed $750 million for a period not to exceed five years; require agency heads to develop evaluation and test plans; prepare and submit test plans to Congress prior to implementation; report on results within 180 days after completion; and make recommendations for legislation.

Subtitle B—Specific Pilot Programs

The conference agreement includes provisions that would provide for two specific pilot programs, the share-in-savings pilot program and the solutions-based contracting pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

On-line multiple award schedule contracting (sec. 5401)

The conference agreement includes a provision that would require the Administrator of General Services to provide for on-line access to multiple award schedules for information technology. The system would provide basic information on prices, features, and similar matters, allow for information updates, enable comparison of product information, enable on-line ordering and invoicing, permit on-line payment, and archive order data. The provision would also authorize a pilot program to test streamlined procedures for the automated system. The conference agreement directs the Administrator of General Services to incorporate its information technology multiple award schedules into Federal Acquisition Computer Network (FACNET) by January 1, 1998, and would make the pilot program discretionary. The conferees agree that the procedures established by the Administrator for use of FACNET be consistent with the Federal Property and Administrative Services Act requirements regarding the multiple award schedule (41 U.S.C. 259(B)(3)). If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection 259(b)(1) and meets the requirement of subsection 259(b)(2).

Disposal of excess computer equipment (sec. 5402)

The conference agreement includes a provision that would require agencies to inventory all agency computer equipment and to identify excess or surplus property. The conferees direct that the Administrator of General Services, in exercising current authority under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), donate federal surplus personal property to public organizations. The conferees direct the Administrator to prescribe regulations that establish a priority for the donation of surplus computer equipment in the following sequence: (1) elementary and secondary schools, and schools funded by the Bureau of Indian Affairs; (2) public libraries; (3) public colleges and universities; and (4) other entities eligible for donation of federal surplus personal property under title II of that Act.

Access of certain information in information systems to the directory established under section 4101 of title 44, United States Code (sec. 5403)

The conference agreement includes a provision that would ensure that, for agency information systems that disseminate information to the public, an index of information is included in the Government Printing Office (GPO) directory established under 44 U.S.C. 4101.

In 1993, Congress directed the GPO to create an online directory, of federal public information in electronic form (Public Law 103–40). Today, that system is accessible to the general public directly and through the Federal Depository Libraries. Yet, in the two years since enactment of the GPO access bill, technology has moved forward dramatically in its ability to support location and search of the physically-distributed, locally-maintained databases. Congress recognized this shift in the Paperwork Reduction Act of 1995 (Public Law 104–13). That Act requires Federal agencies to ensure access to agency public information by "encouraging a diversity of public and private sources". It also directs the Office of Management and Budget to establish a distributed, electronic, agency-based Government Information Locator Service (GILS) to identify the major information dissemination products of each agency. As the Senate report noted (S. Rept. 104–112), GILS: "* * * will provide multiple avenues for public access to government information by pointing to specific agency information holdings. To make this possible, agencies' systems must be compatible. Thus, agency GILS information should be available to the public through the Government Printing Office Locator System (established pursuant to Public Law 103–40) in addition to any other required methods, agencies may choose to efficiently and effectively provide public and agency access to GILS."

Section 5403 further clarifies the intent of Congress to ensure the widest possible access to Federal public information through a diversity of compatible sources.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

The conference agreement includes a provision that would require the Comptroller

General to issue a decision relating to a bid protest within 100 days.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

The conference agreement includes a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULE OF CONSTRUCTION

Effective date (sec. 5701)

The conference agreement includes a provision that would provide for this division and the amendments made by this division to take effect 180 days after the date of the enactment of this Act.

Savings provisions (sec. 5702)

The conference agreement includes a provision that would allow selected information technology actions and acquisition proceedings, including claims or applications, that have been initiated by, or are pending before, Administrator of the General Services or the General Services Administration Board of Contract Appeals to be continued under original terms, until terminated, revoked, or superseded in accordance with law, by the Director of OMB, by a court, or by operation of law. The Director of OMB is authorized to establish regulations for transferring such actions and proceedings.

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96) and the Senate amendment (except for sectons 801–03, 815–18, 2851–57, and 4001–4801), and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
R.K. DORNAN,
JOEL HEFLEY,
JIM SAXTON,
RANDY DUKE CUNNINGHAM,
STEVE BUYER,
PETER G. TORKILDSEN,
TILLIE FOWLER,
JOHN M. MCHUGH,
J.C. WATTS, JR.,
WALTER B. JONES, JR.,
JIM LONGLEY,
G.V. MONTGOMERY,
IKE SKELTON,
NORMAN SISISKY,
SOLOMON P. ORTIZ,
OWEN PICKETT,
JOHN TANNER,
GLENN BROWDER,
GENE TAYLOR,
NEIL ABERCROMBIE,

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
J.C. WATTS, JR.,

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
JOEL HEFLEY,
WALTER B. JONES, JR.,
G.V. MONTGOMERY,

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
PETER G. TORKILDSEN,
J.C. WATTS, JR.,
JIM LONGLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

LARRY COMBEST,
BILL YOUNG,

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

PAT ROBERTS,
WAYNE ALLARD,
RAY LAHOOD,
E DE LA GARZA,
TIM JOHNSON,

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided, Mr. Oxley is appointed in lieu of Mr. Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment:

MICHAEL G. OXLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment:

MICHAEL BILIRAKIS,

Provided, Mr. Hastert is appointed in lieu of Mr. Schaefer for consideration of sections 2851–57 of the Senate amendment:

J. DENNIS HASTERT,

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

WILLIAM F. GOODLING,
FRANK RIGGS,
BILL CLAY,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–33, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
JOHN L. MICA,
C.F. BASS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

BILL CLINGER,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEVEN SCHIFF,
BILL ZELIFF,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PAT ROBERTS,
STENY HOYER,

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
WILLIAM F. GOODLING
TOBY ROTH,
DOUG BEREUTER,
CHRIS SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
GEORGE W. GEKAS,

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

JERRY SOLOMON,
DAVID DREIER,

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modification committed to conference:

BUD SHUSTER,
JERRY WELLER,

As additional conferees from the Committee on Veterans' Affairs for consideration of sections 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modification committed to conference:

CHRISTOPHER H. SMITH,
TIM HUTCHINSON,
JOE KENNEDY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

BILL ARCHER,
WILLIAM THOMAS,
PETE STARK,
Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
JIM INHOFE,

Rick Santorum,
Sam Nunn,
Robert C. Byrd,
Chuck Robb,
Joseph Lieberman,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pallone) to revise and extend his remarks and include extraneous material:)

Mr. Poshard, for 5 mintues, today.

Mr. Mfume, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Gene Green of Texas, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Ms. DeLauro, for 5 minutes, today.

Mr. Payne of New Jersey, for 5 minutes, today.

(The following Members (at the request of (Mr. Hayworth) to revise and extend his remarks and include extraneous material:)

Mr. Ramstad, for 5 minutes, today.

Mr. Ensign, for 5 minutes, today.

Mr. Foley, for 5 minutes, today.

Mr. Tiahrt, for 5 minutes on December 15.

Mr. Diaz-Balart, for 5 minutes, today.

Mr. Horn, for 5 minutes, today.

Mr. Hoke, for 5 minutes on December 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Pallone) and to include extraneous matter.)

Ms. Norton.
Mr. Torricelli.
Mr. Rangel.
Mr. Hamilton in two instances.
Mr. Dingell.
Mr. Frank of Massachusetts.
Mr. Skelton.
Mr. Dixon.
Mr. Oberstar.
Mr. Stokes.
Mr. Barrett of Wisconsin.
Mr. Towns.
Mr. Ackerman.
Mr. Cardin.
Mr. Richardson in two instances.
Mr. Deutsch.

(The following Members (at the request of Mr. Hayworth) and to include extraneous matter:)

Mr. Saxton.
Mr. Bunning of Kentucky.
Mr. Gilman in three instances.
Mr. Solomon.
Mr. Sensenbrenner.
Mr. Smith of New Jersey.
Mr. Fox of Pennsylvania.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2076. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a.m.) the House adjourned until today, Thursday, December 14, 1995, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second and third quarters of 1995, as well as the consolidated third quarter 1995 report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker, House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carlos J. Moorhead	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. John Conyers, Jr.	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. Patricia Schroeder	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. Rick Boucher	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Commercial airfare [4]							1,940.00				1,940.00
Thomas Mooney	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Joseph Wolfe	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Mitch Glazier	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Betty Wheeler	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Committee total					20,160.00		1,940.55				22,100.55

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Air transportation was provided by the Department of Defense.

[4] Returned by commercial airline.

HENRY J. HYDE,
Chairman, Nov. 22, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]
Kristi Walseth	7/6	7/12	Bulgaria		1250.00						1250.00
	7/12	7/13	Germany		300.00						300.00
Commercial airfare							3702.95				3702.95
Hon. Tony Hall	7/27	7/31	Italy		2380.00						2380.00
Local transportation									301.45		301.45
			Sarajevo[3]								
Hon. David Dreier	8/4	8/12	South America[3]								
Kristi Walseth	8/30	9/2	Romania		1017.00						1017.00
Commercial airfare							3705.15				3705.15
Committee total					4947.00		7,408.10		301.45		12656.55

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Information not available at this time.

GERALD B.H. SOLOMON,
Chairman, Dec. 11, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND AUG. 30, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]
Hon. Sam Johnson	8/26	8/30	Russia		1,000.00						1,000.00
Commerical airfare							5,891.95				5,891.95
Mark Franz	8/26	8/30	Russia		1,000.00						1,000.00
Commerical airfare							3,427.95				3,427.95
Committee total					2,000.00		9,319.90				11,319.90

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SAM JOHNSON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, RUSSIA, AND MOLDOVA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND SEPT. 1, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]
Hon. Pete Peterson	8/26	8/27	Germany		250.00		1,634.78				1,884.78
Commercial airfare.											
	8/27	8/31	Russia		1,350.00		(3)				1,350.00
	8/31	8/31	Moldova				(3)				
	8/31	9/1	Germany		250.00		(3)				250.00
Juzanne Farmer	8/27	8/27	Germany				293.78				293.78
Commercial airfare.											
	8/27	8/31	Russia		1,350.00		(3)				1,350.00
	8/31	8/31	Moldova				(3)				
	8/31	9/1	Germany		250.00		(3)				250.00
Committee total					3,450.00		1,928.56				5,378.56

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PETE PETERSON,
Sept. 5, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, GARDNER G. PECKHAM TO KOREA AND THE PEOPLE'S REPUBLIC OF CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 25 AND SEPT. 2, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[1]	U.S. dollar equivalent or U.S. currency[2]
Gardner G. Peckham	8/25	8/30	Republic of Korea	1,204,600	$1,585.00						1,585.00
	8/30	9/02	Peoples Republic of China	10,840.50	1,314.00						1,314.00
Commercial airfare							3,848.95				3,848.95
Excess per diem returned					−635.00						−635.00
Committee total					2,264.00		3,848.95				6,112.95

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM,
Sept. 12, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1819. A letter from the Assistant Secretary of the Treasury, transmitting a copy of the seventh monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1820. A letter from the Comptroller of the Currency, transmitting the annual report on compliance by insured depository institutions, pursuant to Public Law 103-325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

1821. A letter from the Secretary of Education, transmitting final regulations—direct grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1822. A letter from the Secretary of Health and Human Services, transmitting the third annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 [PDUFA], for the fiscal year 1995, pursuant to 21 U.S.C. 379g note; to the Committee on Commerce.

1823. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the fourth quarter of fiscal year 1995, through September 30, 1995, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1824. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with Germany in the area of rolling airframe missile [RAM] guided missile weapon system, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1825. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 07-96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1826. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the NATO Maintenance and Supply Agency (Transmittal No. 06-96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1827. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 5 of the Jerusalem Embassy Act of 1995; to the Committee on International Relations.

1828. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Negotiated Services Contracts Between the District of Columbia and the Test Development Committee," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

1829. A letter from the Federal Cochairman, Applachian Regional Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1830. A letter from the Executive Secretary, Barry M. Goldwater Scholarship and Excellence in Educational Foundation, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100-504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1831. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S. C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1832. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "The Rule of Three in Federal Hiring: Boon or Bane?," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1833. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1834. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1835. A letter from the Director, Office of Government Ethics, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100-504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1836. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform and Oversight.

1837. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and the management's response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1838. A letter from the Director of Financial Services, Library of Congress, transmitting a copy of the U.S. Capitol Preservation Commission annual report for fiscal year 1995; to the Committee on House Oversight.

1839. A letter from the Secretary of Health and Human Services, transmitting the 19th annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE: Committee on Rules. House Resolution 301. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-403). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 1745) to designate certain public lands in the State of Utah as wilderness, and for other purposes (Rept. 104-404). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 304. Resolution providing for debate and for consideration of three measures relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina (Rept. 104-405). Referred to the House Calendar.

Mr. SPENCE: Committee of conference. Conference report on H.R. 1530. A bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes (Rept. 104-406). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARTINI (for himself, Mr. LUCAS, and Mr. POMBO):

H.R. 2766. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. SMITH of New Jersey, Mr. DAVIS, Mr. BAKER of California, Mrs. MORELLA, Mr. MORAN, and Mr. WOLF):

H.R. 2767. A bill to extend au pair programs; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. MCCOLLUM, Mr. SMITH of Texas, and Mr. BARR):

H.R. 2768. A bill to combat terrorism; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. SOUDER, Mr. COMBEST, Mr. WATTS of Oklahoma, Mr. GUTKNECHT, Mr. HUNTER, Mr. LAUGHLIN, and Mr. STOCKMAN):

H.R. 2769. A bill to allow employees of the U.S. Government who have been furloughed, due to a lapse in appropriations, to volunteer to work to serve the needs of the people of the United States, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. DORNAN (for himself, Mr. SCARBOROUGH, Mr. NEUMANN, Mr. BAKER of California, Mr. CHABOT, Mr. METCALF, Mr. COBURN, Mr. SOUDER, Mr. HOSTETTLER, Mr. STUMP, and Mr. BARTLETT of Maryland):

H.R. 2770. A bill to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. SALMON, Mr. WAMP, Mr. HOKE, Mrs. SMITH, Mr. DAVIS, Mrs. CHENOWETH, Mr. METCALF, Mr. SOLOMON, Mr. MCKEON, Mr. LEWIS of Kentucky, Mr. ALLARD, Mr. DREIER, Mr. BROWN of California, Mr. ENGLISH of Pennsylvania, Mr. CHRYSLER, Mr. STOCKMAN, Mr. DORNAN, Mr. EHRLICH, Mr. COBURN, and Mr. TAYLOR of Mississippi):

H.R. 2771. A bill to provide that rates of basic pay for Members of Congress be determined as a function of efforts to eliminate the Federal deficit; to the Committee on House Oversight.

By Mr. HEINEMAN (for himself, Mr. KNOLLENBERG, Mr. HEFNER, Mr. CALVERT, Mrs. CLAYTON, Mr. JONES, Mr. FRAZER, Mr. COBLE, and Mr. COOLEY):

H.R. 2772. A bill to direct the Administrator of the Federal Aviation Administration to develop a system for collecting and disseminating information concerning the quality of aircraft pilot performances in training activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 2773. A bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes; to the Committee on Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. DEUTSCH, Mr. SHAW, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mr. FOLEY, Mr. YOUNG of Florida, Mr. GOSS, and Mr. STEARNS):

H.R. 2774. A bill to allow the placement of missing children posters in Federal buildings and facilities located within a unit of the National Park System; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Judiciary, House Oversight, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, and Mr. HAMILTON):

H.R. 2775. A bill to amend the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and the Food, Agriculture, Conservation, and Trade Act of 1990 to extend the authorities under those Acts; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself, Mr. MONTGOMERY, Mr. SPENCE, Mr. MCHALE, Mr. BUYER, and Mrs. FOWLER):

H.R. 2776. A bill to amend the Internal Revenue Code of 1986 to provide that members of the Armed Forces performing service in a contingency operation declared by the President shall be entitled (if the President so designates that operation for such purpose) to exclude from gross income military compensation received for active service in the same manner as if such service was performed in a combat zone, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 2777. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of preventive benefits under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr. OBEY, and Mr. MURTHA):

H.J. Res. 131. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. HARMAN, Mrs. MORELLA, Ms. ROYBAL-ALLARD, Ms. WATERS, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. MEEHAN, Mr. MCDERMOTT, Ms. PELOSI, Mrs. KELLY, Ms. MCKINNEY, Mr. SAWYER, Mr. MILLER of California, Mr. ENGEL, Mrs. SCHROEDER, Ms. VELAZQUEZ, Mr. DEUTSCH, Mr. MATSUI, Mr. WATT of North Carolina, Mr. SERRANO, Mr. WARD, Ms. WOOLSEY, Mr. FARR, Mr. NADLER, Mr. OLVER, Ms. DELAURO, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. DELLUMS, Miss COLLINS of Michigan, Mr. OWENS, Mrs. LOWEY, Mr. GEJDENSON, Mr. BERMAN, Mrs. CLAYTON, Mr. YATES, Mr. JOHNSTON of Florida, Mr. THOMPSON, Mr. UNDERWOOD, Mr. LANTOS, Ms. NORTON, Mr. MORAN, and Ms. FURSE):

H. Con. Res. 119. Concurrent resolution supporting the commitments of the United States announced at the United Nations Fourth World Conference on Women, held in Beijing, China, in September 1995; to the Committee on International Relations.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 302. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAMILTON:

H. Res. 305. Resolution expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. Res. 306. Resolution expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. NEY, Mr. ABERCROMBIE, and Mr. QUILLEN.

H.R. 109: Mr. BROWN of Ohio and Mr. JEFFERSON.

H.R. 127: Mr. CANADY.

H.R. 359: Mr. FIELDS of Louisiana and Mrs. COLLINS of Illinois.

H.R. 468: Mr. SMITH of New Jersey.

H.R. 469: Mrs. THURMAN.

H.R. 497: Mr. COOLEY and Mr. LEWIS of Kentucky.

H.R. 580: Mr. MINGE.

H.R. 739: Mr. HANSEN.

H.R. 789: Mr. PETERSON of Minnesota.

H.R. 1021: Mr. WAXMAN.

H.R. 1023: Mr. BLILEY.

H.R. 1201: Ms. LOFGREN.

H.R. 1386: Mr. HILLEARY.

H.R. 1521: Mr. HOLDEN.

H.R. 1547: Mr. FOGLIETTA.

H.R. 1661: Mr. BARR and Mr. LINDER.

H.R. 1662: Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. LEWIS of Kentucky, and Mr. BLILEY.

H.R. 1671: Mr. MINGE.

H.R. 1856: Mr. REGULA, Mr. JACOBS, and Mr. FIELDS of Louisiana.

H.R. 1884: Mr. DUNCAN.

H.R. 1920: Mr. BAKER of Louisiana.

H.R. 1946: Mr. FIELDS of Texas, Mr. FOLEY, Mr. PACKARD, Mr. SMITH of Michigan, Mr. GUTKNECHT, Mr. CAMP, Mr. SHUSTER, and Mr. KIM.

H.R. 1956: Mr. YOUNG of Alaska, Mr. MCCOLLUM, and Mr. SAXTON.

H.R. 2029: Mr. POMBO, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. HINCHEY, Mr. HERGER, and Mr. OLVER.

H.R. 2039: Mr. NETHERCUTT and Mrs. KELLY.

H.R. 2148: Mr. FORBES, Mrs. CHENOWETH, Mr. BROWNBACK, Mr. GILCHREST, and Mr. JONES.

H.R. 2202: Mr. COX.

H.R. 2209: Mr. CAMP.

H.R. 2230: Mr. HASTINGS of Washington, Mr. ROBERTS, and Mr. COOLEY.

H.R. 2342: Mr. LIVINGSTON and Mr. JEFFERSON.

H.R. 2429: Mr. EHLERS, Mrs. JOHNSON of Connecticut, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. DEFAZIO, Mr. WILLIAMS, Mr. KILDEE, and Mr. RAHALL.

H.R. 2434: Mr. MCCOLLUM, Mr. KLECZKA, Mr. CLAY, Mr. PICKETT, and Mr. BARCIA of Michigan.

H.R. 2450: Mr. NORWOOD.

H.R. 2506: Mr. SISISKY.

H.R. 2508: Mr. LAUGHLIN and Mr. WAMP.

H.R. 2562: Mr. LAFALCE.

H.R. 2578: Mr. FOX.

H.R. 2579: Mr. CALLAHAN, Mr. ACKERMAN, Mr. TEJEDA, Mr. COOLEY, Mr. DEUTSCH, and Mr. HALL of Texas.

H.R. 2597: Mr. BAKER of Louisiana and Mrs. FOWLER.

H.R. 2609: Mr. STENHOLM.

H.R. 2634: Mr. BUNN of Oregon.

H.R. 2648: Mr. COBLE.

H.R. 2651: Mr. EVERETT and Mr. METCALF.

H.R. 2664: Mr. WICKER, Mr. HUTCHINSON, Mr. NEY, Mr. FIELDS of Louisiana, Ms. HARMAN, Mr. BACHUS, and Mr. HORN.

H.R. 2676: Mr. BARRETT of Nebraska, Ms. KAPTUR, and Mr. LAHOOD.

H.R. 2697: Mr. FALEOMAVAEGA, Ms. FURSE, and Mr. SCOTT..

H.R. 2740: Mr. GENE GREEN of Texas.

H.R. 2745: Mr. TOWNS, Mrs. MALONEY, Mr. BOUCHER, Mr. CLYBURN, and Ms. VELAZQUEZ.

H.J. Res. 16: Mr. PETE GEREN of Texas.

H.J. Res. 114: Mr. LUTHER.

H. Con. Res. 10: Mr. NORWOOD, Mr. HINCHEY, and Mr. GUNDERSON.

H. Con. Res. 118: Mr. GUNDERSON.

H. Res. 283: Mr. WELDON of Florida.

H. Res. 286: Mr. DEFAZIO and Mr. GENE GREEN of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1710

OFFERED BY: MR. HYDE

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 2: Strike all after the enacting clause and insert in lieu thereof the following:

H.R. 1710

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Death Penalty and Antiterrorism Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CRIMINAL ACTS

Sec. 101. Protection of Federal employees.
Sec. 102. Prohibiting material support to terrorist organizations.
Sec. 103. Modification of material support provision.
Sec. 104. Acts of terrorism transcending national boundaries.
Sec. 105. Conspiracy to harm people and property overseas.
Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 107. Expansion and modification of weapons of mass destruction statute.
Sec. 108. Addition of offenses to the money laundering statute.
Sec. 109. Expansion of Federal jurisdiction over bomb threats.
Sec. 110. Clarification of maritime violence jurisdiction.
Sec. 111. Possession of stolen explosives prohibited.
Sec. 112. Study to determine standards for determining what ammunition is capable of penetrating police body armor.

TITLE II—INCREASED PENALTIES

Sec. 201. Mandatory minimum for certain explosives offenses.
Sec. 202. Increased penalty for explosive conspiracies.
Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.
Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 206. Directions to Sentencing Commission.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Pen registers and trap and trace devices in foreign counterintelligence investigations.
Sec. 302. Disclosure of certain consumer reports to the Federal Bureau of Investigation.
Sec. 303. Disclosure of business records held by third parties in foreign counterintelligence cases.
Sec. 304. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 305. Application of statutory exclusionary rule concerning intercepted wire or oral communications.
Sec. 306. Exclusion of certain types of information from wiretap-related definitions.
Sec. 307. Requirement for periodic report.
Sec. 308. Access to telephone billing records.
Sec. 309. Requirement to preserve record evidence.
Sec. 310. Detention hearing.
Sec. 311. Reward authority of the Attorney General.
Sec. 312. Protection of Federal Government buildings in the District of Columbia.
Sec. 313. Study of thefts from armories; report to the Congress.

TITLE IV—NUCLEAR MATERIALS

Sec. 401. Expansion of nuclear materials prohibitions.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

Sec. 501. Definitions.
Sec. 502. Requirement of detection agents for plastic explosives.
Sec. 503. Criminal sanctions.
Sec. 504. Exceptions.
Sec. 505. Effective date.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.
Sec. 602. Funding for detention and removal of alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

Sec. 611. Membership in terrorist organization as ground for exclusion.
Sec. 612. Denial of asylum to alien terrorists.
Sec. 613. Denial of other relief for alien terrorists.

Subtitle B—Expedited Exclusion

Sec. 621. Inspection and exclusion by immigration officers.
Sec. 622. Judicial review.
Sec. 623. Exclusion of aliens who have not been inspected and admitted.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

Sec. 631. Access to certain confidential INS files through court order.
Sec. 632. Waiver authority concerning notice of denial of application for visas.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

Sec. 641. Criminal forfeiture for passport and visa related offenses.
Sec. 642. Subpoenas for bank records.
Sec. 643. Effective date.

Subtitle D—Employee Verification by Security Services Companies

Sec. 651. Permitting security services companies to request additional documentation.

Subtitle E—Criminal Alien Deportation Improvements

Sec. 661. Short title.
Sec. 662. Additional expansion of definition of aggravated felony.
Sec. 663. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 664. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
Sec. 665. Limitation on collateral attacks on underlying deportation order.
Sec. 666. Criminal alien identification system.
Sec. 667. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
Sec. 668. Authority for alien smuggling investigations.
Sec. 669. Expansion of criteria for deportation for crimes of moral turpitude.
Sec. 670. Payments to political subdivisions for costs of incarcerating illegal aliens.
Sec. 671. Miscellaneous provisions.
Sec. 672. Construction of expedited deportation requirements.
Sec. 673. Study of prisoner transfer treaty with Mexico.
Sec. 674. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.
Sec. 675. Prisoner transfer treaties.
Sec. 676. Interior repatriation program.
Sec. 677. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.

TITLE VII—AUTHORIZATION AND FUNDING

Sec. 701. Firefighter and emergency services training.
Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
Sec. 703. Research and development to support counter-terrorism technologies.

TITLE VIII—MISCELLANEOUS

Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.
Sec. 802. Compensation of victims of terrorism.
Sec. 803. Jurisdiction for lawsuits against terrorist States.
Sec. 804. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.

Sec. 805. Compilation of statistics relating to intimidation of government employees.
Sec. 806. Victim Restitution Act of 1995.
Sec. 807. Authority for overseas law enforcement training activities.

TITLE IX—HABEAS CORPUS REFORM

Sec. 901. Filing deadlines.
Sec. 902. Appeal.
Sec. 903. Amendment of Federal rules of appellate procedure.
Sec. 904. Section 2254 amendments.
Sec. 905. Section 2255 amendments.
Sec. 906. Limits on second or successive applications.
Sec. 907. Death penalty litigation procedures.
Sec. 908. Technical amendment.
Sec. 909. Severability.

TITLE I—CRIMINAL ACTS

SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

"Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.".

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting ", or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or" after "assaults, kidnaps, or murders, or attempts to kidnap or murder".

SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—That chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

"§ 2339B. Providing material support to terrorist organizations

"(a) OFFENSE.—Whoever, within the United States, knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or should have known is a terrorist organization that has been designated under section 212(a)(3)(B)(iv) of the Immigration and Nationality Act as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) DEFINITION.—As used in this section, the term 'material support or resources' has the meaning given that term in section 2339A of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

"2339B. Providing material support to terrorist organizations.".

SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended to read as follows:

"§ 2339A. Providing material support to terrorists

"(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

"(b) DEFINITION.—In this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.".

SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

"§ 2332b. Acts of terrorism transcending national boundaries

"(a) PROHIBITED ACTS.—

"(1) Whoever, involving any conduct transcending national boundaries and in a circumstance described in subsection (b)—

"(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any individual within the United States; or

"(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State or the United States shall be punished as prescribed in subsection (c).

"(2) Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished as prescribed in subsection (c).

"(b) JURISDICTIONAL BASES.—The circumstances referred to in subsection (a) are—

"(1) any of the offenders travels in, or uses the mail or any facility of, interstate or foreign commerce in furtherance of the offense or to escape apprehension after the commission of the offense;

"(2) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

"(3) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

"(4) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, used by, or leased to the United States, or any department or agency thereof;

"(5) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

"(6) the offense is committed in those places within the United States that are in the special maritime and territorial jurisdiction of the United States.

Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of such circumstances is applicable to at least one offender.

"(c) PENALTIES.—

"(1) Whoever violates this section shall be punished—

"(A) for a killing or if death results to any person from any other conduct prohibited by this section by death, or by imprisonment for any term of years or for life;

"(B) for kidnapping, by imprisonment for any term of years or for life;

"(C) for maiming, by imprisonment for not more than 35 years;

"(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

"(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

"(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

"(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

"(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

"(d) LIMITATION ON PROSECUTION.—No indictment shall be sought nor any information filed for any offense described in this section until the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, makes a written certification that, in the judgment of the certifying official, such offense, or any activity preparatory to or meant to conceal its commission, is a Federal crime of terrorism.

"(e) PROOF REQUIREMENTS.—

"(1) The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

"(2) In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

"(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

"(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

"(2) over conduct which, under section 3 of this title, renders any person an accessory after the fact to an offense under subsection (a).

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'conduct transcending national boundaries' means conduct occurring outside the United States in addition to the conduct occurring in the United States;

"(2) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958(b)(2) of this title;

"(3) the term 'serious bodily injury' has the meaning prescribed in section 1365(g)(3) of this title;

"(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'Federal crime of terrorism' means an offense that—

"(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

"(B) is a violation of—

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

"(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.

"(h) Investigative Authority.—In addition to any other investigatory authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General.".

(b) Clerical Amendment.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

"2332b. Acts of terrorism transcending national boundaries.".

(c) Statute of Limitations Amendment.—Section 3286 of title 18, United States Code, is amended by—

(1) striking "any offense" and inserting "any non-capital offense";

(2) striking "36" and inserting "37";

(3) striking "2331" and inserting "2332";

(4) striking "2339" and inserting "2332a"; and

(5) inserting "2332b (acts of terrorism transcending national boundaries)," after "(use of weapons of mass destruction),".

(d) Presumptive Detention.—Section 3142(e) of title 18, United States Code, is amended by inserting ", 956(a), or 2332b" after "section 924(c)".

(e) Conforming Amendment.—Section 846 of title 18, United States Code, is amended by striking "In addition to any other" and all that follows through the end of the section.

SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) In General.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

"§956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country

"(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

"(2) The punishment for an offense under subsection (a)(1) of this section is—

"(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

"(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

"(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public convèyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.".

(b) Clerical Amendment.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

"956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.".

SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) Aircraft Piracy.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "and later found in the United States";

(2) so that paragraph (2) reads as follows:

"(2) There is jurisdiction over the offense in paragraph (1) if—

"(A) a national of the United States was aboard the aircraft;

"(B) an offender is a national of the United States; or

"(C) an offender is afterwards found in the United States."; and

(3) by inserting after paragraph (2) the following:

"(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) Destruction of Aircraft or Aircraft Facilities.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking ", if the offender is later found in the United States,"; and

(2) by inserting at the end the following: "There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.".

(c) Murder of Foreign Officials and Certain Other Persons.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

"(7) 'National of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration ànd Nationality Act (8 U.S.C. 1101(a)(22))."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(d) Protection of Foreign Officials and Certain Other Persons.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "'national of the United States'," before "and"; and

(2) in subsection (e), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(e) Threats and Extortion Against Foreign Officials and Certain Other Persons.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "'national of the United States'," before "and"; and

(2) in subsection (d), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(f) Kidnapping of Internationally Protected Persons.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a

representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States."; and

(2) by adding at the end the following: "For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting "(A)" before "the offender is later found in the United States"; and

(2) by inserting "; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))" after "the offender is later found in the United States".

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding the following at the end:

"(5) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "AGAINST A NATIONAL OR WITHIN THE UNITED STATES" after "OFFENSE";

(B) by inserting ", without lawful authority" after "A person who";

(C) by inserting "threatens," before "attempts or conspires to use, a weapon of mass destruction"; and

(D) by inserting "and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce" before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking "section 921" and inserting "section 921(a)(4) (other than subparagraphs (B) and (C))";

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

"(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;";

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

"(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.".

SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking "or extortion;" and inserting "extortion, murder, or destruction of property by means of explosive or fire;".

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after "an offense under" the following: "section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),";

(2) by inserting after "section 215 (relating to commissions or gifts for procuring loans)," the following: "section 351 (relating to Congressional or Cabinet officer assassination),";

(3) by inserting after "section 793, 794, or 798 (relating to espionage)," the following: "section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),";

(4) by inserting after "section 875 (relating to interstate communications)," the following: "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),";

(5) by inserting after "1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution)," the following: "section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),";

(6) by inserting after "section 1203 (relating to hostage taking)," the following: "section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),";

(7) by inserting after "section 1708 (theft from the mail)," the following: "section 1751 (relating to Presidential assassination),";

(8) by inserting after "2114 (relating to bank and postal robbery and theft)," the following: "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),"; and

(9) by striking "of this title" and inserting the following: "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code".

SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended by striking "commerce," and inserting "interstate or foreign commerce, or in or affecting interstate or foreign commerce,".

SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "and the activity is not prohibited as a crime by the State in which the activity takes place"; and

(2) in clause (iii), by striking "the activity takes place on a ship flying the flag of a foreign country or outside the United States,".

SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.

Section 842(h) of title 18, United States Code, is amended to read as follows:

"(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.".

SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETERMINING WHAT AMMUNITION IS CAPABLE OF PENETRATING POLICE BODY ARMOR.

The National Institute of Justice is directed to perform a study of, and to recommend to Congress, a methodology for determining what ammunition, designed for handguns, is capable of penetrating police body armor. Not later than 6 months after the date of the enactment of this Act, the National Institute of Justice shall report to Congress the results of such study and such recommendations.

TITLE II—INCREASED PENALTIES

SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES OFFENSES.

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

"(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

"(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

"(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be less than 20 years; and

"(3) if death results to any person other than the offender, the offender shall be subject to the death penalty or imprisonment for any term of years not less than 30, or for life.".

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking "fined under this title or imprisoned not more than five years, or both" and inserting "imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both".

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3295. Arson offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.".

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

"3295. Arson offenses.".

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting "or conspires" after "attempts".

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking "or attempted kidnapping" both places it appears and inserting ", attempted kidnapping, or conspiracy to kidnap".

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking "or attempted murder" and inserting ", attempted murder, or conspiracy to murder".

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking "and 1113" and inserting ", 1113, and 1117".

(4) Section 175(a) of title 18, United States Code, is amended by inserting "or conspires to do so," after "any organization to do so,".

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting "or conspiring" after "attempting".

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting "or conspiring to commit" after "committing".

SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A FIREARM KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended—

(1) by inserting "or having reasonable cause to believe" after "knowing"; and

(2) by striking "imprisoned not more than 10 years, fined in accordance with this title, or both." and inserting "subject to the same penalties as may be imposed under subsection (c) for a first conviction for the use or carrying of the firearm.".

SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.".

SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) APPLICATION.—Section 3122(b)(2) of title 18, United States Code, is amended by inserting "or foreign counterintelligence" after "criminal".

(b) ORDER.—

(1) Section 3123(a) of title 18, United States Code, is amended by inserting "or foreign counterintelligence" after "criminal".

(2) Section 3123(b)(1) of title 18, United States Code, is amended in subparagraph (B), by striking "criminal".

SEC. 302. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

"§ 624. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding or information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following:

"624. Disclosures to FBI for counterintelligence purposes.".

SEC. 303. DISCLOSURE OF BUSINESS RECORDS HELD BY THIRD PARTIES IN FOREIGN COUNTERINTELLIGENCE CASES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

"CHAPTER 122—ACCESS TO CERTAIN RECORDS

"Sec.

"2720. Disclosure of business records held by third parties in foreign counterintelligence cases.

"§ 2720. Disclosure of business records held by third parties in foreign counterintelligence cases

"(a)(1) A court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds that—

"(A) such records are necessary for counter-terrorism or foreign counterintelligence purposes; and

"(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is—

"(i) a foreign power; or

"(ii) an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

"(c)(1) The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside the Federal Bureau of Investigation, except—

"(A) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

"(B) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(2) Any agency or department of the United States obtaining or disclosing any information in violation of this paragraph shall be liable to any person harmed by the violation in an amount equal to the sum of—

"(A) $100 without regard to the volume of information involved;

"(B) any actual damages sustained by the person harmed as a result of the violation;

"(C) if the violation is willful or intentional, such punitive damages as a court may allow; and

"(D) in the case of any successful action to enforce liability under this paragraph, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(d) If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(e) As used in this section—

"(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate carrier for the delivery of packages and other objects;

"(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

"(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

"(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

"122. Access to certain records .... 2720".

SEC. 304. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.

(a) STUDY.—The Attorney General, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 305. APPLICATION OF STATUTORY EXCLUSIONARY RULE CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: "This section shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, if any law enforcement officers who intercepted the communication or gathered the evidence derived therefrom acted with the reasonably objective belief that their actions were in compliance with this chapter.".

SEC. 306. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM WIRETAP-RELATED DEFINITIONS.

(a) DEFINITION OF "ELECTRONIC COMMUNICATION".—Section 2510(12) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" at the end of subparagraph (C); and

(3) by adding a new subparagraph (D), as follows:

"(D) information stored in a communications system used for the electronic storage and transfer of funds;"

(b) DEFINITION OF "READILY ACCESSIBLE TO THE GENERAL PUBLIC".—Section 2510(16) of title 18, United States Code, is amended—

(1) by inserting "or" at the end of subparagraph (D);

(2) by striking "or" at the end of subparagraph (E); and

(3) by striking subparagraph (F).

SEC. 307. REQUIREMENT FOR PERIODIC REPORT.

Subsection (6) of section 2518 of title 18, United States Code is amended to read as follows:

"(6) Whenever an order authorizing interception is entered under this chapter, the order shall require the attorney for the Government to file a report with the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such report shall be made 15 days after the interception has begun. No other reports shall be made to the judge under this subsection.".

SEC. 308. ACCESS TO TELEPHONE BILLING RECORDS.

(a) SECTION 2709.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting "local and long distance" before "toll billing records";

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by adding at the end a new paragraph (3), as follows:

"(3) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director or the Director's designee (in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized international terrorism investigation (as defined in section 2331 of this title).".

(b) SECTION 2703.—Section 2703(c)(1)(C) of title 18, United States Code, is amended by inserting "local and long distance" before "telephone toll billing records".

(c) CIVIL REMEDY.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "customer" and inserting "any other person";

(2) in subsection (c), inserting before the period at the end the following: ", and if the violation is willful or intentional, such punitive damages as the court may allow, and, in the case of any successful action to enforce liability under this section, the costs of the action, together with reasonable attorney fees, as determined by the court"; and

(3) by adding at the end the following:

"(f) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.".

SEC. 309. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

"(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.".

SEC. 310. DETENTION HEARING.

Section 3142(f) of title 18, United States Code, is amended by inserting "(not including any intermediate Saturday, Sunday, or legal holiday)" after "five days" and after "three days".

SEC. 311. REWARD AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

"§ 3059. Reward authority of the Attorney General

"(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

"(b) If the reward exceeds $100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

"(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

"(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

"(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

"(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program under chapter 224 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by striking the items relating to section 3059 and 3059A and inserting the following new item:

"3059. Reward authority of the Attorney General.".

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

SEC. 312. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

SEC. 313. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

TITLE IV—NUCLEAR MATERIALS

SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "nuclear material" each place it appears and inserting "nuclear material or nuclear byproduct material";

(2) in subsection (a)(1)(A), by inserting "or the environment" after "property";

(3) so that subsection (a)(1)(B) reads as follows:

"(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property or the environment; or (ii) such circumstances are represented to the defendant to exist;";

(4) in subsection (a)(6), by inserting "or the environment" after "property";

(5) so that subsection (c)(2) reads as follows:

"(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;";

(6) in subsection (c)(3), by striking "at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and";

(7) by striking "or" at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking "nuclear material for peaceful purposes" and inserting "nuclear material or nuclear byproduct material";

(9) by striking the period at the end of subsection (c)(4) and inserting "; or";

(10) by adding at the end of subsection (c) the following:

"(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.'';

(11) in subsection (f)(1)(A), by striking ''with an isotopic concentration not in excess of 80 percent plutonium 238'';

(12) in subsection (f)(1)(C) by inserting ''enriched uranium, defined as'' before ''uranium'';

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

''(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;'';

(15) by striking ''and'' at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

''(6) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the United States or any State, district, commonwealth, territory or possession of the United States.''.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

SEC. 501. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

''(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

''(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

''(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

''(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

''(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

''(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

''(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.''.

SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

''(m)(1) It shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

''(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

''(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

''(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

''(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

''(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.''.

SEC. 503. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

''(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 504. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''(l), (m), (n), or (o) of section 842 and subsections'' after ''subsections'';

(2) in subsection (a)(1), by inserting ''and which pertains to safety'' before the semicolon; and

(3) by adding at the end the following:

''(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

''(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

''(A) research, development, or testing of new or modified explosive materials;

''(B) training in explosives detection or development or testing of explosives detection equipment; or

''(C) forensic science purposes; or

''(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term 'military device' includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.''.

SEC. 505. EFFECTIVE DATE.

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''Sec. 501. Definitions.
''Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Consideration of classified information.
''Sec. 507. Appeals.
''Sec. 508. Detention and custody.'';

and

(2) by adding at the end the following new title:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''DEFINITIONS

''SEC. 501. In this title:

''(1) The term 'alien terrorist' means an alien described in section 241(a)(4)(B).

''(2) The term 'classified information' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

''(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

''(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

"(5) The term 'special removal court' means the court established under section 502(a).

"(6) The term 'special removal hearing' means a hearing under section 505.

"(7) The term 'special removal proceeding' means a proceeding under this title.

"ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

"SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

"(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

"(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

"(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

"(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The special removal court shall provide for the designation of a panel of attorneys each of whom—

"(1) has a security clearance which affords the attorney access to classified information, and

"(2) has agreed to represent permanent resident aliens with respect to classified information under sections 506 and 507(c)(2)(B) in accordance with (and subject to the penalties under) this title.

"APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

"SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

"(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

"(1) The identity of the Department of Justice attorney making the application.

"(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

"(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

"(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

"(A) the alien is an alien terrorist and is physically present in the United States, and

"(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

"(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

"(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

"CONSIDERATION OF APPLICATION

"SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

"(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis of such application and such other information (if any), that there is probable cause to believe that—

"(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

"(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

"(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

"(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

"(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

"(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

"SPECIAL REMOVAL HEARINGS

"SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

"(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

"(c) RIGHTS IN HEARING.—

"(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

"(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

"(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

"(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

"(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

"(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

"(7) NO RIGHT TO ANCILLARY RELIEF.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

"(A) Asylum under section 208.

"(B) Withholding of deportation under section 243(h).

"(C) Suspension of deportation under section 244(a) or 244(e).

"(D) Adjustment of status under section 245.

"(E) Registry under section 249.

"(d) SUBPOENAS.—

"(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

"(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

"(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

"(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

"(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

"(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

"(1) IN GENERAL.—Classified information that has been summarized pursuant to section 506(b) and classified information for which findings described in section 506(b)(4)(B) have been made and for which no summary is provided shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary (if any) provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and after coordination with the originating agency, elect to introduce such evidence in open session.

"(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

"(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

"(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of evidence.

"(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

"(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

"(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

"(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

"(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

"(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.

"CONSIDERATION OF CLASSIFIED INFORMATION

"SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider each item of classified information the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

"(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

"(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

"(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

"(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

"(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

"(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

"(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

"(A) IN GENERAL.—If, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

"(B) FINDINGS.—The findings described in this subparagraph are, with respect to an alien, that—

"(i) the continued presence of the alien in the United States, and

"(ii) the provision of the required summary,

would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

"(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(B)—

"(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

"(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

"(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

"(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney (as defined in section 501(4)), (and the alien facing deportation under these procedures, may choose which special attorney shall be so designated, if the alien makes that choice not later than 45 days after the date on which the alien receives notice that the Government intends to use such procedures) to assist the alien and the court—

"(A) by reviewing in camera the classified information on behalf of the alien, and

"(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

"(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

"(A) shall not disclose the information to the alien or to any other attorney representing the alien, and

"(B) who discloses such information in violation of subparagraph (A) shall be subject to a fine under title 18, United States Code, and imprisoned for not less than 10 years nor more than 25 years.

"APPEALS

"SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(1) any determination by the judge pursuant to section 506(a)—

"(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

"(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

"(2) the refusal of the court to make the findings permitted by section 506(b)(4)(B).

In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

"(c) APPEALS OF DECISION IN HEARING.—

"(1) IN GENERAL.—Subject to paragraph (2), the decision of the judge after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

"(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

"(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

"(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

"(d) GENERAL PROVISIONS RELATING TO APPEALS.—

"(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought, during which time the order shall not be executed.

"(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c)—

"(A) the entire record shall be transmitted to the Court of Appeals, and

"(B) information received pursuant to section 505(e), and any portion of the judge's order that would reveal the substance or source of such information, shall be transmitted under seal.

"(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

"(A) REVIEW.—The appeal or review shall be heard as expeditiously as practicable and the Court may dispense with full briefing and hear the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

"(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

"(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

"(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

"(B) QUESTIONS OF FACT.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(ii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

"(e) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

"(f) APPEALS OF DETENTION ORDERS.—

"(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

"(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

"(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

"(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

"DETENTION AND CUSTODY

"SEC. 508. (a) INITIAL CUSTODY.—

"(1) UPON FILING APPLICATION.—Subject to paragraphs (2) and (3), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

"(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

"(A) the alien, if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee, and

"(B) the alien's release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

"(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

"(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

"(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

"(1) IN GENERAL.—If a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

"(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

"(c) CUSTODY AND RELEASE AFTER HEARING.—

"(1) RELEASE.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 505(i) that an alien should not be removed, the alien shall be released from custody.

"(B) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

"(2) CUSTODY AND REMOVAL.—

"(A) CUSTODY.—If the judge decides pursuant to section 505(i) that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

"(B) REMOVAL.—

"(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

"(ii) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

"(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

"(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

"(d) CONTINUED DETENTION PENDING TRIAL.—

"(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

"(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

"(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

"(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

"(f) RIGHTS OF ALIENS IN CUSTODY.—

"(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

"(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.".

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: "Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.".

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking "or" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting "; or", and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.".

(d) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended—

(1) by adding "and" at the end of paragraph (8),

(2) by striking "; and" at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND FOR EXCLUSION.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking "or" at the end of subclause (I),

(B) in subclause (II), by inserting "engaged in or" after "believe,", and

(C) by inserting after subclause (II) the following:

"(III) is a representative of a terrorist organization, or

"(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,"; and

(2) by adding at the end the following:

"(iv) TERRORIST ORGANIZATION DEFINED.—

"(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

"(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

"(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

"(IV) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

"(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

"(VI) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

"(v) REPRESENTATIVE DEFINED.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity. The determination by the Secretary of State or the Attorney General that an alien is a representative of a terrorist organization shall be subject to judicial review.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: "The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: "For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(b) SUSPENSION OF DEPORTATION.—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking "section 241(a)(4)(D)" and inserting "subparagraph (B) or (D) of section 241(a)(4)".

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting "under section 241(a)(4)(B) or" after "who is deportable".

(d) ADJUSTMENT OF STATUS.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or" before "(5)", and

(2) by inserting before the period at the end the following: ", or (6) an alien who is deportable under section 241(a)(4)(B)".

(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting "and is not deportable under section 241(a)(4)(B)" after "ineligible to citizenship".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

Subtitle B—Expedited Exclusion

SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

"(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

"(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

"(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

"(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

"(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

"(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

"(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

"(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

"(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

"(v) For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

"(D) As used in this paragraph, the term 'asylum officer' means an immigration officer who—

"(i) has had professional training in country conditions, asylum law, and interview techniques; and

"(ii) is supervised by an officer who meets the condition in clause (i).

"(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

"(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

"(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

"(B) The provisions of subparagraph (A) shall not apply—

"(i) to an alien crewman,

"(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I), or

"(iii) if the conditions described in section 273(d) exist.

"(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.".

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "Deportation" and inserting "Subject to section 235(b)(1), deportation", and

(2) in the first sentence of paragraph (2), by striking "If" and inserting "Subject to section 235(b)(1), if".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 622. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION"; and

(2) by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

"(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner's claim of United States nationality is not frivolous;

"(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

"(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

"(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

"(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.".

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.".

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

"Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.".

SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES THROUGH COURT ORDER.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting "(i)" after "except that the Attorney General", and

(2) by inserting after "title 13, United States Code" the following: "and (ii) may authorize an application to a Federal court of

competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

"(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

"(II) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant".

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting ", except as allowed by a court order issued pursuant to paragraph (6)" after "consent of the alien", and

(2) in paragraph (6), by inserting after subparagraph (C) the following:

"Notwithstanding the previous sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used (i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or (ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.".

SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking "If" and inserting "(1) Subject to paragraph (2), if"; and

(3) by adding at the end the following new paragraph:

"(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens excludable under subsection (a)(2) or (a)(3).".

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

"(6) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, which the person used, or intended to be used, in committing, or facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation."; and

(2) in subsection (b)(1)(B), by inserting "or (a)(6)" after "(a)(2)".

SEC. 642. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting "1028, 1541, 1542, 1543, 1544, 1546," before "1956".

SEC. 643. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

Subtitle D—Employee Verification by Security Services Companies

SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO REQUEST ADDITIONAL DOCUMENTATION.

(a) IN GENERAL.—Section 274B(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes" and inserting "(A) Except as provided in subparagraph (B), for purposes", and

(2) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply to a request made in connection with an individual seeking employment in a company (or division of a company) engaged in the business of providing security services to protect persons, institutions, buildings, or other possible targets of international terrorism (as defined in section 2331(1) of title 18, United States Code).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for documents made on or after the date of the enactment of this Act with respect to individuals who are or were hired before, on, or after the date of the enactment of this Act.

Subtitle E—Criminal Alien Deportation Improvements

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Criminal Alien Deportation Improvements Act of 1995".

SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting ", or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses)," after "corrupt organizations)";

(2) in subparagraph (K)—

(A) by striking "or" at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

"(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or";

(3) by amending subparagraph (N) to read as follows:

"(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;";

(4) by amending subparagraph (O) to read as follows:

"(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;"

(5) in subparagraph (P), by striking "15 years" and inserting "5 years", and by striking "and" at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

"(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;"; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

"(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

"(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

"(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (A) and inserting "or", and

(B) by amending subparagraph (B) to read as follows:

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.";

(2) in paragraph (3), by striking "30 calendar days" and inserting "14 calendar days";

(3) in paragraph (4)(B), by striking "proccedings" and inserting "proceedings";

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

"(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

"(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;".

(5) by adding at the end the following new paragraph:

"(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.".

(b) Limit on Judicial Review.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended to read as follows:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(c) Presumption of Deportability.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

"(c) Presumption of Deportability.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.".

(d) Effective Date.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.".

SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) In General.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended to read as follows:

"(a) Operation and Purpose.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.".

SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain," before "section 1029";

(2) by inserting "section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery)," after "section 1513 (relating to retaliating against a witness, victim, or an informant),";

(3) by striking "or" before "(E)"; and

(4) by inserting before the period at the end the following: ", or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain".

SEC. 668. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

"(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or".

SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) In General.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

"(II) is convicted of a crime for which a sentence of one year or longer may be imposed,".

(b) Effective Date.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 670. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 671. MISCELLANEOUS PROVISIONS.

(a) Use of Electronic and Telephonic Media in Deportation Hearings.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

(b) Codification.—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: "Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.".

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking "and nothing in" and all that follows through "1252(i))".

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 672. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 673. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) Report to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the "Treaty") to remove from the United States aliens who have been convicted of crimes in the United States.

(b) Use of Treaty.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) Effectiveness of Treaty.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the

Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 674. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 675. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 676. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 677. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

"(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

"(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

"(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

"(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

"(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).".

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

"(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.".

TITLE VII—AUTHORIZATION AND FUNDING

SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated $5,000,000 for fiscal year 1996.

SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed $10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

(1) in obtaining explosive detection devices and other counter-terrorism technology; and

(2) in conducting research and development projects on such technology.

SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed $10,000,000 to the National Institute of Justice Science and Technology Office—

(1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—

(A) detection of weapons, explosives, chemicals, and persons;

(B) tracking;

(C) surveillance;

(D) vulnerability assessment; and

(E) information technologies;

(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting "crimes involving terrorism," before "driving while intoxicated"; and

(2) by inserting a comma after "driving while intoxicated".

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or" before "are States not having".

SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

"(A) an action under this paragraph shall not be instituted unless the claimant first affords the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

"(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act); and

"(C) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process."; and

(2) by adding at the end the following new subsection:

"(e) For purposes of paragraph (7) of subsection (a)—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.".

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting ", or"; and

(B) by adding at the end the following new paragraph:

"(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.".

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking "or (5)" and inserting "(5), or (7)"; and

(B) by striking "used for the activity" and inserting "involved in the act".

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL MATERIAL ON THE MAKING OF BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the extent to which there are available to the public material in any medium (including print, electronic, or film) that instructs how to make bombs, other destructive devices, and weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic and international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism; and

(4) the application of existing Federal laws to such material, the need and utility, if any, for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 805. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

SEC. 806. VICTIM RESTITUTION ACT OF 1995.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law" and inserting "shall order"; and

(ii) by adding at the end the following: "The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.";

(B) by adding at the end the following:

"(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(B) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the court decides to order restitution under this section, the" and inserting "The";

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

"(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

SEC. 807. AUTHORITY FOR OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

TITLE IX—HABEAS CORPUS REFORM

SEC. 901. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a write of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.".

SEC. 902. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section

2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.''.

SEC. 904. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

''(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on—

''(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.''; and

(5) by adding at the end the following new subsections:

''(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.''.

SEC. 905. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

''A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

''Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

''(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

''(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.''.

SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) Conforming Amendment to Section 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting '', except as provided in section 2255.''.

(b) Limits on Second or Successive Applications.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

''(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

''(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

''(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

''(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

''(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

''(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.

(a) Addition of Chapter to Title 28, United States Code.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.

''2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2263. Filing of habeas corpus application; time requirements; tolling rules.
"2264. Scope of Federal review; district court adjudications.
"2265. Application to State unitary review procedure.
"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 908. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

SEC. 909. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

H.R. 1745

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 2: Page 19, after line 14 (after subsection (j) of section 3), add the following:

(k) SEARCH AND RESCUE.—The Secretary of the Interior shall permit any Federal agency, element of the Armed Forces (including the reserve components thereof), the National Guard, and any State or local agency to use mechanized vehicles and equipment, aircraft, and other form of mechanical transport for purposes of search and rescue within any area designated by this Act as wilderness.

SENATE—*Wednesday, December 13, 1995*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Knowledge we ask not
Knowledge Thou hast lent
But Lord, the will
There lies our bitter need
Give us to build above the deep intent
The deed; the deed!—Drinkwater.

Dear God, help us to put into action what we believe. You have made faith and works inseparable. Application of our convictions is our challenge. Help us to apply the absolutes of our faith. We believe in You as Sovereign of this Nation; strengthen our wills to seek and do Your will. Out motto is "In God we trust"; help us really to trust You in the specific decisions we must make today. Particularly, we ask for Your guidance in our decision about the extent of our involvement in Bosnia. We believe You have called us here to serve; help us to be servant-leaders distinguished for diligence. We affirm Your presence, we accept Your love, we rejoice in Your goodness, we receive Your guidance, and we praise Your holy name. Amen.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The PRESIDENT pro tempore. Under the previous order, H.R. 2606 will now be laid aside and the Senator from Texas [Mrs. HUTCHISON] will be recognized to submit a Senate concurrent resolution. The able Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 35) expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia.

The Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, this is a very simple resolution. It is the Hutchison-Inhofe resolution that says, very simply, we oppose President Clinton's decision to deploy American troops into Bosnia.

The second part is also very simple. It says we support the troops of our country 100 percent.

Congress must exercise its responsibility under the Constitution. We must say "no" when there is a bad decision that will cost American lives. Congress has not been consulted. Congress has not authorized this deployment. It is not an emergency.

The President is talking about a year. Congress should not authorize any deployment of troops that will put them in harm's way for a 1-year period.

This is not within the parameters of the NATO agreement. I have a copy of the NATO agreement here with me. If any Member of the U.S. Senate can show me the provision in this agreement that somehow makes it our responsibility to send troops into a civil war in a country that is not a NATO country, I invite them to come to the floor and do that.

Mr. President, it is not there. The NATO treaty is a mutual defense pact among nations that were trying to make sure that we would have the ability to repel a large and onerous foreign invader. There is no such potential foreign invader for our NATO countries and, therefore, rather than run around the world and react to crisis upon crisis where there is not a U.S. security threat, it is time for us to look at NATO and our agreement and make it strong by planning ahead, by having a strategic vision about what is needed now to make Europe stable.

America wants to be part of making Europe stable, but, Mr. President, going into a civil war in Bosnia is not the way to make Europe stable. The way to make Europe stable is to help the people of Bosnia by making sure there is parity, by making sure that the people are able to defend themselves, but not to put United States troops on the ground.

I am just going to end this morning by quoting from a letter that I got from one of my constituents, and I think it really sums it up:

> I remain to be convinced that we have a greater moral obligation to the Bosnians than we do to our own soldiers and their families.

Mr. President, this is a bad decision, and it is the responsibility of Congress to fulfill our constitutional duty to say, "No, Mr. President. Come to us. Let's discuss it before you deploy American troops. Sending them to Haiti without our authorization, expanding the mission in Somalia without our authorization has not worked, and sending our troops to Bosnia without our authorization will not work."

Thank you, Mr. President. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the concurrent resolution offered by the distinguished Senator from Texas, Senator HUTCHISON, myself, and others.

For the past couple of months, I have made statements on the floor and in hearings conducted by the Senate Armed Services Committee expressing my grave concerns over the commitment that President Clinton made to the Presidents of Bosnia, Serbia, and Croatia to deploy United States military ground forces to implement and enforce a peace agreement to end the fighting in Bosnia.

I continue to have those concerns. To date, the Senate Armed Services Committee has conducted eight hearings on the situation in Bosnia and the use of United States military forces to enforce the Bosnia peace agreement. In testimony before the committee, administration witnesses and experts in the area of national security, foreign policy, and intelligence have stated that it is in the vital national interests of the United States to deploy ground forces in Bosnia to avert a wide-scale war in Europe to save NATO and maintain United States leadership in NATO and to preserve the good word of the United States.

Mr. President, as I have stated before, as a superpower, I believe it is important for the United States to show leadership in matters of national security and foreign policy. I also support NATO and do not want to endanger NATO as a security organization which was largely successful in bringing the cold war to an end.

I also believe that it is important to follow through with commitments. However, I will not rubberstamp a decision by the President, just because he has the constitutional authority to deploy military forces. The administration has testified that the President would proceed with the deployment of United States forces to Bosnia, regardless of the concerns expressed by Congress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Despite this testimony, I believe Congress has a constitutional responsibility to review decisions of this magnitude. In the conduct of that review, I have yet to be convinced by the President, the Secretary of Defense and the Secretary of State, that there are vital national security interests that warrant the deployment of United States military forces to Bosnia; or that our national security is threatened.

I am not convinced that the mission is clear, that the objectives of the mission are achievable, or that there is a clear exit strategy.

I have great confidence in NATO's ability, under the operational and tactical control of the U.S. military, to manage the operation—more confidence than I ever had in the United Nations. However, there will be a number of non-NATO nations participating in the implementation force, a great number of them deployed in the United States sector. While they will be under the operational control of the United States military commanders, I have concerns about their perception or interpretation of actions by the people for whom they are supposed to be securing peace, and the paramilitary forces in the area who may not support the peace effort.

This operation is supposed to be a peacekeeping action, and at the same time, a peace enforcement action, as necessary. I am concerned that there is great potential for disaster, despite robust rules of engagement, if there is not a clear understanding among all the parties in the sector, as to interpretation of military action, and what constitutes the use of force.

Further, I am not convinced that United States military forces participating in the Bosnia peace implementation force will not get bogged down with nonmilitary activities such as providing assistance to international organizations. From reading the I-For mission statement, it is quite clear to me that the mission statement is ambiguous and unclear. Specifically, it states that I-For will not conduct election security, provide humanitarian assistance or conduct mine or obstacle clearing activities. At the same time, though, it says that members of I-For will assist international organizations in these activities, if requested.

Mr. President, I supported lifting the arms embargo so that the Bosnian Moslems could protect themselves, and so the United States could avoid sending U.S. troops to Bosnia. The President and the international community repeatedly rejected the bipartisan effort to lift the embargo.

I still support the idea that a stable military balance is necessary to enable Bosnia to defend itself. However, now that United States troops will be deployed in Bosnia, I have concerns for their safety, if the United States becomes directly involved in providing equipment, arms, training, and the logistics to the Bosnian Moslems.

Mr. President, regardless of the outcome of this debate, I want to strongly emphasize my support for the U.S. military forces who have already been deployed to Bosnia and Croatia, and who may shortly be deployed to Bosnia to participate in the implementation force. I will be monitoring very closely the situation in Bosnia, so that we can ensure that our military forces can return to their families as soon as possible.

Mr. President, I urge my colleagues to support the concurrent resolution offered by Senator HUTCHISON, myself, and others.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, after a great deal of reflection, and with some reservations, I have decided to support the President's decision to send United States troops to Bosnia to help enforce a peace settlement. When the peace agreement was initialed in Dayton 3 weeks ago, I wholeheartedly welcomed the peace, congratulated the peacemakers, but expressed my skepticism about the need for U.S. ground troops to enforce that peace.

When President Clinton first suggested almost 2 years ago that United States troops might become involved in Bosnia, I outlined my strong concerns about such a course of action in a letter to the President. I noted two minimum conditions that I thought should be met before we even considered committing troops to Bosnia. I said that the mission should be a multinational one, conducted either under U.N. or NATO auspices, and that the United States should provide less than a majority of troops to that effort. Both of those conditions have, of course, been met, but for me, that is only a starting point.

My qualms about sending United States troops to Bosnia stem from my fear that we will become stuck in a Balkans quagmire. To my mind, throughout history, the Balkans have been a place of war and strife, and I worry about involving United States troops in conflicts that are centuries old.

But I also have said that it was up to the President to make the case for sending troops, and that I would listen with an open mind. During the past 3 weeks, the President and other members of the administration have put forth their case to me in private and in public, and I have been listening. I found President Clinton's address to the Nation to be particularly compelling. I believe the President did an excellent job of laying out exactly what is at stake in Bosnia. I agree that the Dayton Agreement, which was brokered by very talented U.S. diplomats, offers us the chance, as the President said "to build a peace and stop the suffering" in the heart of Europe, which is of course very important to U.S. national security interests.

In that speech and in subsequent presentations, the President and other members of the administration have defined the limited peacekeeping role our troops will be asked to play. They have been appropriately reassuring to the families of the young men and women who will be sent to Bosnia. Our troops know already that they are the world's best equipped and trained fighting force. The President, in a clear statement to any would-be troublemakers, has stated flatly that our troops will be well trained, heavily armed, and ready to retaliate against any threat to their own safety.

While our troops will have broad discretion to respond to any challenges or threats, there also will be limits on their role and mission in Bosnia. In a hearing before the Senate Foreign Relations Committee on December 1, Secretary Christopher, Secretary Perry, and General Shalikashvili testified that there are limits to what our troops will be asked to do. The fact that there will be limits has gone a long way in convincing me to support our President's decision. Our troops are not going to fight a war, but rather to help implement a peace to which the parties themselves have agreed. Their objective is to achieve a concrete set of military goals outlined in the Military Annex to the Dayton agreement. They are not, I have been reassured, going to get dragged into the conflict itself. I have also been assured that our military will not be engaged in rebuilding Bosnia. That is a responsibility of the parties themselves, with such civilian assistance from the international community as the Dayton Agreement provides.

Mr. President, I do continue to have some questions about the implementation of the peace plan. While these concerns will not cause me to withdraw my support of the President's decision, they are serious.

First, I would like to see a more precise rendering of the circumstances under which the implementation force will carry out or provide direct support for such civilian tasks as creating secure conditions for elections, assisting humanitarian missions, preventing interference with the movement of civilians, and mine clearing. General Shalikashvili and Secretary Christopher told the Foreign Relations Committee that the implementation force—or I-For—has the authority to engage in such activities but that this authority would be used rarely and at the discretion of local I-For commanders. I would hope that before the main body of troops are sent to Bosnia, we will have a better sense of the specific guidelines being given to local commanders about involving I-For in these activities. Otherwise, I fear that there may be an uneven enforcement of the peace plan, and more importantly, that we may see mission creep develop.

Related to this issue is my concern that there be a strong and effective civilian program that will ensure that free and fair elections are held, refugees are resettled, and that reconstruction begins. Moreover, I hope that there will be tight coordination between the civilian and military aspects of the implementation program. Although I do not want to see I-For involved in the civilian aspects of the peace implementation, I do, after all, want to ensure that we achieve the maximum progress possible on the civilian side. Without such progress, the exit strategy for our troops becomes much more murky and problematic. If sufficient progress is not made on elections, refugees, reconstruction, and related matters by the time I-For does withdraw in a year's time, I fear that there will be backsliding on the military side and that United States troops will have done nothing more than preside over a year long cease fire.

Finally, I hope that the administration will define more clearly how it hopes to achieve a military balance in Bosnia once I-For leaves. I do not think anyone would quibble with the goal of achieving a balance, but we need more details about how that is to come about, consistent with the Dayton Accords and U.N. Security Council Resolutions.

To me, it is unfathomable that we would want to see more arms in that part of the world. Moreover, I am uneasy about any U.S. plans to arm and train one side—the Federation—while participating in an Implementation force which is supposed to be evenhanded. One need only remember the ill-fated U.S. military involvement in Lebanon to be reminded of the danger of taking sides in such a situation. While it might ultimately make sense for the United States to coordinate such an effort, for U.S. citizens—be they military personnel or private contractors—to actually engage in arming and training may make our troops particular targets. To this end, I welcome President Clinton's assurance that providing arms and training to Federation forces will not be done by either I-For or U.S. military forces. Before our troops are sent to Bosnia, we should know definitively how we plan to proceed on this issue.

Mr. President, Balkan history has been a source of my skepticism about sending troops to Bosnia. I have spent long years of service in Europe: first as a Coast Guard lieutenant based in Sicily during World War II, then as a Foreign Service officer in Prague, Bratislava, and Genoa as the Iron Curtain was drawn between East and West, and as an official with the International Rescue Committee working in Vienna with refugees fleeing Hungary's Communist regime. Because of my experience, I am deeply and personally conscious of how important Europe's freedom and stability is to the United States. I am also acutely aware of how fragile the current peace engulfing most of Europe is. If left unchecked, the Bosnian war could threaten the peace on the rest of the continent.

The people of Bosnia have suffered untold misery and horrors. To them, the Dayton Agreement is long-awaited and good news. For us, the agreement offers an historic opportunity to end Europe's worst conflict since World War Two. We all hope it presages a lasting peace.

That is why I believe we must support the President's call to participate, with our NATO allies, in an effort to stem the tide of war in Bosnia.

Mr. GRAMS. Mr. President, I want to rise today as a cosponsor and strong supporter of the Hutchison resolution. I want to commend Senator HUTCHISON, Senator INHOFE, and other Senators whose outspoken and persuasive leadership has given us this opportunity to send a clear message to the President on the Bosnia issue.

Like my 28 colleagues who have cosponsored this resolution, I believe the Senate must express its opposition to President Clinton's planned deployment of United States ground forces to Bosnia.

I encourage all of my colleagues who have strong reservations about the President's actions to vote for the Hutchison resolution.

As a member of the Foreign Relations Committee, I am convinced that this resolution is the only way to send a clear, unambiguous message to the President without hurting American troops who are already on the ground or who will be arriving imminently in Bosnia.

The President has failed to convince the American public of his basic premise—that such vital national security interests are at stake in Bosnia that we should risk the lives of United States soldiers to enforce a fragile peace there. Letters and calls from my home State of Minnesota continue to oppose sending troops 3 to 1.

Unfortunately, I hold out little hope that the Hutchison resolution, even if it passes, will prevent United States troops from being deployed to Bosnia.

If the President is willing to begin the Bosnia operation despite strong and sustained public opposition, it is difficult to imagine that one more vote in Congress will change his mind.

We all understand the President has the constitutional power to commit troops without congressional approval, but a far more worrisome question is whether he should sustain this dubious military operation without a solid base of public support.

In 1993, during the height of the civil war in Bosnia, President Clinton made a regrettable mistake: He pledged to commit 25,000 United States ground troops to enforce any future peace agreement between the warring parties in the Balkans.

The President made this promise without knowing the exact terms of the peace agreement that would emerge, without conducting a thorough review of the operation's dangers and without consulting Congress.

Now, he has essentially dared Congress to break his ill-considered commitment of U.S. forces and thereby, he says, risk undermining the peace agreement, our international credibility and our relations with NATO allies.

In doing so, the President has effectively painted the American soldier and Congress into an uncomfortable corner. As a result, United States troops are already on the ground in the Balkans as part of NATO's advance force, and thousands more American soldiers will find themselves in Bosnia for Christmas.

Moreover, the President has repeatedly blocked efforts by Congress to end the unjust arms embargo on the Bosnians. This embargo has prevented the Bosnians from defending themselves and has encouraged continued Serbian aggression against their outnumbered foes.

Even the Clinton administration is admitting that a military balance between warring factions is the key to stability in Bosnia and the eventual withdrawal of United States troops.

How tragically ironic it is that the necessary outcome of NATO's operation in Bosnia could have been achieved without shedding American blood if the President had only allowed the Bosnians to arm themselves.

Congress should not rubber-stamp the President's premature decision. We must not compound this Presidential blunder by abdicating our congressional responsibility.

First, Congress should continue to express specific concerns about the scope of the NATO mission in Bosnia. While administration officials have made claims to the contrary, most Americans realize there is real potential for this operation to become increasingly open-ended and dangerous.

During hearings before the Foreign Relations Committee, Secretary of State Christopher said that the NATO implementation force's only obligation was to carry out military objectives—namely, the separation of Bosnia's warring parties.

But he also said that the peace agreement "authorizes" NATO forces "to take additional [civilian] actions if the local commander desires to do so."

Well, undoubtedly, giving NATO forces this discretionary power to support nation-building activities will put our troops at greater risk. So far, there have been many reports about the lack of coordination among international organizations charged with achieving civilian provisions in the peace agreement. If progress is not made on these civilian missions, the temptation for NATO forces to advance civilian goals—such as refugee resettlement—will only increase.

In addition, without an effective exit strategy, the Bosnia operation's supposed 1-year time limit could evaporate. As I mentioned earlier, the key to an exit strategy for United States troops is the establishment of a military equilibrium among the warring parties.

If the United States does not take a leading role in the arming and training of the Bosnians, it is very doubtful that it will be done to our satisfaction.

Opponents who claim that a strong American role in arming the Bosnians will jeopardize the neutrality of United States troops are simply deluding themselves. The Serbs never have and never will consider the United States a neutral power in this arrangement. Have we forgotten that only months ago United States planes were bombing Serb positions? For the Serbs, an indirect American role in arming the Bosnians will hardly be more reassuring than a direct one.

Indeed, one of my strongest concerns about the United States role in this operation is that we are mistakenly assuming we will be perceived as neutral by all parties in Bosnia. In 1983, a similar tragic miscalculation failed to prevent the deaths of 241 United States marines in Lebanon.

Without question, the scope of the Bosnia mission must be narrowed and an effective exit strategy developed. For this reason, I appreciate what the majority leader and Senator McCAIN are trying to accomplish in their resolution and I know they are acting solely with the safety and well-being of our troops in mind.

However, I cannot vote for the Dole resolution, which authorizes the President's deployment of United States troops to Bosnia. Given the manner in which the President has chosen to pledge our soldiers' lives for this peace agreement, I cannot vote to give him Congress' seal of approval. The President's strategy simply does not deserve it.

Yet, while I am not willing to acquiesce to the President's plan, I also will not support cutting off funding for our troops while they are already on the ground. Although this action is within the constitutional powers of Congress, it would potentially endanger the men and women in our Armed Forces even further.

We must learn from our past mistakes. We should not repeat the 1993 debacle in Somalia where United States troops were actually denied the equipment and weapons their commanders had requested. Soon afterwards, 18 American soldiers were killed when they were trapped during a tragic firefight.

Therefore, the Senate's vote today on the President's plan to deploy troops in Bosnia is only the beginning of Congress' obligation to our men and women who serve and defend this Nation. We will closely monitor the Bosnia operation to ensure that it is fully funded, that our troops are adequately supplied and that the mission remains strictly focused.

Mr. President, we owe our soldiers, their friends and family, and the American people nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, first, I want to commend my colleague, Senator HUTCHISON, from Texas, for the initiative she has taken, addressing what I think is one of the most critical and important issues the Senate will face in a long, long time. It is appropriate we give proper deliberation to this issue. There really is no more serious, wrenching decision than one similar to what we face today, because it not only has consequences for America's role in the world, but consequences for the lives of young men and women, poised at this very moment for deployment in Bosnia.

We have two burdens in this debate. One is to exercise American leadership and the second is to justify American sacrifice.

Let me state at the beginning, I firmly believe in American leadership. Our active engagement in the world is an expression of our interest and our values. But in exercising this leadership, I think it is important that we understand that justifying American sacrifice is the higher and the harder and the heavier responsibility that we face because it demands not just plausible goals, but compelling reasons.

It is not enough to say that a questionable promise has been made, or that an alliance needs to be politically repaired, or that we feel guilty or somehow compromised and helpless. These are factors that may contribute to a case for intervention, but I do not believe they are determinative factors in terms of deciding whether or not we intervene. Because, in the end, I think we have to be able to say certain things with confidence, that there is no other, more viable option consistent with our interests and that there is no honorable alternative to the risk of American lives. This is a decision that has to be made deliberately, not by default.

Like many of my colleagues here, I faced these questions before. I voted to send United States marines to Lebanon to be a presence in a land that was factionalized and fractionalized like Bosnia, and I will always regret that decision and that vote which resulted in the deaths of 241 marines who saluted smartly when ordered to what clearly, in retrospect, was an ill-defined mission.

I also voted to send American troops to the Gulf to fight aggression. When America's interests are clear, as I believe they were in the gulf, even great sacrifice can be justified, but when America's interests and goals are vague and murky and unobtainable, the loss of one life is too much.

In the administration's proposed police action in the Balkans, there are a number of operational questions, some of which I will briefly raise, but I want to begin by stepping back and asking some fundamental questions of philosophy and strategy.

Why Bosnia? Why this region? Why this moment? It is said we have a moral responsibility to end the bloodshed. But I think that goal is too broad to be useful. Bosnia, unfortunately, is not unique when it comes to undeserved suffering. Bloody civil wars rage today in Rwanda, Sudan, Liberia, and other places of the world. There were far more civilians killed in a year in Kabul than there were in Sarajevo.

So, how do we choose where American troops are used to end the world's civil wars? Is that a decision made by TV news, determining which country has the most telegenic suffering? Clearly, this alone cannot be a sufficient basis for intervention.

It is said the Bosnia conflict is a direct threat to the security of Europe, an area where American interests are implicated. It has been repeatedly stated by the administration that intervention is necessary to prevent the spread of the Bosnia conflict to other nations, including Hungary, Albania, even Greece, and that failure to intervene now will inevitably lead to a broader conflict and a greater involvement at greater sacrifice of American troops. But I believe this to be a serious exaggeration.

Europe today is not the Europe of 1914, deeply factionalized and arming for a broader war. In fact, the Balkan war has not been expanding, but contracted. It is a serious crisis, but it is not an expanding crisis. No European leaders are seriously convinced that the dominoes of France, Germany, Italy, Greece, and the rest are about to fall, pushed by Balkan violence.

It is said that our vital national interests are challenged by a Balkan civil war, but this is simply not credible. What resources are threatened? What trade route is interrupted? What strategic military threat to the United States has developed? What American citizens are being placed in danger? The term "national interests" cannot be stretched indefinitely. It must mean something or it means nothing.

So, it seems that we are left with one reason, one explanation why 20,000 American troops are headed for the Balkan winter: Because the President gave his word, and we cannot go back on it. Is this what the administration means by credibility? National interest is not found in the Balkans themselves but found in closing a credibility gap that the administration itself has opened.

Henry Kissinger summarizes this point as follows: "The paradox of the decision before Congress is that while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policies: If other nations," Kissinger says, "cease to believe our assurances, our capacity to shape events to protect American security and values will be jeopardized."

I do not want to minimize this concern. Many scholars and experts that I deeply respect believe that this reason alone is sufficient to justify American intervention. But, if that is the case, I have two questions that have yet to be answered in this regard.

First, how do we come to this place? Why should the world's only superpower, fresh off the success of Desert Storm, need to prove its credibility in a Balkan civil war? Have we so squandered American leadership and credibility that now it needs to be bought back with the presence of American troops and the risk of American blood?

This brings me to my second question: Will this intervention actually rebuild American credibility?

It is possible, but only under one circumstance: The mission must be an obvious success. Credibility is not determined by the promises we keep but by the outcome we achieve. An outcome similar to Somalia or Lebanon would be difficult to calculate. the important questions are: Is this Bosnian mission likely to add to American credibility? And what is the prospect of success?

These are questions I asked in the hearing process. In several key areas, and I have yet to find adequate answers.

How can the United States remain neutral and build up the Bosnian Army? Is not this logically contradictory, and inherently dangerous?

Though it is not entirely clear what form these arms and training will take, does anyone believe that the Serbs will stand by while their military advantage is reduced as the Bosnians arm and train with the best quality arms to the best extent possible? The Dole resolution portion of that—and I commend Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others for a well-intentioned and serious effort at outlining the conditions of American involvement—and much of this resolution contains language I can enthusiastically support, but a portion of it is deeply disturbing to me, particularly section (2)(b)3 which says the United States will "lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure that the federation of Bosnia-Herzegovina provide for its own defense, including, as necessary, existing military drawdown authority." And on it goes.

America, in effect, will be acting as a shield while one faction in a civil war aggressively arms. Taking sides in previous peacekeeping efforts have brought tragedy—not success. Clearly, the implementation agreement to an implementation of this section (2)(b)3 of the Dole-McCain resolution could lead to both a mission impossible to achieve and potentially disastrous consequences.

A second question is, How certain are we that a Bosnian Moslem-Croat federation is politically sustainable?

The Dayton agreement presupposes the survival of this fragile alliance—an alliance that is not even 2 years old. It was not even in existence when the Bosnian conflict began. It was the Bosnian Moslems and the Croats that were the warring factions—the Croats on the same side as the Serbs, each trying to carve up Bosnia for its own benefit.

What we have today is a marriage of convenience between some very reluctant partners. Are we going to stake American credibility on the assumption that eventually these uncomfortable allies will continue to enjoy each other's company? Henry Kissinger has cautioned that, "It is naive to expect the Croat-Moslem marriage of convenience to last indefinitely." He argues that the relationship is more of a time bomb than a permanent political identity.

A third question: What exactly is our mission, and how will we define success?

The President believes our mission is to supervise the separation of the forces and to give the parties confidence that each side will live up to their agreements. He wants the U.S. military to serve in this capacity for 1 year in order to "break the cycle of violence."

The most clear portion of the proposed mission is keeping the warring factions separated. That will not be easy. But at least its effectiveness can be measured, and I think it can be accomplished. I argue, however, that it is a mission that should not be necessary if, in fact, there is a real peace agreement reached.

But the second component of the President's mission statement, that of "giving the parties the confidence that each side will live up to their agreements," is dangerously unclear. These confidence-building measures include establishing the foundation for economic, social, and political reconstruction in the region. But, as I just previously stated, it is the explicitly stated but not agreed to by the parties to this agreement, it is that explicitly stated mission of arming and training one side in what I believe to be a civil war that is most disturbing to me.

I have struggled to understand this. I have struggled to find answers to these questions. I have struggled to find agreement with this so that I could support the Dole-McCain resolution. But I cannot resolve in my mind what I believe to be an inherent contradiction between a stated, written, agreed-to-by-all-parties portion of this Dayton peace agreement that calls for disarming of the parties, an achievement of a military balance, and the contradictory goal of immediately leading an effort to ensure arms and training to one faction of the three warring parties.

This militarization—not demilitarization—inevitably will lead to an arms race and, I believe, will inevitably lead to a failure of mission. And that failure of mission then squanders the last opportunity to establish or regain American credibility.

I ask the question I asked before. Have we since the gulf war so squandered American leadership and credibility that now we must regain it by engaging in a civil war in the Balkans at great risk of loss of American lives and at great risk of squandering future American credibility?

All these problems conspire to create a very difficult situation. We have staked our credibility on one outcome in the Balkans—peace. But that is the outcome that is the least likely of the many possibilities. On the one side, we have the evidence of 600 years of bitter conflict and, more recently, 34 broken cease-fires. On the other, we have the desperate hope that all the participants will show good will and good sense. I trust and pray that they will. That would be contradictory to 600 years of history.

The problem here is simple. Our credibility is at sake, but we do not control the outcome. Our success or failure will be determined by the parties and factions that have demonstrated that they cannot control themselves.

If, at the end of 12 months, there is chaos in the Balkans, the pressure on American credibility will be even greater than it is today. We will have invested American lives, American resources, and American leadership. So then how can we walk away at that moment with our leadership enhanced? Will there not be inevitable pressure to expand our efforts, to extend them?

Jeanne Kirkpatrick has commented that "failure to provide ground troops might do superficial damage to America's credibility, but committing troops and failing to achieve our goal would do major damage to America's credibility—really major damage. It is not possible to contemplate the damage to America's credibility that would result," she said.

Mr. President, I am convinced that this Bosnian crisis is a symptom of a deeper foreign policy crisis, the evidence of a basic misunderstanding of what it means to be a superpower. The will to intervene, to spend lives and money, is a limited resource of any nation. It must be carefully preserved for essential missions that concern our vital interests and maintains stability in the world.

Endless and pointless interventions squander that limited resource of national will. It is precisely because we cannot be isolationists that we must be deliberate and realistic in our actions. It is because intervention must remain an option of American policy that our interventions must be wise. In Bosnia, discretion is wisdom.

This does not mean America should be and can be indifferent about situations like the Balkans, but it does mean we should consider other options—alternatives to ground forces—in conflicts where our interests are not directly engaged. One of those options available to a superpower is to lead our allies instead of following them. Unfortunately, that course has not been taken.

Gen. John Shalikashvili has conceded that "from a purely military standpoint" the West Europeans could undertake the Bosnian mission on their own. They have chosen not to do so. Rather, they have insisted that America make a symbolic commitment—not so symbolic when you consider it is 20,000 troops—to the extension of an unwise NATO policy of peace enforcement among ancient enemies. It is not the kind of mission for which American troops are trained or suited. It is a mission much closer to the British in Belfast than the Americans in the gulf war, and it is clearly not a mission to be achieved in 12 months. I am deeply troubled that American lives should be sacrificed to prove loyalty to an organization—NATO—that America should be leading, not following it into mistakes that can be reliably predicted by our experience in Lebanon and Somalia.

Once these troops are placed in the field—and they are being placed now—I will do everything in my power to assure that they succeed. But I cannot accept the responsibility of voting to place them there in the first place simply for the purpose of preserving U.S. credibility. It will do nothing in the long run for American credibility to follow our allies into this misguided deployment.

I will reluctantly be opposing the Dole resolution for reasons that I have stated and supporting the Hutchison-Inhofe resolution that we will be voting on shortly today.

Again, I thank Senator HUTCHISON, Senator INHOFE, and others for their efforts in attempting to address what I think is an extraordinarily difficult situation.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, throughout the Bosnian conflict, I have had grave reservations about the involvement of American ground troops in that troubled region. After the President made his speech on November 27, 1995, I continued to have serious concerns, because I felt that U.S. ground troops should not be involved in such a violent area that should be, primarily, a European responsibility.

Following his speech, I expressed these concerns in view of the fragility of the tentative Dayton peace agreement and the prospects for similarities to our peacekeeping efforts in Lebanon. I recalled the changes of attitude on the part of Congress and the public when the disastrous consequences in Beirut and Somalia unfolded on the nightly news.

Over the last several days, I have immersed myself in a study and evaluation of our present posture regarding the situation in Bosnia. I have listened and talked to military, political and foreign policy leaders, Members of Congress, and individuals in other related fields as well.

First, let me say that I hope during this debate over our role in Bosnia, we will rethink America's role as the sole remaining superpower and its participation in foreign disputes. We must recognize that other countries will want to use our military and financial resources to solve problems that basically they should remedy themselves. In my opinion, there should be less military involvement by the United States, as well as reduced foreign financial assistance, unless there is a vital U.S. interest involved. Furthermore, this need for rethinking is augmented by the movement to achieve a balanced budget.

Having said that, I want to share some of the thoughts that have entered my mind after reflection and discussions.

Like most Americans, I am thankful that a cease-fire and hopefully an effective Bosnia peace agreement has been reached between all of the warring factions in this long-standing conflict. I pray that the cease-fire holds, that the agreement succeeds, and that the Bosnians can live in peace. We have watched for nearly 5 years as these neighbors have cruelly and methodically torn each other apart.

On the surface at least, the Dayton agreement does hold promise for peace. It allows the thousands of refugees, theoretically at least, to return to their homes; it removes the foreign "holy warriors" from Bosnia; it withdraws heavy weapons; it preserves the October 5 cease-fire; and hopefully, it will stop the genocide and other atrocities that have plagued that part of Europe for far too long.

My primary concern with the agreement and the NATO mission it calls for is the requirement of having to send American ground forces to implement its provisions. This should be, essentially, a European mission. The use of air power on the part of the United States was very effective. That was, I believe, the extent to which most Americans expected U.S. forces to be involved. Perhaps this was then and is now the appropriate extent of our involvement.

NATO is probably the only military force that can be counted upon to do the job of peace implementation in Bosnia. The NATO air strikes, which were largely responsible for forcing the warring parties to the negotiating table in Dayton, were proof positive of their effectiveness. The strikes also proved that the Serbs do respond to the power of military might. Still, the mission in Bosnia seems to go beyond the defensive purpose for which the alliance was established nearly 50 years ago, and might set a dangerous precedent for NATO. If NATO's role is to be different from its treaty responsibilities, it should be tailored on an ad hoc basis to limit U.S. participation in what are primarily European internal problems.

Throughout this debate the question arises, "Is it in the vital national interest of the United States to become involved in Bosnia?" The term "vital national interest," however, seems to mean different things to different people. I would therefore like to take a moment to reflect on my idea of a vital national interest and how it differs from other interests our Nation may have.

A vital national interest is one that a country considers to be crucial to its national security. These are issues that are so important they are not open to compromise or negotiation. A country has no choice but to risk war to protect a vital national interest. With a major interest, on the other hand, the country is not at immediate risk. Instead, a decision must be made as to whether the use of force is justified. The use of the military is a question of risks, benefits, capabilities, and, in this case in particular, conscience.

Applying these definitions, it is questionable whether participation in Bosnia is a vital national interest of the United States. Some have stated their belief that the Bosnian conflict could spill across national boundaries and engulf Europe in bloodshed. They use our vital national interest of a stable Europe to justify action in Bosnia. We have, however, effectively managed to prevent the spread of this conflict for nearly 5 years without committing ground troops to the region.

We must also remember the peace keeping mission in Beirut, Lebanon. Many argued back in 1983 that if we did not end the fighting in Lebanon, it would soon spill across the borders and the entire Middle East would be at war. However, our national interest was in a stable Middle East, not necessarily a stable Lebanon. After we pulled out our marines, we rightly redoubled our efforts on preventing the war from spreading across the borders to Israel and Syria.

Another problem we faced in Lebanon and may face in Bosnia is our apparent lack of neutrality. It is essential that peacekeepers enforcing an agreement or cease-fire not take sides. Yet in Beirut, we bombed and shelled the Syrian-backed forces in support of the Lebanese Army and Christian militia. This lack of neutrality made our men targets and led to the fatal bombing of the Marine compound.

In the present situation, United States planes have bombed numerous targets in Bosnia and killed hundreds of Serbs. Do we believe the friends, comrades, and commanders of these dead men view the Americans as neutral? And if we begin to arm the Moslems to achieve military balance among the three parties, will any Serbs view us as neutral? If any of the warring parties become convinced that the Americans are their enemy, it could mean real trouble, not the least of which could come in the form of terrorist attacks similar to Beirut in 1983.

There are other problems to consider as well, such as the divided feelings among the Serbs themselves about the Dayton agreement; divisions among the Croats and Moslems; the remaining residuals of the presence of foreign "holy warriors"; the millions of land mines; probably unfriendly or hostile police forces; and the lifting of the arms embargo after 6 months.

Having outlined some of my reservations about this operation, we have to be realistic. Some of our troops are already in Bosnia. The remainder of the 20,000 have been committed and will soon be there. Furthermore, the constitutionally-suspect War Powers Act allows the President to deploy troops for 60 days without congressional approval. It is also highly unlikely that Congress will vote to cut off funding at any time during the mission.

There is no Member of this body who does not support our troops when they are put in harm's way. While we might disagree over strategy or whether or not to support the peace plan itself, on the matter of supporting our troops, we do not differ. Since their deployment to Bosnia is a matter-of-fact, our task as Members of Congress, then, is to see that they have every possible means to succeed from weaponry to intelligence.

Another point to be raised is whether a failure to support the mission at this point will in some ways undermine the forces sent to Bosnia. This is a real possibility, since those rogue elements who may not believe that we are united on this issue, or that we are looking for an excuse to withdraw, could cause much greater danger to our troops.

While the impact of our vote on our troops is of paramount importance, there are a number of other issues that we must take into account as well. For instance, we must consider the constitutional role of the Commander in Chief and the War Powers Act; the respect we have for the military professionals; the constitutional roles of both Congress and the Executive; and the credibility of the United States.

Our decision must take into account the constitutional role of the Commander in Chief. Even strong opponents of the mission concede that the President has the power to deploy troops with or without the consent of Congress. The War Powers Act allows him to deploy troops for 60 days without congressional authorization. No President, however, has ever acknowledged the constitutionality of the War Powers Act, and it has never been invoked by Congress. Since it is constitutionally suspect, in all reality, the only way for Congress to stop the deployment is to stop funding. Otherwise, a constitutional crisis could be precipitated, with Congress invoking the act and the two branches ending up in court while troops are in the field.

Our decision should also take into account the great professionalism of the military. In my discussions with military leaders, I have been reassured of the fact that we do have the most highly skilled, educated, and trained military in our history. I am confident that if we give them every means necessary to succeed, they will succeed. While mistakes and unforeseen circumstances may arise, there is no reason to doubt their bravery, dedication, or professionalism in carrying out their task.

The respective constitutional roles of both the Congress and the executive branch should also influence our thinking here. The President is the Commander in Chief and head of state. The Congress has the power of the purse, the power to declare war, and the role of approving treaties and ambassadors. But we must be realistic. The President is supported by the Joint Chiefs of Staff, the Pentagon, the CIA and other related security agencies, and the State Department. He therefore has, at least in terms of numbers and experience, superior resources than the Congress in deciding the feasibility of committing military forces. This reality must be taken into account. However, this is not to say that Congress does not have independent, knowledgeable resources and a role to play in such a decision.

I also believe that the credibility of the United States is on the line in this situation, and we should carefully consider what would happen if we do not live up to the commitments made by the head of state, even if we disagree with those commitments. We only have one President, who is also the head of state, and he speaks for the country on matters of foreign policy. I fear that our credibility will be seriously damaged if we fail to support the mission. Such a vote will not prevent a deployment, but it will, however, send a message to the factions in Bosnia and to our allies and enemies as well. Without abdicating the role of the Congress, it is crucial that we give the President some degree of flexibility in conducting foreign affairs.

Finally, there is certainly a moral dimension to this issue. During our history, whether we were facing fascism or communism, we fought knowing our cause was just and that America was in the right. Our conviction that we were right was strong because we were certain that fascism and communism were wrong.

Mr. President, we all know that ethnic cleansing is wrong. We all know rape is wrong. We all know that murder is wrong. And without a doubt we all know that genocide is wrong and a great evil. It is a wrong so great that it shocks our humanity and lets our conscience know that it is right to take action.

The intense debate and congressional action regarding the Persian Gulf war was proof that even a deeply divided Nation and Senate will rally around a cause once a decision has been made. The vote to authorize the use of military force was 52 in favor and 47 against.

Yet, 5 days later, on January 17, 1991, the Senate voted 98 to 0 in favor of a resolution which commended and supported the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities and expressed unequivocal support of the men and women of the United States Armed Forces. I remember many Senators who had voted against the authorization of force saying before that vote in which we supported our Commander in Chief, that no one should doubt that the Senate and the Nation would be united once the authorization had been approved. I hope the same will be true once the votes have been cast with regard to the Bosnian troop deployment.

For the reasons I have stated and to demonstrate United States resolve and, most importantly, to give our American troops every means of success, I will support the deployment of America's military might to Bosnia.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Texas.

Mr. GRAMM. Mr. President, I rise to oppose sending American troops to Bosnia. The Dole resolution asks us to agree to, support, and expand the mission that the President has subscribed to in Bosnia. I intend to oppose that resolution because I think that the

President's mission is deeply flawed. I think we are making a mistake, and I intend to make it very clear that I oppose the policy we have undertaken with respect to Bosnia.

What we are being asked to support is the sending of American troops into the line of fire as a buffer force between two warring factions which have broken every cease-fire and violated every treaty over the past 500 years.

Historically, in our country, we have set high standards for sending Americans into harm's way. Each of us has set standards a little differently, but in general, we have all tried to ask ourselves, "Do we have a vital national security interest?"

Our President has, for 3 years, tried to make the case that we have a vital national security interest in Bosnia. I submit that the President has failed, not because he is not a great salesman, but because he has no product to sell.

What is happening in Bosnia is terrible. Many Members of the Senate have been to the Bosnian region. Every American has seen on television what is happening there and we are all outraged about it. But when you get down to the bottom line, whether we have a vital national security interest in Bosnia, the answer is clearly no.

It seems to me the second question we have to ask ourselves is, "Will our intervention be decisive in promoting the objectives we seek?"

It is one thing to have good intentions and pure motives, but it is another thing to have a plan that would allow you to put those good intentions and pure motives into force.

I see no evidence, whatsoever, to substantiate the claim that our intervention, as a buffer force between warring factions in Bosnia, is going to be decisive in promoting the objective we seek. I have always tried to apply a third test in committing Americans to combat and harm's way, a test which has come about in my own mind because I represent a large State of over 18 million people. Texas has a lot of people in uniform; many people born in other parts of the country have been stationed in Texas at one time or another, and, for myriad reasons, have become citizens of my State.

So when Americans died in the Persian Gulf and when Americans died in Somalia, Texans died. I was called upon to console the parents and spouses of Texans who had made the supreme sacrifice for our country. As a result of this experience, I have concluded that there is one additional question that I need to ask myself before committing Americans to combat and before putting Americans in harm's way. This test goes beyond whether or not we have a vital national interest and it goes beyond the question "Will our intervention be decisive in promoting our interest?" This test concerns my two college-aged sons and it asks "Am I so convinced that we have a vital national security interest in Bosnia, and do I have strong enough belief that our intervention will be decisive in promoting those interests that I would be willing to send one of my own sons?"

Until I can answer that question with a very decisive yes, I cannot feel comfortable in sending someone else's son and someone else's daughter.

We are told by the President that if we do not send troops to Bosnia, that we are going to undermine NATO. I submit, Mr. President, that this is an absurd notion. NATO is a defensive alliance. NATO was established in Western Europe to keep Ivan back from the gate, to keep the Soviet empire out of Western Europe. NATO has been one of the most successful alliances in history, but never, ever—not when NATO was established, and not to this point in its functioning—have we viewed NATO as an alliance which should intervene in civil wars. I submit that this is a change in the mission of NATO. To claim that a defensive security alliance will be undercut if the United States of America does not intervene in a civil war, simply has no merit and no justification. I am also very concerned about the Dole resolution. I am concerned about the fact that in the initial presentation, the President argued that we would be part of a NATO force that, on a neutral basis, would be a buffer between warring factions. My concern, under these initial circumstances, was that the cease-fire would not hold—every other cease-fire in recent history has not held—or that the peace agreement would be broken, something which has happened consistently for over 500 years.

The Dole resolution only increases my concerns by injecting a new element into the mix. Since the President has no exit strategy, and since the President's plan is very specific as to how we get into Bosnia but not very specific as to how we get out, the Dole resolution imposes an exit strategy by having the United States of America take sides in this conflict, by having us arm and train one of the warring factions. I submit, Mr. President, that if we take sides in this conflict, any protection in neutrality that our troops might have had will be lost. If there were to be any security in neutrality for our troops, then agreeing to take sides in the conflict, by arming and training one side, can only serve to further endanger American lives.

Paradoxically, if we were debating not to intervene in Bosnia in a peacekeeping role, but rather to be part of an effort to try to bring a balance in military power by lifting the arms embargo, by bringing the leadership of the Bosnian army to Germany to be trained by Americans, and to have an international effort to supply arms, in all probability I would be supportive of that proposal. But when we take on the role of a neutral peacekeeper, by the very nature of that role, we eliminate our capacity to take sides in the conflict, to be a source of weapons, or to be a source of training. I understand the desire to find an exit strategy, but, quite frankly, I believe the Dole resolution takes a flawed policy and goes one step further by making it more flawed. I intend to vote against the Dole resolution.

Let me raise a concern that I have thought about now since Somalia, and I raise it because, by going back to Somalia, I can divorce this issue from partisanship since it was President Bush who sent troops to Somalia. We could get into an argument about how he sent them there in one role and President Clinton used them in another role, but that is a subtle argument that I am not interested in.

I am very concerned about the fact that we are setting American foreign policy by channel surfing. I am very concerned about the fact that we went to Somalia for one, and only one, reason, and that was because the suffering and misery in Somalia was on television. Similar pictures could have been shown from a dozen other spots on the planet, but when one network decided to highlight Somalia, and when the public saw these pictures politicians in Washington responded by establishing a policy to intervene.

I submit that you cannot, and should not, run our Nation's foreign policy as if it were social work. You cannot always be looking for some good to do around the world. We, even as powerful as we are, and even as the greatest and most powerful nation in the history of the world, cannot fix everything that is broken. We cannot right every wrong. We cannot take unto ourselves the mission of seeking out all human suffering or all injustice on the planet, with the goal that we, through our power, should solve these problems. Quite frankly, we have a lot of problems of our own; we have a lot of human suffering in our own country. But I believe that we made a mistake in Somalia, and I believe that we are making a mistake in Bosnia.

I think in conducting foreign policy, you have to define your vital national security interests first. Then when something in the world threatens those predefined national security interests, you can determine whether or not, given your abilities, you can be decisive in protecting these interests. I think in the Persian Gulf the answer was, yes; our vital national interests were threatened. We had a military dictator who was developing, as we now know and have convincing evidence of, both chemical and nuclear weapons. His invasion of a neighboring country threatened the whole Middle East, it threatened Saudi Arabia, and threatened our ally, Israel. We had a vital national security interest in the Persian

Gulf, and we had the capacity, through our intervention, to be decisive in promoting that interest. This, however, is not the case in Bosnia.

I am very alarmed about this new approach—which is the foundation of foreign policy in the Clinton administration—of viewing foreign policy as simply an extension of social work.

One final point on this subject. The cold war is over. We are debating the powers of the President to use American military power around the world. Virtually everyone in this body has served in the Congress during a period where we were in a life or death struggle. Some of our Members served, not here, but in the service of the country, when that enemy was fascism. Every Member, except the newest Members here, has served in the Congress when we were in a life-and-death twilight struggle with world communism. While that struggle was underway, either against fascism or communism, American intervention around the world as a way of promoting our national interests was the most successful policy of this century—it won the cold war. Under those circumstances, when Ivan was literally at the gate, it made sense to give the President the benefit of the doubt. As a result, we have all conditioned our foreign policy thinking in terms like "partisanship ends at the water's edge."

I submit that this conditioning of our thoughts comes from an era that no longer exists. It was from an era when there was a worldwide struggle for survival underway. I submit that this sort of logic does not apply in this case. Why should the President have more benefit of the doubt while engaging in police activity in Bosnia than he has while engaging in police activity in Cleveland, OH?

I submit that there is no reason to give the President this additional benefit of the doubt. But even if one did, there is no evidence to substantiate the belief that we have a vital national interest at stake nor that our intervention can be decisive in promoting this interest. I am very concerned that, unless we are very lucky, the outcome of this intervention might simply be to add American names to a casualty list, but not to end the tragedy that we all want to see ended.

I am going to vote against the Dole resolution. I am going to vote for the Hutchison resolution, and I am going to vote for the resolution denying funds for the deployment of troops to Bosnia. I believe that we must take the strongest stand possible. I believe that the current plan is a mistake and that it is not a logical way to promote American interests. I do not want to send troops to Bosnia. I know they are going and I understand that the votes are here to assure that the President is going to not only be able to send troops to Bosnia, but also is going to be able to cloak himself in congressional support.

But I want to make it very clear. I do not support this policy. Since stopping funding is the only way to prevent the troops from being sent, I will vote to stop funding. There are those who will say, "Well, then, are you not supporting the troops?" The answer to this is that I am not concerned about the troops doing their job—I know they can and will do what they are ordered to do. I am concerned about the U.S. Congress doing its job. I know that our warriors will do their duty and I know they will serve proudly. I know that if this mission can be made to work then they will make it work. I know that every Member of the Senate and every Member of the House will be supportive of our troops, and I know we will give them the supplies, the weapons, and the support they need. But knowing all of this does not mean that this is not a bad decision which should not be undertaken. I oppose the deployment, and I intend to vote against it.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the legislation before us concerns one of the most important issues the Senate ever considers—whether to send American servicemen and women into danger. The decision to send American troops on this military peace operation is a huge responsibility, and we must weigh it with the greatest care and caution.

President Clinton has demonstrated impressive leadership in achieving the Bosnian peace agreement, to be signed tomorrow in Paris. The United States troops being sent to Bosnia are going there to help implement that peace plan. Because of U.S. leadership so far, they are not going there to fight a war—there is no longer a war to fight. And with U.S. leadership in the year ahead, there is a good chance the war will never resume.

Everything depends on the parties' own commitment to peace. We have given that question very careful consideration in our Armed Services Committee hearings in recent weeks, as well as in consultations with Secretary of Defense Perry, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, and Assistant Secretary of State Holbrooke.

Secretary Perry and Ambassador Holbrooke made very clear that the parties initialed the Dayton peace agreement and will sign the Paris peace agreement because they are tired of war, not because the United States or anyone else imposed it upon them. The parties met painstakingly for 21 days and nights in Dayton and reached a landmark accord to end the 4-year-long war that has plagued all of Bosnia and destroyed much of that country.

President Clinton is now sending United States troops to Bosnia to help all sides implement the peace agreement. Without American leadership, there would have been no agreement, and without American troops to implement the agreement, there will be no peace.

The role of United States forces in Bosnia serves American interests in several ways. Most important, this mission is the only real chance to achieve peace in Bosnia. That peace is essential to prevent a wider war in Europe; a wider war would inevitably involve the United States and with vastly greater risk of casualties. Twice in this century, tens of thousands of Americans have lost their lives in world wars that destroyed much of Europe. Containing such wars before they spiral out of control will save future American lives.

Sending United States troops to Bosnia will also serve the American goal of ending the massacres, ending the ethnic cleansing, and ending all the other atrocities that have claimed a quarter million lives in this war and driven 2 million more people from their homes.

The United States cannot be the world's policeman, and this deployment does not make us one. But our country was founded on respect for human rights, and on a responsibility to help those in need where we can. In this case, we can stand up for those principles by ending a war and helping a war-ravaged nation heal itself.

It is also in the U.S. national interest for NATO to succeed in this mission. This is a clear test-case for NATO. This alliance, created during the cold war to meet cold war threats, faces the massive challenge of reshaping itself to deal with security threats in the post-cold-war era. Meeting the challenge of Bosnia, using military forces to enforce a peace in a local conflict that threatens to escalate into a wider war, is the type of threat that NATO must be able to meet. If the alliance fails the test, it may well not survive. Surely, no one can deny that the vitality of NATO is in America's national interest.

Many of us had hoped that the U.N. peacekeeping force could have dealt with this conflict and produced a lasting peace, but that was not possible. Cease-fires came and went—the only certainty was that the war always resumed.

Now, the United States and NATO face this challenge. NATO air strikes, led by the United States, were the key factor in producing the most recent cease-fire, and NATO forces, led by the United States, will be the key factor in keeping that peace and giving it the chance it needs to take root in the hard, bitter, blood-stained fields of Bosnia.

This is no Gulf of Tonkin resolution blank-check commitment. The military mission is limited and achievable.

The United States and NATO are not assuming open-ended responsibility for peace in Bosnia. That is very important. The mission of the U.S. and NATO forces is to give the people of that divided nation new breathing room, not more breathing room to implement a specific peace plan. There is no commitment by the United States or NATO to nation building or to provide a long-run guarantee of peace. President Clinton has made clear that if the war resumes, he will withdraw our forces. He has also placed an approximate 12-month deadline on our troops' stay in Bosnia.

The war in Bosnia went on too long. The United Nations, the United States and our allies in Europe made many mistakes along the way. The war claimed too many lives, and it often threatened to spread to other nations. But now that all sides in Bosnia have chosen peace themselves, the United States is in a position to lead NATO and over 25 nations from around the globe, including Russia, in an unprecedented effort that is also a limited but clearly needed effort to continue the peace and give it time to stick.

We all recognize that the mission may fail to achieve a lasting peace. But the real failure would be not to try.

I commend President Clinton for his leadership. I commend our brave men and women going to Bosnia to serve American interests and American ideals. We stand behind them, and we wish them a safe and successful mission.

Mr. FEINGOLD. Thank you, Mr. President.

I begin by thanking Senator HUTCHISON and others who are leading the effort on the amendment regarding the disapproval of the deployment of United States ground troops to the Republic of Bosnia and Herzegovina.

Mr. President, on today's local NBC-TV news, it was just simply stated that there would be Senate debate today on Bosnia and that there would be a vote. But then the newscaster said, "But the President does not need congressional approval. The troops are already committed." This statement was made as if it is a simple matter of fact. More accurately stated, as if it is an undisputed point of law rather than the subject of what I believe to be one of the oldest and most important debates in our country's history: The question of whether the President can deploy troops without congressional approval.

I, and several other Members of the body, have said that we do not agree with this notion and that Congress must—must—approve such deployment, whether it be under article I of the Constitution's war-making powers or under the War Powers Resolution or under a more general notion of the checks and balances between the Congress and Executive.

In any event, Mr. President, it is obvious that this institution, this Senate, does not have the will to challenge decades of executive aggrandizement of congressional war powers. This is only the last and most recent chapter of that syndrome. It is certainly not only the act of President Clinton. It has been the act of Presidents of both parties ever since World War II.

So it is with disappointment in, what I consider to be, the falseness of this process that I rise to support the only amendment that allows some semblance of what I believe to be Congress' role in this process, and that is to approve or disapprove the sending of tens of thousands of troops into what is indisputably harm's way.

This notion that Congress has to approve a deployment is not something in my imagination or just a relic of America's past. It is one of the most important opinions that has been expressed throughout American history. I first ran into it as a high school student, when we were involved—in fact, trapped—in the Vietnam war. During my undergraduate years, I followed the debate and passage of the War Powers Act which was designed because of that crisis. I remember well, when I was a little younger, hearing about the very few Senators—a precious few Senators—who stood up and questioned the Gulf of Tonkin resolution. Of course, it was that resolution which let us slip into the quagmire that became known as Vietnam.

But my views on this are not just a throwback to Vietnam or the Gulf of Tonkin resolution, although I think appropriate parallels can be made between how we got into Vietnam and what is happening here with regard to Bosnia. There are several recent serious efforts to look at the role of Congress vis-a-vis the Executive in deploying troops. I am specifically thinking of two which were published this year. In his 1995 book "Presidential Power," Louis Fisher carefully documents the constitutional role of Congress. Mr. Fisher dedicates the book to the republican principle that warmaking is reserved for the legislature, and says "this definition of Executive power"—meaning the prevailing view that seems to dominate our proceedings now—"this definition of Executive power, to send troops anywhere in the world whenever the President likes, would have astonished the framers of the Constitution."

"It would have astonished the framers of the Constitution." Mr. President, it astonishes me today. I fear it is completely out of sync with our national interests, our international interests, and our capacity to make decisions as a nation in this post-cold-war world.

In another book published just this year entitled "A Culture of Difference; Congress' Failure of Leadership in Foreign Policy" by Stephen Weissman, it says: "It is not too much to say that Congress has substantially ceded its fundamental constitutional role in foreign policy."

As a Senator and as a member of the Senate Foreign Relations Committee and as a believer in Congress' role in the constitutional system, it is painful to hear that kind of assessment in 1995. But even more painful is to see this acquiescence and timidity played out in the context of Bosnia.

Late yesterday afternoon, the debate on various resolutions of support for and opposition to the deployment in Bosnia really began. Unfortunately, the resolution of authorization I would have hoped to have voted on will not be presented. In any case, the debate began yesterday afternoon and will conclude later today, with three votes, leaving essentially just 1 day of debate on a subject involving the sending of upward of 20,000 U.S. troops, or perhaps more, into harm's way.

Earlier this year, we spent a month out here on the balanced budget amendment, and I think it was well worth the effort. But just 1 day or 1½ day on the commitment of U.S. ground troops seems to me to be insufficient.

I have listened to just about all of the statements that several Senators have made since last night, either here or on the television. When I was listening, I heard mostly Republican Senators speaking in opposition to the deployment. And, although I do not agree with the conclusions, I was especially interested and impressed with the remarks of the Senator from Maine, Senator COHEN. I appreciated several things he said.

The first point he made is that President Clinton is not doing this for political reasons; that President Clinton is sincere in his motives. I believe that, too. I believe he is doing this, not to get votes, but because he believes it is the right thing to do. It is essential that we say that because there are those—including people who agree with me on this issue—who have suggested otherwise. I strongly believe the President, in his heart, believes this is the right thing to do, and that's why he's doing it.

I also appreciate what the Senator from Maine said, in candor, about the importance of the debate about constitutional power. He said it is important to resolve the issue of what is the role of Congress and what is the role of the Executive in deploying troops overseas. But then he quickly conceded that it is not going to be resolved on this one.

Do you know what, Mr. President? I have been here 3 years and we have already struggled with troop deployments in Somalia, Haiti, Rwanda, and Bosnia. That is an awful lot of intervention in just a few years when we do not even have an enemy like the Soviet Union threatening us. Yet on each occasion I have heard Senators say, "We have to do something about this, but it is not going to be resolved on this one."

To refer to Senator COHEN's statements again, I want to echo his observation that what is at stake here is not really just that the President has tried to assert warmaking powers. The fact is, Congress has not done its job of using our power either as an institution, as the U.S. Congress, to exert our war powers. In fact, Senator COHEN used the phrase from the law, "possession is 90 percent of ownership," which, in effect, means you have to use the power or it goes away.

I remember a scene from the television show "Dallas," years ago, portraying a much more mundane expression of this same concept. It was the episode where the senior Ewing, Jock, was confronting his son, Bobby, who was complaining about his brother J.R. Ewing taking control of the oil company. Bobby said, "Daddy, you gave me the oil company." But Jock said, "Son, nobody can give you real power. You have to take it."

That is what Congress must do with regard to the war power: it must take the powers that the framers intended for it and use them. Here we have allowed the President of the United States to commit 20,000 or 25,000 troops without even having a binding vote on it.

What do the Members of the Senate who support the deployment say? They say, "The President should not have done it, but it is too late. He is the President. War Powers Act does not work." Even more puzzling, I've heard, "We have to get this thing done today because the peace treaty will be signed tomorrow." These are the excuses that are being used for not exercising our constitutional role of approving or disapproving this action.

We have been presented a fait accompli, a done deal. As was said by several Republican members at the Senate Foreign Relations Committee hearing last week, this is really a situation where we are being asked to participate in what is a pseudo-decision-making process, where the decision was already made a long time ago in the back rooms of the White House and within NATO, and maybe even in some of the back rooms of this building. That does not take away from the sincerity of the people who came to such understandings, but it does represent an affront to Congress. In effect, the Senate, in its constitutional role, is being co-opted here. The fix has been in for a long time.

Again, it is not really just the President's fault. It is Congress' failure to challenge and insist on a procedure whereby there is a true, organized debate, involving public participation, and culminating in a vote that the public will understand to mean that if we say it is a good thing to do, it will happen, and if we say it is not a good thing to do, at least there will be a serious consideration on the part of the Executive that it should not go forward.

But that is not what we have here. Senator COHEN pointed out, the Executive should seek a real vote on this mission, if for no other reason than the President and all of us may need—down the road as this operation goes forward and the going gets tough—we may need that understanding and public support which cannot be generated in this context.

That is why I introduced, on October 20, Senate Resolution 187. It simply says, "It is the sense of the Senate that Congress should vote on a measure regarding deployment of U.S. Armed Forces in the Republic of Bosnia and Herzegovina as a part of the implementation force as part of the North Atlantic Treaty Organization prior to the United States entering into a commitment to carry out such deployment." That is the sort of resolution that I would have hoped would have gone through this body before the treaty was signed.

Another step we should have taken was to lift the UN arms embargo against the Republic of Bosnia and Herzegovina. I was the first Member of the 103d Congress, as a new freshman Senator, to introduce a resolution calling for lifting the arms embargo. I am certainly not the only one who has advocated that, but I was involved early on, and was pleased to work with Senator DOLE who played a great leadership role later on.

But I must say, for the leader of this body to suggest that the President failed to lift the arms embargo and that Congress did everything it could do is false. We voted to lift the arms embargo, on S. 21, on July 26, by a vote of 69 to 29; theoretically veto proof. I know the President might have called a few of us and tried to get his numbers up, but where was the attempt to override this veto on the floor of the Senate?

Where was Congress in saying we will exert our role and—although we must defer to the President on foreign policy, in many cases—where were we to say that this one was different? Instead, I feel some of the leadership is trying to have it both ways, saying we do not want to confront the President, and that we support him; saying we support the troops, but we did not support the deployment. This is a masterful way to try to have it all ways. I think Senator BROWN had it right last night. The more truthful characterization of what is going on here is we are ducking our responsibility. I am very concerned about the process. Mr. President, assuming the vote today really was going to decide whether these troops are going to go or not, I'd like to address the merits, briefly, because I know many other Senators wish to speak. I believe that the United States has a very important interest in Europe—very important. But I am not convinced that we need United States ground troops in Bosnia to protect those interests for us or for Europe. I think the European countries certainly could provide all the ground troops in this case.

The list of issues and concerns about this operation are a mile long, whether it be the commitment of troops for just 1 year, or the challenges of the terrain, or to tie in the rationality of this approach with the discrepancy between the arms of the different sides. They are all important issues that have been raised. But, to me, to just come on the floor of the Senate and hear people say it is all about U.S. leadership or European stability, really does not tell me anything. I am not sure what those terms mean in the post-cold-war era. Why cannot the U.S. leadership in this context be defined as air power, naval power, intelligence, resources? Why does the definition inherently have to include the deployment of ground troops? I do not think ground force is inherent in the term "leadership," especially for a country that has shown such leadership already and will continue to show leadership throughout the world.

In my mind, ground troops indicate an ultimate physical threat to the United States. What is the ultimate physical threat to the United States that requires the sacrifice of American lives in this case? Is it a threat to Europe? Is it refugees on our doorstep? Is it just the pictures on CNN? I will show you pictures from Liberia, Angola, and East Timor and they are the same or worse. There is a very strong justification to stop the horror in those places as well with American troops.

When we look to our European allies in this case, I am not sure whether this is a question of whether we are leading. I am not so sure we are not just being led when it comes to being forced to put our ground troops in to the tune of a third of the I-For forces. As far as I understand, the possibility of not committing U.S. troops was not even seriously discussed during the negotiations in Dayton.

Again, we have to be cautious about analogies. People ask me if this is like the Persian Gulf or Vietnam. I want to be careful, but I guess I would have to say it is a lot more like Vietnam than the Persian Gulf.

Senator SMITH spoke last night, as a Vietnam veteran, about the justification for the process of the Vietnamization in Vietnam, and made the parallel that much of the language and things being discussed for the Bosnia mission are not unlike the extremely unsuccessful effort with the Vietnamization of South Vietnam during the Vietnam war. We must learn the lessons of history. I think there are very serious lessons from that quagmire.

Also, how does this effort fit in with our main goal of this Congress to balance the budget? We are having a terrible time trying to prevent severe damage to our important domestic programs and to balance the budget. Yet we have already had a $7 billion expense on the Bosnia deal—$7 billion, I say, because the President was determined to veto the defense appropriations increase of $7 billion until this proposal came down the road. I call that $7 billion the opening ante in Bosnia. I think it is going to cost a lot more.

Mr. President, I also worry about whether or not this intervention would have so much support if we still had the draft. I have always believed that it was good to have a volunteer Army, but I remember the Vietnam era, and I remember the people from all classes of society and all backgrounds who started to question the war because everybody's kid could possibly go to Vietnam. That is not what is going on here.

Have we thought about the economic status, the racial status, the ethnic status of the people who are more likely than others to die in Bosnia? It worries me. It worries me that we are not learning these lessons of history from that period either.

Finally, Mr. President, I think we have to ask the question in the post-cold-war era: What are the limits of American power? We are the most powerful country in the world, and we certainly want to stay there. But there are limits.

I remember the discussion years ago of the danger that we may try to create or enforce a Pax Americana, as Rome tried to do with a Pax Romana. Rome became overextended and ultimately could not withstand the strain on their own internal well-being.

I think this action—which, to me, is the first step toward our attempting to police the world—threatens our own national security. We need a new foreign policy that reflects post-cold-war realities, including our vital interests and our domestic needs.

Mr. President, I finish by simply saying that in addition to the fact that we are not following a constitutional procedure which could strengthen us in this kind of commitment, by not avoiding the deployment of ground troops we also run the risk of sapping America's strength from within.

So, regretfully, I have to oppose the President on this, which means I will support the Hutchison amendment, and oppose the Dole resolution in support of the deployment.

I thank the Chair. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, earlier this week we had a debate on what it means to support the flag. Now we are voting to stand behind that flag—and that means voting to support our troops.

No American ever wants to send our troops into harms way. Certainly no one wants to do this days before Christmas.

All over this country, and as our troops are doing abroad, families are planning for the happiest time of the year. They are visiting family, trimming trees, and singing Christmas carols.

But instead, as for our troops in Germany, they are planning to spend a year away from loved ones. And they are preparing for the risks that are part of any military mission.

After consultation with the President, the Vice President, the Vice President, the Chairman of the Joint Chiefs of Staff, and our Ambassador to the United Nations. And after prayerful reflection—I am voting to do just that.

Why? Because after 4 bloody years, the people of Bosnia have decided to give peace a chance. Only NATO can enforce this peace. But without the United States, NATO cannot and will not enforce the peace.

The fighting will continue. The savagery could continue. Mass murders and rapes could continue, and ethnic cleansing will continue unless NATO and the United States involvement takes place. Older people and children will continue to be pushed from their homes, but lights will go out once again in Sarajevo, and the lights will go out for any peace, or any possibility of peace.

But even as I say this, I want to speak directly, if I can, to the troops and to their families. I want them to know that I would not support this vote unless there was a specific, focused, and limited mission. Over and over again at every meeting I have spoken out for the fact that there must be clear criteria for going in and clear criteria for getting out.

Those are the questions that I asked the President and the Vice President—not what will send our troops there, but what will bring them back home. They gave me these following answers, and I shared this with the military, with our troops, and I share this with the families all over the United States of America who are watching what I think is a debate of great stability.

What we have been told—and I believe—is that the U.S. military, first of all, will only go if all sides agree to abide by the peace agreement. No peace agreement, no troops. No peace agreement, no troops. When our troops go, it is to create the climate for the Bosnians, all parties in Bosnia will take hold and make peace among themselves. We are to create the framework and the climate. If that dissolves, we are going to pull out.

Our troops will have these criteria for leaving as soon as the following things are accomplished: The cessation of hostilities; creation of a zone of separation; and the return by the Bosnians of the Serbian-Croatian troops and weapons to their home bases.

You, our men and women of the military, will be there to enforce the peace, not to rebuild Bosnia. But while you are enforcing the peace, the international community will provide humanitarian aid, resettle refugees, oversee elections, and also that there needs to be a military balance created between the Bosnians and the Serbs.

I would not vote to send those troops unless I was assured that they had received excellent training, the best equipment in the world, the best technology to find landmines and the right to use every means possible to defend themselves, and also that they would serve under an American commander.

To our troops, I want to say, you will not be alone. Over 25 nations will participate. They will be sharing the burden also of the risk as well as the financial one. Our oldest NATO allies, England and France, as well as new democracies like Poland, will be there—the countries that you helped liberate by winning the cold war. The Congress must back you. I believe that Congress will back you. And I know as always the American people will support you.

I would not vote to send you if your mission was not essential and honorable. Your mission is essential because without you, there will not be peace or stability in Europe. Without you, NATO, the world's strongest military alliance, would be destroyed. Without you, I am concerned the war in Europe might spread to Macedonia and Albania. It could bring Greece and Turkey into this situation.

Your mission is honorable because you are crucial to stopping the bloodshed in Bosnia. The people of Bosnia have endured misery, suffering, and brutality; 250,000 people died in this war. Families and communities, cities have been ravaged. Children were killed as they played. Old people were killed as they shopped for food. Hospitals were attacked as they tried to care for the wounded. War crimes that remind us of the Second World War were committed. We are asking you not to do this for some abstraction like NATO or Bosnia. Actually, we are asking you to do this for the people of Bosnia, for families that are just like yours, for children just like yours, for a child that I met named Zlata, a 9-year-old girl who keeps a diary and speaks to the world. They call her the Anne Frank of Sarajevo. Because of you, she will have a far better fate than Anne Frank endured. She is a child who tried to tell the world the suffering the war has caused and a child we hope we keep in our mind as we go forth in this mission.

So to you, the American troops, while you train for war, you will be there to enforce the peace. The American people greatly appreciate you and are grateful for your heroic sacrifice. We thank you for taking the risk so that others could have the opportunity to give peace a chance. We thank you for being there when you are needed. I say to you as we vote on this, may the grace of God be with you and protect you as you go forward to protect us.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

Mr. CRAIG. Mr. President, Congress will respond today to President Clinton's decision to deploy United States troops in the former Yugoslavia as part of the Bosnia peace accord that was negotiated and initialed in Dayton, OH, and which will soon be signed in Paris.

President Clinton has articulated his policy to all of us, to the citizens of this country, and has now requested congressional support. Yet even as our troops are headed to Bosnia, the President has, in my opinion, failed to supply a defined goal or mission, strategy for achieving the goal, an exit strategy and/or the national and security interests of our country.

The President has raised three concerns to justify U.S. participation in implementing the peace accord: The potential spread of conflict throughout Europe, our leadership in NATO and international communities, and the need to end the carnage in the Balkans.

I do not question the concerns raised by our Commander in Chief. All of them have some degree of legitimacy. Mr. President, we would all like to respond to what we will refer to as the moral imperative President Clinton and others continue to emphasize as it relates to the devastation and the human suffering that has gone on in the Balkans and has left us all a tremendous feeling of frustration to which many Senators, including myself, have come to the floor of this Senate over the last 3 years to speak.

These feelings are not new. Four years ago, I was contacted by a Croatian-American constituent of mine when the conflict first raged between the Serbs and Croatians. This gentleman is a friend who was concerned, maintaining contact with my office, and his fears and frustrations were all very real to me, as all of us have experienced that with some of our constituents.

The moral imperative existed then. However, then, like now, our options for involvement, in my opinion, were very limited, and we still face the fundamental difficulty of trying to make the peace a greater victory than winning the war. While we all understand and agree with the moral imperative, we have yet to hear why this action would serve our national interests and our security needs.

I have listened to the President's proposal as presented by his representatives, and I have listened to my fellow Idahoans. I have read and I have reviewed the agreement and the proposed deployment. My conclusion is this: the answers I have been seeking such as defined goal, exit strategy, national security interests, have not been satisfied—not just to this Senator but to the American people.

Therefore, I am pleased to join my colleagues, Senator HUTCHISON, Senator INHOFE, and others, in offering an amendment to oppose this President's actions. Let me be clear, Mr. President, so that there is no effort to cloud what is being debated here. I oppose the President's decision to deploy our troops. I will, however, as I always have, support our troops if they are ordered by our Commander in Chief to implement a Bosnian peace agreement. I will not allow our brave men and women to become pawns in what I believe is rapidly becoming a high-stakes political game.

I find it ironic that as the Senate prepares to vote on United States ground forces in Bosnia, the Serbians there will be exercising their own voice as they have been in an unofficial referendum to vote on the peace agreement. I also find it ironic that we in the Senate conclude a historic vote on protecting the honor and the sanctity of our national symbol, the United States flag, while it is being trampled, torn and burned in the streets where our soldiers will be sent to make the peace. I think this Senate and this Congress has to explain to the American people why they cannot express a clear and strong opposition to our President.

The debate on the President's plan to deploy U.S. troops as peacekeepers to Bosnia is not a new debate but the continuation of a long and ongoing one over the President's desire to deploy ground forces in the Balkans. The Congress has spoken in opposition to this idea in the past, and I hope we will speak clearly on this issue again today. That argument is one that must be clarified for the American people.

I know of no other time when my constituents in Idaho have spoken more clearly to me.

Last weekend as I walked across the Boise airport, a crowd gathered around me as one man reached out and grabbed hold of my arm and said, "Senator, I have to talk to you for a moment. You," he said, meaning me, "cannot allow this President to put our young men and women at risk when there is no defined need to lose human life. We are not at risk nor is our security."

While this man and others in that crowd were clearly concerned about the loss of human life in the former Yugoslavia, they could not justify the spilling of American blood to stabilize that situation when this Congress stood on an arms embargo and tried to express our will, and this President refused; and we refused as a nation then to allow that kind of equity to exist.

The more I review the information on the agreement in the proposed peace mission, the stronger my concerns have become. As part of this agreement, our President, our Commander in Chief, will be deploying U.S. troops into extremely rugged terrain during the middle of what appears to be a very severe winter. In addition to poor conditions and freezing temperatures, there is the problem of about 3 million land mines that exist within the sector assigned to the American forces.

Mr. President, as my fellow Idahoans and I know, winter in the mountains can be demanding at best. The area where our troops will be is like an area in Idaho that we call Stanley. And I will tell you that in Stanley, ID, in December and January, if you are living in a tent, you are challenged as would be the most extremely capable survivalist. And that does not include the snipers, the civil disorder, or the land mines. I suggest that we are sending our troops into a most difficult situation.

During the December 1 hearings before the Senate Foreign Relations Committee, even the Secretary of Defense, William Perry, underlined the difficulties facing our troops. In addition to the snipers and the civil disorder, they include extreme elements of undisciplined militia and the hostiles that are there.

The dissatisfaction of some Serbian factions should not be taken lightly. There is a strong likelihood that our troops will be challenged, even attacked, in carrying out their mission of peace. How in that effort can it be called peace other than engaging us in an ongoing war? Yet we are continually told that our men and women are not going to fight a war, they are simply going to keep a peace.

In these conditions, Mr. President, the lines are so gray that they are no longer discernible. I believe this President cannot clarify them, nor can he define them. I have opposed the use of ground forces in Bosnia in the past. And I will continue to oppose that policy today.

It is most frustrating that the use of American ground troops is not the only option at hand. I am frustrated that the President has refused to lift what I viewed was an illegal arms embargo on Bosnia and Herzegovina. I have strongly supported the efforts of the majority leader and others in a very strong bipartisan voice on this floor to pursue the best policy options in a difficult situation. And one of the best policy options was to lift the illegal arms embargo on Bosnia and Herzegovina. It would not have caused us to take sides. It would have simply allowed fair play and the right of self-defense in those circumstances.

The last vote on this issue occurred as recently as July of this year. At that time, Mr. President, I asked how many bills will be passed, how many U.N. resolutions presented, how many cease-fire agreements will be broken before the people of Bosnia and Herzegovina will be allowed to stand against their aggressors and defend themselves?

Mr. President, there is ample reason to question the enforcement of the 1991 embargo against Bosnia in the first place. The embargo was not imposed on Bosnia, because Bosnia did not exist in 1991. Rather, it was imposed on Yugoslavia. In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. Charter.

Many Americans hoped that the passage of S. 21 would end the arms embargo and finally allow the Bosnian Moslems the right of self-defense. With rough parity in this conflict that might have happened, a lasting peace agreement would be far more likely than the kind that we are stumbling into. Instead, we have a very unequal situation going into the implementation phase of a peace agreement that at best could erupt into major fighting with our forces being squarely in the middle of it all.

Mr. President, I will just add, the United States did not need to do anything. Well, I think that is not true. We have done a great deal in the past 3 years. We have provided the support, the air cover, the naval logistics, all that we needed to do as a participating member of NATO.

It is now time for us to define much more clearly our role in foreign policy around the world. I would suggest to this President that every time we are called upon or led into a skirmish, deployment of our ground troops are not necessarily a demonstration of leadership. To lead means to try to solve it by alternative means. In this instance, I think the President has failed, and in failing, he risks now the loss of American life in a very tragic situation.

So I hope that we could support a strong voice today. I think the American people expect us to lead on these issues. I think they expect us to speak out as strongly as we can. And I hope that we can oppose today, with our vote, the President's deployment of United States ground forces in the former Yugoslavia.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, later today the President of the United States will leave for Paris to participate in a historic event, the signing of an agreement which will open the door to peace in the Balkans. Think about it, Mr. President.

The year 1995. Think about the conflict in the Balkans that marked the beginning of this century and how it was left to run wild, leading to World War I and in some ways leading to the imbalance and incompletion of that war that ultimately led to World War II.

The year 1995. Conflict breaks out in the Balkans, and today the President of the United States is leaving for Paris to participate in the signing of an agreement which opens the door to peace in the Balkans, which implements, as my friend and colleague from New York, Senator MOYNIHAN, has said and hopefully will say again, some basic tenets of international law.

Mr. President, much has been said in the last month about the role the United States played, first, in bringing the parties to the negotiating table, and second, in hammering out a complicated agreement which all the warring parties would be willing to sign and, most importantly, would be willing to live with. Much has also been said about the role the United States must continue to play if this agreement is going to have a chance of bringing the benefits of peace to the people of Bosnia, stability to Europe, and increased security to the world.

So, Mr. President, I would say that this is another one of those historic days in the life of the U.S. Senate. It is one of those defining moments in our history. Most of us in the Senate today faced a similar situation on January 12, 1991, when we stood to vote for or against authorizing President Bush to use American military forces in a war in the Persian Gulf. That situation in fact was very different from the situation we face today.

There, on January 12, 1991, the President had already committed a half million American military personnel to the gulf region, within range of Iraqi Scuds. There the war the President was about to engage in would find American forces facing a dug-in, fortified Iraqi force, fighting a war. And casualty estimates stated on this floor and elsewhere went as high as the thousands.

Here we are being asked to support, not a war, not to send our troops into war, but to send them on a mission of peace, to implement and monitor the peace that the parties to the war want as opposed to fighting as we did in the gulf war an untractable, unyielding enemy.

And remember, though the forces that fought in Desert Storm were international, they were primarily American. Here, on this peacekeeping mission, two-thirds of the implementation force will be non-American; one-third will be American.

Many of my colleagues believed that the best course of action in the early days of 1991 was to allow economic sanctions to continue to bite at Saddam and so did not vote for the authorizing resolution which Senator WARNER and I offered.

I understand the sincerity of that position. But the Senate did support President Bush on January 12 and voted 52 to 47 for Senate Joint Resolution 2 which stated, and I quote:

> The President is authorized . . . to use United States Armed Forces. . . .

While 47 Members of this body did not vote for that resolution, let us not forget that when the President exercised this authority and ordered Desert Storm to begin, every Senator, and I daresay every American, supported our troops and the President of the United States. And I hope and sincerely believe this will be the conclusion of our discussions and deliberations and votes this week with regard to the mission our troops are going to carry out in Bosnia.

Mr. President, the debate we have heard over the past days and weeks has been a good one, a thorough one, a sincere one. We have had numerous opportunities, as Members of the Senate, to hear directly from the President of the United States, the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, the President's National Security Adviser, Ambassador Holbrooke who negotiated the agreement, and a variety of former Government officials, academics, and thinkers.

The administration has, in my view, gone to extraordinary lengths throughout the negotiations and afterward to consult with Congress and to provide us ample opportunity to ask questions and to express our views. And so we find ourselves now, in the week when the Dayton agreement is to be signed by the warring parties. In the days following the signing, U.S. forces and those of our allies in NATO and 16 other non-NATO countries will move into the region to implement the peace which has been agreed to.

These forces go not to impose a peace on unwilling participants, they go because the parties to the conflict asked them to go. They go because the world community, acting as a result of American leadership and through the mighty force of NATO, finally struck from the air to bring some pain to the aggressors, aided by an increasingly strong ground force of the federation of Bosnians and Croatians.

Our troops will go because the parties to the conflict are fed up with the killing and slaughter, the deprivation and denial of their right to live in peace and civility, and they have asked us to come in and give them a chance to make this peace work.

They have asked us to come in, in the case of the Serbs, because of the effectiveness of the economic sanctions the world community imposed on the government in Belgrade and on the former Yugoslavia, on Serbia and Montenegro. That is a point worth noting. People criticize economic sanctions and say they are irrelevant, they are useless, they are wrong. They worked here. That, as much as the failure, the increasing opposition that Serbian forces were facing in Bosnia certainly brought Mr. Milosevic to the peace table.

Mr. President, we have been briefed on the missions which our military forces will perform. We have reviewed the rules of engagement which will be followed by our forces. We have seen the nature of the force which we will be sending to the region. And we can conclude with some confidence from all of this that the highly trained, heavily armed professional force of volunteer soldiers, sailors, marines, and airmen we are sending will be able to do their assigned military missions within a reasonable time, and they will carry out this operation successfully.

The operation is not without risk. No one in the administration has said otherwise. None of us who support the deployment of American troops to Bosnia to implement this peace has said otherwise. No one in this administration or this Congress is eager to send our forces to a place where A some of these brave young men and women might be injured or, God forbid, killed. But I believe that with their training, the best in the world, their professionalism, the finest in the world, their sense of service and duty which impelled them to volunteer, their numbers and composition, the limited scope of their mission, the flexibility and robustness of their rules of engagement—which basically means that if these troops are threatened in any way, they will respond with overwhelming force.

Remember what happened in Haiti when American troops there were challenged at that police station. They responded with overwhelming force and were essentially never challenged again in Haiti. All of this provides as much safety as one can hope for when a military force is deployed to what was, until recently, a combat zone.

Of course, all Americans will be praying for the safety of our forces in the days and months ahead. All of us will understand and empathize with them and their families as they see Christmas, Hanukkah, and New Year's come and go separated from their loved ones and their friends. But these concerns, as real and deep as they are, are not sufficient reason to decide not to send our military to perform this important mission: To bring peace to Bosnia, to bring a greater level of assurance that there will be stability in Europe and in the former Soviet Union, to revive NATO, to reestablish at an ever higher level the strength and leadership of the United States of America.

For the first time in nearly 4 years, the people of Bosnia—who have engaged the minds and hearts of every one of us in this Chamber as we watched their suffering, as we watched them be the victims of aggression and genocide—for the first time in nearly 4 years, these people in Bosnia can see a ray of hope for their future, they can picture a day without running from snipers or praying that mortar rounds do not land in the marketplace while they are shopping with their children, or land on the snowy hills where their children go to sled and to act like children rather than targets for the irresponsible cowards who have fired on them now for 3 or 4 years.

Mr. President, we do not have the luxury of turning back the clock to a time when we might have done something other than sending our troops to serve on the ground as peacekeepers in Bosnia. As you know, in the past 4 years, I have spoken on the floor numerous times, joining with colleagues of both parties, in calling for a lifting of the arms embargo which was immoral, as the Senator from Idaho said before me. It was immoral, it was illegal, it was outrageous to deny a people the right they are given under the U.N. Charter, let alone and what might be referred to as natural law, to defend themselves and their families and their country.

So I, and others here, finally a strong bipartisan majority, called for a lifting of the arms embargo against the Government of Bosnia and Herzegovina and the conduct of airstrikes by NATO forces, to try to create some balance of force on the ground, to try to deter the aggressors, those who were committing genocide.

Finally, this summer, thanks in large measure to American leadership after the fall of Srebrenica which led to a slaughter of thousands of men and boys buried in mass graves, finally NATO struck at the Bosnian Serb aggressors from the air.

I will not go into all the what ifs which fill the minds of many of us.

I wish we had followed a strategy of lift and strike long ago. Had we done so, there might well have been an end to the killing before now. But let me say, Mr. President, in supporting the lift and strike strategy, I never thought it was a substitute for an ultimate peacekeeping force. At its best, I believed that the lift and strike strategy would create that balance of force on the ground that would bring the parties to the peace table—exactly what has happened now. I believe if we had implemented that policy earlier, we would have brought them to the peace table earlier because we would have removed from the aggressors, particularly, the motivation to continue to fight. But I have always felt that when they got to the peace table, if they could agree on the peace, there would be a need for an international peacekeeping force. That is where we are now.

Mr. President, it was important to many of us that on the day after the Dayton agreement was signed, the United Nations acted with the force of international law to lift the arms embargo—the goal so many of us in this Chamber had for so many years. In some ways, I regret that in the excitement over the Dayton agreement, and the questions raised about it, that extraordinary act did not receive sufficient attention and appreciation. The fact is that we have acted now. Thanks to American leadership, the parties came to the negotiating table and agreed to an extensive peace treaty; and tomorrow they will sign that treaty in Paris.

We have brought the parties this far. It is American leadership, joined with our allies in NATO and Europe, and impelled by the will of the combatants in the field themselves that have brought us this far. We cannot abandon these people or the cause of peace now. Nor can we abandon our allies in NATO who are sending their forces in to implement this agreement.

The President made it clear that he is prepared to send our forces, with or without the support of Congress, just as President Bush correctly made clear in 1990 and 1991 that he would send the United States' forces to the gulf war, even if Congress did not support his efforts. You come to a point where decisions and judgments of this kind cannot be made by 535 Members of Congress. That is what we elect Presidents for. In this case, I think President Clinton has demonstrated the leadership and courage we expect of our Presidents, just as President Bush before him did in the gulf war.

When we speak of defining moments in history, post-cold war, this decision will stand alongside the decision in the gulf war, as a marker as to where we would go and the extent to which the forces of Western civilization—particularly regarding Europe—were joined together to stop conflict and deter war.

Now it is this Senate's turn to demonstrate courage and leadership. Now it is this Senate's turn to support, in very clear terms, both the American troops, who will be on the ground, and the policy which has, at last, brought us to the point where the Bosnian Prime Minister Haris Silajdzic, could tell me last week when he was in Washington, "We are an inch from peace. Do not abandon us now when we are this close."

So, Mr. President, we have three choices before us. First is the resolution that comes from the House, which would effectively cut off funding for any peacekeeping operation by American forces in Bosnia.

Second, we have the amendment cosponsored by the Senator from Texas and the Senator from Oklahoma, which supports the troops but opposes the mission.

Third, we have what is now described as the Dole-McCain resolution, offered by the distinguished majority leader and the Senator from Arizona—but I am sure it will be a bipartisan resolution when it comes to a vote—which offers support for the mission and the troops, the support contingent on terms that are stated in the resolution that the President has agreed to.

Mr. President, I want to speak for a moment about the language of the resolution offered by Senator HUTCHISON and Senator INHOFE, which "opposes President Clinton's decision to deploy United States military ground forces." Yet, it says that "the Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement."

Mr. President, it is my sincere belief—and I say this with the greatest regard for my colleagues who are sponsoring this resolution—that we cannot support the troops and oppose their mission. I remember the words from the Bible, "For if the sound of the trumpet be uncertain, who will follow into battle?"

Mr. President, the Hutchison-Inhofe resolution, with all respect, sounds a very weak and uncertain trumpet. Of course, we support our troops. No one ever doubted that. But how can we claim to both support the troops and oppose the mission"? How would we feel if we were in uniform, heading to Bosnia, and the Congress of the United States says, "Well, we are behind you, folks, but we do not support your mission"? I would not feel secure. I would not feel I had the support that I would want to have for my country going into a peacekeeping mission in a potentially dangerous zone, which the Commander in Chief has decided to send me into. I would want to see a closing of ranks in the same way that occurred at the time of the gulf war, to receive strong support, the kind of support that is involved and stated in the Dole-McCain resolution.

The Hutchison-Inhofe resolution, in my opinion, sends a muddled message to every one of our troops, to their loved ones back home and, most worrisome, to those in Bosnia who would like to see this framework wrecked by keeping the United States and NATO forces out of Bosnia.

To say that this Congress opposes the decision, the mission to deploy our forces, tells the war criminals in Pale and the rogues and terrorists in Bosnia who do not want peace and want the United States and the international implementation force out of Bosnia, that they can work their mischief against American forces, and because this Congress does not support the mission, this Congress may well pull the rug out from under the President and the troops and try to force him to withdraw those forces if damage is done to the troops by these rogue elements in Bosnia.

I am very concerned about this possibility. I know it is not the intention of the sponsors of the resolution. But, frankly, I do not see how we can have it both ways. I do not see how we can support the troops and say we are supporting them if we so clearly oppose their mission.

The Dole-McCain resolution offers a very thoughtful and credible alternative. It is not, to put it succinctly, a statement of unconditional support for the decision the President has made, but it is support for the mission. As one of the witnesses before our Senate Armed Services Committee said last week, the question now is not whether the commitment to send American forces to be part of this international implementation force should have been made—that is history and is done—the question now is whether we will honor that commitment, and that is what the Dole-McCain resolution offers us the opportunity to do. Many of my colleagues have come to the floor in recent weeks and spoken of their concerns about the danger associated with the terrorist, rogue, unreconciled Bosnian Serb groups and what harm they may do to our forces. But why, then, would we want to do anything which will give them hope that they can sabotage this peace effort of which American forces are so critical a part? This is a time to close ranks. This is a time to go back to the great moments in our history—obviously through the world wars, but then afterward as well.

We associate the ultimate in this with the Truman-Vandenberg relationship, but it has happened throughout the cold war and continued through Operation Desert Storm. To close ranks, to honor the commitment that is made, understanding, as the Dole-McCain resolution says clearly, that it is in the interests of the United States to preserve American credibility, that it is, in the words of this resolution, a strategic interest.

In that regard, I was very honored to receive yesterday a letter, which I suspect many of my other colleagues received, from retired Gen. Andrew Goodpaster, a former Supreme Allied Commander in Europe, respected soldier, statesman, and patriot. General Goodpaster signed the letter on behalf of five other retired general flag officers: Gen. Michael Davison, Gen. Walter Kerwin, Gen. William SMITH, Adm. Harry Train, and Lt. General William McCaffrey.

Here is a sentence from that letter from General Goodpaster and the others:

> As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be . . . [and to all others as well] that our country is giving them its full backing . . .

But listen to the final words of this sentence. Not just full backing—

> . . . its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

Mr. President, I ask unanimous consent a copy of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, for all these reasons I will vote against the Hutchison-Inhofe resolution, and I urge my colleagues to do so as well. Frankly, if people oppose this mission I think the choice is really to step up to the plate and vote for the first resolution from the House to cut off funding. But to oppose the mission and support the troops I respectfully do not think works. I do not think it goes together.

Again, the Dole resolution speaks in thoughtful and supportive terms. The Congress, it says, "unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina." I am quoting from the latest draft of that Dole-McCain resolution. And I continue:

> . . . and [the Congress] believes they [the troops] must be given all necessary resources and support to carry out their mission and ensure their security.

It goes further, as I suggested earlier, to offer support for the President's commitment, to offer support for the mission based on the fulfillment of certain conditions in carrying out that mission. Again I say, the President has accepted those conditions. The resolution particularly includes language which expresses the high priority that so many us in this Chamber, led by the distinguished majority leader, have given to the issue of equipping and training the forces of the Bosnian Federation.

I am pleased the President has now sent the majority a letter on this subject, dated December 10, in which he said:

> We believe establishing a stable military balance within Bosnia by the time the implementation force leaves is important to preventing the war from resuming and to facilitate IFOR's departure. We have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Mr. President, I have raised this question of equipping and training the Bosnian Government with the President personally and with members of the administration on a number of occasions, as have other Members of the Senate and members of the Senate Armed Services Committee particularly, and the assurances we have received are strong and clear and unequivocal. This administration, in supporting the Dayton peace treaty which finally led to the lifting of the immoral, illegal arms embargo, is going one step further. This administration is committed to leading the coordination of the international effort to arm, equip and train the Bosnian forces so that they will be able to protect their families, their cities, and their nation, and deter aggression by a stronger neighbor, which, as Secretary Perry said in marvelous words, was "a causative factor" of the war in Bosnia. The imbalance of forces was "a causative factor," Secretary Perry's words, in the outbreak of war in Bosnia. We want to eliminate that causative factor.

So, between the assurances we have received from the administration orally and in writing, including the letter the President has sent us and the requirement stated in the Dole-McCain resolution, I am confident that the Bosnian forces will be equipped and trained to their satisfaction.

In fact, when Prime Minister Silajdzic visited the Capitol a week ago, I asked him specifically if he was satisfied with the commitment that was made to him and the other leaders of Bosnia at Dayton before they signed the peace treaty, and he said yes. In fact, he made it very clear that he, frankly, did not care whether it was United States forces who did the equipping and training or it was third parties, so long as his people were provided the means to defend themselves if the need should arise after the implementation force leaves Bosnia. And he said, deeply, he was confident that that would be the case thanks to American leadership and support.

So we come to the time of voting today. We, in the Senate, have an opportunity with our vote on these three pending resolutions to tell our men and women in uniform, to tell the governments which have signed the Dayton accords and all that might want to do harm to our forces once they arrive in Bosnia, that we will stand behind our military and behind our President as he executes his foreign policy responsibilities in Bosnia, whether or not we think the original commitment was wise.

We have the opportunity to avoid instability in Europe which twice in this century has drawn us into dreadful wars. We have the opportunity to send a message loud and clear to all the other ethnic groups in the former Soviet Union and elsewhere who have begun or are prepared to seek advantage over one another by force of arms, and, yes, by genocide. We have the opportunity here to take this NATO alliance and make it so strong that it protects the security of the world and relieves us, the United States, of our solitary burden for maintaining the peace of the world.

Some have said that NATO, by its charter, is a defensive institution meant to defend against Soviet invasion of Western Europe. It was, and it did that task magnificently.

We are at a different point in history now. For all of us who said on this floor that the United States cannot be the policeman of the world, NATO is the way for us to make sure that the United States is not the policeman of the world. Just as we turned to our allies in Europe to help us in Operation Desert Storm, and they responded by joining us heroically, today they turn to us to ask us to help them implement this peace in Bosnia. If we say no, what will they say to us the next time we turn to them and ask for help? But if we say yes, as we have, we will see NATO loom large in Europe and beyond as a force for stability and peace. It has already begun. For the first time in three decades the French are sitting in the same room at the same table, planning and implementing a NATO military operation.

So, let us not let this opportunity slip from our fingers. Let us take the long view. Let us understand that sometimes we are called upon to make a decision that is not popular with our friends and neighbors at home. Let us understand that foreign policy cannot and should not be made on the basis of public opinion polls, but must be made on the basis of each of our sincere calculations of America's national interests and national security needs.

Let us stand together to open "the door of future to the Bosnian children" as Zlata Filipovic, the young Bosnian girl whose diary of life in Sarajevo so moved the world. As Bette Bao Lord, chair of Freedom House has said in an open letter: "As our youth and our compatriots embark on this mission of peace, let them hear but one voice—that of America, a country of conscience and constancy, a country whose most enduring export is hope."

I say to my colleagues, let us stand together and approve the Dole-McCain resolution.

EXHIBIT 1

WASHINGTON, DC,
December 12, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to "dual-key" aberrations.

As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

On behalf of the retired general and flag officers listed below,

Sincerely,

MICHAEL S. DAVISON,
General, U.S. Army (Ret.).
ANDREW J. GOODPASTER,
General, U.S. Army (Ret.).
WALTER T. KERWIN,
General, U.S. Army (Ret.).
WILLIAM J. MCCAFFREY,
Lt. Gen., U.S. Army (Ret.).
WILLIAM Y. SMITH,
General, U.S. Air Force (Ret.).
HARRY D. TRAIN,
Admiral, U.S. Navy (Ret.).

I thank the Chair. I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. ROTH. Yes. I am happy to yield.

Mr. INHOFE. Mr. President, for a point of clarification, the Senator from Connecticut was accurate when he talked about the three resolutions, or votes that we will be having today. But he did not mention the order that they will be in. At 12:30 today we will be voting on H.R. 2606, which is the Hefley bill that was passed in the House of Representatives.

I want to suggest that I have quite a lengthy statement that I wanted to make. But I will withhold that statement, and only make a comment on 2606 which will be coming up in 40 minutes from now.

I will read this very briefly. It merely says "prohibits the use of Department of Defense funds for deployment on the grounds of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of the peacekeeping operation."

So that is clearly what the Constitution gave the power to Congress to do.

When the Senator from Connecticut characterized the resolution, I think it must be a little inaccurate to say how enthusiastic they are. I, finally, 2 minutes ago, received a copy of this. I did not have it before. It states "notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina."

That is kind of the preamble. So it is does not sound like to me what I would interpret as enthusiastic.

Last, Senator FEINGOLD so accurately described what our constitutional rights were in this body, and what the President's were. He quoted

Louis Fisher, who I think we all consider to be a foremost authority on the Constitution, wherein he said:

> The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to "repeal sudden attack."

In fact, Mr. President, I ask unanimous consent that this be printed in the RECORD, this article by Louis Fisher.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1995]

WHAT POWER TO SEND TROOPS?

(By Louis Fisher)

WASHINGTON.—There seems to be an impression that President Clinton has constitutional authority to send troops to the Balkans without first obtaining approval or authority from Congress. But the case for Presidential power is not so open and shut.

The Framers knew that the British king could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to "repel sudden attacks." He has no general power to initiate military action. This principle was an axiom of republican government.

In 1787, James Wilson said the checks-and-balances system "will not hurry us into war" and that "it is calculated to guard against it." He said: "It will not be in the power of a single man, or a single body of men, to involve us in such distress."

The Framers deliberately separated the powers of the purse and sword. To Madison, in 1793, those who were to "conduct a war" could not be safe judges on whether to start one.

NATO does not authorize offensive actions or general peacekeeping activities. The North Atlantic Treaty of 1949 was a defensive pact, intended to contain the Soviet Union. The treaty's parties were "resolved to unite their efforts for collective defense" and "resist armed attack." None of these conditions exists in Bosnia.

To argue that NATO authorizes Mr. Clinton to act as he likes is to argue that the President and the Senate, through the treaty process, can eliminate the House's war power. Treaties do not amend the Constitution. One argument is that Mr. Clinton sponsored the talks, put our prestige at risk and thereby committed us to using force. Are constitutional and legislative processes skirted so easily?

In 1969, after the Vietnam buildup, the Senate passed a resolution challenging the President's right to commit the nation without first obtaining Congressional approval. Passed with strong bipartisan backing, it states that whenever our forces are used on foreign territory, or there is a promise to assist a country by using our military, such commitments result "only from affirmative action taken by the executive and legislative branches." This resolution has no legal effect, but it articulates a constitutional principle violated by President Lyndon B. Johnson and now threatened by President Clinton.

It might be argued that the "war power" is not involved because Mr. Clinton will use American forces for peace, not war. "America's role will not be about fighting a war," he said. He said he refused "to send American troops to fight a war in Bosnia," and "I believe we must help to secure the Bosnian peace."

Mr. Clinton has already authorized air strikes against the Serbs. He now intends to send ground troops. By making an "overwhelming show of force," he says, "American troops will lessen the need to use force." Note the word "lessen." Anyone who takes on our troops, he said, "will suffer the consequences."

Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

Mr. INHOFE. Mr. President, I agree with the Senator from Connecticut that, if you really do in your heart oppose the deployment of troops over there in that hostile area, this is the strongest message that we can send; that is, voting in favor of H.R. 2606 at 12:30 today.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Frederic S. Baron, a Pearson Fellow, and Maureen Fino, an Industry Fellow, be permitted floor privileges for the duration of the debate on the resolution on Bosnia.

I do that on behalf of my distinguished colleague from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, life can only be understood backward; but it must be lived forward. As such, we often find ourselves forced to respond to the consequences of decisions and even indecisions that were and were not made at the most appropriate moment in time.

As a Nation, we have no oracle—only history—and the wisdom of God has given us to govern our affairs and to support our democratic ideal among sovereigns and allies.

Often we overlook the majesty of our role—our responsibility—that is, until a man of Shimon Peres' standing reminds us that our Nation is "a commitment to values before an expression of might * * *" That our strength has saved the world from "Nazi tyranny, Japanese militarism, and the Communist challenge." That we have "enabled many nations to save their democracies even as [we] strive now to assist many nations to free themselves from their nondemocratic past."

This, Mr. President, is our legacy. And I am grateful to Prime Minister Peres for reminding us of who we are and what—since our divinely-appointed founding—has been our mission: freedom for us and self-determination for our fellow man.

Certainly, there are many ways to pursue this mission. We cannot be the world's policeman; nor should we. We must cherish the strength of America, and that means using it wisely, sparingly—certainly with some sacrifice—but never with imprudence, undue risk, and wanton disregard for our best interests.

The territorial aggression and horrific atrocities in the Balkans bring us to the floor today. The death and crimes committed in the former Yugoslavia have bruised our collective spirit, especially as the international community has been unable to resolve the conflict and establish reconciliation and lasting peace.

There was a time when, perhaps, America's resolved leadership could have minimized and even resolved the crisis by lifting the arms embargo against the Bosnians—by allowing them to defend themselves against the well-armed Serb aggressors.

At the same time we could have provided tactical and strategic air support to the Bosnian forces.

But President Clinton chose another road, one that brings us to the floor today. Life can only be understood backward; but it must be lived forward. Today we are forced to respond to the consequences of the President's decisions and indecisions, and history must be our guide.

The outcome here will not only have an influence on the security and lives of thousands of young American men and women, but it will affect us as a society, our leadership among allies, and the future of Europe—particularly the war-torn region known as the Balkans.

It is a difficult debate, one that must be entered thoughtfully, solemnly, and with the object of finding solutions rather than playing politics. It would be tempting to fill the air with "what ifs" and "if onlys," but we are beyond that point.

President Clinton has committed U.S. ground forces. He has done this as part of a peace process whose success will largely depend upon how we, the Congress, react—upon our determination and demonstration of support for the young American men and women who are even now moving into that region.

If we appear divided, we risk sending a message to those who would thwart the peace process that if they only hold out long enough support for our troops will weaken. This is not a risk that I am willing to take.

Much of the support leaving our shores is leaving from Dover Air Force Base. I have met with many of these young men and women; I know their concerns; I know their courage. And I know that every individual being sent into the Balkans is just like them. And I will not trifle with their security, with their future, and with the future of their families, their children.

When they wear our uniform in Bosnia I want them to know that they have my unqualified support.

I want them to know that they are there for a reason, they are on a mission—a mission with a purpose that was outlined so eloquently by Prime Minister Peres, to help this war-torn land free itself from its undemocratic past.

We cannot avoid our leadership, nor can we dismiss our legacy. Certainly, President Clinton could have embraced our earlier proposal and taken America down another road; but he did not. And the fact is, we do have an interest in seeing that peace is maintained in this region.

To date, more than a quarter million men, women, and children have been killed—many in the most horrible and atrocious manner. Over 2 million have been displaced and forced to flee. We have proof of mass executions, rapes, and other unspeakable crimes. Our legacy of support for human rights abhors these conditions.

America has gone to Europe to advance our ideals in two world wars. We have spent untold resources and dedicated countless lives to winning the cold war for the same reason—to advance the principles of freedom, democracy and self-determination. Perhaps the time has come to finish the task, to take a step toward bolting down our successes and see that the foundation for a peaceful European future is strong and sure.

This is not inconsistent with our responsibilities as a member of the North Atlantic Treaty Organization.

In fact, this peace-keeping mission will be the largest NATO mission in its history and the first since the end of the cold war. An unwillingness on the part of America at this point could do irreparable damage to the Transatlantic Partnership and its central institution, the North Atlantic Alliance.

Failure to follow-through on the commitment President Clinton has made would also undermine our position as a world leader. Our allies must know that they can depend on us.

This is critically important, because if we fail to keep the peace in the Balkans it is possible that the conflict may well spill beyond the borders and into NATO territory. Under those circumstances we would not be sending our young men and women to strengthen the peace, but to prosecute a war. I would rather have them there to strengthen the peace.

Mr. President, life can only be understood backward; but it must be lived forward. Perhaps President Clinton should have heeded our earlier counsel.

I would rather see peace in the Balkans and negotiations based on parity of strength, rather than on the presence of our ground troops.

I would rather see our involvement limited to strategic and tactical air and sea support. But those are not options, not anymore. When President Clinton picked up one end of the stick, he picked up the other. Now we must give the troops he has committed to the Balkans our full support.

An absolute requirement for success is to have Congress and the Nation united over the mission now under way. We must have bipartisan support.

This is why I have been so impressed by Senator DOLE's and Senator MCCAIN's role in the negotiations between Congress and the executive branch.

Through their statesmanship, they have offered an approach that captures our commitment to protect and support American troops deployed to the Balkan and that defines the core requisites to the success of the peace process.

Supporting the Dole-McCain endeavor is the appropriate response to our responsibilities as a world leader and as member of NATO. The most useful contribution this body can make to the peace process is to help ensure that America's role in the peace process will be guided by clearly defined objectives and strategies. In doing so, we would be living up to our responsibilities to support the American men and women assigned to this mission of peace and to the interests of America in post-cold-war Europe.

Mr. President, I yield back the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New York.

Mr. MOYNIHAN. Mr. President, first may I congratulate the Senator from Delaware on a wonderfully cogent and compelling statement, with that marvelous phrase of Kierkegaard's that "life can only be understood backwards; but it must be lived forwards." I would like to use that as the theme for my remarks. We are responding today to what we have learned from the past. What we have learned about the importance of law and of collective security.

It is for that reason, Mr. President, that I rise in support of the resolution developed by the majority leader, Senator BOB DOLE, and Senator MCCAIN. At the appropriate time I would ask, as I am sure many others will, to be a cosponsor.

This morning's debate has been, as the Senator from Connecticut suggested, a defining day in the history of the Senate. I think not least because of the quality of remarks not just of the Senator from Delaware, but the Senator from Idaho, although he is, perhaps, on the opposite side of the issue. He spoke of the arms embargo imposed on Bosnia and Herzegovina as being illegal, and indeed it was illegal, and it is illegal under article 51 of the U.N. Charter, which provides for the inherent right of collective and individual self-defense. This is a provision Senator Vandenberg, at the San Francisco conference, insisted be in the U.N. Charter, so that there would not be a conflict with the Rio Treaty for the defense of the Western Hemisphere. But that is singularly an American provision.

Then the Senator from Connecticut spoke of the way sanctions bit in Serbia. This has been the first ever successful use of sanctions in the course of enforcing international law after a century of advocacy of such measures by groups looking to a world of law, a world of international law, and consequently of a measure of order.

The failure of sanctions after the Italian invasion of Abyssinia, now Ethiopia, discredited the idea so severely it has rarely been attempted. It has worked somewhat in Iraq, let us grant, but it has not brought a regime to the peace table. Sanctions bit in Yugoslavia.

We have before us a resolution which begins:

> Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;
>
> Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

And now the third clause. I do not know that there has been such a statement on this floor in half a century. Since, that is, 1945, when the U.N. Charter came to the Senate under bipartisan sponsorship. The clause reads:

> Whereas the United Nations Charter restates "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986.

This is a rousing statement of the centrality of law to the actions that the United States, the NATO alliance, and the extraordinary assembly of other countries, some 29 in all, are now undertaking.

We sometimes forget how central international law has been to our understanding of what would follow World War II. The Genocide Convention, as it is called in shorthand, and which is specifically referred to in the Dole-McCain resolution, was in effect proposed by the General Assembly of the United Nations on December 9, 1948, when it declared that "genocide is a crime under international law."

To make it a crime required a treaty. In time a treaty was drafted, and in time ratified by the United States. As a treaty it is the supreme law of the land. This land, Mr. President.

The resolution also refers to the "egregious violations of the international law of war." By that, sir, we refer to the Geneva Conventions, which were agreed to in the city of Geneva in 1949. A little history here. The Nuremberg tribunals, and the equivalent in Asia that followed World War II, were arguably extralegal, in that individuals arguably were not subjects of international law at that time for most of the issues that were involved in those trials. To resolve any question the Allied Powers determined to remove any shadow of doubt by adopting treaties to establish that the laws of war apply to individuals.

Four treaties were drawn up concerning the treatment of particular classes of vulnerable persons during war. These nearly universally accepted treaties are known as the Geneva Conventions of 1949. The conventions make it illegal to target civilians as the objects of military operations. Each of the four conventions has a common Article 3, which states:

> In the case of armed conflict, not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:
>
> (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms . . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

Note "sex," Mr. President.

> To this end, the following acts are and shall remain prohibited at any time and any place whatsoever with respect to the above-mentioned persons:
>
> In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:
>
> (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms. . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.
>
> To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular merder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

It is under that common article 3 of the Geneva Conventions that the war crimes tribunal has been convened in the Hague and indictments have been handed down. The Dole-McCain resolution specifically provides that the President will regularly report to the Congress on the progress of the tribunal.

Mr. President, the United States is in the process of assembling the most formidable and broadly-based collective effort to maintain international peace and security the world has ever known. This represents a triumph of an American position concerning the law of nations which goes back to the beginning of the Republic, a position that has defined American policy for much of this century, at least until mid-century. But which until this moment, with this resolution, a tradition that has been singularly absent from statements about the Dayton agreement by the President, the Secretary of State or the administration generally.

They have spoken about moral imperatives, which no doubt exist, but there is nothing in the Constitution that speaks of moral imperatives. The Constitution says, "The Congress shall have Power * * * To define and punish * * * Offenses against the Law of Nations." It says "Treaties * * * shall be the supreme Law of the Land. And in a lifetime of searching through article II, I have never found any real duty assigned to the President of the United States other than that "he shall take Care that the Laws are faithfully executed." We are now saying that he is doing this.

This goes back a very long way. S. 1, the first bill introduced in the first session of the first Congress of the United States in 1789, written if I may say, by Oliver Ellsworth of Connecticut, who in 1796 would be appointed Chief Justice of the United States, was titled "An Act to establish the Judicial Courts of the United States." It was the 20th public law enacted. Among other things, the legislation provided that—

> . . . the district courts shall have . . . cognizance . . . of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States.
>
> An alien can sue in U.S. court for a tort violation of the law of nations or a treaty of the United States which occurred outside our territory.

That was 206 years ago. Eight weeks ago the U.S. Court of Appeals of the Second Circuit unanimously held that under that statute the leader of the Bosnian Serbs, Radovan Karadzic could indeed be sued in the Southern District of New York for offenses against the law of nations committed in Bosnia and Herzegovina. The suit was brought before Karadzic was indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia. It is not likely that Mr. Karadzic will appear soon in Foley Square. Yet in the unanimous ruling, the Court of Appeals for the Second Circuit, said, yes, indeed, our laws do provide for such actions.

That spirit infused our early Republic. We thought of it as the basis of our legitimacy. When Chancellor Kent published his "Commentaries on American Law," lectures given at Columbia University, his first lecture in his first volume was entitled "Of the Law of Nations." That tradition goes back to the Constitution itself which gives Congress the power "To define and punish Offenses against the Law of Nations."

At the beginning of this century, there was a strong movement, the peace movement so-called, consisting of those who hoped that law could be used as a device for preventing war altogether. George Kennan has described this as follows:

> At the outset of the present century, there emerged in the United States, England and other parts of northern Europe, a vigorous movement for the strengthening and consolidation of world peace, primarily by the development of new legal codes of international behavior.

This is from an introduction by Ambassador Kennan to a reprinted volume of a report on the Balkan wars of 1912–1913 which was sponsored by the Carnegie Endowment for International Peace. Elihu Root, then a U.S. Senator from New York, was, as I recall, chairman. I might say, when the Carnegie endowment was established in 1910, such was the degree of optimism in the world that the bequest provided the moneys be used for further objectives once "the establishment of universal peace is attained."

Ambassador Kennan is, as always, generous. In retrospect, the peace movement, he writes, might seem "unrealistic, naive, and pathetic. But they were * * * profoundly prophetic and well justified in the concerns they reflected." You had no more to see the First World War than to realize that.

Then came Woodrow Wilson's effort to create an international organization, the League of Nations, and the failed effort on the Senate floor to enact it. A failure that was far more the President's fault than the Senate's fault. He could have had the Treaty of Versailles if he made a few concessions, which were not of any consequence. But it failed.

We withdrew from the world. The world brought us back in with the Second World War. Then the U.N. Charter was signed and then the great effort began to see that law became the arbiter of relations between States.

That was reflected not least in the Genocide Convention, and in the Geneva Conventions, reflecting such deep convictions and beliefs on our part.

But there followed a time when, among many liberals, international law began to be seen as a set of doctrines that always got you into trouble, that said you had to do this, you had to do that in distant places of which, as the phrase goes, "we know little."

Next, in a conservative period that followed, for quite different reasons, the same rejection of law occurred. International law in the eighties came to be seen as a system of negative restraint saying what cannot be done. So damn the treaty: Mine the harbors.

Those are inadequate understandings both of what our laws are and what our interests are. We have a profound interest in a world with a measure of order, a measure of predictability, and a capacity to enforce it in some measure at least. As do others. Twenty-nine nations are going to join us in this effort, at last count. Forty-two nations met in London to discuss reestablishment of a civil society in the region.

So, Mr. President, I know my colleague from Nebraska would like to say a word, and that a vote is scheduled at 12:30. May I simply welcome this resolution for its ringing reaffirmation of a central tradition in American statecraft, American diplomacy, American military operations: The centrality of law, the legality of what we are doing and the importance of the fact that we are doing it in a collective mode, anticipated by the U.N. Charter.

I was once our Representative to the United Nations. I once represented the United States as the President of the Security Council. I did not know I would live to see such a hopeful hour as this.

None of us knows how much resistance the implementation force will face. There will surely be losses. I made my way into Sarajevo 3 years ago this Thanksgiving and I saw the dangers the French, Egyptian, and Ukrainian forces faced, along with the air crews of a dozen nations. And that, in theory, was a peace-keeping exercise. This is much more. We have settled for the partition of Bosnia and Herzegovina, however little we may like the term. With half the population of that state either dead or displaced in 4 years of war imposed on it from the outside, this is surely something.

Peace may come, in the sense of the absence of war. But stability is surely a long way off. Even so we have at length recognized the necessity to address the legal obligations of the parties involved, which include all members of the United Nations by treaty definition. We will do what can be done, and do it according to law. That has the potential for rescuing us from the shame of having done so little until now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I know the Senator from Nebraska has been waiting, and I am not going to take long because I want him to have his chance. But I do want to take this time to respond to the Senator from Connecticut who said he did not understand how someone can say they support the troops but do not support the mission. I just want to say, I think it is very easy to say you do support the troops but you do not support the mission. I think we have sent troops into harm's way in this country when we should not have done it.

No one would ever not support the people who are giving their lives, putting their lives on the line to protect our freedom.

Mr. REID. Will the Senator from Texas yield? The two leaders are on the floor. I would like to, while they are here, find out, since Senator EXON and I have been waiting most of the morning, if the time can be extended to speak for a few minutes.

Mrs. BOXER. If the Senator can add the Senator from California.

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mrs. HUTCHISON. I would like to finish my statement, unless the majority leader is seeking recognition.

Mr. REID. I just ask, if the Senator will withhold for a second.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. REID. Can I direct a question to the majority leader?

Mrs. HUTCHISON. Certainly.

Mr. REID. The majority leader and minority leader are now on the floor. I know they have been to the service for Reverend Halverson. But we have been on the floor most of the morning, all four of us, waiting to speak, and I wonder if there is a way for a limited period of time. I only need a few minutes. Senator EXON said he needed a short time. I do not know how much time the Senator from California needs.

Mrs. BOXER. Fifteen minutes.

Mr. DOLE. I do not have a problem with that, unless somebody has already made plans on voting at 12:30 and then doing something else off the Hill on either side.

Mr. DASCHLE. If the majority leader will yield, does this pertain to the pending amendment, or is it to the larger issue of Bosnia?

Mr. REID. I think, to be candid with the two leaders, I can speak later. It is inconvenient, but it is on the issue and I could speak later.

Mr. DASCHLE. This may not work——

Mr. DOLE. The vote is for 20 minutes.

Mr. DASCHLE. We can get unanimous consent that those Senators who are here be recognized immediately following the vote, if that will accommodate our Senators. I think it would be better to try to keep the schedule, if we can.

Mrs. HUTCHISON. Reserving the right to object, let me just say that Senator FRIST also should be put in that group, and I will not object. He has been here all morning. He finally left. I told him that I would protect his rights. I have no objection to the people who have been waiting, but I think we should add Senator FRIST and Senator SPECTER, who is also on his way in, for 15 minutes.

Mr. DOLE. I do not know which order over here, but whatever the order——

Mr. DASCHLE. Senator EXON, Senator REID, Senator BOXER and then Senator Bob KERREY I am told on our side were here. Senator MOYNIHAN spoke.

Mr. DOLE. And then Senator SPECTER.

Mrs. HUTCHISON. For 15 minutes and Senator FRIST and Senator DOMENICI.

Mr. DOLE. Senators SPECTER, FRIST, AND DOMENICI.

Mr. EXON. If the majority leader will yield for a question to try and straighten this matter out. The vote is scheduled at 12:30. Is there a time scheduled for the second vote?

Mr. DOLE. Not yet.

Mr. EXON. Several of us have been waiting a long, long time. Maybe we can get some agreement so I can keep my schedule. Nobody can keep schedules these days because of what is going on. If I could be recognized following the vote for 12 minutes, I would be glad to cooperate.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the next vote the Senator from Nebraska be recognized first, the Senator from Tennessee next, the Senator from Nevada next, the Senator from Pennsylvania, and the Senator from California be recognized.

Mr. DASCHLE. And we have two additional Senators. I would hope that we can alternate back and forth if we have additional Republicans. But our order would be as Senator REID has suggested.

Mr. REID. The Senator from Nebraska needs 15 minutes. I need 12 minutes. Two Senators that are Republicans need 15 minutes each.

Mr. DOLE. There are no time limits. We will just get a sequence. The only time limit is that the President would like to have us complete action on these by 6 or 7 o'clock so they can go to the House and they can be addressed there, if not tonight, tomorrow, shortly after they sign the peace treaty in Paris. So we are trying to accommodate the administration here.

Mr. REID. I ask, Mr. President, that the unanimous-consent request be granted.

Mrs. HUTCHISON. Reserving the right to object, I want to make sure it goes back and forth, a Republican and a Democrat.

Mr. DOLE. Yes, it will.

The PRESIDING OFFICER. The Chair believes the following unanimous-consent request has been made: After the vote, to recognize first, Senator EXON, the Senator from Nebraska; second, Senator FRIST, the Senator from Tennessee; third, Senator REID, the Senator from Nevada; fourth, Senator SPECTER, the Senator from Pennsylvania; fifth, Senator BOXER, the Senator from California; sixth, Senator DOMENICI, the Senator from New Mexico; seventh, Senator KERREY, the Senator from Nebraska.

Are there any additions?

Mr. DASCHLE. Mr. President, I suggest another Republican Senator and then Senator ROBB on our side. So we would hold open the slot for a Republican Senator, to be announced at a later time.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

PROHIBITION OF FUNDS FOR BOSNIA DEPLOYMENT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I ask for the yeas and nays on H.R. 2606.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2606) was ordered to a third reading, was read the third time.

Mr. DOLE. Mr. President, I ask unanimous consent that Senator WARNER be inserted into the Republican spot there, following the Senator from Nebraska, Senator KERREY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, does the majority leader accept cosponsors at this point of the Dole-McCain amendment?

Mr. DOLE. Absolutely.

Mr. MOYNIHAN. I would like to be added.

Mr. EXON. Put me on.

Mr. DOLE. So we have the Senator from Connecticut, the Senator from Nebraska, the Senator from South Dakota, we will be accepting cosponsors throughout the day.

I will proceed for 2 or 3 minutes before the vote on this bill. I will speak later on the Hutchison amendment and on my own amendment.

Let me speak to the Hefley resolution because I think it is important. Just for the RECORD, I went back and had the Congressional Research Service check my votes and the debates I was participating in between 1969 and 1973 when it came to cutting off funds in Vietnam. We had one debate that lasted 7 weeks, and I was the leader of the effort not to cut off funds because we had people like John McCain who were in prison, and we had other young men and women who were on the ground in Vietnam. I thought it would have been a tragedy. We had long, rancorous, heated debates, on the so-called Cooper-Church amendments—Senator COOPER from Kentucky and Senator CHURCH from Idaho.

So let me say on the so-called resolution before us now, and having a lot of experience in efforts to try to avoid cutting off funds once we have our young men and women committed somewhere around the world, we have a couple of choices. We can cut off funds for this operation and our forces who are already underway; second, we can loudly protest the President's decision and express our opposition; third, we can require the President to take measures that will enhance the safety of our troops and ensure that they will return quickly—without their withdrawal leading to resumption of hostilities.

I have given this matter a lot of thought, and I have been engaged in a lot of these debates on the Senate floor. I have thought about my own personal experience during World War II and deliberations I have had since that time. I have thought about the American troops spending a Christmas overseas in the mountains of Europe. I have also thought about the experience of our brave war heroes like Senator JOHN MCCAIN and BOB KERREY. JOHN MCCAIN was in a Vietnamese prison while tens of thousands of Americans were marching to protest the war, and Congress regularly debated cutting off funds for United States military operations in Southeast Asia. As some may remember, the Congress spent weeks—even months—on debating Cooper-Church, McGovern-Hatfield, and other measures to cut funding for the war in Vietnam, Laos, and Cambodia.

I recall that in the spring of 1970, I led a filibuster against the Cooper-Church amendment cutting off funds for military operations in Cambodia and Laos. In that debate, I offered an amendment that would have allowed the President to waive the funding restrictions if he determined United States citizens were being held as prisoners of war in Cambodia by North Vietnam or the Viet Cong. This amendment failed. Believe it or not, the amendment failed by 36 to 54, and Cooper-Church passed, but only after troop withdrawal had begun.

Mr. President, while I understand opposition to and disagreement with the President's decision to send American ground forces to Bosnia, I believe that action to cut off funds for this deployment is wrong. It is wrong because it makes our brave young men and women bear the brunt of a decision not made by them, but by the Commander in Chief.

I will vote against H.R. 2606, sponsored by Representative HEFLEY, which was passed by the House last month. H.R. 2606 prohibits any use of Department of Defense funds for deployment of United States Armed Forces on the ground in Bosnia participating in the NATO implementation force—unless such funds have been specifically appropriated by subsequent law. There has been no appropriation for this operation, so the effect would be to cut off funds to our troops who are on the way or already on the ground in Bosnia. I do not believe we should limit the funds for food, supplies, and ammunition for our troops. It was wrong during Vietnam, and it is wrong now.

I believe that passing the Hefley resolution would undermine our troops, as well as our credibility.

I believe that even at this late date, the Congress can play a constructive role—supporting the troops by enhancing their prospects for a timely and safe withdrawal, and ensuring that there is a military balance upon the departure of our forces.

President Clinton does not have an exit strategy for our troops. Let us be clear: A date is not an exit strategy. In my view, it would be irresponsible to send thousands of American forces in without a concrete plan to bring them out. We will be debating that at a later time.

Furthermore, we need to do what we can to make certain that the sacrifices being made now—by our men and women in uniform, by the U.S. taxpayer—are not for nought. It would be inexcusable to undertake this immense endeavor, only to leave Bosnia, a year later, in the same situation it is in now—virtually defenseless and at the mercy of its bigger and stronger neighbors.

Later today, we will have an opportunity to vote on the Hutchison-Inhofe and Dole-McCain resolutions. Now, we should speak decisively in support of our troops and defeat H.R. 2606.

This is not the way to go—cutting off funds. As I have said, in all the debates that I have engaged in, these are the records of my votes between 1969 and 1973. It never seemed appropriate for me, when you had young men like JOHN MCCAIN, a prisoner of war, that we would cut off funds in the U.S. Congress, and I still have that same attitude today.

The PRESIDING OFFICER. The question now occurs on H.R. 2606. The question is: Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 22, nays 77, as follows:

[Rollcall Vote No. 601 Leg.]

YEAS—22

Brown
Campbell
Craig
D'Amato
Domenici
Faircloth
Feingold
Gramm
Grassley
Gregg
Hatfield
Helms
Inhofe
Kempthorne
Kyl
Murkowski
Nickles
Pressler
Smith
Thomas
Thompson
Warner

NAYS—77

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan

Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Daschle
DeWine
Dodd
Dole
Dorgan
Exon
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Harkin
Hatch
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thurmond
Wellstone

So, the bill (H.R. 2606) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 35, offered by the Senator from Texas, Mrs. HUTCHISON.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent the Senate resume consideration of Senate Concurrent Resolution 35 and it be in order for this Senator to offer my Senate joint resolution and that no amendments or motions to commit be in order to either vehicle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, let me indicate that we now have had our first vote. We would like to complete action on the concurrent resolution authored by Senators HUTCHISON, NICKLES, and others and then have that vote very quickly if we can. I know a lot of people want to talk, but I think it is general debate. We would also like to have the vote on my joint resolution, the Dole-McCain joint resolution, sometime, hopefully by 6 o'clock this evening. So that gives us about 5 hours of debate. We have already had a number of Members, I would say about 20 Members, each requesting from 10 minutes to 15 minutes to 90 minutes.

Now, we are not going to be able to accommodate everybody, or I hope they can accommodate us, and I hope we can, as much as we can, keep our remarks limited to 5 or 7 or 8 minutes, because if I just add up these requests, this will take us beyond 6 o'clock, probably 7 or 8 o'clock. And I would say as the Republican leader, we are trying to accommodate the President of the United States. So, hopefully, we will have cooperation on both sides. I think the Senator from Texas would like to have a vote about what, midafternoon, on her concurrent resolution?

Mrs. HUTCHISON. Mr. President, yes, I would like to vote as early as we can. I think most people are speaking in general terms so I think midafternoon. And then I would like to see the final vote on yours around 5 so that the House could have the opportunity, if that is possible.

Mr. DOLE. We will do our best.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Let me just add to what the majority leader said. Obviously, a lot of Senators wish to speak, for good reason, about this issue and on these resolutions. I hope, though, that we could accommodate all Senators who wish to speak by shortening the length of our statements to the extent that it is practical to do so. Obviously, we will have more opportunities once the resolution passes to come to the floor and continue this exchange and to continue to express ourselves.

But if we are going to allow every Senator an opportunity to speak, we are going to be constrained somewhat in the time allotted for each Senator. So I hope everyone will bear that in mind and cooperate to the extent it is possible so that we can have a vote at the earliest possible time.

I yield the floor.

Mrs. HUTCHISON. Mr. President, we need to get aunanimous consent on the next sequence of speakers. I wish to do that so that people know how to plan their afternoon.

This is the second list after the one that was agreed to earlier, and it would include Senator DEWINE, then FEINSTEIN, then LOTT, then BIDEN, then ASHCROFT, KOHL, HATFIELD, LEVIN, INHOFE, BYRD, FAIRCLOTH, WELLSTONE, D'AMATO, MURRAY, LEAHY, SIMON, BRADLEY, and NUNN, and there will be Republicans between MURRAY, LEAHY, SIMON, BRADLEY, and NUNN. Senator MURKOWSKI would be after Senator BYRD. I ask unanimous consent that we put that order in place so that people can begin to plan. And I urge, but do not ask for unanimous consent, that people hold their remarks to 5 minutes so that everyone will have a chance, with the hope that we would be able to vote around midafternoon on the Hutchison-Inhofe resolution and then around 5 on the Dole-McCain resolution.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and the additional Senators will be added to the list.

Mrs. HUTCHISON. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska [Mr. EXON] is recognized.

Mr. President, for the past few weeks, military and civilian officials from the administration have come to Congress to make the case as to why United States ground troops must be a central part of the international peacekeeping force that will go to Bosnia following the formal signing of the Dayton peace accord this Thursday in Paris. To date, I have withheld final judgment on the advisability of this action and kept an open mind to arguments on both sides of the debate. I listened closely to President Clinton's national address on Bosnia and have discussed, in both public and private forum, some of my concerns with members of his cabinet and top military advisers. In addition, I have sought and received the advice of my constituents in Nebraska, many of whom are members of the Armed Forces or have relatives in the services.

I have been impressed by the bipartisan leadership on this issue by Majority Leader BOB DOLE and Senator MCCAIN. I support their bipartisan amendment.

The facts are that the President has exercised his constitutional authority to dispatch troops to Bosnia. What we do by vote here today does not start nor can it stop troop deployment. It's a done deal whether we like it or not.

I have carefully deliberated on the question of blessing or condemning the deployment of American peacekeepers in Bosnia. I believe there is no more solemn an action the President can take or we as Senators can take or vote to endorse the process. The deployment of American men and women overseas into a potentially harmful environment even though it is advisory, is a legislative action that requires particular care and a need for thoughtful introspection that is typically not required in the conduct of our day-to-day business. Let no one be under any allusions, the collective voice of Congress on the issue of troops to Bosnia along with the President's decision as our Commander in Chief will have great historic significance, affecting not only the short-term prospect of peace in the Balkans but also the long-term role of America in NATO and as a worldwide leader.

Some seem to believe that some of us who have served our country in the past by being placed in harm's way have some special insight or superior wisdom or license to be holier than thou in these decisions. Our wartime experience provides us with just that—experience—but not necessarily a priviledged status in reasoned decision-making because of our past valor.

While the perils of participation in the international peacekeeping force in

Bosnia are unquestionable, I believe a reasonable case has been made for the deployment of American troops there.

Once the three parties sign the peace agreement in Paris on Thursday. For me, the debate boils down to this central question: By risking the safety of American troops in the next year do we avoid an even greater threat to our national security interests and possible loss of life in the future? That is a judgment call. There is no certainty. The question is: Will this stitch in time save nine?

If the United States was to renege on its promise by its President and constitutional Commander in Chief to join 27 other nations in the NATO-led peacekeeping force, I am concerned the consequences would be dramatic and irrevocably harmful to the pursuit of peace and the furtherance of our security interests. If the United States does not followthrough with its commitment to provide one-third of the Bosnian peacekeeping force, it would be the end of American leadership in NATO, and likely the end of NATO itself. NATO has been a stabilizing force for peace for 50 years. To pull the rug out from under it now at a time when a peace agreement has been brokered that will hopefully end a brutal 3-year war filled with ethnic cleansing, rape, mass executions, and torture would be unconscionable. To scuttle the agreement now would throw the region back into the horrific morass of war, guaranteeing more civilian deaths, more refugees, more instability in Europe, and the very distinct possibility that the fighting will spread and soon ensnare other bordering nations, allies of the United States, into armed conflict with one another. Opponents of the President's policy are fond of delving into history to discuss centuries old animosities that exist between the warring factions in Bosnia. Let us not conveniently skip over, however, the lessons of World War I and what happens when one regional ethnic conflict, left unchecked, draws in other nations, which in turn brings still other nations to arms. European incubation of World War I and World War II eventually cost us 522,000 deaths and 875,000 in military casualties. Whether or not we like it, it is clear what happens in Europe does affect us.

Bosnians, Serbians, and Croatians came to Dayton because they sought an end to the fighting. The peace agreement reached in Ohio is their peace, not a peace that the United States or any other nation is imposing upon them. The Dayton agreement is quite clear about what is expected of each of the signatory parties. If the agreement is broken by any of the three parties, we and the other peacekeeping nations are under no obligation or commitment to remain in that troubled country. More importantly, the military tasks required of our troops in Bosnia have been explicitly set forth and can be accomplished within 12 months, the 12-month timeframe set by the administration. Our peacekeeping troops will be in Bosnia to assist in the separation of forces along a 4-kilometer demilitarized zone of separation. We will assist in transferring of territories as called for in the Dayton agreement. We will be there to break the cycle of violence and ensure that all sides are living up to the requirements of the Dayton accord. Our ground troops will not be in Bosnia as a police force. They will not be asked to disarm militias or move refugees or deliver aid. Nor will they be required to perform many of the civilian tasks set forth in the Dayton agreement, such as economic reconstruction, supervising new elections, or bringing about a military force balance among the three entities within Bosnia. These tasks will be performed by nongovernmental organizations and other nations. In short, the United States military mission in Bosnia is narrow, specific, finite in length, and, most importantly, unencumbered by any limitations on American unit commanders to preemptively strike at hostile forces and otherwise defend our forces using whatever means necessary.

Secretary of Defense Perry, Chairman of the Joint Chiefs, General Shalikashvili, Secretary of State Christopher, and Ambassador Holbrooke have gone the extra mile in my opinion to spell out as best they can all the intricacies of our involvement in the implementation force. Over many long congressional hearings they have detailed how our troops are being trained and prepared for mission, how and when the forces will enter the region and the Tuzla Zone, the steps involved with implementing the military tasks set forth in the peace agreement, the time line for transitioning to peace, and our exit strategy and have all been spelled out. The administration has been as forthcoming as possible in addressing congressional concerns with respect to rules of engagement, the additive cost of the operation, the command and control of our forces, and so forth. The steps also have been spelled out that will be taken to bring about a balance of military power in the region once the peacekeeping force is withdrawn.

Mr. President, no military operation is risk free. Even during peacetime, we lose scores of men and women each year due to training mishaps and other duty-related accidents. Life in the Armed Forces is inherently dangerous. Like law enforcement and firefighting, they are professionals. The profession of soldier is also a voluntary one, filled with uncertainty and peril. That is the history of service to the United States of America. There are no guarantees about what will happen in Bosnia in the next 12 months. With or without congressional authorization, the President of the United States, as our Nation's Commander in Chief, has the constitutional authority to commit troops to the multinational operation in Bosnia. He has done that.

Over the past 3 years a large number of Senators have taken to this floor and given an even greater number of speeches deploring the bloodshed in Bosnia and the desperate need to do something—anything—to end the fighting, end the ethnic cleansing, end the raping, end the mass executions. Now, after years of handwriting, a window of opportunity has presented itself to see that the ceasefire becomes a peace and that the peace, in turn, can mature into lasting stability and the restoration of a nation figuratively and literally bled dry. I hope that those same Senators who called for action are now ready to get behind the President's policy. The reality is that for this process to succeed, our Nation's leadership is essential. We cannot simply wish for a happy ending in Bosnia. If we want the United States to continue to be the world's preeminent power, if we want NATO to remain strong and relevant into the 21st century, if we want to prevent the Bosnian war from rekindling and potentially spreading into neighboring countries, then the United States cannot disengage itself and stand on the sidelines and act as a critic.

Mr. President, preserving stability on the European continent and strengthening NATO is in America's national security interests. If it was not, then we should bring home the 100,000 Americans we have stationed there, close dozens of bases, and cut our $264 billion national defense budget by a healthy percentage. But I suspect that those who are critical of the President's policy would squeal loudly over such a suggestion. Well, Mr. President, you cannot have it both ways. If we do not want to be the leader of NATO, then we should withdraw our forces and cut our defense budget. If we want to stop the slaughter of innocent men, women, and children in Bosnia, we must be willing to act, even if it means assuming some risks. The world's problems are often complicated. Sometimes it is too much to expect antiseptic, risk-free solutions, because they are unreasonable. The alternative of isolationism is no alternative, in my opinion, and only guarantees our Nation greater problems down the road. We are not declaring war, we are declaring peace in conjunction with 27 other countries sending in peace-keeping forces at the invitation of the previous warring parties. If we were to renege now, America would lose its world respect and surely darken and make more somber other challenges in the future that could come home to haunt us.

I urge support for the bipartisan amendment offered and led by the majority leader and the Senator from Arizona.

Mr. President, I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. FRIST] is recognized.

Mr. FRIST. Mr. President, I rise to discuss the issue of American troops in Bosnia and Herzegovina. I respectfully, but strongly, disagree with the President's decision to deploy U.S. troops there. It was the wrong decision. And it is that decision that I will address in the next few moments.

However, before I do, I want to make it as clear as possible that I am 100 percent behind our troops now that the commitment has been made and the process has begun to deploy them. I will support them and their efforts in every way possible. I will work to see that their mission is a narrow one, that the exit strategy is clearly defined, and that they return home as quickly and safely as possible.

There are several unsettling aspects of the President's plan to send troops to Bosnia. They are questions that, in other circumstances, would have been asked and answered during open and public congressional debate. Unfortunately, that debate has effectively been denied to the American people by the President's unilateral action in committing American troops to foreign soil. But I still think it is important to ask these questions because, perhaps if they are asked this time, then next time they will be answered before we take action.

The first question: Is this action in the vital national interest of the United States? Vital national interests can be clearly and specifically defined. They include defense of U.S. territory, support of allies who are threatened, support of treaty obligations, or protection of economic interests, international waters or U.S. citizens in operations abroad. In other words, Mr. President, vital national interests are interests clearly worth fighting and dying for.

I listened to much of the debate yesterday and today and heard many of my colleagues address this very issue. Time and time again, the debate returned to the question of whether our reasons for being in Bosnia would satisfy the mother or the father whose son or daughter is killed there and who turns to us directly and asks, "Why?"

Like my colleagues, I have failed to hear a satisfactory answer. Some say because our credibility is at stake. But is it truly our credibility or perhaps NATO's credibility? Mr. President, I believe the two may be very different, particularly in a post-cold-war world.

Others say, because without us there will be no peace. But where have we been for the last 3 years, and do we really believe that we can create peace among people who do not want it? Do we really believe that our presence for 12 months—for 1 year—will suddenly make the warring factions who have been at it for nearly 500 years suddenly forget what they and their ancestors have been fighting for and live as neighbors peacefully? I do not believe so. Mr. President, the situation in Bosnia, no matter how tragic, does not equate to a vital national interest.

A second question: What is Congress' role under the Constitution in the determination to send combat troops into a conflict such as the one we face in Bosnia?

Certainly the President has the authority to deploy forces in situations requiring immediate action, especially in situations where vital national interests are threatened. But committing 20,000 American troops to hostile territory in an action where no vital U.S. interest is at stake, where there is no clearly defined goal or mission, where the factions have been warring for centuries, where the situation, since the initialing of the peace agreement, has clearly deteriorated and where casualties, by the administration's own admission, are certain, in my view, necessitated first a full and fair discussion between the executive branch and Congress. We owe that to the American people and particularly to the American service men and women.

The need for an open debate on this matter is further highlighted when we focus on the peace accord that was reached in Dayton. There are real questions as to whether a bifurcated Bosnian state will survive or, more importantly, whether two separate political entities can function as one country without the constant presence of troops to keep the peace.

Even if the Bosnian conflict did involve the vital interests of the United States, I am concerned that the underlying peace agreement is fundamentally flawed. Already we have seen towns burned, American flags burned, and demonstrations against the Dayton accord because this is a forced peace. And, Mr. President, the fact that we are sending our troops to support this imposed peace plan with little debate in Congress and virtually no support from the American people troubles me greatly.

Third, and perhaps most importantly, how can we prevent this situation from occurring again in the future? Before that question can be answered, we must first understand how we got to where we are. The slippery slope upon which we have now embarked began largely with the end of the cold war, when the world reverted to the ethnic, regional and subnational violence that characterized it before the rise of the bipolar world.

Unfortunately, at that time, America failed to define adequately the role it would play. Instead, we began a pattern of committing U.S. forces on hastily decided and hastily defined missions of peace, of peacekeeping or, tragically, the potential quagmire of peacemaking without the advice, consent or even the confidence of the Congress and the American people.

In each instance, we have seen a President obligate funds and scarce military resources and place U.S. lives on the line for missions well outside what can reasonably be called the vital national interest. And in each instance, rosy administration projections and lofty humanitarian goals bear no resemblance to the outcome of the missions. Just look at Somalia and Haiti today. They are sad mockeries of what we were promised they would become once the most powerful military in the world cleaned them up.

So we again face the question, How is it that we ultimately discover such a radical difference between the intentions and the outcome and that the mission is murkier and the price too high?

In each and every instance, this disturbing and dangerous precedent has been reinforced, making it ever more likely that the pattern will be repeated again and again, with Congress offering fewer and fewer objections under its authority under the Constitution.

It is very similar to the case whereby States' rights fell by the wayside in the push for a stronger and ever more powerful Federal Government.

In the absence of vital national interests, a lack of clear mission has combined with the lack of support of the American people, and we have faced a loss of American life. We have ended these missions without reaching our goals, without achieving any semblance of peace and democracy, and at great cost to the real mission of our Armed Forces: To be ready to defend, with overwhelming force and resolve, the real threats to our life, liberty, and well-being—or those of our allies. Again, Mr. President, we need only look toward our recent experiences in Somalia and Haiti.

In each of these instances, United States and Presidential credibility is offered as a reason such ill-conceived initiatives cannot be opposed. In the case of Bosnia, the Congress and the people are not even given the opportunity to approve or disapprove—but simply to give our approval and comment after the fact. Some argue that this is the President's prerogative under the Constitution, but it is not a shining moment in the life of American democracy. We are asking America's finest men and women to face possible death for a commitment outside of our national interests.

And finally, Mr. President, will we continue to commit our blood and treasure to every cause which captures the moment, and which appeals to our collective sense of justice and compassion? Or will we finally define our interests and our policies, so that when a dangerous situation arises again—and it will—and when our credibility and vital national interests are truly on the line, we will be fully prepared to defend them.

It's an unfortunate and dangerous chapter in the life of our beloved democracy, Mr. President, when we are told it was inappropriate to ask these questions earlier, because the matter had not been settled, and that is inappropriate to raise them now, because the decision has already been made.

At what point do we have the chance to answer those questions? When they are placed before us, and when it may be too late? The question then becomes, Mr. President: At what point will Americans define American interests? I think the time has come to answer these questions now—before we are faced with our next Bosnia.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Mr. President, there is a unanimous-consent order already in effect regarding the Senators who will speak. I ask unanimous consent that the next grouping, following me, would be, first, a Republican, and that name will be supplied by the leader. After that, Senator SARBANES, and then another Republican, and after that, Senator KERRY of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as Members of the Senate, the most important and really solemn votes that we cast are those which put at risk the lives of American servicemen and women.

I have long been concerned about the conflict in Bosnia and the potential United States military role in ending the conflict in Bosnia. Mr. President, I have stated on many occasions on this floor, and in various places in the State of Nevada, that I personally do not believe that U.S. ground troops should be committed to keep the peace in this centuries-old civil war in Europe. But still, Mr. President, I recognize that I am not the Commander in Chief of the armed services of the United States, nor does the President need congressional approval to dispatch U.S. troops on this type of a peace mission.

Mr. President, I am going to support the resolution that has been drafted by the Senator from Arizona, the majority leader, and the ranking member of the Armed Services Committee, Senator NUNN. But I say that I support that resolution, not because President Clinton is in office and is a Democrat. I would remind my colleagues, that I stood here and was the first Democrat to publicly support the Desert Storm operation in Iraq. I was standing here, and I received a call from then-President Bush. I was getting ready to speak on the floor. I told him that he did not have to ask me, I have already agreed. So I am going to support this resolution because I believe it is the right thing to do, not because the President is a Democrat. I would do the same for a Republican, as I have shown in the past.

There comes a time that we in Congress, despite our opinions about a President's prerogatives, must lay our criticisms aside. I have given plenty of criticism on this issue. This is a time, Mr. President, when, despite our opinions, we must lay our criticism aside. As I speak, troops are being deployed in Bosnia. As I speak, troops are on their way to Bosnia by train and airplane and other vehicles. Whether this Bosnian peace agreement will be recorded in the history books as the end of a centuries-old conflict remains to be seen. In the meantime, the President has made his decision, and I now believe all Americans should stand behind those whose lives will be on the line in Bosnia.

A number of my colleagues have cited the war in Vietnam in their statements in opposition to the deployment in Bosnia. I also would draw a comparison between the two situations, but for a different reason. The fine young men and women who risked their lives and, in many cases, sacrificed their lives in Vietnam had to perform their missions in the face of enormous disagreement at home about their presence overseas. They came home to protests, and they came home to anger. We should have learned by now that dissent at home costs American lives, because dissent encourages the enemy to kill Americans. Dissent at home costs American lives.

Our colleague, the distinguished senior Senator from Arizona, understands what a blow that kind of civilian denunciation can mean to our military forces. His statements in this Chamber gave me great pause, as I pondered the vote I must make relative to my own personal misgivings. I commend Senator MCCAIN, a war hero by any measure, for the work he has done on this resolution. I understand that in Arizona the vast majority of people think the President's decision is wrong. It is the same in Nevada. Therefore, it gives me even more pause to think how difficult this was for Senator MCCAIN, but how right it was for Senator MCCAIN.

I also commend the distinguished majority leader for crafting a compromise that gives congressional support for the deployment of troops, but that better clarifies and defines the U.S. mission and the criteria that will determine its success.

This mission must not fall into the trap of what is known as mission creep, where an initial goal grows vague and extended. Our troops must go in with a clearly defined and achievable goal and come out in a timely manner. This resolution, the McCain-Dole-Nunn resolution certainly does that.

I intend, I think, along with a number of my other colleagues, to closely monitor the progress of the United States mission in Bosnia, to do it throughout the year. I look forward to the return of the American troops—hopefully before the year is out, certainly by the time the year is up.

The commanders of NATO and the U.S. military leaders who trained our troops for the mission have taken every step possible to ensure the troops' security, but we know it would be naive to think there will be no casualties and we will all grieve the loss of even one American life. But if there is any lesson we learned from Vietnam, it is that we cannot send American troops overseas with a denunciation of their mission.

I choose now to support the Dole-McCain resolution containing some defined parameters for American involvement rather than disagree with the President's decision.

I was on the floor earlier today, right before the first vote, when the majority leader made a statement. He clearly defined the resolution, and he talked about heroes. JOHN MCCAIN was one he mentioned. He mentioned others. But it was interesting to note that he did not talk about himself.

We have in this Chamber some people who have sacrificed a great deal for our country. Senator MCCAIN, of course, was a prisoner of war in Vietnam for 6 years, in solitary confinement for half that time. We have other people who sacrificed a great deal. Senator JOHN CHAFEE was a hero in the Second World War and the Korean conflict. Senator HEFLIN saw service in the Second World War. Senator GLENN was a marine pilot in the Second World War, in Korea, and then, of course, was an astronaut. We could go on and on with the list of people who sacrificed a great deal who now are serving their country in the U.S. Senate. But I think it is interesting to note Senator DOLE did not talk about himself. He has sacrificed as much as anyone in the service to his country. During the Second World War, he was wounded. He almost died.

So I think the record should reflect the courage of Senator DOLE in sponsoring this amendment and drafting this resolution. It would have been very easy for Senator DOLE—not only the majority leader but a Presidential candidate, who likely will be the Republican nominee for President next year—to have taken the easy way out. Would it not have been easy for him to demagog this issue and to be opposed to Bill Clinton? That would have been the easy thing for ROBERT DOLE to do, but he did not do that. It is because of what he did and what Senator MCCAIN did that there are people like Senator

REID of Nevada, willing to swallow, maybe, a little bit of pride, and support this resolution about which these two men, who are certifiable heroes, have said: Our troops are on their way there. Some of them are already there. It is wrong not to have this body support them in everything that they do while they are there.

So I want the record to reflect the fact that Senator DOLE in his statement this morning did not mention his own name. I understand that shows humility, but I want the record to reflect that of all the people who served in the U.S. Senate who have records of heroism in service in the military, to our country, no record tops that of Senator ROBERT DOLE.

I do not want the men and women who go to Bosnia—not to make war but to support a peace—to wonder whether the American people support them, whether this Congress supports them, and whether this Senator from Nevada supports them. I support them.

The holiday season is upon us. My thoughts and my prayers are with the families who will not be together this year because of this deployment. We have seen them interviewed on CNN and in other news stories, how they are going to spend Christmas away from their wives and children and husbands. I commend the men and women who will serve this Nation with honor and courage in Bosnia. I do so with faith and hope in their ability to achieve this mission of bringing peace and stability to Europe.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I have a unanimous-consent request I would like to propound.

I ask unanimous consent to add to the sequence that has presently been placed in the RECORD a Republican Senator; following that will be Senator DODD; after that, a Republican Senator; after that, Senator BRYAN; after that, a Republican Senator; after that, Senator DORGAN; after that, a Republican Senator; after that, Senator GLENN; after that, a Republican Senator; after that, Senator HARKIN; after that, a Republican Senator, and after that, Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, the most weighty factor in deciding how to vote on the Bosnian resolution is that United States troops will be deployed in Bosnia regardless of what Congress does, since there are not enough votes to cut off the funding. In fact, the advanced troops are already in Bosnia. Not only is the congressional vote nondeterminative, but the debate has been advanced and the votes expedited in the expectation that there will be some show of congressional support to bolster our troops' morale. Certainly we should do that. So that with the troops on the way and the congressional vote nondeterminative, all the Congress can do now is to make the best of it.

After extensive discussions with my constituents, my colleagues in the Senate, and executive branch officials, it is my view that the United States does not have a vital national interest in Bosnia to justify sending United States troops there. When President Clinton called me, almost 2½ weeks ago, seeking my support, I asked the President what was the vital United States national interest. He responded by commenting on the widespread killing.

I said I was very concerned about the atrocities, the mass killings and genocide, but asked him how that distinguished Bosnia from Rwanda or other trouble spots around the world. President Clinton then warned about the conflict spreading to other nations of Central Europe.

I asked if that posed a security threat to members of NATO, which would activate our treaty obligations on the principle that an attack on one is an attack on all. The President said that he was not basing the national security interest on a treaty obligation on that issue.

In extended informal discussions with colleagues, some Senators have argued that a vital United States national interest arises in a number of contexts. For example, some contend that the stability of Central Europe is vital to U.S. security. Other Senators have said that an opportunity to involve Russia in the joint action with NATO rises to the level of a vital national interest. Others say that there is a vital United States national interest in ousting the Iranians from Bosnia, so that the fundamentalists do not gain a foothold in that important region.

Former Secretary of State Henry Kissinger articulates a vital U.S. interest in the following way.

> The paradox of the decision before Congress is that, while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policy.

Dr. Kissinger continues:

> If other nations cease to believe our assurances, our capacity to shape events, to protect American security and values will be jeopardized.

The problem with Dr. Kissinger's analysis is that it gives the President the power to create a vital national interest by unilaterally making an American commitment without the consent of Congress in the context where the consent of Congress is necessary to bind the United States. My own judgment is that those considerations do not aggregate to a vital United States national interest.

U.S. national security is not imminently threatened, and we are not the world's policeman. It may be that at some point there will be consideration to the deployment of U.S. troops for international moral commitments or from some other standard, but the vital national interest context has been that which has traditionally governed the deployment of U.S. military personnel. So far, they are proposed to be only peacekeepers. But it is a short distance from being peacekeepers to being in harm's way, and really, even being peacekeepers is in harm's way, with the troops that are already there being apprehensive about taking a step off a tarmac out of concern about stepping on a landmine.

In 1991 on this floor I had the privilege to participate in the debate on the resolution for the use of force as to the gulf war. I believe that it was indispensable that Congress pass on that matter, even though it was a Republican President, President Bush, who in late 1990 said a number of things about dispatching troops there involving the United States without congressional approval. But ultimately the President did bring back the issue to the House and to the Senate. And we had debates about vital national interest. A number of us were on the floor at that time—Senator WARNER, Senator NUNN, and others—and comments in the media were that it was a historic debate about what are United States vital national interests.

At least, in my own judgment, we have not seen the establishment of the vital national interest in what we have present today in Bosnia. But that is a judgment call like so many other judgments that we have here.

In the absence of a vital national interest, it is my judgment that the Congress should support the troops, without endorsing the President's policy. Our congressional action should show as much national unity as possible under the circumstances and project American leadership to the maximum extent possible consistent with congressional policy not to give the President a blank check.

It is obviously going to be a tough winter and a tough year for our troops so we should be as supportive as possible where they are concerned.

I am encouraged by the testimony presented to the Senate Intelligence Committee from the executive branch. We convened those hearings in the Intelligence Committee, which I chair. The executive branch officials testified that our troops will be authorized by the rules of engagement to defend themselves on their finding of hostile intent rather than hostile action.

That means that our troops will not have to wait until they are shot at; but they can take preemptive action if they conclude that there is hostile intent. The anticipation of hostile action gives them the discretion to make the judgment that preemptive action is warranted.

It is obviously problemsome on U.S. international relationships for the Congress to pull out the rug from the President's unilateral commitments to our allies. However, it is fundamental in our constitutional separation of power that the President's authority in foreign policy and as Commander in Chief is limited by Congress' authority on appropriations and the declaration of war. And the Founding Fathers were explicit in having that kind of a separation of powers, and that is what we are concerned about here today.

My preference, as I expressed it to the President in our conversation, was that the President come to the Congress with authorization in advance of dispatching the troops to Bosnia. We have learned from the bitter experience of Vietnam that the United States cannot prosecute a war, or really any extended military operation, without the backing of the American people. And the first line of that determination is to have the backing of the Congress. The President chose not to do so.

When we take a look at what our allies' expectation has been, or should be, we have to note that repeatedly congressional action in opposing President Clinton's Bosnia policy has put our allies squarely on notice that the Congress might well disavow the President's promises. It was plain on the public record that the Congress voted overwhelmingly to lift the arms embargo unilaterally to allow the Bosnian Moslems to defend themselves against Serbian atrocities. In the Senate we had a vote of 69 to 29. In the House the vote was 298 to 128. All of that required a Presidential veto. And it was only after those overwhelming votes occurred in both Houses of Congress that the President's policy in Bosnia was activated.

For a long period of time many of us had urged the executive branch to undertake massive bombing using our tremendous air power, and we were met with the response that in the absence of ground troops the bombing would not be effective. Once that bombing was initiated, however, quite the opposite occurred from what the administration and the Department of Defense officials had predicted, and it brought the Bosnian Serbs to their knees. It brought them to the bargaining table. And this agreement has been worked out.

But it is in this context of the very severe disagreement that has been expressed by this Senator—and many others on this floor and in the House of Representatives—that the allies, the other party signatory to the agreement in Dayton, have been squarely on notice that the Congress might well disagree with the President.

The institutional conflicts between the Congress and the President on foreign policy have a long history. Many have challenged the President's actions in ordering United States troops to fight wars without congressional authorization in Korea and Vietnam. The War Powers Act was an effort to establish constitutional balance. But that War Powers Act met with little success.

President Clinton took the initiative in ordering an invasion of Haiti in the face of overwhelming congressional resolutions expressing disapproval of that Presidential action. Fortunately, it turned out to be a bloodless invasion when potential opposition withdrew.

So, Mr. President, our allies have been on notice. Depending on future events, the Congress may have to assert its authority to cut off funding, if we conclude that the President has exceeded his authority or has pursued unwise policies. Those are congressional prerogatives, and under our constitutional system of separation of powers they have to be zealously guarded and observed. But since the President is not now usurping congressional authority to involve the United States in war, and since the votes are obviously not present to cut off funding, we should make the best of the situation in formulating a resolution to support the troops, and demonstrate as much national unity as possible.

To the extent possible, the resolution should impose the maximum pressure to strengthen the Bosnian Moslems militarily to establish a balance of power in that area so that our troops may be withdrawn at the earliest practical date. An exit policy from Bosnia will turn on there being a balance of power there.

It is critical for the United States and its NATO allies to articulate a plan for equipping and training the Bosnian Army. Regrettably, the administration has been reluctant to articulate such a policy. But, in letters just publicized yesterday and today, we may have those assurances. And those assurances and that action ought to be subject to the maximum possible congressional power and persuasion.

Arming the Bosnians is critical for two reasons.

First, it will help ensure a balance of power in the region—a balance that currently favors Serbia and Croatia.

Second, the Bosnian Army must be armed before the NATO implementation force can leave. As former Under Secretary of Defense, Paul Wolfowitz, recently noted, "Until the Bosnians have the capability of defending themselves, it will be impossible for us to withdraw without terrible consequences."

In addition, we should do our best to use the current situation in Bosnia to establish important international law precedents against genocide, and to prosecute war criminals.

Bosnian-Serb leader Radovan Karadzic and army commander Ratko Mladic and others under indictment should be brought to trial in the War Crimes Tribunal. This is a unique opportunity to follow up on the Nuremberg precedent and to establish an international rule of law.

Since 1989 the United States has been a signatory to the International Genocide Convention. The United States has been a leader in instituting the War Crimes Tribunal.

For years, I have pressed resolutions adopted by the Congress to set up an international criminal court with the principal thrust to control international terrorism and drug dealing.

It has been my view that, while it has been impossible to get countries like Colombia to extradite to the United States, if there were an international criminal court, that might be doable in a practical political context. And we have yet to be able to put our hands on the Libyans under indictment for the terrorism against Pan Am 103.

And there again, if an international criminal court were present, it might be possible to have extradition to such a court if extradition to Scotland or England or the United States cannot be obtained. And it is very important for us to press ahead on these prosecutions under the War Crimes Tribunal.

In 1993, my amendment was adopted to provide $3 million to assist the prosecutor in gathering evidence against those who committed atrocities and mass killings in Bosnia. We should press all parties to the peace agreement to make their maximum efforts to bring the war criminals to trial. My recent meeting with Chief Prosecutor Justice Goldstone provides encouragement that a significant international legal precedent can be achieved in that tribunal. International action against mass killings and genocide would promote an important goal of the law of nations.

My discussions with Secretary of State Warren Christopher and National Security Adviser Anthony Lake provide reassurance on the firm U.S. policy to bring the war criminals to trial. For myself and many others in the Congress, continued support of the Bosnian operation would be materially affected by the intensity demonstrated to bring such war criminals to justice.

While I do think it an unwise policy to deploy United States troops to Bosnia, I am very much concerned about the kind of isolationist rhetoric that we have heard in this Chamber in the past 2 days. I have consistently supported a robust national defense and a robust foreign policy by the United States, an attitude gleaned from my earliest days studying international relations as a student many years ago at the University of Pennsylvania.

The United States should not turn to isolationism, but neither should we turn to being the policeman of the world when there are incidents around the world, and so many of them, without having a vital U.S. national interest involved. But weapons systems, army divisions, and aircraft carriers are not enough to ensure our security. We must be committed to the notion that the United States needs to be engaged throughout the world diplomatically, economically, militarily, and always carefully. We need to use all our instruments of national power to shape the international security environment in a way that guarantees American security. In my judgment, for the reasons I have outlined, Bosnia and the Balkans do not rise to that level. But by the same token, we must be careful to resist instantaneous or knee-jerk reactions to any use of U.S. military force even where we did so in Desert Storm.

Mr. President, these are obviously matters of great complexity. We vote on them in a series of resolutions trying to exercise our best judgment, knowing that the troops are on the way, whatever we do. We obviously will follow the matter very closely through our congressional action in a variety of committees, including the Senate Intelligence Committee, which I chair, to bring our best judgment to bear on the Bosnian situation, to support the troops wherever we can and to bring them home as soon and as safely as possible.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senator from California is recognized.

Mrs. BOXER. I thank the Chair very much.

I rise today in support of the peacekeeping mission in Bosnia as long as it remains a peacekeeping mission. I also rise to express my strong support for our men and women in uniform who will be one-third of the peacekeeping force.

We are here debating one of the most difficult and important decisions to face us as legislators, the deployment of American troops overseas. The commitment of our troops is never an issue to be taken lightly, so I thank the leadership for bringing this issue to the floor.

I also wish to thank those committees that have held hearings on this issue over the past few weeks and the administration witnesses who have answered questions openly, candidly, and directly. These hearings have proven very informative and have helped me to reach my decision.

I support the participation of U.S. troops in I-For first and foremost because the mission as spelled out by the President and subsequently by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is a true peacekeeping mission. This is not like the Persian Gulf war when we were sending our men and women off to fight a war. We are sending our men and women to be one-third of a peacekeeping force, keeping the peace as a result of the Dayton peace accord which is supported by all the parties involved.

This is a point I believe must be made perfectly clear. The major combatants in Bosnia support this peace agreement. We are not going to Bosnia to force a United States vision of peace upon them. We are going to help implement their vision, their agreement.

If we were not truly peacekeepers, I could not support this mission, and if at some future date the Dayton peace agreement changes course, I will immediately reevaluate my position.

I have listened with great interest to Secretary Perry, General Shalikashvili, and other military and civilian leaders who have explained the rules of engagement for our troops in Bosnia. When I was a member of the House Armed Services Committee, I realized how crucial it is for our troops to have very clear rules of engagement. I have seen tragedy occur, and we have lost men and women in uniform because the rules were unclear. In my view, it is essential that our troops have the ability to aggressively respond to threats to themselves or to their mission. They must not be required to consult with anyone before responding to a potentially life-threatening situation.

On this point, I quote the Secretary of Defense, William Perry, who said:

> If our forces are attacked or if hostile intent is demonstrated by opposing forces, our rules of engagement will permit the immediate and effective use of deadly force.

In all of his speeches, the President has been very clear on this point. The message he has sent is clear and unmistakable: the first enemy that tries to harm our troops will never forget the lesson of the fateful misjudgment of our power.

So the mission is clear and the rules of engagement are robust. The final element is to assure that our exit strategy is adequate and, in my view, it is. After close examination, I am satisfied on these points.

The administration has publicly stated that our troops will come home in about a year. I support that kind of a timeframe. Our mission is to keep peace for about a year, and after that it is up to the parties to the agreement to sustain it. When we leave, we must leave with a much more balanced situation in terms of military balance. And I am pleased that Members of Congress have talked to the administration about this, and have received clear assurances that when we leave we will not go back to the status quo. This is very important.

I want to make it clear that I support our participation in the peacekeeping force, not because the President wants it but because I believe it is the right thing to do. I know that some have argued we should support deploying our troops simply because the President has committed us and we must not act to undermine the Presidency. However, I take a different view. I believe that as the President accepts responsibility for his decision as Commander in Chief, we must accept full responsibility for our vote on this matter.

I believe that the Congress has the absolute right to deny any President the funds to carry out this or any other mission. In this case, I did not vote to deny the President the funds, and I will not support the Hutchison amendment. However, the Senator from Texas has every right to offer it, and every Member here has every right to vote for it, just as they had every right to vote for the prior amendment we just disposed of which dealt with cutting off funds.

So I believe that when I cast a vote for the Dole-McCain-Nunn amendment, I am doing the right thing, and I take full responsibility for it. I am not ducking behind it and saying it is because the President thinks it is the right thing to do. I have not voted with this President before on the question of Bosnia. I have voted, in fact, against him on two other occasions. When I vote for this, I do not do so as a weak partner of the executive branch but as a strong partner. If at some future time I disagree with the administration policy, as I have done in the past, I will speak out and vote accordingly.

We now have the opportunity to help bring peace to Bosnia. I believe that as long as our troops are part of a larger force, as long as the mission is peace and as long as we have an approximate exit date, I will be supportive of this mission.

Mr. President, it is a rare moment in history that we have a chance to stop a genocide and generations of hatred. It is rare that we have a chance to stop the spread of war in a region where we have lost thousands and thousands of Americans. Some of our very own colleagues walk on this floor with the wounds of those wars.

This is not some area of the world where war is unknown. Sadly, it is. We have seen war spread. Now, maybe, just maybe, the President has done something here that will stop a war from spreading. We do not know that. I may be back on this floor saying, "Bring the troops home. I was wrong."

But in the war that I well remember that got me into politics, the Vietnam war, we said, "Give peace a chance" in those days, and I think "give peace a chance" has not lost its meaning in this circumstance, after generations of genocide and hatred. I lost part of my family in a genocide.

Now we have a chance to stop it. At the minimum—at the minimum—if things go reasonably well, when we leave there we will leave there in a way where the various parties to this conflict are at least on a level playing field, which I think is very, very important. If there is a pause in the fighting, it may lead to a lasting peace as a result of our participation in this force.

So let us give this peace a chance as long as it is truly a peacekeeping operation. Let us support our men and women who are going over there in a tough time, Christmastime. Let us not send signals of equivocation about that support. Let us support the Dole-McCain-Nunn amendment.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DOMENICI and then Senator KERREY are to be recognized.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

I ask unanimous consent that I be recognized to speak at the time that Senator DOMENICI was originally to be recognized in the unanimous-consent agreement, and that he take the place that I had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Would the Senator from Virginia let me make one more unanimous-consent request?

Mr. WARNER. Absolutely, Mr. President.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the names of Senators HATCH and CHAFEE be added to the next available Republican slots, which I believe would follow LEAHY and SIMON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair. And I thank the Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from California leaves the floor, I'd like to say I was greatly taken by her closing remarks. And I think I jotted it down accurately. I may be wrong. "I may be back here on the floor asking that we bring our troops home."

I say to the Senator, that is precisely why I oppose this Presidential decision to send to Bosnia a third significant element of United States troops—that is, troops on the ground. This Nation experienced the problem of Congress acting to withdraw our troops from Lebanon. This Nation experienced that problem in Somalia. I happened to have been on this floor protecting Presidential prerogative—at the time we took serious casualties in Somalia, some 18 killed in one day and some 80-plus wounded on that same day—and I said it is the President's decision as Commander in Chief when a military mission is completed and when our forces should be brought home.

We had a very vigorous battle right here on the floor of the Senate about that Somalia situation. And it was a tough fight to establish the President's clear right to determine when to bring those troops home and not rush to judgment in the sorrow of those severe casualties.

Mrs. BOXER. May I respond?

Mr. WARNER. This is what bothered me. The credibility of the United States of America will be far more endangered if we are faced in 6 or 8 months with a decision to bring our troops home because of casualties and other unforeseen problems, than if we make the stand now not to go forward with this mission.

Mrs. BOXER. Would the Senator yield for a very brief moment?

Mr. WARNER. Yes. I do not yield the floor, but for a question.

Mrs. BOXER. I understand.

I just wanted to respond to my friend. I will, of course, put it in the form of a question. But the deployments that my friend talked about I did not support. I come here to say that I think it is worth a try in an area of the world where we have lost thousands and thousands and thousands of Americans.

If the Senator believes that there is no chance that this war can spread and this mission cannot change that and is not important and is not worth trying, then he should absolutely vote against the Dole-McCain amendment. And I respect his right.

All this Senator is saying is that I have waited, and I believe—and I take full responsibility for that vote, and I respect my friend if he comes down on the other side—in this part of the world we have an opportunity to make a difference for peace. If it does not work out, we at least have tried to do so.

I do view it quite differently than in the other areas that my friend has pointed to. I did not support those deployments, I say to my friend.

I guess I did not have a question. I merely wanted to respond, but I have the utmost respect for my friend for whatever conclusion he reaches, and I hope he would have that same respect for this Senator if she comes down on the other side.

Mr. WARNER. Mr. President, I say to my colleague from California, this vote is a clear vote of conscience, not politics, and each of us has to draw on our own life experiences, our own best judgment and make this tough decision.

Mrs. BOXER. I agree with my friend.

Mr. WARNER. I am on the side opposite the Senator from California and will oppose the President's deployment decision.

Mr. President, I will go into some detail regarding my concerns. Indeed, this is one of the most important debates that I have been privileged to participate in in the recent history of the U.S. Senate. Our Nation has experienced a gradually growing involvement of its Armed Forces in the tragic civil war in Bosnia and other contiguous areas in the former Yugoslavia.

Over the past year, U.S. airmen have flown the majority of the air missions over Bosnia, and U.S. Navy and Marine Corps personnel stationed in the Adriatic off the Dalmatian coast have provided a very significant percentage of the ships and personnel involved in the naval operations in that region.

America is heavily committed militarily with its NATO allies and others at this very moment. There is a misconception that we are not involved in Bosnia and that we have to go. Wrong. We are there, very significantly, at this particular time, and we have been there for almost two years.

But now the President has directed a further and very significant expansion of U.S. military involvement. I credit the President, the Secretary of State, and others for working out an agreement which I do not refer to as a peace agreement. Nevertheless, it is an agreement that has led to a very substantial lessening of the hostilities. It is an agreement that possibly could at some future date form the foundation for a cessation of hostilities, but I do not find that condition to exist now.

Therefore, the President has ordered ground troops, some 20,000, for actual deployment to Bosnia and approximately another 14,000 to be deployed to nearby geographic regions as support and backup forces.

It is interesting, when this mission was first described by the President back in February 1993, it was always said that we were going to send in 20,000 ground troops. But now we learn that almost a force of equal size will be required as backup. That is prudent military planning, but the initial impression across the land was of a lesser number.

Ever since this Presidential decision nearly 2 years ago, I have consistently expressed my concerns. Today, I join with many other Senators in expressing my total disagreement with the President. I do so respectful of his role as President, as Commander in Chief, but I am sure the President recognizes I have a right to express my views and I do so as a matter of conscience.

President Clinton made this decision on his own, without that level of consultation from the Congress that I believe was necessary and might have contributed to a different decision.

And now the Congress is left with trying to decide how best, as the elected representatives of the people, we can ensure that the voice of the American people is heard. I am privileged to do so on behalf of many, many Virginians with whom I have visited and from whom I have heard over the past months.

Mr. President, I have always been a strong supporter of Presidential constitutional prerogatives in the area of foreign policy—I expressed that in my colloquy with the distinguished Senator from California—and particularly the President's authority as Commander in Chief. This very phrase is embodied in our Constitution. As Commander in Chief, the President has the right to deploy, send beyond our shores into harm's way if necessary, the men and women of the Armed Forces of the United States.

Presidents have judiciously exercised that awesome power since the very formative days of our Republic. Therefore, I do not challenge the constitutional authority of the President to deploy United States ground troops to Bosnia. He has that right under the Constitution. I do, however, challenge the wisdom of President Clinton's decision to involve this third significant element of United States forces, namely on the ground in the territory of Bosnia.

On the question of constitutional authority on this matter, I ask unanimous consent, Mr. President, to have printed in the RECORD following my remarks a very fine analysis of that issue by Lloyd Cutler, former Counsel to the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, since the beginning of the conflict in Bosnia in 1992, as I said, I have consistently opposed the use of United States ground troops. Today, we are faced with the situation of what do we do now, given the President's commitment? My votes today expressing opposition to this Presidential decision go back to the fundamental question: Does the United States have a vital—and I repeat and emphasize the word "vital"—national security interest at stake in this region of the world, such vital security interest of a level that would justify the added deployment of United States ground troops into a region that we know is fraught with risk?

I see on the floor the distinguished Senator from Nebraska. I was privileged to accompany him to this region, the region of Krajina, in early September. We saw with our own eyes the ravages of this war-torn region. We looked into the faces of the refugees, combatants and noncombatants alike. This was the fifth in a series of trips I have conducted to this region over the years since the conflict has started.

I wish to acknowledge, Mr. President, to my colleague, how much I value the opportunity to travel with this distinguished Senator, a former naval officer, highly decorated, a man whose judgment and opinion I greatly value on military matters.

The reason I raise this is that I wish to apply a test to this deployment decision along these lines: Would I be able to go into the home of a service person who had been either killed or wounded in Bosnia as a consequence of this proposed deployment and explain to a parent or a spouse or a child why their loved one was sent to Bosnia and why their sacrifice was justified?

This is a duty I performed earlier in life as a young Marine officer and again as Secretary of the Navy, and it is not an easy one, Mr. President. I apply that test today.

I could not justify such a sacrifice, given the current situation in that region and the current status diplomatically and militarily of all the circumstances surrounding this peace accord.

I have listened carefully to the administration's justification for this deployment, but I do not find a vital United States national security interest at stake in Bosnia that would justify the use of ground troops at this time in that nation.

I do not want to see further American casualties in trying to resolve a civil war, based on centuries-old religious and cultural hatreds, which none of us understand. I certainly say, as hard as I have studied, and based on five trips, I do not understand how people in this civilized age of mankind can treat one another this way. These are well-educated people. Yet, they behave in such a manner as to be on the borderline of savagery. I cannot understand it, Mr. President.

I remember so well a hearing of the Armed Services Committee in the aftermath of Somalia. I remember a Col. Larry Joyce, the father of a young Ranger who was killed in the October 3-4 raid in Somalia which I described earlier. He came before the committee and he said to the Senators as follows:

> Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings the doorbell at 6:20 in the morning to tell a 22-year-old woman she is now a widow, they would develop their policies more carefully.

I would hope that the Somalia experience would cause us to more carefully consider the policy decisions that put at risk the men and women who serve in the Armed Forces.

I have been deeply moved, as has every other Member of the Senate, and indeed all Americans, by the suffering we have seen in Bosnia as a consequence of the hatreds and atrocities in that region. I have seen it in their faces, in the hospitals we visited and in the wanton destruction of the homes and properties—homes which are so essential for the return of the many refugees. Senator KERREY and I witnessed, as we went through the villages, a row of houses, and one house with the geraniums out, the fresh laundry hanging out, and the house right next to it was flattened to the ground—flattened because it was once occupied by a Serb. That Serb had fled this village where he or she or the family had lived for years with their neighbors, but they were forced to leave in the face of the Croatian military advance. And the locals destroyed the Serb house—the house being a symbol of their hatred for that individual—and they blew it up, destroyed it, so that it would be of no use to anyone ever again. We saw that, as the Senator will recall, in village after village—a manifestation of hatred, which we cannot understand.

I remember so well the Secretary of Defense in his testimony before our committee saying, "My greatest fear in this operation is the hatreds among the people in the region." That is what concerns me. I do not want to see 20,000 U.S. troops placed in the middle of this 500-year-old sea of hatred.

Mr. President, we have heard President Clinton say that United States troops are not being sent to Bosnia to fight a war, but rather to help implement a peace agreement. According to a December 2 radio address by the President, "It is a peace that the people of Bosnia want. It is a peace that they have demanded."

Yet, I say to my colleagues, most respectfully, I disagree with the President's assessment. I think the events of recent days, of recent weeks, of recent months, have been a harbinger of things to come. At the very time IFOR is beginning its deployment to Bosnia, Bosnian Croats are burning villages which will be returned to Bosnian Serb control—villages which we, the West, will have to rebuild. Reach into your pockets and take out the funds we are going to be asked to contribute to rebuild these houses, which have been wantonly destroyed, not as a consequence of troops marching through—in some instances, yes—but largely because of the hatred that exists.

These are not the actions of a people who have embraced a peace. At this point, all we can really say is that the three leaders of this region have done their best to work out an agreement. But only time will tell the extent to which the people will eventually embrace this agreement.

Nevertheless, the President has made a decision, and it is within his constitutional authority. The troops are being deployed. Initial elements have already arrived. We have seen the pride with which the Marines and others have unfurled Old Glory on Bosnian soil. We salute them and we say: One and all, we in this Chamber unanimously support our troops.

It has been my privilege to work for 17 years on the Senate Armed Services Committee and to visit our troops many times throughout the world, wherever they have been deployed—in the Persian Gulf region, Somalia, and other areas—and to see our troops in action. So I commit myself unequivocally, in the same way I have throughout my entire adult life, to their support.

On that point, I would like to address an issue which I do not think has been addressed by any other Senator to date, and it concerns me greatly. Frequently, I have heard a few individuals in high positions, both in the executive branch and in the Congress of the United States, make a statement along the lines that, "Well, they are volunteers, they can go."

Mr. President, we are very proud in our country to have the All-Volunteer Force. It originated, again, when I was privileged to be the Secretary of the Navy in the Department of Defense, and it was a direct decision from the then-Secretary of Defense Melvin R. Laird. Having heard these statements and becoming greatly troubled, I contacted the former Secretary and asked for his views. For the RECORD I would like to explain how we decided to have this force. During Vietnam there was a great strife across this Nation, much of that strife directed at force conscription and the draft, and President Nixon and Secretary Laird said they were going to take a risk and initiate the All-Volunteer Force.

I will read from Mr. Laird's letter of December 12, 1995. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MELVIN R. LAIRD,
Washington, DC, December 12, 1995.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The President's decision to commit United States military forces to Bosnia has brought renewed attention to the high level of patriotism and professionalism of the women and men who serve as members of the All-Volunteer Force.

The All-Volunteer Force was instituted during our service at DoD, yours as Secretary of the Navy and mine as Secretary of Defense. I regard the termination of the draft and the successful creation of the All-Volunteer Armed Force as the most defining action taken during my service as Secretary.

At this time of placing American military personnel in harms way, it is well to recall that the All-Volunteer Force came into being to end the inequities of pay and service of military conscription and to pay, train, and equip our military forces as professionals. That has been accomplished in large measure. Our country has the finest military force in its history. Because they have volunteered, as opposed to being drafted for military service, does not mean there can be less of a standard for when it's in our vital national interest to interject them into a dangerous environment.

It is important that the genesis for the All-Volunteer Force be a part of consideration for the justification for deployment of our military force.

With best wishes and kindest personal regards, I am

Sincerely,

MELVIN R. LAIRD.

Mr. WARNER. He stated:

> Because they have volunteered, as opposed to being drafted for militry service, it does not mean there can be less of a standard for when it is in our vital national interest to interject them into a dangerous environment.

That is right on point, Secretary Laird. You are the father of the All-Volunteer Force. It has worked, and worked beyond our expectations, to the benefit of this country. I would not like to see this debate, in any way, erode the proud All-Volunteer Force concept that we have today.

The clear implication of those critics that use this phrase, "Well, they are volunteers," is that we are willing to send those who serve in the volunteer force to a foreign land to do missions and take risks that we would not have asked of a military draftee. Wrong. This is an atrocious implication. I hope the Members of this Senate will dispel any idea that, because currently the members of the Armed Forces of the United States are all volunteers, that they should be treated with any less concern than we have for generations treated previous members of the Armed Forces, whether they were draftees, Reserves called up, voluntarily or involuntarily, whatever the case may be. Once they don that uniform they deserve no less than the highest concern by the Congress, and indeed the President.

Americans willing to ask these volunteers to risk their lives in the performance of missions that do not fit the clear test of being in the vital national security interests of this country have to ask themselves a question. When the Congress decided we would fill the ranks of our military with volunteers—a policy, as I said, that was initiated in the latter part of the Vietnam war, 1972–73—one of the concerns expressed at that time was that our military might be viewed as a mercenary force. Is that now the case?

You will recall from your history that the concept of mercenaries prevailed through much of Europe, in the history of the Middle Ages and, indeed, into this century. In fact, Great Britain sent mercenaries to our colonies, often, to try to subjugate us.

Anyway, I believe that every Senator in this body will agree that while soldiers, sailors, airmen, Marines, today are volunteers, they are not mercenaries. So let us put to an end any comment about, "since they are volunteers, they deserve any less measure of concern by the Congress." The Congress stands, 24 hours a day, 7 days a week, 12 months a year, as trustees—trustees to guard the safety and the welfare of those who wear the uniform and of the families here at home who await them.

There are many aspects of this I-For deployment which I find troubling. First and foremost, I do not believe the mission of I-For has been carefully and clearly articulated. In addition to the specific military tasks with which I-For is charged in the Dayton accords, there are a list of supporting tasks which, in my view, will inevitably lead to mission creep and to I-For's involvement in implementing the nonmilitary aspects of the peace agreement.

For example, I-For is called on to assist the UNHCR, the U.N. High Commissioner for Refugees, and other international organizations, in their humanitarian missions, to prevent interference with the movement of civilian populations and refugees, and to respond to deliberate violence to life and person. It is not clear what guidelines, if any, have been given to the commanders on the ground to help those commanders determine when I-For should get involved in these supporting tasks. This must be clarified and the mission strictly limited to implementing the military aspects of the agreement. I think that should be done before another soldier, sailor, airman, or marine departs to go to that region.

I am also concerned about the administration's lack of an adequate exit strategy and an announced time limit of 12 months for this mission. Just announcing that we will leave in 12 months is not an exit strategy. We have to make sure that there is a balance of military power between these warring factions. That balance will serve as a far better deterrent, far better than anything else we can do.

I salute the distinguished majority leader, the Senator from Kansas [Mr. DOLE]. I have joined him in the past year, in trying to implement the concept of assisting one of those factions, the Bosnian Moslems, and bringing their level of armaments up to where they can possess a deterrent to attack.

I think it is naive to believe in 12 months the United States and NATO military involvement will wipe away centuries-old hostilities. What I fear we are facing is a temporary lull in the fighting until the international community withdraws its troops. Then, I ask my colleagues, what will happen to the credibility of the United States and NATO if this mission ends inconclusively, or is possibly even judged to be a failure because the conflict resumes after we depart?

Remember, remember those pictures of our brave Marines as they left Somalia with the people on the shore firing at them as they disembarked in their small craft to go out to a larger American warship and return home. I do not forget that. I do not forget those instances.

Because of the serious concerns which I have outlined, I will vote to oppose this deployment of U.S. ground troops. This was not an easy decision for any of us to make but I do it as a matter of conscience. However, if that full deployment is to occur and does occur, then I will, as I have in every day I have served in this U.S. Senate, support the troops 100 percent in every way I know how.

Mr. President, I ask unanimous consent that recent editorials on this situation by the former distinguished Secretary of the Navy James Webb, and by a former professional Army officer, Col. Harry Summers, be printed in the RECORD and I yield the floor.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 28, 1995]

REMEMBER THE NIXON DOCTRINE

(By James Webb)

The Clinton Administration's insistence on putting 20,000 American troops into Bosnia should be seized on by national leaders, particularly those running for President, to force a long-overdue debate on the worldwide obligations of our military.

While the Balkan factions may be immersed in their struggle, and Europeans may feel threatened by it, for Americans it represents only one of many conflicts, real and potential, whose seriousness must be weighed, often against one another, before allowing a commitment of lives, resources and national energy.

Today, despite a few half-hearted attempts such as Gen. Colin Powell's "superior force doctrine," no clear set of principles exists as a touchstone for debate on these tradeoffs. Nor have any leaders of either party offered terms which provide an understandable global logic as to when our military should be committed to action. In short, we still lack a national security strategy that fits the post-cold war era.

More than ever before, the United States has become the nation of choice when crises occur, large and small. At the same time, the size and location of our military forces are in flux. It is important to make our interests known to our citizens, our allies and even our potential adversaries, not just in Bosnia but around the world, so that commitments can be measured by something other than the pressures of interest groups and manipulation by the press. Furthermore, with alliances increasingly justified by power relationships similar to those that dominated before World War I, our military must be assured that the stakes of its missions are worth dying for.

Failing to provide these assurances is to continue the unremitting case-by-case debates, hampering our foreign policy on the one hand and on the other treating our military forces in some cases as mere bargaining chips. As the past few years demonstrate, this also causes us to fritter away our national resolve while arguing about military backwaters like Somalia and Haiti.

Given the President's proposal and the failure to this point of defining American stakes in Bosnia as immediate or nation-threatening, the coming weeks will offer a new round of such debates. The President appears tempted to follow the constitutionally questionable (albeit effective) approach used by the Bush Administration in the Persian Gulf war: putting troops in an area where no American forces have been threatened and no treaties demand their presence, then gaining international agreement before placing the issue before Congress.

Mr. Clinton said their mission would be "to supervise the separation of forces and to give them confidence that each side will live up to their agreements." This rationale reminds one of the ill-fated mission of the international force sent to Beirut in 1983. He has characterized the Bosnian mission as diplomatic in purpose, but promised, in his speech last night, to "fight fire with fire and then some" if American troops are threatened. This is a formula for confusion once a combat unit sent on a distinctly noncombat mission comes under repeated attack.

We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would "continue to discourage the development of the necessary military strength Western European countries should provide for themselves."

The Administration speaks of a "reasonable time for withdrawal," which if too short might tempt the parties to wait out the so-called peacekeepers and if too long might tempt certain elements to drive them out with attacks causing high casualties.

Sorting out the Administration's answers to such hesitations will take a great deal of time, attention and emotion. And doing so in the absence of a clearly stated global policy will encourage other nations, particularly the new power centers in Asia, to view the United States as becoming less committed to addressing their own security concerns. Many of these concerns are far more serious to long-term international stability and American interests. These include the continued threat of war on the Korean peninsula, the importance of the United States as a powerbroker where historical Chinese, Japanese and Russian interests collide, and the need for military security to accompany trade and diplomacy in a dramatically changing region.

Asian cynicism gains further grist in the wake of the Administration's recent snubs of Japan: the President's cancellation of his summit meeting because of the budget crisis, and Secretary of State Warren Christopher's early return from a Japanese visit to watch over the Bosnian peace talks.

Asian leaders are becoming uneasy over an economically and militarily resurgent China that in recent years has become increasingly more aggressive. A perception that the United States is not paying attention to or is not worried about such long-term threats could in itself cause a major realignment in Asia. One cannot exclude even Japan, whose strong bilateral relationship with the United States has been severely tested of late, from this possibility.

Those who aspire to the Presidency in 1996 should use the coming debate to articulate a world view that would demonstrate to the world, as well as to Americans, an understanding of the uses and limitations—in a sense the human budgeting of our military assets.

Richard Nixon was the last President to clearly define how and when the United States would commit forces overseas. In 1969, he declared that our military policy should follow three basic tenets:

Honor all treaty commitments in responding to those who invade the lands of our allies.

Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

These tenets, with some modification, are still the best foundation of our world leadership. They remove the United States from local conflicts and civil wars. The use of the American military to fulfill treaty obligations requires ratification by Congress, providing a hedge against the kind of Presidential discretion that might send forces into conflicts not in the national interest. Yet they provide clear authority for immediate action required to carry out policies that have been agreed upon by the government as a whole.

Given the changes in the world, an additional tenet would also be desirable: The United States should respond vigorously against cases of nuclear proliferation and state-sponsored terrorism.

These tenets would prevent the use of United States forces on commitments more appropriate to lesser powers while preserving our unique capabilities. Only the United States among the world's democracies can field large-scale maneuver forces, replete with strategic airlift, carrier battle groups and amphibious power projection.

Our military has no equal in countering conventional attacks on extremely short notice wherever the national interest dictates. Our bases in Japan give American forces the ability to react almost anywhere in the Pacific and Indian Oceans, just as the continued presence in Europe allows American units to react in Europe and the Middle East.

In proper form, this capability provides reassurance to potentially threatened nations everywhere. But despite the ease with which the American military seemingly operates on a daily basis, its assets are limited, as is the national willingness to put the at risk.

As the world moves toward new power centers and different security needs, it is more vital than ever that we state clearly the conditions under which American forces will be sent into harm's way. And we should be ever more chary of commitments, like the looming one in Bosnia, where combat units invite attack but are by the very nature of their mission not supposed to fight.

[From the Washington Times, Dec. 11, 1995]

AFTER THE DOUBTS, SALUTE AND OBEY

(By Harry Summers)

When it comes to the Bosnian intervention, "the proverbial train has left the station," said Rep. Floyd Spence, South Carolina Republican, chairman of the House National Affairs Committee. But that did not mean he agreed with that deployment. "I believe we will all eventually regret allowing American prestige and the cohesion of the NATO alliance to be put at risk for a Bosnian peacekeeping operation."

Many senior military officers would privately agree with his assessment. But now is not the time to publicly express their doubts. Before a decision is made, the duty of a military officer is to speak up and express any reservations about a proposed course of action. But once the decision is made, the duty is then to salute and obey and wholeheartedly support the task at hand.

And that support especially includes keeping their doubts to themselves. Commanding a rifle company in the 2nd Armored Division in 1965, my executive officer, Lt. Thomas E.M. Gray II, had grave reservations about our emerging Vietnam policy. Expressing those concerns in a Troop Information lecture, he was surprised when the soldiers turned on him with a vengeance. Many were already alerted for Vietnam, and they wanted to believe in what they were being ordered to do. They had their own doubts and fears to contend with, and what they needed from their leaders was reassurance that the task was both necessary and doable.

Like Jesus' centurion, a soldier is "a man under authority," and when his civilian and military leaders say go, "he goeth." Despite his misgivings, Lt. Gray himself went to Vietnam and was tragically killed in action while serving with the 1st Infantry Division's 1st Battalion, 16th Infantry. Like Lt. Gray, many others served in Vietnam, and will serve in Bosnia as well, despite their private reservations.

One who did so in Vietnam was Vice President Al Gore, and on the day of the president's address, the vice president invited several of us to the White House for a briefing on Bosnia. In the course of our talk, he called attention to a Nov. 27, 1995, New York Times article headlined "Commanders Say U.S. Plan for Bosnia Will Work." But those comments may not be as telling as he believed. They may well reflect only the traditional military reluctance to undermine soldiers' confidence and morale on the eve of a hazardous operation.

Whether the military commanders have private misgivings about the Bosnian operation is not knowable, but what is becoming clear is the lengths they have gone to ensure that the military mission was limited to doable military tasks.

Until recently, according to press reports, the military operation was to include not only the "peacekeeping" task of keeping the warring parties separated, but the "nationbuilding" task of rebuilding the Bosnian political and economic infrastructure and also the job of training and equipping the Bosnian Muslim military to bring it up to par with its enemies.

At our White House meeting, the vice president took particular pains to disavow any such "mission creep." The "nationbuilding" notion that led to such grief in Somalia will not be a U.S. military mission, he said. That will be a task for the Europeans, specifically the OSCE, the Organization for Security and Cooperation in Europe, which has several ongoing missions in the area. Training of the Muslims, originally said to be a task for the U.S. Army's 10th Special Forces Group, will now be done by third-party nationals. And the vice president categorically ruled out any manhunts for war criminals, such as the one that led to the disaster in Mogadishu.

To their credit, the senior military leaders have done their best to limit the mission to doable tasks. But the one thing they have not succeeded in doing is resolving the issue of military casualties. This is an issue of major concern, and at the vice president's briefing and later in the presidential address to the nation, it was emphasized that the Bosnian operation is not risk free, and that casualties will occur.

But casualties per se are not the limiting factor. It is whether those casualties are disproportionate to the value of the mission. In World War II, the value was national survival, and we willingly paid more than a million casualties in its pursuit. In Somalia, the value was never established, and 16 became too many. The task for President Clinton is to establish the value of what we are trying to do in Bosnia as the basis for the costs in both lives and treasure that such an operation will entail.

If the polls are correct, that value has not yet been established. And if that task remains undone, then even one casualty may prove to be too many and Mr. Spence's warning will prove to have been only too correct.

[From the Washington Post, Nov. 26, 1995]

OUR PIECE OF THE PEACE—SENDING TROOPS TO BOSNIA: OUR DUTY, CLINTON'S CALL

(By Lloyd N. Cutler)

After months of sustained effort, the Clinton administration has succeeded in negotiating a peace agreement among the three warring ethnic factions in Bosnia. The agreements initialed in Dayton would require us and our NATO allies to place peacekeeping units of our armed forces in Bosnia for a year or more. This raises once again the biggest unresolved issue under the U.S. system of separate executive and legislative departments: Is the constitutional authority to place our armed forces in harm's way vested in the president or in Congress, or does it require the joint approval of both?

President Clinton has said he would follow the precedent set by George Bush before the 1991 Desert Storm invasion and seek a congressional expression of support before committing American units to the enforcement of the Bosnian peace agreement. But he has also asserted the constitutional power to act on his own authority, just as Bush did. This time, it is Republican congressional leaders who are challenging a Democratic president's view that the president can lawfully act on his own, but, more typically it has been Democratic Congresses challenging presidents of either party.

During the coming debate, Congress would be wise to bear in mind, as it did five years ago, that the world will be watching how the one and only democratic superpower reaches its decisions, or whether it is so divided that it is incapable of deciding at all. Congress needs to recognize that we cannot have 535 commanders-in-chief in addition to the president and that some deference to presidential judgments on force deployments is in order. That is especially true when, as in Korea, Iraq and Bosnia, the president's proposed deployments are based on United Nations Security Council resolutions that we have sponsored and on joint decisions with our allies pursuant to treaties Congress has previously approved.

In the case of Bosnia, the argument for committing U.S. forces to carry out a peace agreement is a strong one. All of us are revolved by the ethnic cleansing and other human rights abuses that the various factions have committed. These abuses are likely to continue if the peace agreement is not formally signed in mid-December as now scheduled, or if it is signed but not carried out. If the war goes on or soon resumes, it may well spread to other parts of the former Yugoslavia and to the rest of the Balkans, still the most unstable region of Western and Central Europe. Any widening of the Balkan wars could well spread to Eastern Europe and the Middle East and pose a substantial potential threat to U.S. national security.

Some foreign forces are needed to separate the contending armies and to control the standing down of heavy weapons. Under our leadership, and only under our leadership, NATO is ready to supply the necessary forces. The stronger the forces, the better the chance that they will not be attacked and that they will accomplish their mission. All these reasons argue for a significant U.S. military commitment, now that a promising peace agreement has been reached.

In 1991, the Democratic Congress narrowly approved President Bush's decision to reverse the Iraqi invasion of Kuwait, thus mooting the issues of whether the president could have acted alone. Today, the Republican congressional leadership, while sounding somewhat more conciliatory than in recent weeks, is challenging President Clinton to make his case for the proposed deployment. This war powers question has come up repeatedly since the 1950 outbreak of the Korean War, when President Truman committed our forces without first seeking congressional approval, but has never been resolved.

In foreign and national security policy, as in domestic policy, neither Congress nor the president can accomplish very much for very long without the cooperation of the other. This is so for both constitutional and practical reasons. The Constitution gives Congress the power to "declare war," but both Congress and the president share the power to raise armies and navies and to raise and appropriate funds for their maintenance and deployment. Only Congress can enact such measures, but it needs the president's approval or a two-thirds majority of both houses to override his veto. Only the president can negotiate treaties, but he needs a two-thirds vote of the Senate to ratify them. The president's separate powers are limited to receiving ambassadors, serving as commander-in-chief of the armed forces and faithfully executing the laws. If as commander-in-chief he orders our armed forces into a combat situation, he still needs congressional approval to finance such a commitment over an extended period of time.

Before the United States became a superpower, disputes over the authority to commit our forces rarely arose. We had few occasions to deploy our military units abroad, much less commit them to conflict. Armies, navies and news of battle traveled very slowly. Air forces and long-range missiles did not exist. There was plenty of time after learning of a threatening event for the president to deliberate with Congress about the proper response. Occasionally, presidents committed us unilaterally, as in our attacks on the Barbary pirates in Tripoli in Jefferson's time, but it was rare for Congress to claim that its own prerogatives were being usurped by the president.

Since World War II, all this has changed. As commander-in-chief of the democratic superpower, presidents now deploy our armed forces all over the world. We can attack, or be attacked, within moments. On numerous occasions, presidents have committed our forces to armed conflict, sometimes of a sustained nature as in Korea and Vietnam, without asking Congress to declare war. In Vietnam, as it had in Korea, Congress initially supported the president's initiatives by appropriations and other measures. But as the duration and scope of our military actions in Indochina escalated, an increasingly restive Congress enacted the War Powers Resolution over President Nixon's veto. The resolution laid down a series of rules that require a president "in every possible instance" to "consult with Congress" before he commits our armed forces to combat or to places in which hostilities are "imminent." It also requires the withdrawal of those forces if Congress fails to adopt an approving resolution within 60 days.

President Nixon and all subsequent presidents have challenged the constitutionality of these prescriptions, but the Supreme Court has never accepted a case that would resolve this dispute and is unlikely to do so in the near future. When presidents "consult" with Congress before committing forces, they are careful to avoid saying they do so "pursuant to" the War Powers Resolution; they say they do so "consistent with" the resolution.

There are obviously situations where modern technology makes advance consultation with Congress impractical—most notably the case where our sensor equipment indicates that a missile attack has been launched on the United States or our NATO allies, or where speed and secrecy are key factors, as in the rescue of American hostages or reprisals against a terrorist act abroad.

But presidents have continued to commit our forces to armed conflict or situations where conflict was clearly "imminent," whether or not split-second timing was imperative. President Ford, for example responded forcefully to an attack on a U.S. vessel (the Mayaguez) off the Cambodia coast; President Carter launched a military mission to rescue our hostages in Iran; President Reagan put our forces into Lebanon, the Sinai, Chad and Grenada and ordered bombing attacks on Libya; President Bush sent troops into Panama, Liberia, Somalia, Saudi Arabia, Kuwait and Iraq.

As for President Clinton, he has already ordered our forces into Somalia, Rwanda, Haiti and Macedonia and has authorized our air units to enforce the U.N. no-fly zone over Bosina itself.

Moreover, in the 22 years since the War Powers Resolution became law, Congress has never undermined these presidential uses of force by action (or inaction) in a way that would have blocked the mission or required withdrawal within 60 days.

All this does not mean that Congress must cede the power to make national security decisions to the president. Congress successfully forced Johnson and Nixon to limit and finally to terminate the undeclared Vietnam War. Congress successfully stopped Reagan's covert sales of weapons to Iran and his covert and overt military aid to the contras. As these examples show, presidents cannot effectively exercise their separate constitutional powers over national security and foreign policy over an extended period without the cooperation of Congress. That is why Clinton, like Bush in 1990, has invited Congress to express its views before our forces are committed to support the peace agreement in Bosnia.

A week ago Friday, while the Dayton negotiations were still going on, House Republicans passed a bill that would bar the expenditure of any funds to sustain U.S. forces in Bosnia. Fortunately, the Senate is unlikely to follow, and even if it did, a presidential veto would be difficult to override. But the House Republicans who launched this preemptive strike would do better to emulate former Republican congressman Dick Cheney.

In 1990, when we had a Republican president and Democratic majorities in both houses of Congress, Cheney was the secretary of defense. As he said before we entered the Gulf War, "When the stakes have to do with the leadership of the Free World, we cannot afford to be paralyzed by an intramural stalemate." The decision to act, he noted, "finally belongs to the president. He is the one who bears the responsibility for sending young men and women to risk death. If the operation fails, it will be his fault. I have never heard one of my former [congressional] colleagues stand up after a failed operation to say, 'I share the blame for that one; I advised him to go forward.' "

This does not mean that Congress must approve the president's proposed commitments without change. For example, following the Lebanon precedent, Congress could require its further approval if the forces were not withdrawn within, say, 18 months, a period that expires after the next elections. The president and Congress have the shared responsiblity of finding a solution that shows we can function as a decisive superpower and as a responsible democracy at the same time. The public expects no less.

It may be too late to help in the Bosnia debate, but there is one change in our process for making national security decisions that ought to be adopted. The National Security Council (NSC), the statutory body created to advise the president on national security affairs, consists entirely of officials in the executive branch. When the NSC takes up issues related to the potential commitment of our forces, the president could invite the attendance of the speaker, the majority and minority leaders of the House and Senate and the chairmen and ranking members of the national security and foreign policy committees of each house. Since the NSC role is purely advisory, no separation-of-powers issues would arise. In this way Congress, in its own favorite phrase, would be effectively consulted before the takeoff, rather than at the time of the landing. The cooperation on national security issues that the nation wants and expects might still elude us, but the president would have done his part to carry out George Shultz's admonition that trust between the branches must be Washington's "coin of the realm."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is next to be recognized under the previous order.

Mrs. HUTCHISON. Will the Senator from Nebraska yield for a unanimous consent request?

Mr. KERREY. I am pleased to yield.

Mrs. HUTCHISON. I ask unanimous consent Senator SNOWE be sequenced following Senator BRADLEY in speaking order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, first, the Senator from Virginia just gave very eloquent testimony, not just to the U.S. abilities in the past to accomplish good things, but the risks contained in them.

I did have a great honor to be able to travel with the Senator from Virginia earlier this year, to Zagreb and down to Split and down to Knin in the Krajina Valley where the Croatian forces had succeeded in driving, by some estimates, close to 200,000 military and civilian personnel from that valley. It was very clear to me that I was in the presence of a man who understood, not just that particular region as well as any, but understood the great value and importance of we Americans leading where we can and doing what is possible to make the world a safer and better place. I have many of the same misgivings the Senator from Virginia just expressed and I know that, in expressing opposition to the resolution and the deployment, in his own statement just now he wants this mission to be successful. He wants this operation, this NATO operation to be a success.

I also must say——

Mr. WARNER. Mr. President, I wish to thank my distinguished colleague. We will travel together again to other places in the world on behalf of our Armed Forces.

I will be pleased to hear the Senator's remarks.

Mr. KERREY. I look forward to the travel. I learned a great deal in a relatively short period of time from the distinguished senior Senator from Virginia. I look forward to having a chance to travel and learn again.

The goal of any policy, particularly a foreign policy, I presume and hope, is success. But, in a complex and confused conflict, such as this one, which has festered for centuries, success is extremely hard to define. The civil war in the former Yugoslavia is the consequence of a very confusing sequence of events that very few people understand fully. Yugoslavia itself was an intricate construct of religions and nationalities. Even the future consequences of U.S. inaction now are not immediately clear. Also, there has been considerable disinformation put out by all sides in the conflict, to justify the claims that all sides have to the status of being a victim.

The international solution coming out of the Dayton agreement is not exactly simple either. A NATO force, including non-NATO units and even Russian units, is to separate the parties along a meandering 600-mile boundary line and then oversee the restoration of civilian government functions in Bosnia.

Meanwhile, the European Community and international donors put together a financial program to rebuild Bosnia's infrastructure. The plan may or may not be brilliant, but it certainly is not simple.

So it is not surprising, Mr. President, that well-informed citizens—and I am thinking in my case of Nebraskans who I had the honor of visiting with this week to discuss this policy—do not fully understand the Bosnian case.

As I indicated earlier, I had the opportunity to travel to the former Yugoslavia, have attended hours of briefings in the intelligence community, and have visited the National Military Joint Intelligence Center in the Pentagon the last two Fridays. I must say I do not fully understand this problem, either.

Mr. President, I do understand that American leadership has already made it better. My response to those who despair of improving this tangled region is that from the moment of President Clinton's decision last summer to lead the way to a solution, the former Yugoslavia has become a more peaceful place. Bosnia is now a safer place for its inhabitants.

Mr. President, it was only last summer that the only access to Bosnia's capital, Sarajevo, was over the dangerous Mount Igman road. Three American diplomats were killed in July on that road. The airport was closed. Sarajevo's very life was at risk from mortar attacks, from snipers, and from the cutoff of the energy and food on which life depends.

Then came the United States commitment to lead, Ambassador

Holbrooke's full-court press, and today Bosnians are safer as a consequence. C–130's now land at Sarajevo. Sarajevans' daily brushes with death are over, we pray forever. Energy and food deliveries are resuming, Mr. President. I am describing the indicators of success—success we have already achieved.

The distinguished Senator from Virginia earlier indicated, and I think quite properly, a test that all of us should apply to an operation, to a mission of this kind. That is, would we be able to go into the home of a family who had lost a loved one in a conflict and tell them what their loved one had accomplished? Was it worth their sacrifice?

Mr. President, you would, I think, be hard pressed not to be able to go into the homes of the three diplomats who gave their lives to secure peace in Yugoslavia and not be able to say that, thanks to their bravery in July, being willing to run the risks associated with travel to Sarajevo at the time, that as a consequence of their bravery we now have peace in that city.

There are many people who are planning trips there and lots of travel going on there. Mr. President, there has been a tremendous success accomplished already.

Last August when I visited Yugoslavia, Sarajevo was judged so dangerous that the administration said that I and the delegation that I traveled with should not go there. We could not get to the capital of the country which is at the heart of this problem. Today, not only is Sarajevo accessible, but Tuzla, where our troops will be stationed, is accessible as well. Already, several congressional delegations have traveled there in the past few weeks to see for themselves the conditions our troops will face. That access is the fruit of policy success.

But success in any enterprise, Mr. President, is temporary unless you are willing to secure it and to build on it. The Dayton agreement provides for military forces to enforce separation of the parties and to ensure compliance with the agreement. If all the parties comply with the agreement, success will be achieved and a peaceful, secure Bosnia will not just be a possibility but an odds-on likelihood.

Mr. President, given what has happened in Bosnia and what could happen without the decisive impact of American leadership, I contend this would be a highly successful outcome, one in which all Americans could take great pride.

Mr. President, much has been said—I have listened to many colleagues, and I have heard, particularly on talk radio, concern expressed—about President Clinton as Commander in Chief. First of all, let it be said that Mr. Clinton, our President, is the architect of this policy and he is the Commander in Chief of our Armed Forces. As the distinguished majority leader has correctly stated, we only have one President, one Commander in Chief. Our Armed Forces have a high level of good order and discipline. They recognize that fact. They will follow the orders the President gives them. They will proceed to the places named in his orders.

When we do our constitutional duty of debating deployment such as this one, we should not say or do anything which might separate the Armed Forces from their properly constituted chain of command. A resolution of this body declaring support for the troops but opposition to the action the President has ordered the troops to take could have very negative consequences for the morale of the Armed Forces as well as for the outcome of the mission.

A statement by one Senator such as I read in this morning's New York Times to the effect that this Senator has spoken to soldiers at a military installation and said, "They're with me. They're mixed. They know I'm for them and I'm trying to keep them out," is not helpful. The troops are with their Commander in Chief and with no one else, regardless of the outcome of this debate.

There is also a good deal of talk, as I said, on talk radio criticizing Bill Clinton's right to deploy American forces and his ability to command those deployed forces because he did not go to Vietnam.

I will address this topic, Mr. President, head on. Having not served, I must say, can be a handicap for people serving as Commander in Chief of the military, no two ways about it. There are parts of a job you grow into, and I believe strongly that the President has really grown as a Commander in Chief. He inherited Somalia from the Bush administration, and as Commander in Chief of the Somalia operation, Bill Clinton has experienced the human tragedy of being the leader when United States casualties occur. He has not flinched from hard talks with the families of casualties that occurred on his watch. Those talks are a sobering and maturing experience for any commander, even a President. He is not naive or starry eyed about what he is ordering young Americans to do.

There is another aspect of Presidential service that must be considered, particularly as we engage in this kind of debate. Bill Clinton may not have been in combat in Vietnam, but in a very real way he, like all his predecessors, is experiencing combat now. He is experiencing the daily danger which, unfortunately, is part of his job. His residence has been attacked twice. He suffered the loss of a friend and ally, Prime Minister Rabin. He knows firsthand every day the sense of an unknown but ever present threat to your life and the life of your family, which is an essential part of combat. In this sense, too, he has matured a lot. The job has that effect on people.

In the final analysis, though, the most important tool that the President brings to being Commander in Chief is the fact that he is properly sworn. He is the duly elected President of the United States of America. Mr. President, that is all it takes. Every American soldier, every American sailor, every American airman and marine must understand it.

As far as a national interest, Mr. President, it does fall to the President of the United States to define the Nation's vital interests and then act to defend them. Such interests are at issue in the former Yugoslavia. The most important one, in my judgment, is the stability of Europe.

We have learned in this century that we ignore European instability at our peril. Twice we have made the mistake of thinking Europeans, with their money and sophistication and long experience as countries, could maintain their own stability. Twice we have had to send millions of our soldiers to fight in Europe to correct the mistake and to lead Europeans into stable, peaceful arrangements with each other. There may come a time when Europeans can do this all by themselves, but the Yugoslavian experience of the past 4 years shows that time is not yet here.

At the end of World War II, America determined to shore up the stability and security of Europe. Former friend and foe alike were a shambles, communism was a growing force in European domestic politics, and the Soviet Union showed both the ability and the inclination to incorporate all the continent into his family of satellite states.

To our farsighted leaders of the period, a crisis was apparent. They responded with a decisive commitment of American leadership. They organized an alliance of the United States, Canada, and 13 European countries, an alliance with a simple but breathtakingly open-ended commitment, an attack on any member was an attack on all. In other words, we would go to war to defend any NATO member. With the implementing vision of the first Supreme Allied Commander, Dwight D. Eisenhower, the NATO alliance began a record of achievement that climaxed not a year later but 40 years later with the fall of the Berlin wall and the collapse of Soviet communism.

Whenever we give speeches about what we are proud of in America's accomplishments since World War II, we brag, and very properly so, about our victory in the cold war and the U.S. leadership of NATO which made victory possible. Mr. President, our commitment in 1949 was not totally assured of success. Far from it. And our commitment was not accompanied by a congressional requirement for an exit strategy. In 1949 our leaders acted boldly to leverage American leadership into an alliance with a good chance of success. Today, with a new situation in Europe, we face a requirement to act again, boldly, to restore and maintain European stability. Again, NATO is the instrument of choice. If we do not act, instability will spread more broadly in a region in which major European powers have historic interests and have not shrunk from war to advance those interests. If we do not use NATO as our instrument, this alliance will not be available to continue its 40 year role as the guarantor of a peaceful, stable Europe.

It was not so long ago that our major European allies were usually at each other's throats. NATO created a framework of defense cooperation in which shared interests outweighed rivalries. Today NATO expansion carries the potential to extend the same cooperation into Eastern Europe and I hope, eventually, Russia and other former Soviet states. I cannot think of a better way to lock-in the benefits of the end of the cold war. But without NATO as a vibrant, capable organization, it will not happen. NATO cannot be such an organization without U.S. leadership. Mr. President, stability in Europe and the continued viability of NATO are our vital interests, and they are at issue today in the Balkans.

We have other lesser, but important interests there. We have an interest in a peaceful, stable, Russia which cooperates with us and with NATO on defense matters and with which we can share mutual confidence. The deployment of Russian units to the I-FOR under United States command provides a potentially priceless opportunity to build such a relationship. Also, we have an interest in developing a better relationship with the Moslem world. Moslems have clearly been the underdog in the Yugoslav war, and American leadership to preserve and secure a Bosnia which is again safe for Moslems will have positive effect on United States relations with the Moslem world. It will show the truth of our national character, which is we seek justice and fairness and do not play ethnic favorites.

DRAFT A RESOLUTION TO SUPPORT SUCCESS

What we vote today matters. We should not hamstring our commanders with requirements that make success harder to attain. When we require the administration to supply armaments of the highest quality to one of the combatants, the highest quality being the best the United States has in its own arsenal, or when we pass a resolution which sets an artificial time limit on an operation which should only be bounded by accomplishment of the assigned task, we are placing handicaps on Admiral Smith's ability to accomplish the mission. I know none of us wants to do that. Once our troops are committed, all of us want them to succeed.

I must also add my concern about Congress declaring U.S. creditability to be a strategic interest. We may be issuing an open-ended invitation to Presidents present and future to make unilateral commitments and require Congress to support them on the fuzzy basis of creditability. The stability of Europe is reason enough for this operation, in my view.

Mr. President, I have been to briefings at the Intelligence Committee and have spent the last two Friday afternoons at the National Military Joint Intelligence Center at the Pentagon, trying to learn all I can about this mission and the intelligence support our commanders will be getting. I am immensely proud to have a military that can do a mission like this—to go into difficult terrain in tough weather conditions and be able to provide its own support and security while being prepared to engage any or all of three contending armies. I am proud of the work our national and military intelligence communities have done and are doing to support our troops with the best intelligence available, and also support the NATO and foreign forces in the I-FOR. No one else in the world could do this, except the United States. We are doing it, as I said, to protect vital interests. We are doing it in a good cause.

If all the parties to the Dayton agreement abide by it, our leadership will have brought peace to the Balkans. More importantly, we will have extended the guarantee of European stability to which we have been committed, in NATO, since 1949. If we lead with the vision of our post-war predecessors, we can achieve success in Bosnia.

Mr. President, finally, let me point out what should be obvious. The success that has been achieved thus far has been a success of the President of the United States committed to achieve peace in the Balkans, but a success that has been put together by diplomats, by politicians, some elected and appointed leaders, not just of the United States but of all three of the nations in the Balkans. And if success is to be the end goal, and if we are to achieve that success, the military can only do part of it. In order for the military to be successful, we political leaders are going to have to do the hard work of making certain that all the parties adhere to the agreement that we expect them to sign in Paris tomorrow.

I believe there is a good chance of success—of further and continued success—a chance of success that is worth the risk that we take, the risk of lives and the risk of capital in the Balkans.

I hope that the debate about this resolution—a nonbinding resolution that does not necessarily impact the President—I hope that the President hears throughout all of this debate perhaps some criticism. But even critics have to grudgingly, I hope, acknowledge that there is peace in the Balkans, that you can fly to Sarajevo, that children and civilians in Sarajevo markets do not worry on Sundays—as they did when I was there on the 28th of August—that 120-millimeter rockets and mortars were going to rain down on them and take their lives. That fear is gone today. The fear of sniper attack is gone.

If the standdown of forces occurs in the first 30 days and in the next 45 days and the next 180 days, if we can just stand down the forces, the United States of America will continue to be able to say that we are saving lives. There are people alive today in Sarajevo that would not have been alive were it not for the leadership of the President of the United States and the people of the United States backing that President.

I hope we understand and appreciate the great success that only the United States of America could achieve under the leadership of Bill Clinton. I hope this debate does not cloud that success, and I hope this debate does not prevent and make more difficult a continuation of our efforts to build upon that success.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator LOTT be traded in speaking order for Senator DOMENICI, who would be next, and also that Senator KASSEBAUM be added after Senator NUNN in the speaking order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Texas for accommodating my schedule and allowing me to change the order of the list of speakers. I also want to thank her for her leadership in this area. It is not easy. It takes a lot of courage, and the Senator from Texas has done an excellent job on this issue. I support her resolution because it best reflects my views on this issue.

This resolution expresses opposition to the decision to put United States troops on the ground in Bosnia, and also it says that we support our troops. Certainly, we all do, whether they are in the Continental United States or anywhere around the world. This resolution is simple. It is direct. It is to the point. And, I agree with it. I oppose the decision to send U.S. ground troops to Bosnia.

Conversely, I intend to oppose the resolution by the distinguished majority leader, and the Senator from Arizona, Senator MCCAIN. They have done excellent work on their resolution. They have improved it considerably. But it still has language that to me—leaves the impression that a vote in favor of the resolution equates to authorizing, or agreeing with the decision to deploy ground troops. It does not say exactly that, but it still has language that gives me discomfort in that area.

I also have difficulty with our putting United States troops on the ground—supposedly as neutral I-FOR troops between the Serbians, the Bosnians, and the Croats on the other side—all while the United States leads an effort to train, equip, and arm the Bosnians. That is a precarious position for U.S. forces. I think that is a very impractical arrangement. You cannot appear to be, or try to be neutral while you are, in fact, leading an effort to train one party of the three factions involved. So I have not been able to get that problem worked out in my mind with the language that is before the Senate in the resolution by Senator DOLE.

Mr. President, in 1921, Oliver Wendell Holmes wrote:

> A page of history is worth a volume of logic.

Without an understanding of history, it is easy to repeat the mistakes of history, and it is in that context of history that we must carefully review President Clinton's decision to send United States ground troops into Bosnia.

On November 21, 1995, President Clinton announced that an agreement had been reached in Dayton, OH, an agreement which he believed would secure peace in the former Yugoslavian Republic of Bosnia. According to him, key to its success would be participation of 20,000 American military personnel on the ground. Without American involvement, the President suggested there would be no peace and U.S. leadership of NATO would suffer, perhaps to the point of rendering NATO useless. But the President's dire warnings must not be simply conceded under the assumption that he is right. The decision to send United States troops to Bosnia should not be reached because of feared diminution of United States leadership in the world or of NATO.

The fundamental decision should be based on answers to two simple specific questions: Are vital United States national security interests under threat in Bosnia? Do we have an effective exit strategy?

Before going further, I want to say that the President deserves credit for creating a negotiating framework which brought together the leaders of the warring parties and for fostering an environment of serious work to bring peace to war-torn Bosnia.

But the decision to deploy United States troops to Bosnia is much more complex than just simply affirming a peace agreement negotiated in Dayton. Much more must be considered before our troops are deployed en masse.

Before addressing the two immediate questions regarding this decision, though, whether to deploy the troops, we must understand the history of Bosnia, if for no other reason than to gain some sense of the potential success or failure of that Dayton agreement.

In his second State of the Union Address in 1862, President Lincoln counseled the Congress to remember that we cannot escape history. That same counsel applies to the strife-ridden Bosnia.

The former Yugoslavia found its birth in 1918 as the Kingdom of the Serbs, the Croats and Slovenes united under the reign of King Alexander. In 1929, the country was renamed Yugoslavia, but the recent civil unrest in Bosnia can be traced much further back than that. The deep hatred and animosity of the Serbian, Bosnian, and Croatian peoples was not born from their forced union in 1918. It reaches back to the mid-1300's when the Ottoman Turks subdued the Serbian state.

History is clear that death, civil strife, and general mayhem between the Serbs, Croats, and Bosnians was prolific between the mid-1300's until Tito solidified his control of Yugoslavia at the close of World War II. In most cases, the hostility between the parties was based on religious and cultural divisions and the leadership of the day, whether it be King Alexander or Tito, used these religious and cultural hatreds as tools to suppress, to check, and to trump the national aspirations of each of the parties in the region. The result was nearly continuous bloodshed between the three warring factions.

This backward, bloody, and ugly history led British Prime Minister Benjamin Disraeli to tell the House of Lords in 1878 these words, which are applicable to today's situation. He said:

> No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia, Herzegovina and other provinces—political intrigues, constant rivalries, a total absence of all public spirit—hatred of all races, animosities of rival religions and absence of any controlling power . . . nothing short of 50,000 of the best troops would produce anything like order in these parts.

That was in 1878. If it would have taken 50,000 troops then, how many troops would it take today?

When King Alexander was assassinated in 1934 byy Croatian extremists, Yugoslavia began to split apart at the seams. Why was King Alexander assassinated? Well, in 1929 he tried to create an autonomous Serb, Croat, and Slovene government under a unified federalist structure called Yugoslavia. While one central government was to remain under his ledership, the three parties would achieve independence.

The Dayton agreement—at its fundamental base—seeks to resurrect much of King Alexander's failed plan of 1929. But instead of creating three separate states under one central government, the Dayton agreement seeks to create two parts, the Croat-Bosnian Federation and the Serbian Republic, all under one central government.

Just as President Lincoln said, "We cannot escape history," neither can President Clinton escape the history of Yugoslavia, nor can any of us afford to ignore it. Based on this history, it is likely—and unfortunate—that there will be no peace in Bosnia with or without United States troops on the ground to support it.

No international troop presence on the ground in Bosnia will restore peace to a region which has forgotten peace, does not remember peace, and does not forgive past violations of peace. United States troops should not be squandered on such a prospect.

Yes, we all hope for peace, but the peace must be achieved in the hearts and minds of the people there who have been warring for centuries. America cannot impose it with military troops.

The United States has a history, a noble history, and a heritage born from war in search of peace. Ours is a noble history and heritage, but this heritage should not and does not commit us to blind military commitments, the goal of which is to right historical wrongs or impose tranquility where tranquility does not exist or has not existed for over 600 years.

War is an ugly, gruesome undertaking. War should not be pursued or waged for mere political expediency or humanitarian gains.

Now, there are those who will say there is not war here; this is a tenuous peace. Yes, but how long will it be that way? As I pointed out, one of the things that worries me is if we go in saying we are neutral but acting in a partisan way supporting one faction, how long will that peace hold?

While we must be good at waging war, not all wars are fit for the United States to come in and solve the problem. Why must we always be the one that sends our troops in, no matter where it is around the world, when we do not have a vital national security interest? The United States should only participate militarily on the ground in places in which U.S. interests are clear and understandable.

I have looked long and hard to find United States vital security interests which are under threat by the civil strife in Bosnia. I have not found any. The United States does have vital security interests in Central and Western Europe, but the civil war in Bosnia does not threaten these interests. Therefore, we should not go. That is the fundamental hurdle that I cannot go over.

If our vital security interests dictate that we should place troops in harm's way, then we must go. We should and we will. We will be prepared to fight for our vital national interests and win. We should go, though, as combatants prepared to fight, to do whatever is necessary, but only if our vital security interests are required.

The President has talked about robust rules of engagement.

But he has not clearly and specifically outlined his commitment and intent to respond disproportionately should U.S. troops come under attack or siege. If our troops go, there must be no limits. If Serb forces take hostages, or others, or attack U.S. patrols, the President must be willing, committed, and intent on taking the conflict to the safe haven of other countries that are involved, specifically Belgrade.

I have not heard this commitment from the President, nor do I read this level of commitment as his intent. Anything less will sentence U.S. ground personnel to a hunkered-down, bunker existence suffering casualties in disparate hit-and-run attacks. U.S. personnel would become targets, plentiful and ripe.

We have made that mistake in the past. We made it in Somalia. And we should not repeat it. It may not happen immediately. Maybe it will not happen in the cold, snowy winter months after we first arrive. But it would, I think, happen sooner or later. And the price of American lives should not be set so low for a goal so distant from our own vital security interests.

As President Clinton announced his intention to send U.S. troops to Bosnia, I pulled out his National Security Strategy, a document that the President presented to the Congress in July 1994. Under the section addressing peace operations, on page 14, it says:

> Two other points deserve emphasis. First, the primary mission of our armed forces is not peace operations; it is to deter and, if necessary, to fight and win conflicts in which our most important interests are threatened. Second, while the international community can create conditions for peace, the responsibility for peace ultimately rests with the people of the country in question. That is what President Clinton had to say just in July of 1994—only 17 months ago.

The President's own national security strategy does not warrant sending troops into this area. Bosnia does not represent a conflict in which our most important interests are threatened, nor have the people of former Yugoslavia assumed the responsibility for peace.

The second issue which must be considered prior to sending troops is the question of identifying a clear, definitive exit strategy. How will we know when the mission is completed and it is time to leave? We have been told a year, or was it about a year? Will it be 14 months or 15 months? How much will it cost? We were told, well, $1.5 billion. And then we were told, $2 billion. We all know it will be $4 billion or $5 billion.

The President said the U.S. mission in Bosnia will be "clear, limited, and achievable." But I have not heard articulated the most important point: How will we know the mission has been achieved so that we will know it is time for us to leave? If we do not have a clear, identifiable exit strategy, we will be suspect to expanding our reason for going. New missions will be added, like we have seen in other instances. Success will be harder to identify.

A successful exit strategy cannot be driven by a time limit as the President has suggested and as, quite frankly, the Congress has sought. Is it just that we will stay 1 year, wait for the Bosnians to be sufficiently trained and equipped, and then leave? I do not think that is what was intended, but perhaps that is the real exit strategy. It must be constructed with the intention of leaving behind a locally supported peace that does not require an open-ended commitment of U.S. troops. Once again, the history of the region does not lead to any rational conclusion that is what would happen.

I do not believe that the American people are willing to support a prolonged occupation by U.S. troops in Bosnia, and we will have one if no clear exit strategy exists.

In the Persian Gulf we had a clear, measurable, and definite exit strategy—expel Iraq from Kuwait. Many people think we should have gone further. I am not one of them, because, you see, we had a strategy. It was to remove Iraq out of Kuwait and then leave, period. No one disputes the results of the gulf war.

This is not the case in this present situation. Under the President's own National Security Strategy, he acknowledges that successful peace operations can only be sustained when the responsible parties want peace. Once again, the history of the region does not lead anyone to believe that the leaders of Serbia or Croatia and Bosnia want peace at all costs. And this plan will not grow the seeds for such a desire.

I urge my colleagues to look at the proposed settlement map. As I understand it—and there has been some disagreement and controversy about this—but there will be some repatriation of displaced Serbs into Croatian-held territory. Maybe we will not be actually doing that, but as I understand the agreement, we will be responsible for protecting them and at least in some ways assisting in this operation.

How do you think the Croatians will react to this repatriation? Approvingly? Or the Bosnians when people of Serbian descent are repatriated to Bosnia? Do not forget that this current conflict started when the Serbs decided they wanted to exterminate the Bosnian people from territory they considered theirs from centuries before.

I just do not believe this plan will work. If it could work, it could work without U.S. ground troops on the ground. King Alexander tried it 68 years ago. He paid the price with his life at the hands of a Croatian loyalist and extremist. If we try it, Americans will die in a faraway land, one steeped in hatred and one in which we have no vital security interests under threat.

The United States should not resign itself to rubber stamp this decision—one based on noble intent, yet ill-conceived. The President has tried to explain the logic of deploying U.S. troops on the ground in Bosnia, but only one page of the history of this troubled region explains why we should not go.

I urge my colleagues to vote for the Hutchison resolution and against the Dole-McCain resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator MACK be added in speaker order after Senator SARBANES and Senator JEFFORDS be added after Senator KERRY of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Under the unanimous-consent order, the next speaker on the Democratic side was to have been the Senator from Virginia.

Does the Senator from California ask unanimous consent to change that order?

Mrs. FEINSTEIN. Yes. It is my understanding that for the time being I am taking his place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I have really come full circle on the question of whether or not to send U.S. troops to Bosnia to try to keep the peace. I must say I was initially very skeptical. I believed that you could not keep a peace that the people in Bosnia do not want kept. And in the earlier meetings of the Foreign Relations Committee I was not convinced by the arguments presented by Secretaries Christopher and Perry and the Chairman of the Joint Chiefs of Staff.

But as events have developed, I have come to the conclusion, after attending every classified briefing and every Foreign Relations Committee meeting, that the President's policy is the only way to stop this war and prevent its spread. I believe there is far greater risk in doing nothing and seeing the spread of this war than there is in doing something and trying to bring about a just peace.

The Dayton peace agreement would not have been reached without U.S.

leadership, and it will not be successfully implemented without our leadership either.

I have also become deeply convinced that the United States has a moral mission here, that the cause is noble and the cause is just. Today one-half of the people of Bosnia are either dead or homeless. Rape has become an instrument of war. Atrocities have been committed that have not been seen since World War II. This must end. People have had enough of war.

The United States is being asked essentially to provide one-third of the peacekeeping forces. The other day I was visited by the new British Ambassador. He pointed out to me that Great Britain is going to provide 16,000 troops, a nation far smaller than ours; 13,000 in Bosnia itself and 3,000 in Hungary and Austria.

He also said, "Know this. If the United States goes, we go, too. We in Great Britain and in Europe look at you as the leader of NATO." If NATO is to function, the United States must lead and perform. And I believe that is essentially the way it is today, whether we like it or not.

At our most recent Foreign Relations Committee hearing on December 1, I was deeply impressed with the arguments put forward by Secretary Christopher, Secretary Perry, and General Shalikashvili. They laid out not only the rationale for our involvement but a clear and well-defined plan for carrying out our mission.

Some of the opponents of this policy are making the argument that they oppose the policy but they support the troops to carry it out. In fact, the Hutchison resolution that we will be voting on shortly says exactly that. But as I listened to these arguments, I must say that to me they strike me as a figleaf at best and disingenuous at worst.

We all support our troops. That goes without saying. But what message do we send to our troops if we send them off to do a job and in the same breath declare that the job that they are doing is illegitimate? How can you say, "I condemn the mission you are being sent to do, but I support you in doing it"? Will our troops really believe they have our support if this is what the Congress of the United States says?

Some have raised the specter of a repeat of Vietnam in Bosnia, but the real repetition of Vietnam would be to send United States troops to carry out a mission without supporting that mission. Some of my colleagues have asked: "Does anyone believe we are really going to stand by our young men and women that we are going to send to Bosnia?" Well, I certainly am, the President is, the full force of the United States military is, and I believe that the Senate will in the long run as well.

In my view, the Hutchison resolution undercuts the troops. It says it supports the troops, but it is designed to give the President a back door to pull the rug out from under them. Instead of giving lukewarm support to the troops by questioning the wisdom of their job, we should unify behind the policy and commit to giving our troops every advantage, all the equipment and all the support they need to carry out the mission successfully.

We cannot have it both ways. If we support the troops, we should support the policy.

I have had an opportunity to review the Dole-McCain resolution, and I support it and I support it strongly. I would like to set aside some of the myths that I think have been raised by those who are opposed to it.

The first is the myth of the intractable nature of the conflict. There are some who appear to have bought into the argument of ultranationalists on all sides. Yes, there have been wars for hundreds of years in the Balkans, but there has been a history of war and brutal atrocities in Britain, in France, in Germany. Today these nations are at peace.

As the distinguished Senator from Ohio pointed out yesterday, we had Prime Minister Shimon Peres on the floor of the House yesterday speaking about the long history of violence in the Middle East. That goes back to the Crusades, and even beyond. Conflict has been endemic to the Middle East for centuries, but today peace is beginning to take hold.

What about Northern Ireland? That conflict has gone on for a long time as well. But I do not think anyone here would suggest that the Middle East or Northern Ireland are beyond help and doomed to an eternity of conflict, and I do not think we should come to the conclusion that the only way of life in Bosnia is a way of death and atrocities and the spread of the war.

The fact is that there is now an opportunity for peace, perhaps the only opportunity that we will have. If we fail to take this opportunity, this war will surely spread to Kosovo, to Macedonia. It then involves two NATO allies— Greece and Turkey—and then it involves the rest of Europe, and Europe has always been a vital interest to the United States. Our men and women have fought two wars on the European Continent because of that interest.

There is also the myth that there is no clear and defined mission, and I would like to debunk that.

Some of my colleagues have complained that this operation is not clear, and that it is not achievable. But if you listen to the President, to Secretary Christopher, to Secretary Perry, to General Shalikashvili, to General Joulwan, and to others in our military, it is clear that this mission, in fact, is clearly defined. As a matter of fact, General Joulwan said yesterday he should know within the first 3 months whether the mission can succeed or not.

There is a clear exit strategy. Our troops are not being asked to go to Bosnia to engage in all sorts of nation building activities. The military mission and the goals are explicit, and they are limited. We will not be engaged in civilian policing. We will not be engaged in refugee resettlement. We will not be engaged in civilian reconstruction. We will not be engaged in election monitoring.

The President and NATO leaders have been quite clear. Our forces in Bosnia will monitor the military aspects of the peace agreement, the cessation of hostilities, the withdrawal of forces to their respective territories, and the lines of demarcation. They will monitor the redeployment of forces and heavy weapons to designated areas and the establishment of zones of separation. That is the mission.

I want to speak about the one part of the Dole-McCain joint resolution that does concern me, and that is the part that appears on page 4 and speaks to the balance of power. A major portion of this effort is to see that when the United States pulls out in approximately 1 year, there is a defensive balance of power so that the Bosnians, if need be, can defend themselves. This can be a deterrent to future wars if it is carried out correctly. However, it cannot become the launching point for radical Islamic fundamentalism on the European Continent, and I want to stress that.

The Dole-McCain resolution very clearly describes periodic reports on the armaments provided to the Bosnians that the President will make to this Congress, and I think that is extremely important. I think every Member of this body should be militant in seeing that destabilizing weapons do not go into this area and that the balance of power that is achieved is a defensive balance of power. I think that is extraordinarily important, and I think it has to be clearly stated.

There is another myth about the lack of U.S. interests in the region. People have said, "You know, many of our citizens can't recognize Bosnia on a map. We don't want to send our people there. They may die. We have no major national interest in the area." And I thought this originally. But I believe the United States does have an interest in a safe, secure, and stable Europe. The United States does have an interest in assuring that this conflict does not spread and become the third general European war of this century.

The United States does have an interest in supporting our NATO allies and assuring that NATO can continue in its role guaranteeing European security.

Because of World War II and because of the threat of Communist aggression from the Soviet Union, the NATO alliance was set up to provide peace and stability for the NATO nations, and this Nation has always been in the leadership of that effort. We have made the commitment to it throughout the years, and the reason we have done so is because of the failure of Europe in World War I to protect itself, in World War II to protect itself, and, I am sorry to say, that same failure we see there today. You see, very few strong European leaders are willing to come forward and say, "We will tackle this job alone because it's on our back door."

Now, we can be repelled by this, we can be reviled by it, we can view it with dismay and with some shock, but it is the real world out there, and, therefore, this is where the credibility of the NATO alliance comes in. The United States is critical to the success and survival of the NATO alliance.

As the British Ambassador said to me 2 days ago, "We will be there as long as the United States is. If the United States leaves, Great Britain leaves." Period. The end. That, to me, spoke volumes of the importance of U.S. leadership. There was no European country that could effect the peace. It took the United States of America to effect the peace. So I believe we have an interest in reaffirming our own position as the global leader of the free world and protecting that leadership and that freedom.

I believe the United States has a moral interest in ending crimes against humanity. I, myself, could have been born in Eastern Europe, in Poland. I would never have been privileged to have a good life had that been the case. Well, the same circumstances are present today in Bosnia. I remember all during the 1940's, when people were saying, "How could we not have responded?" "How could we not have known?" "How did we not know that these boxcars were traveling throughout Europe and turn a deaf ear to what was happening?"

It is moral. It is just. It is noble. We are not asked to fight a war. We are asked to give peace a chance.

Thank you, Mr. President. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, Senator HATFIELD is on his way to the floor, and he is next in line to replace Senator DEWINE in the order. I wanted to take this opportunity until he gets here to answer what several Senators have said on the floor—most recently, the Senator from California, and before that, the Senator from Connecticut—regarding people who would support my resolution, who are in full support of the troops, though they have questions about this mission.

I think it is very important that every one of us in this body give to each other Member the right to have a vote of conscience. And there are many of us who do not think this is the right mission, but who are going to go full force to support our troops. In fact, we believe we are supporting our troops in the most effective way by opposing this mission because we think it is the wrong one.

I do not question anyone's motives, or how they feel, if they vote against the Hutchison-Inhofe resolution. But, by the same token, I think it is important that those who are going to support the Dole-McCain resolution and the Hutchison-Inhofe resolution—that it be known that they, too, are doing what they think is right.

It is a tough decision for anyone to vote to put troops in harm's way. And if someone decides that they can best support the troops by opposing the President's decision, I think that everyone knows, or should know, that that is the right of every Senator to do.

There have been other missions in the history of this country, in which the people have been good people, supported by America, well equipped, given everything they need to succeed in their mission, but nevertheless the same people in America have not agreed with the mission.

I think the mission in Vietnam was certainly controversial. But the people of this country loved and revered the people who went to Vietnam from our Armed Forces and fought there for our country. So I do not think there is any question whatsoever that you cannot support a mission and support the troops fully. I think that each of us has the ability to make this decision for ourselves.

As I have said, I think it is incumbent on a Member of Congress to make this decision. It is a constitutional responsibility that we were given by the Founders. They did not want it to be easy to send troops into a foreign conflict. That is why they put Congress in the power to declare war. I do not know that our Founders had even thought about peacekeeping missions and the nuances that we would have on declaring war. I do not think they thought about a Commander in Chief sending our troops into what is talked about as peace, but which, in fact, is sending our troops into military conflicts. I think they would have envisioned that Congress should authorize a peacekeeping mission that the President and the Secretary of Defense and the Chairman of the Joint Chiefs have said is going to put troops in harm's way, where there may be casualties, and I believe our Founders would have wanted authorization by Congress.

They did not want it to be easy to send our troops into harm's way. That is why they made it the decision of Congress to declare war, while the Commander in Chief would run the operation. The Commander in Chief does have the right to run the military. There is no question about it. But it is very clear in the Constitution that Congress should be consulted and authorized any time our troops are sent into harm's way.

I was holding the floor for the distinguished senior Senator from Oregon, who has now arrived. I yield the floor to him for his comments.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, on Thursday, the leaders of the warring parties in Bosnia and Herzegovina will formally sign a peace agreement that was initialed last month in Dayton, OH. This formal signing will pave the way for the deployment of the 60,000-strong NATO peace implementation force.

Congress has a role to play in making decisions about the use of U.S. troops in hostile situations. In fact, we have an obligation to our constituents to raise questions about any mission that will lead to our troops being put in harm's way.

After the Vietnam war, Congress insisted that it have a partnership role with the President in future conflicts. So the Congress passed the War Powers Act. Under this act, the President retained the power to dispatch troops when there was an emergency. But within 60 days of the deployment Congress had to take action to specifically authorize the deployment, tell the President to bring the troops home, or to continue to evaluate the situation after another 60 days extension. It was intended to force Congress to take action, to participate in the decision.

Unfortunately, Congress has found ways to avoid taking action. Since 1965, Congress has voted only twice to authorize the deployment of United States troops and, in recent years, we have voted on nonbinding resolutions, in some cases, and we have allowed troops to be deployed in the Persian Gulf, Somalia, Rwanda, and Haiti, without authorizing legislation. We are about to do so again today.

During the course of this debate, the Senate will have the opportunity to vote on three different measures relating to the use of United States forces in Bosnia. We have already completed the first one. The President has requested congressional authorization, but has said that he intends to deploy U.S. troops with or without that authorization.

Of course, he would like to have Congress' support. The Senate's consideration of these measures will provide us with the opportunity to participate in the debate. However, do not be misled. With the exception of the measure passed by the House that we have defeated today, the other two resolutions which we will consider, and likely pass, are not legally binding.

Mr. President, I want to reflect for just a moment on some very interesting history on Vietnam. Many who can recall during that war period, Members of the Senate, particularly, would stand before the television cameras for the evening news and wring their hands about how awful this war was and why it should not continue. But at no time during that period was any Member of Congress willing to take responsibility. All they wanted to do was to criticize the President. I have a feeling that there is a reluctance over the last few years, since we passed the War Powers Act, for Congress to stand up and take responsibility. It is much easier to criticize the President, whether Republican or Democrat, than to assume a partnership role, as provided under the War Powers Act.

Let me say that while I know that the President is sincere in his attempt to bring peace to Bosnia, I find it hard to believe that anyone can define a successful military mission which will ensure a lasting peace in the region.

The ethnic struggles which have led to war in Bosnia and Croatia are the result of more than 800 years of hatred and mistrust. How are we going to change the course of history in one short year? In my view, this is an impossible and unrealistic military mission.

I will go back to school-teaching days and say I hope that people would take the time to read one very brief synopsis of the history of this region of the world. Robert Kaplan's "Balkan Ghosts" is a very straightforward treatise on the history, and the impossibility of this kind of a mission I would apply to that history. Read the history. We do so little reading, we do so little reflection on how we got to where we are and what were the forces that made that possible in our own country, let alone an area of the world that is probably one of the least understood areas of the world from either political, economic, social, or cultural history.

During the last 3½ years we have seen more than 50 partial and general cease-fires signed in this region with these contestants, these parties. All have been broken within several weeks of their signing. My dear colleagues, they have been doing this for 800 years, lying to one another, not meaning what they were doing, because of that deep hatred that they have. To see this happening here, even in our own day we do not seem to be taking much lesson from it.

In addition, we have seen three previous peace agreements come and go. Given this history, it is impossible for the President to promise he can protect U.S. troops. No one can guarantee their safety if the peace agreement falls apart.

The Dayton peace accord calls for the immediate transfer of peacekeeping control from the U.N. peacekeeping forces to the NATO peace implementation force. The approximately 20,000 U.N. peacekeepers in Bosnia will be replaced by 60,000 heavily armed troops under NATO command.

Mr. President, this is not a peacekeeping force. This is an army. It proves that we are trying to solve a political dilemma, a religious dilemma, a cultural dilemma, with military troops rather than through diplomacy and negotiation.

One must only look at the peace agreement to see this. The primary mission of this course will be to implement the military aspects of the peace agreement. This includes monitoring and enforcing the requirements that each entity promptly withdraws their forces behind a zone of separation which will be established on either side of the cease-fire line, and that within 120 days each entity withdraws all heavy weapons and forces to barrack areas.

However, under the agreement, the current warring armies will continue to exist. Each entity is permitted to maintain their army. The NATO forces will be made up of enough firepower to, in the President's words "respond with overwhelming force" to any threats to their safety or violations of the military aspects of the agreement.

This does not sound like a peacekeeping mission to me, and it should not be promoted to the American public as a peacekeeping mission.

Furthermore, while the agreement calls for the parties to enter into negotiations before the Organization for Security and Cooperation in Europe on future arms and heavy equipment restrictions, the agreement also contradicts that arms control goal by lifting the international arms embargo on Bosnia, Croatia, and Serbia.

Now, get this. We are not only sending our troops in there and letting them maintain their own troops; we are saying we are going to lift the arms embargo so that they can look forward, after 180 days, to getting into an arms race, escalating their military equipment, their arms.

The agreement states that no side may import arms for 90 days after the agreement enters force. There is this 180-day restriction, I repeat, on the importation of heavy weapons, mines, military aircraft, and helicopters. After that, all bets are off. In fact, administration officials have indicated that, if necessary, the United States Government will begin rearming the Bosnian army as early as next summer in an effort to bring a balance of power between the warring factions.

In other words, arms beget arms, violence begets violence. And we are going to continue this worldwide arms merchandising that we have been doing with such efficiency during and ever since the Cold War.

In addition to equipping the Bosnians, the United States will also provide necessary training. The agreement sets a precedent that military arms must be maintained to achieve stability in the region. In my view, this will only lead to an unfettered arms buildup and further undermine our ability to bring lasting peace to the region.

The arms embargo was not a success to begin with. At the same time we now go through that charade, to think we are going to do something to reduce the arms. We should be pushing to get the region disarming; disarming, not rearming.

There is no question that the war in Bosnia has had a terrible human toll. More than 140,000 Bosnians have been killed during the conflict. Another 3.6 million refugees and internally displaced persons have been created by this action and have had to flee their homes. Although the peace agreement includes provisions allowing refugees to return to their homes, it is unclear how many will be willing or able to return. And we see in the news of the sacking, the burning of those homes that are being vacated for the transfer of population.

Cases of ethnic cleansing continue to come to light as mass graves are uncovered near the so-called safe havens that have been overrun by the Bosnian Serb Army.

No side to this conflict has clean hands. I can assure you that during the time that this was happening, there were some of us who were raising the question of choking off the arms, choking off the arms that were flowing down the Danube from our allies, from our friends—from Greece, from France, from Italy, from Germany. And who knows what kind of arms out of our country were in a third-party transfer? We never did try with great effort to stop the flow of arms, even under the embargo. Now we are going to lift the pretense of an embargo in order to make them much more available and accessible.

In order to end this human tragedy, we must take away the means to make war. A successful peace will be one that includes a strategy to diminish the war-making capability of all sides to this conflict. It is amazing how we can orchestrate 25 countries of the world for a common purpose to fight a war for oil, but somehow we do not find our ability to orchestrate our allies for the cause of peace, or to disarm an overly armed area of the world that is a great trouble spot..

During the course of congressional consideration of the war in Bosnia, we have failed to take the steps necessary to limit the war-making capability. The only votes that the Senate has taken since the war began in 1991 have been to unilaterally lift the arms embargo. I have opposed these resolutions in the past because I felt that lifting the arms embargo would only lead to more bloodshed. Those who supported the lifting of the embargo did so because they felt, if we arm the Bosnians, they would be able to defend themselves, thereby doing away the need for U.S. troops to become involved in the ground war.

Rather than joining with our allies to secure and enforce the embargo against all warring parties in the region, we could only see military might as the solution to the complex problem. How many people do we have to kill in actions of war to realize the total fallacy of that thesis? We now say we are going to send more troops in. We are talking about injecting our own troops into the war—and that is what it is, because there has been no peace reached yet. As I said before, we are going into Bosnia with an army and we are going to force the peace. This is different from the traditional notion of peacekeeping missions, such as the ones we have seen in countries like Korea and others.

I do not take this deployment lightly, nor do my colleagues. American soldiers will likely be killed during this mission in Bosnia. We have to accept that reality. Our brothers, sisters, wives, husbands, and children will be at risk. In Bosnia and Croatia there are nearly 6 million landmines in the ground. These hidden enemies pose the greatest risk to our troops. In fact, landmines have become the leading cause of casualties in Bosnia of peacekeeping forces.

Even though the peace agreement requires all sides to participate in identifying and removing these mines, the reality is that little information exists about the layout of the minefields scattered throughout Bosnia. As we have seen in Cambodia and Afghanistan, mine removal is a tedious task which takes years. Landmines in Bosnia endanger not only our troops and peace implementation forces, but also civilians who are trying to return home and rebuild their lives.

I will not support any resolution that explicitly or implicitly gives the Senate's support for United States troop involvement in Bosnia. While I will wholeheartedly support our troops once they are there, not under their own doing, under the Commander in Chief, I cannot and will not endorse this military mission.

We must bring a lasting peace to Bosnia, but we must do so by limiting, not increasing, the war-making capability of all sides in the conflict. In my opinion, the mission outlined by the President fails to meet this basic requirement. I yield the floor.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, what I want to do, if we can—I know there are some people who still want to talk. I know the Senator from Texas would like to have a vote on her amendment. I would like to have that vote, if we can, at 4 o'clock.

I have just been on the phone with the President. He would like to have the vote as early as possible. I know the House is involved in debating resolutions over there. I know some of our colleagues have yet to speak, but there will still be one additional resolution; that is the Dole-McCain-Nunn-Lieberman, and others, resolution. So people could still speak in general debate.

It seems to me there is no reason not to vote on the amendment by the Senator from Texas. There is no use making a request if it will be objected to. Does the Democratic leader think we can proceed on that basis and still have plenty of time for debate?

Mr. DASCHLE. I have consulted with a number of our colleagues on this side of the aisle, and many of them feel very strongly about their need to speak prior to the time they will be called upon to vote on either measure. They would prefer to give one speech rather than two.

In my urging to limit Members to one speech, and hopefully to keep those speeches to a minimum length, I will have to accommodate them and their interest in speaking and being protected in their opportunity to speak prior to the time that they would be called upon to vote.

I am compelled at this point to object to the scheduling of the vote prior to the time that they have had the opportunity to speak.

My preference would be that we have both votes back to back to accommodate the speeches, and I think we can get some cooperation in limiting the lengths of time, if that can be done.

Mr. DOLE. Certainly this Senator does not have any problem with back to back—anything that would expedite the process. I think most people have spoken with reference to one or two of the amendments. I do not know how many more speakers are on this side. Some have spoken a number of times.

I think if we limit our speeches to one per Member, or at least two per Member, that would help some. Maybe we can have a back-to-back vote at some time.

How much more time do you think it will take on your side?

Mr. DASCHLE. A lot of our colleagues are not willing to commit to a time limit yet. We are working on getting at least an agreement that everybody speak just once and then hopefully limiting their time for speaking.

At this point, I am not able to give the leader any specific estimate as to the amount of time we need.

Mr. DOLE. I do not make the request, then, because the Democratic leader has obviously not been able to give me the consent, so there is no need doing that.

In the meantime, we will try to see if we cannot find some consensus, some agreement here, where we could have back-to-back votes at some reasonable hour.

We have how many speakers left now?

Mrs. HUTCHISON. Mr. President, if I could answer, I think there are at least 20 people signed up to this point.

I was, of course, hoping that the distinguished minority leader might be able to put a time agreement together, and then I think we could gauge the length of the speeches a little more and perhaps reach a conclusion, and I assume that everyone would like to do this before the President leaves at 6 o'clock or so.

Mr. DOLE. I think there is a phone on the plane.

Mrs. HUTCHISON. I am sorry to hear that.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous-consent the Senator from Florida, Senator GRAHAM, be added in the next Democratic slot on the list of speakers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Will the Senator from Virginia yield for a unanimous consent request to add Senator HELMS in the next available slot?

Mr. ROBB. I am happy to yield.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent Senator HELMS be added in the next available Republican slot.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. ROBB. Mr. President, we cannot and should not attempt to act as the world's policeman. But that eminently sensible acknowledgment of the limits of U.S. power cannot and should not deter us from acting when it is the United States and only the United States that can end aggression and bloodshed, or in this case the genocide that has already claimed the lives of over 200,000 human beings and left over 2 million as refugees.

I understand the concerns and reticence of many of our colleagues, indeed most of the American people. Calls in most congressional offices remain overwhelmingly against putting United States ground forces in Bosnia. But without U.S. leadership, there would be no peace. The Europeans tried nobly but in vain. The fighting did not stop until the United States led NATO in the air and led the diplomatic efforts which culminated in the initialing of the agreement in Dayton and the final signing that will take place tomorrow in Paris.

Without U.S. leadership and active participation on the ground, the peace will end and the carnage will continue. We now represent the last, best hope to bring the war in the Balkans to a close.

Are there risks? Certainly there are risks, serious risks. Of course there are some risks to our troops even in normal training exercises. But I believe the risks are even greater if we fail to honor this commitment. I do not relish putting our troops at risk in the barrens of northeast Bosnia.

But for each of us, I would suggest that there are some risks—something that we consider so important that we are willing to work, that we are willing to risk dying for it. I think, for example, we would all agree that we would do whatever it was necessary to do in order to protect immediate members of our family. But there are also larger risks that are worth dying for—as a Nation worth putting our troops at risk for. I have seen some of these risks. I have seen war. I have had men literally die in my arms in combat. I have written letters and talked to the parents of those who have lost their lives under these circumstances. It is not easy. But the cost of freedom is high. Yet, it is a price that I believe that we have to be willing to pay.

We cannot shrink from the role that only the United States of America can play in making peace work in faraway lands when America is now the only nation with the capacity to lead this effort to a successful conclusion. No one supports the atrocities which have occurred daily in Bosnia. But the question we face is whether the lives of American service men and service women are worth risking to stop it. And I believe that risk is appropriate. I believe we have a moral responsibility to act.

In that vein, I was struck by Elie Wiesel's comments this morning when he said, "We in the United States represent a certain moral aspect of history. A great nation owes its greatness not only to its military power but also to its moral consciousness." He went on to say "What would future generations say about us, all of us, here in this land, if we do nothing?" And I remember his deeply-felt plea to the same effect some 2½ years ago at the dedication of the Holocaust Museum when he turned and urged President Clinton to stop the war in the Balkans.

Mr. President, doing nothing represents an abdication of our responsibilities as the leader of NATO and the larger community of nations. Doing nothing increases the likelihood of a larger war in Europe. Doing nothing amounts to tacit acceptance of more slaughter in Bosnia.

The Prime Minister of Israel, Shimon Peres, yesterday at a joint session of Congress was eloquent and powerful in saying to us

> You enabled many nations to save their democracies, even as you strive now to assist many nations to free themselves from their nondemocratic past. You fought many wars. You won many victories. Wars did not cause you to lose heart. Thanks to the support you have given, and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us, and feel sufficiently strong to take measured risks to wage our campaign of peace.

Mr. President, we now stand alone as the only country capable of restoring order and a sense of hope in Bosnia and Herzegovina. The American imprimatur carries enormous weight among the community of nations. We can and should seek to spread the word of peace to places like the Middle East, and Ireland—and, yes, Bosnia—that have known the language of violence and war for too long.

Mr. President, these war and peace decisions are difficult, and they reach deep into our emotions. I believe our Founding Fathers were wise to vest in the President the responsibilities of being the Commander in Chief of our Armed Forces while providing Congress with the power of the purse and the exclusive right to declare war.

We have only one President at a time, and he has acted in his capacity as Commander in Chief. Were we in his shoes we well might have taken 100 different courses of action in the Senate, and perhaps as many as 435 different courses of action in the House. Indeed, I have long urged more assertive action by the United States for several years.

But, Mr. President, it is the President of the United States who is ultimately responsible for this decision, and the American people and ultimately history will hold him accountable. His choice to deploy troops to Bosnia may not be popular with the American people. But you cannot lead by following the polls, and for this I commend his courage.

The President has made a choice in favor of leadership over isolation—in favor of standing shoulder to shoulder with our allies instead of abandoning them, in favor of morality rather than allowing the crimes against humanity to continue. I applaud his choice to grapple with these problems and to seek a comprehensive solution. He deserves enormous credit for taking on this cause of peace and freedom that is so ingrained in our American way of life.

I happen to have a very high level of confidence in our troops who are the best led, best trained, and most powerful fighting force that the world has ever known. When they have successfully completed their limited mission in Europe, there is clearly going to be more to do with respect to a residual force. And, in that respect, I believe that Europe will step up to its responsibility at the appropriate time.

In the same context, Mr. President, I would like to salute our majority leader, BOB DOLE, and Senator JOHN MCCAIN in particular, who have risen above whatever partisan gain might have accrued to them by taking a different course of action, to join the President in leading the country to support our troops—just as I was pleased to help lead the effort and support our troops, and support President Bush when he asked for our help in the gulf war.

Mr. President, I believe the President of the United States has made a strong case for U.S. leadership. Absent American participation peace will fail in the Balkans, and ongoing war will have continued to threaten our national security interests.

Mr. President, I believe our security depends on joining with our allies in times like this, and I urge my colleagues to do what I believe in this case is the right thing to do. And that is to support the deployment and to support our troops in the commitment that the President of the United States acting in his capacity as Commander in Chief has made there and on our behalf.

With that, Mr. President, I ask our colleagues to vote against the resolution which would be a resolution of disapproval, and vote for the bipartisan effort that the majority leader and others have sponsored to support our actions, notwithstanding some of their own reservations, so that our troops carrying our flag will know that they have our backing when they are placed in harm's way.

With that, Mr. President, I thank the Chair. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time has been reserved for the Senator from New Mexico?

The PRESIDING OFFICER. There are no time limits.

Mr. DOMENICI. I will try to finish in 8 minutes. Would you notify me when I have used 7?

Mr. President, fellow Senators, first of all, I think everybody knows of my great support for Senator DOLE. I am, for the most part, at his side in all the battles that are fought in the Senate. I cherish that relationship very, very much. I am also fully cognizant, at least as cognizant I can be, of the Commander in Chief concept that is discussed here so eloquently by many who know more about it than I and by people like the distinguished Senator from Virginia, who understands it from the battlefield.

Mr. President, I have heard other Senators talk about the derivation of that constitutional power of the Commander in Chief. I heard one of the eloquent Senators last night, Senator COHEN, describe it in a way that I will repeat very briefly. Between the Congress and the President, the exercise of this constitutional power is somewhat like a race—whomever gets there first has this power. If Congress, 6 months ago, would have enacted an appropriations bill prohibiting United States involvement in Bosnia and prohibiting the expenditure of funds for that purpose, then it would be illegal to spend these funds. There would be no constitutional issue because the Commander in Chief would have no authority to spend any money.

The power of the purse strings and of using the taxpayers' money to pay for events, whether they are here or overseas, is that of the Congress. If the President decides to involve our troops in an issue such as this, in a commitment such as this, and the troops are deployed before congressional action, then it is said that we must support this decision because he had the inherent power as Commander in Chief.

Now, I do not want any misunderstanding as far as this Senator is concerned. There is no one in the Senate that I take a back seat to in terms of supporting the defense of our Nation, and I have had a lot to do over the last 15 years with how much we spend on defense, not necessarily the details, but a lot to do with the total that we spend. I have come down for the most part on the side of spending more rather than less. We must have the best equipped force rather than take any risks. We must pay our All-Volunteer Army enough so that it remains an all-volunteer army in the concept originated under the Nixon administration. They must be paid with some parity to civilian jobs so we get and keep the very best.

All of this is said by this Senator to suggest that I want a very strong American military. I am proud of the fact that when we send our military to get involved in the world, they do their job. As far as our soldiers are concerned they always come out of it, with few exceptions, as being good people, if you can do that and have war. We are a good nation and we have good motives, and, with few exceptions, that is how we behave.

But, Mr. President and fellow Senators, in spite of these inherent powers, we are each elected as a Senator from our State. American men and women are going to be assigned to a foreign country in large numbers—20,000, maybe 25,000—to accomplish a mission, and I believe paramount to all of these various powers is my right as a Senator to express myself either in favor of it or opposed to it.

I am opposed to the involvement of the 20,000 American troops with 40,000 from other countries, mostly the countries that were formerly NATO. Now we have expanded NATO's role and we have a few countries involved that were not part of NATO. I believe it is my right to say I do not think this is the right thing to do.

Now, nobody should doubt that this view is going to lose and that the American troops are going to go there, and nobody should doubt that once they are there they will find this Senator agreeing to pay to keep them there and keep them the very best. When our generals say you need money to make sure they are as safe as possible, I will be right here among the first and the clearest saying I am for it.

I am expressing myself, fortunately, before the troops are there. There is a small contingency there. And let me even say that my remarks might not even be addressed at them because that is a small contingency. They are there, and I do not want to see anything happen to them. But this issue I am addressing is—should we put 20,000 Americans there to maintain the peace? Frankly, I think it is a mistake almost any way that I look at it. We are powerful, and if we go there, people will think we are powerful. If we go there, Europe will think it is great. They will say, America is leading again.

But the question is, leading what? What are we trying to do? And is there a real, bona fide probability that what we are trying to do will not work? I happen to know less than most around here about what went on in that country for the last 600 years. But I do know something. I do know that the only times these people have lived together in peace and harmony in modern times were two events in history: One, when the Germans occupied it. Clearly we do not intend to keep the peace among these people who do not seem to want to have peace among themselves with an occupancy like Hitler's. I hope we do not, and we are assured we do not.

The other peaceful time in modern history was the reign of the dictator Tito. The Communists' most pervasive way of keeping peace and harmony is block by block behavior that must be consistent with the state or something happens to you, right? That is a simple way of saying you behave or we kill you. This was maybe not like the Nazi occupation, but that also maintained the peace.

We are not going to do that. There is no one around suggesting that anyone is going to do that. And so we have three new countries born of new boundaries and we are going to ask of that leadership, the leadership of those countries, what I perceive to be impossible. We are going to ask them to do a "Mission Impossible"—disarm those who would cause harm with weapons. How are they going to do that? I do not believe they are strong enough, and I do not believe they will get it done. There will be plenty of guns around for rebels who want to kill each other, who are angry because they do not belong in that country or their houses are occupied by people they do not want.

We are also asked to be part of making sure that these countries get a balance of military power amongst themselves. I am not even so sure that will work. We have been talking about it for a long time, but I am wondering even if a military balance is reached then pull our troops out, that Bosnia could be an even bigger tinderbox and more war with more killing. So my own feeling is we are sending our troops to do something that will not work, to exhibit our leadership in a situation that we ought not be leading or even supporting.

Now, obviously, it is easy to get up on the floor of the Senate and talk about how great America is, and how wonderful our military men and women are. We can almost envision in our mind's eye the great, beautiful sight when they arrive and show up with all of our new tanks and all of the American flags. It is going to be a great scene. And believe you me, I am going to feel very proud, because it is a fantastic—a fantastic—accomplishment of the people of the United States who regularly have been paying taxes. Let me mention right now, they are paying about $270 billion for the defense of our country, so that we can have men and women like these that we are sending there.

So I close today very simply by saying I would not send any more people in, and I am voting for the resolution that says we do not approve of this. It is with reluctance that I will vote against the Dole resolution when it comes up because I do not think it is the right thing to do.

I hope I have explained myself that I am not trying to pass judgment on these constitutional powers, be they inherent or otherwise. I am talking very, very simply about what I perceive to be my right and my responsibility. I express it as best I can here on the floor. And that is the way I feel. For those who have led this cause, with far more effort than I, I thank them for it. And I thank the junior Senator from Oklahoma for his leadership.

I do believe we are going to be there for quite awhile and spend a lot of money. I pray that is all we spend there, and we do not spend any lives there. I truly believe it is possible that we will lose a lot of lives. But I am not standing up here saying I am frightened singularly of that. I just do not think we ought to do this. I do not think it is the right mission for us. And since I feel that way, neither our tanks nor our resources nor our men and women should be there trying to accomplish this job. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, today or tomorrow the Senate will be voting on the President's decision to deploy United States military forces as part of a NATO peace enforcement mission in Bosnia.

There are many different views of how we got to this point. You have my own views on that. I will discuss them at another time. I have already discussed them in the past on numerous occasions.

But it is my hope that the Senate will now be able to concentrate its focus on the choices that are now before us. There are few things about the current situation that we know; a few things that we believe based on reasonable judgments but not certainty; and many unknowns that are subject only to reasonable speculation at this point, even if it is reasonable speculation.

The things that we know are what I will try to deal with in a short and brief set of remarks today.

First of all, we know that President Clinton has decided to commit United States military forces to this mission in Bosnia.

Second, we know that NATO has decided to commit the NATO alliance to this peace enforcement mission. And we know that all NATO nations that have military forces are participating.

Third, we know that several hundred American troops are now on the ground in Bosnia; and several thousand troops will be on the ground in Bosnia in the next few weeks.

Fourth, we can debate the constitutional power of the Commander in Chief, as we have many times in the past and we will again, and we can debate congressional responsibility to declare war, but we all know that Congress has neither the ways nor the means to prevent this deployment unless we cut off the funds. We know that. It has already been decided by the Senate today that we are not going to cut off the funds. We know that.

Fifth, we know that the Defense appropriations bill has passed, been signed, and the President, like his predecessors of both parties, will finance the operation out of operation and maintenance funds and then seek reimbursement of these funds next year in a supplemental appropriation.

Sixth, we know that if Congress cuts off the funds at this point, it would require a majority in both Houses to pass and two-thirds vote in both the Senate and House to override a certain veto. The Senate rejected this cutoff of funds decisively today when we voted on the first resolution because I believe the Senators concluded this would have an adverse effect on our own military forces, an adverse effect on our allies, an adverse effect on our leadership in NATO and the world, as well as an adverse effect on the parties on the ground in Bosnia.

The President has decided on deployment. The NATO alliance has decided on deployment. The United States forces are on the way to Bosnia. What then is the congressional role in this important national security decision?

Mr. President, I would like to talk at length today about some of the constitutional challenges we have in terms of determining the role of Congress in the post-cold war era. I will return to that subject shortly.

But today we must face a world of reality. The cards have been dealt. The administration's actions—starting with the President's commitment almost 3 years ago—and that was a public and international commitment that United States forces would participate in a NATO force to implement a Bosnian peace agreement—have put Congress in a situation in which a great deal is at stake, including United States reliability and leadership, but also including the peace agreement itself, the ending of the tragedy in Bosnia, as well as the future of NATO as an alliance.

We also know that a cut off of funds will not become law, but passage of this type of legislation—followed by a veto and a vote to override, if the House passes it or we pass it today—would put our military forces in limbo in the middle of their deployment—when they are most vulnerable. To me this is unthinkable and unacceptable.

We also know that the effect of such action would erode the value of U.S. commitments around the world and would increase the danger to U.S. military personnel in harm's way that are stationed in dangerous places around the world.

That danger certainly would be an increase to our military forces whether in the Korean Peninsula or in Europe or in the Middle East because the greatest thing they have behind them is United States credibility and the credibility of our own word.

The bottom line—Mr. President—if today Congress found a way to prevent the President from going forward with his commitment, the damage to America and the increased danger to our troops in the world is certain. There is really no doubt about that.

If we do give the President the green light and permit the mission to go forward in a carefully prescribed manner, the risks are considerable but there is at least a chance of success if that term is narrowly and carefully defined.

I will not dwell on the definition of success in these remarks today. But before the week is out I do want to give a much more detailed presentation including what I think we should do in terms of the definition of success, including the risk of this operation as well as the opportunities of this operation.

Mr. President, my main concern today however is the message the Senate sends to our military forces who are about to embark on this NATO mission to Bosnia.

I would like to read into the RECORD and place in the RECORD a letter I received today. It was dated December 12. It is signed by Michael S. Davison, General, U.S. Army, retired—many will remember General Davison for his service to our Nation—Andrew J. Goodpaster, General, U.S. Army, retired, who also served as the Supreme Allied Commander in Europe as well as the head of NATO forces, Walter T. Kerwin, General, U.S. Army, retired, who had a very distinguished career in the Army, William J. McCaffrey, Lieutenant General, U.S. Army, retired, William Y. Smith, U.S. Air Force, retired, Harry D. Train, Admiral, U.S. Navy, retired, and others.

For those of us who have been here very long in the Senate, this is a sterling list of outstanding military leaders that have served our Nation with distinction. Here is what they say:

> DEAR SENATOR NUNN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.
>
> Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command must make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to "dual-key" aberrations.

Continuing the quote from these distinguished retired military officials.

> As our leaders consider our country's involvement in Bosnia, we encourage them to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

And then the letter is signed by these generals.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> *December 13, 1995.*
>
> As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their county—that is, by the whole American people—in their difficult and dangerous assignment.
>
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>
> As our leaders consider our country's involvement in Bosnia, we encourage them to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it

is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

MICHAEL S. DAVISON,
General, U.S. Army (Ret.)
RUSSELL E. DOUGHERTY,
General, U.S. Air Force (Ret.)
JOHN R. GALVIN, General,
U.S. Army (Ret.)
ANDREW J. GOODPASTER,
General, U.S. Army (Ret.)
WALTER T. KERWIN,
General, U.S. Army (Ret.)
WILLIAM P. LAWRENCE,
Vice Admiral, U.S. Navy (Ret.)
WILLIAM J. MCCAFFREY,
Lt. Gen., U.S. Army (Ret.)
JACK N. MERRITT,
General, U.S. Army (Ret.)
BERNARD W. ROGERS,
General, U.S. Army (Ret.)
BRENT SCOWCROFT, Lt.
Gen., U.S. Air Force (Ret.)
GEORGE M. SEIGNIOUS, II,
Lt. Gen., U.S. Army (Ret.)
WILLIAM Y. SMITH,
General, U.S. Air Force (Ret.)
HARRY D. TRAIN, Admiral,
U.S. Navy (Ret.)

Mr. NUNN. Mr. President, I agree with every word in this letter. I think they are absolutely right on target. This is where we are today. And this is the kind of consideration that the Senate must take into account today. We will have plenty of time to debate how we got to this point. But today I think we first and foremost need to consider the effect of what we do on not only the military forces themselves that are in the process of deploying, but on their families and on their mission.

Mr. President, I urge the Senate today to support—or tomorrow, whenever we vote—the Dole-McCain resolution. This resolution has been the subject of intense and constructive negotiations on a bipartisan basis with a Democratic working group headed by Senator DASCHLE, Senator PELL and myself.

The Dole-McCain resolution, as now worded, has a key paragraph which I believe conveys the kind of support our American troops and their families both need and deserve. I quote that paragraph because I think it basically follows almost exactly what these distinguished retired military generals and admirals have said to us in the way of advice.

Quoting the paragraph in the Dole-McCain resolution:

> The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery and believes that they must be given all necessary resources and support to carry out their mission and ensure their security.

Mr. President, that is the heart of what we are going to be voting on. I hope that our colleagues on both sides of the aisle will understand the importance of what we are doing, and I hope they will put the military forces first and foremost in their minds.

Mr. President, before we vote on the Dole-McCain resolution, it is my understanding we will vote on the Hutchison-Inhofe resolution. I have great respect for both Senators who sponsored this resolution. They are on the Armed Services Committee, and they do a sterling job of representing their States and representing the American people on this committee. But the Hutchison resolution does not provide what our troops need. It does not provide a sense that the Senate backs them and their mission. It tells our military forces, in effect—"We don't agree with your mission. What you're doing is not important to the United States. It's not important enough for you to risk your life."

These are the people who are going to be risking their lives. "It's not important enough for you to risk your life and neither is the NATO alliance and its mission."

"Enforcing the peace agreement in Bosnia"—and this is my paraphrasing of the Hutchison-Inhofe message; these are not the words. I do not want anyone to think I am quoting the words. This is the effect of those words. "Enforcing the peace agreement in Bosnia is not something we agree with." That is what we are going to be saying implicitly if we adopt this resolution. Certainly we will be saying it if we adopt this resolution and do not pass the Dole-McCain resolution. We are also saying implicitly the President is totally on his own without the backing of the Congress and the American people.

We go forward and say in the Hutchison-Inhofe resolution—again, in effect, these are my words—"We will pay you, we will equip you and we will wish you well. We don't agree with the mission, we don't think it's important enough for you to risk your life, but we are going to equip you, support you and wish you well."

Now, how are our military men and women and their families going to feel about undertaking this kind of mission where, indeed, many of them will be risking their lives? I hope not many will end up being injured or killed. I hope none. But nevertheless, there is a very serious risk here. We know that. How are they going to feel if we send them off on this undertaking with this message from the U.S. Senate?

Mr. President, I understand the temptation of my colleagues to vote for the Hutchison-Inhofe resolution. It gives Senators the ability to say we were against this mission from the beginning but we support our troops. This resolution, which will be voted on today or tomorrow, may be what some Senators need, but it is not what our troops need at this juncture.

It is entirely possible—I hope it does not happen—but it is entirely possible the Hutchison-Inhofe resolution could be agreed to and the Dole-McCain resolution could fail. If this occurs, then our American military will have the worst of both worlds. We will be saying, "Full speed ahead on a risky mission that we don't agree with, don't approve of"—and that is what we are going to be saying—"Full speed ahead on a risky mission with the clear knowledge the mission is denounced at the outset by the U.S. Senate."

I urge my colleagues to vote against the Hutchison-Inhofe resolution, and I urge them to vote for the Dole-McCain resolution.

I urge all of those who at this stage are thinking about voting for the Hutchison resolution to think very carefully. It is essential for the morale of our military forces that we send the clear message of the Dole-McCain resolution which says, in effect, "We may not agree with the President or how we got to this point, but we believe the commitment of U.S. military forces to Bosnia is important; it is important to prevent the spread of the conflict, to maintain United States leadership in NATO, to stop the tragic loss of life, to fulfill American commitments and to preserve United States credibility."

There is a different message, a fundamentally different message that will go forward if we adopt the Hutchison-Inhofe resolution. If we pass the Dole-McCain resolution, in spite of the clear concern expressed in that resolution about how we got to this point, there is no doubt that the Dole-McCain resolution fully supports the American military forces and fully supports the mission that they are going to be undertaking.

I want to read again the paragraph in the Dole-McCain resolution that makes this abundantly clear, and I hope Senators will concentrate on the difference between this language and what is in the Hutchison-Inhofe language.

The language in the Dole-McCain resolution says:

> The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their missions and ensure their security.

Mr. President, in closing, I urge the passage of the Dole-McCain resolution so that our military forces and their families will understand not only that we in Congress support them, but that the mission they are undertaking and the risks they will bear are important to America.

I know there are others waiting to speak, and I am not going to go into great detail, but I do want to say, just in summarizing my prepared remarks, which I will not give today but will give at a later point in this debate or thereafter, that the Congress of the United States needs to take a fundamental look at the role we are playing or not playing in terms of these national security decisions.

Congress must understand—if we do not at this point, we must begin to, and I have understood it for a number of years—the War Powers Act does not work. The longer this outmoded and unworkable legislation remains on the books, the longer we will continue the illusion that Congress is playing a meaningful role in the commitment of U.S. military forces to these types of missions.

President Clinton will be viewed by most in Congress as assuming the full responsibility for the fate of the United States military mission in Bosnia. That is because this commitment by President Clinton was made in 1993 without consultation with the Congress or the congressional leadership.

There is a similarity between this and the Persian Gulf where the President of the United States, President Bush then, committed the United States internationally without an approval of Congress. That is the parallel. We are going to face this situation over and over and over again, where Presidents commit internationally before they get approval at home.

We have to address this. I think it is in our court. I think it is Congress' responsibility to make the correction. An awful lot of this comes from the illusion that the War Powers Act may some day miraculously work. It has never worked. It is not going to work. It is based on the fundamental flaw that assumes that congressional inaction can require the Commander in Chief to withdraw forces from abroad. Congressional inaction will never, ever force a Commander in Chief to withdraw forces. The only way we can do that is by cutting off funds, and we need to recognize this.

No President will or should allow U.S. forces to be withdrawn from a military mission because of simple congressional inaction. I think, Mr. President, it is time to repeal the War Powers Act and replace it with legislation that is realistic and workable. We must find a way to create regular, full, and comprehensive consultation between the President and the Congress before the President makes concrete commitments and before U.S. troops are committed to harm's way.

We do not have that mechanism now. We do not have the consultation taking place in a timely fashion, and that has been true both in Republican and in Democratic administrations.

So I hope out of this we will begin looking at the War Powers Act and begin to make changes to correct it.

I see that the Senator from Delaware is on the floor. He and I and Senator BYRD, as well as Senator WARNER and several other Republicans, several years ago sponsored a revision of the War Powers Act. I hope our colleagues will begin to think along those lines because it is leading us down the primrose path of having a law on the books that supposedly involves Congress in these decisions when, by the time Congress gets involved, the international commitment has already been made and the choices are regrettably limited.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the debate that has been undertaken here in the U.S. Senate and the remarks of individuals who are sincere on both sides of this question. I do think, however, that in characterizing the resolutions upon which we will be voting, it is important to understand the wording of the resolutions and to take them for their face value.

The distinguished senior Senator from Georgia has sought to characterize the resolution of Senators HUTCHISON and INHOFE as being one which would not signal to the troops that we really support them. I would like to read section 2, which is entitled "Expressing Support for United States Military Personnel Who Are Deployed." The wording is simple, straightforward, and unmistakably clear:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general framework agreement for peace in Bosnia/Herzegovina and its associated annexes.

It seems to me that that is a very clear and generous statement. It is an honest statement by the U.S. Senate, which allows that even if we disagree with the President—and many of us do—when such a deployment is made, in the words of the resolution, we will strongly support the military personnel who are ordered by the President to implement the particular mission which has been designated. In this case, it is to implement the general framework for peace in Bosnia and Herzegovina and the associated annexes.

Today, Mr. President, the United States again finds itself faced with the conflicting demands of a confused and chaotic world. Today's debate carries the name of "Bosnia," but it is a debate that this Congress has faced numerous times before—it is just the name that has changed.

At stake and at question are the specific terms, conditions, and reasons for deploying U.S. troops, and the nature of U.S. foreign policy generally. These are not small or trivial matters—not for the President or for those of us here in the Congress, not for the military, and certainly not for the families of America's service men and women, who are preparing for deployment in Bosnia.

Like all Americans, I want to see an end to the killing and cruelty that have come to define the daily existence of millions of people in Bosnia. The atrocities committed by all parties are so heinous as to offend all of our consciences and to fire within us justifiable outrage. That these horrors come to an end is not a point of debate; that the United States has a special responsibility in the world, as the only superpower, is likewise not a matter of genuine debate.

But today's debate is much more narrowly focused—it is a debate about a so-called peace plan—brokered by the United States, agreed to by the warring parties, signed in Dayton—and whether that plan warrants the involvement and possible deaths of U.S. ground troops in the Balkans. I believe that until the Clinton administration can clearly and convincingly answer why, how, and under what conditions we ought to be involved, I cannot support the President's decision to deploy American soldiers to enforce the peace agreement.

In any deployment of U.S. ground troops, I believe that we must meet at least a five-part test. I will state the parts of that test again today, just as I have consistently over the course of the last year.

First, I think we have to identify the vital U.S. national interests. It has to be a security interest. It has to be an interest which is important to the continuing existence of this country.

Second, we need to outline clear U.S. military and policy objectives.

Third, we need to construct a timetable and strategy for achieving those objectives.

Fourth, we need to develop an appropriate exit strategy; and,

Fifth, we really need to gain the support of the American people for the policy initiatives and the military objectives in any deployment.

What we determine to be our vital interests is dynamic. A geographical region that might be vital to our interests at one time may not be at another time. Technology might change. Broadly defined, "vital" U.S. interests are defined as being those interests that have a direct political and economic effect on the Nation. They ought to have an interest about our capacity to survive and succeed as a nation. Threats to strategic assets, to shipping lanes, to our strategic allies, and threats to our traditional sphere of influence, similarly represent "clear and present danger" to the United States. Less clear is the nature of humanitarian interest, and how and when such interests are considered vital U.S. national interests.

Despite the protestations of members of the Clinton administration, it is this final category that I believe we are dealing here. In the course of the past few weeks, I have had the opportunity to hear from a number of the architects of the Dayton accord—Secretary of State, Warren Christopher; Secretary of Defense, William Perry; Chairman of the Joint Chiefs of Staff, General John Shalikashvili, and chief negotiator Richard Holbrooke. Their explanations of why we should be involved, in my judgment, lacked credibility. Their rationale has never included a valid explanation of how vital U.S. national security interests are at stake in the Balkans at the close of this century.

On the one hand, they have said that we have a risk of an expanded full-scale Balkan war that could domino its way all across Europe. Such assertions fly in the face of fact. Secretary Christopher has stated that a major reason the peace agreement was reached is that the warring parties are suffering from battle fatigue. This is an internal conflict that has raged for years, stemming from differences which have divided people for centuries. If the fighting factions are war weary, then what evidence is there to suggest that the potential for the war to spread is imminent or greater now than it has been in the past?

We have seen some 30 cease-fire in this region before, which begs the question, is this the cease-fire of the century or a cease-fire of the season, with another long winter's nap? While the threat of another massive European war makes for good headlines, baseless threats make for lousy public policy.

The President has argued that our continued leadership in NATO is at stake here. He believes that it is a vital U.S. interest to prove ourselves overseas. U.S. perception and leadership overseas are clearly vital. The question that no one has answered, however, is how the deployment of U.S. ground troops will help.

The only response I have been given that comes close to answering this question is that U.S. ground troops must be deployed in order to vindicate the President because in a speech 2 years ago, he made a promise to send troops. Retreating from that promise would somehow signal a failure in his leadership. Well, very frankly, we should not put American lives on the line just to rescue an outdated Presidential promise.

Following the gulf war, world perception of our resolve—of our determination to get things done—was clear, the United States meant what it said and acted accordingly. Since that time, world perception has taken a dramatic turn for the worse. Our foreign policy objectives have been unclear, and our resolve has been uncertain. Before we deploy U.S. troops anywhere in the world we must determine whether our vital national interests must be at stake.

I am confused about the explanations by the administration which allege that this indeed involves a set of vital interests because when you ask the administration about the deployment, they say that the deployment will be for 1 year. The achievement is not of a vital interest. The achievement here is a time of duration. If these interests are so vital, if they are critical to the success and survival of this country in the next century, why is it that they are only critical for a year, and we will leave whether or not we will achieve them in a span of a year?

The idea this is a deployment for a term of days rather than for the achievement of vital and specific interests is an idea which shakes and threatens the very foundation of the allegation that there are vital interests here. I guess there is the question about whether the United States should be a world policeman that imposes her morality on the world. The United States is the world's only superpower, and that role carries with it responsibilities no other nation has. These responsibilities include the responsibility to use our forces judiciously. We should not decide to deploy U.S. troops simply because we can. We should not exercise military prowess to conquer a mountainous civil war merely because it is there. We should not be a 9-1-1 on call to respond to every world dispute or civil disturbance. We must recognize that it is possible to squander our power and our resources by misusing them.

Mr. President, according to the administration, we have an expiration date but we have no achievement strategy. Why deploy ground troops in the first place if we are going to pull them out whether or not anything is accomplished?

There is a related issue about this agreement that troubles me. It has to do with the assignment of our soldiers that they are being asked to undertake. There are some components of the Dayton accord which really elevate values in which we do not believe. We should ask ourselves, under the Dayton accord, will we be going abroad with our troops to enforce things and values which are not things that we are willing to support or that we respect at home? As a matter of fact, are we going there to support or reinforce things which we abhor at home? Would we be going there to enforce a type of ethnic de facto segregation that we are fighting against at home? Is it possible that we are deploying America's soldiers to fight for values of ethnic isolation that run contrary to America's values? Are we asking our troops to defend territorial lines among ethnic factions which were gained through offensive atrocities? Are we validating ethnic segregation of the parties to promote peace, when our Nation painfully learned that it is only "united we stand, divided we fall."

For generations we pursued an international strategy of promoting democratic values. I think we have to ask ourselves, is that what we are doing here? There are a lot of nuances and uncertainties about foreign policies. This is not one of them. We fight abroad for our interests and our values. We must not agree to work for something that is both not in our vital national interests, but contrary to our values.

Let me just say in conclusion that I believe that we must make sure that the deployment of our troops is not merely the appetizer and that the main course becomes massive foreign aid that is felt as an obligation of this country and Congress as a result of having had the deployment of our troops on the soil of a foreign nation. All too frequently, we feel that we must follow our troops after a deployment has been concluded, with an outbreak of nation building and infrastructure construction and resources which are beyond the ability of our culture to afford for ourselves—certainly not within our capacity to provide for everyone around the world.

There is a substantial expense in this whole operation that is going to take $2 billion out of our defense budget this year, and there will be requests for additional money to support this deployment. Frankly, it will hurt—it will hurt our ability to provide defense in other areas.

I am convinced that we have to be careful not to weaken our ability to defend strategic vital national interests where they occur around the world by deploying our troops in areas which do not have clear objectives, where there are no strategic vital national interests, or where those interests are not clearly outlined and where our commitment is not for the achievement of a specific objective but it is for a term of days.

Mr. President, I intend to vote in favor of the Hutchison resolution because I believe that it is appropriate for us to indicate to our troops that when they are deployed we will provide them with all of the resources necessary for their security and success. But that Hutchinson resolution, cosponsored by a number of other Senators, including the leadership of the junior Senator from Oklahoma, Senator INHOFE, also provides an opportunity for Members of this Senate to express their disagreement with the decision of the President to deploy ground troops in Bosnia. I believe that is the appropriate position for this Senate to take. I urge other Senators to do so. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Chair notes the list I had indicated Senator BIDEN had spoken before Senator ASHCROFT, so the Senator from Wisconsin would be in order.

Mr. KOHL. I yield my position to Senator BIDEN, and I will speak after Senator INHOFE, if that pleases the Chair.

Mr. CHAFEE. Senator INHOFE and I have switched off, so I am taking the place of Senator INHOFE. I will follow Senator BIDEN.

Mr. KOHL. I ask unanimous consent, if I yield to Senator BIDEN, that I may speak after Senator CHAFEE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I yield to Senator BIDEN.

Mr. BIDEN. Mr. President, I think a little bit of immediate past history is important for us to recall here.

With regard to whether or not this policy that has been pursued in this administration relative to Bosnia and Herzegovina was a sound policy or not, it is the same policy that was pursued by the Bush administration. The Bush administration set a policy in motion that said we would support an arms embargo against the Bosnian Government, as well as others, and that we would not use air power to relieve the genocidal actions of the Serbs.

To my great disappointment, although there were faint efforts to change that policy by attempting to convince our allies to lift the embargo, the truth of the matter was this administration did not change the position.

Some of us, as long ago as the last 4 months of the Bush administration, argued loudly, if not persuasively, that the Bush policy was an incorrect policy. We argued that we should lift the arms embargo. In addition to that, we argued that we should supply weapons to the Bosnian Government which at that time was a multiethnic government made up of a council of Presidents, roughly divided in thirds among Moslems, Croats, and Serbs within Bosnia, and a Bosnian Army made up of Bosnian Serbs, Bosnian Croats, and Bosnian Moslems. We even passed the so-called Biden amendment through both Houses of the United States Congress that authorized the President of the United States to seek a lifting of the embargo and to transfer up to $50 million worth of weaponry, off the shelf, to the Bosnian Government. That was in the last months of the Bush administration.

I—and I do not say this to speak to what I did or did not do, but to mark it historically—I, after Senator MOYNIHAN, was one of the few people who went to Sarajevo, went to near Srebrenica, went to Tuzla, went to Belgrade, went to Zagreb, met with Karadzic, met with Milosevic, met with UNPROFOR, met with the Croatian leadership, came back and wrote a report, and was debriefed by the Secretary of State and the President. The report called for lifting the arms embargo and using air power to strike at the Serbian genocidal undertakings.

Back then, I—and I was not the only one in the world community—I came back and pointed out that this was raw, unadulterated genocide. The Serbs had set up rape camps, a policy explicitly designed to take Moslem women, primarily, into camps, rape them, have them carry the children to term, in order to intimidate and pollute the Moslem people in Bosnia. Everyone said that was not going on; this was not 1937 or 1938 or 1940. But now, no one questions it occurred.

I remember coming back—after going up through Mount Igman and over the mountains into a place called Kiseljak and going through villages—and saying, "There are graves." You could ride through a village in the mountains and see three or four homes in a row, pristinely kept, window boxes with flowers. The next home, a hole in the ground. The next home, perfectly kept. After that, two holes in the ground or a chimney sticking up. And graves at the end of the town road.

I was told by our own people as well as the French, God bless them, and the Brits, that these folks are all the same. They are all bad guys. They are all like this. They have all been doing this for all of the last 4 centuries—which is historically inaccurate and was inaccurate in terms of what was taking place at the time.

I remember when we watched on television—the Senator from Arizona and I spoke to it on the floor that night—when they overran Srebrenica. You could actually see U.N. soldiers sitting there with their blue helmets and hats on top of tanks, watching the Serb conquerors take the women and children and send them in one direction and take the able-bodied men and send them in the other direction—for extermination. This was not because they wanted segregated prison cells. They took them to the woods, they dug holes, they shot them, they dropped them in the holes, they poured lye on their bodies and bulldozed the dirt over them.

We were told no, that is not happening.

Now we have satellite imaging that uncovers this—surprise. Surprise. "Oh, my Lord this is happening."

The reason I bother to say this, because I know you all are tired of hearing me saying it for the last 3 years, is to make one very important point. One, with all due respect, I do not think the President has accurately made. And that is, what is our interest in Bosnia? Is there a vital interest? Or, as my friend from Missouri said, "Does this action represent our interest and our values?"

If this does not represent our interests and our values, then nothing that has happened since the end of World War II represents our values. How many in this Chamber, like me, have gone to Holocaust memorial events and heard the refrain, "Never again." Never again? On the same continent, in the same proximity, the same death camps—it is happening again. And it happened again.

This time it was not Jews. It was primarily Moslems. In 1935 and 1937 and 1939 and 1941 and 1943, had it been Catholics like me, or Protestants, like many in here, who were being taken to death camps, the world would have risen up years earlier. But it was not. It was Jews. And we all turned a blind eye, as a world.

I respectfully suggest, were it not Moslems this time who were in the rape camps, were it not Moslems who were being exterminated as part of this new phrase "ethnic cleansing", that the world would have behaved differently. I wonder how many of us ever thought, as students of World War II or as participants in World War II, that we would ever serve in the Senate and hear the phrase, openly used by one party in a conflict, "ethnic cleansing." Ethnic cleansing. Is that not an antiseptic term?

And notwithstanding the fact only the Serbs used the phrase, I kept hearing on this floor that, "They are all the same. They are all the same."

There have been atrocities committed by Moslems and by Croats. But they have not set up rape camps. They have not set up death camps. They have not mass murdered as part of a coherent plan for people, based upon their ethnicity and their religion. That is called genocide—genocide. That is what it is. And now, even in our move to state what our vital interest is, this administration and others who support it are afraid to use the word. We are told we are not taking sides.

I am here to take sides. Milosevic, the leader of the Bosnian Serbs, is a war criminal. He is no better than Himmler. He is no better than Goebbels. He is a war criminal. Karadzic is a war criminal.

I might add that the leader of Serbia, Milosevic, is also a war criminal, although he is the only one not indicted so far.

So I hear people stand here and say, "What is our interest? What is our interest?" Our interest is that history repeated itself.

Let me be presumptuous enough to go on a little more to what I think the next history lesson will be. The Soviet empire has collapsed—the good news. The bad news is that all of the ethnic hatreds, all of the ethnic fighting, all of the atrocities that occurred 100 years ago and 40 years ago are now uncovered again. There are 25 million Russians living outside the border of Russia, in the Ukraine, in the Baltic countries, in Kazakhstan. There is war in Armenia, in Georgia, and almost all of it is based on ethnicity.

What is the message we send to the world if we stand by and we say we will let it continue to happen here in this place but it is not in our interest? We do not fear that it will spread? I am not here to tell you that, if we do not act, it will spread and cause a war in Europe—tomorrow or next year. But I am here to tell you that within the decade, it will cause the spread of war like a cancer, and the collapse of the Western alliance. What is so important about the Western alliance? NATO for NATO's sake so that we can beat our breast?

What I am about to say is going to cause me great difficulty if I am reelected and come back here as the ranking member or chairman of the Foreign Relations Committee. But Europe cannot stay united without the United States. There is no moral center in Europe. When in the last two centuries have the French, or the British, or the Germans, or the Belgiums, or the Italians moved in a way to unify that continent to stand up to this kind of genocide? When have they done it? The only reason anything is happening now is because the United States of America finally—finally—is understanding her role.

So we do have a national interest. Our national interest goes well beyond the genocide that will spread like a cancer. I will not take the time, because others wish to speak, to explain what the rest of it is. But I do in my longer statement which I will put in the Record.

But there is a second question it seems to me after first asking what is the national interest of the United States. Once you establish that there is a national interest—and I believe there is one—then, is the proposed action by the President the one that can meet that national interest? I respectfully suggest this is not the best one. If the President and the administration and the last administration, in my view, had the gumption, they would have told our European allies that we are lifting the arms embargo.

This is not a Vietnamization program. The Vietnamese and South Vietnam were not sure where they wanted to be, North or South. That is why it never worked.

The Bosnians know where they want to be. They want to be free. They will fight for themselves, and all they have ever asked for is lifting the arms embargo.

Prime Minister Silajdzic came after my first visit to Bosnia. I had him in my office and 12 of my colleagues—very good men and women came, Democrats and Republicans. The word was then, if we lift the embargo, it is just going to make it worse for those poor folks and more are going to get killed. One of my Republican colleagues, who is very informed on policy, and a Democratic colleague at my conference table asked the same thing of Silajdzic. Silajdzic said something I will never forget as long as I live.

He looked at this Senator, and he said: "Senator, at least do me the honor and the privilege of letting me choose how to die."

"Senator, do not send me food to fatten me and my family in the winter only to be assured that I will be killed with the full stomach. Give me a weapon. Let me defend myself, and have the good grace to let me choose how to die."

He then went on to add, "I am not asking for you to send a single American troop. I am not asking for you to send a single American. I am asking you to lift this immoral embargo."

That is what should have been done, as a student of history of the Balkans—I suspect that I have read as much as almost anybody here, at least I have tried my best, and I have gone there twice and I have spoken with everyone I could. During the last two Balkan wars, the only time they ended was when all parties concluded that they could not achieve any more on the ground than they could at the peace table.

But events have overtaken us. And the event that has overtaken us is called Dayton. I say to my friends here in the Senate, the part that I do not like about being Senator is when Presidents do not get it right, and we do not get to make the best choice. We get to choose among bad choices.

It is that old thing about the Hobson's choice. Two bad choices is no choice at all. The best choice is to lift the embargo, provide air cover, wait while it is being done, and let the Bosnian Government establish itself because Serbia has already lost. Milosevic has no interest in continuing because he is a pariah in the Western community. Have the War Crimes Tribunal go forward and let it be settled. But we did not do that.

We have one of two choices now: One, we participate with a better than even chance. We provide enough time for the Bosnian Government to get the physical wherewithal and economic strength to defend themselves, and then we leave. Two, we do not participate at all, which means nothing happens because the Europeans have no center on this issue. Nothing will happen except the embargo will be on, the genocide will continue, our interest will be badly damaged, and the cancer will spread. My son may not go to Bosnia today, but he may be in eastern Germany in 8 years. My grandchildren may not be in Bosnia today but they will be in Europe fighting a war 15 years from now.

So given the choices, I support this resolution. I support it because we do have a vital national interest, and we do have a moral rationale for our engagement.

If we thought we had a moral interest, a national interest in restoring the Emir of Kuwait to the throne—restoring the Emir of Kuwait to the throne, God bless his soul—to send 500,000 troops there, tell me, tell me why we do not have a moral interest in stopping what was international aggression by Serbia crossing the Drina River into a U.N.-recognized country and participating in genocide?

In Kuwait we had a single example of one young woman who was raped and beaten, which turned out not to be true, to enrage people about the awful thing Saddam Hussein was doing. And here we have mass graves. I have visited with Bob Dole a hospital in Sarajevo. Do you know who was in the hospital? Seven children. Do you know why there were only seven children? Because the Serbs sit in those hills and they have as a campaign of terror, the maiming of children. Walk with me through Sarajevo's streets and see draped across the roads blankets and sheets. I thought it was a Lower East Side in 1919 of New York.

I asked why. Do you know why they are there? To take over the line of fire from Serbian snipers shooting children. We pretended it did not happen. Ask Bob Dole.

We stood beside a beautiful raven-haired child who looked at us as we spoke. And the neurosurgeon said, "The reason she is not turning is she has no sight. He turned her head. The bullet had gone through the back of her head, severed the optic nerves, and came out the other side.

There were seven children in that hospital. Nobody else. It was a planned campaign by Mladic and the Serbs to terrorize the Moslem community.

So let me tell you. If your moral center is oil, I understand you. If your moral center is humanity, there is no comparing the restoration of the Emir of Kuwait with the ending of genocide in Bosnia.

But there is only one exit strategy, I say, Mr. President, there is only one.

I hope the President, with all due respect, means it. That we will not be able to leave unless—what Bob Dole, Joe Biden, Joe Lieberman, and a whole bunch of others insist be in this resolution—the Bosnian Government is armed and prepared to defend itself. That is the ticket home for Americans.

There is a moral reason for this. There is a U.S. interest. It is not the best way to do it, but, as Senators, we only get to choose among the bad ways offered to us. It is worth doing.

In this Christmas season, as I saw off the first group to go to Bosnia from

Dover Air Force Base, the only thing I could think to say is "thank you; watch where you walk—there are a million landmines—and God bless you. I am telling you, you are doing something right but you are being put in a position that is not the one you should have been put in in order to accomplish it." It is a hell of a way to send them off, but we have no choice, it seems to me, to meet our moral obligation and our national vital interest.

Mr. President, after nearly 4 years of indifference, half-measures, national policies of European governments pursued in the garb of international peacekeeping, and other sophistries devoid of moral content, the western world has finally been moved to put an end to the murderous fighting that has left Bosnia and Herzegovina in ruins.

While the dilly-dallying has gone on, more than a quarter-million Bosnians of various ethnic and religious affiliation have been killed, and an additional 2½ million persons—over half the total population—have been driven from their homes.

But, Mr. President, numbers alone cannot begin to convey the savagery, the barbarity, the depravity that has reigned in this small balkan country.

There have been wars since time immemorial, many on a larger scale than the war in Bosnia. There have been refugee flights in other countries that dwarf the Bosnian numbers.

This century has seen the Jewish Holocaust, the Armenian Genocide, the murderous collectivation of Ukraine, and the killing fields of Cambodia. So, Mr. President, I suppose cynics might say that we have become hardened to the unspeakable.

Yet what has happened in Bosnia and Herzegovina not only has had components of the other horrors the 20th-century, it has actually added a diabolical new feature: The unprecedented, centrally planned campaign of mass rape that the Bosnian Serbs have used as a calculated weapon of terror designed to demoralize Bosnian Moslem communities.

Mr. President, why was this allowed to happen? To help answer this question, let me offer a piece of counterfactual analysis that I have delivered before on this Senate floor:

"What if" a Moslem-dominated Bosnia-Herzegovina had attacked a peaceful orthodox Christian Serbia, carried out barbaric atrocities against Serbian civilians, and then proudly announced that its policy of ethnic cleansing had been successful—would Christian Europe then have sat idly by, conjuring up excuse after excuse for not halting the cruel and cowardly aggression?

Mr. President, I think the answer is self-evident.

European Jewry was yesterday's victim. The Bosnian Moslems are today's. If we let the barbarism in Bosnia stand, who knows who will be tomorrow's?

Now at last, thanks to the belated—nonetheless, praiseworthy—leadership of the United States, we stand on the verge of a massive international effort designed to put a stop to the depravity, to try to restore a modicum of normal, civilized life to that sorry land.

I fear that the chances for success are a long-shot. But Mr. President, make no mistake about it: if the United States does not continue to lead this effort, the chances for even a semblance of peace in Bosnia are zero.

And yet the choice is not an easy one. Like almost every other decision concerning foreign policy that a U.S. Senator has to make, our choice about whether to support President Clinton's decision to deploy 20,000 American troops to Bosnia as part of the international peace implementation force known as I-For is a reactive one.

The U.S. Congress rarely gets to formulate policy. We cannot, and should not, write arms control treaties or other international agreements. Most of the time we are asked to react to proposed solutions that are far from ideal, perhaps not even the best. But often these solutions, however risky they may be, are nonetheless better than not acting at all.

That is exactly how I feel about the proposed deployment of U.S. troops in the I-For. For more than 3 years, since September 1992, I have been calling for lifting the illegal and unjust arms embargo against the Government of Bosnia and Herzegovina, the victim of Serbian aggression, no matter what our European allies think about such a decision.

Concurrently, I have called for striking from the air at the offending Serbs while the Bosnian Government was building up its own military strength.

Finally, I have advocated making clear to the Government of Serbia that it would suffer massive air strikes upon its territory across the Drina River if it increased its assistance to the Bosnian Serb aggressors.

Moreover, the Biden Amendment, which I introduced in 1992, and which was successively approved by Congress in 1993 and 1994, authorized assistance to Bosnia through a drawdown of up to $50 million of Defense Department weapons stocks and other military equipment. This year's foreign operations conference report has increased this figure to $100 million. As soon as the President receives and signs the foreign operations appropriations bill, he will be able to use this source any time upon termination of the arms embargo.

Up until 1 month ago this policy that I proposed remained, I am convinced, the best option open to the United States. It would have created the conditions of military parity in Bosnia and Herzegovina that are essential for maintaining a lasting peace.

Then came the talks at Wright-Patterson Air Force Base. The peace agreement that emerged from those talks is not perfect—no international agreement ever is—but we have to deal with the situation now at hand.

Let me take this occasion to congratulate Secretary of State Christopher and his negotiating team for their tireless efforts that achieved what no one else had been able to accomplish for 3½ years: a multilateral agreement that offers the only real promise of ending the worst bloodshed in Europe since World War II. It is a highly significant achievement, which brings great credit to the United States of America.

Yet Secretary Christopher, Secretary of Defense Perry, and General Shalikashvili would be the first to add that the Dayton Accords are still only a building block for the structure of peace for the former Yugoslavia, which remains to be put into place.

Let me underscore that the involvement of American ground troops in the peace enforcement effort—the solution less preferable than the lift-and-strike policy I have consistently advocated—in no way lessens the necessity of equipping and training the Bosnian Federation's army in order to allow it to defend itself when all foreign peace implementation forces leave. The bipartisan resolution specifically mentions this point.

So I would like also to be perfectly clear that if the administration had not assured that this equipping and training would take place—if not by uniformed U.S. military personnel, then by contractors—I would not support the participation of U.S. ground troops in the I-For. Third countries may, of course, also contribute weapons and training to the Federation, but a failure of Americans to take the lead in this effort would quite simply be a prescription for a prolonged involvement of our ground forces in Bosnia, a policy which the American people will not countenance.

President Clinton's outstanding televised speech to the Nation went a long way toward explaining to the American people the rationale for, and mission of our troops in the I-For. I do not take issue with any of the President's arguments.

Above all, I would emphasize to those who wish to restrict America's involvement abroad that the choice facing us is not between a risky foreign mission and the status quo. If the United States does not participate in—or more precisely, lead—the I-For, I am convinced that the war will re-ignite, escalate, probably spread, and open the door for a radical destabilization of southern Europe. And that most assuredly is in our vital national interest to prevent.

Finally there is the issue of American leadership in NATO and in the larger community of civilized nations. I have long criticized some of our European allies, first for their utilization of the purposefully hamstrung U.N. peacekeeping operation in order not to take the militarily resolute measures that could have stopped the Serbs in their tracks in 1991, and second for their obstinate unwillingness to allow NATO—principally American—air power to cripple the Bosnian Serb war machine.

It took the massacre in the Sarajevo market at the end of August and the withdrawal of the hobbled European peacekeepers, for us finally to overrule our timorous European friends.

Yet, Mr. President, the President of the United States has given his pledge of American troops; the United States was the driving force in crafting the Dayton accords; and our credibility as the leader of NATO is on the line. Bosnia has revealed strains within NATO that must be addressed, but this is not the time to exacerbate the tensions. Moreover, France has just re-entered the alliance's integrated military command, a sign that a successful operation in Bosnia may bode well for a stronger NATO in the future.

Some of the opponents of our involvement have trotted out the cliche that the United States cannot be the "world's policeman." Well, of course we can't solve every crisis everywhere. But as President Clinton said in his television speech, that obvious fact does not mean that we cannot help anywhere.

The slaughter, rape, and destruction in Bosnia and Herzegovina should be an affront to the sensibilities of every American. The I-For mission at the very least will give the brutalized people of that land a last chance to stop the killing and to re-enter the world community.

For all these reasons, then, our participation in the operation is vital. There are, however, serious risks associated with sending our troops to Bosnia, and it is incumbent upon the administration to explain how we are planning to minimize them. These risks include:

Millions of lethal mines, which will probably be hidden by snow for several months;

The brutal Balkan winter that makes driving hazardous;

Irregular forces, foreign extremists, and other rogue elements that may specially target American troops; and

The likelihood that an armed, hostile Bosnian Serb populace in several locations could both harbor attackers and engage in disruptive activity itself.

From administration testimony in hearings before the Foreign Relations Committee, I am satisfied that these concerns have been thoroughly analyzed, and countermeasures developed to the fullest extent possible.

Last Friday at 5 o'clock in the morning, I went to Dover Air Force Base in my State of Delaware to personally say good-bye to a detachment of our troops as they embarked for Bosnia. They are as fine a group of American men and women as has ever represented the Armed Forces of this country. Every possible precaution must be taken to lessen the threat to their person as they carry out their duties in Bosnia. In this regard, I emphasize that the robust rules of engagement for our troops must not be altered under any circumstances.

In larger terms, I believe that the criteria for the mission's success and a responsible exit strategy must be delineated even more clearly than has already been done. For example, is the absence of serious conflict after 1 year sufficient progress to warrant a declaration of mission accomplished?

Stated more precisely, will we withdraw our ground troops after precisely 1 year even if the envisioned democratic institutions of the Bosnian central government are not yet functioning? If so, will other international units remain for a longer period?

My own belief is that the I-For mission should be limited to creating the basic conditions for democratic institution-building to take place. There must be no mission creep for our military forces.

Yet if the civilian aspects of the agreement do not proceed, then the American troops and their international colleagues will have served in vain. Hence, a premium must be put on coordinating the mission of the American military force with the work of the international civilian agencies preparing to implement the electoral, refugee, and humanitarian aspects of the Dayton accords.

But it may well be unrealistic to expect construction of a working democracy in 365 days or less. Therefore, plans must be drawn up immediately for a follow-on force to remain in Bosnia after the United States troops leave. My strong feeling is that this force should be led by our European NATO allies, augmented by units of European neutrals with experience in peacekeeping operations.

Finally, let me repeat once again the absolute necessity of creating a balance of military strength on the ground so that when the international peacekeepers are withdrawn, the federation of Bosnia and Herzegovina will not be vulnerable to renewed attack.

The peace settlement is far from perfect. There is no guarantee that it will be implemented. The involvement of American ground forces means—although I pray I am wrong—that casualties and fatalities are likely to occur.

But, as I have indicated, we live in a highly imperfect world. To do nothing would be to invite larger problems in the future that would require a much riskier and bloodier American involvement.

If the conditions I have outlined are met: retention of very robust rules of engagement for our troops; no mission creep for our troops; but close coordination of the I-For with international civilian efforts in Bosnia; a United States lead in coordinating arming and training the army of the federation of Bosnia and Herzegovina; and a finely drawn set of criteria for mission success.

Then I believe that President Clinton's policy deserves the support of the Congress. The President has promised to meet these conditions. Therefore, I will vote for the bipartisan resolution, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Dole-McCain resolution which authorizes the participation of U.S. military forces in what is known as the I-For, the NATO implementation force. The purpose of this is to monitor the peace agreement in Bosnia.

The Dayton peace agreement and this NATO deployment represents, in my judgment, the only opportunity to achieve a long-term peace in Bosnia and with it a more stable Europe. That is a very important point, Mr. President—a more stable Europe, which is a matter of profound interest to the United States.

The Senate's vote on the Dole resolution involves the question of what role the United States should play in Europe and throughout the world as we approach the 21st century. Let us just take a brief look into history, if we might. It was an assassination in the Balkans, in Sarajevo itself, that triggered World War I, a conflict into which the United States was reluctantly drawn. Indeed, we stayed out of it for nearly 3 years.

At the conclusion of that devastating war, the United States made a very conscious decision, and that was to withdraw from any involvement in European security affairs. From 1919 until 1942, the United States remained aloof from Europe, even though World War II raged for 2½ years during that period. Yet, inevitably, we were dragged into that war, the most costly of all wars in terms of lives and treasures.

We have now learned that the United States, the world's lone superpower and the undisputed leader of the NATO alliance, simply cannot withdraw from European security matters, nor should we. Our active engagement in Europe for the past 50 years since the end of World War II has brought enormous benefits to us, to the Europeans, and to the world at large. Western Europe has enjoyed peace, it has enjoyed freedom, it has enjoyed democracy, and it has enjoyed economic success ever since the end of that war.

This has largely been due to U.S. leadership in NATO. Our leadership has assisted in bringing about the fall of communism and the liberation of Eastern Europe. But despite these successes, Europe today is not free of war and bloodshed and instability. We need to look no further than the war that has raged in the Balkans for the past 3 years. Others have spoken about it, and sometimes we forget these statistics: 250,000 people have lost their lives in that conflict, and more than 2 million people have been displaced or are refugees. This war has the potential to spill over into the rest of Europe.

The history which I just touched on has taught that maintaining a free, democratic and peaceful Europe is very much in our interests, in our security interests, and deployment of the NATO force in which the United States provides one-third—not one-half, not two-thirds, but one-third—of the troops will help ensure the type of Europe we want: A Europe that is free, that is Democratic, and that is peaceful.

I would ask, Mr. President, those who oppose this deployment to answer this question. If we, as part of NATO, cannot lead an effort to try and end the war in Bosnia, then why should we be members of NATO? Let us forget the whole thing, at least our participation in it. It seems to me that helping to end destabilizing military conflicts inside the borders of Europe such as Bosnia represents is the type of responsibility NATO should undertake in the post-cold-war world.

May I remind my colleagues that the implementation force includes many non-NATO forces—not just the NATO forces, but others—that share our interest in securing peace in the Balkans.

Those opposing this resolution, the Dole resolution, also argue that U.S. troops will be at a risk of being drawn into nonmilitary activities and may also suffer needless casualties.

To this I say, take a look at the Dayton peace agreement. Unlike some recent failures—we have had them in this Nation, particularly if you think of Somalia—where United States military roles were not entirely clear, the Bosnian deployment plan and the administration's pledges are very specific about what our troops will and will not do. I am reassured by this part of the written statements.

In addition to its own self-protection, the mission of our force is to oversee and enforce implementation of the military aspects of this peace agreement. Now, what are we talking about? We are talking about cessation of hostilities, withdrawal to agreed lines, creation of a zone of separation, return of troops and weapons to their encampments. Civilian authority such as the United Nations, not our troops, will be responsible for many of the nonmilitary aspects that are envisioned by the agreement.

Now, what are we talking about there? Overseeing elections, conducting humanitarian missions, helping civilians move about, acting as local police forces. You can be sure that Congress and the American people are going to be watching carefully. We are going to be monitoring this to see that our troops do not engage in any activities for which we are not responsible.

I do not want to suggest, Mr. President, that sending United States military forces to Bosnia is without risk. Regrettably, we may well suffer casualties, as is often the case in military operations such as in the Balkans. But please remember that the United States and the 25 other nations are sending a force totaling 60,000 ground troops, forgetting those that are in the air or on the waters. This is an overwhelming numerical advantage over any group or faction that would challenge our authority.

I would also point out that unlike former United Nations peacekeeping missions in Bosnia, we will be completely prepared to defend ourselves. This is a mission in which if we are shot at, we are going to reply with bullets and shells.

Mr. President, the rest of the world looks to the United States to be a leader in promoting peace and democracy, and this is certainly the case in the Balkans where the three signatories have authorized our intervention. If a United States-led NATO force can help secure peace in Bosnia, it will make an enormous contribution to world security.

On the other hand, Mr. President, if we abdicate our responsibilities to our NATO allies, it will send a clear and I believe very troubling signal that the United States has once again retreated into Fortress America. It will show that we are not there when a difficult job has to be done. That is not a signal we can afford to send. So, therefore, I urge my colleagues to support the deployment of United States troops to Bosnia and to vote for the Dole-McCain resolution.

I further would urge a vote against the Hutchison amendment, which, in my judgment, sends a very confusing message. It says, on the one hand, to our troops, we do not think you should be in Bosnia, but nevertheless we support you. I do not think that is the kind of message I, for one, would like to receive if I were risking my life or on a mission of this nature in Bosnia. The message, again, seems to say we are for you, but you should not be there. I do not find that a message of much comfort or encouragement, in my judgment.

So therefore, Mr. President, I hope that my colleagues would support the Dole-McCain amendment.

I thank the Chair.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

Mr. President, the question of sending American men and women on a dangerous mission, whether it be to fight a war or, as in this case, to strengthen a fragile peace is always a difficult one. A healthy debate has been carried on across the Nation, and it is clear that Americans are reluctant to send U.S. forces in harm's way.

While I share that reluctance, my reluctance does not stem from a sense of isolationism; but rather, I am reluctant to commit our troops when the situation on the ground is so tenuous. I understand that the combatants themselves have asked us to help them implement the Dayton accords; however, I remain skeptical about their commitment to peace. I question whether the presence of a large NATO force will be enough to overcome the daunting challenge of national reconstruction facing all the Bosnian people. And, given the deep hatreds that exist there, I wonder how realistic it is for us to think that once United States troops leave Bosnia the peace will hold.

At the same time, what are our alternatives? I agree that the situation on the ground may have been different if the President had heeded Congress and lifted the arms embargo. However, as one of our colleagues pointed out to me recently, even if the administration had agreed to lift the arms embargo and the Bosnian Moslems had been better armed, there still would have been the need for a peace accord, and we would still be facing the difficult question of whether to send in United States ground forces to guarantee the peace.

After 4 years of anguish over the atrocities in Bosnia, I believe we have a responsibility to try to end this war. We cannot turn our backs on the innocent men, women, and children who have lived through the unspeakable atrocities committed by all sides. We cannot turn down a request that is probably the last and best opportunity to end this harrowing civil war.

At the same time, we cannot allow emotion to sway our decisionmaking about sending United States ground troops into what until now has been a war zone. We would all like to see an end to the bloodshed in Bosnia, and an end, for that matter, to bloodshed everywhere. But, it is disingenous to say that we are sending ground troops to Bosnia out of a sense of moral responsibility that we must police the entire world. We have already determined that neither do we have the desire nor the means to be the world's policeman.

Recognizing we are not the world's policeman does not mean that there are no circumstances under which we should send U.S. troops abroad. If we are to take advantage of winning the cold war and retaining our capacity to shape events in this changing era, then we must demonstrate leadership and be willing to take risks for peace. The difficult question is, when should we take these risks?

I have always held that any determination to commit U.S. troops abroad should meet four criteria:

One, there must be a clear and compelling issue of national interest.

Two, the benefits must outweigh the cost of endangering American soldiers.

Three, there must be an established plan of action—including plans for troop withdrawal.

And, four, there must be support and involvement of the international community.

Unfortunately, without the stark black and white of the cold war to guide our foreign policy, it is less clear when our vital national interests are at stake. The world has become a far more complicated place, and there is much disagreement over whether there is a vital national interest at stake in Bosnia.

Some say this is a European problem and we should leave it to the Europeans to solve. Indeed, the Europeans realize that they have more at stake here than we do. That is why they are supplying the majority of the forces and why they are providing most of the funding and technical support for the crucial task of rebuilding Bosnia.

Then, why could not this be a European-led mission with American support? Frankly, the Europeans have been indecisive and unable to do this on their own. Yet, if this civil war rages on, it poses a serious threat to European stability. Just as that possibility poses a threat to our European allies, it also threatens us.

That is why America must assume the mantle of leadership. The future stability of Europe is, and always will be, in our national interest. We have fought two major wars in Europe, and in the 50 years since the end of World War II we have committed U.S. troops and resources to the defense of Europe and to the leadership of the NATO alliance. Because of our ties to Europe—historically and economically—it is in our interest for NATO to be strong and it is in our interest to continue to lead NATO.

That said, do the potential benefits of this mission outweigh the costs? There are many ambitious—I might say overly ambitious—goals laid out in the Dayton accords: The return of refugees, the negotiation of arms control agreements, the prosecution of war criminals, and the reconstruction of civil institutions. I am pessimistic about the prospects for realizing many of these nation building goals in the short term.

Nonetheless, I believe there is still a potential benefit to participate in a strong peacekeeping force. The ominous warnings of many opponents of this mission belie the fact that the NATO Implementation Force is not embarking on a combat mission, nor is it a mission to impose a peace. This is not Somalia. Furthermore, our troops will not be leading the nation building efforts. This is not Haiti. This mission is in response to a direct request by the combatants to help them implement a peace agreement that they negotiated. The greatest and most achievable goals of this mission are strictly military goals: Separating the forces and creating an environment for the continued cessation of hostilities. And 1 year may not be enough time to rebuild Bosnia, but we cannot underestimate the potential of a 1-year breathing period to lay the groundwork for a more stable peace down the road.

How do these benefits measure up against the potential costs? There has been a strong consensus in the United States that sending ground troops at an earlier date would have been too risky and not worth the cost. Are we now risking the same entanglement we so assiduously avoided by sending in ground forces to implement this shaky peace? As peacekeepers, will our troops be a lightening rod for some of the more controversial provisions of the peace agreement many in Bosnia are not sure they want?

Over the past few weeks, I have explored these and other issues related to the risks. I have met with the National Security Advisor, and yesterday with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Vice President, and with the President himself to express my concerns directly, and to listen to their responses.

I have come to believe that it is most unlikely we will become entangled in a full-scale war. We are participating in a NATO operation to implement a peace agreement painstakingly negotiated over several weeks. The Dayton accords set forth clear military goals for the implementation force. Our troops have a limited mission—limited in the specific tasks designed to strengthen the peace and limited in its duration. We have made no commitment to stay on should the peace fail. And, should all out war break out before the year is up, then we surely will leave. Contrary to the views of some of my colleagues, I believe that Secretary Perry and General Shalikashvili have established a clear plan to action and a clear exit strategy.

In the unlikely event that our troops become targets, we have learned from earlier mistakes: Our troops will be well armed, will be sent to Bosnia in sufficient numbers, and will be operating under the right rules of engagement, allowing them to defend themselves fully.

To be sure, we can never eliminate all the risks. Even under the best of circumstances, Bosnia is a dangerous place. On balance, however, I believe that this mission is worthwhile.

Can we state with certainty that our efforts will pay off, and that the war is over? Unfortunately, it is too early to tell whether the conditions in Bosnia are really ripe for peace. But, that does not mean we should not proceed. If this diplomatic effort fails it will be a failure of the Croatians, the Moslems and the Serbs to take advantage of the international commitment to help them implement the peace. Only time will allow us to test their commitment to the peace accord. In the meantime, we cannot afford to turn our backs on the most serious diplomatic agreement to date.

Mr. President, I am disappointed that the majority leader has been compelled by members of his party to have three separate votes on Bosnia. Either we support this policy or we do not. It is too easy to say that the President has made his decision, that he has committed U.S. forces, and then take no responsibility for the mission but still vote to support the troops.

In this case, I believe that the President has demonstrated leadership. He has acted in our national interest, and he has done so cognizant of the risks the men and women of our Armed Forces will face. Now that the Bosnian people have taken a step toward peace, we have the chance to do something concrete, specific and finite to help bring this bloodshed to an end. And so I say, let us do it.

Mr. President, I will be voting against the Hutchison resolution and in favor of the Dole resolution.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, at the outset of my remarks on Bosnia, I want to state for the record my total support for our men and women in uniform deployed in the Balkans. I know they will serve the Nation with honor and distinction. I commit to them today that I will make every effort to provide for their safety, to make every available resource for their defense and to work hard and look forward to their safe return home.

Let me say that I have lived my entire life in a small eastern North Carolina town that is surrounded by Fort Bragg, Camp Lejeune, Seymour Johnson Air Force Base, and Cherry Point Marine Base. My whole life, I have literally been surrounded by people who are strongly committed to serving our Nation and our Commander in Chief.

I am confident that the bravery of our soldiers deployed in Bosnia and their respect for their commanding officers will serve as an example and an inspiration to all Americans. While I have nothing but praise to offer for our troops, I come to the floor to voice my strong opposition to the President's decision to deploy United States forces in Bosnia.

Despite repeated requests by Congress and the American people, the Clinton administration has yet to show a compelling national security interest which would justify the commitment of United States ground forces in Bosnia. In fact, President Clinton's Bosnia strategy over the past 3 years has been an incoherent jumble of vacillating policies.

As a candidate, Bill Clinton criticized the policies of the Bush administration and advocated a forceful interventionist role for the United States. Once in office, President Clinton dithered while the Balkan situation degenerated into a brutal, dehumanizing ethnic civil war. Much of the tragedy we see in Bosnia occurred on President Clinton's watch.

Without consulting Congress, President Clinton entered into an agreement to commit U.S. ground forces. He has not come before a joint session of Congress to explain his policies on this issue. Rather, from the Oval Office, President Clinton delivered a televised national address and then boarded Air Force One bound for Europe. It struck me as though he was more eager to collect congratulations in European capitals than to explain his Bosnian policy to Congress and the American people.

Despite this absence of Presidential leadership, a rejection of the Clinton administration's troop deployment plans does not mean a rejection of American involvement in the Bosnia peace process, nor a retreat into isolationism.

The United States has played a significant role in Bosnia, and we should continue to do so. United States military commanders provided leadership to NATO in advocating the use of airstrikes to break the Bosnian Serb military advantage, while the Clinton administration dallied with the United Nations.

In the end, the administration failed to take a leadership role in convincing the United Nations to lift the arms embargo which would have allowed the Bosnian Moslems to defend themselves at a much earlier date and might have alleviated the need for our ground forces there at any time.

We brought the warring factions to the peace table, and we have an interest in seeing that the peace agreement is implemented, but we do not—we do not—have a vital national security interest, which is the only thing which would justify putting at risk the lives of 20,000 American soldiers and marines. The President was wrong to make this commitment, and Congress will be wrong if we endorse it.

Some believe that President Clinton's hastily concluded decision on ground forces will demand congressional approval in order to preserve international respect for the Office of the Presidency. I disagree. Respect for the power of the Presidency is preserved and enhanced when the holder of that high office has led the Nation toward a consensus on military intervention before troops are deployed. Bill Clinton has turned Presidential leadership on its head. He is trying to build a national consensus after having committed U.S. forces. This is not leadership.

On the ground, our troops will face overwhelming logistic hurdles. In addition to arriving at the height of the harsh Balkan winter, our troops will face 6 million landmines covering much of Bosnia. The exact whereabouts of many of these mines is unknown and their detection will not be easy, as many are made of plastic.

The infrastructure of Bosnia has been devastated by years of war. The bridges, roads, and railroads which remain usable are simply not capable of supporting the weight of M1-A1 tanks and any other heavy armaments. Most existing airstrips have been seriously damaged.

Clearly, we will have to spend millions of taxpayers' dollars, American taxpayers' dollars, in infrastructure before we can begin to adequately police the so-called peace agreement. Once we begin that effort, we will then spend billions more on military equipment and personnel. How much will this latest effort in nation building cost? And that is what we are doing, nation building. Some estimates are as high as $100 million a month. I suspect that probably is not high enough.

Further, I have written to the Clinton administration requesting information about its plan to start supplying foreign aid to Bosnia. I have not yet received a response.

We have an opportunity to avoid repeating the tragedies of Lebanon and Somalia. Now is the time to use our technological superiority to spare American lives. Many of those who opposed our investment in advanced military hardware and cut defense spending would now lay aside that advantage. Now is the time for the U.S. Air Force and the Navy to take the lead in enforcing this peace agreement, which grows less certain by the day. It is simply a bad policy to put U.S. ground forces between enemies who have been fighting each other for over 600 years, and that is how long this battle has been going on. One year of American troops will not end it.

President Clinton stated that our troops will fight fire with fire. However, this pledge is useless when it is impossible to distinguish between a Serb, a Croat, and a Moslem.

Mr. President, it is not impossible to identify a vital national security interest. The invasion of Kuwait and our response provides a textbook example of how to do it. It should be clear to all Americans that President Clinton has yet to measure up to the standards of Desert Storm. Until he does, I will continue my strong support and respect for our troops by opposing the President's decision to deploy ground troops in Bosnia.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, as a member of the Armed Services Committee, I have spent a great deal of time analyzing the risks involved in the United States joining the NATO effort or not joining the NATO effort. There are risks both ways. I have concluded that the risks of not acting, not joining the NATO effort, are greater than the risks of acting with our NATO allies, and I will, therefore, support the Dole resolution.

The risks of acting are clear, and include the risk of casualties from mines, from accidents on the road, possibly from snipers. Those risks are real, and I think the American public should be fully aware of what those risks are. As hard as we have tried to reduce those risks—and the Joint Chiefs and the commanders have made an extraordinary effort to reduce those risks in every way possible, through training and equipment and in other ways—those risks are there and they are real.

But there are risks of not acting to join our NATO allies. Those risks of not participating with NATO are also very real and, in my judgment, are greater than the risks of joining. The risks of not acting, of not participating with NATO, include the risk of a peace agreement falling apart because of NATO's absence. That, in turn, could lead to a wider and more dangerous war, with continued killing, ethnic cleansing, rape, and other atrocities, more civilian refugees and humanitarian catastrophe in Bosnia, Croatia, Slovenia, Serbia, but also possibly in Kosova and Albania and Macedonia, and even possibly in Greece and Turkey.

The effects could be felt beyond the region as well. Of great importance here—and this is something which I do not believe has been given enough attention—is that Russia is now willing to participate with the United States and our NATO allies in the peace implementation force in Bosnia. In fact, Russia is willing to place their troops in Bosnia directly under an American commander. That would be historic cooperation with long-term benefits for European security and for world security.

But if this agreement falls apart and the war widens because we do not participate with NATO, and we know NATO will not carry out this operation without the United States, NATO would be weakened and fractured, and the United States and Russia could be pulled to opposite sides in a Europe newly divided.

Hardliners in Russia would balk at working with the United States and would gain political points domestically in upcoming elections. So, in addition to the region becoming inflamed again, in addition to the United States potentially being dragged into a widened war in Europe, just as we have been dragged in twice before this century, we could see a Russia become more threatening to Europe and to United States interests, precisely when NATO is fractured and less able to deal with that newly threatening Russia.

So the failure to participate here could well sink our efforts to improve the United States-Russia relationship, to build strong democracies in Europe, to expand NATO, and to integrate Russia into permanent European security arrangements.

When President Clinton wrote to the Speaker of the House last month, he highlighted the costs of not trying to help secure the peace efforts of the warring parties, and this is what he said:

> Unquestionably, there are costs and risks to all involved in making peace. Peace is the less risky alternative. But there will be no peace without America's engagement.

Madam President, I have asked a lot of questions about this mission over the last few weeks, as a member of the Armed Services Committee. The first question is: Are there important U.S. interests at stake? I believe the answer is yes.

The United States has an interest in helping the parties establish peace and stability in Europe. We have an interest in preventing the war from spreading, which also could fracture the NATO alliance and which could put Russia and the United States on opposite sides of a renewed and wider war.

The second question I asked: Is the mission clear, and is it limited and achievable? The Chairman of the Joint Chiefs of Staff has testified that it is, and the military commanders agree. The NATO mission has three primary military objectives: maintaining the existing cease-fire, physically separating the warring parties, and overseeing the division of territory agreed to by the leaders in Dayton.

Our military leaders have been clear about what our troops will not do, so there will not be any mission creep. They will not oversee election security; they will not conduct humanitarian relief missions; they will not help civilians relocate or act as local police.

Now, there is a fine line between actually performing those tasks, which U.S. and NATO troops will not do and that the U.N. agencies and other private organizations will attempt to do, and helping to create a secure environment, which NATO's force will do while they are there so that those other tasks can be accomplished.

NATO and U.S. military leaders say that they have sufficient guidance to make the judgment about that fine line. Our troops will not be directly responsible for disarming the Bosnian Serbs or equipping the Bosnian Government to achieve an equilibrium of forces on the ground. While both of those missions are desirable, it is appropriate for the NATO force to be able to maintain its evenhandedness in dealing with all of the parties and therefore to leave those tasks to separate mechanisms.

The third question I asked: Has the risk to our troops been minimized? Bosnia, even after this agreement, is a very dangerous environment. I have been particularly concerned, as have many of us, about the threat posed by landmines, which some have estimated to number 6 million. General Shalikashvili has testified last week that the troops have received extra training before deploying to the theater specifically against known hazards, such as landmines and snipers. They will be well-armed, equipped with robust rules of engagement that they need to protect themselves, and local commanders will have the authority that they need to make decisions about using force without any cumbersome dual-key arrangements.

Secretary Perry testified that they have the authorization to use deadly force, if necessary, and National Security Adviser Tony Lake warned that—

> . . . if anybody fools with our forces, they will get hit, hit immediately and very hard, and we expect that any other challenge or threat to our forces would be intimidated.

In addition, there is a clear chain of command with U.S. commanders at the top. General Shalikashvili testified that he believes the risk of physical danger to be small and that he would anticipate more casualties from accidents than from hostile action.

The fourth question I asked: Are there clearly defined conditions under which United States forces will not go into Bosnia? The answer is yes.

We have received repeated testimony that NATO will not fight its way in. The parties have initialed an agreement, and they are scheduled to sign it in Paris tomorrow. Vanguard NATO units are in Bosnia. We must see evidence of compliance with this agreement before deployment. Otherwise, General Shalikashvili has testified that we are not going in. We are not going to fight our way in. We are going there to help implement a peace agreement which the parties want.

The fifth question: Is there a clear exit strategy? Administration officials are clear that the deployment of United States forces with NATO will last approximately 1 year, and they have said that most of the military tasks that the NATO force is charged with achieving may be achievable in less than 12 months.

There are two key issues here. One is whether an effective equilibrium of forces can be achieved between the parties in such a way that the Bosnians can defend themselves when the NATO forces leave. There is still a lot of doubt about this. The goal is not part of the military mission itself. It is a separate commitment from the United States to all of the parties, which all of the parties, we are told, have accepted.

Now I remain skeptical, as indeed do some of the officials who testified before us, that an arms control agreement as outlined in the Dayton agreement can by itself effectively achieve that equilibrium. Secretary Perry says that he believes that the United States commitment to assure success of this effort to rearm and train the Bosnians if the arms control effort fails, will actually help that arms control effort succeed.

We will need to watch closely to see if the parties abide by their obligations to reduce armaments, working with the Organization for Security and Cooperation in Europe. For instance, they have agreed not to import any weapons for 90 days and any heavy weapons for 180 days. If they do not abide by these aspects of the agreement, the United States is prepared to assure that arms and training will be provided to the Bosnian Government. This must be premised, of course, on the most reliable possible assessment of all sides' current military capabilities, and the assessment of what constitutes an effective equilibrium: defensible territory with sufficient armaments. If the arms control agreements are not carried out, as Secretary Perry testified, the United States can and will need to try to accelerate the arming effort during the 12-month NATO deployment period.

The second key issue on exiting is whether a secure environment can continue to exist after the NATO force leaves. Annex 11, signed by the parties, establishes an international police task force assistance program to monitor, observe, inspect, advise, and train law enforcement agencies to improve public and state security. But that may not be enough. In addition to the international police task force, full and lasting implementation by the parties of all aspects of the peace agreement may require the presence of a smaller residual military force in the former Yugoslavia for longer than the 1 year planned for the NATO implementation force, and any such residual force should be comprised primarily of Armed Forces from European nations without U.S. Armed Forces.

I believe there should be planning underway now for a European residual force. The President should be encouraging European nations now to initiate contingency planning for such a force that does not include U.S. Armed Forces to maintain a secure environment for implementation of the peace agreement after the NATO forces leave.

Mr. President, there is no need to wring our hands in this body about not having a choice. Some say we have no choice, that the decision has been made. Well, we have three choices, at least.

Choice 1 is to say there shall be no funds for these troops. That was the choice that we voted against earlier today. But that was a choice. That is a constitutional capability that we have, if we decided to exercise it, to say that we will use the power of the purse so that these troops would not go to Bosnia. By an overwhelming vote, 22 to 77, we decided not to use the power of the purse, not to use that capability that this Congress has under the Constitution to restrict funding in order to prevent troops from going to Bosnia. But it was a choice. We were not in a position where we were prevented from exercising that constitutional option.

We have a second choice. We can express an opinion which is in opposition to this mission, short of using the power of the purse, but nonetheless an expression of opinion. That is what the Hutchison resolution does.

It seems to me, however, that the Hutchison resolution would be a terrible mistake and would sap the morale of our troops terribly. To tell our troops that we will support you, we are all for you, as part of the Hutchison resolution does, to say that the Congress supports military personnel who may be ordered into Bosnia, but we oppose the decision, is telling those troops who are put in a position of danger that we do not support their mission.

Now, if anything will undermine morale of troops, it would seem to me, it would be saying this to them: No matter how much we say in one paragraph of the resolution that we are behind the troops—you can say that all you want, you can proclaim that all you want in one paragraph—but it runs exactly counter and undermines that message to say in another paragraph, you are being sent on a mission which is wrong. If that mission is wrong, then the power of the purse should be used to prevent it.

It should be one way or the other. We have the authority under the Constitution. We chose not to exercise it. I think we made the right decision. But we had that choice under the Constitution. Having chosen not to exercise a power that this Congress had to prevent the troops from going to Bosnia to be put in a position of danger, it seems to me now it is totally wrong for us to tell those troops we are now for you but your mission is a mistake. If that mission is a mistake, we should have voted not to allow it. We cannot have it both ways and expect our troops, who are being put in harm's way, to do anything except react in wonderment and amazement that a Congress could decide not to restrict the funds, and then to say in the same resolution we are behind our troops, although the mission is wrong.

I hope we will defeat the Hutchison resolution and adopt the third resolution which will be voted on, the Dole-McCain resolution, which in a qualified way, in a very careful way, supports the continuation of this mission.

Mr. President, it comes down to this: We have vital security interests in trying to help prevent a war in Europe from resuming and spreading into a wider regional war which would probably fracture NATO, which could very well pit NATO ally against NATO ally. We have an interest in reducing the chance of Europe becoming divided again with Russia on the other side from most of Europe, with a Russia that would be likely, if this peace agreement failed because the United States stayed out of the NATO force, to then grow as a threat to the United States and to our allies. If this peace agreement falls apart because of United States non-participation with NATO, we would be playing into the hands of the most extreme nationalists in Russia and furthering their election ambitions next year. If this NATO military mission succeeds, Russian troops for the first time will be under American command, an extraordinary development in history, and will be a greater part of a European security solution, instead of being part of the problem as they have for so many decades.

U.S. involvement in this NATO force is essential if the peace agreement of the parties has any chance of being implemented. This is a chance, a chance that only the parties can take advantage of. But by participating, we would also be giving the parties a chance to end the slaughter and the ethnic cleansing and the use of rape as a weapon. For all of these reasons, and having answered the questions which I put to myself in good conscience over the last few weeks, I have concluded we should participate in the NATO force, and I hope the Dole-McCain resolution is adopted.

Mr. President, against all odds and against most predictions, the warring parties in the Balkans came together and negotiated a comprehensive and complex peace agreement. It is not perfect, and its success is by no means assured, but it is their agreement, and as Assistant Secretary Holbrooke testified last week, it goes farther than anyone had reason to hope the parties would go when they first started.

This agreement represents the best chance for peace in the region that we have seen after 4 years of devastating war. It is still up to the parties themselves to implement the agreement. The role of the NATO Implementation Force [IFOR] is to give them that chance, by creating a secure environment in which the many tasks set forth in the agreement can be pursued.

But if the United States does not participate in that NATO force, after the parties have signed up to an agreement we urged upon them, with the expectation that we would participate, then the war will resume and probably spread. More civilians will be killed, tortured, and ethnically cleansed in a renewed war. More refugees will be displaced and dispersed throughout Europe. As President Clinton said last month:

> If we're not there, NATO will not be there. The peace will collapse. The war will reignite. The slaughter of innocents will begin again . . . American cannot and must not be the world's policeman. We cannot stop all war for all time, but we can stop some wars.

There is wide support for this conclusion.

President Bush's former National Security Adviser Brent Scowcroft warned against the risks of this undertaking, but he said that "the alternative, in my judgment, is a clear disaster. To turn our back now would be a catastrophe. . . . If we don't go in, a lot more Americans will die, somewhere, sometime."

Former Undersecretary of Defense Paul Wolfowitz testified to the Armed Services Committee that "if we go in, there is a modest chance of success. If we stay out there is a real certainty of failure." The cost to important U.S. security interests of a wider and more deadly war spreading throughout the region, possibly putting us in direct conflict with Russia again after 5 years of improving relations, would be enormous. It is not just the relevance and usefulness of NATO as an instrument of European stability that would suffer, but United States credibility around the globe.

Mr. President, there are indeed reasons to be skeptical that the peace agreement can be fully implemented. The region has seen centuries of historic animosities, and 4 years of brutality. There are still territorial disputes whose final settlement has been put off. The man who fueled war with dreams of a Greater Serbia, Slobodan Milosevic, now claims to be the guarantor of the Bosnian Serbs' compliance with the agreement.

Resettlement of refugees, guaranteed in the agreement, promises to be exceedingly difficult. We are not sure how many refugees will even try to reclaim their homes, or who will arbitrate claims of ownership. Even this past weekend, some Croat forces looted and burned the homes of a town scheduled to be returned to Serb control.

Mr. President, I have concluded however that although there are serious risks to this mission, the costs and risks of not acting with our NATO allies, would be even greater.

People around the world are watching the United States at this moment, watching to see whether we will fulfill again the role of facilitating peace that has long been our tradition. I recently received a letter from a old friend of mine, Eric Osterweil, now living in Brussels, but following our deliberations closely. Welcoming the Dayton peace agreement, he wrote:

> I think it is in the strategic interest of the United States to ensure that peace reigns in Southeastern Europe. The risks, if we fail to act, are, I think, far-reaching. They include potential Russian intervention, a conflict between Greece and Turkey and other disagreeable eventualities. It may be difficult for the U.S. not to be involved in any major conflict on the continent of Europe. To me, the most potent argument, however, is that the U.S. has a chance to ensure that peace prevails over war and life over death.

Mr. President, the most important votes we take in the U.S. Senate are those involving the deployment of U.S. military personnel to dangerous spots around the globe. The volunteers who make up our Armed Forces are dedicated, talented women and men whose lives we value and whose service we cherish. The NATO mission before them is challenging, but it is doable, as General Shalikashvili has testified, and however individual Senators vote on this resolution, the troops should know that we all stand behind them and we all stand for them.

Mr. President, the Bosnian State outlined in the Dayton agreements has two armies, three administrations, and is surrounded by hostile neighbors. Can a civil society grow out of a land so steeped in mistrust, anger, and savage conflict? There is no guarantee. We cannot assure that there will ultimately be that successful outcome—only the people who live there and their leaders can achieve that. But at least NATO is acting to give them a chance to build a civil society and put war behind them. That is a mission that the United States should not undermine.

The PRESIDING OFFICER (Mr. BROWN). ACCORDING TO THE PREVIOUS UNANIMOUS-CONSENT AGREEMENT, THE SENATOR FROM MAINE IS RECOGNIZED.

Ms. SNOWE. Mr. President, let me say at the outset, while many of us have serious concerns with the scope and the structure of the Bosnian mission, there is no doubt about our troops' ability and competence to carry out the mission that has been assigned to them by the President of the United States. Like so many times in the past, when they have served our country well and they have made us proud, I have no doubts about the fact they will be no different in this mission.

Despite what is being said here this evening, whether you are for or against the proposition that is before us, we will obviously not change the outcome. The deal, as they say, is done, because the troops are being deployed and will continue to be deployed, no matter what we do here or how we vote.

Congress is essentially faced with a proposition of accepting the President's position on Bosnia, having come full circle from "Mission Impossible" several years ago, to "fait accompli" today. By disavowing any congressional role, the President has presented this policy no longer as the administration's policy, but now it is America's policy. That clearly places us in a very difficult position. What we can and should do today is to use this debate to express our reservations and concerns, our support—whatever the case may be.

Inevitably there are constitutional conflicts between branches of Government. Inevitably, we have been in this role before, with respect to whether or not we should assign troops and whether or not the President should come to the Congress. I happen to think it is very important to express our concerns to this and future Presidents about the fact that Congress is not playing such a role before the fact—and not after the fact. The fact of the matter is, it is in America's interests to have congressional involvement and participation. It helps the President to advance his own policy and his own mission. It helps to broaden the support if there are doubts about such a mission. But, unfortunately, that is not what is before us today.

We have also considered other alternatives with respect to Bosnia. In fact, I can remember as far back as 1993, in the spring, when I was a member of the House Foreign Affairs Committee in the House of Representatives, we voted on lifting the arms embargo so that the Bosnian Moslems could defend themselves and their families, their property. And for over 2 years we fought that battle, and the administration did not support us in that endeavor. The Europeans resisted this effort as well. I think that is part of the Balkan tragedy, the fact that the Moslems could not defend themselves; that they did not have the arms or the equipment or the training to defend themselves and their families.

Now we are faced with the proposition of deploying troops to Bosnia. This should have been the last option and not the first. We should have exhausted all other means and all other possibilities before we resorted to deploying ground troops.

Back in 1993, it is interesting, the administration presented its own criteria, guidelines for a future mission in Bosnia. In fact, Secretary of State Christopher laid out those guidelines in 1993. They said that, in order to deploy troops, four criteria should be met:

First, that the goal must be clearly stated;

Second, there must be strong likelihood of success;

Third, there must be an exit strategy;

Fourth, the action must win sustained public support.

It seems to me the administration has fallen far short in meeting some of these criteria that the administration itself has established. But I would like to take a look at some of those guidelines tonight and how this agreement fits into the context of the criteria the administration laid out for such a mission.

First, the goal must be clearly stated. When it comes to the mission of the troops, I think this Chamber and the American people certainly need to know what this deployment is or is not about. We know it is not a peacekeeping mission. In fact, it is much of a departure from a peacekeeping mission. It is a peace enforcement mission. That being the case, as the administration has suggested, is the goal simply to separate warring parties for 1 year and then leave? The administration has said yes, and so did witnesses before the Foreign Relations Committee. But at other times the administration argued that we will only achieve success if we succeed in creating a single, unitary, multiethnic Bosnian state, as Secretary Holbrooke said after the signing of the agreement in Dayton, when he said, "Otherwise, we will have failed."

So, is it a part of our mission to also create a more stable arms balance in Bosnia, by ensuring the Bosnian Government forces receive the heavy armor they currently lack? Yes, that is part of the overall intent of this administration. But the administration has also agreed that the arms buildup will not occur until we can succeed first in pursuing an arms builddown. But there is no such mechanism for that builddown to occur.

Then we have the arming and training issue. It will certainly be one of the focuses of this resolution before us that will be offered by Senator DOLE. But it still is not clear what the administration has in mind or how, in fact, it will be accomplished. The fact is, this could be accomplished without even deploying troops to Bosnia. But that, unfortunately, is not our option today.

So the arming, the training, the equipping of the Bosnian Moslems will occur in the face of opposition from our European allies and the Serbs. It was so much opposed that it was not even a part of the agreement. Yet it now happens to be, and should be, a very key component of the overall strategy. Because Senator DOLE has been working on precisely defining this mission now, because it has not been precisely defined by this administration, it will remain one of the key components of this mission. Yet it will have to be done in the face of overwhelming opposition by our allies and the Serbs. How that will be done remains open to serious question.

Is our goal, as well, to facilitate elections? Protect refugees? Undertake reconstruction activities? Track down and arrest war criminals? The administration sometimes argues no. But then it also argues that these nation-building activities are what will determine whether or not we have succeeded. So, are these our goals as well? In fact, this case is strengthened by the fact that in the Dayton accords the United States insisted on granting our forces the power to become involved in these activities.

To quote from article 6, section 3:

> Our NATO forces will have the authority to:
>
> A. Help secure conditions for the conduct of free and fair elections;
>
> B. Assist in the accomplishment of humanitarian missions;
>
> C. Assist the U.N. High Commission for Refugees;
>
> D. Prevent interference with the movement of civilian populations and to respond to deliberate violence to life and person.

If our powers under article 6, section 3, are not a recipe for mission creep, I do not know what is.

Second, there must be a strong likelihood of success. Is there? Of course, that all depends on the definition of our mission. And, as I have already stated, those goals are somewhat confused and vague. I have read the predictions of a wide range of experts on this subject, and few are truly optimistic about the long-term success of this agreement, whatever the definition of success may be. There is also a great deal of skepticism of the genuine commitment of all the parties to this agreement or to any common vision of a future for Bosnia.

But, clearly, we are not going into Bosnia with lightly armed troops monitoring a peace that has been reached voluntarily and in good will by the parties themselves. That is what a traditional peacekeeping operation is all about. But that is not what this is. Rather, we will be moving in with one of the U.S. Army's six heavy armored divisions, the 1st Armored Division which served as a cornerstone of NATO's defense against the Soviet Union. So, this becomes more like our deployments to Beirut in 1983 and Somalia, in 1993, both of which ended with disastrous consequences, and both attempted to deploy United States troops in the service of so-called nation-building activities.

Third, there must be an exit strategy.

The administration has said it has an exit strategy by promising to be out within a year. But this is an exit timetable, not an exit strategy. It says nothing about what needs to be accomplished during that year to permit our successful disengagement. Again, any viable exit strategy defines our missions and goals. And we still have seen that remains nebulous at best. How can the administration legitimately argue that it has an exit strategy if it cannot clearly define the mission? In fact, Secretary Perry said before the Foreign Relations Committee that the exit strategy will have accomplished the cessation of hostilities, a separation of warring parties, and a break in the cycle of violence. But that really does not define an exit strategy. What it does is define an end date. It defines exactly what the state of affairs happens to be at the time in which we depart. But it does not define what we have accomplished.

As Dr. Schlesinger testified before the Armed Services Committee, he said, "We do not really have an exit strategy because the situation is too messy. We have an exit hope."

Finally, the action must have sustained public support. Polls have shown that there is not strong support for this mission to Bosnia. In fact, it shows the opposite. The majority of the American people oppose the deployment of American troops into Bosnia. We know that could change as the troops are being deployed and will continue to be deployed.

But what is the reason for the concern among the American people? I think the concern stems from the fact that the administration has yet to make a compelling case on the merits of the mission or even to clearly define the mission itself in terms of our vital national security interests. The American people need to know—and they deserve to know—that the mission itself merits a military deployment of our troops. The American people have the right to know that the parties involved in Bosnia are committed to self-sustaining and enduring peace. And at the very least they should expect that these parties will be committed to a longstanding peace. That remains open to a very serious question. And it gets back again to the definition of our goal and mission.

I happen to think that it is very important that whenever we are deploying our men and women to an area of conflict, when we are putting them in harm's way, that it is absolutely vital that the parties involved are absolutely committed to securing a long-lasting peace. I think that all that we have heard thus far remains open to very serious question as to whether or not that will be the ultimate outcome.

So I think that the administration has fallen short in meeting its own criteria for this mission. But above and beyond that failure, there is another question. And that is the unprecedented nature of this deployment.

It has been said that this is the first time NATO has embarked upon a mission outside of the treaty area itself. And there are those who argue in favor of such a mission because they say that it will serve as a model for future NATO missions as well as securing the future of the alliance. That may be true. But no one has answered the question as to what harm will come to NATO and its prestige if this mission should fail. And what damage will that do to the alliance? If 2 years from now we face renewed fighting—which indeed is a serious prospect and consideration—and a partition of Bosnia, as so many analysts believe is the most likely outcome, in the end what will we have accomplished? Will it have been worth the potential loss of American lives, if that loss could have been avoided by employing other means such as lifting the arms embargo?

Mr. President, one cannot help but feel that if we had pursued and exhausted all other possibilities and alternatives, Congress, the American people, and our troops would not be faced with a situation that has now been forced upon us. But, unfortunately, the proverbial train has left the station.

In the final analysis, this is a mission in which success is in no way clear—whose mission is yet to be defined, whose goals are yet uncertain, and whose mission does not have the sustained support of the American people, and with parties who are not fully committed to peace.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. According to the previous order, the distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, of course, there is no audience—or very little—here on the floor. But I do not speak tonight to the audience on the floor. I speak to the audience that may be listening or watching through the electronic eye.

I also speak for the RECORD, Mr. President, because a year from now we are going to look back on this debate. Ten years from now we will look back on this RECORD. And this RECORD will stand 100 years; 1,000 years. So I think the RECORD should be made for future guidance.

(Ms. SNOWE assumed the Chair.)

A CONTRADICTORY BOSNIA RESOLUTION

Mr. BYRD. Madam President, one resolution we are now debating, offered by the junior Senator from Texas, directly addresses the idea of supporting the troops and the role which they have been asked to play, in what I believe is a somewhat contradictory manner. The resolution before us would sign the Senate up to supporting U.S. troops in Bosnia without supporting the mission that they are called upon to perform.

In two simple sentences, this resolution would purport to support U.S. troops while simultaneously undermining the very work they are performing. How can we, as the resolution before us states, "strongly support the U.S. Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . ." after having just stated, in the same resolution, that "the Congress opposes President Clinton's decision to deploy United States forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . ."? What kind of moral support are our troops supposed to find in that? And what kind of resolve does that demonstrate to anyone who might attempt to undermine the Bosnian peace agreement?

This is a clear flag, Madam President, to those who would target our troops telling them that, if they target our troops, we will yank them out of that mission. So, the mission is undercut and eroded from the very beginning by our own actions. That is not support of the troops, to my way of thinking.

This resolution also fails to address Congress' Constitutional responsibility to weigh in on decisions to employ U.S. troops. It is simply silent on that point. With this resolution, we again fail to dip even our toes into the icy waters of a controversial and difficult political decision to risk the lives of U.S. troops, even in support of what we all hope will be a relatively unthreatening mission in support of a peace agreement. Because we cannot guarantee that the life of not one U.S. military service person will be lost in this endeavor, we shy like a skittish horse from the halter of our responsibility.

I say to my colleagues that the lives of three diplomats have already been lost in this effort, but we do not think their lives were lost in vain, because we have reached a peace agreement. Is their effort, their sacrifice, not worth this effort to see the hard-won peace through to the end? There is no better alternative, and Congress must now stand up and shoulder its responsibility to vote on this mission, to support both the troops and the job they are undertaking.

Mr. President, it is clear from the historical record that, until recently, the President has had only limited powers as Commander in Chief. Other than repelling invasions and protecting U.S. forces, the President's authority as Commander in Chief was bound by the Congressional power to raise and support armies and the Congressional power to authorize the use of those forces in offensive operations. Congress not only supported the troops as a daily, practical matter, it played an essential role in deciding on the circumstances under which troops would be used offensively. President Jefferson and others recognized and acknowledged the limits on their presidential authority to order troops into actions that were not clearly in defense of U.S. territory and forces.

It is only recent practice in which Congress has acquiesced greater authority to the President to employ military forces in offensive or non-traditional operations without specific authorization. This has had the effect of tying the use of troops ever more tightly with the President in his role as Commander in Chief. I am sorry that this is the case, because I believe that it is a degradation of Congressional authority that undermines the delicate balance of power intended by the Framers, but it is the situation in which we find ourselves as a result of our own Congressional unwillingness to assert our Congressional role.

As Cassius said, "The fault is not in our stars, dear Brutus, but in ourselves that we are underlings."

Congress remains proud of its support of the troops in terms of providing robust, even overblown, defense budgets, but it has failed to exercise its authority under the Constitution to direct or authorize the use of troops. This was clearly not the intent of the Framers.

How can we reasonably tell troops in the field that we, the Congress, support you, the troops, but we are not willing to support the task you have been ordered to perform? This is what the resolution before the Senate says, but this is a hair that cannot be split. We must step up to the plate, and support the job as well as the laborer, or we are not fulfilling our constitutional role. I hope my colleagues will not be fooled into thinking that they can have their cake and eat it, too, by supporting the troops without supporting the mission that they have been ordered to perform.

Suppose I would say to one of my grandsons, my beloved grandsons, who might be going off to Bosnia, "Well, my dear grandson, you know I love you; I love you more than life; but I do not support the mission that you are on. I am going to slam the door behind your back when you leave the house, and you're on your own!"

This resolution is a slap in the face to our troops, telling them that we support them, but that their mission is foolhardy.

What kind of support is that? You are up there on the high dive, troops, and we support you, but we do not believe there is any water of justification in the mission bucket you are about to dive into. That is not support. Anyone can see that such a claim amounts to a hollow nut! There is no meat in it!

Let us read what the Apostle Paul said in his First Epistle to the Corinthians. It may be a little old fashioned to bring the Holy Bible in to the Chamber, but I am a little old fashioned. I am not of the religious left or the religious right, but I believe in this holy book. Here is what Paul said:

> And even things without life giving sound, whether pipe or harp, except they give a distinction in the sounds, how shall it be known what is piped or harped?
>
> For if the trumpet give an uncertain sound, who shall prepare himself to the battle?
>
> So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Madam President, the Hutchison-Inhofe resolution speaks into the air, saying one thing on the one hand and another thing on the other. We are giving an uncertain sound with this trumpet. We are speaking into the air. Then in the words of Paul, "Who shall prepare himself to the battle?"

This is lighting a candle and putting it under a bushel. Jesus said, "Neither do men light a candle and put it under a bushel but on a candlestick, and it giveth light unto all that are in the house."

This resolution by the able Senators from Texas and Oklahoma does not give light to all that are in the house. It puts the candle under a bushel, and all that are in the house are left in darkness. And worse, this resolution tells the President—not just this President, but all future Presidents—that you can do whatever you want, we may not agree with you, but you can count on us to support the troops. Do what you want with the troops, we do not question your authority, and count on us to follow up with appropriations and other forms of support to the troops you have committed to the field. This dangerous precedent allows Congress to wash its hands—like Pontius Pilate—of the responsibility to authorize the use of troops, to stand in judgment on the mission the troops are called upon to carry out. We can just pass contradictory, confusing resolutions to "support the troops" in carrying out any Presidential whim, without dealing with our constitutional responsibility to deal with politically difficult decisions on how and when to employ force. I say to my colleagues, think again, before supporting this very unwise and potentially dangerous resolution.

Mr. President, now I wish to address the resolution by Mr. DOLE and Mr. MCCAIN.

I commend the majority leader, Mr. DOLE, as well as the distinguished Senator from Arizona, Mr. MCCAIN, for their resolution. And I commend them for working with the minority leader and other Senators on both sides of the aisle to fashion it.

I commend the minority leader and Senator NUNN and Senator PELL and all the other Senators who were on the task force on the Democratic side who worked with the words and with the Republicans in fashioning the final product. It is important from a historical and constitutional perspective. It is important as well from a political perspective. First, if it passes, and I hope that it will, it provides the political underpinning necessary for the President to pursue a military deployment abroad where there are going to be costs in the billions of dollars, for the risk of casualties certainly exists, and where the credibility of the United States and NATO is at stake.

Second, I believe that the language fulfills the constitutional requirement that the Congress authorize or approve the operation in specific enough detail to draw limits around it. In doing so, the Congress fulfills the exercise of its responsibilities that the Framers expected and that has prevailed through most of American history.

I think it is important for Senators to reflect on our constitutional responsibilities in respect to our action today. The question of the actual constitutional reach of the President, acting alone, and without congressional authority to deploy forces into hostilities or substantial risk of hostilities has become a recurring modern issue between Presidents, beginning with Harry Truman and continuing through to today.

When the Framers began their work at the Philadelphia Convention, existing models of government placed the war power squarely in the hands of the king. The English Parliament had gained the power of the purse in 1665 to control the king, but the power to go to war remained a monarchical prerogative. John Locke's Second Treatise of Government (1690) spoke of three branches of government: legislative, executive, and "federative." The latter consisted of "the power of war and peace, leagues and alliances, and all the transaction with all persons and communities without the commonwealth." The federative power (what we call foreign policy today) was "almost always united" with the executive. Separating the executive and federative powers, Locke warned, would invite "disorder and ruin."

A similar model appeared in the Commentaries written by Sir William Blackstone, the great eighteenth-century jurist. He counseled that the king had absolute power over foreign affairs and war: the right to send and receive ambassadors, make treaties and alliances, make war or peace, issue letters of marque and reprisal, command the military, raise and regulate fleets and armies, and represent the nation in its intercourse with foreign nations.

These models were well known to the Framers. They knew that their forebears in England had committed to the executive the power to go to war. When they declared their independence from England, they vested all executive powers in the Continental Congress and proceeded to incorporate that principle in the first national constitution, the Articles of Confederation. Later, during their learned and careful deliberations at the Philadelphia convention, they decided to vest in Congress many of Locke's federative powers and Blackstone's royal prerogatives. The delegates emphasized repeatedly that the power of peace and war associated with monarchy would not be given to the President. As James Wilson noted, it was incorrect to consider "the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a legislative nature. Among others that of war and peace.

By the time the Framers finished their labors, the President had been stripped of the sole power to make treaties. He shared that with the Senate. He had the right to send and receive Ambassadors, but only after the Senate agreed to his nominations. He had no power to issue letters of marque and reprisal (authorizing private citizens to undertake military actions). That power was vested in Congress. Although the President was made Commander in Chief, it was left to Congress to raise and regulate fleets and armies. The rejection of Locks and Blackstone was decisive.

The reasoning for this break is set forth clearly in The Federalist Papers. In Federalist No. 69, Alexander Hamilton explained that the President has "concurrent power with a branch of the legislature in the formation of treaties," whereas the British king "is the sole possessor of the power of making treaties." The royal prerogative in foreign affairs was deliberately shared with Congress. Hamilton contrasted the distribution of war powers in England and in the American Constitution. The power of the king "extends to the declaring of war and to the raising and regulating of fleets and armies." Unlike the King of England, the President "will have only the occasional command of such part of the militia of the Nation as by legislative provision may be called into the actual service of the Union". No such tether attached to the king.

In Federalist No. 74, Hamilton provided an additional reason for making the President Commander in Chief. The direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single head." The power of directing was and emphasizing the common strength "forms a usual and essential part in the definition of the executive authority."

Designating the President Commander in Chief represented an important method for preserving civilian supremacy over the military. The person leading the Armed Forces would be the civilian President, not a military officer. As U.S. Attorney General Bates explained in later years, the President is commander in chief not because he is "skilled in the art of war and qualified to marshal a host in the field of battle." He is commander in chief for a different reason. Whatever soldier leads U.S. armies to victory against an enemy, "he is subject to the orders of the civil magistrate, and he and his army are always 'subordinate to the civil power.'"

The Constitution grants to Congress a number of specific powers to control war and military affairs: to declare war; to raise and support armies and provide and maintain a navy; the power to make regulations of the land and naval forces; the power to call forth the militia; and the power to provide for organizing, arming, and disciplining the militia. Furthermore, the Constitution vests in Congress the power to regulate foreign commerce, an area that has a direct relationship to the war power. Commercial conflicts between nations were often a cause of war. Guided by history, the Framers placed that power with Congress. James Madison later remarked: "The constitution supposes, what the History of all Govts demonstrates, that the Ex. is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the Legisl."

The debates at the Philadelphia Convention include a revealing discussion on Congress' power to declare war. The early draft empowered Congress to "make war." Charles Pinckney objected that legislative proceedings "were too slow" for the safety of the country in an emergency. He expected Congress to meet only once a year. Madison and Elbridge Gerry recommended that "declare" be substituted for "make," leaving to the President "the power to repel sudden attacks." Their motion carried.

There was little doubt about the scope of the President's authority. The power to repel sudden attacks represents an emergency measure that permits the President, when Congress is not in session, to take actions necessary to repel sudden attacks either against the mainland of the United States or against American troops abroad. It does not authorize the President to take the country into full-scale war or to mount an offensive attack against another nation.

I believe that any objective reading of this history would lead Senators to the conclusion that the President's scope of authority does not include the ordering of a deployment into Bosnia, even if a treaty organization such as NATO requested such action by its member states.

The Framers empowered the President to be Commander in Chief, but that title relates to responsibilities that are authorized by Congress. The language in the Constitution reads: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." Congress, not the President, does the calling. Article I gives to Congress the power to provide "for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel invasions."

The title of Commander in Chief was introduced by King Charles I in 1639 and was always used as a generic term referring to the highest officer in a particular chain of command. With the eruption of the English civil wars, both the king and Parliament appointed commanders in chief in various theaters of action. The ranking commander in chief, purely a military post, was always under the command of a political superior, whether appointed by the king, Parliament or, with the development of the cabinet system in the eighteenth century, by the secretary of war.

England transplanted the title to America in the eighteenth century by appointing a number of commanders in chief and by the practice of entitling colonial governors as commanders in chief (or occasionally as vice admirals or captains general). The appointment of General Thomas Gage as commander in chief from 1763 to 1776 caused the colonists grave concern, for he proceeded to interfere in civil affairs and acquired considerable influence over Indian relations, trade, and transportation. The bitter memory of his decision to quarter troops in civilians' homes spawned the Third Amendment to the Constitution. These activities and others prompted the colonists in the Declaration of Independence to complain of King George III that he had "affected to render the Military Independent of and superior to the Civil Power."

But the colonists had no reason to fear the governors who were given the title commander in chief, even though they controlled the provincial forces, since the colonial assemblies claimed and asserted the right to vote funds for the militia as well as to call it into service. In fact, grievances came from the governors, who complained of the relative impotence of their positions. The colonists' assemblies' (and later, the states') assertions of the power of the purse as a check on the commander in chief reflected an English practice that was instituted in the middle of the seventeenth century. By 1665, Parliament, as a means of maintaining political control of the military establishment, had inaugurated the policy of making annual military appropriations lasting but one year. This practice sharply emphasized the power of Parliament to determine the size of the army to be placed under the direction of the commander in chief.

The practice had a long influence, for, under its constitutional power to raise and support armies and to provide a navy, Congress acquired a right that the colonial and state assemblies had to vote funds for the armed forces. An additional historical parallel in the Article I, Section 8, clause 13 provides that "no Appropriation of Money to that Use shall be for a longer Term than two Years." The requirement of legislative approval for the allocation of funds to raise troops underscores the principle of political superiority over military command. It also constitutes a sharp reminder that a Commander in Chief is dependent on the legislature's willingness to give him an army to command.

The Continental Congress continued the usage of the title in 1775, when it unanimously decided to appoint George Washington as general. His commission named him "General and Commander in Chief, of the Army of the United Colonies." He was required to comply with orders and directions from Congress, which did not hesitate to instruct the commander in chief on military and policy matters.

The practice of entitling the office at the apex of the military hierarchy as commander in chief and of subordinating the office to a political superior, whether a king, a parliament, or a congress, had thus been firmly established for a century and a half and was thoroughly familiar to the Framers when they met in Philadelphia. Perhaps this settled historical usage accounts for the fact that there was no debate on the Commander in Chief clause at the Convention.

President Thomas Jefferson understood the limitations of the Commander in Chief clause. in 1801, in his first annual message to Congress, he reported the arrogant demands made by Joseph Caramanly, the pasha of Tripoli. Unless the United States paid tribute, the pasha threatened to seize American ships and citizens. In response, Jefferson sent a small squadron to the Mediterranean to protect against the threatened attack. He then asked Congress for further guidance, since he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It was left to Congress to authorize "measures of offense."

Jefferson's understanding of the war clause underwent no revision. Like Jefferson, President James Madison was aggrieved by the punishment and harassment inflicted on United States vessels. In 1812, he expressed to Congress his extreme resentment of the British practices of seizing American ships and seamen and inducing Indian tribes to attack the United States. Madison complained but said the question of "whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or, opposing force, to force in defense of their national rights" is "a solemn question which the Constitution wisely confides to the legislative department of the Government."

Following his 1823 announcement of what has become known as the Monroe Doctrine, President James Monroe was confronted with international circumstances that seemed to invite the use of force, but Monroe repeatedly disclaimed any constitutional power to initiate hostilities, since, he maintained, that authority was granted to Congress.

President James K. Polk may well have initiated war with Mexico in 1846, when he ordered an army into a disputed area on the Texas-Mexico border. But Polk understood the constitutional dimensions of the war power and offered the rationale that Mexico had invaded the United States, which, if true, would justify a response by the Commander in Chief.

Until 1950, no President departed from this understanding of the parameters of the Commander in Chief clause. But to justify President Truman's unilateral decision to introduce troops into the Korean war, revisionists purported to locate in the President a broad discretionary authority to commence hostilities.

Emboldened by Truman's claim, subsequent Presidents have likewise unilaterally initiated acts of war, from the Vietnam war to the incursions in Grenada and Panama. But this claim is cut from whole cloth. It ignores the origins and development of the title, the clear understanding of the Constitution's Framers, the nineteenth-century record, and the history of judicial interpretation. The Supreme Court has never held that the Commander in Chief clause confers power to initiate war. In United States v. Sweeny (1895), Justice Henry Brown wrote for the Court that the object of the clause was to give the President "such supreme and undivided command as would be necessary to the prosecution of a successful war." In 1919, Senator George Sutherland, who later became an Associate Justice of the Supreme Court, wrote, "Generally speaking, the war powers of the President under the Constitution are simply those that belong to any commander in chief of the military forces of a nation at war. The Constitution confers no war powers upon the President as such."

While the Supreme Court has held that the President may not initiate hostilities and that he is authorized only to direct the movements of the military forces placed by law at his command, it has been contended that the existence of a standing army provides the President with broad discretionary authority to deploy troops on behalf of foreign-policy goals. Although the intrusion of a public force into a foreign country may well entangle the United States in a war, Presidents have often manipulated troop deployments so as to present Congress with a fait accompli. Given the broad range of war powers vested in Congress, including the authority to provide for the common defense, to raise and support armies, and to decide, in Madison's words, whether "a war ought to be commenced, continued or concluded," it seems clear that Congress may govern absolutely the deployment of forces outside U.S. borders. As a practical measure, Congress may choose, within the confines of the delegation doctrine, to vest the President with some authority to send troops abroad, but there is nothing inherent in the Commander in Chief clause that yields such authority.

Representative Abraham Lincoln in a letter to William H. Herndon said:

> Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose. If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us," but he will say to you "be silent; I see it, if you don't."
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

We are aware of the now familiar pattern of most recent Chief Executives in similar circumstances of invoking the title Commander in Chief and descriptions of him as being the sole organ of foreign relations or chief of administration to suggest a conclusion of constitutional invulnerability. No statutory or decisional authority is volunteered in support of the conclusion.

If Congress is to have the sole authority "to declare war," as the Constitution clearly states, then are we to suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive?

As we have seen, wars can be waged, and have been waged, without a declaration by Congress. Such military actions, nonetheless, still constitute wars. The shedding of blood, the taking of lives, the destruction of property, the movement of navys and armies, are all the same, whether done under a declaration of war or without such a declaration. War is war whether it is a "declared" conflict or otherwise. Are we to imagine that the authority is shifted from the elected representatives of the people in such instances to someone else, or to some other department, or to the executive? The lack of a declaration of war does not make the conflict any less a war than it would be with such a declaration. The sacrifices, the costs, the ramifications are just as far reaching in the case of an undeclared war as in the case of a declared war. Why then, should we strain our imagination to the breaking point and pretend that, short of a declaration of war, the authority rests somewhere other than in the legislative department?

President Clinton has taken the position that he does not believe that he needs the authorization or approval of the Congress to engage in a major military deployment in Bosnia, where warring parties have signed a peace agreement but where flashes of violence and hostile actions are so possible that NATO and other forces are needed to make the agreement work. His immediate predecessor, Mr. Bush, took a similar position in regard to his deployment of forces to Saudi Arabia to do battle against Iraq in Desert Storm. Nevertheless, both of them requested the formal support of the Congress in advance of their actions. I requested President Clinton on a number of occasions to seek the support and approval of the Congress and the American people, before committing troops. The Senate "authorized" Mr. Bush, in S.J. Res. 2 on January 12, 1991, "to use United States Armed Forces" against Iraq, by a vote of 52–47.

Again, here today in the Resolution offered by the Majority Leader, the Senate is providing clear authorization for the President to undertake a specific action, and in this case in somewhat more specificity than was the case with regard to Mr. Bush, and for a limited time. The operative words are in Section 2, that "the President may only fulfill his commitment to deploy United States Armed Forces . . . for approximately one year to implement the general Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b)." That language fulfills the Framers' intent, from a constitutional perspective, for the Congress to authorize the President to undertake war making powers that he would not otherwise have.

The emphasis of the authority given here today is its limitation in scope and time. If, in the future, the missions engaged in by our forces go creeping into nation-building, to doing the job of civil authorities for reconstruction or refugee movements, then the President would have exceeded his authority. I, for one, would certainly be prepared to pull the plug on the operation—as I did in the case of Somalia—and cut off the lifeblood of its appropriated funds, if that kind of backsliding were to occur. The same is true if we went beyond "approximately one year", language that I insisted be included in this resolution. Our military leaders repeatedly testified that they were highly confident that the military implementation tasks could easily be completed within a year, and the Dayton Accords obligated us to, specifically "approximately one year." Thus, the resolution holds the parties' feet to the time clock. In the interim, the Bosnian Muslims should be properly prepared, from a military standpoint, to defend themselves. Furthermore, we ought to be considering putting into place a follow-on European-manned security force, if further military security from the outside appears to be needed. But, for us, our job is to be done in "approximately one year," and that should be that.

The Constitution divides governmental powers into three areas: legislative, executive, and judicial; and distributes them among three co-equal branches: Congress, President, and the courts; and provides a system of checks and balances to keep the powers separate and the branches equal. Underlying this scheme of government in the area of immediate concern is the desire to establish interdependence between Congress and the Executive in hopes of fostering cooperation and consensus in the supersensitive areas of national security and foreign affairs.

As Commander in Chief and sole organ of foreign relations the President has independent powers, not simply those conferred on him by statutes. *Dames & Moore* v. *Regan*, 453 U.S. 654, 661 (1981), quoting *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–320 (1936). At the same time, by virtue of its power over the purse and powers to raise and support armies, to provide and maintain a navy, and to regulate both, Congress has broad constitutional powers implicating national security and foreign affairs. Article I, 1, cls. 12, 13, 14.

The separation of powers principle is intended to prevent one branch of government from enhancing its position at the expense of another branch and, thus, disturb the delicate balance of powers that the Framers assumed was the best safeguard against autocracy.

As Commander in Chief the President has command of the army and navy and may respond to an attack upon the United States. See, e.g., *Youngstown Co.* v. *Sawyer*, 343 U.S. at 642 (concurring opinion). Also, there is authority for the proposition that he may act to safeguard American lives and property abroad. See *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860) and *Slaughter-House* cases, 16 Wall. 36, 79 (1872). But see the Hostage Act of 1868, 22 U.S.C. 1732, which excludes war from the President's options to obtain the release of Americans unreasonably detained by a foreign government.

On the other hand, aside from his powers "to grant Reprieves and Pardons for Offenses against the United States . . ." and to "receive Ambassadors and other public Ministers", the

President is totally dependent upon Congress for authority or money and usually both to implement any policy. Congress is under no legal obligation to supply either or both. For example, it has been said that "[w]hile Congress cannot deprive the President of command of the army and navy, only Congress can provide him an army or navy to command." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 644 (concurring opinion).

In the Dole resolution, the authority to implement the President's proposed Bosnia policy is clearly provided, and in so doing the Senate is accepting responsibility for the action. In doing so, a vital bipartisan political foundation is being provided for the President's actions, and I think it clearly follows that the consequence of authorizing this policy fall upon us here in this branch as well as in the Oval Office. If it passes, we will be giving substance to the proposition that politics in America stops at the water's edge, and this is as it should be. The American people should know that the Bosnia implementation is a national policy, approved through the constitutional scheme that was intended by the framers.

The Constitution specifies that "[n]o Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." This provision has been held to be a restriction upon the disbursing authority of the Executive Department, and means that no money can be paid out of the Treasury unless it has been appropriated by an Act of Congress. *Cincinnati Soap Co.* v. *United States*, 301 U.S. 308, 321 (1937). Accordingly, the absolute control of the moneys of the United States has been said to be in Congress, and Congress is responsible for its exercise of this great power only to the American people. *Harrington* v. *Bush*, 558 F. 2d 190, 194 note 7 (D.C. Cir. 1977). The power to make appropriations includes the authority not only to designate the purpose of the appropriation, "but also the terms and conditions under which the executive department of the government may expend the appropriation. . . . The purpose of the appropriations, the terms and conditions under which . . . appropriations [are] made is solely in the hands of Congress and it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, the Dole Resolution does not provide the appropriations needed to carry out the Bosnia operation. This is a policy resolution. That was also the case when we authorized President Bush to make war against Iraq in Desert Storm. In that case, the appropriations were provided later. In the same way, the Congress will have to approve appropriations for the Bosnia operation in the near future.

I hasten to point out, Mr. President, that the power of the purse is our ultimate hammer, and one which is always available, to terminate the operation. If it turns out that the parties to this piece of geography fail to live up to their pledge to keep the peace and to provide for the security of our forces, and the agreement fails, the Congress can take swift action to terminate our involvement. We have exercised the power of the purse recently to terminate operations and limit them. This was the case in both Somalia and Rwanda. So, while I support this Resolution and believe it is appropriate and timely, I would certainly not hesitate to participate in an effort to end the operation and bring our forces home if the parties will not allow it to work.

Although Congress in enacting laws has to scrupulously avoid even incidental, adverse effects on fully autonomous presidential powers (e.g., the pardoning power, Ex parte Garland, 71 U.S. 333 (1867), it is under no similar constraints in other areas. The fact that in the exercise of an acknowledged power, such as powers to fund or to regulate the Armed Forces of the United States, the Congress may incidentally impinge upon presidential authority as Commander in Chief does not render that exercise a violation of the separation of powers. "There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the Country, its industries and its inhabitants. He has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 643–644 (concurring opinion.) "The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." Id. at 588 (opinion of the court).

Although Congress is subject to the Constitution in the exercise of its power of the purse as in the exercise of all its powers, e.g., *United States* v. *Lovett*, 328 U.S. 303 (1946), "[e]ven when the President acts clearly within his powers, Congress decides the degree and detail of its support," Henkin, Foreign Affairs and the Constitution 79 (1972), and "it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, I shall enumerate the defense and war powers set forth in the Constitution, as bearing on the President as Commander in Chief, as compared with those that are directed to the legislative branch.

Section 2 of Article 2 states: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called in to the actual Service of the United States."

Section 3 of Article 2 states, ". . . He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

I find nothing else in the Constitution that would indicate any additional authority or power given to the President with respect to the armed forces.

On the other hand, there is much language in the Constitution with respect to the authority and power of the legislative branch anent the military. For example:

Clause 1, Section 8, Article 1: "The Congress shall have power to . . . provide for the common defense . . . of the United States; . . ."

Clause 10, Section 8, Article 1 states: The Congress shall have power "to define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;"

Clause 11, Section 8, Article 1: The Congress shall have power "to declare war, grant letters of Marque and Reprisal, and make rules concerning captures on land and water;"

Under Clause 12, Section 8, Article 1, the Congress shall have power "to raise and support Armies, but no appropriation of money to that use shall be made for a longer term than two years;"

Clause 13, Section 8, Article 1 states: The Congress shall have power "to provide and maintain a navy;"

Clause 14, Section 8, Article 1 states: The Congress shall have power "to make Rules for the government and regulation of the land and naval forces;"

Clause 15, Section 8, Article 1 provides that: The Congress shall have power "to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;"

Clause 16, Section 8, Article 1 states: The Congress shall have power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;"

Clause 18, Section 8, Article 1 states: The Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

If Congress is to have the sole authority "to declare war," as the Constitution clearly states, then are we to suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive? To so suppose, strains credulity to the breaking point. I prefer to suppose that the Framers, being unable to foresee the various degrees of military action short of that which would be taken under a declaration of war, and, therefore, they did not attempt to go into any detail beyond that which would obtain in the event of all out war. Obviously, the President has the inherent power and authority to take action to repeal an invasion, or a sudden and unanticipated attack on the United States or its military forces. In such instances, the President would have no alternative but to exercise such authority, there being no time to consult with or to secure authorization from the Congress, which might not even be in session at that moment. It seems logical however, to believe that the specific power to declare war—that being the ultimate circumstance—and such declaration having been invested in the legislative branch, anything short of the ultimate circumstance, anything short of the declaration of war, the responsibility and authority for committing the armed forces of the United States in an offensive action, the authority would remain vested in the legislative branch. In other words, the lone authority to declare war being vested in the legislative branch, anything less than a declaration of war would seem to be reposed for its authority in the same source, namely, the Congress. It strains imagination to the utmost to believe that the authority to commit the military forces of the nation in an all out war, shifts elsewhere when the military forces of the nation are to be committed to a lesser action by the military forces than that of all out war. The authority to go to the ultimate limit would seem to carry with it the authority to extend the military action to something less than the all out or ultimate action of declared war.

I close by thanking the majority leader for his leadership and for his statesmanship in taking the position he is taking in introducing the resolution that we are going to vote on.

Mr. President, I urge that the Senate vote down the resolution offered by the distinguished Senator from Texas and the Senator from Oklahoma, Mr. INHOFE, and others, and that the Senate vote to approve the resolution offered by Mr. DOLE and Mr. MCCAIN.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions on which we will vote today in the order in which we will vote.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. CON. RES. —

(Purpose: To Oppose President Clinton's planned deployment of US ground forces to Bosnia)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That the Congress opposes President Clinton's decision to deploy United States ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

Section 2. That the Congress strongly supports the US Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

———

S.J. RES. —

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American diplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest,

the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security

Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestones for measuring progress in achieving the mission and objectives;

(4) command arrangements for United State Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1-A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a)(1) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, buy may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have been asked by the leader to make the following request:

I ask unanimous consent that the time on our side of the aisle be divided as follows, in the following order:

Senator WELLSTONE, 7 minutes; Senator MURRAY, 9 minutes; Senator LEAHY, 7 minutes; Senator SIMON, 7 minutes; Senator BRADLEY, 10 minutes; Senator SARBANES, 5 minutes; Senator DODD, 7 minutes; Senator LAUTENBERG, 7 minutes; Senator GRAHAM, 7 minutes; Senator MOSELEY-BRAUN, 5 minutes; Senator KERRY, 10 minutes, and Senator DASCHLE, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that at the hour of 10:15 this evening, the Senate proceed to the final vote on the pending Hutchison-Inhofe concurrent resolution without further action or debate, and immediately following the vote, the Senate proceed to the final vote on the Dole-McCain joint resolution on Bosnia, with the time between now and 10:15 p.m. this evening to be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I further ask that the Senate resume the Bosnia debate, and it be in order for the leader to offer his joint resolution at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Once again, Madam President, I thank all Senators for allowing us to do this so that every Member of the Senate who might be looking for a timetable would know that the votes do start at 10:15, and that the time between now and then will be equally divided.

I yield the floor.

WHY I OPPOSE SENDING GROUND TROOPS TO BOSNIA

Mr. INHOFE. Mr. President, in recent weeks I have spent a great deal of time thinking about Bosnia. I have been to hearings and briefings. I have consulted with experts. I have had many discussions with my colleagues and my constituents. One month ago, I even went to Sarajevo and Tuzla myself to see the conditions our soldiers would face there.

Since my return, I have taken to the floor of the Senate many times, and used every public opportunity, to state my opposition to the President's imminent deployment of ground troops to Bosnia. In the days since the conclusion of the Proximity Peace Talks in Dayton, I have also spoken out against any conditional support of this deployment coming from the Congress. The decision to intervene on the ground in Bosnia is a bad idea, Mr. President, and while I will always support our soldiers wherever they are sent, I want no part of this decision.

My conviction that the administration's intention to put troops in harm's way in Bosnia is a huge mistake rests on three broad arguments. First, and above all, the conflict in Bosnia poses no real threat to vital American interests—simply put, there is nothing in Bosnia that Americans should die for. Second, the Dayton talks have produced a false peace that is inherently unstable and politically doomed. Finally, the implementation force [I-For] plan is self-contradictory and hopelessly optimistic, and will expose our soldiers to unreasonable risks even as they diligently pursue its unrealistic objectives.

WHAT INTERESTS ARE THREATENED?

The administration has repeatedly argued that two vital interests are at stake in the conflict in Bosnia. If we don't intervene now, they say, the war will widen to a point where it threatens all of Europe. If the U.S. does not lead NATO in intervention, they say, both the NATO alliance and U.S. leadership of it will be at risk.

The President is correct when he says that preserving security in Europe, and maintaining American leadership of NATO, are vital American interests. But it is one thing to refer to vital interests, and another to claim that they are really threatened by the conflict in Bosnia. I do not think they are. The administration asserts that the war in Bosnia will spread throughout Central Europe. But where is the evidence that this conflict threatens Bosnia's neighbors? Local countries like Italy, Hungary, and Austria do not seem concerned.

The President has often referred to previous European wars in this century. But comparing this war to either of the world wars—and likening those of us who oppose United States involvement in Bosnia to 1930's-style isolationists—is absurd. It shows a profound misunderstanding of history, and of the roots of those conflicts. World War I began in the Balkans because the world powers took sides in a Balkan war, not because they kept at a safe distance. What the Clinton administration is doing looks a lot more like taking sides. As for World War II, neither Serbia, Bosnia, nor Croatia are anything like Nazi Germany, in terms of ambition, population, industrial strength, military power, or anything else. They are focused on each other, not on external aggression.

The Balkan war has not spread in the past 4 years, and it shows no signs of spreading. So when the President states that stability in Europe is a vital American interest, he is right. But when he says that European security is threatened in Bosnia, he is wrong.

The only other vital interest the administration refers to is that of preserving our leadership of the NATO alliance. Mr. President, I believe in NATO. It has served us well, and because there are still potential threats to European security, we must enhance and even expand it. But right now, the American people are divided on the question of NATO's importance. Many wonder if the alliance has outlived its usefulness. How does the administration expect Americans to feel about NATO when we get bogged down in a NATO mission in Bosnia? They will view every body bag as one more reason to get out of the alliance once and for all. They will ask: "This is why we are a part of NATO?" And they will be much less willing to act when a real threat to Europe comes along. There are still real threats to Europe out there, Mr. President.

Dragging—or being dragged by—the alliance into a conflict for which it was not designed and for which it is not suited is not leadership. NATO still has a viable mission, but not one of intervening in a nasty Balkan civil war that poses no demonstrable threat to European security. Why should we risk the inevitable conflicts with our NATO partners that will result when we all start taking casualties in a place where no one really wanted to be in the first place?

And why, if this is so important to NATO, should Russia—whose unpredictable future is one of the principal reasons for NATO's continued existence—be included so completely? Why would we go out of our way to include Russian forces with our own, when their natural sympathies lie with the Serbs that we will be trying to disarm, the Serbs we were bombing just a few weeks ago? We have been told by the administration that we would be evenhanded in our actions in Bosnia, but I was told by an administration official not long ago that the Bosnians were our first priority. But Russia's first priority will certainly be the Serbs.

Not only will this forced alliance with Russia bring Russian troops into Central Europe for the first time since World War II; it will create the potential for misunderstandings and conflict with Russian forces that we have not seen since the Berlin Wall came down—all in the name of preserving European security.

Mr. President, I repeat—I support NATO. If and when this conflict truly threatens Greece and Turkey, or any of our other NATO allies, I will support action to contain it. But the administration proposes not to contain the conflict, but to jump right into the middle of it. If NATO is to become a rationale for America intervening in civil wars in states that are not even members of the alliance, then I say we should disband the alliance tomorrow.

WHAT KIND OF "PEACE" ARE WE TRYING TO IMPLEMENT?

Mr. President, in all the discussion of the implementation force, many people have lost sight of how shaky the agreement reached in Dayton is itself. Regardless of our interests in Bosnia, or our concern for the victims of the war there, the NATO force is being sent to Bosnia to implement what I believe is a fatally flawed agreement, one not likely to survive without the continued presence of large numbers of NATO troops. Let me quote at length from a study by John Hillen of The Heritage Foundation, dated November 30, 1995, and titled "Questioning The Bosnia Peace Plan":

> Is a bifurcated Bosnian state a realistic and sustainable political entity? The Bosnian peace accord proposes a Bosnia-Herzegovina that has the appearance of a single state, but is in fact based on two very separate political entities—The Bosnian Muslim/Croat Federation and the Bosnian Serb Republic. In order for the central organs of Bosnia to actually function as intended, the two separate entities of Bosnia will have to show the most extraordinary goodwill and cooperation towards each other, qualities that have never before been in evidence in Bosnia.
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> Many experienced diplomats have expressed skepticism about the political viability of this Bosnian state and the realistic chances of its survival as a centrally governed and coherent nation. * * * Stephen Cambone of the Center for Strategic and International Studies noted that "any agreement reached in 20 days over issues that have been fiercely fought over for more than four years is fraught with compromises and internal flaws." Helmut Sonnenfeldt of the Brookings Institution noted that the accord has "a lot of loose ends" and "many ways in which it could unravel." In short, the accord is diplomatically enchanting but realistically impractical.
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> Much of this skepticism over the accord is rooted in the fact that the accord does not address fundamental issues of sovereignty and ethnic self-determination. Instead, it freezes those unresolved issues in place and offers up an elaborate power sharing agreement for a Bosnian central government. However, it will be difficult for a contrived central government to replace the bonds of loyalty, authority, and legitimacy that currently exist between Bosnian Croats and Croatia and Bosnian Serbs and Serbia. Those existing bonds are rooted in centuries of political, ethnic, and cultural identity and are sure to prove stronger than bonds to a hastily fabricated central government. * * *
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> If history is any guide, this agreement does not stand much chance of lasting. In Cyprus in 1964, international negotiators reached a similar agreement between Turkish and Greek Cypriots. Much like the Bosnian agreement, the doomed Cyprus accord attempted to replace bonds to the "parent entities" for both sides (Greece and Turkey) with an unworkable central executive and ethnically aligned parliamentary blocs. This ensured continued intractability except in the event of the most extraordinary goodwill. This structure never worked because it never addressed the fundamental fears and aspirations of the warring factions and was completely predicated on a diplomatic fantasy: the hopes for a degree of cooperation that had never been present in Cyprus. After 10 years of sporadic fighting and instability under this makeshift arrangement, Turkey invaded the island, partitioned Cyprus, and put an end to the ephemeral peace; an imposed peace that was never locally supported. UN peacekeepers have been in Cyprus for over 30 years.
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> The same pattern can be expected in Bosnia. How can an imposed peace that does not reflect political realities or the basic concerns of the warring factions hope to survive except by the continued enforcement of thousands of NATO and American troops? The hastily concluded Bosnian peace accord is, by necessity, a weak plan. The weakness is inherent because the accord does not address the fundamental issues that caused the parties to go to war in the first place. It is, at best, a cease-fire that can only work under the continued stewardship of 60,000 heavily armed NATO combat troops.

Mr. President, it is my view that, in addition to finding threats to vital interests in the Balkans where there are none, the President is putting U.S. prestige on the line to implement a peace plan that has very little chance of succeeding in the long run even if everything goes well for a year.

THE REAL RISKS TO AMERICAN TROOPS

Maybe the most troubling thing about the administration's approach to the Balkans is its confidence that it will be able to control the conflict after it jumps in with both feet. The President speaks of a "limited, focused" mission; he tells us that we are "not fighting a war." Then why are we sending more than 60,000 troops, reinforced with tanks, artillery, and airpower? What of this talk of "overwhelming force" and "robust rules of engagement?" Just what is "overwhelming force" when you are fighting against landmines? What are "robust rules of engagement" when you are fighting snipers—an airstrike on the village where you think the shot came from? Mr. President, I remind my colleagues that we had robust rules of engagement and overwhelming force in Vietnam, and they did not work in the end. I think that it is utter nonsense to apply these concepts to Bosnia.

Regardless of any paper agreement signed in Dayton, there are those in Bosnia for whom continued fighting is a better deal. There are those who are profiting from the war as bandits or on the black market. There are those who are used to getting their way with guns; for them this war is about money, not ethnicity; one NATO commander told me that they had found cases where Serbs were selling black market ammunition to Muslims! What about those who will be displaced from their homes by the Dayton agreement, who will not willingly leave? What about those who have been displaced—there are up to three million refugees in Bosnia-Herzegovina—for whom peace means "going home," but who will not be allowed to return as the result of the agreement? What about fighters who are demobilized as a result of the treaty, but cannot find jobs because the economy has been ruined? And those who just miss the power of a rifle? While I was in Tuzla last month, the commanding general of UN Sector Northeast, General Haukland, told me that there will be criminality and gangsterism when troops are demobilized. Mr. President, what about those who have a score to settle after four years of brutal war? One thing is certain, Mr. President—there are a lot of people in Bosnia who may be tempted to shoot at Americans, regardless of our "overwhelming force" and "robust rules of engagement."

A LONG-TERM COMMITMENT

On October 17, 1995, Secretary of Defense Perry told the Senate Armed Services Committee: "The U.S. has vital political, economic, and security interests in Europe. The war in Bosnia threatens those interests, and the U.S. vital security interest is served by stopping this war." At the same hearing, Secretary Perry states the administration's commitment to bringing our troops home in approximately one year.

But the administration cannot have it both ways. President Clinton cannot say that our vital interests are threatened in Bosnia, and at the same time pledge that we will be out of Bosnia in about a year. If two vital interests—European security and the NATO alliance—are truly threatened in Bosnia, how can there be a one-year statute of limitations on our response? Since when are American vital interests only worth one year's commitment?

The administration has also said that United States troops will leave Bosnia if the peace agreement is violated and conflict resumes. In short, their plan claims to be defending a vital interest, but promises that we will leave if enough people shoot at us, or when the 12-month clock runs out. But if conflict in Bosnia really threatens a vital U.S. interest, are they not committed to ending that conflict no matter what it takes, or how long it takes? Is that not what "vital interest" means? Mr. President, if the administration can tell us that IFOR will leave in about a year, no matter what, then there must not be much of a threat or much of a vital interest. If there are vital interests at stake, the Administration should be honest and tell the American people that we are committed to Bosnia for the long haul.

If I were sending one of my sons to Bosnia, I would want to know that his life was being put on the line to accomplish something important, something worth doing at any cost, and something that the American people stood firmly behind. But at best, the Dayton plan and IFOR will bring a few months' respite to the people of Bosnia. When the war resumes after we leave, or if "systemic violations" force us out, then the hundreds, perhaps thousands, of Americans who died trying to impose a token peace in an artificial country will truly have been wasted.

Vital interests are the only thing we should ask our soldiers to die for. When U.S. vital interests at stake, the American people and our troops alike will tolerate things going badly for a while. They will stay the course. If there were vital interests at stake in Bosnia, the President would not be giving us all of these details about rules of engagement, exit strategies, and time limits—he would not have to.

Mr. President, administration officials in Washington seem to be the only people who think we can finish this operation in a year. Not one military or diplomatic person I spoke with on my trip, not a single U.S., NATO, or U.N. commander, thought that peace in Bosnia could be achieved in anything close to 12 months. Given the forbidding geography, harsh winter climate, and wholesale destruction in Bosnia, it will be months before even modest degree of stability could be restored, even if everyone cooperates fully. The UN commander in Tuzla, General Haukland of Norway, described a one-year presence as a hand in water—when you take it out, nothing has changed. In Balkan history, a year is no time at all.

The simple truth, Mr. President, is that the Republic of Bosnia and Herzegovina is about to become America's pet country. The United States of America is going to own Bosnia and all of her problems just as soon as the 1st Armored Division sets up in Tuzla. Does anyone really believe that we will leave Bosnia in a year if the threat to her stability remains? Does anyone really believe, after arming, training, and equipping the Bosnian Army for a year, that we will stand by and watch if our pet army is on the verge of defeat? Of course not; if Bosnia is as important as the Administration says it is, we will stay in Bosnia as long as we have to. We have already employed airstrikes against the Serbs; we will do so again if Bosnia is threatened again. I say to my colleagues—we are on the verge of what may be a very long commitment.

So Mr. President, I have said that I will resist this plan with all of my power, and I will do so down to the wire. I think the peace is false, the plan is naive, and the risk to our troops unrealistically high. There is only one way to express these conclusions: I urge my colleagues to oppose the Dole-McCain Resolution of conditional support, and to support the Hutchison-Inhofe Resolution opposing the deployment of ground troops to Bosnia.

Mr. President, I want to make a couple of observations about the debate that is taking place tonight. There seems to be a lot of people who are going to vote, perhaps, for the Hutchison-Inhofe resolution, then turn around and vote also for the Dole-McCain resolution. I suggest, Mr. President, that would be a little inconsistent.

After looking at a final copy—and we only received a copy of the Dole-McCain resolution a matter of a couple of hours ago in its final version—I cannot see that it narrows the mission at all. It starts off by saying, "Before acting, pursuant to the resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination. . ."—and then they cover a number of things that they want the President to certify. For example, the Dole-McCain resolution says: "The mission will be limited to the implementation of the military provisions of the Dayton agreement."

But the administration has already, in effect, certified this: Secretary Christopher said, on December 1: "Let me assure you that IFOR's mission is well-defined and limited. Our troops will enforce the military aspects of the agreement. They will not be asked to guarantee the success of democracy or reconstruction."

Secretary Perry said the same thing: "The mission of IFOR is to oversee and enforce the implementation of the military aspects of the peace agreement." That is exactly the same as we find in the Dole-McCain amendment.

Second, Dole-McCain says: "An integral part of the successful accomplishment of the objective is the establishment of military balance." This is what the administration has been saying all along. For example, Secretary Christopher has said: "We are committed to achieve the stable military balance with Bosnia and among the states of the former Yugoslavia."

In another part of the Dole-McCain resolution, it says: "The United States will lead an immediate international effort to provide equipment, arms, training, and related logistics assistance of the highest possible quality to ensure that the Federation of Bosnia and Herzegovina can provide for its own defense."

Again, on December 1, Secretary Christopher said: "The Armed Forces in the Federation will need to obtain some equipment and training in order to establish an effective self-defense capability. As for our part, the United States will ensure that the Federation Armed Forces receive the necessary assistance."

What I am saying, Mr. President, is I think it is inconsistent for someone to vote for Hutchison-Inhofe and turn around and vote for Dole-McCain. Dole-McCain simply requires the President to say what he has been saying all along. Is that supposed to narrow the mission? Is that supposed to reassure us?

Second, Mr. President, I was listening very attentively to the very knowledgeable and scholarly Senator from West Virginia, Senator BYRD, talking about the constitutional rights of the President and the responsibilities of the President and also the constitutional rights of Congress. I thought, all the way through, that he was coming to the conclusion that the President cannot do what he has already done. At least that is what I was inferring from his remarks. But I gather he will support the President by voting for Dole-McCain.

I did hear several other valuable arguments during the course of the day. Senator FEINGOLD came out with some very strong constitutional arguments that would lead one to believe that the President has indeed overstepped his powers. He referred to an article by Louis Fisher, which I later made a part of this RECORD. He says: "The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to repel sudden attacks."

So that qualifies what the President is able to do within his constitutional rights. We made that a part of the RECORD. In sitting and listening to the debate today—and I stayed in the Chamber the entire day, as I feel this is the most critical vote we will have, probably, at least in the last year or 2, and I wanted to hear everyone's viewpoint. I think the distinguished Senator from Alabama, Senator HEFLIN, talked at some length about how this should be a European mission. I have said over and over again that maybe we have a responsibility—and I am not going to debate that because everybody is assuming that we have a responsibility to protect the integrity of NATO, to respond in some way to the atrocities that have taken place. I have suggested that there are atrocities taking place all over the world. Where do you draw the line? Do you draw it here? Or are we, in fact, doing this because the President, in February 1993, made a statement that he was going to send ground troops in?

But the Senator from Alabama, Senator HEFLIN, talked about the fact that this should be a European mission. Nobody will deny that it is more a responsibility of Europe than it is the United States. Yet, we talk about the contribution that our NATO partners are making to this.

Germany, who is in the backyard of the Balkans, is sending a total of 4,000 troops, and they debated it in their legislative body before agreeing to do that. We did not have time to debate it before we did it. Yet, we are talking about sending five times the troops that Germany is sending.

I listened very carefully while several people on the floor made points. I want to briefly respond to a couple of them. First of all, as far as our troops being supported, I think we all have made it abundantly clear that we in this body, as well as the other body, are supporting our troops, not just here, but all around the world. What greater support could there be for our troops than by not sending them into this hostile area to start with? That is real support of the troops.

That is what we are trying to do with the Hutchison-Inhofe resolution—make it abundantly clear that our troops should not have to be over there. When they are over there—if, in fact, they end up in a mass deployment—yes, we will support our troops all the way. I think that has been said over and over again. I do not think anybody is going to deny that.

The Senator from New Mexico, Senator DOMENICI, made a very good point. What we are trying to do is state our opposition to this before it gets started.

You see, the troops are not deployed yet. Yes, there are some there. We will support those. Those are the advance troops, logistic troops, but the mass deployment that the President has promised immediately after the signing of this agreement in Paris has not yet taken place. So this debate is taking place now, before the mass deployment has taken place.

The junior Senator from California commented in her remarks that this deployment was acceptable "as long as it remains a peacekeeping mission." I suggest to the junior Senator from California it is not a peacekeeping mission now. We keep hearing about peacekeeping as if there is currently peace to keep. There is a cease-fire in effect. But I have been in parts of Bosnia during this cease-fire when the gunfire was going off; in some parts of the northeast sector, near Tuzla, they do not even know there is a cease-fire. The title that we are giving ourselves now, giving to I-FoR, is "peace implementation." There is a big difference between peacekeeping and peace implementation. Peace implementation means we do not have peace now but we will implement it. That is a totally different mission.

Mission creep has already crept into this, Mr. President. The exit strategy seems to be to keep peace for a year, and then leave. As the junior Senator from California said, all we have to do is keep peace for a year and we are out of there. She is saying exactly what Secretary Christopher said, exactly what General Shalikashvili said as recently as last week before the Senate Armed Services Committee, saying it is inconceivable we will not be out of there in a year.

During my visit with the Norwegian general who commands the U.N.'s northeast sector, in the Tuzla area, I mentioned "12 months," he smiled and said, "You mean 12 years." And when we talked about 12 months he said, "Apparently the American people do not understand the way the people in that region think, the Serbs, the Croats, and the Moslems. Their conception of time is totally different." He used an analogy I have used on the floor. It is like putting your hand in water for 12 months, you look and take your hand out and nothing has happened. When we leave the war will start again. If they know we will be gone in a year, which we have said we will be—the President has reaffirmed that as recently as last week, and it was reaffirmed a week ago by Secretary of Defense Perry—what will they do? Lay low for a year and then come back out swinging. By the way, Mr. President, the combatants in this conflict have a habit of laying low every winter.

I do not think I have ever in my life—and I did serve in the Armed Forces—I do not ever remember a time in our Nation's history or in the history of warfare where we went into a hostile area and then our exit strategy was geared to time, instead of being geared to events. But that is exactly what we are proposing to do here.

The senior Senator from California was talking about "A far greater risk in doing nothing than in sending our troops." I suggest that it is not quite that easy. It would be easy if we were able to pass the Hutchison-Inhofe resolution and the President would look at this and say clearly we do not have Congress behind sending ground troops in but we have a responsibility to NATO, we have a responsibility to Bosnia. If he felt that way he could do it and we could do it through air power. We have already been there with airstrikes. We know that works. We could lift the arms embargo.

Sure, our European partners do not want us to do that. They want us on the ground there. People talk about how well received our President was over in Europe. I think if I lived in Europe I would be receiving him well, too. He is coming over and proposing that we fight their battle for them. I suggest that there are other alternatives.

Senator ASHCROFT from Missouri was talking about the speech that the President made in 1993 and suggested something I had not thought about. Maybe the President made the commitment of United States ground troops back in February 1993 without having been really apprised of the situation in Bosnia, the deep hostility, the history of that area, the history of World War I, World War II, the 500-year-old civil war, and what has been going on over there for many years.

The Senator from Delaware, Senator BIDEN, was articulate and outspoken when he talked about the different parties there. I think he referred to Milosevic as someone who was perhaps a war criminal, and certainly he talked about the others who had actually been indicted for war crimes. Lastly, it was Senator KOHL who said that we either support peace or we do not. I think there are many ways where we can offer our support without doing it on the ground. I will mention one other thing that the Senator from North Carolina mentioned when he talked about the fact that the bridges and the roads in that sector—from Hungary down south through Tuzla, down toward Sarajevo, in the area that goes from the Posavina corridor down to Tuzla—that the roads would not accommodate an M-1 tank. We found out when we were over there that there is only one bridge in that entire area that they say can handle it structurally. The Americans will have to come in and rebuild the bridges, rebuild the roads, and if they do not they will start a civil war because the people are upset for us coming in and messing up the existing roads with our tanks. This came from the people now in command, the U.N. people in the northeast sector.

The most profound thing I have heard on the floor of the Senate today came from the very distinguished Senator from Indiana, Senator COATS. He asked the question, "Have we so squandered American leadership that we must buy it back with American lives?" I think this puts it in perspective. If we are wanting to prove to someone that we have this leadership, that we must lead and whatever NATO decides to do is in the best interest of the allies and that we must blindly go along with them, do we do this at the risk of lives?

On October 17 we asked the question of Secretary Christopher and Secretary Perry. This was after Gen. Michael Rose made the statement if the Americans get into this war they will sustain more losses than they did during the Persian Gulf war, where we lost a total of 390 lives.

I asked the question, is your mission here worth 400 or more lives? Secretary Christopher said yes; Secretary Perry said yes; General Shalikashvili said yes. I think that is a defining difference between the administration's view and my own.

I think that we need to at least acknowledge this body is already on record opposing what President Clinton is about to do. So it is not a matter of waiting until the last minute, until the last hour. Over a month ago we passed a sense-of-the-Congress amendment in both the House and Senate, attached to the Defense appropriations bill by Senator GREGG: "It is the sense of Congress that none of the funds available for the Department of Defense should be obligated or exploited for the deployment or participation of the United States Armed Forces in any peacekeeping operation in Bosnia-Herzegovina * * *."

This opposition is not something we are coming up with today for the first time. The Senate is already on record.

Lastly, let me go over some of the things that were talked about on the floor today in terms of danger. I think we are kind of trying to soften this thing, trying to gloss over the dangers. Some say we will go over and everyone will be kissing the American flag and everyone will love us because we brought peace into the Balkans. If you stop and look, and this came out of the Defense News, of the various elements over there, the Croats have 80,000 soldiers; the Croatian Serbs 50,000; Serbia, 125,000; Bosnia, 110,000; Bosnian Serbs, 80,000; Bosnian Croats, 50,000. That is not even talking about the rogue elements, and there are some nine rogue elements that are over there.

It is so convoluted it reminds me of the letter that came back from one of our warriors who lost his life in Somalia. It was the son of Captain James Smith, who read me the letter of his son. His son was Cpl. Jim Smith who lost his life. Capt. Jim Smith lost his leg in Vietnam and his son lost his life in Somalia. His was one of those corpses dragged through the street in Mogadishu. His last letter said: Dad, we cannot tell who our friends are and who they are not. We cannot tell the difference.

I suggest that is exactly the situation that we have here. Many people have talked about the fact that we are going to have just 20,000 or 25,000 troops over there. I hope no one is kidding themselves, deluding themselves thinking that is all we are going to have.

There was an article in the Defense News that gave a very persuasive argument that we would end up with a total NATO force of 240,000 troops. Keeping our ratio, that would be 80,000 Americans who will be involved over there.

Go back and read your history. British Prime Minister Disraeli, over 100 years ago, who had been observing the battles over there, said, "It will take a half-million troops to bring peace to the Balkans."

I think, when we look at the timeframe of 12 months—that is fictitious. It is not going to happen. The 20,000 troops, that is not going to happen. The mission is peacekeeping—that already is not happening, it is now peace implementation. We are kidding ourselves.

We have already had a vote on H.R. 2606. That was a very strong vote, even though there were just 22 who voted in favor of it. Those are the people who really feel the strongest about not sending troops into that area. But we are going to have another record vote. That record vote is going to take place this evening.

We are going to have two record votes. When you have the first vote on the Hutchison-Inhofe resolution, think very carefully. Because if you vote for that, as I said when I opened these remarks, you cannot turn around and vote for the Dole-McCain resolution because they are inconsistent with each other. This is the last opportunity that the Senators who are here and will be voting tonight will have to get on record. This is their last shot, the last chance they have to say no, we should not send ground troops into Bosnia.

I do not think it is possible for anyone to understand the hostility of the area if he or she has not been up there to Tuzla where our troops will go. To the best of my knowledge, only two Members of Congress have been up there, Senator HANK BROWN from Colorado and myself. When we had a meeting the other day in the Senate Armed Services Committee, I discovered that even Secretary Perry had not been up there, Secretary Christopher had not been up there, General Shalikashvili had not been up there, and certainly President Clinton has not been up there.

I cannot imagine that they would be willing to take chances in a hostile area without going up and looking at it. I can tell you firsthand, and I went over much of that area in a helicopter not more than 100 feet off the treetops with Gen. Rupert Smith, a British general. We looked down and for the first time we could realize how Marshal Tito was able to hold off the very best that Hitler had on a ratio of 1 to 8, because of the unique environment, the very hostile and forbidding environment.

Mr. President, this is going to be probably the most significant vote that many Members of this body will cast. It is going to be tonight. I would like to have them think long and hard. Because if you vote for—if you vote against the Hutchison-Inhofe resolution and vote for the Dole-McCain resolution, you are saying we agree with the basic policy of sending ground troops.

You see, I think everybody knows now, we can support our troops and not support the policy. That is an easy thing to do. We all support our troops. The greatest support we could give our troops is to not to deploy them into that warring area.

I yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Minnesota is recognized for 7 minutes.

Mr. WELLSTONE. Mr. President, 4 years of mass executions, mass rape, mass murders, brutal ethnic cleansing, sieges against civilians, terror campaigns, atrocities, and genocide not seen in Europe since the end of World War II—¼-million people dead, 3 million people in the region refugees, and if we were to think about this in terms of our population, that would be the equivalent of 170 million American refugees.

The people of Bosnia deserve relief from years of armed conflict, relief from displacement, relief from malnutrition and hunger, relief from winters without heat or electricity, relief from war crimes and, yes, relief from the indifference of the rest of the world.

I traveled to the former Yugoslavia by myself 2 years ago. I went with my legislative assistant, Colin McGinnis. I visited with people in the refugee camps, and I saw enough pain and enough misery to last me for a lifetime. The Dayton agreement is the best and perhaps it is the last chance for peace in the region. That is why I intend to support it.

While I am speaking on the floor, I would like to express my thanks and my love to the family of three American diplomats killed in Bosnia while serving the cause of peace.

Our proper constitutional role as Senators and Representatives is to not give broad grants of authority to any President. I have talked to experts outside the Congress, had many briefings from people in the administration, met with people in the former Yugoslavia, and I have tried to the best of my ability to make the best decision for my country and for the world that I live in. I believe it is our responsibility to make sure the objectives are limited. I believe it is our responsibility to insist on as much clarity as possible.

There are several reserve units going from Minnesota, and, as a Senator, I owe those families. It is my responsibility to make sure that everything is done that can be done to preserve their safety and the safety of all of our soldiers who are there—not to go to war, as I listen to the Senator from Oklahoma, but are there to secure a peace.

Do I have concerns? You bet I have concerns. I do not think the arms control provisions of this agreement are very strong. I worry about the international police provisions; I think they are weak. I believe that there should have been, in the Dayton agreement, really a clear understanding—we keep talking about this 1-year time agreement—that the Europeans are a part of the transition and that they assume the responsibility for peacekeeping so that when we leave after a year or thereabouts, in fact the presence of NATO is there. Because it is not clear to me that we will be able to accomplish our objectives in that period of time.

Do I worry? You bet I worry. I have been up at night trying to decide what the right decision would be. I worry about the landmines. I have had briefings from our military, and there are reasons for all of us to worry. Our soldiers are trained, they have been doing the training in Germany, but I worry about that. I worry about depending on Milosevic. I think Milosevic is a war criminal. And when I hear Milosevic has made this commitment and that commitment, it makes me nervous.

I wonder what the meaning is when General Mladic says he has not agreed to this agreement. Does he go to the hills with his soldiers? I worry about that as well.

This has been a difficult decision for me, but in the end I really believe that we are doing the right thing as a nation. In the end, I think the alternative to no peacekeeping force there—and there will be no peacekeeping force and there will be no agreement if we are not a part of that force—will be a living hell. The alternative, I say to my colleagues, will be a living hell: More genocide, more rape, more murder, more mass executions in Bosnia. And it could be a war that spreads to Central Europe.

We are there to do the right thing. I believe that. I believe that for our children. I believe that for my children.

In the end, I stand on the side of hope, hope for an end to this conflict, hope for an end to its attendant horrors, hope for a better world that we live in, hope for the peoples of that region, hope for an end to the bitter ethnic divisions, hope for an end to the religious hatred.

I believe that we, therefore, in casting this vote in supporting our soldiers and in supporting this peacekeeping mission—I believe we cast the right vote. That is why I will vote for the Dole-McCain resolution, and that is why I am in opposition to the Inhofe-Hutchison resolution.

Mr. President, on the day before the formal signing of the Paris Peace Agreement on Bosnia, we are gathered here for a historic debate. I want to share with my colleagues my views on the deployment of United States peacekeepers to Bosnia to participate in the NATO peacekeeping mission there.

Designed to help put an end to the violence that has cost so many lives and so much suffering over the last 4 years, it offers real hope for peace. After much thought, I have come to a simple conclusion. With U.S. participation in the NATO peace effort, there is a real chance for a durable peace that could break the brutal cycle of violence there. Without our participation, we face an almost certain resumption of the fighting, and possibly a wider Balkan war.

This war has taken a horrible toll, not only on the people of the region, but also on the conscience of people everywhere who have watched it unfold in all its horror on their TV screens, and struggled to figure out a way to help end it.

For 4 years the people of Bosnia have suffered some of the worst atrocities in Europe: mass executions, mass rapes, brutal ethnic cleansing, sieges against innocent civilian populations, and terror campaigns. Atrocities we have not seen since the end of WW II.

So far, the war there has left a quarter of a million dead, and nearly 3 million people from the region refugees, expelled from their homes and villages in brutal campaigns of ethnic cleansing. Three million refugees. Think of that. If such a war were fought here in the United States, by population share that would be equal to about 170 million American refugees.

The people of Bosnia deserve immediate relief from the years of armed conflict, displacement, malnutrition and hunger, winters without heat or electricity, war crimes, and at times indifference by the rest of the world. The Dayton agreement offers a promise of such relief. I visited the Balkans 2 years ago. I met many people there, including many refugees who had been expelled from their homes, and who had lost loved ones and friends. I know the trials and horror they have experienced.

Even in the face of these horrors, the President's decision to send United States troops to Bosnia is one of the most difficult foreign policy choices our country has confronted since the end of the cold war. The risks of the deployment, though I think they have been greatly reduced by the administration's careful planning, are real. From the millions of landmines left over from the war, to irregular forces, to weather, to other hazards, this mission is not without its dangers.

But while many of us have had differing views about the proper United States role in Bosnia over the past 4 years, and some of us had pressed for tougher action against the Serbs for many months, there is one thing that is becoming more and more clear. The Dayton agreement is the best, and perhaps the last, chance for peace in the region. That's why I intend to support it.

Full and effective implementation of this agreement offers the best hope to stop this brutal war, and to give the parties a chance to recover, and to rebuild their cities, to rebuild their nations. After months of fruitful negotiations led by the United States, and with the Europeans providing the bulk of peacekeeping forces to help monitor the agreement, I believe it would be a mistake for the U.S. Congress to sound an uncertain, quavering trumpet now regarding our commitment to peace in the region.

Through tough-minded, tenacious diplomacy, President Clinton's envoy Richard Holbrooke worked for many months to help the warring parties craft an agreement that could bring an end to the bloodshed. He deserves our praise, and our thanks—as do those three American diplomats killed in Bosnia while serving the cause of peace.

President Clinton observed in his recent speech that the United States can't be the world's policeman, but we can become involved in circumstances such as this, where we have a compelling national interest in maintaining the peace, where we have a chance to be effective, and where we have a clear duty to help.

Over the course of the last few weeks, I have talked with the President and with his chief foreign policy advisors, including Secretary of State Christopher and Secretary of Defense Perry, and pressed them to ensure our mission was clear, limited, and governed by strict rule of engagement that would allow our troops to protect themselves in any circumstances. The Dayton Agreement provides for sweeping NATO rules of engagement that will allow U.S. forces to use all appropriate force to protect themselves. In the last 2 weeks, I have been urging administration officials to clarify the limited, narrow goals of the mission; how they intend to measure progress toward those goals, and the limits they will impose on U.S. troop activity in the region. I believe they have made real progress in clarifying each of these areas.

This is our proper role in Congress: to press administration officials to clarify key points of their plan, ensure that objectives are limited and attainable, that an exit strategy is clearly laid out, and that planning for a post-U.S. presence upon withdrawal, composed presumably of Europeans, is moving forward. I believe that we have done that, pressing those responsible in the administration to close some gaps in their thinking that will serve our troops well in the long run.

I have thought long and hard about this deployment and, in addition to my discussions with the President and his senior advisors, have consulted extensively with those whom I represent in Minnesota, administration officials at the working level in the Pentagon, the State Department, and elsewhere. I have talked with outside regional experts, and others. I've talked with Minnesota military personnel who are being deployed to Europe. There are several reserve units from Minnesota whose members are being deployed to Europe, and I am aware of my direct and profound responsibilities to them and to their families—and to the families of all our troops—to ensure that everything possible is done to preserve their safety.

The Dayton Agreement, especially its key military annexes, were clearly designed with these concerns in mind. And it has garnered broad support. It has the support of the Russians, of the U.N. Security Council, NATO, the European Union, and the Organization for Security and Cooperation in Europe, each of whom will play a key role in its implementation. It is truly a multilateral effort, of which the administration should be proud.

But even though we played a key role in the development of this agreement among the parties, let us not forget one critical thing; this is their agreement, not ours. It was developed by the parties, not imposed by outsiders. They have asked other nations, including the United States, to help secure the future of that agreement.

And they have assured us, NATO, and the U.N. Security Council that they will respect its terms, and take steps to protect our peacekeeping forces. Over 25 nations have responded to the call to help secure this peace. As the last remaining superpower, we have an obligation to join them. If the current ceasefire holds, and the peace agreement is signed tomorrow in Paris and begins to be implemented on schedule in the next few weeks, we have a duty, I believe, to help.

I think it would be irresponsible to sit aside and allow the horrors that have taken place in Bosnia to continue. Our great hope is that this peace agreement might finally secure a lasting peace; we must not abandon that hope now by cutting off funds for our troops, or by refusing to grant at least conditional support for the mission.

I have decided to support this peacekeeping deployment, even though I am fully aware of the potential risks and problems with it. For example, I believe the arms control and international police provisions of the Dayton Agreement are weak, and must be strengthened. And they are being strengthened and fleshed out, by NATO planners and through proposals offered last weekend at the London Implementing Conference. In the end, how they are implemented will make the big difference, and we in Congress must monitor this carefully. The reporting requirements of the Dole-McCain resolution will help ensure that Congress is kept informed on a formal, timely basis of developments in key areas of the accord's implementation, in both its military and civilian aspects.

Likewise, I remain somewhat concerned that the very broad NATO rules of engagement leave considerable room for interpretation on the part of NATO field commanders there about how to react when faced with violent civil disturbances, hostage situations, harassment by irregular forces, or other similar situations. I know they do so to provide flexibility to our commanders in the field, but this is another area which must be monitored carefully. Supervising the separation of forces, maintained by the parties, is one thing. But serving as local police forces is quite another. While I know the Dayton Agreement prohibits the latter, we must be careful to ensure that the potential for any mission creep is strictly limited.

We have heard a lot of heartfelt debate today, and expressions of concern about the potential for an extended, open-ended deployment. To those who are worried that Bosnia could turn out to be a quagmire, I can only say I have consulted as broadly as I could, weighted the risks as responsibly as I could, and I do not believe that is going to happen. I believe the administration has built into its implementation plans sufficient safeguards to avoid this problem, including strict limits on the areas where our troops will be, and on their mission. If I did believe this was a real risk, I would fiercely oppose this deployment. Let there be no mistake. This will be a NATO operation, with clear lines of command and rules of engagement, run by an American general. The mission is not open-ended. Our troops will be heavily armed, with the power and authority to respond to any potential threats as forcefully as necessary.

Of course, there are some concerns that can never be fully met. For example, I have doubts about the sincerity of Serb President Milosevic, and about his ability to deliver on his promises. I have even less confidence in the Bosnian Serbs. I am frankly alarmed that General Mladic has not been willing to support the agreement, that

Serb civilians in the Sarajevo suburbs have been so vocal in opposing it, and that the Bosnians have resisted cutting their ties with radical states like Iran. But those doubts should not deter us from at least supporting this attempt at peace; they simply offer reasons for caution.

I have raised some of these concerns explicitly with the President and his advisors. I have asked tough questions of administration officials about how they intend to make good on United States commitments to lead an effort to provide arms and training to the Bosnian Government while serving as neutral peacekeepers. While I have in the past supported lifting the arms embargo against the Bosnians, I believe that with this agreement there is a real chance to stablize the situation through arms control, rather than primarily through building up the opposing armies.

That's where our emphasis should be now. Demilitarization on all sides, not remilitarization, is the appropriate course to follow to estalish a military balance between the Serbs and the Moslem-Croat Federation. Once a full NATO balance-of-forces assessment is complete, the report required by the Dole resolution is submitted to Congress, and the arms build-down begins in earnest, I am hopeful that full compliance with the arms control provisions of the peace agreement will go a long way toward equalizing the forces. And if it does not complete the task, there will be plenty of moderate Moslem nations willing to help arm, equip, and train the Bosnians to better defend themselves, as necessary.

I have also raised questions about the criteria that will be applied by NATO to measure progress toward its goals, and about the timetable for the eventual withdrawal of U.S. forces. Administration officials have provided me with all the information they could on these questions. While many of us would like to know that our troops will come home by next Christmas, I do not think the administration can realistically provide firm assurances that that will happen, and I think that it would be foolish to demand them as a condition for our support, since it could place our troops in great jeopardy if they are pulled our prematurely.

I do know the President intends to have us get in, complete our mission, and get out, as swiftly as possible, and that General Shalikashvili has indicated that 1 year is more than sufficient time to accomplish the limited military goals of the mission. Completing our mission should be our primary goal, not meeting some arbitrary timetable that may by driven more by domestic politics than by the situation on the ground in Bosnia.

Whether 1 year is also sufficient time to secure other, broader goals, including return of refugees, free and fair elections, and rebuilding of war-torn Bosnia, is unlikely. I know of almost no one who believes it is possible in that timeframe. But at least this year-long respite can end the violence, and start them on the road toward peace. I hope that we will be able to work out an agreement with out allies that will provide for a much smaller, residual force that could stay there longer, if needed, to monitor compliance with the accord. Composed largely of NATO troops from Europe, this force could begin to shoulder primary responsibility for the mission after 9 to 10 months. I have urged the administration to explore this more vigorously, because I think it is key to our exit strategy in the region. I would have preferred that it be built into this resolution. But I am satisfied that the administration has taken seriously this concern, and will take steps to explore it with our allies.

On these and many other questions, administration officials have been very forthcoming. Where they were unable to provide clear answers, for example on the planned composition of a follow-on force if such a force were necessary after U.S. withdrawal, they outlined for me the state of their current thinking. Frankly, there is still much work to be done by NATO, the U.N. Security Council, and others over the course of the next few weeks and months to nail down answers to some of these key questions. But overall, I am satisfied that this deployment has been carefully planned and will be executed ably by our military forces. It is the responsible thing to do, the right thing to do. And that's why I intend to support it.

Many Americans remain skeptical of U.S. participation in this peacekeeping effort. I continue to believe it is critical that the President have the support of the American people and their representatives in Congress before moving forward. And I think that as this process has moved forward, and the President and his advisors have made clear the limited, narrow nature of the NATO mission, more Americans are being persuaded that this peacekeeping effort is the right thing to do.

Whatever we decide today, the President has already started sending U.S. troops to serve as advance support for the U.S. mission there. We must support the troops, and their families here in the United States, in every way we can. This resolution expresses clearly our support for their efforts.

Mr. President, this has been a difficult decision for me. But in the end I stand on the side of hope—hope for an end to the conflict and its attendant horrors, hope for a better future for the peoples of that region, hope for an end to the bitter ethnic and religious hatreds that have engulfed the region. It is a hope tempered by realism, though, about the road that lies ahead, and the potential pitfalls of this agreement.

Finally, let me say this. Over the last few weeks, some have asked me why I would be willing to consider supporting this peacekeeping deployment, when I opposed our going to war in the Persian Gulf. There a host of major differences between the two situations, not least of which is that our troops were being sent to the Persian Gulf to go to war; in Bosnia, they are going to secure a peace. The have been invited by the parties in Bosnia to secure a peace agreement, under firm security assurances provided by the parties. I opposed the war in the gulf, among other reasons, because—like Chairman of the Joint Chiefs of Staff Colin Powell—I believed the tough U.N.-imposed sanctions ought to have been given more time to bite. In Bosnia, I do not believe that are realistic alternatives to this peacekeeping deployment that have gone untried.

This may be the opportunity that is needed, Mr. President, to break the cycle of violence in the lands of the former Yugoslavia by helping to keep the sides apart for a year in order to give them some time to begin putting their lives back together. Hopefully a year of peace will bring about something more lasting. It is my hope for the future of the peoples of that region that has led to me to conclude that we should support the President's action. I urge my colleagues to join me in support of this resolution.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, as a cosponsor of the Hutchison-Inhofe resolution opposing President Clinton sending American troops to Bosnia, I am obliged to note that the administration's problem is that it lacks a coherent policy for resolving the war in the former Yugoslavia. That is it, pure and simple.

A coherent policy must be based upon a clear-eyed assessment of the United States national interest in the Balkans. It must employ a means to address our national interest, calculated in direct proportion to the threat posed to the United States. Most of all, a coherent policy must have an end, a goal, a point at which we can define when the mission is accomplished.

The administration's plan has none of these elements.

The foundation of President Clinton's policy in Bosnia is not the national interest—it is desperation. This desperation to fill the vacuum of American leadership in Bosnia has led the President to make a disastrous decision. In a last, desperate act he is demanding that the U.S. military rescue his foreign policy.

The American people should be prepared for the possibility that American lives will be lost any time our national interest is at stake. I am certain that if asked to go to war our brave men and women in uniform would, without hesitation, heed the President's call. I salute those who would serve the Nation so readily, but I cannot and will not support the President's decision to ask them to make this sacrifice. The risk to the lives of our troops far exceeds any national interest the United States could possibly have—particularly as defined by President Clinton—any national interest we could possibly have in the Balkans.

The question will not go away: "Mr. President, what precisely is your goal? What is your objective in Bosnia? Is it the creation of an inviolable Bosnian nation?" If so, the Dayton Agreement assuredly does not accomplish that goal. The agreement—pure and simple—is the partitioning of a sovereign nation on ethnic lines.

Is Mr. Clinton's goal to provide the people of Bosnia the means of defending themselves? If so, the President has so far shown no inclination to do so. Is it to save his own foreign policy and salvage his administration's standing on the world stage? If so, it is too late, and a disastrous military campaign in the Balkans can only do harm to the reputation and prestige of the United States far beyond what the 3 years of inaction by the administration already have.

The Bosnian people do not deserve war. Americans do not deserve to die in support of a policy that will not bring peace to the Bosnians. What we can and must do is help the people of that nation help themselves. If we truly want to guarantee lasting peace in the Balkans, we need to give the Bosnian people the tools of peace: the means to defend themselves from renewed Serb aggression.

Mr. President, more than 3 months ago I introduced legislation to provide the Bosnian people with American arms and training that they need to defend themselves. That legislation calls upon the administration to lead an international effort to coordinate contributions from those countries who wish to join in helping the Bosnians acquire the means of self-defense.

I will do everything in my power to help the Bosnians acquire the means to defend themselves. But I cannot, I do not, and I will not support sending American soldiers to fight, and to die, in Bosnia for the sake of an agreement that offers no more than a brief pause while all sides prepare for the next round of Balkan wars.

Mr. President, I thank you. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 9 minutes.

Mrs. MURRAY. Mr. President, I rise to express my qualified support for the deployment of United States military personnel as part of the NATO force to implement the Bosnia peace plan.

The President has made a compelling case to the American people in support of U.S. participation in the NATO peacekeeping force. He has said that the NATO military mission will be clear, limited, and achievable; and that the risks to our troops will be minimized.

Congress has had the opportunity to go over this plan carefully, through a series of extensive briefings and hearings, which have been held over the last few weeks by at least four committees. Through this process, we have gotten answers to many of our questions, but certainly not all of them.

As the polls and phone calls reveal, the public is extremely wary about this operation. They know this is a mission with an uncertain outcome, where American sons and daughters may lose their lives. They are worried that our troops will be dragged into a civil conflict, despite our intentions to the contrary.

I have set aside extra time over the last several weeks to meet with and hear from constituents on this issue, many of whom have sons, daughters, husbands and wives likely to be deployed in Bosnia. I have listened to their fears and reservations. They are understandably worried—about landmines, snipers, civil disorder, undisciplined local factions, hostage taking, and other risks inherent in this mission.

And like most Americans, my constituents wonder aloud why the nations of Europe have not been able to solve this crisis on their own. Knowing how pressing the needs are here at home, they are weary of the constant need for American leadership abroad. Many resent the U.S. in the role of global policeman—again.

I have also met with relief workers who have been working on the ground in Bosnia, to learn from their perspective how much rebuilding lies ahead for the people of this war-torn nation. This is an extremely important issue, because the success of NATO's military mission will be measured against the gains made in the civilian sector to reestablish a viable economic and political life throughout Bosnia.

While it is important to point out that NATO's implementation force, or IFOR, will not be responsible for the conduct of humanitarian operations, the two operations will work to complement one another. But the IFOR will not be a police force, and it will not conduct nation-building. Nor will the IFOR address the numerous issues surrounding the return of refugees. Rather, IFOR's mission is simple and straightforward —to keep the peace so that civilian and political leaders have an opportunity to rebuild Bosnian society.

Our military leadership has repeatedly reassured Congress that the limited nature of this mission can be accomplished in 1 year's time, with most of the military tasks contained in the agreement accomplished in the first 6 months. After that, IFOR's role will be to maintain a climate of stability so that the civil tasks outlined in the peace agreement can take root.

In the words of Secretary Perry, the goal is to "break the cycle of violence" so that the civilian efforts—economic development, free elections, and the return of refugees—can have an opportunity to take hold. But regardless of what the situation looks like 1 year from now, the Secretary has said that "we must not be drawn into a posture of indefinite garrison."

Mr. President, it is this very limited mission that I am agreeing to with my vote today. I want to be clear—my support for this mission is qualified. I will be following developments closely in the weeks and months ahead. While I believe it is in our national interests to participate in a limited way in this operation, I feel very strongly that once we have paved the way for the Bosnian people to make peace, our role will be over and we should leave.

Yes, we can provide the opportunity for peace. But if, after a year's time, the Bosnian people themselves have not seized this chance, we should and must leave.

Having said that, I do believe that what we are about to do is incredibly important. Certainly this deployment carries risks. But I believe those risks must be measured against the promise for peace this agreement contains. The conditions are right for peace in Bosnia. And like Secretary Perry, I have concluded that the risks to the United States of allowing the war to continue are greater than the risks of enforcing the peace.

I agree with the President, our Secretaries of Defense and State, and our Nation's top military leaders. The United States has critical political, economic and security interests in Europe, and the war in Bosnia threatens those interests. The Dayton peace plan is the first opportunity we have had to end the war, and I believe we have to give it a chance.

In implementing the peace agreement, NATO will be embarking on its first land operation in history. Every NATO country with the exception of Iceland will be committing troops to this operation. The United States will contribute one-third of the necessary troops for IFOR. The British will provide 13,000 troops, the French 8,000. In addition, more than a dozen non-NATO nations have indicated a willingness to participate.

Our troops will be headquartered in Tuzla, where they will also have with them a Nordic brigade of close to 4,500 troops. 1,000 of those Nordic troops have been stationed in the Tuzla area for over a year, and will be able to provide our troops with important information on the region and its risks. Perhaps most astonishingly, there will be a Russian brigade that will be a part of the American division, numbering several thousand troops.

The NATO mission, while carefully planned and trained for by our Nation's best military leaders, faces many uncertainties. We owe our troops no less than the finest training and equipment possible, and in this regard we can take great reassurance. We know that the troops we are sending to Bosnia are strong, capable and ready. They have undergone thorough and intensive training over the past several months. They have endured very rigorous and specific exercises, unique to the situation they will face in Bosnia, including mine training and basic combat proficiencies.

American troops will be heavily armed, and will have the authority to respond with decisive force to any threat to their own safety. Our troops will take their orders from the American General who commands NATO, General George Joulwan. For his part, General Joulwan has insisted that the daily training scenarios that our troops are subjected to be increasingly demanding, so that, in his words, "the scrimmage should be harder than the game".

Mr. President, one thing we do know for certain is that the nations of Europe have not been able to solve this crisis over the last 4 years. In absence of any clear leadership, day after day the war deepened, becoming a festering wound in the center of Europe. A quarter of a million lives have been lost to war, ethnic cleansing, and genocide. A generation of children has been terrorized and traumatized. Thousands of elderly have been cast from their homes and turned into refugees with no place to go.

It has been American leadership that finally made a difference. American leadership generated a cease fire. American leadership brought the parties to the peace table. And now it will take American leadership to ensure that NATO remains strong enough to prevent the peace from collapsing.

Many Americans—including my own constituents—question the need for NATO as we approach the next century. The Soviet Union has collapsed. Why, they ask, should America pay the money and put our troops on the line in support of an alliance whose time—in the eyes of some—has passed.

I believe we have a very direct national interest in ensuring that NATO remains an effective and credible security arrangement for the United States and our European allies. Ours is an alliance in support of democracy and freedom, and we are the leader of that alliance.

Now is not the time in history for America to question our leadership role in the world. Continued American global leadership is in our national interest, not only in the matter before us regarding Bosnia, but more generally in this post-cold war era. Nations around the world are watching. If the aggression that has taken place in the Balkans over the past 4 years were to go without challenge, other nations will take a lesson.

Congress gathered just yesterday to hear the moving speech of Israeli Prime Minister Shimon Peres, who faces the daunting task of keeping his Nation on the path toward peace in the wake of former Prime Minister Rabin's assassination.

Mr. Peres reminded us gently of the role America has played in this century, and the responsibilities we carry into the next. He urged us to accept what history has laid on our national shoulders. He reminded us that there are some things that only America can do. America alone, he reminded us, can keep the world free.

We do not know who will be in charge in Russia, China, or Iran 10 years from now. Those nations may be moving closer to democracy, or they may be led by repressive regimes with nuclear capabilities. We simply do not know today.

Because of the uncertainties we face in the world, we in the United States can not afford to fall back to the approach we took after World War I, when a weary nation said "enough". The vacuum was filled promptly, in that case with the most horrendous outcome.

Mindful of such history, I would echo the sentiments of President Clinton when he says, "My fellow Americans, in this new era there are still times when America and America alone can and should make the difference for peace."

To my own constituents, and to Americans across this great Nation of ours, I want to say: I know you are weary. But in my view, we do not have the luxury of wishing away the world and tending our own garden as if events around the world have no effect on us. We must continue to lead, and in doing so, we are most certainly serving our own national interests.

But you are right. This will be a difficult mission to undertake. The climate in Bosnia at this time of year is brutal, the terrain difficult, and the risks many. Even if all goes extremely well, we must be prepared for casualties. This is an inevitable fact of life that accompanies every deployment. We should remember, for example, that during Desert Shield, the staging phase before the Persian Gulf war began, we lost 84 American troops before even a single shot was fired. And although the situation we are entering in Bosnia is vastly different, it is tragically unavoidable that accidents and mishaps will claim the lives of some of those deployed. And so we must prepare ourselves as a Nation for this consequence.

But we must remember that throughout this "American century", as it has been called by some, the United States alone has set the standard to which so many nations now aspire. And in keeping with our vision as a people, since the end of the cold war we have led the international community in breaking new ground on behalf of democracy and the rule of law. In situations ranging from Cambodia to Haiti to Bosnia, we have helped to secure peace and freedom.

I think we have to acknowledge up front that as we undertake these endeavors, we do not fully know yet what model works, and under what circumstances. And that is what makes votes like today's so difficult. But this is no excuse for this Nation or any other major world power to throw up our hands and walk away from the difficult problems and challenges we face in this post-cold war era.

On this point, I think the observations of Lakhdar Brahimi, who heads the U.N. operation in Haiti, are relevant. When asked what we have learned in Haiti that may be relevant to Bosnia, he said:

> . . . With operations like these (in Bosnia and Haiti), he said, the international community is embarking on something completely new for itself, and for which it does not yet have all the skills. It isn't even sure what it wants and certainly doesn't have all the money it needs to do it. So we take a country by the hand and accompany it a little bit, while it tries to stand on its own two feet. We don't do it perfectly, but it's still useful, even if it doesn't create paradise. But no one should kid themselves. It's a constant uphill struggle.

And so we should sober our expectations, but not dampen our resolve. For the sake of our own national interests and those of our allies, we have to move forward—with prayer and conviction.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. I thank you, Mr. President.

Mr. President, this body now debates again whether we support the deployment of U.S. military forces into a European theater of war. We have debated this proposition twice before in this century.

In World War I, we sent our troops to engage in "the war to end all wars." After the slaughter, after the victory, America withdrew from the European stage; and, before the century reached mid-point, we found ourselves again debating whether it was the U.S. role to engage in European wars.

The world was transformed by our historic decision to enter that war. The world was transformed by our decision after the victory to remain engaged;

and, for most of the rest of the century, this country stood for the expansion of freedom and the containment of tyranny.

Perhaps some of us forgot that one of the reasons we were so motivated after World War II was because this nation had been horrified by the scenes of depravity under the Third Reich and the Japanese empire. When we saw the horrors of the concentration camps, we declared, with commitment, "never again."

Generations of Americans raised after that great allied victory truly believed that never again would we tolerate genocide in Europe. The very notion of civilization was redefined to include this idea—until the war broke out in Bosnia.

For almost 4 years, we have witnessed the horrors of "ethnic cleansing" in central Europe. Up until a few months ago, we regularly saw massacres of innocents, most often Muslims. "Never again," came back to haunt us. "Never again," became the hollow cry at the end of a century, taunting us that we could never assume progress from barbarity.

Many of us in this body believed we had to act. While we accepted that we could not make a persuasive case that U.S. troops needed to enforce or protect a vital interest, we believed that the world's remaining superpower had the power, the means, and the moral responsibility, to act.

We voted, again and again, to lift the immoral arms embargo on the young Bosnian state, which was largely unarmed, and was the target of the barbarians of "ethnic cleansing."

This summer, we passed legislation, with a strong bipartisan 69 votes, to lift the embargo.

The Administration, proclaiming concern for the Bosnians, argued that lifting the arms embargo would cause the Serbs to attack the eastern enclaves of Zepa and Srebrenica. For this grotesquely false reason—a reason bloodily refuted by the massacres in Srebrenica that occurred anyway—the Administration argued that we could not let the victims defend themselves. The Administration argued—again and again—that lifting the embargo would spread the war and would require the use of thousands of U.S. forces to extract the U.N. and allied forces. And so, the Administration argued that lifting the embargo was not an acceptable course of action.

Now, less than a month after the signing of the Dayton Accord, the Administration is deploying United States troops to Bosnia to implement the military annex of that accord.

There is a temporary truce in Bosnia. The killing has mostly stopped. The ethnic cleansing has not. And, the administration believes, most sincerely, that the deployment of the NATO Implementation Force, now known as I-For, will, in the words of President Clinton, "help create a secure environment so that the people of Bosnia can return to their homes, vote in free elections, and begin to rebuild their lives." The administration expects this to take approximately 1 year.

Mr. President, I respect the President's prerogative in foreign policy. I believe this is a principle we must respect if we are to convey the proper influence and power of this great Nation overseas. I supported this principle under previous Presidents, and I strongly objected when the Members of the opposing party in this body sought to frustrate Presidents Reagan and Bush.

I was disappointed when this body passed the resolution supporting President Bush's decision to deploy to Iraq by merely 52 votes. We had a clear vital interest at stake then. And, had we waited, we now know that our troops would have been subject to the weapons of mass destruction Saddam Hussein was on the verge of using.

Mr. President, I respect the principle of the President's prerogative in making foreign policy, but I have grave reservations—grave reservations—about the Bosnia policy on which the President is embarking.

But, I wish to make one point exceedingly clear: I believe that the Congress must show our support for the U.S. military. This Senator will always support American troops abroad.

I have recently learned that a Utah reserve unit will be among those troops deployed to this region, and several other Utah reservists have been put on alert. There is no way that this Senator will not do anything and everything to make sure that those troops have the backing they need in terms of equipment and materiel and moral support for what they do to serve our country's objectives.

But, appreciation and support for how well our troops carry out our policy does not mean we cannot question the policy itself as well as engage in some retrospective about U.S. policy.

I wish the President had taken a different approach on Bosnia 3 years ago. Candidate Clinton said he would lift the arms embargo. As I have said, I believe it was immoral to maintain an arms embargo against Bosnia while it was subjected to slaughter by a heavily armed Yugoslavia. I must say that, with his record, there is a credibility question when the President asserts it is the "right" thing to now send troops to Bosnia.

I believe that the Atlantic alliance is the most successful military alliance in the history of the world. The major democracies of the world held together throughout the cold war, and Europe remained secure. The world is still a dangerous place after the cold war, and I believe that NATO must remain relevant. I support the enlargement of the alliance, because I believe the alliance promotes political values as well as enforces security, and I wish to support the democracies of central Europe.

But NATO's credibility has suffered greatly during the Bosnia debacle. Tied by the dual key with the United Nations, the greatest military alliance was ineffective while genocide occurred. NATO stood by while cities and towns were shelled, while humanitarian convoys were turned back, while helicopters violated a no-fly zone. A NATO F-16 was shot out of the sky this summer by Serbs using Russian military hardware.

The administration argues that NATO credibility is at stake. But I must ask: What happens if the I-For goes to Bosnia, and, after 1 year and the departure of I-For, the parties return to war? Will NATO be more credible for having gone to Bosnia with great fanfare, but having returned without success, or worse, with casualties we cannot justify?

This administration proclaims that this is a chance for peace in Bosnia. I do not doubt the President's sincerity. And I do not doubt that the administration is motivated by noble notions. I fear, however, that its ideals are immature.

Peace is not the absence of conflict, Mr. President. We will always have conflict. Peace, I believe, is the management of conflict, the management of conflict so that it does not escalate into violence and war.

And, when I look at the Dayton Accord, Mr. President, and the record of this administration, I fear that many issues about managing the conflict remain unaddressed.

The administration has spoken about a clear exit strategy, partly because we in the Congress have demanded it. But if we do not have a vision of how to manage the conflict after our mission expires, I see very little reason to go in at all. We need a post-exit strategy, Mr. President, and I've heard very little of one.

A post-exit strategy—and the success of the I-For mission—depends on a number of factors. I believe these include, but are not limited to: First, ensuring that the Bosnian Serbs do not pursue territorial gains beyond those they have won in this ignominious partition known as the Dayton Accord; second, completing the agreement between Croatia and Serbia over Eastern Slavonia; third, building and maintaining a cooperative relationship between the Bosnians and the Croatians; and, most importantly, fourth, maintaining the political and military viability of the Bosnian state.

Elements within the Bosnian Serbs have been proclaiming against the Dayton Accord since the day they were signed. Demonstrations have been staged almost every day. Are we to proceed while these rogue elements threaten, with arms, to ignore the accord?

The administration tells us that it will rely on President Milosevic of Serbia to control these elements. President Milosevic has been very cooperative and effective, we are told.

President Milosevic, I recall, was the instigator of the war against Bosnia and has reneged on his promises on numerous occasions over the past 4 years. Perhaps Milosevic has converted—and I believe in conversion—but I have doubts about the sincerity of those who convert after a mild NATO bombing campaign.

Mr. President, I still do not know what the administration intends to do if our U.S. forces are subject to mortar attacks from rogue elements.

For example, if we're attacked from a populated area by rogue elements that move freely within it, how will we respond? With a phone call to Belgrade? How does President Clinton plan to hold President Milosevic accountable for keeping the Bosnian Serbs in line with the accord?

I am also greatly concerned about the agreement between Croatia and Serbia over eastern Slavonia. We should recall the brutal occupation of that Croatian territory. We should recall the pictures of the city of Vukovar, left a smoking rubble by the Serbs, complete with mass graves.

Since then the Serbian Army has occupied the area, cleansed it, and extracted its natural resources. The Croats and Serbs signed an agreement just before the Dayton Accord to return eastern Slavonia to Croatia. The agreement allows for 1 year to revert the territory to Croatia, but it has a 1 year extension clause, to be exercised by either party.

The implementation of the international force to monitor the territory is already stalling. I predict here that the Serbs will ask for that 1 year extension; and, 1 year from now, Eastern Slavonia will still be occupied by the forces of Belgrade.

It is a powder keg. If we do not ensure the peaceful transfer of that occupied territory, there will be a war within 2 years, and that war will spread to Bosnia, and the I-For mission, with its casualties, will have been for naught.

Mr. President, I am deeply concerned that the administration has not focused on this issue.

Mr. President, we need to do more to strengthen the ties begun with the Washington Agreement last year to build the Croat-Muslim relationship.

I have little expectation that the Serbian entity will ever participate in the unitary government of Bosnia-Hercegovina. But without the Croats and Muslims cooperating, Mr. President, we may end up participating in a three-way partition conducted by ethnic cleansing.

Since the beginning of this war, I have argued for a policy of lift-and-strike. Lift the arms embargo on Bosnia and Croatia, and allow them to defend themselves against Serbian aggression. Use air power to dissuade the aggressors while the victims arm themselves.

We saw a version of lift-and-strike this summer, when the Croatian Army, strong again, recaptured the Krajina and coordinated with the Bosnians to deliver military defeats to the Serbs. Our NATO forces went into the skies in August and September to force the Serbs to accept a choice: more military defeats or a negotiated settlement. Lift-and-strike worked, Mr. President, as we said it would.

Lift-and-strike was posited on the premise that a balance of power on the ground would effect a real peace, a peace based on the cessation of violence through deterrence.

Now that the President has decided to deploy the I-For, I believe that it is essential that we ensure that Bosnia is able to defend itself. That, Mr. President, is the only way that we can guarantee that the Bosnians shall not be subject to more ethnic cleansing, to more deadly attacks—unless we plan to keep I-For there forever.

Mr. President, if we are not absolutely dedicated to arming the Bosnian Government, we should be realistic enough to know that the war will reignite shortly after IFOR departs. And then, Mr. President, we'll ask, what was the point? For what did NATO expend its credibility? For what did America risk its sons and daughters? A decent interval to another war is not an acceptable answer, Mr. President.

So 5 years before the end of this bloody century, we debate again sending our troops to Europe. We didn't need to come to this point. The Dayton Accord is abstract, the realities on the ground brutal and complicated. We didn't need to come to this point.

But America has given its word, and credibility of that word, we are told, is at stake. Let me preface my final comments by saying that I am equally concerned about America's standing abroad and about maintaining our leadership in NATO.

But, our credibility is more threatened, I believe, by pursuing a mission with guaranteed casualties and uncertain goals, than it is by telling our allies now that we do not support this policy, this deployment, and that we will arm the Bosnians until they can defend themselves.

But if this policy will be implemented—and already our troops are arriving in Bosnia—we must try to improve it. If we are to effect any positive influence here, Mr. President, we must insist that we arm the Bosnian government so that when we leave, we are not a few steps ahead of the next conflagration.

Therefore, Mr. President, I support the Hutchison-Inhofe resolution opposing the President's decision to deploy, but strongly support the Dole-McCain resolution commending U.S. troops and setting conditions for the deployment which, I hope, will increase the possibility that this mission will not have been a waste of blood, treasure, and, yes, credibility.

Mr. President, I commend the majority leader for his statesmanship in recognizing that President Clinton is our President, that he does have a right to put these troops there, a constitutional right, and once they are there, we have an obligation, as patriots, to stand with them and to help them.

So I will support the Dole-McCain resolution, but I also support the Hutchison-Inhofe resolution as well.

Mr. President, this is a serious thing. I have been over that land. I have been over that territory. I have met with people on all sides of these issues. I have read the histories of the last 600 years of that area. And I have to tell you, I think putting our young people there is a tragic mistake. But once they are there, I am going to do everything in my power to support them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized for 7 minutes.

Mr. LEAHY. Mr. President, the debate over whether the United States should contribute its troops to a NATO peacekeeping force in Bosnia will be the focus of many speeches on this floor in the coming days. It is a subject all of us have anticipated and pondered and wrestled with for some months now, and it is one of those decisions that no one likes to make. It is fraught with uncertainties and the undeniable likelihood that Americans will be injured or killed.

There will be many chances to speak on this, but having thought about it for some time and discussed it with the President and Secretary of Defense and others over the past weeks, and after listening to the President's speech last night and the responses of some of those who oppose sending troops, I want to say a few words as the debate begins.

Mr. President, even before the peace agreement was signed at Dayton the House of Representatives passed legislation to prevent the President from deploying United States troops to enforce a peace agreement without the consent of Congress. I believe the President should seek the approval of Congress before sending troops to Bosnia, although I do not believe the Constitution requires it in this instance where the parties have signed a peace agreement. I felt it was both unhelpful and unnecessary for the House to pass legislation in the midst of the negotiations and before a peace agreement was signed.

But just as President Bush sought congressional approval for sending

United States troops to the Persian Gulf—although half a million were there before approval was given—President Clinton has sought congressional approval, and there will be ample time to debate it before the formal signing of the agreement.

The decision to send Americans into harms way is the most difficult and dangerous that any President has to make. It should be done only when a compelling national interest is at stake, and when there is no other alternative.

Like many or perhaps even most Senators, the majority of my constituents, at least of those Vermonters who have contacted me, do not believe that it is in our national interest to send Americans to Bosnia. They genuinely fear another costly, drawn out quagmire like Vietnam. Some of them fought in that war, or had family members who died there. Others fear a debacle like Somalia, where in a matter of days a well-intentioned humanitarian mission became a poorly-thought out, ill-prepared peacemaking mission that ended in tragedy.

It is the President's job to convince the American people that Bosnia is not Vietnam, it is not Somalia, and that our national interests compel us to take part. He made a good start last night. There are still important questions that need answers—the President said as much himself—but I am convinced that the case for sending Americans to Bosnia can be made, and I intend to help the President make it.

Mr. President, in the past 4 years, a quarter of a million people, the vast majority defenseless civilians, have lost their lives in the former Yugoslavia. We have all read the blood curdling reports of hundreds and even thousands of people being rounded up at gun point and systematically executed or even buried alive.

Countless others have had their throats cut after being horribly tortured. Some have been made to eat the flesh and drink the blood of their countrymen. Thousands of women have been raped. Men have been forced to watch their wives and daughters raped and killed before their eyes. All simply because of their ethnicity, or because they lived on land others wanted for themselves.

The war has produced two million refugees, victims of ethnic cleansing. Hundreds of thousands more have lived in squalor for years in the rubble of what remains of their homes, without electricity, heat or running water.

There are many, including myself, who believe that NATO should have acted much earlier and with far greater force to stop the genocide in Bosnia. I opposed the use of American ground troops to try to win the war, but we gave too much deference to those who said that airpower would never compel the Serbs to negotiate peace. NATO should have been given the authority to use unrelenting force when UN resolutions were violated time and again with impunity.

Our greatest collective failure was to put the United Nations in charge of a peacekeeping mission where there was no peace to keep, and when it was unwilling or unable to back up its own threats. These failures, which caused grievous damage to NATO's credibility, will haunt us for years to come.

But the situation has changed dramatically since then. Sustained NATO bombing, coupled with gains by the Moslem and Croat forces on the battlefield, have shown the Serbs that they cannot win what they set out to achieve. The exhaustion of the warring factions, coupled with a period of extraordinarily forceful American diplomacy, has created an unprecedented opportunity to end one of the most brutal wars the world has seen in half a century.

There should be no mistake. The credibility of the United States Government is deeply invested in the success of the peace agreement, and success of the agreement depends absolutely on NATO's enforcement of it. The parties signed with that understanding. At the same time, NATO's own credibility and effectiveness depend on US leadership. Indeed, without US participation, there will be no NATO force, and the peace agreement will almost certainly collapse.

Mr. President, since the breakup of the Soviet Union and the end of the cold war, NATO's future has been uncertain. Some have suggested that NATO has outlived its usefulness. Others say that since the rationale for NATO—deterring a Soviet invasion of Europe—is gone, NATO should become a political alliance. Still others want to quickly expand NATO to include all or most of Eastern Europe, and perhaps even some of the former Soviet republics.

I mention this because NATO's future is one of the most compelling reasons why it is essential for the United States to participate in a NATO peacekeeping force in Bosnia.

I have been among the strongest supporters of assistance to Russia and the other former Soviet States. A democratic Russia is obviously a major foreign policy priority for the United States. Despite many setbacks, there has been remarkable progress in Russia, Ukraine and elsewhere in the former Soviet Union. But who can predict the next decade? Who can say that the fervent nationalism that remains strong there will not increase to a point when it becomes threatening? It is simply too soon to say what lies beyond this transitional period. I have been reluctant to support the rapid expansion of NATO without a thorough discussion of the implications, for fear that it could fuel the very nationalism in Russia that we seek to discourage.

But neither am I among those who see no role for NATO today. On the contrary, the United States has an enormous stake in preserving NATO's strength. While NATO's focus will undoubtedly shift over time, the future holds too many uncertainties, and there are too many areas of potential conflict around the world where important interests of the United States and our allies are at stake, to allow NATO's strength to erode.

There is no other alliance that comes close to NATO, in power, in readiness, and in importance to the United States. NATO may not have sought the role of peacekeeper in Bosnia, but neither can it avoid it.

Mr. President, I cannot say whether this peace agreement will survive the test of time. Perhaps no one can. There is ample reason to be pessimistic, given the history of broken promises and ethnic hatred in the former Yugoslavia. Since the agreement was signed, it has become clear than no party is completely satisfied, and some have expressed grave misgivings with some aspects of it. If the agreement unravels, NATO Forces may be forced to withdraw, rather than be drawn into the fighting. Even withdrawal would be risky.

But virtually everyone knowledgeable about the situation there agrees that this is by far the best chance for peace since the war began 4 years ago. We and our European allies have an immense interest in preventing the continuation of a destabilizing war in Europe, and I believe we must take this chance.

The President has taken a courageous step, a step that reflects the best of this country. Every American should consider the alternative. More mass murder. More towns shelled and burned. More starving children. More orphans. More horrifying atrocities that are reminiscent of the dark ages. If this does not compel us to help enforce an agreement we brokered to end this calamity, what further amount of inhuman brutality would it take? Should we wait for the slaughter of another hundred thousand, or two hundred thousand?

The President is right. We have a moral responsibility to take part. The Europeans were unable to end the war themselves. United States leadership was not the only factor, but without it there would be no peace agreement, and the war would go on indefinitely. We should be proud of it, and stand behind it.

Some have suggested that we can lead without sending troops. I disagree. We cannot maintain our credibility as the leader of NATO if we are not prepared to assume some of the risk. We should remember that two thirds of the NATO Force will be troops from our NATO allies and others.

Mr. President, our troops are the best trained in the world, but we cannot eliminate the risks. There are 2 million landmines in Bosnia alone, hidden under mud and snow. Each one cost only a few dollars, but one false step could mean the loss of any American soldier's legs or life. The Pentagon says that landmines are among the most serious threats our troops will face there.

This is ironic, since the Pentagon has been actively lobbying against my efforts to show leadership by halting the use of antipersonnel landmines, which claim hundreds of innocent lives each week. Two-thirds of the Senate voted for it, but the Pentagon refuses. In the past few months, several of our European allies have stopped their use and production of these indiscriminate weapons, but the Pentagon refuses.

A quarter of the Americans killed in the Persian Gulf died from landmines. A quarter of American casualties in Vietnam were from mines. I can only wonder how many more Americans will needlessly lose their legs or their lives from landmines before the Pentagon gets the message.

We cannot eliminate the risks, but President Clinton has established the right conditions before U.S. troops can be deployed. If the mission is limited in time, clear in scope and achievable, as the President has insisted, we should support it. Our troops must be backed by broad rules of engagement that enable them to defend themselves with whatever amount of preemptive force is needed in any circumstance. That does not mean waiting to shoot until they are shot at.

Mr. President, I expect to speak again as the debate on this unfolds. I intend to support the President, and I expect there will be Senators I deeply respect who are on the other side. But at the end of the day, if Americans are sent to Bosnia as I believe they will be, I have no doubt that we all will support them, and we will all be proud of them.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. McCONNELL). The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, there have been many eloquent speeches given today and last night. I am not sure that much new can be said. Over the last several years, we have debated the pros and cons of what to do about Bosnia, and I have begun to feel like Hamlet. If I could just review some of my thinking at this point, I would like to.

The tragedy in former Yugoslavia is truly momentous. Nobody will deny that who has watched this occur over the last several years. We have witnessed, in the past several years, atrocities in Europe that we vowed would never again be allowed. We have stood by while our most important and fundamental military alliance, the North Atlantic Treaty Organization, that is a fundamental part of our Nation's security, tottered on the brink of disaster, its members squabbling and indecisive while war waged on Europe's doorstep. And we have struggled to understand the nuances of a conflict fueled by both ancient animosities and a contemporary hunger for power, by both the collapse of communism and the friction of ethnic and religious hatred.

For most Americans, this is a distant war in an obscure land about issues that do not directly affect our interests. All that may be true. And, yet, we could not ignore it. For the past 4 years, we have feared, above all, that it would spread and embroil the great powers, particularly the United States and Russia, on opposite sides of a war neither of us wanted. We have felt deep compassion and remorse as this war, like all wars, took its greatest toll on the innocents: in refugees driven from their lands, in homes and towns and villages destroyed, in a generation of children, Mr. President, whose lives have been shattered.

We have tried to avoid involvement because our direct national interests were not at stake. This, we said, was a European problem. And, yet, because we understood that important national interests could be put at risk if the fighting continued, we could not simply wash our hands of the matter.

So America and our European allies took a series of halting steps and tentative measures that over 4 years tarnished our image and called into question our resolve. We imposed an arms embargo on Yugoslavia and later came to regret it. We established safe havens and then failed to protect them against assault. We promised to deliver food and humanitarian supplies to refugees and displaced persons but then failed to use the force necessary to deliver.

Those efforts all failed. As a consequence of those failures, we had become involved in Bosnia. American credibility, prestige, and leadership, the intangibles that are so important to our national security around the world, all were damaged. We found ourselves in the worst of situations. America put itself on the line in Bosnia, but we had made no commitment to shaping the outcome.

Now we are at a crossroads. The issue before us is whether America should help bring this war to a close. We should, and through our good offices and diplomatic leadership we have done so. I share President Clinton's view that the United States should be a leader for peace. However, I also share the deep reservations of many and that have been spoken of many times today about sending American forces into the Balkans. In my mind, the key to the success of the NATO operation is not the achievement of a military objective, but rather the commitment of the Bosnian, Croatian, and Serbian leaders and their people to peace. Absent that strong commitment by the parties to make the Dayton accord work over the long term, no number of international troops will achieve peace. Mr. President, I am not convinced that the three parties to the Dayton accord will stand by their commitments and sustain the peace. We certainly would all pray for that result.

All three parties have incentives to sign now, but they do not have the same incentive to keep the peace come spring or after our troops depart. By setting an arbitrary 1-year timetable for the departure of our forces, we invite the parties to wait us out. The Dayton accord is full of ambiguities with empty guarantees of peace, and that probably would not have been possible.

Yet the reality is that our troops are going. They are already, many of them, there. Thousands more will follow in the coming days. Whether we like it or not, the President's decision to deploy is behind us. The United States has made a commitment to this operation. Having made that commitment, America must not cut and run. To do so would send a message of weakness around the world that would damage our national interests in a way that the Yugoslavian war itself never could. The reality is that we are involved in Bosnia, and all Americans must do what we can to see this operation through to a successful conclusion.

The decision now before us, to my mind, should involve how best to build the prospects for success. I believe Congress has little choice but to support our forces and the operation, because to do otherwise would be to diminish our chances for success, and success is the task at hand. Today we are considering three approaches to the matter. Each is troubling, I suggest. One has already been rejected. I do not believe we should cut off funding with our troops already on the ground. Provoking a constitutional crisis at this point would not serve either our troops or our national interests. I also do not believe expressing support for our troops but opposing the President's decision to send them enhances the mission's prospect for success. That would send an unequivocal message that America's support for this operation is shallow; a message that would be heard, I think, loud and clear by the parties in former Yugoslavia.

That leaves us with the approach of the Dole-McCain resolution. I commend the authors of that resolution, who have struggled with the very basic but difficult question left unanswered by the Dayton accords: How will we know when our mission is completed? Or put another way, how did we plan to accomplish a lasting peace in the region after our troops have gone?

I have serious reservations about the dual policy the Dole-McCain resolution advocates as a solution to this difficult question. On the one hand, American troops would participate in ostensibly neutral peacekeeping operation to separate the warring parties. On the other hand, America would lead an effort to arm and train one of the parties, the Bosnian Moslems. I have had reservations about this policy articulated by the administration, and I have deeper reservations about endorsing or even expanding that commitment in a congressional resolution. An American-led effort to arm and train, to put our troops in Bosnia at greater risk, could undermine provisions of the Dayton accord that obligate all parties to reduce their armed forces and could lay the foundation for an arms race in the Balkans. Any American effort to arm and train the Bosnian Federation also must recognize and deal with the delicate and contradictory nature of the new Moslem-Croat alliance.

Finally, our European allies have serious reservations about a United States-led effort to arm the Bosnian Federation. While many of my colleagues have decried European leadership on Bosnia, I believe that as a member of NATO we have an obligation to coordinate our policies closely with our allies. But despite these concerns, the Dole-McCain resolution is, to my mind, the only real option now before the Senate. I do support it because I firmly believe that Congress must go on record in support of this operation which already is underway.

The President has made clear that the operation will proceed with or without congressional support, but I am not sure it can succeed without congressional support. With our troops at risk I believe success must be our highest priority. I yield the floor.

Mr. BRADLEY. Mr. President, I rise today to discuss the very important question of whether or not to authorize the deployment of United States ground troops to Bosnia. Let me start with where I have been on this issue and continue with where I am today.

Mr. President, I have long believed that Bosnia itself is not a strategic interest of the United States. I have agreed more with Bismarck who said that the Balkans were "not worth the loss of one Pomeranian grenadier" than I have with those European politicians who have seen it as the contested terrain necessary to extend their countries' reach to the middle East. In essence, the Bosnian conflict represents the conflict of Western Christendom, Orthodox Christendom and Islam and it flows from grievances passed on from grandparent to grandchild over centuries.

While the United States has long had a vital interest in the security of Europe in general, there has been no indication over the past 4 years that the conflict in Bosnia would spread in any significant destablilizing way, notwithstanding the legitimate worries about Kosovo, Macedonia, Greece, and Turkey. Further, while the United States has humanitarian interests related to countering ethnic cleansing and other barbaric conduct, I do not think that it is possible for the United States to intervene and to stop every ethnic conflict in the world. Why Bosnia and not Rwanda has never been answered by the architects of our current policy.

The most striking thing about the Bosnian war is that virtually no one, from the beginning, championed pluralism. Instead, we accepted the premises of the warring parties and lost the high ground.

I also believe that three have been a lot of missed opportunities to curtail the horrors during the four years of this conflict. Because we did not seize them, we have been left with a much more difficult situation. For example, in the Bush administration, the United States, fresh from the triumph in the Gulf, could have threatened massive air power to deter the Serbian President Milosevic from pursuing by force his ambition to create a greater Serbia. We failed to do so and the conflict expanded exponentially into war.

Similarly, in the first 6 to 12 months of the Clinton administration, I believe that there was another opportunity for the United States to warn Milosevic and then to act directly against him if he persisted. The United States could have sent a high level emissary to apply diplomatic pressure and to threaten air attacks to deter Serb aggression. But the United States failed to act in any meaningful way and the war has continued for a period longer than the Korean war.

In the absence of U.S. action, I have supported equalizing the military imbalance in the region. While certainly not a solution to the underlying conflict, military parity is crucial to any lasting peace between the Bosnian Moslems, the Croats, and the Serbs. As a result, I voted repeatedly for lifting the arms embargo. But once again, we missed an opportunity and the embargo and military imbalance have persisted.

That is where I have been on this issue.

Mr. President, I recognize that some things have changed. We have a peace agreement initialed by Moslems, Croats, and Serbs. We have the commitment of NATO to secure the military aspects of this agreement and we have the commitment of President Clinton to deploy 20,000 United States ground troops to Bosnia and another 5,000 troops to Croatia, as part of this agreement. Where Europe failed to get agreement, America succeeded but the results put us in the middle of Europe's most volatile region as not only a co-guarantor, but the broker of the agreement.

Mr. President, I recognize also that several things have not changed. The ethnic enmity between the parties continues. The Moslem-Croat Federation remains fragile and divisions persist among the leadership of the various parties to the agreement.

As importantly, I still do not believe that Bosnia itself is a strategic interest of the United States. Indeed, if there were no counterbalancing factors, it would be my position that the United States should not deploy United States ground forces to Bosnia.

One of the primary problems that we are facing is that we are left to make this decision in a conceptual vacuum. Although the cold war has ended, no one has provided a coherent vision of the post-cold war world. Rather, ad hocism tends to rule the day.

This void is particularly pertinent for the United States. The United States is the most powerful country in the world. With that power, however, comes certain responsibilities. There comes the leadership responsibility to formulate a coherent vision of the world. Yet, no one, including the administration and its predecessor, has defined the role of the United States or NATO or their respective strategic interests since the days of the cold war. But those days have ended. Time after time since 1990, we have looked in the rearview mirror instead of ahead to the horizon of a new world. The retreat to a strategy of "cold war lite" is reflected in bloated defense budgets, confused priorities and a gradual erosion of American influence abroad.

I believe an administration's highest foreign policy priority is to develop a new conceptual framework and I believe a President's role is to first see that it is done and second, to articulate it often enough and persuasively enough so that the American people and the rest of the world know where we are going in foreign policy and why.

The administration's proposal for United States troop deployment in Bosnia is a prime example of the reigning ad hocism. And it brings with it, several grave problems:

To begin, how do we define success? The administration has not clearly stated how it will evaluate the success of the mission. Focusing only on the military mission, the administration has left great ambiguity, if not confusion, regarding the issues of refugees and disarmament. The result is very dangerous because you cannot really have an exit strategy unless you know what it is you are supposed to achieve. For an exit strategy is not a deadline, it is a process for continuously evaluation means against goals.

By stating that the mission will not extend beyond a year, the administration also invites delayed violations. As a mechanism of control, a time limit leads to loss of control. A stated 1 year termination of our involvement is a temptation for the contending parties simply to delay a showdown for a year.

In hoping for a limited mission that could simultaneously solve the deeper conflicts, there has been an incomplete disclosure of where this action will lead. In a year from now, will United States troops be withdrawn only to allow the Croats and Serbs to carve up Moslem Bosnia? Will we feel any better just because our military objectives have been ostensibly achieved? Will the United States' leadership role be maintained and NATO's role restored if Bosnia falls into renewed conflict upon the withdrawal of NATO? Unfortunately, I think the answer is no. Do the Croats yearn so much for economic ties to Europe and the Serbs fear so much the resumption of sanctions that they will restrain themselves from conquering the Moslem enclaves once United States troops leave? Again, I fear the answer is no. Once we are down the road and involved, the most likely outcome is for this mission to continue—for NATO, with United States troops, to engage in the protection of Bosnia enclaves for the indefinite future.

A related, but distinct problem is the disconnect between the defined mission and our objectives. If the administration is to be believed, our mission is only military and can be completed in 1 year. Nevertheless, to justify the deployment of U.S. troops in this case, the administration has defined certain humanitarian interests—to prevent ethic cleansing, to prevent a renewed conflict between the parties, and to create one federated Bosnian state. Neither the limited military mission that the administration has laid out, nor the hoped for year of "breathing space" will be able to accomplish those objectives. The administration is taking the rhetorical high ground, but its plan falls far short of delivering on the rhetoric.

No one is saying now that the Moslem enclaves are going to be the Berlins of the last years of the twentieth century with NATO forces placing a tripwire around them and protecting them in a dangerous world. Instead, the administration trumpets the brevity of the mission as if American forces 6 months on the ground is an inoculation against the deep hatreds that caused the ethic cleansing in the first place. Such an attitude, from my perspective, is naive and wrong. I think the time has come for the administration to level with the American people about the logical end result of this mission. Only a lasting peace will avert us from being faced by Christmas 1996 with the choice of a longer commitment or failure.

In addition, there has yet to be any sufficiently comprehensive definition of either the rules of engagement or contingency plans. What will U.S. troops do in the case of cross-border conflicts, if the Serbs attack the Croats or the Croats attack the Serbs? What will United States troops do if the French troops in Saragevo are directly attacked with the resulting loss of many French lives? Under what if any circumstances will U.S. forces be withdrawn prior to the completion of the military mission. These are very important issues, but there still are no precise answers as there were not when the Bosnian Serbs took UNPROFOR hostage following NATO bombing.

Lacking a coherent vision, there also appears to be little recognition of the implications of this 1 year decision and its potential outcome for our strategic interests throughout the world. If we withdraw our troops and Serbs or Croats subjugate the Moslem enclaves, there will be, for example, significant repercussions in the Islamic world, in the Persian Gulf, and elsewhere. Again the 1 year time horizon could put our withdrawal at a time of maximum uncertainty or danger in the Islamic world—a time when the old, well-known voices could be replaced by more strident fundamentalists—who regard renewed Bosnian horrors as a rallying cry and the United States as the villain who promised and then reneged. Whether such repercussions are worth the interests we are ostensibly saving have not, as far as I know, been addressed.

It is worth remembering the example of Ronald Reagan's Lebanon intervention. The Marines arrived, departed, returned after the Sabra and Shatila massacres and then spent over a year just hunkering down with tragic results.

Finally, those who say that there is no alternative are posing a false choice and ignoring the last 4 years. One might choose deployment as the best of two bad choices. But that does not mean that there were no more choices. A policy of strength that proceeded from a new strategic framework and was pursued from the beginning of the breakup of Yugoslavia was the alternative that no one talks about because it was not developed.

Despite these and other problems with this ad hoc approach, I recognize that there are counterbalancing concerns. Most notably, the President has pledged U.S. participation and the deployment of U.S. ground troops. I have said twice that the United States has not strategic interest in Bosnia itself. Paradoxically, because the deployment decision proceeded ad hoc, it places more emphasis on the downside of undercutting the solemn commitment of our President and of undermining the United States role in Europe where we do have strategic interests. As a result, we in Congress have a new level of responsibility. With all said, I believe that the word of the United States and the ability of the President to lead and to make decisions as leader and Commander-in-Chief, are important elements of the United States' world position. The decision to deploy, however poorly thought out, if carried through and maintained over time, will send a strong message worldwide. It will, for example, show the Chinese that the American concern for human rights does not single them out, but is part of our worldview. It will say to the Japanese and other parties in Northeast Asia that an American President can deliver on his word. It will say to the Islamic world that, as with the gulf war, a non-treaty commitment made by the United States can extend to Islamic territory as well as to Israel, and it will say to all of Europe that the United States remains a European power.

Further, while not of major significance, there are benefits from United States and Russian forces working together in the same field. By engaging in a joint military mission that has very limited objective, I believe that we will be helping Russia to take positive steps in its post-cold war development and once again, it will have geopolitical value in Asia by showing that the United States and Russia are building a new spirit of cooperation and friendship.

There are also potential benefits for NATO, although as I noted before, potential dangers as well. NATO has been searching for a defining role since the fall of the Berlin Wall. This, the first actual NATO deployment, not just a patrol or reconnaissance mission, marks NATO's departure into peacekeeping. This mission will include troops from the new European democracies, thereby providing a more useful bridge into the West than the ill-conceived drive for immediate NATO expansion. In addition, this mission has brought the French back into the NATO command structure, making NATO a more complete European force. One hopes, however, that the ambiguities in the agreement will not lead to alliance bickering and disagreements, even though the seeds have already been planted—with disagreements already arising over refugees, disarmament and the arming and training of the Bosnian Moslems.

Having weighed all of these considerations, I have reluctantly decided that it is in the best interests of the United States to support the deployment of U.S. troops at this time. I believe, however, that, contrary to administration rhetoric, this will be a very difficult and long mission. I urge the administration to level with the American people now and to do all within its power to improve the circumstances under which U.S. troops are deployed.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Under the unanimous-consent agreement, I would recognize a Republican.

Mrs. HUTCHISON. Mr. President, the Senator from Illinois has been waiting. We will yield him time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank you and I thank my colleague from Texas for her courtesy.

There are some basic questions. Why have an Armed Forces for the United States? Why have a Chicago Police Department? Or a Louisville Police Department? One reason is to have stability, in a community and in the world community. And here, let me add that the great threat to the world today, unlike 10 years ago, is instability. Ten years ago it was nuclear annihilation.

The second reason for having an armed force and for having a police department is to save lives. Are there risks? Yes. If there is a problem in one part of the city of Chicago you may send in the police department. And, if there are problems around the world, the United States, along with the community of nations, may have to use the armed force that we had. There are, however, for the Chicago Police Department and the U.S. Armed Forces, greater risks in not maintaining stability here.

Let me add, while I support the President in this endeavor, the one thing that does concern me is the talk about getting out in 1 year. I hope that can happen. I hope we can be out in 6 months. I think the probability is, if our mission is to succeed—and it is important that it succeed—that we are likely to have to be there 2 or 3 years; maybe not with 20,000 soldiers, but with a substantial armed force.

I was critical of George Bush for not moving early, when problems erupted. And I cheered, in August 1992, when Bill Clinton made a campaign speech criticizing George Bush for not acting.

Then when Bill Clinton came in, I was critical of him for not acting. But I think what he is doing now is right. It is right for stability because of the danger of the spread of war.

If we do not follow through on this peace—and it is a peace, tenuous as it is—if we do not follow through, this is inevitably going to spread to Macedonia and Albania. Macedonia has more ethnic Turks than any other country, and Turkey has made clear, if there are problems in Macedonia, Turkey is going to move in. Our friends in Greece have made clear, if Turkey moves in, they are going to move if—and this thing will escalate very, very quickly. You will have hundreds of thousands of Americans—Armed Forces people—involved in a war, not 20,000 maintaining a peace.

The second thing we should remember, there are not too many clear lessons in history, but one of the clear lessons of history is religious wars spread very easily. What we have in Bosnia—nothing is completely clean there—but you have primarily a Moslem force, a Roman Catholic force, and an Orthodox Christian force. If anyone thinks that when Moslem forces in Bosnia are under attack that Moslems in Pakistan, Saudi Arabia, and Indonesia, and elsewhere are going to pay no attention to that, you are dreaming. Religious wars spread very, very easily.

In terms of saving lives, it is very clear we should act. We have the agreement reached in Dayton, to the credit of this administration, the State Department, and others who were participants. Bosnia is half the size of Ohio. Bosnia has seen 250,000 people killed, 2 million people displaced.

We went into Desert Storm, invaded a country after a short time, and I do not know whether history is going to judge my vote against acting that quickly, though I said I was for using economic sanctions first and then acting. But I feared, if we acted, we would simply perpetuate Saddam Hussein in power. But make no mistake about it: One of the reasons we acted was oil.

Are we willing to act to save oil but not save lives? I do not think that is what America stands for.

I have heard on this floor reference to Somalia as a great disaster. Let me tell you. Somalia was George Bush's finest hour. Hundreds of thousands of lives were saved. The mistake was made, and I was at the White House when we worked out the compromise that we would have to leave before too long. And I see I am being signaled for time. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, Somalia saved lives. The mistake was in pulling out precipitously. I fear we may make the same mistake in Bosnia.

Finally, we have made a commitment to NATO. We have to live up—or we should live up—to that commitment.

Then I would add one other point. That is a word of gratitude to Senator BOB DOLE for being a statesman on this issue. He is not gaining any votes in Republican primaries in terms of the Republican nomination, but he is doing what a U.S. Senator ought to do, and that is look toward what is best for our country. What is best for our country right now is to back President Clinton.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask for 5 minutes. If I could be notified after 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, others have recounted mistakes and missed opportunities that have led us to this moment, a moment when 20,000 U.S. troops are either on their way or will shortly be on their way to Bosnia.

I will not take the time of the Senate this evening to recount these facts. They have been talked about in great detail already today.

The fact is, Mr. President, we are where we are. As we debate, and we have debated three different resolutions today, the essential facts are as follows:

Fact No. 1: In 1993, the President made a commitment to deploy ground troops in support of a Bosnia peacekeeping mission.

Fact 2: This guarantee was a condition or underlying understanding of the entire Dayton peace agreement.

Fact 3: The President has now ordered these troops to Bosnia. Some have already arrived.

Mr. President, the troops are going to Bosnia. They are going to Bosnia no matter what this Congress does. They are going to Bosnia no matter which resolution is approved or not approved. That is a fact.

Fact 4: There are clearly not sufficient votes in Congress to override the President's veto of a bill that would prohibit funding of the troops. In fact, earlier today, there were only 22 votes on this floor—22 votes—to in fact cut off these funds.

Mr. President, with these facts in mind, what then should our objectives be today as we debate these resolutions? What do we want to accomplish? What can we reasonably expect to accomplish?

Mr. President, the question before us today is I believe a rather narrow one. Which resolution will be the most valuable in achieving our objectives? What can Congress try to accomplish this evening?

Mr. President, I would suggest that we have three goals.

First, the most important, unconditionally support our troops.

Second, to enhance the odds of them leaving as scheduled within 1 year.

And, third, to increase the chances of this mission being successful.

I believe the Dole resolution—Dole-McCain resolution—can help shape and help influence our Bosnia policy and can improve it. It does this in part by ensuring the training and arming of the Federation of Bosnia, so that they can provide for their own defense after the NATO troops leave.

Mr. President, the Dole resolution gives more support than any of other resolutions to our troops. The Dole resolution supports their mission and does so in clear terms. It ensures that America speaks with a clearer voice.

Mr. President, for the above reasons, it is my intention this evening to vote in favor of the Dole-McCain resolution.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, just 3 weeks ago, the warring parties in Bosnia initialed a peace agreement in Dayton, OH. That announcement marked the first real hope for an end to the tragic conflict in the Balkans which has left hundreds of thousands dead or injured and produced over a million refugees. It was only with the dedication and persistence of U.S. negotiators present in Dayton that this accord was brought to fruition.

While everyone seems to agree that the administration deserves a great deal of credit for the success at the bargaining table, some question whether the United States should send troops to monitor and implement the agreement. This is obviously a very serious question, and we have an obligation in this Chamber to think through the implications of that decision.

The question arises, what are the United States national interests that are at stake in Bosnia? The President addressed that issue in his speech to the Nation on November 27. At that time, he made the case as to why this agreement serves America's interests, reflects American values, and requires American leadership.

There are many arguments that can be made about the ways that this agreement serves U.S. interests. For instance, that it will prevent the war from spreading in a way that might lead to a much more costly and dangerous American involvement; that it will return peace and stability to a continent that is key to our economic and military security; and that it reflects the United States moral and humanitarian interest in seeing an end to the bloodshed and violence.

All of these are very important considerations which should be weighed heavily.

Furthermore, choices are not always a matter of what is the best theoretical option but what are the courses of action available to us at any particular moment in time. Right now, we have to decide between backing the peace agreement, which we were instrumental in developing with the undertaking of a U.S. military presence, or not taking part in the NATO endeavor, which would mean no NATO endeavor and the breakdown of the peace agreement.

Viewing it from that perspective, I come to the conclusion that the risks of missing this opportunity for peace are greater, significantly greater than the risks of implementing it, although that course certainly has its dangers. Let me discuss briefly the potential consequences of not carrying through on the peace agreement.

First, I think the administration is correct in the view that without a commitment of American troops as part of a NATO force, the peace agreement will not stand. Having helped the parties to reach this point, the United States would completely undermine their confidence in the agreement and their commitment to implement it if we do not participate. Should this happen, United States troops might well be called upon to evacuate United Nations protection forces in Bosnia, under much more dangerous circumstances than our troops will face under this agreement.

Second, it could seriously erode America's diplomatic strength. Our success at conflict resolution is due not just to the skill and determination of our negotiators but also to the perception that the United States has the ability and the will to back up the agreements it makes. This is not to say that the U.S. must contribute forces to every peace agreement it helps to negotiate. But in this instance, the U.S. undertaking was a major reason the agreement was reached.

Our decision on Bosnia, therefore, could have long-lasting implications for the future of American leadership. It would be a major blow to U.S. world leadership if our failure to participate in this instance undermined our ability to move the world in a peaceful direction in other crises that might arise.

Third, it is imperative that a very clear distinction be made between this operation and Operation Desert Storm, to which analogies have been drawn. Let us remember that in the Iraqi situation the question was whether to go to war—whether to undertake a military operation to drive the Iraqi Army out of Kuwait. Here we are talking about helping to implement a peace at the invitation of all the parties to the conflict. That is not to say there are no dangers involved, nor that the mission will be easy. But there is a major difference between going in to fight a war and going in to implement a peace.

Finally, Mr. President, the choices before us are difficult ones. We have no assurances that, even with the participation of U.S. troops, the peace in Bosnia will be successful in the long run. But it is clear now that without our participation there will be no peace. The parties to the peace accord have made it plain that their confidence in a fair and evenhanded implementation of the agreement depends largely on American leadership and on American participation in the peacekeeping force.

Mr. President, consistent with our values and interests, we should exercise our leadership by supporting this opportunity for peace.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have reached 6 minutes, if I reach that point.

Mr. President, I was not a Member of the Senate when the debate occurred on Desert Storm, but I was nevertheless glued to the television watching every single person, back and forth across the aisle, talking about their vote of conscience. I thought it was the Senate's finest hour. Now I find myself in the position of making a similar vote. Although we are not going to an actual war, we are nevertheless voting whether to send our troops into hostilities where the President says we can expect casualties.

I feel so strongly, Mr. President, that this is the wrong decision. I feel that it is the wrong decision and that the price that we might have to pay for the mistake is too high. The cost of an American life is too high a price to support an erroneous decision.

I do not like not supporting the President in a foreign policy matter. I think we should bend over backward to do that. But I look at two things. I look at my responsibility as a Member of Congress not to rubberstamp the President in the matter of going to war, and I cannot do what I think is wrong when I also believe that we could have a small loss of face now to save a bigger disaster in the future.

We may lose a little face because we do something different from the actual commitment the President made. The President committed to 20,000 troops on the ground for this peace agreement.

There were other things the President could have offered to help the people of Bosnia keep a peace agreement. Arming and training the Moslems is the right thing to do. Although I cannot support the Dole-McCain amendment, I do think they are right in insisting that the arming and training of the Moslems happen; that it is consistent with this Senate's vote time after time after time over the last 2 years to lift the arms embargo, because anyone who has been there, as I have been, believes that there will not be stability in that part of the world until the three warring parties have some parity. That is what will keep the factions from going after each other in the future.

So arming and training the Moslems could have been done without our having troops on the ground. That would have been a fair division with our allies, and it would have fulfilled the responsibilities of the United States. But that is not what the President did. The President said we will have troops on the ground. He raised the expectations, and now we are voting whether to support that decision.

I wish to refer to an article that was written last month by James Webb, a former Assistant Secretary of Defense in the former administration, the Bush administration. And he talks about the need for strategic thinking, to determine exactly what our treaty commitments are as we go into the post-cold-war era.

And he says: "It is time that the United States had a global strategy before it puts out any more fires."

That really sums it up. We are running around the world putting out fires at the cost of billions of defense dollars and possibly hurting our long-term readiness for the future.

What he said we should be doing is absolutely correct. We should have a set of principles from which we react to crises.

"President Nixon," he quotes, "was the last President that set out a military policy, and it was fairly simple: Honor all treaty commitments in responding to those who invade the lands of our allies."

We have a NATO Treaty. If one of the NATO countries is invaded, we would be obligated under that treaty to respond.

This mission has expanded far beyond the NATO Treaty into a civil war in a non-NATO country, and yet we are being told NATO will fall if we do not come through with troops on the ground. It does not hold water, and it does not adhere to that very good and sound principle.

The second principle: Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Mr. President, you know that we have debated theater missile defense on this very floor within the last month, and it has been a bone of contention. I strongly favor the theater missile defense.

The PRESIDING OFFICER. The Senator has used her 6 minutes.

Mrs. HUTCHISON. Mr. President, at the end of 4 minutes, I would like to be notified once again.

We must provide the theater missile defense that gives us the umbrella to defend ourselves from the 16 countries that now have ballistic missile capabilities. But sending troops into Bosnia is going to take $5 billion from our defense readiness and from the capability to provide that kind of technology in the future.

The third tenet set out is to provide weapons and technical assistance to other countries where warranted but do not commit American forces to local conflicts. And that is exactly what we are doing. These are principles of a superpower. These are principles that keep the United States strong and uses our force when it is really necessary to keep a threat to the security of our country from happening.

Sending troops into Bosnia does not meet any of the tests of good, sound principles for our country, and we must make this President understand that there are many of us in Congress who do not believe he is within his power to go without consulting and asking the authorization of Congress to commit 20,000 troops on the ground. That is why we must a adopt the resolution or get a good vote. I do not know that it will be adopted. But I hope that there is a strong vote that tells the President that we need to sit down and have a strategy and there is a difference between a U.S. security interest in which we would put American troops in harm's way.

We all want to help the Bosnian people, and we can do it in many ways. But troops on the ground, American lives at risk is not the right way.

Mr. President, finally, it has been said several times on the floor that somehow it would not be supporting the troops to adopt the Hutchison-Inhofe resolution. It is very clear. The resolution is simple. Section 1 says:

> The Congress opposes President Clinton's decision to deploy United States military ground forces into Bosnia.

The second section says:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the peace framework.

We are supporting the troops. I think every Member of the U.S. Senate intends to support the troops. We are going about it in different ways. I believe supporting the troops is narrowing the mission, is saying this is a mistake and, therefore, let us put a time limit on it, and if you would consider changing your mind, that would be the best of all worlds. This is a dangerous mission, and we hope the President will have every opportunity to reconsider this decision before it is too late.

That is why we believe this resolution should be adopted to support the troops by protecting them. Others may legitimately differ in passing the Dole resolution. Either way, we must support the troops, and I hope that we will adopt the resolution that opposes the President so that he will bring those troops home before the mass deployment occurs.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, once again, this body is discussing the difficult issue of U.S. policy toward Bosnia. I regret that we are still here wrestling with this issue. I regret that American troops are on their way to Bosnia. I regret that peace has yet to come to the former Yugoslavia.

Americans have watched while some of the greatest atrocities since World War II have been committed in Europe. We have watched in despair as brutal strife has sundered families, neighborhoods, towns and cities, and the peoples of an entire region. We have recoiled in horror at the summary executions of draft-age-men, the rape and murder of women and children, and discoveries of mass graves. An inhumanity which we thought long behind us has resurfaced with a shattering savagery.

It did not have to come to this. Ever since my first trip to the former Yugoslavia in August 1992, I have been convinced that the U.N. or NATO needed to take a more aggressive role in enforcing U.N. mandates, protecting U.N. personnel and at certain critical moments, reducing Serb military capabilities through selective aerial bombing. Yet, as we all know, international reluctance to take bold action, lack of consensus within NATO and the U.N. and political caution in Europe and the U.S. doomed any timely efforts to bring peace to the region.

I have also advocated lifting the arms embargo against Bosnia for several years. to me it is unconscionable that we would prevent Bosnia from defending itself against a vastly superior force, while at the same time refusing to step in, or allowing others to step in, and stop ethnic cleansing and the perpetuation of horrible atrocities against the Bosnian people. This proved to be a disastrous policy with tragic consequences. The only viable option seemed to me to be to lift the arms embargo on Bosnia.

Over the last year, we have watched the European community struggle once again to find a solution to this seemingly intractable problem. But, as with past efforts, they fell apart in spite of strong U.S. support. It became clear to all involved that the only hope of ending this tragedy was to have the U.S. take the lead in facilitating negotiations between the parties. A belated but herculean effort by the Clinton administration resulted in the Dayton discussions, and the personal commitment of both the President and Secretary Christopher helped bring the parties together at last. I applaud the administration's intense efforts and believe the Dayton agreement provides the proper framework for a viable peace if all parties to the agreement are committed to working for peace.

I continue to be reluctant to see U.S. ground troops sent to Bosnia. Just as we took the lead in Haiti, I believe the Europeans should take the lead in the implementation of the Dayton agreement, particularly in providing ground troops. The U.S. has been providing air cover and surveillance for the past few years. And we provided much of the firepower when the U.N. decided it would allow aggressive action against certain targets. I approved of these actions and believe we should continue to play that role in the Dayton agreement implementation force. I do not think that U.S. leadership at the bargaining table required us to assume responsibility for providing one-third of all ground troops.

But the President made this commitment, and the option now before Congress is to support him at this stage in the process or perhaps precipitate the collapse of the most promising chance for peace. Given circumstances that we now cannot change, I do not believe there is really a choice here. If we care about the moral principles on which this Nation is built, if we care about the stability of Europe, for which we gave so many lives in two world wars, and if we take seriously the full responsibility of world leadership, then we must act to support the President's commitment. He should have come to

Congress earlier in the process. But he didn't, and this is not the time to debate that issue further.

I am opposing the Hutchison resolution because I do not think anything productive comes from saying now that we oppose the commitment of U.S. troops. The time for such a statement has long passed. And stated in isolation from any constructive discussion about what our role should be, I feel this approach is not helpful to resolving the tragedy of Bosnia.

I will support the Dole resolution, because I believe it moves us in the right direction. I do this with reluctance on one point, however. This resolution calls on the United States to lead an immediate international effort to provide equipment, arms and training to the Bosnian Government Forces. I appreciate that this is seen as a way of addressing the military imbalance that now exists between the parties. Obviously, rough military parity is a critical requirement for a successful NATO troop withdrawal. But I believe that balance ought to be achieved by bringing down the level and sophistication of arms in the region—not by raising it. Part of the problem in achieving peace and now enforcing it is that there are too many weapons in the region.

I am very concerned that focusing our efforts on arming the Bosnian Government instead of working to disarm and curtail arms flows into the area will merely stoke the fires for another explosion in Bosnia after we leave. What good is rough parity if all it does is set the stage for a resumption of the conflict after the withdrawal of the international force?

After speaking today with Strobe Talbott, Acting Secretary of State, and Admiral Owens, Vice Chairman of the Joint Chiefs of Staff, I am reassured that the administration is aware of the dangers of arming of the region and that every effort is being made to draw down the quantity of arms in the region, not to build them up. I also understand that General Shalikashvili is acutely aware of the potential danger to United States troops of direct United States involvement in arming, equipping, and training of the Bosnian Government Forces.

Tomorrow the President will witness the formal signing in Paris of the Dayton agreement. It is crucial to American credibility that the U.S. Senate go on record supporting his efforts prior to that time. I have received assurances that one area that will receive intense scrutiny in the coming weeks is this critical question of military balance. The Dole resolution requests a plan from the administration in 30 days. And it is critical to the safety of our troops that this issue be successfully resolved in that time frame. Therefore, I will cast my vote today to advance this process—to Paris and the signing of an accord—with the support of the U.S. Senate.

Finally, let me say that none of this would be possible without the professionalism, dedication, and commitment of the U.S. Armed Forces. The men and women who voluntarily serve under the Commander in Chief and who are now leaving their homes and families for a dangerous mission just before the holidays are the ones who make it possible to bring this hope of peace to Bosnia. We owe them a tremendous debt of gratitude and our hearts are with them. For it is they who put a face on what America stands for, and who are willing to take risks to see that others who want to live by these ideals are given a chance.

Mr. PRESSLER. Mr. President, I am a cosponsor of the Hutchison-Inhofe resolution in opposition to the Clinton administration's decision to send troops to Bosnia as part of the NATO Implementation Force, known as IFOR. I commend the Senators from Texas and Oklahoma and the other cosponsors of this resolution for their efforts in bringing it to the Senate floor. The resolution is brief, simple and to the point. It states: "Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes."

Further, the resolution also states: "Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes."

That is it. This resolution is the people's resolution, because it accurately reflects the views of the vast majority of the American people. Most Americans oppose sending our brave soldiers to Bosnia. And far more agree that, if the President insists on deployment, we must stand by our troops. Though we may disagree with our President, we must not do so in a way that would put the lives of American soldiers in Bosnia needlessly at risk.

Mr. President, debate on the use of United States troops should not be put in terms of whether we support a peace agreement in Bosnia. We all want peace. No one disagrees with that. Few deserve the chance for peace and stability more than the families in Bosnia and Herzegovina. What we have witnessed in the Balkans these past few years has been nothing less than tragic.

To his credit, the President has tried to achieve a negotiated peace framework. However, I am afraid that this peace agreement is fatally flawed in several respects. First, a large number of those responsible for the atrocities—a level of mass slaughter unequaled since Hitler and Stalin—likely will go unpunished.

Second, the agreement assumes continued cooperation between the Croatia and Bosnian Moslem leadership. That is a dangerous assumption. The fact is the Bosnian Moslems and the Croats often have been on opposing sides of this regional conflict. In fact, 2 years ago, Croat forces were launching attacks on Moslems in Mostar and the surrounding townships.

This peace agreement and the President's plan to enforce it fly in the face of history that dates back far longer than the last few years. The recent atrocities we have witnessed are an intensification of a conflict that dates back at least five centuries. This is a regional civil war. This is a civil war rooted in ethnic and religious differences. This is a civil war older than our own country. And at no time in our history has this civil war represented a national security threat to the United States. It was not a national security threat then. It is not one now.

Finally, Mr. President, this is a flawed agreement because it does not have the support of many in the affected regions. In the last few weeks, Bosnian Serbs in Sarajevo have made it very clear they will not support this agreement and allow for Moslem control of Sarajevo. The resolve of the rank and file in Sarajevo to stand their ground brings images and lessons to mind—of Beirut, Lebanon; Mogadishu, Somalia; and from my personal experience, of countless towns and villages in Vietnam.

Mr. President, our troops represent the finest, best trained military force on the planet. The fact is 20,000 of our finest soldiers cannot erase 500 years of hatred and bloodshed. Peace will not come from the resolve of American soldiers. Peace must come and must last from the resolve of the Bosnians, the Croats, and the Serbians to say and believe that more than five centuries of conflict is enough.

In fact, the injection of foreign troops into a civil war would only work to prolong the conflict in the long term. Our own Civil War would have lasted far longer and been far more devastating had Europe intervened. That was why President Lincoln worked tirelessly to prevent Europe's involvement. Though we will never know for certain, I believe Lincoln's efforts and Europe's decision not to intervene ultimately saved lives—American and European. Similarly, in the long run, I believe we could save more lives—American and European—by pursuing other means to achieve a lasting peace other than the limited deployment of IFOR.

Mr. President, I know what it is like to serve my country in a mission that did not have the clear support of the American people. I am a Vietnam veteran, a former second lieutenant in the

United States Army. I am proud to have served my country in Vietnam. However, it was my hope that this Nation learned a few lessons—lessons that would make clear that sending troops to Bosnia is a serious mistake.

It is my hope that the President will reconsider his decision to deploy United States troops to Bosnia. However, my fondest wishes and current reality are worlds apart. The President has demonstrated his resolve to defy the wishes of the American people and the clear history of the region and put our troops in harm's way. That being the case, and once the troops are deployed, it is my hope that we in Congress will not do anything to jeopardize the safety of our troops. However, that should not deter us from closely monitoring the situation in Bosnia, just as we did in Somalia, and just as we did in Haiti. I intend to do so. The people of South Dakota, especially the families of the soldiers who may be deployed there, deserve no less.

Finally, my thoughts and prayers are with the brave young men and women who have been called to serve in or in support of the Bosnia mission, as well as their families and friends. I know this is a very difficult time. I know what it is like to tell family members that I will be serving my country in a conflict half a world away. And now I know what it is like to learn that a member of my own family has been called to serve. My nephew Steve Pressler, son of my brother Dan and his wife Marcia, has been called to duty as part of an eight-member South Dakota National Guard unit that has been put on alert. It truly brings the matter home, both for my family and the other families with members who have been called to duty.

Again, Mr. President, I urge my colleagues to support the Hutchison resolution—the people's resolution. The President needs to understand that, as the people's representatives, we support the well-being of our troops, but we cannot support a policy that puts the lives of our troops on the line without a clear national security purpose. The policy is wrong. Our troops should not go.

Mr. BRYAN. Mr. President, I rise today to say to my colleagues that President Clinton's decision to send United States troops to monitor the peace in Bosnia should not be a partisan issue. The President has decided to send American troops on a NATO peacekeeping mission in Bosnia; as Commander in Chief, the Constitution empowers him to do so. President Reagan exercised this power to send troops to Lebanon and Grenada; President Bush used this power to send troops to Panama and the Persian Gulf. As a newly elected Member of the United States Senate, I supported President Bush in sending troops to Panama, and I was 1 of 11 Democrats to vote for a resolution in support of Operation Desert Storm. I intend to support President Clinton as well, notwithstanding any reservations I may have about sending troops to Bosnia.

I do have serious misgivings about the deployment of American ground troops in the Balkan region; I wish that the President had not committed them. This is a high-risk mission, and the American people need to understand, as the President has stated, that casualties are almost inevitable. Some months ago I supported lifting the arms embargo, an embargo which prevented the Bosnian Moslems from securing the weapons necessary to defend themselves. Unfortunately, that embargo was never lifted. If it has been lifted, the Bosnian Moslems would have had the weapons they needed and American forces may never have been deployed.

I have two primary apprehensions about the assignment of troops to Bosnia; I am concerned that the mission need to be adequately defined, and I am concerned about the details of the United States exit strategy. As a member of the Senate Armed Services Committee, I have had the opportunity to question closely Secretary of Defense Perry and Joint Chiefs of Staff Chairman General Shalikashvili when they appeared before the committee. They have assured me that the mission is narrowly defined and is confined to (a) the marking of the cease-fire line, inter-entity boundary line, and zones of separation, and (b) the monitoring and enforcement of the withdrawal of forces to their respective territories within the agreed period. With this mission so narrowly defined, I believe that we can avoid problems with mission creep we have faced in the past where troops have been committed without careful thought to what the goals of the mission were. Somalia is a case in point. Both Secretary Perry and General Shalikashvili are convinced that the Bosnia mission can be accomplished in 1 year. Furthermore, U.S. troops are not going to be responsible for nation-building, refugee relocation, or other humanitarian activities. They have also assured me that the decision to leave the region will be up to the United States and the United States alone, and other NATO countries have pledged to follow our lead.

I believe the United States has played a critical role in this peace process. Without U.S. diplomatic involvement, the peace talks in Dayton would never have come about. Without the United States, this bloody war may never have ended. We have brought the Balkan peace process along this far, it would be terribly disingenuous for us to bail out now. The President has encouraged our allies to support this mission and all NATO countries with troops have pledged their support. It would be a tragedy for the United States to let the NATO countries down now, especially since we have done so much to promote peace in Bosnia.

The Congress has taken responsibility in this process as well. We sought to define the mission and a bipartisan congressional coalition has worked to insure that the mission is strongly defined and the exit strategy is clarified. We have an obligation to insure that the mission can be successfully executed. We know that the U.S. uniformed services are the best in the world, and we should stand proudly behind them.

Mr. SHELBY. Mr. President, I rise today to oppose President Clinton's plan to send America's sons and daughters into Bosnia. On Monday evening, President Clinton asked Congress and the American people to support a policy that transforms the world's greatest fighting force into a band of peace enforcers and nation builders.

Unfortunately, this President is a poor student of history. He has quickly forgotten the tragic lessons of Somalia and Beirut. I can assure you, Mr. President, the families of those killed in those faraway places are reminded every day and will not soon forget the consequences of this type of ill-conceived foreign policy.

President Clinton wants us to support an undetermined scheme to enforce a precarious peace between factions that have been at war for almost 4 years and fighting each other for generations. He tells us it will take 20,000 American troops and less than a year. Mr. President, less than a year to bring peace to a place that has not known peace in recent memory?

President Clinton tells us that our troops will be peacekeepers and not war fighters. They will be neutral brokers of an agreed upon settlement between warring parties. The problem with this, Mr. President, is that we are not a neutral party in this conflict. President Clinton himself admits that we chose sides.

We imposed economic sanctions on Serbia and were an active participant in a sustained air assault on Bosnian Serb targets. To add insult to injury, the administration also proposes that we train the Bosnian Federation while we enforce the peace. Is there any doubt that the Serbs will view our presence as something less than neutral?

Mr. President, why is this any different than Beirut or Somalia and can we really expect a different result?

President Clinton said that we will send 20,000 of our troops. How did he determine that we would need 20,000 troops to enforce the peace?

Earlier this year President Clinton imprudently promised to commit up to 25,000 U.S. ground forces long before there was peace, before there was a plan, before there was a mission, and before we had any idea whether it would be necessary to become involved at all. Recently, the President told us that he still has not seen the plan.

As yet, there is no clearly defined mission, no attainable military goals and no way to measure success. However, President Clinton knows that we will send 20,000 of our troops to implement this unknown plan. Mr. President, without well-defined and achievable military goals, I fear that the world's finest fighting forces are about to be used as global hall-monitors, sitting ducks for disgruntled belligerents.

Mr. President, I suggest that the administration has yet to establish any credible case for this deployment.

President Clinton also tells us that the United States must lead when NATO is involved. Of course the United States must lead, but the President has equated leadership with American ground troops.

American ground forces offer no tactical or operational advantage to a Bosnian peace force. They offer only political advantage for our reluctant European allies. The Balkans are historically a matter of concern to Western Europe. If they do not believe the problem is important enough to solve—then we certainly should not.

President Clinton apparently believes that the United States must deploy troops in Bosnia to preserve NATO and that NATO is the proper vehicle for peace in Bosnia. Mr. President, by any measure this would greatly expand the alliance's mandate to include missions never even remotely contemplated by NATO's founders.

NATO was intended to be a military alliance to deter a Soviet attack on Western Europe. There is no doubt that the United States has a vital interest in the continent's security. President Clinton proposes, however, that we transform the basic mission of NATO from an organization that guards Western Europe from attack, into an organization that intervenes in civil disputes and parochial conflicts of nonmember states.

Mr. President, we should never seek to preserve an alliance unless that alliance serves the purposes for which it was created. NATO was not created to be the arbiter of civil disputes nor should it seek to become one.

What did President Clinton not tell us? He did not tell us how our troops will get out. He told us that it should last only 1 year, but as former Assistant Secretary of Defense Richard Perle testified before the Armed Services Committee, "An exit date is not an exit strategy." To compound the problem, the administration will be under enormous pressure to succeed. Especially in an election year.

Without clearly defined military missions and goals, mission creep is inevitable. As President Clinton expands the mission he will be compelled to escalate American military efforts to meet the requirements of new missions. This sounds very familiar, Mr. President.

President Clinton also did not tell the American people how much this will cost them. Some estimates run as high as $2 billion and that is based on a best-case scenario. Mr. President, military planning must take into account the worst-case scenario. Our fighting forces must be prepared for any contingency.

Again, I fear that this administration has not prepared for unexpected events which are inevitable in any military operation. This could be critical not only to the financial cost of the operation, but to the incalculable human cost as well.

President Clinton asked the American people to choose peace. Mr. President, the American people do choose peace. We hope for a lasting end to the Bosnian civil war that has raged for so long. The American people and this body will support the President in his efforts to end the fighting, but we will not commit our fighting men and women when we have no vital national interest at stake. Just saying we have a vital interest, Mr. President, does not make it so. President Clinton has failed to make the case to the American people, and this body should not support a deployment of American troops to Bosnia.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I have serious concerns about the deployment of American troops in Bosnia. I certainly have concerns about the stability of the peace accord reached in Dayton. I have concerns about the potential disruption that Bosnian Serbs and other antipeace factions of the various affected parties may create. And I have no illusions about the vulnerability of Americans—our Nation's men and women who will be part of the Peace Implementation Force in Bosnia—to innumerable dangers as a result of this deployment. But leadership is not risk-free, Mr. President.

It is clear that even as we are debating this issue, United States troops are participating in the NATO effort to implement the Bosnia peace agreement. Every nation in Europe—in Western Europe and Eastern Europe, even Russia—is deploying troops as part of the peace accord. The achievements that were reached after painstaking negotiations between Bosnian President Alija Izetbegovic, Croatian President Franjo Tudjman, and Serbian President Slobodan Milosevic with support and facilitation by United States representatives, particularly Secretary of State Christopher and Assistant Secretary of State Richard Holbrooke, have generated the best chance yet of achieving a stable outcome for the Baltic region. It is clear that U.S. support of this NATO effort is essential if we are to maintain our leadership role in the world, and if the peace enforcement effort is to succeed.

The November 21 peace agreement calls for the creation of a 60,000 member implementation force [I-FOR], which will be comprised of 30 countries. I-FOR's mission is not to side with the combatants, but is rather to monitor and enforce compliance with the military aspects of the settlement. I have listened carefully to testimony from defense and foreign policy experts on the use of military forces to enforce a peace regime. None of them has identified this as an easy mission and all have concerns. While I feel there are many risks which may potentially disrupt NATO's efforts to secure peace in the region, I agree with former National Security Advisor Brent Scowcroft that "disaster is certain if the U.S. backs out of the situation now."

Mr. President, I do not support an open-ended time frame to maintaining peace indefinitely in the region. I think that the debates this Chamber has had, the testimony that has been provided to the Senate Armed Services Committee, and the dialog that many here have had with the President and Secretary Perry have underscored the critical significance of limiting the scope of our mission in Bosnia. I am confident that the President is committed to the 1-year time frame and is committed to the limited objectives he has presented—namely, separating the parties and maintaining the cease-fire. And I have been assured that those who attack our forces or impede this process will be dealt with swiftly and decisively.

Mr. President, our troops are on the ground today in Bosnia; we are there, and we need to support our men and women. Congress should not withhold funds that are needed to support our troops, and we should not tie the President's hands during this time when American leadership matters so very much. My vote is to approve of U.S. participation in the NATO initiative.

Mr. McCONNELL. Mr. President, what the Senate is faced with amounts to a shotgun wedding. The Congress and American troops find themselves confronting an unfortunate mistake, but one which we are now obliged to make the best of. Our decision—each Senator's choice—is whether we respond to the situation with a sense of honor and accountability or whether we abandon our principles and responsibility.

I am not happy with our choice. I don't think any one of us welcomes the prospect of sending American soldiers into Bosnia. I share the Majority Leader's view that we would not have been presented with this decision if the administration had worked as methodically to lift the embargo on Bosnia as it did to advance the deal in Dayton. But, at this stage it matters less how we got here—it is of far graver consequence how we proceed.

Why should we look forward and not back?

Because we do not have the option or choice to change the course of events. The agreement has been signed, now we must decide what kind of mission we will carry out and how we will assure it succeeds.

We are now presented with two unambiguous facts—the first being that the Dayton agreement would not have been reached without aggressive, rational U.S. leadership. This is not, after all the Tashkent Treaty. Leaders from many other nations have tried repeatedly to negotiate a settlement, but it was largely American diplomatic efforts which produced results.

And, just as the U.S. role meant the difference between a settlement and continued blood shed, so too, the immediate parties to the agreement and our allies in Europe believe we have a unique authority and capability to guarantee the accord's successful implementation.

But, the second fact is more important and that is that the President of the United States has made the commitment to deploy 20,000 Americans in support of a NATO Implementation Force to secure the accord. Whether we like it or not, those troops are going, indeed some are on the ground. To deny our support for Operation Joint Endeavor, flatly repudiates our long standing NATO security obligations and undermines our troops committed to the effort.

The credibility of American leadership and American treaty commitments are the interests which are very much at stake if we now fail to fulfill the President's decision. Just after the President's Oval Office address, Henry Kissinger observed, "if we do not honor the President's words, the threat to our security would be greater because nobody would believe we are capable of conducting serious foreign policy."

President Bush, who so capably led this country beyond deep anxieties about committing our Nation to war in the Persian Gulf echoed that sentiment. He pointed out, "If it is seen that the President does not have the support of the Congress—our standing as leader of the free world and the standing of NATO would be dramatically diminished. That must not happen."

Now, we must make certain that our troops have the means to succeed. We must guarantee they are assured every conceivable operational advantage and the unqualified support of both the public and Congress.

Mr. President, I do not believe this Nation is by nature indifferent to international concerns—there is no inherent isolationist point of view. But the public is clearly troubled by this decision—they now seem at best divided and at worst deeply opposed to the President's decision.

I attribute the confusion to 3 years of flip flops, reversals, and irrational foreign policy inconsistent with our national interests. The public has little reason to believe that this time the administration will stay on track with a limited mission that protects our Nation's interests and our soldiers lives.

That is why I think it is incumbent on Congress to assure absolute accountability regarding the scope of the mission, the costs and the strategy for withdrawing our forces. We have a clear and compelling responsibility to the troops we are deploying to guarantee they are well equipped and are carrying out limited, achievable goals.

Unfortunately, there are already contradictions and uncertainties emerging which will only plague the administration's desire to strengthen public support. Last week, Secretary Perry testified before the Defense Appropriations Subcommittee that our financial burden would be limited to support for our troops. Within a matter of days, the Defense Department submitted a letter notifying Congress of the possibility of transferring $300 million in defense articles and services to nations participating in I-For. Apparently, DOD anticipates reimbursement for this support, but those of us who monitor the United Nations have serious reservations about the reliability of these promissory notes.

The administration cannot afford to allow any ambiguity to creep into the public debate about the scope of our responsibilities. One of the reasons I support the resolution drafted by the leader is the requirement that the administration provide a full accounting of the mission, rules of engagement, command arrangements, goals, compliance with the agreements and all costs to all agencies involved in this endeavor. The leader's resolution is the best protection our troops have that their government will not fail them as they carry out their duties with skill and honor.

But, the real key to success and the heart of my support for the Leadership resolution is the requirement that the United States lead an immediate effort to provide equipment, arms, training and related logistics to enable Bosnia to provide for its own defense.

Mr. President, I do not think it is wise to establish an arbitrary date for the exit of American troops. That only guarantees a cooling off period before fighting resumes. We have seen the destructive consequences of just such an approach in Somalia. Knowing our departure was imminent, the warlords bided their time. Somalia today is indistinguishable from the chaos and anarchy which preceded our arrival.

That must not happen in the Balkans.

Our mission can only be deemed a success if we contribute to a durable solution, securing a lasting regional stability and peace. Stability and peace demand a military balance between the Serbs and the Bosnian-Croat Federation.

I realize that there are members with major misgivings about the possible consequences of lifting the embargo and arming and training the Bosnians. They want to allow the so called arms build down process to have time to take affect. Unfortunately, there are far too many unanswered questions about the arms reduction program to risk Bosnia's freedom and long term prospects for stability.

At this point it is entirely unclear who will assume the responsibility for enforcing arms control. As the Dayton agreement is constructed, the immediate reach of the disarmament regime is limited to the NATO patrolled ceasefire zones of separation. This makes obvious sense for the security of our soldiers, but offers no iron clad guarantees for the reduction of massive Serb stockpiles within the boundaries of Bosnia-Herzegovina.

Let me add one final historical observation on arming the Bosnians. I think a majority of members in this chamber would share the view that it was not SALT or START agreements which brought about the demise of the Soviet Union. Arms control initiatives may reduce risks, but any level headed assessment of the Cold War reaches the conclusion that it was the credibility of our military power which guaranteed our security and global stability. So too, in the Balkans—only a credible military balance will minimize the risk of the war reigniting.

Mr. President, in 1990 the American public was ambivalent about the notion of sending Americans to war in the gulf. We all know just how close the vote was in the Senate.

From a parochial perspective, 20,000 soldiers deployed from Kentucky—if my memory serves me it was the largest contingent from any State. George Bush faced formidable opposition from families in Kentucky, but he was able to overcome their concerns by exercising leadership. In the words of his Secretary of State, "The U.S. had in George Bush a leader who was consistent, principled, decisive and strong."

Those have not been the words most of the members of this chamber would use to describe the President's record in foreign policy so far. I think it is worth noting very few Kentuckians have been called up for deployment in Bosnia—a handful compared to the gulf. Yet, there is more pronounced, stronger opposition to the President's decision to deploy U.S. troops to secure peace than there was to Bush's decision to wage war.

President Clinton has made the decision to deploy American troops to end the suffering, stop the war from spreading, and to build a Europe at peace. He has argued that this can only be achieved if the United States continues to lead. I take this pledge seriously.

Congress and American troops now stand at an altar—let us all hope and work to assure that it is not one which involves the unnecessary sacrifice of American lives. But as we proceed, let us share the understanding that there are crucial U.S. interests at stake. The lives of American soldiers and the credibility of American leadership and our security commitments to NATO now hang precariously in the balance. We must speak with one voice and honor the President's pledge.

Mr. MACK. Mr. President, the role of the United States in the world is unique. America has played a historic role in opposing tyranny, and giving hope to people denied their freedom. Similarly, our military has played a central and unparalleled role in the world. Only the U.S. Armed Forces combine the ability to achieve enormous and complicated military objectives with the commitment to use this force in pursuit of the values that made our Nation great—freedom, justice, democracy, and the protection of basic human rights.

Despite a great deal of theorizing about the so-called new world order, our role in the world should remain the same as it was throughout the cold war. Certainly, our interests remain the same. Even when not pitted against the Soviet Union and its Communist expansionism we can identify our interests clearly.

In Bosnia, they were deterrence of aggression, support for the right of self defense, abhorrence of ethnic cleansing, and support for multi-ethnic democracy. President Clinton's 1992 campaign emphasized all of these issues. His policy as President has reflected none of them.

Since early on in the conflict, I supported lifting the embargo on the Bosnian Government and helping the Bosnian people to defend themselves. In my view this was required on moral grounds. It was also the strategically and militarily sound course. But most of all, it was based on the right of individuals and nations to defend their freedom.

The embargo condemned the people of Bosnia to a slow death, carried out not only by military engagements but also by savage attacks on civilians.

Serbia came to the war with a massive advantage in arms and throughout the war was able to acquire the arms it needed from other sources. The Bosnian Government's forces were at an extreme disadvantage. Aligning the United States with the embargo and the denial of Bosnia's right of self-defense was a disgrace. If this administration had pursued a policy of lifting the arms embargo and allowing the Bosnians to defend themselves, negotiations would have been conducted from a position of strength and U.S. troops would not have been required.

Instead, this administration favored negotiation, compromise, and concession even when it was painfully obvious that only the threat of force and the willingness to use it by the Bosnians would allow any hope of democracy and freedom in Bosnia.

Ironically, the President now has found a use for force, not to promote freedom, but to try to enforce an unjust agreement. President Clinton has committed U.S. troops and credibility to implement an agreement which, as this resolution says, "ratifies the results of ethnic cleansing and territorial aggression."

This agreement is the inevitable result of the administration's policy of refusing to allow the Bosnian Government to defend itself and—let's be frank—its sentences the people of Bosnia to a peace of subservience and domination.

Peace has many forms. There is the so-called peace of the former Soviet bloc where the ever present threat of force subjugated the nations of Eastern and Central Europe. Bosnia and the countries of the former Yugoslavia were supposed to have escaped that domination. Instead, another venal and dangerous threat arose.

In the former Yugoslavia, the threat was complicated by historical rivalries and ethnic and religious differences. The administration seized on the complexity of the situation and used it as an excuse to do nothing. "There are no good guys," the administration said. Or "it's a civil war."

The peace being imposed on the people of Bosnia is the peace of domination and fear. Unless the Bosnian Government is given the means to defend itself now, we can expect that the war will continue.

We should not be in this position. It was avoidable. However, the decision to commit U.S. troops and prestige has been made by the President in his constitutionally prescribed role as Commander-in-Chief.

The Congressional role in providing funds for military operations is also set forth in the Constitution. Congress could exercise its constitutional power to deny the funds to carry out this or any other military mission. The President would certainly veto such a measure. Without the votes to override, ultimately, he would prevail.

Nothing would be served by undercutting the men and women of our Armed Forces at this late date. U.S. troops have already begun arriving and more are on the way. A strong vote against the deployment would demoralize our troops and embolden those who would like to see the Dayton settlement collapse.

Congress must back our troops unconditionally and work to make certain they have everything they need to carry out their mission. If we learned anything from Somalia, it is that no corners can be cut where our troops are concerned. Their rules of engagement, their equipment, their training, everything about their mission, must be designed to remove all unnecessary risk. We can and we must achieve this for the young men and women serving their country.

This resolution allows the President to fulfill his commitment to deploy U.S. forces to implement the General Framework Agreement so long as the mission of the United States forces in Bosnia and Herzegovina is limited to enforcement of the military provisions of the Dayton Agreement, that the exit strategy includes establishment of a military balance enabling the government of Bosnia to defend itself, and that the U.S. will lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to the Bosnian government.

These determinations are essential. In the last few weeks, the administration has made contradictory statements about U.S. intentions to help equip and train the Bosnian Government. On the one hand, the administration said it will help train and equip the Bosnian side. On the other hand, officials have said arming the Bosnian Government forces would not be necessary because provisions in the Dayton Agreement call for negotiated arms limitation agreements.

That sends exactly the wrong signal. This war was made possible by the inability of the Bosnian Government to defend itself. Late yesterday, the President made the commitment to lead the effort to arm and train the Bosnian Government forces. In light of the administration's recent ambivalence about arming and training the Bosnian Government forces, I expect that the administration will show, starting today, concrete steps toward fulfilling this commitment to the United States Congress and to the Bosnian Government, including getting a commitment of support from our allies. The Congress expects that commitment to be kept as a condition for passing the Dole-McCain resolution.

There is very little satisfying about the peace agreement reached at Dayton. As President Izetbegovic of Bosnia said, "this may not be a just agreement but it is more just than the continuation of war." That is little to go on for the people of Bosnia, but it will have to do.

Our role in brokering this settlement makes it incumbent upon us to help enforce it. Our role in the world, and the unique role our military has played as a force for freedom requires that we work to establish a military balance which will protect Bosnia from future aggression. Therefore I support our troops as they endeavor to carry out the United States military mission in Bosnia.

Mr. MURKOWSKI. Mr. President, as I rise to speak about American participation in enforcing the Bosnian peace agreement to be signed in Paris this week, I want to begin by making clear my firm belief that U.S. participation in this action is the wrong thing to do.

I would note here a few of the many reasons for taking this position:

The Serbs, Croats, Bosnians, and others in the region have been fighting for hundreds of years, creating generational hatreds which no "piece of paper" is going to stop.

There are many elements in the region, not least the Bosnian Serbs—the main belligerents—who are unhappy with this settlement and will do everything they can to upset it, including by attacking our forces.

There is no clear national interest in our involvement in this endeavor other than, to some, the preservation of our leadership in NATO.

However, the question then is: "is this the issue upon which the future of NATO should be decided?" I certainly hope not.

U.S. troops will be in the middle of a situation fraught with antagonism and hatred. They will have to be arbiters, for example, of who lives where, who gets trained, who is "right" in the inevitable thousands of disputes which will arise.

Inevitably, they'll become participants, and in that part of the world that means they'll be victims of the violence they are supposed to prevent.

The map to which the parties have agreed is a disaster and creates ungovernable nations which the parties will, long after this incident is over, inevitably begin to fight about again.

There is no realistic "exit strategy" because there is no likelihood that these incredibly difficult problems are going to be resolved in 1 year, 2 years, 5 years, or even 100 years.

Mr. President, there are countless other reasons why this is the wrong thing to do. My colleagues will be discussing them at great length, so there is no reason for me to note them here.

THE ISSUE OF CONGRESSIONAL AUTHORIZATION

Rather I would like to discuss another aspect of this issue.

Mr. President, eventually the constitutional issue of whether the President must have authorization from Congress to participate in such ventures will be decided in the Congress' favor.

However, in the meantime, we have a reality, a sad reality: the President can make this deployment even without congressional authorization or support.

He's going to do so without congressional authorization or even congressional support. In fact he's going to do it even if the Congress disapproves.

This is unfortunate, and I think the President will regret acting in this way at a time when the Congress and, I believe, the overwhelming majority of the American people, have serious doubts about this policy.

WE HAVE TO SUPPORT OUR TROOPS

Mr. President, that is the reality.

We in Congress have to deal as best we can with that reality—that our troops are going to Bosnia, to Croatia, to Hungary, and elsewhere in the Balkans—by doing everything in our power to support our military men and women.

In short, our forces are going into a situation with many risks, with many dangers, with the potential for many of them to be injured or killed during their tour of duty. As they do so, we have to do several things: Make sure they have rules of engagement which allow them to defend themselves and deal with threats to themselves, including by force; make sure they have sufficient back up, including support forces in the region and air support to deal with threat; and, most importantly, make sure they know that no matter what the political differences at home, they have the 100 percent support of all Americans.

In sum, Mr. President, no matter how much we oppose this policy, and no matter how the situation evolves in the Balkans, we have to be prepared to show our forces, in every way possible, that they have our full and unequivocal support.

THE FUTURE

Mr. President, let me conclude by saying that it is essential that the Congress, with its oversight responsibilities, watch very carefully how this situation evolves, how our forces are treated, and how this complex and convoluted peace agreement is implemented.

As we do so, we must be prepared to take appropriate action if what I firmly believe are the overly optimistic predictions of the administration do not come true.

That too is an absolutely essential part of our support for our troops as they face this risky, dangerous, unprecedented, and, in my view, unfortunate endeavor.

Mr. CONRAD. Mr. President, the decision on Bosnia is extremely difficult. But I believe our responsibility is clear.

The United States is being asked to participate in a peacekeeping mission by all the parties to the dispute in Bosnia. They say that without our participation, there will be no chance for peace.

It is important to remember that we are being asked to enforce an agreed upon peace. We are not being asked to wage war.

It is in our interest to help prevent the spread of this conflict to the rest of Europe. And it is morally right to help stop the slaughter and atrocities that have repeatedly occurred.

However, I have always thought that Bosnia was primarily the European's responsibility. This conflict is in their backyard. It most directly affects their interests.

I also have serious doubts whether peace can be secured in 1 year. The history of the region is one of strife and struggle. There has been conflict in the Balkans for hundreds of years. For 45 years after World War II, the differences were suppressed by Marshal Tito. But when he passed from the scene, the old enmities resumed as violently as before.

Despite these serious doubts, I am persuaded we ought to help give the parties a chance to build the peace they say they want. They have said they are tired of war, and asked us and 25 other nations to give them the opportunity they need to try to craft a lasting peace.

Most importantly, I believe we must send a strong message of support for our troops, who are helping to create an opportunity for peace in Bosnia. Anything less will add to the risks that the brave men and women of our Armed Forces will face.

I have therefore decided to support the Dole-McCain resolution supporting our troops and limiting the mission they are expected to fulfill.

I will continue to carefully monitor our involvement to ensure that this mission does not expand beyond the limited one being authorized tonight.

Mr. SIMPSON. Mr. President, I rise to express my support for the Dole-McCain resolution regarding the deployment of United States troops in Bosnia.

I would like to begin my remarks by commending the respected majority leader for his skill and leadership in this sensitive and vital area. I emphasize the word "leader," because true leadership has been required here and has been much evident.

There is, I believe it is fair to say, a great amount of shared rich feeling here in the Senate about this deployment. There is a palpable feeling of trepidation about this mission, on both sides of the aisle. Few in this body are certain that sending troops is the right thing to do, and for that reason, would not have voted to do it. At the same time, there is considerable sentiment here that we should do eveything possible to fully support our troops once they are there, and to avoid any appearance of undercutting our Commander in Chief. To undercut our command structure while American troops are in harm's way is something that most Senators earnestly wish to avoid.

I believe that the Senate has plaintively wished to give voice simultaneously to these two conflicting impulses. The majority leader's initiative has made it possible for us to do so.

Turning that shared feeling into a constructive statement of policy is a tremendously difficult task. It requires not only considerable political skill and courage, but a detailed recognition of the factors confronting our forces in Bosnia, and confronting our President.

First, I do believe that there is broad agreement here about the President's constitutional authority, as Commander in Chief, to deploy U.S. forces to defend U.S. interests abroad. We in Congress do have the constitutional right and duty to be involved in fundamental decisions of war and peace. But the principal ways in which we do this are—first, to declare war ourselves, a congressional prerogative, and second, to use our power over the purse to limit the military operation pursued by the President. We do retain that power. But otherwise, we recognize that it is the President, not the Congress, who has the authority to command the Armed forces, within the limits of what Congress is willing to fund.

Earlier today, we voted as to whether to forbid the President to use DOD funds to support a deployment in Bosnia. Buy a 77 to 22 vote, we decided that we would not curtail such funding. Thus I believe that it is now incumbent upon the Congress to maximize the chances of success for the mission which the President has seen fit to initiate.

The President's decision to deploy U.S. forces is associated with his committing the United States to do its share in upholding a peace negotiated between the warring parties. I have my own grave doubts about whether this peace will hold. It may indeed hold, but I do not believe that it will hold simply because United States, British, French, or other NATO forces are present. If the warring parties in Bosnia are not satisfied with the terms of the peace, they will take out their hostilities on whichever forces are in this way. I believe that the historical record in that regard is so very clear.

It is possible that the peace will indeed hold, if an equilibrium has been reached there. If the various parties are satisfied with the territory over which they have been given jurisdiction, then there may indeed be peace. I would say, however, that there are troubling signs that this will not be the case in Bosnia. I am certain that my colleagues have read and heard about many instances of aggressive behavior in the last few days. One involved the touching of a town, by Bosnian Croats, which was slated to be turned over to the Serbs. Can we assume that these horrible actions will not meet with reprisals? Will the Serbs be satisfied that a town allotted to them under the terms of the peace agreement has been destroyed? Will vengeance not be sought at another time and place? I believe it would be highly naive to assume that these activities will cease the moment that United States troops take up their positions in Bosnia.

So it should be clear that I am most troubled by the President's decision to send troops to Bosnia. However, I would also say that we do not add to the safety of our troops by withdrawing support from our President at this time. We know from our own tragic experience that no good comes from public disunity between the President and the Congress at such a time as this. To tell the world that America's commitment is soft, that it will be undone once the Congress can prevail over the President in such a matter, is to invite attacks upon our troops, and thereby upon our resolve. Certainly, any potential enemies will seek to test American resolve in Bosnia. "We must not," I say to my colleagues, lay any of the groundwork for those detractors by making it harder for the President to stand by his decisions.

The majority leader's resolution, I believe, recognizes that our desire to support our President does not mandate that we simply offer him a blank check to proceed in Bosnia in any which way. This resolution incorporates the insights of our able Majority Leader and others as to the reality that our troops can only safely and profitably be withdrawn once Bosnia can stand on its own without resort to the presence of American support. This requires the training and equipping of aviable Bosnian army. Much of the negotiations between the Congress and the President as to the substance of this resolution have turned on this point. I am pleased to see that we have received a commitment from the White House that America will assume a leading role in training the Bosnian army there.

That is the factor which can make it possible for the President to claim this mission as a success upon its conclusion; otherwise we run the risk of simply delaying whatever bloodshed would otherwise occur until the United States withdraws. If we have simply a target date for the hostilities to resume, and we will have accomplished nothing. The work of the majority leader in this area could help to ensure that this mission is not in vain, and that a lasting peace in Bosnia is possible, without a sustained and indefinite American presence.

So I commend the resolution offered by Senator DOLE and the intrepid and courageous McCAIN and I urge my colleagues to support it. I trust that my colleagues will agree with me that the task before us—once such a mission is undertaken—is to ensure that it has the greatest possible chance for success. I believe that in this instance, we accomplish this by defining and limiting the nature of the mission in Bosnia, and by providing a strategy leading toward the orderly withdrawal of United States troops from this part of the world. The Dole-McCain resolution surely accomplishes this, and I urge the Senate to adopt it.

Mr. ABRAHAM. Mr. President, before I begin my remarks on the resolutions related to Bosnia, I would like to express my unequivocal support for the men and women of the United States Armed Forces. I can think of no greater act of patriotism and devotion to this country than to enlist in the military and devote one's professional life to the defense of our Constitution. It is made even more profound by the realization that these brave men and women do not have a say in how, or where, they will be employed. They go where they are told to go, fight where they are told to fight, and do so better than any other military force in the world. Throughout their service they must spend months, sometimes even years, away from their home and family. Children are born and start growing up while their parent is away in the service of their country. Few of us in America today realize the tremendous sacrifice these men and women make so that we may enjoy the fruits of liberty. It is time we honor their sacrifice.

But such sacrifice is not limited to our active duty forces. I have been informed that four Michigan National Guard and Army Reserve units will be deployed in support of Operation Joint Endeavor. To the officers, men and women of the 1776th Military Police Company, the 210th Military Police Headquarters and Headquarters Detachment, both from Taylor, MI, the 415th Civil Affairs Battalion in Kalamazoo, MI, and the 415th Military Intelligence Detachment in Ann Arbor, MI, I wish you God speed and a safe deployment. I have also been informed that one of my own staff, a Naval Reservist, may be recalled to active duty to support these military operations. May you all return quickly and safely. I commend your patriotism, your bravery, and your devotion to duty. You exemplify all that is worthy and noble in Michigan, in our military, and in the United States. I'm sure all my colleagues here in the Senate join me in saluting your valor.

Now Mr. President, I would like to specifically address the issue of America's interest and involvement in Bosnia. This issue has implications for our foreign and defense policy that will reverberate long after this operation is completed.

America has always been viewed as a light to all nations, guiding them to peace, freedom, and self-determination. We are a nation dedicated to certain principles and ideals, and we take those principles and ideals seriously enough that we include their very preservation and advancement as part of our national interest. But we must never lose sight of the fact that a nation's first responsibility is to its own people.

We, in this body, must never develop a foreign policy that loses sight of that primary responsibility, and that the lives and safety of our troops, whether they be volunteers or conscripts, are just as much a vital national security interest as are the lives of our civilian citizens. In practice then, we should commit our forces only when, where, and to the extent appropriate, to meet our stated national goals and to protect our national interests.

Therefore, Mr. President, the level of our commitment to a particular undertaking should be concomitant with the level of the threat to our national interests. Some situations threaten our very existence, while others only marginally affect us. Many will lie somewhere in the middle. Where such threats to our national security are significant and definite, like those we faced in World War II, we must respond decisively and with all available military force. But in those cases where our national interests lie somewhere between the extremes, as I believe is the case in the Balkans, it is not necessary to respond with the same level of absolute commitment and force that we would use against those definite threats to our vital national security interests.

Mr. President, we must also examine not only what our chances of success will be in a particular undertaking, but also what will be the potential costs—in the lives of America's soldiers and in our national prestige. Just as the level of our interests will lie somewhere along a broad scale, so too will the potential benefits and costs. Every effort must be made to assess and decide whether the potential benefits in advancing our national interests justify the costs.

Mr. President, in my view, the United States has an interest in long-term stability and peace in the Balkans. The war has consumed the interests of Europe for the past 4 years and has increasingly become an item of disagreement and discord between the United States and our NATO allies, an alliance where continued U.S. leadership is vital to our interests. Former adversaries in Eastern Europe and the Middle East, with whom we previously thought we were developing new and friendlier relations, are using this war as an opportunity to expand their influence and control. Our leadership in NATO, and with the emerging European democratic states, will be pivotal to what Europe will look like for generations to come. We must remain engaged with these states, and must accept that their problems, more or less are our problems too. Further, old divisions between East and West are exacerbated by this conflict because of the critical role the mixing of Eastern and Western religions play in the continued hatred and strife of the region. These conflicts undermine stability and therefore directly impact upon U.S. national interests.

Finally, and certainly not least, the United States has a very real interest in putting an end to the atrocities and carnage that has shattered this region. At the end of World War II, we said we would never again allow another Holocaust. Where we have an opportunity to end mass and indiscriminate killing, which will live in our memories for generations to come, we must seize such opportunities where we legitimately believe we can succeed.

Mr. President, while there is a definite U.S. interest to be advanced in this situation, it is only worth acting if we employ a strategy that both ensures the conditions for a genuine peace and which establishes a rational strategy for the eventual withdrawal of our troops. Therefore, I believe any strategy for peace and stability in the Balkans must, in part, be based upon addressing the fundamental military imbalance between the Serbs and the Muslim-Croatian Federation. If we had previously lifted the arms embargo, we would not be debating this deployment today. Yes, the conflict would have probably intensified at first, but I believe the Muslim-Croatian Federation would have then been able to develop a credible military deterrent, and there would be no need for 60,000 troops to implement the peace. Now, again, a balance must exist or peace will evaporate as soon as the Implementation Force withdraws. The current administration policy fails to set in motion a plan to achieve this balance.

It is also clear to me that any strategy based upon the deployment of United States ground troops to Bosnia must include a definition of what will be the conditions for declaring final success in this venture. A pitfall we must avoid in achieving that success is to utilize our troops in the inappropriate mission of nation-building. I understand suitable political structures must be in place to allow the ballot to replace the bullet as the agent of change, but the role of our troops must be strictly limited to establishing the necessary military stability so as to allow the civilians the opportunity to develop the necessary political institutions.

When we have defined our criteria for success, we must also have in place a definite withdrawal plan that clearly establishes the conditions and terms for the termination of this mission. In my view, the current administration plan is based upon the faulty assumptions that our mere presence in Bosnia is the goal, and that peace under any terms is preferable to battling for a just victory.

Mr. President, short of committing ground troops to Bosnia, I believe there are several roles which the United States can and should fill to advance the cause of a just and stable peace in the Balkans. Among those roles which I feel are appropriate for the United States include contributing significant air and naval forces to the NATO operation in the Balkans, providing a large part of the logistical and financial resources for this operation, and participating in efforts to provide military assistance and training to the Muslim-Croatian Federation.

However, the President's decision to deploy United States ground troops directly into Bosnia and Herzegovina is, in my view, a grievous mistake. As I stated earlier, I believe it is in America's interests to advance the cause of peace, justice, and stability in the Balkans. But it is not such an absolute or vital national interest that it justifies the extremely high risk of deploying ground troops to the region.

Mr. President, I believe U.S. troops are particularly ill-suited for peacekeeping missions of this type because they present such a ripe political target. Whether rightly or wrongly, a dead American soldier captured on TV cameras will be broadcast around the world. I doubt the same can be said for the soldiers from traditional peacekeeping contributors. And that is exactly what a belligerent wants; that intense media coverage and scrutiny that covers American troops. That is why our troops have rarely been used as peacekeepers. Look at what happened in Somalia. U.S. forces were specifically targeted, and subsequently drawn much further into the conflict than originally planned, because of the significant political position they occupy for no other reason than that they were American soldiers. Therefore, I believe peacekeeping is best conducted by smaller countries not perceived as having any vested interest in the outcome of a conflict, and therefore can undeniably claim to be neutral.

The question of U.S. leadership does not rest on the end of an infantryman's rifle barrel. The United States can maintain, even advance, its international credibility, its preeminence in the NATO alliance, and its role as the world's sole superpower, without having to contribute a disproportionate share of the troops on the ground. Indeed, I believe it is imprudent to claim that the sole measure of United States leadership and commitment to peace in the Balkans can only be measured by the number of troops we commit to the Implementation Force.

Were a more vital United States interest at stake in the Balkans, and were not it clear that the United States can still participate significantly in implementing this peace accord without using its ground troops, my views may be different. But given the extreme risk to which I believe they will be subjected, and the clear availability for other countries to provide these peacekeeping troops, I believe placing our forces on the ground in Bosnia and Herzegovina is unjustified.

In light of the foregoing analysis, I concluded that I could not support H.R.

2606, which would prohibit the expenditure of funds for the deployment of United States troops to Bosnia absent a specific Congressional appropriation. Limiting the expenditure of funds at this stage of the operation will unduly jeopardize our troops in the field just at the exact time that they most need Congressional support. I would also refer to the arguments made by the Majority Leader, himself a distinguished veteran, who related the incredible damage done to the morale of our troops serving in Vietnam when this Congress debated cutting off the funds for our troops involved in that war. We should not, in my judgment, place our troops in that position.

Mr. President, as I stated earlier, our interests in the region are not so great that they warrant placing United States ground troops under the extraordinary risk they would face in Bosnia. Therefore, I wholeheartedly support the Hutchison-Inhofe-Craig-Nickles resolution opposing the deployment of U.S. ground troops. This Sense of the Senate Resolution expresses, on the record, our disagreement with the President's decision to deploy ground troops to Bosnia and Herzegovina.

Unfortunately the President is, in fact, deploying U.S. ground troops. Mr. President, this deployment is a fait àccompli, initiated unilaterally by the President over the strongest and repeated objections of both Houses of Congress, and one which the President will continue no matter how strongly we protest. Thus, even though many of us oppose this deployment, I believe we have an opportunity, and an obligation, to clearly define the limits under which the President can carry out this imprudent deployment.

It is in this light that I have decided to support the Dole-McCain resolution. I want to thank the sponsors for incorporating language that I had recommended making clear that the Congress is simply acquiescing to the fact that this deployment is a fait àccompli. With this language, the resolution clearly states our misgivings, and I quote: "Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina . . . The President may only fulfill his commitment [and I stress this is the President's commitment] to deploy United States Armed Forces . . . subject to the conditions" of this resolution.

Mr. President, I can't speak for others, but my vote for this resolution in no way constitutes an endorsement, authorization, or approval of the President's decision to send United States ground troops into Bosnia. In fact, the language I submitted distinctly helps separate this resolution from any endorsement of the President's actions by citing our reservations and placing the origin of this deployment clearly with the President.

As I just quoted, this resolution further states that, in light of the President's decision to deploy U.S. troops, he may quote, "only fulfill his commitment," unquote if he meets the conditions established to safeguard our troops and further the success of the mission. Mr. President, I believe that point needs to be repeated. This is the President's decision, a commitment the President made over our repeated objections. Therefore, under the Dole-McCain resolution, he may only, and I stress only, fulfill quote "his" unquote commitment, if it meets the following conditions.

First, the resolution recognizes the extreme danger in which U.S. troops will be placed, and establishes rational conditions for their safe withdrawal and limited military employment. The Dole-McCain resolution establishes clear and unequivocal language that requires the President to take all possible measures to protect our forces, and to periodically report to Congress the success of those specific measures.

It also builds upon the recognition that the Muslim-Croatian Federation must be further armed, trained and strengthened if a credible and stable military balance is to be established in the region. We cannot simply accept the President's assurances that he will find some way to make this happen. If the United States forces withdraw only to see an out gunned Bosnian-Croatian Federation quickly overrun by a patient aggressor, our troops' sacrifice will be for naught. We have the power to give meaning to their sacrifice, and this resolution does just that.

Last, the Dole-McCain resolution will strictly limit the operations of our forces to legitimately military tasks. We have repeatedly seen the inefficacy of using U.S. military forces for nation-building exercises. The General Framework Agreement is, in my opinion, fraught with pitfalls that will draw the Implementation Force fully into the tasks more clearly the purview of the civilian High Representative's authority. This body has the opportunity to protect our troops from being needlessly employed in such dangerous non-military tasks, and this resolution does so.

This is, in my opinion, far from a perfect response to the situation the President has presented this Congress. I believe the President has acted hastily, and that his policy places our troops in the unnecessarily dangerous role of vulnerable peace implementors. However, when presented with the reality that our troops will go to Bosnia, regardless of our actions, I believe we must act where we can to constrain the imprudent strategy of the administration. The Dole-McCain resolution does not approve, endorse or authorize the President's policy. However, it clearly constrains the conduct of this operation so as to better protect our troops in Bosnia, and to better ensure mission's ultimate success.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of the Dole-McCain resolution.

As each of us decides whether or not to support U.S. involvement in this military operation, we must consider that we are sending young soldiers overseas and that their lives are possibly on the line.

As I evaluated our involvement in this effort, I reflected on my own situation during World War II. When I enlisted in the Army, my father was terminally ill and my mother was about to become a widow. I recall the letters that I wrote from Europe to my mother, who, like the parents of those soldiers being sent to Bosnia, prayed every day for my safe return. Those were not easy times. But I also recall the deep pride that I felt and the moral good that ultimately came from ending Hitler's fascist conquests.

Mr. President, like many Americans, I have been troubled by the prospective costs in human lives of the war in Bosnia. With America's diplomatic support, the warring parties have negotiated a truce and are prepared to sign a peace agreement and are requesting the assistance of America's military to help monitor and enforce it.

I do not agree with those who argue that our country has no national interest in helping to enforce a peace agreement. We must, if we possibly can, prevent the further spread of this tragic conflict, in part, because further conflict threatens the stability of, perhaps, the whole of Europe. If the war spreads, America runs the risk of being enveloped in a much larger conflict. By committing a small number of soldiers now, we may reduce the likelihood that more American troops could be required in Europe later on.

As the architect of the peace agreement, and as the leader of NATO, only the United States can lead this effort and put an end to this senseless bloodshed that has taken 250,000 lives, torn that country apart, and displaced 2 million refugees.

Mr. President, sending American troops seems to be the best option available to the United States to help guarantee peace in Europe. While the Dayton peace agreement is far from perfect, it is the only peace agreement that the parties in the conflict have agreed to implement. If successfully implemented and coupled with the arming and training of the Bosnian Moslems before IFOR departs, the agreement holds a promise, in the long run, of ending the violence that has terrorized the people of Bosnia. The alternative is unacceptable—to let the war resume. If the international community does not step in now, it is obvious that more lives will be lost and more refugees will be displaced, and there will be more bloodshed and carnage, and America's credibility as an international leader is also on the line. Our leadership brought the parties to the negotiating table, and our leadership was requested by those parties to help enforce the agreement.

I understand the view that the Congress should have been consulted more closely before the decision to send troops was made. But forcing America to back away from the President's commitment is not the solution. To do so would undermine the morale of our fighting force. Even more, it would diminish our credibility in the international community and send a message to aggressors worldwide that they have nothing to fear from America.

I know that U.S. participation in this endeavor is not risk-free. Passions run high in an area where weapons are plentiful. Millions of landmines lay just below the Earth's surface, and weather conditions are likely to be unfriendly. I am persuaded, however, that General Shalikashvili and Secretary Perry have assiduously worked to minimize the risks, and they believe that the risk level has been reduced to its barest minimum level, and that the mission has clear objectives, a sufficiently potent force, an effective command and control structure under American leadership, no-nonsense rules of engagement, a clear time limit, and the cooperation of the various factions.

American troops will have well-defined rules of engagement. They will, as President Clinton said, fight fire with fire, and then some. Our troops will have a clearly defined military mission and will not participate in nation-building tasks. Once again, they will be under American command.

Our soldiers will have the firepower, training, explicit instructions, and authorization necessary to defend themselves and others. They have been trained to deal with every major threat, including landmines, civil disorder, and snipers. I have been assured by General Shalikashvili and Secretary Perry that our troops have the appropriate level of training and are prepared and ready for this peace enforcement mission.

Mr. President, though it is always painful to send American soldiers overseas, I believe the goals of this limited deployment are appropriate. While it is our solemn responsibility to make wise decisions about sending American troops abroad, I have been assured by our military leaders that the members of our All-Volunteer force are prepared for this mission.

America can make a difference in securing the peace in Bosnia. We ought to remain engaged in that endeavor. I hope, Mr. President, that my colleagues will support the Dole-McCain resolution and our troops. I wish them well on this peace mission.

Mr. President, I support America's troops as they head off to Bosnia to help enforce and implement the peace agreement.

As each of us decides about whether or not to support U.S. involvement in this military operation, we need to be mindful of the fact that we are sending young soldiers overseas and that their lives are possibly on the line.

As I evaluated America's involvement in the international effort to enforce a peace agreement in Bosnia, I have reflected on my own situation during the Second World War. When I enlisted in the Army, my father was terminally ill, and my mother was about to become a widow.

While she tended to my father's minute-to-minute needs and also to see that my 12-year-old sister met her school and personal commitments, I was in uniform.

As I considered America's involvement in this military operation in Bosnia, I recalled the letters I wrote from Europe to my mother in New Jersey, who like the parents of those soldiers being sent to Bosnia, prayed every day for my safe return.

I recalled the deep pride I felt serving my country, and have reflected on the values American soldiers fought for during that conflict and the moral good that came from bringing an end to Hitler's fascist conquests.

Like many Americans, I have been deeply troubled by the cost—in injury and human life—of the war that raged on in Bosnia for the last 3½ years. And I have been haunted by all-too-familiar photographs from the war in the Balkans.

Terrified children left orphaned after slaughter. Moslem women raped by their Bosnian Serb captors. Innocents lying dead in the street. U.N. soldiers chained to poles as human shields. Reports of mass executions and graves.

To their credit, the warring parties have agreed to end these atrocities and open a new chapter in their history.

With America's diplomatic support, they have negotiated a peace agreement which holds the promise of ending the brutality that has inflicted so much pain on their people for so many years. Now that a peace agreement has been negotiated, the parties to the conflict are requesting the assistance of America's military to help monitor and enforce it.

There are many reasons why I believe the Congress should support U.S. involvement in a NATO-led international peace enforcement operation.

I do not agree, Mr. President, with those who argue that the United States has no national interest in intervening to enforce a peace agreement to end this conflict.

The United States does have a national interest in supporting a peaceful end to the bloody conflict in Europe. We must prevent the further spread of this tragic conflict, not only because of its impact on the people of Bosnia, but because further conflict threatens the stability of Europe.

If the war spreads and more countries are drawn into the conflict, America runs the risk of being enveloped in a much larger conflict. By committing 20,000 American soldiers to this international peace enforcement operation now, we may reduce the likelihood that more American troops could be required in Europe later.

While I also understand the view of those who believe Bosnia is a European problem that the Europeans should enforce and monitor the peace agreement on their own, the reality is that without the leadership and direct participation of the United States in this international effort, the peace agreement would go nowhere. The Europeans, through NATO, will be engaged as our partner in this peace enforcement mission.

But as the architect of the peace agreement and as the leader of NATO, only the United States can lead the effort to enforce the peace agreement and put an end to the senseless bloodshed and loss of innocent lives. Only our Nation can lead the way in enforcing the peace agreement which will stop the carnage that has taken 250,000 lives, torn the country apart, and displaced 2 million refugees.

Sending American troops to help enforce and monitor this peace agreement is the best option available to the United States to help guarantee peace in Europe. While the Dayton peace agreement is far from perfect, it is the only peace agreement that the parties to the conflict have agreed to implement.

It will not reunite Bosnia and Herzegovina, but it will, if given a chance to succeed, restore peace, calm, and civility to the region. It will not bring back the lives of those senselessly slaughtered by perpetrators of war crimes, but it will guard future atrocities and ensure that such perpetrators are prohibited from serving in government.

If successfully implemented and coupled with the arming and training of the Bosnian Moslems before IFOR departs, it holds the promise, in the long run, of ending the bloodshed and violence that have terrorized the people of Bosnia for so long.

Mr. President, the alternative to sending U.S. troops to help implement and enforce this peace agreement, is to let the war resume. If the international community does not step in now to enforce this peace agreement, more lives will be lost.

More refugees will be displaced. More children will be orphaned. There will be more bloodshed and carnage. There will be a greater likelihood that the United States will need to intervene at a later time.

America's credibility as an international leader is also on the line. Our leadership brought the parties to the negotiating table, and our leadership was requested by those parties to help enforce and monitor the peace agreement.

I understand the view of many that the Congress should have been more closely consulted before the decision to send troops was made. But I do not believe that forcing America to back away from the President's commitment is the solution in this case. To do so would invite attacks on our troops by those opponents of peace who hope to force the international community out of the Balkans. It would undermine the morale of our troops.

Even more, it would diminish our credibility in the International community. It would send a message to aggressors worldwide that they have little to fear from America. It could be perceived as a green light for the North Koreans to march south. It could be perceived as a green light for Sadaam Hussein to do the same.

To be sure, it would also undermine America's role as NATO's leader.

I know, Mr. President, that U.S. participation in this mission is not risk free.

The parties to the conflict have been fighting for years, and passions run high in an area where weapons are plentiful. Millions of landmines lay just below the Earth's surface, and adverse weather conditions will, no doubt, create difficulties for our soldiers.

But I do not believe these difficulties are insurmountable. Nor do I believe they should keep America from joining the international community in enforcing a peace agreement aimed at stopping the worst atrocities on European soil since the Second World War.

I am persuaded that General Shalikashvili and Secretary Perry have assiduously worked to minimize those risks. They believe the risk level has been minimized and that the mission has clear objectives, a sufficiently potent force, an effective command and control structure under American leadership, no-nonsense rules of engagement, a clear time limit, and the cooperation of the various factions.

American troops participating in this international peace enforcement operation will have well defined rules of engagement. Unlike the lightly armed U.N. peacekeepers previously stationed in Bosnia, American soldiers will be permitted to use force—including deadly force—in cases of self-defense or to protect against a hostile act or hostile intent. They will, as President Clinton said, "fight fire with fire, and then some."

Our troops will have a clearly defined military mission. They will monitor the cease-fire line, the zones of separation, and, when needed, enforce withdrawal from the zones of separation. They will not participate in nation-building tasks.

They will be under American command.

Our soldiers will have the firepower, training, explicit instructions, and authorization necessary to defend themselves and others. They have been trained to deal with every major threat, including landmine, civil disorder, and snipers.

I have been assured by General Shalikashvili and Secretary Perry that our troops are well trained, prepared, and ready for this peace enforcement mission.

Though it is never easy to send American soldiers overseas, I believe the goals of this limited deployment are meritorious. While it is our solemn responsibility to make wise decisions about sending American troops, I have been assured by our military leaders that the members of our all volunteer force are prepared for this mission.

America can make a difference in securing the peace in Bosnia, and we ought to remain engaged in that endeavor. I hope my colleagues will support the Dole-McCain resolution and our troops. I wish them well on this peace mission.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I wonder if the Chair could outline the current situation in terms of time allocation so that I might speak for a few minutes if it is available.

The PRESIDING OFFICER. The minority has 34 minutes remaining; the majority has 29 minutes. If there is no objection, the Senator is recognized for 3 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I know the occupant of the chair is a very thoughtful Senator and reviews each situation that comes before him very carefully. We shared a trip to Croatia a couple years ago and had the opportunity to see just on the periphery what happens when the hatred and the venom is unleashed to deal with problems, as those who are there saw fit. We were shocked to learn about the murder of neighbors by other farm neighbors, using farm implements to do the killing and the maiming, and the story about the women locked in a gymnasium after they had been raped by then-renegade rogue Serbian soldiers and made to stay in that facility so they could not dispose of those pregnancies in any way but to deliver a child not of their choice, one that the enemy, their enemy, decided would be an appropriate way of fathering another race.

It recalls for all of us a time just over 40 years ago when it was decided by another Fascist that there would be a super race put upon this Earth, and by artificial insemination, rape and coercion, women were made pregnant to carry members of that super race. It was intolerable. When we learned about it we were shocked and horrified. Now we saw similar things taking place. The world stood by—an unacceptable condition—in a world purportedly civilized, and thusly when we debate the issue here, Mr. President, about whether or not we have a national interest, we have a global interest, we have a human interest.

Yes, it is true that America cannot be the police force around the world, and the questions are raised, why did we do it in this place and why did we not do it in that place? One of the reasons is we were not welcomed by anybody. We saw what happened when our young people were sent to Somalia with an indefinite engagement in front of them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. I thank the Chair. I see my colleague from Florida is here.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank my colleague, Senator LAUTENBERG.

Mr. President, I recently received a letter from Catherine and Crosby Dawkins of Jacksonville, FL. The letter read in part:

> We cannot see any compelling reason for risking the lives of United States servicemen in a centuries old dispute, even though we grieve for the plight of the women and children. If European countries believe the conflict will spread, they should take action.

Mr. President, like many of us, I have received hundreds, possibly thousands of communiques similar to this—deep felt concerns about the risk of American soldiers in Bosnia. These thoughtful letters deserve a response. I take this opportunity to address not only my colleagues in the Senate but also my fellow citizens of Florida who have been so generous and so thoughtful in their letters.

Mr. President, this raises an issue of the United States military troops in Bosnia, a fundamental question of what are the options of the United

States in this post-cold-war era? For half a century, the United States knew with clarity and with national unity what its objectives were. Its objectives were to suppress the totalitarianism of Nazism. The goal was to restrain the imperial impulses of the Soviet Union.

Now the United States is charting a new course of action. We have essentially limited options. One of those options, Mr. President, in the post-cold-war era is to stand on the sideline, to essentially be an observer of the world, as we were for much of our Nation's history.

The second option is to be the world's defender, to be prepared to intervene in every conflict.

The third option is to carefully assess our interest and, when a situation begs our involvement, to work within our capabilities to build international coalitions to respond to the conflict. I strongly feel that that third option is the option which is most appropriate and most applicable to the situation that we face tonight in Bosnia.

In assessing the question as to whether our interests in Bosnia are sufficient to beg our involvement, I suggest that our interests do require our involvement. This is not a complete list, but I believe a compelling list of those reasons. The United States has a deep interest in human rights. One of the things that distinguishes our country from those nations which preceded it is that we believe that the purpose of government is to protect and advance the rights of individuals. We found that not only to be a guiding principle in our domestic policy but also in our foreign policy.

One of the great initial disputes in this Nation was over the question of whether the United States should become involved in the French Revolution. Many said that the United States should stand apart, that we were too small to be effective, and too distant to be effective.

Thomas Jefferson said we meant those words in the Declaration of Independence not just to stand for Americans, or for English colonialists, but they were universal principles of human rights, and that we had not only been given by God certain inalienable rights but also by God, responsibilities to defend those rights wherever they were in jeopardy.

That principle of America's special role in the world that from the very beginning of our Nation has so shaped our culture, is at risk tonight.

We also have some more immediate interests. We have an interest in preserving the international coalition which we know as NATO, a coalition which has served us well in terms of deterring the Soviet Union and which, in all likelihood, will serve us well in the unknown, uncharted future into which we move in the post-cold-war era. If we were to retreat from our commitments to NATO on this, the eve of the signing of the peace agreements in Paris, I think that institution would be forever shattered.

We also have the opportunity by acting tonight to avoid the potential of this horrendous strife, which has taken a quarter of a million lives, rendered 3 million people as refugees, from spreading—spreading first throughout the former Yugoslavia and then throughout the Balkans and then, as we have seen twice in this century, throughout Europe.

We have a deep stake in avoiding having to do what this country has done twice in this century, and that is send American men and women, not as peacekeepers, but as combatants in a war in Europe.

Finally, I think we have a strong interest in demonstrating to the people of the world that our concern for human rights is not limited to people who look like us, attend the same religious institutions as we do, have our same cultural background. There is today an emerging fundamentalism within the Islamic religion. That fundamentalism is receiving support and reassurance from what they see Western Europeans have done, including the United States of America, in Bosnia today.

I believe it is important that we, by our actions now, indicate that we are prepared to stand for the cause of human rights, and protect them wherever our interests indicate that it is appropriate to do so; that we, by so doing, will send a signal that we are prepared to support the responsible elements of the Islamic religion and Islamic nations.

Mr. President, I conclude by citing what we heard just a few hours ago in the House Chamber, the statement made by the Prime Minister of Israel, Shimon Peres.

Mr. President, less than 24 hours ago, Shimon Peres addressed the Congress and the American people on the need for American leadership in the 21st century. He said:

> Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it. . .
>
> America, in my judgment, cannot escape what history has laid on your shoulders . . . You cannot escape that which America alone can do. America alone can keep the world free and assist nations to assume the responsibility for their own fate.

Mr. President, that is what is at stake in the decision that we will make this evening.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, it is very difficult to make an important statement with a limited time, but I want to say that I support the President's peacemaking initiative and the Dayton accord and I support the NATO operation in Bosnia. I support the President because I believe that it is our patriotic duty and the right thing to do. I believe that we have an obligation to nurture the peace and to convince warring nations, whenever possible, that the United States will make an effort to help them resolve their conflicts.

This decision was not made easily.

I have, for a long time now, differed with the President on Bosnia policy. Specifically, I have favored the lifting of the arms embargo against the Bosnian Moslems—a policy change that would have assisted the Moslems in defending themselves.

My decision was made only after meeting with the President and his military advisers, carefully considering their views, and deliberating the pros and cons of a U.S. peacekeeping role.

It has been complicated by the fact that the State of Illinois has the largest number of reservists being called up to support our troop deployment to Bosnia. Moreover, I have an 18-year-old son whom I would not want to see put in harm's way should the situation in Bosnia take an untoward turn.

Like most Americans, I am concerned about the risks involved in sending United States ground troops to Bosnia. I want to be sure that the Administration has thought through and addressed all the important questions before United States forces are committed to Bosnia. These questions include the rules of engagement, command structure, the length of our commitment, our exit strategy, and our contingency plans should the peace plan start to unravel, or the warring factions fail to make good on their promises.

But the President has satisfactorily answered each of those concerns, and he has made a strong case on why Congress and the American people should support his decision to send United States peacekeeping forces to Bosnia.

First, the NATO mission is clearly defined, limited, and achievable. It is to implement the military aspects of the peace accord to monitor the cease-fire, to control the airspace, and to patrol the exclusionary zone separating the former combatants. It does not involve "nation building" or acting as a police force. Moreover, it is not the kind of vague undefined "presence" that led to the United States tragedy in Lebanon. Most important, there is no danger of the kind of "mission creep" that occurred in Somalia.

Second, U.S. troops will not be passive, lightly armed peacekeepers as the U.N. forces have been. They will be heavily armed and have the tanks, the artillery, and the air power necessary to respond forcefully to any threat or challenge.

Third, the rules of engagement are clear, aggressive and unambiguous. They are designed to maximize the safety of our troops. Specifically, U.S. forces will have the authority to meet any threat or violation of the peace agreement with "immediate and decisive force."

Fourth, our commitment is not open-ended. It is planned that United States forces will be deployed in Bosnia for about a year. Military experts suggest it may be less than that.

Fifth, NATO peacekeepers will be under the command of Adm. Leighton W. Smith, Jr., and U.S. soldiers will only take orders from American commanders.

Finally, I have been informed that an effective exit strategy and a carefully constructed contingency plan have been developed, should the peace accord begin to unravel.

No one is underestimating, nor have we any illusions about the difficulties, dangers, and risks of this peacekeeping operation. Sending 20,000 of America's finest young men and women to Bosnia to implement the military provisions of the general framework for peace in Bosnia and Herzegovina is a risky proposition. The conflict there has been long-standing and brutal. The weather is inhospitable and the terrain is treacherous. There are more than 6 million land mines scattered throughout the country. Renegade bands have openly stated their opposition to provisions of the Dayton accord with which they disagree. Finally, all previous cease-fire agreements have ended in failure. Viewed separately, each of these factors imperils the safety of our soldiers; viewed as a whole, the possibility of American casualties is unfortunately very real.

However, we also have to consider the consequences of a failure of United States leadership in Bosnia. If we retreat now on the commitment the President has made, the Dayton agreement would collapse. The war would likely reignite. The slaughter of innocents would begin anew.

Even if there were no Dayton agreement to go back on, however, failure to act would have the most serious kinds of consequences for the United States. A failure by the United States to lead now could well represent a turning point for the entire NATO alliance, and NATO is the cornerstone of United States national security policy abroad. The United States is NATO's leader. If we fail to lead on an issue of such great importance to NATO, we must expect that kind of failure to have serious consequences for the United States, both in Europe and elsewhere around the world.

Moreover, a failure to act in Bosnia could well lead to broader conflict, one that could have far greater consequences for the United States down the road. If the current conflict is not at least contained, the losing side may well seek allies to redress its defeats on the battlefield. As more parties are drawn in, the conflict becomes ever more larger and ever more serious.

We have already seen that in Bosnia. We have already seen this dynamic at work, the conflict became much larger in the last year, with more parties, and more forces involved, than were engaged 4 years ago. Simply letting the parties fight it out, and watching the conflict continue to grow, is therefore not an acceptable option.

For all its weakness and risks—and the risks are substntial—the Dayton peace agreement still represents our best chance for a durable, lasting peace. It preserves Bosnia within its present borders, provides for free elections, and gives refugees a right to return to their homes.

The Dayton accord calls on NATO to implement the provisions of the agreement. As the unquestioned leader of NATO, U.S. participation in the proposed NATO peacekeeping operation is essential. Without a strong, visible American participation, the hard won negotiated peace in Dayton will unravel and be lost.

For these reasons I did not support H.R. 2206 and will not support the Hutchison-Inhofe resolutions. The Dole-McCain resolution at least acknowledges the leadership role of the United States in NATO and the necessity of our participation in the NATO peacekeeping operation. It also acknowledges many of the essential provisions of the Dayton accord. Finally, the Dole-McCain resolution unequivocally supports our men and women in the military. For these reasons, I will vote in favor of the Dole-McCain resolution and urge my colleagues to do the same.

Mr. President, problems in Europe have twice led to world wars this century. Problems in Europe caused the United States to fundamentally change its foreign policy posture. Since the end of World War II, the United States has made a conscious decision to stay politically, economically, and strategically engaged in Europe. During the cold war we spent trillions of dollars and based hundreds of thousands of American troops in Europe to protect these interests. Clearly the peace, security, stability, freedom, and prosperity of Europe are still vital national interests for the United States, and the vehicle for achieving those interests is NATO.

There is no more difficult—or unpopular—decision an American President can make than to put U.S. armed forces in harm's way. The President has exercised his constitutional prerogative as Commander in Chief, and American troops are being deployed to safeguard vital national interests. Our troops are well-trained for the challenges that await them, and they are prepared to do their duty. They are cognizant of the risks of their chosen profession and are more than willing to make the necessary sacrifices to bring peace and freedom to a war-torn land. All they ask is to know the parameters of their mission in advance, which the President has done, and that Congress and the American people stand behind them.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, none of us in the U.S. Senate, as is clear from the quality of this debate, takes lightly the responsibility of sending American troops into the potential of harm's way. But as each of us decides whether or not to support the President's decision to deploy American troops in Bosnia, I think we need to keep two essential points in mind.

The first is—and it must be reiterated again and again and again—the President is not sending American troops, nor are we ratifying the sending of American troops to Bosnia for the purpose of fighting a war. On the face of it, that may seem like an obvious point. But as I talk to citizens in my home State and listen to people across the country, many Americans do not yet understand what the mission is about or how it may be performed.

We are not sending—nor do I intend to send or want to send—American forces to Bosnia to fight a war. We are not sending American forces to Bosnia to crush enemy forces the way we did in World War II. We are not sending American soldiers to Bosnia to roll back communism the way we tried to in Vietnam, nor are we sending them there to repeal aggression as we did in the Persian Gulf.

The President is asking us to approve sending American troops to Bosnia at the request of parties to a peace agreement, at the request of parties to a conflict who are asking us and other nations to join together to help them to implement a peace that they have stated they want.

To be sure, war has raged in Bosnia for 4 years, but it is not raging now. A cease-fire has been in place since October, and the parties to the conflict have exhausted themselves. And, for the first time in 4 years, they have opted for peace over war.

This Senator contemplates only keeping troops in Bosnia for so long as the parties continue to opt for peace over war. It is their challenge now, not ours, to ensure that all of the elements under their control, under the control of each of them individually, are prepared to accept the peace.

Recent events, such as the destruction by Bosnia and Croat troops of towns to be turned over to the Bosnian Serbs and the stated opposition of Bosnian Serbs in Sarajevo to the peace accords, suggest that even after 4 years of fighting it will indeed take some time to convince those on the ground that this peace agreement is in their interest and that the risks for doing that are real. But that is precisely why this NATO force is needed and is so critical. And it is precisely why we must participate in that force, only if we are to try to give them the chance to make the peace they say they want. In no way should we contemplate making that peace ourselves.

The second critical point we need to keep in mind, Mr. President, is, as I listen to the debate, some Members assert that there is no vital national interest in Bosnia, and I have heard throughout this debate sort of a standard of vital strategic interest, vital national interest. Mr. President, that is the wrong test to apply to Bosnia.

Our vital national interests are our territorial integrity, our political system and ideology, our economic security, and our way of life. We have gone to war four times in this century with the belief that we were protecting them. But let us say clearly up front, in this conflict, in this effort, in this mission, they are not at stake. That is not what is at issue here, and no one pretends that is why we should be involved. That is not what we are doing. We are not going to war to protect a vital national security interest. We are not even sending troops for a vital national security interest.

Whether vital national security interests are at stake is the right question to ask, Mr. President, if you are deciding whether or not to send troops to war, it is not the right question to ask when you are being asked to participate in a multilateral, internationally sanctioned effort to help keep a peace which parties have said they want. And we should remember that we are not being asked to do this alone. We are doing this in conjunction with perhaps 30 other countries.

In many ways, Mr. President, Bosnia is the prototype of the kind of conflict the international community will face in the years ahead as forces, once held in check by superpower politics, are unleashed and, with them, the potential for conflicts all across the globe.

I think it is vital for us to understand that the test is really whether or not there are interests, whether or not there are important interests, that outweigh the risks of our participation.

Mr. President, I have heard colleagues talk about the issue of credibility. Some are going to suggest that the only reason they are prepared to vote to send these troops is to uphold the credibility of the country or the credibility of the President.

Let me say, Mr. President, with searing memories of Vietnam, that is not a reason to send our young military people into harm's way. I remember the phrase, "I will not be the first President to lose a war," and we lost tens of thousands of young people over the issue of pride, over the issue of unwillingness to do anything except to sustain somebody's credibility as people saw it. Credibility has to have an underlying notion. It is not an abstract concept which merits the taking of the life of a young American or the giving of a life of a young American. Credibility has to be based on some underlying interest which puts your credibility at stake.

I believe, Mr. President, that that vote—the credibility—is a hedge against a willingness to commit to this President's vision of what credibility might be at stake here.

I believe there are legitimate interests for taking the risk of trying to uphold the peace—not to fight a war, but to try to uphold a peace.

First, how could we as a nation avoid the moral interest in ending the worst atrocities in Europe since World War II? Whoever thought that after World War II Europe would again be the site of human beings being raped as a policy of war, tortured, murdered, separated from families, or thrown out of their homes simply because of ethnic background?

Who will forget quickly the stories recently that drove us to feel compelled to simply leave them to fight for themselves—headlines such as "Bosnia's Orphans of Rape; Innocent Legacy of Hatred," "Mass Graves Probed in Northwest Bosnia," "Anybody Who Moved or Screamed Was Killed: Thousands Massacred on Bosnia Trek in July," "Srebrenica: The Days of Slaughter"?

Who can forget the imperative of the words that we memorialize in Washington and elsewhere in this country, "Never again"?

That is an interest, Mr. President.

Twice in this century Europe was engulfed by war, and the United States fought to save it. We have already invested our blood in the stability and in the prospect of democracy and the future of Europe.

That is an interest, Mr. President.

The conflict in Bosnia has the potential for spillover—and could become a wider war—to areas where ethnic tensions are high: Kosovo, Albania, Macedonia, Greece, and Turkey.

That is an interest, Mr. President.

So we have an interest in ensuring that those things do not happen. We also have an interest in the risks to American forces and to NATO, and the cost of ensuring a peace in Bosnia now will inevitably be less than if we would have to respond to a wider conflict in the future.

Finally, we do have an important interest in demonstrating leadership on an international community level that we have the capacity and the will to lead in the post-cold war world.

For far too long American policy toward Bosnia was vague, vacillating and ineffective. Now, to the credit of this administration, to our country, we have changed that. And now we are trying to join together with our European allies in an effort to provide the strong response that stopped the Bosnian Serb attacks, that did try to provide a humanitarian corridor, that upheld the notion of international law, and that was willing to try to enforce the concept of safe areas.

Having led the effort—an extraordinary effort by the President, Secretary Christopher, and Assistant Secretary Holbrooke—having led that effort, Mr. President, how do we not have an interest that goes beyond mere credibility in trying now to implement the settlement which we ourselves have instigated and helped put together?

As President Clinton has said, if we do not participate in this operation, there will be no NATO force and the war in Bosnia will begin again. Our moral and political interests in Bosnia and our sense of responsibility demand that we not let that happen—and that we not be ultimately dragged in.

So Mr. President, it is because credibility is based on real interests that I support the President's decision to send our forces to Bosnia but I believe just as firmly the President owes it to the American people and Congress to ensure that the operation is limited in terms of the mission, limited in terms of the goals we set for success, and limited in duration.

As defined by the Dayton peace agreement, the mission of our troops and others participating in IFOR, the Bosnia Peace Implementation Force, is to monitor and enforce compliance with the military aspects of the peace agreement—that is, enforcing the cease-fire, supervising the withdrawal of forces to agreed lines, establishing a zone of separation between them, and returning troops and weapons to cantonments. Recognizing that they may need some help in making the transition from war to peace, the parties asked for a strong, NATO-led force. That is what they are getting and that is what they agreed to in the Dayton peace agreement.

Our troops will take their orders only from the American general who commands NATO and they will have the authority to meet any threat to their safety or any violation of the peace agreement with immediate, decisive force.

When American peacekeepers in Somalia embarked upon what turned out to be an ill-fated mission to apprehend warlord Mohammed Aideed, they lacked the equipment and other elements necessary to ensure success.

From what our military officials have told us, this scenario will not be repeated in Bosnia. Our forces are going in well-trained, well-equipped, heavily armed, and with robust rules of engagement.

I still remain concerned about the potential for so-called mission creep.

Under the terms of the peace agreement, I-For has the authority to "help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;" to "assist the movement of organizations in the accomplishment of humanitarian missions;" "to assist the UNHCR and other international organizations in their humanitarian missions;" to "observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person;" and to "monitor the clearing of minefields and obstacles."

True, these are authorities not obligations as Secretary Christopher has pointed out. True, the mission is defined by the NATO plan and these elements are not in the NATO plan, as Secretary Perry told the Foreign Relations Committee.

Nevertheless, these authorities create the potential for expansion of the mission beyond the military tasks cited by administration officials and for increased risk to our troops and those of other nations participating in the operation.

They also create an expectation on the part of the local populations and civilian organizations on the ground that I-For will protect and assist them.

If refugees are being attacked, can our troops really stand by and watch? Would we want them to? If UNHCR ask I-For to help resettle refugees in a given area, will I-For feel compelled to assist? If Catholic Relief Services asks French troops in Sarajevo to protect a convoy of humanitarian aid going into the city, are they bound to assist?

The Organization for Security and Cooperation in Europe [OSCE] is responsible for organizing elections in Bosnia in the next year. What expectations does OSCE, or the parties for that matter, have about IFOR's role in this process?

I remain concerned that IFOR's role in assisting the civilian operations that are to occur in the next year is still somewhat ambiguous. I understand that NATO military planners wanted IFOR to have these authorities to avoid the situation U.N. peacekeepers often found themselves in in Bosnia—that is, standing by and watching as terrible atrocities were committed against innocent civilians.

I agree that our soldiers must act if civilians are under attack or directly threatened. However, the operative word in responding to any of these situations must be "limited."

IFOR commanders from General Joulwan on down must understand that the American people and Congress will not support a broadened definition of the mission that has American forces serving as the constant protectors of civilian populations. That is not our job; the parties to the agreement must do this by fulfilling the commitments made in the agreement.

Much concern has been expressed in this debate about the exit strategy for American troops. Any exit strategy must be composed of more than a date; it must include criteria to determine whether or not the mission has been successful. I believe that that criteria must be limited solely to the military tasks that IFOR has set out to accomplish.

The civilian tasks that must be undertaken in the next year such as refugee repatriation and resettlement, elections, establishing governmental structures, monitoring human rights, apprehending alleged war criminals, are daunting. They must not become the criteria by which we determine success of the IFOR mission.

The President has stated that the mission which we are asking our troops to undertake will be limited to a year. Undoubtedly during this year, there will be violations of the Dayton agreement.

However, if there is a pattern of violations which indicates that the parties are not truly committed to this agreement, then American forces should be withdrawn. Our soldiers are there to keep the peace, not to fight a war or to prevent a war if the parties want to return once again to being combatants. If it becomes clear as the end of the year approaches, that the duration of the IFOR mission needs to be extended because success is within reach but not yet achieved, the burden of that mission must be shifted away from the United States and more to our European allies.

We must make it clear that we do not intend to stay in Bosnia indefinitely. Bosnia is first and foremost a European problem. If the peace implementation operation must be extended beyond a year, the countries of Europe must be prepared to share more of the responsibility and to replace our forces with theirs as we transition out. In other words, our troops must be out within the limited timeframe the President has set out.

The peace agreement provides for a build-down of the parties' military forces with the goal of achieving military parity by the end of the year, when IFOR is to withdraw. Administration officials have indicated that build-down may not be enough to ensured stability and that the United States will ensure that the Armed Forces of Bosnia and Herzegovina are equipped and trained.

While I agree that military imbalance at the end of a year could be a serious threat to peace, I am concerned about the risk that this process could pose for American forces on the ground. Even though American participants in I-For will not be arming or training Federation forces, they could be targets for Bosnian Serbs who object to the lack of neutrality on the part of the United States.

Beyond the risk factor, it is not at all clear to me, at least, when and where build down ends and build up begins and who is going to do the building up.

Notwithstanding these concerns, I believe our overall interests in Bosnia warrant the sending of American troops to help keep the peace. Certainly there are risks associated with this operation, but every effort has been made to minimize those risks by ensuring that our forces are well-trained and well-equipped, and that the rules of engagement are robust in order that they may defend themselves against any life-threatening situation.

I recognize that many Americans and indeed some in this body do not believe that we should participate in this mission. As a Vietnam veteran, I know the pain and the difficulty of fighting without the political support of the American people and their representatives.

We are not sending our soldiers to Bosnia to fight a war, but we are asking them to undertake a military mission in the name of peace that is not without risk. No matter what concerns we may have about this endeavor, we owe them our full support. We should demonstrate that support by endorsing the President's decision to send them to Bosnia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, it is for these reasons that I believe we must support the President, but let me say that with caution. This must be limited, limited, limited. It must have a clear strategy that does exit us at the end of the year, and we must define success in the context not of the civilian political success but only in the military separation of the forces and the giving of them the opportunity to make a peace.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, what is the remaining order under the unanimous-consent agreement?

The PRESIDING OFFICER. The Senator has up to 26 minutes.

Mr. MCCAIN. Followed by?

The PRESIDING OFFICER. The minority now has 7 minutes remaining.

Mr. MCCAIN. And then the majority leader will speak after that. Is that the unanimous-consent agreement?

The PRESIDING OFFICER. There is no agreement to that effect, but that is the assumption.

Mr. MCCAIN. I thank the Chair.

Mr. President, like all other Senators who have spoken today, I wish this debate were not necessary. I agree with those Senators who have said that they would not have undertaken the commitment made by the President of the

United States to deploy American ground forces to Bosnia to implement the tenuous peace that now exists there. But that is no longer the central question of our deliberations this evening. The President did so commit and our obligation now goes beyond expressing our disagreement with that decision.

Many of us did disagree, as is abundantly evident by the number of Senators who support the resolution offered by Senators HUTCHISON, INHOFE, NICKLES, and others, yet we all recognize that the President has the authority to make that decision.

The troops are going to Bosnia, and any prospect that Congress could prevent that deployment disappeared in the overwhelming vote in opposition to prohibiting funding for the deployment, the only constitutional means we have to reverse the President's decision.

Our troops are going to Bosnia. Congress should do everything in our power to ensure that our mission is truly clear, limited, and achievable; that it has the greatest for success with the least risk to the lives of our young men and women. That is our responsibility, as much as the President's.

The resolution that the majority leader and I have offered does not ask Senators to support the decision to deploy. It asks that you support the deployment after the decision had been made. It asks you further to condition your support on some important commitments by the President which I will discuss in a moment.

I intend to give that support, and I commend the majority leader for exercising extraordinary leadership in trying to influence both the nature and security of our mission to Bosnia as well as the outcome of the peace process there, to which we have made such a profound commitment. I believe Senator DOLE has significantly helped to improve both the security of our forces and the likelihood that the cause they have been asked to serve—peace in Bosnia—will endure beyond the year our forces will be stationed in that troubled country.

He has accomplished these important objectives by securing assurances from the administration that our soldiers will only be expected to perform those tasks for which they are trained, and will not be ill-used in nation-building exercises. Moreover, he has secured the strong commitment from the President that the United States will lead efforts to establish a stable, military balance in Bosnia which is the only undertaking that can be realistically expected to secure a lasting cease-fire there. Those commitments were well worth our efforts, and, again, I am grateful to the distinguished majority leader for his honorable and effective statesmanship in this effort.

Mr. President, what we should all strive to avoid is giving anyone—anyone—in Bosnia the idea that the American people and their elected representatives are so opposed to this deployment that the least provocation—violent provocation—will force the President to withdraw our forces. I do not want a single terrorist, a single Majahidin or Bosnian Serb sniper to think that by killing an American, they can incite a political uproar in America that will compel the President to bring our troops home.

That is my first reason for supporting this deployment. I want our enemies to know that America—not just the American force in Bosnia—but all Americans are in deadly earnest about this deployment. Attacks on the safety of those troops should, and I believe will, be met with a disproportionate response. That response will not include abandoning the mission. We must begin now to impress upon all parties in Bosnia that any assault on the security of our soldiers would amount to nothing more than an act of folly on the part of the assailant.

Mr. President, opponents of the President's decision often claim that there is no vital United States security interest in Bosnia that would justify the risk of American lives to defend. I have long agreed that there was no such interest. But there is now. There are the lives of 20,000 Americans to defend. And anyone who thinks they can achieve their own political ends by threatening our troops should be forcefully disabused of that notion, and should not be encouraged in their action by the misperception that the American people and the U.S. Congress are not united in steadfast support of our troops, their safety, and the mission they are now obligated to undertake.

There are other important American interests involved in this deployment. All the parties to the Dayton agreement have stated unequivocally that should the United States renege on its commitment, the peace will collapse and hostilities will resume. We will then watch Bosnians suffer again the mass murder and atrocities that have repulsed all people of decency and compassion.

Moreover, Mr. President, abjuring our commitment now would do considerable damage to NATO, the most successful defensive alliance in history. Many Americans may wonder why we need to be concerned about NATO in the wake of the Soviet Unions's collapse. But, Mr. President, the world still holds many dangers for our security, and our enemies are far less predictable than they once were. We will need our friends in the future, as much as they need us now.

Lastly, Mr. President, I want to talk about the relationship between the Nation's credibility and the credibility of its chief executive. In an earlier statement on this question, I asked my Republican colleagues to place as high a premium on this President's credibility abroad, as they would place on a Republican President's.

I asked this because the reliability of the President's word is of enormous strategic value to the American people. The President's voice is the voice of America. When the world loses faith in the commitments of our President, all Americans are less safe—and somewhere down the line American vital interests and American lives will be lost. The credibility and authority of the President of the United States, and the security of American soldiers, compel our support of their deployment. They are vital interests worth defending whatever our current political differences may be with the President.

Again, by supporting the deployment, I do not confer my approval of the decision to deploy. As I have already stated, I would not have committed American ground forces to this mission, had that decision been up to me. But the decision has been made, by the only American elected to make such decisions—the President of the United States. And I have construed my responsibility in these circumstances as requiring my support for efforts to maximize the prospects for success of the mission and minimize its obvious risks.

My support, and the support I urge my colleagues to give this deployment by voting for the resolution before us, has been characterized by the media as grudging. Fair enough. But let me be clear, I do not want to feed the cynicism of the public—or any members of our free press who might succumb to cynicism from time to time—should they conclude that by our resolution, and our votes preceding this one, that we are trying to avoid speaking clearly in support or opposition, and evade any responsibility for our own actions.

I know what I am doing. I know that by supporting this deployment, if not the decision, I must share in the blame if it ends disastrously. I will accept that responsibility—not happily, but honestly, just as Senators who supported the prohibition on funding for the deployment would have had to accept the blame for the problems that would have occurred if they had been successful in preventing the deployment.

The President will be accountable to the families of any American soldier who dies in service to his country in Bosnia. He will have to answer for their loss. But so will I. I fully accept that in my support of the deployment, and my efforts to influence its conduct and its termination, I incur this obligation.

Beyond offering expressions of sorrow and regret, we will have to tell those families that they bear their terrible loss for the sake of the country. Nothing—absolutely nothing—is harder than that. Just contemplating such a responsibility makes me heartsick.

This may be the hardest vote I have cast as a Member of Congress. It may be the hardest vote I will ever cast. To send young men and women into such evident danger is an awful responsibility. I don't envy the President. Nor do I envy the Senate.

I was once on the other end of the relationship between the military and their civilian commanders. I served with brave men who were sent by our leaders into a calamity—a war we would not win. We were ill used by our political leaders then. We were ill used by many of our senior commanders. I saw good men lose their lives, lives that were just squandered for a lost cause that the dying believed in, but that many of the living did not. Their cause was honor, their own and their country's. And they found their honor in their answer, not their summons. I will never forget that. Never. Never.

If I have any private oath that I have tried to abide by in my public service it is that I would never ask Americans to serve in missions where success was not defined, the commitment to achieve it uncertain, and its object of less value than its price.

I pray today that I have kept my oath. I will pray so every night for as long as this mission lasts. I wish the people of Bosnia peace. I wish them peace because they deserve that blessing, but even more importantly because the lives of many fine young Americans have been ransomed to that peace. I know that these Americans will perform magnificently, under very difficult circumstances, to secure the objectives of their mission. They will reflect, as they always do, great credit on themselves and on the United States, as they seek again to secure the peace and security in which another people may secure their rights to life, liberty and the pursuit of happiness.

Mr. President, I learned about duty, its costs and its honor, from friends who did not come home with me to the country we loved so dearly, and from friends who overcame adversity with far more courage and grace than I possessed. I have tried to see my duty in this question as they would have me see it.

In the difficult decision—and it is difficult for reasons greater and more honorable than political advantage or disadvantage—our sense of duty may lead us to different conclusions. I respect all of my colleagues for seeking to discharge their solemn responsibilities in this matter after careful deliberation and with honest reasoning.

But I want to make one last point to those Americans—and I do not include any of my colleagues in this category—who oppose this deployment and this resolution because they resent the costs of America's leadership in the world. The burdens that are imposed on the United States are greater than the burdens borne by any other nation. There is no use bemoaning that fact or vainly trying to avoid its reality. This reality will be so for as long as we remain the greatest nation on earth. When we arrive at the moment when less is expected from our leadership by the rest of the world, then we will have arrived at the moment of our decline. We should accept that burden with courage. We cannot withdraw from the world into our prosperity and comfort and hope to keep those blessings. We cannot leave the world alone. For the world will not leave us alone.

So I will support this mission, with grave concern and more than a little sadness. I will support my President. I will, I believe, support my country and the men and women we have asked to defend us. I give my full support, whatever my concerns. And I accept, fully, the consequences of what I do her today. I ask my colleagues to do so as well.

I ask all Senators to support the Dole resolution, irrespective of their views over the policy that brought our soldiers to Bosnia. I ask for your vote as an expression of support for the American soldiers who, summoned to duty in Bosnia, will find their honor and ours in their answer. I ask for your vote to help reduce the threats to their welfare, and increase the chances that the cause for which they risk so much may succeed, and endure long after they have come home to a grateful nation.

And I ask God to bless the men and women of the U.S. Armed Forces who will render their Nation this great service; to bless the President; to bless the Congress; and to bless the United States. We are all in great need of His benevolence today.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The minority leader is recognized.

Mr. DASCHLE. Mr. President, this evening, President Clinton is traveling to Paris to sign the Bosnia peace agreement. The first of 20,000 American troops are on their way to Bosnia to help implement that agreement. And we in the Senate are being asked to make a choice. A choice with profound—even life-and-death—consequences.

Will we give our troops going to Bosnia our full and genuine support? Or will we burden them with the weight of conflicting messages?

In the more than 3½ years since war broke out in the former Yugoslavia, more than a quarter of a million people —including tens of thousands of innocent children—have been killed.

The Bosnian people are weary of war. They have negotiated a peace settlement. They are merely asking us to help them implement it.

Some may ask: Why us? Why must the United States become involved in this ancient conflict? I believe there are three answers.

First, it is in our national interest. Peace and stability in Europe are vital to the United States. Twice in this century, we have seen what horrors can occur when aggression in Europe is allowed to spread unchallenged and unchecked. Twice in this century, Americans have died to keep Europe free of such aggression. To turn our back on Bosnia now, especially after the President has committed American troops, would be to deny what we have learned, and what those earlier generations sacrificed. It would weaken American leadership in NATO. And it would undermine our credibility as a world leader.

Second, we have a moral obligation in Bosnia. For nearly 50 years, we believed that we would never again see concentration camps in Europe. We would never again see men and boys made to dig their own mass graves and then be machine-gunned into them. We were wrong. This is happening in Bosnia, and our national conscience demands that we take a strong stand against it.

In 1948, 3 years after the end of World War II, the French writer and philosopher Albert Camus appealed to the monks of a French monastery to help the children who had been injured and orphaned in that war. "Perhaps we cannot prevent this world from being a world in which children are tortured," Camus said. "But we can reduce the number of children who are tortured. And if you don't help us, who else in the world can help us do it?"

That brings me to the third reason we must help implement this agreement. The United States must help bring peace to Bosnia because no one else in the world can. The leaders of all three factions—Serbs, Croats, and Moslems—have made it clear that they will not participate in the peace process unless we are involved.

I commend President Clinton and all the members of the negotiating team who worked so hard in Dayton to get us to this point. They accomplished what many said was impossible, and their leadership is already saving lives. Without the commitment of this President to peace in the Balkans, there would be no debate tonight, for we could not be on the verge of peace.

I also want to commend the distinguished majority leader, Senator McCAIN, Senator NUNN, and all the senators in our Bosnia working group for the leadership they have shown in negotiating a resolution that says unequivocally to our troops, "We support you."

That mission will give the Bosnian people an opportunity to build a democratic society. Bosnia-Herzegovina will be preserved as a single State with a unified capital of Sarajevo. The Bosnian people will be allowed to hold free elections, and those who have been driven from their homes through fighting and other forms of terrorism will be free to return.

Our mission is clear, limited, and achievable. We are sending our troops to maintain a ceasefire. They will take their orders from an American general. And they will have full authority to respond to threats to their safety with immediate and overwhelming force.

Again, the critical question is, are we going to give our troops our genuine support as they seek to carry out their mission? Or are we going to burden them with conflicting messages?

Mr. President, I believe the Hutchison amendment is gravely misguided and even dangerous. It claims to support our troops, but, in fact, it undermines them. How can we support our troops if we condemn the mission for which they are risking their lives? Have we learned nothing from our own history?

Sending such a contradictory message would badly undermine the morale of our troops and jeopardize their safety.

It would also undermine U.S. credibility—our commitment to peace, and our commitment to our NATO allies.

Finally, sending such a conflicting and wrong-headed message would undermine the peace agreement itself, and efforts to implement it.

The responsible vote is a vote for the bipartisan resolution offered by the majority leader.

This resolution supports our troops unequivocally. It commends them for their professionalism and patriotism and bravery. It assures that they will have all the resources and authority they need to protect the peace—and protect themselves.

It recognizes the vital interests our Nation has in preventing the spread of the Bosnian conflict and ending the bloodshed. It preserves America's leadership within NATO, and it preserves our credibility with our allies.

And it requires the President to certify two important conditions. First, that the NATO implementation force is limited to implementation of the peace agreement and protection of NATO troops. And second, that the United States objectives in Bosnia are to maintain the peace and establish a military balance that will allow the Bosnian Moslems to defend themselves when NATO withdraws.

As the Senator from Oklahoma noted earlier tonight, the Hutchison/Inhofe and Dole/McCain resolutions are contradictory. The Hutchison resolution, although it is non-binding, sends a dangerous and conflicting message that will undermine and endanger American troops.

The Dole/McCain resolution is binding legislation that asserts Congressional authority and responsibility and sends a clear message that we support our troops and the cause for which they are risking their lives. It is the right thing to do.

To echo the words of Camus, the United States cannot prevent all wars, everywhere. But we can reduce the number of children and adults killed in Bosnia. Our national security, and our national conscience, demand that we try.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. WARNER). The majority leader is recognized.

DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, I send my resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 44) concerning the deployment of United States Armed Forces in Bosnia and Herzegovina.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DOLE. That resolution will be the second vote. The first vote will be on the Hutchison resolution.

Mr. President, let me indicate at 10:05 p.m. our time, and 4:05 in the morning in Bosnia, where many Americans are now and where hundreds and thousands more will be on the way, I think we have to understand what we are about to vote on here. We are not voting on a decision to send American troops to Bosnia. That decision has been made. It was made 2 years ago by the President of the United States. Without consulting Congress, the President of the United States made that decision.

So we say to those soldiers who may be on early duty there at 4 a.m. in the morning, in the bitter cold—from those of us in the warmth of the U.S. Senate, free from any danger—we are about to cast a vote. We are about to cast a vote, Sergeant Jones or Private Smith, whoever it is, to indicate that we support your efforts there. They may have some misgivings about why they are there, and we may have some doubts. I listened to the eloquent statement of Senator MCCAIN, and I listened last evening to the final speaker of the evening, Senator COHEN from Maine, but this is not about politics. This is not about a Democratic President and a Republican majority in the U.S. Senate. This is about a lot of frightened young Americans who are in Bosnia, or on their way to Bosnia. I assume they may not have thought of it directly, but I believe they will think of it one of these days; they are going to be looking back to see if they had the support of those who represented them in the Congress of the United States. They may not be thinking of that at 4:10 a.m.

So this is a very difficult debate for Members of Congress. It is a difficult debate because Congress was not part of the decisionmaking with respect to sending troops. Congress was not consulted. Congress was told of the President's commitment to send troops after the commitment was made. And then we were faced with the dilemma of undermining that commitment or acquiescing in a military mission with serious flaws. And make no mistake about it, the President has said he made this decision and he takes responsibility. It was his decision to send troops and his decision alone.

A lot of Members of Congress, some on both sides of the aisle—in fact, 69 of us voted the last time to lift the arms embargo to give the Bosnians an opportunity to defend themselves—which is precisely the reason we are here tonight—so that we would not be sending American troops or making that decision. But the President rejected that. That was bipartisan in the House and in the Senate. We opposed the arms embargo. As I said, we repeatedly voted to lift it. Some of my colleagues were concerned about that.

We have two resolutions before us tonight. I understand that a number of Senators support the resolution offered by the Senator from Texas; the Senators from Oklahoma, Senator INHOFE and Senator NICKLES; and a number of others. That resolution emphasizes very clearly that we oppose the decision to deploy troops. No doubt about it. We disagree, we oppose. It is his decision, and he said as much as recently as, I think, Sunday on "60 Minutes."

However, a vote on this resolution does not provide our troops, who are now in Bosnia at 4:08 in the morning, and the other thousands who will be there tomorrow, or next week, or next month—I think it makes a point, but it does not make a policy. It does not effect a policy. It does not make the job our forces have to do any safer or any easier, nor does it provide a plan to achieve a military balance in Bosnia or increase the chances for successful completion of our mission.

I assume most of our colleagues will vote for that resolution. If they do, I wish they would follow up their signal to President Clinton by voting "yes" on the Dole-McCain-Nunn resolution. I want to be clear about what that resolution does and does not do. This resolution does not endorse the President's decision. It does not endorse the agreement reached in Dayton. It does support our men and women in uniform.

It does limit the mission to military tasks only and requires a realistic exit strategy based on the goal of Bosnian self-reliance. To put it simply, President Clinton has a plan to get us into Bosnia; this resolution shows us a way out.

It sets three conditions on the deployment of American forces: No. 1, it limits the mission to implementing military provisions of the accord. No Somalia-style nation building, for example. It insists on an exit strategy linked to military balance so Bosnia can defend itself. Somebody said that is bad policy because if they are armed and trained we may have to stay longer. I do not understand that argument. We have been debating on this floor for 2 years that we ought to arm and train the Bosnians and lift the arms embargo so they can defend themselves. That is precisely what we wish to do here. No. 3 also provides U.S. leadership on an immediate effort to provide Bosnia that means to defend itself. I think if these conditions are met they will help enhance the safety of our forces and assure that they can withdraw in a timely manner and without triggering a resumption of hostilities.

Let us be clear, setting a date is not an exit strategy. In fact, many will argue that if we set a date nothing will happen until that date expires, and then hostilities will recur.

I suggest that I think we have been able to perform a valuable service here for our colleagues regardless of their feelings about the decision. I did not agree with it. You do not agree with it—maybe some do agree with the decision. The decision has been made. The deployment started. Our goal should be a Bosnia that is self-reliant, able to defend itself without depending on the United States or any outside force.

I want to emphasize just a few points on this critical issue. First, the word "lead" is essential. Without U.S. leadership, this will not happen. Leading does not mean going it alone but it does mean acting like the sole remaining superpower. Second, our language makes it clear that the efforts to arm and train will take place separate and apart from NATO, IFOR; no United States military forces in NATO operation will be involved enabling Bosnia to defend itself. Finally, this resolution states that the Bosnians should be provided with assistance of the highest possible quality—American where necessary—and that of other countries when sufficient.

I also point out this resolution requires the President report extensively on his plan to enable Bosnia to provide for its own defense and on all aspects of the military and civilian aspects of the operation.

I want to say a few words about Senator MCCAIN and his leadership on national security issues. From his sacrifice during Vietnam—and I know I was not standing here; I was not in leadership, I was standing back there somewhere. I was wearing a JOHN MCCAIN bracelet, proudly—a POW bracelet—and arguing with my Democratic colleagues on the other side not to cut off funding in the Vietnam war. I led debate on this floor for 7 weeks in an effort to derail those who would cut off funding while JOHN MCCAIN was in a little box over there in prison and there were thousands like him and thousands and thousands of Americans.

The theory was just cut off funding. The war will end. That is not the way it works.

So JOHN MCCAIN came back, others came back, and others did not come back as Senator MCCAIN said earlier. Then he became a freshman Congressman and opposed the deployment in Lebanon in 1983. It seems to me, not that I have any more insight than anybody else in this body, but there is something about a relationship that you build up in the service and you understand one thing: How important support is from America—whether it is your family, whether it is your little hometown, whether it is your State, whether it is the Congress of the United States.

I say to Senator MCCAIN and many others who were prisoners of war in Vietnam, no one works any harder on the issues of war and peace. I did not agree with Senator MCCAIN on normalizing relations with Vietnam, but he was there and I was not. No one takes his responsibility more seriously. We could not have reached this agreement without his almost minute-by-minute involvement.

Let me say one other thing about leadership: It is not easy. The easiest vote is no, no, no. I recall being on the floor in this position in January 1991, the 10th, 11th, and 12th, when we had troops in the gulf. President Bush had decided to come to Congress and ask for support. I remember at the time we had a very good debate—3 days of it—Democrats and Republicans, and I do not question anybody's motives. The thing that struck me as I looked at it at the time and as I look back at it now, not a single member of the Democratic leadership in the House or the Senate would stand up on this floor or the House floor and support President Bush. They did not have to agree with President Bush. I do not agree with President Clinton. But the troops were there. I thought that was a tragic mistake. You pay a price for leadership. Some will have short-term political gain and some just truly feel we should not be doing anything and that the only vote is no.

I ask my colleagues, it is now 17 after 4 o'clock a.m. in Bosnia, and Americans are there, so if we cut off funding this morning, I do not know what would have happened. If we pass the Hutchison resolution, I do not know what will happen. I hope if we pass the Dole-McCain-Nunn, et al., resolution that we will have provided an exit strategy, a way to extricate Americans by arming and training Bosnians, so that they can be an independent force and so we can go home, so that those Americans who are there today at 18 after 4 o'clock a.m. in the morning will not be there next Christmas.

That is what this debate is all about. It is not easy. I have had a lot of mail, a lot of phone calls, from a lot of people, who I do not think understand the issue. The issue we are voting on tonight is not a decision to send American troops. Let me conclude with that. We can posture and complain about the President's decision. I do not like it. He knows I do not like it. I told him I do not like it. I said publicly I do not like it. If we had our way, we would have lifted the embargo and we would not be talking about sending troops. That is our argument. I think it would have been correct.

I guess our decision is whether we are going to send a message to all the families in America, to all the troops who are on the way to Bosnia, plus all the other American forces who someday may be engaged in some conflict, because we do have a responsibility from time to time. They will ask themselves, do we have the support of the American people, of our families and of our representatives? I think that is what this debate is all about. I hope that is how it is received by the people who watch or listen or read the RECORD or listen to each other.

I ask my colleagues to think very carefully. We are going to be debating this. I assume this is just the first debate. A month from now, 2 months from now, 3 months from now, 4 months from now, something happens, there will be other debates and other efforts made. But this is important, this is the first step. This is a signal to the American forces that we support you. We support you, as we should.

Finally, I ask unanimous consent to have printed in the RECORD an exchange I have had with the President on his assurances that the Bosnians will be provided with arms and the training they need. I think the letters are very important. It is part of the legislative history, because the President has given his word that that training will be provided and arms will be furnished. And, again, that is very important. It may be lost on someone now, but it is going to be very important not a year from now, as the Senator from Maine said last night, 9 months from now, 9 months from now is when it starts. If they are not trained, and if we have to wait 6 months, it may be lost.

So, it is up to us. If not now, when? This is the time to support American forces.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, December 10, 1995.

DEAR MR. LEADER: I want to set forth for you the Administration's policy with respect to military stabilization measures in Bosnia.

The Bosnian Serb advantage in heavy weapons relative to the defense capability of the Bosnian Federation has been a major reason for the fighting in Bosnia and remains a potential source of instability. We believe that establishing a stable military balance within Bosnia by the time IFOR leaves is important to preventing the war from resuming and to facilitate IFOR's departure.

The Dayton Agreement has strong arms control provisions which provide for a "build-down" of forces. We intend to pursue these vigorously. An arms restraint regime obviously can help contribute to a stable balance.

Even with arms control, we anticipate there will be a deficiency on the part of the Federation. Accordingly, we have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Because we want to assure the impartiality of IFOR, providing arms and training to Federation forces will not be done by either IFOR or U.S. military forces. The approach we intend to pursue is for the U.S. to coordinate the efforts of third countries.

Our efforts in this connection already have begun. An assessment team to evaluate the needs of the Federation has just returned from Bosnia. We will proceed with this effort in a manner that is consistent with the UN resolution lifting the arms embargo and the relevant Dayton Agreement provisions, which allow planning and training to proceed, but restrict actual transfers during the initial six months, in particular of all arms for 90 days, and heavy weapons for 180 days, after the Agreement enters into force.

Sincerely,

BILL CLINTON.

U.S. SENATE,
Washington, DC, December 12, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to seek clarification on several critical issues raised in your December 10 letter regarding your administration's policy on arming and training Bosnian Federation forces. In our view, it is essential to clarify these matters—which are integral to the U.S. exit strategy—prior to moving forward with Senate consideration of your administration's decision to send U.S. ground forces to implement the Dayton agreement.

You acknowledge the Bosnian Serb military advantage and the need to establish a stable military balance within Bosnia by the time the NATO Implementation Force (IFOR) leaves. In your address to the nation, you justified American participation in IFOR by stating the need for American leadership. However, your letter does not indicate that the United States will lead in the critical effort of ensuring the Bosnians can defend themselves. We are seeking your confirmation that the United States will lead in coordinating and providing the Bosnians with the means for self-defense. Without an American-led effort to rapidly provide the Bosnians with the best possible quality arms, equipment, and training, we believe that the Bosnians will not be able to adequately defend themselves within a year.

Also in this regard, while we understand that the arming and training program should be conducted separately from the IFOR peacekeeping operation, to state that no U.S. military forces will be involved—as your letter does—is a guarantee that such a program will be wholly ineffective and may not even occur. A strict prohibition on all U.S. military involvement outside the territory of Bosnia would severely cripple American efforts to ensure that the Bosnians are provided with the weapons and training they need. Military planning, coordination, information-sharing, or even Bosnian participation in the International Military Education and Training (IMET) could not occur under such a prohibition. It seems that so severely limiting our flexibility would not be in our national interest.

Finally, we urge you to focus on what the United States can do, rather than what we cannot do under the U.N. Security Council resolution lifting the arms embargo. For example, training can begin immediately—presumably outside of Bosnia. Also, an array of defensive weapons could be provided to Bosnian Federation forces on day 91 consistent with the U.N. resolution—as could any weapon not classified as "heavy" under the terms of the U.N. resolution.

We hope that you will clarify these matters as soon as possible so that we may proceed with consideration of the Dole-McCain resolution.

Sincerely,

BOB DOLE.

THE WHITE HOUSE,
Washington, DC, December 12, 1995.

DEAR MR. LEADER: I am writing in response to your December 12 letter on equip and train. You raise several questions to which I would like to respond.

First of all, the United States will take a leadership role in coordinating an international effort to ensure that the Bosnian Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves. As in all things related to our effort to bringing peace to the region, U.S. leadership has been critical.

As I stated in my December 10 letter to you, I want to assure the impartiality of IFOR. In the view of my military advisors, this requires minimizing the involvement of U.S. military personnel. But we expect that some individual military officers, for example, working in OSD, DSAA or other agencies, will be involved in planning this effort. We also will offer the Bosnians participation in U.S. programs such as IMET. I agree that maintaining flexibility is important to the success of the effort to achieve a stable military balance within Bosnia. But I will do nothing that I believe will endanger the safety of American troops on the ground in Bosnia. I am sure you will agree that is my primary responsibility.

I want to assure you that I am focusing on what the United States can do. That is why I sent an assessment team to the region to properly evaluate the needs of the Federation. Training programs and provisions of non-lethal assistance can begin immediately after the peace agreement enters into force; and provision of small arms can begin after three months. We intend to move expeditiously.

I have given you my word that we will make certain that the Bosnian Federation will receive the assistance necessary to achieve an adequate military balance when IFOR leaves. I intend to keep it.

Sincerely,

BILL CLINTON.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES IN BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question occurs on agreeing to Senate Concurrent Resolution 35.

The yeas and nays have not been ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 47, nays 52, as follows:

[Rollcall Vote No. 602 Leg.]

YEAS—47

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Pressler
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Conrad
Daschle
DeWine
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Wellstone

So the concurrent resolution (S. Con. Res. 35) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the joint resolution

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution, Senate Joint Resolution 44.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. BOND. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 603 Leg.]

YEAS—69

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Daschle
DeWine
Dodd
Dole
Dorgan
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Simpson
Specter
Stevens
Wellstone

NAYS—30

Ashcroft
Brown
Coats
Coverdell
Craig
D'Amato
Domenici
Faircloth
Feingold
Frist
Gramm
Grams
Grassley
Gregg
Hatfield
Helms
Hutchison
Inhofe
Kyl
Lott
Nickles
Pressler
Santorum
Shelby
Smith
Snowe
Thomas
Thompson
Thurmond
Warner

So the joint resolution (S.J. Res. 44) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 44

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American deplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest, the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and

Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestones for measuring progress in achieving the mission and objectives;

(4) command arrangements for United States Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1-A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a)(1) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, but may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me thank all of my colleagues, as I have indicated before.

On tomorrow, we will take up the Interior conference report, with 6 hours of debate. We will start that at 10:30 a.m. From 9:30 to 10:30, we will have a period for the transaction of morning business.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with members permitted to speak therein for up to 5 minutes each.

The VICE PRESIDENT. Without objection, it is so ordered.

SENIOR CITIZEN FREEDOM TO WORK ACT

Mr. DOLE. Mr. President, I am pleased to introduce the Senior Citizens' Freedom to Work Act with my colleagues, Senators McCAIN and ROTH.

This bill would provide long overdue relief for our senior citizens. It would remove a significant impediment that deters seniors from continuing to work. Under the bill, seniors could earn up to $30,000 by the year 2002 without affecting their Social Security benefits.

I intend to work for enactment of the legislation this year to begin immediately lifting the unreasonably low earnings limit. We will phase in the increase over the next 7 years from the current level of $11,280 to $30,000.

This legislation is important for the economy. Continuation of the current policy, which does not utilize the experience and productivity of our seniors, is wasteful and short-sighted.

This legislation is also important for the protection of the Social Security and Medicare trust funds. The bill clarifies that the Secretary of the Treasury is not authorized to under invest and/or disinvest Social Security and Medicare trust fund monies in Federal securities or obligations in order to avoid the limitations on the public debt.

I urge my colleagues in the Senate to support this effort. Specifically, I urge my colleagues on the Finance Committee to join with me to report the bill out of committee tomorrow.

THE NEW READY OR NOT PROGRAM TO COMBAT UNDERAGE DRINKING

Mr. DASCHLE. Mr. President, every day in Congress, we tackle some of the most pressing problems facing our nation. But sometimes, the best solutions don't come from the Capitol. They come from homes and schools and community organizations that you find in every town and city, all across the country. That's what a new program called "Ready or Not: Talking with Kids About Alcohol," is all about.

If you have kids, you know that telling them to "just say no" to alcohol doesn't always work. Kids want to know why they should say no. "Ready or Not" is a new video educational program that's designed to help parents and other adult supervisors answer that question for kids between the ages of 10 and 14.

"Ready or Not" is a joint effort of the Boys & Girls Clubs of America and the Century Council, an organization funded by the alcohol industry. It was introduced just after Thanksgiving, and it's already making an impact. I want to congratulate the Boys and Girls Club and the Century Council for all the time and energy they've invested in this important program.

I also want to commend my 36 colleagues in the House and Senate who have joined me in officially endorsing this life-saving project.

A recent survey of America's preteens—pre-teens—shows that about four in 10 expect to have problems handling situations involving the use of alcohol. Another survey by the University of Michigan found that, in 1994, more than a quarter of America's eighth-graders reported drinking alcohol in the last month. And, more and more kids are becoming "binge drinkers."

We know from our experience in combating teen smoking that if you reach kids early and tell them the truth, they're far more likely to make good decisions about their health. "Ready or Not" will help us replicate that success, we hope, with teen drinking.

There are two reasons that "Ready or Not" targets kids between the ages of 10 and 14. First, that's when many "problem drinkers" first start experimenting with alcohol. Second, and more important, parents and other adults still have a lot of influence over kids at that age. With the help of "Ready or Not," we can reach kids who are in danger of abusing alcohol, and prevent problems before they start.

The last thing a developing mind and body needs is to be stunted with alcohol. "Ready or Not" will help parents and teachers and other adults make that case convincingly to America's young people. It fills a critical need, and I'm proud to lend my name to help support it.

SHOULD THERE BE FEDERAL FARM PROGRAMS?

Mr. LEAHY. Mr. President, for the past decade most of the debate on farm programs has centered around only one question:

"How much should we spend on farm programs?"

Four months ago, I took to the floor to address this issue and noted that the debate has shifted to whether there should be any programs that provide benefits to farmers.

Now, the Republican majority has reported a bill that again only answers the "how much" question. It will give $55 billion of the taxpayers funds to farmers over the next 7 years.

The fundamental question is not answered. Should there be farm programs at all?

Farm programs have never been welfare programs.

They have been a contract with the American people.

Here is a copy of the contract that the farmers sign each year with the American taxpayer.

No farmer is required to sign this contract. Each farmer signs voluntarily.

HISTORICAL RATIONALE FOR FARM PROGRAMS

Historically, the contract was a "price and production stabilization" contract—as it says here at the top of this document. The taxpayers paid farmers to set land aside in order to stabilize consumer prices as well as stabilizing farm income.

In 1985, the Republican Senate added a new term to that contract. Farmers were also paid to be stewards of the land. Again, no farmer was required to become a land steward—to be a good neighbor. Each farmer made that decision voluntarily.

Now, the Republican budget farm bill changes the terms of the farm contract. It no longer offers American farmers a "price and production stabilization" contract. Thus, for the $35 billion the taxpayers give farmers over the next 7 years, consumers get no price stability benefit.

Do I mourn the loss of a farmer-taxpayer contract based on a price stabilization rationale?

No, I do not. At one time regulations that required farmers to manage supplies also helped stabilize some food prices. By and large, there is no longer much, if any, consumer benefit from the supply management aspects of farm programs. Today, supply management programs function only to control the budgetary costs of the program.

This history brings us back to the basic question. Should there be any Federal farm programs?

UNIQUE NATURAL RESOURCE CHALLENGES

The answer is yes. For one overriding reason. It is this. Only farmers can give the American people what they want from private lands.

Let me put it very simply. Americans cannot get the environmental benefits they want unless farmers and ranchers are active willing land stewards.

Before we reviewed a little history—now a little—or should I say—a lot of geography. Farms and grazing lands make up 50 percent of the continental United States.

Let me say that again—Farmers and ranchers own or manage 50 percent of the continental United States.

It is impossible to successfully regulate such a vast area—even if one wanted to—which I do not. To successfully protect and enhance natural resource values on private lands, farmers must be a willing part of the solution.

The 1985 and the 1990 farm bills show that the taxpayers are willing to pay farmers to protect drinking water, cleanup lakes and rivers, and to be stewards of the soil.

As the executive director of the National Rifle Association states, "Congress has had the foresight to create these unique mechanisms which wed agricultural goals with conservation goals." For example, no longer were farmers paid to destroy wetlands. Instead, farm programs began to protect wetlands.

Today, some farm groups favor destroying his harmony. They even go so far as to say that farm conservation should only be funded if there is any money left after farm subsidies and exports subsidies are paid for.

It does not make sense to the public. There is no reason a farmer should be richer than a machine shop owner, even though there is a rationale for farmers being protected from unexpected market shifts.

So this is the time for testing.

It comes down to this question—Is this Republican package the beginning of the end of farm programs, the last 7 years of "market transition payments," or is it a new beginning for farm programs—which builds on the stewardship contract that the American farmer made with the American people beginning in 1985.

In 1990, as chairman, I confirmed and deepened the land stewardship contract between farmers and the American public. One of my proudest moments as chairman was when I stood in the White House while the President praised the 1990 farm bill as "one of the most important environmental legislative accomplishments of his Presidency."

But the Republican budget package leaves the basic question unanswered. The Republican proposal says that it will continue to make "adherence to existing conservation compliance and wetland protection regulations" a condition of receiving farm payments. It also launches a new program, the "Livestock Environmental Assistance Program" which provides the same kind of financial assistance to livestock farmers and ranchers that crop farmers have received. It is a great idea—of which I am the proud author. This press release seems to affirm and expand the stewardship contract of the 1985 and 1990 farm bills.

But, the Republican agricultural leaders have also called for dropping the wetlands protection contract term in the farmers contract with the American taxpayer.

So what is real?—the press release or their legislation?

The Republicans are not being straight with either the taxpayers or the farmers.

If the Republicans tear up the contract between the farmers and the American people—then the Freedom to Farm contract is a one way contract in which the taxpayers will pay $35 billion to farmers for the next 7 years and the taxpayers will get nothing in return.

It will be just a welfare payment—for a group of Americans whose income is seven times higher than a typical family on food stamps.

CONCLUSION

Wallace Stevens once wrote: "After the final 'no' there comes a 'yes,' and on that 'yes' the future of the world depends * * *."

Saying no to failed policies of the past makes all the sense in the world. Saying yes to a stewardship contract between the American taxpayer and the American farmer is the only future on which the farmer and the taxpayer can depend.

CHANGE OF VOTE

Mr. REID. Mr. President, on rollcall No. 598 I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIOUX FALLS, SD: ENTREPRENEURIAL HOT SPOT

Mr. PRESSLER. Mr. President, I want to take a moment today to commend the hardworking people of South Dakota for making Sioux Falls—South Dakota's largest metropolitan area—the sixth most successful entrepreneurial spot in the country. I am proud to say the pioneer spirit still thrives in South Dakota.

Mr. President, it is not Fortune 500 companies alone that form our country's economic base. Rather, the hard work and dedication of self-employed entrepreneurs and small business owners are responsible for much of our Nation's economic activity. The business of South Dakota is small business, from the family farm to the corner drug store. I am proud to represent such an ambitious and successful constituency—people who are willing to work hard in order to get ahead.

Some South Dakota small businesses have grown to become regional and national success stories. A prime example of entrepreneurial spirit in action is Gateway 2000, a mail order personal computer (PC) corporation started 10 years ago in a farmhouse. Because of South Dakota's excellent business climate and a solid work ethic, Gateway 2000 has become the tri-state metropolitan area's second largest employer and the largest mail-order PC vendor in the United States. Gateway 2000 is a testimonial to what can be achieved with a vision and a strong work ethic.

When I travel home to South Dakota, I always marvel at the continued development my home State has undergone. Entrepreneurial South Dakotans have helped South Dakota evolve into a diverse industrial breadbasket. Now, with the designation of Sioux Falls, SD, as an international port-of-entry, the success of South Dakota will extend to new markets around the world. I ask unanimous consent to have printed in the RECORD a recent article from the Sioux Falls Argus Leader which details South Dakota's economic boom. I am sure all who read it will be impressed with South Dakota's recent surge of economic development.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENTREPRENEURIAL SPIRIT CITED IN CITY'S HIGH RATING

(By Brenda Wade Schmidt)

Sioux Falls' ranking as the sixth best hot spot for entrepreneurs shows that programs to help business people get started are working, two economic development experts said Wednesday.

The city moved up 26 spots among small metropolitan areas over last year's ranking done by Cognetics Inc. of Cambridge, Mass.

Las Vegas, Nev., was in the top spot of the 134 areas for the second year in a row.

"It could be an indication that the entrepreneurial-type programs are starting to take effect a little bit," said Dan Scott, president of the Sioux Falls Development Foundation. "That spirit still exists here."

There are so many entrepreneurs that agencies aren't able to help them all, Scott said. Many people come with business ideas but lack the planning and finances to implement their dream.

The Small Business Development Center, with offices across the state, assists many businesses.

"We see the entrepreneurial spirit as being alive and well because of the number of people that come to us for assistance," said Bob Ashley, state director. "Starting a business is hard work. Hard work is not a stranger to the people of South Dakota."

Scott said the increase probably is the result of two improvements.

"The entrepreneurs are getting more help, and financing has become more readily available," he said. "What keeps most entrepreneurs out of business is the inability to attract financing.

Among rural areas, South Dakota ranked 61st out of 89 places, up five spots from last year.

TRIBUTE TO REV. RICHARD C. HALVERSON

Mr. BIDEN. Mr. President, today the Senate is holding a memorial service to remember Rev. Richard C. Halverson, our friend and our Chaplain from 1981 to March of this year, who passed away two weeks ago after a long illness. To each of us, whatever our individual religious beliefs, Reverend Halverson was someone special. To some of us, he was a confidant; to others, a counselor; and to still others, a pastor in the more traditional sense of the word. To each of us, he was a friend.

The Senate is, in many ways, a small community with many of the same dynamics inherent in small communities across our Nation. We work in close quarters and all know each other very well. Each of us have forged great friendships here, and each of us has seen great rivalries develop among colleagues. We are all public figures whose lives are all too often an open book. We come from widely different backgrounds, and each of us brings to the Senate a different set of values we hold dearly and ideals to which we are firmly and determinedly committed. And out of all of that, out of all the differing backgrounds and competing philosophies, out of the individual strengths and weaknesses, and out of the personal friendships and political rivalries, this community of one hundred men and women must produce public policy that ensures the wellbeing of more than two hundred and fifty million of our fellow Americans. That is an awesome responsibility.

As much as any of us, Reverend Halverson understood both the sense of community and the awesome responsibility of the Senate. Each morning, in his opening prayer, he would try to remind us that the sense of community, collegiality, and comity that has always been the trademark of this body is vitally important to carrying out the tasks that are demanded of us. He would remind us that the Senator on the other side of a heated debate is just as committed a public servant as we are. That no political party has a monopoly on compassion, or patriotism, or integrity. That the American Dream is neither conservative nor liberal. And that at the end of the day that sense of community, as Senators and as Americans, must prevail if we are to meet the responsibilities that have been entrusted to us.

Reverend Halverson understood that as Senators, our lives—official and often personal—are open to more scrutiny than most Americans would tolerate. He understood that not only our votes and our speeches, but our families and our lifestyles are often open to public review. As public officials we have accepted that. Nonetheless, Reverend Halverson understood that that scrutiny does take a human toll, reminding us that as we would like to be treated with understanding, so we must be understanding ourselves. And reminding us that for all of the public scrutiny of our lives and our conduct, for all of the public criticism that we sometimes receive for our votes and our political and philosophical beliefs, for all of the questioning of our motives that we must sometimes endure, the work that we do is so important to so many people that we must persevere.

Reverend Halverson always understood that election to public office does not take away the pressures that face every other American man and woman; work-related stress, family concerns, health concerns, or the self-questioning that every individual faces from time to time throughout their lives. Similarly, he understood that election to public office does not bestow skills or talents that we did not possess before; nor does it eradicate any personal weaknesses we possessed before our election. But Reverend Halverson was always there to remind us that deep within each of us is the ability to meet every challenge that our careers and our lives present.

A few years ago, I was quite ill. I left here one February night with a headache and did not return until late in the summer. During those months, as he was during all of his 14 years here, Reverend Halverson was there for me. I have never forgotten that, and my family has never forgotten that.

Throughout his 14 years as the Senate Chaplain Rev. Richard C. Halverson was a committed public servant and a friend to each of us. We shall miss him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, almost 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

In that report (February 27, 1992) the federal debt stood at $3,825,891,293,066.80, as of close of business the previous day. The point is, the federal debt has increased by $1,162,547,561,447.99 since February 26, 1992.

As of the close of business Tuesday, December 12, the Federal debt stood at exactly $4,988,438,854,514.79. On a per capita basis, every man, woman, and child in America owes $18,936.20 as his or her share of the Federal debt.

THE PHOENIX PROPOSAL

Mr. DOLE. Mr. President, the Federal Communications Commission will soon rule on Sprint's partnership with Deutsche Telekom and France Telecom, or its more common name, the Phoenix Proposal. I ask unanimous consent that my letter to FCC Chairman Reed Hundt regarding this issue be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 12, 1995.

Hon. REED HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: I wrote you almost one year ago concerning the proposed Global Partnership between Sprint Corporation, Deutsche Telekom and France Telecom. At that time, I asked that you rule fairly and promptly on this matter.

It is my understanding the Commission may consider a proposal that appears to have little to do with traditional foreign ownership concerns having to do with the acquisition of undue leverage over domestic companies. Specifically, the FCC would artificially "freeze" Sprint's communications capacity between the United States and Germany and France, while placing no such restrictions on any of its major competitors.

Given that the Justice Department has already signed off on the partnership, many believe there is no legitimate foreign investment concern. Even if excessive leverage could be obtained under this partnership, an arbitrary limitation on communications capacity would not alleviate it. In short, it appears the Commission will answer the wrong question with an equally wrong solution. If this were to occur, Sprint would be at a competitive disadvantage with other international competitors.

I look forward to your reply.

Sincerely,

BOB DOLE.

LIMITED PROVISIONS IN THE CONTINUING RESOLUTION

Mr. KENNEDY. Mr. President, one of the most serious defects of the current stopgap funding for the Federal Government is its treatment of LIHEAP, the Low-Income Home Energy Assistance Program, that helps needy families pay their winter fuel bills. Under that program, States receive most of their full-year LIHEAP allocation in the 2 months of October and November so that they can prepare for the winter, set benefit levels, and deal with emergencies.

It is bad enough that the current stopgap bill cuts these needed funds by 25 percent from last year—25 percent from last year. Even worse, it pays out those funds on a basis that is prorated on a full year, so that the States are receiving far less than the usual share in October and November. By this time last year, Massachusetts had received $32 million of its $54 million allocation. This year, however, Massachusetts has only been allowed to draw down $9.5 million.

In fact, all States had received $800 million of last year's $1.3 billion LIHEAP appropriation by December of last year. Under the stopgap bill, there is a 71-percent cut, although the bill is only supposed to impose a 25 percent cut at most.

This chart demonstrates very clearly what the problem is. First of all, I think everyone across this country understands the extraordinary drops in the temperature in the most recent days. This is playing havoc in many families in Massachusetts, up in Boston, the North Shore, all over Massachusetts and the Berkshires and otherwise. By December 15 of 1994, some $800 million had been distributed. By December 15, 1995, only $230 million under the continuing resolution.

Mr. President, this has to be addressed in the continuing resolution. Unless it is, there will be hundreds of Americans whose very health and risk of freezing will be very, very real. This was a nonintended result of the fact of these continuing resolutions, and it is an emergency. It cries out for action.

We hope that the House of Representatives will take action. Otherwise, I know, under the leadership of Senator WELLSTONE and others, an amendment will be offered to try and reach this emergency situation.

Massachusetts energy agencies have said that they will respond only to cases where a utility terminates services, or where homes have less than one-eighth of a tank of fuel oil. The State has cut annual LIHEAP benefits from $430 to $150 per household to ensure that they have enough funds for emergencies throughout the winter.

In Gloucester, the agencies have been faced with a choice of spending nonauthorized LIHEAP funds or letting some families freeze to death.

In Salem, the local government has dipped into its own scarce funds to provide needed assistance.

In Springfield, Patricia Nelligan, the fuel assistance director for the New England Farm Workers' Council, said that unless more LIHEAP funds are made available soon, their program will have to shut down by the end of next week.

It may not officially be winter yet, but winter has already arrived with a vengeance in many parts of the country. For the 6 million recipients of LIHEAP assistance across the Nation, it will be a desperate Christmas unless more aid is available.

Some 95 percent of the households receiving LIHEAP assistance have annual incomes below $18,000. They spend an extremely burdensome 18 percent of their income on energy, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented the heat or eat effect, where higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

The study also found almost twice as many low-weight and undernourished children were admitted to Boston City Hospital's emergency room immediately following the coldest month of the winter. No family should have to choose between heating and eating.

But it is the poor elderly that will be at the greatest risk if more LIHEAP funds are not made available, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, the elderly are much more likely to live in homes built before 1940 which are less energy efficient and put them at greater risk.

Low-income elderly who have trouble paying their fuel bills are often driven to rely on room heaters, fireplaces, ovens, and wood-burning stoves to save money. Between 1986 and 1990, such heating sources were the second leading cause of fire deaths among the elderly. In fact, elderly citizens were up to 12 times more likely to die in heating-related fires than adults under 65.

Over 50 Senators have signed a letter urging the budget negotiators to allow States to draw down LIHEAP funds at the up-front rate if a further stop-gap funding bill is enacted. I urge the Senate to support this provision, so that families can receive the urgent assistance they need.

Christmas is approaching, and in many parts of the country, temperatures have dropped to levels close to those at the North Pole. But Santa Claus does not release LIHEAP funds to the States—Congress does, and we must act quickly to avoid tragedy.

THE DEATH OF THE FORMER CHAPLAIN OF THE SENATE, THE REVEREND DR. RICHARD C. HALVERSON

Mrs. HUTCHISON. Mr. President, with sadness, tempered by gratitude, I rise today to mourn the passing of the late Chaplain of the Senate, the Rev. Richard C. Halverson. Recently he left this Chamber and this world, but the impression he left is all around us.

Mr. President, we all know that national politics is often wracked by deep disagreement. The task of steering history's most civilized Nation on a wise course through democratic means arouses strong passions. Only spiritual guidance and divine grace could steady this Chamber during the tempests of every age, and we are fortunate to debate in soft tones, and to determine great questions as a civilized community. For the last 14 years, America herself was blessed to have Dr. Halverson, the Senate's Christian humanist, to keep our civilization decent.

Whenever a member of out little civilization lost a loved one—or gained one—the Chaplain's office was a proven source of consolation and hope.

I took the oath here not too long ago, and I remember, among a flood of invitations, one from the good Chaplain asked to come to the weekly Senate prayer breakfast. There are many bipartisan meetings in the Capitol, but the calm communion of Catholics, Jews, and Protestants was tripartisan as well as profoundly contemplative. I treasure those Wednesday morning gatherings as occasions to make deep and abiding friendships with my colleagues.

Mr. President, John Stuart Mill wrote that "one person with a belief is a social power equal to ninety-nine who have only interests." Here in this Chamber, one Chaplain with unshakeable belief was a social power equal to all 100 of us, each with a host of interests and beliefs. He calmed our fears, he kept us together, and every morning he called us to prayer.

Now, as he taught us, I join my colleagues in praying for his soul.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE FARMINGTON WILD AND SCENIC RIVER STUDY—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Farmington River in the States of Massachusetts and Connecticut. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The Farmington River Study was authorized by Public Law 99–590.

The study was conducted by the National Park Service, with invaluable assistance from a congressionally mandated study committee. The National Park Service determined that the 11-mile study segment in Massachusetts and the 14-mile study segment in Connecticut were eligible for designation based upon their free-flowing character and recreational, fish, wildlife and historic values.

The 14-mile Connecticut segment of the river has already been designated as a Wild and Scenic River pursuant to Public Law 103–313, August 26, 1994. The purpose of this transmittal is to inform the Congress that, although eligible for designation, I do not recommend that the Massachusetts segment be designated at this time due to lack of support by the towns adjoining it. If at some future date the towns should change their position and the river has retained its present characteristics, the Congress could reconsider the issue. Also, for 3 years from the date of this transmittal, the Massachusetts segment will remain subject to section 7(b) of the Wild and Scenic Rivers Act. Section 7(b) prohibits licensing of projects by the Federal Energy Regulatory Commission and Federal or federally assisted water resource development projects that would have a direct and adverse effect on the values for which the river might be designated. Finally, the report includes the Upper Farmington River Management Plan that is referenced in Public Law 103–313 as the plan by which the designated river will be managed.

The plan demonstrated a true partnership effort of the type that we believe will be increasingly necessary if we are to have affordable protection of our environment in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 13, 1995.*

MESSAGES FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States.

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

H.R. 1295. An act to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks.

H.R. 1533. An act to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

H.R. 1574. An act to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

H.R. 1747. An act to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes.

H.R. 2418. An act to improve the capability of analyze deoxyribonucleic acid.

H.R. 2538. An act to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children.

The message also announced that the House recedes from its amendments to the amendments of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, and concurs therein with an amendment.

The message further announced that the Speaker appoints Mr. WISE as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, vice Mr. LIPINSKI, resigned.

At 4:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge, to the Committee on Environment and Public Works.

H.R. 1533. An act to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison, to the Committee on the Judiciary.

H.R. 1574. An act to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit, to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, to the Committee on Commerce, Science, and Transportation.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, to the Committee on Environment and Public Works.

H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, to the Committee on Veterans' Affairs.

H.R. 2418. An act to improve the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

H.R. 2538. An act to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1681. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-1682. A communication from the Administrator of the Federal Highway Administration, the Department of Transportation, transmitting, pursuant to law, the report entitled, "Progress Made in Implementing Sections 6106 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)"; to the Committee on Environment and Public Works.

EC-1683. A communication from the Administrator the Environmental Protection Agency, transmitting, pursuant to law, the annual report entitled, "The Superfund Innovative Technology Evaluation Program" for fiscal year 1994; to the Committee on Environment and Public Works.

EC-1684. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on child support enforcement for fiscal year 1994; to the Committee on Finance.

EC-1685. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first annual report summarizing the evaluation activities relative to the Comprehensive Community Mental Health Services with Serious Emotional Disturbances program; to the Committee on Labor and Human Resources.

EC-1686. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation to make technical revisions to existing immigration law and to promote the efficiency and effectiveness of consular and immigration services and operations; to the Committee on the Judiciary.

EC-1687. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-1688. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing corporation and labor organization activity, express advocacy and coordination with candidates; to the Committee on Rules and Administration.

EC-1689. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1690. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1691. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1692. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1693. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1694. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, a report on accounts containing unvouchered expenditures potentially subject to audit by the Comptroller General; to the Committee on Governmental Affairs.

EC-1695. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1696. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1697. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-480. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION

"Whereas the federal government is considering legislation that would repeal the existing authority of the Interstate Commerce Commission to regulate water carriers transporting property between the 48 contiguous states and Alaska; and

"Whereas Alaska is uniquely dependent on water transportation in that virtually everything that Alaskans eat, drink, wear, or use comes into the state by ship or barge; and

"Whereas the deep water transport market serving the Alaska Railbelt is a classic duopoly situation in that two water carriers provide the vital service of transporting at least 75 percent of all goods shipped for 80 percent of the state's residents; and

"Whereas, in a duopoly situation, the service providers have an obligation to their customers to operate with the highest degree of fairness and disclosure; and

"Whereas the freight system by which Alaskans receive vital cargo should treat all customers fairly by guaranteeing equal access to competitive rates; and

"Whereas the citizens of Alaska, recognizing that their interests may best be served by allowing market forces to determine the cost of bringing vital goods to the state so far as possible, continue to have concerns about the cost of shipping goods to Alaska; and

"Whereas the citizens of Alaska have also expressed their desire to preserve the essential elements of the current system of regulating water carriers serving Alaska; and

"Whereas, if the Interstate Commerce Commission is abolished and if there is no other forum for shipper complaints, the citizens of the state may have no place to present and resolve complaints about water carriers serving Alaska other than in court; and

"Whereas the federal government has historically had a role in water transportation to Alaska through the Interstate Commerce Commission; and

"Whereas the federal government is considering whether to transfer some functions of the Interstate Commerce Commission to the United States Department of Transportation; and

"Whereas the Interstate Commerce Commission has recommended that the regulation of all domestic offshore water carriage be handled by the Federal Maritime Commission, which may also be abolished; and

"Whereas regulatory functions of the Interstate Commerce Commission relating to domestic offshore water carriage could be performed by other existing federal entities if the Interstate Commerce Commission is abolished in order to save federal taxpayer money; and

"Whereas three primary interests of Alaskans if such abolishment occurs are to ensure that rates for carriage to Alaska are fair and competitive, to ensure that carriage service to Alaska is dependable, and to ensure that an accessible forum exists in which Alaskans can present and resolve complaints; be it

"*Resolved*, That the Alaska State Legislature respectfully requests that the Governor and members of the Alaska delegation in the United States Congress support the preservation of the essential regulatory functions of the Interstate Commerce Commission pertaining to domestic offshore water carriage that serve the best interests of Alaska's consumers while providing an acceptable rate of return to the carriers which serve the Alaska market by transferring such regulatory functions to the United States Department of Transportation, if and when necessary."

POM-481. A resolution adopted by the Commission of the City of Boynton, Florida relative to the Superfund Reform 95 principles; to the Committee on Environment and Public Works.

POM-482. A resolution adopted by the House of the Legislature of the State of Georgia; to the Committee on Finance.

"Whereas, the members of state legislatures are required to be away from their homes while performing the duties of their offices; and

"Whereas, members of state legislatures are reimbursed for their travel expenses and the other expenses incurred in performing their duties; and

"Whereas, under the provisions of 26 U.S.C., Section 162(h), state legislators are allowed to deduct such reasonable travel expenses for purposes of income taxation; and

"Whereas, the payment of such expenses is currently subject to withholding for purposes of the federal Social Security Act and for purposes of federal income taxation; and

"Whereas, it is only fitting and proper that such expenses should not be subjected to withholding for these purposes: Now, therefore, be it

"*Resolved by the House of Representatives*, That this body urges the Congress of the United States to enact legislation which would exclude the travel expenses and per diem of state legislators from income for purposes of contributions required under the federal Social Security Act and from withholding for purposes of federal income taxation, BE IT FURTHER

"*Resolved* That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Congress of the United States and to each member of Congress from the State of Georgia."

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104–184).

EXECUTIVE REPORT OF COMMITTEES

The following executive report of committees was submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs:

Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2000.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana; read the first time.

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mrs. FEINSTEIN, and Mr. EXON):

S.J. Res. 44. A joint resolution concerning the deployment of U.S. Armed Forces in Bosnia-Herzegovina; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND):

S. Con. Res. 35. A concurrent resolution expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia; submitted and read.

By Mr. LEVIN:

S. Con. Res. 36. A concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

MISSING CHILDREN LEGISLATION

• Ms. SNOWE. Mr. President, I introduce a small but important piece of legislation designed to assist parents in times of terrible crisis and need, times that every parent has nightmares about—when their children are missing.

Imagine the horror of discovering that your child is missing. Imagine the pain and emotion that overcomes a family at such a time. Imagine the strength and dedication that such families muster in order to do everything possible to locate that child. And imagine how this horror and devastation becomes compounded by senseless Government regulations which hinder their efforts to locate their children.

Consider the tragic experience of Claudine and Don Ryce, the parents of Jimmy Ryce, a 10-year-old Florida boy who disappeared on September 11 of this year. Jimmy disappeared somewhere in the three square blocks between his school bus stop and his home.

Tragically, Jimmy's body was found late last week. I extend my deepest sympathy, and my most sincere condolences, to his family.

I want Jimmy's parents to know that I heard about the frustration they encountered as they searched for their son. I want them to know that Congress will do something to rectify this. Today, I want to break down one barrier that they encountered in their vigilant efforts to locate their son.

Jimmy's parents tell the story of how simple tasks, such as posting notices in Federal buildings with Jimmy's picture on it, were frustrated by senseless Government regulation. They tell of how, with the assistance of the FBI, they would post these notices in one Federal agency building, only to have them removed by employees of another agency. Imagine how frustrating this must be to parents of missing children. How frustrating this must be, especially since photographs of missing children are the most effective tool we have for locating these children.

Unfortunately, far too many children are missing in this country. A 1990 study by the Department of Justice—the most recent study on this issue—found that in 1988 there were as many as:

114,600 attempted abductions of children by non-family members;

4,600 abductions by non-family members reported to the police;

300 abductions by non-family members where the children were gone for long periods of time or were murdered;

354,000 children abducted by family members;

450,700 children who ran away; and

438,200 children who were lost, injured or otherwise missing.

Moreover, the National Crime Information Center reports that approximately 60,000 children are missing at any given time.

The legislation that I introduce today is designed to help the parents of these missing children by eliminating one barrier that Jimmy's parents faced in their search for their son.

This legislation amends the Protection of Public Property Act, which empowers the General Services Administration [GSA] to set rules governing Federal property under its control. Currently, Federal regulations issued by the GSA prohibit the posting of materials on Federal property. My bill directs the GSA to make a very important exception to these rules, and requires the GSA to draft regulations allowing the posting of notices designed to locate missing children. It also ensures that Federal employees cannot needlessly remove these posters.

As Jimmy's father said, "There are things the Government can do, simple things, that would make it easier to publicize" that a child is missing. He also said that we need to "turn these agencies into our allies."

Well, Mr. Ryce, you are correct, and I believe that this legislation will do just that.•

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes.

PROBATION AND PRETRIAL SERVICES OFFICERS LEGISLATION

Mr. HATCH. Mr. President, today I introduce a bill that would grant Federal probation and pretrial services officers authority to carry firearms, when approved by the appropriate district court, under rules prescribed by the Administrative Office of the U.S. Courts.

To add that new authority, the bill amends 18 U.S.C. 3603, which sets out the duties of probation officers, and 18 U.S.C. 3154, which establishes the functions of pretrial services officers. The change will permit those officers to carry firearms as they perform their important and frequently dangerous duties.

State law currently governs whether Federal probation and pretrial services officers may carry weapons; that law is inconsistent from State to State. Research by the Administrative Office of the U.S. Courts shows that only three States give specific authority to Federal probation and pretrial services officers to carry weapons. Forty-four States authorize Federal probation officers to carry firearms based either on statutory authority given to State probation officers or peace officers, or on State attorney general opinions. Although some of those States similarly authorize Federal pretrial services officers to carry firearms, at least 14 of them have neglected to extend that authority to those officers.

More important, certain States prohibit Federal probation and pretrial services from carrying weapons even where the officer has court approval to do so. Officers in those jurisdictions are left vulnerable to serious harm or death. A 1993 study undertaken by the Federal Probation and Pretrial Officers Association revealed that, in the Federal and local systems, 1,818 serious assaults and 792 attempted assaults against probation and pretrial services officers occurred between 1980 and 1992. The study acknowledges that those numbers probably understate the actual figures since some jurisdictions did not respond the association's study.

In my view, the risks faced by Federal probation and pretrial services officers cannot be overemphasized. These officers risk their safety and their lives every day, often supervising violent offenders in situations that place them and others at risk of bodily harm. We should ensure that, wherever those officers are, they are authorized to carry a firearm.

Not only does this bill address problems faced by officers who work out of jurisdictions in which they are not permitted to carry a firearm, but it addresses difficulties faced by officers who must cross State lines in the performance of their duties. Under current law, even officers who are authorized under one State's laws to carry weapons may still run afoul of another State's laws when they cross State lines. Without a Federal statute authorizing officers to carry firearms, they may be acting illegally when they cross State lines to perform their duties. Many Federal officers supervise offenders near a State border and must travel interstate to carry out their duties. An offender may have a nearby job in an adjacent State, for example, and the officer may need to travel to the job site to verify the offender's employment.

Problems may also arise for officers who live in one State and work in another. For instance, officers who live in Wisconsin and work in Minnesota are not allowed to obtain a gun permit from Minnesota. Similar situations arise in other States. Officers may be unable to obtain licenses from the State in which they reside even though they may work in a neighboring State that permits some of it residents to carry firearms.

These officers work in inherently dangerous environments. The Federal Probation and Pretrail Officers Association wrote to me on September 15, 1995:

> Under enhanced supervision practices, we supervise in the field, in the most crime-infested areas of urban environments as well as in the most remote rural areas of urban environments as well as in the most remote rural areas. [I]f enacted, [the bill] would give all officers a significant measure of support and protection which they certainly deserve.

I wholeheartedly agree.

This bill will correct the current intolerable situation. The security of Federal probation and pretrial services officers should not be left to the vagaries of State law.

Of course, these Federal officers will be fully trained and closely supervised in their use of firearms. Under the bill, probation and pretrial services officers will be permitted to carry firearms only pursuant to regulations promulgated by the Director of the Administrative Office of the U.S. courts. The Administrative Office has informed me that these regulations would include extensive training and safety requirements, and that most of them are already in effect for those officers authorized to carry firearms.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRAIL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) As approved by the district court, carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

THE FISHING INDUSTRY BARGAINING ACT

• Mr. STEVENS. Mr. President, today I am introducing the Fishing Industry Bargaining Act, a bill to provide antitrust immunity to fishermen and fish processors which would allow them to collectively agree on the prices paid to fishermen and on the minimum price fish processors will accept for the sale of processed fish products.

Senator MURKOWSKI joins me as a cosponsor of this legislation.

We are introducing the bill because the Alaska State Legislature enacted a State law to confer identical antitrust immunity on Alaska fishermen and processors.

The changes to Alaska law will only have effect if the changes we are proposing to Federal law are enacted.

Our bill would add a new section to the act approved on June 25, 1934, which authorizes producers of aquatic products to form associations, to allow fishermen and fish processors to collectively agree on prices.

The bill would prevent fish processors from agreeing on prices unless fishermen participated in the agreement and are party to the agreement.

This antitrust exemption would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to hearing from the Alaska fishing industry and from the fishing industry in other parts of the country about the legislation.

If there is support, we would hope to enact the bill sometime next year.

I ask for unimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fishing Industry Bargaining Act".

(b) AMENDMENT TO ACT OF 1934.—The Act approved June 25, 1934, authorizing associations of producers of aquatic products (15 U.S.C. 1521 et seq.) is amended by inserting after section 2 the following new section:

"SEC. 3. Persons engaged in the fishing industry as fishermen, including fishermen acting through associations allowed under section 1, may collectively agree with fish processors, including fish processors acting through associations of processors, on (1) the price paid to the fishermen for aquatic products, and (2) the minimum price that fish processors will accept for the sale of processed aquatic products. Nothing in this section shall be construed to allow fish processors to agree among themselves on the price paid to fishermen or the minimum price that fish processors will accept for the sale of processed aquatic products if fishermen did not participate in the making of the agreement and are not a party to the agreement.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA LEGISLATION

Mr. KERRY. Mr. President, today, I am pleased to join with Senator KENNEDY in introducing legislation to establish the Boston Harbor Islands National Recreation Area. Our bill is the companion legislation to H.R. 2763, introduced yesterday by Congressman GERRY STUDDS and PETER TORKILDSEN. I especially want to acknowledge the enormous leadership efforts of Congressman STUDDS in preparing this initiative and I look forward to working with him and others in the months ahead to enact this legislation.

Thirty-one islands sprinkled throughout Boston Harbor and the surrounding waterway would comprise the national recreational area. Our legislation is based upon a special resource study completed by the National Park Service in 1994 which found that the Boston Harbor Islands and surrounding area meet the Service's criteria for inclusion in the National Park System. However, trying to balance the need for fiscal restraint with the importance of protecting our national heritage, our bill is a much-scaled-down version of the one envisioned in the study. Our bill would fully utilize a unique partnership among the Federal, State, and local governments and the private sector and would require that at least 75 percent of the operational expenses for the park will come from non-Federal funding.

Boston has a rich and diverse history and has been and remains the economic and cultural center of New England. Today, Boston is nationally and internationally renowned in fields such as higher education, health care, technology, transportation, and trade. Beginning centuries ago, Boston Harbor has played a significant role in shaping the city's and the region's direction and growth, and the harbor area contains some of the oldest and most significant historic sites in the Nation, dating from precolonial times.

The islands themselves are rich in historical diversity, containing numerous military and maritime sites. In addition, there are important archaeological sites which chronicle the use and settlement of the harbor by native Americans from at least 9,000 years ago through the 17th century. With its proximity to the city, the park would provide an excellent opportunity to thousands of people to enjoy its outstanding natural, historic, scenic, recreational, and educational values.

As a National Recreation Area, the Boston Harbor Island and surrounding area would enhance the National Park System by promoting this nationally significant history while providing leisure attractions to the public. The park is projected to attract to the area an additional 500,000 visitors annually, create 700 new jobs, and bring an additional $200 million into the region's economy.

In 1970, the Commonwealth of Massachusetts began to acquire the islands of Boston Harbor for the benefit of the public. Since that time, a significant effort has been made to clean up the waters of Boston Bay to again make it attractive to boating, fishing, and other recreational and commercial activities. During the 1980's, the citizens of the Greater Boston area have undertaken what may prove to be the largest water infrastructure project in North America which is intended to guarantee that the Boston Bay's ecological health will be good for the foreseeable future.

The bill we are introducing would establish the Boston Harbor Islands partnership to coordinate the activities of Federal, State, and local authorities and the private sector in developing and implementing an integrated management plan for the islands. In addition, an advisory council would be established to provide representation for interested groups and organizations. This council would make recommendations to the partnership on issues including tourism, transportation, natural resources, cultural and historic resources, and fundraising.

Finally, our legislation would require a ratio of at least three non-Federal dollars for every Federal dollar spent on the park. Using limited Federal resources to leverage a significant local effort is a concept that merits support. By creating a national recreation area, we will preserve an important piece of our American heritage, give it the prominence and honor it richly deserves, accomplish all this with the Federal Government covering only a fraction of its cost, and facilitate the efforts of the Boston area to preserve its history and enhance recreational opportunities for its citizens and visitors.

I am sure Senator KENNEDY and I will be joined by the Massachusetts delegation and others as we work for passage of this important legislation. I am hopeful that the Congress will look favorably upon this initiative which would bring an important, historically significant addition to our National Park System without imposing great new financial burdens on it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Boston is the economic and cultural center of New England and a city of national and international significance;

(2) the Boston metropolitan region plays a leadership role in the areas of higher education, technology, health care, transportation, and national and international trade;

(3) Boston and the immediate region contain some of the oldest, most valuable, and

most visited historic sites in the Nation, dating from precolonial times;

(4) factors such as open space, parks, recreational opportunities, and natural and cultural resource preservation will help determine the region's success and long-term economic and social viability into the 21st century;

(5) Boston Harbor has been a major factor in shaping Boston's growth, development, and sustained influence and significance in New England and the Nation;

(6) years of neglect and overuse of Boston Harbor resulted in a serious decline in its water quality, but a major cleanup effort is fostering the Harbor's renewal and revitalization, making the Harbor once again a focal point for the city and region;

(7) the Boston Harbor Islands support invaluable natural resources, rare in urban settings, that include fresh and salt water marshes, dunes, woodlands, ledges and cliffs, and habitat for wildlife and numerous bird species;

(8) Boston Harbor and its islands, containing many fortifications and other sites related to coastal defense, played an important role in United States military and maritime history from the colonial era to the Cold War;

(9) Boston Harbor and its islands contain important archaeological sites and underwater archaeological resources that chronicle the use and settlement of the Harbor by Native Americans from at least 9,000 years ago until the 17th century;

(10) the Boston Harbor Islands offer abundant opportunities for public education on the attempts of society to deal with urban problems and to protect the ecological health of the Harbor;

(11) the Boston Harbor Islands offer opportunities for recreation, education, and public use and enjoyment in a maritime setting that is in close proximity to a large urban population;

(12) the Boston Harbor Islands are located in a mixed use area, including an active commercial seaport and the region's busiest airport, the present and future operation of which are essential for the economic stability of the region;

(13) the Boston Harbor Islands possess outstanding natural, historical, scenic, recreational, and educational values, and there is a national interest in protecting and preserving those values for residents and visitors of the area; and

(14) a partnership among Federal, State, and local governments and nonprofit organizations offers the best opportunity for the enhancement and management of the Boston Harbor Islands.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts Bay and Cape Cod Bay, the Thompson Island Outward Bound Education Center, and The Trustees of Reservations and with historical, business, cultural, civic, recreational, and tourism organizations; and

(3) to improve access to the Boston Harbor Islands through the use of public water transportation.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "advisory council" means the Boston Harbor Islands Advisory Council established under section 8.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the recreation area approved under section 7.

(3) PARTNERSHIP.—The term "Partnership" means the Boston Harbor Islands Partnership established by section 5.

(4) RECREATION AREA.—The term "recreation area" means the Boston Harbor Islands National Recreation Area established by section 3.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The recreation area shall—

(A) be comprised of the lands, waters, and submerged lands generally depicted on the map entitled "Proposed Boston Harbor Islands NRA", numbered BOHA 80001, and dated August 1995; and

(B) include landside points required for access, visitor services, and administration—

(i) in the city of Boston along the Harborwalk and at Long Wharf, Castle Island, Fan Pier, the John F. Kennedy Library, and the Custom House;

(ii) at Charlestown Navy Yard;

(iii) at the old Northern Avenue Bridge;

(iv) in the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River;

(v) in the town of Hingham at Hewitt's Cove;

(vi) in the town of Hull;

(vii) in the city of Salem at Salem National Historic Site; and

(viii) in the city of Lynn at Heritage State Park.

(2) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) MINOR REVISIONS.—After advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 4. ADMINISTRATION OF RECREATION AREA.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act.

(b) FEDERAL LAND.—The land in the recreation area that is owned by the United States, acting through the Secretary, shall be administered in accordance with the law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(c) STATE AND LOCAL JURISDICTION.—Nothing in this Act diminishes, enlarges, or modifies any right of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth to exercise civil and criminal jurisdiction or to carry out State laws in the recreation area, including laws relating to fish and wildlife and laws relating to the taxation of persons or property in the recreation area.

(d) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation, management, and provision of educational and recreational uses for the properties in the recreation area.

(e) ACQUISITION OF REAL AND PERSONAL PROPERTY AND SERVICES.—

(1) IN GENERAL.—The Secretary may acquire for purposes of the recreation area, by donation, exchange, or lease or purchase with donated or appropriated funds, personal property and lands and improvements in the recreation area.

(2) LIMITATION.—The Secretary may not acquire an interest in real property in the recreation area without the consent of the owner.

(f) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this Act.

(g) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.—With respect to the recreation area, the maintenance, operation, improvement, and use of Logan International Airport and associated flight patterns from time to time in effect shall not be considered to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, or to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

SEC. 5. BOSTON HARBOR ISLANDS PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the executive branch the Boston Harbor Islands Partnership, the purpose of which shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(b) MEMBERSHIP.—The Partnership shall be composed of 13 members, including—

(1) 1 individual appointed by the Secretary to represent the National Park Service;

(2) 1 individual appointed by the Secretary of Transportation to represent the United States Coast Guard;

(3) 2 individuals appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission;

(4) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Port Authority, to represent the Massachusetts Port Authority;

(5) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Water Resources Authority, to represent the Massachusetts Water Resources Authority;

(6) 1 individual appointed by the Secretary, after consideration of recommendations by the mayor of Boston, to represent the Office of Environmental Services of the city of Boston;

(7) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Boston Redevelopment Authority, to represent the Boston Redevelopment Authority;

(8) 1 individual appointed by the Secretary, after consideration of recommendations by the president of the Thompson Island Outward Bound Education Center, to represent the Center Thompson Island Outward Bound Education;

(9) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of The Trustees of Reservations, to represent The Trustees of Reservations;

(10) 1 individual appointed by the Secretary, after consideration of recommendations of the president of the Island Alliance, to represent the Island Alliance, a nonprofit organization the sole purpose of which is to provide financial support for the recreation area; and

(11) 2 individuals appointed by the Secretary to represent the advisory council.

(c) TERMS OF OFFICE; REAPPOINTMENT.—

(1) IN GENERAL.—Each member of the Partnership shall appointed for a term of 3 years.

(2) REAPPOINTMENT.—Any member may be reappointed for 1 additional 3-year term.

(3) INITIAL MEMBERS.—The Secretary shall appoint the first members of the Partnership not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment under paragraphs (3) through (10) of subsection (b).

(4) EXTENDED SERVICE.—A member of the Partnership may serve after the expiration of the member's term until a successor has been appointed.

(d) COMPENSATION.—A member of the Partnership shall serve without pay, but while away from the member's home or regular place of business in the performance of services for the Partnership, a member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service is allowed expenses under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICERS.—

(1) IN GENERAL.—The Partnership shall elect 1 of its members as Chairperson and 1 as Vice Chairperson.

(2) TERMS.—The term of office of the Chairperson and Vice Chairperson shall each be 1 year.

(3) ABSENCE OF CHAIRPERSON.—The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(f) VACANCY.—A vacancy in the Partnership shall be filled in the same manner in which the original appointment was made.

(g) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(h) QUORUM.—A majority of the Partnership shall constitute a quorum.

(i) STAFFING.—

(1) PROVISION BY THE SECRETARY.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties.

(2) PERSONNEL ON DETAIL.—To assist the Partnership, the Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or an entity represented in the Partnership.

(j) NATURE OF PARTNERSHIP.—The members of the Partnership and the entities represented in the Partnership shall not be treated as partners in a legal sense.

SEC. 6. POWERS OF THE PARTNERSHIP.

(a) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership considers appropriate.

(b) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this Act.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) MAILS.—The Partnership may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(e) ACQUISITION OF PROPERTY.—The Partnership may acquire by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(f) COOPERATIVE AGREEMENTS.—For purposes of carrying out the management plan, the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or a private person or organization.

SEC. 7. INTEGRATED RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Partnership shall develop and submit to the Secretary a management plan for the recreation area to be implemented by the Partnership.

(b) CONTENTS.—The management plan shall include—

(1) a program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including—

(A) a program to finance and support the public improvements and services recommended in the plan, including allocation of the non-Federal matching requirement in accordance with section 9 and a delineation of private sector roles and responsibilities; and

(B) a program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over lands and waters in the recreation area, including planning and regulatory responsibilities;

(2) policies and programs for—

(A) enhancing public outdoor recreational opportunities in the recreation area;

(B) conserving, protecting, and maintaining the scenic, historical, cultural, natural, and scientific values of the recreation area;

(C) developing educational opportunities in the recreation area;

(D) enhancing public access to the Boston Harbor Islands, including development of transportation networks; and

(E) identifying potential sources of revenue from programs or activities carried out within the recreation area; and

(3) a policy statement that recognizes economic activities in the recreation area being conducted on the date of enactment of this Act.

(c) DEVELOPMENT.—In developing the management plan, the Partnership shall—

(1) consult on a regular basis with appropriate officials of any local government or Federal or State agency that has jurisdiction over lands and waters in the recreation area;

(2) consult with interested conservation, business, professional, and citizen organizations; and

(3) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the management plan.

(d) APPROVAL.—

(1) SUBMISSION TO GOVERNOR.—The Partnership shall submit the management plan to the Governor of Massachusetts for review.

(2) CONSIDERATION BY GOVERNOR.—The Governor shall have 90 days in which to review and make recommendations regarding the management plan.

(3) SUBMISSION TO THE SECRETARY.—After considering the Governor's recommendations, the Partnership shall submit the management plan to the Secretary, who shall approve or disapprove the plan not later than 90 days after submission.

(4) CONSIDERATIONS.—In reviewing the management plan, the Secretary shall consider—

(A) the adequacy of public participation;

(B) assurances of plan implementation from State and local officials; and

(C) the adequacy of regulatory and financial tools that are in place to implement the plan.

(5) DISAPPROVAL.—

(A) NOTICE.—If the Secretary disapproves the management plan, the Secretary shall notify the Partnership in writing of the reasons for the disapproval and make recommendations for revision.

(B) RESUBMISSION.—Not later than 90 days after receipt of a notice of disapproval, the Partnership shall revise and resubmit the management plan to the Secretary, who shall approve or disapprove the revised management plan within 60 days after submission.

(e) INTERIM PROGRAM.—Prior to approval of the management plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters in the recreation area to ensure that existing programs, services, and activities that promote the purposes of this Act are supported.

SEC. 8. BOSTON HARBOR ISLANDS ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the "Boston Harbor Islands Advisory Council".

(b) PURPOSES.—The purposes of the advisory council shall be—

(1) to represent various groups with interests in the recreation area; and

(2) to make recommendations to the Partnership on issues related to the development and implementation of the management plan.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service.

(2) REPRESENTATION.—The Secretary shall appoint no fewer than 3 individuals to represent each of the following categories of entities:

(A) Municipalities.

(B) Educational and cultural institutions.

(C) Environmental organizations.

(D) Business and commercial entities, including those related to transportation, tourism, and the maritime industry.

(E) Boston Harbor-related advocacy organizations.

(d) COMMITTEES.—

(1) IN GENERAL.—The advisory council shall be encouraged to establish committees relating to specific recreation area management issues, including education, tourism, transportation, natural resources, cultural and historical resources, and revenue raising.

(2) PARTICIPATION.—Participation on a committee under paragraph (1) shall not be limited to members of the advisory council.

(e) MEETINGS.—Meetings of the advisory council and committees established by the advisory council shall be open to the public.

(f) FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory council.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act for any fiscal year may be expended only on a matching basis in a ratio of at least 3 non-Federal dollars to each Federal dollar.

(2) FORM.—The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KERRY today in sponsoring a bill to establish the Boston Harbor Islands National Recreation Area in Massachusetts. This legislation is part of a bipartisan effort with Congressmen GERRY STUDDS and PETER TORKILDSEN, who introduced an identical bill yesterday in the House of Representatives.

The legislation follows a comprehensive study by the National Park Service, authorized in 1992 and completed last year. That study reached the strong conclusion on the 31 islands clustered in Boston Harbor that "[t]heir proximity to a large urban population and their special geological, prehistoric, historic, and natural features qualify them collectively as an outstanding example of a nationally significant recreation area. Their configuration, their assemblage of significant natural and cultural features, and their proximity to a major metropolitan area create a resource that has no parallel in the United States."

The islands are just a short boat trip from downtown Boston. They offer abundant opportunities for visitors to enjoy surroundings of exceptional natural beauty. With rocky shores, sand beaches, and tidal pools full of marine life from horseshoe crabs to starfish and seals, visitors enjoy swimming, fishing, clam-digging, berry-picking, bird and whale watching, boating, camping and hiking on well-maintained trails. History lovers can explore national historic landmarks, such as the Revolutionary War-era fort that later housed Confederate prisoners in the Civil War, and the Nation's first lighthouse—the only lighthouse still operated by lighthouse keepers in the old tradition. They can hunt for pirate relics, and dig further back in time for archaeological artifacts from 10,000 years ago and rare geological formations dating to the glacial age. All of the islands offer spectacular views of the modern Boston skyline and the Atlantic Ocean.

But these assets have gone largely unnoticed until recently. The Park Service study has helped catalyze a growing recognition that the Harbor Islands deserve protection, as a unique resource that can greatly expand recreational opportunities for families in the Boston area and for visitors from across the country. Already, more than 25 million tourists visit Massachusetts each year, with 10 million visiting the Boston area annually. Fulfilling the potential of the Harbor Islands will strengthen tourism and significantly benefit the local economy, as well as enhance the experience of visitors to the area.

As recommended by the Park Service study, to fulfill that potential, we must improve public access to the islands and adopt a coordinated approach to their management. This legislation calls on the National Park Service to work closely with State and local governments and nonprofit organizations to preserve the natural and cultural resources of the islands and make them more accessible to the public through the use of a public water transportation system. The bill establishes a partnership among the various levels of government, and requires a commitment of non-Federal funds on at least a three-to-one matching basis with Federal funds. It does not involve any substantial purchase of land by the Federal Government; instead, it authorizes the Park Service to develop cooperative agreements with the State, local and private owners of the islands to ensure their protection and expanded public use.

The Boston Harbor Islands will be an exceptional addition to the National Park System. Their natural beauty and historical significance eminently merit this protection and preservation. The partnership approach will keep Federal costs to a minimum and assure the success of this effort for generations to come. I urge my colleagues to support this important legislation.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

THE FOOD AND DRUG ADMINISTRATION PERFORMANCE AND ACCOUNTABILITY ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I introduce the Food and Drug Administration Performance and Accountability Act of 1995. This comprehensive reform bill is designed to ensure that Americans continue to enjoy and our Nation continues to lead the world in the development of new, life-saving and life-enhancing pharmaceuticals and medical devices and wholesome, abundant, and affordable foods by reforming the role of the Food and Drug Administration in the testing and review of new products.

Over the years, the FDA's requirements for clinical testing and its premarket reviews of new products have grown increasingly complex, time-consuming, and expensive. From the 1960's to the 1990's, for example, the time required to complete clinical trials for new drugs has grown from 2½ years to nearly 6 years. From the beginning of the process to the end, it takes an average of 12 years and costs $359 million to bring a new drug to market. By law, the FDA is required to review and act on applications to market new drugs and devices within 180 days. Today, however, it takes the agency on average 649 days to complete its review of new devices and 570 days to complete its review of most new drugs.

These increasing FDA demands on new product development and delays in new product reviews are reducing incentives for research and development, encouraging American companies to locate abroad, delaying Americans' access to new pharmaceuticals and medical devices, and costing American jobs.

The legislation I am introducing today is designed to correct these problems. First, the bill makes clear that a prime mission of the FDA is facilitating the rapid and efficient development and availability of safe and effective products that will benefit the public. It puts the agency on notice that Congress and the American people expect it to allocate its time, energy, and resources accordingly.

Second, the bill puts teeth into statutory deadlines for agency action. The FDA commissioner is required, in consultation with patient advocacy groups and the regulated industries, to establish and meet yearly performance standards that will bring the agency into compliance and keep it in compliance with statutory deadlines for action on premarket approval applications. The commissioner will be required to report yearly on the agency's performance and, if the agency is out of compliance, to contract with outside experts for product reviews.

Third, to ensure that desperately ill and suffering patients have access to promising new therapies, the bill will expand access to investigational new pharmaceuticals and medical devices. To ensure that physicians are as fully informed as possible about these new therapies and about new uses for already approved therapies, the bill will ease the agency's current severe restrictions on the dissemination of information about them.

Fourth, the bill establishes a collaborative clinical testing and review process. It requires the agency to meet with companies in the early stage of the clinical testing to establish the parameters for testing and avoid last-minute changes in protocol designs once testing is underway. Once testing has been completed and the agency receives an application for product approval, the agency would again be required to meet with companies to better ensure the smooth and timely review of the application.

Fifth, the bill provides the agency with the statutory flexibility it needs to make changes in its clinical testing policies and product review procedures. For example, it modifies current law, which appears now to require two or more clinical studies, to permit the agency to base its approval on one well-designed clinical study when appropriate. As further examples, the bill updates outmoded statutory requirements for the regulation of biological products, reduces the number of medical devices that the agency is required to review, and makes it easier for the agency to use national and internationally recognized performance standards in evaluating the safety and effectiveness of devices.

In these and in a number of other ways, the FDA Performance and Accountability Act of 1995 will transform the FDA from a growing barrier to innovation into an active partner in innovation.●

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 981

At the request of Mr. EXON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 981, a bill entitled "Truck Safety and Congressional Partnership Act".

S. 1030

At the request of Mr. REID, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1030, a bill entitled the "Federal Prohibition of Female Genital Mutilation Act of 1995.

S. 1212

At the request of Mr. COATS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1470

At the request of Mr. MCCAIN, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. SANTORUM, his name was added as a cosponsor of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

SENATE CONCURRENT RESOLUTION 35—RELATIVE TO BOSNIA

Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND) submitted the following concurrent resolution; which was considered and not agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. EXPRESSING OPPOSITION TO THE DEPLOYMENT DECISION.

The Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

SEC. 2 EXPRESSING SUPPORT FOR UNITED STATES MILITARY PERSONNEL WHO ARE DEPLOYED.

The Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 36—DIRECTING THE SECRETARY OF THE SENATE

Mr. LEVIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike "6" and insert "7".

(2) In section 9(7), insert "and" after the semicolon, in section 9(8), strike "; and" and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike "7" and insert "6".

(4) In section 15(a)(2), strike "8" and insert "7".

(5) In section 15(b)(1), strike ", 5(a)(2)," and in section 15(b)(2), strike "8" and insert "7".

(6) In section 24(b), strike "13, 14, 15, and 16" and insert "9, 10, 11, and 12".

(7) In section 12(b)(1), strike "7" and insert in lieu thereof "6".

AMENDMENTS SUBMITTED

TECHNICAL CORRECTIONS CONCURRENT RESOLUTION

SIMPSON (AND CRAIG) AMENDMENT NO. 3098

Mr. BROWN (for Mr. SIMPSON, for himself and Mr. CRAIG) proposed an amendment to the concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; as follows:

On page 2, after line 10 insert the following: (7) In section 18, strike "contract, loan, or any other form" and insert "or loan".

(8) In section 12(b)(1), strike "7" and insert "6".

THE AU PAIR PROGRAMS EXTENSION ACT

HELMS (AND DODD) AMENDMENT NO. 3099

Mr. BROWN (for Mr. HELMS, for himself and Mr. DODD) proposed an amendment to the bill (S. 1465) to extend au pair programs; as follows:

On line 9 strike "1999" and replace with "1997".

On line 10, strike "1998" and replace with "1996".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, December 13, 1995, at 10 a.m. in open session, to consider the nomination of Mr. H. Martin Lancaster for appointment as Assistant Secretary of the Army for Civil Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, December 13, at 9:30 a.m., Hearing Room (SD–406), with respect to the reauthorization of the Clean Water Act on municipal issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, December 13, 1995 at 2 p.m. to hold a closed hearing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 13, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to consider S. 901, the Water Recycling Projects; S. 1013, the Garrison Diversion Unit Project; S. 1154, the Fort Peck Rural County Water Supply System Act of 1995; S. 1169, the McCall Area Wastewater Reclamation and Reuse Project, and S. 1186, the Flathead Irrigation and Power Project.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ILLICIT DRUGS

• Mr. D'AMATO. Mr. President, I rise today to discuss a vital, bicameral effort to combat drugs in this country. The Task Force on National Drug Policy, of which I am a proud member, was announced today to work to solve a serious problem: narcotics.

Despite efforts by Congress to curtail the flow of drugs into this country and its use by Americans, it seems as though the results have been lost with this administration. The intent of this task force is to focus the White House on a problem that is far from being resolved, and where much attention needs to be paid.

This is particularly important in light of recent studies that have indicated a growing trend in illicit drug use among teenagers. Studies indicate that, despite a decline in drug use among teens during the 1980's, drug use has risen sharply in the past few years. Cocaine use by high school students increased 36 percent since 1991–92, which was the period of lowest use. Marijuana use increased as well. Between the 1990–92 school year and 1994, marijuana use among junior high school students rose 111 percent and rose 67 percent in high schools. Now, one in three high school students admit to smoking marijuana.

Even without being armed with these statistics, Americans see the rise of drug use in their communities. It is on their streets and in their schools. Understandably, citizens view narcotics as one of the most pressing problems facing our country. According to a Gallup poll released yesterday, 94 percent of Americans see drug use as a serious problem or a crisis.

These recent reports are a wake-up call to the administration to take action. It has served as the impetus for this Task Force on National Drug Policy to set a framework for policy and establish strategic plans to combat the drug epidemic. This, in turn, should move the White House to realize that this is a pressing issue that they can no longer neglect. Action must be taken now. Our children cannot afford to wait any longer.

Efforts must be stepped up to get at the drug suppliers, especially the drug kingpins. They are profiting while the rest of us suffer. There presence is being tolerated and should not be tolerated anymore.

In order to control the proliferation of illegal narcotics, law enforcement efforts must play a leading role in the Federal strategy. Law enforcement agencies, experts in this field, have been able to develop innovative techniques to respond to the spread of drugs in our communities. They are on the frontlines of this war against drugs and have the knowledge to fight its recent rise.

The members of this task force have the ability to establish policy and to take the initiative through legislative action. An example of this could be the implementation of a system such as the Automated Fingerprint Identification System [AFIS]. Using this biometric system, drug smugglers will not be able to repeatedly enter this country using fictitious identification with anonymity and impunity. Recidivistic drug felons could be immediately identified, detained, and prosecuted or deported before their heinous acts impact upon our children, families, and communities. This is at least one way to reduce the flow of drugs over our borders.

Another way to deter drug dealers is to raise sentencing guidelines and enact mandatory minimums to guarantee longer sentences. These will also act as a deterrent to potential offenders. We should be attacking their trade, not ignoring their presence.

It is evident that the illegal drug trade has profited with the focus shifted away from their activities. But this task force will change that. With the emphasis placed back on narcotics and the harm it spreads, this task force may be able to concentrate efforts to rekindle the decline of drug use that was noted prior to this administration.

I would also like to take this opportunity to commend my colleagues for their leadership and initiative in the effort to control illicit drugs in the United States.•

TO HELP THOSE LIVING ON THE EDGE

• Mr. SIMON. Mr. President, one of the most dynamic people I have had a chance to meet in my years in public life is a Roman Catholic priest by the name of Father George Clements.

He has stirred controversy from time to time by his championing of causes that sometimes are unpopular but always, in my opinion, reflect favorably on his faith and his humanitarianism.

Recently Parade magazine had a story concerning his program of "One Church-One-Addict" which I ask to be printed in full in the RECORD.

What a great thing for this Nation it would be if every church in the Nation were to follow this simple admonition.

Many churches would find that they have been unable to help people, a least not immediately. But many others would find they have been the difference in keeping people from going over the edge.

The article follows:

TO HELP THOSE LIVING ON THE EDGE

(By Marie Ragghianti)

The only major institution not dealing with substance abuse is the church," the Rev. George Clements told me. "Look at our prisons and universities—they're fighting drugs. We can do no less."

For many years, Father Clements has been inspiring others to action through both his words and his deeds. In 1980, from his parish in Chicago, he started a program called One Church-One Child. His idea—for every church to place one homeless child with a family—eventually grew into a national program, and it has helped find homes for more than 50,000 children. In a controversial move, Clements himself adopted four youngsters. (The Vatican eventually supported him.) In 1987, a TV movie told his story.

Now, the 63-year-old priest has an even more ambitious mission: to help recovering addicts find support in their religious communities. Clements' new program is called One Church-One Addict, which he founded with the American Alliance for Rights and Responsibilities, a nonprofit organization based in Washington, D.C.

"If Jesus was walking around today, he'd be working in the area of substance abuse," Clements says when he speaks to religious groups around the country. "Jesus lived on the cutting edge and helped others. We must do the same."

One Church-One Addict is ecumenical: All faiths are asked to do something about drug addiction and/or alcoholism in their communities. Volunteers are trainged to give counseling and support. They meet with clients in one-on-one sessions, helping them learn how to live without drugs or alcohol. Clients usually enter the program upon leaving a rehabilitation center or clinic. They receive support for about nine months, although no time limit is set.

I asked Father Clements how he got involved in helping recovering addicts. It began, he said, with a child he once knew who lived near his church—the Holy Angels Catholic church, in the drug-plagued housing projects of Chicago's South Side.

"I wouldn't be in this work today if it wasn't for Tommy," Clements explained. "Tommy was valedictorian of his eighth-grade class. He was a great football player and had won an academic scholarship to attend an excellent high school. He wanted to be an obstetrician. One evening, he asked if I thought he could make it. 'Of course you can, Tommy,' I told him. 'I have no doubt.'

"That night, after I was in bed, the phone rang. It was the emergency room a local hospital. A kid was dying. He was unconscious and didn't have any identification, but they could make out the words 'Father Clements.' I raced to the hospital. When I arrived, I found Tommy lying on a slab, dead of a drug overdose.

"After the funeral, I sat at my desk and couldn't stop crying. How could I not have known? That day, it was as if a force grabbed me by the back of the neck, and I knew I had to do something."

Shortly after Tommy's death, Father Clements took a walk through his neighborhood. What he saw outraged him: Drug paraphernalia littered the streets and, to his astonishment, was being sold in the area's small liquor stores, pharmacies and candy shops—many of which were frequented by children. A few months later, Clements decided to organize protests. He went to a large wholesaler of drug paraphernalia and held a revival in the parking lot. The 1989 event was covered by regional media and prompted the Illinois Legislature to pass a law banning much of the paraphernalia.

For Clements, however, that victory was only the beginning: He decided that the church could no longer ignore the problem of drugs in the community. After five years of planning, One Church-One Addict was born in 1994, receiving funding through seed grants provided by nonprofit groups. Since then, 715 churches in 31 states have signed on; more than 2000 people have been helped by its network of support.

How does Father Clements compare the two programs he founded?

"I feel that One Church-One Addict is a natural outgrowth of One Church-One Child," he said. "People are much more sympathetic to kids than to addicts. But I tell people that I'm not excusing or defending addiction. We say, 'Love the addict, hate the addiction.'" •

PROTECTING THE FIRST AMENDMENT

• Mr. BINGAMAN. Mr. President, I did not support the effort yesterday to begin writing exceptions into the first amendment of our Constitution. The first amendment protects the right of free speech, no matter how unpopular or offensive that speech is. The Court interprets this to include the right of people to burn a flag if a person so chooses. Presumably, the Court would reach the same conclusion with regard to a person's right to burn the Constitution or even the Bill of Rights itself.

Modern technology has given us the ability to see political protest, including the burning of flags, as it occurs around the world—in Tiananmen Square, in the Soviet Union and Eastern Europe, and in South Africa. We are not only able to see the political protest, we are also able to see those governments step in to prevent that expression, to limit that speech, and to silence dissent and criticism aimed at those in power.

This proposed constitutional amendment would sanction that same type of repressive action by our own Government. And such repression would not be permitted only when people are disturbing the peace, but also when they are trying to dramatize their strongly held political views. Like most citizens, I might find many of those political views offensive. But I am not willing to amend the Constitution to permit States and the Federal Government to restrict the expression of those views.

It distresses me to see the symbol of our great Republic mocked and desecrated.

But I am not so foolish as to mutilate those values themselves. The strength of our country is in large part due to the fact that we tolerated the expression of unpopular views. It does not strengthen us as a nation to begin, by constitutional amendment, to restrict the right of political expression. It does not protect our Nation to diminish the very liberties which have made us the envy of all mankind.

Mr. President, it seems that this issue surfaces every 4 or 5 years usually before Presidential elections. We spoke about this issue before the last Presidential election and we debate the issue again now.

Mr. President, one point which has come home to me time and again since I have been in the Senate, is that the Framers of our Constitution did a marvelous thing when they wrote that document and when they added to it the Bill of Rights. Not only did they produce a document embodying our most precious values and a system of government to advance and protect those values, they also had the wisdom to anticipate the very type of effort to silence unpopular expression. They anticipated it, and they guarded against it by requiring changes in the Constitution to be accomplished only by a two-thirds vote of both the Senate and the House of Representatives, and then by the approval of three-quarters of the legislatures of our States.

Those requirements have served us well in the present debate. I am glad that the necessary two-thirds vote to approve this amendment was not achieved in this Senate. I am heartened to hear the strong statements of many of my colleagues against the amendment.

What about the public reaction to all of this? Recent polls show that a majority of Americans favor such a constitutional amendment and indicate that they would be inclined to vote against a Representative or Senator who opposed it.

I would like to believe that, given time for additional reflection, most Americans would have a different view. I would like to believe that those of us in public life have a responsibility and opportunity to persuade our fellow citizens on this issue.

Time will tell whether my beliefs are well-founded.

I cast my vote against this proposed amendment with the satisfaction of knowing that I have done what is clearly right. •

FROM POLITICS TO PARANOIA

Mr. SIMON. Mr. President, recently The Washington Post had an op-ed piece by one of the finest people I have met in my four decades of public service: Abner J. Mikva.

He served in the House, served in the federal judiciary and served as counsel to President Clinton. In all three areas he served with great distinction.

I believe we should reflect on his recent op-ed piece "From Politics to Paranoia," which I ask to be printed in full in the RECORD at the conclusion of my remarks.

Along with Senator JOHN GLENN and Senator JEFF BINGAMAN, I voted against the authorization of another million dollars for further Whitewater investigations by the Senate committee.

I believe it will turn out to be a waste of money. I have been appointed to that committee, perhaps because of that vote.

But much worse than the conduct of congressional committees have been the excesses of the independent counsels that have been appointed.

If I were to vote again today on that creation, I would vote against it.

I read recently that the Whitewater independent counsel is now investigating two contributions to Bill Clinton's 1990 gubernatorial race. And the independent counsel has now spent almost $25 million in pursuing every little remote lead.

Our laws should be enforced and we need independence.

My own feeling is that we should establish certain standards for the Office of Attorney General and then not have an independent counsel.

Janet Reno is independent. President Gerald Ford's appointment of Ed Levi as Attorney General was not an appointment of a close friend but rather someone genuinely independent.

Unfortunately, we have had examples of Attorneys General being appointed who are too close to the President.

But to have independent counsels that run amuck is not in our national interest.

The article follows:

[From the Washington Post, Nov. 26, 1995]

FROM POLITICS TO PARANOIA—MISGUIDED ETHICS LAWS HAVE GIVEN US MORE MISTRUST, NOT LESS

(By Abner J. Mikva)

It probably was inevitable that after a year as White House counsel some in the media and politics would speculate that I left my job because I "know something" I don't want to defend. That suspicion is dead wrong. I left because I am physically tired—but in good health and humor, and I intend to stay that way.

The long hours were draining, though worth it. But far more demoralizing was what I came to see as a profound loss of faith by the American people in the government they've created. I leave public life at a time when America has grown unusually distrustful of its government and its leaders. Too many of us expect and believe the worst about government, even when no evidence exists to justify our doubts. And I've come to think that some of our intended solutions to this over the years have become the cause of the problem. We need changes in the independent counsel law and others we've created with perhaps the best of intentions.

Healthy skepticism is necessary to the continuation of our democracy. When it turns to paranoia, it becomes destructive. American history has alternated between the two—from the Watergate reformers and the anti-Federalists who opposed the new Constitution of the 1780s to the paranoia of the "Know Nothings" of the mid-1800s to the "I hate Washington" crowd of today.

What seems paradoxical about today's lack of trust is that never have people in government been obliged to disclose more about themselves. Ethics laws, freedom of information laws, conflict of interest laws and others have made public officials live in the clearest goldfish bowl ever. Federal agencies have inspectors general and designated ethics officials whose job it is to ferret out any unethical behavior, whether it is by a Cabinet secretary or a mail clerk. The independent counsel laws provides a mechanism whereby the attorney general must refer out any evidence of criminal wrongdoing by high government officials.

Yet public confidence in government—the ostensible goal of ethics legislation—is at an all-time low. Indeed the accounting often seems to further the problem by allowing critics to magnify minor blemishes into major defects.

For instance, there has been a regrettable willingness by politicians and activists in both of our major political parties to use even a hint of ethical misconduct as a political weapon against the other side. Negative political advertising has become an art form for almost every political campaign. Add to this a tendency in the public arena to exaggerate claims of impropriety, and it sometimes becomes difficult for the public to distinguish between legitimate and illegitimate charges.

The media has added to the excesses. The desire of the electronic media to use sound bites rather than reportage lends itself to the name-calling and the sensationalism that exists. The desperate nature of competition for the print media had caused many newspapers to reach for scandals and follow the lead of the most yellow-journalism rivals.

Most of the investigations that I dealt with during my time as White House counsel—Whitewater, Waco, the Travel Office, the Mexican peso crisis—were a dismaying waste to time for Congress, for the administration and for the media who kept looking for a nonexistent smoking gun.

The investigations showed that some people in government made mistakes, used bad judgment, passed the buck and displayed other human fragilities that may be worthy of comment but hardly of an inquisition. In the Waco tragedy, for example, the Department of Justice and the Treasury Department each issued candid reports on the events, including an assessment of blame for the mistakes. The congressional investigations added nothing to the public awareness except to beat up on the agencies. The same is true of the congressional Whitewater investigations where an independent counsel operation has been spending a lot of time and resources to determine whether any governmental officials engaged in wrongdoing.

I am not an apologist for human shortcomings. Once a government official steps over the ethical line, he or she should be dealt with firmly. The public must know that we will not tolerate ethical lapses, whatever the personal consequences to the violator. But government cannot daily prove its rectitude to the cynic convinced of government's corruption. A nation where cynicism toward government prevails cannot function effectively.

Of course, a government that merely implores voters to "trust me" will not gain that trust, nor should it. But if our eternal rounds of inquisition and calumny tear down the public trust, and make government out to be a cesspool, if our remedies make public service so unattractive and distasteful as to lose the capacity to recruit new and good people to government—we lose the whole ballgame. We have spent so much time accusing, finger-pointing and exposing, that we have forgotten why we formed a government in the first place. We make it impossible to be governed.

And yet we are proposing additional ethics reforms, based not on what they can achieve, but rather on the political perception that something must be done. In an attempt to "out-ethic" the political opposition, we only make matters worse.

For example, we already require the filing of too many forms. Every year all of our senior officials spend countless hours preparing financial disclosure forms. Candidates file extensive reports on how they raise and spend their campaign money. The reports are so complicated that most reviewers can't understand what they are reviewing, but they do serve as wonderful traps to snare the unwary official.

We have lobbying laws on the books that do precious little to expose the difference between legitimate lobbying and improper use of money and favors to gain desired results. There are proposals to add further forms—ones that will do nothing to break the link between lobbying and money. We ought to concentrate our efforts on gift banning and campaign finance reform.

We ought to evoke the principle that applies to federal judges, who cannot accept anything of value from any party who has an interest in a case before that judge. The judge either refuses the gift or recuses himself from the case. It's a simple principle. Judges understand it; lawyers and their clients understand it; everyone obeys it. In the rare cases where judges violate the rule, they go to jail. What the principle does is break the link between the giving and the ruling. You can give but you cannot buy. Applied to Congress, which recently has banned gifts such as meals and trips, the principle would end the seamy business of members asking for contributions (and getting them) from person most likely to be affected by the member's actions. Obviously, such a plan would necessitate a whole new campaign finance structure, but that is long overdue anyway.

We ought to reconsider the independent counsel statute. Some may smirk that I of all people would suggest changing it, since I voted for it while in Congress and have had to live with its consequences during this past year. But fewer and fewer people in either political party now believe that it really works. The original purpose of preventing Richard Nixon and his friend and close adviser Attorney General John Mitchell from investigating themselves in the Watergate scandal has been achieved. Since then, 17 independent counsels have been appointed. Their mandates have ranged all the way from investigating whether a White House aide sniffed cocaine in a New York nightclub to whether a cabinet official understated how much money he paid to a woman with whom he had an affair. One investigation—the five-year-old probe of Department of Housing and Urban Development officials—has gone on for so long that the independent counsel announced that the main target had grown too old to pursue. One can question whether even the Iran-contra case or the Whitewater affair wouldn't have best been handled the normal way by Justice Department prosecutors.

We can do better. We need to amend the statute to provide for qualifications for the independent counsel that guarantee political independence. The counsel ought to be appointed on a full-time basis for a limited period of time. Extensions of the original period of appointment should be allowed only under very limited circumstances. The threshold for seeking an independent counsel should be raised further—to limit the appointment only to cases where it is clear that normal authority is insufficient. The selection process for the special court which appoints and supervises independent counsels should be changed to ensure both the reality and the perception of nonpolitical appointments.

From the outset, our founders recognized the tension between governing effectively and the elimination of all potential for abuse. George Washington wrote: "No man is a warmer advocate for proper restraints and wholesome checks in every department than I am; but I have never yet been able to discover the propriety of placing it absolutely out of the power of men to render essential services, because a possibility remains of their doing ill."

If we have all these codes of ethics and all of these disclosure laws and all of these investigating institutions and less trust with each addition to the pile, we must be doing something wrong. We need some remedies that will restore the faith.●

TRIBUTE TO JULIE McGREGOR

● Mr. HATFIELD. Mr. President, frequent staff turnover is a fact of life in the Senate. In this regard, I have always considered myself exceedingly lucky. I have had many key staff members who stayed with me far beyond the average tenure and I, and the people of Oregon, have greatly benefited from their institutional knowledge and experience. But, inevitably, the day arrives when even those diehard staffers feel it is time to move on. For Julie McGregor, that day has arrived.

And so I rise to bid farewell to a longtime and valued staff member. I find it difficult to take so many years of loyalty, dedication, and friendship and wrap it into a neat one page package. Words alone simply seem inadequate to express what Julie has meant to me, to my family, and to my office.

Julie came to my office 13 years ago as an eager, bright, and intelligent intern. She departs today a wise and competent sage. In that time, Julie's role evolved from that of student to mentor. No matter how busy, she always took the time to encourage and guide less experienced colleagues. Members of the Appropriations Committee staff as well as my personal staff have relied on Julie's counsel and valued her perspective as much as I did.

One of Julie's greatest assets is her intuitive ability to cut to the heart of the matter. She thoughtfully and fairly examines all sides of an issue, but remains unerringly firm in her convictions. Even in the most emotional discussions or difficult issues, Julie is a calm voice of rationality and reason. In fact, those who don't know her well might be deceived by Julie's quiet manner or seemingly shy nature. They shouldn't be. She is extraordinarily tenacious. If you are staking a position or fighting a battle, you definitely want Julie on your side.

Julie grew up in small southern Oregon community, and those roots have served her well here. While adapting well to the rough and tumble political world in Washington, she has always kept clearly in mind the individual human beings whom we serve. She is both politically astute and compassionate, a combination of qualities that is so rare it is almost an oxymoron. Aware of the realities and limitations of the political process, Julie is unwavering in her belief that the Government can and should use its powers to improve the human condition. This is a belief that we share and one that has guided many of our legislative efforts.

While Julie, at one time or another, handled nearly every legislative issue in my office, her true calling was one that is closest to my own heart. First as a legislative assistant and later as my director of International Policy, she became an advocate for peace and a champion for humanitarian concerns. Julie's work on arms control, human rights, and nuclear proliferation issues, among others, leaves a lasting legacy in the Senate and has had an impact on us all.

Julie played a key role in one of the legislative accomplishments of which I am most proud. In 1992, we were successful in enacting legislation establishing a moratorium on nuclear testing by the United States. This nuclear test ban continues today and the United States' leadership on this issue has prompted much of the rest of the world to follow suit.

Julie has spent her entire professional career in public service, in service to the State of Oregon and to the U.S. Senate. I know that the people of Oregon, and my colleagues in the Senate, join me in expressing our gratitude for many years of exemplary work.

While we are sad to see Julie leave us, we are also excited for her as she begins a new phase in her life. This weekend she leaves Washington to join her financé, Michael Britti, in New Mexico. There will be many wonderful opportunities and adventures as Julie moves on with her career, and as she and Mike begin to build a life together.

Julie is, and always will be, a member of the Hatfield family. Antoinette and I send her off with our love and our best wishes for a future full of happiness and success.●

SCHOOL FACILITIES AND THE NEW GAO REPORT SCHOOL FACILITIES: STATES' FINANCIAL AND TECHNICAL SUPPORT VARIES

● Ms. MOSELEY-BRAUN. Mr. President, I would like to announce the results of a study conducted by the General Accounting Office on States' efforts to improve the condition of our public school facilities.

Infrastructure needs are not cosmetic—they go directly to the safety, the suitability, and environment for learning that directly affects American students' performance in the classroom.

The GAO found that many States are doing little to address the deterioration of our schools—and what is being done varies widely from State to State. Only thirteen States take a comprehensive approach to their school infrastructure needs—by providing ongoing funding for school improvement projects, offering technical assistance to local officials, and maintaining up-to-date information on the condition of their facilities.

The GAO has documented that our schools are falling apart.

They are not ready for the Information Age because of inadequate infrastructure. More than 60 percent lack sufficient phone lines. Thirty-five percent don't even have enough electrical power to operate computers.

Last week, the Washington Post ran an article that described the condition of the bathrooms in some of the District's schools. The Post reported that many of the restrooms are in violently foul condition—unhealthy and unusable.

One parent said she could not believe the bathroom in her children's school was in the United States. I have that article and would like to submit it for the RECORD.

We have seen these problems in school buildings all over the country—in Chicago, Baltimore, New York, and Los Angeles—in rural communities, as well as in urban centers.

America cannot compete if our students cannot learn, and our students cannot learn if our schools are falling down.

Earlier this year, the GAO released a report—entitled School Facilities: The Condition of America's Schools—that looked at the facilities that millions of our children walk into every morning. In that report, the GAO documented that 13 million students attend schools that need to be extensively repaired or replaced.

The GAO estimates that it will cost $112 billion to upgrade our school facilities to a good, overall condition. This cost is growing. The longer infrastructure needs are ignored or deferred, the greater the cost will be. The situation is like that facing the owner of a home. If the roof leaks, and you find the leak early, you can patch the roof. But if you wait a few years, you find you'll need to tear out the walls or rebuild the foundation. The message couldn't be clearer—delay equals additional cost.

In the report released by the GAO today, we find out that many States are not even bothering to assess the damage or call in the building inspector.

The GAO says State support is limited and varied. In fiscal year 1994, States provided a total of $3.5 billion in grants and loans for school facilities construction—only 3.1 percent of the total funding needed.

The sum of $3.5 billion may sound like a lot, and indeed, if your child goes to school in Alaska, it is. The State of Alaska spent almost $275 million—$2,254 per pupil—in fiscal year 1994 on school construction projects. On the other end of the spectrum is my home State of Illinois. Illinois, along with 10 other States, provides no ongoing support for school facilities construction or improvement.

Today's report documents an alarming lack of knowledge about the conditions of our schools. More than half of the States have no recent information on the condition of school buildings in their States.

I mentioned a newspaper report on decaying children's bathrooms. Gerald Sigal, a major construction contractor, also read that article. He was so upset that he is forming a coalition of business leaders to fix the problem. Mr. Sigal responded to the public school bathroom crisis because he found out about it.

But most schools seldom have a major newspaper to do their reporting for them, and the only people that may know about the brown tap water and broken plumbing are the children.

Last year, Congress took a monumental step toward fixing our school facilities problem when it enacted and funded the Education Infrastructure Act. This year, however, Congress took away the money.

Mr. President, if our children do not have computers, or if they cannot see the blackboard because it has fallen off the wall, or if they cannot go to the bathroom because it stinks of sewage, or if they cannot keep warm because the heaters are broken, they cannot concentrate, and they cannot learn.

This new GAO report is essentially a report card that measures State support for education infrastructure. Very few States get a passing mark. But the schools are still falling apart. The time has come for us to step in and heal our Nation's schools.

The problem goes beyond what many local communities can handle. Many Districts cannot find more revenue because they have already been stretched to their local limits in bonding and other ways to raise money for education.

The GAO looked at whether technical assistance is available from the States to local school officials—whether local officials can count on States for help in advice and planning. Again, great disparities exist.

Florida has the equivalent of 72 people who provide guidance on planning, construction, and maintenance. New York gives workshops and publishes articles on facilities planning. But 34 States have less than 6 full time people available for this kind of assistance.

Repairing our schools is in the national interest. We must provide assistance to strapped local school districts in a way that directly benefits children. Federal support for education infrastructure allows us to help local school districts create a suitable environment for learning, without violating the tenet of local control over public education.

I urge all of my colleagues to take a close look at this new GAO study, and decide how much longer they want to leave the problem of our crumbling public school facilities to someone else.

The article follows:

[From the Washington Post, Dec. 8, 1995]

IN D.C. SCHOOLS, IT'S TOUGH GOING—STUDENTS FIND THEMSELVES WITHOUT SOAP, TOILET PAPER OR PRIVACY

(By Sari Horwitz)

Children in public schools across the District often use dirty bathrooms that lack private stalls, soap, paper towels and even toilet paper.

The restrooms in even some of the city's most highly regarded public schools are in such poor shape that parents fear they are unhealthy for children, and educators say they are interfering with learning.

One of those schools is Horace Mann Elementary in well-to-do upper Northwest Washington, a school that has won awards from the U.S. Department of Education. Many days, second-grader Peter Joyce and his schoolmate Joe Takesuye won't use the boys' bathroom because of the filth and overpowering stench of urine. They hold it until they get home.

"The bathrooms really smell," said Peter, 7. "They are dirty. There's paper towels all over the floor, spitballs on the walls and the water from the sink is like, brown. It looks gross."

Horace Mann Principal Sheila Ford said she doesn't have the money to improve the 64-year-old building's plumbing. But she's looking for resources because the bathroom problem is spilling into her classrooms as the odors creep into her halls.

"When I need to use the lavatory and I'm away from one, my concentration is eliminated." Ford said. "It is the same for children."

Dirty, dilapidated school bathrooms are a problem in urban schools across the nation and are worsening as buildings age and resources for maintenance diminish, according to officials. Almost one-third of the nation's school buildings were built before World War II.

In a world where educational dollars are getting stretched ridiculously thin, bathrooms stand at the end of the line," said Michael Casserly, executive director of the Council of Great City Schools, which represents the nations largest school districts. "They've really fallen off the radar screen in terms of priority."

The bathroom problem, however, does not appear to be as serious in other school systems in the Washington area as it is in the District, according to parent activists in Fairfax, Montgomery and Prince George's countries.

Open the door to the only bathroom for 140 little boys in 127-year-old Stevens Elementary in downtown Washington, and the stench of urine is overwhelming. The dank bathroom with rusting, corroded pipes is in the basement, and the windows remain shut for security reasons.

"It kind of holds the odors in," said the school's new principal, Gloria Henderson, who has been trying unsuccessfully to have a hole cut in the wall and an exhaust fan installed.

The bathroom problem in D.C. schools is not all old age.

Parents and educators said that in many schools, clean , fully stocked and functioning bathrooms are simply not a priority in a school system saddled with other problems and budget woes. Hundreds of D.C. students still do not even have textbooks.

This fall, parents at Watkins Elementary School, on Capitol Hill, were stunned to discover there were no working sinks in the girls' or boys' bathrooms on the first, second and third floors, in some cases since last January, according to parent Samuel Brylawski.

"Here you have a school full of kids who don't wash their hands after they go to the bathroom," Brylawski said. "It took parents nine months to be informed. Fundamental sanitary practices were not a high priority."

Some repairs were made after Brylawski wrote a letter to the superintendent and the public health commission, he said.

Mary Levy, counsel to Parents United, a parents advocacy group, said the low priority for maintaining bathrooms reflects officials' lack of concern of children. "Every door should be taken off the stalls of the buildings with elected officials until they fix the doors for children," she said.

Bathroom water is the issue at Langdon Elementary School, in Northeast Washington. PTA president Vivian Whitaker said only cold water comes out of the bathroom sinks, and it's dirty brown.

"I wouldn't recommend the children wash their hands," Whitaker said.

School officials said it's hard to maintain heavily used bathrooms, especially when students dirty them or break equipment. Parents said students are less likely to violate clean, working restrooms.

At schools where bathroom repairs have been made, such as Wilson High School and J.F. Cook Elementary, it has made all the difference, they said.

Three years ago, D.C. public schools hired a consulting firm to study its buildings. The firm found serious problems in bathroom piping and toilets, including old sewage pipes rusted beyond repair, poor lighting and missing or defective toilet stalls and urinals.

In seven schools, the plumbing was called "hazardous." The plumbing system at Francis Junior High, with "extensive leaking and clogged pipes" was called "unacceptable." At Browne Junior High, the report called for "immediate replacement" of all the plumbing. As of July, 75 D.C. schools needed repairs, including new or fixed sinks, according to a school document. An additional 13 schools needed toilet partitions so students could use them with privacy.

At one on that list, Duke Ellington School of the Arts in Georgetown, student Zavi Ball, 16, described the bathrooms last week as "disgusting, horrible."

"There's never any paper towels or soap," she said. "There's no warm water to wash your hands. There's hardly ever toilet paper. There's dirty feminine products on the floor and roaches. Whenever guests come, they clean the bathrooms up. But when it's just us, they don't care. When I come to school at 8 in the morning, the bathroom is already dirty."

Facilities and Management Director William McAfee did not return phone calls. But school spokeswoman Beverly Lofton said building repair funds were very tight.

With a more than half-billion-dollar budget, the District spends $7,673 a year for each of its students, one of the highest per-pupil operating costs in the country. But most of the capital funds for building upkeep and repairs have been used for repairing fire hazards, Lofton said.

"We don't want our kids going to schools that don't have functioning bathrooms," Lofton said. "We want them to have the best of everything, including partitions and sinks that work. But there is a lack of capital money to repair everything that breaks when it happens.

"We do recognize we have problems with bathrooms in the school systems" she said. "Bathrooms are a priority for the coming year."

Principal Rosalie Huff of Anthony Bowen Elementary School, in Southwest, tired of waiting. When the school system hadn't replaced her broken toilets and missing partitions in 12 bathrooms by the beginning of this school year, she bought five new toilets and partitions herself.

"I had a situation that was really awful," Huff said. "It didn't allow any type of basic human dignity for the girls. You were just sitting out if you had to use the toilets."

Consumer advocate Ralph Nader wants the Appleseed Foundation, a public interest law center he helped create, to work to improve the District's school bathrooms. He got fired up about dirty, dysfunctional restrooms after listening to complaints from students at Alice Deal Junior High. "They said their bathrooms were filthy," Nader said. "There was no soap, no privacy and no toilet paper. And they said they held it. But the faculty restrooms were immaculate. It's so disgraceful."

A visit to Deal last week revealed boys' and girls' bathrooms missing doors on the stalls and partitions between toilets, sinks that don't work properly and boys' restrooms filled with an overwhelming stench. A school worker said the odor came from toilets that leak and sewage that sits in rusty, corroded pipes.

At Horace Mann, PTA president Jane Joyce said she was so fed up with the bathrooms that she raised the issue at the first parents meeting in September. About 30 parents volunteered to come in on a Saturday and scrub the floors, bring in toilet paper and make repairs.

That helped for a while. A few weeks ago, parent Joan Murray ventured into one of the school bathrooms to see if it really was as bad as her two children described.

"I wouldn't use it," Murray said. "It was more than horrendous. It was disgusting. There were paper towels everywhere, no flushed toilets and no soap. The water didn't come out of the spigots. And it smelled. I couldn't believe it was in the United States."•

AMBASSADOR JOSEPH VERNER REED'S ADDRESS TO INTERPARLIAMENTARY CONFERENCE

• Mr. PELL. Mr. President, in October, Ambassador Joseph Verner Reed represented U.N. Secretary General Boutros Boutros Ghali at the 94th Inter-Parliamentary Conference in Bucharest, Romania.

At the Conference, Ambassador Reed delivered an exceptional speech concerning the current financial crisis at the United Nations. As a longtime friend and supporter of the United Nations, I can think of no issue more important to the U.N.'s future. Moreover, the United Nation's fiscal health has critical implications for our own country's foreign and domestic agenda.

In his address, Ambassador Reed—formerly one of the United States' most accomplished diplomats and now a high-ranking U.N. official—made a compelling argument about the necessity for resolving this crisis. I commend the speech to my colleagues and ask that excerpts be printed in the RECORD.

The excerpts of the speech follows:

Mr. President, the fiftieth anniversary of the United Nations has arrived at one of the turning points in modern history.

The United Nations is the only machinery we have for collective cooperation among all Nations. It is the only global tool for promoting peace and security. It is the only worldwide institution for furthering development. It is the only universal mechanism for protecting human rights. It is the only shared framework for strengthening international law.

But today I feel compelled to share my distress with you on a subject which is unavoidable, the survival of the United Nations. For almost four years, we have tried to convince the governments of member states of the United Nations to pay their assessments on time. For four years we have warned of the financial consequences of the failure to pay assessments. We have argued, we have pleaded.

The organization has cut expenses. We have streamlined operations. We are working hard to reduce waste, duplication and overlap. Peace-keeping is expensive. The operation in the former Yugoslavia costs five million dollars per day.

In Every major statement and document of the Secretary-General, he has drawn attention to the financial crisis and proposed steps to remedy it. In meeting after meeting with foreign ministers and heads of state over these years, he has pleaded with them to address this deteriorating situation.

As of October 1995, 70 countries had not paid their regular budget assessment. Today, the United Nations is owed a total of $3.4 billion by its member states.

I appeal to you as parliamentarians to help me resolve this crisis. I ask you to try to convince your governments to pay their arrears, and to pay future contributions on time, and in full.

I make this appeal to you because the United Nations is your organization. I make this appeal here because without peace, and without the global efforts of peace, and without the global efforts of the United Nations, all your efforts for development will be to no avail.

The United Nations is not one of the luxuries of international life. The work of the United Nations is of vital, critical importance:

Saving children from starvation and disease.

Providing food, clothing and shelter for refugees.

Delivering humanitarian relief to devastated areas.

Working to stop the cycle of natural disasters in lands repeatedly afflicted by them.

Countering the new international threats of crimes, drugs, disease.

Defending human rights in individual cases as well as through international commitments.

Advising, training, monitoring and institution-building in countries seeking to democratize.

Maintaining ceasefires, preventing conflicts from erupting, peacemaking between adversaries and peace-building in devastated countries.

These activities are going on now. They are being conducted on the ground in locations all over the world. They are carried out by dedicated, hard-working national and international staff members.

The financial crisis is being felt on the frontlines of all these efforts. If emergency measures to restore the financial health are not taken quickly, human suffering will dramatically increase. People will die. The structural ability of the United Nations to continue this work will be damaged. It will not soon or easily be reconstructed, if ever.

Unless substantial assessment payments are received by the end of November 1995, the Secretary-General will have no choice but to request that an emergency special session of the United Nations General Assembly be convened immediately to consider the financial crisis—and future of the organization.

The financial crisis of the United Nations is now destroying its very foundations. We can no longer pretend otherwise. That is why we appeal today to you—the world's parliamentarians for assistance. You must be our voice. You must be our advocate. You must be the protectors of our common future.

Mr. President, this is an emergency—the Secretary-General and all of us in the secretariat believe that positive change can be achieved, and he is convinced that this change can be the vehicle for fulfilling the aims and aspirations of the charter. He is convinced that working together in partnership we can save succeeding generations from the scourge of war; we can enhance the dignity and worth of the human person; and we can promote social progress and better standards of life in larger freedom.•

POLLS GET IN THE WAY OF WASHINGTON'S WORK

Mr. SIMON. Mr. President, the Post and Courier, a Charleston South Carolina newspaper, recently had an op-ed piece by our colleague from South Carolina that is typical in its FRITZ HOLLINGS' bluntness, but also typical in its FRITZ HOLLINGS' wisdom.

Two points in his op-ed piece need to be stressed over and over again. One is that you cannot lead by taking polls.

You lead by studying the issues and having some conviction and doing something. Leadership that simply follows the polls is leadership in name only.

At all levels of government, we need much more leadership of conviction. If we believe we are going to satisfy the public and turn away their cynicism by some of the gimmicks that we use, we are only fooling ourselves. I agree with the limitations on lobbying and I favor a much improved system of financing political campaigns, but if these things happen but we continue to govern by polls rather than by looking at the national needs, we will get nowhere.

The second part of this statement is a recognition that we need to get additional revenue for the federal government.

He says accurately, "We have fiscal cancer and nobody wants to talk about it." He goes on and says bluntly, "To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases."

Our highways are deteriorating compared to those in Western Europe when not too many years ago it was the other way around.

We have a much higher percentage of our children living in poverty than any of the Western Europeans countries.

We are the only western industrialized country that doesn't protect all of our citizens with health care insurance.

These things take revenue, and people in this body and in the Administration ought to be talking much more candidly to the American public.

I commend our colleague, Senator HOLLINGS, for being blunt and telling us the truth in this article which I ask to be printed in full in the RECORD. The article follows:

[From the Post and Courier, Nov. 15, 1995]

POLLS GET IN THE WAY OF WASHINGTON'S WORK

(By Senator Ernest F. Hollings)

The silent scandal that permeates Washington is the pollster charade. As in Newsweek's Conventional Wisdom Watch, today's Washington is based on who's up and who's down in the polls. Everyone—the president, Congress and the media—participates. The result? Nothing gets done and no one really expects anything to get done. Meanwhile, the nation's real needs are ignored. There is no genuine plan to guide us. And plans to put us on a pay-as-you-go basis are simply pollster-driven budget schemes fashioned to get politicians past the next election.

John F. Kennedy started it all 35 years ago in West Virginia. Lou Harris' polls identified hot-button issues of concern and Jack Kennedy played them like a Stradivarius. Political polling immediately became the order of the day. Now even the media wittingly are the engines behind the oppressive reliance on polls. No longer do reporters bow to the who, what, where, when, how and why of fact and accuracy. Instead, they kowtow to pollsters to elicit pithy partisan responses that stem from polls.

The pollster begins each day with "divide and conquer." Voters immediately are divided into age, sex, race, education, working or retired, married or single, veteran or military, city, suburb or rural. No one is considered an American. They have to be Asian-American, African-American, Irish-American.

Division is the pollster mentality, but dissembling is the pollster's art. No pollster has served a day in office. But they'll tell you in a minute that you can't break the Sacred Code of the Pollster. If you want to get—and stay—in office:

Never take a firm position. If you do, you'll divide voters.

Favoring a proposition will put you at odds with those who oppose.

Opposing will separate you and those who favor.

To influence the most voters possible, firmly say that you're "concerned" about any issue so you appear understanding and appease both sides.

Aha! Now any way you slice it, you've identified with the voter. With this kind of soundbite mentality permeating the airwaves, it's easy to understand why there is no leadership in Washington.

Lee Atwater taught that negative politics is the positive path to political victory. As a result, one of the first "musts" for a candidate today is to order negative research on opponents—and himself. Why? To have a prepared answer for any past mistakes or inconsistencies and to be able to unload on an opponent at the end of the campaign when voters finally are interested and there's no time to respond.

Pollsters also teach both incumbents and challengers to preach change. That's why all candidates sound the same. Republicans and Democrats are all for cutting spending and against taxes; for prisons and against crime; for jobs and against welfare; for education and the environment. And, of course, everyone is for the family. With this emphasis on change and negative politics, the logic of the pollster paradigm is that government is the enemy and problem, not the solution. As such, everyone serving in government must be ousted. Thus, there's the cry for term limits.

The media's job is to expose this nonsense. But instead of living up to this responsibility, the media have joined the scam. They feast on polls and partisanship. Rather than reporting the news of the day, they make the news with their own polls. Questions by reporters don't delve into an issue but focus on the poll or partisan aspects of the issue. What they want is conflict.

These days, the pollster charade in the media continues with the ludicrous notion that spending cuts alone can eliminate the deficit. Or worse—that cutting taxes can eliminate the deficit. Nothing could be further from the truth. Since Ronald Reagan's "voodoo" that tax cuts could bring in more revenue and eliminate the deficit, the national debt quintupled from less that $1 trillion to almost $5 trillion. And instead of eliminating waste in government, we created the biggest waste of all—$348 billion a year in interest costs. Since we can't avoid paying interest costs, we borrow a billion dollars daily, which automatically increases spending a billion, increases the debt a billion and increases interest costs. Every day the cycle starts again.

Both President Clinton's and Speaker Gingrich's budget plans to get rid of this waste are mere ruses to get past next year's election. But Washington politicians figure—who cares? Who will be around seven years from now? And the media lets them get by with it. Our 1995 budget was $1.52 trillion. The 1996 Clinton budget is $1.63 trillion. The 1996 Gingrich congressional budget is $1.60 trillion. Both budgets increase spending. Neither keeps up with the $1 billion daily increase in the national debt. Over the seven years, spending exceeds revenues by more than $1 trillion. The media know this yet continue to report "a balanced budget by the year 2002."

Now comes the bogus proposal to balance the budget by reducing cost-of-living increases for Social Security and by raiding Medicare. By law, Social Security funds are in trust and are not to be used to offset the deficit. Similarly, the Medicare trust fund for hospital costs is in the black, but may go into the red by 2002. In other words, both Social Security and Medicare are paid for and in surplus. What is not paid for this minute is defense, education, farm subsidies, environmental protection, veterans' benefits, law enforcement—general government. We readily increase billions for defense and other programs but are unwilling to pay for it. Thus continues the borrowing, spending and downward spiral that increases the deficit. We have fiscal cancer and nobody wants to talk about it.

To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases. But proposals to do this go unreported. As such, the public believes spending cuts alone will do the job. And the media validate bogus plans to cut taxes as serious moves to balance the budget. That we really are broke is ignored.

Rather than being pollster pawns, the media should serve as an institutional memory to give up perspective. With the Cold War over, it's time to rebuild our economy. More than ever, a strong government is needed—for education, job training, research, housing, transportation, technical development and inner-city needs.

But the media treat government as the enemy.

In a silent conspiracy with pollsters and Washington politicians, the media masquerade opinion polls as fact and validate the politics that any tax increase is poison. All the time, the rebuilding of America goes wanting and neither the Clinton nor the Dole/Gingrich forces can talk sense. The train wreck is a media production.●

ORDER OF BUSINESS

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Colorado is recognized.

OUR TROOPS WILL SPEND CHRISTMAS IN BOSNIA

Mr. BROWN. Madam President, as I came over here tonight for the vote, I could feel the light snow and the chill of the wind. It made me think of the weather that the young men and women who we are sending to Bosnia will experience during their Christmas—the 19- and 20-year-old young men and women who love their country, and they will give their very lives if called upon to serve. They will spend this Christmas thousands of miles away from home, in the outskirts of Tuzla, Bosnia—and they will do it gladly.

In the idealism of youth, they will know that they are serving their country, and they will carry with it an enthusiasm that tells them they would do anything to serve this Nation and to preserve our freedom.

I cannot help but remember the words of a movie that perhaps some have forgotten, a movie that some of the critics laughed at. Sylvester Stallone played the part of a man trying to free POW's in Vietnam. When he came back from the mission that some of the leaders had tried to thwart, he was asked by his commanding colonel what in the world he wanted. The words he spoke in the movie were: "I want what every man who served in Vietnam wanted; I want my country to love me as much as I love my country."

Tonight we have decided to send young men and women into harm's way, and into a cause that is not clearly defined, and into a mission that is full of risk. But they will go, and they will go gladly. They will make us proud.

Madam President, that love of country and that willingness to serve, to go anywhere and do anything for us, deserves more than a casual commitment from the leaders in this country; it deserves leaders that love those men and women as much as they love us. It deserves a commitment from us that is comparable to theirs. It is a commitment we should not take lightly. We should not send young men and women to their death without being fully resolved that what they might die for is worth the price.

I do not believe that the mission that has been outlined is worth that price, and I do not believe that our leaders have that commitment. But the decision has been made. Those young men and women go with our prayers, and I will think of them this Christmas, away from home and facing what may be the saddest part of anyone's life—the chance of giving their lives for a mission that their country may not care about. That surely is the toughest burden that any young man or any young woman may ever have to face. I only pray, now that the decision is made and the troops are on the way, that we will not forget them, that we will stand beside them, that we will not deny them the weapons they need, that we will not refuse to go after the people who shoot after them, and that we will spare no effort.

My heart was filled with joy when I heard the reaction of the French President when the French pilots, who had been taken prisoner, were not returned. He made it very clear that France would not accept their men not being returned in any way, or under any circumstances. Because he stood firm, those boys were returned. He stood up for his troops and he stood beside them.

I only pray that this Nation will have the courage to do as much for those young men and women whose lives we put on the line.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

SENDING TROOPS TO BOSNIA IS A MISTAKE

Mr. PRESSLER. Madam President, I would like to say that I feel very strongly that the basic decision to send troops to Bosnia, under the circumstances, is a mistake. I voted today for the Hutchison resolution, and I did so as a Vietnam veteran, as one who served in the Army in Vietnam. I feel strongly that we have made a mistake by sending troops to Bosnia.

Certainly, all of us want our troops to be well cared for and well equipped, but I oppose the basic decision to send troops there. Indeed, from my State, in the National Guard callup, 1 of 8 people who have been called up so far, probably to go to Bosnia, is a nephew of mine. And he will willingly serve his country, just as I did. But I disagree with the basic decision to send troops there and have so voted today.

Those were not easy votes, and I feel that the last vote was more or less papering over the whole decision, so I voted against that resolution. I feel very strongly, and my constituents feel, that we are engaging in an adventure from which we will not be able to get out of easy, and if we do get out of it, it will be with a large foreign aid bill.

There has been fighting in that country since the 15th century, and it has continued largely because foreign armies have come every time they have had a civil war, and it has never been resolved. That will probably be the case again.

So, Madam President, I wish to state that, certainly, we all care a great deal for our troops. One of them is going to be my nephew. I make my decision based on experience as a lieutenant in the Army in Vietnam. I just do not think this will work. That is the reason I voted as I did today.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1977

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 1977, the Interior appropriations bill, that it be considered under the following time limitation: There be 6 hours for debate on the conference report, with 3 hours under the control of Senator GORTON or his designee, and 3 hours under the control of Senators BUMPERS and BRADLEY or their designees with 20 minutes of Senator GORTON's time under the control of Senator BYRD; that when the time is used or yielded back, the Senate proceed to vote on adoption of the conference report with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION OF ENROLLMENT OF S. 1060

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 116 that has just been received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060.

The PRESIDING OFFICER. Is there objection to proceeding to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3098

(Purpose: To add a technical correction)

Mr. BROWN. Madam President, I send an amendment to the desk on behalf of Senators SIMPSON and CRAIG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] for Mr. SIMPSON, for himself, and Mr. CRAIG, proposes an amendment numbered 3098.

Mr. BROWN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, after line 10, insert the following:

(7) In section 18, strike "contract, loan, or any other form" and insert "or loan".

(8) In section 12(b)(1), strike "7" and insert "6".

Mr. SIMPSON. Madam President, I rise, along with Senator CRAIG, to offer an amendment to H.Con.Res. 116, the resolution to make technical corrections to the recently-passed lobbying reform legislation, S. 1060. We understand that our amendment is acceptable to the managers of the lobbying reform legislation, Senators LEVIN and COHEN, and we are grateful to each of them for their cooperation.

In explaining our technical amendment, we note that three versions of the Simpson-Craig lobbying reform amendment have passed the Senate. The first was our amendment to S. 1060, banning all forms of Federal fund transfers, including contracts, to organizations described in Internal Revenue Code section 501(c)(4) who also engage in lobbying activities. Part of the rationale for this amendment was that those organizations should not simultaneously enjoy the benefits of exemption from taxation, unlimited expenditures on lobbying, and Federal funding support.

However, learning of a quirk in the legislative history of 501(c)(4) organizations, we found that many insurance companies are still technically organized as 501(c)(4) organizations, even though they are now fully taxable. Many of these, along with other health care providers that are also 501(c)(4) organizations, handle Federal contracts under Medicare, the Federal employees health system, and CHAMPUS. We believe that our colleagues would concur that such groups lie outside the scope of the intended reach of a cutoff of grant money to organizations which enjoy the benefits of 501(c)(4) status.

It is for this reason that we redrafted our amendment, during consideration of the Treasury-Postal appropriations bill, to correct for this and to exclude contracts from the prohibition on Federal funding assistance. That amendment passed the Senate by voice vote on July 24 of this year.

The third version of this provision to pass the Senate was included in a broader version of grants reform, which was the Simpson-Craig amendment to the provision authored by Representatives ISTOOK, MCINTOSH, and EHRLICH that the House had included in House Joint Resolution 115, the second FY 1996 continuing resolution. In the language in that amendment affecting 501(c)(4) organizations, we also took out the ban on contracts and other forms of funding, other than grants.

Mr. CRAIG. Senator SIMPSON has pointed out the important fact that versions of the Simpson-Craig lobbying reform amendment have been approved by the Senate three times this year. I commend Senator SIMPSON on his leadership in this area and am happy that the Simpson-Craig amendment, along with the rest of the lobbying reform bill, is on the verge of being signed into law.

The first version of our amendment, added to S. 1060, had a scope and impact on some insurance and health care providers, uniquely classified as 501(c)(4) organizations, that the authors and the Senate never intended. This problem was corrected in the second and third versions of the Simpson-Craig amendment. Therefore, the Senate twice approved the very change in our 501(c)(4) organizations language that we are proposing again today.

For reasons totally unrelated to this change, the House of Representatives struck the second and third, perfected, Simpson-Craig lobbying reform amendments from the Treasury-Postal bill and the continuing resolution. The House was seeking, instead, to promote its broader Istook-McIntosh-Ehrlich language. However, even in that House language, 501(c)(4) organizations were never barred from receiving contracts.

So, Madam President, the intent of the Senate is clear throughout the evolution of floor votes on three bills, and the intent of the House is clear in two floor votes on a related provision. Neither body intends that all 501(c)(4) organizations who lobby should be barred from receiving Federal contracts. But because the earliest version of either body's position on lobbying and grant reform was the one preserved in S. 1060 as cleared by the House, the clear intent of both bodies on 501(c)(4) organizations is not reflected in that bill.

That is all we are proposing in our technical amendment today, that this technical corrections resolution adjust S. 1060 to reflect the clear intent of both the Senate and the House, as expressed in the relevant votes taken in both bodies.

Mr. SIMPSON. The Senator from Idaho [Mr. CRAIG] is correct. While we are pleased that the House passed lobbying reform legislation with the original Simpson-Craig language intact, we also believe that Congress would want to take the opportunity, in the form of this technical corrections resolution, to acknowledge the unique status of certain 501(c)(4) organizations, as we did in our redrafted amendment to the Treasury-Postal appropriations bill and the second continuing resolution. We therefore submit our amendment to eliminate the terms "contracts" and "any other form" to the Senate, trusting that the correcting language will more closely conform to the intentions of the Congress in passing our original amendment.

Mr. CRAIG. There is one additional provision in our amendment, at the request of the bill's managers, to simplify and expedite the process of handling this resolution. This provision would correct, in section 12(b)(1) of the bill, a cross-reference to the definition for representation of a foreign entity. This same change was already made in section 12(c), and the change in section 12(b)(1) simply makes it consistent and correct, clerically.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3098) was agreed to.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be considered and agreed to, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 116), as amended, was agreed to.

CORRECTION OF ENROLLMENT OF S. 1060

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 36, a concurrent resolution introduced earlier today by Senator LEVIN; that the resolution be read and adopted; that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 36) was agreed to, as follows:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike "6" and insert "7".

(2) In section 9(7), insert "and" after the semicolon, in section 9(8), strike "; and" and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike "7" and insert "6".

(4) In section 15(a)(2), strike "8" and insert "7".

(5) In section 15(b)(1), strike ", 5(a)(2)," and in section 15(b)(2), strike "8" and insert "7".

(6) In section 24(b), strike "13, 14, 15, and 16" and insert "9, 10, 11, and 12".

(7) In section 12(b)(1), strike "7" and insert in lieu thereof "6".

AMENDING THE CLEAN AIR ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 325 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Madam President, H.R. 325 is a short, simple bill that seeks to maintain our clean air standards while giving States greater flexibility in how they achieve them. It does this by removing the requirement that the 14 cities in 11 States with severely polluted air devise a program to reduce work-related travel by employees. But the bill reaffirms that those cities must still meet the health-based air quality standards contained in the Clean Air Act. Thus, these cities can now develop alternative methods to achieve the goal of cleaner, healthier air.

This is a narrow bill that responds to a particular problem by granting States greater flexibility while, at the same time, maintaining progress toward improving our Nation's air quality. I support both those efforts. Over the years we have learned that clean air will not be ours without careful vigilance.

There are some in Congress who would turn back the clock on our efforts to protect air quality. Those same people say we have gone overboard. That the health-based standards contained in the Clean Air Act are too difficult to achieve. That the time has come when we must relax the laws and regulations that have been responsible for improving our air quality.

Well, I disagree. And the American people disagree. The Clean Air Act has successfully delivered on its promises. Let me cite some examples.

In the 5 years since passage of the Clean Air Act Amendments of 1990, over half of the cities that did not then meet the air quality standard for urban smog now meet that standard.

Over three-quarters of the cities that did not meet the air quality standard for carbon monoxide in 1990 now meet that standard.

Emissions of toxic air pollutants have been reduced by 1.6 billion pounds per year, more than six times the reductions achieved in the first 20 years under the original Clean Air Act.

Sulphur dioxide emissions, the principal cause of acid rain, have been reduced by 2.6 million tons since 1990.

And U.S. production of chemicals that deplete the stratospheric ozone layer has been reduced by over 90 percent since 1990.

Despite these successes, we cannot rest on them. Nearly two-thirds of American sampled in a poll this past summer believed that our current air pollution control laws are not strict enough.

So we must not weaken our resolve to achieve clean air. Nor can we put the special interests of some ahead of the public interest. Where we can work together to develop better, more efficient and more effective ways of achieving our environmental goals, we should. That is what this bill does, and it is why I support it. But where there are efforts to roll back our standards, to weaken the protection of human health and the environment, then we must stand firm against such changes.

Mr. SANTORUM. Madam President, I rise to support the passage of H.R. 325, which was received from the House of Representatives this afternoon. As the original Senate sponsor of this bipartisan legislation, I commend the distinguished chairman of the Environment and Public Works Committee for his support and prompt assistance in obtaining unanimous consent to take up and pass this measure.

H.R. 325 repeals a costly and bureaucratic mandate, known as the Employee Trip Reduction Program [ETRP], which was imposed as part of the Clean Air Act Amendments of 1990. Under the law, States are responsible for establishing the program in regions considered to be in severe nonattainment for certain air pollutants. Individual employers in these areas must develop plans to show how their employees will curb automobile use. Although this program was initially viewed as a means of encouraging ridesharing and mass transportation in areas with severe air quality problems, it has proven very complicated and expensive to implement.

Some studies have set the cost of ETRP as high as $1,000 per employee annually, and the Environmental Protection Agency projected that it might cost employers $1.2 to $1.4 billion nationwide. When Congressional Research Service looked at this requirement, the report's authors estimated that ETRP would only reduce volatile organic compounds by 0.5 to 0.8 percent over current levels. Moreover, the failure to establish a plan and ensure employee compliance could expose businesses to fines as high as $25,000 per day.

Although I have serious questions about whether ETRP can be implemented successfully, I must stress that this legislation does not remove the trip reduction program from the Clean Air Act entirely. Instead, it replaces the law's one-size-fits-all mandate with language making this program voluntary. In crafting this legislation, it was our specific goal to leave the trip reduction program in place as a tool for States to use in meeting their overall air quality goals. In this way, it would leave States the option of electing a car-pooling program when, and where, it will have the greatest benefits.

The measure was further amended in the House Commerce Committee to make clear that states will still be responsible for achieving the pollution reductions allotted for the ETRP program, and I believe that this change will help to ensure that the environmental objectives of the Clean Air Act are not weakened.

The need for this measure is clear. In the Philadelphia metropolitan area, the looming threat of a forced car pooling program earlier this year sent hundreds of employers scrambling to establish ride-sharing programs. For some firms in the Center City area where mass transportation options are prevalent, such plans could be set up easily. Many companies in the surrounding counties or employers with irregular shifts, however, found that they could not meet the law's requirements without taking costly and extraordinary steps to restructure work schedules.

Thankfully, both the EPA and the Commonwealth of Pennsylvania shelved plans for implementing the ETRP before the law was to take effect. Nevertheless, the law itself has remained in place, exposing all involved to the possibility of legal action to enforce its requirements. Twice this year, Congress has passed legislation containing a prohibition on enforcement of the ETRP. By passing H.R. 325, we will achieve a small measure of common sense regulatory relief and finally close the books on this unnecessary mandate once and for all.

Again, I thank the chairman for his support of H.R. 325, and I look forward to seeing this measure signed into law quickly.

Mr. CHAFEE. Madam President, H.R. 325 makes amendments to the Clean Air Act to fix a provision that has not worked. The 1990 Amendments required each State with a severe ozone nonattainment problem to adopt measures that would increase vehicle occupancy rates during the rush hour. Businesses and other organizations employing more than 100 people in nine major metropolitan regions were expected to encourage carpooling and the use of mass transit to reduce the number of vehicles travleing to and from work each day.

This provision of the 1990 Amendments was modeled on a program that was being implemented in Los Angeles. As more and more employers have relocated to the deep suburbs where mass transit is impractical and have built large parking facilities for their workers, metropolitan areas have experienced a dramatic increase in the number of cars on the road and the distances that commuters travel to their jobs. This increase in trips and miles traveled has, to some extent, offset dramatic gains in emissions reduction that have been achieved through catalytic converters and other pollution control devices on automobiles. The employer trip reduction program was intended to address this troublesome side of the air quality problem.

But evidence accumulated since the 1990 Amendments were enacted indicates that ridesharing programs are not a cost-effective option in the short-term to control air pollution. The effort necessary to convince commuters to get out of their cars and into carpools or buses or trains is quite expensive compared to other steps that would achieve the same emissions reductions in the short-term. It may be that over a very long period, a requirement like this would convince major employers to make locational decisions that encourage the use of transit and other ridesharing options. But in the short-run, the emissions reductions achieved do not justify the great difficulties that would be experienced by the States and by employers to carry out the trip reduction program.

This requirement of the 1990 Clean Air Act Amendments has engendered much opposition in the legislatures of the several States that are subject to. EPA made it clear earlier this year that the Agency would not aggressively enforce the requirements. And even in Los Angeles, the program that served as a model for the 1990 federal program has been discontinued. All seem to agree that this is a measure that should not be mandated.

H.R. 325 does not entirely repeal the employer trip reduction program. It makes it voluntary with the States. It will remain as potential avenue for emissions reductions for the States that choose to use it. And the bill does not rollback the Clean Air Act in any sense. All States will continue to bear an obligation to achieve healthy air quality by the same deadlines that are currently in the law. The bill makes clear that States that choose not to carry out the trip reduction program must find equivalent emissions reductions from other sources.

Madam President, we have a responsibility to act quickly to fix Federal programs, such as this one, that have proved unworkable. So, I have urged that the Senate act on this bill immediately and send it to the President without further delay. I would note that the National Highway System bill that the President recently signed corrected problems with EPA regulations for the vehicle inspection and maintenance program under the Clean Air Act. Where legitimate problems with implementation of the Clean Air Act have been discovered, we are moving to correct them.

Mr. BROWN. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 325) was ordered to a third reading, was read the third time, and passed.

ROOSEVELT HISTORY MONTH

Mr. BROWN. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 75, a resolution proclaiming October 1996 as "Roosevelt History Month," and that the Senate proceed to its immediate consideration, that the resolution and preamble be agreed to en bloc, and that the motion to reconsider be laid on the table, that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas January 30, 1995, is the 113th anniversary of the birth of President Franklin Delano Roosevelt in Hyde Park, New York;

Whereas almost a half-century after the death of President Roosevelt, his legacy remains central to the public life of the Nation;

Whereas before becoming President of the United States, Franklin Delano Roosevelt served in the New York State Senate and later was appointed Assistant Secretary of the Navy, and in 1928 became Governor of New York;

Whereas as President of the United States between 1933 and 1945, Franklin Delano Roosevelt guided the Nation through two of the greatest crises of the twentieth century, the Great Depression and the Second World War, and in so doing, changed the course of American politics;

Whereas a memorial in stone in the District of Columbia will soon be dedicated to his memory, as authorized by Congress in 1955; and

Whereas a month commemorating the history of Franklin Delano Roosevelt would complement the dedication of the memorial: Now, therefore, be it

Resolved, That October, 1996, should be designated "Roosevelt History Month". The President is requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

TITLE 18 UNIFORMITY ACT

Mr. BROWN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 242, S. 1331.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1331) to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title 18 Uniformity Act of 1995".

SEC. 2. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are amended by striking "$100" each place it appears and inserting "$1,000".

(b) Section 510 of title 18, United States Code, is amended by striking "$500" and inserting "$1,000".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to sentences imposed on or after the date of enactment of this Act.

Mr. BROWN. I ask unanimous consent the committee amendment be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE NEXT PANCHEN LAMA

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 266, S. J. Res. 43.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 43) expressing the sense of the Congress regarding Wei Jingsheng; Gudhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

The PRESIDING OFFICER. Is there objection, to the immediate consideration of the joint resolution?

There being no objection the Senate proceeded to consider the bill.

Mr. HELMS. Madam President, citizens all over the world are protesting—and after all major Western countries have complained to the Chinese Government—about the mistreatment of a courageous Chinese citizen named Wei Jingsheng because Wei has spent most of his life trying to bring democracy and decent human rights to his 1.2 billion fellow Chinese citizens.

In return, the Chinese Government has sentenced him to another 14 years in a jail after a trial that lasted 6 hours and to which no officials representing the United States Government were allowed to attend.

The Wei Jingsheng trial follows on the heels of last week's Communist Chinese Government's announcement that for the first time in Tibetan history, Red China has selected a successor to the Panchen Lama, the second highest-ranking official in Tibetan Buddhism, His Holiness the Dalai Lama being the No. 1, of course.

Madam President, these significant events deserve the attention of all Americans and other citizens around the world. Senate Joint Resolution 43 is a sense-of-the-Congress resolution objecting to the treatment of Wei Jingsheng, who, by the way, is known as the father of democracy in China. Senate Joint Resolution 43 expresses regret concerning the Chinese Government's decision to name its own Panchen Lama of Tibet for the first time in Tibetan history. The resolution calls upon the United States Government to sponsor, and aggressively push for, passage of a resolution at next spring's meeting of the U.N. Human Rights Commission condemning Red China's human rights record.

In drafting this resolution, I decided that it is important to highlight both the plight of Wei Jingsheng and the Chinese Government's invasion into the religious freedoms of the Tibetan people. Both issues—religious freedom and political freedom—are human rights issues and should therefore be linked.

This is not the first linkage of these two issues. In fact, when President Clinton and Jiang Zemin met in New York, it was emphasized to the Chinese leader that it is imperative for China to make progress on these two human rights issues. In fact, at that meeting, the Chinese were requested to give special attention to the fate of Wei Jingsheng, and of other political prisoners.

Did the Chinese believe that charging Wei Jingsheng with attempting to overthrow the government and sentencing him to 14 years in jail was what was when the United States specified special attention? Of course not; the Chinese actions are mere examples of the in-your-face attitude of the Beijing government.

Madam President, Senate passage of this resolution is vital. If the Senate fails to make a clear definitive statement protesting these actions, the Chinese will decide that the American people don't care.

That, of course, is simply not the case. If the U.S. Congress does not act now on Wei Jingsheng's behalf, we will be forfeiting the opportunity to make a difference.

I further understand the Clinton administration is to decide in the near future, whether the United States should support a China human rights resolution at the next meeting of the U.N. Human Rights Commission in Geneva. We have supported a China/human rights resolution for the past 3 years.

This year should not be different. I encourage the President to think long and hard about that decision. President Clinton has said over and over that the best way to pressure the Chinese on human rights issues is to pursue them in international arenas. The U.N. Human Rights Commission is an opportunity that should not be missed.

Some Senators maintain that quiet diplomacy will work better than a congressional resolution. I differ. Since July, the United States Congress, and effectively the United States Government, have engaged in quiet diplomacy and has shied away from strong statements about events in China. Look where those efforts have gotten us on issues about which we care deeply.

That brave young man fighting for democracy in Communist China and that poor 6-year-old boy and his parents who have disappeared because he was chosen as the next Panchen Lama of Tibet need our help.

I encourage Senators to support this resolution and say a prayer for all Chinese citizens who one day could be mistreated just as these young men have been.

Mr. THOMAS. Madam President, on Monday the distinguished chairman of the Foreign Relations Committee introduced Senate Joint Resolution 43 relative to two recent moves by the central government in the People's Republic of China which are of great concern to me as the chairman of the Subcommittee on East Asian and Pacific Affairs: the formal charging and trial yesterday of Chinese human rights activist Wei Jingsheng, and the selection by the central authorities in Beijing of a new Panchen Lama. I am an original cosponsor of that legislation, and rise today to express my full support for it.

Wei Jingsheng is known as the father of the PRC's modern democracy movement, and has spent a good deal of his adult life in prison as a result of his beliefs. Wei was first arrested in the spring of 1979 for allegedly "providing foreigners with confidential military information and engaging in activities which pose a threat to state security and designed to overthrow state power;" the fact that the "secrets" had been previously published in a widely-circulated government journal was apparently seen as immaterial. His true offense was participating in the "Democracy Wall Movement" by penning a work entitled "Diwu Xiandaihua—The Fifth Modernization." That piece argued that the Communist Party's "Four Modernizations" program—to modernize industry, agriculture, science/technology, and the armed forces—would be incomplete without a "fifth modernization:" democracy. In addition, he had circulated an article warning that Deng Xiaoping was developing Mao-like dictatorial tendencies. For this, he was sentenced to a loss of political rights for 3 years and 15 years in prison of which he served 14½ years.

As part of its bid to host the 2000 Olympics, the PRC released a number of political prisoners in a quid pro quo attempt to influence the choice of the selection committee. As a result, Wei was paroled in September 1993 but was kept under constant surveillance since that time. Upon his release he resumed his prodemocracy activities, writing articles and speaking with foreign journalists and government officials in support of democracy in China.

On April 1, 1994, just a few weeks after he had met with Assistant Secretary of State John Shattuck to discuss human rights in the PRC, Wei vanished. While it was known at the time that he had been arrested, no warrant had been issued for his arrest; no formal charges were instituted against him; members of his family were never notified of his arrest or subsequent whereabouts, and the authorities would not even confirm he was being held. Inquires as to his status from organizations and leaders outside of China were rebuffed.

On November 21, of this year, 20 months after first being arrested and held without charge, the Xinhua News Agency announced that Wei was being formally charged with "activities to overthrow the government." Although the exact nature of his "crimes" was left nebulous, the charge carries the death penalty in the PRC. The PRC, which seems to have learned a thing or two about public relations over the years, conveniently timed the announcement to occur after the completion of the recent APEC meetings in Osaka, Japan, and after the announcement of the 1995 Nobel Peace Prize for which Wei had been nominated; both events would have provided an uncomfortable forum for international criticism of the charges. Instead, they have until the next meeting of the U.N. Human Rights Commission in Geneva next March to try and convict Wei and the hope that any international uproar will die down.

A Xinhua report this last Sunday noted that Wei's trial would begin today (late yesterday, Beijing time) in the Beijing Intermediate People's Court. As of 48 hours before the trial was scheduled to begin, Wei's attorney—Zhang Sishi—had still not received written notice of the charges against his client, nor had he been allowed to meet with him. Although it has been announced that the trial will be—somewhat uncharacteristically—"open," that means only that some of Wei's family members may be allowed to attend along with other individuals picked by the government. Late yesterday, after a 6-hour trial, Wei was sentenced to a 14 year term of imprisonment.

I am deeply concerned with the use of the Chinese criminal code to silence those who peacefully advocate democratization and who exercise their rights to free speech. I am equally worried by the response, or should I say lack of response, from the Clinton administration. Candidate Clinton was long on talk about Republicans "coddling dictators," and how he would make human rights the foundation of his foreign policy. But as we have seen with so many other issues, he apparently did not mean what he said; as far as I can tell, that foundation is cracked. The Clinton administration has been slowly ceding ground on this issue with the Chinese since he took office. Instead of high-level reactions to the Wei arrest and trial, I have seen only low-level, lukewarm, noncommittal expressions of concern from Foggy Bottom.

In 1986, in a speech urging his fellow party leaders to take a hard-line on domestic critics of the government, Deng Xiaoping used Wei as an example:

> Didn't we arrest Wei Jingsheng? We arrested him and have not let him go, yet China's image has not suffered.

Whether Wei's predicament is to be a bargaining tool for the March U.N. meeting, or signals a shift towards the conservatives in the party hierarchy, President Clinton's lack of response at this time can only embolden China, and place at risk the freedom of others in the democracy movement such as student leader Wang Dan, activist Li Guotao, trade unionist Liu Nianchun, academician Yuan Hongbing and religious activist Xiao Biguang. All have disappeared in the last 2 years.

Turning to the issue of the Panchen Lama, it is a central belief in Tibetan Buddhism that certain deities take human form in the bodies of important lamas to lead believers toward enlightenment. It is believed that the souls of these lamas are reborn shortly after their deaths into the bodies of newborn infants in order to continue their task on earth. Known generically as tulku, the two most important of these lamas are the Dalai Lama, the temporal and spiritual head of Tibet, and the Panchen Lama. The Panchen Lama is believed to be a reincarnation of the Buddha Amitabha, the Buddha of Infinite Light. Because he wields the highest temporal as well as spiritual authority, the Dalai Lama is considered preeminent to the Panchen in the lamaist hierarchy.

Since the occupation of Tibet beginning in the late 1940's, the Chinese have sought to coopt the Panchen Lama in an attempt to counter the role and authority of the Dalai Lama. When the Chinese invaded Tibet and overthrew the legitimate government, the Dalai Lama fled to northern India where he established a Tibetan government-in-exile. The 10th Panchen Lama remained behind however, effectively becoming over the years the Vidkun Quisling of Tibet, assisting the Chinese in the "peaceful liberation" of Tibet. As reported in the November 11 edition of Xzang Ribao:

> In March 1959, Tibet's upper-level reactionary clique launched a counter-revolutionary armed revolt in a vain attempt to undermine the motherland's unification. Great Master Panchen [the Panchen Lama] immediately cabled Chairman Mao and Premier Zhou [Enlai] to express his support for the State Council's order to dissolve the Tibetan local government and to quell the rebellion. At a rally held by people of all circles of Xigaze [Shigatse], he urged all monks, ordinary people, and patriotic people of Tibet to clearly distinguish right from wrong and good from evil, to draw a clear line between them and the reactionary clique, and, under the party's leadership, to unite in resolutely assisting the People's Liberation Army to quell the rebellion. Since September 1987, a small number of separatist elements have created disturbances and made troubles in Lhasa, but the Great Master Panchen always maintained a firm stand, held high the banner of patriotism, and unequivocally and resolutely upheld the motherland's unification and national unity.

He became a member of the Chinese-installed Communist government, and regularly called on Tibetans to submit to the new order. In frequent statements he praised the new Communist government, and over the years gave legitimacy to the Chinese occupation. Although he apparently had a change of heart at the beginning of the Cultural Revolution, for which he was jailed for nearly a decade, after his rehabilitation in 1978 he continued to refuse to back calls for Tibetan independence.

Since the death of the Panchen Lama in January 1989, observers have expected a clash between the Tibetans and the Chinese over the choice of the lama's reincarnation. The reason is simple: this conflict is not simply some arcane religious tussle, but is part of the ongoing collision of interests over who really rules Tibet. For the first time, the Chinese were presented with the opportunity of hand-picking and shaping in their own political image from his youth a traditional leader of the Tibetan people. With the prospect of grooming a credible and more compliant alternative leader for the Tibetan people, few believed that the Chinese would acquiesce to the rightful authority of the Dalai Lama and Tibetan Buddhist hierarchy in the choice.

Soon after the Panchen's death, negotiations took place between the central government and the group charged with searching for his reincarnation, the monks of Tashilhunpo—"Mass of Glory"—Monastery in Shigatse, the traditional seat of the Panchen Lama. The compromise reached provided that the monks would look for the reincarnate lama only in China and Tibet, thus precluding a candidate being found among the Dalai Lama's Tibetan supporters in exile in India. In return, the monks were promised that they could use traditional procedures to select the reborn lama.

A committee of monks from the Tashilhunpo began to search for the reincarnate lama by consulting religious oracles and searching for omens in the reflective waters of a lake high in the Himalayas. The committee then visited children in villages around the country who were reported to have certain physical and mental indications of being reincarnate. The committee spent more than 5 years examining various candidates. As they finalized their choice, to the chagrin of the authorities in Beijing word was leaked from the search committee to the Dalai Lama of the identity of the candidates. This allowed the Dalai Lama, who the Chinese for the first time had excluded from his traditional role in the process, to act preemptively and announce on May 14 that the search committee had found the reincarnation of the Panchen Lama in the person of 6-year-old Gedhum Chökyi Nyima in the Tibetan village of Nagchu, Lhari District, north of Lhasa.

Their loss of control over the process infuriated the Chinese, who denounced the proclamation in predictably Communist rhetoric. The government press labelled the Dalai Lama's action "splittist" and "illegal and invalid," and condemned him for "his vicious intention of disrupting Tibet's stability and undermining China's national unity through religious means."

Having been beaten to the punch by the Dalai Lama, the Chinese government attempted to regain the initiative. The Dalai Lama's candidate disappeared, and is said by authoritative sources to be held under house arrest in Beijing with his parents. Moreover, the Chinese launched an unprecedented media campaign to discredit the Dalai Lama and his choice, and to justify their brazen interference in the selection process. The complete irony of a secular atheist Communist government completely usurping such a purely religious issue as the choice of a reincarnated soul should be lost on no one. The Chinese have spent years attempting to destroy Tibetan Buddhism as a remnant of the "feudal, oppressive past," and as a competitor to Communism; it is, after all, a central tenant of Marxist-Leninist thought that religion is the opiate of the masses. Thousands of Buddhist monks and nuns have been arrested and imprisoned since the annexation of Tibet; thousands of monasteries and temples have been destroyed, and countless works of religious devotion such as statues have been melted down or shipped out of the country. Yet the government in Beijing has devoted a significant amount of press and other resources to the reincarnation question. The cover and many of the articles in a recent issue of the Beijing Review were devoted to it; countless articles have appeared in official party newspapers such as Rénmín Ríbáo. For example, for over a week the front page of the party daily in Tibet, Xźáng Ríbáo, carried a lengthy and detailed series called "Questions and Answers Regarding the Reincarnated Child of the 10th Panchen."

The attacks have extended to the Dalai Lama himself. For example, a four-part series on Lhasa Tibet People's Radio Network broadcast over a period of 4 days vilified His Holiness and exposed his so-called "crimes." He has suffered similar attacks from Gyatsen Norbu, the Chairman of the Tibet Autonomous Regional People's Government, the Communist-controlled Executive Council of the Buddhist Association of China, and Pagbalha Geleg Namgyai, Chairman of the Tibet Autonomous Region Chinese People's Political Consultative Conference. The official media have also done everything to slander and tarnish the Dalai Lama's choice for Panchen, including accusing the boy's parents of having bad reputations among their neighbors, and the boy of killing a dog by drowning it—an thoroughly un-Buddhist act.

The amount of coverage the issue has received in the communist media has reached the point of overkill, even for the Chinese press, and has risen to the level that it indicates that the government in Beijing believes that if they repeat something enough it will eventually become the truth. I am reminded of the line from Act III of Shakespeare's "Hamlet", which I paraphrase: "The government doth protest too much, methinks."

Coincident with the increase of official propaganda, the Chinese continued to try to regain control of the process.

In September the Chinese ousted Chadrel Rinpoche—the head abbot of the Tashilhunpo Monastery and head of the search committee—and replaced him with their own candidate, Sengchen Lobsang Gyatsen. Chadrel Rinpoche is believed to be in detention with several other noncompliant monks from the monastery. Three new names for finalists —Gyaltsen Norbu of Nagchu, Tsering Wangdu of Nagchu, and Ngawang Namdrol of Lhasa—were then identified by the Chinese government, which announced that the finalist would be chosen by drawing lots from a golden urn, a procedure used once in 1792 by a Qing dynasty emperor. Chinese television showed State President Jiang Zemin meeting with the monks remaining on the committee, urging them to complete their work as soon as possible in order to "ensure stable development in Tibet."

On November 6, the Chinese government convened a meeting of senior lamas at the Jingxi Guest House in Beijing to finalize the selection process. On November 10, Li Ruihuan, a member of the Standing Committee of the Central Political Bureau and Chairman of the National Committee of the Chinese People's Consultative Conference, addressed the meeting and gave it its marching orders. At the end of November, the Chinese chose 6-year-old Gyaltsen Norbu as the 11th Panchen Lama; he was enthroned in Lhasa on December 8. In its haste to put the official imprimatur on the child, the Chinese brushed aside the several years of monastic training usually afforded a candidate before his enthronement. Senior monks were required to attend the ceremony at Lhasa's Jokhang Cathedral, and those supportive of the Dalai Lama and feigning illness in order to avoid attendance were warned on the consequences of such action. State Councilor Li Tieying oversaw the ceremony, delivering a message from Jiang Zemin for the boy to "safeguard the motherland and work in the interests of the people." In reply, the boy reportedly responded by "express[ing] his gratitude to the central government, President Jiang Zemin, Premier Li Peng, and representatives of the State Council * * * and saying that he loves the motherland [China] and the Tibetan religion."

The blatant interference in a purely religious Tibetan affair is of great concern. Without getting bogged down in a detailed and somewhat esoteric discussion of the historical precedents, let me just outline some of the objections to the Chinese position. First, it completely ignores the Dalai Lama's centuries-old right to participate actively in the choice of the Panchen Lama. By eschewing the Dalai Lama's traditional role, the Chinese are completely flouting the historical precedent they claim they are upholding. The confirmation of either the Dalai or Panchen Lama is not complete until mutually recognized by the other. Chinese scholars, whom the government is so fond of quoting, have previously reiterated this requirement. For example, Ya Hanzhang, in his Biographies of the Tibetan Leaders Panchen Erdeni, wrote:

> By Tibetan tradition a reincarnation of the Panchen could not be religiously legal without the Dalai's recognition, and the same was the case with the Dalai.

Thus, the exclusion of the Dalai Lama renders the validity of Beijing's choice void ab initio.

Second, for the first time in history it puts the Chinese government in the place of the Dalai Lama. In the past, Beijing's role was one limited to nominal approval of the selection already made by the Tibetans. There existed a unique relationship between the high lamas of Tibet and the Chinese imperial court; it was called "priest-patron." The Chinese emperors looked to the lamas as spiritual advisers. In return for that advice, the Chinese offered gifts to the high lamas and military protection to the region. Therefore, any involvement by the Chinese in the choice of a Dalai or Panchen Lama during the Qing dynasty, under Emperors such as Kangxi and Qianlong, stemmed not from a desire to dictate the outcome from Beijing but because those Emperors were fervent followers of Tibetan Buddhism.

Mr. President, I can already predict with certainty the Chinese reaction to this joint resolution. The Foreign Ministry is sure to declare both issues solely within the purview of China's internal affairs which are, ipso facto, none of the rest of the world's business. In fact, in response to world criticism of the Wei arrest Shen Guofang, the Ministry spokesperson, has already stated:

> The case of Wei Jingsheng is not a human rights affair. On the contrary, it is those people and organizations who try to interfere in China's judicial procedures that have actually violated international standards by interfering in China's internal affairs.

Rather than rehash this old human rights/internal affairs song and dance, then, let me take a new approach an give the PRC another reason why these issues are important to us and should, consequently, be important to them. The Chinese have made a great deal of noise lately about being allowed to assume their rightful place among important powers on the world stage, and have complained vociferously that the West is unfairly trying to prevent them from that place.

I and several of my colleagues have tried to make it clear to Beijing that there is not some organized plot attempting to keep them from doing so. Rather, what we have emphasized to them is that a place at that particular table is not a right free for the taking, but a privilege which comes with it a panoply of responsibilities. Foremost among those is to adhere to international norms of conduct and to treaty and similar legal commitments.

If the PRC does not live up to its present commitments, then they can be sure that the rest of the world is going to be hesitant to enter into any others with it; and the problem is, they are not. Beijing says that it is fully living up to all its obligations. However, as the Chinese are fond of saying, words are fine but only if followed up by deeds. An examination of their deeds, unfortunately, shows that these do not match their words. In the case of Wei Jingsheng, the maximum amount of time a criminal suspect can be detained without charge is twelve months; yet he was held for over twenty. China is a signatory to the universal Declaration of Human Rights, yet the handling of Wei's case clearly violates Article III of that document. Finally, the language of the Xinhua announcement of the charges against Wei noted that his actions "were in violation of the criminal law and constituted crimes;" an article in the December 11 Beijing Review notes that his actions leading to this arrest "[were] in violation of the Criminal Law and constitute crimes." This, and the fact that his trial took only 6 hours, seems to me to indicate that his guilt had been determined long before his trial began. This presupposition of guilt also runs counter in international standards of justice.

As for the Panchen issue, the PRC's constitution guarantees freedom of religion and freedom from being discriminated against on the basis of religious belief. Yet thousands of Tibetans have been persecuted for their religious faith over the years. Moreover, Beijing's manipulation of the selection of the Panchen Lama is clear meddling in a purely religious issue for political gain, and violates the religious rights of believing Tibetans. Similarly, as Senator FEINSTEIN mentioned yesterday in a meeting of the full Foreign Relations Committee, she has been repeatedly assured over the years by officials in the highest levels of the Chinese Government that Tibet "is entitled to manage its own cultural and religious affairs." The actions regarding the Panchen Lama would seem to contradict that assertion.

Time and time again China calls into question its commitment to the rule of law and to international norms, whether it be in regards to agreements on intellectual property, the enforcement of international arbitration awards, or the proliferation of nuclear or other weapons. The cases of Wei Jingsheng and the Panchen Lama are just two more unfortunate examples. If as a result the rest of the world is a bit reticent to enter into other agreements with the PRC—for example, the WTO agreement—for fear that the Chinese will continue to say one thing but do another, then before it points the finger of accusation at us for denying it its "rightful place" in the world, it should realize that it has no one to blame but itself.

I urge my colleagues to support Senate Joint Resolution 43, and thank the distinguished Chairman and ranking member of the Committee for their leadership on these important issues.

Mr. BROWN. I ask unanimous consent the joint resolution be deemed read a third time, passed, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and that the statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 43) was deemed read the third time and passed.

The preamble, as amended, was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 43

Whereas on November 21, 1995, the Government of the People's Republic of China formally arrested Wei Jingsheng, who is known internationally as the father of the democracy movement in China;

Whereas the Government of the People's Republic of China has held Wei Jingsheng incommunicado and without charge since April 1994 and has rebuffed international calls to release him;

Whereas Wei Jingsheng has spent all but 6 months of the last 16 years in detention because of this unwavering support for freedom of speech and the development of democracy in China;

Whereas at an October 1995 meeting in New York between President Clinton and President Jiang Zemin of China, the Administration urged the Government of the People's Republic of China to release political prisoners and specifically included Wei Jingsheng and others among such prisoners;

Whereas the treatment of Wei Jingsheng by the Government of the People's Republic of China raises concern over the future of other jailed dissidents in China, including Wang Dan, a student leader in the 1989 prodemocracy movement in China;

Whereas on May 14, 1995, His Holiness the Dalai Lama announced recognition of 6-year-old Gedhun Choekyi Nyima as the next Panchen Lama;

Whereas recognition of the successor to the Panchen Lama in Tibet has always been within the authority of the Dalai Lama;

Whereas for the first time in Tibetan history, the Government of the People's Republic of China has imposed on Tibet its own candidate for a new Panchen Lama and has rejected the new Panchen Lama selected by the Dalai Lama;

Whereas Gedhun Choekyi Nyima and his family have been missing for 6 months and are reported being held by authorities of the Government of the People's Republic of China;

Whereas Chatrel Rinpoche, who is the head of the original search committee for the new Panchen Lama and who refused to denounce the Dalai Lama's selection of the new Panchen Lama, is also missing and believed to be held by authorities of the Government of the People's Republic of China;

Whereas the Panchen Lama is one of the highest-ranking religious official of Tibetan Buddhism;

Whereas the rejection of the Dalai Lama's selection of Panchen Lama by the Government of the People's Republic of China, and the selection of its own candidate for Panchen Lama, is seen by many Tibetans as politicizing a purely religious affair and as a violation of fundamental Tibetan human rights;

Whereas since the invasion of Tibet in 1949, the Government of the People's Republic of China has taken any expression by the Tibetan people of their distinct religious or cultural identity as a direct challenge to that government's political control of Tibet;

Whereas Chinese officials have repeatedly maintained that the Tibet Autonomous Region is entitled to manage its own cultural and religious affairs, and the intervention of Chinese government authorities in the selection of the next Panchen Lama is a clear violation of that principle;

Whereas for 3 consecutive years, the United States has been a primary sponsor of resolutions criticizing the human rights practices of the Government of the People's Republic of China in China and Tibet at the annual meetings of the United Nations Human Rights Commission in Geneva;

Whereas these resolutions call upon the Government of the People's Republic of China to take measures to ensure the observance of all human rights, invite that government to cooperate with all special rapporteurs and working groups, and request the Secretary General of the United Nations to prepare a report for the United Nations Human Rights Commission on the human rights situation in China and Tibet;

Whereas at the March 1995 meeting of the United Nations Human Rights Commission in Geneva, the resolution lost by only 1 vote;

Whereas it is important to maintain international pressure on the Government of the People's Republic of China in order to induce that government to respect internationally-recognized standards of human rights; and

Whereas in May 1994, the President of the United States pledged strong support for efforts at international forums to criticize the human rights practices of the Government of the People's Republic of China: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government should—

(1) press for the immediate and unconditional release of Wei Jingsheng and other political prisoners by the Government of the People's Republic of China;

(2) urge the Government of the People's Republic of China to respect the wishes of the Tibetan people by supporting the selection of the new Panchen Lama by His Holiness the Dalai Lama;

(3) work to ensure the safety of the new Panchen Lama as selected by the Dalai Lama; and

(4) sponsor and aggressively push for the passage of a resolution regarding the human rights situation in China at the annual meeting of the United Nations Human Rights Commission in Geneva scheduled for March 1996.

The PRESIDING OFFICER. The Senator from Kentucky.

MEASURE READ FOR THE FIRST TIME—S. 1472

Mr. FORD. Madam President, I understand that S. 1472, Federal Judges for the Middle and Eastern Districts of Louisiana, introduced earlier today by Senator BREAUX, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Madam President, I ask for the first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle and Eastern Districts of Louisiana and one less Federal Judge for the Eastern District of Louisiana.

Mr. FORD. Madam President, I ask for the second reading.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard. The bill will lay over and will receive its second reading on the next legislative day.

AU PAIR PROGRAMS EXTENSION

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 267, S. 1465.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1465) to extend au pair programs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3099

(Purpose: To extend au pair programs through fiscal year 1997)

Mr. BROWN. Madam President, I send an amendment to the desk for Senator HELMS and Senator DODD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. BROWN), for Mr. HELMS, for himself and Mr. DODD, proposes an amendment numbered 3099.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 9, strike "1999" and replace with "1997."

On page 2, line 1, strike "1998" and replace with "1996".

Mr. BROWN. Madam President, I ask unanimous consent that the amendment be agreed to, that the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3099) was agreed to.

So the bill (S. 1465), as amended, was deemed read for the third time, and passed, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1997.

(c) REPORT.—Not later than October 1, 1996, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

ANTICOUNTERFEITING CONSUMER PROTECTION ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, S. 1136.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1136) to control and prevent commercial counterfeiting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill. which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "'computer program,'" after "'motion picture,'"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18.".

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or **[**is in any way concerned in**]** *aids and abets* the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be **[**equal to**]** *not more than* the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be **[**equal to**]** *not more than* twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) A counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

Mr. BROWN. Madam President, I ask unanimous consent that the committee amendments be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendments were agreed to.

The bill (S. 1136), as amended, was deemed read for the third time, and passed, as follows:

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

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"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

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"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

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"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

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"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

Mr. BROWN. The distinguished Senator from Kentucky has been so cooperative, I wonder if he might agree to the balanced budget by unanimous consent at this time.

Mr. FORD. Madam President, there is always euphoria at times around here, and we usually have to put the needle into the balloon, and I will just do that now. [Laughter.]

Mr. BROWN. I had hoped the Senator, for the sake of the Christmas spirit, might be willing to go along.

Mr. FORD. The Senator from Kentucky has a lot of spirit, Senator.

Mr. BROWN. I know. But you charge for that.

Mr. FORD. That is right—for you, double. [Laughter.]

Mr. BROWN. We will want to assure the Senator that we will give him another chance.

Mr. FORD. I always look forward to another chance. At 72, I have had second chances for a long time.

ORDERS FOR THURSDAY, DECEMBER 14, 1995

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, December 14, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, there then be a period for morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI for 15 minutes; Senator JEFFORDS for 15 minutes; Senator WELLSTONE, or his designee, for 30 minutes; and, I further ask that at the hour of 10:30 the Senate turn to the Interior appropriations conference report under the previous unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Madam President, for the information of all Senators, the Senate will begin debate on the Interior appropriations conference report at 10:30 a.m. There is a 6-hour time limit. However, all time is not expected to be used, and a vote is expected on adoption of the conference report.

The Senate could be asked to consider other appropriations matters during tomorrow's session, and the Senate may also turn to the State Department reorganization bill.

Therefore, additional votes can also be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Madam President, if there is no further business to come before the Senate—

Mr. FORD. I thought we might get a clean CR until January 20, and we could work out something with the balanced budget amendment.

Mr. BROWN. If we can join the two, I am sure we can get that done tonight. (Laughter.)

Mr. BROWN. Madam President, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:19 p.m., adjourned until Thursday, December 14, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 13, 1995:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH, OF WISCONSIN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

GARY A. FENNER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE SCOTT O. WRIGHT, RETIRED.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 13, 1995, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.

TOBY ROTH, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1996.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. STEPHEN LEE, LOCAL FARMER, PATRIARCH, AND AMERICAN SUCCESS STORY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SAXTON. Mr. Speaker, several weeks ago our Nation celebrated the Thanksgiving holiday. It was a time to spend gathered with family and being thankful for all that we have. For the family of Stephen V. Lee, Jr., a local cranberry farmer back home in my district, it was a time to truly give thanks.

Stephen Lee is an American success story. After serving his country in the U.S. Navy during World War II, Mr. Lee returned to America and took up the family tradition as a cranberry farmer.

Although his family had successfully farmed their property as early as the 1870's, the Great Depression had forced its closure until Mr. Lee took individual initiative to restore and revive the family's agricultural heritage. After years of hard work, Mr. Lee and his sons reclaimed the land, restored old bogs, and built new ones used for growing the berries. His original loan of a couple thousand dollars in the 1940's has flourished into a multimillion-dollar farm. Throughout this productive return to the family heritage of cranberry farming, Mr. Lee has continued to be a strong father and grandfather as well as a leader throughout the community.

Mr. Speaker, recently Modern Maturity magazine published a story entitled "Crimson Harvest" which details the life of Stephen Lee. I would ask that this article also be included as part of Extension of Remarks as a tribute to Mr. Lee.

[From Modern Maturity, Nov.–Dec. 1995]

CRIMSON HARVEST

(By Mark Wexler)

On a brisk autumn afternoon Stephen V. Lee, Jr., looks out onto a sea of floating red berries and beams like a little boy who has just opened a bag of Halloween candy. "How that's what I call a pretty crop," he says with a big smile. "There's good crimson color on the fruit this year, and that means a sweet Thanksgiving."

Lee is a fourth-generation cranberry farmer living the American dream in the heart of New Jersey's scenic Pine Barrens region. In the late 1940s he used a $4,000 loan to rescue his historic family farm from the brink of bankruptcy. Now, after years of hard work, he's turned the operation into a million-dollar business.

"This is my life," he says, pointing to the miles of red-colored bogs surrounded by trees and marshes. "I've got cranberry juice running through my veins." Today, at 85, Lee continues to put in long days in what he calls his "labor of love." and his two sons are by his side.

Family farmers like the Lees cultivate most of the world's cranberries on only about 30,000 acres in the United States and Canada. There are 44 other families that grow the berries in the Pine Barrens, a 2,000-square-mile oasis of forests, wetlands and wildlife in southern New Jersey that in 1979 was designated a federal preserve, which protects the area by controlling development. Last year Pine Barrens growers produced more than 53 million pounds of cranberries, a figure only Massachusetts and Wisconsin farmers surpassed. "It's not the easiest way to make a living," says Lee, "but it keeps me young."

The object of Lee's affection is more American than apple pie. European settlers introduced the apple to this continent; the cranberry is native to North America. A slender vine that creeps along the ground, the cranberry plant produces a tart-tasting, finicky fruit that survives only in very specialized conditions: It requires an acid peat soil, sand, plenty of fresh water, and a growing season stretching from April to November. Under those conditions the vines can live indefinitely; some Cape Cod cranberry plants are more than 150 years old.

Cranberries don't actually grow in water. Instead, they blossom on the dense mat of vines that make up impermeable beds in marshy areas called bogs, which glacial deposits originally formed. Native Americans in the Northeast picked the berries from the natural bogs and used them to flavor their food and dye their blankets and clothing. Because raw cranberries have an astringent effect that contracts tissue and stops bleeding, the Indians also used the fruit to make poultices for wounds. And they made a tea from the leaves to use as a diuretic.

Legend has it that when the Pilgrims arrived in New England in 1620, the Wampanoag Indians who greeted them gave the settlers ibimi ("bitter berries") as goodwill gifts. Apparently the word ibimi didn't roll easily off the Plymouth colonists' tongues, so they coined their own names for the fruit. Noticing that the vine's flowers vaguely resembled cranes' heads, they eventually dubbed their new food "crane-berries."

Historians disagree over whether cranberries were actually served at the first Thanksgiving feast in 1621, but one fact is certain: They became a big hit with the English settlers, who found the fruit not only edible and useful as a dye but also "excellent against the Scurvy."

Word of the miraculous berries soon spread back to England, and the colonists recognized a good thing when they saw it. With a bottle of cranberries fetching several shillings in London, the colonists began picking as much of the wild fruit during autumn as they could get their hands on. They even tried to pacify their king with the berries: In 1677 the colonists sent "tenn barrells of cranburyes," along with Indian corn and 3,000 codfish, as a peace offering to Charles II, who was angry with the New World residents for minting their own coins.

In 1816 American Revolution veteran Henry Hall made a discovery that would change the nature of cranberry-harvesting forever. At his seaside farm on Cape Cod, Hall decided to cut down some trees growing on a hill overlooking the beach. Wild cranberries grew in a marsh behind the hill. With the trees gone, the wind whipped sand onto the vines. Hall expected the plants to die, but the opposite occurred: The cranberries flourished under the sand while competing weeds disappeared. Hall began transplanting his vines, fencing them in and covering them with sand.

Thus cranberry cultivation was born.

Stephen Lee, a native of Ireland, bought 2,000 acres of New Jersey pinelands in 1868. The area, he discovered, was perfect for growing the cranberries. Woodlands and freshwater marshes pockmarked the landscape, while he could easily flatten the sandy soil to cultivate the fruit.

During the 1870s Lee and his son, James, carved out a series of cranberry bogs, most of which are still in use. Cranberry farming in those days was not necessarily profitable, and for the next two generations the Lee family struggled. As the Great Depression took hold, the family shut down the farm operation and moved to a nearby town.

Meanwhile, cranberry growers elsewhere had developed new methods to improve their harvest. Around the turn of the century, Wisconsin farmers found they could harvest twice as many berries by flooding their bogs then scooping up the floating fruit. (Flooding also gets rid of insects and protects against frost.) A Few years later Boston attorney and cranberry grower Marcus Urann had another idea: a canned sauce made from cranberries that, according to the label, was "like homemade." In 1930 he merged his company with two other firms to form the Ocean Spray cooperative, owned today by the very farmers who grow the berries.

One of those farmers, U.S. Navy veteran Stephen V. Lee, Jr. (great-grandson of the Stephen Lee mentioned earlier), survived both the Normandy invasion and fiery battles in the South Pacific during World War II before returning to New Jersey to pick up the pieces of the family farm.

Lee borrowed $4,000 from Ocean Spray and began the arduous task of reclaiming the land. Starting with some of the original vines his ancestor had planted, he restored the bogs and constructed new ones. "It takes about seven years to develop a productive bog," he says.

Eventually Lee's cranberry bogs began to pay off, while the industry itself was expanding its product lines to include juices that were, according to the ads, "a food drink that aids digestion."

Then came "Black Monday."

Seventeen days before Thanksgiving 1959 federal authorities announced that some Oregon and Washington cranberries were contaminated with a herbicide that was known to cause cancer in laboratory rats. The Secretary of Health, Education and Welfare suggested that Americans "pass up cranberries this year." Growers protested, claiming a person would have to eat 15,000 pounds of contaminated cranberries every day for years to get cancer. Vice President Richard Nixon solemnly ate four helpings of cranberry sauce on television to demonstrate that the fruit was safe. But the damage was done. "We took a terrible loss that year,"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

says Lee. "Nobody was buying the stuff. It took a few years for us to recover."

Today, cranberries aren't seen as posing a health threat; in fact, they're widely considered beneficial. In 1994 doctors at Harvard Medical School released a study that confirms an old folk remedy: Cranberry juice really does help prevent urinary-tract infections. The researchers reported that the women who drank ten ounces of cranberry beverage daily for six months were 58 percent less likely to have such infections than the women who drank a placebo beverage. Scientists had thought the berries' acidic nature knocked out infection, but the new study suggests that cranberries contain a compound that prevents infectious bacteria from adhering to the bladder walls. The doctors studied only older women because they are most prone to the infections. (Women in general have a much higher rate of urinary-tract problems than men.)

Motivated in part by such discoveries, Americans now consume more than 340 million pounds of cranberries a year. In the past decade Ocean Spray's sales have nearly tripled to more than $1 billion annually.

"When I was young, there weren't a lot of choices with cranberries. You ate sauce—and more sauce," says Stephen V. Lee III, who returned home in 1973 to help run the family farm after serving as a flight instructor at the U.S. Air Force Academy in Colorado. Today Stephen III runs the business end of the operation—a task his mother, Marjorie, performed until her death in the early 1970s. "My parent's policy was that their children should go off and try other occupations before deciding on careers as cranberry farmers," he says.

His younger brother, Abbott, decided on his career several years ago after studying agriculture at a nearby college. Today he maintains the family's 125 acres of cranberry bogs, using innovative harvesting equipment he himself invented to reduce manpower needs.

The brothers' father, Stephen V., Jr., bounds across a dirt mound bordering one of the bogs and scoops up a handful of berries from a flooded area. "There's a rule of thumb with a family farm like this," he says. "The first generation acquires the land, the second generation improves it, and the third gets to spend the money."

It didn't quite work that way for the Lee patriarch, however. "My sons are the fifth generation," he chuckles. "And they're the ones who are really getting to enjoy the fruits of all this labor."

EMPLOYER TRIP REDUCTION PROGRAMS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 325. As an original cosponsor of this legislation, I am pleased that this noncontroversial measure can be brought before the House today under the Corrections Day Calendar.

I grew up in a small oil refinery town just outside of Philadelphia. I can remember vividly the smell of burning oil in the air on a daily basis. Because of this experience, I have always supported strong clean air regulations. I voted for the Clean Air Act Amendments of 1990 [CAAA] and believe the goal of reducing air pollution should not be abandoned.

Over time, however, certain provisions of the Clean Air Act have proven to be unworkable. The implementation of employee trip reduction [ETR] requirements of the CAAA are of great concern to many businesses and employees in the Seventh Congressional District.

Due to a single air quality reading in Chester, PA, the Environmental Protection Agency [EPA] designated the Philadelphia Consolidated Metropolitan Statistical Area [AMSA] as a severe nonattainment area under the CAAA. ETR is one of several strict mandates required by the CAAA for regions of the Nation which are classified as severe.

Significant scientific concerns have been raised about EPA's air quality monitoring and the single data point from Chester which places the entire Philadelphia CMSA into the severe category. Based on these and other concerns, I wrote to then-Governor Casey asking him to press the EPA to reclassify Philadelphia from severe to serious. Regions classified as serious are required to clean up the air sooner than those classified as severe, but are not required to establish ETR programs.

The ETR Program—while never fully implemented—would likely have proven costly to businesses with little real significant reduction in air pollutants. Last Spring, Governor Ridge announced that he would not implement the ETR requirements. The EPA concurred and publicly stated it would not force States to implement the program.

The legislation before us today will allow States like Pennsylvania to willingly opt out of the ETR Program without the threat of third party lawsuits based on noncompliance. This legislation is important for areas like Philadelphia where attainment goals are needed for improved air quality but where these goals can be reached without a costly unfunded mandate on businesses in and around the region.

I strongly support H.R. 325 and commend Congressman MANZULLO for his efforts to bring this bill to the floor today.

CIVILITY IN CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 6, 1995, into the CONGRESSIONAL RECORD.

CIVILITY IN CONGRESS

In his recent press conference announcing why he would not be a candidate for President, Colin Powell mentioned the "incivility that exists in political life today". He's right. In national politics and in Congress we have seen a clear decline of basic civility. This year in Congress there have been mean personal attacks, shouting across the aisle, shoving matches, hissing and booing, and Members going out of their way to antagonize those of the other party. Press accounts have described the situation in Congress as "nasty", "full-scale partisan warfare", and "the politics of poison". Partisan tensions are as bad as I can remember. As one senior Member recently noted, "Boy, it's mean out there."

President Clinton recently called for more mutual respect in public discourse, echoing the sentiments of President Bush who called for an end to the "climate of ugliness" on Capitol Hill. The situation certainly isn't as bad as in other countries where we see brawls and fistfights breaking out among members of parliament, but it does merit some attention.

HINDERS LEGISLATION

The bitter, contentious exchanges in Congress certainly do not reflect well on the institution, lead to public cynicism, and make the job of legislating more difficult. As Thomas Jefferson stated, "It is very material that order, decency, and regularity be preserved in a dignified public body." Excessive partisan bickering poisons the atmosphere of Congress and hurts the ability of Members to come together to pass legislation for the good of the country. In a democracy like ours, the willingness of Members of Congress to listen and to talk to each other in a civil way is essential to our ability to reach a consensus on the difficult policy issues facing our nation—from balancing the budget to sending troops to Bosnia.

Certainly spirited debate is appropriate for the many important policy questions before Congress. Members have strong feelings on particular issues, and naturally get upset when they believe that programs very important to their constituents are being gutted or when they feel the other side is putting up unnecessary roadblocks to their legislative agenda. But Members can carry the legitimate debate tco far and argue in ways that undermine serious policy deliberation.

PAST HISTORY

The problem of a breakdown of civility in Congress is certainly not a new one. In past years, especially during periods of national turmoil such as the Civil War or the civil rights movement, there have been major breakdowns in decorum. Over the years, Members have been formally punished by the House for making statements such as describing another Member as one "who is the champion of fraud, who is the apologist of thieves, and who is such a prodigy of vice and meanness that to describe him would sicken imagination and exhaust invective". Heated debate at times led to fistfights, pistol duels, and, a frequent response in earlier days, hitting another Member over the head with a cane.

ENFORCEMENT

Congress has two basic ways of disciplining Members for inappropriate speech. If the remarks occur during debate on the House floor, another Member can object and request that the speaker's "words be taken down". If the words are ruled inappropriate by the Chair, the speaker either can withdraw the statement or be prohibited from speaking on the floor for the remainder of the day. Broader enforcement can come from the House Standards of Official Conduct Committee—the House ethics committee—which has been given wide-ranging powers to punish Members for any actions which do not "reflect creditably on the House of Representatives". Formal charges could be filed against a Member, and the Standards Committee could recommend a range of sanctions. In the past, Members have been formally censured by the full House for disorderly words spoken in debate.

REMEDIES

The vast majority of the contacts between Members of Congress are civil and courteous.

But there are intemperate exchanges—often getting extensive media coverage—which hurt the ability of the institution to properly function. Several steps would be helpful in minimizing them.

First, the Standards of Official Conduct Committee should issue an advisory opinion to all Members of Congress spelling out to them what are the proper limits of discourse and what are the consequences of going beyond the limits. The Standards Committee has a separate Office of Advice and Education which was set up specifically for such an advisory role to help head off misconduct before it occurs.

Second, we need more consistent enforcement by the Chair and by the Standards Committee. Rulings by the Chair can be spotty and inconsistent, and the rules requiring penalties for improper remarks have at times been waived. The Standards Committee has failed to act on some fairly egregious cases of improper speech in recent years.

Third, outside groups can be helpful watchdogs in keeping an eye on Members' statements. A bipartisan group like the Former Members of Congress, for example, could play a useful role in monitoring and publicizing proper and improper discourse on the floor.

Fourth, we need tougher enforcement by the voters. At times a Member of Congress might rise to prominence through a negative, confrontational style. If other Members think the nasty approach to politics works, they will emulate it. The voters need to send a clear signal that negative and nasty doesn't work.

Finally, Members must take it upon themselves to uphold appropriate standards of debate. In the end, it is up to each of us in Congress to set the proper tone and to work with our colleagues to maintain decorum.

CONCLUSION

Breakdowns in civility in Congress can reflect the passions of the moment, the polarizing nature of the policy issues, or even a less civil tone in the larger society. But that is no excuse for letting particularly intemperate and inflammatory speech go unchecked. Reining in the excesses can go a long way toward improving the ability of Congress to tackle the tough legislative agenda before us.

(Information was taken from a Congressional Research Service report, "Decorum in House Debate")

IN HONOR OF GIRMA ZAID, FOUNDER AND CHAIRMAN EMERITUS OF THE GRACE WAITING HOME FOR CHILDREN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. DIXON. Mr. Speaker, today I rise to pay tribute to Girma Zaid, a caring, committed man who has dedicated his life to improving the plight of abused and neglected children.

Girma began to acquire the educational tools needed for his crusade for children at Long Beach City College and California State University-Long Beach, where he earned his associate and bachelor of arts degrees in sociology. Zaid continued his education at the University of California, earning his master of social work degree in 1984.

In 1975 Girma combined his education with a compassion for children as a children's services worker with the Los Angeles County Department of Public Social Services. Here he counseled at-risk children awaiting reunification with their families and developed therapeutic programs for them. Girma's hard work and dedication were rewarded in 1981 when he was promoted to supervisor of children's treatment counselors, a job in which he supervised a residential facility for neglected and at-risk children. His star continued to rise in 1985 with his elevation to deputy children's services administrator for the Los Angeles County Department of Children's Services. As administrator Girma was responsible for the supervision of children's services for more than 2,000 abused and neglected children. He also supervised 100 social workers, caseworkers, and related personnel.

Zaid's crusade took him to the Bay area in 1988 as program manager for the Black Adoption Placement and Research Center, where he developed, implemented, and supervised a therapeutic foster care program and helped review ethnically-matched and culturally-appropriate homes for dependent children. While in the Bay area Zaid also served as assistant director of the Department of Social Services for the city and county of San Francisco. He returned to the Los Angeles County Department of Children's Services in 1991 as the deputy administrator for the adoptions division.

One of Girma's crowning achievements came in January 1992, when he founded the Grace Home for Waiting Children and assumed the role of executive director. On behalf of Grace Home Girma worked with the Los Angeles County Department of Children's Services, community leaders, and elected officials to ensure a safe, nurturing environment for abused and neglected children. He provided in-service training as well as foster parent training, and monitored clinical program activities. Today Grace Home has three offices in Los Angeles County—Inglewood, Long Beach, and Panorama City. Offices will soon be opened throughout the State in San Bernardino, Riverside, and Sacramento.

Under Girma's leadership, Grace Home is also expanding its operations nationwide, with offices opening in Washington, DC; Atlanta, GA; Las Vegas, NV; and Milwaukee, WI. Girma has also traveled to Ethiopia and Eritrea in East Africa to set up programs for displaced children. He is currently utilizing his experience and talents as CEO of Management Services International, a consulting firm which plans, develops, and implements innovative child welfare programs both in the United States and abroad.

Despite his busy work schedule, Zaid has found time to serve on several boards, including the International Foster Care Organization, the PROVIDERS South Central Los Angeles Residential Facility, and the Martin Luther King Drew Community Advisory Counsel.

Mr. Speaker, California and the Nation owe a debt of gratitude to Girma Zaid's pioneering work with foster children. His deep commitment to improving the lives of abused and neglected children greatly benefits all of us. I ask that you join me, Mr. Speaker, in paying tribute to this tireless and compassionate crusader for children.

THE REPUBLICAN ASSAULT ON MEDICARE AND MEDICAID

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the Republicans' $270 billion cut in Medicare, and $163 billion cut in Medicaid. Cuts of this magnitude will not only devastate these programs, but most importantly, they will seriously threaten the health status of the people which Medicaid and Medicare were designed to improve and to protect—children and seniors.

To jeopardize the quality of life—for millions of the most vulnerable in our society—for the sake of giving a tax break to the wealthy, is unconscionable. This tax cut giveaway will add millions of additional Americans to the already swollen ranks of the uninsured.

To gut critical quality of life health care services at a time when the health status of Americans is already compromised is irresponsible. Health status statistics confirm that now is not the time to destroy the Nation's health safety net system. This year alone nearly 1.3 million Americans will be diagnosed with cancer, over 500 thousand will die from the disease. Only about 40 percent of those who get cancer this year will be alive 5 years after diagnosis. Cardiovascular disease including heart attack and stroke, cause a death every 34 seconds in the United States, killing more than 900 thousand Americans each year. Nearly half of the 14 million Americans suffering from diabetes are not even aware that they have the disease. The gap in minority health continues to widen. The reemergence and spread of infectious diseases is on the rise. AIDS has become the leading cause of death for all Americans ages 25 to 44. Medicaid is especially critical to women and children suffering from AIDS.

It appears that the Republicans did not factor the adverse impact of these devastating diseases into their Medicare and Medicaid restructuring equation. If the Republicans are allowed to gut $270 billion from Medicare and $163 billion from Medicaid, the health status of the American people will deteriorate further. We must not tolerate the Republicans' blatant disregard for the needs of the American people.

Mr. Speaker, the GOP assault on health status and health care services must stop. I applaud the President for his veto of the Republican budget, and I strongly urge my colleagues to stand up for the American people—vote "no" on measures to gut Medicaid and Medicare.

TRANSFER OF TWIN CITIES RESEARCH CENTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. OBERSTAR. Mr. Speaker, on Tuesday, December 5, the House unanimously passed H.R. 308, a bill to transfer certain surplus Federal land in Hopewell Township, PA, to the

Beaver County Corporation for Economic Development. The goal of the corporation, a nonprofit entity, is to utilize the transferred land, in cooperation with Hopewell Township, as the centerpiece of a Hopewell Aliquippa Airport Industrial Park, and thereby promote economic development and create needed jobs for the people of Hopewell Township.

Mr. Speaker, as I stated during debate on this legislation, the Federal Government should be alert to opportunities like Hopewell that link property transfers to airports, industrial park opportunities and other core infrastructure facilities to create and promote jobs. The fact is that the only way to create job opportunities to succeed those that no longer exist because of industry closing or dislocations is to make property available for new business to locate there.

The transfer of Federal property, when done effectively, can reap untold benefits in terms of employment, economic development, and economic stimulus.

Such is the case with the U.S. Bureau of Mines' Twin Cities Research Center in Minneapolis, MN. The 225 outstanding and dedicated employees have provided world-class research capabilities for the mining industry for over 85 years. Their research has resulted in the development of advanced technologies that: First preserve and enhance the quality and integrity of the environment; second, mitigate health and safety in the work place; third, improve efficiencies and economics of current mining practice; and fourth, develop new and more environmentally-friendly mining systems.

With the impending closure of the facility, the Twin Cities Research Center Transition Task Force has been developing a vision to transform the center into an applied engineering and physical sciences research institute. In order to accomplish their mission, the title of the land, buildings and equipment must be transferred at no cost to the State of Minnesota so that the new institute is able to lease the facility from the State to work in conjunction with the University of Minnesota. In this new arrangement, it may be necessary to transfer the equipment to the Natural Resources Research Institute in Duluth, sell some of the property, and/or manage the facilities in an innovative and cost-effective manner.

This no-cost transfer of public property will preserve the research capabilities of the Bureau of Mines' Twin Cities Research Center, continue the University's partnership with the State, and create economic opportunities for Minnesotans and the mining industry.

Mr. Speaker, for the reasons stated, this property transfer is important. That is why in the report accompanying H.R. 308 (House Report 104–372, p. 2) language is included directing the General Services Administration to expedite negotiations to transfer the U.S. Bureau of Mines, Twin Cities Research Center, in Minneapolis to be used in conjunction with the University of Minnesota. I am pleased with the inclusion of this language and look forward to the transfer.

TRIBUTE TO GERTRUDE MAXWELL

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. FOLEY. Mr. Speaker I rise today to pay tribute to the founder and lifetime Chairman of Save a Pet, Mrs. Gertrude Maxwell. Dedicated to protecting the rights of animals, Mrs. Maxwell and Save a Pet have saved over 50,000 pets. And on the upcoming commemoration of Save a Pet Day this weekend, I want to share with my colleagues in the House of Representatives and Senate, and the entire Nation, the remarkable work of Mrs. Maxwell and Save a Pet.

Founded in 1972 in Illinois, Save a Pet provides funds for surgery, transport, therapy, placement of pets in responsible homes to provide people with companionship. The organization promotes the idea that relationships between people and animals benefit both parties. It has a 100% adoption rate, does not support euthanasia, and promotes the widespread use of spaying or neutering to end overpopulation and neglect. Save a Pet is strongly committed to educating us to treat animals humanely with love and respect.

When a 1-year old nameless mutt was found paralyzed on South Dixie Highway, in South Florida, Nancy Mizelle found it difficult to fund treatment. She contacted Mrs. Maxwell who immediately funded the treatment. "I wasn't going to let an animal die because of money," she said.

Mrs. Maxwell has connected her organization with various other volunteer agencies to enhance service to pets. In 1994, a 5-year-old Labrador was shot by a Palm Beach County sheriff's deputy, the dog needed to be transported to the University of Florida veterinary facility. Mrs. Maxwell arranged for the dog's surgery and transportation.

Maxwell's philanthropies began long before she founded Save a Pet. As a teacher and social worker, she served her community and was able to form interrelationships between people and pets. Every week for 25 years, between 1949 and 1974 she would drive 60 miles to teach underprivileged children. She taught them about the love and responsibility involved in owning a pet and the proper way to treat animals. As a social worker she set up programs to bring the love of pets into the homes of inmates and retirees. Mrs. Maxwell provided loving companionship for people everywhere she went.

Her interest in solving community problems including prison reform, therapeutic policies for troubled children and adolescents, and for improving senior citizen lifestyles earned her the appointment of honorary State's Attorney for the 15th Judicial Circuit of Florida in September, 1981.

Gertrude Maxwell's philosophy can be a lesson to us all. In her words,

> We do not live alone on Planet Earth. There are other living things here, too. The other living things are the animals whose useful service shares our homes and hearts, the pets and the wild creatures who are part of our daily lives.

This compassion for animals including promoting their freedom from want, from suffering, and from pain is commendable and will not be forgotten.

Mrs. Maxwell has been a true servant to my community and I thank her for a lifetime of dedication to such a noble cause. On this year's Save a Pet Day, and during this holiday season, let us all take time to thank valuable members of our local communities like Mrs. Maxwell, and give them the credit they deserve.

A TRIBUTE TO MALCOLM AND MARY FARRELL FOR 68 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SOLOMON. Mr. Speaker, I've been involved in Scouting for most of my adult life, and few things have given me more satisfaction. Scouting has always been and continues to be an apprenticeship in life, a preparation for citizenship and a source of our future leaders.

That's why I take great pride in drawing your attention to Malcolm "Mac" Farrell and Mary Farrell of Schuylerville, NY in my congressional district. One would be hard pressed to find a couple who have done more to fulfill these missions of the Boy Scouts of America throughout their lifetimes. In fact, Mac and Mary have each contributed 34 years of service to scouting. That's a total of 68 years worth of guidance for the youth of Schuylerville.

Through their years of service, Malcolm has held the position of cub master for pack 13 in Schuylerville, while Mary has been the secretary and treasurer of the pack. Their leadership in these positions has certainly shown through considering the success and direction of the entire Boy Scout community in Schuylerville. In addition, their commitment of 34 years has brought a great degree of continuity and success to cub scout operations. In fact, after undergoing this apprenticeship in life with Mac and Mary, generations of boys and young men have become valued members of their families, communities, and Nation.

Mr. Speaker, I would add that those who worry about the direction of this country can take comfort in the sound guidance offered by people like Malcolm and Mary who have promoted the popularity of Scouting along with its principles of community service and moral values. In that regard, I have always been one to judge people based on what they return to their community. By that measure, Malcolm and Mary Farrell are truly great Americans.

This Sunday, friends and family will join the Farrell's in celebration and tribute to their decades of selfless sacrifice and service to Scouting. Mr. Speaker, knowing that many other Members of this body are also products of Scouting and share my high admiration for the Boy Scouts of America, I proudly ask them and all Members to join me in paying tribute to Mary and Malcolm Farrell and wishing them many more happy years, they have certainly earned it.

A SALUTE TO LIONEL HAMPTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Lionel Hampton, a great artist, a great American, a great ambassador, and one of the greatest musicians America has ever known.

In tribute to Lionel Hampton, I would like to share with you and this House, some of he highlights of the life of this extraordinary man.

Lionel Hampton, the reigning king of the vibraphone for over half a century, and one of the few surviving internationally renowned jazz talents of the swing era, was born in Birmingham, AL on April 20, 1908. He was a member of the Benny Goodman Quartet which was the first racially integrated group of jazz musicians in the Nation, but left the group to form his own big band in the early 1940's.

His original ballad, Midnight Sun, written with Johnny Mercer and Sonny Burke, has become an American jazz and popular classic. His two major symphonic works, the King David Suite and Blues Suite have been performed by many leading symphonic orchestras throughout the world.

Nevertheless, whether you are familiar with his musical accomplishments, over the years, Lionel Hampton has known no status where he was not eagerly accepted, as he has been well received the world over by Presidents, politicians, kings, and queens. His very music has caused the walls of Communist nations to come tumbling down.

Allow me now to share with you Lionel Hampton, the constituent, the friend, the community leader. His fame and greatness have not let him forget the homeless and the hopeless. Long a supporter of public housing, he developed the Lionel Hampton Houses in the early 1970's, and upon completion, built the Gladys Hampton Houses, named for his late wife. To this day, those projects are considered among the best in the Nation.

The Lionel Hampton Community Development Corp. has built more than 500 low- and moderate-income apartments in my congressional district of Harlem alone.

Lionel Hampton holds more than 15 honorary doctorates and received the gold medal of Paris, its highest cultural award, from its mayor, Jacques Chirac.

He was appointed to the board of trustees of the Kennedy Center in 1991 by President George Bush, and in December 1992, he was awarded a prestigious Kennedy Center honor for his lifetime career achievements as a musician and teacher. Since then, he continues to produce educational events and considers the real highlight of his career as having the music school at the University of Idaho named for him, the Lionel Hampton School of Jazz.

Whether you are black or white, Democratic or Republican, liberal or conservative, Lionel Hampton represents the very best of America.

TRIBUTE TO RUTH VARNADO

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with great pride that I pay tribute today to Ruth Varnado of my hometown of Milwaukee. Her many years of community service and dedication to making a difference in the lives of people are truly deserving of our appreciation and praise.

Ruth was raised in Jasper, AL where she completed her high school education. During her young adult years, she moved to Milwaukee to further her education.

We all know that Jasper, AL is a long way from Milwaukee. But I am very grateful that Ruth made the journey. Her years of community service span more than three decades, and the people of our community have benefited from her tireless service, dedication, and hard work.

Ruth has been a leader of efforts to save people from the ravages of guns, drugs, violence, and crime. Recognizing the importance of reaching out to people in despair, Ruth founded the Lincoln Park Community Center in 1989 and still serves as its director. Through her work at the center, she has helped to expand opportunities for people who have often felt hopeless. And she has helped to instill in them the values they need to succeed and endure in this society.

Ruth's efforts to reach out to inmates in penal institutions for insight into the root causes of crime have caught the attention of local, State, and national leaders including the President of the United States. For the first time in Wisconsin history, inmates nominated Ruth for a volunteer award sponsored by J.C. Penney, the Volunteer Center of Greater Milwaukee, and WTMJ–TV Channel 4.

Ruth's civic involvement and her countless contributions have earned her many other acclamations and awards. In 1991, she was named Citizen of the Year by the National Association of Social Workers.

"Boundless energy", "fearless", "determined", "compassionate" and "tough" are terms the Milwaukee Times newspaper used to describe Ruth when she was honored as the 1990 Woman of the Year.

Just as significant as all of the Ruth's achievements is the spirit of community service she represents. Her willingness to help individual community members of our society as a whole is what makes her especially deserving of our recognition and praise.

The spirit of service she actively portrays is something we see far too little of in this society. And we all would do well to follow the shining example that Ruth has given us.

I know that Ruth will continue to play an important role in our community for decades to come, and that America will continue to benefit from her dedication, service and hard work.

Mr. Speaker, I urge you and my colleagues in the U.S. House of Representatives to join me in saluting Ruth Varnado and in applauding this remarkable citizen for all she has done, and for all she has meant, to those of us whose lives she has touched.

TRIBUTE TO CHARLES "KEN" ZISA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues today to extend my heartfelt congratulations and warmest wishes to Charles "Ken" Zisa. On December 18, 1995, Ken will be inaugurated as chief of police of the city of Hackensack, NJ.

For many years, the name "Ken Zisa" has been synonymous with a tradition of community service, dedication, and love of the city of Hackensack. Chief Zisa has dedicated his professional life to his career in law enforcement. He joined the force in 1975, was promoted to sergeant in 1983, lieutenant in 1989, and captain in 1993.

Chief Zisa is a man of the utmost integrity who cares about his neighbors, his community, and his country. He is a man of vision who will continue to make the city of Hackensack proud of their police department.

Ken has been a member of HAPADA, the Bergen County Youth Services Commission, PBA Local #9, Knights of Columbus Trinity Council 747, B.P.O.E. Lodge 658, and Hackensack UNICO. Ken and his wife, Mary, reside in Hackensack and have two children, Anthony and Kristen, who attend the Hackensack public schools.

Mr. Speaker, I extend my best wishes to Chief Charles K. Zisa on this most special occasion.

SECURITIES LITIGATION REFORM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. DINGELL. Mr. Speaker, on December 6, 1995, the House passed the conference report on H.R. 1058, the Private Securities Litigation Reform Act of 1995. I am disappointed that the House approved this legislation. Many experts predict that it will only marginally deter frivolous lawsuits while causing significant harm to investors with meritorious claims.

By this time next week, President Clinton will have had to veto the bill or sign it. At this point, I would like to submit for the RECORD two articles that point out the serious flaws in this bill and why it should be vetoed.

[From the Bond Buyer, Dec. 5, 1995]

CALIFORNIA COUNTIES ASK CLINTON TO VETO SECURITIES BILL

(By Joe Bel Bruno)

LOS ANGELES.—The California State Association of Counties on Friday elected a new president—San Mateo County supervisor Mike Nevin—whose first action was sending a letter to President Clinton opposing the Securities Litigation Reform Act.

CSAC, a nonprofit corporation that promotes the interests of California's 58 counties before the state legislature and Congress, contends the reform act will severely hinder local governments' ability to recover losses related to securities fraud.

"We need to have the ability to recover losses in the case of securities fraud," Nevin said yesterday. "We just wanted to let the President know that this bill, if he signs it, would make things tough on local governments and the taxpayers. It would be sending the wrong message."

The letter to Clinton was signed by 106 county and other local government officials.

In addition to CSAC, signers of the letter include the California Association of County Treasurer/Tax Collectors, the city and county of San Francisco and the counties of Sacramento, San Diego, San Mateo, Riverside, Alameda, Kern, and Fresno. The letter was also signed by administrators of several county retirement systems.

A House-Senate conference committee has cleared the way for final congressional action on the bill. The Senate and House are slated to vote on it on Dec. 5 and Dec. 6. As currently worded, the bill would limit the type of securities-related lawsuit that could be filed, as well as the dollar amount of damages requested.

Steve Szalay, executive director of CSAC, said the legislation would have a dramatic impact on local governments. The legislation was a much-discussed topic at the association's 101st annual meeting in San Jose last week, he said.

"Local governments are victims of securities fraud; they need access to the courts to recover their losses," he said in a press statement. "Orange County, on behalf of 187 independent California governments, is suing to recover about $1.5 billion on the grounds that the investments made on its behalf were unsuitable and violated the California constitution and statutes."

"This bill makes it very difficult for local governments and taxpayers to recover their losses in securities fraud cases, and it will give wrongdoers a green light to commit more fraud," Szalay said.

The letter was drafted and signed by the association's new board on Friday. Also elected to the association's board was Yolo County supervisor Helen Thomson, first vice president; and El Dorado County supervisor John Upton, second vice president.

Nevin represents urban counties, while Thomson and Upton represent suburban and rural counties, respectively. One of the association's goals is educating the public about the value and need for county programs and services. Founded in 1895, CSAC is headquartered in Sacramento and has a research office in the District of Columbia.

[From USA Today, Dec. 8, 1995]

SECURITIES LAWSUIT BILL MAY HURT INVESTORS

(By Christine Dugas)

A securities law aimed at reducing frivolous lawsuits also may make it harder for investors with legitimate claims.

The bill, approved by Congress this week and awaiting President Clinton's signature, means "investors are going to have to take a lot more responsibility for their own welfare," says Philip Feigin, Colorado Securities commissioner. "It will be harder to get a case started and more difficult to prevail."

Among the bill's provisions:

Companies would be able to say anything about future performance if they include some cautionary statements.

The amount of damages reckless wrongdoers would pay generally would depend on their share of liability. So a victim may not fully recover his or her damages if the main lawbreaker has claimed bankruptcy. In the case of Charles Keating's savings-and-loan fraud, Keating claimed bankruptcy, so damages to victims were paid mainly by accountants and lawyers who might not pay so much under this bill.

A judge would require investors or their lawyers to pay defendant's legal fees if a lawsuit were considered frivolous.

Investors would have to have specific evidence of fraud before they could go to court.

Investors still would have only one year after fraud was discovered, or three years after it occurred, to file suit.

"Now more than ever, investors must go beyond what companies tell them, and do some independent checking," says Maureen Thompson, legislative adviser for the North American Securities Administrators Association.

Because efforts to stretch the statute of limitations failed, investors still would have to check their investment account statements promptly for irregularities. They also would have to carefully document problems and consult a lawyer quickly, says Gerri Detweiler, policy director of the National Council of Individual Investors.

But it might be hard to find a lawyer to take investor fraud cases. "The law tells us we can't just have a good case, we must have a great case," says Matthew Kelly, a lawyer who represents investors at Roemer, Wallens & Mineaux in Albany, N.Y.

The Securities and Exchange Commission, mean-while, is unlikely to pursue investors' cases. "It doesn't have the resources," says Kim Schweitzer, counsel for the National Association of Securities and Commercial Lawyers. "Its mandate is enforcement, not recovery for victims."

The measure would benefit investors because companies would have to disclose more information, says Louis Thompson Jr., president of the National Investor Relations Institute.

And some investors support the bill because they are fed up with lawsuits that mainly enrich lawyers. The bill is aimed at a small number of "professional investors" and lawyers who file class-action lawsuits and take most of the proceeds.

"The money spent by corporations on frivolous lawsuits would better serve all shareowners if it remained in the company, resulting in higher net profits and earnings per share," says Kenneth Janke, president of the National Association of Investors.

But the legislation doesn't only stop frivolous lawsuits. "It's a balancing act," Feigin says. "Even good cases might not make it."

TRIBUTE TO GENERAL MAXWELL R. THURMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SKELTON. Mr. Speaker, I rise with a heavy heart to announce that our country has lost a great soldier and friend, General Maxwell Reid Thurman. General Thurman, a soldier whose career spanned more than 37 years, died on December 1, 1995, at Walter Reed Army Medical Center after a 5-year struggle with leukemia.

General Thurman was a principal architect of the all-volunteer Army and served as the Commander-in Chief of United States Southern Command during Operation Just Cause in December 1989. He learned that he had an aggressive form of leukemia in July 1990, and retired from the Army 8 months later in March, 1991.

Born in High Point, NC, General Thurman attended North Carolina State University, graduating with a degree in Chemical Engineering in 1953. While at North Carolina State, he enrolled in the Reserve Officer Training Corps and was commissioned an officer in the Ordnance Corps. Early in his career, General Thurman applied for, and received, a regular army commission in the field artillery. His professional military education included attendance at the ordnance and field artillery basic courses, the field artillery advanced course, the Army Command and General Staff College, and the Army War College.

General Thurman held a variety of staff and command positions, both in Europe and the United States. In Europe, he commanded light artillery and rocket units with the 11th Airborne Division, and he saw service in the 1958 Lebanon Crisis. He served in Vietnam, first as an intelligence advisor, and later as commander, 2d battalion, 35th field artillery, during the Tet Offensive. Returning to the United States, he commanded the 82d Airborne Division Artillery. Other assignments included duty as an instructor at the U.S. Military Academy, the Army Field Artillery School, and the Army Training and Doctrine Command.

In 1979, General Thurman was assigned as the Commanding General of the U.S. Recruiting Command. It was during this assignment that he helped shaped the post-Vietnam Army and helped transform it into the high quality, ready-to-flight force we have today. Under his leadership, General Thurman advertised the Army as a place where men and women with lots of drive and potential could be all that they could be, not a safe haven for underachievers. This is still the Army's basic recruiting slogan: "Be All That You Can Be."

Promoted to the rank of lieutenant general in 1981, General Thurman became the Deputy Chief of Staff for Personnel for the U.S. Army. In 1983 he was promoted to full general and appointed Vice Chief of Staff of the Army. He assumed command of the U.S. Training and Doctrine Command at Fort Monroe, VA in 1987. During these years it was largely through General Thurman's inspiration and leadership that the Army's new recruiting and training programs were implemented and the modern, volunteer professional Army fully came into existence.

In September 1989, General Thurman was named Commander-in-Chief of the U.S. Southern Command, responsible for all American military national security policy and strategy in the region. It was under his leadership that the United States prepared and launched Operation "Just Cause" in Panama, which successfully removed dictator Manuel Noriega, and helped restore democracy to that strategic nation.

General Thurman held numerous awards and honors. His U.S. military decorations include two awards of the Defense Distinguished Service Medal; two Distinguished Service Medals; two Legions of Merit; the Bronze Star Medal with Valor Device (with Oak Leaf Cluster); four Air Medals; Meritorious Service Medals; Army Commendation Medals; and the Joint Service Achievement Medal. Additionally, General Thurman was decorated by the Governments of France, Germany, and Venezuela. He was a master parachutist and held the Army General Staff and the Joint Chiefs of Staff identification badges.

Since his retirement, General Thurman has been a Senior Fellow of the Association of the United States Army's Institute of Land Warfare and an executive-in-residence at North Carolina State University. General Thurman also served on the President's Commission on Women in the Armed Forces and the President's Commission on Panama. In 1992, he received the North Carolina Award for Public Service for a native North Carolinian living outside the State. In 1995, General Thurman was awarded an honorary doctor of humane letters degree from North Carolina State University.

Mr. Speaker, General Thurman was the epitome of selfless service to nation. He was always enthusiastic, and unstoppable tinkerer, sometimes abrasive, and yet humorous and warm when the pressure was off. He was a leader who truly made a difference, and his legacy can be found in the magnificent men and women who make up our trained and ready Army. He has our thanks—he served our Nation well. We will truly miss his leadership and friendship.

THE COALITION BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 13, 1995 into the CONGRESSIONAL RECORD.

THE COALITION BUDGET

Budget negotiations between Congress and the White House have been difficult, but I am pleased that all parties have agreed to a common goal—balancing the budget in seven years and protecting Medicare, Medicaid, education, and the environment. Thus, the central question to the debate is not "when" the budget is balanced, but "how".

Both sides in this debate deserve credit for making progress on the deficit. Under the leadership of House Speaker Newt Gingrich, Congress passed one budget version, which was vetoed by the President. The President has presented an alternative proposal, and negotiations will continue on a final agreement. Throughout the debate, both sides have moved slowly towards a proposal put forward by the conservative "Coalition", a group of centrist House Democrats.

The Coalition budget is a tough and remarkably sensible budget plan. It meets the stringent test of balancing the budget in seven years by cutting spending by more than $850 billion, and it results in even less debt than the plan vetoed by the President. The Coalition budget does not borrow money to pay for tax cuts and it better protects important priorities such as health care, nutrition, job training, education, and infrastructure. Because it does not postpone tough spending cuts, the Coalition plan would leave a national debt of almost $100 billion less than the Speaker's budget.

I support the Coalition budget for several reasons:

1. It puts deficit reduction first: The Coalition budget makes spending cuts immediately, and postpones tax cuts until the budget is balanced. In contract, the Speaker's budget would give out $245 billion in tax cuts early on and delays unpopular spending cuts until after the 1996 and 1998 elections. Under that plan, deficits would actually increase in 1996 and 1997. Congress has passed balanced budget plans before, but most failed because they made popular short-term tax cuts while postponing the tough medicine until many years later. This means that we borrow money to give ourselves a tax cut, leaving our children with the bill. Surely we have learned from recent history that when dessert comes first, we never get to the spinach. The coalition budget begins spending cuts immediately, and makes gradual cuts until the budget is balanced in 2002.

2. It spreads the sacrifice more fairly: The Coalition budget takes a balanced, fiscally responsible approach to major entitlement programs. It trims Medicare costs by allowing recipients to choose private insurance plans and charging upper-income enrollees higher premiums, but it takes $100 billion less from Medicare than the vetoed budget. These Coalition savings are equal to those necessary to keep the program solvent for the foreseeable future, keeping promises made to both today's and tomorrow's seniors. Medicaid, the program of health insurance for the poor, survives at lower levels than under current law, and with a spending cap that adjusts for inflation and the number of enrollees. It preserves the guarantee of assistance to nursing home residents, the disabled, and lower-income women and children. The Speaker's budget proposal calls for much larger Medicaid cutbacks and takes no account of future enrollment, inflation, or recessions. This approach often hits states like Indiana extremely hard with cumbersome block grant formulas that favor larger states with less efficient health care delivery. Without the Medicaid guarantee, state taxes, local governments, and the middle-class children of nursing home residents will bear the brunt of longterm health care costs The Coalition plan also proposes cost-of-living adjustments for social security and other federal benefits, but designs those changes so that modest income families will not suffer.

3. It invests in the future: The Coalition budget rejects cutbacks in student loans and job training, choosing instead to create new opportunities for younger Americans. It does not make cuts in research, technology, and export promotion, and it restores funding for education, rural health, research, and economic infrastructure. Overall, the cuts in the Coalition budget are 25 percent less severe than the harsh reductions proposed by the Speaker's budget.

4. It makes work pay, and welfare recipients work: The Coalition budget makes major welfare reform that balances compassion with a sense of personal responsibility. It requires people to move from welfare to work in two years, and provides limited job training and child care to those entering the workforce. The Coalition plan also eliminates the vetoed budget's tax increase on lower-income working families. Welfare should not pay more than work, and this plan helps families make that transition.

5. It enforces strict compliance: The Coalition budget provides the only meaningful enforcement of spending cuts to be found in any of the budget proposals. It uses nonpartisan Congressional Budget Office estimates and includes a line-item veto and tough enforcement measures to make it difficult for any future Congress to violate this plan. This honest approach does not rely on "smoke and mirrors" to achieve a balanced budget. It rejects gimmicks like "unspecified cuts", as in the alternative plans.

Conclusion: I am pleased we have agreed to balance the budget in seven years. Congress and the President must now decide how we balance the budget. To have the long-term support of the American people, a balanced budget plan must make tough budget choices while reflecting the values Americans cherish: responsibility, honesty, fairness, compassion, and the promise that the future will be better for our children. Only a budget that is politically and economically sustainable over a period of years will actually achieve balance.

Although differences are large, I believe the American people want us to reach an agreement on the budget. It is the responsibility of Congress and the President to put aside partisan differences for the common good of the nation.

The Coalition plan offers Congress and the President a real opportunity to find common ground and unite the American people behind a tough, honest, compassionate, and fair balanced budget that reflects basic American values and invests in our future. The Coalition plan may not be perfect, but it is a good starting point for real progress on the budget.

MAYOR TIERNEY DEFENDS NEW BEDFORD ECONOMY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I have been disappointed recently to read a number of very uninformed attacks on Indian-run casinos. A number of people have extrapolated from their own personal opposition to gambling to make unfounded criticisms of Indian casinos, to denigrate the very important economic advantages these casinos have represented for American Indians and to inaccurately claim that they have been a source of legal problems. In addition, in some cases casinos can be a very important source of economic opportunity for people in addition to Indians who live in areas which have suffered economic losses beyond their control.

One such area is the city of New Bedford, MA, which I am privileged to represent in Congress. The proposal to establish a casino run by the Wampanoag Tribe in New Bedford has been overwhelmingly supported by the people of that city, who recently voted for it by a 3-to-1 margin in a referendum. It has unfortunately been the subject of a good deal of unfounded criticism. I was therefore very pleased to read in the Boston Globe for December 12 a very well argued essay by New Bedford Mayor Rosemary Tierney, in which she states the case for allowing New Bedford and the Wampanoag Tribe to go forward with this casino in very persuasive terms.

I have worked closely with Mayor Tierney, with labor representatives, with business leaders, and with a wide range of citizens to support economic development for New Bedford. All of these groups share the mayor's and my opinion that the casino is a very important part of this effort. The very hard working people of

New Bedford have been hit by unfavorable international trade trends, and by the conservation driven restrictions on fishing. As we deal with these issues, we agree that the economic development that would result from the casino is essential in our effort to overcome the negative effects of these other trends. As the mayor notes in her well-documented and thoughtful essay,

> New Bedford does not look upon gaming as a cure-all or quick fix for the local economy. The impact of the casino falls in two categories: employment and tax revenues. New jobs create new earnings and new spending. New spending, in turn, increases demands on suppliers, vendors, merchants, contractors. Thus new jobs create the need for yet more employment throughout the economy.

Mr. Speaker, because Mayor Tierney speaks with great authority on the need for economic development in the city of New Bedford, and because on this issue in particular she articulates a viewpoint that is shared by virtually all of us who are seriously concerned within the New Bedford area about economic improvement, and because the merits of Indian-run gambling operations are now a subject of some debate in this body, I ask the Mayor Tierney's article from the Boston Globe of Tuesday, December 12 be printed here.

[From the Boston Globe, Dec. 12, 1995]

GAMING AND NEW BEDFORD'S FUTURE

(By Rosemary S. Tierney)

The City of New Bedford is not unique among older New England cities when considering the economic challenges it is confronting as the 21st century approaches. As mayor of this proud and historic city, I believe it is unique in demonstrating a frank willingness to acknowledge those challenges and to develop a systematic, long-term plan for overcoming them.

Throughout its long history, New Bedford has been bound to both national and international economic trends. Whaling and shipbuilding dominated the local economy in the early and mid-1800s. As the whaling industry declined, textiles became the dominant industry. Companies with such household names as Hathaway and Wamsutta made New Bedford their corporate homes. The manufacturing base was broadened by glass and metal-working factories, such as Revere Copper and Pairpoint Glass. In more recent times, the city's economic fate returned to the sea. For several years, New Bedford was the nation's No. 1 fishing port in the dollar value of its fleet's catch. New Bedford also became a site for quality needle trade industries, Polaroid, Aerovox and the Acushnet Co.'s Titleist golf ball plant.

Today New Bedford faces a challenge from the continuing decline in manufacturing, coupled with a fishing industry in crisis. These factors may be beyond local control, but the city can have an impact on the regional economic environment by employing its potential resources to maximum advantage.

Let me cite a few of those advantages being developed in New Bedford: a harbor with potential to handle increased shipping traffic; a location close to major transportation routes; and airport with a foreign trade zone and plans for a $30 million expansion; a coastal resource laboratory and aquaculture center at the University of Massachusetts at Dartmouth. In addition, plans are in the works for establishment of a New Bedford national park and a commuter-rail link to Boston.

These projects are being over-shadowed today by the debate over casino gaming in Massachusetts and, in particular, the Wampanoag proposals to develop a casino/-entertainment complex in New Bedford. Critics argue that gaming will only provide short-term economic gains, while the cost to society in regulation, diversion of funds, crime and related social problems will outweigh the benefits. Implicit in these arguments is that New Bedford is susceptible to promises by developers of a better tomorrow because of the plight of its local economy. Nothing could be further from the truth.

The Wampanoag gaming proposal is the most comprehensive economic development initiative in the history of southeastern Massachusetts. It will provide some 5,000 jobs (plus 3,000 construction and temporary jobs), spur tourism, generate millions of dollars in revenues for the state and cities and towns, and allow Massachusetts vendors the opportunity to contract for services and goods to support the gaming and entertainment complex.

This is not just a New Bedford issue. It is a Worcester issue, a Springfield issue, a Fall River issue, a Taunton issue, a Brockton issue, a Lowell issue. It is an issue each mayor understands: job creation and economic development go hand-in-hand. New jobs can give hope and opportunity to thousands of hard working men and women—and can help build a stronger economic future for generations to come.

New Bedford does not look upon gaming as a cure-all or quick fix for the local economy. The impact of the casino falls in two categories: employment and tax revenues. New jobs create new earning and new spending. New spending in turn increases the demands on suppliers, vendor, merchants, contractors. Thus new jobs create the need for yet more employment throughout the economy.

If the local unemployment rate of 9.3 percent can be reduced to the statewide average of 5.1 percent, business in New Bedford and the area will certainly benefit. It has been the failure to reduce unemployment through new or expanded industry that has plagued this area for years. The Wampanoag project offers the city the opportunity to couple the project to other initiative, such as the harbor, airport and rail, to make them a reality.

It is estimated 25 percent of the gross revenue at the Foxwoods casino in Connecticut comes from Massachusetts residents. Those are revenues that leave this state by the busload every day. As Congress shifts federal responsibilities to the states, I urge the Legislature not to reject revenue sources that will be sorely needed in the not-too-distant future. Twenty-three states across the nation are beneficiaries of 130 compacts with 115 tribes. Massachusetts would not be reinventing the wheel.

Aside from minimizing or dismissing the economic potential of gaming, opponents employ the strategy of fear based upon threats of increased crime. As mayor of the host community, I am mindful of this threat. But there is no better prevention for crime than a job. The Wampanoag tribe not only supports strong regulation and has indicated a willingness to find its cost, it has encouraged the Legislature to maintain strict oversight over the new regulatory agency to ensure that it is composed of top professionals with knowledge of accounting and law enforcement. Instead of attempting to undermine a proposal legitimately put forward under federal law that will benefit this state and its people with economic opportunities, law enforcement personnel and prosecutors should insist the Gaming Commission be staffed by people who will have impeccable reputations and integrity and be supported by a staff adequate to meet the job.

The task of rebuilding New Bedford and the region is vital to southeastern Massachusetts. The Legislature has an opportunity to make an important contribution to this effort by approving the compact between the state and the Wampanoag tribe. The area has always had an enormous potential for economic growth and development. The gaming/entertainment complex offers New Bedford a catalyst for the full economic recovery. I urge the Legislature to approve the compact expeditiously and to avoid arguments that seem more focused on scoring short-term political points than on seeking pragmatic solutions to bring to this state a well regulated and managed gaming industry.

COMMEMORATION OF HUMAN RIGHTS DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. GILMAN. Mr. Speaker, by Presidential proclamation, December 10–16 has been designated Human Rights Week. As Americans prepare to celebrate the holidays and the coming new year, I hope that each of us will reflect upon the blessings we reap because of the deep commitment to human rights that America stands for. Indeed the world looks to us as a beacon or hope because of our tradition of respect for and continual effort to bring to life the freedoms enshrined in our Constitution.

Those who have suffered from a denial of the basic human rights and fundamental freedoms, that we, in this country, often take for granted, known how important the achievement of human rights really is. In countries such as North Korea, China, Vietnam, Cuba, Burma, and Bosnia, people struggle to win the liberty that we have enjoyed for over 200 years.

In the United States, respect for international human rights has long been supported on a bipartisan basis. We have enjoyed many successes in advancing human rights, evidenced by the collapse of communism in Europe, the defeat of Communist subversion in Central America, and in the defeat of aggression in the Persian Gulf. We understand the role that human rights can play in advancing democracy and economic development with free markets. For instance, in the collapse of communism in the Soviet Union and its satellites, human rights was a key aspect of the difference between the quality of life in Western and Communist societies, and therefore became decisive as the people of the Communist bloc rose against their governments.

The importance of restoring human rights has been recognized in the Dayton peace agreement for Bosnia. We hope and pray that as our troops are deployed, the Bosnian people will seize the opportunity for justice and reconciliation, so that all the people of Bosnia can rejoin the community of nations as a free people. In Rwanda, success in restoring an acceptable standard of human rights will determine whether Rwandan refugees can return home in peace and safety, and rebuild shattered lives.

Maintaining international standards for human rights, promoting these standards, and encouraging their adoption where necessary remain a key aspiration of our Nation's policy. Let us resolve to continue our efforts to ensure for all the enjoyment of human rights.

HUMAN RIGHTS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. RICHARDSON. Mr. Speaker, I want to submit for the RECORD Ambassador Madeleine Albright's remarks on the human rights situation in Burma to the U.N. General Assembly Third Committee. I join Ambassador Albright's endorsement of the U.N. resolution to urge the Government of Burma to cease its violations of internationally recognized human rights.

I also want to take this opportunity to commend Ambassador Albright for her tremendous work on this issue. I encourage all Members to support the work of our U.N. Representative as she relentlessly pursues the cause of Burmese democracy leader Aung San Suu Kyi. Ambassador Albright had a great meeting in Burma this fall Aung San Suu Kyi.

Recent developments in Burma have given us cause for great concern. It is imperative that the governing State Law and Order Restoration Council understand that the United States and the international community will not tolerate threats or actions that suppress the advancement of the democratic movement in Burma.

STATEMENT BY AMBASSADOR MADELEINE K. ALBRIGHT, U.S. REPRESENTATIVE TO THE UNITED NATIONS, UNITED NATIONS GENERAL ASSEMBLY, THIRD COMMITTEE, HUMAN RIGHTS SITUATION IN BURMA, DECEMBER 11, 1995

Mr. Chairman, I appreciate this opportunity to discuss my Government's decision to join consensus on the resolution concerning the human rights situation in Burma, despite some reservations that prevented us from cosponsoring.

The resolution reflects a tremendous effort by the Swedish mission to develop a strong consensus text, and my government endorses strongly the purposes and recommendations contained in that text.

We join with the other members of this Assembly in urging the Burmese Government to cease its violations of internationally recognized human rights. And we urge the government to begin a substantive political dialogue with Aung San Suu Kyi, other democratic leaders and representatives of ethnic groups concerning the future of the country. These recommendations are at the heart of the Assembly resolution, and we believe the Government of Burma should respond favorably to them.

The United States was not able to cosponsor the resolution because of three issues that we believe could have been dealt with more precisely or urgently.

First, we would have tempered the language in paragraph 17, which welcomes the cessation of hostilities between the Government of Burma and various ethnic groups, because the Burmese Army has not fully honored those ceasefires.

Second, we believe the resolution should have included language similar to that adopted by the UN Human Rights Commission last spring, encouraging the Secretary-General to hold discussions with the Burmese Government for the purpose of stimulating progress towards democratization and national reconciliation.

Third, we believe specific mention should have been made of the International Labor Organization's decision last June to condemn Burma's continued use of forced labor and forced porterage, especially of members of ethnic minorities, for military and civilian infrastructure projects. The ILO recommends, and my government strongly agrees, that Burma should bring both its laws and its practices into compliance with internationally recognized standards of workers' rights.

Finally, we believe that more specific and urgent attention should have been given in the resolution to important events that occurred in Rangoon near the end of last month. I refer, of course, to the withdrawal and subsequent expulsion from the National Convention of delegates from the National League for Democracy.

The governing State Law and Order Restoration Council, or SLORC, has asked the world to view the Convention as a representative mechanism for drafting a new constitution and facilitating a transition to democracy. Clearly, it is not that if the National League for Democracy, which received 60 percent of the votes in the 1990 election, is not free to participate openly, freely and without fear of intimidation. We must remember that the SLORC handpicked all the delegates, greatly under-representing those from the democratic movement.

Following the release from detention last July of Aung San Suu Kyi, there were hopes that the National Convention would, in fact, become a meaningful forum for discussion about Burma's future. Instead, the Government has maintained its habit of rigid control, and the few representatives of the democratic movement and of the various ethnic groups have been prohibited from voicing dissenting views.

The SLORC has said that its goals for Burma include economic prosperity and multiparty democracy. Burma's democratic leaders share those goals. The General Assembly should continue to express strong and unyielding support for actions that would close the great divide that now exists between what the SLORC professes to want and what it has thus far been prepared to do.

In this connection, my Government also wants to express its very great concern about recent statements from Rangoon that brand Aung San Suu Kyi and her supporters as "traitors" and speak of "annihilating" those who criticize the National Convention. The SLORC should have no doubt that it will be held responsible for any actions that result in physical harm or unjust punishment against those who have simply engaged in the peaceful exercise of internationally recognized rights.

In closing, Mr. President, let me once again congratulate the Swedish mission for its leadership on this resolution. Let me restate my Government's strong endorsement of its core recommendations in support of human rights and a substantive political dialogue. And let me re-emphasize my Government's concern about recent events and its hope that the Government of Burma will reconsider its policies and begin now to move down a democratic path.

LET'S HEAR IT FOR QUEEN ISABELLA

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. FOX of Pennsylvania. Mr. Speaker, I would like to share with my colleagues the following letter to the Editor in the Trenton Times on November 26, 1995.

LET'S HEAR IT FOR QUEEN ISABELLA

Nov. 26, 1504, is a milestone in history that should never be forgotten, especially by New Jerseyans and Pennsylvanians.

Why? Because that's the date that Queen Isabella of Castile, the great woman who was instrumental in the discovery of America, passed away at her castle in Medina del Campo, Spain.

A year ago, Nov. 6—yes, that far back and the news just reaching our shores—the worldwide BBC/TV in London aired a documentary for their "Time-Watch," its peak-audience program, in which their scholarly panel exonerated Queen Isabella of Spain from historical lies attributed to her regarding the Inquisition.

That Queen Isabella did not act out of any anti-Semitic, racial or religious hatred or bigotry can be firmly substantiated by her unequivocal condemnation and personal interventions to stop riots and acts of violence against Spaniards of Jewish descent even before her formal accession to the throne, and sometimes at the loss of support of wealthy and influential partisans.

Lastly, an intelligent response to the longtime assault upon Queen Isabella and her legacy requires knowledge of the actual history of her now celebrated reign.

So, on this 491st anniversary of her death, let's tip our hats, and on April 22, her birthday, let's let loose with a big "Ole."—John Paul Paine, Philadelphia, PA.

EXPRESSING SORROW AT THE PASSING OF MRS. ELLA H. BECTON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. STOKES. Mr. Speaker, It is with great sadness that I rise to announce the passing of Mrs. Ella H. Becton on December 11, 1995. Mrs. Becton formerly served as executive director of the Phillis Wheatley Association. At the time of her death, she was an associate on the staff of the Murtis H. Taylor Multi Services Center. With her passing, the Cleveland community suffers the loss of a dedicated human being. I want to share with my colleagues and others throughout the Nation some information concerning a special individual who touched the lives of many.

Ella Becton was the daughter of Ella H. Wilson and the late Kalep Wilson. She was reared in Birmingham, AL, and went on to earn a bachelor of arts degree in physchology from Wilberforce University. Ella earned a master's degree in psychology and rehabilitation counselling at Wayne State University. After completing her education, Ella Becton began her professional career at the Lapeer State Home and Training School for the Mentally Retarded in East Lansing, MI. She relocated to Cleveland, OH where she married Leroy Becton, and began working for Vocational Guidance Rehabilitation Services.

Ella Becton's most significant career challenge came when she was selected as executive director of the Phillis Wheatley Association. The association is one of the oldest social service organizations in the area. Under Mrs. Becton's leadership, the Phillis Wheatley Association reached out to the elderly population, families, and the youth of the community with services and programs to assist them. During her tenure, the organization developed a summer camp, an elderly meals program, a day care program, a music school, and the Youth Computer Center created in conjunction with Case Western Reserve University. Ella Becton was a dedicated individual who sought to improve the lives of others.

During her lifetime, Ella Becton also earned the respect and admiration of her colleagues and others throughout the community. She was the recipient of numerous awards and honors which recognized her commitment and dedication to service.

Mr. Speaker, the passing of Ella Becton brings to a close a life of love and compassion. Those of us who were the beneficiaries of her unselfish devotion will miss our friend and colleague. She was a woman of grace and dignity, and she was very special to all who knew her. I take this opportunity to express my sympathy to Ella's mother, Ella H. Wilson, and her loving husband, Leroy. I also extend my sympathy to her sons, Leroy, Jr., and Aaron, and other members of the Becton family. God has called Ella Becton home to rest, but she will always be in our hearts.

INTRODUCTION OF THE MEDICARE PREVENTIVE BENEFITS IMPROVEMENT ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. CARDIN. Mr. Speaker, today I rise to introduce the Medicare Preventive Benefits Improvement Act. This bill seeks to amend Medicare by adding new preventive benefits to the program—benefits that not only save lives, but improve quality of life, and will save Medicare expenditures in the long run.

My bill would improve Medicare by adding the following new benefits:

Mammography: The benefit would be expanded so that all women over age 50 would be eligible for yearly mammographies and the deductible is waived.

Screening pap smears and pelvic exams: Expands the benefit from the 3-year limitation so that women of childbearing age or at high risk of developing cervical cancer are eligible for yearly pap smears and cervical exams. The deductible is also waived.

Colorectal cancer screening: Adds procedures for the purpose of early detection of colorectal cancer. These tests would include: screening fecal occult blood test, screening flexible sigmoidoscopy, and colonoscopy for high risk individuals. The Secretary also would make a decision within two years about covering screening barium enemas as an alternative to flexible sigmoidoscopy or colonoscopy. In addition, changes in technology would be taken into account to update the benefit in future years.

Prostate cancer screening: Adds procedures for the purpose of early detection of prostate cancer in men. The tests would include a digital rectal examination and a prostate-specific antigen blood test. In addition, changes in technology would be taken into account to update the benefit in future years.

Diabetes screening benefits: Adds two new diabetes benefits. First, coverage of diabetes outpatient self-management training services which teach people with diabetes how to properly care for their disease and avoid unnecessary medical complications. Second, Medicare would cover the costs of blood-testing strips as durable medical equipment.

Many of you should recognize this package of preventive benefits. It is the same as the benefits we included in the Democratic alternative Medicare proposal that was considered on the House floor earlier this year. In addition, the coalition budget proposal includes a similar package of benefits. President Clinton has also included a preventive benefits package in his new Medicare proposal.

Congress is currently facing the daunting task of making the most dramatic changes to Medicare ever contemplated. We keep hearing the words "Medicare reform" in relation to the variety of plans being put forth at this time. My contention is that if we are to accomplish real Medicare reform, we must make needed improvements to the program

Medicare is 30 years old and its benefit package shows its age. What I am proposing with these new benefits is not a major cost item for the program. Of course there will be an upfront investment in these new screening procedures—and we expect that cost to be around $2 billion over the next 7 years based upon CBO analysis of earlier versions of the bill. However, this is a small price to pay at the beginning compared to the benefits Medicare will reap in the long run by covering such procedures. As we all know, preventive medicine saves money as well as lives. Early identification of a disease allows less costly, more effective treatment techniques to be used.

For example, in the area of colorectal cancer, the second deadliest cancer in this country, 138,000 new cases will be diagnosed and 53,300 people will die from this disease this year. Most of these people will be Medicare beneficiaries. These patients often suffer through years of chemotherapy, surgery and hospitalization. In fact, the most recent data has shown that colorectal cancer has led to over 125,000 Medicare hospital admissions in one year. Each of these admissions led to costly diagnostic, surgical and medical therapeutic interventions. Surely, it is both more cost effective and more medically appropriate to prevent than to treat this disease.

To continue using colorectal cancer as the example, this disease is one of the most preventable and curable types of cancer when detected early. Most colorectal cancers develop from benign polyps. Finding and removing these polyps reduces the risk of developing cancer by 90 percent.

Screening for colorectal cancer and other preventive services included in this bill must be covered by Medicare if we hope to stem rising health care costs. We must not continue to be "penny wise and pound foolish" by covering the expensive treatments and ignoring preventive services. These efforts are supported by broad-range of organizations representing consumers and health professionals. The following organizations have endorsed our bill: the American Cancer Society, the American College of Gastroenterology, the American Gastroenterological Association, the American Nurses Association, the Digestive Disease National Coalition, the American Diabetes Association, the American Association of Clinical Urologists, the American Foundation for Urologic Disease, the American Urological Association, the American Society for Gastrointestinal Endoscopy, the Cancer Research Foundation of America, the Association of American Cancer Institutes, the Association of Pediatric Oncology Nurses, and the United Ostomy Association. I have also attached a letter to the congressional leadership signed by 15 organizations supporting the identical provisions included in my bill.

It is my hope that this legislation will be used as a model for the preventive benefit package that should be added to Medicare as we seek to reform the system. I encourage my colleagues to join me in support of this bill and look forward to continuing to work on this important issue as Congress grapples with the difficult task of reforming Medicare.

NOVEMBER 16, 1995.

Hon. ROBERT DOLE,
Majority Leader U.S. Senate, Washington, DC.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR SENATOR DOLE AND SPEAKER GINGRICH: In crafting the future Medicare system, the 104th Congress would be remiss to overlook the most significant key to the future health status of our nation's citizens—preventive health services. The undersigned organizations urge you to include preventive services coverage for Medicare recipients during the Reconciliation Conference.

When details of the draft Republican health plan first became known this summer, we applauded the foresight of Congressional policymakers for including Medicare payments for a small number of proven preventive health services. While we recognize the fiscal constraints dominating this first round of Budget Reconciliation decisionmaking, we urge your reconsideration of the critical omission of colorectal cancer screening, mammography expansions, pap smears and pelvic examinations, prostate cancer screening and reimbursement for diabetes care and education. We believe strong bipartisan support exists for including these limited preventive benefits under Medicare.

In revamping Medicare, now is the time to provide reimbursement for:

Annual mammography screening services for all women over the age of 49, without a twenty percent copayment.

Pap smear and pelvic exam screenings as well as clinical breast examinations for female Medicare beneficiaries, without copayments.

Colorectal screening services for Medicare beneficiaries, including screening of fecal-occult blood testing, flexible sigmoidoscopies and colonoscopies.

Prostate cancer screening for men.

Diabetes care and education, specifically the coverage of outpatient self-management training services and blood testing strips for diabetics.

We strongly urge that you include the above screening services as part of the revamped Medicare program. In the long run, providing preventive services to Medicare beneficiaries will save not only money, but more importantly lives. The Senate and House are uniquely poised to better the lives of millions of Medicare beneficiaries who stand so much to lose or gain from this historic legislative opportunity.

We respectfully request the opportunity to meet with you at your earliest convenience to discuss including these preventive benefits in the final package.

Sincerely,

American Cancer Society, American College of Gastroenterology, American Diabetes Association, American Foundation for Urologic Disease, American Public Health Association, Cancer Research Foundation of America, Digestive Disease National Coalition, Families Against Cancer Terror (FACT).

National Breast Cancer Coalition, National Coalition for Cancer Survivorship, The Oncology Nursing Society, The Association of Pediatric Oncology Nurses, The Susan G. Komen Breast Cancer Foundation, United Ostomy Association, The V Foundation.

A TRIBUTE TO HEMAYETUDDIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. ACKERMAN. Mr. Speaker, I rise to pay tribute to one of the very finest diplomats with whom I have had the pleasure of working during my tenure as former chairman of the House Foreign Affairs Committee on Asia and the Pacific.

Hemayetuddin is truly an outstanding diplomat. He represents his country with dignity, pride, and warmth. His knowledge of the workings of the U.S. Congress and the American body politic would be impressive for a citizen of this country, nonetheless for a foreign diplomat. It was through cooperation with His Excellency Ambassador Humayun Kabir and his very able Minister Hemayetuddin that our Subcommittee on Asia and the Pacific held the very first hearing ever on "The Other South Asia—Bangladesh, Sri Lanka, Nepal, Bhutan, and Afghanistan."

Perhaps Hemayet's greatest contribution to diplomatic life in Washington is his passion for his native Bangladesh. It was through Hemayet and Ambassador Kabir that my staff and I first learned of the tremendous economic reforms and opportunities for American business in Bangladesh. It was from Hemayet and his colleagues that I learned of Bangladesh's commitment to a secular, pluralistic society. And it was from Hemayet and Ambassador Kabir that I learned of the tremendous commitment Bangladesh has made to improve child labor practices in a nation struggling to develop.

While Hemayetuddin is unquestionable a diplomat of the highest caliber, he is also one of the finest gentlemen it has been my pleasure to work with in Washington. He, his lovely wife, Zeenat Jahan, and their beautiful children have indeed left their mark on this town.

I know my colleagues and I on the House International Relations Committee will miss Hemayetuddin and Zeenat. We wish them well at their new post in Beijing. All of us who know and admire Hemayet fully expect to see him back in Washington as his Nation's Ambassador some day.

FOOD AID MUST CONTINUE, H.R. 2775

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. GILMAN. Mr. Speaker, I have worked long and hard on the issue of world hunger. Key U.S. Government initiatives, like the Food for Peace and Food for Progress Programs, are the cornerstones of our efforts to wipe out hunger.

Recently, the Department of Agriculture and the Agency for International Development approached my committee, asking to extend the authorities of these programs which are set to expire at the end of this year. While a new farm bill would be the preferred way of extending the life of these programs, it is becoming clear that will not be possible during this session of Congress. I have been working with Chairman ROBERTS and Chairman LUGAR hopefully to preserve these programs while a new farm bill is finalized.

Mr. Speaker, today I am introducing a bill that has been cosponsored by the ranking Democratic member of our committee, Mr. HAMILTON of Indiana. It protects authorities for programs that directly save lives. For example, one-third of all Bosnians depend on this program for food. We can all agree that keeping the food flowing to Bosnia is a key part of our peace efforts in that region of the world.

This bill will extend the authority of the title II minimum tonnage requirements, the Food Consultative Group, the Food for Progress Act, and the authorities for Agricultural Exports to Emerging Democracies under the Food, Agriculture and Conservation Trade Act of 1990.

This bill is needed to keep these life-saving programs functioning while a new farm bill is finished. As chairman of the International Relations Committee, I will call on my committee to mark up this bill shortly. I will also work with the Agriculture Committees of both House and Senate as well as the administration to seek its swift passage in the Congress.

I request that the full text of H.R. 2775 be inserted at this point in the RECORD.

H.R. 2775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES UNDER PUBLIC LAW 480.

(a) LEVELS OF ASSISTANCE FOR TITLE II.—

(1) MINIMUM ASSISTANCE.—Section 204(a)(1)(E) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(1)(E)) is amended by striking "for fiscal year 1995" and inserting "for each of the fiscal years 1995 and 1996".

(2) MINIMUM NON-EMERGENCY ASSISTANCE.—Section 204(a)(2)(E) of such Act (7 U.S.C. 1724(a)(2)(E)) is amended by striking "for fiscal year 1995" and inserting "for each of the fiscal years 1995 and 1996".

(b) FOOD AID CONSULTATIVE GROUP.—Section 205(f) of such Act (7 U.S.C. 1725(f)) is amended by striking "1995" and inserting "1996".

(c) EXPIRATION DATE FOR ASSISTANCE.—Section 408 of such Act (7 U.S.C. 1736b) is amended by striking "1995" and inserting "1996".

SEC. 2. EXTENSION OF AUTHORITIES UNDER THE FOOD FOR PROGRESS ACT OF 1985.

(a) EFFECTIVE AND TERMINATION DATES.—Section 1110 of the Food Security Act of 1985 (known as the "Food for Progress Act of 1985"; 7 U.S.C. 1736o) is amended in subsection (k) by striking "1995" and inserting "1996".

(b) ADDITIONAL ASSISTANCE IN ADMINISTRATION OF FOOD ASSISTANCE PROGRAMS.—Section 1110 of such Act (7 U.S.C. 1736o) is amended in subsection (l)(1) by striking "1995" and inserting "1996".

SEC. 3. EXTENSION OF AUTHORITIES FOR AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES UNDER THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note) is amended by striking "1995" and inserting "1996".

CROATIA'S VIOLATION OF HELSINKI PRINCIPLES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SMITH of New Jersey. Mr. Speaker, after nearly 4 years of war, the leaders of Bosnia and Herzegovina, Croatia, and Serbia have made a tangible commitment to peace. The Dayton peace agreement is, as Bosnian President Alija Izetbegovic stated, an unjust peace, but less unjust than the continuation of war. We can be hopeful, though, that the peace can be more just if there is international resolve to keep the signatories to the agreement in line with the commitments they have undertaken, not only in Dayton but, more broadly, in the OSCE and in international law.

Most of us recognize that the chief concern in this regard will be the adherence to the agreement on the part of the Serb militants who have engaged in aggression and genocide against non-Serbs, and have undertaken a massive propaganda campaign to garner support from the Bosnian Serb population. However, there is a real cause for concern regarding the recent policies and actions of Croatia, and the Bosnian Croats over whom it exercises control.

For example, since retaking last summer territory occupied by Serb militants, Croatian authorities have tolerated and even encouraged the harassment of fleeing Serbs, the looting and burning of their property, and the killing of dozens of Serbs—many elderly—who remained behind, in their homes. I commend my colleague and fellow Helsinki commissioner, FRANK WOLF, for taking the lead in raising this issue here in Congress.

Croatia held elections in October of this year in an effort to capitalize on military successes. By severely cutting back the representation of the Serb community in the parliament, the electoral process sent departed Serbs the message that they are not welcome back. At the same time, they sought to sway the loyalties of Croats from Bosnia and Herzegovina by giving them large representation in parliament. While observers concluded the elections to be free, controls on the media and other subtle manipulations of the electoral process made them less than fair.

Croatia states its readiness to cooperate with the International Tribunal in the Hague where alleged war criminals from the former Yugoslavia are to be tried, but in reality the Croatian Government has refused to do so. One indicted Bosnian Croat general, Tihomir Blaskic, was transferred to the Croatian Army rather than surrendered to the court, while Ivica Rajic, a Bosnian Croat commander indicted for his role in the slaughter of civilians at the village of Stupni Do; was just released from custody by Bosnian Croat authorities who were holding him for unrelated reasons.

Last Sunday's newspaper reported on the massive burning and destruction of property in Croat-controlled parts of Bosnia and Herzegovina that are to become parts of the Serb entity under the Dayton agreements.

These actions, Mr. Speaker, are an outrage. As chairman of the Helsinki Commission, and as a Member of Congress who condemned the Serb aggression to which the international community allowed Croatia to be a victim, I nevertheless find these acts in violation of Helsinki principles to be inexcusable. Tactically, they do more to validate the fears of the average Serb than the most efficient propaganda machine, and damage Croatia's image abroad. Strategically, they feed on a cycle of hate, and ensure that Croats will again someday be the victims of that cycle. Morally—above all, morally—they are reprehensible, and deserve our condemnation.

Beyond this expression, we should consider, for the new year, the implications of these policies on our relations with Croatia. If the burning, looting, and killing go on; if the indicted are not surrendered; if intolerance continues to dominate Government policy; then we cannot maintain the good, friendly relations with Croatia that we may nevertheless want. Our State Department may want to consider diplomatic action, such as the recalling of ambassadors, and possible economic actions as well.

Let there be no mistake about it, Serb aggression remains the main problem in the former Yugoslavia. That does not mean we can turn a blind eye to the violations of others.

THE STERLING FOREST

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. MARTINI. Mr. Speaker, I am pleased today to introduce, along with my colleagues RICHARD POMBO and FRANK LUCAS, the Federal Lands Prioritization Act of 1995. This legislation will sell idle public lands deemed pointless for Federal ownership and will use the proceeds to purchase Sterling Forest; therefore ending the funding deadlock that has existed in Congress with regard to Sterling Forest.

With the help of Representatives POMBO and LUCAS, I now introduce a bill that, not only saves Sterling Forest, but also specifies a funding source for its acquisition. Last week I heard of Representative FRANK LUCAS' desire to sell public lands in Oklahoma and approached Representative POMBO of the House Resources Committee to propose that Sterling Forest be the beneficiary of funds from those Federal lands being reverted to private ownership.

Together, we were able to propose a bill that makes the Federal land acquisition process more fiscally responsible, and sets a precedent that the Federal Government reprioritize its land holding policies and streamline its inventory to better target budget resources and meet environmental goals.

As a Passaic County Freeholder, I understood early on the need to take action to protect Sterling Forest. In fact, during my service on the Passaic County Board of Freeholders, the board was the first entity to secure part of Sterling Forest in 1993—purchasing 2,000 acres. I have since been looking forward to the day that the reserve would have complete Federal protection. Selling dead-weight public lands to buy Sterling Forest is a fiscally responsible solution to a decade-old stalemate.

Located in southern New York and bordering northern New Jersey, Sterling Forest, in its current undeveloped State, is important to the residents of both States for a variety of reasons.

Sterling Forest is a 17,500-acre water and recreational reserve that area residents and public officials have repeatedly requested the Federal Government protect. Stalls in the actual purchase have been attributed to budget-cutting times and the concern about adding more public land to the already bloated Federal Government inventory.

As a recreational area for New York and New Jersey, Sterling Forest offers a haven for families and individuals interested in leaving behind stresses of everyday life. The picturesque beauty of this natural sanctuary provides a wide variety of outdoor activities for the enjoyment of everyone. Sterling Forest even serves as a connections to the Northeast with the Appalachian trail winding its way through the forest's rough terrain.

Most importantly, however, Sterling Forest is a watershed for most of northern New Jersey and the surrounding area. It provides nearly 2 million New Jersey residents with clean and safe drinking water.

Proposed development and urbanization of this area will destroy a great bounty of natural resources to the entire Northeast. Furthermore, if the land is developed, the water that flows from Sterling Forest could become polluted. The only viable solution at that point would be to build a water treatment center at the cost of $150 million to New Jersey taxpayers. Not only would this cost the taxpayers revenue they just don't have, but it is, at best, a second-rate solution. Truthfully, Mr. Speaker, there is just no comparison between treated water and water from a natural watershed such as Sterling Forest.

Sterling Forest is an issue of national significance, involving one of Government's most essential functions: the preservation of a vital, life-sustaining resource—water. As stated before, Sterling Forest provides clean water for 2 million Americans in New Jersey alone—a fact that transcends any suggestion of parochial interests.

For this reason, an alliance of governmental agencies and public interest groups have joined together in the fight to save this vital resource. This legislation sets up a management and fiscal partnership between all levels of Government. In fact, purchasing this land is just a one-time expense. The Department of the Interior will not be burdened by the costs of managing and maintaining the forest, for this will be done jointly by New York and New Jersey. A partnership such as this of local, State, and Federal Government is positive for all involved and should serve as a model for future land acquisition. It is our responsibility to protect Sterling Forest and assure an ample water supply for generations to come.

It is important to note that there is a bipartisan consensus to save Sterling Forest. Senator BILL BRADLEY of New Jersey has already sponsored a bill in the U.S. Senate, Gov. Christine Todd Whitman of New Jersey signed the appropriation and authorization of $10 million toward the project, and Gov. George Pataki of New York approved the 1995–96 budget including $18 million for land conservation. Many members in the New Jersey delegation have been active in the collective pursuit of this achievement, and I commend them for all they have done.

The States and the Federal Government have been working to preserve this vital resource to insure that Sterling Forest is around to meet both the recreation and environment needs of the area. It is time that we realize our goals.

No matter how you look at this project, saving the forest yields no negative repercussions. The preservation of a vital source of water to one of the most populated areas of the country is not simply a laudable aspiration, but rather a necessary undertaking. Furthermore, the residents are opposed to development; the local governments are opposed to development; and the taxpayers are opposed to development.

Three sites totalling 56,000 acres will be put up for sale to the private sector: Optima "Lake"—the failed flood control project, which now consists of a 17,000-foot earthen dam and a dry lake bed (13,500 acres), Black Kettle National Grasslands (30,710 acres), and Rita Blanca National Grasslands (13,576 acres). Both Black Kettle and Rita Blanca are odd-lot Federal tracts. These proceeds will be earmarked for the purchase of the Washita National Battlefield and Sterling Forest.

Please support this budget-friendly preservation of land that actually needs the Federal Government protection. Support the Federal Lands Prioritization Act of 1995.

EXTENDING AU PAIR PROGRAMS, H.R. 2767

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. GILMAN. Mr. Speaker, today I am introducing a bill to extend the authorization for a program important to many American families. This measure renews the authority for the Au Pair program that expired on September 30. This bipartisan measure includes as original sponsors the ranking Democrat on the International Relations Committee, the gentleman from Indiana, Mr. Hamilton, the chairman of the International Operations and Human Rights Subcommittee, Mr. Smith of New Jersey the gentlelady from Maryland, Mrs. Morella, the gentleman from Virginia, Mr. Moran, the gentleman from California Mr. Baker, the gentleman from Virginia, Mr. Wolf, and the gentleman from Virginia, Mr. Davis.

This measure will: Extend the authority for the program for 2 years; open it up to world wide participation; lift the limitation on the number of organizations that may participate and manage an au pair program; and, require the U.S. Information Agency to report on the compliance of the au pair organizations with recently adopted regulations.

Many families rely on the au pair program for their child care and particularly welcome the opportunity to broaden their children's experience by having someone from another country live with them for a year. The lapse in the program has caused untold inconvenience to many families turning their child care plans upside down. It is time to fix this problem.

Accordingly, I am pleased to be able to introduce this bipartisan bill and will seek rapid consideration by both Houses of Congress.

I request that the entire text of H.R. 2767 be inserted at this point in the RECORD.

H.R. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1997.

(c) REPORT.—Not later than October 1, 1996, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

AMERICA'S FORGOTTEN ATOMIC HEROES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. RICHARDSON. Mr. Speaker, today, I would like to talk about forgotten heroes. As we contemplate sending United States troops to Bosnia, we would be well-served to remember the fates of those men and women known as Atomic Veterans. Most Americans, and maybe many of us here in Congress, are not aware that there exists today a group of veterans who were exposed to ionizing radiation while in the U.S. military in Hiroshima and Nagasaki, in the nuclear and thermonuclear tests in the Pacific, and the Nevada nuclear tests. Some were directly exposed, some were exposed by cleaning up contaminated sites, ships, or aircraft. Some, sadly, lost their lives. And, in the 50 years since nuclear testing began, many of our Atomic Veterans have fallen ill from exposure and, today, probably more than half of them are dead.

Our Government has recognized more than 40 cancers and conditions that are caused by exposure to ionizing radiation, but only the 13 named in PL100–321 and 2 in PL102–578 are deemed presumptive. Many of the Atomic Veterans don't think these laws go far enough. They tell me that the law we passed in 1984, PL93–542, under which most radiation claims are adjudicated, do not go far enough. They say, in fact, that we have a double standard. The Marshall Islands Nuclear Claims Tribunal Act of 1987, as amended, gives compensation to Marshall Islanders, presumptively, for cancers and conditions that are denied to U.S. servicemen. These veterans are exposed at the same time and places as the Marshall Islanders. Does that sound fair to you?

The President's Advisory Committee on Human Radiation Experiments issued their final report of over 900 pages on October 3, 1995. President Clinton apologized on behalf of the United States for the human experiments performed on both civilians and the military. The report brought some long-overdue recognition by the executive branch of Government. Today, I would like to ask Congress to recognize the Atomic Veterans, throughout the country, for their valor and service. I know many of my colleagues join me in thanking them for their sacrifice, and I know many of you will join me in working with the Veterans Administration to equalize the standards for those veterans with radioactive cancers and diseases.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 15

9:30 a.m.

Labor and Human Resources

To hold hearings on proposed legislation to amend provisions of the Fair Labor Standards Act relating to the minimum wage.

SD–430

2:00 p.m.

Foreign Relations

To hold hearings on Eric James Boswell, of California, to be Assistant Secretary for Diplomatic Security, and Anthony Cecil Eden Quainton, of the District of Columbia, to be Director General of the Foreign Service, both of the Department of State.

SD–419

DECEMBER 19

10:00 a.m.

Judiciary

To hold hearings to examine trends in youthful drug use.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

HOUSE OF REPRESENTATIVES—*Thursday, December 14, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. ENSIGN].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 14, 1995.

I hereby designate the Honorable JOHN E. ENSIGN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your blessings, O God, are new every morning; Your favor looks over us and gives us peace; Your benediction speaks the words of forgiveness and new life and Your everlasting arms give support and strength. Through illness and health, through hope and tears, through joy and sorrow, and in all the moments of each day, we are grateful, O God, for Your gifts of faith and hope and love. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. ENSIGN). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas [Mr. DICKEY] come forward and lead the House in the Pledge of Allegiance.

Mr. DICKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes per side.

UNR WOLF PACK WILL POUNCE ON THE TOLEDO ROCKETS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today to discuss an issue of vital importance, the Las Vegas Bowl. Tonight at 9 p.m., the Big West Conference champions, the University of Nevada-Reno Wolf Pack, will take on the University of Toledo Rockets. The Washington Times said today the Las Vegas Bowl will showcase some unnoticed talent.

Disregard what my distinguished colleague, the gentlewoman from Ohio [Ms. KAPTUR], says about the teams' previous meeting, never mind that they beat us 49 to 35. The statistics that we have to concentrate on are:

No. 1, UNR has the No. 1 passing attack in the Nation, not Toledo; No. 2, UNR is the No. 1 in total offense in the Nation, not Toledo; No. 3, UNR has a quarterback that became the first player to lead the Nation in total offense in consecutive seasons. Toledo does not. Alex Van Dyke and Toledo's Wasean Tait are a pair of overachievers on teams that have been largely overlooked this year despite some very impressive statistics. UNR played in the inaugural Las Vegas Bowl in 1992; Toledo has never played in a Las Vegas Bowl.

I will match the gentlewoman from Ohio, Ms. KAPTUR's, glass bowl bet with a University of Nevada-Reno sweatshirt. The bottom line is: Tonight, the UNR Wolf Pack will pounce on the Toledo Rockets. Go Wolf Pack.

ROCKETS' TRAJECTORY TAKES THEM TO THE LAS VEGAS BOWL

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, this evening the undefeated University of Toledo Rockets will take to the field in the Las Vegas Bowl and once again display their awesome offensive prowess as they defeat the University of Nevada Wolf Pack—for the second time this year. It's an uncommon event to have a rematch in post-season college football, but tonight Toledo and Nevada will reprise their September contest—a game in which the Rockets beat the turnover-prone Wolf Pact 49 to 35.

This is the Rockets' sixth bowl appearance. They have prevailed in all—with five solid wins and one forfeit. Now I'm sure the Wolf Pack has no intention of forfeiting, but the Rockets will prevail again nonetheless.

As is the custom in the House, I offer my friend from Reno and colleague on the Appropriations Committee, BARBARA VUCANOVICH, a congenial wager that Toledo's irrepressible Rockets will defeat Nevada tonight. So, as Toledo is known as the glass capital of the world, I will risk a set of Libbey Glass wine glasses and Ohio Oatawba nonalcoholic Sparkling Grape Juice to fill them on my conviction that Toledo's Rockets will blast off from Las Vegas victorious.

PENS, DISAPPEARING INK, AND SHARPENED PENCILS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I will withstand the temptation to talk about football because I did that most of my professional life. Instead I would simply offer the following observations:

It is my sincere and solid hope that President Clinton did not take the pen Lyndon Johnson used to sign the Tonkin Gulf resolution with him to Paris to sign the treaty. Of course last week President Clinton took LBJ's Medicare pen to discover it was out of ink, and about a month ago President Clinton, amidst great fanfare, signed a public law, a budget agreement agreeing to get to a balanced budget in 7 years using honest numbers, but I suppose the President believes he used disappearing ink in signing that agreement.

Mr. Speaker, the President should take out a sharpened pencil and, with his budgeteers, work toward an honest balanced budget within 7 years. That is our mission. The American people will settle for no less.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone non-attainment areas designated as severe, and for other purposes.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 116. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1136. An act to control and prevent commercial counterfeiting, and for other purposes;

S. 1331. An act to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes;

S. 1465. An act to extend au pair programs;

S.J. Res. 43. Joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China; and

S. Con. Res. 36. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060.

REPUBLICANS FILLING THEIR CHRISTMAS STOCKINGS WITH MORE GOODIES

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, today's paper reports that the Republican leadership has again dropped the ball in terms of trying to limit Members of Congress' outside income. We know this past year there have been great scandals about the book deal with the Speaker, and in the past, this problem is nothing new, because it occurred with past Speakers and with other Members of the House and Senate. But now, after the Committee on Standards of Official Conduct and the embarrassment that this body has gone through this past year, the report is that the Committee on Standards of Official Conduct that has passed a proposal to limit outside earned income from book deals is going to be rejected. It is going to be put off so that the leadership, the Republican leadership in this House and across this country, can continue to fill their Christmas stockings with more goodies, not just this year in December, but throughout the next year. Happy New Year to the book deals—business as usual.

It is time to properly limit the outside earned income and the book deals and get back to the work we were elected to do, not writing political fiction about our glory days in the 104th Congress.

The 104th Congress should be about—delivering on a balanced budget that is both balanced fiscally and balanced fairly for the people of this country we represent, not to take away from the Medicare recipients and the Medicaid recipients and the less fortunate to provide and give tax breaks to our rich friends. Congress ought to get on with the task that we are elected to do to finish up the work that is 2 and 3 months past due, and get home so we can be with our families and friends and serve our constituents, not make bad history for political trash novels—with fat incomes for the congressional sponsors holiday stocking and a lump of coal for the taxpayers.

WITHOUT A REPUBLICAN MAJORITY WOULD BILL CLINTON BE NEGOTIATING A BALANCED BUDGET?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, this morning our national debt stands at 4 trillion, 988 billion, 438 million, 854 thousand, 514 dollars and 79 cents.

All this year, Republicans have devoted tremendous effort and energy to doing something about this debt. We have passionately advocated balancing the budget and doing the right thing for America. Everybody in America knows that balancing the budget is sane and responsible. The debt that previous Congresses have saddled on our Nation is a form of bondage. And our children and our grandchildren will pay for our failed governmental experiments.

And what has been the response from the President? Last week, he vetoed the first balanced budget in a generation. And today, he is at least negotiating a balanced budget with the Congress. But does anyone here believe that if there were no Republican majority that Bill Clinton would be negotiating a balanced budget? The answer is clearly, "no."

Mr. Speaker, let us end the excuses and balance our budget.

REPUBLICANS MANUFACTURING ANOTHER CRISIS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the stage is set for another Government shutdown tomorrow night. That means that citizens will not be able to apply for Social Security or veterans' benefits.

We find ourselves in this situation because the congressional Republicans have not sent a continuing resolution to the President. They are manufacturing another crisis because the President will not cut Medicare and education the way the Republicans want him to.

This poster was given to me by a constituent of mine, a small businessman in the Houston Heights area of Houston, that he is worried about what is happening up here, and obviously he is a fan of the Speaker when he says the rich get richer, we see the end of a great Nation in Godnewtzilla. What he is worried about is we are seeing the destruction of our country by cutting most seniors and the education for our children, and yet he wants to make sure that he can earn his living as a small business person in Houston.

Mr. Speaker, this crisis is contrived, and it is taking place because the Republican leadership has not been able to get their own appropriation bills to the President.

WHY WE HAVE TO BALANCE THE BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, as my colleagues know, balancing the budget is not about Republicans or Democrats. It is not about partisan victory. It is not about a victory of one group over another group. It is about setting priorities. It is saying that we care more about the future and worry about our children's future than just getting reelected. Balancing the budget is not just about economics, and it is not just about accounting. It is about the fact that we live in a great country, we live in the greatest country the world has ever seen, and yet we can live in an even greater one if we live within our means.

There are a lot of economic reasons to balance the budget, but what would it mean to the person back home? Mr. Speaker, experts have said, including Alan Greenspan, that living within our means under a balanced budget could mean a drop in the interest rates, perhaps as much as 2 percent, and, if the interest rates drop 2 percent, the average homeowner could have a lower mortgage. If a family has a 30-year mortgage on a $75,000 house, then over the lifetime of the loan that family will save and pocket $37,000.

That is why we need to balance the budget, Mr. Speaker, and I hope that the Democrats and Republicans will all step forward, put partisanship aside, and do the right thing.

WORK OUT OUR DIFFERENCES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, tomorrow is the deadline for the continuing resolution, and once again it appears the Speaker, NEWT GINGRICH, is prepared to shut down the Government because of the disagreements over the budget.

I have said before, and I will say it again, we may have differences between Democrats and Republicans on the budget, but the negotiations should continue and the Government should not shut down because the Speaker cannot come to an agreement.

Already the President has said that he wants to continue the Government operations for at least another week, if not beyond. The Senate leadership on the Republican side has also agreed to that. Speaker GINGRICH once again says "no" because of his own ideology.

We should work out our differences on the budget. I think right now there is no question that the American people feel that Medicare and Medicaid must be preserved and the Republican leadership in the House must come up with a budget proposal that protects Medicare and Medicaid, protects our environmental protection, our education programs. They have not done so. The President has agreed even to the 7-year balanced budget that the Republicans have proposed, but now it is up to Speaker GINGRICH and the Republicans in the House to come up with a program that agrees with the priorities of the American people.

LOWER TAXES AND SPENDING RESTRAINT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the liberal Democrats love to chant over and over that "heartless" Republicans are "slashing" Government to give tax breaks to their friends. False. But it is true that in some areas of Government, like foreign aid, we are cutting. In other areas, like Medicaid and Medicare, we are increasing spending.

And it is also true that we advocate tax cuts. Remember, higher taxes means more spending in Washington. I am proud that Republicans are going to give a $500 tax credit to children and to working families. The money that Americans make belongs to them; it does not belong to the Government. And let me say this about lower taxes: We need lower taxes to help grow the economy. It is essential to balancing the budget that we have strong economic growth. This time lower taxes will be coupled with spending restraints in Washington.

Mr. Speaker, let us end the excuses and let American families keep more of what they earn.

□ 1015

DEMOCRATS STAND FOR MEDICARE, REPUBLICANS STAND FOR MEDIOCRE HEALTH CARE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I hope our colleagues focus on this chart, which says "Medicare." It is one little word, but I think it says more about the differences between Democrats and Republicans than any other word. Mr. Speaker, Democrats care very much about Medicare, and Republicans want to take the care out of Medicare. They want to slash Medicare by $270 billion to give a tax break for their wealthy friends.

Mr. Speaker, Republicans would like to take the "care" out of Medicare. By their budget they are taking the "care" out of Medicare. I hope we look at this. When they take the care out of Medicare, this is what happens to health care in this country. It becomes mediocre care. Democrats stand for Medicare. Republicans stand for mediocre health care for our seniors, mediocre care so our seniors cannot get the care they need; mediocre care so people go without health care; mediocre care so senior citizens have to suffer, all to give a tax break for the rich. For shame.

THE DEMOCRATS SHOULD GET THE FACTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I would love to respond to the gentleman who has just addressed us and tell him that we have a standing offer: It is $1 million if he can find those cuts. We are still waiting. The challenge has been out there.

It is not working. The people in this country no longer are being deceived. The polls show that. I have been to town meetings. I find that people are angry that Democrats are trying to mislead them, that the Clinton administration is trying to mislead them. People do not like to be scared unnecessarily. I think that is a very good thing that they do not.

I would suggest that the gentleman might want to talk to our new colleague, Tom Campbell, when he arrives here and find out just exactly what is going on out there in America, because people know the truth. We are providing for Medicare. We are increasing Medicare. We are going from $4,700 per capita to over $7,100 per capita in our budget. President Clinton's budget does not balance. CBO says it one more time, it does not balance. We will stand behind our challenge. Get some facts.

OUR COUNTRY AND OUR TROOPS DESERVE CONGRESSIONAL SUPPORT

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, yesterday Members of this House, Republicans and Democrats alike, cast votes of conscience on our mission to Bosnia. Some Members endorsed the mission, some expressed serious concerns, and some opposed it altogether. That is the way democracy should work. But there can be no excuse, there can be no justification, there can be no rationalization for prohibiting this House last night, which the gentleman from California [Mr. BAKER], did, from having a unanimous vote in support of our troops that are already in Bosnia.

Let me read the resolution the gentleman from California [Mr. BAKER], and his colleagues who supported him killed last night on this floor:

> *Resolved:* That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery.

For anyone to stop this simple resolution is at best a lapse in judgment and, at worst, mindless partisanship. Our country and our troops deserve better than that.

A CONTINUING RESOLUTION ON A BIRTHDAY

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, today is a very important day. It is my birthday. I am either 56 or 65. I cannot remember which. But I want you to know I am a little concerned about something. It is 10:20. I have gotten a call from my daughter, Laura, and my son, Ted, and one other person from Maryland, but I have gotten no gifts. I know that time has been rushed and we have been doing a lot of things.

What I am going to propose today is that we have sort of like a continuing resolution so my birthday can extend from the 14th through the 21st, to give you all a chance to give me a gift. I do not want this to be a partisan affair. We should be bipartisan in this effort in every way. I do not want you to worry about the gift ban either, or about the fact that I missed your birthday and did not give you a gift. If you all start the charity, then I can respond. I want to thank you for this opportunity. Please keep me in your minds and your thoughts.

REPUBLICAN PARTISANSHIP WILL WRECK THE REPUBLIC

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, I want to talk about two subjects this morning. First, I am outraged over the Speaker's and the chairman of the Committee on Rules' declaration that they intend to gridlock action on the Ethics Committee recommendation to close the Gingrich loophole to prevent misuse of congressional offices for personal gain. This is a serious attempt to muzzle the Ethics Committee, and it must be stopped.

The second, I am also outraged, grossly disappointed, that last night this House could not put politics aside and send a clear message to our troops that they have our unequivocal support, our troops in Bosnia, and recognize their sacrifices in the service of our country. That is very, very sad. This kind of partisanship will ultimately wreck this Republic.

SAVINGS WILL PRESERVE THE AMERICAN DREAM

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, new estimates from CBO project an additional $135 billion in revenue over the next 7 years. That is very good news, but those estimates are based mostly on gains resulting from optimism all around this Nation regarding our movement toward a balanced budget.

Now the bad news. As soon as the word was made public, old politics reared its ugly head: "Spend that money, spend that money." That is the old way. The problem, if we start spending this new, imaginary money, confidence in a balanced budget will drop and the money will not be there. The lesson: Do not spend that imaginary money. If we do our job, the money will be a bonus to our children by lowering the debt. We must beat back the old politics, save that money, and protect the American dream for our children.

POLLS SHOW AMERICANS RESPOND TO THE PRESIDENT'S RESPONSIBLE LEADERSHIP

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, everyone is talking about signals and messages, but here are some facts and results from the latest New York Times CBS poll:

> President Clinton has emerged from the Federal budget standoff with his highest public ratings in nearly 2 years, while House Republicans have lost much of the goodwill they enjoyed after their sweep of Congress last year.

Today President Clinton signed an American-led peace plan on Bosnia in Paris. Under his leadership, American-led peace initiatives in Northern Ireland and the Middle East are flourishing. Somehow, the other side does not want to give him credit for these achievements, but the American people are. The other side wants to shut the Government down, but the President and Senator DOLE want to achieve a balanced budget.

Mr. Speaker, the American people are responding to responsible Government, and not to politics.

THE PRESIDENT SHOULD JOIN REPUBLICANS IN BALANCING THE BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, 25 days ago, President Clinton promised in writing to sign a balanced budget agreement by the end of this year. It is now December 14. How much longer do the American people have to wait? Last week, the President vetoed the Balanced Budget Act of 1995. Last week, the President said "no" to a brighter future for our children and for our grandchildren.

I would like to read something that this same President said back in March 1994, and how he said it: "Why, then, are we confronted with an opposition party that just stands up and says "No, no, no, no, no, no, no?" Mr. Speaker, it is time for the President to ask himself that same question: Why is he saying no, no, no, no, no, no, no, to balancing the budget? Come on, Mr. President. Join us in balancing the budget now.

OUR SPENDING MUST REFLECT BETTER PRIORITIES FOR AMERICA

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, sometimes we complicate things so much here and we lose perspective, that when we are talking about a budget, it is about setting priorities. It is just like our budgets at home. What we spend our money on reflects our values and our priorities.

As we proceed with these negotiations that are going on, I hope we will keep that in mind and reject the priorities that were set out in the budget reconciliation bill that the House and Senate passed and the President vetoed. Those priorities are mean-spirited: more expensive, less accessible, and lower quality health care; less commitment to education; higher taxes for working people; less nutrition; less immunization, less protection, and more poverty for children; less safe drinking water, more air pollution, more exposure to toxic waste; higher State and local taxes; less taxes for the rich at the expense of the poor. We ought to reject those priorities and set some better priorities for our country.

REPUBLICAN TAX CUTS GO TO WORKING AMERICANS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, contrary to what the gentleman just said and contrary to what we have been hearing from the Democratic side, the tax cuts, all those billions of dollars, $245 billion, are not for the wealthiest Americans. In fact, 89 percent, almost 90 percent, of the $500 per child tax credit, that is the largest tax cut in our budget, goes to families making less than $75,000 a year. Over the next 7 years, this pro-family credit will increase the take-home pay of the average American by $7,000. I do not know about your district, but $7,000 is a fair amount of money in mine. In Washington that may not sound like much money, but to the working parents of families who have children, they need that. That is a lot to them. It may help them on their mortgage payments, it may help them save for a college education. They can spend it as they will. It is their money in the first place. It should not have been taken from their pocket.

Mr. Speaker, we must put Uncle Sam on a diet and balance the budget, but we must allow working families to keep more of what they earn.

One other point. Balancing the budget and cutting taxes are not mutually exclusive. The Federal Government spends too much money, not because it taxes too little.

THE SPEAKER'S BALANCED BUDGET PLAN SHOULD INCLUDE VETERANS

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, in last month's continuing resolution agreement, the gentleman from Georgia [Mr. GINGRICH] and President Clinton committed to a balanced budget that "must provide adequate funding for veterans," but NEWT GINGRICH's current budget plan hurts veterans. That budget cuts health coverage for veterans, it increases costs for prescription drugs for veterans, it hikes costs for veterans' home loans, and it even cuts some pension benefits for veterans. That budget provides $400 million less than what the veterans' health system needs in fiscal year 1996 to provide current quality health care for veterans. Many of NEWT GINGRICH's own Republican Members objected to this cut until they had their arms twisted by their leaders. NEWT GINGRICH should live up to his commitment to a balanced budget that gives veterans what they deserve.

PRIVATE PROPERTY IMPACTS OF H.R. 1020

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, I rise again to express my strong opposition to H.R. 1020, the Nuclear Waste Policy Act of 1995. My colleagues have heard many, many reasons why H.R. 1020 is not a good bill. I have discussed at length how H.R. 1020 would preempt States rights, slash environmental standards, bust the budget agreement by $4.2 billion, and today I will tell my colleagues how it endangers the rights of private property owners.

H.R. 1020 proposes that thousands of shipments of high level nuclear waste be shipped from the 109 reactors around the country, across 43 States to Nevada. As written, there is no language in H.R. 1020 to protect private property rights. I know that and many of my colleagues and I are strong supporters of private property rights. As this nuclear waste travels across our local communities, there is no protection for private property owners if their property is devalued. A recent case was decided in Santa Fe, NM, that accurately describes the reality of this situation. The New Mexico State Supreme Court ruled that Mr. John Komis, of Santa Fe, NM, be awarded more than $884,000 for damages resulting from devaluation of his land due to the transportation of radioactive waste past his property. Your constituents, whether in Wichita, KS; Medford, OK; or Charleston, WV, or anywhere along the transportation routes, could suffer from this very same experience.

I intend to offer an amendment to H.R. 1020 to ensure that private property owners be compensated for any property devaluation. While this single amendment could in no way ever correct all the drastic problems with the legislation, it does provide a mechanism to protect the innocent property owners from erroneous Government action. I urge my colleagues to protect their constituents and support my amendment.

THE SPEAKER SHOULD SUPPORT A BUDGET WHICH REFLECTS AMERICA'S PRIORITIES, NOT HIS OWN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last month, the gentleman from Georgia [Mr. GINGRICH] shut down the Government because he did not like his seat on Air Force One. But now he is at it again, and while the President and the Republican leaders of the other body work together to negotiate a budget deal, Speaker GINGRICH can only offer obstruction. Why is the Speaker determined to shut down the Government again?

□ 1030

Was he invited to breakfast at the White House and got only one piece of toast and President Clinton got two? Who knows. What we do know is that the Speaker is using the threat of a Government shutdown to force his budget priorities on the American people.

My colleagues on the other side have said that the polls show that the American people know what is going on. In fact, they do know what the Republicans are doing here, and they do not like it. They oppose a budget that cuts Medicare, education, environmental protection to finance a tax cut for the wealthiest Americans.

So, Mr. GINGRICH, quit playing games. Give the American people an early Christmas present, a budget which reflects America's priorities, the priorities of the people of this country, not yours.

LINGANORE LANCERS ARE NO. 1

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, there is life outside the Congress.

I rise today to recognize the achievements of Linganore High School—the Lancers—and its three 1995 State championships. This fall, the Linganore girls cross-country team and team member Kristen Ritter won the State Division 2–A team and individual State championships.

Most recently, Linganore's football team won its third State championship in Division 2–A.

It last won the championship in 1991.

The Lancers' first State football championship was earned in Division 3–A in 1989. I am very proud that a member of my staff, Jeff Jones, started as the middle-linebacker on that first championship team.

First year Linganore head football coach Bill McIntosh deserves a lot of credit for nurturing these fine young men into a winning team.

The 1995 State championships were a great and difficult goal.

The Lancers set their sights on achieving that goal. Then they went out and made it happen—three times so far this year.

May the example of the 1995 Maryland State Champion Linganore High School girls cross-country team, Kristen Ritter, and the football team inspire those of us in Congress to achieve our goal of a balanced budget in 7 years.

ETHICS COMMITTEE NAILS DOWN BOOK ADVANCE LOOPHOLE

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, I think every Member of this body 1 year ago felt embarrassment when we learned that the incoming Speaker, NEWT GINGRICH, was about to pocket $4.5 million under an extraordinarily book deal that would have richly benefited him and the individual seeking to pay him, an individual with substantial stake in the legislation to come before this Congress.

The Committee on Standards of Official Conduct, in a bipartisan, unanimous vote, has voted to make certain that never again will we have a Speaker, NEWT GINGRICH, or a Republican or a Democrat ever again try and cash in in this fashion by nailing down the book advance loophole.

I was shocked to learn in this morning's papers, Speaker GINGRICH is trying to delay indefinitely this measure from coming up for a vote in the House, and other Members of the Republican leadership are on board in trying to delay us or stop us from having a vote on this good Government reform.

Think again, Mr. Speaker. Think again, Republican leaders. The Committee on Standards of Official Conduct has spoken and we will have a vote, either under your auspices or under a discharge petition.

ETHICS COMMITTEE'S REFORM STALLED

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the Committee on Standards of Official Conduct has unanimously voted to close the loophole on outside income limitations for Members of Congress from book royalties. Now the Speaker and the majority leader and the Committee on Rules chair all inform us that there will be a stall in that reform. I think that is a very sad day.

I wrote the code of ethics under which 18 Members of this House have been disciplined, and at that time, at the request of people of the highest integrity, we made an exception for book royalties because we wanted to make room for legitimate exchange of ideas, and we had in mind books by people such as Mo Udall, Dick Bolling, and John Anderson. But we never dreamed that that exception would be used by any Member to cash in big on his public fame.

The Speaker's book deal has done such incredible damage to the public confidence in this House by making it appear that all of us are money grubbers, that that rule must be changed to eliminate it, and it must be changed now.

NO BUDGET, NO CONGRESSIONAL PAY

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, when the Republicans failed to pass the necessary appropriations bills, they precipitated a crisis last month which led to the longest Government shutdown in our Nation's history. The Government shutdown cost American taxpayers $100 million a day because Mr. GINGRICH and the Republican leaders failed to pass a spending bill to keep the Government open. That sort of tragedy should not be repeated, and yet, tomorrow, it may be.

We now have another threat from the Republican leadership to close down the Government again, this time to send home some 300,000 Federal employees and once again leave the American taxpayers holding the bag.

Mr. GINGRICH insists that closing down the Government and sending home these employees is a matter of principle. Let me suggest something to the Speaker. It is a matter of principle if your paycheck is on the line, not if the paychecks of 300,000 Federal employees are on the line.

Mr. GINGRICH, you can put your paycheck on the line by supporting my bill: No budget, no pay. If Congress fails to keep the Government open, Congress does not get paid.

Mr. GINGRICH has killed this bill five times. We have to push forward to make sure that Congress does the responsible thing.

STATES NEED BETTER CONTROL OVER MEDICAID

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, this is what a prominent Governor has to say about reforming Medicaid: "If the Federal Government would just release us from its bureaucracy and nonsense, we'd make these programs better for those they serve, and we'd do it for less money."

Any guesses on who said this? It was Massachusetts Governor Bill Weld in a Wall Street Journal article from Monday.

Here's quote from another well-known Governor: "Medicaid mandates have put great stress on State budgets and undermined the States' ability to properly fund education and other important services."

Any guesses on this one? Well, this quote is from a document coauthored by Governor Bill Clinton in 1989.

As Governor, Bill Clinton warned that Medicaid mandates were too burdensome and in need of more State-level control.

Now, as President, Mr. Clinton has the opportunity to take care of that problem, but he has changed his position, and he has vetoed a bill that would have accomplished that.

Mr. Speaker, I urge the President to join us in giving the States better control over our Medicaid system.

WELFARE REFORM MUST NOT PUNISH CHILDREN

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we have heard a great deal of inside-the-beltway talk during the welfare reform debate about family caps, block grants, and maintenance of effort.

But I tell you, my friends, we have not heard much about the children. Let me lay out the facts plain and clear.

By shredding the safety net—by ending for the first time in 60 years the Federal guarantee of assistance for poor children—The Gingrich welfare bill will push at least 1.2 million more children into poverty, 1.2 million more children into poverty.

The bill tells children: If you're poor, don't get sick; don't get hungry; don't get cold because we don't think you're important. And, we don't want to guarantee that you have health care; food, and general assistance.

Mr. Speaker, welfare reform is not supposed to be about punishing poor children.

It should be about improving their lives by giving their parents the education, job training, and child care needed to get a job and get off welfare permanently.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, and the Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Florida [Mr. GOSS]?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BRYANT of Texas. Mr. Speaker, I rise to announce to the House that under rule IX, I plan to offer a privileged resolution and ask for its consideration to be scheduled within 2 days, as are required by the rules, as follows:

Whereas, on November 29, 1995, the House of Representatives considered S. 1060, a bill which had been passed by the Senate on July 25, 1995 to provide for the disclosure of lobbying activities to influence the Federal Government and for other purposes;

Whereas, on such date the House passed the bill without amount, the effect of which was an identical lobbying reform bill passed by both the House and the Senate;

Whereas, as of December 14, 1995, the bill passed by both Chambers has not been enrolled by the Senate and presented to the President in violation of constitutional requirements to so present;

Whereas, an unreasonable delay in the presentation of an enrolled bill to the President affects the integrity of the proceedings of the House of Representatives: Therefore, be it

Resolved, That the Speaker of the House of Representatives shall appoint a committee of two Members of the House, one from each major party, to determine whether there has been unreasonable delay in transmitting the enrolled bill, S. 1060, to the President, and such committee shall promptly inform the Senate of the concern of the House of Representatives over the delay in the bill's presentation to the President.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within 2 legislative days of its being properly noticed. The Chair will announce the Speaker's designation at a later time. In the meantime, a form of the resolution proffered by the gentleman from Texas will appear in the RECORD at this point.

The Chair is not making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated by the Speaker for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, my question would be as to the point you just made, as to whether or not this would be recognized as a legitimate question of privilege, would the fact that a virtually identical resolution under identical circumstances offered by then-minority whip GINGRICH in 1991, that that was ruled to be a question of privilege, would that be relevant to this decision?

The SPEAKER pro tempore. The Chair will consider that at the time that the resolution is offered.

ENFORCING THE PUBLIC DEBT LIMIT AND PROTECTING SOCIAL SECURITY TRUST FUND AND OTHER FEDERAL TRUST FUNDS

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2621) to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules and the former chairman, and my good friend and distinguished Member of this body, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 293 provides for the consideration of H.R. 2621, a commonsense measure designed to ensure that the promise made by this Government to the people who depend on Social Security and similar trust funds will be kept. We have repeatedly promised Americans that the money they pay into Government trust funds is being kept in trust for them, safe from being raided for short term fiscal and political emergencies. And the majority party in Congress intends to keep that promise even if the Clinton administration doesn't. This bill is necessary now because the Clinton administration—particularly the Treasury Secretary—has violated that trust in recent weeks by dipping into these reserve accounts in order to extend the Nation's credit and wiggle out of a commitment to put this Nation on a 7-year glide path toward a balanced budget. The new congressional majority has told the administration that we will not grant an extension of our national debt—which now stands at nearly $5 trillion—until we have in place a plan to balance the budget. It would be irresponsible and immoral of us to keep writing uncovered checks from our children's accounts without such a plan in place. But fulfilling this commitment means making sure the administration can't stretch the rules and raid the trust funds to keep the red ink flowing. And so, on November 14 of this year, the House passed H.R. 2621 under suspension of the rules. Although the bill received a majority of the votes that day—247 ayes to 179 nays—it fell short of gaining the necessary two-thirds needed to pass under suspension. That's why the Rules Committee was asked to grant this rule. As is customary for legislation stemming from the Ways and Means Committee, House Resolution 293 is a closed rule. However, since the time that the House first considered this bill, the Treasury Secretary has in fact borrowed from the trust funds. This rule therefore incorporates an amendment offered by the chairman of the Ways and Means Committee, Mr. ARCHER, to restore those trust funds to their full value. This amendment will be adopted upon passage of the rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. In addition, the rule provides for one motion to recommit.

Mr. Speaker, during our Rules Committee hearing on this bill last week, the ranking member of the Ways and Means Committee, Mr. GIBBONS, suggested that passing H.R. 2621 is a waste of time since the President is surely going to veto it. I am extremely puzzled and, frankly, quite dismayed to hear that this President would veto a measure designed to ensure the solvency and integrity of the Government trust funds, including the Social Security trust fund. Is President Clinton really in favor of raiding the Social Security trust fund? If in fact the President has made this ill-advised decision, I hope he will reconsider. If he doesn't, I hope America is listening. Those trust funds are based upon the trust of the people who have paid into them in good faith. They expect us to ensure that their money is being held safely by the Federal Government. Those funds are not designed to bail out the overspending of the Clinton administration nor are they to assist this administration in its effort to avoid agreeing to a balanced budget in 7 years. I know the President has previously said that preserving Social Security is a priority for his administration. He can live up to that rhetoric by joining us in this effort to enforce the public debt ceiling while protecting the trust funds.

Mr. Speaker, I include the following material for the RECORD.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of December 7, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	56	65
Modified Closed[3]	49	47	20	23
Closed[4]	9	9	10	12
Total	104	100	86	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of December 7, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of December 7, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95)
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

□ 1045

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is an outrage. It is dangerous, it is irresponsible, it plays politics with the American people, and is wrong.

I am opposed to this bill.

I am opposed to this closed rule, and I urge my colleagues to defeat the previous question.

Mr. Speaker, there is one reason why this country is about to default on its loans for the first time in history—because my Republican colleagues will not pass a clean debt limit extension. Plain and simple.

Now I wish we did not have to raise the debt limit—but I also recognize that it is something we must do.

If this horrible bill passes, our payments to our creditors will stop immediately and it will be much harder for the United States to borrow money in the future. We will have to pay extremely high interest rates and the American taxpayers will pay for it.

This bill will force this country to default on its loans and that will hurt a lot of people.

People with pension plans will be hurt; people will adjustable rates mortgages will be hurt; people with payroll deduction plans will be hurt; and people who served in the military will be hurt.

Mr. Speaker, this debt limit extension should be above politics—it is a very serious issue and has no place whatsoever being used as a political football.

Mr. Speaker, I urge my colleagues to defeat the previous question to provide for short-term increase in the Federal debt of $85 billion. Secretary Rubin requested this amount in a letter to Speaker GINGRICH on October 27 of this year and we should grant it.

There is no reason for my Republican colleagues to play these games. All we need to do to prevent default is pass a simple debt ceiling bill. It is not that hard. Congress has done it 33 times between 1980 and 1995.

But, instead of acting responsibly and passing a simple debt ceiling increase, my Republican colleagues are offering a bill that takes away the Treasury Department's ability to deal with the debt ceiling crisis. All for the sake of politics.

My Republican colleagues are using the debt ceiling bill as a way to play politics with other budget issues. It holds the American people and the credit of this country hostage and it is wrong.

Mr. Speaker, this bill is dangerous, this closed rule is unfair, and I urge my colleagues to defeat the previous question.

The fiscal integrity of the United States is much too important to be sacrificed on the altar of partisanship.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. Makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute; provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides A senate hook-up after adoption.	1D

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (3⁄5 requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all points of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (3⁄5 requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res.	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.

*Contract Bills, 67% restrictive; 33% open. **All legislation, 55% restrictive; 45% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me the time. I just took this time because I think it is important to correct the record.

Mr. Speaker, this bill does not protect the trust funds. We do not protect the trust funds by causing fiscal chaos for this Nation. If we want to ensure that our Social Security recipients receive their Social Security checks, we do not jeopardize the payment on our debt of this Nation.

If this bill were to pass, it would cause an immediate default on the national debt. I do not think anybody wants to see that happen. Why are we not passing a clean debt extension? It has already been passed a couple of times by this House.

This is not anything new. This debt limit has already been approved and voted on by just about every Republican in this House. But they are playing games with the ability of people to receive their Social Security checks.

I urge my colleagues to defeat the previous question so that we can get a clean debt extension that will really protect our Social Security recipients.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I announced earlier, if the previous question is defeated, I will offer an amendment to the rule that includes a substitute for the debt management repeal bill offered by the Republicans.

My substitute is a clean, short-term debt extension of $85 billion. This amount will allow the orderly conduct of the Nation's financial affairs until January 19. After that date, the debt ceiling will revert to the current level.

The extension will allow additional time for continued budget discussions between the administration and Congress. I ask that the amendment to the rule be printed in the RECORD at this point.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the proposed amendment is as follows:

AMENDMENT MODIFYING THE TEXT OF H.R. 2621, TO PROTECT FEDERAL TRUST FUNDS (CONSIDERED AS ADOPTED BY THE ADOPTION ON THE RULE)

Strike section 2 of the bill and insert the following:

SEC. 2. CONFORMING AMENDMENT.

(a) IN GENERAL.—Subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title are hereby repealed.

(b) RETENTION OF AUTHORITY TO RESTORE TRUST FUNDS WITH RESPECT TO ACTIONS TAKEN BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The repeals made by subsection (a) shall not apply to the restoration requirements imposed on the Secretary of the Treasury (or the Executive Director referred to in section 8438(g)(5) of title 5, United States Code) with respect to amounts attributable to actions taken under subsection (j)(1) or (k) of section 8348, or section 8438(g)(1), of such title before the date of the enactment of this Act.

(2) RESTORATION REQUIREMENTS.—For purposes of paragraph (1), the term "restoration requirements" means the requirements imposed by—

(A) paragraphs (2), (3), and (4) of subsection (j), and subsection (l)(1), of section 8348 of such title, and

(B) paragraphs (2), (3), (4), and (5) of subsection (g), and subsection (h)(1), of section 8438 of such title.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume. All I would simply say is that despite the very important comments of the gentleman from Maryland, I would disagree. That the most important threat to our children and our Nation and our people on Social Security is in fact that the national debt has gotten so far out of control that the credit of our country indeed is in question. I would suggest that the right vote is to get responsible now. This is not a question of politics. This is a question of the well-being of our people.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 183, not voting 26, as follows:

[Roll No. 859]

YEAS—223

Allard
Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—26

Armey
Bilbray
Boehlert
Brown (FL)
Clay
Crane
DeFazio
Dixon
Emerson
Ford
Gephardt
Geren
Harman
Largent
McInnis
McKinney
Mfume
Nethercutt
Pombo
Rose
Scarborough
Sisisky
Smith (NJ)
Stockman
Tucker
Young (AK)

Mrs. SMITH of Washington and Mr. ZELIFF changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

□ 1115

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore (Mr. INGLIS of South Carolina) announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 20, as follows:

[Roll No. 860]

AYES—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen

Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—184

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Baldacci
Barr
Bishop
Clay
Crane
Dixon
Emerson
Ford
Geren
Harman
Jacobs
McInnis
McKinney
Mfume
Pombo
Rose
Smith (NJ)
Stockman
Tucker
Young (AK)

☐ 1135

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider is laid on the table.

FIRING INAPPROPRIATE AT CHRISTMASTIME

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I would like to make an inquiry of the Speaker or anyone knowledgeable of the issue to clarify it, because there is a good deal of concern on the part of Members on both sides of the aisle over the status of 11 people who served all of the Members of this body in a nonpartisan way, and who, we understand, have been fired without advance notice just before Christmastime.

I do not think it is a partisan issue, but it is something that affects all of us, because these are people who are responsible for the tallying, for the enrollment of bills, for checking the accuracy of the bills; and the only common bond we can find among those people that have been peremptorily fired is that they had accumulated a substantial amount of compensatory time.

Since this body will have to abide by all of the private sector laws as of January 1, we would be responsible for compensating these people for the compensatory time they built up for working late hours when we are still in session.

Mr. Speaker, if that is the common bond that caused their firing, then I think it would be helpful for all of us to understand, because this affects the ability of all of the Members of this body to carry out their functions and to make sure that no mistakes are made in the wording of the bills, and that the tally of the votes, and so on is accurate.

Mr. Speaker, I also think that it reflects on all of the Members of this body if we fire our own employees just before Christmastime for a reason that does not seem consistent with the values—the family values and the integrity—of this House.

Mr. Speaker, I see the gentleman from California [Mr. THOMAS] has risen, the chairman of the Committee on House Oversight, and perhaps he would respond.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just say that perhaps these kinds of discussions on the floor, without having all of the facts in front of us, are probably not as useful as they should be, and that I believe the gentleman ought to avail himself of all of the facts prior to making some rather strong statements.

Of course, as the gentleman knows, given the dismissal policy around here, these individuals will be with us through the Christmas season.

As a matter of fact, they will be with us through the beginning month of the year, and probably beyond that because simply, around here when you talk about removing people who, in the review of the needs, are no longer necessary, to make a statement that they are not going to be here through the Christmas session is simply not factually correct; and I would very much like to invite the gentleman to sit down and take a look at all of the facts surrounding the circumstances.

I would have been more than willing to do that had the gentleman approached me, without taking the time of the House to make some statements.

I think the gentleman will find, after he looks at the facts, that he was perhaps a bit extreme. I thank the gentleman for yielding.

Mr. MORAN. Mr. Speaker, reclaiming my time, that was the purpose for making it an inquiry rather than a speech: To determine why it occurred. I hope we can get some further light on the issue. I think it is a serious one.

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 293, I call up the bill (H.R. 2621) to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations, and ask for its immediate consideration.

The Clerk read the title of the bill.

H.R. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF PUBLIC DEBT LIMIT TO FEDERAL TRUST FUNDS AND OTHER FEDERAL ACCOUNTS.

(a) PROTECTION OF FEDERAL FUNDS.—Notwithstanding any other provision of law—

(1) no officer or employee of the United States may—

(A) delay the deposit of any amount into (or delay the credit of any amount to) any Federal fund or otherwise vary from the normal terms, procedures, or timing for making such deposits or credits, or

(B) refrain from the investment in public debt obligations of amounts in any Federal fund,

if a purpose of such action or inaction is to not increase the amount of outstanding public debt obligations, and

(2) no officer or employee of the United States may disinvest amounts in any Federal fund which are invested in public debt obligations if a purpose of the disinvestment is to reduce the amount of outstanding public debt obligations.

(b) PROTECTION OF BENEFITS AND EXPENDITURES FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding subsection (a), during any period for which cash benefits or administrative expenses would not otherwise be payable from a covered benefits fund by reason of an inability to issue further public debt obligations because of the applicable public debt limit, public debt obligations held by such covered benefits fund shall be sold or redeemed only for the purpose of making payment of such benefits or administrative expenses and only to the extent cash assets of the covered benefits fund are not available from month to month for making payment of such benefits or administrative expenses.

(2) ISSUANCE OF CORRESPONDING DEBT.—For purposes of undertaking the sale or redemption of public debt obligations held by a covered benefits fund pursuant to paragraph (1),

the Secretary of the Treasury may issue corresponding public debt obligations to the public, in order to obtain the cash necessary for payment of benefits or administrative expenses from such covered benefits fund, notwithstanding the public debt limit.

(3) ADVANCE NOTICE OF SALE OR REDEMPTION.—Not less than 3 days prior to the date on which, be reason of the public debt limit, the Secretary of the Treasury expects to undertake a sale or redemption authorized under paragraph (1), the Secretary of the Treasury shall report to each House of the Congress and to the Comptroller General of the United States regarding the expected sale or redemption. Upon receipt of such report, the Comptroller General shall review the extent of compliance with subsection (a) and paragraphs (1) and (2) of this subsection and shall issue such findings and recommendations to each House of the Congress as the Comptroller General considers necessary and appropriate.

(c) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means any obligation subject to the public debt limit established under section 3101 of title 31, United States Code.

(d) FEDERAL FUND.—For purposes of this section, the term "Federal fund" means any Federal trust fund or Government account established pursuant to Federal law to which the Secretary of the Treasury has issued or is expressly authorized by law directly to issue obligations under chapter 31 of title 31, United States Code, in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriate.

(e) COVERED BENEFITS FUND.—For purposes of subsection (b), the term "covered benefits fund" means any Federal fund from which cash benefits are payable by law in the form of retirement benefits, separation payments, life or disability insurance benefits, or dependent's or survivor's benefits, including (but not limited to) the following:

(1) the Federal Old-Age and Survivors Insurance Trust Fund;

(2) the Federal Disability Insurance Trust Fund;

(3) the Civil Service Retirement and Disability Fund;

(4) the Government Securities Investment Fund;

(5) the Department of Defense Military Retirement Fund;

(6) the Unemployment Trust Fund;

(7) each of the railroad retirement funds and accounts;

(8) the Department of Defense Education Benefits Fund and the Post-Vietnam Era Veterans Education Fund; and

(9) the Black Lung Disability Trust Fund.

SEC. 2. CONFORMING AMENDMENT.

(a) IN GENERAL.—Subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title are hereby repealed.

(b) RETENTION OF AUTHORITY TO RESTORE TRUST FUNDS WITH RESPECT TO ACTIONS TAKEN BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The repeals made by subsection (a) shall not apply to the restoration requirements imposed on the Secretary of the Treasury (or the Executive Director referred to in section 8438(g)(5) of title 5, United States Code) with respect to amounts attributable to actions taken under subsection (j)(1) or (k) of section 8348, or section 8438(g)(1), of such title before the date of the enactment of this Act.

(2) RESTORATION REQUIREMENTS.—For purposes of paragraph (1), the term "restoration requirements" means the requirements imposed by—

(A) paragraphs (2), (3), and (4) of subsection (j), and subsection (l)(1), of section 8348 of such title, and

(B) paragraphs (2), (3), (4), and (5) of subsection (g), and subsection (h)(1), of section 8438 of such title.

The SPEAKER pro tempore. Pursuant to House Resolution 293, the amendments printed in the House report, 104–388, are adopted.

The text of H.R. 2621, as amended, is as follows:

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill H.R. 2621.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is again debating H.R. 2621, a bill to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations.

As everyone will recall, we have already sent to the President two debt limit extensions, a long-term extension as part of the Balanced Budget Act, which he vetoed, and a short-term extension which he vetoed on November 13. Accompanying the short-term limit were the trust fund protections which are embodied in the bill that we are now considering.

As a result of the President's veto of the debt limit, the administration took some extraordinary steps to avoid the legal debt limit that, to me, are very disturbing. On November 15, the Treasury gained access to $61.5 billion from the Civil Service Retirement trust fund and the G fund in the thrift savings account.

Recent public statements indicate that the Treasury can go through the end of January and perhaps into the first week of February before facing further debt constraints. However, it is not clear what move Treasury will next take to create further borrowing authority.

H.R. 2621 would prevent the kind of steps that the Treasury has been undertaking. Quite simply, the bill requires Federal trust funds and similar accounts to be fully invested in Government securities. Surplus income cannot be held in cash to avoid hitting the debt limit.

Furthermore, funds cannot be disinvested unless it is done to pay authorized benefits. During a debt limit period, Social Security benefits and other benefits to individuals financed through the redeposition of U.S. securities would be paid.

Mr. Speaker, the amendment that was incorporated in the rule updates the legislation for the events that have occurred in the last few weeks. It would restore the Civil Service trust fund and G fund to their proper financial levels for actions taken by the Secretary of the Treasury to date. This would be a one-time-only restoration, and Treasury's current authority to use this as a loophole around the debt limit would be repealed.

Mr. Speaker, when the President vetoed the short-term debt limit, he cited as one of his reasons the limitations it placed on Treasury's statutory power to manage the debt, but this argument between the two branches of Government is not about debt management. The power to borrow money on the credit of the United States is clearly a constitutional function of the U.S. Congress; whether this debate should be about controlling the level and growth of the debt burden on our children, and it is about balancing the budget.

□ 1145

It is also about controlling the runaway growth of Federal spending and the tax burden placed on working people in this country.

On November 15, the Treasury used a Federal pension law intended to protect retiree benefits to seriously weaken the constitutional authority of the Congress of the United States. Even though it has not shown up on the official books to date, when the trust funds are automatically restored—and, Mr. Speaker, there is a legal obligation to restore these funds—the Nation will be $61 billion further in debt, without the Congress, the constitutional authority as the voice of the people, having acted upon it. This legal obligation to restore the disinvestment of these trust funds in fact is extra debt and effectively pierces the debt ceiling.

The U.S. Government cannot continue to act like a spendthrift, that having reached its limit on its credit card, goes out and simply gets another credit card. Already we have handed our children the bill of $187,000 in their lifetimes just to pay the interest on the existing debt, and now the Secretary has incurred an additional liability already of $61 billion. That is why we must pass this law, using our constitutional authority to protect these children and the generations to come.

But the young are not the only ones who should have an interest in this legislation. The Social Security trust funds, as I mentioned before, are not legally protected from this kind of a manipulation already done to the other pension trust fund. The 43 million recipients who paid their taxes and rely on those benefits expect us to stand behind their investments.

The administration says it will not use Social Security trust funds in the debt limit game, and we know that they have not yet touched the Social Security fund. But, make no doubt about it, this bill is the only way to legally protect Social Security from being raided during this or any future debt suspension period.

Mr. Speaker, this bill is both necessary and responsible. It takes back the Congress' constitutional right to determine the level of debt on the people of this country, it protects our senior citizens' trust funds and benefits, and it closes the loophole the administration has used to increase the debt that every American must carry.

I urge my colleagues to adopt this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, in most of America this is a happy time of the year in which we are wishing each other good wishes, and I think we genuinely feel that.

But in the 30-something years I have been here in Congress. I have noticed there is a propensity at this time of the year as Congress begins to close down for a little recess that it develops into the silly time.

I know this is not the idea of the gentleman from Texas [Mr. ARCHER]. The leadership over there forced him to this, in the most mismanaged session that I have ever seen in my congressional career.

We have wasted more time this year on silly things that have never gone anyplace but have made a lot of fancy headlines for a brief day or so. But this continues on.

No President in his right mind would ever sign this bill. Whether he be Democrat, Republican, Independent, or who done it, he would never sign this bill.

I think it would behoove my Republican friends to realize that power changes around this place, and maybe sometime in the future they may face a situation where they are in the White House and we are in control here in the Congress, and we get cantankerous like they have done on this debt ceiling thing and they have got no room to maneuver for the good of the country.

I have never met anybody who really in their right mind wants to shut the Government down. I am not talking about just shutting down the Grand Canyon or the Washington Monument. I am talking about not paying the military, not paying the Social Security benefits.

That is what could happen if this silly bill became law. None of the bills would be able to be paid. There would be financial chaos in the United States and in the world if we do not have the maneuver room that we have now got under the law.

So this bill will never get out of the Senate, it will never become law, and we are wasting an hour here today because if we did not waste an hour doing this, we would do something else silly around this place. That is the only reason.

So, Mr. Speaker, the Social Security fund is safe. It has already been invaded twice to pay benefits. If we cut it off and do not allow them to invade it, and that is what this would do, to pay benefits, we are going to have checks bouncing just like that all over the United States, immediately.

Everybody's check would bounce. The Government could not do a single thing. It could not pay the police, it could not pay the FBI, it could not pay the prison guards, it could not pay the FAA, the air traffic controllers. It just could not do anything.

Now, none of you want to do that and I do not know why you go through this silly drill. It is never going to become law, and maybe you ought to get around to managing the time so that we could do something useful for the American public.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS], a member of the Committee on Ways and Means.

Mr. COLLINS of Georgia. I thank the gentleman for yielding me the time.

Mr. Speaker, I have said a number of times from this well and also in the Third District of Georgia that the greatest challenge to this Congress is the deficit, and the greatest threat to this Nation is the national debt, and the best and the most important responsibility of this Congress is balancing the budget.

What we are doing here today is trying to prevent and stop the delay of balancing the budget. The process of using trust funds rather than disburse them into the accounts that they should be in is simply a way to balance-budget dodge, and that is it in a nutshell. It is wrong. Those funds are deducted from employee checks, they are matched by taxpayers' money, and they should be deposited in the trust funds. Those dollars do not belong to the Federal Government or the Treasury any longer. Once they come out of a person's payroll check, they should go to the place of responsibility and that is the trust funds.

We in the private sector, those of us who are in business and employ people, have to do the same thing. When we have funds that we deduct from an employee's check, we have so many banking days that we have to make a deposit at the bank and those funds go into the Treasury and then supposedly into trust funds. The same thing should be required of the Treasury and the Federal Government. The Federal Government, the Treasury, should be required, also, to make those deposits within a short period of time and not use them to circumvent the process of balancing the people's books.

Passage of this legislation will not completely stop the balanced-budget dodging, but it will sure help. It will sure help to protect those dollars that are deducted from the employees of this Government and from those who work for many other employers and have Social Security funds deducted from their paychecks. It is important that we pass this legislation.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong opposition to this bill. While it pretends to protect our various Federal trust funds, in fact, by forcing a default on our national debt the bill virtually ensures that our Social Security beneficiaries and our civil service retirees will not be paid on time.

This bill repeals the debt management tools given to the Secretary of the Treasury in 1986 and 1987. These tools were used by Secretary Rubin on November 15 to avoid a default. The bill also requires the Secretary to immediately invest all cash balances and incoming receipts for all trust funds, even if the debt limit would be exceeded in doing so. This will force our Nation into default in a matter of days.

While the bill makes a pretense of protecting our trust fund beneficiaries, in reality it would have exactly the opposite result. Millions of citizens entitled to various kinds of payments would not be able to receive what they are owed. Military personnel, including our troops in Bosnia and around the world, would not get paid, nor would their support supplies be paid for. Medicare and Medicaid recipients, food stamp recipients, and holders of Government securities, many of whom absolutely rely on the timely delivery of their checks to survive, would be left waiting.

In addition to these short-term impacts, forcing our Nation into default would have serious long-term financial implications. Investors will demand a risk premium to purchase future Government debt, and disruption of normal borrowing procedures will result in delay costs, resulting in higher interest rates which will cost taxpayers billions of extra dollars annually. Virtually all interest rates are keyed to Treasury rates. If they go up, so will mortgage rates, and rates on consumer loans and personal loans and student loans.

This bill is irresponsible and it is unwise. We should defeat it. We should pass a clean temporary extension bill, as we have done at similar times in the past and we should get on with the important business of balancing the budget in a bipartisan manner.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today we are going to attempt again to protect Social Security and other Federal trust funds during the budget negotiations by putting up a vote, hopefully a successful one, on this debt limit bill.

For senior citizens in America, this is an absolutely key vote and one which everyone should watch. I listened to the comments of my friend and distinguished colleague from Florida. Let me suggest to him that no President in his right mind would veto this bill. This bill is timely. Because in the wake of the President's veto of prior debt limit legislation, the administration took some extraordinary and disturbing steps to circumvent the legal debt limit.

As our chairman noted, on November 15, Treasury tapped into $61.5 billion from the civil service retirement trust fund and the G Fund in the Thrift Savings Program. This raises chilling questions about where Treasury will look next to create further borrowing authority.

Let us be clear on this. The President does not want to erect fire walls around these trust funds because he needs the assets in these accounts to get around the debt ceiling and resist serious budget negotiations.

Mr. Speaker, H.R. 2621 provides essential protections for Social Security and other trust funds now being raided by the Treasury to avoid the statutory debt limit. It restores public confidence in these retirement systems. This bill is both necessary and responsible. It reasserts Congress's constitutional right to determine the debt, it protects senior citizens' trust funds and benefits, and it closes the loophole that this administration has used to siphon retirement assets in its possession.

This is not about cash management, Mr. Speaker. It is about the integrity of Social Security and the Federal retirement system and keeping faith with those who depend on them.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, in one sense I hesitate to speak on this because this is such a ludicrous proposition. I do not know why you are pursuing it. At a time when we should be talking responsibly, negotiating responsibly on a bipartisan basis, you are playing games.

Why are you doing it? So far you have not fooled anybody. Not a soul. You started this in Ways and Means.

The Social Security trust funds are not being raided. You know that. It is just a falsehood. In your sentence you cleverly say raiding Social Security and other trust funds, or raiding other trust funds and Social Security. Social Security has not been touched.

□ 1200

Mr. Speaker, the GAO said in a letter of December 12 our review of Treasury records show that between November 1, 1995, and December 8, 1995, Treasury followed its normal investment and redemption policies throughout transactions affecting the Social Security trust funds.

So why are our colleagues doing this? If the Treasury had not used its approach of a few weeks ago, then Social Security recipients would have been affected, and everybody else. Our colleagues were saved from responsibility for default by the action of the Treasury Department, and now they are trying to shift blame to it.

This bill is what risks immediate default and financial chaos, so look. Maybe our colleagues are all going to vote kind of like robots for this. Maybe, like robots, they are going to come and vote for this, but I have to think that it is someplace in their mind, or other place, that they know this is an unwise move.

As my colleagues know, it is time to stop this kind of antic. Hopefully we are on the eve of some serious negotiations. Everybody has announced they are going to start tomorrow in a more serious vein, and here, 24 hours before that, our colleagues bring up this charade. They know it is wrong, they know it is not going to go anywhere. They are trying to gain a few political points at the last minute.

Mr. Speaker, Americans are losing faith in their political antics. They have been losing credibility because of devices and tactics like this.

It is time for serious bipartisan negotiations in the budget and the end of tactics like this.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend from Michigan that one of the previous administrations back in 1985 did indeed borrow from the Social Security trust fund and was most severely criticized by the Democrat Party for having done so.

Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] for yielding me the time, and, Mr. Speaker, this is serious business, and, as the gentleman from Florida said, this is the second time that we have attempted to protect the trust fund. The first time was back on August 1, 1986, and I would like to read an excerpt of a Senator's speech when we were trying to accomplish the same thing then that we are trying to do with this legislation. By the way, that Senator was AL GORE, and here is what he said about legislation almost identical to this legislation:

> Like the Social Security trust fund, the Civil Service Retirement and Disability Fund is a dedicated—dedicated let me stress—trust fund, and, as such, its assets may only be used to provide benefits to civil service retirees. The fund stands as a strong symbol of assurance that Federal employees' retirement benefits will be paid when they are due. While employees may not fully understand the arcane interactions of Federal financing, they do recognize when money they have contributed toward the financing of their retirement has been used in ways other than those intended or promised. It was right for them to take offense last year when the civil service fund was first tapped to keep the Nation solvent during the 1986 debt ceiling crises.

Is this silly? Was it silly when it again happened this year when Secretary of the Treasury Robert Rubin reached into the civil service retirement fund and took out Treasury securities bearing interest of almost $40 billion and substituted them for an IOU? Was it silly when he took the entire proceeds, $21.5 billion of the G fund, and did not reinvest them? I do not think so. In fact, Mr. Speaker, Senator GORE's statement 10 years ago remains the best, and let me close with a further quote by Senator GORE. Ten years later this statement remains the best explanation of why we need this bill, and I quote:

> To insure the trust fund assets are used only for the purpose of the trust fund, not for general government obligations.

As Senator GORE stated, it was right for Federal employees to take offense when the civil service retirement fund is used for political purposes. It is time for us to protect the trust fund and restore congressional control over the Federal debt.

PARLIAMENTARY INQUIRIES

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ABERCROMBIE. Mr. Speaker, I have been informed in the past by the Parliamentarian that it was forbidden under rules of the House to quote directly from a Member of the other body, or to refer to a Member of the other body, or to quote on this floor from speeches or pronouncements made by a Member of the other body.

Mr. Speaker, I did not bring it up during the gentleman's recitation because I think he did it in good faith, but that was what I was instructed by the Parliamentarian, and I would like to know if that is, in fact, the case.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Members are permitted to quote former Members of the other body.

Mr. ABERCROMBIE. So, further parliamentary inquiry:

Then one may not quote anyone who is currently in office either by name or in terms of what they may have said or done?

Mr. BACHUS. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I certainly would be glad to, but I am making an inquiry of the Chair.

Mr. BACHUS. As I said, then former Senator AL GORE. I did not refer to the fact that he is now the Vice President of the United States, although I do not think that would be inappropriate, but I think that the Speaker and other Members of this body understand that.

Ms. PELOSI. Mr. Speaker, if the gentleman would yield, I have a parliamentary inquiry of the Chair.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. PELOSI. Is the Vice President not the President of the Senate?

The SPEAKER pro tempore. Quoting the Vice President, who is the President of the Senate, in his capacity as a former Member of the Senate is not necessarily out of order.

Ms. PELOSI. So let us get this straight.

A Member of this body; because we are all going to have to abide by this rule, so I want to make sure I understand it; we can quote a Member of the Senate as long as he is not a Member of the Senate any longer. Being President of the Senate, one is not a Member of the Senate?

The SPEAKER pro tempore. The Chair will clarify for the gentlewoman from California [Ms. PELOSI] the situation as to quotations of current Members of the Senate by reading clause 1 of rule XIV which permits:

> . . . quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

So that is in pertinent part.

Ms. PELOSI. So the Chair's clarification addresses the substance of remarks. I thought the clarification that the Chair gave previously addressed who made the remarks, and that was a former Member of the Senate. The debt ceiling issue is a matter of discussion in the Senate of the United States. The Vice President is an ex officio Member. Not to be argumentative about it, but I think it should be clear how Members proceed in this debate because it is an issue that is discussed in the Senate, the Vice President is an ex officio Member of the Senate, so even though the gentleman was quoting from when he used to be a Member from Tennessee, on an issue then, that issue is recurring now.

Mr. ABERCROMBIE. Mr. Speaker, I yield with this proviso, the Chair understand why I am asking the question. I have been forbidden to quote a Member of the other body with respect to legislation that is pending before us.

Mr. BACHUS. Let me draw the distinction, and I am not arguing over my colleague's ability to do that or not.

I quoted a former Member. At that time, I said former Senator AL GORE. I quoted from his speech on August 1, 1986. I pointed out that it was an amendment which accomplishes the same thing that this legislation would do, and, if I can read my——

Mr. ABERCROMBIE. I understand the motivation and am reclaiming my time, Mr. Speaker.

The SPEAKER pro tempore. If the gentlemen will suspend, the Chair would just advise Members that quotations of former Members of the Senate now serving as Vice President in their capacity as Senators are in order as long as they are not disparaging of that former Member of the other body.

The Chair has responded to the inquiry of the gentleman from Hawaii [Mr. ABERCROMBIE] and the inquiry of the gentlewoman from California [Ms. PELOSI], and believes the matter is concluded.

Mr. ABERCROMBIE. Yes, it is, Mr. Speaker.

Mr. GIBBONS. Mr. Speaker, now that we have gotten that important decision made, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I rise in opposition to H.R. 2621 and to ask both parties to get together and start acting responsibly. Let us move on in the best interests of our constituents and move this process to the next level.

Mr. Speaker, I will take this opportunity to express my opposition to H.R. 2621, and to state my disbelief that Congress is still locked in a political budget battle, and has taken measures to politicize the issue of extending the debt limit. Today, by attacking the integrity of Secretary Rubin, and voting on H.R. 2621, it seems that the majority wishes to hold the President hostage to its budget goals.

I say that the majority seeks to hold the administration hostage, in that the clear effort today is to force the country to default on its obligations—for the first time in history. Let me remind my colleagues and the American public that if this bill were enacted, the Treasury would be prevented from raising funds, to meet daily U.S. obligations. Moreover, according to OMB, if the bill becomes law, we will default within days, if not hours.

In a charade of protectionism, where the majority claims to protect the beneficiaries of various trust funds, the majority today will precipitate default and orchestrate its own chorus of financial crisis.

By handcuffing the Secretary, and reducing the number of tools lawfully at his disposal, the Republican charade will be exposed as follows: Millions of citizens entitled to various payments would not receive what they are owed. This would include: Medicare and Medicaid recipients; food stamp recipients; people entitled to Social Security; military and civilian employees; and Government suppliers of goods and services.

I am sure that we will hear vigorous debate on both sides this morning, and we will explore the Secretary's efforts to keep Congress informed of his actions to avoid default. But in closing, and as a Member who voted for the coalition budget, I urge my Democratic colleagues to fully accept the fact we will adopt a balanced budget with reduced spending in programs that we cherish. Conversely, I urge my Republican colleagues to ease up on the radical and extreme tactics that only cause the administration to become more rigid in its position.

We are acting irresponsibly, and blackmailing our own constituents.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this bill for a number of reasons; one, because it is superfluous. If, in fact, we do not know already, we should know that under current law the Social Security trust fund is protected, it is an entitlement, and when we had this debate once before on November 15, the President came out and made a very definitive statement that he would not and would not at all take funds from the trust fund in this situation.

But another reason I am against this, Mr. Speaker, is this is dangerous-type activity. It is one thing if we are going to disagree about how long to take to balance the budget, 7 or 8 years, or we are going to say something should be a block grant or it should be an entitlement, but we should not be fooling around with the debt ceiling. It is irresponsible. The country has never defaulted and should, in fact, never default, and what Mr. Rubin has done under law and what he is being asked now not to do is something that one of our former Treasurers, a good Treasurer who had great financial expertise as well as understanding of the body politic, Mr. Baker who asked for this legislation so, in fact, that there was an impasse over the debt ceiling, he would have legislation to not go into default, and this is exactly what Mr. Rubin did a few weeks ago. Now, if we have this legislation pass and Mr. Rubin had to pay the $61 billion that has been drawn down from these trust funds, it would, in fact, automatically put us in default, and this is something we should not be taking in this fashion on this floor today.

As the gentleman from Florida [Mr. GIBBONS] said, this bill will probably not become law. There are saner minds in the Senate, and they will not act upon this. But what I worry about is that there is more and more people in this body on this side of the House that are willing, responsible people, to put forth this kind of legislation thinking that somebody else will save them, that it will not go to the Senate, the President will veto it. We should not be having the world financial markets look at us and see us having a bill of this type on the floor, fooling around literally with default. Default is unacceptable, it should not happen, this bill should not pass, and we should go back to the business of government. People want Government to do their business. This is not what we should be doing.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. SMITH], who chairs the Task Force on the Debt Limit.

□ 1215

Mr. SMITH of Michigan. Mr. Speaker, I am taking the liberty to come to this microphone, if the gentlewoman from Connecticut would dialog with me. I am taking the liberty to come to this side of the aisle, because I would hope after the current, if you call it, fiasco is done with, and we come to a time period after we have settled this dispute and hopefully come to a conclusion on balancing the budget, how much control do we want to retain, regain for Congress? How much control over the authority given in title I of the Constitution, that says we have control over spending and borrowing, do we want to have a majority in Congress be able to control?

To react to a statement that the gentlewoman from Connecticut made, there is nothing in law that protects the Social Security trust fund from the same kind of disinvestment that was enacted on the civil service retirement trust fund on November 15. There are no changes in law between when disinvestment occurred in 1986, when a different administration disinvested the Social Security trust fund in 1986 and used that as flexibility to play with the debt ceiling, than occurs today. So we have a commitment by the Secretary that he does not intend to go into the Social Security trust fund for disinvestment. I will take him at his word, but eventually we must control the ability to not only control spending but to control how large this debt is going to be.

Mr. Speaker, the debt of this country was increased $61 billion in one afternoon, if you compare that $61 billion to the fact that it took this country the first 160 years of its existence to mount this kind of a $60 billion debt, and then we expanded the debt load of this country another $60 billion.

There is no default that is going to occur under this bill. There are provisions in the rule that specifically relate that what actions have taken place so far will not be under the subject of this law.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I would say to the gentleman from Michigan [Mr. SMITH], I have read his "Dear Colleagues" and they are very well thought out. A, we should have if you want, new legislation, and not be doing this in this way at this time. Also, as the gentleman knows and has said in your "Dear Colleagues", the Secretary of the Treasury is not authorized and therefore cannot do this. The gentleman knows that.

The other thing, your last statement, what you said up to the last point was true, but what is not true is this legislation does in fact, if carried out, making the Treasury pay back the $61 billion, would result in $61 billion above the debt limit and would result in default.

Mr. SMITH of Michigan. If the gentlewoman would yield, she should just read the rule, please.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is with a certain degree of sadness that I rise and associate myself with the remarks of the gentleman from Michigan [Mr. LEVIN], who spoke. There are two ways, frankly, that the Government can be shut down, which seems to be the objective, frankly, of the Republican leadership in this House. One, of course, is not to pass appropriation bills or a continuing resolution in lieu of appropriation bills. That was done some days ago, and we shut down for the longest time in history, for 4 days. It cost the American taxpayer between $650 million and $700 million.

The other way of shutting down the Government, of course, is not to extend the debt limit. Every American ought to understand that the reason that we need to extend the debt limit is because we have already voted in previous Congresses, and indeed in this Congress, to spend money, more than we had coming in. Therefore, it is necessary to be responsible to borrow that money, but by law there is a limit. We periodically raise that limit. It really is, in my opinion, a non-issue, because the issue, really, is on spending. That is the debate we are having on the budget, the reconciliation bill.

I want to say, Mr. Speaker, on the specific assertion of some who rise and say we want to protect Federal employees on the disinvestment of the retirement funds, I do not pretend to be the only or the necessarily best advocate of Federal employees, but I frankly do not think there is anybody on this floor on either side of the aisle that cares more about Federal employees or fights for their interests more than I do. They are not at risk. The law protects them.

I have a letter, a notice from Alice Rivlin in response to my request, and she says, "Congress' failure to send the President acceptable legislation to raise the Federal debt limit, which is one way to shut down the Government, has forced Treasury Secretary Rubin to take extraordinary steps to avoid government default." I do not think anybody in this Congress intends default. She goes on to say, "This action will in no away affect the benefits to which current and future retirees are entitled. The law requires currently that the Treasury Department automatically reimburse the trust funds for the full amount disinvested plus interest."

Let us stop playing games. The American public does not appreciate it. We are all going to protect Social Security. This administration is committed to that. Social Security is not at risk. We all know that. Let us be responsible. Let us lift the debt limit. Let us pass a CR and get on with the business of America.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank my good friend, the gentleman from Florida, for yielding time to me.

Mr. Speaker, until the cows go home, that is how long the President and Secretary Rubin can run this place under our present situation, where they could use the term "disinvest" to borrow from these trust funds, not only Social Security and Medicare and Medicaid, Federal employees' thrift savings account, and others. So we do not want to do that. That is why we are passing this legislation.

Another expert knowledgeable with this system, Louis Crandall of Wrightson & Company has said, "The creative accounting to which the President and Secretary Rubin could resort could get them through for a couple of years."

That is why this legislation is being put before us today. We need to address this problem directly with a balanced budget, my colleagues have mentioned that, rather than hiding further debt by borrowing from the seniors and other U.S. citizens who have paid their hard-earned dollars into these trust funds.

We were not sent here to come up with creative accounting techniques, we were sent here to make the decisions that are best for the American people. A question I might pose for the people on that side of the aisle, as well as my side of the aisle: When Secretary Rubin disinvests, does that not add to the debt ceiling, which in a sense violates the law that we have for the debt ceiling? I think that is a question we should ask and have that side of the aisle explain to us if he disinvests, using the pension funds from the Federal employees, is he not in a sense putting up as collateral their pension funds and thereby borrowing against it, increasing the debt ceiling, even though Congress has not legislated to do that? I pose that question rhetorically.

Mr. Speaker, I urge the adoption of this bill. Then we will not have to listen to this side when we have a Republican President complain, and then this side will not have to complain when we have a Democrat President.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York, [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I have been in this Chamber about 15 years. I have rarely seen a bill that is more bush league. I think what this bill shows is that the other side is just not ready for prime time. The bottom line is a simple one. If you simply wanted to protect Social Security, you would limit the bill to Social Security. You do not. We all know that the Social Security trust fund will not be touched. We have had assurances to that effect, and no law specifically allows it to be touched.

What we are doing here is trying to play chicken in a very childish, school yard-like way. They say, "let us tie Secretary Rubin's hands. Let us make default a little more likely. Then maybe, maybe, maybe this side will blink." You have been through it once before. We are not blinking, not to a bully-like tactic like this.

I have found it just utterly amazing how irresponsible and how hypocritical this proposal is in light of the fact that the Speaker, the gentleman from Georgia [Mr. GINGRICH], used to warn last week in solemn tones that the stock markets will crash if we do not pass this budget; but on the other hand, he allows to the floor a proposal like this which makes default more likely. What kind of shenanigans are they? One week, we must not default, default is a danger. This week, pass legislation that makes default more likely.

I think we are not getting straight answers. We are getting games. We are getting silliness. I would say that the attempts by my friend, the gentleman from Florida, to blame Secretary Rubin, blaming Secretary Rubin is like putting the hostage on trial for the crimes of the kidnappers. This whole thing is a puerile, childish attitude. It is sort of a group of people banging their fists on the table and saying, "Do it my way or I am going to threaten you." We will not be threatened. Let us get on with the business of this country and solve the budget resolution.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, this bill is fraught with problems that we would only recognize if it were to be enacted. I trust it will never be enacted.

Let me explain some of the specific problems. There are two sections. One does seem moot because the White House and the Congress both agree we ought not to be using Social Security trust funds. It really is not an issue, except that if we do go into default, I do not see how we can pay benefits to Social Security retirees or to Federal Government retirees.

That goes to the fact that there is no way to give preferential status to Government debt instruments to be able to determine whether some relate to the Social Security trust fund, some relate to the Federal Government, Federal retirees trust fund, and some are general Government debt obligations. There is no system to do that, so to obey the law we would have to reject all Federal debt instruments as they become due.

The other section, the section that deals with the Federal retirement trust funds, is the biggest problem. I think it is important to bear in mind the context of this. This is legislation that was requested by the Reagan administration. It was signed into law by President Reagan because it was a prudent financial management instrument to ensure that we do not create chaos in the domestic and international financial markets. It is a way to manage the debt at a time of political crisis.

We have a time of political crisis, even though the other side has in fact voted twice now to increase the debt ceiling. That is not at issue, that we need to increase the debt ceiling. The problem is that they want it attached to a 7-year balanced budget and other changes in other laws that are really not directly related to the debt ceiling.

Mr. Speaker, if we were to pass this, we would immediately go into default. This $54 billion in Treasury bills that mature today, we would not be able to make good on those bills if this were law today. There is $58 billion on December 21 and $36 billion on the 28th of December. We cannot pass this. It would be the most irresponsible thing we could do to the people of this country, particularly those that own Treasury bills, Treasury notes, and Treasury bonds.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

For the previous speaker, the gentleman from Virginia [Mr. MORAN], I would point to the section of the bill starting on page 2 entitled "Protection of Benefits and Expenditures for Administrative Expenses," where it specifically provides that these expenditures will be taken care of and can be paid for: The Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Civil Service Retirement and Disability Fund, the Government Securities Investment Fund, the Department of Defense Military Retirement Fund, the Unemployment Trust Fund, each of the railroad retirement funds and accounts, the Department of Defense Education Benefit Fund, the Post-Vietnam Era Veterans Education Fund, and the Black Lung Disability Trust Fund.

☐ 1230

Mr. SHAW. Mr. Speaker, I would, for the previous speaker from Virginia, [Mr. MORAN] point out the section of the bill starting on page 2.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend from Fort Lauderdale, FL [Mr. SHAW], for yielding me this time.

Mr. Speaker, the Congress shall have the power to borrow money on the credit of the United States. Those 16 words are article I, section 8, of the U.S. Constitution. So often around here we debate the interpretation of different provisions within the Constitution. Nothing could be clearer than that.

The congressionally established debt ceiling is at $4.9 trillion. Approximately a quarter of it is held in the form of nonmarketable government securities in Federal trust funds. The debt in these trust funds has always been counted under the statutory debt limit.

Now, Congress has given the Secretary of the Treasury authority to temporarily turn nonmarketable securities and the two Civil Service retirement funds into Federal IOU's during a short-term—and I underscore short-term—debt limit impasse. The borrowing authority formerly occupied by those securities can then be used to sell marketable securities.

Now, Secretary Rubin used this authority in mid-November to effectively raise the Federal debt limit by, as we all know, $61 billion. Now, the Secretary of the Treasury does not, does not have unlimited authority to tap trust funds. Past Treasury Secretaries have consistently held that this type of investment can be done only to the extent necessary to pay the benefits owed by those trust funds during the period when there is a debt limit impasse.

Secretary Rubin has already pushed the envelope by declaring an impasse of 1 year to generate $61 billion. That will provide borrowing authority through mid-February. The administration must come to a debt limit agreement with the Congress by then.

To go beyond mid-February, Mr. Speaker, the administration would have to actively divest trust funds beyond the level needed to pay benefits. There is no precedent, absolutely no precedent, for active divestment, and it is almost certainly illegal.

This action would essentially repeal the debt limit law, opening up $1.1 trillion of new borrowing without congressional authority, clearly violating article I, section 8. Should the administration be willing to take this type of legally questionable action, we in the Congress have the responsibility to respond.

This is a very balanced, fair measure that we have; I hope we can proceed with it. While the Treasury Secretary should have the flexibility needed to avoid a Federal default, pay interest to

Federal bondholders, and pay benefits to retirees during a short-term debt ceiling impasse, he does not have the authority to nullify the power of Congress to control the borrowing of money and set the Federal debt limit.

While we hope that this is not the intent of the administration, if it is, Congress will respond accordingly, and that is why we are here.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes and 20 seconds to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am going to come over and speak on this side of the aisle, because this is the side of the aisle, the party, the so-called party of sound money, the so-called party of the gold standard, of tight credit, the so-called party of Wall Street; and yet the legislation that this party has brought to the floor is totally irresponsible and totally out of line with where this party has been. It displays either willful political gamesmanship or willful ignorance on the part of its proponents. This bill will cause a default, a default that the markets will never forget.

Yesterday we had the general counsel of the Federal National Mortgage Association testifying on this issue, and the question was asked, if you had a default on a mortgage, would you buy that mortgage? The answer, no, because they would remember that default. If we default on Treasuries, people will stop buying Treasuries and interest rates will go up, and everybody will pay for it.

The Secretary of the Treasury testified yesterday, if this bill goes into effect and the debt ceiling is not raised, he will not be able to raise the funds to pay Social Security benefits. So the fact is that if we pass this bill, we will go into default and Social Security will not be protected; it will go into default too, as will Medicare, as will the Federal pensions, as will the military pensions. All of that will be in default; people will not get their checks for systems that they paid into.

This bill is inconsistent with the actions taken by a previous Republican Secretary of the Treasury, Jim Baker, and again, his general counsel testified to that fact yesterday. However, today, we are trying to evade the real issue at hand. Because my colleagues do not have the votes to pass their budget, they are going to try and throw the country into default.

The Speaker said not long ago that it would be OK if we went for a while in default. There would not be an impact, and that is just simply not the case. It would be a detrimental effect to homeowners, to mortgage owners.

Mr. Speaker, I am new to this House like the gentleman from Michigan [Mr. SMITH] is new to this House. When we first came here, one of the most important issues we had to deal with was the potential default of the Government of Mexico on Mexican treasury bonds. There are a number of Members in this House on both sides of the aisle who felt that the Mexican Government had put themselves in that position and we should not have anything to do with it.

Well, here we are today and we are about to do the same thing to the United States, and that is wrong. Shame on the party of Wall Street. Shame on the party of sound money.

Mr. SHAW. Mr. Speaker, I yield 15 seconds to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I think it would behoove us to hopefully one of these days have more camaraderie in trying to reach solutions.

Mr. Speaker, I wish the gentleman would examine whatever research he might have undertaken to quote the Speaker as saying a default is OK for any period of time. That is not true.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker and my colleagues, the American people should know how bad our national indebtedness situation has grown. To satisfy the insatiable appetite for expanding our $5 trillion debt, this administration is now robbing Federal retirement trust funds. Oh, yes, we promise to pay back grandma and grandpa, but is it not sad in fact that we have sunk to a new low, stealing from our senior citizens' rainy day account?

As chairman of the House Subcommittee on Civil Service, let me tell you the irresponsible mess the new majority inherited. Thirty-five of our Federal pension funds have $1 trillion; it amounts to trillions of dollars in unfunded liabilities. In the private sector you would be arrested for running pension funds in this fashion.

The Federal Employees' Retirement trust fund that I oversee, this is just one of them, has an unfunded liability of $540 billion. Another $350 billion has already been raided from the current account. Now, Secretary Rubin tells us, he can cook the books and feed the debt until the end of January.

Today we must act responsibly. Today we must act to protect our dwindling retirement funds, and today we must begin to get our Nation's finances and these retirement accounts in order.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL], with great pleasure.

Mr. NEAL of Massachusetts. Mr. Speaker, let us call this what it really is. This is an effort to precipitate a crisis in this institution. This is an effort to coerce the President of the United States and the Secretary of the Treasury into doing something that is purely and simply bad public policy.

What do Bill Simon, William Miller, Paul Volkmer and Alan Greenspan all have in common? They have suggested that this is bad public policy. They are unified on that principle. The gentleman from Michigan [Mr. SMITH], however, is correct on one thing: What about some camaraderie in this House of Representatives?

I recall when Nick Brady was the Secretary of the Treasury and the S&L crisis was around us. This kind of legislation was not proposed by an overwhelmingly Democratic majority in this institution. We did not attempt to tie the hands of the Secretary. We worked together in a bipartisan manner to shape a reasonable solution to the S&L issue.

What is the answer today? Let us extort from the Secretary of the Treasury what we have not been able to do with numbers in this institution. This is fundamentally flawed public policy.

Mr. Speaker, let me move on to one other quick issue which is the steady erosion of congressional authority that this represents to manage the budget. That is the same group that believes we ought to do it through the line-item veto; we ought to turn that power over to the Executive. However, now, in this instance, we do not like short-term policy, so let us, under the circumstances, attempt to tie the hands of the Secretary of the Treasury, from Alexander Hamilton to Douglas Dillon, to Brady, to Bentsen and to Rubin.

This country has been well-served by the quality of people who have held that job. Secretary Rubin is on the right track in attempting to honor our obligations. That is the way that this country should be run, and we should not be moving down this road to poor public policy to solve a short-term political problem.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is about public responsibility. This is about Congress' responsibility to manage our debt. This card, my voting card that I insert in the machine as other Members do, runs up the national debt each time we do it. It borrows from our children, it borrows from our trust funds in order to make this government work, and we have done it year-in and year-out, excessively.

Our job as elected Members of Congress serving in this House is to bring fiscal sanity to this Nation, fiscal sanity to the operations of this Government, much like every homeowner does, much like every businessperson does. Balancing a checkbook is something we all learn at a very early age. Maintaining adequate balances in our accounts is something we learn at a very early age. Only when you come to Congress do you forget that lesson and suggest it is OK to insert this card and plunge this Nation deeper and deeper into debt. Mr. Speaker, $5 trillion deep we are now.

H.R. 2621 provides a mechanism to bring us to reality, to focus on our Nation's problems, to bring fiscal restraint to this House, to protect the trust funds, and let me emphasize that word: Trust funds. In God we trust. Trust funds. What we are establishing is a mechanism to once again restore trust to the people's money.

Every Member of Congress has to realize that this card and the dollars we spend with this card are not our funds. We are entrusted to protect the funds of the American public.

So I disagree with my colleagues and I urge passage and adoption.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend from Florida, Mr. GIBBONS, for yielding me this time.

Mr. Speaker, I am sure that the viewers who are listening and the people in the gallery that are listening are somewhat confused about what this is all about. You would believe it is about protecting Social Security trust funds if you listen to what the Republicans are saying.

Mr. Speaker, that is not what this is about. This is about putting additional leverage on the President in budget negotiations; it is about causing the default on our national debt. They claim it is not about causing default on our national debt, even though that is what this bill in fact does.

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If you are concerned about protecting the Social Security trust fund, in the motion to recommit we will have something to speak about that. But I daresay that my Republican friends will vote against the motion to recommit because this is not about protecting the Social Security trust fund. You do not protect the Social Security trust fund or any other trust fund by putting the national debt default at risk. That is not how you protect the payments to our Social Security beneficiaries. During fiscal chaos, those who rely on the trust funds are at more risk, not less at risk. That is when we tend to do things that we later regret.

So this is about trying to put additional leverage on the President and on the Congress on dealing with the deficit, and this should not be the vehicle to do it. You do not put the debt of the Nation at risk and default, particularly when this debt limit has already been approved by the Republican leadership and the Members by previous votes of this House. You have already agreed on this debt limit. You have already spent this money. Now you have the audacity to come forward to say that we should not pay the bills that we have already incurred under the bills you have already brought forward and the debt limit you have already approved.

Let us act responsibly, let us defeat this bill. That is the best way we can protect the trust funds of this Nation.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of the Committee on Ways and Means' legislation to protect the integrity of the trust funds and the budget process.

I think it is very unfortunate that the administration's handling of the debt limit issue seems to be based more on partisan politics than on anything else. As two JEC reports released last month pointed out, in the period leading to the veto, the administration sought to create the false impression that a veto of the debt limit would cause a default. That is very unfortunate.

The first JEC report I released pointed out that the President had already had a deferral process and rescission powers under the Impoundment Act already in law. As reported by the Associated Press, on the other hand, while the administration was hyping an alleged cash flow crisis, it was sending several hundred Federal workers to Disney World for a series of lavish conferences. These were issues that could have been dealt with in many other ways.

The second JEC paper I released last month points out the whole default scare was a ruse concocted by the administration for partisan political purposes. The whole controversy was a carefully designed PR event.

One of the more disturbing aspects of this episode was the fact that the public warnings of default made by a variety of administration officials were based on false information. The administration knew there would be no default and that a variety of means were available to avoid it.

Mr. Speaker, I would just conclude by saying that the whole episode only reinforces public doubts about the integrity of Government officials.

Mr. Speaker, the two JEC reports an article that I have made reference to are as follows:

[From the Joint Economic Committee Staff Report, Nov. 7, 1995]

THE CLINTON ADMINISTRATION'S DEBT LIMIT CHARADE

In recent weeks Clinton Administration officials have offered a list of the disasters that would supposedly occur under the Republicans strategy on the debt limit. Treasury Secretary Rubin, White House chief of staff Panetta, and President Clinton himself have tried to portray the Republican position as irresponsible and "extreme," as if a rapidly growing national debt about to exceed $4.9 trillion were responsible and moderate. Panetta has claimed the Republican position would "let the country go to hell and basically default." However, a review of the record suggests that the increasingly strident Administration rhetoric is a distraction from real budget and debt management issues.

The fundamental issue is that the Administration opposes the Congressional policy to seriously curtail federal spending and debt growth, and would accept such a policy only under great pressure. According to CBO, the official budget submission of President Clinton did not greatly differ from the current services baseline, which would have permitted budget deficits to climb to $349 billion by 2002, with $2 trillion added to the national debt. Only after the Congressional budget process produced resolutions trimming over $1 trillion of federal spending and debt growth, did the President finally respond.

Guided by a new political consultant, President Clinton made a belated statement outlining a sketchy plan purporting to balance the budget over 10 years, but would in fact leave $200 billion deficits. This plan is difficult to view as a serious proposal, but appears to be an effort to deflect attention away from the official budget submission.

The Administration has been equally ineffective in addressing the approaching debt limit. This paper demonstrates that despite the Administration's purported concerns about the gravity of the Treasury's cash flow situation, available steps to delay reaching the debt limit and ease any interim problems have not been taken.

ADMINISTRATION FAILURE TO USE DEFERRAL AND RESCISSION TO COUNTER CASH CRUNCH

Under the Impoundment Control Act, as amended, Presidential deferrals are permitted "to provide for contingencies" or "to achieve savings made possible by or through changes in requirements or greater efficiency of operations," for administrative as opposed to policy reasons. Dealing with this severe cash flow problem would appear to be one of the "contingencies" covered under these provisions. Deferral could be used for several distinct purposes: conservation of resources to delay reaching the debt limit; advance preparation of a plan to conserve cash becoming effective upon reaching the debt limit; and instrument of cash management for use after the debt limit was reached.

The Impoundment Control Act also provides for rescission, a procedure under which appropriated spending can be restrained by the President pending Congressional action. Under a Presidential rescission request, the President can freeze additional discretionary spending for 45 days without Congressional action; after this period expires Congress must approve the rescission or the funds are released. While the requirement for Congressional approval is somewhat restrictive in the longer run, rescission would be a way of conserving funds for at least 45 days. As in the case of deferral, rescission can be viewed as a tool to delay or manage cash flow problems resulting from reaching the debt limit.

Instead, the Administration has raised the specter of a financial crisis and blamed it on Congress, even though such an event would be triggered by a Presidential veto. The Administration's actions to date confirm its opposition to a policy of fiscal restraint, and it has failed to take the actions needed to manage possible consequences of a budget disagreement by deferring nonessential federal spending.

The Administration description of the consequences of reaching the debt limit is also distorted. The Administration has attempted to present the $4.9 trillion debt limit as a brick wall which the Federal Government will run into all at once, resulting in catastrophic consequences that must be averted at all costs. However, these Administration arguments could be taken more seriously in the context of a real effort to manage the debt situation. This cannot be done with press releases, but with concrete actions taken to address the cash flow position of the Treasury.

The real nature of the situation can be gauged by the extent to which the Administration has acted or planned to conserve cash by deferring or rescinding nonessential federal spending—but there has been no meaningful action to do so. A serious effort to defer some program spending until later in the fiscal year, or to rescind this spending, would at least cushion any cash flow problem, and if timed appropriately, might avoid it.

Clearly, the Administration's failure to conserve cash in the face of a major budget disagreement between two branches of government would not be an effective way to reduce cash flow problems. By failing to act the Clinton Administration seems to have deliberately attempted to maximize any problems that could result from a cash flow squeeze.

A sufficient portion of discretionary federal spending could be deferred or rescinded until later in fiscal 1996 to delay and alleviate contingencies arising from the impending debt limit. The later the Administration acts to defer or rescind spending, the more difficult it will be to manage the situation in the event of an impasse. However, it is obvious from the complete lack of action to date that the Administration is not as interested in managing the finances of the government as in using them for partisan political advantage. It is true that the size of the deferrals or rescissions would be large and administratively inconvenient, but it is equally true that these measures could mean that the debt limit would not be reached as soon, and that any remaining cash flow problems would be less serious than they would otherwise be.

The lack of any action or plans to slow federal spending to defer and alleviate a situation the Administration has sought to portray as a crisis raises questions about the credibility of the Administration's statements on the subject. Even if a late deferral or rescission could not entirely resolve a cash flow shortfall, it would at the very least make it less severe, and facilitate its successful resolution by other means. In addition, temporary disinvestment of one of the non-social security trust funds would provide yet another means of covering current obligations without dire consequences. The notion that reaching the debt limit means there is no alternative to immediate legal default is simply false, and can be viewed as an attempt to spread confusion and fear in support of the Administration's bargaining position in favor of higher deficit spending.

A review of the cash flow position of the Treasury on a monthly basis shows that November is typically a large deficit month. However, December is often nearly in balance, while January is actually a surplus month. Thus strong and decisive actions by President Clinton to defer or rescind spending could probably supply the needed funds to maintain essential federal programs for some time, and would make the situation much more manageable after the debt limit were reached. A Presidential deferral for administrative contingencies does not require Congressional action.

In summary, while deferral or recession can be viewed as a means to delay and minimize the possible effects of reaching the debt limit, it is also appropriate to view deferral and rescission as potential means of addressing cash flow issues after the debt limit is actually reached. Another option would be adoption of legislation authorizing the Administration to set priorities for managing the cash flow of the Treasury, as in H.R. 2098.

DEBT LIMIT CLASH WOULD BE CAUSED BY PRESIDENTIAL VETO

Administration officials have engaged in a series of noisy public relations events designed to create the impression that a veto of the debt limit would be the fault of Congress, and that the economic effects of this veto would be catastrophic. The Administration has sought to portray its role as little more than an innocent bystander. It is true, of course, that continued deficit spending has created a situation in which the $4.9 trillion statutory debt limit is about to be reached. However, it is not true that a Presidential veto would be the fault of Congress. At issue is a disagreement in policy which may result in a Presidential veto; the responsibility for a veto and its consequences must be borne by the executive branch.

The Administration has made clear its preference for higher deficit spending and debt accumulation, along with a larger increase in the debt limit. This underlines the fact that what is at issue is a fundamental change in policy away from deficit spending and rapid increases in the national debt.

CONCLUSION

While loudly invoking the coming disaster, the Clinton Administration has undertaken no known steps to use the means completely under its own control to alleviate the situation. Instead of deferring or rescinding funds to conserve cash in the face of what it portrays as a crisis, the spending spigots have remained wide open for many weeks. If the situation is as dire as portrayed by the Administration, why has it completely failed to act? Moreover, if it later mismanages the debt situation in such a way as to create real problems, the major share of resulting problems will be the Administration's failure to address the cash flow crunch when it could have done so. After months of complaints, the Administration cannot pretend to be surprised if a fiscal impasse does indeed occur.

CHRISTOPHER FRENZE,
Chief Economist to the Vice Chairman.

[From the Joint Economic Committee Policy Analysis, Nov. 1995]

THE CLINTON ADMINISTRATION'S DEBT LIMIT CHARADE—PART II

After weeks of histrionic Administration warnings about how failure to raise the debt limit would bring default and catastrophic economic consequences. President Clinton chose to veto the temporary debt limit increase. Failure to raise the debt limit would not trigger default because the Administration had already identified the available means of managing the situation, despite its repeated public warnings to the contrary. The Clinton Administration position was thus revealed as a political attempt to mislead Congress and the public based on financial assumptions it knew to be false.

As veteran political correspondent Donald Lambro observed five days before the debt limit was reached, a House JEC staff report had already pointed out that the "White House warnings of a default are a 'charade.' It concluded the president has plenty of authority to defer or slow down spending, or use cash assets such as pension fund reserves to meet debt payments." This report, the Clinton Administration's Debt Limit Charade, went on to point out that the Administration had fostered the situation by failing to defer or rescind unnecessary discretionary spending to alleviate the situation. The report also emphasized that the Administration's default ruse was a distraction from the central issue: Republican insistence on a balanced budget, as opposed to the Clinton Administration's preference for higher deficit spending and debt accumulation.

Early in November it became evident that the White House's public posture was stiffening as it prepared in advance for the President's veto of the debt limit increase. This even more aggressive attempt to heighten the crisis atmosphere was not a preparation for default, as it may have appeared to some at the time, but reflected the determination of Administration officials to maximize partisan political advantage from the fallout and confusion of the coming veto.

The events of the last few days have made it clear that the Clinton Administration had prepared in advance to veto the debt limit and Continuing Resolution (CR) as the first media event of the 1996 election campaign. As one Clinton Administration official stated on the front page of the New York Times, "'That's his re-election campaign,' an aide said. 'He's prepared to fight all winter on that line.'" This statement exposes the Clinton Administration strategy to foster and sharpen the confrontation over the veto of the debt limit and CR legislation to kick-off the President's re-election effort, and keep its opponents off balance. Initially the Administration had the upper hand because only it knew the exact timing and content of actions to be taken to evade the debt limit—after distracting public opinion for months with disinformation about default. Once the focus returned to the central issue of deficit spending, the Administration's position started to erode.

SECRETARY RUBIN'S RAID ON RETIREMENT FUNDS TRIGGERS ARMEY/SAXTON REQUEST

On November 15, 1995, Treasury Secretary Robert Rubin announced his plan to disinvest the "G" fund of the federal employee thrift plan, and the civil service retirement plan, in order to create room under the debt ceiling for issuance of new debt. This circumvention of the debt limit essentially evades a constraint rooted in Article I of the Constitution which states: "The Congress shall have Power . . . To borrow Money on the credit of the United States." The Secretary's actions permitted the issuance of over $60 billion of additional debt, enough to finance monthly federal deficits through January. Since January is ordinarily a month in which the cash flow position of the treasury is in surplus, it may be February, a large deficit month, before any additional action would be necessary. In any event, while the propriety and even legality of this disinvestment activity is doubtful, the amount of available funds are sufficient to finance monthly deficits for an extended period of time.

In response, on November 17, House Majority Leader Dick Armey and JEC Vice-Chairman Jim Saxton sent Secretary Rubin a letter requesting information regarding when Treasury staff first examined the financing options presented by the retirement funds. Unfortunately, the inflammatory public statements about default by Secretary Rubin, White House Chief of Staff Leon Panetta, and other Clinton Administration figures had created the impression that there was a deliberate attempt to disrupt the financial markets to undermine Administration opponents. The documents requested of Rubin may help clarify whether there was a contradiction between what Clinton officials were publicly saying to Congress and the public, and what the Administration was privately planning to do.

The Administration documents received under this request suggest that plans for the disinvestment of the retirement funds have been underway for some time, and were not a last minute decision. In other words, the accessibility of the retirement funds had already been identified and shared with "appropriate officials" in the Executive branch well before prominent Administration officials claimed that a veto of the debt limit would lead to default. It is interesting to note that the critical document signed by Secretary Rubin triggering the disinvestment was typed without a date, which was only filled in by hand on the 15th of November.

THE CLINTON BUDGET

The entire controversy over the debt limit arises from the preference of the Clinton Administration for higher deficit spending and debt accumulation. This was made clear in the detailed budget submission made by President Clinton last February. Only after the Congress acted in producing balanced budget plans did Clinton attempt to cover himself by releasing a sketchy outline of what he called a 10 year balanced budget plan, but what in fact would have left $200 billion deficits. A review of the official budget submission clearly shows how unimportant high deficit spending is to the Clinton Administration.

The levels of deficit spending would hardly be affected under the official February Clinton budget submission. The Clinton budget recommended deficits growing to a level of $318 billion by 2002, with $2 trillion added to the national debt over the same period. The official February budget submission is a useful guide to what the Clinton Administration would regard as an appropriate level of deficit spending in the absence of a public relations problem created by Congressional actions to balance the budget. The upward trajectory of deficit spending under President Clinton's recommendation reflects the low priority this Administration has assigned to fiscal responsibility.

CONCLUSION

A review of the events leading up to the recent budget confrontation shows that the Clinton Administration carefully attempted to heighten the atmosphere of a default crisis, while privately laying a plan to evade the debt limit. The confrontation was a charade intended to provide a convenient platform for the President's re-election campaign. Public statements made after the fact by Administration officials only confirm this dismal conclusion.

CHRISTOPHER FRENZE,
Chief Economist to the Vice-Chairman.

[From the Economist, Nov. 18, 1995]

THE DEBT CEILING HUMBLED PROPHET

Doomsday is a grave event. One does not simply reschedule it, therefore, without a good explanation. On November 15th—the supposed day of reckoning for America's debt—Robert Rubin, America's treasury secretary, laboured mightily to provide one. He was being sincere all along, you see, when he talked of a possible calamitous default on the federal government's debts; when he implored Republicans in Congress to raise the $4.9 trillion debt ceiling by that date, or else. It was only by a minor miracle, Mr. Rubin explained, that his Treasury Department had been able, temporarily, to avert disaster. And if Congress did not relent, the dread day would still come, probably sometime in early January.

Financial markets reacted to the revised timing just as they had to the original one. They ignored it. Most bond traders know what Mr. Rubin and his Republican tormentors have known all along: that the Treasury is sitting on a pile of trust-fund assets that could enable it, if necessary, to hold out right through to the 1996 elections.

The federal government administers about 160 trust funds, with well over $1 trillion in assets, including the funds for Social Security and Medicare. Most of these are, strictly, off limits. The two exceptions are a pair of retirement funds for federal employees. In normal times, these two funds (like all the others) hold their assets in the form of special government bonds which, though they cannot be sold to the public, count officially as federal debt. By replacing these bonds with unofficial IOUs, the Treasury Department can magically free some room beneath the debt ceiling, allowing it to borrow more money from bond markets.

On November 15th, Mr. Rubin did exactly that. First, he drained all $21.5 billion from the so-called G-Fund, a voluntary pension plan for federal employees. He then authorized the Treasury to tap the Civil Service Retirement (CSR) fund, for a further $39.8 billion. These two actions freed up enough cash to make a $25 billion interest payment on the government's debts, and to cover its other debt operations for the rest of the year. After that, Mr. Rubin claims, a genuine cash crunch will occur. But since the CSR fund is still sitting on another $300 billion in assets, this seems an empty threat.

Even if Congress continues to play games with the debt ceiling, a default will occur only if someone successfully challenged Mr. Rubin's authority over the retirement funds. This is unlikely. For a start, few parties have an interest in doing battle. Republicans would take the blame if they succeeded in triggering a default. And federal employees would be unaffected by the Treasury's shenanigans: by law, all their assets must be replaced, with interest, once the cash crunch has passed.

In any event, a legal challenge would be on shaky ground. In 1986, after a similar cash panic, Congress explicitly granted authority over the two funds to the treasury secretary to help him pay off debts. And although Mr. Rubin would have to issue a series of bizarre technical rulings to continue tapping the CSR fund, there does not appear to be any legal obstacle to his doing so.

So Americans need not worry that their government will default, or that it will be prevented from borrowing more. They do, however, face a fate that may be almost as horrible: someday, the mountain of debt might actually have to be repaid.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, those of our colleagues who are observing and those in the gallery must think they are in a fantasy world, and I really do think that we should not have been taking this time to deal with what obviously is expected by our Republican friends over here not to be passed, not to ever see the light of legislative day, and yet they got up and said, "We are here to protect Social Security. This is a key vote. Everyone should watch. We should not borrow from our children."

I have here a copy of the Republican budget. I can tell you exactly what is going to happen. When the crocodile tears were shed over here about the $5.2 trillion public debt, let me tell you what the Republican budget proposes for the year 2002, 7 years from now, $6.8 trillion in public debt. I will tell you what the debt increase is going to be. It is going to be $300 billion this year, and it is going to be another $185 billion in 2002.

So where do you get off today, trying to stand up here and talk about what you are taking from your children and protecting the Social Security fund? The Republican budget calls for looting the Social Security trust fund of $636 billion plus interest over the next 7 years in the illusion that they are balancing the budget.

You intend to take from the Social Security revenues in order to pay for your budget over the next 7 years. To come to this floor today and say you are trying to protect it where the debt limit is concerned is the height of illusion.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. I thank the gentleman for yielding me the time.

Mr. Speaker, I really am glad that this is not a serious vote that we are about to take. My colleagues ought to be clear on that. Neither the Republicans nor the Democrats, I guess, expect this bill to go anywhere.

It was on the suspension calendar on November 14 or November 15. They did not expect it to go anywhere then. The reason for that is that everybody knows that this is an absolutely utterly irresponsible piece of legislation.

The Secretary of Treasury yesterday appeared before a hearing, and I asked him pointblank, Mr. Secretary, what would have happened if this bill had passed on the suspension calendar on November 14 when it was originally voted on? Would the U.S. Government be in default today?

And he told me in no uncertain terms, told all the Republicans and the Democrats, if this bill had passed on November 14 when we first voted on it, the U.S. Government would be in default today and if it passes and becomes law today, the U.S. Government will be in default tomorrow.

So this is not about Social Security, it is not about budget, it is not about the President, it is not about our children. This is about the responsibility of our Nation for a debt.

We talk about personal responsibility. This is public responsibility we are talking about. We are talking about our children, we want to set an example for them to pay their debts. That is what we want to set an example for. And this bill simply sets a terrible, terrible example for our children.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman for yielding me the time first of all. It shows what a gentleman he is, because he knows I am going to vote against his position. But I also told him that I was going to tell the truth about this proposal.

The truth of the matter is, and I just got off the phone with the Congressional Budget Office, that the Republican budget for 1996 will borrow over $100 billion from the trust funds to disguise the true nature of the debt for the Republican budget for next year, which has recently been revised but as recently as just a couple of weeks ago was $296 billion.

That is money we do not have. It is money that has to be borrowed. If we were not borrowing enough already, I will tell you how bad it is. In the 2 minutes that the gentleman has granted me to address this body, our Nation will spend $1 million on interest on the existing national debt. So that $296 billion is added on top of that.

So the so-called Balanced Budget Act, much ballyhooed in the ad in USA Today, is all a ruse. I am going to hit the Republican Party with a demand letter for the $1 million they promised to the first person who could disprove they had a balanced budget, because the Congressional Budget Office has just told us that the annual operating deficit first is over $180 billion of regular funds, and then they are going to disguise another $100 billion by borrowing from the trust fund.

The bill before us today is good policy. The problem is they have no intention of ever putting it into effect. That is a shame. It does not bode well for this body. It does not bode well for the people of the United States. But I hope that the people of the United States will insist that this is the type of behavior that should not continue and that stealing from the trust fund, which is what is going on, has to cease.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, there has been a lot of talk about the debt limit. Of course, just to set the record straight, this is the permanent debt limit, the permanent debt limit that we raise every 2 or 3 years and have been for almost my whole lifetime.

They talk about default on the national debt and they worry about default. Those are phony scare tactics and everybody knows that. As the Secretary of the Treasury was saying those things, he was planning to loot the retirement funds which he is now doing every day, looting them because he knew that that would not happen.

I just want Members to think for a minute. What do the people in our districts think about this debt limit issue? How would they vote if they could vote here today? They still believe that there is some sanity left inside the beltway. They are not thrilled about the constant raising of the permanent debt limit and I do not think they would vote for any further increases.

I think we have to take a sound, careful look, think deeply on this issue and only when certain that we are on the track of a balanced budget, then we can carefully raise this debt limit, and if it is not for the last time, this Nation will probably not survive. If we can do it this time and only with a balanced budget in prospect, because this cannot go on forever.

This is the whole purpose of this tremendous effort to balance the budget. It is absolutely essential, and we will do it.

Mr. GIBBONS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman from Florida is recognized for 55 seconds.

Mr. GIBBONS. Mr. Speaker, we have just wasted an hour around here. It has been kind of joyous on my part because if we had not been wasting time on this, we might have been doing something bad around here.

This is the most irresponsible piece of legislation I have ever seen. This is not like a couple of weeks ago when we closed down the Grand Canyon and the Washington Monument, laid off the nonessential people, whoever they may be.

This just closes the whole place down, irrespective, the troops in Bosnia, the people that are guarding the Federal prisons, the FBI, the IRS. A lot of people would like to close them down. The whole place. You cannot honor any checks. No airplanes could fly. That is responsibility.

This has got to be the stupidest thing I have ever seen in all my years here on this congressional floor. There is no mileage in closing this government down. It is like taking a bunch of broken bottles and trying to juggle them. You are going to get cut every time you do it.

If you do not like what the Secretary of the Treasury is doing, the courts are still open. Go sue him. But do not come here to the floor. He is not doing anything wrong. If he is doing anything wrong, why do we need to change the law? You have got plenty of remedies. Ask the gentleman from Illinois [Mr. HYDE]. He can tell you.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 2½ minutes.

Mr. SHAW. Mr. Speaker, we have had a long debate, a period of 1 hour. We have had speaker after speaker from the Democrat side to come down to the floor and say what my friend from Florida just said about we would not be able to pay the troops in Bosnia.

We are not talking about closing down the taxing authority of this country. We are not talking about stopping the other revenue flows that are already in place coming into this country. We are simply talking about one simple truth that I think we as Members of this body are duty bound to protect. That is, the constitutional right which is reserved to this body and the Senate for expenditure of funds and for borrowing money.

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What we are trying to do here is to close a loophole, a loophole that has not been the exclusive domain of the Democrat administration. Previous Republican administrations have sought out and used this loophole, but this loophole circumvents the rights of this Congress. I am not going to sit by idly and watch us default on our debt. That is not what this argument is about. This argument is about can the administration, do they have a loophole, and believe me. Constitutional scholars will debate this question, but this clears it up. They will not have the authority to circumvent the Constitution which very clearly provides that borrowing money and spending money is a prerogative of this Congress.

So, Mr. Speaker, I would ask all the Members to stand up for the rights of the Congress as set forth in the Constitution, close this loophole, vote "yes" on this most important bill.

Mrs. ROUKEMA. I must rise in strong opposition to H.R. 2621. I firmly believe that existing law already protects the trust funds covered by this legislation. In addition, there is clear evidence that this legislation would trigger a default on the U.S. Government's current debt obligations. Any suggestion that this type of action should be used in our ongoing budget negotiations is clearly ludicrous and grossly irresponsible.

In all my experience in Congress, I have no doubt that this body has never considered a more important piece of legislation than balancing our budget. However, I am deeply concerned about what I consider reckless talk, which may portend even more reckless action, on the debt ceiling.

On November 15, the New York Times reported that European Central Bankers are increasingly alarmed by the prospect of a U.S. default. According to the Times "IBCA Ltd. of London, the leading European Credit-Rating agency, placed the United States on its rating watch listing for possible downgrading from its current AAA status." This action follows on the heels of a decision by Standard and Poors to issue a highly unusual warning to our Government that the faith of investors, and I quote, "has to some degree, been diminished" by the threats of imminent default.

In a recent letter to Speaker GINGRICH, I reminded him that, as a student of the history of this great country, we have not defaulted on its financial obligations in 219 years in a manner which we seem to be heading toward. I submit that the full faith and credit of the United States must not be jeopardized. Default could set off a chain of economic events, at home and abroad, that would undermine the safety and soundness of the world's financial markets. It would be irresponsible and catastrophic for this Government to permit this.

Therefore, as Republicans dedicated to fiscal responsibility and protecting the economic future of our grandchildren, we must take the responsible action to increase the debt ceiling and not use the threat of default as a lever to force negotiations. What are we, a third world country?

This having been said, I do have some reservations about dipping into the civil service retirement and disability fund, Government Securities investment fund as well as the Federal Employees Retirement System, despite Treasury's assertions that, and I quote, "the beneficiaries of—these funds—will suffer no adverse consequences whatsoever from these actions. There are appropriate questions to be asked today as well as one regarding the Social Security trust fund.

Although there is precedent to take these actions, especially during the Reagan administration, it is sad that Treasury is being forced to invoke such extraordinary remedies to honor the existing obligations of the U.S. Government. And I will tell you that these views are being voiced loud and clear by several economic experts that I truly respect and who have testified before the Financial Institutions Subcommittee, which I chair, particularly former Federal Reserve Chairman Paul Volcker, current Federal Reserve Chairman Alan Greenspan and Robert Hormats, the former Assistant Secretary of State for Economic Affairs in the Reagan administration and current vice chairman of Goldman Sachs.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of H.R. 2621, the Trust Fund Protection Act and commend the chairman of the Ways and Means Committee for his and the committee's persistence in their patrolling of the financing schemes of this administration.

Let's be clear about what we are talking about. The United States ran up against the statutorily established debt limit in November—in layman's terms, we run out of money to borrow on our credit line. At the time the administration claimed that not giving this Congress more credit would result in a disastrous financial collapse in the markets.

As predicted by many of those private citizens who actually spend their day-to-day time in the business of monitoring the securities and bonds markets, the market did not respond negatively. In fact the bond market soared to record heights anticipating that the Federal Government would actually reach a balanced budget agreement for the first time in over 26 years.

By not increasing the debt limit, it was hoped by Members of both parties who strongly support balancing the budget, that this perceived dilemma would help to get the administration to the bargaining table.

This was not a game of Russian roulette or political gamesmanship as some have claimed. In fact, this was another demonstration of how strongly the new majority in this Congress holds its principled position of balancing the budget. We are morally obligated as well as politically obligated as the holders of the purse to bring about the goal of a balanced budget.

However, those in the Clinton administration continue their waffling over their position on the balanced budget. Indeed their inconsistency in action on this point is one of the reasons we are here today.

The day after the debt limit was reached and the Clinton administration ran out of money to spend on its pet projects, the Treasury Secretary defied all political and economic logic by dipping into the social security, military retirement, and civil service trust funds for a little more spending money. I am amazed that some Members on the other side of the aisle have actually come to the floor this morning claiming that there was nothing wrong with this practice. I strongly disagree and would contend that it amounts to parents dipping into their children's college tuition savings account to go to the movies over the weekend. Yes, there may be money available but no that money is going to have to be paid back with interest and yes that is an end-run around the debt limit.

This bill before us today would stop these end-run shenanigans. It would put the management of the Nation's securities back on top of the table, out in front so that everyone can see. It would outlaw this despicable attempt at defying the will of the branch of Government—Congress—tasked by the Founding Fathers with the responsibility for controlling the Nation's purse.

H.R. 2126 would prevent the Treasury Secretary from pulling money out of the Social Security trust funds, the civil service retirement fund, the military retirement fund, the unemployment trust fund, the railroad retirement fund, the black lung disability trust fund, and the defense education and post-Vietnam-era veterans education trust fund. Each of these are targeted with tax dollars for specific purposes and should remain intact so that the Government can stand behind its obligations.

In closing, Mr. Speaker, I would only observe that from all the squawking and carrying on in Washington over the pains of balancing the budget some may get the impression that the Democrat party never heard all the squawking back home on main street America over the past 25 years when this Congress refused to balance the budget.

Well my friends, its time to put up or shut up and Republicans were the first one's to put up a balanced budget and the American people have put up with Democrat political, fiscal and immoral shenanigans with the people's money long enough.

Support the bill and balance the budget.

Mr. WATTS of Oklahoma. Mr. Speaker, article I, section 8 of the Constitution clearly states that it is the Congress who has the power "to borrow money on the credit of the United States," not the President or the executive branch. The problem that continues to trigger increases in the debt limit is the failure to balance the Federal budget. Balancing the budget is the first step in paying off the ever-mounting debts that have accumulated for future generations.

Passing the Balanced Budget Act of 1995 could be the best gift we ever give our children but this cannot be done without the President's help. We offered the President a balanced budget which included a raised debt ceiling but the President vetoed it.

Instead of negotiating a balanced budget plan, the President permitted the Treasury to raid two Federal trust funds—taking a total of $61.3 billion from the Civil Service Retirement and Disability Fund and the Federal Employees Thrift Savings Fund [G-fund]. By shifting these funds, the President bought more time to allow the Government to skirt the debt limit and avoid a default.

While no one wants a default, disinvesting retirement funds to free up room under the debt ceiling circumvents the debt limit as well as Congress' role in authorizing Federal borrowing. Moreover it allows the administration to avoid having to change its spending habits—a change which the American people have demanded.

The administration says that those funds will be repaid with interest but that interest is going to have to come from somewhere. Every dollar the administration removes from the trust funds can then be spent by issuing new debt to the public. Again, we are left with another Government bill with more interest payments at taxpayers' expense.

To better envision the significance of the debt limit and balancing the budget, I like to use the analogy of a credit care limit. When one has spent one's maximum spending/credit limit, one cannot keep on spending. Instead, one must take steps to balance his or her budget so that the output does not exceed the input. In other words they must change their spending habits.

Living within one's means is the financial reality that individual Americans confront everyday. People cannot simply keep calling the credit card company asking it to raise their credit limit. That is essentially what the administration wants this Congress to do. It wants Congress to raise its credit limit or the debt ceiling without any strategy for paying off its debt.

Balancing the budget is a step in the right direction; it diminishes the continuing need for having the debt or borrowing level raised. The Federal debt or credit card bill is now about $5 trillion, and that does not include the interest. The fiscal year 1996 budget estimates that the U.S. Government will spend about $256 billion in 1996, or about 16 percent of the budget, just to pay the interest on this debt.

H.R. 2621 is a bill to enforce the public debt limit and to protect the Social Security and other Federal trust funds. It ends the debt-ceiling smoke and mirrors. With the $21 billion in the G-fund, $365 billion in the Social Security Retirement Fund, $143 billion in the Medicare Trust Fund, and $483 billion in the Social Security Trust Fund, there is money for the administration to disinvest and build up more and more debt with more and more interest payments thereby sidestepping the Constitution. This bill ensures what the Constitution says about the authority to issue debt—Congress is vested with the "Power . . . To borrow Money on the Credit of the United States."

The reason we are having this current confrontation in Washington is not simply over how the Government keeps its books, or when we reach a balanced budget. The true confrontation is changing the way Government operates. We are in the midst of a revolution as dramatic as Franklin Roosevelt's New Deal and its expansion of Government into every aspect of our lives. The question is whether we will have more Governmental control over our lives, higher taxes, more borrowing, and more interest payments, or whether we will go back to what made this country great—a frugal Government and individual responsibility. I agree with the views Thomas Jefferson expressed in his letter to Elbridge Gerry nearly 200 years ago—"I am for a government rigorously frugal and simple, applying all the possible savings of the public revenue to the discharge of the national debt; and not for a multiplication of officers and salaries merely to make partisans, and for increasing, by every device, the public debt, on the principle of its being a public blessing."

H.R. 2621 not only protects our retirement funds from senseless and expensive manipulation, it sends the President a clear message that the American public and this Congress is serious about balancing the budget.

Mr. STARK. Mr. Speaker, if enacted, this bill would cause the immediate default of the United States.

Instead of protecting Social Security payments, it would delay January's benefit checks. January's Social Security checks could not be paid until enough tax revenues came in to pay all pervious unpaid Government checks which we defaulted on in December upon enactment of this bill. For the Nation's lower income seniors and disabled, January would be a cold and frightening month.

If we have immediate default, people who seek to cash their savings bonds will be told to wait. Families that have bought savings bonds—as we have begged them to do—to save for January college tuitions would be in limbo.

Why? Because the Republicans are insisting on a budget bill that includes massive tax breaks for the very upper income.

Retroactive capital gains breaks will provide billions to the very wealthiest in our society, while we create delays and uncertainty for those dependent on retirement checks.

The wealthiest 1 percent will get an average $90,000 in estate tax relief—while millions will be told that we can't cash their savings bonds on Social Security checks.

The top 1 percent of families, whose income averages $651,274, will receive $8,231 in tax breaks in the year 2002 under their tax bill—but the Republican majority will default on this winter's earned income tax credits.

Default would be a stain on this Nation's 220 year financial history. The Republican budget priorities—making the rich richer and the poor poorer—are a stain on our Nation's moral history.

Please defeat this terribly disruptive bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Pursuant to House Resolution 293, the previous question is ordered on the bill as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GIBBONS

Mr. GIBBONS. I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GIBBONS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GIBBONS moves to recommit the bill H.R. 2621 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. CONTINUATION OF REDEMPTION AND INVESTMENT POLICIES.

(a) SOCIAL SECURITY TRUST FUNDS.—The Secretary of the Treasury—

(1) may use the social security trust funds only for purposes of paying social security benefits as he did in December 1995 when he followed the normal redemption and investment policies used to pay social security benefits by redeeming—

(A) on December 1, 1995, $16.8 billion in securities to pay direct-deposit social security benefits, and

(B) on December 6 and 7, 1995, $9.4 billion to pay social security benefits paid by check, and

(2) shall continue the investment policies that he has followed since the debt ceiling crisis began in November 1995 by continuing to invest social security receipts in the social security trust funds following his normal procedures.

(b) CIVIL SERVICE RETIREMENT FUNDS.—As required by subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title, the Secretary of the Treasury may utilize the civil service retirement funds to avoid Government default in times of a forced debt ceiling crisis, and shall restore those funds fully, including interest, as required by those subsections.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes in support of his motion to recommit.

Mr. GIBBONS. Mr. Speaker, I think everybody realizes we got a charade going on down here today, and this motion to recommit just says what should be done and what the current law is on this, and it pays tribute to the Secretary of the Treasury for having followed faithfully the laws that the Congress has provided for him in this debt management procedure that is going through with it. The Secretary of the Treasury is a very honest, responsible, and honorable man, and he has used the law, as we have provided for him to do, in the circumstances that he found himself in.

Mr. Speaker, this is just an attempt by the gentleman from Georgia [Mr. GINGRICH] and company, the Speaker and company, to force the President and the Congress to do something that they have not got the political authority to do: to make a bad deal.

Everybody knows that this balanced budget that we hear so much about is being balanced on the backs of the children of the United States, of the sick, of the poor, of the aged, and that is not the proper way to do it. We need to balance the budget, but we do not need to pick out the victims as our Republican friends have.

No amount of talk here, no amount of obfuscation on this floor, can disguise the fact that, while a balanced budget is desirable, the manner in which it is being balanced is just not the American way to do it. We have always been mindful of the needs of others, we have always realized that some people are not born in life as fortunate as others, and we have tried to compensate that and make sure that America is not only brave, and honest, and true, but is humane, and I regret that the Republican leadership has put this Congress in a position of trying to do something that it should not naturally do.

The President is not going to be blackmailed by this kind of shenanigans. No President in his right mind would ever sign this bill, it will probably never get out of the other body, and we have wasted another couple of hours here talking about it.

But who knows? We may have done something worse had we not been on this matter for so long.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from Florida [Mr. GIBBONS].

The SPEAKER pro tempore. The gentleman from Florida [Mr. SHAW] is recognized for 5 minutes.

Mr. SHAW. Mr. Speaker, a motion to recommit simply legitimizes what is going on now. Let me read for my colleagues a provision, and I, as a lawyer, have never read this in the law, anything that is drafted such as this. It says:

> The Treasury shall continue the investment policy that he has followed since the debt-ceiling crisis began in November of 1995 by continuing to invest Social Security receipts in the Social Security trust fund following his normal procedures.

Now can my colleagues imagine trying to unravel that 15–20 years from now, about going back and seeing what one Secretary of the Treasury was doing. It personalizes the existing Treasurer into law. I have never seen that happen before.

Then I would say particularly to my friends from Maryland and from Virginia this is something they should look at very, very cautiously. We have continued to see, and these particular

Members, as well as the Delegate from the District of Columbia, come to this floor and protect Federal employees. Federal employees should be offended by this motion to recommit because it simply says that the Federal retirement fund now becomes a piggy bank that the Treasurer can dip into as he sees fit.

Do not take my word for it. Read page 2 of the bill which says the civil service retirement fund, and it just goes a very short paragraph, and there is no way that these Members, or any of us that are concerned about Federal retirees, that we could possibly vote for this motion to recommit.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. I thank the gentleman from Florida for yielding.

Mr. Speaker, this motion to recommit ought to take our colleagues' breath away. It is an incredible proposal. First of all, it attacks Social Security. While claiming to protect Social Security, it, in fact, condones the status quo which threatens Social Security.

Every day in America, Mr. Speaker, we pay Social Security, and it comes to the Treasury, not to the Social Security fund, and then the Secretary fund, and then the Secretary of the Treasury forwards it on. He could conceivably keep it overnight, and then invest it in the Social Security fund. What if he is up against the cap? Could he keep it a few days or a week? Could he keep it a month to pay beneficiaries and not invest it? Could he underinvest it? In the 1980's the Secretary of the Treasury actually disinvested funds in the Social Security account, and he can legally do so again. This motion to recommit does not address those vulnerabilities.

Mr. Speaker, we are right now relying on President Clinton saying, "I'm not going to disinvest or underinvest the Social Security fund. Trust me." Secretary Rubin says the same thing. Yesterday, before our committee he said in effect, "You can count on the President. He's given you his word. He won't mess with the Social Security fund." In other words, "You can trust the President. We won't go after Social Security."

What do all these promises tell us? It tells us that we are relying on just that: promises. "Trust me." We don't need to rely on promises. The American people don't need to rely on political promises to protect Social Security. Instead what we need is legislation which says, "No, it is a trust fund. It ought to go into the fund, and it ought to stay in the fund, and the fund should be fully invested." That's what we need. Not promises and assurances but a legal requirement and that's what this legislation gives us. On the other hand, this motion to recommit gives us no legal safeguard, only assurance that the President and the secretary's current policies and promises to protect Social Security will be continued.

I cannot believe that my colleagues would present this motion to recommit as an attempt to protect Social Security, and ask that this legislation be recommitted to protect Social Security. What is even more astonishing is what they have actually put in writing in this motion to recommit. They actually have written in words in this motion to recommit that they are going to allow the Secretary of Treasury to continue his current policies. Policies which have led him to disinvest more than $39 billion of the Civil Service Retirement Fund. Policies which have allowed him not to reinvest the entire $21.5 billion voluntary pension fund. Policies which Wall Street Journal yesterday reported will allow him—and he actually proposes to—delay the payment of $14.5 billion in interest due the Civil Service Retirement Fund. Policies have allowed and will allow the Secretary of Treasury to substitute IOU's for interest-bearing treasury securities. That is incredible. Not only that, this motion to recommit actually puts the stamp of approval on all these activities. It says that the Secretary of Treasury can continue to use Civil Service Retirement funds to pay the obligations of government. It is right here in the motion to recommit. The motion actually has the courage to say that.

By inference, this motion to recommit says something else. While claiming to protect Social Security, not doing so, it also says in effect, that with the other trust funds. We are going at them full-speed. We are going to let the Secretary of Treasury "have at them" with no protection whatsoever for the other trust funds. We are going to let him continue to take money out of the Civil Service trust funds and substitute IOU's.

No protection for the other trust funds. Have at them, as for the Wall Street Journal article saying he is not going to pay interest due to the Civil Service Retirement fund at year-end, this motion to recommit says, "Fine. That's okay. We are going to continue to let you keep not paying interest." I've heard reports that the Treasury has looked at the Postal fund as a source of addressing the debt ceiling. This motion to recommit says, "Have at the Postal fund." How about the Bank Insurance fund? Are they looking at that fund? Little old ladies CD's down at the bank. They think they are federally insured. They trust there is a federal insurance backed up by a trust fund that will make any losses good. What do we say about the Bank Insurance fund if Treasury decides to go after it? This motion to recommit says, "Go to it. Have at it."

Mr. Speaker, this legislation says a trust fund is just that. The people that deposit their money in the fund trust you not to take it out. They make payments to that fund and they trust you to put it in. That's the "trust." Second, it is a fund, not an IOU. A trust fund. This motion to recommit says this about the trust fund, "No trust and no funds." And for all this underinvestment, raids, IOU's, accounting entries and gimmicks, keep on keeping on. This motion to recommit puts a big seal of approval on all this chicanery. Vote against this motion to recommit and for the underlying legislation. Vote for trust funds which have both trust and funds.

Mr. SHAW. Mr. Speaker, in closing I would say to all of my colleagues on both sides of the aisle let us not delegate our authority given to us by the Constitution to this administration or to future administrations. Vote no on the motion to recommit and yes on the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 229, not voting 13, as follows:

[Roll No. 861]

YEAS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon

Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Boucher
Emerson
Hansen
Harman
McInnis
McKinney
Mfume
Owens
Ros-Lehtinen
Spence
Tucker
Waldholtz
Wilson

□ 1329

Messrs. MANZULLO, CHRISTENSEN, and ROEMER changed their vote from "yea" to "nay."

Messrs. KLECZKA, VENTO, HALL of Texas, and LAFALCE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GIBBONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 103, answered "present" 77, not voting 17, as follows:

[Roll No. 862]

AYES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—103

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Brewster
Browder
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Costello
Cramer
Danner
DeLauro
Deutsch
Dicks
Dingell
Dooley
Doyle
Durbin
Edwards
Eshoo
Ford
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Hall (OH)
Hamilton
Hefner
Hoyer
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lincoln
Lowey
Luther
Maloney
Manton
Markey
Mascara
McCarthy
McHale
McNulty
Meehan
Minge
Mollohan
Moran
Murtha
Nadler
Neal
Obey
Olver
Orton
Pallone
Payne (VA)
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Rivers
Rose
Roukema
Sabo
Sawyer
Schumer
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Studds
Stupak
Tanner
Thornton
Thurman
Torricelli
Vento
Visclosky
Volkmer
Wyden

ANSWERED "PRESENT"—77

Abercrombie
Becerra
Bishop
Brown (CA)
Brown (FL)
Clay

Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
Dellums
Dixon
Engel
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Kennedy (RI)
Lantos
Lewis (GA)
Lofgren
Martinez
Matsui
McDermott
Meek
Menendez
Miller (CA)
Mink
Moakley
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Rangel
Richardson
Roybal-Allard
Rush
Sanders
Schroeder
Scott
Serrano
Stark
Stokes
Tejeda
Thompson
Torres
Towns
Velazquez
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—17

Boucher
Emerson
English
Fazio
Hansen
Harman
Lewis (CA)
Lipinski
McInnis
McKinney
Mfume
Oberstar
Ros-Lehtinen
Thomas
Tucker
Waldholtz
Wilson

□ 1339

The Clerk announced the following pair: On this vote:

Mr. McInnis for, with Ms. Harman against.

Mr. FARR and Mr. COYNE changed their vote from "no" to "present."

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 862, final passage of H.R. 2621, I was unavoidably detained. Had I been present, I would have voted "aye."

Ms. ROS-LEHTINEN. Mr. Speaker, on December 14 I was unable to vote on rollcall votes 861 and 862 because I had to attend a special Metro-Dade Commission meeting in Miami. I would have voted "no" on rollcall vote No. 861, a motion to recommit with instructions H.R. 2621 and I would have voted "yes" on rollcall vote No. 862, final passage on H.R. 2621, a bill to enforce the public debt limit and to protect the Social Security Trust Fund.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks regarding H.R. 2621, which has just passed this House.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SWEARING IN OF THE HONORABLE JESSE L. JACKSON, JR., OF ILLINOIS AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from the State of Illinois, Mr. Jesse L. Jackson, Jr., be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the Members of the Illinois delegation please escort the member-elect to the rostrum.

Mr. YATES. Mr. Speaker, as dean of the Illinois delegation, it is my honor, my very high honor and high privilege, to present to the Speaker and to the House of Representatives a newly elected Congressman from the State of Illinois. He has taken the seat that was previously held by Mr. Mel Reynolds.

The gentleman is eminently qualified to enter upon this position, Mr. Speaker. He holds a degree as a Baptist minister. He holds a degree as a practicing lawyer. He holds a degree as a Master of Business Administration. He has spoken the length and breadth of the country in public addresses. He has engaged in all kinds of political activities, which is to be expected when one realize the family which is his.

I know that the people of Chicago, the people of his district, are very proud to have him as their new Member of Congress from the city, and it is with that that I present him to you for swearing in, Mr. Speaker.

The SPEAKER. Let me say to my friend from Illinois that I know the father well and look forward very much to getting to know the son. We are delighted, I think all of us, to have you here.

Mr. JACKSON of Illinois appeared at the bar of the House and took the oath of office, as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God?

The SPEAKER. Congratulations, you are now a Member of the Congress of the United States.

I TOO HAVE A DREAM

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker and distinguished Members of the House, I am honored to be a servant of this body.

I want to thank God, who has called our family to public service and blessed me with the ability and the will to serve. It is faith in God and the strength of my family that made this exalted position of service possible. The Rainbow Coalition gave me the opportunity to serve and grow. We must expand the Rainbow Spirit across the land. We must let a new generation arise. I want to thank and acknowledge my family—my wife Sandi, my parents, Rev. and Mrs. Jesse Jackson, my sister Santita, my brother Jonathan and his wife Marilyn, Yusef, and little Jackie, Grandma and Grandpa Brown, my grandmother Matilda Burns and Helen Jackson, who could not be present.

My ambition and my focus is clear. I want to do God's will, and I believe it to be His will that we lift the lot of suffering humanity. Where there are walls that divide, we must build bridges and bring peace to a war torn world, whether Bosnia or Nigeria.

I want to honor the citizens of the Second Congressional District of Illinois who entrusted me to represent them, to make the best case possible to improve the quality of life for all of them. For those who voted for me, and those who did not, for those who were too young to vote, and for those who've given up on the vote, because they no longer dream or believe, that change will come.

I promised the seniors of my district that I would fight to save their Medicare, and the youth of my district to save their scholarships. I promised to fight for affordable housing, to uplife the conditions of people in Altgeld Gardens, Ginger Ridge, Ford Heights, and the many communities across my district, where living conditions have not changed in two generations. They are not lazy, or welfare kings or queens, they want to work, but they need the opportunity to work.

Last, I want to be a public servant who is mostly known as a freedom fighter of character in the best tradition of Jesus The Christ, Martin Luther King, Jr., Nelson Mandela and my dad, Jesse Jackson, Sr. Our character is measured by how we treat the least of these. I will fight with all of my might for a public policy that will wipe out malnutrition and save the malnourished. A public policy of full employment, healthcare, housing, and an education safety net for all of the American people. I want to defend the defenseless. I want them to dream again and stop recycling nightmares. We must choose schools instead of jails for our future. Let the children dream. Let the seniors dream again. Let them hope. Let them believe. Revive their spirits. Let all of us hope.

I look forward to learning from you and to working with you. Together, we must make the American Dream possible for all of America's people. Thank you.

[The following portion was delivered in both English and Spanish.]

Mr. Speaker, in the time I have left, I would like to say that I share a dream, and I called it "I Too Have a Dream:"

That the southside will look like the northside.

That Rainbow Beach will look like North Avenue Beach.

That the Dusable Museum will be funded like the Field Museum.

That southside and suburban children will receive funding like the northside for parks, zoos, restaurants and piers with ferris wheels.

That equal funding for education will be a reality in this generation.

That more county money will be used for preschool and afternoon school programs than incarceration programs.

It is my hope that I can look forward to working with Members of Congress, and working with each and every one of you. Together, we must make the American dream possible for all of Americans, for America's people.

Thank you, and God bless you all.

□ 1345

DEMOCRATIC CAUCUS WELCOMES JESSE JACKSON, JR.

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I rise this morning on behalf of the entire Democratic Caucus to welcome the newest Member of the U.S. House of Representatives, JESSE JACKSON, Jr., our colleague from the Second Congressional District of Illinois. At 30 years old, Mr. JACKSON will be one of the youngest Members of the 104th Congress. But what he lacks in age, he more than makes up in commitment to justice and opportunity for the people of Illinois, Chicago, and all Americans.

As field director for the National Rainbow Coalition, he has been on the front lines to fight for economic opportunity in America's cities and basic equality and justice everywhere. When he ran for Congress this year, he pledged to dedicate himself to the kind of issues that are at the heart of the Democratic Party and America. Protecting Medicare and Medicaid, raising the minimum wage, creating jobs, and fighting to heal the divisions that too often exist among races and between genders in our country.

I am proud to serve with JESSE JACKSON, Jr., and I know that he will do remarkable things for the people of his district, bringing all of the energy, enthusiasm, and dedication to bear on the problems we face.

So I say to the gentleman from Illinois, welcome to the people's House, and we all look forward to working with you as we together do the people's business.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SOLOMON, from the Committee on rules, submitted a privileged report (Rept. No. 104–407) on the resolution (H. Res. 307) waiving points of order against the conference report to accompany the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WELCOME TO JESSE JACKSON, JR.

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. COLLINS of Illinois. Mr. Speaker, I have known our new colleague for a very long period of time and have worked with his parents for an extremely long period of time. I have watched him grow up in a very disciplined, loving household, one that has been in the forefront of all of the issues. I have particularly watched him grow up in an environment where his very loving family has been one that has been led by a freedom fighter, his father, the Rev. Jesse Jackson, and who has been under the very loving care of his mother, Mrs. Jacqueline Jackson.

Clearly here is a young man who grew up sort of in the eye of a storm of liberation and a storm of good will that was trying to be brought for our country, and yet here is a young man who is an example of what can happen to young people.

Here is a young man who has never had a problem with drugs, a young man who has never had a problem with the law, a young man who has developed into a fine human being, one who has a great education, one who has been a person who wanted to learn and to grow. He epitomizes what America can do and what those of us who are concerned about the well-being of our young people can hope to expect.

Let me say this. It has already been discussed that he has a number of degrees, a Bachelor's degree from North Carolina A&T University. He has a Master's from the Chicago Theological Seminary. He has a law degree from the University of Illinois. Believe me, he got a mandate from the Second Congressional District of Illinois, and has won two elections in 2 weeks, and we salute him.

JACKSON USHERS IN NEW ERA OF LEADERSHIP

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, I proudly stand and join with my colleagues in welcoming the newest Member to this House, JESSE JACKSON, Jr. I feel as if he, too, is my child. I feel as if he is my son. I feel that way because I guess I have known him, I have watched him grow up. I have worked very closely with his father and his mother. They are my friends.

When he first indicated that he would be running for this seat, I did everything that I could to encourage him, and I would like to thank all of my colleagues in this House who joined with us in a tremendous effort to raise money and to work in the district to ensure that JESSE JACKSON, Jr., could be with us being sworn in today.

I am so proud of him, because he represents everything that we want our children to be. I am so proud of him, because oftentime there are these negative images of young African-American men portrayed in the media. However, there are many young JESSE JACKSON, Jr.'s out there. A lot of people do not know about them. They do not understand that there are children who have come from nurturing families, with the kind of support that could lead them here to this House and to other things if but given the opportunity and the chance to do that.

And so JESSE JACKSON, Jr., stands here today as a symbol to all of those young people out there who believe that they can do it, that there can be support for them realizing their dreams.

I am proud that he is here. I look forward to the leadership that he is going to provide, not only in this House but throughout this Nation.

Let me just say this to my colleagues. JESSE JACKSON, Jr., will usher in a new generation of leadership in this country to deal with the problems that confront us all. So I want you to look at him today and look at him in a new and different way. I want you to understand what he symbolizes and what he is going to mean, not only to this House but to all of America.

I welcome you, JESSE JACKSON, Jr. I look forward to working with you, and let the message go forward to the young people out there, that they have got someone now who is going to reach out to them, bring them into these new possibilities and show America the way in which it should be going.

WELCOME TO JESSE JACKSON, JR.

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I rise to welcome to the House our newest Member and my long-time friend JESSE JACKSON, Jr. I first met JESSE during his father's 1984 presidential campaign. During that time

JESSE and I had the opportunity to register people to vote together, rally together, encourage young people to stay in school together, and we always had the dream to serve in this House, the United States House of Representatives, together.

I will never forget the many trips we made to Washington as young college students, and we would pass the House, the Capitol, the United States Capitol, and look at each other and say, one day we will serve in the House of Representatives together and shape national public policy.

I recall the great words of Benjamin Mays when he said, "The calamity of life is not failing to reach your dream. The calamity of life is having no dreams to reach for."

JESSE JACKSON, Jr., is not only a dreamer but one who works night and day to accomplish his dreams. The people of the Second Congressional District of Chicago and young people all across this Nation should be very proud to have such a great public servant like my friend and now my new colleague JESSE JACKSON, Jr.

I welcome you, my friend, and together we will keep hope alive.

A GREAT DAY

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I am very, very proud today. Today is indeed a great day for myself, for the people in the city of Chicago, the people of the Second Congressional District. Today is a day that is great for all of America.

□ 1400

We must take pause today, Mr. Speaker, to understand all that has gone on in regards to JESSE JACKSON, Jr., being sworn in as a Member of Congress. I am absolutely so proud, and I am so appreciative of the work of the Jackson family.

You see, Mr. Speaker, about 25–26 years ago I had to call upon Jesse Jackson, Sr. to save my very life. I called him when I was on the run, when police officers were out to kill me. Jesse Jackson did not hesitate to come to my assistance and to come to my aid.

I have seen JESSE JACKSON, Jr., from a toddler up until an adult, and I cannot think of any more qualities that God could have invested in a single individual than what he invested in JESSE JACKSON, Jr.

Mr. Speaker, this young man, as you saw a brief indication of today, has traveled the world, has been in the company of great individuals, individuals at the top of national governments, individuals who are, indeed, movers and shakers and history makers throughout the world. But the quality, the resounding quality that keeps coming forward in terms of JESSE JACKSON, Jr., is not arrogance, is not a higher-than-thou or greater-than-thou or holier-than-thou. The common characteristic that comes through in terms of JESSE JACKSON, Jr., is humility and humbleness and willingness to work in behalf of those individuals in this society who have no one to fight and to work for them. He is, indeed, a great person already at the age of 30, a remarkable man, a history maker.

Simply because of the fact that he can walk with kings and yet and still he can also be very comfortable to walk and lead and participate and fight for the common man, Mr. Speaker, this House of Representatives will not be the same because we have a humble individual, an individual who knows greatness and knows that greatness evolves as a direct byproduct of working on behalf of common people.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. I ask for this time to inquire of the distinguished majority leader about the schedule for today, tomorrow, the weekend, and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I would like to preface my comments by adding my congratulations to those that have gone before me to the gentleman from Illinois. It is always a great thrill to be sworn in for the first time and to have your family here for the event.

Mr. Speaker, there will be no more legislative business today. I would like to take this opportunity to discuss the upcoming schedule for the remainder of the week.

Tomorrow, we plan to take up the conference report for H.R. 1530, the Department of Defense Authorization Act. There is also the possibility that the appropriations conference report for the District of Columbia will be ready for consideration tomorrow. We should know more about that possibly later today and will, of course, keep Members advised.

As Members know, it has been 25 days since the House passed our last CR. For over 3 weeks now we have been waiting for the President to become engaged in substantive discussions and present his alternative plan to reach a balanced budget in 7 years. Mr. Speaker, we are still waiting. We are eager to examine his alternative and to commence serious negotiations with the President at the table.

Mr. Speaker, if the President decides to get serious about these balanced budget negotiations, there may be a possibility of a short-term continuing resolution for the weekend. Obviously, we will know more about that this afternoon after negotiations with the administration today and tomorrow.

Mr. Speaker, I should note that I will be happy to engage in further discussions tomorrow regarding details of the schedule for next week.

I thank the gentleman for yielding.

Mr. BONIOR. I just say to my friend, the gentleman from Texas, I thank him for his patience in order for us to have this colloquy. I appreciate his patience, and I would also like to yield now to my friend, the gentlewoman from California [Ms. LOFGREN], who I think has a concern about the weekend.

Ms. LOFGREN. If I may inquire, I am a freshman Member of this body, and so perhaps this is the way things normally go, and I am certainly not opposed to working hard. But I, as do many parents in the Congress, have a little boy who believes in Santa Claus. I am wondering when I will get to take him to visit Santa Claus, and further, when all of the wonderful things that Santa Claus is going to bring him will actually arrive.

He did point out to me the other day that we did not work last Friday and we did not work this Monday, and we did not start working until late on Tuesday, and now it is 2 o'clock and we are knocking it off for the day.

My question is: Are we going to be working on Saturday to finish the appropriations bills not yet done? If not, why are we leaving now so that myself and the other parents might actually get their children to visit Santa Claus?

Mr. ARMEY. If the gentleman will yield further, let me just thank the gentlewoman for her observations.

It is a difficult time for all of us. I am amazed at how many Members have children and grandchildren that are dancing in the Nutcracker Suite this weekend all across this Nation, and it is a matter of enormous consequence to all of these families.

My governing principle, Mr. Speaker, is to schedule work when it is ready, to move it as quickly as we can. We had had other work scheduled for today. Unfortunately, the bill that might have been under consideration at this time was withdrawn for reasons that are of the committee's concerns.

The defense appropriations bill is obviously something we must move tomorrow, and can do so. If we have no work, that is, work that must be done on Saturday or Sunday, and I am sure the gentlewoman would agree with me, that should we approach an opportunity to complete the budget on Saturday or Sunday, I am sure she, as well as all the rest of the Members, would more prefer to stay here and do that and finish out the year.

But short of that work on the weekend, especially if it appears that we will be here working next week, it would be my intention, under whatever parliamentary arrangements are possible, for us to have no work on the floor on Saturday and Sunday, so that those Members who are not otherwise engaged, perhaps in a conference or perhaps in the budget negotiations, could indeed grab a couple of days with their families before we come back and commence work on Monday.

I wish I could be more specific and give Members a definitive answer right now. But I think I owe it to all of us to be certain that I have, in fact, explored every possibility of having that definitive work before us before I close the door on Saturday and Sunday and encourage people.

So for now, I would suggest to the gentlewoman and to all of my colleagues, if you have plans to try to go home for the weekend, that is something that is, indeed, as these things are, very important to you and your family, do not cancel those plans. As soon as I can say something definitive, I will.

Mr. BONIOR. We thank the majority leader for his understanding and his reading of what he sees possible this weekend. We appreciate his concern.

Can the gentleman from Texas give us an indication, if we leave for this weekend or tomorrow, when we will resume on Monday next?

Mr. ARMEY. If the gentleman will yield further, of course, again, if it is possible, that is to say, unless I am otherwise compelled by compelling work, I would try to enable the Members to have Saturday, Sunday, and, say, Monday until 5 free from any votes on the floor.

Obviously, we all need this time. It is precious. And I would try to make it as extended a period of time as possible and would change from Monday at 5 only if compelled by some work that I thought would justify the inconvenience to the families.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, as the leader knows, this has been a very difficult year on the schedule and its impact upon families, on both sides of the aisle. And as we enter the holidays, Mr. Leader, I would hope that we would have some indication as to how late we are going to be going into the schedule next week. It is a very difficult time to get plane reservations to fly back home to our home districts and see families and spend time with families at the holiday.

Do you have some kind of indication as to how long into the next week we will be proceeding on the budget?

Mr. ARMEY. Again, let me make the observation, we are in very difficult, very serious, and extremely important negotiations with heartfelt differences between the Congress and the White House, and while I am confident that everybody is trying to do their very, very best, and have my own hopes that the week could be shorter instead of longer, I simply could not with any degree of reliability give any intimation to the Members other than to advise you to be prepared to stay for a long, hard work week throughout all of next week, with the hope that perhaps we could reach some agreement that would allow me to come on this floor and enjoy your appreciation with my bringing of the good news, and I would hope that would happen.

Mr. ROEMER. As the leader knows, I want a balanced budget. I have been working hard for the last 11 months to achieve one, and certainly if we see progress, which I hope we see more of in the ensuing days, we are willing to work hard next week to achieve that final outcome in a bipartisan manner.

But as the leader knows, we also, if he could indicate to us, if that is going to be December 24 or 23, that is helpful for us as we make plans. It is also helpful for us in many ways as we try to plan out our work schedule and our family schedules.

Mr. ARMEY. If the gentleman will yield further, I appreciate the point the gentleman makes.

If I may, Mr. Speaker, what I see and what we see expressed here, we have 435 people here that share a commitment to their families and a commitment to the Nation through their work here, and we are all caught in a period of dire consequences and serious stress, trying to find a way, as the gentleman from California [Mr. DELLUMS] said so eloquently a few years back, to get home and love our children, and I can only say that insofar as I can do anything to accommodate the Members and their families while also accommodating to their sincere desire to complete the year's work in a responsible fashion, I will make that effort, and I will try to keep the Members as advised and as current as I can possibly do with any certainty at any time.

Mr. BONIOR. I thank the gentleman for that, Mr. Leader. I just have one final question.

Two days ago the Committee on Standards of Official Conduct conducted a rule change concerning the book royalty issue. It is a long-overdue reform. It was unanimously approved by the committee. The chairwoman has clearly indicated that the bill would be considered before the end of this session.

We are concerned by press reports we saw in the paper this morning indicating that the leadership on your side of the aisle may be blocking the committee's unanimous recommendation, and I guess my question to you this afternoon is will the Committee on Standards of Official Conduct recommendation for immediate action be honored by the Republican leadership? And can we see this bill within the next week?

Mr. ARMEY. I thank the gentleman for your inquiry.

As the gentleman knows, a bill has been drafted and has been submitted, assigned to the Committee on Rules. The Committee on Rules has the bill under consideration, and I cannot tell you with any degree of certainty what will be the dispatch of that bill by the committee, but I am confident that the Committee on Rules will act on this bill in full regard to its own fine traditions as a committee and the kind of consideration that such legislation takes, and I have to tell you I have had only a very, very brief discussion with the chairman of the Committee on Rules and a discussion in which he has assured me that the bill would get all the serious consideration in the due course of time that is appropriate within the traditions of this fine committee.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. So I guess the other question is, though, when will this be acted on? Because the hope had been, by this unanimous decision of the Committee on Standards of Official Conduct to move on this, that it would be done before we went home. And since we have all of this extra time and the budget has not been solved, is there anything blocking this from coming up right now?

Mr. ARMEY. If the gentleman will yield further, I will just say to the gentlewoman, the bill is in the committee of jurisdiction. The committee of jurisdiction has the jurisdiction. It is not at all unusual, I dare say, every individual Member who drops a bill in the hopper does so with the sincere hope that it will be acted on immediately. That rarely is the case, and there are procedures known best to the committee, and I do not think it is appropriate for me as a Member or as the majority leader to second-guess how a committee will exercise its jurisdiction.

I think we have committees, and each committee has its own manner of operating, and I do not think that it would be appropriate for me to speculate on the manner in which this committee nor any other committee would dispense with a bill.

□ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. INGLIS of South Carolina).

Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WEI JINGSHENG'S SENTENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

Mr. COX of California. Mr. Speaker, yesterday the People's Republic of China imposed a harsh new prison sentence on its most prominent human rights campaigner, Wei Jingsheng. Today the New York Times in translation has presented us with the reasons that the People's Republic of China has meted out this draconian sentence against its leading human rights activist. The charge, according to the People's Republic of China, was overthrowing the government, overthrowing the government, and what did this man who is nominated by many in this body for the Nobel Peace Prize do to cause the People's Republic of China to charge him, and convict him, and sentence him for overthrowing the government? Let me read from the Chinese Government statement about the conviction, quote:

> The court's investigation showed that Wei, in attempting to overthrow the government, developed a plan of action which included establishing an organization to raise funds to support democratic movement activities.

Well, that is true enough. Wei Jingsheng has long been an advocate for democracy in the People's Republic of China. He was a leader in the democracy wall movement which took its name from the wall near the city where democratic activists hung their pro-freedom manifestos. He served over 14 years in prison labor camps in China where, according to reliable reports, he was beaten and tortured. Now having been out of prison for only a few months, Mr. Speaker, he was charged and convicted again for promoting democracy.

Let me read further from the government's statement:

> He is responsible for purchasing newspapers, setting up a company in charge of organizing cultural activities.

All of these things got him a prison sentence, keep in mind, colleagues: Organizing nongovernmental painting exhibitions, performances, and publications.

Wei Jingsheng worked actively to implement the above plans, quoted the Chinese Government. He bought 12½ percent of the shares of an urban credit cooperative in Beijing to start setting up a democracy movement bank, and he wrote and set an introduction to projects for assistance to people in charge of an overseas organization and asked for hundreds of thousands of U.S. dollars to fund his activities. He also registered a company in Hong Kong and used the name of the company to prepare art exhibitions in Beijing so as to recruit people in organizations that would be sympathetic to him. Wei Jingsheng also secretly connected some people both in China and abroad to study struggle strategies, conspiring to unite the illegal organizations in China, by which they mean the illegal pro-democracy organizations in China, and act when the right moment comes. He also used illegal means—now I am again quoting from the People's Republic of China official statement of yesterday:

> * * * and published a series of articles overseas to slander and attack the Chinese Government, the leadership of the Chinese Communist Party and the Socialist system, and to advocate the independence of Tibet, something that another Nobel laureate, another Nobel Peace Prize winner, is guilty of. He and the enemy forces overseas, among which we may number ourselves in this body, echo each other and try to create publicity. Certainly that is worthy of a prison sentence, to overthrow the people's democratic dictatorship, sabotage the Socialist system, and separate the country.

Wei Jingsheng will be in jail for another 14 years, and the response from the Clinton administration has been deafening. One of our Democratic colleagues said yesterday, "I think the administration policy is a dismal failure in every respect, and I think the sentence is a slap in the face." The New York Times notes today that the Clinton administration, while criticizing China, stopped conspicuously short of threatening specific retaliatory action.

Mr. Speaker, even our Assistant Secretary of State for Human Rights said only, "We urge the Chinese authorities to show clemency." Clemency, colleagues, is due someone who is guilty. Wei Jingsheng is innocent, he is an innocent man wrongly charged, and this body, Democrats and Republicans alike, should band together in his support.

TREATING OUR FELLOW MEMBERS WITH RESPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I rise today to talk very briefly about something that is concerning me very deeply, especially in light of some of the debate or lack of debate that took place in this Chamber last night on the Bosnian question.

President Bush referred to a growing mood on Capitol Hill as a climate of ugliness, and President Thomas Jefferson talked about, when he wrote the manual that we all read as new Members of Congress and try to refresh our memories about the rules of civility and comity in this body; we all read Thomas Jefferson's words, and he stated, and I quote:

> It is very material that order, decency and regularity be preserved in a dignified public body.

Mr. Speaker, I think that as the debate spirals downward at times and people resort to the temptation of name-calling, and finger-pointing, and fisticuffs rather than camaraderie, and civility, and community, that we not only hurt bipartisanship in this body now and in the future, but I think we tear at the fabric of what Americans deeply respect about this institution and what they want us to do today, and that is to work together to solve some of our problems in a bipartisan way on the budget, on making Congress work more efficiently and effectively, of downsizing Government, particularly committees and subcommittees here in this body, and that we can do it in a civil manner, being civil to one another.

My very first vote, Mr. Speaker, 4½ years ago as a new Member of Congress was on the Persian Gulf, and I was inducted into this body with such a deep sense of awe and respect not because George Washington's picture is in this body, not because In God We Trust is above the flag here in this Chamber, but because Members treat each other with respect, and although we had disagreement on the timing of going to war, everybody respected the differences in opinion, and everybody was a patriot.

Last night's debate did not include that kind of respect, and I want to conclude, Mr. Speaker, on a quote from Speaker Joe Cannon who once said:

> It is true we engage in fierce combat, we are often intense partisans, sometimes we are unfair, not infrequently unjust, brutal at times, and yet I venture to say, taken as a whole the House is sound at heart. Nowhere else will you find such a ready appreciation of merit and character. In few gatherings in equal size is there so little jealousy and envy.

I think the first part of that statement is very true, Mr. Speaker. We do have fierce partisanship at times, but we should always have the nature and character of civility which is reflected in our rules come to the foremost, be held at the highest respect and esteem for all Members, and that we continue to work in a bipartisan way for what is best for the American people.

☐ 1415

FUNDING AMERICA'S DEFENSE PROGRAM

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I would like to associate myself with the remarks of my friend, the gentleman from Indiana [Mr. ROEMER]. I think he was right on the ball. I do not necessarily agree with the strategy or the tactics used by the House, and I probably would have supported the amendment offered by the gentleman from Indiana [Mr. HAMILTON] if it had—I did not fight to get that unanimous consent removed.

As I stated in my opening remarks last night, I thought all the Members across the board had good intentions in this thing. I would support that. I would also tell my friend that quite often when we sit on this side of the aisle, we feel that there is a lot of misinformation on Medicare, that there are no cuts and different things, and a different way to get to education, and it is difficult to come to those terms sometimes when you are getting slammed down on the ground all the time. I would work, and I know the gentleman does, and I know how he works, and I know that he himself would do that. The problem sometimes is with leadership. I would work with the gentleman.

Let me go to the issue that I want to talk about.

Mr. ROEMER. Mr. Speaker, if the gentleman will yield, I would say, as classmates and people who serve on the Committee on Economic and Educational Opportunities, you and I do work in a bipartisan way on many occasions, and I have a great amount of respect for you. When we had the Persian Gulf debate, and as a former war hero, you have added a great deal to the debate we have had on military matters.

I just have a deep, deep regret and a heavy heart when we have the kind of lack of civility that took place in the body last night on a unanimous-consent motion, on a resolution supporting not the mission—with which I disagree—in Bosnia, but the confidence in our troops and the support for our troops, which I wholly agree with. I would hope that we could have agreed to that unanimous consent last night.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. Speaker, what I want to talk about a little today, and I do not have time to do it fully, and it is not on a partisan issue, is that many of us voted last night on our consciences, and feeling that we were doing the best thing for our troops overseas. My concern, as I stated, is not the votes last night, Mr. Speaker. My concern is what comes in the future, that we hear people say they want to support the troops, they want to make sure that they do not come back in body bags; that they come back.

There are legitimate issues on how much we should spend for defense and how much not. But remember when the President ran in his campaign, he said a $50 billion defense cut would put us into a hollow force, and then in his first tax bill would put us at a $177 billion defense deficit, would decrease defense.

Because of some of the different environments we go to in the world, with Haiti and Somalia, the different areas, and I am not going to go through the negative of those, but it has put us even further below what the requirements of defense are. GAO has said we are $200 billion below the Bottom-Up review. The Bottom-Up Review was, remember, drafted by then-Secretary Les Aspin and the President to see what our needs would be to be able to fight two conflicts, and the minimum we would need to be able to do that. When you are $200 billion below that, then it tells you that you need to put some more dollars into national security for this country.

Some people on the debate tomorrow will say that there is more in this defense authorization bill than the President asked for. This is true. But as I take a look, let me give you a couple of examples.

The F–15 Strike Eagle, the Air Force has not bought a single airplane in 3 years because of the budget. They are using the F–15 Strike Eagles in Bosnia today, out of Italy and other places. They are also using the F–16. The Navy is using the F–18 CD, which is the latest model. The service life on those airplanes is coming due and there is no replacement for them.

In this budget that is coming up tomorrow, what we do is replace some of the life cycle in the aircraft that we have been using prior to that in Bosnia and Herzegovina. We take a look at something my friend has fought for, impact aid that we took out of the budget, and to be able to provide for that. He and I agreed we do not have as much as we would like in that.

I also look at Captain O'Grady. Captain O'Grady, when he was shot down over that portion of the world, told me personally, he said, "DUKE, I did not have the training, the ACM time that we need," the air combat maneuvering.

I would ask my colleagues to take a look at what the needs are in defense. We need to support our kids. Support the bill tomorrow, and do what is right.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to substitute my name for that of the gentlewoman from the District of Columbia [Ms. NORTON] during special orders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE HURRY-UP-AND-WAIT SCHEDULE OF CONGRESS, AND THE HANDLING OF ETHICS COMMITTEE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, those who saw the scheduling colloquy a few minutes ago absorbed another very peculiar development here in the House. You see, at 2 in the afternoon, at 3 o'clock perhaps, a little bit in the middle of the workday for most American families, the House quit for the day. We are now at a point in our debate where we can debate some of the issues, but the official proceedings, here in the middle of the workday the House concluded its proceedings.

This is at a time when we near a Government shutdown, two of the conference reports on appropriations bills have not even been presented to this House, and according to the scheduling colloquy, it appears that one of them, one of the two, is a possibility for tomorrow, on the shutdown day, and the other one we got no indication of whatsoever.

The even more peculiar thing about this hurry-up-and-wait schedule that exists here in the Congress was the portion of the scheduling colloquy that related to the subject of ethics. It was only about a week ago that not just any bill but a measure concerning a rule on book royalties was referred not by just a Democrat, or not just by a Republican, but by the unanimous vote of an equally divided committee, half Republicans and half Democrats, the House Ethics Committee asked for a unanimous rule, or asked for a rule unanimously, I might say, to be in effect by the end of this year concerning book royalties. It was sent over to the Committee on Rules.

Members will recall that they took this action in a letter dated December 6, upbraiding and reprimanding the Speaker, the gentleman from Georgia [Mr. GINGRICH] in regard to books and in regard to repeated ethical violations here in the House. After finding three clear violations of the rules of conduct of the House, they said in addition, with regard to the book "To Renew America," the one published through Mr. Murdoch's company, they said that

> Concerning the publication of your book "To Renew America," while the amount involved greatly exceeds the financial bounds of any book contract contemplated at the time the current rules were drafted, the committee strongly questions the appropriateness of what could be described as an attempt by you to capitalize on your office with reference to this book.

They go on to say that, at a minimum, what the Speaker has done creates the impression, and this is their words, this bipartisan committee, "* * * of exploiting one's office for personal gain." They say the conduct was basically at such a level that to be sure no other Member of this House ever does this again, we need a rule on the books, the same kind of rule that would have been on the books had there been any real commitment to true ethical reform in this House on the first day back on January 4, 1995, because that is when it could have been adopted and when it should have been adopted.

But even after waiting almost a year, they say unanimously on a bipartisan basis, "Such a perception" regarding this book, and again I quote them, "is especially troubling when it pertains to the office of the Speaker of the House, a constitutional office regarding the highest standards of ethical conduct, and so the committee has drafted an amendment to the House rules to treat income from book royalties as part of outside earned income subject to the annual limit of House rule 47. The committee will propose this resolution to take effect January 1, 1996."

Mr. Speaker, when asked about that today, the majority leader said, "I will not prejudge the committee process. Anybody can go file a bill. Maybe the Committee on Rules will get to it and maybe it will not." He knows full well from reading the morning papers that the chairman of the Committee on Rules has said, and I quote, that he is "unalterably opposed to even the concept that you would want to limit book royalties"; that is to say, unalterably opposed to doing what a unanimous Ethics Committee recommended because of the scandal associated with the Speaker's book contract with Rupert Murdoch. So apparently we are going to approach this week, we are going to approach next week, we are going to approach the end of 1995, and have no real ethics reform.

Let me make it clear, Mr. Speaker, this is not the result of the action of one chair of one committee. The Speaker could bring this rule change to the floor right now. It need not wait until the sun sets, if it ever does here in Washington today. No, indeed. We could be moving forward on the issue of ethics, but in this House, whether it is lobby reform or gift ban or campaign finance reform, the slogan seems to be "Just say no or just say Newt." They seem to mean the same thing.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO FILE REPORT ON H.R. 2661, DISTRICT OF COLUMBIA FISCAL PROTECTION ACT OF 1995

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight have until midnight tonight, Thursday, December 14, to file a report on the bill, H.R. 2661.

It is my understanding that this request has been cleared with the minority leader's office.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THE MATERIAL GIRL OF THE CLINTON ADMINISTRATION: SECRETARY OF ENERGY O'LEARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I am understanding that the House has ceased its activities here. However, the rest of Congress is working in their offices, answering constituent relations and working on active legislation. If the gentleman cares to take the afternoon off, it is fine with me, but the rest of the House is working.

That is not what I want to talk about. I want to talk about the Clinton administration's material girl. Secretary O'Leary has leased, at taxpayers' expense, for overseas travel the same luxury jet that Madonna uses. Now Clinton's material girl has been overseas 16 times in the last 3 years. She has been out of the country 50 percent more days than Secretary of State Warren Christopher. Secretary of State Warren Christopher's responsibilities include foreign policy and foreign relations. When he gets off an airplane overseas, when you see his face and him stepping off an airplane, he is doing his job. But the material girl, the Secretary of the Department of Energy, is responsible for civilian nuclear waste, Department of Defense stockpile and safety, Department of Defense nuclear waste, the national energy labs, all inside the United States, power marketing administrations, strategic oil reserves, all of which are within the United States of America, but the material girl's overseas trips are also expensive. They are as high as $720,000 each. Several of these trips have expenses that are unaccounted for, some as high as $150,000. One of these trips, the same luxury jet that Madonna uses, Secretary O'Leary took 51 staffers and 68 guests. It cost the taxpayers $560,000. There is only about $70,000 that is currently unaccounted for.

That is why the gentleman from Ohio [Mr. HOKE] and myself have requested the Government Accounting Office to do an audit, so we hope it will be done early next year. I think it is time that we stop this misuse of taxpayers' money and account for the expenses that we cannot account for at this point.

Mr. Speaker, this excessiveness, this mismanagement, this extravagance, is just the tip of the iceberg. It started off with GAO report that highlighted problems about management at the Department of Energy. They lacked focus, they had an admission a minute.

Then there was Vice President GORE's National Performance Review, who said within the Department of Energy the environmental management group was 40 percent inefficient and it was going to cost taxpayers $70 billion over the next 30 years if something is not done. Then we found out there were 529 public relations employees at the Department of Energy, one personal media consultant for the Secretary of Energy herself; and then there was the private investigative firm, which she paid $56,500 to find out who the unfavorable were in the press and in Congress. I was No. 4 on the list. Then there was her personal friend that she hired at $95,166 year plus $12,000 living expenses for the Department conflict resolution officer.

We have a lot of redundancy in Government, and we need to eliminate that out of the Department of Energy too. Two-thirds of the budget comes through the Department of Defense. There is duplication of effort within the labs. There is the nationalized oil fields at Elk Hills, CA. We have private companies that extract oil from the Earth. There are the Power Marketing Administrations that also are duplicative of the private sector.

That is why I am leading the task force to eliminate the Department of Energy as a Cabinet-level agency, to remove the waste, consolidate the duplication, transfer to the private sector that which they do best, and eliminate the parts of Government that are unnecessary. Each time the material girl, Secretary O'Leary's mismanagement comes to the press, this effort gains support. It highlights the fact that something must be done.

This process of verifying has uncovered something else, though, that is probably worse than anything you have heard so far. That is that the material girl has transferred from the Department of the Interior $500,000 to the Government of India to prepare the Taj Mahal for her arrival. Five hundred thousand dollars. What is so upsetting to me about this is that I can only think of the deficit we are running this year. I can only think of the budget we are dealing with. To spend $500,000 to prepare the Taj Mahal for her arrival is taking away from our children's future. It is borrowed money that they are going to have to pay back. It is wrong. It is time to stop this wasteful spending.

Mr. Speaker, it is time to eliminate the Department of Energy as a Cabinet-level agency. The only way we can do that is to continue with this effort and this legislation. It is needed to balance the budget and it will stop the unnecessary spending.

□ 1445

SOCIAL POLICIES SHOULD REFLECT LATEST BIOMEDICAL KNOWLEDGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of H.R. 2748, a bill to prevent the potentially devastating consequences of discrimination based on genetic information. I ask my colleagues to join us in support of this critical legislation. Currently 26 of our colleagues have cosponsored the legislation.

As Chair of the Women's Health Task Force of the Congressional Caucus on Women's Issues, I closely followed reports earlier this year that increased funding for breast cancer research had resulted in the discovery of the BRCA1 gene-link to breast cancer. While the obvious benefits of the discovery include potential lifesaving early detection and intervention, the inherent dangers of access to genetic information are just becoming evident.

There is increasing concern that individuals will be denied access to health care and that employers might screen employees to eliminate those who could cause a rise in group premiums. The following actual cases document the cause for concern:

A 24-year-old healthy and insured woman is asked to sign a lifetime waiver exempting her from breast cancer coverage because of familial tendencies.

An insured, previously healthy man suffered a heart attack. After DNA-based testing revealed a hereditary form of high cholesterol, his insurance company refused to pay the hospital bills or cover future treatment for cardiovascular disease.

As our knowledge and understanding of the biomedical genesis of human health and disease increases, our social policies and ethical responsibilities need to be adjusted accordingly.

H.R. 2748, the Genetic Information Nondiscrimination in Health Insurance Act of 1995 contains four major provisions. It prohibits insurance providers from: First, denying or canceling health insurance coverage; or, second, varying the premiums, terms, and conditions of health insurance coverage on the basis of genetic information; third, requesting or requiring an individual to disclose genetic information; and fourth, disclosing genetic information without the prior written consent of the individual.

The bill is uniquely focused, comprehensive, timely, and includes effective enforcement mechanisms. It is focused on the issues of insurance discrimination and privacy as they relate to genetic information. It comprehensively covers all types of insurance providers including self-funded and ERISA plans. It is timely in that it tackles insurance discrimination and privacy issues related to genetic information before they become epidemic. It provides both State and Federal measures to ensure effective enforcement.

Grave concern about these issues and enthusiastic support for the bill has come from the American Cancer Society, the National Breast Cancer Coalition, and the Council for Responsible Genetics. The National Action Plan on Breast Cancer, the NIH–DOE Working Group on Ethical, Legal and Social Implications of Human Genome Research and the National Advisory Council for Human Genome Research have joined together to address the issue of genetic discrimination and health insurance. Their work has resulted in development of four policy recommendations. Those recommendations provide the foundation for Federal legislation to prevent discrimination on the basis of genetic information. This bill encompasses those recommendations.

This bill, which addresses the profound questions about who will have access to genetic information and how this information will be used by others, is critically important to the health and well-being of this Nation's women, men, and children and our future generations.

NO FUNDS FOR THE TREASURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, earlier today the House debated H.R. 2621, a bill which would, in my opinion, force a default of the U.S. Treasury on U.S. debt and forestall payment, not only of principal and interest on U.S. debt for the first time in our history, but also forestall payments on Social Security, Federal and military pensions. In fact, this bill was advertised as one which would protect Social Security and Federal and military pensions, but in fact, the end result would be causing a default and leaving the Treasury with no funds whatsoever to pay those payments to the beneficiaries who have paid into those systems.

During the debate, I referred to a speech which Speaker NEWT GINGRICH made before the Public Securities Association on September 21, 1995, just earlier this year. In this speech is where the Speaker plainly and clearly advocated defaulting on U.S. debt in order to force the President and the Nation to accept his budget and no other budget.

My assertion was called into question by my colleague and friend from Michigan, and therefore, I submit for the RECORD and ask unanimous consent to include the following article from the New York Times as printed on September 22, 1995 entitled "Gingrich Threatens U.S. Default if Clinton Won't Bend on Budget."

Mr. Speaker, let me quote a couple of excerpts from this article. The article starts out:

> House Speaker Newt Gingrich threatened today to send the United States into default on its debt for the first time in the Nation's history to force the Clinton administration to balance the budget on Republican terms.

The article goes on to say:

> Clearly, part of Mr. Gingrich's autumn end-game strategy is to force the White House to accept much of this agenda, many parts of which President Clinton has vowed to veto, by holding an increase in the Federal debt limit hostage. Without an increase in the Federal debt, the government will be unable to meet many of the payments due in November for Social Security, military pay, and interest on the Federal Government's $4.9 trillion debt.
>
> Such confrontational techniques have been used in the past, but it has been highly unusual for a high government official or high government leader to suggest, as Mr. Gingrich did today, that default on government payments was not beyond the pale.

Let me quote directly from the Speaker. As we would say, the Speaker speaks. "I don't care what the price is," he said in his speech. "I don't care if we have no executive offices and no bonds for 60 days, not this time."

What that means, Mr. Speaker, is if we had a default and we had no bonds and we were not able to roll over the debt, that would mean that the Government would run out of money, and what that would mean is when Social Security checks need to be sent out, the Government would not have any money and the Government would not be able to take the Treasury securities, which Social Security invested in, and reinvest those into the market to raise capital. So in effect we would be high and dry; and unfortunately, the millions and millions of Americans who have paid into Social Security and count on that money to come every month would be high and dry, too.

Mr. Speaker, quite frankly, it is appalling, I believe, for this House to play with a time bomb such as the U.S. creditworthiness. We have a triple-A rating, and yet we have this revolutionary new Congress which believes it would be revolutionary to hold the country hostage and throw the Nation into default, to do away with our triple-A rating, to raise interest rates for all Americans, and to withhold the Social Security checks, the Medicare checks, the military checks, the pension checks to Americans who deserve those because they paid into them.

Let me remind my fellow colleagues of the House of the last revolutionary movement which decided to not stand up and pay its debts. It was the Bolshevik movement after the Russian Revolution in 1917, which refused to honor the Czar's bonds because, they said, "We have a new leadership here and we are not going to honor those." Even today, people throughout the world hold those bonds and they are worthless. Even today, the Soviet Union, having broken the bonds of communism, has trouble entering the markets because of what happened back in 1917.

We do not want that to happen to the United States we do not want to see what happens to the United States, what we debated earlier this year with respect to Mexico. We are the greatest nation on the face of the Earth. We are the leader of the free world. We are the strongest economy in the world.

The U.S. Treasury bond is the gold standard for the world. All other interest rates are tied off of it, and yet the Speaker threatens a default and threatens to destroy the creditworthiness of the United States.

Mr. Speaker, I submit the following article for the RECORD, that was the Speaker's position, and I hope he will renounce it.

[From the New York Times, Sept. 22, 1995]

GINGRICH THREATENS U.S. DEFAULT IF CLINTON WON'T BEND ON BUDGET

(By David E. Sanger)

WASHINGTON.—House Speaker Newt Gingrich threatened today to send the United States into default on its debt for the first time in the nation's history, to force the Clinton Administration to balance the budget on Republican terms.

His comments, a more extreme version of the hardball stance frequently used in past budget showdowns, raised the specter that the looming standoff may begin to rattle financial markets around the world. Mr. Gingrich's remarks came in the middle of a day in which the dollar plunged as much as 5 percent against major currencies before recovering slightly, sending interest rates up sharply. [Page D13.] The Speaker's statement appeared to be one of several factors that added to the markets' unsettled condition.

More broadly, Mr. Gingrich's speech to the Public Securities Association, which represents traders in Government debt, underscored the growing agitation and sense of imminent collision in official Washington as both Democrats and Republicans move toward a confrontation that could shut the Government down this fall.

Throughout the capital, there was a sense that the current had quickened and the rumble of a great waterfall could be heard close ahead. Angry disputes broke out on wildly varying issues. Republicans threatened to block sending American ground troops to enforce the Bosnia peace plan, agreed to vast reductions in the protection for endangered species and Federal lands, and pushed ahead with plans for radical changes in Medicare and Medicaid. Democrats fumed and vowed to do what they could to slow the legislation's breakneck pace.

Clearly part of Mr. Gingrich's autumn endgame strategy is to force the White House to accept much of this agenda—many parts of which President Clinton has vowed to veto—by holding an increase in Federal debt limit hostage. Without an increase in the limit, the Government will be unable to meet many of the payments due in November for Social Security, military pay and interest on the Federal Government's $4.9 trillion in debt.

Such confrontational techniques have been used in the past. But is was highly unusual for a high Government leader to suggest, as Mr. Gingrich did today, that default on Government payments was not beyond the pale.

"I don't care what the price is," he said in his speech. "I don't care if we have no executive offices and no bonds for 60 days—not this time."

Without concessions from the White House across the board, he said, there will not be any increase in the debt ceiling. "And we'll see how long they will last," he added.

Administration officials were still trying tonight to figure out how seriously to take Mr. Gingrich's comments. A few months ago, the Speaker was forced to back away from his off-the-cuff suggestions that the United States should recognize Taiwan as an independent country, a step that would lead to a breach with China.

But Congress has little direct influence over foreign policy. By contrast, its control of the Government's purse strings gave added force to Mr. Gingrich's remarks. Indeed, the Speaker's comments drew a quick and harshly worded response from Treasury Secretary Robert E. Rubin. "The President won't be blackmailed by the use of the debt limit as a negotiating lever," he said in a telephone interview from Miami, where he was giving a speech tonight.

"It would be unprecedented and unwise for anyone in a position of authority to dismiss the consequences of default on the debt of the United States of America for the first time in our history," he added. "Even the appearance of a risk of default can have adverse consequences, and a default itself would increase the cost of debt for the United States Government for many, many years to come. A sovereign country's credit-worthiness is a precious asset not be sacrificed under any circumstances.

Mr. Rubin said he did not expect the United States to default on any debt payment, a step that he has repeatedly called "unthinkable." But even a serious threat of a disruption in payments can move the markets, and may send borrowing costs soaring for the United States.

The Treasury Department estimates that every increase of one percentage point in interest rates would swell the budget deficit by $4.9 billion this year. Republicans, however, argued that interest rates should decline if the ultimate outcome of the dispute between the parties is a big cut in spending.

Aside from all the Sturm und Drange in Washington, the debt limit debate has not yet had much effect, traders said. "The markets have not yet focused on it," said David M. Jones, vice chairman of Aubrey G. Lanston & Company, which trades Government bonds. "One of the risks is that foreign investors will not understand what is happening here. And if they get nervous, they will just flee until it all sorts out."

The issue will take on added urgency in the first five days of November, when the Government must pay $50 billion in Social Security benefits, Medicare and pay for active-duty members of the military. On Nov. 15, about $25 billion of interest payments are due.

As Treasury officials concede, a number of financial tricks are available to keep the Government afloat even if the ceiling on debt is not raised. There are temporary debt limits, emergency "cash management sales" to keep money flowing in the coffers as short-term loans, and borrowing against other Government reserves. But all of the steps come with a cost, and none can go on for too long. Though the overall Government debt is $4.9 trillion, the Treasury sells about $2 trillion of debt securities every year because so much of the Government's borrowings are "rolled over" into new bonds.

The debt limit exists as an institution in Washington because the Constitution mandates that only Congress can authorize borrowings. Before World War I every bond issued by the United States required separate Congressional approval. Today, the raising of the debt ceiling essentially permits the Treasury Secretary to make the day-to-day decisions required to meet the Government's obligations.

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40 YEARS OF TAX AND SPEND IS EXTREME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, we have been called many names, the majority has. We have been called revolutionaries, just a few minutes ago even Bolsheviks maybe, but the main term has been extreme, extreme and mean-spirited, the "E" word.

Mr. Clinton has used it, the gentleman from Missouri [Mr. GEPHARDT] has used it, the gentleman from Michigan [Mr. BONIOR] has used it. It seems like there is a concerted effort to use the "extreme" word to describe the mew majority.

Mr. Speaker, the new majority was elected by a majority of the people in this country. I do not consider them extreme; I think they saw something wrong with 40 years of one-party rule in this House. I think they saw something extreme about the spending over 40 years, and something extreme about the rising taxation that this one-party rule for 40 years had placed upon the American people.

What is extreme? What is extreme and mean-spirited about wanting a reasonable balanced budget within 7 years? What is extreme about wanting to reform welfare and end welfare as we know it? What is extreme about a plan to save Medicare from bankruptcy? What is extreme about wanting to reform Medicaid and allow the Governors, just like Governor Bill Clinton wanted, to see a change in Medicaid to save it and to make it more easily administered through the States. What is extreme about wanting to give tax cuts to families when the average family today is paying 40 percent of their income, and some approaching 50 percent, in local, State and Federal taxes? What is extreme about that?

Mr. Speaker, what is extreme about spending $2.5 trillion over the next 7 years, more than what we are spending now? How much more does the President want to spend?

What is extreme is a President that has said over and over again he wants a balanced budget, but he never can bring himself to do it. What is extreme is 40 years of tax-and-spend that has brought this Nation almost to bankruptcy with a $5 trillion debt. What is extreme is putting our children's future in jeopardy.

I have a 13-year-old daughter that, if we continue spending and spending and spending without ever balancing the budget, in the year 2012 every tax dollar will be consumed by entitlements and interest on the debt. What kind of future will she have? What kind of future will she have when she approaches my age in the year 2030? The deficit for 1 year will be over $4 trillion, just for 1 year.

□ 1500

We are talking about the future of this Nation. What is extreme about wanting to save the economic vialibity of this Nation?

It seems that our liberal friends, led by Mr. Clinton, are more concerned about next year than the years after.

Extreme, mean-spirited. I have parents that are both 78 years old. I want to preserve the future of Medicare for them. I am a mainstream American. I came from mainstream America. I was elected by mainstream Americans that saw something critically wrong coming out of this Federal Government.

There are a lot of 78-year-olds just like my parents back in the Second District of Kentucky that want to have Medicare in their future. But because of an extreme point of view from the other side they are willing to see it go bankrupt before they are willing to save it for the future.

INTERNATIONAL HUMAN RIGHTS WEEK

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, this week has been proclaimed by President Clinton as "International Human rights Week" to commemorate the adoption of the Universal Declaration of Human Rights.

The United States is a world leader in advancing the cause of human rights and is a signatory to two international treaties that guarantee these human rights, the U.N. Charter, and the International Covenant of Civil and Political Rights. Both of these treaties have been ratified by the U.S. Senate, and are therefore binding.

I call our Nation's attention to Article I of the U.N. Charter and Article I of the International Covenant on Civil and Political Rights—in both treaties, the right to self-determination of peoples is affirmed.

Self-determination for non-self governing peoples is the foundation from which other human rights are exercised. Guam is a non self-governing territory, and its status as a non self-governing territory whose people are entitled to exercise self-determination is specifically stated in the U.N. Charter. And we should note that Guam was placed on the United Nation's list of the non self-governing territories by the United States over 47 years ago.

Within this context, it should be of great concern to this Congress and to the President that the desires of the people of Guam to exercise their rights and to improve their political status have not been met with the same fervor and the same level of attention that the United States gives to other peoples' problems.

Every year it is always someone else or some other nation who needs to repair its record on human rights and self-determination. But what about Guam? What about our desires for political rights and for our exercise of self-determination by our indigenous people?

As President Clinton stated in his proclamation, "Peoples throughout the world look to the United States for leadership on human rights." Yes. Mr. President, that is correct, and to this I would add that people in the non self-governing colonies of the United States look to you for leadership on human rights. We look to you to respond to Guam's desire to create a new commonwealth within the American political family. And we look to you to respond to our desire to exercise self-determination in deciding our political status.

We ask that the United States fulfill the commitments it made to the people of Guam and to the community of nations when it signed and ratified the U.N. Charter and the International Covenant on Civil and Political Rights and to be responsive to the inherent political commonsense of this Nation to extend full democracy everywhere.

So far, the Federal Government's reaction has been sincere pledges to respond to Guam. And, for a while there, the Clinton administration looked like it had the commitment to respond in a serious way to Guam's efforts. But now we are stuck in neutral because of what surely would look like a comedy of errors, albeit unintentional, on the part of the administration. We have now gone through three status negotiators in 1995 alone. We have been unable to negotiate because there is now no one to negotiate with.

Can you imagine this happening with the Bosnian peace talks? Why would United Nation and international commitments now be meaningless when applied to a United States colony?

I call on the administration today to heed its own words, to live up to the international commitments and international standards of human rights that it has agreed to in the U.N. Charter.

We normally think of human rights violations as the violent denial of basic freedoms in many parts of the world. There is the denial of free expression and the incarceration of dissident voices. This is the violent abuse of human rights.

But there are other forms. In much the same way that the neglect of children is also a form of child abuse as is violent behavior, ignoring the political desires of a people for whom you have a responsibility qualifies as an abuse of human rights. The people of Guam have spoken through local referenda and they deserve serious and sustained attention to their political aspirations. To ignore these political aspirations is an abuse of human rights by neglect.

The Congress and the President as the representatives of the American people have consistently delivered the message throughout the world that good government can only begin when there is true consent of the governed. This is the core American creed. In the American territory of Guam, the vast majority of laws, the very political structure that the people live under are determined not by the people, but by a Congress in which they have no voting representation and by a President they have not elected.

Government through the consent of the governed is the most basic of all political rights and should remain the cornerstone of the structure of human rights. We should challenge ourselves to make sure that human rights are defended not just under the American flag when our troops are deployed in foreign lands, but that these human rights are also defended under the American flag when it flies over the non self-governing U.S. territories.

CELEBRATING COMMUNITY: THE OPENING OF THE NEW MARTIN LUTHER KING CENTER IN FREEPORT, IL

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, as we debate reaching the balanced budget by the year 2002 and what role the Federal Government should play in restoring hope to our children's future, one of the misguided arguments that some of my colleagues continue to banter in Congress and in the media is that the American people cannot trust anyone but the Federal Government to provide assistance and/or programs in the areas of need.

By what arrogance can this argument be made? To suggest that left to their own devices, the American people cannot provide for their families and neighbors? The notion that local communities and local governments cannot be trusted? Please. This country was built through the goodness of people helping people. From the earliest days of the original colonies, the people of this Nation have thrived off the common goodness of its neighbors, its communities.

If we are to believe that there is nothing trustworthy outside of the Federal behemoth bureaucracy, whom are we accusing of being untrustworthy? Which Governor? Which State legislature? Which county? Which city or school district? Which community can we not trust?

I believe men and women, parents, elected officials, churches and other community leaders are best able to achieve the longest lasting and most effective changes we need in our society. Day by day, neighborhood by neighborhood, child by child, family by family, America gets stronger.

President Coolidge once said: "No person was ever honored for what he received. Honor has been the reward for what he gave."

Let me tell you about what one community has done. On November 18 of this year, the city of Freeport in the 16th District of Illinois celebrated the achievements of hard effort and leadership when it opened the new Martin Luther King Jr. Community Campus, and this is a picture of that beautiful campus. This beautiful $3 million facility was built and paid for without any tax dollars or Federal grants. The facility was built with the commitment and dedication of the local community.

It started with a vision by the late Rev. Robert Huff to create a community center where area children and families could get whatever assistance they needed. Unfortunately, he passed away before he could witness the reality of his vision.

This beautiful new facility was made possible by the hard efforts and dedication of people like Jack Meyers, who led the fundraising campaign, and Ray Alvarez of Honeywell's Microswitch, who was instrumental in rallying community support for this construction.

The new MLK Campus in Freeport has not been erected only of mortar and bricks. It stands firmly on the convictions and hopes and dreams of the people dedicated to making Freeport a city committed to the future of their community, a future that is unified behind helping their neighbors locally.

The community campus has already provided many tangible results. It helped Wendy Mader realize her dream of becoming a licensed day care provider; Tameka Carter, who is reaching her dream of becoming a lawyer. And the Martin Luther King Campus helped Sharon Serna work through the single parent program to get off public aid, get an education, and become a registered nurse. Her dream was made possible by the local people who make the MLK Community Campus not only the envy but a model of what other communities in this country are accomplishing.

Again, the facility was built without one Federal dollar, built by the dedication and hard effort of the people of a small city in rural Illinois. Have any of their programs used Federal dollars? Yes, but the programs are designed and tailored by the local people for the local people.

Currently, Congress is working on major changes on how social services in this country are funded. The idea is that after 30 years of spending 40 cents out of every dollar on a huge Federal bureaucracy, we can be more efficient with our programs if we get the money back to the local people in the best manner possible.

If centers like the King Campus choose to apply for tax dollars, they should be able to get the most out of every tax dollar, not just 60 cents but 90 or 95 cents. That kind of efficiency cannot be accomplished through a huge Federal bureaucracy.

The campus is the perfect example of local control and local success.

I salute the efforts of everyone at the MLK Campus. I salute the people who have found a second chance or the special assistance they need through the center. And I want to salute the people of Freeport, who in their own way have proven that we do not need the Federal Government dictating policy to provide for their community.

What we need is the commitment and dedication of the people of the community who are willing to face a challenge and willing to meet the needs of the people they love so dearly and the people they serve so well.

KEEPING THE DISTRICT IN BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day one of the countdown to shutdown. I have been on the floor virtually every day since the last shutdown. But I speak not of the shutdown of the Federal Government. There was an unintended consequence. The city I represent was also shut down.

A shutdown of a complicated big city is nothing short of a catastrophe. If there is a continuing resolution, it will be marginally better, but imagine putting handcuffs and a straitjacket on a city at the same time and then saying, "Run your city well on a weekend CR or a weeklong CR, and keep from overobligating, and make sure you spend enough money."

I am here this afternoon to express my gratitude to the Committee on Government Reform and Oversight and to the DC Subcommittee.

Mr. Speaker, these two committees unanimously passed a bill to allow the District of Columbia to spend its own revenue instead of being shut down. I express my gratitude to the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee, and to the gentleman from Virginia [Mr. DAVIS], the chairman of the subcommittee. I will put an op-ed piece by Mr. DAVIS on this very subject into the RECORD at the conclusion of my remarks.

The op-ed piece is headlined, "Why Shut Down the District?" The gentleman from Virginia [Mr. DAVIS] marshals all the arguments for not doing so.

Why was there such bipartisanship on this bill? In the first place, it was a matter of sheer principle. The Members knew and saw that shutting down the District was not their intent. They did not mean to catch a whole city in this fight. Then of course the Members saw up close what happens when you shut down a city and the trash is not collected, and the city cannot go about its daily business, and the citizens suffer. It is not a pretty picture.

It is our money and only our own money that H.R. 2661 speaks to. The Federal payment would be left here at the discretion of the Congress.

What is happening in the District of Columbia as I speak? The district is preparing to shut down. What a terrible diversion for a city on the brink of insolvency, when this Congress has told it to do otherwise, to prepare for reform of its financial and management operations.

The gentleman from Texas [Mr. ARMEY] was just on the floor saying that there could be a weekend or a weeklong CR. There could be two such CRs. Nobody can expect the District to run well in that way, even if it were healthy, as of course we know it is not.

Speaker GINGRICH encouraged us to continue with the bills. He has been very helpful to the District in the past. I am asking him to bring the bill to the floor today, so that before midnight on Friday this body can guarantee that the city, where this body sits, will in fact be open for business.

□ 1515

Only a few hours stand between us and closedown of a city we do not mean to close down. At midnight on Friday, the District of Columbia goes dark and hundreds of thousands of innocent bystanders will see their city go dark, while the Congress remains in session uninjured by any shutdown. No Member of this body desires that. No Member of this body would want to defend that.

Please, help me to keep my city open. Help me to help my city recover. The city wants to do what the Congress has mandated it to do: get its house in order. This Congress has put a Control Board on the city, and now the Control Board has testified that the last thing the city needs is to be shut down and have to pay its employees for not coming to work—as would have to be the case since they would be forced onto administrative leave. That is not the way to run even a small town.

I am here to say to my colleagues, we cannot run the Capital of the United States this way, and we cannot allow the word to go across the wires and around the world that some Federal agencies went back to work (and I congratulate you that some appropriations have now passed; it looks like ours will not, indeed, pass), but that the Congress of the United States allowed the Capital of the United States to close down catching 600,000 innocent people in the wake of our own special storm.

I appreciate what the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from Virginia [Mr. DAVIS] have done. I appreciate that the Speaker has encouraged us to keep this bill going forward. Now, a little more than 24 hours stand between us and keeping the city of the District of Columbia, Washington, DC, open. Please, help us to do just that.

[From the Washington Post, Dec. 14, 1995]

WHY SHUT DOWN THE DISTRICT?

(By Thomas M. Davis III)

Shutting down the federal government because Congress and the president fail to agree on a budget resolution is an act that has many unintended victims and numerous unintended consequences. The damper these failures put on recruiting and maintaining the best and the brightest for our federal work force will be with us for some time. On another level, the backsliding it inflicts on our efforts to change the District of Columbia government are profound.

The D.C. government is not just another federal agency. It is a front-line government providing vital health, safety and personal services to 570,000 residents and 300,000 metropolitan commuters. When federal agencies shut down, citizens in any city in the country can still get a driver's license and register their automobiles. When federal agencies shut down, the states can continue to process AFDC and Social Security applications. But when the District government shuts down, people needing services, whether medical care at a clinic or trash collection from their homes, are not served.

Congress should act immediately to ensure that the District of Columbia can spend its own locally generated tax dollars during such a shutdown. We can do this before this week's expiration of the current continuing resolution Del. Eleanor Holmes Norton has introduced legislation, H.R. 2661, to allow the District to spend its own revenues even if its budget has not been approved by Congress (the budget will still be subject to approval by the control board). I am a cosponsor of H.R. 2661, which yesterday was approved by the House subcommittee that oversees the District and is scheduled for full committee action today. It is imperative that Congress pass it for two important reasons.

First, without passage of H.R. 2661, the District government is subject to being shut down again, as it was Nov. 14–19. That's because the District's own appropriation has not been enacted, and there may be no continuing resolution to keep the government open.

The unique status of the District—the city cannot spend one penny of its budget, either local or federal revenues, without an appropriations bill being passed by Congress and signed by the president—has never before seemed important. In past federal shutdowns, the District appropriation had been enacted so that the city government could continue operations, or else the District has been put under a continuing resolution along with federal agencies that were without approved appropriations.

But this time there was no District appropriation and no continuing resolution. This places on the District of Columbia a unique burden. Every other city or state in the country can continue to operate its own programs, and may even take up the slack of missing federal funds from its own revenues when the federal government is shut down. But the District is stymied.

This situation is inexcusable even in normal times, but in the current financial crisis it has become extreme. The District lost more than $7 million in productivity during the recent shutdown, according to the control board, and it failed to collect up to $70 million in revenue that it was owed. Meanwhile, contractors around the metropolitan area are going bankrupt every day, and the IRS files liens for unpaid tax withholding because the District of Columbia doesn't have the cash to pay its bills. Allowing the District to fall even farther behind in its revenue collection is tantamount to negligence on the part of Congress.

In addition to lost productivity and lost or delayed revenues, the very officials who have so much work ahead to rebuild and reform the city were forced to spend their time deciding what services and employees were "essential" in a government that is already notoriously dysfunctional. Instead of working on privatizing city services, City Administrator Michael Rogers had to write furlough notices. Instead of reviewing contracts and improving cash management, Chief Financial Officer Anthony Williams had to figure out new ways not to pay bills. Instead of pushing ahead publicly with the council on urgently needed reforms, Mayor Barry could only wonder what new disaster he would have to deal with next. And the control board, which is trying to push the District forward, could only make certain that the District complied with the provisions of the Anti-Deficiency Act and shut down everything that was not an imminent threat to health or safety. This is no way to run a city in the grips of a financial crisis.

Congress and the president could keep the federal and District governments open either by reaching a budget agreement or by enacting another continuing resolution. I am hopeful that one of these two events will occur before there's another shutdown. No one can possibly expect to escape the public outcry that would come from sending hundreds of thousands of workers home 10 days before Christmas.

But there is an even more compelling reason to enact H.R. 2661 immediately. While operating under a temporary continuing resolution, the D.C. government has no legal authority to obligate funds beyond the expiration of that resolution. Since continuing resolutions are emergency, stopgap measures, this forces the District government to operate on an emergency basis, signing contracts and planning spending schedules from week to week. This ad hoc operational mode is not only bad for contractors and other service providers; it runs exactly counter to what is most needed in the District government: stability and the ability to make long-range decisions.

Unless H.R. 2661 is enacted and the District is allowed to obligate its own revenues, even without an appropriation bill, the District will continue to limp from crisis to crisis, lacking the ability to take concrete, long-term actions or to make the decisions that would be in everyone's best interest.

Congressional oversight and ultimate control would not be threatened, because the District's federal payment is not included in H.R. 2661. This legislation would not free the District from federal oversight and would not give the city budget autonomy. It would simply allow the District to escape from the threat of shutdown and the gross inefficiencies of operating on a week-to-week basis, and to at least be able to crawl along on its own revenues during a budget impasse.

I am pleased that Speaker Gingrich, President Clinton and the control board support this legislation. Congress should act now to pass it, and thus prevent further paid furloughs and a shutdown of city operations.

CHANGING THE CULTURE

The SPEAKER pro tempore (Mr. KINGSTON). Under the Speaker's announced positively of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, I thank several of my colleagues for joining me in the House Chamber. As we discuss the pending events, we listen with great interest and, indeed, great agreement with our colleague, the delegate from the District of Columbia, and we realize also that the people have sent us here to Washington to change a culture, to change a pervasive practice which has permeated this Chamber and, indeed, our national governance for half a century.

In fairness, we should note that the Members of both parties have been involved in this, and it is this endless notion of tax-and-spend and tax-and-spend and tax yet higher and spend yet more. It is worth noting that one of our founders, Benjamin Franklin, said that there were only two certainties in this life: death and taxes. I dare say, if Mr. Franklin were with us in this Chamber as we prepare to confront this next century, he might amend his statement to say that higher taxes could lead to the death of the American Nation if we do not change what has gone on before.

The facts are these: In 1948, the average American family of four surrendered 3 percent of its income in taxes to the Federal Government. By 1994, that same average family of four surrendered almost one-quarter of its income, 24 percent, in taxes to the Federal Government.

It has been noted by Members of both parties that change is hard. Change is difficult. But as the newcomers to this Congress who join me this afternoon along with one of our distinguished Members of the sophomore class will bear out, change is necessary if we are to make a difference, if we are to prepare this last best hope of mankind to adequately confront the next century.

The people of the Sixth District of Arizona said it pretty simply in November of 1994. indeed, I think it was said across the country. The realization is this: The people of America work hard for the money they earn, and there is nothing selfish and there is nothing ignoble about Americans hanging on to more of their hard-earned money so that they may decide how best to save, spend, and invest for their families, so that they may make critical choices so vital to their children's future and so that they as seniors can hold on to more of their money again to make choices that are best for them.

As I look around the Chamber, it is a formidable lineup. One of the gentlemen seated here, who we will hear from shortly, indeed, an NFL Hall of Famer, one of the gentlemen to my left, uncharacteristically, a resident of California, indeed, I call him an honorary Arizonan, for his mother was born in the Sixth District of Arizona, near the Inspiration Mine, I know he will have words of inspiration for us; our friend from Nebraska, one of three newcomers on the House Committee on Ways and Means. It is worth noting the last Republican freshman to hold one of those spots was in 1966, a gentleman who went on to become President of these United States, one George Bush; our good friend from Indiana is here, who has worked so hard on trying to get a handle on regulations; our good friend from Kentucky from the sophomore class, who speaks so eloquently and is really a redshirt freshman, if you will, for he came by way of a special election.

Mr. Speaker, now it is my honor to turn to the one-time Princeton linebacker, who is proud of his Tigers in their accomplishments this year on the gridiron, who went on to law school at Wake Forest, and he helped to tutor those teams and improve the record of those Demon Deacons, my friend, the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. As usual, I am at a loss for words when the gentleman from Arizona introduces us. It is such a great opportunity to be with my colleagues from all over the country today to talk about, as the gentleman said, change, change that is long overdue in this society, change, and I believe the gentleman's words were necessary and hard.

I would point out to the gentleman, and we have a piece of evidence with us today, I would point out to the gentleman that change is hard in our society in the 1990's because some groups in our society do not like change. They do not want change. They will say anything to ensure change does not occur.

As the gentleman sees, I have brought the actual transcript with me of a little ad that is running around the country. The AFL–CIO, a big labor group, and I should make this point, not all elements of big labor but some big labor leaders and, of course, some big labor leaders love big government and, as a result, do not love this new majority nor this freshman class, but some members of big labor are running this ad.

I would like to direct a few questions to the gentleman from Arizona and my hallmate, the gentleman from California [Mr. RADANOVICH], my very good friend and the gentleman from Indiana [Mr. MCINTOSH], "Mr. Deregulation," my very, very good friend on our Subcommittee on Government Reform. What I would like to do, with the gentleman's indulgence, is take a look for the next 10 or 15 minutes; let us take a look at the verbiage used by big labor to fight not an agenda for America's working families but to fight this new majority who have the real interest of America's working families at heart, the real people who work for a living, who sent every one of us here. Every one of this group was sent here by people who work and who resent these sort of commercials.

The gentleman from Arizona, the commercial begins, "On November 20, our Congressman," fill in the blank, "voted with NEWT GINGRICH and against working families." What vote? The balanced budget, the balanced budget for America''s working families.

Mr. HAYWORTH. Reclaiming my time, how on Earth can that statement even be made? For why would a balanced budget work against America's families? Are we not putting money back in the pockets of working families by balancing the budget on a 30-year mortgage? Are we not realizing real cash that stays in the wallets and pockets of working families? By lowering interest rates with a balanced budget, are we not really helping to fulfill the American dream?

I am just curious that the gentleman from Maryland understands the rationale for this statement and if it is grounded within any type of intellectual fact.

Mr. EHRLICH. Of course not. If the gentleman will yield further, let us look at what follows the introduction. I know the gentleman from Indiana and the gentleman from California are chomping at the bit here, but it is essential that the American people understand big labor loves big government. They do not want a balanced budget. They do not want the agenda that every member of this freshman class ran on in support of the American family, in support of people who work for a living, who resent the increasing instrusion of big government into their lives every day.

Second line, "He voted to cut Medicare." Third line, "Education and college loans." Fourth line, my favorite, "Class warfare." Class warfare from big labor. "All to give huge tax breaks to big corporations," and our favorite, "the rich."

I yield to the gentleman from Indiana.

Mr. MCINTOSH. I thank the gentleman from Maryland. I appreciate your diligence ferreting out the truth on these ads. It is about time we had a standard of truch in advertising that would apply to some of the claims that are made.

Is it not true, though, that the average worker will benefit from our balanced budget because of lower interest rates, where, if they have to borrow $15,000 to buy a new car, they will be able to save $900 over the loan? Now that is $900 that is more of his take-home money that he can pay. And is it not true, in my district, for example, the median income is $25,000; a lot of people work in factories. We have got several GM plants. We have got factories all over the District. That $25,000 though, $9,000 goes to pay for taxes for city, State, and Federal taxes. And is it not true that a key part of our budget plan says, "For a family of four we are going to take $1,000 of that $9,000 in taxes and let you keep it? You do not have to deduct it out of your paycheck every week and send it to Washington to pay for the bureaucrats; it is yours to take home, to buy food for your kids, to save for college, to make payments on that car we talked about."

So is it not true that every aspect of this budget is actually going to be good for the working men and women that the AFL–CIO say they represent?

Mr. EHRLICH. I know the gentleman from California, and he has been accused of supporting from California, and he has been accused of supporting the rich as well, and I know that for a fact. But if I can answer the gentleman's question. of course, it is for the working people. But it is very dangerous medicine for big labor, for some elements of big labor, and they do not want the American people to know the facts.

Mr. RADANOVICH. My first comment on this is that, you know, if this was the advertising program of a private corporation, they would be in court right now pending lawsuits against them for truth-in-advertising. I know you did not vote to cut Medicare, because I voted the same as you, and I did not vote to cut Medicare. There is not a person in this Chamber here who voted to cut Medicare. We voted to increase spending on Medicare by 50 percent over a 7-year period from the current $4,800 per beneficiary to at least $6,700 per beneficiary over 7 years.

□ 1530

Now, I do not know what kind of an idiot these people think the American people are, but that is not a cut. The American people are smarter than that.

I would also like to comment on the fact that this Congress has not been working for working families, because we spend more than we take in. I would like to challenge any one of you to try to make sense about how we can be for working families while we cannot even balance our own budget, while we are deliberately spending more money than we are taking in. That is not good for families.

Mr. HAYWORTH. If the gentleman would yield, that is exactly the point, for this Congress should do no less than working families do every week or every month around the kitchen table, trying to come to grips with their own family budget, to make adjustments, to fight in part the battle of taxation that is too high, so that they know how best to allocate their resources governed by this simple fact: They do not spend more than they take in or they are faced with one of the worse 4-letter words ever to come up, D-E-B-T, debt.

To quantify it, I do not believe this ad tells the truth. If you are going to say the rich, indeed with the family tax credit that my colleague from Indiana points out, it is a very expensive definition of rich, if we are to trust the ad of big labor, for it affects over 80 percent of American families across the economic strata. And that is the impact of the ad.

While we are in the neighborhood, and I know my friend from Indiana has a point, but just one other thing to say to respond to my colleague from California's musings about this particular advertisement and others like it: I have challenged my former colleagues in broadcasting, and indeed I did this at one of the local stations in Phoenix going to what in effect was a meeting of their editorial board, I said, friends, the reality checks, the truth watches that you do during the election season, why not continue now? Why not check the veracity of these ads?

Again, Mr. Speaker, I would call on broadcasters who are licensed in the public interest, local news divisions, network news divisions, do your own reality checks, do your own truth watches on these repugnant, patently false advertisements, for this is an ongoing campaign.

Mr. McINTOSH. The question I get from people when I go home is my are they being dishonest? Why is this ad not telling the truth? Why does not the President tell the truth about what is going on? I have been trying to puzzle through that, because I do not understand why they would so patently lie to the American people time and time again.

This chart I think explains one of the reasons that is going on. It show how in our budget process we have been continuing to negotiate over how much we are going to spend each year. The top line shows the freshmen started out with $11.2 trillion. The gentleman from Wisconsin, Mr. MARK NEUMANN, who joined us here in the Chamber, developed a budget that would be balanced in 5 years and only spend $11.2 trillion over that 7-year period. But we did not pass that in the House. Instead we passed a $11.78 trillion 7-year balanced budget, and then negotiated with the Senate, where some of the President's allies inched it up to $11.9 trillion. Then when we passed the act again this fall it went up a little bit further and further to this point, where we are at $12.004 trillion. What the President wants to do is add another $400 billion to that and take it up even further.

The bottom part of the chart shows what they have done with the taxes. In the Contract With America we started out with $358 billion of tax cuts for the American family. Then in compromising with the Senate, we came to $245 billion in tax cuts. Now the President wants to shrink that down to about $70 billion of tax cuts. You can see the parallel. As they cut back on tax relief and get more money for the Government, they can spend more over and over again.

So the question is, do we want to spend more for the bureaucrats' budget here in Washington, or do we want more for the family budget, for people who are living in America trying to make ends meet?

What we have said in the freshmen class in particular and in the Republican Congress is enough is enough. We think $12 trillion is plenty of money to spend on the Government programs, and we need to start focusing on giving families some tax relief so that they can have an easier time of balancing their budgets and have more money available.

Let me make one other point. That would be reason why I think they are being dishonest. They want to spend more money and are afraid if they tell the truth people will focus on what the effect is for the family budget.

The second reason is, and I wanted to ask the question whether in his research on this issue of welfare for lobbyists, whether this advertisement was paid for by any groups who received taxpayer money?

Mr. EHRLICH. You mean grant reform? The dirty little secret this class has exposed? We have been joined by three of our wonderful colleagues in the freshman class. You mean $39 billion in taxpayer money?

Mr. McINTOSH. Is it possible these groups want to make sure that some of this spending ends up going into their coffers? So they are going to lobby and send ads to make sure that they continue to live on the trough of all this Government spending?

Mr. EHRLICH. As the gentleman knows, we have exposed, I think, "we" being the class in the new majority, have exposed a lot of very relevant information that the people of America need to know about, some nonprofits, some for-profits, some groups in this country, who continually take the taxpayers' money, not to spend it to help people, but to lobby Congress for more money.

The gentleman has been a leader in this respect, and I congratulate him.

Before our new colleagues begin, I would like to respond for one minute to the gentleman from California. I know the gentleman from Arizona has something to say about this, too.

The gentleman from California asked are people this stupid? Are people this naive, to believe this sort of ad? I have good news for the gentleman. The answer is no. Calls coming into my office from union members eight to one say "EHRLICH, stay the course. Balance the budget. Protect me. Do what we sent you to Washington to do." And there is a great distinction that big labor would not have us talk about, the gentleman from Arizona and California, and that is this: If the labor membership followed labor leadership, the seven of us would not be on this floor today. We would not be on this floor, because the membership understands where their bread is buttered, and that is with a balanced budget, and that is with a less intrusive Federal Government.

Mr. McINTOSH. If the gentleman would yield for one quick second, before we switch from that point, let me reinforce your message. When I go home, I go through factory tours a lot, virtually every other weekend or so, and I walk up and down the line and ask people working for a living, "any message for Washington? Anything you wanted me to take back with me when I go back there?" Time and time again I hear from them, "Yeah, cut our taxes. We are having a difficult time making ends meet. If you guys take less of my paycheck, I can work for a living and have a better life."

That is the message from the rank and file. It is not getting up to their leadership. But, fortunately, the rank and file guys and women who are working for a living know the difference, and I think they are going to continue to support our effort to balance that budget.

Mr. RADANOVICH. So too in my district. When we faced the recent Government shutdown, I represent fortunately an area that has three national parks, Yosemite, Kings and Sequoia National Parks. Putting Federal employees out of work and giving them time off, they get paid. They worry a little bit, but they get retroactive pay. But in my district the people that suffered were those who depend on the tourist economies in these small communities, the one I was born and raised in, Mariposa, other communities, Oakhurst and Sonora, those areas, those businesses suffered. I had people that suffered a 50-percent loss in revenues during that period of time.

Still, the amount of response that I got during that time was at nine to one, "stay the course." And what they called to say was that they are not buying this, because, thank God for Rush Limbaugh and C-SPAN, these people, the everyday American can spot somebody who is not telling the truth. They are much more educated than before. This may have worked over the last 40 years, but it is not working today.

So I have got faith in people. When I walk down and talk to transportation, parcel post deliverers, and their on-line employees, basically their message to me was, "George, don't bother coming home if you lose this budget battle." They say "Hang in there." They know exactly what is going on.

Mr. HAYWORTH. Reclaiming the time, I thank my friend from California for making that point. I thank my friend from Maryland for making a very key distinction between those who are bosses of big labor and those who labor for a living. The miners in the Sixth District of Arizona, who want to hand on to more of their paychecks, who understand the overburdensome taxation their families face, and who came out in record numbers in 1994 to say that we want a change.

So I salute the gentleman from Maryland for again exposing this. I challenge the mass media to follow suit with their own reality checks, their own truth watches.

I know perhaps if there is a footnote the gentleman would like to add, I just looked to the well and I know that your exploits on the gridiron among the members of this class are exceeded only by our good friend who returned to his native Oklahoma to run for this body, but before that distinguished himself in the National Football League, and indeed entered that Hall of Fame, the best hands in the freshman class and one of the brightest minds, I would yield now to our good friend from Oklahoma, Mr. LARGENT.

Mr. LARGENT. I wanted to thank my loquacious colleague from Arizona for yielding to me. Really I begin my time here by making a confession, and that is I have one of the poorest senses of direction in existence. In fact, I have gotten to the point where I do not even trust my own sense of direction. I have on my key chain a compass that I carry around with me in Washington, DC, and I found it has come in handy as we wander through the Halls of Congress.

The reason I bring that up is that I found I have learned not to trust my own sense of direction. In fact, I get particularly turned around when I go shopping in the mall with my wife, and we go shopping for 2 or 3 hours, and go in and out of the stores. By the time we are done shopping, I cannot find the car. So what I have learned to do is as I come out of the mall and I am trying to determine which way the car is, if I think it is to the right, I always go to the left, and 99 percent of the time I am right.

What I have also learned in my short time in Congress is that if everybody in Washington, DC is saying to go left, if I go right, I am probably doing the right thing. And that really brings me to the point of why I have come here this evening, and many of my colleagues are joining me here this evening, and that is to talk about the tax relief that is offered in the Balanced Budget Act of 1995.

Because I want to tell you, and I also confess that even some of our Republican colleagues have fallen into this trap, that Washington, DC is saying "Go left, out into left field, on the $245 billion tax cut, because the American people are saying don't give tax cuts; balance the budget."

But I want to make a very, very important point to the American people tonight, one that they need to understand, that there is nobody in Washington, DC that is saying "Don't do the tax cuts in order that we can balance the budget sooner." People need to know that. People do not want the tax cuts because they want to spend the money here in Washington, DC. It is not that they want to take $245 billion away from the taxpayers in order that we can eliminate the deficit sooner than 2002.

It is they want to take the $245 billion of taxpayer money away from them so they can spend it on programs X, Y, and Z. That is why they do not want to give you back your taxpayer money, and I think, frankly, that the Republicans have done a very poor job of defending the tax cuts and explaining why they are so important.

The first reason, there are two reasons in my mind, the point I would like to make before I yield to other gentlemen to talk about the specifications of the tax package. The most important reason that we need to have $245 billion in our tax relief for the American taxpayer is just that. The Federal Government does not have a single dollar, except the dollars that they collect from American taxpayers. We do not have any money, except for the money that we take from the American taxpayers. So the first and most important reason that we need tax relief in this country today is in order that the taxpayers can keep more of their hard-earned money.

You see, there are some of us in Congress that believe that taxpayers and families can spend their money more wisely, more efficiently, more effectively for their families than we can in Washington, DC. And I know that my colleagues that are gathered here this afternoon believe that.

But, second, and this is equally important to understand, the reason that the tax cuts are necessary is that it is a critical, an important, an unbelievable mechanism to decrease the size of Government. You see, if we take that $245 billion, as I said earlier, we are not going to apply it to the deficit. We are not going to cut spending. We are going to spend more.

□ 1545

And so the tax relief package that is contained within the Balanced Budget Act of 1995 does just that, it not only gives the taxpayers back their own money, but, at the same time, the Balanced Budget Act of 1995 reduces the size and cost of the Federal Government, at the same time still getting us to a path to a balanced budget in the year 2002.

Now, I would like to yield back to my colleague from Arizona and ask if he would yield to our other colleagues here that are prepared to talk about the tax relief specifics.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Oklahoma for restoring our sense of direction with his very illustrious examples, and I look to the other side of the aisle, where in this special order we are joined by our colleagues, but I think symbolically of the fact that we want to reach out to the other side of the aisle; that we hope to work together to confront this next century, and I would simply yield to my good friend from Nebraska, the gentleman who sits on the Committee on Ways and Means, where tax policy is formulated, our good friend Mr. CHRISTENSEN.

Mr. EHRLICH. Would the gentleman from Nebraska bear with me for 20 seconds?

Mr. CHRISTENSEN. I would gladly yield.

Mr. EHRLICH. I am happy of two things: First; I have the time to speak today; and, second, I never had to catch this guy.

Before the gentleman from Nebraska, our colleague, Mr. CHRISTENSEN, begins, I would make one point that I think is very relevant. We would love to do every day what symbolically we are doing here today; reaching out. However, the one precondition all of us, and I think I speak for everyone in this majority feels that that precondition is every debate, every reasonable debate must be on facts.

When demagoguery and class warfare and generational warfare run the airwaves and run this floor, it is very difficult to reach out.

I yield back and thank the gentleman.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I think Robert J. Samuelson said it best in the Washington Post in a commentary of a few weeks ago when he said, when one side continuously distorts the facts and refuses to debate the policy, then the purpose is not to debate, it is to destroy.

Mr. Speaker, here to help destroy and shatter some of the myths that have been propagated, again it is our good friend, the gentleman from Nebraska.

Mr. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding, and I think our friend from Tulsa has put his finger on the problem, and that is this Government, Washington DC, has had an appetite for spending. All they want to do is spend, spend, spend. The more money going into the coffers, the more they can spend.

This is not about whether it is $245 billion or used to be $360 billion in tax relief. What we are talking about now is the administration wanting to compromise and to increase the consumption of the Federal Government.

One of the areas in the Ways and Means that we worked so hard on, and

I campaigned on for over 2 years, was capital gains tax relief, the centerpiece, I believe, of getting this economy moving, keeping it a robust economy, and returning people's money back to where it belongs, in their own pockets and not in the Federal Government's. Not in the bureaucracy.

In Nebraska alone, over 200,000 Nebraskans will see relief from a capital gains tax cut. As a matter of fact, the overall tax package in Nebraska will see 580,000 Nebraskans benefit from a capital gains, a child care tax credit, or some provision in our tax package. That is putting money back in their pocket, taking it out of wasteful programs that have overspent and have gone into $5 trillion in debt over the last 40 years.

What we are doing is talking about putting the trust in the people, whether it is in Arizona or Oklahoma or Nebraska or South Carolina, and the thought and the belief that they can spend their own money better than Federal bureaucrats can in Washington, DC. I am a strong supporter and a believer in the fact that I know how to spend my buck better than some bureaucrat down at Treasury.

That is why I believe that the tax package has been compromised too much already, and I think that to move off that $245 billion tax figure would be a big mistake and would be a win for the bureaucracy, a win for as-usual politics. I think that this freshman class stands up and will make our voices loud.

Mr. LARGENT. Would the gentleman yield?

Mr. CHRISTENSEN. Yes, I would.

Mr. LARGENT. I talked to the gentleman earlier, and he mentioned, as a member of the Committee on Ways and Means, that he had a figure for what the total tax cut package was in relationship to the entire budget over the next 7 years. Does the gentleman recall that figure?

Mr. CHRISTENSEN. Less than 2 percent. We are talking about less than 2 percent of returning the people's money back to them. Over the next 7 years, all the budgets added up, 2 percent is what the tax package is. Is it asking too much of this Federal bureaucracy, of this Federal Government, to return 2 percent of the money back to the people? I think not.

I yield to my friend from South Carolina.

Mr. GRAHAM. I thank the gentleman.

Anybody who is trying to bring this to a conclusion and is listening, they need to understand this. If we want to take money from the family budget and spend it in Washington, DC, to get a deal, count me out. If we want to adjust senior citizens' payments to get more money to spend in Washington, count me out. If we want to take $135 billion of so-called new money and spend it on Washington, DC, count me out.

I think we are going to find a lot more people saying exactly what I have said.

What does $12 trillion mean? If anyone is doubting that there is room for a tax cut and a need for a tax cut, let me tell my colleagues what the Federal Government takes from us—$12 trillion is spent in Washington. If we spent $1 million a day it would take us 2,700 years to spend $1 trillion.

We have a $5 trillion debt. To retire $1 trillion of the national debt would be equivalent to $3,814 from every man, woman, and child in America. My colleagues and I all know that every American does not pay taxes. The ones that are paying, are paying a ton of it.

I firmly believe that the Washington, DC, budget has got plenty of room to be reduced. The family budget is on a shoestring, and if we are going to let people spend money on a family, let the family people do it and get us out of the business.

I want to make one last point. If we divide the population of the United States into the budget of the United States over a 7-year period, the Federal Government will spend $162,764 on a family of 4. To me, that is enough.

I yield back my time.

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from South Carolina for the points he makes and reclaiming my time, I just think it is important to understand one historical perspective to really stand in relief.

It is worth noting that in 1992 candidate Clinton talked about tax relief for the middle class; and then, upon taking the oath of office, President Clinton gave us the largest tax increase in American history. And there has followed, from that broken promise, a string of broken promises, not only with taxation but with balancing this budget.

And with that in mind, I would yield to our good friend from Wisconsin, who has done yeoman's work, gotten in there, rolled up his sleeves, taken out a sharpened pencil and taken a true look at what is at stake for the American family and the American Nation with the budget. I yield time now to the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Speaker, I thank the gentleman for this time, and I go back to what the gentleman from South Carolina [Mr. GRAHAM] said. He is exactly right here. The question is how much money we are spending. And I would like someone, just someone out there to call my office and say, we think the Federal Government should spend more money. That never happens. Nobody calls my office and says we are not spending enough money; spend more money. That never happens.

Here is what has gone on with the budgets we have now and why we cannot reach agreement here. We have CBO-scored numbers, an apples-to-apples comparison of what is being spent and where the deficits are going.

Mr. HAYWORTH. If the gentleman would yield for a second, would the gentleman please tell us what the acronym stands for and why it is so important?

Mr. NEUMANN. It is the Congressional Budget Office. And what is very significant in this is that we now are using the same numbers to compare our plans to balance the budget.

What I have on this chart with me is what the deficits are in each of the years from now through the year 2002, showing that in the Republican plan, the plan that has been laid on the President's desk and has now been vetoed, we go through the deficits. They go through a decline until we reach a $3 billion surplus in the year 2002.

Let me make this perfectly clear. With CBO scoring, we do reach a balanced budget in the year 2002, as each and every person standing in this room today promised their constituents, and as we, as a Congress, have promised the American people we would do. It has been done.

The President's budget, last week, and I have to tell my colleagues, I was a little different than some of my colleagues even in this room. I said, let us wait and see. Let us take a good hard look at the President's budget and let us see what this budget says and see if we cannot reach a conclusion looking at the President's budget.

We have it now. We have a fair comparison between the President's budget and what was presented to him. They are scored with the Congressional Budget Office. The same set of numbers are evaluated in both plans.

Mr. CHRISTENSEN. Mr. Speaker, if my friend from Wisconsin would yield for a quick question. Does that top number, with the plus 3, even include the tax cuts?

Mr. NEUMANN. Yes, it does. It does include the tax cuts.

Mr. CHRISTENSEN. So we balance the budget in the year 2002, including the $245 billion in tax cuts. The President's number is a lower amount in tax cuts and does not balance the budget; is that correct?

Mr. NEUMANN. That is exactly right. And here we can really clearly define what the problems are as we work toward balancing the budget. As we can see, in year 7 of the President's plan, we have a $115 billion deficit.

I want to make this perfectly clear to everyone in this room. As far as I am concerned, this is not about the President or Democrats and Republicans fighting with each other. This is about the future of our country. This is about our children's future that we are talking about here. We have to get this number, right here, where it says $115 billion of deficit, that has to be zero or we have not balanced the budget.

It has to be a black number. It has to be a number that is a positive number or zero, or we, in fact, have not done what we promised for the American people, and that is balance the budget.

Mr. RADANOVICH. Would the gentleman yield?

Mr. NEUMANN. Be happy to yield.

Mr. RADANOVICH. Mr. NEUMANN, would you care to reiterate the results of the last shutdown, and what was the agreement made by the administration, and how they would submit their next budget?

Mr. NEUMANN. Sure. In the shutdown in November, we reached a conclusion that extended the Government operations for a period of time. We all promised, Republicans and Democrats, that we would bring a plan to the table that was balanced under a 7-year plan with CBO scoring.

This plan is not balanced on a 7-year plan with CBO scoring, and it does not keep the promise that was made as recently as November, that we would have a plan from both sides of the aisle that was balanced in 7 years using CBO scoring.

Mr. LARGENT. Would the gentleman yield? That was not a promise. That was a contractual agreement; is that not correct?

Mr. NEUMANN. That is exactly right. It was a written contractual agreement between the Republican leadership, between all of us when we voted on it, and the President of the United States. That is exactly right.

So that the bottom line is these numbers are cut and dried, folks. This is not a Republican-Democrat debate at this point. This is a mathematical statement of facts that I am bringing to my colleagues. We do not have a balanced budget under the President's plan. It is $115 billion short in the last year.

Mr. RADANOVICH. Would the gentleman yield?

Mr. NEUMANN. Sure.

Mr. RADANOVICH. I want to point out, then, because the gentleman's example here perfectly illustrates the frustration that we are experiencing in Washington when we make a pledge to the American people, many of us who are here for the first time, that we are going to go back and balance the budget, and then we run into a game of charades basically, in order to drum up phony numbers so that we can live up to our obligations made with regard to balancing the budget in 7 years.

So, unfortunately, I think through this process, if there is any good that can come out of it, would be commitments made and kept, but also honest numbers. Because that is really what is driving, I think, the American people nuts and driving this whole controversy right now.

Mr. NEUMANN. Mr. Speaker, I think there is another important thing that shows up here. If we were to put into law the Republican plan, exactly as it was presented to the President, that does get to a balance in 7 years, we would still add $635 billion to the national debt over the next 7 years. So under the Republican plan, we would be adding $635 billion to the debt and we have not solved all the problems yet.

But under the President's plan we would be adding over $1 trillion, an extra $365 billion to the Federal debt. And, folks, that is our children we are talking about. They will have to pay that money back.

Mr. GRAHAM. Would the gentleman yield? This has been a fascinating conversation. The gentleman from Oklahoma [Mr. LARGENT] mentioned something a while ago; that the game in Washington is not to take the $245 billion in tax cuts and to balance the budget with the money, the game is to spend it.

From what the gentleman has been able to tell me, and what the gentleman from Nebraska, JOHN CHRISTENSEN, has said, I think we have some pretty good evidence that is true.

□ 1600

Is it not fair to say that the President's tax cut plan is at $78 billion, I believe?

Mr. NEUMANN. That is correct.

Mr. GRAHAM. He cut taxes at $78 billion, and he is $115 billion out of balance. That is pretty good evidence that the money that he took away from our tax cut went to spend more money on the Federal Government.

Mr. CHRISTENSEN. Failed welfare programs and failed social programs.

Mr. GRAHAM. I think that is a very telling point.

Mr. CHRISTENSEN. Going through some of the areas, I just want to ask if the gentleman's understanding is the same as mine. Have we increased or decreased spending in education, job training, and student loans?

Mr. NEUMANN. We have clearly increased spending.

Mr. CHRISTENSEN. How about Medicare?

Mr. NEUMANN. Medicare spending is going from $4,800 in the system to $7,100 per person in the system over the next 7 years.

Mr. CHRISTENSEN. Veterans?

Mr. NEUMANN. Veterans' benefits are increased $400 million, and the HUD VA appropriations bill is the only one of them that is increased.

Mr. CHRISTENSEN. How about welfare spending?

Mr. NEUMANN. Welfare spending is going up significantly, from about $90 billion to $140 billion this year to the year 2002.

Mr. CHRISTENSEN. I know in Nebraska a lot of people have asked me why are we spending so much.

Mr. NEUMANN. That is the question I keep coming back to. When I show these numbers to my folks back home and I say. "Even under the Republican plan we are adding $635 billion to the debt over the next 7 years," does the gentleman know what they say to me? "Why are you doing that? Why are you doing that? Get this job done faster."

That is why earlier this year we did present a plan that balanced the budget in 5 years and then did something we do not usually talk about here. It paid off the debt in a 30-year period of time, and we did not use any Social Security trust fund money to do that.

Mr. GRAHAM. Did the gentleman view the media report a couple of days ago that had Mrs. Clinton testifying before Congress about Medicare saying that if we control the growth of Medicare, if we reduce it from 11 percent to 6 to 7 percent, we can balance the budget and protect Medicare and keep it from going broke? Did the gentleman see that report?

Mr. NEUMANN. I sure have.

Mr. GRAHAM. Is it not true that our spending on Medicare is at 7.2 percent?

Mr. CHRISTENSEN. That is correct.

Mr. GRAHAM. We are spending more on Medicare than her testimony. Is the gentleman aware of a speech that the President made to an AARP group in 1993—excuse me, 1995, where he indicated, might have been 1993; I do not want to get my facts wrong—where he indicated that Medicare and Medicaid are driving the country broke. It is growing at 3 times the level of the private sector. If we could reduce it to twice the level of inflation, we could take care of every senior citizen and balance that budget, and that is not too much to ask. Is the gentleman aware that he made that statement?

Mr. NEUMANN. Yes, and I have heard so many times in our town hall meetings, people in Wisconsin are saying, "Why are you increasing it at twice the rate of inflation?"

Mr. GRAHAM. Is it not a fact that we are increasing it twice the rate of inflation?

Mr. NEUMANN. Yes, it is.

Mr. GRAHAM. What he said to do; what Mrs. Clinton said to do. We are doing what they asked or told somebody to do 2 years ago, and we are getting killed for it by them.

Mr. CHRISTENSEN. Mr. Speaker, I would ask the gentleman from Wisconsin [Mr. NEUMANN], was this the President's first try at balancing the budget? Which budget number is this as far as the $115 billion figure?

Mr. NEUMANN. This is budget No. 3. But in all fairness, I will point out that this is, in fact, the closest we have been to a legitimate budget proposal. This is the closest that he has been in three tries to balance the budget.

Mr. CHRISTENSEN. The first budget wound up in the Senate with a 99-to-nothing vote.

Mr. GRAHAM. It was 96.

Mr. NEUMANN. Mr. Speaker, I have to wrap up my part of this. Can I conclude very briefly here? This Nation of ours, this great country our ours, is in trouble. We are $5 trillion in debt. We are sinking fast. We have got deficits every year through the year 2002.

Every time this Nation has been in trouble in the past, do my colleagues know what has happened? The American people have joined together and solved the problems. Not Democrats, not Republicans; Americans.

It is time for us, the Members of this Congress and the President of the United States, not as Democrats, not as Republicans, but as Americans first, to get the job done that American people sent us here to do and to get the job done that we promised we would do on their behalf when we came here.

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from Wisconsin very much for bringing this information. I want to say briefly that our priorities in this process in defending, to a degree, the increase in the debt even under our plan, is that we are committed right now with priorities of a 7-year balanced budget; the second being CBO scoring, which we are still working on; the third being the quick elimination of the deficit and the debt.

Unfortunately, under our plan, while we are working at eliminating the deficit, we are unfortunately still adding to the debt. But after that deficit is gone, then the debt gets worked down.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from California, and I thank our good friend from Wisconsin who once again demonstrates why he has been the workhorse of the budget process and is deserving every accolade that this new Congress can provide.

I am holding here a certain financial document. It is a check. I heard my friend from Nebraska and my good friend from South Carolina lament the fact that the President of the United States was making allegations about Medicare that is part of the cacophony, the mantra of the mediscare campaign of the discredited American liberals who cannot seem to face facts. So, how ironic it would be if this President, who has worked very hard with his own special interests to raise scads of money for what will be a very difficult reelection campaign, again, Mr. Speaker, the challenge goes out to everyone, including the President of the United States, if they can show us a cut in Medicare spending that goes from $4,800 this year now to $7,100 per beneficiary in the year 2002, if there is some way to do that, then the Republican National Committee, Haley Barbour, the national chairman, is prepared to pay up with $1 million.

Mr. CHRISTENSEN. Would the gentleman yield on that point? Your seniors in Arizona will not be herded into just one program, will they? They will have an opportunity for a number of choices.

Mr. HAYWORTH. And freedom of choice is one of the fascinating things about Medicare-Plus. And just as the benefits per beneficiary increase, so do the opportunities and options for seniors under Medicare-Plus.

Speaking of opportunities and options, as I reclaim the time, let me also turn to our good friend from Kansas who has a couple of housekeeping items which we need to allow him to take care of, but also may have some observations. Let me yield time to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I appreciate my colleague from Arizona yielding to me. This $1 million check, I think, is a clear statement to the American people, to anybody anywhere in the world, that if there is a real cut in Medicare, show us. We will pay them $1 million.

The point of it is, and it is just to make a point, there are no cuts in Medicare. I appreciate my colleagues explaining that to this body, so that this body can understand, as I think most of them do, but in some cases act like they do not, what the situation really is.

I particularly appreciate the earlier dialog that I have been watching as well, saying to this body and educating this body, look, we are in a dire situation. We have got to do that and we have got to do that compassionately and we are doing it compassionately.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2644

Mr. BROWNBACK. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 2644.

The SPEAKER pro tempore (Mr. CHAMBLISS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BROWNBACK. Mr. Speaker, I yield back to my good colleague, who is educating this body about the perils that we are really in and what we can do to help this and make the future for our children better.

Mr. HAYWORTH. Mr. Speaker, I think the gentleman from Kansas and I would invite him to join us here in this historic Chamber to discuss issues of historic import as we are transforming this government, not by reinventing it, but by remembering what works; remembering that document from which all of this flows, that remarkable document called the Constitution, and remembering this fundamental premise: That when people are allowed to keep more of what they earn, the fruits of their honest labor, and save, spend, and invest it according to the dictates of their conscience and their priority, there is nothing selfish about that.

I am sure what prompted my friend to come to the floor was the evaluation of our colleague from Nebraska, who has spent countless hours on the Ways and Means Committee drafting tax reform and reduction policy, who informed us earlier that less than 2 percent of this vast array of money we are talking about, less than 2 percent in the grand scheme of things is used for tax cuts.

Mr. BROWNBACK. Mr. Speaker, if the gentleman would yield, I think it is a tremendous point and that that needs to be driven home to this body even more. Right now, the Federal Government, and this is a massive amount, it is hard to understand, takes 22 percent of the U.S. economy. It is the Federal Government. This huge piece, 22 percent.

Now, the gentleman from Arizona I am sure probably knows this figure, but in 1950 does the gentleman know what percent of the U.S. Government was of the Federal economy?

Mr. HAYWORTH. I know the gentleman from Kansas will inform us all.

Mr. BROWNBACK. It was about 4 percent. Can the gentleman imagine what the liberation would be of this Nation, of the people here, if the Federal Government, instead of 22 percent, was just 4 percent? Or, what if we got from 22 percent to 15 percent? There would be a blossoming across America of growth, of productivity, of jobs, of opportunities, of people going forward themselves and saying, "My goodness, why were we carrying such a heavy load?"

The next number of years, what has to take place in this country is we have to shrink the public sector, because the private sector is tired of carrying it and cannot carry it any further. That is what we are trying to do. It is not Draconian; it is very compassionate to help people.

This could be one of the greatest Christmas gifts that we could give the American people, my children, and our future grandchildren, and the children of the gentleman from Arizona, to get this down so that they can be liberated and free.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Kansas, because he makes an incredibly valid point that really should be the foundation of our labors in the days to come. As the controversy continues to surround this new direction in which we are heading, returning to those values which made us great, it is worth noting that in the spirit of the season, the greatest gift we can give to our children, we can give to our grandparents, we can give to our parents, and we can give to generations yet unborn, is a stable environment in which this constitutional Republic can flourish, and individual initiative can be rewarded.

So, that is the challenge and that is the great gift and the great opportunity that we trust our colleagues on the other side of the aisle will join us in giving the American people this season of the year.

Mr. BROWNBACK. Mr. Speaker, if the gentleman would yield just a moment, because the gentleman from Arizona has been deeply involved in, and started, what has been called the Constitutional Caucus. I would ask the gentleman if the Founding Fathers were alive today, does the gentleman think they would find that we have a constitutional government existing and operating in Washington?

Mr. HAYWORTH. Mr. Speaker, reclaiming the time, I thank the gentleman for the question. I think they would find a government that has become a hybrid, and I do not mean that in a good sense. I know the gentleman has great background in agriculture. Perhaps it would be more accurate to say a mutant, constitutionally mutated from this document here, which is our cornerstone, read and reshaped and stretched ofttimes beyond recognition from its original intent to fit the explosive growth of an evermore centralized bureaucracy, a bureaucracy that spends even more.

So, we have stretched it out. It is our mission, and that is why I am so glad to have our colleague from Kansas to join in restoring constitutional government, recognizing the legislative branch has every bit the role of self-examination and introspection that the judicial branch is afforded through the notion of judicial review, that the executive branch uses, that we together, with those other two branches, can restore constitutional government. That is exactly the challenge to use this timeless document as we confront the next century.

Mr. BROWNBACK. I think it also ties into this overall issue of the budget debate. If we would get back to what the Founding Fathers had envisioned of a limited Federal Government and saying this is a limited government of limited powers, the Federal Government would not be 22 percent of the economy. It would not be the burden that it is today. We would not have as much centralization; we would have much more decentralization and things out amongst the people where they could control them closer to home and closer to them.

That was the original design, and I think we have gotten away from that to our peril. The gentleman has a particularly good effort going on, that before any bill is introduced, before it is taken up on the floor, that the constitutional basis for that bill would be discussed.

Mr. HAYWORTH. Reclaiming the time, and the purposes to which we must reaffirm ourselves, to which we must devote our attentions, for just as we take an oath, as we took an oath in this Chamber collectively, just as the newest Member, the gentleman from Illinois did today, taking an oath to defend and uphold the Constitution of the United States, it is more than lip service.

Mr. Speaker, good people may disagree and we champion those disagreements and we want to have open, honest debate on different priorities, but I think the gentleman from Kansas really hit the nail on the head when he discussed the Jeffersonian ideal, the ideal of the one whom our friends on the other side of the aisle claim as their ideological benefactor, one of their Founders.

☐ 1615

When Jefferson called for limited and effective government, that is the distinction, not that Government should be reduced beyond recognition so that the people are not empowered, that Government has a rightful role in society, but it is a limited and effective Federal Government which makes the difference and to which the gentleman from Kansas has devoted his energies, indeed as part of this new majority. I thank him for all the efforts he has made in so many different ways to realize that dream for our children, for our parents, for our grandparents, and, indeed, for the American Nation.

Again, it is worth noting and we again issue the challenge. To those who disagree with us, Mr. Speaker, to those who offer the endless mantra of disinformation about so-called Draconian cuts with reference to the Medicare Plus Program, again, Mr. Speaker, we ask them, show us the mathematical operation that takes an increase from $4,800 of spending per Medicare beneficiary this year and over 6 years time increases it to $7,100 per beneficiary, show us where that is a cut, and $1 million will be paid to them.

In conclusion, Mr. Speaker, I would note this. I cited Benjamin Franklin earlier. Will Rogers offered an update in the mid-20th century before his untimely death: "The only thing certain is death and taxes, but death does not get worse every time Congress meets."

THE NATIONAL DEBT

The SPEAKER pro tempore (Mr. CHAMBLISS). Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, this afternoon I would like to again call attention to the fact that as of 3 o'clock this afternoon, the Nation's Federal debt, official debt, is $4,988,313,115,981.39. Very interesting, this is again an additional decrease of $126 million, actually almost $127 million.

As a new Member of Congress, Mr. Speaker, I have to confess that I did not come here with all of the answers, and very frankly I am not sure I even understood all of the problems. But one of the problems that I want to bring to my colleagues' attention today is that a member of the Committee on the Budget asked me earlier in the week whether this number was accurate. Under his recollection, the national debt limit was actually $4.9 trillion. As we can see, the number before us today is $4.988 trillion plus $300 million, or literally $4 trillion, $988 billion, $88 billion more than the official national debt.

Frankly, that caused me to go back to my office staff and question whether we had appropriately researched the number. Well, lo and behold, we have researched the number, and this is the correct number because, in addition to the $4.9 trillion of Federal debt, we have authorized another $88 billion of debt that does not count against the limit.

As if that were not enough, earlier in the week, Mr. Speaker, I addressed this Chamber on the basis of a New York Times article from Wednesday, December 6, 1995, wherein it indicated that the administration, since November 15 of this year, has actually borrowed another $61.3 billion on top of the $88 billion that does not count as part of the national debt. In addition to the $4.9 trillion that is the national debt, the administration borrowed that $61 billion from the Federal Civil Service retirement accounts and that apparently that was permissible under law. I hope that in the earlier vote in the afternoon that we are able to pass a measure that will preclude that.

The point I want to make today is that, the more I as a new Member of Congress, Mr. Speaker, learn about the nature and the extent of the problems with Federal spending, the more alarmed I become. Literally, just in the last 3 days I have found $88 billion of debt that we were not counting against the national debt. That is on top again of another $60 billion that has been borrowed out of Civil Service retirement accounts. That is over $150 billion. We were not even counting it. We are not even counting it. This is over and above the congressionally authorized limit of $4.9 billion.

I have to mention this afternoon that another bit of information came to my attention. That is that the new budget, Mr. Speaker, that has been submitted by the administration is actually not going to balance within 7 years. This is a serious issue because we came to a solemn agreement about 3 weeks ago wherein the administration and the Congress agreed that we were going to balance the budget in 7 years and use Congressional Budget Office numbers. Again, there was an issue of debate over whether we should use CBO numbers or OMB numbers.

To be perfectly honest, I do not care whose numbers we use, but we owe it to the children of this country and to the public to use the most conservative numbers. If we are going to meet the goal of balancing the budget in 7 years, I think we should take the most cautious course to get there.

The issue in Washington, in this body, Mr. Speaker, is not whether we are going to balance the Federal budget, because we are going to balance the Federal budget. The question is how. That is where partisan debate is appropriate, where Republicans can present their version of how to balance the Federal budget; Democrats can present their view of how to balance the Federal budget. And together, like all of the households in my district, including Republican households, Democratic households, Independent households, all of whom have to take responsibility for balancing their budgets, and they may do it differently. That is what is wonderful about America, is that we do have a lot of differences between us, but we need here in this body, as Republicans and Democrats, to come together to balance the Federal budget.

I hope, Mr. Speaker, that over the next 24 hours as we approach tomorrow's deadline that we will once and for all be able to work together, Republicans and Democrats in this body, with a Democratic President who will keep his word and submit a budget that will balance in 7 years.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to start off by following up on what the previous speaker said about tomorrow. As many of us know, tomorrow is the day when the continuing resolution expires. This was the agreement that both Democrats and Republicans, both Congress and the President, agreed a few weeks ago that they would extend operations, Government operations, and not shut down the Government while we continued to try to work toward a budget agreement.

It is unfortunate that tomorrow is about to arrive and we still have not worked out that budget agreement. But I think the most important thing is that the Government not shut down again and that tomorrow, even if a budget agreement is not going to be reached, which I do not think is likely at this point, that we pass another continuing resolution so that the Government continue to operate.

I was very upset this morning when I read that, although President Clinton had offered a continuing resolution to continue the operations of the Government for at least another week or possibly beyond, and although the Republican leadership in the Senate had agreed to a similar continuation, that Speaker GINGRICH and the Republican leadership in this House had not. I would hate to see, once again, that after tomorrow the Government shuts down.

I would urge the Speaker GINGRICH and the Republican leadership in this House, along with what the Senate has decided and what President Clinton has decided, which is that we should put our differences aside and not use the Government shutdown as leverage toward trying to pressure one group or the other into its own ideology. My view is that the Government should continue to operate while the President and the Congress, while the Democrats and the Republicans try to find common ground on the budget.

Let me also add that as the previous speaker said, there really is no disagreement anymore that we should achieve a balanced budget or even on the timetable of approximately 7 years. But there are still major disagreements over the priorities. I would suggest that part of that agreement a few weeks ago on the continuing resolution to keep the Government open specifically said that the priorities would include Medicare, Medicaid, the environment, and education and that these programs, particularly Medicare and Medicaid, would continue to be viable and cover the people who are now eligible for them in a manner which ensures quality health care for Medicare and Medicaid recipients.

The President put forth a 7-year balanced budget within the last week or so that made sure that Medicare and Medicaid, the environment and education were properly provided for and guaranteed that those programs would continue to cover everyone and that quality health care would be ensured for seniors and low-income individuals under the two Federal health care programs. But the Republican leadership has not come back with a similar proposal. So far they have not put forward any compromise plan that would not only achieve a balanced budget in 7 years but also put sufficient funds in the Medicare and Medicaid programs and provide a guarantee that those people who are now eligible for Medicare and Medicaid would continue to be provided for.

I want to stress today in the time that I have allotted to me the problems that would occur, particularly with regard to the Medicaid Program, if the budget that was passed by the Republicans in this House and in the Senate and the one that was vetoed by the President were to take effect. We now know that this budget is not going to take effect because the President has vetoed it. When he vetoed it in his message he specifically said that Medicaid was a major reason for the veto and that the major problem he had with the Republican Medicaid proposal under this budget was that it failed to guarantee health care coverage for those people who are now covered by Medicaid. When we talk about Medicaid, we are talking about health insurance for low-income people in this country. Most of those are either senior citizens or children or the disabled or, in some cases also, pregnant women.

Right now under Federal law people below a certain income who are not covered by any other health insurance are eligible for Medicaid. The Federal Government guarantees them that as an entitlement, as we say. And they are also provided with certain standard coverage. In other words, not only are they guaranteed health insurance but they are given certain things as part of an overall health care package which is similar to what most Americans get, although in many cases maybe not quite the same quality or the same extensive coverage. It is a pretty good health care package.

The problem that the President has with the Republican budget and the problem that I and most of the Democrats have is that this Medicaid Program under the Republican proposal would basically be turned over to the States. The money would be block granted. It would be up to the States to decide who would be eligible and what they would be eligible for. So for the first time in probably 30 years since Medicaid was enacted here in this House, for the first time you would no longer have an entitlement or a guarantee that the people who now receive Medicaid could continue to have the coverage.

If we block grant the money and the amount of money which is allocated is significantly less, which it is under the Republican proposal, it is a cut of about $163 billion. Then we are not only not guaranteeing coverage for a lot of the people who now have Medicaid coverage, but we are also making sure that because less money is going to the States in real terms, that the States will have to cut back on who is eligible or perhaps cut back on the kind of benefits that are provided to those who they plan to cover under Medicaid.

This is a major problem. It is a major problem because what it ultimately would lead to is that the ranks of the uninsured in this country would grow. Right now we estimate that there are about 35 to 40 million Americans who have no health insurance, many of them working. If we are now going to increase the ranks of those people and add 5 or 10 million more people to the ranks of the uninsured, that puts a tremendous burden on our health care system that either people do not get care or someone else has to pay for it.

□ 1630

You pay for it yourself either because your Blue Cross or your health insurance rates will go up to cover these other people's care or they do not get any care at all.

One of the problems that—these are just some of the general problems, I should say, that exist with the Republican Medicaid proposal, but I wanted to get into a few more specific ones, some of which have been cited by the President, that have an impact not only on low-income Americans, but also on many other Americans. One of the things that needs to be pointed out is that right now the majority of the people who receive nursing home care in this country have that nursing home coverage paid for by Medicaid. In fact we estimate that 68 percent of all nursing home residents rely on Medicaid to pay bills that average $38,000 a year.

Now just as there is no guarantee that children, or disabled people, or people who are in the community would be covered by Medicaid under the Republican proposal, there is a guarantee that nursing home coverage would be provided or that the people who now receive Medicaid to cover their nursing home bills will continue to have the Federal Government pay for their nursing home care. In fact, based on the level of cuts that is provided under this Republican budget, we estimate that about 330,000 people could be denied nursing home coverage at the end of the 7-year period that the budget covers, in other words, the year 2002. And then the question becomes who is going to pay, where are those people going to get the money if the Federal Government under Medicaid does not pay for it?

Well, one of the things that is built into this Republican proposal is basically an effort or the ability for the first time for the Government, be it the State or whatever level of government, to go after the spouses or the children of nursing home recipients, those who would be eligible for nursing home care, and to seek the spouses' assets or the children's assets in order to pay for the care that is not covered by the Federal Government. What happens is that the right of individuals essentially right now under the current law, certainly assets of the spouse or the children are simply not eligible as assets for the Government to take, but that is essentially repealed or changed significantly under this Republican budget so that what we will see is a lot of people, a lot of spouses and children, having to contribute perhaps in a major way in order to pay for their parents' or their spouse's nursing home coverage.

The other thing that is kind of insidious, I would say, in this whole proposal is that right now, under current law, Medicaid is a matching fund. Fifty percent is paid by the Federal Government, and 50 percent is paid by the State government. So, if the Federal Government puts up 50 cents, or say the Federal Government puts up a dollar, the State has to match it, and $2 are then available, so to speak, for Medicaid recipients. But the funding formula was changed in the Republican budget so that essentially no State would have to spend more than 40 cents to qualify for 60 cents in Federal money. What that means is that some States may decide because of a budget crunch that rather than put up the full dollar to match the Federal dollar they will only put up 40 cents and get 60 cents in Federal dollars, which means that half as much money is then available, or significantly less money is then available, for the Medicaid Program. This simply contributes again to the whole question of how much money is going to be available for Medicaid under the Republican proposal and how much the States are going to seek to cut back, either by denying eligibility to certain individuals or cutting back on the coverage that is available for the individuals who are now eligible for Medicaid.

I want to, if I could, get into some of the other problems that have been raised with regard to Medicaid in this budget, but before I do that, I think maybe the best thing, because someone always says to you, well, what is your answer; my answer is very simple. If you look at the level of Medicaid cuts and Medicare cuts in this Republican budget bill, basically what it is being used for is to finance tax breaks primarily for wealthy Americans. There are about $243 billion in tax breaks primarily for wealthy Americans that are included in this budget. If you were to eliminate those tax breaks, money could go back into Medicaid as well as into Medicare, and we would continue to have viable programs, we would not have to block grant, we would not have to change the current guarantee of eligibility. So that is the real answer in my opinion in this whole budget deal and what needs to be done as part of the whole budget negotiations.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I am troubled by the Gingrich budget, makes $270 billion cuts in Medicare, as you have pointed out, makes about $180 billion in cuts in Medicaid. Much of that, much of those cuts, will be money taken from senior citizens that may live on 10, or 12, or $15,000 a year. Much of the Medicaid cuts come from people who have spent down the money that they might have and have a husband or a wife in a nursing home, and, as you point out, might lose their home that they have paid for over 35 or 40 years of marriage.

But all of this to pay for this tax break for the wealthiest people in the country, a tax break eliminating a tax on corporations that required some minimum payment dealing with some overseas tax issues that will ultimately hurt, cost American jobs, and it is, as you said, it is a tax break mostly for the richest people in the country, and then I hear our friends, some of the Gingrich freshmen, as they are termed around here, that are on the floor a moment ago talking about how the Democrats always engage in class warfare.

Well, the fact is when you increase taxes on people making $15,000 a year, and then you cut taxes on people making 10 times that, $15,000 a year, that is the most insidious kind of class warfare. You take money from the working poor people that are working at Wal-Mart, or working at Kmart, or working at a minimum-wage job, and maybe her husband or wife are working in similar kinds of jobs, and their taxes are increased when they are playing by the rules. They may not even have health insurance with their full-time jobs, and they have a tax increase at the same time somebody making 2, or 3, or $400,000 a year gets a tax break that amounts to in many cases $20,000.

At the same time they cut Medicare, they cut Medicaid, much of which goes to not just elderly people in nursing homes, but goes to disabled kids and other people that have some sort of disability that they have very expensive medical care, and that is, as I said, the most insidious kind of class warfare where people playing by the rules and working hard have their taxes go up. They may not make much, they have their taxes go up, and people that are getting much, much more get a whole lot more tax breaks, and I do not think that is the values that this country represents, to penalize those people who are struggling, and playing by the rules, and barely making it without health care, trying to raise their kids, not be on welfare, working hard. Their taxes go up, and this whole Gingrich budget is taking money from the middle class and the poor and transferring that money to the richest people, people that do not even live in my district—I have a lot of wealthy people in my district.

They are not coming to me saying, "Hey, give us a tax break for the wealthiest of us." They are saying, "Get this budget balanced, and don't hurt Medicare and Medicaid doing it," and that is what troubles me the most about this Gingrich budget is that it is waging class warfare on the most vulnerable people and people that are working hard, and trying to pay their bills, and trying to buy a house, and trying to save a little money for their kids' college, and then giving money, taking that money from the working poor in many cases and people of the middle class and transferring that money to the richest people. It simply does not make sense.

Mr. PALLONE. I appreciate the gentleman from Ohio [Mr. BROWN] for coming here today and expressing what he just said, and I would just like to follow up on two points, and maybe you could, you know, respond to what I am saying.

There are many points that you made, but the two that stick in my mind right off the bat: First of all, you are pointing out that not only are a lot of these tax breaks going to wealthy Americans; we know that the lion's share does, but that actually for many Americans who are working that are lower income, they are actually having to pay a tax increase because this Republican Gingrich budget actually repeals the earned income tax credit. So maybe we should get into that a little bit and explains how that works.

The way I understand, and you correct me, is that right now people who are below $25,000 to $30,000, whatever, who are working, they are able to get a tax credit which can be something like $1,500 a year, whatever, depending on their income, and that what the Republican budget has done is to either eliminate that for some or cut back significantly so that if you are making under $30,000 now, you may actually be paying more taxes under this budget proposal.

Mr. BROWN of Ohio. If the gentleman would yield, that is exactly right. If you are making $15,000 or $20,000 or $25,000 a year under the Gingrich plan your taxes will go up on the average of about $25 or $30 a month. Similarly, if you are now a Medicare beneficiary, your premium in this Gingrich budget plan will go up about $40 to $50 a month.

Now to a Member of Congress, whether it is NEWT GINGRICH or any of us as Members of Congress, $25 or $50 a month probably does not matter much, and that is unfortunately the way, I think, that the people that voted for this bill think about it, that it is only $25 a month or $50 a month. It is $25 a month for that family making $20,000 a year; it is only $50 a month for that senior citizen that brings in $10,000 or $12,000 a year. But the fact is, that is a lot of money if you are in that income bracket. Twenty-five dollars a month for some family making $20,000 a year means new shoes for their kids in September when they go to school, it might—it means maybe once in a while taking their kids to a ball game, it means a lot to a family like that.

Fifty dollars a month for a Medicare beneficiary means medicine, or means paying for a rent increase, or means paying if it is a particularly cold winter and paying those heating bills, and that is what the Gingrich plan, the people for that plan, do not think about, is that $25 increase, $25-a-month tax increase for somebody making $15,000 a year, is pretty hard on them. That $50 premium increase, that monthly $50 premium increase for a Medicare beneficiary, that hits them pretty hard when they are seeing the cost of prescription drugs go up and they are seeing their own heating bills go up or whatever—whatever difficulties they are facing.

That is why this is wrong in order to give that big tax break to the richest people in this country. That is wrong.

Mr. PALLONE. The other thing is that one of the major concerns that we have had in this Congress, in the previous Congress, on a bipartisan basis is the need for welfare reform, to get people off of welfare and to have them work, and if you cut back on this earned income tax credit, which basically is affecting many people who maybe just got off welfare and have been encouraged to work, they will find, if they are not making that much money, that maybe it is more beneficial for them to stay on welfare.

Also, and you were in the State legislature so you know, as I was, that oftentimes what happens is if—the State legislature have made the effort over the last 10 years to try to expand Medicaid coverage to cover working people, even though Medicaid is for low-income people, oftentimes it covers people who work. And we have expanded Medicaid coverage to people that are working who may be making a little more than people on welfare to encourage them to work because now they have Medicaid benefits. Well, if those are likely to be the first ones that are back because they are a little higher income than the people on welfare, so that if you deny them their Medicaid benefits, and you deny them their earned income tax credit, they will have less incentive to work, and we actually end up reversing what we are trying to accomplish. More people go back to welfare, and less people work, so it makes no sense.

I would like to yield—joined by the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. I thank the gentleman for yielding, and I very much appreciate that you have provided us with this time to talk about some of these issues, and since we are talking about the earned income tax credit and its effect upon people with moderate income, I wonder how many people really understand how extensive this is. There are something like 12 million people who end up losing that earned income tax credit. Remember earned income tax credit means that, if you have been working and you are paying taxes out of your paycheck, that you were eligible, if your income was very low—if even with working, one or both persons in the family working, your income was still under the $25,000 or so level, you were eligible for some money back, and it is 12 million American families that are in that category.

Now from my State, which is a little smaller than each of yours—in fact, a little smaller than all of us standing here—from my State it is, oh, about 400,000 or so families in the State. My guess is that for the gentleman from Ohio it must be close to a million families in—well, it would not be quite that many.

Mr. BROWN of Ohio. About 500,000 in Ohio.

Mr. OLVER. And that—those 12 million families lose $30 billion total in loss of that credit that means increased taxes. Is it not ironic that in this process of giving tax reductions and selling the whole thing as if it is a great thing for middle-class Americans, that people who are of low income, but working, are going to actually see their taxes increased?

□ 1645

There will be $30 billion of increase of taxes, and that 12 million American families is going to get translated into giving $125 billion of tax reduction to only about 2 million families who already start with more than $100,000 of income per year. Those families at the very upper end of the scale are going to get a huge amount of money from this process, but the $30 billion that is taken away from families who have less than $25,000 a year to live on, those are the people who are going to pay right through the nose for the process of giving the tax breaks to families who really do not need them, who are already doing pretty well, who have made their way very well with the American dream. There is nothing wrong with the American dream, that is a great idea. But they are not the ones who need it in these very tight times.

Mr. STUPAK. If the gentleman will yield, in northern Michigan where I am from, it is about 35,000 families who will lose that earned income tax credit. I had a young mother who had three children. She was divorced. Even though her husband was paying child support, she said what the earned income tax credit meant to her. She said, "When I would receive my earned income tax credit, it allowed me to get caught up on my bills. If I got a little behind in the last year, or if the car needed a new set of tires, I had money for a new set of tires for the car," so she could go back and forth to work, to support her family. It kept them a degree of respect and dignity and off public assistance.

So this earned income tax credit, which is being eliminated just so we can give a tax break to the wealthiest 1 percent in this country and the large corporations who no longer will have to pay the alternative minimum corporate tax, is really in this time of a Christmas season, really, if I can say the word "heartless." I mean the folks who need the help the most, to give them a little respect, a little dignity, a little pride, to help them keep off of public assistance, to help them to make it on their own, the whole philosophy here is being rejected while we are giving the corporations a tax break. I really have a great, great problem with that aspect of this Gingrich contract on America plan.

You were talking about Medicaid. Besides the earned income tax credit, Medicaid, if I may quote from the Michigan Health and Hospital Association which says, "We fear that the Medicaid block grant program, health services for the most vulnerable populations, the elderly living in nursing homes, the poor, the children, may be jeopardized as hospitals who continue to bear a disproportionate share of the burden of caring for these individuals, face reduced payments."

What that means to me, if I can read between the lines here, not only the financial impact on these families that need the assistance, but in my district, northern Michigan, my biggest town is maybe 17,000 people. I have many, many, small hospitals. They have, as the letter says from the Michigan Hospital Association, they bear a disproportionate share of the burden for caring for these people. But under these block grant proposals, the Medicaid, the hospitals in the rural areas, which are usually my largest employers, will be faced with tremendous cuts, which means lost revenue and cuts in staff.

Here is the mother who finally got through school, thanks to the earned income tax credit and a couple of other things, who is not working, and probably has the lowest seniority; she will probably be the first one to be laid off when all these cuts go through. The rippling effect here of not only the Medicare and Medicaid cuts, and they are cuts, make no mistake about it, it is going to be devastating on small rural communities as well as our urban areas.

Mr. PALLONE. Mr. Speaker, I think one of the things the gentleman is pointing out and that the gentleman from Ohio stressed is that, if anything, our support for the Medicaid Program and our concern about the low-income people who are impacted by the Medicaid Program is not an issue of class warfare, but just the opposite.

What you are pointing out is that everyone suffers because of these Medicaid, becauses Medicaid cuts, and when you eliminate the Federal guarantee of Medicaid, because what happens if more people pursuant to these Republican proposals go on welfare, the cost to the government at every level grows, and you are not going to even be able to balance the budget if you start to get more and more people on the welfare roles.

Similarly, so many hospitals, not only in rural and urban areas but even in suburban areas, and most of my district is suburban, every one of the hospitals that I have is heavily Medicaid-Medicare dependent, and if they have to cut back, they lay people off, some of them close, and it impacts everyone. They cut back on services and quality of care and everyone's health care suffers.

I see the gentlewoman from Connecticut [Ms. DELAURO] is here, who has done so much to raise the attention of the Congress to these issues. I yield to her.

Ms. DELAURO. Mr. Speaker, I thank the gentleman very much, and I want to thank all of my colleagues. It is a pleasure to join with them this afternoon, and I particularly thank the gentleman from New Jersey [Mr. PALLONE] for his invitation to participate and for his being here, tirelessly, just about every single evening.

Mr. Speaker, I would like to talk about the Medicaid issue from the same perspective, but maybe a slightly different one. First of all, I think sometimes people misunderstand what Medicaid is all about, and they have an impression that it truly in fact does not affect their lives, that this is a program, if you will, for poor people or people who are out there that they have nothing to do with, and it does not in some way affect their own lives. The fact of the matter is that two-thirds of the expenditures of the Medicaid program are for people who are in nursing homes.

Let me give an example of the people in Connecticut. Sixty percent to seventy percent of seniors who are in nursing homes in the State of Connecticut today have their health care paid for either partially or in whole by the Medicaid Program, so that millions of families, intergenerationally, really are dependent upon Medicaid to provide essential, essential health care.

What the Gingrich plan does is, it is a raid on Medicare, and essentially this raid is an unconscionable assault on the values of middle-class Americans.

I would like to mention a couple of things about what is intended, as well as the cutback. The Congress voted last month to turn Medicaid into a block grant program, to slash the program by $163 billion. That is over the next 7 years. Particularly startling about the block grant approach and the one other one-third cut in the Medicaid program is the repeal of the family protections which have to do, quite honestly, with all of us, if we have senior loved ones, parents, or relatives who may potentially have to go to a nursing home. The family protections will be repealed if this bill sees the light of day, if it becomes law.

Mr. Speaker, I want to mention a couple of points here. I will, by the way, say that the President vetoed the budget due to its extreme agenda as it has to do with Medicaid.

There is a report that all of us had a chance to look at, by the Consumer Union. These are the folks who put together the Consumer Reports, when you go out to look to buy a car or a computer, and you know whether you are buying something good or you are buying a lemon, or you are going to get a bum deal. You make your decision. People look at these Consumer Reports.

This is the group, the Consumer Union, that issues those reports and that issued the report on this proposal by the gentleman from Georgia [Mr. GINGRICH] and the budget. They talked about this potential nightmare that is going to be placed on working families with parents who need nursing home care. They have estimated that there will be 395,000 long-term care patients that are likely to lose their Medicaid payment for their care next year if this bill is approved. That is an unbelievable and staggering number of people who, one, will not have the care, but whose families, working families today in our country, are going to pick up the slack somewhere.

You are not going to see your mother, your father, a dear aunt or uncle or so forth, be out in the street. What is more, what is of equal concern, is that with the repeal of these family protections you are going to see that adult children—you can put a lien on the home of an adult child if you do not meet the State median in terms of income.

If you fall below your State median in income, and in the State of Connecticut it is $41,000, and if you make more than $41,000—and in many middle class homes today with two working parents you see above that number, and it may be slightly above that number—you then are now liable to pick up costs for your parent or your loved one's nursing home care. They can come in and put a lien on your house. If you are in rural America or in farm country, they can put a lien on your farm to help to pay the cost of nursing home care. This is written in the fine print in this Medicaid law, which many people do not know about.

In addition to that, there is no longer a requirement, there are no more Federal regulations on nursing home standards; every State can do what they want. No one wants to believe that States are going to be evil, bad, or that State legislatures are bad people, but the fact of the matter is that is you have a money crunch in your State and it is going to cost more to make sure of those nursing home standards, and those are the ones where they could retrain your father or your mother, they could use mind-altering drugs, that was all changed—I might add that was under Ronald Reagan—that all changed. Now they do not have to comply with any Federal nursing home standards, so it really is a monetarily devastating effect, a quality of care. It has to do with the individual who is in a nursing home and who gets that care paid for by Medicaid, but it falls on the backs of the families of folks who are in nursing homes, and that is what will happen if this law on Medicaid passes in the next several weeks here.

Mr. STUPAK. Mr. Speaker, if the gentleman from New Jersey [Mr. PALLONE] will continue to yield, the gentlewoman mentioned some of these things found in the fine print. Actually, in the Committee on Commerce, on which I and the gentleman from New Jersey [Mr. PALLONE] sit, the Democrats offered 10 amendments. If you wanted to block grant, OK, fine, but there are 10 areas we want to protect.

Nursing home standards is one of them. We feel there is a need for nursing home standards across this country. Public children's hospitals. They provide money under Medicaid. Why can they not continue to have some funding? That was defeated. The cost-sharing for the poor seniors, to pick up part of their premium for part B, for Medicare, we wanted to keep that for poor seniors. That comes out of Medicaid.

Ms. DELAURO. It is gone.

Mr. STUPAK. That was defeated. Pregnant women and infants who need some medical help, pregnant women, and infants, that amendment was defeated. Rural health clinics, I mentioned my rural district. In many areas the only access to health care is through Federal rural health clinics, so you can have access to it. That was defeated.

You mentioned estate protection, the family farm liens; two separate amendments, both defeated. Alzheimer's disease. If you have a loved one, a parent or grandparents who have Alzheimer's disease, we always provided for their care in nursing homes under the Medicaid Program. That was defeated.

Transitional benefits to move from welfare to work, to help you out, give you a little bit of health insurance coverage while you move off public assistance into the work force, that was defeated. Women with breast cancer who receive help under the Medicaid Program, at least allow them to have some help in coverage to pay their medical bills, and that was defeated.

We tried in the Committee on Rules to make these amendments in order, but they were all defeated, not even an opportunity. What did we do? We did a motion to recommit, so the Democrat Party has been here, standing for just 10 basic elements to give you some dignity if you get ill, to provide for care for your parents or grandparents if they need a nursing home, and to leave you with a little something left in the estate. It was all defeated.

Ms. DELAURO. Mr. Speaker, I will make one more comment, because I know there are a number of colleagues on the floor who want to engage in this conversation.

If you could make the case that some of this cut were going, in fact, to balancing the budget or bringing down the deficit, you might be able to make a case in some ways for it. I do not know how in terms of nursing home standards and putting working middle-class families at risk, but the fact of the matter is here there is, as part of this budget, a $245 billion tax break to the wealthiest Americans in this country.

I do not deny people the opportunity to increase their salary and achieve a good status. That is a part of what the American dream is all about. No one questions that. But at this moment if you are going to cut Medicare, as they will, $270 billion, cut Medicaid $163 billion, in order to pay for that tax break for the wealthy, it is wrong, it is not part of the American tradition, and we need to fight it with every single breath we have.

I compliment my colleagues, and I am proud to join with you this afternoon in having this conversation.

□ 1700

Ms. DELAURO. I would be delighted to yield to my colleague there of Massachusetts.

Mr. OLVER. Mr. Speaker, I do not want to let the gentlewoman from Connecticut [Ms. DELAURO] get away, because she has raised so many provocative issues here that allow us to play off of those in some way.

The gentlewoman mentioned the misunderstanding about what Medicaid covers here in Washington and around the country. Well, it is really quite deliberate. I am convinced that it is quite a deliberate effort to convince people that it is really those unworthy welfare cheats and only those illegal immigrants who are part of the Medicaid Program. Because if you can somehow demonize the process, it is derogatory; it is an abstraction and a derogatory extraction. It is even inflammatory. If you can do that, then it is all the more possible to make this very severe cut, the $163 billion in cuts, and eventually to dismantle the program, which is ultimately the purpose of this, this pillar which has provided wonderful health care for a group of people who otherwise could not afford it, and for older citizens who have used all of their resources.

When we think about who actually is covered by it, they are our neighbors and our friends and our family members who are covered by Medicaid. It is the mothers and fathers in the nursing homes who have used all of their other resources somewhere along the way, and have only that to get their health care. It is the widows who have too little income to be able to even pay for their share of the Medicare that then gets picked up and paid for by Medicaid. It is the people who are disabled by birth defects or by crippling diseases that mean that they cannot be independent any longer. Yet somewhere along the way it is mothers of young children who are struggling and need that care, that health care for their kids, and it is for two-parent families.

Mr. Speaker, one of the grand ironies that we were talking about just before the gentlewoman from Connecticut [Ms. DELAURO] came in was the business of taking $30 billion away from low-income families, people who are working, who have been paying in their withholding tax money out of their pocket; and if their income was under $25,000, they were working on the various sliding scales in that range, then they could get a tax credit. Well, in fact, the ones at the lower end of that scale are also people who, under these provisions, are in danger, in serious danger of losing their medical care as well.

So when we are talking about trying to get people to work, we are taking the incentive to work, because if you work, you are going to lose your health care, or you are going to lose your earned income tax credit, which was the thing that may have helped you get off poverty. You are driven back toward poverty and your kids are going to maybe lose their health care in the process.

Mr. Speaker, think of what this means in terms of family values. How can one talk about this being family values when so many of those 12 million families that will lose their earned income tax credit are families with kids and those kids then become more in danger of growing up in poverty?

So what you say is a double whammy, and we could go on about other kinds of whammies that are built into this system, because you take away and take away and take away, and ultimately, it is all, all of those monies that come out of the Medicaid cuts for kids and all of those that come out of the ITC are less in total than just the amount of money that is given in tax breaks to the small couple of percent of families, those couple of million families at the very upper end of the scale who already have incomes among the top couple percent of American families. It is really ironic, and it is highly unfair.

Ms. DELAURO. Mr. Speaker, the gentleman from Massachusetts [Mr. OLVER] is absolutely right.

Mr. PALLONE. Mr. Speaker, I see that the gentleman from Hawaii [Mr. ABERCROMBIE] is here joining us, and I would like to yield to him at this point.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman very much for yielding to me. I am very happy to be here today, because you are looking at a new million-dollar man here in the House of Representatives. I am here to collect from this man right here: Haley Barbour.

This is one about the Republicans cutting Medicare. He has an advertisement in the Roll Call magazine this week, and he is offering anybody who can show the following: In November 1995, the U.S. House and Senate passed a balanced budget bill. It increases total Federal spending on Medicare by more than 50 percent from 1995 to 2002, pursuant to Congressional Budget Office standards. He says he will give $1 million to anybody who can prove that is not true.

Mr. Speaker, you are looking at the guy that can do it. You put my name, Mr. Haley Barbour, right there. It says, your name here, ABERCROMBIE, A-b-e-r-c-r-o-m-b-i-e, I will fill in the rest, it is OK, just like Abercrombie and Fitch, in case you cannot remember it, and I will see that that million dollars goes to the people that deserve it: the children that you are attacking, the elderly that you are attacking, the disabled that you are attacking.

Now, Mr. Speaker, I know, I am used to seeing jolly Republican guys like Haley Barbour out there attacking weak people, but when he says he is going to give $1 million, and by the way, it is interesting that the Republicans have millions to give away, millions of dollars on Medicare, they say, let us see who they are going to give it to. They do not have a balanced budget by the standards of the Congressional Budget Office.

Mr. Speaker, I have been in my special orders down here, and I say to the gentleman from New Jersey [Mr. PALLONE] that I will not take all the time up today, but the gentleman knows that I can show and have shown in these special orders over and over again, and I think my good friend, the gentlewoman from California [Ms. PELOSI], is going to be able to show you some figures from her area, that proves there is no balanced budget here.

On the contrary, the deficit is going to go up by billions and billions of dollars. They are going to expropriate from the Social Security trust fund money to try and make up that deficit. Mr. Speaker, I will tell my colleagues where that money is going to go from this unbalanced budget. We can prove that budget is not balanced. It is not going to be spending on Medicare. On the contrary, we assume, and the average American assumes, when you say Medicare spending, that is going for expenditures having to do with the medical needs of the people of this country. Yet, what is it that is being proposed by the Republicans in Medicare?

This is from the New York Times, October 31 of this year. The plan would give doctors new ways to make money. It is not Medicare for your mom and my dad. This is Medicare-looting for the doctors and the insurance scams all over this country.

Mr. Speaker, this is not me saying it. Let me tell my colleagues what the New York Times says.

> Medicaid measures working their way through Congress would remold the role of many doctors, turning them into medical entrepreneurs, permitting them to engage in business enterprises now forbidden. The House version of the legislation would allow doctors to start physician-run health groups without financial and regulatory requirements that States impose on similar organizations. The bill would make it easier for doctors to set prices in ways that now violate the antitrust rules.

Can you imagine what a boondoggle this is? It is not being spent on Medicare; it is being spent on people who are going to give campaign contributions to the guys that are bringing them the Medicare money. That is what it is all about, and their medical savings accounts.

I have the analysis right here by the Henry J. Kaiser Family Foundation that proves that these medical savings accounts is another scam artist activity for the insurance companies that will have the following effect. Under these medical saving plans unhealthy individuals are going to be unlikely to gain. Under certain scenarios, the traditional Medicare Program may cease to exist or exist in a reduced form.

I am telling the gentleman from New Jersey [Mr. PALLONE], friends and neighbors, colleagues, we are in the chips. I want Haley Barbour to have that pen ready to write my name on that check so that we can follow up, and we are going to be down here every day exposing how the Republicans have taken something as serious as Medicare, as serious as that is, to the mothers and fathers and the families of this country, having to count on Medicare, and take it and try to turn it into a joke where they are putting a $1 million check up there as if it is some kind of a sideshow that they want to put on.

Well, we are taking them up on it. We are showing people that this Medicare expenditure is a serious issue with the Democrats in this Congress, a serious issue for the families in this country, a serious issue for children, for the elderly and for the disabled; and we are going to expose this for what it is.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman from Hawaii, and I totally agree.

I just want to say one thing before I introduce our next participant here. Even though that Roll Call article talks about how more money theoretically is going into Medicare, what we are really talking about here is the amount and the level of growth.

When I say that something like 18 percent of the people who are now eligible for Medicaid are not likely to be eligible in 7 years, that is because the amount of money that the Republicans are putting into the plan will be 18 percent less than what it would be under current law. If you translate that into the number of people who would be ineligible for Medicaid, as the gentlewoman from Connecticut said, in nursing home care, the children, the disabled, whatever, that is what we are talking about. It may be that in actual dollar terms there is more money, but in real terms, it is an 18 percent cut, and 18 percent less people are going to be eligible.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would be kind enough to yield for a moment, I agree with what the gentleman is saying, although I think the gentleman is being entirely too kind. Not only was the gentlewoman from Connecticut [Ms. DELAURO] correct in the analysis that she made, but I was showing even further cost transfers that are being made.

Mr. Speaker, we cannot say that we are spending more on Medicaid, except by an accounting trick, if at the same time, simultaneously, we are increasing the deficit and the interest that must be paid on that deficit. If we are transferring money out of the Social Security trust fund, which must be paid back with interest, what happens is, on a net basis, not only are we not spending more on Medicare per se, but we have actually increased the indebtedness of the people of the United States with respect to that budget.

So on any grounds that we want to put it, if we want to compare the tax cut, I should say the tax giveaway that they want to put out there is in the neighborhood of $240 billion to $250 billion, and even Mr. Barbour, at his most hyperbolic, says that under their plan, the government spent $289 billion on Medicare, just on the tax giveaway alone, 250 that is already gone. That leaves 30 right there that we are dealing with.

As I said, that can be made up just with the other points that the gentlewoman from Connecticut (Ms. DELAURO) made up and that the gentleman made up. So the plain fact of the matter is that on paper and paper only, by way of illusion, and by accounting trickery can we even presume that we are going to spend more on Medicare.

The actual facts of the matter are that the public debt will increase from $5.2 trillion to $6.8 trillion over this 7-year period by the accounting methods that are used in the Republican budget document itself.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentleman is saying.

I would like to yield now to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I thank the gentleman from New Jersey [Mr. PALLONE] for his leadership on this issue and for his untiring efforts to call to the attention of the American people and this Congress what is at stake in this fight that we are having.

I welcome the opportunity to convey to my colleagues what the impact is on my community in San Francisco and on the State of California. Before I do, I wanted to follow up on the remarks of our colleague from Hawaii in terms of generally what these cuts mean in terms of balancing the budget.

We all know, Mr. Speaker, that any proposals that are being put forth on the Republican side now do not represent balance in terms of the values that our country holds dear. When we would cut all of the kinds of money we have out of investments in our children, we cannot be talking about a balanced budget. It is unbalanced and imbalanced.

In addition to that, I think it is very important to recognize that the proposal being put forth by our Republican colleagues will not fiscally balance the budget either for the some of the reasons that the gentleman from Hawaii [Mr. ABERCROMBIE] has put forth, but also, we will have a better chance of balancing the budget to the extent that we invest in our children, in their education and in their health and in their well-being. Only then will that investment make our economy more dynamic, a healthy and educated work force, make our country more competitive, and therefore produce the revenues that are necessary to balance the budget within 7 years or beyond, depending on what our basis is. I say that, meaning in the foreseeable future.

Mr. Speaker, I do think that the cuts that we are talking about here have to be recognized, as the gentleman has done so eloquently, as to what the impact is on the individual and that individual's family, but also in terms of what the impact is on the local communities which will be impacted by these cuts, their budgets, as well as the economies of those regions when you take away the personal assistance and the assistance that goes to the area.

□ 1715

In the State of California, I do not have my California chart right here but I have used it many times to show that under the Gingrich budget, the Republican budget, over $72 billion will be cut over the next 7 years just in the Medicare-Medicaid cuts, we call it MediCal in California, earned-income tax credit, school nutrition programs, those. Not even going into the cuts in appropriation, in terms of protecting the environment or assistance to disadvantaged children in chapter I and on many other cuts that will be made through the appropriation process. Just looking at what is being done on the entitlement, the guaranteed side, guaranteed to this point.

It is something that just does not affect those individuals but as I mentioned it affects their local government's budget and the economy of the area.

Our State probably, if you take the appropriations into consideration over that 7-year period, will be over $100 billion. Our State budget is about $57 billion a year. So you are talking about nearly 2 years of a budget of the State of California being cut out of the 7-year, and think of what that means to the economy of a State like California. And then just take it to your own States and figure out how it relates to your own States. I know you have all done that and made presentations to that effect.

But in California with such a heavy weight, ⅛ of the country, if it has a very negative impact on California, of its nature it will have a heavy impact on the country over and above what it does to your States individually.

In the city of San Francisco, and I have this chart to show some of these figures. As you can see right now, employer coverage and privately purchased insurance covers about 48 percent of our population; uninsured are 21 percent; MediCal, which is Medicaid recipients, represent about 16 percent; Medicare recipients the remainder, 15 percent.

If the cuts being suggested are made, that will move our uninsured to nearly 30 percent of the population. In the high 20's to 30 percent of the population of the city will fall into the uninsured. Those people who may need emergency care, the costs are shifted again to employer coverage and privately purchased.

That is where we were when President Clinton came in and said, we need to improve, we need to reform health care coverage in our country. That is the real answer. We missed that opportunity because of the complexity of the issue, the partisan nature of the debate, et cetera. But nonetheless, that is the answer to reducing the increase in health care cost and the impact on the public budget.

But nonetheless, when you make those cuts, that means 40,000 people, 13,000 families now covered by Medicaid, would be losing their health coverage, would be severely impacted.

As a result, even if we say it just goes to 25 percent, the impact would not be just on the poor. According to a recent study sponsored by the National Leadership Coalition on Health Care, cost-shifting would cost the private sector payers $87 billion—now we are talking nationally—over the next 7 years. Most of the cost shift would be passed on to workers by employers in the form of forgone wages and an increased cost for health insurance premiums.

But to San Francisco. Our San Francisco city comptroller has estimated that the Republican budget will impose $600 million in cuts to the city budget over 7 years, with half of these cuts alone for Medicare and Medicaid programs alone.

The city will have little choice, and I say this, substitute the name of any city, will have little choice except to greatly reduce services or increases local taxes.

Because of the impact on local budgets and public hospitals, you will have a problem finding lifesaving trauma care if you or a family member are involved in a serious accident requiring emergency care, and that is assuming that you are in this employer coverage and privately purchased care. So it would even affect you in that category.

The severe cuts in Medicaid are required in order to fund this massive tax break, and that is what the saddest part of this story is. Because here we are in a situation where we are hitting people—I heard one of my colleagues say earlier, we do not want to be engaged in class warfare. Of course, we do not. But fair is fair. Not welfare. But fairness. And it does not seem right.

Most people that I know who are in the brackets which would benefit from these tax breaks say, "We don't need this tax break. We have decided we want to balance the budget, so don't give us this tax break. If that is your value, then don't balance it. But don't take it from the poorest of the poor."

How could it be fair for the earned-income tax credit for the working poor to be cut, to be eliminated for many families, many people, while we give a tax break at the high end?

Now our Republican colleagues will say, "Oh, we're just taking it away from people without children." Well, these young people would like to have a family, too. They are families, they are potential families, and they want to be strong families.

So when you talk about the cuts in earned-income tax credit, and I just want to add one more point on this tax fairness issue. The much-heralded family tax credit that our colleagues have talked about in their tax plan, $500 per child, you have heard of it. It ironically is retroactive until October 1 of this year, while the capital gains tax break for the high end is retroactive until January 1, giving them the full benefit of the tax break, while families only get 25 percent of the break, so that $500 tax break for this year is $125, and you cannot collect it until October 1, 1996. Yet, if you are in the upper brackets and you get the capital gains reduction, we can accommodate you until January 1 of last year.

This is about fairness. It is not about class warfare. But if you are stomping on the people at the low end who need a safety net at some period of time in their lives in order to give a tax break to the wealthy who are not clamoring for it but who do want a balanced budget, you have to have a balance in values, you have to have an investment in children in order to produce the revenues in order to reach balance in a very fair way.

I say to our colleagues, look to what it does to individuals. But see what it does to the local budgets in your area and the impact on the economy in your area to have, say in our case, about $100 billion pulled out over the next 7 years.

With that, I yield back to my colleague and thank him for the opportunity to present the concerns of my community on this unfair approach to Medicaid, particularly Medicaid, in this instance in this budget.

Mr. PALLONE. I thank the gentlewoman. I yield to the gentleman from Massachusetts. I know we only have a minute or two left.

Mr. OLVER. I thank the gentleman.

The gentlewoman has given very dramatic data there as to what it is that happens in your home State. I would just like to connect it to what the gentleman from Hawaii had said.

In your chart, the uninsured group gets increased, it gets increased by taking people who presently have insurance, the only kind of insurance they have, from the Medicaid Program, out your MediCal recipients, increases the uninsured, the people who are really destitute and do not have health insurance.

The thing that is offered in return is the medical savings account which you have already to able to have a large amount of income that you can risk in the process, $4,000, $5,000, $6,000 that you can risk in the first place, which is only people who are very wealthy.

So the medical savings account does not do anybody any good who is in the red category or that white category of uninsured. All we are doing is increasing the uninsured and making it harder for those who are modestly and marginally insured and trying to transfer it to people who already have a not in this society.

Mr. PALLONE. I want to thank everyone who participated in this special order today. I think we really brought out a lot of good points.

LONG-TERM CARE JEOPARDIZED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN. Mr. Speaker, we all know that Americans are living longer, and they are living longer with chronic and often incapacitating illness. For many of them, nursing home care is the only option. It is a difficult and painful choice, not one that any individual or family would take lightly, particularly given the cost of nursing home care. Mr. Speaker, in northern Virginia, in the district I represent, the average cost of nursing home care is $45,000 per year.

So the State of Virginia has been very stringent in determining Medicaid eligibility. That is why this is relevant to the discussion that just took place. Without the cuts to the Virginia Medicaid program, Virginia would be providing 54,000 individuals with access to home and community-based care, 24,300 nursing home recipients, and 2,300 individuals in intermediate care facilities for the mentally retarded.

But in the face of the Medigrant Program, which caps Medicaid long-term care spending as soon as 1996, next year, $968 million, or 27 percent of the budget for long-term care in the State of Virginia by the year 2002 would be cut. That translates into a reduction of 9,000 people who would no longer be eligible for assistance next year, and 37,000 nursing home residents who would no longer be eligible for care in 2002. We have to ask ourselves, where would these people end up?

In 1987, President Ronald Reagan signed into law Federal standards for nursing homes. This was a direct consequence of the in ability of the States to establish standards and monitor and enforce them. The newspapers were filled with horrible accounts of abuse of our Nation's seniors. That is why President Reagan responded to the abuse that was taking place across the country.

This Medigrant Program turns back the clock. It turns the responsibility of establishing, monitoring, and enforcing nursing home standards back to the States. Clearly President Reagan would not have usurped that responsibility if there were any alternative way of ensuring quality care for our Nation's seniors.

All families with members needing long-term care have been paying for many years to care for their parent or child at home. In the end, their ability to care for that person, both physically, emotionally, or financially, runs out.

In my district, the eligibility requirements to receive Medicaid assistance for long-term care are already very stringent. Thirty-four percent of all Medicaid dollars are spent on long-term care assistance. This is considerably lower than the national average. But once an individual is determined to be eligible, the State does not come after the adult children to pay for nursing home care.

This legislation included in the 7-year balanced budget plan, the Medigrant legislation, empowers States to require payments from adult children if the family income is above the State median, regardless of other financial obligations. Governor Bush said, and I want to quote him, "I plan to go after all adult children of nursing home residents."

Many allude to middle-class seniors divesting their fortunes in order to qualify for Medicaid, but the anecdotes do not add up. The GAO found in a 1993 study that less than 10 percent of all Medicaid applicants had transferred their assets in order to qualify for assistance, but even that did not result in increased Medicaid spending. Furthermore, Congress changed the law in 1993, requiring that Medicaid eligibility could not be considered within 3 years of the asset transfer.

In 1993, Congress required States to recover from the estate of deceased Medicaid beneficiaries. It did not require the seizure of homes or businesses, and it even prohibited such actions if the home was being lived in by a spouse. Current law also protects against liens and estate recovery while dependent children are living.

But Medigrant repeals these protections. The Medigrant bill empowers States to pursue family homes to recover long-term care expenses, even if those homes are currently occupied by families members. All that protection is repealed.

Mr. Speaker, I will not take any more time. There is so much more that I could say about this. It is all of a critical nature, because we are taking away the security that is currently available to families who desperately need it.

□ 1730

We are enabling States to go after homes, to seize assets, no matter how impoverished the spouse might be, to take away the standards that President Reagan put into place to protect our senior citizens. This goes far beyond the dollars and cents.

I think this is a profound erosion of the kind of security that Americans have come to, and should be able to, expect.

I thank the Chair for the opportunity to express this on the floor today, and I would hope we are going to turn this back.

The Medigrant Program repeals protection for the spouses and children of nursing home residents. Medigrant gives States the flexibility to deny coverage. Income and resource set-asides for the spouse of a nursing home resident have been maintained in Medigrant, but these are only available after a resident has been found eligible for coverage.

Under Medigrant, there is no assurance of coverage even if you meet income and resource standards; no required fair hearing to challenge a determination of noncoverage; no protection against having a lien placed on the home; no requirement for clarity about what is included in the Medigrant rate; no requirement that Medigrant cover a specific set of services; and no allowance for putting aside money for a disabled child.

I have been told that Medigrant requires States to set-aside considerable resources for nursing care services. Although the amount Medigrant requires to be set aside for the elderly is based upon expenditures for current nursing home services, nothing in law requires such services to be offered. The funds set aside are considerably less than what Medicaid sets aside today. In fact, a number of studies have suggested that the first cuts will be made on community and home based long-term care, forcing disabled and frail elderly to apply for the much more costly nursing home care.

Why? Because the nursing home industry is much stronger and financially able to lobby for dollars than the burgeoning community based care community.

The block grants are capped, regardless of economic or demographic changes. The rate of growth will not keep pace with inflation or increased use due to an aging population. The bill, on average, increase spending at 5.2 percent a year, while long-term care spending will increase at about 9.5 percent a year. Virginia is particularly hard hit because of the aging of the population. Residents older than 65 years will increase from 7.3 to 15.7 percent of the total population. In the next 15 years, there will be five times as many Virginians older than 75 and nine times as many Virginians older than 85 years as there were in 1960.

This Nation made a commitment 30 years ago to investing in medical technology and medical assistance to extend and improve the lives of senior citizens. Assistance for long-term care is the humane extension of medical intervention and assistance. Those who seek long-term care are seeking to complete their lives with dignity, as independently as possible and certainly, not as a financial burden on their children or grandchildren. The Medigrant bill takes away this dignity from those who need long-term care and from their families.

HOW THE MEDICAID CUTS AFFECT VIRGINIA

Issue: The current proposed block grant for the Medicaid program relies on a formula which rests on the current federal match now received by each state. This unfairly penalizes Virginia, because it locks in current funding patterns among the states, regardless of need or changing demographic patterns, while high cost states that have not been efficient or judicious with their Medicaid dollars will continue to benefit at high levels of federal assistance.

Congressional proposals do little to address vast disparities in federal Medicaid grants to the states. Both lock in generous payments to some states at the expense of others. Under both plans, New Hampshire and Connecticut would get twice as much per poor person as Virginia. Under both proposals, Virginia will continue to have the seventh lowest grant per poor person in 2002. (Poor is defined as those in families earning 100% or less of the federal poverty level, which is $11,817 for a family of three in 1995).

History: Virginia has been very conservative in its determination of program eligibility and benefits; management of Medicaid dollars and beneficiaries; and in its claim on federal resources.

Viriginia has the seventh lowest federal grant per person in poverty. Virginia is below the national average in state Medicaid spending per beneficiary. 75% of its Medicaid expenditures are on mandatory services and 25% are on optional services . . . this is below the national average.

(States must offer a minimum acute care benefit package to their eligible populations. They can cover other acute services at their discretion. States vary widely in their coverage of optional acute services.)

Virginia has established tight eligibility standards. Thus, although Virginia has a higher poverty rate than Connecticut, Massachusetts and Rhode Island (and closely trails New York), Virginia covers less than half of its poor residents in Medicaid, while these other states have enrolled 60–90% of their poor.

DISPROPORTIONATE SHARE PAYMENTS TO HOSPITALS

In the early 1990's, some states aggressively pursued DSH money in order to leverage more federal dollars. DSH payments were intended to help hospitals serving high volumes of uninsured and Medicaid patients. They did this by adding money generated from hospital assessments and "voluntary payments" from hospitals and adding that to state funds, in order to leverage more federal matching funds, and then paid back that money to those hospitals. Until these schemes were controlled in 1993, many states received huge amounts of federal Medicaid dollars, which they spent on general state needs. Two-thirds of DSH spending is concentrated in 8 states. DSH payments to Northeast high cost states are 6–16 times higher than in Virginia.

Virginia chose not to participate in aggressively capturing DSH dollars, as they felt it was an inappropriate use of federal funds.

The proposed Medicaid block grants lock the DSH inequities into place, leaving Virginia with only a small amount of DSH funds. Those states like NH, LA, NY, CT, NJ, will continue to receive significant DSH dollars under the block grant.

DEMOGRAPHICS

The block grant does not take into consideration the changing demographic trends in Virginia. The population is aging and the percentage of older Americans moving into Virginia from other states is increasing.

By 2020, the total population of Va. will number 8.4 million, up from 6.5 million in 1990. The elderly are the fastest growing segment of the population. Residents older than 65 will increase from 7.3% to 15.7% of the total population. There will be five times as many Virginians older than 75 and nine times as many Virginians older than 85 as there were in 1960. The elderly are the heaviest users of health care; it is reasonable to assume a growing percentage of this population will become Medicaid-dependent for nursing home care and other long term care services at an increasingly high cost.

WHAT HAS THE STATE DONE TO MAXIMIZE ITS MEDICAID DOLLARS?

Virginia has implemented a number of cost containment techniques to improve "efficiency" of the Medicaid program. The Va. Dept. of Medical Assistance estimated in 1994 that since 1982, Virginia has realized about $217 million dollars annually in savings and cost avoidance through cost containment measures including:

Medicaid managed care

Moratorium on nursing home construction

Limits on inpatient hospital admission before non-emergency surgery

Expanded use of generic drugs

Utilization management for hospital and other services

Preadmission screening for nursing home applicants

Adult day care alternatives to nursing home placement

24-hour obstetric discharge using a home health alternative

As a result of improved efficiency, Virginia has not required continued large increases in federal matching dollars. Yet, the state will be penalized for prudent and judicious use of Medicaid money. Those states with inefficiently run programs that are high cost to the federal government, including those states that illegally garnered DSH dollars, will continue to receive the highest contribution. The current Medicaid program is flexible enough to allow Va. to receive more federal dollars as the needs and available resources change. The proposed block grant proposal bases consideration of future federal funding on current levels, regardless of each state's future needs.

What should be incorporated into the Medicaid block grant is an effort to move all states to an equitable level of federal financial support per capita. That is not unlike the policy in place for the Medicare program. When that program moved from a cost-based reimbursement to reimbursement by diagnosis-related group, formerly vastly different rates paid to providers were moved to a national rate adjusted only by the special labor costs within regions. This uniformly provides the same incentives to all states to operate efficient Medicaid programs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANSEN (at the request of Mr. ARMEY), after 12:30 p.m. today, on account of personal reasons.

Mr. EMERSON (at the request of Mr. ARMEY), for today, on account of a doctor's appointment.

Ms. HARMAN (at the request of Mr. GEPHARDT), for today, on account of personal business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes today.

Ms. NORTON, for 5 minutes today.

Ms. SLAUGHTER, for 5 minutes today.

Mr. ROEMER, for 5 minutes today.

Mr. GENE GREEN of Texas, for 5 minutes today.

Mr. DOGGETT, for 5 minutes today.

Mrs. SCHROEDER, for 5 minutes today.

Mr. BROWN of Ohio, for 5 minutes today.

Ms. DELAURO, for 5 minutes today.

Mr. BENTSEN, for 5 minutes today.

Mr. FALEOMAVAEGA, for 5 minutes today.

Mr. VOLKMER, for 5 minutes today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes today.

Mr. LEWIS of Kentucky, for 5 minutes today.

Mr. MANZULLO, for 5 minutes today.

Mr. COX of California, for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MORAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOGGETT) and to include extraneous matter:)

Mr. BONIOR.

Mr. FRANK of Massachusetts.

(The following Members (at the request of Mr. TIAHRT) and to include extraneous matter:)

Mr. HERGER.
Mr. SAXTON.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. HASTERT.
Mr. RUSH.
Ms. VELÁZQUEZ.
Mr. REED.
Mr. BARRETT of Wisconsin.
Mr. POSHARD.
Mr. WILSON.
Mr. BILIRAKIS.
Mr. ROYBAL-ALLARD.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1331. An act to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes; to the Committee on the Judiciary.

S. 1465. An act to extend au pair programs; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes; and

H.R. 1240. An act to combat crime by enhancing the penalties for certain sexual crimes against children.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Friday, December 15, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1840. A letter from the Director, the Office of Management and Budget, Transmitting the cumulative report on rescissions and deferrals of budget authority as of December 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–146); to the Committee on Appropriations and ordered to be printed.

1841. A letter from the Chairman, National Labor Relations Board, transmitting the 59th annual report of the National Labor Relations Board, pursuant to 29 U.S.C. 154(c); to the Committee on Economic and Educational Opportunities.

1842. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1843. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled "The Parole Commission Phase-Out Act of 1995"; to the Committee on the Judiciary.

1844. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program, Annual Report to Congress FY 1994," pursuant to 42 U.S.C. 9604; to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 307. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes (Rept. 104–407). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2661. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to permit the District of Columbia to expend its own funds during any portion of a fiscal year for which Congress has not enacted the budget of the District of Columbia for the fiscal year, and to provide for the appropriation of a monthly prorated portion of the annual Federal payment to the District of Columbia for such fiscal year during such portion of the year; with amendments (Rept. 104–408). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUNNING of Kentucky:

H.R. 2778. A bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. HEFNER, Mr. CHAMBLISS, Mr. FORBES, Mr. GOODLATTE, Mr. HILLEARY, Mr. JONES, Mr. LATHAM, Mr. LINDER, Mr. ROHRABACHER, Mr. SHADEGG, Mr. SPRATT, Mr. TAYLOR of North Carolina, and Mr. WICKER):

H.R. 2779. A bill to provide for soft-metric conversion, and for other purposes; to the Committee on Science.

By Mr. BURTON of Indiana (for himself, Mr. MORAN, Mr. MICA, and Mr. BARTON of Texas):

H.R. 2780. A bill to specify the circumstances in which compensation may or may not be afforded to Federal and District of Columbia employees for the period of a lapse in appropriations for fiscal year 1996; to the Committee on Government Reform and Oversight.

By Mr. ENSIGN:

H.R. 2781. A bill to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality, and transmission projects, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself and Mr. BLUTE):

H.R. 2782. A bill to authorize funds to further the public service mission of the Joseph W. Martin, Jr. Institute for Law and Society; to the Committee on Economic and Educational Opportunities.

By Mrs. MALONEY:

H.R. 2783. A bill to amend the Foreign Assistance Act of 1961 to authorize the President to issue loan guarantees for economic development and job creation activities in the Republic of Ireland and Northern Ireland; to the Committee on International Relations.

By Mr. WICKER (for himself and Mr. PARKER):

H.R. 2784. A bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 264: Ms. FURSE.

H.R. 528: Mr. SCHIFF, Mr. FOLEY, Mr. GOODLING, Mrs. MYRICK, Mr. BROWN of California, and Mr. SKEEN.

H.R. 761: Ms. DELAURO, Ms. MCKINNEY, Mr. CONYERS, Mr. FROST, Mr. FOGLIETTA, Mr. GUTIERREZ, and Mr. MARTINEZ.

H.R. 878: Mr. KING.

H.R. 1050: Ms. WOOLSEY and Mr. OLVER.

H.R. 1094: Mr. EVANS and Mrs. THURMAN.

H.R. 1377: Mr. DEAL of Georgia.

H.R. 1448: Mrs. MYRICK.

H.R. 1499: Mr. GENE GREEN of Texas.

H.R. 1535: Mr. HINCHEY.

H.R. 1627: Mrs. CLAYTON.

H.R. 1684: Mr. BILBRAY, Mr. QUILLEN, and Mr. STEARNS.

H.R. 1701: Mr. MINGE.

H.R. 1889: Mr. FOX, Mr. TAYLOR of North Carolina, Mr. TEJEDA, and Mr. TORKILDSEN.

H.R. 2027: Mr. ABERCROMBIE.

H.R. 2098: Mr. HASTINGS of Washington.

H.R. 2178: Mr. MARTINEZ.

H.R. 2198: Mr. BARTLETT of Maryland, Mr. CALVERT, and Mr. LIVINGSTON.

H.R. 2220: Mr. WICKER.

H.R. 2281: Mr. BROWN of Ohio and Mr. CHAPMAN.

H.R. 2350: Mr. FOLEY and Mr. KILDEE.

H.R. 2443: Mr. FOX.

H.R. 2450: Mr. CALVERT.

H.R. 2567: Mr. HAYES and Mr. HAYWORTH.

H.R. 2580: Ms. LOFGREN, Mr. HASTINGS of Florida, and Mr. JOHNSTON of Florida.

H.R. 2618: Mr. OLVER.

H.R. 2657: Mr. CHAPMAN, Mr. CRANE, Mr. DIAZ-BALART, Mr. DOYLE, Mr. EHLERS, Mr. FRANKS of Connecticut, Mr. GEJDENSON, Mr. GOODLING, Mr. GORDON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOSTETTLER, Mr.

Hunter, Mr. Hutchinson, Mr. Istook, Mrs. Johnson of Connecticut, Mr. Kanjorski, Ms. Kaptur, Mr. Lipinski, Mr. Mascara, Mr. Meehan, Mr. Miller of California, Mr. Murtha, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Obey, Mrs. Kelly, Mr. Ewing, Mr. Jefferson, Mr. Young of Florida, Mr. Weldon of Florida, Mrs. Clayton, Mr. Bunning of Kentucky, Mr. Clement, Mr. Doolittle, Mr. Dornan, Mr. Foglietta, Mr. Gibbons, Mr. Gekas, Mr. Gonzalez, Mr. Hamilton, Mr. Kasich, Mr. Kim, Mr. LaHood, Mr. Lewis of California, Mr. Myers of Indiana, Mr. Owens, Mr. Porter, Mr. Portman, Mr. Regula, Mr. Schumer, Mr. Schiff, Mr. Sisisky, Mr. Skaggs, Ms. Slaughter, Mr. Smith of Michigan, Mr. Zimmer, Mr. Abercrombie, Mr. Bateman, Mr. Bilbray, Mr. Bishop, Mr. Borski, Mr. Browder, Ms. Brown of Florida, and Mr. Cardin.

H.R. 2682: Mr. Quinn and Mr. Rangel.

H.R. 2727: Mr. Crapo, Mr. Cooley, Mr. Duncan, Mr. Pombo, Mr. Royce, Mrs. Vucanovich, and Mr. Neumann.

H.R. 2740: Mr. Owens.

H.R. 2748: Mr. Waxman, Mrs. Collins of Illinois, and Mr. DeFazio.

H.R. 2757: Mr. Foley and Mr. Fox.

H.R. 2772: Mr. Forbes.

H.J. Res. 117: Mr. Gene Green of Texas and Mr. Luther.

H. Con. Res. 63: Mr. Funderburk and Mr. Cooley.

H. Res. 220: Mr. Watt of North Carolina, Mrs. Mink of Hawaii, and Mr. Deutsch.

H. Res. 285: Ms. McKinney, Ms. Velazquez, Mr. Clyburn, Ms. Roybal-Allard, Mr. Miller of California, Mr. Rangel, Mrs. Morella, and Mr. Zimmer.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2644: Mr. Brownback.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1020

Offered by: Mr. Ensign

Amendment No. 21: Page 19, line 23, insert after the period the following: "If the construction of the rail line authorized by subsection (a) is not completed by 5 years after the date the Secretary first used heavy-haul truck transport under this paragraph, the Secretary may not use such transport after the expiration of such 5 years.".

SENATE—*Thursday, December 14, 1995*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, as nature abhors a vacuum, You deplore deadlocks that debilitate progress. We confess that we are hammerlocked and pinned to the mat by seemingly unresolvable differences in the negotiations between the Congress and the White House over the budget. The clock is running and ticks toward tomorrow's deadline. Meanwhile, the Nation watches, worries, and wonders.

Lord, help us to reorder our priorities. Deliberately we set aside self-serving manipulation. We trade in our party spirit for the spirit of patriotism. Grant both sides in this negotiation that triumphant transition that happens when we give up the pride of thinking that we have all of the answers and dare to pray, "Lord, show us the way to break this deadlock." Displace our distrust of each other; replace it with a deep commitment to creative compromise. There is so much on which both factions agree. Give us the will to press on until workable solutions are found. We begin this day asking You to work in the minds and hearts of those who bear the responsibility of finding Your solution. Give them clear heads and willing hearts. We ask this for the good of the Nation and for the continuing respect of the people for the ability of the executive and legislative branches of Government to work together to govern this land. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Oklahoma is recognized.

PROGRAM

Mr. INHOFE. Mr. President, today there will be a period for morning business until the hour of 10:30 with Senators permitted to speak up to 5 minutes each, with the following exceptions: Senator WELLSTONE, 30 minutes; Senator MURKOWSKI, 15 minutes; Senator JEFFORDS, 15 minutes.

At 10:30 this morning, the Senate will begin consideration of the Interior appropriations conference report, H.R. 1977. That conference report is limited to 6 hours of debate. However, some of that debate time may be yielded back.

Following a vote on the Interior appropriations conference report, the Senate may turn to the consideration of the State Department reorganization bill under a previously agreed to 4-hour time limit. Rollcalls can therefore be expected throughout the day today.

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

(Mr. INHOFE assumed the chair.)

LOW-INCOME ENERGY ASSISTANCE

Mr. WELLSTONE. Mr. President, I rose last week to talk about an issue that is critical to people in my State, and across the Northeast and upper Midwest. There have been scores of editorials in major newspapers all across the country dealing with a fundamental moral issue that we, in this Nation, are confronted with this week in the Senate and House of Representatives.

The title of this editorial is "Pray for Warm Winter. GOP Plans Mean Pork and a Loss of Heating Aid."

I am going to be joined by a number of colleagues throughout the day who want to speak on this issue. My colleague from Wisconsin is here, Senator KOHL. I wish to make sure that other colleagues know that only late last night did we realize we would have some time today. But there have been a number of Senators who have taken a lead on this issue—Senator LEAHY, Senator JEFFORDS, Senator COHEN, Senator SNOWE, Senator KENNEDY, Senator HARKIN, Senator ABRAHAM, Senator MOYNIHAN, and others—Democrats and Republicans alike.

Mr. President, fuel assistance programs across the country have run out of money, and people are being forced out in the cold. We are confronted with the fierce urgency of now, and time rushes on. Quite frankly, whether or not this continuing resolution is for 2 or 3 days, or whether there is another continuing resolution for 1 week or whatever has absolutely nothing to do with the essential fact that there are men, women, and children in the Northeast, Midwest, and cold weather States who are going cold right now. More short-term fixes won't cut it anymore. There are long waiting lists throughout the country, and when people in this program don't get served, they don't heat their homes. In the State of New York, for example, I have heard that people are being told to come back in March to apply for energy assistance. Come back in March, when it's freezing there now. In my State of Minnesota—and I am sure it is the case in my colleague's State of Wisconsin—this weekend temperatures are right around zero.

We have to allocate this money now, and the problem is that for all of our States we are faced with the situation of needing the money desperately, right now. Let there be no mistake. This is not really a 1-year program, it is basically a 6-month heating program. We need to get funding to people for energy assistance now. By this time in Minnesota last year, as opposed to $9 million, we had about $25 million out in our State. Right now, Mr. President, there are 31,000 applications now pending; 16,000 cannot be served; close to 4,000 people in crisis, many in a no-heat situation. In Minnesota, many have been turned away.

This is outrageous. It is unconscionable. So what we have to do is make sure that in this continuing resolution—Friday, Monday, starting with the one Friday by midnight—we have a formula that accelerates the delivery of funding to our States, to the cold weather States so people do not freeze to death. We cannot go forward on this ad hoc basis—a little bit here and a little bit there but not enough to serve long waiting lists of people. Our country can do better.

In the State of Minnesota last year, 110,000 households, about 330,000 people, were served by this program. Grants were about $380 or thereabouts. The heating bills for people were far more than that during the winter but in many cases this at least enabled people to get by.

Many of the people who benefit are elderly people who live on Social Security benefits. Many of them are families with children. Many of them are families struggling with disabilities. Many of them are minimum wage workers.

It is unbelievable; in the House of Representatives this program was eliminated outright, cut by over $1.3 billion. The total cost of the energy assistance program for the whole country is less than one B-2 bomber. This reflects seriously distorted priorities. These are not the priorities of the vast majority of people in this country.

There are editorials in newspapers all across the country which essentially are saying what the vast majority of people are saying. What we are doing right now in Washington, DC, is too harsh and it is too extreme; it is too punitive. It must not be allowed to continue.

Let me give a couple of examples of folks in my state who have been affected by these immediate, huge cuts. Clara Mager is a 73-year-old resident of an Iron Range town. I mentioned her problem briefly the other day. She receives about $675 a month in Social Security. She lives alone, and she raised 6 children on her own. She just received a grant of approximately $220. She owed her fuel provider, Intercity Oil, $177, and on Monday she had only 60 gallons left in her fuel tank. She does not know how she is going to make it through the winter, and she does not know whether she can stay in her house.

Nancy Watson is 55 years old, from Clear Lake, MN, and disabled. Her income on SSI and MSA is $529 a month. She received a grant of only about $80 this year, and she does not know what she is going to do. It is far less than in the past because we are not getting the allocations of funds out there in the communities.

In Blue Earth County—we are getting calls from all over the State—a self-sufficient 90-year-old woman lives alone; her monthly income is $204. Right now she has closed off almost all of her home, I say to my colleague from Wisconsin; she is living in one room. She is heating one room. She has not been able to get the energy assistance she needs this year. She does not know where she is going to go, and she thinks she is going to basically have to leave her home and go into a nursing home.

Mr. President, there are people in my State, and in Wisconsin, and in many other States across this land right now, who either have no heat—can you imagine that in the United States of America? There are those who are living or heating one room, or who have turned the thermostat down to 50 degrees, or who are using their oven to try and heat their home, whose furnaces have not been repaired but should be, but there was no funding for that, who are running with dangerous, badly maintained kerosene stoves, running a fire hazard, with the risk of carbon monoxide poisoning. This is the United States of America?

And so, Mr. President, let me just be clear about this to my colleagues, Democrats and Republicans alike: The Low-Income Energy Assistance Program requires a minimum amount of resources, but it goes to the core of what we are about. This is a cold-weather lifeline program. This is not an income supplement. This is a survival supplement.

Family values, Mr. President, are about extending a helping hand. Family values are about giving people hope. Family values are about compassion. Family values are about all of us here understanding the implications and consequences of what we do.

My God, we have statistics and alphabet soup, OMB, CBO, baseline budgets and all the rest. Too often, it is a bloodless debate. I am talking about people who are desperate, right now, today, in the State of Minnesota, who are having to go without heat, or being forced to scrounge funds from friends, relatives, charities to buy fuel.

What is it going to take—someone freezing to death?—for us to take action? Then it will be too late. Time rushes on. Time is not neutral. People are going cold in America. We can do better.

And I say to the administration, if there is no agreement come midnight Friday, since this was last year's funding, they should put out this money now. The money is there, waiting to be released, but it's constrained by law until midnight tomorrow. After that, the administration should release the $1 billion—it is already there—and get the funding out to the States and out to the communities so people do not go cold and so people do not freeze to death.

I did not come here to the U.S. Senate from the State of Minnesota to be silent, especially not in the face of this kind of cruelty and unthinking slashing of the budget. I believe there is goodness in people. I believe there is goodness in people and it extends way beyond party. And I believe this is a moral issue. I honest to God believe this is a moral issue.

I think the problem is that we have gotten so caught up in the statistics that we just do not understand what the implications are, what this translates into in personal terms and human terms.

Mr. President, let me just simply say that as I understand this chart, just looking at the LIHEAP allocation by December of 1994, at least $800 million had been allocated out to communities. By the end of the second quarter, that number had shot to well over a billion dollars. That is last year. It is now December 15, 1995, and $231 million all together been allocated under the continuing resolution. That says it all.

Last year by this time about $800 million had gone out to our communities to make sure that men, women and children do not go cold in America, do not freeze to death in America. By the way, don't anybody believe that this is scare tactics. Talk to any of the people who are out there trying to serve—Salvation Army, churches, foundations—that are trying to serve people right now, and they will tell you the same thing. By December 15, 1995, only $231 million. That will make for a cold Hanukkah and a cold Christmas for many Americans who depend on LIHEAP funds.

One would think we could do better in this next continuing resolution. We have to accelerate the funding right now, and if we do not do that in a continuing resolution and there is no agreement, the administration needs to release the money right now. I yield to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank my colleague from Minnesota.

We are from the same geographical part of the United States so we have the same problem, and my outlook on this problem that we are facing is very similar to Senator WELLSTONE's.

We have 130,000 low-income families in Wisconsin who desperately depend on this energy assistance. They are, all of them, families who live at or beneath the poverty level, and they are understandably and without question in need of this assistance.

For whatever reason, the face of Government this week is on display to our country. We are going to demonstrate whether or not we understand here in Washington what it is to be poor and to be living in bitter cold and whether or not we are prepared to respond to that desperate need that these low-income families have for energy assistance to heat themselves and their families on their meager resources.

For reasons that are not understandable, we here in Washington have decided to fund this energy assistance, not when it is needed as we have been doing heretofore in the program, which is to say, get the money out during the winter months, but we have decided not only to cut LIHEAP but also to fund it in 12 equal annual installments.

Anybody listening to this debate this morning knows that that does not make any sense. The money needs to be gotten out during the winter months, this month and next month, and sending out that money to these low-income families in June and July and August does not make any sense when they need the money in December and January and February.

If we are not able to respond to that need, as Senator WELLSTONE has said, now, this week, by tomorrow, we will have demonstrated that we do not have the compassion to understand what is going on in our country and what the purpose of Government is, if it is not to help those who are in genuine desperate need.

So we have a crisis, and we have an ability to respond to that crisis. We are talking about, as Senator WELLSTONE has said, a total amount of money of less than $1 billion, which is a cut from what it had been last year.

LIHEAP last year was funded at $1.3 billion. We decided to cut it to $1 billion. As Senator WELLSTONE pointed out, the House wants to zero out the program entirely. That debate between the House and the Senate has not yet been resolved. But, in the meantime, we have a continuing resolution which does fund LIHEAP at a billion dollars, and we have to see to it that that money gets out to those people in desperate need of now. The next day or two will demonstrate what the face of our Government is and what it is we are interested in depicting to the people of the United States, whom we represent.

So I urge my colleagues, along with Senator WELLSTONE and many others—53 Senators have signed a letter urging the negotiators to act quickly, with dispatch and without delay, on this urgent need. I urge my colleagues to see to it that our negotiators here in Congress, and in the administration, act in a way which is sensible and compassionate for those in our country who need our help so urgently at this specific time.

Mr. WELLSTONE. Mr. President, I thank my colleague from Wisconsin. Again, really, I think this is the beginning of the discussion today. There will be time—and I believe a number of us will be back on the floor throughout the day. We are going to keep pushing on this.

Senator KOHL mentioned this letter, dated December 8 and signed by 54 Senators, to Chairman HATFIELD, who I really want to say right now has been very committed to trying to do something about this. He has been great in the U.S. Senate, and we are going to dearly miss him. I know he feels as if his hands are tied at the moment. He is very committed to do something about the acceleration of getting the funding out to communities. But 54 Senators have signed this letter, simply saying, look, we have to get the funds out. Temperatures have dropped below freezing, there is snow on the ground, and we simply are not able to get the money out.

There is a real sense of urgency here. So there is a tremendous amount of support for this on the Senate side. I have been in contact with many offices. I know Senator LEAHY, Senator KERRY and others are very, very committed to this and are very anxious for us to get this resolved. Senator SPECTER from Pennsylvania, as well. I mean, Democrats and Republicans alike want to get this done. This has become a moral issue. I do not believe that is an exaggeration.

Are we going to dilly-dally around here and play games and talk about all these statistics, and yet not come together to make some change in a formula to make sure that we get some urgently needed funds out into communities so people do not freeze to death in the United States?

Mr. President, when we went through the rescissions package, I held that package up for a short period. Part of the reason I did that was, there was a deal late at night, and all of a sudden over $300 million, or thereabouts, was cut from the energy assistance program. I remember saying in the debate then, that if this is a glimpse of what is to come, I do not want to have anything to do with it. This is too harsh, too extreme, it is too radical. This is beyond the goodness of people in America. And when we were faced with our first continuing resolution, at one point in time there was some suggested language that said that until the Labor, Health and Human Services appropriations bill is passed, there can be no allocation of energy assistance money. What is going on here? What is going on? This is so harsh and so extreme. While we beat that effort back, the problem is even more urgent now.

Mr. President, this article says, "Buffalo Prays for a Warm Winter." We can do better than that, can we not? Are we not policymakers? Is that what people are supposed to be reduced to, praying for warm weather? Do we need to just pray for a warm winter? It is not a warm winter in Minnesota. We need to take action.

Another article focusing on LIHEAP funding problems says, "A Heap of Trouble in New York." A Lexington, KY, paper has a headline here that says "Staying Warm." The list goes on. Beaver, PA, "Bankruptcy, Heating Program for the Poor Hit." In the Maine Sentinel, "Heating Program Cut; Out in the Cold." "Timing Wrong for Eliminating Weather Aid," Albany. The list goes on and on, Mr. President. "Cold Comfort," Boston Globe. Des Moines Register, "A Shameful Place to Cut. A rich nation can help its poor stay warm in the winter." The Des Moines Register editorial says LIHEAP is a shameful place to cut. A rich nation can help its poor stay warm in the winter. Is that not true any longer?

Mr. President, this is a shameful place to cut. Our Nation can do better, and, in my State of Minnesota, there are citizens who are going without heat, and one is one too many. There are people who are cold, and one family is one too many. There are families who depend on this energy assistance, so they do not get cold and so they will have enough resources to be able to purchase prescription drugs if that is what they need, or food. The total cost of this program was less than the cost of one B-2 bomber. The Des Moines Register is right, a rich nation can help its poor stay warm in the winter.

Mr. President, in this situation, time rushes on; time is not neutral. We are confronted with the fierce urgency of now. I assume there is goodwill on the part of all of my colleagues, and I assume I will receive a tremendous amount of support. Fifty-four Senators already have gone on record as saying we have to act now.

Mr. President, I believe that for the next 2 days this must be a priority for the U.S. Congress, and for the next week it must be a priority to make sure that people in the United States of America—men, women and children—do not go cold. We must make sure that we do not have people freezing to death in the United States of America. The issue could not be clearer.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). Who seeks recognition?

MEASURE PLACED ON THE CALENDAR—S. 1472

Mr. WELLSTONE. I understand there is a bill on the calendar due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle District of Louisiana and one less district judge for the Eastern District of Louisiana.

Mr. WELLSTONE. Mr. President, I object to further consideration of this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA

Mr. INHOFE. Mr. President, several of us last night were opposed to the President's program to mass deploy troops into Bosnia. I remember several talks that many of us who had been over there had that contradicted what the administration says was total peace and a calm environment, with no hostilities since the cease-fire went off. I can remember being before the Senate Armed Services Committee reminding General Shalikashvili and Secretary Perry that, in fact, the firing had not stopped, and the bombs were still going off and then only to find out they had never been up there.

Those of us who are opposed to sending the troops over now will give full support to the troops, full support to the effort, hopefully, something in the way that would cause this to be over there and the troops would come home.

I read this morning—regretfully some news accounts, one of them from the Associated Press—after the treaty was signed and while world leaders are still making speeches in Paris, evening explosions and several heavy machine gun bursts echoed around the front lines of a Sarajevo neighborhood. Bosnian police officials say one shell impacted the roof of a building close by while two rifle grenades were fired toward Bosnian Government positions in the area. Machine gun burst pocketed a southern wall of the Holiday Inn hotel. I know the Presiding Officer was over there, as I was. This is the hotel that used to be the Embassy for the United States. It now just has a few windows left and they are still using it as a hotel. They probably will not be now. It sounds as if things are still happening over there, and hopefully with all of our help and support to the troops that we can accomplish the mission that our troops are over there for.

I personally plan to spend some time over there. I have gotten to know several of the troops that have come from my State of Oklahoma who will be stationed over there. I am hoping I will be able to have a better answer for them than I had before when they asked the question: What is the mission? So we will give our full support to the troops over there and to the mission as the President has described and hopefully it will be over very soon and our troops will come home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF THE JUSTICE DEPARTMENT IN BELL COMPANY ENTRY INTO LONG DISTANCE SERVICE AND ON INTERNET DAY OF PROTEST

Mr. LEAHY. Mr. President, among many critical issues currently facing Congress, one of the most far-reaching is the Telecommunications Competition and Deregulation Act, which is now the subject of a conference with the House of Representatives. In June of this year, during debate on the telecommunications bill, I spoke on the floor about the importance of giving the Justice Department primary responsibility to determine when the Bell operating companies should be permitted to enter into long distance markets.

I also supported an amendment by Senator THURMOND, the distinguished chairman of the Senate Judiciary Subcommittee on Antitrust, Senator DORGAN, and others, that would have ensured a strong role for the Justice Department as the Bell companies expand their business into long distance, as we all hope they will. That amendment received the votes of 43 Senators.

Today, I remain convinced that the Antitrust Division of the Department of Justice should have a meaningful role in telecommunications in the area of their expertise. As the ranking Democrat on the Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I would like briefly to note three basic points on this issue:

First, we all say that we support competition replacing regulation, but the question is how best to make the transition. I firmly believe that we must rely on the bipartisan principles of antitrust law in order to move as quickly as possible toward competition in all segments of the telecommunications industry, and away from regulation. Relying on antitrust principles is vital to ensure that the free market will work to spur competition and reduce government involvement in the industry.

Second, the Bell companies certainly should be allowed to enter long-distance markets under appropriate circumstances, for it is generally desirable to have as many competitors as possible in each market. The issue is how to determine the point at which entry by Bell companies will help rather than harm competition. That question, quite simply, is an antitrust matter which needs the antitrust expertise and specialization of the Antitrust Division of the Justice Department.

Third, as one long interested in competition and the antitrust laws, I do not believe it is possible for checklists fully to take the place of flexible antitrust analysis in any industry or market. If antitrust principles are ignored, competition is likely to suffer and market power may become concentrated in a few companies. This will lead to harm to consumers through higher prices, less innovation, and the weakening of our country's leadership in telecommunications.

Last May, the Antitrust Subcommittee held a hearing on the antitrust issues implicated in the Senate telecommunications bill, S. 652. This hearing confirmed the importance of competition to achieve lower prices, better services and products, and more innovation for the benefit of consumers and our Nation. If we believe in the antitrust laws—which have protected free enterprise for over 100 years—then we should ensure that the Antitrust Division of the Justice Department plays a meaningful role in telecommunications.

I understand that members of the telecommunications bill conference have not yet resolved the issue of what role, if any, the Justice Department will have in allowing Bell company entry into long-distance. I urge the conferees to make sure the bill gives the Justice Department a meaningful role, and does not merely suggest to the FCC that it consult with the antitrust experts.

I also take this occasion to urge the conferees to reconsider the manner in which they have chosen to regulate constitutionally protected speech on the Internet and other computer networks. Since I spoke last week on this issue, the House conferees have agreed, as I feared that they might, to a provision that would effectively ban from the Internet constitutionally protected speech deemed by some prosecutor in some jurisdiction in this country to be indecent. This ban will reach far beyond obscenity, mind you, to some vague standard of what is proper and decent to speak about both in terms of content and manner of expression. They are heading in the wrong direction. We should affirm freedom and privacy, not Government intervention, when it comes to personal communications.

Supporters of these restrictions contend that regulating speech on the Internet is necessary because self-appointed spokesmen for decency say that parents should be concerned about what their children might access on the Internet. But many people, including many parents, young families and members of the generations that include our children and grandchildren, are also very concerned. They ought to be concerned about letting the Government step in to censor what they can say online, and to tell them what they might or might not see.

The Congress is venturing where it need not and should not go. We should not be seeking to control communications among adults, whether old fogeys like ourselves or the vibrant young people who make up the vast bulk of the communities in cyberspace. We should not be acting to reduce all discourse over the Internet to third-grade readers.

There are alternatives to overreaching Government regulation. Instead of passing a new law—a new law that tells us what we can say, or think—we should use the laws that are on the books to protect children, and assume that maybe somewhere, somehow, someplace parents ought to take responsibility instead of us always automatically passing a law to say what parents should or should not do.

Let me tell you what happens. When you start having all of this sudden censorship, well-meaning though it might be, it reaches too far.

We have left technological advancements, software barriers, access codes, increased enforcement of laws already on the books, and vigilant parenting unexplored as alternatives to overreaching Government regulation.

After a majority of my Senate colleagues rejected my position in June and incorporated a so-called Communications Decency Act in the telecommunications bill without hearings, without examination and without much thought, I still held out hope that they would proceed to learn something about the Internet, how it works, and its potential benefits for those who will be using it in the coming century.

I was encouraged when the Speaker of the House agreed with me and remarked that the Senate's action was "clearly a violation of free speech" and "very badly thought out." I, again, urge him to rejoin in the debate before it is too late.

We have already seen the chilling effect that even the prospect of this legislation has had on online service providers. Last week, America Online deleted the profile of a Vermonter who communicated with fellow breast cancer survivors online. Why?

They found in checking that this Vermonter had used the word "breast." Nobody bothered to ask why. She is a survivor of breast cancer. She was using the Internet to have correspondence with other survivors of breast cancer to talk about concerns they might have—medical advances—a basic support group. But the censors looked in and so, because the word "breast" had been used, she was being stopped.

This is what we are opening ourselves up to. We should use the current laws already on the books, and we should ask parents to be a little more vigilant. Will some things get on the Internet that you, I, and other Members of the Senate might find objectionable? Of course, it will. But this objectionable material would be a tiny fraction of the vast materials available on the Internet. What we should protect is one of the greatest experiments we have seen in our age of the Internet where you have everything from the things you find most valuable to things you might find boring or repulsive.

We do not close down our telephone companies because somebody picks up the phone and calls somebody else and tells them a dirty joke, or reams them out in four-letter words. The behavior between the two may be reprehensible, and maybe they should discuss their personal relationship, but we do not close down the telephone company because that might happen.

Last June, I brought to the floor petitions from over 25,000 people who supported my proposal to study technological, voluntary and other ways to restrict access to objectionable online messages, before we lay the heavy hand of Government censorship onto the Internet.

This week, a number of organizations, including the Center for Democracy and Technology and Voters Telecommunications Watch, sponsored a National Internet Day of Protest over the telecommunications bill conference's proposal to censor the Internet. In just one day—Tuesday—over 18,000 people contacted the offices of conferees. This country will never accept the new temperance demagoguery that is leading us down the road to Government censorship of computer communications.

We have software parents can easily use to pull up on the computer and find out where their children have been going—what discussion, and what chat lines they have been on. If they find things in there they do not want, maybe the parents ought to take the responsibility to speak to their children. If you have books or magazines that you do not want your children to read, then maybe parents might just say, do not read it.

Somewhere there ought to be some responsibility left for mothers and fathers in raising their children, and not have this idea that we have to turn everything over to the heavy hand of Government.

In my years here I have seen rare instances where Senators and House Members in both parties have rushed pell-mell into having the Government step in to take over for parents. At a time when we hear that we have a new thrust in the Congress where we want to get Government off your backs, we want to get Government out of your life, we want to turn things back to people, we have a massive effort underway in the telecommunications conference to say we are going to tell you what to think; we are going to tell you what to do, when you go online.

Do you know why? I am willing to bet that three-quarters of the Congress do not have the foggiest idea how to get on Internet; do not have the foggiest idea how to use the Internet; have never corresponded back and forth on the Internet. They can say: "We do not use it. It does not involve us. So let us screw it up for everybody else who might use it." But, "everybody else" are millions and millions of Americans.

I urge the full telecommunications bill conference to consider the threat its proposals to regulate online speech poses to the future growth of the Internet.

The interests of the young children are not in the stifling of speech or Government overreaching. They will be served by the growth of the Internet, the development of the World Wide Web and the creative, economic, and social opportunities that they can provide. And for those who want to abuse it, those who want to be involved in child pornography, we have laws on the books. We can go after those people. We can prosecute them. But let us not close down 99.9 percent of the Internet because of a few child pornographers. Go after them, but protect the Internet for the rest of the people.

Maybe those who are on the Internet ought to ask their Members of the House or the Senate, Do they use it? Do they understand it? Do they understand the computer? I do not want to ask them if they know how to do really technical things, like programming a VCR. Ask them if they can turn on the Internet? Can they actually talk with each other? And if they cannot, maybe Internet users ought to tell their Members, "Then leave us alone. Leave us alone."

LIHEAP

Mr. LEAHY. Mr. President, the distinguished Presiding Officer and I both come from States where we know what winter weather is. I daresay the distinguished Presiding Officer has probably heard a weather report in his State—one of the most beautiful in this country—probably heard a weather report similar to one I heard in Vermont last weekend. In the news they said, "By the way, we expect a dusting of snow tonight, accumulations of no more than 3 to 4 inches." And nobody thinks anything of it. If we have 10 inches of snow overnight, schools still open, people still go to work.

I contrast that with the situation we face in the Washington area. How many times have we turned on the TV in the morning and see we have remote locations and you have all the people out there bundled up, and the poor camera person has the bright lights on, trying to find one snowflake coming down. They say, "Oh, and the latest report is the snow appears to be gathering and we switch now to the head meteorologist," who, in a state of panic, is saying, "And we may get accumulations of up to an inch." An inch? My 86-year-old mother goes out with a broom and sweeps anything up to 2 or 3 inches off the walk. Schools will open, but here, if they open at all, it is 5 hours late. "Two inches were spotted somewhere in the continental United States and it might be moving this way."

Last night I drove home around midnight and I saw cars spinning off the road for two reasons. One, they did not know how to drive; and second, notwithstanding the fact that everybody knew an ice storm was coming, apparently nobody thought to send out the sand trucks and sand the road. This morning, at about 5:45 or so, when I drove with my wife to work—she was going to the hospital, she is on the morning shift—again, we saw cars spinning out all over the place. They come roaring down to an intersection, slamming on the brakes—of course they had not bothered to sand the intersections—and looked amazed and surprised that the law of physics applied. You have a heavy object, you have no traction: It does not stop. It has some aspect to do with the law of friction and physics, something I suggest maybe we may want to teach.

We get into a situation around this area that the only effective snow or ice removal is a couple of days of warm weather. I once thought the reason we keep everything going in the little State of Vermont is we must have a lot more equipment and a lot more people. Apparently that is not so. Actually they have more down here. I think they are saving it, though. They do not want to use up this equipment. Maybe they are thinking someday another Ice Age will come and we will need it then.

But in Vermont we do have cold weather. I remember a year or so ago they closed down the Government here because it was about 25 degrees.

I was in Montpelier, VT, in the State capital that day and it was 15 degrees below zero. I walked from my office to the capitol. Every place was open, everybody went to work. I constantly got stopped by people on the streets who said, "We heard on the news they closed down Government offices and everything in Washington because it is 25 degrees. They really mean 25 below, don't they?"

I said, "No, 25 degrees. That is 40 degrees warmer than it is here where we are all going to work."

But we do have that 25- to 30-degree below zero weather. I mention that, to be serious, because we need money in LIHEAP. In Vermont we have about 25,000 families eligible for LIHEAP, aid for those who need heating assistance. I think last year our families received slightly less than $400 a home. But because of the budget, in Vermont they can be promised only about $50 this year.

Mr. President, 70 percent of those recipients earn $8,000 a year or less, 30 percent of them are AFDC homes with children. Mr. President, 32 percent of them are working Vermonters who need help; 41 percent of the recipients are elderly or disabled. People are going to be dying from the cold. It does get cold back in my State. We have had many below-zero days already. We will have days where it will go down to 20 or 30 below zero.

Congress is no closer to passing a Labor-HHS bill with LIHEAP funding than they were back in September. If Congress feels that block grants are such a good idea for school lunches and Medicaid, at least show they are consistent and keep the LIHEAP block grant going. Food shelves are getting empty. Frost is on the windows day and night. People are down to the question of heating versus eating. If you are elderly or disabled, that is one heck of a question to have to ask.

We need to pass a LIHEAP budget. It is a gaping new hole in the welfare net and it is hurting Americans, especially those who live in the frost belt. I hope we will pass it.

Mr. President, I thank the Chair for its forbearance and I will be happy to join with the distinguished Presiding Officer in offering snowtime driving lessons to any of our colleagues who may wish them—certainly to the media who report on four or five snowflakes as though it was the coming of a new Ice Age.

LIHEAP

Mr. JEFFORDS. Mr. President, as my colleagues know, it is cold outside. This morning in my home State of Vermont it was minus one degree in Burlington, minus 9 degrees in our capital city of Montpelier and in the Northeast Kingdom, there were 18 inches of snow on the ground. This weekend the temperature fell below zero in Minnesota. It was 20 degrees in Delaware and it has even dropped to below freezing in Atlanta, GA.

With these cold temperatures, and the subfreezing days that are sure to follow, one has to wonder how nearly 6 million low-income American families are going to make it through the winter. In past years, the Low-Income Home Energy Assistance Program [LIHEAP] has provided aid to these families.

LIHEAP is a block grant provided to the States that help low-income Americans with an average income of $8,000 heat their homes. This year however, states have not received sufficient funds to meet the needs of their low-income citizens.

Since we have yet to pass a fiscal year 1996 appropriations bill for the Departments of Labor, Health and Human Resources, and Education, LIHEAP has been funded by the two continuing resolutions [CR's] that we have passed and the President has signed. These two CR's funded LIHEAP at 90 and 75 percent of last year's level respectively, but, and this is the key, the CR's limited LIHEAP spending to the proportional daily rate of the duration of the CR.

This cap on the spend-out rate means that States have received only 75 days' worth of funds. In past years States received 60 percent of their allotments in the first quarter. This year, they have received only slightly greater than 20 percent. The vast majority of LIHEAP funds are used for heating assistance. Requiring that LIHEAP funds be spent out evenly throughout the year makes no sense. While it may leave LIHEAP funds available in June, many low-income families would not be able to heat their homes this winter.

Last year at this time, the Department of Health and Human Services had dispersed around $800 million to the States. So far this year, States have received only $230 million. As Senator KENNEDY pointed out yesterday, LIHEAP funds were to be reduced by 10 or 25 percent, not 70 percent.

What has this meant in Vermont? Instead of the $4.5 million we had received last year by this time, Vermont has received only $1.3 million. This is not enough to meet the needs of the 25,000 low-income Vermonters who rely on LIHEAP to avoid freezing in the winter. Gov. Howard Dean has had to delay the start of this year's program until December, and I can assure my colleagues that it can get quite cold in Vermont in October and November.

I think it is fairly clear that we are not going to be able to pass all the remaining appropriations bills by the end of this week, so we are going to have to take up another CR. It is critical that this CR not include the spend-out limitation on LIHEAP. Last week Senator KENNEDY and I sent a letter to Appropriations Committee, MARK HATFIELD, asking him to address this problem.

Fifty-two other Senators, Republicans and Democrats joined us in signing this letter, and although the Northeast/Midwest Senate Coalition, which I cochair, coordinated the effort, Senators from all over the Nation cosigned. I ask unanimous consent that a copy of this letter along with the 54 Senators who cosigned the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JEFFORDS. Although most Senators who signed the letter would like to see LIHEAP increased, the letter does not ask for additional LIHEAP funding. It simply asks that States be allowed to spend the LIHEAP funds that have been appropriated under the two CR's this winter when the funds are needed. There are similar efforts being undertaken in the House. In addition to Senator KENNEDY, I want to thank Senators ABRAHAM, COHEN, SNOWE, MOYNIHAN, KOHL, LEAHY, and WELLSTONE for their assistance in gathering support for this letter. I also want to thank Senator SPECTER for his continued support of LIHEAP. I think we have made it very clear that this spend-out restriction cannot be included in the next CR.

Mr. President, LIHEAP is a lifeline for many seniors and families with small children, and cutting LIHEAP will drastically increase the energy burden of many American families. Some Members of the House have argued that LIHEAP is no longer needed, but for many low-income Americans, the energy crisis is not over. In some areas of the country, energy prices are still increasing; in Vermont over the last 3 years, prices have gone up 21 percent. Since 1980 however, real LIHEAP funding has gone down 65 percent.

In fact, no other discretionary formula grant program has seen its funding reduced as much as LIHEAP. The Congressional Research Service [CRS] performed a study of energy prices and LIHEAP funding. CRS concluded that, even taking changes in real energy prices into account, LIHEAP would have to be funded at between $1.75 and $2.39 billion to provide the same level of benefits as it did in 1980.

Last year, over 25,000 low-income Vermonters received a total of $7.5 million in assistance. The average amount was $75 a month for the 5 winter months. The average AFDC recipient only has $43 a month left over after paying the energy bill. Without LIHEAP assistance, many recipients will not be able to afford to pay their heating bills this winter, and many would be forced to choose between heat and food.

As I stated earlier, LIHEAP is a block grant. Each State decides for itself how to structure its program and how to get the resources to those that need it. It is also a program that has no history at all of any fraud or abuse. Without LIHEAP energy providers, many of whom are small, unregulated businesses, may have to choose between not getting paid for the energy they provide and cutting off their neediest customers.

Mr. President, winter is upon us. People are freezing. We must free up LIHEAP funds so that low-income Americans will be able to heat their homes this winter. We must remove the spend out rate limitation.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 5, 1995.
Hon. MARK HATFIELD,
Appropriations Committee, The Capitol,
Washington, DC.

DEAR CHAIRMAN HATFIELD: We would like to call your attention to a serious problem with the interim funding for the Low Income Home Energy Assistance Program (LIHEAP). We believe that if we are to continue funding programs under the FY96 Labor/HHS Appropriations bill through a Continuing Resolution (CR), states must be allowed to draw down LIHEAP funds at a higher rate which takes into account their historical spending practices and which is sufficient to ensure the program's viability. Temperatures have dropped below freezing and there is snow on the ground in many parts of the country, but the language in both CRs that limits state draw downs to a proportional annual rate does not provide states sufficient funds to operate programs and meet the heating needs of their low income families.

In past years, states have drawn down a majority of their LIHEAP funds during the fall. This allows states to purchase fuel at lower rates, maintain continuity of service, avoid shut offs, and plan for the upcoming winter. Furthermore, nearly 90 percent of LIHEAP funds are used for heating assistance during the coldest months. The CR language requires that LIHEAP funds be spent out over a twelve month period. While this may leave funds for heating assistance in June, many low income families may not be able to heat their homes this winter.

We believe it is critical to safeguard this program which protects the elderly, the disabled, the working poor, and children. When it gets cold, these vulnerable Americans should not be forced to choose between heating and eating. Continuing delays in funding and limits on the payout rate will hamper states' ability to help the 5.6 million LIHEAP households survive the winter. We ask your assistance in ensuring that the bulk of LIHEAP funds can be spent during the cold weather months at a rate sufficient to meet the needs of low income families this winter. Thank you.

Sincerely,

Jim Jeffords, Ted Kennedy, Herb Kohl, Bill Cohen, Paul D. Wellstone, Daniel P. Moynihan, Patrick Leahy, Olympia Snowe, Carl Levin, Christopher J. Dodd, John F. Kerry, Larry Pressler, Wendell Ford, Rick Santorum, Claiborne Pell, Alfonse D'Amato, Spencer Abraham, Carol Moseley-Braun, Byron L. Dorgan, John H. Chafee, Paul Simon, Dick Lugar, J. Lieberman, Frank R. Lautenberg, Tom Daschle, Bob Kerrey, Tom Harkin, John Glenn, Jeff Bingaman, Max Baucus, Bob Smith, Paul Sarbanes, Dale Bumpers, Jay Rockefeller, Jim Exon, Howell Heflin, Russ Feingold, Daniel K. Akaka, Harry Reid, Dan Coats, Richard H. Bryan, David Pryor, Joe Biden, Patty Murray, Mitch McConnell, Ben Nighthorse Campbell, Judd Gregg, Mike DeWine, Bill Bradley, Barbara A. Mikulski, Kent Conrad, Chuck Robb, D.K. Inouye, Chuck Grassley.

STRADDLING STOCKS AGREEMENT

Mr. PELL. Mr. President, on December 4, 1995, Madeleine Albright, our Ambassador to the United Nations, signed on behalf of the United States the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. As the Ambassador said in her speech at the time, this Agreement offers a tremendous advancement in our global efforts to better conserve and manage living marine resources. I ask unanimous consent that Ambassador Albright's speech be printed in the RECORD at the conclusion of my remarks. This Agreement was the result of 3 long years of negotiations and will best serve the interests of the United States by putting an end to the lawlessness of high seas fisheries.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, the United States has long held the view that fishing activities should be carried out in a sustainable fashion, and with due regard to appropriate conservation and management measures. The Straddling Stocks Agreement ensures that the precautionary measures we have already adopted will be respected and implemented by our international partners. The United States has clearly led the way in this respect and it was of the utmost importance to ensure that our efforts would not be undermined by the destructive practices of other States.

This Agreement is only the latest step in our ongoing efforts to establish a mosaic of international legal agreements that will set up a strong regime for the management of our marine living resources. Foremost among these is the Convention on the Law of the Sea, transmitted to the Senate on October 6, 1994 (Treaty Document 103-39). More than a year later, this historic treaty is still pending before the Committee on Foreign Relations. I am hopeful that the Committee will be able to consider this Convention early next year. The principles embodied in the Straddling Stocks Agreement are not only consistent with the Law of the Sea, but it is to be applied concurrently with that Convention.

Mr. President, in the past year, I have repeatedly addressed the Senate to highlight the ways in which the Law of the Sea Convention has been improved, and now meets our fisheries interests, our national security interests, and our economic interests. This hard-fought treaty was the result of more than 20 years of negotiations, in which both Democratic and Republican Administrations participated actively. As a result, all the concerns that the United States had expressed when the Convention was first open for signature in 1982 have now been addressed. An agreement modifying the deep sea-bed mining provisions of the Convention was concluded and signed by the United States in 1994. Similarly, the Straddling Stocks Agreement addresses some of the high seas fishing issues that had been left open by the Convention.

I expect the administration will forward the Straddling Stocks Agreement to the Senate early next year. In order to optimize the effects of the Straddling Stocks Agreement, it is urgent that the United States also become a party to the Law of the Sea Convention. The Straddling Stocks Agreement specifies that the settlement of disputes will be carried out by the Law of the Sea Tribunal, which will be established in Hamburg shortly. Fortunately, the judges on this Tribunal have not been designated yet, but the United States must be a party to the Convention if an American judge is to be designated.

This is but one of the many reasons why the United States should ratify and become a party to the Law of the Sea Convention. We now have another incentive to take urgent action on this issue and I trust that all my colleagues who have shown such an interest in the Straddling Stocks Agreement will join me in my efforts to see the Straddling Stocks Agreement and the Law of the Sea Convention ratified promptly.

EXHIBIT 1

STATEMENT OF AMBASSADOR MADELEINE K. ALBRIGHT

Mr. Chairman, distinguished ministers, fellow ambassadors and delegates, and ladies and gentlemen.

This is a memorable occasion for all members of the international community who have labored to conserve fishery resources and strengthen the law of the sea. On this historic day, the United States, joined by other members of the international community, will sign the Agreement, adopted by consensus by the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. This Conference concluded its work after three years of intense negotiations and outstanding international cooperation. The United States is pleased to have participated in this effort. We are convinced that this Agreement offers a tremendous advancement in our global efforts to better conserve and manage living marine resources.

As both a coastal State and a State whose vessels fish on the high seas, we are keenly aware of the need for a balanced approach in the Agreement, one that recognizes the legitimate concerns of both groups. The United States believes that the Agreement strikes a reasonable balance between conservation and fishing concerns, and between the interests of coastal States and States whose vessels fish on the high seas. We support the Agreement because it establishes new and effective rules to conserve and manage marine fisheries and provides for States to resolve their disputes through compulsory binding dispute settlement procedures. The Agreement, if widely ratified and properly implemented, will both improve the health of our ocean ecosystems and ensure a lasting supply of fish to feed the world's population.

The United States wishes to acknowledge the skill, leadership and energy of Ambassador Satya Nandan for crafting the Agreement. We are truly indebted to you.

This Agreement is particularly noteworthy because it directly contributes to a broader global effort to promote international cooperation, reduce conflict and achieve more effectively the sustainable use of living marine resources. The Agreement is consistent with and builds upon the United Nations Convention on the Law of the Sea which entered into force last year. It complements the 1993 Agreement to Promote Compliance With International Conservation and Management Measures by Fishing Vessels on the High Seas, which itself is an integral component of the International Code of Conduct for Responsible Fisheries which was adopted last month in Rome. Together, these instruments provide a strong basis to move forward in achieving sustainable use of living marine resources in the world's oceans and seas.

Looking to the future, we see many exciting challenges before us. Our first task is to bring this Agreement into force as soon as possible. We hope that all nations that sign the Agreement today will soon deposit their instruments of ratification. We urge those nations which are not able to sign the Agreement today to do so as soon as possible. Also ahead are the challenges of implementing effectively the provisions of the Agreement in various regional and subregional organizations and arrangements throughout the world. The status of the world's fish stocks demands that implementation of the Agreement begin immediately wherever straddling and highly migratory fish stocks are harvested.

In closing, Mr. Chairman, the Fish Stocks Agreement is a laudable accomplishment. The tasks before us are not only possible, but absolutely necessary. At stake are important issues involving biological integrity of marine ecosystems and food security. The United States is confident that we will succeed. Let us hope that our imagination and strength are as vast as the oceans we so cherish.

LIHEAP

Mr. ABRAHAM. Mr. President, in some parts of Michigan over 5 feet of snow have already fallen and the wind chill has brought the temperature to 50 below zero. Understanding the importance of helping the poor and elderly pay their heating bills during these cold months, I rise to support the Low-Income Home Energy Assistance Program [LIHEAP] and urge members of the Appropriations Committee to continue to support funding for this program.

Under the current continuing resolution, funding for LIHEAP is limited to the proportional annual rate of the duration of the Continuing Resolution. That is, if the Continuing Resolution lasts 32 days, only thirty-two three hundred and sixty sixths of LIHEAP funds can be spent. While this formula may work well for most other programs, for obvious reasons the vast majority of funding for LIHEAP is spent during the winter months. Therefore, the current Continuing Resolution formula leaves States with an extreme shortfall in their efforts to help the poor and elderly through the coldest months of the year.

Since LIHEAP is funded through the Labor, HHS, and Education appropriations bill which has not yet been debated on the Senate floor, the funding for this program necessarily must come through Continuing Resolutions. Should this continue to be the case, I urge those negotiating the Continuing Resolution to abandon the daily average formula they have been using and allow the bulk of LIHEAP funds to be spent during the cold, winter months.

Mr. BIDEN. Mr. President I rise in opposition to this bill, which I feel represents yet another attack on our Nation's resources and our environmental protection laws.

Our greatest legacy to our children and our grandchildren is the world which we leave to them. Simply put, this bill shortchanges future generations of Americans.

I want to commend my colleagues, particularly Senator GORTON and Senator BYRD, who have made some progress toward improving this bill.

First, and foremost, I want to acknowledge that the outcry from the taxpayers of this country has been heard: After months of wrangling, this bill finally restores the moratorium on the processing of mining claims, contained in last year's bill.

Without this freeze, gigantic, foreign-owned mining companies would be permitted to purchase Federal land, loaded with gold, silver, and other precious metals, for as little as $2.50, due to an outdated 1872 law still in effect.

Only $2.50 for an acre of land and all the gold underneath it is an outrageous ripoff for the taxpayers of this country.

Though the bill's language will still permit the processing of hundreds of applications which are now pending, this freeze will prevent even more companies from receiving this golden giveaway.

I also support the funding contained in this bill for the North American wetlands conservation fund.

This valuable public-private partnership, has enabled Federal and State wildlife officials, and conservationists in my home State of Delaware, to develop dozens of wetlands and wildlife habitat protection plans. It is cost-effective, matching funds are required, and it deserves our support.

Despite these few bright spots, much in this bill troubles me.

This legislation cuts our efforts to move away from fossil fuels, toward cleaner, renewable fuels, such as solar energy. Energy efficiency standards are also relaxed. The end result: a continuation of our growing dependence on foreign oil.

This conference report also prohibits listing additional species as threatened or endangered and prohibits designating and protecting critical wildlife habitat.

Delaware has 9 animal species, and 16 plant species, which are candidates for Endangered Species Act listing, and I am concerned that this provision will hasten their extinction.

An unsustainable amount of logging will also be permitted in the Tongass National Forest, a great temperate rainforest in southeastern Alaska.

With Christmas fast approaching I can understand a certain amount of sentiment for expedited logging. But we are not talking about a few Christmas trees here.

Under this bill, up to 418 million board feet of timber will be sold in 1996 and 1997—an allowable logging level which is 44 percent higher than the cutting average over the previous 10 years. This plan is locked in, and no changes are permitted.

The conference report also contains a legislative rider which allows the construction of a telescope on Mt. Graham, near Tucson, AZ, despite the fact that this development will likely harm an endangered species.

Putting the merits of the proposal aside, an appropriations bill is not the right location for reforming the Endangered Species Act.

Lastly, this bill expands the number of recreational activities permitted in the new Mojave preserve in California. If you plan to go hiking in the Mojave this summer, be forewarned, the Park Service may be forced to open this wilderness to motorized vehicles and aircraft.

In sum, Mr. President, this bill falls far short of adequately protecting our natural resources. Under this legislation, our dependency on foreign oil grows, endangered species are threatened, our environmental laws are disregarded, and Americans are left poorer.

President Clinton has announced his intention to veto this legislation, and I urge my colleagues to oppose it.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.98 trillion Federal debt stands today as a sort of grotesque parallel to television's Energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote.

Mr. President, as of the close of business, Wednesday, December 13, the total Federal debt stood at exactly $4,988,313,115,981.39 or $18,935.72 per man, woman, child on a per capita basis. Res ipsa loquitur.

THE USE OF TROOPS IN BOSNIA

Mr. DORGAN. Mr. President, I rise to explain why I reluctantly supported last night the resolution written by Majority Leader DOLE and Senator McCAIN of Arizona, which authorized the use of American troops to implement the Dayton Framework Agreement.

I did so with some apprehension. I have no illusions about how difficult this mission could be. Bosnia is a country deeply divided by 4 years of warfare and centuries of turbulence. The terrain is rough and the weather fierce. Much of the land is sown with mines.

So why do I—with some apprehension—support the DOLE resolution? I do it because I believe implementing the Dayton Agreement is the best option in a very bad situation.

Our decision would be easier if we could roll back the clock. If President Bush had used air power to punish Serbian aggression in 1991, we might not be here today. If President Clinton had persuaded our allies, over the past 2 years, to lift the arms embargo against Bosnia, we might now have the balance of power in Bosnia that the Dayton Agreement seeks to create. That is why I voted to lift the arms embargo so that Bosnia could defend itself.

But we cannot roll back the clock; 4 years of war have passed, and the parties are now exhausted. Our allies opposed lifting the embargo. So President Clinton began a diplomatic campaign this past summer to broker a peace settlement. The President's leadership and American-led NATO air strikes produced the Dayton Agreement. President Clinton deserves congratulations for this historic achievement.

Last night the Senate had to decide whether to authorize the use of troops to implement that agreement. Many North Dakotans have shared their concerns about this mission with me. So I want to take a moment to explain my vote to them by describing the decision that the Senate faced and the Dole resolution.

Let me put my vote in the context of what is happening in Bosnia. Since the war began, 250,000 people have lost their lives. Two million people have become homeless. Innocent civilians have been slaughtered, and no one has been spared—not the young, not the infirm, not the elderly. Ethnic cleansing has raged across the land of Bosnia. Atrocities have been committed, by both sides. And we have reliable reports of horrors that we thought we had banished from Europe 50 years ago, such as concentration camps and mass graves.

I agree with Senator DOLE's assesment that the President has the constitutional authority to commit these troops for a peacekeeping mission. While I have serious reservations about it, it seems to me we ought to, as the President commits these troops, by resolution, support the troops themselves and create narrow restrictions under which the President can keep them there—that they are going only in a peacekeeping role.

The President argues that other countries are sending more troops per capita than we are to carry out this mission. He points out that England is sending three times as many troops, relative to their population, as we are. I understand why it was difficult for the President to withhold a commitment of American troops to keep a peace that he helped negotiate and to keep a peace that will be monitored by virtually all other countries that belong to NATO.

But that does not eliminate the deep reservations I have about the risks of this mission, and about the dangers of changing the mission once our troops are in place in Bosnia.

It is true, I believe, that America is looked upon as a world leader that is not seeking to gain territory but is helping to promote peace. It is also true that with that leadership comes responsibilities. But our country has, in so many ways, for so many years, had to bear the brunt of that responsibility—to pay for the defense of Western Europe and to provide international leadership when others would not.

I would have much preferred, in this circumstance, that the European Community would have been willing to step forward and broker a peace and keep the peace without having the United States expose our ground troops to the kind of risks we will face in the Balkan region. But the President has committed our country to helping to secure peace. And it seems to me we are in a position now where we must tell the President these are the conditions under which you can meet that commitment, which is what the Dole resolution attempts to do.

I am not, by supporting the Dole resolution, saying that I believe the President made the right commitment for our country. But rather, I am expressing support for the troops, acknowledging that the commitment was made and saying that our country must now proceed to keep its word.

Because I have real concerns about this mission I want the President and my colleagues to know that if a change of mission occurs in Bosnia, if the peace does not hold, and there is a decision our soldiers should become peacemakers instead of peacekeepers then I will be among the first in Congress to call for the immediate withdrawal of the American troops and to vote for a cut-off of funding, if necessary, to accomplish that withdrawal.

Finally, Mr. President, let me highlight a few aspects of the Dole resolution that I think are important to my vote. First, the resolution expresses the unequivocal support of Congress for the work of our troops. It commends their professionalism, their bravery, and their sacrifice. It expresses the commitment of Congress to give them the tools they will need to do their job.

Second, it states that the United States will lead an international effort to arm and train the Bosnian Moslems. That is important. American troops will be able to leave if the Bosnian Moslems are able to defend themselves.

Third, the Dole resolution recognizes that American troops are going to Bosnia to enforce a peace agreement. They are not there to make the peace. The leaders of Bosnia, Croatia, and Serbia have decided that peace is their policy, and they have again attested to that decision by signing an agreement today in Paris. If the parties themselves abandon peace, then our troops should depart.

Fourth, the resolution supports a truly multilateral operation. The Dayton Agreement's implementation force will be composed of 60,000 troops from about 30 different countries, including non-NATO nations such as Russia, Poland, the Czech Republic, and Hungary.

This is my thinking on Bosnia, Mr. President, and these are the reasons why I voted for the Dole resolution last night. I hope and pray that my vote will help our troops fulfill their mission and will help speed them safely home.

UNITED STATES DUTIES AND RESPONSIBILITIES CONCERNING WAR CRIMINALS AND EVIDENCE OF WAR CRIMES IN THE UNITED STATES ZONE IN BOSNIA AND HERZEGOVINA

Mr. D'AMATO. Mr. President, I rise today to discuss a matter that has not received much public attention during the course of our discussions of the United States role in the Balkans and specifically in Bosnia. While administration officials have discussed how we would respond if we encountered indicted war criminals in Bosnia, they have been silent on the equally important question of collecting and protecting evidence of violations of international humanitarian law.

This is a very basic point. You can indict and arrest suspects, but for convictions, you need solid, admissible evidence. The International Criminal tribunal for the Former Yugoslavia has been doing excellent work, considering the resource limitations it operates under and its lack of direct access to many crime scenes. It now lies within the power of the United States to advance the tribunal's work and the cause of justice in the former Yugoslavia.

The United States has supported the Tribunal's efforts to acquire more resources. Now, the United States and our NATO allies in the implementation force will have direct access to the scenes of the alleged crimes. The question we face is what do we do with this access?

I strongly believe that we have a moral obligation to seek out, collect, protect, and provide to the tribunal such evidence of violations of international humanitarian law as we are able to discover within the United States zone in Bosnia. Let me be specific.

Last Wednesday, December 6, 1995, the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, of which I am cochairman, held a hearing entitled "Mass Graves and Other Atrocities in Bosnia." The witnesses at this hearing were Mr. Ivan Lupis, of Human Rights Watch, Mr. David Rohde of the Christian Science Monitor, and Dr. Barbara C. Wolf, M.D., a forensic pathologist who participated in an AmeriCares exhumation project in Bosnia.

Mr. Rohde and Mr. Lupis both testified to events leading up to and following the fall of the United Nations-declared safe area of Srbrenica on July 11, 1995. According to their testimony, perhaps as many as 8,000 Bosnian moslems were massacred by Bosnian Serbs following the storming of Srebrenica. Their remains were buried in an area between Srebrenica and Tuzla, the headquarters of the United States forces that will be assigned to the implementation force [IFOR].

Possible mass grave sites identified following the fall of Srebrenica are at or near the following locations: Zabrde, Kravica, Burnice, Nova Kasaba, Kuslat, Sahanici, Rasica Gai, and Karakaj. These sites all lie within the U.S. zone. Mr. Rohde personally visited four sites, at Nova Kasaba and Sahanici, and confirmed that they were in fact mass graves.

It is vitally important that the United States act to secure these sites and facilitate access to them by international investigators. Under the Dayton Peace Agreement, the United States has the right to do this. I strongly believe that we must exercise that right, and promptly, before evidence that is potentially vital to the prosecution of the killers can be destroyed.

At last Wednesday's hearing, Mr. Rohde testified as follows in that regard, according to an uncorrected transcript of the hearing: "The U.S. intelligence said this last month: They have aerial photos of backhoes being in the area digging it up, taking out some kind of material which could be bodies. And there's a possibility the Bosnian Serbs are pouring acid onto the bodies and destroying evidence."

Now, I want to review specifically what the Dayton Peace Agreement says and how its provisions apply in this situation, so that there can be no misunderstanding of the duties of the parties to the agreement. These provisions now take effect because the agreement was signed in Paris earlier today.

The Dayton agreement provides as follows in article VII: "Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7."

Article VII thus commits all of the parties, including the Bosnian Serbs, to comply fully with the following provision, among others:

In particular, annex 6, article XIII, paragraph 4 of the Dayton agreement provides as follows: "All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law."

In other words, the Dayton agreement singles out the International Tribunal for the Former Yugoslavia as one of the organizations with which all competent authorities in Bosnia and Herzegovina must cooperate. This means that the Bosnian Serbs may not prevent investigators from reaching these mass grave sites or exhuming the remains or doing any of the other tasks necessary to a full and complete investigation of the crimes committed there.

Annex 1-A, "Agreement on the Military Aspects of the Peace Settlement," article II, "Cessation of Hostilities," paragraph 4 further provides as follows: "The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers, or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement and by providing such status as is necessary for the effective conduct of their tasks."

This provision is even more specific. It requires that the parties facilitate "free and unimpeded access and movement." This means that road blocks, security zones, military areas, or any of the other excuses, ruses, or tricks that were formerly the Serb's stock in trade to prevent international observation or investigation of their actions are no longer permitted.

Now, let us look more closely at the rules covering United States forces as part of IFOR in Bosnia. Annex 1-A, article VI, "Deployment of the Implementation Force," paragraph 3 provides as follows: "The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following: * * * (b) to assist the movement of organizations in the accomplishment of humanitarian missions; (c) to assist the UNHCR and other international organizations in their humanitarian missions; (d) to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person * * *"

Paragraph 5 provides as follows: "The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements."

This is a key provision, when read with paragraph 3. In essence, it means that the United States does not have to ask the Bosnian Serbs for permission to assist the movement of tribunal investigators or to help them with exhumations or other heavy work. In addition, it means that any resistance can be met with military force.

Paragraph 9 provides as follows: "Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions: (a) The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this

Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex."

This is another key provision. It puts teeth into the requirement of annex 1-A, article II, paragraph 4, quoted in full above, that "[t]he Parties shall cooperate fully with any international personnel including investigators * * * including facilitating free and unimpeded access and movement. * * *" It permits the use of military force to overcome roadblocks, checkpoints, or other impediments to IFOR freedom of movement, even when escorting, for example, tribunal investigators.

I have just described the legal foundation for United States action in support of investigations of violations of international humanitarian law in Bosnia and Herzegovina. That legal foundation comes into force now that the Dayton Peace Agreement has been signed in Paris earlier today. Now, the issue for the United States is what we are actually going to do, given that we now appear to have, and I would argue that we clearly do have, the legal right to support, assist, and facilitate these investigations.

Mr. President, the distinguished chairman of the Commission on Security and Cooperation in Europe, Representative CHRISTOPHER H. SMITH of New Jersey, and I, sent a joint letter to Secretary of Defense William J. Perry last Friday, asking just that question. In fact, it is a long letter and it asks detailed questions about the entire United States approach to the issue of violations of international humanitarian law in Bosnia and the United States response to those violations. While it is much too soon to expect a response, I urge the Secretary to put his staff to work on the questions contained in the letter so that we can have answers before we make serious mistakes.

Mr. President, I ask unanimous consent that our joint letter to Secretary Perry be printed in the RECORD.

I plan to speak again on this topic as more information is received and the situation develops.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 8, 1995

Hon. WILLIAM J. PERRY,
Secretary of Defense, Department of Defense, the Pentagon, Washington, DC.

DEAR MR. SECRETARY: We write today to pose some important questions with regard to the U.S. forces assigned to the NATO Implementation Force in Bosnia. What are the United States' legal obligations concerning the International Criminal Tribunal for the Former Yugoslavia, what are the United States' moral obligations to support the Tribunal's work, and what instructions have you given U.S. forces concerning those legal and moral obligations?

Security Council Resolution 827 (25 May 1993) established the International Criminal Tribunal for the Former Yugoslavia. Paragraph 4 of that Resolution provided that ". . . all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the Statute."

Under this United Nations Security Council resolution, the Statute establishing the Tribunal, and other applicable international law, what is the legal obligation of the United States Government should indicted war criminals come within our potential control in the former Yugoslavia? Are we legally obligated to arrest them and deliver them up to the Tribunal for trial?

A summary of the Dayton Peace Agreement provided by the State Department contained a paragraph that states that "[t]he agreement gives IFOR, the peace implementation force, the authority and discretion to use military force to prevent interference with the free movement of civilians, refugees, and displaced persons, and to respond appropriately to violence against civilians. *IFOR has the authority to arrest any indicted war criminals it encounters or who interfere with its mission, but it will not try to track them down.*" [Italic added.]

A review of the text of the Dayton Peace Agreement, its annexes and appendices, and accompanying side letters, failed to locate anywhere in these texts a provision or provisions conferring upon IFOR "the authority to arrest any indicted war criminals it encounters," or, for that matter, to arrest anyone at all. Moreover, paragraph 3 of Appendix B to Annex 1-A provides that "[a]ll personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Bosnia and Herzegovina insofar as it is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation." This provision could be wrongfully construed to prohibit U.S. forces from arresting indicted war criminals.

What direction has the United States given its forces concerning encounters with indicted war criminals within the territory of the former Yugoslavia? What is the legal basis for such direction? Will U.S. forces be issued pocket cards containing this direction, and a specific reporting channel should they make an arrest? Will they be provided with wanted posters or other detailed identifying information on all persons indicted for violations of international humanitarian law during the conflict in the former Yugoslavia?

If U.S. forces do encounter and arrest an indicted war criminal, will the United States remove the suspect from the territory of the former Yugoslavia and deliver the suspect to the International Criminal Tribunal for trial? Will the United States seek permission from any entity within the territory of the former Yugoslavia to remove the suspect, or is the United States prepared to act unilaterally?

What direction will be given to U.S. forces to be deployed to the former Yugoslavia concerning the collection of evidence of crimes against humanity or war crimes? Will U.S. forces make an active effort to collect testimony and physical evidence, and protect from destruction physical evidence, including mass grave sites, concentration camps, detention facilities, and records relating to such crimes? We note that the mass grave sites from the Srebrenica massacres appear, according to published maps, to lie within the U.S. zone. Please describe your plans for this effort and specify how the plan will be implemented.

Have U.S. forces been trained to safeguard those aspects of war crimes-relevant materials that must be protected so these materials may be legally admissible before the International Tribunal? Are U.S. staff judge advocate, military police, criminal investigation division, counterintelligence, civil affairs, and other personnel who are likely to come into contact with residents, familiar with the Tribunal's rules of evidence, and how they differ from U.S. rules and the Uniform Code of Military Justice? Please explain how the rules differ and what specific steps you have taken to ensure that U.S. troops identify and properly collect, and do not destroy, contaminate, or otherwise render legally unusable, evidence of war crimes or crimes against humanity that they may encounter on the territory of the former Yugoslavia.

What specific arrangements have been made for reporting war crimes- and crimes-against-humanity-related information up the U.S. and NATO chains of command in Bosnia? How will this information be passed to the International Tribunal? Is there a memorandum of understanding, an exchange of letters, or any other formal arrangement between NATO and the International Tribunal? Between the U.S. and the Tribunal? Is there a designated position/person in IFOR who is specifically tasked with the responsibility of liaising with the Tribunal and arranging for transfer of custody of suspects and/or evidence?

What arrangements has the Department made with the Department of State concerning reporting war crimes- and crimes against humanity-related information to the International Tribunal? If there is not a formal arrangement between NATO or IFOR and the Tribunal, is there an agreement with State that State will receive and forward such information to the Tribunal?

If the International Tribunal asks U.S. forces to secure a specific area within the U.S. zone until an investigative team can arrive, will U.S. forces do so? Under the Status of Forces Agreement, could U.S. forces secure, for example, an office building holding records from a prison camp?

What is your understanding of the moral responsibility of the United States to take action against suspected war criminals or persons who allegedly committed crimes against humanity in the former Yugoslavia? By "action," we are referring to a range of initiatives from their arrest, through collection and preservation of evidence of the crimes and cooperation with international investigations of the crimes. Have you taken any action to instruct and educate U.S. forces concerning this responsibility, so that they may be properly sensitized to it? (Regular instruction in the Law of Land Warfare is clearly insufficient in such an extreme case as the alleged violations of international humanitarian law that have reportedly occurred in the former Yugoslavia.)

Will U.S. civil affairs and/or psychological operations units be tasked to inform the public in the U.S. zone that the U.S. is actively seeking information concerning war crimes and crimes against humanity, and provide to the public points of contact in IFOR or the U.S. contingent of IFOR for them to call or visit to provide such information?

When refugees or displaced persons pass through the U.S. zone and have contact with U.S. forces, will our forces be instructed to ask if they have any information on war crimes or crimes against humanity? Will U.S. forces be issued pocket cards with such questions, and a reporting channel for forwarding the information?

What arrangements have been made to provide speakers of the Bosnian languages who will serve as translators for U.S. forces deployed as part of IFOR? How many translators do you expect you will need? How will you obtain them? In making these arrangements, has war crimes reporting been a consideration in interpreter selection? Is there a plan to train interpreters in U.S. military terminology? If interpreters will undergo any training, will war crimes reporting be included in that training?

While we understand that it may take the Department some time to answer these questions, and many of the people who would know the answers to these questions are essential to the actual deployment of IFOR to the former Yugoslavia, we believe that these questions are sufficiently important to warrant consideration before U.S. forces are present on the ground in full strength. It would be a very grave matter if U.S. forces were inadvertently to allow a war criminal to escape, or were to destroy vital criminal evidence during the deployment process. Accordingly, we ask that these questions receive prompt and careful consideration by the responsible officials, and we look forward to receiving your response in writing in a timely manner.

Sincerely,

CHRISTOPHER H. SMITH,
Chairman.
ALFONSE D'AMATO,
Cochairman.

THE ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1995

Mr. LEAHY. Mr. President, I was pleased to be an original sponsor of S. 1136, the Anticounterfeiting Consumer Protection Act of 1995, to provide additional tools to combat trademark and goods counterfeiting crimes that cost our Nation billions of dollars per year.

The Judiciary Committee received estimates that international counterfeiting amounts to more than $200 billion a year. Bank robberies in this country involve less than $50 million a year. Just as we do not tolerate theft of peoples' funds from our banks, we can no longer tolerate the theft of intellectual property rights or reputation through unlawful copying, counterfeiting, and infringement.

Even States like Vermont, with one of the lowest violent crime rates in the Nation, is home to businesses losing money to counterfeiters. Vermont maple syrup producers comply with stringent standards so that syrup lovers around the world are not disappointed. They have to be constantly vigilant against counterfeiters who use the Vermont label to get a free ride on the reputation for excellence that syrup from my State enjoys.

Another example, concerns our IBM facility in Essex Junction, which makes 16- and 64-megabyte memory chips, known as Dynamic Random Access Memory Chips or DRAM. These memory chips are also the subject of counterfeiting activities. In addition, IBM has estimated annual losses to bootleg computer software at $1 billion.

The Software Publishers Association and Business Software Alliance estimate that software counterfeiting may account for as much as $6.5 billion a year, which is over 40 percent of all software industry revenues. This is unacceptable for any business if it is to survive.

At our Judiciary Committee hearing on October 10, we heard from Tom McGann, executive vice president of Burton Snowboards of Burlington, VT. This company is the world leader in making snowboard equipment, but loses an estimated $1 million annually to copycat boots made in Korea.

Companies that work hard and devote resources to developing good products, ensure design and safety standards, and develop a well-deserved reputation for quality should have their trademarks and good names protected. Moreover, consumers need to be sure that what they are buying is what it appears to be. Burton Snowboards' testimony brings home the reality and the damage of counterfeit goods.

Tom McGann made several important points and was by my estimation the most important and persuasive witness from which we heard. Tom observed that current legal options against counterfeiters were "so time consuming and so costly that we began to wonder why we went to the trouble of getting the patent at all." He also hit the nail on the head when he spoke about the unfairness of allowing those who make no investment in development and quality control to rip off companies that do. He made perhaps the most critical point when he testified that from a business perspective copies undercut the reputation and lead to the loss of public confidence in products of the company that is being copied.

Burton Snowboards is the world leader in making snowboard equipment, boots, and related products. This private company was begun by Jake Burton Carpenter, who is generally credited with having developed the sport. This is a classic American story in which Jake-and-a-bandsaw-in-a-garage has led to a company that invests heavily in research and development to make the finest products of its kind in the world. Burton Snowboards' investment should be protected and its customers' confidence rewarded.

Our bill takes important steps to address the problem of counterfeiting in several ways. It seeks to expand our existing racketeering law to cover crimes involving counterfeiting and copyright infringement and to give our law enforcement officers additional, needed authority to seize counterfeit merchandise and impose fines on counterfeiters. It authorizes statutory damages of up to $1 million in private suits against infringers.

I also want to emphasize one of the considerations that brings me to this fight—the health and safety risks posed by counterfeit products. Consumers are being defrauded and being placed in jeopardy by products that do not meet the safety standards that are required of legitimate businesses. We must do everything that we can to confront these dangers as well as the economic damage of illegal counterfeiting. Everything from snowboard boots to software to airplane parts to baby formula to medicine and medical supplies have been the subject of counterfeiting. In addition to the economic harm, the health and safety risks from some counterfeit products provide additional justification for our doing everything that we can to confront the dangers as well as the damage of illegal counterfeiting.

Most troubling at our hearing was the testimony that increasingly, the revenue lost to legitimate U.S. companies is going into the pockets of international crime syndicates and organized criminals, who manufacture, import, and distribute counterfeit goods to fund their other criminal enterprises. It is time to use our RICO weapons against racketeers who are engaged in criminal infringing activities.

As we marked up the bill at the Judiciary Committee, I offered—and the committee accepted—an amendment to clarify its provisions. Most importantly, my amendment clarified that those subject to civil penalties for participating in the importation of counterfeit goods should include those who "aid and abet" rather than those "in any way concerned in" the activity.

Even as we make our laws more effective in combating counterfeiting crimes here, we cannot overlook the international nature of the problem. Copycat goods with the labels of legitimate, American companies are manufactured, distributed, and sold in foreign cities around the globe. We should insist that our trading partners take action against all kinds of intellectual property violations: Whether counterfeiting or copyright piracy, it amounts to theft and fraud on the consuming public. We cannot tolerate our trading partners and international allies acting as safe havens for pirates. We must take all responsible action we can to protect against piracy and counterfeiting.

Our Nation's economic health in the next century rests in large part with our innovative high-technology and intellectual property companies. It is not protectionism to demand that others around the world recognize basic standards on trademark, patent, and copyright law and enforce prohibitions against counterfeiting and infringement. If our intellectual-property-based industries are to continue to lead the world, their creativity must be rewarded and their property rights and investments must be protected.

In addition to this legislation, we need to enlist the public in this fight and to educate the public about the downside of trademark counterfeiting and patent and copyright infringement. We need to be sure that our international negotiators and our trading partners share our resolve against these crimes.

I thank Jake Burton Carpenter, Tom McGann, and all those at Burton Snowboard for working with us on this measure. I also want to note the strong support of the Business Software Alliance and the Software Publishers Association, the Interactive Digital Software Association, the Recording Industry Association of America, the International Trademark Association, the American Amusement Machine Association, and the Imaging Supplies Coalition.

I appreciate hearing from Steven Olechny of The Timberland Co. from our neighboring State of New Hampshire and thank Timberland for its support for this legislation. I note the support a wide range of companies making everything from the Barney dinosaur and Mighty Morphin Power Rangers to Polo, No Fear, Nautica, and Hilfinger clothing to Oakley sunglasses and thank Hunting World, Hoechst Celanese, Procter & Gamble, Nintendo, Kodak, Polo Ralph Lauren, Nautica Apparel, Oakley, No Fear, Tommy Hilfinger Licensing, Chanel, Lyons Group, Warner Bros., the Walt Disney Co., Saban Entertainment, Rolex, the Coalition to Advance the Protection of Sports Logos, and the Cosmetic, Toiletry, and Fragrance Association for their comments on the legislation and their support. Finally, I want to thank John Bliss and the members of the International Anti-Counterfeiting Coalition for their effective work against international counterfeiting and their support for this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1977, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 12, 1995.)

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, would you state the conditions under which this conference report is being debated?

The PRESIDING OFFICER. When the Senate considers the conference report to accompany H.R. 1977, the Interior appropriations bill, time will be limited to 6 hours, 3 of which shall be under the control of the Senator from Washington, or his designee, of which 20 minutes shall be under the control of the Senator from West Virginia; and 3 hours under the control of Senators BUMPERS and BRADLEY, or their designees.

Mr. GORTON. Mr. President, the Senate is no considering the conference report on H.R. 1977, the fiscal year 1996 Department of the Interior and related agencies appropriations bill. This conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on December 12, 1995, on pages H14288 through H14310. This is the third conference agreement. The first conference report was recommitted by the House on September 28 due primarily to objections to the conference adoption of the Senate provisions on mining, which lifted the existing moratorium on issuing new patents. The second conference report was recommitted again by the House on November 15 due to objections to mining and Tongass National Forest concerns.

The agreements before the Senate today total $12.235 billion in discretionary budget authority. The outlay scoring totals $13.210 billion. The budget authority and outlay figures are precisely at the 602(b) allocation levels. The recommendations of this conference agreement represent a total decrease below the President's budget request of $1.7 billion in budget authority and of $949 million in outlays.

The conference report represents difficult choices and real cuts in spending—without scorekeeping adjustments—of $1.4 billion below the fiscal year 1995 level or a reduction of 10 percent. Interior bill agencies do not share equally in the 10-percent reduction. For instance, the land management agencies are reduced by 14 percent; cultural activities are reduced by 15 percent; the Indian programs are reduced by 4 percent; and the Department of Energy agencies are reduced by 10 percent.

The Interior appropriations bill is a complex bill, providing funding for 40 agencies with very diverse programs. This conference agreement reflects a meshing of the budget resolution considerations, the administration's fiscal year 1996 priorities, the priorities of the Senate and House, and the concerns of individual Members. For example, the Congress and the administration place a high priority on the National Park Service and the Indian programs. Therefore, the National Park Service and the Indian programs are reduced significantly less than other programs and agencies within the bill.

Our conference addressed a considerable number of differences. There were approximately 900 items in disagreement between the House and Senate Interior appropriations bills. As in the past, this bill has received abundant attention and sparked debate within the Congress and the administration. This conference report represents an earnest effort to address many of the administration's objections to this year's Interior actions.

There may be programs which Senators would like to see funded at higher levels. On many, I agree. Certainly, the administration has indicated that it views funding for some programs as inadequate. However, I would remind these Senators and the administration of the funding constraints for this bill and the difficult choices that had to be made. The conferees had to fund programs within an allocation that was 10 percent less than was available for the bill in fiscal year 1995. For every program that was reduced less than 10 percent, other programs had to be reduced by more than 10 percent.

Mr. President, I would like to highlight some of the items in the conference agreement:

INDIAN PROGRAMS

Programs for native Americans and Alaska Natives are funded at $3,652,895,000 within the bill. Within the funding constraints, high priority was placed on the health needs of native Americans funded through the Indian Health Service and on Bureau of Indian Affairs funded elementary and secondary education programs.

The conferees restored $111.5 million above the Senate level to the Bureau of Indian Affairs, resulting in an overall reduction for BIA of $159.6 million, or 9 percent, below the fiscal year 1995 level for BIA activities. Funds were restored primarily to tribal priority allocations, which fund tribal government services.

Additionally, $25 million has been added to the previous conference agreement for the Indian Health Service [IHS]. This brings the IHS 1 percent above the fiscal year 1995 enacted level.

LAND MANAGEMENT

Although the land management agencies have been decreased overall by 14 percent from the current level, the conferees have attempted to protect the operational base of the land management agencies as much as possible:

National Park Service: 0 percent.

Fish and Wildlife Service: −3 percent.

Bureau of Land Management: −5 percent.

Forest Service: −5 percent.

To assist with the growing recreation demands on the agencies in this bill, a pilot recreation fee proposal is included.

The construction accounts for the land management agencies have decreased $85 million in total—-20 percent. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities.

Overall funding for land acquisition for the land management agencies totals $140 million which is 40 percent below the fiscal year 1995 appropriations level. There are no earmarks for specific projects. However, the administration must obtain congressional approval for any projects to be funded.

NATIONAL BIOLOGICAL SERVICE

The Interior's biological research is placed under the Director of the U.S. Geological Survey. Funding of $137 million is provided for the research activities, which is a reduction of $35.7 million below the current level.

MINING AGENCIES

The conference report includes a compromise between the Senate and House provisions on mining patents. The conference agreement continues the existing moratorium on the issuance of mining patents as contained in the fiscal year 1995 Interior appropriations bill. The conference agreement also contains provisions that the Secretary of the Interior must process within 5 years 90 percent of the patents grandfathered in the current moratorium and provides authority for third-party mineral examiners paid for by patent applicants.

The mining and minerals related agencies are collectively funded at 9 percent below the fiscal year 1995 level. The Bureau of Mines is eliminated and the essential functions of the Bureau of Mines are moved to the Department of Energy, the U.S. Geological Survey, and the Bureau of Land Management.

Last year's ban on Outer Continental Shelf [OCS] offshore oil and gas leasing continues.

DEPARTMENT OF ENERGY

The Energy Conservation Program is funded at $553 million. The low-income weatherization program is funded at $114 million.

Fossil energy research and development is funded at $377 million, a decrease of 14 percent below the fiscal year 1995 level, not including the Bureau of Mines.

CULTURAL AGENCIES

We have made a concerted effort to address the critical repair and renovation needs of the cultural organizations, such as the National Gallery of Art, the Smithsonian Institution and the Kennedy Center, in order to fulfill our primary responsibility of protecting their collections and structures. Reductions to operating accounts, while unavoidable, have been kept relatively small in recognition of the wide array of public services which in large part define the mission of these agencies.

The National Endowment for the Arts is provided $99.5 million and the National Endowment for the Humanities is provided $110 million. The Senate and House managers differ with respect to the continuation or termination of the Endowments. The managers on the part of the Senate support continued funding for the Endowments and believe the controversial issues surrounding these two agencies are ones which should be addressed by the legislative committees of jurisdiction in the House and Senate.

In short, we have done the best we can with severely limited resources, concentrating our efforts on those agencies that rely on the Congress for the bulk, if not all, of their support and on those agencies that are of high priority to the administration and the Congress.

I have a couple of clarifying items relating to the Interior conference report that have been cleared with Senator BYRD, the ranking member of the Interior Subcommittee; Mr. REGULA, chairman of the House Interior Subcommittee; and Mr. YATES, ranking member of the House Interior Subcommittee.

In the statement of the managers accompanying the conference report, the managers referred to the "existing hospital authority" in American Samoa. This reference is to the institutional entity, and does not preclude changes to the composition or the structuring of the authority, particularly if the changes strengthen the management of health care in American Samoa.

The managers for both the House and the Senate agree that funds provided in this bill for cooperative conservation agreements may be used for the 4(d) rule to ease endangered species land use restrictions on landowners, whether large or small.

Mr. President, before I yield the floor, I wish to thank Senator BYRD, the ranking member of our Interior Subcommittee and the ranking member of our full Appropriations Committee. In addition, I would like to thank all of the Members on both sides of the aisle, who have provided their assistance in forming this bill. Also, I wish to express my appreciation to Chairman REGULA and his staff and to Mr. YATES and his staff.

I want to recognize and to voice my appreciation to the Interior Subcommittee staff as well. On my staff are Cherie Cooper, Kathleen Wheeler, Bruce Evans, and Ginny James. I also wish to thank Sue Masica, who is Senator BYRD'S Interior Subcommittee assistant.

Mr. President, on a less formal basis, I would like to call the attention of my colleagues to the differences between this bill and the bill that originally passed the Senate. I remind my colleagues that final passage of this bill in the Senate was by a vote of 92 to 6. That overwhelming and bipartisan vote, I am convinced, was due to the magnificent cooperation I had from my distinguished colleague from West Virginia, Senator BYRD, and other members of the subcommittee. We attempted to follow the tradition of many years and deal with this bill, including all of its controversial elements, with the least possible partisanship, and I believe that we succeeded.

This contrasts rather considerably with the way in which this bill was treated in the House of Representatives. But I do wish to say, to emphasize to all Members of both parties, to the extent that there are differences in this bill from the bill which originally passed the Senate, those differences are slightly to increase some accounts and to attempt in part to meet objections on the part of the administration.

It is very clear to me, as I speak to my colleagues at this point, that we have not sufficiently satisfied the administration to have a guarantee that this bill will be signed. Nevertheless, as compared to the original bill, which passed by a vote of 92 to 6 in this body, we have made a number of substantive gestures in the direction of the objections of the administration. For example, this bill includes budget authority of $111 million more than the bill which originally passed the Senate. Primarily that extra money goes to various Indian activities which were the most controversial elements of the bill as it was debated in the Senate originally and again goes at least part way to meeting objections on the part of the administration.

Second, the mining patent provisions, while I suspect not satisfactory to all Members, are closer to the present law and to the moratorium that was passed by the House of Representatives than was the original Senate provision which was adopted by a very closely divided vote.

In addition, the language relating to the Tongass National Forest is mitigated to a certain extent to meet objections on the part of the administration. These two items, not at all incidentally, Mr. President, were the two items that created the greatest degree of opposition in the House of Representatives and caused two referrals back to the conference committee after the original conference committee report was adopted.

In several additional areas in which there is substantive legislative language in this bill, it has been modified at least modestly and in part to meet the objections of the administration.

I want personally to urge the administration seriously to consider approving this bill. It will provide considerably better and more assured support for the wide range of activities covered by this Interior Department appropriations bill than will any continuing resolution carried over an extended period of time.

As we speak here on the last day of the current continuing resolution, these agencies are operating on the lower figure contained in either the House or Senate bill. In almost every case, as a consequence, the bill that we have before us funds those agencies more generously and with a greater degree of certainty.

So I ask my colleagues to approve a bill that is literally easier for most of them to approve than was the one they voted in favor of by a vote of 92 to 6, and I suggest strongly to the administration that in the present context it is unlikely to get a bill more favorable to its concerns. If, as, and when there is a final budget agreement, there may be some additional changes, but, of course, they could be taken care of as a part of that budget agreement itself.

In any event, Mr. President, I strongly suggest to my colleagues support for and passage of this bill this afternoon.

With that, I yield the floor. I suggest the absence of a quorum, and I ask that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to be designated to control time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I yield such time as I may consume to myself.

Mr. President, I rise in opposition to the conference report on the fiscal year 1996 Interior appropriations bill.

One year ago, Congress voted overwhelmingly, with strong bipartisan support, to pass a California Desert Protection Act and establish the Mojave National Preserve. This act, the Desert Protection Act, culminated an 8-year-long battle in the Congress to protect some of America's most spectacular and environmentally sensitive wilderness areas, in particular the Mojave National Preserve, often called the "crown jewel" of the act.

California has about 25 million acres of desert. This act essentially protected around 6 million of those acres, created the Joshua Tree National Park, Death Valley National Mark, and the East Mojave Preserve.

The congressional process included literally years of research, public hearings, debate, and every possible consideration and compromise to safeguard the interests of property owners and businesses in the region. The bill passed.

Now, rather than carrying out the intent of the legislation, which was to have a national preserve with hunting, which some of the opponents wanted, under National Park Service management, this bill contains an effort to destroy the Mojave National Preserve. All other national parks are being funded. Yet this conference report singles out the newest unit of the National Park System for budget cuts. The President had $2.6 million in his budget for National Park Service management of this new park.

The conference report provides no funding for the National Park Service to manage the Mojave National Preserve. Instead, it turns management back over to the BLM, the agency which managed the East Mojave so poorly before enactment of the desert bill and provided the whole enthusiasm for creating a national park. And the bill also provides a totally inadequate amount for the BLM to do the job. The BLM was criticized when it had $1.7 million to run this area. It did not do it adequately with that amount. And now there is no money for the Park Service, with the exception of the $500,000 for planning.

I believe this is contrary to the wishes of the people of California. Included in a statewide poll, conducted very recently and just released yesterday, were some new poll numbers with respect to the views of Californians and this park. Statewide, 74 percent of all Californians opposed a limit on the Park Service budget for management of this park. Statewide, 84.6 percent of Californians today support keeping the Mojave a national park. In every region of the State, in this new statewide poll, people overwhelmingly supported keeping the Mojave as a national park. Only 9 percent of the people of the State of California in this Field Institute poll oppose the park.

I want to emphasize that the local communities and businesses—this is a very sparsely populated area—and the Barstow, Baker, and Newberry Springs Chamber of Commerce have welcomed the Park Service to the Mojave and support the new park. Let me read what they have to say.

The Barstow Area Chamber of Commerce says: "The National Park Service is graciously welcomed to Barstow and to the Mojave Desert. The chamber hopes that the needed funds will be appropriated in a timely manner so that quality facilities and services will be accomplished as soon as possible by the Park Service's personnel."

The Barstow Development Corp. writes: "The park will be beneficial to the majority of business persons in Barstow and to Barstow's economy, therefore being a positive influence to most of the citizens in Barstow."

The Newberry Springs Chamber of Commerce says: "Newberry Springs is proud to be so near this unusual and wonderful area. Let it be known that we highly endorse the new Superintendent and staff and we pledge our support and cooperation to this project."

Little do they know, this bill is taking it all away.

The Baker Chamber of Commerce says: "Our community is the gateway to the East Mojave Preserve. Our community has embraced the changes that the Preserve has brought. In accord appropriate funding for the East Mojave Preserve would be duly appreciated."

The Los Angeles Times, San Jose Mercury News, San Diego Union Tribune, and the San Francisco Chronicle have all called on the President to veto the Interior appropriations bill because of its attack on the East Mojave.

Let me read just a few of the editorial headlines.

The San Diego Union Tribune, December 3: "Starved for funds; Congressman victimizes Mojave Preserve."

San Bernardino Sun, a paper in the area, November 18: "Lewis Confuses Park Issue with Flap Over Sheep."

San Francisco Chronicle, November 17: "While they are at it, they should strip all environmental riders, including the defunding of the Mojave National Preserve in California."

San Jose Mercury News, September 25: "Moan on the range; Republicans Resume the Destruction of Public Lands." "In an insult to California, the bill, this time, appropriated $1 for the management of the new Mojave National Preserve, a way of undoing congressional establishment of the park last year."

Nobody should think it is anything other than just that.

Los Angeles Times, Friday, September 22: "Clinton Should Reject Sabotage of Desert Act; he needs California and California needs protective law."

San Diego Union, again: "Desert Mischief; Veto the Interior Appropriations Bill."

San Francisco Chronicle, again: "Veto the Environmental Wrecking Legislation."

If it counts for anything at all, these are the views of the people of California. Eighty-four percent of the people support the Mojave National Preserve. The chambers of commerce of the small communities right in the area support the funding of the Mojave Preserve. Every major newspaper in the State supports the funding of the Mojave Preserve. Yet, today, we have a bill before us that completely undoes the intent of the last Congress to create what is a beautiful national park and what is a prime and beautiful desert area.

The BLM is neither capable nor mandated to manage the Mojave National Preserve. As I say, even with a budget of $1.7 billion, three times the $599,000 the conference has now given to the BLM, the BLM did not adequately manage this 1.4-million-acre area.

Without adequate funding for management of the Mojave, not only park visitors but those who live and work in the region will suffer. According to the National Park Service, permits for grazing improvements will not be processed and issued. Requests for rights-of-way will not be processed and approved. Mining plans of operation will not be processed and approved. Search and rescue and emergency medical services will be dangerously underfunded. Trash collection, restroom maintenance, and any hazardous spill cleanup will be cut back or eliminated. The visitors center and camp grounds may be closed. Park resources will receive minimal protection, like protection to Indian hieroglyphics on canyon walls, like protection to the 900 species of flora and fauna.

It limits the funding for development of a comprehensive management plan to $500,000, far less than what it typically costs to develop a plan for a new national park. It limits the amount of time the Park Service has to develop the management plan. The California Desert Protection Act required a 3-year planning process and provided for extensive public participation. That is what the community wanted. If the Park Service is to satisfy the conferees' conditions for taking over management of the Mojave next year, that is completing the management plan, the agency will have to expedite the process and limit public participation. That is directly contrary to the intent of the Desert Protection Act. The act specifically mandated an inclusive planning process to ensure consideration of the views of the landowners, the ranchers, local government, and others.

This language is unprecedented. Never before has Congress required the National Park Service to develop a comprehensive plan before it can manage a new park. No one can tell me this is not just to kill the action taken by a majority. Let me say I would never do this to any Member or to any project that was approved by Congress—stand in front of it and say, all right, after 8 years, more than a dozen hearings, this is authorized, but we are going to kill it because we are not going to fund it.

Some have suggested that the National Park Service has not adequately ensured the continuation of human uses and has jeopardized wildlife recovery efforts. This is a complete misrepresentation of the Park Service's record in the Mojave.

Let me set the record straight. The Park Service has been doing a good job of managing the Mojave. In the last year, the Park Service has improved visitors' services. It has opened a visitors center in Baker. It has improved law enforcement; it has helped curtail illegal activities such as closing down two drug labs in the desert that were operating in the area. The Park Service has improved resource protection. Visitation to the area has increased significantly, bringing additional businesses to the surrounding communities.

As the Las Vegas Review Journal reported last month, Little Nipton, a small community, has not seen so much activity since its heyday in the early years of the century. Nipton is one of the entry points to the new Mojave National Preserve. Gerald Freeman, the owner of the Hotel Nipton, reports:

> Since the National Park Service has taken over management jurisdiction, both the volume and quality of visitation is up. For example, the Hotel Nipton occupancy is up between 80 and 100 percent a year. In contrast to what I would call a condescending, indifferent presence of the Bureau of Land Management over the last 35 years, the National Park Service seems genuinely concerned with the welfare of the region. They appear to me—and others out here—to be a comforting and constructive presence. I urge you to support the National Park Service in its mission in the Mojave National Preserve and to do everything to ensure adequate funding is available to maintain the viability of their presence. I am convinced the rewards will be of great and lasting benefit to the region including a strong and vibrant business all around; greatly improving job opportunities for locals and others moving into the area; a major upgrade in the perception of the Mojave in the world at large; thus establishing a major source of pride and revenue for San Bernardino County and the State of California.

I cannot understand—we have three major chambers of commerce. We have people writing in, saying visitation has gone up, it is better than it was. Two drug labs have been closed. Yet because of the pique of some on the House Appropriations Committee, we defund it. I cannot understand this.

This is not just and fair public policy, particularly when we have 84 percent of the people of the State in support of keeping the Mojave a national park according to a poll done as recently as last week. I hazard a guess that there is probably no new park in America that would get that kind of public support and yet have this body and the other body defund it in its first year of operation. It is bizarre. I do not understand.

Let me give another example, the small little restaurant called the Bun Boy in Baker. Owner Willis Heron writes:

> I have lived in and been in business in Baker, CA for over 40 years. I write to express my strong support to fully fund the National Park Service. Not adequately funding the National Park Service is a disservice to the thousands of people living in the towns of Baker, Barstow, Needles, and Nipton and to the County of San Bernardino. The preserve and the local communities will suffer if the proper funding is withheld.

Again, I cannot understand it. The support is there. Roxanne Lang, a resident of Nipton says:

> The National Park Service has done more for our local area in the last nine months without much funding than the BLM did in ten years I have been here. The National Park Service has managed to eliminate some undesirables—i.e. drug dealers—come into our schools and educate the children living in the desert about the environment; and give locals a generally good feeling that we have protection.

This body defunds it. I do not understand it. The Overson family, the largest private property owner and ranchers in the preserve, also report that management is much improved under the Park Service. Let me read their statement:

> In the past 7 years under the Bureau of Land Management, crucial water replacement projects, pipelines, tanks, and troughs, have been put on hold. It has come to the point of having to get an attorney to sue the BLM to do the environmental assessments on the projects before funding will be allocated. Since the National Park Service took over management of the desert, many changes are apparent. We have been able to work with management for a yes or no answer. Projects are being worked on.
>
> The effects of the rangers are also apparent. They have wrote numerous speeding tickets, deterred drunk drivers, closed an illegal drug lab, and have policed this isolated area. Because of these reasons, we feel we would be better off under Park Service management.

That is from the largest property owner in the Mojave Preserve, and this bill defunds it. I do not understand it.

Mr. President, Congress established the national preserve. There was already a concession to the opposition who wanted a national preserve with hunting. They got their national preserve with hunting, but under the Park Service so the environmental protections could be provided.

Guess what they did? They then turned around and defunded it—something that has 84 percent support throughout the entire State of California after the first year in operation. It is absolutely bizarre.

I have spoken to the administration. I am convinced they will veto this bill, and one of the reasons they will veto this bill is this kind of subrogation of the will of Congress.

It is selfish, it is vain, it is wrong, it is not good policy, and it should not happen.

I thank the President. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I listened carefully to the words of the Senator from California, and I must say I have some sympathy for her position on this issue and understand how she is upset. She mentioned that she was concerned about the preservation of Indian hieroglyphics in the park there, and I also have a lot of knowledge of native American issues. I understand that.

I wish that the Senator from California had voted to restore some of the funding for live Indians, the live Indians which Senator DOMENICI, Senator INOUYE, and myself tried to restore. We tried to restore some of the draconian cuts that were made.

Native Americans are deeply concerned about preserving hieroglyphics. But they are also concerned about preserving their ability to manage their land, child welfare and family services, et cetera.

I do not mean it as a criticism of the Senator from California. I must say from listening to her somewhat emotional remarks, I hope that we can sit down and get some kind of better treatment of what is obviously a very important cultural and environmental area in the State of California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. McCAIN. Mr. President, I rise to express my deep disappointment with how little funding was restored by the conferees to native American programs in H.R. 1977, the fiscal year 1996 appropriations bill for Interior and related agencies.

During our consideration of the bill in August, the Senate rejected a Domenici-McCain-Inouye amendment to restore $200 million to address what I believed was a draconian cut in funding for tribal governments. I say "draconian" because I know no other word to describe a cut that would have reduced last year's tribal funding by more than 25 percent. I withheld from offering further floor amendments after the chairman of the Interior Appropriations Subcommittee assured me on the floor of this Senate that he would support significant restorations to these tribal accounts in conference.

Mr. President, we now have before us the results of the conference committee's action. While I appreciate the sincere efforts of the members of the conference committee, I do not consider the amounts restored to tribal accounts significant enough. The conference bill maintains disproportionately deep cuts in critical funding needed for essential services on Indian Reservations. I believe the funding priorities reflected in this bill breach our Nation's treaty obligations to tribal governments.

The conference bill provides $654 million for tribal priority allocations, nearly a 9½-percent cut from the fiscal year 1995 funding level of $722 million. This nine and one-half percent reduction will gut basic tribal government operations on Reservations, where the spending priorities are set by tribally elected officials, not Federal bureaucrats or Members of Congress who are far removed from reservation realities. Let me be clear—the tribal funds slashed by 9½-percent under this bill are under the direct control of tribal governments, not Federal bureaucrats. These cuts will not reduce the Federal bureaucracy. They will, however, sharply reduce tribal services and employment on Indian reservations.

Tribes have used these funds to deliver critically needed services to Reservation residents, such as criminal law enforcement and public safety efforts, elderly housing improvement and repair, child abuse protection and intervention services, adult vocational training, natural resource protection, child welfare and family services, land management, reservation road maintenance, administrative support activities, and other essential tribal government programs and operations. Tribal governments spend these funds on social workers, police officers, teachers, jailers, bookkeepers, and auditors. They make emergency home repairs. They fight fires. They clear and maintain roadways. They patrol land and water to deter poaching and to protect natural resources. Tribes rely on these funds to meet basic governmental obligations to their citizens.

In addition to the elimination of many essential services, these cuts will cause many reservation jobs to disappear. Since many reservations are in remote and impoverished locations with unemployment rates 10 to 20 times the national rate, tribal governments typically are the largest, and often the only, employers in Indian Country. Consequently, the 9½-percent cut in tribal funding from fiscal year 1995 levels will cause great hardship for many Indian households whose breadwinners will have no choice other than to move away from their reservation communities to seek employment.

Mr. President, the American people have spoken—they don't want new taxes, they don't want the Federal Government to grow, and they don't want deficit spending today that will make their children, and their children's children, pay and pay for years to come. I stand with those of us in the Senate who say enough is enough, that Federal funding must be reduced, not just restrained.

My problem with the Interior spending bill is not with its overall reductions. My problem is with how the conferees set their priorities within the overall reductions. Earlier this year I asked the Congressional Research Service to analyze Federal spending trends on programs for American Indians and Alaska Natives over the past 20 years, and compare it to Federal spending for other Americans. The CRS found a steadily growing gap between what the Federal Government spends on Indians and non-Indians that began to widen in 1985. Since 1985, per capita Federal spending for Indians has fallen far behind per capita Federal spending on non-Indians. I am convinced there are many accounts in the Interior bill which are significantly lower national priorities than these tribal programs. Funding for these lesser priorities should have been reduced or eliminated in order to protect Indian funding.

My position on this is consistent with the Budget Resolution, which recommended to the Appropriations Committees that Indian program funding be held at 1995 levels and that the necessary reductions in budget authority be taken from other accounts. The conference committee chose to disregard these priorities and instead made Indian programs within the Interior Department bear a strikingly disproportionate share of the cuts.

Mr. President, many years ago, our predecessors in the U.S. Senate ratified treaties made with tribal governments in exchange for land and peace. The U.S. Constitution calls these treaties the highest law of our land. Neither the passage of time nor the changing of the guard has eroded our legal obligations as a Nation towards Native Americans. In my view, H.R. 1977 turns our national priorities upside-down, and places a stain on our national honor.

Accordingly, I urge my colleagues to join me in voting against adoption of H.R. 1977, as proposed by the conference committee, because it seriously shortchanges Indian tribes and violates our Nation's treaty obligations to Native Americans.

Mr. President, traditionally the Interior appropriations bill has been loaded with ear marks. Although this year's bill represents an improvement over past year's bills, it still contains many items that raise questions.

I want to state that these questions should not be interpreted in any way as to call into question the integrity of the bill's managers. I know they have worked hard and deserve much credit for the work they have done. But as I have routinely stated on the floor of the Senate, when earmarks and other specific provisions that have never been considered by either the full House or Senate are added to bills in conference then my right as a Senator to amend those provisions is denied me. That is wrong. The people of Arizona expect me to act to prevent their hard-earned tax dollars from being sent to Washington and then squandered on projects that have never seen the light of day. That is why I raise these issues.

First, let me note my strong concern regarding this legislation's treatment of native Americans.

I also want to raise some other issues I would hope the managers would elaborate on.

Amendment No. 2 in the conference report contains the following earmark: "Of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to P.L. 96-487 . . ."

Perhaps the Senator from Washington could explain the necessity for this provision being added in conference?

I would like to know why is this provision being added in conference having not been considered by either body in an amendable form?

Is there any reason this provision could not wait to be added to some authorizing language?

I say to the Senator from Washington that it is terribly aggravating to those of us who represent the citizens of our State who find these provisions added in a conference report because they are not amendable, nor do we have the opportunity to vote up or down.

Amendment No. 47 is particularly interesting. The House language originally was one sentence:

"For expenses necessary for the orderly closure of the Bureau of Mines, $87,000,000."

The Senate struck that language and added a paragraph with more specifics.

However, the conference report now contains a long list of specific provisions detailing office closures and transfers in specific cities and locations. I am very concerned about these new details, added behind closed door, that I am now expected to vote on. The language notes certain office in Pennsylvania and Oregon.

I would like the managers of this bill to explain the meaning and purpose of this large amendment.

Amendment No. 84 deals with the Presidio. It is my understanding that this historic old Army base has been ordered closed as a result of the BRAC process. However, this bill contains language appropriating funds to keep this facility, or at least parts of this facility open. The committee also notes that separate legislation detailing the future of the Presidio may be considered by the Congress later this or next year.

Based on that fact, why are we appropriating funds for the Presidio at this time?

I am very concerned about the creation of the Presidio trust fund. In Arizona we closed Williams Air Force Base. We have not—nor do I think there will ever be created—a Williams trust fund. This is an issue that deserves much consideration and debate. I would hope that we would not be paving the road for the creation of the trust fund in this bill.

Therefore, I want to ask the question, if such funds must be appropriated, should they not be subject to authorization or to passage of the Presidio trust fund bill?

I also have questions regarding amendments Nos. 101 and 104. These amendments apparently place an across-the-board prohibition on the Forest Service. After the bill mandates this sweeping prohibition, it contains one specific exception to this new rule. The language added in conference states, "* * * other than the Regional Office for Region 5 for the Forest Service, from San Francisco to excess military property at Mare Island, Vallejo, California." Perhaps the managers can explain this unique exception.

I think, if I could seek the answers to those questions from the manager of the bill, I might have a better understanding of this conference report.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Arizona has raised legitimate questions about several of these amendments. I will prepare answers to them—we have two other Members waiting to speak—and try to answer them properly after those two Members have had their opportunity.

Mr. McCAIN. Mr. President, I thank the Senator from Washington. I do believe this bill is a significant improvement. I do not believe there is a great deal of the traditional earmarks and add-ons in conference. I wish there were none.

I realize the Senator from Washington and the ranking member have very difficult decisions to make and that there are enormous pressures on them in certain areas to sometimes clean up certain aspects of the legislation that has not been brought up at the proper time. But I would like, as I say for the benefit of my friend from Washington—amendment No. 2, which is $2 million available for assessments of mineral potential of public lands in Alaska; amendment No. 47, all of the long list of specific provisions which are associated with the closure of the Bureau of Mines; amendment No. 84, about the Presidio; and amendments Nos. 101 and 104, which place across-the-board prohibition on the Forest Service, and then there is one specific exception.

I thank my colleague from the State of Washington. I understand it may take some time. Since this is a very large piece of legislation, it may take some time to adequately address those concerns.

Again, I congratulate the Senator from Washington on doing a very sincere and difficult job.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be yielded such time as I may consume from that of Senator BUMPERS, who controls time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend, the Senator from Missouri, the reason I stood before him is because we had a Democrat, Senator FEINSTEIN, and then traditionally we are going back and forth. So I waited for Senator MCCAIN. That is the traditional way we have done things for the last few days. I assume we would go back to a Republican next.

Mr. President, I first want to say about the two managers of this bill, the senior Senator from Washington and the senior Senator from West Virginia, I have worked with them on this bill and other matters over the years. I have found them both to be the best.

Senator BYRD's history, of course, is replete with his knowledge of procedures. Of course this bill is a bill that he has managed for many years. But let me just say about the senior Senator from Washington, the manager of the bill this year, he has spent a great deal of time on this legislation. He has had tremendous difficulties. I participated with him, trying to work out some of the differences. We have had the bill before the Senate, or the conference report, three times, as I understand it. So, I recognize the problems the manager has had, how hard it has been. It is not a perfect bill. I recognize that. My criticism of the legislation does not go to the managers of the bill but, rather, to the content of the legislation and the fact, in these times of very strict budget constraints, sometimes we disagree with the priorities.

Having said that, I say this bill is extremely important tc the State of Nevada. The U.S. Geological Survey, the Bureau of Indian Affairs, the Bureau of Land Management—there are many important aspects of this legislation that have a direct impact on the State of Nevada. I am not going to spend a lot of time today talking about the things about which I just spoke, even though, with the Park Service, the busiest entity in the entire Park Service is the Lake Mead Recreational Area. Last year, there were almost 10 million visitors to that very fragile facility. It is an example of where we are not really taking care of our parks in this country. Lake Mead needs tremendous renovation because of the massive numbers of people who use that facility. The people who use Lake Mead do not use it just during the daylight hours. It is a 24-hour recreation facility. Because of the shift work that takes place throughout southern Nevada, people are coming on that facility all times of the day and night. It needs a lot of work. That money, that would lead to the work being done, the renovations being done, improvements being done on that recreation area, is not in this bill.

I do not criticize anyone in particular, other than to say that our park system is really in a bad state of repair. It is no better illustrated than the Lake Mead Recreation Area.

Today I am going to spend my time talking about a part of this bill that I think is really disturbing, and that is the Endangered Species Act and how it is dealt with. First of all, this conference report does not adequately provide funding for effective implementation of the Endangered Species Act. That is important because, whether you are a proponent of the Endangered Species Act or whether you believe the act should not be in existence, the fact of the matter is that if it is inadequately funded it does not work for anyone.

Second, this conference report maintains the moratorium on listing of threatened and endangered species. I object to these provisions. I do it, not to be an obstructionist, but to enable the Fish and Wildlife Service in preserving and protecting species that are in a state of imminent extinction. In sum, the Fish and Wildlife Service must be able to carry out the noble goals of saving species from extinction.

I am a ranking member of the authorizing committee that will, hopefully next year, participate in reauthorizing the Endangered Species Act. I have worked with the junior Senator from the State of Idaho in coming up with legislation. He has introduced a bill that I do not support, but I am confident that we can come up with legislation that meets the goals of both of us. If we cannot, I will introduce a bill sometime next spring, and, hopefully in the near future, we will be able to stand in this Chamber and work out our difference. We need to reauthorize the Endangered Species Act.

What is taking place in this legislation, in this conference report, is not the appropriate way to do business. I remind this body, as a significant number of witnesses pointed out before our committee, extinction is irrevocable. Extinction is forever. It is important that we understand that these are not problems that we can go back and deal with later. Once there is an extinction it is over with. It is over with for good. To deny the Department of Interior the funds needed to ensure good science is to invoke a self-fulfilling prophecy of the failure of this act.

Extinction cannot be altered. We cannot have second thoughts. It is permanent. That permanence should weigh heavily when we consider our priorities.

We must make no mistake about it, our priorities are reflected in this budget, and I say respectfully that our priorities in regard to this act are skewed. I acknowledge that there are some real problems with the Endangered Species Act in its current state. We need to reauthorize the act, we need to change it, we need to make sure there is the ability for consultation with State and local government and with the private sector. We have to make sure there are exemptions for small property owners. We have to make sure that there are incentives for people complying with the Endangered Species Act. Those things are not in the act at this time. We have to put them in the act.

But to simply defund it, or fund it inadequately and to place a moratorium on listings, is not the way to do business.

I acknowledge, I repeat, the problems with the Endangered Species Act. I talked about some of them. These problems we have talked about at long length before the authorizing committee, and they are going to be addressed in the substantive legislation when it comes to this body and it is debated here on the floor.

That is why, Mr. President, a moratorium on listing species is wrong. The moratorium removes flexibility of the Secretary of the Interior. It delays action when action is critical. This moratorium in this conference report does, in fact, jeopardize the existence of species.

In this conference report, I think that we find a lot of impatience for substantive, reasonable, and prudent reform. We should be patient. We should recognize that this bill needs to be reauthorized. The moratorium would, regretfully, in my estimation, remain in effect despite the lack of logic, despite the damaging effects, and despite the fact the committees of jurisdiction have and will continue to address issues of concern.

The proponents of the Endangered Species Act reform argued for better science throughout the process of specie preservation. I ask, how is better science provided for if the funding is not provided for? Many who argue for reform of the Endangered Species Act assert the need to do more than just list a species, but also to declassify and delist species. Let us make sure the agency has the ability to do that, and they only have the ability to do that if there is sufficient funding.

But then what is the effect of failing to fund the act at an effective level? Mr. President, one of the effects of insufficient funding would be a decline of the medicinal research and humanitarian purposes that have benefited from the preservation and study of species and plants. Indeed, there is a great hope, hope of thousands of people who are fighting diseases that are anchored in the search for cures within the ecosystems and plant life that today may be on the verge of extinction.

More than 40 percent of prescriptions filled in our country, in the United States, each year derive from plants, animals, and microbes. These include medicines to fight cancers, infections, contagious disease, heart disease, childhood leukemia, to name just a few.

There is a lot of fun made of the Endangered Species Act. Why do we worry about this animal or that plant? The reason we worry about them is, I repeat, 40 percent of the prescriptions filled in our country are derived from plants, animals, and microbes.

Take, for example, the rosy periwinkle. It sounds funny, does it not, rosy periwinkle? In this little plant, two compounds were found that have proved successful in treating Hodgkin's disease and childhood leukemia.

As far as childhood leukemia, it cures childhood leukemia except in rare cases. When the Presiding Officer and I were children, teenagers, young adults, children who got leukemia died. It is not that way anymore. Parents who have little children who have childhood leukemia are cured. Why? Because of something called the rosy periwinkle.

There is also a pupfish, an imperiled desert vertebrate, residing in isolated hot springs in the Southwest part of this country. The pupfish can survive in very high salt concentrations, and this ability is being studied as we speak by researchers in hopes of developing new treatments for kidney disease.

This pupfish is extinct in many places. There are a variety of pupfish. In the State of Nevada, we have an agricultural area that grew cotton. Because of the pupfish, the water that supplied the cotton was curtailed, and that area is no longer a cotton farming area. That is the sacrifice that was made for this little fish that will, all scientists say, lead to some dramatic changes in the way we treat renal failure.

We do not know every plant and animal that exists and, consequently, we do not know every cure, remedy, and healing that may exist for our benefit.

I am not going to take the time of this body. There are Senators wishing to speak on this floor. I could list plant after plant that leads to helping relieve the pain and misery of disease and, in many instances, cures disease. Of the 220,000 worldwide types of plants, only 5,000 have been examined for medicinal compounds. We know, as a result of an article within the past year in the Wall Street Journal that talked about some of these plants that were deemed to be worthless, how they have brought about dramatic improvements in the way we treat disease.

The black bear, which is a threatened bear in many parts of the United

States, are now being studied because scientists believe they have found definitive and definite clues to the prevention of osteoporosis. How? The bear loses no bone mass during its 5- to 6-month hibernation period, and scientists are wondering why. They are now beginning to find out why.

What cures are we willing to risk losing with lack of funding of the Endangered Species Act? I do not think we should be willing to risk the loss of any cures. Recently, the American Society of Microbiology called for increased research in potential medicinal plants and other species, which takes on an urgency as known diseases grow resistant to known antibiotics.

How can we justify underfunding such a vital work of preserving species? I know there are problems with the Endangered Species Act. I say that on this floor for the second time today. I know that we have to reauthorize it and make some changes in the way the act has been administered. But I tell each of my colleagues, we must trust the legislative process of reauthorization and reform and fully fund the Endangered Species Act. It is not happening in this conference report, and that is too bad.

We ensure for ourselves the need for more emergency saving efforts. This is a small price to pay when it comes to protecting and preserving species faced with imminent extinction.

I repeat, I recognize the difficulty of this legislation arriving at the point where it is. I again extend my congratulations and applause to the managers of this legislation, the senior Senator from the State of Washington and the senior Senator from the State of West Virginia. But I really feel that this conference report is lacking in a number of different ways, not the least of which is the problem with the Endangered Species Act.

The PRESIDING OFFICER. Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to speak for 10 minutes as in morning business.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL

Mr. BOND. Mr. President, the reason I asked for morning business at this time was to bring my colleagues up to date and those who are very much interested in the appropriations process, particularly as it regards the Environmental Protection Agency, VA, and HUD, and what is happening here.

We have had a bill that has been passed by the Senate, passed by the House, and a conference report passed by the House that is waiting here. We have not passed it because the administration has promised clearly and unequivocally to veto it.

There are several things that are going to happen today. First, the majority leader has scheduled the measure to be passed later on after this bill, perhaps in wrapup tonight, and second, there is a major media effort to mischaracterize, I believe, what is going on with respect to the environment.

Some of my colleagues may have seen an article in today's Washington Post: "Temporary Reductions Halt 'Environmental Cop.'" It relates to concerns expressed by EPA Administrator Carol Browner.

I am getting a little tired of the press conferences, press statements, and grandstanding from the White House regarding how the majority in the Congress is rolling back environmental protection and making deep cuts in the environment.

Ms. Browner is reported in the Post as saying, "The environmental cop is not on the beat." She decries the fact that the temporary budget reductions resulting from the current continuing resolution are causing a reduction in inspections. I agree with her. I would like to see a bill passed and signed into law.

Let me set the record straight. The EPA appropriations bill which passed the Senate earlier this year funded EPA's operating programs at the fiscal year 1995 level, and the conference report on VA–HUD and independent agencies provides a total funding level for EPA which is $48 million more than the Senate-passed bill, a reduction of only 4 percent below the postrescissions fiscal year 1995 funding level.

We have managed in a very, very tight budget to provide close to full funding for EPA at a time when constraints on discretionary spending are extraordinarily tight. This subcommittee received an allocation which was 12 percent below last year's level, yet we managed to hold EPA at close to current funding levels. Despite the rhetoric from downtown, this demonstrates, I believe, a Republican commitment to continue to improve the environment.

Now, I am the first to admit that the EPA has received some targeted budget cuts in the appropriations process but the reductions came from areas which the National Academy of Public Administration and others identified as being unnecessary, wasteful or duplicative. NAPA is a nonpartisan organization which was commissioned by my Democratic colleague and predecessor, Senator MIKULSKI, then chair of the committee, to undertake a report on reforming EPA 2 years ago.

In this bill and the conference report, we followed the NAPA recommendations presented to Congress almost a year ago to turn more responsibility over to the States that have developed an enormous capacity over the past 25 years to manage environmental programs, including inspections of facilities. According to NAPA, "EPA should revise its approach to oversight, providing high performing States with grant flexibility, reduced oversight and greater autonomy."

That is what we have tried to do for this appropriations bill, and we have included authority for EPA to begin issuing block grants for maximum flexibility. We have tried to focus on the areas of highest risk to human health and the environment and reduce those programs which do not get the most bang for the buck in terms of environmental protection.

But the administration and EPA, rather than spending time organizing press conferences and news events, should be following the recommendations of NAPA to get its own house in order. Despite EPA's claim to support NAPA's recommendations, we have seen little in terms of real change. And regarding today's article in the Post, let me point out to my colleagues that indeed EPA is operating under a constrained budget because of the continuing resolution, and I am fully prepared to send a bill to the President so they will not have to operate under a continuing resolution. The conference report on the EPA bill, that is, VA–HUD and independent agencies, would provide an increase of 11.5 percent over the current continuing resolution, yet the President wants to veto the bill. His agents have stated unequivocally that he will.

I have suggested to administration officials that I as chairman, the ranking member, Senator MIKULSKI, and our colleagues in similar positions in the House, are more than willing to sit down to find accommodations within the 602(b) allocation to negotiate a reasonable compromise.

Rather than negotiating with us, today I am told later on the Vice President will hold a press conference with Administrator Browner at a suburban Maryland wastewater treatment plant where they will continue to attack Republican reductions in environmental improvements. Rather than pointing to the successes achieved over the past years to improve our water quality, they will talk about how the budget will impair future water quality improvements.

Let me set the record straight, Mr. President. Funding for EPA wastewater treatment construction in this year's bill is $1.125 billion. In addition, the conference report stipulates that if legislation enacting a new drinking water State revolving fund is not authorized by June 1, 1996, an additional $500 million will be available for wastewater State revolving funds for a total of $1.625 billion.

Mr. President, this would represent an increase of about $400 million over last year's level.

Now, in the last 2 weeks or more, I have repeatedly requested of top administration officials that they tell us how they wish to reallocate spending within the 602(b) allocations. I have made that request among others to Administrator Browner, to CEQ director, Ms. McGinty, to OMB director Dr. Rivlin, to the Vice President himself. I put in a call to the President. Obviously, he has other things on his mind. But none of these people has responded.

As a result, it appears that when this bill goes down, if the President carries through on his threat to veto it, it will be vetoed and EPA will fall back to the level of the continuing resolution. The only word we have heard from the administration is they want to spend about $2 billion more.

The White House talks the language of reducing spending to balance the budget, but they do not have the music yet. They think the only way they can live is to spend more money. We have done the very best we can to establish priorities within the context of achieving a balanced budget in the year 2002.

I wish to say for the record that my ranking member, Senator MIKULSKI, has gone out of her way to be helpful, to work with us, to make as many accommodations and improvements in the bill as possible. She too has sought the involvement of the administration. And even though Senator MIKULSKI's top priority, national service, is not funded in this bill, other than for closedown, it cannot be funded unless and until the administration is willing to sit down with us and tell us where they wish to make cuts to generate the support to pass this bill in both Houses.

Senator MIKULSKI has been thoroughly cooperative throughout. I could not ask for anyone who has been more willing to put the needs of the environment, of veterans, of housing, of space, and other important agencies ahead of partisan bickering. It is with great regret that I tell my colleagues that we are likely to see the measure, which is scheduled for passage later on tonight, vetoed by the President because simply he wants to spend more money.

I make the point again for those interested in the environment that if the President were to sign this bill, or if the President were even to send his people to discuss with us how to make improvements to protect their priorities, we would be more than willing to negotiate with them. Absent any response—and there has been no response—this bill will be scheduled later on for passage this evening. I regret that we will not receive the funding for environmental actions that are included in this conference report if the President chooses to veto it. But make no mistake. If there is a reduction in funding for environmental efforts, it will be the President's decision. It will be the President's veto. He is going to get a bill that is very close to last year's funding, and it protects the top priority programs in EPA.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I will be very brief. I rise to speak in opposition to the conference report. I know there are others who want to speak, and I simply want to make a few points.

I think it will be vetoed. I think it should be vetoed. I think that it continues the process of watering down our efforts to protect the environment, and it in my view should be rejected.

There are three areas that I believe need our special attention. The first is that under the conference report the protection of fish, wildlife and plant species awaiting endangered species listing would be blocked for another year, even if the species is on the brink of extinction.

Mr. President, we have an Endangered Species Act in order to protect those species that are on the brink of extinction. If we delay listing year after year, we might as well not have a law. When you delay the implementation of this law, you do not have one at all. We cannot declare any species in that period of time as endangered and the damage may be permanent. This is of real concern in a number of areas, for example, the marbled murrelet. I also know that the Mount Graham squirrel is an important specie that is endangered and affected by this act. I am not sure that in the next year it is going to be all over for either one, but the general direction is clear. If we continue to prevent the law from functioning, we might as well not even have that law, which, of course, is the intention of some who will delay the implementation of the law.

Second, Mr. President, is the rider on alternative P to the Tongass National Forest timber plan in Alaska. The conference report locks into place, through fiscal year 1997, the timber requirements of alternative P, which is a 4-year-old discredited draft forest plan. Alternative P mandates a logging target approximately 44 percent higher than the average cutting level over the past decade. And it does so in an area where the largest number of jobs are in tourism and fishing and not in timber cutting and in an area where unemployment is very low compared to the national average.

Mr. President, I am very concerned about what we have done in this bill with regard to Tongass. I think that it allows for much more cutting than we had anticipated when we passed the 1990 Tongass Timber Reform Act. And it is another example of Congress' changing things for the worse after there has been an agreement because the votes are there to change those things. And I think, frankly, it will be one of the major reasons that the President will veto this bill.

Finally, Mr. President, there are a series of cuts in vital programs. This bill follows the pattern set in the VA-HUD appropriations bill which makes reductions in the Corps of Engineers wetland enforcement budget and forbids the EPA from enforcing wetlands law, which in my State of New Jersey is a tremendously important thing.

This bill repeals protection for the newly created Mojave National Park and halts scientific studies needed to protect critical species in the Columbia River basin.

It halts the Department of Energy's program to set energy appliance efficiency standards that have been developed jointly with the industry, which will save consumers a lot of money and reduce the U.S. dependence on foreign oil. One might say you can save more oil from increased conservation than you could from opening up the Arctic National Wildlife Refuge.

Mr. President, this bill has gotten better, but it still does not meet what I think are the highest possible standards. The President's statement on the report cites several additional shortcomings. For example, there is $50 million in funding restored for the Bureau of Indian Affairs and the Indian Health Service. This additional funding, however, falls short of levels needed to maintain these important programs.

While the Bureau of Indian Affairs' budget has been increased $25 million above the previous conference level, that would still leave the program $111 million short of the House mark and $159 million below fiscal year 1995 enacted levels.

The most significant effect of this action remains the crippling reductions targeted at tribal priority allocation programs which support essential tribal government, law enforcement, housing improvement, Indian child welfare, adult vocational training, road maintenance, and other basic reservation services.

I believe that this funding should be restored. It is not in the report. I think this will be another reason that the President will veto this proposal.

So, Mr. President, in conclusion, I think the report has gotten better, but it is not yet good enough. I urge my colleagues to reject the bill and the President to veto it because I do not think that the American people in 1994 voted for an attack on environmental problems. I believe we should not be delivering to the American people an antienvironmental Christmas present. I do not think they asked for it, and I do not think they will welcome it. I hope that the President will veto the bill.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. There are a lot of parts of this bill that I would like to address. I agree with the Senator from New Jersey that the bill is certainly better than it was in its original version. Thanks to the House of Representatives, who refused to accept it and voted overwhelmingly to recommit it to the conference, it has been improved.

To tell you the truth, Mr. President, I am so sick of making this speech I am about to make, I cannot tell you how tiresome it is, and yet until the Members of this body change their attitude about mining on public lands, until the President and the press finally penetrate the minds of the American people as to this, the greatest of all scams in the history of the Nation, I will come here every year, time after time, to make my argument again.

My mother used to have an expression, "Everybody's business is nobody's business." And I cannot think of a better application of that saying than what we allow the biggest corporations in the world to pull off on us. It is just that it does not affect very many people.

There are about 10 to 12 States out West where the Federal Government has extensive landholdings and where people file mineral claims to mine gold, silver, platinum, palladium, whatever, off the Federal lands, and it is very important to the mining companies and it is important to those few States where it takes place. But because the other roughly 40 States do not have a dog in the fight, they feel free, Senators of those States feel free to vote however they chose in the certain knowledge that their constituents will never hold them accountable.

But let me recount the history of the issue of which I speak. In 1872, Ulysses Grant signed his name to the bill called the mining law of 1872. And the idea was we would permit people to go west and file claims on 20-acre parcels on the Federal lands there that the U.S. Government owned. Anybody could do it. And anybody can still do it. Just go out there and put four stakes down on a 20-acre tract, not just one, do a dozen if you want, two dozen, whatever you want. Just file claims on it. That started in 1872 as an incentive to get people to move west.

When I first became involved in this issue there were about 1,200,000 claims that had been filed. And they were required to either pay $100 a year to maintain the claim or to certify that they had done $100 worth of work on their claim.

Well, everybody simply sent in a certification that said, "I did $100 worth of work." Meanwhile, they had no intention of mining it. Finally, in 1993, I was able to get a bill passed through here to require them to put up $100—not a certificate that they had done $100 worth of work, but pay $100 cash. The number of claims dropped from 1.2 million to the present, roughly, 330,000.

So we have these 330,000 claims out there. If you own one of those claims, what do you do next? If you are really serious about mining something, then you start digging around to see if that land has anything on it. Most of the time, Mr. President, the people who own these claims never lay a glove on them. Some mining company comes in and says, "We will pay you so much to let us work this claim, and if we find anything there, we will give you a 5- or 10-percent override on everything we find." And, ordinarily, the person who owns the claim says, "That is fine with me, you are a big mining company. If anybody can make this work, you can." The claimant gets a nice little override for having simply put down four stakes on a claim.

But once the mining company finds something, gold, silver, whatever, they go to the Bureau of Land Management and they file an application for a deed. Now, this is really the most egregious part of this whole law. You think about somebody going out and putting down stakes on Federal land that belongs to the taxpayers of this country, finding gold on it, and going to the BLM over at the Department of Interior and saying, "I want a deed to this land." Do you know what else? The Secretary of the Interior—if he can validate the claim that there is mineable hardrock minerals, has to give them a deed. It is not an option with him; he has to give them a deed. What do they pay for it? Either $2.50 an acre or $5.00 an acre—for billions of dollars' worth of gold, silver, platinum, and palladium. That is right, Mr. President. I am not making this up. I have made this speech every year for 7 years. The Secretary of the Interior has to deed billions of dollars' worth of minerals that belongs to the taxpayers of this country to some huge mining company for $2.50 an acre.

Now, the mining industry which promotes this scam recently felt some heat as the press has caught on to the issue. I can see the representatives from the mining industry all sitting around the table saying, "What are we going to do? We cannot take this adverse publicity forever." And somebody says, "I have a grand scheme. We will say that we will give the Government not $2.50 an acre, but we will pay them fair market value less the value of the minerals under the surface. That way, we can go home and tell the Chamber of Commerce if they raise the issue with us, if there is a townhall meeting and there are some of those people there who have been paying attention and want to know why we are giving billions of dollars away to the biggest corporations in the world, we will say that we will make them pay fair market value. That is where you cut it off. You do not say fair market value for the surface, which is $100 an acre. Just tell them it is fair market value."

That is what the reconciliation bill says. If the bill were to become law, the mining companies would have to pay fair market value, which CBO says is $100 an acre, underneath which is billions of dollars' worth of gold, silver, platinum, and palladium, for which they pay nothing.

Mr. President, there are not two Senators in this body that know this. It costs the Government $250 an acre just to process patent applications. Think about that. Here they are going to pay fair market value of $100 an acre. They are going to pay $100 an acre for something that just the processing of the claim costs the taxpayers $250. So we lose $150 per acre right on the front end.

Mr. President, see this chart right here. "Value for the interest in the land owned by the taxpayers exclusive of and without regard to the mineral deposits"—$2.50 an acre is the current price. The new price will go to $100 an acre. In exchange for that, the biggest corporations in the world, many of which are foreign-owned, take billions of dollars' worth of taxpayers' gold and silver off the land and go home with it.

When I first got into this, the price of gold was $330 an ounce; platinum was selling for less than $400 an ounce. The argument was made that "If we have to pay a 3-percent royalty, we might be able to live with that, but some of our mines might have to shut down and all these people will be thrown out of work."

Today, the price of gold is $390 an ounce, and platinum is $410 an ounce. And what do you think the same argument is? "We will have to shut down and put all these poor people out of work." You know why I know personally? I am not a miner. Do you know why I know that is the most specious argument of all? Because they pay an average of a 5-percent-net smelter return royalty to people who own private lands and pay substantial royalties to States if they mine on State lands. It is only when they mine on Federal lands they are going to go broke.

On December 1, 2 weeks ago, Secretary Babbitt at the Department of the Interior gave ASARCO a deed for 349 acres in the Coronado National Forest in Arizona near Tucson. What do you think the taxpayers of this country got? First of all, that 349 acres has underneath it 2.9 billion dollars' worth of copper and silver. What do the taxpayers get?

A whopping $1,745. Do you know something else? The Washington Post and the New York Times did not have one word about it. Not one line. I guarantee not one person in this body saw a news story anywhere that 2 weeks ago the taxpayers got shafted for $3 billion. Three months before that, the Secretary of the Interior gave the Faxe Kalk Mine, a Danish corporation, a deed to 110 acres of public land in Idaho. What was under the 110 acres? Mr. President, $1 billion worth of travertine. What did the taxpayers get for their $1 billion? Mr. President, $275.

On May 16, 1994, the Secretary of the Interior gave Barrick Resources, a subsidiary of a Canadian corporation, a deed for 1,700 acres of land. What did it have under it? Mr. President, $11 billion worth of gold. What did the taxpayers get for their $11 billion?—$9,000. I give the press credit; they did cover that one.

Stillwater Mining Co. in Montana, 2 days after I almost got a moratorium put on the patenting process, filed a claim with the BLM for deeds to 2,036 acres. They filed for their patent in 1990. They got their first half certificate and the Secretary of the Interior will eventually be forced to give the Stillwater Mining Co. a deed for that 2,036 acres. What is under that? Mr. President, $44 billion worth of platinum and palladium—not my figures, their figures. Look at their prospectus. They are the ones who say there is 225 ounces of platinum and palladium on the land. We made the calculation. If that is correct, it is $44 billion worth of platinum and palladium. What did Uncle Sucker get?—$10,000.

We talk about balancing the budget; how are we going to finance Medicaid, education, the environment, and all the rest of it while we are giving away billions and billions of dollars' worth of resources that belong to the people of this country? There is not a Senator in this body that has not gone home when he faced reelection and said, "If you elect me, I will balance the budget. I will treat your money as though it were mine. I will be tightfisted." You may be tightfisted with some poor, pregnant, teenage girl, or you may elect to make Medicaid a block grant program so some children get health care and others do not. But if things continue the way they are, you can rest assured those same people who are so concerned about that will continue to vote for this just as they have in the past. It is absolutely sickening. There is no other way to describe it.

This bill, thanks to the House of Representatives, contains a patent moratorium. Let me tell you about that. There are presently 608 patent applications pending over at the BLM. Of the 608, 373 of the applications already have their first half certificate so they can go ahead and get their deeds for $2.50 or $5 an acre. The rest of them, 235, are frozen, subject to future legislation.

But do you know what was in the reconciliation bill? A royalty. My staff came in and said, "Senator So and So has put a royalty in the reconciliation bill—5 percent." Really? We started looking at it, and it is 5 percent of nothing after taking into account the deductions. When you look at the reconciliation bill and you see that whooping big 5 percent royalty, and you say 5 percent of what? and you start seeing what you will deduct before you levy a royalty, there is nothing left to levy a royalty on. What is worse, what is even more cynical, is every one of the 608 applications for patents would be exempt from the royalty forever. That is billions of dollars' worth of minerals. Who else is exempt? The 330,000 claims that are in existence.

So you cannot tax the lands for which patents have been applied and you cannot tax any future claims on any applications for patent on the 330,000 claims that are still existing. What do you wind up with? Less than $1 million per year. People say, "I wonder why President Clinton vetoed that reconciliation bill." That was only one reason.

Mr. President, I am still grateful to the House even though we had to grandfather the 373 patent applications and will likely never get a dime out of it. It is a step in the right direction.

So, Mr. President, let me cover one other point. I have never understood why hard rock minerals get this exemption. We do not give it to anybody else.

When I first became involved in this issue, I could not believe it was as egregious as it turned out to be. It turned out to be much worse than I thought at first. At the time, people believed that somehow or other if you rubbed a quartz crystal a certain way it would cure your warts and whatever else ails you. I did not know about it. But everybody else in America seemed to know that these quartz crystals, people were being told, had healing powers.

Do you know where the biggest quartz crystal deposit in the United States is? It is in the Ouachita National Forest in Arkansas. People were down there with picks and shovels tearing the forest up.

I went to Senator McClure, who was at that time vitally interested in the subject. I said, "Do you mind if I pass a bill eliminating quartz crystals from the 1872 mining law?" He said, "No, I don't care." So I did, and in about a week's time. That is the fastest I have ever gotten anything done here since I have been here.

Every year we get a few thousand dollars in Arkansas as a royalty. I forget how much we charge on this. But we get a royalty on all of the quartz crystals taken off, and it goes to the Federal Treasury. I take full credit for that. If I could have gotten this whole thing taken care of by then we would not have nearly as much trouble today balancing the budget as we have.

Why do we charge coal miners 12½ percent for all the coal they mine off Federal lands? And if you go underground to mine coal on Federal lands, you have to pay an 8 percent royalty. If you take natural gas off Federal lands, you pay a 12½ percent royalty. And if you take oil off Federal lands, you pay a 12½ percent royalty. But, if you take gold, silver, or platinum, or any other hardrock mineral, you pay nothing.

If I were the oil industry, I would be up in arms about this because when they go out and drill an oil well they do not know whether they are going to hit anything or not.

Mr. President, I come to the end of this little speech saying I am going to vote against the bill even though I must confess the distinguished chairman of the committee, who I know had a very difficult time, did a tremendous job. I tried to pass an amendment in the conference 2 days ago to put a 1.5 percent royalty on mining on Federal lands and to give half of the money to the Bureau of Indian Affairs. Many of the western Senators, who have a lot of Indians in their States, have convinced me that the Indians are really getting savaged under this balanced budget thing. Even the President has allowed that the Bureau of Indian Affairs is getting shortchanged. I thought a 1.5 percent royalty on this with half of it going to the Bureau of Indian Affairs might attract some people who have shed tears on this floor about the plight of the poor native Americans—not one Republican vote; 8 to 6 on a straight party-line vote.

What else is in this bill? I wanted to give the BLM 10 years to process the 373 patent applications that were grandfathered by bill. However, the Republicans—particularly the western Senators—were not having any of that.

Let me tell you something, Mr. President. If we have 373 claims that the first half certificate has been issued on, and this bill says that the BLM will process those claims within 5 years, do you know what that means? That means that about 75 claims a year will have to be processed. Do you know what else it means, Mr. President? That is an abject utter impossibility. Do you know the highest number of applications that have ever been processed in the history of the world in the BLM? Thirty-eight. Do you know who the Secretary of Interior was? James Watt. The man the environmentalists loved to hate more than anybody else.

Do you know what the average has been over the past 10 years? Mr. President, 25.7 claims a year.

So why do we have a provision in here saying you have to do 75 a year? It is utterly impossible. Why do we do that? I will tell you why they want to do it. Because, if there is ever a change in the makeup of this body, this nonsense is coming to a halt, and they want to get their deed before that happens. That is exactly why they want it all done in 5 years.

I offered an amendment to say why do not we at least make these mining companies, who are worth billions, pay the charges the Government incurs to process their application, which is $250 an acre? If you are going to give them a deed for $5 an acre, surely they would be charitable enough to pay $250 to the taxpayers that they are putting out—8 to 6 vote; the same thing.

Mr. President, I do not know how it will all turn out. But I can tell you one thing. The Bureau of Land Management will not, and cannot, process 75 claims a year when the 10-year average has been 25.7 claims.

Mr. President, there has been an awful lot written and said about lobby reform. The ethics manual of the U.S. Senate just gets thicker and thicker. The first thing you know you will not be able to drive home. You will have to take a bus at the rate we deal with that around here. I do not have any quarrel with that. I do not care what the ethics requirements of this body are as long as I know what they are. That is all most Senators ask for. I do not care whether the value of the gift can be zero, $20, or $100 as long as I know and understand the rules that we are supposed to live by. But having said that, that is not the problem. The problem is the money that flows into campaigns. You tell me I cannot allow a lobbyist to buy my lunch but he can hand me a $5,000 check at lunch? What kind of palpable nonsense is that?

I am telling you, campaign financing is what drives this body. That is one of the reasons we have not been able to deal with the reform of the 1872 mining law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank my distinguished colleague from Arkansas for one incidental admission during this long speech which he has given on the floor on mining patent claims, and that admission was that is not a part of this bill. It is a subject that is not entrusted to the subcommittee which I chair, or to a debate over this bill. In fact, it is a subject that is entrusted to a committee on which the Senator from Arkansas serves, in which he was on this subcommittee in the last Congress, when the political composition of this body was different than it is now, and when no bill on mining claims or patents appeared or was debated on this floor.

But I think I particularly regret, in connection with the remarks of the Senator from Arkansas, his statement that he intends to vote against the bill. As I reported earlier, this bill was passed by the Senate earlier this year in its original form by a vote of 92 to 6. The Senator from Arkansas voted for it. The mining patent provisions were less favorable to his position then than they are now.

He has pointed out that the House moratorium on new claims, which was not included in the Senate bill, is now found in this bill with the sole exception of those claims which Congress cannot constitutionally terminate without compensating the claimants under the fifth amendment. The only claims that will be processed are those so-called grandfathered claims, and someday, whether it is 2 years or 5 years or 10 years, they will all be disposed of. At that point, unless the Congress passes a significant reform in its mining patent laws, there will not be any new claims subject to these provisions.

So I hope the Senator from Arkansas will reconsider and will support a bill which does not move as far in his direction as he would like but which does move further in the direction of the policies he advocates than did the bill he voted for just a few months ago.

That, I think, illustrates a larger point. Whatever the merits of the argument of the Senator from Arkansas, and, obviously, to toss about figures in the tens of billions of dollars as if this were the potential profits in mining—it would be overwhelmingly the most profitable business in the United States—of those billions of dollars, something between 90 and 99 percent, of course, will be paid to the people who work to separate these minerals from the ground in which they are found, which is a very expensive proposition.

While I am far from being an expert in this business, I do not find it to be a business in the United States which operates at a profit any larger than any other business. Its costs are high. Those costs are, generally speaking, paid out in the form of wages to people who are citizens of the United States. And that, of course, is the reason that Senators and Members of the House of Representatives from States in which these mineral deposits are located favor the continuation of a policy which at least sees to it that there is some mining industry in the United States, declining though it may be.

Personally, I think we ought to reform these laws in such fashion that the people of the United States do reap some portion of the profit from minerals taken from their lands. But many feel that if we adopted the position of the Senator from Arkansas, there simply would not be any mining so there would be no value, no profit, and no jobs, no nothing. That is an appropriate debate, and it is appropriate for the Senator from Arkansas to state his position, just as it would be for the now Presiding Officer to state his, representing a State with many mines, but it is not a debate we are having here today. It has practically nothing to do with an appropriations bill for the Department of the Interior.

So I wish to pass on to other comments which have been made during the course of this debate since I last spoke, that do relate directly to this bill. In that connection, with neither the Senator from Arizona nor the Senator from Nevada being here, I would like to share one of the interesting paradoxes, sometimes frustrations, of dealing with a bill of this sort.

My friend and colleague from Arizona objected that there are items in this bill which have not been subject to debate in authorizing committees, that are unauthorized expenditures, or expenditures for unauthorized matters. My friend, the Senator from Nevada, objected to the fact that there is a moratorium on listings under the Endangered Species Act when no such appropriations are authorized. Authorizations for the enforcement of the Endangered Species Act ran out several years ago. Technically speaking, any money appropriated to enforce the Endangered Species Act is subject to a point of order on the floor here because the act has not been reauthorized.

The Senator from Nevada is the ranking minority member of the very subcommittee that deals with that subject, and the moratorium expires, by its own terms, on the day that the act is reauthorized. So he has it, at least partly, in his power to see to it that moratorium is terminated.

There is a serious group of Senators—not a majority but a significant group of Senators, as there are Members of the House —who do not believe that we should appropriate for any unauthorized project at all. I think the senior Senator from Arizona falls into that category, both by the remarks he made here somewhat earlier and by other quite similar questions that he has raised about new items being included in conference committee reports that were not included in the bill that passed either the House or the Senate together with appropriations for unauthorized projects.

I think I can say the Senator from Arizona has found fewer questions to ask in that connection of this Senator than he has of any other who is managing an appropriations bill on this floor, and I believe that I now have answers, which I will state for the RECORD and for him or for his staff, if they are listening, and which I hope will satisfy each one of the questions that he has raised.

He raised questions concerning amendments Nos. 2, 47, 84, 101, and 104, dealt with in the conference committee report.

Amendments Nos. 2 and 47 go together. The House appropriations bill on this subject appropriated $87 million for the complete termination of the Bureau of Mines as one of those entities which, according to the House, was simply to be ended. The Senate did not agree with that position and appropriated considerably more, $128 million, for the continued operation of the Bureau of Mines and nine of its field facilities. That is a big difference between the two bills.

The conference committee came up with a compromise that will close at least five of those Bureau of Mines facilities, but it will transfer some of the functions for which there was strong support in the U.S. Senate to various other entities around the country. Those functions the Senate wished to preserve, and continues to preserve as a result of this conference committee, include health and safety research, minerals information, materials research, and minerals assessments on public lands in Alaska.

As a consequence, in reaching this compromise we had to outline exactly what was going to happen to various facilities and to various functions, and that is what we did. It is not new material. These are functions and facilities which would have been dealt with in one way in the original House bill, a different way in the original Senate bill. The compromise requires them to be listed.

The $2 million for particular assessments in Alaska, about which the Senator raised a question, is money that would have been included in the normal operation of the Bureau of Mines under the Senate bill which continued it, but has to be stated separately in order to be continued as various facilities in the Bureau of Mines are closed.

A similar question was raised by the Senator from Arizona in connection with amendments 101 and 104 with respect to Forest Service functions and facilities.

For a number of years, the Interior Subcommittee has required approval of boundary changes in national forests, the abolition of regional offices or the movement or closure of Forest Service offices. Both the Appropriations Committees in the two Houses and the authorizing committees have had to be notified and had to approve of such changes.

In this particular connection, there is such a proposed change. During the course of the conference committee, the Forest Service asked for the move which is referred to here. That move and some of its conditions are outlined in the bill as a result of the historic practice of the Appropriations Committee and the desire of the Forest Service itself.

Finally, by far the most significant amendment, about which a question was raised by the Senator from Arizona, has to do with the Presidio. The Senator points out that the Presidio, as a military reservation, has been closed under the Base Closure Commission activities, and he asks, essentially, why it is that we are appropriating money for a closed military facility.

The answer, of course, is that whatever the merits and the beauty of Williams Air Force Base in the State of Arizona, the Presidio in San Francisco is a totally, completely unique national asset, a magnificent open space in one of America's largest and most famous cities.

So some years ago, before I became chairman of this subcommittee, it was determined that the Presidio, when it was to be closed as a military base, would become, in large measure, a national park. And the appropriation in this bill is for the operation of the Presidio as a national park.

I may say, Mr. President, that I have been bothered by this, at one level at least. The Presidio is the most expensive single national park in the National Park System as a result of these transfers.

So what has happened as a result of the fiscal pressure on the National Park System in running the Presidio is that a group of citizens in the city of San Francisco have gotten together and have proposed a Presidio trust to be created by the Congress. It has not been created by the Congress yet. The authorizing committee has not completed its work on it. The Senate has not debated it.

So this conference committee report says, "Well, we are appropriating money now directly to the National Park Service." We will have to help the Presidio trust with appropriations for at least a number of years until they have transferred this into a purely local facility. So we are going to limit the amount of money that the National Park Service can spend out of our appropriations to one-twelfth of the appropriation for each month, with the hope that the trust will succeed the Park Service sometime during the course of this fiscal year.

But the appropriation for the Presidio is because it is, in fact, a part of Golden Gate National Park and is something which the people of the United States have determined is appropriate to maintain.

The Senator from Arizona also objected to the amount of money appropriated for various native American purposes, particularly to the Bureau of Indian Affairs, noting, however, that it is larger by more than $100 million in this bill than it was in the bill that originally passed the Senate.

I simply want to emphasize today, Mr. President, what I emphasized at the time of the original debate. The reductions for Indian activities in this bill are lower than the reductions for any other major purpose covered by this bill. They are lower in the reductions than for any other purpose in this bill.

As I said in my opening remarks, in order to attempt to balance the budget, we have $1.4 billion less for 1996 than we had for 1995. This means less money for our national endowments, for our museums, for our land management activities, the Forest Service, the Bureau of Land Management, the National Park Service, the Department of Energy's nonnuclear research activities—right across the board.

The reductions for Indian activities are sharply less than the 10-percent average reductions for everything else, which means, of course, that the reductions for everything else are greater.

I must confess, the distinguished senior Senator from Arizona and I have a certain philosophical difference as to whether there is literally an obligation in perpetuity for the taxpayers of the United States to pay for activities, local governmental activities which everyone else in the United States pays for out of their own revenues, for the operation of tribal governments, for police services, and the like.

I am a strong believer in self-determination, but I think at some point at least, the self-determination carries with it an obligation or duty of self-support, and we should be at least moving in that direction.

That, however, is not the philosophy behind this appropriations bill. This appropriations bill makes a modest but real contribution toward the overriding necessity in this country of balancing the budget of the United States, of ceasing the practice of spending money we do not have and sending the bill to our children and our grandchildren. As a consequence, all of the activities within the jurisdiction of this subcommittee have less money for 1996 than they had for 1995.

Mr. President, they will have less money next year than they have this year if we do not also reform the huge entitlement programs which grow far more rapidly than our economy does. There is a relationship between these two.

In that connection, Indian activities are taking a smaller and more modest hit than, for all practical purposes, every other activity in this bill.

My own No. 1 priority was to try to see to it that we protected our National Park System, which is an asset for every person in the United States, and the cultural institutions here in Washington, DC, for which we have either the sole or primary responsibility, like the National Gallery of Art, the Smithsonian Institution, and the like. I think we have done so reasonably well.

So I terminate these remarks with the views that I expressed earlier. I remind my colleagues that this bill was passed overwhelmingly by this body by a vote of 92 to 6, and I point out at the same time that the objections of a handful of Members who voted against it last time and the reluctant assent of some of those who voted for it have to at least have modestly been met.

I am sorry at this point we do not have the approval of the White House. It is impossible to meet the conditions the White House has laid out. The White House just wants to spend more money, as the Senator from Missouri said in respect to his appropriations money. They want to spend money on everything. They want to borrow it. They do not want to pay for it themselves, but they want to spend it, and that is not going to happen. It is not going to happen now; it is not going to happen later. In fact, the defeat or veto of this bill will sentence the money funded by it to less money than they have in this bill, because the continuing resolution, under which we are operating today, has less money for most of these activities than does this bill.

So we hope that we can persuade the Executive to approve this bill to get it out of the battle of the overall budget. I hope my colleagues will provide very strong support for it, because I am convinced that we have done a responsible and a balanced job under very, very difficult circumstances.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes under the time allocated to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, I rise to say I am glad this conference report has finally made it to the Senate floor. I know the senior Senator from Washington, Chairman GORTON, has worked very hard to get it to this stage. I also wish to thank Senator BYRD and his staff for their assistance in keeping me informed and helping to move the process forward.

My primary concern with this conference report is its authorizing language regarding the Columbia Basin ecosystem project. This important project was instituted by former Speaker Tom Foley and Chairman HATFIELD to provide a scientific foundation to guide us in developing sound resource policies, especially regarding fisheries management. In many areas of the Columbia Basin region, our forests are dying due to past timber harvest practices, fire suppression policies, and insect infestation. Our salmon and other fisheries resources are endangered, due in part to land-based activities that impact watersheds, like cattle grazing, forestry, recreation, and development.

Unfortunately, this conference report intentionally limits science. It demands that the Forest Service and Bureau of Land Management study only "landscape dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density, and related social and economic effects." It goes on to say the scientific assessment must not contain any other material than that quoted above.

During the second conference, I was unable to convince my colleagues to add a provision allowing for the study of fisheries and watersheds and deleting the clause limiting study. I truly believed my colleagues would support this moderate attempt to allow scientists to provide us information to help guide us in making scientifically based resource management decisions.

In this latest round of conference negotiations, Chairman GORTON, too, tried to convince the House to open up the scientific assessment for fisheries and watershed studies. I want to thank him for his efforts, which were unfortunately unsuccessful.

Mr. President, the amendment I had offered only addressed one area of concern for me in this bill regarding the Columbia Basin project: that of limiting science. However, I am also very concerned that this report prohibits the agencies from issuing a final environmental impact statement or a record of decision and from selecting a preferred alternative in the draft environmental impact statement.

This bill also limits the ability of the Forest Service and BLM to consult or conference as required under section 7 of the Endangered Species Act. The agencies may modify current policies for fish protection and if they have consulted on these policies in the past, they need not do so again—even if the amendment is a drastic modification of current protections. Similarly, the agencies are prohibited from consultation for any projects, such as timber sales, if sales are based on the forest plan amendment.

The President has indicated that he intends to veto this bill. One of his reasons for doing so is the authorizing language on the Columbia Basin project. I look forward to working with him and Chairman GORTON to make the necessary improvements in this language so that we can practice ecosystem-based stewardship and provide a steady stream of commodities while also protecting our resources for this and future generations.

Let me also add that while I have focused the majority of my remarks on the Columbia Basin project, I am also concerned with several other provisions included in this bill. For example, while an additional $50 million were made available to the Bureau of Indian Affairs and Indian Health Service during the last conference, the level of funding for these programs is still woefully inadequate.

The cuts to tribal priority allocations are particularly disturbing. Tribal priority allocations represent an important component of Federal Indian policy. In addition to recognizing the reduction in bureaucracy that self-governance allows and the shifting of decisionmaking from the Federal to the local level, TPA funds also represent a fundamental recognition of tribal sovereignty. I think it is important that the Federal Government recognize that Indian nations have the capacity, the responsibility, and the right to govern themselves. The Federal Government must also remember its historic obligations to the Indian nations as set out in the many treaties signed by the United States and the sovereign tribes.

Furthermore, I continue to oppose the language preventing Washington State tribes, specifically the Lummi Nation, from exercising their water rights. While I appreciate the willingness of Chairman GORTON to remove language that would likely have derailed the ongoing negotiations—negotiations, I might add, that include all affected parties including the non-Indian landholders and appear to be going well—the language still represents a threat to tribal sovereignty and sets an extremely poor precedent for government-to-government relations.

Mr. President, to close, I would like to note quickly my concerns about several other provisions contained in this bill, including: First, the severe funding cuts to the National Endowment for the Arts and the National Endowment for the Humanities; second, the attempts by this Congress to thwart scientific protocol regarding the methods used to identify the threatened marbled murrelet's nests; and third, the provisions related to the Tongass National Forest.

Again, I want to thank Chairman GORTON for the many improvements he has made in this report. I encourage him to continue those efforts should the President veto this appropriations bill.

Mr. LEAHY. Mr. President, many Vermonters are disappointed about a pattern in this Congress to undermine environmental standards through appropriations and the budget process.

Unfortunately, Congress is doing it again in the Interior bill.

Let me list just a few of the measures that were added to this bill which are direct attacks on the environment using the indirect appropriations process. These are items which have not received hearings, authorizing committee deliberation, or open floor debate.

First, a group of Alaskans asked the Forest Service to update the environmental study for a large timber sale which was being reoffered for a second time. The judge agreed with the Alaskans that an updated study would be worthwhile. This Congress overrules the judge.

Second, the Forest Service has been working on a forest plan for the

Tongass National Forest for several years amidst annual meddling from the Appropriations Committee and Congress. In this bill, Congress dictates its choice for forest management, and forces it upon the resource professionals and people of the region.

Third, our country has an Endangered Species Act to protect our Nation's fish and wildlife from extinction. This bill prohibits the Fish and Wildlife Service from listing species as endangered species. We can change our minds about this bill, but we cannot change our minds after extinction.

Fourth, last year, Congress passed a bipartisan bill to create the California Desert National Park by a wide margin. One year later, Congress is trying to dismantle the National Park through funding gimmicks.

Fifth, our country's mining law is 123 years old. This Congress refuses to update the law through the authorizing process, and instead tries to force as many giveaways through the Department of the Interior as they can. They know the American people want changes, but they are scrambling to get what they can while they hold back the will of the American people.

Sixth, this Administration has an excellent record of creating new jobs while protecting the environment, including endangered species. To continue this record of cutting through gridlock, finding flexible solutions, and moving forward, the Administration was studying the Columbia River Basin. This bill says "ignorance is bliss," and cuts funding for science.

There are other problems with the bill as well, some with legislative issues, and some with funding.

One provision has to do with the National Endowment for the Arts. The Supreme Court has an established standard to judge pornography. This bill, however, includes a vague new definition based on the personal opinion of what a few members consider disgusting.

One of the most blatant funding problems is the energy cuts. The President's budget promotes national security, economic progress, and environmental responsibility by supporting voluntary incentives for energy efficiency. This bill cuts energy efficiency funding by 38 percent, including critical programs like weatherization. Weatherization was cut by 50 percent. Vice President GORE pointed out that with the President's budget we could save more energy than could be drilled from the Arctic National Wildlife Refuge.

The pattern is clear and persistent. Environmental funding and environmental laws are the first to go. Our natural resources cannot endure this kind of abuse. Pollution, extinction, degradation, and abuse are not problems that we can easily fix, if at all.

The American people do not want this, and soon Congress will learn about their opposition. But until then, and propelled by this bill, the abuse and neglect continues.

Mr. WELLSTONE. Mr. President, I have spoken time and time again about the cuts in this Republican budget to low-income heating, energy, and weatherization assistance programs that help the most needy in our country. Throughout this year we have seen horrible heat waves and horrible cold snaps. Many citizens of our Nation have become ill and some have even died from the heat and the cold. Yet, still we cut those programs. In the Interior Appropriations bill, energy conservation programs are funded at a level that is only 60 percent the President's request and only 73 percent of last year's funding level. That is just plain foolish.

Mr. President, I have also spoken time and time again about how this Republican budget gives away our natural resources without measuring long-term budget consideration and without designing a long-term energy policy. Still, despite new information, numbers that just don't add up and many unexplored environmental concerns, the Republican budget still contains provisions to open up the Arctic Refuge to drilling, to give oil companies royalty relief for drilling in the Gulf of Mexico, and pages and pages of other provisions that just don't make sense.

This is not energy policy, this is not environmental policy. This is short-term gain without consideration of long-term loss and a jumbled-up mass of contradictions. It just don't make any sense.

Mr. President, why say that our country needs more oil and needs to rely less on foreign supply and then turn around and allow Alaska North Slope oil to be sold to foreign countries. Does that make sense? We need more oil, but we can sell some anyway?

Mr. President, why say that our country needs more oil and needs to rely less on foreign supply and then turn around and slash funding for the Weatherization Assistance Program and other conservation programs. We need more oil, but we can afford to waste some?

Why say that our country needs more oil but not consider ways that we could save oil, by beginning discussions on a long-term energy policy that will benefit every citizen of this nation, not just the oil companies. We need more oil, but lets not worry about how we use it?

Mr. President, this is all just smoke and mirrors. This country needs a long-term energy policy and this country needs to have policies and budgets that are not a mass of contradictions. Our natural resources are the last thing we should play with. I will be voting against this bill.

EXTERNALLY FIRED COMBINED CYCLE FUNDING

Mr. COHEN. Senator SNOWE and I would like to bring to the attention of the chairman an important Fossil Energy Program within the Department of Energy. The Department has initiated a demonstration project to repower Pennsylvania Electric's Warren Station utilizing externally fired combined cycle technology. The purpose of this program is to develop a commercially viable use for this technology. A 20-member consortium, consisting of utilities, private industry, State energy organization, foreign organizations, and the Department's Morgantown Energy Technology Center, has spent 8 years and $34 million to develop the EFCC technology.

This technology is based on a ceramic heat exchanger that can dramatically increase the amount of electricity generated from burning coal. This ceramic technology produces 20 percent more electricity per pound of coal than conventional steam power plants and, as a result, it can significantly reduce pollution and the cost of power. It could be used to update aging power plants across the United States. According to the Washington Post, this technology "appears to place the United States in the forefront in developing high-temperature ceramics" for industrial applications, overtaking international competitors.

Ms. SNOWE. Earlier this year, the Department provided funding to begin testing the technology, which is critical to demonstrate the commercial viability of the project. However, $4.3 million is now needed to complete these tests, which are currently suspended until further funding becomes available. Consortium members expect the program to be commercially viable after completion of the testing. I understand that in addition to coal, the heat exchange technology could be applicable to other types of power production, such as bioenergy.

While some private money has been located to continue the tests, funding from the Department is necessary to restart the testing. If the testing cannot be completed, the $26.5 million already provided by the Federal Government and the $7.5 million contributed by the Consortium will have been wasted.

Senator COHEN and I understand that the chairman of the Interior Subcommittee shares our interest in this project and believes that the Department should make an effort, within its budget constraints, to try to ensure that the testing is completed.

Mr. GORTON. The Senators from Maine are correct. This promising technology could be very beneficial to improving electricity generation in this country.

Mr. COHEN. We thank the distinguished chairman for his assistance on this important matter.

TWIN CITIES RESEARCH CENTER

Mr. WELLSTONE. Mr. President, thank the managers of the bill for their help in providing the Twin Cities Research Center [TCRC] a smooth transition from Bureau of Mines facility to non-Federal entity. The Minnesota congressional delegation and the TCRC have been working to facilitate this transition, and would like to ask the chairman about the following scenario.

The TCRC would be able to continue operations within the Department of the Interior until June 30, 1996 or until such time as a transfer of the facility to a university or government entity is completed, whichever is sooner. The responsibility for identifying funds to maintain such operations would lie with the TCRC and/or the partners interested in seeing this facility remain open. To the extent authorities exist for the Department of the Interior to accept donations or contributions that might be offered to keep the facility open, they may be used. If the Department were to identify other funds that might be available to assist in this, or similar efforts, they would be subject to the normal reprogramming guidelines.

I would ask the chairman—if the authorities exist that would allow funds to be made available for the purposes described, would the interested parties be able to consider such a scenario?

Mr. GORTON. The Senator has identified a possible scenario. The Department is able to do whatever it can within existing authorities, subject to the availability of funds. However, it should be understood that any funds to be provided for this purpose must be from new agreements. Any funds remaining from prior or existing agreements with other parties and the Bureau of Mines are required for shutdown costs. The Senator should also understand that to the extent similar scenarios may apply at other Bureau facilities, this Senator expects the Secretary to give equal consideration to the needs of those facilities and the communities in which they are located.

Mrs. BOXER. Mr. President, I strongly oppose this conference report, many aspects of which I find deeply troubling. I am gratified that the President has stated that he will veto the conference report. At this time, I would like to mention just a few of the most objectionable provisions.

THE MOJAVE NATIONAL PARK PRESERVE

The provisions in this bill on the Mojave National Park Preserve are an affront to the people of California and to the intent of Congress which was clearly stated when we passed the California Desert Protection Act last year. The management of this land as a park preserve is supported by 84 percent of Californians. Every major newspaper in the State, including the San Francisco Chronicle, Los Angeles Times, San Diego Union Tribune, and San Bernadino Sun has voiced its support for the preserve and its strong opposition to efforts to strangle the preserve out of existance.

I find this situation strange, in that it appears that there was only one member of the conference who pushed to defund the preserve. The previous conference report defunded the preserve and gave the Park Service $1 to operate it—clearly just a back door attempt to close one of our largest national parks through the appropriations process. To add injury to insult, this new conference report has added additional restrictions on Park Service management of the new 1.4 million acre preserve that would prevent the Park Service from conducting planning activities. It imposes a cap on Park Service planning expenditures at a fraction of typical planning costs for a new National Park, and imposes an unrealistic deadline for completion of a plan which will limit the congressionally mandated public involvement in the planning process.

On these grounds along, Mr. President, this conference report should be vetoed.

ENDANGERED SPECIES ACT MORATORIUM

This report prohibits adding new species to the endangered species list and prohibits designation of critical habitat for listed species. It also prohibits the monitoring of listed species which is an important part of the recovery process.

A moratorium will harm our Nation and my State of California. Of the more than 100 species currently proposed for listing which would be denied protection under this moratorium, more than half are from California.

Mr. President, on average, endangered plant species have fewer than 120 individuals left by the time they are listed; animal species are reduced to fewer than 1,200 individuals by the time of listing—a 6-month moratorium could see valuable species go extinct for no reason. I don't see why should we wait months and months while we lose flora and fauna that may cure cancer and alzheimers. Why should we wait while species get closer to extinction, creating more complicated and expensive problems that will have to be solved when the moratorium is lifted? The real agenda here is a piecemeal dismantling of the act. This is one more back door move by Republicans to weaken the Endangered Species Act in the face of 77 percent of Americans who support maintaining or strengthening the Endangered Species Act.

TONGASS NATIONAL FOREST

The Tongass National Forest is the last intact rainforest in North America. This conference allows and promotes subsidized logging in extremely ecologically sensitive areas.

The Tongass provisions in the bill are unacceptable. They will require that an outdated and scientifically discredited timber harvesting can be implemented in the national forest for the next 2 years. This will result in logging at a a rate that is 100 million board feet over the historical average—that is logging at a rate of 418 million board feet per year. The Forest Service has rejected this plan because it allows logging at unsustainable and environmentally destructive levels.

MINING

We have been trying to reform the 1872 Mining Law for many years and it is difficult to comprehend how year in and year out, the U.S. Congress continues to allow our taxpayers to lose thousands of acres of Federal lands and billions of dollars in Federal revenue—mostly to foreign-owned mining companies. My distinguished colleague Senator BUMPERS has led the debate in favor of reform for over 7 years, and this morning he again laid out his devastatingly effective critique of the moratorium language in this conference report and the sham reform that is included in the Republican budget reconciliation bill.

Since 1872, we have given away more than 3.2 million acres. For how much? For the price of $2.50 an acre or at a maximum $5 dollars an acre, and not a nickel in royalties. Over $250 billion worth of minerals have been taken off that land and the U.S. taxpayer has in return received a mining site clean up bill for between $30 and $70 billion. This conference report will allow it to continue.

BUREAU OF INDIAN AFFAIRS

Affairs some funding for the Bureau of Indian Affairs [BIA] has been restored, the amount still falls short of the levels needed to maintain these important programs. Critically important funding for the Bureau of Indian Affairs must be restored, and it must occur without pitting these programs against other important Department of Interior programs. Additional BIA funds are needed to support essential tribal government activities, law enforcement, housing improvement, general assistance, Indian child welfare programs, adult vocation training, road maintenance, and other basic reservation services. I urge my colleagues to pay special attention to this issue.

INTERIOR APPROPRIATIONS CONFERENCE REPORT

Mr. KERRY. Mr. President, today I am voting against the conference report on the Interior appropriations bill and I would urge the President to veto this bill should it reach his desk.

This conference agreement is the third attempt by the conferees who have been meeting on this bill since September. Despite their difficult challenge and tremendous effort, regrettably, it is far from an acceptable compromise. I have particular problems with the funding level for the Department of Energy's energy conservation programs, the National Endowment for the Arts and the National Endowment for the Humanities and numerous objectionable legislative riders.

Energy conservation, like pollution prevention, makes good business and economic sense. It saves production costs and conserves resources and it is clearly the best of all energy options. Unfortunately, the conferees have funded this important work at a level well below that which the President and others have requested, and which is $187 million below the 1995 enacted level. The $536 million budget is a 26-percent reduction from the 1995 enacted level and a 38-percent cut from the President's request.

The conference committee added numerous legislative riders to the bill that have serious policy implications, yet these were added without the benefit of congressional hearings or public input.

One of the most egregious riders would set in stone the current Tongass Forest management plan for an additional 2 years, thus prohibiting an update to the unsustainable timber sale levels it mandates. Additional riders would prove harmful to the environment by placing a moratorium on future listings and critical habitat designations under the Endangered Species Act.

Another provision would require wasting energy by preventing the Department of Energy's implementation of new energy efficiency standards for an additional year.

The ideological fervor of the Republicans who now control the Congress has manifest itself in heavy cuts to the National Endowment for the Arts and the National endowment for the Humanities.

It is my hope that the President will veto this bill so that the conferees can work toward a package that provides sufficient funding for environmentally beneficial programs and strips the environmentally harmful legislative riders.

We can and must do better than this. We must not and the President will not capitulate to the tactic of the Republicans who now control the Congress to hold hostage the funding for our national parks and public lands until they are permitted to abolish or emasculate vital environmental protections that have withstood previous head-on challenges.

I hope, after this bill is vetoed, the Congress will get down to serious, good faith negotiations to develop a reasonable interior appropriations bill which can be passed with broad support and signed into law.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Acting for the leader, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 1977, the Interior appropriations bill, occur at the hour of 2 p.m. today. I further ask that at 3 p.m., the Senate turn to S. 908. It is my understanding this has been cleared.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I delete the last request with regard to S. 908, and I ask unanimous consent that it be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The vote on the pending legislation then is set at 2 p.m. this afternoon.

Mr. STEVENS. That is correct. At 2 p.m., we will vote on the pending conference report.

Mr. President, with the consent of the distinguished chairman of the Appropriations Subcommittee, I yield myself such time as I need to comment on this report.

Mr. President, I first want to start off by commending my good friend from Washington, my southern neighbor. I think Senator GORTON'S task has been a very difficult one this year. As he stated, he has had a substantial reduction in the amount of money available to him. He has done a fantastic job. There are areas here where we have serious concern. I think anyone in the Senate has serious concerns over areas that affect their States directly. All of the agencies in the Department of Interior have substantial impact on Alaska, and we know that funding is being restrictive. There is a general decline now in the amount of taxpayers' funds available to run these entities, and I view that with great regret.

However, I also know that we are committed to a balanced budget, and some of these steps have to be taken so we can eliminate the constant growth of interest on the national debt. That interest now, this next year will be larger than the amount of money that is available to spend for the national defense of this country.

I do manage that defense bill, and I am appalled we are spending more money next year on interest than we will spend on the defense of our country, but there is no alternative but to pay the interest on the debt that is due. That is why we are laboring so hard to try and find a way to reverse that trend and hopefully reach the day when the interest starts coming down, when we can start making funds available to these very necessary functions such as those of the Department of Interior.

I am particularly concerned right now about the comments that have been made by the Senator from Arizona concerning the money that is earmarked here for the Bureau of Land Management to do mineral assessments that were formerly done by the Bureau of Mines. The situation that we had, Mr. President, was this: When this bill was before the Senate, the Senate did not zero out the Bureau of Mines.

The House bill did mandate the closure of the Bureau of Mines. When we got to conference and realized that the funding was so limited, we had to take action suggested by the House—action I really regret. The Bureau of Mines has been a very vital function for the Federal Government, but it has been agreed now to close that Bureau.

I pointed out to the conferees that under section 1010 of the Alaska National Interest Lands Conservation Act—we call that ANILCA, an act passed by the Congress in 1980—over 100 million acres of Alaska lands were set side. Congress recognized that there had to be an assessment of lands that were to be patented to the State and Federal governments, and an assessment of these lands were set aside to the extent possible. That is required, as I said, under section 1010 of the Alaska National Interest Lands Act.

We have requested that this money be earmarked so that the people who formerly worked for the Bureau of Mines and were performing the assessments required by law that have to be made prior to the transfer of lands, that they will be made under the direction of the Bureau of Land Management, which does in fact have the authority over the lands. This was not behind closed doors. We had a provision in the Senate bill, had we maintained it, that all of the people performing Bureau of Mines functions in Alaska would remain on the payroll. What we have done is maintained the funds for the absolutely essential minimum requirement of the law, which is to do these mineral assessments formerly under the Bureau of Mines, which will be done under the Bureau of Land Management until the job is completed.

I believe that that is a necessary function of the conference committee. Having acceded to the House provision, the Senate demanded that the minimum function required in my State to be maintained is earmarked at $2 million in this bill to continue that. That will be a requirement through coming years that we maintain those funds, and I intend to do everything I can to see to it that the Senate will maintain that constant.

Mr. President, there is another very vital matter in this bill that pertains to my State, and that is under the administrative provisions for the Forest Service, this bill retains language pertaining to the Tongass Forest in southeastern Alaska. I regret that it is necessary to continue doing this. I want the Senate to know that this is not the provision that the Senate voted on; this is a provision that has been substantially modified in conference.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me claim time under the time reserved for those in opposition to the conference report.

Mr. President, I listened with great interest today to the comments by

Senator MCCAIN. I find myself in a similar circumstance. I commend Senator GORTON and others who have worked on this legislation. I do not come here with ill will toward those who have tried to put together a compromise. But I do feel very strongly that we find ourselves with respect to the appropriations available in some critical areas, dealing with some very vulnerable people, short of what is needed. Again, I do not intend to be critical of those who have worked on this compromise. I understand the competing needs involved, and they reached a different conclusion than I might have, a different conclusion than Senator MCCAIN said he would have reached. For that reason, he intends to oppose the conference report. I am going to oppose the conference report for the same reason.

Let me be more specific. I am very concerned about an area of spending dealing with Indian children. That concern stems from a substantial amount of observation by me of the Indian reservations in North Dakota and elsewhere, from hearings that I have held, from stories and concerns that I have related to the Senate previously.

I have, Mr. President, seen in offices folders containing reports of child sexual abuse and physical abuse which were stacked on the floor and had not even been investigated because there was not enough money to investigate them. We are talking about 3-year-old, 5-year-old, 8-year-old children who have been victims of alleged physical or sexual abuse. The cases had not even been investigated. You may ask why. Well, because the people in charge of investigating the reports simply do not have the resources. They say, "These reports are stacked up and we have not been able to deal with them. We do not have the capability. We are overwhelmed."

There are stories that break your heart when you hear them. I have told the Senate the story that got me interested in this issue. It is a story of a young girl named Tamara DeMaris. Tamara was 3 years old when she was placed in a foster home. But the person who placed Tamara in her foster home was handling 150 different cases. And with few resources and one person handling 150 cases, guess what happened? A 3-year-old child gets placed in a foster home that turns out to be an unsafe home for a 3-year-old. This is a foster home where they have a drunken party, and during this drunken party, this little 3-year-old child gets beaten up. Her nose is broken, her arm is broken, and her hair is pulled out by the roots. This is a 3-year-old child, who is our responsibility, who was placed in a foster home, and the result is that she is beaten because nobody checked to see whether this was a foster home where a young child ought to be placed.

On that reservation, there are more people now doing the checking to see what kind of foster homes are available and whether they are safe places to put young people. I am glad that this has happened. It happened as a result of my intervention and the intervention of others to get additional resources.

But the experience of this young Tamara DeMaris is not all that unusual, regrettably. I will never forget when I met this little girl. You look into her eyes and wonder whether the scars from the beating will ever go away, and know that the beating occurred because we did not make sure that we would have enough resources to provide for her protection. Three-year-olds cannot take care of themselves. It is not their fault if they are born into poverty. It is not their fault if they are born into a situation where there is no family structure. It is not their fault that they are going to be placed in a foster home by someone. It is not their fault that someone commits sexual abuse or violence against them. But it is our responsibility to try to protect those kids.

We are not doing enough about it. The resources do not exist in this piece of legislation to deal with it. We have an Indian boarding school in North Dakota. I visited that Indian boarding school about a month or two ago and saw the children, many of whom come from very troubled backgrounds, and I read some of the letters they had written when they came to school. One 13-year-old girl, her dream was a very simple thing, that maybe at Christmas, some Christmas, she would be able to have a mother and a father and a sister and a brother together to celebrate. Of course, in her circumstance, it will not happen. It has never happened. It will not happen in the future. That was her dream. Very simple. A lot of kids dream for material things, but she wanted a home where a mother, father, brother, and sister would be able to spend Christmas with her.

The point I make is that we suffer some very serious, troubling problems on Indian reservations with respect to child abuse and with respect to poverty, health challenges and other things. This piece of legislation, Mr. President, simply does not adequately address those issues.

Mr. President, I remember touring a hospital some while ago and holding in my arms a little baby who had been born prematurely. A Native American had come to the hospital to give birth. Her blood alcohol content when she checked in was 0.23. The baby, upon birth, had a blood alcohol content of 0.21. The mother wanted nothing to do with the baby. She did not want to see the baby. Think about the consequences of this: Someone showing up to deliver a baby with a 0.23 blood alcohol content and delivering a baby with 0.21 blood alcohol content. It is likely the baby will suffer from fetal alcohol syndrome.

The same hospital showed me just before I was at the nursery the space where the carpenters had prepared for a new device. They were, I believe, getting an MRI, a device that is breathtaking. It can look through the human body to see what is inside. Here, 200 feet apart, is an example of the most breathtaking success in health care and the most tragic human failure.

How do we respond to all of these things? How do we deal with them all? Some say you cannot throw money at it. I do not disagree with that. On the other hand, with respect to children, with respect to babies and 3-year-olds and 5-year-olds and 13-year-olds, with respect to those kids who are born of circumstances that they did not create, we must, it seems to me, in this legislation give them an opportunity, give them a fighting chance, deal with their health care needs, provide protection to make sure that foster homes are safe.

We must do that, and I regret to say this legislation simply falls too short. I voted for this bill when it left the Senate, hoping that maybe when we got to conference we would still have an opportunity to work out some approach that would provide enough resources to deal with the needs of Indian children. I conclude, having looked at the conference report, pretty much the same as the Senator from Arizona, Senator MCCAIN, has concluded. It simply falls short. We have to do better. I hope that, although I intend to vote against this conference report, when we approach this funding bill again next spring, working in good faith with good people, that those who put this kind of legislation together will understand that there really is no higher priority for us than to meet our responsibility to children. Children cannot take care of themselves. We have certain trust responsibilities to meet. In my judgment, we have not met them.

Mr. President, with that I yield the floor.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I remind the President that it is the holiday season and as the song goes—tis the season to be jolly. Unfortunately, my good friend from Arkansas, as he described the mining law provisions in the Interior bill, did not follow the holiday spirit. I think he may have construed the holiday season with the Grinch of Christmas, or something of that nature, but clearly his description of the legislation was not in the holiday spirit.

I think it is fair to say that his comments were hardly constructive toward enacting mining law reform, and might even be construed to be destructive. As the President is aware, today's 6-hour debate on the fiscal year 1996 DOI conference report is, in the opinion of the Senator from Alaska, a good deal about politics and very little about policy. Many of our friends on the other side of the aisle see the environment as a political issue and are prepared to do just about everything to exploit the issue. Unfortunately, in their effort to win political points with the media they are destroying our natural resource industries. I think we should look at what has happened. A portion of our resource industry and the jobs that go with it are being destroyed. We are driving those jobs overseas. We are increasing our balance of payment deficit.

Take for example, the Department of the Interior's attitude toward resource development. They oppose it. Mining, coal, oil and gas, timber, grazing, all of these resource activities on public lands are opposed by this administration. As a result, the administration is forcing us to import many of these resources from overseas.

The greatest portion of our balance of payments deficit, Mr. President, is the cost of imported oil. What is the administration doing to encourage exploration in areas such as ANWR? In my State of Alaska, geologists tell us ANWR is the most likely prospect for a major oil discovery. Unfortunately, this administration opposes any exploration in this area. As many of you know, my State of Alaska has contributed 25 percent of the total domestic crude oil produced in the United States for the last 18 years.

The arguments prevailing in the early 1970's against opening Prudhoe Bay are the same arguments prevailing today against opening ANWR. The only difference is we have learned how to develop the Arctic in the last quarter of a century, and, as a consequence, we can apply advance technology to do a better job, making a smaller footprint. That is not the policy of this administration. The administration's policy is to constrict resource development. Where have all our high-paying blue-collar jobs gone? They have been exported overseas.

As I mentioned earlier, today's debate is about politics, not policy. I hope that my colleagues will see through this smokescreen.

Mr. President, I urge my colleagues to consider the DOI conference report on its merits. An awful lot of effort and time has gone into the bill. Senator GORTON put together a good bill. There were problems with the House, but ultimately he put together what I think is an acceptable compromise.

Earlier today, my friend Senator BUMPERS talked about the mining law provisions in the budget reconciliation package. To hear his view, it is a giant sellout of American resources to a few mining companies. I want to clear up a few misunderstandings, because you have to recognize that this industry provides good-paying jobs which provide a solid tax base.

Looking at the royalty provision under the proposal sent to the President, for the first time in history in this legislation, miners are required to pay a 5 percent net proceeds royalty. During good market conditions, if an operation is making a profit, they pay a royalty. During bad market conditions, if an operation is losing money, they do not pay a royalty. The significance of the mining industry—it is a world competitive market out there—you either compete with South America, Brazil, Australia, on a world market price or you do not compete at all.

In other words, Mr. President, we are trying to provide incentives for operators to stay in production, to keep our U.S. jobs, these high-paying union jobs that keep people working and provide a local and Federal tax base.

And I would encourage the unions in this country that are dependent in the resource industry to look behind this smokescreen to what this administration is really attempting to do with resource development jobs—mining of any kind, hard-rock, coal, you name it. They do not want anything to happen on public land. This attitude will not create jobs.

Patents—for the first time in history miners would be required to pay fair market value for patented land. There would be a reverter for the first time in history—that patented land used for nonmining purposes reverts back to the Federal Government. So there is no speculation. There are no ski resorts built under the idea that you get a patent for mining and then use it for something else.

We protect property rights by allowing the pending patent applications at Interior to move forward under the existing law. The remaining 330,000 mining claims holders would have to prove that they have a "vested possessory property right." If they do not have that right, they are subject to the new law.

For the first time in history, we establish an abandoned mine land fund to start the process of cleaning up old abandoned mines. We maintain the existing $100 per claim holding fee for 3 years and then double the fees to $200 per claim starting in 1999.

Mr. President, the Congressional Budget Office's score over 7 years is approximately $157 million. As new mines come into production this figure will significantly increase.

What is the administration's proposal? Mr. President, they have no proposal. Secretary Babbitt continues to demand mining law reform, yet he offers no solution. The administration has failed to submit a proposal to Congress this year.

In fact, instead of supporting mining law reform legislation, the President's budget calls for the elimination of the percentage depletion allowance for hard-rock mining—a multi-billion-dollar budget bombshell that will cost several billion dollars, and thousands of jobs.

According to the administration, this would save roughly $954 million over 10 years—in effect, place a $1 billion-plus burden on the Nation's miners. Once again, the White House has singled out the mining industry for punishment. Why?

It's the latest assault in Secretary of Interior Babbitt's and the administration's war on the West on hard-working people and their jobs. Make no mistake about it, they are singling out the hard-rock mining industry for termination.

Oil, gas, and coal jobs are not put in jeopardy at this time, however, the camel's nose is under the tent. It is only a matter of time until the administration uses the Tax Code to go after oil, gas, and the coal industry.

Mr. President, the hard-rock mining industry provides 120,000 direct and indirect jobs nationwide. This proposal could eliminate 60,000 to 70,000 of those jobs.

The administration is using the environment as a political issue. The debate is not about policy. It is about politics.

I urge my colleagues to see through this smokescreen and vote on the facts. If we can send a man to the Moon, we can surely develop our natural resources and protect our environment.

On the matter of the Tongass, Mr. President, I commend my good friend and senior colleague, Senator STEVENS, and those who have worked so hard to get approval in the conference.

The conferees have significantly modified the provision dealing with the management of the Tongass National Forest to fully respond to administration concerns. In the original amendment, the administration objected to: First, sufficiency language; second, the dictate to follow a forest plan that the administration believes is superseded by more recent information; and third, imposing a permanent ban on the development of wildlife habitat conservation areas.

The new amendment agreed to by the conferees contains none of these three requirements. It allows operations on the Tongass National Forest to continue under the current Tongass land management plan [TLMP]. Further, it directs that revision and amendment of the TLMP continue.

The new amendment reaffirms the compromise embodied in the 1990 Tongass Timber Reform Act [TTRA] by requiring that for the next 2 years, any change to the TLMP shall maintain at least the number of suitable available and suitable scheduled acres of timber land and allowable sale quantity as that identified in the preferred alternative of the October 1992 final TLMP (alternative P). The regional forester, at that time, developed alternative P as the best way to manage the Tongass National Forest implementing the compromise of the 1990 legislation.

Subsequently, litigation from environmental groups has undermined the compromise.

Unfortunately, the ninth circuit court has ruled that the 1990 act's requirement to seek to meet market demand for timber is merely hortatory and not binding on the Forest Service as are numerous other statutory obligations. More recently, on October 19, Alaska District Court Judge, James Singleton, ruled that based upon the ninth circuit's reasoning, the balancing mechanisms of the 1990 Act are not a binding duty. Rather they are merely a Congressional admonition to be factored into the mix of Forest Service goals. Judge Singleton then held that "the absence of any enforceable duty" denies plaintiffs (the State of Alaska and the Alaska Forest Association) standing to challenge Forest Service decisions, and that plaintiffs will not receive relief "unless congress intervenes in a more forcefully way."

The amendment meets this challenge from the courts by imposing a nondiscretionary obligation on the Forest Service to maintain a land base suitable for timber production and resulting allowable sale quantity as indicated in alternative P, thus restoring the 1990 compromise and establishing a binding duty to maintain the timber land base. The Forest Service has flexibility to work within a number of administrative land use designations to harmonize this duty with other statutory obligations or agency goals.

The conference agreement makes it clear that any revision, amendment, or modification shall be based on the application of the scientific method and sound, verifiable scientific data. Data is sound, verifiable and scientific only when it is collected and analyzed using the scientific method. The scientific method requires the statement of a hypothesis capable of proof or disproof, preparation of a study plan designed to collect accurate data to test the hypothesis; collection and analysis of the data in conformance with the study plan; and confirmation, modification or denial of the hypothesis based upon peer-reviewed analysis of the collected data. That the data used shall be from southeast Alaska ecosystem. The current TLMP revision process underway does not meet these standards and should be modified in the 2-year time period provided by this amendment.

The amendment also includes language to release timber enjoined by the ninth circuit court because the Forest Service had not conducted an environmental analysis when allowing the transfer of sales from one long-term timber contract holder (the Alaska Pulp Corp.) to another (Ketchikan Pulp Co.). Previously, Congress passed section 503 of Public Law 104–14 which said that the transfer of sales should be authorized, notwithstanding the requirements of the National Environmental Policy Act [NEPA] and the Alaska National Interest Lands Conservation Act [ANILCA].

The ninth circuit subsequently determined on September 28, that section 503 or the rescissions bill did not alter the legal basis for the court's original decision. The court stated that section 503 reflected the "mistaken view that the dispute involves the changing of parties to a contract." The court said that, since the alternatives described in the environmental impact statement were driven by Alaska Pulp Corporation's [APC] contract, NEPA and ANILCA required a new set of alternatives in order for the Forest Service to reoffer the timber to third parties (because the Forest Service was no longer under an obligation to sell the timber to anyone). Accordingly, the ninth circuit held that section 503 failed to address the legal significance of the termination of APC's contract by focusing solely on the fact that the sales were transferred from one party to another.

By saying that "the change of purchasers for whatever reason shall not be considered a significant new circumstance," the amendment in this bill makes it clear that, even though the change of purchasers is due to the termination of the long term sale, the transfer to third parties is covered by the language in the bill. The language says that it will not be legally significant no matter what reason the Forest Service makes for the transfer.

I urge the administration to recognize the good faith negotiations that resulted in this compromise, and to sign the Interior appropriations bill. To do otherwise would be to destroy the small kernel of hope that this provision will bring to the people of southeast Alaska who live in the forest. Because there is no State forest, there is no private land. These people live in the forest—Ketchikan, Wrangell, Petersburg, Juneau, Sitka, Skagway. All of these areas are in the forest, and the people living in this area have hopes that this legislation will maintain their industry at a modest level.

Finally, Mr. President, I urge that realism dictate the evaluation of these matters by the Department of Interior. They suggest that the Queen Charlotte goshawk and the Alexander Archipelago wolf might be endangered as a consequence of logging. It is absolutely without any scientific fact of any kind, and is simply a bogus excuse. They have already been ruled as not subject to the Endangered Species Act because they are not threatened. But they keep bringing this matter up.

Mr. President, we have a season on wolves. We allow the taking of wolves. They are predators. If they were scarce, obviously, that would be the first thing to go. But the Secretary of the Interior puts this smokescreen up and suggests that the wolves and the timber do not mix, and it is absolutely based on no scientific fact.

Alaskans simply cannot understand it. And the only effort they are making in the evaluation of the goshawk is not to find out how many are in the forest. They simply look at the next proposed area to be logged and use the wolf or the goshawk to block development. There is no substantiation to suggest that the goshawk is endangered either.

But it just drives me crazy to see these false excuses coming out of this department that knows better, and they admit they know better. But they will use any excuse at any time to address an emotional argument.

I yield the floor.

I wish the President a good day.

I see my good friend from West Virginia seeks recognition. I wish him a good day as well.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend from Alaska. He is always most generous in his comments concerning other Senators. He has always been very kind, and as is his characteristic way, he is always cooperative and courteous toward me. I appreciate his friendship. And I am glad to have him as my colleague.

Mr. President, today the Senate is finally able to undertake its consideration of the conference report on H.R. 1977, the FY 1996 Department of the Interior and Related Agencies appropriations bill. This bill has been to conference on three occasions, as a result of two different votes to recommit the conference report by the House. However, we now have a product that has passed the House and I hope that the Senate will be able to provide its approval expeditiously. For the information of Senators, this conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on December 12, 1995, on pages H14288 through H14309.

The agreements before the Senate today total $12.234 billion in budget authority, and $13.210 billion in outlays, as scored by the Congressional Budget Office. The Subcommittee has had its 602(b) allocation increased by the Full Committee in order to provide an additional $50 million for Indian programs, which has been an area of concern to numerous Senators, as well as to the administration.

The recommendations of this conference agreement represent a total decrease below the amounts provided in fiscal year 1995 of approximately $1 billion in budget authority and $822 million in outlays. Thus, when all of the various scorekeeping adjustments are factored in, this bill is about 8 percent below current levels.

This conference report reflects the very difficult choices imposed upon the Appropriations Committee this year as a result of the constrained funding for domestic discretionary spending provided in the budget resolution. Nearly every single agency in this bill is funded at a level well below the fiscal year 1995 enacted level. Significant personnel reductions will result due to various program terminations or restructurings recommended in the Interior bill this year. The picture might be prettier if we had more money, but we do not have more money. Further cuts in domestic discretionary spending contemplated by the President in his most recent budget proposal make it likely that additional cuts in the outyears for the programs in this bill will be necessary. So next year will be slimmer than this year.

Given the constraints within which conferees had to work, as well as the prospects for the future, I believe this conference report reflects a balancing of the competing interests found in the Interior bill.

Now, Senator GORTON has already laid out the details, and laid them out well. I wish to extend my strongest commendation to Senator GORTON for his leadership on the Interior appropriations bill this year. This is his first year as chairman of the subcommittee, and I am going to say something about the chairman of the subcommittee that I have never said before in my almost 40 years in this body and 44 years on Capitol Hill. I am going to say something that I have never heard another Senator say about a subcommittee chairman; that is that this subcommittee chairman, Senator GORTON, is the best subcommittee chairman that this subcommittee has had in at least the last 8 years.

What am I saying when I say that? I was chairman of the subcommittee for 6 years. So what I am saying is that Senator GORTON is a better chairman of this subcommittee, has mastered its details more, is better prepared, more knowledgeable concerning the bill than I ever was.

This is a Western Senator's bill, as a matter of fact. I am not a Western Senator. Senator GORTON is a Western Senator. But I salute him, and I daresay there is not another Senator in this body that I have ever heard say that another chairman of the subcommittee has been a better chairman than he, the Senator speaking, has been. I say that ungrudgingly. And, of course, it has to come from my heart. So I congratulate Senator GORTON. I commend him.

The Bible says, "Seest thou a man diligent in his business? He shall stand before kings." Senator GORTON is diligent in his business, and we are fortunate to have him as our chairman.

Of course, I hope the day will come when I will again be chairman of the subcommittee. I look forward to that day. I hope it is not too far away. But, in the meantime, my words stand as they have been spoken.

So he has mastered the complexities of the public lands and other issues that confound this bill year after year. He has been most considerate of me and of other Senators throughout this appropriations process. He cannot do everything for everybody. He cannot do everything for anybody. He cannot do everything he would like for himself. But I thank him for his courtesies. He has been most deferential and generous to me.

Mr. President, I hope that the Senate will act to support this conference report. As I have already said, it is the third conference report on the bill. While changes have been made from the earlier conferences, the administration continues to voice concerns about some of the provisions, particularly the legislative language in the bill, and it is possible that the bill will be vetoed. But I hope that the administration will think carefully before reaching a decision about the fate of this bill.

The controversial issues will not go away if the bill is vetoed. They will not go away. The $50 million increase for Indian programs might be taken away. Further restrictions on the Agencies funded in the bill might be imposed. So, while the administration may not like everything about the bill—and I do not like everything about the bill—while the administration may not like everything about the bill, I urge the administration to think carefully once, twice, three times, and then think again. Think again before issuing a veto. If a veto is issued, I hope the administration will be prepared to negotiate constructively. A position that the bill is signable only if the language items are removed in their entirety is not helpful—or realistic.

There are many programs which were identified as a priority by the administration, but our allocation constrained how far we could go in funding all of the programs on their list. Given the environment in which we had to work, most programs fared relatively well in this conference agreement. It is unclear how some of these activities will be treated if funding for the Interior bill agencies is folded into a continuing resolution. In addition, this bill begins a responsible downward trend, which is absolutely necessary given where domestic discretionary spending appears headed in the coming years.

Mr. President, I would like to highlight some of the items in the conference agreement.

The subcommittee has attempted to protect the operational base of the agencies funded in the bill, while at the same time these agencies are having to take their share of administrative and personnel reductions. In order to protect the operating accounts, more significant reductions were taken in the land acquisition and construction accounts.

Funding for Indian programs under the jurisdiction of the Interior Subcommittee is reduced by 4 percent below the FY 1994 level. These reductions are taken primarily from the discretionary activities of the Bureau of Indian Affairs, in order to protect education and health care for Indians, which also fall under the jurisdiction of this subcommittee. The conference agreement restores $112 million to the Bureau of Indian Affairs from the Senate-passed level.

Total funding in the bill for the Land and Water Conservation Fund is $140 million, a level 40 percent below the FY 1995 amount. No project specific earmarks are included for land acquisition. The conferees direct the administration to propose projects for consideration, subject to the committee's reprogramming guidelines.

Total funding for construction in the land management agencies is reduced by nearly 20 percent below last year's level.

The National Biological Service is eliminated as an independent entity, and the conference agreement folds the natural resource research responsibilities of the Interior Department into the jurisdiction of the Geological Survey. Efforts have been taken to protect, as much as possible, the existing research facilities located in various states.

The Bureau of Mines is terminated, with its health and safety and materials partnership functions transferred to the Department of Energy and its non-Alaska mineral information responsibilities assigned to the Geological Survey. The Alaska minerals activities from the Bureau of Mines are transferred to the Bureau of Land Management.

Funding for the National Endowment for the Arts is reduced by about $63 million, to a level of $99.5 million. The National Endowment for the Humanities is reduced by about $62 million, to a level of $110 million. The conferees agreed to disagree regarding future funding for these two agencies.

As usual, Mr. President, the most controversial issues in the Interior bill involve legislative proposals. With respect to the most significant of these items:

The bill contains language continuing the moratorium on the issuance of mining patents. Provisions are included regarding a schedule for the processing of those patent applications in the pipeline, as well as for the use of third parties in the conduct of mineral examinations.

Legislative language is included regarding the management of the Tongass National Forest in Alaska. While management direction is specified for the next 2 years, the Forest Service will be able to complete the current planning process.

A moratorium on implementation of certain provisions of the Endangered

Species Act is imposed until reauthorization of this landmark legislation is enacted.

Language is included which changes the direction provided by Congress last fall regarding the management of the California Desert. The latest conference agreement allows the National Park Service to engage in a comprehensive planning effort during fiscal year 1996, but management in the Mojave Preserve remains the responsibility of the Bureau of Land Management.

Legislative language is included which limits the types of grants that can be funded using NEA dollars appropriated in this act. The language offered to the Senate bill has been modified to address concerns regarding potential legal challenges.

In summary, Mr. President, this conference report is not perfect. It is exactly what most conference reports are—a compromise. The House did not get everything it wanted, and neither did the Senate. This bill makes a significant downpayment toward deficit reduction, while trying to balance many competing needs and interests. I urge the Senate to adopt this conference report, and I hope the President will give it his approval.

Lastly, I would like to commend the staff who work on this appropriations bill. It is not an easy task, in part because of the variety of issues involved, and also because of the extreme interest so many Senators place on the programs and projects under the jurisdiction of the Interior Subcommittee. I wish to thank Senator GORTON's staff: Cherie Cooper, Kathleen Wheeler, Bruce Evans, and Ginny James. On my staff, Sue Masica handles the Interior bill, and is assisted by Carole Geagley. The staff works together as a team, and I think that is reflected in the quality of the product presented to the Senate today.

I thank all Senators and urge adoption of the conference report.

I yield the floor.

INTERIOR PRIORITIES

Mr. LEAHY. Mr. President, I would like to discuss briefly with the chairman some of the funding included in this bill. Together we have made an effort to eliminate earmarks within the bill. There is no way to accommodate the many projects that Senators requested. One way to treat every State fairly is to provide no earmarks, and instead set programmatic budget priorities.

I have worked to improve the budget process by focusing on programs within the administration's budget rather than add-ons and earmarks. We cannot simultaneously address the deficit program and continue to add new programs. I have worked with the agencies to craft budgets that make sense to the State of Vermont and address national issues that are worthy of Federal support.

In that respect, I wish to clarify my understanding of the budget's treatment of several programs and projects that are important to the agencies and important to the State of Vermont. At the time the budget was presented, the Interior Department provided information to me which indicated that the Lake Champlain Basin initiative was continued in the budgets of the Geological Survey and the National Park Service at approximately the fiscal year 1995 levels—$222,000 and $250,000 respectively—and that there was approximately $600,000 in the Fish and Wildlife Service Budget for these purposes. In addition, the Connecticut River Valley ecosystem project was slated to receive approximately $1,005,000 in the FWS budget for the Conte Refuge, and that the Park Service intended to allocate $250,000 for this effort. The Fish and Wildlife Service would also participate in efforts to protect the resources of these ecosystems through investments in endangered species management and private lands wetlands restoration.

Mr. President, while no specific earmarks restating what was included in the budget were provided in the committee report, I hope the chairman would extend his agreement that the agencies should follow through on their commitment to continue these initiatives, roughly at the levels assumed in the budget. The budget levels were essentially a continuation of the prior year level of effort, and my objective is to see that the initiatives continue. Obviously, if there were reductions in any of the budget line items where these programs are funded, these initiatives would have to bear their fair share of any such reductions. However, for the most part, under the leadership of the chairman, the operating accounts of the land management agencies have been pretty well protected, and the agencies should be able to follow through on the indications provided by the Department.

Mr. GORTON. I am aware of the Senator's concern for emphasizing these initiatives. What he has presented seems reasonable, and I would expect the Department to follow through with roughly the funding levels that have been identified.

Mr. JEFFORDS. I join my fellow Senator from Vermont to express my interest in these important community efforts in the State of Vermont. I am glad that the chairman concurs with our understanding.

Mr. BYRD. I thank the Senators from Vermont for highlighting these concerns. I agree with the chairman. Since the accounts in which these initiatives are funded are basically level with the budget request, the Department should be able to address these programs consistent with the information provided when the budget was submitted.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 1977, the fiscal year 1996 Interior and related agencies appropriations bill.

This bill has been a long time coming to the Senate. I commend the distinguished subcommittee chairman, Senator GORTON, for his diligence in completing this bill.

The final bill provides $12.1 billion in budget authority and $8.2 billion in new outlays to finance the operation of the Department of Interior agencies, the U.S. Forest Service, the Indian Health Service, the energy conservation and fossil energy programs of the Department of Energy, the Smithsonian Institution, and other arts-related agencies. Most of the funding in this bill is for nondefense discretionary programs.

When outlays from prior year budget authority and other completed actions are taken into account, the final bill totals $12.3 billion in budget authority and $13.3 billion in outlays for fiscal year 1996. The bill is $0.5 million in budget authority and $0.25 million in outlays under the subcommittee's revised 602(b) allocation.

Mr. President, the subcommittee had difficult decisions to make in setting priorities for the funding in this bill. In revisiting the bill for the third time, the conferees restored important funding for the native American programs funded in the bill. I have fought for this outcome since the bill came before the Senate. While we have not made up all the funding I believe is necessary for the Bureau of Indian Affairs for tribal priority allocations, the restoration of $25 million for this purpose is significant. I thank the chairman for his efforts in this regard.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference agreement be printed in the RECORD, and I urge the adoption of the conference report.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INTERIOR SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	146	5,001
H.R. 1977, conference report	12,089	8,208
Scorekeeping adjustment		
Subtotal nondefense discretionary	12,234	13,210
Mandatory:		
Outlays from prior-year BA and other actions completed		24
H.R. 1977, conference report	59	25
Adjustment to conform mandatory programs with Budget Resolution assumptions	6	6
Subtotal mandatory	65	55
Adjusted bill total	12,299	13,265
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,235	13,210
Violent crime reduction trust fund		

INTERIOR SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Mandatory	65	55
Total allocation	12,300	13,265
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	−1	−0
Violent crime reduction trust fund		
Mandatory		
Total allocation	−1	−0

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. GORTON. Mr. President, I ask unanimous consent for 1 additional minute past the 2 o'clock time.

The PRESIDING OFFICER. I believe the Senator has 2 minutes under his control, at any rate.

Mr. GORTON. Fine.

Mr. President, one of the finer customs of the Senate, one of the customs that makes it work in contentious times better than might otherwise be the case, is the custom of Senators to treat kindly their fellow Members and to speak well of them. I think that is a wonderful custom, and I have been its beneficiary on a number of occasions. But I must say, I have never been its beneficiary in such fulsome terms as were just applied to me by my friend and colleague, mentor, the senior Senator from West Virginia. I cannot claim to deserve all of those compliments, but I may appreciate them even the more for that.

I learned what I have learned in the service of the Appropriations Committee from him during his chairmanship, and the extent that I have had a success this year has been largely due to the advice and the guidance which the senior Senator from West Virginia has provided.

He has stated very well the difficulties under which this bill is presented to this body, the great contribution it makes to deficit reduction and the difficulty that that created in attempting to properly fund and instruct the agencies under its jurisdiction. I have also made a statement to that effect.

I will simply solicit the support of my colleagues for the bill which I believe reaches its goals well, considering the challenges with which we are faced, and I hope that the President will change his mind and sign it, as it will be much better than any alternative that he is likely to receive through a continuing resolution.

The yeas and nays have not been requested?

The PRESIDING OFFICER (Mr. COVERDELL). They have not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 1977, the Interior appropriations bill for fiscal year 1996. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 604 Leg.]

YEAS—58

Abraham
Ashcroft
Bennett
Bond
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Ford
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Pell
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Harkin
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Murray
Nunn
Pryor
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—1

Gramm

So, the conference report was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, before we move on to the next item, I wish to add to the list of thanks that I gave earlier in connection with this bill the name of Julie Kays from my own personal staff who has handled every aspect of this bill for me in a tremendously successful and skilled fashion.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 2099

Mr. GORTON. Mr. President, I ask unanimous consent that following the disposition of H.R. 1561, the Senate proceed to the consideration of the conference report to accompany H.R. 2099, the VA-HUD appropriations bill, and that it be considered under the following time limitations: 30 minutes equally divided between the two managers, 10 minutes under the control of Senator BUMPERS, 10 minutes under the control of Senator HUTCHISON, 10 minutes under the control of Senator LAUTENBERG, 10 minutes under the control of Senator McCAIN, 10 minutes under the control of Senator BOXER; further, that following the expiration or yielding back of time, the Senate proceed to vote on the conference report, and that following that vote, the Senate immediately concur in the amendment of the House to the amendment of the Senate, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS REVITALIZATION ACT

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order to make the pending business S. 908.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the clerk will report S. 908, the State Department reauthorization and reorganization bill.

The legislative clerk read as follows:

A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999, and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

Pending:

Dole amendment No. 2025, to withhold certain funds for international conferences if funds were expended for U.S. participation in the United Nations Fourth World Conference on Women while Harry Wu was being detained in China.

Helms amendment No. 2031, to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997.

Kerry (for Boxer) amendment No. 2032 (to Amendment No. 2025), to express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China.

Helms amendment No. 2041, to express the sense of the Congress regarding the consolidation and reinvention of the foreign affairs agencies of the United States.

Helms amendment No. 2042 (to amendment No. 2041), in the nature of a substitute.

The Senate resumed consideration of the bill.

AMENDMENT NOS. 2025, 2031, 2032, 2041, AND 2042, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the pending amendments numbered 2025, 2031, 2032, 2041, and 2042 are withdrawn.

The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair. The Chair is absolutely correct. Mr. President, I believe there is a time agreement on this of 4 hours equally divided.

The PRESIDING OFFICER. The Senator is correct. There are 4 hours on the managers' time and the bill.

Mr. HELMS. Very well. Mr. President, before I begin, I will yield to the Senator from Montana to speak as in morning business.

I ask unanimous consent that it be in order for me to yield to the distinguished Senator 6 minutes, not to be charged to either side, at which time the time will begin running on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

GO GRIZ

Mr. BAUCUS. Mr. President, I rise today to introduce a critically important resolution. It will restore the honor of our country, and my State of Montana in particular, in the face of an impudent affront leveled against us by the Governor of West Virginia.

Let me begin with a question. What would possess as many as 5,000 Montanans to leave our beautiful State and travel to a small town in West Virginia—of all places—for the weekend?

There is only one answer—and that is Grizzly fever.

As I have proudly told many of my colleagues, the University of Montana Grizzlies are traveling to Huntington, WV, to take on the Thundering Herd of Marshall University in the NCAA, Division I-AA National Championship. And on Saturday night, they will come home to Missoula as the national champions.

It takes a good football team to get that far. But the Grizzlies are not just a good football team—they are a great football team.

How great are the Grizzlies, some may ask?

Great enough to have trounced their playoff opponents. During the three playoff games, the Grizzlies scored a total of 156 points. Their three opponents managed to score a paltry 14 points; and two out of the three playoff games were Grizzly shutouts.

And the Grizzlies are great enough to have what I believe is the finest quarterback in college football today. Dave Dickenson, from Great Falls, is a three-time first team academic all-American, a first team all-American quarterback, and Dave will probably receive the Walter Payton Award next week as the best Division I-AA player in America.

Many West Virginians—including my friends Senator BYRD and ROCKEFELLER—may take pride in Marshall's winning record up to this point. That is fine. I see nothing wrong with acknowledging the accomplishment of the second-best team. But Governor Caperton crossed the line when he signed a proclamation naming December 16—the day of the game—Marshall University Day.

Now, normally, I am a strong supporter of States rights. But Governor Caperton has gone too far. His proclamation is a slap in the face to me and every other self-respecting Montanan. And it is an insult to the good sense of every American who follows college football.

Mr. President, sometimes State governments make mistakes. And on occasions like this one, they are whoppers. The time has come for Congress to step in and set things right.

That is why I am introducing my resolution today. It would recognize the Montana Grizzlies as the new national champions by proclaiming all of next week Montana Grizzlies Appreciation Week. It would also declare the unfortunate, unjust, and illegitimate proclamation by the Governor of West Virginia null and void.

If you still doubt the need for this resolution, tune in on Saturday. The game starts at 10 Montana time—that's noon in Washington on ESPN. It will be a great game.

Mr. HELMS. I can see why the Senator was eager to make a speech and make a reference to Montana. I congratulate him.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Here we are, Mr. President. As I was saying a few minutes ago, at long last, S. 908 is the pending business before the U.S. Senate—S. 908 being the plan to reorganize the State Department—a plan much maligned by all the bureaucrats who do not want to be folded into the State Department. They do not want to save any money. To their chagrin, it looks to me like we are going to save some money, not as much as we would have liked, but that is an issue we can work on in conference with the House. S. 908 was reported to the Senate more than 6 months ago, and I have never seen as many erroneous news reports about a piece of legislation in all of my 23 years in the Senate. The administration at every turn has vowed—and I use the administration's words—vowed to "delay, postpone, obfuscate and derail" S. 908. They made no bones about it. All of that was ignored by the great media of this country. There was just one Senator who was holding up the whole works—that fellow from North Carolina, HELMS—and they went after HELMS with a feverish attitude.

Our Democratic colleagues signed up and have refused to allow the Senate to work its will, but that did not make any difference to the news media. They reported that it was HELMS doing the holding up, when actually it was the administration and the Democrat Members of the Senate. Now, there was one Senator who was willing to negotiate and participate in the process, Senator KERRY of Massachusetts, to whom I shall forever be grateful.

It needs to be made clear that the Senator from North Carolina has never, never demanded that I get my way as press report after press report after press report claimed. I have never demanded that the Senate accept this authorization bill or that the administration agree to downsize Government by eliminating a few Federal agencies. I have never demanded that the Senate accept this authorization bill or that the administration agree to downsize Government and abolish some Federal agencies. I had hoped all of that would happen, and the bill was drafted for that purpose, but I never made any demand for anything—except that the Senate be allowed to vote on S. 908. I said from the very beginning, "Let me have a vote and you will have your ambassadors." I have asked only that the Senate be allowed to conduct its legislative responsibilities and vote. Not once did I stipulate that S. 908 had to pass but just that it be voted upon. But the Democrats were afraid that if it were put up for a vote, the Senate would agree to abolish three Federal agencies—what a tragedy that would have been.

Since this process began months ago, the Foreign Relations Committee has acted on at least 58 of President Clinton's ambassadorial nominees—most of them political appointees, I might add. The committee has acted on six tax treaties and assorted other international treaties in that same time period. I have asked myself many times, what have we received in return? Until this date, nothing; nothing. There goes that obfuscation, delay, postponement, derailment.

I take issue with those in the administration and with my colleagues, especially the distinguished Senator from Connecticut [Mr. DODD], who at one point asserted that it was the "height of irresponsibility to hold up nearly all other committee business over one piece of legislation." CHRIS DODD knows better than that, Mr. President. He is in charge of the political wing of the Democratic Party. He is perhaps experiencing a convenient amnesia, forgetting that as chairman of the Foreign Relations Subcommittee on Western Hemisphere in 1992, Senator DODD himself refused to schedule any subcommittee ambassadorial nomination hearings for an entire year. So when Senator DODD made his extravagant statement, I respond, "Look who is talking."

I could go on, but suffice it to say many of my Democrat colleagues have engaged in a bit of injured innocence when they weep such copious tears about the delay in Senate confirmation of several nominees. Now, were it not for Senator KERRY's commitment, Senator KERRY of Massachusetts, his commitment to negotiate common ground, we would still this very afternoon be at an impasse. Everybody knows that there needs to be streamlining and consolidation of the whole Federal Government. It is one of the big reasons we have a $5 trillion debt hanging over the people of this country. Senator KERRY recognized early on and said, "Yes, one or more of the three agencies stipulated in this legislation have outlived their usefulness."

That is putting it the nice way. The truth of the matter is that all three of the agencies, ACDA [U.S. Arms Control and Disarmament Agency], AID [Agency for International Development], and the U.S. Information Agency [USIA] need serious pruning and, in my opinion, should be put on the short list to be abolished. I note that in reference to USIA, it was never our intention to undermine our international broadcasting capability, such as the Voice of America and Radio Free Europe. But I repeat, the ancillary agencies that cost billions of dollars have got to be toned down. That is what this bill is all about.

I remind my colleagues that it was Secretary of State Christopher who proposed to Vice President GORE's much-publicized Reinventing Government Office that the United States was obliged to restructure the U.S. foreign affairs apparatus for the 21st century. Secretary of State Christopher himself advocated the elimination of the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency. Mr. President, Secretary Christopher went almost hat in hand down to Vice President GORE's office to plead that our foreign affairs apparatus needed a serious rethinking for the post-cold-war era. I remind my colleagues that is was Vice President GORE, the former U.S. Senator, who was chosen to be the No. 2 officer of this country and has spent much of his time in office proclaiming his intent to reinvent Government, to downsize Government, and to save the taxpayers money. I know of very few successful efforts of the Vice President in that regard, because somewhere along the line Vice President GORE, decided all of a sudden that the status quo was just fine, and Vice President GORE rejected out of hand Secretary of State Christopher's proposal. In doing so he became a captive of the very Federal bureaucracy he was supposed to reinvent.

By the way, this past January, it was the Vice President of the United States, AL GORE, who promised that he was going to save $5 billion in 5 years by cutting the U.S. International Affairs budget. S. 908, under the terms of the manager's amendment, mandates $1.7 billion in savings over 5 years. If $1.7 billion in savings "jeopardizes the national interest", what are we to have said about $5 billion? The local press would call such a draconian cut the policy of an isolationist if it were made by anybody on this side. They all applauded when the Vice President said it. But look at the facts. How did Mr. GORE come up with those figures? He yanked them out of thin air. Even Senate Democrats acknowledge that they cannot figure it out. They have asked for months—all of us have been asking for months—for the Vice President's proposals for all of these savings.

Finally, some of the more candid Senators on the other side of the aisle confessed. They admitted that the Vice President's plan had no basis in reality and it must have been the result of bad staff work down at the White House. So the emperor had no clothes.

It is worthy of note that the Vice President's book entitled "Common Sense Government" asserts that his recommendations on restructuring the U.S. foreign affairs agencies would be announced in the fall of 1995.

Mr. President, it is now the winter of 1995, and we are still waiting.

The fact is, we are never going to hear from him. We are never going to hear from his associates. They just do not have a plan. They do not know how to produce any savings. They do not have a clue. All they have are press releases, and those press releases, as it turns out, are not—and were not—worth the paper they were printed on last January.

S. 908, the committee's plan to abolish three Federal agencies and save $3 billion has been available to the administration in writing for more than 6 months.

By the way, I stress that the largest of these agencies—the Agency for International Development [AID]—is a temporary Federal agency, even though it was established a half century ago. Ronald Reagan used to say that "There is nothing so near to eternal life as a temporary Federal agency." I think that is correct. The Clinton administration, the State Department, and the Vice President of the United States have yet to provide an alternative to S. 908. The administration has not even bothered to submit an authorization bill to the Congress this year.

So here we are. S. 908 is the pending business in the Senate. What goes around, comes around. As I indicated at the outset, 6 months after committee consideration of the bill, no thanks to the administration, the Senate Democrats have proposed an amendment to our bill.

Senator KERRY has just arrived on the floor. And I do not know whether he knows that I paid my respects to him while he was on the way over here. But I have, and I meant it. And I am grateful to the Senator.

The Kerry amendment, as I said earlier, mandates cost savings of $1.7 billion over 5 years. That is less than one-third of what Vice President GORE promised that he would save, and what S. 908 proposed to save at the outset. We are not saving enough in my judgment. Senator KERRY knows how I feel about that. We have been candid to each other. But I want to get started on this business of saving the taxpayers' money, and I think JOHN KERRY does as well.

I have had to console myself with the fact that saving the taxpayers $1.7 billion is better than saving the taxpayers nothing. Of course, it would have been far better if Senator KERRY had been permitted to fulfill his original offer in committee to abolish one agency and save $2 billion over 4 years. In fact, at the markup of S. 908, the able Senator from Massachusetts strongly stated that he was prepared to move forward on the one agency abolition, and that he would not back down on that proposal. I thinks it is too bad that he did.

Remember, Mr. President, the original intent of the pending bill, S. 908, was to abolish three agencies. The Democrat's compromise proposal was to maintain status quo—leave all three agencies fully functioning and just ask them to save a few billion dollars. The managers' amendment requires the President of the United States within 6 months to send up a plan to downsize, consolidate, and streamline. And, if the President fails to do it, three Federal agencies will be abolished just as we proposed in the beginning. The ball is going to be in the President's court. The clock on that 6 months starts ticking when S. 908 (or H.R. 1561) is enacted.

So as I said at the outset, Mr. President, here we are. While the main focus of this managers' amendment is on reauthorization, it needs to be borne in mind that this is a 4-year authorization bill for the Department of State.

Also, the managers' amendment modifies several other sections of the bill. For example, we agreed to modify some provisions relating to the U.S. relationship with the United Nations. One in particular that has bothered me is the provision restricting the share of U.S. intelligence with the United Nations. At the administration's insistence we have replaced that provision with a much less stringent one.

I, for one, agree with Senator SNOWE of Maine. The original provision was proposed by Senator SNOWE and it was much tougher. I agree with her that the administration should be required to make the case to Congress as to why it is crucial for the United States to share intelligence with the United Nations which includes in its membership countries such as Iraq and Cuba.

We also agreed to remove section 603 which is a provision dear and near to my own heart. The provision would provide asylum for immigrants who are fleeing the policies of their home countries that will force them to abort their unborn children or force them to be sterilized, as the case may be. The silver lining in this decision is that this provision is included in the House bill and, therefore, I expect to strongly support the House language in the House-Senate conference on this bill.

We modified section 604 to authorize payments from frozen Iraqi assets for United States claimants. A similar provision was approved in committee by a bipartisan vote of 10 to 8.

Section 168 restricting the issuance of visas to those who traffic in expropriated property was deleted at the behest of Senator DODD of Connecticut who has stated that he would prefer that issue be dealt with in the conference on the Cuban Liberty and Solidarity Act, H.R. 927.

Mr. President, another important aspect of this agreement is that the Senate will provide for the appointment of conferees upon final passage of this measure sending H.R. 1561—the House companion bill—to the House, and requesting a conference.

On Tuesday, the Foreign Relations Committee reported out—true to my promise—18 pending nominees, and the START II treaty.

The previous unanimous consent agreement provides for en bloc consideration of the nominees upon final passage of S. 908. The majority and minority leaders have agreed to make every effort to finish START II as expeditiously as possible.

A few more thoughts and I will be through.

Early next year the Foreign Relations Committee will begin active consideration of the Chemical Weapons Convention, including additional hearings and additional steps necessary to full committee consideration of this treaty by April 30. I feel obliged to assert that I remain opposed to the Chemical Weapons Convention. Until this administration comes forward with a public explanation of precisely how this treaty can be verified, which it cannot do and has not done yet, I cannot imagine that the Senate will be prepared to take action on the treaty. But that remains to be seen.

The road to redemption was not traveled in one day. It began with one step in the right direction, and that is where we find ourselves today. The Democrats have taken this step by recognizing the necessity of consolidating the U.S. foreign affairs agencies and agreeing to mandate cost savings and by concurring that the Secretary of State should be the primary foreign policy adviser to the President of the United States. Ultimately, the President and our Nation's foreign policy will benefit from this reorganization which has been endorsed by five former Secretaries of State, who, in the process, one after another, conferred with us and helped us in the drafting of the bill.

Let me say this, and I shall yield to the distinguished Senator from Massachusetts.

The world has changed dramatically during the past 10 years. The State Department has not. The issue of consolidation and restructuring is not going away this year, and it is not going away next year either. I pledge that. Brian Atwood, for example, will have to rethink his jubilant declaration this past October when he said, "AID has survived a bruising political battle." That remains to be seen.

Down on the Archives building, not far from the Capitol, is a piece of marble that has the words, "What is past is prologue." Somebody asked a friend of mine what that means, and he said, "That means 'You ain't seen nothing yet.'" So, Mr. Atwood, I would say, "You ain't seen nothing yet."

What has happened here is not the beginning of the end, it is the end of the beginning. Eventually—eventually—the American people are going to have their say. And to the length of my cable-tow, they also will have their way.

I yield the floor, and I assume the distinguished Senator from Massachusetts wishes to make a statement.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my distinguished colleague. I was not here when he made some very generous comments about my participation in this, and I am appreciative of what I have been told that he said.

As I said the other night, for myself I want to thank the Senator from North Carolina for his patience and for his forbearance in this process. It has been a difficult process, as many have said, but I will say that in all of the dealings that he and I have had, there was never any rancor or any raising of voices. We argued and debated and pressed and pushed, both of us, for positions that we believed in. In the end, what we have here is a compromise, as it ought to be, and I think it is a fair compromise. I think it is a sensible compromise. It is a compromise that recognizes the changes that are sweeping over all of Government and Washington. It recognizes the imperative of that change, which no agency or entity of Government ought to be exempt from unless they can prove, beyond all doubt, that they ought to be.

Mr. President, I am pleased that Senator HELMS and I have reached agreement on a manager's amendment and that the months-long impasse over this bill and the nominees and other issues linked to movement on this bill has come to an end. The process has been long and at times trying. In the eyes of many it was about politics, not policy, but that is not the case. From the very beginning there have been real substantive disagreements over the consolidation language in this bill and over many other policy provisions, such as those mentioned by the distinguished ranking minority member, Senator PELL.

This managers' amendment is a compromise in every sense of the word. On the key issue of consolidation, Senator HELMS and his Republican colleagues on the committee agreed to accept my proposal which preserves the President's prerogative to determine how the foreign affairs agencies—that is the State Department, AID, USIA, and ACDA—will be reorganized. This proposal provides the President with flexibility. It does not abolish any agencies, unless the President fails to send a plan to Congress, but it does require the President to save $1.7 billion over 5 years through reorganization and consolidation. Recognizing that programmatic reductions are a byproduct of consolidation, it allows him to achieve up to 30 percent of that savings from programmatic reductions.

I believe that this proposal will result in some serious and beneficial streamlining and consolidation of our foreign affairs apparatus. In my view this is necessary in light of the cuts that are being imposed on the budget in all areas including foreign affairs. I share the concern of many of my Democratic colleagues about these cuts. The international affairs budget is only 1 percent of the Federal budget, and it is 1 percent well spent when one considers our needs and interests abroad. But like it or not, funding for foreign affairs programs has been declining over the last decade and will continue to decline under whatever agreement is reached for balancing the budget in the next 7 years. Against this reality, we must find a more efficient and cost-effective way to make and implement policy while still preserving critical programs. I think the approach we have in this bill will enable us to do that.

I recognize that some are concerned that the Senate position on consolidation, as reflected by this managers' amendment, will be reversed or changed in conference. Senator HELMS and I have agreed that the Senate conferees will operate under consensus with respect to the main elements of my consolidation proposal, that is mandatory cost savings, abolition of the agencies and the limitations as to where cost savings may be achieved. It is imperative that any changes in the Senate position on consolidation reflect agreement among all the Senate conferees because this issue is at the heart of the bill.

Senator HELMS and I have also agreed that we will work in conference to increase the authorization levels for the operating accounts of the agencies affected by this bill. We must ensure that the authorizations for these accounts are in concert with the savings we are seeking through reorganization and consolidation and that we do not undermine the President's ability to reorganize by decimating the operations of these agencies through the authorization process.

As we are all aware disagreements over this bill resulted for many months in inaction by the committee on 18 ambassadorial nominations, 4 FSO promotion lists, and the START II treaty. On Tuesday the Foreign Relations Committee favorably reported these items to the Senate. Once we act upon this bill, the nominees will be approved by the Senate en bloc pursuant to a unanimous-consent agreement reached last Thursday. When the START II report is filed, the Senate, pursuant to another unanimous-consent agreed to last Thursday, will begin consideration of the treaty. I believe there is overwhelming support in the Senate for this treaty and I hope that we will be able to complete action before the Senate recesses. If we do not, however, the majority leader has given his commitment that we will finish action on START II at the beginning of the next session. I think these are positive developments, as is the procedure we have worked out for committee consideration and action on the Chemical Weapons Convention.

I am hopeful that with these positive steps, we can begin to restore the bipartisanship traditionally characteristic of the operations of the Foreign Relations Committee. The chairman has assured us that the committee will resume normal activities including scheduling of hearings and action on all currently pending nominees and other committee business. I believe all of us on the committee, Democrat and Republican alike, agree that this is in our joint interest and that of the country.

Mr. President, I think most of us approached the issue of how to deliver our foreign policy and how to implement the various missions of the various agencies that do deliver that foreign policy. Most of us approached this with a sense that we can do it more efficiently, that we have not patented perfection with respect to it. There are areas of waste. There are areas of duplication. There are areas where we can do some consolidating, possibly even some merging. But we also recognized that within that framework it is important to acknowledge and honor the prerogatives of a separate branch of Government, the executive branch.

So, some of us pressed very hard for the Presidential prerogative of being able to line up their own ducks, of being able to make a decision as to which agencies to conceivably consolidate, or what the order ought to be. I think most people feel, particularly in the arena of foreign policy, that is the fair prerogative of the President of the United States. We have preserved that prerogative in this compromise. So the principle of consolidation, the principle of merger, the principle of efficiency is embraced in the compromise, but the principle of the separation of powers and the Presidential prerogative in foreign policy is also embraced in this compromise.

In addition to that, I believe the level of savings represents a realistic beginning. I think the Senator is perfectly correct in saying the ultimate goal here is for all of us to respect the desires of the American people to have the most efficient expenditure of their tax dollar. This is their dollar and this is their Government, not ours. We represent them here.

So, there are many in this country who have second thoughts about some of those expenditures in the foreign field, but there are also many people who have enormous commitment to much of what we are trying to do abroad—for very little.

I always ask audiences when I am asked a question about foreign policy when I go home and talk to people in Massachusetts how much money they think we spend in foreign policy. It is fascinating to listen to the response. Many people have a quick response, 20 percent, 20 percent of our budget. More often than not, it is in the low sort of double digits: 12 percent, 11 percent, or the high single digits. Almost invariably, I would say 75 percent and higher of the number of hands that go up in an audience, will pick 4 percent, 5 percent, rarely less than 3.

I was at a teachers convention not long ago and only one teacher out of about 200 correctly picked the amount of money that we put into foreign policy in this country: 1 percent. Less than 1 percent of the total budget of the United States of America leverages our global interests.

That is not a totally fair assessment because obviously we invest in the Defense Department. That is a very big investment and that is a serious component of our projection of force abroad and our interests. But in terms of assistance to other governments, in terms of population, environment, the kinds of things we try to do with respect to international narcotics through the State Department and a host of those efforts, we are talking about 1 percent and less of the entire Federal budget.

Many of us on our side of the aisle are deeply concerned that in a world that is more global, in a world that is less centralized in its conflicts, where we no longer have the kind of bipolar, easily definable East-West tension that defined most of the history of this country since 1945, in that world there may well be more need to think about increasing things like the Foreign Commercial Service officers in various developing countries.

When I was in Hong Kong over a year ago, I was struck by the fact that in the Foreign Commercial Service in Hong Kong, the several people that we have there said to me, "Senator, we are missing billions of dollars of contracts for our companies in America." Those billions of dollars of contracts translate into thousands of jobs. For every $1 billion of exports, there are 20,000 jobs created in the United States of America. They said to me, "Because we only have," I think—I cannot remember the exact number, it was in the single digits—"Because we only have this few number of people here in Hong Kong, we cannot keep up with the requests for proposals. We cannot keep up with the meetings that we could be putting together for people to be able to be married to a deal."

"If you people"—meaning us—he said, "were to have enough foresight to just give us 10 more people, we would pay their salaries within 1 month." That seems to me to be a reasonable return on investment.

That seems to make sense, but that is not necessarily—and I underscore necessarily—what will happen with this budget. Could it happen? The answer is yes.

Under the consolidation, if the Secretary of State and the President were to decide that is an imperative and we ought to put more people into that than have some people on some other desk, we can make that happen. But I think most people feel many of those other desks are also competing with things ranging from international environmental accords to international questions of refugees to international questions of immigration to international questions of crime to international questions of terrorism, all of which in this less bipolar world present us with a whole different set of choices.

Mr. President, I do not want to go on at great length. I think our effort is to try to expedite this this afternoon. There is no reason at this point to speak at great length, but I do want to simply say, many people on our side of the aisle were deeply concerned about the level of reductions, and that is why we are starting out at the $1.7 billion. It may well prove that in the consolidation program that, hopefully, we will set up within the timeframe within this bill—I am confident that we may find there is rationale for doing more. And we may also find there is a clash of reality that is impossible and that this is, in fact, too significant.

Let me say also that Senator HELMS and I have agreed that we will work in the conference committee to increase the authorized levels for the operating accounts of the agencies that are affected by this bill. We have to ensure that the authorizations for these accounts are in concert with the savings that we are seeking through the reorganization and consolidation, and we do not want to undermine the President's ability to reorganize by decimating the operations of these agencies through the authorization process itself.

We are also gratified that part of this agreement now sees the ambassadors about to be eminently improved and the START II treaty to come to the floor, hopefully, within the next day or so, certainly within the next days.

I am particularly grateful for the commitment of the chairman to guarantee that the committee will act on the Chemical Weapons Convention, and it is obviously our hope that we will be able to either improve it or change it, if it needs improvement, but ultimately the full Senate will be able to act.

I share with my colleague from North Carolina concerns about it in its current form. There are issues of verification. There are legitimate reasons for the committee to want to do its business over the course of the next months.

Moving at this point in time, Mr. President, to a consideration of the START II agreement, for which I think there is extraordinarily small opposition within the Senate, if any, is very, very important in the context of events in Russia, the elections, and also our own interests in reducing some 4,000 strategic nuclear weapons from the arsenals of both ourselves and the former Soviet Union, including the SS-18, which was always the most imposing weapon that was pointed at the United States of America.

I think that moving forward on that treaty is enormously important, and it is one of the reasons why this compromise is so welcome.

I want to say, finally, that I think all of these steps are important, positive steps, which I believe, in the spirit that the chairman has described, can help to bring us back to a bipartisan, joint effort to try to utilize this committee to help address the major questions that we have in the country with respect to foreign policy, and I am confident that with all of our good efforts it can, in fact, do that.

Mr. President, it is my pleasure to yield to the distinguished former chairman, the ranking member of the committee, for his comments at this time.

Mr. PELL. I thank the Senator very much indeed.

Mr. President, I support the Managers Amendment to S. 908 negotiated by Senators KERRY and HELMS. I was opposed to S. 908 as reported by the Foreign Relations Committee, and regretted at the time it was reported that the committee appeared to have abandoned a long tradition of bipartisanship in crafting the State Department authorization bill.

Consequently, I am pleased with the results of the negotiations that are reflected in this managers amendment. I congratulate Senator KERRY, who so ably managed this bill on behalf of the Democrats. He did this in a skilled, professional and brilliant way. I also congratulate Senator HELMS for his willingness to work with Senator KERRY and Democratic members of the committee to achieve this constructive resolution to many of the serious disagreements related to S. 908.

The managers' amendment makes significant improvements in the bill with respect to two critical areas: the reorganization of the foreign affairs agencies and those provisions related to the United Nations and its specialized agencies.

As we all know, much of the opposition to this bill focused on the mandatory abolition of AID, USIA, and ACDA and the transfer of some of their functions and personnel to the Department of State. I was particularly concerned that ACDA would be abolished because I feared that it would eliminate the independent voice on arms control issues that every President should have, and a concept which every President since President Kennedy has supported.

I am pleased that the compromise takes a different approach. No agencies are abolished, except in the event that the President fails to send a reorganization plan to the Congress. The driving force of reorganization is the requirement that the plan save $1.7 billion over 5 years. In my view this is the correct approach as it encourages the President to reorganize while at the same time preserving his prerogative to determine how that reorganization is done.

As reported by the committee, S. 908 also contained a number of troubling provisions designed to restrict U.S. participation in the U.N. system. For example, some placed conditions on the payment of our assessed contributions to the United Nations for membership and peacekeeping. The managers' amendment which Senators HELMS and KERRY are offering improves a number of these provisions and deletes others. I applaud these changes because we cannot exert leverage at the United Nations if we cannot fulfill our financial and other obligations in full.

Finally, with the adoption of this managers' amendment and the passage of S. 908, the Senate will proceed to the confirmation of a large number of ambassadors and the consideration of Start II. I have previously expressed my deep concern and regret over the holding up of the important business of the Foreign Relations Committee and the nation because of significant differences of opinion over just one piece of legislation, particularly if that one piece is unrelated to the main body of the legislation and other matters that are being held up.

In my 30 years of service on the committee and 8 years as chairman, this was unprecedented. With this action today, however, I am very optimistic that the new year will bring a return to the committee's traditional bipartisan approach to addressing the foreign policy issues before the Senate. We clearly will not agree on all these issues, but I hope we will agree to disagree and work where feasible to reflect the concerns of all members in the committee's deliberations. This managers' amendment, and the committee's 18 to 0 vote on Tuesday, December 12, to report the Start II treaty to the Senate, are examples of our potential for the new year. As ranking minority member of the Committee on Foreign Relations, I pledge to work with our chairman to address the issues before our committee in the new year in a bipartisan and constructive manner. Although we have agreed to disagree on many policy issues, we are friends and colleagues with a long-standing mutual respect for each other.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise today to register my opposition to S. 908, the State Department authorization and reorganization bill. Before I begin briefly to state my reasons, let me compliment both the Senator from Massachusetts, Senator KERRY, and the chairman of the full committee. I compliment the chairman, my friend from North Carolina, for being a consummate legislative craftsman. He held us hostage very effectively for a long time. I do not think we would even be talking about this compromise bill were it not for the fact that the START Treaty was held up, that all the ambassadorial nominations were held up, and that we asked Senator KERRY on our behalf to see if he could free them up. It reminds me of those buttons we used to have around here when we would have long sessions, "Free The 89th Congress" or free this or free that.

Well, this was "free the Ambassadors" and "free our national security" so we could have the ability to continue to destroy Soviet nuclear weapons and continue the rational arms control regime that was begun with President Nixon and went straight through the administration of President Reagan.

This is not a backhanded compliment. I think one of the most fierce and effective legislative foes one could have in this body is the distinguished Senator from North Carolina. I do think, however, that the way my friend from North Carolina went about this one was unprecedented, and I hope it is not repeated.

On that score, I wish to make it clear to my friend from Massachusetts, Senator KERRY, why, after all his hard work, I am still opposed to this bill. He did a great job. We are going to have a START II Treaty, God willing and the creek not rising, and we are actually going to put ambassadors out there after the rest of the world wondered where the devil they were.

Let me say at the outset that I admire the skill of both the gentlemen who have brought us this agreement. I do not, however, admire the product that has been brought.

No one disputes the need to constantly scrutinize our Federal bureaucracy to look for overlaps and redundancies and opportunities for streamlining.

In this case, though, the three agencies that I will now mention will, in my view, be emasculated by this bill. The Agency for International Development and the United States Information Agency effectively are mandated for closing. Most important in my view is the supreme irony that just as we finally are allowed by the chairman of the Foreign Relations Committee to free up the START II Treaty, this bill would severely cut the Arms Control and Disarmament Agency.

All of the three agencies I have just mentioned have been streamlining themselves and cutting overlapping functions. All three of them have already been taking a good, hard look at their missions and have been responding to changing circumstances.

The Agency for International Development, for example, has pioneered enterprise funds, which have created partnerships between the private sector and the Government.

USIA has attempted to utilize modern information technologies to spread the message of the United States to the rest of the world. It has also entered into local partnerships whenever possible to conserve funds.

Perhaps the biggest mystery to me is why the advocates of this bill think that the Arms Control and Disarmament Agency has outlived its usefulness. In the confusion of the current post-cold-war era, the danger of the proliferation of nuclear weapons has dramatically increased, not decreased—I repeat, dramatically increased.

Now more than ever, the critical independence of ACDA is needed to counter the natural tendency of the State Department to defer to bilateral relationships in sticky situations.

Another irony is that those proposing the cuts are the very ones who have been most critical of the State Department for allegedly having an instinct to become captives of the countries with which we deal.

ACDA has a proven track record of nonpolitical expertise, which we can ill-afford to lose at this time.

The situation at the State Department, which would absorb the agencies whose independence is to be sacrificed, is hardly any better. Mr. President, the Department of State, the principal vehicle for carrying out American foreign policy, has already been forced into debilitating reductions.

The international affairs budget is now 45 percent lower in real terms than it was in 1984. Altogether it represents only 1.3 percent of Federal spending. Over the past 3 years alone, the State Department's budget has been decreased in real terms by 15 percent at the same time the Department's responsibilities have increased with the emergence of new countries in the wake of the breakup of the former Soviet Union. Moreover, since 1993 there has been a 30-percent increase in passport issuances to U.S. citizens to travel abroad.

What has the result been? The State Department has taken the following actions to reduce the cost of conducting U.S. diplomatic and consular relations.

First, it has cut its total work force by 1,700 persons.

It has downsized the Senior Foreign Service by 19 percent. And here, Mr. President, I submit that we are wasting a precious national resource, the kind of expertise built up over the decades that in the short term simply cannot be replicated.

It has also reduced overseas allowances.

It has cut its administrative expenses by almost $100 million.

It has reduced expenditures on diplomatic security by 15 percent. And, Mr. President, I doubt anyone would claim that we live in a safer international environment.

It has had to cancel, which I find astounding, the 1995 Foreign Service examinations—I repeat, has had to cancel the 1995 Foreign Service examinations. That means, of course, that our country is cutting off any chance of attracting the best and the brightest of our college and university graduates into the diplomatic service this year. Talk about being penny-wise and pound-foolish. My goodness.

The State Department has been forced to slate 19 overseas posts for closure in fiscal year 1996. The list of these posts makes the hair of any internationally minded American stand on end. Permit me to elaborate a bit on this point, using Zurich, Switzerland, as an illustrative example of the folly that congressionally induced budget slashing has wrought. Zurich is, of course, Switzerland's largest city and its economic and financial center. In fact, it ranks as the world's fourth largest financial center. Many American multinational corporations have their regional headquarters there, including Dow, Kraft, General Motors, and many others. In the other direction, Switzerland was the second largest foreign direct investor in the United States in 1994.

So, Mr. President, what do we do? We close the consulate in Zurich, Switzerland, which does not make a lot of sense. I do not think it is a stretch to say that Zurich is a rather important city to American business. Apparently other countries also perceive Zurich's central position in international finance and trade; 59 other countries have consulates there. As one might expect, all of the other leading powers in the world have representation in Zurich, but smaller nations also consider it in their interest to be represented in Zurich—The Gambia, Lesotho, Mongolia, Nepal, Rwanda, the Republic of the Seychelles, Swaziland, Vanuatu. The list goes on.

Mr. President, with all due respect to our friends in The Gambia, Lesotho, Mongolia, Nepal, Rwanda, and so on, I find it rather incredible to believe that their governments can somehow find the funding that they need to keep consulates open in Zurich, and the United States of America, the world's only superpower and largest economic engine in the world, cannot. We cannot find the money to keep a consulate open in the vitally important city of Zurich, a consulate, I might add, that I have never visited.

But let me not be too Eurocentric, Mr. President. Another post slated for closing, thanks to congressional budgetary wisdom, is Medan, Indonesia. As you know, Indonesia, with a population of over 200 million people, is the fourth largest country in the world.

It is also the largest Moslem-majority nation on Earth. Its economy offers numerous opportunities for foreign investment. And Medan, after the capital Jakarta, is Indonesia's most important commercial center.

Other countries with consular offices in Medan include Belgium, Germany, Great Britain, India, Japan, Malaysia, the Netherlands, Norway, the Russia Federation, Singapore, Sri Lanka, Sweden, and Thailand. Why are they there? To do business.

So, Mr. President, after we take down the Stars and Stripes and close our consulate in Medan, what will happen when an American corporation eager to break into the Indonesian market goes to Medan? Our American corporate representative can walk down to the the Japanese consulate where the nice Japanese attache will undoubtedly be happy to help out with business contacts and other valuable information that the American corporation needs.

Although this bill is largely a creation of the majority party, there is plenty of blame to spread around. I regret to say that the administration, in its zeal to reinvent Government, has aided and abetted the feeding frenzy of the small Government ideologues.

To be fair, this bill can be viewed as but the logical culmination of a decade of denigrating the nonmilitary component of American foreign policy. Most of us, this Senator included, have voted for reductions in one area of foreign policy or another to spare what we deem to be more important programs.

But, Mr. President, this goes overboard. This bill goes far beyond what we have seen before. Previous cuts in the budget for carrying out our foreign policy, whether they were proven correct or not, were at least undertaken with a view toward strengthening the international role of the United States of America.

As I have demonstrated earlier, the agencies charged with executing our foreign policy have not been "fat cats" of the Federal budget, unwilling to change. On the contrary, Mr. President, they have absorbed massive cuts up to this point. I repeat, the international affairs budget is already, before we pass this bill, 45 percent in real terms below what it was in 1984. And as I have said, the State Department, USIA, ACDA, and AID have already implemented severe staff reductions. Moreover, we are talking about only 1.3 percent of Federal spending here.

So, Mr. President, I think it is totally false to assert either that our foreign policy agencies have not reformed themselves or that the very carrying out of our foreign policy is a "big ticket" item in the Federal budget.

No, Mr. President, the impetus for this proposed legislation is not rooted in demonstrated need. On the contrary, I am sorry to say, the bill has its genesis in a strain of isolationist thought that harkens back to the 1920's and 1930's, which many of us thought was but an unpleasant memory.

By imposing crippling budget cuts on three foreign affairs agencies that have served this country well for decades: the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency, I think this bill virtually assures their demise. That is part of the bill's purpose.

Moreover, Mr. President, the State Department, which would inherit the remains of those agencies, would itself be forced into yet another round of devastating cuts. Some of those consequences, as I have earlier indicated, would be absurdly funny were they not so tragic.

Mr. President, this bill represents backdoor isolationism pure and simple. At a time when international affairs has become more complex, its passage would signal to the world an American desire to simplify what cannot be simplified.

Combined with Republican-mandated cuts in the already meager foreign assistance budget, this bill would lead ineluctably in a few years to a situation in which the American President would have little choice in an international crisis between doing nothing and sending in the military. This bill, I believe, is the worst kind of ideologically-driven false economy. It is a dressed-up isolationist exercise. It is not worthy of a country that claims the mantle of world leadership.

I know that many of my colleagues share my deep misgivings about this Congress' evident desire to shrink America's international role. Opposition to this bill offers an opportunity to reassert the centrality of America's involvement in the world. I urge my colleagues to join me in voting against S. 908.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am not going to debate the distinguished Senator from Delaware. I will say, he has a very selective memory. And like all of us, I suppose he remembers things that have not happened. But that is all right. The Senator forgot, for example, to mention the continuous efforts on our part to persuade the administration to engage in negotiations.

On August 11 of this year I had persuaded, through a friend in the White House, the White House to have the President invite me and our staff to the White House to brief the President on our legislative proposal. What it in fact proposed and what the critics of it said it would propose were two different things.

President Clinton was entirely gracious when we arrived. We did not meet him on the first floor. He took us up to the family quarters. And we spent 1 hour and 20 minutes demonstrating the details of the proposal. Vice President GORE was there, as was the Secretary of State, the White House Chief of Staff, and the Deputy National Security Adviser. I sat between the President and the Vice President, as a matter of fact. Several times during the briefing the President leaned over to me and said, "Who could be against that? Who could be against that?" disclosing clearly that he had not been informed about what the bill in fact proposed and now proposes.

Acting in his name had been a concert of the bureaucrats heading the three agencies, the three agencies that five Secretaries of State, plus Warren Christopher, the President's Secretary of State, had stipulated ought to be abolished and folded into the State Department because they had become anachronisms of a bygone era.

Senator BIDEN is also wrong about this bill having anything to do with the cancellation of the Foreign Service examination. The closing of diplomatic missions was not only a recommendation of the last two administrations, as I said in my opening remarks, but also of the President of the United States.

So it is unfair—and I know that the Senator from Delaware does not intend to be unfair—but he is following the same line that the news media have followed from the very beginning.

Why did five former Secretaries of State help us draft this bill and publicly endorse it? Why did the present Secretary of State go down to the White House and propose, in large measure or in some measure, what we are proposing with this S. 908? Those are things that the Senator from Delaware just smooths over. And I know he does not intend to be unfair because he is a fair individual. He and I came to the Senate the same day.

This bill is intended to strengthen the Secretary of State organizationally speaking. Warren Christopher wanted it done but he was rebuffed. Now, if you disagree with Mr. Christopher, that is your business, I will say to the able Senator from Delaware. But the fact is, there have been changes in this world, as I tried to emphasize in my own remarks. And the U.S. foreign policy apparatus must change with the times.

Let me address a statement that is so often made by the State Department and various others and political operatives who support the status quo. Senator KERRY said over and over again in his remarks that spending on the U.S. foreign affairs budget takes up only 1 percent of the Federal budget, I believe he said 1 percent. Well, the 1.3 is correct, but it is not incorrect to say that that is what is spent on operating the foreign policy apparatus because the foreign policy apparatus reaches out and utilizes the rest of Government, and the cost of what they reach out and get greatly increases that figure because the 1.3 does not include spending on foreign policy objectives from our domestic accounts. That figure does not include the money usurped from the Department of Defense. I mentioned the $2 billion spent on Somalia. I mentioned the nearly $2 billion that has been spent on Haiti, thus far, and much more is going to be spent in Haiti before we are through.

The Lord only knows how much is going to be spent in and on Bosnia; $2 or $3 billion has been mentioned. It is going to be at least that much, and probably substantially more. Thirty-two Federal agencies run almost $2 billion in international exchanges every year. The point is, the American people must not be deceived or misled into believing that we only spend 1.3 percent, or 1 percent, of the Federal budget on our foreign policy. It simply is not so, and that deception ought to be brought to an end.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I do not want to get into a debate with my friend, and there is nothing personal about what I said. Let me reiterate what I actually said. My criticism and compliment to my friend from North Carolina was not that he was original in what he has done, in the sense that he had support from like-minded former Secretaries, or even, at one time, from the present Secretary, or perhaps even from the President. My comments related not to him—it is not what he proposed but the fact that he denied us our ability to dispose of ambassadorial nominations and the START II Treaty.

My disagreement is not only with him on this legislation. I also mentioned the Secretary of State when we were referring to the State Department and the President of the United States. I think, with all due respect, all the supporters of this effort are being shortsighted. So the chairman is not alone in what I characterize as "shortsightedness" as it relates to what our policy should be. My reference to him was explicitly for his unique ability to fashion a way to get his point across in this case, which was by denying us the ability to dispose of the START II T treaty and dispose of ambassadorial nominations, all of which were ready to go. I complimented him on his ingenuity.

I have tried to learn from him. We have been here together since January 1973, and I have watched him, and Democratic predecessors, like the deceased Senator Jim Allen, and others, use their great skills to be able to get the results that they sought. I compliment him on it, but I think it is the wrong way to do it. I think it was a high price to be paid in order to get agreement.

So I want to be clear. He was not original in his notion that we should cut these consulates. He joined other, I think, wrong-headed proposals to close them. My reference to him was explicitly that I hope we do not have a repetition of shutting down the business of the committee while we arrive at a conclusion that is satisfactory to whoever the chairman is then.

The distinguished Senator from Rhode Island has announced his retirement. The Senator from North Carolina and the Senator from Delaware are seeking reelection. The Lord only knows, and our constituents know, whether both of us will be back, and the odds are that he may be back as chairman. But it is also possible that the Senator from Delaware may be back as chairman of the committee. That is the only reference that I was making. It seems to me that what he did was legal use, in a senatorial sense, of the power of chairmanship, but I think unprecedented and, I hope, not to be repeated.

I yield the floor.

Mr. HELMS. It is not a violation of the rules, and it is not undesirable unless the other guy is doing it to you. I remember when the other side was in the majority, with a different chairmanship. I must say that Senator PELL has always been a thoroughbred gentlemen. I have said that in many public forums, and I think he knows I mean it. I hope that some may later on think that I am a gentleman, too.

But I am interested in getting the job done. I reiterate, as I said at the very outset this afternoon, that this could have been handled months ago if the other side had been willing only to let the Senate speak on the bill. But, no, no, the first day when it came up, they brought out Mr. KENNEDY from Massachusetts to speak for 1 hour and 20 minutes on the minimum wage. Some things are hard to understand. But I figured out, after a while, that they were filibustering, that they did not want the Senate to speak its mind on this bill. It began there. But if we had had a vote, no Ambassador would have been held up. And if we let the Senate function as it is intended to function from now on, no Ambassador will be held up in the future.

I am going to use every technique that comes to my mind to try to do the best I can for my country. Now, if the Senator wants to talk about what it costs to operate the foreign policy establishment, we can get into details like, why did the United States State Department, or the foreign aid apparatus, have 600 people stationed in Cairo, Egypt, alone to give away money? Since I brought it up, they have reduced, somewhat, the number of people in AID, the Agency for International Development, stationed in Cairo. It is something over 400 now. But they did not do a cotton-picking thing about it until I began talking about it in this bill. I am going to do the best I can for what I believe in, and I know the Senator from Delaware feels the same way about it. We will do the best we can together.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, let me say that the way this situation developed is, the Senator from North Carolina, the chairman of the Senate Foreign Relations Committee, reported from the committee a reorganization bill on a 10–8 vote, a straight party-line vote. There was no bipartisanship on that issue. He then sought to bring that bill up on the floor and was not able to get 60 votes in order to invoke cloture. Now, pushing the other side to invoke cloture is not a tactic strange or unfamiliar to the distinguished Senator from North Carolina. He is one of its more avid practitioners here in the Senate.

So I am not moved by the fact that his measure, in effect, was blocked because they were unable to produce the 60-vote margin. They tried to do it and fell short on two occasions. Not having been able to get his way on this important substantive matter about which there were great divisions, a lot of strong feelings, and a lot of differing views about what was appropriate, the Senator from North Carolina proceeded to take the ambassadorial nominees hostage. He shut down the work of the Senate Foreign Relations Committee, of which he is the chairman, holding up such important matters as the START II treaty and the Chemical Weapons Convention.

In other words, because he could not get his way on a substantive matter, he then refused for 4 months to allow the committee to carry out its functions and responsibilities. We were not able to do any business—no legislation, no nominations, no treaties. This is hostage-taking par excellence.

Then we are being told, you have to negotiate. The United States says to the world, if you take our people hostage we will not negotiate under those circumstances. We will not be coerced that way.

Now, I have never, in the time I have served here, encountered anything comparable to what has occurred in this instance, in terms of grinding the whole range of work to a halt—particularly by the chairman of a committee, which, after all, carries with it certain important responsibilities.

I remember the former chairman of the committee was on the floor when the Middle East Peace Facilitation Act was being subjected to this very tactic to which I made reference. It was like a rolling snowball. Anything that came along, the Senator from North Carolina encompassed within his rolling snowball and sought to hold hostage in order to increase his leverage to get his way on the reorganization measure.

So we encountered this with respect to the Middle East Peace Facilitation Act, in addition to holding the ambassadors hostage, in addition to these treaties that were left to languish, in addition to whatever legislation was in the committee. In fact, at that time the former chairman of the committee, the distinguished Senator from Rhode Island, said, "I absolutely agree it is inappropriate to link MEPFA to the State Department legislation. I do not recall in the years I have been in the Senate, 35, or as chairman of the committee, any similar action being taken."

I then said, "Will the chairman yield on that point? When did the former chairman, if I may say, the very distinguished former chairman, go on the Foreign Relations Committee?" Mr. PELL said, "I think it was 1964." And I asked, "So the Senator has been on it more than three decades?" And Senator PELL said, "Correct." And I inquired, "Has my colleague ever seen anything comparable to what is now taking place?" Senator PELL said, "No, and that is the point that bothers me." I said, "I thank the Senator," and Senator PELL went on to say:

> I think we should deal with the question of extension of MEPFA on its merits and the merits clearly lie with the quick passage of the short-term extension. We should not, as Senator Kerry noted, trifle with the peace process for the sake of reorganizing our bureaucracy. We should pass the MEPFA now with no linkage. In this regard, I am particularly struck by the words of the Senator from Maryland. I know I am correct in saying I am the only former Foreign Service officer in the Senate. Because the Foreign Service was only created in 1926 under the Rogers Act, I think I am the only Foreign Service officer ever to have served in the Senate. I would also point out this linkage that is being created by the chairman of the committee not only sets a bad precedent but is a linkage that should never have been made in the first instance. It has not been done in the past, and it would be a great sin to move this way now.

Now, I agree completely with those remarks of the distinguished Senator from Rhode Island. The Senator from North Carolina, unable to get the votes to invoke cloture—a process, as I indicated earlier, he has used himself repeatedly on the floor of the Senate—then decided to use that bill as leverage. He was saying, in effect, "I will take every other aspect of business of the committee hostage. No ambassadors, no treaties, no legislation, no Middle East Peace Facilitation Act. You will have to come to terms with me on this reorganization."

Now, looking at the national interests of the United States, the fact of the matter is that ambassadors and treaties, which are important to our Nation's interests and upon which we should have been acting, were delayed over the controversy with respect to this legislation.

Now, I understand the Senator wants his reorganization bill. A number of us disagree with that. Fine, I am ready to fight out that issue on that legislation. But, to change the pressures, to increase the leverage, he decided instead to do a hostage-taking action, which is exactly what occurred here.

Over the past 6 months there has been a long and growing list of ambassadorial nominees—currently 19—who had their hearings and were ready to be reported. Many of them had their hearings in July and have been waiting since then—it is now December—to be approved by the Senate. Meanwhile, the countries to which they would go have no American ambassadors on the scene, no heads of mission, no one coordinating the American presence in that country. Now, most of these ambassadors were career members of the Foreign Service, people who have committed themselves to serving our Nation in these very important ways. Mr. President, 15 of the 19 are career officers. They included nominees for a number of major posts, including Malaysia, Cambodia, Thailand, Indonesia, Pakistan, Oman, Lebanon, and South Africa. Our former distinguished colleague, Jim Sasser, was nominated to go to China. Our relationships with all these countries have been suffering because we have no U.S. ambassadors there.

Why are the ambassadors not there? Not because questions are being raised about a particular ambassador and his or her qualifications, which of course is a legitimate reason. If someone is holding up an ambassador on the floor of the Senate because they do not think that person is qualified, or because of some other difficulty directly related to the nominee, that is a fight that ought to be fought with respect to that ambassador. None of that has happened here. No one was asserting that any of these ambassadors had any deficiency. They were all being held as a pressure tactic on the reorganization bill.

Hundreds of Foreign Service officers recommended for promotion were also being held up. These are career people. They have committed themselves to the Foreign Service. There is an established process by which they move forward within the Foreign Service. The promotion list comes to the Senate and we act on it. Yet all of them were being held up.

Obviously, this is an unfair situation to the individual nominees, who have absolutely nothing to do with the reorganization proposal by the Senator from North Carolina. In addition to being unfair to the nominees and their families, it is contrary to the interests of the United States.

We need to have our ambassadors out there in the field promoting U.S. interests such as human rights, conflict resolution, antiterrorism, counternarcotics cooperation, and increasing U.S. exports. We need them there to respond to incidents before they become crises, to assist U.S. tourists and business people, to promote U.S. goodwill, and to spread American values and ideals. The fact that they are not there and have not been there for a number of months causes friction in our diplomatic relations and erodes and undercuts the ability of the United States to influence developments around the world.

Mr. President, I am further concerned because I think that taking people hostage this way is yet another attack on the career Foreign Service, which is extremely unfortunate. In fact, we received a letter back in August from the American Academy of Diplomacy with respect to the ambassadors that were being held up. Let me just quote that letter, which was written to Chairman HELMS of the Senate Foreign Relations Committee:

> DEAR MR. CHAIRMAN: The Academy has noted, according to press reports of August 2, that following a deadlock in the Senate on the State Department authorization bill, a hold would be placed on 17 ambassadorial nominations and that committee action was being canceled or postponed on 22 other nominations subject to Senate confirmation.
>
> The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would have the United States without appropriate representation in these countries at a time of dramatic, historic global change.
>
> We believe that decisions on America's diplomatic representation abroad, including both the timing of such action and the qualifications of those nominated, should be made strictly on the basis of our interests in the country involved.

Frankly, I think this willingness to make pawns out of ambassadorial nominees, most of whom, as I indicated, are career people, is a denigration of the career service.

I am increasingly concerned about the extent to which that is taking place and is engaged in by some of my colleagues.

At an earlier time, the Senator from Texas asserted that he favored deep cuts in spending for diplomatic activities to curb the department's alleged penchant for "building marble palaces and renting long coats and high hats."

Such an attack on our professionals is extremely unfair. They in fact are risking their lives. Some are losing their lives. Yet, we have Members of this body who attack them for supposedly wearing long coats and high hats and living in marble houses.

Ambassador Robert Frasure, who had so much to do with moving the efforts toward peace forward in the Balkans, lost his life in Bosnia. As the State Department spokesman put it, when Ambassador Frasure was killed "he was riding in an armored personnel carrier and wearing a flak jacket, not striped pants."

Ambassador Frasure's widow wrote a very moving letter to the Washington Post, in the course of which she said, in defense of her husband—it should have never been necessary for her to have to defend him—but in the course of which she said:

> Our diplomats are some of the finest, bravest, most courageous people I have ever met. In the past 10 years alone, my husband and I mourned the death of seven of our friends and Embassy colleagues.

She then listed them, and went on to comment about the remarks about long coats and high hats and marble palaces:

> I am outraged also because I remember the dangers as well as the many hardships our family endured in Bob's 20-year career.

That is from a very moving letter by Katharina Frasure, the widow of ambassador Robert Frasure who came to his untimely and much-grieved death in Bosnia.

In fact, over the past 25 years more American ambassadors than generals have been killed in the line of duty.

So I think we ought to treat the Foreign Service with a greater measure of respect. Holding up ambassadors for reasons unrelated to their qualifications or their mission is not the way we ought to be doing business here. And I regret that these able men and women were held hostage in order to increase the pressure and the leverage with respect to an unrelated piece of legislation.

In addition to the ambassadors, he also held hostage some very important treaties—the START II treaty and the Chemical Weapons Convention. We passed amendments and resolutions right here on the Senate floor expressing our desire to see these treaties ratified and implemented at the earliest possible date.

As Spurgeon Keeney, the head of the Arms Control Association, recently wrote:

> Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to U.S. security.

U.S. security is being disadvantaged by this holdup. The START II treaty, from all testimony and from all analysis, clearly serves our national interest. It is a very important measure in terms of reducing the nuclear arsenal, and bringing the nuclear danger under greater control. Yet, that treaty has been held up over this reorganization issue.

Let me turn to the substance of this bill. I understand that the distinguished Senator from Massachusetts, Senator KERRY, labored under a very difficult assignment and under very trying circumstances. He has received a lot of unfair criticism, much of it from the other side. He was praised today, but along the way he was sharply criticized, which I think was very unfair to him.

The authorization levels in this legislation, in my judgment, impose such deep cuts in administrative expenses that we run the risk of having, as the American Foreign Service Association said, "hollowed-out agencies". They argued in a letter to the members of the committee that actually what was happening was a shift from streamlining agencies to hollowing-out agencies. And they then make the point, and I quote:

> It makes little sense to AFSA that at a time when American leadership and ideas are needed and welcomed throughout the world, we would undercut our ability to operate abroad. Lack of adequate funds and staff to actively represent its national interests abroad send the wrong message. The costs of fighting totalitarianism during World War II and the Cold War were extremely high. Having won those wars, we cannot now afford to turn our back on the world or sacrifice our hard-fought victories by failing to adequately fund diplomacy—our country's first, most cost effective, and least risky line of defense in these dangerous times.

The amount authorized here for diplomatic and consular programs at the State Department is $30 million below the level in the Commerce-Justice-State appropriations conference report, $60 million below the administration's request. These are funds needed to assist American travelers abroad, to process visas, to keep open consulates, conduct diplomatic affairs.

Funding for salaries and expenses at USIA is also cut drastically. The same is true at the Arms Control and Disarmament Agency and at the Agency for International Development.

In my view, the cuts being proposed here are excessive and will result in impeding our ability to carry out U.S. foreign policy effectively overseas. I agree with the American Foreign Service Association's assessment that these cuts will lead to hollowed out agencies at the very time, with the end of the cold war, that there is an opportunity for the skillful and effective use of diplomacy. At the very time when American leadership and ideas are needed and welcomed throughout the world, we would undercut our ability to operate abroad.

I think this is an important issue. People get up on the floor and they make speeches about America's leadership in the world. Then they fail to provide the wherewithal, or the resources with which to exercise that leadership. Many seem to think that leadership only exists in the military sphere, not recognizing the important accomplishments that can be done in the political and diplomatic sphere, and the interaction between the political and diplomatic sphere and the military sphere.

In addition to these funding levels, which I think are a very basic failing with this legislation, there are other substantive provisions that remain deeply troubling. One section requires massive RIF's by USIA and AID in 1996 and 1997; in one instance by more than 50 percent. That, in effect, would finish the Agency. There has been no study of consequence to support the effort to abolish these agencies that is at all comparable with the studies that were made in establishing the agencies to begin with. If one goes back and looks at the process of analysis that was made when the decision was made to establish these agencies, and the rationale that was given—much of which I think remains valid, but if you want to argue that, fine—but there is no comparable counterpresentation to support eliminating the agencies.

Actually, there was a commission that recommended AID be eliminated, and now the head of that commission is in favor of keeping it, particularly on the basis of the very significant reforms that have been made at AID under its present administrator, Brian Atwood.

This legislation places onerous new conditions on our participation in the United Nations. It requires the withholding of 20 percent of our contributions to the United Nations, 50 percent of our contributions for assessed peacekeeping, and 100 percent of our contributions for voluntary peacekeeping, until an extensive list of certifications is made. The United States, unfortunately—I regret to say this—is now the largest deadbeat at the United Nations in terms of meeting its obligations. Yet we repeatedly turn to the United Nations in order to accomplish important objectives, in Cambodia, Angola, El Salvador, and on and on around the world. We should not forget that the United Nations cannot take any significant action if the United States does not concur with it because we can simply veto it in the Security Council.

There is a also very troubling provision in section 604 relating to Iraqi claims. This is a complicated issue. It has been the source of intensive negotiations, but it has very serious national implications.

Briefly, the situation is as follows. When Iraq invaded Kuwait, the United States froze all Iraq's assets in United States banks. The number of claims on those assets from U.S. veterans and business people far exceeds the amount of the frozen funds. Yet there is a provision in this legislation to allow a small group of claimants to come in and get 100 percent of their money, leaving less available for the veterans and other businesses who have equally valid claims. There will not be enough money left to go around for the rest of these people.

The Bankers Association for Foreign Trade wrote, calling the amended language "bad public policy." They oppose it "not only because it would give preference to a small, select group of unsecured creditors as against others similarly situated. More importantly, it would inevitably increase the cost of trade finance for U.S. exporters relative to their foreign competitors."

I close by again expressing my respects to the Senator from Massachusetts for his hard work. I think the managers' amendment is an improvement to the bill itself. I do not for a moment contest that. But I still think that overall, this legislation is heading in the wrong direction. It may be less bad, and a lot of very skillful work was done by the Senator from Massachusetts to bring that about. It was an assignment, in effect, handed to him, to which I think he responded with great skill. But I do not think that this legislation warrants our support.

There is every expectation when it goes to conference it will only get worse. The House bill with which it will be conferenced includes a whole host of objectionable provisions.

So, in closing, I have a number of letters, some of which I will have printed in the RECORD.

I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. The various private voluntary organizations that are engaged in overseas development, Bread for the World, Oxfam, InterAction, and other similar groups, all indicate their opposition to this legislation.

I urge my colleagues to oppose it. I yield the floor.

EXHIBIT 1

OXFAM AMERICA URGES REJECTION OF S. 908

As a privately funded development agency, Oxfam America supports self-help projects to combat hunger and poverty in 31 countries of Asia, Africa, Latin America and the Caribbean. At the same time we believe it is very important that the US Agency for International Development maintain its ability to offer significant support for poverty alleviation, basic infrastructure, demining and health programs which are beyond the financial capacity of non-governmental organizations and which can determine the long-term success of smaller NGO efforts like those of our local partner organizations.

For these reasons Oxfam America is seriously concerned that under S. 908, the State Department authorization bill, USAID will share a five-year budget cut of $935 million with the State Department's other two independent agencies. Although we understand that this budget formula was devised as an alternative to a mandated merging of the three independent agencies, we fear that such cuts, on top of current year reductions, will destroy the US commitment to offer a meaningful level of fundamental development assistance to the poorest countries.

Further, we are aware that passage of S. 908 will result in conference with H.R. 1561—a bill which incorporates a foreign aid authorization for the first time since 1985. We understand that in addition to a 30 percent across-the-board cut in development assistance, H.R. 1561 includes many regressive foreign aid authorization measures. With passage of S. 908, the Senate would therefore face compromise with such provisions without ever having debated and passed its own foreign aid authorization legislation.

From Oxfam America's perspective, S. 908 poses an unacceptable threat to the United States' ability to significantly reduce hunger, misery and human underdevelopment as the 21st century dawns.

Oxfam America urges senators to vote against the passage of S. 908.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, December 11, 1995.

VOTE NO TO S. 908, THE FOREIGN RELATIONS REVITALIZATION ACT

National Wildlife Federation opposes S. 908, The Foreigns Revitalization Act because:

The US cannot continue to call itself a world leader if it passes this Bill. Humanitarian and environmental assistance are investments in the future. They have consistently paid off for the US in the past, and have been vital to maintaining the US as the leader of the free world. As the US withdraws from development assistance, its standing in the international community, its influence in multilateral organizations, its voice and vote will be worth less and less. For altruistic and for self-interested reasons, we need to stay engaged in the world. Foreign aid is a crucial part of this engagement.

It would cripple the US Agency for International Development. The latest compromise offered by Senator Helms would necessitate such heavy cuts to programs and operating expenses at the US Agency for International Development that even if it continues in existence it will be unable to carry out its mission. This will signal to the international community that the US shrugs off its commitments to poverty alleviation around the world, to building democracy and to conserving natural resources. The US will be diminished by this withdrawal from the developing world, and our long-term interests will suffer.

The bill micro-manages US foreign policy. Although the compromise version would not mandate a reorganization of USAID, the savings goal of $1.7 billion in five years with only 15% coming from State Department means that USAID will have to be sacrificed. This sort of reorganization is the prerogative of the Executive branch.

The House companion Bill, HR 1561 is unacceptable for many reasons, including draconian cuts to sustainable development programs, the inclusion of the Mexico City Policy, and elimination of funds for the Inter-American and African Development Foundations. The passage of S. 908 increases the likelihood that provisions of HR 1561 would become law.

Vote "No" on S. 908, the Foreign Relations Revitalization Act.

BREAD FOR THE WORLD,
Silver Spring, MD, November 21, 1995.

Senator PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: As the Senate Foreign Relations Committee proceeds in negotiations over a manager's amendment to S 908, the Foreign Relations Revitalization Act of 1995, Bread for the World urges you not to make any deal that would force the merger of the U.S. Agency for International Development into the State Department or otherwise severely weaken its capacity to carry out long-term development.

We are concerned that the committee has agreed to terms which, even without directly eliminating USAID, might indirectly accomplish this end by requiring a $1.7 billion cut to administrative costs over five years. Because cuts to the State Department would be limited to 15 percent, or $255 million, the burden of the budget cuts will fall heavily on USAID, the agency with the largest operating and program budget among the three agencies in question. Such deep cuts could cripple USAID's ability to manage programs, maintain an overseas field presence, and exercise leadership in the donor community. They would also yield greater authority on aid decisions to the State Department, thus subordinating long-term efforts to reduce hunger and poverty to short-term political pressures. Furthermore, the agreement encourages Senator Helms in his strategy to hold foreign policy matters, however urgent, hostage to his demands.

We ask you to raise these concerns with Senator Kerry and to vote against S 908 when it comes before the full Senate. It is important to have a strong show of opposition to the bill, even if it passes, since a large margin of victory would eliminate the possibility of a Presidential veto.

Although Bread for the World adamantly opposes reorganization proposals that compromise USAID's independence, we have long supported reform that would improve the quality and efficiency of U.S. development aid in reducing poverty and promoting fair, democratic development. The agency has made significant progress toward this goal under current Administrator Brian Atwood. Yet the task is far from complete. Thus, we urge the committee to exercise greater oversight over USAID's internal reform initiatives.

Finally, we encourage the committee to return to the critical task of redefining the broad purposes of U.S. foreign aid for the post-Cold War world, rather than to focus simply on slashing foreign aid budgets and eliminating aid agencies. Last year, the committee, under your able leadership, made significant headway in rewriting the 1961 Foreign Assistance Act. Regrettably, the process was never concluded. But far-reaching global economic and political changes and recurring crises demand that it not be further delayed.

Sincerely,

DAVID BECKMANN,
President.

BANKERS' ASSOCIATION FOR
FOREIGN TRADE,
Washington, DC, December 13, 1995.

POSITION PAPER ON SECTION 604 OF S. 908

The Committee's final proposed version of Section 604 of S. 908 does not mitigate the threat to U.S. exports implicit in this special interest legislation.

The current version of Section 604 continues to change established letter of credit law and practice by proposing to grant holders of advised letters of credit the status of secured creditors, which under present letter of credit law inures only to holders of confirmed letters of credit.

This outcome is bad public policy not only because it would give preference to a small, select group of unsecured creditors as against others similarly situated. More importantly, it would inevitably increase the cost of trade finance for U.S. exporters relative to their foreign competitors.

This unfortunate result flows from the fact that even in its final form, Section 604 sets the damaging precedent of giving advised letters of credit holders the same security status as holders of confirmed letters of credit.

If banks are forced by Section 604 to face unanticipated risks by issuing advised letters of credit, they will have to charge more for this method of trade finance to guard against similar loss in the future. The increase in cost will be substantial and would be an added burden for U.S. exporters that their overseas competitors will not have to pay.

This is why the Treasury Department continues to oppose Section 604 and has stated so for the record. It is also why OMB has indicated its opposition on behalf of the Administration.

Trying to find a compromise version on Section 604 is like trying to compromise the difference between certified checks and ordinary checks. The only solution is to delete the provision from the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the Senator from Wyoming is waiting, and I will just take a couple of quick moments, if I may.

Mr. SIMPSON. Please.

Mr. KERRY. First of all, I thank the Senator from Maryland for his kind comments about the difficult task with respect to this. He has been there before many times on a number of pieces of legislation. There is nobody more skilled than the Senator from Maryland at dealing with that.

I think the comments from the Senator from Maryland and the Senator from Delaware are extremely important. As manager for this side, I in no way dismiss or diminish the concerns that they have expressed. Those concerns underscore the difficulties that not only we faced in getting here, but they also make very, very clear the limitations on where we can travel in the course of the conference. I want to underscore that to my colleagues.

If this legislation moves in any way in the direction that the Senator from Maryland and Delaware have described, then this Senator is going to be disposed to find great difficulty in not only passing a conference report but, if a conference report comes to the Senate, in seeing this legislation pass the Senate. That is a very large hurdle indeed which it yet faces.

So it is my hope we will work to continue the process of improving it. I have that assurance from the Senator from North Carolina. It is with that understanding and hope—"hope springs eternal," for at least this Senator—it is my hope we will be able to continue improving this legislation as we go forward from here, and I look forward to doing that.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Wyoming.

Does the Senator from North Carolina yield time to the Senator from Wyoming?

Mr. HELMS. I certainly do, Mr. President.

Mr. SIMPSON. Mr. President, I thank my friend from North Carolina. I will not transgress greatly on the time remaining to him.

Let me speak clearly, I hope, on an issue which is, I think, very critical, and it comes up in the House version of this legislation and at this level with regard to the present legislation.

I call to my colleagues' attention a front-page article in the November 4 issue of the Washington Times, a piece by Michael Hedges describing a pattern of the most serious abuse in the admission of refugees under the so-called Lautenberg amendment.

First, let me say my friend, Senator FRANK LAUTENBERG, is a very able legislator, a friend, a person I very much enjoy working with. I have tried to resist this legislation from its inception. But, nevertheless, the Senate felt we should go forward. And now it has been for more than 6 years since the so-called Lautenberg amendment first provided a very dramatic exception to the definition of a refugee in the Refugee Act of 1980.

The Refugee Act of 1980 was sponsored by Senator TED KENNEDY of Massachusetts. I was rather new on the scene in those years and found it to be a great learning experience to watch it crafted, to see what occurred as it was put on the statute books.

The provision of the law, the Lautenberg amendment, created a presumption—now, this may be inside baseball and I know how that works in this place, but this is big-time understanding. If we cannot get this understood by the American people, we will not get it unraveled.

The provision provided a presumption of refugee status for certain groups in the Soviet Union—this is the former Soviet Union—who "assert" a claim of persecution or discrimination and that would make them a "refugee." That has been now extended three times since 1989 and is due to sunset at the end of this fiscal year, September 30, 1996.

In the House-passed State Department reauthorization, there is yet a further 2-year extension of the so-called Lautenberg amendment. When I speak of the amendment, I do not speak of its sponsor, I speak of its intent and what has happened with it.

What we have now is the fact there is no longer any Soviet Union. They are our finest friends, the former Soviet Union. So we are going to continue now, according to the House version, this rather embarrassing mockery of our refugee laws until the end of fiscal year 1998.

The Soviet immigration program has become terribly distorted. There is even evidence that Russian mafia members and other criminals are now beginning to use this system, and why would they not? It is in disarray. But, most importantly, Mr. President, how in the world can we explain our posturing around the world about our rare and wonderful friendship and alliance with the present Russian Government and the present independent states and the Commonwealth and the present affection between President Yeltsin and President Clinton—and we do that everyday—while pretending in some cruel way that somehow people coming out of there are still refugees? That cannot fit. It simply makes absolutely no sense. But, of course, it would not be the first time in this remarkable city.

I would not suggest in any possible way that we are forgetting the lessons of the past or the persecution of Jews in the former Soviet Union and throughout the world or the lessons of the Holocaust, but please know—and if we cannot understand this, we are all in trouble—please know that each and every one of those people will be processed on a case-by-case basis in an orderly way, all in accordance with the 1980 Refugee Act, the creation of Senator KENNEDY and other innovative legislators, and a piece of very humane and responsible legislation.

What does it do? It provides that if one is a refugee—that is a person fleeing persecution or having a well-founded fear of persecution based on race, religion, national origin, membership in a political organization or social group—a very clear description; it is the U.S. description; it is the U.N. description. Such a person would then be designated as a refugee and that would be done on a case-by-case basis.

All of those in the former Soviet Union, whether they be Jews or Pentecostals, Christians, Evangelicals, or persons persecuted for their political views, will have the same opportunity as all other true refugees around this world to enter the United States as a refugee. But the Lautenberg amendment and that program must end.

With absurdities like this being extended year after year, it is no wonder that people scoff at our immigration and refugee laws. Let us end it now.

Mr. President, I ask unanimous consent that this article I referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Nov. 4, 1995]

VAST SOVIET REFUGEE FRAUD DETAILED—INS MEMOS CATALOG MISUSE OF LAUTENBERG AMENDMENT

(By Michael Hedges)

A U.S. policy of granting refugee status to Jews, Pentecostals and other religious minorities in the Soviet Union and its successor states has been widely abused, according to confidential government documents.

Internal Immigration and Naturalization Service memos indicate that by 1993 only about 0.5 percent of those entering the United States as refugees under the Lautenberg Amendment met the classic refugee requirements.

As early as 1991, INS officials in Moscow detailed serious problems with the amendment, which gave religious minorities refugee status, putting them ahead of the millions seeking to immigrate to the United States.

A "cottage industry" developed to defraud the United States under the relaxed refugee standard, according to memos obtained by Scripps Howard News Service. One says that by 1993 "astronomical fraud" was occurring.

About 300,000 refugees have entered the United States under the amendment since 1989.

Law enforcement experts say they fear the lenient standards have contributed to a burgeoning criminality in the United States on the part of the immigrants.

A high-ranking INS official wrote in March 1992, "There is a tremendous sense of injustice adjudicating claims under the Lautenberg amendment."

Some standard immigration applicants have been waiting more than 15 years, according to Richard Day, chief Republican counsel for the Senate Judiciary Committee's subcommittee on immigration and refugee affairs. For example, there are Filipinos with family in the United States who were granted immigrant visas in 1977 who are still waiting to enter the country.

To be declared a refugee is to jump to the head of the line and have taxpayers pay your air fare and resettlement costs—an average of $7,000 per refugee.

The standard procedure for being declared a refugee requires a well-documented fear of persecution—torture, death or jail. Relatively few who met those requirements made it into the United States after 1980 because a ceiling limited the number each year to around 100,000.

In 1989, as the Soviet Union began to crumble, Sen. Frank Lautenberg, New Jersey Democrat, proposed a change to protect Jews, Pentecostals and other religious minorities by denoting them refugees from religious persecution.

One high-ranking federal official involved says it was a good policy in the beginning because there were deserving refugees. That former administrator grew disillusioned.

"Clearly, by 1991, fraud and abuse was rife, and our policy had become a rubber stamp," he said.

Critics of the law say one clear sign that many receiving such status are not genuine refugees fleeing imminent persecution is that 27,000 given visas as "persecuted refugees" haven't bothered to leave for the United States.

INS memos say the policy has blocked the escape of many who are truly persecuted.

"The irony is that there are plenty of cases from the former Soviet Union which could qualify [as persecuted refugees]," noted a top INS official in Moscow in December 1993.

"However, these cases stand little chance . . . as they do not fit into one of the Lautenberg categories."

The INS declined to discuss the memos. Requests for additional information were referred to the agency's Freedom of Information Act office. An FOIA request filed in August is pending.

At one point in 1992, INS officials in Moscow tried to toughen the standards.

"The reality . . . was there were some category applicants who were not able to assert a fear of persecution or a credible basis for such fear," an INS official from Moscow cabled Washington on March 31, 1992.

But, the memo noted, "certain interest groups were not able to tolerate even a small percentage of denials and eventually INS succumbed to their demands."

The standards were further relaxed, officials said.

Arnold Liebowitz, lobbyist for the Hebrew Immigration Aid Society, said he believed the INS and Jewish lobby groups just had an "honest disagreement" about the degree of threat facing Jews in the Soviet Union.

"I think there has always been in the INS a feeling that the Jews in the Soviet Union really didn't have much of a problem," he said.

Mr. Liebowitz denied his group or others pushed to have the standards relaxed to guarantee that no Jews would be denied refugee status. He said his group believes there is still a need for the Lautenberg Amendment.

Roy Godson, a counterterrorism expert, said, "There were criminals entering the country and no one was doing anything about it. Some of the gangsters were Jewish, and they took advantage of [the amendment]."

Efforts to defraud the INS were widespread, officials said in internal memos.

"Category fraud is relatively easy to perpetrate," wrote Leonard Kovensky, INS director in Moscow, in a memo sent through Rome to Washington.

He said people showed up at INS offices with passports clearly indicating their family ties were all ethnic Russian, but by claiming "one maternal grandmother was Jewish," they had to be offered visas.

"The leader of a Pentecostal group has informed INS that many of those scheduled as Pentecostals are not Pentecostals at all," Mr. Kovensky said. "Many reliable sources have told us of a cottage industry which has sprung up which gives applicants classes on how to successfully pass their INS interview."

A 1991 INS study showed "a continued decline, indeed drastic decline, in the quality of refugee claims," according to an agency memo sent to Washington. Another study, in 1993, found that of 624 applying as refugees, "only three cases would have qualified under worldwide standards, an approval rate of one half of one percent."

Under the Lautenberg standards, "ninety-one percent were approved, 4 percent were placed on hold and only 5 percent were denied."

Mr. SIMPSON. Mr. President, this confirms the very serious concerns I have always had about the program. According to the article, INS memorandums and other communications describe the fraud and abuse in the program which, after only 2 years, became a rubber stamp for admission to the United States as a refugee of almost any person in the former Soviet Union who "claimed" or asserted to be a Jew or Pentecostal or persecuted Evangelical, Christian or other category.

The startling part of it is, the article notes, by 1993 only about one-half of 1 percent of those entering the United States as refugees under the Lautenberg amendment actually have a well-founded fear of persecution on account of their religion.

The problem is if the INS had the audacity, or perhaps the gumption, to deny even a small percentage of the applicants, the "groups," the interest groups would continue to demand an ever more lenient consideration of these so-called refugee claims. The result of these demands is that we see a lower standard being applied to applicants for this very special program.

Mr. President, many of the persons being admitted under this amendment are excellent immigrants. They bring diversity to our immigrant flow, many are well educated, and will be productive members of our society. We all like to hear that. I do, too.

However, many others will require public assistance, some for the rest of their lives. We now know of situations where people will bring aged parents here and immediately place them on the public support system.

Still others, according to Hedges' article, are frauds, complete frauds who should not be here at all, or criminals. But the important point I want to make for my colleagues is that all of these persons enter as refugees. This means, and there is a tremendous difference between a refugee and an immigrant, this means they can receive not only Federal assistance with the costs of their airline tickets to come here, they will also receive special refugee cash and medical assistance after they arrive.

Further, there are private agencies that receive them at the airport and are paid $670 per person for each of these 40,000 to 50,000 so-called refugees who arrive every year under this program. Those are called R&P grants. I do not think the people of America even understand that there is $670 per person from the taxpayers to receive and place these people. R&P: reception and placement. They do not understand at all.

Occasionaly it was not even all expended—take in the refugees, place them, spend $150, $200 or $300, put the rest of the money in the account of their group. Congressman MAZZOLI and I broke up that playhouse some years ago, and I would like to think that does not occur anymore. But they would stockpile refugee funds because they did not need all that money.

People do not understand that part of it. This is, as I say, inside baseball. But I would trust my colleagues, particularly those who are conferees on the State Department reauthorization and reorganization bill, will insist on the Senate position and strike any provisions which would further extend this now thoroughly discredited program. Its original intent may have been met. It surely does not serve us well now.

And if you still do not believe it, then here is a figure for you. There are 40,000 people in the former Soviet Union who have been designated as refugees, presumed to be so under the Lautenberg amendment, who have not come yet. They are still there. They are "arranging things." They have been there for 6 months or a year or longer because they are still searching for the best deal for themselves to stay, or to come as a refugee. How do you come in a way where the Federal Government of the United States pays you the most money to get you here.

But, ladies and gentlemen, you cannot be a refugee and then hang around in your country. A refugee is a refugee is a refugee. It means a person fleeing persecution, and it means immediate fear. It does not mean you wait around to decide whether to go to southern California at your pleasure. That is not a refugee. And if Americans cannot understand that, we will have more such Proposition 187's and all that goes with it.

Mr. President, I would certainly call upon the Attorney General to take a very hard, close look at this program. I would like to have a report from them, from the Attorney General, from the Justice Department, from the INS and from the State Department. And I know what it will likely be. Hopefully, we will be able to get some breath of reality into the situation. To ensure that, there is a very simple thing, and the simple thing is a screening program, a case-by-case screening, just exactly what was called for in the 1980 Refugee Act, and put it in Moscow or elsewhere to ensure that persons with criminal records are not entering our country as refugees under this discredited program because if this article is at all accurate, it is well apparent that this program requires the most careful scrutiny.

I will be speaking on it from time to time. It will rise apparently like a Phoenix, as it does, and then you are not supposed to come and say anything against it because then you are against refugees, and you are really quite a foul fellow, and that is not who I am. But we are going to deal with that. We are going to deal with it realistically because you either are a refugee or you are an immigrant. And if you are a refugee, it will be a case-by-case determination under the Refugee Act of 1980. And if you are really a refugee, can you really be one from the present Commonwealth of the Newly Independent States, the former Soviet Union, because these are our finest allies, our friends.

It is like someone said to me the other day: What are we going to do with refugees from Mexico? I said if that is where the debate has gone, then everybody has rocks in their head or wax in their ears. There are no refugees from Mexico. How can one be a refugee from Mexico, a democracy, our remarkable neighbor to our south.

So those are the twisted terms we get to play with in this particular arena, and I hope that we can at least for the American public's edification and clarity try to describe what those terms are and what a refugee really is. And it certainly cannot be presumed that there are 40,000 of them coming per year from the former Soviet Union. That makes no sense whatsoever.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to yield myself 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I rise in support of the legislation before us. I have listened with some interest to the latest discussion here, particularly to the Senator from Maryland decrying the decision of the chairman of the Foreign Relations Committee to withhold action on several items prior to this, that have been before this committee.

I am fairly new at this thing, my first year on this committee. I have, however, paid some attention to it, with years in the House watching. And I guess I am a little surprised at the conversation. I recall others talking about this idea of holding hostages. It seems to me that the other side of the aisle, apparently at the insistence of the President, has made a conscious effort to avoid moving forward with this State Department authorization bill that they promised to filibuster to death.

Time and time again we have read internal memos from the administration declaring their intent to stall the bill at any cost. I think my colleagues will recall the phrases they have used—obfuscate, derail, delay. I certainly would have liked to have seen some of the Ambassadors in their posts. We have them before my subcommittee. I was anxious that they go forward, partly because I thought they were very excellent candidates, partly because I think we ought to have someone there.

Of the 18 nominations, the majority were designated to serve in countries within the jurisdiction of my subcommittee, Eastern Asia and Pacific Affairs. Indonesia, the People's Republic of China, and APEC were without representation. But as important as these posts are, Mr. President, passing a State Department authorization was and is more important. Yet, the Senate was denied the opportunity to vote one way or another on the issue because it was held hostage by the Democrats.

I guess I was a little surprised at this last discussion that has been going on. Hostage takers, Mr. President? What about the senior Senator from Massachusetts who took over 2 hours to speak about the minimum wage debate during the course of considering this bill in an effort to stall it. What about the White House that refused to meet with the chairman to discuss a compromise position? What about the officials at AID who, rather than rationally discussing the bill and offering their alternatives, instead waged guerrilla warfare against any compromise?

These are the hostage takers, Mr. President, not the senior Senator from North Carolina. The American people, who deserve a bureaucracy that is cost conscious and responsive to the times and streamlined, were held hostage.

I remind my Democrat friends that it is probably not useful to cast blame on who is holding whom hostage. As I mentioned, I am fairly new to this thing, but I have to observe that it appears many who are not new are very, very resistant to change, to even considering change in the way we have been doing things.

When you take a look at the results of some of the things we have done in terms of reorganization of the State Department, in terms of the operation of some of these units, we obviously need to make some changes. If you do not make some changes, there is no reason to expect different results.

So, Mr. President, I am very much in favor of this bill. I am very much in favor of the efforts that are being made here to assign some responsibility, to assign more accountability, to make this State Department just like the rest of the departments —more responsive, more efficient, more effective.

For the first time in almost everything we do here in the Federal Government, we are having an opportunity to analyze what they are doing and make some evaluations in terms of how these things are working in terms of some oversight. That is part of the job of this Congress.

But too often we get built in to what happened because it is what happened 10 or 15 years ago; it has always been that way, so we cannot change it. You know we cannot change it; just put some more money in, that probably will do it. That has been the notion.

That is what is unique and exciting and different about this Congress. We are having an opportunity to do some evaluating, to set some priorities, to make some changes, to cause things to be changed, to expect different results from what is happening.

So, Mr. President, I strongly support this bill. I hope Members of this Senate will vote affirmatively and we can move out of this hostage-taking mode that we have been in. You can assign the hostages to whomever you choose. I assign mine to the other side of the aisle in holding this bill hostage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG addressed the Chair.

Mr. HELMS. I yield such time as the Senator may require.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from North Carolina, and I congratulate him on obtaining floor time for this bill and finally getting it to a point where it is going to pass. It really is an excellent initiative that deserves the support of the Senate and the House, and hopefully will end up being signed by the President. It has been a long time coming, as has been mentioned by a number of speakers, and it is long overdue.

We are, after all, almost 4 years into the post-cold-war period, and yet we still function with a State Department, an AID and ACDA organization, not to say anything of USAI and Voice of America, that are clearly creatures created and designed for responding to a worldwide ideological confrontation with the Soviet Union. As has been mentioned many times in this debate, that is no longer the case; and yet the momentum of those departments go forward as if it were the case, in many instances.

I come to this debate because I have the great good fortune to be, through no cause of my own, but luck basically, chairman of the Commerce-State-Justice Appropriations Committee, which basically must fund the ideas which come from the Foreign Relations Committee, which is so ably chaired by the Senator from North Carolina and so ably by such an able ranking member as the Senator from Rhode Island.

Therefore, as the person responsible for the appropriations activities relative to the State Department, I take seriously the proposals of the Foreign Relations Committee because they are obviously going to guide the actions of the appropriating committee. It is our intention and has been our intention as the Appropriations Committee to essentially support and work with the Foreign Relations Committee as they pursue and reform and reorganize the State Department.

I strongly support the basic concept which was created by, initiated by, and now has been instituted by the chairman of the Foreign Relations Committee in his proposal as presented in this bill, which is essentially that the State Department, ACDA, and AID must rethink their roles, so that, hopefully, we will see a bringing together of these various agencies in a manner which will lead to a more efficient, focused, and effective delivery of their mission.

I happen to strongly be of the view, as I know the chairman of the Foreign Relations Committee is—really I am of this view in large measure because of the education which I received while being on the Foreign Relations Committee, at the feet of the chairman and the ranking member—I am of the view that we need to give the Secretary of State more control over these various agencies so that we have a more coordinated policy.

It is not a unique view, actually, held by Republicans only. It happens to be a view that at least initially was held by, I believe, the Secretary of State, and, I suspect, in the quiet of his office when he is not being confronted by the requirement of public policy positions pressed upon him by other members of the administration, he still agrees with that view and agrees with it strongly.

It was a view which, initially at least, was supported by the Vice President in his proposals for reinventing government; that is, that we should give the Secretary of State, the person who logically is the prime spokesman and policymaker on behalf of the President of the United States, the authority to manage the foreign policy of the country. That means the authority to manage two major agencies which now function as independent satellites of the Department and, in some cases, extraordinary satellites.

But this bill does not go so far as to direct how it is done precisely. Rather, I believe this bill takes the very logical approach of allowing the Department to report back and design a program which accomplishes the goals which I think are well set out, which is that more focus be given through the Secretary of State in controlling and managing the various functions of our international policy. Also, it proposes that in this exercise of reorganization we save some money, not a request which is illogical.

There is no question but that there is a great deal of overlap, there is a great deal of duplication, there is a great deal of atrophied agencies within these various departments which were produced and created for the purposes of addressing issues of the cold war and which are no longer serving a viable function and which, in many instances, could easily be reduced or at least consolidated in a manner which would deliver more efficiency and refocus them more effectively and which would save dollars.

The proposal which has come forward is to save, I think, $1.7 billion over, I believe, 7 years, if I am correct. And if I am not, I will be happy to stand corrected. I guess it is 5 years. I would note that this is not a reach. In fact, in the appropriations bill which was just recently passed by this Senate, we saved $500 million just in the year 1996; $65 million through rescissions, $435 million by reducing spending activities within these various departments.

So we are clearly on the path to this level of savings. In fact, when it was reported at the initial proposal, which the Vice President's group, I believe, was dealing with and which had been put forward by various members of the administration, it would save, I think, approximately $5 billion during this same timeframe. I was supportive of that number and happened to believe that number is an attainable number, $5 billion rather than the $1.7 billion which is in this authorization bill.

I hope as we move down the road toward this reorganization, that should this $1.7 billion become the number that is focused on or settled on, that the Department might even, in a gesture of good will, try to exceed that number and go closer to the $5 billion which was originally thought of.

I can tell you right now, at least at the appropriating level, we are going to be looking for numbers at a little higher level because we think it is certainly doable. But I strongly congratulate the chairman of the committee for having gotten us on the road to what I think is a long overdue, but very effective as presently proposed, attempt to reorganize departments which were designed to address one issue, the cold war, and which now are not functioning effectively addressing a new issue, which is the world as we know it today.

Today when we think of the threats that confront this Nation and the issues of international policy, we should be thinking about things like population excesses and thinking about things like environmental concerns. We should be thinking about things like availability of food. We have to worry about ethnic conflicts, and we have to worry about religious conflicts—totally different issues of philosophy, totally different issues of real threat to our country or real threat to stability around the world than what we confronted under the regime of the cold war. Thus, we need to reinvent the agencies which address that, and in this bill the chairman and the Committee on Foreign Relations has taken a major stride toward doing just that.

So I congratulate the committee. I look forward to continuing to follow the guidance of the committee as we move forward in the appropriations process.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. I am grateful to the chairman of the Subcommittee on State-Commerce-Justice appropriations, the distinguished Senator from New Hampshire, for his kind remarks. And I am very grateful to the distinguished Senator from Wyoming.

Mr. President, I had to take a telephone call on a very important matter involving North Carolina. But while I was talking, I heard Senator SARBANES. I like Senator SARBANES. I do not like everything he says. Sometimes he reminds me of a pregnant cobra, but I know he feels deeply what he has said, and I know he thinks it is correct. But the trouble is that it is not correct. I think Senator SARBANES, if he will forgive me, forgets that at the close of the Bush administration, the Democrats held up 12 ambassadors that President Bush had sent to the Senate. They were not given hearings. They were given no consideration for 6 months—6 months. They, frankly, said, "We do not want any ambassadors appointed by a Republican President."

So it is not exactly a novelty to hold up an ambassadorial nomination, or a group of them. But I know that Senator SARBANES did the best he could with his argument. But this business of fairness is in the eye of the beholder. You do the best you can in the Senate when you have a strong and effective opposition, such as Senator SARBANES. And, of course, it was Senator SARBANES who was micromanaging, to a certain extent, I believe, the negotiations between Senator KERRY and me. That is all right. I have no objection to that. Senator SARBANES has been around this Senate for a while, and he is entitled to be recognized for his seniority.

Now, President Clinton, let me remind anybody who heard Senator SARBANES' criticism that, just last week, after Senator KERRY and I reached our final agreement—and we reached a "final" agreement a number of times during these negotiations, but last week, when it was the final-final agreement, there came the White House saying, "We have one little thing more we want to do." It was the White House, do you not see, Mr. President, that held the ambassadors hostage because they delayed any action on negotiations because they wanted to include a guarantee that a nominee to the Environmental Protection Agency be confirmed by the Senate in order for this agreement between Senator KERRY and me to occur. Well, I said, "I have nothing to do with that nomination, and I will defer to the majority leader." I think they worked it out with Mr. DASCHLE and others.

Now, let me say again that I was ready at any time—and I said so repeatedly—to have a vote. I did not ask to be assured of this or that; just let the Senate vote. Senator SARBANES was unyielding on that. He did not do so publicly, but he was unyielding that I was not going to get a vote because, as he has said, he does not like this bill. He thinks we are not spending enough money on the foreign policy apparatus as it is. He is in contradiction of the opinion of the American people, who pay the taxes. Senator SARBANES and I only pay a small part. But the people who pay the bulk of it do not agree with him, and maybe they do not agree with me. I do not have any pull one way or another.

I suppose it ought to be said, in all fairness, that there are good ambassadors and there are some who are not so good. Various Senators have had various experiences with how embassies are not run by the ambassadors but are run by the ambassador's assistant. I have about reached the point that I wonder if having an Ambassador in Paris is essential, because is it not an anachronism in a day when we have such instant communication. When we sent Benjamin Franklin and Thomas Jefferson over to Paris, they had to go over on a ship, and they had to understand the administration's policy on this, that, and the other. But I do not think that the relations with China went to pot because Jim Sasser was held up. Somebody said that Jim Sasser is a nice guy and he was a good Senator. I like him and all that. But U.S. relations with Beijing did not go to pot because Jim Sasser was not over there. As a matter of fact, somebody commented that China was making a number of concessions while we had no Ambassador.

So it is OK to take a hit at HELMS. I am used to it, but those taking the hit better look at the history of what both parties have done when they have been in the majority.

Now, I confess that I may be the first chairman of the Foreign Relations Committee who does not really care what the editors of the New York Times feels about foreign policy. I do not run to the Washington Post to say, "Please, is this all right?" I try to use my own instincts and try to base my judgments on what I think the American people want in terms of decisions.

If Senator SARBANES does not like that, that is fine. The Council on Foreign Relations is not going to run the Foreign Relations Committee as long as I am chairman of it. I say that with all due respect to the organization.

As far as letters inserted in the RECORD, I could put 50 pages of letters into the RECORD right now, Mr. President, from people all over the country, who have written to me and said, "Jesse, hang in there." So we can all play that game and insert letters from lots of organizations. I can insert letters from businessmen, who say, "You are doing the right thing." So it is a matter of opinion. Some of it may be partisan, some of it may not be.

I do not know that it is entirely useful to excoriate another Senator with whom you disagree. I say again, I like PAUL SARBANES, and I thought our relationship was better than it apparently is. Foreign Service officers and ambassadors are expressing strong, unequivocal support for this bill.

So I do not want to hear all this "moaning and puking," as Shakespeare put it, about how we are tromping on the Foreign Service. I have not done it, and I am not going to do it. They have been some of the loudest advocates of the reorganization of the State Department. Five former Secretaries of State have said this is a great piece of legislation. They helped us with various points on it. Warren Christopher went down and tried to sell it to AL GORE, who was busily announcing in press release after press release that he was going to "reinvent" Government.

So it is time we stopped talking and start doing something. I am not going to go any further. I think enough has been said on that.

END STRENGTHS

Mr. KERRY. Mr. President, section 141 of the bill deals with end strengths for the Foreign Service and the Senior Foreign Service in the State Department, USIA, and AID. We had similar language in the Foreign Relations Authorization Act for fiscal year 1994–95. However, the end strengths in section 141 of this bill are based on the original consolidation language which would have abolished AID, USIA, and ACDA, rather than the new language we have agreed upon. We addressed this problem in part in the managers amendment by deleting subsections (c) and (d) of section 141. However, to be consistent with the new consolidation approach, we need to revise the end strengths in subsections (a) and (b).

Mr. President, I would ask the distinguished chairman of the Foreign Relations Committee if he is willing to work with me to correct this problem in conference?

Mr. HELMS. Mr. President, I am prepared to do that. So the numbers reflect the intent of the conference report.

Mr. KERRY. Mr. President, I thank the chairman.

Mr. SARBANES. Mr. President, I understand that a colloquy was entered into earlier, which I believe misstates the legal status of a provision in this bill. May I inquire of the Democratic manager, who determines the validity of a claim submitted under section 604(a) relating to Iraq claims?

Mr. KERRY. It is my understanding that the Foreign Claims Settlement Commission determines the validity of all claims submitted to it regardless of past litigation.

Mr. SARBANES. I thank the Senator.

Mr. ROBB. Mr. President, will the Senator yield for a question?

Mr. HELMS. Mr. President, I will be happy to yield to the distinguished Senator from Virginia.

Mr. ROBB. Mr. President, under section 604(b), I understand that the Foreign Claims Settlement Commission is authorized to receive and determine the validity of claims of United States persons against the Government of Iraq and its instrumentalities. May I assume that claims which have been reduced to judgment in Federal district court are valid?

Mr. HELMS. Mr. President, yes. A judgment obtained in Federal district court will be considered a valid claim. Clearly there could be no more valid claim than a judgment received through the adjudication process.

Mr. ROBB. Mr. President, may I further assume that such judgments and their amounts, having been certified as valid, will receive expedited processing for payment?

Mr. HELMS. Mr. President, yes. It is our expectation that the Foreign Claims Settlement Commission will establish an expedited procedure to pay such claims, given that their validity is not in question.

Mr. ROBB. Mr. President, I thank the Senator from North Carolina and appreciate his management of this bill.

EXPROPRIATION IN THE DOMINICAN REPUBLIC

Mrs. HUTCHISON. Mr. President, I wish to discuss with the distinguished manager, the senior Senator from North Carolina, section 168 of S. 908. First, I want to commend the Senator for his leadership on behalf of all U.S. citizens who have suffered expropriations throughout the world. The Senator has been a great champion for these Americans whose rights have been trampled by foreign governments.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Texas for her kind words, and I am happy to discuss section 168 of S. 908 with her. Section 168 would exclude from the United States aliens who have expropriated U.S. property or who traffick in such property. As the Senator knows, this provision has been deleted from the pending bill at Senator DODD'S request because it is included in the House-passed version of H.R. 927, and he would prefer that it be addressed in that bill. Senate conferees will be named for H.R. 927 immediately upon Senate passage of S. 908.

Mrs. HUTCHISON. Mr. President, I have been trying to help resolve an egregious expropriation executed by the Dominican Republic's military against Western Energy, Inc. Western

Energy is headquartered in my State and operated an important liquid petroleum gas facility in the Dominican Republic until the military took over in April 1994.

Our Ambassador to the Dominican Republic should be commended for her efforts to resolve the expropriation suffered by Western Energy. The names of the persons involved are well known because the case is prominent and, I am told, has caused great outrage and shame over the Government's action. Would my distinguished colleague join me in encouraging the U.S. Ambassador to inform the affected persons that promptly upon enactment of section 168 in H.R. 927 they will be excluded from the United States until the Western Energy case is satisfactorily resolved?

Mr. HELMS. Mr. President, section 168 reflects the frustration with the lack of progress in resolving property claims, especially in the Western Hemisphere. The Dominican Republic is among the worst offenders, and the distinguished Senator from Texas can count on my support.

Mr. LEAHY. Mr. President, I intend to vote against the State Department authorization bill and I want to briefly explain why. But before I do, I want to commend the Senator from Massachusetts, Senator KERRY, for the herculean efforts he made to resolve an impasse that has prevented confirmation of over a dozen American ambassadors as well as Senate ratification of the Start II treaty.

Senator KERRY believes, as I do, that the foreign policy apparatus of this country needs reform. There is duplication, lack of coordination, and money has been wasted. I know the compromise we are voting on today reflects his best effort to address these problems, without doing grievous damage to the agencies that administer foreign policy.

But while I commend Senator KERRY for the thankless job of bringing to closure the tedious and often acrimonious negotiations over this legislation, I will vote against this bill because I do not believe that blackmail should be rewarded in the U.S. Senate. I will also vote no because although this managers' amendment is a significant improvement over the bill as reported by the Foreign Relations Committee, I believe it will weaken U.S. diplomacy, not strengthen it.

Senator SARBANES has spoken eloquently on this and I want to associate myself with his remarks. What we have seen is the immobilization of the Foreign Relations Committee for the better part of this year. The fact that there has not been a foreign aid authorization bill since the mid-1980's has not made any difference. But the committee does have certain important responsibilities, including ambassadorial nominations and reporting treaties for ratification.

I could list any number of Foreign Service officers who serve this country every day with incredible professionalism and bravery. Yet because the chairman of the Foreign Relations Committee could not force the Senate to support his effort to eviscerate portions of the foreign policy apparatus of the U.S. Government, he refused to permit the committee to carry out functions that are crucial to this country. It has caused countless problems for both American foreign policy, and American citizens who have needed assistance overseas.

There are other problems with this bill which do not merit our support. It contains authorization levels that will cause grave problems for U.S. leadership and U.S. representation overseas. It requires deep cuts in the operating expenses of the foreign policy agencies, including U.S. AID, in our contributions to the United Nations, and in our foreign exchange programs.

In conference, it is a virtual certainty that the bill will get worse, not better. Senator SARBANES has already pointed out that the same people who favor slashing resources for diplomacy voted to add $7 billion to the defense budget, over and above the quarter of a trillion dollars requested. This entire bill authorizes less than that increase to the defense bill.

Senator KERRY'S efforts resulted in significant improvements in the bill that was originally reported by the committee. I also want to say that I do not question the motives of the chairman of the Foreign Relations Committee. I agree with his goal to cut the cost of these agencies, and to reduce unnecessary bureaucracy. They need streamlining. But I cannot agree with these methods.

I vote to reject them, not reward them.

Ms. SNOWE. Mr. President, as chair of the International Operations Subcommittee, which has jurisdiction over the issues contained in the legislation, I rise in support of this bill.

It is regrettable that this bill is coming up today with a managers' amendment drafted by Senate Democrats that will have the effect of undoing the Foreign Relations Committee's main work on this legislation. Lacking a sufficent level of support to actually make these changes by a majority vote, the Senate minority has insisted in changes in this bill that could not pass under normal legislative procedures.

Although a freshman Senator, I have more than a decade of experience with these issues. I have worked on the State Department authorization bill since 1985, when I became ranking member of the House International Operations Subcommittee. Continuing this role in the Senate, this is the sixth State Department authorization process in which I have served as a Republican manager of the legislation.

I would like to thank the chairman of the full committee, Senator HELMS, for his perseverance with this legislation. That we have this bill back before the Senate today is in large part due to his stalwart support of the legislative process.

I would like to also thank the ranking member of the Foreign Relations Committee, Senator PELL, for his graciousness, comity, and belief in the legislative process. I would note that Senator PELL—the former chairman of the Foreign Relations Committee—was the only member of the other party to support cloture when this bill was last before the Senate on August 1. This kind of steadfast support for the role of the authorizing committees will be sorely missed in the Senate after his retirement next year.

I would also like to thank the majority leader for his strong support for this bill, and the other Republican members of the Foreign Relations Committee for their votes and their support when it was most critically needed.

Finally, I would like to acknowledge the work of the staff, particularly the committee's staff director, Adm. Bud Nance. He has brought dedication and integrity to every aspect of his efforts, and he has greatly assisted the work of the committee.

The bill before us today authorizes the budget and operations of the foreign affairs agencies, establishes policies for our participation in international organizations, and strengthens U.S. standards for our participation in U.N. peacekeeping operations.

As reported out of the Foreign Relations Committee, this bill would have implemented an innovative restructuring plan first proposed at the beginning of this year by Secretary of State Warren Christopher. I note with regret that this is no longer the case. The original version of this bill would have terminated three independent foreign affairs agencies, and achieved $3 billion in savings over four years by consolidating the functions carried out by those agencies into the Department of State. The three independent foreign affairs agencies are: the U.S. Information Agency, which deals with the public relations aspects of our foreign policy; the Agency for International Development, which runs our foreign assistance programs; and the Arms Control and Disarmament Agency, which conducts diplomatic activities related to arms control and nonproliferation.

This bill no longer explicitly requires bringing under the direct control of the Secretary of State the activities of these three existing independent agencies. The bill, however, does mandate to the President that he achieve over five years $1.7 billion in savings at least 70% of which must come from the elimination of duplication and bureaucratic downsizing.

This is less than half of the savings contained in the committee bill, and about $500 million less in savings from Senator KERRY's own amendment that failed to pass during committee markup. I would also note that at committee Senator KERRY proposed the mandatory elimination of at least one agency, at the President's discretion. As I mentioned, this bill, with passage of the Kerry managers' amendment, no longer requires the consolidation of any agencies into the Department of State.

To any who believe that the bill's original $3 billion in savings over four years is excessive, or even the current $1.7 billion in savings over five years, I would to point out that on January 26 Vice President Gore issued a press release announcing the second phase of the "National Performance Review." That press release announced, and I quote:

> It is anticipated that the overall review of international affairs programs and agencies will result in savings of at least $5 billion over 5 years and a substantially enhanced capacity to deliver more effective programs overseas and provide value to the American taxpayer.

The problem is that now, 11 months later, the Vice President still has not presented his plan for saving $5 billion over 5 years through restructuring and consolidation of our foreign affairs agencies. In fact, the Administration has refused to even present to Congress its normal legislative request for the foreign affairs agencies. And that is the first time this has happened in the 10 years I have worked on this legislation.

So in the absence of any positive Administration proposal, all we are mandating in this bill is that the Administration develop and implement a proposal for saving $1.7 billion over 5 years, not the $5 billion over 5 years that the Vice President promised at the beginning of this year. Frankly, I believe that we can do more, and the original bill did do more. But at least this is a first step toward that goal.

I hope that once the President is forced to begin looking at even this modest level of bureaucratic downsizing, even this Administration will recognize the wisdom of Secretary Christopher's original plan for consolidating the functions of all three independent foreign affairs agencies into the Department of State. Let me just give a small example of the reasons why the original consolidation would improve the formulation and conduct of American foreign policy.

On October 12 my office received a State Department inspector general report that reviewed the activities of the Bureau of Political-Military Affairs. That report discusses efforts to identify and eliminate redundancies between this State Department bureau and ACDA.

This is an effort that we should certainly all applaud, but without a formal consolidation between the two entities, a total elimination of duplication would either deprive the Secretary of State of any expertise over arms control issues, or rob ACDA of any diplomatic capabilities to conduct sensitive arms control negotiations. It would further isolate important arms control and nonproliferation considerations from the formulation of American foreign policy. Or, in the words of the State Department inspector general:

> If [the State Department] were to relinquish a significant portion of its nonproliferation functions, the overall effects could be counterproductive.

This is a perfect illustration why merging the functions of these three independent agencies into the Department of State is needed not just to save money, but to improve the flexibility and coordination of American foreign policy in the post-cold-war era.

And this is not just my own opinion, the opinion of Chairman HELMS, or the collective opinion of the other body, which has included Christopher's consolidation plan in its own State Department authorization bill. This consolidation proposal is also supported by five former Secretaries of State and two former National Security Advisers.

Mr. President, I would like to now discuss the reason for their support.

The world has changed dramatically in the last decade, and with it the demands on our foreign policy structure. Gone is the cold war—and the certainty of a single opposing force in our foreign relations. Gone, too, is the highly focused foreign policy we once waged against an expansionist and authoritarian Soviet Union and its satellites.

We face a new imperative: to maintain a strong and aggressive foreign policy, while streamlining our operations, achieving cost savings, and meeting the new criteria of a changing world. Consolidation among our foreign affairs agencies is an idea whose time has come.

In the aftermath of the collapse of the Soviet Union and the reigniting of ethnic strife that had been kept bottled up by the cold war, we live in a new world. But it is not necessarily a safer world. The reason five former Secretaries of State support this concept is the need to integrate the important public diplomacy, arms control, and foreign assistance aspects of American foreign policy into our basic policy formulation process.

For example, currently the independent Arms Control and Disarmament Agency is primarily responsible for nonproliferation policy. But concerns about nuclear proliferation frame our relations with a range of countries around the world, from North Korea, to Pakistan, to Iran. It would enhance, not detract, from this important goal of American foreign policy for it to be integrated into the policy formulation process at State. It is far too important to be an afterthought considered only later in the interagency process.

And by better coordinating public diplomacy with policy, we can directly benefit the conduct of our Nation's foreign relations. Public relations play an increasingly important role in a world that is increasingly democratic. But currently, our public diplomacy expertise rests in the independent U.S. Information Agency. Does it enhance the formulation of American foreign policy to consider its impact on world public opinion only after the fact?

Similarly, there is a great need to more closely tie our foreign assistance programs to policy goals intended to directly advance our national interests. And there is a desperate need to cut back on AID's huge administrative structure that today consumes vast amounts of our humanitarian and developmental aid funds.

Out of a $2.3 billion developmental aid account, AID spends $600 million on its formal operating expenses account. This is 25 cents for every developmental dollar. But in reality, AID's administrative costs are much higher because AID's formal operating expenses only count 5,000 out of its 9,000 employees worldwide. The missing 4,000 are AID contract employees who are paid out of program funds, not operating expenses.

There are other important aspects to this legislation. The bill contains many management improvements sought by the administration. I regret that what State Department initiatives are included in this bill had to come to us informally, as the administration even to this day has refused to submit a formal legislative request.

The bill also puts into permanent law many of the international peacekeeping reforms that were first enacted in our last bill.

Let me also briefly mention a few of the initiatives I have included in this bill.

I have included the text of the Terrorist Exclusion Act, which I first introduced in the House 2 years ago, and which I have reintroduced this year with Senator BROWN as my original cosponsor. This provision will restore the pre-1990 standard allowing denial of a U.S. visa for membership in a terrorist group.

Another provision would codify existing embassy visa terrorist lookout committees. These committees were established by the State Department in 1993 under the Visas Viper Program. However, recent GAO and IG reports indicate that these committees have become moribund. My provision would require the terrorist lookout committees to meet regularly and become more active.

I have also included the requirement for two GAO studies. One would look at the extent to which the activities of four long-standing grantees duplicate activities carried out by the U.S. Government. These groups are the Asia Foundation, the East-West Center, the North-South Center, and the National Endowment for Democracy.

A second study would look at the question of whether the North-South Center used U.S. funds to engage in improper lobbying effort in support of the North American Free Trade Agreement. I am particularly concerned about a publication the Center sent to Members of Congress during the NAFTA debate, entitled "Assessment of the North American Free Trade Agreement."

Mr. President, as I have expressed in the past, I know that there has been a great deal of anxiety among the dedicated, hard-working employees of our foreign affairs agencies. That concern comes not just over this bill, but over the generally recognized need to downsize our Federal work force as we move to a balanced budget. I believe that all of us need to do everything we can to remember the human dimension of what we are trying to achieve.

This bill contains broad early retirement and buyout authorities, and we have taken every step we know how to take to make the transition as easy as possible to a streamlined foreign policy structure. This bill also gives the President extraordinary authority to formulate his own transition plan, limited only by the bill's mandated savings target.

Mr. President, the bill before us is an important bill, and I hope that in conference it will become even better. The Foreign Relations Revitalization Act gives credit to our Chairman, to our committee, and to all of the Senators who have supported it since its inception.

I urge its adoption, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to lend my support to the compromise version of S. 908, the State Department Authorization bill.

I would like to take this opportunity to thank the distinguished Chairman of the Foreign Relations Committee, Senator HELMS, and the distinguished Senator from Massachusetts, Senator KERRY, and their staffs, for the many hours they devoted to the long, hard negotiations that were necessary to reach this compromise.

In particular, I want to recognize the efforts of the Senator from Massachusetts. He inherited a difficult, perhaps even thankless, task, and pursued it with his usual diligence, dedication, and wisdom. He had to balance the concerns of many of his colleagues, and of the Administration, while negotiating a very controversial bill. I believe the consolidation compromise he has struck with the Chairman is a good one, a workable one, and a fair one. I want to thank him for his efforts and commend him for his work.

The plan that emerged from the negotiations is a reasonable one. It requires the Administration to submit a plan to consolidate the foreign affairs agencies, but it gives them flexibility to decide how to do so effectively and responsibly.

They are tough standards that the Administration must meet. Within six months they must submit a reorganization plan to the Congress which achieves $1.7 billion in savings over five years. If Congress deems the plan to be unsatisfactory, we can pass a resolution of disapproval and force the Administration to submit a more acceptable plan.

But most importantly, the compromise does not require the Administration to eliminate USAID, USIA, or ACDA. They may decide to do so. But this bill gives the Administration an opportunity to figure out a way to achieve real savings and reform, without necessarily abolishing three valuable agencies that do important work: development and disaster assistance, negotiating and monitoring of arms control agreements, and international broadcasting and exchanges. This flexibility is the key..

The passage of this bill today will produce some other positive developments, many of them long overdue. With the disposition of S. 908, the Senate will be able to confirm 18 ambassadorial nominations and hundreds of foreign service officer promotions. We will also be able to consider the START II treaty before the end of this session, and the Chemical Weapons Convention in the spring.

Of all embassies that are waiting for ambassadors, I think none is more important than the one in Beijing, China, where our former colleague, James Sasser, will become United States Ambassador. I am confident that our country will be well served by the job that he, and the other nominees, will do in their new posts.

Finally, I do want to note that even with the consolidation compromise, there remain a number of provisions in S. 908 that I find deeply troubling. Several of them have to do with China.

Section 606 declares that the Taiwan Relations Act should supersede the three U.S.-China joint communiques as the basis of U.S. policy toward China and Taiwan.

Section 608 calls Tibet an "occupied sovereign country, and Section 609 requires that the President appoint a Special Envoy for Tibet.

Section 415 requires USIA to submit a plan to create a Radio Free Asia.

Section 611 erects an unnecessarily labyrinthine procedure for screening products that may have been produced by forced labor in China.

These provisions and others combine to create an unnecessary provocation in our relationship with China, at a time when the relationship is still recovering from a recent crisis. They threaten to undermine our One China Policy, which is the basis of the relationship, and to exacerbate tensions when we should be trying to ease tensions.

I look forward to working with my colleagues who will serve on the House-Senate conference on this bill, with the goal of removing or rewriting these provisions. I consider the successful resolution of these matters to be critical to my consideration of whether or not to support the conference report on this bill.

I am also hopeful that the consolidation plan will not be modified in conference. I am aware that the plan in the House bill does require the elimination of USAID, USIA, and ACDA. If the Senate compromise agreement is substantially altered in conference to reflect the more draconian House plan, it will be difficult, if not impossible for me to support the conference report.

Having said that, I believe it is important to get the State Department Authorization bill to conference, and I intend to support the bill today.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have just been informed that the Acting Secretary of State has taken an action that seemed to me to be a direct affront to the Foreign Relations Committee and to the future of relations between the United States and Taiwan, the Republic of China. The Acting Secretary has just named three men to sit on the board of the American Institute in Taiwan, under a procedure that is not normal. Under a longstanding agreement between the Department of State and the committee, specifically between the then-chairman of the committee, Mr. Church, and then-Secretary of State Cyrus Vance, the Department of State is to notify the committee of appointments to the board. Under the terms of the agreement, the committee is to be able to voice its concerns about any of these appointments and these concerns are to be satisfied before the Department proceeds with the appointments. Today, the Acting Secretary of State abrogated that agreement, in my judgment. Now, since 1979, the committee's role in the appointment process was that the committee could have an opportunity to voice its concerns about any individuals appointed to the board of the American Institute in Taiwan, our de facto embassy. We do not recognize Taiwan as a nation. I think we should, speaking as one Senator, but we do not. The American Institute in Taiwan is our de facto embassy.

These concerns were to have been worked out through the department before the appointees are identified. I have just been informed that the department has proceeded with three appointments the day before the committee was scheduled to meet these gentlemen, for the first time. Mr. President, this action, I believe, is an especially strong affront in light of the fact that this very week the Department of State is receiving confirmation of 18 of its ambassadorial appointees and four Foreign Service officer promotion lists.

I am astounded by this decision and have determined that the committee will hold a hearing on the role of the American Institute in Taiwan at which we will compare its role today to the role agreed to previously when it was established in the late 1970's or early 1980's, whenever it was.

AMENDMENT NO. 3100

(Purpose: To authorize the transmittal of a reorganization plan or plans streamlining and consolidating the Department of State and the independent foreign affairs agencies, to make technical amendments to the bill, and for other purposes)

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for himself and Mr. KERRY, proposes an amendment numbered 3100.

Mr. HELMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, this amendment has been agreed to on both sides.

Mr. KERRY. Mr. President, let me just clarify with the Senator, it is my understanding the amendment is pending.

Mr. HELMS. Yes.

Mr. KERRY. With the amendment pending, once accepted, the order of business will be to pass the bill and immediately subsequent to the bill being passed we will proceed to the Ambassadors, is that correct?

Mr. HELMS. That is correct.

Mr. KERRY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 54 minutes and 45 seconds, and the Senator from North Carolina has 39 minutes and 44 seconds.

Mr. KERRY. Mr. President, I see two Senators on my side who are on their feet. We would like to yield back some time.

Mr. BIDEN. Mr. President, I ask the Senator to yield 2 minutes.

Mr. SARBANES. I ask that 5 minutes be yielded to me.

Mr. KERRY. I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I listened with interest in the Cloakroom to my friend from North Carolina and what he had to say in response to the Senator from Maryland. The Senator from Maryland can surely take care of himself and respond in any way he thinks is appropriate, but at one point we all say things that we sort of slip and say and do not mean.

He made reference to our nominee to China, former Senator SASSER as "needing a job." I inform the Senator that not only does Senator SASSER not need a job, he is doing financially much better now than he did when he was here. He needs no job. This is a public service to which he has agreed to return, and I am sure the Senator did not mean to imply anything by what he said, but I want the RECORD to make it clear. Senator SASSER does not need a job—it is for those of us, including the President, who think we need Senator SASSER to come back to public service. I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Maryland.

Mr. SARBANES. I listened with a great deal of interest to the Senator from North Carolina.

First of all, let me say that in the last 6 months of the Bush administration we confirmed 63 ambassadorial nominees. The Senator said there were 12 that were not confirmed. So that would be 63 out of 75, which is 84 percent.

The Senator has allowed no ambassadors to be confirmed—not 10 percent, not 20 percent, not 40 percent, not 60 percent, not 80 percent, not 84 percent. None. None at all.

Some of the nominees that were not confirmed at the end of the Bush administration were not ambassadorial nominees, but nominees to commissions and boards. In any event, the Senator said there were 12 that were not confirmed. Sixty-three were confirmed over the last 6 months of the Bush administration, 84 percent.

The Senator from North Carolina has held everyone hostage. He will not allow any of them to go through, even though we have very important national interests with respect thereto.

The Senator was given two votes in the Senate in trying to get to his reorganization bill—votes of 54 to 45. The Senate refused to invoke cloture and to go to that legislation. Having been thwarted in that sense, the Senator then set out on his hostage strategy and held up the ambassadors and held up the treaties, in my view putting at risk very important national security interests.

Mr. President, I ask unanimous consent to have printed in the RECORD a column from the Arms Control Association newsletter following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, in that newsletter it says:

> Prompt Senate approval of START II—the treaty that would reduce the Russian strategic threat to the United States from some 8,000 to 3,500 nuclear warheads—is becoming increasingly doubtful despite overwhelming bipartisan congressional support. Senator JESSE HELMS (R-NC), asserting his power as chairman of the Senate Foreign Relations Committee, is holding this important treaty, as well as the Chemical Weapons Convention, hostage to passage of unrelated legislation. Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to U.S. security.

And I underscore that concluding phrase "with great disadvantage to U.S. security."

Finally, I say to my colleague from North Carolina that, as chairman of the committee, it seems to me, the Senator has certain responsibilities. To hold the balance of the work of a committee hostage because the Senator has not been able to get his way on a particular piece of legislation is not a very efficient way to carry out the work of the committee.

Obviously, it was a tactic used to heighten pressure, in a sense, a coercive tactic. And I very much regret that it occurred.

I yield the floor.

EXHIBIT 1

[From Arms Control Today, Oct. 1995]

HOLDING U.S. SECURITY HOSTAGE

(By Spurgeon M. Keeny, Jr.)

Prompt Senate approval of START II—the treaty that would reduce the Russian strategic threat to the United States from some 8,000 to 3,500 nuclear warheads—is becoming increasingly doubtful despite overwhelming bipartisan congressional support. Senator Jesse Helms (R-NC), asserting his power as chairman of the Senate Foreign Relations Committee, is holding this important treaty, as well as the Chemical Weapons Convention (CWC), hostage to passage of unrelated legislation. Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to U.S. security.

By refusing to schedule any meetings, Helms has stopped all action before his committee in an effort to force the administration to accept his plan to integrate into the State Department three independent agencies, the Arms Control and Disarmament Agency (ACDA), the Agency for International Development and the U.S. Information Agency. Senate approval of START II, which Helms has not opposed, could be obtained with little or no opposition as soon as a formal committee markup of the resolution of approval can be scheduled. But until Helms relents, the United States cannot demonstrate to Russia and the world its support for reductions in strategic nuclear forces.

The multilateral CWC, which will ban development, production and stockpiling of chemical warfare agents as well as their use, may require a final hearing to resolve some questions. But, under the able leadership of Senator Richard Lugar (R-IN), the necessary resolution of approval should be easily obtained. Because many countries are awaiting U.S. ratification, Senate inaction prevents the early entry into force of this agreement, which universally bans possession and use of the "poor man's nuclear weapon."

Senator Helms is reportedly willing to reduce the ransom to only two of the three threatened agencies with the choice left to the administration. The White House has properly declined to bargain with hostage-takers and vowed not to yield on this issue. However, the longer this standoff lasts, the less likely any action will occur in time to influence favorable Russian action on either treaty.

The prospects for START II ratification in the Russian Parliament are much more precarious than in the U.S. Senate, notwithstanding Helms' maneuvering. A narrow window of opportunity for action appears to exist for the next month or two before the Russian Parliament adjourns to prepare for mid-December elections. While the makeup of the next Parliament cannot be predicted, it may well be even more nationalistic and more hostile than the present body to proposed NATO expansion, military action against the Bosnian Serbs and reduced U.S. economic support.

President Boris Yeltsin has strongly endorsed START II, subject only to the condition that the ABM Treaty remain in force. Although members of the Russian Parliament have attacked the agreement as biased against Russia, support for the agreement from the Russian military has helped counter much of the criticism. The military recognizes that it does not need and cannot afford its current strategic force structure and appreciates the value of maintaining strategic parity with the United States. Faced with a more nationalistic Parliament and U.S. endorsement of a national ABM system, the Russian military cannot be expected to carry the torch for START II into the post-Yeltsin era.

Delay invites unanticipated, disruptive events to intervene. Progress on a comprehensive test ban was interrupted by external events in the Eisenhower, Kennedy and Carter administrations. START I was signed by President George Bush in July 1991, but entry into force was delayed until December 1994. START II, signed by Bush in January 1993, has been delayed first by the problem of resolving the nuclear status of Belarus, Kazakhstan and Ukraine, and now by the actions of a single cantankerous senator. A future Russian Parliament may be the next barrier. But Russia's uncertain future is all the more reason to move promptly to pin down these gains for U.S. and international security before unanticipated events make START II's entry into force impossible.

These truly bipartisan treaties, which were negotiated and signed by former President Bush and nurtured by the Clinton administration, must not be casually sacrificed as hostages in guerilla political warfare. The Senate Republican leadership has a clear obligation to persuade Helms to release them without further delay so the Senate can perform its constitutional role in foreign policy. If the Republican leadership acquiesces in this exhibition of irresponsible personal politics, it will not only have relinquished its deserved share of credit for the treaties, but it will have to accept responsibility for this blow to U.S. security.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I am prepared to yield back my time if Senator KERRY could yield back his.

This back and forth like two sore-tailed cats in a room full of rocking chairs is not serving the Senate well, and I do not intend to participate in it any further. And I am a little bit sorry that I did at all.

But I accept the Senator's criticism. I know how he feels, and he knows how I feel, too.

So, tentatively, I yield the remainder of my time pending whether Senator KERRY yields his back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, it is my understanding that Senator HELMS yielded back his time.

The PRESIDING OFFICER. The Senator has indicated that he is prepared to yield back the remainder of his time pending the decision on the part of the Senator from Massachusetts to do so as well.

Mr. HELMS. Mr. President, I believe the business before the Senate is the amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I believe it is understood between us that this will be approved on a voice vote. Is that correct?

Mr. KERRY. Yes.

Mr. HELMS. I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 3100) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I yield the remainder of my time.

Mr. HELMS. I thought I had yielded mine back.

The PRESIDING OFFICER. All time is now yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order the Foreign Relations Committee is discharged from the consideration of the House companion bill, H.R. 1561.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce authorization for appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, the text of S. 908, as amended, is inserted in lieu thereof, and the bill is considered read a third time.

The question now occurs on passage of H.R. 1561, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 605 Leg.]

YEAS—82

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Robb
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—16

Biden
Bumpers
Dodd
Harkin
Johnston
Kennedy
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Reid
Sarbanes
Simon

NOT VOTING—1

Gramm

So the bill (H.R. 1561), as amended, was agreed to.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, S. 908 is indefinitely postponed.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I do not see the distinguished Senator from Maine [Ms. SNOWE] in the Chamber, but I wish to thank her for her unwavering commitment to seeing this reorganization bill through to this point.

In fact, all of the Republican members of the Foreign Relations Committee have stood in unison throughout, from the very beginning, in support of this bill.

I wish to pay my respects to Admiral Nance, the chief of staff of the Foreign Relations Committee; Steve Berry and Elizabeth Lambird, Chris Walker, and Kristin Peck and, as always, the able floor staff for their help, Elizabeth Greene and the rest.

I thank Senator KERRY for his cooperation in these difficult times the past few weeks, and I especially thank his staff person, Nancy Stetson, for her continued work on this bill.

I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the other day when we completed the unanimous-consent agreements, I took the time to thank each of the staff. I would simply thank the distinguished chairman for his comments right now and for his expression of gratitude to my staff, and he knows I have reciprocated, joined with him in thanking all of them for a job well done.

I thank the Chair.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider en bloc the nominations listed in the order of December 7, 1995; that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

A. Peter Burleigh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Sandra J. Kristoff, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

John Raymond Malott, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Kenneth Michael Quinn, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

William H. Itoh, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Thomas W. Simons, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

James A. Joseph, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Don Lee Gevirtz, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Joan M. Plaisted, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Jim Sasser, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

David P. Rawson, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Gerald Wesley Scott, of Oklahoma, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic Rwanda.

Foreign Service nominations beginning Robert S. Gelbard, and ending Sandra L. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Foreign Service nominations beginning Paula O. Goddard, and ending Michael Ranneberger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Foreign Service nominations beginning Carol A. Peasely, and ending Sarah S. Olds, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1995.

Foreign Service nominations beginning Henry Lee Barrett and ending Harry L. Tyner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

NOMINATION OF JAMES R. SASSER TO BE AMBASSADOR TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. DODD. Mr. President, I rise to speak in support of the confirmation of Senator James R. Sasser to be the next United States Ambassador to the People's Republic of China. In my opinion President Clinton could not have made a better choice.

During the last few months, relations between the United States and China have stumbled along a very rocky road. With increased tensions and frustrations between our two governments, we have sorely missed the presence of a U.S. Ambassador in Beijing to represent our policy and to facilitate much-needed communications. Unfortunately, the nominations process was held up here in our own Chambers. However, recent developments have encouraged me to believe that Senator Sasser will soon be able to take his post in Beijing.

I am anxious to reassure the Chinese Government that the delay here in the Senate is in no respect reflective of the sentiment of the Senate about the capabilities of Jim Sasser. In fact, I could not speak more highly of this nominee and his outstanding capacity to serve both of our countries well. The Chinese are very fortunate to receive a representative of the United States who is close to the President and can communicate directly with him on important issues. In addition to his valuable ties to the White House, Senator Sasser is a highly educated, articulate, and thoughtful man. He has approached this position with enthusiasm and a dedication to learning about his new host country. I have known Jim Sasser since I first arrived in this Senate body 15 years ago. Over the years, I have admired his outstanding commitment to public service and appreciate the efforts he has made to improve the lives of his constituents and the citizens of this country. I know that, in his new capacity as Ambassador to China, Jim Sasser will once again display this commitment with dignity and strength.

The Clinton administration has chosen wisely by nominating Senator Sasser to the important post of Ambassador to China. The People's Republic of China is an increasingly significant player in the international arena and in United States foreign policy. While our economic, political, and security ties with China have multiplied over the last decade, we are still facing many areas of disagreement. We should move quickly to install our Ambassador in Beijing, to demonstrate our good intentions to the Chinese. Swift Senate approval of Jim Sasser will offer new opportunities for communication and cooperation between our two countries.

Mr. BUMPERS. Mr. President, the Senate has just acquitted itself very well by approving a list of ambassadors, particularly that of our former colleague, Jim Sasser.

Jim Sasser came to the U.S. Senate in 1978. He acquitted himself immediately with his colleagues in a most admirable manner. We all knew shortly that Jim Sasser had a very keen mind and quick wit. He ingratiated himself very well with his colleagues and almost instantly became one of the most popular Senators; by the time he left here, in my opinion, he was the very best Senator in the U.S. Senate.

His tenure as chairman of the Budget Committee was exemplary. Hour after hour after hour he sat there in the manager's chair, dealing with the most complex and difficult legislation of the year, and that was the budget.

It is a real travesty that the confirmation of a man of his talents has been held up for so very long, at a time when American-Chinese relations need a good, strong Ambassador more than ever. I promise my colleagues—and of course most of you know this—that Jim Sasser will represent this country with great distinction. He will do it with dignity and with integrity.

The Chinese will find very quickly what all of us found very quickly, that he is a quick learner. His integrity is absolutely unimpeachable.

This is a great day for him and his family. His lovely wife Mary and their beautiful daughter Elizabeth will be accompanying him to China. They have waited a long time. They have been hanging by their thumbs, wondering whether they would be able to go to Beijing, for almost a year now.

So this is a great day for the Sasser family. It is a great day for the Chinese. Above all, it is a great day for America, that we can appoint somebody of his talent and his skills.

Finally, I want to personally, and I know I speak for almost all of my colleagues, wish him Godspeed and much luck. I yield the floor.

Mr. PRYOR. Mr. President, I am very grateful to the Senator for yielding me this time, because a few moments ago the Senate voted to confirm 19 ambassadorial nominees. I am very pleased, as I know my colleagues are, that these nominations are finally moving forward. I am especially happy to note that my friend, and I should certainly say our friend and former colleague, Jim Sasser, will soon be allowed to take his post as United States Ambassador to the People's Republic of China.

As we enter a new century, it is my belief no other international relationship is filled with more potential, or fraught with more dangers than the United States relationship with China. In recent years, China has become one of the world's fastest-growing economic and military powers. China is already a major player in Asia, and in the coming years we will likely see it assert itself as a full-fledged international power.

The Clinton administration has rightly concluded that it is in America's best interest to stay actively engaged with the Chinese. Although our two countries often have sharp differences on both economic and human rights issues, it is very important to maintain a constant dialogue between Beijing and Washington. Put simply, the future stability and prosperity of the Pacific rim are largely dependent on a cooperative U.S. relationship.

Mr. President, this administration has also rightly concluded that the best person, the very best person, to represent America in China at this moment, the right person to guide our foreign policy in China during this critical time, is our good friend and former colleague, James R. Sasser of Tennessee.

I want to congratulate Jim Sasser today. I recognize how fortunate our country is that he has agreed to accept this enormous challenge.

I also want to commend President Clinton for choosing such an outstanding person to represent our interests in Beijing. Like many of my colleagues, I had the pleasure of working with him during a large portion of his 18 years of service to the people of Tennessee and America.

During his time in this body, Jim Sasser earned a reputation as one of the Senate's most thoughtful and skillful Members. As my colleagues know, the dynamics of the Senate require that Members often put partisanship aside in order to get things done. Jim Sasser was someone whom Senators on both sides of the aisle could count on to roll up his sleeves and do the job right.

Mr. President, a prominent example of Senator Sasser's skill and dedication can be found in his work as chairman of the Budget Committee. As my friend from New Mexico, Senator DOMENICI, will tell you, leadership of the Budget Committee can be one of the Senate's most thankless tasks. It is a difficult job, requiring an ability to balance the priorities of colleagues from both parties. I think all of my colleagues will agree that Senator Sasser's chairmanship was notable for its honesty, patience, and above all, fairness. It is the characteristic of that fairness that is the hallmark in Jim Sasser's life.

In the coming days, Senator Sasser will begin to put his considerable talents to work as Ambassador to China. As he no doubt realizes, there is much work to be done. During the past year, United States-Chinese relations have been strained by continuing trade disputes and the Taiwan issue. The United States needs someone who can improve the dialog with China while at the same time holding firm to American principles. Jim Sasser is more than up to this challenge.

Mr. President, I want to close by wishing our firend Jim Sasser and his family the best of luck as he continues to serve his Nation as Ambassador to China. I have every confidence that his tenure will be marked by distinction and success. I thank the Chair and yield the floor.

Mr. BINGAMAN. Mr. President, I wanted to join both Senators from Arkansas in stating what an excellent choice Jim Sasser is for Ambassador to China.

I had the good fortune to be in Beijing this summer and to see firsthand the importance of that post which the President has chosen Senator Sasser to fill. I had the good fortune to serve here in the Senate for 12 years with Jim Sasser. I know of his great negotiating skills, his great leadership ability, and I believe his great advocacy skills, which will serve him well and serve this country well in this new position which he is about to take on.

So I think the Senate has acted very appropriately, the President has acted appropriately, and I look forward to the day when Jim Sasser is our representative, very soon, in Beijing. I again commend all Senators for voting for his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT OF CONFEREES—H.R. 1561

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment to H.R. 1561 and requests a conference with the House.

The Chair appointed Mr. HELMS, Ms. SNOWE, Mr. BROWN, Mr. COVERDELL, Mr. ASHCROFT, Mr. PELL, Mr. KERRY, Mr. SARBANES, and Mr. DODD conferees on the part of the Senate.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD]

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the following message from the House of Representatives on H.R. 927, Cuban Liberty and Solidarity Act:

Resolved, That the House disagree to the amendment of the Senate to the bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Gilman, Mr. Burton of Indiana, Ms. Ros-Lehtinen, Mr. King, Mr. Diaz-Balart, Mr. Hamilton, Mr. Gejdenson, Mr. Torricelli, and Mr. Menendez be the managers of the conference on the part of the House.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and agrees to the request by the House for a conference.

The Chair appointed Mr. HELMS, Mr. COVERDELL, Mr. THOMPSON, Ms. SNOWE, Mr. PELL, Mr. DODD, and Mr. ROBB conferees on the part of the Senate.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the conference report to accompany H.R. 2099, the VA-HUD appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1995.)

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and my distinguished ranking member. We have before us the VA-HUD appropriations conference report. As I understand it, there is to be 30 minutes equally divided between the two managers, 10 minutes under the control of Senator BUMPERS, 10 minutes under the control of Senator BOXER, 10 minutes under the control of Senator HUTCHISON, 10 minutes under the control of Senator LAUTENBERG, and 10 minutes under the control of Senator MCCAIN.

Ms. MIKULSKI. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order. The Senator from Missouri has the floor.

Mr. BOND. I thank the Chair.

Mr. President, it is with some pride, some relief, and some frustration, I now present to the Senate the conference report on the appropriations bill for the Departments of Veterans Affairs, and Housing and Urban Development, and independent agencies for fiscal year 1996. Consideration of this bill has been a long, difficult process. While we should have been able to complete our work long before now, I do believe we have wasted little of this time in producing the best possible measure for consideration by the Senate.

Work on this measure began over a year ago, beginning with analyses of budgetary trends and programmatic needs for activities under the subcommittee's jurisdiction. It was obvious at that time, that our Federal low-income housing programs were out of budgetary control. Concerted policy reform was critical to avoid a disaster of unprecedented magnitude.

In January of this year, as the newly selected chairman of this subcommittee, I convened a series of special hearings on the budgetary and management crisis at HUD. We detailed the magnitude of our budgetary shortfall to maintain the existing multifamily subsidized housing inventory of the Department. We explored urgently needed reforms in the housing preservation program to reduce cost, avoid windfall payments, and reduce long-term rental subsidies. We also delineated policy changes in public housing to reduce bureaucratic overregulation and micromanagement, to increase local flexibility, decisionmaking, and efficiencies.

From these hearings we developed a strategy to begin these comprehensive changes in Federal housing programs. First, in the Disaster Supplemental and Rescission Act we initiated the first round of deregulation, and rescinded $6.5 billion of previously appropriated HUD funds to turn-off the spigot of unsustainable housing subsidy commitments. At that time we noted the urgency of comprehensive housing authorization legislation to complete this reform effort during fiscal year 1996.

Unfortunately, this legislation has been delayed, although we remain hopeful that early next year the measures reported by both the House and Senate authorizing committees will pass the Congress. In the absence of such legislation, however, we have used the appropriations process to establish a strong foundation in beginning the major reform and overhaul of HUD. The measure before us today reflects almost all of the reform proposals which passed the Senate in September. They include public housing and assisted housing rent reforms, including a minimum rent, repeal for onerous Federal resident selection criteria, free-market decontrol of section 8 lease terms, and flexibility in resident income mix and funds utilization.

This measure maintains the Senate-passed public housing demonstration initiative which will allow up to 30 public housing authorities to combine public housing and section 8 subsidies into a locally determined low-income housing assistance block grant. In addition, the bill also includes the Senate proposed multifamily mark-to-market demonstration, which is discretionary authority for the Department, and willing apartment development owners, the opportunity to explore workout strategies which reduce dependence on rental subsidies while preserving affordable housing. Coupled with the onetime, 1-year extension of expiring project-based subsidy contracts, the multifamily housing demonstration authority sets the stage for consideration and enactment of needed comprehensive reform legislation next year.

Mr. President, the measure before us also maintains the effort recommended by the Senate to fund a reformed housing preservation program. As I noted earlier, the committee identified a number of very troubling defects and problems in the previously enacted Low Income Housing Preservation and Resident Homeownership Act [LIHPRHA]. In fact, the HUD inspector general labeled this program as a "ripoff" and urged reform or termination. But with as many as 150,000 affordable housing units at risk, the committee chose the more difficult task of identifying less costly and more efficient means of preserving this valuable housing resource. Working with residents, owners, nonprofit organizations, and the Department, a strategy to prioritize sales to non-profits and tenant-sponsored organizations utilizing capital grants was developed and is provided for in this conference agreement. This provides the best means of assuring long-term preservation of this housing without encumbering the government with expensive and continuing rental subsidy obligations.

It was our intent that the Department cut off any further use of section 8 assistance to finance these preservation arrangements. The Department has already initiated the use of capital grants to finance sales of these developments, and we expect that similar authority will be identified or enacted to utilize similar capital loans for refinancing preservation agreements when such projects become eligible for funding in July.

Because of technical budgetary rules, the committee was not able to delineate fully these program changes within the conference agreement. Moreover, in connection with the larger issue of maintaining the inventory of the newer-assisted section 8 new construction-substantial rehabilitation multifamily projects, Congress will be required to address these complex and difficult housing finance issues in a comprehensive authorization measure next year. At that time, we hope to enact a carefully targeted and efficient housing preservation program. Pending that action, the conference agreement provides the Department the authority and resources to minimize potential displacement of low-income families.

Mr. President, the housing preservation program included in this conference agreement also recognizes that the severe budgetary constraints on these housing activities will not permit preservation of all units under all circumstances. This measure will permit owners to prepay their existing mortgages, as was provided for in their original subsidy contracts, because we cannot afford to compensate every owner to maintain these developments as low-income housing. In those cases, however, existing law, and the conference agreement does provide for section 8 assistance to avoid involuntary displacement of families due to increased rent burdens, and moving expenses if these developments are converted to other uses.

Mr. President, the conference agreement affords the highest priority to veterans programs. The largest increase in the conference agreement—$400 million—goes to veterans medical care, for a total of $16.564 billion. The amount provided ensures that all veterans currently receiving care in VA medical facilities will continue to receive high-quality medical care. The conference agreement makes no reductions to patient care at the VA. It requires administrative improvements—which have been recommended by VA's own inspector general and the General Accounting Office—to make budgetary savings so that VA's medical dollars are spent on veterans, not on bureaucracy and administrative waste.

The conference agreement provides the full budget request for VA's research program, a program critical to ensuring VA recruits and retains top quality medical personnel. In addition the bill also provides full funding for the staff needed to process compensation and pensions claims, so that VA's claims backlog can be eliminated and veterans won't have to wait 6 months or longer to receive an answer on their claim. It provides funding for a study of VA's claims processing system by the National Academy of Public Administration, which we expect will provide specific recommendations for improving and expediting VA's antiquated system.

The conference agreement provides $136,155,000 for VA major construction, an increase of approximately $100 million over the Senate-passed level. The agreement provides funding for authorized construction projects only. No new hospital construction is funded, following the recommendations of the General Accounting Office, and in view of the need to curtail future budgetary commitments.

Mr. President, the conference agreement provides $9 million for the Court of Veterans Appeals, the same amount recommended by both the House and Senate for fiscal year 1996. As with all agencies and activities under this subcommittee's jurisdiction, the court is being required to absorb a reduction in funding in fiscal year 1996 in an effort to reach a balanced budget. While less than the amount requested, the amount provided should be adequate for the court's operations in fiscal year 1996.

Despite the fact that the court's budget has been reduced, I believe that the pro bono representation program should receive full funding in fiscal year 1996. This program has proven very successful in helping the court to address adequately the very large number of pro se cases.

I am troubled by reports that the chief judge does not intend to provide any funds for the pro bono program this year in view of budgetary reductions. I wish to remind the court of the Congress' support for this program, and the fact that the Senate committee report accompanying H.R. 2099 indicated that the program was to receive the full budget request. Any changes will be made only upon the notification and approval of the Committees on Appropriations.

While I certainly do not oppose private sector funding for this program, to my knowledge such funding sources have not been identified, and until there is adequate private sector funding, I do not believe it is prudent to withdraw Federal support.

Mr. President, for the Environmental Protection Agency, the conference agreement provides $5.7 billion, an increase of $48 million over the Senate-passed level and a reduction of just $235 million—4 percent—below the fiscal year 1995 post rescission level.

The largest reductions below fiscal year 1995 come from earmarked water and sewer projects—a reduction of $500 million below last year, and from Superfund, a program which everyone agrees simply is not working as it should, and one which desperately needs reforms before we provide significant additional funding.

Despite substantial reservations about funding a program which is as flawed as Superfund, the conferees found an additional $160 million for Superfund above the House- and Senate-passed levels, for a total of $1.163 billion. This is a reduction of $172 million below current spending, most of which is taken from management and support costs and lower priority activities. All Superfund sites posing an immediate risk to human health and the environment will be funded under the conference agreement.

The conferees funded EPA's drinking water State revolving fund program, which is not yet authorized, at the President's request of $500 million, of which $225 million is from previous year's appropriations. The Senate recently passed the legislation authorizing this important program, and I hope the House will pass similar legislation shortly so that the States may spend these funds in fiscal year 1996.

For clean water State revolving funds, the conferees provided $1.125 billion. In addition, if drinking water legislation is not enacted by June 1, 1996, the conference report stipulates that the $500 million in drinking water State revolving funds will become immediately available for clean water State revolving funds, for a total of $1.625 billion. This ensures that the States will be able to spend these funds in fiscal year 1996, regardless of whether drinking water legislation is enacted.

EPA's science and technology account is funded at $525 million, the same level of funding as fiscal year 1995. The conferees recognized the importance of ensuring adequate funding for the research activities which support EPA policy and decisionmaking. Additional funds are provided for research into the health effects of arsenic, so that we have the best science for a new standard for arsenic in drinking water.

EPA's environmental programs and management are funded at $1.55 billion, a reduction of approximately 7 percent below current levels. Reductions are taken from lower priority activities such as the environmental technology initiative, which has received substantial funding to date with very little to show for it.

As to the so-called EPA riders, the conference agreement does not include any of the 17 House riders. Instead, the conference agreement includes only six legislative provisions for EPA—most of which are completely non-controversial and several of which were included in previous VA-HUD bills.

Mr. President, while the statement of the managers accompanying the conference report includes some language on legislative issues which had been included as riders in the House bill, in no case does the statement of the managers limit spending or direct that a specific rulemaking or activity be discontinued. The conferees simply urge EPA to consider reviewing these issues.

It should be noted, that this conference agreement will provide the Environmental Protection Agency an 11½ percent increase over the funding levels currently stipulated by the continuing resolution. Anyone who is concerned about potential cutbacks in EPA enforcement activities should understand, in clear and unmistakable terms, that failure to enact this conference agreement means deeper and more devastating cut-backs in that Agency's activities.

Mr. President, the House, 2 weeks ago, recommitted our conference agreement on this bill. The second conference on the VA-HUD Appropriations Bill adopted a package of technical amendments and corrections. In addition it included an amendment to the National Service appropriation to reflect the Congressional Budget Office estimate of close-out costs. Finally, conferees amended the previous agreement to freeze administrative fees of the HUD section 8 program and thereby address concerns over the unintended consequences of attempting to institute a two-tiered reimbursement system.

As noted earlier, further increases for VA Medical Care would only mean much deeper cuts in the other agencies funded in this bill. No conferee advocated such an adjustment. Furthermore, I believe we must insist that the VA implement improvements and reforms before providing further funding increases. We all support the best possible medical care for those who have been injured or wounded in defense of our Nation. Unfortunately, even with all the money in the world, there is no assurance that VA's existing bureaucratic structure could deliver such services, and we must demand these corrections.

Mr. President, this is a good conference agreement which, within our very severe budgetary and legislative constraints, goes a long way toward needed reforms in HUD, VA, and EPA. It addresses the highest priority needs served by agencies within the subcommittee's jurisdiction, and it is fully in compliance with our fundamental goal of bringing the Government's budget into balance.

I hope that this bill will be enacted. It needs to be enacted soon, if only to begin the process of reforming HUD housing programs which will permit future year cost savings and efficiencies, to improve the quality of EPA regulatory decisionmaking so that it is based on sound science, and to infuse modern medical practices into the archaic and bureaucratic veterans health care system.

Mr. President, unfortunately I must report that despite our best efforts and repeated attempts, we have been unsuccessful in gaining the attention of the White House to negotiate a reasonable compromise on their demands for more spending, far more than what any balanced budget plan can accommodate. That is the source of my very deep frustration over this bill.

I have stated repeatedly that while some White House priorities are very different from my own and that of a majority of the Congress, we are prepared to sit down and seek a reasonable compromise on these issues. Matters such as the national service program, one of this administration's highest priorities, is an activity which I believe is very flawed in its approach and rife with misuse in its current management. I don't disagree with the fundamental goal of this program, but I cannot recommend more funding for the current program. Termination of this program is proposed in this conference agreement, but we have offered to consider additional funding if necessary reforms could be negotiated. Unfortunately, these offers have fallen on deaf ears in the White House, and only further threats of a veto have been communicated back to us.

Mr. President, this is no way to run a government. It certainly is no way to consider and enact legislation to assure the taxpayers that the sums we propose to spend are being devoted only to the most critical needs and in the most efficient manner possible. Unfortunately, unless the White House changes its tune, we have no alternative but to proceed with the agreement before us, despite the veto threats. We can only hope that by the end of this session some agreement with the administration can be struck, and the many critically needed reforms included in this bill will be enacted into law.

I think we were very successful in the conference. With the very able assistance of our ranking member, we prevailed on many of the issues. This measure is not an easy one because we took a 12-percent cut this year from the appropriated level last year. Nevertheless, we have tried to accommodate the various needs of the many agencies under the control of this subcommittee. I think this is a good measure. We have been advised by the President's representative that he does plan on vetoing it.

Earlier today, I made a very strong plea that the administration reconsider that decision. There has been a great deal of objection from the administration to the very low level of funding available for certain vital EPA functions, particularly in the enforcement area. Under the continuing resolution, there is only $320 million available for EPA enforcement in the current year, if the continuing resolution is in effect. Under this measure, we have raised that amount to $449 million.

I have also previously stated that we tried on numerous occasions to enlist the representatives of the administration in constructive negotiations with us as to how we might reallocate the funds within the budget allocation. The response has been solely that they want $2 billion more. It is beyond the ability of this committee to grant them that money. I would suggest very strongly that if the administration does not like the CR funding level for EPA and the other agencies, they can sign this bill and get about an 11.5 percent increase in funding for EPA. If at a later date in the process of negotiations between the congressional leadership and the White House a decision is made at that level to make available more dollars for the functions in this bill, then they could at that time add it in a continuing resolution.

There are certain measures that I know are very important to the administration. The ranking member has argued very strongly to continue funding of the national service. We were unable to find that money in the very narrow allocation that we had, although had the administration been willing to negotiate with us and support the bill, I am confident we could have. We would have not been able, however, to pass the measure with majority party support if we had put in a large amount for national service.

I remain hopeful that this measure can be signed, and at such appropriate time as the administration, the congressional leadership reach agreement on additional funding which may be available to these functions, they would include it in a continuing resolution.

With that, Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, this is the toughest year I have ever faced as a member of the Appropriations Committee. I would like to thank Senator BOND and his staff, who worked very hard, under difficult conditions, to bring this bill to the floor. I also want to thank my own staff for the hard work that they put in and their effort to try to create a VA-HUD appropriations bill that would pass the Senate and be approved by the President.

However, I believe that this bill will be vetoed, and I believe that the bill will be vetoed not because of the hard work of the chairman, not because of our attempt to strategize on an effective allocation of funds, but this year was so tough simply because of the modest allocation we received, and that was due to the issues related to the budget.

The amount that this subcommittee was allowed to devote to so many important priorities is indeed skimpy. Under these conditions I believe Senator BOND has done a commendable job. I chaired this committee for 6 years and brought six bills to the floor. I know how much work it is, and, again, I am going to thank him for his cooperative effort. He tried very hard to bring about change. I believe this bill reflects this change.

I believe that this bill begins to reform HUD. It puts into action the recommendations of the National Academy of Public Administration to reform the structure of HUD and consolidate its maze of programs so we get a dollar's worth of services for the poor and homeownership instead of dollars going to a bureaucracy.

This bill also streamlines the EPA. It follows the National Academy of Public Administration's recommendations to streamline EPA management and get started on a strategy to put EPA's resources where they are most needed, to be based on the risk to human health and safety.

There are other things about this bill that I like. First is Mission to Planet Earth. The funding cut was limited to only $75 million. Ordinarily I would say, "Wow, cutting $75 million," but given the fact that we faced a $300 million cut, I believe we preserved the Mission to Planet Earth. The House bill cut much of the crucial space science programs, and the House language was to close NASA space flight centers, and those things have been removed from the conference report.

Second, veterans medical research is fully funded at the President's request of $257 million, and a provision to deny benefits to vets who become mentally incapacitated has been removed.

Third, this bill will help those who want to help themselves. It contains a moving-to-work demonstration project for public housing residents, and rent ceilings and income disregards to help support the working poor.

Fourth, Federal housing preferences were moved, which I believe led to the ZIP codes of pathology in public housing. And I am pleased they, too, have been removed.

Lastly, the conference report removes House language to prevent HUD from enforcing fair housing laws on property insurance red lining.

But, Mr. President, unfortunately, serious problems remain in this bill. If these problems are not worked out, the President will veto this bill.

The first problem is that this bill contains no funding to continue national service. National service creates an opportunity structure in which young people can earn credit for higher education while serving their communities. It gives help to those who practice self-help and gives low- and middle-income young people access to the American dream.

National service makes voluntarism a fact of life and rekindles the habits of the heart. It fosters the spirit of neighbor helping neighbor that has made our country great.

The second concern that I have is in the area of veterans medical care. The bill reduces veterans medical care by $400 million below the President's request. With the cuts in Medicare and Medicaid that loom on the horizon, many vets will turn to the VA for medical care but will be turned away because there is not enough money. This, I know, the President cannot support.

Our Nation's veterans did not hesitate to risk their lives for our freedom. There should be no hesitation to fund their health care. When they went to war, we told them we would provide health care. I believe promises made should be promises kept.

The third serious problem is EPA funding. EPA must be funded to protect health and environment. This bill funds EPA $1.5 billion below the President's request, and it will hinder the EPA's ability to do its job in enforcement and in Superfund legislation.

Finally, this bill will transfer HUD's authority to enforce fair housing to the Department of Justice. On this side of the aisle we are opposed to this. Removing this authority from HUD is a step backward in time, and the transfer to Justice will hollow out fair housing enforcement efforts. This flies in the face of civil rights progress we have made over the last 25 years.

It is for these reasons that I oppose this bill. I know my colleagues on this side of the aisle will oppose it. It is regrettable that a budget agreement could not be arrived at so that Senator BOND and I, with the new allocation, could have moved forward to avoid a veto. I know that Senator BOND, and I must say Chairman JERRY LEWIS on the House side, have worked very hard and been open to further negotiations with the White House to avoid a veto. I thank them for that. I want to again thank Senator BOND for his willingness to listen to our concerns.

I think a better allocation would produce a better bill. I regret that we are heading for a veto. With these remarks, though, we could talk long into the night. I now yield the floor.

Mr. MCCAIN addressed the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I yield myself just 1 minute, and then I would like to yield. But first, let me point out that occasionally we do get some humor in these proceedings, these very serious matters we are dealing with. I got this statement of administration policy. At the end of it, it said, "The administration would like to work with the Congress to address the issues discussed above."

Well, they have done a pretty good job of preventing working with us after spending 3 frustrating weeks trying to hear from them. I find out now in their written statement that they want to work with me. I have a telephone number. It is listed. I can be reached. Nobody called.

Let me just say that all of the items you can make an argument we need more money for. Nobody is willing to come forward and say where the cuts are made. We cut low-priority EPA items, useless funds in Superfund, earmarked or pork projects in waste-water treatment. I think we have done as good a job as we can under the circumstances.

Mr. President, if I may, I would like to yield 3 minutes to the Senator from North Carolina. I know that the Senator from Arizona is here. He has the longer statement. The Senator from North Carolina had asked for 3 minutes. I yield 3 minutes to him.

Mr. FAIRCLOTH. I thank Senator BOND.

Mr. President, the conference report provides $19 billion for the Department of Housing and Urban Development. Since HUD was created in 1965, spending for HUD has increased every single year. HUD's spending is increasing so rapidly that by the year 2000, spending on housing will be our largest domestic discretionary spending item. In fact, HUD has unused budget authority of over $190 billion—unused budget authority.

Mr. President, this conference report is significant because, for the first time, it begins to reverse the spending trend at HUD. For the first time in a long time, spending at HUD will decline, and the American people will be better off for it.

While I appreciate what the Appropriations Committee has done for the short term, I think the long-term future of HUD has to be decided and what direction we are going to move it in.

I have introduced legislation with Senator DOLE and Senator ABRAHAM that eliminates HUD.

The legislation we have introduced also provides a clear roadmap as to how HUD can be eliminated. Regrettably, HUD has become a mammoth bureaucracy with over 11,000 employees. It has 240 housing programs—so many that Secretary Cisneros did not even know he had that number. HUD has entangled the American taxpayers in 23,000 long-term housing assistance contracts that will not expire until well past the year 2000.

In short, HUD as it is currently constructed, cannot continue. We need to begin working on how it can be replaced.

Mr. President, let me also add that while there are significant cuts in this bill, there are still some that can be cut a lot more. For example, this bill provides $15 million for the Tenant Opportunity Program—whatever that is. Recently, the Washington Times reported that at least $70,000 from the Tenant Opportunity Program was used to essentially pay for a vacation to Puerto Rico for public housing tenants from Detroit. Mr. President, that is taxpayers' money that people worked for that is paying for vacations for tenants. In all, we do not know how many people used taxpayers' money, the bookkeeping is so confused. But if one used it, that is one too many.

Mr. President, I support the bill, but we need to do a lot more to cut HUD. I yield the remainder of my time.

Mr. BOND. I yield to the Senator from Arizona 10 minutes.

Mr. McCAIN. Mr. President, first let me praise the managers of this bill for all their hard work. Although I have concerns about this measure, it contains many good, worthwhile provisions.

Mr. President, as always I remain very concerned about items added in conference that were never considered in either the House or the Senate. It is wrong when pork barrel projects are added in the dark of night to the benefit of certain States and districts. The American public as a whole will benefit most when as distribution of discretionary funds are allocated through competitive bidding and on the basis of need as prioritized on a national level. I would hope we can move more in that direction in the future.

I want to raise two specific matters contained in the VA-HUD Appropriations Conference report.

Section 218 calls for debt forgiveness for the Secretary of Housing and Urban Development to cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, TX, the Groveton, Texas Hospital Authority, and the Hepzibah Public Service in Hepzibah, WV.

I am very concerned about this mandate. The report that explains this action merely states: "These loans were previously written off as uncollectible and will not increase the Federal debt."

Unfortunately, this sheds little light on the subject. I would hope that the distinguished managers of the bill—who deserve praise for doing a great deal of good work—would explain why this language will added to the bill in conference and give a rationale for its apparent urgency.

I would also like to know why are we mandating this action. Might it not be more appropriate to authorized to the Secretary to take such action in a manner that treats all other similarly situated entities and localities in a fair and equitable manner?

I am sure there are other localities around this Nation that would like to have their indebtedness forgiven and doing so in conference greatly concerns me.

Mr. President, I am also interested in section 221 of the bill. Section 221 allows for funds to be used in California and Ohio for different purposes than they were originally proscribed. I would inquire of the managers why this language is necessary?

Mr. President, is this not the exact argument why earmarking does not truly serve the public interest. When we earmark and ignore national or regional priorities and then those priorities change, we are forced to change the law or further earmark funds. This clearly demonstrates micromanagement at its worst.

And it is this micromanagement, this endemic earmarking, that has caused us to waste billions of dollars. Are these projects I mentioned today costing the taxpayers millions of dollars? Maybe. But we must change our way of thinking. We must pass a truly balanced budget. We must pass this year the line item veto. And we must stop earmarking.

Unfortunately, it is entirely too easy to say "yes" around here and little courage demonstrated to say "no". It is much easier to say yes to a colleague who wants to bring home a little piece of pork. But we were not sent here to go along to get along. As Senator GRAMM noted earlier today on the floor in an outstanding statement regarding the budget, the American people sent us here in 1994 to change the way things are done. We were not sent here so that there would be new faces before the cameras voicing the same old fiscal practices of the past.

I am hopeful we will send the President line item veto legislation in the upcoming weeks. It will serve as further notice that the changes called for in 1994 are indeed becoming a reality. I would hope that we will continue to act in a manner that reflects this new thinking.

I congratulate the managers on a fine job, and it is my understanding that the distinguished manager will supply the responses to my concerns for the RECORD.

I yield the remainder of my time.

Mr. BOND. Mr. President, let me take a minute and thank the Senator from Arizona. Basically, as he indicated, the debt forgiveness was designed to clear the books. There is no prospect of recovery. We will provide a fuller answer for the RECORD. The two provisions relating to Texas were included in the House. The one with respect to West Virginia was added in the conference. We will provide the full information on that.

Mr. BUMPERS. Mr. President, am I recognized for 10 minutes under the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Mr. President, I will not vote for the bill before us principally because it has the space station in it, $2.114 billion, while we cut EPA by about $1.5 billion and veterans medical services by somewhere between $300 and $600 million. The space station, which is now calculated by the General Accounting Office to cost $94 billion, still does not have one single redeeming value. Of the $94 billion it is going to cost, $90 billion of that is going to come from the United States. You hear the argument made this is now an international undertaking. That is some undertaking when we are putting up $90 billion of the $94 billion it is going to cost.

Now, for the past several days, we have been reading that even though NASA is giving the Russians $200 million a year to participate in this program—so much for international participation because they are participating and we are giving them the money to participate—they are saying they cannot afford to fulfil their part of the program because we are not giving them enough. So now they are proposing that we allow them to use a part of their existing *Mir* space station, hang it onto our space station and let that count as a contributory share.

Mr. President, I am not going to take up much time on that. I intend to vote against the bill. I am just saying what I have been saying on this floor for about 6 years now. The space station is going to be one disaster after another. This year it is the Russians. Next year, it will be something else.

My staff brought me a little squib on some company that said they had been able to use protein crystals that had been grown on one of the shuttles to develop a flu vaccine, which they hope to finish and perfect by the year 2000. I read the story closely since NASA keeps saying that we will cure all kinds of diseases if only we spend $94 billion on the space station. Well, what the president of the company said was that it was nice to have the space shuttle to develop these crystals, but they could do it on the ground, and they were going to do it anyway. The space shuttle happened to be handy so they used it at taxpayer expense.

None of the pharmaceutical companies in this country is willing to pay for any share of the shuttle or the space station as of this date. Yet, you keep hearing that the space station is going to cure warts, cancer, emphysema, and everything else.

So I am going to vote "no" on that.

As far as cuts to the environment, I think this body makes a very bad mistake. We act as if all environmental regulation is somehow bad. Nobody defends environmental regulations that are out of order and excessive. But many environmental regulations are absolutely necessary.

This morning, I picked up the paper and saw that the Washington, DC, sewage system is going kerplunk. It is dilapidated, worn out, and no one has the money to repair it. You are reading more and more stories about that all the time. Bear in mind, colleagues, that the environment determines our very existence, and to build a space station that is going to cost $94 billion while we have sewage running up and down the streets of this country is an absolute outrage.

So I repeat that I won't vote for this bill because the priorities it represents are all skewed-up.

Mr. BYRD. Mr. President, I rise to commend the tireless efforts of the chairman and ranking member of the VA/HUD Appropriations Committee, Senators BOND and MIKULSKI, in bringing this 1996 VA/HUD conference report to the Senate. As Senators may recall, this is the second iteration of the VA/HUD conference report. The House recommitted the first conference agreement and several technical changes were made, resulting in a second conference report, which is now before the Senate.

This has been a most difficult year for many, if not all, of the thirteen appropriation subcommittees. The VA/HUD Subcommittee, for example, has had to make deep cuts in many critical areas totalling some $9.3 billion below the President's 1996 requests. Cuts in funding for veterans, public housing, the Environmental Protection Agency, NASA, and in a number of other independent Federal agencies, have been necessary.

I greatly appreciate the outstanding work of Senators BOND and MIKULSKI over many months in conducting the numerous hearings, the subcommittee and full committee markups, Senate floor consideration, and the conference on this very important and complex appropriation bill.

This is the first year of Senator BOND's chairmanship of the VA/HUD Subcommittee and he has carried out his responsibilities admirably, under extreme budgetary constraints. I recognize and compliment his efforts.

As for the ranking member of the VA/HUD Subcommittee, the distinguished Senator from Maryland [Ms. MIKULSKI], I am a great admirer. Senator MIKULSKI joined the Appropriations Committee in 1987 and chaired the VA/HUD Subcommittee from 1989 through 1994. She immediately took charge of this most complex subcommittee and never missed a beat. Each and every year, Senator MIKULSKI was able to accommodate whatever came her way in the form of subcommittee allocations which were clearly too small to adequately address the many critical needs under the subcommittee jurisdiction.

She never complained; instead, she went about the difficult task of making the hard decisions of where to cut in the most fair and equitable manner. I am certain that her experience and expertise have been most helpful to the new chairman, Senator BOND, on the bill that is now before the Senate.

I also thank the very capable and dedicated subcommittee staff: Stephen Kohashi, Carrier Apostolou, and Lashawnda Leftwich for the majority; and Rusty Mathews and Steve Crane for the minority. Their efforts are greatly appreciated.

Although this bill may be vetoed by the President, it is in no way a reflection upon the admirable work of the subcommittee members and staff.

LIHPP

Mr. KERRY. Mr. President, I want to recognize the chairman's successful efforts to not only continue the Low-Income Housing Preservation Program in fiscal year 1996, but provide $624 million in funding. This program is extremely important to my state and to many across the country. Thousands of Massachusetts tenants are threatened with displacement if the owners prepay their HUD-assisted mortgages and convert the property to uses other than affordable housing.

I am also generally supportive of the reforms to the program that are incorporated in the appropriations language. There is significant concern that the program may provide excessive incentives. I am hopeful that the authorizing committee on which I serve will take another look at the preservation program next year—with a particularly thorough review of the proposed capital grant approach—and make further refinements with the objective of preserving affordable housing and preventing displacement—without unnecessary costs to the taxpayer.

Unfortunately, the funding levels and program changes also mean that some owners will now choose to prepay. This raises the concern about the adequacy of protections for the residents of buildings in those circumstances where owners decide to prepay and convert their buildings to other uses.

The conference report language protects residents by preventing owners from prepaying their mortgage unless they agree not to raise rents for 60 days following prepayment. The language also raises the value of vouchers to a rent level necessary to allow the residents to stay in the buildings. These are appropriate protections.

Section 223 of the current Low Income Housing Preservation and Resident Homeownership Act [LIHPRHA] provides significant protections to residents who are faced with a prepayment action by an owner. It is my interpretation that nothing in the appropriations language would override the protections provided to residents under section 223 of LIHPRHA, and that these protections would still apply to residents in those buildings where the owners decide to prepay their mortgages. Is that also the understanding of the distinguished Senator from Missouri?

Mr. BOND. Yes, I agree with the Senator from Massachusetts' interpretation—particularly as it relates to eligibility for voucher assistance and moving expenses of residents who are involuntarily displaced. The appropriations bill is intended to restore the right of owners to prepay their mortgages. At the same time, I have argued throughout this process that it is important to retain a preservation program that preserves as much of the affordable housing as possible and protects the residents of the buildings from involuntary displacement.

The appropriations language does not override the protections in section 223. I must add, however, that section 223 may provide benefits to residents that may be inconsistent with the decision by Congress to restore the owner's right to prepay and to the degree that the nature of the section 8 assistance has been modified by the appropriations language. It is my view that the authorizing committee should review all of LIHPRHA—including section 223—over the next year in light of the new funding levels and the changes in the appropriations bill. I thank the Senator from Massachusetts for raising this concern.

Mr. KERRY. I thank the distinguished chairman of the VA-HUD Subcommittee for his remarks and I look forward to working with him on the preservation program in the Banking Committee in the coming year.

Mrs. MURRAY. Mr. President, I want to take a moment to commend the efforts made by Senators BOND and MIKULSKI to improve the fiscal year 1996 VA-HUD appropriations bill. Given the budget constraints, they have done an admirable job of trying to craft appropriate and acceptable language.

Unfortunately, I am still frustrated by what this legislation does to this Nation's veterans programs, housing assistance priorities, and environmental protection policies. This bill not only compromises successful programs like AmeriCorps and Youthbuild, it cuts our housing budget by more than 20 percent.

Mr. President, we have an obligation to improve each and every American's access to safe and affordable housing. Unfortunately, as I warned last spring, the bill before us weakens our ability to provide adequate housing, and it ultimately cuts valuable programs that work.

Mr. President, the HOPE VI Program is designed to replace this Nation's most desperate and distressed housing stock with new, sustainable housing communities that will instill a sense of pride and community. The fiscal year 1996 appropriations bill cuts the HOPE VI Program from $500 million to $280 million. Mr. President, this cut will make it very difficult for current HOPE VI projects to complete their work. Because of this, I want to emphasize how important it will be for the Secretary of the Department of

Housing and Urban Development to comply with the Senate report language that expresses the Senate's intent to give priority funding to already-approved HOPE VI sites.

The Senate language allows us to follow through on our commitment to improving housing conditions and opportunities in a time of severe funding constraints.

Mr. President, I am also deeply concerned about the funding cuts the conference bill has imposed on the Environmental Protection Agency. While the conference opted to stay with the higher funding levels urged by the Senate, this level of $5.7 billion still results in a 22.5 percent reduction from the President's budget request and a 14 percent cut from 1995. However, I am most worried about the reductions in several important programs, including environmental and public health standards enforcement, drinking water and wastewater treatment infrastructure projects for States, and hazardous waste site cleanup.

Mr. President, we are finally making real progress in environmental protection. Our rivers and lakes are cleaner, our air is more breathable, and our drinking water is safer. Now is not the time to slow that progress. Instead, we should move forward so that we leave our world a safer, healthier place for our children.

Mr. President, for these reasons, I must vote against this legislation. But, should the President veto this bill, I look forward to working with my colleagues to improve the bill.

SPELMAN COLLEGE OUTREACH

Mr. COVERDELL. I would like to commend the chairman for his skillful work in shepherding this bill through the Senate and Conference Committee. There are certainly more enviable jobs than having to direct a major portion of spending reductions necessary to reach our ultimate goal of a balanced budget.

Mr. BOND. I thank the Senator.

Mr. COVERDELL. Recognizing his accomplishment in this regard, I would like to bring to the chairman's attention the fine work of many like my constituents at Spelman College in Atlanta in the arena of public housing assistance.

Located near urban Atlanta, Spelman College has established a quality outreach program for public housing residents that seeks to address many of the housing needs and problems in Atlanta and other large cities throughout our country.

Mr. BOND. I am indeed aware of the fine work performed at Spelman and am interested in their progress.

Mr. COVERDELL. The distinguished chairman's comments are appreciated. I would ask the Senator if the committee recognizes the role institutions of higher education play in revitalizing economically distressed urban and rural communities.

Mr. BOND. The committee certainly recognizes the vital role that colleges and universities can play in alleviating many of our problems in these areas, particularly with housing.

Mr. COVERDELL. Recognizing the disproportionate representation of minority women in public housing, would the chairman be willing to consider funding for minority institutions in their efforts to assist with these programs.

Mr. BOND. The committee recognizes the indelible role minority institutions can play in providing outreach and supportive services for residents of public housing. Therefore, of the funds provided, HUD should consider giving to support qualified minority institutions, like Spelman College, that have established outreach programs for public housing residents.

Mr. SARBANES. Mr. President, I rise today in opposition to the conference report on the VA, HUD-independent agencies appropriations bill for fiscal your 1996. While this agreement is an improvement over the bill that passed the Senate earlier this fall, it still fails to provide adequately for a number of programs which are essential to the fulfillment of many of our national priorities.

First, the agreement before us today represents a major step backwards for the environment. This legislation proposes to cut the budget for the Environmental Protection Agency by $1.7 billion, fully 21 percent below the levels enacted in fiscal year 1995. This would significantly undermine the agency's ability to administer and enforce environmental laws and perform its critical mission of protecting public health and the environment. Although most of the harmful House riders in the bill have been stricken, language with similar intent remains in the conference report, including language which would attempt to undermine the Community right to Know Act of 1986.

Under this conference report, Maryland alone, would lose over $14 million in funding required for substantial upgrades to long outdated sewage treatment facilities—projects which will have a direct impact on the water quality of the Chesapeake Bay, our coastal beaches and bays, and other local waters.

Provisions in the underlying measure would cut EPA's enforcement and compliance assurance by 25 percent which would severely impact upon the agency's ability to inspect industrial and Federal facilities in Maryland and prosecute violations. Mr. President, it is my view that this bill unfairly singles our EPA to bear a disproportionate share of the deficit reduction burden. It will not just decrease the rate of increases, but will also severely reduce EPA's funding.

I am also very concerned that this legislation would terminate funding for the national service program. Signed into law on September 21, 1993, the National Service Act has helped to renew the ethic of civic responsibility and the spirit of community service while also providing critical assistance to needy communities throughout the Nation. The measure has encouraged and provided the opportunity for thousands of Americans to give of themselves for the greater good while earning money to further their education. In my view, the legislation effectively merges education and service, two critical components of a healthy society. Eliminating funding for this successful program reneges on our commitment and our responsibility to provide leadership and opportunity in national service.

AmeriCorps, the centerpiece of the national service program, is not one large Federal program, but a network of locally developed and locally managed service corps which gives thousands of young people the opportunity to serve their country while improving their own lives and those of their neighbors. Moreover, the initial investment we have made has encouraged increased private sector involvement in community service programs, including AmeriCorps.

It is my view that those who participate in national service represent the best of our Nation. At a time when we, as a society, are searching for ways in which to strengthen our families and our communities, it would be foolhardy to abandon the national service initiative. AmeriCorps volunteers are taking part in the oldest and best of America's traditions—the spirit of service—and they deserve our support.

Mr. President, this legislation also includes large cuts in Federal housing programs. The VA-HUD appropriations conference report before us contains significant reductions in public housing modernization, public housing operating subsidies, severely distressed public housing programs, homeless assistance programs, incremental housing assistance, programs for distressed multifamily housing, and salaries and expenses.

The funding levels for housing programs included in this bill are inadequate given the housing needs of low-income Americans and the community development needs of our Nation's communities. There is no evidence that the number of homeless people in our society is declining. In fact, available evidence suggests that the number of homeless families with children are increasing. Waiting lists for public and assisted housing remain years long in many places around the country. Too many of our neighborhoods are plagued with vacant homes, aging and decaying infrastructure, and high levels of social distress. HUD's programs, which are being cut severely in this conference report, address these important national needs.

The funding cuts included in this bill will make it that much harder to resolve some of HUD's problems and may, in fact, exacerbate these problems. HUD will need sufficient funds to rebuild the management capacity of the troubled public housing authorities, tear down and replace the aging stock, and address the housing needs of those who currently live in the buildings. Likewise, in order to address the embedded losses in the insured multifamily housing portfolio, the Federal Government should invest resources now in order to save money in the future. If the Federal Government walks away from its longstanding involvement in these buildings, there will be negative consequences for the residents, for the buildings, and for the surrounding neighborhood.

Finally, I am concerned that this bill provides nearly $55 million less than the funding level requested by the administration for staffing and management resources—even though HUD currently has severe staffing shortages. I am deeply concerned that these cuts will harm HUD's ability to meet its mission and, at the same time, resolve some of the management problems that confront them. Significant cuts in staffing and management resources in advance of restructuring the Department's programs and reducing its workload are, at best, unwise when HUD employees are attempting to manage Government commitments of nearly $1 trillion on behalf of American taxpayers.

Mr. President, with respect to funding for the Department of Veterans Affairs, while I am pleased that the conference report eliminated a provision that would have limited the service-connected compensation paid to certain incompetent veterans who have no dependents, I remain deeply concerned about the overall funding levels provided in this legislation for veterans programs.

Although this measure provides an increase in funding for VA medical care above the fiscal year 1995 level, the $400 million increase does not come close to the level necessary to provide current services. Put simply, this would translate into a drastic cutback in services provided by VA and substantially fewer veterans being treated. We owe a considerable debt to our Nation's veterans and, in my view, the medical care funding in this measure reflects an abandonment of the Federal Government's commitment to them.

I also am concerned with the appropriation in the conference report for the general operating expenses [GOE] account which funds the administration of all VA benefits other than medical care, such as compensation, pension, and educational assistance. The funding level for GOE in this measure represents a reduction of more than $42 million from fiscal year 1995. This decrease in funding will seriously impair VA's ability to make progress in reducing the current backlog of pending claims and, in fact, may result in a reversal of the progress the VA has made already in this important area.

Finally, I note the discontinuation of the U.S. Court of Veterans Appeals pro bono representation program. For the past several years, this program has fulfilled a critical need, providing representation for hundreds of veterans who have appealed the denial of their benefit claims to the Court of Veterans Appeals, and who otherwise would have been without counsel. The elimination of this program would be a severe loss, leaving low-income veterans, the majority of all veterans who file appeals, to handle their cases without legal assistance.

Mr. President, it is clear that the conference report before us fails to provide adequate funding for many programs critical to the future of our Nation and the health and well-being of its citizenry. I would urge my colleagues to join me in opposition to this legislation.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the conference report accompanying the VA, HUD, and independent agencies appropriations bill. This legislation would cut funding at the Department of Housing and Urban Development by more than one-fifth, and is yet another clear reflection of the misguided priorities that have driven the budget process this year.

Mr. President, HUD today provides housing assistance to over 4 million households, including working families, seniors, and people with disabilities. Yet this only makes a dent in the housing needs of lower income Americans. Millions of our citizens are living in substandard conditions or are paying more than half of their incomes for housing. Countless others are homeless entirely.

Unfortunately, this conference report not only fails to meet these pressing needs, but it is a step backward. And its proposed cuts will have a real impact on needy Americans throughout our Nation.

This legislation virtually eliminates funding for incremental housing assistance, and slashes funding for homeless programs by a quarter. As a result, hundreds of thousands of families will continue to languish on public housing waiting lists. Many will be forced to live in substandard housing or on the streets. Meanwhile, Congress is about to pull the safety net out from under them, with cuts in nutrition, health care, education and other critical programs.

The cuts in this legislation also will lead to the continued deterioration of our Nation's public housing stock, by cutting the modernization budget by one-third. Mr. President, this stock represents a $90 billion investment by our taxpayers. To allow it to deteriorate further is short-sighted. It also will mean that tens-of-thousands of our citizens will continue to live in substandard housing, as major repairs and renovations are canceled due to lack of funds.

The conference report also includes a nearly 50-percent cut in funding for severely distressed public housing. This will inhibit efforts to revitalize our Nation's most troubled and most dangerous public housing developments.

If there is one bright spot in the conference report, Mr. President, it is the inclusion of $290 million for the Public and Assisted Housing Drug Elimination Program, which I developed several years ago. This program has had great success in reducing crime in housing developments around the Nation. And I am encouraged that we are maintaining our commitment to this initiative in this legislation.

Still, Mr. President, the cuts in housing proposed in this legislation are deeply troubling. Not only because of their impact on ordinary Americans. But because they are being proposed as part of a Republican budget with seriously misplaced priorities.

Mr. President, the new majority in the Congress is committed to providing huge tax breaks for millionaires, $7 billion for the Pentagon that the generals don't even want, large subsidies for western ranchers and mining companies, and various other special interest giveaways. Meanwhile, they are slashing programs that provide assistance to the most vulnerable Americans, especially those in our cities.

In my view, Mr. President, this reverse Robin Hood approach is inconsistent with true American values. I am sympathetic to calls for a balanced budget, Mr. President. But the pain must be shared, not targeted at our cities and the poor.

Mr. President, the median income of households receiving Federal housing assistance is $8,000. This happens to be about the same amount that the Republicans want to provide in tax breaks to those with incomes over $350,000. What does this say about our priorities, Mr. President?

In the 1960's, our Government declared war on poverty. In 1995, it seems that our Government has declared war on poor people.

Mr. President, the millions of Americans with severe housing needs deserve better. And it is not enough to say that we don't have the money. If we have the money to provide huge tax breaks for millionaires, if we have the money to provide $7 billion to the Pentagon that our military does not even want, if we have the money to subsidize large mining and agricultural corporations, how can we say that we lack the money to ensure that ordinary Americans have a decent place to live?

So, Mr President, I cannot support this bill and will vote against it. I call on President Clinton to veto the legislation, and continue to stand firm until Congress agrees to provide adequate funding for housing programs.

Mr. KERRY. Mr. President, I want to express my admiration to a number of Senators who have struggled valiantly to produce a bill acceptable to the great majority of Senators and to the administration, that appropriates funds for the vital services provided to American citizens by the Veterans Affairs Department, the Department of Housing and Urban Development, the Environmental Protection Agency, and other agencies.

The challenge this posed, in a time when it seems too many in both parties have as their objective scoring political points off the other party rather than reaching reasonable middle ground on contentious issues, proved unfortunately to be an insurmountable challenge at least to this point. And despite the great and perhaps even herculean effort invested in this bill by the chairman of the subcommittee, the distinguished Senator from Missouri [Mr. BOND], and the ranking member, the distinguished Senator from Maryland [Ms. MIKULSKI], I regret very much I have concluded I have no choice but to oppose the bill, and urge the President to veto it, assuming as I do that it will reach his desk for his action. Its shortcomings are numerous, and they are not minor.

With regard to the budget for the environmental Protection Agency, the severe cuts of 22 percent from the President's request threaten public health and the environment. Of particular concern are the significant cuts to the enforcement budget, the Superfund Program and the State revolving funds that finance clean water and safe drinking water remedial action.

The conference agreement cuts the EPA's enforcement program by 25 percent—in effect allowing more polluters the freedom to continue to pollute our land and water without challenge. The bill also slashes the Superfund budget by 25 percent, which would slow existing cleanups and prevent new cleanup starts. That means that at least four cities in Massachusetts will have to live with continued exposure of thousands of their citizens to dangerous chemicals.

The agreement also reduces by $762 million from the President's budget the funding provided for water infrastructure improvements to States and needy cities across the country. For the past several years—under both the Bush and Clinton administrations—Congress has appropriated at least $100 million for Boston Harbor cleanup alone. However, this bill provides just a fraction of that amount—$25 million, thus neglecting to recognize the dire straits of communities such as those of the Greater Boston area which are grappling with the enormous water rate increases which result from Federal mandates.

In addition to inadequate funding levels for vital EPA efforts to ensure that public's health and safety, also of grave concern to me are legislative riders that eviscerate existing environmental safeguards, without the benefit of congressional hearings or any input from the general public. We as a nation have struggled valiantly over the past quarter century to identify and eliminate threats to our environment which directly or indirectly threaten our health, safety or well-being, and to begin to clean up the existing mess. I will not willingly participate in the thoughtless and hurried abandonment of these efforts.

Mr. President, I am also voting against this bill because it includes excessive cuts in our Federal housing programs. I am concerned that cutbacks of the magnitude visited on the Department of Housing and Urban Development in this bill and some of the changes it makes in housing policy represent a retreat from our Nation's goal to provide all Americans with decent, safe, and affordable housing, and undercut efforts we have been making to reform the agency and its programs.

The conference agreement contains significant cuts in HUD's overall budget and particularly deep cuts in public housing programs, incremental assistance, and homeless assistance. Yet, HUD's purpose has not gone away, and this bill provides no roadmap to meeting the pressing needs in our Nation that agency was established to meet. The unmet housing needs of our people are significant. Hundreds of thousands of Americans are homeless every night. Millions of Americans are still living in substandard housing or paying a painfully heavy portion of their income for rent. Too many young families find the barriers to homeownership insurmountable. The goal of a decent, safe, and affordable home for all Americans is still a valid goal for this country. The needs of our cities—large and small—are national in scope. The distressed neighborhoods around the country—like those in Lowell, Lawrence, Fall River, Springfield, Boston, and other Massachusetts cities and towns—rely on Federal community development assistance to battle the declines that face all of our older urban areas.

We also need to be concerned that the cuts in the bill will have serious consequences by making it much more difficult to resolve some of HUD's management problems. The bill, in fact, may exacerbate rather than ameliorate these problems by reducing funding levels for programs that maintain and operate public housing or prevent defaults on HUD-insured multifamily properties. Fixing some of HUD's programs, quite frankly, will require us to invest more resources, not less—because the the small percentage of public housing authorities that are troubled will require strong intervention by the Federal Government. It will require large sums to rebuild the management capacity of these authorities, tear down and replace the aging stock, and address the housing needs of those who currently live in the buildings. The severely distressed housing program—HOPE VI—is providing funding for innovative approaches to remedying distressed public housing around the country—including efforts to revitalize Mission Main and Orchard Park developments in Boston. The conference agreement, unfortunately, cuts this program just as we are showing signs of making progress.

I am also concerned that the bill before us establishes a policy that, beginning in 1997, we will only renew expiring section 8 contracts at fair market rents. At the same time, the bill codifies a cut in fair market rents from the 45th to the 40th percentile. Without question, Mr. President, we need to enact changes in the section 8 program that reduce rents where they are excessive and address the burgeoning long-term costs of the section 8 program. We must be careful, however, that a blanket approach does not undermine the viability of existing affordable housing projects. We are responsible for what happens to both the public and assisted housing inventory: the Federal Government walking away from its long-standing involvement in these buildings will have negative consequences for the residents, for the buildings, and for the neighborhoods that surround them.

Mr. President, I know the appropriators struggled with a wholly insufficient allocation from the 1996 Congressional budget. Their mission arguably was impossible from the outset. In my judgment, it is simply imperative that the overall budget negotiations provide a higher allocation to the VA/HUD subcommittee. Nonetheless, I do want to acknowledge the chairman's, ranking member's, and subcommittee's actions to help several key programs—and there are some example of their efforts that deserve mention. The subcommittee was able to find $20 million for the Youthbuild Program, though I am extremely disappointed that this level represents a significant cut, realitive to last year, in the resources for this valuable and successful program. I am pleased that the conference agreement preserves the funding levels for the HOME and CDBG Programs at 1995 levels. And finally, the agreement provides $624 million for the preservation of low-income housing; continuing this program is very important if we are to prevent the loss of affordable housing and the displacement of thousands of families across Massachusetts and the entire Nation.

There are other deficiencies—serious deficiencies—in this bill—for example, in provisions pertaining to veterans programs and services, about which others have eloquently remarked in this debate, remarks I will not take the Senate's time to replicate. The sum is a bill that is fatally flawed.

Mr. President, it disturbs me that this has occurred on yet another bill. It disturbs me greatly that, less than 3 weeks before the end of the calendar year, and nearly 3 months after the beginning of the current fiscal year, the Republican leadership of this Congress still is engaged in the political game of sending the President a bill he already has announced emphatically he must and will veto on the basis of deeply-held, principled conviction—before there have been any definitive negotiations to reach real middle ground. The American people don't understand what is going on, here, Mr. President, and with good reason. It defies rational explanation.

But, at the insistence of the intemperate Speaker of the House, the President and the Congress will be required to play out this charade. I thank the President for his courage and steadfastness to vital principles which will be the foundation for the veto he will cast. I remain very hopeful that all parties to the budget negotiations will engage in them diligently and in good faith, that one of the outcomes will be to provide a more realistic allocation of discretionary funding to this bill, and that in the near future we will be debating in this chamber a reasonable bill behind which Senators of good will from both parties can unite and which we can send to the President for his signature.

Mrs. BOXER. Mr. President, there are many aspects of this appropriations bill which I find deeply troubling. I am thankful we have a President who has clearly said that he will veto this bill if presented to him in its current form.

I would like to take this opportunity to focus on two areas of the bill which are of particular concern to me—the unacceptable cuts to the Environmental Protection Agency [EPA], and the lack of funding for the VA medical center at Travis Air Force Base in Fairfield, CA.

ENVIRONMENTAL PROTECTION AGENCY

The EPA is the agency responsible for the implementation of our most fundamental environmental protection laws: The Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, laws that protect us from improper hazardous waste disposal, laws that protect us from exposure to radiation and toxic substances, laws that regulate the clean-up of hazardous waste sites all over the country, laws that ensure that every citizen in this country has a right to know about what kinds of toxics are being released into their environment.

And how much does it cost us to run the EPA? In 1995 we appropriated about $6.6 billion for the EPA. Let me put this into context. The whole EPA budget is the same as the cost of about three B-2 bombers. In the 1995 budget we appropriated over 40 times this amount—$241 billion—for the Department of Defense. The fiscal year 1996 defense appropriations bill that recently passed the Senate included $7 billion more than the Department of Defense says it needs. We are throwing an extra $7 billion at the Pentagon and the same time we are taking away vital funds that protect our health and safety. It simply does not make sense.

The cuts made in this bill to the EPA budget are unacceptable. This bill appropriates $5.7 billion for EPA—that is a 14-percent cut—or nearly $1 billion from the fiscal year 1995 level. It is a 22.5-percent cut—or $1.7 billion—from the President's fiscal year 1996 request.

Republicans seem to take great pride in their efforts to dismantle key social programs that Americans hold dear, but they have chosen to take their war against the environment underground. The cuts to the EPA budget show us the covert war that is being waged by Republicans against our environment.

It has to be covert because they have seen the results of poll after poll showing that the vast majority of Americans feel that our environmental laws should be strengthened, not stripped away. In my many years in public office not once has anyone told me, "Senator, our air is too clean," or "our water is too safe."

The back door attack on our environmental laws seen here is cuts in EPA's budget that will cripple EPA's ability to set and enforce environmental standards.

This bill cuts enforcement of all environmental programs by 22 percent—$128 million—from the President's request and 14.6 percent—$77 million—from fiscal year 1995.

It hits at the heart of EPA administration and management in EPA's ability to set and enforce environmental and public health standards with a 17-percent cut—$310 million—below the President's request, and a 7-percent cut—$115 million—from fiscal year 1995.

Mr. President, these cuts mean that an already stretched EPA will not be able to carry out critically important work that ensures the health and safety of all Americans, and will result in a setback of national efforts to ensure that every American citizen breaths clear air, drinks clean water and is safe from the dangers of hazardous waste.

These are the EPA funds that are spent working with States and municipalities in the development of our air quality, water quality, lead abatement, and food safety standards; the funds that allow EPA to keep track of the levels of pollution in our air, our water, our food, our environment; that allow the EPA to work with States and with industries to help them discover the sources of pollution problems and help them comply with Federal safety standards; that allow the EPA to give technical assistance to State pollution control agencies and county air and water quality boards; that allow the EPA to carry out environmental impact statements on industry actions that may hurt the environment; that allow EPA to work all over this country to educate industry and small business and help them comply with the law so that enforcement actions are avoided.

In the long run this will mean more water pollution, more smog in our cities and countryside, more toxic waste problems.

EPA's budget is cut in many other areas to levels that are unacceptable.

A 30 percent—$462 million—cut from the President's request and a 9 percent—$110 million—cut from fiscal year 1995 in funds that go straight to the States to help cities all over the country build sewage treatment plants that keep raw sewage from flowing into our coastal waters, rivers, lakes and streams.

A 45 percent—$225 million—cut from the President's request and a 79 percent—$1 billion—cut from the pre-rescissions fiscal year 1995 level in funds that go to States to protect our drinking water nationwide.

A 25 percent—$400 million—cut from the President's request and 13 percent—$168 million—cut from fiscal year 1995 in funds that go toward cleaning up hazardous waste sites.

But, Mr. President, I would like to close my statement with a comment about the presence of riders in this conference report—in the face of the House vote to instruct conferees to omit riders that would limit EPA enforcement of existing environmental protections.

This conference report includes a rider that strips away EPA's veto authority over U.S. Corps of Engineers wetlands permits decisions. Although the EPA has only vetoed 11 permit requests since 1972, the power of EPA's veto has played a very important and constructive role in the reaching of compromises on innumerable proposed development plans to fill wetlands. I believe that EPA's vet power is absolutely essential in maintaining a balanced approach to making environmental permit decisions. Without this veto authority, we are opening the door to very serious potential losses of wetlands.

We have lost approximately 53 percent of our historic wetlands in the continental United States—and in my State of California, the loss is over 90 percent. We continue to lose wetlands at the alarming rate of about 300,000 acres per year, and there still seems to be a general lack of appreciation for the vital role that wetlands play in protecting our people's health, sustaining our Nation's natural systems and supporting America's economy.

Wetlands preservation is often seen as incompatible with economic growth. I believe that not only does wetlands conservation make good environmental sense, it makes good economic sense. The value of wetlands in flood control, groundwater storage, water purification and commercial and recreational uses has been estimated to be $1.4 trillion annually.

An economic analysis of the value of wetlands was prepared in 1993 under the direction of the School of Public Policy at the University of California at Berkeley. Using my State of California as an example, the study showed that the total annual benefit of wetlands to the State ranges from a low of $6 billion to almost $23 billion. Those are the amounts the State would lose annually if 100 percent of our wetlands were lost to filling and development.

Mr. President, in 1994, over 48,000 Americans sought approval to fill wetlands. The number of permit requests has increased by 27 percent since 1990. If this rider goes into law, every request will be submitted with the knowledge that the EPA has no veto authority. Old projects will be dusted off and resubmitted—we will lose wetlands that our Nation cannot afford to lose—we will lose wetlands that our Nation cannot afford to lose.

TRAVIS VA MEDICAL CENTER

I am deeply disappointed that the bill does not including funding to complete construction on the proposed VA hospital at Travis Air Force Base, in Fairfield, CA.

In 1991, a severe earthquake damaged northern California's only VA hospital in Martinez. That facility served over 400,000 veterans, and its closure forced many to drive up to 8 hours to receive medical care. The Bush administration recognized the tremendous need created by the Martinez closure and promised the community that a replacement facility would be constructed in Fairfield, at Travis Air Force Base. The conferees' action breaks that 4-year-old promise to the veterans of northern California.

Last year, Congress appropriated $7 million to complete design and begin construction on the Tavis-VA medical center. Nearly $20 million has been spent on the project to date, and more than a year ago, Vice President GORE broke ground. Construction is now underway.

For fiscal year 1996, President Clinton requested the funds needed to complete construction, $188 million. Congress' refusal to fund the project seriously jeopardizes the prospect that the hospital will ever be built. The outpatient clinic proposed as an alternative by the conferees is entirely unacceptable to the veterans of northern California.

The decision not to fund the Travis-VA medical center breaks faith with California's veterans, and violates promises made by the past two Presidential administrations.

For the reasons I have stated above and many others, I have no choice but to oppose this conference report, and I will urge the President to veto this bill.

Mr. JEFFORDS. Mr. President, I am voting for this legislation with a number of reservations. This bill provides funding for important programs at the Department of Veterans Affairs [VA], Department of Housing and Urban Development [HUD] and the Environmental Protection Agency [EPA]. I supported this legislation when it passed the Senate in September, with the understanding that Senate negotiators would maintain funding for our Nation's veterans, maintain adequate levels for housing, protect funding for the EPA and oppose the 17 anti-environment legislative riders included in the House version of this bill.

After the most recent conference on this legislation between the Senate and House, it is my belief that the bill has emerged better than both the original House and Senate passed versions. Funding for veterans' health is now higher than last year's levels. EPA spending levels, originally slated for a 33 percent cut in the House bill, have been increased, resulting in only a 14 percent reduction. A number of other important programs and agencies received a similar reduction this year. Finally, almost all of the environmental legislative riders I found most objectionable have been dropped.

Mr. President, I believe the managers hands were tied in this situation. The allocation for this entire account was reduced to such an extent that they were forced to make some difficult choices. The overall allocation was reduced by close to 10 percent from fiscal year 1995. The fact that EPA received a 14 percent cut is very unfortunate but understandable considering the overall reduction for this bill. I hope that the ongoing budget negotiations will yield more funding for environmental protection.

I agree that Congress must reduce Federal spending in order to gain control of our growing budget deficit. We must reorder our spending priorities and makes every effort to cut wasteful expenditures throughout the Federal budget. Although savings can be found in the Department of Energy, Department of Interior and EPA budgets, I will strongly oppose a complete gutting of the funding for important environmental programs.

Finally, included in this legislation is an amendment which will remove EPA from the process of protecting many of our Nation's wetlands and rivers under section 404 of the Clean Water Act. Last year, under this section of the Clean Water Act, EPA assisted the State of Vermont in protecting one of our State's most valuable river ecosystems. I remain hopeful that during future consideration of funding for EPA we not further weaken EPA's ability to protect our Nation's rivers and wetlands.

Mr. President, I am voting for this legislation in order to move the process forward. In the event that the legislation is vetoed by the President, I would hope my colleagues would seriously consider some the few concerns I have raised here.

Mr. SIMPSON. Mr. President, this appropriation is a very good one for veterans. It fully funds veterans' benefits payments. And, unlike many of the non-veteran programs funded by this bill, veterans' health care funding would actually increase.

Mr. President, there is one provision in this conference report which affects a small sum of dollars, but which is important to VA and to America's veterans. Funding for staffing and travel in the office of the Secretary has been reduced.

Mr. President. I support that reduction.

The Secretary of Veterans Affairs has left no tub unpounded, no stump without a speech, in a campaign of propaganda misrepresenting the actions of this Congress. I tire of that.

He has continued to talk about budget "cuts." Even when he knows so well that the budget is actually being increased.

He continues to talk about declines in VA health care services even after personally sitting through a hearing where the increases were quantified and illustrated by charts.

He took a discredited advocacy "study" from a liberal lobby group and tried to give it the stature of a "government" report. That action was an attempt to "use"—yes that is the term—veterans as the point men in a political campaign to defeat reforms needed to preserve the Medicare and Medicaid programs.

In short, Secretary Brown has confused the responsibilities of a Cabinet Secretary with the role of a political lobbyist.

He has assumed the zealous mission of a political advocate without remembering the requirement to led and administer his Department.

And, as an article in today's Washington Post makes clear, he is wholly unrepentant in his course.

Yes, the conference report will restrict his political activities. But, and hear this, and hear clearly, it will not restrict his ability to lead his Department. In fact, if it causes him to stay right here in Washington and focus hard on the many heretofore unaddressed challenges facing the Department of Veterans Affairs, the reduced funding level could actually improve his stewardship over the Department.

The issue is not "freedom of speech." That is pure bunkum. Those who make that argument are not really arguing that the Secretary has a right to speak. They are instead arguing that the taxpayers have an obligation to pay for whatever he wants to say. That is, or course, surely not the case.

Mr. President, this is not a perfect bill. No bill is. But the members of the subcommittee have done a very good job in protecting funding for veterans' programs.

I think it would be tragic if the President were to use funding levels for nonveteran programs as an excuse to veto a bill that increases veterans' medical spending and fully funds their benefits.

I am sure that my friend from Missouri will confirm that it will be very hard to craft a bill as favorable to veterans as this one and which also increases funding for other programs.

I commend Senators BOND and MIKULSKI. They work well together as managers of the bill. I thank them for their yeoman work and I do hope the Senate will join me in support of the bill.

Mr. CHAFEE. Mr. President, I would like to make a few remarks about H.R. 2099, the VA—HUD appropriations conference report. I want to commend the distinguished ranking member and the distinguished manager of the bill for their efforts in reaching an agreement on this measure.

The conferees had to make some tough choices, and I am pleased that they listened to the American people and decided to drop the controversial environmental riders in the House-passed bill. I am also delighted that the conference report provides the Environmental Protection Agency [EPA] with a higher level of funding than either the House or Senate bills.

Although the conferees eliminated most of the objectionable legislative riders, I am still troubled by two key provisions in the conference report. First of all, the conferees have decided to maintain the rider in the Senate bill that bars EPA from using any fiscal year 1996 funds to implement section 404(c) of the Clean Water Act.

Since its enactment in 1972, section 404 of the Clean Water Act has played an integral role in the progress we have made toward achieving the act's central objective, which is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404(c) authorizes EPA to prohibit a disposal of dredged or fill material into U.S. waters, including wetlands, if such a disposal would have an unacceptable adverse effect on certain especially important resources.

The rider in the conference report would preclude EPA from ensuring against unacceptable adverse effects on these valuable resources for a full year. An article written by John Cushman in Tuesday's edition of the New York Times is especially instructive: It points out the many of the unknown adverse consequences this rider could have for our most valuable wetlands resources.

Mr. President, I ask unanimous consent that the article printed in the December 12, 1995, New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 12, 1995]

BRIEF CLAUSE IN BILL WOULD CURB U.S. POWER TO PROTECT WETLANDS

(By John H. Cushman, Jr.)

WASHINGTON, Dec. 11.—Buried deep in a spending bill now before Congress are two sentences that could give clear sailing to a highway project in New Hampshire, harbor dredging in South Carolina, a mine in Montana and many other projects around the country that have been threatened by the Government's environmental objections.

The terse provision would take away one of the Environmental Protection Agency's major tools for protecting the country's wetlands: the veto that the agency is allowed to cast against permits that the Army Corps of Engineers issues to developers for wetlands projects.

The change is set forth in one obscure passage in a vast $80 billion appropriations bill paying for veterans, housing, environmental and other programs in the current fiscal year. The bill passed the House on Thursday and is expected to come to the Senate floor shortly. President Clinton, objecting to many of its provisions, has said he will veto it.

Although it is hard to predict whether the wetlands clause will become law, the prospect worries conservationists, who call the continuing loss of wetlands a threat to water quality and wildlife. The provision would prohibit the E.P.A. from spending anything in the current fiscal year to exercise its power under the Clean Water Act to review and veto wetlands permits. Any vetoes that are pending would be nullified, giving the Corps of Engineers the final say.

The bill's 73 words on wetlands have rated only the briefest mention during a raging Congressional debate over Federal environmental priorities. But the effect of the provision could be felt nationwide.

Most immediately, the change may resurrect plans for a $200 million highway sweeping around Nashua, N.H. Last August, the state reluctantly agreed to scale back the project when threatened with a veto by the E.P.A. The reduced plans spare more than 40 acres of wetlands and other undeveloped wildlife habitat near the Merrimack River. James Rivers, a spokesman for Gov. Stephen Merrill, said that although the state plans to proceed with the scaled-back project for now, it would consider expanding it in the future if the Federal law is changed.

In Charleston, S.C., E.P.A. officials have warned the corps against dredging shipping channels near a paper plant because of possible dioxin contamination. But if the new law is passed, the E.P.A. would lose its legal leverage to persuade the corps to adopt an alternative for clearing shipping channels.

Similarly, the corps alone would rule on wetlands permits for the New World Mine in Montana, a disputed project that conservationist say would endanger the ecosystem in and around Yellowstone National Park, just two and a half miles away.

The wetlands review process has its roots in the 1970's, when lawmakers believed the corps, whose approval is needed for any construction that can affect navigable waters, was more interested in protecting navigation than the environment. But today it is the E.P.A. that is out of favor on Capitol Hill, where preserving wetlands is among the most unpopular of causes.

Although the E.P.A. has vetoed wetlands permits only 11 times, both sides in the dispute agree that the agency can greatly influence the scale of development projects by merely threatening a veto. Environmental groups cited case after case in which projects were scaled back to meet the agency's demands. Many of those projects were shelved indefinitely, raising the possibility that some might be revived if the legislation is enacted.

Carol M. Browner, the Administrator of the E.P.A., said her agency, not the corps, has both the expertise and the statutory authority to protect wetlands, which play a crucial role in minimizing floods, filtering water and providing wildlife habitat.

"The E.P.A. is the body that Congress has given the authority to deal with clean water issues," she said. "The role we play is associated with the broader role of protecting the water quality of the people of this country."

Despite the importance of this legislation, there has scarcely been any testimony or comment on the House or Senate floor about how it would affect specific construction projects or wetlands.

Even the provision's author, Senator Christopher S. Bond, a Missouri Republican, said in an interview that he had "no idea" what projects might be affected.

He said his objective was not to affect one project or another, but to make the Government more efficient by consolidating power over wetlands permits in a single agency.

"If there is one thing that constituents in my state are fed up with, it is being told two different things by two different Federal agencies," Senator Bond said on the Senate floor in September. "They expect the Federal agencies who serve them to give them one answer and to give them the right answer."

Administration officials and environmental groups say the E.P.A'S authority is essential to the protection of wetlands, especially since many projects affecting those areas are carried out by the corps itself.

"The Army Corps of Engineers authorizes itself to discharge millions of cubic yards of dredge or fill material into the waters of the United States each year," said John Flicker, president of the National Audubon Society, in a letter urging President Clinton not to sign the bill. "Absent E.P.A.'s involvement in the review of the corps' water development projects, the corps would be in the untenable position of exercising sole regulatory review of its own development projects."

Senator Bond and his staff respond that their proposal leaves much of the E.P.A.'s authority intact. The agency would continue to write the environmental guidelines for the corps.

But the E.P.A's questions about the dredging of navigation channels proposed by the corps around Georgetown Harbor near Charleston, one of the biggest commercial ports on the East Coast, show why the E.P.A. is fighting to keep its authority. The corps would extensively dredge sediments from the harbor bottom, including near the private berth of the International Paper Company, and then dump that refuse on shore and in nearby shallows.

Local E.P.A. officials, according to an agency document, are concerned that the project carries environmental risks. They fear that the sediment at the paper plant could be contaminated with dioxin, a toxin that could be spread in the Sampit River and the Upper Winyah Bay.

Sediments at the paper company's berth have not been tested for dioxin, but several years ago the paper plant's waste water was found to have among the highest dioxin levels of more than a hundred plants surveyed, and the state detected dioxins in sediment and fish tissues in the nearby Sampit River in 1989, leading to advisories against eating locally caught fish.

The agency is urging the corps to consider less damaging alternatives and better impoundments of the dredged wastes.

There are many other cases, like the Nashua highway, where the E.P.A.'s views prevailed over those of the corps and of local officials. The E.P.A. fought that project for 10 years, but the corps and the state approved it anyway. Only after the E.P.A. regional administrator, John DeVillars, warned of a veto did New Hampshire agree to a scaled-back highway.

New Hampshire's top environmental official said in an interview this week that he was pleased with the E.P.A.'s rule in the highway project and with other wetlands reviews by the Federal agency.

"My experience with the process has been that the concerns that have been raised have been reasonable concerns, that they are asking the right questions and forcing analysis of alternatives that otherwise would not be done," said Robert Varnum, the state's Environment Commissioner. He was appointed twice by Republican Governors, both of whom strongly favored the highway project that the E.P.A. blocked.

"I feel that E.P.A.'s mission is to protect the environment, and in this case to avoid unnecessary impacts to our wetlands resources," he said. "They take that job very seriously, and have put in a great deal of time and effort, and stuck their necks out, to protect the environment, and I think that is a role they need to play. I think the general public expects nothing else."

Mr. CHAFEE. Mr. President, to those who say that EPA's 404(c) authority reflects a significant waste of government resources, I point to the fact that the agency has used this authority only 12 times during the past 23 years.

One of these instances occurred in Attleboro, MA. A developer's plan to build a large shopping mall at a site called Sweeden's Swamp in Attleboro would have destroyed 45 acres of wetlands. Had EPA not stepped in to prevent the permit from going forward, the area would have lost a rich habitat for many birds, mammals, and amphibians. Mr. President, we simply cannot afford to relinquish the protection of critical natural resources afforded by 404(c).

I am also deeply concerned with the conferees' decision to provide only $12 million for the Montreal Protocol Facilitation Fund—a full 50 percent less than both the administration's request and the House approved figure of $24 million.

The Montreal Protocol, approved in 1987 during the Reagan administration, addresses the damaging effect of chlorofluorocarbons—of CFC's—on the ozone layer. A statement made by President Reagan on April 5, 1988, demonstrates the significance of the program:

> The Montreal Protocol is a model of cooperation. It is a product of the recognition and international consensus that ozone depletion is a global problem, both in terms of its causes and effects. The protocol is the result of an extraordinary process of scientific study, negotiations among representatives of the business and environmental communities, and international diplomacy. It is a monumental achievement.

The treaty, now ratified by 150 nations, represents a consensus on the dangers of ozone depletion and provides for the eventual ban of CFC production. We later agreed to amendments to strengthen the ban in 1990, as part of the Clean Air Act, and again, in 1992, under the terms of the Montreal Protocol.

Throughout this effort there were those who called the ozone hole and the destruction of the ozone by CFC's a myth. However, several weeks ago, our actions were vindicated beyond question when the three scientists who first alerted us to the possibility that CFC's were destroying the ozone layer were awarded the Nobel Prize for chemistry.

During the debate on the VA-HUD appropriations bill, I sponsored an amendment, along with Senator JEFFORDS and Senator BINGAMAN, that would have given the Administrator the discretion to spend more than the $12 million now available under the conference report for the Montreal Protocol Fund. Although the amendment was approved by the Senate, it was not retained in conference. I must say I am disappointed. If our goal here is to encourage EPA to be mindful of good science, risk assessment, and management of scarce resources, then I cannot think of a more necessary endeavor than their efforts to reverse the destruction of the stratospheric ozone layer.

Mr. WELLSTONE. Mr. President, I want to speak in opposition to the VA/HUD appropriations conference report. There are many reasons why I believe that the report we have before us represents unhealthy priorities for the American public, and I am pleased that the President has expressed his intention to veto this bill should it pass the Senate.

First, this report provides $400 million less than the President's budget request for the VA medical care account. This will have a serious impact on veterans' access to quality health care. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is no question that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. The impact, according to the VA, would be equivalent to closing three VA medical centers with an average of 300 beds each.

When these cuts are coupled with slashes in Medicare and Medicaid, many veterans could be faced with a triple whammy—forced out of Medicare and Medicaid while VA is unable to handle a large influx of new patients as the VA health care budget shrinks in real dollars. This will particularly have an impact on the soaring population of veterans over age 65 and veterans unable to afford private health insurance.

In the process of cutting funding for major medical construction projects, vital projects for renovating VA hospitals that do not meet community standards and are deteriorating are scrapped. How can we treat veterans who made sacrifices defending this country in facilities that do not meet fire and other safety standards? What a travesty this is. At a time when we are honoring the 50th anniversary of the end of World War II and the veterans who risked their lives defending our freedom, the least we can do is to ensure that they receive the health care they are entitled to in a safe and dignified setting.

This report also eliminates funding for the Corporation for National Service [CNS], which was established by the bipartisan National Community Service and Trust Act of 1993. The Corporation for National Service administers such programs as AmeriCorps, the National Civilian Community Corps, and even former President Bush's Points of Light Foundation. President Clinton has requested $817,476 million for CNS for fiscal year 1996. However, the report we have before us gives the National Corporation $15 million for necessary expenses to terminate programs, activities, and initiatives under the National Community Service Act.

In order to understand the severity of this action, I would like to use the AmeriCorps program as an example. AmeriCorps, which is funded and run by CNS, helps students pay for college in exchange for their service to American communities. AmeriCorps is a program which needs to be preserved. National Service addresses beliefs we all share: getting things done, strengthening communities, encouraging personal responsibility, and expanding opportunity. Despite the ideals realized by AmeriCorps, both the House and Senate individually denied funds to the program in their VA/HUD appropriations bills, and now the conference report kills the program outright. Fiscal year 1995 post/rescission funding was $219,000 million for AmeriCorps grants. The President requested $429,800 million for fiscal year 1996.

AmeriCorps has been a huge success. Members of law enforcement from police chiefs Willie Williams of Los Angeles to Carol Mehrling of Montgomery

County, MD, (and many departments in between, have been unwavering in their support for the AmeriCorps Program. And this is a program which Republicans and Democrats alike support. Members of Congress, Governors, mayors, and businesses such as IBM, General Electric and American Express know the value of AmeriCorps, and of the Corporation for National Service.

AmeriCorps has exceeded expectations about its efficiency. One study, validated by the GAO, found AmeriCorps produced $1.60 to $2.60 in benefits for every invested Federal dollar. And the AmeriCorps is not solely dependent on Federal dollars. During AmeriCorps first year it was directed by Congress to raise $32 million. It actually raise three times that amount—$91 million, 41 million of which came from the private sector. We should not be misled by its success, however. AmeriCorps cannot raise private and foundation funds without Federal seed support.

AmeriCorps provides a large bang for education dollars while simultaneously getting results for real needs, strengthening communities, and encouraging responsibility. Education. Public Safety. Human Needs. The Environment. AmeriCorps is a program designed to do what we in Congress talk about all the time: bringing people from all backgrounds together to solve problems at the local level.

In Minnesota, AmeriCorps members are extremely valuable. AmeriCorps members serving within the Minneapolis Public School provide activities to support the education of special needs youth. Members tutor, provide after school education activities, and recruit volunteers for support programming. Members work to secure affordable housing for low-income families, assist domestic violence victims, and coordinate projects to prevent and lessen homeless. Minnesota has AmeriCorps members doing more different things than I have time to list here. Older Minnesotans work as foster grandparents, serving over 80,000 children statewide. Rural members teach pesticide safety. People work to restore our parks and trying to provide places for our children to play. Of course, Minnesota is not alone in its utilization of AmeriCorps volunteers. All of my colleagues come from States which benefit from them. All of us should continue to support their efforts, not tear them down.

I am also opposed to this conference report because of the devastating blow it delivers to funding for the Environmental Protection Agency.

This conference report cuts EPA by 14 percent overall from what we appropriated last year. The conference report continues to contain a number of riders that aid special interests at the expense of the health and safety of the American people. These riders include one which would halt EPA efforts to expand one of our country's most successful Right-to-Know programs, the Toxic Release Inventory.

Already this fiscal year, temporary continuing resolutions have resulted in a drastic cut in EPA's funding. As a result, EPA has been forced to cancel a number of inspections involving all sorts of environmental hazards. As Carol Browner said today in the Washington Post, "The environmental cop is not on the beat." The lack of inspections will only get worse under this conference report that cuts enforcement funding by 14.6 percent.

These funding cuts will make it impossible for EPA to carry out work that helps protect the health and safety of every American. This bill will make it more difficult, if not impossible, for EPA to carry out its responsibilities under the Clean Air and Clean Water Acts. We cannot allow this to happen and I don't believe the American people want it to happen. At least, no Minnesotan has ever approached me to ask for dirtier air and water, and that is exactly what slashing EPA's budget this way will yield.

There are other reasons to oppose this conference report. While I support the President's commitment to streamline HUD's programs and I understand the importance of cutting funding for wasteful programs, I believe that the housing cuts in the VA-HUD conference report have gone too far.

Cuts to the section 8 program mean that homeless families or individuals will be without the assistance they need to move to either transitional or permanent housing.

Cuts to public housing modernization will mean that fewer housing units will receive necessary repairs and maintenance. This maintenance is essential to ensure the quality of life of public housing residents and its neighbors.

This bill also cuts funding for the Homeless Assistance Grant Program, Indian housing development, and the Housing Counseling Grant Program.

All of these housing cuts will disproportionately harm low-income persons, the elderly, native Americans, and persons with AIDS. This funding is a safety net and cuts in housing programs will mean only one thing—more people will be living on the streets. I think we are making a mistake if we pass this package.

Given all these reasons—the irresponsible cuts to veterans programs, the decimation of the Corporation for National Service, the damage done to environmental programs, and the attack on housing programs for the working poor, I will oppose the VA-HUD Conference Report, and I urge my colleagues to do the same.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. LEAHY. Mr. President, I rise today to express my deep disappointment that funding for the Community Development Financial Institutions [CDFI] fund has been eliminated in the VA-HUD appropriations bill for fiscal year 1996.

The CDFI fund is an economic development initiative that was adopted with overwhelming bipartisan support several years ago. The program is a key priority for President Clinton, and an important investment tool for economically distressed communities. Unfortunately, partisan gamesmanship and shortsighted budget cutting will deny organizations around the country the opportunity to use this tool to better their own communities.

In a time of dwindling Federal resources, programs like CDFI that leverage private investment and stretch every Federal dollar, are more important than ever. The Fund is a small but very innovative program. For a modest $50 million budget, the fund could make a significant impact in communities struggling with unemployment and structural decline.

Investments from the fund would create new jobs, promote small business, restore neighborhoods, and generate tax revenues in towns desperate for community development. It is estimated that every $1 of fund resources would leverage $10 in non-Federal resources.

Equally important, is the fact that these dollars are controlled at the local level by financial institutions in the community which understand area needs and resources. Local control stimulates local investment as well. Area banks and local private donors are more willing to contribute to economic development when they can see the results in their own communities.

The CDFI fund has caught the interest of many community development organizations across the Nation. Already, over 1,500 groups have requested information about the fund, and informational seminars that have been held or are planned are expected to attract over 600 potential applicants. This bill leaves those organizations out in the cold.

Slashing investment in jobs and infrastructure is no way to balance the budget. I urge my colleagues to join me in voting against this bill.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 2099, the VA-HUD appropriations bill for 1996.

This bill provides new budget authority of $80.4 billion and new outlays of $46.2 billion to finance operations of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation. When outlays from prior-year BA and other adjustments are taken into account, the bill totals $80.4 billion in BA and $92.1 billion in outlays. The total bill is under the Senate subcommittee's 602(b) nondefense allocation by $420 million for budget authority and by $7 million for outlays. The subcommittee is also at its defense allocation for BA and is under its outlay allocation by less than $500,000.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 2099.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VA–HUD SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed		78
H.R. 2099, Conference report	153	92
Scorekeeping adjustment		
Subtotal defense discretionary	153	170
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		45,550
H.R. 2099, conference report	61,113	28,603
Scorekeeping adjustment		
Subtotal nondefense discretionary	61,113	74,264
Mandatory:		
Outlays from prior-year BA and other actions completed		133
H.R. 2099, conference report	19,362	17,213
Adjustment to conform mandatory programs with Budget:		
Resolution assumptions	−224	341
Subtotal mandatory	19,138	17,688
Adjusted bill total	80,404	92,121
Senate Subcommittee 602(b) allocation:		
Subtotal defense discretionary	153	170
Nondefense discretionary	61,533	74,270
Violent crime reduction trust fund		
Mandatory	19,138	17,688
Total allocation	80,824	92,128
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	0	−0
Nondefense discretionary	−420	−6
Violent crime reduction trust fund		
Mandatory		
Total allocation	−420	−7

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I wish to comment on title I of the conference report on H.R. 2099, the fiscal year 1996 VA–HUD appropriation bill.

Mr. President, I realize that this has been a very difficult year for funding actions. I also know that, when compared to other agencies covered by this bill, VA is treated relatively well. Having said that, I have to say that this appropriation conference report is bad news for VA which, in turn, means bad news for America's veterans, their dependents, and their survivors.

The medical care appropriation is $16.56 billion. This is better than the level passed by the Senate, but nearly $400 million below the amount proposed by the President. That amount is what VA needs to support the current level of health care services.

At the funding level in the conference report, VA will be forced to cut back on the level of services carried out in fiscal year 1995. In human terms, nearly 90,000 eligible veterans will be denied inpatient and outpatient care this year. The equivalent of three VA hospitals will have to be shut down, and 5,000 VA health care professionals will lose their jobs.

Mr. President, I ask my colleagues to focus on these repercussions. Too often we become numb when we just hear such numbers and we lose sight of the human element in what we are doing. These are real people that will be affected—veterans who answered our country's call in her times of need, who now need real health care. They will be turned away from care or will be made to wait an inordinate period of time to receive the care they need—the care they deserve—the care they have earned.

In my State there are four VA medical centers. Each plays an important role in its community. Each furnishes vital care to veterans in the geographic region served. Funding cuts at the level contained in the conference report will lead to cuts in that service, and to a denial of service to my constituents who are veterans—some with disabilities from their service, others who managed to complete their service without injury, but who are now unable to afford health care. Such a result is wrongheaded. I deeply regret that we are about to accept and approve it.

I also find it disturbing that we are cutting VA below current services at the very time that cutbacks are being proposed in Medicare and Medicaid. There is every reason to suspect that, as individuals are pushed out of those programs by the changes being contemplated, veterans who have relied on either Medicare or Medicaid will turn to VA for needed care.

VA health care is at a crossroads, and many innovative and dynamic changes are happening within the system. It is possible—indeed likely—that some of the changes about to be enacted will yield some significant efficiencies in how VA furnishes health care in the years to come. I am deeply concerned, however, that these cuts in the funding needed by VA to furnish care in the coming fiscal year will actually undercut efforts that could allow VA to function more effectively in the future. This is the worst time to be making blind cuts in VA funding, with no appreciation of how such cuts can affect VA's future.

I have heard the suggestion that, since the number of veterans is declining, these cutbacks in VA health care are justified. While it is true that the overall veterans population is coming down—it is now just over 26 million—demand for VA care continues to increase, a phenomenon that is easy to understand when one realizes that, as the veterans population continues to age, the demand for health care services actually is on the rise. As our veterans age, we should not be allowing the promises a grateful Nation made to be undone in our headlong rush to balance the budget.

I am also deeply concerned about the cuts in the level of general operating expenses which fund the administration of the nonmedical activities of VA. While the Senate-passed level of $880 million was over $35 million below the President's request, it was significantly above the House-passed level and promised some opportunity for VA to continue to reduce the terrible backlog of claims in the Veterans Benefits Administration. Unfortunately, the level of GOE funding in the conference report, $843 million, will almost certainly mean that not only will VA fail to improve, the recent trend will be reversed and the backlog will grow.

I readily acknowledge that there are many problems that cannot be corrected by a simple infusion of funding. It is also true that VA's claims backlog is the result of far more than a simple lack of resources. However, it cannot be denied that the backlog problem can only worsen when there is insufficient funding to allow VA to meet the demand for services. The funding for GOE in the conference report is clearly insufficient, and I deeply regret that result.

I am very disappointed that the conference report includes onerous restrictions on overall funding and travel funding for the Office of the Secretary. I fear that this is little more than a petty assault on the person of the current secretary, Secretary Brown, and does not represent any reasoned policy decision. I think such an action in the context of an appropriations bill is unworthy of the Congress, and I deeply regret that conferees felt compelled to stoop to such a level.

The conference report includes funding for some construction projects which have not been authorized by the two Veterans' Affairs Committees. These include clinics at two sites—Brevard County, Florida, and Fairfield, California—where the Administration proposed to build medical centers, but the Appropriations Committees refused to fund them.

While the two medical centers were authorized, the freestanding clinics are not, and, pursuant to section 8104 of title 38, United States Code, VA cannot spend funds for these unauthorized projects. I am not clear what the intention of the conferees is on this issue, but I am confident that, without specific action by the Veterans' Affairs Committees to authorize these projects, VA will not be able to spend the funds appropriated in this bill.

I also note that, during a markup in the Veterans' Affairs Committee earlier this year, I offered an amendment which would have authorized all of the construction projects proposed in the President's budget, but my amendment was defeated.

I would be remiss if I failed to note one positive item in the conference report, namely, the absence of a provision passed by both Houses which would have limited compensation benefits to certain veterans disabled by mental illness. I fought very hard to have that provision dropped during Senate debate, and I am truly delighted that my goal was achieved in the conference.

As I noted at the outset, this is not a good bill for veterans. I am deeply concerned about its ramifications as we move forward in this fiscal year, and I intend to monitor closely the effects of the limited funding on VA's ability to meet the needs of our Nation's veterans. I will not hesitate to seek additional funding for various VA activities as the need arises in the coming year. We have tough choices to make as we seek to balance the budget. Veterans must be accorded special attention and protection in that effort.

Mr. President, in closing, I express my deepest gratitude to my esteemed colleague, Senator MIKULSKI, the ranking Democrat on the Senate VA-HUD Subcommittee, for her continued efforts with respect to veterans' programs. I truly appreciate the extraordinary spirit of cooperation between us, during the appropriations process and throughout the year. Consistently over the years, Senator MIKULSKI has shown strong, unwavering support for veterans' programs. Although she was not as successful as I know she wished to be this year, her advocacy never wavered. She is a true friend and champion of veterans.

Mr. LEAHY. I find a number of ironies this week as we consider the conference report on the appropriations bill for veterans programs.

As I speak, American troops are being deployed in Bosnia. They represent us in seeking to help secure the peace and put an end to the atrocities that have for too long plagued the people of that region. They serve to defend our national interest and to protect our liberties in a troubled part of the world.

Every Senator who came to this floor during our marathon session yesterday debating the deployment of our troops pledged support for them. That support should not end when they return out of harms' way. They deserve our continuing support and appreciation, just as the veterans of World War II, the Korean war, the Vietnam war, and those who have been deployed on our behalf in conflicts and missions around the world deserve our respect and support. The troops being deployed in Bosnia will be tomorrow's veterans.

I am also struck by the fact that we are only now proceeding with our work on the funding for veterans' programs. Although we are now in December, well past all statutory deadlines for appropriations bills, two months' past the beginning of the fiscal year, and fast approaching the expiration of our second continuing resolution, we are still without an appropriations bill for veterans' programs.

I must note that when we considered that bill initially in the Senate, Senator ROCKEFELLER offered an amendment, which I cosponsored, to restore more than $500 million that had been cut from the Veteran Administration's medical care account. The Senate rejected our effort. We tried, unsuccessfully, to protect exempt service-connected veterans benefits from further cuts to balance the budget. We wanted to preserve and protect the benefits we provide our veterans, who were there when this Nation asked for their service.

We could not get support from enough of our Senate colleagues. If my colleagues are truly interested in our veterans, let them join us in our efforts to increase funding for veterans medical research. Let us provide the quality physicians needed in the veterans health care system. Let us fund the work that is so desperately needed in digestive diseases, prosthetics, lung cancer, diabetes, and geriatrics. Last year, the President answered our call when, in response to a letter from me cosigned by 41 of my Senate colleagues, he increased his request for funds for veterans medical research to $257 million.

Join us by restoring the two new Veteran Administration hospitals that are so needed in California and Florida, but that are eliminated in this conference report. Join us by melting the "freeze" on veterans programs that the Republican budget would enact and that would result in the closing of 35 veterans hospitals nationwide.

We all want to be patriotic and show respect for our veterans. Let us remember the words of Abraham Lincoln that are chiseled on a plaque at the Veterans Administration building just a few blocks from the Capitol: "To care for him who shall have borne the battle and for his widow, and his orphan." Let us use our votes when they really count on behalf of our veterans by restoring their benefits and protecting their medical services.

The final irony is that this is the week that we debated and voted upon a proposed constitutional amendment that would have restricted the Bill of Rights for the first time in our history. That effort failed and I detailed the reasons for my vote in a prior statement. For all those who voted in favor of the constitutional amendment on flag desecration and said that they did so in order to respond to the wishes of our veterans, I hope that they will show the respect and support that our veterans deserve by raising their voices and using their votes on behalf of our veterans by restoring their benefits and protecting their medical services.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I understand, by previous order, that I have 10 minutes available?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I doubt I will use all the time but I do want to take some minutes to discuss the VA/HUD conference report and some of the problems that I have with this bill.

The Senator from Missouri, Senator BOND, the chairman, and the distinguished ranking member from Maryland, Senator MIKULSKI, deserve commendation for their hard work on this legislation. It is a complicated bill, this one, because it contains several programs that could be described as critical by virtue of the respect and support that these programs have. When you talk about the Veterans Administration you talk environmental protection, you talk about housing—these are very, very important programs; FEMA, the disaster relief agency, and NASA. So, there is a lot of review. There is a lot of support for each one of the programs and the advocates fight hard for the programs that strike them as being the most important.

But it just does not do the job. It is not the fault of the chairman or the ranking member. They have done their best in a very tough situation, but they just do not have enough funding to do these important tasks. They also had to contend with demands from the House of Representatives which continues to insist on deep cuts in environmental programs and housing and other high-priority programs.

In the end, with regret, I am going to strongly oppose this conference report. It would cut funding at EPA by more than 20 percent. It is an area that I have done a lot of work in. Before the last election I was chairman of the Superfund committee, working on the environment, and I worked very hard on issues of clean air and clean water and various other environmental programs. The final bill reflects what, in my view, are skewed, grossly skewed priorities.

The majority has repeatedly argued that the balanced budget in some accounts, like Medicare and Medicaid, are not actually being cut. What is being cut, they say, is the rate of increase. In the case of EPA, these are real cuts that are being proposed, real decreases, real attempts to turn back the clock on environmental protection. This legislation would slash the budget of the Environmental Protection Agency by 21 percent. One-fifth of its budget just taken away. To me, it is very simple. The effects are dirtier air, dirtier water, fewer toxic waste sites being cleaned up.

I view the quality of our environment as a critical legacy for the generations that follow us: For my children, my grandchildren. If there is one thing I can do for them that will leave them a better America it is to help clear up the environment, to permit them to breathe the air that we take for granted and not be worried about contracting some respiratory condition; or drink the water and not jeopardize their health. To be able to fish in the streams and be able to swim in the ocean without debris floating all over the place. That is the way I see our environmental requirements. So, these are deep cuts that hurt.

And I also point out this legislation is just the tip of the iceberg. The Republican long-term budget plan would have a devastating impact on environmental protection over the next several years. It would destroy EPA's ability to protect our environment and the public health. It would cripple enforcement of environmental laws. The one criticism that we hear constantly: Oh, that bureaucracy, they are all over us. They are all over business and they are all over citizens and they are all over communities.

The fact of the matter is that environmental laws have worked surprisingly well for us. In a period of roughly 20 years, from 1973–1974 until now, instead of 40 percent of our streams and tributaries being fishable and swimmable, we have gone up to 60 percent. And even in places like the Hudson River, which separates New York from New Jersey, we have begun to see some salmon coming back. We see some striped bass coming up the river. I do not know whether they are ready for eating, but they are there, and the populations are growing because the water is cleaner.

Given half a chance, nature fights back, and very vigorously. But it does not take a lot of neglect for nature to return to a decrepit condition. So, if you do not have enforcement to make sure that compliance is honest, then the laws that are on the books as we all know here are worthless.

The long-term budget plan would destroy EPA's ability to protect our environment and public health. It would severely set back the progress I just indicated we have made in recent decades, to protect and preserve our natural resources.

The bill before us cuts EPA's enforcement function so deeply that it will give polluters a holiday from complying with the law. We have seen stories in the newspapers about EPA's inability to conduct the surveys that they have to, to see whether people are complying with the rules, or with the laws. We have seen situations where Superfund programs, Superfund cleanups are going to stop dead in their tracks. Enforcement programs are targeted for a cut of 27 percent.

Mr. President, EPA is the environmental cop on the beat, and we would not cut law enforcement by a quarter, thank goodness. We would not cut FBI by a quarter, thank goodness. But this bill will cut the resources provided to stop environmental crimes by 27 percent. The question raised is how many children's health will be jeopardized as a result of those pollution laws not being enforced?

Mr. President, some Members of the other body seem to believe that EPA's enforcement office does nothing more than sue innocent landowners. But if these cuts are enacted, those Members are going to come in for a rude surprise because EPA's enforcement office performs many functions that are important—not only for environmental protection, but for the efficient operation of many businesses. Beyond investigating allegations of violations in carrying out inspections, enforcement funding is used to approve permits for companies to take particular actions and that cut in enforcement funding is going to cause severe dislocations in the private sector as they wait and wait for permits to take up a new product or a new location.

When companies change the way they produce products, their pollution emissions often change as well. And, if so, they have to obtain a permit from EPA.

Mr. President, what is going to happen when EPA's enforcement staff is cut by 27 percent? We can easily tell what is going to happen. There are going to be major delays in issuing permits. That is going to have a negative impact on many companies' balance sheets.

Mr. President, if this kind of cut is enacted, it can almost be guaranteed that next year Senators will come to the floor and blame this problem on an inefficient EPA. But EPA is not going to be the culprit. The culprit will be the Congress and the resource that it supplied for these functions.

To get some feel for what a 27-percent cut will mean in terms of weakened environmental enforcement, consider what happened at EPA since the recently enacted continuing resolution reduced funding temporarily by a comparable amount. No new criminal investigations were started, and some of the ongoing investigations into criminal activity were delayed because the staff from EPA could not travel to these locations.

EPA stopped a major investigation into the fraudulent sale of adulterated gasoline in Texas, and will be forced to halt all mobile source inspections and investigations.

EPA canceled all inspections of laboratories designed to ensure the integrity of health effects data.

There is just no getting around the fact that cutting the enforcement budget will have serious negative impacts. It will mean more pollution. It will mean responsible companies that comply with the laws will be at a competitive disadvantage with their less honorable competitors. It will mean a less healthy environment for our children.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask the manager whether there are a couple more minutes available.

Ms. MIKULSKI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 8 additional minutes.

Ms. MIKULSKI. I yield an additional 3 minutes.

Mr. LAUTENBERG. That is very kind. I appreciate it. I will try to wrap up quicker than that because I also want to point out that this legislation will force State and local governments to bear extra burdens. The States will lose money that they badly need to protect the environment, and to comply with Federal requirements. Grants to clean up municipal sewage and industrial waste water emissions will be over $665 million less than the President requested. The administration's request for funding of safe drinking water initiatives will be cut by $225 million.

This bill also will make devastating cuts in programs that protect our citizens from the hazards of abandoned toxic waste. It would reduce funds for hazardous waste cleanups by 20 percent.

No new Superfund project starts would be allowed. Under this bill, toxic waste sites will be fenced and forgotten.

Cleanups are complete or underway at nearly 800 sites across this country, and the rate of site remediation has increased significantly over the last 3 years. This bill will halt this progress in its tracks, threatening the health of communities and increasing long-term cleanup costs. And surely this is not what the public wants.

Mr. President, when the House of Representatives initially approved this bill, it included 18 provisions designed to reverse or gut existing environmental law. The House has voted three times on these riders, ultimately reversing itself and removing these riders. It did so in the wake of a public outcry over the hijacking of this bill by special interests intent on weakening antipollution laws.

Yet, like the genie out of the bottle, some riders live on. They are back.

There are eight of them in this bill, one that attempts to limit the reach of the community right-to-know law. Another reverses the language of the Clean Water Act to remove EPA's authority to protect wetlands. This wetlands amendment was the subject of a New York Times front page story on Tuesday.

Mr. President, our country has made enormous progress since the environmental movement was ignited by Earth Day in 1970.

It is with considerable regret that I urge my colleagues to reject this conference report, and if it is sent to the President and he vetoes it, as he said he would, I hope that we can muster enough votes to sustain his veto.

I yield the floor.

Mr. BOND. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report occur at 6:45 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object—I will not object—but if we reach the point, if I may ask this question of the distinguished manager through the Chair, where all time is not being requested, is it possible to even vote before the 6:45 period?

Mr. BOND. Mr. President, I think the setting of a time certain was necessary to accommodate Members who had other commitments. While it may not be efficient, I think it may be easier to schedule other activities than to have to go on at this time of the evening. That is why I would suggest we stay with the 6:45 time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Mr. President, I think the Senator from Texas has been waiting to be recognized. She has 10 minutes under her control.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I do not intend to take 10 minutes. I just wanted to respond to some of the things that were said by the distinguished Senator from Arkansas who has not supported the space station, and who raised a question about the Russian participation using some of the *Mir* hardware.

I think it is very important that we look at the importance of space research and the space station, and look at the contribution that it has made to our economy.

The Senator said that out of $94 billion, $90 billion is going to be put forward by America. In fact, the costs we are talking about are the development costs. That is what we are in now. The development costs are right at $30 billion of which $9 billion is being contributed by Europe, Japan, and Canada. Our Russian partners are contributing hardware for the *Mir* that works into the space station.

It is certainly true that they are looking at other proposals which, of course, we all want to look at to see if they are going to save money, and if it is going to be in everyone's best interest to do it. I think that is what NASA is certainly going to do, and it is the right thing for them to do. But I think it is important that we look at what the space station has contributed for our country.

First, it has been cut 35 percent from its original target budget. That has saved the taxpayers of America $40 billion. They are working in an efficient way to do this space research that is so important for our future technology, and our future jobs in a way that the taxpayers can afford.

In fact, aerospace is the single strongest export sector of the United States economy. In 1993, exports topped $40 billion. When we look at exactly what the space station is going to do, there are certain things that can only be done in microgravity conditions. You cannot duplicate microgravity conditions on Earth. You must be in space.

Senator MIKULSKI and I have been working on women's health issues, and it is women's health issues that will get the greatest gain from the microgravity research. They are going to be able to look into osteoporosis, bone mass loss, which particularly attacks women. And breast cancer cells are able to be duplicated and grown in the microgravity conditions. They find that is the very best way they are able to study breast cancer cells.

So I think we are looking at tremendous contributions to women's health care by the use of the microgravity conditions that can only be done in space and not on Earth. You cannot duplicate microgravity on Earth no matter what you do. So this is a unique capability that is very important for our future.

This is the largest cooperative science program in history. We have 13 nations now participating in this science project. I think that is the wave of the future. If we are going to go into the big science technology and research, we should have other countries able to contribute, not only because it saves our taxpayer dollars, but these are things that should be shared with other countries so that we can get the most benefit from this kind of research.

So I think it is very important, as we close this debate, to say that space research produces $2 for every $1 invested—$2 into our economy. That means 40,000 direct and indirect jobs that come from this. But most of all, Mr. President, it is a commitment to the future. It is a commitment that was made by President Kennedy because he could see that there was so much more technology and science available if we had the vehicle to go into space and collect it. In fact, he would never even have dreamed of the successes that we have had because he was willing to take that chance and put America in the forefront and leadership of technological research.

We cannot step back from that. It would not be in our best interest to do so. It would not allow us to stay at the forefront of creating jobs and creating new industries and new products that will keep our economy thriving and able to bring in people who are going to be growing into the job market.

So I am very pleased to support this project. I am pleased to support this conference report. I have worked with Senator BOND and Senator MIKULSKI to try to make sure that the space station does have what it needs to do the job that it must do. I am very impressed with the problems they had. Having VA and HUD and space, NASA research and all of the independent agencies and making the difficult choices was something to behold, and they did an excellent job.

This is probably going to be a close vote. I cannot imagine that they could have divided up a bill any more fairly than they did on this one.

So I commend them for their hard work. It was hard to get a consensus on these difficult issues. They did a terrific job, and I am pleased to support them.

Thank you, Mr. President. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Missouri.

Mr. BOND. Mr. President, I express my sincere thanks to the Senator from Texas. She has been a very articulate, very forceful spokesperson for space exploration.

Mr. President, I do not wish to prolong this debate, but I feel that it should be pointed out that the appropriation for the National Aeronautics and Space Administration [NASA] represents a $352 million reduction from the level provided in fiscal year 1995. This is an overall cut of 2.5 percent. The conference agreement, however, provides the full amount of the budget request to continue development of the space station: $2.1 billion.

Despite the overall reduction in the NASA budget, and full funding of the space station, the committee was able to restore funding for a number of important space science programs, fully fund the space shuttle program, maintain the X-33 next generation launch vehicle development, and continue the Earth Observing System Program to study global climate change.

In addition, the conference agreement removed the fence on space station obligations which assures that there will be no funding disruptions during developmental activities during the balance of this fiscal year. The space station program is on track, on budget, and on time. Fabrication of large components of actual flight equipment have been completed. Each week more equipment is being produced, and is undergoing final engineering testing in preparation for launch and deployment beginning in November 1997.

No one should be confused on this point: We can and will proceed with development, and operation of this international space station. Through careful management, intense budgetary review, and hard-nosed priority setting, we will do it without impairing other vital science missions of NASA and other Federal agencies. And we will succeed in this bold initiative, despite our commitment and efforts to bring the Federal budget into balance.

This conference agreement is a clear and unequivocal demonstration that each of these important goals can and will be accomplished. Despite all the naysayers and doubters, the international space station program is succeeding, and shows that the United States is committed to maintaining its leadership in space.

I am pleased to yield the Senator from Alaska 2 minutes.

Mr. STEVENS. Mr. President, I want to thank Chairman BOND and the ranking member of the committee, Senator MIKULSKI, for their support on this bill. I come to the floor because a member of the Alaska State Senate has told me there is a rumor in Alaska that this bill is cutting the VA very severely and is going to cause reductions in the VA offices in Alaska.

I want to reassure him and other veterans that that is not the case. The truth is, as I understand this bill, it increases VA funding, it does not cut it. This is disturbing news that the VA is contemplating a major reorganization which would eliminate pension and benefits personnel in Alaska. That would mean that our people would have to write or call or go to Reno, NV, or Phoenix, AZ, when trying to seek help on their pensions or their benefits. That is like asking the people of Maine to go down to Dallas, TX.

I think sometimes people forget the vast distances we deal with in my State. The bill does not require the elimination of VA offices in Alaska. I do hope to get more details on this plan, and I hope the Senate will join us in opposing moving functions from Alaska to what we call the lower 48 States, thousands of miles away from our veterans.

I want to congratulate my two friends, who managed this bill for, once again, including money for the rural water and sewer programs in Alaska. This is a program to eliminate the honey buckets in the villages of our State. There are 132 villages that lack modern facilities. We want to bring water and sewage facilities to them. This bill will help EPA continue to participate in that.

We have a provision in this bill that also prohibits the EPA from requiring the city of Fairbanks to use MTBE, the substance that goes into gasoline, to meet clean air targets under the Clean Air Act for the period of this bill.

It also includes $2 million to initiate a new program to clean up leaking above-ground bulk-fuel storage tanks in rural Alaska. Most of those tanks, Mr. President, cannot be buried because of the permafrost, and people in the area do need a new system. We have to devise a new plan. This bill will start that plan.

I thank my friend and again congratulate the two managers of this bill. It is a good bill, and I hope the President will sign it. I thank my friend, Senator BOND.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, in wrapping up discussions on this measure, I just have to say, for my colleagues, I will be submitting for the RECORD the information on how this bill does meet our environmental needs.

As I predicted when I spoke earlier today, there has been a lot of vocal pollution about what this bill does. The Vice President and the Administrator of the EPA had a big news conference, and they cited these outlandish figures of a 27-percent cut in enforcement of environmental programs. Mr. President, that is 20 percent off of the pie-in-the-sky budget that the President proposed when he was asking for a $300 billion deficit.

This is the biggest spending binge that the President could conceive of. And when we cut back to reach a balance, which the President now says he is willing to join us in reaching, there is no way that you can increase funding for everything as he wished. Let me make clear that the final amount in this bill for EPA is $5.7 billion, a reduction of just about 4 percent from the fiscal year 1995 postrescission funding level, just about $235 million. The reductions which came about came from two areas: Superfund, a program mired in litigation and bureaucracy, which must be fixed. There is money to start cleanups where human health is involved, and we directed them to do that.

Sewer treatment construction earmarks were reduced. That was the pork in last year's bill. This committee has followed the nonpartisan National Academy of Public Administration's directions to move more responsibility to the States, and 40 percent of the appropriation, $2.3 billion, goes directly to the States for grants to meet environmental mandates.

The press release and the Senator from New Jersey say that this threatens the safety of water quality because it cuts by 45 percent State loan funds. That is just simply wrong, as were most of the other statements made about this bill.

It provides $500 million for drinking water State revolving funds. Not a penny of the funds appropriated last year were spent. We stipulated that the remaining funds, $225 million from last year, in addition to the new funds, totaling $275 million go to the drinking water State revolving funds. If the fund is not authorized, the money will be used for waste water revolving funds. This is an insurance policy that the money appropriated will be utilized to ensure the health of our Nation's water bodies.

There are tremendous misstatements about this measure. I will correct those in the material I submit for the RECORD. I point out that if this bill is vetoed, as some on the other side wish, it will be an 11.5 percent cut below this bill under the continuing resolution. Environment will be much worse off if this bill is vetoed. For that reason, I would urge my colleagues, all of my colleagues on this side, to support the bill.

I hope that we can work together and have the support of some of our colleagues on the other side because, if additional funds are made available above our current 602(b) allocation, they may be added by a continuing resolution which I hope would be agreeable on both sides of the aisle.

Mr. President, I express my greatest thanks to my ranking member, the distinguished former chair of this committee, for her invaluable assistance. She and I wish that we had had more money available. But she has been extremely helpful and very capable and a great asset in moving this process forward.

Mr. President, I have spoken once today on how well we have treated EPA in this year's appropriation, despite overall budget reductions, and I will not repeat my entire statement. But I will say once again that the conference agreement makes clear that Republicans support protecting and cleaning up the environment—but that we do not support duplicative, wasteful spending and micromanaging States' environmental efforts.

Despite the fact that the House had reduced EPA by one-third in its original VA–HUD bill, in conference we were able to find an additional $49 million above the Senate-passed bill which had $770 million more than the House for EPA.

The final amount for EPA is $5.7 billion, a reduction of just $235 million or 4 percent below the fiscal year 1995 post-rescission funding level.

The largest reductions below last year come from two key areas—Superfund—a program mired in litigation and bureaucracy which must be fixed, and sewer treatment construction earmarks, which were reduced by $500 million below last year's level.

The committee's recommendation closely parallels recommendations made to this committee by the National Academy of Public Administration, and are intended to streamline the agency, eliminate duplication, ensure a flexible approach to working with industry, and full support to the States.

More than 40 percent of the appropriation—$2.3 billion—goes directly to the States for grants to meet environmental mandates. This is an increase of approximately $300 million over last year.

The largest programmatic reduction in the bill is from Superfund—a reduction of $170 million below fiscal year 1995. There is no need to throw money at a program which virtually everyone agrees does not work. However, despite serious concerns about the program, we found $160 million in conference above the House and Senate-passed spending levels for this program. This amount ensures that all projects in the pipeline receive funding and that risks to human health and the environment will be addressed.

Mr. President, compared to the current continuing resolution, this conference agreement provides a 11.5-percent increase. So I cannot understand why the President wants to veto this bill. I imagine a full year CR would be even tighter than the current one. Unfortunately, the White House has indicated an unwillingness to negotiate a reasonable compromise on the VA-HUD bill.

I made reference in this morning's floor statement about the press conference the Vice President and Ms. Browner would be holding later in the day. I have just received the press release from EPA and I am very troubled by the factual inaccuracies contained in it. Let me provide one example of how this administration is misrepresenting what this budget does.

The press release says the Republican budget threatens the safety of water quality because it cuts by 45 percent State loan funds that would help communities protect their drinking water. Mr. President, this just is not true.

This bill provides $500 million for drinking water State revolving funds—the President's full budget request. There were no dollars spent on this program last year because it was not authorized. Not a penny of the funds appropriated last year has been spent. We have stipulated in the bill that the amount remaining from last year's appropriation, $225 million, in addition to new funds totaling $275 million, go to drinking water State revolving funds if there is an authorization by June 1. And if not, those funds would be provided for wastewater State revolving funds. We've provided an insurance policy that if no authorization occurs, the States will still be able to spend these funds on water infrastructure to ensure the health of our Nation's water bodies.

In the previous two appropriations for drinking water State revolving funds, those funds were not available unless a drinking water bill was enacted.

Finally, let me mention the so-called riders. The conference agreement includes only six legislative riders pertaining to EPA, most of which are completely noncontroversial and several of which were included in previous VA-HUD bills authored by Democrats. In fact, the Senator from New Jersey was a supporter, I am told, of one of the so-called riders pertaining to radon in drinking water in previous years.

I think it is time we start talking straight and fairly about what this bill does and does not do to the environment. I urge those on the other side of the aisle once again to quit the grandstanding and factual inaccuracies.

I yield the floor.

Ms. MIKULSKI. Mr. President, I have nothing to add to all that has been said. My opening statement summarized everything. I yield back such time that I might have. Our side of the aisle is ready to vote.

The PRESIDING OFFICER. The hour of 6:45 having arrived, the Senate will proceed to vote on agreeing to the conference report accompanying H.R. 2099. The yeas and nays having been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 606 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist

Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar

Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Pressler
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Brown

Bryan
Bumpers
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon

Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye

Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman

Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid

Robb
Rockefeller
Roth
Sarbanes
Simon
Wellstone

NOT VOTING—1

Gramm

So, the conference report was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate concurs in the House amendment to Senate amendment No. 63.

The Senator from Missouri.

Mr. BOND. Mr. President, I want to thank those Members who supported us in this very difficult measure. I have already mentioned the absolutely vital assistance and support of the distinguished ranking member, the Senator from Maryland, Senator MIKULSKI. She has been most helpful.

I would say also that I am most appreciative of her staff, Rusty Mathews and Steve Crane, who have been of great assistance to us in this measure.

On my side, Stephen Kohashi, who is the lead clerk, Carrie Apostolou. We had the help of Steve Isakowitz on NASA matters, and of course Lashawnda Leftwich has worked with us. This was not a bill. This seemed to be more like a multiyear protect.

I express my sincere thanks to all of the people, the staff, who worked so hard on it. I express particular thanks to the people in the administration, particularly Dan Golden, James Lee Witt, and Henry Cisneros, who worked very cooperatively with us to help implement the very difficult decisions we had to make.

As I mentioned earlier, there has been a tremendous amount of misinformation and disinformation put out about this bill. I will be preparing a full explanation of some of the misstatements that were issued in the news conference held earlier today. It is regrettable that we cannot have an honest debate, using figures that are actual figures from last year and actual figures in this bill, but that, unfortunately, does not seem to be the rule.

Mr. President, I believe there is a remaining amendment which we need to dispose of?

The PRESIDING OFFICER. There is no further amendment. It has been adopted.

Mr. BOND. Mr. President, there seems to be no further comments from my ranking member.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA

Mr. BAUCUS. Mr. President, last night I voted in support of the Bosnia resolution offered by our distinguished majority leader, Senator DOLE, and President Clinton for putting their principles above politics. We have a great national tradition of bipartisanship in foreign policy. The world must know that, when it comes to America's role in the world, we stand together—Republicans, Democrats, and independents alike—as Americans. In that regard, Senator DOLE and President Clinton have served us very well.

While I have deep concerns about this country's Bosnia policy, I also believe it is our moral and patriotic duty to stand by our troops already on the ground in Bosnia. These brave men and women deserve a strong showing of support for their work and their mission. And that is exactly what an overwhelming and bipartisan majority of the Senate gave them last night. We owed them nothing less.

Yet I remain deeply concerned about the wording of Senator DOLE's resolution and our mission in the former Yugoslavia. First and foremost, our troops are being sent to Bosnia as peacekeepers. They are there to enforce the terms of the peace agreement negotiated in Dayton, OH. And I firmly believe—for their own safety and the success of this mission—they must remain neutral. They must not be perceived as taking sides in the regional and ethnic conflict that has torn the former Yugoslavia apart.

Unfortunately, I fear the resolution we voted on last night sends a message that our troops will not be neutral; that they will be called upon to help train and rearm the Bosnian Moslems; that they will be engaged in enterprise of nation building that failed so badly in Somalia. And if that happens—if our troops are anything more than neutral peacekeepers—this mission is destined to failure. We must not let that happen.

In closing, I urge the President and our military leaders to do everything possible to assure the safety, neutrality, and success of our troops and their mission in Bosnia. And I urge everyone to say a prayer that they make it home soon.

BOSNIA

Mr. DODD. Mr. President, yesterday I did not speak on the pending Bosnia resolutions in order to permit the Senate to finish its consideration of this important matter prior to the formal signing of the Dayton Agreement in Paris early this morning.

However, I wanted to take this opportunity to express my thoughts on what transpired yesterday.

Yesterday, Mr. President, the Senate went on record as to whether this institution supports the President's decision to participate in the Bosnian peace initiative. In fact, I believe that we went on record on matters much broader and more significant than that. We went on record as to whether we in the United States Senate support peace in Bosnia or war? Whether we support the continuation of American leadership in the world or the abdication of that leadership? Whether we support a post-cold-war international order that is governed by the rule of law or the force of arms?

To some, this may seem a rather simplistic summary of what the debate over the last several days was all about. But, I would say to my colleagues, when you boil it all down, that is what we were really talking about.

The war that has raged in Bosnia for nearly 4 years has been one of unspeakable atrocities; of torture, internment, rape, execution, of ethnic cleansing and genocide. More than a quarter of a million people have lost their lives. Millions more have been made refugees—many within the borders of their own country. Once stable multiethnic towns and villages have become flaming infernos as opposing Moslem, Serb, and Bosnian forces have sought revenge against one other.

Regardless of one's views on the various resolutions we will vote on, I know that our shared hopes and prayers are that the Dayton peace accord—brokered by the United States, and agreed to by all the warring factions—will once and for all bring to a close this bloody chapter of Bosnia's history.

I believe that the Dayton peace agreement contains the essential ingredients to facilitate the writing of a new, hopefully brighter chapter for the people of Bosnia.

These elements include: Bosnia preserved as a single State, within its present internationally recognized borders; the country subdivided into two juridical entities—the Federation of Bosnia and Herzegovina and the Republic of Srpska; an agreed cease-fire line, the separation of opposing forces on either side of this line, and the establishment of a demilitarization zone; the creation of a 60,000-person peace implementation force, under NATO command, to monitor and enforce the military aspects of the agreement; internationally supervised democratic elections for President and Parliament to be conducted within a year; freedom of movement of all Bosnian citizens; independent monitoring of human rights of all Bosnians; the establishment of an internationally trained civilian police force; and a commitment by all parties to cooperate with the activities of the War Crimes Tribunal.

Clearly the implementation of the military aspects of this agreement are critical to the success or failure of the other elements of the peace plan. And, U.S. participation in the implementation force is pivotal in that regard. But, it is important to keep in mind that while U.S. participation is essential, we will not be alone in the effort to implement the agreement—more than 25 countries have pledged to participate as well and will provide two-thirds of the 60,000-person implementing force.

While the Dayton Agreement has been well crafted, it is by no means 100-percent guaranteed to be successful—no agreement of this kind falls into that category. However, every effort has been made to minimize the chance of failure. Each and every American soldier who goes to Bosnia will be well trained and well armed to face any eventuality. The leaders of Bosnia, Croatia, and Serbia have also pledged to ensure the safety and security of the implementing force.

However, Mr. President, I think it would be unrealistic to promise the American people that there will be no casualties incurred during Operation Joint Endeavor. That is a promise that is not, unfortunately, totally within our power to fulfill.

Ultimately the success or failure of the Bosnian peace agreement will depend upon the willingness of the governments of Bosnia, Croatia, and Serbia to live up to their commitments to each other and to the international community. Without question, U.S. involvement will heighten the prospects for compliance by all parties and lessen the possibility that the Balkans will once again become engulfed in war. On the other hand, if the United States stands on the sidelines at this crucial moment, the renewal of armed conflict is all but assured.

Many of my colleagues have mentioned in the course of this debate that public opinion polls suggest that the American people do not currently support the deployment of United States troops to Bosnia. To them I would say, there is nothing novel about that. The public was initially quite negative about U.S. participation in the Persian Gulf war and only when Operation Desert Storm was up and running did the public mood shift.

It is no secret that the American people have always cared more about what happens at home than abroad and have sometimes been slow to appreciate the ramifications of international events on their own domestic security and prosperity. It is the responsibility of the President and other political leaders to explain to our citizens why a particular course of action is ultimately in the interest of this country.

President Clinton has endeavored to explain the various United States interests at stake in the Bosnian peace process. I believe he has done a very credible job of making the case for the difficult decision he has made. On November 27, President Clinton went directly to the American people to explain why he is prepared to participate in the quest for peace in Bosnia.

During that address he put the matter very succinctly:

> In Bosnia, a terrible war has challenged our interests and troubled our souls. Our interests are plain. The cause is right. Our mission will be clear, limited and achievable. The people of Bosnia, our NATO allies and people around the world are looking to America for leadership. Let us lead. That is our responsibility as Americans.

I agree with the President that the rest of the world looks to the United States for leadership. We cannot and should not answer every call for U.S. assistance. It is up to us, of course, to decide whether it is in our national interest to assume a leadership role in any particular situation. In the case of Bosnia, the situation is clear—United States leadership is essential.

I commend this body for taking the action that it did yesterday, in voting in support of the Dole/McCain resolution. We did what was critical—we sent a clear signal to the world that we are united as a nation in our resolve to support peace in Bosnia, and that we stand full square behind the men and women of our Armed Forces as they commence their mission of peace in the coming days.

With that affirmative vote we did not simply give peace a chance in Bosnia. We did far more. We reaffirmed our position as a world leader and strengthened the rule of law in the post-cold-war era. I am proud of what the Senate accomplished last night.

HAITI—A MULTI-BILLION-DOLLAR FOREIGN POLICY FAILURE

Mr. HELMS. Mr. President, U.S. policy regarding Haiti is another example of throwing good money after bad. In order to keep a sinking foreign policy ship afloat, the Clinton administration has handed over, in less than a year and a half, more than $2 billion of the American taxpayers' money in propping up the regime of President Jean-Bertrand Aristide.

This enormous sum of money has gone to a tiny, corrupt country representing less than 1 percent of this hemisphere's population.

Within the past month, I have received new requests from the administration to send additional millions of dollars to Haiti.

President Clinton's enormous spending spree in Haiti has not produced the stability, security, and democracy promised by the Clinton administration. I possess no crystal ball but it was apparent to me then, and still is, that politically motivated assassinations and increased mob violence would result if Aristide were reinstated as President to be propped up by American soldiers. But, just as was the case early in the 20th century when the United States Marines occupied Haiti for 19 years and did not bring democracy to Haiti, the present military occupation has not transformed Aristide into a leader who believes in and practices democratic ideals.

Mr. President, whatever Aristide and his cronies are committed to, it certainly isn't democracy. Their primary interest is U.S. dollars.

Aristide has flatly refused to implement free market reforms, and has warned that the first person who "dares sell the state's possessions on behalf of privatization" will be "arrested immediately." In fact, Aristide's hostility toward free market economic reform resulted in a political crisis which led to the resignation of his Prime Minister in October and the suspension of all World Bank programs.

In June's legislative elections, fraud was rampant, and several opposition candidates were threatened and intimidated. Poll workers were largely untrained, voting secrecy was rare, ballots were burned or dumped, and tally sheets were widely doctored.

Even with 6,000 international troops and a new U.S.-trained police force in place, dozens of politically motivated murders have occurred since the Clinton administration restored Aristide to power last October. In March, a woman was gunned down in retaliation for criticizing President Aristide.

Another Port-au-Prince murder is remindful of the Old Testament account of King Abel who coveted the property of his subject, Naboth. When Naboth refused to sell, King Abel had him poisoned and took the property.

History is repeating itself in Haiti. Michel Gonzalez and his American wife were Aristide's neighbors in the Port-au-Prince suburbs. When Aristide wanted to add on to his villa, several neighbors accepted his offer to buy their property. However, despite several offers from Aristide, Mr. Gonzalez declined to sell his home. So, on May 22, as Mr. Gonzalez entered his driveway with his teenage daughter, he was gunned down. Sources in Haiti assert that soon after the assassination, the wall dividing the properties was knocked down. Aristide got his way.

On November 11, President Aristide incited mobs to violence at a funeral of a political crony and relative. His bloodthirsty syncophants responded immediately, and across Haiti, buildings were burned, houses were ransacked, and dozens were murdered. Yet violence has not abated. Recently, the bodies of seven men and women were found in a dump near Port-au-Prince, gagged and shot in the head.

Mr. President, not one person has been prosecuted and sentenced for any of at least 22 politically motivated murders committed between January and October of this year. In fact, I am unaware of any serious investigation into these assassinations, much less into the more recent murders last month.

When asked by a Creole newspaper about killings sparked by his speech, Aristide said that "If Jesus was so angry when he entered the temple that he took up a whip, turned over the tables and talked harshly to the hypocrites, all the more reason for us to do so who are Jesus' servants." For this man to compare himself to Jesus is disgustingly blasphemous.

Aristide opposes every principle for which our country stands. For the United States to spend over $2 billion in taxpayer dollars to prop up this man is unconscionable.

Mr. President, Aristide threatened to send a flood of refugees to the United States if additional millions of the American citizens' dollars are denied him. And the Clinton administration has capitulated to this blackmail. But this Senator, for one, cannot stomach using U.S. tax money to sponsor a tyrant who has demonstrated no concern for justice or democracy.

If the December 17 elections proceed, Aristide's hand-picked successor, Rene Preval, will almost certainly win, inasmuch as 10 of the 12 largest political parties are boycotting the election. Aristide declares that he and Preval are twins—an allusion to their ideological similarity. It is, to be sure, an indication of what a Preval president will be.

The deteriorating situation in Haiti is clear: Unless Aristide and his successor fulfill their promises to the Haitian people, to the United States Government, and to the international community, neither United States troops nor additional billions of United States taxpayers' dollars can ever bring democracy to Haiti.

BOSNIA

Mr. LEAHY. Mr. President, I have spoken several times on the Senate floor about the situation in Bosnia. Just last night, the Senate voted in support of our troops.

Time and again, I have listened to Senators cite the amount of phone calls and letters they have received from their constituents both for and against sending American ground troops to Bosnia.

I, too, have heard from a number of Vermonters about this issue. Over the past several weeks, opponents of President Clinton's Bosnia policy have outnumbered supporters by a 3 to 1 margin.

I think it is appropriate, however, that on the day the Bosnian peace agreement is signed in Paris, I share with the Senate a letter I received from my friend, Colonel R.W. van de Velde USA (Ret.).

I ask unanimous consent to insert his letter in the CONGRESSIONAL RECORD after my statement and yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIDDLEBURY, VT,
November 15, 1995.

TO THE EDITOR: It is unfortunate, but foreign policy is paid attention to by other nations only when it has economic or military clout. It would be a nicer world if some other reason, such as logic or kindness, had similar clout, but in a world of humans rather than of angels, that is very rarely the case.

So when the President of the United States says the military must be used, he is backing up policy with muscle. Sometimes the mere threat of that kind of muscle is enough. The situation in the Balkans surely has gone beyond that possibility.

It is also a fact of life that a leader, or a nation that will not lead is bound to lose his or its ability to lead.

It is another truth that whether we like it or not, the world looks on the United States for leadership. We are the richest and strongest in the world in peace as well as war. We are a peaceful people, but we maintain a well trained and well equipped military force; and it is all volunteer. There is no draft—no unfairness—everyone in the military service of this Nation is a person who chose that service presumably with his/her eyes open and mindful that there might someday be some dangers, some risks, to life and limb. How we, a nation, got the notion that military force can be exerted without risk, I don't understand.

Let us not be "skeptical" or fearful of using our military strength when we can't do otherwise. Anyone who says "let Europeans clean up their own mess" simply does not understand the condition of Europe or the Balkans. Both need American leadership and strength, and so do we if we are to continue as the ideal of what a big nation should be.

R.W. VAN DE VELDE,
Colonel, U.S. Army (Ret.).

NOTE

(In the RECORD of December 12, 1995, beginning on page S18387, an improper version of the statement by Senator COHEN was reflected. The permanent RECORD will be changed to reflect the following correct statement.)

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This is a trend that has had a negative impact on our politics and on the relationship between the government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, have made it more difficult for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to attend a PTA meeting, march in a parade—or even join a bowling league, as one Harvard professor's study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the U.S. flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle to fight for our Nation, they march under the banner of the flag; each day when our children go to school, they pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic area.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by Iranian fundamentalists during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the fabric of our national life.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment will only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag and the values it represents belong to all of us; in a sense, it is community property. We the people maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that mutilates, cuts, defaces, disfigures, or perforates a dollar bill can be fined or put in jail for 6 months. Similarly, in O'Brien versus United States the Supreme Court upheld the conviction of a protestor that burned his draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech.

This first amendment absolutism, however, is contrary to our constitutional tradition. The list of types of speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting words, child pornography, deceptive advertising, inciteful speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment's restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted one could still write or say anything about the Government; one could still burn a copy of the Constitution or effigies of political leaders; indeed, one could put a picture of a flag being burned on the Internet and circulate it to millions of people across the world with the push of a button.

Recall the words the protestors chanted while Gregory Lee Johnson set a flag on fire and gave rise to this entire controversy:

> Reagan and Mondale, which will it be? Either one means World War III. Ronald Reagan, killer of the hour, perfect example of U.S. power. America, the red, white, and blue, we spit on you, you stand for plunder, you will go under.

So regardless of whether we have a flag amendment, there are a multitude of ways to heap contempt on the Government, should one choose to do so. The effect of the amendment on free expression would be negligible.

But if the impact of the restriction is so minimal, why do we need to raise this issue to such a level of importance? The answer is because the flag remains the most powerful symbol capable of unifying a diverse, disparate nation. It is a centrifugal, galvanizing force in our lives—and it will remain so only as long as it is not trashed, despoiled, or debauched by those who insist that one is free to indulge in any act to give expression to his or her thoughts.

I also want to take issue with the contention that our liberal tradition prohibits us from ever making substantive value judgments about what is good speech and what is not or that we must always remain indifferent or neutral with respect to the ideas and images that bombard us over the airwaves or through the media. For when freedom is defined by the absence of all restraint, then liberty descends to license and license yields to disorder and dysfunction. As someone once observed, a river without its banks is not a river, but a flood.

Senator DOLE touched on this theme in a speech he gave earlier this year criticizing the violent movies being produced in Hollywood these days. It isn't inconsistent with the first amendment to speak out against movies that contain dozens of shootings, or gruesome acts of violence that are then copied in real life only days after the initial screening. It isn't an act of Government censorship for politicians to criticize music containing lyrics that denigrate women, glorify cop-killers as role models, and promote racial divisiveness.

Likewise, it is not Government censorship when the people amend the Constitution to prohibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant or imperial monarch exercising its power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, "We the people" will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by "the people" that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in almost every constitutional case it decides. Why is it that we have no qualms about deferring to the value-judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution?

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that "the people" will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, I trust the people. They understand the value of liberty. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be improved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens' opinion in Texas versus Johnson. He said:

> The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate.
>
> Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it. That tarnish is not justified by the trivial burden on free expression occasioned by requiring an available, alternative mode of expression, including words critical of the flag, be employed.

So I support this resolution to send the flag protection amendment to the States for ratification. And I urge my colleagues to support it as well.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1240. An act to combat crime by enhancing the penalties for certain sexual crimes against children.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following measure was read a second time and placed on the calendar:

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1698. A communication from the Director of Selective Service, transmitting, pursuant to law, a report relative to the Inspector General Act; to the Committee on Governmental Affairs.

EC-1699. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the report under the Inspector General Act for the April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1700. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1701. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1702. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the Inspector General's report for the six-month period ending September 30, 1995; to the Committee on Governmental Affairs.

EC-1703. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1704. A communication from the Administrator of the General Services Administration, transmitting, a draft of proposed legislation to amend the Federal Property and Administrative Act of 1949, as amended, (40 U.S.C. 484(j)) to authorize the Administrator of General Services to transfer title surplus personal property the State agencies for surplus property for donation to eligible donees without Federal restrictions; to the on Governmental Affairs.

EC-1705. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Inspector General and the Management Response for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1706. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1707. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1708. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1709. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through

September 30, 1995; to the Committee on Governmental Affairs.

EC–1710. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1711. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 650. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes (Rept. No. 104–185).

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

H.R. 2527. A bill to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes.

H.J. Res. 69. A joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 110. A joint resolution providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 111. A joint resolution providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 112. A joint resolution providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

By Mr. WARNER, from the Committee on Rules and Administration, with an amendment and with a preamble:

S. Con. Res. 34. A concurrent resolution to authorize the printing of "Vice Presidents of the United States, 1789-1993".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Joshua Gotbaum, of New York, to be an Assistant Secretary of the Treasury.

Jeffrey R. Shafer, of New Jersey, to be an Under Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Merrick B. Garland, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 1478. A bill to facilitate the ability of a private consortium to site, design, license, construct, operate, and decommission a private facility for the interim storage of commercial spent nuclear fuel, subject to licensing by the Nuclear Regulatory Commission, to authorize the Secretary of Energy to contract with the consortium for storage services, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 1479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve control of acid mine drainage, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. HARKIN):

S. 1480. A bill to provide for the comparable treatment of Federal employees and Members of Congress and the President during a period in which there is a Federal Government shutdown; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1478. A bill to facilitate the ability of a private consortium to site, design, license, construct, operate, and decommission a private facility for the interim storage of commercial spent nuclear fuel, subject to licensing by the Nuclear Regulatory Commission, to authorize the Secretary of Energy to contract with the consortium for storage services, and for other purposes; to the Committee on Energy and Natural Resources.

THE PRIVATE INTERIM STORAGE FACILITY AUTHORIZING ACT OF 1995

• Mr. GRAMS. Mr. President, on the heels of today's Senate Energy and Natural Resources Committee hearing on legislation to amend the Nuclear Waste Policy Act, I am introducing legislation to privatize the Federal spent fuel interim storage program. It is my understanding that the House plans to act on similar legislation before the Christmas recess. Today's hearing, coupled with the introduction of my bill should provide the impetus for timely action in the full Senate.

When the Energy Committee held a hearing on various nuclear waste policy proposals earlier this year, all of our witnesses agreed that the "1998" date is critical in this debate. With 1996 only a few weeks away, the deadline is rapidly approaching and we are no closer to resolving this issue than the last time Congress enacted nuclear waste legislation [1987].

But it is not like we haven't seen this deadline coming. For 16 years, the Department of Energy has been charged with the responsibility of our civilian spent fuel. In that time, DOE has spent nearly $5 billion of ratepayers' money—including over $250 million from Minnesota's electric customers. And yet here we sit, debating the issue of exactly what to do with America's civilian nuclear waste.

But the Department of Energy just continues to go round in circles. First, they said we can store waste at Yucca Mountain; then they tell us we can't force it on Nevada. Then DOE says they can't meet the 1998 deadline—and even claim they aren't legally bound to do so; then they tell us they can, if only Congress would "untie" their hands. The latest was that an interim facility couldn't be complete for 7 years at a cost of nearly $400 million; then their testimony says it could be done in 4 at a third of the cost. It is hard to tell what is truth and what is fiction for the DOE anymore. It is my hope that today's hearing will help us find out.

For the past few months, I have met with and carefully reviewed reports and studies by the General Accounting Office, independent groups, former DOE employees, and even former Energy Secretary Watkins on this issue. I found there is strong support for removing the civilian waste program from DOE—and that support grows even stronger when we focus specifically on privatizing the interim storage program.

After years of working on this issue with Minnesota's ratepayers, utilities and State officials, I am convinced that privatizing the interim storage program remains our last, best hope for getting waste out of Minnesota and the other 30 plus States which are struggling with this issue.

Later today, I will be introducing the Private Interim Storage Facility Authorizing Act of 1995. My legislation targets one small—but key—component of the overall Federal nuclear waste program.

Privatizing the interim waste storage program offers three key benefits—it saves money, it provides relief to States such as Minnesota that are faced with on-site storage restrictions, and it protects the environment.

And as with most initiatives, privatizing the interim storage program would improve efficiency and lower costs to the taxpayers. Based upon the business plan for the Mescalero private initiative, a private interim facility could be completed for approximately $135 million and done in time to meet the 1998 deadline.

That is hundreds of millions of dollars less than what the Office of Civilian Radioactive Waste Management originally quoted earlier this summer. And while DOE has revised its estimates downward in recent weeks, it is only because of the undisputable cost data for the Mescalero project.

Competition always reduces costs, particularly when it is with the Federal Government—the Mescalero project is proof of that. With the Mescalero initiative moving forward while congressional action has stalled—some have asked if this venture could resolve the interim issue. The short answer would be "yes," in fact, 20 utilities are now participating in this private venture.

But Congress and the DOE have the legal responsibility to resolve this issue. And we have the responsibility of ensuring it is done by 1998.

Mr. President, I believe focusing on the interim storage privatization not only represents a workable option, but it also provides a "win-win" for ratepayers, for States, and for the environment. Therefore, I would encourage my colleagues to join with me in cosponsoring the Private Interim Storage Facility Authorizing Act of 1995.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 1479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve control of acid mine drainage, and for other purposes; to the Committee on Energy and Natural Resources.

THE ACID MINE DRAINAGE ABATEMENT ACT OF 1995

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleague, Senator MIKULSKI, to help address a serious pollution problem—acidic runoff from abandoned coal mines—which continues to degrade the water quality of our Nation's rivers and streams. My legislation would provide States with increased flexibility to utilize their allocations under the Abandoned Mine Reclamation Fund for environmental remediation activities.

Abandoned mine drainage is the unfortunate legacy of coal mining in the years before environmental laws were enacted requiring coal companies to reclaim mined land. After the coal was extracted, the land was left riddled with coal waste, known as gob piles, and pock-marked with holes. The mining activity also unearthed sulfur compounds and metals such as aluminum, manganese and iron. When exposed to the elements, the sulfur compounds produce sulfuric acid which in turn leaches metal loads into the streams, poisoning the water and killing fish and plant life. There are in excess of 7,600 miles of streams in 11 States that are adversely affected by abandoned mine drainage.

In the Appalachian region, which suffers the most serious mine drainage problems, the acidic runoff has left a major segment of our Nation's river, the Potomac River, virtually devoid of life. Much of the North Branch of the Potomac, from its headwaters near Kempton, MD, to the Jennings Randolph Lake, is biologically dead. Nearly 700 miles of the North Branch's streams are currently incapable of supporting fish and other aquatic life because of the drainage. Along this stretch of the Potomac there are over 4,000 acres of abandoned mine lands, including the worst offender, Kempton Mines, which discharges approximately 3 million gallons of abandoned mine drainage each day.

The Surface Mining Control and Reclamation Act of 1977 [SMCRA] established a regulatory program for current mining activities requiring land reclamation and control of acid drainage at active mine sites to assure that today's mines do not become tomorrow's abandoned mines. It also established an abandoned mine land reclamation [AML] fund, paid for by a fee imposed on current mining production, to address problems caused by abandoned coal mines. Current law and regulations require that priority be placed on alleviating public health and safety problems posed by abandoned mine lands. However, States are authorized to set aside up to 10 percent of their allocations under the AML fund annually into a special account for addressing adverse environmental effects caused by abandoned mine acid drainage. These funds are insufficient to clean up the acid mine drainage problems.

My bill would provide greater flexibility for States to use existing abandoned mine reclamation funds for acid mine drainage, as well as health and safety problems. Specifically, it would increase from 10 to 30 percent, or $1 million, whichever is greater, the portion of a State's AML funds that could be set aside for addressing environmental problems caused by acid drainage.

Mr. President, great progress has been made in restoring the health of America's rivers in the 3 decades since President Lyndon Johnson vowed to make the Potomac a national model for restoring the Nation's waters. Today, much of the Potomac is a haven for fish and wildlife and provides tremendous recreational and economic opportunities. However, the North Branch of the Potomac remains in marked contrast to these improvements. The States of Maryland and West Virginia and the Interstate Commission on the Potomac River Basin have been working together in a cooperative effort to restore the North Branch's health, thereby improving the quality of life and opening new opportunities for economic development, tourism and outdoor recreation. Unfortunately, the job cannot be accomplished without the assistance made available under this legislation. The North Branch of the Potomac is only one of many areas that could greatly benefit from improved environmental conditions made possible by this measure.

I urge my colleagues to join me in supporting this bill in order to provide States with the flexibility and additional resources needed to better address environmental problems associated with acid mine drainage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Acid Mine Drainage Abatement Act of 1995".

SEC. 2. ACID MINE DRAINAGE.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (6)—

(A) by striking "either" and all that follows through "trust fund" and inserting "a special trust fund"; and

(B) by striking "1995," and all that follows through the end of the paragraph and inserting "1995."; and

(2) by striking paragraph (7) and inserting the following:

"(7)(A) Any State may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), amounts up to the greater of $1,000,000 or 30 percent of the total of the grants made annually to the State under this subsection if the amounts are deposited in an acid mine drainage abatement and treatment fund established under State law under which the amounts (together with all interest earned on the amounts) are expended by the State to undertake acid mine drainage abatement and treatment projects.

"(B) A project that is funded out of an acid mine drainage abatement and treatment fund under subparagraph (A) shall provide for the abatement of the causes of the treatment of the effects of acid mine drainage from lands and waters that are eligible under section 404.".

ADDITIONAL COSPONSORS

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1212

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1251

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Mr. SIMON], the Senator from Nebraska [Mr. KERRY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1251, a bill to establish a National Fund for Health Research to expand medical research programs through increased funding provided to the National Institutes of Health, and for other purposes.

S. 1344

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

S. 1470

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

HELMS (AND KERRY) AMENDMENT NO. 3100

Mr. HELMS (for himself and Mr. KERRY) proposed an amendment to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 27, strike lines 4 through 13.

On page 27, line 14, strike “(e)” and insert “(c)”.

On page 28, line 7, strike “(f)” and insert “(d)”.

On page 28, line 9, strike “(a) through (c)” and insert “(a) and (b)”.

Beginning on page 46, strike line 21 and all that follows before line 15 on page 50.

On page 58, line 18, strike “that effectively” and insert “designed to”.

On page 58, line 25, strike “that” and insert “designed to”.

On page 59, line 6, insert “relevant” after “other”.

On page 61, line 21, strike “15” and insert “5”.

On page 61, line 22, strike “authorize” and insert “initiate, expand, or modify”.

On page 61, line 24, strike the parenthesis and all that follows through the parenthesis on page 62, line 2.

On page 62, line 17, strike “15” and insert “5”.

Beginning on page 69, strike line 1 and all that follows through line 5 on page 73 and insert the following:

SEC. 216. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

“SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

“(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence (in this section referred to as the ‘DCI’), in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

“(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

“(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall report semiannually to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

“(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

“(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

“(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

“(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

“(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

“(e) DEFINITION.—As used in this section, the term ‘appropriate committees of Congress’ means the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.”.

Beginning on page 73, strike line 6 and all that follows through line 5 on page 74.

On page 74, line 6, strike “**SEC. 218.**” and insert “**SEC. 217.**”.

On page 75, line 13, strike “**SEC. 219.**” and insert “**SEC. 218.**”.

On page 77, line 14, strike “**SEC. 220.**” and insert “**SEC. 219.**”.

On page 84, strike lines 23 and 24.

On page 85, line 1, strike “(2)” and insert “(1)”.

On page 85, line 3, strike “(3)” and insert “(2)”.

On page 85, line 4, strike “(4)” and insert “(3)”.

On page 85, line 6, strike “(5)” and insert “(4)”.

Beginning on page 87, strike line 8 and all that follows through line 17 on page 88 and insert the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Human Rights Committee established under the International Covenant on Civil and Political Rights should revoke its General Comment No. 24 adopted on November 2, 1994.

On page 93, line 19, strike “**$10,000,000**” and insert “**$20,000,000**”.

Beginning on page 108, strike line 13 and all that follows through line 3 on page 109.

On page 109, strike line 4 through 14 and insert the following:

SEC. 604. AUTHORIZED PAYMENTS.

(a) PAYMENT OF LETTERS OF CREDIT.—(1) In addition to licenses required to be issued under section 575.510 of title 31, Code of Federal Regulations, the Secretary of the Treasury shall direct that licenses be issued to permit payments, as certified under subsection (b), from blocked Iraqi accounts involving an irrevocable letter of credit issued or confirmed by a foreign bank for the benefit of a United States person of amounts owed to such person with respect to goods or services lawfully exported to Iraq before August 2, 1990, whether or not such letter was confirmed by a United States bank.

(2) Licenses shall be issued under paragraph (1) not later than 120 days after the date on which the Foreign Claims Settlement Commission certifies an award pursuant to subsection (b).

(3) Payments made in compliance with this subsection or any regulation, order, instruction, or issued under this section, shall, to the extent of such payment, fully acquit and

discharge for all purposes the obligation of the person making the payment. No person may be held liable for or with respect to anything done or omitted in good faith pursuant to and in reliance on this section or any such regulation, order, instruction, or direction.

(b) DETERMINATION OF CLAIMS.—(1) The Foreign Claims Settlement Commission of the United States is authorized to receive and determine the validity of any claims of United States persons against the Government of Iraq (including its agencies, instrumentalities, and controlled entities).

(2) The Foreign Claims Settlement Commission shall certify awards under this subsection to the Secretary of the Treasury not later than 270 days after the date of enactment of this Act.

(c) VESTING AUTHORITY.—The President is authorized to vest and liquidate as much of the assets of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et. seq.) as may be necessary to satisfy claims under subsections (a) and (b).

(d) DEFINITIONS.—For purposes of this section:

(1) BLOCKED IRAQI ACCOUNTS.—The term "blocked Iraqi accounts" means funds on deposit in United States financial institutions in which the Government of Iraq has an interest and which were blocked under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on or after August 2, 1990.

(2) UNITED STATES PERSON.—The term "United States person" means a person subject to the jurisdiction of the United States, including—

(A) any person, wherever located, who is a citizen or resident of the United States,

(B) any person actually within the United States,

(C) any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States, and

(D) any partnership, association, corporation, or other organization wherever organized or doing business which is owned or controlled by persons described in subparagraph (A), (B), or (C),

and does not include the United States Government or any officer or employee thereof acting in an official capacity.

Beginning on page 125, strike line 7 and all that follows through line 11 on page 127 and insert the following:

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to ensure that the United States maintain adequate representation abroad within budgetary restraints;

(5) to ensure that programs critical to the promotion of United States national interests be maintained;

(6) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(7) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(8) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

On page 127, line 16, strike "(a) SECRETARY OF STATE.—".

Beginning on page 128, strike line 5 and all that follows through line 2 on page 169 and insert the following:

SEC. 1102. ASSUMPTION OF DUTIES BY INCUMBENT APPOINTEES.

An individual holding an office immediately prior to the date of enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate; and

(2) who performs duties substantially similar to the duties of an office proposed to be created under a reorganization plan submitted under section 1501,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the implementation of the reorganization plan.

On page 169, line 3, strike "**SEC. 1109.**" and insert "**SEC. 1103.**".

Beginning on page 171, strike line 17 and all that follows through line 2 on page 172.

On page 172, line 3, strike "(g)" and insert "(f)".

On page 172, line 8, strike "(h)" and insert "(g)".

On page 172, line 11, strike "(i)" and insert "(h)".

Beginning on page 173, strike line 6 and all that follows through line 21 on page 174.

On page 184, strike lines 17 through 22 and insert the following:

"shall take effect only in the event of the abolition of the independent foreign affairs agencies specified in section 1501(e)".

Beginning on page 209, strike line 22 and all that follows through line 3 on page 210 and insert the following:

"shall take effect only in the event of the abolition of the independent foreign affairs agencies specified in section 1501(e)".

Beginning on page 215, strike line 15 and all that follows through line 9 on page 221 and insert the following:

"shall take effect only in the event of the abolition of the independent foreign affairs agencies specified in section 1501(e).

TITLE XV—PLANS FOR CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1501. REORGANIZATION OF THE DEPARTMENT OF STATE AND THE INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF REORGANIZATION PLANS.—

(1) IN GENERAL.—The President is authorized to transmit to the appropriate congressional committees a reorganization plan or plans providing for the streamlining, consolidation, and merger of the functions of the foreign affairs agencies of the United States in order to carry out the purposes of section 1002.

(2) SPECIFIC OBJECTIVES.—Pursuant to paragraph (1), the President is authorized to transmit a reorganization plan meeting the following objectives:

(A) The elimination in the duplication of functions and personnel between the Department of State and the independent foreign affairs agencies, which may include the abolition of any such agency.

(B) The reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule.

(C) The reorganization and streamlining of the Department of State.

(D) The achievement of $1,700,000,000 in savings over 5 years through the streamlining, consolidation, and merger of the functions of the foreign affairs agencies.

(E) The enhancement of the formulation, coordination, and implementation of policy.

(F) The maintenance, to the maximum extent possible, of a United States diplomatic and consular presence abroad.

(G) The maintenance of programs vital to the national interests of the United States.

(b) PLAN ELEMENTS.—A reorganization plan transmitted under subsection (a)(2), consistent with the provisions of this Act, shall—

(1) identify the functions of the independent foreign affairs agency or agencies that will be transferred to the Department of State or any other agency under the plan, as well as those that may be abolished under the plan;

(2) identify the personnel and positions of the agency or agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department or any other agency, separated from service with the agency or agencies, or be terminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department or any other agency, separated from service with the Department, or terminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations, mergers, and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agency or agencies that will be transferred to the Department or any other agency under this Act as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of the funds specified for transfer under paragraph (5);

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agency or agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department or to any other agency;

(8) specify a proposed consolidation of administrative functions to serve the Department of State and all independent foreign affairs agencies; and

(9) contain a certification by the Director of the Office of Management and Budget that the Director estimates that the plan will save $1,700,000,000 in budget authority during fiscal years 1996 through 2000 from the initial level appropriated for fiscal year 1995 for the following agencies (including appropriations made to accounts administered by such agencies): the Department of State, the United States Information Agency, the United States Agency for International Development, and the United States Arms Control and Disarmament Agency.

(c) LIMITATIONS.—

(1) LIMITATION ON REDUCTIONS IN PROGRAM LEVELS.—Not more than 30 percent of the savings required under subsection (b)(9) may be realized from reductions in program levels.

(2) LIMITATION ON SAVINGS FROM ADMINISTRATIVE EXPENSES OF THE DEPARTMENT OF STATE.—Not more than 15 percent of the savings required under subsection (b)(9) may come from the administrative expenses of the Department of State.

(3) LIMITATIONS ON CONTENTS OF PLAN.—Sections 1606 and 1607 of this Act shall apply to a plan transmitted under subsection (a).

(d) EFFECTIVE DATE OF PLAN.—(1) A plan transmitted under subsection (a) shall become effective on a date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan.

(2) Any provision of a plan submitted under subsection (a) may take effect later than the date on which the plan becomes effective.

(e) ABOLITION OF SPECIFIED INDEPENDENT FOREIGN AFFAIRS AGENCIES.—If the President does not transmit to Congress within six months after the date of enactment of this Act a reorganization plan meeting the objectives of subsection (a)(2), then the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency (exclusive of components expressly established by statute or reorganization plan) shall be abolished six months after the expiration of the period for submission of the plan, and the functions of such agencies shall be transferred in accordance with section 1601.

(f) DEFINITIONS.—As used in this section—

(1) the term "foreign affairs agencies" means the Department of State and the independent foreign affairs agencies; and

(2) the term "independent foreign affairs agencies" means such Federal agencies (other than the Department of State) that solely perform functions that are funded under major budget category 150 and includes the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency.

On page 221, line 10, strike "**TITLE XVII**" and insert "title xvi".

On page 221, line 12, strike "**SEC. 1701.**" and insert "**SEC. 1601.**".

On page 223, line 20, strike "**SEC. 1702.**" and insert "**SEC. 1602.**".

On page 224, line 2, strike "**SEC. 1701.**" and insert "**SEC. 1601.**".

On page 224, line 12, strike "**SEC. 1701.**" and insert "**SEC. 1601.**".

On page 224, line 13, strike "**SEC. 1703.**" and insert "**SEC. 1603.**".

On page 224, lines 16 and 17, strike "Not later than March 1, 1997," and insert "In the event of the abolition of the independent foreign affairs agencies specified in section 1501(e), not later than 90 days before their abolition,".

On page 226, lines 23 through 25, strike "the date Congress enacts a joint resolution, in accordance with section 1708, approving the plan" and insert "the date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan".

On page 227, line 1, strike "The" and insert "In implementation of any plan submitted under subsection (a), the".

On page 227, line 3, after "necessary" insert ", including actions".

On page 227, line 13, strike "February 28, 1997" and insert "the effective date of the plan submitted under subsection (a)".

On page 227, line 25, strike "**SEC. 1708.**" and insert "**SEC. 1608.**".

On page 228, line 9, strike "**SEC. 1704.**" and insert "**SEC. 1604.**".

On page 228, lines 11 and 12, strike "Not later than March 1, 1997," and insert "In the event of the abolition of the independent foreign affairs agencies specified in section 1501(e), not later than 90 days before their abolition,".

On page 229, line 1, strike "1701(b) and 1701 (d)(1)" and insert "1601(b) and 1601(d)(1)".

On page 230, lines 23 through 25, strike "the date Congress enacts a joint resolution, in accordance with section 1708, approving the plan" and insert "the date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan".

On page 231, line 2, after "(2)," insert the following: "in implementation of any plan submitted under subsection (a),".

On page 231, line 3, after "necessary" insert ", including actions".

On page 231, line 13, strike "February 28, 1997" and insert "the effective date of the plan submitted under subsection (a)".

On page 232, line 7, strike "1708" and insert "1608".

On page 232, line 16, strike "**SEC. 1705.**" and insert "**SEC. 1605.**".

On page 232, lines 18 and 19, strike "Not later than March 1, 1997," and insert "In the event of the abolition of the independent foreign affairs agencies specified in section 1501(e), not later than 90 days before their abolition,".

On page 233, line 7, strike "1701(c) and 1701(d)(2)" and insert "1601(c) and 1601(d)(2)".

On page 235, lines 5 through 7, strike "the date Congress enacts a joint resolution, in accordance with section 1708, approving the plan" and insert "the date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan".

On page 235, line 9, after "(2)," insert the following: "in implementation of any plan submitted under subsection (a),".

On page 235, line 10, after "necessary" insert ", including actions".

On page 235, line 20, strike "February 28, 1997" and insert "the effective date of the plan submitted under subsection (a)".

On page 236, line 13, strike "1708" and insert "1608".

On page 237, line 16, strike "or".

On page 237, line 18, strike the period and insert "; or".

On page 237, between lines 18 and 19, insert the following:

(6) terminating any function authorized by law.

On page 237, line 1, strike "**SEC. 1706.**" and insert "**SEC. 1606.**".

On page 237, line 4, strike "1703, 1704, or 1705" and insert "1501, 1603, 1604, or 1605".

On page 238, line 14, strike "1703, 1704, or 1705" and insert "1501, 1603, 1604, or 1605".

On page 238, between lines 16 and 17, insert the following new subsection:

(d) TRANSMITTAL OF REORGANIZATION PLANS.—Section 903(b) of title 5, United States Code, shall apply to each reorganization plan submitted under section 1501, 1603, 1604, or 1605.

On page 238, line 17, strike "**SEC. 1707.**" and insert "**SEC. 1607.**".

On page 238, line 21, strike "1703, 1704, or 1705" and insert "1501, 1603, 1604, or 1605".

On page 238, line 24, strike "1708" and insert "1608".

On page 239, line 3, strike "1703, 1704, or 1705" and insert "1501, 1603, 1604, or 1605".

On page 239, line 7, strike "1708" and insert "1608".

On page 239, line 10, after Congress, insert the following: ", except that the President may only withdraw a plan if a revised plan is immediately substituted for that plan".

On page 239, line 11, strike "**SEC. 1708.**" and insert "**SEC. 1608.**".

On page 239, line 13, insert "(1)" immediately after "(a) PROCEDURES.—".

On page 239, between lines 17 and 18, insert the following:

(2) For purposes of this title and title XV—

(A) continuity of session of Congress is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

On page 239, line 21, strike "approves" and insert "disapproves".

On page 240, line 2, strike "1707" and insert "1607".

On page 240, strike line 5 through 19 and insert the following:

(c) INTRODUCTION AND REFERENCE OF RESOLUTION.—(1) A joint resolution described in subsection (b) is only entitled to expedited procedures set forth in this section if the resolution is introduced in a House of Congress by a Member of that House within 10 calendar days of continuous session of Congress of the transmittal of a reorganization plan under section 1501, 1603, 1604, or 1605.

On page 240, line 20, strike "A" and insert "Any".

On page 240, line 23, strike "(and all resolutions" and all that follows through "committee)" on line 25.

On page 241, strike lines 6 through 16 and insert the following:

(d) MOTION TO DISCHARGE COMMITTEE CONSIDERING RESOLUTION.—(1) If the committee to which is referred a resolution introduced pursuant to paragraph (1) of subsection (c) has not reported such resolution at the end of 30 calendar days of continuous session of Congress after its introduction, it shall be in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same plan which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same plan.

(2) A motion to discharge under paragraph (1) may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

On page 241, lines 19 and 20, strike "deemed to be".

On page 243, line 25, strike "1703, 1704, or 1705" and insert "1501, 1603, 1604, or 1605".

On page 244, line 10, strike "**SEC. 1709.**" and insert "**SEC. 1609.**".

On page 246, line 22, strike "1710" and insert "1610".

On page 247, line 10, strike "1710" and insert "1610".

On page 247, line 16, strike "1710" and insert "1610".

On page 250, line 3, strike "**SEC. 1710.**" and insert "**SEC. 1610.**".

On page 251, line 9, strike "1709" and insert "1609".

On page 252, line 1, strike "**SEC. 1711.**" and insert "**SEC. 1611.**".

On page 255, line 3, strike "**SEC. 1712.**" and insert "**SEC. 1612.**".

On page 257, line 3, strike "**SEC. 1713.**" and insert "**SEC. 1613.**".

On page 258, line 8, strike "**SEC. 1714.**" and insert "**SEC. 1614.**".

On page 258, line 19, strike "**SEC. 1715.**" and insert "**SEC. 1615.**".

On page 258, line 23, strike "1701" and insert "1601".

On page 259, line 1, strike "1701" and insert "1601".

On page 259, line 9, strike "**SEC. 1716.**" and insert "**SEC. 1616.**".

On page 259, line 17, strike "**SEC. 1717.**" and insert "**SEC. 1617.**".

On page 260, line 6, strike "**SEC. 1718.**" and insert "**SEC. 1618.**".

On page 261, line 17, strike "**SEC. 1719.**" and insert "**SEC. 1619.**".

On page 262, line 4, strike "1701" and insert "1601".

On page 263, line 8, strike "1701" and insert "1601".

On page 264, line 1, strike "**SEC. 1720.**" and insert "**SEC. 1620.**".

On page 264, line 6, strike "**SEC. 1721.**" and insert "**SEC. 1621.**".

On page 264, line 15, strike "**SEC. 1722.**" and insert "**SEC. 1622.**".

On page 264, line 22, strike "**SEC. 1723.**" and insert "**SEC. 1623.**".

On page 265, line 2, before the period insert the following: ", and a projection of the personnel end-strengths of the Foreign Service and the Senior Foreign Service as of September 30, 1999".

On page 265, line 3, strike "**SEC. 1724.**" and insert "**SEC. 1624.**".

On page 265, line 21, strike "1701" and insert "1601".

On page 265, line 24, strike "1701" and insert "1601".

On page 266, line 3, strike "1701" and insert "1601".

On page 266, line 6, strike "1701" and insert "1601".

On page 266, line 12, strike "1701" and insert "1601".

On page 266, line 16, strike "1701" and insert "1601".

On page 266, line 20, strike "1701" and insert "1601".

On page 266, line 25, strike "1701" and insert "1601".

On page 267, line 3, strike "1701" and insert "1601".

On page 267, line 7, strike "1701" and insert "1601".

On page 267, line 11, strike "1701" and insert "1601".

On page 267, line 15, strike "1701" and insert "1601".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, December 14, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1271, the Nuclear Waste Policy Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, December 14, 1995, beginning at 10 a.m. in room SD–215, to conduct a mark up on the Social Security Earnings Limit and on two nominees pending before the Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, December 14, 1995 at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, December 14, for a hearing on Federal Government Financial Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, December 14, 1995 at 10 a.m. in SD 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Rules and Administration be allowed to meet during the session of the Senate Thursday, December 14, 1995 beginning at 9:30 a.m. until business is completed, to conduct a mark up of H.J. Res. 69, H.J. Res. 110, H.J. Res. 111, and H.J. Res. 112—Smithsonian Institution Board of Regents citizen appointments, S. 246, Martin Luther King Memorial legislation; H.R. 2527, FEC legislation and S. Con. Res. 34, a resolution to authorize the printing of "Vice Presidents of the United States, 1789–1993." The Committee will also consider a Senate Internet Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence by authorized to meet during the session of the Senate on Thursday, December 14, 1995 at 2 p.m. to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection it is so ordered.

ADDITIONAL STATEMENTS

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and summary tabulations of Senate mass mail costs for the second and third quarters of fiscal year 1995 to be printed in the RECORD. These reports were not submitted for the RECORD at the appropriate time. The official mail allocations are available for frank mail costs, as stipulated in Public Law 103–283, the Legislative Branch Appropriations Act for fiscal year 1995. The second quarter of fiscal year 1995 covers the period of January 1, 1995, through March 31, 1995, and the third quarter covers the period of April 1, 1995, through June 30, 1995.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/95

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Abraham	600	0.00006	$218.90	$0.00002	$140,289
Akaka	0	0	0.00	0	29,867
Ashcroft	0	0	0.00	0	83,043
Baucus	0	0	0.00	0	34,694
Bennett	0	0	0.00	0	30,689
Biden	0	0	0.00	0	28,591
Bingaman	0	0	0.00	0	30,834
Bond	0	0	0.00	0	108,312
Boxer	15,805	0.00051	5,856.86	0.00019	582,722
Bradley	0	0	0.00	0	151,392
Breaux	0	0	0.00	0	82,088
Brown	0	0	0.00	0	74,406
Bryan	0	0	0.00	0	45,030
Bumpers	0	0	0.00	0	48,743
Burns	0	0	0.00	0	34,694
Byrd	0	0	0.00	0	34,593
Campbell	0	0	0.00	0	74,406
Chafee	0	0	0.00	0	30,524
Coats	0	0	0.00	0	111,738
Cochran	0	0	0.00	0	48,596
Cohen	6,898	0.00559	2,722.62	0.00220	37,937
Conrad	58,800	0.09245	10,837.38	0.01704	25,438

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/95—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Coverdell	0	0	0.00	0	137,674
Craig	0	0	0.00	0	31,846
D'Amato	0	0	0.00	0	335,341
Daschle	0	0	0.00	0	27,650
DeWine	0	0	0.00	0	168,128
Dodd	0	0	0.00	0	66,615
Dole	0	0	0.00	0	51,907
Domenici	1,000	0.00063	226.53	0.00014	30,834
Dorgan	62,500	0.09827	11,191.75	0.01760	25,438
Exon	0	0	0.00	0	32,516
Faircloth	0	0	0.00	0	140,612
Feingold	0	0	0.00	0	97,556
Feinstein	0	0	0.00	0	582,722
Ford	0	0	0.00	0	74,054
Frist	0	0	0.00	0	78,686
Glenn	0	0	0.00	0	219,288
Gorton	0	0	0.00	0	106,532
Graham	2,397	0.00018	1,940.83	0.00014	323,488
Gramm	16,000	0.00091	3,992.34	0.00023	352,339
Grams	0	0	0.00	0	67,423
Grassley	0	0	0.00	0	56,381
Gregg	35,256	0.03173	28,252.50	0.02543	34,552
Harkin	0	0	0.00	0	56,381
Hatch	0	0	0.00	0	30,689
Hatfield	0	0	0.00	0	62,019
Heflin	6,800	0.00164	1,207.20	0.00029	81,113
Helms	0	0	0.00	0	140,612
Hollings	0	0	0.00	0	72,302
Hutchison	0	0	0.00	0	352,339
Inhofe	0	0	0.00	0	52,475
Inouye	0	0	0.00	0	29,867
Jeffords	0	0	0.00	0	23,830
Johnston	0	0	0.00	0	82,088
Kassebaum	0	0	0.00	0	51,907
Kempthorne	0	0	0.00	0	31,846
Kennedy	0	0	0.00	0	121,391
Kerrey	0	0	0.00	0	32,516
Kerry	0	0	0.00	0	121,391
Kohl	0	0	0.00	0	97,556
Kyl	0	0	0.00	0	63,581
Lautenberg	0	0	0.00	0	151,392
Leahy	3,714	0.00652	1,082.36	0.00190	23,830
Levin	0	0	0.00	0	182,978
Lieberman	0	0	0.00	0	66,615
Lott	0	0	0.00	0	48,596
Lugar	0	0	0.00	0	111,738
Mack	0	0	0.00	0	323,488
McCain	0	0	0.00	0	82,928
McConnell	0	0	0.00	0	74,054
Mikulski	3,800	0.00077	866.55	0.00018	91,956
Moseley-Braun	0	0	0.00	0	216,454
Moynihan	0	0	0.00	0	335,341
Murkowski	0	0	0.00	0	23,179
Murray	5,558	0.00108	1,298.40	0.00025	106,532
Nickles	0	0	0.00	0	68,442
Nunn	0	0	0.00	0	137,674
Packwood	6,300	0.00212	1,469.89	0.00049	62,019
Pell	0	0	0.00	0	30,524
Pressler	0	0	0.00	0	27,650
Pryor	0	0	0.00	0	48,743
Reid	12,139	0.00915	6,607.64	0.00498	45,030
Robb	0	0	0.00	0	124,766
Rockefeller	61,850	0.03413	10,705.35	0.00591	34,593
Roth	0	0	0.00	0	28,591
Santorum	0	0	0.00	0	182,834
Sarbanes	0	0	0.00	0	91,956
Shelby	0	0	0.00	0	81,113
Simon	0	0	0.00	0	216,454
Simpson	0	0	0.00	0	19,826
Smith	0	0	0.00	0	34,552
Snowe	0	0	0.00	0	29,086
Specter	0	0	0.00	0	238,468
Stevens	0	0	0.00	0	23,179
Thomas	0	0	0.00	0	15,200
Thompson	0	0	0.00	0	94,111
Thurmond	0	0	0.00	0	72,302
Warner	0	0	0.00	0	124,766
Wellstone	0	0	0.00	0	87,939

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/95

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Abraham	0	0.00000	$0.00	0.00000	$140,289
Akaka	0	0.00000	0.00	0.00000	29,867
Ashcroft	0	0.00000	0.00	0.00000	83,043
Baucus	1,532	0.00186	1,249.93	0.00152	34,694
Bennett	18,550	0.01023	3,275.70	0.00181	30,689
Biden	0	0.00000	0.00	0.00000	28,591
Bingaman	0	0.00000	0.00	0.00000	30,834
Bond	0	0.00000	0.00	0.00000	108,312
Boxer	15,405	0.00050	3,227.71	0.00010	582,722
Bradley	0	0.00000	0.00	0.00000	151,392
Breaux	1,625	0.00038	401.79	0.00009	82,088
Brown	0	0.00000	0.00	0.00000	74,406

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/95—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Bryan	0	0.00000	0.00	0.00000	45,030
Bumbers	0	0.00000	0.00	0.00000	48,743
Burns	25,000	0.03034	4,811.82	0.00584	34,694
Byrd	0	0.00000	0.00	0.00000	34,593
Campbell	0	0.00000	0.00	0.00000	74,406
Chafee	0	0.00000	0.00	0.00000	30,524
Coats	0	0.00000	0.00	0.00000	111,738
Cochran	0	0.00000	0.00	0.00000	48,596
Cohen	667	0.00054	546.76	0.00044	37,937
Conrad	0	0.00000	0.00	0.00000	25,438
Coverdell	0	0.00000	0.00	0.00000	137,674
Craig	11,500	0.01078	2,542.72	0.00238	31,846
D'Amato	0	0.00000	0.00	0.00000	335,341
Daschle	0	0.00000	0.00	0.00000	27,650
DeWine	0	0.00000	0.00	0.00000	168,128
Dodd	851	0.00026	709.80	0.00022	66,615
Dole	0	0.00000	0.00	0.00000	51,907
Domenici	2,055	0.00130	550.98	0.00035	30,834
Dorgan	11,650	0.01832	2,146.29	0.00337	25,438
Exon	0	0.00000	0.00	0.00000	32,516
Faircloth	0	0.00000	0.00	0.00000	140,612
Feingold	0	0.00000	0.00	0.00000	97,556
Fienstein	0	0.00000	0.00	0.00000	582,722
Ford	0	0.00000	0.00	0.00000	74,054
Frist	0	0.00000	0.00	0.00000	78,686
Glenn	0	0.00000	0.00	0.00000	219,288
Gorton	181,460	0.03533	39,655.61	0.00772	106,532
Graham	0	0.00000	0.00	0.00000	323,488
Gramm	0	0.00000	0.00	0.00000	352,339
Grams	33,925	0.00757	8,698.24	0.00194	67,423
Grassley	0	0.00000	0.00	0.00000	56,381
Gregg	0	0.00000	0.00	0.00000	34,552
Harkin	0	0.00000	0.00	0.00000	56,381
Hatch	0	0.00000	0.00	0.00000	30,689
Hatfield	0	0.00000	0.00	0.00000	62,019
Heflin	0	0.00000	0.00	0.00000	81,113
Helms	0	0.00000	0.00	0.00000	140,612
Hollings	0	0.00000	0.00	0.00000	72,302
Hutchison	0	0.00000	0.00	0.00000	352,339
Inhofe	0	0.00000	0.00	0.00000	52,475
Inouye	0	0.00000	0.00	0.00000	29,867
Jeffords	0	0.00000	0.00	0.00000	23,830
Johnston	96,450	0.02250	17,923.62	0.00418	82,088
Kassebaum	0	0.00000	0.00	0.00000	51,907
Kempthorne	0	0.00000	0.00	0.00000	31,846
Kennedy	0	0.00000	0.00	0.00000	121,391
Kerrey	0	0.00000	0.00	0.00000	32,516
Kerry	0	0.00000	0.00	0.00000	121,391
Kohl	0	0.00000	0.00	0.00000	97,556
Kyl	0	0.00000	0.00	0.00000	63,581
Lautenberg	0	0.00000	0.00	0.00000	151,392
Leahy	1,410	0.00247	361.35	0.00063	23,830
Levin	0	0.00000	0.00	0.00000	182,978
Lieberman	0	0.00000	0.00	0.00000	66,615
Lott	0	0.00000	0.00	0.00000	48,596
Lugar	0	0.00000	0.00	0.00000	111,738
Mack	0	0.00000	0.00	0.00000	323,488
McCain	0	0.00000	0.00	0.00000	82,928
McConnell	0	0.00000	0.00	0.00000	74,054
Mikulski	0	0.00000	0.00	0.00000	91,956
Moseley-Braun	0	0.00000	0.00	0.00000	216,454
Moynihan	0	0.00000	0.00	0.00000	335,341
Murkowski	0	0.00000	0.00	0.00000	23,179
Murray	6,945	0.00135	1,649.73	0.00032	106,532
Nickles	0	0.00000	0.00	0.00000	68,442
Nunn	0	0.00000	0.00	0.00000	137,674
Packwood	18,300	0.00615	4,198.16	0.00141	62,019
Pell	0	0.00000	0.00	0.00000	30,524
Pressler	0	0.00000	0.00	0.00000	27,650
Pryor	0	0.00000	0.00	0.00000	48,743
Reid	1,015	0.00076	823.00	0.00062	45,030
Robb	0	0.00000	0.00	0.00000	124,766
Rockefeller	9,802	0.00541	6,368.58	0.00351	34,593
Roth	0	0.00000	0.00	0.00000	28,591
Santorum	0	0.00000	0.00	0.00000	182,834
Sarbanes	0	0.00000	0.00	0.00000	91,956
Shelby	0	0.00000	0.00	0.00000	81,113
Simon	0	0.00000	0.00	0.00000	216,454
Simpson	0	0.00000	0.00	0.00000	19,826
Smith	23,700	0.02133	4,607.24	0.00415	34,552
Snowe	0	0.00000	0.00	0.00000	29,086
Specter	0	0.00000	0.00	0.00000	238,468
Stevens	282,600	0.48143	45,559.29	0.07761	23,179
Thomas	3,619	0.00777	2,082.68	0.00447	15,200
Thompson	0	0.00000	0.00	0.00000	94,111
Thurmond	0	0.00000	0.00	0.00000	72,302
Warner	0	0.00000	0.00	0.00000	124,766
Wellstone	0	0.00000	0.00	0.00000	87,939•

DAUGHTERS OF MIRIAM CENTER'S 75TH ANNIVERSARY

• Mr. LAUTENBERG. Mr. President, I rise today to salute the upcoming 75th anniversary of Daughters of Miriam Center for the Aged in Clifton, NJ, a much beloved and honored institution that provides important health care services to New Jersey's elderly.

Mr. President, Daughters of Miriam Center was founded as a shelter for aged persons and orphaned children in the city of Paterson, where I grew up. Since its establishment in 1921, DMC has been inspired by its founder, Nathan Barnert, a former mayor of Paterson, whose public spiritedness and concern for the most vulnerable in society shaped the philosophy that has long guided DMC's programs.

Over 700 New Jersey residents each day benefit from the center's services. In addition to providing high quality medical care, Daughters of Miriam Center provides patients with a sense of community. The center's programs, such as medical day care for Alzheimer patients, congregate services, a respite program, and a sheltered workshop, bring warmth and purpose to participants' lives.

On a personal note, I would note that my own mother, as a nursing home resident, benefited greatly from the friendship and care offered at the center.

Mr. President, the anniversary of Daughters of Miriam Center is more than anything an opportunity to celebrate the people who have shaped this great institution—the doctors, nurses, staff, friends, and patients who have made the center what it is today. Their energy and commitment have helped make the center a leading facility for the care of the elderly on the east coast.

I ask my colleagues to join me today in congratulating Daughters of Miriam center for reaching an important milestone, and I wish the center continued success in its valuable service to New Jersey and the Nation.•

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. BOND. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1747, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1747) to amend the Public Health Service Act, to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

Mr. BOND. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1747) was deemed read three times and passed.

AMENDING THE DOUG BARNARD, JR., 1996 ATLANTA CENTENNIAL OLYMPIC GAMES COMMEMORATIVE COIN ACT

Mr. BOND. I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 2336, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2336) to amend the Doug Barnard, Jr., 1996 Atlanta Centennial Olympic Games Commemorative Coin Act, and for other purposes.

Mr. BOND. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2336) was deemed read three times and passed.

POSSESSIONS AND TERRITORIES CRIMINAL LAW CLARIFICATION

Mr. BOND. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 243, S. 1332.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1332) to clarify the application of certain Federal criminal laws to territories, possessions and commonwealths, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Possessions and Territories Criminal Law Clarification Act".

SEC. 2. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking "any State, Territory, or District" and inserting "any State, Territory, Commonwealth, Possession, or District".

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: "For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking "For the purpose of paragraphs (3) and (4)" and inserting "For the purpose of paragraph (3)".

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: "The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.".

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: "For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(f) Section 1715 of title 18, United States Code, is amended by striking "State, Territory, or District" each place those words appear and inserting "State, Territory, Commonwealth, Possession, or District".

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking "State, Territory, or the District of Columbia" and inserting "State";

(2) in subsection (g)(3) by striking "the municipal government of the District of Columbia or of the government of any State or territory, or any county, city, or other political subdivision of a State" and inserting "any State, or any political subdivision of a State"; and

(3) by adding at the end the following:

"(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(h) Section 1761 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.".

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

"(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(j) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by amending paragraph (26) to read as follows:

"(26) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."; and

(2) by redesignating paragraph (43), as added by section 90105(d) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (44).

(k) Section 1121 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting "commonwealth," before "possession or territory of the United States".

(m) Section 1546(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(n) Section 1541 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking "or possession"; and

(2) by adding at the end the following new paragraph:

"For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(o) Section 37(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: ", and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

(p) Section 2281(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: ", and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

(q) Section 521(a) of title 18, United States Code, is amended by adding at the end the following: "'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to offenses committed on or after the date of enactment of this Act.

Mr. BOND. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, as passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BOND. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, Nos. 404, 405, 406, and nominations placed on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

ARMY

The following U.S. Army Reserve officers for promotion in Reserve of the Army to the grades indicated under title 10, United States Code sections 3371, 3384 and 12203(a):

To be major general

Brig. Gen. Jorge Arzola [redacted].

Brig. Gen. William E. Barro[redacted].
Brig. Gen. Tommy W. Bonds, [redacted].
Brig. Gen. William N. Clar[redacted].
Brig. Gen. George W. Goldsmith, Jr., [redacted].
Brig. Gen. Ralph L. Hayne[redacted].
Brig. Gen. William B. Hobgoo[redacted].
Brig. Gen. Curtis A. Loo[redacted].
Brig. Gen. James M. McDouga[redacted].
Brig. Gen. William C. Mercuri[redacted].
Brig. Gen. Evo Riguzzi, Jr[redacted].

To be brigadier general

Col. Patricia J. Anderso[redacted].
Col. William S. Anthony[redacted].
Col. David R. Bocke[redacted].
Col. Robert W. Chestnu[redacted].
Col. Richard E. Colema[redacted].
Col. James M. Collins, J[redacted].
Col. Perry V. Dalby[redacted].
Col. William N. Kiefe[redacted].
Col. Robert M. Kimmit[redacted].
Col. Robert A. Le[redacted].
Col. Paul E. Lima[redacted].
Col. Richard D. Lync[redacted].
Col. Robert G. Mennona, J[redacted].
Col. H. Douglas Robertso[redacted].
Col. Jon R. Root[redacted].
Col. John L. Scott[redacted].
Col. Gerry G. Thames[redacted].
Col. Thomas A. Wessels[redacted].

NAVY

The following named officer for appointment to the grade of Vice Admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 United States Code section 601:

To be vice admiral

Rear Adm. Alexander J. Krekich[redacted]

The following named officer to be placed on the retired list of the United States Navy in the grade indicated under section 1370 of title 10, United States Code:

To be admiral

Adm. Henry G. Chiles, Jr.[redacted].

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, AND NAVY

Air force nominations beginning Monkia K. Botschner, and ending Nora E. Townsend, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 7, 1995.

Army nominations beginning Raymond W. Carpenter, and ending Donald G. Ward, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1995.

Army nominations beginning Nelson M. Alverio, and ending Arthur S. Pua, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

Army nominations beginning Virgil A. Abel, and ending James A. Zernicke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

Army nominations beginning Travis L. Hooper, and ending Fredrick B. Seeger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 1995.

Army nominations beginning Bobby T. Anderson, and ending John F. D'Agostino, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 1995.

Navy nominations beginning Bobby Z. Abadi, and ending Benjamin D. Zittere, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, DECEMBER 15, 1995

Mr. BOND. Mr. President, I ask unanimous consent, when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, December 15; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; there then be a period for morning business until the hour of 11 a.m., with Senators permitted to speak up to 5 minutes each, with the following exception: Senator NUNN, 25 minutes; Senator COATS, 45 minutes; Senator GRAHAM, 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, it is the intention of the majority leader to begin consideration of the House Message on the Foreign Operations appropriations bill during Friday's session. It is also possible that the Senate will consider the D.C. appropriations conference report, as well as a continuing resolution during tomorrow's session. Therefore, rollcall votes are possible on Friday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Friday, December 15, 1995, at 9:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 14, 1995;

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

SANDRA J. KRISTOFF, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION [APEC].

JOHN RAYMOND MALOTT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

KENNETH MICHAEL QUINN, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

WILLIAM H. ITOH, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

FRANCES D. COOK, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

THOMAS W. SIMONS, JR., OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

JAMES FRANKLIN COLLINS, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

CHARLES H. TWINING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

CHARLES H. TWINING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

JAMES A. JOSEPH, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

DON LEE GEVIRTZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

JOAN M. PLAISTED, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

JIM SASSER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DAVID P. RAWSON, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

GERALD WESLEY SCOTT, OF OKLAHOMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

ROBERT E. GRIBBIN III, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE SECTIONS 3371, 3384 AND 12203(A):

To be major general

BRIG. GEN. JORGE ARZOLA [redacted].
BRIG. GEN. WILLIAM E. BARRON [redacted].
BRIG. GEN. TOMMY W. BONDS [redacted].
BRIG. GEN. WILLIAM N. CLARK [redacted].
BRIG. GEN. GEORGE W. GOLDSMITH, JR [redacted].
BRIG. GEN. RALPH L. HAYNES [redacted].
BRIG. GEN. WILLIAM B. HOBGOOD [redacted].
BRIG. GEN. CURTIS A. LOOP [redacted].
BRIG. GEN. JAMES M. MCDOUGAL [redacted].
BRIG. GEN. WILLIAM C. MERCURIO [redacted].
BRIG. GEN. EVO RIGUZZI, JR [redacted].

To be brigadier general

COL. PATRICIA J. ANDERSON [redacted].
COL. WILLIAM S. ANTHONY [redacted].
COL. DAVID R. BOCKEL [redacted].
COL. ROBERT W. CHESTNUT [redacted].
COL. RICHARD E. COLEMAN [redacted].
COL. JAMES M. COLLINS, JR. [redacted].
COL. PERRY V. DALBY [redacted].
COL. WILLIAM N. KEIFER [redacted].
COL. ROBERT M. KIMMITT [redacted].
COL. ROBERT A. LEE [redacted].
COL. PAUL E. LIMA [redacted].
COL. RICHARD D. LYNCH [redacted].
COL. ROBERT G. MENNONA, JR. [redacted].
COL. H. DOUGLAS ROBERTSON [redacted].
COL. JON R. ROOT [redacted].
COL. JOHN L. SCOTT [redacted].
COL. GERRY G. THAMES [redacted].
COL. THOMAS A. WESSELS [redacted].

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ALEXANDER J. KREKICH [redacted].

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be admiral

ADM. HENRY G. CHILES, JR [redacted].

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MONKIA K. BOTSCHNER, AND ENDING NORA E. TOWNSEND, WHICH NOMINATIONS WERE RECEIVE3D BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING RAYMOND W. CARPENTER, AND ENDING DONALD G. WARD, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 27, 1995.

ARMY NOMINATIONS BEGINNING NELSON M. ALVERIO, AND ENDING ARTHUR S. PUA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.

ARMY NOMINATIONS BEGINNING VIRGIL A. ABEL, AND ENDING JAMES A. ZERNICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31,, 1995.

ARMY NOMINATIONS BEGINNING TRAVIS L. HOOPER, AND ENDING FREDERICK B. SEEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 1995.

ARMY NOMINATIONS BEGINNING BOBBY T. ANDERSON, AND ENDING JOHN F. D'AGOSTINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 1995.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT S. GELBARD, AND ENDING SANDRA L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING PAULA O. GODDARD, AND ENDING MICHAEL RANNEBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING CAROL A. PEASLEY, AND ENDING SARAH S. OLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING HENRY LEE BARRETT, AND ENDING HARRY L. TYNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING BOBBY Z. ABADI, AND ENDING BENJAMIN D. ZITTERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.

EXTENSIONS OF REMARKS

UNICEF: 49 YEARS AND COUNTING

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, for those of us lucky enough to grow up in an environment free of civil war and famine, it can be difficult to imagine the hardships that confront millions of children every day in places like Bosnia and Rwanda. At least 40 conflicts are currently raging throughout the world, and as a result, approximately 1.5 million children have been killed, more than 4 million disabled, 5 million forced into refugee camps, and 12 million rendered homeless.

The United Nations Children's Fund [UNICEF], a special program of the United Nations established on December 11, 1946, is dedicated to the health and welfare of children, who represent the future of our world. UNICEF's annual report on the State of the World's Children, released this week, highlights its success in combating disease, hunger, and death among the world's children.

UNICEF's immunization, sanitation, and nutrition programs have helped reduce child mortality rates by 50 percent in the last 30 years. Every year, UNICEF provides oral vaccines and other medicines that save the lives of 3 million children. In 1994, UNICEF's close cooperation with various international food programs helped feed 57 million hungry people.

Given the tight budgetary constraints presently facing the United States, we need to use our limited resources wisely. I believe that our interests include UNICEF programs benefitting millions of children in developing nations. I am pleased that this year's Foreign Aid appropriations bill would create the Child and Disease Program's Fund, to include such programs as AIDS prevention, nutrition, polio eradication, an infectious disease surveillance system, and funding for blind children.

One of the central principles behind the creation of UNICEF is that action taken today to prevent disease and malnutrition will save us money in future years. An example is the fight to eradicate polio. Although there have been no reported cases of polio in the Western hemisphere or in Europe for 3 years, experts estimate that funding for immunizations must continue for another 5 years to ensure that the disease is eliminated. Failure to contribute to this effort could lead to a resurgence of polio, and a drastic increase in the cost of combating the spread of disease.

UNICEF will celebrate its 50th anniversary in 1996. We should honor the successes of the last 50 years, but we must also prepare for the next 50 years. As we work for a better world for our children, UNICEF's programs are worthy of our continued support.

AMERICAN PUBLIC HEALTH ASSOCIATION ENDORSES MEDICAL USE OF MARIJUANA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, recently I introduced legislation which would allow physicians to prescribe marijuana when in their judgment it is medically appropriate to do so. I first became a supporter of this legislation more than a decade ago, when it was introduced by our late colleague, the gentleman from Connecticut Mr. McKinney. I was recently advised of a resolution passed by The American Public Health Association which supports the concept embodied in the legislation I have introduced and I ask that this resolution be printed here.

ACCESS TO THERAPEUTIC MARIJUANA/CANNABIS

The American Public Health Association:

Being aware that cannabis/marijuana has been used medicinally for centuries and that cannabis products were widely prescribed by physicians in the United States until 1937; and

Being aware that "marijuana" prohibition began with the Marijuana Tax Act of 1937 under false claims despite disagreeing testimony from the AMA's representative; and

Being further aware that the Controlled Substances Act of 1970 completely prohibited all medicinal use of marijuana by placing it in the most restrictive category of Schedule I, whereby drugs must meet three criteria for placement in this category: 1) have no therapeutic value, 2) are not safe for medical use, and 3) have a high abuse potential; and

Being cognizant that the Drug Enforcement Administration's own administrative law judge ruled in 1988 that marijuana must be removed from Schedule I and made available for physicians to prescribe; and

Knowing that 36 states have passed legislation recognizing marijuana's therapeutic value; and

Also knowing that the only available access to legal marijuana which was through the Food and Drug Administration's Investigational New Drug Program has been closed by the Secretary of Health and Human Services since 1991; and

Understanding that while synthetic Tetrahydrocannibinol (THC) is available in pill form, it is only one of approximately 60 cannabinoids which may have medicinal value individually or in some combination; and

Understanding that marijuana has an extremely wide acute margin of safety for use under medical supervision and cannot cause lethal reactions; and

Understanding that marijuana has been reported to be effective in: a) reducing intraocular pressure in glaucoma; b) reducing nausea and vomiting associated with chemotherapy; c) stimulating the appetite for patients living with AIDS (acquired immunodeficiency syndrome) and suffering from the wasting syndrome; d) controlling spasticity associated with spinal cord injury and multiple sclerosis; e) decreasing the suffering from chronic pain; and f) controlling seizures associated with seizure disorders; and

Understanding that marijuana seems to work differently than may conventional medications for the above problems, making it a possible option for persons resistant to the conventional medications; and

Being concerned that desperate patients and their families are choosing to break the law to obtain this medicine when conventional medicines or treatments have not been effective for them or are too toxic; and

Realizing that this places ill persons at risk for criminal charges and at risk for obtaining contaminated medicine because of the lack of quality control; and

Realizing that thousands of patients not helped by conventional medications and treatments, may find relief from their suffering with the use of marijuana if their primary care providers were able to prescribe this medicine; and

Concluding that cannabis/marijuana was wrongfully placed in Schedule I of the Controlled Substances depriving patients of its therapeutic potential.

Recognizing the APHA adopted a resolution (7014) on Marijuana and the Law which urged federal and state drugs laws to exclude marijuana from classification as a narcotic drug; and

Concluding that greater harm is caused by the legal consequences of its prohibition than possible risks of medicinal use; therefore

1. Encourages research of the therapeutic properties of various cannabinoids and combinations of cannabinoids; and
2. Encourages research on alternative methods of administration to decrease the harmful effects related to smoking; and
3. Urges the Administration and Congress to move expeditiously to make cannabis available as a legal medicine where shown to be safe and effective and to immediately allow access to therapeutic cannibis through the Investigational New Drug Program.

WORLD HAS A CHOICE: FAMILY PLANNING OR CHAOS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. WILSON. Mr. Speaker, as the ranking minority member of the Appropriations Committee on Foreign Operations I wanted to bring to everyone's attention once again an issue which we cannot ignore and which figured prominently in floor debate yesterday.

We cannot keep putting money toward economic assistance in developing countries without first addressing the population problem through family planning funding. Continuing to turn our backs on this issue and relying solely

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on development aid is like pouring water in a leaky bucket.

The Houston Chronicle recently ran an op-ed piece that address these concerns very well. I submit it now, for your consideration.

[From the Houston Chronicle, Dec. 11, 1995]

World Has a Choice: Family Planning or Chaos

(By Werner Fornos)

As the year draws to a close, the consequences of rapid population growth in a world that already has more than 5.7 billion—79 percent of them living in the world's poorest countries and regions—are being brought into sharp focus.

Some 600,000 square miles of forest have been cut in the last 10 years, much of it attributable to the need for more living space and firewood, still the main source of cooking and heating fuel in the developing world.

Twenty-six billion tons of topsoil have been lost.

Regional fresh water supplies are dangerously low. Rivers are drying up and many lakes are at their lowest levels in history.

All 17 of the world's major fisheries are being exploited at or beyond their capacity.

Eighty-eight nations have been classified by the United Nations World Food Program as low-income, food-deficit countries, unable to grow or buy enough food to accommodate their inhabitants.

There are nearly 960 million illiterates in the world today, but 130 million children—including 90 million girls—are denied access to primary schooling.

About half a million women die every year of pregnancy-related causes.

All this in a world growing by nearly 100 million people a year.

Meanwhile, a myopic majority in the U.S. House of Representatives, overlooking these facts regarding the interrelationship between overpopulation, poverty, maternal and child mortality and environmental degradation, continues to confuse—either by design or denial—family planning with abortion.

The House has voted twice this year to deny funding to the United Nations Population Fund, the largest provider of multilateral population assistance to poor countries, so long as it continues to support voluntary family planning programs in the People's Republic of China. The rationale behind these votes is rooted in allegations that the Chinese national population program relies on coercive abortion, though not a dime of U.N. assistance to China has ever been found to finance abortion, forced or voluntary, there or anywhere else.

Ironically, the net effect of withdrawing U.S. assistance to the fund (the 1996 contribution request for that agency is $35 million) does little to penalize China. But it does needlessly punish women and children in the world's poorest countries that seek agency support and who are placed in harms way as potential victims of pregnancies that occur too soon, too frequently and too closely spaced.

In fact, there are an estimated 350 million couples in the world who do not have access to a full range of family planning services, and it has been conservatively estimated that 120 million of these couples would use these services if they were available.

But the irony does not stop there. The U.N. Population Fund's assistance to China and 140 other countries is primarily in the areas of establishing and strengthening the delivery of conventional modern family planning information, education and services. Under its mandate, the fund cannot be involved in the delivery of abortion services.

It should be remembered that China with 1.2 billion people, is the most populous country in the world. By the year 2030, the population of China is expected to consume an amount of grain equivalent to the entire world grain production of 1994.

The U.S. Senate, contending there is a sufficient safeguard in the existing prohibition against the U.N. agency using any funds in China that have been contributed by the United States, has rejected both efforts of the House of Representatives to cut off the contribution to the Population Fund.

The Senate apparently understands what the House cannot seem to grasp: Family planning is the first line of defense against abortion.

TRIBUTE TO MARCIN GORA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. BONIOR. Mr. Speaker, I rise today to recognize a young and talented individual from my home State of Michigan, Marcin Gora of Shelby Township. Marcin recently traveled to Lyon, France, where he competed in the International Vocational Training Competitions [IVTC] as part of Team USA.

Team USA was fielded by the Vocational Industrial Clubs of America [VICA]—a national organization of students in public high schools and college vocational-technical institutions. This year's team was composed of 14 of America's best future workers and they competed against 28 other countries in the Biennial IVTC. They achieved the highest overall team score in the history of the United States' participation—a world-class standing.

At a time when some are questioning America's ability to compete, our placement at this competition illustrates that American workers can and will compete with any nation. Without a doubt, Marcin Gora is indeed exceptional, but he epitomizes the abilities and skill level that all Americans can and should achieve. With the support of organizations like VICA and the efforts of people like Marcin Gora, we will continue to lead the world in the development of new technologies and the production of world-class products and services.

I congratulate Marcin Gora and all the members of Team USA for their outstanding performance at the International Vocational Training Competitions. I urge my colleagues to support them as they work to ensure that America remains the industrial leader of the world.

PENN HILLS HIGH SCHOOL 1995 AAAA FOOTBALL CHAMPIONS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. DOYLE. Mr. Speaker, I wish to congratulate the Penn Hills High School Indians who won the 1995 Pennsylvania AAAA Varsity Football Championship. This past Saturday, December 9, at Altoona's Mansion Park Stadium, they defeated Lower Dauphin High School by a score of 35 to 14. The team was undefeated, 15 and 0, this season and this is the first time in history that this high school football team, which is located in the 18th Congressional District in western Pennsylvania, won the State championship.

Not to take sides between last year's champions, the McKeesport High School football team, also in my district, but what makes this championship especially important is that USA Today ranks the Penn Hills team as the No. 5 high school football team in the United States.

Congratulations to the players, the coaching staff, the supportive student body and families, and the Penn Hills community. I share your pride and claim the appropriate bragging rights on Capitol Hill. Keep up the team spirit and the motivation to succeed.

RADIO PIONEER BILL ZAK RETIRES FROM KTRH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. FIELDS. Mr. Speaker, I would like to take a moment to salute Bill Zak, radio pioneer who will soon retire after 45 years as a newscaster and host of "Gardenline," a 6 day-a-week call-in gardening show on radio station KTRH Houston, TX.

Bill Zak joined the staff of KTRH in 1951—a year before I was born—after graduating from Texas A&M University, which I now proudly represent. Early in his career, Bill was assigned to the KTRH news department, and for a time he anchored the "KTRH Morning News" show with another budding journalist: Dan Rather.

But it was gardening knowledge that Bill had, and it was gardening advice Houstonians needed. Few relationships have been so mutually beneficial.

As you may know, gardeners in the greater Houston era endure torrential rains that can last for days; flooding; hurricanes; harsh heat and high humidity; and, occasionally, freezing cold. This variety creates a great many potential gardeners, but prevents many more from ever turning a spade of soil.

For many, many years Bill Zak has rescued frustrated gardeners from botanical catastrophes, and has turned potential gardeners into actual gardeners. His expert advice and guidance have helped tens of thousands of Houstonians turn bare, sun-scorched lawns into oases of beauty.

But Bill has done far more during his four and a half decades of broadcasting. During Hurricane Alicia, which hit Houston hard in 1983, Bill served as one of KTRH's primary voices—providing hundreds of thousands of listeners with life-saving information that enabled our community, and its residents, to get through that disaster. It was just one more instance of journalistic excellence that has made KTRH the authoritative radio news station in the Texas Gulf coast region, and it was just one more example of Bill Zak's commitment to his station and his community.

I'm not sure how he managed to find the time, but Bill is also an author. His book, "Critters," is a popular pictorials encyclopedia of the native insects of Texas—and there are plenty of them. He also has authored a similar publication in Florida.

Mr. Speaker, Bill Zak's last day on the air at KTRH will be Friday, Dec. 22. I know that you join with me in wishing Bill and his wife of many years, Jean, well in the years ahead as they enjoy their retirement in the Houston area. I understand that following his retirement, Bill plans to spend his time reading, traveling, possibly writing another book and—not surprisingly—gardening. While he claims to be retiring, there are many Houstonians who know that old habits are hard to break and who suspect Bill's voice may yet be heard again on KTRH—providing news or gardening advice to his tens of thousands of loyal, longtime listeners.

SWEARING IN OF JESSE L. JACKSON, JR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. RUSH. Mr. Speaker, today is a great day for myself, the 2nd Congressional District of Chicago and all of America. Jesse L. Jackson, Jr. has the resounding qualities of humility, honesty, a willingness to work in behalf of those who cannot fight for themselves. He can walk proudly with kings and with the same ease walk humbly with the common man.

I am proud and appreciative of the Jackson family. Many years ago, his father Jesse L. Jackson, Sr. stood beside me tirelessly during a time of my own personal tribulation. The son of a man who so gallantly stood by me can be nothing less than a warrior and a man of impeccable spirit.

Greatness is a by-product of working with the disenfranchised. One who has worked and fought so diligently for the less fortunate will naturally develop a sense of compassion, commitment, and integrity. Thus, I am certain that Jesse L. Jackson, Jr. will serve not only as a capable Representative but will also be a shining example of statesmanship.

Without equivocation or hesitation, I give my whole-hearted welcome and praise to Jesse L. Jackson, Jr., who I am certain will serve the people of the 2d Congressional District of Illinois with passion, zeal, and integrity.

Jesse, I look forward to working with you and beside you in representing the people of Illinois. May God continue to bless you.

CONGRATULATIONS TO GEORGE AND MABEL SHREVES ON THEIR 75TH WEDDING ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. POSHARD. Mr. Speaker, I rise today to mark a truly special occasion. George and Mabel Shreves, of Karnak, IL, will celebrate their 75th wedding anniversary on December 18. It is with great admiration that I offer them my best wishes.

A diamond anniversary is not a common event. Such an occasion is more than just a testament to the Shreves' commitment to each other. Their life together exemplifies the beauty that marriage is meant to symbolize, and gives real meaning to words such as dedication and devotion. Since their wedding day in 1920, they have witnessed the changing of our Nation—a World War, the challenge of the Last Frontier, 15 Presidents, and the anticipation of a new century. However, through these many transformations, their union has been a brilliant fixture.

Mr. Speaker, the Shreves are a shining example to all Americans about the value of a loving family, and I am proud to represent them in Congress. It is my hope that they have many more years of happiness.

MEDICARE AND THE ILLUSIONS OF PROTECTION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. HASTERT. Mr. Speaker, the following article by Robert Goldberg ran in the Washington Times on December 6, 1995. Mr. Goldberg does an excellent job of explaining why the current Medicare system is in dire need of an injection of quality-based competition and incentives. As the Medicare debate continues, I commend this article to my colleagues:

MEDICARE AND THE ILLUSIONS OF PROTECTION

(By Robert M. Goldberg)

For all the rhetoric about how the Republican plan will bring misery and financial hardship to millions of Medicare beneficiaries, the fact is you couldn't design a better system than the current one to achieve that goal.

Medicare's financial problems are largely the direct result of its subpar treatment of the chronically ill. In particular, seniors bear an unnecessary financial and medical burden in the form of higher out-of-pocket expenses and costly supplemental health insurance.

Worse, because Medicare pays for all care regardless of its quality and outcome, the elderly—thinking that Medicare offers them health security—are actually spending billions on health care services that add nothing to their well-being. Those who are fighting Medicare reforms are perpetuating a system that makes the elderly sicker than they have to be for longer periods of time than they should.

At the heart of the problem are Medicare's price controls which get people out of hospitals quicker (so providers can keep the difference between what they spend and what Medicare pays for), but leaves them sicker as a result. For example, a University of California at Los Angeles medical school study of seniors hospitalized for depression found that Medicare's price controls led to more care without any additional benefit to patients. The income doctors and hospitals lost because of price controls was made up by increasing the volume of services provided.

Similarly, sub-optimal care has contributed to the 20-percent-a-year growth in home health services under Medicare. For instance, studies show that Medicare regulations increase the number of elderly with hip fractures that were discharged before they were fully well. As a result, more people had to rely on home health care or be sent to nursing homes for longer periods of time after the fracture. And a Rand Corp. study found that Medicare's regulations increased by 50 percent the chances that patients will be sent home in an unstable condition. The number of patients remaining in nursing homes one year after the fracture suggests that their quality of care had deteriorated. Overall, a study of a national sample of Medicare patients found that patients are more likely to be sick or die after discharge than they were before the current set of Medicare regulations were imposed.

In fact, because premiums and deductibles have not increased for more than a decade, Medicare only provided the illusion of protection. And, the elderly pay a hidden tax in the form of higher out-of-pocket expenses and supplemental insurance coverage called Medigap, due to Medicare's mismanagement of medicine.

There is a little evidence that the additional coverage increases well-being. Seniors with Medigap spend up to 70 percent more on health care than seniors with Medicare coverage alone, regardless of their health status. These are the dirty little secrets that defenders of the current Medicare system will never reveal to America's seniors.

Medicare can be and is being made less expensive with medical innovations that make it more humane and more responsive. One such effect is the Healthy Seniors Program, created by The Carondolet Health Plan, in Tucson, Ariz. Gerry Lamb, the director of the program notes it is designed for the "elderly with serious chronic illness, those who constitute the highest costs, fastest growing health service group." Healthy Seniors provides examinations, service and individual assistance to reduce the incidence of serious and expensive episodes of illness. The result is dramatic: Participation in the Healthy Seniors program use fewer medical services than those who do not, saving nearly $6,000 per patient each year. Notes Mr. Lamb, who is a nurse practitioner: "There are huge dollars to be saved from dealing with chronic illness early, rather than in the hospital and emergency rooms".

In fact, the proposition that better care saves money is the foundation for transforming entire private sector health care system. The Business Heath Care Action Group (BHCAG), a coalition of 21 of the largest employers in Minnesota, provides a dramatic example of such initiatives. Starting in 1997, BHCAG's 1.5 million employees and retirees will be given vouchers that will be used to purchase health care from different groups. Medical providers will have to furnish consumers with patient-level information on how they improve the health of people with chronic conditions which afflict the elderly most such as stroke, hip fractures, heart disease and arthritis. BCHAG projects that with a greater investment in quality, the voucher system will be able to reduce the rate of spending 5 percent to 15 percent each year compared to other managed care approaches.

Rhetoric and emotion aside, quality-based competition and incentives are at the heart of the GOP plan. Such quality-driven reductions in spending are possible if Medicare is dramatically changes. Providers need to be placed at risk for making such savings while at the same time they are required to compete for business in terms of the quality of care they can offer. The Republican Medicare plan isn't perfect, but it does take health care for seniors in this direction.

As for Democratic and federally funded senior group efforts to save Medicare as we know it, they condemn this generation of elderly and the next to substandard care. House speaker Newt Gingrich is right: The faster the government-run Medicare program withers on the vine, the sooner it will stop taking dollars out of the pockets of seniors in order to prop up an obsolete health plan that undermines their quality of life.

TRIBUTE TO THE LATE WILLIAM B. HARVARD, SR.

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mr. BILIRAKIS. Mr. Speaker, it is with sadness that I rise today to pay tribute to a great architect and an even greater man. On December 11, the citizens of St. Petersburg, FL, lost William B. Harvard, Sr., a warm and devoted family man and an extremely talented architect who left his unique mark on the skyline of west central Florida.

William Harvard left his home building business in 1941 to serve his country and fight for freedom during World War II. Upon returning, he reopened his offices in St. Petersburg and quickly established himself as a valued member of the community, joining several church and service organizations.

In 1959, he became a founding partner of Harvard, Jolly, Clees and Toppe Architects. Mr. Harvard and his associates proceeded to design many of the major structures in the St. Petersburg area. Colleagues stated that he was a remarkable man, always considering Florida's environment in his designs.

His environmentally conscious architecture is embodied in his design of the pier in St. Pete, the incredibly unique inverted pyramid, that became the focal point for the view down Second Avenue north towards Tampa Bay. As in all of his structures, people marveled at the uniqueness of the design of the pier.

Though unique, the design was also quite functional. He was quoted as saying that his goal was to "preserve the open views from pier level and have an open, tropical feeling and yet be protected from the elements." Anyone who has seen the pier knows he was successful in this endeavor.

He said his buildings should have a certain uniqueness, "otherwise they would just be warehouses." His design of the Williams Park Bandstand won national awards, including the award of merit from the American Institute of Architects, the highest court of American architecture.

The blue and green glass canopy, designed to provide shelter while letting the natural light shine through, also received the test of time award from the Florida Association of the American Institute of Architects.

Mr. Speaker, William Harvard lost his battle with cancer this week at the age of 84. His legacy, however, will be with us for many years to come, as the monuments he built will stand as a tribute to a man who used his numerous talents to enrich the lives of many.

OPENING OF EVERGREEN COURT SENIOR HOUSING PROJECT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 1995

Mrs. ROUKEMA. Mr. Speaker, as of tomorrow, Bergen County will be a better place to live. Our community's quality of life will take another step forward when the Christian Health Care Center in Wyckoff cuts the ribbon and lays the cornerstone on its new 33-unit supportive senior housing project at Evergreen Court. For more than a few people participating in the ceremony, this marks the culmination of a long time dream of the Christian health care community.

We are all very much aware that New Jersey has more senior citizens than just about every other State in the Union. Indeed, the number of Americans over age 65 is the fastest growing segment of our population. With Evergreen Court, the Christian Health Care Center is adapting to meet the needs of our community.

This is an innovative independent living project that allows our older neighbors to maximize the enjoyment and vitality of their later years. From my long work in senior housing and health care reform, I know that independent living enhances the quality of life and allows older citizens to continue to contribute and enjoy a community of their peers.

And this is truly a community effort. The county of Bergen provided over $1 million through funds provided by U.S. Department of Housing and Urban Development's Home Program. This Federal-county partnership funding included a challenge that the private sources match the funds. Of course, our community responded as it always does, with generous donations and the support of NatWest Bank.

On this occasion, the words of former Vice President and Senator Hubert Humphrey come to mind: "The moral test of government is how the government treats those who are in the dawn of their life, the children, and those who are in the twilight of life, the elderly."

With this ribbon-cutting, our community and the Christian Health Care Center, specifically, is meeting this standard. Moreover, these actions should be an example to all civic groups and, I submit, to our national leadership.

In Washington today, we are engaged in a great national debate about the quality of life for our children and their children. In fact, this may be the defining moment for our generation. We all recognize that we can and we must make our government live within its means. But this must not be done at the expense of the most vulnerable in our society—those in the dawn of life and those in the twilight of life.

We can accomplish historic budget reforms, restore good jobs, create a bright future for our children and still show heart to the most needy in our society. To do less would be to violate some of the moral beliefs we hold most dear.

Our Lord, Jesus Christ, warned of the consequences of failure to feed the hungry, clothe the naked, and care for the sick. "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me."

Mr. Speaker, the Christian Health Care Center is realizing its dream today with the formal opening of its Evergreen supportive senior housing project. I would urge my colleagues to take note and join me in commending the leadership of the center and the citizens of Wyckoff.

Today, Bergen County is a better place to live because our seniors have another place to call home.